

# FEASIBILITY STUDY

## Land Use and Development Regulatory Options

April 2020

PREPARED FOR:



**qathet**  
REGIONAL DISTRICT

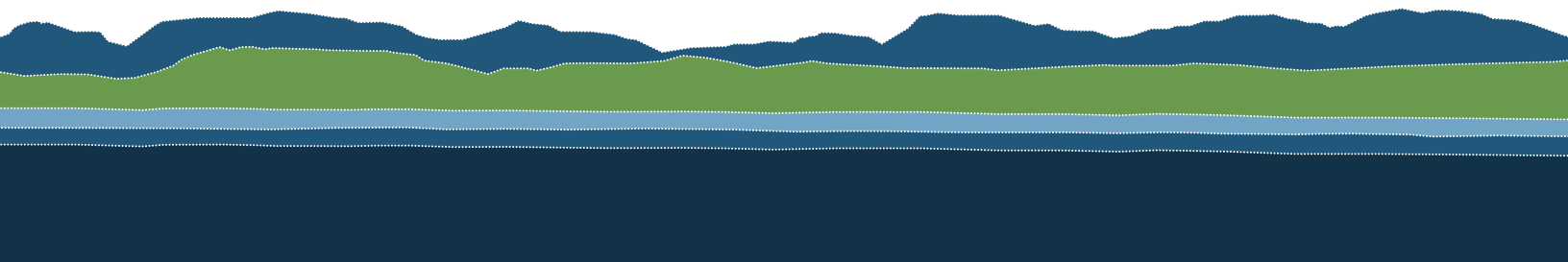
PREPARED BY:





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# 1.0 Executive Summary

*The purpose of this study is to identify options to enhance the qathet Regional District's land use and development regulatory framework.*

## **Approach**

Currently, the qathet Regional District has a much lighter regulatory framework than most other regional districts in British Columbia. A lighter regulatory framework provides for a quick process, lower fees and taxes for individuals. However, less regulation includes significant drawbacks. Transparency and oversight are reduced or not available. Non-compliance with planning objectives and policies, regulatory uncertainty and land use conflicts are all likely to increase.

If compliance with long-established measures to prevent natural hazards and manage events associated with climate change is voluntary, there is increased risk of and vulnerability to landslide hazards, flooding from extreme weather, tidal surges and rivers overflowing their banks. If land use approvals are not required, the likelihood of property tax inequity is also increased due to a lack of information on building activity, 'hidden assessments', and a greater lag in the assessment of new development/improvements.

Building permits, subdivision approvals, and zoning are the three most common means of regulating land use in B.C. Only the subdivision of land applies throughout the qathet Regional District. Existing regulatory elements are limited to subdivision policies, area-specific zoning, the designation of Development Permit Areas for riparian areas and the protection of development from natural hazards.

There are a number of regulatory options available to the qathet Regional District that merit consideration. These options offer the potential to reduce ongoing issues concerning land use conflicts, non-compliance and inconsistency with existing requirements. They also offer the potential to proactively respond to petitions from concerned residents, reduce risk from documented hazards and increase resiliency to the consequences of climate change.



## Findings

There are four key tools to regulate land use in British Columbia: Official Community Plans, zoning bylaws, building regulation and subdivision regulation. There are significant benefits to implementation of land use regulation. Regulation provides consistency, reduced risk, stewardship and protection of land for the common good. However, land use regulations also have drawbacks such as cost and implementation/approval time considerations. Other land use regulatory tools exist, but their benefits are somewhat limited, or their need not apparent.

In the qathet Regional District, only Official Community Plans are undertaken in all electoral areas. Zoning occurs in a minority of three electoral areas and does not occur in the fourth electoral area. Building regulation (through adoption of a Building Bylaw) does not occur in any electoral area. Subdivision regulation is undertaken as this is a Provincial function which includes input from the qathet Regional District with respect to Official Community Plan policies and zoning provisions, where applicable.

All regional districts in B.C. have zoning bylaws and most apply throughout their jurisdiction. In several regional districts, zoning bylaws do not apply in all areas but are limited to settlement areas and excludes remote areas. This applies to three coastal regional districts, Central Coast, North Coast and Kitimat-Stikine. The unzoned areas are all remote, large in area but small in population.

The *Local Government Act* allows a wide range of issues to be regulated including land use type, setbacks, building height, building size, site coverage, impervious surface coverage, and parking. None are mandated by the Province of British Columbia. Each local government can determine what type and level of regulation is most appropriate to its needs. It should be noted, however, that subdivision regulation is undertaken by the Provincial Government and all building construction is obligated to follow the BC Building Code.

The regulatory scope of zoning where it occurs in qathet Regional District is limited. One zoning bylaw effectively regulates only one property and another is limited to a minimum parcel size regulation. The proportion of the population where zoning occurs is also quite limited in each electoral area. Zoning applies to less than 10% of the population in Electoral Area A, 25% in Electoral Area B, 0% in Electoral Area C and 5% in electoral Area D

qathet Regional District is one of three regional districts in British Columbia which has not undertaken building regulation. The other two regional districts, North Coast and Central Coast, which are also without building regulation, have a much smaller electoral area population and are much more remote and geographically isolated.

In terms of planning and other land use regulatory resources, three regional districts, Mount Waddington, Central Coast and North Coast have lower staffing than the qathet Regional District. Each has approximately one

half the electoral area population of the qathet Regional District. Other coastal regional districts with a similar or larger electoral area population include building inspection, bylaw enforcement and GIS functions. Total planning and related staff of comparable size to qathet consist of 6.1 FTEs in the Strathcona Regional District, 9 in the Alberni Clayoquot Regional District, 8.25 in the Squamish Lillooet Regional District, 16 in the Sunshine Coast Regional District and 18 in the Comox Regional District.

Given requests from residents to expand zoning, the importance of restricting the use of land that is subject to hazardous conditions or that is environmentally sensitive, population growth projections, and emerging issues like climate change which are not being addressed under the current land use regulatory system, a re-evaluation is timely.

**Summary of Recommendations**

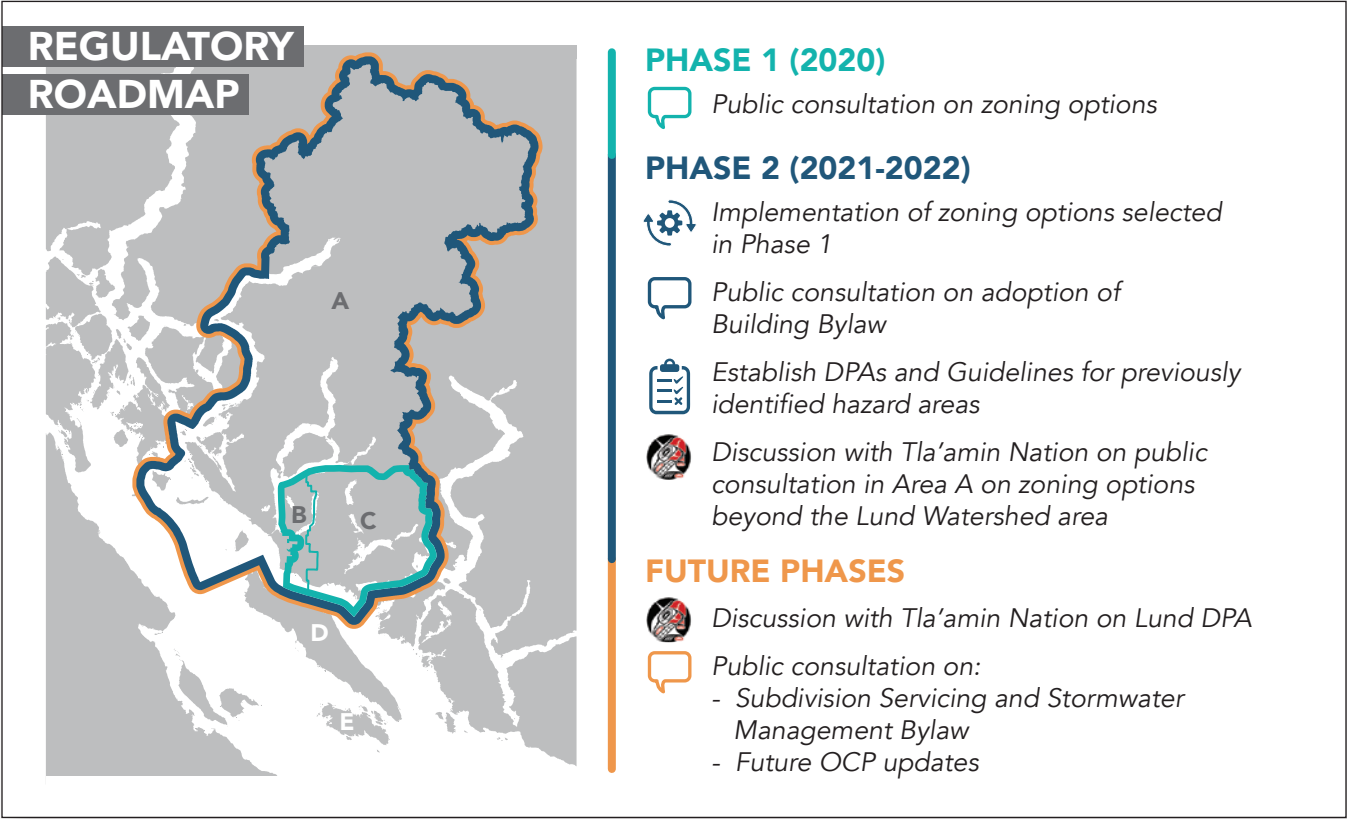
Based on the assessment of current regulatory status in the qathet Regional District, it is recommended that the Regional District consider an increased regulatory framework through a

multi-phased program and selective approach starting with public education and consultation on the benefits and drawbacks of zoning in Electoral Areas B (expanded zoning) and C (new zoning bylaw) in 2020.

Depending on the results of the Phase 1 consultation, initiation of a new zoning bylaw for Electoral Areas B and C followed by a DPA and Guidelines for the protection of development from already identified hazards is recommended in Phase 2 (2021-2). Consultation on adopting a Building Bylaw for rural areas phased in by electoral area is also recommended in Phase 2.

Future longer-term phases include consideration of a Subdivision Servicing and Stormwater Management Bylaw for settlement areas in Electoral Areas B and C, a DPA with guidelines for the form and character of development in the Lund Area, and expanded policies for affordable housing, GHG emissions, etc. through routine OCP updates. Other land use regulation is possible but offers limited benefits or merit for the qathet Regional District.

**FIGURE:** Summary of Recommendations



## 2.0 Study Scope and Context

*The purpose of this study is to identify options to enhance the qathet Regional District's land use and development regulatory framework.*

The qathet Regional District has a much lighter regulatory framework than most other regional districts in British Columbia. This offers both benefits and drawbacks for those who have chosen to locate in a rural or suburban area. There are benefits in terms of cost and approval requirements for those wishing to develop. With a limited regulatory environment, the approval process is much quicker or does not apply. Fees and taxes are also likely to be lower. The current regulatory framework places the onus primarily on the property owner to ensure land use requirements, hazard mitigation, and BC Building Code compliance are met. This has significant appeal for those who can self-manage responsible development or feel the benefits of government regulation are overrated and/or unduly restrict individual rights.

However, minimal regulation includes significant drawbacks. If land uses are not defined and measurable, there is greater risk in non-compliance and liability. Transparency and oversight are reduced or not available. Non-compliance with planning objectives and policies, regulatory uncertainty and land use conflicts are all likely to increase. If compliance

for measures prevent natural hazards is voluntary, there is increased risk of and vulnerability to landslide hazards, and the potential of flooding from extreme weather, tidal surges and rivers overflowing their banks. If land use approvals are not required, the likelihood of property tax inequity is also increased due to a lack of information on building activity, 'hidden assessments' (i.e., building values not updated in a timely manner in BC Assessment records), and a greater lag in the taxation of new development/improvements.



▲ Rural housing, Electoral Area C

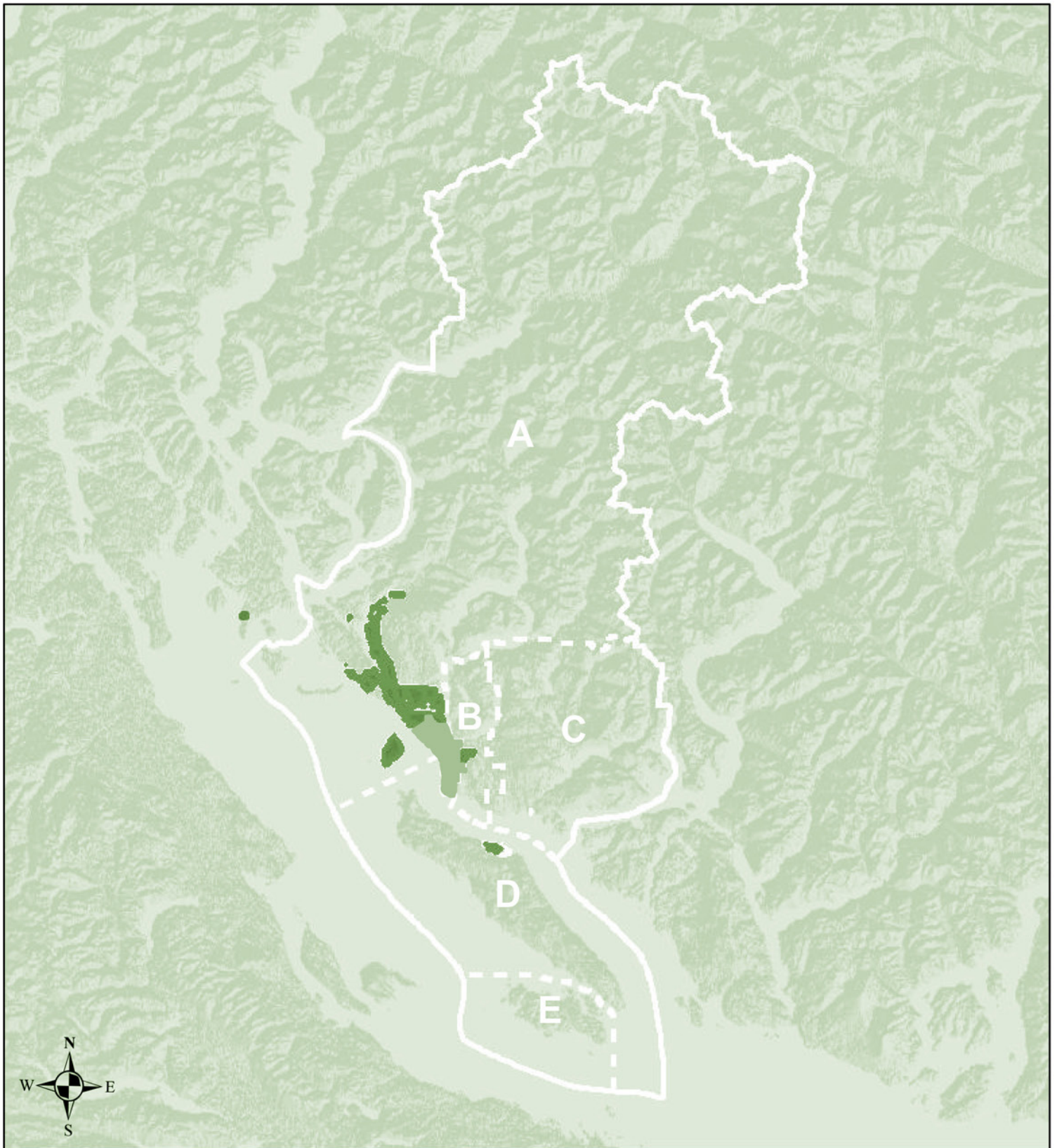


▲ Looking north from Myrtle Rocks, Electoral Area B



Land use objectives, zoning, building permits and subdivision approvals are the primary means of regulating land use in BC and throughout Canada. Only the subdivision of land applies in all electoral areas of the qathet Regional District. Areas A, B, C and D all have Official Community Plans (OCP), and each includes land use objectives and policies which have been developed after extensive public consultation. While OCPs are in place in each electoral area, they are intended to set the general direction of development, not establish detailed land use requirements, except where Development Permit Areas (DPAs) have been designated for specific objectives. Implementation of OCP objectives and policies typically occur by ensuring new development complies with zoning, subdivision and building permit regulation. Existing regulatory elements in the qathet Regional District are limited to OCP and subdivision policies and zoning, where applicable. Information on riparian areas and the protection of development from natural hazards is provided and is addressed through DPAs or by voluntary initiative, depending on the OCP.

In addition, there are also a number of tools undertaken by the Province of BC or by Provincial agencies that regulate land use. Although these may offer some degree of checks and approvals for a portion of new development that occurs within the qathet Regional District, provincial tools apply to very specific purposes and aren't matters under local jurisdiction.

Though there is no requirement for the qathet Regional District to expand or change its land use regulatory framework, there are regulatory options available that merit consideration. These options offer the possibility to reduce land use conflicts, non-compliance and inconsistency with existing requirements. They also offer the potential to proactively respond to petitions from concerned residents, reduce risk from documented hazards and increase resiliency to the consequences of climate change.



## Legend

-  Tla' amin Nation Land
-  City of Powell River

0 25 50  
Kilometers

qathet Electoral areas

Date Saved: 2/21/2020



qathet  
REGIONAL DISTRICT

## 2.1 STUDY AREA

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Electoral Area A is the largest and northern-most electoral area within the qathet Regional District. With an area of 3,893 km<sup>2</sup>, Area A is located north of the City of Powell River and encompasses the Malaspina Peninsula, Powell Lake Watershed, Theodosia Watershed and Toba Inlet. Electoral Area A also includes Harwood, Savary, Hernando, Copeland and Mink Islands and many other smaller islands located in Desolation Sound and Malaspina Inlet. The majority of the Area A population lives within the Malaspina Peninsula, including the unincorporated Village of Lund. In the 2016 census, Area A had a population of 1,080 with a median age of 59.6. Population projections indicate an increased population of 1,296 by the year 2041.

Electoral Area B is located on the mainland coast directly east of the City of Powell River. Although its 129 km<sup>2</sup> area is smaller than Areas A, C and D, it has the second largest electoral area population in the qathet Regional District. Area B is bounded by the City of Powell River and Powell Lake to the west, Whalen Road and Electoral Area C to the east, Electoral Area A to the north and Malaspina Strait to the south. Area B has a variety of residential neighbourhoods ranging from rural to suburban, including approximately 6.5 kilometers of waterfront properties. It has become a rural/urban interface area extending from the southern boundary of the City along Highway 101, where most of the population is located. Area B had a population of 1,565 with a median age of 55.5 in 2016.

Population projections indicate an increased population of 1,878 by the year 2041.

Electoral Area C is located in the southern-most portion of the qathet Regional District. Area C has an area of 643 km<sup>2</sup> and has the highest population of the electoral areas. Abutting Area C to the west is Area B with the City of Powell River further to the west. To the south is Malaspina Strait, Jervis Inlet, Texada Island, and Lasqueti Island. To the east is Hotham Sound and the Sunshine Coast Regional District. As with Area B, Highway 101 is the main transportation corridor in Area C that links the Salter Bay Ferry Terminal with the City of Powell River. Area C had a population of 2,060, the highest of the electoral areas in the 2016 census. With a median age of 54.9 in 2016, Electoral Area C had a lower median age than the other electoral areas. Population projections indicate an increased population of 2,466 by the year 2041.

Electoral Area D consists of Texada Island. Texada Island is the largest island in the Strait of Georgia with a length of approximately 48 km, a width ranging from 5 to 8 kilometres, and a total area of over 300 km<sup>2</sup>. Approximately 70% of Texada Island is provincial Crown land. The 2016 census population for Area D was 1,076, almost identical to Area A, although the geographical area of Area A is 13 times larger. In 2016, Area D had the highest median age of 60.6. Population projections indicate an increased population of 1,283 in 2041.



## 2.2 EXISTING REGULATORY CONTROLS

### 2.2.1 Official Community Plans

Each electoral area has its own Official Community Plan with Electoral Area A having a separate OCP for Savary Island.



#### ***Electoral Area A Official Community Plan***

Electoral Area A Official Community Plan (OCP) Bylaw No. 500, 2015 was adopted in December 2015. The Area A OCP provides a community vision, community goals, general land use and development objectives and policies. There are 12 land use designations with objectives and policies. The OCP contains two land use maps with land use designations, one for the entire Electoral Area and another set for the developed areas at a smaller scale.

The Area A OCP contains two Development Permit Areas (DPAs) where a development permit is required before a development in the designated areas can proceed.

- DPA I consists of Riparian Areas where a 30 m setback is required in order to meet the requirements of the *Fish Protection Act* (renamed the now *Riparian Areas Protection Act*). A Riparian Assessment Report prepared by a Qualified Environmental Professional is required as a condition of Development Permit issuance.

- DPA II addresses Natural Hazard areas with steep or unstable slopes. DPA II requires report prepared by a qualified, licensed, professional engineer that certifies that the land is safe for the intended use prior to any development or alteration within DPA II. The map showing the location of each DPA includes the developed areas of Area A.

The Area A OCP contains several appendices with voluntary guidelines in support of:

- Subdivision averaging to better accommodate geographic and environmental conditions;
- Green Shores concepts to help waterfront homeowners restore natural shorelines and enjoy their recreational, scenic, environmental, and shoreline-protection benefits; and
- Design guidelines for four land use designations: Lund Village Centre; Lund Residential; Rural Mixed Use; and Rural Residential.



Within Area A, the Savary Island Official Community Plan, Bylaw No. 403, 2006 was adopted in February 2007. The OCP provides major goals, objectives and policies for residential, commercial, institutional uses, and open space on Savary Island. It also includes objectives and policies for servicing, fire protection, solid waste management, hazardous materials management, environmental protection, transportation, marine resources, heritage resources, and climate change adaptation and mitigation.

The Savary Island OCP also contains development assessment areas and development permit areas that provide objectives and guidelines for the following three DPAs:

- Development Permit Area 1: Shoreline Areas (Geotechnical Engineer report required)
- Development Permit Area 2: Shoreline and Inland Dune Areas (Geotechnical Engineer report required)
- Development Permit Area 3: Ecologically Sensitive Areas (ecologist report required)

The Savary Island OCP includes maps for land use designations, development assessment areas and DPAs, a transportation plan, and a heritage conservation area.

### ***Electoral Area B Official Community Plan***

Electoral Area B Official Community Plan Bylaw No. 465, 2012 was adopted in March 2013. The OCP provides a community vision statement and community goals with plan objectives and policies with respect to different residential land uses, commercial, mixed commercial/light industrial, industrial, institutional, agricultural and resource uses, future development reserves and parks and greenspace. Objectives and policies concerning infrastructure servicing, environmental protection, climate change, natural hazards, economic development, heritage and collaboration with First Nations. Generic subdivision policies are provided with respect to park and greenspace dedication, clustering of lots and design issues. The Vancouver Coastal Health Subdivision Guideline is included for Type 1 treatment systems (septic tanks fields).

The Area B OCP contains two DPAs where a development permit is required before a development in the designated areas can proceed. DPA I addresses riparian areas while DPA II addresses natural hazard areas<sup>1</sup>. Both DPAs are very similar to those in the Area A OCP.

The Area B OCP contains six maps including detailed land use designations and DPAs for the entire area, both at a scale of 1:30,000. The community vision is also reflected in a map with broad land use designations, an innovative concept similar to a regional plan in some other regional districts.

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<sup>1</sup> Changes pending



### ***Electoral Area C Official Community Plan***

Area C Official Community Plan, Bylaw 467, 2012 was adopted in April 2013. The Area C OCP includes a community vision statement and nine community goals. A total of 17 land use categories, each with detailed policies, and in many cases, varying minimum parcel sizes for the subdivision of land depending on whether or not water supply is provided.

The Area C OCP contains two DPAs where a development permit is required before a development in the designated areas can proceed. DPA I addresses riparian areas while DPA II addresses natural hazard areas<sup>2</sup>. Both DPAs are very similar to those in the Area A and B OCPs.

The Area C OCP contains six maps including detailed land use designations and DPAs. All maps, except the land use designations, logically focus on the southern part of the electoral area where nearly all development has taken place. The format for the Area B and C OCPs is very similar which is quite logical as they were prepared and adopted in a similar time frame.



### ***Electoral Area D Official Community Plan***

The Area D OCP is much older than the OCPs for Areas A, B and C. However, the replacement of the Texada Island Official Community Plan, Bylaw No. 395, 2005 is expected shortly. The existing OCP has policies for three residential designations, agriculture, resource use, community watershed protection and a transfer station site for metals. The OCP also provides policies concerning climate change and general land management issues. There is a brief section on subdivision and density, but no parcel size policies are provided except for a reference to the averaging principle for residential development. There is one DPA that provides for the protection of the natural environment and riparian areas. DPA 1 includes the Priest Lake and Cranby Lake community watersheds and addresses fish protection measures and potable water for residential communities. The OCP includes six maps.

<sup>2</sup> Changes pending.



Photo by Jessica Wadsworth, CC-by

The draft Texada Island Official Community Plan Bylaw No. 551, 2019 is in its final stages but has not yet been adopted. The draft vision for the Texada Island OCP “is to sustain an independent rural lifestyle with minimal regulations.” The OCP embraces four sustainability principles and contains a community vision and community goals. Objectives and policies are provided including minimum parcel sizes with and without water supply for seven land use designations. The draft OCP also provides policies for other key issues including transportation, infrastructure and community services, heritage protection and economic development. Environmental protection objectives and policies address climate change, coastal areas, sensitive ecosystems and species at risk, riparian areas, natural hazard areas and water resources. The draft OCP provides six maps including land use designations, riparian areas and areas with natural hazard potential. The draft OCP proposes no DPAs.

### ***Electoral Area E Official Community Plan***

Area E receives planning services from the Islands Trust and is outside the scope of this study.

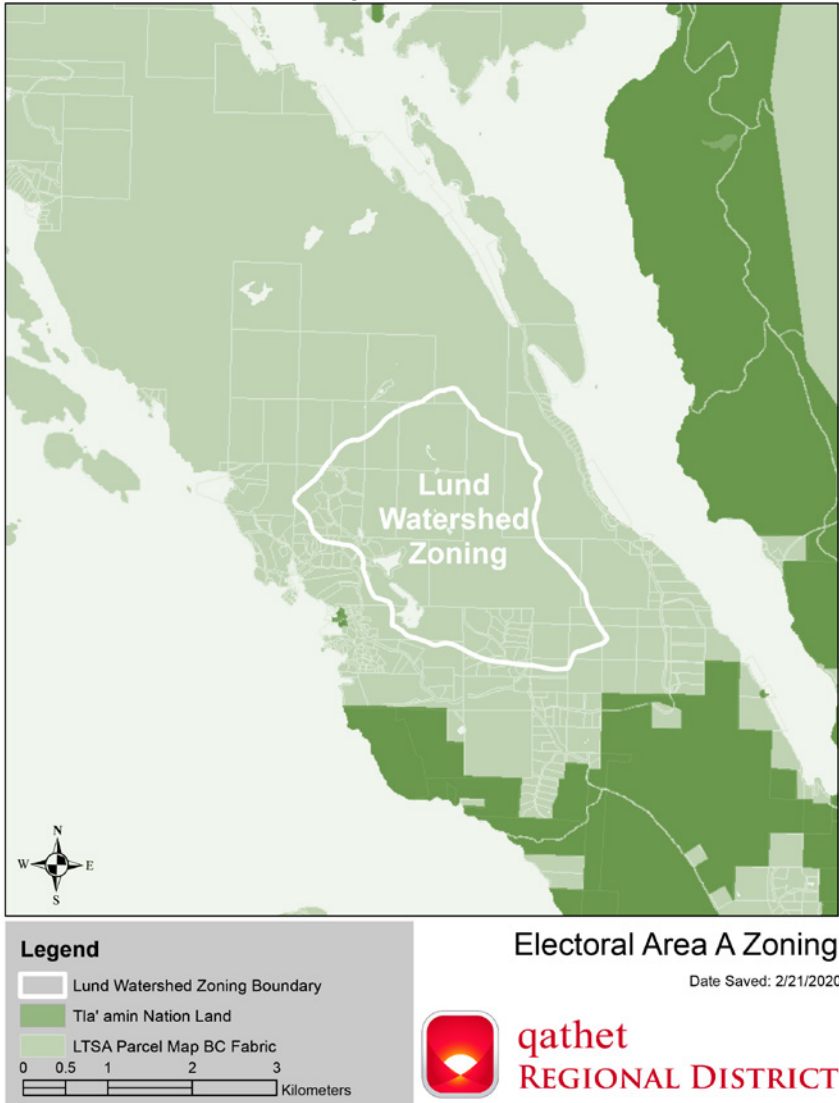
### 2.2.2 Zoning

Zoning regulation has limited applicability and varies greatly between the different electoral areas. To date, zoning bylaws have been adopted for the Lund Watershed in Area A, three specific neighbourhoods in Area B, the Priest Lake and Cranby Lake Watershed in Area D, and the remainder of Area D but, for all practical purpose, is limited to one property.

#### Electoral Area A Zoning

Zoning in Area A applies to the Lund Watershed east of the Lund community. The Lund Watershed Zoning Bylaw No. 513, 2017 was adopted to protect the watershed that serves the Lund community. The Bylaw includes two residential zones, two watershed zones, one agricultural zone and one lakeshore protection zone. All zones contain a prohibition of any use which results in the escape or disposal of a waste product or storage of materials which would constitute a drinking water health hazard harmful to the sustained purity and flow of water in the watershed. The minimum parcel size, where specified, is 2 hectares. The bylaw applies to approximately 50 properties but does not include most of the Lund community.

**MAP: Electoral Area A Zoning**



## Electoral Area B Zoning

In Area B, there are three zoning bylaws that apply to three neighbourhoods. These bylaws provide some land use regulation over relatively small portions of Area B but leave most of Area B without any land use regulation. The three zoning bylaws are the Nootka Street, Myrtle Pond, and Traffe Road areas.

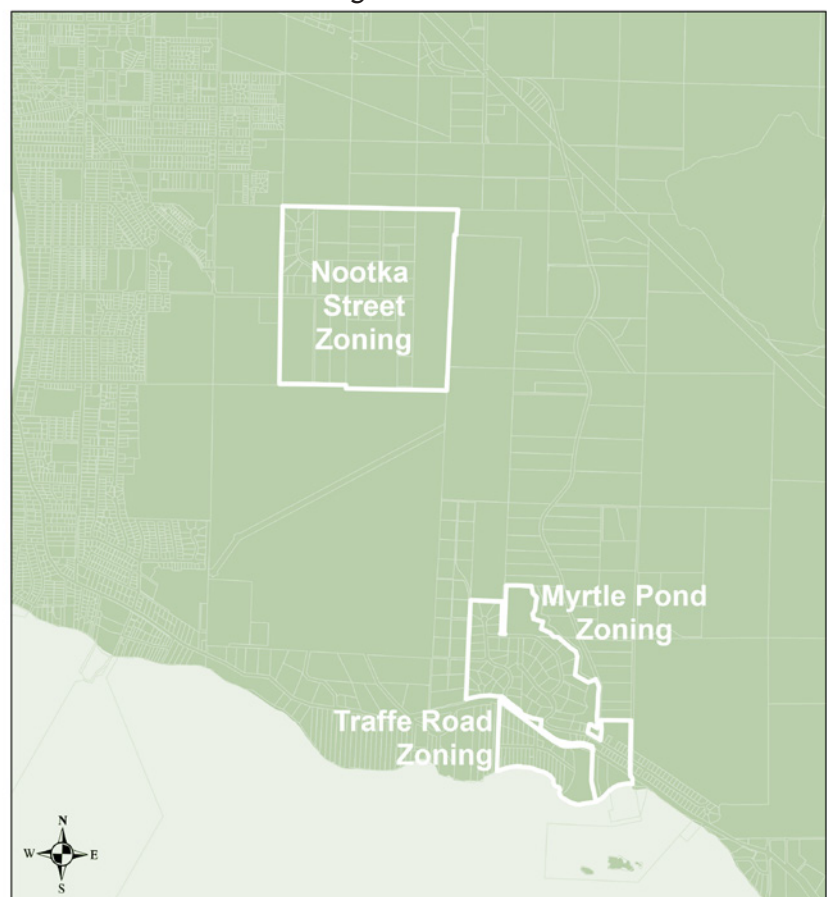
The Nootka Street Zoning Bylaw, No. 321, 1999 provides for residential use on 45 rural and suburban parcels south of the Powell River Airport. The purposes of the Bylaw are to protect the rural lifestyle and protect the area's aquifer by restricting the density of development to one dwelling per hectare. Apart from this density limit, the zoning bylaw does not regulate additional land uses.

The Myrtle Pond Zoning Bylaw No. 426, 2011 applies to a predominately suburban and rural area south-east of the City of Powell River. The purposes of the Bylaw are to ensure that the Myrtle Pond Water System users have sufficient, sustained quantities of high-quality water for domestic and commercial recreation purposes; to protect the area's aquifer by restricting the density of residential and commercial development; and to preserve the rural character and lifestyle of the area. The Bylaw includes five residential, two commercial and one agricultural zone. Regulatory elements consist of minimum parcel size and other density limits, maximum lot coverage, maximum building height and permitted uses. The bylaw has had three amendments since its adoption in 2012.

The Traffe Road Zoning Bylaw No. 464, 2012 applies to 38 parcels on Traffe and Pebble Beach Roads south of Highway 101. This zoned area abuts the area covered by the Myrtle

Pond Zoning Bylaw. The purpose of the Traffe Road Zoning Bylaw is to protect the suburban residential character and lifestyle of the Traffe Road area; ensure the level of development in the area is consistent with available services; and protect the area's aquifer by restricting the density of residential development. All parcels are zoned Suburban Residential except for two abutting parcels that are zoned for an 11-unit apartment use. The main regulatory element is a minimum parcel size of 0.4 hectare where a water system is provided and 1.0 hectare where a water supply system is not provided. The Bylaw was adopted in 2014 and has had one amendment in 2019 to prohibit cannabis production and sales.

**MAP: Electoral Area B Zoning**



### Legend

- Myrtle Pond, Nootka St., Traffe Rd. Zoning
- LTSA Parcel Map BC Fabric

0 0.5 1 Kilometers

### Electoral Area B Zoning

Date Saved: 2/21/2020



**qathet**  
**REGIONAL DISTRICT**

### Electoral Area C Zoning

Area C has no zoning bylaw. However, residents in two areas have petitioned the qathet Regional District to adopt a zoning bylaw in parts of Area C. One petition for zoning occurred in the Douglas Bay area and was received by the Regional Board in September 2019. A second petition for zoning in the Pine Tree area was received by the Regional Board in February 2020.

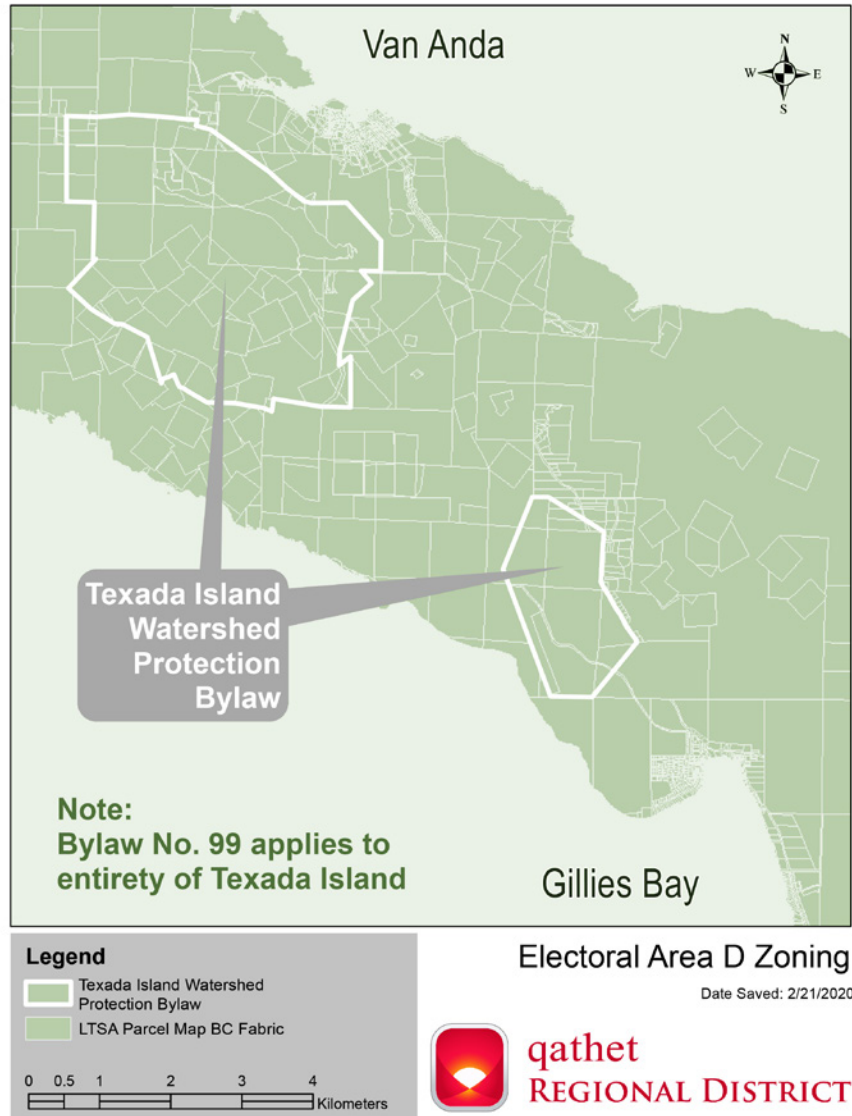
### Electoral Area D Zoning

Area D has two zoning bylaws. The Texada Island Zoning Bylaw No. 99, 1982 applies to all of Area D with the exception of the Priest Lake and Cranby Lake watersheds. The Bylaw has two zones. One property is zoned for refuse storage and all other properties are zoned rural, which has no land use restrictions except to prohibit refuse storage. This Bylaw has not been amended since 1994.

The Texada Island Watershed Protection Bylaw No. 237, 1993 applies to the Priest Lake and Cranby Lake watersheds. The purpose of the Bylaw is to ensure the Van Anda Waterworks District and the Gillies Bay Improvement District have sufficient, sustained quantities of high-quality water for domestic purposes by minimizing large scale land clearance, road construction and unnecessary disturbance to natural drainage patterns. The Bylaw affects approximately two dozen properties and includes eight zones with a wide range of land uses. Regulatory elements include parcel size,

maximum floor areas for buildings, building and watercourse setbacks from land with slopes over 5%, sewage disposal field setbacks from watercourses, and a minimum lake frontage for a parcel abutting a lake. The Bylaw also prohibits land use or storage of materials "harmful to the sustained purity and flow of water in the watershed". The Bylaw has not been amended since its adoption in 1994.

**MAP:** Electoral Area D Zoning



## Electoral Area E Zoning

Area E receives planning services from the Islands Trust and is outside the scope of this study.

### Tla'amin Nation

Tla'amin Nation is a self-governing Treaty Nation whose lands border a large portion of Electoral Area A. Some Tla'amin lands are also located in Area D. Tla'amin Nation has law-making authority with respect to management, planning, zoning and development on these fee simple lands. While Tla'amin lands are outside the scope of this study, it should be noted that any future land use regulation in Area A should be undertaken in partnership and collaboration with the Tla'amin Nation due to their large overall ownership and critical presence in the Lund community.

## 2.2.3 Subdivision of Land

Regional Districts do not have subdivision approving authority in BC but work closely with the applicable provincial Approving Officer for the Ministry of Transportation and Infrastructure (MoTI). All subdivision applications in the electoral areas are referred by MoTI to the qathet Regional District to determine if the proposed subdivision complies with local government land use bylaws (i.e. OCP policies). Planning staff provide recommendations to the Regional Board based on consistency with applicable OCP policies including minimum and average parcel sizes and any applicable zoning requirements in those Areas A, B, and D noted previously. The Approving Officer is required under the *Land Title Act* to consider local government bylaws, meaning the qathet Regional District may include relevant studies concerning drainage, flood and landslide hazards in determining whether or not a subdivision is in the public interest and what approval conditions are appropriate.



▲ Lund Harbour, Electoral Area A

## 3.0 Emerging Issues

*A number of current challenges and emerging issues have been identified within the qathet Regional District. These are addressed in general thematic categories in the following sections.*

### 3.1 LAND USE CONFLICTS

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Land use conflicts include the development or expansion of land uses that interfere with, or are incompatible with another nearby land use. A prominent example is where an industrial or light-industrial land use is in close proximity to a residential land use. The nature of the conflict can vary but may include size, visual impacts, noise, smell, or negative environmental impacts. Land use conflict can also occur between the same or similar land uses such as the size, height and proximity of one residential dwelling in relation to others in the area.

Land use conflicts are often subjective. What is a land use conflict to one person may not present a land use conflict to another person. These conflicts are typically addressed by creating measurable and defined standards to determine what is acceptable. A zoning bylaw is designed to provide such objective measures. The zoning bylaw establishes different land use zones and land use regulations that apply to each zone. The zoning bylaw also establishes density limits, and setbacks between parcels of land, buildings, building height limits, and other such measures. When a zoning bylaw is adopted or changed, it typically requires a public hearing to enable all interested persons to provide comments to the elected councillors/directors responsible for its adoption.

A zoning bylaw is a living document so it can respond to population changes, changes in demand or public needs, and changes in what is considered to be in the public interest. Without a zoning bylaw to provide such measures of land use conflicts, it is much more difficult to resolve these land use conflicts. In rural areas, the geographical separation of land uses may suffice to minimize land use conflict, but such land use conflicts are likely to increase as more development takes place and parcels become smaller through subdivision.



▲ Larger home-based businesses

## 3.2 NON-COMPLIANCE / ENHANCED RISK OF HAZARDS

Regulatory non-compliance occurs where there is no mechanism in place to ensure compliance with a regulatory requirement. Enhanced risk occurs where there is no requirement to mitigate a known risk or even ensure a developer is aware of an existing risk. Without a building bylaw, there is no requirement for a building permit or for the inspection of building construction. A builder is required to comply with the BC Building Code but there is no enforcement mechanism. Without regulation, non-compliance may occur if the development does not follow the land use designation and policies of the adopted OCP. There is also enhanced risk to a prospective property purchaser who cannot review records of approvals. This also applies to neighbours who may be detrimentally impacted by a development that requires no approval.

Where building regulation is in place, a building permit includes local government oversight by a plan checker before a building permit is issued and by a building inspector at key milestones during construction and prior to final occupancy. Depending on the type and complexity of the building, an undertaking by a Registered Professional may be required. Where applicable, a Letter of Assurance from a structural engineer, civil engineer or architect, provides an additional mechanism to ensure the building will be constructed according to the BC Building Code.

The qathet Regional District has commissioned three recent studies to identify landslide, fluvial and other natural hazards in Areas A, B, C and D. These studies were undertaken by TetraTech EBA and Planterra Environmental Consulting. The TetraTech EBA studies reviewed nine regional districts on Vancouver Island and the southwest mainland with potential risks due to steep slopes.

All nine regional districts have established geotechnical DPAs to mitigate the risk to life and property from hazardous conditions. The TetraTech EBA studies also identified areas with landslide hazards due to rock fall, rockslides, slope creep and debris slides and slumps. Fluvial hazards were identified for watersheds with a flood frequency analysis of 100-year and 200-year peaks. These hazards were mapped. The key recommendation was for the qathet Regional District to adopt DPAs for the landslide and fluvial hazard areas, given the potential impacts



▲ *Shoreline revetment for new residential development*

of these hazards to the general public, land base and the environment. A recommendation was also made for an education or public awareness program about landslide and fluvial hazards and how residents can manage their slopes to mitigate potential impacts to the public, property and the environment.

It is understood that these hazard maps will be incorporated into the applicable OCPs to inform the public. Providing accurate information about hazards is an important step forward. However, if the hazards are not incorporated into DPAs, risk mitigation will be voluntary and can be ignored at will. All other coastal regional districts regulate these hazards by adopting DPAs where

development cannot proceed without a report on the safe use of the land from a professional engineer or geoscientist.

Without zoning or building permit regulation, the qathet Regional District lacks a gatekeeper function and cannot enforce the Guidelines in a DPA. The only existing regulatory mechanism to mitigate these hazards is if a subdivision is proposed. The *Land Title Act* gives the Approving Officer the authority to require a geotechnical assessment where there is a potential hazard. The subdivision approval process also provides for the registration of the geotechnical assessment including the safe use of the development site as a Section 219 covenant on title<sup>3</sup> to protect both current and future property owners.

A study by Planterra identified areas where the natural features make sites prone to land failures. This includes, active shoreline erosion that poses a risk to low lying development. Storm surge modeling indicates a risk of flooding where

development is taking place within the tidal zone. The author, a Professional Geoscientist, recommended detailed assessment of these risks and establishment of a DPA to ensure safe use of a development before it can proceed.

The Province of B.C. has created Flood Hazard Land Management Guidelines, updated in 2018. by the Province of B.C. These provide protective measures that address flood hazards to lakes, rivers and the ocean including anticipated sea level rise based on historic flooding and hydrographic modelling. The Flood Hazard Land Management Guidelines contain minimum setbacks from the natural boundaries of different types of water bodies as well as elevations above these potential hazards for habitable buildings. They may be incorporated into OCP guidelines, DPA requirements, a zoning bylaw, a covenant on title, a site servicing and development bylaw, or a flood plain bylaw. The lack of such regulation adds risk that can be avoided.



▲ Shoreline and riparian development in Area B

<sup>3</sup> Section 219 of the *Land Title Act* (or 'a section 219 covenant') authorizes the government, a Crown Corporation or Agency, local government and other entities designated by the provincial government to enter into a covenant with a property owner that is binding including the covenantor's successor in title. The covenant can apply to the use of land or the use of a building on land including preventing construction or requiring conditions to be met before construction can proceed. A covenant can also be used for conservation purposes by a trust organization.

### 3.3 REGULATORY UNCERTAINTY / LACK OF REGULATION

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Key mechanisms to provide land use certainty are not available. OCPs in electoral areas have policies concerning land use and the density of land use. OCPs provide the general direction for land use but not the actual regulation. The two most widely used tools to regulate land use are a Zoning Bylaw and a Building Bylaw. Their absence will lead to inconsistency of land use with the applicable OCP.

There is no zoning bylaw for nearly all the 1,080 residents of Area A, the vast majority of the 1,565 residents of Area B or any of the 2,060 residents of Area C. Zoning in Area D effectively regulates only one transfer station site. Zoning is the primary or only means to regulate the type of land use, the number of residential dwellings, land use density, the allowable site coverage of structures, the height of buildings, building setbacks from adjacent properties and, provide for buffers between land uses and provide for parking. Without a zoning bylaw, there is no mechanism to address any of these issues directly although Coastal Health provides an indirect mechanism through the sewage and water permits as required by Provincial regulations. Without a building bylaw, there is no external mechanism to ensure compliance with BC Building Code including the number of dwellings on a parcel.

As noted in the previous section, building must be undertaken in accordance with the BC Building Code. Although there are indirect mechanisms if a building bylaw is not in place, there is a lack of regulatory oversight as well as documentation of development activity. Regulatory uncertainty occurs if the size, height, density, land use and location of the development on the property are not known, if there are no requirements or limits.

Another area of uncertainty concerns site servicing. MoTI is responsible for subdivision regulation. However, the *Subdivision Regulation* under the *Local Services Act* provides only a basic level of site servicing and doesn't provide for variations for different areas. More comprehensive site servicing regulation is an option that can be provided by a local government.

A Drainage Study for Areas A, B and C was prepared for MoTI and the Powell River Regional District in 2018. A drainage study for Area D will be completed for MoTI and the qathet Regional District in 2020. The 2018 project was triggered by flooding and erosion issues, and their impacts on property and the linear drainage system (typically ditches and culverts along MoTI roads). The study cited a lack of consideration of drainage during land development and noted that modifications to the natural drainage had contributed to increased occurrences of problems throughout the region which, if not addressed, would intensify with further land development and the effects of climate change. Pre-development to post-development water run-off had increased from 100% to 400% in the 11 different watersheds examined.

A review of existing drainage management practices indicated a lack of regulation compared to other jurisdictions examined including the City of Powell River and the Sunshine Coast Regional District that embedded these practices in a wide variety of regulatory bylaws and mechanisms. Examples include:

- Stream setbacks in zoning bylaws;
- Impervious surface coverage limits in zoning bylaws;
- Tree retention requirement in zoning bylaws;
- Sustainability policies in OCPs to minimize development on steep slopes;
- Promoting low impact development and promoting best practices to protect watersheds from adverse impacts;
- Erosion and sediment control in subdivision and site servicing bylaws;
- On-site drainage management to limit post-development flows in subdivision and site servicing bylaws;
- MoTI's protocol requiring site-specific drainage plans to minimize the impact of stormwater at the time of subdivision development;

- Performance targets and design criteria in subdivision and site servicing bylaws;
- Development of integrated stormwater management plans; and
- Streamflow monitoring.

The report provided a series of recommendations for MoTI, the qathet Regional District and landowners. Three key recommendations were to:

- Strengthen OCPs to mitigate slope hazards and manage stormwater;
- Adopt a site servicing bylaw for stormwater management, both on and off-site. Such a bylaw typically addresses erosion and sediment control and stormwater runoff; and
- Implement a zoning bylaw to provide site coverage limits, building setbacks from steep slopes and water bodies, and impervious site coverage limits.

### 3.4 TAX INEQUITY

New development may not be reflected on the assessment roll if there is no Building Bylaw. New construction or major additions may not be picked up if a building permit is not required. BC Assessment has various means of updating assessments but building regulation and zoning are key tools available in the vast majority of regional districts in B.C. The lack of these tools may result in under-assessment of improvements and a less equitable distribution of the tax burden. The total taxes to be collected will not be affected but if new development is not included on the assessment roll (i.e. hidden assessments), all other property owners will pay more than their fair share.

The under assessment of improvements may be significant. One measurement indicator is the issuance of property addresses. The qathet Regional District issues addresses on request by property owners for new residential



▲ *Riparian area development*

construction and subdivision. The benefits of having a property address are clear for all as this enables easier recognition of houses and other development by friends, neighbours and emergency personnel. There are no obvious drawbacks. Building permits are a different story. They are not required and without building permits, there is no process to update the BC Assessment Authority with the value of new building construction. While the BC Assessment Authority has other means of updating improvements to land, the result is much less timely without information on the location and value of new building construction. For example, there are 44 properties for which addresses were issued for new homes between 2016 and 2019 but which show \$0 improvements or no assessment on the 2020 Assessment Roll. There are also several properties with new addresses that have building assessments of under \$6,000. If these new improvements are not added to the assessment roll, other property owners will pay higher taxes than would otherwise occur.

### **3.5 OTHER EMERGING ISSUES**

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The following three areas are challenges that are anticipated to increase in importance over time. The Province of B.C. has adopted legislation that calls for increasingly stringent targets to be met in several areas. Under the *Climate Change Accountability Act*, the target is for BC greenhouse gas emissions in 2030 to be at least 40% less than the level of those emissions in 2007; 60% less by 2040 and 80% less by 2050. The initial thresholds were low, not mandatory and did not apply to local governments. Longer term targets will require major initiatives and cannot be achieved through voluntary measures alone.

#### **3.5.1 Energy Step Code**

Buildings are a major source of greenhouse gas emissions. To respond to this challenge, the Province of British Columbia first introduced energy efficiency as a BC Building Code objective in 2008. Since then builders have had the option to use either “prescriptive” or “performance” approaches to comply with the code’s efficiency requirements.

To date, the vast majority of builders in British Columbia have pursued the prescriptive approach, meaning buildings must meet specific requirements for insulation, windows, furnaces, water heaters, lighting and other equipment and systems. It focuses on individual elements, rather than ensuring the building functions well as a system.

The second option is the performance approach, which establishes a desired outcome that the design and building team determine how to achieve. The Energy Step Code offers a specific form of meeting or exceeding the energy-efficiency requirements of the BC Building Code. To comply with the Energy Step Code, builders must use energy software modelling and on-site testing to demonstrate that both their design and the constructed building meet the requirements of the standard. They may use any materials or construction methods to do so.

Local governments can choose to require or provide an incentive to meet a given step on the Energy Step Code in new construction. There are five steps in the Energy Step Code. The Province anticipates the BC Building Code will require higher steps on Energy Step Code to be phased in by 2032. To date, 58 local governments including the City of Powell River have started to consult on the BC Energy Step Code. Most have referenced the Energy Step Code in a policy, program or a Building Bylaw.

#### **3.5.2 Climate Change Mitigation**

Climate change mitigation covers a wide range of measures to reduce greenhouse gas (GHG) emissions that drive climate change. The Energy Step Code as noted above is one such measure to address the building sector, which contributes 28% of global CO<sub>2</sub> emissions, by far the largest source of GHG emissions. Building materials or embedded carbon contributes another 11% of global CO<sub>2</sub> emissions. The two other major sources are transportation (land, air and water) and industry/manufacturing which includes forestry. All other sources combined do not exceed 10%.

Mitigating climate change is challenging, as GHG emissions do not respect borders. Canada

contributes about 1.7% of global GHG emissions. B.C.'s contribution is about 0.2% of GHG emissions. The role of local government may appear insignificant but local, provincial, national and international action are all required.

The role of local government varies greatly by subject and depends on several factors such as the degree of urbanization, land use densities, and the amount, type, and location of new development. Local governments do not have a role in many aspects of transportation such as vehicle emission standards, vehicle taxation, energy pricing, incentives for electric vehicle, marine and air transportation standards. However, local governments do have a role in making transportation more sustainable through land use planning, transportation demand management, and encouraging changes in transportation modes. These roles are much less significant in rural areas than in urban areas. Also, any changes will be slower where the population is steady and limited development is taking place.

### 3.5.3 Climate Change Adaption

Climate change adaption covers a wide range of measures to adapt to an already changing climate. They include forest management practices, FireSmart guidelines, flood hazard management land use guidelines such as setbacks from and elevation above the ocean to address sea level rise and extreme weather events such as tidal surges. Climate change adaptation measures also include setbacks from and elevation above rivers and lakes to address increased water runoff due to extreme weather.

Related to this, TetraTech EBA completed an Overview Coastal Risk Assessment for the qathet Regional District in 2018 which includes an evaluation of risks associated with coastal flooding due to changes in climate. In 2020, they will be completing a Coastal Flood Mapping project for the mainland. In 2021, Coastal Flood Mapping for the islands is anticipated. These studies including mapping are intended to inform future bylaws and policies.



▲ Coastal area development and emerging coastal hazards

# 4.0 Regulatory Options

*A wide range of options are available to local governments to regulate land use. These options are aptly described as a 'toolkit'. The 'toolkit' of available regulatory options is at the discretion of each local government. All local governments in B.C. have adopted some of the available regulatory options but none are mandated by the Province. In fact, B.C. is considered to have the most decentralized planning legislation in Canada.*

All the regulatory tools are permissive with the exception of the BC Building Code. This means that if a local government chooses to adopt a land use regulation, it must make a conscious decision by adopting a bylaw. In most cases, a public hearing is a statutory requirement. This serves several purposes. One is to inform the public and provide the public with an opportunity to comment on the suitability of a land use bylaw. It also enables the elected representatives to hear from their constituents before a land use bylaw is adopted. Most regional districts, including the qathet Regional District, go beyond the statutory requirement by providing public consultation through processes such as open houses, online documentation and targeted surveys.

## 4.1 KEY REGULATORY TOOLS

Taking a big picture perspective, there are four key tools to regulate land use:

- Official Community Plans
- Zoning Bylaws
- Building Regulation
- Subdivision Regulation

### 4.1.1 Official Community Plan

An Official Community Plan (OCP) is the only regulatory tool which has been adopted by all 29 regional districts in B.C. While OCPs do not apply to all land where regional districts have authority, they are a regulatory tool intended to set the broad direction of land use. If adopted, an OCP must include a wide range of statements, policies and map designations with respect to different land uses. An OCP must also include targets for the reduction of greenhouse gas emissions.

Although the land use designations in an OCP can be quite precise, there are few regulatory elements in an OCP. The designation of development permit areas in an OCP is the most notable exception although the guidelines for development permit areas can be adopted in either an OCP or a zoning bylaw. It should also be noted that an OCP does not authorize or commit a local government to proceed with any project specified in the OCP although all subsequent bylaws or works must be consistent with the OCP after its adoption.

Planning for future development is a key benefit of an OCP. Land use planning should involve conscious decisions to accommodate different land uses that are required to meet community needs, provide for the economical servicing of land, recognize land use constraints, avoid land use conflicts, minimize hazards, and strive for long term sustainability. Electoral Areas A, B, C and D all have comprehensive OCPs with a similar scope and are updated on a regular basis.

#### 4.1.2 Zoning Bylaw

A zoning bylaw is the regulatory tool typically adopted by local governments to implement the broad policies and general land use direction in an OCP. Regulatory elements in a zoning bylaw are intentionally much more precise than in an OCP. It is worth repeating Section 479 of the *Local Government Act*, to document the wide range of matters a zoning bylaw can address:

- (1) A local government may, by bylaw, do one or more of the following:
  - (a) divide the whole or part of the municipality or regional district into zones, name each zone and establish the boundaries of the zones;
  - (b) limit the vertical extent of a zone and provide other zones above or below it;
  - (c) regulate the following within a zone:
    - (i) the use of land, buildings and other structures;
    - (ii) the density of the use of land, buildings and other structures;
    - (iii) the siting, size and dimensions of
      - (A) buildings and other structures, and
      - (B) uses that are permitted on the land;
    - (iv) the location of uses on the land and within buildings and other structures;
  - (c.1) limit the form of tenure in accordance with section 481.1;
  - (d) regulate the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision.
- (2) The authority under subsection (1) may be exercised by incorporating in the bylaw maps, plans, tables or other graphic material.
- (3) The power to regulate under subsection (1) includes the power to prohibit any use or uses in a zone.
- (4) A bylaw under this section may make different provisions for one or more of the following:
  - (a) different zones;
  - (b) different uses within a zone;
  - (c) different locations within a zone;
  - (d) different standards of works and services provided;
  - (e) different siting circumstances;
  - (f) different protected heritage properties.
- (5) In addition to the authority under subsection (4),
  - (a) provisions under subsection (1) (d) may be different for different areas, and
  - (b) the boundaries of those areas need not be the same as the boundaries of zones created under subsection (1) (a).

The regulatory scope of zoning in the qathet Regional district is very limited. Some zoning bylaws include only one of the elements available in Section 479 of the *Local Government Act*. In addition, the proportion of the population where zoning applies varies from zero to 100% of the population in the four Electoral Areas:

- <10% of the Area A population (total of 1,080 in 2016) – Lund watershed with limited scope as noted in section 2.2.2
- 25% of the Area B population (total of 1,565 in 2016) – 3 zoning bylaws for 3 neighbourhoods (see section 2.2.2)

- 0% of the Area C population (total of 2,060 in 2016) – no zoning bylaw
- 5% of the Area D population (total of 1,076 in 2016) – only properties within Texada Island Watershed Protection Bylaw as Zoning Bylaw No. 99 regulates 1 property (see section 2.2.2)

The benefits of zoning are to provide greater certainty of land use, to reduce the risk of land use conflict, and to strive for the peaceful enjoyment of private property. Zoning bylaws are intended to be precise whereas OCPs are more general and policy oriented. Key regulatory matters in most zoning bylaws are land use, building size and height, building setbacks, fencing and screening, and parking standards. Zoning bylaws also provide a public process to manage land use changes. The key term is 'manage change'. This allows for new development and accommodating changing needs but establishes the conditions for a green light. A zoning bylaw in conjunction with an OCP is the most effective combination of tools to manage land use change available to a Regional Board. An added benefit of a zoning bylaw is a requirement to inform nearby residents about proposed land use changes, which gives them an opportunity to comment on and influence outcomes.

### 4.1.3 Building Regulation

As with OCPs and zoning, building regulation is an optional tool to regulate land use although it is undertaken by nearly all municipalities and regional districts in B.C. If it undertaken by a regional district, a building inspection service must also be undertaken (Sections 297 to 302 of the *Local Government Act*). Regardless of whether or not a regional district undertakes building regulation, there is an obligation for construction to be undertaken in accordance with BC Building Code.

Where building regulation is undertaken by a local government, a building bylaw is adopted. Key benefits are to ensure public safety and compliance with land use regulations. Building regulation involves the issuance of building permits with inspections undertaken at key milestones in the construction of a building. A building inspector represents feet on the ground for the local government to ensure compliance with the plans submitted and with the BC Building Code. Except for most single family construction, building inspection is a shared responsibility with a registered professional (e.g. Professional Engineer, Registered Architect), who provides a Letter of Assurance that they will take professional responsibility for the plans



▲ Shoreline development in Area C

that they have signed and sealed. Building permit regulation also links with OCP policies and zoning to ensure that approved land uses are being followed, setbacks are complied with, and hazard mitigation, where applicable, is being undertaken. The Building Safety and Standards Branch of the Ministry of Municipal Affairs and Housing recommends that where a local government is not providing building permitting oversight (i.e. adoption of a Building Bylaw), the owner should retain any sealed Letters of Assurance and keep them on record. The Registered Professional of Record should keep a copy on file as well.

#### 4.1.4 Subdivision Regulation

Subdivision regulation is a shared responsibility between the Ministry of Transportation and Infrastructure (MoTI) and the regional district. All subdivision Approving Officers in the electoral areas of regional districts are employees of MoTI, which is also responsible for the maintenance of dedicated roads. Where a bylaw to regulate the subdivision and servicing of land has been adopted by a local government, those standards are followed by the Approving Officer. Where no local subdivision servicing bylaw has been adopted, the *Subdivision Regulation* of the *Local Services Act* prevails. This applies to the qathet Regional District. If the local government adopts a bylaw to regulate the subdivision of land under Section 506 of the *Local Government Act*, this must include the servicing of land (often termed a works and services agreement).

Minimum parcel sizes (i.e. areas, road frontages, depths) for different land uses in different geographical areas or zones occur with roughly equal frequency in a zoning bylaw or a bylaw to regulate the subdivision of land<sup>4</sup>. Where the latter has been adopted, the works and services may specify standards for road dedication and construction, water supply including fire hydrants, sewage collection and disposal, stormwater collection and disposal, sidewalks, street lighting, and parks (maximum 5% of the subdivision area).

Where a local government adopts a bylaw to regulate the subdivision of land, the standards prepared by the Master Municipal Construction Documents Association (MMCD) are frequently adopted. The MMCD Association is a non-profit society, founded in 1989 and supported by B.C. municipalities to create improved construction documents for roads, sidewalks, sewers, water, traffic signals and street lighting. The Province of British Columbia endorses the MMCD for the construction of municipal services. These standards can be varied to respond to unique local condition and have included green design guidelines since 2014.

The benefits of subdivision regulation enable land use density to be regulated and provide for servicing standards. The *Local Services Act* provides for basic services. The qathet Regional has the option of enacting its own servicing bylaw to provide for variations in servicing standards, such as between rural and suburban development. Subdivision regulation also includes public safety elements including driveway locations, signage requirements and minimum clear vision sight lines.

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<sup>4</sup> Subdivision approval and servicing bylaws have many descriptive variations. They include Subdivision and Servicing Bylaw, Subdivision and Site Servicing Bylaw, Subdivision and Development Servicing Bylaw, Subdivision and Development Bylaw, Development Servicing Bylaw, Subdivision Servicing Bylaw, Development and Subdivision Control Bylaw, Subdivision, Development and Servicing Bylaw.

## 4.2 REGULATORY TOOLS DETAILED

The key regulatory tools described are identified in the following table. The table includes the regulatory tool; authorizing legislation (i.e. legal authority); a brief description of the regulatory tool; where it has been undertaken in the qathet Regional District, if applicable; and comments including its importance and suitability.

**TABLE:** Land Use Regulatory Tools

LAND USE REGULATORY OPTIONS				
Regulatory Tool	Legislative Authority		Description of Purpose / If Currently Used	Comment
<b>Official Community Plan</b>	LGA*	Sections 471-474	<ul style="list-style-type: none"><li>Establish objectives, policies &amp; land use designations to manage development</li><li>Existing OCPs:<ul style="list-style-type: none"><li>– Area A - Bylaw No. 500, 2015 &amp; Savary Island - Bylaw No. 403, 2006</li><li>– Area B Bylaw No. 465, 2012, 2012</li><li>– Area C - Bylaw No. 467, 2012</li><li>– Area D - Bylaw No. 395, 2005 (adoption of Bylaw No. 551, 2019 pending)</li></ul></li></ul>	<ul style="list-style-type: none"><li>All electoral areas have adopted OCPs with land use designations and objectives and policies to manage development.</li><li>Level of detail varies by area and date of OCP adoption.</li></ul>
	LGA	Section 473 (2)	<ul style="list-style-type: none"><li>Housing policies respecting affordable housing, rental housing and special needs housing</li></ul>	<ul style="list-style-type: none"><li>A Regional Housing Needs Assessment Report will be completed in 2020 in partnership with the City of Powell River and Tla'amin to inform the housing strategy and policies going forward.</li></ul>
	LGA	Sections 473 (2.1) + 585.2-575.4	<ul style="list-style-type: none"><li>Housing needs report</li></ul>	<ul style="list-style-type: none"><li>New requirement when developing an OCP.</li><li>Modest population growth is projected.</li><li>Not anticipated to be difficult to accommodate.</li></ul>
	LGA	Section 473 (3)	<ul style="list-style-type: none"><li>Reduction of greenhouse gas emissions</li></ul>	<ul style="list-style-type: none"><li>Consider strengthening OCP policies for GHG emissions for future OCP updates.</li><li>Given that close to 70% of GHG emissions are from on-road transportation, OCP climate change policies to date have focussed on supporting alternative modes of transportation. This is challenging due to the nature of development - a small population dispersed along the coastline and Highway 101.</li><li>The lack of a building bylaw restricts the qRD's ability to promote building energy efficiency.</li></ul>
	LGA	Section 488 (1)a	<ul style="list-style-type: none"><li>DPA designation for protection of the natural environment, its ecosystems and biological diversity</li></ul>	<ul style="list-style-type: none"><li>Riparian Area DPAs established in OCPs for Areas A, B &amp; C.</li><li>DPA for Priest and Cranby Lakes in Area D OCP removed but included as a policy in the draft OCP.</li><li>General objectives and policies concerning environmentally sensitive areas and biological diversity are included in all OCPs.</li></ul>

LAND USE REGULATORY OPTIONS				
Regulatory Tool	Legislative Authority		Description of Purpose / If Currently Used	Comment
<b>Official Community Plan (continued)</b>	LGA	Section 488 (1)b	<ul style="list-style-type: none"> <li>DPA designation for protection of development from hazardous conditions</li> <li>Hazard Area DPAs currently established in OCPs for Area A, B &amp; C.</li> </ul>	<ul style="list-style-type: none"> <li>OCPs will be amended to provide more accurate documentation of landslide and fluvial hazards based on 3 recent engineering studies.</li> <li>Existing DPAs may be removed from OCPs for Areas B and C as these bylaws are currently under review. Community consultation indicated a preference for a voluntary process.</li> <li>All other regional districts require a DPA to protect development from hazardous conditions (i.e. voluntary compliance is not permitted).</li> </ul>
	LGA	Section 488 (1)c	<ul style="list-style-type: none"> <li>DPA designation for protection of farming</li> </ul>	<ul style="list-style-type: none"> <li>Areas A, B, C &amp; D have limited areas in ALR.</li> <li>DPA to protect farming would have limited applicability and would not address existing issues.</li> <li>Farming regulation is best left to ALC.</li> </ul>
	LGA	Section 488 (1)d	<ul style="list-style-type: none"> <li>DPA designation for revitalization of an area in which a commercial use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>No indication this is an issue in any electoral area.</li> </ul>
	LGA	Section 488 (1)e	<ul style="list-style-type: none"> <li>DPA designations to establish objectives for the form and character of intensive residential development</li> </ul>	<ul style="list-style-type: none"> <li>Minimal applicability as this does not include low density residential development.</li> <li>Not indicated as an issue in any electoral area.</li> </ul>
	LGA	Section 488 (1)f	<ul style="list-style-type: none"> <li>DPA designations to establish objectives for the form and character of commercial, industrial or multi-family residential development.</li> </ul>	<ul style="list-style-type: none"> <li>Minimal applicability to Areas C &amp; D.</li> <li>Limited potential for Lund in Area A and along Highway 101 in Area B.</li> <li>In order to be effective, a regulatory mechanism would need to be in place (e.g. zoning + building permit approval). Implementation in Lund would need support from Tla'amin so both could work together to develop a common set of form and character objectives for Lund that would ensure harmonized land use and development. Should be considered low priority compared to other issues.</li> </ul>
	LGA	Section 488 (1)g	<ul style="list-style-type: none"> <li>DPA to establish objectives for the form &amp; character of development in a resort region</li> </ul>	<ul style="list-style-type: none"> <li>No indication this is an issue in any electoral area.</li> </ul>
	LGA	Section 488 (1)h	<ul style="list-style-type: none"> <li>DPA to establish objectives to promote energy conservation</li> </ul>	<ul style="list-style-type: none"> <li>Transportation and buildings are major energy components.</li> <li>Not cited as an issue of concern and qRD authority is limited.</li> <li>OCP policies can significantly shape new growth and should proceed consideration of DPA designation for energy conservation.</li> </ul>

LAND USE REGULATORY OPTIONS				
Regulatory Tool	Legislative Authority		Description of Purpose / If Currently Used	Comment
<b>Official Community Plan</b> (continued)	LGA	Section 488 (1)i	<ul style="list-style-type: none"> <li>DPA to establish objectives to promote water conservation</li> </ul>	<ul style="list-style-type: none"> <li>Not cited as an issue of concern although importance has increased under <i>Water Sustainability Act</i>.</li> <li>DPA designation not a priority.</li> <li>OCP policies should proceed DPA designation if action is required.</li> </ul>
	LGA	Section 488 (1)j	<ul style="list-style-type: none"> <li>DPA to establish objectives to reduce greenhouse gas emissions</li> </ul>	<ul style="list-style-type: none"> <li>This subject has increased in importance in recent years.</li> <li>OCP policy development should proceed consideration of DPA.</li> </ul>
<b>Zoning</b>	LGA	Section 479 (1)	<ul style="list-style-type: none"> <li>Existing provisions are as follows: <ul style="list-style-type: none"> <li>Area A - Lund Watershed</li> <li>Area B - Nootka Street, Myrtle Point &amp; Traffe Road Bylaws</li> <li>Area C - none</li> <li>Area D Bylaw No. 99 (1982); Watershed Protection Bylaw No. 237, 1993</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Limited provisions at present and very dated.</li> <li>While Area C currently has no zoning, there have been 2 petitions for zoning received from neighbourhoods in Area C. Both cite an interest in restricting industrial and commercial land uses from locating in their residential neighbourhoods.</li> <li>Area D zoning mainly regulates one property in the Refuge Storage Zone.</li> <li>All regional districts in B.C. have adopted a zoning bylaw but zoning in several regional districts does not apply to all electoral areas</li> </ul>
<b>Streamside Protection</b>	Riparian Areas Protection Act	Riparian Areas Protection Regulation	<ul style="list-style-type: none"> <li>Management of Development in Riparian Areas</li> <li>DPAs established in OCPs for Areas A, B &amp; C</li> </ul>	<ul style="list-style-type: none"> <li>Riparian Areas Protection Regulation requires local governments in southern BC to protect riparian areas during residential, commercial, and industrial development by ensuring that a Qualified Environmental Professional conducts a science-based assessment of proposed activities.</li> <li>This has been implemented in OCPs for Areas A, B &amp; C.</li> <li>Riparian areas have been identified in draft OCP for Texada Island (Area D) but not included as a DPA.</li> </ul>
<b>Tree Cutting Bylaw</b>	LGA + Community Charter	Section 500 Sections 8 (3)(c) & 50-52	<ul style="list-style-type: none"> <li>LGA allows regulation of tree cutting on land that may be subject to flooding, erosion, land slip or avalanche.</li> <li>Community Charter allows broader tree cutting regulation in association with zoning regulation</li> </ul>	<ul style="list-style-type: none"> <li>This could be addressed as a separate bylaw or included in a site specific geotechnical report as a subdivision or DPA approval condition.</li> <li>Some indication this is of interest in Area B and C but is not considered a priority.</li> </ul>
<b>Stormwater Management</b>	LGA	Section 523	<ul style="list-style-type: none"> <li>LGA allows regulation of impermeable surface coverage and surface runoff</li> </ul>	<ul style="list-style-type: none"> <li>No current regulation. This may be of interest in Areas B and C. Recent Drainage Study completed in partnership with MOTI recommended this be considered to address downstream erosion and excessive runoff.</li> </ul>
<b>Flood Hazard Management</b>	LGA	Section 524	<ul style="list-style-type: none"> <li>LGA allows regulation of land within a flood plain in order to reduce the risk of flooding</li> </ul>	<ul style="list-style-type: none"> <li>No current regulation. Horizontal setbacks and elevation above water bodies are key elements to reduce the vulnerability of new development from flooding.</li> <li>Could be a standalone bylaw or incorporated in a zoning bylaw.</li> </ul>

LAND USE REGULATORY OPTIONS				
Regulatory Tool	Legislative Authority		Description of Purpose / If Currently Used	Comment
<b>Subdivision</b>	<i>Land Title Act</i>	Sections 83-87 & 91	<ul style="list-style-type: none"> <li>No local subdivision servicing &amp; regulation bylaw</li> <li>Default position is subdivision regulation under the <i>Local Services Act</i></li> </ul>	<ul style="list-style-type: none"> <li>Local bylaw could replace <i>Local Services Act</i>.</li> <li>All Approving Officers outside municipalities are MoTI officials. The subdivision approval process provides the only real avenue for influencing the development pattern under the current qRD regulatory framework.</li> </ul>
<b>Building Bylaw/ Permitting</b>	<i>Community Charter</i>	Sections 53-58	<ul style="list-style-type: none"> <li>Building permits not required although building construction must comply with the BC Building Code</li> </ul>	<ul style="list-style-type: none"> <li>No current building regulation.</li> <li>Building permit regulation is a regulatory tool linked with zoning for nearly all local governments in BC. Possible interim steps could include voluntary building inspection on a fee for service basis for rural residents under agreement with the City of Powell River, scope limitation (e.g. new house construction), or phased introduction by electoral area.</li> </ul>
<b>Risk Mitigation</b>	<i>Community Charter</i>	Section 56	<ul style="list-style-type: none"> <li>Regulatory tool associated with building permits</li> <li><i>Community Charter</i> provides for building inspector to require geotechnical report where development is subject to hazards</li> </ul>	<ul style="list-style-type: none"> <li>Building inspector can require a geotechnical report providing for safe use on land subject to flooding, erosion, land slip, rockfalls, etc.</li> <li>Covenant on title requires future landowners to follow geotechnical report recommendations to protect buildings and their occupants.</li> <li>Building inspector can provide an important role to protect the public if building regulation is undertaken.</li> </ul>
<b>Business Licencing</b>	<i>Community Charter</i>	Section 15	<ul style="list-style-type: none"> <li>Business licencing not currently undertaken</li> </ul>	<ul style="list-style-type: none"> <li>Licencing provides tool to regulate type &amp; size of business activities. More suitable in urban areas. Not recommended without zoning.</li> </ul>

\*LGA refers to the *Local Government Act*

### 4.3 PROVINCIAL LAND USE REGULATORY TOOLS

There are a number of tools undertaken by the Province of B.C. or by Provincial agencies that regulate land use for specific purposes. This section also includes tools which may complement the local government regulatory toolbox but are not specific matters of which are under local government jurisdiction, however, are included to show the full range of land use regulation.

The Province has delegated the BC Safety Authority, now doing business as Technical Safety BC, to be responsible for a broad range of legislated and regulated safety services. This includes the *Safety Authority Act*; *Safety Standards Act* and Regulations; *Workers Compensation Act* and *Offence Act*. Technical Safety BC provides safety services across the following technologies:

- Regulated electrical equipment and systems (e.g. wiring for a new dwelling or addition to an existing dwelling);
- Natural gas and propane appliances and systems;
- Boilers, pressure vessels, and refrigeration systems; and
- Elevating devices, such as elevators and escalators.

For a homeowner requiring an electrical permit, a safety officer must inspect electrical work before any wiring is concealed or connected to a supply. The completed electrical work must also pass a final inspection by a safety officer. Electrical and gas permits are required by Technical Safety BC and are independent of any regulatory requirements of the qathet Regional District<sup>5</sup>.

BC Hydro requires that all requests for electrical service connections be submitted by a valid field safety representative or electrical contractor, and that a valid permit be taken out to perform the work at the site.

WorkSafeBC is responsible for occupational health and safety through the administration and enforcement of the *Workers Compensation Act*.



▲ Coastal development in Electoral Area C

This includes safety requirements for building construction (e.g. specified building heights, excavations, retaining walls).

Onsite sewer and water systems must be approved by Coastal Health. A Professional Engineer must be retained, depending on the size of the system. All buildings with indoor plumbing need to have a sewage disposal system that is in compliance with the *Sewerage System Regulation*. This means that every owner who wants to construct a new septic system, or alter or repair an existing one, must retain

<sup>5</sup> This authority has been delegated to 10 local governments in the Lower Mainland and Okanagan but does not apply to the qathet Regional District.

the services of an authorized person who may be a professional engineer or a registered onsite wastewater practitioner to design and oversee construction of the disposal system. For larger systems involving more than one lot or servicing more than one single family dwelling in a strata plan, with a maximum daily sewage flow of 22,730 litres/day, the requirements for a community sewerage system under the *Health Act* must be met.

Coastal Health is also responsible for health inspections of restaurants and other food establishments.

A water license is required to divert, use or store surface water or groundwater, or to make changes in and about a stream. This applies to agriculture, commerce, domestic household requirements (surface water only), industry, natural resources development, power production, water storage and water supply. Water licences are authorized and approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. A new water supply system or community water system must also comply with the *Drinking Water Protection Act*, and *Local Services Act* respectively. Following adoption of the *Water Sustainability Act* in 2016, surface water and groundwater are now managed under the same regulatory regime. The licencing system for water rights is seniority based provided the existing groundwater user applies before March 1, 2022.

The *Homeowner Protection Act* requires that new homes built in B.C. by licensed residential builders must be covered by mandatory, third-party home warranty insurance. Home warranty insurance for a new house provides for:

- defects in materials and labour for a period of at least 2 years after the date on which the warranty begins,
- defects in the building envelope, including defects resulting in water penetration, for a period of at least 5 years after the date on which the warranty begins, and
- structural defects for a period of at least 10 years after the date on which the warranty begins.

This requirement applies to all residential construction started after July 1, 1999, regardless of whether building regulation is undertaken by the applicable local government. An owner builder who intends to build a new home for personal use can apply for an exemption but must still meet the criteria for an owner builder and pay the prescribed fees. Where an owner builder receives an exemption, they cannot sell the house for a period of 10 years after the house is ready for occupancy.

## 4.4 COMPARATIVE ANALYSIS

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### 4.4.1 Zoning Bylaws

All regional districts in B.C. have zoning bylaws and most apply throughout their regional district. In some large regional districts, the zoning bylaw does not apply in all areas but is limited to settlement areas. For example, the Cariboo Regional District is one of the few in which the electoral area population represents a majority of the total population. There, the electoral area population of 41,455 is nearly double that of the four municipalities. The Cariboo Regional District has three zoning bylaws, which apply to the major settlement areas (i.e. Quesnel Fringe, Williams Lake Fringe, and South Cariboo). There are also three rural land use bylaws, which apply to the Central Cariboo, North Cariboo and Chilcotin areas. Collectively these six zoning bylaws include the vast majority of the population for the 12 electoral areas in the Cariboo Regional District. The areas without zoning consist of remote and mountainous areas with little or no population.

Similarly, in the Peace River Regional District, there are five Zoning Bylaws for the four electoral areas which have a total population of 23,622. One Zoning Bylaw applies to the settlement areas around Dawson Creek, Fort St. John and Chetwynd and four others apply to farming and other rural areas beyond the settlement areas. There is no zoning for uninhabited mountainous areas and north of existing settlements to the Yukon boundary.

There are three coastal regional districts where zoning is limited. One is the Central Coast Regional District, which has a population of 3,584

in five electoral areas but no municipalities. The Central Coast Regional District has two Zoning Bylaws. The Zoning Bylaw in the Bella Coola Valley covers most of the population in three electoral areas. A second bylaw applies to one property in an electoral area with a population of 129. The 5th electoral area has a population of 95 and no zoning bylaw.

The second coastal regional district with limited zoning is the North Coast Regional District. There are two zoning bylaws which apply to the two electoral areas on Graham and Moresby Islands. No zoning applies to the other two electoral areas. One is the small rural population of 62 at Dodge Cove on Digby Island (where the Prince Rupert Airport is located). The electoral area with no Zoning Bylaw is located south of the Skeena River. The population of 655 is primarily accounted for within local Indigenous communities – Hartley Bay and Kitkakla, where zoning is not applicable.

The third coastal regional district with limited zoning is the Kitimat Stikine Regional District. There, eight Zoning Bylaws apply to the Greater Terrace, Kispiox Valley, Lakelse Lake, Skeena Valley, Thornhill, Two Mile, South Hazelton, and

Dease Lake areas. There are also two rural land use bylaws. These Zoning Bylaws apply to the large majority of the non-municipal population of 17,008 in five electoral areas.

The five regional districts closest and most similar to the qathet Regional District all have Zoning Bylaws which apply throughout their jurisdiction. The Sunshine Coast Regional District has an electoral area population of 15,330 in five electoral areas, nearly half the total population of the regional district. One Zoning Bylaw applies to four electoral areas and a second applies to Electoral Area A (Egmont/Pender Harbour). These two Zoning Bylaws have a unique process of including Subdivision Districts, which provides subdivision regulation that varies in different Electoral Areas within the same zoning district.

On Vancouver Island, Mount Waddington Regional District has an electoral area population of 3,801, slightly more than half the 7,252 in the Electoral Areas of the qathet Regional District. Each of the four electoral areas has a separate Zoning Bylaw, which collectively include the communities of Coal Harbour, Quatsino, Telegraph Cove, Hyde Creek, Alder Bay, Woss, Winter Harbour and Holberg.



▲ *Natural Hazards - Steep slopes in Area A*

Strathcona Regional District has a larger electoral area population of 11,175, also in four electoral areas. Seven zoning bylaws apply to Cortez and Quadra Islands, the islands west of Desolation Sound, Gold River, Fair Harbour, Menzies Bay, the area around Campbell River.

Comox Regional District also has a larger electoral area population with 24,953, one third of the regional district total. There is only one zoning bylaw. The Rural Comox Valley Zoning Bylaw applies to each of the three electoral areas. Mapping consists of one overall map of the regional district with 13 smaller scale maps showing details of developed areas. The Sunshine Coast Regional District uses a similar mapping approach.

Alberni Clayquot Regional District has six electoral areas with a population of 10,331, slightly over one third of the regional district total. There is one zoning bylaw, which dates back to 1973. A comprehensive update was completed in 2016. The draft new Zoning Bylaw includes detailed maps for Sproat Lake, Bamfield, Long Beach and other developed areas.

**4.4.2 Building Bylaws**

Nearly all regional districts in B.C. have adopted building bylaws. The only exceptions, apart from the qathet Regional District, are the North Coast and Central Coast Regional Districts. The electoral area population in the Central Coast Regional District is 3,584 and the electoral area population in the North Coast Regional District is 3,815. Much of the electoral area population in each of these regional districts lives on First Nation reserves where provincial land use regulations do not apply. Furthermore, most of the population is located in remote areas where access poses a significant challenge for building inspection purposes.



▲ City of Powell River - new coastal housing with shoreline development

Four other regional districts have limited building regulation. Mount Waddington Regional District has a Building Bylaw which is limited to the community of Coal Harbour. This Building Bylaw is also limited in its regulatory scope. Application forms are easy to fill out and do not exceed one page.

Strathcona Regional District has a Building Bylaw, which applies to one of the four electoral areas. Building regulation is limited to Electoral Area D (Oyster Bay-Buttle Lake), which includes the rural area west and south of Campbell River. The Electoral Area D population of 4,858 is the largest of the four electoral areas. The Building Permit application form is short and straightforward.

In the Columbia Shuswap Regional District, the Building Bylaw applies to four of six electoral areas. In the Regional District of Okanagan Similkameen, the Building Bylaw applies to seven of nine electoral areas.

The following table provides a scan of zoning and building regulation in most regional districts in B.C.

**TABLE: Regulatory Controls in other Regional Districts**

Regional District	Zoning Bylaw (Y=yes, P=partial, N=no)	Building Bylaw (Y=yes, P=partial, N=no)	Notes
<b>Alberni-Clayoquot</b>	Y	Y	<ul style="list-style-type: none"> <li>The Regional District of Alberni-Clayoquot has one Zoning Bylaw, adopted in 1973. The Zoning Bylaw did not receive a comprehensive review until 2015. A draft update was completed in 2016 with public consultation through open houses in all electoral areas. Adoption of the new Zoning Bylaw is anticipated by the summer of 2020.</li> <li>A key objective was to better align the zoning regulations with the policies and goals in the OCPs. The regional district expects to create a more certain process and outcome for landowners and developers, improve clarity and address current planning issues.</li> </ul>
<b>Bulkley-Nechako</b>	Y	Y	<ul style="list-style-type: none"> <li>There is one Zoning Bylaw for the 7 Electoral Areas.</li> <li>A new Zoning Bylaw has been prepared for the rural areas with separate maps for each Electoral Area. The new Zoning Bylaw has received 2 readings and will replace the existing 1993 bylaw.</li> <li>A separate Floodplain Management Bylaw applies throughout the Regional District.</li> </ul>
<b>Cariboo</b>	P	Y	<ul style="list-style-type: none"> <li>There are 7 OCPs.</li> <li>Three zoning bylaws apply to major settlement areas (i.e. Quesnel Fringe, Williams Lake Fringe, and South Cariboo).</li> <li>Three rural land use bylaws apply to rural areas (i.e. Central Cariboo, North Cariboo &amp; Chilcotin).</li> <li>Zoning maps are available from the CRD but are not online.</li> </ul>
<b>Central Coast</b>	P	N	<ul style="list-style-type: none"> <li>Bella Coola Valley Zoning Bylaw includes Electoral Areas C, D &amp; E.</li> <li>Calvert Island Zoning bylaw in Electoral Area A (2016 population 129) includes 1 property.</li> <li>No zoning in Electoral Area E (2016 population of 95)</li> <li>OCP applies to Electoral Areas A, B, C &amp; D.</li> </ul>
<b>Central Kootenay</b>	P	Y	<ul style="list-style-type: none"> <li>Zoning applies to Electoral Areas F, I, J, &amp; K.</li> </ul>
<b>Central Okanagan</b>	Y	Y	<ul style="list-style-type: none"> <li>Zoning Bylaw No. 871 applies to the both Electoral Areas except for First Nation Reserves, and the area covered by the Joe Rich Rural Land Use Bylaw.</li> <li>Building permits are required in both Electoral Areas.</li> </ul>
<b>Columbia-Shuswap</b>	P	P	<ul style="list-style-type: none"> <li>All 6 Electoral Areas have Zoning Bylaws but zoning is geographical based and does not apply throughout the Regional District.</li> <li>Building Bylaw applies to Electoral Areas B, C, E, and part of F.</li> </ul>
<b>Comox Valley</b>	Y	Y	<ul style="list-style-type: none"> <li>One Zoning Bylaw covers the Regional District. Mapping has one overall key map with 13 larger scale detailed maps. Zoning applies to all areas except Denman and Hornby Islands, which are administered by the Islands Trust.</li> </ul>
<b>Cowichan Valley</b>	Y	Y	<ul style="list-style-type: none"> <li>Each of the 9 Electoral Areas has a separate Zoning Bylaw.</li> </ul>
<b>East Kootenay</b>	Y	Y	<ul style="list-style-type: none"> <li>The 6 Electoral Areas have 8 Zoning Bylaws and one land use bylaw that cover all areas of the Regional District. Several Zoning Bylaws also include flood management provisions.</li> <li>The Building Bylaw covers the entire Regional District.</li> </ul>
<b>Fraser-Fort George</b>	Y	Y	<ul style="list-style-type: none"> <li>For most Electoral Areas, a single zoning bylaw applies, except for Punchaw lake and proposed Valemout Glacier Destination.</li> <li>Building permits are required in all electoral areas.</li> </ul>

Regional District	Zoning Bylaw (Y=yes, P=partial, N=no)	Building Bylaw (Y=yes, P=partial, N=no)	Notes
<b>Kitimat-Stikine</b>	P	Y	<ul style="list-style-type: none"> <li>8 Zoning Bylaws include Greater Terrace, Kispiox Valley, Lakelse Lake, Skeena Valley, Thornhill, Two Mile, South Hazelton, and Dease Lake plus 2 rural land use bylaws.</li> <li>A building permit is required for all lands covered by an official settlement plan, OCP, rural land use bylaw or Zoning Bylaw.</li> <li>This includes principal use structures of any size, any addition to an existing building and any accessory structure greater than 10.0 square meters. Development Procedures Bylaw No. 613, 2012 includes simplified forms.</li> </ul>
<b>Kootenay Boundary</b>	Y	Y	<ul style="list-style-type: none"> <li>Electoral Areas A, B, C and D all have separate OCPs and Zoning Bylaws. Electoral Area E has several OCPs and Zoning Bylaws to address the Big White and Mt. Baldy ski resorts as well as rural areas.</li> </ul>
<b>Mount Waddington</b>	Y	P	<ul style="list-style-type: none"> <li>Separate zoning bylaws apply to all 4 Electoral Areas A, B, C &amp; D including Coal Harbour, Quatsino, Telegraph Cove, Hyde Creek, Alder Bay, Woss, Winter Harbour and Holberg.</li> <li>The Building Bylaw is limited to the community of Coal Harbour and excludes structures regulated under Part 1 and Part 3 of the Building Code (i.e. commercial, multi-family and industrial).</li> </ul>
<b>Nanaimo</b>	Y	Y	<ul style="list-style-type: none"> <li>Zoning Bylaw 500 applies to Electoral Areas A, C, E, G, &amp; H.</li> <li>Zoning Bylaw 1285 applies to Electoral Area F.</li> </ul>
<b>North Coast</b>	P	N	<ul style="list-style-type: none"> <li>OCPs apply to Graham &amp; Moresby Islands on Haida Gwaii and Dodge Cove on Digby Island. OCPs but not zoning are under consideration in Electoral Areas A and C.</li> <li>Zoning Bylaws (2) apply to Electoral Areas D and E on Haida Gwaii.</li> </ul>
<b>North Okanagan</b>	P	Y	<ul style="list-style-type: none"> <li>Zoning Bylaw states "The provisions of this bylaw shall apply to the land within the boundaries of Electoral Areas B &amp; C (except for that part of Electoral Area C that is covered by the "Silver Star Mountain Official Community Plan Bylaw No. 1332", 1995) and to Electoral Areas D, E &amp; F.</li> </ul>
<b>Okanagan-Similkameen</b>	P	P	<ul style="list-style-type: none"> <li>RDOS has separate Zoning Bylaws in 8 of 9 Electoral Areas (A, C, D, E, F, G, H &amp; I). Zoning applies to few properties in Electoral Area G and none in Electoral Area B.</li> <li>The Building Bylaw applies to all Electoral Areas except B and G.</li> </ul>
<b>Peace River</b>	P	Y	<ul style="list-style-type: none"> <li>Five Zoning Bylaws apply to settlement areas within the 4 Electoral Areas.</li> <li>Building bylaw applies to all 4 Electoral Areas B, C, D, &amp; E.</li> </ul>
<b>Squamish-Lillooet</b>	Y	Y	<ul style="list-style-type: none"> <li>Each of the four Electoral Area has a separate Zoning Bylaw.</li> </ul>
<b>Strathcona</b>	P	P	<ul style="list-style-type: none"> <li>The 4 Electoral Areas have 4 OCPs and 7 Zoning Bylaws.</li> <li>Building regulation is limited to Electoral Area D.</li> <li>Electoral Areas A, B and C do not require building permits.</li> <li>The building permit application form is straightforward.</li> </ul>
<b>Sunshine Coast</b>	Y	Y	<ul style="list-style-type: none"> <li>There is one Zoning Bylaw for Electoral Area A and a second Zoning Bylaw for Electoral Areas B, D, E, and F. This Zoning Bylaw is currently being updated. There is no Electoral Area C.</li> <li>Each Electoral Area has a separate OCP.</li> </ul>
<b>Thompson-Nicola</b>	Y	Y	<ul style="list-style-type: none"> <li>Zoning Bylaw applies to the regional district's electoral areas.</li> </ul>

\* CRD, Fraser Valley, GVRD, Northern Rockies Regional Districts and Stikine Region not included.

### 4.4.3 Planning Resources

Planning resources vary greatly from one regional district to another. This is to be expected as the Letters Patent (letters patent establish the framework by which a municipality or regional district is created), electoral area population and expectations of electors vary greatly from one jurisdiction to another. The key variables are the electoral area population and the desired level of land use regulation.

Comparing planning resources is challenging as the organizational structure of each regional district varies considerably from one to another. Where the electoral area population is under 10,000, the organizational structure is often simplified or outlined as combined services and separate departments may not exist. Where the electoral area population exceeds 15,000, separate departments occur in all regional districts. Planning services are a standalone function in some regional districts but are linked with building inspection services and land development services in other regional districts. Also 10 regional districts in B.C. have a regional growth management function which requires increased planning resources.

Although the Union of BC Municipalities provides numerous services on behalf of its member municipalities, neither the UBCM nor the Province of B.C. have a central registry of planning and related resources that would enable a comparative analysis. However, the Squamish-Lillooet Regional District undertook a survey of Planning and related staff resources in 2018. This survey included geographical information system and mapping resources staff as well as bylaw enforcement and building inspection staff. Although not all regional districts responded, an update of coastal regional districts north of Metro Vancouver on the mainland and north of Nanaimo on Vancouver Island was undertaken in 2020 by the Arlington Group Planning Inc.

That survey provides a profile of 10 regional districts including the qathet Regional District. The following table includes the number of electoral areas, total 2019 regional district population estimated by BC Stats, and 2019 electoral area population estimated by BC Stats. The breakdown in planning staff is divided into five functions consisting of management, non-management planning, GIS/mapping, bylaw enforcement and building inspection positions. There is considerable variation in



▲ Ditch catchment along road in Area A

the organization of regional districts as well as job titles so size of planning staff resources by regional district should be considered approximate, not precise. Also, some sharing of staff takes place between regional districts and municipalities, primarily building inspectors.

The table indicates that most regional districts have substantially larger planning and land use management resources than in the qathet Regional District. This is to be expected given the wider range of land use planning services in other regional districts as documented in sections 4.4.1 and 4.4.2. Only the Squamish Lillooet Regional District has a similar electoral area population. Three regional districts have a much lower electoral area population and five have a much higher electoral area population.

There are three regional districts with fewer planning and land use management resources. The Mount Waddington and North Coast Regional District each have one full time staff (FTE) in a planning capacity and the Central Coast Regional District has 0.5 FTE. Each of these three regional districts has approximately one half the electoral area population as the qathet Regional District. In the North and Central Coast Regional Districts, zoning does not apply to all electoral areas and building permit services are not provided. In Mount Waddington Regional District, zoning applies in all electoral areas while the Building Bylaw is limited, both geographically and in the scope of regulated activities.

All other coastal regional districts with a larger electoral area population also have significantly larger planning and related staff. The Squamish Lillooet Regional District has three planning staff, the Strathcona Regional District has four planning staff, the Sunshine Coast and Alberni Clayoquot Regional Districts each have five, and the Comox

Regional District has eight. The larger planning complement in the Comox Regional District reflects its electoral area population of nearly 25,000 and includes a sustainability planner, division into current and long-range planning and management of the regional growth strategy.

All the regional districts with a similar or larger electoral area population include building inspection, bylaw enforcement and GIS functions. Total planning and related staff consist of 7 in the Strathcona Regional District, 9 in the Alberni Clayoquot Regional District, 11 in the Squamish Lillooet Regional District, 16 in the Sunshine Coast Regional District and 18 in the Comox Regional District. As previously noted above, the numbers vary according to the electoral area population and the range of planning related



▲ Debris flow in Roberts Creek area - SCRD.

Source: Coast Reporter

services undertaken. The main areas where additional staff are deployed in these regional districts are building inspectors to administer the Building Bylaw and planners to administer the Zoning Bylaw and other land use regulatory bylaws. To a lesser extent, additional resources are also provided for GIS services and bylaw

enforcement. Overall, the number of planning and related staff ranges from 7 to 18 persons in other regional districts.

Building inspection is one area where services may be shared between a regional district and a component municipality. In the Comox Regional District, building inspection services are provided to the Village of Cumberland on a fee for service basis. A similar arrangement occurs in the Regional District of Okanogan Similkameen, where building inspection services are provided to the Village of Keremeos. The Mount Waddington Regional District has a contract with the District of Port Hardy to provide building inspector services to the community of Coal Harbour. The service is cost neutral with no tax requisition. The fees are designed to cover the District of Port Hardy building inspection charges as well as the regional district's administration costs. Fees are monitored throughout the process and if costs exceed the application fee, an additional fee is collected before the final inspection and issuance of an occupancy permit. A fourth example of shared building inspection services is in the Cariboo Regional District where the South Cariboo office of the regional district, located in the District of 100 Mile House, has provided building inspection services to

the District of 100 Mile House. In each case, one jurisdiction has found it advantageous to contract for building inspection services with an adjacent local government. This typically occurs where one jurisdiction does not have the need for a full-time building inspector so there are efficiencies for both local governments as well as in recruiting specialized labour.

The Regional District of Okanagan Similkameen has used a 'Siting and Use Permit' for the two electoral areas where a zoning bylaw is in place but not building regulation. There, an approval is required prior to construction and if compliant with zoning, an authorization is issued. This is similar to an approval used by the Islands Trust where zoning applies but not building inspection.

Bylaw enforcement is another area where one enforcement officer may be responsible for all local government departments. Several regional districts also have part-time bylaw enforcement officers. In many regional districts, compliance is based on education and community 'self-management' with bylaw enforcement complaint driven. This keeps local government costs down although it can be a drawback for building construction where a Building Bylaw is not in place.



▲ Okeover Inlet looking north with Malaspina Peninsula to left, Electoral Area A

**TABLE:** Comparative planning functions within regional districts in B.C.

		qathet	Squamish Lillooet	Sunshine Coast	Alberni Clayoquot	Comox	Strathcona	Mount Waddington	Central Coast	North Coast	OK Similkameen
	Regional District Population*	21,102	46,357	31,810	33,315	64,642	49,085	11,667	3,584	19,303	89,075
	Electoral Areas Population*	7,252	6,990	15,330	10,228	24,953	11,175	3,801	3,584	3,815	24,822
	Number of Electoral Areas	5	4	5	6	3	4	4	5	4	9
FUNCTION/POSITION											
Planning Management	Gen. Manager Planning & Dev.			1	1	1					
	Manager of Planning/ Com. Serv.	1				1	1				1
	Director/ Man. Planning & Dev.		1					1			1
	Assistant Manager						1				
Planning/Development	Senior Planner		1	2							
	Planner I		1	1		1	1				1
	Planner II					2	1				1
	Planner	1			2	2			0.5	1	
	Sustainability Planner					1					
	Junior Planner				1						
	Dev. Services Assistant/Clerk										1
	Planning Tech.			1							2
	Planning Assistant				1						
Bylaw Enforcement	Bylaw Enforcement Manager					1					
	Bylaw Enforcement Officer		0.5	2	1	2	0.5				2
	Dog Control										1
GIS	Mapping & Comm. Coord.										1
	GIS Manager										1
	GIS Coordinator			1							
	GIS Technician/Analyst/Asst.	0.25	1	2		2	1				3
	911 Mapping/Database Coord.				1	1					
Building Inspection and Administration	Manager Inspect. & Enforcement					1					1
	Chief Building Inspector		1	1							
	Senior Building Inspector			1							
	Building or Plumbing Inspector		0.75	3	1	3	0.6				4
	Property Services Rep.				1						
	Building Dept. Sec./Admin. Asst.		0.5								2
	Administrative Assistant		0.5	1				0.5			1
	Senior Building Clerk		1								
Total Full Time Equivalent Positions		2.25	8.25	16	9	18	6.1	1.5	0.5	1	23
Total Planning & Land Use Positions		3	11	16	9	18	7	2	1	1	23

\* 2019 Estimate BC Stats

# 5.0 Going Forward

*This section provides a number of factors for the qathet Regional District to consider with respect to additional land use regulations or controls.*

## 5.1 GUIDING PRINCIPLES

Guiding principles provide a useful framework for consideration of additional regulations. The following guiding principles in order of their priority are proposed when developing additional land use regulation in the qathet Regional District:

- Public Safety – public safety is of upmost importance and is prioritized over all other considerations. This particularly concerns the protection of development from hazards.
- Public Support – any new regulatory initiative should have public support based on demonstrated need from each applicable electoral area. A public hearing is a formal test of public support. However public consultation should proceed the undertaking of new land use regulation, both to inform and educate the public on regulatory benefits and costs and to gauge their response to implementation.
- Cost effective – the benefits of new land use regulation should clearly exceed the costs
- Equitable – the costs of new land use regulation should be distributed as equitably as possible
- Transparent – any new land use regulation should be open and preferably measurable
- Appropriate scale – any new regulatory procedure should be sized to meet the needs of the qathet Regional District. The land use regulation may not be required throughout the Regional District or in all electoral areas. A limited geographic area or project size may be appropriate with expansion at a later date based on need and evaluation of the initial implementation



▲ Electoral Area C coastal development

## 5.2 SUMMARY OF COSTS AND BENEFITS

The benefits of the four key land use regulations are indicated in sections 4.1.1 to 4.1.4. In the most general sense, the benefit of land use regulation stems from the fact that land is not unlimited; it is a scarce resource that requires stewardship and protection. The drawbacks of land use regulation concern cost, implementation time and need.

The following table provides a summary of costs and benefits.

**TABLE:** Summary of costs and benefits of land use regulations

REGULATION	BENEFITS	COSTS
<b>OCP</b>		
<i>There is general agreement that OCPs are needed although they are not mandated by the Province of B.C.</i>		
<b>Zoning Bylaw</b>		
<i>Implemented in all regional districts in B.C. but not in all electoral areas or geographical areas of regional districts. Areas without zoning are typically remote areas, settlements with a small dispersed population, or areas where provincial land use legislation does not apply.</i>	<ul style="list-style-type: none"> <li>• Manages growth and development</li> <li>• Enables public to be informed about land use change</li> <li>• Reduces risk of land use conflict</li> </ul>	<ul style="list-style-type: none"> <li>• Start-up cost (i.e. preparation of zoning bylaw, public consultation, contacting consultants, etc.)</li> <li>• On-going maintenance (i.e. informing the public, processing applications, updating the zoning bylaw, etc.)</li> </ul>
<b>Building Bylaw</b>		
<i>Takes place in all but two other regional districts in B.C., North Coast and Central Coast. Mount Waddington, Strathcona, Columbia-Shuswap, and Okanagan Similkameen Regional Districts have Building Bylaws which do not apply to all electoral areas or limited parts of one or more electoral areas.</i>	<ul style="list-style-type: none"> <li>• Oversight on compliance with the BC Building Code</li> <li>• Building inspection services,</li> <li>• Submission of plans showing the location of a building on a property</li> <li>• Public documentation of building plans and costs</li> <li>• Timely updating of the Assessment Roll</li> <li>• Objective indicator of economic activity</li> <li>• Cost of building regulation may be recovered through application fees</li> </ul>	<ul style="list-style-type: none"> <li>• Whether or not a building bylaw is in place, the requirement for new building construction to comply with the BC Building Code remains.</li> <li>• Cost of plan checking and building inspection services</li> </ul>
<b>Subdivision Servicing Bylaw</b>		
<i>Subdivision regulation takes place in all regional districts. All Approving Officers are MoTI employees and follow Provincial legislation as a default position.</i>	<ul style="list-style-type: none"> <li>• Local regulation beyond the scope of the Local Services Act</li> <li>• Enables variable servicing standards in different areas depending on an assessment of local needs and requests</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of hiring local staff to administer the bylaw. These costs can be partially or largely covered through servicing fees.</li> </ul>



OCPS, zoning bylaws, building bylaws, and subdivision servicing bylaws have several significant benefits for qathet Regional District. Other available land use regulation tools generally have more limited benefits compared to the four noted above. For instance, the following regulations are not considered needed at present, or represent refinements that should be considered at a later date:

- Business licencing may have potential, mainly in urban fringe areas, but should not be considered before zoning is adopted.
- The existing subdivision regulation process is working well and the need to supplement the *Local Services Act* in the short to medium term is not apparent.
- Stormwater management can be partially addressed through the subdivision regulation process and in consultation with MoTI.
- Flood hazard management is considered a higher priority, but incorporation in a zoning bylaw, rather than a separate bylaw, is preferred.
- A tree cutting bylaw occurs in most urban municipalities but has more limited merit in rural areas, particularly where forestry is a major industry.
- Most DPAs to regulate development have little applicability to the qathet Regional District except for the protection of development from hazardous conditions, but this would be difficult to implement without either a Zoning Bylaw or a Building Bylaw.

▲ Sturt Bay Marina, Electoral Area D

### 5.3 RECOMMENDATIONS / NEXT STEPS

It is recommended that the Regional District consider a selective and phased approach to ramping up its land use regulatory framework with an initial focus on public information with respect to land hazards and public consultation on zoning and building regulation as priorities.

The following roadmap provides an outline of recommended next steps for qathet Regional District to increase its regulatory framework to meet the changing needs of this area.

#### PHASE 1 (2020)

- Undertake public consultation<sup>6</sup> in Electoral Area C to provide options that include the benefits and drawbacks of:
  - Creating a Zoning Bylaw for the Douglas Bay Area;
  - Creating a Zoning bylaw for the Pine Tree Area;
  - Creating a Zoning Bylaw for Area C that includes the settlement corridor along Highway 101;
  - Creating a Zoning Bylaw for all of Electoral Area C; or
  - Retaining the status quo (i.e. no zoning for Electoral Area C).
- Undertake public consultation in Electoral Area B to provide zoning options that include the benefits and drawbacks of:
  - Updating the three existing neighbourhood zoning bylaws to broaden their regulatory role with no change in their geographical scope;
  - Creating a new zoning bylaw for Area B that includes the settlement corridor along Highway 101 including the three existing neighbourhoods with zoning bylaws;
  - Creating a new zoning bylaw for all of Electoral Area B; or
  - Retaining the status quo (i.e. no change).

#### PHASE 2 (2021-2022)

- Retain a planning consultant to undertake a new or updated Zoning Bylaw in Area B depending on the results of the consultation process in Phase 1.
- Retain a planning consultant to undertake a new Zoning Bylaw in Area C depending on the results of the consultation process in Phase 1.
- Incorporate the Province of B.C. Flood Hazard Land Management Guidelines in the above zoning bylaw(s) if the geographical scope includes the settlement corridor along Highway 101 or develop a separate flood plain management bylaw to address these flood risks in Electoral Areas A, B and C.
- Additional investment for human resources will be necessary for implementation of increased regulatory controls. This should include discussion with the City of Powell River concerning contracting for building permit approval and inspection on a fee for service basis starting with voluntary inspection upon request. A similar approach could take the form of a pilot project with qathet Regional District contracting with the City of Powell River to provide building permit and inspection services for new construction over x dollars (1 day/week) in areas where zoning bylaws exist.
- Undertake public consultation on the benefits and drawbacks of adopting a Building Bylaw in Electoral Areas A, B and C. Depending on the results of the public consultation, a Building Bylaw could be phased in over several years based on areas where existing zoning bylaws

<sup>6</sup> It is assumed that public consultation involving public meetings will be deferred to avoid social contact under the present COVID-19 emergency.

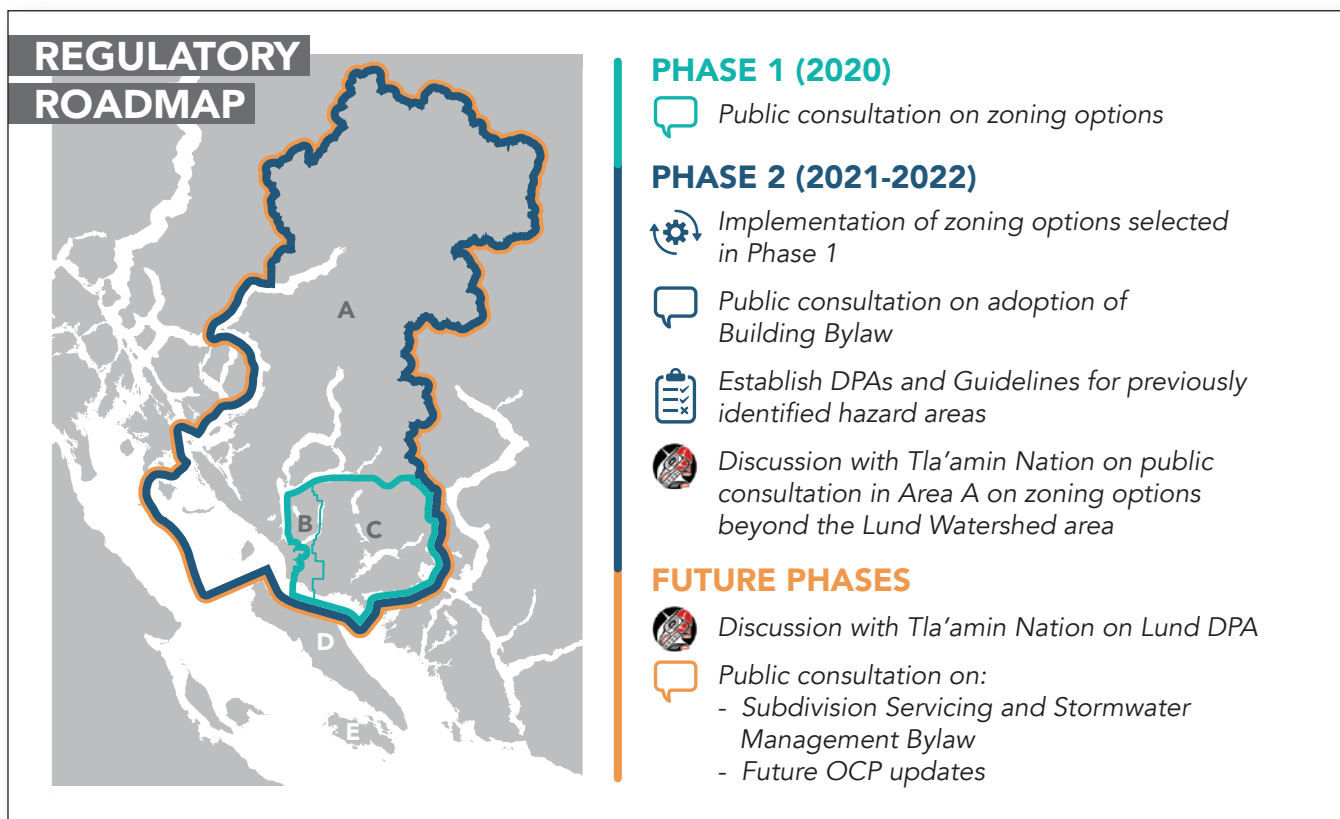
are in place or by Electoral Area. Building Permit inspection could be undertaken through a contracted service with the City of Powell River or by hiring a Plan Checker/ Building Inspector if warranted by demand.

- Establish Development Permit Areas (DPA) and Guidelines for previously identified hazard areas:
  - In Electoral Areas A, B and C where hazards have been identified (see TetraTech EBA and Planterra Environmental Consulting Studies, including steep slope and landslide hazard areas); and
  - Riparian and flood hazard areas.
- Undertake discussion with Tla’amin Nation with the object of undertaking public consultation in Electoral Area A to provide zoning options that include the benefits and drawbacks of expanding zoning beyond the Lund Watershed area.

## FUTURE PHASES

- Undertake discussion with Tla’amin Nation concerning a new form and character DPA and guidelines for the Lund area.
- Undertake public consultation concerning a Subdivision Servicing and Stormwater Management Bylaw for Electoral Areas A, B and C.
- Include public consultation for future OCP updates with a view to including policies to decrease GHG emissions, achieve increased building sustainability on the Energy Step Code, and other available land use regulatory options.

**FIGURE:** Summary of Recommendations



Additional notes and considerations for the above recommend process:

- The Phase 1 and 2 Recommendations and Next Steps can meet Guiding Principles for Public Safety, Equitability, Transparency, and Appropriate Scale, as proposed in section 5.1. Public Support can only be determined through public consultation in each electoral area. Cost effectiveness will require more detailed analysis including how changes are structured.
- A public engagement and educational process will be an important step prior to implementation of any additional regulatory controls in each Electoral Area. This would include both internal engagement (with the Board) and public engagement. Initial internal engagement may include additional information and working sessions with the Board, to provide information and best understand the qathet Regional District's exposure and potential liability with the any current measures and the potential cost, funding and benefits of increased regulatory measures. The purpose of public engagement would be to inform residents of the risks and drawbacks of the current regulatory status quo and identify potential benefits of additional regulatory measures. This would be followed by public consultation to determine the level of public support for a new regulatory approach. Engagement may take several forms and offer a variety of opportunities to provide input, both in person, online or through other methods (focus groups, by phone or video conference, community workbooks, surveys, etc.).
- Current OCP updates should ensure to include the most accurate mapping of land use hazards including the identified landslide, fluvial and other natural hazards in Areas A, B, C and D. Providing the best available information on land use hazards is one of the most important services an OCP can provide.
- With OCP updates, it is also recommended the qathet Regional District adopt DPAs for the landslide and fluvial hazard areas, given the potential impacts of these hazards to the general public, land base and the environment. If enacted as a DPA, the land use regulation is a mandatory requirement before a building permit or subdivision is approved. This would be strongly preferred to voluntary guidelines since this involves the protection of the public.
- As the qathet Regional District lacks the two of the gatekeeper functions necessary for DPAs to be effective; zoning (in most areas) and building regulation, a strong public education program is recommended to inform developers, realtors, persons requesting a new address and the general public on risks and land hazards. Subdivision approval is not a concern as the Approving Officer in all electoral areas is a MoTI employee responsive to recommendations from the Regional Board.



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