



File No.: 6500-20  
(NP LUB Review Project)

DATE OF MEETING: July 30, 2020  
TO: North Pender Island Local Trust Committee  
FROM: Robert Kojima, Regional Planning Manager  
Southern Team  
SUBJECT: LUB Review Project

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee identify preferred options for community consultation on the LUB project.

## REPORT SUMMARY

The purpose of this report is to provide the LTC with a summary of proposed minor and technical amendments, provide the final discussion paper on shoreline and marine issues, and to provide the LTC with options on public consultation.

## BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The project encompasses seven topic areas:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

During the initial phase (Feb – June), the project charter identified that staff undertake a review and analysis of the issues, and prepare background material and options for consideration. To date, staff have prepared five discussion papers (please see project [webpage](#)), with a sixth (Marine and Shoreline regulations) is on this agenda. The Marine and Shoreline paper provides an overview of marine jurisdiction, relevant OCP policies, existing zoning regulations, key issues, and options for potential amendments. In addition, this staff report attaches a table outlining proposed minor and technical amendments – these are primarily issues that staff have identified and tracked over the past few years as potential corrections, clarifications, or general improvements to zoning regulations. As previously, the LTC should identify if there is any additional information that should be addressed

in the discussion paper or any additional minor amendments that should be considered. The completion of the final discussion paper will conclude the research and analysis phase of the project.

## CONSULTATION

The next phase of the project is community, stakeholder and First Nations engagement. The consultation phase is proposed to be completed at the end of 2020. Given Covid-19 restrictions on public gatherings, the option of holding conventional public meetings is limited, so the LTC should give consideration to alternate methods of consultation, including:

- Referral to the Advisory Planning Commission, including the Agricultural APC (the LTC has advertised for, and is considering appointments to, an Agricultural Advisory Planning Commission).
- Targeted consultation with stakeholder groups (e.g. landowners in specific zones) may be an option.
- Establishing an open comment period for the public to provide feedback
- Consideration of holding public consultation either electronically, or in-person where they can be held consistent with public health rules and recommendations.

Staff will work with the Senior Intergovernmental Policy Advisor to undertake early consultation with First Nations.

Caveats related to Advisory Planning Commission meetings:

1. APC meetings have to be convened and run as normal – i.e. APCs cannot meet electronically
2. The LTC should consider whether there is a venue open that the APC can meet at that can accommodate the commissioners and some members of the public.
3. If a member is unable to attend due to health concerns, they could attend electronically, provided there is a quorum of the APC at the meeting.
4. APC Chair is responsible to ensure social distancing and public health rules are followed.
5. A planner may attend (if needed) the meeting as per normal, or may connect electronically.

Options for consultation by topic:

- The appointment of an Agricultural Advisory Planning Commission provides the LTC with the opportunity to refer the agricultural topic to this special APC, requesting that the AAPC review the discussion paper and other material and provide advice to the LTC on potential LUB amendments by November.
- The existing APC also provides a venue for advice on some of the other topics, the LTC may wish to refer or more of the other topics to the APC for review, again requesting that advice be provided to the LTC by November. In particular, the following may benefit from APC review and comment:
  - Residential floor area
  - Tourist Commercial
  - Industrial zoning
  - Shoreline and Marine

- General public input: the LTC should invite community input on the project generally. The website will have all the background material posted, and the public can be notified by subscriber email, and other advertising, and invited to submit comments.
- Mail-out to owners in the industrial and C2 zones inviting specific comment.
- One or more electronic information meetings can be scheduled, where members of the public with a connection can participate. This would be best scheduled for early fall.
- The LTC may want to consider setting aside time during the town halls at regular meetings for input specifically on this project.
- Depending on the status of the provincial health orders, holding in-person town halls or open houses may be considered in the fall.

Staff will also identify any agencies where early referrals may be appropriate (e.g. the ALC), and as noted above, undertake early First Nations engagement.

**NEXT STEPS**

Once the LTC identifies consultation options, staff will initiate referrals and advertising. At the next regular meeting, the LTC should review the consultation initiated to date and consider any additional steps – such as the scheduling of public meetings.

Submitted By:	Robert Kojima, Regional Planning Manager	July 22, 2020
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**ATTACHMENTS**

1. Table of minor and technical amendments
2. Project charter

**Table of Minor and Technical Amendments**

<b>Topic</b>	<b>Policy</b>	<b>Ref.</b>	<b>Issues</b>	<b>Comments</b>
a) Landscape Screening Review	Regulations to retain screening vegetation	2.1.C	<i>Review of effectiveness, intent, and practicality of existing regulations; consider potential amendments</i>	<ul style="list-style-type: none"> <li>- existing requirements are often unsuited for rural landscapes</li> <li>- ambiguity in regulations: screening, fencing, planting</li> </ul>
b) Home Industry Regulations	Home Industry regulations review	2.1.3.6 – 2.1.3.9	<i>OCP establishes policies for updating these regulations</i>	<ul style="list-style-type: none"> <li>- harmonize regulations (i.e. lot coverage and setbacks)</li> <li>- review list of uses and consider broader use categories</li> <li>- ensure regulations address mitigation of impacts</li> <li>- use should be manufacturing/processing</li> <li>- address parking of vehicles/equipment</li> </ul>
c) Subdivision regulations	Review of subdivision servicing regulations, including proof of potable water, applicability of road standards and drainage.	3.3.1.1	<p><i>Opportunity to provide updated standards for subdivision regulations</i></p> <p><i>Road and storm drainage regulations are not LTC jurisdiction</i></p>	<ul style="list-style-type: none"> <li>- amendments should be technical changes</li> <li>- update proof of potable water standards</li> <li>- consider harmonization with South Pender regulations, with updated/revise proof of water requirements</li> </ul>
d) Renewable energy	Review zoning regulations to permit renewable energy devices	4.5.2 4.7.10	<i>Siting of fixtures would be main amendment.</i>	<ul style="list-style-type: none"> <li>- Siting exemptions for solar panels and power sheds</li> </ul>
e) Mandatory rainwater catchment systems	Regulations may be considered requiring the installation of rainwater catchment systems in new construction	3.2.4 4.7.5	<i>Non-potable water storage requirements can be implemented through zoning regulations. Priority areas may be identified following completion of the groundwater review project</i>	<ul style="list-style-type: none"> <li>- define scope and application of a regulation, ie new principal dwelling and cottages on wells</li> <li>- review experiences on Galiano, Saturna</li> <li>- coordinate with Groundwater Sustainability project</li> </ul>
f) Commercial zoning Review	Review C1 zoning	4.7.2 4.7.4	<i>Review site-specific zones, update use categories, parking alternatives</i>	<ul style="list-style-type: none"> <li>- review use categories,</li> <li>- extend general uses to site specific zones,</li> <li>- consider rezoning the old port Washington store site</li> </ul>
g) Ferry Terminal	Ferry terminal zoning	3.1.1.6	<i>Upland portion of ferry terminal should be zoned to a community service zone (currently RR)</i>	<ul style="list-style-type: none"> <li>- technical amendment only (i.e. Mayne terminal zoning)</li> <li>- terminal upgrades are planned, any significant expansion of terminal should be by a separate rezoning</li> <li>- engagement with First Nations prior to initiating any amendments</li> </ul>

Topic	Policy	Ref.	Issues	Comments
<b>Other minor amendments:</b>				
h) Incorporate TUPs into zoning	Consider amending zoning to make on-going (non-STVR) TUPs permanent uses		<i>There are currently 4 non-STVR TUPs that may be candidates for LTC-initiated zoning amendments that would make the uses permanent</i>	<ul style="list-style-type: none"> <li>- TUP-2019.4 - medicine beach drop-off</li> <li>- TUP-2020.1 –3334 Port Washington - rezone to industrial</li> <li>- TUP-2016.1 – site-specific zoning on portion of Rural lot behind Driftwood</li> <li>- TUP-2018.4 Disc park shelter</li> </ul>
i) Community Park zoning			<i>Relevance of existing 2 zones, no buildings permitted</i>	<i>Consult with parks commission, consider amendments to permit shelters and storage buildings</i>
j) Forestry and Agricultural buildings	Amendments to AG and R zoning to address agricultural and forestry building height		<i>Agricultural buildings defined by use only, consider amendments to permit higher buildings on AG lots with larger setbacks. Rural zoning does not specifically allow for non-agricultural buildings that are not accessory to a dwelling.</i>	<i>- minor amendments should be considered to address persistent interpretation issues</i>
k) Accessory buildings	Construction of accessory buildings prior to residence		<i>Permit one non-residential building on RR zoned lots prior to construction of dwelling</i>	<i>- review other LUBs, should be limited and minor</i>
l) Prohibited uses	Review of prohibited uses		<i>Update to address shipping containers, pit toilets and uses identified in other bylaws</i>	<i>Review for consistency with other LUBs</i>
m) Use permitted in all zones	Review		<i>General review for accuracy</i>	<i>Review for consistency with other LUBs</i>
n) Technical Amendments	Technical updates / corrections		<ul style="list-style-type: none"> <li>• <i>Alphabetical order of definitions (e.g. cottage, multiple-family dwelling)</i></li> <li>• <i>“multiple-family dwelling” definition should be “more than two households” or “three or more households” and a definition of “two-family dwelling” should be added.</i></li> <li>• <i>Add Definition of pumphouse and electrical shed</i></li> <li>• <i>Permit pumphouses and electrical sheds prior to principal dwellings, allow electrical sheds in setbacks and establish size restrictions</i></li> <li>• <i>Mapping:C2(c) and C2(d) zone boundary</i></li> <li>• <i>Magic Lake tennis courts – consider adding as a permitted use</i></li> <li>• <i>Add secondary suites to RC zones</i></li> <li>• <i>Add provision to resolve Inconsistency between natural boundary and lot line setbacks</i></li> <li>• <i>clarity that no residential use of RVs</i></li> <li>• <i>review regulations on connections between buildings for consistency with BCBC</i></li> <li>• <i>Review lot coverage for split zoned lot calculations</i></li> <li>• <i>Administration and enforcement: currently states that enforcement officers must give prior notice: update to be consistent with other bylaws that state entry at reasonable times.</i></li> <li>• <i>Correct typos, update legislative references</i></li> </ul>	
o) Formatting	Re-format LUB to Islands Trust LUB template, adopt a new base bylaw		<i>Any extensive amendments to LUB should include re-formatting LUB into standard template and adopting a new base bylaw</i>	

# OFFICIAL COMMUNITY PLAN IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 30, 2020

**Purpose:** project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

**Background:** The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

## Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

## In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

## Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

## Workplan Overview

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

## Project Team

Robert Kojima	Project Sponsor
TBD	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
<b>RPM Approval:</b> Robert Kojima Date: January 20, 2020	<b>LTC Endorsement:</b> Resolution #: Date: Jan 30, 2020

## Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
<b>2020-21</b>	<b>Total (2020-21)</b>	<b>\$4000</b>
2021-22	Consultation, legislative process	\$3000