



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: February 23, 2017
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	9:45 AM - 10:00 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	10:00 AM - 10:15 AM
6.1 Local Trust Committee Minutes Dated January 26, 2017 (for Adoption)	3 - 14
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated February 2017	15 - 17
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
9.1 Email Dated February 12, 2017 from L. Henshaw re: The Ocean	18 - 18

10.	APPLICATIONS AND REFERRALS	10:15 AM - 10:45 AM	
10.1	NP-TUP-2016.2 (Coburn) - Staff Report		19 - 27
10.2	NP-RZ-2016.4 (PICSS) - Staff Report		28 - 50
11.	LOCAL TRUST COMMITTEE PROJECTS	10:45 AM - 11:15 AM	
11.1	Housing: Secondary Suites - Staff Report		51 - 58
12.	REPORTS	11:15 AM - 11:30 AM	
12.1	Work Program Report (attached)		
12.1.1	<u>Top Priorities Report Dated February 2017</u>		59 - 59
12.1.2	<u>Projects List Report Dated February 2017</u>		60 - 62
12.2	Applications Report Dated February 2017(attached)		63 - 66
12.3	Trustee and Local Expense Report Dated December 2016 (attached)		67 - 67
12.4	Adopted Policies and Standing Resolutions (attached)		68 - 69
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report		
	none		
13.	NEW BUSINESS	11:30 AM - 11:45 AM	
13.1	Provincial Private Moorage Policy Update - Staff Memo		70 - 75
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for April 6, 2017, at 9:45 am, at the Community Hall, Pender Island		
15.	TOWN HALL	11:45 AM - 12:00 PM	
16.	CLOSED MEETING		
	none		
17.	ADJOURNMENT	12:00 PM - 12:00 PM	



DRAFT

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: January 26, 2017
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present George Grams, Chair (By Phone)
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Justine Starke, Island Planner
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Others Present Thirty-nine (39) members of the public present

1. CALL TO ORDER

At 9:45 am Chair George Grams called the meeting to order. He acknowledged that the meeting was being held in the territory of the Coast Salish people. He also introduced the Local Trust Committee (LTC) and members of the staff present.

Chair George Grams read a written statement noting that the meeting was being recorded, that the recording may be posted online, and the implications of potentially defamatory statements on the publishing of the recording.

He also read from a written statement regarding the process for the meetings and the procedure for public comment outside of Town Hall sessions.

2. APPROVAL OF AGENDA

It was recommended that item 11.1 First Nations Presentation by Fiona MacRaid be moved to item 4 and that the remaining items be renumbered accordingly.

By general consent, the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Chair Grams noted that the LTC cannot receive oral comments on item 11.3 NP-TUP-2016.2 (Coburn), but that written submission can be received and need to be submitted to staff by 4:30 pm.

Ben McConchie noted that the meeting time does not accommodate participation of younger community members who work during the day.

He further acknowledged his role on the North Pender Island Advisory Planning Commission (APC) and offered several recommended points for the LTC to consider when evaluating Port Browning Marina applications.

Lou Henshaw provided a historical background on the water source that feeds Port Browning Marina, including the installation and permits.

Trinnette Prior requested confirmation that her written submission regarding NP-TUP-2016.2, sent January 25, 2017 had been received.

Staff confirmed that the submission was received and Chair Grams noted that oral submissions are not able to be heard on this issue.

Michael Sketch spoke about the treatment of James Island in the Associated Islands' Official Community Plan (OCP) and noted its relevance for the LTC's consideration of First Nations relations.

He also noted that the minutes of the November 24, 2016 were not published for six weeks. He requested that the minutes of the Town Hall record the source of the information of the Agricultural Land Commission (ALC) decision. He also commented that he did not recall the passing of resolutions NP-LTC-078 through -080 and requested that LTC consider those when adopting the draft minutes.

Michael Sketch made comments about the LTC's site visits to potential waste management sites and questioned the inclusion of both Trustees and members of the Capital Regional District (CRD).

Elizabeth Montague spoke about the Waste Management Project and the role of Agricultural Land Commission decisions. She asked for details regarding the practicalities of how the LTC will handle site visits.

Chair Grams recommended that the questions be sent to staff in writing to facilitate a thorough response.

Don Korbin recommended that the Town Hall minutes of November 24, 2016 be amended to more accurately reflect the comments of himself, Ann Burdett, and Michael Sketch. He remarked that the general recording does not record the spirit of the comments in a fulsome manner, and noted that the scathing tone of his own comments were not captured.

He further commented on LTC's upcoming site visits. He asked if all site owners have been contacted and if those owners have agreed to the visits.

Chair Grams invited Planner Starke to provide a response.

Planner Starke reported that the process of contacting site owners is being undertaken. She noted that, at this point, one site owner has declined participation and will be removed from the list.

Dale Henning noted a payment to the People Power Productions Incorporated in the Financial Report for the services of Dr. Shannon Cowan. He questioned whether the value of the cost of the services were reflected in the results. He also asked if the waste management project is being unduly delayed.

Dale Henning further noted that a CRD-run waste facility would carry a tax payer cost that a private facility would not.

Lou Henshaw provided further information regarding the history of the water rights related to Port Browning Marina.

Kevin Ade spoke in favour of protecting Agricultural Land Reserve (ALR) lands. He spoke against the development of Port Browning Marina and cautioned against the impact that it would have on the social dynamic of the island.

4. LOCAL TRUST COMMITTEE PROJECTS

4.1 First Nations Presentation by Fiona MacRaid

Fiona MacRaid introduced herself and gave a presentation titled "Douglas Treaties and the Gulf Islands" which included a power point and printed materials on the following points:

- History of Treaties in Canada
- The Douglas Treaty
- The standing of the Southern Gulf Islands and Village Sites.
- Impact of Small Pox epidemic, shrinking reserve sizes, Residential Schools, and the Indian Act.
- Case law clarifying the Douglas Treaties and implications for land use.
- BC Treaty process.

Chair Grams invited questions from the public to which Fiona MacRaid provided responses. The following questions were raised and responded to:

- Provincial and Federal spending on First Nations issues.
- The impact of the Douglas Treaty on Pender Islands properties.
- The significance of Pender Islands to First Nations peoples.

NP-2017-001

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee embark on a plan of constructive actions that demonstrate a commitment to improving respectful relationships between residents and visitors of North Pender Island and local First Nations.

CARRIED

NP-2017-002

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee ask the South Pender Island Local Trust Committee to join in the work of this plan as local First Nations have considered North and South Pender Islands to have always been one island until the canal was dredged in 1902-03.

CARRIED

NP-2017-003

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee (and possibly the South Pender Island Local Trust Committee) initiate these reconciliatory actions by hosting a public educational event focused on the archeological findings of the canal excavation between the two islands during the summers of 1984-85-86, particularly the research goal of testing the theory that this was an early area of Coast Salish cultural intensity and climax (proposed by A.L. Kroeber in 1939).

CARRIED

NP-2017-004

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee (and possibly the South Pender Island Local Trust Committee) build on the knowledge shared at this event and develop other events in coordination with local First Nations that focus on land-use issues (Islands Trust core activities), such as Indigenous law principles of land use, land ownership, land transfers, land-use authority and land-use enforcement.

CARRIED

Chair Grams thanked Fiona MacRaid for her presentation.

5. COMMUNITY INFORMATION MEETING

5.1 NP-LCB-2016.1 (Port Browning Marina)

Planner Starke provided an overview of the application and the process for the community information meeting.

Chair Grams invited the public to make comments and ask questions.

Kathy Heslop, representing the Port Browning Marina, provided clarification on the application's rationale.

No further comments were made.

6. PUBLIC HEARING

none

7. MINUTES

7.1 Local Trust Committee Meeting Minutes Dated November 24, 2016 (for Adoption)

The following recommended amendments were made:

- In call to order, "unseated" to "unceded".

In response to public comments during the Town Hall, the LTC invited staff to provide feedback on the level of detail included in the minutes.

RPM Robert Kojima provided an overview of the minutes guidelines as determined by Trust Council. It was further noted that the audio recording project is intended to provide full access to the meeting contents.

By general consent, the Local Trust Committee Meeting Minutes of November 24, 2016 were adopted as amended.

7.2 Section 26 Resolutions-without-meeting Report Dated January 2017

Received for information

7.3 Advisory Planning Commission Minutes

none

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated January 2017

For information.

9. DELEGATIONS

9.1 M. Sketch re Trouble & Avoiding Trouble in the Discarded Materials Management Project for North & South Pender

Michael Sketch read from a written submission and included the following points:

- History of waste and resource management on the Pender Islands.
- Consequences of fill placement on Agricultural Land Reserve (ALR).
- Request that Trustee Masselink recuse himself from waste management deliberations and decisions.
- Agricultural Land Commission (ALC) decisions in the past and future.

Note: A break was held from 12:00 pm to 12:15 pm.

10. CORRESPONDENCE

none

11. APPLICATIONS AND REFERRALS

11.1 NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3 (Eakins) - Staff Report

Planner Starke provided an overview of the application and staff report. She noted that a preliminary report has been received from the archeologist and that the First Nations referral process is ongoing.

Planner Starke noted that due to a process error the applicant was not notified of the North Pender Island Advisory Planning Commission (APC) meeting and recommended that the NP LTC refer the issue to the APC once again.

The applicant was acknowledged by Chair Grams and provided comments. He spoke to Town Hall comments regarding the Marina's impact on water resources.

Trustee Barber asked for information regarding noise impact on property owners across the bay.

The applicant provided an overview of the changes being made to minimize the sound.

Trustee Masselink requested information about the First Nations referral process.

Planner Starke and RPM Kojima provided an overview of the process to date and the process moving forward.

NP-2017-005

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016", be read a first time.

CARRIED

NP-2017-006

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 207, cited as "North Pender Island Land Use Bylaw 171, 2007, Amendment No. 3, 2016", be read a first time.

CARRIED

NP-2017-007

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016", be read a first time.

CARRIED

NP-2017-008

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee request staff to refer Bylaw Nos. 206, 207, and 208 to the North Pender Island Advisory Planning Commission for comment.

DEFEATED

It was recommended that the APC not receive the referral until after the LTC receives the archeological report.

NP-2017-009

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting for Bylaws Nos. 206, 207, and 208.

CARRIED

It was noted that this meeting would not be scheduled by staff until the archeological report is received.

11.2 NP-RZ-2016.3 (Eakins)- Staff Report

Planner Starke provided an overview of the application, staff report and recommendations.

NP-2017-010

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 209, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016,” be read a first time.

CARRIED

NP-2017-011

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 209, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016,” be read a first time.

CARRIED

NP-2017-012

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 209 and 210.

CARRIED

NP-2017-013

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant(s) of NP-RZ-2016.3 (Eakins) to cover the extraordinary cost associated with holding a separate public hearing for Bylaws 209 and 210.

CARRIED

11.3 NP-TUP-2016.2 (Coburn) – Staff Report

Chair Grams noted that at this stage public comment is not able to be heard on this amendment.

Planner Starke provided an overview of the application, the staff report, and the recommendations. She further noted that staff is recommending that the permit be amended to include a condition that an occupancy permit is received for the building.

It was noted that correspondence had been sent to the LTC regarding this application, but that it had not been received in time for the LTC to review it prior to this meeting.

NP-2017-014

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee consider NP-TUP-2016.2 at the February 2017 North Pender Island Local Trust Committee meeting.

CARRIED

11.4 NP-TUP-2016.3 (Bigham) – Staff Report

Planner Starke provided an overview of the application, staff report, and recommendations, including restrictions on use.

NP-2017-015

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2016.3 (Bigham).

CARRIED

A member of the community requested an opportunity to speak to the application. Chair Grams requested that community members hold comments until the Town Hall. The community member expressed discontent with the ruling.

Note: Chair Grams called for a recess at 1:12 pm and re-called the meeting to order at 1:15 pm.

11.5 NP-LCB-2016.1 (Port Browning) – Staff Report

NP-2017-016

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to send a response to the Liquor Control and Licensing Branch regarding the Port Browning Marina application that states:

- a. The potential impacts due to noise if the application is approved would be minimal.
- b. The impacts on the community if the application is approved would be negligible.
- c. The Local Trust Committee has solicited public input to gather the views of residents and no residents had provided written or verbal comments.
- d. The views of the residents were generally neutral about the application
- e. A notice of the applications was advertised in the newspaper, posted on local bulletin boards, and posted on the North Pender webpage and residents were invited to provide written submissions or attend a community information meeting.
- f. A community information meeting was held on January 26, 2017 to gather input from residents about the application.
- g. The Local Trust Committee agrees with the views of residents that the application should be supported.
- h. The Local Trust Committee recommends that the application be approved.
- i. The Local Trust Committee recommendations are based on no concerns of the community.

CARRIED

NP-2017-017

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response to the Liquor Control and Licensing Branch regarding the Port Browning Marina application.

CARRIED

11.6 NP-DP-2016.6 (Murdoch/Driftwood) – Staff Report

Planner Starke provided an overview of the application, the Staff Report and the recommendations.

Chair Grams invited the applicant to make comment and she offered clarification of the purpose of the application.

NP-2017-018

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.6 (Murdoch/Driftwood Properties Ltd.).

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated January 2017

Received for information.

12.1.2 Projects List Report Dated January 2016

Received for information.

12.2 Applications Report Dated January 2017 (attached)

Planner Starke noted changes in the report due to the withdrawal of an application.

12.3 Trustee and Local Expense Report Dated November 2016 (attached)

Planner Starke responded to Town Hall questions regarding Dr. Shannon Cowan's compensation for facilitating the workshop and creating the staff report. She clarified the total cost and outlined the services rendered.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

Trustee Masselink requested that Fiona MacRaid's presentation be added to website.

Planner Starke acknowledged the request and noted that the presentation materials would be added to the projects page.

12.6 Chair's Report

Chair Grams reported on the most recent Trust Council. He noted that an internal review of the Trust Act will be conducted and will make recommendations to the Ministry for potential revisions. He further reported that the Trust Council decided by resolution to engage a specialist on fresh water issues and the impact of climate change.

12.7 Trustee Report

The Trustees both noted that they are looking forward to the projects of this new year.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for February 23, 2017, at 9:45 am at the Pender Community Hall

15. TOWN HALL

Lou Henshaw spoke to application NP-TUP-2016.3 (Bigham) with sympathy with the site owners who live in proximity to the property and may be impacted by the noise.

Jan Letts spoke to application NP-TUP-2016.3 (Bigham). She outlined several concerns with possible bylaw issues on the property.

Braedon Bigham addressed the issues raised and the documents provided in support of the application.

Chair Grams remarked that concerns of the neighbours can be reported to bylaw enforcement and the LTC encouraged the neighbours to do so.

Michael Sketch spoke to the First Nations referral for NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3 (Eakins) with recommendations for how such referrals could be handled in the future.

Peter Taylor noted that it is difficult to hear during the meetings. He also noted that he did not receive a notice for the application NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3 (Eakins) and asked that the process for determining which properties receive them be reviewed.

Chair Grams invited staff to provide an overview of the process.

Planner Starke and RPM Kojima provided an overview of the notification requirements and encouraged the applicant to contact the office so that staff can address the reasons for a particular property not receiving notice.

Dale Henning questioned the value of visiting fifteen sites for the waste management project and asked for clarification on the time frame for the project.

Planner Starke noted that the site visits will begin on February 25, 2017 and the project timeline will be guided by the Project Charter. She provided an overview of the history of the project up to this point.

Dale Henning requested that the LTC set a completion date for the project.

Chair Grams noted that timelines are impacted by other agencies and that the timeline will be considered at a future meeting.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2017-019

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a)(d) & (g) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated September 22, 2016
- Advisory Planning Commission
- Legal Issues

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Grams recalled the public meeting to order at 12:54 pm.

16.3 Rise and Report

Chair Grams noted that there was no Rise and Report.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 12:55 pm.

George Grams Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

27-Oct-2016

Activity	Responsibility	Target Date	Status
Charge audio recording equipment before each monthly LTC meeting.	Regina Robinson		Done

24-Nov-2016

Activity	Responsibility	Target Date	Status
Waste Management: 1. That the North Pender Island Local Trust Committee direct staff to schedule site visits and meetings with land owners, for trustees, CRD staff, and IT staff to attend. Trustee attendance should be guided by procedural correctness. [SCHEDULED for FEB 2017] 2. That the North Pender Island Local Trust Committee direct staff to continue to refine the list of suitable sites for waste management, based on the results of site visits, and consultation with owners and stakeholders. 3. That the North Pender Island Local Trust Committee direct staff to draft regulations for the purpose of discussion, based on Option 1, as presented in the staff report dated November 7, 2016.	Justine Starke	11-Jan-2017	On Going

26-Jan-2017

Activity	Responsibility	Target Date	Status
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**Follow Up Action Report**

1.NPI LTC Bylaw No. 206, read a first time. (Done)	Sharon Lloyd-deRosario Phil Testemale Regina Robinson	15-Feb-2017	On Going
2.NPI LTC Bylaw No. 207, read a first time. (Done)			
3.NPI LTC Bylaw No. 208 read a first time. (Done)			
4.Staff to schedule a Community Information Meeting for Bylaws Nos. 206, 207 and 208.			
1.NPI LTC Bylaw No. 209 read a first time. (Done)	Sharon Lloyd-deRosario Justine Starke	15-Feb-2017	On Going
2.NPI LTC Bylaw No. 210 read a first time. (Done)			
3.NPI LTC endorses the Islands Trust Policy Statement			
Directive Policies Checklist for proposed Draft Bylaw Nos. 209 and 210.			
4.direct staff to enter into a cost recovery agreement to cover the extraordinary cost associated with holding a separate public hearing for Bylaws 209 and 210.			
NP-TUP-2016.2 (Coburn) - That the North Pender Island Local Trust Committee will consider application at February 23 2017 mtg. (on agenda)	Sharon Lloyd-deRosario Justine Starke	15-Feb-2017	Done
Temporary Use Permit NP-2016.3 (Bigham)			
That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-2016.3 (Bigham)	Sharon Lloyd-deRosario Phil Testemale	15-Feb-2017	Done
NP-LCB-2016.1 (Port Browning) -direct staff to respond to LCB referral with results of deliberations.	Phil Testemale	15-Feb-2017	Done
That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP- 2016.6 (Murdoch / Driftwood Properties Ltd.)	Sharon Lloyd-deRosario Phil Testemale	15-Feb-2017	Done

Follow Up Action Report

Top Priority - First Nations Interests:

- That the NPLTC (and the SPLTC) host a public educational event focused on the archaeological findings of the canal excavation between the two islands during the summers of 1984-85-86.

- That NPLTC (and possibly SPLTC) build on the knowledge shared at this event and develop other events in coordination with local First Nations.

(all in accordance with staff report)

Justine Starke

15-Feb-2017

On Going

Web update to include materials with First Nations Project.

Justine Starke

15-Feb-2017

Done

Regina Robinson

From: Lou Henshaw [REDACTED]
Sent: Sunday, February 12, 2017 12:21 PM
To: dibarber@shaw.ca; Derek Masselink; George Grams; Peter Luckham; Justine Starke; [REDACTED]
Subject: The Ocean

Hi Diane, this is definitely a land use problem. Where the ocean washed into my yard in the past few weeks with tides and winds and mainly to do with global warming, there are people with power saws cutting up any wood that floated in and are building a beach fire with it in front of my living room window as we speak

I am not sure that any trust types ever read anything I write as I have never received answers to my questions. This is an absolute bizarre situation. How do I protect my yard, maybe [REDACTED] was right when I brought the beach house in and told [REDACTED] the building inspector that a tsunami would get me so he wouldn't worry any more from the fact he didn't want me to do it and asked [REDACTED] if I were legal and [REDACTED] answered yes.

It will just be a matter of time till the ocean gets to my house even though we haven't had any tsunamis. Please tell me that the trust doesn't care. I have to do something soon,, probably a seawall only thing that will stop it. A reply please, I know I am not the trusts favourite person but the taxes alone on this property are horrendous. The Ocean





DATE OF MEETING: February 15, 2017
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
Southern Team
COPY: Zoe Landale and Garnet Coburn
SUBJECT: NP-TUP-2016.2 (Coburn)

PURPOSE

The purpose of this report is to update the Local Trust Committee on the status and next steps of NP-TUP-2016.2 (Coburn).

On January 26, 2017, the North Pender Island Local Trust Committee passed the following resolution:

*That the North Pender Island Local Trust Committee consider NP-TUP-2016.2 at the February 2017 North Pender Island Local Trust Committee meeting. **CARRIED***

Since that time, staff have met with the Capital Regional District Building Inspection Manager and it was confirmed that the proposal would be a change of occupancy under the BC Building Code, and that a certificate of occupancy from the CRD needs to be issued for the accessory building to be used as a commercial (and not accessory) occupancy. CRD staff also confirmed that the building would need to comply with the requirements of the current BC Building Code. The applicant has been advised to meet with CRD senior building officials to confirm what work will be required to comply with the Building Code. At the time of writing, it was understood that a meeting had been scheduled between the applicant and senior building officials. Contingent upon the outcome of that meeting, staff are recommending that the LTC consider issuance of the TUP.

The NPI LTC has also received five letters of support for the application and a letter of explanation from the applicant since the meeting on January 26, 2017. All the correspondence related to this application can be reviewed on the website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

TEMPORARY USE PERMIT

The Temporary Use Permit is attached as Appendix 1. The previous staff report and supporting information is attached as Appendix 2.

RECOMMENDATION

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2016.2 (Coburn) for a period of three years.

Submitted By:	Justine Starke, Island Planner	February 15, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	February 15, 2017

ATTACHMENTS:

1. Temporary Use Permit NP-TUP-2016.2
2. Staff Report from January 26, 2017 NPI LTC Meeting

PROPOSED



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2016.2

TO: Zoe Landale and Garnet Bruce Coburn

1. This Temporary Use Permit applies to the land described below:

That portion of: Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777, indicated on Schedule 'A' as the Subject Area attached to and forming part of this permit.

PID: 002-815-869; Civic Address: 4753 Bosun Way, North Pender Island

Indicated as "Subject Area" on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

- a) "The use of an accessory building (cabin) as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier."

3. The use shall not commence until a Certificate of Occupancy from the Capital Regional District has been issued and a copy has been submitted to the Islands Trust planning office.

4. The uses may be carried on subject to the following conditions:

- a) The commercial accommodation use shall not alter the residential appearance of the property.
- b) The owner must provide parking for a minimum of two vehicles on the property.
- c) Advertising is restricted to one unilluminated sign, with a maximum area of 0.6 m².
- d) Either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival.
- e) The property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit.
- f) The owner must post the following information for guests:
 - a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);

PROPOSED

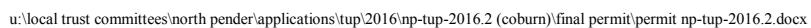
- c) emergency service contact information, and to provide a means for contacting them.
 - g) The total floor area of all buildings on the property must not exceed 185 m².
 - h) The existing landscaping, screening, and fencing must be retained.
 - i) The property owner or operator must post permit information and the name and a contact number for the on-island contact person at the entrance to the house.
 - j) Camping and occupancy of recreational vehicles is prohibited.
 - k) All outdoor fires are prohibited.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996," and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

SCHEDULE 'A'





DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Justine Starke, Island Planner
Southern Team

SUBJECT: Temporary Use Permit for STVR

Applicant: Zoe Landale and Garnet Coburn

Location: 4753 Bosun Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2016.2 to include a condition that, "the use shall not commence until a Certificate of Occupancy from the Capital Regional District has been issued and a copy has been submitted to the Islands Trust planning office."
2. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2016.2, as amended.

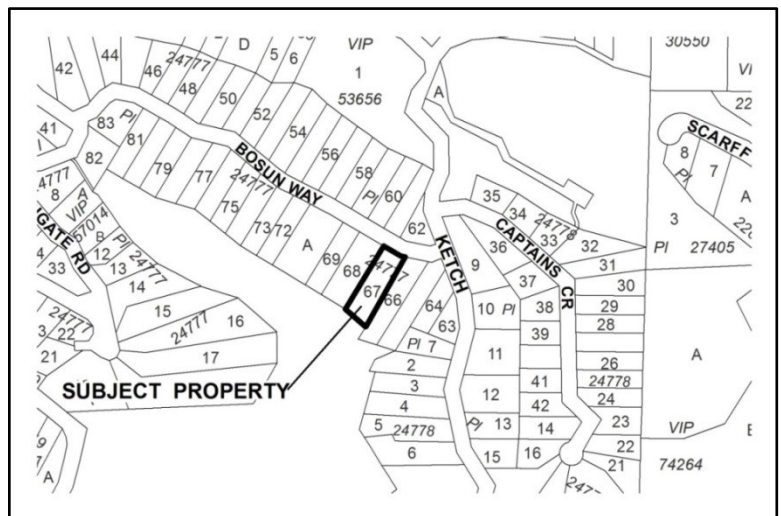
REPORT SUMMARY

The purpose of this report is to present the request for a Temporary Use Permit to authorize the use of an 26m² (280 ft²) accessory building (cabin) as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. The establishment of this short term vacation rental (STVR) use is subject to the conditions specified in the permit. The permit is requested to be issued for three years.

BACKGROUND

The applicant's 280ft² cabin was constructed initially for the owners to live in while building their house. Now that the main house has been built, the cabin is now classified as an accessory building. The STVR use is proposed as an important source of income for the owners as well as providing a service for island visitors. This application was initiated as a result of bylaw enforcement.

The NPLTC has proposed bylaws 203 and 204 to authorize STVRs on North Pender. These bylaws are at third reading, post public hearing, and currently under review by the Executive Committee of Islands Trust.



Because the bylaws are post public hearing, the Local Trust Committee cannot receive new information that would impact further consideration of the bylaws. Nevertheless, the current application has been reviewed according to bylaw 203 which has guidelines to address the proposed temporary use permit.

ANALYSIS

Policy/Regulatory

Official Community Plan:

[Proposed OCP bylaw 203](#) would support this application. The guidelines within the bylaw have been implemented as Temporary Use Permit conditions where applicable. Specifically, the guideline proposed under 6.4.11 is relevant to the proposal and supports LTC approval:

- 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.

The total floor area of all buildings on the property is 135m² as follows:

- Cabin - 26m² (280 ft²)
- Owners house - 77m² (830 ft²)
- Carport/woodshed – 26m² (280 ft²)
- Tool shed – 5.9m² (64 ft²)

The applicants advise that the cabin meets the BC Building Code, but has yet to be issued an occupancy permit. The LTC should amend the permit to require an occupancy permit from the CRD be issued prior to the vacation rental use occurring.

Land Use Bylaw:

The property is zoned Rural Residential by the North Pender Island Land Use Bylaw 103. Current regulations do not permit STVRs, and the [proposed bylaw 204](#), which will amend the Bylaw 103 to allow STVRs in some circumstances, would also preclude this STVR from being permitted. It is in this context that the Temporary Use Permit is being requested.

Issues and Opportunities

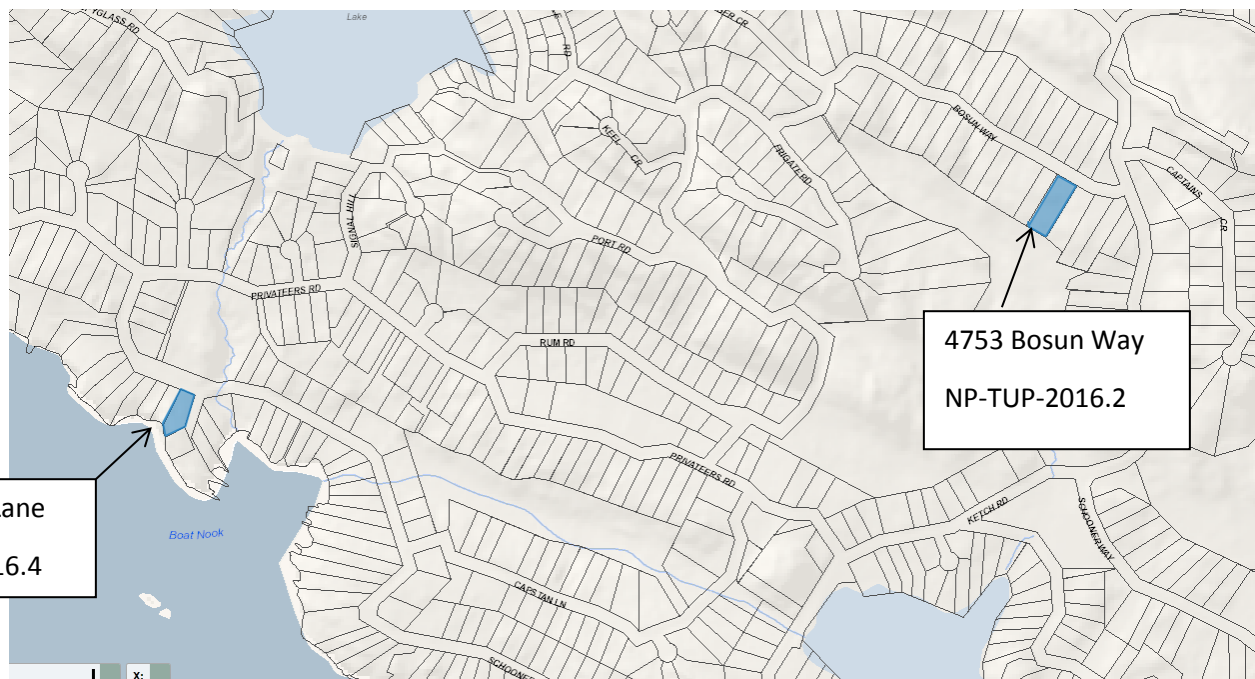
The attached 'TUP Checklist for Short Term Vacation Rentals' analyzes the proposal and proposed TUP for compliance with the draft STVR policies for the OCP. The proposal is compliant with these guidelines and conditions where applicable.

The applicants advise that the cabin meets the BC Building Code, but has yet to be issued an occupancy permit. Staff have not been successful in contacting the Capital Regional District building inspector, but are assuming the occupancy permit cannot be issued because the use is currently unlawful. It is recommended that the LTC include a condition in the permit that an occupancy permit from the CRD must be issued prior to the vacation rental use occurring.

This application is for the STVR use of a 280ft² cabin, where the total floor area of all the buildings on the property comprises a small foot print at 135m². The TUP guideline 6.4.11 in proposed Bylaw 203 was designed to address this type of situation.

This is the second application for a TUP for an STVR for North Pender, and will also “test” to some extent the policy direction that the LTC has chosen with regard to STVRs, particularly for Magic Lake Estates. Policy 6.4.3 of proposed Bylaw 203 requires the LTC to consider the cumulative effects of STVRs in a neighbourhood. The following clip shows the location of the two properties with STVR TUPs (including the proposed application):

Issued and Proposed TUPs for STVRs in Magic Lake Estates:



Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, posted on-island, and published in the Driftwood newspaper on January 18, 2017. The notification period will end at 4:30 p.m. on January 25, 2016. No correspondence has been received at the time of preparing this report, but may be received before or during the LTC meeting. Because this application relates to Proposed Bylaw 203, which is post public hearing, the notice stated that only written submissions will be accepted in response to the notification.

Staff were contacted by one neighbour as a result of the notification who voiced concerns over the illegal STVR use and the fact the building does not have an occupancy permit. Staff encouraged the neighbour to write a letter outlining these and any other concerns.

Rationale for Recommendation

The application for STVR is consistent with the checklist and proposed OCP policies in Bylaw 203. Staff support the application because it is an example of the policy approach the LTC is favouring with regards to the STVR use of accessory buildings where they meeting the building code and where the total floor area of all buildings on

the property is less than 185 m². The proposed amendment to the permit to require copy of the occupancy permit will ensure the building is fit for residential use.

ALTERNATIVES

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

1. Defer consideration

The LTC may defer consideration of this application until Bylaw 203 has been considered for adoption. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee defer consideration of application Temporary Use Permit NP-TUP-2016.2.

2. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that the application would be required to remove aspects of the cabin that define it as a dwelling unit. The file would be transferred to bylaw enforcement. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application Temporary Use Permit NP-TUP-2016.2 for the follows reasons [insert reasons].

Submitted By:	Justine Starke, RPP, CIP Island Planner	January 16, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 17, 2017

ATTACHMENTS

1. Photographs
2. Maps and Plans
3. STVR TUP Checklist
4. Notice
5. Proposed Temporary Use Permit



DATE OF MEETING: February 23, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

SUBJECT: Preliminary Report for an OCP Amendment and Rezoning

Applicant: Pender Island Community Services Society ('Nu To Yu')

Location: 4605 Bedwell Harbour Road

RECOMMENDATION

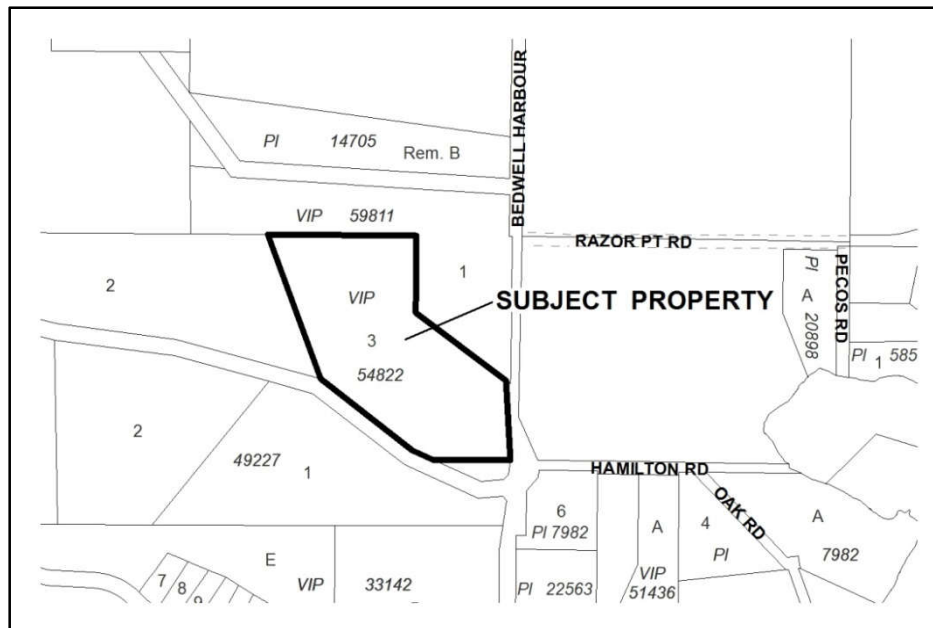
1. That the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2016.4 (PICSS) and to prepare draft bylaws.

REPORT SUMMARY

The purpose of this report is to provide background information to proposed bylaw amendments and seek direction from the North Pender Local Trust Committee (LTC) to proceed, or not proceed, with application NP-RZ-2016.4 (PICSS).

The above recommendation is supported as the applicants have secured an agreement for a suitable site in a good location that will meet the Pender Island Community Services Society (PICSS) needs for a new home for Nu to Yu adjacent (to the south) of the Driftwood Centre. There are some technical issues with the proposed site and the design is preliminary, however, the proposal is supportable from a planning and land use perspective. Although the application does not conform to the mapping designation for the property in the Official Community Plan (OCP), it does meet numerous objectives and policies for community services. The PICSS and has a long-standing history on the island as an organization operated by volunteers with a mandate to donate all after expense proceeds from sales directly to community individuals, organizations and initiatives.

Figure 1 - Subject Property



BACKGROUND

The proposal is to rezone a portion of the subject property from **Rural (R)** to a site-specific **Community Services (CS)** zone and amend the OCP mapping accordingly. The proposal will rezone and subdivide a 0.65 ha (1.6 acre) parcel from the parent property, leaving a 4.0 ha (9.88 acre) remainder parcel as **Rural (R)** zoning to be retained by the existing owner. The site-specific **CS** zone will be drafted to facilitate the specific retailing of used items while ensuring that a general retail commercial cannot occur without a further rezoning and OCP amendment.

The change of zone is to accommodate a new location for the Nu to Yu store from its current location to the proposed area of the property adjacent to the Driftwood Centre (Figure 2). The existing Nu to Yu building by the library is no longer large enough, the building is in poor repair, staff has been experiencing ill health effects from the building, it lacks proper access and adequate parking, and required upgrades would be financially prohibitive. The society has been attempting to find a new home and the owner of the subject property has generously agreed to donate the required portion land to the society.

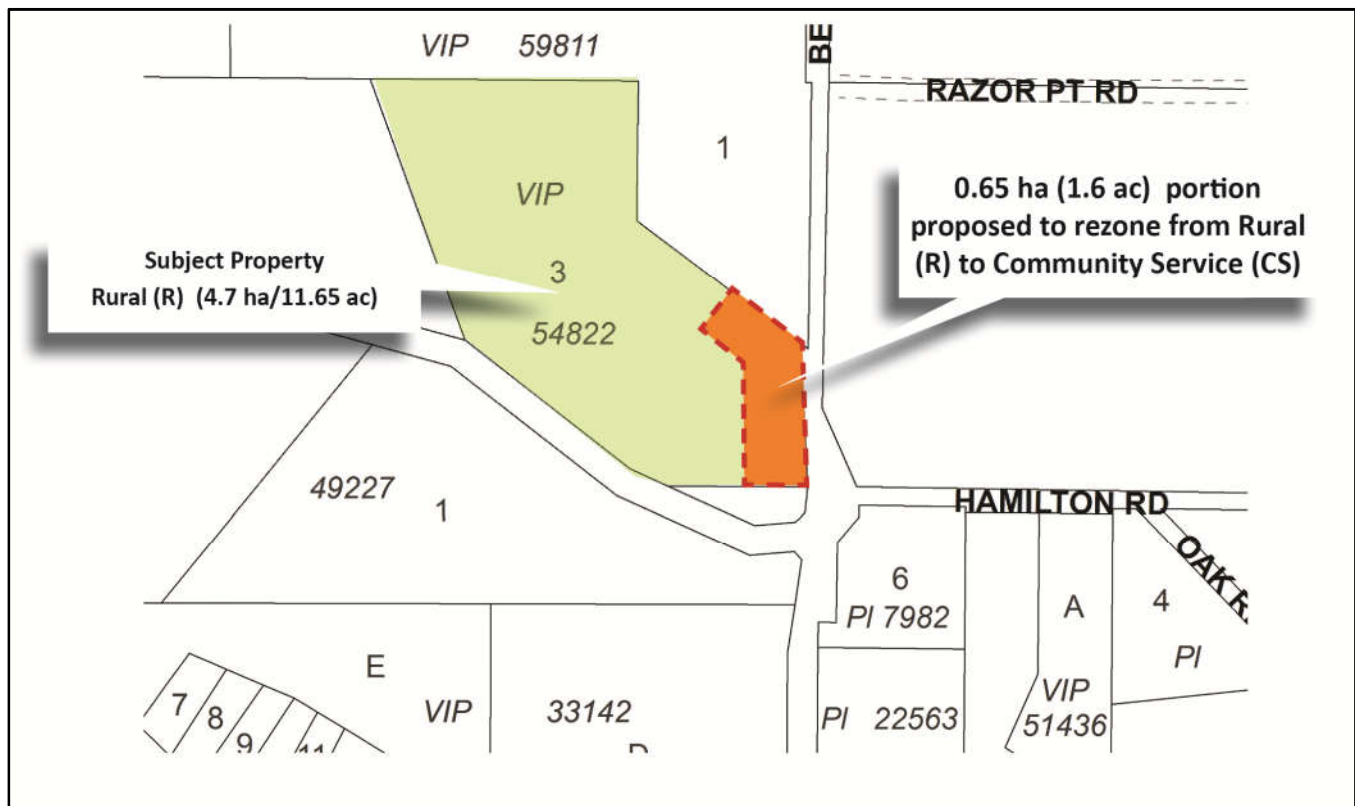
The details of the development are preliminary; however, the proposal involves the construction of a to 464 m² (5000 ft²) w to 557 m² (6000 ft²) single storey building to house retail display of used clothing, electronics and furniture, as well as areas for receiving and sorting, parking and landscaping. The applicants have provided two (2) options for building location and parking configurations that are diagrammed in Figure 3. Developing the form and character of the building, parking and landscaping will be necessary as the rezoning moves forward. Additionally, the location of the building may be impacted by the geotechnical conditions of the upslope area of the proposed parcel. (See 'Issues and Opportunities' – below)

There are currently no buildings or structures on this portion of the property, although there is a graded/unpaved road and some cleared areas as well as other uses in areas outside of the proposed new parcel.

As a first step, staff reviewed the project, met with the applicants, and under the Development Approval Information (DAI) bylaw requested that the applicants provide more information on identified areas of concern. This is discussed below, and the letter (dated January 12, 2017) is attached in full (Attachment 4)

Staff visited the site on December 12, 2016.

Figure 2 – Area of Property Subject to Rezoning



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The relevant policies of the Islands Trust Policy Statement (ITPS) are listed and analysed in Attachment 3 – Policies. In summary, the proposal is supported by the ITPS policies.

Official Community Plan:

The subject property is designated **Rural (R)** by the North Pender Island Official Community Plan (Attachment 2.3). OCP policies are itemized with analysis in Attachment 3. The application is consistent with the objectives and policies of the plan, particularly the (re) location of new community service facilities close to key community hubs such as the Driftwood Centre. Commercial policies have been included given the proposed (non-profit) retail use.

Development Permit Areas

There are no Development Permits designated on the subject property, however, the adjacent Driftwood Centre is designated in DPA 9 – Form and Character of Commercial and Industrial Development (Attachment 2.2). Staff are not recommending an amendment in order to designate the proposed new parcel in DPA 9, but rather to have the building design, parking and landscaping incorporated into a covenant (See below).

Figure 3 – Detail Site Plan with Options A and B



Land Use Bylaw:

The property is currently zoned as **Rural (R)** in the North Pender Island Land Use Bylaw (Attachment 2.4). The proposal is to rezone the 0.6 ha portion shown in Figures 2 & 3 to a site-specific **Community Service (CS)** zone. The proposed zone will address the specific use and minimum lot size (See below).

Temporary Use Permit

The subject property has a Temporary Use Permit (**NP-TUP-2016.1**) which was issued in May of 2016 and allows for storage and processing of landscaping materials, gravel and for siting of storage containers for the Driftwood Centre. The area of the TUP is in the north portion of the property and does not impact the area of the proposed rezoning.

Issues and Opportunities

Development Approval Information

Based on the initial review of the application, staff requested that the applicant provide further information and professional reporting under the Development Approval Information (DAI) bylaw. The letter, dated January 12, 2017 is attached in full (Attachment 4). The outstanding issues and information that has been requested is summarized as follows:

1. **Site Plan** revisions – an amended plan based on a legal survey is required to ensure an accurate base and for bylaws, subdivision and alternative site layouts.
2. Confirmation of **Subdivision** - a commitment by the current owner to enter a *Section 219* covenant to confirm subdivision and other items (below) is required. The proposed covenant to be executed prior to Final Adoption of Bylaws.
3. Confirmation of change of **Ownership** - by the current owner, as part of covenant (above), to ensure that the transfer of property to PICSS will be undertaken upon successful subdivision. The applicant has provided a Memorandum of Understanding as part of the application, however, this is non-committal in terms of ultimate ownership and subdivision.
4. Information on proposed **Highways Access** - more information is being requested on proposed access as there are implications for siting and the parking configuration of the proposal, and the existing DP for the neighbouring Driftwood Centre DP (Figure 3).
5. A **Geotechnical Assessment** - given the steep slope hazard conditions (Attachment 2.5) above the proposed building locations on the property, an assessment by a geotechnical engineer to ensure a suitable site has been required.
6. Building **Design** - should initially include a more resolved 'conceptual' design plan that follows the guidelines in the DPA 9 and meets the objectives for form and character. This will be developed as the rezoning proceeds and the design elements for the building, parking and landscaping will ultimately be contained in the *Section 219* covenant. The alternative would be to amend the OCP as part of this application to designate the parcel in DPA 9. The latter would mean an additional requirement for the applicant to obtain a DP after completing the rezoning and subdivision and therefore is not preferable.
7. **Water and Sewer** servicing information – more information has been requested with particular attention to the water servicing which may use the Driftwood Centre's system and if so would likely involve the creation of a community system.

Community Service (CS) Zone

As indicated above the rezoning will need to facilitate the specific use for the Nu to Yu, while ensuring that, in the absence of the PICSS as the user, a general retail commercial use could not continue without further rezoning. In addition, the minimum lot size for the **CS** zone for this proposed parcel is necessary.

Zoning must address a 'use' not the 'user.' To simply transfer the site specific zone that applies to the current Nu to Yu location could have implications if the user changed (i.e. PICSS moved or ceased to operate the Nu to Yu). The current site specific regulation is as follows:

*The only uses permitted in this location are library, preschool and **charity retail stores**.*

The unlikely, but possible, scenario could be that at some future point a for-profit commercial retail operator took over the building. Enforcement would be based on the user not being a charity. However, based on recent legal precedents, if taken as far as the courts, the clause 'charity' would likely be struck from the use (as it applies to a user). This would effectively mean that legal use would be deemed as 'retail stores.'

As a potential solution, staff is recommending the following approach to the site specific use:

The retail sale of used goods where the all proceeds from sales are to be donated to community (individuals), organizations and projects on North Pender Island.

This would establish the use (retail sale of used goods) and then subsequent conditions that apply to the use. The notion is that conditions are an extension of the use and do not describe a user. This approach will require a legal opinion to ensure that the approach is valid, and as such alternative wording or approach to the use definition might result.

In addition, the minimum lot size for the **CS** will also need to be amended as it is currently is 2 hectares and the proposed parcel is 0.6 hectares. This will be part of the site specific amendment for use.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting prior to that. In this circumstance, staff is recommending scheduling a community information meeting in conjunction with the Public Hearing. This will be scheduled after draft bylaws are complete and the requested professional reports and information have been provided.

The public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the Advisory Planning Commission.

- Ministry of Community, Sport and Cultural Development
- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- Pender Island Parks and Recreation Commission
- CRD, Electoral Area Director
- North Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

This application requires an Official Community Plan amendment and First Nations interests may be impacted by the proposal. The following have been identified for referring draft bylaws for comment:

- Cowichan Tribes
- Halalt

- Lake Cowichan First Nation
- Lyackson
- Malahat (TE'Mexw Treaty Association)
- Pauquachin
- Penelakut
- Semiahmoo
- Stz'uminus
- Tsartlip
- Tsawwassen
- Tseycum

Rationale for Recommendation

The rationale for the recommendation on page 1 is based on the overall merit of the application which facilitates the move and new building for Nu to Yu which is a community institution that provides a positive benefit to the North Pender community, organizations and individuals. Outstanding issues pertaining to subdivision, ownership, geotechnical suitability, design, servicing zoning language have been identified. By directing staff to draft bylaws, the proposal can move forward while staff and the applicants start to address the issues that have been presented.

ALTERNATIVES

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the North Pender Island Local Trust Committee deny application NP-RZ-2016.4 for the following reasons: _____

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the North Pender Island Local Trust Committee hold application NP-RZ-2016.4 in abeyance for the following reasons: _____

Submitted By:	Phil Testemale, A/Planner 2	February 7, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	February 9, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. ITPS/OCP Policies
4. DAI Letter (January 12, 2017)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 3, Section 10, Pender Island, Cowichan District, Plan VIP 54822
PID	018-191-941
Civic Address	4605 Bedwell Harbour Road

LAND USE

Current Land Use	Rural (No improvements). Portion of Lot are used under NP-TUP-2016.1 for storage of aggregates
Surrounding Land Use	North is Driftwood Centre (commercial retail); east across Bedwell Harbour Road is Agricultural; west and south are Rural

HISTORICAL ACTIVITY

File No.	Purpose
NP-TUP-2016.1	Storage and processing of aggregates and landscape materials and siting of storage containers all for the Driftwood Centre. Proposed area of rezoning not affected.

POLICY/REGULATORY

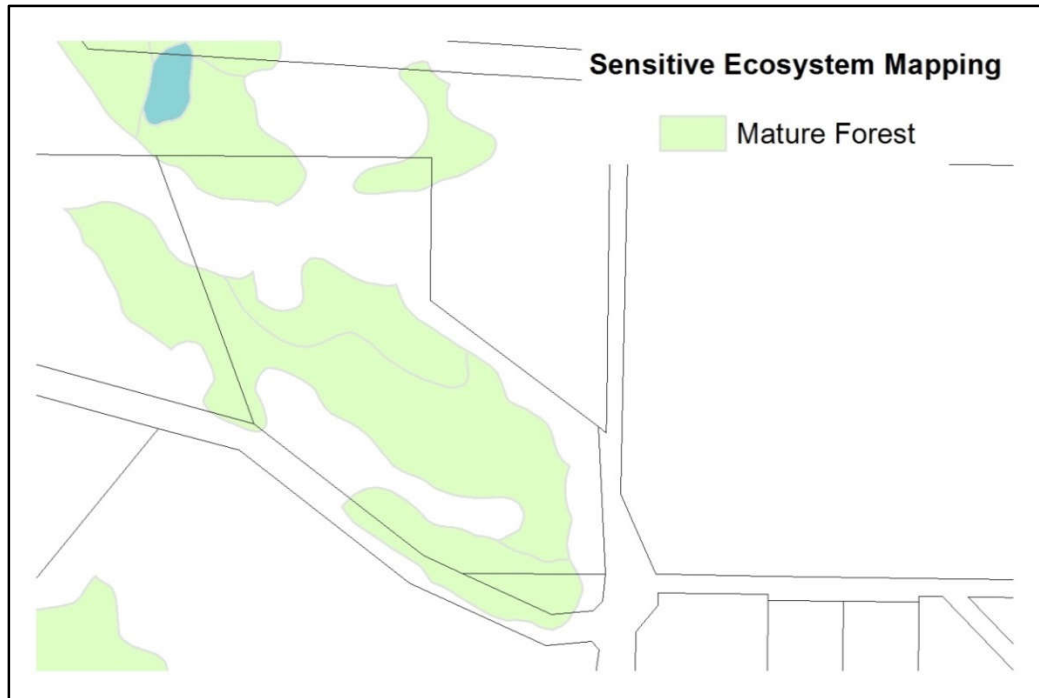
Official Community Plan Designations	R – Rural in OCP Designation]North Pender Island Official Community Plan No. 171, 2007. There are no DPAs or Heritage Conservation Areas designated on the property.
Land Use Bylaw	Property is currently zoned Rural (R) in the North Pender Land Use Bylaw No. 103, 1996 (Attachment 2.3)
Other Regulations	
Covenants	EF10096 – CRD No Build on adjacent (to west) Lot 2. Not applicable to subject property.
Bylaw Enforcement	NP-BE-2015.5 is for numerous violations for operating an excavator's yard, dumping of construction materials and burning. NP-TUP-2016.1 addressed non-conformities and has been in effect for approximately none (9) months.

SITE INFLUENCES

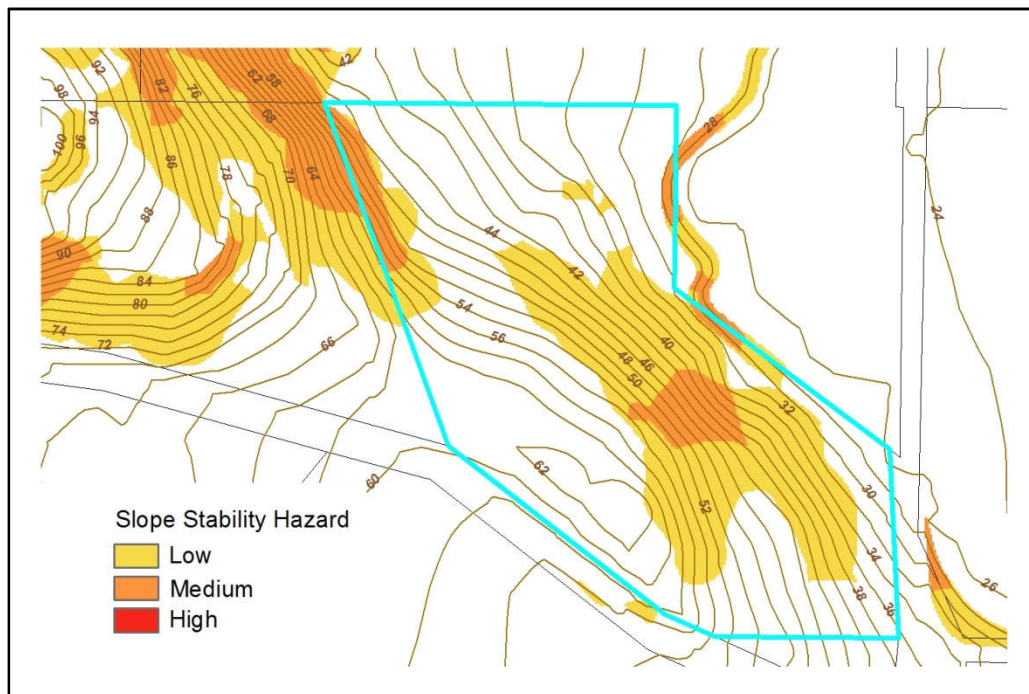
Islands Trust Fund	This application has no considerations for the Trust Fund
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.

Species at Risk	N/A
Sensitive Ecosystems	The only identified sensitive ecosystem is Mature Forest (Attachment 2.5)
Hazard Areas	See Attachment 2.5 and comments in main body of report.
Archaeological Sites	There are no archaeological sites noted within the property or within 100 metres on the provincial Archaeological Data (RAAD) information. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The change of use and proposed development will add to have an impact on greenhouse gas emissions thorough material sourcing and construction. These can be offset through attention to LEED standards in building design and processes. In addition, the new location would serve to intensify use around an established hub, which could potentially lead to reduced vehicle trips. Importantly, Nu to You resells used goods which diverts items from the waste stream. The location has limited exposure to climate change induced hazards (i.e. sea level rise.)

2.5 SENSITIVE ECOSYSTEM MAPPING



2.5 STEEP SLOPE MAPPING



2.6 PHOTOGRAPHS

Photo One: View for Northeast Corner of Propsed Parcel



Photo Two: View West of North Boundary



Photo Three: View West of North Boundary with Driftwood Centre



2.7 PHOTOGRAPHS (CONT'D)



Photo Four: View of Exiting Road in from Driftwood Centre property

Photo Five: View Out (Northeast) from Northeast corner of Proposed Lot



ATTACHMENT 3 – POLICIES

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
<i>5.1.3 - address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area</i>	yes	
<i>5.2.3 – address the aesthetic, environmental and social impacts of development.</i>	yes	
<i>5.2.4 – address 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.</i>	yes	
<i>5.2.6 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.</i>	yes	DAI Letter (Attachment 4) requires a geotechnical assessment.
<i>5.7.2 – address the economic opportunities that are compatible with conservation of resources and protection of community character.</i>	yes	
<i>5.8.6 - 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.</i>	yes	New facility for Nu to Yu that responds to demand and that they have 'outgrown' the existing facility.

NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN 171, 2007

OCP Objective/Policy	Complies	Planner Comments
<i>Rural and Residential Policies</i> <i>2.1.D Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Rural Residential and Rural designations to a higher density without amendment to this plan.</i> <i>2.1.2.1 The principal uses on lands in the</i>	yes	2.1.D Amendment to OCP part of proposal.

<i>Rural land use designation shall be residential and agricultural.</i>		
Community Service Policies 2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations. 2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities. 2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.	yes	2.3.1 Proposed location of facility meets policy 2.2.2 Parking plan indicating number of stalls to meet LUB and layout is part of proposal
Commercial Objectives 2) To provide for economic opportunities that are compatible with conservation of resources and protection of community character 3) To ensure that commercial development does not adversely affect rural character and lifestyle. 4) To protect the character and integrity of quiet residential and rural neighbourhoods.	yes	2) Relocating of use in at commercial core could reduce transportation trips and be mutually beneficial to the merchants of Driftwood Centre and vice versa 3) Form and character addressed by application to DPA 9 guidelines with covenant. 4) Location does not impinge on residential neighbourhoods – is contiguous with Driftwood Centre.
General Commercial Policies 2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors. 2.4.4 Applications for commercial rezoning must prove adequate water supply and waste disposal capability for both present and projected needs. 2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted. 2.4.7 New buildings are encouraged to comply with Silver, Gold or Platinum LEED Rating System standards. 2.4.8 New buildings are encouraged to incorporate water conservation measures, including rainwater catchment systems 2.4.9 Parking and storage areas should be suitably screened to maintain the rural	yes	2.4.1 Established community enterprise that benefits individuals and organizations in the community. 2.4.4 DAI requirements 2.4.7 LEED rating will be explored with applicant and/or designers. 2.4.8 Water conservation in building being explored by applicant. 2.4.9 and 10 Screening and parking layout and surface treatment will be part of design; covenant.

<i>character of the area.</i> <i>2.4.10 In order to manage stormwater and drainage on-site, parking areas should utilize porous or permeable surfaces and impervious surfaces should be minimized. Swales and open ditches should be used rather than curb gutter systems.</i>		
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200-1627 Fort Street, Victoria, BC V8R 1H8
Telephone 250 405-5151 Fax 250 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

January 12, 2017

File Number: NP-RZ-2016.4

Pender Island Community Services Society
c/o Jim Petrie
P.O. Box 91 - 4409 Bedwell Harbour Road
Pender Island, BC V0N 2M0
Via email: jimpetrie40@hotmail.com

Dear Jim Petrie:

Re: Rezoning Application (PICSS)– Terms of Reference – Portion of Lot 3, Section 10, Pender Island, Cowichan District, Plan VIP54822

This letter is in response to your application to amend the North Pender Island Land Use Bylaw for a specified area of the above-noted property.

The purpose of this letter is to identify information that is required from the applicant pursuant to the North Pender Island Development Approval Information Bylaw (DAI). Under the DAI bylaw, a zoning amendment application uses a 'terms of reference' approach for required information. The objective of this process is to identify and request any anticipated information from the applicant in a timely manner, as early as possible in the process (please see closing comments below about timing).

As you will be requiring to apply for a subdivision and to provide a covenant, we have tried to consider the information that will be required for those future items up front.

Some specific requirements that have been identified based upon our preliminary on-site meeting and what has been submitted to date follows:

1. The '**Site Plan**' submitted should be amended to be based on a legal survey. The proposal is contingent on a remainder parcel in the **Rural – R** zone that is meets the minimum 4.0 ha lot size, and an exact minimum lot size will be part of this **Community Service – CS** bylaw amendment. Therefore, a legal survey will be necessary prior any bylaw being drafted. Additionally, a legal survey will also be required at the time of subdivision. The plan should be used as the base for the alternatives and information that has already been submitted, and should include legal setbacks and proposed access points.
2. Confirmation in the form of the owner of the property entering into a *Section 219* covenant with the Local Trust Committee (LTC) that commits the property to be **subdivided** (in the size and configuration indicated on the 'Site Plan' - above). The covenant would include other items (following), and would essentially limit development (construction or occupation of buildings) until the property is subdivided and conveyed to the PICSS. Please also see comments below about timing.

3. Confirmation in the form of the owner of the property entering into a *Section 219* covenant with the Local Trust Committee that commits that **ownership** of the new parcel is to be transferred to the Pender Island Community Services Society PISSC after final approval of the subdivision and registration of title.
4. Provide information on highways **access**. You have indicated that you will likely be accessing the site through the neighbouring Driftwood Centre property. Ultimately that arrangement would have to be through a legal driveway easement with the owner and would have to be agreed upon by the Ministry of Transportation and Infrastructure (MoTI). You should contact David Koch, District Development Technician at MoTI to explore this alternative and/or access directly to the site from Bedwell Harbour Road. We would also be willing to facilitate a meeting with MoTI and yourselves if this is preferable.

In addition, the driveway access through the Driftwood would require an amendment to the approved DP for the Driftwood. If you chose to pursue the easement we will require commitments from the owner be part of the above covenant as per Items 2. and 3. above.

5. Provide a **geotechnical assessment** confirming a suitable building site(s) for the proposed use. This requirement is due to identified steep slope hazards in and above the proposed building and parking location that has been discussed (Attachment). We recognize that a geotechnical assessment is also likely be a requirement at the Building Permit stage, however, it is to the particular benefit of the PICSS to establish a feasible building site (or sites) for certainty in the rezoning process. The assessment should be undertaken by a certified Geotechnical Engineer (P.Eng.) and delineate:
 - a. 'safe' buildable areas on the proposed parcel without mitigative measures;
 - b. areas that could be built upon with mitigative measures (if applicable); and/or
 - c. areas where building is unsafe (if applicable).
6. A more resolved **design** concept for the building, parking and landscaping. Initially, this is intended to be conceptual in nature and is primarily for the purposes of allowing the LTC and the public to 'visualize' the proposal (including alternatives) and how these will 'fit' in the local context.

As we move through the rezoning process, we will require a more refined design and layout be developed. Given the proposed zoning and the use, the new parcel would not automatically be designated in the Development Permit Area Nine – Commercial and Industrial Form and Character as this would require an amendment to the OCP. Doing so would mean that you would have to obtain a DP which would cause you to have to go through another approval process after rezoning. Instead, we are proposing that the design of the building, landscape, parking, etc. be completed and approved based upon using the DPA guidelines, and have these be included as part of the covenant (above). This would ensure that the design and layout meet s the OCP objectives and guidelines without the added step.

In addition, it would be advantageous for the PICSS to utilize an experienced design professional although this is not absolutely necessary. As a suggestion, the design could take its cues from the Driftwood Centre or other heritage architecture on Pender Island such as Hope Bay.

7. Verify, in writing, your proposed **water** and **sewer servicing** for the site. You have indicated that you may be using the **water** supply from the neighbouring property (Driftwood Centre). That being the case, the system could be considered a 'community system' and may require approvals from the Water Licensing Branch of the Ministry of Forest, Lands and Natural Resource Operations (FLNRO). If proposing a drilled well, as a commercial operation you will ultimately be required to obtain a licence for groundwater under the new *Water Sustainability Act*. You should contact FLNRO so that you are fully informed of their requirements. You should also be in touch with the Ministry of Transportation and Infrastructure with regard to their requirements for community water systems with the subdivision process.

With regard to **sewer** servicing, we understand that you are pursuing a conventional septic sewer system. This will not be a required item from the Islands Trust until subdivision; however, it may be in the interest of the PICSS to have a perc test for the suitability of soils as this might affect building and parking location if limited options for the system exist.

The applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
- (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
- (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, and
- (e) make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development.

The next step is to submit the requested information for review. Although this typically will be submitted prior to preparing a staff report for consideration by the Local Trust Committee (LTC), our intention is to present a preliminary staff report for this application at the February 26, 2016 LTC Meeting. We appreciate that providing the above information in full and in advance of that meeting cannot reasonably be expected. As such our reporting will include a summary and copy of this letter and those items that have been fulfilled and those that will follow as the process moves forward. The details of the covenant will need to be worked out as we proceed. In terms of timing, executed copies of the covenant would be required to be received prior to the LTC giving Final Adoption of the Bylaws. At this point, the PICSS may want to obtain written confirmation from the owner that he is willing to enter into a covenant with the LTC as described.

Please note that the Islands Trust reserves the right to require additional information or clarification in response to the project report. Any additional will be in writing and identify the additional information required in as clear and specific manner as possible.

If you have any questions concerning the application or requirements stated above, please do not hesitate to contact me.

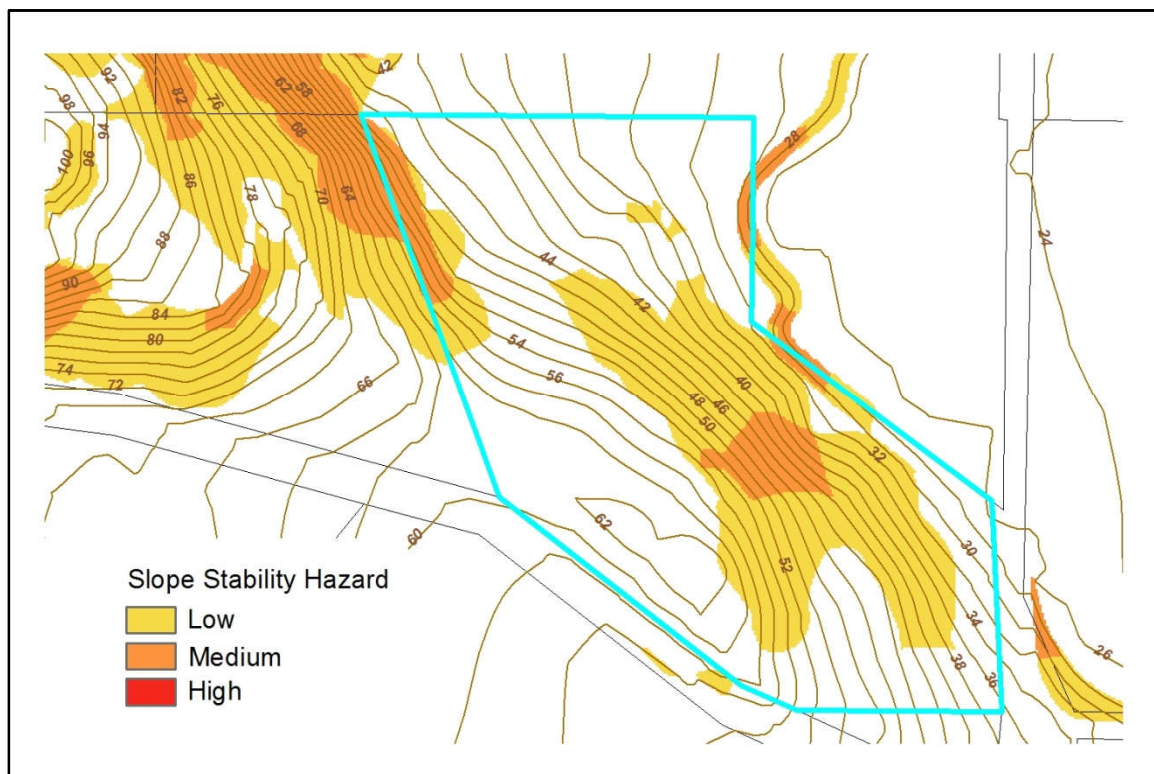
Sincerely,



Phil Testemale
A/Planner 2
Local Planning Services

pc: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

Attachment: Steep Slope Mapping



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File No.: 6500-20 - North Pender
Housing (Secondary Suites)

DATE OF MEETING: February 23, 2017
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner, Local Planning Services
SUBJECT: **Preliminary Report**
LTC Top Priority Housing – Secondary Suites

RECOMMENDATION

1. That the North Pender Island Local Trust Committee endorse the Project Charter, dated February 14, 2017 for the secondary suites housing project.

REPORT SUMMARY

The purpose of this report is to introduce secondary suites as the next phase of consideration by the North Pender Island Local Trust Committee of its housing top priority.

BACKGROUND

The North Pender Island made housing a top priority in 2015 and focussed on regulations to control the use of residential properties for Short Term Vacation Rentals. The NPI LTC has proposed bylaws 203 and 204 which are in their final stages of consideration; bylaw 203 is with the Minister of Community Sport and Cultural Development for consideration.

The North Pender Island Local Trust Committee has given previous direction to conduct a housing needs assessment for North Pender Island. The housing needs assessment is being led by the Capital Regional District Capital Region Housing Corporation and has been expanded to include the other Southern Gulf Islands.

On November 24, 2016 the North Pender Island Local Trust Committee passed a resolution to add Secondary Suites as a focus under its Top Priority work program.

North Pender Island Affordable Housing Task Force

In January 2008, the North Pender Island Local Trust Committee established an Affordable Housing Task Force (made up of Pender Island residents) to look at housing need. The Task Force conducted a survey of housing needs as part of its report and concluded that “affordable housing is important for the Island if it is to be a place that attracts all ages and income groups as well as ongoing economic investment interest (i.e. services, programs, infrastructure improvements, etc.). However, there are concerns about existing rental rates, lack of affordable housing for service providers, employees in the business sectors, and for the aging community members.”

The report identified several housing issues:

\\ITFile\SouthLPS\LOCAL TRUST COMMITTEES\North Pender\Projects\2015 Housing\Staff Reports\Secondary Suites Staff Report 1 23-2-2017.docx

- home ownership costs exceed the income of young families;
- limited options for downsizing seniors;
- limited supply of rental housing;
- poor quality of rental housing;
- lack of income limits options for renters;

The Task Force identified a number of alternatives to the status quo that could be considered in addressing affordability issues, these include:

- Density bonus
- Higher density housing at select locations
- Infill housing
- Housing fund, Home trust, and housing registry
- Land acquisition
- **Secondary suites**
- Seasonal rental of tourist accommodation by Pender residents in need
- Upgrading programs
- Education and awareness

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Support for housing in the Islands Trust Policy Statement can be found in *Part V: Sustainable Communities*.

The goal of this part is “to sustain island character and healthy communities.”

The Policy Statement defines sustainable communities as “human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.” Other relevant policies include:

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.

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.

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.

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.

Official Community Plan:

Pender Island Official Community Plan

Rural Residential Policies

2.1.1.1 The principal use shall be residential. Accessory uses shall not detract from the rural character of the island.

Rural Policies

2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural.

Affordable Housing Policies

2.3.21 Any additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable housing.

2.3.23 Zoning should regulate the density, size and siting of units in order to maintain rural residential character.

2.3.25 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.

Land Use Bylaw:

The LUB does not define affordable housing or permit secondary suites.

Issues and Opportunities

Secondary Suites

A secondary suite is an accessory dwelling unit usually located within the principal residential building. The BC Building Code limits the maximum size of a secondary suite to 40% of the floor area of the principal dwelling unit - to a maximum floor area of 90 m² (969 sq ft). Secondary suites are typically affordable, ground oriented and market based. Given the number of single family residences on North Pender Island, and its aging and growing population, the ability to provide legalized secondary suites could assist the community in addressing its perceived housing diversity and affordability issues.

Affordable Housing

The affordability of suites is not something that can be mandated effectively through tools such as housing agreements and will be primarily market driven. Affordability is not guaranteed. However, compared with other initiatives to provide affordable housing opportunities, secondary suites can be more readily available as they involve utilizing existing residences. They can be created without public expenditures or the involvement of community organizations.

Rental Housing

Normalizing secondary suites provides tenants with rental housing that is safe, legal, and affordable. This means security and stability for many North Pender renters, as well as an opportunity to move out of what may be inadequate living situations. Suites also offer the potential for car sharing and neighbourly living.

Homeowners

Secondary suites offer mortgage helpers to make home ownership more attainable. They also offer options

for people to age in place, security for those with a disability, and offer family support to adult children or elderly relatives.

Community

Secondary suites maintain community character while enabling families and individuals from diverse economic backgrounds to live in the same area. They provide a stock of low-cost housing without government subsidies and without added density. Secondary suites are also important for business owners by providing accommodation for employees; for agriculture by offering a place to house farm workers; and for non-resident property owners by offering security and caretaking of a property.

Servicing

Legalized secondary suites require water and septic issues to be addressed in the building permit process. This means that each septic field is evaluated on a case by case basis and upgrades are required where needed. Improved septic fields reduce pollution and protect the water quality of drinking watersheds. Proof of available water supply is also confirmed at the time of application for building permits. Within water and service areas, the service providers must confirm there is capacity for the secondary suite. Once legalized, the water service cannot be revoked.

Agricultural Land Reserve

The *Agricultural Land Reserve Use, Subdivision and Procedures Regulation*, (BC Regulation 171/2002) Sections 3(1)(b) and 1(1) allows one secondary suite in a single family dwelling. Currently, the North Pender Agriculture Zone does not consider this a permitted use, even within the ALR. The NPI LTC may consider secondary suites within the ALR without additional approvals from the Agricultural Land Commission.

How do other islands deal with Secondary Suites?

Many communities throughout BC have made – or are in the process of making – provision for secondary suites. The experience of other communities offers numerous lessons:

- Simple, basic bylaws tend to be the most successful
- Encouragement is more effective than approaches that rely on penalties
- It is important to address the need for parking on-site.
- Successful secondary suite regulations draw on broad community participation in the process.

Within the Islands Trust Area, the following islands permit secondary suites:

- Hornby Island
- Denman Island
- Gabriola Island (within the Agricultural Land Reserve Only),
- Bowen Island
- Salt Spring Island
- Mayne Island
- Galiano Island

Regulations

Below are summaries of secondary suite regulations on other islands within the Trust Area:

Hornby Island:

- The secondary suite must be wholly within the principal residential dwelling;
- Must contain at least one bedroom and bathroom, a separate kitchen and living area
- Must be occupied by the owner or residential tenant
- Must be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 m².
- Is not permitted in areas of the island designated as having high aquifer vulnerability.

Salt Spring Island

Secondary suites are allowed in “pilot areas,” which are along the public transit routes and which avoid water sensitive areas and lands serviced by small scale water districts.

- The secondary suite must be occupied by the owner of the dwelling or by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property.
- There is a maximum of one secondary suite permitted per lot.
- A secondary suite must be contained within the walls of the building that contains the principal dwelling unit.
- The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal dwelling unit.
- The maximum floor area for a secondary suite is 90m² (968 ft²).
- A secondary suite must not be subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act.
- Where a lot is supplied by groundwater, a building containing a secondary suite must have sufficient available groundwater.
- Where a secondary suite is supplied by rainwater collection, the rainwater system must be capable of supplying the suite with a sufficient quantity of potable water.
- Where water is to be supplied to a secondary suite by a combination of sources, a written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water.
- Where water is supplied to a secondary suite by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity to supply the secondary suite.
- Where water is to be supplied from a surface water body, a water license, issued or amended after November 30, 1994, must permit the withdrawal of the required amount of water.

Mayne Island:

Secondary suites are permitted on lots that are not within the water service areas.

- There is a maximum of one secondary suite per lot.
- On parcels less than 4 hectares; a secondary suite shall not be permitted on the parcel if a cottage has been constructed; and a cottage shall not be permitted on the parcel if a secondary suite has been constructed.
- The secondary suite must be contained within the walls of the building that contains the principal dwelling unit.
- Home occupations cannot be carried out in a secondary suite.

- The entrance to the secondary suite from the exterior of the building must be separate from the entrance to the principal dwelling unit.
- A building permit shall not be issued for a secondary suite until the building that is to contain the secondary suite is equipped with a water catchment and storage system for the storage of rainwater. Minimum cistern capacity required for a building containing a secondary suite is 13640 litres (3000 gallons).
- The floor area of the secondary suite shall not exceed 60m² (646 ft²) nor shall it exceed 40 percent of the floor area of the principal dwelling unit.
- A secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

Considerations for North Pender Island

Considerations that the LTC should take in to account in deciding whether to proceed with the development of a secondary suite bylaw:

- Is there sufficient demand for secondary suite accommodation to warrant amending the Land Use Bylaw? Without the completion of the housing needs assessment, the level of demand for secondary suites is not well understood.
- Should this type of housing only be permitted near (within a specific radius) higher density, developed areas (e.g. Magic Lake) or services (e.g. Driftwood Centre)?
- Do the Island's water service areas classify secondary suites as additional units, increasing water demand? Is there support for allowing secondary suites in water service areas? Staff are recommending specific consultation with the water and sewer service commissions.
- Should the secondary suite be within a principal dwelling or could it be in a detached garage (i.e. carriage house).
- Should there be owner occupancy of the principal dwelling as a restriction of secondary suite occupancy? Although this is a common requirement in secondary suite bylaws, it may not be enforceable.
- How will existing suite owners be encouraged to come forward and apply for a building permit for compliance? The experience with other Local Trust Areas has found this to be a difficult problem and not easily resolved without cooperation or incentives from the Capital Regional District.
- Should a secondary suite restrict other uses (e.g. bed and breakfast, boarders) from occurring in the same building or in cottages on larger properties (over 1 .2 ha)?
- Can agreement be reached with the Capital Regional District (CRD) building inspection to phase in the legalization of suites?

Rationale for Recommendation

Staff have prepared a project charter for consideration by the LTC. The Project Charter suggests an approach to consulting the community and considering amendments that would allow secondary suites on North Pender Island. The staff recommendation is to endorse the project charter for this policy program.

Alternatives

1. Defer until completion of the Housing Needs Assessment

The LTC may consider deferring this policy program until the CRD has completed the housing needs assessment for the Southern Gulf Islands. The housing needs assessment will provide detailed data and information on the available stock and demand for rental housing and the affordability of ownership housing on North Pender. The NPI LTC is unlikely to complete this project within the current political term if the project is deferred at this time.

2. Decide to not pursue secondary suites and take it off the top priority list.

The LTC may consider other more pressing priorities in the project list to address at this time.

NEXT STEPS

The next steps include:

- 1) Specific Consultation with Stakeholders (water service areas, CRD)
- 2) Initial Community Information Meeting
- 3) Draft bylaws for consideration of further consultation
- 4) Community Information Meeting(s)
- 5) Formal Bylaw process begins
- 6) Public Hearing
- 7) Consideration of Adoption

Submitted By:	Justine Starke, Island Planner	February 15, 2017
Concurrence:	Robert Kojima	February 15, 2017

Attachments:

1. Project Charter Dated February 14, 2017

Housing– Secondary Suites Project Charter v1 February 14, 2017

North Pender Island Local Trust Committee

Purpose: The overall objective of this project is to improve the stock, availability, and impacts of affordable housing on North Pender Island. This project charter guides the process to consider secondary suites on North Pender Island.

Background: The project was initiated as phase two of the North Pender Island Local Trust Committee's housing focus. Secondary suites, also known as basement suites, are often classified as accessory residential uses. The North Pender Island Land Use Bylaw 103 does not currently permit secondary suites in any zone. This project will consult stakeholders and the community at large prior to bringing draft regulations for consideration by the Local Trust Committee.

Objectives

- Consult the wider North Pender Island community on secondary suites
- Consider amendments the Official Community Plan and the Land Use Bylaw to permit and regulate secondary suites as accessory dwelling units on North Pender Island.

In Scope

- Community meetings to inform and gather feedback
- Specifically consult the Capital Regional District (Building Inspection and Integrated Water Services), the Magic Lake Water and Sewer Commission, Razor Point and the Trincomali Service Areas on secondary suites
- Draft Bylaws for consideration by the NPI LTC.

Out of Scope

- Additional or extraordinary community consultation
- Amendments to any other portions of the OCP or LUB
- Amendments to unrelated Bylaws.

Workplan Overview

Deliverable/Milestone	Date
1) Specific Consultation with Stakeholders (water service areas, CRD)	Spring 2017
2) Initial Community Information Meeting	Late Spring 2017
3) Draft bylaws for consideration of further consultation	Summer 2017
4) Community Information Meeting(s)	Fall 2017
5) Formal Bylaw process begins	Fall 2017
6) Public Hearing	Spring 2018
7) Consideration of Adoption	Fall 2018
8) Implementation: fact sheets	Fall 2018

Project Team

Justine Starke, Island Planner	Project Manager
Phil Testemale	Design support
Regina Robinson	Admin support
Barb Dashwood	GIS support

RPM Approval:

Robert Kojima

Date: Feb. 15 2017

LTC Endorsement:

Resolution #:

Date:

Budget

North Pender Island: Housing—Secondary Suites

Fiscal	Item	Cost
2017/18	CIM(S)	1000.00
2017/18	Communications/Design	1000.00
2017/18	Legal/Contingency	2000.00
2018/19	Public Hearing	2000.00
	Total	6000.00



Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke	
2	Housing	This is a broad scope project focused on housing; the first priority was consideration of vacation rentals in residential zones. The LTC will now consider permitting secondary suites on North Pender.	03-Feb-2015	Justine Starke	
3	First Nations Interests	LTC to consider First Nations issues and interests affecting North Pender.	24-Nov-2016		



Projects

North Pender Island

Description	Activity	R/Initiated
Potable Water		29-Oct-2015
Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015
Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009
Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths - DONE 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) 6. Marine riparian areas		22-Jan-2009
Agricultural Building Watercourse Setbacks		28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

**Projects****North Pender Island**

Description	Activity	R/Initiated
LUB Amendments	·review of industrial zoning, including waste management ·tourist commercial zoning review ·home industry regulation ·review of commercial (C1) zoning ·incorporate TUP's into zoning ·landscape screening review ·review of marine zoning regulations in conjunction with overall shoreline development review ·amendments to permit renewable energy ·review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction ·height exemptions for agricultural or forestry buildings ·max floor area for principal dwellings	22-Mar-2012
Road Side Signs		26-Apr-2012
Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012
LUB/OCP Amendments Related to Roadway and Transportation Initiatives	·NZEV designation ·Level 2 Charging Stations ·Additional Car Stop Locations ·Additional Bicycling-Walking Routes ·Heritage Roads ·Road standards in subdivision servicing regulations ·Related policy and regulatory options	20-Sep-2012

Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.

Projects

North Pender Island

Description	Activity	R/Initiated
Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones	
Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	22-Jan-2009



Islands Trust

Print Date: February 16, 2017

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD\n\nTo change from a TUP to a permanent zoning for a highway works yard.

Planner: Phil Testemale

Planning Status

Status Date: 14-Feb-2017

Applicant will be providing 2006 site profile supplemented by water and soil testing by SNC Lavolin to be conducted next week. If information rec'd March LTC agenda for First Reading

Status Date: 09-Jan-2017

Applicant has provided drainage plan.

Status Date: 19-Jul-2016

Bylaw drafted. Waiting for drainage plan. Sept 22 LTC agenda.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.2	PORT BROWNING MARINA RESORT LTD INC.NO. BC1037734	09-May-2016	4605 OAK RD\nRezone the water lot adjacent to the current Marina

Planner: Phil Testemale

Planning Status

Status Date: 14-Feb-2017

Bylaw Referrals sent to Agencies and FN. CIM Meeting tentative schedule for April 8, 2017

Status Date: 14-Feb-2017

Awaiting full AIA report - resolution to endorse ITPS req'd

Status Date: 18-Jan-2017

On Jan 26 agenda for First Reading

File Number	Applicant Name	Date Received	Purpose
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**Applications**

NP-RZ-2016.3

MILL BAY MARINE
GROUP c/o
HENSHAW

20-May-2016

4602 and 4606 and 4605 Oak Road\n\n005-636-639\nRequest that area
zoned SD(a) passing through lots 3 and 4 be re-aligned to be adjacent to the
westerly boundaries AND rezone the part of lot 3 that sits NE of Oak Rd to be
C3(a).**Planner:** Justine Starke**Planning Status****Status Date:** 14-Feb-2017

Bylaw Referrals sent to Agencies and FN. CIM Meeting tentative schedule for April 8, 2017

Status Date: 14-Feb-2017

Waiting for full AIA report. Resolution to endorse ITPS req'd

Status Date: 18-Jan-2017

On Jan 26 LTC agenda for First Reading

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.4	PENDER ISLAND COMMUNITY SERVICE SOCIETY PICSS c/o RAE	27-Oct-2016	4605 BEDWELL HARBOUR RD\nOCP AND LUB Amendment from Rural to Community Service Zoning

Planner: Phil Testemale**Planning Status****Status Date:** 14-Feb-2017

Preliminary Staff Report on Feb 23, 2017 Agenda.

Status Date: 13-Jan-2017

DAI letter sent to applicant.

Status Date: 09-Jan-2017

DIA Letter being prepared. February agenda for Preliminary Staff Report

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2017.1	PENDER ISLAND PARKS AND RECREATION COMMISSION (CRD)	24-Jan-2017	THIEVES BAY PAK/SHINGLE BAY PARK\nAMEND LUB 103 TO ADD PICNIC SELTER AS A PERMITTED USE AND STRUCTURE

Planner: Justine Starke

Applications

Planning Status

Status Date: 15-Feb-2017

File under review.

Status Date: 01-Feb-2017

File opened and forwarded to planner and LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD \nTo create 11 lots including remainder
Planner: Kim Stockdill			

Planning Status

Status Date: 29-Sep-2015

Subdivision exempt from DPAs (PLA condition no. 3)

Status Date: 20-Aug-2015

Applicant provided Environmental Assessment on Eagle's Nest.

Status Date: 11-Jun-2015

applicant indicates that owners have reached decision to proceed with altered driveway, biologist to review route for impact on DPA

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd\nBoundary adjustment
Planner: Phil Testemale			

Planning Status

Status Date: 05-Oct-2016

PLA rec'd from MoTI

Status Date: 15-Sep-2016

Waiting for PLA

Applications

Status Date: 27-Jun-2016

Subdivision referral report sent to MoTI

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2016.2	GARNET B COBURN BARBARA Z LANDALE Planner: Justine Starke	12-Feb-2016	4753 BOSUN WAY \n\nTUP for STVR permit.

Planning Status

Status Date: 26-Jan-2017

LTC deferred consideration until Feb 23 2017 LTC meeting.

Status Date: 17-Nov-2016

Applicant proceeding. January 2017 Agenda.

Status Date: 03-May-2016

Applicant requested to put file on hold pending the outcome of the STVR community planning process.

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending December 2016

650 North Pender	Invoices posted to Month ending December 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	262.90	1,237.10
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	2,269.97	1,730.03
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	440.45	159.55
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>2,710.42</u>	<u>2,889.58</u>
Projects				
73001-650-4054	North Pender Waste Management Review	10,000.00	9,923.33	76.67
73001-650-4073	North Pender STVR Review	4,000.00	1,356.02	2,643.98
73001-650-4074	North Pender Affordable Housing Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>18,000.00</u>	<u>11,279.35</u>	<u>6,720.65</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. 2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;
4.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
5.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.

6.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.
7.				



DATE: January 25, 2017
TO: Local Trust Committees (Southern Region)
FROM: Robert Kojima, RPM
Southern Team
SUBJECT: Provincial Private Moorage Policy Update

PURPOSE

The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) has recently amended its private moorage policy to no longer require applications for private moorage (i.e. docks) in certain locations and under certain conditions. These are now authorized as 'General Permissions'.

However, applications will continue to be required in 'Application-Only Areas' (see attached West Coast and South Coast Region Private Moorage Application-Only Area maps). In 'Application-Only Areas', all proposed new private docks, regardless of size, will continue to be subject to review and decision under the *Land Act*, and all proponents of new private docks will be required to submit an application to FrontCounter BC. However, tenure replacements for existing docks within 'Application-Only Areas', which meet the terms and conditions of a General Permission, will fall under the new General Permission policy and as such will not require an application and statutory decision.

Denman, Hornby, and Lasqueti Islands and the North Pender Associated Islands south of Piers and Moresby Islands, are excluded from the 'Application-Only Areas' and private moorage is permitted under the General Permission policy (with no application to FLNRO or referral to Islands Trust). Correspondence from FLNRO indicates their staff may be carrying out of a review of the 'Application-Only' areas with the intention of applying the General Permission provision to a larger area.

Please note the changes to the Private Moorage policy do not affect local government zoning or bylaws. Local zoning bylaw requirements must be met regardless of location. Prospective dock owners must continue to ensure compliance with local zoning bylaws.

The Private Moorage Policy and supporting documents are available on the Province of BC website:
<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crownland-uses/residential-uses/private-moorage>.

Submitted By:	Robert Kojima, Regional Planning Manager	January 25, 2017
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ATTACHMENTS

1. Letter from FLNRO to UBCM (January 17, 2017)
2. West Coast Region Letter to Local Governments
3. West Coast Region Private Moorage Application-Only Areas Map
4. South Coast Region Private Moorage Application-Only Areas Map



Date: January 17, 2017

Gary MacIsaac, Executive Director
Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8
(Sent by e-mail)

Re: Notice of amendments to the Private Moorage Program

To local government members:

The purpose of this letter is to advise you of recent changes to the Provincial Private Moorage Land Use policy that provides direction on the authorization of residential docks.

The Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) has made changes to the private moorage program that will reduce red-tape and streamline administration, while maintaining public safety and environmental standards.

Effective January 17, 2017 more residential docks will be eligible to be authorized under a “General Permission” rather than an application-driven Crown land tenure. The General Permission will grant authority for a residential dock, subject to a dock owner complying with a set of specific conditions. These conditions have been established to avoid environmental impacts and interference with the public and other stakeholders, as well as to provide a high level of certainty that the dock will satisfy provincial and federal legislation. Some of the key requirements include:

- the dock owner must be the owner or lessee of the property fronting the foreshore where the dock is sited;
- the dock is not located in an area designated as being environmentally sensitive, or overlapping with other authorizations or Crown land reserves;
- the dock is not in a designated “application-only area” (i.e. where special circumstances dictate that all private moorage proposals require submission of an application);
- the dock is built to a specified standard and within set size limits; and
- the dock is constructed and placed to not unduly impede public access and to avoid impacts to neighbouring property owners.

**Ministry of Forests,
Lands and Natural
Resource Operations**

Land Tenures Branch

Mailing Address:
PO Box 9352
Victoria BC V8W 9M1

Phone: 250 387-6730
Fax: 250 356-6791

Docks that do not satisfy the conditions of the General Permission will require an application for a tenure, which will be subject to the standard ministry application review process, currently in place.

The policy changes expand the applicability of the private moorage General Permission which was introduced in 2008 and previously only applied to certain types of freshwater docks. The new policy now provides for moderately-sized docks, and docks located in marine waters to be eligible for general permission, subject to meeting all required conditions.

The changes to the private moorage policy do not affect local government zoning or bylaws. Prospective dock owners must continue to adhere to all local government requirements.

The rules and regulations of the Water Sustainability Act, including compliance with “works in and about a stream (waterbody)”, and those of other agencies, such as Federal Fisheries and Oceans Canada, and Transport Canada – Navigable Waters program, will continue to apply to all docks whether covered under a General Permission or not.

For further details of the Private Moorage Policy, as well as, the full list of conditions and requirements of the General Permission, please refer to the following website:
<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

If you have questions or would like further information on how this may affect docks in your area please contact FrontCounter BC at: <http://www.frontcounterbc.gov.bc.ca/contact/>.

Sincerely,

Greg Kockx, Manager
Land Tenures Branch
Ministry of Forests, lands and Natural Resource Operations

E-mail: Greg.Kockx@gov.bc.ca



Date: January 20, 2017

To: Local Governments with jurisdiction in Application-only Areas within the West Coast
Natural Resource Region of MFLNRO
(Sent by e-mail)

Re: Notice of amendments to the Private Moorage Program – Application-only Areas in West Coast Natural Resource Region

Further to the attached letter detailing the recent update to the Private Moorage Program regarding the use of General Permissions for certain private docks, please be advised that within the West Coast Natural Resource Region, the Ministry of Forests, Lands and Natural Resource Operations has identified a Private Moorage Application-only Area (see map). This Application-only Area was identified in recognition of concerns expressed over the management of private moorages on the southern east coast of Vancouver Island and the Southern Gulf Islands.

As this Application-only Area overlaps in part or whole with your local government's area of jurisdiction, we wish to notify you that within these areas, *all* proposed *new* docks, regardless of size, will continue to be subject to review and decision under the *Land Act*, and all proponents of new docks will therefore be required to submit an application to FrontCounter BC. Please note, however, that tenure replacements for *existing* docks within Application-only Areas which meet the specified terms and conditions of a General Permission will fall under the new General Permission policy and as such will not require an application and statutory decision.

The Application-only Area pertaining to private moorages on Vancouver Island applies to Crown foreshore commencing at the Englishman River Estuary in Parksville, B.C. and extends southeast along eastern Vancouver Island to encompass Crown foreshore between the Englishman River Estuary to Saanich Inlet. The Application-only Area includes the western foreshore of Saanich Inlet to the southern tip of Finlayson Arm, and it also applies to all Southern Gulf Islands situated between Gabriola Island to the north and Piers Island to the south.

If you require additional information or would like to discuss this further, please contact Bonita Wallace at 250-751-7248 or Bonita.Wallace@gov.bc.ca.

Best Regards

Rudi Mayser, Manager of Authorizations
MFLNRO, West Coast Natural Resource Region

Attachments: UBCM letter; Application-only Area map

MFLNRO - West Coast Region Private Moorage Application Only Area

Legend

- Private Moorage Application Only Area
- MFLNRO - West Coast Region
- Mapsheet Grid (1:20,000)

Private Moorage Application Only Area Description :
The natural boundary beginning at Englishman River Estuary (Parksville) and running south along the east coast of Vancouver Island to the Goldstream Estuary (Goldstream Park) and protruding up the left half of Sanich Inlet towards the middle of Satellite Channel including Piers Island and all the southern Gulf Islands.



South Coast Private Moorage Application-Only Areas: January 2017

