



File No.: File Number(s)
(NP OCP Implementation)

DATE OF MEETING: November 7, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Report subject: OCP Implementation Project Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee identify ... as a Top Priority project and that staff report back with a draft project charter.

REPORT SUMMARY

The purpose of this report is to provide the LTC with a range of potential projects related to OCP policy implementation.

BACKGROUND

At the September meeting, the LTC adopted the following resolution:

NP-2019-099

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to delete item 1, “Land use planning for Waste Transfer” and item 3 “Land owner education” from the Top Priorities list and add the projects “Official Community Plan Implementation”, and “Short Term Vacation Rentals review”.

CARRIED

‘Official Community Plan Implementation’ refers to an inventory of potential amendments to the Land Use Bylaw (LUB) which would implement policies in the Official Community Plan (OCP). The list of potential amendments was created following the adoption of the current OCP in 2008: the new OCP included a variety of statements identifying future actions, these were tabulated, reviewed by the LTC of the day, and added to the projects list (i.e. an inventory of potential future projects). Subsequently a number of priority amendments were initiated in the following years, including:

- Implementing the Riparian Areas Regulation
- Adoption of a Development Approval Information Bylaw
- Designation of future pedestrian and bicycle routes
- Marine zoning amendments and adoption of zoning on lakes
- Implementation of secondary suites

The current list of potential amendments are those that were not prioritized as projects by the LTC over the previous two terms. The LTC has now indicated that it wishes to consider implementing further OCP policies, this report summarizes the various potential amendments, and provides some comment on the scope of the potential projects, and some options on proceeding.

ANALYSIS

An OCP is “a statement of objectives and policies to guide decisions on planning and land use management” by the local government. An OCP must include a number of mandatory statements and policies and can include a variety of other policies. An OCP does not commit a local government to implement any of the policies or projects identified in the OCP, but any bylaw adopted subsequent to the adoption of an OCP must be consistent with the OCP. The test of consistency of any amending bylaw is with the OCP as a whole, not necessarily with specific policies. The principal mechanism to implement OCP policies is through amendments to zoning, or other land use regulations in the LUB.

The attached table inventories the potential LUB amendments that were identified previously, includes some current or emerging issues, and a list technical amendments that is maintained for all LUBs. Not included in the table are advocacy policies, on-going projects (i.e. the groundwater sustainability project), further OCP amendments (e.g. new development permit areas), or policies that would require amendments to bylaws other than the LUB (e.g. amendments to the development approval information bylaw).

There are a total of 19 potential amendments identified in the attached table. The scope of work would vary widely between the different categories, some would be discrete initiatives while others could reasonably be combined into a single project. The following would be best addressed as discrete projects:

1. Residential floor area review: the OCP includes a statement that maximum residential floor area regulations may be created and that the maximum cottage floor area be reviewed. Any meaningful regulation (i.e. more than a large maximum floor area) would involve a significant review and community consultation (Mayne LTC is currently initiating a project that involves a review of dwelling regulations)
2. Conservation subdivision review: this was a project in 2013-2014 and then abandoned by a new LTC in 2015. The project would have potentially implemented regulations to require clustering of lots on larger subdividable properties (see the webpage: [Conservation Subdivision project](#))
3. Tourist Commercial Review: this project would review and potentially amend the regulations in the tourist commercial zones (C2, C3), including updating the regulations, creating more flexibility, and potentially reducing development potential in certain locations.
4. Marine shoreline review: this would involve a review of existing marine and backshore regulations, including dock regulations, setbacks from the sea, and more generally address impacts of climate change on the shoreline.
5. Agricultural amendments: this project would involve extensive consultation with stakeholders, the ALC and Ministry staff, implement initiatives identified in the Area Farm Plan, and otherwise update agricultural zoning regulations.

6. Industrial Land Review: this would review the current zoning on industrial lands and potential industrial zoning on other lands, as well as the regulations for specific uses and locations. A project of this nature would involve extensive consultation with owners and operators, as well as neighbours.

Other, smaller initiatives could likely be addressed as a single project, potentially with several discrete amendments:

- Landscape screening regulations
- Home industry regulations
- Updating subdivision regulations
- Review provisions for renewable energy
- Review C1 zoning categories to update, and extend to all locations in the zone
- Site specific zoning updates (e.g. long standing non-STVR TUPs, ferry terminal zoning)
- Forestry and agricultural building height in Rural zones
- Accessory buildings and structures prior to dwellings in the RR zones
- Review of prohibited uses
- Shipping containers
- Various technical amendments to the LUB

Finally, amendments related to groundwater are likely best reserved pending the outcome of the groundwater sustainability project: e.g. proof of water subdivision regulations and cistern requirements for new construction.

The LTC should review the list of potential projects and either identify one major initiative to make a Top Priority or identify a project combining some or all of the minor amendments as a Top Priority project. The other projects could be retained on the projects list as future initiatives. Combining several or all the initiatives into a single large project, while possible, would be an extensive project, likely taking the bulk of the term to complete – essentially an LUB re-write.

The LTC is encouraged to consider the draft Trust Council Strategic Plan priorities in advancing the LTC’s work program.

Alternatively the LTC could ask staff to report back with more detailed information on one or more of the above options prior to identifying a priority project.

NEXT STEPS

If the LTC identifies a new Top Priority project, staff will report back with an outline of the steps, options (if any), budget requirements for 2020-21 and a draft project charter.

Submitted By:	Robert Kojima, Regional Planning Manager	October 30, 2019
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ATTACHMENTS

1. Table of potential amendments

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
OFFICIAL COMMUNITY PLAN IMPLEMENTATION OPTIONS**

Potential Zoning Amendments Resulting from Statements in Official Community Plan Bylaw No. 171, 2007

No	Category	Reference Policy	OCP ref.	Staff Comments	Resource Commitment
1.	Land Use Bylaw Maximum Floor Area for Residential Dwellings	Maximum floor area regulations may be established, cottage maximum reviewed	2.1.A	<i>This would likely be a significant work program item, SPILTC has amended the LUB to limit floor area, MALTC is considering flexible housing options.</i>	High
2.	Land Use Bylaw: Landscape Screening Review	Consider and review the use of regulations to retain screening vegetation	2.1.C	<i>Review of effectiveness, intent, and administrative capacity related to existing regulations, consider potential new regulations or amendments</i>	Low
3.	Land Use Bylaw: Lot Clustering	Lot clustering should be encouraged through use of minimum and average lot sizes.	2.1.1.4 2.1.2.5 2.6.1 4.1.5 5.1.2	<i>Minimum average lot sizes for RR and R zones implemented, Conservation Subdivision project focusing on large subdividable lots was initiated in 2013 but not completed by LTC.</i>	Medium - High
4.	Land Use Bylaw: Home Industry Regulations	Home Industry regulations review	2.1.3.6 – 2.1.3.9	<i>OCP establishes policies for updating these regulations, this could be implemented as a limited project</i>	Medium
5.	Land Use Bylaw: Tourist Commercial	Various potential amendments to tourist commercial regulations	2.4.18 2.4.19 2.4.20	<i>Potential project to review commercial guest accommodation regulations, including allowing flexible floor area, also addressing development potential. Partially implemented (Port Browning rezoning). Partially implemented by re-alignment of marine zone boundaries, amendments to zone lakes, provisions for dock elements on upland. Could be considered as part of a single project to review both marine and shoreline zoning or as distinct projects.</i>	Medium - High
6.	Land Use Bylaw: Marine and Shoreline zoning review	Review of various marine related zoning and shoreline regulations. Marine zoning regulations include definitions of docks and associated structures. Shoreline review would include setbacks, permitted structures, and incorporate sea level rise provisions	3.1.1.1 3.1.1.4 3.1.1.5 3.2.5 4.1.2 4.2.4	<i>Partially implemented by re-alignment of marine zone boundaries, amendments to zone lakes, provisions for dock elements on upland. Could be considered as part of a single project to review both marine and shoreline zoning or as distinct projects.</i>	High
7.	Land Use Bylaw: Subdivision regulations	Review of subdivision servicing regulations, including proof of potable water, applicability of road standards and drainage.	3.3.1.1	<i>Groundwater sustainability project may have applicability to proof of potable water provisions.</i>	Medium - High

No	Category	Reference Policy	OCP ref.	Staff Comments	Resource Commitment
8.	Land Use Bylaw: Agricultural amendments	LTC may consider amendment to various regulations to implement Area Farm Plan, update regulations	2.1.1.8 2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.24 2.2.8	<i>This would be a significant project, with extensive consultation. LTC should be satisfied this is a priority.</i>	High
9.	Land Use Bylaw: Renewable energy	Review zoning regulations to permit renewable energy devices	4.5.2	<i>Siting of features would be main amendment. Geothermal heating: site-specific amendment approved, change to zoning regulations considered and rejected by a previous LTC</i>	Low
10.	Land Use Bylaw: Mandatory rainwater catchment systems	Regulations may be considered requiring the installation of rainwater catchment systems in new construction	3.2.4	<i>Non-potable water storage requirements can be implemented through zoning regulations or as a DPA for water conservation. Priority areas should be identified following completion of the groundwater review project</i>	Low
Potential Amendments not identified by specific OCP policies					
11.	Land Use Bylaw: Industrial zoning Review	Review Industrial zoning		<i>Zone Industrially-designated land, review range of uses permitted in industrial zones. This would represent a significant commitment of time and resources and should be undertaken as discrete project. Partially considered during waste management review and through rezoning of works yard (currently in abeyance at applicant's request).</i>	High
12.	Land Use Bylaw: Commercial zoning Review	Review C1 zoning		<i>Review site-specific zones, update use categories.</i>	Medium
13.	Land Use Bylaw: Ferry Terminal	Ferry terminal zoning		<i>Upland portion of ferry terminal should be zoned to a community service zone</i>	Low
14.	Land Use Bylaw: Incorporate TUP into zoning	Consider amending zoning to make on-going (non-STVR) TUPs permanent uses		<i>There are currently 3 – 5 non-STVR TUPs that may be candidates for LTC-initiated zoning amendments that would make the uses permanent</i>	Low

No	Category	Reference Policy	OCP ref.	Staff Comments	Resource Commitment
15.	Land Use Bylaw Forestry and Agricultural buildings	Amends to AG and R zoning to address agricultural and forestry building height		<i>Agricultural buildings defined by use only, consider amendments to permit higher buildings on AG lots with larger setbacks. Rural zoning does not specifically allow for non-agricultural buildings that are not accessory to a dwelling.</i>	Low
16.	Land Use Bylaw Accessory buildings	Construction of accessory buildings prior to residence		<i>Permit one non-residential building on RR zoned lots prior to construction of dwelling</i>	Low
17.	Land Use Bylaw Prohibited uses	Review of prohibited uses		<i>Could be updated to address shipping containers, pit toilets and uses identified in other bylaws</i>	Low
18.	Land Use Bylaw Technical Amendments	Various technical updates / corrections		<ul style="list-style-type: none"> • Order of definitions (cottage) • Uses permitted in all zones clarity • Typos • Mapping: <ul style="list-style-type: none"> • C2(c) and C2(d) zone boundary • Magic Lake tennis courts • Home industry setback and minimum lot size inconsistency • Add secondary suites to RC zones • Siting exemptions for solar panels and power sheds • Home occupation definition permission and prohibition inconsistency • Inconstancy between natural boundary and lot line setbacks • Definition of pumphouse • RV definition to include park model homes • Connections between buildings • Review lot coverage for split zoned lots calculations • Review accessory use definition in light of recent case law 	Medium
19.	Land Use Bylaw Formatting	Re-format LUB to Islands Trust LUB template, adopt a new base bylaw		<i>Any extensive amendments to LUB should include re-formatting LUB into standard template and adopting a new base bylaw</i>	Low