



DATE OF MEETING: March 18, 2021  
TO: North Pender Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: LUB Review Project – Options

## RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee give direction to staff to initiate the process of drafting bylaw amendments for the LUB Review Project.**
- 2. That the North Pender Island Local Trust Committee give direction to staff to schedule an additional special meeting to continue the discussion for the Land Use Bylaw Review Project.**

## REPORT SUMMARY

The purpose of this report is to provide further information on the topic areas, seek direction from the LTC and to get direction to draft bylaws. The staff report highlights three topic areas: maximum floor area, agricultural regulations, and industrial regulations. Staff have provided some recommendations for each topic but also requests clear direction from the LTC where indicated in the staff report and attachments.

## 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. 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>

At the January 28, 2021 LTC meeting, the LTC passed the following resolutions:

**NP-2021-011**

It was Moved and Seconded,  
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.  
CARRIED

**NP-2021-013**

It was Moved and Seconded,  
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.  
CARRIED

**NP-2021-014**

It was Moved and Seconded,  
that the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss appropriate Land Use Bylaw Review topics.  
CARRIED

**ANALYSIS**

Residential floor area review

*Background & Context:*

The OCP policy suggests that the LTC may consider establishing a maximum floor area regulation for dwellings, and provides basic rationale of preserving rural character and limiting resource and energy demands. As a Residential policy, it is applicable to the Rural and Rural Residential land use designations.

As stated in the discussion paper, prior to proceeding with implementing regulatory changes, the LTC should consider the following:

- issues with the current regulations;
- the problem or concern that the LTC is seeking to address; and
- determine the goal or intent of changes to regulations.

Answering the three questions above will help guide the LTC to decide if to regulate maximum floor area, and how to regulate maximum floor area.

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. The LTC has been provided legal advice regarding the addition of a provision to the LUB and a number of issues the LTC should consider. If the LTC proceeds with establishing a maximum floor area regulation, a provision can be added to the LUB.

In the staff report presented at the January 28, 2021 LTC, staff suggested reviewing Building Permits over past years to gather information regarding the average floor areas. With respect to limited time, staff reviewed Building Permits for new dwelling units from 2019 and 2020. The chart below demonstrates that the majority of dwelling units with Building Permits issued in 2019 and 2020 were less than 2000 ft<sup>2</sup>. Based on this information, the LTC should consider the need to regulate maximum floor area on North Pender in relation to the distribution of dwelling size.

<b>Single Family Dwelling Unit Floor Areas 2019 &amp; 2020</b>	
<i>Floor Areas</i>	<i>Number of BPs</i>
0 to 500 ft <sup>2</sup>	4
501 to 1000 ft <sup>2</sup>	10
1001 to 1500 ft <sup>2</sup>	3
1501 to 2000 ft <sup>2</sup>	9
2001 to 2500 ft <sup>2</sup>	1
2501 to 3000 ft <sup>2</sup>	1
>3000 ft <sup>2</sup>	1

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) and those that have an improvement value (building located on the property). Staff have also attached a map (Attachment No. 1) that shows the number of vacant lots and improved lots.

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

<b>Lot Area</b>	<b>Total "Vacant Lots"</b>	<b>RR Zoning</b>	<b>R Zoning</b>	<b>% of R &amp; RR lots that are vacant</b>	<b>Total number of R &amp; RR zoned lots</b>
0.39 ha and under	222	216	6	16%	1361
0.4 ha to 0.79 ha	37	30	7	15%	250
0.8 ha to 1.59 ha	22	17	5	16%	136
1.6 ha to 3.9 ha	22	5	17	23%	94
4.0 ha and greater	37	3	34	31%	121
<b>Total</b>	<b>340</b>	<b>271</b>	<b>69</b>	<b>17%</b>	<b>1962</b>

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

<b>Lot Area</b>	<b>Total Lots with a building</b>	<b>RR Zoning</b>	<b>R Zoning</b>	<b>% of R &amp; RR lots that are improved</b>	<b>Total number of R &amp; RR zoned lots</b>
0.39 ha and under	1139	1117	22	84%	1361
0.4 ha to 0.79 ha	213	184	29	85%	250
0.8 ha to 1.59 ha	114	87	27	84%	136
1.6 ha to 3.9 ha	72	44	28	77%	94
4.0 ha and greater	84	4	80	69%	121
<b>Total</b>	<b>1622</b>	<b>1436</b>	<b>186</b>	<b>83%</b>	<b>1962</b>

The charts above shows that if the NP LTC establishes a maximum floor area for new dwellings on residential lots, it would be applicable to 17% of properties zoned Rural Residential (RR) and Rural (R) (chart does not include properties zoned RC1 and RC2). It should be noted that the chart does not encapsulate redevelopment of existing small dwelling units.

#### *Options for the LTC to consider:*

If the LTC wishes to establish a maximum floor area, the LTC should consider two options; establishing a single maximum floor area for all dwellings units in the R, RR, RC1 and RC2 zones, or by establishing a maximum floor area based on a gradual scale.

Implementing a single, maximum floor area for residential dwelling units would be relatively straightforward to administer, compared to other options (such as a floor area ratio, or total maximum floor area for all buildings on a lot) which may present more challenges. The current regulation establishing a maximum floor area for cottages is straight forward to administer, accurate plans are usually not an issue. Additions to existing dwellings may result in the need for applicants to provide more detailed plans than otherwise required. Regulations defining crawlspaces and attic spaces should also be reviewed to ensure they are consistent with building code and support implementation of a maximum floor area regulation. The LTC should consider this option if the concern is to prevent the construction of what is perceived of as excessively large dwellings. Essentially this would provide a maximum limit that would impact few new dwelling, based on recent building permits, but would preclude the construction of massive dwellings, regardless of lot size.

If the LTC wishes to establish a maximum floor area based on a gradual scale, the LTC may want to consider a 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. The South Pender LUB was amended in 2016 to establish maximum floor area for dwellings located in rural residential zones depending on lot size; although, the South Pender LTC is in the early stages of discussion with the community to determine if the current maximum residential floor areas should be decreased further. The difficulties of establishing a maximum floor area based on a scale area:

- determining how to segregate the lot sizes (ie. What lots sizes should be grouped together);
- determining how to allocate a specific maximum floor area for each lot area group;
- ease of interpreting the regulation by property owners; and
- at time of Building Permit, adding a requirement for the exact lot area. This could trigger a requirement for a survey plan.

Based on the information above, and if the LTC decides to establish a maximum floor area, staff recommend considering a single maximum floor area for all residential dwelling units.

#### 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. Attached is a list of the SAAPC recommendations (Attachment No. 3) with details pertaining to if they are within the project's scope, if they should be included in the bylaw amendments, and staff comments. At the March 18<sup>th</sup>, 2021 meeting, staff recommend going step by step through each recommendation with the LTC in order to receive direction for each item from the LTC.

#### Industrial regulation review:

The North Pender Advisory Planning Committee (APC) reviewed the Industrial regulation Discussion Paper and has provided the LTC with the following recommendations (as per the February 4, 2021 NP APC minutes):

1. That, in response to Option 1c, the North Pender Island Local Trust Committee consider the property [to the east of Home Hardware with the PID 005-773-954] within this review and that, should the land owner request it, the local trust committee provide the property with an industrial designation.
2. Not move forward with the creation of one industrial zone.
3. Retain, site-specific uses on industrial lands.
4. Deal with subdivision size limits on industrial land on a lot-by-lot basis.
5. Not remove industrial designations from steep slopes of existing industrial zoned land, but that the LTC continue to use site-specific zoning as needed.
6. Not remove the industrial designation from 3330 Port Washington Road.
7. Not amend the zoning from industrial to commercial for 3338 Port Washington Road (Home Hardware).
8. Not consider 4406 Razor Point Road within this project given the ALC's involvement.
9. Be advised that the APC deems the current Temporary Use Permits on 4415 Bedwell Harbour Road as appropriate and recommends that the LTC incorporate those TUPs into industrial zoning for the appropriate portion of the property
10. Advocate to the Ministry of Transportation and Infrastructure (MOTI) to reduce the speed limit in the industrial area on Port Washington Road.
11. Be advised that the APC deems the current Temporary Use Permit on 3334 Port Washington Road as appropriate and recommends that the LTC incorporate the current TUP into industrial zoning for the appropriate portion of the property.
12. Apply the data from the forthcoming Ground Water Project to require prevention, monitoring, and remediation for all industrial properties.

Attachment no. 2 includes the options included in the Industrial Regulation Discussion Paper. Staff have provided comments on each option and have also included the recommendations from the NP APC. A number of the items require direction from the LTC. At the March 18, 2021 meeting, staff recommend going step by step through each recommendation with the LTC in order to receive clear direction on how to proceed.

#### Conservation subdivision review

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. This topic can be discussed in more detail at a subsequent special LTC meeting.

#### 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. Staff will report back with further information at a subsequent special LTC meeting recommended in April.

#### Marine shoreline regulations review

This topic was discussed at the November 7<sup>th</sup>, 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 special LTC meeting recommended in April.

#### Minor and technical amendments

The Industrial Regulation Discussion Paper and the Minor and technical amendments were referred to the North Pender APC in December 2020. The minutes from the three North Pender APC meetings (January 18, February 2, and February 4 2021) did not include discussions related to the minor and technical amendment list. The LTC has the option to re-refer the minor and technical amendment list to the APC with a response deadline of April 2, 2021 in order for the LTC and staff to receive the comments before a secondary special meeting is scheduled.

### **Timeline**

The following is the timeline from the Project Charter:

<b>Workplan Overview</b>	
<b>Deliverable/Milestone</b>	<b>Date</b>
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – May 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>May 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>June – Aug 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Sept – Dec 2021</i>

### **Agencies**

A list of referral agencies and First Nations will be provided to the LTC at a subsequent meeting when a draft bylaw is in process.

### **First Nations**

Early referrals were sent out to First Nations. To date one response was received from the Lyackson First Nation (attached). Staff will speak with the Islands Trust Senior Intergovernmental Policy Advisor on how to proceed with the correspondence received.

### **Rationale for Recommendation**

If the LTC provides staff with clear direction with how to proceed with the maximum floor area, industrial, and agricultural discussions, then staff can initiate the bylaw drafting process. The Project Charter’s timeline outlines that bylaw drafting should be completed by May 2021. As there are many topics for this project, it will make a few weeks for staff to complete the draft bylaw.

## **ALTERNATIVES**

### **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 wording 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. Referral to the Advisory Planning Commission**

The LTC may opt to refer one or more Discussion Papers, or a table or chart 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**

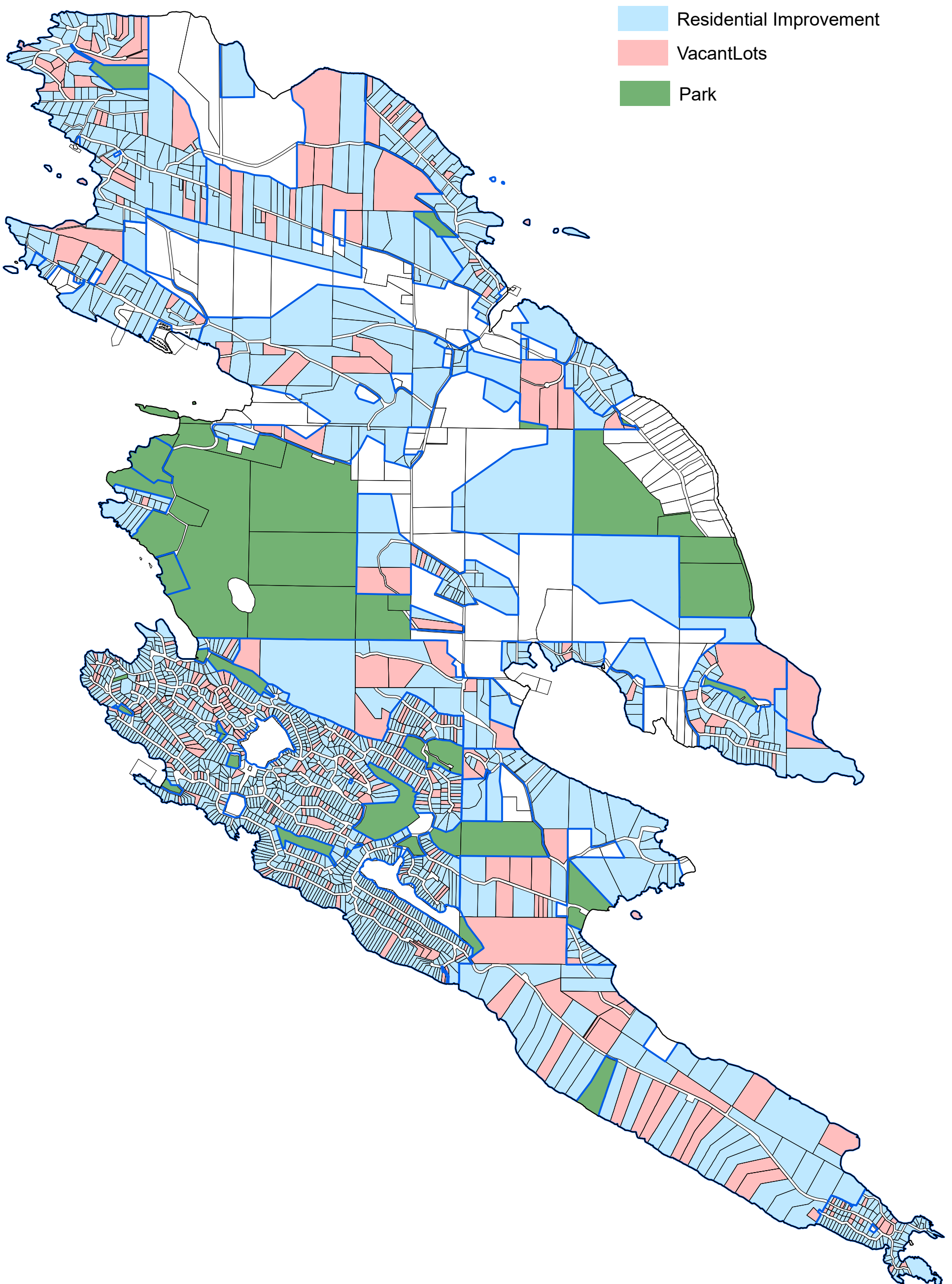
To schedule a second Special Meeting to discuss the Tourist Commercial Regulation Review, the Marine and Shoreline Regulations Review, Conservation Subdivision Review, and the minor and technical amendments. Staff will also initiate the bylaw drafting process if direction is given by the LTC.

Submitted By:	Kim Stockdill, Island Planner	March 12, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	March 12, 2021

**ATTACHMENTS**

1. Residential Improvements and Vacant Lot map for R & RR zoned properties
2. LUB Review Options Table
3. SAAPC Recommendations Table

# Rural Residential (RR) and Rural (R) Zoned Properties





**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**

#	Options for Consideration from Discussion Papers	Staff's recommendation to include in the bylaw amendment?	Staff Comments	LUB or OCP Amendment?
<b><i>Residential Floor Area Review</i></b>				
1.	Establish a maximum floor area for dwellings.	Yes	<p>To establish one maximum floor area for all dwelling units within the RR, R, RC1, and RC2. Direction from the LTC is required regarding what the exact maximum floor area.</p> <p>If LTC establishes a maximum floor area, LTC should give direction if the LTC would like to include a provision that would address those dwelling units built prior to the new regulation.</p>	LUB
2.	Establish a floor area ratio.	No		
3.	Retain current regulation.	No		
<b><i>Agricultural Regulations Review</i></b>				
4.	<p>LUB Amendments - Generally, the LUB definitions, regulations and uses should be reviewed for consistency with the ALC policies and regulations, specifically:</p> <ul style="list-style-type: none"> <li>a. Review and update definitions</li> <li>b. Monitor legislative changes for second dwelling in ALR and make amendments accordingly.</li> <li>c. Prohibit manufactured homes.</li> <li>d. Consider options for farm worker accommodation.</li> <li>e. Establish a maximum floor area.</li> <li>f. Review and amend Agri-tourism and Agri-tourist accommodation definitions and regulations.</li> <li>g. Amend home industry and home occupation regulations.</li> <li>h. Consider amendments to regulate cannabis production in the ALR, and also on non-ALR land.</li> <li>i. Review farm retail sales provisions.</li> </ul>	Yes	See SAAPC recommendation attachment.	LUB

#	Options for Consideration from Discussion Papers	Staff's recommendation to include in the bylaw amendment?	Staff Comments	LUB or OCP Amendment?
5.	ALR Boundaries and Mapping a. Undertake a technical mapping review of ALR Boundaries and Agricultural (AG) zone to review existing zoning and land use designation boundaries with the boundaries of the ALR. b. Consider amending zoning on specific properties - 4606 Razor Point Road – amend zoning and OCP designation on ALR portion of the property.	Yes	a) Staff recommend working with GIS to determine areas where AG zoning or designation boundaries could be aligned with the ALR.  b) Staff does not recommend rezoning a portion of 4606 Razor Point Road until the ALC decision is made.	LUB
6.	SAAPC Recommendations – See Attachment No. 2	Yes	See SAAPC recommendation attachment.	LUB

### Industrial Regulations Review

#### Review and Amend OCP Map Designations

7.	Review and amend OCP land use designations to rationalize for the suitability of land for industrial use (particularly remove designations from steep slopes and sensitive areas).	LTC direction needed	NP APC recommends not to remove industrial designations from steep slopes of existing industrial land. Direction from the LTC is required.	
8.	Remove designations where current use and zoning is not industrial or suitable for industrial.	No	Staff have not received confirmation from those properties where current use and zoning is not industrial or suitable for industrial.	
9.	Consider amending OCP designations to include land areas adjacent to the existing designations and zones where owners indicate a desire.	LTC direction needed	NP APC minutes dated February 4, 2021 recommend to the LTC that the property (PID 005-773-954) east of Home Hardware to be re-designated Industrial should the land owner request it. Staff can ask property owner to write to the LTC to request the land be redesignated from Rural to Industrial. The zoning would remain Rural and would require the property owner to go through a rezoning process.	OCP map

#### Review and Amend Current Zones

#	Options for Consideration from Discussion Papers	Staff's recommendation to include in the bylaw amendment?	Staff Comments	LUB or OCP Amendment?
10.	Combine the two industrial zones into a single general industrial zone	LTC direction needed	<p>Direction from the LTC is requested: NP APC recommends retaining the two industrial zones.</p> <p>Zoning for industrial lands could be simplified by establishing one general industrial zone, permitting basic light industrial uses (e.g. contractor businesses, etc.). Then if heavy industrial use is desired by a property owner/operator, the property could be rezoned to include that site-specific heavy industrial use.</p>	
11.	Review and update the permitted uses, allowing basic, light industrial uses.	Yes	LTC should discuss and give direction to staff to update permitted uses. For example include contractor yards as a permitted Industrial 1 use. No recommendation was provided from the NP APC.	LUB
12.	Remove most or all of the site-specific zoning.	LTC direction needed	Direction from the LTC is requested. NP APC recommends retaining the site-specific zoning. Difficulties with site-specific zoning is that only that particular use is permitted; property owners/industrial operators must apply for a TUP or rezoning if they want to add an additional industrial use that isn't permitted by the site-specific zoning. As a result, there are no properties that are readily available and zoned to permit the full list of uses. This creates an inflexible environment where operators have limited options for mobility or the flexibility to expand or diversify. Additionally, the timeframe and cost for a rezoning for a different, but still light industrial use, is prohibitive, particularly for small businesses. Staff recommend the LTC remove the site-specific zoning as creating a single, general zone may serve to create greater certainty and flexibility.	
13.	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	Yes	<p>LTC could consider a site specific minimum lot size for those split zoned industrial lots that would make the industrial uses more flexible and affordable (ex. 3418 South Otter Bay Rd).</p> <p>The NP APC recommends the LTC deals with subdivision size limits on industrial lands on a lot-by-lot basis.</p>	LUB

#	Options for Consideration from Discussion Papers	Staff's recommendation to include in the bylaw amendment?	Staff Comments	LUB or OCP Amendment?
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Consider amending zoning on specific properties

14.	3338 Port Washington (Home Hardware) to a commercial zone.	No	Property owner has requested to retain current zoning.	
15.	4406 Razor Point Road – amend zoning and OCP designation on ALR portion of the property.	No	Staff does not recommend rezoning a portion of 4606 Razor Point Road until a decision is received on the ALC application.	
16.	3323 Port Washington Road - Mainroad yard – consider a broader set of uses.	No	Property owner has not requested to change zoning. Staff to follow up with property owner.	
17.	Consider incorporating current TUPs into zoning.	Yes/No	<p>Staff recommend rezoning 3334 Port Washington Rd for that portion with the current NP-TUP-2020.1 from Rural to an Industrial zone. If LTC supports this, staff will ensure property owner agrees with the zoning amendment.</p> <p>NP APC recommends the TUPs for 4415 Bedwell Harbour Rd incorporate those into industrial zoning. Staff at this time does not agree with this recommendation as the property is designed Rural in the OCP.</p>	LUB

## Special Agricultural Advisory Commission Recommendations

Date: March 2021

No.	SAAPC Recommendation	Within Scope?	Include in bylaw amendments?	Staff Comments
1.	Divide the Rural (R) and Rural Residential (RR) zones into two zones each: <ul style="list-style-type: none"> <li>• Rural – divide into Rural / Magic Lake and Rural / General</li> <li>• Rural Residential – divide into RR / Magic Lake and RR/ General.</li> </ul>	No	Maybe	There are no Rural zoned properties located within Magic Lake Estates. The LTC could look at differentiating RR zoned areas that are within a water system. This would only be recommended if there are specific agricultural uses or regulations that would apply to RR zoned properties without water systems. More discussion may be required regarding what agricultural activities would be beneficial on RR zoned lots.
2.	Agriculture be permitted, encouraged and promoted in all zones, including ALR classified land, and all farmers have the rights provided under The Farm Practices Protection Act.	Yes	Maybe	An accessory horticulture use is permitted in every zone. Currently the R, RC1, RC2, and AG zones permit principal agriculture uses. The NP OCP Rural Residential policy 2.1.14.1 states that the principal use shall be residential. Accessory uses shall not detract from the rural character of the island. In addition, NP Rural Policy 2.1.2.1 states that the principle uses on lands in the Rural land use designation shall be residential and agricultural. Adding Agriculture as a principal permitted use to the RR zone would be in conflict with the OCP. The LTC could look at adding certain agricultural activities to the RR zone as an accessory use that would not detract from the rural character of the island.
3.	Agriculture involves land clearing and water, wildlife, and vegetation management. Any bylaw revisions limiting or restricting activities in these areas must not inadvertently or intentionally restrict agriculture, and they should not inhibit or restrict environmentally responsible farming practices.	Yes	No	For the LTC's reference, draft bylaws will be forwarded to the Regional Agrologist at the Ministry of Agriculture and the Agricultural Land Commission to provide comment.
4.	"Farm Status" should be defined pursuant to the Assessment Act (BC) as administered by the BC Assessment Authority.	Yes	No	There is only one reference to 'Farm Status' in the NP LUB and the reference already refers to the BC Assessment Authority. NP LUB Article 3.1.1(7): "where agriculture is permitted in any zone, farm retail sales are permitted, providing the property has farm status under the BC. Assessment Act."
5.	The building of 2nd residences on ALR land be in accordance with the ALUR subject to our recommendations below on farm worker housing and agri-tourism accommodation. Existing regulations allowing for "cottages" on non- ALR land in the RR, R and Ag zones	Yes	Yes	Although the AG zone permits cottages on lots greater than 1.2 ha, there is an Information Note regarding the use of the cottage and ALC regulations. This Information Note should be updated to reflect the ALC's updated regulations (use of

	should be sustained.			cottage would be permitted on ALC land if the ALC issues approval for non-adhering residential use’.
6.	The use of Manufactured Homes or mobile homes should not be prohibited, and rather should be encouraged as a means increase the stock of affordable housing on Pender as well as provide options for farm worker accommodation. Manufactured homes should be defined in the LUB more broadly than “mobile home”, and should include all forms of housing built offsite and moved to a site.	Yes	No	As ‘manufactured home’ is not referred to specifically in the LUB, therefore a definition is not required. Manufactured homes would meet the definition of a ‘building’ in the LUB and therefore could be considered a ‘dwelling’.
7.	The LUB should permit temporary and permanent farm worker housing on farms having Farm Status that demonstrate a need for farm workers. The ALC and ALUR provide farm worker housing regulations for large scale commercial farms that are not directly suitable for the scale of farm operations found on Pender.	Yes	Yes	Permit one farm worker dwelling unit subject to approval from the ALC. This dwelling unit would only be permitted on those lands within the ALR.
8.	The ALUR standards setting a maximum of 500 m2 size for residential homes on ALR land is an appropriate standard for the LUB.	Yes	Yes	Staff recommend establishing a maximum floor area for dwelling units located within the ALR in compliance with Section 20.1(1)(b) of the Agricultural Land Commission Act. Local Governments may impose a lower maximum floor area than the 500m <sup>2</sup> as stipulated by the ALC.
9.	The existing lot coverage requirements that buildings and structures not exceed 35%, plus an additional 40 percent for commercial greenhouses only, is an appropriate standard for AG zoned properties when lot coverage, other than for a principal residence, is for agricultural purposes.	-	No	SAAPC supports current regulations, other than the maximum lot coverage for dwelling units.
10.	Agri-tourism be defined consistent with the ALUR, and be applicable on all farms having Farm Status. The conditions provided by the ALUR (Sec 33) be adopted for agri-tourist accommodation on Pender, including: <ul style="list-style-type: none"> <li>• The accommodation be on agricultural land that is classified as a farm under the Assessment Act, and that it be secondary to the principal activity on the property – farming.</li> <li>• The total developed area used to provide the accommodation be &lt;5% lot coverage,</li> <li>• Subject to lot size, the accommodation be limited to 10 sleeping units, where sleeping units are defined as a bedroom located in a residence or cabin, and including a vehicle, trailer, tent or other structure.</li> <li>• Being available for seasonal or short-term use only.</li> </ul>	Yes	Yes	Bylaw amendment to include the following: <ul style="list-style-type: none"> <li>-Amend ‘agri-tourism accommodation’ definition to be consistent with ALC definition.</li> <li>-The accommodation be on agricultural land that is classified as a farm under the Assessment Act, and that it be secondary to the principal activity on the property – farming.</li> <li>-The total developed area used to provide the accommodation be &lt;5% lot coverage,</li> <li>-Being available for seasonal or short-term use only.</li> </ul> <p>The LUB currently permits 3 bedrooms and 6 guests max for agri-tourism accommodation. The ALC permits up to 10 sleeping units, where sleeping units are defined as a bedroom located in a residence or cabin, and including a vehicle, trailer, tent or other structure. LTC could consider increasing the numbers permitted.</p>

11.	The ALUR limits “Home Occupation”, referred to as “Home Business” and “Home Industry” in the LUB, to the use of an area of 100 m <sup>2</sup> in a dwelling or accessory building on ALR land. For non-farm businesses requiring >100 m <sup>2</sup> , approval of a non-farm use of ALR land is required. These standards should be adopted for ALR land on Pender. The Committee has not reviewed Trust proposals of intent for home industry more broadly, and will comment when these intentions are made clear.	Yes	Yes	LTC could consider increasing the maximum floor area for home businesses within the ALR from 65m <sup>2</sup> to 100m <sup>2</sup> to be consistent with the ALC>
12.	Cannabis production is a farm use under the ALUR and cannot, therefore, be prohibited on ALR land. The Staff recommendation to limit building size for indoor cannabis production on Ag and Rural zoned land is undefined with no apparent consideration for lot size or economic viability. Therefore, the Committee cannot make an informed comment at this stage of the LUB review process but does question the intent of imposing size limitations.	Yes	No	No amendments as per SAAPC.
13.	The ALUR definition of Farm Retail Sales (below) be adopted. <i>“farm retail sales” means the retail sale to the public of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs, from that farm or farms and may include the sale of non-farm products as permitted by the Use Regulation.</i>	Yes	Yes	Add definition for Farm Retail Sales that is aligned with ALC definition.
14.	Farm Retail Sales be a permitted use for all farms with Farm Status in all zones where agriculture is a permitted use with similar conditions as prescribed by the Agricultural Land Use Regulation for ALR land.	Yes	No	Currently permitted in the LUB.
15.	Farm retail sale facility size limitations should be tied to lot size with a maximum of 300 m <sup>2</sup> being the limit allowed by the ALUR.	Yes	Yes	Add regulation that states that total area for Farm Retail Sales, both indoor and outdoors, cannot exceed 300m <sup>2</sup> (as per ALC).
16.	Farm Retail Sales should specifically include “association” sales where a cooperative marketing agreement has been established by a group of producers, and “association” be defined as <i>an association incorporated or continued under this Act or a former Act, and includes a housing cooperative and a community service cooperative;</i> (see Cooperative Association Act SBC 1999 Chapter 28).	Yes	Yes	Add definition for Farm Retail Sales that is aligned with ALC definition.
17.	Landscape Screening and Landscape Strip provisions:  a) Where landscape screens or strips are called for, they should be diverse plantings of native species, be maintained free of invasive species, and promote pollinator and beneficial insect and bird	Yes	No	a) indigenous/native vegetation is already a requirement for landscape screening. LTC could add language that encourages the “use of vegetation that promotes pollination”.

	<p>populations.</p> <p>B) Landscape screens should not be a requirement in the Ag zone. Landscape screens currently only relate to commercial greenhouses (which are undefined) in the Ag zone.</p> <p>c) Landscape Strips have the potential to materially impact agriculture in the RR zone (lots &gt;2.4ha) and R zone (lots &gt;8ha) where they could take up to 5% of the lot area out of production, and should not be required where productive agricultural land would be taken out of production.</p>			<p>b) SAAPC recommends removing landscape screen requirement for commercial greenhouses and suggest a landscape screen would only be required if its beneficial to the farmer. The LTC could amend this requirement to only require landscape screening for commercial greenhouses in certain situations. For example, if commercial greenhouses are located within 30 metres from a R, RR, RC1, or RC2 zoned property or a highway.</p> <p>c) The LTC could consider exempting R zoned properties located within the ALR or with Farm Status from the landscape strip requirement.</p>
18.	Renewable Energy - Renewable energy installation should be encouraged on agricultural properties.	Yes	Yes	Add siting exemptions for solar panels and power sheds as stated in the minor and technical amendments list.
19.	Forestry and Agriculture buildings – bylaws associated with agricultural buildings on ALR land should be guided by the ALC “Guide for Bylaw Development” suggesting maximum height restriction of 15m, and for silos and grain elevation systems the maximum height should be 46m.	Yes	Yes	Currently the NP LUB states that buildings used for farm purposes may not exceed 10 metres in height. LTC may consider increasing the height as the ALC states that a local government should have a maximum eight for agricultural buildings no less than 15 metres. The LTC could allow agricultural buildings with a maximum of 15 metres but must meet a setback of 30 metres from property lines. A definition for agricultural buildings could be added to the NP LUB to help address issues with overheight accessory buildings purporting to be farm buildings.
20.	<p>Prohibited Uses –</p> <ul style="list-style-type: none"> <li>Shipping Containers can be excellent storage, transport and potentially growing facilities on farms independent of residency. They should not be prohibited, and in fact should be encouraged.</li> <li>Pit toilets should not be prohibited on farms.</li> </ul>	Yes	Yes	<p>Shipping containers are currently considered accessory structures, the LTC has identified the use of shipping containers as an issue. The LTC could consider permitting a limited number of shipping containers on some properties (for example, properties zoned agriculture, industrial, forestry, etc.). The LTC could also consider requiring landscaping screening for shipping containers.</p> <p>Currently the NP LUB is silent on pit toilets. The LTC has identified this an issue to be potentially regulated. Direction is required from the LTC if there should be language in the LUB to restrict the use.</p>
21.	<p>Technical Amendments –</p> <ul style="list-style-type: none"> <li>Bylaw officer entry onto a farm premises without prior notice and reasonable grounds should not be permitted. There are health, biosecurity, liability and safety considerations on farms and rural</li> </ul>	Yes	No	Bylaw Enforcement Officers is authorized to enter at reasonable times, consistent with legislation. No change recommended.



	properties. Additionally, all entries arising from complaints should be disclosed to the property owner, including the nature and source(s) identity of the complaint, prior to arranging entry. Anonymous complaints should not be investigated.			
22.	The ALUR requirements for soil removal / placement for agriculture on ALR land be adopted for all land capable of supporting agricultural plant growth whether in the AG zone.	No	No	Adoption of a Soil Bylaw is out of scope for this project. Local governments are permitted to issue Soil Deposit Permits with the stipulation that all of the Commission's pre-fill application conditions have been met and the Commission has notified the local authority in writing that filling activities can proceed.
23.	<p>The ALUR regulations for soil removal / placement be supplemented by the following requirements:</p> <ul style="list-style-type: none"> <li>• If soil is removed, it be placed where it will be available for future agricultural use,</li> <li>• Authorization for removal or placement be approved administratively by the IT Staff,</li> <li>• Applications specifically not require 3rd party, professional consulting reports in cases involving less than [250 m<sup>3</sup>/ha].</li> </ul>	No	No	Adoption of a Soil Bylaw is out of scope for this project.