



STAFF REPORT

Date: August 30, 2011

File No.: GM-LUB-2011.2
(Associated Islands
LUB)

To: Gambier Island Local Trust Committee
For meeting of September 7, 2011

From: Sonja Zupanec
Island Planner
Northern Team

Copy: Chris Jackson, Regional Planning Manager, Northern Team

Re: Draft Land Use Bylaw for the Gambier Associated Islands (within the Sunshine Coast Regional District)

THE PROPOSAL:

In February 2011 the Gambier Local Trust Committee (LTC) received from staff an initial draft outline of a proposed land use bylaw for the Associated Islands that fall within the Sunshine Coast Regional District. This is the second priority on the Gambier Island Local Trust Committee work program, following the adoption of a land use bylaw for Bowyer and Passage Islands. Upon final adoption of the Bowyer and Passage Island Land Use Bylaw (LUB) which is tentatively scheduled for consideration in September 2011, the Associated Islands LUB will move up to the top priority in the work program. Further work is required in the draft bylaw, especially in the development of proposed zones. In May 2011 the LTC requested that staff prepare a report examining the issue of density for lots/islands in the associated islands area less than 4 hectares in size (10 acres) in order to determine if an increase in density from the recently adopted OCP policies limiting density on these lots would be supportable. This request was based on a resolution passed in February 2010 directing staff to further review the issue of density in the SCRDP Plan area at the time of the Land Use Bylaw review.

The purpose of this report is to: 1) review the existing density provisions under the newly adopted Official Community Plan (OCP); 2) provide general information on the lots/islands that are less than 4 hectares in size; 3) summarize the issues and options available to the LTC in considering any changes to the existing OCP policies related to density for properties less than 4 hectares in size; and 4) provide a recommendation to the LTC.

Upon LTC resolution directing staff on the issue of density in the associated islands, staff will proceed with the land use bylaw review process.

OVERVIEW OF EXISTING DENSITY PROVISIONS:

Sunshine Coast Regional District Zoning Bylaw No. 96: This zoning bylaw is still used by the Islands Trust for all land use applications relevant to the Associated Islands. The density

provisions of this bylaw allow two dwellings per lot; regardless of the size of lot. In the early 1970's blanket zoning was applied to all of the island properties based on large rural acreages on the mainland. Upon adoption of a new LUB, the SCRD Bylaw No. 96 will no longer be in effect.

Gambier Associated Islands Official Community Plan Bylaw No. 109: Given that the two dwellings per lot density regulation in the SCRD zoning bylaw is understood to have been inappropriately applied to the associated islands without regard for the small lots and site conditions, the LTC adopted OCP policies to reduce the density to one dwelling per lot on lots less than 4 hectares. The following policies in the OCP provide specific and relevant direction to the LTC on the consideration of density regulations in the draft land use bylaw:

3.2.1 The traditional land use in the plan area has been largely seasonal residential and LTC bylaw provisions should preserve the relatively low density residential character of the area.

3.2.6 Density should be limited to the historic two dwellings per lot for lots larger than 4 hectares (10 acres), and one dwelling per lot for lots smaller than 4 hectares within the Sunshine Coast Regional district; and to one dwelling per 1.6 hectares (4 acres) within the Greater Vancouver Regional District (Metro Vancouver).

3.2.7 Despite policy 3.2.6, zoning should permit existing densities in established communities and cooperatives.

3.2.8 Subdivision regulations should establish a minimum average lot size of 4 hectares (10 acres), consistent with the historic 4 hectare (10 acre) minimum lot size, while allowing for the clustering of lots in future subdivisions.

3.10.5 The LTC may require applicants of subdivision and rezoning applications to provide proof of adequate parking staging areas on the mainland as part of the application review process. The LTC should collaborate with Greater Vancouver Regional District (Metro Vancouver) and the Sunshine Coast Regional District on parking demand issues on the mainland when reviewing applications for a proposed increase in density in the Plan area by way of subdivision or rezoning.

3.12.4 The LTC should, in its bylaw provisions and in considering applications, consider the cumulative effects of existing and proposed development on sensitive ecosystems and groundwater supplies.

3.13.1 Land use designations, zoning, subdivision regulations and other planning tools should be used to ensure that 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.

3.13.2 The LTC, in its bylaw provisions and in considering applications, should ensure that water quality is maintained, that existing, anticipated and seasonal demands for water are considered and addressed, and that new uses do not affect water availability to the detriment of existing uses.

3.13.3 The precautionary principle should be applied with respect to the planning, utilization and protection of potable water supplies, so that property owners, developers and government agencies act with a conservative approach regarding the impacts of land use on island water supplies.

4.6.4 To maintain the historic residential density of Jack Tolmie, Echo and Tiki Islands, and recognize the regional district intent of water, power, sewer and utility corridors to Jack Tolmie, Echo, Tiki and Turnagain Islands.

4.6.5 Despite policy 3.2.6, zoning for LOT 11 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT (Jack Tolmie Island) and DISTRICT LOT 4553 GROUP 1 NEW WESTMINSTER DISTRICT (Echo Island) should permit a maximum density of two dwellings per lot providing that water and sewer infrastructure connections from the island to the mainland along established easements or rights-of-way are in place at the time of issuance of the building permit. If water and sewer lines are not connected the maximum permitted density shall be one dwelling per lot.

5.3.1 The LTC should, in its bylaw provisions and review of development applications, consider the potential impacts on global climate change and GHG reduction targets.

The intent of the OCP policies is to limit development of lots smaller than 4 hectares to one dwelling and provide specific direction on considerations for any increase in density. These policies are consistent with the Islands Trust Policy Statement.

Draft Associated Islands LUB: The following definitions in the draft LUB are relevant to the LTC’s review of this staff report:

“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas plus a single set of facilities for food preparation and eating.

“residential” means used for the domicile and home life of a person or persons, and for this purpose, does not include the commercial rental of a dwelling unit for a period of less than one month.

Sleeping cabins are not considered dwellings as they are typically limited to sleeping accommodation only and in some cases, bathroom facilities. Currently there is no definition of ‘sleeping cabin’ in the draft LUB, however this can be included and regulated as an accessory use in residential zones.

ASSOCIATED ISLANDS OVERVIEW:

There are approximately 105 lots in the Associated Islands land use planning area that are less than 4 hectares in size and shown in red on Attachment #1 – Lot size map. The following table summarizes the BC Assessment Area data breakdown for associated island properties less than 4 ha in size:

<i>Island</i>	<i># of Lots < 1 ac (0.4 ha)</i>	<i>1 acre – 4.9 ac (2 ha)</i>	<i>5 ac – 9.9 ac</i>
Anvil	0	3	2
East Trail	6	20	0
Echo	0	1	0
Hermit	0	3	1

<i>Island</i>	<i># of Lots < 1 ac (0.4 ha)</i>	<i>1 acre – 4.9 ac (2 ha)</i>	<i>5 ac – 9.9 ac</i>
Merry	0	1	0
Mickey	0	1	0
New (Silver)	0	1	0
North Thormanby	55	0	1
South Thormanby	0	3	0
Surrey	1	0	0
Tiki	0	1	0

The Gambier Island Local Trust Committee currently does not have up to date sensitive ecosystem inventory, hazardous conditions, aquifer or septic capability data to support an increase in density on the islands. The establishment of development permit areas for the purposes of protecting environmentally sensitive areas, the marine foreshore and development from hazardous conditions may be considered as part of the LUB review and would be relevant information to have prior to considering any change to the density provisions for lots less than 4 ha in size.

Since the adoption of the Associated Islands OCP in December 2010, one property owner on East Trail Island has applied for a building permit to construct a secondary dwelling on a 0.3 ha (0.8 acre) lot in anticipation of the new land use bylaws restrictions.

ISSUES:

Staff evaluated the matter of density in the Associated Islands area as per the LTC's request and identified the following issues for further consideration:

- Intent of the Associated Islands OCP/LUB review
- Density provisions on islands with similar characteristics
- Defining parameters for an increase in density
- Implications of an OCP amendment on the LUB budget for 2012/2013

DISCUSSION:

The following staff comments and options are presented for the LTC's review and consideration.

Intent of the Associated Islands OCP/LUB Review:

The OCP/LUB review 'Terms of Reference' were endorsed by the LTC in 2007. Terms relevant to the examination of density include:

“Existing overall use and density provisions should be maintained in the new policies and regulations, except where existing permitted uses and densities are clearly out-dated or inapplicable to the specific circumstances.”

“Increased density or significant new uses should not be considered as part of this process, except where there are long-standing, small-scale non-conformities or there is an inconsistency with another objective or policy. Such amendments should instead be considered by application.”

Existing density provisions in the SCR D zoning bylaw for two dwellings on lots less than 4 hectares is considered to be out-dated and inappropriate for the associated islands, and accordingly the LTC adopted OCP policies to reduce density on lots of this size. Considering an increase in density above what is stipulated in the OCP policies for lots less than 4 hectares in size would contravene the Terms of Reference endorsed by the LTC. Staff have maintained throughout the OCP and LUB process that any increase in density beyond that in the OCP should be considered by application in order to evaluate the individual merits of a proposal on a case by case basis.

If staff is directed by the LTC to incorporate draft LUB provisions permitting an increase in density, new 'Terms of Reference' for the LUB review should be drafted and endorsed by the LTC.

Comparison of density provisions:

The following density provisions are currently in place for small lots/islands in the northern Islands Trust region:

<i>Island</i>	<i>Residential Density Provisions in the LUB</i>
Executive Islands	All Zones: One dwelling per lot (any size lot)
Passage Island	One dwelling per lot (any size lot)
Keats Island	RR Zone: Two dwellings per lot (over 8 ha/20 acres). RR Zone: One dwelling and one guest cottage on lots larger than 0.8 ha/2 acres but less than 8 ha. RC Zone: One dwelling and one guest cottage on lots larger than 1.0 ha/2.5 acres but less than 16 ha.
Gambier Island	One dwelling and one associated secondary dwelling in specific zones for lots larger than 0.4 ha/1 acre subject to size regulations.

Defining parameters for an increase in density:

The following list of parameters should be examined in detail prior to consideration of an increase in density on lots less than 4 ha in size:

- Minimum lot size – currently there are lots as small as 0.2 ha in the Associated Islands Plan area. A determination of minimum lot size could be considered arbitrary and not based on criteria such as carrying capacity. Two dwellings/lot regulations were enshrined in subsequent land use bylaws on both Keats and Gambier islands in the 70's, 80's and continued in early 2000 to reflect the historic build out of the islands based on the provisions of historic Bylaw 96.
- Parking on mainland – the SCRD has strongly supported the OCP policy limited density to one dwelling per lot under 4 ha and indicated that ANY increase in this density on the islands should not be approved unless parking staging on the mainland has been identified and coordinated with the SCRD. Consultation with the SCRD would be required should an increase in density be considered in the new LUB.
- Regulation of dwelling size – percentage of lot area or maximum floor area can be used. Associated secondary dwellings or guest cottages can also be regulated by definition. Sleeping cabins are not a measure of density as they do not contain cooking facilities and can be regulated in residential zones as a permitted accessory building use.
- Regulating seasonal use – some property owners request 'seasonal use' building requirements be applied for their dwellings at the time of building permit application. The SCRD relaxes certain building code requirements (i.e. Insulation requirements) and requires a covenant be registered on title regarding the seasonal use of the building. Zoning can also be customized for certain islands/lots to permit seasonal use only should additional density be requested based on the rationale that the impact of additional dwellings is limited due to the seasonal nature of the land use.
- Carrying capacity – data on carrying capacity in terms of aquifers, soils, hazards or environmentally sensitive areas are not available to justify the support two dwellings on lots less than 4 ha in size in the Associated Islands area. Staff defers to the precautionary principle and OCP referral comments by the Coastal Health Authority in 2009 to support no further increase in density for the Associated Islands unless reviewed by application where above parameters can be evaluated and considered in appropriate detail.

Budget/Timeline Implications of an OCP Amendment:

Should an increase in density be initiated by the LTC, an amendment to the Official Community Plan would be required in order for the LUB to be adopted. Staff would evaluate any proposed OCP amendment against the Trust Policy Statement to ensure compliance and advise the LTC accordingly.

Currently the 2010-2011 remaining budget for the LUB review is \$2,834.22. This is not considered sufficient to undertake consultation, community information meetings and the legislated process required for the draft LUB and additional funds for the 2012/2013 fiscal year will be required.

If the LTC proposes to proceed with an OCP amendment than additional funds and staff time will be required above what is already needed to complete the core LUB process. Staff can provide further advice on this matter at a later date if needed.

STAFF COMMENTS:

Staff does not recommend any changes to the density provisions of the OCP for the reasons outlined in this report and requests that the LTC proceed with the Associated Islands LUB review.

RECOMMENDATIONS:

THAT the Gambier Island Local Trust Committee request staff to proceed with the Associated Islands Land Use Bylaw (GM-LUB-2011.2) review process consistent with the density provisions outlined in the Associated Islands Official Community Plan Bylaw No. 109.

Prepared and Submitted by:



Sonja Zupanec, MCIP

August 30, 2011

Date

Attachment:

1. Associated Islands lots/islands size map