



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: July 29, 2021
Time: 9:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	9:00 AM - 9:00 AM	
2.	RISE AND REPORT - In-Camera Meeting - June 24, 2021 (NP-DP-2020.1 Calverley)	9:00 AM - 9:05 AM	
By general consent it was agreed that the Rise and Report shall include that the North Pender Islands Local Trust Committee agreed, by resolution to direct staff to write back to the owner's counsel expressing the opinion that the condition is valid.			
3.	APPROVAL OF AGENDA	9:05 AM - 9:10 AM	
4.	TRUSTEE REPORT	9:10 AM - 9:20 AM	
5.	CHAIR'S REPORT	9:20 AM - 9:25 AM	
6.	TOWN HALL AND QUESTIONS	9:25 AM - 9:55 AM	
7.	COMMUNITY INFORMATION MEETING		
	None		
8.	PUBLIC HEARING		
	None		
9.	MINUTES	9:55 AM - 10:05 AM	
9.1.	Local Trust Committee Minutes Dated June 24, 2021 (for Adoption)		3 - 10
9.2.	Section 26 Resolutions-without-meeting Report - None		
9.3.	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1.	Follow-up Action List Dated July 2021		11 - 13
11.	DELEGATIONS		

12.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
13.	APPLICATIONS AND REFERRALS	10:05 AM - 10:35 AM	
13.1.	NP-DVP-2021.2 (Murdoch) - Staff Report (attached)		14 - 28
14.	LOCAL TRUST COMMITTEE PROJECTS	10:35 AM - 11:15 AM	
14.1.	LUB Review – Staff Report (attached)		29 - 45
15.	REPORTS	11:15 AM - 11:25 AM	
15.1.	Work Program Report (attached)		
15.1.1.	<u>Top Priorities Report Dated July 2021</u>		46 - 46
15.1.2.	<u>Projects List Report Dated July 2021</u>		47 - 47
15.2.	Applications Report Dated July 2021 (attached)		48 - 55
15.3.	Trustee and Local Expense Report Dated May 2021 (attached)		56 - 56
15.4.	Adopted Policies and Standing Resolutions (attached)		57 - 61
15.5.	Local Trust Committee Webpage		
15.6.	Islands Trust Conservancy Report - None		
16.	NEW BUSINESS		
17.	UPCOMING MEETINGS		
17.1.	Next Regular Meeting Scheduled for September 30, 2021, Location: TBD		
18.	TOWN HALL	11:25 AM - 11:40 AM	
19.	CLOSED MEETING		
	None		
20.	ADJOURNMENT	11:40 AM - 11:40 AM	



DRAFT

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

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: June 24, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Laura Patrick, Chair
Benjamin McConchie, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Phil Testemale, Planner 2
Kim Stockdill, Planner
Maple Hung, Planning Assistant (Host)
Shannon Brayford, Recorder

Public: There were approximately (15) attendees in the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 3:00 p.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended and agreed that Chris Roper will be granted 5 minutes for a presentation regarding helicopters during the Town Hall.

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Morrison reported that the Trust Policy Statement review is moving forward and broad public consultation is underway. She encouraged the public to visit the Programs Page under Islands 2050 and to send comments to the Islands 2050 email address before July 8, 2021 meeting.

Trustee Morrison also thanked the North Pender Island Agricultural Advisory Planning Commission (AAPC) for their comprehensive reports and minutes.

Trustee Morrison noted that, at a past meeting, a Temporary Use Permit (TUP) was considered in the absence of the applicant. She recommended that the Local Trust Committee (LTC) consider adopting a practice of deferring applications when the applicant wishes to, but is unable to attend.

Trustee McConchie requested a moment of silence for the 751 unmarked graves uncovered at a former Residential School in Saskatchewan.

Trustee McConchie reported that he will not be running for a second term as a Trustee.

4. CHAIR'S REPORT

Chair Patrick provided a report on the upcoming Trust Council Meeting. She noted that the meeting starts July 8, 2021, but that a Town Hall will be held on July 7, 2021 with an education session preceding it.

5. TOWN HALL AND QUESTIONS

Chris Roper noted that a helicopter is operating on the residential property next to his. He outlined the negative impact that the helicopter has on him as a neighbour and also expressed concern for it causing harm to the area's ecosystem.

Doug Regehr addressed a TUP application for a Short Term Vacation Rental (STVR). He encouraged the LTC to refuse the permit application citing noise, parking issues, and a lack of on-island contact.

Niall Parker requested further information on why the the Islands 2050 recommendations include prohibiting de-salination as a source of water.

It was noted that the question had been forwarded to staff and is awaiting further information.

Leslie Kerfoot noted that she had recently purchased a property with a Commercial 2 zoning and the intent to operate the resort. She reported receiving a letter implying that the zoning would be amended and outlined her concerns with the process and the impact it would have on her family's investment.

Michael Sketch addressed a proposed soil deposit and removal bylaw, noting staff recommendations for exemptions. He encouraged the LTC to carefully consider these exemptions and provided rationale, including past incidences in which stronger bylaws could have prevented ecological damage.

Michael Sketch recommended that the LTC not accept the staff recommendation for changing the Industrial I1b zone. He provided a rationale to support his recommendation.

Jeremy Lewis addressed the impact of vacation rentals on housing stock. He noted that the island will face a crisis of not having service providers due to a lack of housing.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated May 27, 2021 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Under item 13.2 amend to identify Barbara Johnstone as “Property Owner”, not “Applicant”

By general consent, the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report - None

8.3 Advisory Planning Commission Minutes - None

8.4 Agricultural Advisory Planning Commission Minutes Dated May 10, May 14, May 20 and June 8, 2021

Received for information.

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated June 2021

Received for information.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 NP-RZ-2016.1 (Mainroad) - Consideration of Adoption of Land Use Bylaw No. 202 - Staff Report

Planner Testemale provided an overview of the application and associated staff report. He summarized the rationale for the staff recommendation, the history of the application, and the manners by which the applicant has satisfied all LTC conditions.

A discussion was held regarding the consequences should the covenant be breached.

NP-2021-070

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No.1, 2016,” be adopted.

CARRIED

12.2 NP-DP-2021.3 (Ferry) – Staff Report

Planner Testemale provided an overview of the application and associated staff report. He highlighted the applicant’s rationale for requesting the Development Permit (DP) and the recommendations of the professional reports received.

Chair Patrick invited the applicants to address the LTC.

Kevin Ferry provided an overview of their plans for the property and their intended stewardship of the treed property.

The LTC requested and received information on the following points:

- The rationale for siting of the septic field; and
- Historical rationale for creation of this development permit area.

NP-2021-071

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.3 (Ferry).

CARRIED

Note: A break was held from 4:44 pm – 4:50 p.m.

12.3 NP-TUP-2021.5 (Pegram) – Staff Report

Planner Testemale provided an overview of the application, the history of bylaw complaints against the property, and the steps taken by the applicant to minimize the impact of the use on neighbouring properties.

Chair Patrick acknowledged the applicant and invited him to speak.

Neil Pegram addressed the LTC. He highlighted the letters of support received for his application, the number of rentals that have been booked for the past 5 years, and data tracked by the installed decimeter with an automatic alert for excessive sound.

The LTC discussed the application and recommended that the applicant install a marker to delineate the property line and prevent guests from parking on the neighbour's property.

It was noted that there is an interpersonal issue between the applicant and a neighbour. The impact of the neighbour issues on the application were discussed and the LTC encouraged the neighbours to work collaboratively to reconcile the matter.

NP-2021-072

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.5 (Pegram) for a period of three (3) years.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Land Use Bylaw Review Project - Staff Report

Planner Stockdill provided an overview of the staff report. She highlighted the areas in which additional guidance is being sought by staff including: maximum floor area, industrial regulations, and the project charter.

A discussion was held regarding maximum floor area including the following points:

- Importance of limiting maximum floor area in reducing tree removal and protecting natural character;
- Importance of the limit reflecting interior square footage as opposed to exterior to ensure that different building options are not being privileged;
- Consideration of imposing an overall floor area for all buildings on a property;
- Consideration of allowing property owners to split the total square footage into two dwellings to provide additional housing stock; and
- Consideration of incentivizing energy efficient home building and covenants by allowing applications for larger homes should certain conditions be met.

NP-2021-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.

CARRIED

NP-2021-074

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.

CARRIED

A discussion of additional lot coverage and impervious surfaces was held. The LTC requested and received information on the regulations already proposed and the definitions included in the OCP.

Planner Stockdill provided an overview of the proposed industrial regulation amendments. She noted that staff is seeking direction from the LTC regarding 3418 South Otter Bay Road and provided an overview of staff recommendations.

A discussion of the challenges of the industrial regulation amendments was held and the LTC considered options for the project moving forward. The following points were discussed:

- Potential sites and opportunities for creating a property with waste transfer as a use, including potentials for subdivision
- Waste transfer uses on the Gulf Excavating site.

Planner Stockdill provided an overview of the project plan moving forward.

NP-2021-075

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve the updated Project Charter for the Land Use Bylaw Review Project dated June 24, 2021.

CARRIED

13.2 Soil Bylaw Project – Staff Report

Regional Planning Manager (RPM) Kojima provided an overview of the staff report. He highlighted the recommended objectives for the project and encouraged the LTC to carefully consider that list.

A discussion was held regarding the objectives of the project. The following points were noted:

- Activities by Public Works should be included in the bylaw; and
- Stakeholder consultation, including service providers, should be undertaken early.

NP-2021-076

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to prepare a draft soil deposit and removal bylaw in accordance with the objectives identified in the staff reported prepared for the June 24, 2021 regular meeting.

CARRIED

NP-2021-077

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request that staff report back with a draft bylaw for LTC review at a subsequent meeting, based on the discussion held at this meeting.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated June 2021

Received for information.

14.1.2 Projects List Report Dated June 2021

Received for information.

14.2 Applications Report Dated June 2021

Received for information.

14.3 Trustee and Local Expense Report – None

None

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments heard.

14.6 Islands Trust Conservancy Report Dated May 25, 2021

Received for information.

15. NEW BUSINESS

15.1 Business Licenses – Memo

Chair Patrick provided an overview of the project and update on the progress to date.

A discussion was held regarding the role and limitations of the licences in regulating STVRs. Further discussion was held regarding the benefits and concerns of adopting the proposed resolution.

NP-2021-078

It was Moved and Seconded,

WHEREAS the North Pender Island Local Trust Committee is implementing additional policies and zoning to regulate and manage short term vacation rentals on North Pender island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals;

THEREFORE the North Pender Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.

CARRIED

15.2 Amending the Islands Trust Act to change the structure of the Islands Trust Government

A discussion was held including the following points:

- Importance for reconciliation moving forward
- Consideration of building community
- Importance of self reflection and growth in an organization

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for July 29, 2021, Location: TBD

17. TOWN HALL

Michael Sketch encouraged the LTC to consider the history and social reasons why the industrial zoning owned by the Allen family hasn't been exercised.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close Meeting

At 6:46 pm Chair Patrick noted that there was a recommendation for a motion to close the public meeting. She further noted that the Rise and Report will be included at the next Regular Business Meeting.

NP-2021-079

It was Moved and Seconded,

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

- Adoption of In-Camera Meeting Minutes Dated April 29, 2021
- Legal Advice

AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

The meeting was recalled to order at 7:10 p.m.

18.3 Rise and Report

Rise and report will be deferred to the next business meeting.

19. ADJOURNMENT

By general consent, the meeting was adjourned at 7:11 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

28-Jan-2021

Activity	Responsibility	Dates	Status
1 NP LTC requests direction from Director Clare Frater on how to advocate for best practices related to dock maintenance and ocean health.	Clare Frater	Target: 26-Feb-2021	In Progress

27-May-2021

Activity	Responsibility	Dates	Status
1 LTC requests staff draft a letter to the CRD indicating a need for improved communication regarding any CRD projects within the Islands Trust particularly between CRD, Trustees, IT staff and contractors. Letter to be cc'd to SGI Forum and other applicable recipients.	Kim Stockdill	Target: 25-Jun-2021	Completed
2 NP LTC to advocate to prohibit helicopter use in the Islands Trust area - Trust Area Services to follow up	Clare Frater Mike Richards	Target: 30-Jul-2021	In Progress

24-Jun-2021

Activity	Responsibility	Dates	Status
1 8.1 LTC adopted the May 27, 2021 LTC meeting minutes as amended.	Sheree Rialp	Target: 09-Jul-2021	Completed
2 12.1 NP-RZ-2016.1 LTC adopted LUB Bylaw No. 202. Staff to update bylaw (with adoption date), update TAPIS, close application file and consolidate.	Jas Chonk Phil Testemale	Target: 30-Jul-2021	Completed



Follow Up Action Report

North Pender Island

24-Jun-2021

Activity	Responsibility	Dates	Status
3 12.2 NP-DP-2021.3 approved. Staff to issue permit, notify applicant, add monitoring (if any) and close file.	Jas Chonk Maple Hung Phil Testemale	Target: 30-Jul-2021	Completed
4 12.3 LTC approved NP-TUP-2021.5 (renewal) for a period of 3 years. Staff to issue permit, notify applicant, update TAPIS for monitoring/notification, and close file.	Jas Chonk Maple Hung Phil Testemale	Target: 30-Jul-2021	Completed
5 13.1 LUB Review Project 1. Staff to draft bylaw based on gradual scale for max floor area (example B with reduction by 500 ft ²), amend definition of lot coverage and floor area, and list of incentives in OCP to address house size variances. 2. Amended Project Charter adopted. Update date on PC and repost to project website. Complete	Kim Stockdill	Target: 30-Jul-2021	In Progress
6 13.2 Soil Bylaw Project - Staff to prepare bylaw based on comments from June 24, 2021 LTC meeting and report back with draft bylaw at a subsequent meeting.	Jas Chonk Robert Kojima	Target: 24-Sep-2021	In Progress
7 15.1 Business Licenses - NP LTC requests the CRD explore implementation of business licensing for tourist accommodation and STVRs.	Robert Kojima	Target: 27-Aug-2021	Completed

Follow Up Action Report

North Pender Island

24-Jun-2021

Activity	Responsibility	Dates	Status
8 NP-DP-2020.1 - Staff to contact property owner's counsel to notify that the LTC considers DP condition (easement) to be valid.	Robert Kojima	Target: 30-Jul-2021	Completed

DATE OF MEETING: July 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit Application
Applicant: Dorothy Murdoch
Location: 4605 Bedwell Harbour Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2021.2 (Murdoch).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The variance is for the placement of a proposed educational sign within the setback from the exterior side lot line.

RATIONALE FOR VARIANCE

Granting the variance will:

- Facilitate the construction of a proposed educational sign in front of the Driftwood Centre.
- Proposed location is appropriate as it is a gathering area for the general public.
- No visual impacts anticipated that would impair driver's safety or the safety of those viewing the sign.

BACKGROUND

The property is primarily occupied by the Driftwood Centre commercial and office development. The specific (Commercial zoned) area of the property is a public gathering area (grassed area with picnic tables) located in front of the bakery and pharmacy. As the sign will be located 4.5 from the exterior side lot line, subsection 5.2.1 of the 'Sign Regulations' in the North Pender Island Land Use Bylaw No. 119, 2018 (LUB) is required to be varied as it only permits commercial signs located within the 7.5 front and side lot setback.

The proposed sign structure will have a height of 3.2 metres (10.5 feet) and a width of 3.2 metres; the sign itself will be 1.1 m². The sign will be placed on a concrete pad, with cedar central post, and three treated corner posts, and wood shake roof. The sign structure will not be backlit nor equipped with any lights. The three dimensional sign structure will outline Pender Island parks and trails, animals and fauna, information on ecological diversity, and information on water usage and aquifers.

The applicant is only required to obtain approval from the Ministry of Transportation and Infrastructure (MoTI) if the siting of a building or structure is within 4.5 metres of a public roadway. As the sign structure will be sited 4.6 metres from the roadway, a MOTI permit would not be required.

A copy of the Notice and proposed permit NP-DVP-2021.2 (Murdoch) are Attachments 3 & 4.

Staff visited the subject property in 2020 for this application and have provided a picture of the sign structure location as shown in Attachment 2.

Figure 1 – Subject Property

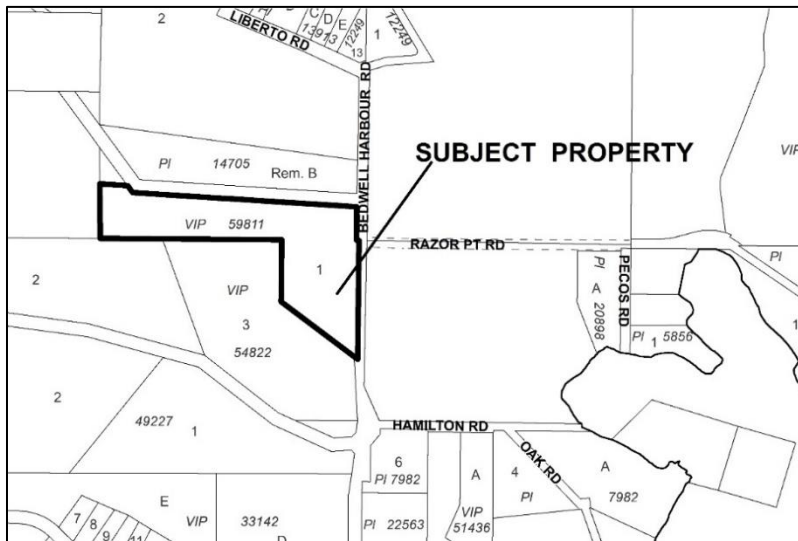


Figure 2 – Location of Sign Structure on Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The subject property is designated as **Commercial (C)**, **Community Service (CS)** and **Tourist Commercial (TC)** in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (Attachment 2.3). The proposed sign is located within the **Commercial (C)** designation.

Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the commercial and tourist commercial portions of the property. There are no DPAs for sensitive ecosystems designated on the subject property. The proposal is exempt from requiring a Development Permit (DP) for commercial form and character as it meets exemption ‘e’ that states “new construction not requiring a building permit, with the exception of: structures over the water or foreshore, new landscaping, new roads and paved driveways, and new parking areas” does not require a DP. The Capital Regional District (CRD) Building Inspection Department have indicated that a Building Permit is not required as it is less than 107 ft².

Land Use Bylaw:

The property is split-zoned **Commercial 1 (C1)**, **Service (SD)** and **Commercial 2 (C2f)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB - Attachment 2.1). The proposed sign is located within the **Commercial 1 (C1)** zone).

Subsection 5.2.1 of the Sign Regulations in the North Pender LUB state:

“In any Commercial, Agricultural, Institutional or Industrial zones, no signs of any kind or nature may be erected on any premises or affixed to the outside of any structure, except for one sign not exceeding a total area of 1.1 m² within 7.5 metres of the front or side lot line and one such sign on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal produce or service sold, and one sign not exceeding the area specified in Subsection 5.1.1 in respect of any accessory dwelling permitted on the lot. For the purpose of this subsection, two identical signs, back to back and facing opposite directions, are considered to be one sign.”

As this structure is an educational sign, a DVP is required to vary the exterior side lot line from 7.5 metres to 4.5 metres.

Islands Trust Conservancy:

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

Issues and Opportunities

Impact on Public Roadway & Neighbouring Properties

The impacts on the neighbouring properties are minimal as there are no direct neighbours fronting the area where the sign will be located. In addition, the structure would blend in with the surrounding buildings and structures as the design and materials used for the sign structure would be consistent with the overall character of Driftwood Centre.

As the sign structure will be setback from Bedwell Harbour Road, no concerns are anticipated with safe access in and out of Driftwood centre as well as proper sight lines for road safety.

The Overall Intent of the Regulation being Varied

The overall purpose of the front yard setback regulation is to minimize impacts on the adjacent property related to:

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

Potential Impacts of Granting the Variance

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

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on July 20, 2021.

Staff have received no submissions to at the time of writing. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The potential impacts with granting the variance are minimal.

- There are minimal safety risks associated with the siting of the proposed sign structure within the exterior side lot line setback.
- Notification to date has generated no responses.
- The variance does not impact the intent of the bylaw regulation.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, 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_____.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2021.2 for the following reasons_____.

NEXT STEPS

Submitted By:	Kim Stockdill, Island Planner	July 19, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	July 20, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit NP-DVP-2021.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811
PID	018-948-413
Civic Address	4605 Bedwell Harbour Road
Property Size	4.08 hectare (10.8 ac)

LAND USE

Current Land Use	Specific area is used for Commercial Retail – Driftwood Mall
Surrounding Land Use	The property is surrounded by properties of varying size zoned Rural, Agricultural, or National Park.

HISTORICAL ACTIVITY

File No.	Purpose
NP-DP-2008.1	Overall development plan
NP-DP-2015.3	Amendments to NP-DP-2008.1 for facades, landscaping and parking – expired
NP-DP-2015.6	Minor amendments for ‘Bistro’ entrance, outdoor garden store and parking.
NP-DP-2016.6	Amendments to alter facades of Buildings ‘A’, ‘B’ and ‘C’, landscaping and parking plan.
NP-DP-2018.2	Amendments to DP-2008.1 for new roofline.
NP-DVP-2018.4	Vary setback regulations for siting of an accessory building.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as Commercial (C) , Community Service (CS) and Tourist Commercial (TC) in the North Pender Island Official Community Plan Bylaw No. 171, 2007. The proposed sign is located within the Commercial (C) designation. Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the Commercial and Tourist Commercial portions of the property (Attachment 2.4). A Development Permit is not required for the proposed sign.
Land Use Bylaw	The property is split-zoned Commercial 1 (C1) , Service (SD) and Commercial 2 (C2f) in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). The proposed sign is located within the Commercial 1 (C1) zone.
Other Regulations	N/A
Covenants	There are no LTC or other covenants registered on the property.
Bylaw Enforcement	No active Bylaw Enforcement files.

SITE INFLUENCES

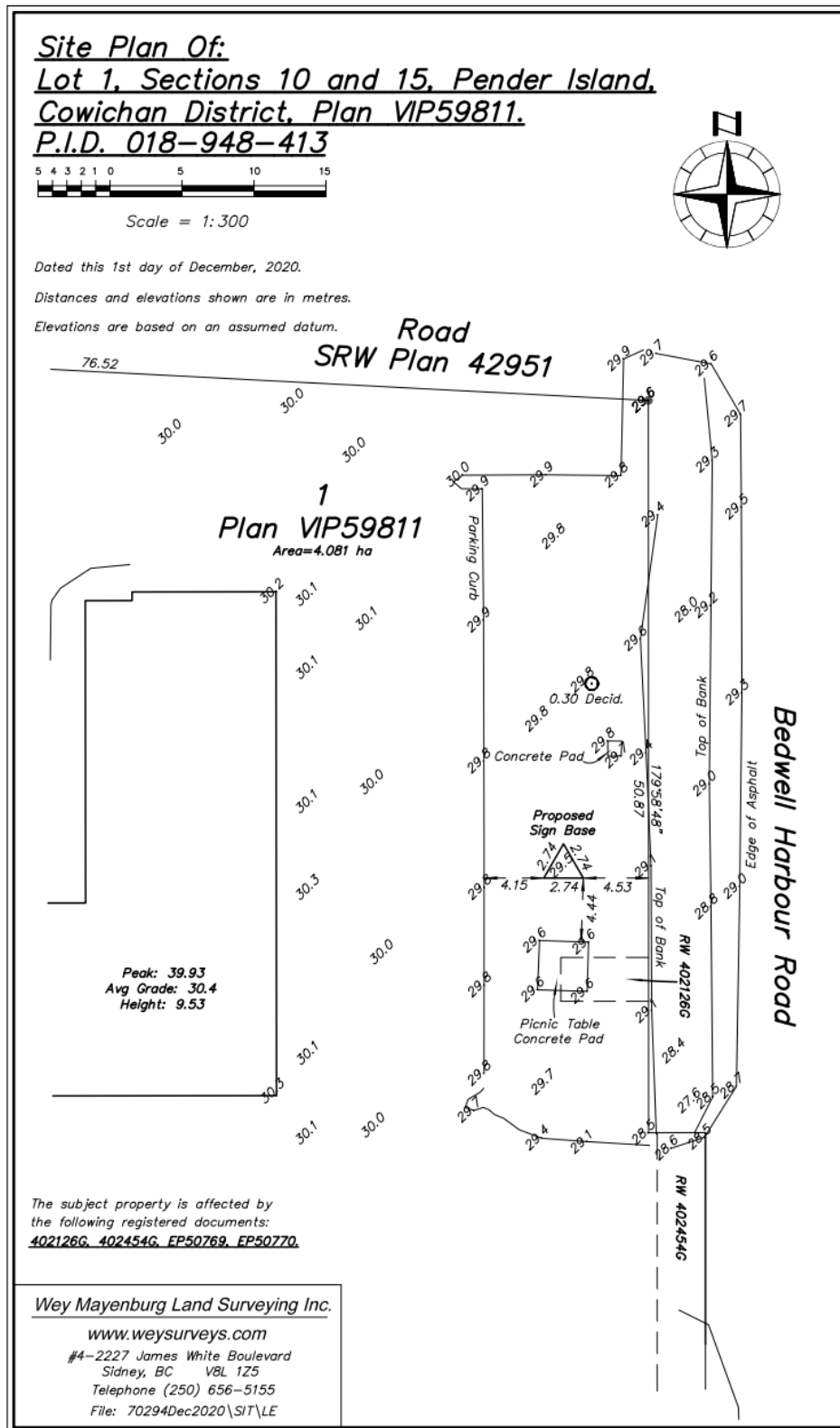
Islands Trust Conservancy	There are no Trust Fund Conservancy covenants or properties in proximity to the proposed development.
Regional Conservation Strategy	The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	No sensitive ecosystems near the location of the proposed sign.
Hazard Areas	The proposed sign will not be in a slope hazard.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There will be minimal construction proposed as part of this application therefore potential GHG emission changes resulting from approval are nil. Given the location and elevation, the potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral.

ATTACHMENT 2 – MAPS & PLANS

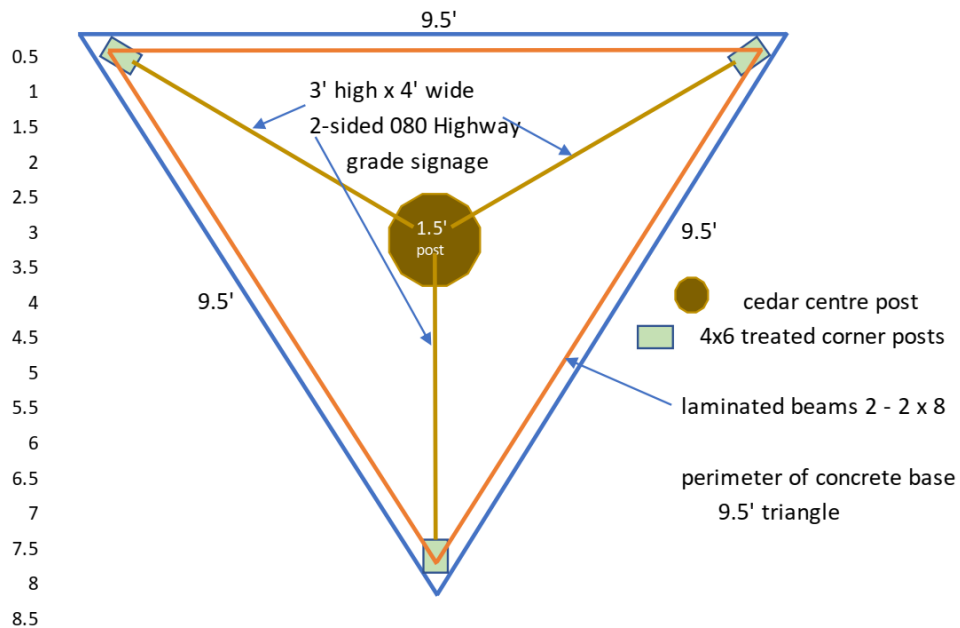
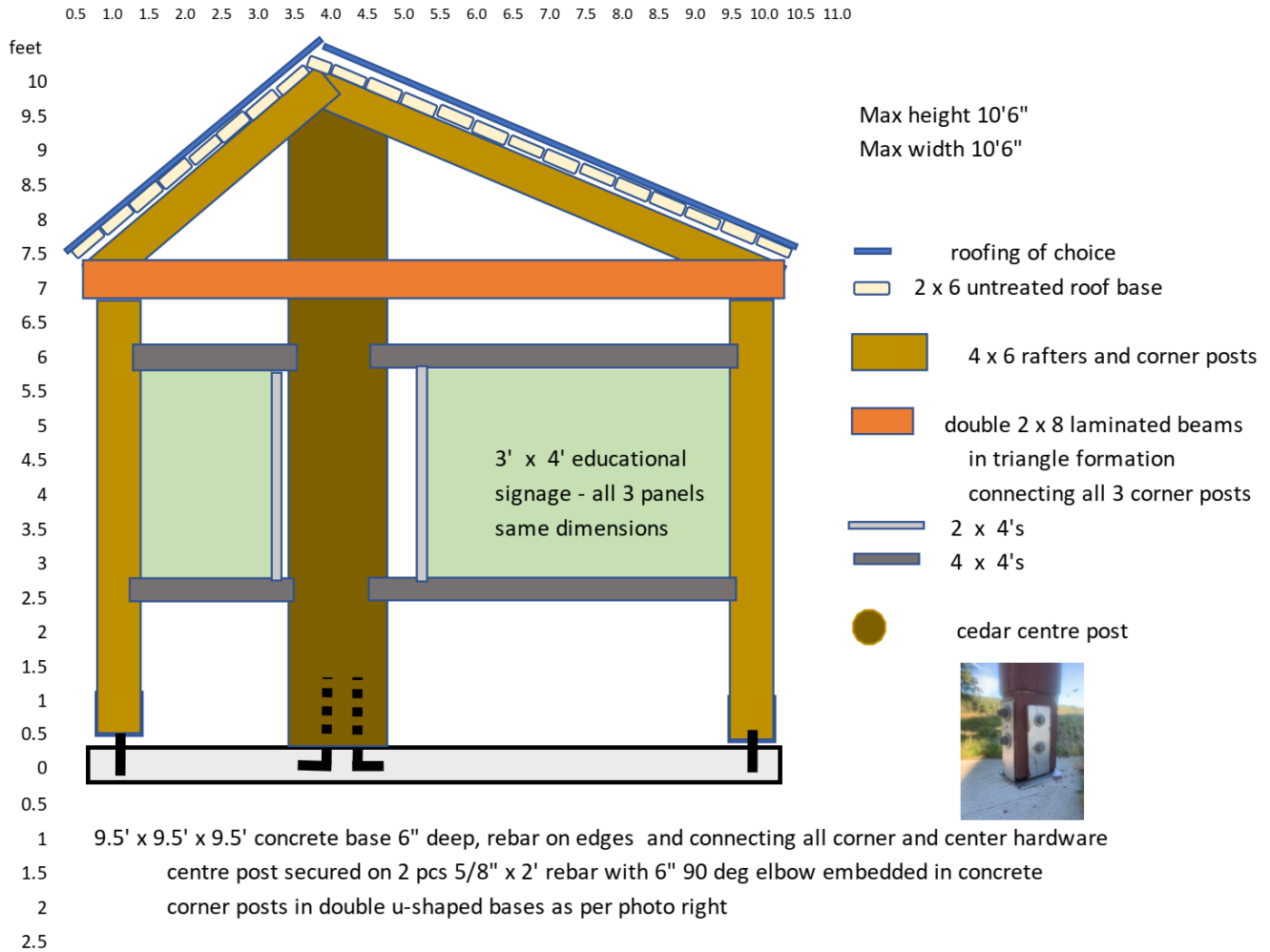
2.1 ORTHOPHOTO WITH ZONING



2.2 SURVEY PLAN



2.3 SIGN PLANS



2.4 PHOTOGRAPH



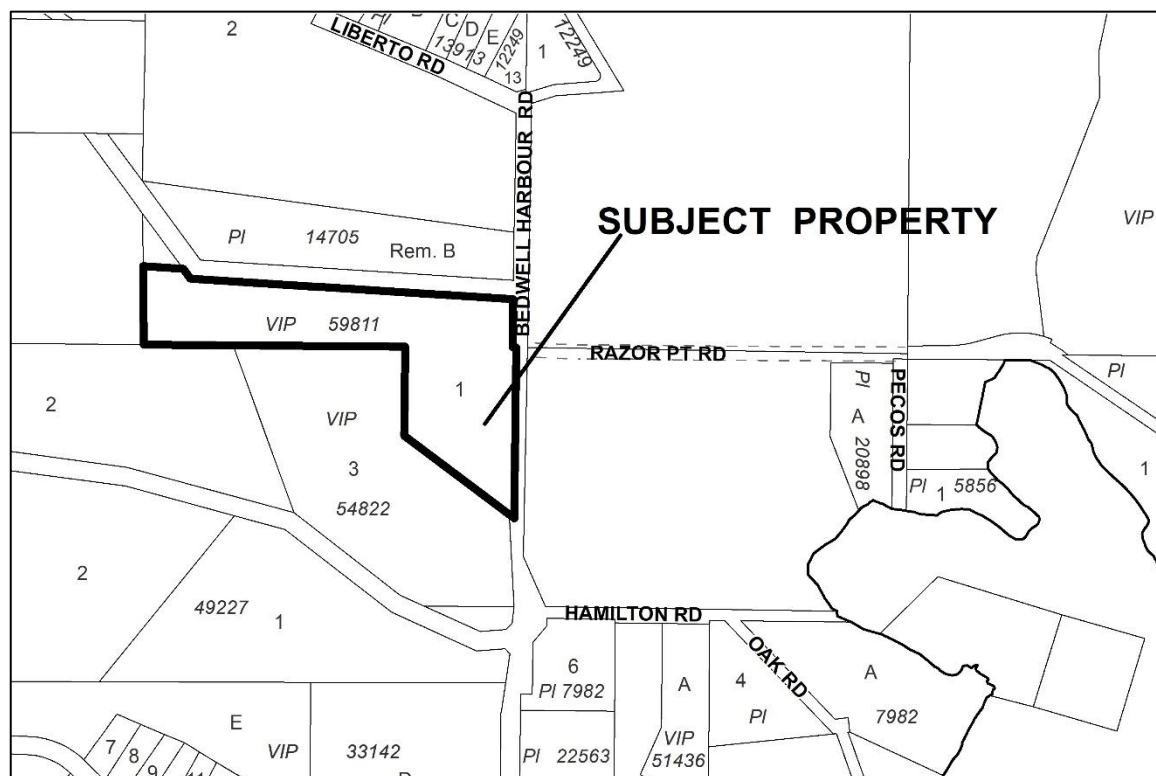
NOTICE
NP-DVP-2021.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the North Pender Island Land Use Bylaw No. 103 by:

- Reducing the minimum setback distance to a side lot line from 7.5 to 4.5 metres to permit a proposed educational sign structure.

The property is located at **4605 Bedwell Harbour Rd** and is legally described as Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP59811 (PID: 018-948-413).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **July 9, 2021** and continuing up to and including **July 20, 2021**.

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

Enquiries or comments should be directed to Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandtrust.bc.ca before 4:30 p.m., **July 20, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **9:00 a.m., July 29, 2021**.

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



Islands Trust

PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2021.2**

To: Hardal Management Inc., Inc. No. BC1147178

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

Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP59811
(PID: 018-948-413)

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

- a) Subsection 5.2.1, which states one commercial sign may be located within 7.5 metres within the front or side lot line, is varied to permit an educational sign structure as close as 4.5 metres from the side lot line.

The development shall be substantially consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2021.2

SCHEDULE 'A' – Site Plan

Site Plan Of:

Lot 1, Sections 10 and 15, Pender Island.

Cowichan District, Plan VIP59811.

P.I.D. 018-948-413



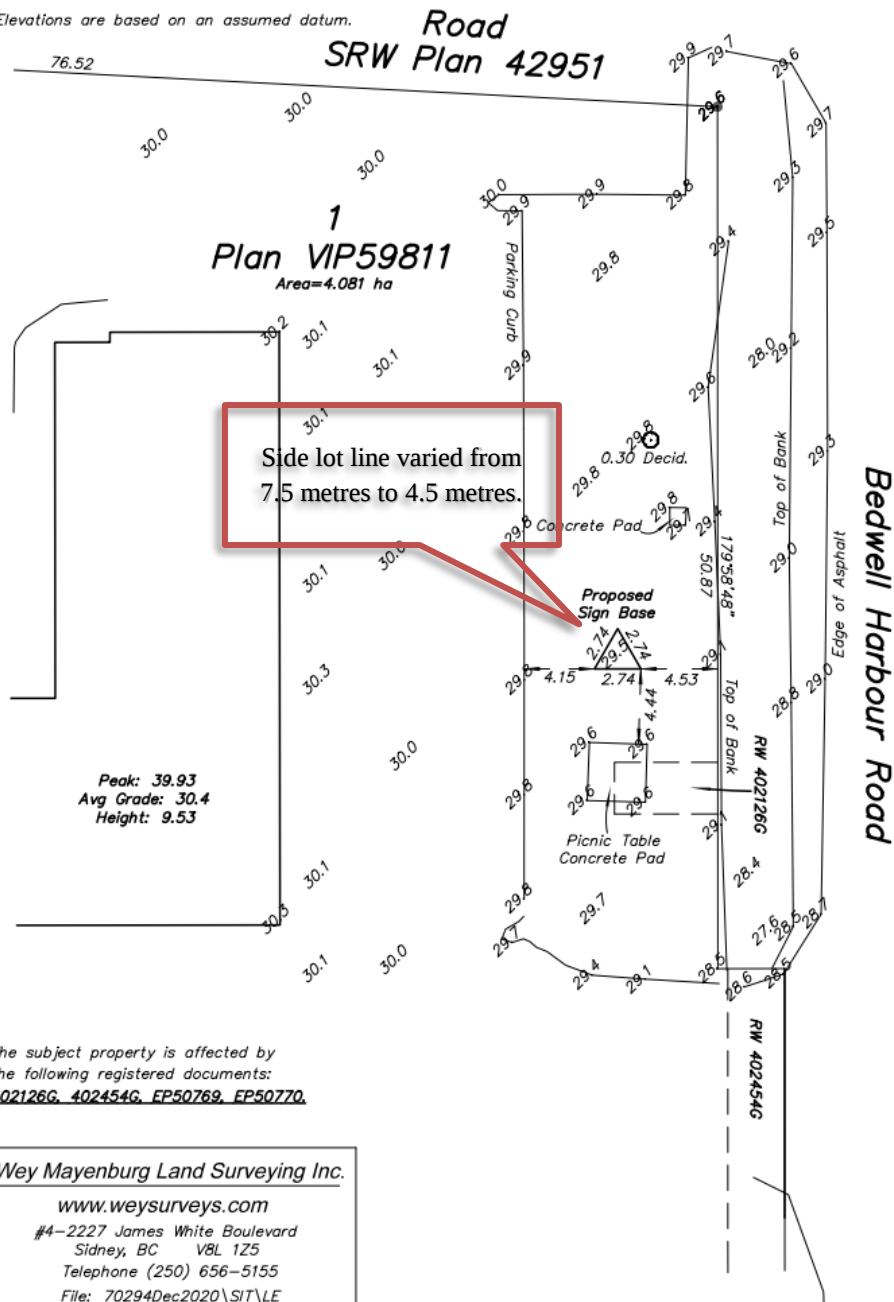
Scale = 1:300



Dated this 1st day of December, 2020.

Distances and elevations shown are in metres.

Elevations are based on an assumed datum.



The subject property is affected by
the following registered documents:
402126G, 402454G, EP50769, EP50770.

Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

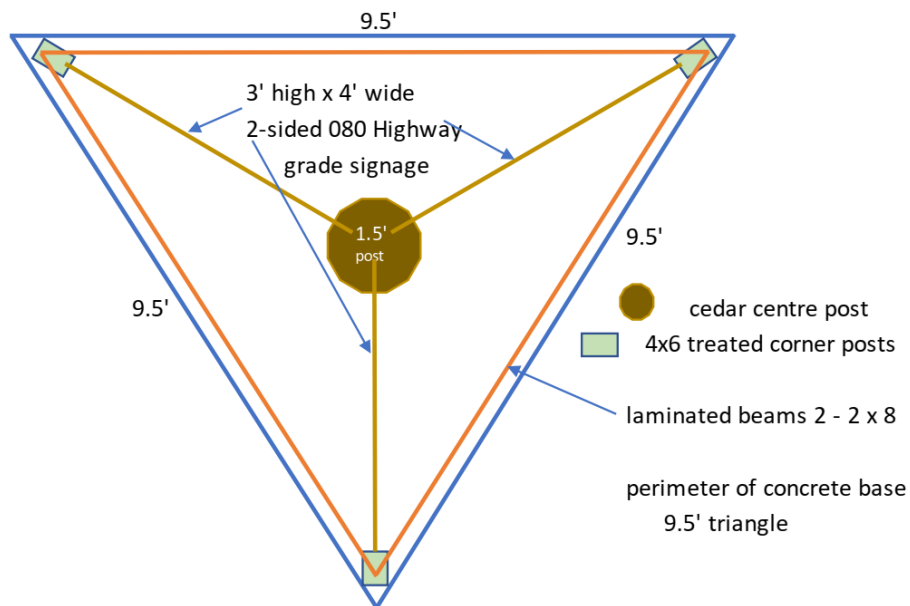
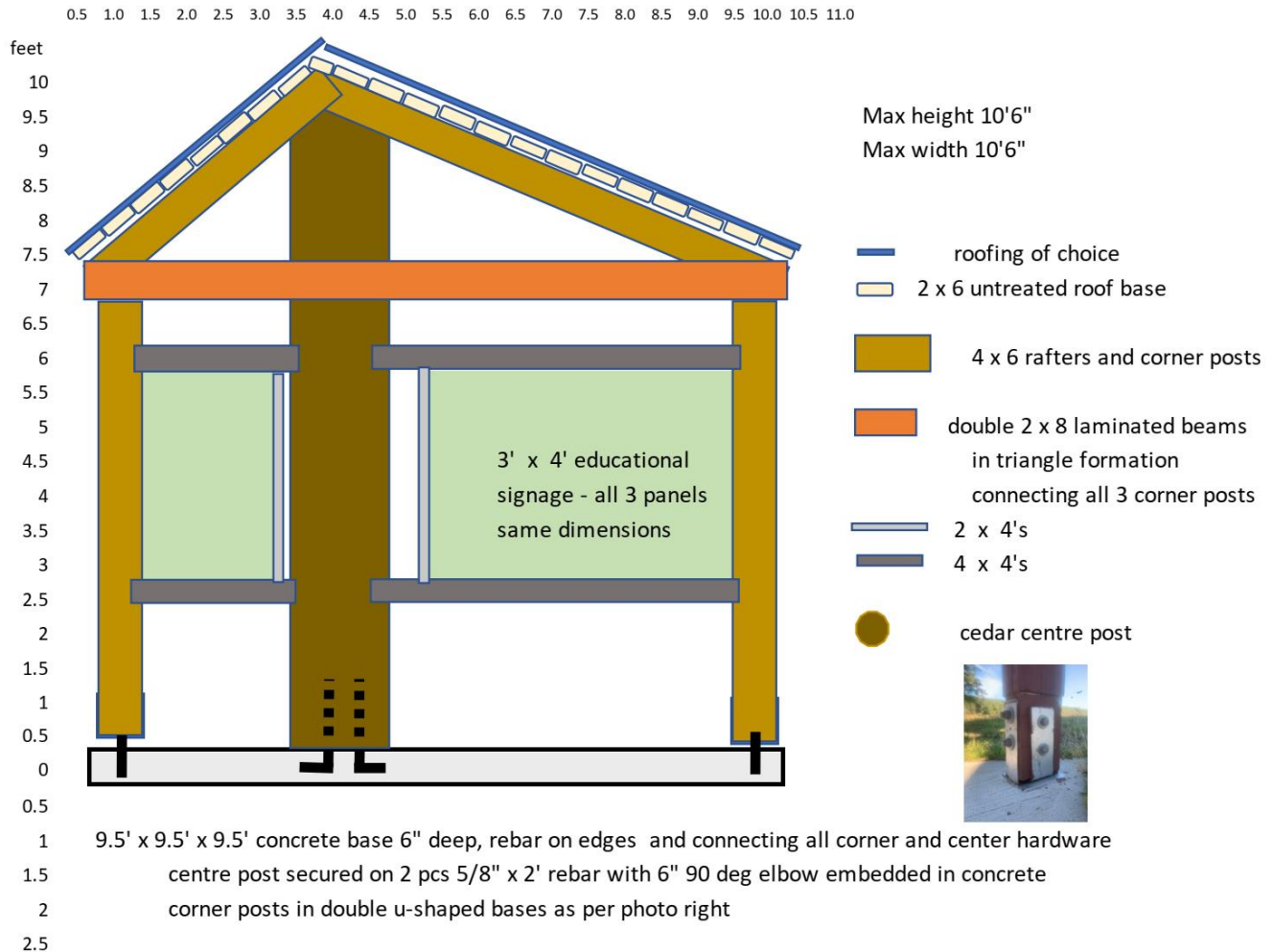
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5

Telephone (250) 656-5155

File: 70294Dec2020\SIT\LE

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2021.2

SCHEDULE 'B' - Elevations



DATE OF MEETING: July 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to schedule two Special Meetings in the Fall 2021 to present the draft bylaws for the Land Use Bylaw Review Project.

REPORT SUMMARY

The purpose of this report is to introduce bylaw amendments for the agricultural, tourist accommodation, and marine and shoreline regulations and to schedule Community Information Meetings (CIMs) in the fall.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses the following topic areas:

1. Residential floor area review.
2. Tourist Commercial regulation review.
3. Marine shoreline regulations review.
4. Agricultural regulations amendments.
5. Industrial regulation review.
6. Minor and technical amendments

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

<https://islandstrust.bc.ca/island-planning/north-pender/projects/>.

At the June 24, 2021 LTC Special Meeting, the LTC passed the following resolutions:

NP-2021-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff

Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.

CARRIED

NP-2021-074

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.

CARRIED

NP-2021-075

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve the updated Project Charter for the Land Use Bylaw Review Project dated June 24, 2021.

CARRIED

Staff have incorporated the items outlined in the NP LTC resolution chart (attachment no. 1) in a blacklined version of the draft bylaw for the following topic areas: industrial, agricultural, tourist accommodation, and marine/shoreline. Due to the size of the draft bylaw, it will not be attached to the staff report but can be found on the [Project's webpage](#) under "LUB Review Project – 8. Draft Bylaws": Blackline Draft Bylaw. The blackline version of the draft bylaw will be updated on the website prior to each subsequent LTC meeting (if changes have been made).

ANLYSIS

Agriculture LUB Amendments

At the April 29, 2021 Special Meeting, the LTC gave direction to staff to draft bylaw amendments based on the recommendations found in the attached table to the staff report dated [May 12, 2021](#) with the following amendments:

- Table Item 1 – Divide the Rural Residential zone into two zones:
 - Rural Residential A (properties located within Magic Lake Estates Water District and the Trincomali Water District).
 - Rural Residential B (all other RR zoned properties).
- Table Item 2 – Agriculture as a primary permitted use in the new RR2 zone.
- Table Item 21 – Amend LUB to require a Bylaw Enforcement Officer to give notification to the occupiermay prior to entering onto a property.

The North Pender LTC also requested the North Pender Agricultural Advisory Planning Commission (AAPC) meet to review the staff report dated April 29, 2021 and provide written feedback. The AAPC provided the following additional comments:

- Rural Residential B zoning be created for areas of North Pender Island excluding those within a water works district. Further that agriculture be a permitted primary use within the Rural Residential B zone.
- Rural Residential B zoning table. The AAPC outlined regulations that should be included in the RRB zone. These regulations would mirror the agriculture regulations in the Rural zone. Staff will include these recommendations in the draft bylaw.
- Shipping containers are a form of farm equipment and should be permitted on properties having farm tax status, irrespective of zoning.
- Farm worker accommodation be permitted on all lots having farm tax status and demonstrated need as appropriate to lot size and that the AAPC will provide further details on this recommendation after researching the subject further.

- Temporary Use Permit system be assessed to provide a mechanism that could facilitate temporary accommodation for farm workers on farm land. Further that the Commission requests Staff to provide an assessment of the Temporary Use Permit requirements in this area, and specifically where flexibility and new innovative processes may be possible.

The comments and recommendations from the AAPC and direction given by the LTC have been included in the draft bylaw amendment. The following items are for the LTC's information and further consideration:

1. New Rural Residential 2 (RR2) Zone

The new RR2 zone has been added to the draft bylaw amendment based on recommendations from the AAPC. All current Rural Residential (RR) zoned properties not connected to a water system except for those lots connected to the Razor Point water system, will be rezoned to the new RR2 zone. Current RR zoned properties connected to the Magic Lake water system and the Trincomali water system will retain the RR zoning which will be referred to as the RR1 zone (and agriculture will not be a primary permitted use on these lots). The AAPC provided a table outlining the recommended uses and regulations for the new RR2 zone (see Attachment 2). The new RR2 zone will differ from the RR1 zone in the following ways: allows agriculture as a primary permitted use, and allows agri-tourism and agri-tourist accommodation as an accessory use.

Amendments are required to the Official Community Plan (OCP) as allowing agriculture as a primary permitted use in the Rural Residential zone does not align with the following Rural Residential:

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

2.1.1.9 Larger lots and/or increased setback requirements shall be required where Rural Residential areas abut areas suitable for agriculture as a means to minimize conflicts between rural residential and agricultural land use activity.

The LTC has the following options to address the above noted OCP policies:

- Amend or add a new policy to the Rural Residential designation section in the OCP that supports agriculture on RR zoned lots not connected to a water system with the exception to those lots connected to the Razor Point Water System.
- Allow agriculture on RR2 lots either as an accessory use or on lots over a certain size. Although OCP amendments may still be required, the intent of Policies 2.1.1.1 and 2.1.1.9 will be met.

2. Farm Worker Housing

The AAPC recommends allowing farm worker housing on all lots having farm tax status and where there is a demonstrated need and appropriate lot size. The difficulty with this approach is that the only mechanisms for the Local Trust Committee to use that would require a property owner to demonstrate need is by Temporary Use Permit (TUP) or rezoning application. In addition, the North Pender OCP Agriculture policy 2.2.5 states that the LTC may consider temporary farm worker accommodation only when it is necessary for farm purposes and when it is consistent with recommendations from the Regional Agrologist.

2.2.5 The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agrologist.

The LTC has the following options to address the need for farm worker accommodation:

- a. Reduce TUP application fees for farm worker accommodation. The current application fee for a TUP application is \$1,100 and could be reduced to provide a more affordable option for farmers. However, the LTC will shortly be asked to consider amendments to the fees bylaw to increase fees generally, in line with the model fees bylaw recently endorsed by Trust Council. Reducing the TUP application would require a bylaw amendment to the North Pender Fees Bylaw No. 173 and would require approval from the Executive Committee. If the LTC does approve a TUP application for temporary farm worker accommodation, permission from the Agricultural Land Commission (ALC) would still be required.
- b. Permit one farm worker accommodation unit outright in the Agriculture zone for those lots with Farm Status and located within the Agricultural Land Reserve (ALR) in the Agriculture zone. This option is not consistent with OCP Policy 2.2.5 as there is no mechanism for the Islands Trust to ensure the use is for farm purposes, there is a demonstrated need nor confirmation the proposal is consistent with the recommendations of the Regional Agrologist. If the LTC does amend the LUB to permit one farm worker accommodation, the new regulation must meet the OCP Policy 2.2.5; specifically that the accommodation is temporary in nature. The OCP policy is not specific as to if the dwelling itself must be temporary or if the occupancy is temporary (to be used for seasonal workers only). An amendment to the OCP may be required.

Although the LUB could permit farm worker accommodation outright, ALC approval is still required. An application for a Non-Adhering Residential Use (NARU) to the ALC would provide some opportunity for the LTC to request the above mentioned information from the application (ensuring it is necessary for farm purposes, that it meets the recommendations of an Agrologist, etc.). There is a potential risk with this option as the ALC has the ability to change their regulations and requirements in the future to not require applications for farm worker accommodation and permit them outright. If this were to happen, the LTC would have no mechanism to ensure the farm worker accommodation would meet the OCP policies.

Commercial Tourist Accommodation

Staff have provided amendments to the Commercial 2 (C2) zone from the direction given to staff by the LTC at the May 12, 2021 LTC meeting and as outlined in Attachment 1 of the [staff report](#) dated May 12, 2021. The following points require further direction from the LTC:

1. MacKinnon Road Properties (1325, 1329, 1333, & 1349)

At the May 12, 2021 LTC meeting, the LTC requested staff to contact C2 zoned property owners on MacKinnon Road to notify them of the potential zoning changes to their properties. The LTC has received written comments from three of the MacKinnon property owners, while the fourth property (1333 MacKinnon Road) is currently for sale.

The draft amendments include density changes to 1325 MacKinnon Road (reduction of 9 Commercial Accommodation Units to 3) as they were the only property owners expressing support to reduce the density. As outlined in Table 1, property owners for 1329 and 1349 MacKinnon Road have requested to retain the CGAU density.

The LTC has the following options for consideration:

- a) Make no changes to the density for the four MacKinnon Road properties;
- b) Only reduce the CGAU density for 1325 MacKinnon Rd and retain the density for the three other MacKinnon Road lots (as shown the draft bylaw); or
- c) Reduce the density for all four properties.

Table 1 – MacKinnon Rd C2 zoned properties

Property	Zoning	Property Information	Comments
1325 MacKinnon Rd	C2(e) – permits 9 CGAUs.	-1 dwelling unit and 1 trailer 0.56 ha (1.4 acres) with the intent to eventually have one dwelling unit and 3 CGAUs on the property.	Property owners have stated that they have no object with reducing the permitted CGAUs from 9 to 3.
1329 MacKinnon Rd – The Tides	C2(d) – permits 26 CGAUs.	-Currently 6 CGAUs on the property with the intent to expand the commercial accommodation business. -Property was recently purchased in Fall 2020. -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density. -1.2 ha	The property owner has indicated a desire to retain the current density as permitted in the zone (26 CGAUs).
1333 MacKinnon Rd	C2(b) – permits 10 CGAUs.	-1 Dwelling Unit -0.57 ha (1.4 acres) -Property for sale	Property is currently for sale.
1349 MacKinnon Rd – Otter Shores	C2(c) – permits 10 CGAUs	-5 CGAUs currently on property. -Property owner plans to construct 4 more CGAUs (fourplex building) -Property owners recently purchased property -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density. -0.75 ha	Property owner has indicated a desire to retain the current density as permitted in the zone (10 CGAUs).

2. Driftwood Centre

At the May 12, 2021 LTC meeting, the LTC gave direction to staff to reduce the CGAUs to the number currently established on the property. The Driftwood Centre property is permitted to operate 27 CGAUs and two accessory dwelling units and to date there are no CGAUs or dwelling units constructed on the portion of the property zoned Commercial 2. The LTC has the following options:

- a) Reduce the number of permitted CGAUs;
- b) Retain the current permitted 27 CGAUs; or
- c) Rezone the property to a Commercial 1 (C1) use (or another zone).

At the time of writing the staff report, staff have not received comments from the property owner (letter sent to property owner in February 2021). Staff will contact the owner and provide a verbal update at the July 29, 2021 meeting regarding the property owner's intent and recommendations for zoning.

3. Employee Housing Options

At the May 12, 2021 meeting the LTC asked staff review and provide options for higher density developments to require employee accommodation. Staff added Article 8.5.3(3) which permits an employee to occupy one of the two permitted accessory dwellings. The LTC could further revise this to require tourist accommodation operations to provide additional employee housing in the second dwelling:

- a) Add a provision that requires the allocation of one of the two accessory dwelling units to be used for employee housing for those lots where tourist accommodation units exceed 20 units.

Marine & Shoreline Amendments

At the May 12, 2021 LTC special meeting, the LTC passed the following resolutions regarding the marine and shoreline regulations:

NP-2021-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.

CARRIED

NP-2021-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.

CARRIED

Staff have incorporated the options outlined in Table 1 attached to the [staff report](#) dated May 12, 2021 for the marine and shoreline regulations. In addition, staff have removed stairs as an exemption from the natural boundary of the sea setback. As outlined in the draft bylaw, the amended Subsection 3.7.2 (buildings and structures that are exempt from the setback to the sea) is as follows:

"3.7.2 The following buildings or structures are exempt from Subsection 3.7.1:

- (1) anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland,*
- (2) a dock walkway or ramp not exceeding 3 metres in length, and*
- (3) pumphouses."*

The LTC may want to consider removing all structures required to access a dock (proposed 3.7.2(2) as outlined above) to be consistent with the direction to not permit stairways within the setback from the natural boundary of the sea, and to be consistent with the direction to require rezoning applications for all future docks.

Upland structures (stairways, or walkways to access a dock) constructed prior to the adoption of the LUB amendment bylaw would be protected by Section 529 of the *Local Government Act*. The property owner would then have the ability to maintain, extend or alter the structure(s) as long as there is no increase to the non-conformity (in other words the structure does not project even more into the setback to the natural boundary of the sea). If the property owner would like to increase the non-conformity, or for those property owners who would like to construct these structures within the setback to the sea after bylaw adoption, a Development Variance Permit would be required.

Project Charter

Staff recommend scheduling two Community Information Meetings (by Special Meetings) over the fall and early winter months to gather comments from North Pender community members. The CIMs can be scheduled on Saturdays (one on October 16 or 23, 2021) and the second in November or December. This would allow community members to review the draft bylaw prior to first reading (the October CIM), and also after amendments have been made by the LTC over the fall months (second CIM November or December).

A draft resolution is outlined on Page 1 of the staff report for the LTC's consideration.

Table 6 – Project Charter v.2 Timeline

Workplan Overview	
Deliverable/Milestone	Date
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – July 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>July - Sept 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>Sept - Nov 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Nov '21 – April '22</i>

Agencies

A list of referral agencies and First Nations will be provided to the LTC at a subsequent meeting when a draft bylaw is in process.

First Nations

Staff will work with the Islands Trust Senior Intergovernmental Policy Advisor to organize early bylaw referrals to First Nations.

Rationale for Recommendation

If the LTC provides staff with clear direction with how to proceed with the above mentioned topics, staff will continue with drafting the bylaws and schedule two Community Information Meetings over the fall/early winter.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, 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 staff to provide further information on...

2. Schedule additional Special Meetings

The LTC may wish to hold additional Special Meetings in order to gather further information on one or more of the topic areas. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss [insert topic area].

3. Referral to the Advisory Planning Commission

The LTC may opt to refer one or more Discussion Papers, or a table or chart to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to proceed no further with the project.

NEXT STEPS

Staff to continue with bylaw drafting and present the final draft bylaw (including maximum floor area and the technical amendments) at the September LTC meeting. Staff will also prepare for the CIMs in the fall.

Submitted By:	Kim Stockdill, Island Planner	July 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	July 21, 2021

ATTACHMENTS

1. NP LTC Resolutions Chart
2. SPAAPC Table for new RR Zone

LTC Resolutions/Direction to Staff

NP LUB Amendment Project

Date	Topic	Resolution or Informal Direction	Motion/Direction	Staff Comments
January 28, 2021	Marine & Shoreline	Direction	LTC supports removing docks as a permitted use and to grandfather existing docks by zoning tenures.	-Staff will recommend LTC makes this a resolution at the next LTC meeting.
March 18/21	Max Floor Area	Resolution	NP-2021-030 It was Moved and Seconded, that the North Pender Islands Local Trust Committee direct staff to create a report reflecting the discussion on floor area review on March 18, 2021.	-comments regarding floor area definition (to internal side of external walls), lot coverage and impermeable surfaces, and South Pender maximum floor area.
March 18/21	Agriculture Regulations	Resolution	-Invite SAAPC to April 29 th NP LTC meeting to discussion the SAAPC recommendations.	-Give SAAPC a specific time of discussion (10am?) -Highlight question regarding RR zoning and potential Ag regs.
March 18/21	Industrial Regulations	Direction	LTC supports the removal of Industrial designations and and industrial zoning from steep slope areas, specifically Port Washington area and steep slope adjacent to recycling centre.	Chart 7 -Organize with mapping
		Direction	LTC supports amending OCP designation for 005-773-954 to Industrial (lot east of home hardware), level portion only	Chart 9 -Map amendment
		Direction	Amend the OCP and Zoning for portions of 3418 Otter Bay Rd currently zoned I2(b) and I2(c). New OCP designation – Community Service. New zoning for I2(b) would be Community Service that permits waste transfer and new LUB zoning for I2(c) would permit waste transfer, composting and recycling.	
		Resolution	NP-2021-032 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee</i>	Chart 10

			<i>Official Community Plan Implementation Options</i> dated March 18, 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone. CARRIED	
		Direction	Review and update the industrial permitted uses and to allow basic, light industrial uses (including contractor yards and storage).	Chart 11
		Direction	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	Chart 13
		Decision on hold	Rezone 3338 Port Washington (Home Hardware) to commercial	Chart 14
		Direction	Keep site specific zoning for boat storage on Hamilton Road	Chart 15
		Resolution	NP-2021-033 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.	Chart 16 - Rezone 3323 Port Washington (Mainroad) to the general industrial zone.
		Direction	Rezone 3334Port Washington (TUP) to the general industrial zone.	Chart 17
April 29, 2021	AG	Resolution	NP-2021-042 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.	-Focus on scale of agriculture in terms of new RR zone (RR2) -RR2 to be all areas outside of Magic Lake and Trincomali water districts.
	AG	Resolution	It was Moved and Seconded, that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback	

May 12, 2021	C2 zone	Resolution	Staff to contact four MacKinnon Rd owners/operators and notify them the LTC is considering reducing the permitted Commercial Guest Accommodation units for each property, and is considering rezoning the properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses. NP-2021-050 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential. By general consent, the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.	-Staff to provide comments from each property owner in next staff report. -Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).
		Resolution	NP-2021-051 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property	Reduce the number of permitted Commercial Guest Accommodation Units to the existing density on each property.
		Direction	Add provision that requires employee accommodation for higher density developments.	
		Direction	Staff to provide options for requiring onsite operators 24/7.	
	Minor Amendments	Direction	By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use	Add generator use (restriction of) to campground regulations.
May 12, 2021	Marine/ Shoreline	Resolution	NP-2021-053 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.	Draft bylaws based on recommendations found in Table 1 attached to May 12, 2021 staff report.

		Resolution	NP-2021-052 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.	Stairs not to be exempt from the setback to the natural boundary of the sea.
May 12, 2021	Minor Amendments	Direction	Remove 'fencing' from option for Landscape Screening. Screening should be planning/vegetation only.	-“a” in Table of Minor & Tech Amendments
		Direction	Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection.	-“f” in Table of Minor & Tech Amendments.
		Direction	Add regulation to allow one accessory building/structure with a maximum floor area of 10m ² .	-“l” in Table of Minor & Tech Amendments
		Direction	Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.	-“m” in Table of Minor & Tech Amendments
		Resolution	NP-2021-054 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.	Add minor/technical amendments to draft bylaw.
May 27, 2021	Minor Amendments	Resolution	NP-2021-068 It was Moved and Seconded, that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.	-This item has been added to the technical amendment list.
June 24, 2021	Max Floor Area	Resolution	NP-2021-073 It was Moved and Seconded, that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the	-include options to regulation total maximum floor area for all buildings and structures.

			Staff Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.	
		Resolution	NP-2021-074 It was Moved and Seconded, that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.	

Agriculture Advisory Planning Committee
Land Use By-law Review

Proposed Rural Residential (B) Zone – Permitted Agricultural Uses and Limitations

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
subdivision	Min 0.25 - 0.40 ha No subdivision unless average lot size is >0.6 ha	Only 5 RR have farm status – Old Orchard Farm, 2 on Port Wash, 2 on Clam Bay Rd NTD – as density increases the potential for impacts and conflicts between agriculture and residential use will increase	Min lot size 0.6 ha No subdivision unless average lot size is >4 ha 32 rural or split zoned rural have farm status	No lot <16 ha may be created by subdivision Note – 16 ha is excessively restrictive today 23 parcels with farm status, 15 don't (some with a little ALR on a split zoned rural property)
Residential density	Max one dwelling, one secondary suite and one cottage on any lot		Max one dwelling, one secondary suite and one cottage on any lot	Max one dwelling, one secondary suite and one cottage on any lot
Permitted	1 Dwelling / lot	(subject to farm worker accommodation)	1 dwelling / lot	1 dwelling / lot
Permitted	+ cottage if >1.2 ha		+ one cottage if > 1.2 ha	+ 1 cottage if >1.2 ha
Permitted	Secondary suite		Secondary suite	Secondary suite
Permitted		agriculture	agriculture	agriculture
Lot coverage	<25%		<25%	<35%

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
				+40% for commercial greenhouses
Accessory Uses	home business		home business	home business
Accessory Use			home industry if > 2 ha	home industry
Accessory Use			Agriculture [Move to permitted use]	Agriculture [Move to permitted use]
Accessory Use	horticulture		horticulture	Horticulture
Accessory Use	Road side produce stands <10m2	Road side produce stands <10m2	Road side produce stands <10m2	Road side produce stands <10m2
Accessory Use		Farm retail sales	Farm retail sales	Farm retail sales
Accessory Use	rabbit and poultry raising			
Accessory Use	livestock on lot >0.4 ha			
Accessory Use		Agri-tourism	Agri-tourism	Agri-tourism Existing Only on ALR land in AG zone Must be in a permitted dwelling or cottage

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
				May include meeting rooms and dining facilities May not include a restaurant or any commercial or retail goods and services Max # of guests 6 guests in 3 bedrooms [enter proposed]
Accessory Use		Farm worker accommodation	Farm worker accommodation	Farm Worker accommodation
Not permitted on lots <1.2 ha	Pig farming Dog breeding Boarding kennels	Pig farming Dog breeding Boarding kennels	Pig farming Dog breeding Boarding kennels	
Front & Rear lot line setbacks	7.6 m from front or rear lot line		7.6 m from front or rear lot line	7.6 m from front or rear lot line
Side lot line setbacks	3.0 – 4.5 m on side lot lines		6.1 m on side lot lines	6.1 m on side lot lines
Building height	Max 9.7 m		Max 9.7 m	Max 9.7 m
Landscape strips	Lots >2.4 ha must have landscape strip for environmental protection		Lots >8 ha must have landscape strip	Commercial greenhouse must have landscape screen

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
Siting Restrictions		No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line	No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line	No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line
Siting Restrictions		No animal enclosure within 7.6 m of any lot line	No animal enclosure within 7.6 m of any lot line	No animal enclosure within 7.6 m of any lot line
Fencing Height	<3m	<4 m	<3m <4 m	<3m <4m



Top Priorities Report

North Pender Island

1. *STVR Review Project*

Bylaw No. 222 was given First Reading, referrals have been sent, and Public Hearing and Community Information Meeting held on February 25, 2021.

Responsible

Kim Stockdill

Dates

Rec'd: 05-Sep-2019
Target: 01-Jul-2021

2. *Groundwater Sustainability Project*

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - Completing in spring 2021

Responsible

Narrisa Chadwick
William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 30-Sep-2022

Phase 3: Groundwater Mapping Implementation -
- Project Charter - January 2021

3. *LUB Review Project*

Project is in the community consultation phase. Recommendations for a draft bylaw will be considered by the LTC in early 2021.

Responsible

Kim Stockdill

Dates

Rec'd: 07-Nov-2019
Target: 01-Jan-2022

4. *Soil bylaw*

To consider a soil deposit and removal bylaw

Responsible

Dates

Rec'd: 25-Mar-2021
Target: 31-Mar-2022

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit and mapping
- LPC to develop model bylaw in 2021-22

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020



Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2021.1	Heath Lansdowne Design Planner: Phil Testemale	06-May-2021	5431 HOOSON RD - adding onto a legal non-conforming building
Planning Status			
Status Date: 19-Jul-2021 Notice prepared. Hearing scheduled for August 19th			
Status Date: 17-Jun-2021 PTA arranging hearing schedule			
Status Date: 08-Jun-2021 Assigned to Phil T - DL			

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Application for development permit for a building in a form and character DPA
Planning Status			
Status Date: 17-May-2021 Associated Subdivision (2017.3) is nearing completion. Applicants will be initiating work on form and character DP			
Status Date: 13-May-2020 Nu to Yu - File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3			
Status Date: 06-Jun-2018 Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.			



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.1	CHAREST, PERRY	10-Feb-2021	2724 Spyglass Road - Application for a sensitive ecosystem DPA, to run sewer line from Lot 148 using easement on Lot 147 (PID 003-056-236) to sewer line near Buck Lake

Planner: Phil Testemale

Planning Status

Status Date: 22-Jul-2021

Assessment report now submitted. Awaiting confirmation of provincial approval. Sept. 30 agenda for consideration

Status Date: 17-Jun-2021

FLNRO has not received assessment report from QEP (Dave Gooding). Applicant advised that file moved to July 29, 2021 for consideration pending approvals.

Status Date: 10-Mar-2021

Planner assigned by RPM; sent confirmation email to Applicant that we are proceeding further with application; emailed AppPkg to LTC; requested Subj Prop Map from GIS; physical folder to Planner. - SR

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.4	Peter Driessen	17-Jun-2021	181 MAPLELEAF LANE - Development Permit application for a single family dwelling to be located less than 10 meters from an internal lot line.

Planner: Phil Testemale

Planning Status

Status Date: 22-Jul-2021

Sept 30 LTC for consideration

Status Date: 23-Jun-2021

Assigned to Phil - DL

Status Date: 22-Jun-2021

Fees request email sent -DL



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.5	Raymart Resuello/AJIA Canadian Building Sys. Inc.	21-Jun-2021	3703 LOOKOUT CRES - Application for a DP for development in a riparian DPA
Planner: Phil Testemale			
Planning Status			
Status Date: 22-Jul-2021 October 28 agenda for consideration			
Status Date: 15-Jul-2021 file assigned to Phil by RPM, pmt receipt letter and planner details emailed to applicant, LTC emailed. - DL			
Status Date: 14-Jul-2021 mapping request sent - DL			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2021.2	Dorothy Murdoch/Hardal Management Inc.	26-May-2021	4605 BEDWELL HARBOUR RD - to erect a 3-D tourist sign
Planner: Kim Stockdill			
Planning Status			
Status Date: 21-Jul-2021 Application placed on July 29, 2021 agenda.			
Status Date: 24-Jun-2021 file opened and assigned to Kim. Payment receipt Letter and planner info sent to applicant - DL			
Status Date: 09-Jun-2021 Waiting for updated site plan (received) and elevation drawings from applicant (received). KS			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2021.3	Peter Driessen	17-Jun-2021	181 MAPLELEAF LANE - application for a DVP for a single family dwelling to be built 1 meter inside Development Permit Area

Planner: Phil Testemale

Planning Status

Status Date: 23-Jun-2021

Assigned to Phil -DL

Status Date: 22-Jun-2021

Fees request email sent -DL

Status Date: 21-Jun-2021

email sent to applicant, awaiting confirmation of fees to charge as this is x-ref'd to NP-DP-2021.4 and NP-BP-2021.29

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2021.4	Raymart Resuello/AJIA Canadian Building Sys. Inc.	21-Jun-2021	3703 LOOKOUT CRES - Application for a variance for siting of a garage in a setback

Planner: Phil Testemale

Planning Status

Status Date: 15-Jul-2021

file assigned to Phil by RPM, pmt receipt letter and planner details emailed to applicant, LTC emailed. - DL

Status Date: 14-Jul-2021

mapping request sent -DL

Status Date: 13-Jul-2021

e-transfer instructions emailed to applicant -DL



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	Jl Properties Inc	21-Oct-2008	James Island - To create 83 lots

Planner: Phil Testemale

Planning Status

Status Date: 21-Apr-2021

Correspondence from applicant's legal counsel on April 29, 2021 LTC agenda

Status Date: 17-Mar-2021

In camera meeting scheduled for March 26, 2021

Status Date: 18-Feb-2021

Feb 25, 2021 agenda for acceptance of covenants. Cash-in-lieu pending review and CRD Board approval

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD: referral of a bare land strata subdivision application for 11 lots, including remainder

Planner: Kim Stockdill

Planning Status

Status Date: 04-May-2021

PLR request received. Extension for one year granted by MOTI.

Status Date: 08-Mar-2021

PLA extension request received. Replied with no objections.

Status Date: 02-Jul-2020

Access road construction plans submitted for information.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	Referral of a subdivision application for 2 lots

Planner: Phil Testemale

Planning Status

Status Date: 20-May-2021

Awaiting easements (water) and final subdivision plan to compete.

Status Date: 09-Sep-2020

Revised Drainage report -complies with sub regs. E-mail to applicant and cc'd to MoTI

Status Date: 05-Aug-2020

Drainage report submitted and reviewed. Request certification ref. sub regs (4.6.9)

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549

Planner: Phil Testemale

Planning Status

Status Date: 02-Apr-2021

PLR from MoTI rec'd. Applicants reviewing options.

Status Date: 17-Mar-2021

Combined DVP/DP required.

Status Date: 05-Feb-2021

Review Response sent to MoTI.

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.2	Wey Mayenburg Land Surveying Inc.	31-Aug-2020	4242, 4246, 4250 Armadale Road - Referral of a subdivision application for proposed two lots.

Planner: Phil Testemale**Planning Status****Status Date:** 18-Mar-2021

VIHA Letter rec'd - Condition 6 MoTI requiring verification of septic fields

Status Date: 17-Mar-2021

DVP req'd

Status Date: 09-Mar-2021

PLR rec'd

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2021.1	LOFTS, STEPHEN PETER / NOSY POINT B&B	16-Feb-2021	4606/4602 Oak Road - Referral of a boundary adjustment subdivision application with Lot 4 (PID 005-636-639) and Lot 3 (PID 005-636-591)

Planner: Phil Testemale**Planning Status****Status Date:** 17-Jun-2021

DP issued. Waiting for Final Subdivision Plan

Status Date: 21-Apr-2021

Cross-reference to NP-DP-2021.2 (Lofts) as requirement for sub.

Status Date: 19-Mar-2021

Review Response sent to MoTI.



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.8	Hardal	22-Jun-2021	4605 Bedwell Harbour Rd - to allow storage and processing of landscape materials that are used for the maintenance and operation of Driftwood Centre

Planner: Kim Stockdill

Planning Status

Status Date: 15-Jul-2021

Correct Title Search emailed in by applicant, assigned to Kim, Fee payment received and planner info letter sent - DL

Status Date: 12-Jul-2021

fee request email sent, application documents complete - DL

Status Date: 28-Jun-2021

applicant knows she needs to submit a new TUP app. Waiting to receive. -DL

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending May 2021

650 North Pender	Invoices posted to Month ending May 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	510.00	0.00	510.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,470.00	399.90	3,070.10
65210-650	LTC - Local Exp - APC Meeting Expenses	444.00	0.00	444.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,458.00</u>	<u>399.90</u>	<u>4,058.10</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	0.00	5,000.00
73001-650-4115	North Pender Groundwater Strategy Implementation	2,500.00	0.00	2,500.00
73001-650-4116	North Pender Soil Bylaw	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>11,500.00</u>	<u>0.00</u>	<u>11,500.00</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-026 (Standing) that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.	Carried	21-May-2020
2020-012 (Standing) That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.	Carried	19-Jun-2020
2020-011 (Standing) That given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.	Carried	04-Jun-2020



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing)	Carried	30-Jan-2020
that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.		
2019-119 (Standing)	Carried	28-Nov-2019
that the North Pender Island Local Trust Committee place a moratorium on new Short Term Vacation Rental Temporary Use Permits for a limited time while the Local Trust Committee completes the Short Term Vacation Rental Review.		
2019-074 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-061 (Standing)	Carried	30-May-2019
that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.		
2019-030 (Standing)	Carried	28-Feb-2019
that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) that the North Pender Island Local Trust Committee directs 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.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) 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.	Carried	28-Apr-2011
2007-146 (Standing) 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.	Carried	30-Aug-2007

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing)	Carried	25-May-2006
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.		
2005-005 (Standing)	Carried	27-Jan-2005
The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		