



DATE OF MEETING: March 4, 2022

TO: South Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: SP LUB Amendments Project – Draft Bylaw No. 122

## RECOMMENDATION

1. That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by amending the Groundwater Protection Regulation Section 3.14 to include a cottage as a new building.
2. That the South Pender Island Local Trust Committee Bylaw No. 122, cited as the “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” as amended be read a first time.
3. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Bylaw No. 122.

## REPORT SUMMARY

The purpose of this report is to present the amended draft bylaw for the Land Use Bylaw (LUB) Amendments project. The amended draft bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee’s (LTC) consideration and the Islands Trust Policy Statement is attached (Attachment No. 2) for the LTC’s review. The staff report also outlines amendments to the draft bylaw as recommended by the Agricultural Land Commission (ALC).

## BACKGROUND

At the February 4, 2022 regular LTC meeting, the LTC passed the following resolutions:

**By general consent**, the LTC requested that staff return to the March 2022 meeting with a revised table for maximum dwelling size.

### **SP-2022-011**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee hold a Community Information Meeting electronically on March 4, 2022 in conjunction with the Regular Business Meeting.

**CARRIED**

**SP-2022-012**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee direct staff to make the amendments to Bylaw 122 and bring them forward to the Regular Business meeting on March 4, 2022.

**CARRIED**

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

**ANALYSIS**

Maximum Floor Area

The following table shows the proposed new regulations for maximum floor area in the Rural Residential 1, 2, and 3 zones as currently shown in the draft LUB amendment bylaw (Attachment No. 1):

**Table 1 – Proposed Floor Area Regulations in the draft LUB Amending Bylaw No. 122  
(5 Lot Area Groups)**

<b>Lot Area</b>	<b>The total floor area of all buildings may not exceed:</b>	<b>The floor area of a dwelling may not exceed:</b>
Less than 0.4 ha (1 acre)	465 m <sup>2</sup> (5000 ft <sup>2</sup> )	255 m <sup>2</sup> (2750 ft <sup>2</sup> )
0.4 ha to 0.79 ha (1 to 2 acres)	557 m <sup>2</sup> (6000 ft <sup>2</sup> )	348 m <sup>2</sup> (3750 ft <sup>2</sup> )
0.8 ha to 1.59 ha (2 to 4 acres)	743 m <sup>2</sup> (8000 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.6 ha to 3.99 ha (4 to 10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
4.0 ha (10 acres) or greater	1858 m <sup>2</sup> (20000 ft <sup>2</sup> )	465 m <sup>2</sup> (5000 ft <sup>2</sup> )

At the February 4, 2022 the LTC discussed the option to revise the table by reducing the lot area groups from five (as seen above) to three groups:

**Table 2 – Possible Floor Area Regulations for Draft Bylaw No. 122  
(3 Lot Area Groups)**

<b>Lot Area</b>	<b>The total floor area of all buildings may not exceed:</b>	<b>The floor area of a dwelling may not exceed:</b>
Less than 0.5 ha (1.24 acres)	465 m <sup>2</sup> (5000 ft <sup>2</sup> )	232 m <sup>2</sup> (2500 ft <sup>2</sup> )
0.5 ha to 0.99 ha (1.24 acres to 2.46 acres)	557 m <sup>2</sup> (6000 ft <sup>2</sup> )	279 m <sup>2</sup> (3000 ft <sup>2</sup> )
1.0 ha (2.47 acres) or greater	743 m <sup>2</sup> (8000 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )

In addition, the LTC requested an option for a table that reflects the same lot area groups as displayed in the North Pender Land Use Bylaw. Table no. 2

**Table 3 – Possible Floor Area Regulations for Draft Bylaw No. 122 based on NP LUB Lot Area Groups (4 Lot Area Groups)**

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed*:	Proposed max. floor area from draft NP LUB Bylaw (for comparison)
Less than 0.4 ha (Less than 1 acre)	465 m <sup>2</sup> (5000 ft <sup>2</sup> )	232 m <sup>2</sup> (2500 ft <sup>2</sup> )	232 m <sup>2</sup> (2500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	557 m <sup>2</sup> (6000 ft <sup>2</sup> )	265 m <sup>2</sup> (2850 ft <sup>2</sup> )	279 m <sup>2</sup> (3000 ft <sup>2</sup> )
1.2 ha to < 4 ha (3 to 10 acres)	743 m <sup>2</sup> (8000 ft <sup>2</sup> )	297 m <sup>2</sup> (3200 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
4.0 ha (10 acres) or greater	1858 m <sup>2</sup> (20000 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )

\*numbers roughly based on Table 2

Based on the tables above, staff require direction from the LTC to amend the draft Bylaw No. 122 if the LTC decides to choose Table 2 or Table 3. Table 1 is currently in the draft LUB Bylaw No. 122. Staff have included a blackline version of the draft LUB bylaw based on amendments proposed to the Rural Residential zones using Table 1 (all amendments are noted in red in the blackline version – Attachment No. 2).

Legal Non-Conforming

The LTC requested staff to provide an option for an additional legal non-conforming clause based on the clause from the North Pender draft Land Use bylaw. The following statement could follow after the new maximum floor area regulations

*“Despite Subsection 5.1.X [new maximum floor area regulations], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on the lot at the time of the adoption of this bylaw.”*

A similar clause can be added after the more restrictive interior and exterior setbacks for a new dwelling or cottage:

*“Despite Subsection 5.1.X [new setback regulations for dwellings and cottages], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the replacement, re-constructed or altered dwelling does not project further into the setback as constructed a the time of the adoption of this bylaw.”*

Staff note that these two clauses are not necessary as the draft LUB amendment bylaw legally permits the floor area and siting of a dwelling and cottage constructed prior to the adoption of draft Bylaw No. 122.

## Shipping Containers

At the February 4, 2022 LTC meeting, the LTC requested staff to amend the draft bylaw to include regulations to permit shipping containers as a permitted accessory use. The draft bylaw includes regulations (see Section 2.6 in draft bylaw) that would allow one shipping container on properties less than 1.9 acres in area, two shipping containers on properties 2 acres to 2.9 acres in area, and 3 shipping containers on properties with an area of 3 acres or more. All shipping containers must be screened in compliance with Section 3.9 'Landscaping Screening' of the South Pender Land Use Bylaw.

## Groundwater Protection Regulation

The South Pender LUB currently includes a groundwater protection regulation that requires a rainwater catchment system for new dwellings:

### "3.14 Groundwater Protection

(1) A building permit shall not be issued for a new building to be used as a dwelling on a lot in the RR(1), RR(2) or RR(3) zones unless a building on the lot is equipped with a rainwater catchment system and cistern(s) for the storage of rainwater with a minimum cistern capacity of 9,000 litres (1980 gallons)."

There have been a number of interpretation issues with the regulation above. They are:

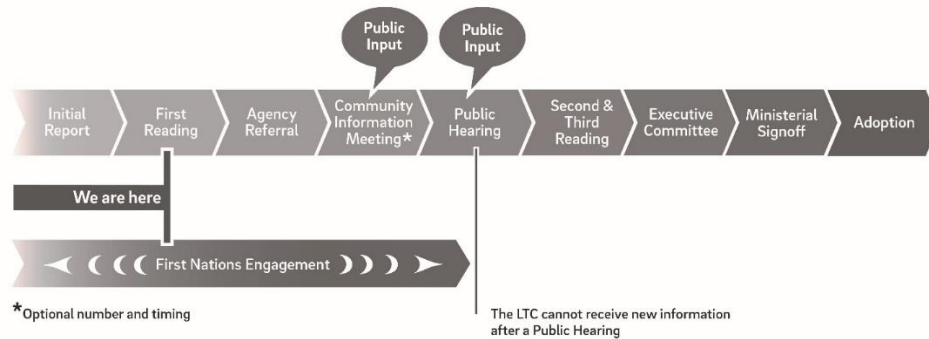
- Clarify if 'a dwelling' includes a cottage. Staff's interpretation based on the definition of a cottage is that since a cottage is a dwelling, a cottage would trigger the requirement for a rainwater catchment system. If so, the regulation should be amended to make it more clear that Section 3.14 is also applicable to a cottage. Staff have provided a resolution under Recommendation No. 1.
- Confirm that one rainwater catchment system of 9,000L on the subject property satisfies Section 3.14. For example, if a rainwater catch system with a capacity of 9,000L or greater is already installed on a building on the lot, a second system would not be required. If the LTC agrees with this interpretation, no further amendments (other than the one above) are required to Section 3.14.

## ***Timeline***

Staff recommend the following timeline for the LUB Amendment project:

- March 4, 2022 regular LTC meeting:
  - LTC holding **CIM**
  - LTC to consider **First Reading of draft bylaw**
  - LTC to determine if proposed bylaw is in compliance **with current Islands Trust Policy Statement (ITPS)**
  - Staff to re-refer proposed bylaw to the ALC
  - LTC to give **direction to schedule a Community Information Meeting (CIM) and Public Hearing** at the next in person regular LTC meeting (tentatively scheduled for May 6, 2022) or as an in-person Special Meeting.
- May 6, 2022 regular LTC meeting:
  - **Formal CIM and Public Hearing is held** as part of May 6<sup>th</sup> regular meeting
  - LTC can amend proposed bylaw based on comments from the CIM and referrals
  - LTC to give **Second Reading and Third Reading**
  - LTC to refer **bylaw to EC for approval**

The above timeline is still roughly in line with the timeline on the [Project Charter](#). The graphic below provides a visual representation of a typical bylaw adoption process. As this is a Land Use Bylaw amendment, approval from the Minister of Municipal Affairs is not required.



### **Statutory Requirements**

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend scheduling a CIM and Public Hearing together so they can be held in person at the May 6, 2022 regular LTC meeting.

### **Islands Trust Policy Statement**

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaw.

### **Rationale for Recommendation**

If the LTC agrees with the recommendations provided by the LTC, staff recommend amending the draft bylaw (if required) and then proceeding with First Reading. Further amendments to the bylaw can be made upon receipt of further referral comments up to the closing of the Public Hearing.

### **ALTERNATIVES**

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

#### **1. Direction to amend draft bylaw**

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by...*

#### **2. 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 South Pender Island Local Trust Committee request staff to provide further information on...*

**3. Proceed no further**

The LTC may choose to make no amendments to the South Pender LUB. The project would be removed from the Top Priority List.

**NEXT STEPS**

Based on direction from the LTC, staff will:

- Make further amendments to the draft bylaw (if necessary),
- Present a blackline version of the amendments at the May 6<sup>th</sup> LTC meeting,
- Send out formal referral to the ALC, and
- Schedule CIM and Public Hearing.

Submitted By:	Kim Stockdill Island Planner	February 25, 2022
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Attachments:

1. Draft Bylaw No. 122 (LUB amendment) with amendments
2. Blackline version of the RR zones
3. Islands Trust Policy Statement

# DRAFT

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 122

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### A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

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The South Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the South Pender Island Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016” is amended as follows:

2.1 By adding the following new definitions to Section 1.1 ‘Definitions’:

““agri-tourism” means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.”

““agri-tourist accommodation” means a use accessory to a *farm use* for the purpose of accommodating commercial guests within specific structures on specific portions of a *lot* as referred to in Section 33 of the *Agricultural Land Reserve Use Regulation*.”

““farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.”

““Farm Status” means land classified as a farm pursuant to the *(BC) Assessment Act*.”

2.2 By removing the words “floor area of 70m<sup>2</sup> or less” and replacing it with “limited floor area” in the definition of ‘cottage’.

2.3 By removing the word “outer” and replacing it with “inner” in the definition of ‘floor area’.

2.4 By removing the words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” in Subsection 3.3(3).

2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), *buildings or structures* legally constructed prior to [*insert date of Bylaw No. 122 adoption*] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “*structures*”.”

2.6 By adding the following new subsections to Section 3.5 'Accessory Buildings and Structures' as follows:

- “(6) Shipping containers are a permitted accessory use on a *lot* subject to the following:
  - (a) On a *lot* less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.
  - (b) On a *lot* 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.
  - (c) On a *lot* with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.
  
- (7) Shipping containers must be screened from neighbouring *lots*, roads, or the sea by use of landscaping screening in compliance with Section 3.9.”

2.7 By adding the words “except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m<sup>2</sup> (1076 ft<sup>2</sup>)” at the end of Subsection 3.6(4) so it reads:

‘The combined *floor area* used in all *home businesses* on a *lot*, except a *bed and breakfast*, must not exceed 65 m<sup>2</sup> (700 ft<sup>2</sup>) except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m<sup>2</sup> (1076 ft<sup>2</sup>).’

2.8 By deleting the words “Maximum *Floor Area* per *lot*” from Subsection 5.1(5) and replacing it with

“For a *lot* where a legal *dwelling* was constructed prior to [*insert date of Bylaw No. 122 adoption*] the following maximum *Floor Area* per *lot* apply:”

2.9 By adding a new subsection after Subsection 5.1 (5) and renumbering accordingly:

(6) For a *lot* where a *dwelling* is constructed after [*insert date of Bylaw No. 122 adoption*] the following maximum *Floor Area* per *lot* apply:” ✓ ✓ ✓

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 <sup>2</sup> (5000ft <sup>2</sup> )	255 m <sup>2</sup> (2750ft <sup>2</sup> )
0.4 ha to 0.79 ha (1 to 2 acres)	557 m <sup>2</sup> (6000ft <sup>2</sup> )	348 m <sup>2</sup> (3750ft <sup>2</sup> )
0.8 ha to 1.59 ha (2 to 4 acres)	743 m <sup>2</sup> (8000ft <sup>2</sup> )	372 m <sup>2</sup> (4000ft <sup>2</sup> )
1.6 ha to 3.99 ha (4 to 10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )	418 m <sup>2</sup> (4500ft <sup>2</sup> )



4.0 ha (10 acres) or greater	1858 m <sup>2</sup> (20000ft <sup>2</sup> )	465 m <sup>2</sup> (5000ft <sup>2</sup> )
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2.10 By adding the following new subsection after Subsection 5.1(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>).” ✓ ✓ ✓

2.11 By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly:

“Despite Subsection 5.1(8), the setback for a *dwelling* or *cottage* after [insert date of Bylaw No. 122 adoption] shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*.” ✓ ✓ ✓

2.12 By removing “560 m<sup>2</sup> (6028 ft<sup>2</sup>) and replacing it with “500 m<sup>2</sup> (5382 ft<sup>2</sup>) in Subsection 5.5(9).

2.13 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(11) to 5.5(14);”

2.14 By adding the words “and *farm retail sales*.” after the words ‘on the same lot’ in Article 5.5(1)(e).

2.15 By adding the following new article after Article 5.5(1)(d) and renumber accordingly:

“Accessory *agri-tourist accommodation*, subject to Subsections 5.5(13) to 5.5(19), and as permitted by the Agricultural Land Commission;”

2.16 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 90 m<sup>2</sup> (969 ft<sup>2</sup>).”

2.17 By adding the following ‘Information Note’ after the newly created Subsection 5.5(10):

**“Information Note:** *The maximum floor area of a dwelling or cottage located within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.*”

2.18 By removing the word “Rescinded” adding the following to the newly renumbered Subsection 5.5(11):

“*Farm retail sales* are permitted on a lot located within the Agricultural Land

Reserve, and the total indoor and outdoor *floor area* for the *farm retail sales* shall not exceed 300 m<sup>2</sup> (3229 ft<sup>2</sup>).

2.19 By adding the following new subsections after Subsection 5.5(11) under ‘Conditions of Use’ and renumber accordingly:

“5.5(12) *Agri-tourism buildings or structures* are not permitted.

5.5(13) *Agri-tourism* must be in compliance with the *Agricultural Land Reserve Use Regulation*.

5.5(14) *Agri-tourism* and *agri-tourist accommodation* are only permitted on a *lot* with *Farm Status*.

5.5(15) *Agri-tourism and agri-tourist accommodation* are only permitted on a *lot* located in the Agricultural Land Reserve.

5.5(16) *Agri-tourist accommodation* must be *accessory* to an active *agri-tourism* activity.

5.5(17) *Agri-tourist accommodation* must be *accessory* to a *farm use*.

5.5(18) *Agri-tourist accommodation buildings and structures* must not exceed a *lot coverage* of 5 percent.

5.5(9) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.

5.5(20) *Agri-tourist accommodation* may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the *agr-tourism accommodation unit*, but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

5.5(21) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests or 10 bedrooms.

2.20 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>).”

2.21 By adding the following new subsection after Subsection 5.7(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>).”

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS      \_\_\_ - \_\_\_ DAY OF      \_\_\_\_\_      20\_\_\_

PUBLIC HEARING HELD THIS      \_\_\_\_\_ DAY OF      \_\_\_\_\_      20\_\_\_

READ A SECOND TIME THIS      \_\_\_\_\_ DAY OF      \_\_\_\_\_      20\_\_\_

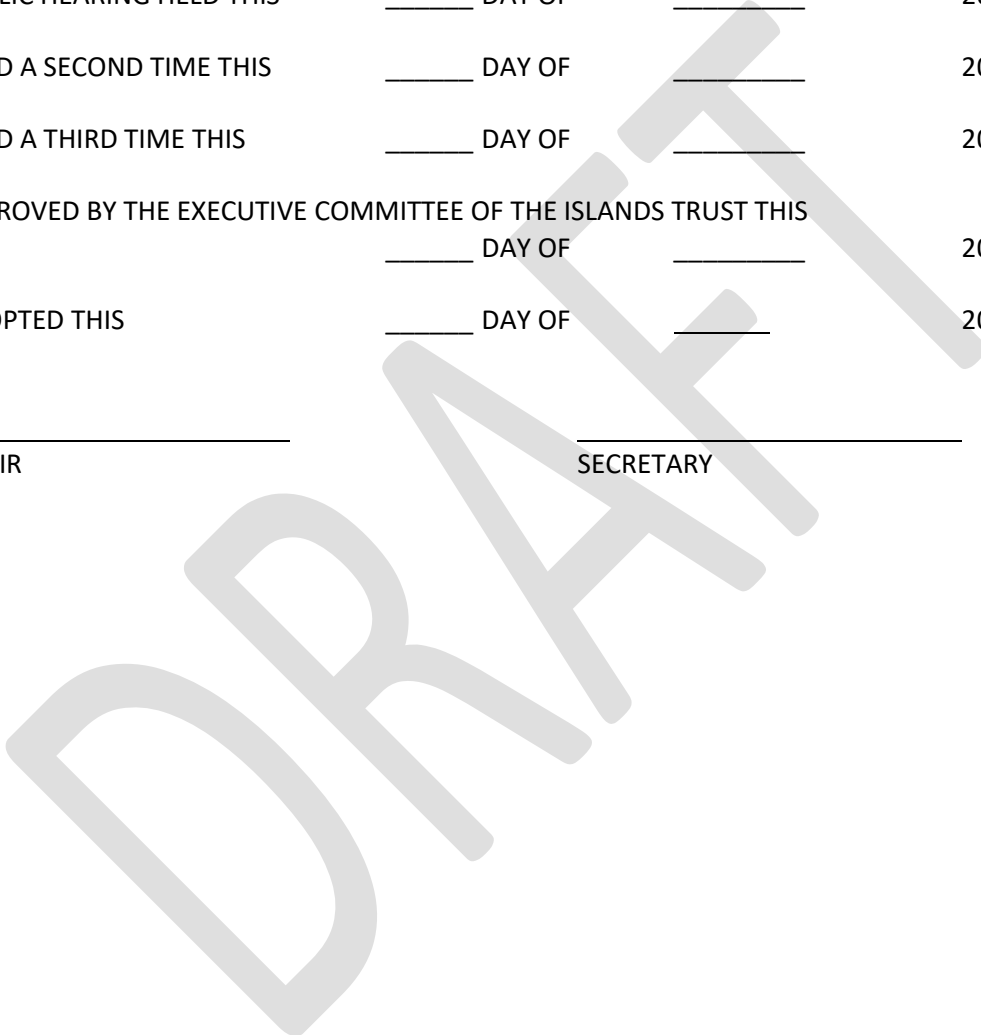
READ A THIRD TIME THIS      \_\_\_\_\_ DAY OF      \_\_\_\_\_      20\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_ DAY OF      \_\_\_\_\_      20\_\_\_

ADOPTED THIS      \_\_\_\_\_ DAY OF      \_\_\_\_\_      20\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



## PART 5 ZONE REGULATIONS

### 5.1 Rural Residential Zones

#### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Dwelling*;
  - (b) *Cottage*;
  - (c) *Agriculture*;
  - (d) *Rescinded*;
  - (e) *Accessory uses, buildings and structures, including, but not limited to, home businesses and roadside stands for the sale of produce grown on the same lot.*

RR1      RR2      RR3

✓      ✓      ✓  
 ✓      ✓      ✓  
 ✓      ✓      ✓  
 ✓      ✓      ✓  
 ✓      ✓      ✓

#### Density

- (2) On a parcel less than 0.8 hectares (2 acres) in area, one (1) *dwelling* is permitted and no *cottage* is permitted.
- (3) On a parcel 0.8 hectares (2 acres) or greater in area, but less than 4.0 ha (10 acres) in area, one (1) *dwelling* and one (1) *cottage* are permitted.
- (4) On a parcel 4 hectares (10 acres) or greater in area, two (2) *dwelling*s and two (2) *cottage*s are permitted.

RR1      RR2      RR3

✓      ✓      ✓  
 ✓      ✓      ✓  
 ✓      ✓      ✓

#### Siting and Size

- (5) *For a lot where a legal dwelling was construction prior to [insert date of Bylaw No.122] the following maximum Floor Area per lot apply:*

RR1      RR2      RR3

✓      ✓      ✓

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 <sup>2</sup> (5000ft <sup>2</sup> )	353 m <sup>2</sup> (3800ft <sup>2</sup> )
0.4 ha to 0.79 ha (1 to 2 acres)	557 m <sup>2</sup> (6000ft <sup>2</sup> )	418 m <sup>2</sup> (4500ft <sup>2</sup> )
0.8 ha to 1.59 ha (2 to 4 acres)	743 m <sup>2</sup> (8000ft <sup>2</sup> )	520 m <sup>2</sup> (5600ft <sup>2</sup> )
1.6 ha to 3.9 ha (4 to 10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )	543 m <sup>2</sup> (5845ft <sup>2</sup> )
4.0 ha (10 acres) or greater	1858 m <sup>2</sup> (20000ft <sup>2</sup> )	560 m <sup>2</sup> (6030ft <sup>2</sup> )

BL 117

- (6) For a *lot* where a legal *dwelling* is construction after [insert date of Bylaw No.122] the following maximum *Floor Area* per *lot* apply: ✓ ✓ ✓

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 <sup>2</sup> (5000ft <sup>2</sup> )	255 m <sup>2</sup> (2750ft <sup>2</sup> )
0.4 ha to 0.79 ha (1 to 2 acres)	557 m <sup>2</sup> (6000ft <sup>2</sup> )	348 m <sup>2</sup> (3750 ft <sup>2</sup> )
0.8 ha to 1.59 ha (2 to 4 acres)	743 m <sup>2</sup> (8000ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.6 ha to 3.9 ha (4 to 10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
4.0 ha (10 acres) or greater	1858 m <sup>2</sup> (20000ft <sup>2</sup> )	565 m <sup>2</sup> (5000 ft <sup>2</sup> )

- (7) The maximum floor area of a cottage must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>) ✓ ✓ ✓

- (8) The minimum *setback* for any *building* or *structure*, except a fence or *pump/utility house*, shall be:

- (a) 7.6 metres (25 ft.) from any front or rear *lot line*;
- (b) 3.0 metres (10 ft.) from any interior side *lot line*; ✓ ✓ ✓
- (c) 4.5 metres (15 ft.) from any exterior side *lot line*. ✓ ✓ ✓

- (9) Despite Subsection 5.1(8), the *setback* for a *dwelling* or *cottage* constructed after [insert date of Bylaw No. 122 adoption] shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*. ✓ ✓ ✓

- (10) The *floor area* of any *accessory building* may not exceed 140 m<sup>2</sup> (1507 ft<sup>2</sup>). ✓ ✓ ✓

**Conditions of Use**

RR1	RR2	RR3
✓	✓	✓

BL 117

- (11) Rescinded.

**Subdivision Lot Size Requirements**

RR1	RR2	RR3
0.4 ha	0.8 ha	4.0 ha

- (12) Subject to subsection 5.1(10), the minimum and average *lot* area requirements for any *lot* created by subdivision are:

**Site-Specific Regulations**

- (13) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the *zone* abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations set out in the third column apply:

<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
RR1(a)	<i>Lots 1 through 7, inclusive, of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>	(a) Despite 5.1(11), the minimum <i>lot</i> area is 0.76 hectares (1.90 acres) and the average <i>lot</i> area is 1.05 hectares (2.6 acres)
RR1(b)	<i>Lots 8 and 9 of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>	(a) Despite 5.1(11) the minimum <i>lot</i> area is 0.8 hectares (2 acres) and the average <i>lot</i> area is 2.3 hectares (5.7 acres)



Islands Trust

## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 LUB Amendments Project

File Name: SP LTC Bylaw No. 122

### **PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

### **POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

### **DIRECTIVES ONLY CHECKLIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

### PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	<b>3.2</b>	<b>Forest Ecosystems</b>
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

### PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	<b>4.1.7</b>	<b>Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.</b>
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	<b>4.2</b>	<b>Forests</b>
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	<b>4.2.9</b>	<b>Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.</b>
CONSISTENT	No.	DIRECTIVE POLICY



	<b>4.3</b>	<b>Wildlife and Vegetation</b>
	<b>4.4</b>	<b>Freshwater Resources</b>
N/A	<b>4.4.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	<b>4.4.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	<b>4.5</b>	<b>Coastal Areas and Marine Shorelands</b>
N/A	<b>4.5.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	<b>4.5.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	<b>4.5.10</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	<b>4.5.11</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	<b>4.6</b>	<b>Soils and Other Resources</b>
N/A	<b>4.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	<b>5.1</b>	<b>Aesthetic Qualities</b>
✓	<b>5.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	<b>5.2</b>	<b>Growth and Development</b>
✓	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
N/A	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
N/A	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	<b>5.5</b>	<b>Recreation</b>
N/A	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
N/A	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
N/A	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	<b>POLICY STATEMENT COMPLIANCE</b>
✓	<b><i>In compliance with Trust Policy</i></b>
	<b><i>Not in compliance with Trust Policy for the following reasons:</i></b>