



DATE OF MEETING: June 10, 2022
 TO: Hornby Island Local Trust Committee
 FROM: Heather Kauer, Regional Planning Manager
 Northern Team
 SUBJECT: Report subject: Hornby Island OCP Amendments Review Project Charter

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the Hornby Island Official Community Plan Amendments Review Project Charter v.1.0, dated June 10, 2022.
2. That the Hornby Island Local Trust Committee add the following to the Projects List:
 - a. Review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads; and
 - b. A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021.

REPORT SUMMARY

The purpose of this report is to provide options to the LTC regarding the processing of recommendations from the Hornby Island Advisory Planning Commission for OCP and LUB amendments and to recommend a project charter for endorsement by the LTC.

BACKGROUND

At their March 26, 2021 meeting, the LTC passed the following resolution:

HO-2021-033

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.

CARRIED

At their October 8, 2021 meeting, the LTC passed the following resolution:

HO-2021-065

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

At their December, 2021 quarterly meeting, Trust Council reviewed the draft business case for the Hornby Island OCP project and approved-in-principle \$15,000 for the project as described in the draft business case.

At their December 10, 2021 meeting, the LTC passed the following resolutions:

HO-2021-073

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee requests staff to provide clarification on the roles of the consultant, Staff, and Local Trust Committee on the Hornby Island OCP review.

CARRIED

HO-2021-074

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee endorse the business case for the OCP review.

CARRIED

At their February 18, 2022 meeting, the LTC passed the following resolutions:

HO-LTC-2022-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add to the Top Priorities Project of the Comprehensive Official Community Plan Review: development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads.

CARRIED

HO-LTC-2022-017

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add the aquifer classification system to the Top Priorities Project of the Official Community Plan Comprehensive Review as described in the email letter from Sadie Chezenko dated December 19, 2021.

CARRIED

At their March, 2022 meeting, Trust Council approved \$15,000 for fiscal year 2022/23 for the Hornby Island OCP Amendments Review Project.

At their May 6, 2022 meeting, the LTC passed the following resolution:

HO-LTC-2022-028

It was MOVED and SECONDED,

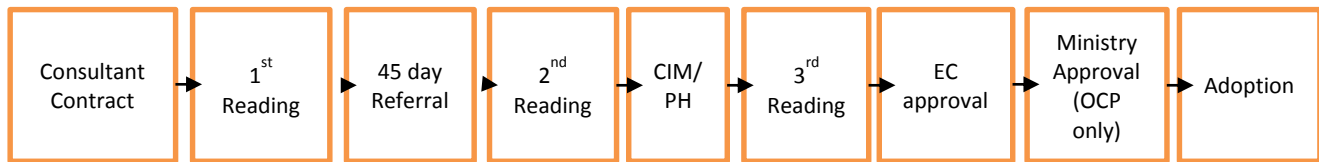
that the Hornby Island Local Trust Committee request staff to develop a Project Charter with a detailed work plan based on the Advisory Planning Commission recommendations.

CARRIED

ANALYSIS

The business case that was endorsed by the LTC (see Attachment 1) and formed the basis for Trust Council’s decision to fund the OCP project was based on a few assumptions:

- Most of the \$15,000 budget would go towards paying a consultant to draft and process bylaws with only those public engagement activities that are required by legislation or Trust Council policy;
- The scope of the project would consider amending the OCP and LUB based on recommendations by the APC regarding four limited and specific topics;
- Little to no Islands Trust staff time would be available in fiscal year 2022/23 to devote to this project;
- The process to amend the bylaws would include the legislatively required procedural steps as follows:



The business case *did not* include the following assumptions:

- That the scope of the OCP project would include:
 - o a consideration of wetland categories; or
 - o consideration of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads;
- That the process would include a community workshop or any other public engagement activity beyond those required by legislation or policy.

Since the endorsement of the business case for this project, there has been significant turnover in staff at Islands Trust, which results in a situation where there is even less staff time available to contribute to this project in the current fiscal year than was estimated when the business case was drafted.

The project charter that staff is recommending assumes that a consultant would be hired to draft and process bylaws because this is consistent with the business case and the current staffing situation. At the LTCs last meeting, a Community Workshop was discussed as a possible procedural step to be taken prior to the drafting of bylaws. The project charter that staff is recommending includes an electronic community workshop as costs for consultant travel to the Island and overnight accommodation would impact the budget such that the consultant might not be available to facilitate a public hearing. If the LTC wanted the consultant to facilitate an in-person community workshop, staff believe this could be added to the scope of the project but it would have at least two challenging impacts:

1. It would take away budget that would otherwise go towards the consultant's time for drafting and processing bylaws;
2. It would extend the estimated timeline for the project.

\$15,000 is estimated to be enough money to have a consultant draft bylaws and staff reports and attend LTC meetings to present these documents. A single, in-person community workshop facilitated by a consultant is estimated to cost approximately \$5,000.

With these things in mind, staff's recommended project charter is based on the business case endorsed by the LTC and funded by Trust Council, as well as an analysis of staff time available for the project. Attachments 3 and 4 represent a breakdown of the estimated number of labour hours needed for the tasks involved in this project with an electronic workshop vs. an in-person workshop.

Options

The LTC has the option of revising the work plan to include one or more community workshops led by a consultant in fiscal year 2022/23. The result of this option would be a reduction in the amount of consultant hours available to draft and process bylaws. Reduced consultant hours for this work in this fiscal year would extend the estimated completion date of the project because it would result in:

- a. Staff having to take up the drafting and processing of bylaws and staff reports and attending LTC meetings, when staff time is available, or
- b. More money would need to be requested from next years' budget to continue the consultant's work.

Rationale for Recommendation

Staff are recommending that the scope of the OCP project include only those topics that were reviewed by the APC and that the budget be spent consistent with the business plan endorsed by the LTC and that informed the Trust Council decision to provide budget to the LTC for the project. The legislative requirements for public engagement provide multiple opportunities throughout the project for the public to provide comment and ask questions including each LTC meeting, APC meetings, the CIM and the Public Hearing. The public are also welcome to ask questions and make comments throughout the life of the project outside of meetings. Written comments will end up on the Islands Trust website and be forwarded to the LTC.

ALTERNATIVES

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

1. Add one or more Community Workshops to the scope of the project

The LTC may wish to add one or more Community Workshops to the project work plan. This would extend the estimated completion date of the project as it would require more work to be done on bylaw drafting by Islands Trust staff and availability of staff time is currently limited. A resolution could be as follows:

"That the Hornby Island Local Trust Committee amend the draft Official Community Plan Amendments Review Project Charter v. 1.0 to include a Community Workshop prior to the drafting of bylaws."

2. Ask for more information

Alternatively the LTC could ask staff to report back with more detailed information prior to finalizing the project scope.

NEXT STEPS

Subject to concurrence with the staff recommendations, staff would solicit expressions of interest from consultants.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 1, 2022
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ATTACHMENTS

1. Business Case
2. Recommended Project Charter / Work plan v. 1.0
3. Work Plan consistent with Business Case
4. Work Plan including one in-person Community Workshop



Budget Funding Request Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

<p>Initiated by: Heather Kauer On behalf of the HO LTC</p>	<p>Budget Source (select all that apply):</p> <p><input checked="" type="checkbox"/> Specific Project Funding</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Third Party Contractors <input type="checkbox"/> Staff Travel Expense <input type="checkbox"/> Staff Overtime Expense <input type="checkbox"/> New Staff Member <input type="checkbox"/> Computer Hardware/Software <p><input type="checkbox"/> Furniture & Equipment</p> <p><input type="checkbox"/> Computer Hardware/Software</p> <p><input type="checkbox"/> New Staff Resources (see Staff Costing Tool)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <p>Temp Duration: _____</p> <p><input checked="" type="checkbox"/> Other – please describe: A contracted Planner who would draft and process OCP bylaw amendments based on recommendations from the Hornby Island Advisory Planning Commission and take them through the legislated process.</p>
<p>Business Area: Hornby Island Local Trust Committee – LTC projects</p>	
<p>Name of Request: HO LTC – Hornby OCP amendment Review</p> <p>2022/23 - \$15,000</p>	
<p>Date initiated: December, 2021</p>	<p>Date required: April, 2022 -March 31, 2023</p>

BACKGROUND:

On November 20, 2020, the Hornby Island Local Trust Committee passed the following resolution:

that the Hornby Island Local Trust Committee add the item “Official Community Plan Review” to the Top Priorities Report as priority No. 1.

The discussion around this project included an explanation from staff that a project of this nature would be considered Major or Extraordinary in scope and would therefore not be resourced by Planning staff from the Northern office but would need to be assigned to the Regional Planning Team (RPT). Staff further explained that the process for assigning projects to the RPT and the criteria for the RPT to decide which projects to work on first had not been decided as of yet and likely would not be until the next Islands Trust term of office.

The Hornby LTC expressed a desire to have the amendments to the OCP and LUB be completed as soon as **45**

possible and on March 26, 2021, the Hornby Island Local Trust Committee passed the following resolution:

that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.

The LTC is anticipating that the Hornby APC will be sending a recommendation for amendments to the LTC in early 2022. With the understanding that Islands Trust Planning staff may not be available to take up these recommendations to process as bylaw amendments in 2022, the LTC passed the following resolution on October 8, 2021:

HO-2021-065

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

At their December, 2021 meeting, Trust Council passed the following resolution:

That the \$15,000 for the Hornby Island Official Community Plan Review be put back into the 2022/2023 draft budget.

On December 10, 2021, the LTC endorsed this business case with the following motion:

HO-2021-074

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee endorse the business case for the OCP review.

CARRIED

PROBLEM STATEMENT/OBJECTIVES:

Regulations regarding short term vacation rentals on Hornby continue to be confusing to residents. The cost and availability of Housing on Hornby becomes more problematic over time, and the regulations adopted regarding Riparian Areas Development Permit Area are problematic because of conflicting technical information that was used to develop them. In addition, the LTC believes acknowledgement of First Nations within the OCP is not as robust as it should be. The LTC consider addressing all of these topics in the OCP and LUB an urgent matter. Given competing demands on staff time to do this work, the LTC believes that a consultant should be hired to complete this work in the short term.

PROJECTED RESULTS/DELIVERABLES:

Funding request (FY22/23)	Target Duration	Cost
Consultant Contract – Bylaw drafting and processing through legislated process including required public engagement.	Over the course of 2022	\$12,000

Technology (mapping, data analysis, etc.) and administrative support for public engagement	Over the course of 2022	\$ 1,000
Development of communication and educational info / Community Information Meeting(s) Public Hearing	Over the course of 2022	\$ 2,000

Qualitative Analysis:

If no action taken, housing crisis will elevate to a critical level. Without updating the OCP to strengthen the various policies and objectives that impact the conditions of housing (and its associated environmental, social, economic and cultural conditions), Hornby Island will no longer be able to provide healthy social, economic, environmental and cultural conditions for its residents. Furthermore, the island will no longer be able to maintain its character. Most importantly, if no action is taken, we will fail to implement the Trust Council's mandate of preserving and protecting Hornby Island.

RECOMMENDED DECISION:

That Trust Council approve \$15,000 in fiscal 2022/23 to hire a consultant to process OCP and LUB bylaws as recommended by the Hornby Island Advisory Planning Commission.

PURCHASING PROCEDURE:

Hornby Island Local Trust Committee

Date

Initiator:

Director/CAO

Date

REVIEWED BY MANAGEMENT TEAM:

Date received:

Approved: X YES NO

Next steps:

- Hornby Island endorsed the draft business case that went to the December, 2021 Trust Council meeting without any recommended amendments.

Hornby OCP Amendments Review Project - Charter v 1.0

Hornby Island Local Trust Committee

Date: June 10, 2022

Purpose: To review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgments, and riparian areas.

Background: The LTC identified a “Comprehensive OCP/LUB Review” as a top priority project and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

Objectives	In Scope	Out of Scope	Deliverables
<ul style="list-style-type: none"> Amend the Hornby Island OCP and LUB by incorporating recommendations of the Hornby Island Advisory Planning Commission and public feedback on these recommendations 	<ul style="list-style-type: none"> OCP and LUB amendments regarding: <ul style="list-style-type: none"> Housing STVRs RAPR First Nations Legislated Process + 1 Electronic Community Workshop 	<ul style="list-style-type: none"> Topics beyond the four identified as in-scope; Public engagement beyond legislative requirements and one electronic community workshop 	<ul style="list-style-type: none"> One OCP Amendment Bylaw One LUB Amendment Bylaw

Workplan Overview	
Deliverable/Milestone	Date
Project Charter Endorsed	June, 2022
Execute Consultant Contract	June / July, 2022
Consultant staff report: APC referral analysis and recommendations for bylaw amendments	Sept 9, 2022
First and Second Reading of bylaws and referral	Nov. 25, 2022
CIM/Public Hearing	Feb, 2023
3 rd Reading of bylaws and forward to EC and Ministry	Apr / May, 2023
EC Approval	May/June, 2023
Ministry Approval	Sept / Oct, 2023
Adoption	Nov, 2023

Project Team	
<i>Heather Kauer, RPM</i>	Project Sponsor / Consultant contract manager
<i>Consultant</i>	Project Manager
<i>Legislative Clerk</i>	Legislative Process / Bylaw Review
<i>Administrative Office Assistant</i>	Website postings; meeting notices
RPM Approval: <i>Heather Kauer, RPM</i> Date: May 31, 2022	LTC Endorsement: Resolution #:

Budget		
Budget Sources:		
Fiscal	Item	Cost
2022/23	Consultant Contract	\$13,775
2022/23	CIM/Public Hearing	\$850
	Total	\$14,625

Business Case Work Plan

(Consultant Contract ends with CIM/Public Hearing)

Consultant Contract Development and Management

	Hrs	Labour	Project \$
Contract Management	40	Planner Labour	
	30	Finance Staff Labour	
	70	Subtotal	

Bylaw Drafting and Processing

	Hrs	Consultant Labor / Travel	
Intro LTC Meeting	10	Review / Analyze APC recommendations for consistency with law and planning best practices	\$1,500
	8	Draft staff report with recommendations to LTC for bylaw amendments	\$1,200
	8	Travel to and attend LTC meeting to present staff report	\$1,375
Zoom Community Workshop	8	Prep / Facilitate	\$1,200
1st Reading Meeting	10	Draft Track Changes version of OCP and amendment bylaw	\$1,500
	8	Travel to and attend LTC meeting to present 1st Reading report and recommend referrals	\$1,375
2nd Reading Meeting	4	Manage Referral Responses	\$600
	4	Draft staff report with recommendations to LTC for bylaw amendments based on referral comments	\$600
	8	Travel to and attend LTC meeting to present 2nd Reading report and recommend referrals; recommend PH	\$1,375
CIM/PH	6	Prep for CIM / public hearing	\$900
	8	Travel to island, and present at CIM / public hearing	\$1,375
	Hrs	Admin Labour / Logistics	
		PH Advertising / Printing	\$850
	4	Logistics (venue rental / advertising)	
	10	Prep PH Binder	
3rd Reading Meeting	3	Post-meeting (post video to website)	
	Hrs	Planner Labour / Travel	
	4	Draft staff report with recommendations to LTC for bylaw amendments based on public hearing comments	
	8	Travel to and attend LTC meeting to present 3rd Reading report	
EC/Ministry	2	Draft RFD to EC	
Adoption / Publishing	10	Admin Labour	
	185	Total	\$12,650

Business Case Work Plan
(Consultant Contract ends with CIM/Public Hearing)

Work Plan with Community Workshop
(Consultant contract ends with 1st Reading)

1. Community Workshop

Hrs	Consultant Labour / Travel	
6	Prep	\$900
4	Travel	\$775
	Overnight Accommodation	\$300
4	Workshop	\$600
8	Travel to and attend LTC meeting to present workshop report	\$1,375
22	Subtotal	\$3,950

Hrs	Planner Labour / Travel	
3	Prep	
4	Travel	\$225
	Overnight Accommodation	\$300
4	Workshop	
11	Subtotal	\$500

Hrs	Admin Staff Labour	
4	Prep (Advertising, Web Posting, Book Venue)	
2	Post-meeting (post video to website)	
6	Subtotal	

Hrs	Minute Taker	
4	Attend Meeting	\$ 300
2	Travel	\$ 200
1	Post meeting editing and submittal of minutes	\$ 75
7	Subtotal	\$ 350

Venue and Materials		
	Venue Rental	\$50
	Advertising	\$800
	Print-outs	\$50
	Subtotal	\$900

46	Community Workshop Total	\$5,700
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Work Plan with Community Workshop
(Consultant contract ends with 1st Reading)

2. Bylaw Drafting and Processing

	Hrs	Consultant Labor / Travel	
	Intro LTC Meeting	10	Review / Analyze APC recommendations for consistency with law and planning best practices
8		Draft staff report with recommendations to LTC for bylaw amendments	\$1,200
8		Travel to and attend LTC meeting to present staff report	\$1,375
1st Reading Meeting	10	Draft Track Changes version of OCP and amendment bylaw	\$1,500
	8	Travel to and attend LTC meeting to present 1st Reading report and recommend referrals	\$1,375
	80	Consultant Subtotal	\$12,650
	Hrs	Planner Labour/Travel	
2nd Reading Meeting	4	Manage Referral Responses	
	4	Draft staff report with recommendations to LTC for bylaw amendments based on referral comments	
	8	Travel to and attend LTC meeting to present 2nd Reading report and recommend referrals; recommend PH	\$200
CIM/PH	6	Prep for CIM / public hearing	
	8	Travel to island, and present at CIM / public hearing	\$200
	Hrs	Admin Labour / Logistics	
		PH Advertising / Printing	\$850
	4	Logistics (venue rental / advertising)	
	10	Prep PH Binder	
	3	Post-meeting (post video to website)	
3 rd Reading Meeting	4	Draft staff report with recommendations to LTC for bylaw amendments based on public hearing comments	
	8	Travel to and attend LTC meeting to present 3rd Reading report	\$200
EC/Ministry	2	Draft RFD to EC	
Adoption / Publishing	10	Admin Labour	
	71	Staff-led portion of Bylaw Drafting and Processing Subtotal	\$2,050
Contract Management	40	Planner Labour	
	30	Finance Staff Labour	
	70	Subtotal	
185	Total Project		\$14,700