

File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: May 2, 2025
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: South Pender Minor LUB Amendments Project – Draft Bylaw No. 129

RECOMMENDATION

1. That the South Pender Island Local Trust Committee amend draft Bylaw No. 129 by:
 - a. Amending Section 2.14, which would amend the Rural Residential zone maximum floor area provisions, and replacing the current maximum floor area provisions with new maximum floor area provisions as presented in the staff report of the meeting of May 2, 2025.
 - b. Amending Section 2.21, which would amend the Agriculture zone maximum floor area provisions, and replacing the current maximum floor area provisions with new maximum floor area provisions as presented in the staff report of the meeting of May 2, 2025.
 - c. Inserting new sections that would amend the Forestry and Natural Resource zones with the same changes to Maximum Floor Area as made to the Rural Residential and Agriculture zones, and that the bylaw be re-numbered accordingly.
2. That South Pender Island Local Trust Committee Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025” be read a first time as amended.
3. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”, is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the South Pender Island Local Trust Committee request staff to schedule a Public Hearing and Community Information Meeting for Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”.
5. That the South Pender Island Local Trust committee request staff to schedule an electronic Special Meeting for the Minor LUB Amendment Project to review bylaw amendments from the May 2, 2025 meeting and to hold a Community Information Meeting.

REPORT SUMMARY

This report is to provide the South Pender Island Local Trust Committee (LTC) with the draft bylaw for the Minor Land Use Bylaw (LUB) Amendments Project, to seek further amendments, and for the LTC to consider First Reading.

BACKGROUND

At the February 14, 2025 regular meeting the South Pender LTC passed the following resolutions:

SP-2025-003

that South Pender Local Trust Committee request staff amend the definition of floor area in Draft Bylaw No. 129 by increasing 1.5 metres to 1.8 metres.

CARRIED

SP-2025-004

that South Pender Island Local Trust Committee request staff schedule a Special Meeting in March or April 2025 regarding draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project.

CARRIED

SP-2025-005

that South Pender Island Local Trust Committee request staff amend the Minor Land Use Bylaw Amendments Project Charter to include a Public Hearing and amend the budget as shown in the Staff Reported dated February 14, 2025.

CARRIED

Staff prepared a draft Bylaw No. 129 (attached) incorporating the direction given at the January 17, 2025 LTC meeting. The draft bylaw includes:

- Retaining the setback to the natural boundary of the sea but amending the clause by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish”
- An amendment to the height regulation for dwellings and cottages by removing the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height”
- Amendments to the shipping container regulations by changing the lot size requirements
- Amendments to the recreational vehicles regulations to add clarity
- Amendments to revert the setback from the exterior and interior side lot line for dwellings and cottages from 6 metres (20 feet) to 3 metres (10 feet)
- Amendments to the Agriculture zone to remove the floor area requirements for dwellings and cottages and agri-tourism and agri-tourist accommodation conditions of use
- Amendment to Agriculture Subsection 5.5(3) to add clarity to the existing regulation

Staff further amended the draft bylaw to include the following (by direction from the February 14, 2025 meeting):

- Deleting the ‘basement floor area’ definition
- Increasing a storey from 1.5 metres to 1.8 metres
- Moving regulation from Subsection 3.10(1) and making it a new subsection to 3.10 ‘Use of Recreational Vehicles as a Dwelling’ that states:
“Nothing in this Section prohibits the storage of *recreational vehicles* that are not being used as *dwellings*.”
- Deleting Subsection 3.11(a)
- Retaining the Agriculture subsection that regulates farm retail sales and by moving the Information Note to under the Siting and Size regulations
- Adding the words “from any lot line” to Subsection 5.6(11)

The South Pender LTC held a Special Meeting on March 27, 2025 to further discuss possible amendments and to provide community members with the opportunity to ask questions or provide comments on the draft bylaw. Although no resolutions were made at the meeting by the LTC, the LTC noted the following areas requiring further information:

- Agricultural Land Commission's (ALC) regulations regarding agri-tourism and agri-tourist accommodation uses
- Maximum floor area charts to be updated in the Agriculture, Forestry and Natural Resource zones (in addition to the Rural Residential zones)
- Maximum floor area for new dwellings to be increased by 500 ft² and not limited for an attached garage use
- A single maximum floor area chart which regulates floor area for new dwellings and those that existed on or prior to September 15, 2022

Staff is requesting direction from the LTC on how to proceed with amendments (if any) to the total and maximum floor area regulations and agricultural regulations.

The updated [Project Charter](#), previous staff reports, draft bylaw, and correspondence received to date can be found on the [South Pender Project webpage](#). A [blackline version of Bylaw No. 114](#), which includes amendments from draft Bylaw No. 129, can be found on the Minor LUB Amendments Project webpage.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Coastal & Marine Ecosystems (s.3.4), Agricultural Land (s.4.1), Aesthetic Qualities (s.5.1), and Growth and Development (s.5.2). Staff consider that the potential amendments in draft Bylaw 129 will not be contrary or at variance with any Policy Statement directive policies (Directives Policy Checklist attached). The LTC should review, and if in agreement, endorse the checklist (Recommendation No. 3).

Agri-Tourism & Agri-Tourist Accommodation

Agri-tourism and agri-tourist accommodation uses were added to the SP LTC LUB No. 114 when Bylaw No. 122 was adopted. As per [ALC Policy L-04](#), agri-tourism is identified as a 'farm use' in the [Agricultural Land Reserve Use Regulation \(ALRUR\)](#) and cannot be prohibited by a local government; although, a local government may regulate the use. In addition, an agri-tourism use must be accessory to agricultural production activities on the same lot. Agri-tourism activities are limited to the following activities as stated in the ALRUR:

- (a) an agricultural heritage exhibit displayed on the agricultural land;
- (b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
- (c) cart, sleigh and tractor rides on the agricultural land;
- (d) activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
- (e) dog trials held on the agricultural land;
- (f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;

(g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place.

An agri-tourist accommodation use must be accessory to an agri-tourism activity. In other words, a lot within the Agricultural Land Reserve (ALR) must have an active agri-tourism activity (as listed above) in order to permit any agri-tourism accommodation. Because the list of permitted agri-tourism activities is limited, the likelihood of a lot on South Pender operating such an activity is low. Consequently, the likelihood of an accessory agri-tourism accommodation is minimal.

Due to the fact that the likelihood of an agri-tourism activity and agri-tourist accommodation uses on South Pender are low, staff recommend removing all related regulations from the agriculture zone. By doing this, the uses would be permitted within the zone, but would be regulated by the ALC policies, regulations, and procedures. If the LTC agrees with staff’s recommendations to continue to remove these regulations, no direction by the LTC is required as the draft bylaw (Section 2.19) already removes the regulations related to agri-tourism and agri-tourist accommodation.

The following chart is a list of related regulations in the current LUB Bylaw No. 114:

Bylaw No. 114 Regulation	Enabling ALC Policy/Regulation	Staff’s Recommendation
(13) Agri-tourism buildings or structures are not permitted	ALRUR section 12(1)(c)	Bylaw No. 122 to remove regulation
(14) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation	ALRUR	Bylaw No. 122 to remove regulation
(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status	ALRU section 12(1)(a) and section 33(2)(a)	Bylaw No. 122 to remove regulation
(16) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve	ALRUR	Bylaw No. 122 to remove regulation
(17) Agri-tourist accommodation must be accessory to an active agri-tourism activity.	ALRUR section 33(2)	Bylaw No. 122 to remove regulation
(18) Agri-tourist accommodation must be accessory to a farm use	ALRUR section 33(2)(a)	Bylaw No. 122 to remove regulation
(19) Agri-tourist accommodation buildings and structures must not exceed a floor area of 90 m ² (969 ft ²)	ALRUR section 33(2)(b) – This section states “the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel”	Bylaw No. 122 to remove regulation

<p>(20) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.</p>	<p>ALRUR section 33(2)(d) – this section states “accommodation is provided on a seasonal or short-term basis only”</p>	<p>LTC could determine if regulation 20 should be removed or if the LTC wishes to regulate what a “seasonal/short-term basis” would be. The previous LTC decided to limit to 180 calendar days.</p>
<p>(21) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the agri-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.</p>	<p>Reference not found</p>	<p>Bylaw No. 122 to remove regulation</p>
<p>(22) 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 5 bedrooms.</p>	<p>ALRUR section 33(2)(c) – this section states “the accommodation is limited to 10 sleeping units in total, including bedrooms under section 34”</p>	<p>LTC could determine if regulation 22 should be removed or if the LTC wishes to regulate beyond the requirement by the ALC.</p>

Total & Maximum Floor Area

The following are maximum floor area options for new dwellings as discussed at the March 27, 2025 South Pender LTC Special meeting.

(5) Maximum Floor Area:

- (a) The total floor area of all buildings per lot may not exceed the area in Column A;*
- (b) For a lot that has no dwelling or contains a dwelling with a floor area less than Column B, then the maximum floor area of a new, replacement, or altered dwelling may not exceed the floor area in Column B;*
- (c) For a lot that contains a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a re-constructed or replacement dwelling may not exceed the lesser of:*
 - i. the floor area of the dwelling on September 15, 2022, or*
 - ii. the area in Column C.*

(d) Where 5(1)(5)(c)(i) is applicable, the Local Trust Committee may require an owner to submit substantive evidence to establish the size and siting of the dwelling at the time of the adoption of the bylaw.

	Column A	Column B	Column C
<i>Lot Area</i>	<i>The total floor area of all buildings may not exceed:</i>	<i>The floor area of a dwelling may not exceed:</i>	<i>The floor area of a dwelling may not exceed:</i>
<i>Less than 0.4 ha (1 Acre)</i>	<i>465 m² (5000ft²)</i>	<i>279 m² (3000 ft²)</i>	<i>353 m² (3800 ft²)</i>
<i>0.4 ha to < 0.8 ha (1 to 2 Acres)</i>	<i>557 m² (6000ft²)</i>	<i>325 m² (3500 ft²)</i>	<i>418 m² (4500 ft²)</i>
<i>0.8 ha to < 1.6 ha (2 to 4 Acres)</i>	<i>743 m² (8000ft²)</i>	<i>372 m² (4000ft²)</i>	<i>520 m² (5600 ft²)</i>
<i>1.6 ha to < 4.0 ha (4 to 10 Acres)</i>	<i>836 m² (9000ft²)</i>	<i>395 m² (4250 ft²)</i>	<i>543 m² (5845 ft²)</i>
<i>4.0 ha (10Acres) or greater</i>	<i>1394 m²(15000 ft²)</i>	<i>418 m² (4500 ft²)</i>	<i>560 m² (6030 ft²)</i>

This table would meet the LTC’s direction to permit:

- An unchanged total floor area (Column A)
- An additional 500ft² maximum floor area for new dwellings (shown in Column B)
- The replacement of pre-existing dwellings that are larger than the proposed maximum floor area (in Column B) up to the existing floor area, but not exceeding a maximum (Column C).
- A single table to regulate maximum floor area

STATUTORY REQUIREMENTS - PUBLIC HEARING

The South Pender LTC agreed to not provide Notice of First Reading for the Minor Land Use Bylaw Project, but to hold a Public Hearing as part of the consultation process. The Project Charter is updated to reflect this request.

The following is the proposed timeline for the project:

1. LTC gives direction to staff to draft a LUB amending bylaw – completed (January 17, 2025)
2. Staff brings forward the draft LUB for LTC’s review – draft bylaw on Feb 14, 2025 LTC agenda
3. Staff to initiate bylaw referrals to agencies and First Nations – to be completed April/May 2025
4. LTC gives direction to staff to hold a Special Meeting – Special Meeting held on March 27, 2025
5. LTC gives First Reading to draft Bylaw No. 129 – May 2, 2025 LTC meeting
6. LTC gives direction to staff to schedule a Public Hearing – May 2, 2025 LTC meeting
7. The LTC has the option to request staff to schedule a Community Information Meeting prior to the Public Hearing – motion to be presented at May 2, 2025 LTC meeting
8. The LTC holds CIM and Public Hearing and the LTC can give Second and Third Reading, and direction to send to EC – September 5, 2025 LTC Meeting
9. Bylaw Adoption – could be by Resolution Without Meeting in October 2025

Rationale for Recommendation

Staff recommends the LTC give direction on how to proceed with changes, if any, to the total and maximum floor area for dwellings in order to give first reading to the bylaw.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. 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 that the staff provide further information regarding...

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Send referrals for draft Bylaw No. 129
- Schedule a special electronic meeting
- Schedule Community Information Meeting and Public Hearing for the September 5, 2025 LTC meeting.

Submitted By:	Kim Stockdill, Island Planner	April 14, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2025

Attachment:

1. Draft Bylaw No. 129
2. ITPS – Bylaw No. 129

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 129

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

The South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island Local 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. 1, 2025”.

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 Section 1.1 – Definitions, by deleting the definition “basement floor area”.

2.2 Section 1.1 – Definitions, by amending the definition of ‘floor area’ by removing “1.5” and replacing it with “1.8” so it reads:

““floor area” means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.8 metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.

2.3 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(5) is amended by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish” so it reads:

“Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to September 15, 2022, a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the natural boundary of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the natural boundary of the sea to the dwelling, cottage, or accessory building on the lot on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit substantive evidence to establish the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”

2.4 Section 3.4 – Height Regulations, Subsection 3.4(1) is amended by deleting the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height so it reads:

“A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height.”

- 2.5 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(b) by deleting “1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres)”.
- 2.6 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(c) by deleting “with an area greater than 1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres) or greater in area”.
- 2.7 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting Article 3.10(1)(f).
- 2.8 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting the word “the” after the words “dwelling on the same lot is permitted in” in Subsection 3.10(1).
- 2.9 Section 3.10 – Use of Recreational Vehicles as a Dwelling, Subsection 3.10 (1) by deleting the words “Nothing in this Subsection prohibits the storage on a lot of recreational vehicles that are not being used as dwellings”.
- 2.10 Section 3.10 – Use of Recreating Vehicles as a Dwelling, by creating the following new Subsection 3.10(1)

“Nothing in this Section prohibits the storage of recreational vehicles that are not being used as dwellings.”

and by making such consequential numbering alterations to effect this change.
- 2.11 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by adding the following new Subsection 3.10(2) that reads:

“Where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* must not exceed 90 days in a calendar year.”
- 2.12 Section 3.11 – Derelict Vehicles, by deleting Article 3.11(1)(a), and by making such consequential numbering alterations to effect this change.
- 2.13 Section 5.1 – Rural Residential Zones, by deleting Subsections 5.1(5) and 5.1(6) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.14 Section 5.1 – Rural Residential Zones, by adding the following new subsection after Subsection 5.1(4) and by making such consequential numbering alterations to effect this change:

“(5) Maximum Floor Area:

<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
✓	✓	✓

- (a) The total floor area of all buildings per lot may not exceed the area in Column A;
- (b) The floor area of a dwelling may not exceed the area in Column B;
- (c) Despite 5.1(5)(b), for a lot that contained a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a replacement, re-constructed or altered dwelling may not exceed the lesser of:
 - i. the floor area of the dwelling on September 15, 2022, or
 - ii. the area in Column C.

	Column A	Column B	Column C
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 Acre)	465 m ² (5000ft ²)	279 m ² (3000 ft ²)	353 m ² (3800 ft ²)
0.4 ha to < 0.8 ha (1 to 2 Acres)	557 m ² (6000ft ²)	325 m ² (3500 ft ²)	418 m ² (4500 ft ²)
0.8 ha to < 1.6 ha (2 to 4 Acres)	743 m ² (8000ft ²)	372 m ² (4000 ft ²)	520 m ² (5600 ft ²)
1.6 ha to < 4.0 ha (4 to 10 Acres)	836 m ² (9000ft ²)	395 m ² (4250 ft ²)	543 m ² (5845 ft ²)
4.0 ha (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.15 Section 5.1 – Rural Residential Zones, by deleting newly renumbered Subsections 5.1(8) and 5.1(9) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.16 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(10) – Subdivision Lot Size Requirements by deleting the words “Subject to subsection 5.1(10),”.
- 2.17 Section 5.5 Agriculture (A), by amending Article 5.5(1)(d) by deleting the words “subject to Subsections 5.5(13) to 5.5(16) and replacing them with “(as permitted by the Agricultural Land Commission)”
- 2.18 Section 5.5 Agriculture (A), by amending Article 5.5(1)(e) by deleting the words “, subject to Subsections 5.5(15) to 5.5(2), and as permitted by the Agricultural Land commission” and replacing them with “(as permitted by the Agricultural Land Commission)”
- 2.19 Section 5.5 Agriculture (A), by deleting Subsection 5.5(3) and replacing it with:
 “Despite Subsection 5.5(2), one cottage or one dwelling for the housing of persons engaged in on-going agricultural activities on the lot, is permitted on each lot in addition to the dwelling permitted in Subsection 5.5(2).”
- 2.20 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) to 5.5(11) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.21 Section 5.5 – Agriculture (A), by adding the following new subsection after Subsection 5.1(8) and by making such consequential numbering alterations to effect this change:
 “(9) Maximum Floor Area:
 (a) The total floor area of all buildings per lot may not exceed the area in Column A;
 (b) The floor area of a dwelling may not exceed the area in Column B;

- (c) Despite 5.1(9)(b), for a lot that contained a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a replacement, re-constructed or altered dwelling may not exceed the lesser of:
- i. the floor area of the dwelling on September 15, 2022, or
 - ii. the area in Column C.

	Column A	Column B	Column C
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 Acre)	465 m ² (5000ft ²)	279 m ² (3000 ft ²)	353 m ² (3800 ft ²)
0.4 ha to < 0.8 ha (1 to 2 Acres)	557 m ² (6000ft ²)	325 m ² (3500 ft ²)	418 m ² (4500 ft ²)
0.8 ha to < 1.6 ha (2 to 4 Acres)	743 m ² (8000ft ²)	372 m ² (4000 ft ²)	520 m ² (5600 ft ²)
1.6 ha to < 4.0 ha (4 to 10 Acres)	836 m ² (9000ft ²)	395 m ² (4250 ft ²)	543 m ² (5845 ft ²)
4.0 ha (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

2.22 **Deleting 5.5(13) to 5.5(22) in their entirety, by making such consequential numbering alterations to effect this change, and by moving the Information Note under the newly renumbered Subsection 5.5(8).**

2.21 Section 5.6 – Forestry (F), by adding the words “from any lot line” after the words “20 metres (66 feet)” to Subsection 5.6(11) so it reads:

“Despite 5.6(5) above, the minimum *setback* for a portable sawmill permitted by 5.6(1)(b) above shall be 20 metres (66 feet) from any *lot line*.”

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____

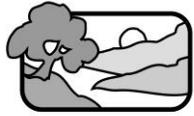
READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY



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.

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	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	4.4.3	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
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	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	4.5.9	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.
N/A	4.5.10	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	4.5.11	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.
	4.6	Soils and Other Resources
N/A	4.6.3	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
	5.1	Aesthetic Qualities
✓	5.1.3	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.
	5.2	Growth and Development
✓	5.2.3	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	5.2.4	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	5.2.5	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	5.2.6	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.
	5.3	Transportation and Utilities
N/A	5.3.4	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	5.3.5	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	5.3.6	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	5.3.7	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.
	5.4	Disposal of Waste
N/A	5.4.4	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

	5.5	Recreation
N/A	5.5.3	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	5.5.4	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	5.5.5	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	5.5.6	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	5.5.7	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.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	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	5.6.3	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.
	5.7	Economic Opportunities
N/A	5.7.2	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.
	5.8	Health and Well-being
N/A	5.8.6	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.

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