



File No.: Lasqueti OCP/LUB Review
Project

6500 LTC Work Program

DATE OF MEETING: May 8, 2023
TO: Lasqueti Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
SUBJECT: Lasqueti OCP/LUB Review Project Update

RECOMMENDATION

1. That the Lasqueti Island Local Trust Committee approve the Project Charter Version 5.0, including a new work plan, for the Lasqueti Island OCP/LUB Review Project.
2. That the Lasqueti Island Local Trust Committee direct staff to schedule a meeting between the Lasqueti Island Local Trust Committee and Snaw-naw-as First Nation to discuss the proposed OCP Bylaw No. 98.

REPORT SUMMARY

This report summarizes the steps taken on the Lasqueti OCP/LUB Review Project since it was initiated in 2018, provides an update on the current status of the project, presents a new work plan for LTC approval and flags outstanding tasks to be completed before the bylaw is adopted.

Staff recommend that the LTC endorse the revised work plan (Attachment 2) including the next steps, future project milestones and a timeline with target dates for key milestones. This will ensure the project objectives, as described in the project charter, are achieved. Staff also recommend direction from the LTC for the next steps on a meeting with Snaw-naw-as First Nation.

BACKGROUND

At their meeting on January 23, 2023, the Lasqueti Island Local Trust Committee (LTC) passed the following resolution requesting a status update report on the Official Community Plan (OCP) Review Project:

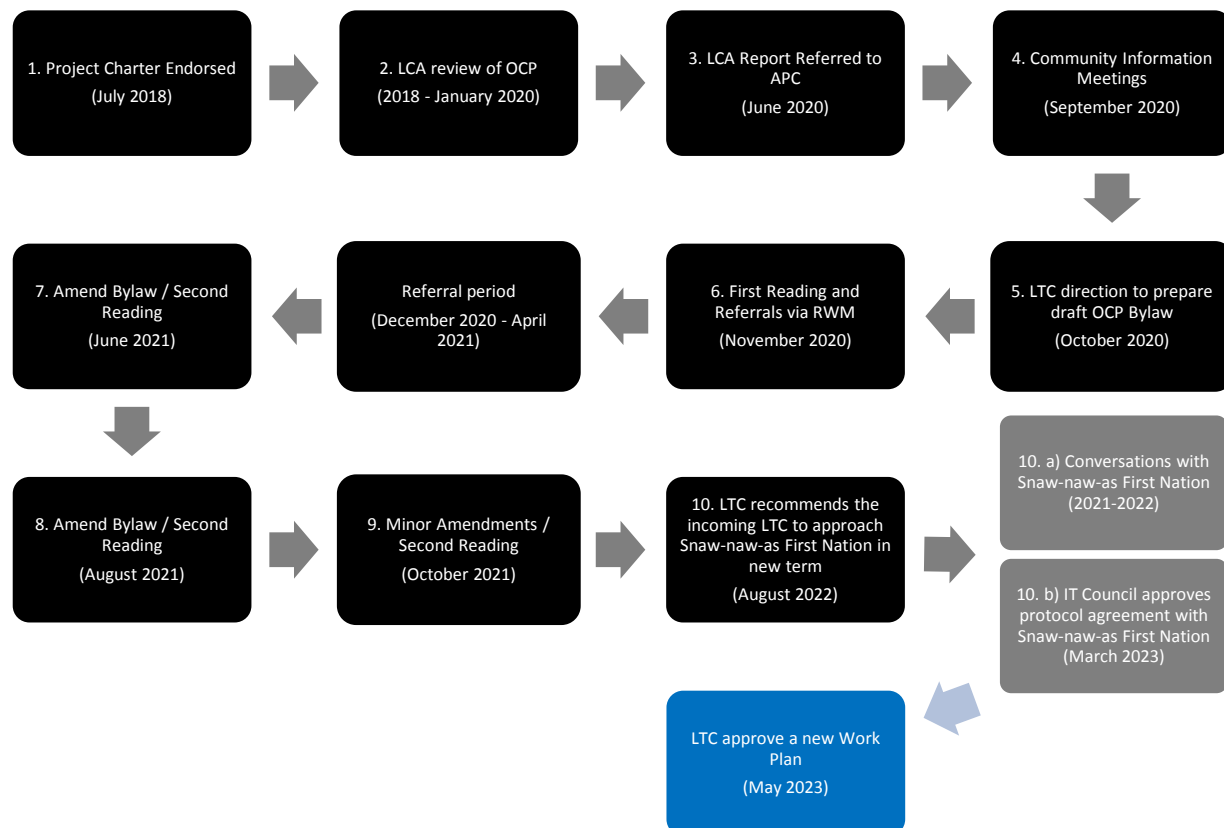
LA-LTC-2023-003

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to prepare a status update report on the 1st Reading draft format of the Official Community Plan Review Project and provide a preliminary analysis of Land Use Bylaw alignment with it.

Staff have prepared this report to update the LTC on the OCP/LUB Review Project and are presenting a new work plan that includes next steps, future project milestones, and a timeline. One of the future steps to be undertaken in the course of the project will be an analysis of the Land Use Bylaw (LUB) alignment with the proposed OCP.

Project Milestones



1. The initial project charter for the Lasqueti OCP/LUB Review Project was endorsed in July of 2018.
2. The Lasqueti Community Association (LCA) was asked to prepare a summary document of community engagement sessions that occurred in 2018/2019, this report was completed in January of 2020.
3. In June of 2020, the LCA report was referred to the Advisory Planning Commission (APC).
4. Two Community Information Meetings were held in September, 2020. One was held in person and one was an electronic meeting.
5. October 2020, the LTC directed Staff to draft a bylaw for consideration of First Reading.
6. In November 2020, the LTC gave First Reading to OCP Bylaw No. 98 and sent the bylaw for referrals to First Nations, other local governments and several agencies.
7. The LTC amended OCP Bylaw No. 98 and gave it Second Reading in June 2021. At this time the bylaw was sent out for referrals once again since significant amendments were made.
8. In August 2021, Second Reading was rescinded, the bylaw was amended and the bylaw was given Second Reading again.
9. In October 2021, minor amendments to the bylaw were made and the bylaw was given Second Reading again. The bylaw has not been amended since this date, and stands at Second Reading as given on October 4, 2021.
10. In August 2022, Bylaw No. 98 was brought to the LTC to consider further amendments and to schedule a public hearing. At that time the LTC stated a desire to reach out to Snaw-naw-as First Nation and did not amend the bylaw. The proposed bylaw currently stands at Second Reading.

- a. From 2021 to 2022, the LTC and Snaw-naw-as First Nation were in communication concerning the proposed OCP Bylaw, however no decisions have been made regarding changes to the proposed bylaw.
- b. In March of 2023, Islands Trust Council approved a protocol agreement with Snaw-naw-as First Nation and referred it to the Ministry of Municipal Affairs for approval.

ANALYSIS

Staff understand that there is a desire for further engagement with Snaw-naw-as First Nation on OCP Bylaw No. 98 prior to advancing the project. The results of this engagement will help form the bylaw into a version that the LTC will consider for final changes and adoption. In addition to this engagement, there are other important considerations that will shape the proposed bylaw. The headings below identify these other factors and provide a brief outline of each. The work plan developed by staff incorporates these factors, clarifies the sequence of events and will help the project proceed on a steady trajectory towards completion.

1) Project Charter – update to work plan

The project charter describes the goals of the project and defines what is within or out of scope for the project. This document provides direction for staff and timelines to complete the tasks contained within the project and is a reminder of what the end product of the project will be. The objectives remains the same in the project charter and under the current version of the project charter (Attachment 1) there is a policy and regulatory review which may drive possible changes to the proposed bylaw so that it is consistent with the Regional Conservation Plan and the Coastal Douglas-Fir and Associated Ecosystems Toolkit. Staff are recommending this review take place in Phase 4 of the work plan and not within the OCP review that is currently underway.

2) Community Interest

From the start of this project, members of the Lasqueti Island community have had a high degree of involvement through engagement sessions held by the Lasqueti Community Association, Community Information Meetings and referrals to the Advisory Planning Commission (APC). Any additional engagement with the community should be identified for future phases of the project as part of the future work plan.

3) Referral Responses – to be completed; revisions anticipated

Referrals were sent to First Nations, Local Governments and a number of agencies in 2020 and in 2021. The proposed Bylaw No. 98 was amended after Second Reading because of comments included in the referral responses. The Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) indicated concerns with some drafted policies which remain unresolved. The Snaw-naw-as First Nation has also expressed concerns with some aspects of the proposed bylaw and it is hoped that the new Protocol Agreement between Islands Trust and Snaw-naw-as First Nation will provide opportunities for further dialog about land use planning matters. Staff are seeking direction to schedule a meeting with Snaw-naw-as First Nation to discuss the proposed OCP Bylaw No. 98.

4) Islands Trust Policy Statement

The LTC passed a resolution affirming that the proposed Bylaw No. 98 is not contrary to or at variance with the Islands Trust Policy Statement. Any further revisions to the proposed bylaw will also need to be consistent with the Islands Trust Policy Statement, and so another review prior to the next Bylaw Reading consideration may be required.

5) *Local Government Act – to be completed; revisions anticipated*

Section 473 of the *Local Government Act* contains requirements for content that must be included within all Official Community Plans that are adopted across the province. Proposed Bylaw No. 98 must contain these legislated requirements and so a review must be completed which may drive further bylaw changes.

6) *Land Use Bylaw (LUB) – to be completed; revisions anticipated*

To this point, the project has focused on updating the Lasqueti OCP, however, OCP policies are implemented through regulatory bylaws such as an LUB. An LUB update is within the scope of the current project charter. Specifically within the scope of this project are, a technical analysis of the LUB, updating subdivision regulations related to proof of water and public access to the foreshore, and updating references to minimum lot sizes at subdivision. Once a new OCP is adopted, the LUB should also be updated to implement OCP policies and to ensure the amended LUB is consistent with the OCP. The new work plan identifies this happening in Phase 3 after the adoption of the OCP.

Work Plan

Staff have drafted a new work plan (Attachment 2) which provides a roadmap to complete the OCP review in two phases. Phase 1 of the project has been completed. The second, and current, phase will complete an OCP review which would be followed by an update of the Lasqueti Land Use Bylaw in Phase 3.

The next step in Phase 2 of the project is to:

1. Resolve the outstanding referral comments that were received from Snaw-naw-as First Nation and FLNRORD
2. Review OCP Bylaw No. 98 for consistency with project charter objectives, Local Government Act requirements, and the Islands Trust Policy Statement
3. Amend OCP bylaw No. 98 and give Second Reading

Staff are seeking specific direction from the LTC in regards to the referral comments received from Snaw-naw-as First Nation. Although steps have been taken to develop a stronger relationship with Snaw-naw-as First Nation through a protocol agreement, at this point there has not been a meeting to discuss possible amendments to the OCP. With direction from the LTC, staff could reach out to schedule a meeting with Snaw-naw-as First Nation to discuss the proposed OCP Bylaw No. 98.

The updated work plans includes a review of the OCP for consistency with the Regional Conservation Plan and Coastal Douglas-Fir and Associated Ecosystems Toolkit as Phase 4. If the LTC wishes to include these steps in the current (Phase 1) OCP review the work plan could be amended at this time. However, a result of this will be an extended time frame for the current OCP review which may not be completed within this 2023/2024 fiscal year.

Next Steps

The Lasqueti OCP/LUB Review Project has been underway for almost five years. During that time a new LTC has been formed and there has been staff turnover resulting in multiple project managers. Given that it is the beginning of a new term and assigned staff are new to the project, it is an appropriate time to recap and thoughtfully confirm the next steps to ensure project charter objectives are achieved, legislative and policy requirements are met, that the community is informed of the project and ways in which they can participate, and to progress the project (phases 1 and 2) so it will be completed with this fiscal year.

Rationale for Recommendation

Staff recommend the LTC approve the work plan included as Attachment 2 next steps and direct staff to schedule a meeting between the LTC and Snaw-naw-as First Nation to discuss proposed OCP Bylaw No. 98. This will ensure the project objectives, as described in the project charter, are achieved.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Lasqueti Island Local Trust Committee request staff provide [insert information].

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Stephen Baugh Planner 2	April 27, 2023
Concurrence:	Renée Jamurat, RPP MICP Regional Planning Manager	April 27, 2023

ATTACHMENTS

- 1. Project Charter
- 2. New Work Plan

OCP/LUB Review Project - Charter v4.5

Lasqueti Island Local Trust Committee

Date: March 2023

Purpose: To review and update the Lasqueti Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations in three phases which supports community participation, the Object of the Islands Trust, strengthens relations with First Nations and addresses community land use planning priorities.

Background: The LTC identified a “Comprehensive OCP/LUB Review” as a top priority project and held an early community information meeting in April 2018 to gather ideas on the scope of the project. Support for the Islands Trust’s “preserve and protect mandate”, including a focus on strengthening relations with Tla’amin Nation and other Nations, are overarching priorities for this review.

Objectives

- Conduct a technical analysis of the OCP and LUB;
- incorporate the results of 2018 engagement sessions held by the Lasqueti Community Association;
- determine where policy/regulatory changes may be required to be consistent with First Nations relations and perspectives; the Local Government Act, and Object of the Islands Trust and Islands Trust Policy Statement; Islands Trust Conservancy ‘Regional Conservation Plan 2018-2027’ goals and priorities, Protection of the Coastal Douglas-fir and Associated Ecosystems Toolkit (2018); and
- Develop an ‘OCP/LUB Engagement Strategy’ to prioritize engagement topics and methodology to be undertaken in Phase 2; and
- Update subdivision regulations related to proof of water and public access to the foreshore.

Phase 2, 3 and 4 Objectives

- Undertake community engagement on engagement topics determined in Phase 1.
- Develop, review, adopt draft amending bylaws to update the OCP and LUB based on Phase 1 analysis and Phase 2 community engagement.

In Scope

Phase 1 In-Scope

- Establish opportunities for inter-governmental collaboration for effective decision making respecting Treaty and First Nations rights throughout both phases of the OCP/LUB review. PENDING
- Planning staff to conduct a comprehensive technical analysis of the OCP and LUB and present findings for LTC consideration. PENDING
- Lasqueti Community Association OCP steering committee to prepare a summary document and presentation to the LTC on the results of the 2018/19 community engagement sessions. COMPLETED

Phase 2 In-Scope

- Update the Project Charter to reflect Phase 2 Scope of Project. COMPLETED
- Work with the Advisory Planning Commission to develop a ‘OCP/LUB Engagement Strategy’ to clarify Phase 2 engagement topics and methodology based on technical analysis and community input to date. COMPLETED
- Implement the ‘OCP/LUB Engagement Strategy’. COMPLETED
- Incorporate First Nation perspectives and recognition of Tla’amin Treaty rights into policy/regulatory options. PENDING
- Develop draft amending bylaws for the Official Community Plan incorporating the Lasqueti Community Association OCP steering committee recommendations. PENDING
- Legislative review, referrals and bylaw adoption of OCP updates PENDING

Phase 3 In-Scope

- Update subdivision regulations related to proof of water and public access to the foreshore.
- Update OCP and LUB with updated references to minimum lot sizes at subdivision to be 10 acres (4.04 ha).
- Legislative review, referrals and bylaw adoption.

Phase 4 In-Scope

- Update OCP in regards to Consistency with the Regional Conservation Plan, Coastal Douglas-Fir Toolkit, and explore remainder topics as recommended by the Lasqueti Community Association OCP Steering Committee

Out of Scope

- Cannabis regulations
- Review of consistency with Housing Needs Assessment
- Review of consistency with Agricultural Land Commission Act

Workplan Overview	
Deliverable/Milestone	Date
Phase 1: LTC endorses revised project charter	May 2019 COMPLETED
Phase 1: Planning presentation on summary of technical analysis of OCP and LUB; LCA Presentation;	February, 2020 COMPLETED
Phase 2: Development of draft bylaws, referrals and community engagement related to LCA Steering Committee recommendations for OCP	2020-2022 COMPLETED
Phase 2: Legislative review, referrals and bylaw adoption of OCP amendments.	PENDING
Phase 3: Development of draft bylaws, referrals and community engagement related to subdivision regulations	PENDING
Phase 3: Subdivision Legislative review, referrals and bylaw adoption	PENDING
Phase 4: Review of specified topic areas previously not addressed	PENDING

Project Team	
Regional Planning Manager	Project Manager / Project Sponsor
Planner 2	Planner
Legislative Clerk	Legislative Process / Bylaw Review
Senior Policy Advisor	IT First Nations Liaison
Tla'amin First Nation	Intergovernmental Collaboration
Advisory Planning Commission/Community Groups	Community Representatives
RPM Approval: Date: July 23, 2018; Dec 17, 2018; May 14, 2019; Oct 28, 2019; Feb 24, 2020; April 27, 2020; March 2023	LTC Endorsement: Resolution #: 2018-037, 2018-066, 2019-003, 2019-033, 2019-034, 2020-002, 2020-007, 2023-009

Budget		
Budget Sources:		
Fiscal	Item	Cost
2019-2020	Technical analysis of OCP and LUB; development of OCP/LUB engagement strategy; MoA water analysis	\$1,000
2020-2021	Community consultation; legislative process (community information meetings; public hearing; advertising) related to OCP amendments	\$3,000
2021-2022	Community consultation; legislative process (community information meetings; public hearing; advertising) related to Subdivision regulations	
2023 – 2024	Community consultation; legislative process (community information meetings; public hearing; advertising) related to Subdivision regulations	\$3,000
	Total	\$7,000

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
N/A	Phase 1: Defining project scope; LCA review; MoA report; Staff technical Review	February 24, 2020 COMPLETED	\$1,000
April 27, 2020	LTC Endorses Phase 2 Project Charter;	April 27, 2020 COMPLETED	
June 22, 2020	Staff provide draft bylaws for 1 st Reading and referral, and draft consultation plan to be referred to APC	June 22, 2020 COMPLETED	
August 10, 2020	APC referral response; Staff report on agency referral response	August 10, 2020 COMPLETED	
August – September, 2020	Legal Review of bylaws	COMPLETED	\$1,000
August – September 2020	Public engagement	August – September	\$1,000
October 5, 2020	Staff provide report regarding results of consultation and make recommendation for draft bylaws	October 5, 2020 COMPLETED	
	CIM and Public Hearing; LTC considers 3 rd Reading	TBD	\$1,000
	Executive Committee consideration of bylaws	TBD	
	Ministry consideration of bylaws	TBD	
	Final Adoption of Phase 2 Bylaws via Resolution Without Meeting	TBD	
Phase 3	Same process as above without Ministry consideration	TBD	\$3,000
Phase 4	TBD	TBD	TBD
TOTAL			\$ 7,000

OCPLUB Review Project - Charter v5.0

Lasqueti Island Local Trust Committee

Date: May 2023

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Lasqueti Island OCP/LUB Review Project Work Plan			
Category	Milestone/Deliverable	Completed/Targeted Date	Estimated Cost
Phase 1			
Project Planning	Initial Project Charter Endorsed	July 2018	\$1000
Engagement	Lasqueti Community Association Review of OCP	2018-January 2020	
Project Planning	LTC Endorses Phase 2 Project Charter	April 27, 2020	
Phase 2 – OCP Bylaw			
Engagement	Lasqueti Community Association Report referred to Advisory Planning Committee	June 2020	
Engagement	Two Community Information Meetings	September 2020	\$1000
Legislative Process	First Reading of OCP Bylaw No. 98	November 2020	
Legislative Process	Bylaw referred to First Nations, Local Governments, and other Agencies	November 2020-June 2021	
Legislative Process	Second Reading of Bylaw No. 98	June 2021, August 2021, October 2021	
WE ARE HERE (May 8, 2023) – NEXT STEPS:			
Project Planning	LTC Endorses Revised Work Plan	May 8, 2023	
Technical	Resolve outstanding referral comments and amend bylaw as required	For LTC Direction Summer 2023 (TBC)	
Legislative Process	LTC consider Bylaw Amendments for second reading	*Special Meeting August/September 2023	
Legislative Process	LTC consider Bylaw referral to agencies impacted by amendments	*Special Meeting August/September 2023	
Technical	Legal Review of Proposed OCP Bylaw	October 2023	\$2000
Engagement	Community Information Meeting and Public Hearing	December 2023	\$1000
Legislative Process	Third Reading	December 2023	
Legislative Process	Refer to Executive Committee	December 2023	
Legislative Process	Ministry Approval	Early 2024	

Legislative Process	OCP Bylaw Adoption	Early 2024	
Future Phase 3 – LUB Bylaw Update (Minor Project)			
Project Planning	LTC Endorses Phase 3 Project Charter and Work Plan	2024-2025 Fiscal Year	
	Implement Work Plan		
Future Phase 4 – Targeted OCP Review (For consistency with Regional Conservation Plan and CDF Toolkit)			
Project Planning	LTC Endorses Phase 4 Project Charter and Work Plan		
	Implement Work Plan		