



DATE OF MEETING: January 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP LUB Review – Residential Floor Area and Agricultural Regulations Review

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to report back with the information regarding the Residential Floor Area Review outlined in the staff report dated January 28, 2021.
2. That the North Pender Island Local Trust Committee request staff to report back with a review of the recommendations made in the Special Agricultural Advisory Commission report dated January 4, 2021.

REPORT SUMMARY

The purpose of this report is to provide further information on the topic areas.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses seven topic areas:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

The North Pender Local Trust Committee held (5) electronic meetings for the Land Use Bylaw Review (Official Community Plan Implementation) Project in 2020; one in conjunction with the South Pender LTC. A second Community Information Meeting in conjunction with the South Pender LTC was held on January 15, 2021 to collect comments from the community regarding maximum floor area regulations. Staff also presented information regarding frequently asked questions (FAQ) regarding legal non-conforming. This FAQ can be found on the project webpage under “Discussion Papers & Background” (see link below).

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage: <http://www.islandstrust.bc.ca/npender/ocp-implementation-project>

ANALYSIS

Residential floor area review:

The North Pender and South Pender LTCs held a Special meeting on January 15, 2020 to discuss residential maximum floor area. A number of community members expressed concern regarding the LTC establishing a maximum floor area that is less than the floor area of their home; more specifically, concerns regarding legal non-conforming status and their ability to rebuild to the prior floor area. An option the LTC can consider is to include a provision in bylaw that would ensure existing dwelling units could rebuild to their current floor area prior to the newly established maximum floor area. Staff would recommend legal advice if this provision is included in the bylaw (see below).

If the LTC wants to proceed with limiting floor area, staff recommend the LTC pursue the option of a gradual scale for maximum floor area based on lot size. The South Pender LUB was amended in 2016 to establish maximum floor area for dwellings located in rural residential zones depending on lot size (see table below). The South Pender LTC is in the early stages of discussion with the community to determine if the maximum residential floor area outlined below should be decreased further. The LTC may want to consider a gradual scale that is similar to the South Pender scale in terms of lot size groups: .39 ha and under, 0.4 ha to 0.79 ha, 0.8 ha to 1.59 ha, 1.6 ha to 3.9 ha, and 4.0 ha and greater.

Excerpt from South Pender LUB – Rural Residential Zones

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5) <i>Maximum Floor Area per lot:</i>			✓	✓	✓
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:			
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)			
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)			
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)			
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)			
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)			

The following chart shows the number of Rural Residential or Rural zoned lots on North Pender that have Improvement Values of zero as per BC Assessment in 2021 (an indicator of vacant land). This demonstrates the number of lots that would be applicable if a maximum floor area regulation is established. Further analysis on the vacant lot numbers could be done by staff; including the percentage of vacant residential lots to total residential lots on North Pender. Staff can provide a verbal update on the percentages if available for the January 28, 2021 LTC meeting.

**Number of RR & R Zoned Lands on North Pender with Improvement Values of Zero
(Based on 2021 BC Assessment)**

Lot Area	Total "Vacant Lots"	RR Zoning	R Zoning
0.39 ha and under	222	216	6
0.4 ha to 0.79 ha	37	30	7
0.8 ha to 1.59 ha	22	17	5
1.6 ha to 3.9 ha	22	5	17
4.0 ha and greater	37	3	34
Total	340	271	69

Prior to the LTC deciding the maximum floor area for each group of lots sizes, staff can provide the LTC with the following information to help guide their decision:

- Further analysis on vacant lot numbers.
- Floor areas of dwelling units from the last 10 years (review Building Permits). This will summarize the average floor area of dwelling units built in the past decade.
- Legal opinion for including a provision in bylaw that would ensure existing dwelling units could rebuild to their current floor area prior.

Conservation subdivision review:

As mentioned in the Conservation Subdivision Review Discussion Paper, a project to consider a comprehensive approach to implementing conservation subdivision design for larger lots was undertaken in 2013-14 by the LTC of the day; however, that project did not proceed at the time. The intent of the current review is to consider implementing certain elements of the earlier initiative that are within the scope of this project.

The clearest existing support for conservation subdivision in the North Pender’s LUB are minimum lot size and minimum average lot size regulations permitting lot clustering. North Pender’s LUB currently contains regulations enabling lot clustering through minimum lot size and average lot size provisions in the Rural and Rural Residential zones. Although not an LUB regulation, Development Permit Areas (DPA) in the North Pender OCP also include subdivision guidelines that implement elements of the approach by requiring a DP for subdivisions that include land within a DPA. The current DPA main purpose is to protect sensitive ecosystems and includes guidelines specifically for subdivision applications. A new DPA is recommended with the primary purpose of achieving conservation subdivision principles and require implementation through permit conditions. This new DPA could also include guidelines for the protection of Coastal Douglas Fir. A new DPA is out of scope for this project.

The rezoning and designation of specific larger parcels to pre-zone areas for clustered lots and a separate zone for larger remainder lots would also help achieve conservation subdivision principles but is out of scope for this project. These would require OCP amendments, as well as detailed review of the potential lots and consultation with owners.

The main purpose of the LUB Review Project is to make LUB amendments; major OCP amendments are out of scope for this project. To fully adopt conservation subdivision principles, both LUB and OCP amendments should be considered. The LTC may want to consider removing this topic from the LUB Review and placing it on the Projects List.

Tourist Commercial regulation review:

Staff will report back at a subsequent LTC meeting to discuss the options presented in the Discussion Paper and to discuss comments received by property owners with property zoned Commercial 2 (C2) and Tourist Commercial operators. A letter will be sent at the end of January 2021 to property owners with C2 zoned land and operators and staff will forward their comments to the LTC by end of February 2021.

Marine shoreline regulations review:

This topic was discussed at the November 7th, 2020 CIM. The LTC expressed an interest for further information regarding vertical setback from the sea regulations and live-aboard regulations for marinas. Staff will report back with further information on these to items at a subsequent LTC meeting.

Agricultural regulations amendments:

The Special Agricultural Advisory Committee (SAAPC) has provided an extensive referral report that includes comments and recommendations on the Agricultural Discussion Paper and the Minor & Technical Amendments list. The SAAPC report can be found on the NP LUB Review Project webpage under 'Agricultural Regulation Amendments': <http://www.islandstrust.bc.ca/media/350667/land-use-bylaw-review-north-pender-agricultural-advisory-planning-commission-jan-2021.pdf>

Staff recommend reviewing the report in detail and tabulating all recommendations in the report. Staff will then determine if the recommendation is within scope of the project (and should be included or not, with a rationale), out of scope but be addressed in the future, or not within the LTC's jurisdiction. Comments regarding the SAAPC's recommendations will be presented at the February 25, 2021 LTC meeting.

Industrial regulation review:

The North Pender Advisory Planning Committee (APC) is currently reviewing the Industrial regulation Discussion Paper. The LTC has asked the APC for their comments and recommendations by February 11, 2020. A letter was sent to property owners with Industrial zoned land asking for comments on the options the LTC is considering. Staff recommend property owners with Industrial zoned land and industrial operators forward their comments to the LTC by end of February 2021.

Minor and technical amendments:

The North Pender APC is currently reviewing the Minor and technical amendments. APC comments will be forwarded to the LTC when they are received.

Consultation

As shown in the attached Project Charter, the project is in the stage of early public consultation and referrals. The information gathered from the Special Meetings and correspondence will help determine how the LTC may wish to proceed with amendments to the LUB for each topic. The project timeline states that draft bylaws should be presented by mid-Spring and further consultation for the draft bylaws will commence in the summer (June to August 2021).

The LTC may want to consider scheduling a special meeting for those topics where the LTC may require more time to discuss that topic than a regular LTC meeting could provide. These Special Meetings main purpose would be for the North Pender Trustees and Chair to have enough time to discuss a topic(s) amongst themselves. For example, a Special Meeting to discuss the recommendations from the APC regarding the Industrial Discussion Paper and the Minor & Technical Amendments chart could be held in late February or early March. Again, the purpose would be for a lengthy discussion between Trustees rather than a Town Hall (although a portion of the meeting could also include a town hall session).

At the January 15, 2021 a number of community members expressed support for a full mail out to notify North Pender community members of the upcoming amendments to the bylaw. If the LTC wishes to do a mail out, staff recommend initiating this when there is a draft bylaw in order to encourage comments and suggestions from community members. The LTC should be aware that there is a significant cost associated with this (cost to mail) as well as the administrative time to organize a mail out. Alternatively, the LTC could consider using the North Pender email subscriber list more frequently by sending monthly email updates on the project.

Rationale for Recommendation

Staff have provided two recommendations for the LTC’s consideration. These recommendations will provide further information to the LTC in order to help guide their decision for the residential maximum floor area and agricultural regulation review. Staff will also report back at the next LTC meeting.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Schedule additional Special Meetings

The LTC may wish to hold additional Special Meetings in order to gather further information on one or more of the topic areas. Recommended working for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss [insert topic area].

3. Refer additional Discussion Paper to the Advisory Planning Commission

The LTC may opt to refer additional Discussion Papers to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to proceed no further with the project.

NEXT STEPS

Staff will report back at the February 25, 2021 LTC meeting with further information on this project.

Submitted By:	Kim Stockdill, Island Planner	January 20, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2021