

Date: January 15, 2026

By email: islands2050@islandstrust.bc.ca

To: Trust Council

Re: Floor Area and Lot Coverage Limits -Directive 3.4.14

From: Kees Langereis

3.4.14 Floor Area and Lot Coverage Limits

Set floor area and lot coverage limits for residential development to minimize negative environmental impacts, including on land used for agricultural purposes.

Directive 3.4.14 requires local trust committees to apply both lot coverage and floor area limits to residential developments for the purpose of minimizing negative environmental impacts.

On initial reading it seems reasonable and quick assumptions can be made on what it will do. But parsing the text, its scope and placement in the Housing section raises questions.

Questions that arise: Are the meanings of the words apparent? Why was it drafted as it is? What is it intended to achieve? How will it be operationalized? The answers to these questions are not readily apparent.

Words used:

a. “Residential development”:

The term "residential development" isn't defined in the TPS, but a reasonable assumption would be that it refers to lots zoned for residential use. But does the term also include commercial lots where a dwelling is permitted as an accessory use? In other words, is it the principal use of the zone or simply any residential use that triggers the application of the Directive to that zone? Or is this determination left to the discretion of the local trust committee?

Furthermore, does the Directive apply only to the residential portion of the development or to all permitted development on the lot (e.g. mixed-use commercial)? Again, or is this determination left to the discretion of the local trust committee? Will Executive Committee have discretion to decide on the LTC's determination or only in the impacts of that decision?

If the floor area and lot coverage apply only to the residential portion, zones will need to have an additional set of such density limits for other uses, which introduces a degree of complexity.

Recommendation:

Define “residential development” or amend the Directive to make clear the scope of the Directive’s applicability. If a definition is decided upon, it should be limited to just this Directive as the phrase residential development it is not used anywhere else in the TPS.

b. “Land used for agricultural purposes”:

What is to be captured by the phrase “land used for agricultural purposes” and why was it added? Is it referring to a lot in the Agricultural Land Reserve (ALR), a lot not in the ALR but where agricultural use is permitted or any lot where agriculture occurs? Or is that determination left to the discretion of the LTC?

Directive 3.4.14 refers to “environment.” The term could mean the “natural environment,” but it could also include the “social” or “economic” environment. The Directive’s final phrase, “including on land used for agricultural purposes,” tends to support the possible economic interpretation.

Is the reference to agriculture intended to limit in some way the scope of “negative impacts on the natural environment” by considering the economic impacts of any residential restrictions or is it about reducing negative impacts of agriculture on the natural environment? The policy intent here is opaque.

Recommendation: amend the Directive to clarify that floor area and lot coverage are intended to address negative impacts on the natural environment. If Directive 3.4.14 is not amended then establish a new Directive under Goal 3 that requires the implementation of other density management provisions to minimize negative impacts on the natural environment.

Notably, none of the Goal 3 Directives make any reference to the application of density management powers or any other specific measures. The Goal 3 Directives, unlike some Housing Directives, set high-level but vague direction of preserving and protecting, but no direction on specific measures on the “how to achieve”.

Density:

“Floor area” and “lot coverage” are two *Local Government Act* zoning powers that regulate density of use. But there are other zoning powers regulating density. Examples include setting limits for building heights, the number of dwellings and/or other buildings, lot line setbacks, and minimum and average lot sizes for subdivision. Floor area can be a useful density management tool for any form of development.

However, if density management is the objective of this Directive, why have the other possible density provisions been omitted in the Directive? Why limit it to just these two? Is there some other purpose for limiting it to these two?

Is the Directive intended to limit or increase residential development?

By the placement of Directive 3.4.14 in the Housing section of the TPS, the Directive’s intended purpose could be construed as

- (a) limiting the size of homes, or
- (b) facilitating the other Directives in the Housing section promoting multiple dwellings on a lot.

The latter seems the more likely agenda, possibly by indirectly encouraging use of the floor area ratio (FAR) approach referenced in the Glossary definition of density or the flex zoning approach, both of which employ floor area as a key criterion.

Allowing multiple smaller homes on a lot and increasing residential density appear to be this Council's panacea to solving housing issues (ie just add density via the market). But adding multiple tiny homes doesn't consider the environmental impacts of land alteration from the development, the potential need for other non-residential buildings (e.g. workshops/structures) that the size of the home would not accommodate. Nor does it account for the increased needs for services, water use and septic outflow on an island.

What is meant by "minimize negative environmental impacts"? The term "environment" is not defined and the currently wording of the Directive could interpret it as meaning the minimizing of negative impacts on the natural, social or economic environment. If the policy intent is to minimize negative impacts on the natural environment the Directive needs to be amended to reflect that.

Recommendation: amend the Directive to say something like "Set floor area and lot coverage limits for residential development to reduce maximum dwelling sizes and lot coverage minimize negative impacts on the natural environment".

Summary of preferred recommendations:

- Move Directive 3.4.14 to Goal 3
- Define "residential development"
- Define "environment" in the Glossary as the "natural environment"
- Add the other density management tools to the Directive
- Amend the Directive to clarify that it is referring to protecting the natural environment
- Clarify what is intended by the addition of "land used for agricultural purposes if kept."

Some additional comments:

Environment vs ecosystem:

The Housing section Directive refers to "environment" yet the Goal 3 Directives refer only to "ecosystem". The TPS does not define the term "environment." It seems odd to have one set of Directives on a particular topic referring only to "environment" and Directives on another topic referring only to "ecosystem."

Is ecosystem a subset of the "environment" or a "unique amenity"? Regardless, the use of the word "environmental" in Directive 3.4.14 could be interpreted as referring to the social, economic or natural environment, thereby giving LTCs latitude to interpret it as they see fit if the Goal 3 Directives are not prioritized when balanced against other needs.

Cumulative effects:

The contention that Trust Council is focused heavily on increasing residential density also arises from the removal of "cumulative effects" from a previous version of Directive 3.4.14. Yet Council supports including cumulative effects in Principle 2.1.6, but I suspect because Principles are not mandatory

criteria for Executive Committee reviews of LTC bylaws. Furthermore, Directive 3.5.25 (docks) had, at the request of a First Nation, included consideration of cumulative effects. Is its inclusion to the Docks Directive more palatable because it is limited to the marine environment which does not limit residential use on land. It reinforces the notion Trust Council has an antipathy to any provisions that may limit residential development.

Manage vs growth:

Another factor supporting the belief that limits of residential development is not preferred is the amendment of Directive 3.4.2. This Directive was amended by replacing the words “establishing appropriate density limits” with “manage growth”. Managing growth is a more ambiguous phrase and could mean limiting or increasing development.

Also, when the text of legislation is amended, my understanding is that it viewed as a substantive policy change unless it can be shown that the intent was simply an improvement in wording. Given the range of interpretation of “manage” and the more limited meaning of “limit”, I would argue there is a substantive change in this Directive in favour of increasing residential density and lessening of support for limits on density increases.

Floor area ratio:

A March 2021 report prepared by the firm Fraser Simpson Consulting Inc & Associates addressed the potential use of “floor area ratio” in the Trust Area. The report was forwarded to all LTCs. The Report indicated Trust staff had 2 reservations about its use in the Trust Area, specifically (extract from the report):

- Floor Area Ratio however is not a planning tool that is often considered as it has not been proven to be useful in a rural context.
- Depending on the specifics of the bylaw in question, FAR may be a ‘size’ regulation rather than regulation of density, and thus could be increased by variance

Have these reservations of staff been resolved given FAR has been put into the Glossary definition of “density of land use”?

Policy background:

During the Trust’s TPS discussions, Trustee Evans questioned the wording of a Directive and suggested Directives be accompanied with information on its purpose and operation, a very good suggestion. Unfortunately, that has not yet occurred in any meaningful way, for the public anyway. Rather than requiring the public to read and comprehend complex and/or extensive policy changes the provision of policies explaining the changes, reasons for the changes and its operationalization would help understanding and possibly garner more support. Uncertainty can create suspicion.

Respectfully submitted.