



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: June 18, 2015
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	9:45 AM - 9:50 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:50 AM - 10:15 AM
4. COMMUNITY INFORMATION MEETING	10:15 AM - 10:45 AM
4.1 Bylaw No. 198	4 - 6
5. PUBLIC HEARING	10:45 AM - 11:00 AM
5.1 Recess for Public Hearing	
5.1.1 <u>Bylaw No. 198</u>	7 - 9
5.2 Recall to Order	
6. MINUTES	11:00 AM - 11:20 AM
6.1 Local Trust Committee Minutes	
6.1.1 <u>Local Trust Committee Minutes</u> <u>Dated April 30, 2015 (for Information)</u>	10 - 21
6.1.2 <u>Special Local Trust Committee</u> <u>Meeting Minutes of May 19, 2015 (for</u> <u>Adoption)</u>	22 - 28
6.2 Section 26 Resolutions-without-meeting Report Dated June 2015	29 - 29
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated June 2015	30 - 31

8.	DELEGATIONS	11:20 AM - 11:30 AM
8.1	M. Kenwell re: How Other Local Governments Regulate STVRs	
8.1.1	<u>D. Read Presenting on Behalf of Magic Lake Property Owners</u>	
8.1.2	<u>K. Curtis - Pending</u>	
9.	CORRESPONDENCE	11:30 AM - 11:45 AM
	Correspondence received concerning current applications or projects is posted to the LTC webpage	
9.1	Letter from S. Steil re: Request for Assistance re: Invitation for Celebrating Orca of the Salish Sea	32 - 35
9.2	Email Dated April 25, 2015 from J. Burrows re: Depletion of Aquifer on Pender	36 - 37
10.	APPLICATIONS AND REFERRALS	11:45 AM - 12:15 PM
10.1	NP-DVP-2015.3 (Stephenson/PIGCC) - Staff Report	38 - 48
10.2	NP-DVP-2015.4 (Thierault c/o Lansdowne) - Staff Report	49 - 67
10.3	NP-SUB-2014.3 (Davies) 10% Waiver - Staff Report	68 - 71
11.	LOCAL TRUST COMMITTEE PROJECTS	12:15 PM - 1:00 PM
11.1	Housing (STVR) - Staff Report & Project Charter	72 - 89
11.2	Waste Management - Memo	90 - 94
12.	REPORTS	1:00 PM - 1:15 PM
12.1	Work Program Report (attached)	
12.1.1	<u>Top Priorities Report Dated June 2015</u>	95 - 95
12.1.2	<u>Projects List Report Dated June 2015</u>	96 - 97
12.2	Applications Report Dated June 2015 (attached)	98 - 103
12.3	Trustee and Local Expense Report Dated May 2015 (attached)	104 - 104
12.4	Adopted Policies and Standing Resolutions (attached)	105 - 105
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	1:15 PM - 1:30 PM
12.7	Trustee Report	
12.8	Trust Fund Board Report - May 2015 (attached)	106 - 106

13. NEW BUSINESS
14. UPCOMING MEETINGS
- 14.1 Next Regular Meeting Scheduled for July 30, 2015,
at the Pender Community Hall
15. TOWN HALL 1:30 PM - 2:00 PM
16. CLOSED MEETING (Distributed Under Separate Cover) 2:00 PM - 2:30 PM
- That the meeting be closed to the public in accordance
with the Community Charter, Part 4, Division 3, S. 90(1)
(a), (d), (f) and (g) for the purpose of considering:
- Adoption of In-Camera Meeting Minutes Dated April
30, 2015
 - Bylaw Enforcement Reporting
 - Special Advisory Planning Commission / Waste
Management Task Force Member Appointments
- 16.1 Recall to Order 2:30 PM - 2:35 PM
- 16.2 Rise and Report
17. ADJOURNMENT 2:35 PM - 2:35 PM

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 198

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

<i>Column 1</i> Site- Specific Zone Reference	<i>Column 2</i> Legal Description	<i>Column 3</i> Site Specific Regulations
W1(c)	The land covered with water fronting Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except part in Plan 19554.	(1) Despite 8.19.6(1) the maximum water area that may be covered by a float is 83.6m ² . (2) Despite 8.19.7(1) a maximum of one private float, ramp and walkway is permitted in the W1(c) zone

2. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 04, 2014".

C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 22nd day of JANUARY , 2015

READ A SECOND TIME this 30th day of APRIL , 2015

PUBLIC HEARING HELD this day of , 20

READ A THIRD TIME this day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE this day of , 20

ADOPTED this day of , 20

Chair

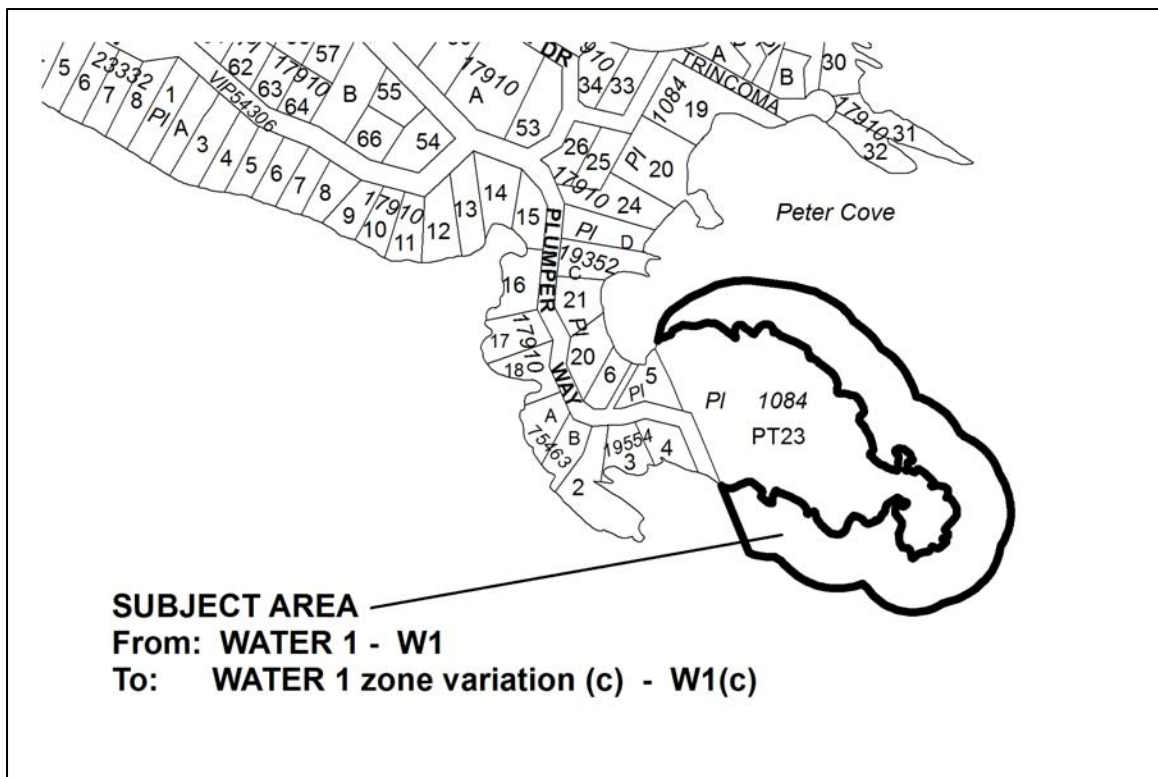
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 198

PLAN No. 1

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ADOPTED this day of , 20

Chair

Secretary



ADOPTED

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: Thursday, April 30, 2015 (9:45 AM)
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Zorah Staar, Recorder

Public and Media Present: There were twenty (20) members of the public present

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:45 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was amended as follows:

- Add item 9.1 Letter Dated April 24, 2015 from S. Steil re: Trust Council 2014 – 2018 Strategic Plan;
- Add item 10.3 Galiano Island Local Trust Committee Bylaw 250 Referral;
- Add item 11.3 Housing – Resolutions re: Vacation Rentals.

By general consent the Local Trust Committee agenda, as amended, was Approved.

3. TOWN HALL AND QUESTIONS

Sara Steil asked if the Trustees had read Jim Henderson's Pender Island groundwater report that she had provided, to help inform Trustee decisions.

Trustee Barber said "yes" and Trustee Masselink said "no."

Sara Steil suggested that rezoning application NP-RZ-2014.1 (item 10.2 below) should not be approved, because this would set a huge precedent for oversized docks, it was not a community dock, and the Advisory Planning Commission had opposed it.

Dorothy Murdoch said that she had expressed interest in writing to be appointed to the Advisory Planning Commission, but was concerned about having been informed by Islands Trust staff that her name had been withdrawn from the list of candidates.

Planner Starke said that there was a staff mistake confusing Murdoch's name with someone else, now Murdoch was on the candidate list, and apologies were offered.

Dorothy Murdoch said that she also spoke as Manager of the Driftwood Centre, because the owner had recently received a call from Islands Trust Bylaw Enforcement alleging that illegal burning of garbage was happening at the Centre. Murdoch said that the proper permit, insurance, and venting was in place for the fire, no garbage was burned, how could the officer enter without notice, and was this targeting the Driftwood?

Chair Grams said that the Bylaw Enforcement Officers could act on complaints and visit private premises without notice to or consent of the owner, during reasonable hours. The issues raised by Murdoch could be discussed at the in camera meeting later today.

Richard Piskor said that he was an owner of the Hope Bay Hop Farm, he appreciated Islands Trust transparency, and why did this month's Local Trust Committee Expense Report seem to say that meeting expenses were about \$1,000 over budget for the month?

Planner Starke clarified that the expense report was for a fiscal year, and showed that Local Trust Committee meeting expenses had been \$922 over budget for that year.

Richard Piskor added that the entire Islands Trust budget for the fiscal year was about \$7 million, and he asked what the \$1.6 million amount for administration included.

Chair Grams said that the Islands Trust budget had line by line items for each section, and we could try to find out and confirm what expenditures were included under administration.

Don Corbett asked if the Islands Trust budget itemized time spent on advocacy (e.g. re: ferry costs, Salish Sea pollution, etc.), why staff worked on advocacy instead of just the Trustees, and why staff numbers had increased since 2007 from 37 to over 50?

Chair Grams replied that on larger advocacy issues, it made sense for planning staff to collect and consolidate the views of various Local Trust Committees, do research, and construct advocacy letters and statements for the consideration of Trust Council. Also, the Islands Trust currently had 50 staff (website indication of 53 staff needed to be updated).

Trustee Masselink said that he was the Chair of the Trust Programs Committee, and that the Islands Trust currently had one staff person working on advocacy. He felt more staff time was needed, considering an organization of this size and the major issues it faced.

Chair Grams said that he supported a different Islands Trust approach regarding advocacy – “pulling levers that we control, instead of begging others to pull levers”. It was important to assess where advocacy had been successful and where it had not.

Leigh Pullen said that he agreed with Chair Grams' statement above.

Michael Sketch provided a submission re: the Agricultural Lands Commission (ALC) decision to allow the Burdett solid waste use, saying that he and 6 other persons had asked the ALC to reverse this decision, because it was incorrectly based on community need. West Coast Environmental Law had agreed to provide legal advocacy on this point.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1. Local Trust Committee Minutes Dated March 26, 2015

By general consent the Local Trust committee meeting minutes of March 26, 2015 as presented, were Adopted.

6.2. Section 26 Resolutions-without-meeting Report

None

6.3. Advisory Planning Commission Minutes

6.3.1. APC Minutes Dated January 7, 2015

For information

6.3.2. APC Minutes Dated March 17, 2015

For information

6.3.3. APC Minutes Dated April 2, 2015

For information

7. BUSINESS ARISING FROM THE MINUTES

7.1. Follow-up Action List Dated April 2015

Planner Starke said that regarding audio recording of meetings, Management would consider if there were resources for the North Pender Island Local Trust Committee to be a pilot project to expand this beyond Salt Spring.

Chair Grams said that on Salt Spring, the Local Trust Committee Recorder/ Minute Taker handled the recording device, and staff later deleted any defamatory comments and uploaded the recording to the Islands Trust website.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

9.1. Letter Dated April 24, 2015 from S. Steil re: Trust Council 2014 – 2018 Strategic Plan

Received for information

10. APPLICATIONS AND REFERRALS

10.1. Mayne Island Local Trust Committee Bylaws No. 161 & 162 Referral

Planner Starke noted that the above bylaws involved general and technical amendments by the Mayne Island Local Trust Committee.

By general consent the Local Trust Committee confirmed that its interests were unaffected by Mayne Island Local Trust Committee Bylaws No. 161 and 162.

10.2. NP-RZ-2014.1 (06975950 – Michael Philpot)

Trustee Masselink said that he was recusing himself for this item because of potential perception of conflict of interest due to his wife having previously been a consultant for the applicant.

Trustee Masselink left the meeting at 10:18 a.m.

Planner Starke reviewed the April 15, 2015 Staff Report for the Wallace Point Rezoning for Common Dock (NP-RZ-2014.1), commenting as follows:

- Application involved Proposed Bylaw No. 198 to rezone a Water 1 zone, to permit a larger dock (83.6 m²) than the Land Use Bylaw allowed (37 m²);
- Applicant's strata subdivision application for the property had been withdrawn, and their NAPTEP covenant for the property was now approved;
- Biologist's report said that impact of removing dock was greater than leaving it;
- Advisory Planning Commission majority recommended that dock rezoning application proceed no further, to avoid setting a precedent;
- As part of rezoning, applicant would sign a covenant that if and when he did subdivide into two additional lots the dock would be shared by future lot owners. .

The Applicant was present, and said that the subdivision was a low priority for him.

Trustee Barber said she agreed with the rezoning, and withdrawal of subdivision.

Chair Grams said that allowing the oversized dock was the lesser of two evils, because without the rezoning and covenant, two additional docks could be built if the property was subdivided.

NP-2015-026

It was **MOVED** and **SECONDED**

THAT the North Pender Island Local Trust Committee give Second Reading to Bylaw No. 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2014 (NP-RZ-2014.1; 0697595; 7950 Plumper Way).

CARRIED

NP-2015-027

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee direct staff to schedule a Public Hearing and Community Information Meeting for Bylaw No. 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2014. (NP-RZ-2014.1; 0697595; 7950 Plumper Way).

CARRIED

NP-2015-028

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee request that a suitable worded s. 219 covenant be registered prior to final adoption of Bylaw No. 198, to ensure that prior to registration of any future subdivision an easement or access via common property is a condition of subdivision approval.

CARRIED

There was a brief break, and then Trustee Masselink returned to the meeting at 10:39 am.

10.3. Galiano Island Local Trust Committee Bylaw No. 250 Referral

It was noted that Galiano Island Local Trust Committee Bylaw No. 250 involved a Land Use Bylaw amendment for clarity (confirming that zoning must regulate uses and not users of land).

Trustee Masselink said that a copy of the proposed bylaw was necessary, before making a decision on this referral.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Waste Management – Staff Report

Planner Starke reviewed the April 21, 2015 Staff Report, commenting as follows:

- Report included the Project Charter Work Plan Overview for the Local Trust Committee Top Priority – Land Use Planning for Waste Management;
- Report included draft Terms of Reference for a Special Advisory Planning Commission (like a Community Task Force), to do research, community analysis, and reach consensus on ideal locations and preferred scope of waste management on North Pender (with consideration of South Pender);
- Proposed process also involved stakeholder meetings, local community engagement / consultation, providing input to CRD re: their consultations on a regional waste management plan, and other cooperation with CRD;
- Proposed project timeline was between present and July, 2016.

The Trustees discussed the need for the waste management planning process to involve directly the CRD, South Pender Island, and solid waste operators, including allowing operators to seek membership on the Special Advisory Planning Commission. This was considered to be consistent with provision 7 of the proposed Terms of Reference.

By general consent the Local Trust Committee amended the draft Terms of Reference for the Special Advisory Planning Commission (APC) as follows:

- To amend provision 12 to clarify that Trustees participating in a Special APC meeting will have no vote;
- To amend provision 13 to clarify that both the CRD Director or his delegate and also a South Pender Trustee are to be invited to participate in the Special APC in an ex officio capacity.

NP-2015-029

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee endorses the Terms of Reference as amended, for a Solid Waste Management Special Advisory Planning Commission attached to the Staff Report dated April 16, 2015, and directs staff to advertise for members.

CARRIED

11.2. Age Friendly Planning – Verbal Report

Planner Starke reported that a May 19 workshop (10:30 am to 1:30 pm) had been scheduled for the Age Friendly Planning project, to be facilitated by the consultant and staff. This was to discuss Age Friendly community issues broadly. All interested persons were invited to RSVP to lfoster@islandstrust.bc.ca.

NP-2015-030

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee directs staff to issue a media release inviting participation in the Age Friendly Planning workshop scheduled for May 19, 2015.

CARRIED

11.3. Housing – Resolutions re: Vacation Rentals

Trustee Barber proposed two resolutions regarding vacation rentals (short term vacation rentals), to give them first priority within the Local Trust Committee's Housing Top Priority, and to request a Project Charter on options for legalization.

Trustee Masselink said that he was more interested in an ecosystem approach to the Housing top priority, giving broad consideration to issues, but he was willing to start with the vacation rental issue.

Chair Grams said that he had a difficulty with vacation rentals being within a Housing priority because they were commercial, and also a concern with a resolution requesting "options for the legalization of tourist accommodation within residential zones", because this sounded as if legalization of vacation rentals was already decided, which was not the case. Chair Grams allowed public comment.

Julie Roper said that she was Vice-Chair of the Advisory Planning Commission, which met last week to discuss and comment at length on the LTC referral re: whether to take a comprehensive or a focussed approach to Housing. These APC comments now felt like a waste of time, given the resolutions proposed today.

Marika Kenwell said that she was also on the APC, and she asked why short term vacation rentals (STVR's) would be made the top housing issue, when our island had people looking for affordable housing and not being able to find it.

Trustee Barber said that there were people who would like to live here part-time, who wanted or needed to be able to rent out their house part-time to allow this.

Marika Kenwell said that many short term vacation rental owners already lived here, but had second and third houses that they rented out as STVR's, which they had no intention of living in themselves.

Dorothy Murdoch said that we needed to have the STVR discussion as soon as possible because the lack of them was killing business on this island, and also she was not convinced that we had a lack of low-income housing here.

NP-2015-031

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee put first priority on consideration of Vacation Rentals over other matters within the Housing top priority.

CARRIED

NP-2015-032

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee direct staff to bring a project charter and scope of work on options for reviewing the issue of tourist accommodations in residential zones to the next regular Local Trust Committee meeting.

CARRIED

Planner Starke clarified that Housing was still one of the Local Trust Committee's three top priorities, and that the Advisory Planning Commission minutes on the Housing referral would be brought forward for review.

12. REPORTS

12.1. Work Program Report (attached)

12.1.1. Top Priorities Report Dated April 2015

Received for information

12.1.2. Projects List Report Dated April 2015

Received for information

12.2. Applications Report Dated April 2015

Received for information

12.3. Trustee and Local Expense Report Dated March 2015

Received for information

12.4. Adopted Policies and Standing Resolutions

Received for information

12.5. Local Trust Committee Webpage

The North Pender Local Trust Committee webpage can be found at:

www.islandstrust.bc.ca/npender

12.6. Chair's Report

Chair Grams commented on the following:

- Provincial Ministerial funding now given for Salt Spring Island to undertake a study and a process re: potential incorporation as a municipality;
- Islands Trust Executive decision to have some of their meetings on other islands;
- A recent useful Southern Gulf Islands planning round table, involving Local Trustees, CRD, and Ministry of Transportation & Infrastructure representatives;
- A recent useful meeting of Southern Gulf Islands Trustees, including considering the Islands Trust vision statement, and also potential relocation of some Trust functions away from Victoria, to be staffed by more islanders.

12.7. Trustee Report

Trustee Masselink commented on the following:

- Recent Southern Gulf Islands planning round table meeting, which was part of positive steps for the Islands Trust and CRD to work more collaboratively;
- Recent Southern Gulf Islands Trustees meeting - an important chance to discuss where the Trust was headed, e.g. could it become a beacon of sustainability;
- Parks Canada Advisory Board meeting tomorrow, which he would attend;
- Upcoming May 7 meeting (10 am, Legion), for Bylaw Enforcement discussions between local enforcement personnel and stakeholders;
- Trustee Masselink being chosen for a Social Innovation Residency at Banff Centre.

Trustee Barber commented on the following:

- LTC looking for volunteers for the regular Advisory Planning Commission, and the Solid Waste Management Special Advisory Planning Commission;
- Re: vacation rentals, Trustee Barber was looking for a way to legalize this with regulations, and to figure out how to put those in place;
- Re: recent Southern Gulf Islands Trustee discussions, we were on the road to our communities working with Planners who actually lived on the islands;

- Also, Trustee Barber encouraged people to be a bigger, better part of our community.

12.8. Trust Fund Board Report

Received for information

12.9. Bylaw Enforcement

12.9.1. Trust Council Briefing and Statistics

Chair Grams noted the February 17, 2015 Bylaw Enforcement Briefing to Trust Council, which provided statistics based on local trust area and violation types. Islands Trust enforcement of bylaw violations was ongoing, often began with seeking persuasion and education, and could then proceed to successive layers of enforcement action.

13. NEW BUSINESS

13.1. 2014-15 Annual Report - North Pender Island Local Trust Committee Section – Request for Decision

NP-2015-033

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee approves the text attached to the April 7, 2015 Request for Decision, for inclusion in the 2014-15 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

13.2. Input to Strategic Plan – Request for Decision

Chair Grams noted that revision of the Islands Trust Strategic Plan for 2014 – 2018 had been discussed at the recent Galiano Trust Council meeting, and additional input was requested from each Local Trust Committee.

The two local trustees suggested priorities for the Islands Trust Strategic Plan, which Chair Grams helped summarize (Trustee Barber – see points 1 to 4 in resolution below, and Trust Masselink – points 5 to 8 below). Trustee Masselink also expressed frustration with the length, repetition, and lack of clarity in the Strategic Plan, and felt the Islands Trust should first re-vision where it was headed in a big sense (e.g. from 30,000 feet), and then revise the Strategic Plan more significantly.

NP-2015-034

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee recommend to Trust Council that the potential objectives and strategies in the Discussion Draft of the Strategic Plan for 2014 – 2018 be amended to include the following priorities:

1. Organizational cost effectiveness and resilience;
2. Reduction in our ecological footprint;
3. Protecting and preserving our shorelines;
4. Maximizing resource efficiency, in particular by making the best use of existing buildings
5. Engaging our communities and the rest of BC in the protection and stewardship of the Trust area;
6. Improving the economic and social health of our communities;
7. Delivering open and effective governance;
8. Establish effective evaluation processes of Islands Trust in achieving its mandate.

CARRIED

13.3. Board of Variance (BOV) Expiring Memberships - Staff Memo

Planner Starke noted the April 16, 2015 Memorandum, on steps that staff will now take re: candidates for the North Pender Island Board of Variance.

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for May 28, 2015, at the Pender Island Community Hall

Trustee Masselink suggested rescheduling to an evening Local Trust Committee meeting earlier in May, to support attendance by more community members.

NP-2015-035

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee request staff to reschedule the May 28 Local Trust Committee meeting to the week of May 21, and consider hosting that meeting in the evening.

CARRIED

15. TOWN HALL

Marika Kenwell thanked Trustee Masselink for his inclusiveness and his interest in greater dialogue with the community.

Julie Roper thanked the Local Trust Committee for referring the Housing top priority to the Advisory Planning Commission for discussion last week, resulting in meeting minutes which she hoped the Trustees would review.

Michael Sketch thanked the Trustees for receiving community comment during their meetings, and agreed that it was good to look at the Islands Trust Strategic Plan “from 30,000 feet”, and consider redrafting and shortening it.

Chuck Harris said that he had recently become aware of real estate statistics suggesting that of the local islands, Pender Island had the largest number of homes that were only occupied part-time. Harris also said that “Airbnb” (worldwide vacation rentals arranged by internet) appeared to be operating on Pender, and that we also seemed to have a large transient rental population (rental residents coming and going).

Anne Burdett asked if the Local Trust Committee would be writing to the Agricultural Lands Commission (ALC) to request reconsideration of their previous decision to allow a non-farm use for solid waste transfer on the Burdett property (associated with rezoning).

Chair Grams said that he did not see the need for the LTC to request this, and that such a request could be interpreted as pre-judging the Burdett rezoning application.

Planner Starke noted that the previous LTC had referred the Burdett request for a non-farm use to the ALC, which could be interpreted as implicit support for this non-farm use.

Michael Sketch said that the previous LTC made the Burdett referral to the ALC not with support for the proposed non-farm use, but rather to see if the ALC would even allow it, before further engaging the community in discussion of a rezoning application.

David Reed commented as follows:

- He was part of Magic Lake Property Owners Association, which was developing a position paper on short term vacation rentals (STVR's);
- He wondered how people could say that Pender businesses were suffering because of a lack of STVR's, when there were likely other causes (e.g. increasing ferry fares);
- 57 local STVR's were currently advertised by internet, and how many were enough?

Chair Grams said that STVR issues like the above were all to be discussed and debated in future, with no pre-determined outcome. For example, the outcome could be to renew enforcement on all North Pender STVR's.

Trustee Masselink agreed, adding that the current LTC attention to STVR's would provide a legitimate forum for a community discussion that was already happening.

Candis Zell suggested consideration of creating ecological rural tourism here, and also spoke in support of year-round renters.

Anne Burdett asked about North Pender Island build-out potential.

Marika Kenwell said that there were 4,500 lots on North Pender, and you could multiply this by 2.1 (a rough average), to estimate a potential future population with full build-out.

16. CLOSED MEETING

16.1. Motion to Close Meeting

The following motion was passed at 12:56 pm.

NP-2015-036

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee close the meeting to the public in accordance with the Community Charter, Part 4, Division e, s. 90(1) (a), (d), (f) and (g) for the purpose of considering: Adoption of In-Camera Meeting Minutes Dated March 4, 2015, Bylaw Enforcement Issues, and Appointment of APC Members, AND that the recorder and staff attend the meeting.

CARRIED

16.2. Recall to Order

The following motion was passed at 1:15 pm.

NP-2015-037

It was MOVED and SECONDED

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

CARRIED

16.3. Rise and Report

It was reported that during the In Camera Meeting, the Local Trust Committee passed a resolution to appoint Benjamin McConchie, Dorothy Murdoch and Barbara Johnstone Grimmer, and to re-appoint Michael Symons, Julie Roper and Sharon Card to the North Pender Island Advisory Planning Commission for a term of one year commencing April 24, 2015.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:16 pm.

George Grams, Chair

Certified Correct:

Zorah Staar, Recorder



DRAFT

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

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: Tuesday, May 19, 2015 (10:30 am)
Location: Pender Islands Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present: Justine Starke, Island Planner
Zorah Staar, Recorder
Lori Foster, Planning Team Assistant

Regrets: George Grams, Chair
Gary Holman, MLA Saanich North and the Islands

Public and Media Present: There were approximately 35 members of the public present

1. CALL TO ORDER

The meeting was called to order at 10:38 am, by Trustee Masselink as Acting Chair. He welcomed everyone to this workshop on age friendly (senior friendly) community planning. This also benefitted other ages, and the sustainability of our community.

Planner Starke said that the North Pender Island Local Trust Committee (LTC) initiated this project in the last term and it was advanced through a grant from the Union of BC Municipalities. She commented that the LTC has the authority to make land use decisions such as improving parking standards in the Land Use Bylaw or requiring more accessibility be included in the guidelines of the Official Community Plan. Ultimately, an age friendly plan will need to be implemented in partnership with a number of agencies and that is a major objective of this project.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. AGE FRIENDLY PENDER COMMUNITY WORKSHOP

Capital Regional District (CRD) Director, David Howe of the Southern Gulf Islands Electoral Area was present and confirmed his support for age friendly island communities. He introduced Judy Brownoff. She is a CRD Director, Saanich Councillor, and a regional and national expert in this field.

3.1. Age Friendly Presentations

3.1.1. Judy Brownoff, Saanich Councillor, CRD Director

Judy Brownoff made comments on topics including the following:

- The importance of celebrating and empowering all individuals as they age, and also valuing the many contributions of older people to our communities;
- Saanich has specific policies and bylaws (e.g. an adaptable housing bylaw) to support seniors to live in their communities as long as possible;
- Examples: age-friendly housing, parks, resting benches, community gardens, centres to cook and eat together (which were also teen centres), and with many initiatives having an inter-generational aspect, and also being free;
- Fire Department teaches fire or fall prevention, police teach abuse prevention;
- Ministry of Health funding obtained to support a hub for aging plan;
- Each Saanich Department had an age friendly lens, and age friendly planning was built into the Official Community Plan, bylaws, budget and work plans, because this supported meaningful initiatives and action to occur.

3.1.2. James van Hemert, Consultant for the Age Friendly Plan

James van Hemert said that today was for listening to people's concerns and ideas, on 8 potential themes for an age friendly community here, including:

- Housing ;
- Community support and health services;
- Transportation (including parking);
- Outdoor spaces and buildings (accessibility);
- Respect and social inclusion (i.e. inter-generational);
- Social participation (events, activity centres);
- Communication and information (geared to seniors);
- Civic participation and employment (options need to be known).

James van Hemert also noted the following:

- North Pender median age was 58.3 years (higher than BC median by 16 years), with a population bulge at age 60 to 64 years;
- Project objectives for the North Pender age friendly community included addressing above themes with appropriate Official Community Plan and Land Use Bylaw changes, and also creating partnerships with relevant agencies and community groups;
- After today, there would be more workshops and consultation opportunities, and ongoing community feedback was invited (e.g. by an available survey).

3.2. **Age Friendly Theme Presentations**

3.2.1. Mobility - Niall Parker of Moving Around Pender (MAP) Alternative Transportation Society

Niall Parker of Moving Around Pender made comments including the following:

- MAP was dedicated to decreasing the amount of car use on Pender, and supporting greater mobility for all, including seniors;
- Car Stops program was available for Seniors not able to drive;
- Community Bus proposal being developed (by Andrea Mills and others);
- Re: difficulty of walking on main roads here, Magic Ferry Route and also other transportation trails being worked on (e.g. from Community Hall to Library);
- Walking or bike trail use also supported better health, for everyone.

3.2.2. Housing - Wendy MacDonald, Plum Tree Court/Pender Senior's Society

Wendy MacDonald of Plum Tree Court made comments including the following:

- She was President of the non-profit Pender Islands seniors Housing Society, which community members set up to create Plum Tree Court in mid-80's;
- Plum Tree Court had 6 housing units (670 and 700+ square feet), and was located just past Health Care Centre, towards bridge to South Pender;
- BC Housing subsidized initial mortgage and ongoing rents for Plum Tree, so residents only paid rent equal to 30% of their annual income;
- Residents had to be 55+ or younger with a disability, able to live independently, eligibility was limited to moderate income/assets, and there was a waiting list.

3.2.3. Community Support and Health - Andrea Mills, Community Support Staff

Andrea Mills, Community Support Worker, commented as follows:

- Services already happening here included community nurses for health care, home care workers, Meals on Wheels, Maintain Your Independence exercise classes, volunteer drivers, a visiting program, and more;
- Now Pender Health Care Society had received funding for a new "Better At Home Program" (to add non-medical services to help more Seniors stay in their homes, e.g. cleaning, shopping, yard work, house maintenance, etc.);
- Better At Home was just being set up, and Andrea invited feedback (e.g. at meeting after this one today) on what else would be beneficial here.

3.3. **Conversations - Part 1**

3.3.1. Cafe Style Conversations at Each Table - Making the Penders More Age Friendly

The consultant, James van Hemert, invited each table to use the available adhesive sheets of coloured paper to write out their individual answers to the following question:

“What is the most important thing or things that need to happen, so that I can live out my days happily and healthfully on Pender Island?”

A number of lively conversations ensued, at approximately 7 different tables.

3.4. Friendly Lunch (provided to all participants, from approximately 11:45 to 12:30)

3.5. Conversations - Part 2

3.5.1. Cafe Style Conversations at Each Table - Making the Penders More Age Friendly

Then, James van Hemert invited each table to clump their sheets of “most important things” that they’d discussed, under the themes he’d described earlier (see 3.1.2), and to add their personal top 3 answers to the question at 3.3.1 above (if not listed yet). This was to begin to see priorities, and also connections.

3.6. Reporting Out by Table

James van Hemert invited each table to send a representative to the front, to report on their answers to the question at 3.3.1, and have their “clumps” of comments posted on large sheets of paper for each of the 8 potential themes for creating an Age Friendly Community here. Below are summary notes from the verbal reporting, ranked by the themes appearing to involve the most comments:

3.6.1. Housing

- Housing needed to be affordable, and include both renting or owning options;
- A diversity of housing types was desired, and it needed to be adaptable;
- Having opportunities to “age in place” was preferred by many, but not by all (e.g. some folks wanted to live closer together, in smaller dwellings);
- Supported to change zoning to allow secondary suites or cottages, either that seniors could live in, or that they could rent out to younger tenants (e.g. for a reduced rent if tenants were providing services or support for senior to stay);
- Housing options involving cooperation and sharing were supported, e.g. co-housing, or seniors pods with separate living space but shared kitchen/dining;
- Good to use existing housing wherever possible (instead of building new), and also not take away housing needed for younger folks and families;
- Supported to expand Plum Tree Court if possible;

- Seniors housing should be concentrated and near services if possible, and then service delivery and transportation are much easier (see 3.6.2 below);
- In order to stay in their own homes, people need various support services as they age e.g. cleaning, yard work, maintenance (3.6.3 below);
- Supported for Pender to provide supports so that our older folks could stay in their homes as long as possible, and continue to be part of our community.

3.6.2. Transportation

- Considered to be another critical issue, for seniors to be able to age in place, and stay on Pender as long as possible;
- For seniors not driving, we need a community bus with a flexible schedule for on-island transportation, and also networked with off-island transportation;
- Transportation particularly important for attending medical/other appointments;
- HandyDART/buses supported as well, easier if housing concentrated;
- Transportation to be affordable and accessible (e.g. for people still driving, cost of gas here was prohibitive, as well as cost of food for some);
- General cost of living here, plus cost of ferries, people go off-island for affordable gas and groceries, were both huge problems for seniors wanting to stay;
- Night driving road safety was an issue, with narrow winding roads and faintly painted lines or no lines;
- Finding flat trails and paths to walk and cycle on was difficult, and also finding safe trails, paths and roads – because of narrow roads and fast driving;
- Seniors wanted to walk and cycle more, stay active, but find this difficult here.

3.6.3. Community Support & Health Services

- Strongly expressed need was to have doctors on-island so that seniors could have a local General Practitioner with continuity of care, and not have to leave;
- Both on and off-island, help needed to get to appointments (e.g. specialists);
- Medical care here should be as accessible as possible (e.g. to get quick appointments), and suggested to be able to do more tests and scans here;
- There should be more home medical support after operations or illness;
- There should be increased availability of home care support, an expanded community support network, and also additional services for seniors to age in place (i.e. new Better At Home Program highly supported);

- Seniors need help to find good non-profit and private company services to provide non-medical support services as well (e.g. cleaning, cooking, shopping, yard maintenance, house maintenance, and more);
- Holes were too big in our social safety net, i.e. seniors could slip through cracks and not receive support services that they really needed to stay here;
- Needed to be better offline and online information systems so that both new seniors and folks already here could find out regularly about support and other services available to them at present time (because things were always changing – see also 3.6.7 below).

3.6.4. Social Participation

- Very important to have seniors be able to get out and do things together, like walking, swimming, and cooking together;
- This was to connect socially, and also stay active, physically and mentally (including stretching our minds, kept us learning and growing together);
- Also important for these activities to connect seniors with other age groups.

3.6.5. Outdoor Spaces & Buildings

Finding flat trails and paths to walk and cycle on was difficult, and also finding safe trails, paths and roads – because of narrow roads and fast driving.

3.6.6. Respect & Social Inclusion

- No comments made today about a lack of respect or social inclusion for seniors on Pender generally;
- This was suggested to be because a lot of key Pender events and groups involved seniors and a mixing of generations, and because seniors were almost a majority here, and therefore received greater respect.

3.6.7. Communication & Information

- Needed to be better offline and online information systems so that both new seniors and folks already here could find out regularly about support and other services available to them at present time;
- Some seniors were computer literate and had email, but many did not and still need to be reached by traditional means.

3.6.8. Civic Participation & Employment

No specific comment, although need to keep stretching our minds was noted.

3.7. Closing Remarks

3.7.1. James van Hemert, Planning Consultant

James van Hemert thanked everyone for their very helpful comments, and said that there would be more workshops and opportunities for comment in future.

In addition, there was a survey distributed today, which all interested seniors were invited to complete and return, or do online. The link to the survey can be found here: <https://www.surveymonkey.com/s/KHSVXZ8>

3.7.2. Justine Starke, Planner, Islands Trust

Planner Starke passed closing comments to A/Chair Masselink.

A/Chair Masselink said that in order to go forward with creating a more age friendly community, we needed to invest in initiatives like the ones suggested *above*. This would build a stronger, more sustainable community for all ages (e.g. through increasing services to seniors, which then provided jobs and develop our island economy). In addition to partnerships, perhaps we needed a Task Force to go forward with this work.

In addition to developing necessary services for seniors, it was also noted that we should keep remembering all that seniors provide to our community – with their services, purchases, volunteering, wisdom, connections with others, and much more.

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:28 pm.

Derek Masselink, Acting Chair

Certified Correct:

Zorah Staar, Recorder



Islands Trust

Print Date: Jun-11-2015

RWM From: April 30, 2015 To: June 11, 2015

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2015-05	In Favour	THAT North Pender Island Local Trust Committee April 30, 2015 meeting minutes be Adopted.	Jun 09, 2015
2015-04	In Favour	THAT the North Pender Island Local Trust Committee regular business meeting of May 28, 2015 be CANCELLED.	May 11, 2015



Islands Trust

Print Date: Jun-11-2015

Follow Up Action Report w/ Target Date

North Pender Island Mar-26-2015

No.	Activity	Responsibility	Target Date	Status
1	Bring information on video and audio recording of LTC meetings.	Robert Kojima Justine Starke	Apr-30-2015	Done

Apr-30-2015

No.	Activity	Responsibility	Target Date	Status
1	THAT the North Pender Island Local Trust Committee direct staff to issue a media release inviting participation in the Age Friendly Planning Workshop scheduled for May 19, 2015.	Justine Starke	May-07-2015	Done
1	Bring colour posters of the Age Friendly Plan to N. Pender for Zorah to put around town.	Lori Foster Justine Starke	May-07-2015	Done
1	Agenda Item 13.1 - Annual Report - NPI LTC endorses text for inclusion in the Annual Report.	Robert Kojima	May-21-2015	Done
1	Agenda item 13.2 - NPI LTC passed a resolution to include 8 topics in the Trust Council consideration of the strategic plan	Linda Adams	May-21-2015	Done
1	The North Pender Island Local Trust Committee appointed Benjamin McConchie, Dorothy Murdoch, Barbara Johnstone Grimmer, and re-appointed Michael Symon, Julie Roper and Sharon Card to the North Pender Island Advisory Planning Commission for a term of one year commencing April 24, 2015.	Lori Foster Sharon Lloyd-deRosario	May-21-2015	Done
1	Agenda item 10.1 - Mayne Bylaw 161/162 Referral - Interests unaffected.	Sharon Lloyd-deRosario	May-21-2015	Done
1	Agenda Item 11.1 - Waste Management Special Advisory Planning Commission Terms of Reference adopted as amended.	Justine Starke	May-21-2015	Done

1	Agenda Item 11.1 - Waste Management Advertise for Special Advisory Committee Members. Specify that up to two positions can be held by residents of South Pender Island. DONE Notify the South Pender LTC that the NPI LTC invites one local trustee to sit ex-officio on the Special APC. DONE (Memo going to June 16 SPI LTC) Notify CRD Director Dave Howe that the NPI LTC invites him to sit ex-officio on the Special APC. DONE (phone conversation)	Lori Foster Sharon Lloyd-deRosario Justine Starke	May-21-2015	On Going
1	Agenda Item 11.3 - Put first priority on consideration of vacation rentals over other matters within the housing top priority. Direct staff to bring a project charter and scope of work on options for reviewing the issue of tourist accommodations in residential zones to the next regular Local Trust Committee meeting.	Justine Starke	May-21-2015	Done
1	March 26 NPI LTC Minutes approved.	Lori Foster	May-28-2015	Done

Your Personal Invitation to -

Celebrating Orca of the Salish Sea

July 18, 2015 – Main Event: - Thieves Bay, Pender Island – 1:30 pm



Resident Orca Breaching – Photograph by Ken Balcomb – Centre for Whale Research

For the Main Event, join us with our friends & experts from the San Juan Islands & Whidbey Island at 1:30 pm to 4:30 pm – Commencing at 2:30 pm Presentations by **Whale Museum; Sound Watch for boaters; Orca Network; Featured speaker: Whale Research Biologist Ken Balcomb from the Center for Whale Research.**

“Whale Museum ‘Endangered Resident Southern Orca Pods’ adoptions available!”
Books & information on whales generally AND on the “Orca of the Salish Sea”.
Informational tables plus Music & a ‘Children’s Corner’!

Parking is limited so please walk, cycle, use Car Stops, carpool or the park & ride shuttle bus service from the school parking lot – clinic parking for overflow (1:30 pm to last shuttle bus leaving Thieves Bay at 4:15 pm). ‘Bring your own lunch, lawn chair & do not forget the water’, and enjoy the afternoon with our visitors from the San Juan Islands & Whidbey Island with guest speakers to hear all about the Orca of the Salish Sea.

Admission by donation

Information? Contact Sara - 629-6885

Sponsored by Canadian Power & Sail Squadron - Pender Islands Squadron with the Pender Island Conservancy Association, the Pender Islands Trust Protection Society, and supported by the Friends of Brooks Point, Pender Ocean Defenders, the Kikuchi Family & the Pender Islands School Children.

Your Personal Invitation to -

CPS Pender Island Squadron, with many others, for: -

‘Celebrating Orca of the Salish Sea’

6604 Harbour Hill Road, Pender Island, B.C. V0N 2M1

May 30, 2015

To: - North Pender Island Local Trust Committee

Attention: Trustee Derek Masselink, Trustee Dianne Barber & Chair George Grams

Dear Trustees:

On behalf of the Canadian Power & Sail Squadron - Pender Islands Squadron with the Pender Island Conservancy Association, the Pender Islands Trust Protection Society, the Friends of Brooks Point, Pender Ocean Defenders, the Kikuchi Family & the Pender Islands School Children, we wish to extend our personal invitation to each of you and ask for your assistance for the following: -

‘Celebrating Orca of the Salish Sea’ event to be held on July 18, 2015.

The Salish Sea is an intricate part of the Islands Trust Area. The protection of the marine waters has been an important part of the advocacy work by the Islands Trust for many years, for what affects these waters affects all aspects of life in these wondrous islands. With this advocacy the Islands Trust has been the shining star with guiding all coastal communities to a common goal. And on behalf of the Orca of the Salish Sea we thank you.

The continuing threats by human inhabitation & marine uses continuing to expand through the unsustainable demands for economic growth, beyond the carrying capacity of the Salish Sea, all species who ply these marine waters are in peril. None more than the dolphins known & loved as the Orca of the Salish Sea.

In our quest to preserve & protect all aspects of the Islands Trust area our symbol, in so many ways, has become the Endangered Southern Resident Orca of J, K & L pods, and the threatened transient Orca as well. We continue down the road of awareness of their plight and put forth continued education towards trying to preserve their critical habitat.

So after five years between events we are once again hosting, with the guests from the San Juan Islands & Whidbey Island, the Whale Museum, the Center for Whale Research & the Orca Network to put forward a special day for these special dolphins in the form of “Celebrating Orca of the Salish Sea”. To be held on Saturday, July 18, 2015 with the main event taking place at Thieves Bay commencing at 1:30 pm.

At this time, and with the Islands Trust mandate of preservation & protection of biodiversity, whether it be terrestrial or marine we ask you to fully support this educational event with assistance in sending notification of encouragement to all islanders in your Local Trust Committee area (including the Associated Islands) via any means at your disposal.

Please feel free to contact the unsigned if further information is required. Thank you for your support.

Yours truly

Sara J. Steil – Environmental Officer / Event Coordinator

c.c. Justine Starke – Planner for the NPI LTC; Robert Kojima - Regional Planning Manager.

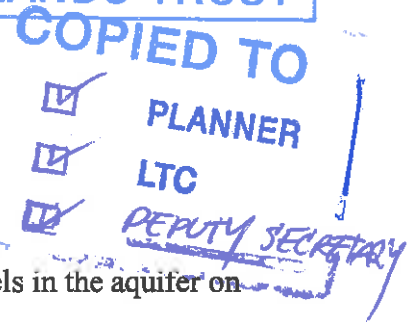
Encl. Invitational Poster attached

Lori Foster

From: Justine Starke
Sent: Thursday, May 14, 2015 8:37 AM
To: Lori Foster
Subject: Corr for June 18 NPILTC - Depletion of Aquifer on Pender



From: Jim Burrows [REDACTED]
Sent: Saturday, April 25, 2015 11:10 AM
To: Justine Starke
Cc: Derek Masselink; Dianne Barber; George Grams
Subject: Depletion of Aquifer on Pender



Hello Justine,

I represent a number of residents in the Oak Bluff area of Pender Island on this issue.

I have recently contacted the Ministry of Natural resources to determine the water levels in the aquifer on Pirates Road as monitored for 30 years by the Ministry through Well 284.

Well 284 shows a serious situation has been developing for the last 10 years. The aquifer below the Trincomali and Oaks Bluff area has been on a marked and steady decline for those 10 years.

Water management strategies in this area have largely been to build water cisterns to be used during dry periods in late summer. This strategy is clearly not working as the aquifer is no longer absorbing enough rainfall to replenish the use.

In fact, large cistern systems, such as that used in Trincomali, may actually be causing or exacerbating the problem.

This isn't a seasonal issue, this data is reliable, has been collected for over 30 years and the decline is consistent over the last 10.

The implication is that with existing use, the aquifer level will continue to drop, at some point below the level of existing wells.

It is realistic to expect that continued use at this level will deplete the aquifer completely.

In that the CRD/Islands Trust has a mandate to protect our precious water supplies in sensitive areas, I would suggest that the issuance of development permits, and approval of any activity that has an impact on this aquifer, should be immediately curtailed. In addition, effective water management strategies need to be developed and implemented until the well monitoring station shows a reversal of, or at least a halt to, the depletion of this aquifer.

I am attaching a graph below, sent to me by the Ministry, that clearly illustrates the situation. We are fortunate to have access to this long-term data and monitoring system, hopefully in time to reverse the situation.

In way of background, there are two Ministry operated well monitoring stations on Pender Island. One in the Port Washington area and well 284 on Pirates Rd. The monitoring stations have been recording water levels for over 30 years. The Port Washington aquifer appears to be holding its level, neither increasing nor decreasing over time.

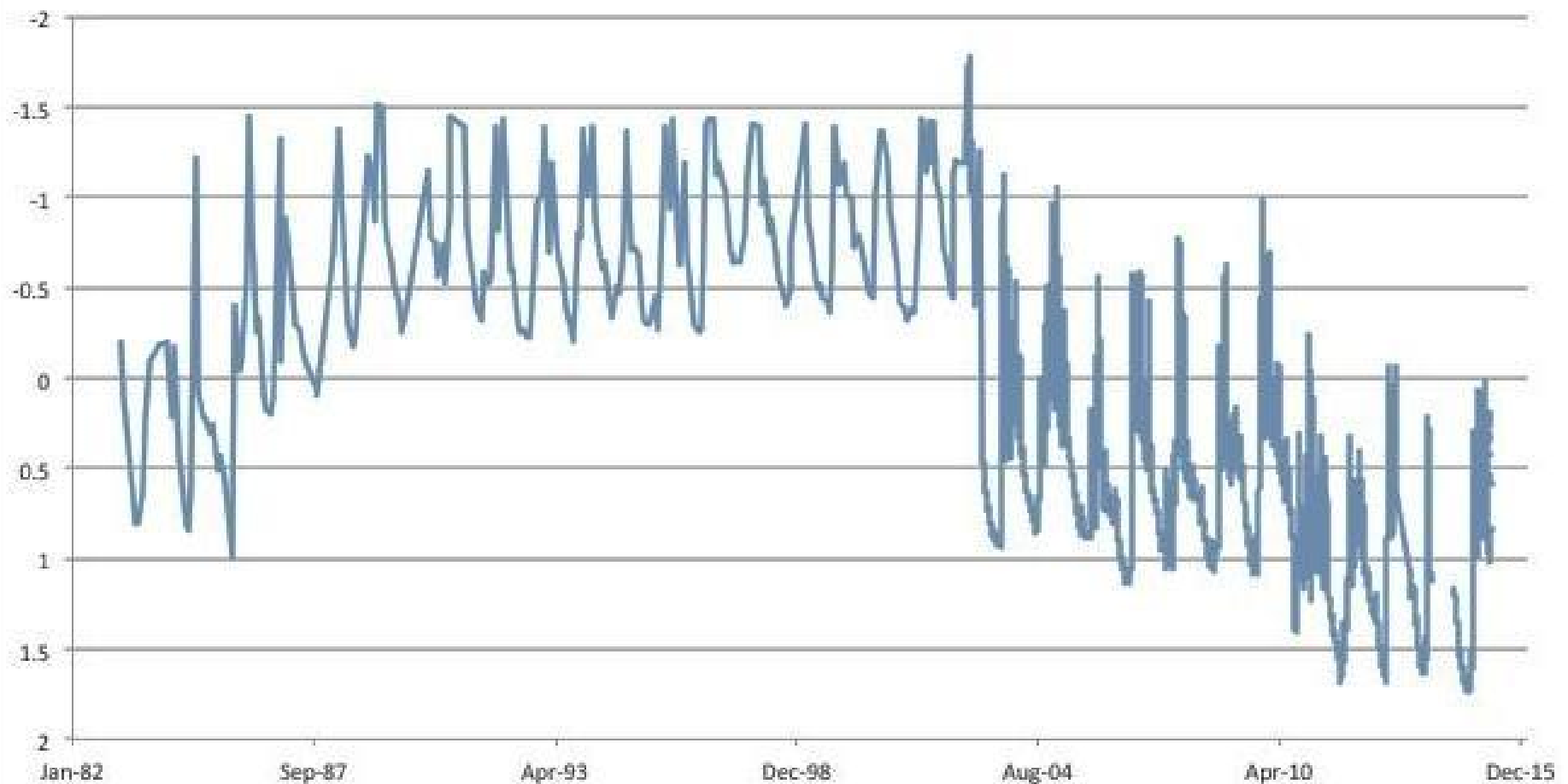
I'd appreciate your response and action.

Sincerely

Jim Burrows

Well 284 Pender I. (Pirates Road) Water Level 1983-2015

Water Level



STAFF REPORT

June 4, 2015

File NP-DVP-2015.3
No.:

To: North Pender Island Local Trust Committee
For LTC Meeting: June 18, 2015

From: Phil Testemale A/Planner2

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

Re: Development Variance Permit Application

Owner: Pender Island Gulf and Country Club
Applicant: Paul Stephenson,
Description: Lot A, Section 17, Pender Island, Cowichan District, VIP 52327

PID: (PID: 017-337-178)

Civic Address: 2305 Otter Bay Road, Pender Island

THE PROPOSAL:

This report is to consider a Development Variance Permit (NP-DVP-2015.3) to permit the construction of a wheelchair access ramp, and siting of the existing clubhouse on the property.

Subsection 8.3.5 (1) (b) of the North Pender Island Land Use Bylaw No. 103, 1996 states:

No building or structure may be located within 6.1 metres of any interior or exterior lot line.

The variance will permit the construction of a **wheelchair access ramp** within 0.74 metres of the exterior lot line, and legalize the **existing clubhouse** which is sited within 5.8 metres of the interior lot line.

A copy of proposed Development Variance Permit NP-DVP-2015.3 (Stephenson) is attached.

BACKGROUND:

The Pender Island Golf and Country Club is required by the Provincial *Liquor Control and Licensing Act* to install wheelchair access to the restaurant portion of the clubhouse located on the second floor and accessible only by stairs. The proposed ramp configuration shown in "Figure Two: Site Plan" will be 1.22 metres in width and approximately 22 metres in length: a "dog leg" with two, 11 metre portions. The ramp will have guards on both sides and handrails

The proposed variance for the clubhouse is to bring it into conformity with the LUB. A small triangular portion of the southwest corner of the building encroaches 0.2 metres (8 inches) into the exterior side yard setback (see: Figure Two – Site Plan). This could potentially be because the original building predates the zoning bylaw, the result of an oversight, misinterpretation of lot lines, a surveying error or a lack of a survey when the building was constructed or renovated. The error was revealed with the survey plan submitted for the wheelchair ramp application. Staff recommended the inclusion of the variance to the applicant.

The property is 13.7 ha (33.9 acres) in area and straddles Otter Bay Road on the northwest portion of the island. The 4.3 ha (10.6 acre) parcel directly to the south is also owned by the Golf Club.

The uses on the land consist of a nine hole golf course, a two storey clubhouse, accessory buildings and a parking lot. The clubhouse consists of a golf store and storage on the main floor with a restaurant on the upper floor currently accessed by stairs.

The area where the ramp is to be constructed on the west side of the clubhouse over a cleared and graded gravel surface and a small grass covered knoll. The ramp will bridge from the clubhouse deck across (west) to the knoll and then turn south toward the parking lot (see: Figure Two and Photos – below). No trees are to be removed for the construction. Staff visited the site on April 5, 2015 and June 2, 2015.

Figure Two: Site Plan

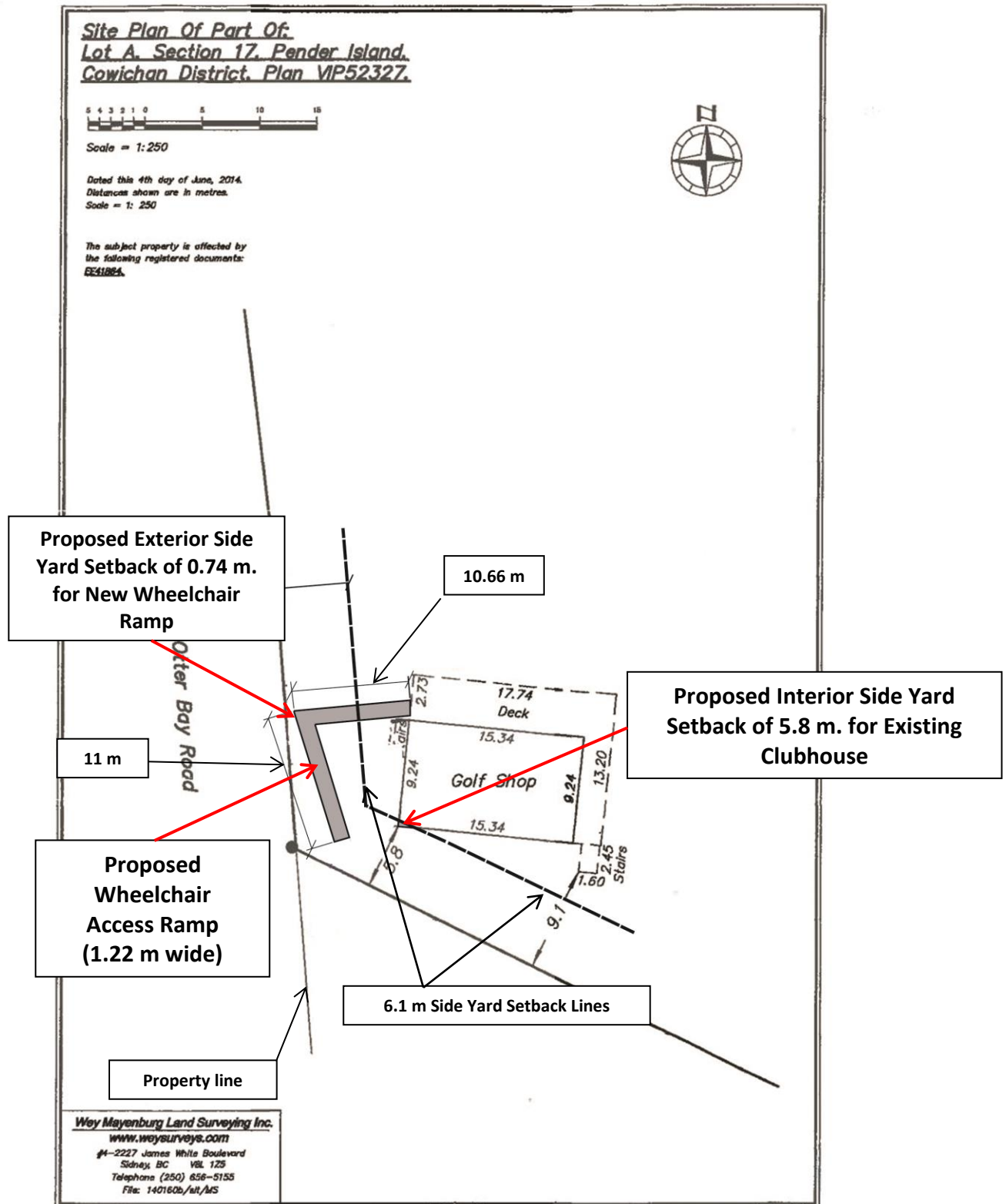


Photo One: Looking North from Parking Lot

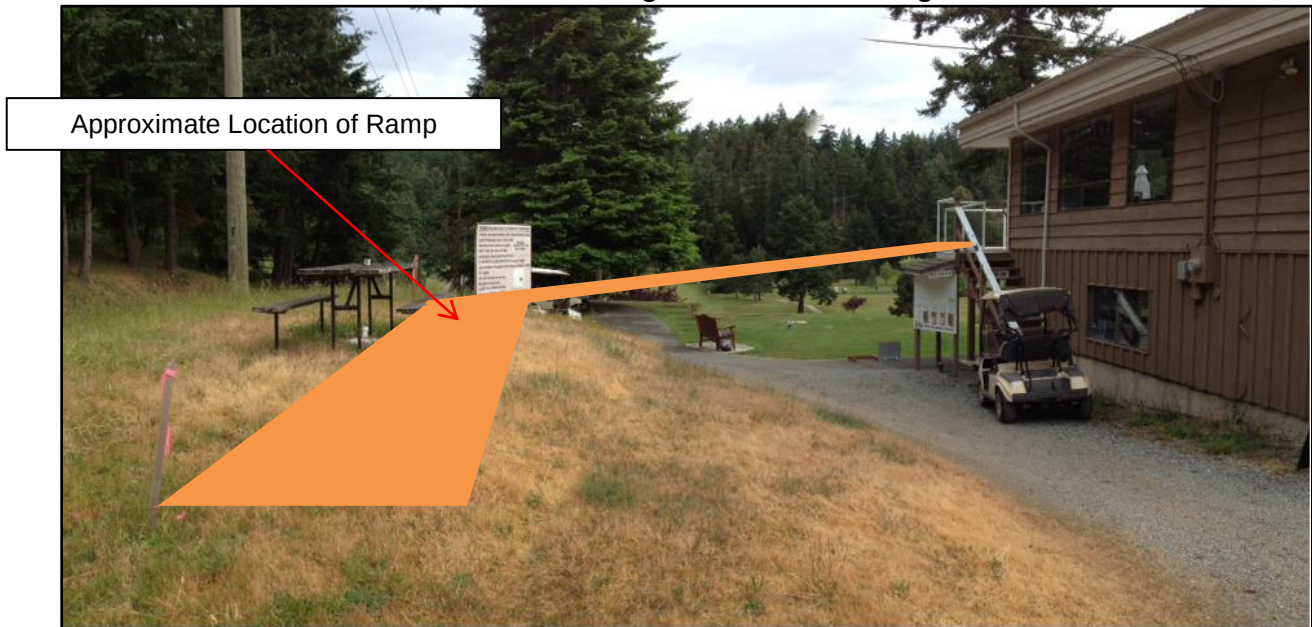


Photo Two: Looking Northwest



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

There are no directive policies that apply to the variance application.

Official Community Plan

The subject property is designated as **AG-Agriculture** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

There are no development permit areas designated on the subject property.

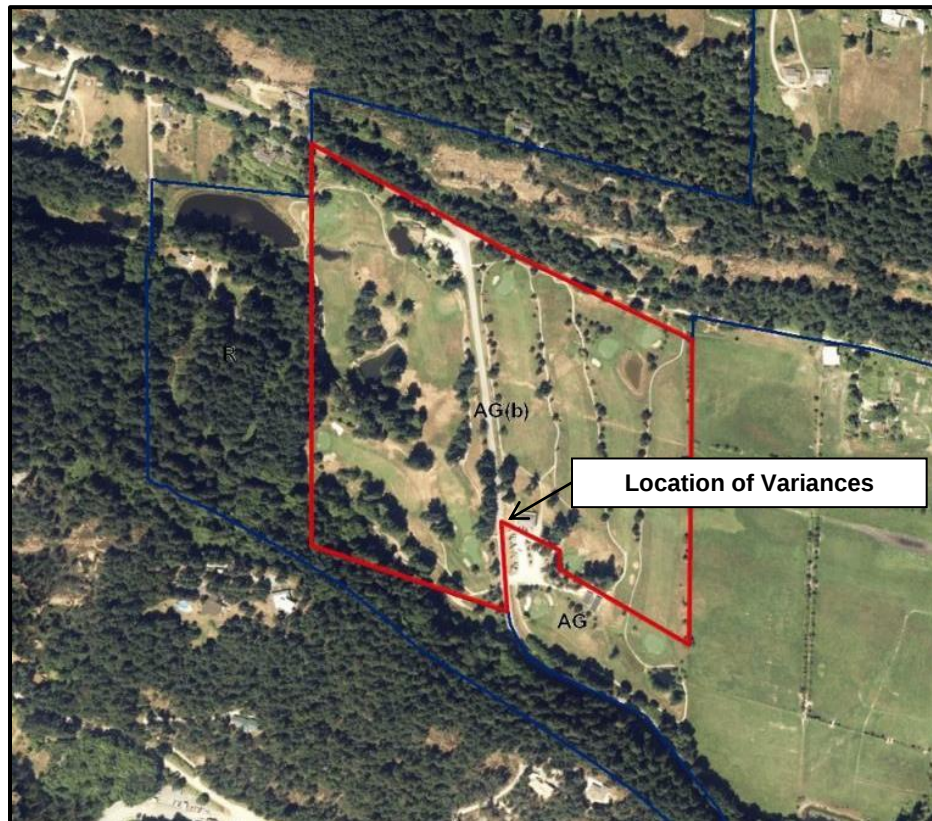
Land Use Bylaw

The property is zoned **Agriculture (AG [b])** in the North Pender Island Land Use Bylaw No. 103, 1996. Subsection 8.3.5 (1) (b) of the LUB states:

No building or structure may be located within 6.1 metres of any interior or exterior lot line.

Figure Two diagrams the location of the lot lines and the extent of the proposed variances.

Figure Three: Orthophoto with Zoning



Islands Trust Fund

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

Regional Conservation Plan

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

Sensitive Ecosystems and Hazard Areas

There are no sensitive ecosystems located in proximity to the variances. There are low slope hazards indicated in proximity to the variance locations. However the scale of the ramp construction is minor with no major excavation or land alteration required.

Archaeological Sites

There are no archaeological sites identified on the Provincial Remote Access to Archaeological Data (RAAD). By copy of this report, the applicant is advised that if archaeological resources are encountered during development, work should cease immediately and the Provincial Archaeology Branch should be contacted.

Covenants

There are no LTC covenants registered on title for the property. There is a restrictive covenant in favour of the CRD for buildings and structures in proximity to watercourses and ponds for flood protection.

Bylaw Enforcement:

There are no current enforcement records for the property.

Climate Change Mitigation and Adaptation

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

Shoreline

N/A

Other:

The applicants are required to obtain a permit from the Ministry of Transportation and Infrastructure (MoTI) for siting within 4.5 metres of a highway right of way. They have made the application, and on a preliminary basis staff from MoTI did not foresee any issues with the siting of the ramp.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting requirement for development variance permit applications.

RESULTS OF CIRCULATION:

Notices for the Variance were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on June 17, 2015. At the writing of this report, there have been no written submissions received. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on June 18, 2015.

The attached permit for consideration has been amended from the draft sent with the notification. The lot line for the ramp has been relabeled from an “interior” to “exterior” lot line as it abuts a highway. The setback distance is the same 6.1 metres, and the change would not cause the public to comment differently on the proposed variance.

ISSUES SUMMARY:

Applicant’s stated rationale for the variance.

The application has been made in order to accommodate a wheelchair access to the restaurant on the upper floor of the clubhouse as required as part of the club’s liquor license. The ramp with guards and handrails will allow disabled persons to access the restaurant/dining room. The siting of the ramp is the only safe slope configuration that can be achieved according to the applicant. In addition, locating the ramp off the existing deck is the most practical and cost effective solution.

As indicated above, the inclusion of the variance for the southwest corner of the clubhouse is to legalize a small encroachment. This inclusion was recommended by staff.

The overall intent of the regulation being varied.

The overall purpose of the side yard setback provisions are:

- Limiting the visual impact of development on adjacent properties and the public roadway.
- Maintaining safe sight lines for vehicles or pedestrians using the roadway.
- Minimizing impacts on adjacent properties related to shading, aesthetic, and privacy concerns.
- Establishing a consistent development pattern within a local area.
- 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.

Parking

The location of the wheelchair ramp does not impact the current allocation of parking spaces.

STAFF COMMENTS:

The construction of the wheelchair ramp has been required by the Provincial Liquor Licensing Branch. The siting of the ramp has been deemed by the applicant to be the safest and most practical given the constraints of topography, parking and the building, specifically the deck location.

Although the location of the ramp is less than a metre from the side lot line, it is at least a further 5 metres (approx.) to the actual road surface of Otter Bay Road. The MoTI has indicated on a preliminary basis that they do not have an issue with the location.

The ramp design and location does not significantly impinge upon the intent of the setback provisions as itemized above.

At the time of writing, there have been no objections from neighbours.

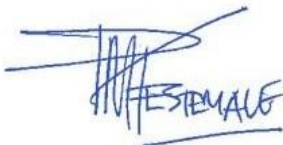
The variance for the setback of the existing clubhouse is a technical fix to an encroachment that will have no impact on the intent of the setback regulation or neighbouring. In addition, the neighbouring (south and closest to the variance) property is owned by the golf course.

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

RECOMMENDATIONS:

- 1. THAT Development Variance Permit NP-2015.3 (Stephenson) BE APPROVED**

Prepared and Submitted by:



A/Planner 2

June 4, 2015

Date

Concurred in by:



Robert Kojima

Regional Planning Manager

June 8, 2015

Date

Attachments: Proposed Development Variance Permit NP-DVP-2015.3 (Stephenson)
Notice for NP-DVP-2015.3 (Stephenson)



Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2015.3

To: Pender Island Golf & Country Club
c/o Paul Stephenson

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

Lot A, Section 17, Pender Island, Cowichan District, VIP 52327
(PID: 017-337-178)

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

- a) Subsection 8.3.5 (1) (b) which states that no building or structure may be located within 6.1 metres of any exterior lot line is varied to permit the construction of a wheelchair access ramp within 0.74 metres of an interior lot line; and,
- b) Subsection 8.3.5 (1) (b) which states that no building or structure may be located within 6.1 metres of any interior lot line is varied to permit the existing siting of a clubhouse facility within 5.8 metres of an interior lot line.

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

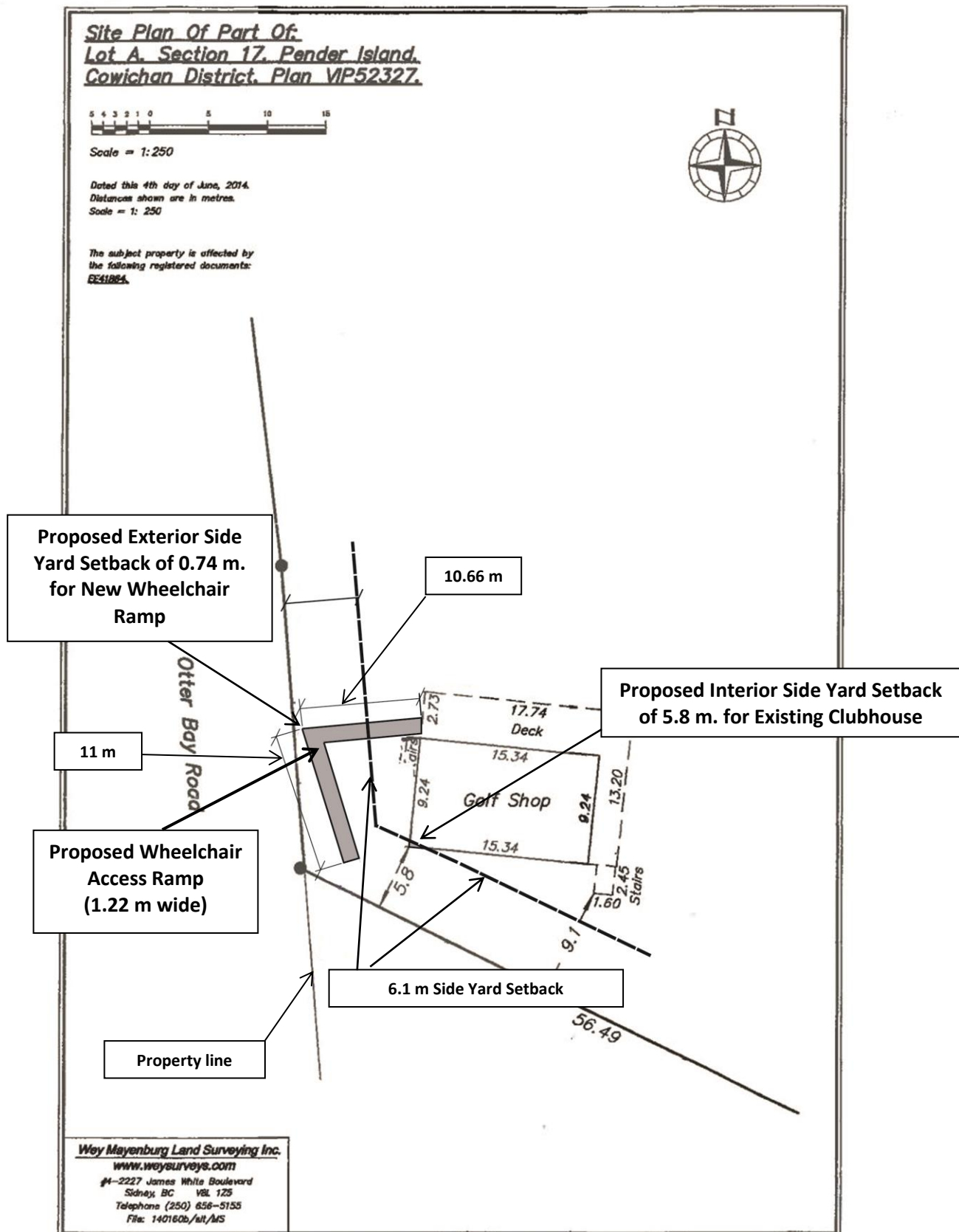
Date of Issuance

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2015.3

SCHEDULE 'A'



The purpose of the addition is to gain added space for a single car garage and an artist's studio above. The topographic constraints and the visual impacts of constructing elsewhere on the property (see: Figure One: Site Context – below), make the location and addition (versus a separate accessory building) the most logical design solution.

The deck on the seaward side of the dwelling is partially within the setback from the natural boundary of the sea (see: Figure Two: Site Plan). The dwelling and original deck was constructed in 1996. The deck has been added to over the intervening years and a complaint about one addition resulted in an enforcement action in 2006 (see: Bylaw Enforcement – below). The file was closed in 2008.

Despite research, the legal status of the deck remains largely unresolved. Therefore staff recommended to the applicant that those portions currently in the setback be added to the variance application.

SITE CONTEXT:

The property is 0.18 hectares (0.44 acres) in size and is located near the end of Plumper Way on Wallace Point (see: Figure One - below). The size, configuration and rural residential use are similar to adjacent and neighbouring properties on Wallace Point.

The topography is complex dominated by a large rock knoll on the front (eastern) ½ of the property. The existing dwelling abuts the knoll on the western side and the land drops abruptly from top of slope to the foreshore along the western edge (see: Figure Seven – below).

Most of the vegetation is landscaped with some natural grass areas. There are a few mature fir trees and a number of Arbutus trees on the northern edge of the property close to the road. None of the trees are impacted by new development.

The area where the proposed addition is to be located is an existing driveway and portion of the deck (see: Photos – below).

Staff visited the site on April 5, 2015 and June 2, 2015 (See: Photos below)

Figure One: Site Context

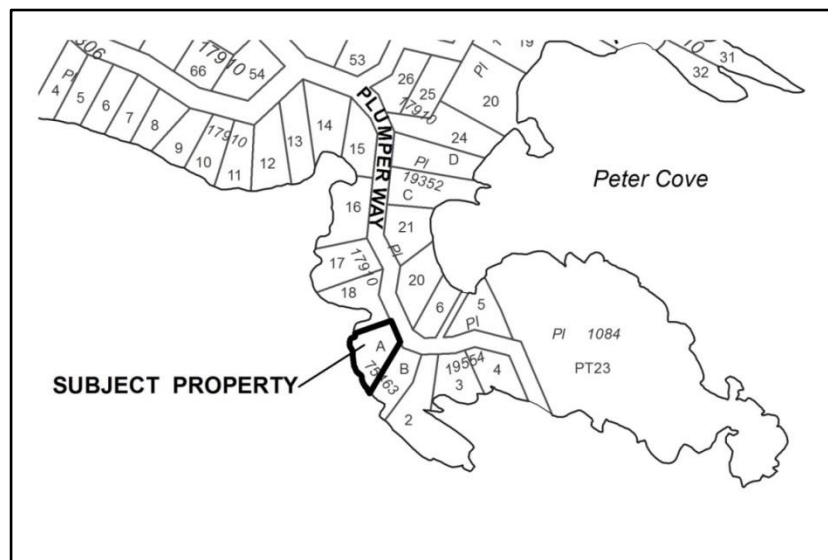


Figure Two: Site Plan

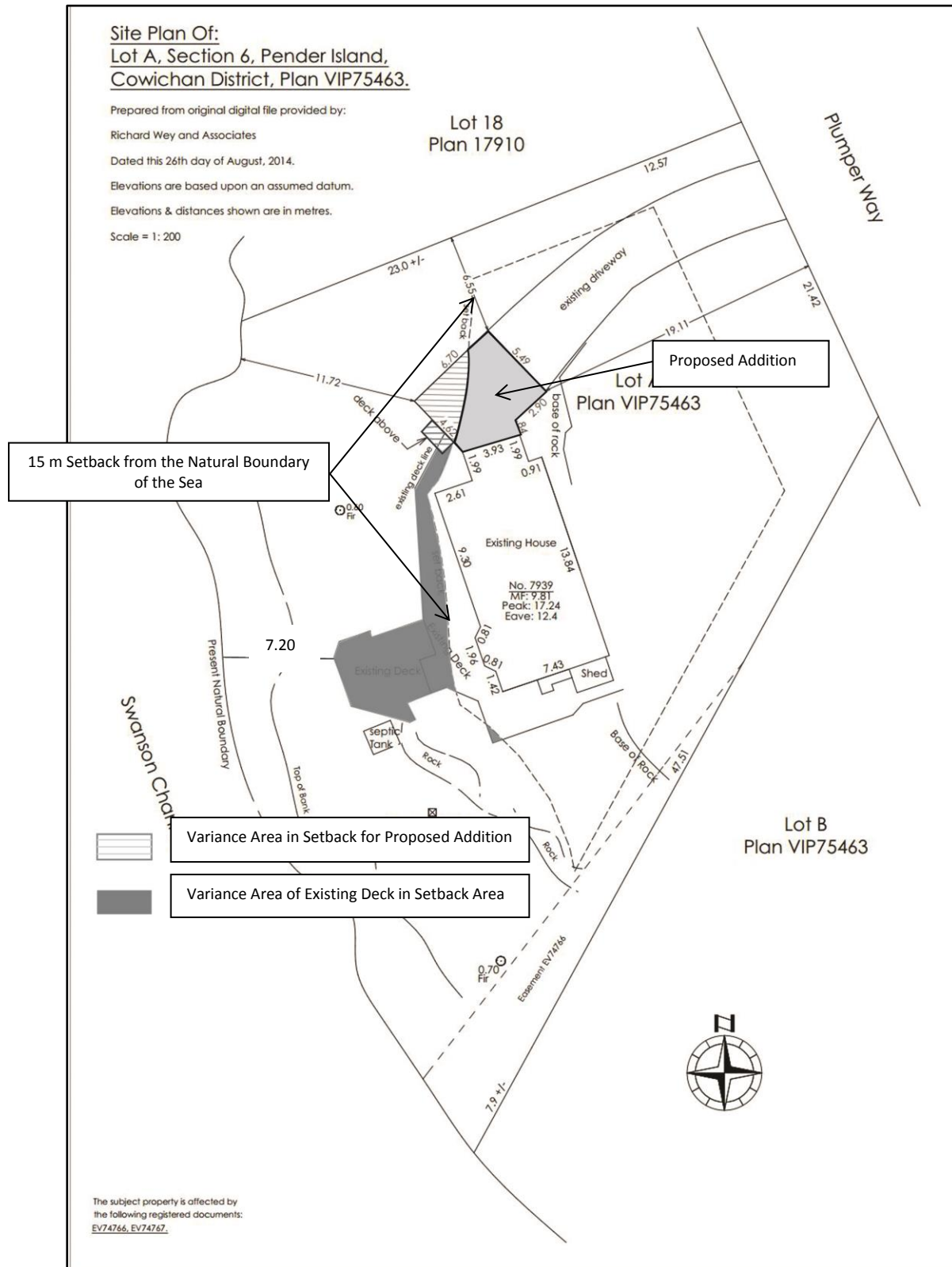


Photo One: Approximate Footprint of Addition



Photo Two: Looking West towards Proposed Addition

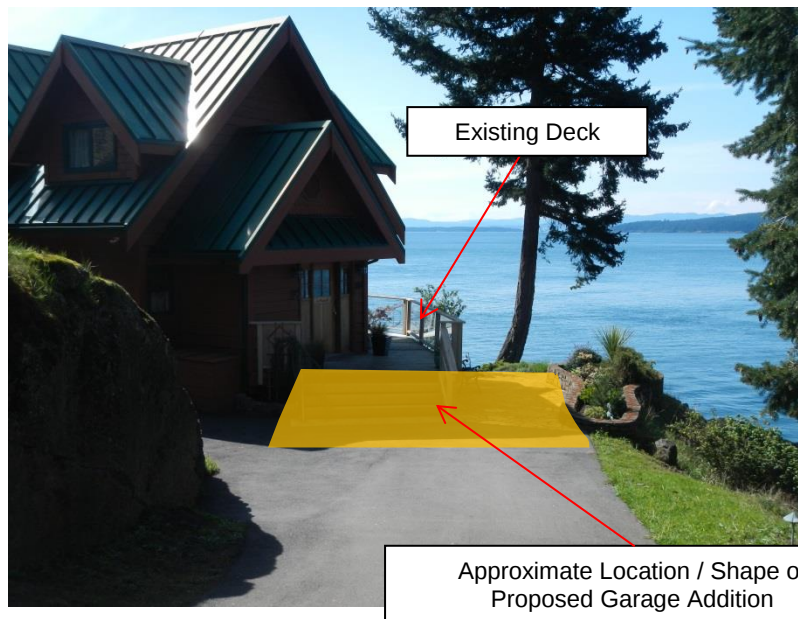


Figure Three: Plan View of Proposed Addition

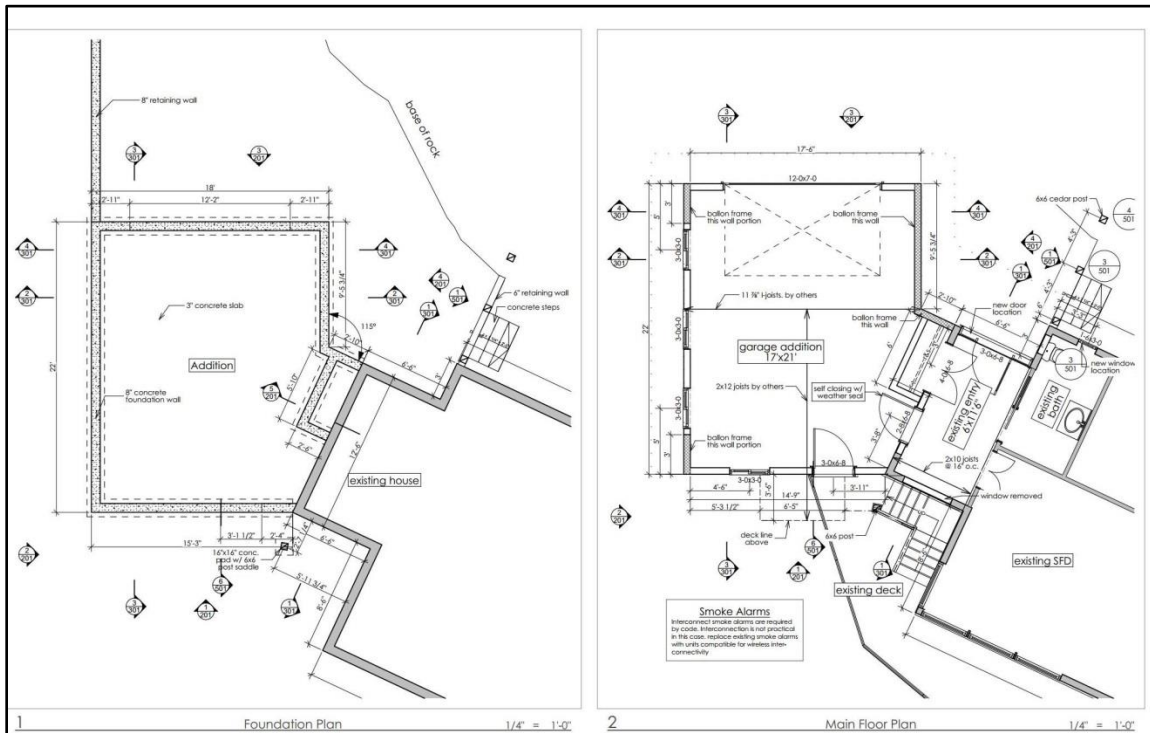


Figure Four: Elevations of Proposed Addition

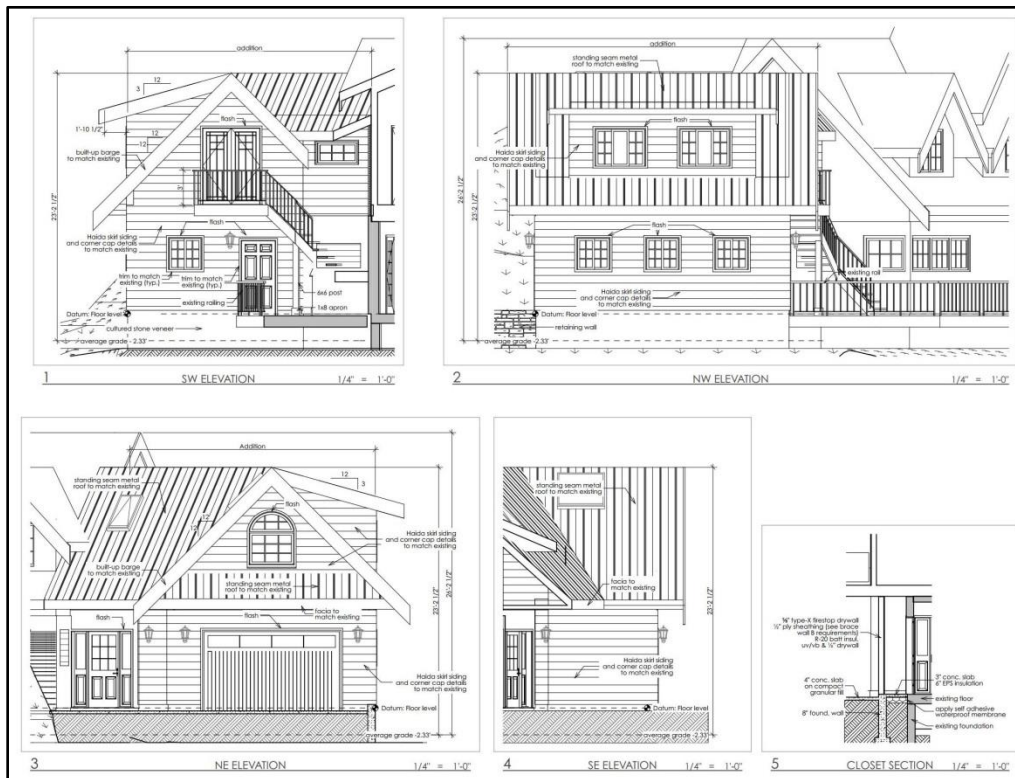


Photo Three: Existing Deck looking Eastward



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The directive policies relevant to this application are as follows:

3.1 Ecosystems

3.1.3 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area

3.2 Forest Ecosystems

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

5.2 Growth and Development

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development

Official Community Plan

The subject property is designated as **RR- Rural Residential** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

Development Permit Area (DPA) One – Woodland Ecosystems is designated on the property as shown in Figure Five – below. The objective of the DPA is to preserve and protect remaining sensitive woodland ecosystems.

Upon conducting a site inspection on April 5, 2015, staff determined that the land area subject to the proposed development does not contain a sensitive ecosystem, specifically there is no woodland ecosystem in that area. An exemption letter was issued as per Subsection 5.2.1.4 c)

of the Official Community Plan. AS noted above there are Arbutus located closer to the road away from the proposed addition (see: Photos Four and Five - below).

Figure Five: Development Permit Area 1 – Woodland Ecosystem



Photo Four: Arbutus and fir on North Side of Driveway

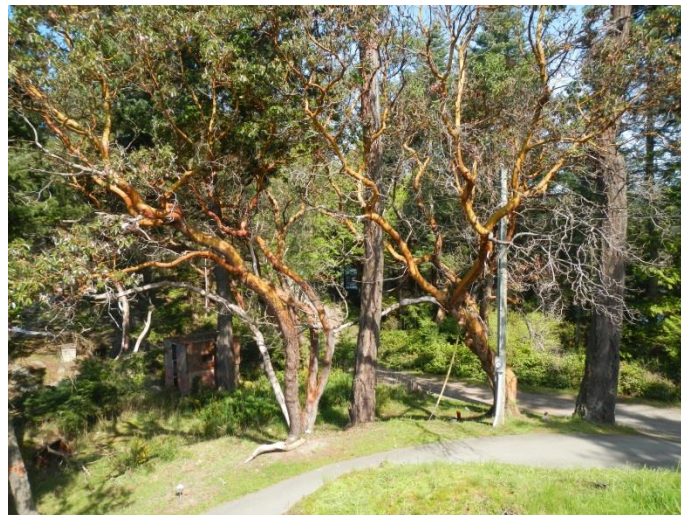


Photo Five: Arbutus and fir on North Side of Driveway



Photo Six: Existing Deck looking North



Photo Seven: Existing Deck looking North



Photo Eight: View of Property looking South



Land Use Bylaw

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (See: Figure Six – below).

Subsection 3.7.1 of the North Pender Island Land Use Bylaw No. 103, 1996 states:

No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea...

Figure Two: Site Plan (above) indicates the areas of the proposed variance to the regulation.

Islands Trust Fund

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

Regional Conservation Plan

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

Figure Six: Orthophoto with Zoning



Sensitive Ecosystems and Hazard Areas

Other than the Woodland Sensitive Ecosystem (DPA 1) there are no other sensitive ecosystems on the subject property. There are occurrences of low, moderate and high slope hazard on the subject property. (See: Figure Five: Slope Hazard and Contours). The area of the proposed new development is mostly out of the hazard area (there is a small area of low hazard area) and it has been cleared and surfaced (driveway) for a substantial period of time. Given this, the potential impacts of the proposed development are minimal.

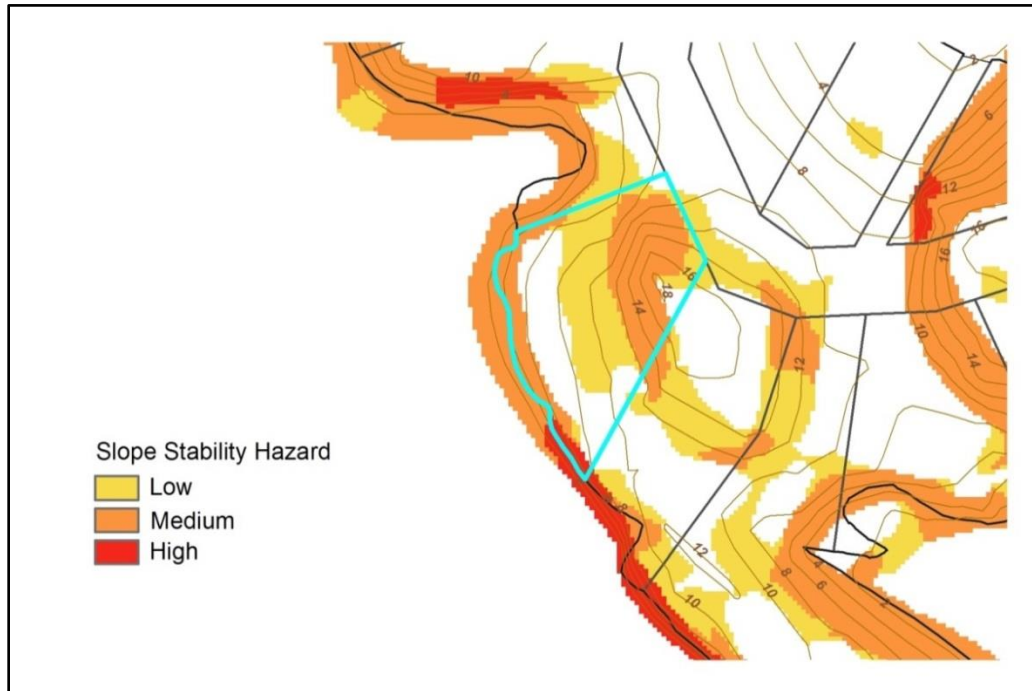
Archaeological Sites

There are no archaeological sites identified on the Provincial Remote Access to Archaeological Data (RAAD). By copy of this report, the applicant is advised that if archaeological resources are encountered during development, work should cease immediately and the Provincial Archaeology Branch should be contacted.

Covenants

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

Figure Seven: Slope Hazard and Contours



Bylaw Enforcement:

There are currently no outstanding enforcement files for the property.

As stated above, there were two enforcement actions on the property in 2006 (NP-BE-2006.3) and 2007 (NP-BE-2007.4). The latter was for the illegal construction of an accessory building and that issue was resolved with the removal of the building.

The 2006 enforcement was for the siting of the deck within the setback from the natural boundary of the sea. The deck was originally constructed as part of the dwelling in 1996, although not as designed. The current owners purchased the property in 2004 and had a property management company employed as they were living overseas at the time. In 2006 the deck was added to by constructing on top of an existing stone patio surrounding the existing hot tub. A complaint was made and an enforcement file opened (NP-BE-2006.3). It appears that the encroachment was resolved at the time by removing some elements of the wood deck built on the stone patio around the hot tub. The file was closed in April of 2008.

Despite the foregoing, the legal status of the deck remains unresolved, and, upon staff's recommendation, the owners are seeking a variance to bring the deck into conformity with today's LUB.

Climate Change Mitigation and Adaptation

The proposal for new development is minimal and incorporates needed space into an existing dwelling rather than constructing a separate accessory building. To some extent this will minimize the potential GHG emission changes resulting from approval. The potential impacts on proposed development from anticipated or possible climate change induced hazards are minimal given the high bank elevation of the dwelling and proposed addition.

Shoreline

The shoreline type is identified as Sea Cliff which are hard, mostly bedrock shores with slopes steeper than 20%. Sea cliffs are resistant to erosion and tend to be stable over a human time scale. Sediment transport rates along shoreline nearby sea cliffs are low, because of the limited sediment they supply to the nearshore. Sea cliffs in the Gulf Islands support the common upper intertidal zone community of barnacles, rockweed and blue mussels, at all wave exposures. Associated species include limpets, periwinkles, shore crabs, and sea stars. Bull kelp, a highly productive habitat, occurs throughout the Gulf Islands in nearshore rocky areas, often at rocky headlands like sea cliffs or areas of higher tidal currents.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application.

RESULTS OF CIRCULATION:

Notices for the Variance were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on June 17, 2015. At the writing of this report, there have been no written submissions received. Staff did receive a verbal comment on the deteriorating condition and location of the set of concrete steps that lead down to the shoreline from the top of bank on the west side of the property (see: Photo Eight- above). These are permitted under zoning and given their age and condition, have likely been in place for some time. The comments have been passed on to the applicant. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on June 18, 2015.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The application has been made in order to accommodate a single car garage and an artist's studio above. The applicants have provided the following rationale:

The property is dominated by a large rock outcrop so development and access is restricted to a very small area. There is only one possible location to build and any usable addition will encroach into the natural boundary of the sea setback. It will also be sited in a woodland/herbaceous DPA, though all of the addition will be built on existing driveway, patio and raised stone garden. No natural areas need to be disturbed.

The owners purchased the property 2004 and at that time home inspection or real estate agents did not indicate any issue with the legality of the deck. As they were living overseas at the time and had a management company employed, they were never made aware of the 2006 enforcement action. They are currently in agreement with bringing the deck into conformity through obtaining a variance.

The overall intent of the regulation being varied.

The overall purpose of size and siting regulations of residential buildings can be summarized as follows:

- Limiting the visual impact of development on adjacent properties and, in this case in particular, from the sea (shoreline setback).
- 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

Potential impacts of granting the variance.

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

STAFF COMMENTS:

The proposed variance for the addition of the garage and art studio is justified given the topographic constraints of the property. There are limited buildable areas given the woodland ecosystem, small lot size, and steep knoll that occupies the majority of the front of the property. Siting in another location would be technically difficult, impact sensitive ecosystems, and would have significant visual impacts on the neighbours and from the ocean.

The area of the proposed new development has already been cleared and altered (an existing driveway and rock planter) and disturbance will be minimal. In addition, the area does not contain sensitive woodland ecosystem, by applying for a variance, the applicants are avoiding disturbance of the woodland ecosystem and the need for a development permit.

The setback variance is not overly large (3.28 metres) and will not likely impact any shoreline areas or processes.

The proposal to reduce the setback for the existing deck to 7.20 metres is the most sensible course of action to ensure that the deck conforms to the LUB.

No comments from neighbours have been received other than those for the concrete steps.

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

RECOMMENDATIONS:

1. **THAT** Development Variance Permit NP-DVP-2015.4 (Therault) **BE APPROVED**

Prepared and Submitted by:



A/Planner 2

June 4, 2015

Date

Concurred in by:



Robert Kojima

Regional Planning Manager

Attachments: Proposed Development Permit NP-DVP-2015.4
Notice for NP-DVP-2015.4

June 4, 2015

Date



Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2015.4

To: R & K Theriault
c/o Heath Lansdowne

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

Lot A, Section 6, Pender Island, Cowichan District, VIP 75463
(PID: 025-714-953)

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

- a) Subsection 3.7.1 which states that no building or structure may be sited within 15 metres upland of the natural boundary of the sea is varied to permit the construction of a garage addition to an existing dwelling within 11.72 metres upland of the natural boundary of the sea.
- b) Subsection 3.7.1 which states that no building or structure may be sited within 15 metres upland of the natural boundary of the sea is varied to permit the siting of an existing deck structure within 7.20 metres upland of the natural boundary of the sea.

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 Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date of Issuance

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2015.4

SCHEDULE 'A'

Site Plan Of:
Lot A, Section 6, Pender Island,
Cowichan District, Plan VIP75463.

Prepared from original digital file provided by:

Richard Wey and Associates

Dated this 26th day of August, 2014.

Elevations are based upon an assumed datum.

Elevations & distances shown are in metres.

Scale = 1: 200

Lot 18
Plan 17910

Plumper Way

Proposed Addition

Plan VIP75463

15 m Setback from the Natural Boundary
of the Sea

Existing House
No. 7939
MF: 9.81
Peak: 17.24
Eave: 12.4

Shed

Existing Deck

septic tank

Pump Chamber

Variance Area for Proposed Addition

Variance Areas for Existing Deck Area

Lot B
Plan VIP75463



The subject property is affected by
the following registered documents:
EV74766, EV74767.

SCHEDULE 'C'

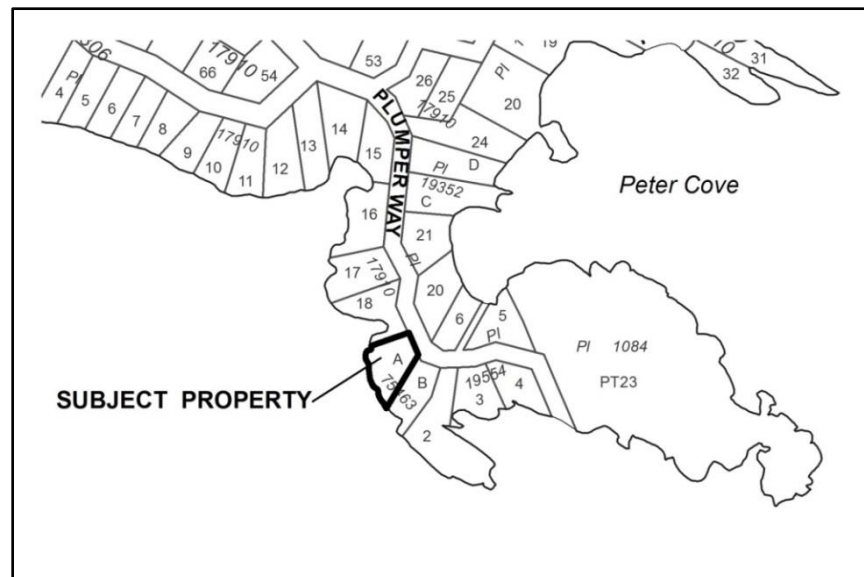
**NOTICE
NP-DVP-2015.4
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996, by varying Subsection 3.7.1, which states that no building or structure may be sited within 15 metres upland of the natural boundary of the sea is varied to permit:

- a. The construction of a garage addition to an existing dwelling within 11.72 metres upland of the natural boundary of the sea; and,
- b. The siting of an existing deck structure within 7.20 metres upland of the natural boundary of the sea.

The property is located at 7939 Plumper Way Road and is legally described as Lot A, Section 6, Pender Island, Cowichan District, Plan VIP75463. PID: 025-714-953

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 **June 5, 2015** and continuing up to and including **June 17, 2015**.

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

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **June 17, 2015**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:45 a.m., June 18, 2015**, at the Pender Island Community Hall on North Pender Island.

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

STAFF REPORT

Date: May 13, 2015

File No.: NP-SUB-2014.3
(Davies) x-ref DVP-
2014.2

To: North Pender Island Local Trust Committee
For the meeting of June 18, 2015

From: Phil Testemale, A/Planner 2

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

Owner: Marianne Davies

Applicant: Same

Description: Lot 1, Section 19, North Pender Island, Cowichan District, Plan 23416,

Parcel "G" (DD 98036-i) of the South East $\frac{1}{4}$ of Section 19, Pender Island,
Cowichan District, Except Those Parts in Plans 12147, 20226, 21077,
23416, 43782 and VIP 53926

PID: 003-105-067 & 004-097-858

Civic Address: 5414 & 5410 Hooson Road, Pender Island, Pender Island

PROPOSAL

To exempt a Boundary Adjustment subdivision from the statutory minimum frontage of 10% of its perimeter. Section 944 of the Local Government Act establishes that:

- (1) *If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of*
 - (a) *10% of the perimeter of the lot that fronts on the highway, and*
 - (b) *the minimum frontage that the local government may, by bylaw, provide.*
- (2) *A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).*

Subsection 4.3.1. The North Pender Island Land Use Bylaw No. 103, 1996 states:

The frontage of any lot in a proposed subdivision must be at least 10 percent of its perimeter...

BACKGROUND:

The proposed subdivision between these two properties will result in one of the parcels being “split zoned” (a lot lying in two or more zones). This was the subject of a Development Variance Permit (NP-DVP-2014.2 – Davies) that was approved and issued on January 27, 2015. The full staff report for the variance is at:

http://www.islandstrust.bc.ca/media/300001/agenda-package-north-pender-ltc-regular_jan22_2015.pdf

The proposed configuration of the lots (see: Figure Two- below) will result in Rem. Parcel “G” having a frontage less than 10% of its perimeter. The Local Government Act (sec. 944[2]) permits local government to exempt (waive) a parcel from the statutory or bylaw minimum frontage by resolution. The intent of the regulation is to avoid the layout of multiple-lot subdivisions with panhandle shapes that converge on highway frontage. The proposal conforms to this intent as it is only the narrowing of an existing frontage and does not increase the number of assesses. Granting the exemption will allow staff to send final approval to the Ministry of Transportation and Infrastructure for the proposed subdivision.

Staff is recommending (below) that the Rem Parcel “G” be exempted from Subsection 4.3.1 of the LUB.

Figure One: Subject Properties

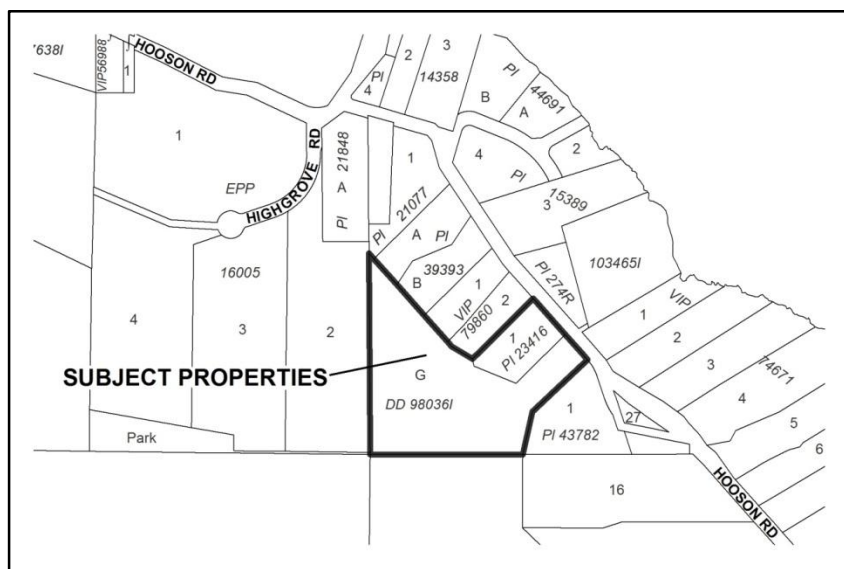
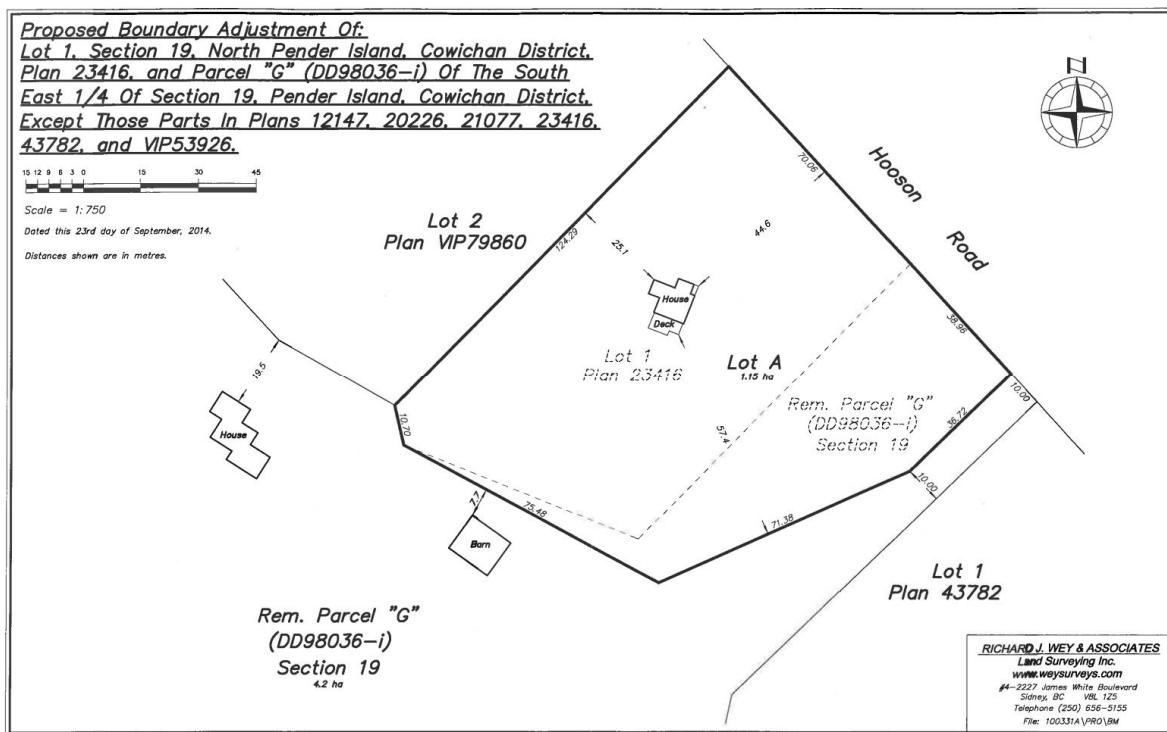


Figure Two: Proposed Subdivision



RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee EXEMPT proposed Rem. Parcel "G" of subdivision NP-SUB-2014.2 (Davies) from the 1/10 perimeter provision of Section 944 of the *Local Government Act* and Subsection 4.3.1. of North Pender Island Land Use Bylaw No. 103, 1996.

Prepared and Submitted by:

[Signature]
FESTIVAL

May 13, 2015

Date

Concurred in by:

[Signature]
Robert Kojima
Regional Planning Manager

May 13, 2015

Date

pc

Date: June 09, 2015

File No.: 6500-20-Housing

To: North Pender Island Local Trust Committee
For the meeting of June 18, 2015

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: LTC Top Priority – STVR (Housing)

Preliminary Report

The purpose of this report is to introduce an approach to considering the use of residential zones for tourist accommodation. This report presents a number of options for consideration of the Local Trust Committee and the community, and a project charter to guide the process.

Project Objectives

The overall objective of this project is to engage a community planning process that considers options to improve the stock, availability, and impacts of affordable housing on North Pender Island.

The first priority focus has been determined by the Local Trust Committee to be the use of residential zones for tourist accommodations, known as STVRs (Short Term Vacation Rentals).

Project Background

The North Pender Island Local Trust Committee has made housing a top priority in their work plan; under this umbrella topic the LTC is considering how to address a wide realm of issues – including both affordable housing and short term vacation rentals. The Local Trust Committee considered the broad topic of housing on March 26, 2015 and referred the staff report to the Advisory Planning Commission (APC). On April 23, 2015, the APC gave the topic thorough deliberation and passed the following resolutions (from draft minutes):

NP-APC-2015-013

It was MOVED and SECONDED THAT the Advisory Planning Commission recommend that the Local Trust Committee adopt a comprehensive needs-based approach to the Housing issue, consistent with the Islands Trust mandate, beginning with assessment of community needs for housing and tourist accommodation relative to the current Official Community Plan and bylaws. CARRIED

NP-APC-2015-014

It was MOVED and SECONDED THAT the Advisory Planning Commission recommend that the Local Trust Committee consider the following process steps:
1. Review the 2008 North Pender Island Affordable Housing Report;

2. Conduct additional housing needs assessment as needed;
3. Conduct assessment of tourist accommodation needs similar to the 2008 Affordable Housing study;
4. conduct a series of meetings for community input on specific topics that arise out of the foregoing needs assessments, for example secondary accommodation, short term vacation rentals, live-aboards, etc. CARRIED

NP-APC-2015-015

It was MOVED and SECONDED THAT this Advisory Planning Commission recommend that any decisions made by the Local Trust Committee on housing needs should be considered in the context of resources (e.g. water and sewer), and impact on the existing infrastructure. CARRIED

On April 30, 2015, the North Pender Island Local Trust Committee passed the following resolutions:

NP-2015-031

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee put first priority on consideration of Vacation Rentals over other matters within the Housing top priority.

CARRIED

NP-2015-032

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee direct staff to bring a project charter and scope of work on options for reviewing the issue of tourist accommodations in residential zones to the next regular Local Trust Committee meeting.

CARRIED

The use of residential zones for tourist accommodation, or “short-term vacation rentals,” refers to the practice of renting a residence for short periods, typically of less than 30-days at a time, to the travelling public. As a matter of general zoning principle, this type of activity is considered a commercial use of land rather than a residential use, although may not be incompatible with residential uses in that a home can be used a residence, and as a vacation rental, interchangeably on a seasonal basis.

Vacation rentals on North Pender Island are currently permitted as hotels, motels, and lodges in Commercial Zones, as agri-tourism in Agricultural zones (with permission from the Agricultural Land Commission), and as Bed and Breakfast home businesses in residential zones. There is demand by both the travelling public and by property owners for the short term rental of entire residences or cottages on residential lots, beyond what is permitted by the bed and breakfast regulations. There are also concerns by islanders over the impacts of vacation rentals on the environment and on the use and enjoyment of neighbourhoods.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

This project will be reviewed for consistency with the Trust Council strategic plan once Trust Council has adopted a strategic plan for this term.

Islands Trust Policy Statement

Support for housing in the Islands Trust Policy Statement can be found in *Part V: Sustainable Communities*. The goal of this part is “to sustain island character and healthy communities.”

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

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

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

Appendix 3 includes relevant policy excerpts from the North Pender Island Official Community Plan (OCP). The OCP addresses short term vacation rentals of residential zones in the policies specific to the residential land use designations. For the Rural and Rural Residential zones, the OCP states:

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

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

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

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

Land Use Bylaw

Please refer to Appendix 4 for excerpts from the North Pender Island Land Use Bylaw (LUB). Vacation rentals on North Pender Island are currently permitted as hotels, motels, and lodges in Commercial Zones. The LUB does not currently permit commercial accommodation uses in residential zones, with the exception of Bed and Breakfasts which are permitted as accessory uses and considered home occupations. In the Agricultural zones the LUB permits and regulates agri-tourist accommodation, but with the permission of the Agricultural Land Commission.

Case Studies

Presentations at the American Planning Association's national conference in April 2015 indicated that other communities are struggling with similar questions, as the "sharing economy" offers alternatives to traditional tourist accommodations. The sharing economy is a term that has recently emerged to describe the sharing of resources via a web based platform (eg. *Airbnb*, *VRBO*, *flipkey*, *homeaway*). The term has been used as way to contextualize vacation rentals, which by themselves are not a new phenomenon, especially in the Gulf Islands. The "sharing economy" monetizes excess resources using technology and flattens the hierarchy of the traditional economy, decentralizing production and consumption. Regulations for home based vacation rentals are being considered in some places where the impacts to neighbourhood character, affordable housing, and equity with traditional hotel accommodations are seen to be a political priority. Regulatory trends tend to include some kind of a public process, licensing/permitting of vacation rentals, taxation, specific lodging regulations, size limits, and enforcement in cases of non-compliance. Lessons learned from these examples include a sense that outreach is critical – it is important to understand the desire of stake holders, and also that simple regulations tend to be more successful, especially because the market is continually evolving.

San Francisco has recently adopted detailed regulations that allow one tourist accommodation unit per household, with a registration process that tracks the rentals, and limits them to 90 days per year. In that city, the policy was developed in response to affordable housing concerns and impacts on residential neighbourhoods. There was not an economic impact analysis conducted prior to adoption of regulations and staff commented on the difficulty of getting data to support such a study. Planners conceded that the 90 day limit is problematic to monitor, and that compliance continues to be a challenge. They characterized the attempt at regulations to be akin to "fixing the car as it is being driven."

In Aspen, Colorado, regulations were adopted in 2012 that license vacation rentals everywhere with a permit system. Regulations require a local owner or owner's representative to be available. Notably, regulations do not permit rental of an entire house due to concerns over impacts on affordable housing (thus the Airbnb model is still illegal in Aspen). In Durango, Colorado, which is a college town and tourist dependent economy, there are concerns over affordable housing where the average housing costs are eight times the median income. Durango also uses a permit system to regulate tourist accommodations and sets a limit on the number of total permits available. They do not issue more than one permit per block to avoid "dark blocks" of vacant homes.

In BC, Whistler has been a leader in regulating STVRs and permits vacation rentals in some residential zones. Within Islands Trust, there are examples in other Local Trust Areas that permit short term vacation rentals. Regulations within these land use bylaws also address floor area, parking, and signage. Please see Appendices 5-7 to review actual regulations.

- Hornby Island allows vacation home rental uses between May and September, has minimum stay requirements of 7 days, restricts the number of beds and bedrooms relative to lot size, and has a number of other regulations.
- South Pender allows vacation rentals outright as permitted principal uses, and also allows short term vacation rentals in cottages as home occupations.
- Galiano and Saturna Islands also allow short term vacation rentals as home occupations.
- On properties where a dwelling and cottage exist, South Pender and Galiano restrict the short term vacation rental use to either the dwelling or the cottage.
- Saturna Island currently only permits a cottage to be used for short term vacation rental.
- Some islands such as Galiano and Gabriola Islands use specific OCP guidelines to regulate STVRs through Temporary Use Permits (TUP).

- Mayne Island is currently considering guidelines for TUPs and permitting STVRs in cottages where there is a resident operator living in the main dwelling.

On North Pender Island, Temporary Use Permits could currently be used to authorize individual vacation rental uses, but without specific TUP guidelines in the OCP that would otherwise provide certainty to the LTC, applicant, or the community, in the conditions that would be established through a permit.

Analysis

The previous staff report (received by the LTC on March 26, 2015) offered an overview of concerns typically generated by STVRs which tend to focus on impacts to affordability of rental housing stock, impacts to neighbours, over consumption of ground water supply, and changes to the character of neighbourhoods. Regulations can address many of these concerns, depending on how the issue is approached in the Land Use Bylaw. For example, if the STVR were an accessory use there would be a requirement for a principal use, usually a residential use, to be occurring on the property. This would mean that there must be a resident on the lot where the STVR is operating, and concerns over vacant neighbourhoods could be addressed. Such requirements can also address concerns over impacts to the rental stock – the land owner may live elsewhere but assign care of the property to a resident tenant, thus ensuring a residential rental unit on the property. Likewise, concerns over impacts on water resources might be addressed by requiring rainwater cisterns and water metres.

The North Pender Island Advisory Planning Commission recommended the LTC approach the larger issue of housing and tourist accommodation using a “needs based approach,” and that an assessment of tourist accommodation demands should be conducted. This would assist in better understanding the role vacation rentals play in the local economy and the impact legalizing STVRs may have on the existing stock of commercial accommodation in the Commercial zones. The APC also recommended that any decisions made by the Local Trust Committee on housing should be considered in the context of resources (e.g. water and sewer), and impact on the existing infrastructure. These latter recommendations are also requirements found in the Official Community Plan and the Trust Policy Statement.

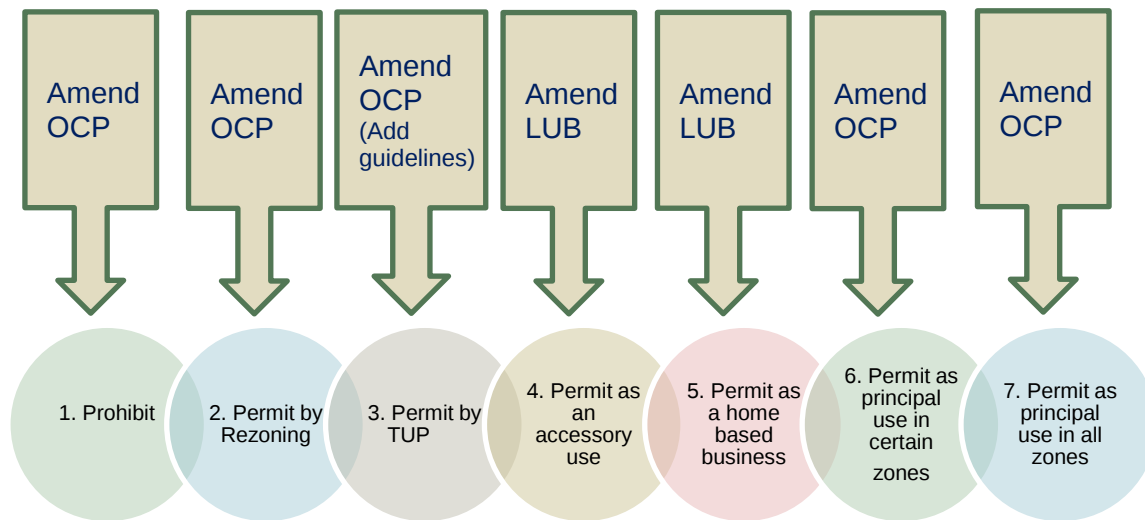
Although there is little objective information about the economic importance of STVRs to the local economy, when considered against large scale resorts, STVRs can be viewed as an appropriate way to accommodate tourism without impacting the rural landscape of the Gulf Islands. In 2005 a study, the *Southern Gulf Islands Accommodation Inventory & Accommodation Policy Assessment* was conducted. This report provides baseline information from ten years ago on North Pender Island's inventory of commercial accommodation units; while outdated, the study offers some perspective on the ratio of STVRs to more traditional commercial accommodation uses. The report has been posted to the website at http://www.islandstrust.bc.ca/media/318592/final-report-accommodation-inventory_may-3.pdf (refer to pages 36-26 for North Pender information). An update to this report, or a supplemental needs assessment and economic impact analysis, would offer a deeper understanding of the role vacation rentals play in the local economy. However, defensible research in this area is time and resource intensive and there is not budget in the current fiscal to complete such studies (although they could be started and better resourced next year). Nevertheless, the LTC does have the option to expand the scope and timeframe to undertake this research. However, if it chooses not to do this, it can consider moving forward in the absence of specific quantitative data based on the following qualitative assumptions:

1. That vacation rentals contribute benefits to the local economy
2. That the vacation rental market is dynamic and subject to basic forces of supply and demand.
3. Short term vacation rentals provide options to families and people who would not necessarily make use of conventional commercial guest accommodation.

Regulatory Options:

The authority zone the use or density of land is found in Section 903 of the *Local Government Act*. It is important to note that once a permitted use is in place it is difficult to take away, should it become evident that the use is having an adverse effect on a neighbourhood or the environment. Section 911 of the *Local Government Act* addresses non-conforming uses, including seasonal uses, and would apply if the use was removed at a later date.

There are various options to amend the North Pender Island Land Use Bylaw and/or the North Pender Island Official Community Plan to regulate short term vacation rentals in residential zones. The OCP has specific policies in the Rural and Rural Residential designations stating that *“commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use,”* to allow STVRs outright as a principal use in those zones requires an OCP amendment.



- 1) *Prohibit*: If pursued, this option should be supported with OCP policies which also discourage STVRs as accessory uses and discourage permitting the use with a Temporary Use Permit.
- 2) *Permit by rezoning*: this approach would put the onus on the operator/landowner to initiate an amendment to zoning to permit the use. The OCP could authorize the conditions under which individual rezoning would be considered. The likelihood, given the costs of rezoning, is that there would be few applications. An OCP amendment is suggested if the LTC is to pursue this option.
- 3) *Permit by Temporary Use Permit*: The temporary use permit process can be used to permit and regulate STVRs on a case by case basis. The conditions of a permit are may be based on the guidelines established in an Official Community Plan and have a wider scope of regulation than land use bylaw regulations. This approach is akin to a licensing system; individual vacation rental operations would be considered by the LTC and permits could be issued for up to three years at a time. The permits contain the conditions under which the vacation rental must operate, typically in accordance with the community sanctioned OCP guidelines. The cost of a Temporary Use Permit application is currently \$1100 and there is no requirement for a public hearing, although there is a statutory requirement to notify neighbours of the application. However, there would be significant administrative costs associated with processing TUPs, along with on-going costs associated with compliance

with the TUP conditions. An OCP amendment would be required to establish TUP policies and guidelines.

- 4) *Permit as an accessory use*: This would permit STVRs as accessory to a permitted principal use that is occurring on the property. A principal use (such as a residential use) must be occurring on the property for an accessory use to be permitted. For example, the STVR would be permitted in a cottage where there is a principal dwelling being lived in full time. The Land Use Bylaw could be amended to establish certain regulations to limit impacts. An OCP amendment would not be required to pursue this option.
- 5) *Permit as an accessory home business use*: This option would also permit STVRs as accessory to a permitted principal use, but it would require an operator or employee to be resident on the property. The North Pender Island land use bylaw in Section 3.5 currently has home business regulations and requires at least one person employed in the home business to live on the property. Section 3.5 also has a number of other regulations that may or may not be appropriate to regulate short term vacation rentals. If this option is pursued, it is suggested that this section of the LUB be amended to accommodate community objectives in regulating short term vacation rentals. The Bed and Breakfast regulation should also be reviewed as part of this process. An OCP amendment would not be required to pursue this option.
- 6) *Permit as a principal use in certain zones*: This option would permit STVR as a principal use in certain residential zones, in locations within zones, or in specific circumstances (like lots over a certain size). The specific regulations would be set out in the LUB. An OCP amendment would be required to pursue this option.
- 7) *Permit outright as a principal use in all residential zones*: This option would make the use of residences/cottages for STVRs a permitted use. The OCP would establish through policy that the use should be permitted, but regulated to limit impacts. The specific regulations would be set out in the LUB.

It is recommended that the options in this staff report be used as a basis for early consultation in the form of a Community Information Meeting.

Resources and Roles

The North Pender Island LTC has been assigned a total of \$9000 for project work during 2015-16. Of this, \$3,250 could be allocated for OCP and LUB amendments related to the housing top priority. In-kind staff resources include planning and administrative services. Please project charter for the proposed budget breakdown.

Communications and Community Consultation

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

It is well understood that good policy is based on broad community input. Community participation not only informs policy development but also creates an informed public about the issues, fostering good understanding of policy direction. Staff advice meaningful public involvement that is effective in reaching consensus on how STVRs can be regulated to address needs and concerns. The correspondence and presentations already received by the Local Trust Committee suggest there is already a high level of awareness of the issues and regulatory context for addressing them.

It is recommended that the options in this staff report be used as a basis for early consultation in the form of a Community Information Meeting. Facilitated by in-house staff, the format of the meeting could include both a town hall style meeting and break out groups that encourage productive visioning through a discussion of hopes and fears. The content of this community engagement session will be used as a basis for draft regulations.

Future meeting(s) should be held to evaluate draft regulations and improve them prior to LTC consideration of draft bylaws.

Project Charter

The attached project charter version 1.0 (dated June 4, 2015) has been prepared to guide the specific priority focus of STVRs (Short Term Vacation Rentals) within the housing top priority. It is presented for endorsement by the Local Trust Committee.

Next Steps

For detailed timelines and deliverables, please see the project charter.

Next steps include:

1. Development of information materials to support public consultation
2. Community Information Meeting to gather input on recommended options
3. Consideration of preferred regulatory approach to vacation rentals in residential zones
4. Draft regulations presented for discussion
5. Community input into draft regulations
6. Consideration of draft bylaw(s)
7. Formal bylaw amendment process

Summary of Planning Recommendations

As introduced above, there are a breadth of options that could be considered for discussion in a community information meeting. Each of these requires either amendments to the Official Community Plan or the Land Use Bylaw, or both. It may be that the community and the LTC prefer using a combination of options to best regulate short term vacation rentals.

Recommendations:

1. THAT the North Pender Island Local Trust Committee endorse the Housing (STVR) Project Charter V.1 dated June 4, 2015.
2. THAT the North Pender Island Local Trust Committee direct staff to develop information materials and schedule a community information meeting designed to gather feedback on options for the regulation of short term vacation rentals.

Prepared and Submitted by:
Justine Starke, Island Planner

June 9, 2015

Concurred in by:



Robert Kojima
Regional Planning Manager

June 10, 2015

Date

Housing—Short Term Vacation Rentals - Charter v1.0

North Pender Island Local Trust Committee

Date: June 9, 2015

Purpose

The overall objective of this project is to engage in a community planning process that considers options to improve the stock, availability, and impacts of affordable housing on North Pender Island. The first priority focus has been determined by the Local Trust Committee to be the use of residential zones for tourist accommodations, known as STVRs (Short Term Vacation Rentals).

Background

Vacation rentals on North Pender Island are currently permitted as hotels, motels, and lodges in Commercial Zones, as agri-tourism in Agricultural zones (with permission from the Agricultural Land Commission), and as Bed and Breakfast home businesses in residential zones. There is demand by both the travelling public and by property owners for the short term rental of entire residences or cottages on residential lots, beyond what is permitted by the bed and breakfast regulations. There are also concerns by some residents as to the impacts of vacation rentals in residential zones.

Objectives

- Develop options to address the use of residential zones for tourist accommodation or STVRs.
- Engage community participation in regulatory approach
- Recommend policies and/or regulatory amendments to address STVRs.
- Implement bylaw amendments if directed

In Scope

- Review STVR policy and bylaws within Islands Trust and other jurisdictions.
- Recommended options for regulating STVR uses in residential zones
- Information materials for the public
- Community information meeting(s)
- Collect input from the community on STVRs
- Policy and/or regulatory amendments to address STVRs
- Follow-up communication materials

Out of Scope

- Economic impact analysis of STVRs on the local economy and tourism industry.
- Needs assessment of demand for short term vacation rentals
- Consultant studies

Workplan Overview

Information materials and Community Information Meeting to gather input on recommended options. Survey Monkey survey to inform qualitative research.	July -September 2015
Consideration of preferred regulatory approach to vacation rentals in residential zones	October / November 2015
Draft regulations presented for discussion	January 2016
Community input into draft regulations (including community information meeting #2)	January—March 2016
Consideration of draft bylaw(s)	April 2016
Formal bylaw amendment process	April—June 2016

Project Team

Justine Starke, Island Planner	Project Manager
Lori Foster	Administrative Planning Assistant
Pamela Hafey	Communications Specialist

RPM Approval:

Robert Kojima

Date:

LTC Endorsement:

Resolution:

Budget : 2015-16: \$3250

Budget Source: 2015-16 NPI LTC OCP/LUB

Fiscal	Item	Cost
2015-16	Communication materials	\$1000
2015-16	2 Community engagement sessions	\$2000
	Total	\$3000

80

Appendix 2: Pender Island Official Community Plan

Residential Objectives

- 1) To encourage a housing pattern that is appropriate to the rural character of the Island.
- 2) To provide for a range of housing options that serve the needs of all residents and property owners of North Pender Island.
- 3) To plan for a land use pattern which ensures the sustainable use of natural resources and minimizes greenhouse gas emissions.
- 4) To promote use of indigenous vegetation for plantings in residential lot use.
- 5) To protect the island's visual and ecological amenities.
- 6) To preserve and enhance the scenic quality along roadways

Rural Residential Policies

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

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

Rural Policies

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

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

Commercial Land Uses

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

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

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

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

Appendix 3: North Pender Island Land Use Bylaw 103

Definitions:

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

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

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

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

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

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

3.5 Home Business Regulations

- 3.5.1 Home businesses must be conducted entirely within a dwelling or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.
- 3.5.2 The combined floor areas of all home businesses on a lot must not exceed 65 m².
- 3.5.3 Except for the retail sale of goods produced, processed or repaired as part of a home business, and retail sale of articles directly related to a personal service provided as a home business, the following activities are not permitted:
 - (1) retail or wholesale selling of any product or material; and
 - (2) the serving of food or drink products on the premises as part of a home business except for bed and breakfast home business in which case a morning meal may be served to paying guests.
- 3.5.4 Not more than four persons per lot may be employed in any home business in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home business must live on the premises.
- 3.5.5 Except for one unilluminated nameplate not exceeding 0.6 m² in area in respect of each home business, no sign or other advertising matter may be exhibited or displayed on the premises where a home business is conducted, and no exterior artificial lighting may be installed or operated on the premises for a purpose associated with a home business.

- 3.5.6 No storage of materials, commodities or finished products is permitted in connection with the operation of a home business, other than within a permitted building in which case the total floor area used for such storage must not exceed 65 m².
- 3.5.7 In addition to the off-street parking spaces required for the dwelling, the parking spaces required by Part 6, and in no event fewer than two such additional spaces must be provided for patrons of a home business, but no such additional spaces are required if the nature of the home business is such that patrons do not call at the premises.
- 3.5.8 The following additional regulations apply to bed and breakfast home businesses:
- (1) not more than 6 guests may be accommodated at any one time;
 - (2) not more than 3 bedrooms may be used to accommodate guests;
 - (3) in addition to the 2 parking spaces required for the dwelling, one additional parking space for each bedroom used for bed and breakfast accommodation must be provided, despite Subsection 3.5.7;
 - (4) no rental of equipment or material is permitted except to registered guests; and
 - (5) a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.
- 3.5.9 The operator of every home business must comply with all licensing, health and other applicable regulations of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.
- 3.5.10 No vehicle or equipment used by, or in the conduct of, a home business shall be stored in a required front yard setback or in a required side yard setback without being screened from view.

Agriculture:

8.3.7 Agri-tourist Accommodation

- (1) agri-tourist accommodation must be accessory to a working farm operation;
- (2) agri-tourist accommodation must be situated on land that is in the AG (Agricultural) zone and the agricultural Land Reserve;
- (3) agri-tourist accommodation must be situated in a permitted dwelling or cottage.
- (4) agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agricultural (AG) Zone;
- (5) the maximum number of guests that may be accommodated in any agri-tourist operation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 6 guests and 3 bedrooms.

Appendix 4: Hornby Land Use Bylaw 86

vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

- a) an owner or tenant of the lot is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or
- b) the owner or tenant is residing in another lawful dwelling on the lot while the vacation home rental is occurring; or
- c) the owner of the lot resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of that owner, and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under s. 911 of the *Local Government Act*;

VACATION HOME RENTAL USES

3.23 Vacation home rental uses must be in accordance with the following limitations:

3.23.1 A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

3.23.2 Despite 3.23.1, on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

3.23.3 During a period of seven (7) consecutive days a dwelling unit may be occupied by only one group of paying guests.

Information Note: The following information note is not part of the bylaw and is for information purposes only. Regulation 3.23.2 permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). The regulation does not permit a vacation rental unit to be rented for, say, three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling was deemed by the community and the Local Trust Committee to be important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling.

3.23.4 A dwelling used for vacation home rental use shall not be used to accommodate more than 2 beds per bedroom and more than 3 bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than 4 bedrooms if the lot has an area of one hectare or more.

3.23.5 A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and a required sign that must be posted only when a vacation home rental is in use as required in Part 7.0.

3.23.6 Motor vehicle parking spaces shall be provided in accordance with Part 5.0 of this bylaw.

3.23.7 On lots designated as Aquifer IA on Schedule D1 of the Hornby Island Official Community Plan Bylaw No 104, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected is capable of providing adequate sewage treatment for

residential use and for the proposed vacation home rental use. An owner may secure a written statement of a second authorized person if the first authorized person is not able to confirm the required capability.

Appendix 5: South Pender Island Land Use Bylaw 92

“short term vacation rental” means the use of a single family dwelling or a cottage as temporary commercial accommodation for a period of less than a month at a time by households, other than the owner or a permanent occupier, who maintain a permanent residence elsewhere. For this purpose, a cottage used as short term vacation rental shall be considered an accessory home occupation subject to the regulations established in subsection 3.6(9)

3.6 (9) Home Occupations

(1) Permitted home occupations include any home craft, repairing of goods, professional practice, services to a client, creation of a product, short-term vacation rental of cottages, bed and breakfasts, the retail or wholesale sale of goods or products provided that at least 70% the goods or products for sale are produced, processed or repaired as part of the home occupation, and the retail sale of articles directly related to the provision of a personal service provided as a home occupation.

(2) N/A

(3) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where the permitted principal use is residential, except that outdoor areas may be used for storage of articles used in the home occupation if the storage area is enclosed by a fence or by a landscape screen at least 2.0 metres (6.5 feet) in height conforming with the provisions of Section 3.9.

(4) The combined floor area used in all home occupations on a lot, except a bed and breakfast, must not exceed 65 m² (700 ft²).

(5) The business owner or operator or at least one of the employees of a home occupation must be permanently resident on the property where the home occupation is conducted.

(6) Not more than two persons per property may be employed in any home occupation in addition to any residents of the premises in which such occupation is carried on.

(7) Off-street parking spaces for home occupation uses are to be provided in accordance with the regulations contained in Part 7.

(8) The following additional regulations apply to bed and breakfast home occupations:

- a) Bed and Breakfast home occupations are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones;
- b) part or all of a bed and breakfast home occupation may be undertaken within a permitted cottage;
- c) the number of bedrooms used to accommodate overnight guests may not to exceed three;
- d) despite Subsection 3.6(6) the number of non-resident persons engaged or employed in a bed and breakfast home occupation may not exceed one;
- e) meals may only be provided to bed and breakfast guests in the morning; and, off-street parking spaces for a bed and breakfast home occupation use are to be provided in accordance with the requirements contained in Part 7;
- f) despite Subsection 3.5(2), a bed and breakfast home occupation may not be undertaken within an accessory building, other than a permitted cottage.

(9) The following additional regulations apply to the short-term vacation rental of a cottage as a home occupation:

- a) Short-term vacation rental of a cottage is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only;
- b) a cottage is not to be used for short-term vacation rental at the same time as a single family dwelling is being used for a short-term vacation rental on the same lot; and,
- c) only one cottage per lot may be used for short-term vacation rental.

Appendix 6: Saturna Island Land Use Bylaw 78

15.1.41 “short term vacation rental” means the use of a *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in section 2.16.

2.16 Home Occupation Regulations

2.16.1 A *home occupation* use other than a horticultural use must be carried out wholly within a *residence* or within a permitted *accessory building*. The combined floor area of all *accessory buildings* used in the *home occupation* must not exceed 140 sq. metres (1500 sq feet).

2.16.2 There shall not be carried on as a *home occupation*, any occupation which by reason of its nature, emits or causes to be produced or emitted, noises, dust, smoke, gas or other effluents in such quantities or under such conditions as to be noxious or offensive.

2.16.3 There may be no exterior indication of the existence of the *home occupation* either by:

- 2.16.3(1) storage exterior to a *building* or *structure* of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a *landscape screen* or fence not less than 2 metres in *height*; or
- 2.16.3(2) displays, lighting; or
- 2.16.3(3) by any other variation from the residential character of the *residence* or *accessory building*, with the exception of signs permitted by this Bylaw.

2.16.4 A *home occupation* is not permitted unless the premises on which it is conducted are concurrently occupied as a *residence*. A person or persons residing in the *residence* must operate the *home occupation*. Not more than two additional persons (two full time equivalent positions) not residing in the residence, may be employed in the *home occupation*.

2.16.5 N/A

2.16.6 The following additional regulations apply to bed and breakfast *home occupations*:

- 2.16.6(1) not more than 3 bedrooms may be used to accommodate guests;
- 2.16.6(2) in addition to the 2 *off street parking spaces* required for the *residence*, one additional *off street parking space* for each bedroom used for bed and breakfast accommodation must be provided;
- 2.16.6(3) a bed and breakfast *home occupation* must be conducted solely on the property;
- 2.16.6(4) breakfast may be served on the premises to paying guests;
- 2.16.6(5) up to twelve special events per calendar year may be catered on the premises by the bed and breakfast operator; and,
- 2.16.6(6) occasional dinners may be served on the premises to paying guests staying more than two consecutive nights.

2.16.7 The operator of every *home occupation* must comply with all licensing, health and other applicable regulations of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.

2.16.8 Sufficient *off street parking spaces* must be provided to accommodate customers and employees of any *home occupation*, in addition to the 2 *off street parking spaces* required for the *residence* as defined in Section 14 - Off Street Parking Regulations.

2.16.9 *Home occupations* involving retail sales of products not made or grown on the premises may have not more than 25% of the built premises (*residential* and *accessory buildings*), to a maximum of 30 sq metres (323 sq ft) dedicated to the presentation and sale of those products.

2.16.10 The following additional regulations apply to the short term rental of a *cottage* as a *home occupation*:

2.16.10(1) no more than one *cottage* per constructed *residence* may be used as a *short term vacation rental* at any one time;

2.16.10(2) despite subsection 2.16.1 the total combined floor area per lot of *cottages* being used for *short term vacation rentals* under the *home occupation* regulations can exceed 140 sq. metres (1500 sq. feet).

Date: June 10, 2015

File No.: 6500-20-Waste
Management

To: North Pender Island Local Trust Committee
For the meeting of June 18, 2015

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: UPDATE - Special Advisory Planning Commission
(LTC Top Priority – Land Use Planning for Waste Management)

Background

A special Advisory Planning Commission (APC) has been proposed to research best practices, conduct community analysis, and reach consensus on the ideal locations and preferred scope of waste management that should be pursued on North Pender Island. At the April 30 LTC meeting, the LTC amended and endorsed a Terms of Reference for a Special Advisory Planning Commission.

The Special Advisory Planning Commission, with assistance from Islands Trust staff, is to address the following:

- a. Background research, context, orientation
- b. Inventory existing industrial land and land eligible for waste management activities.
- c. Develop criteria for siting waste transfer facilities
- d. Evaluate land/sites according to research and criteria. Identify any new sites.
- e. Map proposed locations for current/future waste management facilities.
- f. Facilitate and Participate in community consultation events aimed at reaching community consensus on the location and scope of waste management on NPI
- g. Potentially, if requested, provide recommendations to CRD on solid waste management plan.

Update

Appointing a community based advisory group to undertake this task keeps the project within the realm of the community; the community will own the results. The advisory group will play a key role by participating in community meetings and reflecting community input in its advice to the LTC. However, for technical reasons, staff suggest the LTC not appoint this Task Force as a Special Advisory Planning Commission, but as just a Task Force advisory group. The reasons are:

- Although the Local Government Act (LGA) requires only 2/3 of Advisory Planning Commission members to be residents of the North Pender Island Local Trust Area, the North Pender Island APC Bylaw is more restrictive in requiring all members be electors of the North Pender Island Local Trust Committee. The SPI LTC has requested to be kept informed of this project and South Pender residents would like to have the opportunity to sit on the task force.

- The conflict of interest standards for Advisory Planning Commissions uphold that those who have a private personal or pecuniary interest in a situation should not be involved in decisions about that topic (including decisions about what recommendations to provide to a decision-maker). The NPI LTC has indicated that for the purpose of the land use planning process for waste management it is important to include those who may have a conflict of interest (e.g. Industrial land owners, waste management operators) to inform the process. Convening the advisory group as a "Task Force" and not a "Special Advisory Planning Commission" makes this approach more transparent and less open to criticism.
- At the time of report writing there was only one application submitted to join the Special APC. It may be that not enough community members will put their names forward to join the advisory group; if this is the case, the NPI LTC may want to form a steering committee with the Southern Gulf Islands Capital Regional District Area Director, a South Pender Trustee, waste management operators, land owners, and community members. This would be more easily achieved if the group is not an APC which cannot under the LGA include these elected officials. A different form of the Terms of Reference that upholds its intent would be developed to address these changes, should this alternative become necessary.

Next Steps

The implications of this change of approach are that the LTC would no longer be appointed members to a Special Advisory Planning Commission. The attached terms of reference have been amended to reflect this. Next steps would still be undertaken according to the attached project charter:

1. Endorse the Amended Terms of Reference for the Task Force
2. Appoint members to the Task Force
3. Convene the Task Force's inaugural meeting and conduct orientation

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee endorses the amended Terms of Reference for a Solid Waste Management Task Force attached to the staff report dated June 10, 2015 and directs staff to arrange an inaugural meeting once members have been selected.

Prepared and Submitted by:

Justine Starke, Island Planner
Local Planning Services

June 10, 2015

Name, Title

Date

Concurred in by:



June 10, 2015

Robert Kojima
Regional Planning Manager

Date

Attachments:

Appendix 1: Amended Task Force Terms of Reference

TERMS OF REFERENCE: TASK FORCE

LAND USE PLANNING FOR WASTE MANAGEMENT ON NORTH PENDER ISLAND

BACKGROUND

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

1. The Task Force will be advisory to the North Pender Island Local Trust Committee.
2. The role of the Task Force is to make recommendations on appropriate locations and regulations for waste transfer facilities on North Pender Island.
3. The Task Force meetings themselves are not intended to be community consultation events, and in the interest of time and agenda management, the Chair may limit community input during the TASK FORCE meetings. The TASK FORCE will be hosting additional events specifically designed for public input.
4. The Task Force shall, as part of its review, with assistance from Islands Trust staff, address the following:
 - a) Background research, context, best practices, lessons learned.
 - b) Inventory existing industrial land and land used for waste management activities.
 - c) Consult with target stakeholders (waste management operators, industrial land owners)
 - d) Facilitate and participate in community consultation events aimed at reaching community consensus on the location and scope of waste management on NPI
 - e) Develop criteria for the siting of waste transfer facilities
 - f) Evaluate land/sites according to research and criteria. Identify any new sites.
 - g) Make recommendations for the scope and intent of new land use bylaw regulations for waste transfer facilities
 - h) Make recommendations for where to locate for current/future waste transfer facilities.
 - i) Potentially, if requested, provide recommendations to CRD on solid waste management plan.
5. The Task Force shall appoint a Chairperson at its first meeting.
6. The Chairperson should ensure the Task Force considers the issues from an enlarged perspective aimed at solutions for the community as a whole.

7. The Chairperson should ensure deliberations are conducted with objectivity and that members are aware of any conflict of interests that may be present.
8. The Chairperson should ensure, to the best of their knowledge and ability, that any options or recommendations are consistent with:
 - a) The Goals (“principles”) of the Official Community Plan;
 - b) The Object of the Islands Trust;
 - c) The policies of the Islands Trust Policy Statement;
 - d) The statutory authority of the Local Trust Committee;
 - e) Generally accepted good planning principles.
9. The Chairperson is, with assistance from the secretary, responsible for:
 - a) Organizing meetings;
 - b) Communicating with trustees and Islands Trust staff at each stage;
 - c) Leading and facilitating discussion at the meeting(s);
 - d) Ensuring that all points of view are heard;
 - e) Ensuring that good order and civility are maintained at meetings;
 - f) Ensuring that discussion is relevant and addresses the questions laid out in this terms of reference;
 - g) Ensuring the meetings are conducted efficiently and that progress is made in accordance with the timelines established by the work plan attached as schedule 1.
10. Notice of the meeting times, places and topics will be prepared and circulated by Islands Trust staff or delegate.
11. Costs should be limited to rental of the meeting hall, minute taking, materials such as paper and markers, and light refreshments.
12. Local Trustees may attend and participate in a non-voting capacity in any meeting, at the discretion of the trustees. The Chair of the North Pender Island Advisory Planning Commission or their delegate shall be a member of the Task Force.
13. The Capital Regional District director or delegate may be invited to participate in an ex-officio, non-voting capacity in order to provide coordination with the CRD Solid Waste Management Plan review.
14. One member of the South Pender Island Local Trust Committee may be invited to participate in an ex-officio, non-voting capacity in order to provide coordination with South Pender Island. One third of seats shall be opened for membership by residents of South Pender Island.
15. Islands Trust staff may be available to serve as a resource at any meeting, at the discretion of staff. As well Islands Trust staff will provide information required for the Task Force to carry out its review.

SCHEDULE 1: TASK FORCE WORK PLAN

PROJECT CHARTER WORK PLAN OVERVIEW		
Meeting	Deliverable/Milestone	Target Date
TASK FORCE Meeting #1	Inaugural meeting of Task Force – Background presentations and orientation by CRD and Islands Trust staff. Develop understanding of task, terms of reference for the work, and best practices in the literature for achieving goals. Aligns with deliverable 4(a) in the ToR.	July, 2015
TASK FORCE Meeting #2	Review inventory of existing industrial land and land used for waste management activities (basic information provided by staff). Appoint a subcommittee to meet with the agreed upon targeted stakeholders, as needed. Discuss and agree on objectives and preferred outcomes of the stakeholder meetings. Summaries of the stakeholder meetings will be compiled and reviewed by the Task Force in a subsequent meeting.	August/Sept, 2015
Community Engagement Session #1:	Understanding Waste Management – Roles and Responsibilities (with technical assistance from CRD staff, possible conducted as a joint consultation event). Third party facilitation (either a consultant or staff led, or with a volunteer facilitator from North Pender Island).	October, 2015
TASK FORCE Meeting # 3:	Review summaries of stakeholder meetings and community engagement session #1. Brainstorm recommendations for what the scope of waste management should be on North Pender Island (what uses should be permitted by zoning?). Develop draft criteria for the siting of waste transfer facilities and begin to consider what the intent behind any new zoning regulations should be. Prepare to present these preliminary findings for feedback at Community Engagement Session #2.	November, 2015
Community Engagement Session #2:	Presentation by Task Force on preliminary (draft) recommendations for siting waste transfer facilities, as well as proposed uses (scope) to be permitted by zoning on NPI. Small group discussion of findings; participatory process to scope and define waste management on North Pender Island. Includes Community Survey either before, after or during session. Potentially to include a discussion of CRD role/approach to regulating operations.	January, 2015
TASK FORCE Meeting #4:	Review results of community process/input to date. Refine/revise preliminary recommendations for scope and criteria. Discuss and prepare for Community Engagement Session #3.	February, 2016
Community Engagement Session #3:	Presentation of revised recommendations, apply criteria for siting waste transfer facilities, inventory of Industrial land and existing waste transfer sites. Group process to evaluate according to criteria. Community mapping exercise to identify eligible land for waste transfer facilities. Could benefit from professional facilitator, community mapper.	March, 2016
TASK FORCE Meeting #5:	Review summary of findings from community engagement session, revise/refine recommendations, delegate/assign report writing.	May, 2016
TASK FORCE Meeting # 6:	Review draft report, direct changes, finalize recommendations.	June, 2016
NPI LTC	Chair of Task Force to present Draft Report to Local Trust Committee at regular business meeting. Invite feedback.	June, 2016
TASK FORCE Meeting # 7:	Final revisions to report, if required.	July, 2016
NPI LTC	Chair of Task Force to present Final Report to Local Trust Committee at regular business meeting.	July, 2016



Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities through a Task Force. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke		On Going
2	Housing	Includes consideration of the 2008 Affordable Housing Task Force Report. Also includes consideration of vacation rentals in residential zones.	Feb-03-2015	Justine Starke		On Going
3	Age and disability friendly communities	Conduct an age friendly plan for North Pender Island.	May-22-2014	Justine Starke	Nov-06-2014	On Going



Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	Jan-22-2009	On Going
1	Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	Feb-03-2015	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects:		Jan-22-2009	On Going
	1. View corridor review			
	2. Parks and Conservation area review			
	3. Pedestrian and Cycle paths - DONE			
	4. Groundwater protection strategy			
	5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)			
	6. Marine riparian areas			
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going

6	LUB Amendments	• review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • review of commercial (C1) zoning • incorporate TUP's into zoning • landscape screening review • review of marine zoning regulations in conjunction with overall shoreline development review • amendments to permit renewable energy • review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction • height exemptions for agricultural or forestry buildings • max floor area for principal dwellings	Mar-22-2012	On Going
7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
9	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	• NZEV designation • Level 2 Charging Stations • Additional Car Stop Locations • Additional Bicycling-Walking Routes • Heritage Roads • Road standards in subdivision servicing regulations • Related policy and regulatory options	Sep-20-2012	On Going
10	Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.			On Going
11	Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		On Going

Applications w/ Status - North Pender Island

Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.3	Christopher Davie RAE	May-08-2015	4605 BEDWELL HARBOUR RD To make the building more aesthetically pleasing.

Planner: Phil Testemale

Planning Status

Development Variance Permit

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

Planner: Phil Testemale

Planning Status

Status Date: Mar-05-2015

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

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.4	homecraftdesign@shaw.ca	Apr-09-2015	7939 PLUMPER WAY Addition to existing building to accommodate single car garage and artist studio.

Planner: Phil Testemale

Planning Status

Status Date: Apr-14-2015

additional fees of 515.00 received. Note: if refund is required the applicant has paid in full 715.00. Original DP app and 200.00 fee rolled into DVP app.

Status Date: Apr-09-2015

NP-DP-2015.2 converted to NP-DVP-2015.4. awaiting additional fees of 515.00

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.6	ALLEN WALLACE	May-08-2015	7937 PLUMPER WAY Add stairs for ease of entry, new roof on out building to match pitch of house Modify deck to save Arbutus tree. Overall better look.

Planner: Phil Testemale

Planning Status

Status Date: May-14-2015

Opened file, processed fees. Called Applicant to send a title, they are also making an amendment to the application.

Rezoning

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

Planning Status

Status Date: Mar-04-2015

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

Status Date: Jan-22-2015

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

Status Date: Jan-13-2015

Staff report prepared for January 22 2015 meeting

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

Planner: Kim Farris

Planning Status

Status Date: Jan-22-2015

LTC resolution authorizing Chair to execute covenants

Status Date: Jan-21-2015

Memo for covenant execution on LTC agenda

Status Date: Oct-20-2014

Ministerial approval of OCP amendment received

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

Planner: Justine Starke

Planning Status

Status Date: Mar-11-2015

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

Status Date: Jan-13-2015

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

Status Date: Nov-27-2014

Emailed applicant requesting status update

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2014.1	0697595 BC LTD (Philpot)	Jul-07-2014	7950 Plumper Way Amend the LUB for the maximum water area that may be covered by floats and wharfs.

Planner: Justine Starke

Planning Status

Status Date: Jun-11-2015

Public Hearing and community information meeting scheduled for June 18 and July 30 2015.

Status Date: Apr-30-2015

Application/bylaw given second reading on April 30

Status Date: Mar-17-2015

APC Consideration

Subdivision

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

Planning Status

Status Date: Dec-31-2014

applicant has determined location of access route, proceeding with application

Status Date: May-29-2013

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

Status Date: Apr-11-2013

PLA received from MOTI

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

Planner: Phil Testemale

Planning Status

Status Date: Dec-08-2014

Referral response e-mailed to MoTI;owner PT

Status Date: Nov-28-2014

fee received, notified LTC, gave file to Planner

Status Date: Aug-15-2014

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

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

Planner: Phil Testemale

Planning Status

Status Date: Oct-15-2014

Comments e-mailed to MoTI, DVP Required

Status Date: Oct-07-2014

fee received, notified LTC, gave file to Planner

Status Date: Oct-01-2014

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

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

Planner: Phil Testemale

Planning Status

Status Date: Jan-27-2015

MOTI file number 2014-05263

Status Date: Nov-18-2014

Referral Response e-mailed

Status Date: Nov-10-2014

received fee, notified LTC, gave file to Planner

Temporary and Industrial Use Permit

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

Planner: Justine Starke

Planning Status

Status Date: Apr-22-2015

Application deferred from April 30 agenda due to on-going discussion with applicant and other agencies.

Status Date: Apr-06-2015

Application reviewed, permit and staff report drafted.

Status Date: Apr-01-2015

Notice prepared for delivery.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2015.2	Pender Island Waste Management	Jun-08-2015	5827 SCHOONER WAY Transfer, storage, and shipping of discarded goods.

Planner: Justine Starke

Planning Status

Status Date: Jun-11-2015

Application received. Notifications to be circulated in time for LTC decision on July 30, 2015.

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending May 2015

650 North Pender	Invoices posted to Month ending May 2015	<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	2,750.00	916.53	1,833.47
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	175.50	574.50
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,550.00</u>	<u>1,092.03</u>	<u>3,457.97</u>
Projects				
73001-650-4047	North Pender Age Friendly Community Plan	2,500.00	2,503.75	-3.75
73001-650-4054	North Pender Waste Management Review	3,250.00	0.00	3,250.00
73001-650-4055	North Pender Housing Review	3,250.00	0.00	3,250.00
TOTAL Project Expenses		<u>9,000.00</u>	<u>2,503.75</u>	<u>6,496.25</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2015

ITF Name Change – Meeting with Assistant Deputy Minister

Trust Fund Board Chair Tony Law joined the Executive Committee for a meeting with Jay Schlosar, an Assistant Deputy Minister with the Ministry of Community, Sport and Cultural Development. The main topic was the long-standing request for a legislative amendment to the *Islands Trust Act* to re-name the Islands Trust Fund to Islands Trust Conservancy. Mr. Schlosar agreed that the existing name presents a barrier to fundraising and marketing and that a new name that reflects what we do could make a significant difference for us. Although the proposed change is minor, Mr. Schlosar cautioned those attending that there are always many competing priorities for the legislative agenda. The ADM indicated his willingness to move our request forward and will keep us informed about timelines and process. The Trust Fund Board appreciates the support of Trust Council and the Executive Committee in advancing the name change request, something that has been on the Board's agenda for several terms.

Lasqueti Crown Land Acquisition

Representatives of TFB and staff will be meeting with the Chief and Councillors of Qualicum First Nation to begin discussing a possible Sponsored Crown Grant application on Lasqueti Island. The parcel in question is north of Mount Trematon, an existing Islands Trust Fund nature reserve encompassing the highest point on Lasqueti. The acquisition would contribute to a significant network of protected areas for the island.

Islands Trust Fund Annual Report – A good read!

TFB has approved our annual report for 2014-15 to be included as a section in the Islands Trust Council's annual report to the Minister. While this report meets a statutory requirement, it also offers a good read that provides interesting information about our work. We encourage trustees who want to be more familiar with our activities to read our section when the draft comes to Trust Council's meeting for approval in June 2015.

Conservation Covenants on Salt Spring Island

In February we registered a conservation covenant on 0.3 hectares of a private Salt Spring Island property, providing legal protection to a First Nations burial site, as well as forest ecosystem values. A covenant has also been registered on our Cyril Cunningham Nature Reserve by the Habitat Acquisition Trust and the Salt Spring Island Conservancy, adding a new layer of protection.

Howe Sound Science and Knowledge Workshop

Kate Emmings, Ecosystem Protection Specialist, attended a workshop co-hosted by the Squamish Nation, Vancouver Aquarium, and David Suzuki Foundation to "bring knowledge holders together to identify and share observations, information, experiences, and future knowledge priorities related to the aquatic biophysical features of Howe Sound." Kate shared eelgrass and forage fish data for the area and identified potential resources for the Gambier Island Local Trust Committee.

Strategic Plan

Trust Fund Board has submitted its input for the Islands Trust Strategic Plan. All our suggestions relate to the Policy Statement goal of Ecosystem Preservation and Protection and to achieving objectives of the Regional Conservation Plan. Our input supports activities to protect coastal and marine areas, including utilizing land use planning tools for shoreline protection.

More information?

Please contact any of the three trustees who are members of the Board – Tony Law, Susan Morrison and Kate-Louise Stamford – who will be glad to help answer any questions you may have.