



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: March 26, 2015
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 March 4, 2015 (for Adoption) | | 4 - 11 |
| 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 March 2015 | | 12 - 12 |
| 8. | DELEGATIONS | 10:15 AM - 10:25 AM | |
| 8.1 | Rick Schnurr, Tim Finlay and Kris Samuels, Directors from BCNRA | | 13 - 19 |
| | website: www.bcnr.org | | |

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

none

10. APPLICATIONS AND REFERRALS

10:25 AM - 10:40 AM

10.1 NP-DP-2015.1 (Cooke) & NP-DVP-2015.2 (Cooke) 20 - 37
- Staff Report

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Management - Project Charter 10:40 AM - 11:10 AM 38 - 59

11.2 Housing - Staff Report 11:10 AM - 11:45 AM 60 - 71

11.2.1 Letter Dated March 5 2015, from G 72 - 72
Hanson re Cottage Size

12. REPORTS

12.1 Work Program Report (attached) 11:45 AM - 12:00 PM

12.1.1 Top Priorities Report Dated March 2015 73 - 73

12.1.2 Projects List Report Dated March 2015 74 - 75

12.2 Applications Report Dated March 2015 (attached) 76 - 81

12.3 Trustee and Local Expense Report Dated February 2015 (attached) 82 - 82

12.4 Adopted Policies and Standing Resolutions (attached) 83 - 83

12.5 Local Trust Committee Webpage

12.6 Chair's Report 12:00 PM - 12:15 PM

12.7 Trustee Report

12.8 Trust Fund Board Report

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 30, 2015, at the Pender Island Community Hall

15. TOWN HALL

12:15 PM - 12:30 PM

16. CLOSED MEETING

none

17. ADJOURNMENT



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: Wednesday, March 4, 2015 (9:45 am)
Location: Royal Canadian Legion
1344 MacKinnon Road

Members Present George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Justine Starke, Island Planner
Zorah Staar, Recorder

Media and Others Present: There were twenty-six (26) members of the public present

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:48 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Planner Starke noted that item 10.1 (application NP-DVP-2014.4 – Heigh) was being withdrawn from the agenda at the Applicant's request, but could be considered in future.

By general consent the Local Trust committee adopted the agenda, as amended.

3. TOWN HALL AND QUESTIONS

Gordon Hansen asked that the Work Program Land Use Bylaw Amendments include increasing the allowed square footage of guest cottages, which were larger elsewhere.

Planner Starke said that the Local Trust Committee could choose to include this within their top priority of Housing.

Don Corbett said that the Islands Trust bureaucracy and property tax assessment should be reduced, because fewer services were provided than education or fire prevention.

Michael Sketch said that the Hooson Road Bible Camp application for an accessory building involved agricultural land, should have a Community Information Meeting before detailed Staff Reports, and should involve dual Islands Trust jurisdiction because the Camp pre-dated the Agricultural Land Reserve (ALR).

Carmen Oleskevich said that there was a meeting of community members at the Bible Camp yesterday. The Local Trust Committee and planner should consider the bigger picture (including the large number of buildings already on this ALR property), and have a Community Information Meeting before proceeding further.

Dale Henning said that the Local Trust Committee should not defer consideration of application NP-RZ-2012.1 (Burdett), because this application had already gone on for years, garbage needed to be collected on Pender, the Medicine Beach collection could be shut down, and this would really affect local residents and businesses.

Chair Grams explained that application NP-RZ-2012.1 would not be considered any faster than could be competently done by the Local Trust Committee. The application was controversial and not simple, and he was a new Chair being asked to have a greater decision-making role than usual, because Trustee Masselink had to recuse himself.

Candis Zell said that the Burdett property was not suitable because: solid waste zoning was usually farther away from food services and shopping; the property had a history of rich agricultural soil and grazing; and the fuel tanks were shut down by the government.

John Aftias said that he owned property adjacent to the Pender Recycling property (being proposed by some people as a better solid waste transfer site). He was opposed to this because of rat problems when garbage was there before, and because when it rained hard, run-off from the property came down into his well area, 70 yards away. He added that there was a flawed hydrology report which failed to include his well.

Sara Steil said that the February 3, 2015 Local Trust Committee minutes should have said on page 1 that she supported continuing the Conservation Subdivision Review project as a Top Priority, due to the resources already expended.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1. Local Trust Committee Minutes Dated January 22, 2015

By general consent the Local Trust Committee minutes of January 22, 2015 were adopted.

6.2. Local Trust Committee Special LTC Meeting Minutes Dated February 3, 2015

By general consent the Local Trust Committee minutes of February 3, 2015 were adopted.

6.3. Section 26 Resolutions-without-meeting Report Dated February 2015

There had been a resolution-without-meeting to reschedule the February 26 Local Trust Committee meeting to today (March 4).

6.4. Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1. Follow-up Action List Dated February 2015

All the current Follow-Up Action List items were done as of this time.

8. DELEGATIONS

8.1. Monica Petrie re: Blue Dot Campaign

Lynn Wells said that she was present in the place of Monica Petrie, to read a statement about the “Right to Live in a Healthy Environment” Blue Dot Campaign (materials provided). This was a Canada-wide initiative, involving local governments being asked to pass an environmental rights declaration.

Trustee Masselink said that he believed two trustees were already working on a related motion to go before the next meeting of the Islands Trust Council.

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

None

10. APPLICATIONS AND REFERRALS

10.1. NP-DVP-2014.4 (Heigh)

See item 2.

10.2. NP-DVP-2015.1 (Bradley)

Planner Starke reviewed the February 17, 2015 Staff Report re: NP-DVP-2015.1 (Bradley), commenting as follows: that this was an application for 4814 Cannon Crescent to vary the front lot line setback for construction of a car -port that the reason was due to the steep elevation of the property and the difficulty of access four neighbours responded to the notification in favour of the application.

NP-2015-014

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2015.1 (Bradley) be Approved.

CARRIED

10.3. NP-RZ-2012.1 (Burdett)

At 10:19 am, Trustee Masselink left the meeting, recusing himself from discussion of this item) because of a potential perceived conflict of interest. . Chair Grams noted that if Trustees did not recuse themselves in such cases, then the Local Trust Committee decision could later be challenged in court.

Planner Starke reviewed the February 10, 2015 Memorandum and attached January 5, 2015 Staff Report re: NP-RZ-2012.1 (Burdett), commenting as follows: that the Report gave a thorough analysis of the Applicants' proposal to

rezone their property at 4606 Razor Point Road (also adjoining Hamilton Road) for solid waste transfer and related uses; that the Applicants now said they had no plans for a septic system, but they would include a portable toilet and a water supply from the existing well or pond; that the draft rezoning Bylaw No. 196 (attached to the Report) would create a new Industrial zone for a waste transfer facility; and that given the February 3, 2015 Local Trust Committee decision to make Waste Management a Top Priority, the Report suggested 3 options.

Applicant Anne Burdett read out a written statement, including comments as follows: that the applicants (herself and Mike Burdett) had gone through multiple applications and worked diligently for 7 years, to deliver waste services to the community; that being unable to achieve security for their operations on rented land, they had purchased the current property and sought rezoning; and that their current waste drop-off site at Medicine Beach was near residents, a store, and a nature reserve, and none of the current complainants had objected to that.

Chair Grams asked why there had not been a Temporary Use Permit application made in this case. He also noted that there had been an appeal lodged with the Agricultural Land Commission (ALC) of the decision to allow waste transfer as a non-farm use on the site. He supported deferral of the rezoning application until there was a Staff Report on Waste Management in the larger sense.

Trustee Barber said that we needed more community involvement and ideas in this process, and she also preferred the third option, to defer the application.

NP-2015-015

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee put application NP-RZ-2012.1 (Burdett) on hold, pending the outcome of a community wide land use planning process for waste management; and that without fettering the discretion of the Local Trust Committee, the applicants be invited to make an application for a Temporary Use Permit.

CARRIED

After a break from 10:35 to 10:41, the meeting reconvened and Trustee Masselink returned.

There were some public comments speaking against the motion to defer a decision on the Burdett application, and questions about another solid waste rezoning application in progress, by a different party.

Planner Starke clarified that this other party was in ongoing communication, and was working on providing additional required information so that the Local Trust Committee would be in a position to consider their application.

Chair Grams added that applicants had a right of confidentiality, and that the second application would also be considered in the larger context of waste management planning.

Trustee Masselink commented generally that it was essential to move forward with community discussions on waste management planning, and that the CRD had said they could help with this.

Planner Starke said that she was aiming for the next Local Trust Committee meeting, to provide a Waste Management Staff Report and draft project charter.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Age and Disability Friendly Community Planning - Memo & Project Charter

Planner Starke reviewed the February 10, 2015 Memorandum re: the Local Trust Committee top priority of Age and Disability Friendly Community Planning. She said that a consultant with excellent experience had now been hired for the project, and the Project Charter had been revised slightly to match the wording of the proposed work to be delivered by the consultant.

NP-2015-016

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee endorse the Project Charter (v.2) for the Age and Disability Friendly Planning top priority.

CARRIED

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated February 2015

The current top priorities were: Waste Management; Housing; and Age and Disability Friendly Planning. Planner Starke said that she would try to draft a project charter for Housing as soon as possible.

Chair Grams noted that it would be up to the Trustees which housing issues to prioritize.

12.1.2. Projects List Report Dated February 2015

For information

12.2. Applications Report Dated February 2015

For information

12.3. Trustee and Local Expense Report Dated January 2015

For information

12.4. Adopted Policies and Standing Resolutions

For information

12.5. Local Trust Committee Webpage

Trustee Masselink invited comments and feedback about the webpage at <http://islandstrust.bc.ca/islands/local-trust-areas/north-pender.aspx>

12.6. Chair's Report

Chair Grams commented as follows: that he had been working with the Executive Committee on the agenda for the next Trust Council meeting on Gabriola; that he was getting up to speed on the North Pender Island Official Community Plan and Land Use Bylaw as well as Chairing other island meetings; and that on Salt Spring (where he was a Trustee), there had been some positive developments on assisting with the health of Mary's Lake (the main water source).

12.7. Trustee Report

Trustee Masselink reported on the following issues: his ongoing meeting with various community groups; attending a positive advocacy meeting with shipping representatives (in particular gypsum freighters); a planned page on the Islands Trust website, to have more freighter information; Masselink now being the Chair of the Trust Programs Committee, which included sitting on the Finance Committee; upcoming Trust Council discussions on creating an Aboriginal Advisory Position, which was very important; and recent good conversations with the Superintendent of the Gulf Islands National Park Reserve.

Trustee Barber said that the recent meeting on freighters had been very productive, as well as her ongoing conversations with community members – to hear their ideas about positive changes that could be made on our island.

12.8. Trust Fund Board Reports

12.8.1. TFB Report to the LTC

A Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality (BIM) – January 2015 was available for information.

12.8.2. Eelgrass Mapping Final Report - Memo & Maps

A 2102 – 2014 Final Report – Nearshore Eelgrass Inventory was available for information.

Planner Starke noted that it showed the most sensitive coastal areas, and could now inform future planning and zoning decisions.

13. NEW BUSINESS

13.1. Advisory Planning Commission Membership – Memo & List

Planner Starke reviewed the December 8, 2014 Memorandum re: the April, 2015 expiration of current Advisory Planning Commission terms.

NP-2015-017

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee directs staff to contact expired Advisory Planning Commission members to find out if they would be interested in being reappointed to the North Pender Island Advisory Planning Commission, and to advertise for more members.

CARRIED

13.2. James Island - Memo & Correspondence

Planner Starke reviewed the February 23, 2015 Memorandum re: James Island (a North Pender Trust Area Associated Island). This Memorandum had a chronology including North Pender Island Local Trust Committee decisions made up to 2008 on an application to rezone for subdivision, and how this application was referred to the Tsawout First Nation.

Planner Starke noted that the zoning had been completed in 2008, although there could potentially be some Official Community Plan changes in future.

One community member had also suggested Islands Trust advocacy for a government purchase of James Island for the benefit of local First Nations.

Trustee Masselink noted that James Island was one example of why it would be important to have an Aboriginal Advisory Position on Trust Council.

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for March 26, 2015 at 9:45 am, at the Pender Island Community Hall

15. TOWN HALL

Michael Sketch suggested that the Local Trust Committee think carefully before considering asking the CRD to take over any handling of discarded materials (waste). He also suggested that when approaching the Housing top priority and/or the issue of boat live-aboards, to consider the United Kingdom approach of allowing people houseboats.

Candis Zell spoke about the current community upset over the waste issue, and the need not only for community consultation plus expert professional analysis to help us figure this out, but also healing for our community.

Trustee Masselink said that we needed to come together as a community to resolve issues like this, and to have caring, efficient, thoughtful and non-violent discussions, focussing on bringing peace to each conversation.

Austin Davies said that he had recently moved to Pender with his partner and children, and really appreciated the island, but he was also perceiving some community tensions and issues. He hoped that the community could mature into seeking to understand each other, and speaking in respectful, loving ways.

Anne Burdett said that when she and her partner Mike first decided to apply for rezoning for solid waste transfer, they put two notices in local papers seeking input and there were only two responses.

16. CLOSED MEETING

16.1. Motion to Close Meeting

The following motion was passed at 12:22 pm.

NP-2015-018

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee close the meeting to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d) and (f) and s. 91(1), for the purpose of considering: Adoption of In-Camera Meeting Minutes dated December 17, 2014, and Bylaw Enforcement Issues, and that the recorder and staff attend the meeting.

CARRIED

16.2. Recall to Order

The following motion was passed at 1:23 pm.

NP-2015-019

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

16.3. Rise and Report

It was reported that during the In Camera Meeting, the Local Trust Committee received and reviewed a Bylaw Enforcement Report on live-aboards, and directed staff to provide recommendations on options for an enforcement policy for live-aboards in the North Pender W1 and W2 zones.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:25 pm.

George Grams, Chair

Certified Correct

Zorah Staar, Recorder



Follow Up Action Report w/ Target Date

North Pender Island Jan-22-2015

No.	Activity	Responsibility	Target Date	Status
7	10.6 NP-RZ-2014.1 (Philpot) – bylaw received first reading (DONE), policy statement directives checklist endorsed as presented, refer to APC	Sharon Lloyd-deRosario Justine Starke	Jan-30-2015	Done

Mar-04-2015

No.	Activity	Responsibility	Target Date	Status
1	contact expired APC members to find out if they would be interested in being reappointed to the North Pender Island Advisory Planning Commission and advertising for more members as required.	Sharon Lloyd-deRosario	Mar-18-2015	Done
1	Item 10.2 - NP-DVP-2015.1 (Bradley) - DVP approved for issuance.	Sharon Lloyd-deRosario Phil Testemale	Mar-26-2015	Done
1	Item 10.3 - NP-RZ-2012.1 (Burdett) - application on hold, pending the outcome of a community wide land use planning process for waste management; the applicants be invited to make application for a Temporary Use Permit .	Justine Starke	Mar-26-2015	Done
1	Item 11.1 - LTC endorsed the Project Charter (v.2) for the Age and Disability Friendly Planning top priority.	Justine Starke	Mar-26-2015	Done

Liveaboard Code of Ethics

Note: This is a living document and is open to change and interpretation. The purpose of the Code of Ethics is to provide a guideline/standard for liveaboards, to help create or improve a good working relationship with marinas and marine facilities and to create harmony between liveaboard communities and land-based communities.

Social Conduct

General

- Be considerate regarding the concerns of your neighbours. The Golden Rule applies, both on land and sea!
- Strive to resolve conflicts in a calm, responsible, and reasonable manner. 'Don't get furious ? be curious!'

Noise

Noise travels well on the water and our neighbors are close by. Please be aware of:

- Running generators or engines while moored or at a dock only during reasonable hours.
- Festive gatherings and loud music.
- Slapping halyards, flappy tarps, and other items in the wind/waves.
- Heating systems such as Espar-type units (orient your boat so the sound is minimized).
- Power tools and other repair equipment.

Pets

- Pet owners are responsible for controlling the behavior of their pet(s) and cleaning up after them in a timely way and manner.
- Pet owners are responsible for ensuring their pets are reasonably quiet.
- Rules and regulations specific to pets at a marina, private property, or parkland should be observed and adhered to.

Safety and Security

Most sea-fearing folk naturally look out for each other. Please consider the following:

- Keep an eye and ear out for odd things or anyone in distress. Specifically, people in the water, fires, accidents, etc...
- Observe unusual activity and engage those who don't seem to belong in the neighborhood. We are a trusting kind and thieves know it.
- Danger/Doubt. The horn signal is 5 short blasts. Call 911 in case of emergency and issue five (5) short blasts on your horn to notify your neighbours – keep your horns close at hand.

On The Water

- Adhere to the boating safety rules set out by Transport Canada (www.boatingsafety.gc.ca).

Environmental Responsibility

Some of this information is provided by the Georgia Strait Alliance. More information can be found at GeorgiaStrait.org/greenboating.

- Manage Sewage Responsibility by using pump-out services. Where no pump-outs are available, only dump as permitted by regulation, and dump responsibly away from anchorages, sensitive areas, shellfish beds, and swimmers.
- Reduce grey-water discharge and use only products with all natural ingredients whenever possible.
- Take care when fuelling: avoid topping up your tank, and use oil absorbent rags and other devices to make sure no fuel goes into the water.

- Use bilge filters or bilge pads to absorb oil and fuel so none gets pumped overboard accidentally.
- Maintain your boat, using environmentally responsible products and/or alternatives.
- Use 'hard' bottom paint or eco-friendly alternatives.
- Haul out at responsible boat yards that have containment policies and equipment so sanding residue and scrapings don't end up in the water.
- Dispose of all garbage and organic waste properly.
- Use environmentally friendly energy supplies when you can (wind, solar, human power).
- Anchor responsibly and avoid sensitive environments if at all possible.
- Help other boaters become aware by role-modeling and education.
- Please report all spills to 1-800-OILS-911.

General Responsibility

- Liveaboard vessels should be well-maintained and in a seaworthy condition, with a functioning engine, and capable of putting to sea at short notice at any time.
- A reasonable amount of effort to keep the boat looking tidy and free of rubbish and debris.
- When possible or applicable, vessels should be insured on a fully comprehensive basis.

Additions and Edits

Please submit all additions or edits to feedback@bcnr.org.

(version 5)

Some Truths about Live Aboards

We are live aboard boaters.



We want you to know that we love this life we have chosen. This means that our only permanent home is a boat. Living aboard a boat is a time honoured tradition on our coast. Sometimes we are cruising the coast of British Columbia. At other times we may be anchored in a safe harbour or tied up to a marina. One of the real pluses of our chosen lifestyle is that we can choose where we want to live, and if we decide to move, all we have to do is untie the lines or pull up the anchor and go. It's all about freedom, a thing many talk about but

fewer find.

There are other things that attract us to the life of a live aboard boater. We live in close proximity to nature. Often, our neighbours are seals, otters, mink, seagulls, Blue Herons, Kingfishers, and a variety of fish. Our human neighbours are fellow boaters from all over the world. On a marina dock, we learn to live close to each other where the skills of both being a friend and at the same time giving each other the space needed for privacy are essential. This sense of community among live aboard boaters is the memory most cherished by many of those who have moved back to shore. Living aboard a boat is also a way to simplify one's life and have a smaller impact on the environment using less of our increasingly scarce resources. We have been able to give up the use of an automobile and rely on our feet or public transportation. Because we spend the winter docked in downtown Victoria, most of the amenities we need are either a short walk or bus ride away.

Very often we are told by people living in traditional life situations ashore, that we are living a secret dream they have had for years. Our response is always, "If you really want to do this then just go for it!" Lynn and Larry Pardey, famous world cruisers said, "Go simple and go now." However, careful consideration is needed before making this choice; it's not for everyone. For instance, if you are married, it is essential that you both share the same dream. (And there's little hope for avid gardeners!)

We are writing this article because we believe that it is important for you to have an accurate account of what the live aboard life represents. Often in the media, people who live aboard and the boats they live in are presented in a negative light. A recent piece in the National Post had a large headline with the words "shanty town" and "derelict boats". However, there were no pictures of either in the article. Many municipalities have a fear of live aboard boats due to these misconceptions, so we would like to present you with some facts to counter the prevalent myths about live aboard boats and their crews.

Myth number one: *Live aboard boaters are trying to live under the radar*



Live aboard boats and the people who own them are fully in the public eye. Many marinas where they live are either open to the public or, if gated, very visible from the shoreline. Here in Victoria Harbour, the boats are a tourist attraction, with many visitors coming by, taking pictures and asking questions. The live aboard boats are a large part of the ambience of the harbour.

There are a number of families with children living aboard, and we all know, you can't hide children. Live aboard boaters do not wish or choose to be hiding from the communities in which they live. If they are pushed into a position of feeling they have to hide, it is only due to the kind of prejudice and lack of real knowledge and understanding that so often afflicts minority communities.

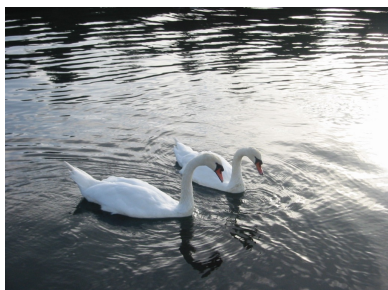
Myth number two: *Live aboard boaters do not pay taxes*

Anyone living aboard would prefer to be securely tied up to a dock in the winter months when they are not cruising. Anchoring out in a harbour in the winter is a choice some are forced into when marina space is either not available or unaffordable. Live aboard boats rent the dock space they occupy in a marina from the marina operator. Live aboard boaters pay all municipal and provincial taxes through the moorage fees assessed by the marina in which they live, in the same manner that would be applied to anyone on shore living in rental accommodation. If one sees live aboard boats occupying an anchorage in the winter, ask if the adjacent marina offers live aboard moorage at a reasonable rate. Most often the answer is that the marina operator does not or is hampered in this by local by-laws restricting live aboard moorage. Too bad, because, as you will see below, they are giving up a lucrative revenue source. This fact becomes even more unreasonable when the same marina offers sequential moorage to people living on boats all summer long in the same location.

Myth number three: *Live aboard boaters are unemployed* (a reason recently given by Port Hardy city council to evict live aboard boats from the harbour)

Most live aboard boaters are either employed in the community (that's why they need moorage adjacent to their jobs) or are retired from a work career. In my observation, most live aboard boaters are in their mid sixties and have lived aboard for more than seven years. In our community we have former military people, university professors, landscapers, retail staff, electronics engineers, mothers & fathers, computer programmers. A number of them are self employed and work from their boats, you get the picture.

Myth number four: *live aboard boaters pump their poop and other pollutants into the harbour.*



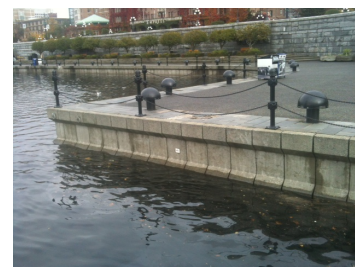
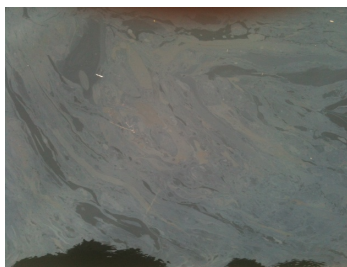
Federal laws prohibit the pumping of toilet waste (black water) and solvents (oil, fuel, etc) into marine environments. Boats with marine toilets (heads) now have holding tanks for these wastes and most marinas provide services to promote clean harbour living such as holding tank pump-out, or they have shore side washroom facilities. The Greater Victoria Harbour Authority has a publicly available pump-out station located at Fisherman's Wharf. The GVHA also provides its live aboard customers with a mobile pump out service at the boat, once a week. This service is paid for by all boaters using their facilities as a portion of their moorage fees.

Very often, pollution in the harbour comes from shore. Oil slicks on the inner harbour water and fertilizer run off come from municipal storm drains; plastic bottles, plastic bags and coffee cups are thrown from shore. And the

worst pollutant, cigarette butts, come from thoughtless smokers of all stripes.

We live aboard boaters choose to live in this beautiful aquatic environment and none of us wants to see it polluted in any way. Live aboard boats have a very small environmental footprint. Many occupy less than 400 square feet.

They get by on 30 amps of electrical power for all lighting, heating, and cooking needs. That's less than a homeowner on shore uses to cook dinner on an electric range. Two people living on their boat will only use about 50 gallons of fresh water in a week. We have no lawns to water. A number of us do not own automobiles and make frequent use of public transit.



Myth number five: *most live aboard boats are derelict*

Most live aboard boats are not derelict. Just like a house on shore, to be able to comfortably live aboard a boat, it must be maintained and kept in good condition. Also like landowners, we take pride in our homes and spend a great deal of time and money on maintenance.

Often, to be allowed to moor, insurance is required. Boat insurance is more costly than house insurance and requires rigorous regular inspections to qualify. Many boats that appear to be derelict are, in fact, not lived aboard, but are abandoned by their owners.

Owners of run down boats like run down houses onshore, are an individual problem that needs to be dealt with on an individual basis. The same thing goes for anyone putting pollution into the harbour; deal with the individual committing the offence. Do not punish all for the bad behaviour of a few.

Myth number six: *People living on boats are not contributing members of the community*

There are almost two hundred live aboard boats in Victoria Harbour, and we are very much contributing members of our community. Our moorage and associated fees alone contribute over \$1,100,000.00, to the local economy. Added to this is the money spent (locally) on groceries, clothing, maintenance, services, entertainment, education and a host of other expenses.

Live aboard boaters also contribute to the community through volunteer work, they sit on the boards of local service organizations providing community involvement, and they contribute to the economy through their jobs. One man, living on his boat in Esquimalt, is a Provincial Emergency Coordinator, providing amateur radio services during an emergency. All live aboard boaters have VHF radios on their boats and would be able to provide communication services in the event of an emergency. They are also the eyes and ears at the marinas where they live, preventing theft and damage to facilities and unattended boats. At Fisherman's Wharf and the Causeway Docks in the inner harbour, we are tourist attractions contributing to the beautiful ambiance of Victoria Harbour. Can you imagine how many of us there are in photographs of Victoria shown around the world?

So, there you have it from our perspective, living on the water. We laugh, love and feel just like all others, and we are a part of our community. Next time you are in the harbour, stop by and say hi.

Rick Schnurr & Jude Brooks
Aboard Julie May

STAFF REPORT

March 16, 2015

File NP-DP-2015.1 xref
No.: NP-DVP-2015.2
(Cooke)

To: North Pender Island Local Trust Committee
For LTC Meeting: March 26, 2015

From: Phil Testemale A/Planner2

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

Re: Development Permit and Development Variance Permit Application

Owner: Robert Cooke and Janet Taylor
Applicant: Brent Mayenburg, BCLS
Description: Lot 5, Section 12, Pender Island, Cowichan District, Plan 14850, And
Lot 12, Section 12, Pender Island, Cowichan District, Plan 16169
PID: PID: 004-287-428 & PID: 004-017-668
Civic Address: 6626 & 6624 Razor Point Road

THE PROPOSAL:

This report is to consider two separate development applications: a Development Permit (NP-DP-2015.1) and a Development Variance Permit (NP-DVP-2015.2). The proposal is for a Boundary Adjustment Subdivision between the subject properties in order to facilitate the siting of a new septic sewage disposal field for Lot 12. Figure Two (Site Plan) indicates the existing and proposed boundary, as well as the location of the proposed septic field.

Development Permit

Development Permit Area (DPA) One – Woodland Ecosystems is designated on the southern portion of both properties adjacent to the shoreline. The objective of the DPA is to preserve and protect remaining sensitive woodland ecosystems. The subdivision of land requires a development permit.

A copy of proposed Development Permit NP-DP-2015.1 (Cooke) is attached.

Development Variance Permit

The configuration of both properties is legally non-conforming as both have a depth greater than three (3) times their width. Subsection 4.10.3 of the North Pender Island Land Use Bylaw No. 103, 1996 states:

No lot shall have an average depth greater than three times its average width.

The proposed boundary adjustment subdivision creates a Lot A (formerly Lot 5) that does not conform to this and requires a variance. Proposed Lot B (formerly Lot 12) conforms to the provision.

A copy of proposed Development Variance Permit NP-DVP-2015.2 (Cooke) is attached.

BACKGROUND:

Both adjacent properties have the same owner. 6626 Razor Point Road (Lot 5) has a small house/cabin, a pre-existing smaller cabin and accessory buildings (See: Figure Two: Site Plan). In addition there is a small walkway/dock. 6624 Razor Point Road (Lot 12) has a smaller cabin on the property that the owners intend to demolish and build a new dwelling.

The owners had an assessment of the capacity and functionality of the septic sewage systems for both properties (Kelly Karr, P.Eng., Canadian Sewage Solutions, 16 Oct. 2014). The conclusion of that report is that the systems for Lot 5 were functioning and posed no immediate health issue. However, these are currently used seasonally and intermittently, and year-round use could cause the systems to fail. The report established reserve areas (shown on the Site Plan) that could be used in conjunction with a raised field system that could be fully contained on the proposed Lot A.

On Lot 12, the report concludes that the size and age of the existing septic field is insufficient for a new dwelling, and that its proximity to the top of slope combined with soil conditions make it unusable. The report recommends a completely new septic disposal system. As part of that the engineer determined a primary disposal field shown on the plan ("Proposed Septic Field"). The lot line adjustment is necessary to lengthen the lateral drainage across the contours of the property which will improve the field's effectiveness. The system will also require a raised sand mound along a contour of the property.

The setback of the proposed septic field on Lot 12 would be 13 metres (42.6 feet – minimum) from the natural boundary of the sea. The setback to DPA 1 – Woodland is estimated to be approximately 10 metres (32.8 feet).

The extent of development at this time is the subdivision of the lands.

SITE CONTEXT:

The properties are 0.59 hectares (1.46 acres – Lot 5) and 0.45 hectares (1.12 acres). The size, configuration and rural residential use are similar to adjacent and neighbouring properties along the ocean side of Razor Point Road.

The land (See: Figure Three – below) slopes moderately and uniformly from Razor Point Road toward the ocean. The topography drops abruptly from edge (top of slope) of the narrow bluff down to the foreshore along the southern extent to the two parcels (See: Figure Five – Steep Slope Hazard and Contours). Lot 5 has mature forest with substantial cleared areas and the small house and cabins are set well back from the top of the slope. Lot 12 has more forest

cover and the cabin is closer to the top of the slope. Figure Three (Development Permit Areas) maps the occurrence of mature sensitive woodland species (Arbutus) along the bluff.

Staff visited the site on March 12, 2015, (See: Photos below)

Figure One: Site Context

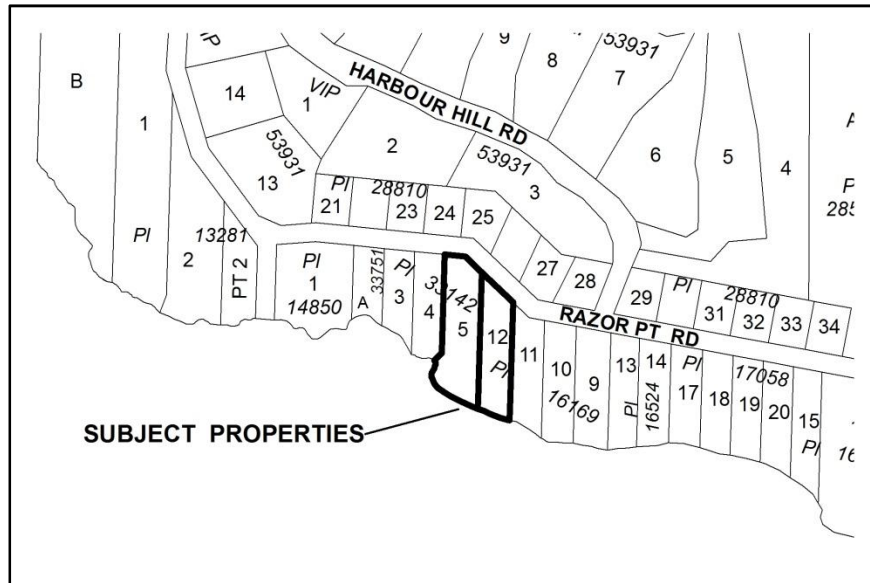


Photo One: View East from Lot 5



Approx. Location of Septic Field

Photo Two: View West from Lot 12

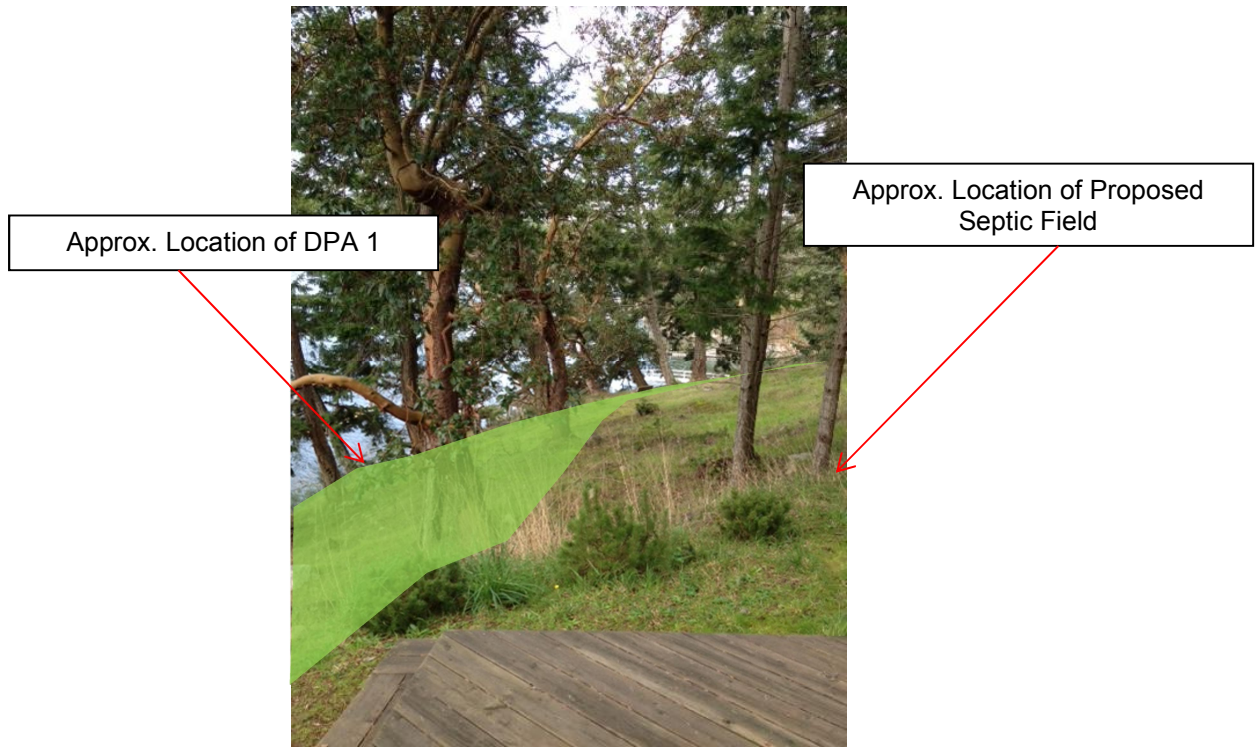


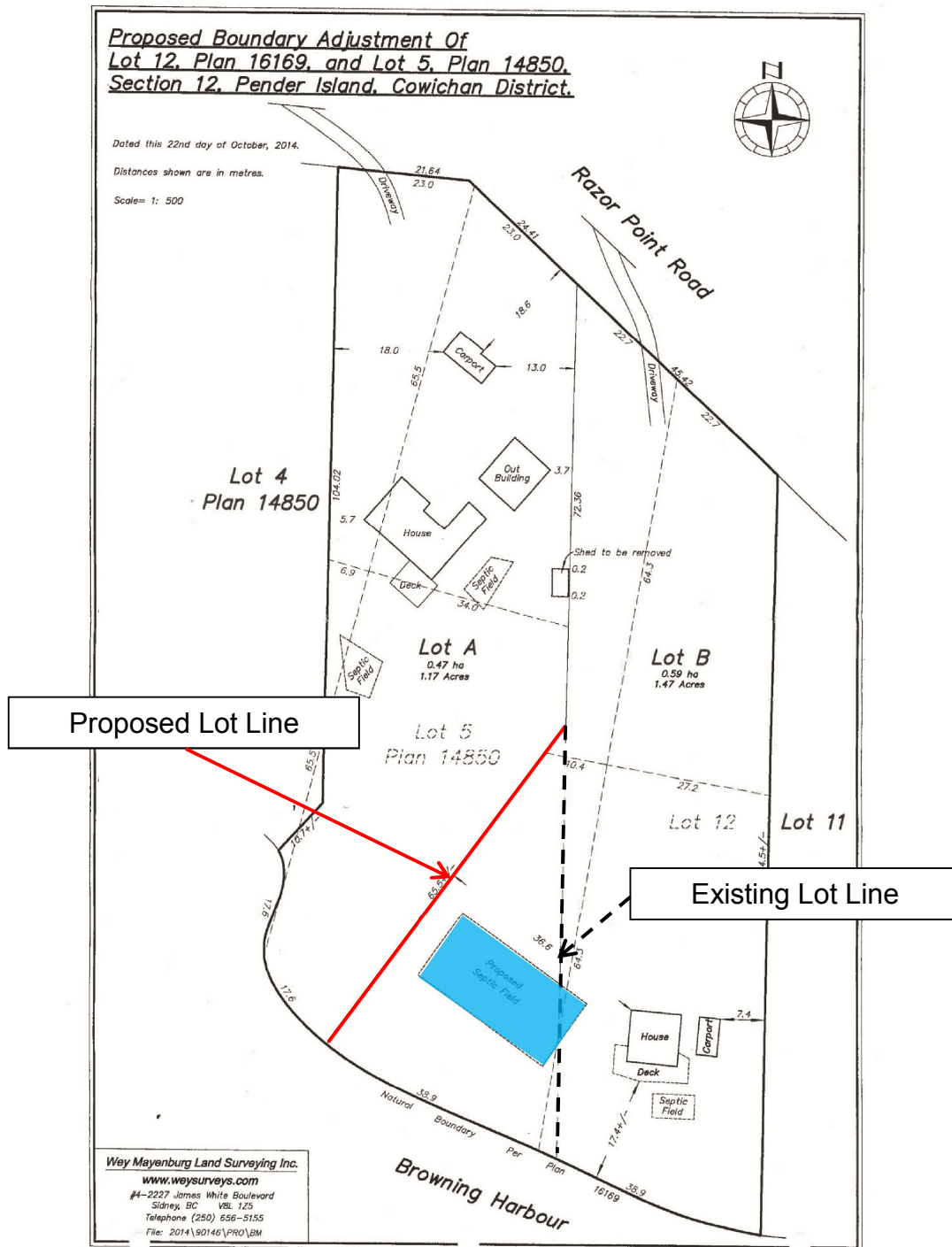
Photo Three: View of House and Cabin on Lot 5



Photo Four: View of House and Cabin on Lot 5 (from Dock)



Figure Two: Site Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

3.2.1 – Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.

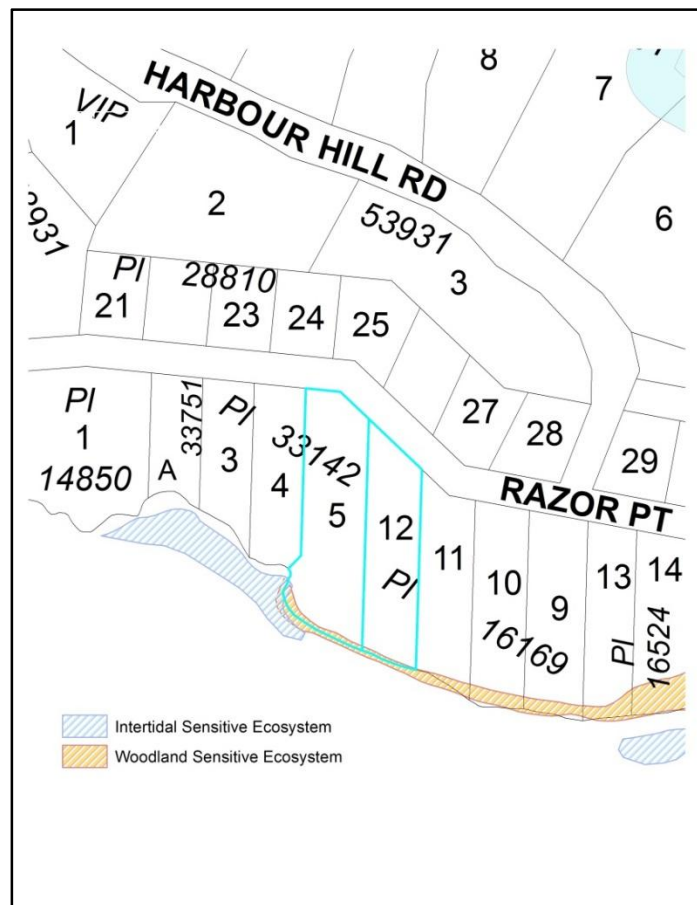
Official Community Plan

Both subject properties are designated as **RR- Rural Residential** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

Development Permit Area (DPA) One – Woodland Ecosystems is designated on the southern portion of both properties adjacent to the shoreline (See: Figure Three – below). The objective of the DPA is to preserve and protect remaining sensitive woodland ecosystems. The subdivision of land requires a development permit. **Development Permit Area Six – Intertidal Sensitive Ecosystem** is also designated over the foreshore and water adjacent to the southwest corner of Lot 5. There are also occurrences of eelgrass that is categorized as fringing/patchy.

Analysis of the proposed subdivision's conformity to the objectives and guidelines of the DPAs is within "Issues Summary" and "Staff Comments" (below)

Figure Three: Development Permit Areas



Land Use Bylaw

Both properties are zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996. The existing uses and siting of buildings and structures conform to the LUB with the exception of a small shed in the side yard setback of Lot 5 that is to be removed (See: Figure Two: Site Plan).

As stated above the shape of the existing properties is legally non-conforming. The proposed boundary adjustment subdivision will result in the following lot configurations:

- Proposed Lot A (formerly Lot 5) will have an average depth 3.6 times its average width.
- Proposed Lot B (formerly Lot 12) will have an average depth 2.9 times its average width.

Lot A does not conform to the depth to width ratio provision of the LUB (Subsection 4.10.3) and requires a variance.

Figure Four: Orthophoto with Zoning



Islands Trust Fund

There are no Trust Fund Board covenants or properties in proximity to the proposed subdivision.

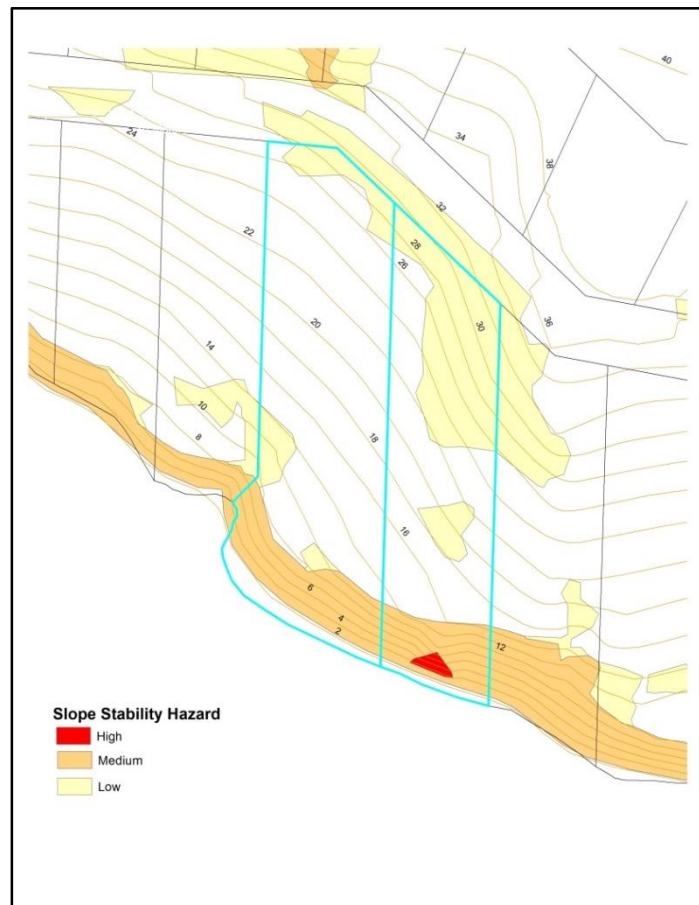
Regional Conservation Plan

The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

In addition to the Woodland DPA, the Intertidal Sensitive Ecosystem (DPA 6) occurs on the foreshore adjacent to the southwest corner of Lot 5 (See: Figure Four – above). There are occurrences of low slope hazard and, particularly, medium and high slope hazard along the shoreline bluff of both subject properties. (See: Figure Five: Slope Hazard and Contours)

Figure Five: Slope Hazard and Contours



Archaeological Sites

Through the subdivision review process a known archaeological site was identified along the foreshore of Proposed Lot A (existing Lot 5 – 6626 Razor Point Road). The Provincial Archaeological Branch was advised and their comments and recommendations were forwarded to the Ministry of Transportation and Infrastructure and the applicant. As the site does not overlap with the areas of proposed septic fields, there is no obligation for the applicant's to have an assessment prior to any construction, although this was strongly encouraged by the Branch.

The applicant and Approving Officer has been advised of the foregoing through the subdivision referral process.

Covenants

There are no LTC or other covenants or easements registered on title for either property.

Bylaw Enforcement:

There are no enforcement records for either property.

Climate Change Mitigation and Adaptation

As the proposed subdivision does not increase development density, the potential GHG emission changes resulting from approval, and the potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral.

Shoreline

The shoreline type is identified as Sea Cliff and a small portion of Low Rock Boulder above the small cove adjacent to Lot 5.

Other:

The application is the result of an application to MoTI for a Boundary Adjustment Subdivision. Obtaining a Development Permit and Development Variance Permit will be conditions of Preliminary Layout Approval.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application or the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit

Notices for the Variance were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March 25, 2015. At the writing of this report, there have been no written submissions received. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on March 26, 2015.

ISSUES SUMMARY:

Development Permit:

The completed Development Permit Area Checklist is attached.

Taking into account: the objectives of the development permit area; the fact that this is only a boundary adjustment; that no land alteration will actually occur in the DPA; and that the septic disposal will not impact the DPA, it was determined that the survey plan submitted as part of the application (Figure Two – above) is sufficient information for development approval as per the Development Approval Information Bylaw No.133, 2009.

The objectives and guidelines for Intertidal Sensitive Ecosystem (DPA 6) do not apply as the proposed development (subdivision) is outside of that Development Permit Area.

Development Variance Permit:

Applicant's stated rationale for the variance. The application has been made in order to accommodate a new septic sewage disposal field fully on what is now Lot 12 (6624 Razor Point Road). In planning for the replacement of a small cabin on that property with a new larger dwelling, the applicants hired an engineer to assess the needs for septic disposal on both properties. In conclusion, the report recommended a new field in the configuration shown on the site plan above. This requires the adjustment to the boundary separating the two properties.

The overall intent of the regulation being varied. The overall purpose of the length to width ratio regulation is to ensure that lots created by subdivision are not overly long and thin and/or to discourage panhandle lots. Such lots can represent challenges for access and siting. Primarily this regulation is in place for the subdivision of larger parcels into multiple new lots.

Potential impacts of granting the variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

STAFF COMMENTS:

Development Permit

The proposed configuration of the lot does not create a scenario where development can occur in the permit area where it otherwise would not have without subdivision.

The location of the new septic field shown on Figure Three (below) is approximately 10 metres clear of the DP Area. In addition, the subdivision minimizes the impacts on sensitive environment and habitat by facilitating a new and more effective septic disposal field that would otherwise not be possible or cost effective without the boundary adjustment.

Staff is therefore recommending (below) that the development permit be issued.

Development Variance Permit

The two parcels have legal non-conforming status with respect to the length to width regulation. The properties in the immediate vicinity along the ocean side of Razor Point Road are almost all of a similar size and configuration. Neither of the two properties has any further subdivision potential, and, although the new configuration of Lot 5 (proposed Lot A) will shorten the shoreline frontage, the burden of this is economic (in terms of valuation). The configuration of

Lot 12 (proposed Lot B) will now comply with the regulation and have improved access to the shoreline by increased frontage.

Given the foregoing, staff recommends that the development variance permit be issued.

RECOMMENDATIONS:

1. **THAT** Development Permit NP-DP-2015.1 (Cooke c/o Mayenburg) **BE APPROVED;**
And,
2. **THAT** Development Variance Permit NP-DVP-2015.2 (Cooke c/o Mayenburg) **BE APPROVED**

Prepared and Submitted by:



March 16, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

February 26, 2015

Date

Attachments: DPA Checklist for Subdivision
Proposed Development Permit NP-DPA-2015.1
Proposed Development Variance Permit NP-DVP-2015.2

DPA Checklist: NP-DP-2015.1(x-ref DVP-2015.2)
Boundary Adjustment Subdivision to Facilitate A New Septic Disposal Field
on Proposed Lot B

Guidelines	Comments
<i>Subdivision DPA Guidelines</i>	
1. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.	Complies – the proposed septic drainage field for proposed Lot B is located 10 metres distant of the woodland DPA. The lateral design conforms to the contours of the site in order to ensure dispersal is more effective. The boundary adjustment subdivision does alter or fragment sensitive areas. Both lots have sufficient areas outside of DPA to (re) develop.
2. Sensitive ecosystems and habitat should be protected from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.	Boundary Adjustment Subdivision only – no land alteration to occur in DPA.
3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.	See: 2. - above
4. Lots should be configured to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.	N/A
5. A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	Part of the Razor Point Water Improvement District
6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.	Complies – See comments in 1. - above.
7. Storm water management systems, where needed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.	N/A
8. Where applicable, lots should be configured to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.	N/A
9. Pre-designation of building sites may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	N/A
10. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a sensitive ecosystem or habitat.	Variance application NP-DVP-2015.2 is proposed to meet this objective.



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2015.1

To: Robert Cooke and Janet Taylor
c/o Brent Mayenburg, BCLS

1. This Development Permit applies to the land described below:

Lot 5, Section 12, Pender Island, Cowichan District, Plan 14850
(PID: 004-287-428); And,

Lot 12, Section 12, Pender Island, Cowichan District, Plan 16169
(PID: 004-017-668)
2. This Development Permit authorizes a boundary adjustment subdivision involving the above noted properties which contain sensitive woodland ecosystem development permit areas, subject to the following conditions:
 - (a) The boundary adjustment subdivision shall be substantially consistent with Schedule "A" attached to and forming part of this permit.
3. 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.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##^h DAY OF MARCH, 2015.

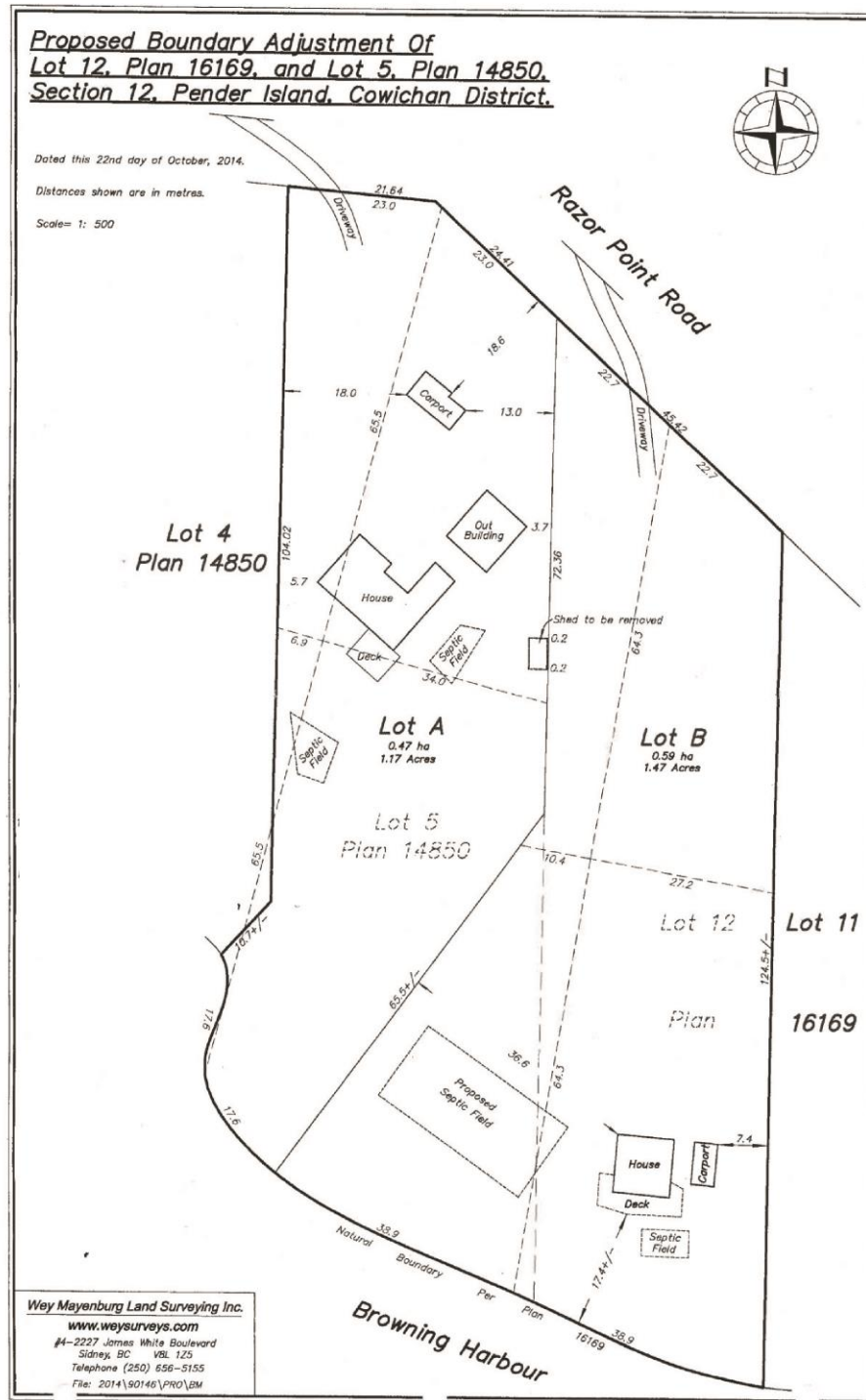
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##ND DAY OF Month, 2017, THIS PERMIT AUTOMATICALLY LAPSES.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.1
Schedule "A"**

Property Site Plan

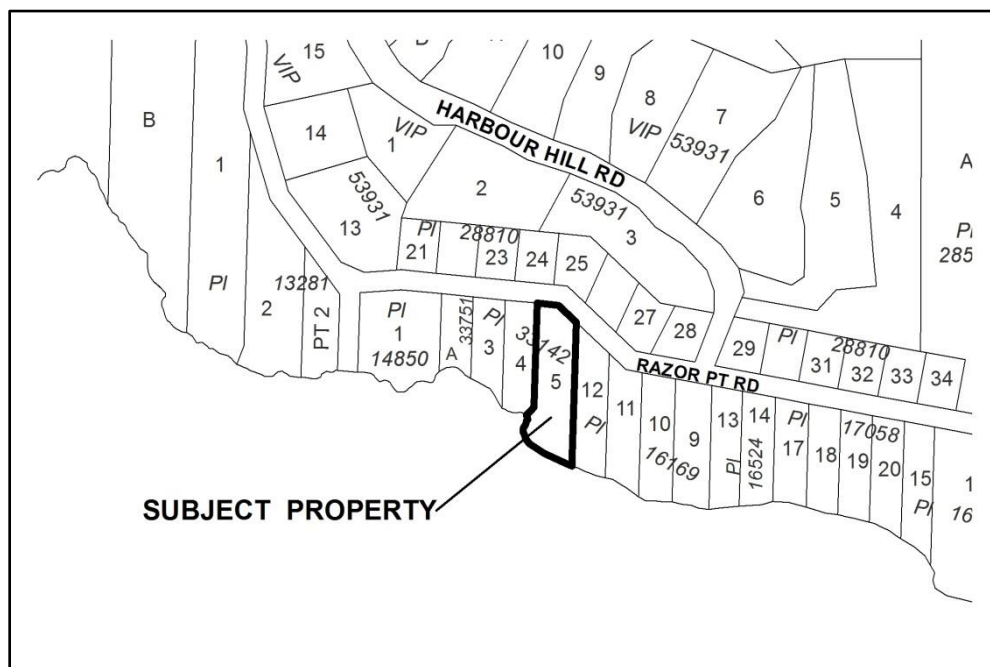


**NOTICE
NP-DVP-2015.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996 by varying Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width to permit a boundary adjustment subdivision that creates one lot with an average depth greater than three times its average width.

The property is located at 6626 Razor Point Road and is legally described as Lot 5, Plan 14850, Section 12, Pender Island, Cowichan District. PID: 004-287-428

The general location of the subject properties is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 13, 2015** and continuing up to and including **March 25, 2015**.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing **March 13, 2015**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **March 25, 2015**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 9:45 a.m., **March 26, 2015**, at the Pender Island Community Hall on North Pender Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.



Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2015.2

To: Robert Cooke and Janet Taylor
c/o Brent Mayenburg, BCLS

1. This Development Variance Permit applies to the land described below:

Lot 5, Section 12, Pender Island, Cowichan District, Plan 14850
(PID: 004-287-428)

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows to allow for the boundary adjustment subdivision:

- a) Subsection 4.10.3 is varied to permit the creation of proposed Lot A with an average depth greater than three times its average width.

The boundary adjustment subdivision shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. 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 approval of the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF Month, 201#.

Deputy Secretary, Islands Trust

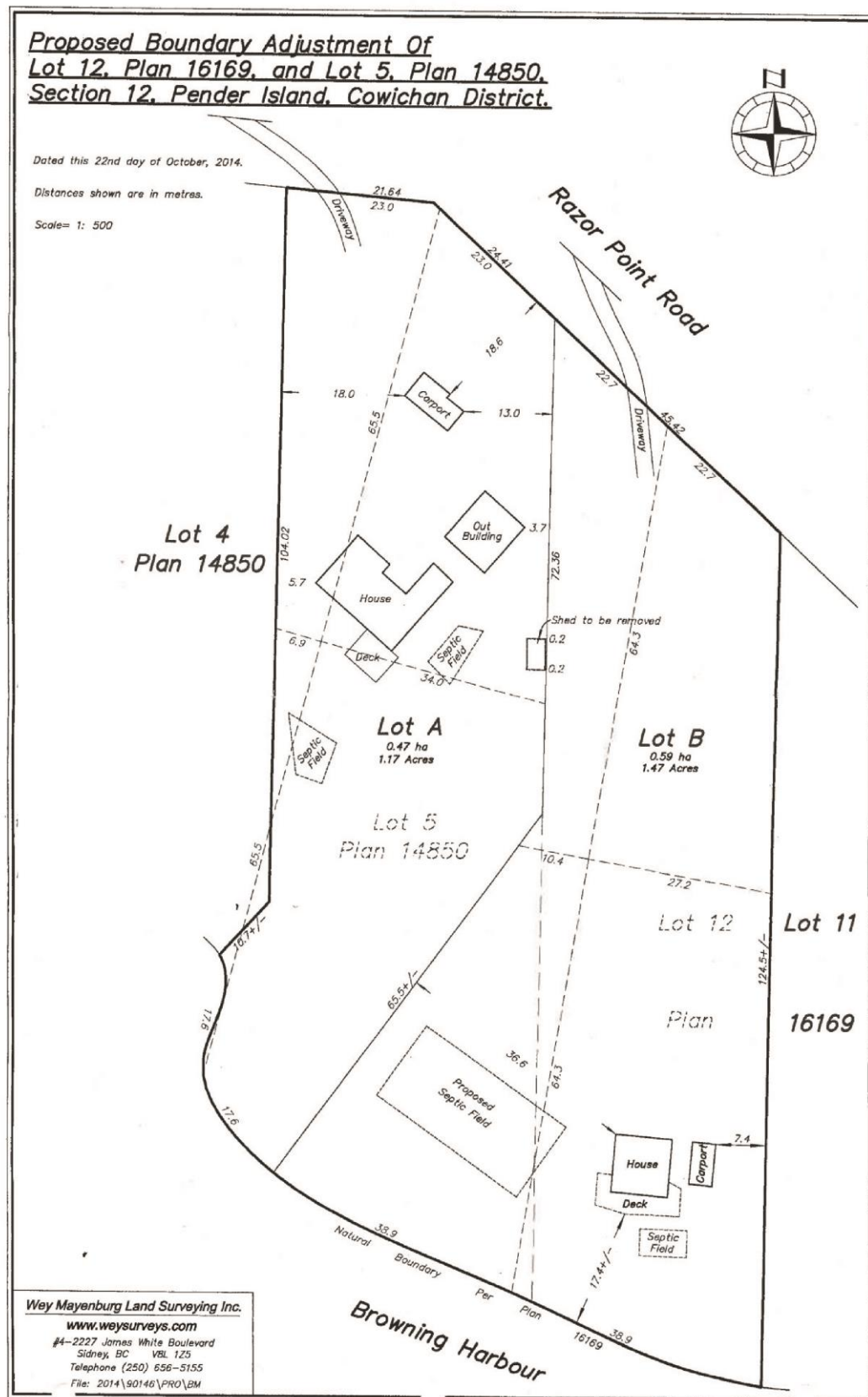
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF Month, 201#, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2015.2

SCHEDULE 'A'



Date: March 17, 2015

File No.: 6500-20-Waste
Management

To: North Pender Island Local Trust Committee
For the meeting of March 26, 2015

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: LTC Top Priority – Land Use Planning for Waste Management

Preliminary Report

This report presents an approach to conducting a community wide land use planning process for waste management on North Pender Island. The goal of the project is to identify land to be zoned for solid waste transfer facilities through an evaluation of best practices, the development of appropriate criteria, and through an inventory of existing industrial land and current waste transfer sites. This report proposes the appointment of a special Advisory Planning Commission to research best practices, conduct community analysis, and reach consensus on the ideal locations and preferred scope of waste management that should be pursued on North Pender Island. A project charter is attached as Appendix 1 for consideration of endorsement.

Project Objectives

In accordance with the attached project charter, the objectives of this project are to:

- To develop criteria for siting waste transfer facilities
- To inventory existing industrial land
- To reach community consensus on the location and scope of waste management on NPI
- To map ideal locations for current/future waste management facilities
- Collaboration with CRD to ensure a comprehensive understanding and approach
- Define the scope of waste management uses on NPI (recycling, solid waste transfer, composting)
- Inventory industrial zones & land currently used for waste management
- Evaluate land/sites according to research and criteria. Identify any new sites.
- Recommend OCP/LUB amendments

Project Background

North Pender Island has a basic community need for appropriate and permanent location(s) for solid waste management. Solid waste management has historically been provided on land without the appropriate zoning, sometimes operating under Temporary Use Permits, other times in contravention of the Land Use Bylaw (with the exception of the Recycling Centre which is located in the Recycling Facility (RF) zone and is a permitted use within the Land Use Bylaw). Neither the

Light Industrial (I1) nor the Industrial (I2) zones in LUB 103 permit waste transfer. New CRD restrictions on food waste at Hartland Landfill require consideration of community composting facilities. The CRD is undergoing a regional process to update its Integrated Solid Waste and Resource Management Plan (ISWRMP) and offering opportunities for a coordinated approach.

The Capital Regional District is authorized under the Environmental Management Act to regulate waste and recycling operations. The Ministry of Environment has procedural requirements for approving such regulations as part of a regional Solid Waste Management Plan (SWMP) (now known as the Integrated Solid Waste and Resource Management Plan (ISWRMP)). In May 2013, the NPI LTC wrote to the CRD to request that consideration of North Pender Island waste management be considered during the ISWRMP review. The new ISWRMP provides an opportunity for consulting with the community on a bylaw to regulate waste and recycling facilities on North Pender. The CRD anticipates beginning consultation in the fall of 2015, with plan adoption by the CRD Board and approval by the Minister targeted for 2016.

The North Pender Island Advisory Planning Commission was charged with considering the island's waste management issues in 2009. The APC was asked to consider at that time how the island should handle its solid waste (and also maximize recycling) into the future, and whether the LTC should permanently rezone a site or sites for garbage collection. The APC had extensive deliberations on June 25, 2009. The minutes of this meeting are attached as appendix 2 for reference.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

This project will be reviewed for consistency with the 2014-18 Trust Council strategic plan once it has been established for the new term.

Islands Trust Policy Statement

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

Ecosystems

3.1.5...the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.

Growth and Development

5.2.3...policies related to the aesthetic, environmental and social impacts of development.

Disposal of Waste

5.4.4...the identification of acceptable locations for the disposal of solid waste.

North Pender Island Official Community Plan, Bylaw 171 (2007)

The Official Community Plan contains various goals and objectives that are relevant to the issue.

- *Goal 10: To plan for commercial and economic activities that provide mutual benefits for the community and for visitors, promote an economically diverse community and are compatible with the conservation of resources and the protection of the community character and values.*
- *Goal 16: To remove or remediate existing sources of pollution or contamination of air, land and water, including visual and noise pollution*

Commercial Land Use Objectives and Policies:

- *Policy 2.4.1: Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.*
- *Policy 2.4.5: Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.*

Industrial Land Use Objectives and Policies:

- *Objective 4: To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.*
- *Policy 2.5.1: Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.*
- *Policy 2.5.2: Priority may be given to...the industrially designated land on Port Washington Road...for new or additional industrial development.*

Solid Waste Disposal Services Objectives and Policies:

- *Objective 1: To ensure environmentally safe disposal of solid waste.*
- *Objective 2: To encourage public education on waste reduction, recycling and safe methods of disposal.*
- *Policy 3.3.2.1: Regulations shall permit the continued operation of an island location where waste can be taken for recycling.*
- *Policy 3.3.2.2: The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.*
- *Policy 3.3.2.3: Regulations shall prohibit the use of land on North Pender as a landfill.*

Land Use Bylaw

The North Pender Island Land Use Bylaw has the following regulations:

Definitions:

"recycling facilities" means facilities for the recovery, storage and shipping of discarded materials.

3.2 Prohibited Uses

3.2.1 The following uses, buildings and structures are prohibited in every zone:

(2) disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the Waste Management Act;

(3) the disposal or storage of hazardous or toxic waste, other than the temporary storage of such waste in the Recycling Facility (RF) Zone and the Industrial (I1) Zone, and for the purposes of this exception "temporary" means that not more than 6 months' accumulation of such waste may be stored;

The NPI LUB does not identify a waste transfer facility as a permitted use in any zone, with the exception of the Recycling Facility (RF) zone. While Industrial zones allow storage of materials, they do not allow the storage and transfer of solid waste.

8.12 Recycling Facility (RF) Zone

8.12.2 Permitted Uses

(1) In addition to the uses permitted in section 3.1 of this Bylaw, the following uses and no others are permitted in the Recycling Facility (RF) Zone:

(a) community or local non-profit society owned recovery, storage, processing and shipping of

Broader Legislative Context

The LTC has the ability to zone land to be used for waste management operations, but it cannot use zoning to regulate how a waste transfer station operates. Nevertheless, any property handling waste materials requires compliance with a number acts and regulations, most notably:

- *Environmental Management Act (EMA)*
- *EMA - Hazardous Waste Regulations*
- *EMA – Recycling Regulation*
- *EMA – Contaminated Sites Regulation*
- *EMA – Organic Matter Recycling Regulation*
- *EMA – Storage of Recyclable Material Regulation*
- *The federal Transportation of Dangerous Goods Regulations*

The Environmental Management Act gives the powers to a regional district to make bylaws for the purposes of implementing an approved waste management plan (part 3, section 25, 3). The extent of these powers may include:

- types, quantity and quality of municipal solid waste or recyclable;
- the discarding or abandonment of solid waste and recyclables;
- the burning of any class or quantity;
- the delivery, deposit, storage or abandonment of solid waste and recyclables at authorized or unauthorized sites;
- the transport of solid waste and recyclables materials;
- the operation, closure or post-closure of sites;
- fees;
- requiring owner or operator of a site to be licence or comply with code of practice;
- setting terms and conditions for issuance of a licence and amending or canceling a licence;
- requiring security from an owner or operator to ensure compliance and/or covering remediation, closure, or post-closure costs;
- requiring containment within a specified height and area limits;
- prohibiting unauthorized persons from handling solid waste and recyclables;
- establish prohibitions, conditions, requirements and exemptions for different classes of persons, sites, operations, activities, or materials;
- requiring owner of solid waste and recyclables materials to pay for proper disposal if a prohibited deposit has occurred; and
- authorizing designated person to enter and inspect a site or vehicle.

The Capital Regional District (CRD) is authorized under the Regional District Service Powers to regulate waste and recycling operations and does regulate waste and recycling operations in some areas of its jurisdiction, as well as operates the Hartland Landfill. The CRD has adopted a Solid Waste Management Plan (SWMP), currently under review, which enables the regulation of solid waste throughout the region.

Additionally, the CRD has established a regulatory bylaw for transfer stations on Salt Spring Island, which requires that operators are classified and licensed through the CRD. As part of the license application, applicants must provide:

- the types and estimated quantities of municipal solid waste and recyclable material to be managed at the site, works or facility per year;
- an odour management plan;
- a leachate management plan;
- a vector, litter and dust management plan;

- a noise abatement plan; and
- a site plan and layout of facilities.

Analysis

The North Pender Island community has struggled with the question of zoning for appropriate and permanent locations for solid waste and recycling facilities for years. The issues faced in 2009 still exist today. Linked to this, but separate from LTC authority, is consideration of the need and desirability for the CRD to develop a solid waste bylaw to regulate solid waste and recycling service providers through the CRD licensing process.

Of the current solid waste/recycling facilities in operation, only one is permitted by zoning and is limited to a recycling facility. The others are either operating under temporary use permits or are in contravention of the LUB. There are two applications to rezone land for waste management that have been (or will be) put on hold pending the outcome of this process.

Without permanently zoned land, the community relies on facilities that legally operate under Temporary Use Permits. While a permit is a functional tool for an LTC to use because it enables permit conditions and operational requirements that would be beyond the scope of a Land Use Bylaw, it is not an ideal mechanism for three key reasons:

1. the intent of TUPs is for a truly temporary use
2. the owner/operator business would be unduly burdened by the requirement of repeated applications every two years
3. there is no certainty for island residents and visitors to have solid waste facilities as a permitted land use

The operational parameters of a waste transfer facility are best managed by the appropriate authority, which in this case is the Capital Regional District. Through the ISWRMP process, the CRD has indicated a willingness to engage with the Pender community on these issues. This project will seek to collaborate with CRD on this. However, while CRD can regulate operational requirements for waste transfer stations, if it were to pass a bylaw to do this, the first requirement would be that the zoning be in place. This puts the onus on the Local Trust Committee and the North Pender Island community to designate land appropriate for waste transfer facilities – and zone it accordingly.

This topic has always been a controversial one and the Pender Island community has recently faced a high level of tension as a result of a specific land use proposal. Therefore, any community process to implement solutions to zoning for waste management must be one that is sensitive to the current conflict and the potential for division. It must be inclusive yet objective, and based on principles of cooperation and accommodation, using an enlarged community perspective. Professional facilitation of community meetings will be sought where resources allow.

Appointing a Special APC to undertake this task keeps the project within the realm of the community; the community will own the results. Members of the SPAC will be appointed based on their experience, knowledge, and objectivity. Those with a conflict of interest should not be considered.

Project Scope and Timeline

Project Charter Work Plan Overview	
Deliverable/Milestone	Date
1. Staff develop Terms of Reference for Special Advisory Planning Commission (SPAC) - identify timelines, budget, scope, resources, and guidelines.	April 30, 2015
2. LTC Advertise for volunteers to sit on a Special Advisory Planning Commission and appoint members	May 21, 2015
3. Inaugural meeting of Special APC – Background presentations and orientation by CRD and Islands Trust staff.	July, 2015
4. <u>Community Engagement Session #2: Understanding Waste Management – Roles and Responsibilities</u> (with technical assistance from CRD staff). Third party facilitation (either a consultant, assistance from an Islands Trust planner from another region, or volunteer facilitator from North Pender Island).	Sept. 2015
5. <u>Community Engagement Session #2:</u> • Scope and Define Waste Management on North Pender Island. What uses should be handled on the island? • Includes Community Survey either before, after or during session.	Nov. 2015
6. <u>Community Engagement Session #3:</u> • Presentation of background research in best practices, develop criteria for siting Waste Transfer Facilities (and composting?). • Inventory of Industrial land and existing waste transfer sites. • Group process to evaluate according to criteria. • Community mapping exercise to identify eligible land for waste transfer facilities. Could benefit from professional facilitator, community mapper.	February, 2016
7. Present Draft Report to Local Trust Committee, invite public feedback.	April, 2016
8. Final Report to Local Trust Committee	May, 2016

Resources and Roles

The North Pender Island LTC has been assigned a total of \$9000 for project work during 2015-16. Of this, \$3,250 could be allocated for OCP and LUB amendments related to land use planning for waste management. In-kind staff resources include planning and administrative services.

It is also recommended a Special Advisory Planning Commission be appointed as a resource to inform LTC decision making. A detailed budget will be brought to a future LTC meeting, pending LTC endorsement of the direction proposed for this project and the attached project charter.

Communications and Community Consultation

As the project could involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. As the project progresses, consultation with specific agencies may emerge as a priority.

As mentioned, this project is one that invites a high level of community concern; decisions made will have impacts that could affect the community in general. Effective community engagement will build understanding, knowledge, and generate solutions for addressing the problem. The Project

Charter proposes a Special APC be appointed to participate in three main community meetings, with professional facilitation. Other methods of engagement that can generate community input and participation include:

- On-line survey
- On-line Discussion Groups
- Workshop
- Town hall meetings
- Expert Panel
- World Café

Project Charter

The attached project charter is proposed for consideration of the NPI LTC.

Next Steps

The next step is to bring a draft Terms of Reference for Special Advisory Planning Commission to the LTC for consideration. Staff will then advertise for members and the LTC can consider appointments. Subsequent steps will be according to the Project Charter work plan (also included above).

Recommendations:

1. THAT the North Pender Island Local Trust Committee endorse the project charter dated March 5, 2015.
2. THAT the North Pender Island Local Trust Committee direct staff to draft Terms of Reference for a Special Advisory Planning Commission to address zoning for waste management on North Pender Island.

Prepared and Submitted by:

Justine Starke, Island Planner

March 18, 2015

Date: March 5, 2015

To identify land to be zoned for solid waste transfer facilities through an evaluation of best practices, the development of appropriate criteria, and through an inventory of existing industrial land and current WTF sites. Using a specially appointed Advisory planning Commission, to reach community consensus on the location/scope of waste management on North Pender Island.

North Pender Island has a need for appropriate and permanent location(s) for solid waste management. Solid waste management has historically been provided on land without adequate zoning, sometimes operating under Temporary Use Permits, other times in contravention of the Land Use Bylaw (with the exception of the Recycling Centre which is located in the Recycling Facility (RF) zone and is a permitted use within the Land Use Bylaw). Neither the Light Industrial (I1) nor the Industrial (I2) zones in LUB 103 permit waste transfer. New CRD restrictions on food waste at Hartland Landfill require consideration of community composting facilities. The CRD is undergoing a regional process to update its Integrated Solid Waste and Resource Management Plan and offering opportunities for a coordinated approach.

- * *To develop criteria for siting waste transfer facilities*
- * *To inventory existing industrial land.*
- * *To reach community consensus on the location and scope of waste management on NPI*
- * *To map proposed locations for current/future waste management facilities.*
- * *Collaboration with CRD to ensure a comprehensive understanding and approach.*

- *Define the scope of waste management uses on NPI (recycling, solid waste transfer, composting?)*
- *Inventory industrial zones & land currently used for waste management*
- *Evaluate land/sites according to research and criteria. Identify any new sites.*
- *Recommend OCP/LUB changes*

- *Regulating facility operations or operating guidelines*
- *Waste management considerations that are outside of LTC authority for land use planning.*
- *Comment on specific aspects of current rezoning's/TUPs*

Fiscal	Item	Cost
2015-16	OCP/LUB	\$3250.00
	* Detailed budget pending LTC direction on project approach.	
	Total	\$3250.00

Project Charter Work Plan Overview

Deliverable/Milestone	Date
1. Staff develop Terms of Reference for Special Advisory Planning Commission (SPAC) - identify timelines, budget, scope, resources, and guidelines.	April 30, 2015
2. LTC Advertise for volunteers to sit on a Special Advisory Planning Commission and appoint members	May 21, 2015
3. Inaugural meeting of Special APC – Background presentations and orientation by CRD and Islands Trust staff.	July, 2015
4. <u>Community Engagement Session #2: Understanding Waste Management – Roles and Responsibilities</u> (with technical assistance from CRD staff). Third party facilitation (either a consultant, assistance from an Islands Trust planner from another region, or volunteer facilitator from North Pender Island).	September, 2015
5. <u>Community Engagement Session #2:</u> • Scope and Define Waste Management on North Pender Island. What uses should be handled on the island? • Includes Community Survey either before, after or during session.	November, 2015
6. <u>Community Engagement Session #3:</u> • Presentation of background research in best practices, develop criteria for siting Waste Transfer Facilities (and composting?). • Inventory of Industrial land and existing waste transfer sites. • Group process to evaluate according to criteria. • Community mapping exercise to identify eligible land for waste transfer facilities. Could benefit from professional facilitator, community mapper.	February, 2016
7. Present Draft Report to Local Trust Committee, invite public feedback.	April, 2016
8. Final Report to Local Trust Committee	May, 2016

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ISLANDS TRUST
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NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION

MINUTES OF MEETING

THURSDAY, JUNE 25, 2009 (7:00 PM)

LIBRARY MEETING ROOM, NORTH PENDER ISLAND

COPIED TO

☒ PLANNER
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APC MEMBERS

PRESENT:

Dean Mills
Victor Jones
Rob Willingham
Don Harrison
Jan Kirkby

Chair
Deputy Chair
Member
Member
Member

STAFF:

Zorah Staar

APC Recording Secretary

REGRETS: None

PUBLIC: There were seven (7) members of the public present.

1. CALL TO ORDER & INTRODUCTIONS

Dean Mills, Chair of the Advisory Planning Commission (APC), called the meeting to order at 7:06 pm, and those present introduced themselves (including members of the public, Mike Burdett, Andy Nowak, Greg Nicholls, Julia Reilingh, Krys Kinowski, Shelley Nicholson, and David Williams).

2. AGENDA

Moved by Rob Willingham, seconded by Don Harrison, to adopt the proposed agenda as presented. CARRIED

3. MINUTES

Moved by Victor Jones, seconded by Jan Kirkby, to adopt the May 29, 2009 APC minutes as circulated. CARRIED

4. INITIAL APC COMMENTS RE: SOLID WASTE ISSUES

Chair Mills noted that on April 30/09, the North Pender Island Local Trust Committee (LTC) had referred for APC discussion the matter of solid waste issues on North Pender, including the following questions (based on an email from Island Planner Andrea Pickard):

- Should the LTC initiate a review of the land use bylaw to create a zone where waste collection is permitted and identify potential lands to designate as such;

- Should the LTC pursue with the CRD to develop a Solid Waste bylaw to regulate operators (or leave the existing practice as is, i.e. Temporary Use Permits).

The Chair invited APC Members to express any initial thoughts on the referral.

Rob Willingham and others said that they would be interested in hearing Andy Nowak of the Recycling Depot comment about the past Pender controversy re: solid waste issues (i.e. 20 years ago – see “Public Comments” below).

Victor Jones made initial comments including the following: that a graph of Pender contributions to the CRD’s Hartland Landfill showed ever-growing solid waste amounts, but with recycling not growing at the same rate (see Andy’s Nowak’s “Public Comments” for further information); that the North Pender Official Community Plan (OCP) included provisions to encourage waste reduction and recycling, which could be further developed; that a system requiring repeated Temporary Use Permit applicants from solid waste collection operators was lacking in certainty; that it would be better for North Pender to develop a more permanent overall plan re: dealing with solid waste; that to also have a CRD Solid Waste Bylaw developed (for further regulation of waste collectors) could take years, and wasn’t necessarily required; that the Hartland dump was apparently going to run out of space in 25-35 years, so we needed to be encouraging more recycling and doing long-range planning; and that the one complaint he’d heard from community members was that they felt like they paid taxes but didn’t get any garbage disposal.

Jan Kirkby wanted to know more about the Temporary Use Permit (TUP) process that had led to the current waste situation (see Mike Burdett’s “Public Comments” below).

Don Harrison made initial comments including the following: that we needed to see our recycling trend going up and other solid waste going down or flattening; that our OCP included the precautionary principle, which should guide any recommendations re: potential rezoning for solid waste collection/transfer; that Harrison had looked at 4 potential sites for this activity (“The Yard” on Port Washington Road, the Driftwood Centre, the Max Allen property next to the Recycling Depot, and the Medicine Beach/Magic Lake store property); that he suggested ranking these areas based on a number of parameters (e.g. relative groundwater/aquifer contamination risks, proximity to residential areas, potential for development, transportation efficiencies, etc.); that (for example) the Port Wash site is on the divide between the Port Wash and Hope Bay groundwater regions, and there is potential for watershed contamination migrating both east and west; that further re: waste, Hartland did an audit every two years; and that it would be useful to see a Pender audit of solid waste activity (see Mike Burdett’s “Public Comments” below).

Dean Mills made comments including the following: that it was important to differentiate between business and residential solid waste; that it was paramount for health and safety to be taken care of; that he did not perceive any safety issues with solid waste collection here at the moment; that it could be a good thing for private businesses to collect solid waste, but this needed to be consistent with the OCP environmental

standards; and that he noted there was not yet any longterm plan re: handling solid waste on North Pender.

In response to a question about how South Pender fit in with any such planning, APC Recording Secretary Zorah Staar said it was her understanding from discussions at a previous LTC Meeting that a CRD Solid Waste Bylaw could be developed to regulate operators on both North and South Pender, and that a prerequisite for development of such a bylaw would be the resolution of local land use planning issues (e.g. re: zoning) and also a demonstrated need for the additional step of creating a CRD Bylaw to further regulate operators.

In response, Don Harrison and others said we should be planning proactively and based on the precautionary principle as directed by North Pender's OCP, and not waiting until there were problems with solid waste collection here before we sought and received assistance from the CRD.

5. PUBLIC COMMENTS

There was a degree of informal exchange back and forth throughout the meeting, but at this point APC Chair Dean Mills formally invited members of the public to comment, and this is a summary of the information shared.

Mike Burdett made comments including the following: that he was the owner of Pender Islands Waste Management, including "The Yard" TUP on Port Washington (recently renewed), and the larger waste collection business purchased from Ron Henshaw; that Burdett had also agreed with Davie Rae to handle the waste transfer under the new Driftwood Centre TUP; that he was about to start handling Poet's Cove waste; that Burdett had started taking waste from "The Yard" and other sources over to the industrially zoned Max Allen property beside the Recycling Depot, prior to it going off island; that in terms of potentially rezoning a permanent site for solid waste transfer, both the Port Wash site and the Allen property had complications at this time (the former re: size and lack of current industrial zoning, and the latter because Max Allen did not currently want the public coming to his property to drop off waste); that since January, 2009, Burdett had managed to consolidate the majority of the Pender waste collection business; that he was optimistic about further developments and further land use applications, to resolve the remaining complications; that he was keeping the two island Trustees informed of his progress; and that he believed things were moving in the right direction.

In response to Don Harrison's comment about an audit of Pender solid waste, Mike Burdett made additional comments as follows: that a lot of the waste coming off the island right now was from house reconstruction, i.e. torn-off roofs and other housing materials; that Burdett's business was extremely busy and growing very quickly, with materials being sorted and billed by reference to their type; that at the end of the year, Burdett would probably be able to summarize the types of waste handled (by weight);

that a lot of the waste now coming into the bin at the Medicine Beach Liquor Store was what used to be picked up from houses, and it was much greater in volume than the waste being dropped off at the Driftwood Centre; that the people living nearby (i.e. Magic Lake) seemed to prefer the convenience of dropping off waste when it was bagged, instead of trying to remember which day to put it out for collection; and that Burdett acknowledged the importance of encouraging recycling throughout the whole waste collection process.

Andy Nowak, Manager of the Pender Recycling Depot, made comments including the following (speaking only for himself and not on behalf of the Recycling Society): that in 1988, the CRD proposed a Pender waste transfer station, to be funded by property taxes, run by off-island contractors, and with no initial provision for recycling; that this proposal generated a great deal of controversy (due to the lack of recycling and also taking business from Pender waste collector Jon Spalding); that the related CRD referendum was defeated and the Pender Recycling Society and Depot were subsequently created (25th anniversary this year); that the CRD graph re: Pender waste (previously mentioned) was probably an underestimate of both solid waste and recycling, because of Pender people who took these materials to other sites besides the Pender Recycling Depot and/or the Hartland dump, or who just burned or buried it; that the graph's recycling was also underestimated because it did not include some Pender materials further separated and sorted at a commercial facility on Vancouver Island; that another big issue was how much of the waste on Pender was not generated by residents, but rather by Poet's Cove (formerly Bedwell Harbour Resort, accounting for up to 40% of waste); that in Nowak's opinion, Mike Burdett was providing a high quality service which complemented the work of the Recycling Depot, and potentially lessened the burying or burning of waste (e.g. by providing bins at construction sites); that the Depot was required by the CRD to be for residential waste only, but a minimal amount of waste from small businesses was allowed; and that the Recycling Depot was funded by Pender tipping fees from Hartland, and not from property taxes.

In response to questions from APC Members, Andy Nowak made additional comments including the following: that re: organic waste, Pender did not have the population and the Recycling Depot did not have the space to offer proper large-scale composting; that it would be better to put energy and education into promoting backyard composting; that re: increasing Pender recycling, a big question was whether there was a market for particular recycled materials, failing which there was no point in collecting them; that to a large degree, materials eligible for recycling also depended on provincial regulations, which were supposed to be added to next year; that Pender recycling in 2008 was 230 tons; that the Recycling Depot had twice as much business in July and August, largely from visitors who stayed at length; that Nowak did see a need for a Pender waste transfer station at this time; that he felt it would be fairer and appropriate for such a station to be private rather than funded by property taxes, because the resulting user fees would provide a greater incentive to reduce and recycle; that re: developing a CRD Solid Waste Bylaw, he would not favour this because of the great time and expense involved when Salt Spring went through this process (i.e. their recycling centre was required to come under the Bylaw, e.g. to pave everything); that the SSI Bylaw did not

seem to have changed the problems with non-conforming operators, and it was not needed for the conscientious operators.

Greg Nicholls handed in 4 written submissions (see attached) from himself and other residents of Port Washington Road, and he made comments including the following: that perhaps Pender did need a waste transfer station, but he and the other submitters did not believe such a station should be located at "The Yard" on Port Washington Road; that a site near the Recycling Depot would be better, to encourage recycling and involve no extra driving; that Port Wash was primarily a residential and recreational area (i.e. with people coming from other parts of the island to cycle and walk); that it was not an appropriate location for garbage from around the island to be dropped off; that Nicholls believed "The Yard" was very well run by Mike Burdett, but it could easily grow significantly and then be sold to another person who might not run it in the same manner; and that it was essential to start off with any transfer station in the right location, to accommodate future growth in an appropriate manner.

Julia Reilingh (another of the Port Wash submitters) made comments including the following: that she was concerned about the potential impact of a Port Wash transfer station on water quality and the local wells; that "transfer station" was a euphemism; that garbage was a major problem in our world and on our island, in terms of the resulting pollution, rats, and other consequences; that we needed to prevent such problems before they happened; that she supported the gathering of more information, e.g. about current and potential impacts of our waste on ecologically sensitive areas; that there should also be a real educational element, with the focus on reducing garbage instead of making money from it; and that where money was involved, this could be an incentive for creating more garbage.

APC Member Victor Jones mentioned comments he had heard from the Local Trustees, to the effect that "The Yard" appeared to be very well run at the present time. Don Harrison said that prior to the first TUP for this waste transfer site, there had been a petition with 120 names in opposition to it. This has led the Local Trust Committee to apply stringent TUP conditions for Mike Burdett to meet. Since then, there were still some informal complaints (e.g. re: the odd bag of garbage left overnight), but seemingly less controversy.

In response to the above, Mike Burdett made comments including the following: that there were other past and potential sources of leachate from properties located near the "The Yard"; that he'd been told his own facility was meeting or exceeding CRD standards for waste storage, leachate, etc.; that now up to 95% of his waste material was going through the Max Allen property before going off island; that he might well be applying for a TUP for that property in future, if he could work out certain matters; that he felt the Max Allen property was a better site for a waste transfer station, because it was larger and already had industrial zoning; and that it was up to the Pender population to come to a consensus about where it wanted its waste collection and transfer to occur.

6. APC DISCUSSION RE: SOLID WASTE ISSUES

APC Members focused on the two questions arising from the LTC referral, namely:

- Should the LTC initiate a review of the land use bylaw to create a zone where waste collection is permitted and identify potential lands to designate as such;
- Should the LTC pursue with the CRD to develop a Solid Waste bylaw to regulate operators (or leave the existing practice as is, i.e. Temporary Use Permits).

Victor Jones made comments including the following: that these questions were perhaps premature; that before answering them, we needed an overall plan on the system we wanted for solid waste management, based on more data and information about how things were developing, and a public process; that he also suggested amending the current solid waste provisions of the OCP (to develop them in line with the plan); that then the land use issue of rezoning a solid waste site could be considered by the LTC; that adding a CRD Solid Waste Bylaw would be complex, and he wasn't sure this additional regulation of operators would be necessary; that another issue was distinguishing between waste or recycling pick-up, drop-off, storage and/or transfer, which didn't all have to be at the same location, but which should all be dealt with in a solid waste management plan; that composting was also important (e.g. with the new high-tech composting machines now coming available); and that public education was key to all of this.

Don Harrison made comments including the following: that both Metro Vancouver and Victoria were trying to greatly decrease solid waste through a program called the "Zero Waste Challenge" (e.g. in Metro Vancouver's case they currently have about 55% diversion from landfill and are looking to increase that to 70% by recycling, whereas Pender's recycling is about 25-30% based on available data); that it was timely for Pender to be thinking in these terms as well; that waste transfer was a service we needed, otherwise more garbage might be burned or buried; that Harrison would answer yes to the first question (i.e. re: rezoning a site for waste collection); that this would provide greater certainty and discourage unauthorized and uncontrolled waste collection operators; and that (re: question two), Pender should not be deterred by the controversy on Salt Spring, but rather could learn from it and avoid Salt Spring's mistakes if/when considering a CRD Solid Waste Bylaw.

Rob Willingham commented as follows: that having waste transfer services didn't mean some people wouldn't continue to burn or bury waste or make their own landfills (like the 2000 cubic yard site he once discovered); that in addition to residents, some island businesses and even government agencies had also been sources of significant contamination here (e.g. past open storage of toxic coated hydro poles); that there were variable degrees of honesty and openness on the issue of waste/contamination; and that Willingham felt he needed more time to speak with others in the community, before he could form an opinion on the first question (re: rezoning for a waste transfer station).

Dean Mills made comments including the following: that he liked the clarity of having a recognized zoning for a waste transfer station; that he wondered why this issue was not further addressed in the OCP, and suggested considering OCP amendments; that gathering more information and data about Pender waste could be extremely useful; that he also wondered if there were only two potential sites for a permanent waste transfer station; and that developing a long-term solid waste management plan was necessary.

Jan Kirkby made comments including the following: that having a bin to collect waste at the Magic Lake store area was not necessarily required because most people went on to the Driftwood Centre at some point anyway; that the current OCP did not say much about solid waste; and that it was important to start with a vision in the OCP (i.e. thinking big picture and long-term) before developing Land Use Bylaw provisions.

Andy Nowak then commented as follows: that in reality there were very limited available sites on this island for light industrial activities (such as a waste transfer station); that he was concerned about the community creating greater complexity re: the handling of solid waste issues than was necessary; that in his opinion, rezoning under our Land Use Bylaw could adequately deal with the "nitty-gritty" of waste transfer station issues, without the need for OCP amendments or a CRD Solid Waste Bylaw.

Don Harrison made a comment that solid waste collection, transfer, and off-island transport is a "for profit" operation run by an independent contractor. For such a business model to survive and thrive, it would be dependent on *increasing* rates of solid waste on the Penders. This is contrary to the efforts of the Pender Recycling Society, Vancouver and Victoria as mentioned earlier, and the trend of society as a whole, who are trying to *decrease* the amount of solid waste generated and going to landfill.

APC Chair Mills noted that all of the above comments and questions would be going back to the Local Trust Committee. In terms of any APC consensus, there was a general feeling that the solid waste issue had been usefully discussed by the APC and community members present, and that it was now up to the LTC to consider what the next part of the process should look like.

More specifically, Dean Mills, Jan Kirkby and Don Harrison would give a "yes" to the first question about the LTC initiating "a review of the land use bylaw to create a zone where waste collection is permitted and identify potential lands to designate as such". Rob Willingham and Victor Jones were not there yet (for the reasons explained above), and Willingham also felt it would be useful to hear more about the intentions of the Trustees.

With regard to the second question (re: the LTC pursuing the development of a CRD Solid Waste bylaw to regulate operators), Victor Jones felt this was premature, Don Harrison was more in favour of considering it, Rob Willingham felt education was what was needed, and the other APC Members did not specifically express an opinion.

The final comments included the following concerns: that the islands could be cut off from Hartland waste services in the future; that the Allen property beside the Recycling Depot might not indefinitely be available for waste transfer, and then what?; that a private waste service could go out of business at any time; that perhaps the community

should own its own waste transfer site, e.g. set up a non-profit Society for this; that how would land then be acquired for this purpose?; and that (above all), it was very important for all solid waste transfer to be connected with maximum recycling.

7. NEXT MEETING

There was no next APC meeting planned. The APC would wait for the LTC to consider these minutes and to advise on a further meeting.

8. ADJOURNMENT

Moved by Victor Jones, that the meeting be adjourned at 9:33 pm. CARRIED

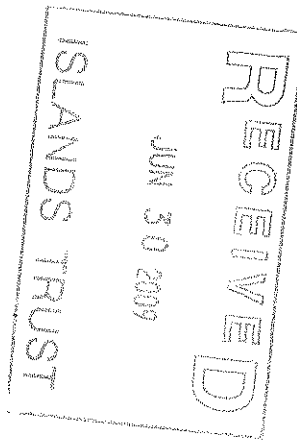


Chair



Date adopted /

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
FRIDAY, MAY 29, 2009 (12:30 PM)
LTC OFFICE, DRIFTWOOD CENTRE (NORTH PENDER ISLAND)**



**APC MEMBERS
PRESENT:**

Dean Mills
Victor Jones
Rob Willingham
Don Harrison
Jan Kirkby

Chair
Deputy Chair
Member
Member
Member

TRUSTEES/STAFF:

Gary Steeves
Zorah Staar
Andrea Pickard
David Marlor

Trustee
APC Recording Secretary
Island Planner
Regional Planning Manager

REGRETS: None

PUBLIC: None

1. CALL TO ORDER

This being a newly-appointed Advisory Planning Commission (APC) with no Chair yet elected, the meeting was called to order at 12:30 pm by Recording Secretary Zorah Staar.

2. APPROVAL OF AGENDA

The proposed agenda was approved by consensus.

3. INTRODUCTIONS

Zorah Staar said that she had been the Recording Secretary for the North Pender Island Local Trust Committee and also the Advisory Planning Commission, for the past 8 years.

Dean Mills said that he was interested in maintaining the Pender way of life, and that he had a past career in both government and private industry.

Don Harrison said that he was the Treasurer of the Moving Around Pender Transportation Society (MAP), and that he worked in geology and hydro-geology.

Jan Kirkby said that she had worked as an ecologist for both the provincial and federal governments, and was most interested in sensitive ecosystem mapping as it related to land use and conservation.

Victor Jones said that he was interested in life on Pender, the Community Plan, and broader input (e.g. by the APC reaching out to the community). His past work was in mineral exploration and technology.

Rob Willingham said that he was a part-time farmer, with a big interest in food security and how agriculture fits in with the community.

Gary Steeves introduced himself as one of the Trustees of the North Pender Island Local Trust Committee (LTC).

Andrea Pickard said that she was the new Islands Trust Planner for both North and South Pender, and that she lived in Victoria. David Marlor said that he was the Islands Trust Regional Planning Manager for the Southern Group of islands.

4. APC ORIENTATION

By the consensus of the group, the agenda was amended to have the APC orientation discussion occur prior to the election of the Chair and Deputy Chair.

APC Members had previously received orientation materials, and now David Marlor made a related presentation including review of the following:

- Islands Trust Act, mandate to preserve and protect, and Policy Statement (re: ecosystem protection, stewardship and sustainability), all of which could provide guidance to an Advisory Planning Commission;
- Islands Trust structure (i.e. 26 Local Trustees, an Executive Committee, and associated Trust Fund Board for conservation activities);
- Local Trust Committee's sole responsibility for land use planning (including long-range and day-to-day, each based on "preserve and protect" mandate);
- APC's role as an advisory body of the LTC, sitting only when matters were referred for discussion and advice, which the LTC had no obligation to follow;
- APC Bylaw provisions covering role of APC Chair, Secretary, and other process issues, e.g. Chair to conduct meetings in a fair and public manner (loosely following Robert's Rules of Order), but as a full participant;
- Chair also to make at least a brief time for public participation at each meeting, as well as presentations by applicants on referred applications.

During the discussions that followed, it was requested that any APC referral materials be sent or given directly to APC Members. It was also confirmed that APC Members could ask the Local Trustees to refer a matter to them, if this seemed potentially useful.

Trustee Gary Steeves said both he and Trustee Masselink felt that the APC had been under-utilized in the past, and that they were now interested in referring broader issues for APC analysis. The APC could be requested to explore certain topics and consult with people and organizations to bring recommendations back to the Trustees. The Trustees had also decided to discontinue specialized APC's for the moment, focusing discussion instead within a general APC.

APC Member Don Harrison circulated a written submission (attached) with his suggestions about APC meeting and minute protocols, which was largely consistent with the above except that it also supported public speakers making written submissions to the APC, which would then (it was suggested) be attached to the APC minutes.

5. ELECTION OF CHAIR & DEPUTY CHAIR

Jan Kirkby nominated Victor Jones for the role of APC Chair. Don Harrison nominated Dean Mills for the same role. Victor Jones said he would be happy instead to serve as Deputy Chair, and to support Dean Mills as Chair.

There were no other nominations, so Dean Mills was acclaimed as APC Chair for this term, and Victor Jones was acclaimed as APC Deputy Chair.

6. APPROVAL OF PAST MINUTES

Rob Willingham (past and current APC Member) affirmed the accuracy of the minutes of the most recent APC meeting (on September 15, 2008).

Moved by Rob Willingham, seconded by Victor Jones, that the APC Minutes of September 15, 2008 be approved as presented. CARRIED (1 in favour, 4 abstaining, which counts as voting in favour)

7. NEXT MEETING (RE: SOLID WASTE MANAGEMENT)

It was noted that past APC's usually had a monthly meeting slot, but with meetings only going ahead if a matter had been referred by the LTC.

At their April, 2009 meeting, the Trustees had officially referred to the APC the matter of solid waste management on North Pender Island, specifically whether the CRD Electoral Area Director should be asked to explore creating a Solid Waste Bylaw for regulation of such operations on Pender.

Island Planner Andrea Pickard distributed copies of the Preliminary Staff Report that she had prepared, summarizing context and background information and listing some options for the Trustees.

Trustee Gary Steeves made comments including the following: that right now, we had two North Pender sites with Temporary Use Permits for solid waste transfer (on Port Washington Road and at the Driftwood Centre), a Recycling Centre supported by zoning, and another solid waste transfer site happening without a permit or zoning; that the CRD could consider creating a Solid Waste Bylaw to regulate these operators, but only if there was a demonstrated need, and if the Local Trust Committee had dealt with the related land use issues (e.g. by appropriate zoning); that Steeves was interested in the APC having at least a couple of meetings to discuss (broadly) how the North Pender community should deal with solid waste in a responsible manner; that this discussion could include the APC inviting solid waste operators, major waste producers, and other stakeholders and community members to attend APC meetings to comment; that the resulting APC recommendations to the LTC could take the most workable form for APC Members (e.g. minutes, or a more focused report).

At this point, Islands Trust staff Andrea Pickard and David Marlor had to leave the meeting to catch a ferry.

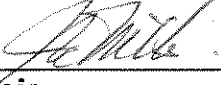
APC Members then made suggestions including the following: inviting Andy Nowak of the Recycling Centre to come speak to the APC; asking CRD Electoral Area Director Ken Hancock for any available CRD data on North Pender solid waste (note also the data in the CRD's annual Solid Waste Report); capturing some peak season input on solid waste by gathering information during the summer; and sending a notice directly to solid waste operators, businesses (e.g. Chamber of Commerce), other waste producers, and relevant community groups and members, to invite them to a future APC meeting to discuss solid waste issues.

Trustee Steeves was supportive of these suggestions. Recording Secretary Zorah Staar agreed to ask Trustee Derek Masselink for the list of community organizations that the Trustees had recently used to mail out the Affordable Housing Report (for the APC to pick out and invite organizations potentially interested in solid waste issues).

There was general agreement to have the first APC Meeting re: solid waste on Thursday, June 25, 2009 (7:00 pm, Library Meeting Room), and to invite specific organizations and individuals to speak. The Chair will draft an agenda. As for follow-up meetings on solid waste, there were no weekday slots where all of those present were available, other than Monday afternoons (1 – 4 pm) as a possibility. Having a weekend meeting was not yet discussed, before those present had to leave.

8. ADJOURNMENT

Moved by Rob Willingham, seconded by Don Harrison, that the meeting be adjourned at approximately 2:13 pm. CARRIED


Chair

JUNE 25/09
Date adopted

ATTACHMENT TO MAY 29, 2009 APC MINUTES

North Pender APC Meeting

May 29, 2009

Recommendations by Don Harrison, re: APC meeting and minutes protocols:

- I. APC meeting and minutes are to broadly follow guidelines in Robert's Rules of Order and the APC minutes shall include the substance of AP Commissioner's verbal submissions, complementing a basic record of the proceedings;
- II. APC meetings shall begin with a draft agenda. The chair shall invite members of the public to address the APC by oral or written submission (or both), regarding one or more items on the agenda. The public input portion of the APC meeting will last at most 20 minutes. The chair will allot an equal share of available time to each member of the public. Speakers are encouraged to submit a typed submission of their oral submission to the recording secretary. Ideally this should be followed up with an electronic version sent to the recording secretary;
- III. A written submission presented at the public input portion of APC meeting, or by a current AP Commissioner that is relevant to the agenda of that APC meeting shall be appended to the minutes of that APC meeting and shall be part of the formal public record of the meeting.

Date: March 17, 2015

File No.: 6500-20-Housing

To: North Pender Island Local Trust Committee
For the meeting of March 26, 2015

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: LTC Top Priority - Housing

Preliminary Report

The purpose of this report is to introduce the topic of housing as an LTC Top Priority and seek direction on prioritizing potential options before further proposing a scope of work and Project Charter.

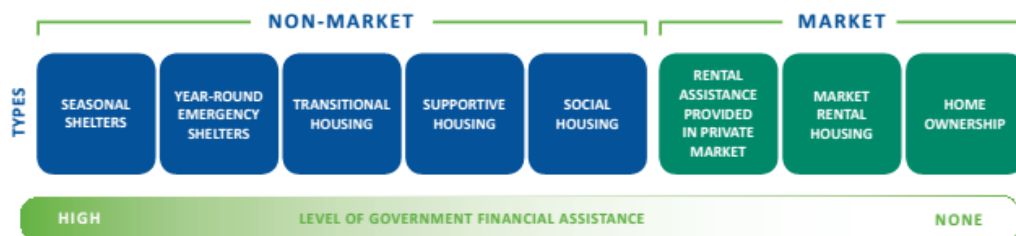
Project Objectives

The objective of this project is to engage a community planning process and consider options to improve the stock, availability, and impacts of affordable housing on North Pender Island. Included in this process will be discussion of the links between housing affordability, the local economy, and tourism through consideration of commercial accommodation units (short term vacation rentals) in residential zones.

Project Background

The subject of housing is wide in scope and has been decided on as a top priority by the North Pender Island Local Trust Committee to enable policy work that ranges from consideration of the island's stock of affordable housing to the use of North Pender's residential housing stock for vacation rentals by visitors.

Affordable housing is provincially defined as housing that can be afforded with 30% of a household's gross income. Affordable housing in many places is generally understood as a continuum which includes shelters and social housing enabled through public funding on one end, and market rental or ownership housing at the other extreme.



Not all types of affordable housing exist on North Pender Island, where there has not been public investment in high density social housing projects. Generally, on Pender and throughout the Gulf

Islands, affordable housing has been achieved ad-hoc and often on a “do it yourself” basis, as can be seen in the informal housing stock, the number of travel trailers, illegal cabins, and live aboard boats that people rely on as their homes.

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:

- 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

Affordable Housing Agreements

It is important to understand how the affordability of privately owned housing can be controlled under provincial legislation. Within the zoning powers of the Local Trust Committee there exists considerable control over the density of the island, subject to Official Community Plan. However, in the context of affordable housing, the LTC cannot use zoning to control rental rates or housing resale prices, and it cannot use zoning to ensure affordable housing is used by those within the income range of need. Under section 905 of the Local Government Act, the LTC can adopt housing agreement bylaws and use restrictive covenants to ensure rent controls, resale caps, and to specify who can live in the affordable housing unit. Despite having this authority, it is not always feasible or practical for LTC’s adopt such bylaws. This aspect of affordable housing is essential to LTC policies and should be explored in more detail in a future report.

Short Term Vacation Rentals:

The term “short-term vacation rental” has come to be used to refer to the practice of renting a single family dwelling, or cottage, for periods of less than 30-days at a time for the purpose of providing transient accommodation. As a matter of general zoning principle, this type of activity is considered a commercial use of land rather than a residential use. A residential use typically involves, either explicitly or by implication, the use of a building as a permanent or seasonal domicile by an individual or group of individuals. Conversely, the provision of temporary accommodation, in return for a fee, to members of the public who maintain a permanent residence elsewhere is usually considered to be a commercial use and is permitted on land zoned accordingly. However, there is

no intrinsic reason why commercial activities, such as short-term vacation rentals, cannot be permitted on land that is otherwise zoned residential, provided the regulations permit the use.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

This project will be reviewed for consistency with the Trust Council strategic plan once it has been established.

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.

North Pender Island Official Community Plan, Bylaw 171 (2007)

Appendix 1 includes relevant policy excerpts from the North Pender Island Official Community Plan (OCP). The OCP addresses affordable housing under Section 2.3: Community Service Lands. In general the policies support the creation of affordable housing by individual rezoning applications where there is a housing agreement to ensure the affordability of the housing.

The OCP addresses short term vacation rentals of residential zones in the policies specific to the residential land use designations. For the Rural and Rural Residential zones, the OCP states:

Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

The OCP also has the following background information on the supply of commercial accommodation units:

The amount of tourist-commercial designated and zoned property has not increased since the mid-1970's. At present there are 8 such properties. In 1991 the number of accommodation units permitted per acre was reduced to prevent large scale resort developments and in 1999 the Land Use Bylaw established site-specific zoning regulations for retail uses and tourist accommodation unit densities. The current zoning would permit 208 commercial guest accommodation units; as of 2005, 58 have been developed (OCP p. 36).

There is also provision under OCP Section 2.2: Agricultural Land Uses for agri-tourist accommodations in Agricultural zones.

Land Use Bylaw

Please refer to Appendix 2 for excerpts from the North Pender Island Land Use Bylaw (LUB). The LUB does not define affordable housing or permit secondary suites. The LUB does not currently permit commercial accommodation uses in residential zones, with the exception of Bed and Breakfasts which are permitted as accessory uses and considered home occupations. The LUB prohibits the residential use of moored vessels. In the Agricultural zones the LUB permits and regulates agri-tourist accommodation.

Analysis

The subject of affordable housing can include consideration of deed restricted or rent controlled affordable housing, small unit market housing, or alternative housing arrangements using different forms of tenure. All types of affordable housing can take shape using different housing types such as cottages, suites, multi-family dwellings, and informal housing (accessory buildings, yurts, trailers, boats, cob houses etc.).

Likewise, tourist accommodations could also be provided within a variety of housing forms and types. It important to observe that the use of the island's housing stock evolves and shifts with changing circumstances: personal, economic, and demographic; from this perspective the issues of affordable housing and residential vacation rentals are related. This intersection of residential and commercial housing use is explored in Figure 1 below.

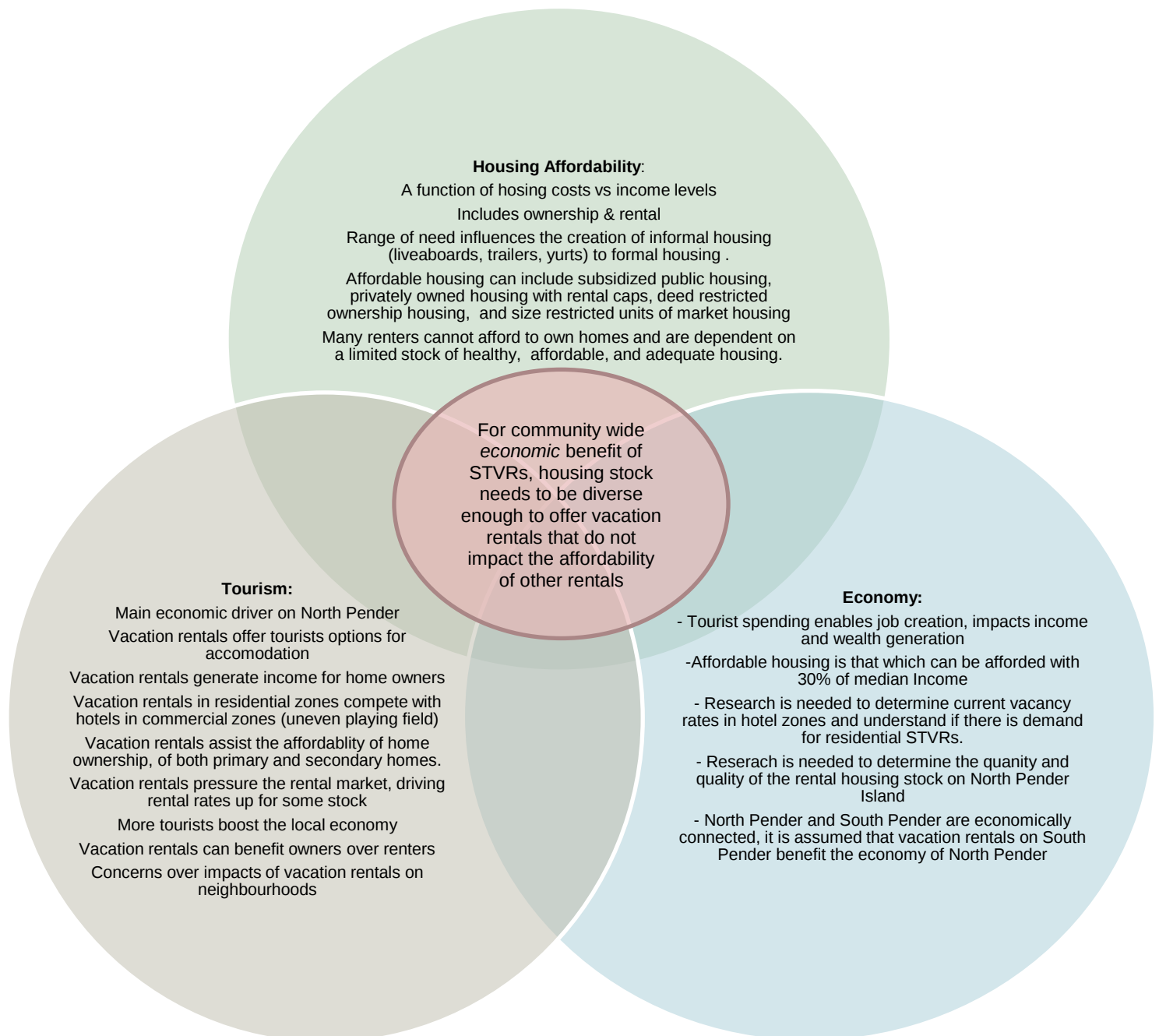
Short term vacation rentals can involve positive direct and indirect economic benefits; indirect benefits result from the local tourist spending, while direct benefits include the revenue from what is often an otherwise vacant property. Note the benefits of direct revenue are limited to those who own the vacation property and should not be considered a benefit to the community as a whole.

Short term vacation rentals are often considered as distinct from residential use by the land use impacts felt by the community: noise, traffic, parking, water use, garbage, loss of affordable rental stock and undermining the sense of community that exists on the islands. While is normal on the gulf islands for home owners to occasionally 'lend' their homes to others for a short holiday and to collect a fee, a distinction is drawn when property owners operate in an overtly commercial manner by advertising (e.g. brochures, internet, etc.), use property managers, or operate more than one STVR. There have been a number of court decisions (e.g. *North Pender Island Local Trust Committee v. Conconi*) in BC that have clarified the distinction between residential and accommodation uses, including STVR uses specifically.

Historically it has been argued that permitting short-term vacation rentals would result in a reduction in the stock of affordable rental housing, as units that are otherwise rented on a monthly basis are diverted to short term vacation rentals, where returns are higher. The 2008 Task Force found that "due to the island's recreation focus, seasonal rentals result in higher rental rates for year round

residents. The survey indicates that major Island tourism facilities take rental properties out of the available rental market for use by their employees.” A deeper look at the housing stock is needed to better understand the relationship between residential rental rates and vacation rental demand. While house prices would be expected to rise if higher rents could be generated by short term rentals, the market for more affordable housing and those suitable for short term rental may be only indirectly related.

Interconnections: Housing Affordability, Tourism, and Economy



Islands Trust is given land use authorities under Part 26 of the Local Government Act and under the Islands Trust Act. Within this legislation there exists provisions for a variety of planning tools that can be used to tailor land use regulations to accommodate affordable housing and short term vacation rentals.

Future staff reports can expand on the implications for available regulatory options for both affordable housing and STVRs. For STVRs, there are a number of ways the LTC could regulate commercial accommodation within residential zones through OCP and LUB amendments:

- Permit STVRs as principle uses in residential zones
- Permit STVRs as accessory uses in residential zones (would require a principle use to be taking place on the property)
- Regulate commercial uses as home based businesses (also an accessory use)
- Amend the OCP to include Temporary Use Permit guidelines specific to STVRs
- Permit by rezoning (OCP support, onus on property owner)
- Continue to not permit STVRs

Currently, South Pender Island, Galiano Island and Hornby Island are the only islands in the Trust Area where STVR use is legal. Hornby Island refers to them as Vacation Home Rental Uses and made amendments to their OCP and LUB to accommodate them. Saturna Island permits STVR of cottages as a home occupation. Some islands such as Mayne and Gabriola Islands have permitted STVRs to be established through a Temporary Use Permit (TUP). On North Pender Island, Temporary Use Permits can currently be used to authorize individual vacation rental businesses, but without specific OCP guidelines the LTC does not have tailor made community expectations to impose through a permit.

Affordable housing would be most appropriately provided through a range of policies that encourage the use of existing housing stock for secondary units, development of rent controlled or deed restricted multiple-unit housing (using housing agreements to ensure affordability) and by using more complex zoning tools to encourage the development of affordable housing. The available planning tools can be examined in a subsequent report once the scope of this project has been refined.

Project Scope and Timeline

This project is broad in its stated objectives. Approaching the project in a manageable way could be done according to the following options:

Option 1: Comprehensive Approach

Break down subjects to consider the types of housing separately from the use of the housing, and address both questions concurrently.

Consideration of Housing Types: Finding the right mix for NPI

- Cottages
- Secondary Suites
- Mixed Use zones
- Multi-family
- Informal Housing (live aboard boats, trailers, yurts, tree houses, tiny homes, etc)
- Reconsidering density – total floor area versus number of dwelling units
- LUB/OCP amendments where desired

Consideration of Use: What should housing be used for?

- Affordable housing
- Short term vacation rentals

- Other uses of residential units
- Regulatory tools to manage impacts
- Tools to ensure affordability, to incentivize affordable housing development, and to encourage safe and adequate housing.
- Partnerships with other agencies and community groups
- Geographic considerations
- LUB/OCP amendments where desired

The topics can be addressed in Special LTC meetings, held every 6-8 weeks with issue specific agendas, and alternating between topics. The LTC should consider carefully the wisdom of this approach and seek advice from the Advisory Planning Commission. The approach offers a manageable way to address issues comprehensively and have wide ranging conversations with the community. The drawbacks would include a slower sense of momentum until final decisions are made. Additionally, flipping between subjects –each of which are likely to generate a lot of community interest and perhaps concern – could be confusing and frustrating for some community members. Concerns over short term vacation rentals may overwhelm those concerned with affordable housing, or visa versa.

Option 2: Phased Approach

The alternative would be to use a phased approach and to address affordable housing and short term vacation rentals separately. As both issues may generate emotional responses from impacted community members, addressing the issues separately would allow more focus on the concerns and solutions that are specific to each topic. This would also enable the LTC to complete one subject before starting the other, giving the LTC a sense of completion.

Resources and Roles

The North Pender Island LTC has been assigned a total of \$9000 for project work during 2015-16. Of this, \$3,250 could be allocated for OCP and LUB amendments related to the housing top priority. In-kind staff resources include planning and administrative services. A detailed budget will be developed with the project charter, once the LTC has given further direction on the direction and scope of this project.

Communications and Community Consultation

As the project could involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. As the project progresses, consultation with specific agencies may emerge as a priority.

Also, this project is likely to generate much community input with impacts that could affect the community in general. It is well understood that good policy is based on broad community input. Community participation not only informs policy development but also creates an informed public about the issues, fostering good understanding of policy direction. Staff advise a high level of community engagement with meaningful public involvement. Effective community engagement will build understanding, knowledge, and generate solutions for addressing the range of issues presented. Some methods of engagement available within the budget are:

- On-line survey (\$)
- On-line Discussion Groups (\$\$)
- Workshop (\$\$\$)
- Open houses (\$\$\$)
- Town hall meetings (\$\$)
- Expert Panel (\$\$\$\$)

- Volunteer focus groups (\$\$)
- World Café (\$\$\$)

Project Charter

With advice from the Advisory Planning Commission and more direction from the LTC, project charter(s) can be brought forward presenting more detailed objectives, scope and timelines.

Next Steps

Next steps include:

1. Discussion of preferred approach, narrowing scope
2. Getting feedback from APC
3. Project Charter(s) with work plan and budget scoped out.

Summary of Planning Recommendations

The broad nature of the housing top priority can be addressed in a variety of ways. This staff report presents two options for discussion. Option 1 is a comprehensive approach that would look at housing types separately from their uses. Option 2 presents a phased approach where short term vacation rentals and affordable housing would be looked at as distinct phases of the project.

Both recommended approaches will generate community interest; using the Advisory Planning Commission as a sounding board at this juncture will assist the LTC in setting a course and will initiate a community driven process from the outset. With the results of current LTC deliberations and advice from the Advisory Planning Commission, staff can refine the strategic approach to the Housing Top Priority and propose one or more Project Charters to achieve LTC objectives.

Recommendations:

1. THAT the North Pender Island Local Trust Committee refer the staff report dated March 17, 2015 to the Advisory Planning Commission for feedback on options for approaching the Housing Top Priority.
2. THAT the North Pender Island Local Trust Committee direct staff to return with one or more project charters that refine the scope of the housing top priority.

Prepared and Submitted by:

Justine Starke, Island Planner

March 17, 2015

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.

2.1.1.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

Rural Policies

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

2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

Affordable Housing Policies

2.1.F Subject to policies in Subsection 2.3 of this plan (Seniors and AffordableHousing policies) consideration may be given to applications to rezone land within the Rural Residential and Rural designations to a higher density where the additional density takes the form of seniors and affordable housing.

2.3.20 Applications for rezoning to a higher density than permitted by current zoning may be considered within the Rural Residential or Rural land use designations, subject to the other policies in this plan, if the application would result in the provision of affordable housing and a housing agreement.

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.

2.3.22 Applications for rezoning to a higher density to permit affordable housing may involve units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing.

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

2.3.24 The form and character of any development may be controlled through designation as a development permit area or through the granting of a covenant.

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

2.3.26 Applications for affordable housing shall include provision of a housing agreement ensuring that rental, lease, sale or share prices are fixed below average rates within the region.

2.3.27 Applications for affordable housing may also include provisions in the housing agreement limiting occupancy of the dwellings to rental, lease, co-housing or cooperative tenure.

2.3.28 Rezoning applications may be considered that would permit the creation an additional fee simple lot where one affordable dwelling is to be constructed by a non-profit organization on that lot.

2.3.29 All applications for affordable housing shall site development on land with modified ecosystems and the development shall be in proximity and accessible to existing roads and services.

Commercial Land Uses

2.4.16 The Local Trust Committee will support efforts to develop a tourism plan that provides for mutual benefits for the community and for visitors, promotes an economically diverse community and that is compatible with the conservation of resources and the protection of community character and values.

2.4.17 No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.

2.4.18 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.

2.4.19 Regulations should limit the residential use of commercial guest accommodation units.

Appendix 2:

North Pender Island Land Use Bylaw 103

Definitions:

"bed and breakfast" means a home business comprising the provision of sleeping accommodation and a morning meal to paying guests.

"commercial guest accommodation unit" means a room or suite of rooms in a hotel, motel or lodge, not exceeding 56 m² in total floor area and containing not more than two bedrooms, used for the temporary accommodation of travelers.

"dwelling" means a building used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

"home business" means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use."

"motel" means a building containing commercial guest accommodation units each of which has a separate entrance from the exterior of the building

"multiple-family dwelling" means a building used as a residence for two or more households.

"mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard."

3.5.8 The following additional regulations apply to bed and breakfast home businesses:

- (1) not more than 6 guests may be accommodated at any one time;*
- (2) not more than 3 bedrooms may be used to accommodate guests;*
- (3) in addition to the 2 parking spaces required for the dwelling, one additional parking space for each bedroom used for bed and breakfast accommodation must be provided, despite Subsection 3.5.7;*
- (4) no rental of equipment or material is permitted except to registered guests; and*
- (5) a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.*

8.20.2 Residential Use Prohibited

- (1) No person may reside on any structure or on any boat or vessel moored or wharfed in the Water 2 (W2) Zone.*

8.22B.4 Residential Use Prohibited

- (1) No person may reside on any structure, boat or vessel in the Water 6 (W6) Zone*

Agriculture:

8.3.7 Agri-tourist Accommodation

- (1) agri-tourist accommodation must be accessory to a working farm operation;*
- (2) agri-tourist accommodation must be situated on land that is in the AG (Agricultural) zone and the*

agricultural Land Reserve;

(3) agri-tourist accommodation must be situated in a permitted dwelling or cottage.

(4) agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agricultural (AG) Zone;

(5) the maximum number of guests that may be accommodated in any agri-tourist operation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 6 guests and 3 bedrooms.

Island Trust
Victoria Office
200 Fort Street
Victoria, B.C.
V8R 1H8



Lot 30, plan VIP 32261, Section 6
Cowichan Land District
PID: 001 - 080 - 971

March 5, 2005

Attention: Justine Stark Planner - North Pender Island
North Pender Trustees - Dianne Barber / Derek Masselink

Re: Guest Cottage sq. floor area for North Pender Lots
designated Rural 4.0 hectares (10 acres) and larger.

This request is a follow-up to my letter dated January 22, 2014. In that letter, I pointed out that Guest Cottage size on Saturna Island for larger lots is 92.9 sq. metres (1 000 sq. feet.) Mayne is 93 sq. metres (1 001sq. feet.) And South Pender, "On a parcel 4 hectares (10 acres) or greater, 2 single family dwellings and 2 cottages are permitted."

To bring the Cottage floor area for North Pender in line with our sister Islands, I wish to request a change be made in the definition of cottage in the bylaws to add lots of 4 hectares (10 acres) - a cottage with a floor area of 92.954 sq. metres (1 000 sq feet) or less is permitted

As pointed out above, I am proposing this cottage floor area change for lots designated Rural of 4.0 hectares and above.

I look forward to your response. Thank you for your attention to this matter.

Sincerely,

Gordon Hanson



Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Waste Management	Land Use Planning for Waste Management.		Justine Starke		On Going
2	Housing	Includes consideration of the 2008 Affordable Housing Task Force Report. Also includes consideration of vacation rentals in residential zones.	Feb-03-2015	Justine Starke		On Going
3	Age and disability friendly communities	Conduct an age friendly plan for North Pender Island.	May-22-2014	Justine Starke	Nov-06-2014	On Going



Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
1	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	Jan-22-2009	On Going
1	Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	Feb-03-2015	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects:		Jan-22-2009	On Going
	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			
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going

6	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	Mar-22-2012	On Going
7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
9	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	Sep-20-2012	On Going
10	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.			On Going
11	Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		On Going

Applications w/ Status - North Pender Island

Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.1	COOKE c/o Mayenburg	Jan-23-2015	6624 & 6626 RAZOR POINT RD Allow room for a proposed modern septic field.

Planner: Phil Testemale

Planning Status

Status Date: Jan-27-2015

Opened file, gave to Planner. Processed fee, notified LTC. See xref NP-DVP-2015.2 & NP-SUB-2014.4

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2014.4	Dustin Heigh	Dec-18-2014	4302 BEDWELL HARBOUR RD To build a second storey on proposed shop building.

Planner: Phil Testemale

Planning Status

Status Date: Mar-04-2015

Applicant requested LTC to defer consideration.

Status Date: Feb-17-2015

Staff Report Finalized and saved to agenda file

Status Date: Feb-03-2015

site visit conducted

File Number	Applicant Name	Date Received	Purpose
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NP-DVP-2015.2

COOKE c/o Wey
Mayenburg

Jan-23-2015

6624 & 6626 RAZOR POINT RD
Variance within Development Permit Area: Cross reference file SEE
NP-DP-2015.1 & NP-SUB-2014.4

Planner: Phil Testemale

Planning Status

Status Date: Jan-27-2015

Created shell file - cross reference see NP-DP-2015.1 and NP-SUB 2014.4

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.3	Pender Island Golf and Country Club	Mar-05-2015	2305 OTTER BAY RD To build a ramp in a setback so wheelchairs with people can access restaurant.

Planner: Phil Testemale

Planning Status

Status Date: Mar-05-2015

Opened file, processed fee, gave to Planner, notified LTC.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett	Nov-09-2012	Waste transfer/sorting facility with commercial recycle & composting

Planner: Justine Starke

Planning Status

Status Date: Mar-04-2015

LTC put application on hold pending outcome of community wide waste management land use planning process.
Applicant invited to make application for TUP.

Status Date: Jan-22-2015

LTC defers consideration of rezoning pending Work Program discussion at Feb 3rd special meeting

Status Date: Jan-13-2015

Staff report prepared for January 22 2015 meeting

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.2	Clam Bay Holdings Ltd	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planner: Kim Farris

Planning Status

Status Date: Jan-22-2015

LTC resolution authorizing Chair to execute covenants

Status Date: Jan-21-2015

Memo for covenant execution on LTC agenda

Status Date: Oct-20-2014

Ministerial approval of OCP amendment received

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	Jan-18-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debris, and sorting & recycling & transfer of materials & garbage).

Planner: Justine Starke

Planning Status

Status Date: Mar-11-2015

Email correspondence advised applicant LTC will be considering putting application on hold pending outcome of community process for waste management. Application to be put on next available agenda.

Status Date: Jan-13-2015

Met with applicant to discuss; applicant to continue to fulfill conditions set by previous staff and LTC

Status Date: Nov-27-2014

Emailed applicant requesting status update

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.2	JC Cosh & JF Wood c/o Karl Hamson for the Elder Project	Jul-08-2013	4601 BEDWELL HARBOUR RD To amend the LUB to rezone the rural portion of the lot to allow for a 24 unit seniors housing complex plus necessary support structures and facilities

Planner: Justine Starke

Planning Status

Status Date: Dec-23-2014

Applicant confirmed application status is on hold.

Status Date: Nov-27-2014

Emailed applicant requesting status update

Status Date: Sep-24-2014

Spoke with applicant; still on hold.

File Number	Applicant Name	Date Received	Purpose
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NP-RZ-2014.1

0697595 BC LTD
(Philpot)

Jul-07-2014

7950 Plumper Way
Amend the LUB for the maximum water area that may be covered by floats
and wharfs.

Planner: Justine Starke

Planning Status

Status Date: Mar-17-2015

APC Consideration

Status Date: Jan-22-2015

Bylaw given first reading, direction to refer to APC

Status Date: Jan-13-2015

Staff Report and draft bylaw prepared for Jan 22 2015 LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	RJ Wey & Associated Land Surveying (Philpot) Planner: Justine Starke	Jul-24-2012	Proposed 3 lot Strata Development

Planning Status

Status Date: Jan-13-2015

Applicant continuing to work through PLA req'ts

Status Date: Aug-18-2014

On-going - Sub conditions being fulfilled

Status Date: May-29-2014

Communications with applicant have confirmed DVP and DPs as well as other requirements as conditions of PLA

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross Planner: Kim Farris		2218 CLAM BAY RD To create 11 lots including remainders

Planning Status

Status Date: Dec-31-2014

applicant has determined location of access route, proceeding with application

Status Date: May-29-2013

Applicant to determine location of strata road access prior to initiating the required DP

Status Date: Apr-11-2013

PLA received from MOTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.2	Ene Haabniit	Jul-09-2014	4446 HOOSON RD and 5431 HOOSON RD To create a boundary adjustment between 4446 and 5431 Hooson.

Planner: Phil Testemale

Planning Status

Status Date: Dec-08-2014

Referral response e-mailed to MoTI;owner PT

Status Date: Nov-28-2014

fee received, notified LTC, gave file to Planner

Status Date: Aug-15-2014

Called applicant, left message noting the sub app and fee had not been received to date

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.3	Marianne Elizabeth Davies	Sep-30-2014	5410 HOOSON RD 5414 HOOSON RD To create a boundary line adjustment between two properties.

Planner: Phil Testemale

Planning Status

Status Date: Oct-15-2014

Comments e-mailed to MoTI, DVP Required

Status Date: Oct-07-2014

fee received, notified LTC, gave file to Planner

Status Date: Oct-01-2014

opened file, sent letter to applicant requesting fee and form cc'd LTC and MoTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.4	Wey Mayenburg Land Surveying Inc	Oct-30-2014	6626 & 6624 RAZOR POINT RD Boundary adjust between two properties.

Planner: Phil Testemale

Planning Status

Status Date: Jan-27-2015

MOTI file number 2014-05263

Status Date: Nov-18-2014

Referral Response e-mailed

Status Date: Nov-10-2014

received fee, notified LTC, gave file to Planner

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2015.1	MICHAEL BURDETT	Mar-10-2015	4606 RAZOR POINT RD For resource recovery of discarded goods and transferring of disposables for trucking to a landfill or recycling processor.

Planner: Justine Starke

Planning Status

Status Date: Mar-17-2015

opened file, gave to planner, notified LTC, request mapping for notice delivery area

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending February 2015

650 North Pender	Invoices posted to Month ending February 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	700.00	1,128.35	-428.35
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	3,201.53	-451.53
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	776.03	-26.03
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	1,562.86	-812.86
TOTAL LTC Local Expense		<u>4,550.00</u>	<u>5,540.42</u>	<u>-990.42</u>
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	3,095.96	-95.96
73001-650-4028	North Pender Conservation Subdivision/Shoreline Review	2,000.00	1,589.33	410.67
73001-650-4029	North Pender Road/Transportation Amendments	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>7,500.00</u>	<u>4,685.29</u>	<u>2,814.71</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.