



# STAFF REPORT

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**Date:** October 11, 2012

**File No.:** GM-LUB-2011.1  
(Associated Islands  
LUB Review)

**To:** Gambier Island Local Trust Committee  
For meeting of October 25, 2012

**From:** Sonja Zupanec  
Island Planner

**Copy:** Courtney Simpson, A/Regional Planning Manager, Northern Team

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**Re: Proposed Land Use Bylaw – Associated Islands within the SCRD**

## THE PROPOSAL:

This report summarizes:

- the status of the draft Associated Islands Land Use Bylaw (LUB);
- the status of further revisions to the LUB pending receipt of information from specific property owners;
- staff recommendations on a process to address SCRD building permits at variance with what is permitted in the draft LUB; and
- next steps in the project and proposed timeline.

This report does not summarize or provide comments on public correspondence received since the September 20, 2012 meeting date.

## STATUS OF THE DRAFT BYLAW:

At the time of report writing, staff has partially updated the July 2012 draft land use bylaw, with revisions from the September 20, 2012 LTC resolution. A copy of the revised draft has not yet been posted to the website and will be available late October or early November. The next draft will be released as the 'Fall 2012 Draft Land Use Bylaw'.

Staff is anticipating receipt of the following for LTC consideration by the October 25, 2012 regular business meeting:

- 1) A copy of the site plan for Buccaneer Bay Holdings for Map Schedule A-1; and
- 2) Public Institution zone regulations for maximum lot coverage and floor area for the Daybreak Point Bible Camp based on the camp development plan.

Neither of these outstanding items was available at the time of report writing. Staff has been working with the property owners (or designated spokesperson) to rectify the site specific gaps in the draft LUB.

Additional changes to the LUB can be considered by the LTC at the October and December 2012 regular business meeting. A staff report detailing public correspondence received from late

September – December will be prepared in time for the December meeting, with recommendations on public requests for amendments.

#### **SCRD BUILDING PERMITS AT VARIANCE WITH DRAFT LUB:**

The LTC has a 1996 Letter of Understanding (LOU) with the SCRD Board (copy attached). The LOU requires each party to refer relevant bylaws to each other at least 30 days prior to first reading. The LOU also provides guidance on what should occur when a building permit application received by the SCRD is in conflict with a bylaw being prepared by the LTC.

The LOU states that the LTC may advise the Regional District Board that they propose to adopt a bylaw referred to in s. 32 of the *Islands Trust Act*, and that where they consider a development proposed in a building permit application to be in conflict with the bylaw or plan being developed, they may deliver to the Regional District Board a copy of a resolution passed by the Local Trust Committee directing the Regional District Board to withhold the building permit.

Currently there are no building permit applications in stream that are in conflict with the proposed land use bylaw regulations. However applications may be submitted that affect the use or density of a parcel in a way that contravenes the draft LUB late in the bylaw review process. Examples of building permit applications that may be affected up until the adoption of the land use bylaw include but are not limited to secondary dwellings or unauthorized commercial uses.

Staff recommends that the LTC advise the SCRD in writing of their request for the SCRD to withhold building permits AFTER FIRST READING has been given to the draft bylaw, which may occur at the December 2012 LTC meeting. This would help alleviate any conflict between the draft regulations and any new permits received in the coming months that do not comply to the use or density provisions of the draft regulations.

Should the LTC proceed with this staff recommendation, staff suggests residents and property owners be notified of the process by way of the Trustee Newsletter which will also highlight the release of the fall 2012 draft LUB.

#### **NEXT STEPS AND TIMELINE:**

Comments from the early referral to SCRD Board may be considered at the December regular business meeting. Further additions or revisions to the draft bylaw, as well as first reading, will also be considered by the LTC at that time.

After first reading is given, bylaw referrals to outside agencies will be sent and a community information meeting will be scheduled well in advance of a public hearing in early 2013. This proposed timeline for next steps coincides with the Project Charter endorsed by the LTC in April 2012 (see below).

## Land Use Bylaw Review Timeline

Deliverable/Milestone	Tentative Schedule
<i>Release of draft LUB</i>	<i>Summer 2012</i>
<i>Consultation with residents and private property owners on draft regulations and zones</i>	<i>Summer/Fall 2012</i>
<i>Early Referral to SCRD prior to 1st reading</i>	<i>Fall 2012</i>
<i>1st reading of draft bylaw—agency referrals</i>	<i>Winter 2012/13</i>
<i>Community Information Meetings/Public Hearing</i>	<i>Winter/Spring 2013</i>
<i>Consideration of second and third readings. Submission to Islands Trust Executive Committee</i>	<i>Spring 2013</i>
<i>Consideration of adoption of LUB</i>	<i>Spring 2013</i>

### RECOMMENDATION:

**THAT** the Gambier Island Local Trust Committee:

1. Request staff to refer a copy of the 'Fall 2012 draft associated islands land use bylaw' (GM-LUB-2011.2) to the Sunshine Coast Regional District Board for review prior to LTC consideration of first reading, as per the Letter of Understanding between the SCRD Board and the Gambier Island Local Trust Committee; and
2. Request staff to advise the Sunshine Coast Regional District Board in writing that: 1) the content of the draft Land Use Bylaw may affect the Regional District Boards right to issue a building permit; and 2) after 1<sup>st</sup> reading has been given to the draft land use bylaw, the LTC may direct the SCRD Board to withhold the issuance of building permits which contravene the intent of the proposed land use bylaw, as per the Letter of Understanding between the SCRD and the Gambier Island Local Trust Committee.

*S. Zupanec*

October 11, 2012

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Sonja Zupanec, RPP  
Island Planner

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Date

Concurred in by:

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Courtney Simpson, RPP  
A/Regional Planning Manager

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Date

Attachment:

1. Letter of Understanding between the SCRD Board and GMLTC