



# North Pender Island Local Trust Committee

## Regular Meeting Agenda

Date: April 28, 2022  
Time: 10:00 am  
Location: Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

Pages

- 
- |    |   |  |         |
|----|---|--|---------|
| 1. | <b>CALL TO ORDER</b>  | 10:00 AM - 10:00 AM  |         |
| 2. | <b>RISE AND REPORT - In-camera March 24, 2022 Meeting</b>   |  |         |
|    | By general consent, the LTC agreed to rise and report at the next regular meeting that the North Pender Island Local Trust Committee appoint Priscilla Zimmerman, Andrew MacLean, Bert Hol to the North Pender Island Board of Variance, commencing immediately for a term ending March 24, 2025. |  |         |
| 3. | <b>APPROVAL OF AGENDA</b>   | 10:00 AM - 10:05 AM  |         |
| 4. | <b>TRUSTEE REPORT</b>   | 10:05 AM - 10:15 AM  |         |
| 5. | <b>CHAIR'S REPORT</b>   | 10:15 AM - 10:20 AM  |         |
| 6. | <b>TOWN HALL AND QUESTIONS</b>  | 10:20 AM - 10:45 AM  |         |
| 7. | <b>COMMUNITY INFORMATION MEETING</b>  | 10:45 AM - 11:05 AM  |         |
|    | 7.1. <b>NP-LCB-2022.1 (Royal Canadian Legion) - Community Information Meeting</b>   |  |         |
| 8. | <b>PUBLIC HEARING</b>   |  |         |
|    | None  |  |         |
| 9. | <b>MINUTES</b>  | 11:05 AM - 11:15 AM  |         |
|    | 9.1.  | <b>Local Trust Committee Minutes Dated February 24, 2022 (for Adoption)</b>              | 4 - 12  |
|    | 9.2.  | <b>Local Trust Committee Special Meeting Minutes Dated March 12, 2022 (for Adoption)</b> | 13 - 16 |
|    | 9.3.  | <b>Local Trust Committee Minutes Dated March 24, 2022 (for Adoption)</b>                 | 17 - 26 |
|    | 9.4.  | <b>Section 26 Resolutions-without-meeting Report - None</b>                              |         |
|    | 9.5.  | <b>Advisory Planning Commission Minutes - None</b>                                       |         |

<b>10.</b>	<b>BUSINESS ARISING FROM THE MINUTES</b>	
10.1.	Follow-up Action List Dated April 2022	27 - 32
<b>11.</b>	<b>DELEGATIONS</b>	
<b>12.</b>	<b>CORRESPONDENCE</b>	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
<b>13.</b>	<b>APPLICATIONS AND REFERRALS</b>	11:15 AM - 12:15 PM
13.1.	NP-LCB-2022.1 (Royal Canadian Legion) - Staff Report (attached)	33 - 53
13.2.	NP-TUP-2022.2 (Burdett) - Staff Report (attached)	54 - 62
13.3.	Saturna Island Local Trust Committee Referral for Proposed Bylaws 133 and 134 (for response) (attached)	63 - 74
13.4.	Mayne Island Local Trust Committee Referral for Proposed Bylaws 184 and 189 (for response) (attached)	75 - 83
13.5.	Mayne Island Local Trust Committee Referral for Proposed Bylaws 186 and 187 (for response) (attached)	84 - 97
<b>14.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	12:15 PM - 1:15 PM
14.1.	North Pender Island Local Trust Committee Fees Bylaw No. 226 (for consideration)	98 - 105
14.2.	LUB Review Project – Staff Report (attached)	106 - 119
14.3.	Groundwater Sustainability Project - Staff Report (late item)	
<b>15.</b>	<b>REPORTS</b>	1:15 PM - 1:25 PM
15.1.	Work Program Report (attached)	
15.1.1.	<u>Top Priorities Report Dated April 2022</u>	120 - 120
15.1.2.	<u>Projects List Report Dated April 2022</u>	121 - 121
15.2.	Applications Report Dated April 2022 (attached)	122 - 126
15.3.	Trustee and Local Expense Report Dated Feb 2022 (attached)	127 - 127
15.4.	Adopted Policies and Standing Resolutions (attached)	128 - 131
15.5.	Local Trust Committee Webpage	
15.6.	Islands Trust Conservancy Report - None	

16. **NEW BUSINESS** 1:25 PM - 1:35 PM
- 16.1. **Draft Annual Report Wording - for approval (attached)** 132 - 132
- That the North Pender Island Local Trust Committee approves the format and outline of contents for the 2021/22 Annual Report.
17. **UPCOMING MEETINGS**
- 17.1. **Next Regular Meeting Scheduled for May 26, 2022 at the Anglican Church Hall, Pender Island**
18. **TOWN HALL** 1:35 PM - 1:50 PM
19. **CLOSED MEETING**
- None
20. **ADJOURNMENT** 1:50 PM - 1:50 PM



# DRAFT

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

## North Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** February 24, 2022  
**Location:** Electronic Meeting

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

**Staff Present:** Kim Stockdill, Island Planner  
Narissa Chadwick, Island Planner  
William Shulba, Senior Freshwater Specialist  
Lauren Edwards, Recorder

There were approximately 11 members of the public attending the Zoom

#### 1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:10 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She commented on the news coming out of Ukraine.

#### 2. RISE AND REPORT - In-camera January 27, 2022 Meeting

**By general consent** the LTC agreed to rise and report at the next regular meeting that the LTC appointed Ann Stephenson, Anne Burdett, Barbara Johnstone, George Leroux, and Martha McMahan to the North Pender Island Agricultural Advisory Planning Commission, commencing immediately for a term ending July 30, 2022.

#### 3. APPROVAL OF AGENDA

Added to Item 12:

- Email correspondence from David Howe, CRD Director for Southern Gulf Islands; and
- Public correspondence from Donn Korbin.

**By general consent** the agenda was approved as amended.

#### 4. TRUSTEE REPORT

Trustee McConchie read from his *Pender Post* article that:

- Local newspapers help inform islanders of local governance in a non-divisive way in an era of social media posts and virtual data;
- He will attend the Trust Council meeting scheduled for March 8<sup>th</sup> to 10<sup>th</sup> and will speak on a number of concerns on behalf of the North Pender community as well as several issues including budget reduction, governance, and reallocation of program funds in the Strategic Plan;
- He believes the Policy Statement will likely not be passed during this term and before the municipal election in October;
- On Saturday, March 12<sup>th</sup>, 2022, the LTC will hold a Community Information Meeting regarding the Land Use Bylaw Review;
- He hopes for an in-person meeting on March 24<sup>th</sup>, 2022;
- Trustees continue to make efforts to be available to the community and to improve democratic governance; and
- He offered a note of concern, solidarity and support to Ukrainian Canadians at this time.

Trustee Morrison reported that:

- The Trust Programs Committee, which she chairs, has focussed on navigating the Trust Policy Statement and the commitment and responsibilities to First Nations reconciliation;
- She would like to pass a simple policy statement and encouraged the public to attend the Trust Council meeting and provide feedback on how they are being represented in that space;
- Efforts will be more coordinated in British Columbia to help communities better understand climate change and how we can act to shift our behaviour and learn from each other; and
- She appreciates receiving communication through text.

## 5. CHAIR'S REPORT

Chair Patrick reported that the Trust Council will be a hybrid meeting in Nanaimo on March 8<sup>th</sup> to 10, 2022 and that there will be a Town Hall on March 8<sup>th</sup> from 7:00 to 9:00 pm. She asked that the public subscribe to the Islands Trust website for notifications and reminders.

## 6. TOWN HALL AND QUESTIONS

**Ronda Porter** questioned whether there is a minimum size for dwellings or two small dwellings less than maximum size and whether there is any provision for tiny houses if they can be accommodated on a septic system using one of the treatment plants.

**Sandra Tretick** asked trustees to reconsider the rezoning of all of the North Pender shoreline from W1 to W3 and provided reasons being that: (1) the Ministry of FLNRO has a current vetting process including consultation, (2) not all shoreline around North Pender is equal. She suggested use of Development Permit for sensitive areas. (3) She also felt that there is a lack of support from property owners and (4) that there is uncertainty about the impact on the 11 instream applications. She added that rezoning will not address the issue of illegal and derelict docks.

Chair Patrick responded that these questions would be answered during the Land Use Bylaw discussion.

**7. COMMUNITY INFORMATION MEETING - None**

**8. PUBLIC HEARING – None**

**9. MINUTES**

**9.1 Local Trust Committee Minutes Dated January 27, 2022 (for Adoption)**

**By general consent** the Local Trust committee meeting minutes of January 27, 2022 were adopted as presented.

**9.2 Local Trust Committee Special Meeting Minutes Dated February 5, 2022 (for Adoption)**

**By general consent** the Local Trust committee meeting minutes February 5, 2022 were adopted as presented.

**9.3 Section 26 Resolutions-without-meeting Report Dated Feb 2022**

**9.4 Advisory Planning Commission Minutes – None**

**10. BUSINESS ARISING FROM THE MINUTES**

**10.1 Follow-up Action List Dated Feb 2022**

Planner Stockdill reported that the short term rental bylaw may be on the March 24 meeting agenda.

**11. DELEGATIONS - None**

**12. CORRESPONDENCE**

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

- It was reported that a letter was received which stated that it is deceptive to hold LTC meetings by Zoom. In response, it was commented that this examples the way not to communicate to the LTC and that Zoom meetings are convenient for residents and ensures attendance during bad weather;
- It was reported that the LTC received correspondence from David Howe, CRD Director for Southern Gulf Islands, concerning his feelings on a decision made by the LTC.
- Trustee McConchie requested an update to the October correspondence sent to the CRD regarding Magic Lake; and
- Discussion arose regarding collaboration with the CRD, updating and expanding the protocol agreement; and information about the SGI Forum.

**13. APPLICATIONS AND REFERRALS**

**13.1 NP-TUP-2021.10 (White) - Staff Report**

- Planner Stockdill provided an overview of the report and provided information which included that the draft TUP maximum is 60 days from May 1<sup>st</sup> to September 30<sup>th</sup>, that there is one letter of support and that the recommendation is for three years;

- The applicant (Jaime), a fulltime resident, stated that the reason for the 60-day request is to allow utilization during the summer school break and that fire safety measures in place are: no smoking signs, no yard debris, no fire pit and no candles; and
- The applicant was commended for her public communication materials and Planner Stockdill agreed they could be used as resource material.

**NP-2022-022**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2021.10 (White).

**CARRIED**

**13.2 NP-DP-2021.9 (Ooms) - Staff Report**

- Planner Stockdill provided an overview of the land alteration permit for the installation of a new septic system in an existing septic field within the DPA. The applicant submitted a geotechnical report;
- Applicant Peter Ooms stated that the site as an open field requiring minimal ground disturbance and that he is also looking to put a solar array on the site with consultation from a geotechnical engineer. He reported that a septic engineer said that the current field is ideal for a gravity system;
- Planner Stockdill stated that if the solar array is constructed within the DPA, potentially, a new DP may be required; and
- Aspects of the geotechnical report were discussed and trustees discussed the need to consider the effects of climate change as it relates to future development.

**NP-2022-023**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.9 (Ooms).

**CARRIED**

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 LUB Review Project – Staff Report**

Planner Stockdill provided an overview of discussion topics which were: maximum floor area/lot coverage, C2 zoning, in-stream dock applications with the Province and timeline for the project.

Discussion occurred on the following topics: Retaining lot coverage of LUB; increasing maximum floor area of cottages; and adding impermeable material to LUB.

Discussed lot coverage and floor area, including:

- Planner Stockdill confirmed that secondary suites and attached garages are included in the maximum floor area calculation;

- Secondary suites and cottages as a response to the residential housing shortage;
- A Development Variance Permit application process option to allow a greater than the default of allowable square footage;
- Housing density, disbursement and lower square footage as a response to housing affordability and availability;
- Consideration for environmental impacts;
- Chair Patrick suggested the 2021 BC Housing document on accessory dwelling units as an available resource;
- Planner Chadwick reported that Mayne Island's Flexible Housing Project is looking at maximum floor area being divided between buildings and that information and a recent report is available on the website;
- Trustees discussed increasing cottage size as well as the allowable number of separate accommodations based on lot size and the restriction of stratas;
- Planner Stockdill confirmed that secondary suites cannot legally be subdivided for separate ownership and that North Pender LUB does not permit a cottage on properties less than 1.2 ha;
- Planner Stockdill provided options and also mentioned the possibility of creating a non-conforming situation should a secondary suite be removed; and
- Discussion will be put on hold until March 12<sup>th</sup> or March 24<sup>th</sup>.

Discussed water concerns, including:

- William Shulba, Islands Trust Senior Freshwater Specialist, provided input on an evidence-based process where there is likely to be water stress and vulnerability;
- Planner Chadwick reported that the Mayne Island Housing Project is looking at the implications of density on groundwater;
- Planner Chadwick reported that the Flexible Housing Project excluded water service areas and that a report to identify criteria will be available;
- Planner Stockdill will try to have a brief report ready for March 12<sup>th</sup> Community Information Meeting;
- Trustees determined that community members can provide their feedback at the March 12<sup>th</sup> Community Information meeting;
- Trustees confirmed that the size of cottages could be increased; and
- Planner Stockdill will edit the impermeable surfaces definitions and return for decision.

Discussed commercial tourist accommodation (C2 Zoning):

Planner Stockdill provided an overview of the status of the two McKinnon Road properties and stated she had written to property owners for their build out plans and that she could prepare a draft section 219 covenant in two weeks and invite the property owners to the March 12<sup>th</sup> Community Information Meeting.

Planner Stockdill provided an overview of the Driftwood Centre property which included that the LTC had decided to postpone the decision on rental housing zoning until they met with the property manager and report back. LTC were asked to decide on how to proceed.

McKinnon Road properties were discussed, including:

- Plans were not provided;
- Licensing applications are necessary for current commercial groundwater use and expanded usage requires authorization within the *Water Sustainability Act*;
- The property owners can attend the March 12<sup>th</sup> Community Information Meeting to discuss zoning;
- It should be understood and agreed that a water management plan is in place before a zoning decision and within the timeline of the LUB project; and
- Examples of a water management plan will be shared with the LTC and the applicant.

The Driftwood property was discussed, including:

- The property owner does not wish to change C2 zoning and is only looking to build a campground at this time;
- Property Manager (Dorothy) commented that rental housing on Driftwood property may be for future discussions;
- Dorothy stated that any developments on the property would benefit the community and community input would be sought;
- Planner Stockdill stated that LTC direction is required if property is not to be rezoned and that 27 commercial units are permitted within the present zoning;
- Planner Stockdill stated she will report back with options based on campground regulations; and
- Planner Stockdill provided an overview of the concerns and reasons for the review of commercial accommodation with C2 zoning and its cumulative impacts on Pender Island.

Planner Stockdill provided an overview of the issues regarding instream dock applications with the Province.

**NP-2022-24**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to retain the Water 1 zoning for the 11 instream private moorage applications with the Province.

**CARRIED**

**14.2 Groundwater Sustainability Implementation Project – Staff Report**

Planner Chadwick provided an overview of the staff report and discussion occurred, including:

- William Shulba reported on the mapping for Critical Aquifer Recharge Areas that could inform a DPA;
- Planner Chadwick reported that the intention is to move this forward to identify potential boundaries of a Critical Aquifer Recharge DPA. She stated that coastal Douglas-fir integration mapping would require another methodology therefore combining the two projects would be more time consuming
- Chair Patrick commented on the value of partnering with the two major water districts and the importance of managing fire risk.

**NP-2022-25**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request staff to prepare a draft bylaw to amend the “North Pender Island Official Community Plan Bylaw No. 171, 2007” to include Critical Aquifer Recharge Development Permit Area guidelines, map updates and minor updates to relevant sections as identified in the February 24, 2022 staff report.

**CARRIED**

**NP-2022-26**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request staff to prepare a draft bylaw to amend the Land Use Bylaw to include updates to definitions, addition of cistern requirements for all new builds and updates to subdivision regulations related to potable water.

**CARRIED**

**NP-2022-27**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request staff to identify options for changes to zoning regulations informed by GW Solutions (2021) groundwater availability assessment data.

**CARRIED**

Planner Chadwick stated that staff will report backwith groundwater amendments that can be incorporated into the Land Use Bylaw Project.

**NP-2022-28**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee endorse the revised Project Charter for the Groundwater Sustainability Implementation Project.

**CARRIED**

**15. REPORTS**

**15.1 Work Program Report (attached)**

15.1.1 Top Priorities Report Dated Feb 2022

Planner Stockdill reported that the LUB is on the agenda for the March 24 Regular LTC meeting

15.1.2 Projects List Report Dated Feb 2022

**15.2 Applications Report Dated Feb 2022**

**15.3 Trustee and Local Expense Report Dated Dec 2021**

**15.4 Adopted Policies and Standing Resolutions**

**15.5 Local Trust Committee Webpage**

**15.6 Islands Trust Conservancy Report - None**

**16. NEW BUSINESS**

**16.1 Governance Study by the Magic Lake Property Owners' Society**

Discussed the request for response to the Province's and CRD's request for an opinion.

**NP-2022-29**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee write to the Minister of Municipal Affairs of the Province of British Columbia to request them to explain the process of the Governance Study by the Magic Lake Property Owners Society.

**CARRIED**

**17. UPCOMING MEETINGS**

**17.1 Meetings Scheduled**

The next regular meeting is scheduled for March 24, 2022, at the Anglican Church Hall Pender Island.

An electronic Community Information Meeting is scheduled for March 12, 2022.

**18. TOWN HALL**

**Bob Coulson**, on behalf of Magic Lake Property Owners Assoc., stated that their concerns relate to property tax increases and the lack of speed limit signs in school zones. He stated that they would like a consultant to communicate with the community.

**Anne** questioned what type of lot under the minor amendment of the LUB relates to the allowance of a 100 sq. ft. building and whether professional reports are required for the rezoning in the industrial portion of the LUB Review. Planner Stockdill provided her the information including that maps are available on the project website.

**Kathi D** stated she would appreciate having Zoom meetings continue as it allows attendance wherever she is and for as long as she wishes. Chair Patrick responded that the intent is to live-stream and make a recording available.

**Michael Sketch** thanked the LTC and staff for the groundwater mapping project. He stated that, if there is a lag to rewriting the Trust Policy Statement, trustees should lead to move the project forward. He also stated that it needs a firm resolve on March 8<sup>th</sup>, 9<sup>th</sup> or 10<sup>th</sup>.

Chair Patrick invited the public to the March 12<sup>th</sup> virtual meeting.

**19. CLOSED MEETING (Distributed Under Separate Cover)**

**19.1 Motion to Close Meeting**

**NP-2022-30**

**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) (a)(d) for the purpose of considering:*

- *Adoption of In-Camera Meeting Minutes Dated January 27, 2022*
- *Appointment of APC Members*

*AND that the recorder and staff attend the meeting.*

**CARRIED**

**19.2 Recall to Order**

**19.3 Rise and Report**

**20. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:48.

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Laura Patrick, Chair

Certified Correct:

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Lauren Edwards, Recorder

**DRAFT**



## North Pender Island Local Trust Committee

### Minutes of Special Meeting

**Date:** March 12, 2022  
**Location:** Electronic Meeting

**Members Present:** Laura Patrick, Chair  
Benjamin McConchie, Trustee

**Regrets:** Deb Morrison, Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Kim Stockdill, Island Planner  
Jennifer Kucherka, Recorder

**Public:** There were approximately 20 attendees in the Zoom webinar

#### 1. CALL TO ORDER

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

#### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

#### 3. COMMUNITY INFORMATION MEETING

##### 3.1 North Pender Island Local Trust Committee's Land Use Bylaw Review Project.

Planner, Kim Stockdill, outlined the North Pender Island LTC's Land Use Bylaw Review Project. Information reviewed in the slide presentation included:

##### 1. Project Outline Objective

- To amend various regulations in the Land Use Bylaw to implement policies in the Official Community Plan; and to address legislative changes, and to make technical and other minor amendments to the LUB.

##### 2. Project Status

- Early engagement with First Nations;
- There has been 6 CIM's to date regarding this project;
- Referrals to the Special Agricultural APC;
- Draft LUB regulations; and

- Draft accompanying OCP bylaw.

### **3. Rural Residential 1&2**

- All properties within Magic Lake and the Trincomali areas will be zoned to Rural Residential 1 (RR1);
- All other properties that are zoned RR will be rezoned to a new Rural Residential 2 (RR2) zone; and
- There is no change in density for the Rural Residential zones.

### **4. Maximum Floor Area**

- Maximum floor area regulations for the RR1, RR2, R, RC1, RC2, and AG zones.

### **5. Legal Non-Conforming “Grandfathering”**

- A provision is proposed for non-conforming dwellings.

### **6. Accessory Structure on Bare Land**

- Current LUB only permits an accessory building/structure prior to a house or cottage built on a property if the accessory building is to be used as a temporary dwelling.

### **7. Helicopters**

- May 27, 2021 the NP LTC passed the following resolution: *that the NPI LTC add a prohibition on recreational helicopters as a part of the LUB review;*
- An amendment was added to the Prohibited Uses for heliports and helipad, other than for emergency evacuation use.
- Aeronautics is Federal jurisdiction and therefore may not be enforceable.

### **8. MacKinnon Rd Properties**

- Four properties along MacKinnon Road zoned Commercial 2 (Tourist Accommodation) – C2;
- Potential full build out of 55 Commercial Guest Accommodation Units (CGAU’s);
- One of the four property owners agrees to reduce density from 9 CGAU’s to 3 CGAU’s; and
- Other two property owners are in discussions with the LTC with the possibility to register a S.219 covenant that would restrict any new development beyond the densities currently built on the property.

## 9. Docks

- Currently the majority of area surrounding North Pender is zoned Water 1 (W1) which permits the use of private docks for upland residential use, all areas with existing docks will retain W1 zoning or with an existing or in-progress private dock license application with the Province; and
- All other W1 without docks (other than marinas or federal transport) will be rezoned to Water 3 (W3) which does not permit private docks.

## 10. Next Steps

- Staff report to be presented at the LTC meeting on March 24, 2022;
- Spring 2022;
  - LTC to finalize draft LUB bylaw.
  - Potential for First Reading.
- Late Spring/Summer 2022;
  - Formal referral to First Nations and agencies.
  - CIM and Public Hearing (late summer or fall)

Members of the community were invited to ask questions and/or comment; and the following discussion points were raised:

- Two owners on MacKinnon Road are open to reduction of density and consideration of sustainability for development of commercial properties on MacKinnon Rd.
- Clarification was provided for accessory buildings on vacant lots.
- Question regarding any polls been considered/conducted of how many helicopters are spotted daily and/or issues related to this on North Pender Island.
- A member of the community questioned the driver for change of private dock rezoning and concerns of land value loss.
- A member of the community asked about multi-level home vs. slab construction for maximum floor area.
- A member of the community encouraged catchment for water in bylaws.
- Confirmation was provided that unlivable space of less than 1.5M is not to be included in the calculated maximum floor area.
- Lot area vs floor area of a dwelling was clarified.
- Multi-family dwellings at Driftwood Centre was raised.
- Average cost of rezoning applications and time frame involved was asked: currently the cost for a rezoning application is \$4400 and can take approximately 9-18 months.
- A member of the community observed long processes involved for regulation changes and supported improvements.
- Recommendation was made for future round table and hybrid meetings.
- Question was asked about tiny homes, issues with Building Code were discussed and reference to BC Housing document for more information.

- A member of the community encouraged the LTC to continue with Zoom for future meetings.
- A member of the community asked for the rationale for the zoning change from W1 to W3 and if the LTC consider a Development Permit Area.
- Concern raised that it is not a one size fits all approach for rezoning W1 to W3 and lack of supporting OCP policies. In addition docks are now built to a higher standard and the rezoning process does not address derelict docks and maintenance.
- Request for all waterfront property owners to be mailed letters notifying them of the potential zoning changes.

Chair Patrick encouraged anyone to send comments/questions in writing if not available for in person meetings to ensure it's on record: southinfo@islandstrust.bc.ca

Chair Patrick expressed appreciation to staff and the members of the public who came out to support and attend this meeting.

#### 4. ADJOURNMENT

**By general consent** the meeting was adjourned at 11:56 am.

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Laura Patrick, Chair

Certified Correct:

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Jennifer Kucherka, Recorder

**DRAFT**



Islands Trust

## North Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** March 24, 2022  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

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

**Staff Present:** Narissa Chadwick, Island Planner  
Kim Stockdill, Island Planner  
Pat Todd, Recorder

**Public:** There were approximately eleven (11) members of the public present.

#### 1. CALL TO ORDER

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

#### 2. RISE AND REPORT - In-camera February 24, 2022 Meeting

By general consent, the LTC agreed to rise and report at the next regular meeting that the North Pender Island Local Trust Committee appoint Vicki Dutton, Mary Beth Rondeau and Lynn Clarke to the North Pender Island Advisory Planning Commission, commencing immediately for a term ending March 1, 2023.

#### 3. APPROVAL OF AGENDA

By general consensus the agenda was adopted as presented.

#### 4. TRUSTEE REPORT

Trustee McConchie reported on the Trust Council meeting held March 8-12. While the budget process was challenging and complicated the Trust Council heard the public and was responsive and a decreased budget for 2022-2023 was approved. There have been 8 community information meetings regarding the Land Use Bylaw (LUB) review and the community presented detailed and well thought out comments. There was a meeting about freighter anchorage and concerns are that Transport Canada is not listening to First Nations concerns.

Trustee Morrison concurred as to the complicated budget process and would like to see a simplified process. While voting to decrease the budget there is an awareness that some items will not be addressed. Trust Policy Statement is at the Public Review stage and everyone is encouraged to respond. Regarding the Southern Gulf Islands Forum on freighter anchorage, there is frustration as Transport Canada has been told no anchorages should be allowed. If interested in contacting her a text is the most efficient method.

## 5. CHAIR'S REPORT

Chair Patrick stated that there would be two opportunities for Public Review of the Trust Policy Statement on April 12, 2022 at the Driftwood Centre in the morning and the Anglican Hall in the afternoon. Everyone is encouraged to attend. Consideration may be given to co-ordinate a separate meeting for the Trustees to review the Governance document.

## 6. TOWN HALL AND QUESTIONS

Robert – Interhousing Coalition

- Asking for a Resolution for staff to work with Coalition to identify issues preventing people from living in recreational vehicles (RV);
- Housing is a significant issue and those living in tiny homes and RVs are anxious;
- There is a Need Provincial Housing Code changes;
- 2021 rental housing report: Province concerned local governments are slowing things down;
- Coalition suggests adapting bylaws prior to Provincial changes/directives; and
- The Trust mandate to Preserve and Protect: housing is a fundamental issue; to deal with the pressure to build in an environmentally conscientious way; tiny homes have a low impact and a lot of merit.

Participants reminded that staff will defer enforcement on unlawful dwellings in some circumstances.

Chair stated that a number of islands are working on housing options/issues. Planner Stockdill said the housing issues could be placed on the Projects List.

Dale Henning is requesting that wording be changed for the Trust Policy Statement surveys.

Trustee Morrison spoke to the survey which was discussed at Trust Council. There are multiple sources of data being collected to clarify issues.

Trustees reminded the public that the Trustees are open to all opinions however it is important to maintain respectful presentations and conversations.

Michael Sketch – LUB review

- Overly restrictive LUBs lead to noncompliance and enforcement is inconsistent;
- Screening bylaw for shipping containers could be more flexible;

- The Geothermal system was installed years ago and the system failed and was replaced. A Bylaw was developed and the question of safety/antifreeze/and ocean impact might now require an amendment to the Bylaw; and
- Agricultural land - keep in moderate use

Nick – is a part time resident of Magic Lake Estates:

- Referred to Trust Act – “Agency of the Province”;
- There are limited funds, and the population on the island is growing;
- Work co-operatively to resolve issues in addition to fines;
- Thanked staff and Trustees for doing a good job under difficult circumstances; and
- Nick would like to see the Trustees work as facilitators and enablers and less on regulations and enforcement.

Chair Patrick reminded everyone of the importance of participation and encouraged all to contact Trustees.

**7. COMMUNITY INFORMATION MEETING**

None

**8. PUBLIC HEARING**

None

**9. MINUTES**

**9.1 Local Trust Committee Minutes Dated February 24, 2022**

See Motion below.

**9.2 Local Trust Committee Special Meeting Minutes Dated March 12, 2022**

**NP-2022-031**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee defer adoption of Local Trust Committee Minutes dated February 24, 2022 and Local Trust Committee Special Meeting Minutes dated March 12, 2022 and that both minutes be brought forward to the next Local Trust Committee meeting.

**CARRIED**

**9.3 Section 26 Resolutions-without-meeting Report Dated Feb 2022**

Received for information.

**9.4 Advisory Planning Commission Minutes - None**

**10. BUSINESS ARISING FROM THE MINUTES**

**10.1 Follow-up Action List Dated March 2022**

Received for information.

**11. DELEGATIONS - none**

**12. CORRESPONDENCE**

**12.1 BC Electoral Boundaries Commission - March 3, 2022**

Received for information.

There have been emails received questioning the meeting format and how public may attend.

Chair Patrick spoke to the changing process.

**13. APPLICATIONS AND REFERRALS**

**13.1 NP-DP-2022.1 (Jollimore)**

Planner Stockdill reviewed the application for the removal of 8 trees to clear the site for a septic disposal field, dwelling and driveway. The applicant has worked with a biologist and their intent is to build with as little impact to the sensitive ecosystem as possible.

Discussion: The biologist report indicates that the impact on groundwater is minimal. The biologist's report is clear and respectful of the DPA's original purpose.

**NP-2022-032**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2022.1 (Jollimore).

**CARRIED**

**13.2 NP-LCB-2022.1 (NP Legion)**

Planner Stockdill clarified that an application is necessary as the Legion is seeking a change in liquor license to allow outdoor seating and the Liquor and Cannabis Regulation Branch (LCRB) requires notification to the local government.

Discussion: regarding costs and who is responsible for payment. It was acknowledged that the applicant assumes the costs for the application.

The question was asked if this is the quickest process and Planner Stockdill answered that it is.

**NP-2022-033**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee direct staff to undertake notification and schedule a Community Information Meeting (CIM) for referral application NP-LCB-2022.1 (Royal Canadian Legion) as part of the April 28, 2022 Regular Meeting.

**CARRIED**

**13.3 North Pender Island Local Trust Committee Proposed Bylaw No. 222**

Planner Stockdill reported that Bylaw No. 222 had received Ministry approval in February.

Discussion:

- The administrative work for this Bylaw required a lot of staff time;
- There is value in identifying illegal air B&Bs which has impacts on housing stock;
- Can legalize Short Term Vacation Rentals (STVR) through a Temporary Use Permit (TUP); and
- Balance within community is important.

**NP-2022-034**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, be adopted.

**CARRIED**

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**Break for 10 minutes**

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**13.4 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526**

**NP-2022-035**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee interests are unaffected by Salt Spring Island Local Trust Committee Proposed Bylaw No. 526.

**CARRIED**

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Groundwater Sustainability Implementation**

Planner Chadwick spoke to the data and options utilized to identify zones and draft Development Permit Area guidelines.

Three Projects:

1. Identify updates/changes for Official Community Plan (OCP) including the new Development Permit Area – could go to 3<sup>rd</sup> reading by the end of term.
2. Changes to subdivision regulations re: proof of water and addition of cistern regulations – could go to 3<sup>rd</sup> reading by end of term.

3. Site specific focus based on mapping which could lead to site specific rezoning- could identify options now, changes could be made in the next term.

Discussion:

- Appreciation for the staff report it is helpful, concise and specific;
- Steps 1 and 2 could guide LTC post fall election;
- Vulnerability to water contamination;
- Most islanders are water conscious;
- More education/awareness of water issues is critical with fewer regulations as these impact on affordability;
- Suggestion to change colouring on map to blue to better communication designations;
- No groundwater contamination Bylaws are needed;
- Proof of water – identify options;
- The map is valuable for education;
- Consideration of affordability impact;
- Volume demands could lead to deeper drilling which has more impact;
- Formation of a working group – get Water Districts together; and
- Community conversations/public engagement to identify issues.

Planner Chadwick pointed out that the Fresh Water Sustainability Strategy identifies many actions that are educational in focus. Regulations give an opportunity to measure/control and needs to be balanced with effective engagement and education.

Planner Chadwick reviewed report and draft bylaws (page 97 of agenda package).

#### **14.2 LUB Review Project**

Discussion on maximum floor area and considered a similar approach to the Mayne Island Land Use Bylaw. The draft Official Community Plan bylaw could incorporate a policy that would support variances increase cottage maximum floor area if the cottage is two-storeys in height.

Discussion regarding the differences between lot coverage and total maximum floor area.

#### **NP-2022-036**

#### **It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).

**CARRIED**

**NP-2022-037**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct staff to remove “Lot Area coverage” from Land Use Bylaw and replace with “Total Floor Area of all buildings and structures”.

**CARRIED**

**NP-2022-038**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.

**CARRIED**

Planner Stockdill reviewed the Commercial Tourist Accommodation considerations. Water catchment and fire suppression requirements will be added to the draft bylaw when direction is given as to how to proceed with Driftwood Centre property.

Discussion:

- increased density leads to water concerns;
- importance of neighbourhood feedback;
- value of a mail out of revised draft to neighbours; and
- history of properties importance of sustainability development.

**NP-2022-039**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).

**CARRIED**

**NP-2022-040**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.

**CARRIED**

Planner Stockdill outlined discussions with property manager of Driftwood Centre. Currently zoning could potentially permit a maximum of 34 camping spaces for tents. Question of recreational vehicles/trailers. Options were detailed.

Discussion:

- Interest in option e) rezone this portion of the property to only permit multi-family housing;
- Motion made in October 2021 for zoning rental housing;
- Multi-family rental housing – currently would allow up to 16 units (not buildings) which must be joined i.e.: 8 buildings; and
- Go to Community with draft Bylaw.

Discussion regarding Waste Management TUP and if should be included in draft bylaws.

- Need for sustainable solution; and
- Not the role of LTC to act as a facilitator in a dispute between 2 property owners.

**NP-2022-041**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).

**CARRIED 2/1 Trustee McConchie**

**14.3 Soil Bylaw**

Planner Stockdill summarized the Staff Report (on behalf of Robert Kojima (Regional Planning Manager) with updates to the LTC on operator feedback and provide options for changes to the draft Soil Deposit and Removal Bylaw.

Discussion:

- Question of another branch of government through bylaw; and
- Need to ensure operators are working in a manner respectful of the community and environment.

**NP-2022-042**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request staff prepare a draft Soil Deposit and Removal Bylaw with the revisions recommended in the staff report of March 24, 2022.

**CARRIED**

**15. REPORTS**

**15.1 Work Program Report (attached)**

**15.1.1 Top Priorities Report Dated March 2022**

**NP-2022-043**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct staff to remove Short Term Vacation Rentals Review Project from Top Priority list.

**CARRIED**

15.1.2 Projects List Report Dated March 2022

**NP-2022-044**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct staff to add a review of North Pender Island affordable housing options to the Projects List.

**CARRIED**

**15.2 Applications Report Dated March 2022**

Received for information.

**15.3 Trustee and Local Expense Report Dated January 2022**

Received for information.

**15.4 Adopted Policies and Standing Resolutions**

Received for information.

**15.5 Local Trust Committee Webpage**

Will be update upon conclusion of meeting.

**15.6 Islands Trust Conservancy Report Dated January 2022**

Discussed lack of financial incentive/compensation for land donations to IT Conservancy. The Pender Islands Conservancy can purchase land on behalf of Conservancy.

**16. NEW BUSINESS**

**17. UPCOMING MEETINGS**

**17.1 2022 Annual Meeting Schedule** - received

**17.2 Next Regular Meeting Scheduled for April 28, 2022 at the St. Peter's Anglican Church Hall, Pender Island**

**18. TOWN HALL**

George summarized letter from Saturna regarding groundwater Development Permit Area (DPA). Report shows the demands are too high for Saturna Island and North Pender – demand

estimates are inflated and request is to stop DPA. Data is limited. High level of regulations increase costs of living on island and question of approving DPA based on this report.

Michael commented on the DPA for water management. Data is critical and mapping leads to informed decisions. Debate is land owner rights vs. community needs/issues.

**19. CLOSED MEETING (Distributed Under Separate Cover)**

**19.1 Motion to Close Meeting**

**NP-2022-45**

**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) (a)(d)(f) for the purpose of considering:*

- Adoption of In-Camera Meeting Minutes Dated February 24, 2022
- Appointment of Board of Variance Members
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

**19.2 Recall to Order**

Meeting recalled at 2:32 pm.

**19.3 Rise and Report**

Chair Patrick reported on the passing of In-camera minutes dated February 24, 2022

**20. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:35 pm.

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Laura Patrick, Chair

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Certified Correct:

Pat Todd, 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 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

#### 04-Dec-2021

Activity	Responsibility	Dates	Status
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# Follow Up Action Report

## North Pender Island

### 04-Dec-2021

Activity	Responsibility	Dates	Status
<p>1 14.1 LUB Review Project</p> <ol style="list-style-type: none"> <li>1. Staff to organize site visit with LTC to 1329/1333/1349 MacKinnon Road in early January. (DONE)</li> <li>2. Trustees to report back after discussions with property manager regarding rental housing zoning on Driftwood Centre properties.</li> <li>3. Staff to report back with rainwater collection (and for fire suppression) regulations for rental housing zoning.</li> <li>4. Staff to report back with options for total maximum floor area for all buildings and structures (based on 25 percent lot coverage). (Done)</li> <li>5. Staff to amend draft LUB mapping (portion of Magic Lake to be RR1, Port Wash to remain C1(a), Medicine Beach drop off to remain C1(e), ensure zoning boundaries are correct for I(b), and RH on driftwood centre to be determined).</li> </ol>	Kim Stockdill	Target: 21-Jan-2022	In Progress

### 27-Jan-2022

Activity	Responsibility	Dates	Status
<p>1 13.1 NP LTC to table Fee Bylaw No. 226 until the Governance Review is available to the public. Place draft Bylaw No. 226 on April 2022 NP LTC agenda.</p>	Jas Chonk Robert Kojima	Target: 29-Apr-2022	Completed

## Follow Up Action Report

### North Pender Island

#### 27-Jan-2022

Activity	Responsibility	Dates	Status
2 12.3 NP-DP-2021.8 (Clarke) approved. Staff to notify applicant, obtain security and issue permit upon provision of security, and close file. - BEO FOLLOWING UP ON SECURITY	Jas Chonk Phil Testemale Sylvia Oliver	Target: 25-Feb-2022	Completed
3 14.1.1 Provide suggestions for on-site fire safety review prior to issuance of STVR TUPs. (Staff to provide options when Bylaw No. 222 is to be adopted) - MEETING PENDING	Phil Testemale	Target: 25-Mar-2022	In Progress

#### 24-Feb-2022

Activity	Responsibility	Dates	Status
1 14.2 Groundwater Sustainability Project 1. Staff to prepare draft OCP amendment bylaw to include critical aquifer DPA guidelines, map and minor updates. 2. Staff to prepare draft LUB amendment bylaw to include definitions, cistern requirements, and subdivision regulations. 3. Staff to identify options for zoning regulations based on GW Solutions groundwater availability assessment data. 4. Staff to amend Project Charter.	Narrisa Chadwick William Shulba	Target: 22-Apr-2022	In Progress



## Follow Up Action Report

### North Pender Island

#### 24-Feb-2022

Activity	Responsibility	Dates	Status
<b>2</b> 19.1 In Camera 1. Minutes of January 27, 2022 in camera meeting minutes adopted as is. (robin-done) 2. Appointment of three APC members. 3. Chair to Rise and Report at March 24, 2022 LTC meeting.	Jas Chonk Robin Ellchuk	Target: 18-Mar-2022	Completed
<b>3</b> 16.1 NP LTC to write to the Minister of Municipal Affairs requesting an explanation on the process of the Governance Study by the Magic Lake Property Owners Society. - TO EC FOR FOLLOW UP	Clare Frater David Marlor	Target: 25-Mar-2022	Completed

#### 24-Mar-2022

Activity	Responsibility	Dates	Status
<b>1</b> 9.1 NP LTC to defer approval of minutes of February 24, 2022 meeting and March 12, 2022 for the April 28, 2022 meeting to incorporate further comments.	Kim Stockdill Robin Ellchuk	Target: 08-Apr-2022	Completed
<b>2</b> 13.1 NP-DP-2022.1 (Jollimore) approved. Issue DP, set up monitoring, update TAPIS, close file.	Jas Chonk Phil Testemale Sylvia Oliver	Target: 15-Apr-2022	Completed
<b>3</b> 13.2 NP-LCB-2022.1 - Staff to schedule a CIM as part of the April 28, 2022 LTC meeting and undertake notification.	Jas Chonk Phil Testemale	Target: 22-Apr-2022	Completed



# Follow Up Action Report

## North Pender Island

### 24-Mar-2022

Activity	Responsibility	Dates	Status
4 13.3 Bylaw No. 222 adopted.	Jas Chonk	Target: 22-Apr-2022	In Progress
5 13.4 SSI LTC Bylaw No. 526 - Interests Unaffected.	Jas Chonk	Target: 08-Apr-2022	Completed
6 14.2 LUB Review 1. Staff to amend LUB bylaw to: increase cottage size to 80m2, remove lot coverage and replace it with total floor area for buildings and structures which includes impermeable material, reduce density of MacKinnon Rd C2 properties, and rezone 4415 Bedwell Harbour Rd to reflect TUP uses. (DONE) 2. Staff to send letter to MacKinnon Rd properties west of the Ferry terminal notifying them of the reduction in density for C2 zone. (DONE) 3. Staff to send referral to the AAPC to provide rationale of their support for a maximum house size of 500m2. (DONE)	Kim Stockdill	Target: 22-Apr-2022	Completed
7 14.3 Soil Bylaw Project - Staff to draft a soil deposit and removal bylaw with revisions as outlined in the March 24 staff report.	Robert Kojima	Target: 22-Jun-2022	In Progress
8 15.1 Staff to remove STVR Project from Top Priorities list and add 'Pender-based Affordable Housing Options' to Projects List.	Kim Stockdill	Target: 01-Apr-2022	Completed



# Follow Up Action Report

## North Pender Island

### 24-Mar-2022

Activity	Responsibility	Dates	Status
<p>9 19. Closed Meeting</p> <ol style="list-style-type: none"> <li>1. IC minutes of Feb 24, 2022 adopted.</li> <li>2. All three BOV members appointed.</li> <li>3. Rise and report at April 28, 2022 meeting.</li> </ol>	<p>Jas Chonk Robin Ellchuk</p>	<p>Target: 22-Apr-2022</p>	<p>In Progress</p>



DATE OF MEETING: April 28, 2022  
TO: North Pender Island Local Trust Committee  
FROM: Phil Testemale  
Southern Team  
SUBJECT: Change of Licence - Outdoor Patio (Temporary Patio to Permanent)  
Applicant: Jean Deschenes, President for 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 and Cannabis Regulation Branch regarding the Royal Canadian Legion Branch No. 239 application for a New Outdoor Patio at 1344 MacKinnon Road that states:
  - a. The proposed location of the outdoor patio is considered to be *(suitable, not-suitable)*
  - b. The proposed person capacity of sixty-five (65) for the outdoor patio is considered to be *(suitable, not-suitable)*
  - c. The potential impacts due to noise if the application is approved *(would be none, would be minimal, or would be significant due to....)*,
  - d. The potential general impacts on the community if the application is approved be *(negligible or beneficial because.... or detrimental because....)*,
  - e. The Local Trust Committee has solicited public input to gather residents' views *(and ## residents provided written or verbal comments)*,
  - f. 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, posted on the North Pender Local Trust Committee webpage, and advertised in the *Driftwood* newspaper. Residents were invited to provide written submissions or attend a community information meeting,
  - g. A community information meeting was held on April 28, 2022 to gather residents' views about the application.
  - h. The residents' views 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

- i. **The Local Trust Committee agrees with the residents' views that (*the application should be supported or the application should be denied or the application should include the following restrictions.....*)**
  - j. **The Local Trust Committee recommends the application (*be approved, or not be approved or the application should be approved with the following restrictions.....*)**
- 2. That the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response Liquor and Cannabis Regulation Branch regarding the Royal Canadian Legion Branch No. 239 application for a New Outdoor Patio application.**

## **REPORT SUMMARY**

The Legion has applied to the Liquor and Cannabis Regulation Branch (LCRB) is to add a new Outdoor Patio to their Liquor Primary License.

To facilitate the provincial requirement for the Local Trust Committee (LTC) to gather residents' views and make a recommendation on the application, 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.

## **BACKGROUND**

This application was introduced at the LTC's March 24, 2022 Regular Meeting to seek direction to staff to schedule and advertise for a Community Information Meeting (CIM) for the purpose of gather community input. The staff report can be viewed here: <https://islandstrust.bc.ca/document/north-pender-ltc-regular-meeting-agenda-14/>

The patio has been operating as a Temporarily Expanded Service Area (TESA) for COVID 19 since July of 2020. That allowance was scheduled to end on June 1, 2022, but has now been extended to March 31, 2023. To permanently operate the patio use the Legion must obtain a New Outdoor Patio licence as an addition to their Liquor Primary licence (issued in 2017).

The LCRB application (Attachment 3) is for an outdoor patio area shown in Figure 2 with a capacity of sixty-five (65) people. The operation of the patio is proposed for the months of June to September<sup>1</sup> and the hours of operation are Friday and Saturdays 3 to 10 p.m., as well as on special occasions such as Canada Day.

The current licensed capacity of the Legion is seventy-five (75) people in the lounge area, plus ninety-four (94) in the meeting room. If the license is granted, the combined maximum capacity would be two hundred and thirty-four (234) people. Staff notes that at any given time, the use of all three areas at or near capacity is unlikely.

Once passed, the LTC's resolutions will be forwarded to the LCRB to consider when making decision on the application.

A copy of the notice as circulated is Attachment 4.

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<sup>1</sup> Notwithstanding, the License from LCRB would be issued for the full year.

**Specific File Activity:**

The following is a summary of the resolutions and file activity that have occurred for this application since the last report:

- The LTC passed the following resolutions at its March 24, 2022 regular meeting:

**NP-2022-033**

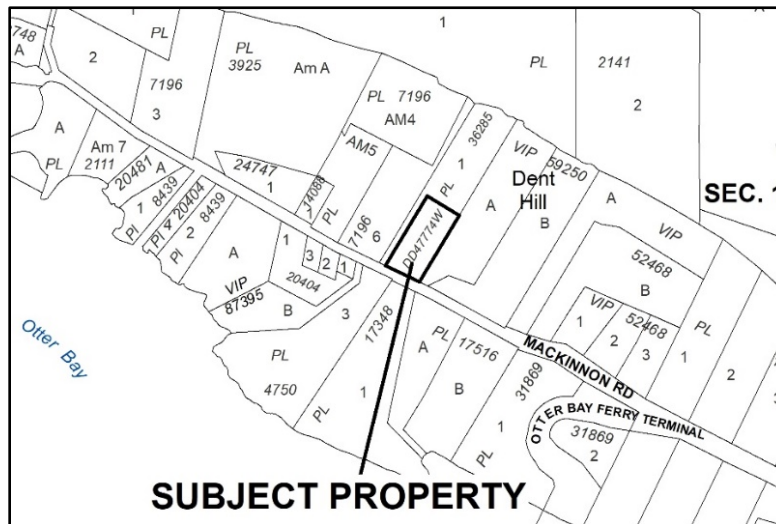
**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee direct staff to undertake notification and schedule a Community Information Meeting (CIM) for referral application NP-LCB-2022.1 (Royal Canadian Legion) as part of the April 28, 2022 Regular Meeting.

**CARRIED**

- Staff undertook notification and advertising for the CIM as outlined in ‘Consultation’ (below)

**Figure 1: Subject Property/Location**



**ANALYSIS**

**Policy/Regulatory**

**Islands Trust Policy Statement:**

There are no directive policies relevant to this referral.

**Official Community Plan:**

The property is designated as **CS - Commercial Service** in the North Pender Island Official Community Plan No. 171, 2007.

The following Objectives and policies for Commercial designated lands are relevant:

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.

Community Service Policies

- 2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations.
- 2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities.
- 2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.

**Development Permit Area One – Woodland** is designated on the subject property (Attachment 2.2). However, this is a small corner that is within the LUB setbacks and not impacted by the patio use.

***Land Use Bylaw:***

The property is zoned as **Community Service CS (m)** in the North Pender Island Land Use Bylaw No. 103, 1996. That zone permits only private clubs. The current uses and density meet the requirements of the LUB.

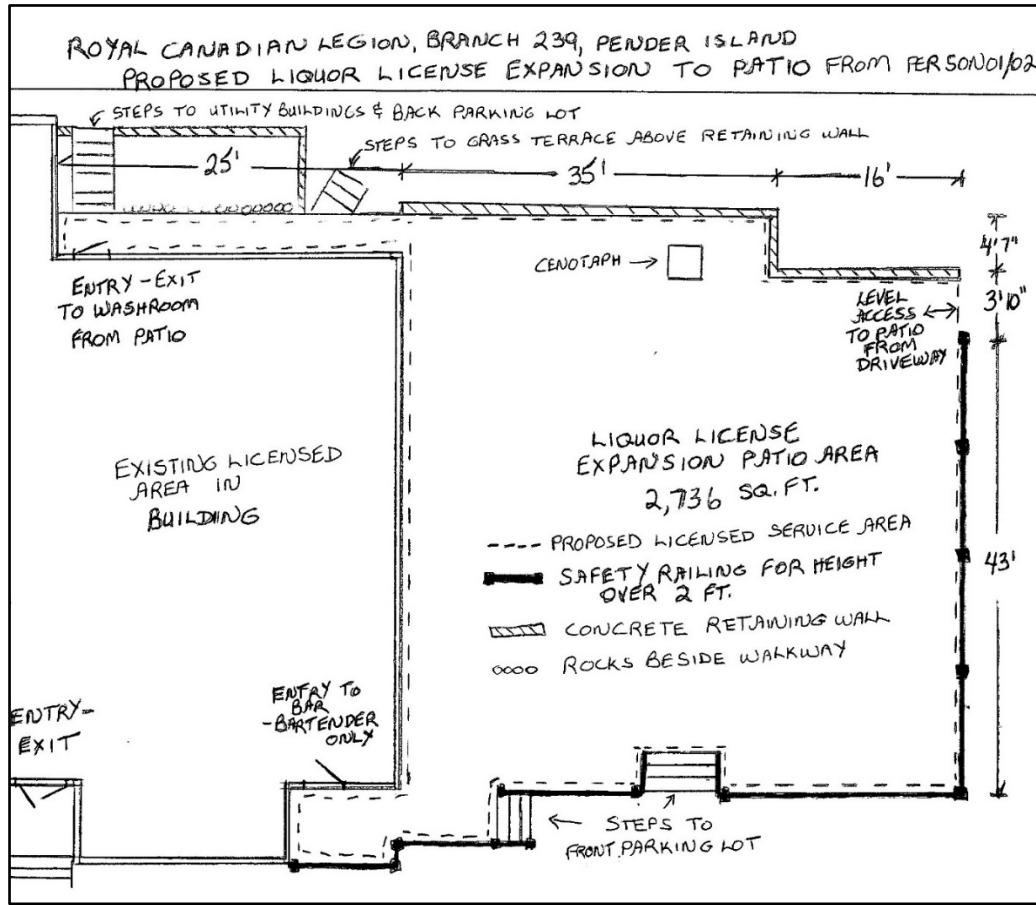
**Issues and Opportunities**

***Location***

The Legion is a long established service club incorporated in 1952, with the facility operating in its current location for a long time period. The property is 0.56 ha in size, with the main building located on the west side, close to the centre of the lot (Attachment 2.1). The patio area is located on the east side of the building between the front and rear parking lots. The building partially screens the use from the nearest dwelling which is approximately 50 metres west. The topography and open site could potentially impact residential uses to the south across Mackinnon Road with sound travel. As above, the subject property has the appropriate zoning for the use.

Given the foregoing, staff consider that the proposed location is suitable.

Figure 2 – Patio Plan



**Parking**

The two gravel parking areas are accessed from MacKinnon Road and a shared access driveway on the ‘finger’ of the panhandle lot to the north and west. The LUB parking regulations require that premises licensed under the *Liquor Control and Licensing Act* provide a minimum of 1 space per 3 seats (Article 6.1.2 (g)). With a capacity of two hundred and thirty-four (234) people, that would require seventy-eight (78) spaces.

At the time of writing, the applicant believes they have enough capacity, but will verify prior to the meeting on April 28<sup>th</sup>. If the parking capacity is insufficient, the Legion has the option to make a future application for a variance, noting that the limited opening times, the seasonal nature of the use and that it is likely rare that the facility would be at full capacity, are reasonable rationales in favour of granting such a variance.

**Impacts of Use**

The proposed patio licence may be of concern to the public, particularly immediate neighbours. The public may identify other concerns or issues 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 proposed location;
- The general impact on the community if the application is approved; and,
- Residents' views as gathered through the consultation process.

Staff do not anticipate any significant impacts, particularly as the hours and days per week are limited and the patio has been operating on a temporary licence for almost two years with no complaints received by the Islands Trust.

### **Consultation**

To gather input from the public, staff have scheduled a CIM for this meeting 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 (Attachment 3). An advertisement for the CIM was placed in the *Driftwood* on April 13, 2022.

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 April 28, 2022 meeting.

The results of the consultation are required in the form of a resolution(s) from the LTC and will be forwarded to the LCRB.

### **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 referral 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 resolutions on page 1 of this report will facilitate the requirements of gathering residents' views as mandated by the LCRB. 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**

- Staff will forward resolutions (support, support with conditions, or to deny the licence) with staff reports to the LCRB.

Submitted By:	Phil Testemale	April 20, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 20, 2022

**ATTACHMENTS**

1. Site Context
2. Mapping, Plans and Photographs
3. Referral Letter from LCRB (DATE)
4. Notice

## ATTACHMENT 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
Lot Size	0.55 Ha (1.39 ac)

### 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
NP-LCB-2017.1	N/A

### POLICY/REGULATORY

Official Community Plan Designations	The property is designated as <b>Community Service (CS)</b> in the North Pender Island Official Community Plan No. 171, 2007 (OCP).  A small portion of <b>Development Permit Area One – Woodland Sensitive</b> designated as shown in Attachment 2.2. However, as that is within the zone setback areas and no development is proposed under this application, no DP is required.
Land Use Bylaw	The property is zoned as <b>Community Service CS (m)</b> in the North Pender Island Land Use Bylaw No. 103, 1996Community Service (m) which states: <ol style="list-style-type: none"> <li>1) The only uses permitted in this location are private clubs including club hall rentals; and,</li> <li>2) The gross floor area of the uses permitted in (1) may not exceed 483 m<sup>2</sup>.</li> </ol>
Other Regulations	Liquor licensing Liquor Control and Licensing Branch.
Covenants	None
Bylaw Enforcement	N/A

### SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None on TAPIS
Sensitive Ecosystems	Woodland ecosystem community – not impacted.
Hazard Areas	N/A

Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. There are areas of archeological potential mapped on the property. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Further, The Islands Trust <i>Chance Find Protocol</i> and provincial guidance information have been provided to the applicant.
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.

# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

## 2.1 ORTHOPHOTO



## 2.2 DPAs



**2.3 PHOTOGRAPH - PATIO LOOKING SOUTHWEST**



**2.3 PHOTOGRAPH - FRONT PARKING LOT AND BUILDING PRIOR TO PATIO (2017)**



### 2.3 PHOTOGRAPH - ENTRANCE FROM MACKINNON ROAD PRIOR TO PATIO (2017)





# Liquor and Cannabis Licensing

## Provide Comment on Liquor Primary New Outdoor Patio Application

Use this form to apply for a new outdoor patio area for your Liquor Primary licensed establishment.

The application fee is \$440.

If you leave this page, the information you input will be saved. You can continue later from the dashboard.

### BEFORE STARTING THE APPLICATION

The term "local government" is a defined term in our Act and may also include: municipal government, city hall, regional district, local trust, etc. governing the geographic area where your proposed establishment is located. In certain areas, the approving authority may be Indigenous Nation. For the purpose of this guide we will use the short form "LG/IN".

If an LG/IN is the applicant, the Branch will gather community input and consider the regulatory criteria; the LG/IN is not permitted to conduct public input or provide comments on their own application. This is to prevent conflicts of interest. The applicant must pay any costs incurred to obtain the views of residents.

If you have any questions about this application, call the Liquor and Cannabis Regulation Branch (LCRB) toll-free at: 1 866 209 2111.

Please review the information at <http://www.islandstrust.bc.ca/> (<http://www.islandstrust.bc.ca/>) to ensure you have met the requirements of this application with your local government.

### ESTABLISHMENT DETAILS

#### Establishment Name

ROYAL CANADIAN LEGION, BRANCH NO. 239 (046239)

#### LIQUOR PRIMARY LOCATION ADDRESS

The licensed establishment is currently located at the following address:

#### Address

1344 McKinnon Rd RR 1

#### City

PENDER ISLAND

#### Province

British Columbia

#### Postal Code

V0N2M1

#### Country

Canada

#### Parcel Identifier (PID)

## LOCAL GOVERNMENT/INDIGENOUS NATION AND POLICE JURISDICTION

Enter the local government (or Indigenous Nation) and police jurisdiction where the establishment will be located. Suggestions will be provided after you type the first three characters of the name.

### Local Government/Indigenous Nation

Islands Trust

### Selected Local Government/Indigenous Nation

**Name:** Islands Trust

**Website:** <http://www.islandstrust.bc.ca/> (<http://www.islandstrust.bc.ca/>)

Please review the information at <http://www.islandstrust.bc.ca/> (<http://www.islandstrust.bc.ca/>) to ensure you meet the requirements of this application with your local government. You may need to contact them prior to submitting to ensure your successful submission.

### Police Jurisdiction

Pender Island RCMP

### Selected Police Jurisdiction

**Name:** Pender Island RCMP

## ESTABLISHMENT CONTACT DETAILS

The phone and email address used to contact your establishment:

### Establishment Email

branch239.rcl@gmail.com

### Establishment Phone

(250) 629-3441

## APPLICATION DETAILS

You confirm that the patio service area(s) bounding is sufficient:

- \* For you to monitor and control patron entry and exit, and
- \* To visually and physically define the service area.

In opening this patio area you confirm that:

- \* You will take appropriate measures to maintain care and control over the service area and conduct.

Describe the location of the patio in relationship to the interior service area. \*

Patio runs along one exterior wall of the interior service area.

**What is the status of the patio area construction? \***

Ready to Operate    In Progress    Not Started

**If construction has not yet started or is in progress, when do you expect it to be complete?**

yyyy-mm-dd

The patio is currently the subject of a Temporary Expanded Service Area (TESA) Authorization

**Indicate the months you expect to operate the patio (note: if approved, your patio will be licensed for the full year, within the limits of LG/IN bylaws and permits):**

- January
- February
- March
- April
- May
- June
- July
- August
- September
- October
- November
- December

**Describe how patrons will access the patio (ie. from interior). \***

Patio is accessed by patrons from the interior through a rear exit door. Patio can also be accessed by patrons from exterior parking lots and accessible drop off driveway.

**Will servers have to carry liquor through any unlicensed areas to get to the patio?**

Liquor will be carried through any unlicensed area to get to the patio.

If yes, please explain. Only servers are permitted to carry liquor through unlicensed areas.

Liquor will primarily be served from: \*

Fixed service bar(s) on patio    Portable service bar(s) on patio    The interior service bar(s)

### Floor Plan

Attach a high-quality copy of the proposed patio floor plan(s).

The floor plan(s) must be stamped with an occupant load for each proposed service area. The occupant load stamp must be signed and dated by the issuing authority within 1 year prior to the date of submission of this application.

Occupant load is the maximum number of persons (patrons plus staff) permitted in the service area and is generally determined by the Local Government (LG) / Indigenous nation (IN) fire and/or building authorities. If the LG/IN authority will not provide the occupant load, you must request they provide a letter confirming they do not issue occupant load and submit it with this application. The Branch will then accept your floor plan(s) with the occupant load calculation determined, and stamped/dated/signed, by a registered professional architect or engineer.

To avoid unnecessary delays in processing, do not submit this application without a current (within the last 12 months) occupant load stamp.

The applicant is responsible for complying with any local bylaws related to licensed establishment patios. **Note:** Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/IN.

Floor plans must show all proposed patio service area(s) and have sufficient detail including:

- liquor service bars
- stairs, entrances and exits
- relation to the other FP licensed areas, other liquor licences, unlicensed areas and other businesses

[Floor Plan 1.pdf \(api/file/93ba5507-3085-ec11-b831-005056838fcd/download-file/application/Floor Plan 1.pdf?serverRelativeUrl=%2Fadoxio\\_application%2F043680\\_93BA55073085EC11B831005056838FCD%2FFloor%20Plan\\_1.pdf&documentType=FloorkbPlan\)](#) 260

### SERVICE AREAS

Use the following table to list the proposed patio service areas and provide a proposed person capacity (patrons plus staff) for each area. Use names like Patio 1, or Upper Patio/Lower Patio.

**Note:** Proposed capacity cannot exceed occupant load issued by the local authority.

Area No.	Area/Floor Level	Indoor	Patio	Proposed Capacity
1	Main Patio	<input type="checkbox"/>	<input type="checkbox"/>	65

Total Requested Capacity: 65

### LIQUOR PRIMARY OWNERSHIP DETAILS

Please provide the following details about your application:

- The applicant is the owner of the business in respect of which the licence is to be issued or will become the owner before the licence is issued.
- At the time of this submission, the applicant is:
  - The owner of or has an agreement to purchase the place or premises that will form the proposed establishment, or
  - The lessee or has a binding offer to lease the place or premises that will form the proposed establishment
- At the time the licence is issued, the applicant will be:
  - The owner of the place or premises that forms the establishment, or
  - The lessee of the place or premises that forms the establishment (term no less than 12 months).

**Note:** Valid interest must be maintained at the current and proposed site until the relocation is finalized. LCRB may request a copy of valid interest at the current site during the relocation application process.

#### APPLICATION CONTACT DETAILS

*Please provide contact information for the contact that the LCRB should communicate with regarding this application.*

##### First Name \*

Jean

##### Last Name \*

Deschenes

##### Title/Position

President

##### Phone Number (main) \*

##### Email \*

*By submitting the email address, you agree that the Liquor and Cannabis Regulation Branch can use it to communicate with you about this application.*

branch239.rcl@gmail.com

#### DECLARATIONS

The application must only be submitted by an individual with the authority to bind the applicant. The branch relies on the applicant to ensure that the individual who submits this application is authorized to do so. Typically, an appropriate individual in a corporation will be a duly authorized signatory who will usually be an officer or, in some cases, a director

Note: A lawyer or consultant, may NOT submit this application on behalf of the applicant.

- \* I understand and affirm that I am authorized to submit the application

Section 20 (1) of the Liquor Control and Licensing Act states: "The general manager may refuse to issue, renew, transfer or amend a licence if the applicant fails to disclose a material fact required by the application or makes a false or misleading statement in the application."

- \* I understand and affirm that all of the information provided for this application is true and complete

#### LOCAL GOVERNMENT/INDIGENOUS NATION CONFIRMATION OF RECEIPT OF APPLICATION

##### LG/IN

Islands Trust

**Name of Official**

Phil Testemale

**Title/Position**

Planner

**Phone**

(250) 405-5170

**Email**

ptestemale@islandstrust.bc.ca

his serves as notice that an application for a structural change to a liquor primary (LP) licence is being made within your community. The Branch requests that you consider this application (application form and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/IN can delegate staff with the authority to provide comment.

- If there are any major issues LG/IN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/IN is comfortable with the application proceeding, LG/IN staff will Accept the application using the button below. LG/IN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the application to the Branch.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
  - The location of the establishment.
  - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
  - The impact of noise on nearby residents.
  - The impact on the community if the application is approved.
  - The view of residents and a description of the method used to gather views.
  - The LG/IN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/IN opts out, or is the applicant, the Branch will gather public input and contact LG/IN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR [BROWSE](#).  
FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.  
MAX FILE SIZE: 25MB.

Opt Out of Comment

Reject Application

Accept Application



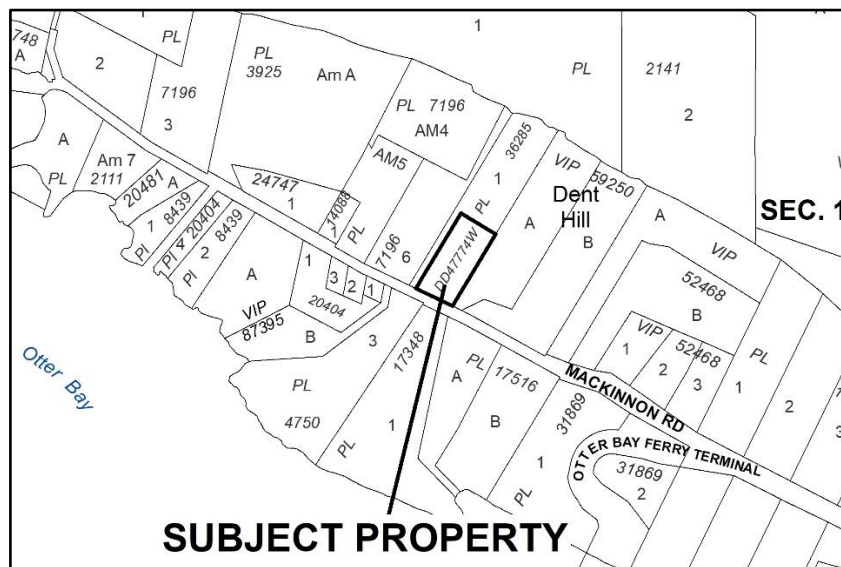
## NOTICE

### NORTH PENDER ISLAND LOCAL TRUST COMMITTEE APPLICATION FOR A NEW OUTDOOR PATIO LICENCE

The Royal Canadian Legion Branch 239 has applied to the Liquor and Cannabis Regulation Branch (LCRB) to add a new **Outdoor Patio** to their Liquor Primary License. The patio has been operating as a Temporarily Expanded Service Area (TESA) during COVID 19 since July of 2020. If successful in obtaining the license, the use area would become permanent. As local government, the North Pender Island Local Trust Committee (LTC) is required to consider the application and provide the LCRB with a written recommendation.

In order to receive public comment, and to provide an opportunity for the public to ask questions of the applicant, a **Community Information Meeting (CIM)** has been scheduled as part of the **LTC Regular Meeting** on **Thursday, April 28, 2022**, starting at **10 a.m.**, at the **Anglican Parish Hall, 4703 Canal Road, Pender Island.**

The property subject to this application is located at **1344 Mackinnon Road** as shown on the map (below). The subject property is zoned **Community Service CS (m)** where **private clubs** is the only permitted use.



The following has been requested as part of the application to the LCRB:

- Operating Hours: 3 p.m. to 10 p.m., on Fridays and Saturdays, and on special occasions and/or holidays.
- The proposal is to operate only in the months from June to September in a calendar year, however, the LCRB license would not limit the months in a year.
- The patio would be area is 254 m<sup>2</sup> (2,736 ft<sup>2</sup>) in area and demarked by railings and barriers from the parking lot and other areas on the subject property.
- A maximum capacity of sixty-five (65) people.

Copies of background documents may be inspected on the Islands Trust website: <https://islandstrust.bc.ca/island-planning/north-pender/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **April 8, 2022** and continuing up to and including **April 19, 2022**.

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, e-mail at [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca), or by Fax (250) 405-5155, prior to **4:30 p.m. April 19, 2022**; or
2. by delivery to the Local Trust Committee at the CIM starting at **10:00 a.m. April 28, 2022**.

Enquiries and requests for further information should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867) or email: [ptestemale@islandstrust.bc.ca](mailto:ptestemale@islandstrust.bc.ca).

The North Pender Island Local Trust Committee may consider a resolution with a recommendation for this application during the regular business meeting immediately following the CIM on April 28, 2022, at the Anglican Parish Hall on North Pender Island.

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



Islands Trust

**NORTH PENDER ISLAND  
LOCAL TRUST COMMITTEE**

**NOTICE OF COMMUNITY INFORMATION MEETING**

**NP-LCB-2022.1**

**(Royal Canadian Legion Branch 239)**

The North Pender Island Local Trust Committee (LTC) will hold a Community Information Meeting (CIM) regarding application NP-LCB-2022.1 (Royal Canadian Legion) at their regular business meeting.

The LTC seeks input from the community and nearby residents to satisfy Liquor and Cannabis Regulation Branch referral where the Royal Canadian Legion Branch No. 239 has applied for a new **Outdoor Patio** license as an addition to their current Liquor Primary. If granted, the license would make permanent the use of the patio area that has been operating as Temporarily Expanded Service Area (TESA) during COVID 19 since July of 2020.

**When: April 28, 2022**

**Where: Anglican Parish Hall,  
4703 Canal Road, Pender Island, BC**

**Time: 10:00 am**

For more information contact Phil Testemale, Planner 2 at 250-405-5170 or email [ptestemale@islandstrust.bc.ca](mailto:ptestemale@islandstrust.bc.ca)

Visit the North Pender Island LTC website for background and further information:

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



File No.: NP-TUP-2022.2 (xref NP-TUP-2019.7),  
NP-RZ-2012.1, & NP-TUP-2015.1

DATE OF MEETING: April 28, 2022  
TO: North Pender Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
Warren Dingman, Manager of Compliance and Enforcement  
SUBJECT: **TUP & Rezoning Applications** - 4415 Bedwell Harbour Road & 4606 Razor Point Rd  
Applicant: Mike and Anne Burdett (Pender Island Waste Management)

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee proceed no further with applications NP-RZ-2012.1 and NP-TUP-2015.1 and request staff to close the files.
2. That the North Pender Island Local Trust Committee place application NP-TUP-2022.2 in abeyance until after the North Pender Land Use Bylaw Review Project is complete, or at such time that the Local Trust Committee removes the legalization of the TUP uses from the Project.
3. That the North Pender Island Local Trust Committee request staff to not enforce the full service waste transfer use and other accessory uses as outlined in NP-TUP-2019.7 until the Land Use Bylaw is amended.

## REPORT SUMMARY

Staff is looking for direction from the North Pender Island Local Trust Committee (LTC) on how to proceed with the following three applications all relating to waste transfer use:

1. NP-RZ-2012.1 (Application is in abeyance) – 4606 Razor Point Road – Rezoning application to permit a waste transfer station, commercial recycling facility, and commercial composting facility.
2. NP-TUP-2015.1 (Application is in abeyance) – 4606 Razor Point Road – TUP application is for a waste transfer station on subject property.
3. NP-TUP-2022.2 – 4415 Bedwell Harbour Road – Application to renew the TUP to permit a full service waste transfer facility at 4415 Bedwell Harbour Road has been received and applicant has paid the TUP renewal fee.

## ANALYSIS

Staff recommend closing applications NP-RZ-2012.1 and NP-TUP-2015.1 (4606 Razor Point Road) as the applicants have moved the waste transfer facility business to 4415 Bedwell Harbour Road – see recommendation No. 1. As both applications had significant staff time dedicated on the two applications, no application fees would be reimbursed.

At the March 24, 2022 regular North Pender LTC meeting, the LTC passed the follow resolution:

**NP-2022-041**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).

**CARRIED 2/1 Trustee McConchie**

The temporary use permit (NP-TUP-2019.7) originally issued for the full service waste transfer facility located at 4418 Bedwell Harbour Road was issued on May 29, 2020 and expires on May 29, 2022. The applicant now is in the process of applying to renew the TUP and has paid the renewal TUP application fee of \$165. The renewal TUP application is NP-TUP-2022.2.

Staff are requesting direction from the LTC on the following options for the TUP renewal application NP-TUP-2022.2 in light of the direction to legalize the TUP uses as part of the Land Use Bylaw Review Project:

1. Place TUP renewal application NP-TUP-2022.2 in abeyance until the LUB Review Project is complete or until such time that the Local Trust Committee removes the legalization of the TUP uses from the project. If the LTC supports this approach, then staff recommend a resolution to also not proceed with any enforcement due to the standing resolution on enforcement of on-going uses.
2. Request staff to continue to process the NP-TUP-2022.2 renewal application.

**Rationale for Recommendation**

Staff recommend closing application NP-RZ-2012.1 and NP-TUP-2015.1 as the waste transfer business is no longer located at 4606 Razor Point Road.

Staff also recommend placing NP-TUP-2022.2 in abeyance until the LUB Review Project is complete or until such time that the LTC decides to remove the legalization of the uses from the project. This is a similar approach staff have taken with another TUP application that will legalize uses of the wholesale and storage of aggregates, soil and mulches at 3334 Port Washington Road into the LUB Project (NP-TUP-2020.1 – applicant: B. Bigham).

**ALTERNATIVES**

**1. Continue to keep applications (NP-RZ-2012.1, & NP-TUP-2015.1) in abeyance**

The LTC may request to continue to keep NP-RZ-2012.1 and NP-TUP-2015.1 in abeyance. No direction from the LTC is required for this.

**2. Request staff to continue to process the NP-TUP-2022.2**

The LTC may request staff to continue to process the Temporary Use Permit renewal application (NP-TUP-2022.2). No direction from the LTC is required for this.

**3. Proceed no further with NP-TUP-2022.2**

The LTC may opt to proceed no further with the TUP renewal for 4415 Bedwell Harbour Road. Staff would then close the file and refund the application fee to the applicant.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee proceed no further with NP-TUP-2022.2 (Burdett) for the following reason(s):\_\_\_\_\_.*

Submitted By:	Kim Stockdill, Island Planner	April 21, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 21, 2022

**ATTACHMENTS**

1. NP-TUP-2019.7 (permit issued on May 29, 2020 and expires on May 29, 2022)



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
NP-TUP-2019.7 (Burdett/PI Waste Management)**

**4415 Bedwell Harbour Road**

To: Barbara and Glen Grimmer  
c/o Michael and Anne Burdett (Pender Island Waste Management Ltd.)

1. This Permit applies to the land described below:

That portion of:

Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806  
(PID: 018-948-421).

Indicated as 'Temporary Use Area' on Schedules 'A' and 'B' attached to and forming part of this permit.

2. This permit is issued for the purpose of permitting the owner to conduct the following uses and no others in the Temporary Use Area of the property:

- a) Full service waste transfer - the use of land, buildings or structures for:
  - i. receiving, storing, sorting, compacting and transferring solid waste;
  - ii. commercial recycling;
  - iii. commercial composting; and
  - iv. public drop off waste transfer

b) Storage of motorized and non-motorized vehicles and equipment accessory to the uses permitted in 2(a) directly required for the waste management business known as "Pender Island Waste Management Ltd".

3. This permit allows buildings and structures accessory to the uses permitted in Section 2. (above) as shown on Schedule 'B' attached to and forming part of this permit, and required for the business know as "Pender Island Waste Management Ltd" and no others and specified as follows:

- a) One (1) covered waste transfer building(s) to contain a maximum of 2 (two) – forty (40) yard volume lidded disposal bins and equipped with a minimum 8" concrete slab foundation and 4" high (minimum) concrete berm with a centre-screened drain and a sump for the purpose of catching and containing any leachate to prevent any contamination to the natural environment;
- b) A maximum of eight (8) – fifteen (15) yard volume disposal bins of which three (3) indicated for 'customer drop off' must be placed on a minimum 8" concrete slab;

- c) A maximum of one (1) hydrocarbon storage building (a 'sea container') that is lockable and weather proof and equipped with a 15.25 cm (6 in.) "kick plate" to contain any spillage; and,
  - d) A maximum of one (1) general purpose storage building (a 'sea container').
4. The uses may be carried out subject to the following conditions and specifications:
- a) The uses permitted in Section 2 (above) may not result in any contamination or degradation of the groundwater aquifers in the vicinity of the subject property or downstream aquatic areas.
  - b) All vehicles, equipment, buildings and materials permitted by Section 2 and 3 (above) are to be removed from the site by the date of the expiry of this permit. The removal of screening is not a condition of this permit.
  - c) Unless a rezoning application is received by the Islands Trust, upon the expiry of this permit, the Temporary Permit Area of the property shall be remediated to return to the condition prior to the commencement of the use.
  - d) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2 (above) is limited to the following:
    - i. A maximum of five (5) trucks; and,
    - ii. A maximum of five (5) construction containers
  - e) Volumes of waste transfer is not to exceed 600 tons per annum.
  - f) All waste transfer uses must be setback 30 m from any well or surface water body.
  - g) All household bagged garbage will be removed within 72 hours of pickup.
  - h) The TUP area is to be maintained clear of litter and safe for the general public and an end of day survey of the site for any possible litter is to be performed daily.
  - i) Dust must be regularly controlled by application of water to or other non-toxic method of dust control.
  - j) The transfer, storage and shipping of discarded goods and materials permitted by 2(a) above shall not include any hazardous waste, including household hazardous waste as defined by Capital Regional District Environmental Services, bulk liquids and semi-solid sludges, including septage, black water, and sewage treatment sludge, biomedical waste, dead animals and slaughterhouse and farming wastes.
  - k) Drywall may be temporarily stored and transferred off North Pender Island for disposal.
  - l) The uses permitted by 2.a) (above) shall not include car hulks.
  - m) Other than the uses indicated in 2.a) (above), the processing of discarded goods and materials is prohibited.

- n) The placement of signage denoting what is and is not accepted at the site and what is accepted at the recycling facility at a separate location, fees, and hours of operation.
  - o) All other signage, with the exception of directional and instructional signage within the Temporary Use Area, must conform to Part 5 Sign Regulations of the North Pender Land Use Bylaw No. 103, 1996.
  - p) Vegetation is to be retained or planted on berms and maintained along all zone boundaries or lot lines abutting the non-industrial uses consistent with Subsection 3.13 Landscape Screening of the North Pender Land Use Bylaw No. 103, 1996.
  - q) The hours of operation for public disposal of discarded goods and materials shall be limited to:
    - i. Friday: 10:00 a.m. to 2:00 p.m.
    - ii. Sunday and Statutory Holiday Mondays: 1:00 p.m. to 4 p.m.
  - r) Public access is limited to the portion of Temporary Use area delineated for customer access on Schedule 'B' attached to and forming part of this permit.
  - s) The hours of operation for the emptying of collection bins shall be limited to between the hours of 8:00 a.m. and 5 p.m. Monday to Saturday.
  - t) Any other noise generated by the facility must occur between 7:00 a.m. and 7:00 p.m. where all reasonable measures are taken to abate noise.
  - u) Vehicle access to and from the Temporary Use Area shall be restricted to the use of only the one access point on Otter Bay Road as indicated on Schedule 'A'.
  - v) The vehicular access driveways shall be surfaced with road base (or similar) extending a minimum of 75 metres from Otter Bay Road, and the surface shall be maintained for the duration of the permit and any renewal period.
  - w) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.
  - x) Any application for renewal must include the submission of a comprehensive environmental management plan prepared by a qualified professional with experience in waste management.
5. This permit is valid for two (2) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

6. 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 for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

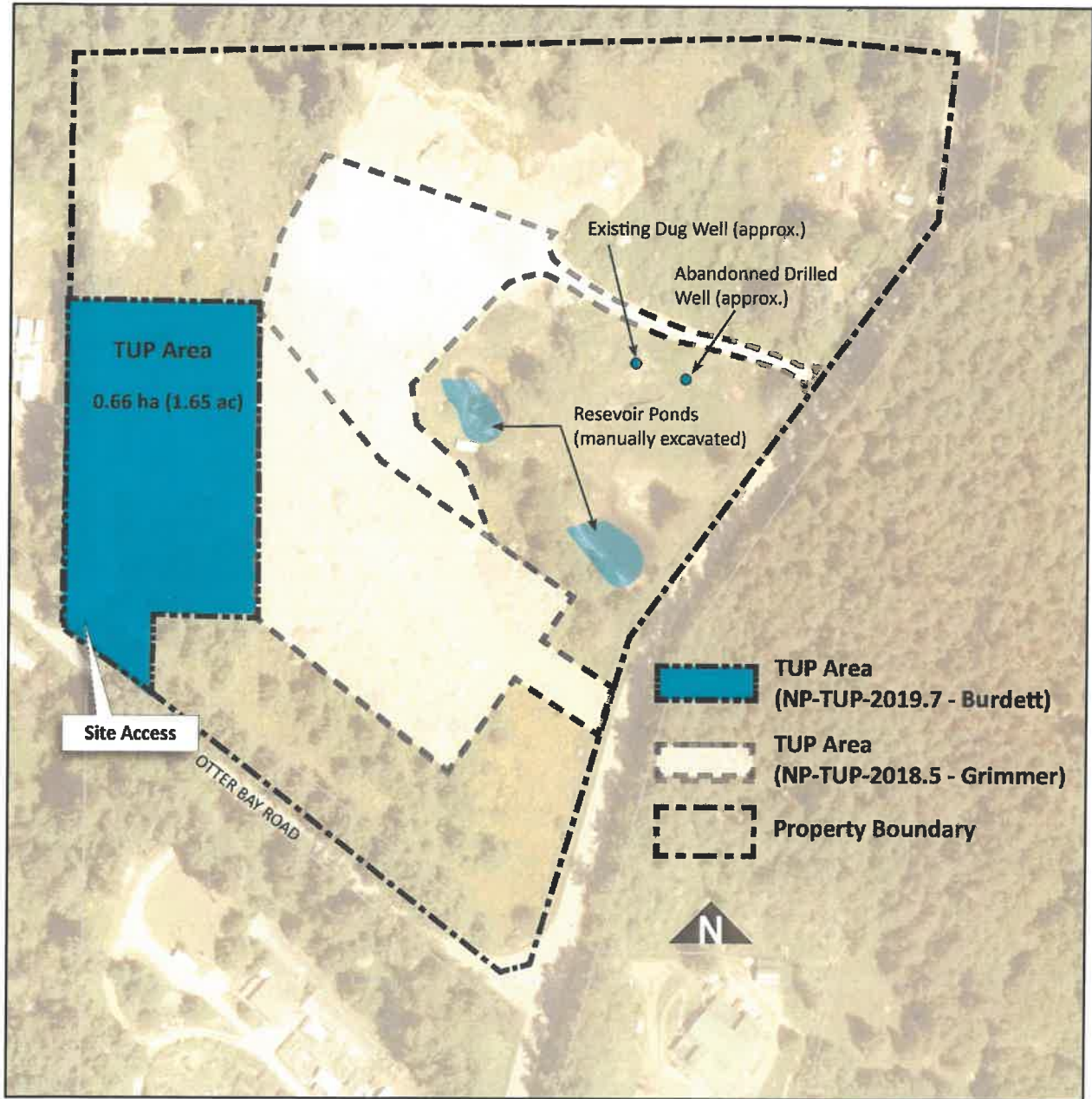
**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 21<sup>ST</sup> DAY OF MAY, 2020.**

  
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
May 29, 2020  
Date Issued

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2019.7  
SCHEDULE 'A'

TUP AREA



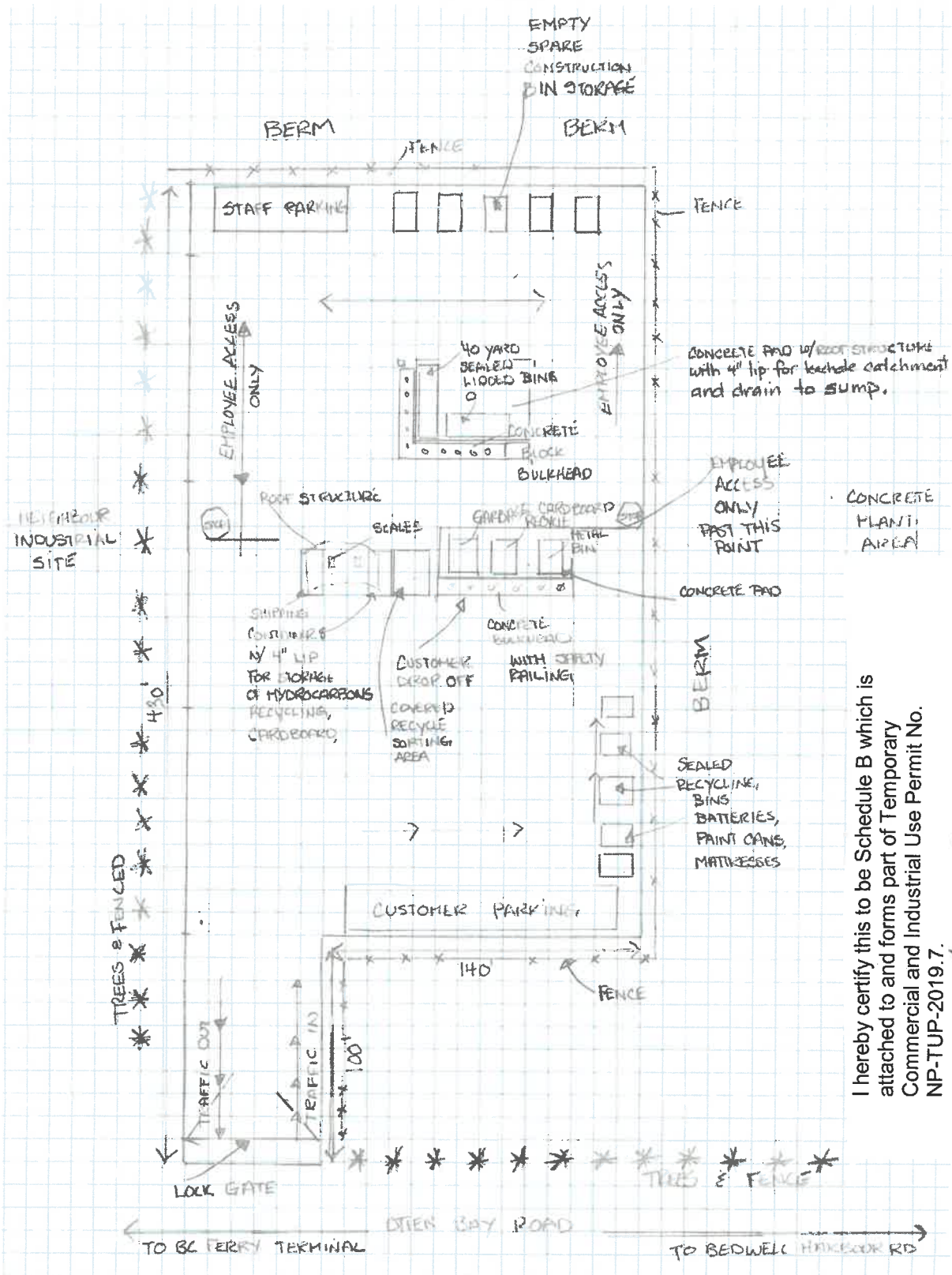
I hereby certify this to be Schedule A which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2019.7.

*A. Chanki*  
\_\_\_\_\_  
Signature of Islands Trust Official

May 29, 2020  
\_\_\_\_\_  
Date of Issuance

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2019.7**  
**SCHEDULE 'B'**

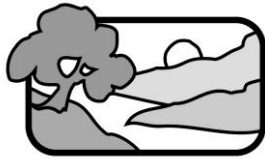
**SITE PLAN**



I hereby certify this to be Schedule B which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2019.7.

*A. Chubb*  
 Signature of Islands Trust Official

May 29, 2020  
 Date of issuance



Islands Trust

# BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street  
Victoria, B.C. V8R 1H8  
Ph: (250) 405-5151  
Fax: (250) 405-5155  
information@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area Bylaw No.: 133/134 Date: March 24, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Saturna Island Local Trust Committee Project

**PURPOSE OF BYLAW:**

Minor amendments to the Saturna Island Official Community Plan No. 70 (OCP) and the Saturna Island Land Use Bylaw No. 119 (LUB) that will improve clarity and consistency of bylaw application and address some longstanding minor errors with respect to zoning and land use designations.

Professional reports and staff reports are available on the Saturna island webpage:

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

**GENERAL LOCATION:**

Saturna Island Local Trust Area

**LEGAL DESCRIPTION:**

N/A

**SIZE OF PROPERTY AFFECTED:**

N/A

**ALR STATUS:**

N/A

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

N/A

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

*BSmith*

Name: Brad Smith

(Signature)

Title: Island Planner  
Contact Info: Tel: 778 679 5185  
Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER

**This referral has been sent to the following agencies:**

**Non-Agency Referrals**

Saturna Island Parks and Recreation Commission

**Regional Agencies**

Capital Regional District – Building Inspection  
Capital Regional District – Regional Parks and Community Services

**Adjacent Local Trust Committees and Municipalities**

North Pender Island Local Trust Committee  
Mayne Island Local Trust Committee  
South Pender Island Local Trust Committee

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Malahat First Nation  
Pauquachin First Nation  
Penelakut Tribe  
Semiahmoo First Nation  
Snuneymuxw First Nation  
Stz'uminus First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
WSANEC Leadership Council

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

\_\_\_\_\_  
Saturna Island Local Trust Area  
(Island)

\_\_\_\_\_  
133/134  
(Bylaw Number)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Agency)

# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 133

---

### A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

---

The Saturna Island Local Trust Committee in open meeting assembled enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021".

#### 2. SCHEDULES

Saturna Island Official Community Plan No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 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 17<sup>TH</sup> DAY OF FEBRUARY 2022.  
PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
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\_\_\_\_  
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 133**

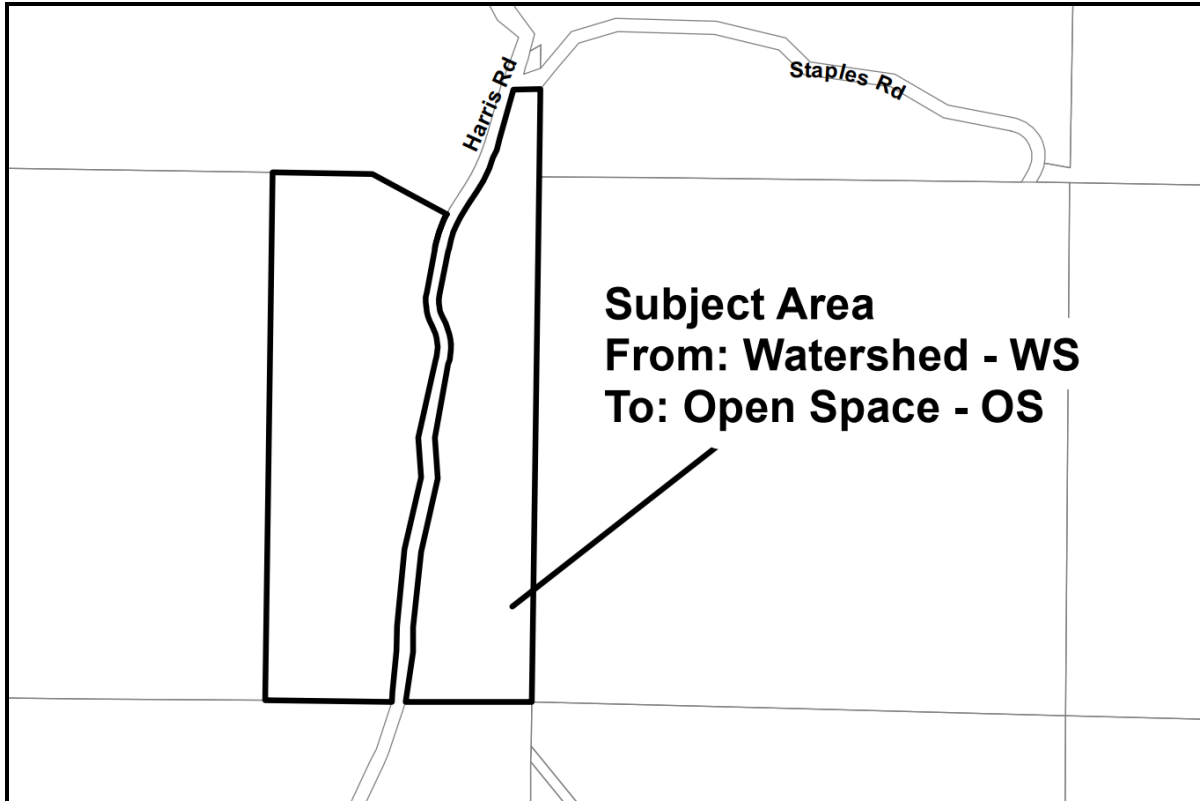
**SCHEDULE 1**

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

1. Schedule "B" – Land Use Designation Map, is amended by changing the land use designation of the land parcel legally described as *Fractional Section 8 Saturna Island Cowichan District Except, 1) West 1/2 Of The Se 1/4 Thereof, 2) Sw 1/4 Thereof, and 3) Those Parts in Plans 2755, 8220, 15123, 18277, 18592, 19557, 19752, 21813, 32473, 40064, 44888, VIP67333, VIP84109, EPP34443 and EPP70279* from Watershed (WS) to Open Space (OS), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 70 as are required to effect this change.
2. Schedule "B" – Land Use Designation Map, is amended by changing the land use designation of the land parcel legally described as *Lot 52, Cowichan District, Containing 1.16 Acres, More Or Less* from Wilderness Reserve (WR) to Rural (R), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 70 as are required to effect this change.

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 133

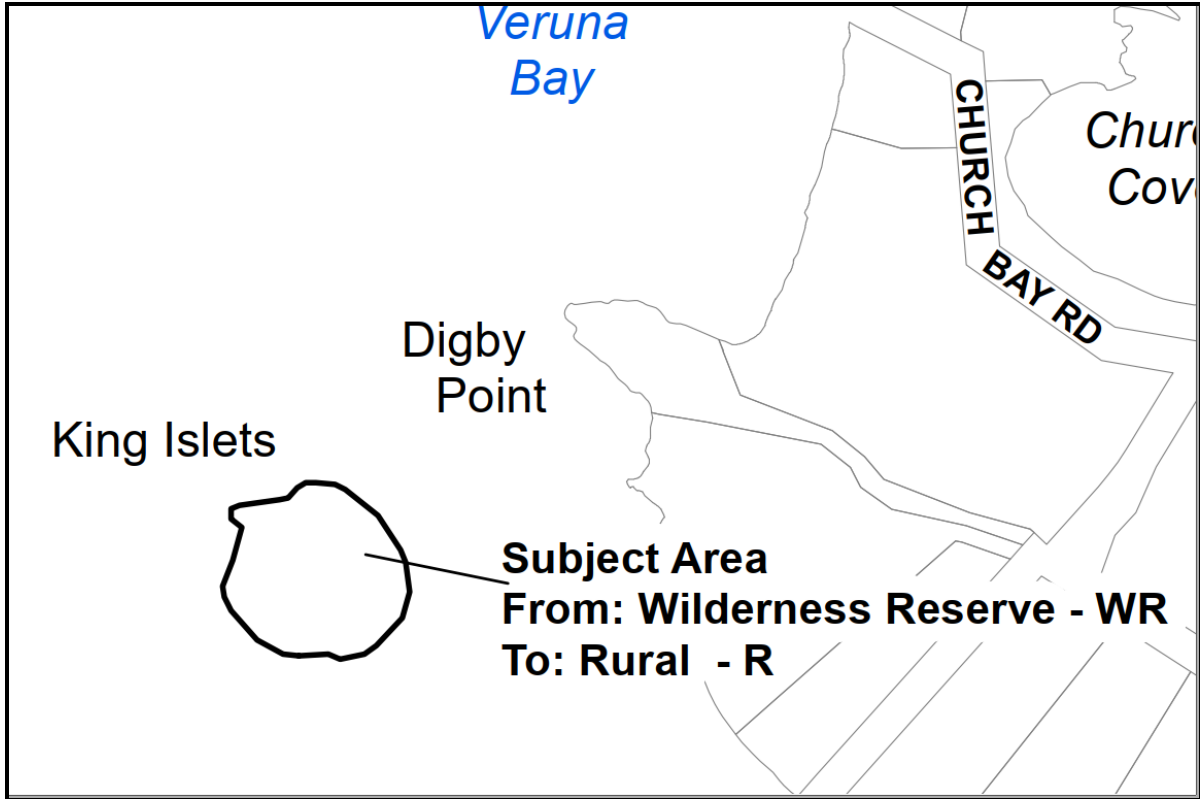
Plan No. 1



PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 133

Plan No. 2



# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 134

---

### A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

---

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1. Part 11 (Water Zoning Regulations) Section 11.5 (Open Waters Zone), Subsection 11.5.1 (Permitted Uses) is amended by inserting a new Article 11.5.1(6) that reads “Hydrophone research facilities” immediately following Article 11.5.1(5).

2.2. Part 12 (Subdivision Regulations) Section 12.7 (Lot Width) is amended by inserting “exclusive of any panhandle access strip” such that it reads “No lot may have a width less than one third of its depth exclusive of any panhandle access strip.”

2.3. Section 15.1 (Interpretation) Subsection 15.1.34 is amended by inserting “excluding cisterns and other associated water storage infrastructure uses except for pumps and necessary pipes.” such that it reads “pumphouse” means a subordinate building or structure not exceeding 9.3 square metres (100 sq. ft.) in area, separated from and located on the same parcel as the main building, that is used for water or sewage pumping facilities excluding cisterns and other water storage infrastructure uses except for pumps and necessary pipes.”

2.4. Section 15.1 (Interpretation) Subsection 15.1.33 is amended by deleting “solid waste disposal,” such that it reads “public service uses” means a use providing for the essential servicing of Saturna Island with water, sewer, electricity, telephone, cablevision, and similar services.”

2.5. Schedule “B” – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Lot 30, Section 17, Saturna Island, Cowichan District, Plan 7360* from Rural General (RG) to Community Services (CS), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 119 as are required to effect this change.

2.6. Schedule “B” – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Fractional Section 8 Saturna Island Cowichan District Except, 1) West 1/2 Of The Se 1/4 Thereof, 2) Sw 1/4 Thereof, and 3) Those Parts in Plans 2755, 8220, 15123, 18277, 18592, 19557, 19752, 21813, 32473, 40064, 44888, VIP67333, VIP84109, EPP34443 and EPP70279* from Watershed (W) to Community Park (CP), as

shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

2.7. Schedule "B" – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Lot 52, Cowichan District, Containing 1.16 Acres, More Or Less* from Wilderness Reserve (WR) to Rural Residential (RR), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

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.

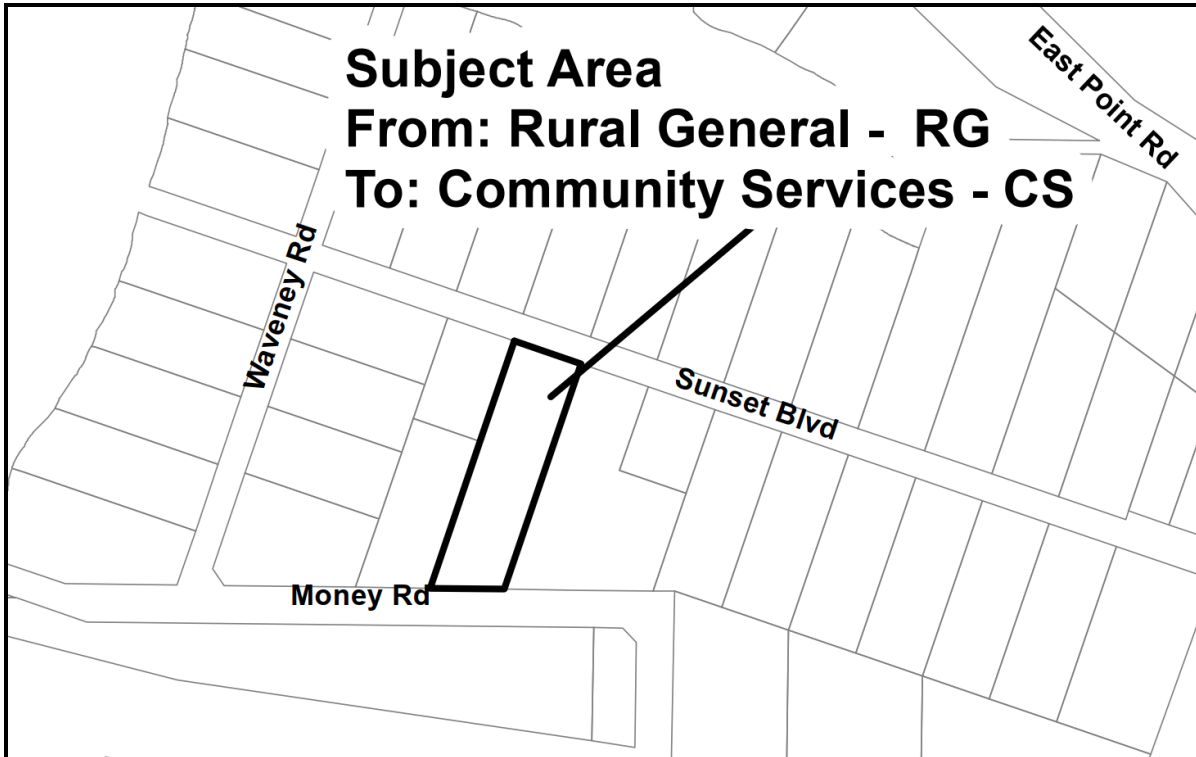
READ A FIRST TIME THIS	17 <sup>TH</sup>	DAY OF	FEBRUARY	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 134

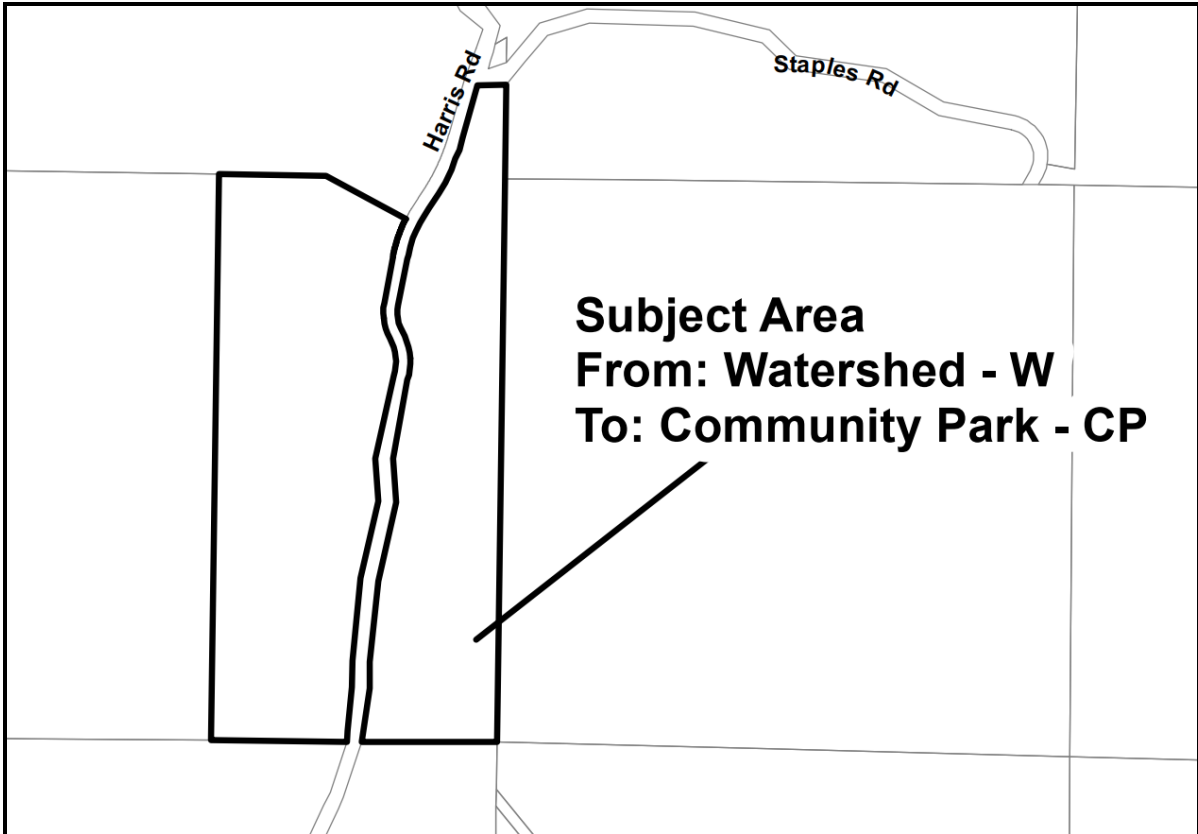
Plan No. 1



PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 134

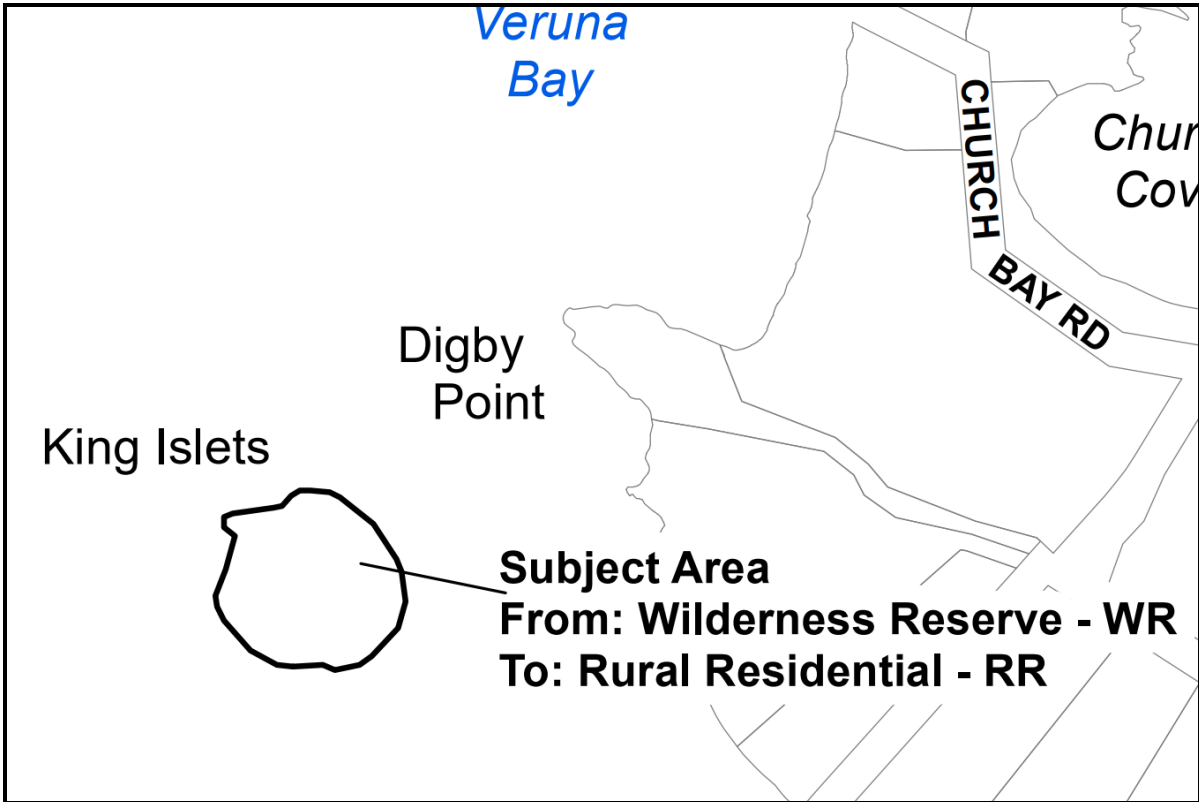
Plan No. 2

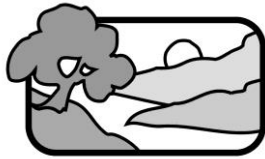


PRO

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 134

Plan No. 3





Islands Trust

# BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street  
Victoria, B.C. V8R 1H8  
Ph: (250) 405-5151  
Fax: (250) 405-5155  
information@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 184 and 189 Date: March 31, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Mayne Island Local Trust Committee Flexible Housing Project

**PURPOSE OF BYLAW:**

The purpose of this Bylaw is to introduce zoning that will allow additional dwellings within a maximum combined square footage in a specific area on Mayne Island that has been identified as the "pilot area" for this approach.

Professional reports and staff reports are available on the Mayne Island webpage:  
<https://islandstrust.bc.ca/island-planning/mayne/projects/>

**GENERAL LOCATION:**

Mayne Island Local Trust Area

**LEGAL DESCRIPTION:**

**SIZE OF PROPERTY AFFECTED:**

**ALR STATUS:**

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

*Narissa Chadwick*

(Signature)

Name: Narissa Chadwick

Title: Island Planner

Contact Info: Tel: 250-405-5189

Email: [nchadwick@islandstrust.bc.ca](mailto:nchadwick@islandstrust.bc.ca)

PLEASE TURN OVER

**This referral has been sent to the following agencies:**

**Regional Agencies**

Capital Regional District – Building Inspection

**Provincial Agencies**

Ministry of Municipal Affairs

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
North Pender Island Local Trust Committee  
Saturna Island Local Trust Committee  
South Pender Island Local Trust Committee  
Salt Spring Island Local Trust Committee

**Non-Agency Referrals**

BC Assessment Authority  
Islands Trust – Bylaw Enforcement

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Malahat First Nation  
Pauquachin First Nation  
Penelakut Tribe  
Semiahmoo First Nation  
Snuneymuxw First Nation  
Stz'uminus First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
WSANEC Leadership Council

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

\_\_\_\_\_  
Mayne Island Local Trust Area

(Island)

\_\_\_\_\_  
184/189

(Bylaw Number)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Agency)

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

---

### A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

---

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008” is amended as follows:

- 2.1 By attaching Plan 1, attached to and forming part of this Bylaw, as Schedule “E” – Flexible Housing Map.
- 2.2 Section 1.1 – Definitions, is amended by deleting the definition of “Recreational vehicle and replacing it with ““Recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, including a tiny home on wheels that meets the Canadian Standards Association Standard for Recreational Vehicles, but does not include a mobile home or, manufactured home”.
- 2.3 Section 1.1 – Definitions, is amended by adding ““Tiny home on wheels” means– a dwelling unit on a wheeled chassis designed to be used as a full-time residence”.
- 2.4 Subsection 3.13 (3) – Secondary Suites, is amended by inserting “in areas outside the shaded area in Schedule “E” following “constructed” in both instances.
- 2.5 Subsection 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.
- 2.6 Subsection 5.1 (2) –Settlement Residential (SR) Zone, is amended by inserting “unit” after the first instance of “dwelling” and before “per lot”
- 2.7 Section 5.1 – Settlement Residential (SR) Zone is amended by inserting a new subsection (3.1) following subsection (3):

“(3.1) Despite 5.1(2) and (3), on lots shown on Schedule E, the following density is permitted:

  - (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m<sup>2</sup> (2500 square feet).

- (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m<sup>2</sup> (3500 square feet).
  - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m<sup>2</sup> (4750 square feet).
  - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule “E”, unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
  - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
  - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
  - (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6.”
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.10 Subection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- “3.1) Despite 5.5 (2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m<sup>2</sup> (2500 square feet).
  - (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m<sup>2</sup> (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m<sup>2</sup> (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule “E”, unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6.”

2.12 Section 5.5 (7) – Rural (R) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”

2.13 Section 5.6 (7) – Upland (UP) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”

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	28 <sup>TH</sup>	DAY OF	MARCH	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
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____

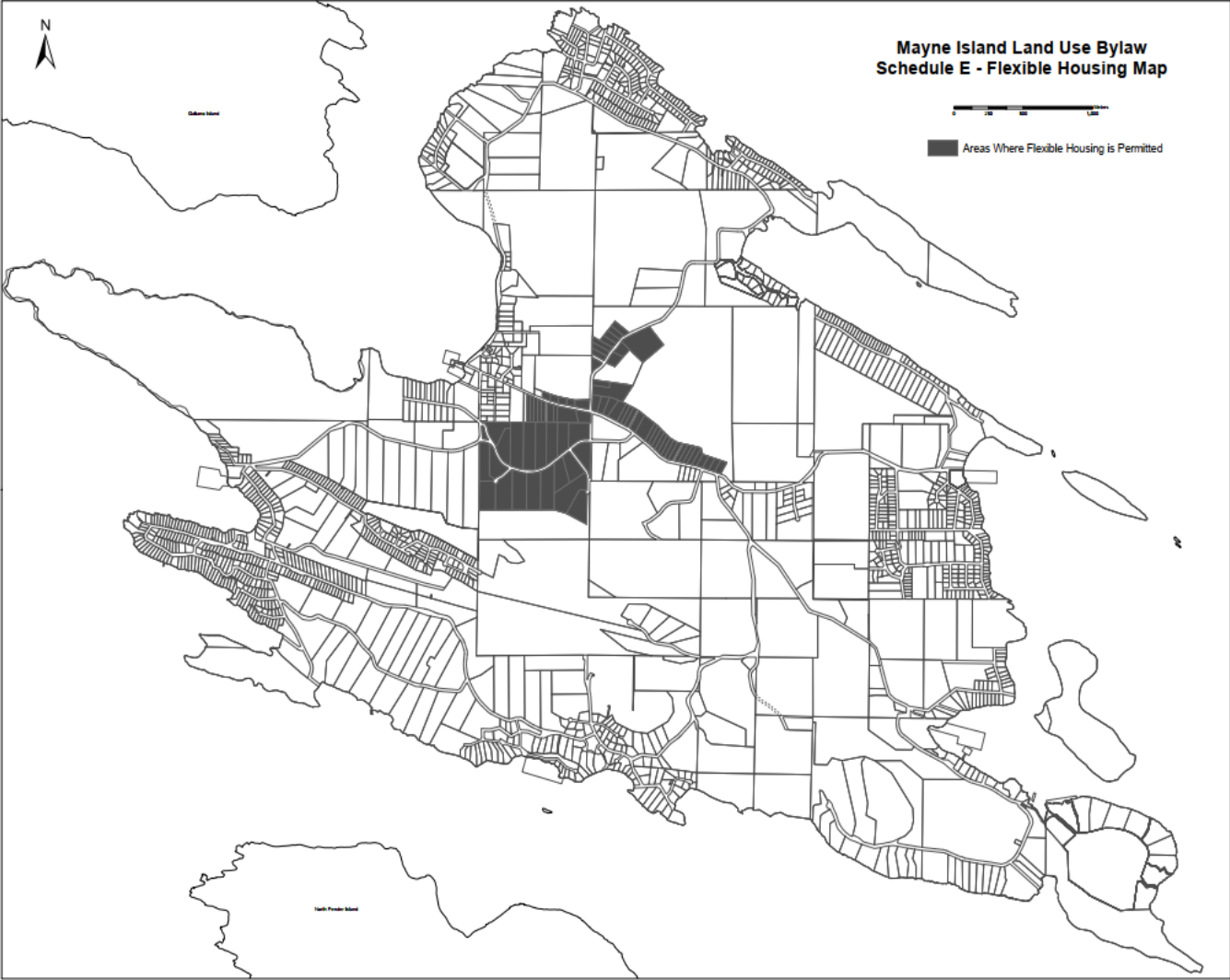
\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 184

Plan 1

Schedule E (Flexible Housing Areas Map)



# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 189

---

### A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

---

The Mayne Island Local Trust Committee in open meeting assembled enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022”.

#### 2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 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 28<sup>TH</sup> DAY OF MARCH 2022.

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

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\_\_

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 189**

**SCHEDULE 1**

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. Section 1.2 Broad Community Objectives is amended by adding to Objective 5) "and flexible" after "effective" and before "housing".
2. Section 2.1.1 Settlement Residential Objectives is amended by adding: "4) to support flexible options for housing while preserving and protecting rural character and freshwater sustainability."
3. Settlement Residential policy 2.1.1.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "or larger" and before ".".
4. Settlement Residential policy 2.1.1.3 is amended by deleting "On" and replacing it with "In general, on" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "of lot area" and before ".".
5. Settlement Residential policy 2.1.1.10 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".
6. Section 2.1.4 Rural Objectives is amended by adding "3) to support flexible approaches housing while preserving and protecting rural character and freshwater sustainability".
7. Rural policy 2.1.4.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor area" after "of parcel area".
8. Rural policy 2.1.4.3 is amended by inserting "primary" after second instance of "permitted" and before "dwelling unit".
9. Rural policy 2.1.4.12 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".



Islands Trust

# BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street  
Victoria, B.C. V8R 1H8  
Ph: (250) 405-5151  
Fax: (250) 405-5155  
information@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 186 and 187 Date: March 31, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS: Mayne Island Local Trust Committee - OCP and LUB Minor Amendments

**PURPOSE OF BYLAW:**

Minor amendments to LUB and OCP including:  
OCP – Removal of Parks Master Plan  
OCP – Land Designation change to support new zoning  
LUB - Rezoning to support brewery previously operating with TUP  
LUB- Correction on zoning of a commercial property  
LUB- Correction on zoning of a residential property  
LUB – Site specific zoning to restrict additional structures on a property zoned as park  
LUB – Rezoning a property from residential to community service operating with TUP  
LUB – Change to definition of secondary suites to reduce confusion with definition of “dwelling unit”  
LUB – New definition of Patio added, allowance of Patios in setbacks  
LUB – Stricter regulations for election signs

Professional reports and staff reports are available on the Mayne Island webpage:  
<https://islandstrust.bc.ca/island-planning/mayne/projects/>

**GENERAL LOCATION:**

Mayne Island Local Trust Area

**LEGAL DESCRIPTION:**

**SIZE OF PROPERTY AFFECTED:**

**ALR STATUS:**

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

*Narissa Chadwick*

(Signature)

Name: Narissa Chadwick

Title: Island Planner  
Contact Info: Tel: 250-405-5189

Email: [nchadwick@islandstrust.bc.ca](mailto:nchadwick@islandstrust.bc.ca)

PLEASE TURN OVER

**This referral has been sent to the following agencies:**

**Regional Agencies**

Capital Regional District – Regional Parks and Community Services

**Provincial Agencies**

Ministry of Municipal Affairs

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
North Pender Island Local Trust Committee  
Saturna Island Local Trust Committee  
South Pender Island Local Trust Committee  
Salt Spring Island Local Trust Committee

**Non-Agency Referrals**

Mayne Islands Parks and Recreation Commission

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Malahat First Nation  
Pauquachin First Nation  
Penelakut Tribe  
Semiahmoo First Nation  
Snuneymuxw First Nation  
Stz'uminus First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
WSANEC Leadership Council

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

\_\_\_\_\_  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

186/187

\_\_\_\_\_  
(Bylaw Number)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Agency)

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 186

---

### A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

---

The Mayne Island Local Trust Committee in open meeting assembled enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021”.

#### 2. SCHEDULES

Mayne Island Official Community Plan Bylaw No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 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 28<sup>TH</sup> DAY OF MARCH 2022.

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

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\_\_

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 186**

**SCHEDULE 1**

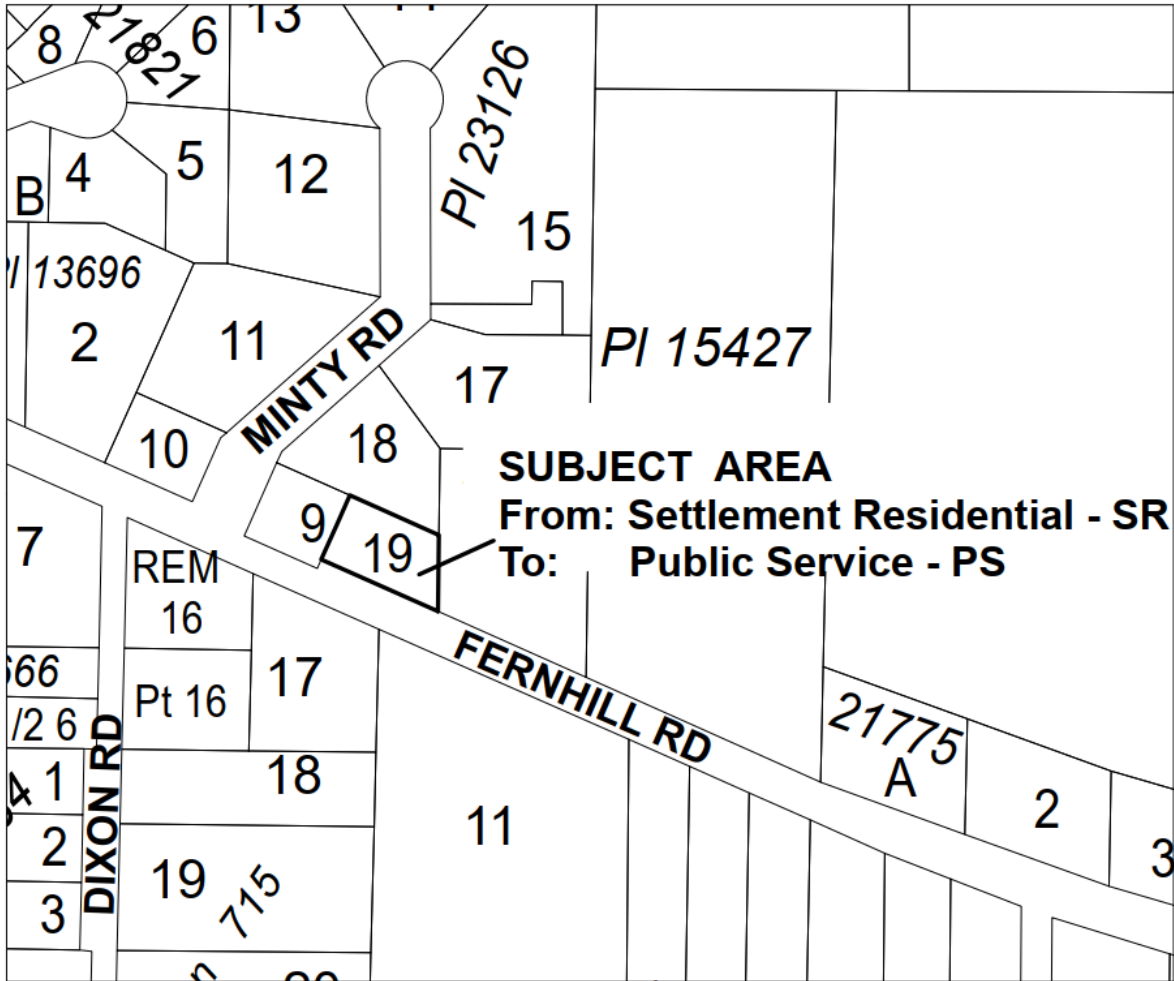
The Mayne Island Official Community Plan Bylaw No. 144, 2007, is amended as follows:

1. Schedule "H" Mayne Island Parks and Recreation Commission Parks Master Plan is removed.
2. Schedule "B" Land Use Designations is amended by changing the designation of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, 437 Fernhill Rd from Settlement Residential (SR) to Public Service (PS), as shown on Plan No. 1 attached and forming part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 186

Plan No. 1



# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 187

### A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 Section 1.1. Definitions is amended by adding “ ”Patio” means a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”

2.2 Section 1.1 Definitions is amended by removing from the definition of “Secondary suite” the words “self-contained dwelling unit” and replacing them with “residential unit”.

2.3 Section 3.3 (2) Siting and Setback Regulation is amended by adding “a patio” after “a fence” and before “, utility line”.

2.4 Section 5.1 – Settlement Residential (SR) Zone is amended by adding the following as a new subsection (13) under the new heading “Site Specific Regulations”:

“The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
SR (a)	Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702  490 Fernhill Road	(1) in addition to the uses permitted in 5.1 (1) above, an accessory brewery, tasting room and outdoor patio, and accessory food and beverage sales, are permitted in this location, subject to:  (a) the maximum floor area of the combined brewing, storage, retail and interior brewery product sampling area is 150m <sup>2</sup> (1615 ft <sup>2</sup> )

		<p>(b) the total number of seats for sampling area guests (inside + outside) shall not exceed 46</p> <p>(c) the accessory brewery, tasting room and outdoor picnic area, and accessory food and beverage sales, must be screened from residential uses on adjoining lots by a landscape screen complying with section 3.8(1)(a).</p>
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2.5 Section 5.5(14) Rural (R) Zone is amended by adding the following as a new row to the table:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	<p>The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602</p> <p>797 Beechwood Drive</p>	(1) Despite 5.5(2) and 5.5(3) the maximum density is two dwellings and two cottages.

2.6 Section 5.10 (13) – Commercial 3 (C3) Zone Site Specific Regulations is amended by adding “(3) Repair shops, machine shops and retail sales uses must be located within buildings.” in column three.

2.7 Section 5.17(6) – Community and Regional Park (P) Zone Site Specific Regulations is amended by adding the following as a new row to the table:

Site-Specific Zone	Land Description	Site Specific Regulation
P (c)	Emma and Felix Jack Park	<p>Despite 5.17 (1)(b) no buildings or structures are permitted except:</p> <ul style="list-style-type: none"> <li>- an honouring figure</li> <li>- picnic tables</li> <li>- vegetation protection fencing</li> </ul>

2.8 Section 6.2 Permitted Signs is amended by adding “except signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election” after “Third party signs are prohibited” and before “.”

- 2.9 Section 6.3 is amended by removing “3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election.”

#### Map Amendments

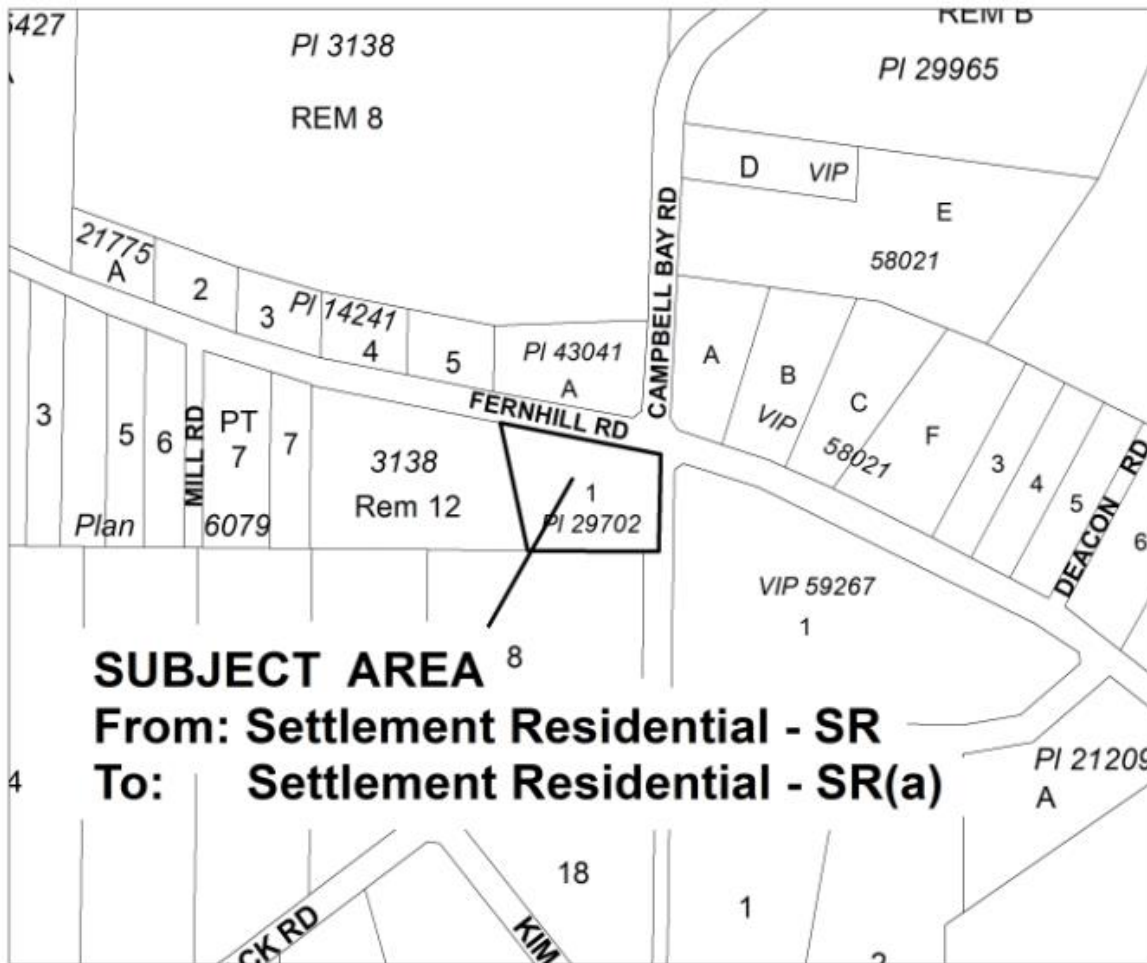
- 2.10 Schedule “B” – Zoning Map is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, (437 Fernhill Rd) from Settlement Residential (SR) to Community Service (S1), as shown on Plan No. 1 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.11 Schedule “B” - Zoning Map is amended by changing the zoning classification of Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702, (490 Fernhill Road) from Settlement Residential SR to Settlement Residential SR(a) as shown on Plan No. 2 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.12 Schedule “B” - Zoning Map is amended by changing the zoning classification of the south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 (797 Beechwood Drive) from Rural R to Rural R(f) as shown on Plan No.3 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.13 Schedule “B” - Zoning Map is amended by changing the zoning classification of Felix Jack Park from Park (P) to Park P(c) as shown on Plan No. 4 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.





MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 187

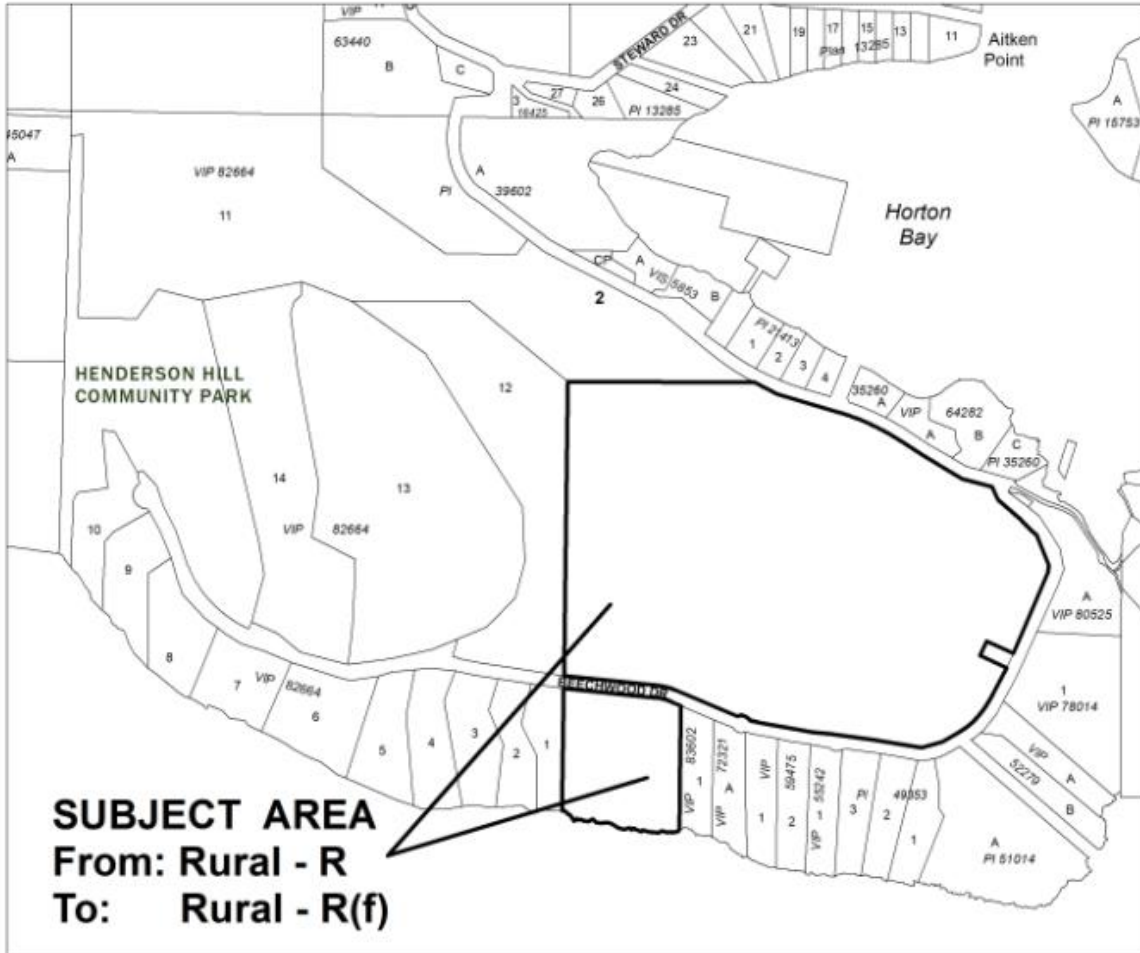
Plan No. 2



PK

MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 187

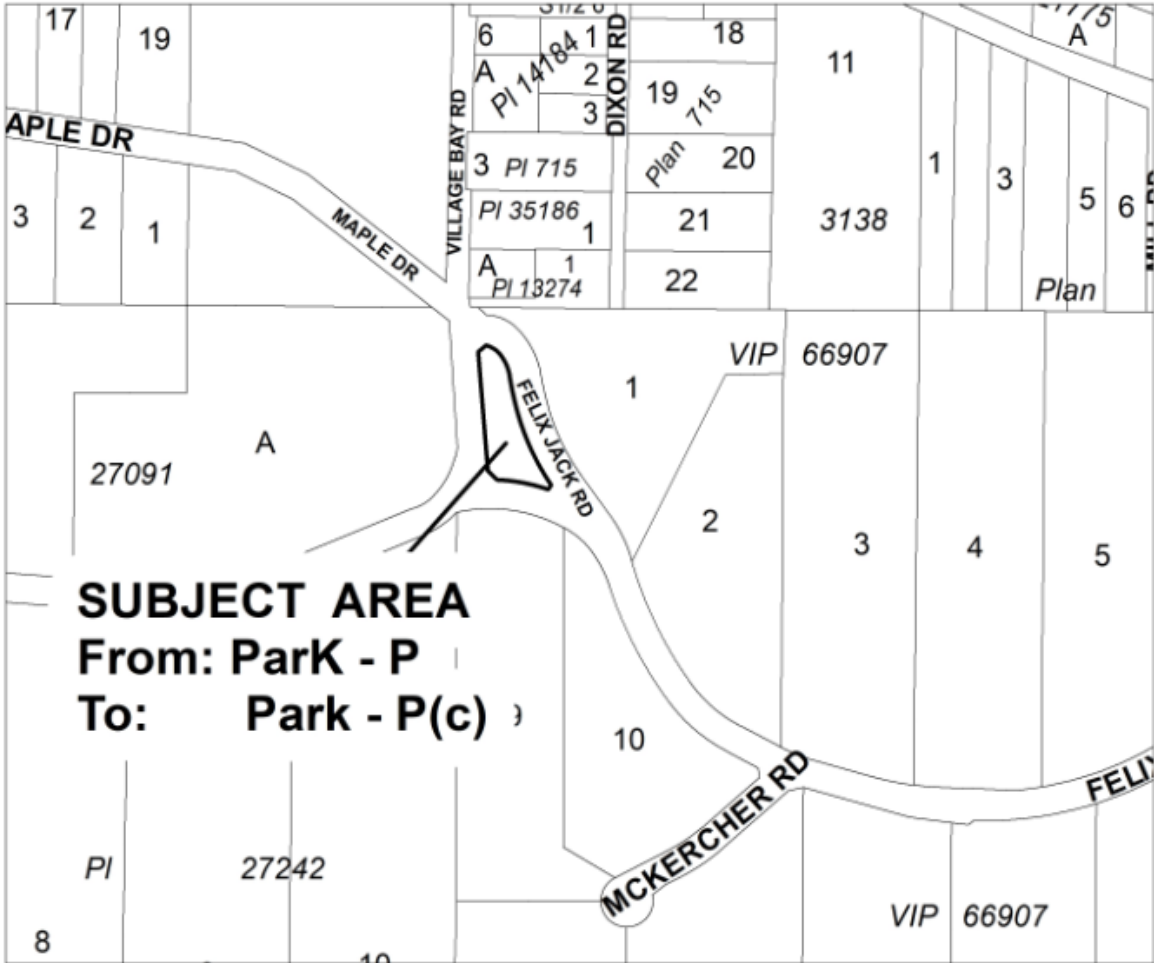
Plan No. 3



PK

MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 187

Plan No. 4





DATE OF MEETING: January 27, 2022  
TO: North Pender Island Local Trust Committee  
FROM: Robert Kojima, Regional Planning Manager  
Southern Team  
COPY: Kim Stockdill, Island Planner  
SUBJECT: Proposed New Fee Bylaw

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading
2. That the North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading
3. That the North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading
4. That the North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

## REPORT SUMMARY

The purpose of this report is for the North Pender Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 226 which would replace Bylaw No. 178 (LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

## BACKGROUND

At the September 2021 regular business meeting, the LTC passed the following resolution:

**NP-2021-094**

**It was Moved and Seconded**

**That the North Pender Local Trust Committee request staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”**

**CARRIED**

**Rationale for Recommendation**

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In September, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw.

Draft Bylaw No. 226 is attached. It is consistent with the model with the exception of the removal of the option for fees for Siting and Use Permits (Denman and Hornby only), and the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Robert Kojima Regional Planning Manager	December 2, 2021
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**ATTACHMENTS**

1. Draft Bylaw No. 226

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 226

---

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

---

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the North Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

#### Citation

1.1 This bylaw may be cited as the "North Pender Island Local Trust Committee Fees Bylaw, 2021".

#### Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the North Pender Island Local Trust Committee Development Procedures Bylaw No. 72, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

# DRAFT

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

## Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

<b>Column 1: Type of Application</b>	<b>Column 2: Fee</b>
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

# DRAFT

<b>TABLE 2 – Permits</b>	
<b>Column 1: Development Permit in Respect of:</b>	<b>Column 2: Fee</b>
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
<b>Type of Development Variance Permit</b>	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
<b>Type of Temporary Use Permit</b>	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
<b>Other Permits</b>	
13. Heritage Alteration Permit	\$1,700
<b>Combination Applications</b>	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

# DRAFT

<b>TABLE 3 – Subdivision Referrals</b>	
<b>Column 1</b>	<b>Column 2: Fee</b>
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

<b>TABLE 4 – Other Applications</b>	
<b>Column 1: Type of Application</b>	<b>Column 2: Fee</b>
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

#### **4. Fee for After-the-Fact Application**

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

#### **5. Collection and Refund of Application Processing Fee Amounts**

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Team Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

# DRAFT

## **6. Extraordinary Service Costs (ESC)**

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

## **7. Annual Fee Increases**

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The North Pender Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

# DRAFT

## 8. Application Fee Sponsorship

8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

## 9. Severability

9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

## 10. Repeal

10.1 “North Pender Island Local Trust Committee Fees Bylaw No. 178, 2007” is repealed upon adoption of this bylaw.

10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



DATE OF MEETING: April 28, 2022  
 TO: North Pender Island Local Trust Committee  
 FROM: Kim Stockdill, Island Planner  
 Southern Team  
 COPY: Robert Kojima, Regional Planning Manager  
 SUBJECT: LUB Review Project

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee (LTC) provide direction on any further revisions to the draft Land Use Bylaw.

## REPORT SUMMARY

The purpose of this report is to introduce further amendments to the draft bylaw document and to introduce draft Bylaw No. 224.

## BACKGROUND

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 March 24, 2022 LTC regular meeting the LTC passed the following resolutions:

### NP-2022-036

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).

**CARRIED**

### NP-2022-037

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct staff to remove “Lot Area coverage” from Land Use Bylaw and replace with “Total Floor Area of all buildings and structures”.

**CARRIED**

### NP-2022-038

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.

**CARRIED**

**NP-2022-039**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).

**CARRIED**

**NP-2022-040**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.

**CARRIED**

**NP-2022-041**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).

**CARRIED 2/1 Trustee McConchie**

Due to the size of the draft bylaws, they will not be attached to the staff report but can be found on the [Project's webpage](#) under "LUB Review Project – 3. Draft Bylaws".

**ANLYSIS**

**Rezone Port Washington store from C1(a) to RR2**

At the December 4, 2021 LTC meeting, the LTC requested more information from the property owner regarding their request to rezone 1200 & 1201 Port Washington Road from Commercial 1(a) to Rural Residential 2. As stated in the attached is a letter from the property owner, they have provided the following rationale for their request:

*"As part of any potential plan to develop these properties, a boundary adjustment would be proposed. This has been surveyed, and would provide a community amenity by moving the lot lines to create permanent access to public parking spaces in Port Washington, which currently lie on the property. From an environmental standpoint, I believe a small, energy-efficient, residence would have less impact than a commercial enterprise in this location. Previous discussions with neighbouring property owners have demonstrated support for a residential use in this location."*

The North Pender Island Official Community Plan (OCP) does include a policy referencing this property:

*2.4.11 Preservation of the store at Port Washington will be encouraged because of its heritage character.*

In 2016, the property owner at that time received a demolition permit from the Capital Regional District to remove the building from the land. Since the building is no longer there, OCP Policy 2.4.11 is no longer applicable.

Direction is required from the LTC if they agree with rezoning the property:

*That the North Pender Island Local Trust Committee rezone 1200 & 1201 Port Washington Road from Commercial 1(a) to Rural Residential 2 as part of the Land Use Bylaw Review Project.*

## Rezone Medicine Beach Garbage Drop off

At the December 4, 2021 LTC meeting, the LTC also requested further information from the applicant and property owner regarding legalizing the garbage drop off use at Medicine Beach that is currently authorized by a Temporary Use Permit (NP-TUP-2019.4). As the TUP will be expiring in December 2022, staff recommended incorporating the TUP uses into the LUB Review Project as part of the technical amendments. Staff is still in the process of reaching out to the property owner and applicant to see if they support incorporating the use into the project. Staff will report back with further information at the April 28<sup>th</sup> LTC meeting.

## Maximum Floor Area & Lot Coverage

Staff have amended the draft bylaw to include total floor area maximums buildings and structures – see Figure 1 below. The direction at the last LTC meeting was to remove lot coverage from the bylaw, but to include impervious material in the calculation of floor area. The issue with this approach is that the intent is to limit impervious surfaces such as paved driveways and other hardened areas, which do not have a floor area; floor area is the measurement of the area of all storeys of a building to the inner surface of the walls. For example, a patio would not have a floor area as it is not a ‘building’, does not have any storeys and does not have walls.

Staff recommend retaining lot coverage in the draft bylaw, including impervious surfaces in the calculation of lot coverage, and also including total maximum floor areas for all buildings and a maximum floor area for dwellings. Thus there would be three regulations:

- Lot coverage, which would limit developed areas of a lot, including paved or other impervious surfaces
- Total floor area of all buildings – dwellings, cottages and accessory buildings
- Maximum floor area of dwellings and of cottages.

**Figure 1: Excerpt from draft RR1 zone**

(7)	<i>Lot coverage may not exceed 25 percent.</i>	
(8)	<i>The maximum floor area per lot:</i>	
	Lot Area	The total floor area of all buildings may not exceed:
	The floor area of a dwelling may not exceed:	
	Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )
	0.4 ha to < 1.2 ha (1 to 3 acres)	232 m <sup>2</sup> (2500 ft <sup>2</sup> )
	1.2 ha to < 1.2 ha (3 to 10 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )
	4.0 ha or greater (10 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )
		325 m <sup>2</sup> (3500 ft <sup>2</sup> )
		10,000 m <sup>2</sup> (107,639 ft <sup>2</sup> )
		372 m <sup>2</sup> (4000 ft <sup>2</sup> )
(9)	<i>The maximum floor area of a cottage must not exceed 80 m<sup>2</sup>.</i>	
(10)	<i>Despite Subsection 5.1(8), on a lot that contains a legal dwelling constructed prior to the adoption of this Bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on the lot at the time of the adoption of this Bylaw.</i>	

## **Items for Staff to Complete**

The following are a list on incomplete items staff will complete prior to the May 26, 2022 LTC meeting:

- Insert subdivision regulations into draft LUB Bylaw No. 224.
- Make amendments to draft Bylaw No. 224 based on direction from the LTC from the April 28, 2022 LTC meeting.
- Update table of contents and references to 'Schedules' for the draft LUB Bylaw No. 224.
- Draft policies for Rental Housing in the draft OCP Bylaw No. 223.
- Review map amendments and make changes as requested on the FUAL.
- Draft bylaws to be reviewed by other planning staff and legislative clerk.

## **Timeline**

The following outlines a general timeline for the remainder of the project:

- Consideration of First Reading – May 2022
- Formal referrals to First Nations and agencies after First Reading – May to July 2022
- Community Information Meeting and Public Hearing – Summer/September 2022
- Second & Third Reading – September 2022
- EC Approval – September/October 2022
- Minister Approval and Final Adoption – Early 2023

## **Rationale for Recommendation**

Staff is seeking direction from the LTC on the above topics in order to finalize the draft LUB bylaw.

## **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 an item or topic to the Advisory Planning Commission for comment. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request staff to refer XXX 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 present draft LUB Bylaw No. 224 and draft OCP Bylaw No. 223 at the May 26, 2022 LTC meeting.

Submitted By:	Kim Stockdill, Island Planner	April 21, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 21, 2022

**ATTACHMENTS**

1. Letter from N. Hoag – Dated March 8, 2022
2. Resolution Chart

Nathan Hoag and Amber Bourgeois

March 8, 2022

Dear North Pender Island Trustees,

We are writing to provide information for discussion regarding properties that we have purchased on North Pender Island. Possession date is set for March 15, 2022.

This pertains to [REDACTED] which used to be the location of the [REDACTED] [REDACTED] I viewed the Dec. 4, 2021, LTC meeting where the LUB technical zoning amendment was discussed, and the trustees requested more information on potential plans.

When I met with Kim Stockdill and Robert Kojima to review potential options, I was informed that as part of the current Land Use Bylaw Review Project, there was a recommendation from the planners that these properties be rezoned from C1a to RR2. The rationale behind proposing this change was to help protect the rural character of Port Washington.

As a specialist physician based in Victoria, I am planning to hold outreach specialist clinics at the Pender Islands Health Centre. VIHA has agreed to support these clinics with ongoing funding. I believe this would add value for the community by improving access to specialist medical care on Pender Island. If the properties were converted to RR2, as suggested in the LUB review, our plan would be to build a small home in this location. This would afford the ability to serve the patients of Pender Island while having a place for our family to stay. We would also like to preserve and restore “The Shed”, which was built on the property in 1910.

As part of any potential plan to develop these properties, a boundary adjustment would be proposed. This has been surveyed, and would provide a community amenity by moving the lot lines to create permanent access to public parking spaces in Port Washington, which currently lie on the property.

From an environmental standpoint, I believe a small, energy-efficient, residence would have less impact than a commercial enterprise in this location. Previous discussions with neighbouring property owners have demonstrated support for a residential use in this location.

I believe the potential benefits of conversion of these properties from C1a to RR2 would outweigh any potential downsides, and hope that the trustees will agree with the planners’ recommendations outlined in the technical amendments of the LUB Review to change zoning from C1a to RR2.

Sincerely,

Nathan Hoag and Amber Bourgeois

**LTC Resolutions/Direction to Staff - NP LUB Amendment Project**

<b>Date</b>	<b>Topic</b>	<b>Resolution or Informal Direction</b>	<b>Motion/Direction</b>	<b>Staff Comments</b>
January 28, 2021	<b>Marine &amp; Shoreline</b>	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	<b>Max Floor Area</b>	Resolution	<b>NP-2021-030</b> <b>It was Moved and Seconded,</b> 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	<b>Agriculture Regulations</b>	Resolution	-Invite SAAPC to April 29 <sup>th</sup> 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	<b>Industrial Regulations</b>	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	<b>NP-2021-032</b> <b>It was moved and seconded,</b> That, regarding the <i>North Pender Island Local Trust Committee 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	Chart 10

			zones into a single general industrial zone.	
		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	<b>NP-2021-033</b> <b>It was moved and seconded,</b> 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	<b>AG</b>	Resolution	<b>NP-2021-042</b> <b>It was Moved and Seconded,</b> 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.
	<b>AG</b>	Resolution	<b>It was Moved and Seconded,</b> 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	<b>C2 zone</b>	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	-Staff to provide comments from each property owner in next staff report.

			<p>properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses.</p> <p><b>NP-2021-050</b>  <b>It was Moved and Seconded,</b>  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.  <b>By general consent,</b> the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.</p>	-Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).
		Resolution	<p><b>NP-2021-051</b>  <b>It was Moved and Seconded,</b>  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</p>	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.	
	<b>Minor Amendments</b>	Direction	<b>By general consent,</b> 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	<b>Marine/ Shoreline</b>	Resolution	<p><b>NP-2021-053</b>  <b>It was Moved and Seconded,</b>  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.</p>	Draft bylaws based on recommendations found in Table 1 attached to May 12, 2021 staff report.
		Resolution	<p><b>NP-2021-052</b>  <b>It was Moved and Seconded,</b>  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.</p>	Stairs not to be exempt from the setback to the natural boundary of the sea.

May 12, 2021	<b>Minor Amendments</b>	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 <sup>2</sup> .	-“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	<b>NP-2021-054</b> <b>It was Moved and Seconded,</b> 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	<b>Minor Amendments</b>	Resolution	<b>NP-2021-068</b> <b>It was Moved and Seconded,</b> 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	<b>Max Floor Area</b>	Resolution	<b>NP-2021-073</b> <b>It was Moved and Seconded,</b> 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.	-include options to regulation total maximum floor area for all buildings and structures.
		Resolution	<b>NP-2021-074</b> 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.	
July 29, 2021	<b>Agriculture</b>	Resolution	<b>NP-2021-081</b> <b>It was Moved and Seconded</b> that the North Pender Island Local Trust Committee request that staff refer farm worker accommodation and the new Agricultural Land Commission residential rules to the North Pender Island Agricultural Advisory Planning Commission.	
	<b>C2 Zoning</b>	Direction	-Defer decision on MacKinnon Road properties until after Groundwater Project presentation in September 2021 -Requirement for alternative methods/sources of groundwater other than from a well for existing uses and new density. -Water storage for fire also a requirement for existing uses and new density. -Add provision that requires employee housing where tourist accommodation units exceeds 20 units.	
	<b>Marine/Shoreline</b>	Direction	-Active private moorage applications with the province should receive conditional zoning (permitting the private dock) only if the application with the province is approved.	
	<b>Community Engagement</b>	Resolution	<b>NP-2021-081</b> <b>It was Moved and Seconded</b> 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.	
Oct 22, 2021	<b>Max Floor Area</b>	Resolution	<b>NP-2021-082</b> <b>It was MOVED and SECONDED</b> That the North Pender Island Local Trust Committee invite the South Pender Island Local Trust Committee Trustees to the December Special Meeting on Land Use Bylaw.	-South Pender Trustees invited to join the December 4, 2021 LTC meeting.

	<b>C2 Zoning</b>	Resolution	<b>NP-2021-083</b> <b>It was MOVED and SECONDED</b> That the North Pender Island Local Trust Committee request staff to contact the owners of 1329 MacKinnon Road and 1349 MacKinnon Road to discuss the option of entering into a 219 Covenant.	-Property owners emailed.
	<b>C2 Zoning</b>	Resolution	<b>NP-2021-084</b> <b>It was MOVED and SECONDED</b> That the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to change the zoning behind the Driftwood from C2 to rental residential.	
	<b>Marine/Shoreline</b>	Resolution	<b>NP-2021-085</b> <b>It was MOVED and SECONDED</b> That the North Pender Island Local Trust Committee request staff to amend the zoning in the draft Land Use Bylaw of the foreshore to Water 3 for the eleven in-stream private moorage applications.	
	<b>Meeting Scheduling</b>	Resolution	<b>NP-2021-086</b> <b>It was MOVED and SECONDED</b> That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting in December 2021 to present the draft bylaws for the Land Use Bylaw Review Project to the Local Trust Committee for review and comment.	
Oct 28, 2021	<b>Community Engagement</b>	Resolution	<b>NP-2021-098</b> <b>It was Moved and Seconded,</b> That the North Pender Island Local Trust Committee schedule a Community Information Meeting regarding the Land Use Bylaw Review on February 5, 2021 at 11:00 am.	-Meeting scheduled for Saturday, February 5, 2022
December 4, 2021	<b>Meeting Scheduling</b>	Direction	<b>By general consent</b> it was agreed that the South Pender Island Trustees be invited to the North Pender LTC February 5, 2022 meeting.	

	<b>Max Floor Area</b>	Direction	<b>By general consent</b> the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.	
	<b>C2 Zoning</b>	Direction	<b>By general consent</b> the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.	
	<b>C2 Zoning</b>	Direction	<b>By general consent</b> the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held.	-this is in reference to the proposed rental housing zone on the Driftwood property.
February 24, 2022	<b>Marine/Shoreline</b>	Resolution	<b>NP-2022-24</b> that the North Pender Local Trust Committee request staff to retain the Water 1 zoning for the 11 instream private moorage applications with the Province.	-staff will amend the LUB map to retain W1 zoning for the 11 properties.
March 24, 2022	<b>Max Floor Area</b>		<b>NP-2022-036</b> <b>It was Moved and Seconded,</b> that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).	-included in LUB amendment
	<b>Max Floor Area</b>		<b>NP-2022-037</b> <b>It was Moved and Seconded,</b> that the North Pender Local Trust Committee direct staff to remove “Lot Area coverage” from Land Use Bylaw and replace with “Total Floor Area of all buildings and structures”.	-Staff included total floor area AND lot coverage due to rationale in April 28, 2022 staff report.
	<b>Max Floor Area &amp; AG Regulations</b>		<b>NP-2022-038</b> <b>It was Moved and Seconded,</b> that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory	-Referral sent to the SAAPC

			Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.	
	<b>C2 Zoning</b>		<b>NP-2022-039</b> <b>It was Moved and Seconded,</b> that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).	-draft LUB amended.
	<b>C2 Zoning</b>		<b>NP-2022-040</b> <b>It was Moved and Seconded,</b> that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.	-Letter sent to MacKinnon Rd property owners
	<b>Industrial Regulations</b>		<b>NP-2022-041</b> <b>It was Moved and Seconded,</b> that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).	-TUP uses included in draft LUB; OCP map amendment also required.

## Top Priorities Report

### North Pender Island

#### 2. Groundwater Sustainability Project

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - COMPLETED

Narrisa Chadwick  
William Shulba

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

Phase 3: Groundwater Mapping Implementation - ON-GOING

#### 3. LUB Review Project

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

Kim Stockdill

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

#### 4. Soil bylaw

To consider a soil deposit and removal bylaw

Robert Kojima

Rec'd: 25-Mar-2021  
Target: 29-Jul-2022



## 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

### 3. Raptors Nests

Responsible

Date Received

To update the raptor nests mapping.

27-Jan-2022

### 4. Affordable Housing Options

Responsible

Date Received

A project to review Pender Island based affordable housing options.

24-Mar-2022



Development Permit

File Number	Applicant Name	Date Received	Purpose
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NP-DP-2018.5      PICSS c/o HARDAL      23-May-2018      Application for development permit for a building in a form and character DPA  
MANAGEMENT INC  
**Planner:** Phil Testemale

**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.

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
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NP-LCB-2022.1      Royal Canadian      03-Feb-2022      Application to apply for a new outdoor patio area for Royal Canadian Legion's  
Legion #239      Liquor Primary licensed establishment.  
**Planner:** Phil Testemale

**Planning Status**

**Status Date:** 06-Apr-2022

April 28, 2022 agenda: CIM and consideration of resolutions.

**Status Date:** 04-Apr-2022

CIM Notice and newspaper ad drafted and sent to DS

**Status Date:** 30-Mar-2022

CIM scheduled for April 28, 2022 LTC Regular Meeting



Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2022.1	Sidney Island Strata Corporation	23-Mar-2022	Application to change Islands Trust Bylaw #148 to permit an expanded use of recreational vehicles and accessory buildings, and sleeping cabins on Sidney Island.

Planner: Robert Kojima

Planning Status

**Status Date:** 01-Apr-2022

Cheque in the amount of \$4,400.00 received from Proline Management regarding the processing fee. Sent receipt and letter by email to applicant acknowledging same.

**Status Date:** 01-Apr-2022

Advised Robert K. that cheque has been received and file opened.

**Status Date:** 01-Apr-2022

Sent LTC application package to North Pender LTC and copied Robert, Jas and Robin.

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



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: 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.

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)



Subdivision

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.

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



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.2	Burdett, Anne	04-Mar-2022	Temporary Use Permit - Renewal

Planner: Kim Stockdill

Planning Status

**Status Date:** 21-Apr-2022

Staff report on April 28, 2022 LTC agenda requesting direction from the LTC on how to proceed with the application.

**Status Date:** 19-Apr-2022

E-transfer in the amount of \$165.00 confirmed by Finance.

**Status Date:** 19-Apr-2022

Sent LTC package to North Pender LTC. Advised them that Kim Stockdill is the assigned planner and copied Kim, Jas and Robin.

**Islands Trust**  
 LTC EXP SUMMARY REPORT F2022  
 Invoices posted to Month ending February 2022

650 North Pender	Invoices posted to Month ending February 2022	<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	2,415.42	1,054.58
65210-650	LTC - Local Exp - APC Meeting Expenses	444.00	57.14	386.86
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>2,472.56</u>	<u>1,985.44</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	2,259.12	2,740.88
73001-650-4115	North Pender Groundwater Strategy Implementation	2,500.00	79.95	2,420.05
73001-650-4116	North Pender Soil Bylaw	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>11,500.00</u>	<u>2,339.07</u>	<u>9,160.93</u>



North Pender Island

Resolution Number	Action	Date
<p><b>2022-002 (Standing)</b></p> <p>that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>a. There are concerns regarding health and safety;</li> <li>b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings;</li> <li>c. There are concerns of possible contamination of wells or other drinking water sources;</li> <li>d. Unlawful dwellings are in environmentally sensitive areas;</li> <li>e. There are non-permitted campgrounds; and</li> <li>f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.</li> </ul>	<b>Carried</b>	<b>27-Jan-2022</b>
<p><b>2020-026 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>21-May-2020</b>
<p><b>2020-012 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>19-Jun-2020</b>



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
<p><b>2020-011 (Standing)</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. A commercial use operating in a residential zones, provided that the use: <ol style="list-style-type: none"> <li>a. was lawfully operating within the local trust area prior to the declaration of the state of emergency;</li> <li>b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects;</li> <li>c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located;</li> <li>d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: <ol style="list-style-type: none"> <li>i. being a prohibited use under subsection 3.5.3 and;</li> <li>ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and</li> </ol> </li> <li>e. is complying with health or provincial requirements.</li> </ol> </li> <li>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.</li> </ol>	<b>Carried</b>	<b>04-Jun-2020</b>
<p><b>2020-010 (Standing)</b></p> <p>that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> <li>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.</li> </ol>	<b>Carried</b>	<b>30-Jan-2020</b>



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
<p><b>2019-119 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>28-Nov-2019</b>
<p><b>2019-074 (Standing)</b></p> <p>that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.</p>	<b>Carried</b>	<b>04-Jul-2019</b>
<p><b>2019-072 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>04-Jul-2019</b>
<p><b>2019-061 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>30-May-2019</b>



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
<p><b>2019-030 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>28-Feb-2019</b>
<p><b>2019-016 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>31-Jan-2019</b>
<p><b>2018-070 (Standing)</b></p> <p>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.</p>	<b>Carried</b>	<b>06-Sep-2018</b>

## **North Pender Island Local Trust Committee**

The North Pender Island Local Trust Committee (NPILTC) held nine regular business meetings in the 2021/22 fiscal year, as well as two Community Information Meetings and six special meetings.

Work for this period focused on completion of NPILTC priorities to address short term vacation rentals and adopting a new procedures bylaw to permit electronic meetings, and advancing its priorities of implementing amendments for groundwater sustainability, a multi-year Land Use Bylaw Review, drafting a Soils Bylaw and adopting a new fees bylaw.

From April 1, 2021 to March 31, 2022, the NPILTC received and considered applications for four development variance permits, 10 development permits, nine temporary use permits and two rezoning applications.

During the same time period staff also reviewed 47 building permit referrals, and the North Pender Island Board of Variance also considered three applications.