



Memorandum

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Date August 31, 2010 (Updated September 20, 2010) File Number HO-OCP- 2009.1

To Hornby Island Local Trust Committee
From Brodie Porter
Island Planner
Northern Team

Re Progress memo on OCP amendments

Attached you will find a draft copy of the Hornby Island OCP edited to reflect work that the Island Planner has undertaken in response to public and APC comment, Trustee comment and as a result of legislative amendments and recommended planning practice. In summary changes reflect the following:

1. "Shall" and "will" has been replaced with "should" or "may" to reflect the guidance of a policy.
2. Policies have been divided into "Policies" and "Advocacy Policies" depending upon whether the policy is within the authority of the LTC to implement.
3. Advocacy policies have been worded in the active voice so that the policy acts to inform other agencies (e.g. the Ministry of ____ is supported in ____).
4. There are comment boxes on the right hand side of various pages that raise ideas for discussion. For example the first comment box on the first page of the Plan raises the question about moving the administration section of the Plan to the front of the Plan and adding in some proposed text on Plan Context and Interpretation of Policies. Trustees are encouraged to review the comment boxes and develop some opinions on the issues that are raised by those comments.
5. A rainbow of coloured text is included in the draft. To assist in reading the document the following guidelines have been applied to the use of the various colours:
Green – edits that Sonja Zupanec discussed with the LTC and which were agreed to as proposals for further discussion.
Red – significant text edits/additions that are proposed by this Planner or are a result of earlier discussions this Planner had with the LTC. Red was primarily used where other text was to be deleted but it was also used when additional text was proposed. Red was used when the "track changes" system was used but any references to format changes have been removed from the right side margin.
Blue – either text additions proposed by the Planner or self evident changes to text (e.g. "shall" became "should"). Track changes was not used when blue text was used.
Black – existing OCP text
Strikethrough text - Some text remains in the document but is noted with a line through the text. I am recommending removal of this text but I thought it important that it be readily available to you in the document so that you could decide whether it should be deleted or not.
The blue/red text combination was used as a means to minimize all the track changes notations in the margins regarding formats.
6. SEM mapping – I am proposed that Schedule D1 be removed from the OCP and that SEM mapping be relied upon to identify ecosystems. I am not recommending inclusion of the SEM mapping as a schedule to the OCP though so that it can be easily amended as new information becomes

available without formal OCP amendment. Consequently I am recommending deletion of references to SEI mapping and to Schedule D1

- 7 In a few locations I have presented some options for text, usually signified with an “or” between the options.
- 8 References to nuclear energy have been removed.
- 9 Major additions or changes include:
 - a. Amenity zoning policy
 - b. Transfer of development and of commercial land use policy (to address some properties at Fords Cove – requires more discussion)
 - c. Consolidation of “Large Lot Residential” into “Rural Residential”
 - d. Consolidation of “Water Supply Protection Area” designations
 - e. Renaming “Public Use” to “Community Service Use”
 - f. Addition of a new section titled “Housing” with subsections on “Community Housing”; “Affordable Housing”; “Rental Housing”; and “Special Needs Housing” and inclusion of “Land Co-operatives.”
10. Update and enhancement of recognition of application of ALR.
11. Significant amendments to sections on “Retail and Personal Service”; and inclusion of an STVR policy in the Visitor Accommodation section (Note there is a new “Vacation Home Rental” section that addresses STVRs in more detail.
12. Addition of a new “Commercial General” section as a first effort to address Fords Cove. This will need discussion with the property owners at Fords Cove. Note the concept of commercial land use transfer.
13. Home Occupations – addition of STVR use in a second dwelling on a property – to be reviewed as enforcement policy unfolds.
14. Development Permit areas – requires discussion
15. Temporary Use Permits – significant amendments based upon evolving policy re TUPs.
16. Administration – addition of several standard new sections used in Islands Trust OCPs and a section inserted for discussion about designating the island for purposes of Development approval information.
17. Addition of a list of community references at the end of the document as Schedule G
18. Policy on wind energy is under development and not included in this draft.
19. Proposed map schedule amendments (will be presented later but in summary):
 - a. Schedule B – Land Use Designations – various amendments to designations that are reflected in the policies (e.g. LLR becomes RR; Downes Point becomes LC/AG; new designation CW (Coastal Waters) for area below natural boundary; Public Use renamed Community Service Use; Social Housing renamed Community Housing; Limited Commercial (CL) deleted)
 - b. Schedule D1 – Environmentally Sensitive Areas deleted and references in OCP refer to SEM maps that are not part of OCP
 - c. Schedule E – Development Permit Areas – DPA 1, 2 and 3 created for Environmental Protection areas identified in text of OCP and Mt Geoffrey DP designation removed.

Updated Amendments to Sept 20, 2010

Gramatical amendments are not listed but are noted in the revised draft.

General Format Suggestions:

Staff will examine whether headers could be used on each page to reference the subsection that the page is addressing.

Page 1 – Information Note – last paragraph has been expanded to clarify interpretation of the Plan

Page 7 – “definition” replaced with “collective vision”

Page 13 – 1st line – amended reference to Regional Conservation Plan to remove awkward text.

Page 17 – added “four water accesses managed by the Comox Valley Regional District as neighbourhood parks” in first paragraph of Background.

Page 18 – Inserted “farmstead” in third paragraph

Page 23 – objective 1 –discuss alterntive wording for “primary objrctive”.

Page 24 – Policy 3.4.9 g. – added example of a source for a professionally developed program.

Page 35 – 4.4 Energy – Background – added sentence on wind energy.

Page 39 – added policy 5.1.4 regarding no use of a well for transportation of water off the lot. Same as policy 5.2.7

Page 45 – policy 5.5.7 and 5.5.9 are amended to identify agency or persons that advocacy policy is directed to.

Page 48 Policy 5.8.10 – MoTI is added as an agency In this advocacy policy

Page 53 – Information note amended to provide an amenity zoning example in the Rural Residential designation. Discuss whether this is a relevant example.

Page 58 – Background – 2nd paragraph – last line amended to denote use of BC Assessment Authority land use classifications.

Page 72 – Policy 6.4.1.3 b) – no change from earlier draft but discuss suggested wording advanced by Trustee Law to read “*...two dwellings, with the second dwelling limited in size, subject to authorization by the Agricultural Land Commission. The second dwelling may be used for accommodation for agri-tourism, subject to authorization by the Agricultural Land Commission.*”

For Discussion

Hornby Island Official Community Plan – September 2010 draft

Draft Policy 6.3.3.2

Trustee Tony Law suggestions and comments for LTC discussion and staff advice – 6 September 2010

suggested deletions – red strike-through

suggested additions - green

comments - black italics

6.3.3.1 For any subdivision of properties in the Rural Residential designation an average lot size of four hectares (10 acres) **should** be maintained, with a minimum lot size of one hectare (2.5 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, community land trust or other public use.

6.3.3.2 ~~Two~~ Exceptions to policy 6.3.6.1 may apply in exceptional specified circumstances. The application of this policy should only be addressed after detailed scrutiny that illustrates factors such as available public access, safe sewage disposal and ample water supply. (I am wondering if this sentence is redundant; wouldn't these factors be scrutinized through the subdivision process ?)

This policy is ~~only~~ intended to apply as a result of historical situations, particularly where two owners have jointly owned a property and over the span of time find that continued joint ownership is not feasible. (As noted below, there is one historical situation that is different)

This policy should apply to lots in situations where properties between 3.5 hectares and 4.5 hectares designated Rural Residential had two homes built on the parcel prior to 1991 that have been continually occupied by separate households, in which case a minimum lot size not smaller than 1.0 hectares with an average lot size of 2.0 hectares may be considered for subdivision. (This suggested addition would enable subdivision to be considered for lots that would have been eligible under the policy established in the previous Plan but whose owners did not apply at the time. If such a policy is adopted can the LUB regulations be written so that eligible owners can apply for subdivision, a condition of which would be providing evidence regarding when the two houses were built and their occupancy (by affidavit?), without first having to apply for rezoning?)

or

*****This policy should apply to lots in situations where properties between 3.5 hectares and 4.5 hectares designated Rural Residential have two homes built on the parcel prior that have been continually occupied by separate households for at least ten (?) years prior to application for subdivision, in which case a minimum lot size not smaller than 1.0 hectares with an average lot size of 2.0 hectares may be considered for subdivision. (This suggestion provides an alternative option for LTC consideration. It would enable owners who have established land sharing arrangements subsequent to 1991, but who are finding they are not working out, to apply for subdivision. Same question applies as for the previous suggestion).**

The policy should also apply to: ~~lots that were designated Large Lot Residential in the previous Plan as follows:~~

a) ~~in situations where properties between 3.5 hectares and 4.5 hectares~~ **designated Large Lot Residential in the previous Plan** ~~had two homes built on the parcel prior to 1991 that have been continually occupied by separate households,~~ in which case a minimum lot size not smaller than 1.0 hectares with an average lot size of 2.0 hectares may be considered for subdivision; *(Not all lots designated "Large Lot Residential" met the stated criteria)* and

b) ~~on the~~ property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision. *(This lot was re-designated in the previous Plan as the result of different circumstances.)*

Hornby Island Draft OCP – September 2010

Trustee Tony Law comments on Visitor Accommodation and Vacation Rentals – 7 September 2010
for LTC discussion and staff advice

6.5.2 Visitor accommodations and tourism

6.5.2.5 – amend???

Suggest...

One existing property, Lot A Plan 38493 Section 13 (known as Bradsdadslands), is designated as Visitor Accommodation / Residential to recognize an historically legal nonconforming situation in which the parcel has been used for a campground but should continue to be zoned as Rural Residential. Rezoning of this lot to “visitor accommodation” may be considered upon application.

6.5.2.7 – re-write??

Suggest...

The following additional provisions for visitor accommodation may be considered provided that all objectives of this Plan have been addressed:

- a) site-specific zoning may be considered for small resorts, hostels, lodges and camping facilities on non-Agricultural Land Reserve land in accordance with policy 6.5.2.3;
- b) accommodation in connection with agri-tourism may be permitted on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations;
- c) new land use designations and/or policies may be established through amendments to this Plan (including by application) to enable forms of visitor accommodation, such as guest houses or the use of a single residential dwelling unit on a lot for short term (less than a month) vacation rental, in residential zones;
- d) temporary use permits, in accordance with guidelines, may be used to enable visitor accommodation that does not involve significant additional infrastructure or to provide for a period of assessment of a new use involving minimal new infrastructure (such as a small-scale campground).

6.5.2.8 – Delete? (not implementable?)

6.5.2.11 – Delete (see suggestion for 6.5.2.7 above)

6.5.5 Vacation Home Rental

Background – amend???

Suggest.....

Given the islands increasing popularity as a summer destination, there has been increasing demand for visitor accommodation. Aside from the commercial visitor accommodation facilities and bed and breakfast home occupations there has been a tradition of some home owners renting their cottages or homes for short periods of time each summer. Generally homes were rented to friends, acquaintances and relatives through “word of mouth” contact. This direct contact established a relationship between owner and visitor that provided a foundation of connectivity to and respect for the property, the neighbourhood, the community and the environment.

Property owners benefited from the opportunity to raise some funds to pay for property taxes or upkeep while retaining their residence for its primary residential use for most of the year. Visitors benefited from increased accommodation options for experiencing the Island's environment and amenities. The community benefited from the economic inputs from people staying on the Island.

The development of cheap and ready advertising via the Internet and the establishment of property management companies have contributed to an increase in the number of homes available for vacation rental and a transformation of many rental situations into a more commercial practice that does not always involve such a direct relationship between the property owner and those renting. (In some cases, effective on-island property management can provide more direct contact than is available with a distant owner.)

This change over time in the number and character of vacation rentals has lead to concerns regarding the individual and cumulative impacts of an unregulated commercial land use taking place in neighbourhoods zoned for residential use.

The previous Plan attempted to address this issue by including a policy which suggested that the rental of a dwelling unit for temporary visitor accommodation could be permitted as a home occupation. However, the policy was never enacted in land use bylaw regulations because a home occupation implies that an owner or resident is living in a home on the property while conducting the occupation. This means that a policy supporting vacation rentals as a home occupation can only be implemented in a limited number of situations where a property contains two permitted dwellings with the owner or resident occupying one dwelling as their home while operating the other as a rental.

Policies

5.5.5.6 – change reference to 6.5.2.1

pc