



North Pender Island Local Trust Committee

Special Meeting Agenda

Date: February 3, 2015
Time: 10:00 am
Location: 1344 MacKinnon Road

	Pages
1. CALL TO ORDER	
2. TOWN HALL AND QUESTIONS	
3. APPROVAL OF AGENDA	
4. BUSINESS ITEMS	
4.1 Work Program - Long Range Planning	2 - 11
4.2 Top Priorities	
5. CORRESPONDENCE	
5.1 Email dated January 26, 2015 from R. Schnurr re: Meeting with BC Nautical Residents Association	12 - 12
5.2 Email Dated Jan. 26, 2015 From D. Perch re: Vacation Rental Strategy	13 - 13
6. TOWN HALL	
7. ADJOURNMENT	

STAFF REPORT

Date: January 26, 2015

File No.: North Pender LTC

6500-20-Work
Program Review

To: North Pender Island Local Trust Committee
For the special meeting of February 3, 2015

From: Justine Starke
Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: North Pender Island Local Trust Committee Work Program 2015

The purpose of this report is to provide the North Pender Island Local Trust Committee (LTC) with an overview of top priorities, projects, budgets and options at the start of the new term of office. The start of a new term is an opportunity for the LTC to establish its work program.

The LTC should consider the following Work Program points:

- Early in the term, each LTC should identify potential top priorities in consultation with planning staff (purpose of this staff report).
- Planners and the Regional Planning Manager (RPM) by a subsequent staff report will review potential projects and report back to the LTC on the feasibility of the project including: options, availability of resources, project scope and timeline, budget requirements, consistency with policies, legislation and with the Islands Trust Strategic Plan.
- If additional resources are required, the project may need to be included as a budget request within the LPS portion of the annual budget.
- Once a project is approved, the planning team will proceed with the work, reporting regularly to the LTC. The RPM ensures that there are sufficient resources assigned to the project and that the timeline is being met.

LTC Top Priorities

The Top Priorities list defines the LTC's work program. The North Pender Island LTC can identify up to three top priorities at any given time. When proposing new Top Priorities, the LTC must consider available resources, including budget and staff, and relevance of the project to the Trust Council Strategic Plan. Resources may not be available for all projects, budget requests are submitted in the fall and the annual budget is adopted by Trust Council in March for the fiscal year beginning April 1st. Once a project is proposed as a Top Priority, direction should be given to staff to draft a project charter. The draft project charter must then be endorsed by the LTC and Regional Planning Manager prior to the project proceeding.

The following are the current top priorities from the previous term:

Table 1: North Pender Island Local Trust Committee Top Priorities

Description	Activity	Status
1.	Age and Disability Friendly Community Plan	Union of BC Municipalities grant received to pursue an Age Friendly Plan for North Pender Island. Request for Proposals has been issued with a closing date of February 2, 2015 at noon. In accordance with grant requirements, the age friendly plan must be complete by December 31, 2015.
2.	Conservation Subdivision	Public workshop in Nov. 2014 generated interest; June 2014 staff workshop with large lot property owners was very successful; Regulatory review complete; Options for OCP/LUB amendments have been presented but not deliberated on; APC reviewed in late fall and recommended more community consultation.
3.		This place is waiting for a new top priority; the shoreline review was removed as a top priority.

Age and Disability Friendly Community Plan

The objective of the Age and Disability Friendly Community Plan as a top priority is to consider how the North Pender Island Local Trust Committee can improve accessibility and inclusion for aging and mobility challenged community members. Funding for this project has been made available by a grant from the Union of BC Municipalities Seniors Housing and Support Initiative (SHSI). The goals and objectives of the project are to:

1. Complete an age-friendly community plan of North Pender Island, based on a community survey, community consultation, and interviews with a range of stakeholders and service providers.
2. To recommend policies and actions to address: transportation and mobility (getting around North Pender); the accessibility of outdoor/indoor public, institutional, and commercial infrastructure (the built environment); the availability of accessible, adequate, and transitional housing (including the ability to age in place); senior health services, and social inclusion/civic engagement of seniors.
3. To make recommendations for updating the North Pender Island Official Community Plan policies to better support a built environment, transportation, housing, and services that are accessible for seniors and people with disabilities.
4. To make recommendations for updating the North Pender Island Land Use Bylaw to improve the standards of accessibility required in the built environment.
5. To identify and create partnerships with relevant agencies/community groups to collaborate on implementation of the age friendly community plan.

This project became a top priority in the summer of 2014. As such, there is no specific budget for the 2014-15 fiscal. However, the UBCM SHSI grant of \$16, 500 is available and will be used to commission an age friendly plan by a consultant. Prior to knowing about the grant opportunity, the LTC also made a Trust Council budget request of \$2500 for the 2015-16 fiscal year.

Conservation Subdivision

During the previous term, the Local Trust Committee was considering amendments to the Land Use Bylaw (LUB) and/or Official Community Plan (OCP) that would encourage property owners to apply a conservation approach for the design and layout of future subdivisions and thereby minimize the adverse impacts of subdivision. A conservation approach to subdivision involves an iterative process of design where features with ecological and cultural importance are identified at the outset and are taken into account in the design layout, and where a major portion of a property to be subdivided is set aside for conservation and/or a working landscape (agriculture, forestry) – with housing, infrastructure, and development clustered on the remaining portion.

At the LTC meeting of August 28, 2014, the NPILTC received a staff report identifying a range of OCP and LUB options for amendments with the objective of requiring, encouraging, or incentivizing conservation design for new subdivisions. The NPI LTC directed staff to workshop the report with the Advisory Planning Commission (APC); over the course of two APC meetings, the APC had a detailed discussion and passed some specific resolutions. In this advice, the APC requested the LTC engage the community in further consultation on conservation subdivisions.

This is an exciting and proactive planning project with the potential to beneficially influence Pender's future landscape and mitigate the negative impacts of subdivision and development. However, the subdivision process, current regulations, and proposed changes are complex to understand and discuss. If the North Pender LTC wishes to proceed with the project, the LTC may wish to consider hosting a focused discussion and dedicated time to discuss the different options that have been presented by staff.

There is \$410.67 left in the 2014-15 fiscal budget for this project. A budget request of \$2, 500 was made for the 2015-16 fiscal year.

Projects List

The purpose of the projects list is to keep a record of topics raised for future work by the LTC. The Projects list also provides a basis for budget requests for the next fiscal year. Before any work beyond basic scoping or preliminary discussion with other agencies begins, the item should be moved to the Top Priorities list to ensure that staff resources are not diverted from other top priorities. An LTC can have any number of projects on a projects list, however staff recommends this list be reviewed periodically to ensure the projects can be feasibly initiated in the term. Appendix 1 includes the project list that was endorsed by the LTC in the previous term, as well as new projects suggested by staff for consideration by the NPI LTC. Staff comments have been added providing context and relevance for each item. The LTC may wish

to amend the projects list to add or remove potential topics. New topics must have a clear objective and must be within the jurisdiction of the Islands Trust.

The LTC may also wish to provide an opportunity for the community to comment on this term's work program (further discussion in Next Steps section below).

Budget

There is a sufficient amount of money in the 2014-2015 fiscal year budget (ending March 31, 2015) to cover any costs anticipated before March 31st. The following are LTC Project budgets and balances requests submitted for the 2015-16 fiscal year (beginning April 1, 2015):

1. \$2,500 - Conservation Subdivision
2. \$2,500 - Age Disability Friendly Planning
3. \$2,000 – General OCP Amendments
4. \$2,000 – General LUB Amendments

Total Projects	\$9000.00
----------------	-----------

Note that in addition to the two current top priorities, the previous LTC also made two general budget requests for OCP and LUB amendments, which should provide the current LTC with some flexibility in choosing new projects. Each of these items has an amount sufficient to support a limited consultation process and public hearing associated with a project. If the LTC wishes to change the requested amounts or items, a request must be submitted to Financial Planning Committee prior to the February FPC meeting.

The budget items and amounts are subject to approval, consisting of Financial Planning Committee review and recommendation, and adoption of the budget by Trust Council.

Project Charter(s)

Currently the LTC has two project charters in effect for its two top priorities. If the LTC wishes to move forward with these projects, updated project charter will be required. Any new priorities decided on by the LTC will need to have project charters prepared for consideration of objectives, scope, budget, resources, and timeframe.

Emerging Issues

Staff are aware of emerging issues and some policy priorities of the newly elected LTC. Individual trustees have requested some background on specific issues. This is not a thorough analysis but rather an introduction to the issues. More information on scope, budget, and timelines would require the kind of review that goes into creating a project charter. Nevertheless, staff can offer the following snap shot to assist with deliberations:

1. Waste Management
2. Short Term Vacation Rentals
3. Affordable Housing

Waste Management

The Capital Regional District (CRD) is authorized under the Regional District Service Powers to regulate waste and recycling. The CRD has adopted a Solid Waste Management Plan (SWMP), currently under review, which enables the regulation of solid waste throughout the region.

The CRD Solid Waste Management Plan is a high level, enabling document currently being revised through the development of a new Integrated Solid Waste and Resource Management Plan (ISWRMP). It deals with region wide issues related to the CRD servicing of waste management and objectives for diverting material from the Hartland Landfill. 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. In May 2013, the NPI LTC wrote to the CRD to request that consideration of waste management be considered during the SWMP review.

The new ISWRMP may provide vehicle for coordinated community consultation on waste management more generally. However, regulation of waste management on North Pender by the CRD would still require the zoning be in place, which is the responsibility of the Local Trust Committee.

The North Pender Island Local Trust Committee could make waste management a top priority and initiate a community driven, land use planning process to zone land for waste management activities. This would be in addition to the CRD ISWRMP process which has its own momentum, timelines, and objectives that are beyond the scope of the Local Trust Committee. The two processes complement each other, but perhaps should remain independent with each agency proceeding at its own pace and area of authority. Nevertheless opportunities for collaboration exist and should be sought out, for example, it would be very helpful to co-host coordinated information sessions with CRD and Islands Trust staff presenting on each agencies roles and responsibilities, and offering community members avenues for input into the different processes.

A land use process could involve:

1. A needs assessment of waste management services by North and South Pender to better understand the range of land uses needed in the zoning
2. A review and inventory of all existing industrially-zoned land and waste management facilities on North Pender Island;
3. Development of criteria to address the preferred location of industrial zoned land for waste management;
4. An evaluation of the industrial land inventory to identify ideal locations for waste management

However, North Pender Island currently has two active applications to rezone industrial land for waste management activities. While there is some overlap with the proposed uses, the applications are also distinct and could offer complementary services. A community wide process to evaluate ideal locations for waste management would not resolve the issues related to considering the two locations currently proposed by willing land owners.

Short Term Vacation Rentals

Short Term Vacation Rentals (STVRs) is a term commonly used to describe the rental of dwellings to paying guests for a period of time generally less than on a month-to-month basis. This use occurs in dwellings (residences or cottages) that are located in residential zones, where the common form of occupancy is owner-occupancy or month-to-month rental by tenants.

STVRs are often distinguished as being different from residential use by their land use impacts felt by the community such as noise, traffic, parking, water use, garbage, loss of affordable rental stock and the perception that they can undermine the sense of community that exists on the islands.

The North Pender Island Land Use Bylaw does not currently permit short term vacations rentals in residential zones other than Bed and Breakfast home based businesses. Policy responses to this issue could range from consideration of permitting STVRs outright in the zoning, permitting in cottages only, permitting in some locations but not others, permitting them within the context of regulations similar to Bed and Breakfast regulations, regulating by Temporary Use Permits and adding relevant guidelines in the OCP, or continuing to prohibit them. If the North Pender Island Local Trust Committee made STVRs a top priority, it would enable the gathering of more information about the rationale for permitting STVRs (for example as opposed to a Bed and Breakfasts), the positive and negative impacts of STVR's, and detailed options for policy responses.

Affordable Housing

Recently, concerns over prohibitions within the North Pender Island Land Use Bylaw on live-aboard boats have raised again the issue of affordable housing. Affordable housing is Provincially defined as housing that can be afforded with 30% of a household's gross income; it is one of the Gulf Islands' most pressing issues.

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 results of the Housing Task Force have not been implemented by the North Pender Island Local Trust Committee.

If the LTC were to make affordable housing a top priority, it could start by having staff review the Housing Task Force Report in detail and evaluate the options presented for consideration.

Staff Comments

The LTC work program is limited to three top priorities in order to set realistic expectations on what can be accomplished with the staff, LTC time, community capacity, and resources available at a given time.

The priorities inherited by the Local Trust Committee from the last term of trustees are in different stages of completion. The Age Friendly Planning Process has a separate funding stream which enables the hiring of a consultant to complete an age friendly plan. At the December 17, 2014 special LTC meeting, the LTC confirmed its interest in accepting the UBCM grant and following this work through.

The conservation subdivision project is at a natural place of transition. There has been a work shop for the information of the general public as well as a targeted meeting with large lot property owners. Next steps in this program would be to engage the community and discuss the

regulatory changes recommended by staff as a means to enable and encourage property owners to implement a conservation approach to subdivision. It is anticipated this work could be completed within a year.

The emerging issues that have been briefly discussed each have merit for LTC focus and resources to be assigned, if they were made top priorities.

Once the LTC redefines its Top Priority List, staff will bring forward amended or new "Project Charters," to define objectives, scope, budget, and timelines. The Project Charters will also include recommendations on process, communications, and community involvement.

Recommendations:

1. THAT the North Pender Island Local Trust Committee amend its Work Program by designating the following three Top Priorities . . .and request staff to bring new and/or amended project charters forward for consideration of endorsement; and
2. THAT the North Pender Island Local Trust Committee endorse the work program long list included as appendix 1 to the staff report dated January 26 2015 with the following amendments . . .

Prepared and Submitted by:

Justine Starke, Island Planner

January 27, 2015
Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 27, 2015
Date

Appendix 1: North Pender Island Local Trust Committee - Proposed Long List – February 3, 2015

Priority	Description	Activity	Date Rec'd
1	Climate Change Adaptation and Community Resilience	- Review available baseline data and consider policy and regulatory changes to address climate change adaption and community resilience in land use - Review of pending changes to Provincial 'Flood Hazard Area Land Use Management Guidelines' - Incorporate the CRD Coastal Sea Level Rise Risk Assessment mapping project - Review of marine zoning regulations in conjunction with overall shoreline development review	Jan-22-2009
2	Agricultural Projects	Consider implementing agricultural initiatives identified in the OCP, including an Area Farm Plan and any recommendations arising from Food and Agriculture Strategy. Review the Land Use Bylaw's setbacks from water courses for agricultural buildings.	Jan-22-2009
3	Other OCP projects: 1. Groundwater protection strategy 2. Include advocacy policies to replace the <i>ultra vires</i> regulations that were removed from the Land Use Bylaw (commercial airstrips, private marinas, use of personal watercraft) 3. Pedestrian and Cycle paths	1. consider implementing a model Development Permit Area 2. Future amendments may stem from Southern Gulf Islands Cycling and Pedestrian Plan	Jan-22-2009
4	Geological Hazard Mapping	Implement Hazard Mapping	Feb-22-2012
5	LUB Amendments	1. Review of industrial zoning: remove redundancies and consider simplifying; consider waste management zones; review home based business regulations; consider incorporating TUPs into zoning. 2. Tourist commercial zoning: review development potential of (C2) zoned properties on McKinnon Road 3. Review of commercial (C1) zoning, focussing on the site-specific nature of (C1) zoning outside of the Driftwood 4. Landscape screening review 5. Consider height exemptions to permit renewable energy	Mar-22-2012

Appendix 1: North Pender Island Local Trust Committee - Proposed Long List – February 3, 2015

		6. Review the height exemptions for agricultural or forestry buildings; consider making regulations more objective and permitting forestry buildings in rural and agricultural zones 7. Review floor area calculations of cottages in support of alternative, energy efficient building designs, and review maximum floor area restrictions, specifically measuring floor area to exterior walls 8. Consider a maximum floor area for principal dwellings 9. Other technical amendments	
6	Road Side Signs	Consideration of permitting 'group' signage, and regulating sandwich board signs	Apr-26-2012
7	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	1. Net Zero Emission Vehicle designation 2. Level 2 Charging Stations 3. Additional Car Stop Locations 4. Additional Bicycling-Walking Routes 5. Heritage Roads	Sep-20-2012
8	Review the applicability of the NPILTC Bylaw Infraction Investigations of Bylaw No. 54, 1990.	Also address situations where construction work has occurred without the required permits or approvals, and come in as applications after the fact.	
9	Road standards in subdivision servicing regulations	Consider related policy and regulatory options for new road dedication and construction.	
10	Affordable Housing	Review OCP and LUB for opportunities to implement the 2008 North Pender Affordable Housing Task Force; Consider Secondary Suites; Work with Capital Regional District to establish a partnership on the administration of Housing Agreements.	PROPOSED February 3, 2015
11	Rainwater Catchment provisions.	Review the North Pender Land Use Bylaw 103 (LUB) to consider encouraging Rainwater Catchment provisions. Other Local Trust Areas in the Sothern Gulf Islands have regulations that address water supply via rainwater catchment. (East Point, Saturna Island, Galiano Island Water Management Areas).	PROPOSED February 3, 2015

Appendix 1: North Pender Island Local Trust Committee - Proposed Long List – February 3, 2015

12	Review water supply provisions in North Pender Land Use Bylaw 103 (LUB) subdivision servicing regulations	Water supply standards (Table) should be reviewed for comparison with latest understanding of aquifer capacities and for consistency with the requirements of other agencies; Review sources of water supply that must be guaranteed at time of subdivision.	PROPOSED February 3, 2015
13	Review drainage provisions in the North Pender Land Use Bylaw 103 (LUB) subdivision servicing regulations	The current drainage regulations in the LUB are written as guidelines and could be strengthened. Other Local Trust Areas could be reviewed for consistency in approach; Should be reviewed in conjunction with Ministry of Transportation and Infrastructure requirements to identify gaps in impact mitigation that may be more relevant to North Pender Island.	PROPOSED February 3, 2015
14	Campground regulations in North Pender Land Use Bylaw 103 (LUB)	As written, the current regulations could result in over built campgrounds that are out of character with North Pender Island.	PROPOSED February 3, 2015
15	Review Development Permit fees set by the North Pender Island Fees Bylaw	Sensitive ecosystem Development Permits are currently set at \$200 which does not recoup administrative costs of processing a Development Permit.	PROPOSED February 3, 2015
16	Farm Worker Housing	Consider how to address and enable farm worker housing.	PROPOSED February 3, 2015
17	Audit of Development Permits impacts and effectiveness	A review or audit would look at whether Development Permits and their associated guidelines are adequate and have had the intended result they were developed for.	PROPOSED February 3, 2015
18	Geo-duck harvesting in Associated Islands Land Use Bylaws	Current regulations allow this use which was envisioned as passive harvesting. Recent experiences of industrial scale geo-duck harvesting in other Local Trust Areas have indicated this as an area of potential review.	PROPOSED February 3, 2015

From: Rick Schnurr [REDACTED]
Sent: Monday, January 26, 2015 2:13 PM
To: Derek Masselink
Cc: [REDACTED], mdrew@islandstrust.bc.ca, jstarke@islandstrust.bc.ca,
wdingman@islandstrust.bc.ca; Miles Drew; Justine Starke; Warren Dingman
Subject: Meeting with BC Nautical Residents Association

Derek Masselink
Pender Island Trust Committee

Dear Derek Masselink:

The BC Nautical Residents Association (BCNR), which represents the interests of liveaboards and floathome residents, requests a meeting with the Pender Island Trust Committee to discuss the policies governing marine communities. This subject has recently been brought to the fore during recent bylaw enforcement issues in Port Browning. It is our understanding that the Islands Trust does not have a specific policy regarding marine communities and liveaboard moorage, but leaves that decision to each island Trust Committee.

The BCNR (bcnr.org) was established in 2010 to support the chosen lifestyle of living aboard one's boat. We encourage our members to do this in a responsible manner as citizens of the larger communities in which they live, by adopting and conducting their activities according to a defined Code of Ethics (<http://bcnr.org/resources/liveaboard-code-of-ethics/>).

There is a great deal of inconsistency among individual communities in terms of the policies governing living aboard one's boat. These policies range from bylaw-approved usage in Victoria Harbour to outright illegal activity in many locations. In most cases where a ban exists, the community seems to be using a 'shotgun' approach to solving individual problems such as derelict boats, sewage disposal, challenging personalities, or other issues. We support rules and regulations that seek to resolve these individual problems without resorting to a complete ban of liveaboard boats.

We sincerely desire to address this issue with the Pender Island Trust Committee. We will be contacting other island Trust Committees and communities to discuss this issue as well.

We would appreciate your providing us with a few dates and times that would work for you, and as many BCNR directors as possible will make ourselves available to meet with you. With thanks for your consideration of our request.

Yours truly,

Rick Schnurr, Director
Kris Samuels, Director
Allan Creasy, Director
Tim Finlay, Director
Bill Sassaman, Director
Randy Van Eyk, Director

From: Dennis Perch [pacific.cove@shaw.ca]
Sent: Monday, January 26, 2015 10:13 AM
To: Derek Masselink; Dianne Barber; George Grams
Cc: [REDACTED]
Subject: Vacation Rental Strategy

We recently heard a rumour that you may be considering Temporary Use Permits (TUP) as a solution to the vacation rental issue on North Pender. You should know that those who would be directly affected by this (vacation rental owners) are opposed to this as a solution. It was part of [REDACTED] re-election platform which we rejected. You were also elected partly because your position was to reject this idea in favour of regulation in the bylaw. We hope your position has not changed due to lobbying by the groups below.

The two groups who favour TUPs are:

1. Trust planners – For years they have been actively trying to eradicate vacation rentals from the Trust area. If you are gone in 4 years and replaced with trustees more philosophically aligned with them (like the former ones), they can easily restore their unwritten prohibition interpretation of the LUB because you haven't changed it. Years ago, planners tried this same maneuver on South Pender and only failed due to the resolve of the trustees who ignored them and insisted on changing the LUB to clearly make vacation rentals a permitted use.
2. A few (not all) self-interested realtors – because they see it as a quick fix to help them with sales by telling clients that everyone can have a vacation rental to supplement income.

One key issue is the temporary nature of the permit. Trust planners are abusing the process set up by local government legislation in suggesting that, when a TUP expires (as it must) you just start a new one. The TUP was not intended to be used this way. But there are many more reasons why TUPs are unacceptable. Please see the attached document that was sent to all realtors in 2013.

Dennis Perch
Pender Islands Vacation Accommodations Association (PIVAA)