



# STAFF REPORT

**Meeting Date:** September 14, 2009

**File No.:** HO-OCP-  
2009.1(OCP and  
LUB review)

**To:** Hornby Island Local Trust Committee

**From:** Sonja Zupanec, MCIP  
Island Planner

**Re: Hornby Island OCP and LUB review project**

The Hornby Island Official Community Plan (OCP) Bylaw No. 104 was revised and adopted in 2003. The next step was anticipated to fully review the Hornby Island Land Use Bylaw (LUB - adopted in 1993) to bring it into compliance with the new OCP. In 2005 the Hornby Island Local Trust Committee initiated an extensive review process of the LUB; however, following the elections that year, the review was never fully completed.

Since that time, amendments to both these bylaws have been heard by the Local Trust Committee (LTC), and both bylaws have been independently consolidated to reflect adopted changes.

The purpose of this staff report is to: a) propose that the LTC consider initiating a targeted official community plan and land use bylaw review process to update both documents prior to the end of it's term in office in 2011; and b) propose a draft Terms of Reference and timeline to expedite Bill 27 requirements and follow up with a targeted OCP/LUB review.

## THE PROPOSAL

Staff provided the LTC a technical review memorandum in April 2009 summarizing proposed changes, deletions and additions to both the OCP and LUB. Trustee Law also prepared extensive notes on possible considerations for a review of the OCP and LUB based on the work initiated since 2005.

Key issues recognized by trustees and staff since the 2005 OCP/LUB review includes:

- Ensuring thorough technical compliance between LUB regulations and OCP policies;
- Changes regarding layout, formatting, background information and reference updates, inconsistencies within and between each document, schedules, and rewording for clarity
- Updating the definitions used in the LUB;
- Revising height regulations in LUB to accommodate water storage tanks and/or wind turbines;
- Revising setback regulations in LUB;
- New subdivision regulations in LUB;
- New regulations in LUB to address short term vacation rentals and secondary dwellings;
- New land cooperatives zones for Syzygy, The Shire, Downes Point;
- Adding several housekeeping amendments for existing zoning designations;

- Adding new parkland zones;
- Updating OCP schedules based on new available mapping;
- Establishing new Development Permit Areas and moving DPAs from OCP to LUB;
- Adding new OCP policies on community housing needs; and,
- Reviewing commercial uses and need for additional commercially zoned land.

The following issues are raised for further discussion:

- Bill 27 requirements to be met by May 2010: an official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the LTC proposed with respect to achieving those targets;
- Provincial *Riparian Area Regulations* which impact required setback distances and permitted uses in and around leavestrips (implemented after the adoption of the OCP);
- New development permit area categories in the *Local Government Act* that permit local authorities to develop guidelines around resort development, to promote energy and or/water conservation, and to promote the reduction of greenhouse gas emissions;
- A decade of discussion on issues surrounding sustainability, green infrastructure, and provisions for housing and economic activity that could be incorporated into the OCP;
- The required development of implementation bylaws, such as a soil removal bylaw, affordable housing and community energy plan, development approval information bylaws and the designation of new conservation areas. It is recognized that these are not part of an OCP document, but agreement at a community level is required to advance these bylaws;
- Policies around climate change and its impacts on Island life could be considered;
- How to best respond to applications for uses that are not discussed in the current OCP; and
- Many other issues certain to be identified by members of the LTC, staff, community members, and stakeholders.

It is recommended that this review proceed with the clear intention that many items of the OCP and LUB are fine as written. Indeed, affirmation of elements of the existing OCP and LUB is important to keep in mind, identifying those objectives, policies and regulations that remain true and relevant.

A targeted review that prioritizes Bill 27 deadline requirements and then incorporates new issues and amends those portions of text that no longer accurately reflect the Plan Area is recommended in order to focus on adoption prior to the 2011 elections. A draft review process and timeline is proposed, as:

#### BILL 27 REQUIREMENTS

Oct –Dec 2009	Staff to provide LTC with customized climate change policy options for OCP amendment.
Nov –Mar 2010	Community, agency, APC and First Nation consultation on OCP policy amendments to meet Bill 27 requirements.
Jan –May 2010	Bylaw process – information meetings, referrals, readings and public hearing.
May 31, 2010	DEADLINE for submission of OCP amendment to Minister of Community and Rural Development for approval.

## TARGETED OCP/LUB REVIEW LAUNCH

Sep 2009:	Initial staff report and discussion with Hornby Island Local Trust Committee (LTC) regarding draft Terms of Reference and proposed timeline for a targeted OCP and LUB review.
Feb 2010	Notice to landowners, residents and agencies regarding launch of the targeted review of both the OCP and LUB and opportunities for input. Staff to compile background data, research and concordance of housekeeping and other proposed amendments. Community Open House conducted.
Mar 2010	LTC resolution – process, timeline, budget and final Terms of Reference endorsed by LTC and posted online.
April 2010:	Comprehensive list of proposed revisions prepared by staff based on LTC-endorsed principles. LTC resolution to draft amending bylaws.

## CONSULTATION:

May 2010:	Staff report and draft bylaws to LTC for review and revision. Community newsletter sent advising residents and landowners of status of review project and upcoming opportunities for input. Preparation of APC project terms of reference. Early referral of bylaws to agencies and APC.
June-August 2010	Community information meeting(s)/workshops or focus group sessions conducted. Resident/agency/APC input received regarding proposed revisions to draft policies and regulations.
Sep 2010:	Staff report on comments and referrals received. Draft bylaws revised by LTC – based on community/agency input.

## LEGISLATED PROCESS

Sep 2010:	Consideration of First Reading of OCP Bylaw
Sep - Oct 2010:	Agency and First Nations referrals
Nov 2010:	Public Hearing
Dec 2010:	Second and Third Readings. Bylaw forwarded to Islands Trust Executive Committee
Feb 2011:	Final consideration and adoption of OCP and LU Bylaws

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## **ISSUES SUMMARY**

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The following issues are acknowledged:

1. **Time Frame of OCP/LUB Process** –Bill 27 deadline requirements must take precedence over a targeted OCP/LUB review.
2. **Issue Identification** – various technical compliance issues; minor amendments; errors, omissions, new policies and regulations all need to be thoroughly considered for inclusion in the OCP/LUB review.

3. **Public consultation** – various public consultation opportunities will need to be considered over the next 12 months for Bill 27; accessory vacation rental regulations and other issues in the targeted OCP/LUB review.

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## **DISCUSSION**

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**Time Frame of OCP/LUB Review:** it is anticipated that at the September Trust Council meeting, all LTC's will be asked to amend their work programs to prioritize Bill 27 OCP amendments and direct staff to report back to the LTC with specific options on OCP climate change policies and targets appropriate for their local trust area. This portion of the OCP review will need to be substantially completed by May 2010 and will take precedence over the overall OCP/LUB review due to provincial deadline requirements imposed on all local governments in British Columbia.

The targeted OCP/LUB review may commence in early 2010 once Bill 27 bylaw amendments are substantially underway. The OCP/LUB review will require community focus for a minimum of one year. Currently this project is identified as priority #2 in the HOLTC work program.

**Issue Identification:** The priority for staff and the LTC will likely be to focus on Bill 27 requirements before undertaking a targeted review of the OCP or LUB. While a number of issues are identified in this report, it is in no way intended that this be considered an exhaustive list. It is anticipated that community members will raise a wide range of issues; community discussions will likely be in-depth. Ideally, at the end of the process, there will be widespread consensus that the OCP/LUB review adequately addressed the issues identified by the community and that the final documents are representative of the community's vision of the Plan Area.

Several necessary technical and administrative revisions have already been identified. Staff anticipates that an updated and preliminary concordance of proposed changes to both the OCP and LUB will be compiled and returned to the LTC for review and act as the foundation for further discussion. A draft terms of reference for the OCP/LUB review process is attached for preliminary discussion. Following initial notification to the community of the launch of the OCP/LUB review project and date of an open house to solicit initial feedback on issue identification, the LTC may revise the terms of reference and formally endorse them at a future LTC meeting.

**Public Consultation:** The HOLTC is anticipated to conduct community consultation regarding Bill 27 requirements as well as proposed regulations for accessory vacation rentals, which is currently the top priority on the work program. A coordinated consultation schedule is required for all work program priorities between now and 2011 to identify overlap, timing and potential community consultation overload in the next 12 months.

Instead of relying on typical information meetings, where the flow of discussions is largely one-way, it is suggested that a variety of public consultation methods be used to attract the interest and attention of the public on the diverse range of policies and regulations that may be discussed. Online surveys, discussion rooms, and up to date information on the website will be of interest to some community members. Others, with interests in specific topics, may only attend the community forum relevant to their concerns. Ideally, a range of methods will best ensure that anyone who feels that their interests are impacted by the OCP/LUB will have a means of participating in the review.

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**RECOMMENDATIONS**

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THAT the Hornby Island Local Trust Committee provide direction to staff on amendments to the HOLTC work program.

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Respectfully submitted by:  
Sonja Zupanec, MCIP  
Island Planner  
September 8, 2009

Concurred by:  
Chris Jackson, MCIP  
Regional Planning Manager  
September 10, 2009

**Attachment:**

1. Draft Terms of Reference
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**\*\*\*DRAFT\*\*\***

**HORNBY ISLAND OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW PROJECT**

**TERMS OF REFERENCE: PRINCIPLES AND PROCESS**

**ENDORSED BY HORNBY ISLAND LOCAL TRUST COMMITTEE [DATE]**

The following principles, objectives and consultation procedures have been endorsed by the Hornby Island Local Trust Committee to guide the process of a targeted review of the Official Community Plan and Land Use Bylaw for Hornby Island:

**General Principles:**

1. To advance the Object of the Islands Trust.
2. To implement the Islands Trust Policy Statement objectives, including:
  - a) Preservation and Protection of ecosystems;
  - b) Stewardship of resources;
  - c) Sustaining of island character and communities
3. To ensure that policies and regulations conform to applicable statutory requirements, law and recognized planning principles, practices and conventions.
4. To respect and recognize the unique goals, needs and circumstances of Hornby island residents, land owners and visitors.
5. To recognize the roles and interests of First Nations, other agencies and stakeholders.

**Specific Objectives:**

6. OCP provisions should address all applicable Islands Trust Policy Statement provisions and provide reasons where policies are not applicable.
7. Provincial requirements for the inclusion of OCP targets and policies addressing greenhouse gas emissions targets shall be included.
8. Existing overall use and density provisions should be maintained except where existing permitted uses and densities are clearly out-dated or inapplicable to the specific circumstances.
9. Increased density or significant new permitted uses should not be considered as part of this process, except where there are long-standing, small-scale non-conformities or there is an inconsistency with another objective or policy. Such amendments should instead be considered by application.
10. Accessory vacation rental objectives, policies and regulations shall be considered as part of this process.
11. Secondary dwelling objectives, policies and regulation shall be considered as part of this process.

12. New development permit area designations for protection of the natural environment, energy efficiency or water conservation may be considered where the administration of development permit areas is feasible.
13. Affordable community housing policies and objectives may be considered as part of this process.
14. All existing and proposed new land use bylaw regulations should be consistent with the policies and objectives of the OCP.
15. Draft bylaws are to be prepared by staff and reviewed and endorsed by the LTC.

**Consultation process:**

16. Owners should be contacted by mail and given the opportunity to directly provide comments.
17. Staff should meet with any group of owners or residents who desire to have direct input on the development of policies and regulations.
18. Staff may also gather input on specific issues through use of surveys or other means of data gathering.
19. Community information meetings, forums or topic specific focus groups should be held at which any member of the public would have the opportunity to attend and make comments.
20. The LTC should send early referrals of draft bylaws to applicable agencies prior to consideration of First Reading.
21. The Hornby Island Advisory Planning Commission (APC) may be requested to participate in reviewing draft bylaws; engaging in public discussions and providing recommendations and interim reports to the HOLTC as required, following the endorsement by the LTC of an APC Project Terms of Reference.
22. Staff shall, from time to time, prepare and distribute newsletters or other information material providing owners with information on the Islands Trust, the bylaw process and updates on the project, and these newsletters shall be reviewed and endorsed by the LTC prior to distribution and available on the Hornby Island webpage of the Islands Trust website.
23. Draft bylaws and related information on the review process will be made available for community review and input via the Hornby Island webpage of the Islands Trust website at each stage in the process.