



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: October 26, 2017
Time: 10:00 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

		Pages
1.	CALL TO ORDER	10:00 AM - 10:20 AM
2.	APPROVAL OF AGENDA	
3.	TOWN HALL AND QUESTIONS	
4.	COMMUNITY INFORMATION MEETING	10:20 AM - 10:40 AM
4.1	North Pender Island Local Trust Committee Bylaw No. 202	
5.	PUBLIC HEARING	10:40 AM - 11:00 AM
5.1	Recess for Public Hearing	
5.1.1	<u>North Pender Island Local Trust Committee Bylaw No. 202</u>	
5.2	Recall to Order	
6.	COMMUNITY INFORMATION MEETING	11:00 AM - 11:15 AM
6.1	NP-LCB-2017.1 (Royal Canadian Legion)	
7.	MINUTES	
7.1	Local Trust Committee Minutes Dated September 21, 2017 (for Adoption)	11:15 AM - 11:20 AM 4 - 12
7.2	Section 26 Resolutions-without-meeting Report	
	none	
7.3	Advisory Planning Commission Minutes	
	none	
8.	BUSINESS ARISING FROM THE MINUTES	
8.1	Follow-up Action List Dated October 2017	13 - 15

- 9. DELEGATIONS** 11:20 AM - 11:30 AM
- 9.1 M. Sketch re: ALR a Unique Amenity for the Islands Trust or a Land Resource?
- 10. CORRESPONDENCE**
- Correspondence received concerning current applications or projects is posted to the LTC webpage*
- none
- 11. APPLICATIONS AND REFERRALS** 11:30 AM - 12:30 PM
- 11.1 Islands Trust Fund 5-Year Plan - RFD & Referral (attached) 16 - 17
(for response)
- 11.2 Islands Trust Fund Regional Conservation Plan - Briefing & Referral (attached) 18 - 19
(for response)
- 11.3 NP-RZ-2016.1 (Mainroad) - Staff Memo (attached) & Bylaw No. 202 20 - 25
(for further consideration)
- 11.4 NP-LCB-2017.1 (Royal Canadian Legion) - Staff Report (attached) 26 - 38
- 11.5 NP-RZ-2017.1 (PIPRC) - Staff Report (attached) 39 - 50
- 12. LOCAL TRUST COMMITTEE PROJECTS** 12:30 PM - 12:40 PM
- 12.1 Waste Management - Staff Report (attached) 51 - 56
- 13. REPORTS** 12:40 PM - 1:00 PM
- 13.1 Work Program Report (attached)
- 13.1.1 Top Priorities Report Dated October 2017 57 - 57
- 13.1.2 Projects List Report Dated October 2017 58 - 60
- 13.2 Applications Report Dated October 2017 (attached) 61 - 69
- 13.3 Trustee and Local Expense Report Dated August 2017 (attached) 70 - 70
- 13.4 Adopted Policies and Standing Resolutions (attached) 71 - 71
- 13.5 Local Trust Committee Webpage
- 13.6 Chair's Report
- 13.7 Trustee Report
- 13.8 Trust Fund Board Report Dated October 2017 (attached) 72 - 73
- 14. NEW BUSINESS**
- none

15. **UPCOMING MEETINGS** 1:00 PM - 1:15 PM
- 15.1 **Next Regular Meeting Scheduled for November 23, 2017 at the Pender Community Hall, Pender Island**
16. **TOWN HALL**
17. **CLOSED MEETING (Distributed Under Separate Cover)** 1:15 PM - 1:30 PM
- 17.1 **Motion to Close Meeting**
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, S. 90(1)(d) and (f) for the purpose of considering:*
- *Adoption of In-Camera Meeting Minutes Dated May 25, 2017*
 - *Bylaw Enforcement Issues*
- And that the recorder and staff attend the meeting.*
- 17.2 **Recall to Order**
- 17.3 **Rise and Report**
18. **ADJOURNMENT** 1:30 PM - 1:30 PM

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: September 21, 2017
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
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Grams called the meeting to order at 10:00 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

The audio recording began at 10:01 am and Chair Grams read a written statement regarding the recording and its use.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Raymond Ray applicant for NP-DP-2017.1 recommended corrections to the staff report and requested consideration of the application due to its community benefits.

Chip Barrett applicant for NP-DVP-2017.1 recommended corrections to the staff report regarding the size of one structure. He provided an overview of the permit requested and its rationale. He also stressed his understanding and observance of the sites archaeological and ecological sensitivities.

Dale Henning read from a written submission he presented to the LTC regarding the Waste Management Project. He highlighted the following:

- an overview of the facility, community, and political challenges;
- a list of questions for trustees to clarify and rationale for the LTC to move forward;
- he supports the Pender Island Waste Management being enabled to provide their service.

Ben McConchie spoke to the Waste Management Staff Report and criticized the lack of understanding of the local impact of the sites being considered. He noted that correspondence regarding water supply was removed from the agenda package following its initial posting and encouraged the LTC to consider that matter as an indication of the seriousness of the island's limited water supply and its aquifers.

Jan Latz spoke to the Waste Management report, speaking against the proposed site at the Main Road Contracting yard on Port Washington Road. She provided a rationale and local perspective from neighbours to the site.

Anne Burdett read a written statement addressing her concern that repetitive false and defamatory statements made in LTC meetings have a negative impact on applicants. She requested that the Islands Trust remove letters with defamatory statements made toward her family, property, and business.

Don Korbin addressed the Waste Management Staff report and provided a rationale for rejecting several of the proposals contained within it.

Karl Hamson spoke against the LTC rezoning several sites for waste management uses, specifically those lands near the Community Hall.

Michael Sketch read from a written submission providing rationale against approving an application for a Waste Transfer Site on Agricultural Land Reserve (ALR) land, which included references to the Agricultural Land Commission (ALC) and Trust Policy. He requested that the LTC direct staff to submit the consultant report and the staff report to the ALC. Michael Sketch also asserted that Trustee Masselink may have a conflict of interest in this matter.

Mike Burdett provided an overview of the composition and dimensions of the property that includes ALR land and has been discussed during the town hall.

4. COMMUNITY INFORMATION MEETING
none

5. PUBLIC HEARING
none

6. MINUTES

6.1 Local Trust Committee Minutes Dated July 27, 2017 (for Adoption)

By general consent the Local Trust committee meeting minutes of July 27, 2017 were adopted.

6.1.1 Public Hearing Record Dated July 27, 2017 (for Receipt)

Received for information

6.2 Section 26 Resolutions-without-meeting Report
none

6.3 Advisory Planning Commission Minutes
none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated September 2017

Received for information

8. DELEGATIONS

none

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaws No. 500 & 501 Referral

Planner Starke provided an overview of the referral.

NP-2017-080

It was MOVED and SECONDED,

That the interests of the North Pender Island Local Trust Committee with respect to Salt Spring Island Bylaws No. 500 & 501 are unaffected.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaws No. 502 & 503 Referral

Planner Starke provided an overview of the referral.

NP-2017-081

It was MOVED and SECONDED,

That the interests of the North Pender Island Local Trust Committee with respect to Salt Spring Island Bylaws No. 502 & 503 are unaffected.

CARRIED

10.3 Capital Regional District (CRD) - Gulf Islands Regional Trails Plan

NP-2017-082

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee advises the Capital Regional District with respect to the Gulf Islands Regional Trail Plan that it supports the proposed trail plan for North Pender Island and requests a timeline for when the plan will be implemented.

CARRIED

10.4 NP-DVP-2017.1 (Barrett) - Staff Report

Planner Starke provided an overview of the application and related staff report noting its recommendations.

The applicant, Chip Barrett, addressed the report. He reported that he has already worked toward meeting the recommendations. He requested information on why applications like this are not referred to impacted First Nations.

NP-2017-083

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request the applicant to provide an Archeological Impact Assessment report from a qualified archeologist concerning the proposed works and defer consideration of application NP-DVP-2017.1 until such a report is provided.

CARRIED

10.5 NP-DP-2017.2 (Rae) - Staff Report

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

Applicant Raymond Rae spoke to the concerns raised in the application and provided a rationale for approving the application due to community need and community support.

NP-2017-084

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee deny application NP-DP-2017.2 (Rae) for the following reason:

- a) The proposed development does not conform to Guidelines 1 or 2 of the Sidney Island Geotechnical Development Permit Area.

CARRIED

Trustee Barber opposed

10.6 NP-RZ-2016.4 (PICSS) - Staff Report

Planner Starke provided an overview of the application and related report, noting that the recommendation ensures that the zoning will only apply to the Pender Island Community Services Society's (PICSS) use and not permit alternative commercial use.

Jim Petrie spoke as a representative of PICSS, providing an overview of the Society, their work in the community, and their need of a new facility.

NP-2017-085

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 211, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2017" be read a First time.

CARRIED

NP-2017-086

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 212, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2017," be read a First time.

CARRIED

NP-2017-087

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee endorse the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 211 and 212.

CARRIED

NP-2017-088

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 211, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2017" be read a First time.

CARRIED

NP-2017-089

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for Bylaws No. 211 and 212.

CARRIED

Note: A break was held from 11:52 am until 12:02 pm

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Management - Staff Report

Planner Starke provided an overview of the staff report including the proposed bylaws and the considerations of specific properties involved in the matter.

Members of the LTC discussed the proposed motions and the process moving forward.

NP-2017-090

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 214, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017," be read a First time.

CARRIED

NP-2017-091

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 215, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No.3, 2017," be read a First time.

CARRIED

NP-2017-092

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee consider the proposed amendments to the North Pender Island Development Approval Information Bylaw 134 and request Trust Council to amend the bylaw.

CARRIED

NP-2017-093

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 214, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017," and Bylaw 215 cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017," are not contrary to or at variance with the Islands Trust Policy statement.

CARRIED

NP-2017-094

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee refer the Waste Transfer staff report dated September 11, 2017 and the Waste Transfer staff report dated April 27, 2017 to the Advisory Planning Commission for review of bylaws 214 and 215, and that staff be requested to attend.

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated September 2017

Trustee Masselink requested an update on the CRD Housing Needs Assessment.

Planner Starke reported that the project is underway and should be complete in February 2018.

12.1.2 Projects List Report Dated September 2017

Received for information.

12.2 **Applications Report Dated September 2017**

Received for information.

12.3 **Trustee and Local Expense Report Dated July 2017**

Received for information.

12.4 **Adopted Policies and Standing Resolutions**

Received for information.

12.5 **Local Trust Committee Webpage**

No comments.

12.6 **Chair's Report**

Chair Grahams provided a report including:

- Overview of the Denman Island Trust Council.
- History and current status of Salt Spring Island's governance matter.

12.7 **Trustee Report**

Trustee Masselink thanked the community members for attending with such a high volume of turn out. He noted that affordable housing is an issue for the entire region and rural communities are struggling to find a solution.

He also reported that he was involved with BC Wildfire Response and the experience has raised awareness that the island needs to anticipate this risk.

Trustee Barber spoke to the housing issue. She reported that Galiano Island is moving forward with an affordable housing plan, but she outlined the challenges that these projects face, especially in terms of cost.

12.8 **Trust Fund Board Report**

none

13. **NEW BUSINESS**

none

14. UPCOMING MEETINGS

14.1 Special LTC Meeting re: Secondary Suites, Scheduled for October 21, 2017, at 11:00 am, at the Community Hall, Pender Island

14.2 Next Regular Meeting Scheduled for October 26, 2017, at the Community Hall, Pender Island

15. TOWN HALL

Dale Henning requested clarification on the resolutions under item 11.1 Waste Management and the amount of community consultation that will be involved.

Trustee Masselink provided an overview of the process.

Jamie Graham requested information on the rationale behind the Waste Management Project.

Chair Grams and Planner Starke provided a historical perspective on the inception of this project.

Dale Henning requested that the LTC circulate printed materials on the Waste Management project to every household on the island.

Jim Petrie requested that the LTC consider changing their meeting time to begin at 4:00 pm or be held on Saturdays to facilitate public participation.

Mike Burdett argued in favour of having a single vehicle pick-up and provided numbers in support of the ecological benefit of reduced traffic. He also noted that the current waste management plan and public dialogue may not adequately represent the actual requirements of a facility.

Michael Sketch asked whether the staff report and consultant report have been sent to the ALC. He also questioned whether the set of resolutions regarding the Waste Management Project are in conflict with reviewing the Trust Policy Checklist.

Mike Burdett addressed the issue of water run off on an unspecified property, proposing altering the course of the water to ensure that it does not flow through the field.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:57 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

26-Jan-2017

Activity	Responsibility	Target Date	Status
Top Priority - First Nations Interests: - Staff to organize a public educational event in September focused on the archaeological findings of the canal excavation between the two islands during the summers of 1984-85-86.	Fiona MacRaid	31-May-2017	On Going

25-May-2017

Activity	Responsibility	Target Date	Status
NP-RZ-2016.1 (mainroad) - Bylaw 202 given first reading (Done); direction to schedule a CIM and PH(Done); Endorsement of ITPS checklist. Referred to Advisory Planning Commission. (Done) Refer Bylaw 202 to agencies (Done)	Sharon Lloyd-deRosario Phil Testemale	28-Jun-2017	Done

27-Jul-2017

Activity	Responsibility	Target Date	Status
Minutes of June 28 2017 adopted.	Lori Foster	07-Sep-2017	Done
LTC deferred consideration of Bylaw 213 (PIPRC). Requested staff to provide comment and advice on possibility for site specific zoning, limiting floor area, and lowering the height with respect to proposed zoning change.	Sharon Lloyd-deRosario Phil Testemale	16-Aug-2017	On Going
Saturna Bylaws 117/118 - Interests unaffected.	Sharon Lloyd-deRosario	16-Aug-2017	Done

Follow Up Action Report

21-Sep-2017

Activity	Responsibility	Target Date	Status
Minutes of July 27 adopted.	Sharon Lloyd-deRosario Lori Foster	26-Oct-2017	Done
Salt Spring Bylaws 500, 501 - interests unaffected. Salt Spring Bylaws 502,503 - interests unaffected.	Sharon Lloyd-deRosario	26-Oct-2017	Done
CRD Gulf Islands Trails Plan. NPI LTC supports the Trails plan and requests a timeline for implementation.	Robert Kojima Justine Starke	01-Sep-2017	On Going
NP-DVP-2017.1 (Barret) - That the North Pender Island Local Trust Committee request the applicant to provide an Archaeological Impact Assessment report from a qualified archaeologist concerning the proposed works and defer consideration of application NP-DVP-2017.1 until such report is provided. Update - Oct 18, 2017 - Awaiting submission of arch report	Jason Youmans	26-Oct-2017	On Going
NP-DP-2017.2 (Rae) - Application denied.	Sharon Lloyd-deRosario Phil Testemale	26-Oct-2017	Done
NP-RZ-2016.4 (PICSS) - Bylaw 211 and 212 given first reading.(Done) Policy statement endorsed. Direction to schedule CIM and PH.	Sharon Lloyd-deRosario Phil Testemale	26-Oct-2017	On Going
Waste Management - Bylaws 214 & 215 given first reading. (Done)Policy Statement Endorsed. Bylaws referred to APC (Done) with staff to attend. Request Trust Council to amend DAI bylaw. Send bylaws out to referral agencies. - Done	Sharon Lloyd-deRosario Justine Starke	26-Oct-2017	On Going

Follow Up Action Report

NP-RZ-2016.4 - (PICSS)
Bylaws 211 & 212 given First Readings (Done), ITPS endorsed, direction to schedule
a community information meeting.

Sharon Lloyd-deRosario 26-Oct-2017 On Going
Phil Testemale



REQUEST FOR DECISION

TO: All local trust committees/
Bowen Island Municipality

For the meeting of:
Date: October 12, 2017

FROM: Islands Trust Fund

SUBJECT: REFERRAL OF ISLANDS TRUST FUND FIVE YEAR PLAN

RECOMMENDATION:

That the _____ Island Local Trust Committee/Bowen Island Municipality receive the draft Islands Trust Fund Five Year Plan for information.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None

FINANCIAL: None

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: The Islands Trust Fund Plan has been referred to all local trust committees and Bowen Island Municipality, as well as First Nations with interests in the Trust Area and Trust Council. Comments received will be considered and addressed. The Trust Fund Board intend to submit a final plan to the Minister of Municipal Affairs and Housing in December 2017 with a request for approval.

BACKGROUND

The *Islands Trust Act* requires that the Trust Fund Board prepare and submit to the Minister, at least once every five years, a plan for the Islands Trust Fund respecting policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required.

Islands Trust Policy 3.3.ii Islands Trust Fund and Local Planning Services Coordination (TFB Policy 3.1) requires the plan to be referred to every LTC and Island Municipality for comment. The Trust Fund Board will also be submitting the plan to Trust Council for comment at its December 2017 meeting.

The Islands Trust Fund Plan is administrative in nature, and explains current Trust Fund Board policies on land acquisition, management and disposition of land, and investment of funds. It also summarizes the goals of the draft Regional Conservation Plan.

It is important to distinguish between the Islands Trust Fund Five Year Plan which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Trust Fund Board and its staff. The documents are complementary, but serve different functions.

REPORT/DOCUMENT: [Draft Islands Trust Fund Five Year Plan](#)

RELEVANT POLICY: Islands Trust Policy 3.3.ii Islands Trust Fund and Local Planning Services Coordination (TFB Policy 3.1)

DESIRED OUTCOME: Local Trust Committee/Islands Municipality review of the Islands Trust Fund Five Year Plan and approval of plan from the Minister of Municipal Affairs and Housing.

RESPONSE OPTIONS

Recommended: That the _____ Island Local Trust Committee/Bowen Island Municipality receive the draft Islands Trust Fund Plan for information.

Alternatives: That the _____ Island Local Trust Committee/Bowen Island Municipality provide the following comments on the Islands Trust Fund Five Year Plan:

PREPARED BY: _____
Jennifer Eliason
Islands Trust Fund Manager

REVIEWED BY: _____
Clare Frater
Director of Trust Area Services



BRIEFING

To: All local trust committees/Bowen Island Municipality
From: Kate Emmings, Ecosystem Protection Specialist

For the Meeting of:
Date prepared: October 11, 2017

SUBJECT: REFERRAL OF DRAFT ISLANDS TRUST FUND REGIONAL CONSERVATION PLAN 2018-2027

PURPOSE:

The Islands Trust Fund has completed a draft of its Regional Conservation Plan 2018-2027 and is providing it for information to all local trust committees and to the Bowen Island Municipality. The draft Regional Conservation Plan is also being shared with all First Nations with interests in the Islands Trust Area as well as conservation partners.

BACKGROUND:

Why a Regional Conservation Plan?

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

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

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Trust Fund Board and, in some cases, the Islands Trust's local planning work, has been guided by Regional Conservation Plans.

What's in the Regional Conservation Plan?

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

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

3. Continue to secure and manage Trust Fund Board lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Local trust committees and the Bowen Island Municipality will find island profiles in Appendix II with information specific to their area of interest.

When will the Regional Conservation Plan Begin?

The draft Regional Conservation Plan will cover a ten-year period and will begin with approval of the Trust Fund Board. Review and approval of the final draft will happen in early 2018. The final Regional Conservation Plan will be provided to the Trust Council in March 2018 with a request for endorsement.

Who will the Regional Conservation Plan affect?

The Regional Conservation Plan directs the work of the Trust Fund Board and its staff. It is not binding on the work of the local trust committees, Bowen Island Municipality or Trust Council, although each of these corporate bodies may choose to incorporate elements of the plan into their work.

How will the Regional Conservation Plan be implemented?

The Trust Fund Board will implement the Regional Conservation Plan through three-year work plans, which will be approved by the Trust Fund Board and will be implemented by staff. At the end of each three-year period, staff will evaluate progress and set the next three-year work plan with the Trust Fund Board.

ATTACHMENT(S): [Draft Regional Conservation Plan 2018-2027](#)

FOLLOW-UP:

If the local trust committee or Bowen Island Municipality chooses to provide comment, they should pass a resolution citing comments and direct staff to relay the comments to Islands Trust Fund staff. Feedback will be considered by the Trust Fund Board when it finalizes its Regional Conservation Plan at its first meeting in 2018.

Prepared By: Kate Emmings, Ecosystem Protection Specialist

Reviewed By/Date: Jennifer Eliason, Islands Trust Fund Manager/October 6, 2017



File No.: NP-RZ-2016.1 (Mainroad Contracting)

Bylaw No. 202

DATE OF MEETING: October 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Victoria Office

SUBJECT: Post Public Hearing Report – Rezoning of Mainroad Contracting Yard

Applicant: David Turenne for Mainroad Properties (Gulf Islands) Ltd. Inc. No. 0704096

Location: 3323 Port Washington Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee proposed Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016” be read a Third time.
2. That the North Pender Island Local Trust Committee proposed Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016” be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

The purpose of this report is to present Bylaw 202 for consideration of Third Reading and referral to the Executive Committee of Islands Trust.

The objective of the bylaw is to rezone portions of Lot 8 and Lot 9, Plan 6294 from **Rural (R)** to **Industrial 2 (a) (I2 [a])** to correspond to the Official Community Plan (OCP) designation for **Industrial – I**. For certainty, the zone boundary has been further limited to maintain the **Rural (R) Zone** for those portions of the two lots where **Development Permit Area One – Woodland Ecosystem** is designated. Further, proposed Bylaw 202 clarifies the site specific limits of use in the **I2 (a) Zone** to account for the current and historical uses of the two lots.

The proposal will legalize the long-standing uses on the property and is compatible with other uses in the area and is supported by the policies of the OCP.

BACKGROUND

The Local Trust Committee is considering a bylaw to rezone portions of Lot 8 and 9, Plan 6294 to the site-specific Industrial 2 (a) Zone. A public hearing is scheduled for October 26, 2017. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee approves the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

The proposed uses are consistent with the historical uses, as well as OCP policies and designations for the properties. The applicant has provided professional reports and management plans in response to Development Approval Information requirements. Agency referral has been concluded and amendments were made based on the response from the referral to the Advisory Planning Commission. The recommendations on page 1 will allow the Bylaw to proceed to Executive Committee for their approval prior to final consideration by the LTC.

ALTERNATIVES

1. Make amendments to the bylaw(s)

The LTC may amend the bylaw provided the amendments would not alter use or increase density.

Resolution:

That North Pender Island Local Trust Committee proposed Bylaw No. 202, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016" be amended as follows:

2. Proceed no further

The LTC may decide to proceed no further with Bylaw 202.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 202, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016".

NEXT STEPS

1. Refer bylaw 202 to the Executive Committee of Islands Trust.

Submitted By:	Phil Testemale, A/Planner 2	October 17, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	October 18, 2017

ATTACHMENTS

1. Bylaw No. 202 (2nd Reading)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 202

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

The North Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Schedule “1” – Zoning Map, is amended by changing the zoning classification of portions of Lot 8 and 9, Section 18, North Pender Island, Cowichan District, Plan 6294 from Rural (R) to Industrial 2 (a) (I2 [a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103, as are required to effect this change.

2.2 Section 8.9. – Industrial (I2) Zone, Subsection 8.9.8 is amended by deleting Row 1, Columns 2 and 3 in their entirety and inserting the following:

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(a)	Portions of Lot 8 & 9, Plan 6294, Section 18	Despite article 8.9.2(1), the only uses permitted in this location are: (i) the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways; (ii) the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and, (iii) the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel.

3. Severability

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.

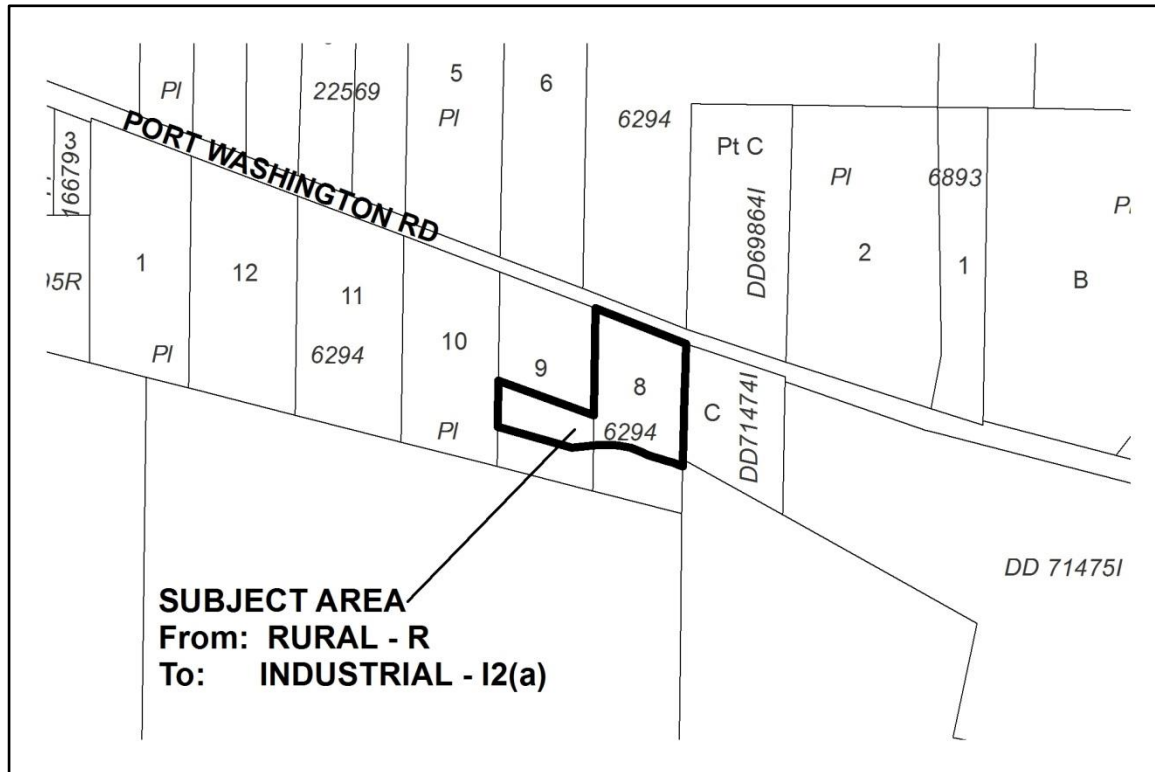
READ A FIRST TIME THIS	25 th	DAY OF	MAY	2017
READ A SECOND TIME THIS	27 th	DAY OF	JULY	2017
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 202

Plan No. 1





File No.: NP-LCB-2017.1 (Legion Branch
No. 239)

DATE OF MEETING: October 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Jason Youmans, Island Planner
Southern Team

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

SUBJECT: **Liquor Control and Licensing Branch Referral – Royal Canadian Legion Branch No. 239**

Applicant: John Pender

Establishment: Royal Canadian Legion Branch No. 239

Location: 1344 MacKinnon Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee directs staff to send a response to the Liquor Control and Licensing Branch regarding the Royal Canadian Legion Branch No. 239 application that states:
 - a. The potential impacts due to noise if the application is approved (*would be none, would be minimal, or would be significant due to....*),
 - b. The impacts on the community if the application is approved would be (*negligible or beneficial because.... or detrimental because....*),
 - c. The Local Trust Committee has solicited public input to gather the views of residents (*and ## residents provided written or verbal comments*),
 - d. The views of residents were generally (*in support or in opposition or neutral..... or of the ## comments received # were supportive, # were opposed or had concerns and # were neutral*) about the application,
 - e. A notice of the application was hand-delivered to occupants within 100 metres of the subject property, mailed to the owners of those properties, posted on local bulletin boards, and posted on the North Pender Local Trust Committee webpage. Residents were invited to provide written submissions or attend a community information meeting,
 - f. A community information meeting was held on October 26, 2017 to gather input from residents about the application.

- g. The Local Trust Committee agrees with the views of residents that (the application should be supported or the application should be denied or the application should include the following restrictions.....)*
 - h. The Local Trust Committee recommends the application (be approved or not be approved), and*
 - i. The Local Trust Committee recommendations are based on (generally supportive community input or the concerns raised by the community)*
- 2. That the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response to the Liquor Control and Licensing Branch regarding the Royal Canadian Legion Branch No. 239 application.**

REPORT SUMMARY

The purpose of this report is for the North Pender Island Local Trust Committee (LTC) to review and provide resolutions and comments for an application to change the liquor licensing designation for Royal Canadian Legion Branch No. 239 on North Pender Island.

The Legion has applied to the Liquor Control and Licensing Branch (LCLB) to transition their Liquor Primary Club License to a basic Liquor Primary License. As the local land use authority, the LTC is required to provide resolutions and comments on the application through a referral process. To gather input from the public, staff have scheduled a Community Information Meeting (CIM) as part of this LTC Regular meeting, hand-delivered notices to properties within 100 metres of the subject property, mailed notices to the owners of those properties, and posted a notice on the community bulletin boards and the North Pender Local Trust Committee webpage. A copy of the notice is attached to this report as Appendix 5.

The LCLB requires local government to respond by way of resolution and said resolution must include:

- Comments on potential for noise if the application is approved,
- The impact on the community if the application is approved,
- Indication that views of residents were gathered,
- The views of residents,
- The method used to gather the views of residents,
- Comments and recommendations with respect to the views of residents,
- Recommendations as to whether the application should be approved, and
- The reasons for its recommendations.

To facilitate the above requirements, resolutions have been outlined above; however, the LTC will need to complete the details pending information and comments from the community. Response options are shown in italics for the LTC's convenience.

Once passed, the LTC's resolutions will be forwarded to the general manager of the LCLB to consider when making decision on the application.

BACKGROUND

Currently the Legion has a Liquor Primary Club License. According to the terms of this license, liquor sales at the Legion are bound by the following conditions (and a few others not listed):

- Must only sell liquor to members and their guests. Members of the public who are not guests of a club member are not permitted to enter or remain in a service area when liquor is sold or served but may attend events when liquor is not sold or served. Liquor primary club licensees also:
- Must not advertise to the general public
- Must keep a guest register (the name of the guest and member and the date of the visit) for any non-member who will be in a service area when liquor is sold or served. If minors are permitted in your establishment, they are not required to be signed into the guest register.

Under a liquor primary license, liquor sales would no longer be contingent on membership or guest registry and the Legion could advertise to the general public.

The Legion's license amendment application provides the following rationale for the requested transition:

"With the decline in the number of veterans supporting our branch, we are looking for ways to survive and continue with our mandate. To this point, our Executive feels that a change in status that removes the onus of signing in will encourage greater use of our facility by the public at large, thereby sustaining higher bar sales and associated income."

The application does not propose to change the licensed capacity of the facility, its hours of operation, or other aspects related to the style of the operation. The current licensed capacity of the Legion is 75 patrons in the lounge area, and 94 patrons in the meeting room for a combined total of 169 patrons. The Legion's current license allows liquor to be served Monday to Saturday from 11 a.m. to 1 a.m., and on Sunday from 11 a.m. to midnight, however, the applicants state that their current operating hours are only Thursday to Saturday, from 4 p.m. to approximately 8 p.m.

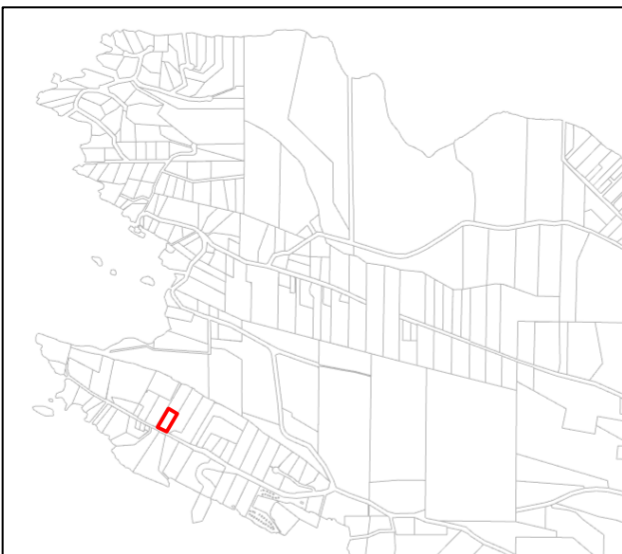


Image 1: Legion property; Island context



Image 2: Legion property; 2013 ortho photo

See Appendices 1 and 2 for further site information. See Appendices 3 and 4 for further information about the Legion's activities and services.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan:

The North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007, designates the property as **Community Service (CS)**.

Community Service Objectives

- 2) To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.
- 3) To facilitate community services that meet the social and physical needs of the community.
- 4) To support community facilities through efforts of community members.
- 5) To ensure that all community service facilities are accessible to all members of the community.
- 6) To permit a range of housing options without detracting from the rural character of North Pender Island.

No Community Service designation policies are directly relevant to this application.

A small portion of the property is in Development Permit Area 1 for the protection of woodland ecosystems. However, as no new development is currently proposed, a DP is not required.

Land Use Bylaw:

The subject property is zoned **Community Service (m)** the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996.

The CS(m) zone states that:

- 1) The only uses permitted in this location are private clubs including club hall rentals; and,
- 2) The gross floor area of the uses permitted in (1) may not exceed 483 m².

The Land Use Bylaw does not provide a definition of "private club."

Issues and Opportunities

Impact on Zoning

Staff assessed whether the change from a private club liquor license to a liquor primary license and the corresponding change to the operations of the Legion (eg. eliminating sign-in requirement) would put the club in violation of its zoning, since uses on the property are presently limited to “private clubs.” However, upon submission by the applicant of supplementary information describing how the Legion would continue to function as a private club following its license change, and as staff do not anticipate new additional land use impacts from the proposed license change, staff are satisfied that uses on the property will remain zoning compliant.

Impact on Surrounding Area and Greater Island

Regardless of how minor the changes may be regarded, the proposed liquor license amendment may be of concern to the public. The public may identify concerns not previously forwarded to staff or discussed with local trustees and therefore public input is important to fully consider potential impacts.

As noted above, based on feedback from the notification and consultation process, the LTC is required to comment on:

- The potential for noise if the application is approved and
- The impact on the community if the application is approved.

While staff do not anticipate any additional land use impacts from the proposed license change, the neighbourhood and greater island may feel otherwise.

Consultation

To gather input from the public, staff scheduled a CIM and hand delivered notice to occupants within 100 metres of the subject property, mailed notice to the owners of those properties, posted the notice on the community bulletin boards and on the North Pender Local Trust Committee webpage. A copy of the notice is attached to this report as Appendix 5.

At the time of writing, no written comments have been received. If any comments are received they will be brought to the LTC’s attention at the October 26 meeting.

As stated above, the results of the consultation are required in the form of a resolution(s) from the LTC and will be forwarded to the general manager of the LCLB to consider when making an application decision.

Rationale for Recommendation

Staff have outlined the resolutions on page 1 of this report to facilitate the requirements of public consultation from the LCLB. The LTC will need to complete the details pending information and comments from the community.

Alternatives

1. Request further information

The LTC may request further information prior to making a decision. The LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

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

NEXT STEPS

The LTC's resolutions will be forwarded to the general manager of the LCLB to consider when making an application decision.

Submitted By:	Jason Youmans, Island Planner	October 10, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	October 11, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Legion Letter of Intent
4. Legion Supplementary Information
5. Notice

APPENDIX 1 – SITE CONTEXT

LOCATION

Legal Description	Parcel A (DD 47774W) OF Lot 6, Section 17, Pender Island, Cowichan District, Plan 7196
PID	005-758-289
Civic Address	1344 MacKinnon Road

LAND USE

Current Land Use	Royal Canadian Legion Branch No. 239 (community hall)
Surrounding Land Use	Rural residential adjacent in all directions

HISTORICAL ACTIVITY

File No.	Purpose
	N/A

POLICY/REGULATORY

Official Community Plan Designations	Land Designation: Community Service (CS) A small portion of the subject property is in DPA 1 for the protection of woodland ecosystems. However, as no development is proposed under this application, no DP is required.
Land Use Bylaw	Community Service (m) The CS(m) zone states that: 1) The only uses permitted in this location are private clubs including club hall rentals; and, 2) The gross floor area of the uses permitted in (1) may not exceed 483 m ² .
Other Regulations	Staff are unaware of any additional regulatory matters with bearing on this application. Actual functions of the Legion's liquor serving operation are overseen by the Liquor Control and Licensing Branch.
Covenants	Title on the subject property does not show any covenants or other legal agreements held by public agencies.
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	The Islands Trust Fund does not have an interest in any properties in the immediate vicinity of the subject property.
Regional Conservation Strategy	The Islands Trust Regional Conservation Strategy shows the subject properties to be of low to medium relative habitat composition importance.
Species at Risk	The subject property contains the at-risk Coastal Douglas Fir/Oregon Grape ecosystem.
Sensitive Ecosystems	Woodland ecosystem community.
Hazard Areas	N/A
Archaeological Sites	Subject property is not located within 100 metres of any recorded archaeological sites. However, review of Remote Access to Archaeological Data (RAAD) information shows there to be archaeological potential on the property. As no work is proposed under the subject application, no action is required concerning archaeological protection.
Climate Change Adaptation and Mitigation	Staff do not anticipate any significant increase in greenhouse gas emissions related to the proposed application. Staff are not aware that the subject property is at risk of any climate-change related impacts.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

APPENDIX 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS



Image 3: Legion Hall and parking area



Image 4: Legion Hall property entrance, from MacKinnon Road.

Royal Canadian Legion, Branch 239
1344 MacKinnon Road
Pender Island, BC, V0N 2M1

August 2, 2017

Liquor Control and Licensing Branch
PO Box 9292 Stn Provincial Govt
Victoria, BC, V8W 9J8

LETTER OF INTENT

Subject: Application to transition from Liquor Primary Club Licence to Liquor Primary

To whom it may concern

The Royal Canadian Legion, Branch 239 wishes to transition the existing Liquor Primary Club Licence to a basic Liquor Primary Licence.

With the decline in the number of veterans supporting our branch, we are looking at ways for us to survive and continue with our mandate. To this point, our executive feels that a change in status that removes the onus of signing in will encourage greater use of our facility by the public at large, thereby sustaining higher bar sales and associated income. The Royal Canadian Legion Command will raise no objection to this change of status for our branch.

As a branch of the Royal Canadian Legion, we will continue to serve veterans and their dependants, just as Canada Day and Remembrance Day will remain the high points of our year. However, the number of veterans in our community continues to decline. Of our current membership of 243, only 44 saw active service. Our facility still functions as an emergency services muster point and refuge as well as providing a low cost facility to the larger Pender Island community. As at this time, fourteen Pender Island community organizations rent space in our facility.

Entertainments include dining, dances, live music, private parties and events, games nights including darts and pool, and meat draws. Meat draws (with poppy funds) exist to raise monies in support of veterans and Pender Island youth programs.

Currently we provide full meal service one evening per week, and snacks are available at all other times. In addition, we cater special events such as Christmas parties, private parties, fund raising dances, celebrations of life, etc.

The two Pender Islands (joined by a bridge) have a combined land mass of 34sqkm and a resident population of 2302 (2016 census) of which 1575 are 55 and older. It is mostly a retirement community with supporting services. There are no commercial facilities close to the branch. However, the islands are a recognized holiday destination and can expect their population to double during the summer months. Since these visitors are also unlikely to be Legion members, it is hoped this change in status will make our facility more attractive to the casual user.

The branch building stands alone on ten acres and all traffic is directed away from neighbours' property. Almost all of our activities take place in day time or early evening, and it is rare of any function to continue past 10 pm.

We do not intend to change our current hours of operation. We also do not intend to increase our seating capacity, the style of our operation, or the maximum licenced capacity of this facility.

Hoping this meets with your approval. Should you require more information, please contact Michel Pelletier at 250-629-3335.

Yours sincerely



John T. Pender
President

Royal Canadian Legion, Branch 239
1344 MacKinnon Road
Pender Island, BC, V0N 2M1

August 8, 2017

Jason Youmans, Island Planner
Islands Trust
200-1627 Fort Street
Victoria, BC, V8R 1H8

Subject: Application to transition from Liquor Primary Club Licence to Liquor Primary

Dear Jason:

To answer your concern whether the Royal Canadian Legion Branch 239 will remain a private club, here are a few things you need to know about the Legion.

The Royal Canadian Legion Mission Statement

“Our mission is to serve Veterans, including serving military and RCMP members and their families, to promote Remembrance, and to serve our communities and our country.”

The Royal Canadian Legion was founded by Veterans and for Veterans. The Legion advocates for the care and benefits for all who served Canada, regardless of when or where they served. The Legion also provides representation and assistance to Veterans, including currently serving Canadian Armed Forces and RCMP, and their families, and access to our services is available to them at no cost, whether or not they are Legion members. The Legion helps thousands of Veterans each year and makes significant positive changes in their lives.

By virtue of what the Royal Canadian Legion on Pender Island stands for, we will always be considered a private club. We will continue to support members: for assistance with Veterans Affairs Canada (VAC), adjusting to civilian life, for financial assistance, and with mental health and PTSD. The Legion will support homeless veterans, outreach and visitation of families, seniors, Canadian veterans abroad, and allied veterans. The Legion will act on requests for lost medals or service records, and will host funerals and burials.

In order for the Royal Canadian Legion Branch 239 to continue providing these services, we need to find creative ways to keep the Legion doors open. This license change is a concerted effort to reach out to the community at large who may not have thought that the Legion was for them. If we can show more people that the Legion is a viable part of the Island, then perhaps some of them will become members and assist us in our charitable endeavours.

One way for us to keep it a private club: we will have a two-tiered system for products and services. Members with a valid membership card will pay a discounted price, while the non-members will pay the listed price. The Legion membership would also give members access to Legion branches and affiliates such as Army Navy Air Force (ANAF) clubs across Canada, USA, and the Commonwealth. We would still be a member in one of the largest fraternal organizations in the world.

Hopefully this will give you an insight into what we offer our community. Should you require more information, please do not hesitate to contact me at 250-629-3335.

Yours sincerely,

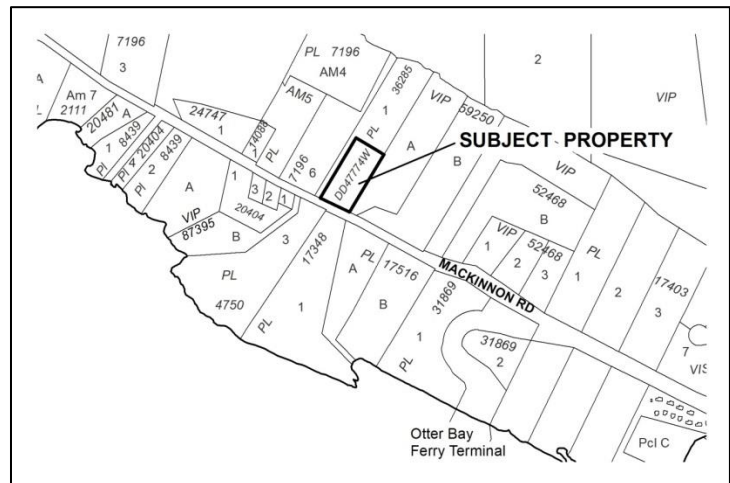
Michel Pelletier
Secretary



NOTICE

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE APPLICATION FOR LIQUOR PRIMARY LICENCE ROYAL CANADIAN LEGION BRANCH NO. 239, NORTH PENDER ISLAND

Royal Canadian Legion Branch No. 239, North Pender Island, has applied to the Liquor Control and Licensing Branch to amend their Liquor Primary Club License to a basic Liquor Primary License. As the local government of jurisdiction, the North Pender Island Local Trust Committee is required to provide resolutions and comments on the application. These resolutions and comments will be forwarded to the general manager of the Liquor Control and Licensing Branch for consideration.



In order to receive public comment, and to provide an opportunity for the public to ask questions of the applicant, a **Community Information Meeting** has been scheduled.

The Community Information Meeting will be held as part of the regular Local Trust Committee Meeting on Thursday, October 26, 2017, starting at 10 a.m., at the Community Hall, 4418 Bedwell Harbour Road, Pender Island.

The property subject to this application is located at 1344 MacKinnon Road, legally described as PID 005-758-289, Parcel A, (DD 4774W) of Lot 6, Section 17, Pender Island, Cowichan District, Plan 7196. The subject property is zoned **Community Service (m) – CS(m)**.

Presently, the Legion has a Liquor Primary Club License. Under this license, the Legion must adhere to the following conditions:

- Must only sell liquor to members and their guests
- Must not advertise to the general public
- Must keep a guest register (the name of the guest and member and the date of the visit) for any non-member who will be in a service area when liquor is sold or served.

The current application would see the Legion transition to a basic Liquor Primary License. Under a basic liquor primary license, **liquor sales would no longer be restricted to Legion membership and their guests** and the Legion could advertise to the general public.

The proposed liquor license amendment would not change the licensed capacity or operating hours of the Legion.

Copies of background documents may be inspected on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. and between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **October 12, 2017** and continuing up to and including **October 26, 2017**.

Written comments concerning the application may be delivered to:

1. the office of the Islands Trust by mail at #200 - 1627 Fort Street, Victoria, B.C. V8R 1H8, or by Fax (250)405-5155, prior to **4:30 p.m. October 25, 2017**; or
2. by delivery to the Local Trust Committee at the Community Information Meeting starting at **10:00 am October 26, 2017**.

Reasonable efforts will be made to provide email comments, if they are opened and received, to the North Pender Island Local Trust Committee for consideration, but the public should not rely on email as a means of providing a written comment. Email submissions should be sent to information@islandstrust.bc.ca.

Written submissions made in response to this notice will be available for public review.

Inquiries regarding the proposed application may be directed to Jason Youmans, Island Planner at (250) 538-5603 or jyoumans@islandstrust.bc.ca, or for Toll Free access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867).

The North Pender Island Local Trust Committee may consider a resolution concerning this application during the regular business meeting immediately following the Community Information Meeting on October 26, 2017, at the Community Hall on North Pender Island.

DATE OF MEETING: October 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

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

SUBJECT: Report for a Rezoning

Applicant: Pender Island Parks and Recreation Commission (CRD)

Location: Thieves Bay Community Park

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017”, be amended as specified in Attachment 1.
2. That the North Pender Island Local Trust Committee Bylaw No. 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017”, be read a second time as amended.
3. That the North Pender Island Local Trust Committee direct staff to schedule a new Community Information Meeting and a Public Hearing for amended Draft Bylaw No. 213.

REPORT SUMMARY

The purpose of this report is for staff to provide information and recommendations to the North Pender Island Local Trust Committee (LTC) requested subsequent to a Community Information Meeting (CIM) and Public Hearing held on July 27, 2017; And, for the LTC to provide further direction to staff for the application NP-RZ-2017.1 (PIPRC).

The application and proposed amendments have been revised to amend North Pender Island Land Use Bylaw No. 103, 1996 to create a site specific **Community Park 1 (a) (CP1 [a])** zone for Thieves Bay Community Park with **‘picnic shelters’** as an allowable use and with limits on the size, height and setbacks for the picnic shelter.

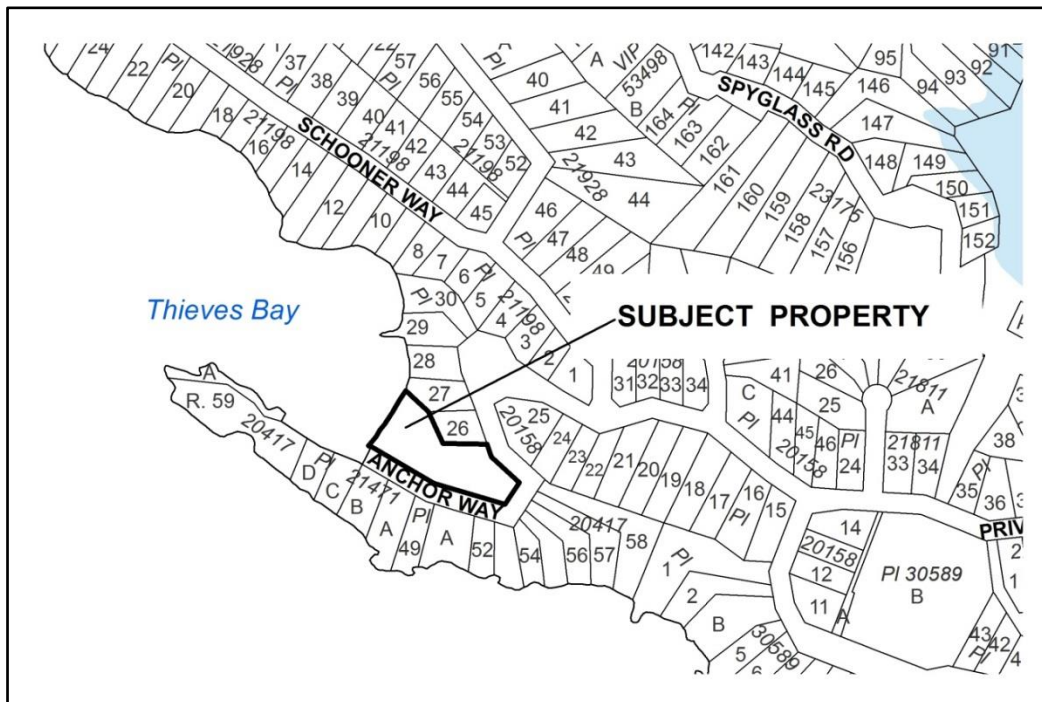
The purpose of the Bylaw amendment is to allow the Pender Island Parks and Recreation Commission (PIPRC) to construct a shelter at Thieves Bay. Other shelters at separate parks would require further rezoning and public consultation.

In summary, staff is recommending:

- Consideration of amendments to Bylaw No. 213 (Attachment 1).
- Consideration of Second Reading of Bylaw 213 as amended.
- Direction to staff to schedule a new CIM and Public Hearing for amended Bylaw No. 213.

The above recommendations are supported as they respond to the public concerns about impacts and requests from the LTC resulting from the CIM and Public Hearing. The applicant has responded by revising their application to further limit the size and height of the structure and limiting the use to Thieves Bay. Direction to schedule a new CIM and Public Hearing is required as the proposed Bylaw is now a site specific application. The recommendations will allow the rezoning process to advance for the PIPRC proposal that is responding to a community need to provide a picnic shelter to enhance the public enjoyment of the park facilities and allow greater use and access consistent with the mandate of the Commission. The proposed use is compatible with other park uses as well as the overall intent the zone.

Figure 1 - Subject Property



BACKGROUND

Background to this application is within the staff reports presented at the April 6 and April 27 LTC Meetings. These are available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

Specific File Activity:

The application has been reviewed most recently on July 27, 2017.

The following is a summary of activities that have occurred for this application since the last report to the Local Trust Committee:

- Notice was given and a Community Information Meeting and Public Hearing were held on July 27, 2017
- At the July 27, 2017 regular meeting of the LTC, the following resolutions were passed:

NP-2017-072

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee defer consideration of Bylaw 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017”, to permit staff to prepare and submit a report with recommendations.

CARRIED

NP-2017-073

It was MOVED and SECONDED,

That staff provide comment and advise on site specific zoning, floor area, and height with respect to Bylaw 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017”.

CARRIED

- Applicants revised the proposal in response to the public hearing and the above resolutions (see ‘Issues and Opportunities’ – below).
- The applicants canvassed the community’s opinions on the revised size and design of the picnic shelters at the Pender Island Fall Fair (2017).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

Directive policies relevant to this proposal were highlighted in previous staff reports and the Islands Trust Policy Statement (ITPS) Directive Policies Checklist was endorsed at the April 27, 2017 LTC Regular Meeting. As the new amendments do not alter the proposed change of use (the addition of picnic shelters), the ITPS Checklist endorsement by the LTC remains valid.

Official Community Plan

Refer to previous reports

Development Permit Areas:

Refer to previous reports.

Land Use Bylaw:

The draft bylaw with proposed amendments to be considered for Second Reading is Attachment 1.

Proposed Bylaw 213 has now been amended as follows to rezone the Thieves Bay Community Park to a site specific **Community Park 1 (a) (CP1[a]) Zone** with the following regulations:

- In that zone “picnic shelter” will be added as permitted building or structure.
- A “picnic shelter” will have a maximum size limit of 80.2 m² (864 ft²) and a maximum height of 4.6 metres (15 ft. - Attachment 2). It is noted that as the shelter is not enclosed, the size restriction will be based on the ‘drip line’ (roofline) extent. The footprint size (on ground - to the outside of posts) would be 59.5 m² (640 ft²) as designed.
- The setbacks for buildings and structures will be as follows:
 - 7.6 metres for any front or rear lot line
 - 3.0 metres for any interior side lot line; and,
 - 4.5 metres for any exterior side lot lines.
 - Current exceptions to setbacks will be maintained for playing field fences and picnic tables.

As stated above, a new Public Hearing is required as the proposed amendments to Bylaw 213 would create the site specific zone. This requires notice to adjacent neighbours of the Thieves Bay Park in addition to the newspaper ad.

Issues and Opportunities

Public Concerns

The following issues and concerns were noted at the July 27, 2017 CIM:

- Location
- Maximum size
- Noise concerns
- Amenities (washrooms)
- Sites included in the bylaw

The following concerns were noted at the Public Hearing of the same date:

- That each park be zoned site-specific to allow input on a case by case basis,
- Concerns that the height and size (area) of the proposed shelters was too large; and
- A lack of washroom facilities and the size proposed was too large for Thieves Bay Park in particular.

Proposal Changes and Further Consultation by PIPRC

As stated above, the PIPRC has responded to concerns of the public and LTC by revising amended their design for the proposed picnic shelter. This includes limiting the proposed building to an open 80.2 m² (864 ft²- see above note) and a maximum height of 4.3 (14 ft. 4 in.). The previous proposal was for a 134 m² (1440 ft² - 183 m² /1976 ft² roof area) partially enclosed structure.

The current design will facilitate six (6) picnic tables and removes the enclosed storage area and sheltered barbeque areas. The PIPRC have given the rationale that the size of the picnic shelter was reduced in order to

provide one that meets what is considered the optimum size requested by the public in their public consultation programme.

In addition to the consultation described in previous staff reports and subsequent to Public Hearing, the PIPRC canvassed public support at their booth at the Fall Fair in August.

To date, the PIPRC has focused their efforts on canvassing the neighbours of Thieves Bay, and have not directly consulted those for Shingle Bay. As any shelter for that location is likely years off, and they would prefer to consult when it is more certain, they have requested that the current rezoning be specific to Thieves Bay.

Consultation

Statutory Requirements

In accordance with statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff is recommending that the new CIM be held in conjunction with the Public Hearing. The CIM and public hearing notice would be posted in the newspaper as per statutory requirements in advance of the public hearing. As stated above notice will also be mailed and hand delivered to neighbours adjacent to the Thieves Bay Community Park.

The draft bylaw that was given First Reading on April 27, 2017 was referred to the following agencies.

- Ministry of Municipal Affairs and Housing (formerly Community, Sport and Cultural Development)
- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- North Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

Eight (8) responses were received and all stated that their interests were unaffected and/or no objections to the bylaw.

This application does not require an Official Community Plan amendment and therefore there is no First Nation referral requirement.

The proposed amendments do not alter the actual proposed change of use (picnic shelters) but rather further restrict the proposed location and size. Therefore, it is not necessary for the draft bylaw to be re-referred to agencies.

The public consultation plan from the PIPRC is discussed in the previous section and staff reports.

Rationale for Recommendation

The rationale for the recommendations on page 1 is based on the merit of the proposal which is responding to a community need and which will enhance the public enjoyment of park facilities. The applicants have responded to public concerns and issues by reducing their proposal and restricting it to Thieves Bay Park. The

recommendations will facilitate the proposed changes and allow the rezoning to advance with another CIM and Public Hearing.

Alternatives

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application.

Resolution:

*That the North Pender Island Local Trust Committee deny application NP-RZ-2017.1 for the following reasons:*_____

3. Hold the application in abeyance

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

Resolution:

*That the North Pender Island Local Trust Committee hold application NP-RZ-2017.1 in abeyance for the following reasons:*_____

NEXT STEPS

- Staff will schedule a CIM and Public Hearing (tentative date: November 23, 2017).

Submitted By:	Phil Testemale, A/Planner 2	October 17, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	October 18, 2017

ATTACHMENTS

1. Blackline Amended Draft Bylaw No. 213 (First Reading September 14, 2017)
2. Plans and Elevations (dated September 14, 2017)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 213

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

The North Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

(1) Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 2, 2017”.

(2) North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

~~2.1 Article 8.16.2 (2) is amended by inserting a comma and the words “picnic shelter”, after “tables” and before “and”.~~

2.1 Section 8.16 Community Park 1 (CP [1]) is amended by the insertion of the following as Subsection 8.16.4:

8.16.4 Site Specific Regulations

- (1) 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.

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
CP 1 (a)	The WEST 1/2 of Section 10, Pender Island, Cowichan District, Except Parts in Plans 16459, 16958, 21107, 21811, 2149, 22273, 22424, 22932, 23175, 23433, 23487, 24776, 30587, 30589 And 31146 (Thieves Bay Community Park)	1) In addition to the buildings and structures permitted in 8.16.2(2), the following are permitted: (a) picnic shelter 2) The maximum size of a picnic shelter is 80.2 m² measured to the drip line of the roof in accordance with “lot coverage”. 3) Despite Subsection 3.7.8, no building or structure, with the exception of playing field fences and picnic tables, may be located: (a) within 7.6 metres of any front or rear lot line measured to the drip line of the roof; or (b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line measured to the drip line of the roof.

		4) No building or structure, with the exception of playing field fences, may exceed 4.6 metres in height.
--	--	---

2.2 Schedule "1" – Zoning Map, is amended by changing the zoning classification of THE WEST 1/2 OF Section 10, Pender Island, Cowichan District, Except Parts in Plans 16459, 16958, 21107, 21811, 22149, 22273, 22424, 22932, 23175, 23433, 23487, 24776, 30587, 30589 AND 31146 from to Community Park 1 (CP1) to Community Park 1 (a) (CP1[a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "1" to Bylaw No. 103, as are required to effect this change.

~~2.23 Section 8.16 is amended by adding the following two (2) new subsections 8.16.4 and 8.16.5:~~

~~8.16.4 Setbacks~~

~~(1) No building or structure, with the exception of playing field fences and picnic tables, may be located:~~

~~(a) within 7.6 metres of any front or rear lot line; or~~

~~(b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.~~

~~8.16.5 Height and Size of Buildings~~

~~(1) No building or structure, with the exception of playing field fences, may exceed 6.0 metres in height.~~

~~2.3 Article 8.17.2 (2) is amended by inserting a comma and the words "picnic shelter", after "tables" and before "and".~~

~~2.4 Section 8.17 is amended by adding the following two (2) new subsections 8.17.4 and 8.17.5:~~

~~8.17.4 Setbacks~~

~~(2) No building or structure, with the exception of playing field fences and picnic tables, may be located:~~

~~(c) within 7.6 metres of any front or rear lot line; or~~

~~(d) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.~~

~~8.17.5 Height and Size of Buildings~~

~~(1) No building or structure, with the exception of playing field fences and buildings and structures accessory to sports events, may exceed 6.0 metres in height.~~

3. SEVERABILITY

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.

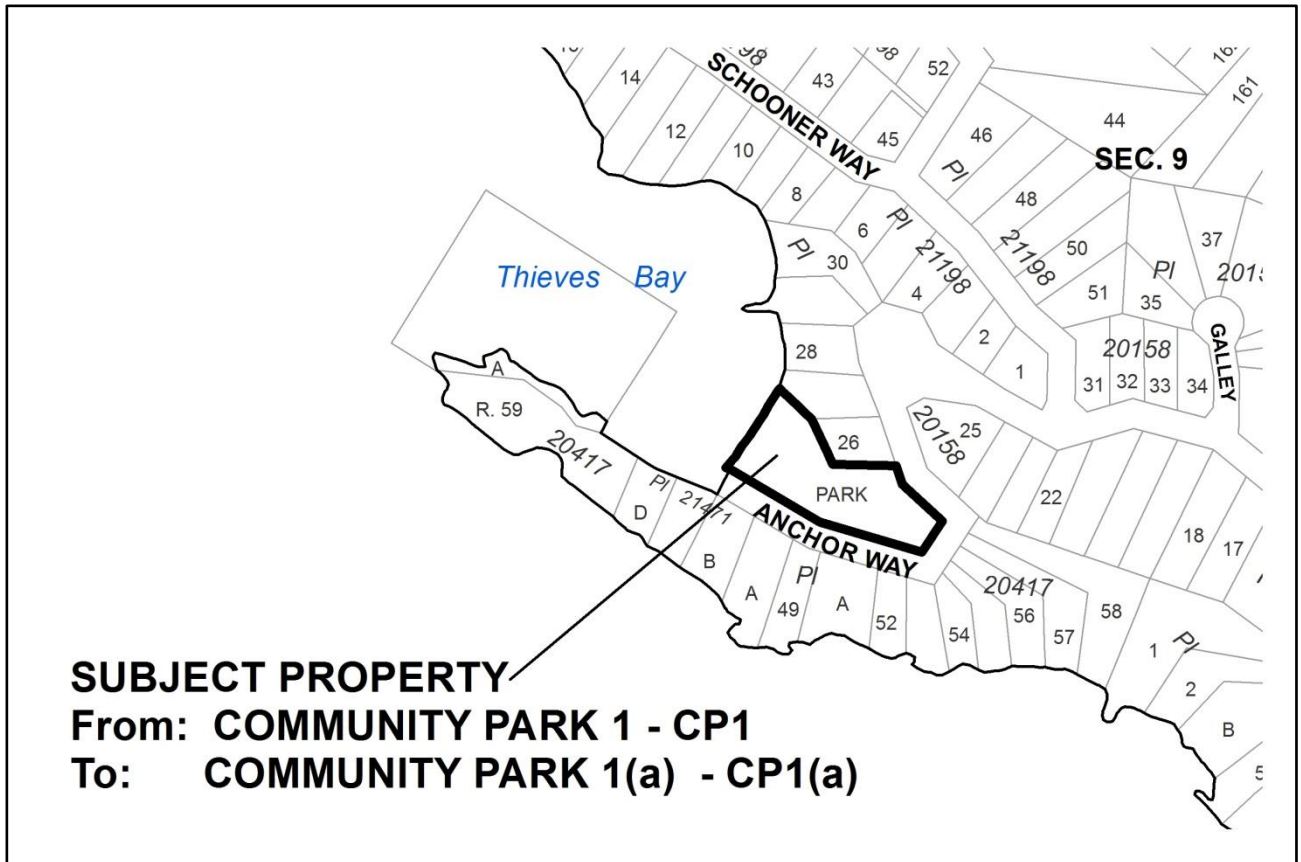
READ A FIRST TIME THIS	27 th	DAY OF	APRIL	2017
PUBLIC HEARING HELD THIS	27 th	DAY OF	JULY	2017
READ A SECOND TIME THIS		DAY OF		20
READ A THIRD TIME THIS		DAY OF		20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

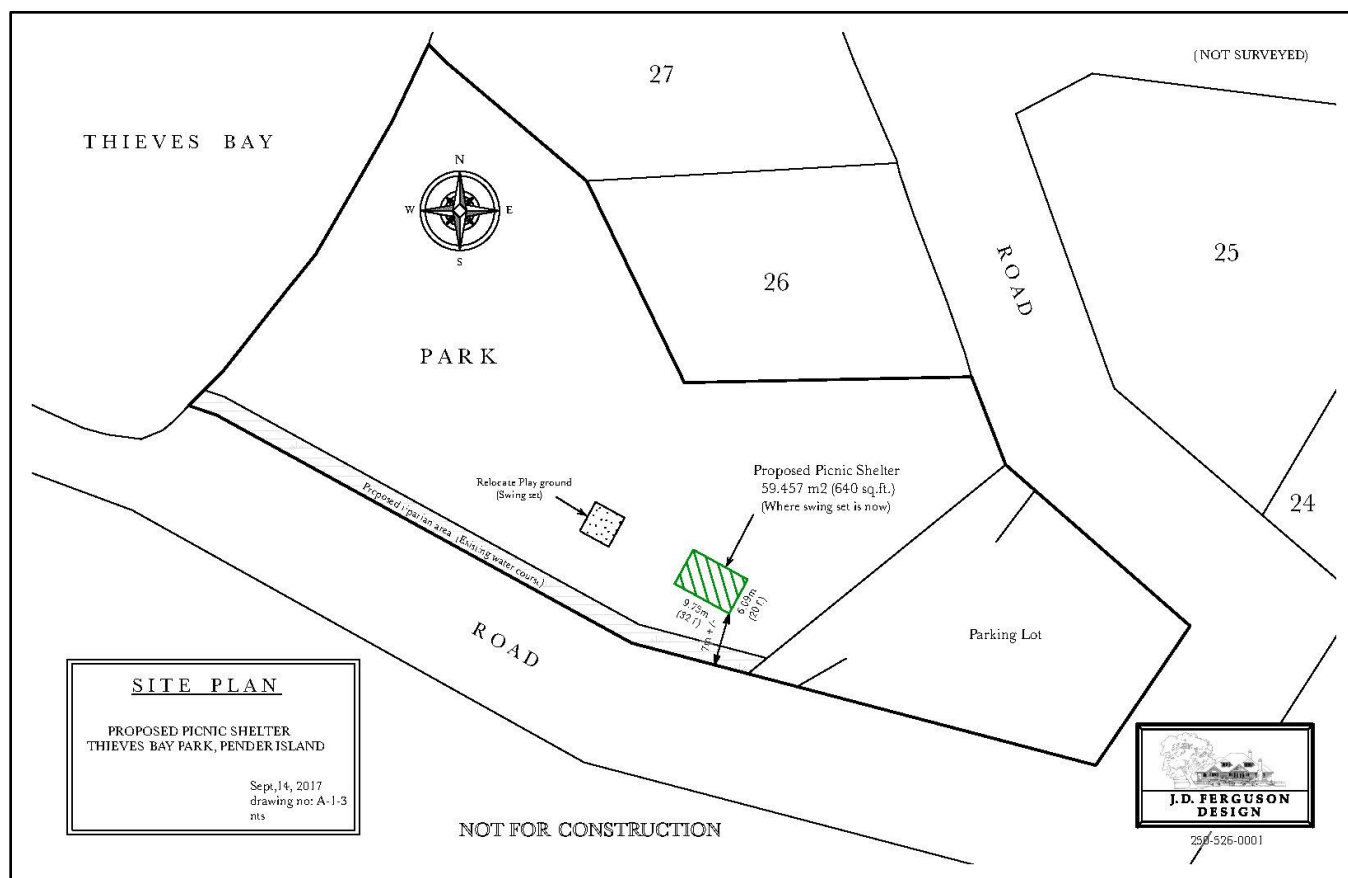
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 213**

Plan No. 1

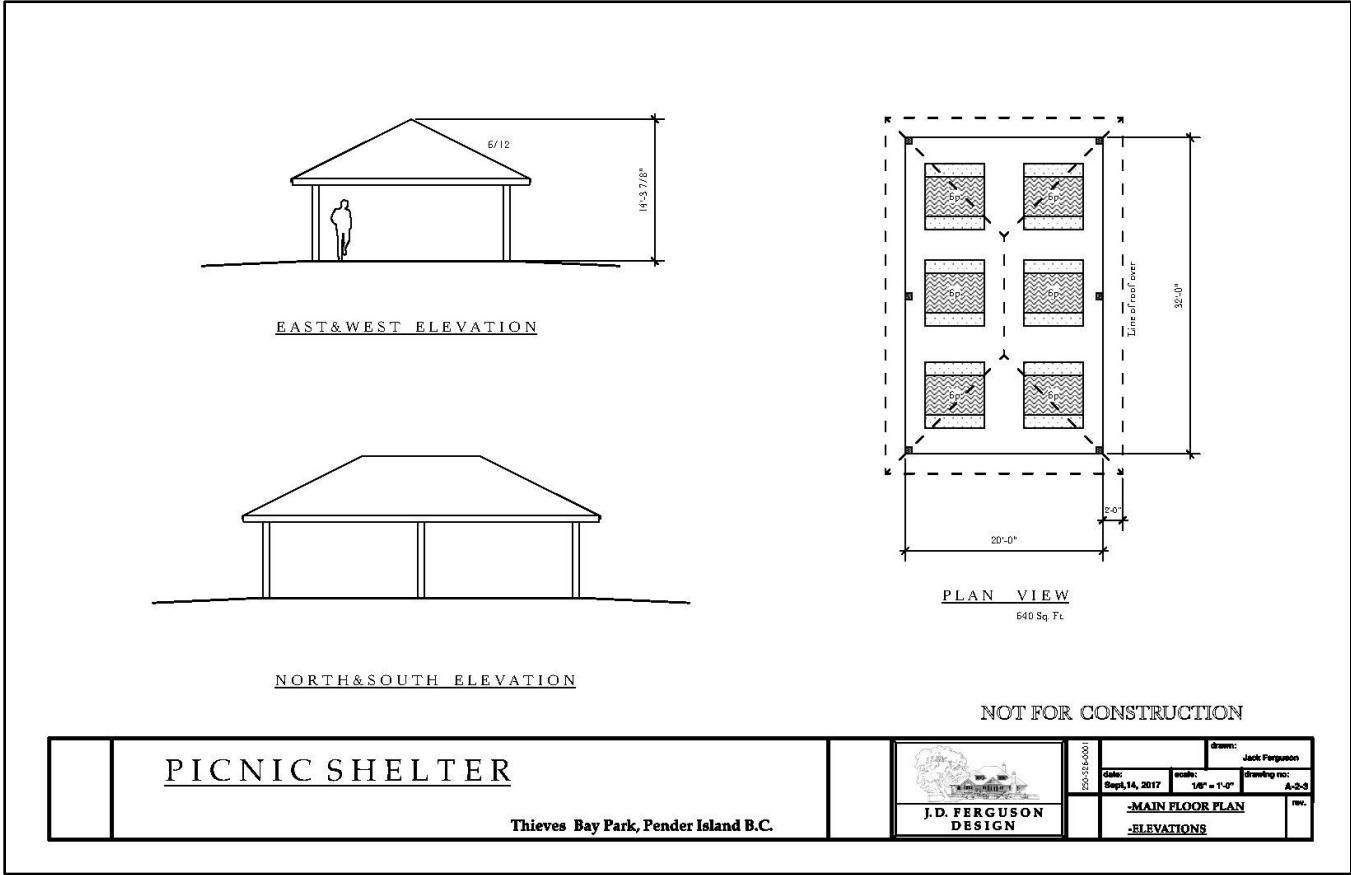


ATTACHMENT 2 – PLANS AND DRAWINGS

2.1 THIEVES BAY SITE PLAN (REV. SEPTEMBER, 2017)



2.2 ELEVATIONS AND PLANS (REV. SEPTEMBER, 2017)





File No.: NPI LTC 6500-20
Waste Management

DATE OF MEETING: October 26, 2017
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
SUBJECT: **Amended Project Charter: Land Use Planning for Waste & Resource Management**

RECOMMENDATIONS

1. THAT the North Pender Island Local Trust Committee endorse the Waste Management Project Charter 5.5 dated October 4, 2017.

BACKGROUND

New zoning and regulations are proposed to allow a range of waste transfer uses on five different North Pender Island properties. The North Pender Island Local Trust Committee gave first reading to Bylaws 214 & 215 on September 21, 2017 and requested Trust Council to amend the Development Approval Information Bylaw 134 to support LTC requests for information from proponents for solid waste transfer. The following resolutions were carried:

NP-2017-090 - That the North Pender Island Local Trust Committee Bylaw No. 214, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017," be read a First time.

NP-2017-091

That the North Pender Island Local Trust Committee Bylaw No. 215, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No.3, 2017," be read a First time.

NP-2017-092 - That the North Pender Island Local Trust Committee consider the proposed amendments to the North Pender Island Development Approval Information Bylaw 134 and request Trust Council to amend the bylaw.

NP-2017-093 - That the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 214, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017," and Bylaw 215 cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017," are not contrary to or at variance with the Islands Trust Policy statement.

NP-2017-094 - That the North Pender Island Local Trust Committee refer the Waste Transfer staff report dated September 11, 2017 and the Waste Transfer staff report dated April 27, 2017 to the

Advisory Planning Commission for review of bylaws 214 and 215, and that staff be requested to attend.

Solid Waste Transfer Regulations:

- [Draft Bylaw 214](#) proposes new Official Community Plan policies to guide waste transfer uses and introduce a new Development Permit Area (DPA), “Development Permit Area 11 – Waste Transfer Development Permit Area.” Under the DPA requirements, a development permit would be required before land could be altered or buildings/structures could be constructed for waste transfer uses.
- [Draft Bylaw 215](#) introduces zoning requirements for the North Pender Island Land Use Bylaw to regulate waste transfer uses. It includes a number of new definitions, general regulations, parking requirements, and rezones 5 properties to allow a range of uses. In most cases, the waste transfer uses will be added to the other uses already allowed under the current zone.
- Trust Council amendments to the Development Approval Information Bylaw 134 will enable the LTC to request specific technical information to confirm the DPA guidelines are being met.

Update on Agricultural Land Commission File #53097

On October 11, 2017 the Islands Trust was informed that the Executive Committee of the Agricultural Land Commission (ALC) released its decision on File #53097 (Burdett) (see attachment 1). The decision concluded, “After reviewing the Waste Management Staff Report, the Executive Committee determined that the submission was not conclusive that the Property was selected as the location for the waste transfer facility; therefore, the approval has expired.”

This decision was in response to reconsideration request of the ALC Resolution #314/2013 which gave conditional approval for a non-farm use to operate a waste transfer station at 4606 Razor Point Road.

The ALC ruling does not permit a waste transfer operation at 4606 Razor Point Road, and thus Section 2.7 of Bylaw 215 is not consistent with uses permitted in the Agricultural Land Reserve. At consideration of second reading (after the referral process is complete) the North Pender Island Local Trust Committee will be recommended to amend Bylaw 214 and 215 to remove reference to limited waste transfer as a permitted use within the ALR at this location.

Rezoning application NP-RZ-2012.1 for 4606 Razor Point road will be brought forward for further consideration and direction at an upcoming LTC meeting.

Updated Project Charter

This report brings forward an updated project charter to reflect current timelines for this project and to refine actions recommended as next steps. The following changes have been made to the project charter:

- Budget – updated to assign \$4000 for legal review of draft bylaws.
- Timeline updated and made consistent with current status of project.
- Work plan updated to include next steps, including development of community information sheets –to be distributed to island residents, perhaps by mail.

- The work plan has also been amended to recommend a community open house be held prior to the final community information meeting and public hearing. The purpose of the community open house would be for the public to become better informed about the history of the project, about the bylaws that are proposed and to speak to staff and trustees one on one.

Rationale for Recommendation

The purpose of this report is for the Local Trust Committee to update the project charter as the project management document guiding this top priority LTC project. The proposed changes bring the project charter in line with the current status of the project.

ALTERNATIVES

- 1. Amend the project charter.**
- 2. Proceed no further with this project.**

Submitted By:	Justine Starke, Island Planner	October 17, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	October 17, 2017

ATTACHMENTS

Appendix 1: Project Charter

Appendix 2: Agricultural Land Commission Decision

Land Use Planning for Waste Management - Charter V.5.5

North Pender Island Local Trust Committee

Date: October 4, 2017

Purpose *To engage the Pender community in a process that considers the zoning of land to accommodate a range of solid waste transfer services. The process will involve an evaluation of community needs and best practices, an inventory of existing industrially zoned land and current waste transfer sites, and consideration of appropriate land use criteria for the siting of a range of waste transfer facilities.*

Background *Pender Island currently does not have any land zoned to accommodate the storage, processing, and transfer of solid waste and discarded materials. Solid waste management has historically been provided on land without adequate zoning, sometimes operating under Temporary Use Permits, other times in contravention of the Land Use Bylaw. The exception to this is 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 which may offer opportunities for a coordinated approach.*

Objectives

- * To consult North and South Pender islanders, waste management operators, and other stakeholders.
- * To consider what level of waste transfer is needed on N. Pender.
- * To inventory existing industrial zones and waste transfer sites and apply land use criteria for siting a range of waste transfer facilities.
- * To make recommendations on potential locations and the range of appropriate land uses
- * To consider amending the OCP with guiding policies and land designations for waste and resource management.
- * To consider zoning and regulating land to accommodate the preferred level of waste and resource management.
- * Collaboration with CRD to ensure a comprehensive understanding and integrated approach.

In Scope

- Community engagement sessions, including an integrated decision making process.
- Interviews with operators.
- A community questionnaire on the need for waste management and the services desired.
- Evaluate existing industrial zones, waste transfer sites, and other viable properties by applying the agreed upon land use criteria.
- Recommend amendments to the OCP/LUB.
- Collaboration with CRD.

Out of Scope

- Regulating facility operations or operating guidelines
- Waste management considerations that are outside of NPI LTC authority for land use planning.
- Focussing on specific aspects of current rezoning's/TUPs other than as part of the island wide review.

Work Plan Overview (See attached)

Project Team

Justine Starke, Island Planner	Project Manager
Various Consultants	Community Engagement and waste management planning.
Lori Foster	Administrative Planning Assistant
Vacant	Communications Specialist

RPM Approval:

Robert Kojima

Date:

10/17/2017

LTC Endorsement:

Resolution:

Budget : 2017-18: \$7000

Budget Source: 2017-18 NPI LTC OCP/LUB request = \$7000

Fiscal	Item	Cost
2017- 18	CIM and Public Hearing	\$2000
2017-18	Legal Review	\$4000
2017-18	Communications	\$1000
	Total	\$7000

PROJECT CHARTER WORK PLAN OVERVIEW V. 5.5 Updated October 4, 2017		
Deliverable/Milestone	Target Date	Status
Community Consultation #1: Open House –Understanding waste management; roles and responsibilities; introduction to land use criteria and range of facilities; community mapping board. With assistance from Capital Regional District.	April, 2016	Done May 2016
Community Consultation #2: Workshop – Review results of community process to date. Apply preliminary land use criteria to the range of models for siting, using an integrated decision making process (part 1).	July, 2016	Done SDM #1 August 2016
Community Consultation #3: Workshop: Review inventory of existing industrial land and land used for waste management activities. Apply land use criteria for the range of facilities and discuss mitigation of nuisances through regulation - Integrated decision making process (part 2).	September, 2016	Done SDM #2 –October 2016
Preliminary analysis of results presented to Local Trust Committee	October/November 2016	Done
Consultation with waste disposal operators	Spring 2017	Done
OCP/LUB amendments drafted for consideration.	July/August 2017	Done
Consideration of First Reading – Bylaws 214 &215	September 21 2017	Done
Agency referrals/APC Referral	Fall 2017	In progress
Development and distribution of information sheets for public	Fall 2017	In progress
Trust Council consideration of amendments to DAI Bylaw 134	April 2018	In progress
Community Information Meeting Open House	January 2018	In progress
Consideration of Second Reading	February 2018	
Community Information Meeting/Public Hearing	Spring 2018	
Consideration of Third Reading	Spring 2018	
Executive Committee and Ministry Referrals	Summer 2018	
Consideration of Bylaw Adoption	Summer 2018	



Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 11, 2017

ALC File: 53097

Islands Trust
200-1627 Fort Street
Victoria BC V8R 1H8

Attention: Justine Starke

Re: Condition Review – ALC Resolution #386/2016

A meeting of the Executive Committee of the Agricultural Land Commission (“the Executive Committee”) was held on September 28, 2017 as it relates to ALC Application 53097 (Burdett). All members of the Executive Committee were in attendance.

As a condition of approval of ALC Resolution #396/2016, the Executive Committee required that the Commission receive documentation of the final findings of the evaluation of potential sites for waste transfer facilities and that should the findings not identify the Property as the selected site for a waste transfer facility, that the approval shall expire immediately.

The Executive Committee received the *Waste Transfer Sites: Suitability and Regulations Staff Report* and attachments (the “Waste Man Staff Report”) on July 27, 2017, which describes the potential sites for waste transfer facilities evaluated by the North Pender Island Local Trust Committee.

After reviewing the Waste Man Staff Report, the Executive Committee determined that the submission was not conclusive that the Property was selected as the location for the waste transfer facility; therefore, the approval has expired.

Further correspondence with respect to this application is to be directed to Sara Huber at (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Sara Huber, Land Use Planner

cc: Michael and Anne Burdett

53097m15



Top Priorities

North Pender Island

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



Projects

North Pender Island

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

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

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

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

Projects

North Pender Island

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



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.3	Datawave Communications Inc. Inc. No. BC0287893 Planner: Phil Testemale	18-Aug-2017	Single Family Dwelling
Planning Status			
Status Date: 17-Oct-2017 Request for further information (geotechnical assessment) sent to applicant			
Status Date: 13-Sep-2017 Waiting for survey information to process file			
Status Date: 18-Aug-2017 opened file, processed fee, gave to planner, notified LTC			

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.4	Jess Mansley Planner: Jason Youmans	10-Oct-2017	NP-SUB-2017.2 needs a DP to proceed
Planning Status			
Status Date: 17-Oct-2017 Applicant provides site plan, at planners request.			
Status Date: 10-Oct-2017 opened file, gave to planner			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.1	LAURENCE BARRETT, CYNTHIA BARRETT Planner: Jason Youmans	04-May-2017	7909 Trincoma Place - construct car port with storage, expanded main floor and replace shed/greenhouse with accessory building; include existing triangular deck in DVP
Planning Status			

Applications

Status Date: 13-Oct-2017

Staff working to contact applicant regarding submission of arch report.

Status Date: 28-Sep-2017

Planner requests updated timeline from applicant.

Status Date: 26-Sep-2017

\$55.00 refund sent for exempt DP portion. See NP-DP-2017.1.

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.2	DAVID G RICHARDSON EDNA M HEMSWORTH	15-May-2017	3210 ARMADALE RD - Variance for depth to width ratio for subdivision
Planner: Phil Testemale			

Planning Status

Status Date: 18-Oct-2017

Waiting for PLA (x-ref NP-SUB-2017.1) prior to drafting DVP and sending notification

Status Date: 19-May-2017

Created file folder in LAN, scanned application package for e-file. Scanned cheque and pink copy of receipt for files (original receipt handed directly to applicant on day of submission); cheque forwarded to Finance Clerk. Package emailed to LTC and Planner, hard file forwarded to RPM per his advice.

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.3	BRAD JOHNSON	13-Jun-2017	Variance required for access stairs to lower main deck of existing pathway, stairs and dock.

Planner: Phil Testemale

Planning Status

Status Date: 05-Oct-2017

Site visit conducted. Numerous illegal structures in setback confirmed. Applicant sent information on requirements to conform

Status Date: 13-Sep-2017

Applicant in the process of providing further information

Status Date: 26-Jun-2017

E-mail to applicant: requires revised plans and a DP application.

**Applications**

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.4	GLEN W JOHNSON	13-Sep-2017	Seeks variance for existing unfinished SFD to obtain final occupancy
Planner: Phil Testemale			
Planning Status			
Status Date: 18-Oct-2017			
Notices sent out for consideration at the NPILTC Nov. 23rd			
Status Date: 13-Sep-2017			
opened file, processed fee, notified LTC			

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.5	Wendy & Ron Obrien	10-Oct-2017	Variance for cabin siting
Planner: Phil Testemale			
Planning Status			
Status Date: 17-Oct-2017			
planner assigned			
Status Date: 13-Oct-2017			
fees received, planner to be assigned by RPM			
Status Date: 10-Oct-2017			
opened file, awaiting fees			

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
NP-LCB-2017.1	Royal Canadian Legion	02-Aug-2017	Transition from Club Licence to Liquor Primary Licence
Planner: Jason Youmans			
Planning Status			
Status Date: 19-Oct-2017			
On Oct 26 NP LTC agenda			
Status Date: 12-Oct-2017			
Notification delivered to properties within 100 meters and posted to community bulletin boards.			

Applications

Status Date: 30-Aug-2017

Planner requests further information regarding Legion's status as a private club under proposed new liquor license.

Rezoning

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

Planner: Phil Testemale

Planning Status

Status Date: 18-Oct-2017

Notification published/sent out for Oct 26 CIM and PH. Post Public Hearing report with recommendations on LTC agenda

Status Date: 30-Aug-2017

CIM and PH scheduled for October 26 LTC

Status Date: 17-Jul-2017

Staff Report with amendments to Bylaw 202 on July 27th agenda. CIM and PH deferred to September LTC.

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

Planner: Phil Testemale

Planning Status

Status Date: 13-Sep-2017

Covenants drafted and revised. Applicants working on access agreements for Pool and Sailing Assn.

Status Date: 19-Jul-2017

Bylaws 206 through 210 approved by EC. 207 and 209 to be forwarded by PTA to Minister.

Status Date: 19-Jul-2017

Bylaw 206 Final Approval pending registration of covenants (2)

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-RZ-2016.3

MILL BAY MARINE
GROUP c/o
HENSHAW

20-May-2016

4602 and 4606 and 4605 Oak Road

005-636-639

Request that area zoned SD(a) passing through lots 3 and 4 be re-aligned to be adjacent to the westerly boundaries AND rezone the part of lot 3 that sits NE of Oak Rd to be C3(a).

Planner: Justine Starke**Planning Status****Status Date:** 19-Jul-2017

Bylaws approved by EC. 209 to Minister for Approval

Status Date: 15-Jun-2017

Bylaws 206 through 210 to July 19 EC for approval.

Status Date: 20-Apr-2017

Report to LTC for consideration of second reading.

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

Planning Status**Status Date:** 18-Oct-2017

CIM and Public Hearing Scheduled for November 23 LTC

Status Date: 02-Oct-2017

Bylaws 211 and 212 drafted - First Reading given at September 21 LTC. Direction to schedule PH and refer bylaws.

Status Date: 02-Oct-2017

Bylaws referred to First Nations and Agencies

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

NP-RZ-2017.1

PENDER ISLAND

24-Jan-2017

PIPRC - AMEND LUB TO ADD PICNIC SELTER AS A PERMITTED USE
AND STRUCTURE

PARKS AND

RECREATION

COMMISSION (CRD)

Planner: Phil Testemale**Planning Status****Status Date:** 18-Oct-2017

Amended Plans received from applicant. Report to October 26 LTC to amend Bylaw 213 (site specific, size limits) and schedule new PH

Status Date: 05-Sep-2017

Applicants to revise application. Amendments targeted for October 26 LTC

Status Date: 30-Aug-2017

Applicants are considering changes/proceeding or not in response to PH.

Subdivision

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

Planner: Phil Testemale**Planning Status****Status Date:** 18-Oct-2017

Awaiting information on driveway status

Status Date: 22-Jun-2017

Update meeting with applicant - todays date

Status Date: 21-Mar-2017

PLA extension requested by applicant. Staff comments sent to MOTI stating no amendments to Island Trust conditions in PLA are required.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd Boundary adjustment

Planner: Phil Testemale

Applications

Planning Status

Status Date: 19-Jul-2017

Bylaws approved by EC

Status Date: 19-Jul-2017

Bylaws approved by EC. 207 to Minister for Approval.

Status Date: 22-Jun-2017

Pending - rezoning NP-RZ-2016.3 - Bylaws 207 and 208

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.1	DAVID G RICHARDSON EDNA M HEMSWORTH Planner: Phil Testemale	16-Mar-2017	3210 ARMADALE RD - proposed subdivision to create 2 residential parcels

Planning Status

Status Date: 13-Sep-2017

Waiting for PLA. Required DVP Application has been submitted.

Status Date: 04-Apr-2017

Subdivision Referral Review sent to MoTI.

Status Date: 16-Mar-2017

File opened and forwarded to planner

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.1	Roberto Pasion & Judith Creedon Planner: Phil Testemale	02-May-2017	2705 Yawl Lane - application to amend TUP to construct alternate screening

Planning Status

Status Date: 18-Oct-2017

Early notification sent out for consideration at November 23 LTC.

Applications

Status Date: 02-Oct-2017

Amending previous screening condition and notice for November LTC.

Status Date: 13-Sep-2017

New owners. File to be transferred. Waiting new title cert. and signatures

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.2	WILMOTT	13-Jun-2017	Hooson Road - TUP for milling lumber.

Planner: Phil Testemale

Planning Status

Status Date: 18-Oct-2017

Site visit conducted October 5. Further information requested. Notice (tentative) to be sent for November 23 LTC

Status Date: 18-Jul-2017

E-mail to applicant requesting more detailed information

Status Date: 27-Jun-2017

File assigned - additional information required from applicant prior to processing

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.3	KARI L YUERS	28-Aug-2017	TUP for STVR

Planner: Jason Youmans

Planning Status

Status Date: 17-Oct-2017

Planner requests applicant complete TUP checklist

Status Date: 29-Sep-2017

Site visit.

Status Date: 13-Sep-2017

Title received, notified LTC, requested map and mailing list

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.4	MARLEE G LOVATT	20-Sep-2017	TUP for STVR

WILBUR D LOVATT

Planner: Jason Youmans

Planning Status

Applications

Status Date: 29-Sep-2017

Site visit

Status Date: 27-Sep-2017

opened file, processes fee, notified bylaw and LTC. Await planner assignment by RPM.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending August 2017

650 North Pender	Invoices posted to Month ending August 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	0.00	1,500.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	1,871.05	2,128.95
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	193.35	406.65
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>2,064.40</u>	<u>3,535.60</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	0.00	5,000.00
73001-650-4054	North Pender Waste Management Review	7,000.00	0.00	7,000.00
73001-650-4086	North Pender Secondary Suites Review	5,000.00	0.00	5,000.00
73001-650-4087	North Pender Housing Needs Assessment	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>19,000.00</u>	<u>0.00</u>	<u>19,000.00</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.
5.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality October 2017



Regional Conservation Plan (RCP)

The Trust Fund Board (TFB) has approved the draft Regional Conservation Plan (RCP) for 2018-2027. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. A new element is a focus on relationship building with First Nations. The Board has referred the RCP to local trust committees and Bowen Island Municipality for review. (It has also been referred to partner agencies and First Nations and will be posted on the Islands Trust Fund (ITF) website with a mechanism to enable public feedback). Staff will be available to attend LTC and BIM meetings in person if possible and electronically if not. The Board is expecting to consider final approval of the Regional Conservation Plan in January 2018.

Islands Trust Fund Five Year Plan

The *Islands Trust Act* requires the TFB to submit a plan to the minister every five years providing information on goals and key policies. The Board has approved a draft plan for 2018-2022 which references the new Regional Conservation Plan and describes relevant policies. This draft is also being referred to local trust committees, Bowen Island Municipality and First Nations. The Board expects to submit the plan to the Minister by the end of the year.

Board Retreat

The TFB and senior staff will be participating in a day long retreat in October for high level discussions on future directions with a particular focus on fundraising, (with facilitation from an experienced expert in the field).

Property Monitoring

The Board has received detailed reports on the results of this year's monitoring of our 27 nature reserves, the 24 NAPTEP covenanted areas and the 50 other covenants we hold. A number of management issues have been identified which are now being addressed (see below for highlights by island).

Summary of Current Island-by-Island Activities

Bowen

Trees recently planted at the David Otter Nature Reserve are looking healthy.

Denman

Communication is continuing with neighbours of the Lindsay Dickson Nature Reserve to clearly delineate property boundaries. Mountain bike damage is a concern in the Morrison Marsh Nature Reserve; addressing this issue will be considered during the current review of the management plan. There is no further evidence of tree cutting at the Inner Island Nature Reserve following two large trees being felled there last year. The Trust Fund Board has registered a covenant on the Denman Conservancy Association's Settlement Lands.

Gabriola

The Elder Cedar Nature Reserve continues to suffer from vandalised signs and the impacts of unpermitted mountain bikes and horses. ITF is working with GaLTT to address these and other issues.

Galiano

Monitors were excited to see falcons at the cliffs on Trincomali Nature Reserve. ITF and Galiano Conservancy Association are looking into possible vehicle intrusions and tree removal in the Vanilla Leaf Land Nature Reserve.

Gambier

Recent plantings at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves are looking healthy.

Keats

The fifth draft of a covenant for Sandy Beach has been sent to Sunshine Coast Conservation Association and The Land Conservancy of BC for review. A draft baseline report has been received and is now being reviewed.

Lasqueti

Sheep browsing is proving to be a challenge for restoration work at the John Osland Nature Reserve, (where approximately 50% of the plantings have died) and Mount Trematon Nature Reserve. Stronger materials will be required for protective cages.

South Pender

Progress is being made towards establishing the covenant for Brooks Point Regional Park.

Salt Spring

A trail location issue at Lower Mount Erskine Nature Reserve and a tree cutting incident at McFadden Creek Nature Reserve are being addressed.

Thetis

The first monitoring visit was completed at Moore Hill Nature Reserve and management planning is in progress. Pledges for Fairyslipper Forest are processed and there are two grant applications in progress to raise more funds to complete the purchase. Hydrological and ecosystem assessments are complete for the property.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

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