



DATE OF MEETING: November 26, 2020  
TO: North Pender Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: NP LUB Review – Project Update

## RECOMMENDATION

No recommendations at this time.

## REPORT SUMMARY

The purpose of this report is to provide an update on the Land Use Bylaw (LUB) Review Project and to determine areas of further research for the North Pender Island Local Trust Committee's (LTC) consideration in regards to the seven focus topics.

## BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses seven topic areas:

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

To date the LTC has completed four Community Information Meetings (CIM) regarding the LUB Review Project. An electronic CIM was held on September 19<sup>th</sup>, 2020 to discuss the topic of Maximum Floor Area with a total of seven attendees. The second CIM was held on October 3<sup>rd</sup>, 2020 with the topic of Industrial Regulations review with a total of ten attendees. The third CIM on October 24<sup>th</sup> (Agriculture topic) had a total of 19 attendees including members from the North Pender Special Agriculture Advisory Planning Commission (SAAPC). The fourth CIM on November 7<sup>th</sup> had seven attendees and focused on the remaining topics: Conservation Subdivision Review, Tourist Commercial Regulation Review, Shoreline Regulations Review, and Minor Technical Amendment.

At the October 29, 2020 LTC regular meeting the North Pender Island, the following resolution was passed:

### NP-2050-050

That the North Pender Island Local Trust Committee direct staff to schedule a community information meeting with the South Pender Island Local Trust Committee to be held via zoom in early January 2021.

At the November 7<sup>th</sup>, 2020 North Pender LTC Special Meeting, the follow resolution was passed:

**NP-2020-051**

That the North Pender Island Local Trust Committee schedule a special joint meeting with the South Pender Island Local Trust Committee for November 28, 2020.

Background information regarding the project, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

<http://www.islandstrust.bc.ca/npender/ocp-implementation-project>

## **ANALYSIS**

### ***Discussion Topics – Further information***

The following are items noted by staff that the LTC has expressed further information may be required:

#### Residential floor area review:

The North Pender and South Pender Trustees have expressed an interest in holding a joint LTC meeting in order to discuss maximum floor area regulations. There has been interest from the LTCs to have a consistent approach with siting regulations in the North Pender and South Pender Land Use Bylaws. The North Pender and South Pender LTCs have given direction to staff to schedule two such meetings: one on November 28<sup>th</sup>, and the second meeting, in early January 2021 (specific date to be scheduled). Minutes from these two meetings will be included in the January 28<sup>th</sup>, 2021 North Pender LTC meeting agenda for review and discussion.

#### Conservation subdivision review:

This topic was discussed at the November 7<sup>th</sup>, 2020 CIM. One of the items discussed was the subdivision potential remaining on North Pender Island. A map produced in 2013 shows the subdivision potential at that time: <http://www.islandstrust.bc.ca/media/240687/SUB%20POT.LargeLotsHighlighted.pdf>. Staff can provide an updated subdivision potential map to show the subdivisions that have been completed since 2013. Further information on 2013/2014 Conservation Subdivision Project can be found here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/previous-projects/conservation-subdivison-review/>

#### Tourist Commercial regulation review:

Staff will forward the Discussion Paper to all known Tourist Commercial operators and property owners by the end of this year for their review and comments on options outlined in the paper.

#### Marine shoreline regulations review:

This topic was discussed at the November 7<sup>th</sup>, 2020 CIM. The LTC expressed an interest for further information regarding vertical setback from the sea regulations and live-aboard regulations for marinas. Staff can report back with further information on these to items in a subsequent staff report in early 2021.

#### Agricultural regulations amendments:

The SAAPC had their first meeting on November 17<sup>th</sup>, 2020 and have scheduled additional meetings for November and December 2020. Staff have notified the SAAPC that the review deadline for their comments has been extended to January 4, 2021. In addition, the list of minor and technical amendments were sent to the SAAPC for their review and comments.

### Industrial regulation review:

Staff will forward the Discussion Paper to all known Industrial operators and property owners by the end of this year for their review and comments on options outlined in the paper.

### Minor and technical amendments:

The LTC should provide direction to staff if any further clarification or additional information is required.

### **Referrals**

At the November 7, 2020 Special Meeting, the LTC noted that one or more of the discussion papers should be referred to the North Pender Advisory Planning Commission (APC). A draft resolution (No. 2) is included in the 'Alternatives' section of this staff report for the LTC's consideration.

Staff will also continue with early referral to First Nations for their comments on the seven topics.

### **Consultation**

As shown in the attached Project Charter, the project is in the stage of early public consultation and referrals. The information gathered from the Special Meetings and correspondence will help determine how the LTC may wish to proceed with amendments to the LUB for each topic. The project timeline states that draft bylaws should be presented by mid-Spring and further consultation for the draft bylaws will commence next summer (June to August 2021). If the LTC wishes to hold additional Special Meetings, a resolution is required.

### **Rationale for Recommendation**

No recommendation is required as the project is progressing as outlined in timeline in the Project Charter.

### **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 North Pender Island Local Trust Committee request staff to provide further information on...*

#### **2. Refer a Discussion Paper to the Advisory Planning Commission**

The LTC may opt to refer one or more Discussion Papers to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.*

#### **3. Proceed no further**

The LTC may choose to proceed no further with the project.

## NEXT STEPS

Continue with public consultation and early referrals. Staff will report back with a summary of comments in early 2021 and with next steps for the project.

Submitted By:	Kim Stockdill Island Planner	November 18, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 18, 2020

### Attachments:

1. Project Charter

# 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
<b>RPM Approval:</b> Robert Kojima Date: January 20, 2020	<b>LTC Endorsement:</b> Resolution #: Date: Jan 30, 2020

## 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
<b>2020-21</b>	<b>Total (2020-21)</b>	<b>\$4000</b>
2021-22	Consultation, legislative process	\$3000