



File No.: 6500-20
(NP OCP Implementation)

DATE OF MEETING: January 30, 2020
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Report subject: OCP Implementation Project Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve the OCP Implementation project charter dated January 30, 2020.

REPORT SUMMARY

The purpose of this report is to provide the LTC with a project charter to initiate the OCP policy implementation project and to give the LTC the opportunity to revise the scope of the project.

BACKGROUND

At the September meeting, the LTC adopted the following resolution:

NP-2019-099

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to delete item 1, “Land use planning for Waste Transfer” and item 3 “Land owner education” from the Top Priorities list and add the projects “Official Community Plan Implementation”, and “Short Term Vacation Rentals review”.

CARRIED

At the November meeting, staff provided a report with options for implementation of OCP policies by topic. The LTC gave direction to proceed with a project to consider implementing all relevant policies, adopting the following resolution:

NP-2019-108

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to draw up a project charter for a full Land Use Bylaw review and make it a top priority for the Local Trust Committee.

CARRIED

An OCP is “a statement of objectives and policies to guide decisions on planning and land use management” by the local government. While an OCP does not commit a local government to implement any of the policies or projects identified in the OCP, any bylaw adopted subsequent to the adoption of an OCP must be consistent with the OCP. The principal mechanism to implement OCP policies is through amendments to zoning, or other land use regulations in the LUB.

The ‘Official Community Plan Implementation’ project would consider an inventory of potential amendments to the Land Use Bylaw (LUB) which would implement policies in the Official Community Plan (OCP). The list of potential amendments was initially created following the adoption of the current OCP in 2008: the new OCP included a variety of statements identifying future actions, these were tabulated, reviewed by the LTC of the day, and added to the projects list (i.e. an inventory of potential future projects). Subsequently a number of priority amendments were initiated over the following years. The OCP was also amended in 2010 to include climate change policies, primarily in section 4.7, but also in a number of other sections of the OCP (these policies have been included in this project).

The attached table inventories the potential LUB amendments that were identified previously, includes some current or emerging issues, and a list technical amendments that is maintained for all LUBs. It categorizes the project into 6 major topic areas and a seventh topic area for minor and technical amendments:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

Given the differential impacts of amendments in the topic areas it is anticipated that there would be greater community engagement and consultation on some than others. As a first phase, the project charter identifies that staff will undertake a review of the topics and issues, and prepare options for implementation through LUB amendments. Options and background information will be presented in the form of staff reports and discussion papers on the different topic areas.

ANALYSIS

The LTC should review the list of topic areas and make any further changes to the scope of work if desired. The project charter establishes a timeline based on typical project phasing:

1. Project initiation: current
2. Research and analysis: approximately six months
3. Community, First Nations, and stakeholder engagement: approximately six months
4. Preparation and review of draft amendments: approximately six months
5. Legislative phase: several months for bylaw readings, agency referrals, public hearing (longer if OCP amendments are required).

6. Implementation and wrap-up

Budget and resources: there is no assigned budget in the current (2019-20) fiscal year for the project; however no expenditures are anticipated prior to March 31st. A budget of \$4000 is proposed for fiscal year 2020-21. The project would require a significant amount of staff time, and would be the primary project for an Island Planner or one of several projects for a policy Planner.

If the LTC is satisfied with the scope of work proposed, it should approve the project charter by resolution, this will allow work to proceed. Alternatively the LTC could ask staff to report back with changes to the project scope and to the charter.

NEXT STEPS

If the LTC endorses the project charter, staff will commence on background work and analysis, reporting back to the LTC in late spring with options for implementation, and recommendations for public consultation.

Submitted By:	Robert Kojima, Regional Planning Manager	January 21, 2020
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ATTACHMENTS

1. Project Charter
2. Table of potential amendments

OFFICIAL COMMUNITY PLAN IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 30, 2020

Purpose: project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

Background: The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	January 2020
Staff research and analysis of options, preparation of background documents, reports and discussion papers	Feb – June 2020
LTC review of background material and consideration of public consultation options	June 2020
First Nations engagement	June – Nov 2020
Public consultation (scope, extent and timing to differ for topic areas), early referrals	July – Nov 2020
LTC review of consultation results and consideration of amendment options	Jan – Feb 2021
Preparation of draft bylaw (blackline and new format)	Mar – May 2021
LTC Consideration of draft bylaw	May 2021
Community Information meetings / agency and First Nations referrals	June – Aug 2021
Legislative Process (longer if OCP amendments required)	Sept – Dec 2021

Project Team

Robert Kojima	Project Sponsor
TBD	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
RPM Approval: Robert Kojima Date: January 20, 2020	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
2020-21	Total (2020-21)	\$4000
2021-22	Consultation, legislative process	\$3000

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
OFFICIAL COMMUNITY PLAN IMPLEMENTATION PROJECT**

**LAND USE BYLAW AMENDMENT CATEGORIES IMPLEMENTING OFFICIAL COMMUNITY PLAN BYLAW No. 171,
2007**

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
1.	Residential Dwelling Floor Area	Maximum Floor Area for Residential Dwellings	Maximum floor area regulations may be established, cottage maximum reviewed	2.1.A 2.1.2.4	<i>Consider implementation of a maximum floor area for dwellings, review maximum cottage floor area, consider potential options for flexibility in residential development</i>	
2.	Conservation Subdivision	Lot Clustering	Lot clustering should be encouraged through use of minimum and average lot sizes.	2.1.G 2.1.1.4 2.1.2.5 2.6.1 4.1.5 4.7.3 5.1.2	<i>Minimum average lot sizes for RR and R zones have been implemented, Conservation Subdivision project focusing on large subdividable lots was initiated in 2013 but not completed. Consider further changes to implement conservation focused future subdivision layout</i>	
3.	Tourist Commercial Zoning	Tourist Commercial	Various potential amendments to tourist commercial regulations	2.4.18 2.4.19 2.4.20	<i>Review commercial guest accommodation regulations, including allowing flexible floor area, also addressing development potential. Partially implemented with Port Browning rezoning.</i>	
4.	Marine and Shoreline zoning	Marine and Shoreline zoning review	Review of various marine related zoning and shoreline regulations. Marine zoning regulations include definitions of docks and associated structures. Shoreline review would include setbacks, permitted structures, and incorporate sea level rise provisions	3.1.1.1 3.1.1.4 3.1.1.5 3.2.5 4.1.2 4.2 4.2.10	<i>Partially implemented by re-alignment of marine zone boundaries, amendments to zone lakes, provisions for dock elements on upland. Further amendments could be considered, including to docks.</i>	

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
5.	Agricultural amendments	Agricultural amendments	LTC may consider amendment to various regulations to implement Area Farm Plan, update regulations	2.1.1.8 2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.24 2.2.8	<i>This would be a significant project, with extensive consultation. LTC should be satisfied this is a priority.</i>	
6.	Industrial zoning Review	Industrial zoning Review	Review Industrial zoning	2.5.2 4.7.6	<i>Zone Industrially-designated land, review range of uses permitted in industrial zones. This would represent a significant commitment of time and resources and should be undertaken as discrete project. Partially considered during waste management review and through rezoning of works yard (currently in abeyance at applicant's request).</i>	
7.	Minor and Technical Amendments	a) Landscape Screening Review b) Home Industry Regulations c) Subdivision regulations d) Renewable energy	Consider and review the use of regulations to retain screening vegetation Home Industry regulations review Review of subdivision servicing regulations, including proof of potable water, applicability of road standards and drainage. Review zoning regulations to permit renewable energy devices	2.1.C 2.1.3.6 – 2.1.3.9 3.3.1.1 4.5.2 4.7.10	<i>Review of effectiveness, intent, and administrative capacity related to existing regulations, consider potential new regulations or amendments</i> <i>OCP establishes policies for updating these regulations, this could be implemented as a limited project</i> <i>Groundwater sustainability project may have applicability to proof of potable water provisions.</i> <i>Siting of features would be main amendment. Geothermal heating: site-specific amendment approved, change to zoning regulations considered and rejected by a previous LTC</i>	

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
		e) Mandatory rainwater catchment systems	Regulations may be considered requiring the installation of rainwater catchment systems in new construction	3.2.4 4.7.5	<i>Non-potable water storage requirements can be implemented through zoning regulations or as a DPA for water conservation. Priority areas should be identified following completion of the groundwater review project</i>	
		f) Commercial zoning Review	Review C1 zoning	4.7.2 4.7.4	<i>Review site-specific zones, update use categories, parking alternatives, second storey residential</i>	
		g) Ferry Terminal	Ferry terminal zoning		<i>Upland portion of ferry terminal should be zoned to a community service zone</i>	
		h) Incorporate TUP into zoning	Consider amending zoning to make on-going (non-STVR) TUPs permanent uses		<i>There are currently 3 – 5 non-STVR TUPs that may be candidates for LTC-initiated zoning amendments that would make the uses permanent</i>	
		i) Forestry and Agricultural buildings	Amends to AG and R zoning to address agricultural and forestry building height		<i>Agricultural buildings defined by use only, consider amendments to permit higher buildings on AG lots with larger setbacks. Rural zoning does not specifically allow for non-agricultural buildings that are not accessory to a dwelling.</i>	
		j) Accessory buildings	Construction of accessory buildings prior to residence		<i>Permit one non-residential building on RR zoned lots prior to construction of dwelling</i>	
		k) Prohibited uses	Review of prohibited uses		<i>Could be updated to address shipping containers, pit toilets and uses identified in other bylaws</i>	

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
		l) Technical Amendments	Various technical updates / corrections		<ul style="list-style-type: none"> • <i>Order of definitions (cottage)</i> • <i>Uses permitted in all zones clarity</i> • <i>Typos</i> • <i>Mapping:</i> <ul style="list-style-type: none"> • <i>C2(c) and C2(d) zone boundary</i> • <i>Magic Lake tennis courts</i> • <i>Home industry setback and minimum lot size inconsistency</i> • <i>Add secondary suites to RC zones</i> • <i>Siting exemptions for solar panels and power sheds</i> • <i>Home occupation definition: permission and prohibition inconsistency</i> • <i>Inconsistency between natural boundary and lot line setbacks</i> • <i>Definition of pumphouse</i> • <i>RV definition to include park model homes</i> • <i>Connections between buildings</i> • <i>Review lot coverage for split zoned lots calculations</i> • <i>Review accessory use definition in light of recent case law</i> 	
		m) Formatting	Re-format LUB to Islands Trust LUB template, adopt a new base bylaw		<p><i>Any extensive amendments to LUB should include re-formatting LUB into standard template and adopting a new base bylaw</i></p>	