



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: September 6, 2018
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	10:00 AM - 10:00 AM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	10:00 AM - 10:30 AM	
4.	PUBLIC HEARING none		
5.	MINUTES	10:30 AM - 10:45 AM	
5.1	Local Trust Committee Minutes Dated June 26, 2018 (for Adoption) (attached)		4 - 10
5.2	Section 26 Resolutions-without-meeting Report Dated August 2018 (attached)		11 - 11
5.3	Advisory Planning Commission Minutes none		
6.	BUSINESS ARISING FROM THE MINUTES		
6.1	Follow-up Action List Dated August 2018		12 - 14
7.	DELEGATIONS none		
8.	CORRESPONDENCE <i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i> none		
9.	APPLICATIONS AND REFERRALS	10:45 AM - 11:00 AM	
9.1	NP-DVP-2018.3 (Archer) - Staff Report (attached)		15 - 32

10. LOCAL TRUST COMMITTEE PROJECTS

none

11. REPORTS

11:00 AM - 11:30 AM

11.1 Work Program Report (attached)

11.1.1 Top Priorities Report Dated August 2018 33 - 33

11.1.2 Projects List Report Dated August 2018 34 - 36

11.2 Applications Report Dated August 2018 (attached) 37 - 44

11.3 Trustee and Local Expense Report Dated June 2018 (attached) 45 - 45

11.4 Adopted Policies and Standing Resolutions (attached) 46 - 46

11.5 Local Trust Committee Webpage

11.6 Chair's Report

11.7 Trustee Report

11.8 Trust Fund Board Report Dated July 2018 47 - 48

12. NEW BUSINESS

11:30 AM - 12:30 PM

12.1 Islands Trust Conservancy, Incorporating the Regional Conservation Plan into Land Use Planning - Staff Briefing (attached) 49 - 52

For information

12.2 Retail Cannabis Licensing - Staff Report (attached) 53 - 59

12.3 Housing Needs Assessment Report - Staff Report (attached) 60 - 62

12.4 Trust Programs Committee, Service Integration - Staff Briefing (attached) 63 - 63

For response

12.5 Bylaw Enforcement Update on Short Term Vacation Rentals (STVRs) - Staff Report (attached) 64 - 65

13. UPCOMING MEETINGS

13.1 Next Regular Meeting Scheduled for October 25, 2018, at the Royal Canadian Legion Hall, Pender Island

14. TOWN HALL

12:30 PM - 12:45 PM

CLOSED MEETING (Distributed Under Separate Cover)

12:45 PM - 1:00 PM

15.1 Motion to Close Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated April 26 and May 24, 2018*
- *Memberships of BOV Members*

AND that the recorder and staff attend the meeting.

15.2 Recall to Order

15.3 Rise and Report

-----BREAK-----1:00 PM - 3:00 PM

COMMUNITY INFORMATION MEETING

3:00 PM - 5:00 PM

16.1 North Pender Island Local Trust Committee Bylaws 214 & 215 - Waste Transfer

ADJOURNMENT

5:00 PM - 5:00 PM



DRAFT

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

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: June 26, 2018
Location: Anglican Parish Hall
4703 Canal Road, RR 1, North Pender Island BC

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

Staff Present: Justine Stark, Island Planner
Shannon Brayford, Recorder

Public Present: There were 16 members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 4:00 p.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Chair Grams noted that the meeting is being audio recorded.

2. APPROVAL OF AGENDA

Chair Grams recommended the addition of the following items:

- 10.3 Bylaw Law Referral Saturna Island No. 120 & 121
- 10.4 Bylaw Law Referral Saturna Island No. 122 & 123

By general consensus, the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Marika Kenwell asked if research has been done on the number of secondary suites currently in existence.

Chair Grams recommended that the question be held until the Community Information Meeting.

4. COMMUNITY INFORMATION MEETING

4.1 North Pender Island Local Trust Committee Bylaws No. 216 & 217 – Secondary Suites

Chair Grams invited Planner Starke to speak. She provided an overview of the Community Information Meeting purpose and process. Planner Starke also provided an overview of the Secondary Suite project, including responses to referrals. Chair Grams invited comments from the public, and the following questions were asked and addressed by the LTC and Planner Starke:

- **Rhonda Plumb** requested information on the response from Razor Point.
- **Jack Ferguson** requested information on whether the Trincomali area has considered alternatives for water conservation.
- **Marika Kenwell** asked whether the current secondary suites have been counted and whether those suites will be allowed once the Bylaw is passed.
- **Marika Kenwell** asked whether the accessory building cottages in Magic Lake are being considered for inclusion.
- **Sarah Steil** asked how the LTC anticipates the Capital Regional District (CRD) to be able to monitor the carrying capacity of the island when they are evaluating permits.
- **Sarah Steil** asked how water sustainability is being evaluated.
- **Jack Ferguson** asked whether rain water collection is being considered to improve water conservation.
- **Dave Schissler** asked about the details on Short-Term Vacation Rentals and how their impact on the housing stock is being addressed.
- A member of the community requested whether secondary suites can receive building permits if they are on septic.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

Chair Grams recessed the regular meeting at 4:27 p.m. and read a written statement.

5.2 Recall to Order

Chair Grams recalled the meeting to order at 4:41 p.m.

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 24, 2018

By general consent, the Local Trust committee meeting minutes of May 24, 2018 were adopted as presented.

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 June 2018

Received for information

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 NP-DVP-2018.2 (Yuan) - Staff Report

Planner Starke provided an overview of the report, noting that no responses were received.

NP-2018-061

It was moved and seconded,

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2018.2 (Yuan).

CARRIED

10.2 NP-TUP-2016.1 (Hardal Management) - Staff Report

Planner Starke provided an overview of the application, noting that a permit had been issued two years ago and that there have not been any complaints during that time.

NP-2018-062

It was moved and seconded,

That the North Pender Island Local Trust Committee approve the renewal of Temporary Use Permit NP-TUP-2016.1 (Hardal Management) for a period of three years.

CARRIED

10.3 Saturna Island Local Trust Area Referral Bylaws No. 120 & 121

NP-2018-063

It was moved and seconded,

That the North Pender Island Local Trust Committee respond to the referral for Saturna Island Local Trust Area Bylaws No. 120 & 121 with interests unaffected.

CARRIED

10. Saturna Island Local Trust Area Referral Bylaws No. 122 & 123

NP-2018-064

It was moved and seconded,

That the North Pender Island Local Trust Committee respond to the referral for Saturna Island Local Trust Area Bylaws No. 122 & 123 with interests unaffected.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Secondary Suites - Staff Memo & Bylaws 216 & 217

Planner Starke provided an overview of the memo.

NP-2018-065

It was moved and seconded,

That the North Pender Island Local Trust Committee Bylaw No. 217, cited as "North Pender Island Official Community Plan Bylaw no. 171, 2007, Amendment No. 1, 2018," be read a third time.

CARRIED

NP-2018-066

It was moved and seconded,

That the North Pender Island Local Trust Committee Bylaw No. 217, cited as "North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018," be read a third time.

CARRIED

NP-2018-067

It was moved and seconded,

That the North Pender Island Local Trust Committee proposed Bylaws No. 216 and No. 217 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

NP-2018-068

It was moved and seconded,

That the North Pender Island Local Trust Committee proposed Bylaw No. 216 be forwarded to the Minister of Municipal Affairs and Housing for approval.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated June 2018

Trustee Masselink requested an update on the Waste Management Project.

Planner Starke provided an overview of the progress on the project, noting that a printed communication will be sent to residents and that a public hearing has been tentatively scheduled for September 22, 2018.

12.1.2 Projects List Report Dated June 2018

Received for information

12.2 Applications Report Dated June 2018

Received for information

12.3 Trustee and Local Expense Report

None

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

No comments.

12.6 Chair's Report

Chair Grams reported that Executive had brought to Trust Council a recommendation that Trust Council take a strong stance against the pipeline. He remarked that Trust Council has agreed to partner with San Juan County Council and the Governor of Washington State to work on the matter.

12.7 Trustee Report

Trustee Barber reported that the Lieutenant Governor General visited the island and was given a tour.

Trustee Masselink reported that Trust Council was held and that some Penderites attended the meeting to address waste transfer.

12.8 Trust Fund Board Report Dated May 2018

Received for information

13. NEW BUSINESS

None

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 26, 2018, 4:00 p.m. at the Anglican Church Hall, Pender Island

15. TOWN HALL

Ann Burdett noted that the Islands Trust has a YouTube channel and wondered if meetings will be streamed live.

Chair Grams remarked that there is not a plan to do so.

Sarah Steil noted that attending Trust Council meetings on other islands can be prohibitive for members of the public and asked whether Islands Trust can help mitigate that.

A discussion was held regarding the community bus systems in the Outer Southern Gulf Islands.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:04 p.m.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder



Islands Trust

North Pender Island

Print Date: August 27, 2018

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2018-02	In Favour	THAT North Pender Island Local Trust Committee cancel the regularly scheduled July 26, 2018, Local Trust Committee meeting.	10-Jul-2018

Follow Up Action Report

North Pender Island

21-Sep-2017

Activity	Responsibility	Target Date	Status
Waste Management - Request Trust Council to amend DAI bylaw.	Sharon Lloyd-deRosario Justine Starke	14-Feb-2018	On Going

26-Apr-2018

Activity	Responsibility	Target Date	Status
Bylaws 214/215 - Waste Management. Bylaws amended, given 2nd reading; to be re-referred to select agencies; (Done) Staff to schedule a CIM and PH. (Done) Covenant for AIA to be developed; Explore funding sources and conduct parallel process to get AIA.	Sharon Lloyd-deRosario Justine Starke	26-Jul-2018	On Going

24-May-2018

Activity	Responsibility	Target Date	Status
6.1 Minutes of April 26, 2018 adopted as presented	Lori Foster	31-May-2018	Done
NP-TUP-2018.1 (Hepburn): permit approved AS AMENDED	Sharon Lloyd-deRosario Ian Cox	31-May-2018	Done
10.2 NP-TUP-2018.2 (Pegram) - permit approved	Sharon Lloyd-deRosario Phil Testemale	31-May-2018	Done

Follow Up Action Report

NP-DP-2018.2 (Murdoch) - permit approved.	Sharon Lloyd-deRosario Phil Testemale	31-May-2018	Done
10.4 NP-RZ-2016.3 (Port Browning) - Bylaws adopted - done	Sharon Lloyd-deRosario Phil Testemale	31-May-2018	Done
13.1 Annual Report adopted	Robert Kojima	31-May-2018	Done
6.1.1 Public Hearing record of November 2017 received	Lori Foster	31-May-2018	Done
10.5 - SSI Bylaws 498, 499 - Interests Unaffected	Sharon Lloyd-deRosario	31-May-2018	Done

26-Jun-2018

Activity	Responsibility	Target Date	Status
Approved the minutes of May 24 2018	Sharon Lloyd-deRosario Maple Hung	18-Jul-2018	On Going
Approved NP-DVP- 2018.2 (Yuan) for issuance	Sharon Lloyd-deRosario	18-Jul-2018	Done
Approved NP-TUP-2018.4 (Hardal Mngt) for issuance	Sharon Lloyd-deRosario	18-Jul-2018	Done
Responded to the late item referrals with Interests Unaffected (Saturna BLs 120/121; Saturna BLs122/123)	Sharon Lloyd-deRosario	18-Jul-2018	Done
Gave Third Reading to BLs 216 and 217 - Done Referred the bylaws to EC - Done Referred BL 216 to the Minister of Municipal Affairs and Housing - Done	Sharon Lloyd-deRosario	18-Jul-2018	Done



Follow Up Action Report



File No.: NP-DVP-2018.3 (Archer)
(NP-SUB-2018.1 (Collison) &
NP-BP-2018.27 (Lapp))

DATE OF MEETING: September 6, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Island Planner
Southern Team
COPY: Justine Starke, Island Planner
SUBJECT: Development Variance Permit
Applicant: Katrina Archer
Location: A – 6618 Harbour Hill Drive

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2018.3 (Archer).**

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the depth to width regulations for a proposed boundary adjustment subdivision on the subject property; and, for the interior side lot line for a proposed addition to an existing dwelling.

The above recommendation is supported as the side lot variance is for a minor variance that is only an interim measure pending the boundary adjustment; the latter proposes a lot that does not meet the depth to width regulation, but nonetheless improves over the existing lot configuration; neither variance impacts on neighbouring properties; notification to surrounding neighbours has been undertaken and to date staff have received no written responses; the variances do not challenge the intent of either bylaw provision.

BACKGROUND

The proposal is to vary the subdivision and setback regulations for the subject property in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB). Specifically:

- Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width is varied to permit the creation of Lot 1 with an average depth of 4.2 times its average width; And,
- Clause 8.1.5 (1) (b) which states that no building or structure may be located within 3.0 metres of any interior side lot line is varied to permit an addition to an existing dwelling within 2.5 metres of an interior lot line.

The depth to width is for a proposed boundary adjustment subdivision (NP-SUB-2018.1) between the subject property and the neighbouring property to the northwest (Lot C) also owned by the applicant (Figure 2). The variance for setbacks is the result of a Building Permit referral (NP-BP-2018.27) and applies to only one portion of proposed additions to the existing dwelling (Figure 3).

The subdivision was applied for with the purpose of reconfiguring the properties (by moving the shared boundary westward and increasing the size of the subject property) to negate the need for the first variance and to ensure future privacy for the dwelling if and when Lot C is sold. Unfortunately, the subdivision was not referred to the Islands Trust until early July at which point the applicants had expected the subdivision would have been completed. As the subdivision process typically involves at least a half a year and their contractor was ready to begin construction in July, they have opted to apply for the interior side lot setback variance as an interim measure until the subdivision is complete. That variance will be effectively be null once the boundary line changes between the properties. Further to this they have now started construction on the other additions for the south and east while they await the outcome of this application.

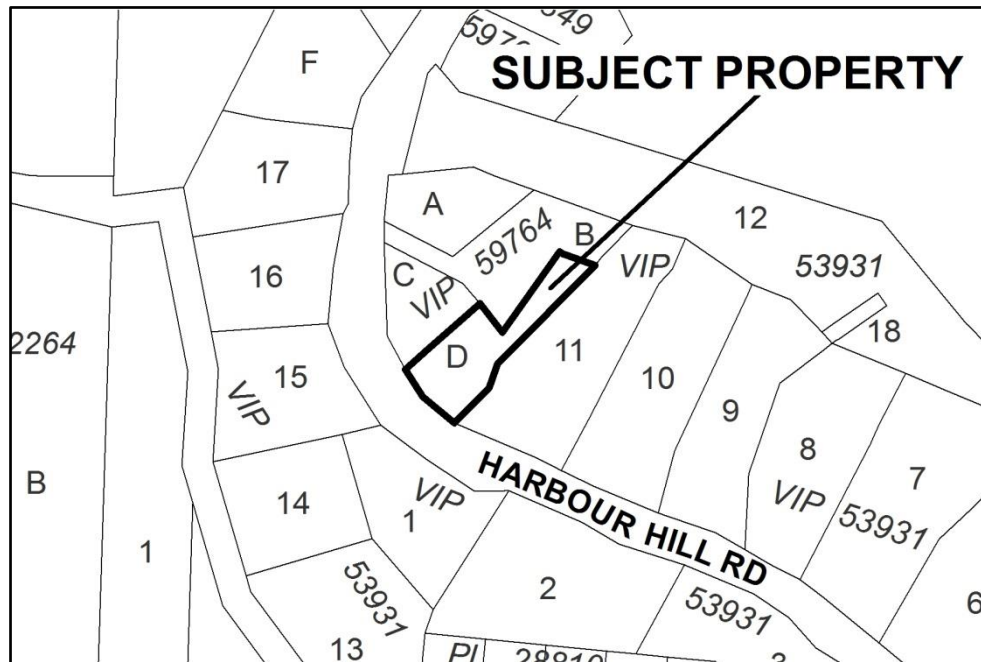
As stated above both properties have the same owner. Existing Lot C is vacant. Existing Lot D has an existing dwelling that is being added to in three locations. The northwest corner addition only encroaches on the interior side lot setback by approximately 0.5 m making the variance minor in nature (Attachment 2.4).

The proposed new configuration of lot D will actually improve upon the depth to width of the existing lot. However, as a subdivision, a variance is required for that particular regulation. The decreased size and altered configuration of existing Lot C does not compromise the ability to build on that property or access which is currently by easements to the north.

A copy of the notice and draft NP-DVP-2018.3 are Attachment 3 and 6.

Staff will visit the site on August 15, 2018. There are no photographs at the time for writing.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as **Rural Residential (RR)** in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007.

There are no **Development Permit Areas** designated on the subject property.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996.

The existing residential use and complies with use and density provisions of the zone on the property.

The proposed subdivision layout also complies with all other subdivision regulations in the LUB. It is noted that minimum and minimum average lot size provisions are exempt with boundary adjustment subdivisions.

Islands Trust Fund:

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

Figure 2 – Proposed Subdivision Plan

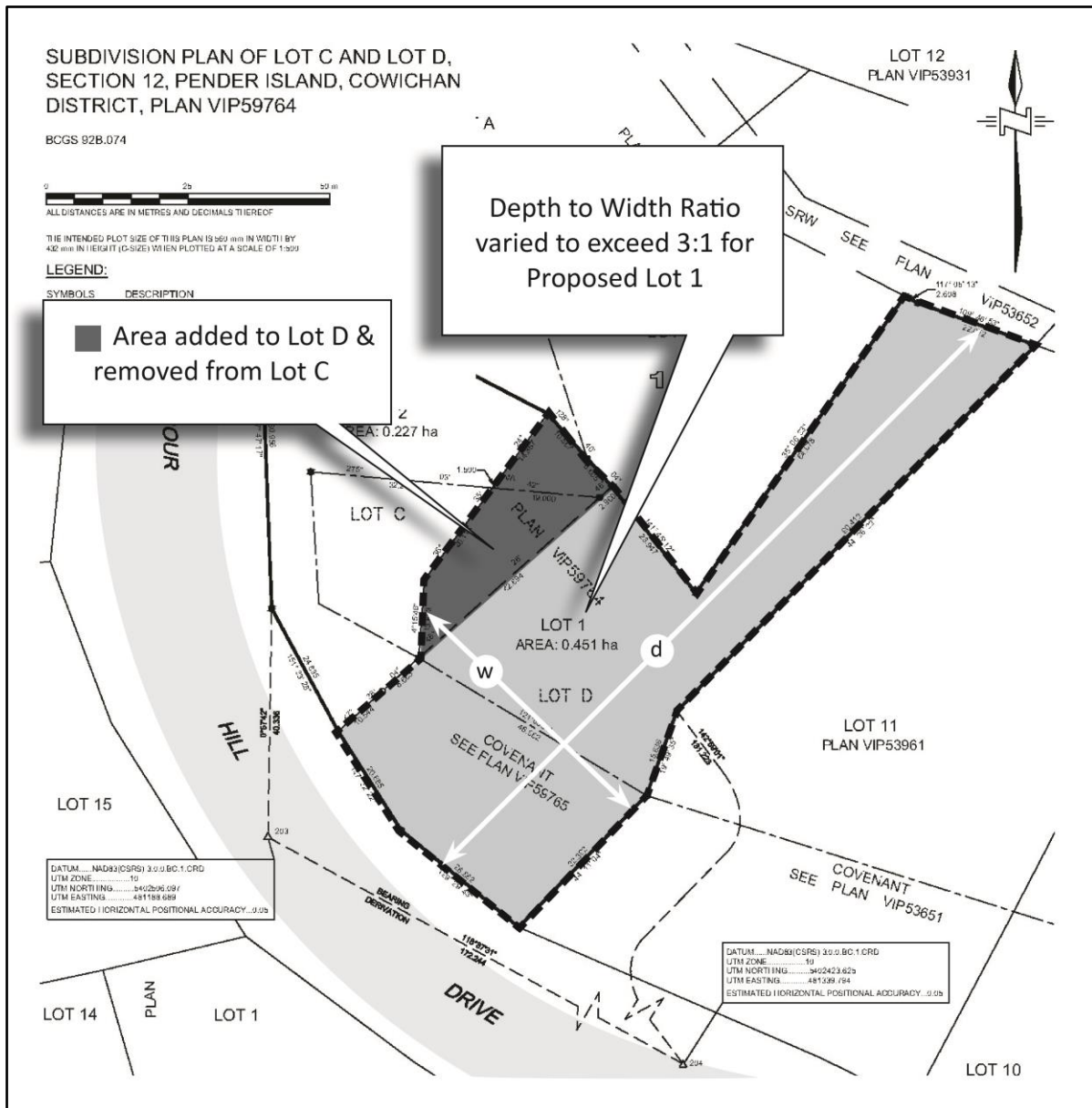
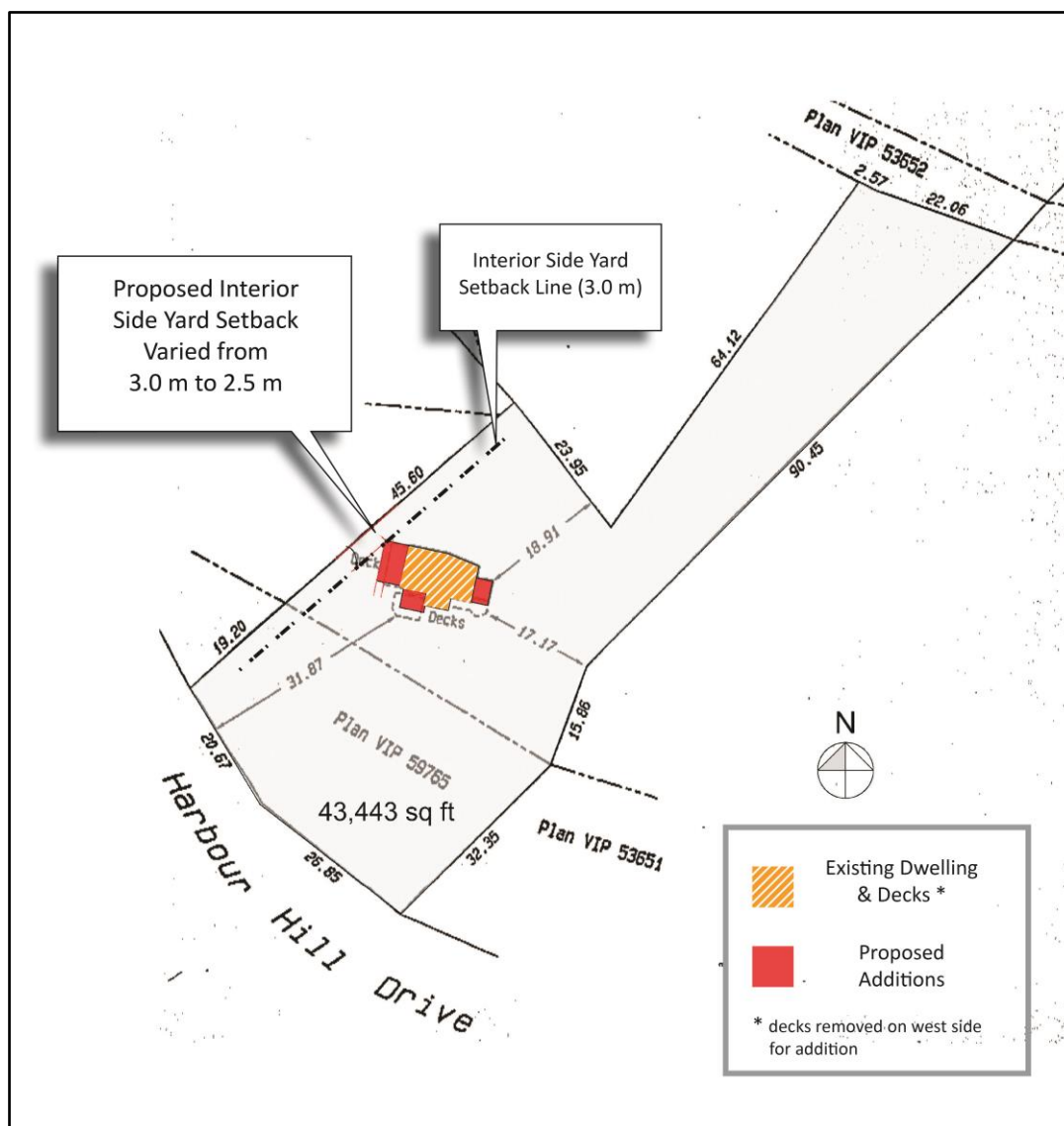


Figure 3 – Site Plan



Issues and Opportunities

Rationale for the Variances

The rationale for the depth to width variance is that the boundary adjustment is required to increase the side lot from the proposed additions to both conform with the regulation and to give added privacy if they decide to sell Lot C in the future.

The rationale provided by the applicants for the interior side lot variance is to allow the applicants to proceed with building while they wait for the boundary line adjustment and allow construction during the best weather window. The addition is wider than the prior existing deck (to be removed) to accommodate for different usages requirements.

Impact on Neighbouring Properties

The requested variances are minor and, for the one, only temporary. The only impacted neighbour for the interior lot line variance is Lot C which is both vacant and owned by the applicant.

The depth to width size and configuration of Lot D will improve the configuration and not impact any neighbours.

The Overall Intent of the Regulation being Varied

The overall purpose of the interior side lot regulation is to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

The overall purpose of the regulations which restricting the creation lots that are long and narrow in shape is to minimize impacts on the subject property and adjacent ones as follows:

- Prevent lots that are more difficult to develop as due to reduced buildable areas, areas for locating septic fields, wells and road access, particularly where topography is challenging.
- Minimize issues with neighbours resulting from reduced proximity with dwellings and accessory uses.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area with the proliferation of narrow lots.
- Maintaining a rural character.

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.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on September 5, 2018.

At the time of writing, staff has received no written submissions or phone calls. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The variances are minor in nature, and the interior side lot variance temporary pending completion of the boundary adjustment subdivision.
- The potential impacts with granting the variance are minimal.
- The depth to width ratio variance improves the lot configuration for Lot C .
- Notification to date has generated no responses.
- The variances do not impact the intent of the bylaw regulation.

ALTERNATIVES

- **Request further information**

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

Recommended wording for the resolution is as follows:

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

- **Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2018.3 (Archer).

Submitted By:	Phil Testemale	August 9, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	August 9, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft NP-DVP-2018.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot D, Section 12, Pender Island, Cowichan District, Plan VIP59764
PID	018-991-874
Civic Address	A-6618 Harbour Hill Drive

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-2018.1	Boundary Adjustment Subdivision (Subject and Lot C)
NP-BP-2018.27	Addition to existing dwelling

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). There are no Development Permit Areas designated in the OCP on the subject property.
Land Use Bylaw	The property is in the Rural Residential (RR) Zone in the LUB. The proposed residential use complies with use and density provisions for the zone on the property.
Other Regulations	
Covenants	EF5709 (Min. of Mun. Affairs/IT – for original subdivision density – N/A) EH121698 (NPI LTC – Phasing of overall subdivision – N/A) EH121699 (NPI LTC – Priority of EH121698 over EF5709 – N/A) EH121709 (CRD – Geotechnical – Buildable Areas)
Bylaw Enforcement	None

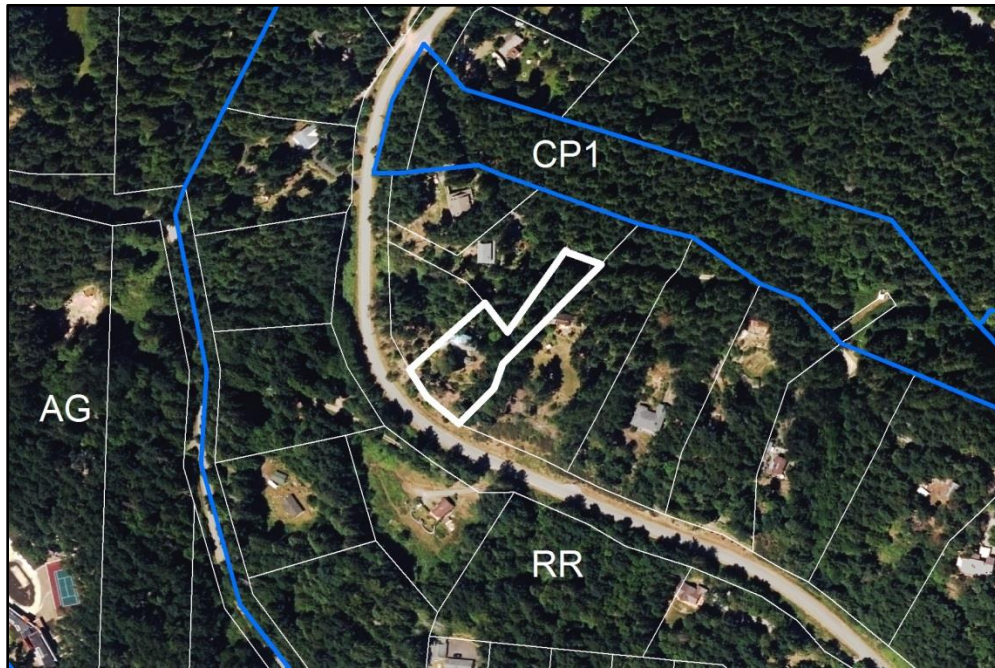
SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	No occurrences listed.
Sensitive Ecosystems	None
Hazard Areas	Medium and Low Risk Slope Hazard Areas shown on Attachment 2.3 – buildable areas remain for both Lot D and C with Boundary Adjustment. CRD Covenant establishes are of no build. Sizeable building site on amended Lot C remain.

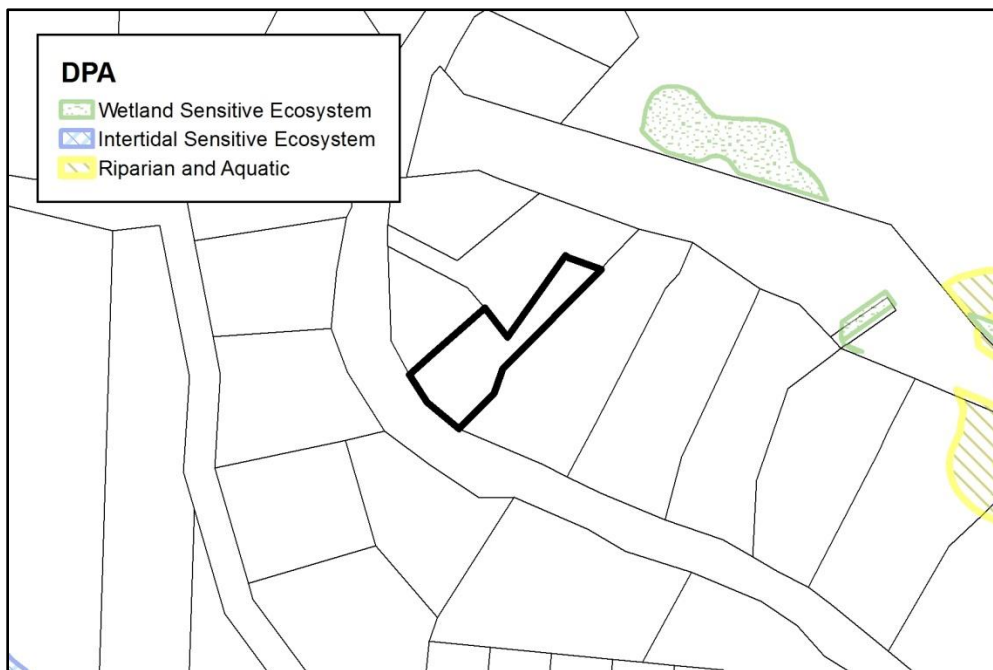
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	GHG emission changes resulting from approval would be for addition to an existing dwelling largely on previously disturbed area of deck and therefore minimal . Elevation and proximity to ocean limits potential impacts on proposed development from anticipated or possible climate change induced hazards (e.g. sea level rise).
Shoreline Classification	Not Applicable

ATTACHMENT 2 – MAPS & PLANS

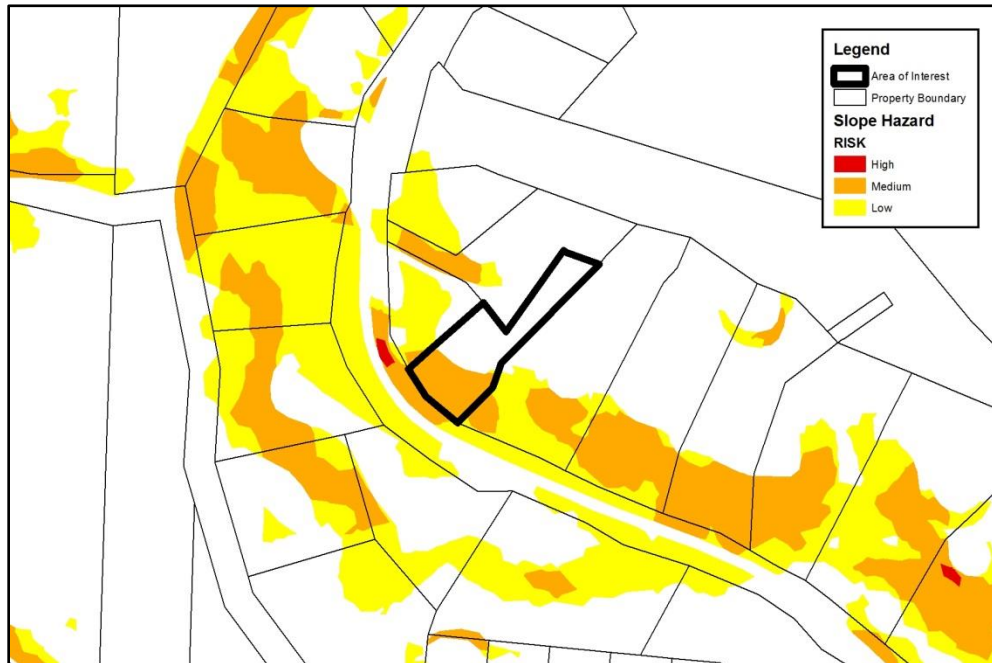
2.1 ORTHOPHOTO WITH ZONING



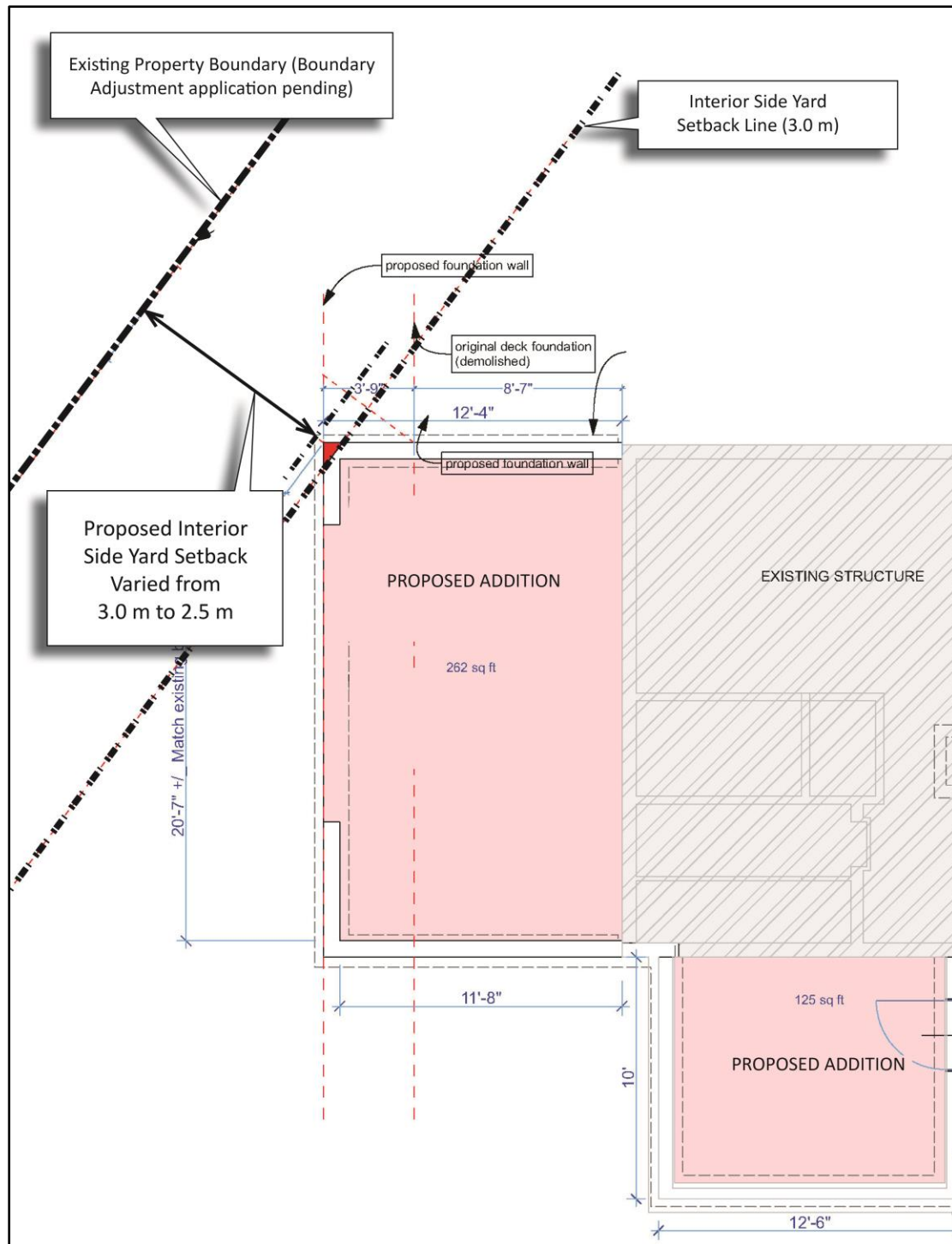
2.2 DEVELOPMENT PERMIT AREAS



2.3 STEEP SLOPE MAPPING



2.4 DETAIL OF INTERIOR SIDE YARD VARIANCE PROPOSAL



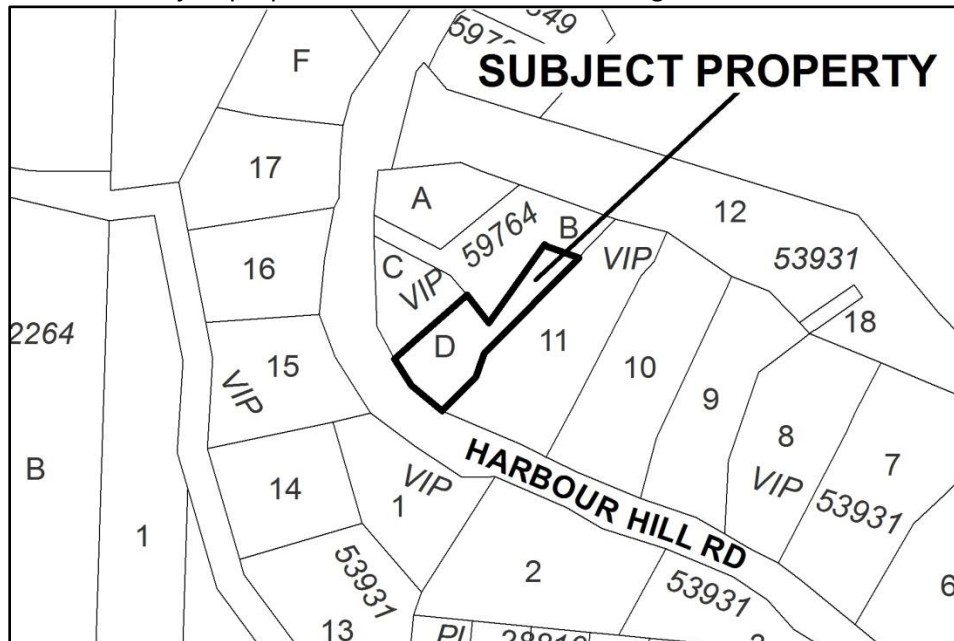
NOTICE
NP-DVP-2018.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996, by varying:

- a) Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width is varied to permit the creation of Lot 1 with an average depth of 4.2 times its average width; And,
- b) Clause 8.1.5 (1) (b) which states that no building or structure may be located within 3.0 metres of any interior side lot line is varied to permit an addition to an existing dwelling within 2.5 metres of an interior lot line.

The property is located at A – 6618 Harbour Hill Drive and is legally described as Lot D, Section 12, Pender Island, Cowichan District, Plan VIP59764. PID: 018-991-874

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 **August 24, 2018** and continuing up to and including **September 5, 2018**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island.

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, **September 5, 2018**.

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 **10:00 a.m., September 6, 2018**, at the Anglican Church Hall, 4703 Canal Road, 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.



PROPOSED

NORTH PENDER LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2018.3

To: Katrina Archer and Guylain Roy-MacHabée

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

Lot D, Section 12, Pender Island, Cowichan District, Plan VIP59764
(PID: 018-991-874)

2. North Pender Island Land Use Bylaw 103, 1996 is varied to allow for a two lot subdivision as follows:

- a) Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width is varied to permit the creation of Lot 1 with an average depth of 4.2 times its average width; And,
- b) Clause 8.1.5 (1) (b) which states that no building or structure may be located within 3.0 metres of any interior side lot line is varied to permit an addition to an existing dwelling within 2.5 metres of an interior lot line.

The development shall be consistent with Schedules 'A', 'B' and 'C' which are attached to and form 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 Capital Regional District and Ministry of Transportation and Infrastructure.

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

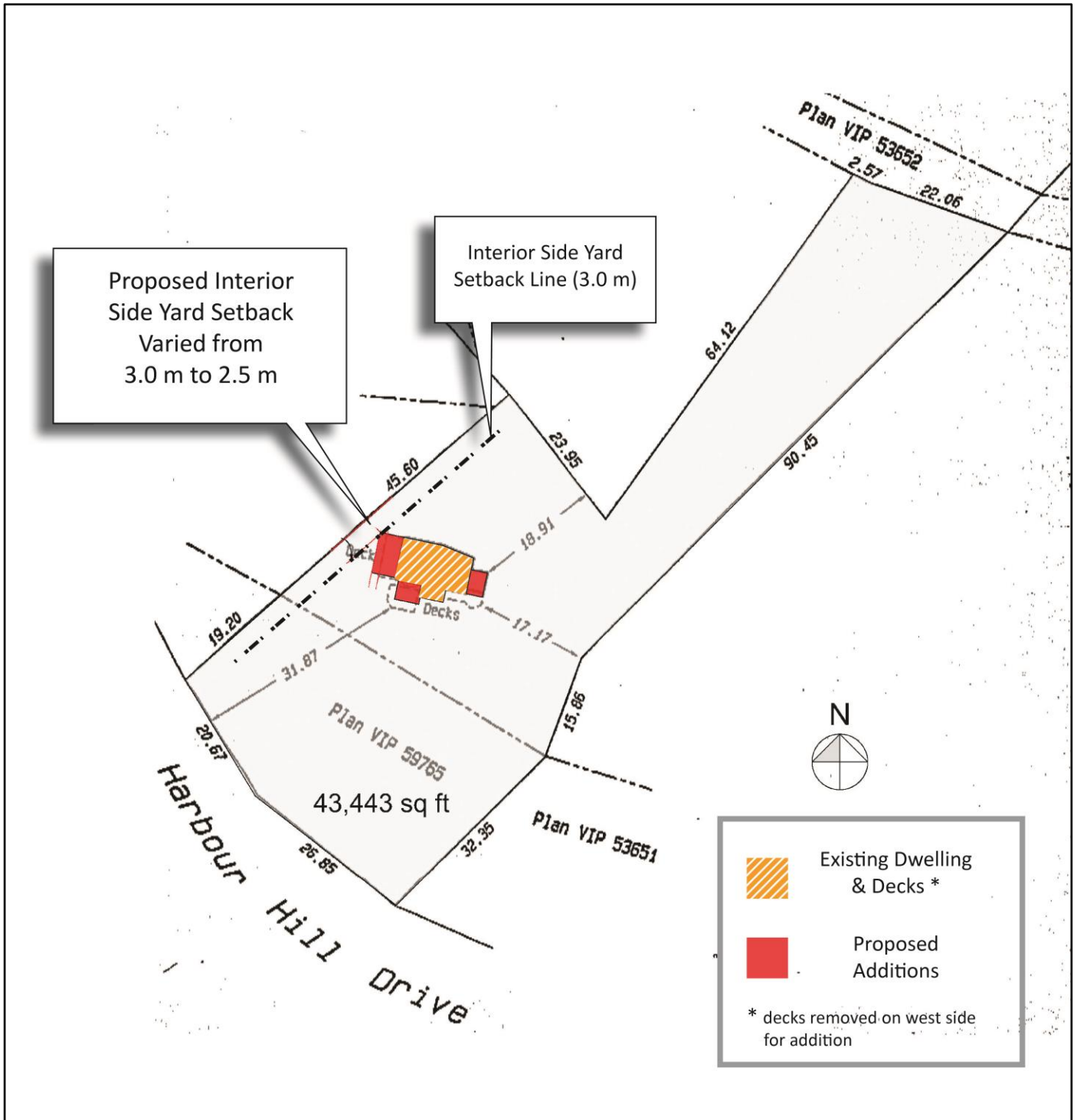
Deputy Secretary, Islands Trust

Date of Issuance

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

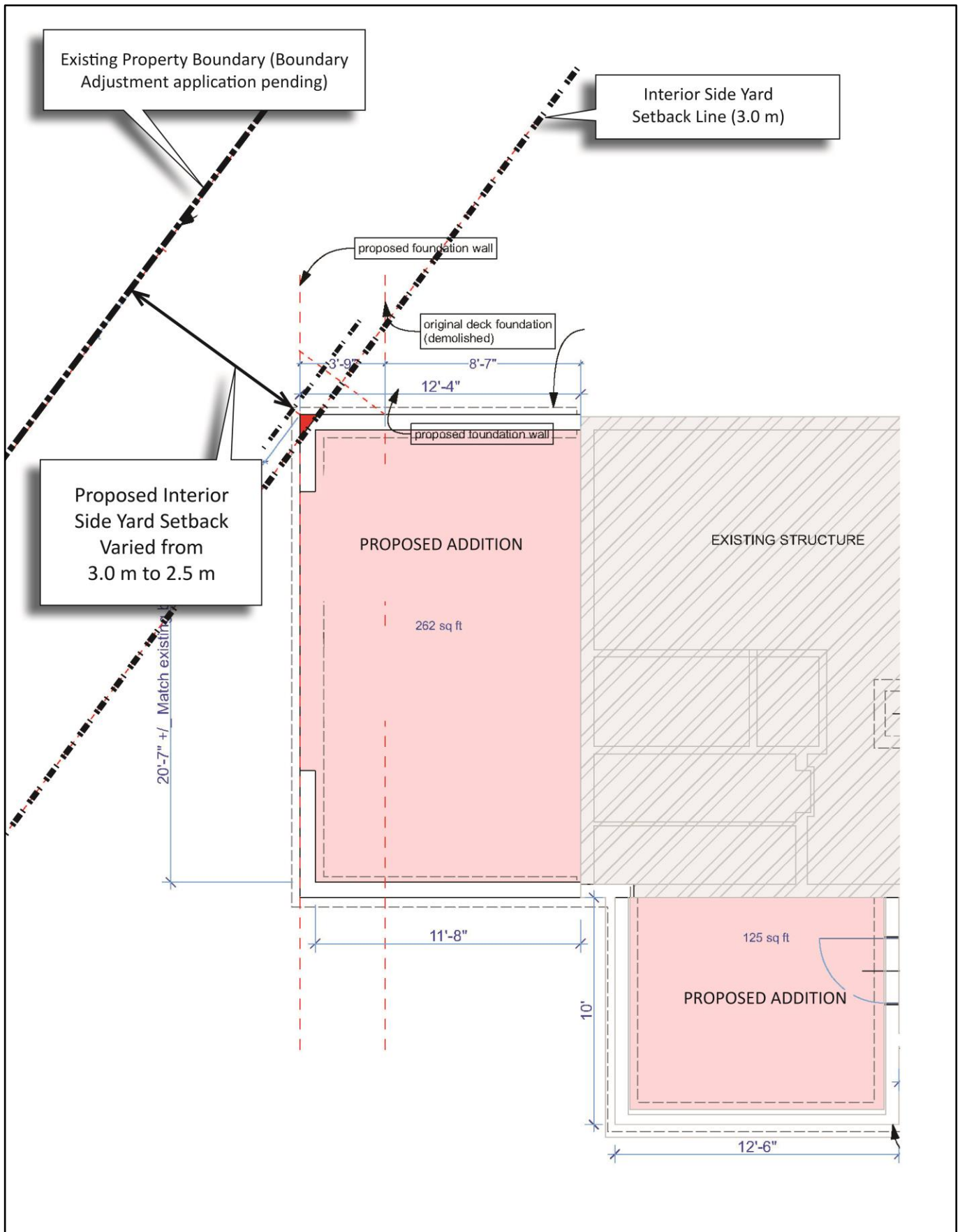
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2018.3

SCHEDULE 'B'



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2018.3

SCHEDULE 'C'



Top Priorities

North Pender Island

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

Projects

North Pender Island

Description	Activity	R/Initiated
Potable Water		29-Oct-2015
Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015
Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009
Other OCP projects:		22-Jan-2009
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		
Agricultural Building Watercourse Setbacks		28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

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

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

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

Projects

North Pender Island

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



Islands Trust

Print Date: August 27, 2018

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2018.1	COLIN A MCCREA	20-Jul-2018	3705 Port Road, North Pender - removing all illegal structures, topographical changes challenging and costly

Planner: Phil Testemale

Planning Status

Status Date: 24-Jul-2018

Sent email to Applicant requesting application fee; wife of Applicant called to request paying online, sent Applicant email of info required for EFT. Received email from Finance with EFT receipt. Updated electronic and hard files; gave folder to Planner.

Status Date: 24-Jul-2018

Received email from Pender Isle Comm Hall confirming meeting booked for August 29 11:30; fwded email to BOV members.

Status Date: 23-Jul-2018

Emailed Pender Island Comm Hall requesting booking space for Aug 28 or 29.

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2018.2	ROBIN A NORRIS SYLVIA B MITTELSTAEDT	08-Aug-2018	Setback on the southern border of the property to be reduced from 3 meters to 1.2 meters for the length of building area in consideration of the width (with setbacks)being too narrow to allow for the building of our home (to be 24' wide) and no other viable building sites on the lot.

Planner: Phil Testemale

Planning Status

Status Date: 08-Aug-2018

Opened file. Handed over to Sharon.

Development Permit

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-DP-2017.3 Datawave 18-Aug-2017 Single Family Dwelling

Communications Inc.

Inc. No. BC0287893

(Driessen)

Planner: Phil Testemale

Planning Status

Status Date: 15-Nov-2017

Applicant obtaining geotechnical assessment report

Status Date: 17-Oct-2017

Request for further information (geotechnical assessment) sent to applicant

Status Date: 13-Sep-2017

Waiting for survey information to process file

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.3	Christine Collinson	08-May-2018	Remedy completed work, if determined, in DPA area.

Planner: Phil Testemale

Planning Status

Status Date: 10-Aug-2018

Enquiry from potential buyer - property is listed for sale.

Status Date: 13-Jun-2018

Applicant advised that Trust will require a Biologist report in form of letter with recommendation as permit condition. Awaiting report as of June 13, 2018

Status Date: 30-May-2018

Ian planner review and discuss with Phil/Robert re: requirements/conditions

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.4	DRORA ARONOWICZ	10-May-2018	impact of lampposts on eagles nest in driveway

Planner: Phil Testemale

Planning Status

Status Date:



Applications

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Construct new building for store operated by Pender Island Community Services Society.
Planning Status			
Status Date: 06-Jun-2018 Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.			
Status Date: 04-Jun-2018 Received from Applicant cheque for application fee by post mail.			
Status Date: 30-May-2018 Emailed Applicant with instructions on electronic funds transfer to pay application fee, cc Finance Officer.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.3	BRAD JOHNSON Planner: Phil Testemale	13-Jun-2017	Variance required for access stairs to lower main deck of existing pathway, stairs and dock.
Planning Status			
Status Date: 10-Aug-2018 Owner meeting with Biologist next week. Will update on next steps			
Status Date: 10-May-2018 Sent e-mail to owner requesting update.			
Status Date: 22-Feb-2018 Site meeting with owner scheduled for March 5, 2018			

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2018.3	Katrina Archer Planner: Phil Testemale	30-Jul-2018	Variance to allow for a building permit.
Planning Status			

Applications

Status Date: 01-Aug-2018

fees received by electronic funds, gave file to planner, notified LTC

Status Date: 01-Aug-2018

Cross ref files: NP-BP-2018.27 & NP-SUB-2018.1

Status Date: 30-Jul-2018

opened file, requested fees from applicant

Rezoning

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

Status Date: 25-May-2018

Approved by EC - May 18, 2018

Status Date: 25-May-2018

Referral to Minister for Bylaw 211 in process.

Status Date: 23-Nov-2017

Bylaws receive further reading, forwarded to EC and Minister

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.2	GRL Holdings - Shaw Communications c/o Westbrook Consulting Planner: Phil Testemale	28-Jun-2018	Move from TUP to permanent use with rezoning.
Planning Status			

Status Date: 21-Aug-2018

Payment Rec'd, Issued receipt, notified LTC, corporate docs received.



Applications

Status Date: 28-Jun-2018

Opened file, requested fee and company docs from applicant.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION	05-Jul-2018	Danny Martin Park, 4710 Buccaneers Road - NPI OCP & LUB bylaws change from 'Community Service' to 'Community Park'; site will be used as a bowling green and continue as community park

Planner: Phil Testemale

Planning Status

Status Date: 17-Jul-2018

Emailed letter and receipt confirming payment to Applicants, mailed originals by post; emailed application package to LTC; gave folder to Planner.

Status Date: 17-Jul-2018

Per advice from RPM, application to be handled by Planner Phil.

Status Date: 16-Jul-2018

Prepared receipt and letter of confirmation of payment to applicants.

Subdivision

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

Planner: Kim Stockdill

Planning Status

Status Date: 11-May-2018

Updated driveway access plan received.

Status Date: 09-Jan-2018

Awaiting information on driveway status

Status Date: 22-Jun-2017

Update meeting with applicant - today's date



Applications

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT Planner: Phil Testemale	06-Jun-2016	4605 and 4602 OAK Rd Boundary adjustment
Planning Status			
Status Date: 09-Jan-2018 Awaiting Ministerial signature			
Status Date: 19-Jul-2017 Bylaws approved by EC			
Status Date: 19-Jul-2017 Bylaws approved by EC. 207 to Minister for Approval.			
File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.1	DAVID G RICHARDSON EDNA M HEMSWORTH Planner: Phil Testemale	16-Mar-2017	3210 ARMADALE RD - proposed subdivision to create 2 residential parcels
Planning Status			
Status Date: 14-Feb-2018 DVP approved (January 30, 2018). 10 percent waiver on February 22, 2018 agenda. Proof of potable water, septic and drainage required.			
Status Date: 09-Jan-2018 PLA received. DVP on Jan 25, 2018 LTC for consideration.			
Status Date: 13-Sep-2017 Waiting for PLA. Required DVP Application has been submitted.			
File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie Planner: Phil Testemale	19-Dec-2017	proposed 2 lot subdivision
Planning Status			

Applications

Status Date: 02-Feb-2018

Referral response sent to MoTI.

Status Date: 16-Jan-2018

fees received, LTC notified, file passed to planner.

Status Date: 22-Dec-2017

file received from MoTI, fee request sent to applicant.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2018.1	JT (JOHN) COLLISON - McELHANNEY CONSULTING SERVICES Planner: Phil Testemale	15-Jun-2018	Proposed 2-lot conventional subdivision of 6620 and 6618A Harbour Hill Road
Planning Status			

Status Date: 01-Aug-2018

xref: NP-BP-2018.27 & NP-DVP-2018.3

Status Date: 31-Jul-2018

Referral report sent to MoTI. Requires a DVP (application received) for depth to width and 10% waiver

Status Date: 13-Jul-2018

Updated electronic and hard files; gave folder back to Planner.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.5	AARON GRIMMER Planner: Justine Starke	26-Jul-2018	aggregate storage, concrete batch plant, trucks and equipment, etc.
Planning Status			

Status Date: 07-Aug-2018

file assigned to planner

Applications

Status Date: 01-Aug-2018

fees received, notified LTC, gave to RPM for planner assignment

Status Date: 26-Jul-2018

Received application forwarded by Planner from Applicant; created electronic and hard files, gave folder to Lori.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.6	DARRYL G PERSELLO SUMAN LEE	16-Aug-2018	TUP for STVR.

Planner: Phil Testemale

Planning Status

Status Date: 20-Aug-2018

Open File. Processed Cheque, gave to planner, notified LTC.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending June 2018

650 North Pender	Invoices posted to Month ending June 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	0.00	1,500.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	693.70	3,306.30
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	45.00	555.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,350.00</u>	<u>738.70</u>	<u>4,611.30</u>
Projects				
73001-650-4054	North Pender Waste Management Review	16,000.00	1,039.75	14,960.25
73001-650-4055	North Pender Housing Review	2,000.00	1,144.90	855.10
TOTAL Project Expenses		<u>18,000.00</u>	<u>2,184.65</u>	<u>15,815.35</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.	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.
4.	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.
5.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.



Islands Trust Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018

Islands Trust Conservancy Manager – Temporary Assignment with BC Parks

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

Board Vacancy

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

Audited Financial Statements

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

Local Trust Committee Briefing on Regional Conservation Plan

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

Summary of Current Island-by-Island Activities

Denman

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

Salt Spring Island

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

Thetis

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca



BRIEFING

To: Local Trust Committees and Bowen Island Municipality **For the Meeting of:** September 6, 2018

From: Islands Trust Conservancy **Date Prepared:** July 17, 2018

SUBJECT: Incorporating the Regional Conservation Plan into Land Use Planning

PURPOSE: The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

Directive Policy	Available resources (Regional Conservation Plan, mapping, etc.):	What can LTCs/IM do with this information?
3.1 Ecosystems		
3.1.3 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>	The Regional Conservation Plan highlights the following as biodiversity priorities for the region: • Sensitive ecosystems • Healthy forests • Species and ecosystems at risk • Marine shorelines and nearshore areas • Islets and small islands • Size, corridors and connectivity to other protected areas Available information and data/mapping to support these directive policies: • updated Sensitive	Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: • Identify and protect environmentally sensitive areas • Identify and protect significant natural sites/features/landforms • Support the development of protected area networks (or "greenways") • Identify contiguous forest cover Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas
3.1.4 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.</i>		

	Ecosystem Mapping • Species at Risk/Critical Habitat Mapping • Ecosystem Disturbance Mapping • Priority Lands for Conservation (regional scale)	and significant natural features Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health
3.2 Forest Ecosystems		
3.2.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i>	Available information and data/mapping to support this directive policy: • Mapping of Forested Ecosystems, including forest type and age • Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics • RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM	Designate DPAs to protect unfragmented forest ecosystems Reduce site coverage density in land use bylaws Negotiate covenants to protect contiguous forest as conditions of rezoning Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning) Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems Adopt Tree Protection Bylaws (for municipalities)
3.3 Freshwater and Wetland Ecosystems and Riparian Zones		
3.3.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i>	Available information and data/mapping to support this directive policy: • Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian • RCP: Island Profiles - Sensitive Ecosystems • Watershed mapping • Water courses mapping (TRIM) • Riparian Areas Regulation data/mapping in select areas	Designate DPA's to protect sensitive freshwater, wetland and riparian areas Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses Develop LUB setbacks from water bodies Develop LUB landscape buffers along water bodies Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i> Develop aquifer mapping and water budgets

		Designate DPAs for water conservation for all new construction/development Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems
3.4 Coastal and Marine Ecosystems		
3.4.4 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i>	Available information and data/mapping to support these directive policies: • Eelgrass mapping • Forage fish habitat mapping (for some islands) • Species at Risk Critical Habitat Mapping – Southern Resident Orca • Shorezone mapping • New Sand Ecosystems Mapping • Dock mapping (point data)	Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas Designate DPAs to protect sensitive coastal areas and the intertidal zone Include DPA guidelines that address fragmentation of the coastline by subdivision Amend LUBs to create landscape buffers along the shoreline Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions Amend LUBs to limit development of private docks/structures in the marine zones Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems
3.4.5 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i>		

ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

Prepared By: Jennifer Eliason, Islands Trust Conservancy Manager

Reviewed By/Date: Regional Planning Managers and Director of Local Planning Services/July 3, 2018
Clare Frater, Director of Trust Area Services/July 9, 2018
Islands Trust Conservancy Board/July 17, 2018

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: September 4, 2018

TO: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the North Pender Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The LTC is asked to consider:

- Adopting a standing resolution to process Liquor and Cannabis Regulation Branch (LCRB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCRB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The *Cannabis Act*¹ provides a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the *Cannabis Act* comes into force October 17, 2018, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may only be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/royal-assent>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The *Act* outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

Both the production of medical marihuana, and as of July 2018, cannabis production for retail sale, are now a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. However, this regulation was amended on July 13, 2018 by removing the outright permission and replacing it with a provision allowing “the lawful production of cannabis” if produced either outdoors in a field, or inside a structure that (i) has a soil base or (ii) existed or was being constructed for the purpose of growing crops before July 13, 2018.

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. In accordance with the proposed Cannabis Act, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (potentially including home occupations where retail sales are permitted, subject to the criteria of the LCRB) where the applicable Land Use Bylaw permits retail sales and the definition of retail sales is broad or absent.

Similarly, LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR with only limited ability to regulate structures.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones (other than the ALR) if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production outside the ALR could be limited to select zones. Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCRB non-medical cannabis retail licenses or license amendments. All southern LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications.

The application fees collected for review of LCRB applications are used to offset staff time and notification costs in relation to the review of the applications. Generally, the fees collected for LCRB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCRB.

Staff recommend that each LTC enact a distinct and higher fee for LCRB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. For reference, the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications. LTCs and the public may, however, view inordinately high fees as being unfair or intentionally prohibitive. For this reason, staff are recommending a lesser fee in the amount of \$2,000; this is more in line with the 2004 Trust Council Model Fee for LCRB applications, following a CPI adjustment, and would offset some costs associated with staff application review, public notification, and conducting a public meeting.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments to consider applications referred through a notice by the Liquor Control and Licensing Branch (LCRB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because a specific consultation process is not prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community’s unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their

fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

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

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the North Pender Island Local Trust Committee add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Robert Kojima, Regional Planning Manager	August 22, 2018
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REFERENCES

- *Proposed Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Federation of Canadian Municipalities. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Agricultural Land Commission. Information Bulletin 04: Cannabis Production in the ALR. https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_04_cannabis_production_in_the_alr.pdf
- Liquor and Cannabis Regulation Branch: Local Governments' Role in Licensing Non-Medical Cannabis Retail Sales. https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

- Cannabis licensing website: <https://justice.gov.bc.ca/cannabislicensing/>



DATE OF MEETING: September 6, 2018
TO: North Pender Island Local Trust Committee
FROM: David Marlor, Director
Local Planning Services
SUBJECT: Housing Needs Assessment Report

RECOMMENDATION

1. That the North Pender Island Local Trust Committee receive the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018; and
2. That the North Pender Island Local Trust Committee request Staff to publish the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018 on the Islands Trust website.

REPORT SUMMARY

The purpose of this report is to provide a Housing Needs Report to the Local Trust Committee and to meet the requirements of the new legislation on Housing Needs Reports.

BACKGROUND

In the 2017/18 Fiscal Year the Capital Regional District (CRD) undertook Housing Needs Assessments for Galiano, Mayne, North Pender, Saturna, and South Pender islands using similar methodology undertaken on a 2015 Salt Spring housing needs assessment. The final report was submitted to Trust Council in June 2018.

The Southern Gulf Islands Housing Needs Assessment (attached) used both qualitative and quantitative research methods; the surveys were met with very high response rates. Like the results in the Northern region, the report finds that affordable and adequate housing is unattainable for many Southern Gulf Island residents. As noted in the staff report from the Capital Regional District (attached as appendix 2(a)), the particular findings include:

- *A gap in the availability of timely housing data between Census periods, particularly on the rental market on the Southern Gulf Islands;*
- *Rental supply is low and unit numbers are decreasing;*
- *A high proportion (44%) of renters paying more than 30% of their income on shelter costs with 44 renters who answered a survey indicating they were paying more than 50% of their income on shelter costs;*
- *Home ownership becoming increasingly out of reach for many households in the area. The median household income is \$54,000 annually, but it would take an income of over \$99,000 annually to afford a home sold at the median sale price of \$580,000 (February 2018);*
- *A very low and declining rate of permanent residency in the area with dwellings increasingly being used as vacation or short-term vacation purposes;*

- *High incidence of low income households; and*
- *Households with children and seniors showing particular vulnerability to housing stress.*

Islands Trust Community Housing Strategy

Improving the availability of affordable, accessible, and appropriate housing has been a strategic priority for Islands Trust Council over the 2014-2018 political term. Over the course of the term, this has been largely pursued through the work of Local Planning Committee:

1. June 2013, Local Planning Committee hosted a community housing forum with over 70 participants from across the region. The forum showcased examples of affordable/community housing throughout the Trust Area.
2. Completed a [baseline inventory](#) of housing policies and regulations for each LTA across the Trust Area
3. Completed the final report: [Community Housing in the Islands Trust Area](#) and advanced through Trust Council 15 recommendations for action.
4. Completed Housing Needs Assessment for the Northern and Southern regions. Islands Trust now has a complete data set identifying housing needs in each region.
5. Established the administrative capacity for the administration of housing agreements by Islands Trust:
 - A housing agreement guide for planners
 - A housing agreement reference list
 - An application guide for affordable housing proponents
 - A roles and responsibilities checklist
 - Housing Agreement Templates
 - Information Brochure (on-going)
 - Monitoring Procedure (for Leg. Clerks or potential new Project Coordinator job)
 - Annual Monitoring Letter Template
 - Monitoring and Enforcing Guide

Trust council has directed staff to update the Community Housing report and consider creating a Trust wide community housing strategy designed to meet the needs identified in the Housing Needs Assessments. Such a strategy could include recommendations for Local Trust Committee land use planning processes, Trust Council advocacy, and communications to be pursued by Trust Council in the 2018-2022 political term.

Provincial Housing Needs Reports Legislation

In Spring 2018 the Provincial Government gave Royal Assent to Bill 18, 2018, amendments to the Local Government Act that requires that local governments, including local trust committees, adopt housing needs reports, update those reports every five years, and consider those reports when undertaking Official Community Plan text or mapping amendments that relate to housing.

Bill 18, 2018 comes into effect on adoption of regulation by the Lieutenant Governor-in-council, which is expected sometime in 2018.

The transitional section of the Bill 18, 2018 states that adoption of a housing needs report under Section 585.31(3)(a) of the legislation does not apply if a local government, on or after January 2, 2018 and before this section comes into force, receives, by resolution, an interim housing needs report, and publishes the interim housing needs report. Under the transitional section of Bill 18, 2018, this interim housing needs report is deemed to be the first housing needs report.

ALTERNATIVES

1. Not Receive or Publish the Housing Needs Assessment

Not received or publish the “Housing Needs Assessment, Northern Region of Islands Trust “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd dated February 2018. The Local Trust Committee would have to undertake a housing needs report within three years of the enactment of Bill 18, 2018 (which is expected by regulation this year).

NEXT STEPS

Staff will publish the report to the Islands Trust website, and update staff reports to ensure that consideration of the Housing Needs Assessment is undertaken for Official Community Plan text and mapping amendments that affect housing.

Local Trust Committees can consider making housing a top priority and engaging a community process that considers how land use bylaws and official community plans can be amended to respond to the needs identified in the reports.

Submitted By:	David Marlor, Director of Local Planning Services	July 5, 2018
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LINKS

1. [“Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018](#)

BRIEFING

To: Local Trust Committees/Bowen Island Municipality **For the Meeting of:** Various

From: Trust Programs Committee **Date Prepared:** July 16, 2018

SUBJECT: Service Integration

PURPOSE: To request input from local trust committees/Bowen Island Municipality about any service integration concerns.

BACKGROUND: The Trust Programs Committee working group has been meeting to consider potential improvements to service delivery by the various government service providers, including the Islands Trust, to Salt Spring Island and the wider Trust area. This work was initiated in response to the incorporation process on Salt Spring Island in 2017, and specifically, to address a critique of the governance model on Salt Spring Island that is characterized by multiple agencies delivering community services in a non-coordinated manner. Trust Council (TC) has tasked the working group with: ***Identifying potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.***

TPC would like local trust committees and Bowen Island Municipality to create inventories of barriers experienced in engaging service providers and other agencies and to provide those responses to TPC via the Director of Trust Area Services. A suggested resolution for conveying any concerns is as follows:

That the XX Island LTC/BIM advises Trust Programs Committee that the LTC/BIM has experienced barriers to engaging service providers/other agencies when addressing the following topics:

- 1.
- 2.
- 3.

ATTACHMENT(S):

1. None.

FOLLOW-UP: TPC will consider responses received by August 20, 2018 meeting. At its August 20, 2018 meeting, TPC will discuss how to handle responses received after August 20.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Brian Crumblehulme, TPC Chair
David Marlor, Director, Local Planning Services



Memorandum

Date August 27, 2018

To North Pender Island Local Trust Committee

From Warren Dingman – Bylaw Enforcement Officer

Re STVR Enforcement Update

The issue of the use of residential properties for short-term vacation rentals (STVR) has been a long-standing controversy on North Pender. The number of unlawful STVR operations is now at its lowest level in ten years. Changes in the home business regulations, the issuance of Temporary Use Permits (TUP) for short-term vacation rentals, and proactive enforcement of the new regulations have brought about this success.

The first series of enforcement files regarding the issue were opened in 2006 after the adoption of a new enforcement policy by the NPILTC. The issue came to a head with court action against the Timbers Resort (owned by Robert Conconi), initiated in 2007. A lengthy court battle began regarding the issues surrounding how residential properties may be used for home businesses, and whether or not the residences on the Timbers property were lawfully used when rented out as vacation rentals. *North Pender v. Conconi* settled the case law on the use of residences for commercial vacation rentals with the final decision of the BC Court of Appeal in 2010.

Renewed proactive enforcement actions against short-term vacation rentals began in 2010 but met with sustained resistance from a core group of STVR operators (Pender Island Vacation Accommodation Association - PIVAA) who believed that the use was lawful despite the *Conconi* case. While some community members supported the PIVAA, the proactive enforcement was supported by the NPILTC. To back up the enforcement and confirm the NPILTC's position, one court case was initiated in 2013 but placed in abeyance in 2014 when the property owners agreed to comply with the land use bylaw (LUB).

In November 2015, a project to review the affordable housing issue on North Pender began. The review included the use of residential properties for tourist accommodation. Community meetings and consultations resulted in new recommendations, and ultimately Amendment Bylaw 204 was adopted to legalize the use outright of a second dwelling on the same lot as an STVR.

Additionally, properties without a lawful second dwelling were permitted to apply for a TUP with the adoption of Amendment Bylaw 203, which amended the Official Community Plan.

In 2015, twenty enforcement files were opened for STVRs as part of a policy driven, proactive enforcement campaign that continued until after the new bylaw regulations were adopted. These files were added to ten previously open enforcement files. As part of the initial enforcement action, STVR operators were advised of the home business regulations and their options for compliance with the land use bylaw (LUB).

Operators had the option of ceasing operations, changing to a lawful home business such as a bed & breakfast, or applying for TUPs. Several operators sold their properties outright, while others changed the operation to a lawful bed & breakfast. Eight TUPs were ultimately issued, and those permits were all in the Magic Lake area. By the beginning of Summer 2018, there were only three unresolved bylaw enforcement files for STVRs. While there may still be some undetected unlawful operations on North Pender, after regular review of the Airbnb and VRBO advertising platforms, those operations are now at a minimum, and they are not generating complaints.

The public express many concerns about STVRs. These concerns include the impact on the availability of affordable housing; the impact on the character of neighbourhoods; the impact on community resources; and the impact on potable water sources.

Regulating the STVR use and requiring operators to go through a permitting process allows the NPILTC to scrutinize and address community and water concerns, and fully address the impacts caused by the use of residential properties for tourist accommodation.

The combination of proactive enforcement and the use of the TUPs should be considered a success and an excellent bylaw enforcement policy model. The STVR issue is no longer controversial and the LUB is respected. Resources once spent on reviewing ads and complaints for those properties are now free to focus on other bylaw and community concerns. Although to ensure continued compliance proactive, enforcement on STVRs must continue.

The current program is permitting positive control by staff. We can keep the number of tourist vacation rentals to a minimum with proper regulation and monitoring, and it allows staff to stay up to speed with the market conditions and the development of potential problems. While Airbnb advertisement is the current business model for operators, another business model or website could easily replace Airbnb. Regular monitoring and enforcement should ensure that local government is not blindsided by a rapidly changing market place and the impacts on local communities

Prepared By: Warren Dingman, Bylaw Enforcement Officer

Reviewed By/Date: Miles Drew/August 27, 2018