



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: July 2, 2020
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:15 AM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	10:15 AM - 10:30 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	10:30 AM - 10:40 AM	
8.1	Local Trust Committee Minutes Dated May 21, 2020 (for Adoption)		3 - 10
8.2	Section 26 Resolutions-without-meeting Report Dated June 2020		11 - 11
8.3	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES	10:40 AM - 10:50 AM	
9.1	Follow-up Action List Dated June 2020		12 - 13
10.	DELEGATIONS		
	None		
11.	CORRESPONDENCE	10:50 AM - 11:00 AM	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>			

11.1	George Leroux re LTC meetings	14 - 14
12.	APPLICATIONS AND REFERRALS	11:00 AM - 12:00 PM
12.1	NP-DVP-2020.2 (Randall) - Staff Report (Attached)	15 - 35
12.2	NP-DVP-2020.3 (Mansley) - Staff Report (Attached)	36 - 59
13.	LOCAL TRUST COMMITTEE PROJECTS	12:00 PM - 1:00 PM
13.1	Land Use Bylaw Review	
13.1.1	<u>Tourist Commercial Zoning (Attached)</u>	60 - 70
13.1.2	<u>Agricultural Zoning (Attached)</u>	71 - 88
13.1.3	<u>Conservation Subdivision Regulations (Attached)</u>	89 - 96
13.2	Short Term Vacation Rentals Review - Staff Report (Attached)	97 - 132
14.	REPORTS	1:00 PM - 1:15 PM
14.1	Work Program Report (attached)	
14.1.1	<u>Top Priorities Report Dated June 2020</u>	133 - 133
14.1.2	<u>Projects List Report Dated June 2020</u>	134 - 135
14.2	Applications Report Dated June 2020 (attached)	136 - 140
14.3	Trustee and Local Expense Report Dated May 2020 (attached)	141 - 141
14.4	Adopted Policies and Standing Resolutions (attached)	142 - 146
14.5	Local Trust Committee Webpage	
14.6	Islands Trust Conservancy Report Dated May 2020	147 - 148
15.	NEW BUSINESS	
16.	UPCOMING MEETINGS	
16.1	Next Regular Meeting Scheduled for July 23 - Electronic Meeting	
17.	TOWN HALL	1:15 PM - 1:30 PM
18.	CLOSED MEETING	
	None	
19.	ADJOURNMENT	1:30 PM - 1:30 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: May 21, 2020
Location: Electronic Meeting (via Zoom Conference)

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

Staff Present: Robert Kojima, Regional Planning Manager
Phil Testemale, Planner 2
William Shulba, Freshwater Specialist
Maple Hung, Planning Team Assistant, Zoom Host
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:03 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following items were added to the agenda:

- Bylaw enforcement of commercial businesses under New Business;
- Agricultural Advisory Planning Commission under New Business;
- Joyce Thayer, representative of Pender Island Recycling under Delegations; and
- Moving Around Pender (MAP) Letter under Correspondence.

3. TRUSTEE REPORT

Trustee McConchie provided an overview of his activities related to COVID-19 measures, the development of bicycle routes on the island, and the removal of derelict boats and other vehicles.

Trustee Morrison provided an overview of the opportunities that have been created for inter-agency collaboration as a result of COVID-19 measures. She also provided an overview of bylaw issues currently being reviewed and the Trust Programs Committee's ongoing work on Trust Policy.

4. CHAIR'S REPORT

Chair Patrick provided a report on the upcoming Trust Council and Local Planning Committee meetings. She further provided an overview of the modes by which the public are able to participate in those meetings.

5. TOWN HALL AND QUESTIONS

Chair Patrick provided an overview of the Town Hall process.

Dale Henning noted the unique challenges for North Pender Island due to the COVID-19 situation. He requested information on the Local Trust Committee's (LTC's) activities to further the "stay-at-home" message.

The LTC provided an overview of their role in inter-agency meetings and their activities to date.

Amanda Griesbach provided an overview of the current methods used to allocate space on the ferry route to Swartz Bay and expressed her concern that Pender Island is disproportionately impacted by overloads.

Trustee McConchie provided an overview of the work that is being done at the provincial level to address this issue.

Amanda Griesbach spoke against the recommendations for a Trailer Park in the correspondence received from Robert Fenton and recommended that the LTC look at the Salt Spring Island report on trailer parks. She also provided several recommendations for alternative housing.

Amanda Griesbach spoke in favour of the Pender Fire Rescue chipping program and encouraged the public to participate.

Peter Pare spoke as a representative of Moving Around Pender (MAP). He thanked the LTC for their interest in transportation on Pender Island and noted the inter-island collaboration that is ongoing.

Dale Henning provided a report of the local BC Ferry Committee's work to encourage proportionate loading and the challenges that BC Ferries face when considering implementing a policy like that. He encouraged the community to share their concerns with BC Ferries, the Ministry of Transportation, and Adam Olsen (Member of Legislative Assembly).

A discussion was held regarding a letter from the LTC to BC Ferries addressing dis-proportional loading concerns.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated April 23, 2020

By general consent the Local Trust committee meeting minutes of April 23, 2020 were adopted as presented.

8.2 Section 26 Resolutions-without-meeting Report

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated May 2020

Regional Planning Manager (RPM) Kojima noted that the letter seeking educational collaboration requested at the last meeting will be addressed to the Magic Lake Water and Sewer Committee seeking joint education on riparian areas.

10. DELEGATIONS

10.1 John Aftias re NP-TUP-2019.7 (Burdett)

John Aftias provided an overview of his concerns with the industrial activities that have been ongoing at the MacDonald Farm property. He expressed concern with the negative impact that those activities have on the local environment and nearby community activities such as the community centre, library, and playground.

10.2 Joyce Thayer (Pender Island Recycling) re NP-TUP-2019.7 (Burdett)

Joyce Thayer, Secretary-Treasurer of Pender Island Recycling Society, addressed the application and the inclusion of residential recycling in the Temporary Use Permit (TUP). She provided an overview of the Society's measures to meet the community's recycling needs and requested that "residential recycling" be removed from the TUP.

11. CORRESPONDENCE

A general discussion was held regarding the process by which correspondence is received and selected for inclusion in the agenda package.

11.1 Moving Around Pender May 15, 2020

Received for information.

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2020.1 (Calverley)

Planner Testemale provided an overview of the application and an update on the progress since the last meeting.

A discussion was held regarding the nature of the application and challenges that the LTC has faced in facilitating a suitable solution.

NP-2020-021

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend draft Development Permit NP-DP-2020.1 (Calverley) by adding the condition that the owner grants shared legal access by easement agreement with Lot 1, Plan 35333.

CARRIED

NP-2020-022

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit application NP-DP-2020.1 (Calverley) as amended.

CARRIED

Trustee Morrison noted for the record that she felt compelled to vote in favour of this application to preserve the Wetland Area 3 alternative access.

NP-2020-023

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request the applicant voluntarily applies all conditions of Development Permit NP-DP-2020.1 (Calverley) to 'Wetland Area 3' as indicated on Schedule 'A' of the permit.

CARRIED

12.2 NP-TUP-2019.7 (Burdett)

Planner Testemale provided an overview of the application and the correspondence received from members of the public regarding the application.

Trustee McConchie noted for the record that correspondence from Michael Sketch misquoted Trustee McConchie's position on the matter.

The LTC held a discussion which included the nature of the correspondence received, residential recycling, and the future planning for recycling and water management for the island.

The applicant was provided an opportunity to respond to questions from the LTC and address the application.

Chair Patrick requested that the minutes note that the purpose of the two-year time period is to allow the land use review to be completed.

NP-2020-024

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2019.7 (Burdett) as follows:

- a. By removing Subsection 2 a) iii. Residential Recycling; and,
- b. Amending Schedule 'A' to change the configuration of the Temporary Use Area to reflect the site plan survey by Wey Mayenburg Land Surveying Inc. and dated May 5, 2020.

CARRIED

NP-2020-025

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2019.7 (Burdett) as amended.

CARRIED

Trustee McConchie Opposed

A brief break was held from 12:25 p.m - 12:28 p.m.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Groundwater Sustainability Project

Chair Patrick invited William Shulba to address the LTC.

William Shulba provided a presentation from the Groundwater Sustainability Project including an update on the current stage of the project, an overview of the information to date, and expectations of the process moving forward.

Following the presentation, the LTC requested and received information on the following points:

- Application of the project's data for future decisions by governing bodies;
- Data sources and the process through which the data was selected and verified; and
- Novel findings from this project that should be highlighted for public and LTC awareness.

13.2 LUB Review Project - Staff Memo

13.2.1 Industrial Lands - Staff Report

RPM Kojima provided an overview of the staff report. He noted the current phase of the project and highlighted the steps moving forward.

The LTC requested and received information regarding the process for engagement with property owners, First Nations, and other stakeholders.

13.2.2 Residential Dwelling Floor Area - Staff Report

RPM Kojima provided a summary of the purpose of the report and the process moving forward.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated May 2020

It was noted that a member of the community requested that the LTC reconsider regulation of Short-Term Vacation Rentals (STVRs) due to the COVID-19 situation.

A discussion of options was held. There was general agreement this matter be revisited at the next meeting.

14.1.2 Projects List Report Dated May 2020

Received for information.

14.2 Applications Report Dated May 2020

Received for information.

14.3 Trustee and Local Expense Report

None

14.4 Adopted Policies and Standing Resolutions

Received for information

14.5 Local Trust Committee Webpage

None

14.6 Islands Trust Conservancy Report - None

14.6.1 NAPTEP Information - Staff Memo

Kathryn Martell provided an overview of the staff memo and the associated recommendation. The benefits of the program for property owners was highlighted.

The memo was received for information.

15. NEW BUSINESS

15.1 Annual Report - Request for Decision

NP-2020-026

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve the attached text as presented for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

CARRIED

15.2 Commercial Bylaw Enforcement

Trustee McConchie recommended that the LTC consider varying their approach to commercial bylaw enforcement to support creative commercial enterprises during the COVID-19 situation.

NP-2020-027

It was Moved and Seconded,

that the North Pender Island 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 Board and establishments following relevant provincial protocols.

CARRIED

A discussion of the motion was held and the staff provided information on the impact of the resolution.

Further discussion was held regarding the bylaw matter faced by a local food truck operator. The LTC requested and received information from staff regarding options for supporting this operator.

The LTC requested staff to work on resolution wording that would allow existing businesses to operate from home.

15.3 Agricultural Advisory Planning Commission

Trustee McConchie recommended the creation of an Agricultural Advisory Planning Commission to support the Land Use Bylaw review.

A discussion was held.

NP-2020-028

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to advertise for an Agricultural Advisory Planning Commission.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for July 2, 2020 - Electronic Meeting

17. TOWN HALL

Amanda Griesbach spoke in support of the presentation made by William Shulba, provided recommendations for creative accommodation of commercial ventures during COVID-19, and offered feedback on the electronic format being a successful and accessible model.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:17 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Islands Trust

Print Date: June 24, 2020

Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2020-012 (Standing)	Carried	19-Jun-2020
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.		
2020-011 (Standing)	Carried	04-Jun-2020
that given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.		

Follow Up Action Report

North Pender Island

27-Feb-2020

Activity	Responsibility	Dates	Status
1 Staff directed to write a letter to CRD re: joint public education for overlapping areas of interest with DPs in watershed areas - UPDATE: letter to be drafted to Magic Lake Sewer and Water Committee seeking joint education on riparian areas for Chair's signature	Phil Testemale Robert Kojima	Target: 29-May-2020	In Progress

21-May-2020

Activity	Responsibility	Dates	Status
1 8.1 Minutes of April 23rd adopted as presented	Maple Hung	Target: 29-May-2020	Completed
2 12.1 NP-DP-202.1 (Calverley) - permit amended to include condition requiring shared access, permit issued as amended	Jas Chonk Phil Testemale	Target: 29-May-2020	Completed
3 12.2 NP-TUP-2019.7 (Burdett) - permit amended by removing residential recycling use and by amending Schedule A, approved for issuance as amended	Jas Chonk Phil Testemale	Target: 29-May-2020	Completed
4 15.1 Annual Report - adopted as presented	Mike Richards Robert Kojima	Target: 29-May-2020	Completed



Follow Up Action Report

North Pender Island

21-May-2020

Activity	Responsibility	Dates	Status
5 15.2 New business - Standing resolution adopted: That the NP LTC 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 LCRB and establishments following relevant provincial protocols.	Maple Hung Warren Dingman	Target: 31-Jul-2020	Completed
6 Staff to investigate ability to suspend current STVR TUPs	Narrisa Chadwick Robert Kojima	Target: 05-Jun-2020	Completed
7 15.2 New Business: staff to draft resolution with advice from bylaw enforcement to create a policy that would temporarily pause enforcement on existing businesses to relocate to operate from homes during current emergency. To be circulated for consideration of adoption by RWM	Jas Chonk Maple Hung Robert Kojima Warren Dingman	Target: 05-Jun-2020	Completed
8 15.3 New Business: staff to advertise for EOI for a special Agricultural Advisory Planning Commission for the LUB Review project.	Jas Chonk Maple Hung	Target: 05-Jun-2020	Completed

From: [REDACTED]
Sent: Sunday, May 17, 2020 9:09 AM
To: npltcwebmail <npltcwebmail@islandstrust.bc.ca>
Subject: Contact Form Submission

COPIED TO	
☐	PLANNER
X	
☐	LTC
X	
☐	
X	

Applicant &
Leg Clerk

Contact: North Pender Island Local Trust Committee
Name: George Leroux
Email: [REDACTED]

If you would like to be contacted using a different method than E-mail, please enter the details: Email is fine

Write your message: I was able to observe the last Local Trust Committee meeting through the electronic access provided. Thank you. I am writing to express 2 concerns: 1. The process by which amendments were made to the Burdett TUP application; and, 2. The overt subjectivity shown by the Trustees when applications are being addressed. I have thoroughly read every North Pender Island Local Trust meeting package for the past year. While I find them unbearably repetitive, I sense that Staff reliably attempts to present a balanced case in line with the various by-laws and regulations. In the case of the Burdett TUP I found it astonishing the changes that were made in the last meeting at the prompting of the Trustees. First, the addition of residential recycling. This appeared to be a knee jerk reaction to being in a traffic line up one day. At a previous Trust meeting representatives from the Recycle Center made a presentation to the Committee. There is tremendous community support for the Recycle Center (and likely the Burdett's as well). The addition of residential recycling to the TUP on the personal whim of a Trustee is unacceptable. More astonishing was the reduction of the term of the TUP from 3 to 2 years so "we can deal with it before our term is over because we may not get re-elected!" Really. Trustees have a clear role, and it is not to advance personal agendas. I believe a censure is required in this particular case. The waste management issue has been addressed by the Islands Trust for years, maybe decades. The process has been flawed in many ways. More seriously, it has pitched locals against each other. This is a time for the Trustees to be fair arbiters following a process of good governance to bring the community together if that is possible. Due and fair process is not just a matter of producing 40-50 page reports: it is also good governance from the Trustees. Moving to the larger issue of Trustee's apparent lack of objectivity on some of the files, I was shocked by the referral from Salt Spring. The Chair, who I have observed does a good job managing a difficult Trust Committee, should not have presented a personal opinion on the referral from SSI. This opinion, which I am sure was heartfelt and came from a good place, triggered Trustee McConchie to launch into a discourse on STVRs and Air BNB. Really. There was an issue raised about DPAs following someone taking down a couple of trees on their property. Wetlands came up and it was noted there may be some wetlands not shown on the maps. I was alarmed by some of the comments made by Trustees regarding the ability of the Trust to "force" people to do what the Trust wants almost without due process. This makes me very uneasy that the OCP is going to be opened up for review and amendment. I sincerely hope the OCP review does not become another community head bashing exercise. Trustees are dealing with land rights. These rights should not be subject to the personal agendas of Trustees. The set of rules are far reaching and they have extensive implications for landowners on Pender Island. Trustees are critical to the oversight and execution of the Act, Regulations and by-laws. I strongly encourage each of you reflect on the applications that come before you and, while all of us have biases, please try to approach these issues fairly and objectively. Regards George Leroux

File No.: NP-DVP-2020.2 (Randall)
(NP-DVP-2019.1)

DATE OF MEETING: July 2, 2020
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Application
Applicant: Jaimes Randall
Location: 38228 Schooner Road

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.2 (Randall).**

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the front lot line regulations for a single family dwelling under construction on the subject property. The variance would bring the property into compliance with the North Pender Island Land Use Bylaw 103, 1996.

The above recommendation is supported as the proposed variance is minor, the siting was unintended and caused by errors made by the applicant's designer. While impacts on neighbouring properties are not insignificant, as indicated in the one written response to the notification, proposed landscaping may help to mitigate some of these. Overall however, the variance does not challenge the intent of the bylaw provision.

BACKGROUND

This is a revised application of NP-DVP-2019.1 (Randall) that was originally considered by the Local Trust Committee on May 30, 2019. That application was to vary both the height and front yard setback for the dwelling under construction. The LTC passed a resolution at that meeting to deny both variances. The staff report and minutes for that meeting as well as background information are available here:

http://www.islandstrust.bc.ca/media/347691/np-ltc_2019-05-30_agd_pkg_final.pdf
http://www.islandstrust.bc.ca/media/347975/np-ltc_2019-05-30_rm_min_final.pdf

Since that application, the issue of the height conformity has been resolved. This was achieved by attaching the workshop to the dwelling that originally was to be a separate accessory building (See Figure 2, 3 and Attachments 2.3 and 2.4). Height is defined in the LUB as follows:

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls.

As the property slopes upward toward the rear of the property, the elevation at natural grade of the workshop addition walls are higher than the dwelling portion. Therefore when averaged with the elevation distances of the dwelling itself, the overall height of the building is reduced and now conforms to the maximum allowable.

This application is now specifically to vary the front yard setback regulations in the Land Use Bylaw (LUB) as follows:

- a) Clause 8.1.5 (1) (a) which states that no building or structure may be sited within 7.6 metres of any front lot line is varied to permit the siting of a dwelling within 7.4 metres of a front lot line.

The original application was the result of a Building Permit referral from the CRD (NP-BP-2018.24). The plans submitted indicated the setback distance to the front yard at 11.2 metres, which is well in excess of the minimum 7.6 m distance. A subsequent legal survey (Attachment 2.2) revealed that the house was in fact sited in error 0.2 m (8 in) too close to the front yard setback as the owner proceeded with construction of the home relying on his designer's incorrect plans.

The plans circulated with the notice illustrated landscaped backfilling and a small patio along the front facing Schooner road. This, however, would require a foundation wall be built in front of the existing basement wall, further increasing the encroachment. The plans have since been amended to construct a berm with landscaping which will not require any increase to the requested variance (Figure 3). This will have the effect of mitigating some of the visual impact of height given the building design, size and topography. The stated variances in the Notice and draft DVP remain unchanged.

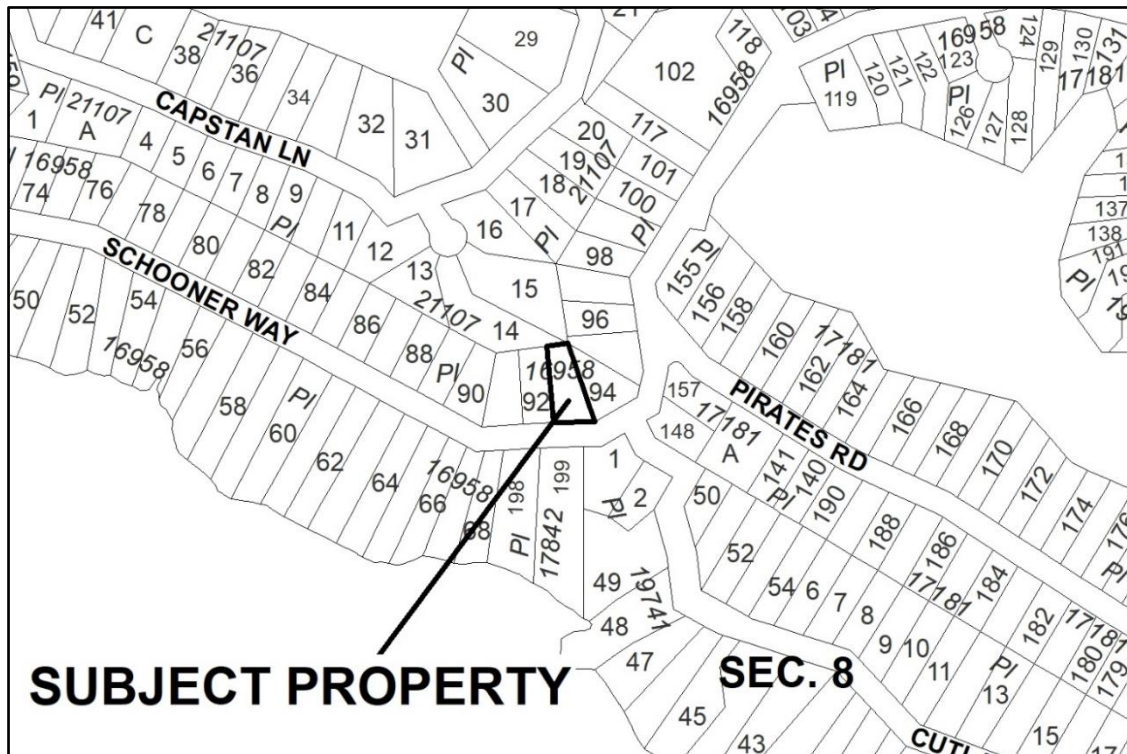
The property is a standard Rural Residential (RR) lot with a topography that initially rises from Schooner Way to form an elevated bench that rises more gently to the rear of the property (Attachment 2.4). There is a small temporary accessory building behind and to the north of the dwelling and a travel trailer that is being used as a temporary residence. The accessory building is to be removed and the trailer uninhabited upon completion of the dwelling.

The maximum lot coverage permitted in the RR zone is 25 percent or 400 m². The area of the dwelling (including workshop addition and decks (measured to the dripline of roofs) is 360 m².

A copy of the notice and draft NP-DVP-2020.2 are Attachment 5 and 6.

Planning have not staff visited the site since 2019 (Photos from previous application are shown in Attachment 2.5)

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as **Rural Residential (RR)** in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007.

There are no **Development Permit Areas** designated on the subject property.

Land Use Bylaw:

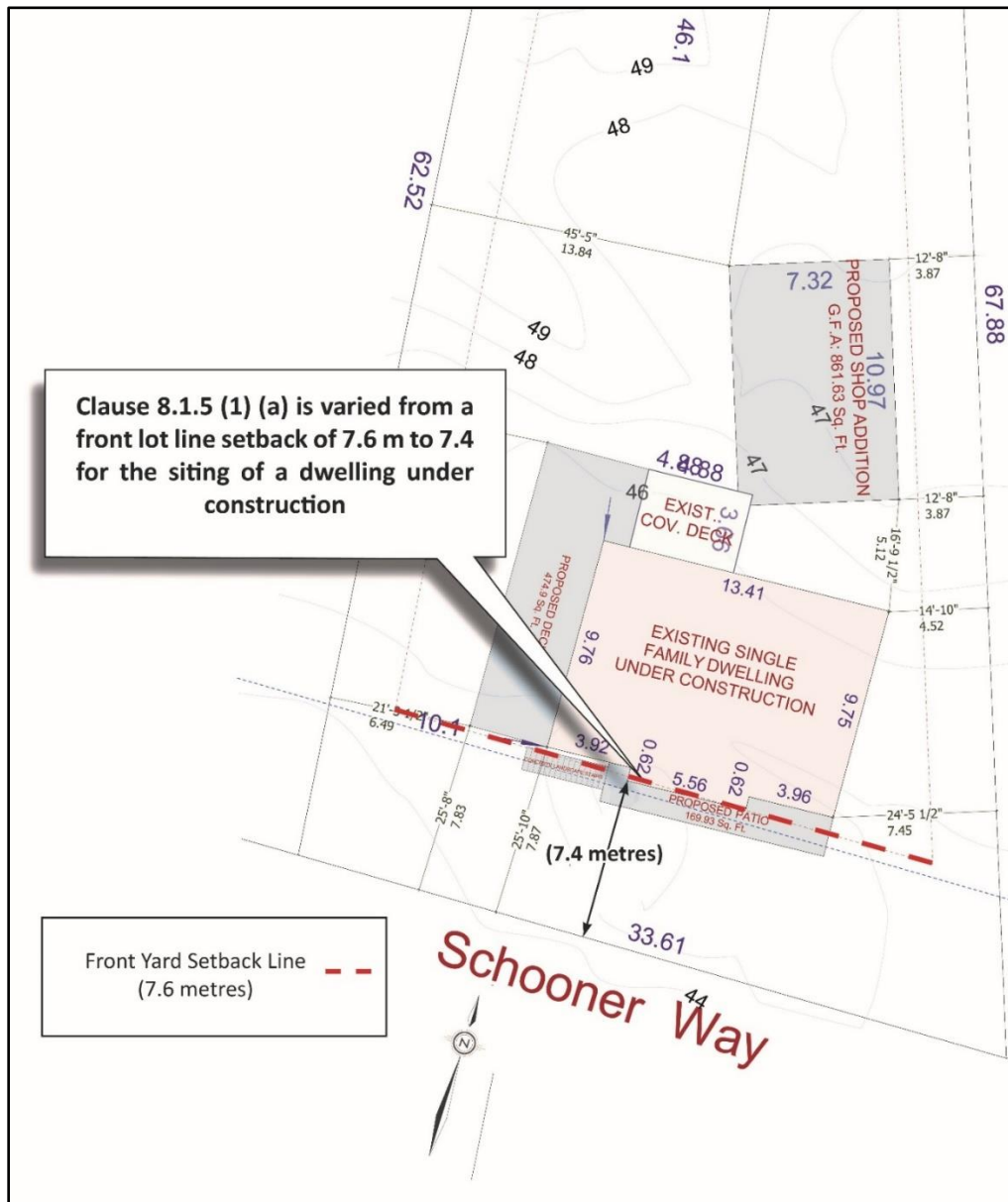
The property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996.

The existing residential use and complies with use, density, height and lot coverage provisions of the zone on the property. The non-conforming siting of the dwelling is the subject of the application.

Islands Trust Conservancy:

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

Figure 2 – Site Plan



ISSUES AND OPPORTUNITIES

Rationale for the Variances

The primary rationale for the variance is to bring the property into full conformity with the LUB. With the height now conforming by adding the workshop to the dwelling, the only non-conformity is the front yard setback.

The options that remain for the applicant if the variance is denied are to either make application to the Board of Variance with time and cost implications, or altering the dwelling to conform. The latter would incur a significant cost and not result in any perceptible difference from the road or neighbouring properties across the road. In fact, if the 'bump-out' portion is removed or reduced, the effect would be to further flatten the front façade making that wall appear more uniform and massive.

Figure 3 – Elevations (Revised)



Impact on Neighbouring Properties

Consideration should be given to the potential impacts arising from the proposed variance to the front yard setback. This is a small variance at 0.2 metres, and as stated above, altering the building to remove or reduce the 'bump-out' portion could potentially have a worse visual effect. The applicant is proposing a landscaped berm in the front of the house which will help to mitigate the visual impacts of the building from the street and opposite properties (see Figure 3 - above).

The Overall Intent of the Regulation being Varied

The overall purpose of the front yard setback regulation is to minimize impacts on adjacent properties and the public realm related to:

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

Potential Impacts of Granting the Variance

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

Consultation

First Nations

At this time, Development Variance Permit applications related to existing development (no new development is proposed) do not raise concerns related to Local Trust Committee Standing Resolutions on reconciliation.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on June 23, 2020.

Staff have received one written correspondence in response to the notification (Attachment 4). That correspondence identified concerns with the design and size of the dwelling, potential uses and the variance process. Anecdotally, the applicant has reported that he has spoken to the neighbour about his concerns.

Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The variance is minor in nature.
- The exceedance in the setback was unintended and caused by errors made by the applicant's designer.
- The impacts on the neighbours and roadway are not insignificant, however, proposed landscaping should help to mitigate some of these
- Notification to date has generated one neighbour response which expressed opposition to the variances and questioned variance process.

- The variance does not defeat the intent of the bylaw regulation.

ALTERNATIVES

- **Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to 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...

- **Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2020.2 (Randall).

Submitted By:	Phil Testemale, Planner 2	June 24, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	June 24, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Legal Survey
4. Correspondence
5. Notice
6. Draft NP-DVP-2020.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 93, Section 8, Pender Island, Cowichan District, Plan 16958
PID	004-106-369
Civic Address	38228 Schooner Way

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2018.24	Construction of new dwelling (subject of application)
NP-DVP-2019.1	Variance for height and setback denied

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). There are no Development Permit Areas designated in the OCP on the subject property.
Land Use Bylaw	The property is in the Rural Residential (RR) Zone in the LUB. The proposed residential use complies with use and density provisions for the zone on the property. The siting and height of the dwelling are the subject of the application.
Other Regulations	
Covenants	None
Bylaw Enforcement	None

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	No occurrences listed.
Sensitive Ecosystems	None
Hazard Areas	None
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected

	under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Approval of DVP would not otherwise increase size of the dwelling and therefore does not impact GHG emission. Elevation and proximity to ocean limits potential impacts on proposed development from anticipated or possible climate change induced hazards (e.g. sea level rise).
Shoreline Classification	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO AND ZONING



2.2 SURVEY

WEY MAYENBURG
LAND SURVEYING INC.

www.waysurveys.com

#4-2277 James White Boulevard
Sidney, B.C. V8L 1Z5
Telephone (250) 536 - 5125

BC Land Surveyor's Building Location Certificate On:

**Lot 93, Section 8, Pender Island,
Cowichan District, Plan 16958.
(P.I.D. No. 004-106-369)**

Civic Address: 38228 Schooner Way

This document was prepared for mortgage and municipal purposes and is for the exclusive use of our client, James Randall.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Certified Correct this 20th day of February, 2018.

Lloyd Eakins

4GB4LB

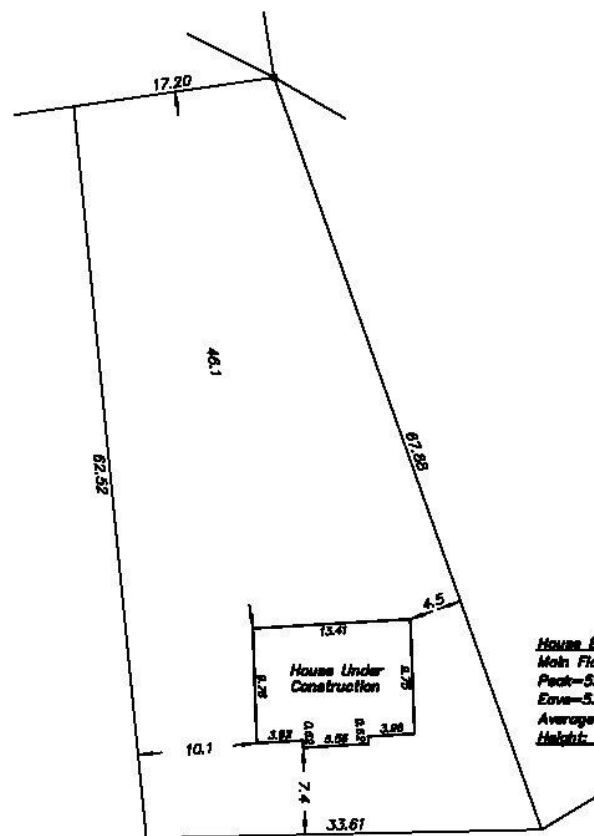
Digitally signed by Işıl Sayın 4C9B4B
DN: cn=Işıl Sayın, o=4C9B4B
c=TR, email=Işıl Sayın, ou=VerifyID@
www.punceri.com.tr, c=TR, o=4C9B4B
Date: 2019.02.27 14:22:20 GMT

B.C.L.S. (Not valid unless originally signed & sealed)



Scale = 1:400

Distances shown are in metres.



House Elevations:
Main Floor—48.09
Peak—53.91
Eave—53.79
Average Grade—45.75
Height: 10.16

Schooner Way

ALL RIGHTS RESERVED

© Copyright by Way Mayenburg Land Surveying Inc.

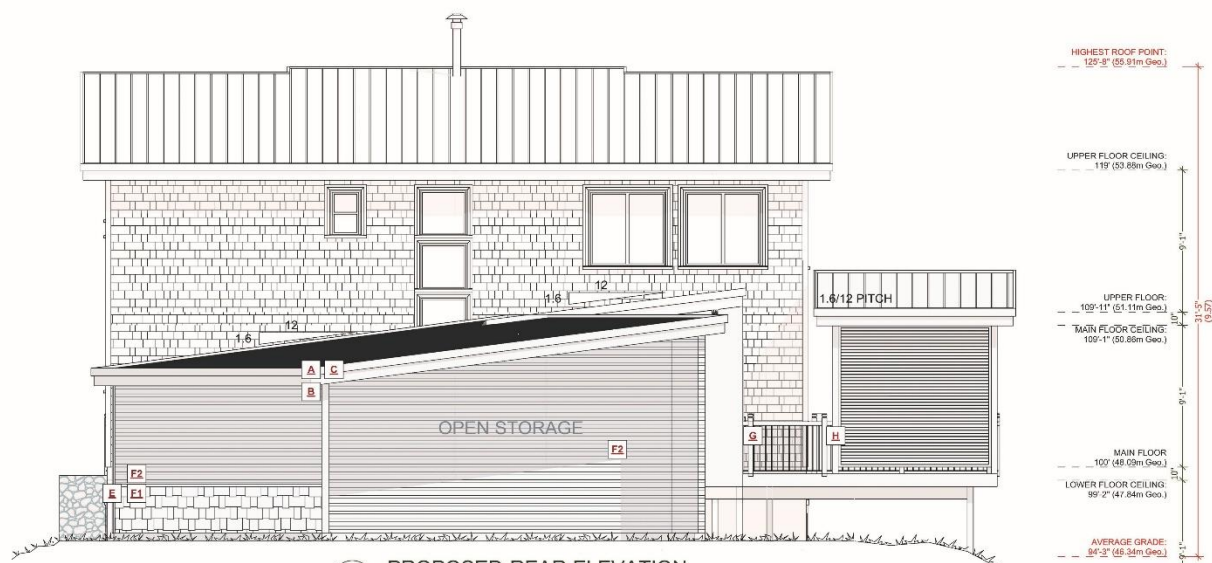
File No.: 180019\Grt\GH

2.3 SOUTH AND NORTH ELEVATIONS



PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1' - 0"

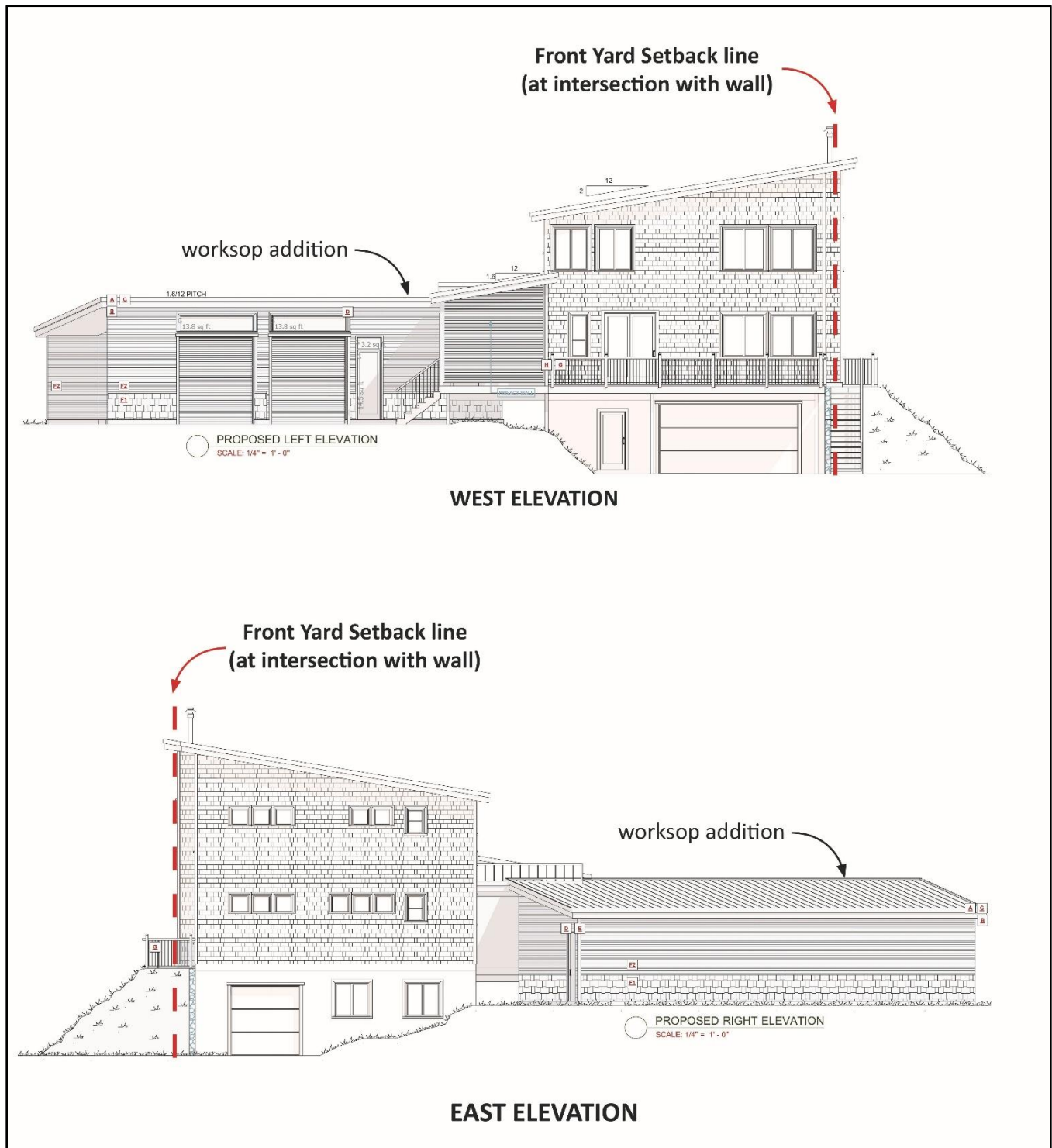
SOUTH ELEVATION



PROPOSED REAR ELEVATION
SCALE: 1/4" = 1' - 0"

NORTH ELEVATION

2.4 WEST AND EAST ELEVATIONS OF DWELLING



2.5 PHOTOGRAPHS

HOUSE FROM SOUTHWEST CORNER OF PROPERTY



REAR OF HOUSE FROM NORTH ON PROPERTY



BC Land Surveyor's Building Location Certificate On:

*Lot 93, Section 8, Pender Island,
Cowichan District, Plan 16958.
(P.I.D. No. 004-106-369)*

Civic Address: 38228 Schooner Way

This document was prepared for mortgage and municipal purposes and is for the exclusive use of our client, Jaimes Randall.

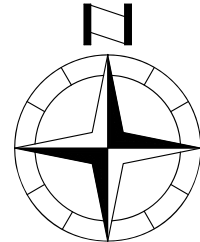
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Certified Correct this 20th day of February, 2019.

Lloyd Eakins
4GB4LB

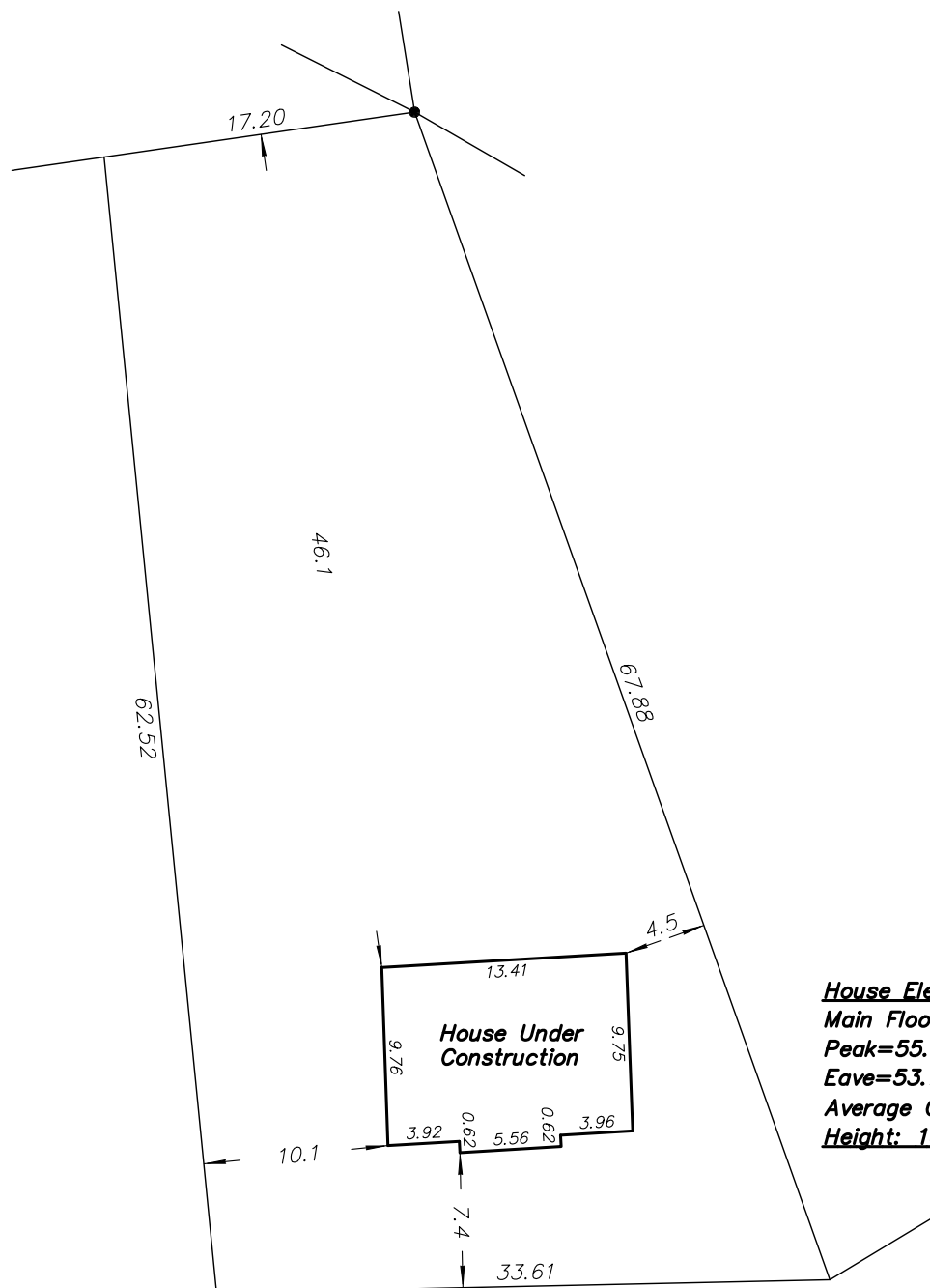
Digitally signed by Lloyd Eakins 4GB4LB
DN: c=CA, cn=Lloyd Eakins 4GB4LB,
o=BC Land Surveyor, ou=Verify ID at
www.juricert.com/LKUP.cfm?ID=4GB4LB
Date: 2019.02.27 14:05:28 -08'00'

B.C.L.S. (Not valid unless originally signed & sealed)



Scale = 1:400

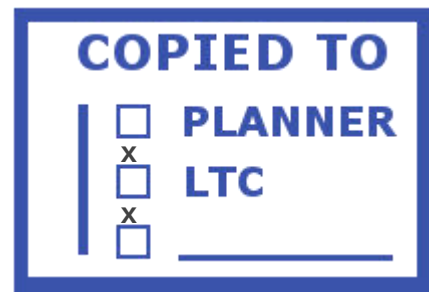
Distances shown are in metres.



House Elevations:
Main Floor=48.09
Peak=55.91
Eave=53.79
Average Grade=45.75
Height: 10.16

Schooner Way

From: BRIAN BROWN <[REDACTED]>
Sent: Monday, June 15, 2020 2:02 PM
To: information <information@islandstrust.bc.ca>
Subject: Variance at 38228 Schooner Way



To Islands Trust - Phil Testemale,

I have the following comments regarding the proposed variance to the front yard setback at 38228 Schooner Way:

I'll reiterate my previous comment last year on the initial variance application that this house is out of character with the neighbourhood where other houses are smaller, set back from the road and unobtrusive. This house being at maximum height (or over maximum as per the last variance) and close to the road is very obtrusive.

CRD inspection guidelines state that the location of the building is to be certified by a BC Land Surveyor before framing. I'm concerned as to how this project got so close to completion before the error in setback was discovered and virtually impossible to correct.

The proposed 860+ sq. ft. workshop, looks like it is being planned for commercial purposes. I'm concerned about future noise issues.

The original variance proposal showed sliding doors facing the road opening onto a drop-off. Presumably the building was to be set back further and that a deck was to be part of the plan. That has now been changed to a patio with fill material against the side of the house which has been set up for a standard above ground finish. I'm concerned that this will revert to a deck which will be another high level structure even closer to the road than the house.

There is a large trailer on site which is hooked up to sewer and water and I presume is being used as living space until the house is completed. I'm concerned that the trailer will remain in place, connected to utilities and used as living space.

A variance in setback from 7.6m to 7.4m is not going to make any difference on the impact of this house to the neighbourhood. I would suggest a requirement for some landscaping to soften the look.

Brian Brown
[REDACTED]

NOTICE
NP-DVP-2020.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

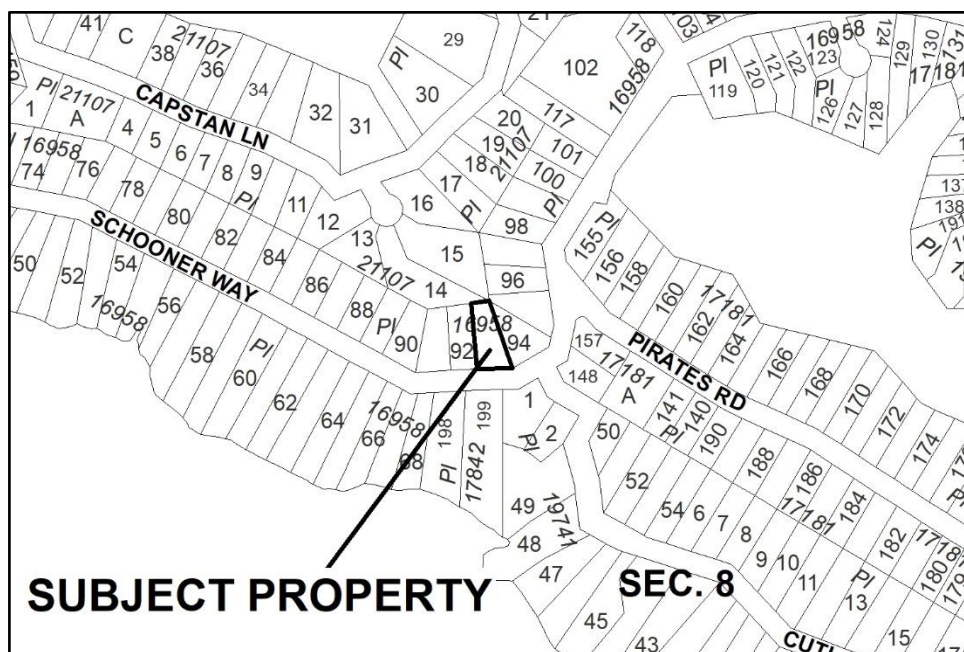
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996 by:

- Reducing the minimum setback distance to a front yard line from 7.6 to 7.4 metres to permit a dwelling under construction; and,

The variance is required due to errors made by the building designer.

The property is located at **38228 Schooner Way** and is legally described as Lot 93, Section 8, Pender Island, Cowichan District, Plan 16958 (PID: 004-106-369).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 12, 2020** and continuing up to and including **June 23, 2020**.

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

Enquiries or comments 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 by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **June 23, 2020**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10:00 a.m., July 2, 2020**.

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

Jas Chonk, Deputy Secretary



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2020.2

To: Jaimes and Tara Randall

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

Lot 93, Section 8, Pender Island, Cowichan District, Plan 16958
(PID: 004-106-369)

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

- a) Clause 8.1.5 (1) (a) which states that no building or structure may be sited within 7.6 metres of any front lot line is varied to permit the siting of a dwelling within 7.4 metres of a front lot line.

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

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, 2020.

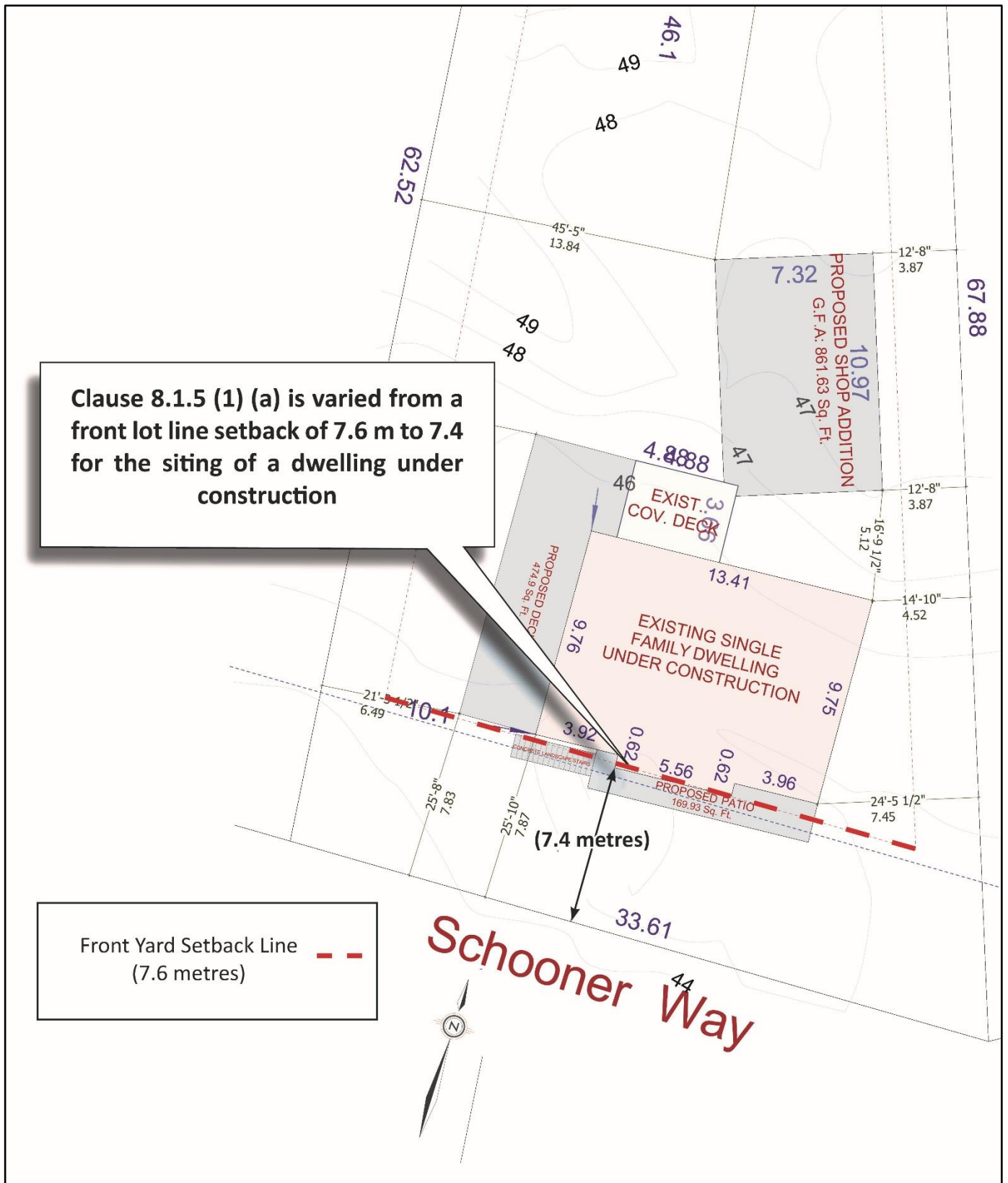
Deputy Secretary, Islands Trust

Date of Issuance

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

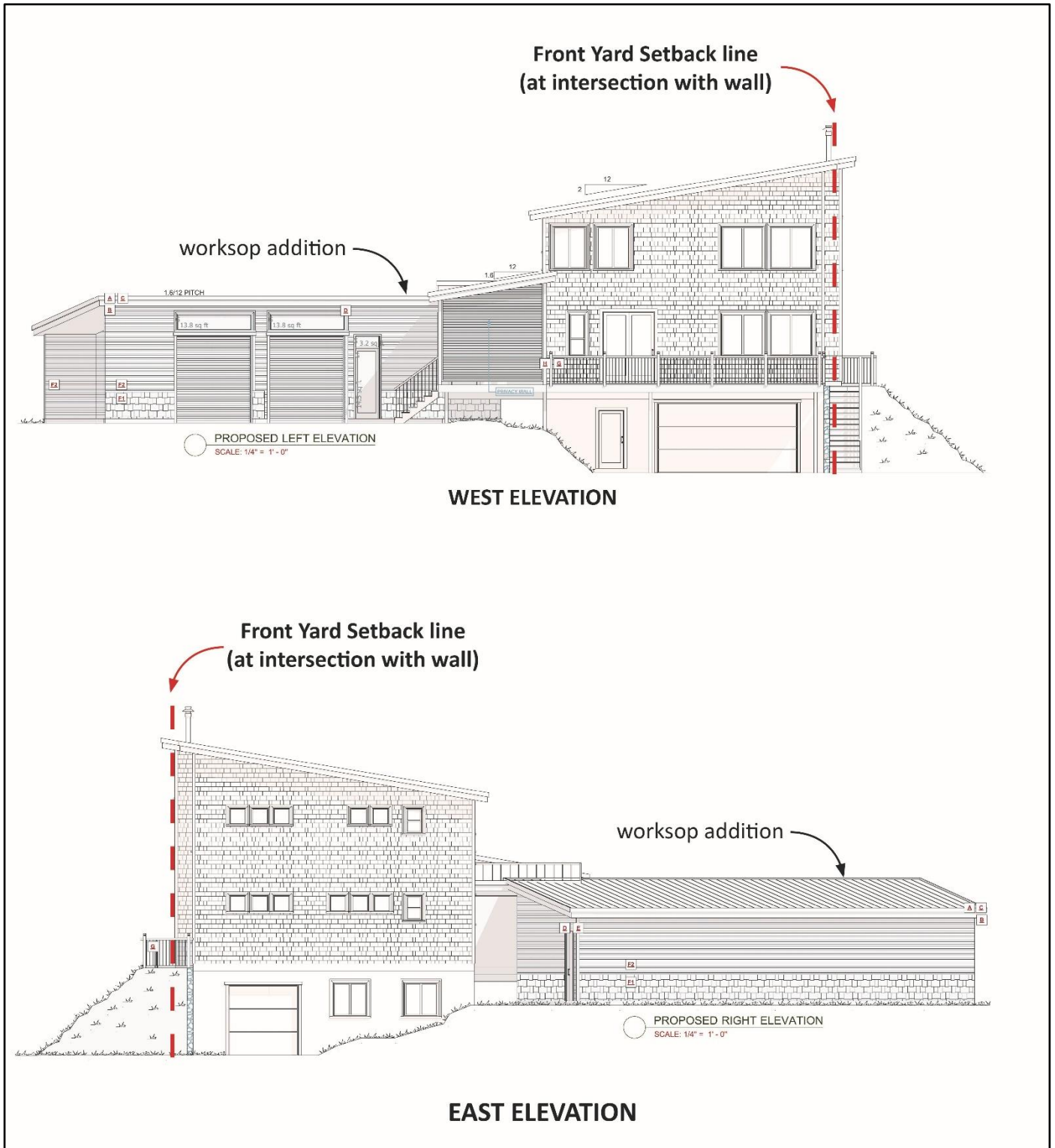
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2020.2

SCHEDULE 'A'



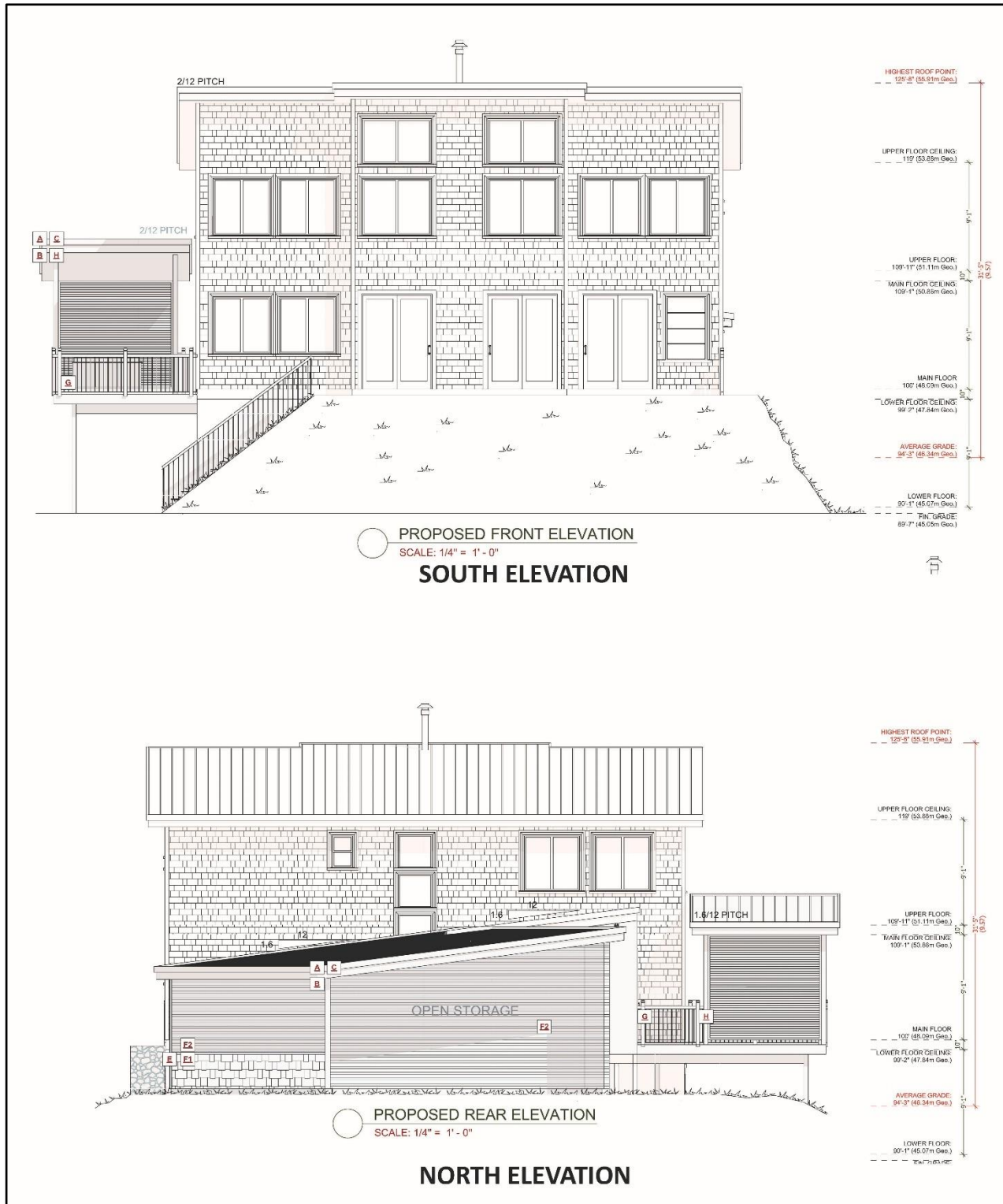
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2020.2

SCHEDULE 'B'



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2020.2**

SCHEDULE 'C'



File No.: NP-DVP-2020.3 (Mansley)
(NP- BP-2019.32)

DATE OF MEETING: July 2, 2020
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Variance Application
Applicant: Jess Mansley
Location: 2319 MacKinnon Road

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.3 (Mansley).**

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the siting regulations for an accessory structure (garage) under construction on the subject property. The variance will bring the property into conformity with the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).

The above recommendation is supported as the rationale given is reasonable, the potential impacts of the variance are minor, to date staff have received one written response in favour¹; and, lastly, the variance is not contrary to the intent of the bylaw provision.

BACKGROUND

The application is the result of a Building Permit referral (NP-BP-2019.32) for the garage on the property; the plans submitted indicated the building would be sited 3.0 metres of the interior side lot line. As that is the minimum setback, staff requested a legal survey at foundation inspection to verify compliance. When that survey was submitted, the building was shown to encroach 0.5 metres (1.6 feet) into the setback (Figure 2 and Attachment 2.5).

¹ Two letters came from the owner who also own the property across the street, and the applicant who owns an adjacent property.

In order to bring the property into compliance with the LUB, the applicants have submitted the application requesting a variance to the setback regulation. The specific variance to the LUB is as follows:

- a) Clause 8.1.5 (1) (b) which states that no building or structure may be sited within 3.0 metres of any interior side lot line is varied to permit the siting of an accessory building (garage) within 2.5 metres of an interior side lot line.

The applicant and owners have supplied a detailed submission (Attachment 3) on the sequence of construction, summarized as follows:

- As above, the building was constructed with a CRD Building Permit.
- The owners state they undertook have the building location surveyed and staked (by Wey Mayenburg Land Surveying) to clearly mark (flag) the building location on the ground, and then supplied approved plans to their contractor and the subcontractor who constructed the foundations.
- Despite undertaking those steps, the owners explain that subcontractor located the footings and foundations too close to the lot line on the southwest corner of the building. is the owners concluded that it was simply oversight on behalf of the subcontractor.
- The error was revealed by a subsequent legal survey and the applicants made an immediate application for the variance upon discovering the error.

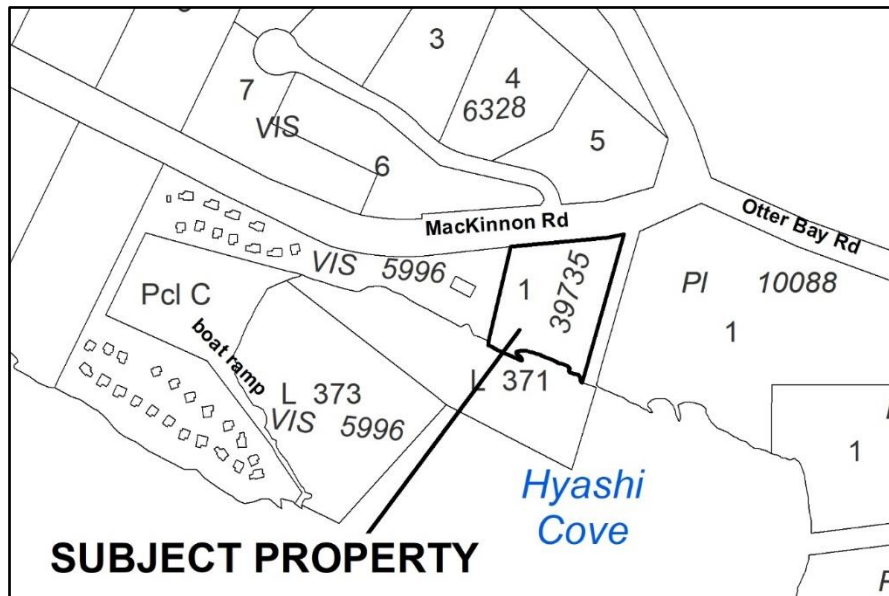
The topography of the property is shown in Attachment 2.3 and 2.4 and generally slopes from MacKinnon Road south to the boundary of the sea. As the area adjacent to the road is well treed and the slope of the bank slope is significant, the building is largely concealed from the road. The property is accessed by an easement across the property to the west.

The owner's alternatives to obtaining a variance are to alter, move or remove the building all of which would incur a significant cost.

Copies of the notice and draft NP-DVP-2020.3 are Attachment 5 and 6.

Planning staff have not visited the site, however, photos have been supplied by the applicant (See: Attachment 2.7)

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as **Rural Residential - RR** in the North Pender Island Land Use Official Community Plan No. 171, 2008 (OCP).

Development Permit Area One - Woodland is designated on the lower southwest corner of the subject property distant from the garage (Attachment 2.2).

Land Use Bylaw:

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).

The existing residential use complies with use and density provisions of the zone on the property. The proposed variances will bring the property into conformance with the LUB.

ISSUES AND OPPORTUNITIES

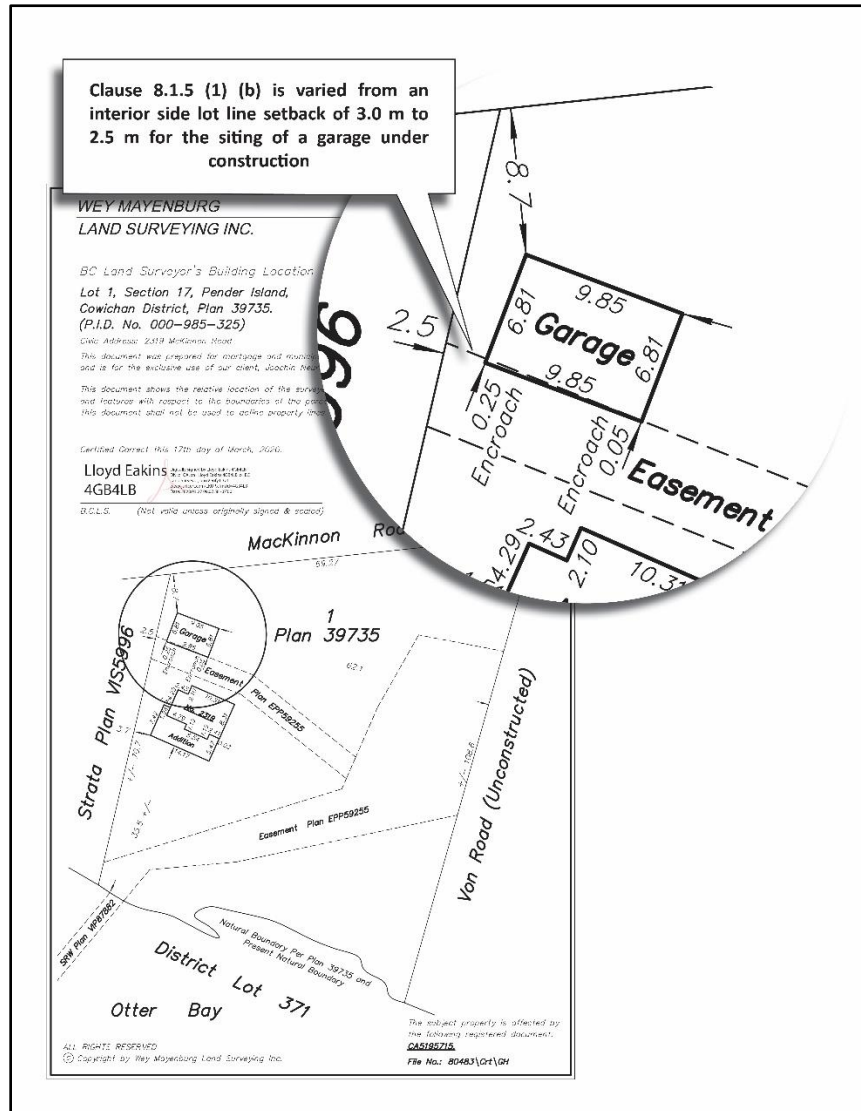
Rationale for the Variance

As above, the rationale provided by the owners is to bring the property into compliance with the LUB. They appear to have taken every reasonable step to ensure that their contractor (and subcontractor) located the building properly and obtained all permits and approvals (Attachment 3).

They only became aware of the infractions when a required survey for the Building Permit revealed the siting error subject building.

The cost implications of moving, removing or altering the building to conform in siting would be significant, with minimal benefit.

Figure 2 – Site Plan



Impact on Neighbouring Properties

The proposed variance would only impact the adjacent neighbouring property to the west. Those would be the siting of a building closer to the property boundary with the potential impacts being visual, views, and privacy. Attachments 2.1 and 2.7 demonstrate the garage building is not sited close to the dwelling on that neighbouring property. Further, the design of the building that is partially built into the slope, partially concealing the building and lessening the visual impacts of the building height and size (Attachment 2.6 and 2.7)

Staff is of the opinion that granting the variance would represent minimal impacts on adjacent properties and from the public roadway.

The Overall Intent of the Regulation being Varied

The overall purpose of the interior side lot regulation is to minimize impacts on adjacent properties related to:

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

Potential Impacts of Granting the Variance

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

Consultation

First Nations

When staff reviewed the Building Permit application, archaeological potential was flagged and it was recommended that the applicant contact the *Heritage Branch* for guidance.

With this DVP application, no new development is proposed and the application does not raise concerns related to Local Trust Committee Standing Resolutions on reconciliation.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents (Attachment 5). The notification period ended at 4:30 p.m. on June 17, 2020.

At the time of writing, staff has received three (3) written submissions in response to notification (Attachment 4). Two of these were from the owner of the property and applicant. One from another neighbour stated no objection.

Any comments received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The rationale given is reasonable and the applicant took all reasonable steps to avoid the siting error.
- The potential impacts of the variance are minor for neighbouring properties, particularly that for the property to the west.

- Notification to surrounding neighbours has been undertaken, and to date staff have received one written response from a neighbour in favour.
- The variance does not impact the intent of the bylaw regulation.

ALTERNATIVES

- **Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to 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...

- **Amend the Proposed Permit and Approve Issuance**

The LTC may amend the application by removing one or two of the proposed variances and approving issuance.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend application NP-DVP-2020.3 (Mansley) by removing the following section(s) _____; and,

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.3 (Mansley) as amended.

- **Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2020.3 (Mansley).

Submitted By:	Phil Testemale, Planner 2	June 23, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	June 24, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Correspondence from applicant
4. Correspondence
5. Notice
6. Draft NP-DVP-2020.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 17, Pender Island, Cowichan District, Plan 39735
PID	000-985-325
Civic Address	2319 MacKinnon Road

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Mainly Rural Residential, Commercial (Otter Bay Marina – west)), Rural East

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2019.9	BP to construct a dwelling
NP-BP-2019.32	BP to permit subject garage

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Rural Residential (RR) in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007. Development Permit Area One – Woodland Sensitive is designated on the subject property., but distant from the proposed variance (Attachment 2.2)
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	[Review bylaw enforcement files, summarize any outstanding enforcement issues. Raise any future enforcement concerns or recommendation to refer to BEO in main staff report].

SITE INFLUENCES

Islands Trust Fund	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	N/A
Sensitive Ecosystems	[Include any information on sensitive ecosystems such as sensitive features shown on provincial or Islands Trust mapping (the Islands Trust Ecosystem Mapping database), riparian area regulation requirements or drinking watershed protection areas that are on or may be on the relevant property and surrounding property. When possible, maps should be attached.]
Hazard Areas	Attachment 2.3 and 2.4

Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates no archaeological sites within the property or within 100 metres. RAAD does indicate archaeological potential on the property. As part of the BP process, the potential was highlighted to the applicants and contacting the Heritage Branch was recommended. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no new development proposed as part of the application. The vulnerability of the garage to climate change events is mostly mitigated by the elevation of the building
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass mapping off shore from property – no impact from proposal.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



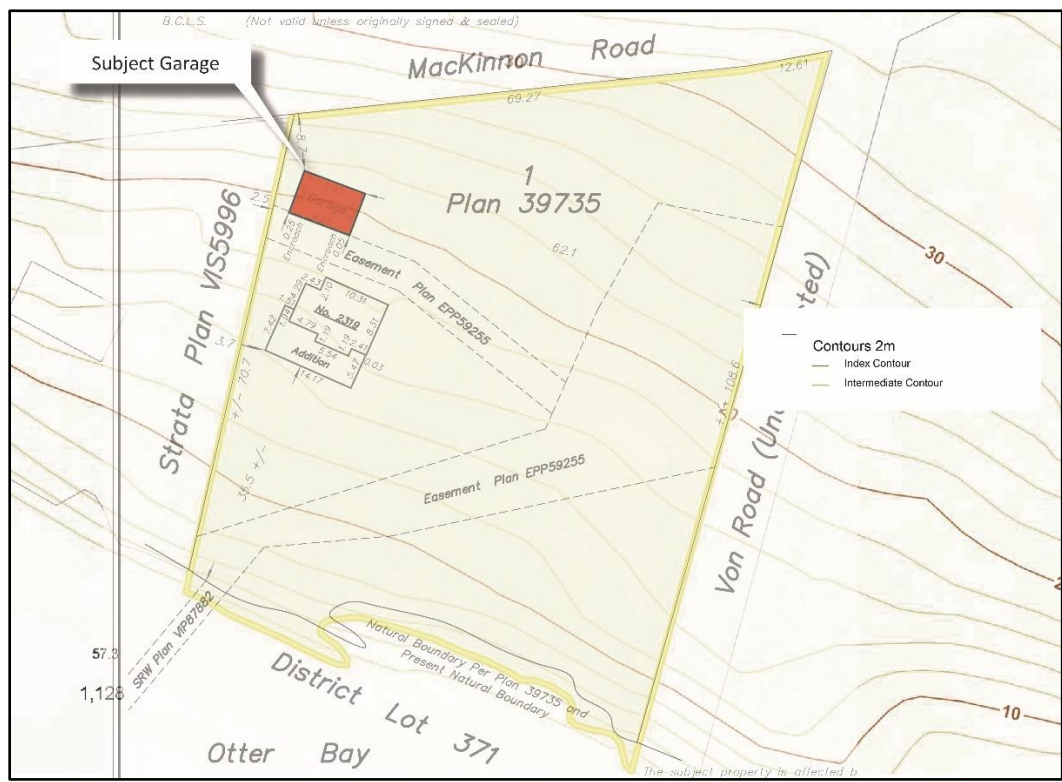
2.2 DPAs



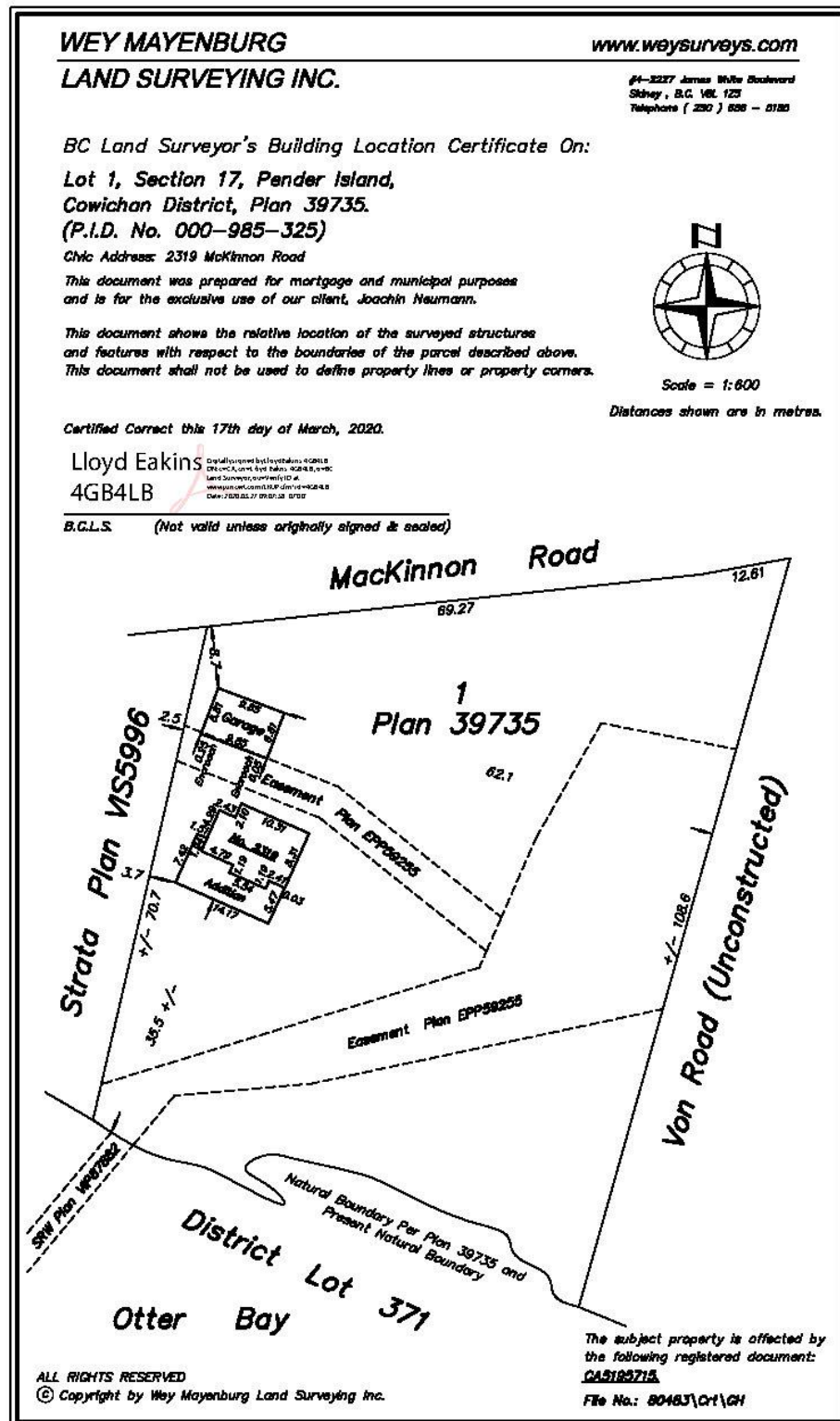
2.3 STEEP SLOPE MAPPING



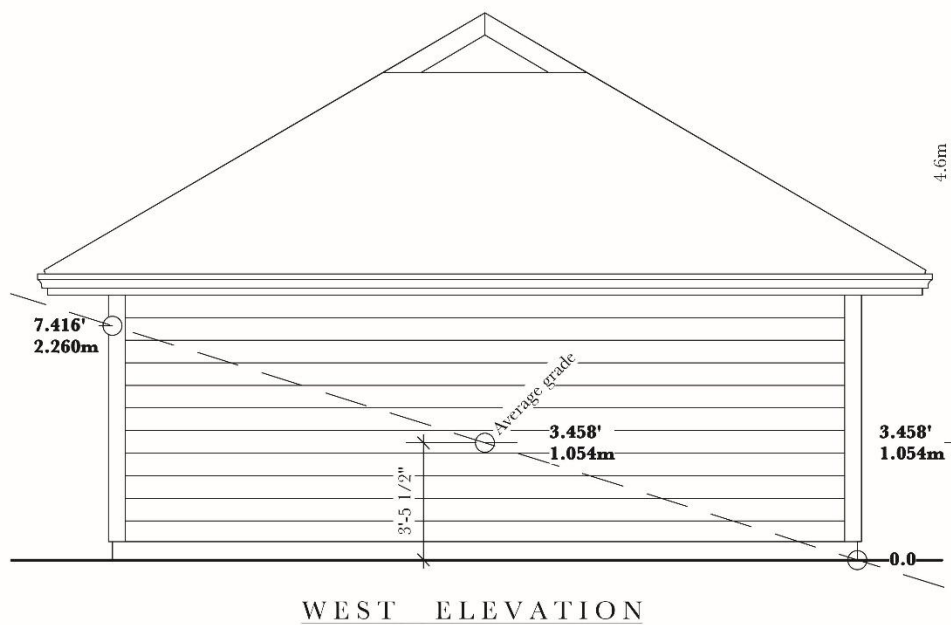
2.4 CONTOUR MAP



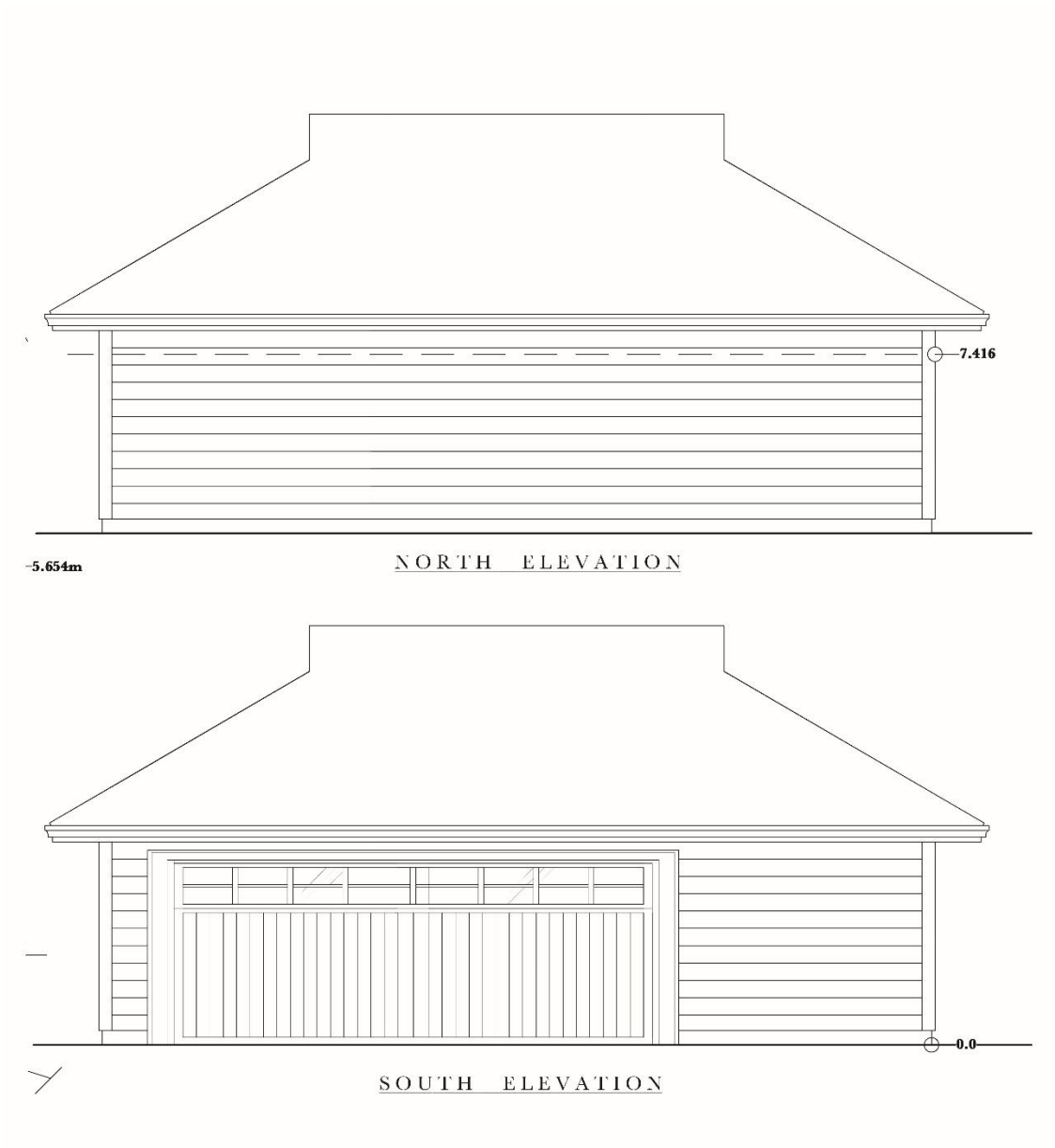
2.5 SURVEY PLAN



2.6 ELEVATIONS



2.6 ELEVATIONS (CONT'D)



2.7 PHOTOS (SUPPLIED BY APPLICANT)



VIEW WEST SHOWING ACCESS



VIEW UP TO ROAD

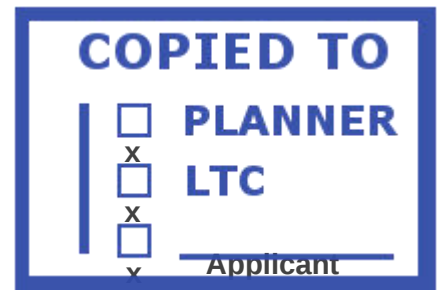


VIEW SOUTH FROM ABOVE



VIEW SOUTH FROM ROAD

From: Captain Heinz W Krodel <[REDACTED]>
Sent: Wednesday, June 10, 2020 9:25 AM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Cc: information <information@islandstrust.bc.ca>
Subject: Development Variance Permit NP-DVP2020.3



Good morning,

We are the property owners of [REDACTED] and have received your notice regarding the Development Variance Permit NP-DVP2020.3 for Lot 1, section 17, Pender Island, Cowichan District, Plan 39735.

We have no objections whatsoever to the issuance of the Variance Permit for 2319 MacKinnon Road, Pender Island, BC.

Heinz & Marinella Krodel

Captain Heinz W Krodel
hkrodel@blueseavachts.com
Otter Bay Estates
Pender Island, BC - Canada
CAN +1-604-838-7052
USA +1-954-607-1587
EUR +39-333-314-0032
Skype: compphone7297



Jochen Neumann

COPIED TO	
☐	PLANNER
x	
☐	LTC
x	
☐	Applicant
x	

North Pender Island's Trust
Attn.: Phil Testemail

Vancouver, June 10, 2020

Re: NP-DVP-2020.3

Dear Mr. Testemail,

This is to confirm that, as owner of Lot 5 in the subdivision concerned, I have no objections to, or issues with, the encroachment described in your letter.
Should you have further questions, please do not hesitate to contact me by telephone or email.

Sincerely,

Jochen Neumann

From: Charlene & Jess Mansley <[REDACTED]>
Sent: Wednesday, June 10, 2020 8:29 AM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>
Subject: Development Variance Permit NP-DVP-2020.3

Dear Phil,

We are the property owners of [REDACTED] and have received a notice regarding the Development Variance Permit NP-DVP2020.3 Application. We wish to convey that we have no objection to the issuance of the Variance Permit for 2319 MacKinnon Road, Pender Island, BC.

Charlene Mansley

Jochen Neumann
Katerina Jacob
Otter Bay Marina Ltd. (Owned by Katerina Jacob & Jochen Neumann)
2319 MacKinnon Road
Pender Island, BC V0N 2M1

April 24, 2020

Islands Trust,
CRD Building Department

To Whom It May Concern,

Re: Development Variance Permit for Garage at 2319 MacKinnon Road

We are applying for a Development Variance Permit for our Garage in regards to the encroachment of the garage into the setback area of 10 feet. The corner of the garage encroaches by 18 inches into the setback area. May we explain. The problem with the placement of the garage has created 2 encroachments. One being into the setback of 10 feet and secondly to our own easement on our own land to service our well. This DVP submission is solely dealing with the encroachment on the setback area. See Schedule B.

This encroachment on our setback area was found out last month when Chris Watson our building inspector asked us to get a survey for a final occupancy on the garage. We did so, to our shock we found the garage in one small corner to be out by 18 inches approximately, into our sideline set back of 10 feet. The other corner of the garage on the same side is set according to our proposed survey set by Wey Mayenburg Land Surveying Inc. and meets the requirements of 3 meters.

We would like for the Board to know that we as property owners called for a proposed garage survey prior to the construction of the garage and it was done and clearly marked for our contractors. See Schedule A. This proposed garage survey was completed on May 1, 2019 by Wey Mayenburg Land Surveying Inc. We then gave the proposed survey along with a set of plans to our Contractor. We can only say that there was an error made between our Contractor, us and the Subcontractor for the footings. Even though there was a full set of plans showing the setback. As homeowners, we did not pick up on this. We have concluded there was absolutely no benefit for us to encroach on the setback measurement we provided. We sincerely believe that it was an oversight on the encroachment corner by both contractors and ourselves as the other corner of the garage is correctly placed. We sincerely apologise as home owners and I know our contractors are very highly respected on Pender Island and in no way would have done this intentionally. We would ask the Island Trust Members to view this as a legitimate error on all 3 parties concerned.

We consulted immediately upon finding out of the encroachment with Wey Mayenburg Land Surveying Inc. to rectify the situation. Their recommendation to us was the following:

1. Apply to the DVP for relaxation of the 18 inch encroachment into the setback of 10 feet. We are doing that in this letter to you.
2. They advised us to adjust our own easement encroachment on Plan 39735, Lot 1 Section 17, Pender Island, Cowichan District, as this easement is on our property and no one else is involved as we own the property and Otter Bay Marina Ltd. Corporation which are the registered grantor and grantee of the easement, one of the same. See Land Titles Registration, Schedule C.

On the advice of Wey Mayenburg Surveying Inc. we can adjust the easement boundaries on our own property to conform with the CRD Regulations for an easement as we are the grantor and grantee of this easement. We are now in progress of doing just that and will be submitting a new survey showing our adjustment of the easement and registering it on our property.

Please note upon finding out of the side setback encroachment, our agent, Jess Mansley contacted the manager of the Currents and informed him that we are encroaching on our setback by 18 inches on one small corner of our garage on our property. The Currents's manager then informed Mr. Mansley that the Currents have on their side of the property line an approximate 30 foot easement, for a drainage culvert which is in place and registered on their land, Strata Plan VIS5996 and no building can be built on their easement within approximately 30 feet of our property line, (see Schedule D).

It should be noted we as owners would never want to disturb the good relationship that we have with the Currents. We share an access road between our 2 properties. In their time of need, their well broke down last year. They asked us to provide them with water from our well for one of their clients. We did so without hesitation and without charge. Both the Currents and us share a common road of which we paved and paid for entirely. We hope that this relationship between us can continue as good neighbors and we hope this encroachment of 18 inches on our setback on our property does not inconvenience our neighbors in anyway.

In the description of a Variance Application it mentions that our DVP will be subjected to neighbors around the encroached area within 100 meters. We are in process of going to all our neighbors that fall within those guidelines and in our opinion it directly affects only the Currents, but we are contacting the remaining neighbors and will notify them of the garage setback encroachment.

So in lieu of all the events that have taken place we sincerely believe this was an oversight by us and our contractors, and not intentional. We intentionally wanted to save our arbutus trees all around the garage and did so. We ask for your understanding and hope the Board will grant our Variance. Please see the attached documents as per your request.

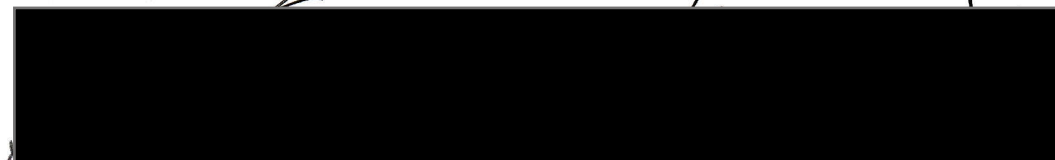
Sincerely,



Jochen Neumann



Katerina Jacob



Otter Bay Marina Ltd., Jochen Neumann, Katerina Jacob

NOTICE
NP-DVP-2020.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

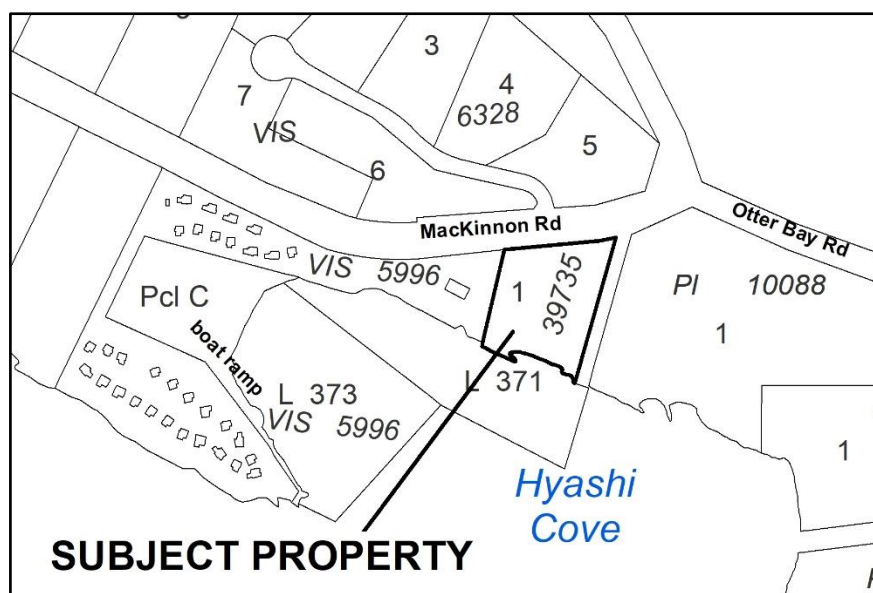
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996 by:

- Reducing the minimum setback distance to an interior side lot line from 3.0 to 2.5 metres to permit a garage (accessory building) under construction.

The variance is required due to errors made during construction.

The property is located at **2319 MacKinnon Road** and is legally described as Lot 1, Section 17, Pender Island, Cowichan District, Plan 39735 (PID: 000-985-325).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 12, 2020** and continuing up to and including **June 23, 2020**.

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

Enquiries or comments 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 by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **June 23, 2020**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10:00 a.m., July 2, 2020**.

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

Jas Chonk, Deputy Secretary



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2020.3

To: Jochen Neumann and Katarina Jacob
c/o Jess Mansley

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

Lot 1, Section 17, Pender Island, Cowichan District, Plan 39735
(PID: 000-985-325)

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

- a) Clause 8.1.5 (1) (b) which states that no building or structure may be sited within 3.0 metres of any interior side lot line is varied to permit the siting of an accessory building (garage) within 2.5 metres of an interior side lot line.

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

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, 2020.

Deputy Secretary, Islands Trust

Date of Issuance

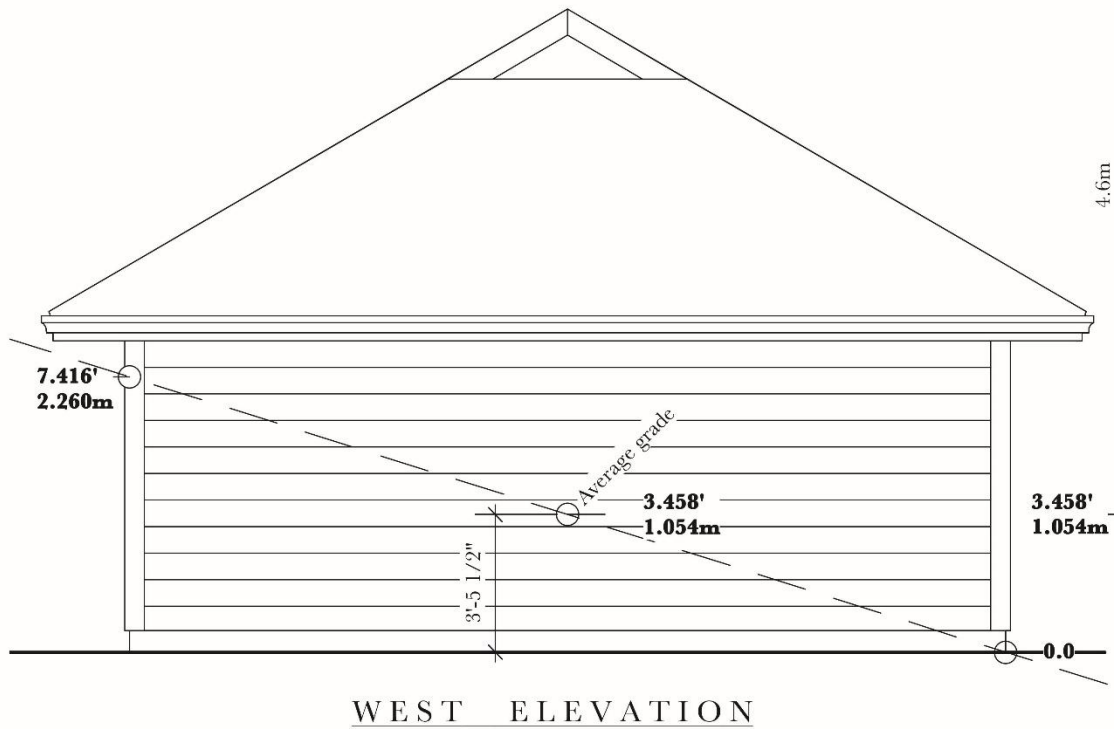
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'

ALL RIGHTS RESERVED
© Copyright by Wey Mayenburg Land Surveying Inc.

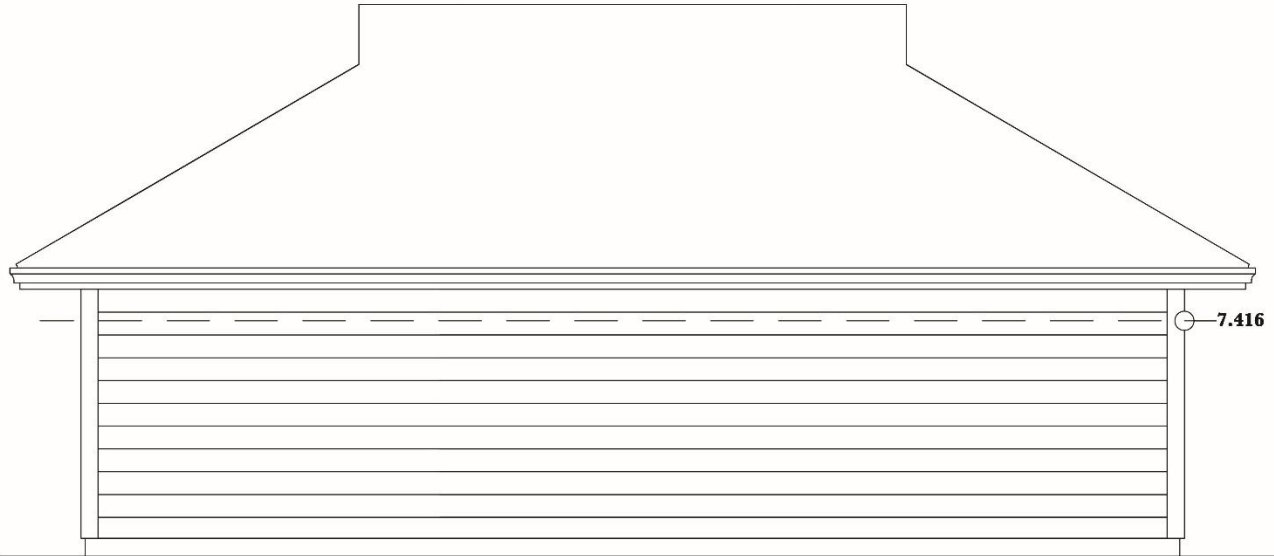
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2020.3

SCHEDULE 'B'



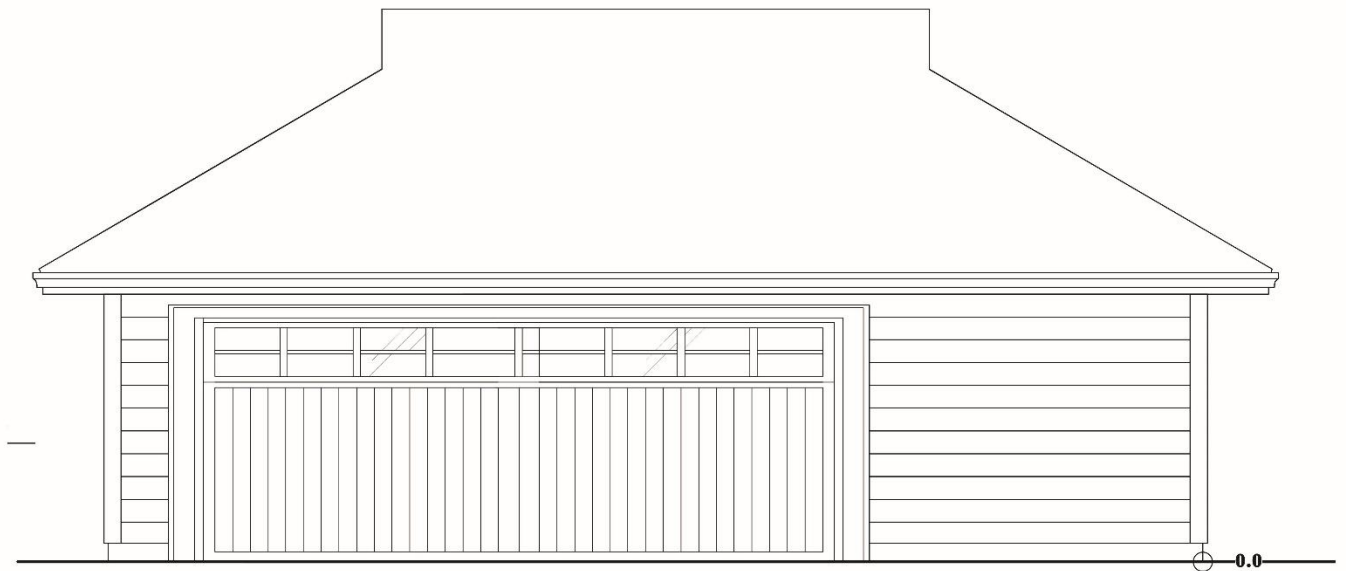
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2020.3

SCHEDULE 'C'



NORTH ELEVATION

-5.654m



SOUTH ELEVATION

0.0

NORTH PENDER ISLAND
LAND USE BYLAW REVIEW

TOURIST COMMERCIAL ZONING
DISCUSSION PAPER

June 2020



Table of Contents

Introduction.....	1
Background.....	2
Policy and Regulatory Context.....	3
Discussion	7
Options	9

Introduction

The North Pender Island Local Trust Committee has initiated a project to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The LTC has endorsed a [project charter](#) which establishes a process and timeline for the project.

The project is categorized into 7 topic areas:

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

Some topics will likely involve greater community engagement and consultation than others. In the initial phase the project charter identifies that staff will undertake a review of the topics and issues and prepare background material and options for consideration.

The purpose of this Discussion Paper is to provide an overview of **Tourist Commercial Zoning**, reviewing OCP policies, the existing zoning, existing development, issues with existing zoning and options for zoning amendments.

The scope of this topic is limited to existing the tourist commercial zones (Commercial Two and Commercial Three) in the Land Use Bylaw and related definitions. Not included in scope are:

- Short Term Vacation Rentals – policies and regulations related to STVRs are currently being reviewed in a separate project
- Bed and Breakfast regulations
- Agri-tourist Accommodation – these regulations may be considered as part the agricultural zoning review topic
- Public campgrounds – there are two located within the National Park reserve, as federal land these are not subject to zoning.
- Changes that would require amendments to OCP policies, other minor consequential or mapping changes

Background

As with most zoning on the Southern Gulf Islands, the current tourist commercial zoning traces its origins to 1972 and the adoption of Zoning Bylaw No. 103 by the Capital Regional District. This bylaw preceded the Official Community Plan for the area (adopted in 1975) and established zoning largely consistent with existing uses and development patterns. Locations that were operating tourist accommodation uses at the time were zoned accordingly.

Subsequently, the Local Trust Committee adopted a Zoning Bylaw in 1978 (Bylaw No. 5) which incorporated the tourist commercial zoning from the preceding zoning bylaw. Interestingly, this bylaw established no density limits other than lot coverage in the tourist commercial zone. Over the following twenty years, LTCs made amendments to the Zoning Bylaw that established a density limit through a maximum number of units per hectare, and all rezoned specific locations. In 1999 the current Land Use Bylaw (Bylaw No. 103) was adopted which utilized an approach of site-specific zoning..

In 2008 a new OCP was adopted, which in addition to including tourist commercial policies, also designated development permit areas for the form and character of commercial development intended to address concerns with the siting, massing and built form of future developments.

Most recently, amendments were made to the Commercial Three zone (Port Browning Marina) as part of a rezoning application that resulted in a reduction in the maximum number of units and provided greater flexibility in the size of units.

Today there are eight properties zoned for tourist commercial uses, each with a specific maximum number of guest accommodation units permitted. Some of these have been developed to a greater or lesser extent, others have not been developed for tourist accommodation at all; as a result only approximately one third of the potential units are developed, leaving over 100 units of unrealized development potential, or “sleeping density” (see specifics below).

Policy and Regulatory Context

The following is a brief summary of the current OCP policies and zoning regulations directly applicable to Tourist Commercial zoning.

OCP Policies

The [OCP](#) guides decisions on land use planning and management. The OCP attaches a [Land Use Map](#) which designates specific locations as 'TC', or Tourist Commercial, and in Section 2.4 of the OCP includes policies that are applicable to lands within that designation. Specifically:

- 2.4.17 No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.
- 2.4.18 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.
- 2.4.19 Regulations should limit the residential use of commercial guest accommodation units.
- 2.4.20 Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments.

In summary, these policies provide that:

- there should be no increases in the number of permitted units in any one location
- the LTC should not consider rezoning applications to transfer tourist commercial density from one location to another (although this wording does not preclude the LTC from initiating changes at its own discretion)
- there should be flexibility in the size of individual units (as has been implemented at Port Browning Marina)
- these units should be reserved for tourist use, not also permit long term residential use
- there should be on-site staff housing for larger developments

Development Permit Area

With the adoption of the OCP in 2008, a development permit area (DPA) was designated for the Form and Character of Commercial Development (DPA 9) – the previous OCP had not designated development permit areas. The DPA designates all C1, C2 and C3 zoned lands as a DPA and the provisions include extensive guidelines for the form and character (i.e. layout, siting, massing, scale, general external appearance, and landscaping) of new development within the designation. The DPA provisions include specific guidelines for tourist commercial development that are intended to ensure a variety of building types (i.e. detached, attached, and multi-unit) in any new development and provide for a degree of control over siting, massing and external materials. The establishment of the DPA helped address concerns that new development could be excessive in terms of scale, overly uniform, or poorly sited in relation to surrounding uses or the foreshore.

Zoning

The Land Use Bylaw is the principal mechanism for implementing the OCP. Zoning establishes the permitted uses, density, siting, size, subdivision, screening and landscaping, parking and other regulation for any given parcel of land. There are currently eight parcels zoned Tourist Commercial, detailed in the following table and maps.

Figure 1 – C2 Zoning (North)



Figure 2 – Zoning (South)



Table 1 – Tourist Commercial Zoning

Zone	Name or Civic	Legal	Permitted development (units)	Current (estimated # of units)	Area (Ha/Ac)	Max. # of Units /Ha (Ac)	Comments
C2(a)	Woods	Lot 1, Plan 23566, Section 11	46	25	2.95 / 7.28	15.6 (6.3)	Motel , Cottages, RVs
C2(b)	1333 McKinnon Road	Lot 1, Plan 4750, Section 17 excluding Plan 20404	10	0	0.57 / 1.4	17.5 (7.1)	No known commercial accommodation use
C2(c)	1349 McKinnon Road	Lot B, Plan VIP87395, Section 17	10	0	0.75 / 1.86	13.3 (5.4)	No known commercial accommodation use. A portion of lot is C2(d), result of boundary adjustment.
C2(d)	Arcadia	Lot A, Plan VIP87395, Section 17	26	4	1.2 / 3.0	21.6 (8.7)	Cottages
C2(e)	1325 McKinnon	Lot 2, Plan 8439, Section 17 excluding Plan 20404	9	0	0.5 / 1.3	18 (7)	No known commercial accommodation use
C2(f)	Driftwood Centre	Portion of Lot 1, VIP 59811, Section 15	27	0	1.3 / 3.1	20.7 (8.7)	This is the undeveloped site on portion of Driftwood Centre lot
C2(g)	Currents at Otter Bay	Parcel C, DD82824I, Section 17 and a portion of Lot A VIP52864 Section 17	35	32	2.1 / 5.2	16.7 (6.7)	Cottages, titled as a building strata with ¼ share ownership
C3	Port Browning	Lot A, Section 11, Plan 7982	29	3?	2.5/ 6.2	11.6 (4.7)	Rezoned in 2018 – number of permitted units reduced, max floor area per unit increased. Units not currently advertised. Camping on-site also.
Totals			192	64	12 / 29.6	16 (6.5)	One third of zoned accommodation units have been developed.

Discussion

As described in the analysis above, there are approximately 60 units currently developed in these zones, out of a total potential under current zoning of 180. The number of constructed units has not changed substantially since the completion of Currents at Otter Bay in the mid-2000s¹.

The most significant policy issue is the overall maximum number of potential units (180), and if this an appropriate number for North Pender. If not, can a more appropriate number be identified?

Second, and related, is the issue of the appropriateness of the locations of the existing undeveloped density.

- Currents at Otter is largely build-out and provides accommodation in conjunction with the services available on the marina lot.
- The Woods property has both long-standing accommodation units and has added new types of accommodation in recent years.
- Port Browning marina was recently rezoned, the maximum number of units has been reduced and there was a preliminary plan to develop accommodation units. The property also continues to provide camping along with marina service, pub and cafe.
- The four lots on McKinnon Road have a development potential of 55 units on a total of 3 hectares (7.5 acres), with only a handful developed or advertised.
- The C2 zoned portion of the Driftwood Centre permits 27 units but remains undeveloped. This was proposed to have been re-zoned to housing as part of an unsuccessful rezoning application in the early 2000s.

The OCP policy prohibiting density transfer applications may have constrained owners from exploring options for moving undeveloped uses to other, more appropriate locations; however, identifying a more appropriate location would be challenging. On the other hand, no owners have seriously explored applications to rezone to other uses since the current OCP was adopted.

The LTC has the ability to amend zoning at its initiative, including reducing the number of units or outright changing permitted uses. If the LTC determines that changes to uses or density are warranted, options include reducing the maximum number of permitted units and changing permitted uses.

Other issues with the current C2 zoning include:

- Complex density regulations: limits are established through floor area ratio, maximum floor areas and maximum number of units (both in the general zone and in site-specific locations), which makes interpretation difficult and limits the size of units and the area of other accessory uses. The C2 zone currently has:
 - i) A Floor Area ratio
 - ii) Maximum floor areas for specific uses
 - iii) A maximum number of units per building
 - iv) A maximum number of units per hectare on lots less than 2 hectares
 - v) A maximum number of units in total plus a maximum number of units per hectare in excess of 2 hectares on larger lots

¹ A 2005 study by Islands Trust (Southern Gulf Islands Accommodation Inventory & Accommodation Policy Assessment – 2005) inventoried 57 advertised Tourist Commercial units, along with 83 STVRs and 16 B&B units.

- vi) A maximum number of units in each site-specific location, this was likely established as the result of the complexity of the general density limits in the zoning.
- The maximum floor area of individual units precludes creation of larger, but fewer, units that the OCP policy supports. The policy sought to both provide more flexibility and allow development of units more akin to Short Term Vacation Rentals in C2 zoned areas. This change has been implemented at Port Browning as the result of a rezoning application.
- Limits on potential employee housing: the current maximum of two accessory dwellings for caretakers, owners, operators, or employees effectively limits the ability of operators to provide on-site employee housing by limiting the number of units. It also limits the form of employee housing. The OCP in fact calls for requiring employee housing as part of large developments.
- The principal use is currently “hotel, motel and lodge.” While the definitions are written in a manner that ‘lodge’ includes cabin style units, it is not a current nor particularly clear use category. Nor does this use category clearly allow other forms of accommodation such as trailers, yurts, etc. More recent bylaws establish a broader use category such as ‘tourist accommodation’, with the density regulations and definitions establishing the number and maximum size of units.
- Marina is a permitted use in the zone, which is inconsistent with the definition of a marina as being an area of water. A more accurate approach would be to permit marina services accessory to an adjacent commercial marine zone.
- Campground uses are subject to the prescriptive campground regulations in section 3.16, these regulations are modelled on provincial public campground standards and are not relevant or appropriate for small scale private camping and should be reviewed. Given the existing public campgrounds available in the National Park Reserve it is unlikely that a large-scale private campground would be feasible.
- Retail sales are currently an outright permitted use rather than an accessory use, there are no locations in the C2 zone where there are retail sales operating as a principal use, nor is it the intent of this designation in the OCP to permit retail sales as a principal use.
- The list of accessory uses should be clarified , including the accessory dwelling units

In general, the current zoning regulations are relatively inflexible, prescriptive and do not reflect the variety of forms of tourist accommodation currently provided. This may be partly a result of the age of the regulations and their origin in contentious amendments that reduced development potential, and partly as the result of the fact that there were not development permit areas designated at the time the current LUB was adopted. Development permit conditions, while not precluding development at the permitted density can mitigate visual impacts and provides the LTC with a degree of oversight of the specifics of development proposals.

Options

1) Potential changes to C2 zone density regulations:

- A review of the total number of permitted units and the appropriateness of the current zoned locations as discussed above. Options include:
 - i) Reducing the number of permitted units in some locations
 - ii) Changing the mix of uses along with a smaller number of tourist accommodation units in some locations.
- Provide flexibility in the size of the units, for example permitting a smaller number of larger units as supported by OCP policy, and as implemented at Port Browning.
- Simplifying the zoning, for example, by establishing a maximum number of units per hectare or maximum floor area ratio throughout the zone.
- Amendments to allow more employee housing and in different forms. This provision was amended in the C3 zone for Port Browning as part of the recent rezoning.
- Consideration to requiring employee accommodation on-site for new developments over a certain density. This would essentially involve establishing two densities – base density of units and a second higher density that in order to be developed would require provision of employee accommodation on-site.

2) Potential Amendments to C2 use categories

- Amend the principal permitted use to ‘tourist accommodation’, and amend the related definitions, with the density regulations and definitions establishing the form, number and maximum size of units. This is consistent with best practice of permitting a use rather than a type of building.
- Amend ‘Marina’ to marina services accessory to a permitted commercial marine zone, with a definition if warranted.
- Review and amend the Campground regulations in section 3.16 to make relevant for small, private, accessory campgrounds along with reasonable limits on the number of tenting sites.
- Make ‘retail sales’ an accessory use.
- Clarify the list of accessory uses, including the accessory dwelling units
- Incorporate Section 1.2, which limits length of stays in tourist accommodation units, into the definitions as in other bylaws

NORTH PENDER ISLAND
LAND USE BYLAW REVIEW

AGRICULTURAL LAND USE REVIEW
DISCUSSION PAPER

July 2020



Table of Contents

Background	1
Policy and Regulatory Context	2
Current Policies and Regulations	3
Inventory	7
Discussion	9
Options	15

Background

The North Pender Island Local Trust Committee has initiated a project to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The LTC has endorsed a [project charter](#), which establishes a process and timeline for the project.

The project is categorized into 7 topic areas:

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

Some topics will likely involve greater community engagement and consultation than others. In the initial phase, the project charter identifies that staff will undertake a review of the topics and issues, and prepare background material and options for consideration.

The purpose of this Discussion Paper is to provide an overview of Agricultural Land Uses, reviewing general regulatory mechanisms, providing an inventory of Agricultural lands, identifying issues and presenting options for LUB amendments.

This preliminary report summarizes and discusses the following:

- Regulatory context for Agricultural activity on North Pender;
- The current regulation of Agriculture on North Pender through OCP policies, Land Use Bylaw regulations, and the Agricultural Land Commission;
- An inventory of Agricultural land and use;
- A discussion of issues with current regulations; and,
- A preliminary discussion of policy options.

On North and South Pender there are sheep, cattle, poultry (chickens, ducks, turkeys), hazelnuts, figs, olives, hops, wine grapes/vineyards, a winery, orchards. Various market and home gardens and orchards as well. Hay production (one crop of grass hay is usual), and sometimes oat hay is grown. Like many of their Gulf Island neighbours, farm produce is marketed directly to residents and seasonal visitors through several roadside stands but mainly through the Pender Islands Farmers' Market, located at the Pender Islands Recreation and Agricultural Hall (est. 1996), and runs every Saturday morning from Easter to Thanksgiving. The Penders also boast their own Farmers' Institute - one of only 3 in the CRD. Established in 1899 the Farmer's institute is responsible for running the award-winning Pender Islands Fall Fair, the Farmers' Market and participates in the management of the Community Hall.¹

¹ [Southern Gulf Islands Food and Agriculture Strategy \(SGIFAS\) \(p.29\)](#)

Policy and Regulatory Context

1. Ministry of Agriculture

The Ministry of Agriculture has a broad mandate with the responsibility for the production, marketing, processing and merchandising of agricultural products and food. Part of that mandate is protecting agricultural soil, water, air and biodiversity is important for the agricultural sector and providing tools and information to support farmers and growers. The Ministry of Agriculture sets policy for agriculture and farming in the province including the ALC Act and Regulations (below) and the tools available for local government to regulate and support farming in the province. On the regional level, the Regional Agrolgist provides expertise and advice, and liaises and represents the ministry on implementation of programs and initiatives.

2. Agricultural Land Commission and Land Reserve

The provincial Agricultural Land Commission (ALC) is an independent administrative tribunal comprised of appointed Commissioners that are responsible for administering the [Agricultural Land Commission Act](#) (ALC Act). The purposes of the ALC are:

- a) to preserve agricultural land;
- b) to encourage farming in collaboration with other communities of interest; and
- c) to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The ALC administers all lands in the province designated in the Agricultural Land Reserve (ALR) - a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.

3. Area Farm Plan (Southern Gulf Islands Food and Agriculture Strategy – 2017)

Agricultural Area Plans focus on a community's farm area to discover practical solutions to issues and identify opportunities to strengthen farming and ultimately to contribute to agriculture and the community's long-term sustainability.

[Southern Gulf Islands Food and Agriculture Strategy \(SGIFAS\)](#) is a collaborative strategy completed in 2017 that is an expression of the area's food and agricultural objectives, issues and opportunities. The purpose of The Strategy is to guide action and foster leadership around food and agriculture in the Southern Gulf Islands. It is intended to inform other Capital Regional District and Islands Trust activities in order to strengthen and increase the visibility of the food and agricultural sector.

4. Local Trust Area

The following is a brief summary of the range of regulatory mechanisms – the tools - available for land use management of Agricultural lands. These are common to other local government jurisdictions and local trust areas and the authority for the Local Trust Committee to implement them is derived from the *Local Government Act* and the *ALC Act*.

Official Community Plan (OCP)

The OCP is a guiding document that lays out a community's long-term vision and strategy for future planning and land use. It provides objectives and policies, from the broad to the more specific, which inform the Local Trust Committee in making land use decisions; it does not contain regulations or detailed prescriptions. It includes policies and mapping designations of the approximate location, amount and type of present and proposed Agricultural land.

Land Use Bylaw (LUB)

Zoning effectively implements the visions and strategies of the OCP. For North Pender this is established in the Land Use Bylaw (LUB), which regulates how land, buildings and other structures may be used. The LUB divides the island into zones and regulates density and use; siting and size of buildings and uses; and the size and shape of lots created by subdivision. For land in the ALR, ALC Act and Regulations require that Farm Uses be permitted and non-farm uses may not be permitted.

Applications to the ALC

All applications for inclusion or exclusion, subdivision, non-farm use or non-adhering residential use are submitted first to Local Government for their review. Local government has the discretion to forward or not forward applications to the ALC, and if it exercises its authority and does not authorize the application, the application proceeds no further and will not be considered by the ALC.

The LTC therefore plays an important role in overseeing and regulating any potential changes to the use and makeup of agricultural land on the island.

Advisory Committees

The LTC has directed staff on advertising for a special Agricultural Advisory Planning Commission (AAPC) to advise them on potential amendments to agricultural zoning regulations for this project. The LTC could also consider the appointment of an Agricultural Advisory Planning Commission beyond the LUB review process.

Current Policies and Regulations

1. OCP Policies and Objectives

The following is an overview of the objectives, policies and designations in the North Pender Island OCP related to Agricultural lands. Specific Agricultural objectives, policies and guidelines are on page 27 to 32 of the OCP.

The objectives of the OCP are supportive of the farming community, the preservation of farmland and the importance of agriculture to the health, economic viability and sustainability of farming in North Pender. Importantly the objectives endorse the ALC's mandate and the ALR.

Relevant Agriculture Policies for the project are as follows:

- 2.2.1 *The "right to farm" shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.*
- 2.2.2 *The average parcel size on land within the Agricultural designation shall be 16 hectares (40 acres) and density shall be limited to one dwelling and one cottage per parcel. Applications to the ALC for subdivision that are consistent with average parcel size may be supported.*

- 2.2.3 *Removal of soil suitable for agricultural purposes from a parcel may be prohibited.*
- 2.2.4 *Roadside stands, small scale marketing and processing, and agricultural education and research shall be permitted uses.*
- 2.2.5 *The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agrologist.*
- 2.2.6 *The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.*
- 2.2.7 *The Local Trust Committee may undertake or support an initiative to identify properties not currently in the ALR and Agricultural designation but which have agricultural potential and are primarily used for farming, so that these properties may be protected for future agriculture.*
- 2.2.8 *The Local Trust Committee may consider regulating greenhouses, land-based aquaculture facilities, and pet boarding and breeding facilities in order to limit and mitigate the impacts of these uses on groundwater, the environment and surrounding properties, provided the regulations are consistent with provincial legislation and regulations.*
- 2.2.18 *The Local Trust Committee may consider the regulation of the placement and removal of fill to protect the natural environment, including significant waterfowl habitat, and where possible, to preserve, maintain, and enhance soil for agricultural purposes.*
- 2.2.21 *The Local Trust Committee may consider temporary commercial use permit or rezoning applications to permit accessory campgrounds as agri-tourist accommodation. In addition to the criteria established in policies 2.2.20 and 2.1.2.7 (Rural Land Use), applications for accessory campgrounds in this designation shall not exceed 10 campsites, campsites and indoor units shall be considered equivalent for purposes of density and applications should comply with relevant Agricultural Land Commission policies.*
- 2.2.22 *The Local Trust Committee may consider an amendment to this plan to designate land as a development permit area for the protection of farming with the intent of ensuring effective buffering and other measures between farming and other uses*
- 2.2.23 *The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.*
- 2.2.24 *The Local Trust Committee may undertake or support an initiative to identify properties not currently in the ALR and Agricultural designation but which have agricultural potential and are primarily used for farming, so that these properties may be protected for future agriculture.*

2. Land Use Bylaw

The Land Use Bylaw is the main mechanism for implementing the OCP. The **Agricultural (AG)** Zone encompasses most lands on North Pender that are in the ALR. Importantly, farming also occurs on **Rural (R)**, **Rural Comprehensive (RC)** and **Rural Residential (RR)** zoned properties on the island. Definitions and General Regulations also regulate uses, siting and height. Table 1 analyses the current zoning and Table 2 the General Regulations for agriculture uses.

Table1 - Agriculture Uses in LUB

Zone	Agriculture² Permitted	Livestock Limitations	Prohibited Agricultural Uses
All	<i>Horticulture</i> ³ as an accessory use	-	-
Agriculture (AG)	Yes Agri-tourist accommodation as an accessory use	None other than setbacks (see Table; 2 General Regulations')	-
Rural (R)	yes	- lot not abutting a water supply - rabbit and poultry raising (accessory) only - lots greater than 0.4 ha not on a source of potable water, keeping horses and other equine animals, cattle, goats and sheep (accessory)	Pig farming, dog breeding and boarding kennels lots less than 1.2 ha
Rural Comprehensive One (RC1)	yes		
Rural Comprehensive Two (RC2)	Yes		
Rural Residential (RR)	no		

Table 2 - Agriculture Uses in General Regulations LUB

General Regulation	Permitted Use	Prohibited Use
3.1.1	Road-side stalls not exceeding 10m ² (products of the property) Farm retail sales where agriculture is permitted if farm status under BC Assessment	
3.2.1		Fur Farming except as permitted in ALR by a person licenced under the <i>Fur Farm Act</i>

² Agriculture defined as the use of land, buildings and structures for a farm operation.

³ '*Horticulture*' defined as the use of land for rearing plants.

3.3.1	Farm equipment and vehicles excepted	Vehicle storage - storage of more than 2 unlicensed motor vehicles outdoors prohibited
3.4.4	Height of accessory building for farm use – Maximum 10 m Farm Silos and Grain Bins exempted	
3.7	Siting - Any sewage disposal field or pit for agriculture must be 60 m of the natural boundary of the sea, or 30 m of a lake, wetland, stream or domestic water source. - Any mushroom barn or enclosure for livestock, poultry, or farmed game 30 m of any lot line (4500 kg or more) - No permanent animal enclosure within 7.6 m of any lot line and no agriculture waste storage within 15m of any lot line	

Inventory

1. Zoned Lands

Currently there are 59 parcels of land on North Pender zoned Agricultural (AG) with a total area of 352 hectares. These are itemized in Table 3 and mapped in Figure 3. Of note, there are areas of two (2) properties known as 'Edgewood Estates' (Lot A and Parcel D of Plan 28410, 2218 Clam Bay Road) that are zoned Rural Comprehensive 2 (RC2) that have areas of ALR on them (and agriculture is a permitted use in the RC2 zone). As well 4606 Razor Point Road has the portion that is zoned as Industrial 1 (b) (I1(b)) and in the ALR.

Table 3 – Agricultural Zoned Properties on North Pender

Zone	Area	Commonly known as	Site Specific Use
<i>Agricultural (AG)</i>	307.2	-	-
<i>AG (a)</i>	3.7	Hope Bay Bible Camp	Camp facility
<i>AG(b)</i>	13.6	Pender Island Golf Course	Golf Course including accessory club house and five (5) accessory buildings
<i>Ag(c)</i>	27.2	Clam Bay Farm	One dwelling and a managers suite (max. 55 m ²)
<i>Total</i>	352		

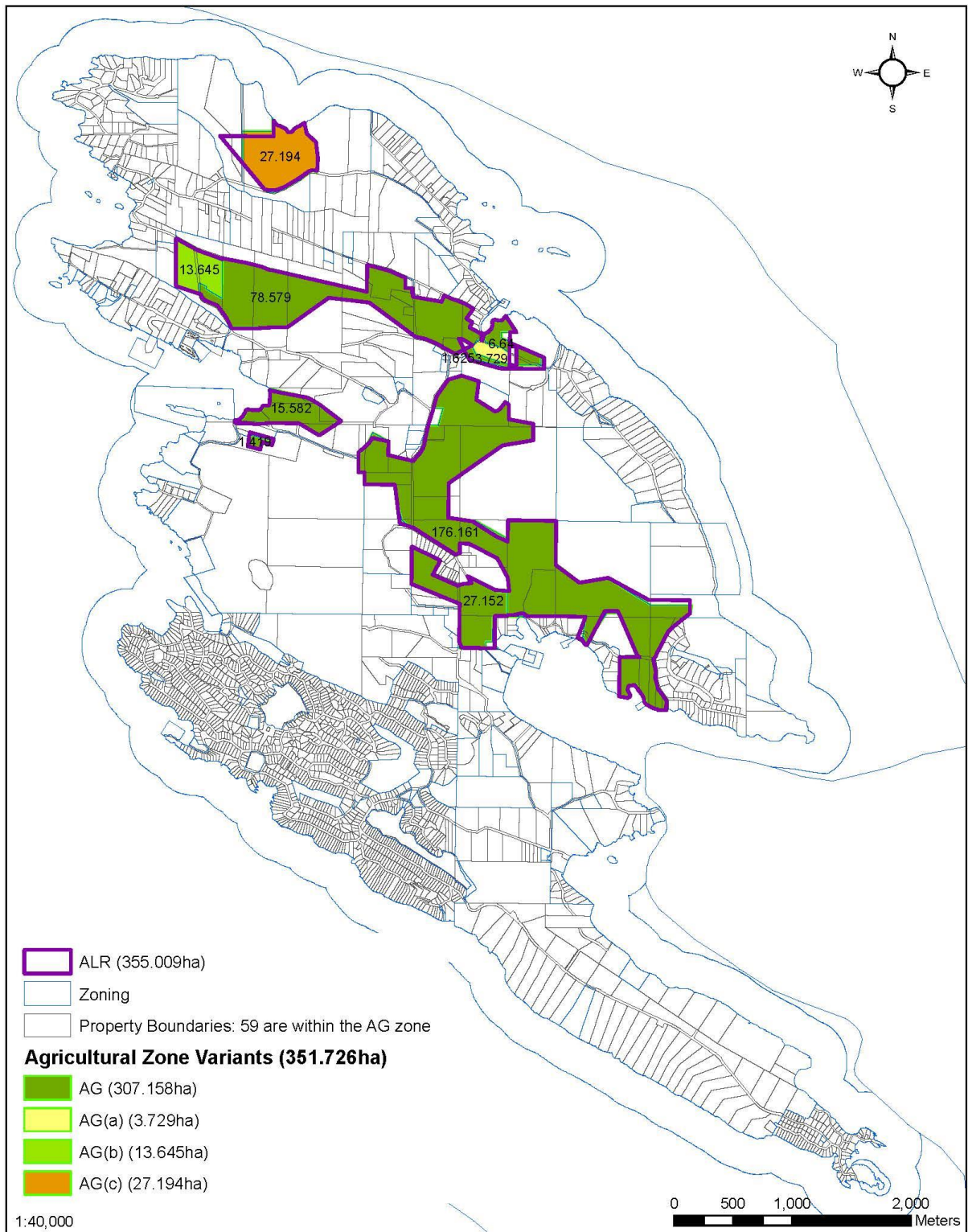
Table 4 – ALR and non-ALR farmed on North Pender⁴

ALR (ha)	ALR currently Farmed (ha)	Non-ALR currently farmed (ha)	Total Land Currently farmed (ha)
346 (355)⁵	140 (46%)	63	203

⁴ *Southern Gulf Islands Food and Agriculture Study* (2017) P.12

⁵ Islands Trust Mapping indicates the area is 355 ha

Figure 1 – Agricultural Zones and ALR



Discussion

The following is a discussion of issues and opportunities related to Agricultural zoning and regulations.

1. ALC Amendments, Regulations and Local Government Guidelines

Table 5 compares uses and definitions in the current Agricultural (AG) zone to current ALC policy and regulation. Relevant OCP policies and options for LUB amendment are listed. It is anticipated that these may change through consultation and as the project progresses.

Two important ALC definitions:

***'Farm Uses'** are those uses in addition to regular agriculture. They typically are directly linked to agriculture. They can be restricted, but not prohibited by local government (i.e. wineries and cideries, agri-tourism activities and farm stands).*

***'Non-Farm Uses'** as those uses re uses that may or may not be linked directly to agriculture and are considered compatible with agriculture and have low impacts on the land base. Some permitted non-farm uses can be prohibited by local governments (i.e. home business). Any proposed non-farm use requires application to the ALC.*

2. Consultation - Role of Special AAPC

OCP Policy 2.2.25 - The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.

The LTC instructed staff at the May 21, 2020 Regular Meeting to advertise for a special Agricultural Advisory, which is now posted on the North Pender webpage. It is anticipated that if there is sufficient interest, the special AAPC could be appointed at the July 23, 2020 LTC Meeting.

The terms of reference for the AAPC should focus on regulatory amendments of the LUB. The AAPC will engage the larger farming community and other stakeholders through the review process. There is the potential to have their scope consider the recommendations of SGIFAS (below). However, those should also be limited to recommendations for regulatory change and not for broader policy change, initiatives or advocacy by the LTC.

3. Consultation - General

As part of the larger consultative process of the OCP Implementation Project, engagement and referral with First Nations is necessary and important. Specific to any proposed amendments to Agricultural zoning, early referral to both the Regional Agrologist at the Ministry of Agriculture and the ALC is necessary.

Table 5 - Agricultural (AG) Zone and ALC Regulation

	Agricultural (AG) Zone	ALC Policy & Regulations	OCP Policy	LUB - Regulatory Options
<i>Secondary Suites</i>	Permitted in zone and further regulated in general regulations	ALR Use Reg. s.31 - one secondary suite wholly within principal residence; -on any size lot in ALR; - no farm class status required		No action
<i>Cottage</i>	Allowed use in zone	ALC Act amend. (Feb 2019) - Second dwelling only by application to ALC.	2.2.5	Potential amendment AG zone for consistency with current or proposed ALC amendments* *Ministry of Ag. Policy Intention Paper (January 2020) indicates that a small second dwelling – flexible housing forms - may be permitted with future ALC amendments.
<i>Manufactured Homes for Immediate Family</i>	For information only	Policy L-25: Permits one manufactured home in addition to principal dwelling up to 9m in width ('double-wide') and 22.86 m in length for immediate family on any size lot in the ALR. Building permit must be issued before December 31, 2020.		Amend AG Zone zoning to prohibit manufactured homes after December 31, 2020 to harmonize with policy
<i>Farm Worker Housing</i>	Not currently permitted in zone	ALC Act amend. (Feb 2019) - By application to ALC	2.2.5	Consider amendment to AG zone to include use with note "only by ALC Approval"
<i>Non-Adhering Residential Use (NARU)</i>	For information only	Policy L-26 decision-making guidelines for consideration of non-adhering uses (second dwellings, temporary farm dwellings, dwellings over 500 m², etc.)		No Action
<i>Dwelling Size</i>	No limit in zone	Total floor area of a dwelling is 500 m² in ALR		Consider amendment to AG zone to introduce a max. size dwelling in ALR;

	Agricultural (AG) Zone	ALC Policy & Regulations	OCP Policy	LUB - Regulatory Options
Agri-Tourism accommodation	Permitted in zone: must be accessory; on ALR land; within a permitted dwelling or cottage; no commercial/ retail; max 6 guests and 3 bedrooms.	ALC Act – A permitted farm use. Must be in relation to <i>Agri-Tourism Activity</i> ; total developed area 5% of parcel; 10 units maximum; seasonal or short-term	2.2.19; 2.2.20 and 2.2.21	Amend definition and regulations in AG zone to harmonize with ALC Regulation by defining and restricting use to that associated with <i>Agri-Tourism Activity</i> Amend as previous. Consider allowing accessory camping as an accessory use to Subsection 8.3.7 “Agri-tourist Accommodation” (OCP policy 2.2.21)
Agri-Tourism Activity	No reference in zone, but as a farm use is permitted	Policy L-04. A farm use. Must have farm status. Limited to list of approved activities including heritage farm equip. displays, farm tours, educational or demonstration of farm operations, rides (tractor, etc.), activities that promote or market livestock, harvest festivals, etc.)	2.2.19; 2.2.20 and 2.2.21	Amend definition and regulations in AG zone to harmonize with ALC Regulation by defining and restricting use
Home Business (Occupation)	Yes - One business and 65 m ² max. floor area. Total storage area 65 m ²	Policy L-07: Permitted as a non-farm use up, accessory to residential or farm use on the property and a maximum area of 100 m ² or maximum by Local Government (whichever is less) Further limits on facilities (no daycares, preschool/schools, group homes and health and community care facilities) and size		Amend General Regulations (size and types) to be consistent with ALC for Home Business and Home Industry in ALR
Home Industry	Yes - One Industry and 185 m ² max. floor area. Total storage area 65 m	(As above – no differentiation with ‘Home Occupation’)		As above

	Agricultural (AG) Zone	ALC Policy & Regulations	OCP Policy	LUB - Regulatory Options
<i>Cannabis Production</i>	No specific reference in zone	ALC Act Amend. (Feb 2019): all forms of cannabis production are now a 'farm use.' Local government can regulate or prohibit certain kinds of cannabis production, though not all forms. Cannot prohibit if outdoors in a field inside a structure with a base entirely of soil. Any prohibition or regulation must be under a bylaw under section 552 of <i>Local Government Act</i>		Consider amending AG and Rural zones to limit building size for indoor cannabis production.
<i>Farm Retail Sales</i>	Yes - where agriculture is a permitted use with farm status	Policy L-02 A permitted farm use. If all products originate or are produced on the farm on which the sales are taking place, there is no limitation for the retail sales area. Thresholds if farm or non-farm products offered for sale originate elsewhere, there is a retail sales area limitation (based on origin - max. 300 m ²)	2.2.4	Limit max area to 300 m ²
<i>'Farm Operation'</i>	Definition in LUB	'Farm Use'		Amend definition to harmonize with ALC definitions for 'farm use' and allowable uses.

4. Southern Gulf Islands Food and Agriculture Strategy (SGIFAS)

The SGIFAS provides a comprehensive strategy for agriculture and farming in the southern gulf islands. The key recommended strategies are summarized on Attachment One (and page 3 of the strategy). The report has a profile of the Pender Islands and includes an Action Plan.

Many recommended strategies lie outside of the scope of LTC jurisdiction and specifically of this project as they are strategic in nature and are non-regulatory.

5. Cannabis Production

Building on the comments in Table 5, the Ministry of Agriculture undertook legislative and regulatory amendments that change provincial policy on cannabis production in the Agricultural Land Reserve (ALR) in 2019. The key change was the classification of all cannabis production in the ALR as farm use. As a result, applications to the Agricultural Land Commission (ALC) are no longer required for any form of cannabis production in the ALR.

Local governments retain the ability to prohibit and/or regulate cannabis production that is: inside a structure without a soil base. It is incumbent upon local governments to regulate ALR land within their boundaries if they wish to prohibit certain forms of production. Limiting the size and siting of buildings as a method of regulating the scale of indoor cannabis production and processing (both within and outside the ALR) is noted as a possible option for the LTC.

6. ALR Boundaries and Agriculture outside of ALR

OCP Policy 2.2.24 - The Local Trust Committee may undertake or support an initiative to identify properties not currently in the ALR and Agricultural designation but which have agricultural potential and are primarily used for farming, so that these properties may be protected for future agriculture

There are approximately 63 ha of farmed land that is outside of the ALR identified by SGIFAS. These would be mostly Rural, Rural Comprehensive and Rural Residential zoned properties.

A mapping study to reconcile ALR Mapping, zoning and designation with Land Capability Mapping (soils capability mapping) could inform recommendations to the ALC with regard to ALR boundaries, but would be outside the scope of the current LUB amendments.

7. Mapping (technical amendments)

There are a number of technical issues related to mapping inaccuracy and potential boundary amendments:

- There are numerous minor inaccuracies with the location of the ALR relative to Agricultural (AG) zoned properties. These stem from issues/discrepancies between ALC's ALR data and Islands Trust mapping data.
- Specific properties where zoning does not concord with ALR Mapping. 2218 Clam Bay Road has ALR land that is zoned Rural Comprehensive 2 (RC2); however as a comprehensive zone created as the result of a rezoning application, agriculture is a permitted use. 4606 Razor Point Road has the portion that is zoned as Industrial and in the ALR.

8. Other Opportunities (Outside of Project Scope)

While the purpose of this discussion paper is to focus on amendments to the LUB, it is important to note that additional measure supporting agriculture on North Pender. These initiatives are out of scope of the current project.

a. AAPC

OCP Policy 2.2.23 - The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.

The LTC could consider maintaining an AAPC beyond the term of this project to provide advice on a review OCP policies, a broader mapping initiative to add land to the ALR, and the implementation of broader SGIFAS strategies. This would be a new project.

b. Agricultural DPA

OCP Policy 2.2.20 -The Local Trust Committee may consider an amendment to this plan to designate land as a development permit area for the protection of farming with the intent of ensuring effective buffering and other measures between farming and other uses

This is would be a DPA on areas adjacent to ALR land to regulate the impacts of non-farm uses on agriculture. Consideration of implementing this policy is beyond the scope of the current project and would be a separate review. However the appropriateness and effectiveness of such a DPA would need to be considered before initiating as a project.

c. Soil Removal Bylaw

OCP Policy 2.2.18 - The Local Trust Committee may consider the regulation of the placement and removal of fill to protect the natural environment, including significant waterfowl habitat, and where possible, to preserve, maintain, and enhance soil for agricultural purposes

Consideration of creating a soil removal and placement bylaw would be a discrete project and should consider the effectiveness and other factors.

Options

The main options identified for amending the Agricultural zoning and mapping are as follows:

1. LUB Amendments

Generally, the LUB definitions, regulations and uses should be reviewed for consistency with the ALC policies and regulations, specifically:

- a. Review and update definitions
- b. Monitor legislative changes for second dwelling in ALR and make amendments accordingly.
- c. Prohibit manufactured homes.
- d. Consider options for farm worker accommodation.
- e. Establish a maximum floor area.
- f. Review and amend Agri-tourism and Agri-tourist accommodation definitions and regulations.
- g. Amend home industry and home occupation regulations.
- h. Consider amendments to regulate cannabis production in the ALR, and also on non-ALR land.
- i. Review farm retail sales provisions.

2. ALR Boundaries and Mapping

- a. Undertake a technical mapping review of ALR Boundaries and Agricultural (AG) zone to review existing zoning and land use designation boundaries with the boundaries of the ALR.
- b. Consider amending zoning on specific properties:
 - i. 4406 Razor Point Road – amend zoning and OCP designation on ALR portion of the property.

3. Process and Consultation

- a. Through their terms of reference, the special AAPC should review and make recommendations on potential LUB amendments and engaging the broader farming community and through this identify any specific regulations that may be impediments to farming, particularly on non-ALR land.
- b. Draft Bylaw amendments should be referred early to Regional Agrologist (Ministry of Agriculture) and ALC for review and comment.

Southern Gulf Islands Food and Agriculture Strategy (page 3, Executive Summary)

Recommended Strategies

The following archipelago-wide strategies were identified during the SGIFAS process:

1. Establish an effective, collaborative structure to deliver and manage the Strategy;
2. Protect and support existing and emerging local food and agriculture activities and interests;
3. Pursue economic development opportunities and approaches that benefit local food and agriculture initiatives, businesses and activities;
4. Undertake a detailed local economic development strategy for food and agriculture;
5. Protect and maintain local farmland;
6. Pursue strategies that increase land available for farming;
7. Encourage the use of ecological farming practices;
8. Pursue climate change mitigation and adaptation strategies;
9. Increase opportunities for local food and agriculture education and training;
10. Improve understanding and appreciation of local food and agriculture by local and seasonal residents;
11. Connect youth with local food and agriculture;
12. Determine state of SGI food system;
13. Increase the local production capabilities of the non-commercial portion of the food and agriculture sector;
14. Increase availability of local, healthy food choices;
15. Encourage a place-based regional food culture by building relationships between Aboriginal and non-aboriginal communities; and
16. Support Aboriginal food and agriculture-related activities, projects and events.

NORTH PENDER ISLAND
LAND USE BYLAW REVIEW

CONSERVATION SUBDIVISION
DISCUSSION PAPER

JUNE 2020



Table of Contents

Background	1
Discussion.....	2
Options.....	5
Conclusion.....	6

Background

The North Pender Island Local Trust Committee has initiated a project to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The LTC has endorsed a [project charter](#) which establishes a process and timeline for the project.

The project is categorized into 7 topic areas:

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

Some topics will likely involve greater community engagement and consultation than others. In the initial phase, the project charter identifies that staff will undertake a review of the topics and issues, and prepare background material and options for consideration.

Discussion Paper Purpose:

The purpose of this Discussion Paper is to provide background on the concept of conservation subdivision design and identify some options for amending the Land Use Bylaw (LUB) to facilitate a conservation approach to the design and layout of future subdivisions. [A project](#) to consider a comprehensive approach to implementing conservation subdivision design for larger lots was undertaken in 2013-14 by the LTC of the day; however, that project did not proceed at the time. The intent of the current review is to consider implementing elements the earlier initiative that are within the scope of this larger project.

Discussion

1. The Conservation Approach to Subdivision

A conservation approach to subdivision focusses on protecting ecological and cultural values as part of the subdivision process. In contrast to the conventional approach to subdivision, where the confluence of regulations and practices often lead to significant environmental impacts, in a conservation subdivision impacts can be minimized without reducing the number of lots. Typically, in a conservation approach, land alteration is limited to a portion of the land with the least environmental or other important features, while a major portion of a property is unaltered, set aside for conservation or retained as a working landscape (e.g. agriculture and eco-forestry). Residential lots, with housing and related services, are clustered on the remaining portion of the land. The residential lots in conservation subdivision are smaller, but the number of lots are the same as in a conventional subdivision, resulting in the density of the development being equal to the maximum allowed by zoning.

Applying a conservation subdivision approach begins by identifying ecological, cultural and other features of the land where the impact from development should be minimized. These features can include:

- sensitive or critical habitat or ecosystems
- hazardous areas vulnerable to slope failure, flood or storm surge
- wetlands and surface water bodies
- cultural features such as archaeological, cultural or historical sites
- the bio-physical attributes of the local watershed
- services provided by nature (e.g. storm buffers, rainwater catchment, filtration of rain and domestic water supply)
- forest resources
- working landscapes (e.g. eco-forestry, and agriculture)
- access trails and shoreline areas

Once areas to be protected, or to have limited development, are identified in the baseline analysis, the design stage would identify the most suitable house sites, including areas for services such as septic systems or wells. Any roads and access points would then be identified, with the lot boundaries defined last.

While a conservation subdivision approach can be applied in part to any new development, it is most applicable to subdivisions where more than a two or three new lots are being created. To be effectively implemented there should be the ability to cluster lots and have a significant remainder area.

Below (Diagram 1 and Diagram 2) are illustrations of the difference between a traditional approach to subdivision and a conservation approach.

Diagram 1: Conservation Subdivision Approach 1

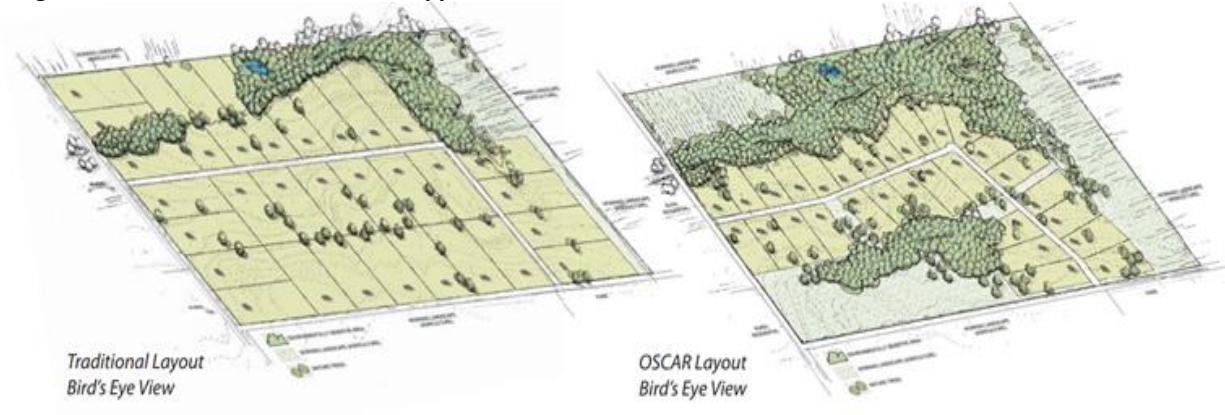


Image Credit: Regional District of Nanaimo

Diagram 2: Conservation Subdivision Approach 2

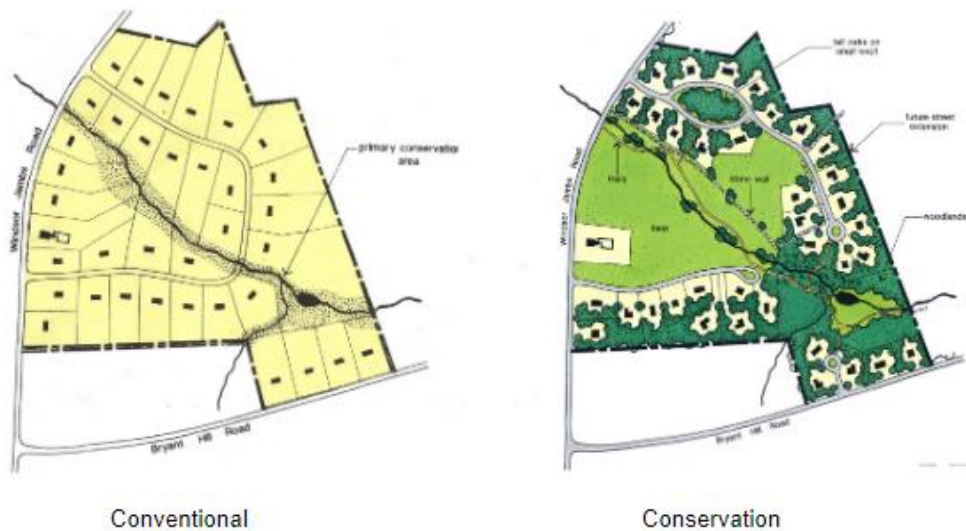


Image Credit: Province of Manitoba

2. What Are the Benefits of a Conservation Subdivision Approach?

The conservation subdivision approach can support the long term sustainability of the watershed ecosystem, and working landscape as well as other benefits to a number of different parties and stakeholders, including residents, developers, and the community in general.

Watershed ecosystem and working landscape sustainability: benefits include supporting groundwater recharge, hazard mitigation, preserving and protecting sensitive and critical ecology, supporting food

security and contributing to climate change mitigation strategies. These all contribute to strengthening community resilience to climate change.

Culturally significant areas may be identified during the assessment phase. Culturally significant features can include former First Nations settlement sites, burial sites, culturally modified trees as well as aspects of settler culture.

Reduced infrastructure costs can be achieved for both capital and operating costs. Lot clustering, a key feature of the conservation approach, can reduce the length or eliminate the need for new roads and utility lines reducing cost and making shared services such as a community water or sewer system possible and more feasible than individual systems.

Increased housing affordability is a potential when lot sizes decrease and a variety of lots with different locational features are created (e.g. lots are not all clustered in order to attain an ocean view).

Recreation and health benefits can be derived as a result of the creation of footpaths and conservation lands; natural amenities that support walking and outdoor recreational activities.

Additional benefits can be flow from less community opposition than with conventional subdivisions developments which typically result in significant tree removal and road building. Conservation subdivisions have also proven to be attractive to buyers because of the natural amenities (e.g. trails, views, and open space) they provide.

3. Does North Pender's LUB Currently Support a Conservation Subdivision Approach?

The clearest existing support for conservation subdivision in North Pender's LUB are regulations permitting lot clustering. To realize lot clustering both a minimum lot size and minimum average lot size need to be specified in the bylaw. The minimum lot size is the smallest possible lot size for a fee simple subdivision. The average lot size establishes the maximum number of potential lots and all lots in the subdivision plan must meet the average lot size requirement. North Pender's LUB contains regulations enabling lot clustering through minimum lot size and average lot size provisions in the Rural and Rural Residential zones. Although not an LUB regulation, development permit area (DPA) provisions also include subdivision guidelines that implement elements of the approach by requiring a DP for subdivisions that include land in a DPA.

Options

The options identified below identify additional LUB amendments that could be included in the current project to facilitate a conservation approach to subdivision and addressing a number of existing regulatory requirements that may force layout decisions that are contrary to the principles of conservation subdivision design.

1. Incentivising a Conservation Approach to Subdivision

Density Bonus - - Evidence has shown that property owners do not typically implement conservation subdivision approaches on a voluntary basis. By using the density bonus provision in the *Local Government Act* (Section 482), local governments can incentivize property owners by allowing them to increase allowable density in exchange for taking a conservation approach to subdivision.

Potential Amendments – The North Pender Island LTC could consider creating new Rural Residential and Rural zones for larger properties identified to have conservation subdivision potential. In these zones current allowable density would be reduced; or alternately, the existing density could be retained, but an additional density permitted if a conservation approach is utilized. Utilizing a density bonus would permit extra density when a conservation subdivision approach is implemented.

2. Addressing Regulatory Requirements that Contradict a Conservation Subdivision Approach

Road Frontage Requirements- Section 512 of the *Local Government Act* requires 10% of the perimeter of lots being created by subdivision to front on the highway. S.512 (2) gives local governments the discretion to exempt parcels from this requirement. Frontage requirements encourage the creation of larger lots. Section 4.3.1. of the NPI LUB requires that “*the frontage of any lot in a proposed subdivision must be at least 10 percent of its perimeter, provided that in no case may the frontage be less than 20 metres*”.

Potential Amendment- The NPILTC could amend or remove the frontage requirements to not require 20 metres of land to front on a highway and the LTC could consider waiving the 10% frontage requirement when the lot design favours a conservation subdivision approach.

Minimum Area Required for a Cottage – In addition to principal dwellings, cottages are permitted in the Rural Residential zone, Rural, Rural Comprehensive 1 zone, and the Agriculture zone (although this requires permission from the ALC in the ALR). Owners who may otherwise be interested in creating smaller lots, and preserving the remainder as common property or open space, may choose not to because they do not want to lose the ability to have both a dwelling and a cottage.

Potential Amendment - The NPILTC could consider removing the Land Use Bylaw requirement of a minimum of 1.2 ha (3 acres) for cottages on new lots. Another way to achieve this (while avoiding an unintentional proliferation of cottages on existing small lots) is to create a new class of Rural Residential and Rural zones targeted for conservation subdivisions where the regulations would allow cottages on smaller lots.

Lot Shape – Current regulation governing lot shape (S 4.10) (e.g. 4.10.3 *No lot shall have an average depth greater than three times its average width, except where otherwise specified in the zone*

regulation) could present an obstacle to the creation of irregular shapes lots that may be needed to achieve conservation subdivision objectives.

Potential Amendment- The NPILTC could consider varying the lot shape requirements when conservation subdivision objectives are being achieved, or make special provision in a new zone created to encourage a conservation subdivision approach on existing large lots.

3. Other Opportunities (Out of Scope)

While the purpose of this discussion paper is to focus on amendments to the LUB that are within the scope of the current project, the previous Conservation Subdivision project took a broader approach, and there are additional, although out-of-scope, measures that would implement a conservation subdivision:

- The use of new or amended development permit area designations to regulate the layout of new subdivisions. While existing DPA would influence subdivision layout, they are not designated on all large subdividable lots. A conservation subdivision DPA could potentially be developed for identified lots or a subset of them. The DPA guidelines could apply the conservation subdivision principles and require implementation through permit conditions.
- The rezoning and designation of specific larger parcels to pre-zone areas for clustered lots and a separate zone for larger remainder lots. These would require OCP amendments, as well as detailed review of the potential lots and consultation with owners.

These more far-reaching options could be explored at a later date as a separate project.

Conclusion

There are benefits to supporting, encouraging and incentivising a conservation approach to subdivision through the amendments to regulations identified above. If the LTC does consider amendments to regulations it would not guarantee that landowners would fully implement a conservation subdivision approach, but would remove some obstacles. A more comprehensive project focussed on a conservation approach for existing, large subdividable lots on North Pender Island may be an option.

DATE OF MEETING: July 2, 2020
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Policy Review – Summary of Community Input and Identification of Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request that staff identify amendments to the guidelines for Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) in primary dwellings.
2. That the North Pender Island Local Trust Committee request staff revise the project charter to reflect the change in approach.

REPORT SUMMARY

This report provides the North Pender Island Local Trust Committee with a summary and analysis of input provided by the community through a web-based community survey on short term vacation rentals and a survey emailed to North Pender Island STVR operators with TUPs. It also considers statistics related to residency, past and present inventory of STVRs on North Pender and the recent change in circumstances influencing STVRs as a result of COVID-19 in recommending next steps for the NP STVR Policy Review.

The recommendations above are supported as:

- There appears to be no major concerns with STVRs operating as home businesses where someone is residing on the property.
- There appears to be no majority opposition to the use of TUPs to regulate STVRs.
- The introduction of TUPs for STVRs appears to have had some positive impacts.
- The number of STVRs on NP appears to be declining. The introduction of TUPs may have had some influence.
- The ability to consult the public directly is uncertain given COVID-19 restrictions and further public consultation is unlikely to result in additional community sentiment or alternative recommendations.

- A number of the negative impacts identified can be mitigated through TUP conditions and the selective issuance of TUPs.
- The shift in circumstances due to Covid-19 may lead to a decline in TUP renewals and applications for a period of time.
- The impacts of a reduction of tourism on local business may provide a different perspective on STVRs suggesting that no major changes should be made to STVR policy at this time.
- The inability to know the extend to which STVR guests vs part time residents and their friends and family contribute to seasonal impacts, and the inability to quantify the impact of STVRs on the rental stock, suggests that no major changes should be made to STVR policy at this time.

BACKGROUND

At the September 5th, 2019 North Pender LTC meeting “Short Term Vacation Rentals review” was added to the list of Top Priorities.

At the November 7th, 2019 North Pender LTC Meeting the LTC was provided with a [staff report](#) that provided background on the history of STVR operation and policy on North Pender and identified a number of options for reviewing STVRs that are currently regulated through Temporary Use Permits (TUPs). As identified in the November 7th report, STVRs have existed on North Pender for decades. North Pender LTCs have demonstrated varying levels of support for STVRs. A review of STVRs initiated in 2015 resulted in the adoption of bylaws permitting STVRs outright as a home business (cottage or B&B) where a fulltime resident lives on the property and enabling the rental of a primary residence through Temporary Use Permit.

The project charter endorsed at the January 30, 2020 LTC meeting included the following key tasks:

- Identification of locations of known STVRs on North Pender
- Review and analysis of existing STVR regulations and policies
- Public outreach including a community survey and one public meeting
- Identification of STVR regulations and policy options
- Bylaw amendment process (dependent on recommendations)

An online survey, and email survey to STVR operators with TUPs was launched in March and an in person public engagement was scheduled April (as per the project charter presented to the LTC at the January 20, 2020 meeting). Due to Covid-19 all in person public engagements were cancelled.

DATA AND ANALYSIS

STVRs on North Pender

As part of the background research for this project an Islands Trust Bylaw Enforcement Officer reviewed a number of online STVR sites. Sites reviewed included the Pender Island Chamber of Commerce, Airbnb and VRBO.

The numbers below are estimates. It is important to keep in mind that, in some cases, it is difficult to identify whether the STVR listed is a principal dwelling operating without a temporary use permit or a cottage being operated under the home business regulation where a fulltime resident lives on the property. A room in a house, identified as “B&B” is easier to identify. There are currently eleven temporary use permits for STVRs on North Pender Island.

A number of listings identify their rental as a cottage but in some cases these “cottages” are the principal residence and there is no other secondary dwelling on the property. Also, STVR owners are known to hide their listings at different times of the year when they are not interested in renting. The review of online STVRs was done in February 2020. A number of STVRs that have a TUP were not found online.

Type of STVR	Number of STVRs listed
Principal Dwelling without TUP	~8
Principle Dwelling with TUP	5
STVR with TUP not listed	6
B&B	~5
Cottage	~25
Total	~49

The [2005 Southern Gulf Island Accommodation Inventory](#) identified 83 STVRs (it is not clear if these are cottages or principal residences) and 16 Bed and Breakfast on South Pender. It estimated peak occupancy to be 438 for STVRs and 84 for Bed and Breakfasts.

Based on these numbers, there appears to have been a decrease in STVRs on North Pender over the past 15 years.

Population Statistics

Other statistics that are useful to the review of STVR policy are those related to North Pender population contained in the [Southern Gulf Island Housing Needs Assessment](#), obtained from [Statistics Canada](#).

Total Private Dwellings 2016: **1,711**

Total Private Dwellings 2006:**1,671**

Private dwellings occupied by usual resident 2016: **1,035 = 60% of homeowners**

Private dwellings occupied by usual resident 2006: **998 = 60% of homeowners**

Homes Occupied by Renters 2016: **135**

Homes Occupied by Renters 2006: **110**

Based on these statistics 40% of homes are not permanent dwellings. Only about 20% of these are occupied by renters. Given this, and as public input indicates, it can be assumed that a number of property owners who are not usual residents are using their North Pender homes part of the year.

Public Consultation

The public consultation process thus far has included:

1. One online survey launched April 3rd 2020 and closed on May 15th 2020
2. One email survey send to STVR TUP holders.

Online Survey

The summary of survey results includes only those respondents that identified as residents or property owners. A complete summary including graph comparisons and all comments provided can be found in Attachment 1.

Survey Participation

Respondents identifying as Property Owners or Residents: 132

Survey participants

Type of property

owner/resident

- 92 permanent resident property owners
- 32 property owners but not permanent residents
- 3 permanent resident renters
- 5 other (partly permanent)

Relationship to STVRs

- 20% STVR operators
- 13% considered renting STVR on NP
- 6% rented STVR on NP
- 4% benefited from STVR rental on NP
- 36% lived, or continues to live close to an STVR on NP
- 22% other

Age category

- 8% 25-34
- 2% 35-44
- 20% 45-54
- 27% 55-64
- 44% 65+

Summary of the Survey Responses:

The Benefits of STVRs

- The majority of respondents believe that STVRs have a positive economic impact on the community. Many Survey respondents identified the positive impact on local businesses in general and a number identified the positive impact on their own businesses.
- Locals have benefited from the ability to put up friends and families in STVRs.
- STVRs have provided opportunities for some individuals to stay on North Pender before buying property.
- Many STVR operators need the revenue from their STVR s to recover the costs of owning their property and contribute to upkeep. It was indicated that STVR rental enables some permanent residents to own a home on North Pender.
- Some respondents have identified how STVRs have allowed them to have friends visit when they don't have space to put them up.
- Over half of the survey respondents perceive the impact of STVRs on socio-economic diversity to be positive.

STVR Concerns

- To the 30% of respondents that identify that they have experienced direct problems with STVRs, noise was the most reported problem.
- Some respondents identified enforcement issues.
- A few respondents identified problems related to affordable housing, trespass, water scarcity traffic increase.
- Water supply and traffic flow were identified as concerns.
- Concerns were raised about increased risk of fire because of guests being less aware of risks and the inability to effectively fight fires due to limited water.
- Housing availability for renters was raised.
- Some respondents identified concerns related to impacts on community services such as limited access to medical services and limited capacity of fire department.

Observed Changes since TUPs Introduced

- Only 18% identify that they have experienced changes since TUPs for STVRs have been introduced.
- Some respondents identify that TUPs have led to better experiences with STVRs while some identify increasing problems.
- Some respondents note that the requirement for a TUP has resulted in fewer visitors which has had an impact on other businesses.
- Despite TUPs, it was noted that unregulated STVRs still exist.

How, When and Where STVRs Should Operate

- Respondents are divided on whether they support primary dwellings being allowed to operate as STVRs.
- Half of the respondents think that only one STVR should be operating on a single property.
- Over 60% of respondents think STVRs should operate all year round.
- There is interest in limiting the number of STVRs within proximity of each other.
- About 40% of respondents identify that STVRs should be allowed to operate anywhere.
- About 15% think STVRs should not be allowed to operate in Magic Lake and Buck Lake area.

Regulation Interests:

- Response to a number of the questions, including comments, indicate that there is interest in regulation to address concerns related to noise, fire, water and trespass.
- There appear to be limited objection to the use of TUPs. Some indicate interest in making changes to TUP requirements.
- There is some interest in STVRs being allowed as an outright permitted use (18%).
- There is about 20% interest in there being no STVRs.
- Some respondents (17%) identify interests in STVRs operating as home businesses only.
- There is no interest in zoning larger areas for STVRs and limited interest in site specific zoning.
- 50% of respondents think that the number of bedrooms should be limited.
- There appears to be interest in limiting the number of STVRs operating on the island.
- The idea of limiting the amount of days an STVR can be rented was also identified.

Feedback from STVR Operators with TUPs

Out of the 11 STVR operators with TUPs we received emailed surveys back from five properties. There were six responses in total, 2 were from the same property. The full comments can be found in Attachment 2. Of the six, one identified as a fulltime residents and all identified that they spend time on their property (from 50 days a year to 50% of the year). They have all been running STVRs within the past 3 years. None of them operate for more than 100 days in a year.

All of the STVR operators with TUPs identify that they use their property frequently. It is for this reason that they would not consider long-term rental. Two of them identify having rented to longer term renters in the past and it was a bad experience due to renters not respecting the property and the rules. They both identify better experiences with AirBnB guests. None of the STVR TUP holders responding to the survey identified having problems with AirBnB guests.

All of the STVR operators with TUPs identify the financial benefit of running an STVR mostly in terms of their ability to cover the costs of owning the property and the upkeep. They also see their ability to share their property with others including their friends and family a big benefit.

Public Consultation Analysis

STVRs have been identified to have both positive and negative impacts on North Pender individuals, neighbourhoods and the community in general. However, it is difficult to know whether the impacts identified in the web-based survey are directly related to STVRs or to the fact that 40% of the property owners are not fulltime. It is clear that much of the increase in population on the island during peak times are those that live there part time and their friends and families. Permanent residents also have more visitors during peak times.

The impact of STVRs on affordable housing is another area that cannot be clearly identified. Affordable housing can be seen in two ways 1) The affordability/availability of rental housing 2) The affordability of homes to purchase. With respect to the availability of rental housing, the responses from TUP holders indicates that those that are not permanent residents are not as interested in renting their houses as they are interested in using them throughout the year. They have also has bad experiences with long term renters. Given this, it is questionable how much of the housing stock would be made available if the rental of primary residence was not possible through TUP. With respect to the affordability of homes to purchase, public feedback in the surveys and direct to staff has indicated that there are permanent residents, and individuals wishing to be permanent residents at some point, that own STVRs to offset their costs.

It is clear that the majority of survey respondents support STVRs in general. This is indicated in a number of ways. Of total respondents 60% believe STVRs should be able to operate all year round and 40% believe STVRs should be able to operate anywhere. A number of suggestions related to regulation were made including limitations on number of days, number of bedrooms and not issuing permits in more dense areas (e.g. Magic

Lake and Buck Lake), limits on total number of TUP issued on the island. The survey identified that 22% respondents support existing policies with no change, 17% support existing policies with some change and 14% support STVRs in primary residences existing without regulation. Only 18% of survey respondents believe STVRs should not be allowed to operate at all.

There appears to be some concern related to unregulated STVRs. Bylaw Enforcement's scan of North Pender STVRs listed online suggests that the number of unregulated STVRs has been reduced over time. This could be related to the introduction of TUPs. There do not appear to be major concerns with STVRs operating as a home business where the owner or an employee lives on the property.

STVR Review Processes on South Pender and Galiano

Both South Pender and Galiano Island have recently been engaged in STVR policy reviews. Both processes have involved surveys and in person public engagement. South Pender, which previously allowed STVRs to operate as a principal permitted use in primary dwellings, is considering a temporary use permitting process for primary dwellings and STVRs currently operating as home businesses (where there is a resident on the property). Galiano Island, which has allowed STVRs in principle dwellings since 2013, is currently considering amending their land use bylaw to remove the ability for TUPs to be issued for STVR purposes.

Covid-19 Considerations

Covid-19 is having a dramatic impact on STVRs around the world and tourism in general. North Pender, and other Local Trust Areas, are feeling this impact. Most STVR operators will have shut down their operations and cancelled booking for the 2020 summer tourist season. While local tourism is slowly opening up, it is likely that the volume of visitors to the islands will be greatly reduced. As a result, there is likely to be reduced impact from STVRs in 2020, both positive and negative. The 2020 tourist season will provide insight to the extent to which island businesses rely on tourism. It may also lead to a decline in TUP renewals and applications for a period of time.

RATIONAL FOR RECOMMENDATIONS

Recommendation:

1. That the North Pender Island Local Trust Committee request that staff identify amendments to the guidelines for Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) in primary dwellings.
2. That the North Pender Island Local Trust Committee request staff revise the project charter to reflect the change in approach.

Rational:

- There appears to be no major concerns with STVRs operating as home businesses where someone is residing on the property.
- Public consultation indicates that those in favour of STVRs are in the majority.
- There appears to be no major opposition to the use of TUPs.
- The introduction of TUPs for STVRs appears to have had some positive impacts.
- The number of STVRs on NP appears to be declining. TUP mechanism may have had some influence.
- The ability to consult the public directly is uncertain given Covid-19 restrictions and further public consultation is unlikely to result in new information or alternative recommendations.
- A number of the negative impacts identified can be mitigated through TUP conditions and the selective issuance of TUPs.
- The shift in circumstances due to Covid-19 may lead to a decline in TUP renewals and application for a period of time.
- The impacts of a reduction of tourism on local business may provide a different perspective on STVRs.
- The inability to know the extent to which STVR guest vs part time residents and their friend and family contribute to seasonal shifts and impacts, and the impact of STVRs on the rental stock, suggests that no major changes should be made to STVR policy at this time.

ALTERNATIVES

1. Status Quo

The LTC may choose to make no changes to STVR policies including TUP guidelines. The project will be considered complete.

2. Request Staff to Identify Other Options Without Further Public Consultation

The LTC may choose to request that staff identify other options without engaging in further public consultation. This will also require amendments to the Project Charter.

3. Request Staff to Identify Other Options Following Further Public Consultation

The LTC may choose to request staff to engage in further public consultation to identify other options. This will require amendments to the Project Charter. It is unknown at this time whether face to face engagement will be possible due to Covid 19.

4. Refer to the Advisory Planning Committee

The LTC may choose to refer this report to the Advisory Planning Committee. APCs ability to operate is somewhat limited due to those bodies inability to hold electronic meetings.

NEXT STEPS

If the recommended recommendations are supported by the LTC, staff will update the Project Charter and prepare a list of possible amendments to TUP guidelines.

Submitted By:	Narissa Chadwick, Island Planner	June 23, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	June 24, 2020

ATTACHMENTS

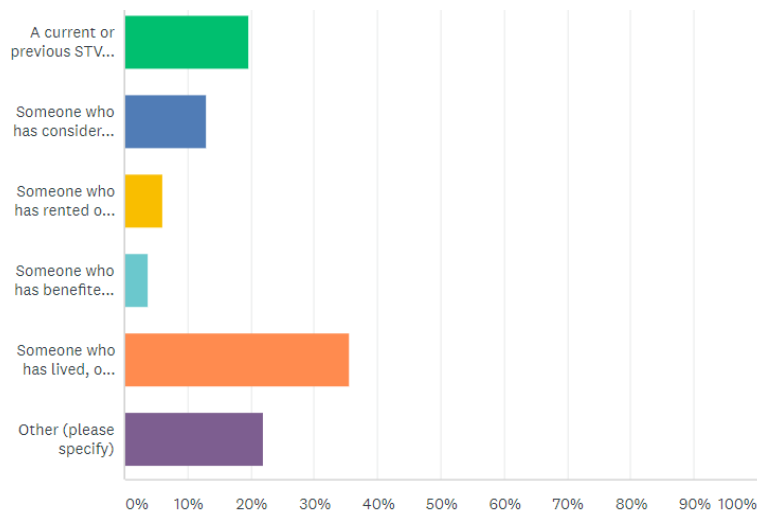
1. Results of 2020 North Pender STVR Survey (web-based)
2. Results of the 2020 survey of North Pender STVR operators with TUPs (email)
3. The current North Pender STVR Policy Review Project Charter

Results of Online Survey

The results provided below are only from those that have indicated that they live and/or own property on North Pender Island.

Answer Choices	Survey Response
Permanent resident property owner on NP	92
Property Owner on NP but not a permanent resident	32
A resident of NP that live in long-term rental property or other accommodation	3
Other (partly permanent residents)	5
Total	132

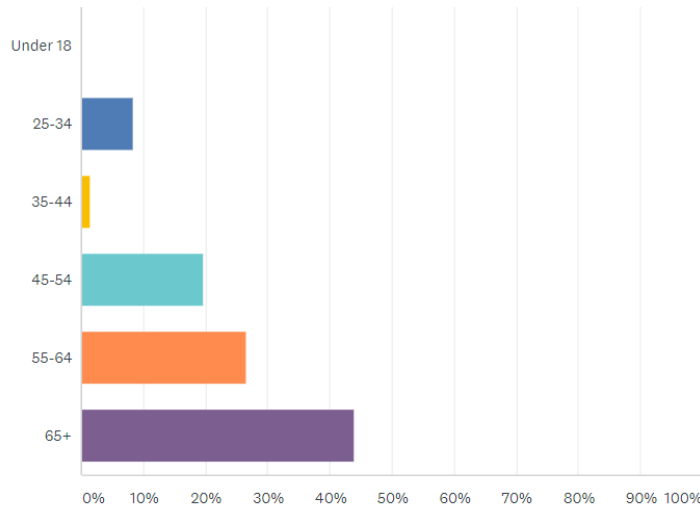
I am:



Answer Choice	Survey Response
A current or previous STVR operator on NP	10%
Someone who has considered operating an STVR on NP	13%
Someone who has rented or has been interested in renting an STVR on NP	6%
Someone who has benefited from the existence of STVRs on NP	4%
Someone who has lived, or continues to live close to an STVR operating on NP	36%
Other*	22%

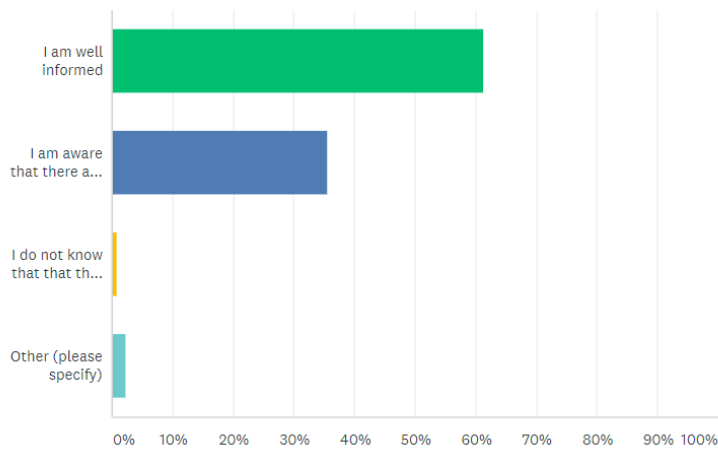
Relevant Comments for "Other"
A fulltime resident on NP x14
Owner of Currents, zoned as a resort
Farmer
Simply a law-abiding member of our community
Had an STVR cottage at Otter Bay
B&B/ Home business
Have bought land to build a house on Pender, stay in STVRs

What age category do you fall into?



Answer Choice	Survey Response
25-34	8%
35-44	2%
45-54	20%
55-64	27%
65+	44%

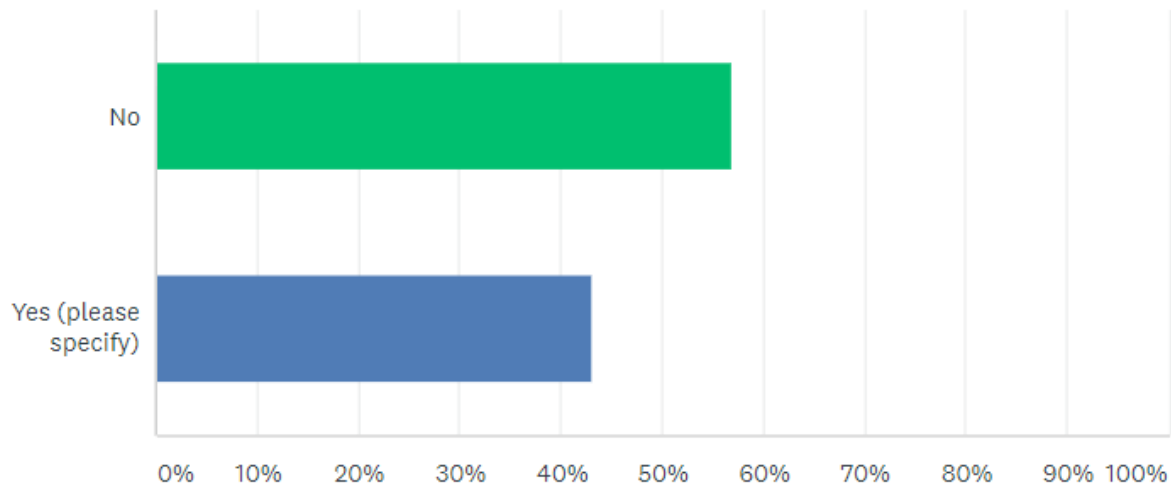
Are you familiar with the bylaws and policies permitting STVR business on North Pender?



Answer Choices	Survey Results
I am well informed	61%
I am aware that there are STVR bylaws and policies but not familiar with them	36%
I do not know that there are bylaws and policies regulating STVRs	1%
Other*	2%

Relevant Comments for “Other”
They are really hard to find online and not clear
It seems open to interpretation by the bylaw enforcement officers
I should be well aware but I am confused

Have you experienced benefits with the operation of STVRs on North Pender?



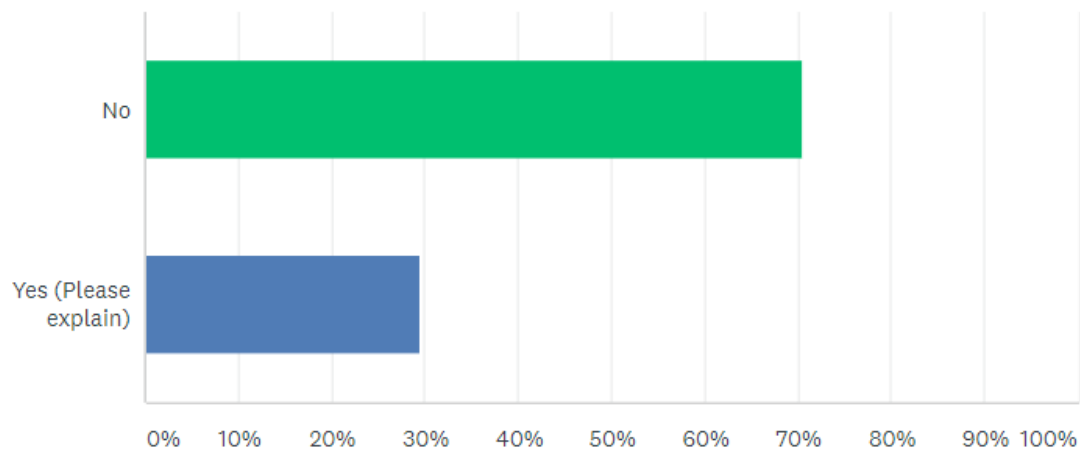
Answer Choices	Survey Results
Yes	43%
No	57%

Comment Re: Yes
Economic Benefit to Island/Jobs
I have had gained customers from STVRs (5 responses)
I derive income from my STVR (2 responses)
I run retreats. My clients stay in AirBnBs
We run a business and rely on tourism
Economic benefits
operating a STVR can be a good means of bringing tourist dollars into the Pender economy
There a number of economic benefits to the island, and the upsides seem to far outweigh the downsides. Some of my friends and acquaintances earn some of their income from this activity on the island.
I have one, and I also have a business that operates at the market and the tourists help with that economy and beyond.
It is a way for individuals to make or support there income
Marginally in that I'm an artist who benefits from tourism here in general
There a number of economic benefits to the island, and the upsides seem to far outweigh the downsides. Some of my friends and acquaintances earn some of their income from this activity on the island.

Income helper for me, boosting local economy.
It allowed me to keep my cottage at Otter Bay and visit Pender regularly
I am a member and past board member of the not for profit Pender Golf Course. We rely heavily on tourist traffic to keep the club viable.
Local business do better and make it possible for full time residents to have the services they offer in off season months.
The community benefits in that it keeps our businesses going year round. Increases my business activity too. Allows for new people to experience our island, creates new friendships and partnerships.
My guests spend money on goods and services at other island businesses
More tourists on the island trickles down into the economy: more shoppers, eating in restaurants, etc. Brings younger people here too
I am an operator so I have seen financial benefits. I think the rentals also help employee cleaning people, and maintenance people
New diverse people, personal income support, contributions to businesses that benefit from tourism, sharing the island with friends and family new residents
Affordable and preferred vacation rentals for families and their pets. Financial assistance for owners. Increase revenue for Island businesses
Appreciative tourists who support local merchants and remind us of the beauty we live with. Provides space for families with pets who are not suitably accommodated in other commercial ventures.
it is a way for individuals to make or support there income and the best way for people to visit our island
I made money doing Airbnb for my STVR
Ability to own property on NP/recover costs/upkeep property
The STVR permit has made it possible for our family to continue to own and spend the significant money it requires to maintain a property on the gulf islands that gives our family so much enjoyment.
The house is better when it has people in it. The house is healthier when it is being used. A vacant house is not good for a community. There is also the benefit of cost recovery on repairs and maintenance.
Our STVR helps with our mortgage and our neighbours tell us that they've been impressed with the quality and respectability of our guests
Cost recovery of increasing expenses
Having an STVR allowed us to keep our house and it is now used by a relative full time
income to cover mortgage and utility costs
It allowed me to keep my cottage at Otter Bay and visit Pender regularly
I operated a STVR(outside of Magic Lake on North Pender) for approximately five years in the late 90's while I lived full time on South Pender. I did all bookings through my own website, met all renters and did all the cleaning personally.
We operate under a TUP, and we only take advantage of STVR to cover the costs associated with ownership such as property taxes, otherwise, we consider the property our second home which we share and enjoy with guests when we do bookings.
Secondary income, helps offset operating overhead and taxes. Permits us to showcase Pender as a premier destination for appreciation of our natural beauty.
Income that allows me to continue renovating the property
Provides accommodation for benefit of residents
Friends came to Pender to visit my family and they were able to stay in a STVR and enjoyed it very much.

Family reunion and additional workers for storm restoration (Hydro)
Plus my neighbors and friends have been able to use our cottage as a rental.
Had family rent one when we didn't have space
Friends can come to visit without staying on our floor.
Family and friends have been able to visit us more often. Helps local economy which in turns helps us.
Provides opportunities for families/future residents to visit NP
We have witnessed families enjoying the lake and the experience of being on Pender Island. All of the STVR people we have encountered have been very pleasant and respectful.
Financial & charging inexpensive rates to those that would otherwise not be able to visit Pender
I've enjoyed visiting North Pender Island in years before choosing to buy a property and move here.
STVR's provide excellent alternative accommodation, especially for families
Provided lodging prior to moving here
I have rented STVRs before buying a lot and building on Pender
It allows young people housing opportunities they otherwise could not afford
Other
I'm not sure if this is a benefit but I've met some really lovely people who are kind and considerate when on the island
Was able to share a beautiful home with amazing people

Have you experienced problems with the operation of STVR operations on North Pender?



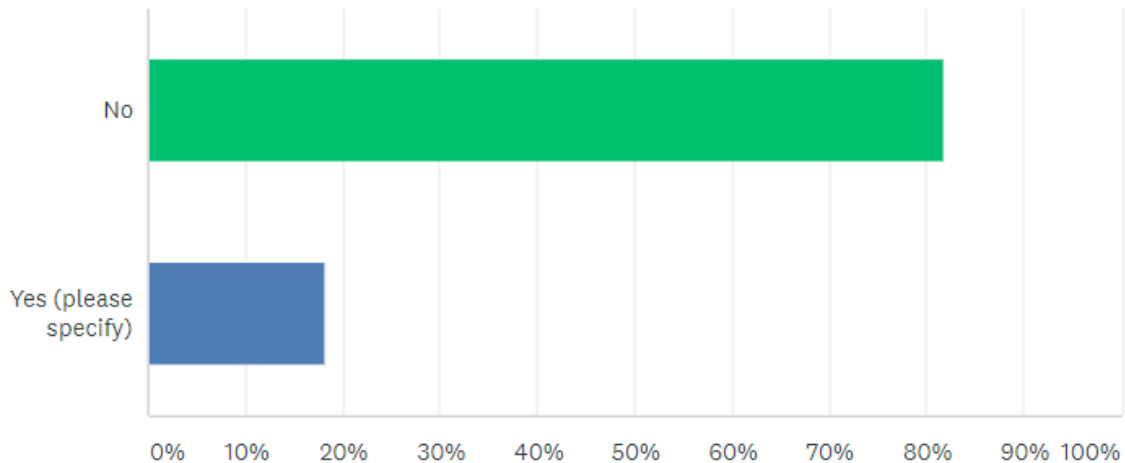
Answer Choice	Survey Results
No	70%
Yes	30%

Comments
Noise
dogs barking when left behind, fires outside in summer, noisy guests at all hours etc.
Years ago was a STVR at Boat Nook which attracted a very noisy clientele -- partying into the night.

STVR leads to a reduction in the rental housing stock which pushes rent up and makes it harder for people with low-incomes to live on the island. It's been hard for Currents to find cleaning staff, hard to staff the post office, etc... Pender needs more affordable housing!
Excessive noise. Loose dogs.
Constant noise transfer with vacationers enjoying themselves but not respecting the neighbours.
High level of noise from renters. I have heard the house being referred to on the ferry as the "Party House".
Noise from the renters
Some friends cannot find rental accommodation because of STVRs.
Overcrowding and excess noise late at night
Additional traffic, noise and disregard for laws and island specific courtesies.
noise, ferries overload
Issues relating to parking and noise and noise and noise and more noise from uncaring visitors.
Enforcement issues
Visitors disobeying fire and other regs and laws
There are 3 STVRs on our cul de sac. There are traffic noise issues, excess cars per house, lack of privacy, illegal fires, excess numbers of people per house, noise from occupants, operating the STVR during the Covid crises even though AirBnB operators have been requested by W, Dingmann not to
Increased noise, traffic. STVR clients ignorant of local bylaws such as fire restrictions and use outdoor fire pit illegally
Affordable housing (rent)
STVR leads to a reduction in the rental housing stock which pushes rent up and makes it harder for people with low-incomes to live on the island. It's been hard for Currents to find cleaning staff, hard to staff the post office, etc... Pender needs more affordable housing!
Lack of rentals and impact to local economy when tourism demand decreases
Limited accommodation available.
Trespass/Garbage
Guests have wandered onto my property without permission
trespass on my property from stvr renters, garbage dumping from stvr renters.
My privacy has been compromised by a local STVR operation and resultant trespassing
Traffic/Parking
adds to the neighborhood traffic
Walking and cycling are no longer possible during the summer due to increased traffic.
Parking is overwhelmed during peak periods
For over half of the year, the island has become overwhelmed with traffic, more people than the island can handle
Impact on community resources
Access to Medical facilities is difficult during summer months
We have difficulty finding local workers who are occupied with servicing absent owners.
water issues are a huge issue, lack of care for the environment, services like medical, fire dept, recycle, grocery stores are overwhelmed and locals end up 'at the back of the line' in favour of commercial enterprise
Our fire Service has reported they can not service the Summer population.
Water
Water is becoming increasingly scarce
Other

Guests have shot bb guns which is extremely dangerous. Guests take hot tubs without bathing suits and walk around on the deck nude. Host took an excessive amount of time to produce an on Island contact.
I am Very concerned with a STVR that does not have the permanent resident present at all time
Tourists arriving for vacations during a pandemic
The requirement that I have to live on the property that I have an STVR on frustrates me. I would like to have this requirement removed.
I was 'gagged' at meeting while tup was being reviewed and held over for further conditions that needed to be met. STVR continues, I've never been provided with required information and my home is less than 200 metres away.

Have your experience of impacts related to STVR operations on North Pender changed since the TUP process for STVRs was introduced in 2016?

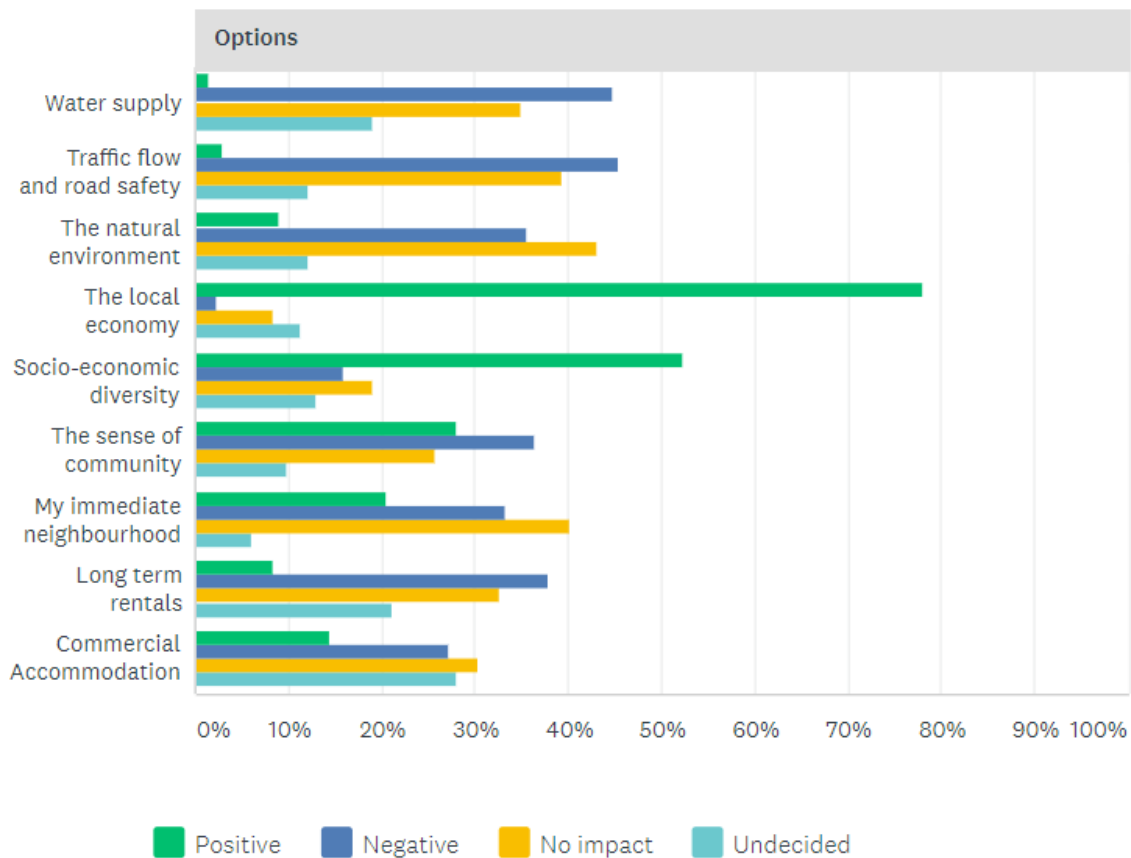


Answer Choice	Survey Response
No	82%
Yes	18%

Comments
Better Experience with TUPs STVRs
Under the TUP program, there is a lot less dissension in the community and things seem to have settled down.
Previous long term rentals were a problem. Not managing garbage, no respect for our property. Since the permit process was introduced, renters have been very pleasant and the property has been continuously cleaned and maintained.
Before regulation these same 2 STVR properties were operating illegally for many years with no enforcement despite complaints. It is better with bylaw enforcement and established rules, but not everyone follows the rules and the TUP process has not helped much with our complaints outlined above

one of the sites now has a permanent owner, therefore noise has ended
Fewer STVRs = negative impact
There has been less work since this was introduced less income
I believe Island commerce has diminished significantly, couples do not make day trips to Pender Island, disallowing STVR removes most tourist retail operations and the benefits from the same
Less choice for visitors
Increasing Problems
Many new owners of STVR's don't seem to know their responsibilities as described in bylaws
I think it may have increased some of the problems I have experienced due to legitimizing the rentals (which had been previously operated illegally) and increasing their use.
All the above impacts have increased dramatically in the last 2 years.
See above. These issues have increased dramatically
STVRs have made the housing crisis worse
TUP Process Challenges
Too complicated for only an occasional rental to friends
. More hassle for property owners wishing to have an STVR.
They are not enforced unless there is a direct complaint.
Great confusion as to what is permitted, no opportunity to make permanent improvements when operation is just temporary, lack of faith whether the LTC or IT will ever consider STVR and endorse or promote their use.
Still Problems with Unregulated STVRs
Most of the vacation rentals on N Pender operate with no licence. They are one floor of a home and don't pay any fee or meet any conditions. They use a lot of water. Our bookings have gone down as there are dozens of these unregulated AirBnB rentals available.
It is the norm for TUP to be applied for only after an illegal STVR has been reported for a noise violations etc. So the requirement for TUP is flaunted until complaints are made and Bylaw intervenes. The STVRs continue to operate even though they are been requested not to due to inadequate enforcement of "shutting down". Less long term community members to volunteer and support long term agencies such as the Legion, Library and Nu to Yu.

STVRs have an impact on:



Options	Positive	Negative	No Impact	Undecided
Water Supply	2%	45%	35%	19%
Traffic flow and road safety	3%	46%	39%	12%
The natural environment	9%	36%	43%	12%
The local economy	78%	2%	19%	13%
Socio-economic diversity	52%	16%	19%	13%
The sense of community	28%	36%	26%	10%
My immediate neighbourhood	20%	33%	40%	6%
Long term rentals	8%	38%	33%	22%
Commercial Accommodation	14%	27%	30%	28%

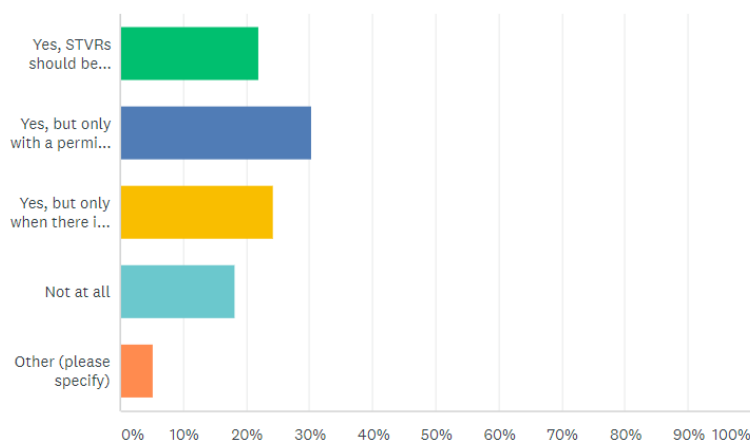
Comments

They help the economy of the island and many businesses and people benefit from this. It gives people work that might not have work. They buy groceries locally, they buy gifts locally. They eat out at restaurants etc.

My big concern is that younger working people have difficulty finding affordable housing -- we need these able people to function as a community. Also STVRs do not contribute to the fabric of the community -- visitors don't volunteer, visit neighbours to check on them etc.
People have always rented their houses and cottages on this island for decades. We should Not need a permit. most tourists are nice quiet people. Call the RCMP if renters are being noisy and stop being such NIMBY people. We don't need expensive permits or by laws for people renting their summer cottages
STVR's do not occupy individuals primary residence, those weekend homes are not available for permanent rental as the owner wants to use the premises several times a year. Rental properties are typically vacant, held for rental to families as their principal residence.
I feel like they have a negative impact in pretty much all those categories, except economically, but even that's debatable, since people would likely spend as much, if not more staying in a commercial accommodation.
Traffic flow and safety: it is ridiculous to even hint that STVRs are responsible for narrow roads, no shoulders and no sidewalks or trails.
STVR's bring tourists to the island who would not normally be able to visit. These tourists spend money in local businesses.
I am not sure that the quantity of short term rentals is such that there is a significant impact. Significant increases in short term rentals may have a negative impact. I am OK with a balanced approach to STVR.
The multiple generation families that stay at STVR homes would not stay at the commercially available accommodations under almost all circumstances.
Often, the visitors are more sensitive to the environment than the locals
I think further study is needed as to the effects of STVR on long term rentals specifically on Pender. From my understanding there are STVRs operating without permits and I think they should be made to apply for the STVR permit.
A STVR in my area could potentially effect an already huge concern with water supply. I am also very concerned that without an owner present basic rules will not be followed i.e. use of fire pits and not smoking! Fire is of great concern to me.
There isn't enough beds at Woods or Poets that are reasonably priced. The STVRs are a great local option.
STVRs and the guests that come to them do not have any more impact on things like water or the environment, than people coming to use their own property, or friends, or personal guests. Bascially these questions are about yes or no on STVRs but between yes or no on allowing any guests or tourists to come to the island. Do we want a small amount of tourists to come to the island, or do we think that the island is at max capacity (even with so many empty homes), that out water and environment can't handle and the ferry should just be for locals. How many tourists come to the island and pay to stay somewhere in the summer on average? 100? is that really what pushes our water use to the edge? It isn't that people don't want STVRs they don't want tourist or any accommodations for non-locals.
Please add, Negative impact: fire department, huge water issues and medical system overload
Fire Department - negative Water supply - negative Medical system - negative
There are always people who live and work on Pender who need long-term rentals. Allowing people to purchase several properties and use them as STVRs has a negative effect on the whole island Local businesses need workers. If there are no decent places to rent because they are being used as STVRs, then the workers either leave or are forced to camp out of to purchase old RVs to live in. People should only be permitted one STVR
local retail economy, food, restaurants, eco tourism all benefit from the extra visitors that stay overnight
I support stvr as a small community it helps out with tourism. I understand it can get busy and frustrating with too many tourists but we are fortunate to live here and letting people see it is part and experience here let's us all remain here.
Tourists are needed to keep the Pender economy healthy!
In regards to Long term rentals, the few bad apples give some great long term renters a bad name and it would appear to me that the bad apples are there own worst enemy.
It divides the people who might not live here or are seasonal residents against the long term residents who often serve these people in restaurants, services, trades, etc.
STVRs bring a lot of consumers to the island. They buy groceries, meals out, art. In consequence, many artisans have a much more robust business. It does seem, though, that operators with permits are penalized for being

law-abiding. For example, two businesses within a block of me have no permits and continue to rent during the pandemic.
Contribute to ferry overloading, excessive traffic, overcrowding at grocery (and everywhere else). Excessive burden on health clinic.
Overall, we are of the opinion that STVRs have a positive affect on Pender Island, specifically the business community. Ultimately, the services and amenities here survive throughout the year from the revenues generated during the high/peak tourist season, since permanent residents are not huge supporters of the local restaurants, but rely mostly on tourism and island-friendly guests from the mainland.
Loss of peace and quiet, never knowing who your neighbours are
The majority of STVR's are not suitable for long term accommodation, The owners are desiring of occupying their own premises and not dedicating their home to long term rental.
Economic benefits -- Positive impact
Opportunity for low income people to afford a home and have an income on pender.
STVR's are what allow me to run my business on Pender. So at least for me, I hope any adverse effects they may have are eclipsed by the benefits. Sadly, all human population growth is likely to have a negative effect on the natural environment. Humans as a category have negative effects on this habitat. STVR's should not be singled out for this.
The increased use of Pender's infrastructure advances the timeline to replace the same, especially rural roads. Where is the money? Garbage in parks, risk of fires will increase as well unless preventative measures are put in place to educate tourist. Ferry traffic is a big issue from Easter to Remembrance Day

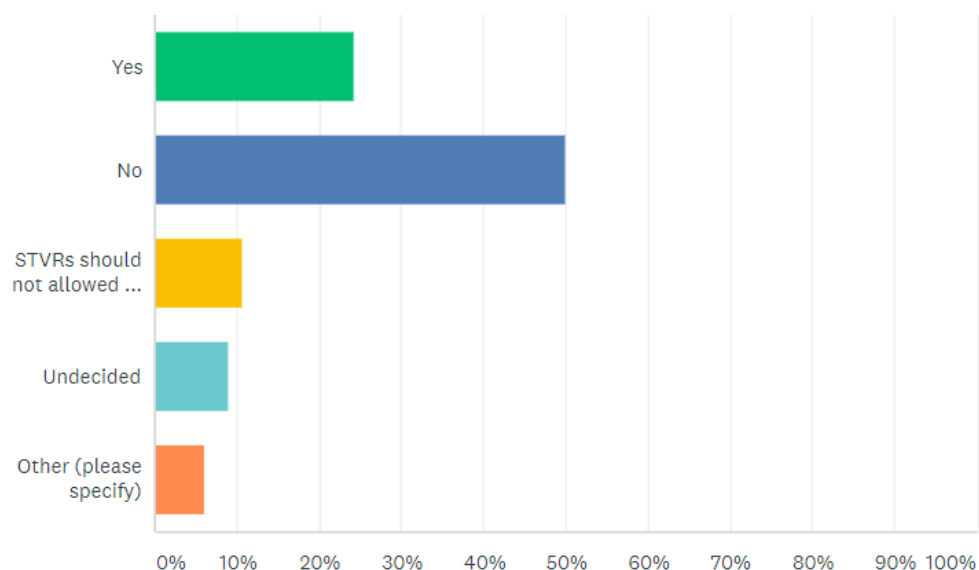
Do you support primary dwellings being allowed to operate as STVRs?



Answer Choices	Survey Results
Yes, STVRs should be allowed in primary dwellings with as few regulations as possible	22%
Yes, but only with a permit that identifies conditions that need to be adhered to	30%
Yes, but only when there is a full-time resident living on the property (e.g. living in the cottage)	24%
Not at all	18%
Other	5%

Comments (Other)
Only rooms in houses. Private kitchens should be available to local renters, not rich tourists.
Yes, with as few regulations as possible. One of those should be that you must maintain a permanent address on Pender.
Perhaps 2 week minimums or a maximum of 40 days in a year.
Yes, with regulations. I am a property owner that would like to rent my (entire) property out from time to time for extra income. When doing so I go to stay with family members on Pender or Victoria
Yes, subject to the permit fee being allocated as a credit against adjacent properties property taxes. And then encourage adjacent property owners to work out any issues with the STVR operator, requiring no bylaw officer involvement, except in rare circumstances..
Primary dwelling with a full time resident living on the property could be allowed in the same house as long as the property was larger than 1 acre. A maximum of 2 adults and 2 children . If the lot is larger than 2 acres perhaps a secondary cottage could be in place as long as the owner is present on the property.

Do you support more than one STVR operating on a single property at the same time?

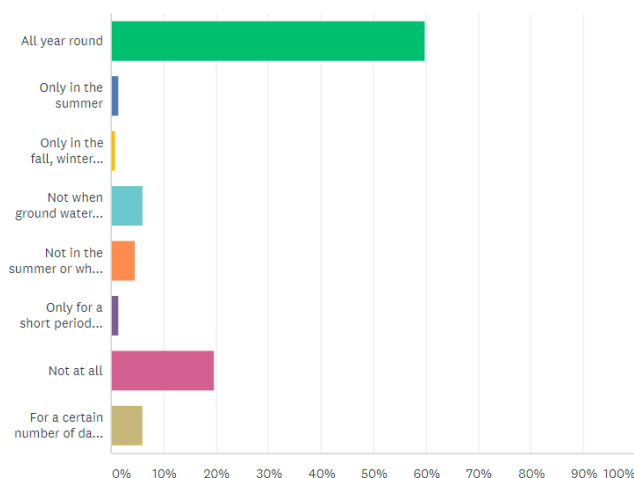


Answer Choice	Survey Results
Yes	24%
No	50%
STVRs should not be allowed	11%
Undecided	9%
Other	6%

Comments (Other)

Yes, as long as the owner is also resident on the property during the STVR stay and all requirements are met.
It depends on the circumstance and what kind of rental it is.
depends on the size of the property and how close to neighbours
Agritourism allows for more than one which makes this difficult to respond to.
It depends on the size of the property. Larger acreages with a house and cottage would be reasonable.
It depends on the size of the property. Larger acreages with a house and cottage would be reasonable.
In general, No - but there could be situations where that would be reasonable. Controversial as it is, Timbers (though he did it without a permit) would be the kind of place that could have more than one - IF the owner lives on the property. I'm against any STVR where the owners aren't the ones living with the visitors...
Most properties on North Pender are in Magic Lake. The size of these lots do not support more than one (if that) on the property. If , on larger lots, more than one STVR is allow, it is reasonable to explore whether these establishments should be classified as motels or hotels as they a businesses far beyond a solitary STVR

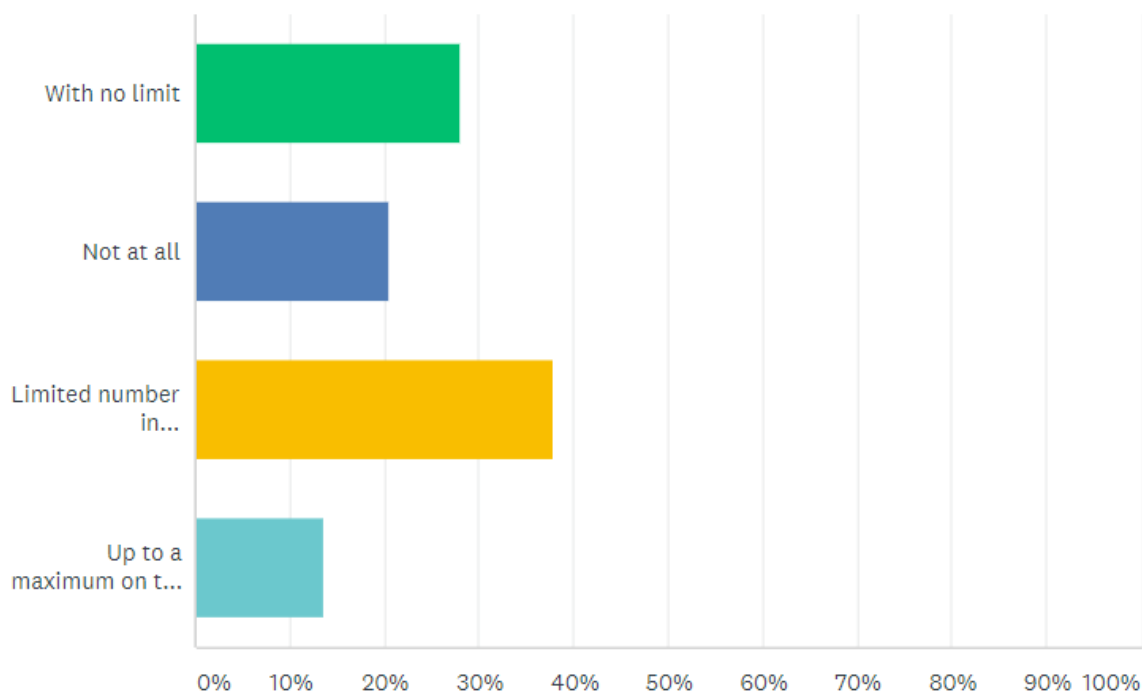
When should STVRs be allowed to operate?



Answer Choice	Online Survey
All year round	60%
Only in the summer	2%
Only in the fall, winter, spring	1%
Not when ground water is most impacted (most impact Sept-Dec)	6%
Not in the summer or when ground water would be most impacted	5%
Only for a short period of time when the full time resident is on holiday	2%
Not at all	20%
Other	6%

Comments (Other)
Any time when the owner is present to inform, monitor & regulate activities
a couple of weeks a year
I don't have a number in mind, but fairly limited, to make it (just) worthwhile for the owner, but not so much as to be a better option than using their dwelling for a full time rental. Preferably only secondary suites and cottages would be permitted.
Maximum 20 days per year
Easter to Thanksgiving - minimum stay 4-5 days as this puts fewer vehicles on the already crowded ferry system
Easter to Thanksgiving - minimum stay 4-5 days as this puts fewer vehicles on the already crowded ferry system

STVRs should be permitted to operate (choose the option you feel most strongly about)?

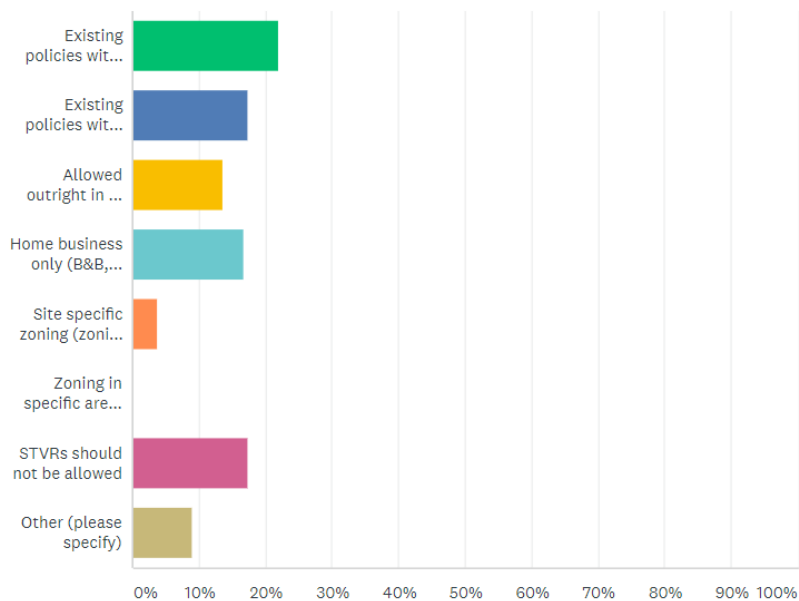


Answer Choice	Online Survey
With no limit	28%
Not at all	21%
Up to a maximum in each neighbourhood	38%
Up to a maximum on the island	14%
Suggested maximums	
25%*, 40%, 50%, 20%, 10%. 1%, 30%, 3%, max 100, 50%	

Are there areas on the island where STVRs should not be permitted? Where and why?

No	41
Not at all	9
Magic Lake/Buck Lake	16
Not where water is limited/a concern	5
Not in residential areas	2
Comments	
Due to wildfire risks NOT in areas where there are NO hydrants.	
Houses that could be rented by locals who participate in the economy full time	
limited in operation enough so that they don't dominate any one area,	
Not in proximity to other STVRs	
Areas furthest from fire station	
Rural or Agricultural zones; the purposes for these zonings are incompatible with use as tourist accommodations	
Oceanfront	

STVRs should be regulated though:

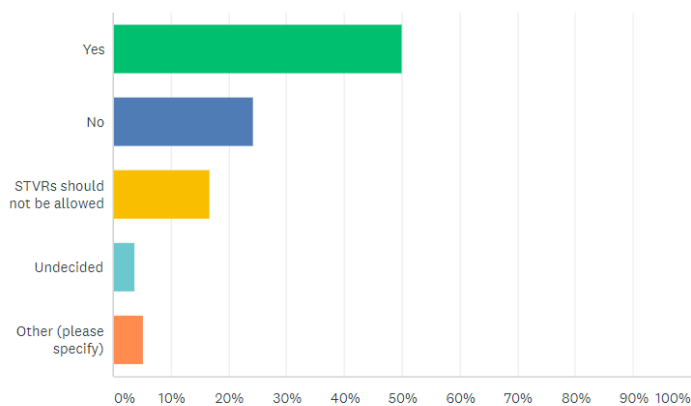


Answer Choices	Survey Results
Existing policies with no change	22%
Existing policies with some changes to TUP requirements	17%
Allowed outright in all dwellings without regulation	14%
Home business only (B&B, cottages, Agri-tourism)	17%
Site Specific zoning (zoning individual properties for STVR use)	4%
Zoning in specific areas (concentrating STVR operations in specific areas)	0%

STVRs should not be allowed	18%
Other	9%

Comments (other)
Units with kitchens should be occupied by people who live on the island for 8-12 months of the year.
Allowed outright in all dwellings however there needs to be a few rules. A few I have considered over the years are 1: Must maintain a permanent/primary address on Island. 2: Must be available or have an agent available on island at all times when the unit is rented to deal with complaints and emergencies.
Fewer regulations - not none (this should have been an option) No TUP required if: -2 Week minimum rentals -Maximum 40 days per year
Limit the number of STVRs by location and neighbourhood and limit the operator to only one STVR and require an application for permission to operate and charge a fee.
I'm not sure, I don't want Pender to turn into Salt Spring but I do think there should be more STVR's allowed to anyone who lives full time in their home and isn't taking away long term housing, only wanting to make extra income when they are away or can. Perhaps policies that limit the amount of people who can stay in a dwelling would help, there are some huge houses that allow big groups and that's where the biggest impact is made I think.
Limiting properties in magic lake due to issues with sewer and water.
It is my recommendation that STVR not be allowed in Magic lake due to the lot size, and in Trinco due to water issues. So these areas are opted out of STVR. In other areas the size of the lots, especially in subdivisions, needs to be taken into account. As STVR owners are using their secondary home as "mortgage helpers" not because they did not qualify for the mortgage, the Trustees have an ethical responsibility to ensure that residential zones remain primarily residential. Consideration should be given that a TUP that would be limited to 3 years followed by a two to three year gap before reapplying. Those who previously operated an illegal STVR should be limited to 1 year TUP at onset and then a two year TUP, followed by a two to three year gap. We forget that many many homeowner let (as is their right), extended family and friends stay in the "secondary" home in addition to the STVR being in operation. The local long term residents are not only dealing with the issue of STVRs.

Where STVRs are allowed, should the number of bedrooms or guest be limited?



Answer Choices	Online Survey
Yes	50%
No	24%
STVRs should not be allowed	17%
Undecided	4%
Other*	5%

Comments (Other)
Maybe limited to the size of the house, I.E., a 3 bedroom house having no more than (approximately) 6 guests, maybe through permitting each stvr would be assessed for capacity.
Should be dependent on sleeping accommodations on the premises and regulated by TUP
Number of guests (dependent on # of bedrooms - ie. no more than double the number of bedrooms).
depends on the size of the property and proximity of neighbours
yes, by the owner and in conjunction with working out what is reasonable with adjacent property owners, keeping in mind those adjacent property owners are receiving a portion of the permit fee, which would be partly scaled to the potential gross revenue of the STVR
Yes, but determined by some kind of reasonable assessment of size of property, building, water supply etc.

Is there anything not covered by this survey that you would like to share about STVRs on North Pender Island?

Fire Risk
On November 17, 2019 I submitted a detailed letter re. our concerns -at that time specific to Temporary Use Application NP-TUP-2019.6 . All the concerns apply to this survey. Primarily fire risk created by visitors not familiar with conditions on Pender and the lack of hydrants in many areas, current issues with the aquifer in areas where homes are on wells potentially made worse, and if property owners (on the property-not just someone assigned to address problems) are not present the inability to monitor and regulate guest behaviors . Our home is our dream retirement property and we believe STVRs where owners are NOT present put that at risk. Water is already an issue, fire risk is an issue and impact on quality of life could be an issue. Thank you.
Housing Affordability (Renter)
The island needs to be able to house the people who make the economy run all year round - not just rich people who show up for 4 months
The problem isn't specifically STVRs, it's affordable housing supply. Island Trust needs to find a way to allow affordable housing construction. Banning STVRs will be a useful measure to free up units for local low-income residents but it won't be enough. And if you must permit STVRs, you can work with AirBnB to charge a hefty sales tax and allocate it to affordable housing on the island. This affordable housing should be relatively dense and it should be in walking/biking distance to the important things on the island - so somewhere near Driftwood or the School.
Impacts the availability of rental properties for people who live and WORK here.
I would like to see some kind of policy developed that would balance STVRs on the island with the need for full time rental accommodation for residents.
Housing Affordability (owner)

An individual will never purchase at today's prices a home to be only be rented long or only STVR, the property is too expensive for that use. This is simply a method where an owner can offset the costs of their purchase and support local economy.
The impact on low income people. STVRs provide an opportunity for some people to afford to live on Pender.
Sense of Community/ Use of community resources
Unfortunately stvr's do not allow for a sense of community, take up valuable long term rental opportunity and place a high need on our limited resources including medical, food, water and infrastructure.
Pender Island is already changed to its detriment over the past 15 years I have lived here. A small, tight knit community is fast becoming what I see as a 'Whistler' full of short-term visitors and renters. Our community is slowly being eroded. Benefits have been the creation of some jobs, but they are all temporary and low-end in nature. Costs are escalating. Many can no longer afford to live here. The only ones benefiting from STVR's are off-islanders who want financial support to buy a second property on the island. For a community, B&B's in a persons house are a much better way to help local residents pay their bills and not destroy our community at the same time.
Increased volume of traffic on unsuitable roads. Parking problems at the Driftwood. Pressure on the food market. Increased illegal dumping of domestic garbage at the end of the rental period.
Noise
Many residents are retirees and do not enjoy experiencing frequent changing of nearby neighbours , especially those with dogs,kids, stag parties, wakes etc
noise restrictions
Enforcement
Enforcement, I have seen the rules broken for years with almost no enforcement, should they go ahead there needs to be an easy to use system in place for reporting problems, and some real enforcement of the rules
You need to police this more thoroughly. It's going on all around and people say "oh, my friends will be staying at our place" when really they have rented it out and have been doing it for years. No one seems to care.
Many people who come for holidays then decide to move to Pender and this is positive for the real estate market.
Economic Benefit
The island residents and owners need to encourage tourism to the Pender islands if the minimal commercial services that are available on the island are going to survive. We need a healthy gulf island economy. Tourism is a key element of that.
There are numerous benefits to STVR's on the island like helping to create jobs and income for islanders by providing much needed services to support seasonal rentals. The local economy also prospers due to the average spend of a family on the island during their visit like groceries, restaurants, wine tourism, golf, kayaking, art tours and sales etc. Tourism, including STVR's support the local economy.
We should be promoting tourism to all of the island for the island to stay economically healthy!
The island needs affordable vacation rental. We came to Pender because of Roesland. The island also needs an economy. Without tourism there would be no jobs
Many people who come for holidays then decide to move to pender and this is positive for the real estate market.

It's a struggle to find gainful employment on Pender. It's becoming a retirement community. I have nothing against retirement communities. But I love Pender. STVR's are what allow me to be here. I hope that the regulations loosen so that my airbnb business is less burdened.
No Problem with what exists
Our neighbors who operate STVR are very considerate and respectful of the neighborhood and we have had no problems.
This whole thing is people being afraid of more tourists. We don't have a traffic issue, unless you consider the 5 days a year when it is hard to find a parking spot at Driftwood. We have a water issue, but for 50 years hundreds of people have been bringing family and friends to their houses and getting paid cash to rent their places with no regulations, so why should having those paying tourists use an app, rather than just paying under the table make that big a difference to the water. Plus we have the Woods and Poets using tons of water, so why can't the local people make some money renting there place rather than these high priced hotels making all the money. If we have friends who want to come, they can't afford to stay at Poets! So they cram into our place, but I would rather pay a neighbour a small amount to have friends stay down the street.
Woods and poets are very expensive. Airbnb is a great alternative and allows empty houses to be used. Brings more tourists that spend money. It's great
The experience has been good for me thus far. It was difficult to set up but now that i am up and running, it is smooth and there have no challenges with my neighbors
Need for balanced approach
Yes the community has to grow to be sustainable.
policy should balance economic diversification and the rights of property owners with demands on local infrastructure and the existing rural lifestyle.
The STVR issue is, first and foremost, a local community issue. A local issue that would do well to keep in mind the global deterioration of small and large communities secondary to STVRs. Before deciding how to regulate STVR, the Trustees would be advised to consider the Pender community as it exists now and 10 years ago and 10 years in the future. What is envisioned for Pender.?After all, Pender is unable to be all things to all people. We cannot have it all. What is a reasonable compromise? Do we support those STVR owners who wish to earn their "income" at the expense of residential neighbourhoods such as Magic Lake? Or should the focus be on building a community, respecting the land and water and limiting the influence of those who see Pender as an investment?
Water Concerns
I agree that water use is a main concern. One solution might be to require STVRs to install water meters.
In areas were groundwater is a concern modern low flow fixtures should be mandatory code instead of an anti guest policy.
Paid Tourist vs Other Guest
We don't have restrictions for the island capacity at the ferry terminal. STVR are just a type of paid tourist accommodation. The island needs to decide how many people the island can accommodate at different times of the year. If our current infrastructure is maxed out, even with hundreds of homes unoccupied for years, and there is only room for 50 more people on a weekend then do we restrict people from bringing family to their private property? Should we count the ferry riders and say there is already too many on the island for the weekend and sorry but people can't bring guest? Do we close rooms at the Woods once we have 50 private guests on island? If we can handle 200 extra on a summer weekend then cap the whole accommodation pool accordingly (hotels/BBs, STVRs). But is it 100 or 250 extra people? Do non-paying family guest count because they love showers also? There shouldn't be a special set of caps for STVRs over hotels or over people bringing personal family. Either

we have a infrastructure capacity issue, or we can handle it and lets plan accordingly. Lets stop blaming it on a idea that tourists are having showers that are 3 mins too long, and be honest that locals moved here to hideout from the world and they just don't want tourists to draw down the water they like to use to water their flowers, or making noise on their sleepy island (like every small retirement town in the world). Good luck. Thanks for all your hard work trying to find a balance point.
NYIMBYism
Property owners should be free to utilize their properties in a manner they see fit. There are bylaws for noise and nuisance that can deal with offenders. For the most part it may be a case of NIMBYism.
Stop being such old NIMBY people. I have been here for decades and we need families and tourists to come here.
No STVRs
STVR have not worked in the past. No reason to think they will work with the community in mind in the future. Residential zoning should not allow STVR unless it is an accepted Bed and Breakfast business following health guidelines.
We have been through this process a couple of times and when we think that STVR's are to be no longer, they continue to operate. Our elected reps did not seem to read any of the multitude of letters which displayed a "no STVR" attitude.
Outreach Method
To get a balanced opinion, there needs to be a way to inform and involve part time residents Otherwise, there is simply a reinforcement of the drawbridge mentality.
I worry that this survey won't reach the most impact members of this community, who have to rent and move, rent and move.
Pandemic Impact
We do not know how long the current pandemic will last, nor when the next one will happen. Having short term visitors would have strong negative impact at the tails of the pandemic
It's too bad there are so many hard feelings
More Relaxed Regulations
Homeowners are responsible and should be allowed to do what they need to do, including renting their property as they wish, within zoning by-laws. Existing STVR by-laws need to be revised to reduce requirements and remove temporary use permitting. Trustees need to back off from their negativity regarding STVRs, and stop trying to manage peoples lives. Requirements for legal secondary suites also need to be reduced so more spaces can be used for affordable housing or financial assistance, eg. cabins, cottages, coach houses, recreational units, etc. We also need an RV park for residents and visitors, with a mixture of long and short term
Should be Similar to South Pender
Should be similar rules on North and South. South Pender STVR's use all resources of North Pender. Drive in roads through North to get to South.
Other
We love the fact that Pender Island is small enough to create a sense of a very tight-knit community, but large enough to have amenities (unlike Saturna) and we prefer it that way. Most STVR operators, in my opinion share the same sentiment, otherwise they would not have owned property here. While we have a TUP, we know that it is a privilege to have it (are aware of the complexity of application process) and not a right. It might be a good idea to review some of the rules with regards to STVRs.
In our experience the TUP applications are always approved as long as the owners follow the process, despite objections from neighbours and our objections have largely been dismissed, almost as if there was a hidden agenda to approve STVRs on Pender. We appreciate receiving this survey.

2020 North Pender STVR Policy Review: STVR Operators Survey

Below are the answers to a survey emailed to STVR operators that have TUPs. There were six respondents. Responses 5 and 6 appear to be from the same household. There are currently 11 TUPs for STVRs on North Pender Island.

1. *Are you a fulltime resident of North Pender Island? If not, how much time do you spend on the island?*

1. 50% time on Pender
2. I am a fulltime resident.
3. Not full-time at this time. Approx. 25%
4. No - approx 50 days per year
5. No. 100 days a year
6. No. Our extended family is on the property every month.

2. *How long have you owned your property?*

1. 4 years, but I have been coming to the island for 30 years through other family.
2. Since January 2008.
3. 47 years.
4. 2 years
5. 2 years
6. 30+ years

3. *How long have you been running your STVR?*

1. 2 years
2. My TUP was issued in November 2017.
3. Since May 2, 2018
4. 1 year
5. 1 year
6. Since receiving our permit

4. *For how much time in a year is your property operating as an STVR?*

1. 20% approximately on average (more in the summer, a lot less in the winter)
(note that I could rent it as much as I wanted in the summer, there is huge demand, but we like to use the cottage a lot in the summer also)
2. 10 weeks per year. In 2020 it will be virtually zero due to COVID 19
3. Very little because of Covid-19. There had been great interest.
4. 100 days
5. 8 weeks
6. 25-20% of the year

5. *How has running your STVR benefited you?*

1. Financially – it helps cover some expenses and part of the mortgage.
Makes us add more function and services to the property: we added a hot tub -for instance.

We pay local island people to help with property maintenance and things like cleaning that we never did before.

2. It has allowed me to afford the rising costs of home ownership, including, but not limited to, property taxes, utility upgrades such as the water and wastewater municipal levies, BC hydro cost increases, cable cost increases, home maintenance and repairs such as painting, roof and gutter repairs, tree maintenance, appliance repairs and maintenance, electrical and plumbing upgrades etc. It has also helped to cover the rising costs of island goods and services as well as transportation including increased ferry costs and fuel costs.
3. It is a terrific benefit and something I thank the Islands Trust for. When we are not there, it means that someone can be there enjoying the home and the island! Furthermore, it was beginning to provide needed income.
- 4 Financial income, sharing the cottage/Island with friends and family, helping local businesses that benefit directly from tourism.
5. Financially (obviously). But also in that it allows us to share our cottage with friends and family, who are happy to help us financially and get to stay on Pender. Helping local businesses to benefit from tourism.
6. It makes it possible for us to maintain and keep the property in good repair.

6. Have you ever had problems with STVR renters? How were those problems dealt with?

1. 98% of guests are amazing, helpful, nice, easy guests. Most are small families with young kids who love the lake. We have had less than a handful of challenging ones that might have brought more guests than contracted, or have broken something without replacing it. We have had no real noise issues, no significant damage, no negative feedback from neighbours.

We have a web enabled video camera, that is noted on the listing, that looks at the driveway outside. We can tell how many guests arrive. We would also be able to hear if it was very loud outside. We have confronted only 1 set of guests about extra people. They were only there for a short time and agreed to pay extra for the guests and to keep any extra noise down. Simple solution.

4. No, I have not had any problems with STVR renters. In fact, our neighbours have commented on multiple occasions that our guests are very quiet and respectful.
5. We have not had any problems since our permit was granted! The tenants we deal with are very responsible, honest and respectful. And most people really like the islands and want to return!

6. No
7. We have not had any problems with any STVR renters. In fact, every guest who has stayed has commented how much they enjoyed the cottage and the island.
8. Not a problem!

7. How frequently do you and your friends and your family use your property?

1. Our property is used by our family about 50%
2. I enjoy my property most of the rest of the time when it is not occupied by guests.
3. During Covid-19, we have not been able to. Otherwise, 25% of time perhaps.
4. Two to three weekends per month, with a few week-long trips during the summer
5. 3 times per month
6. Every month- this is important to us.

8. Have you had any experiences with long-term renters?

1. Yes, years ago. Sadly, they did not maintain the property and damaged things. Breached rules around pets. Were more of a noise issue with neighbours than STVRs guests. Also the rent level they expected did not cover the mortgage and bills. Plus, then we were unable to use the property.
2. Yes, at the beginning I had a one year lease with a couple from the island. Unfortunately, it was not a good situation. The couple were both smokers and exhibited some unfavourable behavior. I have a non-smoking property due to the many trees and dry brush so when the couple asked to break their lease early to move away, I was relieved. I have not had any issues with any STVR guests.
3. No experience of paying long-term renters for our property.
4. No
5. No. We've tried to find long term renters but could not find suitable.
6. No- we want to use our property

9. Would you ever consider renting to long-term renters? Why or why not?

1. See above. Primarily because we love our cottage and we like to be here half time so we can't take renters.
2. I would not consider going back to renting to long-term renters due to the problems I had to deal with when I had a long term renter as noted above.
3. I would not want to rent my home to long-term renters because we want to go to our home. Furthermore, I want to share our home and Pender with different people, rather than have the exclusive use by one party. Also, a long-term renting can be a problem if tenants do not pay rent or become disrespectful towards the community. I do not want to

take that risk. Finally, I see home stays as a different way for guests to enjoy the islands in addition to hotels and camping -- each form has its benefits.

4. No. We prefer to use our cottage/property when we'd like.
5. No. We want to be able to use our cottage at least every month
6. NO- for reasons stated above.

10. Is there anything else you would like North Pender Island Trustees to know about your experience operating an STVR with a TUP?

1. There are thousands of residents on the island, I don't think having about a dozen STVR worth of guests on the island has a negative impact. Many of them come to attend weddings or visit with other residents. But almost all of them go to the grocery store, eat at Joes or the pub, visit the cidery or golf course, rent kayaks etc. They also mean we can pay for cleaning help, hot tub cleaning help, and other maintenance work from other locals. However, I regularly hear locals complaining about renters on the island in the summer clogging up their ferry etc...

I think it is great that you have a permit process.

I am glad my neighbours know I have a STVR

The TUP process (when I went through it) was very confusing and challenging to figure out, and I think it could be much clearer. I also found the fee to be very high (about the same as my mortgage for the month), but maybe it is more administratively intense that I think it is?
-I support enforcement of non-permitted STVRs. They don't inform their neighbours or go through the application, and that isn't fair.

There is a lot of push back and concern about renters mistreating the lake, forests, or wasting water. We do our best to inform guests about these things and have never had an issue.

The concern about increased water use is a NIMBY complaint. If we didn't have guests here then we might be here more, and therefor the same amount of water is used. There are so many empty homes on the island using no water, and people complain that they should be used more or rented out, well that would be even more water use.

The most challenging thing I have had is specific neighbours who don't know the law or drop comments or express concerns that are unfounded. Examples:

I have had a neighbour call me to complain about the noise coming from guests at my cottage. I appreciate the neighbour calling me and have given my number out to all my neighbours. However, the issue is that the neighbour goes to bed around 8:30pm even in the summer. The guests were a couple with two children under 10 years. It was a sunny summer Saturday evening and they let the kids jump off the lake dock at sunset, and then they were in the hot tub. The call came in at exactly 10pm. The neighbour claimed that it is a noise by-law violation to have

outside sound after 10pm. There was no music. No party. Just a family of 4 on a deck at 10pm on a Saturday night. I contacted the police to deal with the apparent noise issue, only to find out that the noise by-law isn't until 11pm minimum and generally only for amplified music, or unusually loud groups and the police will not attend a call for children at play.

he same neighbour took pictures through the fence and called me to tell me that my guests were shooting a gun on the property. I was very concerned of course. It happened that the people at the cottage were not STVR guest but actually my brother and my nephew (whom the neighbour has met many times but forgets who they are). I contacted them immediately only to find out my nephew had a small toy gun that you can get at a department store. It was no risk to the neighbour, not illegal, but the neighbour took photos of the children, called me and threatened to call the police.

Overall my neighbours have been positive or neutral about the guests and the STVR. Some of them have had friends or relatives of theirs stay at our cottage when they didn't have space at their place.

Thank you for surveying the community and especially thank you for sending a unique survey to the STVR owners so we can express our views.

2. I have had no issue complying with the requirements of the TUP.
I would encourage the North Pender Island Trustees to not put a higher weight on the loud voices of those owners (full and part time residents) that speak out against STVR's due to the fact that they don't directly benefit from STVR's. STVR's provide much needed jobs for young people and people of all ages. I hire local islander's to do the wide ranges of services that support my STVR like cleaning before and after guests, gutter cleaning, yard work, repairs and maintenance etc. For a vibrant community to thrive, we need to provide the support for our retail merchants, restaurants and the other service providers that make their home on Pender Island. Please ensure that this program and the current processes continue.
3. I am grateful to the Island Trusts for their support in STVRs. I think this is a tremendous benefit for the islands, especially as the economy will need income to repay increasing debts. My only regret is that we have not been able to take full advantage of our privilege so far – We could not spread the word in 2018 sufficiently until we had a permit. 2019 started bringing in income and happy guests! 2020 was looking really promising but now all reservations have been cancelled for understandable reasons due to Covid.
4. We feel that we are responsible, aim to limit the number and type of guests (two adults or small families) to those who would be welcomed on the Island. We don't allow large groups, parties, or anything that would jeopardize our cottage. We've put a lot of time, effort, and money into taking a run-down home into a lovely cottage that has only brought value to our street. We make an effort to promote local businesses, conserve water, and observe the rules set out for us by Islands Trust.

With that being said, our street is quite quiet and as a young family with nieces, nephews, and friends, we feel that **any** noise (mostly coming from children playing) has been complained about as “noisy guests”.

5. There are many properties in Magic lake estates that have absentee owners who do not operate STVR's, this does nothing to build up the community. I would way rather see houses used for STVR's than sit empty year after year. STVR's bring financial benefit to the area, but also help to create a better community.
6. It has been wonderful way for us to share our home with wonderful families and groups that would otherwise not have access to the Gulf Islands.

Purpose: *The purpose of this project is to conduct a review of North Pender Island's Short Term Vacation Rental (STVR) policies and regulations and evaluate the impact of STVRs on North Pender to inform potential policy change*

Background: *Short Term Vacation Rentals review is a one of North Pender Island LTC's Top Priorities. On November 7th 2019, The North Pender Local Trust Committee was provided with a staff report identifying process options to review short term vacation rentals. This Project Charter is based on the recommendation to support a limited review with public engagement process.*

Objectives

- To assess the impact of STVR use and related policy and regulations on North Pender
- To review options for changes to existing STVR regulations and policies

In Scope

- Identification of number and locations of known STVRs operating on North Pender
- Review and analysis of existing STVR regulations and policies
- Public outreach including a community survey and one public meeting
- Identification of STVR regulation and policy options
- Bylaw amendment process (dependent on recommendations)

Out of Scope

- OCP of LUB amendments not related to STVR

Workplan Overview

Deliverable/Milestone	Date
Project Initiation	January 30/2019
Report on project process and endorsement of project charter	January 30/2019
Complete public/stakeholder outreach (including public meeting)	May /2020
Report to LTC on public engagement results and policy options for LTC direction	May - July 2020
Draft Bylaws for LTC review	July 23/2020
Community Information meeting	October/2020
Bylaw amendment first reading	November 26/2020
Bylaw referrals	Oct.2020
Public Hearing, further reading	February, 2021
Bylaw amendment process completed	Spring/2021

Project Team

Narissa Chadwick	Project Manager
Maple Hung	Admin Support
Jackie O'Neil	GIS Support
RPM Approval: Robert Kojima Date: January 10, 2020	LTC Endorsement: Resolution #: Date: January 30, 2020

Budget

Budget Sources:

Fiscal	Item	Cost
2019-20 (LTC exp.)	Advertising, communications and display materials	\$500 (LTC exp.)
2020-21	Open House	\$500
2020-21	CIM	\$500
2020-21	Public Hearing	\$1000
2020-21	Legal/Contingency	\$2000
	Total (2020-21)	\$4000

Top Priorities Report

North Pender Island

1. STVR review

to review the policies, regulations and impacts of STVRs

Responsible

Narrisa Chadwick

Dates

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

2. Climate Change Adaptation, Mitigation and Resilience

Phase 1: Groundwater Sustainability Project (2019-2020)

Phase 2: Sea level rise adaptation (2020-21)

Responsible

William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 31-Mar-2020

3. LUB Review

To consider potential LUB amendments to implement OCP policies, and to make technical amendments

Responsible

Robert Kojima

Dates

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



Projects Report

North Pender Island

1. *Climate Change Adaptation and Community Resilience*

Responsible

Date Received

Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience

22-Jan-2009

2. *Official Community Plan Update*

Responsible

Date Received

- View corridor review
- Parks and Conservation area review
- Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)
- Marine riparian areas
- Regulations to address roadside sign placement.
- Designate locations for Level 2 Charging Stations
- Designate locations for additional Car Stop Locations
- Designate locations for additional Bicycling-Walking Routes
- Review of heritage Roads

22-Jan-2009

3. *Agricultural Building Watercourse Setbacks*

Responsible

Date Received

Implement Ministry of Agricultural Standards for Building Setbacks from Watercourses in Farming Areas.

28-Jul-2011

4. *Geological Hazard Mapping*

Responsible

Date Received

Continue work on proposed DPA for Hazardous Areas

22-Feb-2012



5. Shoreline Project Implementation

Date Received

6. Conservation Subdivisions

Date Received

03-Feb-2015

7. Freshwater sustainability

Date Received

29-Oct-2015

8. Coastal Douglas Fir Ecosystem

Date Received

01-Feb-2019

**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2019.1	Burdett, Anne	15-Nov-2019	Application for Inclusion/Exclusion of land in the Agricultural Land Reserve

Planner: Phil Testemale

Planning Status

Status Date: 05-Feb-2020

Contact from Madrone Environmental re: Agrology report. Extended deadline to April 7, 2020. Other requirements for application completed/underway.

Status Date: 07-Jan-2020

Letter sent to applicant as application incomplete. Request information within 60 days.

Status Date: 17-Dec-2019

PTA created file, fees paid, LTC notified, given to Planner

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2020.1	Lundquist, Al	31-Jan-2020	ALC Application for (Non-Farm Use) / (Inclusion).

Planner: Phil Testemale

Planning Status

Status Date: 13-May-2020

July 2, 2020 agenda: non-farm use and inclusion application

Status Date: 17-Apr-2020

Applicant is in discussions with owners over options.

Status Date: 06-Mar-2020

Request for (agrologist's) report from applicant on inclusion area.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Application for development permit for a building in a form and character DPA
Planning Status			
Status Date: 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.			
Status Date: 04-Jun-2018 Received from Applicant cheque for application fee by post mail.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.2	Randall, Jaimes	21-Apr-2020	38228 Schooner Way - development variance permit application to reduce setback of a dwelling.
Planner: Phil Testemale			
Planning Status			
Status Date: 24-Jun-2020 Notification complete. July 2, 2020 agenda for consideration			
Status Date: 23-Apr-2020 Fees received, file created, notified LTC, maps & mailing list requested, waiting for planner to be assigned			
Status Date: 21-Apr-2020 PTA received plans and application, waiting on fees			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.3	Mansley, Jess	28-Apr-2020	2319 MacKinnon Road - development variance permit for siting of an accessory building in a setback.

Planner: Phil Testemale

Planning Status

Status Date: 23-Jun-2020

Notification completed, July 2, 2020 agenda for consideration.

Status Date: 06-May-2020

Fees recieved, LTC notified, Maps & Mailing List requested, sent to planner.

Status Date: 29-Apr-2020

PTA created file, waiting on fees from applicant.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD

To change from a TUP to permanent zoning for works yard.

Planner: Phil Testemale

Planning Status

Status Date: 12-Jun-2020

Met with applicants to discuss options. Applicants addressing outstanding conditions prior to bringing forward.

Status Date: 13-May-2020

E-mailed applicant to update on OCP Implementation and to request response on options provided in March.

Status Date: 26-Mar-2020

Options provided to the applicant. Awaiting response.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION Planner: Phil Testemale Planning Status	05-Jul-2018	Application for rezoning of portion of Danny Martin Park from 'Community Service' to 'Community Park'
Status Date: 13-May-2020 E-mailed PIPRC.			
Status Date: 21-Jan-2020 Planner will contact PIPRC about proceeding with application as is.			
Status Date: 23-Oct-2019 E-mail to Justine Starke, CRD requesting update and advice on proceeding			

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross Planner: Phil Testemale Planning Status	29-Nov-2012	2218 CLAM BAY RD: referral of a bare land strata subdivision application for 11 lots, including remainder
Status Date: 13-Sep-2019 PLA Extension request rec'd. Reply with no objections.			
Status Date: 17-May-2019 strata access route layout and standards approved by MoTI and PAO			
Status Date: 09-May-2019 Meeting with applicant - update on progress of application			



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd: referral of a boundary adjustment subdivision application

Planner: Phil Testemale

Planning Status

Status Date: 27-Jun-2019

Conditions on PLA outstanding (particularly removal of illegal dwelling)

Status Date: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC

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: 03-Mar-2020

Potable water report compliant with bylaw requirements. Applicant working on remaining conditions precedent of subdivision

Status Date: 07-Feb-2020

Hydrology report received and being reviewed. Comments back to Western Water awaiting final report.

Status Date: 26-Sep-2019

Applicant advised of regulatory requirements, professional hydrologist certification

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending May 2020

650 North Pender	Invoices posted to Month ending May 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	755.00	0.00	755.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,703.00	0.00	2,703.00
65210-650	LTC - Local Exp - APC Meeting Expenses	258.00	0.00	258.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,505.00</u>	<u>0.00</u>	<u>3,505.00</u>
Projects				
73001-650-2006	North Pender OCP/LUB	4,000.00	0.00	4,000.00
73001-650-4108	North Pender Short Term Vacation Rental (STVR) Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>



Standing Resolutions Log

North Pender Island

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

Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.	Carried	28-Apr-2011
2007-146 (Standing) THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.	Carried	30-Aug-2007

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing) Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.	Carried	25-May-2006
2005-005 (Standing) The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations	Carried	27-Jan-2005



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality May, 26 2020

Islands Trust Conservancy Board News

Island Trust Conservancy (ITC) conducted its first public, electronic Zoom meeting as a means of reducing contact during the COVID-19 pandemic. The ITC Board was informed of staff work transitions resulting from the novel virus. All information about ITC's response to COVID-19 is posted to the Islands Trust and Islands Trust Conservancy websites.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The ITC Board received the *Climate Projections for Islands Trust Area* report http://www.islandstrustconservancy.ca/media/84991/itc_climateprojectionsreport_final.pdf and approved a Climate Change Project Charter.

ITC staff collaborated with Local Planning Services on the Contiguous Forest Mapping Project. The information was received by Trust Council at its June meeting.

Goal 2 – Strong relationships with First Nations

The ITC Board considered revisions to its Vision Statement to reflect its Reconciliation Declaration. The Board directed staff to bring further revisions to a future meeting and requested that staff also bring the ITC Mission Statement concurrently for consideration.

A/Manager Emmings gave an overview of the staff reconciliation retreat on May 7, 2020 and indicated that staff will meet in the near future to continue to integrate actions into work plans that reflect the Conservancy's commitment to its Reconciliation Declaration.

Goal 3 – Protection of core conservation areas

Property Management

Annual monitoring activities are delayed due to COVID-19. Staff are planning for a reduced monitoring season to accommodate travel restrictions, but visits to most properties will occur.

The ITC Board directed staff to prepare a budget request for the 2021-2022 fiscal year to address management of wildfire risks on ITC conservation properties.

The ITC Board approved nature reserve management plans on Denman Island (see island updates below).

Land Acquisition and Covenants

The ITC Board approved a Natural Area Protection Tax Exemption Program conservation proposal for North Pender Island (see island updates below).

Goal 4 – A strong voice for nature conservation

The ITC Board received a briefing on 30th Anniversary activities. The Islands Trust Conservancy's 30th Anniversary plans will highlight accomplishments and focus on the future and biodiversity.

ITC conservation covenant landowners received the *Caring for Your Conservation Covenant* newsletter and a 'Communications and Engagement Questionnaire'.

ITC, in collaboration with the Coastal Douglas-fir and Associated Ecosystems Partnership (CDFCP), Raincoast Conservation Foundation, and several island conservancies, produced forest ecosystem information sheets for each local trust area. These will be mailed out to 375 owners of forested land in the early summer.

The ITC Board approved its 2019-2020 financial statement and text for its Annual Report and considered a draft agenda for the July 14th ITC / Executive Committee liaison meeting.

Activities by Local Trust Area/Island Municipality

Denman – The ITC Board approved the 2020 updates of the Inner Island Nature Reserve Management Plan and the Lindsay Dickson Nature Reserve Management Plan. The Board also approved the first Valens Brook Nature Reserve Management Plan. Once approved by conservation partners, these will be posted to the Islands Trust Conservancy website at <http://www.islandstrustconservancy.ca/protected-places/caring/>.

The ITC Board approved a \$5,000 Opportunity Fund Grant for the Denman Conservancy Association. Opportunity Fund information is available at <http://www.islandstrustconservancy.ca/initiatives/supporting-local-land-trusts/opportunity-fund-grants/>

Gabriola - Invasive species were managed in Elder Cedar Nature Reserve and one conservation covenant on Gabriola Island.

Galiano - Invasive species were managed in one conservation covenant on Galiano Island.

North Pender – ITC approved a conservation proposal to place a NAPTEP covenant on 3.99 ha on Clam Bay Road, North Pender Island.

Salt Spring - Invasive species were managed in three conservation covenants on Salt Spring Island.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca