

INPUT AND ENGAGEMENT SURVEY FEB. 2024

PIBC Peer Learning Network



PIBC PLANNING
INSTITUTE
OF BRITISH COLUMBIA

**PEER
LEARNING
NETWORK**



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Executive Summary

The **PIBC Peer Learning Network (PLN) Input & Engagement Survey** was developed to provide a point-in-time snapshot of the challenges, concerns, and questions practitioners across BC are facing in regard to implementing the new provincial housing legislation. The survey gives PIBC an opportunity to identify and understand areas where practitioners may require additional support or resources so that PLN activities can be targeted to meet these needs.

The survey provides insight into five areas:

- **Common Challenges and Concerns:** Practitioners across the province share a number of common concerns in regard to implementing the new provincial housing legislation.
- **Resources Requested:** PLN is working to support practitioners by providing peer learning opportunities and links to resources that meet the needs of a broad diversity of communities and practitioners.
- **Legal Considerations:** The provincial legislation has changed the way local governments can regulate housing

density, resulting in legal questions and concerns.

- **Peer-to-peer Learning:** Practitioners have different needs and preferences with respect to peer-to-peer learning, including webinars, in-person learning events, online resources, and networking support.
- **Additional Feedback and Future Opportunities:** PLN has received suggestions about additional resources and supports that could assist practitioners around BC in their work.

The survey was open for input from February 5 -16, 2024 and received 189 responses from planners and planning managers, developers, building officials, local government administrators, consultants, housing providers, builders, and allied organizations (e.g., LGMA, UBCM, CHBA-BA, BOABC, etc.).

The results of this survey will be used to guide the development of PLN resources and peer learning activities. There will be additional opportunities to provide input throughout the coming months.

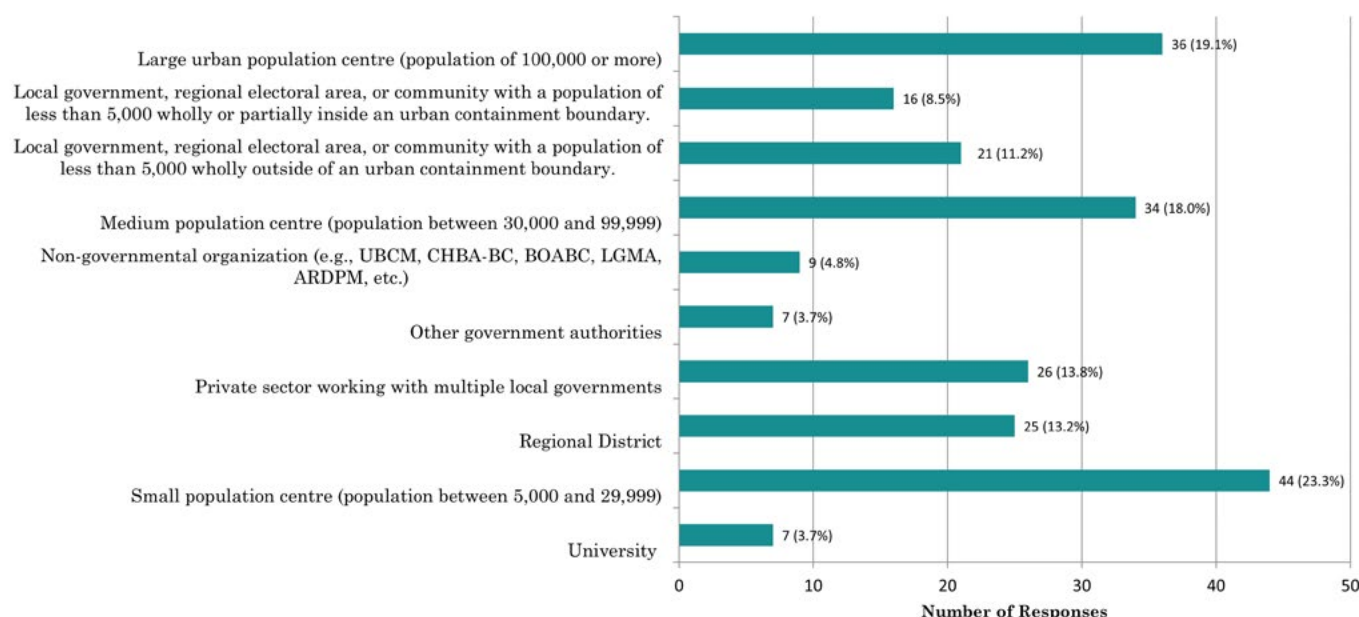
Snapshot of Survey Respondents*

Planner	65.1%	Housing Provider	2.6%	Policy Analyst	1.1%
Planning Management	29.1%	Developer/Builder	2.6%	Other Professional Organization	1.1%
Consultant	20.6%	Academic/Research	2.1%	Councillor/Politician	0.5%
Local Government Administrator	6.3%	Building Officials/Approving Officers	1.6%	Engineer	0.5%

*Some respondents work across multiple roles and therefore selected multiple responses.

The PLN engagement survey received 189 responses from practitioners and interest holders across British Columbia, including planners, planning managers, consultants, local government administrators, housing providers, and developer/builders. Additional responses were received from a broad range of allied professionals, including engineers, approving officers, academics and researchers, land

economists, community designers, policy analysts, and a citizen-resident. Responses were received from practitioners working in various community sizes and types across BC, including the Lower Mainland, Fraser Valley, and the Sunshine Coast (53.4%), Vancouver Island (31.2%), Okanagan and Interior BC (19.6%), Northern BC (13.2%), Kootenay and Rocky Mountains (12.7%), and the Gulf Islands (1.1%).



Common Challenges and Concerns

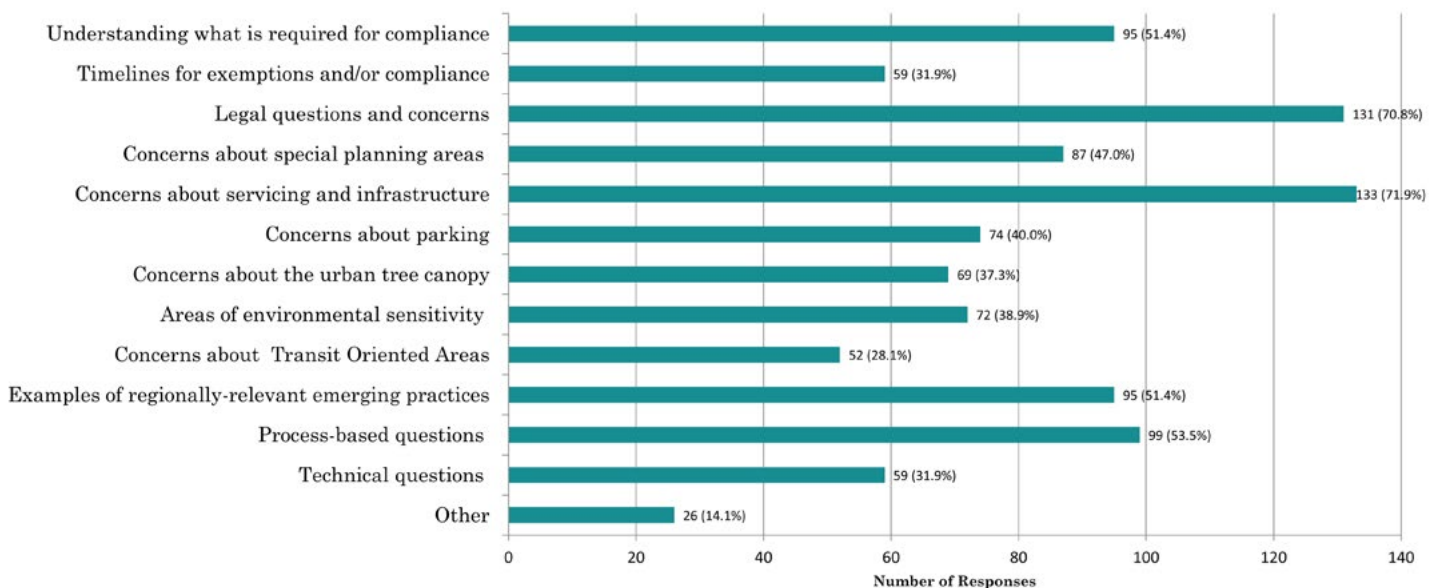
Practitioners across the province are facing a number of common concerns and challenges with respect to implementing the new provincial housing legislation. Key concerns can be categorized into eleven general areas:

- Understanding requirements and timelines for compliance;
- Legal questions;
- Special planning areas and agreements;
- Servicing and infrastructure;
- Environmental considerations;
- Parking and traffic demand management;
- Development in Transit Oriented Areas;
- Development Cost Charges;
- Development outcomes;
- Process-based considerations; and
- Technical questions.

Understanding requirements and timelines for compliance

The survey revealed that there is substantial interest in better understanding what is required for compliance with the provincial housing legislation. Additionally, nearly a third of practitioners indicated that they would appreciate clarification regarding timelines for exemptions and/or compliance. A number of respondents requested zoning bylaw templates, Council report templates, and examples of zoning bylaws that meet the SSMUH legislative requirements.

Respondents expressed concerns with respect to adequately staffing and resourcing bylaw updates, especially in light of the tight timelines. This issue is particularly pressing for local governments and regional districts with populations under 5,000 who may have limited staff capacity.



Legal questions

Local governments are required to address many legal considerations when updating zoning bylaws and other regulations to comply with new provincial requirements. The survey revealed that respondents are facing significant legal questions and concerns with respect to the new and complex provincial housing legislation. In response to the immediate need for legal advice, PLN hosted an “Ask a Lawyer” webinar on February 23, 2024. Participants were asked to submit questions to be answered by a panel of planning lawyers. The webinar was well-attended, with over 300 participants registered. The webinar can be viewed online at:

<https://www.youtube.com/watch?v=afhF6u4tVs>

PLN compiled all the questions and answers from the webinar into a searchable Q&A document. The Q&A, along with the presentations given at the beginning of the webinar, is available on the PLN webpage at: <https://www.pibc.bc.ca/pln>

Special planning areas and agreements

The new provincial housing legislation has resulted in some uncertainty regarding special planning areas and agreements. Nearly half of respondents noted concerns about niche situations such as development on Agricultural Land Reserve lands, heritage properties, hazard areas, and special planning zones covered under an existing or future development permit area. Additional questions about covenants, subdivision, and stratas (e.g., bare land stratas) were also raised, particularly with respect to how existing and future agreements should be managed.

Several respondents also noted the need to develop strategies to address affordable

housing, expressing the concern that the legislation may reduce local governments’ ability to achieve more affordable units through density bonusing, housing agreements, and other tools.

Servicing and infrastructure

Over 70% of respondents noted concerns about servicing and infrastructure that could result from updates to zoning bylaws in compliance with the new housing density requirements. In particular, practitioners noted concerns about lands serviced by community water systems or neighbourhood level sewage systems where there is limited or no capacity for new connections.

Comments were received concerning impacts on the provision of schools, fire stations, hospitals, and other local services and amenities required to support increased density. Likewise, some practitioners raised concerns about road dedications and infrastructure requirements to support access to new developments. Questions and conversations relating to the provision and funding of service and infrastructure upgrades will remain an important consideration as local governments work toward implementing the new housing legislation.

Environmental considerations

The survey revealed that nearly half of respondents are facing challenges with respect to managing areas of environmental sensitivity. These areas include, but are not limited to, riparian areas, forested areas, areas with unstable soils, flood areas, and rare or at-risk habitats or ecosystems. Practitioners note that there is uncertainty about how local governments will create and manage environmentally sensitive areas through development permit areas and covenants under the new housing legislation.

Parking and transportation demand management

The new provincial housing legislation introduces a number of rules and recommendations regarding parking in residential areas and Transit Oriented Areas. The survey indicated that 40% of practitioners have concerns about how to manage parking in communities that are now required to permit additional residential density. Additionally, several practitioners noted the need for more information about exploring transportation demand management measures in-lieu of parking allowances in Transit Oriented Areas.

Development in Transit Oriented Areas

The new provincial legislation will require some municipalities to designate Transit Oriented Areas (TOAs) within a prescribed distance of transit hubs. In these areas, local governments are required to ensure minimum levels of density and remove restrictive parking minimums for off-street residential parking. The survey revealed that nearly 30% of practitioners have concerns about what this means for TOA development in their communities. Concerns were raised regarding community amenity contributions, amenity cost charges, and development control charges within TOAs. Practitioners also noted concerns about securing and maintaining non-market housing within TOAs.

Development Cost Charges

The new provincial housing legislation makes changes to the way development cost charges and development cost levies are designed and managed. Under the new rules, local governments may allocate funds collected from homebuilders to support additional local services and infrastructure, such as fire halls, police facilities, and solid-waste facilities to support the new

residential development. Several respondents provided comments relating to the impacts of these approaches on density bonusing and rezoning amenities. A number of respondents also requested template bylaws for amenity cost charges and development cost charges to adopt in communities with populations less than 5,000.

Development Outcomes

The survey provided the opportunity for respondents to enter additional comments and concerns, in addition to those listed. PLN received several comments outlining practitioners' concerns about the impact of the new housing legislation on development. While pressures on planning staff and practitioners in light of the tight timelines are widely recognized, several respondents also noted downstream pressures that could result from increased density entitlements. Respondent asked how local governments could attract builders to construct future development, noting challenges in accessing licensed builders and skilled trades.

Process-based considerations

Over half of survey respondents noted that they were facing process-based challenges, including how to address in-stream applications and how to address public hearing requirements and prohibitions. The survey comments revealed additional concerns about overriding OCPs, particularly when density entitlements are substantially increased under the new housing legislation.

Several participants also identified the need for coordination between different departments that are working on implementing the legislation from distinct disciplinary silos, including how local governments can reduce the cumulative weight of regulations and internal processes resulting from the new housing legislation.

Technical questions

Nearly one third of survey respondents indicated that they have technical questions relating to the development and construction of new housing under the new legislation. Noted concerns include how to interpret and address Building Code requirements, and how to apply for exemptions based on a hazardous condition assessment.

Resources Requested

PLN is currently developing a digital knowledge hub to help practitioners in implementing the new provincial housing legislation. Survey respondents were asked which resources would be most useful to support them in these efforts. In addition to those listed below, respondents identified a number of additional resources that would be of use to practitioners, including:

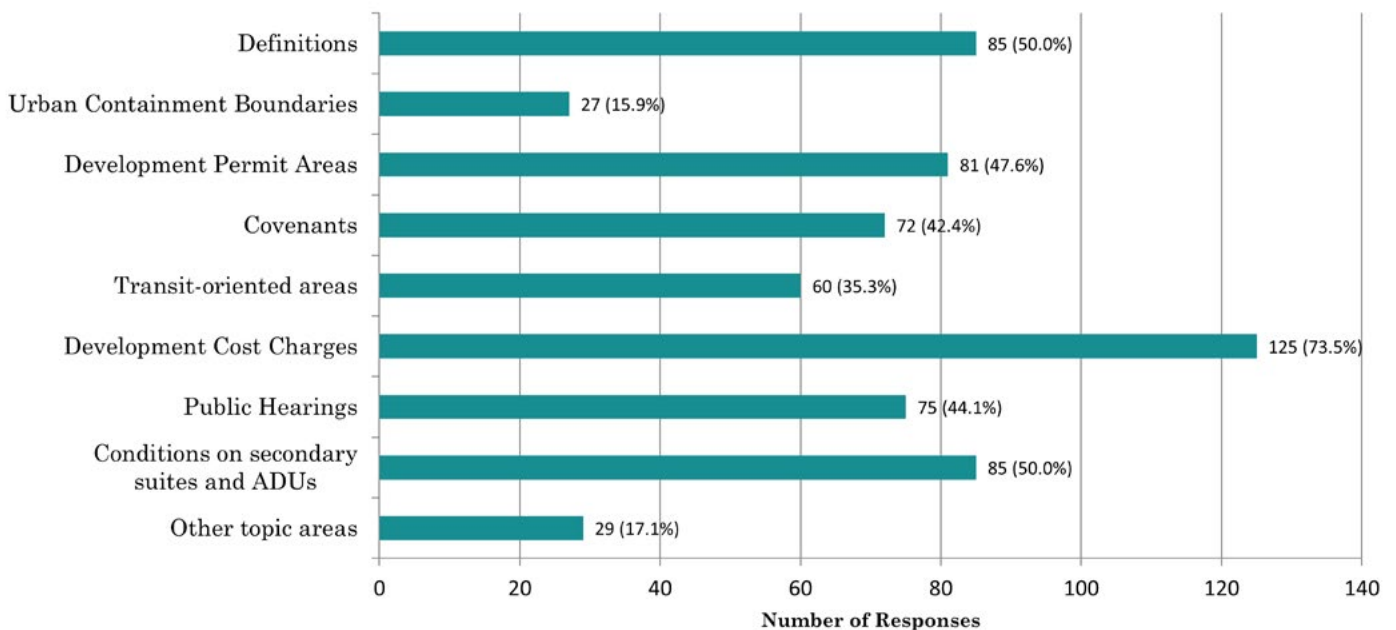
- Guidance for rural communities with populations under 5,000;
- Province-wide GIS planning tool;
- Communication materials about housing and density to support community education and awareness;
- Model bylaws and model policy language; and
- Webinar series with Q&A components.



Legal Concerns

Local governments are required to address many legal considerations when updating their regulations to comply with the Province’s new housing legislation. The survey asked respondents to identify which legal questions were of greatest interest for inclusion in a planned legal webinar. Survey participants were given the opportunity to add additional topic areas for consideration. A broad range of additional legal topic areas were submitted, including:

- Subdivisions and stratas (including bare land stratas);
- Development Permit Areas and Phased Development Agreements;
- Impacts on zones that allow agricultural or other working landscapes;
- Compliance and exemption requirements, including rural land use bylaw exemptions;
- Penalties for non-compliance;
- Zoning and density minimums, including pre-zoning risks;
- Rental tenure zoning;
- Housing agreements, inclusionary zoning, and affordability considerations;
- Concerns about lot sizes in respect to single-floor dwellings and the ability to provide “universal design” for cradle-to-grave aging in place;
- Addressing “local neighbourhood character”;
- Hotels vs resort apartments;
- Site viability issues;
- Heritage properties;
- Rental and non-residential (office/commercial) within TOA areas;
- Managing in-stream applications; and
- Tree and ecosystem protection.



The PLN “Ask a Lawyer” webinar took place on February 23, 2024 and provided an opportunity for practitioners to pose questions to lawyers Bill Buholzer RPP, FCIP, Don Lidstone K.C., and Janae Enns RPP, MCIP in a panel moderated by planning lawyer and PIBC Board member, Lui Carvello RPP, MCIP.

Practitioners who registered to attend the webinar were asked to submit questions, which were cross-referenced with topics identified in this survey. Where additional legal topics or questions were identified by survey respondents, these were added to the list of questions provided to the legal panel.

PLN has compiled all the questions and answers from the webinar into a searchable Q&A document, available for download from the PLN webpage at: <https://www.pibc.bc.ca/pln>

The full webinar can be viewed online at: <https://www.youtube.com/watch?v=afhF6u4tVs&feature=youtu.be>

Due to the significant participation and positive feedback regarding this webinar, PLN will organize additional legal webinars in the near future. PLN is also ensuring that there is a lawyer present at all forthcoming in-person peer-to-peer learning events to support practitioners as they work to update their regulations and implement the new provincial legislation.

Quickscribe

PIBC has partnered with Quickscribe Online (CivicLaws) through April 1, 2024, to support practitioners in finding answers to legal questions and concerns relating to the new housing legislation. This service allows practitioners to navigate, research, understand, and keep tabs on relevant

annotated local government legislation and related information.

Quickscribe includes an “Ask Bill” (Buholzer) feature that will provide practitioners with legal guidance regarding the new planning and land use reforms. Quickscribe has also introduced a fully searchable version of the SSMUH and TOA policy manuals, as well as annotations of the legislation and policy manuals.

Practitioners can visit the PLN webpage for information on how to access a free trial of Quickscribe. For those unfamiliar with the tool, Quickscribe has created a tutorial webinar specifically directed toward planning practitioners, which is linked on the PLN webpage. Both the webinar and access information can be found on the PLN webpage under “Quickscribe Online” at: <https://www.pibc.bc.ca/pln>

Legal Hotline

To support local governments as they update their regulations to comply with the new housing legislation, PLN is exploring the option of launching a legal “hotline” where practitioners can submit a written question and receive a verbal response. The survey indicated that nearly 63% of respondents would be interested in taking advantage of a legal hotline and 55% of respondents would be interested in using a planning hotline. PLN will explore the feasibility of these options as part of the resources offered to practitioners across BC.

Peer-to-Peer Learning

PLN is currently organizing a number of virtual and in-person peer learning events where local governments, practitioners, and others can come together to learn, share emerging practices, and participate in facilitated discussions regarding implementation of the new provincial housing legislation. While the survey revealed a strong preference for issue-based webinars (70% of responses), nearly half of survey respondents indicated that they would be interested in attending a half-day, in-person peer learning event and nearly 40% of respondents were interested in attending a full-day event.

In-person Peer Learning Events

Over half of respondents (56%) indicated that they were interested in participating in region-specific peer learning events. Recognizing that needs, challenges, and approaches are context-specific and will vary by region, PLN is currently organizing a number of regional, in-person peer learning events serving Northern BC, Okanagan and Interior BC, Lower Mainland and the Sunshine Coast, Vancouver Island, and the Kootenays. These events will be free to attend and eligible for professional learning (CPL) credits. The events are not limited to PIBC members and will be open to anyone working on implementing the housing legislation across the province.

Information about upcoming regional events will be circulated via the PIBC Chapters, allied organizations (e.g., UBCM, LGMA, CHBA-BC, BOABC, etc.), and will be posted to the PLN webpage at: <https://www.pibc.bc.ca/pln>

Virtual Peer Learning Events

The survey highlighted the desire for a broad range of virtual learning events and opportunities for online, peer-to-peer discussion. Sixty percent of respondents indicated that they would be interested in topic-based peer learning. Recognizing the differing needs of small communities versus larger communities with designated TOAs, 49% of respondents were interested in events organized by community size, including events targeted toward regional districts and resort communities. To ensure the accessibility and practicality of these events, PLN is exploring the delivery of a number of virtual events.

Information about upcoming virtual events will be circulated via the PIBC e-news bulletins, through partner organizations (e.g., UBCM, LGMA, SHBC, CHBA-BC, BOABC, etc.), and via the PLN webpage at: <https://www.pibc.bc.ca/pln>

Working Groups

Over half of survey respondents indicated their interest in participating in ongoing, regional peer-to-peer working groups to share information and resources, and support their regional neighbours as they complete any necessary bylaw updates. This approach could support local governments struggling with capacity challenges, while also facilitating coordination of bylaws and approaches across regions and between neighbouring communities. A number of informal working groups are already underway and PLN will explore options to support practitioners in finding and/or creating additional region or topic-specific collaborations.

Additional Feedback

As part of the survey, PLN provided the opportunity for respondents to submit additional comments about specific resources or supports that could be provided by the PLN to facilitate peer-to-peer learning across BC. This feedback will be used to guide the future development of the Peer Learning Network and the resources it provides.

A broad range of comments were received, which have been summarized below. Points highlighted in blue text are currently being planned or are underway:

- Publishing zoning bylaw templates, with legal review, that meet the requirements of the new legislation.
- BC Code interpretation rulings from the Province (like Alberta's Standata system) to ensure interpretations are the same between jurisdictions.
- Further webinars once further regulations come out (e.g., Housing Needs Report updates).
- Gathering information on issues/questions encountered by local governments and presenting this to Province. Obtaining and sharing the Province's responses with local governments.
- Ensure PLN events are free and eligible for continuing education credits.
- Link to and coordinate with UBCM resources on Provincial Housing legislation and regulations.
- Municipal and regional examples of Council and Board reports on the implementation of the new regulations.
- Reviews and articles relating to the new regulations in *Planning West*.
- Develop a 'short course' on planning (like mrsc.org in Washington State) might help to educate key people on planning processes.
- Ensure tools and learning opportunities are inclusive (and promoted) to non-PIBC members.
- Terms of reference and wise management practices for various studies.
- Provide information on how the legislation will apply to ALR lands.
- Provide a space for conversation among professionals (e.g., discussion forums).
- Promote and lobby for the planning profession and sound planning.
- Provide programming that focuses on development application processing. (e.g., internal review wise practices, referrals, and workflow management systems).
- Coordinate regular meetings online or in-person for municipal managers to connect with each other in the same region.
- Advocacy to the Province to coordinate with regional districts and consider the regional role in supporting implementation.
- Provide support for HNR updates and OCP changes.
- Create a wiki style page to let each other ask questions and annotate topics, such as legislation, regulations, and policy manuals.
- Design guidelines for building typologies (e.g., high rise, infill, etc).
- Wise practices when dealing with high water tables.
- Guidance on how to ensure equity in planning

- Opportunities to meet with and collaborate with other municipalities on “lessons learned.”
- Templates for consultant RFPs, explanatory notes for the public, development permit area guidelines.
- Strategies for remaining planning tools that could be used to guide growth and encourage phased growth.
- Ideas for remaining planning tools that could be used to encourage affordable or rental housing.
- Ideas for remaining planning tools for how to acquire land in TOA areas for park land acquisition.
- Indigenous planning opportunities.
- A central Provincial webpage where municipalities can send the public to explain what’s happening and why. It should contain videos. It would be helpful if the Province also created a brochure and a downloadable open house board local governments could use to explain the changes at events.
- Economic/financial analysis of Bill 46 and what it will mean for density bonusing, CAC negotiation, and long-term financing of urban growth.
- Information on servicing new density, including water, sewer, drainage, power supply, fire protection, etc.
- Ability to connect with practicing planners to ask questions and get responses.
- Cross sector collaboration with other sectors impacted by this (engineering association, building code officials, etc).
- A province-wide, unified, integrated data hub. All municipalities in BC could contribute information into a provincial data hub, made accessible to the public, including mapping tools and easy downloads of GIS data.
- Resources to help the public understand the importance of the OCP process.
- A place to share visual aids for public documents (e.g. photos of developments or proposed developments which meet the new legislation in BC) and an inventory of examples of building designs which meet the new legislation and have been ‘pre-approved’ by a local government.
- Collaboration opportunities between local governments of a similar size and complexity.
- Library of documents that are applicable to all municipalities in a single place (e.g., application forms and requirements, design guidelines, geotechnical guidelines, neighborhood plans, OCPs, zoning bylaws, parking bylaws, PLA templates, Charge Document examples, and issued permits w/ terms and conditions).