

Date: October 13, 2010

File No: EX/04

To: Executive Committee Acting as a Local Trust Committee

For the meeting of October 19, 2010

From: Alison Fox
Planner 2

CC: David Marlor
Regional Planning Manager

Re: OCP/LUB Status and Administrative Bylaw Amendments

THE PROPOSAL:

At the May 11, 2010 meeting, the Executive Committee acting as a Local Trust Committee passed a resolution to allocating \$2000 from the Scientific Studies 2010/11 budget to the development of an OCP for the Executive Islands. Also at this meeting, staff was directed to begin preliminary work on the OCP project and to bring forward a revised work plan. The purpose of this report is to provide updated information regarding the status of the Executive Islands and the available mapping for the area, as well as to outline additional information that will be required to proceed with the project, and to update the work plan and timeline. If the Executive Committee acting as a Local Trust Committee is prepared to accept the workplan, a letter and information package has been prepared which could be sent to affected property owners upon direction from the EC acting as an LTC.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

A detailed review of the planning status of the Executive Islands area was included in the October 9, 2009 Staff Report. Generally, there is no Official Community Plan and no zoning regulations in place for these islands. There are several sensitive ecosystems identified on the islands through the Sensitive Ecosystems Inventory (SEI); however, there are no policies or regulations in place to protect those ecosystems. The October 9, 2009 Staff Report identified four privately held islands or parcels on the islands. However, since that time, Gerald Island was purchased by the province and has become a Provincial Park. Mistaken Island and most of West Ballenas are the only two remaining wholly privately owned islands. South Winchelsea is owned by The Land Conservancy. South Ballenas and Winchelsea A, B, C and D are Federal Crown. All other islands are Provincial Crown.

There are several aquaculture tenures in the Executive Islands area. These are shown on the map attached to this staff report. The largest of these is located toward the north of the area and is approximately 375 hectares in size.

AVAILABLE MAPPING

Terrestrial Ecosystem Mapping (TEM) and Sensitive Ecosystem Mapping (SEM) are the two products which update the SEI, and these are currently only available for some islands close to the shore. Mapping has not been completed for outer islands such as Ballenas, Yeo, Winchelsea, Ada, and Maude islands.

ADDITIONAL MAPPING REQUIRED

Completed TEM and SEM mapping for the outer islands – The Islands Trust Fund will require this mapping for the Regional Conservation Plan. Depending upon airphoto availability, there may be an opportunity to partner with them to map the remaining islands.

OCP Land Use Designation and LUB Zoning Maps – Will need to be drafted as part of the OCP and LUB process.

STAFF COMMENTS:

Funding:

Executive Committee Acting as a Local Trust Committee has approved the use of \$2000 from the Scientific Studies 2010/11 budget in order to begin the preliminary OCP and LUB work. Further funds will be required from the 2011/12 budget in order to complete the project, and have been included in the draft 2011/12 fiscal budget request.

Timeline:

Assuming the Executive Committee Acting as a Local Trust Committee passes a resolution to proceed as recommended, and assuming further funding support in the next fiscal year to complete the project, the revised timeline for developing the OCP and LUB would be as follows:

Oct 2010	Initial letter to landowners and tenure holders advising of the project, including contact information, process and timeline information; development of mapping and collection of data on the existing situation.
Jan 2011	Initial staff report with recommended draft Official Community Plan policies and Land Use Bylaw regulations for consideration of the Executive Committee Acting as a Local Trust Committee.
Feb/Mar 2011	Referral to landowners, tenure holders, adjacent jurisdictions, First Nations, Provincial and Federal agencies and Trust Fund Board for comment. Allow 60-90 days for feedback and potential discussion of issues.

Apr 2011	Meeting with agencies to discuss issues that arise.
Jul 2011	Draft final OCP and LUB for consideration of the Executive Committee Acting as a Local Trust Committee; consideration of 1 st Reading by the Executive Committee Acting as a Local Trust Committee. Schedule a Public Hearing.
Sep 2011	Public Hearing and forward to the Executive Committee and to the Minister (OCP only) for approval.
Oct 2011	Consideration of adoption.

In line with this proposed schedule, a letter and information package for property owners has been drafted and is attached to this staff report.

Administrative Amendments

The Executive Committee Acting as a Local Trust Committee has directed staff to amend and update the various administrative bylaws that pertain to the Executive Islands. Staff will prepare updated bylaws in accordance with the following table, and will recommend that these bylaws be adopted at the same time as the new OCP and LUB.

Administrative Bylaw	Purpose	Action required if OCP/LUB Adopted
Bylaw 2	Board of Variance	Required – adopt new BOV bylaw and repeal Bylaw 2
Bylaw 4	Notice of Public Hearings	Not required (superceded by new legislation) Repeal Bylaw 4
Bylaw 8		Not required (superceded) Repeal Bylaw 8
Bylaw 11	Development Application Procedures – portion still in force	Required – adopt new development applicaton procedures bylaw and repeal Bylaw 11
Bylaw 15	Inspection Bylaw	Would be included in new bylaws – repeal Bylaw 15
Bylaw 17	Development Application Procedures	Required – adopt new development procedures bylaw and repeal Bylaw 17
Bylaw 19	Freedom of information	Adopted at the same time as other LTCs. No changes required.


Administrative Bylaw	Purpose	Action required if OCP/LUB Adopted
Bylaw 24	Meeting Procedures Bylaw	Adopted at the same time as other LTCs. No changes required.
Bylaw 25	Fees Bylaw	Amend to reflect new types of possible applications.

RECOMMENDATIONS:

THAT the Executive Committee acting as a Local Trust Committee endorse the revised work plan for the development of an Official Community Plan and Land Use Bylaws for the Executive Islands.

THAT the Executive Committee acting as a Local Trust Committee direct staff to send out the attached letter and information package to affected property owners, and that staff be directed to begin consultation with appropriate agencies.

Prepared and Submitted by:



October 13, 2010

Planner 2

Date

Concurred in by:

David Marlor, MCIP

October 13, 2010