North Pender Island Local Trust Committee
Regular Meeting Agenda

Date:	March 17, 2023
Time:	10:30 am
Location:	Anglican Parish Hall
	4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	10:30 AM - 10:30 AM	
2.	APPROVAL OF AGENDA	10:30 AM - 10:35 AM	
3.	TRUSTEE REPORT	10:35 AM - 10:45 AM	
4.	CHAIR'S REPORT	10:45 AM - 10:50 AM	
5.	ELECTORAL AREA DIRECTOR'S REPORT	10:50 AM - 10:55 AM	
6.	TOWN HALL AND QUESTIONS	10:55 AM - 11:10 AM	
7.	COMMUNITY INFORMATION MEETING - None		
8.	PUBLIC HEARING	11:10 AM - 11:40 AM	
8.1	NP-RZ-2022.1 (Sidney Island Strata Corporation) - Proposed Bylaw No. 232		
8.1.1	Recess for Public Hearing		
8.1.2	Recall to Order		
9.	MINUTES	11:40 AM - 11:50 AM	
9.1	Local Trust Committee Minutes Dated January 20, 2023 (for Adoption)		4 - 12
9.2	Local Trust Committee Special Meeting Minutes Dated February 10, 2023 (for Adoption)		13 - 17
9.3	Local Trust Committee Special Meeting Minutes Dated February 25, 2023 (for Adoption)		18 - 23
9.4	Section 26 Resolutions-without-meeting Report - None		
9.5	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		

10.1 **Follow-up Action List Dated March 2023** 24 - 27

11. **DELEGATIONS**

12. **CORRESPONDENCE**

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

Projects Correspondence

Applications Correspondence

12.1 **Forestry management concerns – various submissions** 28 - 34

13. **APPLICATIONS AND REFERRALS** 11:50 AM - 12:50 PM

13.1 **NP-RZ-2022.1 (Sidney Island Strata Corporation) - Proposed Bylaw No. 232 - Post Public Hearing Staff Report (attached)** 35 - 40

13.2 **NP-TUP-2022.5 (Sketch) - Staff Report (attached)** 41 - 62

13.3 **NP-TUP-2023.1 (Vermeeren) - Staff Report (attached)** 63 - 96

13.4 **NP-TUP-2023.2 (Hepburn) - Staff Report (attached)** 97 - 123

14. **LOCAL TRUST COMMITTEE PROJECTS** 12:50 PM - 1:05 PM

14.1 **North Pender Local Trust Committee Draft Fees Bylaw No. 226 - Staff Report (attached)** 124 - 132

15. **REPORTS** 1:05 PM - 1:15 PM

15.1 **Work Program Report (attached)**

15.1.1 Active Projects Report Dated March 2023 133 - 133

15.1.2 Future Projects Report Dated March 2023 134 - 135

15.2 **Applications Report Dated March 2023 (attached)** 136 - 139

15.3 **Trustee and Local Expense Report Dated Jan 2023 (attached)** 140 - 140

15.4 **Adopted Policies and Standing Resolutions**

15.4.1 Standing Resolutions - Staff Report (attached) 141 - 143

15.4.2 Adopted Policies and Standing Resolutions (attached) 144 - 149

15.5 **Local Trust Committee Webpage**

15.6 **Islands Trust Conservancy Report Dated Feb 2023** 150 - 151

16. NEW BUSINESS 1:15 PM - 1:45 PM

16.1 Mayne LTC request re Siting and Use Permit Option 152 - 152

16.2 Options for forest and tree management on North Pender Island 153 - 154

16.3 Bylaw notice reporting and policy for NPLTC 155 - 169

17. UPCOMING MEETINGS 1:45 PM - 1:50 PM

17.1 Next Regular Meeting Scheduled for April 28, 2023 at the Anglican Church Hall, Pender Island - Change the date to April 21, 2023

18. TOWN HALL 1:50 PM - 2:05 PM

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1 Motion to Close Meeting

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

- Adoption of In-Camera Meeting Minutes Dated September 29, 2022
- Appointment of Advisory Planning Commission Members

AND that the recorder and staff attend the meeting.

19.2 Recall to Order

19.3 Rise and Report

20. ADJOURNMENT 2:05 PM - 2:05 PM

North Pender Island Local Trust Committee
Minutes of Regular Meeting

Date:	**January 20, 2023**
Location:	**Anglican Parish Hall** **4703 Canal Road, North Pender Island, BC**
Members Present:	**David Maude, Chair** **Aaron Campbell, Trustee** **Deb Morrison, Trustee**
Staff Present:	**Robert Kojima, Regional Planning Manager** **Brad Smith, Island Planner** **Warren Dingman, Bylaw and Enforcement Manager** **Kim Stockdill, Island Planner** **Pat Todd, Recorder**

There were approximately twenty 20 members of the public in attendance.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:34 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. He introduced Electoral Area Director Paul Brent, Capital Regional District (CRD).

2. APPROVAL OF AGENDA

By general consensus the agenda was approved as circulated.

3. TRUSTEE REPORT

Trustee Morrison noted there are a number of concerns that will be raised during Town Hall and that it is important to write to the Trust with issues. Trust Council is addressing budget together with other items.

Trustee Campbell spoke to this opportunity to hear from the community. There are a number of important issues and many people willing to get involved. Also noted the value of written submissions and that it is interesting how concerns go through the various government levels.

4. CHAIR'S REPORT

Chair Maude related his connections with Pender Island and that he is looking forward to the next four years. Islands Trust (IT) is undergoing a number of reviews. With CRD Director Brent, who was previously a Saturna Island Trustee, it is hopeful that the two agencies can work together on behalf of the community.

5. ELECTORAL AREA DIRECTOR'S REPORT

Director Brent related the importance of working together to accomplish meeting needs of community/agencies.

6. TOWN HALL AND QUESTIONS

Kelly Irving: Noted his First Nations family history on Pender and that his father was a past Trustee. Concerns are with logging and impact on ecosystems e.g. eagles habitat. Hopeful that Islands Trust will address this issue.

Norma Riley: A local business has been shut down through Island Health Question is why? There many people who are upset and this could affect other businesses. Regulations don't make sense.

Michael Sketch: Expressed appreciation to Trustees for serving. There is important work to be done. Questioned Draft Applications Fees Bylaw – surcharge after the fact: there are some items that need to be addressed immediately and can't wait for application process. Does not support delegating approval for environmental Development Permit Area (DPA) applications to staff. Important that Trustees be involved.

Joyce: Spoke to building of barns on rural residential land and that there has been a legal opinion regarding the Bylaw interpretation. Regarding delegation of authority to staff for approvals: it is important for the Local Trust Committee (LTC) to be aware of situations and requires clear policies. Important for staff to attend meeting to understand applications and the community.

Kathy Cronk: Tired of trees coming down. BC government to move on legislation to control commercial logging – not happening. Clear cutting allows space for invasive species.

Leslie McBain: A neighbour to lot that had extensive logging. Water is sluicing along with soil; there is damage to land; consequences of logging. Importance of trees is known – do something to stop the logging.

Allison Ferguson: Also a neighbour of the lot that had extensive logging. Don't cut down forests. Increased fire hazards, shoreline disappearing through runoff; worried as to biodiversity; need for enforcement of violations.

Member of the public: Has made a submission to MLA. It is the responsibility of the LTC to connect with the Ministry. DPA needs to be strengthened. Want islands preserved – has Council approached Ministry to enforce regulations?

Bev Moginson: Was shocked by the logging trucks. The logging needs to stop.

Karen Bell: Speaking to proposed building: concerns as to light pollution, interference with privacy of neighbours particularly through security cameras, plans not indicative of a farm building. Regarding logging; flow of soil, damage to land. We live here, we care.

Maryann Perry: Logging issues go back to 2004. Hard lessons have been learned over time. Questioned status of authority being moved from Ministry to IT. We want to help – what can we do?

Julia Nichols: To date activism has not been effective. Bylaws are not being enforced; DPAs are not enforced; trees are still coming down. "Big Money" making policy. Laws are being broken – there should be large fines.

Gregory Nichols: Neighbours to a lot where they cut trees. The lot owner's frack to obtain a well. Loss of nature and eagles nest. What is happening to Preserve and Protect?

Mary Grier: Please do something about the logging.

Aaron Ewins: Environmental concerns - we're all impacted - lots of talk without action. Residents should think of stewardship not ownership. Plan for future when water is gone and the trees are gone.

John Allen: Sad with what is happening. Islands Trust needs to rethink mandate to Preserve and Protect. Who does the Islands Trust represent? The issue is really about the environment. People log without understanding the overall impact. Trust to focus on mandate – laws that will not allow logging.

Discussion: Logging

- What are the tools to affect change?;
- Put to the Island Trust Council to get tree cutting authority;
- Personal freedoms regarding property;
- Find a way to educate;
- Properties being advertised as "loggable";
- Covenants are a useful tool for preserving the environment;
- Protect uniqueness of island;
- Importance of forest management – forest health – water health; and
- Multi-level government sectors are involved.

NP-2023-01
It was Moved and Seconded,
that the North Pender Island Local Trust Committee prohibit logging on all areas of North Pender Island to facilitate appropriate intergovernmental decisions to be made about forest protection on the island. Logging shall be defined as the cutting of more that one tree per acre per year.

DEFEATED
1/2 Trustee Campbell,
Chair Maude

Discussion to motion:

- Creating the above motion seems to be the only method that will get things done at Ministry levels;
- It was 3 acres that were logged and there are no plans to cut more;

- Majority of logging outside of DPA;
- 2 raptors nests: 1 area exempted previously – 1 area would require permit application which owners are willing to proceed with;
- Talking with Province;
- Legal action by IT – civil claim in Court;
- Efforts being made for unincorporated areas to be granted increased authorities for tree protection – similar to those of municipalities;
- Blanket tree protection has not been addressed;
- Staff view is that proposed motion is unenforceable; outside IT authority;
- Enforcement of current bylaw infractions is occurring;
- Review and or expand existing DPA;
- Advocating for more authority;
- Work with staff to craft a resolution that would be more effective;
- Creating a moratorium without enforcement authority;
- Difficulty supporting motion knowing it can't be enforced; and
- What authority has LTC to enforce mandate to Preserve and Protect.

Motion put to vote and did not carry.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated October 27, 2022

By general consent the Local Trust Committee meeting minutes of October 27, 2022 were adopted.

9.2 Local Trust Committee Special Meeting Minutes of December 1, 2022

By general consent the Local Trust Committee Special Meeting minutes of December 1, 2022, were adopted.

9.3 Section 26 Resolutions-without-meeting Report - None

9.4 Advisory Planning Commission Minutes Dated - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Jan 2023
Planner Stockdill informed LTC that 2 outstanding items pertaining to the Land Use Bylaw (LUB) Review will be addressed in February.

11. DELEGATIONS - None

12. CORRESPONDENCE- None
Correspondence received concerning current applications or projects is posted to the LTC webpage

13. APPLICATIONS AND REFERRALS

13.1 NP-TUP-2022.4 (O'Malley)

Planner Stockdill reviewed the application for a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR); the use has been in place for 5 years through previous TUPs. Checklist was reviewed, no complaints have come forward and staff recommendation is to approve application.

NP-2023-02
It was Moved and Seconded,
that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2022.4 (O'Malley)**.**

CARRIED

13.2 NP-RZ-2022.1 (Sidney Island)

Regional Planning Manager (RPM) Kojima reviewed the application.
The applicant, on behalf of Sidney Island, clarified some points for the LTC.
The Public Hearing would likely take place on North Pender.

NP-2023-03
It was Moved and Seconded,
that North Pender Island Local Trust Committee Bylaw No 232, cited as ""North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022", be read a first time**.**

CARRIED

NP-2023-04
It was Moved and Seconded,
that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 232, cited as ""North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2023-05
It was Moved and Seconded,
that the North Pender Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 232, cited as ""North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022"**.**

CARRIED

13.3 Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137

Planner Smith reviewed the proposed Saturna bylaws.

NP-2023-06
It was Moved and Seconded,
that North Pender Local Trust Committee interests are not affected by Saturna Island Local Trust Committee Proposed Bylaws 136 and 137.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Land Use Bylaw Review Project

Planner Stockdill reviewed the procedures and actions to date.

Discussion as to planning a special meeting, to review package, prior to February 25, 2023.

Planner Stockdill will arrange a Special Meeting, on zoom, for February 10, 2023 at 1:00 p.m.

NP-2023-07
It was Moved and Seconded,
that the North Pender Island Local Trust Committee (LTC) schedule a Special Meeting to discuss further decisions and next steps for the Land Use Bylaw Review Project.

CARRIED

14.2 North Pender Local Trust Committee Draft Fees Bylaw No. 226

RPM Kojima reviewed the draft Bylaw and detailed the rationale for the proposed increases. It has been a number of years with no increases and costs to process applications, etc. have risen.

Discussion

- Conservation Covenant can cost as much as $10,000. Islands Trust Conservancy has their own fees structure;
- Saturna has not passed a Fee Bylaw to take pressure off general tax payers. Use of TUPs as a "tester". If costs are too high, owners will not apply for a permit. The general consensus on Saturna is that an increase in fees is inappropriate;
- Can defer to March meeting; and
- Upcoming changes to *Local Government Act* which would lessen costs to process applications ie. advertising, notification, etc.

By consensus it was agreed to defer this item to the March LTC Regular meeting.

14.3 North Pender Island Local Trust Committee Draft Delegation Bylaw No. 231 - Staff Report

RPM Kojima detailed the purpose of the draft Bylaw.
Discussion as to need for further understanding of how delegation would work; critical for Trustees to be informed.

By consensus it was agreed to defer this item to January 2024.

14.4 Groundwater Sustainability Implementation Project Update

Planner Chadwick reviewed the project and outlined the three recommendations within the report.

To move forward, the Project Charter needs to be updated. North Pender can learn from Galiano processes to enhance progression.

1. Organize a Special Meeting to review with community;
2. Official Community Plan (OCP) amendments – updates to policies, inclusion of groundwater regions, better alignment with DPAs; and
3. Creation of DPA – number of options.

Possible dates reviewed for a Community Information Meeting prior to end of March. Planner Chadwick would need to co-ordinate with William Shulba, Senior Fresh Water Specialist.

NP-2023-08
It was Moved and Seconded,
that the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting prior to March 31, 2023 on the Groundwater Sustainability Implementation Project.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Local Trust Committee Work Program Review

RPM Kojima reviewed the report – details last year's projects, current active projects, applications from last term. Encouraged the LTC to think about future projects.

15.1.2 Active Projects Report Dated Jan 2023 - Received for information.

15.1.3 Future Projects Report Dated Jan 2023 - Received for information.
There is a TUP coming due. Bylaw staff reported slow progress towards compliance. Could make application to renew or to rezone.

"Barn" being built: Bylaw staff will prepare a report for in-camera LTC meeting.

15.2 Applications Report Dated Jan 2023 - Received for information.

15.3 Trustee and Local Expense Report Dated Nov 2022 - Received for information.

Discussion regarding refreshments at LTC meetings.

15.4 Adopted Policies and Standing Resolutions - Received for information.

RPM Kojima added that Trustees should review Standing Resolutions for future discussion.
Item to be added to March agenda.

15.5 Local Trust Committee Webpage - To be updated at conclusion of meeting.

15.6 Islands Trust Conservancy Report Dated Nov 2022 - Received for information.

16. NEW BUSINESS

16.1 Letter from W̱SANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments - Received for information.

16.2 Trustee Morrison put forth a motion regarding logging.

NP-2023-09
It was Moved and Seconded,
that the North Pender Local Trust Committee direct staff to explore possible next steps that the North Pender Local Trust Committee may take to address clearcutting of forest areas on North Pender Island in terms of bylaws and/or coordination with other agencies.

CARRIED

17. UPCOMING MEETINGS

17.1 Special Meeting on February 25, 2023 at 1:00 pm at the Pender Island Community Hall

17.2 Next Regular Meeting Scheduled for March 24, 2023 at the Anglican Hall, Pender Island

18. TOWN HALL

Question raised as to why information regarding "barn" would not be available to public.

Legal opinions are private information given to LTC in-camera meetings. LTC can make a request to Executive Committee to make information public.

Trustee Morrison to speak with staff to clarify next meeting – March 17 or March 24.

19. CLOSED MEETING - None

20. ADJOURNMENT - By general consent the meeting was adjourned at 2:17pm.

_____
David Maude, Chair

_____
Certified Correct:
Pat Todd, Recorder

North Pender Island Local Trust Committee

Minutes of Special Meeting

Date:	**February 10, 2023**
Location:	**Electronic Meeting**
Members Present:	**David Maude, Chair** **Aaron Campbell, Trustee** **Deb Morrison, Trustee**
Staff Present:	**Robert Kojima, Regional Planning Manager** **Kim Stockdill, Island Planner** **Brad Smith, Island Planner** **Pat Todd, Recorder**

1. CALL TO ORDER

Chair Maude called the meeting to order at 1:00 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Land Use Bylaw Review

Planner Stockdill informed the LTC that it is necessary to rescind First and Second Readings to make further amendments to the bylaws. By rescinding First and Second Readings the proposed Bylaws revert to Draft Bylaws. As Draft Bylaws the Trustees can give specific directions to staff for changes – as proposed Bylaws a formal resolution is required to make amendments.

Planner Stockdill highlighted the items in the Staff Report regarding proposed changes to Bylaws No. 223, 224 and 229:

There is a Special Meeting scheduled for Feb. 25, 2023 to present all proposed changes to the community.

1. Outhouses (privies)

- Outhouses are governed by Provincial legislation;
- Outhouses are permitted in Provincial parks;
- Question of use of outhouses in Community Parks.

2. Port Washington Road

- Including in LUB would allow informal parking would to be legitimized;
- The change to Rural Residential 2 from Commercial (C1{a});
- The rezoning would just affect the Upland portion of the property, not the water zone and foreshore;
- Site Specific Rural Residential 2 Zone would be applied;
- Regional Planning Manager (RPM) Kojima reviewed the history of the sliver of land near the foreshore; and
- LTC can amend the zoning application until a Public Hearing is held.

3. 3334 Port Washington Road

- Temporary Use Permit (TUP) has been in place for the past 8 years;
- Could legalize TUP by rezoning to a site specific General Industrial Zone;
- Site designated Industrial in Official Community Plan (OCP) however the property is not zoned for Industrial; and
- Proposed Bylaw 224 would allow changes in uses within TUP.

NP-2023-10
It was Moved and Seconded,
that the North Pender Island Local Trust Committee, direct staff to write a letter to the Capital Regional District to address the issue of outdoor lighting as described in the Staff Report dated February 10, 2023.

CARRIED

Discussion:

- There has been a three year process to review and propose changes to bylaws related to this project;
- There have been a number of community meetings held regarding the bylaw changes related to this project;
- There should be careful consideration prior to further changes;
- Need to balance decisions regarding changes with community voices and be very clear with the community about any changes and the reasons for the changes; and
- 3334 Port Washington Road
    - Question of inclusion of site;
    - Number of neighbours concerned about the rezoning of this property especially regarding heavy traffic;
    - There are other sites where this operation could be located that would be better suited;
    - It is expected that the owner will be making an application to rezone;
    - Address as a specific conversation with community regarding site; and
    - A “red line” version of proposed changes to the Bylaws would facilitate a conversation at a Special Meeting.

Planner Stockdill informed LTC that Power Point presentation would be added to the Project List web site for reference

NP-2023-11
It was Moved and Seconded,
that the Second Reading of Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be rescinded.

CARRIED

NP-2023-12
It was Moved and Seconded,
that the First Reading of Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be rescinded.

CARRIED

NP-2023-13
It was Moved and Seconded.
that the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 as follows: to update the subdivision regulation, add a definition for compost facility and to create a site specific Community Park 2 Zone that would allow for a boat storage structure.

CARRIED

NP-2023-14
It was Moved and Seconded,
that Second Reading of the Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021," be rescinded.

CARRIED

NP-2023-15
It was Moved and Seconded,
that First Reading of the Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021," be rescinded.

CARRIED

NP-2023-16
It was Moved and Seconded,
that Second Reading of the Bylaw No. 229, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022," be rescinded.

CARRIED

NP-2023-17
It was Moved and Seconded,
that First Reading of the Bylaw No. 229, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022," be rescinded.
CARRIED

NP-2023-18
It was Moved and Seconded,
that the North Pender Island Local Trust Committee direct staff to amend daft Bylaw No. 223 to redesignate 1200 and 1201 Port Washington Road from Commercial to Rural Residential**.**
CARRIED

NP-2023-19
It was Moved and Seconded,
that the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 229 to rezone 1200 and 1201 Port Washington Road to a site specific Rural Residential 2 zone that would only permit 1 dwelling within the zone and to rezone the Upland Magic Lake area from Rural Residential 1 zone to a site specific Community Park 2.
CARRIED

Format for the Special Meeting

- Speak to the background of the review and reasons for solutions and alternatives explored;
- Budgetary feedback with the Trustees to be transparent with public allocation of funds to be discussed; and
- Share the information discussed on Facebook and through web postings.

Discussion:

- Regarding the allowed Square footage of a dwelling, there would be a split of footage between the buildings on the property;
- There is a diversity of housing options including larger lots e.g., 5 acres plus;
- There has been discussion of zoning for tiny homes and one positive reason to have tiny homes is that they have less of an environmental impact while providing sufficient and safe housing. The LTC could look at zoning for tiny houses;
- Some tiny homes can have CSA approval;
- CRD would issue permits for a Tiny Home;
- The 'Shed' on Port Washington Road is within Provincial responsibility: RPM Kojima reviewed the history of site and the Province does not seem to have the capacity to tear the shed down; and
- Tearing down the 'Shed' could be a question of liability for the province.

NP-2023-20
It was Moved and Seconded,
that the North Pender Island Local Trust Committee direct staff to write a letter to the Province to request a conversation about the future of the Port Washington Road shed.

CARRIED

Trustee Morrison clarified that March 24 LTC had been rescheduled for March 17.

NP-2023-21
It was Moved and Seconded,
that the North Pender Local Trust Committee request staff to reschedule the Regular Local Trust Committee meeting for March 24, 2023 to March 17, 2023.

CARRIED

Susan Bennett (public attendee) spoke to the McKinnon Road density which is included as part of Bylaw 224 which is still in draft. There are concerns regarding water availability for the density being discussed for this property.

The current density of this property is proposed to be decreased and the site will be discussed at the LTC Special Meeting. Correspondence regarding concerns/issues may be sent to southinfo@islandstrust.bc.ca.

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:15 pm.

_____

David Maude, Chair

_____

Certified Correct:

Pat Todd, Recorder

North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: February 25, 2023
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: David Maude, Chair
Aaron Campbell, Trustee
Deb Morrison, Trustee

Staff Present: Kim Stockdill, Island Planner

Others Present: Approximately 20 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

1. CALL TO ORDER

Chair Maude called the meeting to order at 1:10 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Islands Trust budgeting for the 2023-2024 fiscal year that is underway by Trust Council

Trustees encouraged members of the public to submit comments regarding the Trust Council 2023-24 draft budget. The Trust Council 2023-24 draft budget is on the Islands Trust website and will be considered for approval at the March 7-9, 2023 Trust Council quarterly meeting.

A member of the public expressed support for the budget to include sufficient funds for legal opinions regarding important documents such as the Islands Trust Policy Statement, Bylaw No. 224.

A member of the public expressed concerns regarding the Trust Policy Statement Review project including that there is substantive opposition to the Trust Policy Statement and Trust Council has not determined if the current structure is sound and whether or not Trust Council can delegate the implementation of Trust Area Policies to the Local Trust Committee based on the wording of the Islands Trust Act. The member of the public

expressed caution against spending any more funds on the Trust Policy Statement Review project until the fundamental question is addressed.

A member of the public acknowledged Trustees for stepping up to the challenging job of Islands Trust Trustee and expressed support for the importance of the Governance Committee to be sufficiently funded.

3.2 The Land Use Bylaw Review Project - Staff Report

Planner Stockdill presented a slide show entitled North Pender Island Land Use Bylaw Review Project – Draft Bylaws No's 223, 224 and 229. A Community Information Meeting regarding the Groundwater Sustainability Project will be held on March 11, 2023 at 12:00 p.m. Planner Stockdill encouraged members of the public to submit correspondence regarding the Land Use Bylaw Review Project to southinfo@islandstrust.bc.ca.

Trustee Morrison advised this is an opportunity to identify the areas that need additional work prior to adoption of Draft Bylaws 223, 224 and 229.

A member of the public expressed concerns regarding the Land Use Bylaw Review Project process including material changes that affect property rights being submitted late in the bylaw review process and advised that there is a fundamental structural problem with the process. The member of the public advised he presented a list of minor changes that could be included with minor amendments and the major amendments should be dealt with in a smaller meeting format.

A member of the public expressed concerns regarding the lack of designated land for waste management and for the years spent on the waste management issue.

A member of the public expressed concerns regarding the years spent on the waste management issue and that the decision making process is flawed.

A member of the public expressed concerns regarding proposed banning of docks and impacts on evacuation in an emergency. The member of the public advised it is important to maintain evacuation routes including docks and foreshore stairs in case of wildfire on North Pender Island. The member of the public expressed concerns regarding restricting maximum floor area of homes.

A member of the public expressed support for a Review of the Directive Policies in the Islands Trust Policy Statement and requested the LTC to add this to the LTC projects list.

A member of the public expressed concerns regarding the proposed amendments that would ban construction of new docks and suggested that there may be a maximum of twelve docks that would actually be built on North Pender Island.

Trustee Morrison advised the proposed amendments regarding construction of docks address protection of marine habitat and First Nation concerns. The proposed amendments would include the need to rezone from Water 3 zone to Water 2 zone and would include First Nations and community consultation. There was a dock application

that was approved within the last few years that did not include community consultation.

A member of the public advised that docks provide habitat for marine species.

A member of the public expressed concern regarding the proposed change of land use in C2 Zone (Driftwood Centre) and loss of tourist accommodation potential. The member of the public requested the LTC to not proceed with proposed Bylaws 223, 224 and 229.

A member of the public spoke to the history of the North Pender Island Land Use Bylaw Review Project. The member of the public expressed support for local government representatives to have a say when someone wants to build a super mansion or a large sized dock.

A member of the public advised that the OCP already addresses maximum floor area and that the majority of the community follow the rules that are already in place. The member of the public expressed concerns regarding the new regulations that are proposed in proposed Bylaws 223, 224 and 229.

Trustee Morrison advised there has been a shift in development permits and bylaw enforcement and some of the issues are loopholes that exist within the current regulations. For example, rural character needs to be defined in the Land Use Bylaw to follow the OCP community vision to maintain the rural character of the island. Trustee Morrison advised she has been working to reduce the costs/ budget and that she is considering whether the application fees in the Fees Bylaw should be reduced or waived to support the Islands Trust preserve and protect mandate.

Planner Stockdill clarified that campground is permitted and tourist accommodation use was removed in the C2 zone.

A member of the public expressed concern regarding restrictive language used to define accessory uses such as “boat storage only”.

Trustee Morrison asked staff to provide a synthesis of community feedback that is presented today and that the LTC should review the list of accessory uses.

Trustee Campbell expressed support to include common sense when including definitions in bylaws.

A member of the public expressed concerns regarding banning stairs to the foreshore as access to the foreshore is an important part of connecting with the marine environment. The member of the public expressed concerns regarding the proposed amendment to go through a rezoning process for a new dock and that the Province requires environmental assessments as part of the dock application process. The member of the public encouraged communications with First Nations although bylaws are not necessary in order to achieve First Nations input and that community support is vital to the success of the Islands Trust Preserve and Protect mandate.

A member of the public expressed concern regarding the broad definition of accessory agricultural building with regard to height, size and impact and requested the LTC to include a definition of "farming" as "a farm operation that takes place in land that is zoned for primary agriculture" and that agri-tourism use only be allowed on ALR land. The member of the public advised she submitted a letter dated September 29, 2023 regarding agriculture.

A member of the public expressed concerns regarding impacts of downzoning her family property (MacKinnon Road C2 zoned properties) including a complicated two-year application process that includes multi agency approvals.

A member of the public spoke to the history of his family property (MacKinnon Road C2 zoned properties) including water availability and for a solutions-based approach. The property has a prolific shallow well and a groundwater well. The property owners plan to develop the property in stages and include rainwater storage as part of the water availability plan.

Trustee Morrison asked for clarification regarding the proof of water and the Development Permit Area (DPA). Planner Stockdill reported the property is within DPA 9.

A member of the public expressed concerns regarding loss of property rights without compensation and asked if the LTC would compensate the property owners if the property is down zoned.

Trustee Morrison advised she has had a conversation with the MacKinnon Road C2 zoned property owners and that it is important to ensure that the groundwater is not stressed.

A member of the public asked whether the same principle would apply to a proposed change of land use in C2 Zone at the Driftwood Centre.

A member of the public asked whether the MacKinnon Road C2 zoned property owners were notified that the Islands Trust was considering downzoning the property at the time of purchase. The member of the public asked for more information regarding the need to define rural character and how the shift in demographic on North Pender Island is impacting the environment.

A member of the public expressed concerns regarding the process to date, the need for large houses to accommodate multi generational families and to the community need for tourism. The member of the public expressed support for docks that provide emergency evacuation routes and expressed support to clearly define a problem prior to finding solutions for issues such as housing, environmental protection and water. The member of the public advised that Province of BC taxpayers outside of the Trust Area should contribute to funding the Islands Trust.

Chair Maude reported Executive Committee is in discussions with the Province regarding funding the Islands Trust Preserve and Protect mandate for all British Columbians. For example, the Province contributes $180,000 per year to the Islands Trust and recent

negotiations with the BC General Employees Union resulted in a $286,000 increase to staff salaries.

A member of the public asked about tree cutting regulations.

Trustee Morrison reported forest management practices are addressed in some Development Permit Areas and there is a need to reduce wildfire risk. There is a question regarding how to approach wildfire resiliency in the Local Trust Areas.

A member of the public spoke to Magic Lake Estates issues including rezoning land to reflect park status, secondary suites and accessory dwellings, yacht clubs definition, farm animals definition, and kennels definition.

Trustee Morrison reported there is potential for maximum floor area square footage to be distributed to smaller buildings.

The meeting recessed for a five-minute break.

A member of the public expressed concerns regarding the rezoning of 1200 and 1201 Port Washington road to Rural Residential use and that a rezoning should be part of a rezoning application process and not part of the Land Use Bylaw Review Project.

A member of the public expressed support to address housing issues.

A member of the public asked whether his concerns regarding tennis courts, pickle ball courts and additional uses in community park zones have been considered. The member of the public expressed support to remove the contentious issues from the proposed bylaws and proceed with the amendments with community support.

A member of the public spoke to the history of decision-making regarding waste management.

Trustee Morrison reported a designated area for waste management use is included in the proposed amendments and asked the member of the public if he objects to two additional properties being rezoned for wastewater uses. The member of the public advised he has no problem with competition.

A member of the public expressed support for regulations for new waste transfer station use.

A member of the public expressed concerns regarding the process and structural issues within the Islands Trust.

A member of the public expressed support for continuing with the proposed bylaw with changes that have community support such as the sea level rise setbacks and the Magic Lake Estates amendments.

A member of the public expressed concerns regarding the maximum floor area restrictions, the regulations regarding docks and foreshore stairs.

A member of the public expressed concern that the proposed property for wastewater transfer station is not appropriate.

A member of the public acknowledged Trustees for an excellent Community Information Meeting.

Chair Maude reported the LTC would consider the community input and next steps.

By general consent, the North Pender Island Local Trust Committee request staff to add consideration of the North Pender Island Land Use Bylaw Review Project to follow the Groundwater Sustainability Project Community Information Meeting on March 11, 2023.

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:55 p.m.

_____

David Maude, Chair

_____

Certified Correct:

Sarah Shugar, Recorder

Islands Trust

Print Date: March 10, 2023

Follow Up Action Report

North Pender Island

28-Jan-2021

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

27-May-2021

	Activity	Responsibility	Dates	Status
1	NP LTC to advocate to prohibit helicopter use in the Islands Trust area - Trust Area Services to follow up	Clare Frater Mike Richards	Target: 30-Jul-2021	In Progress

27-Jan-2022

	Activity	Responsibility	Dates	Status
1	14.1.1 Provide suggestions for on-site fire safety review prior to issuance of STVR TUPs. (Staff to provide options when Bylaw No. 222 is to be adopted) - MEETING REQUESTED WITH FIRE DEPARTMENT	Brad Smith Phil Testemale	Target: 25-Mar-2022	In Progress

27-Oct-2022

	Activity	Responsibility	Dates	Status
1	13.1 Staff to request legal opinion on Section 3.4.4 of Bylaw No. 103 and impacts to proposed land use bylaw amendments. (ON HOLD - APRIL 2023)	Kim Stockdill	Target: 09-Dec-2022	In Progress

Follow Up Action Report

North Pender Island

20-Jan-2023

	Activity	Responsibility	Dates	Status
1	9.1 Oct 27, 2022 LTC minutes adopted as presented	Robin Ellchuk	Target: 03-Feb-2023	Completed
2	9.2 Dec 1, 2022 LTC minutes adopted as presented	Robin Ellchuk	Target: 03-Feb-2023	Completed
3	Townhall - Staff to provide a report to LTC with options for enforcement on 4185 Schooner Road	Warren Dingman	Target: 10-Feb-2023	In Progress
4	13.1 NP-TUP-2022.4 (O'Malley) - TUP issued as presented, staff to issue permit, update tapis with monitoring and close out file	Jas Chonk Kim Stockdill	Target: 03-Feb-2023	Completed
5	13.2 NP-RZ-2022.1 (Sidney Island) - LTC gave 1st reading to BL 232 - staff to schedule a Public Hearing, Policy statement checklist endorsed	Jas Chonk Robert Kojima	Target: 10-Feb-2023	Completed
6	13.3 Saturna BL 136/137 - LTC determined interests unaffected - staff to update referral record	Jas Chonk	Target: 03-Feb-2023	Completed
7	14.1 LUB Review Project - Staff to schedule an electronic special meeting for 1 pm Friday Feb 10 for LTC to review Jan 20 staff report discussion items	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 27-Jan-2023	Completed
8	14.2 Fees Bylaw 226 deferred to March meeting - staff to include in March meeting agenda package	Jas Chonk	Target: 03-Feb-2023	Completed
9	14.3 Delegation BL 231 - deferred until Feb 2024 - add note to include in future agenda	Jas Chonk Robert Kojima	Target: 20-Jan-2023	Completed

Follow Up Action Report

North Pender Island

20-Jan-2023

	Activity	Responsibility	Dates	Status
10	14.4 Groundwater Implementation project - Staff to schedule a CIM for Saturday March 4, 11 or 18 - meeting to be town hall style	Jas Chonk Narrisa Chadwick Robin Ellchuk	Target: 03-Feb-2023	Completed
11	15.2 NP-TUP-2021.4 (Grimmer) - staff to contact property owner to determine next steps and timing for rezoning application or new TUP permit	Brad Smith	Target: 03-Feb-2023	Completed
12	15.4 Standing resolutions - Staff report on standing resolutions to March 24 agenda package for LTC to review	Robert Kojima	Target: 03-Mar-2023	Completed
13	New Business - staff to explore possible next steps that the NPLTC may take to address clearcutting of forest areas on North Pender Island in terms of bylaws and/or coordination with other agencies.	Brad Smith Warren Dingman	Target: 24-Feb-2023	Completed

10-Feb-2023

	Activity	Responsibility	Dates	Status
1	Feb 10 special meeting - LTC resolved to move March 24 LTC meeting to March 17, Robin - update meeting schedule webpage etc. Jas - provide new notification windows for TUP	Jas Chonk Robin Ellchuk	Target: 17-Feb-2023	Completed
2	Staff to draft letter to the Province regarding the Port Washington shed.	Brad Smith	Target: 10-Mar-2023	In Progress

Islands Trust

Print Date: March 10, 2023

Follow Up Action Report

North Pender Island

10-Feb-2023

Activity	Responsibility	Dates	Status
3 Staff to write letter to Island Health requesting Island Health to hold a public meeting/gathering with the NP community.	Kim Stockdill	Target: 10-Mar-2023	In Progress
4 Staff to write letter to the CRD requesting they address lighting nuisances on North Pender.	Kim Stockdill	Target: 10-Mar-2023	In Progress
5 Saturday February 25th Meeting: 1. Staff to bring updates from FPC. 2. Staff to bring amended draft bylaws 223, 224, 229 with changes made at the Feb 10th meeting. Staff to draft black line versions of draft bylaws. 3. Staff to print/bring posters for LUB/OCP map amendments.	Kim Stockdill	Target: 24-Feb-2023	Completed

25-Feb-2023

Activity	Responsibility	Dates	Status
1 LTC gave direction to staff to add the "LUB Review Project" at the end of the Special Meeting schedule on March 11th. Staff to change agenda, send notice of meeting to subscribers, and staff to prepare a report for the meeting.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 10-Mar-2023	Completed

From: Mary Reher <[redacted]
Sent: January 19, 2023 10:38 PM
To: Reid, Randy FOR:EX <Randy.Reid@gov.bc.ca>
Cc: Deb (Islands Trust) Morrison <dmorrison@islandstrust.bc.ca>; Aaron Campbell <Aaroncampbellnorthpender@outlook.com>; acampbell@islandstrust.bc.ca; Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>
Subject: 4815 Schooner Rd. North Pender Island

Dear Mr. Reid,

In the past 8-10 days, a huge amount of logging has occurred in the forested acreage at 4815 Schooner Road, North Pender Island. This was an area of large very old trees, comprising part of the watershed draining the valley.

The logging and equipment operation has moved through the seasonal stream/spring at the SW corner of the property. This is one of the upland tributaries, with its seasonal overflow, that feeds the protected Medicine Beach marsh.

It is my understanding that this spring/seasonal stream is protected under the provincial Water Sustainability Act. In case you haven't yet, please investigate this as soon as possible, as there may be infractions of the Water Sustainability Act.

Yours truly,

Mary Reher

[redacted]

Pender Island, B.C [redacted]

[redacted]

From: Kathi Allinson [redacted]
Sent: Friday, January 20, 2023 12:59 PM
To: SouthInfo; Aaron Campbell; Deb Morrison; David Maude
Subject: Clear cutting/logging

I listened to the discussion on clear cutting and logging at the meeting of Jan. 20, 2023. I believe to try and limit cutting to one tree or thereabouts per year is not practical for Pender. Many people on another side of this issue practise ecoforestry. Removal of old rotten trees can be beneficial for forest health preventing pathogens and diseases being transferred to healthy trees. Also management can prevent the devastation of forest fires. For example, I and other people I know try to manage their properties for this reason. Every few years I will have my trees evaluated. When I hear people say move to Alberta if you don't want to worry about trees falling etc., I don't think this is fair nor responsible. I had a few trees over the years removed. They weren't even good enough to use for firewood. One tree was huge and after being taken down I was told it probably would have fallen within a year. It was a stick inside and it would have completely destroyed the small cottage next door. With the taking down of a few rotten trees I have approx. 64 healthy cedars and firs that are growing to varying heights. I look at this management as part of preserving and protecting.

I completely disagree with clearcutting entire acreages and think there really needs to be more of a local discussion surrounding this whole issue. I think there is a difference between forest management on private properties and clear cutting and logging and perhaps this needs to be defined.

On an aside it certainly would be great if we could all put more effort into purchasing larger properties either through the Conservation, Islands Trust monies, and donations. Yes some land has been purchased, but for example, there is a 10 acre property at the end of Crows Nest for $589,000 and it has a beautiful forest. It would be wonderful to save that property and perhaps others from development or logging.

I think what happens is there are extreme opinions on this issue and then there are those looking for middle ground. I believe the most pressing issue is preventing the clearcutting and logging of entire lots for money. I just wish I had the answer on how to do that.

Kathi Allinson

From: MARYANNE PARE [redacted]
Sent: Friday, January 20, 2023 8:01 AM
To: Kevin.Telfer@gov.bc.ca
Cc: Deb Morrison; Aaron Campbell; Adam Olsen
Subject: Clearcutting on S,DA,YES Pender Island

I am writing to express my extreme concern about the harvesting of trees on a private property on S,DA,YES Pender Island. As a resident of over thirty years, I have witnessed the diminishment of island wildlife populations and its diversity: raptors, grouse, pheasant, quail, frogs, salamanders, salmon, Orca. I have watched salal, Oregon grape, cedar, fir, alder decline, and wet areas go dry.

The Gulf islands are basically rock, with far less soil depth than other parts of the province. In recent years, along with the declines I have mentioned, have witnessed the new phenomenon of topsoil in my garden shrinking to expose root crops with higher summer temperatures and birds who rely on insects now decimating berry crops for lack of their traditional food source. Thus all our ecosystems are at extreme risk with the changes in climate.

Paradoxically, the Islands Trust, with its mandate to preserve and protect, has less ability to safeguard our natural environment. The logging that is occurring right now on S'DAY,ES / Pender will inevitably damage the ecosystem in that vicinity, which will impact the overall health of our island wildlife and biodiversity. We cannot afford this loss.

Please bring this issue to the appropriate government channels with urgency.
Thank you
Mary Anne Pare

From: Roz [redacted]
Sent: Saturday, January 21, 2023 5:11 PM
To: Deb Morrison
Subject: Fully loaded trucks this morning





Hi Deb
I did not make it to the trust meeting yesterday, but heard something about a stop order for the 4815 Schooner Way logging. I wondered if you can clarify if removal of logs this morning was allowable or not? The photographs above were taken by me at the ferry terminal this morning. I am so distressed that logs continue to be removed from this island - these are obviously nothing to do with 'dead or nuisance' trees.

Thank you Deb for standing up for our forests at the meeting yesterday!
Roz Kempe

From: Mary Reher [redacted]
Sent: Thursday, January 19, 2023 10:38 PM
To: Deb Morrison; Aaron Campbell
Cc: Adam Olsen
Subject: more commercial large scale logging on Pender, 4815 Schooner Way

Dear Deb and Aaron,

Another large tract of forest has been added to the list of large scale logging leading to forest attrition on Pender Island. Please forward this note further to the appropriate authorities in the Islands Trust who must be made aware of the 'joke' our Trust has become, amongst contractors and developers. These people know how to do things quietly and quickly and in the blink of an eye, more than 6 trucks loaded with many huge old trees have left the island. Logging and equipment operation has moved through the seasonal stream/spring at the SW corner of the property, which is one of the upland tributaries that feeds the protected Medicine Beach marsh. This steam is supposed to be protected by the Water Sustainability Act.

To my knowledge, there were 2 DPAs on this property, for raptor and heron nests (these latter nests may have fallen, so was an exemption of this DPA in place?). The veteran Douglas Fir bearing the raptor nest had been in use by an osprey. The nest had come down, but the tree remained and was still able to support a nest, and so this DPA was enforceable.
I understand that the Trust enforcement branch is not doing anything beyond having pleasant conversations with the perpetrators, because the IT has no ability to enforce its DPAs, a strange hands-tied scenario created by the provincial government when it formed the Islands Trust. Even though we have elections for Trustees, they have no authority to protect the features that are in Development Permit Areas, which were created to try and protect the sensitive ecosystems of these unusual islands. The Island Trust is more powerless than any other level of government, where elected representatives can advocate for what the community wants.

My ask is that appropriate Islands Trust personnel pressure the B.C. Government to change this situation, allowing them to enforce when DPAs are ignored. Also, there should be consequences for contractors who knowingly violate existing protections.

Sincerely**,**

Mary Reher
[redacted]

From: Larry Colcy [redacted]
Sent: Thursday, January 19, 2023 3:12 PM
To: Aaron Campbell; Deb Morrison; David Maude
Subject: URGENT: enforcement of ecological protections on Schooner Way, Pender Island

I'm upset about the lack of enforcement of existing ecological protections up from Medicine Beach at 4815 Schooner Way, Pender Island where commercial logging is now underway. This property contains 2 DPAs (both raptor and heron nest DPAs)!

I'm told this work has been reported to Trust enforcement, and the enforcement officer has apparently had a conversation with the owner, requesting there be no additional tree cutting near the DPA, and requesting the owners discuss with the Trust planning department the options of hiring acquiring a biologist report and/or applying for a Development Permit. Aside from some requests and suggestions of apparently optional permitting avenues (they are most certainly NOT optional), it seems that nothing by way of enforcement has actually been done, or is likely to be done.

How can this be? Isn't there something that the Islands Trust can do to prevent destruction of this important habitat?! Isn't it the Trusts mandate to preserve and protect this island?!

Larry Colcy
Pender Island, BC

From: Erin O'Brien
Sent: Monday, March 6, 2023 9:06 PM
To: Deb Morrison; Aaron Campbell; David Maude; SouthInfo
Subject: Support for local authority for tree cutting/forest management in Trust Area

Hello Trustees,

I just wanted to get in touch to voice my support for the Trust Council requesting that the province give local governments (i.e. local communities) in the Trust Area the authority to regulate forest management activities and tree cutting, to align our rights as residents of British Columbia with those of all other residents in this province who happen to live in municipalities. We understand that this means we may well, as a community, choose not to enact regulations to this effect, but we believe that we should have the authority to make that choice for our own respective communities in the Trust Area.

Thank you for representing and advocating for the perspectives of North Pender Island residents,

Erin O'Brien
North Pender Island

STAFF REPORT

File No.: NP-RZ-2022.1

DATE OF MEETING:	March 17, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Robert Kojima, Regional Planning Manager Southern Team
COPY:	Brad Smith, Island Planner
SUBJECT:	Bylaw No. 232 - Sidney Island Bylaw Amendment Application Applicant: Sidney Island Strata Corporation Location: Sidney Island

RECOMMENDATION

1. **That North Pender Island Local Trust Committee Bylaw No 232, cited as ""North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022", be read a second time.**

2. **That North Pender Island Local Trust Committee Bylaw No 232, cited as ""North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022", be read a third time.**

3. **That North Pender Island Local Trust Committee Bylaw No. 232 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.**

REPORT SUMMARY

Bylaw No. 232 is attached for consideration of Second and Third Readings and forwarding to the Executive Committee. The bylaw would amend North Pender Associated Islands Land Use Bylaw No. 148 as it pertains to the residential strata lots on Sidney Island. The Sidney Island Strata Corporation has made an application to amend the zoning applicable to the residential lots on Sidney Island in order to permit limited use of recreational vehicles as a residence prior to construction of a dwelling and to permit a larger accessory building to be constructed prior to construction of a dwelling, along with some additional minor amendments. Previous reports and background can be found here: islandstrust.bc.ca/island-planning/north-pender/current-applications/

BACKGROUND

The application was initiated by the strata corporation. While the existing prohibition of recreational vehicles (RVs) was supported by the strata ten years ago, issues have emerged in recent years as new owners have brought RVs onto the island and sited and used them on their lots prior to constructing a dwelling. In addition, some owners have built unpermitted structures to provide temporary accommodation on their lots.

Approximately a dozen bylaw enforcement complaints were received in the last few years around the use of RVs on Sidney Island. In response to enforcement complaints, the Strata formed a special committee to survey owners,

and to review and report on the issue. Overall, the committee identified that the temporary, short term use of RVs is generally tolerated by owners as there is no temporary accommodation available on the island for owners to use while visiting or maintaining their undeveloped lots. There is no desire to allow a proliferation of RVs or to allow permanent or long term use of RVs as an alternative to a dwelling or in addition to a dwelling.

At the LTC meeting of September 29, 2022 the LTC received a preliminary report and directed staff to prepare a draft bylaw. The limits on use of RVs in the proposed amendment are intended to address the issues identified by the strata, while also considering concerns with the use of RVs as residences, including that:

- RVs would be required to be connected to septic fields.

- The proposed amendments would limit RVs to a maximum on any lot of 4 years and while that would be enforceable by Islands Trust enforcement staff, the strata is proposing to document RVs on the island.

- The strata is also proposing that its bylaws be amended to require screening of RVs from adjacent lots. This would help limit visual impacts, and the strata is in the best position to establish, inspect and enforce such a requirement.

The proposed bylaw would also:

- Amend the current regulation to permit larger storage building prior constructing a dwelling (up to 40m^2 from 25m^2) and permit washroom facilities connected to a septic field.

- Permit kitchen facilities in the older cabins located on the common property. The proposed amendments would facilitate future upgrades or replacement of these structures by allowing for kitchen facilities. This could also provide a viable alternative for potential purchasers or owners who are visiting undeveloped sites.

At the meeting of January 20, 2023, the LTC gave First Reading to the bylaw and directed scheduling of a public hearing. The hearing is scheduled for the regular meeting of March 17th.

Referrals

The Islands Trust Conservancy holds several conservation covenants on Sidney Island. Staff have referred the bylaw to the ITC and the Board is scheduled to meet on March 14th. Any comments from the Board will be forwarded prior to the hearing.

Capital Regional District Building Inspection has responded that approval of the bylaw is not recommended as:

- RV's: The CRD Building Inspection Dept. does not recognize recreation vehicles as being compliant with the BC Building Code for residential use. RV's are designed for short term camping like use.

- Sleeping Cabins: Building Permits are required for "sleeping cabins". Compliance with the BC Building Code for residential use would be required.

- Sleeping Cabins with kitchens: Sleeping Cabins with kitchens would meet the definition of a dwelling unit within the CRD Building Regulation bylaw. This may involve other regulations such as the Homeowner's Protection Act. I recognize that this is a difficult matter to address and I welcome the opportunity to discuss this further.

In response, given the nature of Sidney Island, it is unlikely that RVs would be used for year-round accommodation, with most owners only using them periodically, primarily in the summer. In addition, the bylaw would limit use of RVs to a maximum of 4 years on any lot. As RVs fall outside the scope of the BC Building Code, there is currently no role for Building Inspection. With respect to the sleeping cabins, the strata is aware that new or upgraded buildings would require building permits.

Post Public Hearing Procedures

A public hearing is scheduled for Bylaw 232 at the regular meeting of March 17, 2023. A public hearing is a quasi-judicial process within and following which specific procedures must be followed. Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Reconsideration and adoption.

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

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

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

Rationale for Recommendation

In summary, the amendments would permit the temporary use of RVs as an alternative to a dwelling, permit larger accessory buildings with washrooms prior to constructing a dwelling, and permit kitchen facilities in the common property sleeping cabins. Staff are recommending that the LTC proceed with Second and Third readings and forward the bylaw to the Executive Committee. Overall, the amendments are minor, consistent with the OCP and Policy Statement, and are intended to provide for improved management of development on the island. Proceeding with the bylaw would also help resolve outstanding enforcement issues, provide an opportunity for strata lot owners to develop a familiarity with their properties prior to building a permanent dwelling, regulate on-going practices on the island, and implement changes requested by the strata.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. **Make amendments to the bylaw(s)**

   [The LTC may amend the bylaw(s) provided the amendments would not alter use or increase density]

   Resolution:

   That North Pender Island Local Trust Committee proposed Bylaw No. 232 be amended as follows:

2. **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 proceed no further with application NP-RZ-2022.1.

3. **Hold the application in abeyance**

   The LTC may choose to hold the application in abeyance.

4. **Receive for information**

   The LTC may receive the report for information

NEXT STEPS

If the LTC proceeds as recommended, staff will forward the bylaw to Executive Committee for approval.

Submitted By:	Robert Kojima, Regional Planning Manager	March 3, 2023

ATTACHMENTS

1. Bylaw 232

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 232

A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS
LAND USE BYLAW NO. 148, 2003

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

1. Citation

   This bylaw may be cited for all purposes as "North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022".

2. North Pender Island Local Trust Committee Bylaw No. 148, cited as "North Pender Associated Islands Land Use Bylaw No. 148, 2003" is amended as follows:

   2.1 Section 1.1 (Definitions) – the definition of 'sleeping cabin' is amended by deleting the word "only", deleting words "does not" and replacing them with the word "may", and by deleting the word "any".

   2.2 Subsection 5.20(1) (Sidney Island Comprehensive Development Zone (CD2) – Permitted Uses) – is amended by inserting the following as a new article (d):

   "(d) Use of a recreational vehicle as a temporary residence, subject to 5.20(9)."

   2.3 Article 5.20(8)(a) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase "and the building may contain washroom facilities," following the word "lot,".

   2.4 Article 5.20(8)(b) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase "prior to construction of a principal dwelling," following the word "lot".

   2.5 Article 5.20(8)(c) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the number "25" and replacing it with the number "40" and by deleting the number "269" and replacing it with the number "430".

   2.6 Article 5.20(8)(d) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the word "shed" and replacing it with the word "building".

   2.7 Article 5.20(8)(e) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase "and 5.20(1)(b)" following the number 3.5.

2.8 Subsection 5.20(9) (Sidney Island Comprehensive Development Zone (CD2)) – is deleted in its entirety and replaced with the following:

"Despite Article 3.10(1)(a) one recreational vehicle may be used as temporary residence prior to the construction of a single family dwelling on a lot without issuance of a building permit for a single family dwelling subject to:

(a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;

(b) articles 3.10(1)(b) through 3.10(1)(e); and

(c) the storage of any recreational vehicles that is not being used as a temporary residence prior to the construction of a single family dwelling is not permitted."

3. SEVERABILITY

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

READ A FIRST TIME THIS	20TH	DAY OF	JANUARY	2023.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

_____ _____

CHAIR SECRETARY

STAFF REPORT

File No.: NP-TUP-2022.5 (Sketch)
X-ref NP-BE-2018.9 (Sketch)

DATE OF MEETING:	March 17, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Brad Smith, Island Planner Southern Team
COPY:	Robert Kojima, Regional Planning Manager
SUBJECT:	Temporary Use Permit - Temporary Storage of Personal Possessions Applicant: Michael Sketch Location: 1101 Andrew Place

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee not approve issuance of Temporary Use Permit application NP-TUP-2022.5 (Sketch).**

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for the use of a portion of the subject property for the temporary storage of personal possessions in up to six (6) shipping containers with a maximum floor area of 90 m^2.

The recommendation above is supported as:

- The North Pender Island Land Use Bylaw No. 103, 1996 (LUB) does not permit a non-residential use, structure or building (other than a pump house) on residentially zoned land where there is no principal use;
- Three previous rezoning applications have been submitted seeking changes to the LUB to permit the proposed storage use outright even in the absence of a principal use, the previous LTC denied all three of these applications from proceeding at the preliminary report stage;
- Adjacent property owners and other nearby residents have expressed concerns regarding the issuance of a TUP to allow the continued use of the lot for storage without an associated principal use;
- There is no indication that a principal residential use will be initiated on the subject property and there is no willingness demonstrated by the applicant to provide a plan to unwind the temporary use in the absence of a principal use being established.

BACKGROUND

The proposal is proceeding as a result of bylaw enforcement action (NP-BE-2018.9). The violation on the property is for the placement of accessory structures (6 storage containers) on the subject property on Andrew Place without a Building Permit being issued by the CRD for a principal building or structure on same the lot. When the use was initiated, Bylaw Enforcement received numerous complaints about the size and nature of the use. Upon

investigation and verifying the contravention, the applicant was given the following alternatives to bring his property into conformance with the LUB:

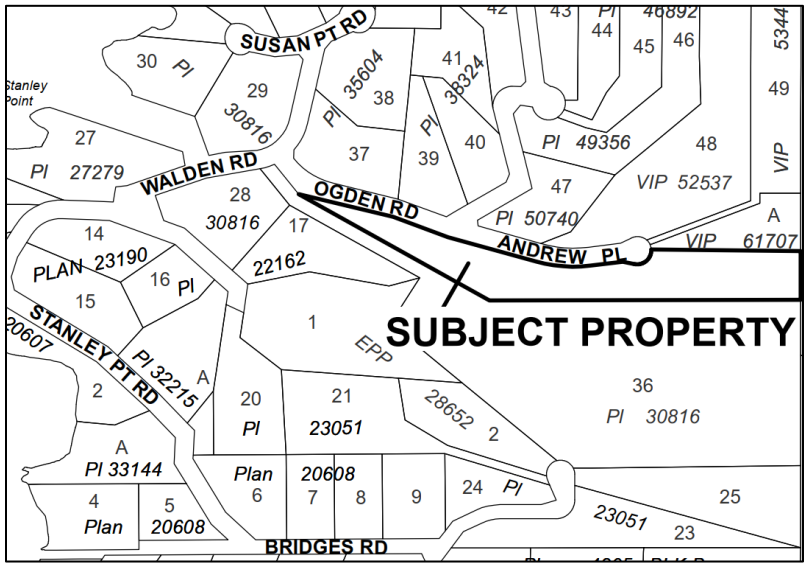
- Obtain and maintain an active residential Building Permit for the property with the CRD in order to establish a 'pathway to compliance'.
- Remove the storage containers and cease the use on the property.
- Apply for a Temporary Use Permit (TUP).
- Apply to rezone the property to allow the use and the size of the use on the property.

The applicant has pursued rezoning three times. In rezoning application NP-RZ-2019.1 (Sketch), the applicant sought a change to the LUB to allow accessory uses prior to a principal residential use that would apply to all residentially zoned properties on North Pender (with some exceptions). The LTC denied the application in April 2019. The applicant then applied for rezoning to legalize the structures located on the property (NP-RZ-2019.1). The LTC denied the application in September 2019.

The applicant returned in 2021 with a similar application to NP-RZ-2019.2. The LTC again denied the application. The applicant is now seeking a TUP as a viable alternative to legalize the use of the storage structures in the absence of rezoning approval.

The subject property is 2.19 hectares and is located at the terminus of Andrew Place. There are no other structures on the property other than those located in the proposed TUP area.

Figure 1 – Subject Property



Site context is included in Attachment 1 and mapping in Attachment 2. A copy of the statutory notice is Attachment 3 and the proposed TUP is Attachment 4. Public correspondence is Attachment 5. Staff visited the property with the property owner on March 2, 2023.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The following ITPS statement is the most applicable. The visual/aesthetic impacts associated with a potential temporary storage use has the most relevance. It is up to the LTC to decide if the potential impacts outweigh the benefits to the applicant.

5.2 Growth and Development

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

North Pender Official Community Plan

Rural Residential Objectives

1) To preserve the opportunity for a rural lifestyle.

Rural Residential Policies

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

The applicant's property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171 (OCP). There is a small portion of the property that is designated in Development Permit Area 4 – Wetland Ecosystems (see Attachment 1.2). This DPA is distant from where the storage containers have been sited.

The TUP application proposes storage use on the property with minimal potential for establishing a principal residential use. Therefore, staff is of the opinion that the proposal is contrary to the above OCP policy 2.1.1.1.

The OCP also includes three general TUP guidelines. The application is consistent with these guidelines.

6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.

6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.

6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.

Land Use Bylaw

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

The specific subsection of the LUB that is the subject of the application is in Section 'General Regulations' of the LUB and is as follows:

3.4.3 An accessory building or structure may be constructed or placed and occupied as a temporary dwelling prior to the construction of a principal building or structure on the same lot provided that a building permit has been issued for the principal building or structure and the water supply and sewage disposal facilities for the principal building or structure have been installed.

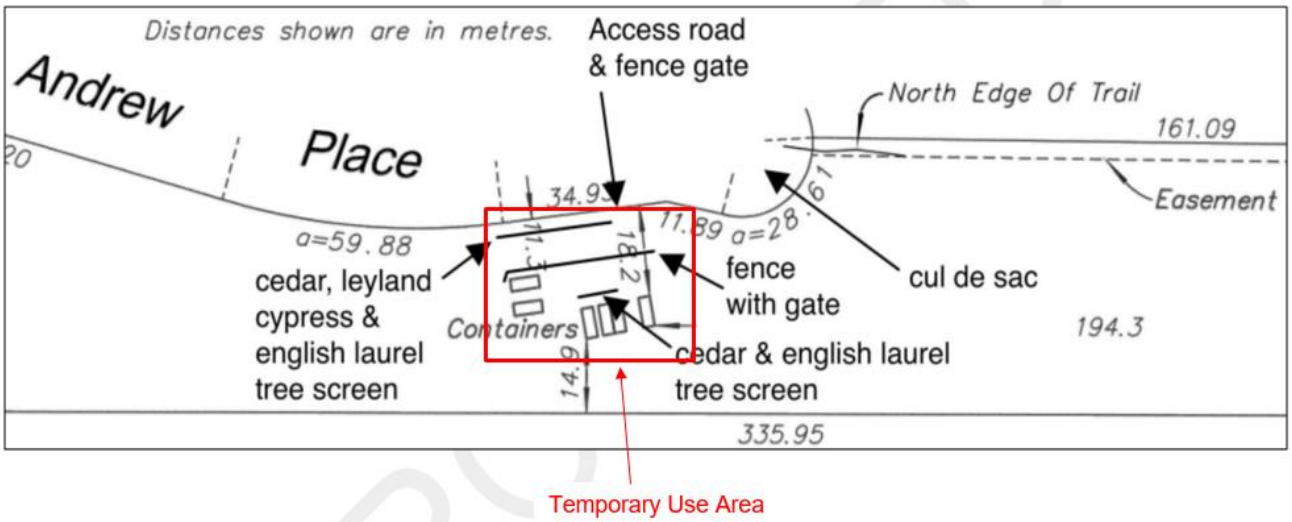
For clarity, staff have consistently interpreted the 'temporary dwelling' portion of the Subsection as supplementary. That is to say, an accessory building does not have to be occupied as a temporary dwelling. However, in order to obtain a building permit for the principal building for a residence from the CRD, water and sewer are required. In addition, the regulation is noted as being a single accessory building, not multiple structures.

TUP Conditions

The proposed conditions in the TUP are:

a) The storage structures permitted in Section 2 (above) are limited to a maximum of six (6) shipping containers with a combined floor area of 90 m² and a maximum height of 4.0 m;
b) All uses permitted in Section 2 (above) shall be limited to the specific portion of the subject property labelled 'Temporary Use Area' on Schedule 'A' and the six (6) shipping containers shall be sited as shown on Schedule A;
c) The existing fence, gate and planted trees that provide screening for the 'Temporary Use Area' as shown on Schedule A shall be maintained for the entire period of the Permit;
d) The holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

The use is only allowed in the designated Temporary Use Area of the subject property as shown below:



The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP.

Fence screening surrounds a majority of the exterior perimeter of the TUP area but does extend completely along the western edge. If the LTC determines that screening along this edge is necessary, as this is a more onerous permit condition, the LTC could include it in the proposed permit as an amendment without further public notification. A TUP condition could be worded as follows:

e) The permit holder shall construct a screening fence along the west side of the TUP area similar in height and construction to the existing fence within one year of the permit being issued (or another time frame based on discretion of the LTC).

A TUP term of three (3) years is the maximum permitted by legislation, and the owner would be eligible to apply to renew for a further three (3) years. The LTC may opt to reduce that timeframe if they judge that a shorter time to gauge any impacts and concerns prior to a renewal application is preferable.

Water Cistern

There is currently a large water cistern sited in the TUP area between the two containers located on the western edge of the proposed TUP area (see photo in Attachment 2). The water cistern was not included in the site plan submitted by the applicant nor was it included in the TUP application. The applicant uses the cistern to irrigate the screening hedges that have been planted at the site. Staff are of the view that the cistern could be considered a use permitted in any zone based on 3.1.1 (4) of the LUB general regulations:

(4) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;

Planning for Cease of Use

Given the use is intended to be temporary only, planning staff have encouraged the applicant to provide a plan in writing to unwind the temporary use at some point in the future. To date, the applicant has been reticent to provide such a written plan. As this is the case, staff are not supportive of the application given there is no consideration being made by the applicant to end the land use in a reasonable and agreed upon timeframe.

Potential Impacts on Direct Neighbours and Neighbourhood

The potential impacts of the proposed temporary use can be considerable on direct neighbours and the local neighbourhood. Generally, in this case, these include potential noise and nuisance, visual/aesthetic impacts, and risk of change of neighbourhood character.

Upon the applicant placing the shipping containers on his property, the Islands Trust received numerous complaints via telephone and writing. Concerns expressed by neighbours included the storage use on the property, the visual impact of the containers and the legality of the use. Phone complaints from other neighbours on Stanley Point were also overwhelmingly against the current use.

Three submissions from the community has been received in response to the TUP notification (Attachment 5). The respondents are not in favour of the TUP being approved, citing concerns around overall legality and visual/aesthetic impacts of the shipping containers.

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, published in the March 8, 2023 Driftwood newspaper (Attachment 3) and posted on North Pender Island community bulletin boards.

The statutory notification period ends at 4:30 p.m. March 10, 2023, although comments will still be received up to the March 17, 2023 LTC meeting.

At the time of writing, staff have received three responses to the statutory notification. Any additional submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) 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 Heritage Conservation Act. If such material is encountered, the Archaeology Branch should be contacted immediately.

Rationale for recommendation

In summary, the recommendation on page 1 is supported as:

- The North Pender Island Land Use Bylaw No. 103, 1996 (LUB) does not permit an accessory structure or building (other than a pump house) on residentially zoned land where there is no principal use;
- Three previous rezoning applications have been submitted seeking changes to the LUB to permit the proposed storage use outright even in the absence of a principal use, the previous LTC denied all three of these applications from proceeding at the preliminary report stage;
- Adjacent property owners and other nearby residents have expressed concerns regarding the issuance of a TUP to allow the continued use of the lot for storage without an associated principal use;
- There is no indication that a principal residential use will be initiated on the subject property and there is no willingness demonstrated by the applicant to provide a plan to unwind the temporary use in the absence of a principal use being established.

ALTERNATIVES

1. **Request further information**

   The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. **Amend or Add conditions**

   The LTC may wish to further amend the TUP by placing further limits on the adding conditions such as physical screening requirements and/or changing the time period that the permit would be valid. If selecting this alternative the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

   That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2022.5 (Sketch) be amended by the addition of the following condition(s): _____

3. **Issue the permit**

   The LTC may issue the temporary use permit. Recommended wording for the resolution is as follows:

   That the North Pender Island Local Trust Committee approve Temporary Use Permit application NP-TUP-2022.5 (Sketch) for a period of (XX) years.

Submitted By:	Brad Smith, Island Planner	March 9, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	March 9, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft TUP
5. Community Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THE FRACTIONAL NORTH WEST 1/4 OF SECTION 23, PENDER ISLAND, COWICHAN DISTRICT,EXCEPT PARTS IN PLANS 20607, 20608, 21047, 21390, 22162, 23051,27279, 30816,32215, 35604, 38324, 46892, 49356, 50740, VIP52537 AND VIP53442
PID	007-934-211
Civic Address	Andrew Place (Stanley Point)

LAND USE

Current Land Use	Rural Residential (Vacant)
Surrounding Land Use	Rural Residential and Community Park (South)

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-RZ-2019.1	Overall amendment to LUB to allow accessory uses prior to establishing principal residential use – denied by the LTC.
NP-RZ-2019.2	Amendment to LUB to allow accessory uses on subject parcel prior to establishing principal residential use – denied by the LTC.
NP-RZ-2021.1	Amendment to LUB to allow accessory uses on subject parcel prior to establishing principal residential use – denied by the LTC.

POLICY/REGULATORY

Official Community Plan Designations	**RR - Rural Residential** in the North Pender Island Official Community Plan No. 171 (OCP). Small portion of the property that is designated in **Development Permit Area 4 – Wetland Ecosystems** (see Attachment 2.2).
Land Use Bylaw	**Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).
Other Regulations	Land Use Contract (F43165) This applies to the subdivision and building approvals and defers matters of land use to current zoning and official community plans. Expires in 2024. Building Scheme(EC113255)
Covenants	N/A
Bylaw Enforcement	NP-BE-2018.9 For placing of structures (shipping containers) without principal residential use (current application)

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.

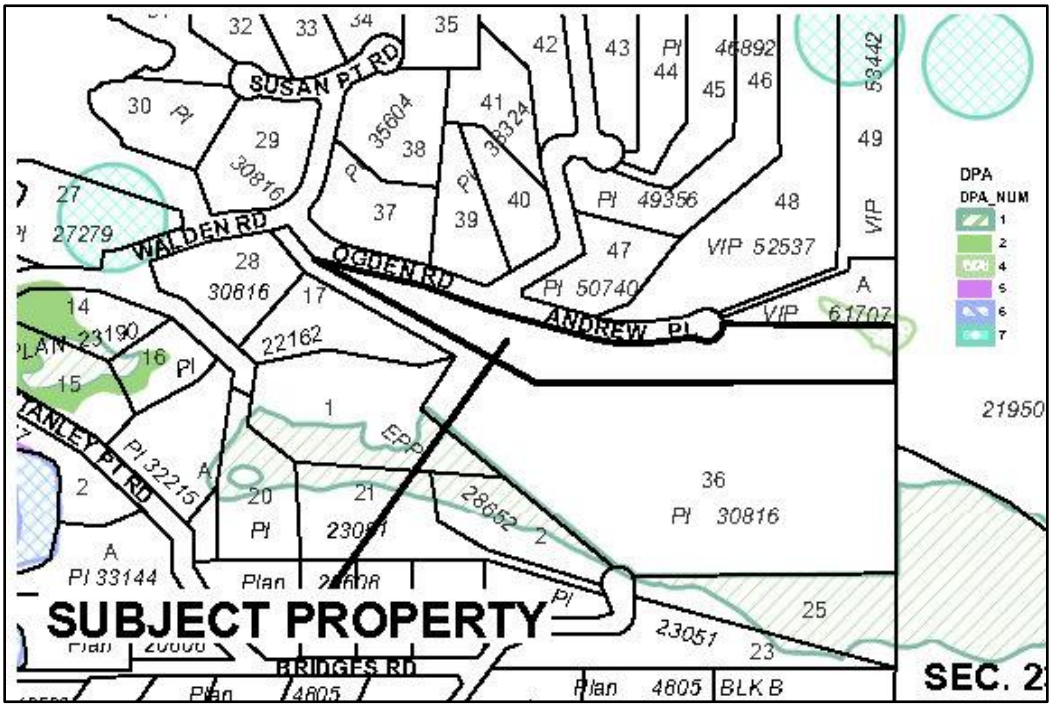
Species at Risk	None listed on TAPIS
Sensitive Ecosystems	Wetland sensitive ecosystem listed on extreme northeast of property. Not in proximity to current development.
Hazard Areas	See Attachment 2.3 –majority of the subject property has medium slope stability risk and purported geotechnical issues.
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) 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 *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* 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	Clearing and surfacing and placing of structures has a nominal impact on GHG emission changes resulting from approval. Reuse of structures (sea cans) has benefit versus new construction.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 1 – MAPS AND PHOTOGRAPHS

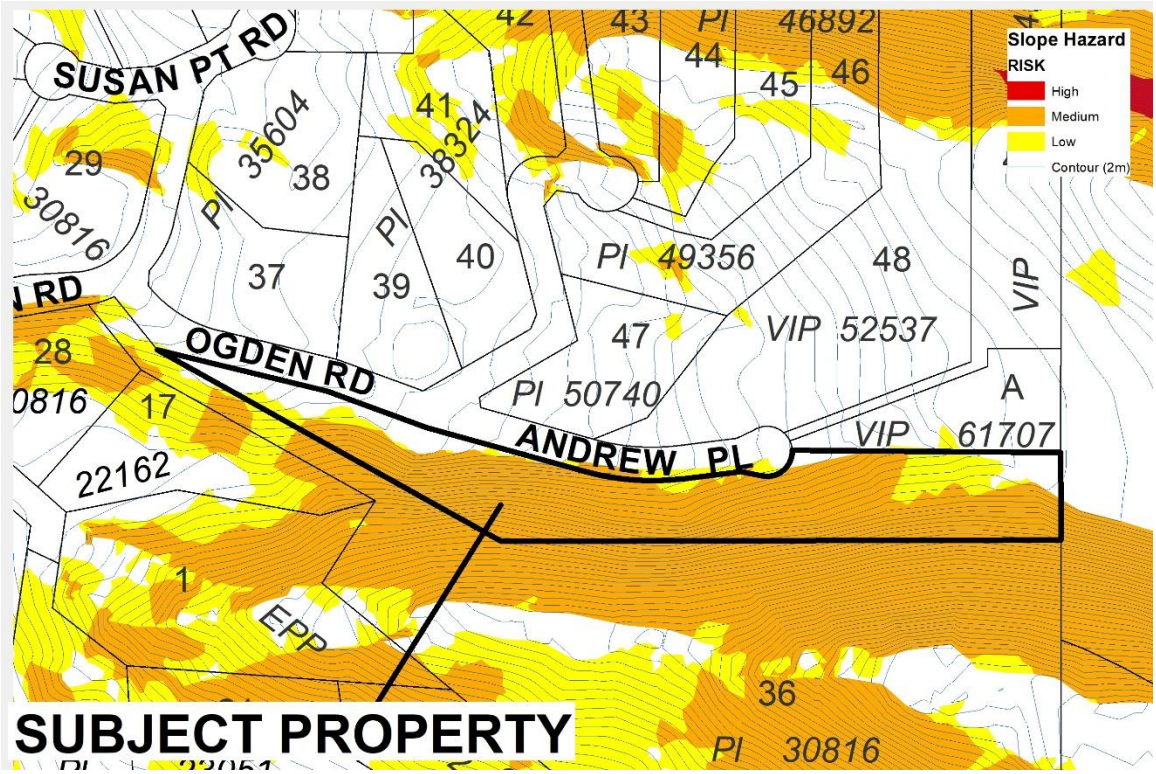
1.1 ORTHOPHOTO AND ZONING



1.2 DPAs



1.3 Steep Slope Hazard and Contours



1.4 PHOTOGRAPHS

MARCH 2, 2023 – VIEW FROM OUTSIDE TUP AREA



MARCH 2, 2023 – SHIPPING CONTAINERS



MARCH 2, 2023 – WATER CISTERN



MARCH 2, 2023 – WESTERN EDGE OF TUP AREA WITH NO FENCE SCREENING



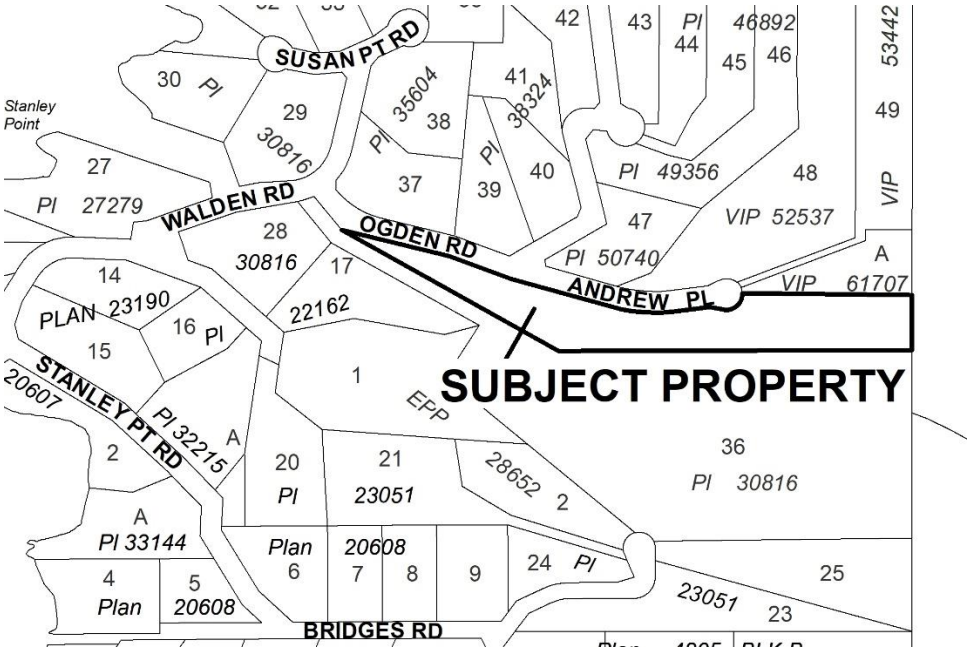
NOTICE
NP-TUP-2022.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to The Fractional North West 1/4 Of Section 23, Pender Island, Cowichan District Except Parts In Plans 20607, 20608, 21047, 21390, 22162, 23051, 27279, 30816, 32215, 35604, 38324, 46892, 49356, 50740, VIP52537 and VIP53442 (PID: 007-934-211). This property is located at **1101 Andrew Place.**

The purpose of this temporary use permit would be to permit the use of the subject property for the **temporary storage of personal possessions** in a maximum of six (6) shipping containers.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for **three (3) years** and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

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 **February 27, 2023** and continuing up to and including **March 10, 2023**.

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

Enquiries or comments should be directed to Brad Smith, Island Planner at (778) 679-5185. 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: southinfo@islandstrust.bc.ca before 4:30 p.m., **March 10, 2023**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., March 17, 2023**.

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2022.5 (Sketch)

1101 Andrew Place

To: Michael Sketch for Stanley Point Estates Ltd.

1. This Permit applies to the land described below:

   The Fractional North West 1/4 Of Section 23, Pender Island, Cowichan District Except Parts In Plans 20607, 20608, 21047, 21390, 22162, 23051, 27279, 30816, 32215, 35604, 38324, 46892, 49356, 50740, VIP52537 And VIP53442 (PID: 007-934-211).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

   a) the **temporary storage of personal possessions** in a maximum of six (6) shipping containers.

3. The uses shall be carried on subject to the following conditions:

   a) The storage structures permitted in Section 2 (above) are limited to a maximum of six (6) shipping containers with a combined floor area of 90 m² and a maximum height of 4.0 m;
   b) All uses permitted in Section 2 (above) shall be limited to the specific portion of the subject property labelled 'Temporary Use Area' on Schedule 'A' and the six (6) shipping containers shall be sited as shown on Schedule A;
   c) The existing fence, gate and planted trees that provide screening for the 'Temporary Use Area' as shown on Schedule A shall be maintained for the entire period of the Permit;
   d) The holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint.

4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

PROPOSED

5. 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 approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

_____
Deputy Secretary, Islands Trust

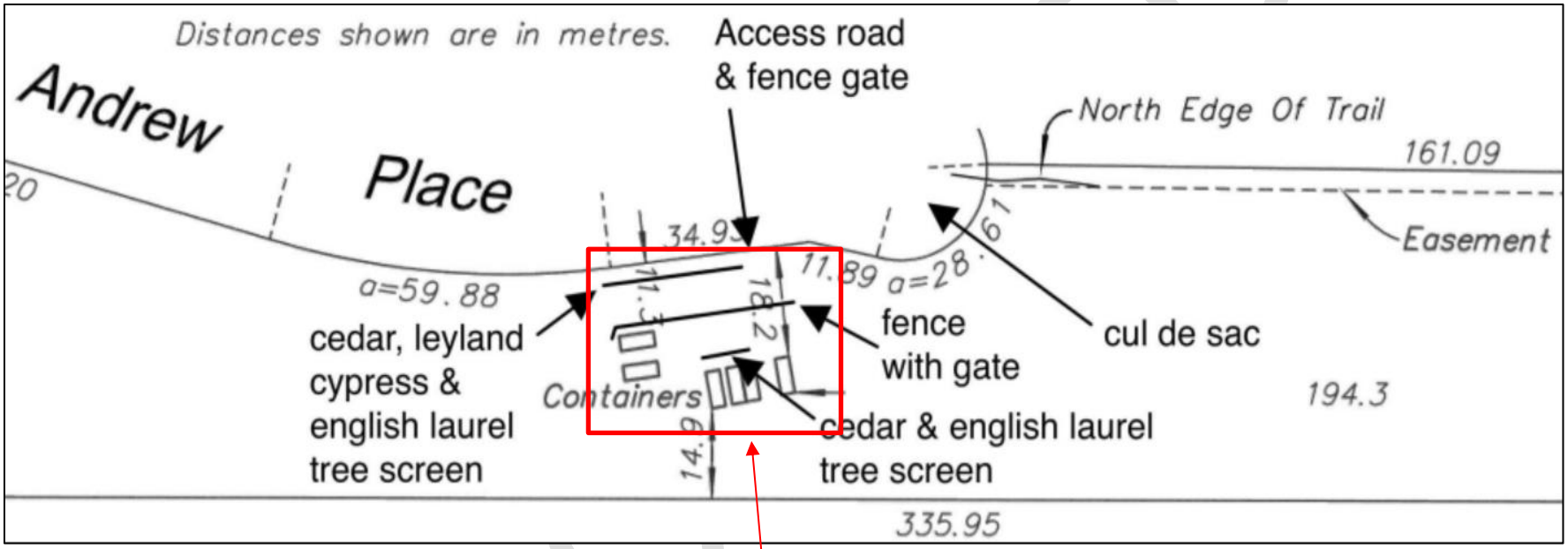
_____
Date Issued

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2022.5 (Sketch)

SCHEDULE 'A' – SITE PLAN



PROPOSED

From: SouthInfo
Sent: Thursday, March 9, 2023 8:49 AM
To: Brad Smith; Robin Ellchuk
Subject: FW: Attn: Brad Smith -- Re NP-TUP-2022.5 (Sketch)

From: Russ Francis
Sent: Wednesday, March 8, 2023 9:41 PM
To: SouthInfo
Cc: Deb Morrison ; Aaron Campbell ; David Maude
Subject: Attn: Brad Smith -- Re NP-TUP-2022.5 (Sketch)

To:

Brad Smith Island Planner
David Maude LTC Chair
Deb Morrison North Pender Island Trustee
Aaron Campbell North Pender Island Trustee

Re: Sketch Proposal NP-TUP-2022.5

I strongly oppose approval of this proposal.

This property owner has:

- deliberately flaunted the requirements of the North Pender Land Use Bylaw since 2018 by dumping multiple large shipping containers on a lot zoned Rural Residential

- repeatedly applied for *ex post facto* variances and a TUP—all declined by the North Pender LTC

- ignored Island Trust orders to remove the containers

- declined to pay resulting violation fines

- forced the Island Trust to obtain enforcement orders from the B.C. Supreme Court

The consequences of Mr Sketch's actions are:

- significant additional workload for IT planning staff

- increased litigation costs for IT taxpayers

- a growing atmosphere of property owners ignoring the requirements of IT bylaws

- bringing the administration of Southern Gulf Islands bylaws into disrepute

To allow this proposal would only encourage further retroactive nose-thumbing at the rule of law in the Southern Gulf Islands in general, and in particular on North Pender Island.

Consequently, I encourage the LTC to reject the proposal.

Thank you.

Russ Francis



From: SouthInfo
Sent: Thursday, March 9, 2023 11:15 AM
To: Brad Smith; Robin Ellchuk
Subject: FW: Michael Sketches's Application to Allow Shipping Container on Rural Zoned Property

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From: Shahid Hussain
Sent: Thursday, March 9, 2023 10:46 AM
To: SouthInfo ; David Maude ; Deb Morrison ; Aaron Campbell
Subject: Michael Sketches's Application to Allow Shipping Container on Rural Zoned Property

Hello Everyone
I am not very close to the issue but I totally align with Russ Francis' Comments (shown below) that he has forwarded to you earlier.
Michael has deliberately and intentionally ignored all the community concerns, bylaws and restrictions assuming that he can get away with anything if he continuously ignores any LTC decisions, community concerns and civil society's legal and sensible rulings. Couple of years ago I met with him, urging him to reconsider his opposition and ignoring the decisions that LTC and court have imposed in order to maintain and respect friendship and relationships with the neighbours and community in general. I am even promised to contribute money and raise some money to help defray the cost of moving his container to another legal location, possibly in Sydney, so this controversy will be mitigated. He of course totally ignored me.

Anyway, I am not sure what the LTC has in mind to grant him another three years of grace period, but it will set a dangerous precedent that if you keep on ignoring and resisting bylaw restrictions and other major decisions, the problem will go away.

So, I would like you to seriouslly reconsider your decisions.
S Hussain
[redacted]

Brad Smith Island Planner
David Maude LTC Chair
Deb Morrison North Pender Island Trustee
Aaron Campbell North Pender Island Trustee

Re: Sketch Proposal NP-TUP-2022.5

I strongly oppose approval of this proposal.

This property owner has:

- deliberately flaunted the requirements of the North Pender Land Use Bylaw since 2018 by dumping multiple large shipping containers on a lot zoned Rural Residential

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To allow this proposal would only encourage further retroactive nose-thumbing at the rule of law in the Southern Gulf Islands in general, and in particular on North Pender Island.

Consequently, I encourage the LTC to reject the proposal.

Thank you.

March 9, 2023

Dear Pender Island Local Trust Committee:

Re: NP-TUP-2022.5

We thank staff for the notification concerning the proposed issuance of a Temporary Use Permit to alter the rural/residential use of the subject property at 1101 Andrew Place. We understand that the proposed TUP is a way of legitimizing the current unauthorized use of the subject property. We have not been involved in this matter to date and appreciate the opportunity to provide the perspective and impact [redacted]

Our family has owned a property zoned as rural/residential [redacted] for almost 30 years. [redacted] We love our beautiful property and have been waiting for our retirement to have the time to enjoy its trees, terrain, wildlife and water-front view. We bought the property from Ralph and Marion Sketch, parents of the TUP applicant, who kindly helped us as a young couple to acquire the property. We enjoyed our association with Ralph and Marion Sketch and miss them.

We understand that the proposed TUP will enable the maintenance of commercial storage containers on [redacted]residential property for several years to come. We also understand that these proposed commercial and industrial uses will be allowed to stay for up to six more years if PILTC issues the first permit. For my husband and I, this will mean that this property use, if approved, will be in place for much of the time we have left to enjoy our property [redacted] Storage is typically allowed in industrial and commercial zones.

We have not been able to see the report that you will be receiving this coming week, and we understand that you are able to deny or issue this broad approval on the 17th of March. Knowing that the Island Trust was established to preserve the natural and rural character of the Gulf Islands gives us comfort that your deliberations will not result in an approval of this otherwise prohibited use. We have a vacant rural/residential property that requires safe-guarding because of its natural beauty; we pay our taxes; and, we have always followed the rules and never contemplated a similar commercial or industrial temporary use of any kind. We expect the same [redacted]

Our family hopes that the members of the PILTC, with your jurisdictional authority, will agree with us, and deny the permit and direct the termination of the unauthorized use and the removal to the storage containers.

Please confirm receipt of this communication. We will not be able to attend the meeting in person and trust this letter provides a clear and unequivocal statement of our opposition to the

application. [redacted]

Respectfully,

[redacted]

Sylvia Russell and Jamie Ross

[redacted]

Pender Island, BC

STAFF REPORT

File No.: NP-TUP-2023.1 (Vermeeren)
(NP-TUP-2019.1, NP-TUP-2020.3)

DATE OF MEETING:	March 17, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Charly Caproff, Planner 1 Southern Team
COPY:	Robert Kojima, Regional Planning Manager Brad Smith, Island Planner
SUBJECT:	Temporary Use Permit (TUP) for Short Term Vacation Rental (STVR) Applicant: Bryan and Lori Vermeeren Location: 3812 Cutlass Court

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2023.1 (Vermeeren)**

REPORT SUMMARY

The purpose of this report is for consideration of a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as: the STVR has been in operation since 2019 with no complaints pertaining to use; guest capacity is small and the cumulative impacts on the immediate neighbourhood are minimal; there was only one response to notification with concerns, but not a particular objection to the use; and, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

BACKGROUND

The proposal is for a TUP for Short Term Vacation Rental use within an existing, small single-family dwelling on the property. A TUP was first applied for and approved by LTC on September 5th, 2019 following bylaw enforcement action in October 2018, bringing the property into compliance with North Pender land use regulations. The renewal of the TUP was approved by the LTC on October 29, 2020. As per the *Local Government Act*, a TUP can only be renewed once. Therefore the applicant is applying for a new TUP for the existing STVR. Preceding issuance of the TUP renewal and prior to this current application, amendments were made to the North Pender Official Community Plan. The applicant is requesting sixty (60) days for STVR use from May 1 to September 30 in any calendar year, so that they have greater rental availability if needed.

Staff visited the property and met with the applicant on Friday, February 24, 2023. A copy of the proposed permit and completed TUP checklist are found as Attachments 4 and 5.

Specific File Activity:

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

- Staff referred the application to the CRD Magic Lake Sewer and Water Committee to confirm infrastructure capacity on June 11, 2019.

- Staff received a referral response from the CRD on M. Cowley CRD Water and Sewer Committee (July 16, 2019 – Attachment 9). That stated:

  > *as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property, then the system should not see any increased demand. Therefore, should Islands Trust choose to approve the TUP's, it should be on condition that wastewater discharges shall not exceed what can be reasonably expected from an existing rural residential property use.*

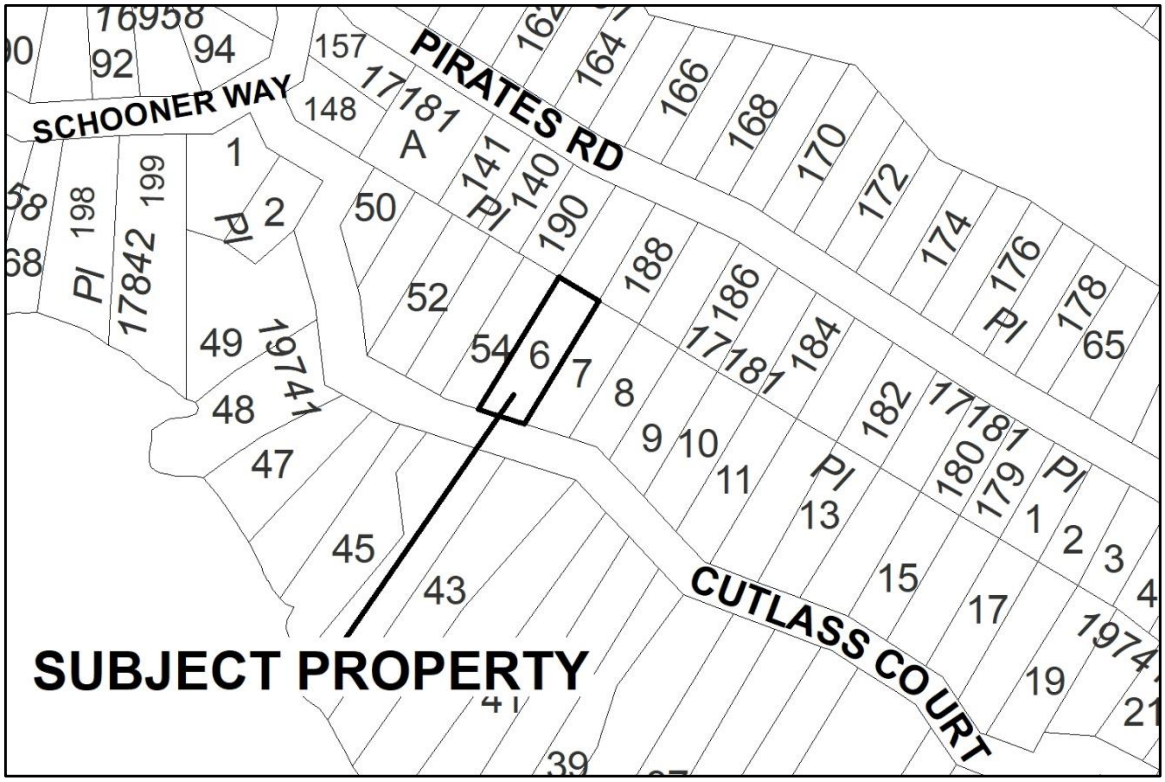
  Based on the size of the dwelling and the maximum number of guests and the provision of water conservation information, staff considers that the use is unlikely to exceed that from a permanently occupied rural residential property.

- At its October, 2020 Regular Meeting, the LTC passed the following resolution:

  NP-2020-045
  It was Moved and Seconded,
  that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.3 (Vermeeren) for a period of two (2) years

  CARRIED

Figure 1 – Subject Property



Statutory Requirement - Notification

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on March 8, 2023. The notification period ended at 4:30 p.m. on March 10, 2023.

A letter was received from one neighbour (Attachment 7) that had concerns regarding the existing vegetation on the west side of the property. In their letter, which was circulated to LTC, requesting that they plant "an effective vegetative screen" or build a fence. The Planner contacted the property owners adjacent to the west property line on March 8, 2023. They stated that there has been an attempt to plant cedar trees in the past but due to a lack of direct sunlight and soil conditions, they have not survived. The neighbours do not want a fence constructed and it is of their opinion that the existing vegetation is sufficient.

Issues and Opportunities

Compliance (previous TUP)

As the use has been previously permitted, staff contacted the applicants with the same questions for a renewal, specifically, asking for confirmation that:

- that you have complied fully with all conditions over the valid period of your TUP, and if not please indicate which condition you have not complied with and the reason;
- that all contacts are current and if they were updated that those have been supplied to neighbours; and,

- indicate any changes to the STVR use or use of your property in general that may be relevant to the TUP.

Additionally, the applicants were requested to confirm adherence to specific conditions in the prior TUPs:

n) *that an application for renewal include hydro and water metre readings for the term of the TUP.*
o) *that water conservation signs be posted at all water sources.*

They have confirmed that they have adhered to all the foregoing. If NP-TUP-2023.1 is approved for issuance, staff will provide the permit to the CRD staff contact for the Magic Lake Water and Sewer System for information, consistent with OCP policy 6.4.7.

Rationale for Recommendation

The recommendation for the issuance of the TUP on page one is supported as:

- The proposed STVR substantially meets the OCP guidelines.
- The dwelling and guest capacity are both small.
- The cumulative impacts in the immediate neighbourhood is nil as there are no other legal STVRs in the vicinity (Attachment 2).
- The referral to the CRD Magic Lake Water and Sewer was completed in 2019 (Attachment 9).
- There was only one response to notification regarding the need for additional vegetative screening or a fence – however the adjacent neighbour is in support of existing conditions.
- Lastly, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

ALTERNATIVES

1. **Request further information**

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

   Recommended wording for the resolution is as follows:

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

2. **Amend the TUP and Approve Issuance as Amended**

   The LTC may opt to amend the proposed permit by adding further restrictions (conditions, including shortening the time frame).

   Recommended wording for the resolutions are as follows:

   That the North Pender Island Local Trust Committee amend application NP-TUP-2023.1 (Vermeeren) by adding_____.

   That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2023.1 (Vermeeren) as amended.

3. 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 Temporary Use Permit NP-TUP-2023.1 Vermeeren).

Submitted By:	Charly Caproff, Planner 1	March 8, 2023
Concurrence:	Robert Kojima, RPM	March 9, 2023

ATTACHMENTS

1. Site Context
2. Map, Plans, Photographs
3. Notice
4. Proposed NP-TUP-2023.1 (Vermeeren)
5. Temporary Use Permit (TUP) Checklist
6. Guest Information
7. Correspondence
8. CRD Utility Invoice and BC Hydro consumption information
9. CRD Response 2019

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 6, SECTION 8, PENDER ISLAND, COWICHAN DISTRICT, PLAN 19741
PID	003-618-358
Civic Address	3812 Cutlass Court, North Pender Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-BE-2018.20	Unlawful STVR use (closed)
NP-TUP-2019.1	STVR for One (1) Year
NP-TUP-2020.3	Renewal of NP-TUP-2019.1 for Two (2) Years

POLICY/REGULATORY

Official Community Plan Designations	**Rural Residential - RR**
Land Use Bylaw	**Rural Residential – RR** RR zoning permits a single-family dwelling and accessory uses
Other Regulations	
Covenants	
Bylaw Enforcement	NP-BE-2018.20 – Unlawful STVR use (closed)

SITE INFLUENCES

Islands Trust Conservancy	The subject property is not located near any properties owned or protected by the Islands Trust Fund.
Regional Conservation Strategy	
Species at Risk	Sharp-tailed snake SAR habitat
Sensitive Ecosystems	
Hazard Areas	
Archaeological Sites	Archaeological potential within 100 m of the subject property.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will consume fossil fuels travelling from their points of origin. The property does not appear to be at immediate risk of climate change related hazards.
Shoreline Classification	Not Applicable

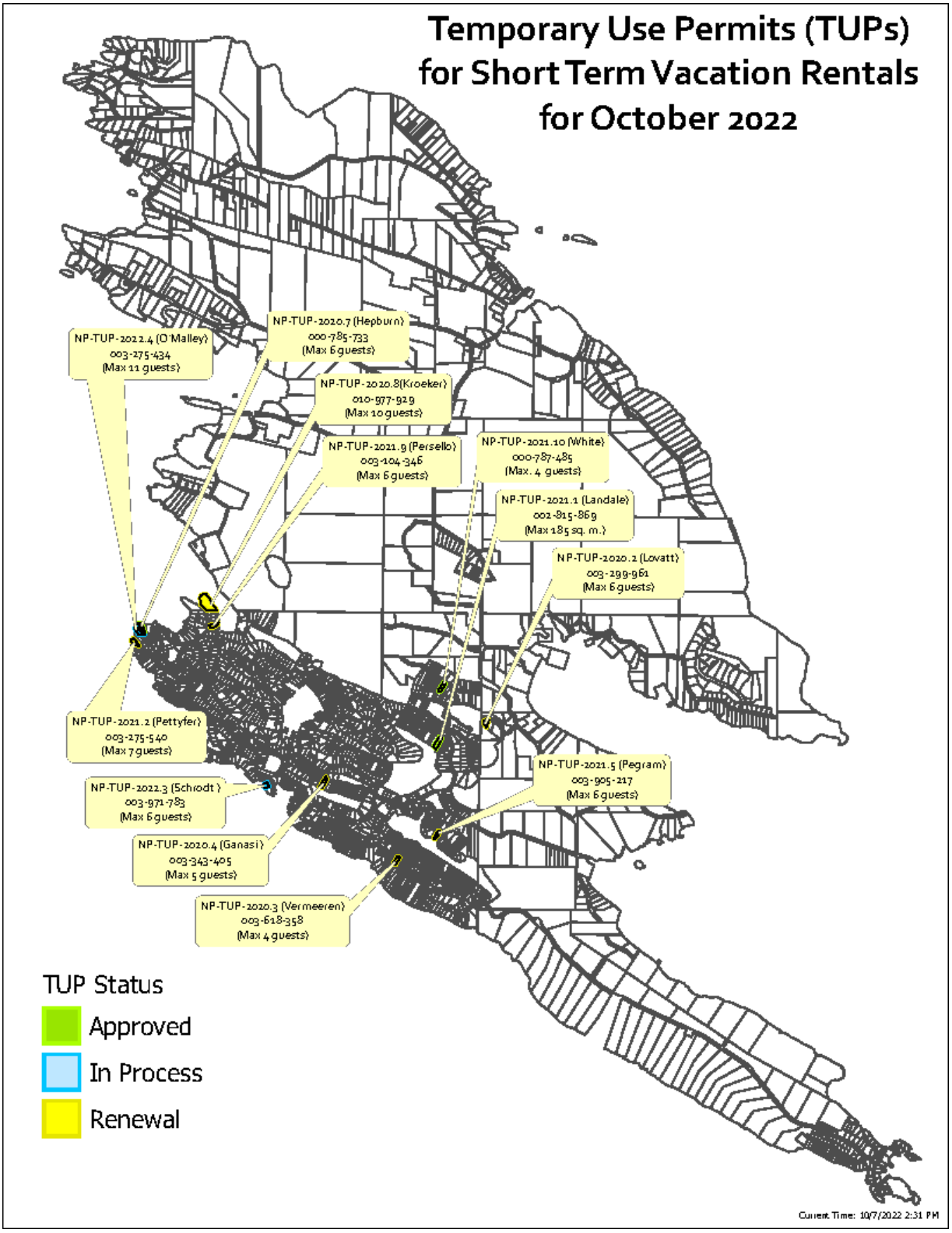
Shoreline Data in TAPIS	

ATTACHMENT #2 – MAPS, PHOTOGRAPHS

2.1 Zoning – Rural Residential (RR)



2.2 STVR Map – Oct 2022



2.4 PHOTOGRAPHS: SUBJECT PROPERTY, 3812 CUTLASS COURT



Driveway Entrance



Existing vegetation – west side of property



Existing vegetation – west side of property



Front of property



STVR - Living Room



STVR - Deck

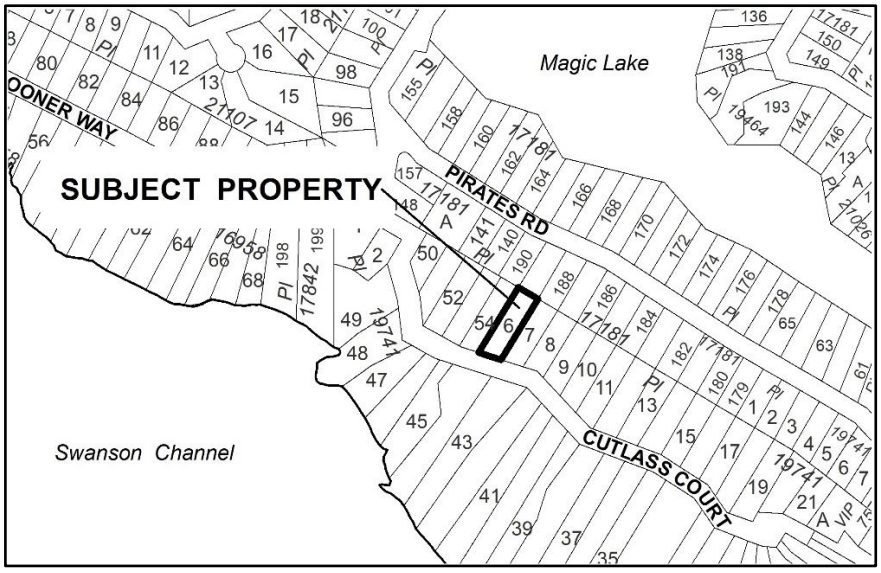
NOTICE
NP-TUP-2023.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot 6, Section 8, Pender Island, Cowichan District, Plan 19741 (PID: 003-618-358). This property is located at **3812 Cutlass Court.**

> The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for **three (3) years** and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

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 **February 27, 2023** and continuing up to and including **March 10, 2023**.

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

Enquiries or comments should be directed to Charly Caproff, Planner 1 at (250) 405-5172. 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: southinfo@islandstrust.bc.ca before 4:30 p.m., **March 10, 2023**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., March 17, 2023**.

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2023.1 (Vermeeren)

3812 Cutlass Court

To: Robert and Lorraine Vermeeren

1. This Permit applies to the land described below:

   Lot 6, Section 8, Pender Island, Cowichan District, Plan 19741
   (PID: 003-618-358).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

   a) a **Short Term Vacation Rental** within the Dwelling Unit.

3. and is subject to the following conditions:

   a) a **parking** area that will accommodate a minimum of **two (2)** vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
   b) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone or email 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
   c) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
   d) **Signage** advertising the STVR is restricted to one unilluminated sign, with a maximum area of 0.6 m²;
   e) the property owner must post within the dwelling the following **information for guests**:
      i. remind guests that the property is located in a residential area;
      ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
      iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and
      iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use.
   f) the **maximum number of guests** is limited to **four (4)**;
   g) from the period of May 1 to September 30 only, the STVR use is limited to a **sixty (60) days** in any calendar year;
   h) demonstration by the applicant that adequate supply of water and septic capacity are provided for the duration of the proposed use;
   i) maintenance of vegetative screening adjacent to the dwelling along the west lot line;
   j) that water conservation signs be posted at all water sources;

PROPOSED

k) The following activities are **prohibited**:
    i. camping and occupancy of recreational vehicles;
    ii. the rental or provision of motorized personal watercraft;
    iii. the use on Magic Lake or Buck Lake of watercraft brought from off island; and,
    iv. outdoor fires.

l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint.

4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

5. 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 approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

_____
Deputy Secretary, Islands Trust

_____
Date Issued

PROPOSED

Attachment 5: TUP Checklist for Short TERM Vacation Rental

NP-TUP-2023.1 (Vermeeren)
3812 Cutlass Court

Guidelines	Comments
Overall TUP Guidelines	
a) **Time Period** - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	N/A
b) **Residential Appearance** - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No alteration of residence.
c) **Cumulative Effects** - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Minimal community impact – number of guests less than what is specified in OCP guidelines.
d) **Distance to Another STVR** - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	No STVRs within 200 m of subject property.
e) **Water Supply** - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
i. **Private Well -** If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.	N/A
ii. **Community Water System (Magic Lake & Razor Point)** - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Planner will contact CRD staff as per OCP guidelines.
iii. **Trincomali Improvement District -** A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

Attachment 5: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
f) **Parking** - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of **two (2)** vehicles	Complies.
g) **Sensitive Ecosystems** - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	N/A
h) **Signage** - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².	Complies.
i) **Operator Contact** - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Provided.
j) **Operator Contact & TUP to Neighbours** - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Provided.
k) **Guest Information** - The permit should require the landowner post the following information for guests:	
i. remind guests that the property is located in a residential area;	Complies.
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Complies.
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Complies.
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Complies.
l) **Permit Conditions** - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. limit the number of **bedrooms** that can be used for short term vacation rentals;	Small building – two bedrooms.
ii. limit the number of guests to **six (6)** for properties located within the Magic Lake Estates Water System Area;	Maximum allowed is four (4) for proposed permit.
iii. **limit the number of days** the short term vacation rental may be in use from the period	Applicant is seeking sixty (60) days to allow for more booking availability if needed.

Guidelines	Comments
of May 1 to September 30 in a calendar year to a total of thirty days;	
iv. require **mitigating** measures to address **neighbours' concerns**, such as retention of existing screening and fencing, or installation of additional screening;	See staff report. Adjacent neighbour finds existing vegetation sufficient.
v. require the landowner/operator to **post contact information and permit information** at the entrance to the property;	
vi. **prohibit** camping or occupancy of RVs on the property;	Included in permit.
vii. **prohibit** the rental or provision of motorized personal watercraft;	Included in permit.
viii. **prohibit** watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Included in permit.
ix. **prohibit** outdoor fires; and	Included in permit.
x. establish the **dates** during which the use may occur.	Included in permit.
m) ***Agriculture Land Reserve*** - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) **Owner Occupancy** - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	
o) **Maximum Number of STVRs** - The Local Trust Committee must not approve more than **twenty (20)** temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	Complies.
p) **Occupancy Permit** - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Complies.
q) **Bylaw Enforcement** - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included in permit.

Welcome to the Cozy Red Cottage!

Our History

The Cozy Red Cottage was built in 1970 and purchased by its current owners in May 2018. We spent the summer of 2018 renovating and working hard to bring this beautiful cottage to life, making it a bright, comfortable, and relaxing space to break away from the hustle and bustle of everyday life. We welcome you to this beautiful island. Please feel free to reach out to us at [redacted] should you have any questions or concerns during your stay.



You are in a residential area; please keep noise to a minimum, be a friendly neighbour and enjoy Pender Island. And check out the Community market on Saturday mornings if you get a chance. Please see below for safety and house info.

Safety:

For fire, ambulance, police please dial 911
Our address is 3812 Cutlass Court, on North Pender Island
The cottage is equipped with a smoke and carbon monoxide alarm.
Fire extinguishers can be found in the cupboard above the fridge, beside the BBQ on the front porch, and inside the shed to the side of the house.
Pender Island Medical Clinic – 5715 Canal Rd (p) 250-629-3233
Pender Island Fire Dept – 4423 Bedwell Harbour Rd (p) 250-629-3321
On-Island Property Manager – Jessica –

**** Please be aware that fires are not permitted on the property. ****

Power outages – Power outages are a normal part of Island life, particularly when a windstorm comes through. Candles, matches and flashlights as well as a basic first aid kit can be found in the cupboard above the fridge. The electrical panel can be found behind the spice rack. There's also a generator and snow shovel in the back shed if needed.

Check-out is 11am, and we ask that you please return the key to the lock box. Please ensure the lights and the fireplace are turned off.

You are in a residential area; please keep noise to a minimum and be a friendly and good neighbour.

There is no smoking allowed inside the property, and all cigarettes and butts must be properly disposed of.

We ask that you please be respectful of the nature surrounding you. In particular, we ask that you do not approach or feed the deer.

House Amenities:

Wifi Name:
Wifi Password:

Water: Please conserve water as Magic Lake Estate's water supply is limited. The cottage is on the municipal sewer system. The tap water is clean and safe to drink.

TV: The TV can be used to access Netflix, prime as well as a few other apps. Please help yourself to the TV, however we ask that you don't order movies through iTunes.

Fireplace: The fireplace works using the buttons on top right of glass front.

Laundry: Laundry is available in the bunk-bed room behind the sliding barn door. Tide Pods are available for your use. We ask that you wash clothes using cold water, and set they dryer to "Heavy Duty" and "More Dry". Please help us respect the environment by only doing laundry if necessary, and re-using your towels.

Heat: The cottage is heated with electric baseboards. A control panel is located next to the TV. Use the up and down arrows on the display screen to change the heat settings.

Garbage disposal: Garbage bins are found under the sink and in the bathroom. If your garbage fills up, please do not leave it outside as wildlife may get into it. Please take excess garbage to the shed at the back of the house where you'll find a locking large bin, as well as a recycling bin.

Other:
The kitchen table can be extended to accommodate 4 people, spare chairs can be found in the shed at the side of the house.
Books, puzzles, toys and games are located in the cabinet under the TV.
Backshed has bocce, badminton, disc's for disc golf.
There's paint and brushes in the drawer of the kitchen table in case you want to paint a rock for the garden.

Island Amenities:

Driftwood Center: The Driftwood Center has a grocery store, gas station, post office, pharmacy, liquor store, bakery, deli, and gift store.

Restaurants & Cafés: Jo's Place, Port Browning Marina Resort Pub, Aurora Restaurant at Poet's Cove, Vanilla Leaf Bakery Café, Hub, Pender Chocolates, Truss food truck

Grocery Stores: Tru Value Foods (at the Driftwood Center), Southridge Country Store

Farmers' Market: Please take advantage of the farmers' market Saturday morning at the Community Hall.

Liquor Stores: BC Liquor Store (at the Driftwood Center), Medicine Beach Liquor Store

Vineyards & Cideries: Sea Star Vineyards, Twin Island Cider

Golf and Disc Golf: Pender Island Golf and Country Club is located on Otter Bay Road, and Golf Island Disc Park is located on Galleon Way.

Community Market: Saturdays at the community hall. Its cute and fun, you should go. The bbq sampler is amazing, there's soaps and local crafts and there's usually some chicks or rabbits to play with.

March 7, 2023

Correction to email of March 6, 2023 regarding NP-TUP-2023.1 Vermeeren

To: Mr. Charly Caproff, Planner 1
Mr. David Maude, Mayne Island Trustee,Executive Vice Chair
Dr. Deb Morrison, North Island Trustee
Mr. Aaron Campbell, North Island Trustee

Re: Vermeeren
Lot 6, Section 8, Pender Island, Cowichand district, Plan 19741
(PID 003-618-358)
NP-TUP-2023.1 Request

I am writing to request that prior to the granting of a TUP for operating a STVR at 3812 Cutlass court, the North Pender Trustees and Executive Vice Chair from Mayne Island require the Vermeerens to plant an effective vegetative screen along the west border of their property. Alternatively, I would be quite happy if they built a fence, which is what the Vermeerens chose to build to screen themselves from the lot(s) to the east.

The Vermeerens have operated a STVR at 3812 Cutlass Court since shortly after purchasing the property in the summer of 2018. It became a legal STVR in September 2019 when a TUP was finally obtained. The TUP was given subject to a number of conditions including a vegetative screen along the west lot line. This condition is also listed on the proposed TUP.

Close to five years on and, in my opinion, there continues to be no vegative screen as required by the conditions of the TUP. By what stretch of the imagination should we consider the preexisting invasive daphne that grows along Vermeeren's west property line an effective vegetative screen? Certainly we can all agree that a preexisting invasive plant that grows 2-3 feet tall is not in the spirit of the TUP's condition. As a community, as Bylaw Officers and as Trustees we should not be encouraging/permitting homeowners to grow an invasive plant so as to create a vegetative screen to meet a condition on a TUP. Certainly not a plant whose sap is toxic to all and certainly puts unknowledgeable guests (children), at risk.

Sincerely,

Daurel Minion

Account Holder	Account Number	Interval Start Date/T	Net Consur	Peak Dema	Power Factor (%)
[redacted]		10/1/2020	869	N/A	N/A
		11/1/2020	1164	N/A	N/A
		12/1/2020	1003	N/A	N/A
		1/1/2021	1446	N/A	N/A
		2/1/2021	1401	N/A	N/A
		3/1/2021	892	N/A	N/A
		4/1/2021	841	N/A	N/A
		5/1/2021	724	N/A	N/A
		6/1/2021	473	N/A	N/A
		7/1/2021	296	N/A	N/A
		8/1/2021	269	N/A	N/A
		9/1/2021	439	N/A	N/A
		10/1/2021	715	N/A	N/A
		11/1/2021	829	N/A	N/A
		12/1/2021	1402	N/A	N/A
		1/1/2022	1230	N/A	N/A
		2/1/2022	1318	N/A	N/A
		3/1/2022	1198	N/A	N/A
		4/1/2022	876	N/A	N/A
		5/1/2022	646	N/A	N/A
		6/1/2022	315	N/A	N/A
		7/1/2022	412	N/A	N/A
		8/1/2022	410	N/A	N/A
		9/1/2022	290	N/A	N/A

Estimated I	Service Address	City
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
X	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
X	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
X	3812 CUTLASS C	PENDER ISLAND
X	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND
	3812 CUTLASS C	PENDER ISLAND

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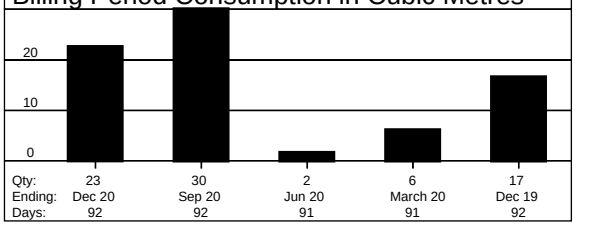
UTILITY BILL

CAPITAL REGIONAL DISTRICT
479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Jan 07, 2021
Due date: Feb 06, 2021
Billing from: Oct 01, 2020
to: Dec 31, 2020

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Oct 01, 2020	Dec 31, 2020	92	63033501	447,128	469,629	23	Cubic Metres

Previous Balance	[redacted]
Magic Lake Water Fixed Charge 1.00 SFE x $ 80.49	[redacted]
Magic Lake Water Consumption Charge 23 x $ 0.0000	[redacted]
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 98.51	[redacted]
Late Payment Charge	[redacted]
Balance Due	[redacted]

IMPORTANT MESSAGE:

If your account balance is current, thank you for your prompt payment.

If you have an overdue balance as of December 31, 2020: Overdue water accounts as of the end of the year will be added to the real property taxes on January 6, 2021 and collected as taxes in arrears for any property subject to taxation. Please follow up with the Surveyor of Taxes for information about paying transferred balances.

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Jan 07, 2021
Due date: Feb 06, 2021
Please pay: **$** [redacted]

Amount paid

Making a difference...together

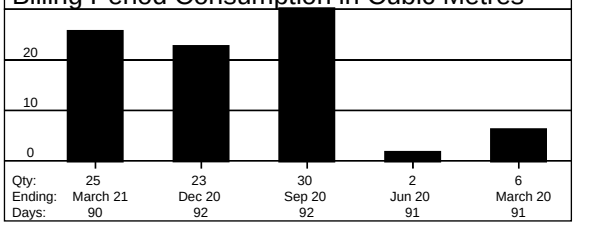
UTILITY BILL

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479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Apr 09, 2021
Due date: May 09, 2021
Billing from: Jan 01, 2021
to: March 31, 2021

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Jan 01, 2021	March 31, 2021	90	63033501	469,629	495,036	25	Cubic Metres

Previous Balance	[redacted]
Magic Lake Water Fixed Charge 1.00 SFE x $ 82.35	[redacted]
Magic Lake Water Consumption Charge 25 x $ 0.0000	[redacted]
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 98.51	[redacted]
Late Payment Charge	[redacted]
Balance Due	[redacted]

GENERAL MESSAGE

For information on the Magic Lake Estates Water System and 2021 rates please visit
www.crd.bc.ca/magiclake-ws

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Apr 09, 2021
Due date: May 09, 2021
Please pay: **$** [redacted]

Amount paid

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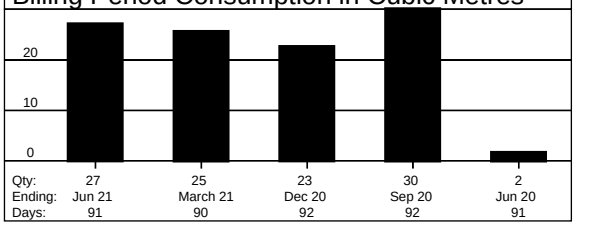
UTILITY BILL

CAPITAL REGIONAL DISTRICT
479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Jul 07, 2021
Due date: Aug 06, 2021
Billing from: Apr 01, 2021
to: Jun 30, 2021

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Apr 01, 2021	Jun 30, 2021	91	63033501	495,036	521,722	27	Cubic Metres

Previous Balance	[redacted]
Magic Lake Water Fixed Charge 1.00 SFE x $ 82.35	[redacted]
Magic Lake Water Consumption Charge 27 x $ 0.0000	[redacted]
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 98.51	[redacted]
Late Payment Charge	[redacted]
Balance Due	[redacted]

GENERAL MESSAGE

For information on the Magic Lake Estates Water System and 2021 rates please visit
www.crd.bc.ca/magiclake-ws

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Jul 07, 2021
Due date: Aug 06, 2021
Please pay: **$** [redacted]

Amount paid

Making a difference...together

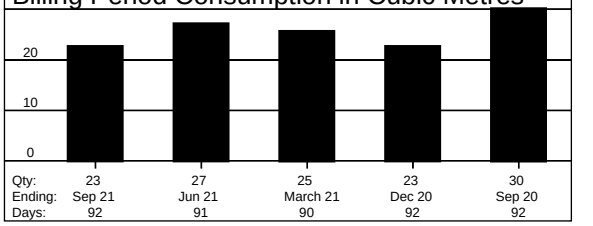
UTILITY BILL

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479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Oct 06, 2021
Due date: Nov 05, 2021
Billing from: Jul 01, 2021
to: Sep 30, 2021

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Jul 01, 2021	Sep 30, 2021	92	63033501	521,722	544,496	23	Cubic Metres

Previous Balance	[redacted]
Magic Lake Water Fixed Charge 1.00 SFE x $ 82.35	[redacted]
Magic Lake Water Consumption Charge 23 x $ 0.0000	[redacted]
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 98.51	[redacted]
Late Payment Charge	[redacted]
Balance Due	[redacted]

In response to the ongoing COVID-19 pandemic, the CRD Board has waived the requirement to hold Annual General Meetings (AGM#s) for your local water service area. In lieu of the AGM, nominations for vacancies can be submitted by mail or email by October 29, 2021. For further information, please visit www.crd.bc.ca/magiclake-ws
**If your account balance is current, thank you for your prompt payment.
If you have an overdue balance as of December 31, 2021: Overdue water accounts will be added to the real property taxes on January 5, 2022 and collected as taxes in arrears for any property subject to taxation. Please follow up with the Surveyor of Taxes for information about paying transferred balances.

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Oct 06, 2021
Due date: Nov 05, 2021
Please pay: **$** [redacted]

Amount paid

Making a difference...together

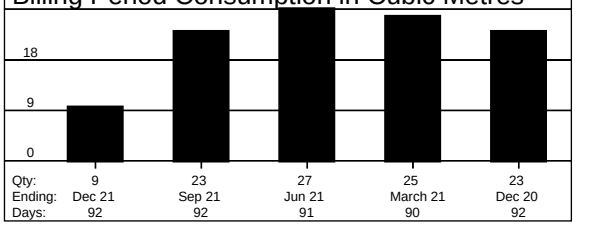
UTILITY BILL

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Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Jan 06, 2022
Due date: Feb 05, 2022
Billing from: Oct 01, 2021
to: Dec 31, 2021

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Oct 01, 2021	Dec 31, 2021	92	63033501	544,496	553,360	9	Cubic Metres

Previous Balance	[redacted]
Magic Lake Water Fixed Charge 1.00 SFE x $ 82.35	[redacted]
Magic Lake Water Consumption Charge 9 x $ 0.0000	[redacted]
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 98.51	[redacted]
Late Payment Charge	[redacted]
Balance Due	[redacted]

IMPORTANT MESSAGE:
For more information on your water system and rates, please visit
http://www.crd.bc.ca/service/drinking-water-billing-accounts/information-by-area
For more information about utility billing, please visit http://www.crd.bc.ca/account

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Jan 06, 2022
Due date: Feb 05, 2022
Please pay: **$** [redacted]

Amount paid

Making a difference...together

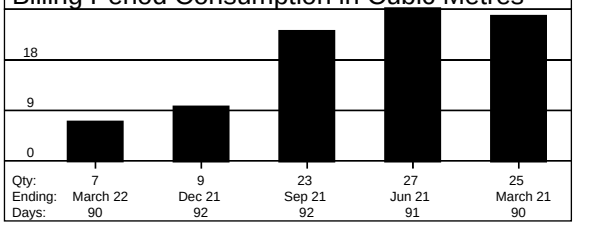
UTILITY BILL

CAPITAL REGIONAL DISTRICT
479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Apr 12, 2022
Due date: Apr 30, 2022
Billing from: Jan 01, 2022
to: March 31, 2022

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Jan 01, 2022	March 31, 2022	90	63033501	553,360	560,547	7	Cubic Metres

Previous Balance [redacted]

Magic Lake Water Fixed Charge 1.00 SFE x $ 83.64
Magic Lake Water Consumption Charge 7 x $ 0.0000
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 101.43
Late Payment Charge
Transfer to Property Taxes

Balance Due [redacted]

GENERAL MESSAGE

Learn more about leak detection at home: www.crd.bc.ca/leaks
For more information on your water system and rates, please visit
http://www.crd.bc.ca/service/drinking-water-billing-accounts/information-by-area
For more information about utility billing, please visit http://www.crd.bc.ca/account

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Apr 12, 2022
Due date: Apr 30, 2022
Please pay: **$** [redacted]

Amount paid

Making a difference...together

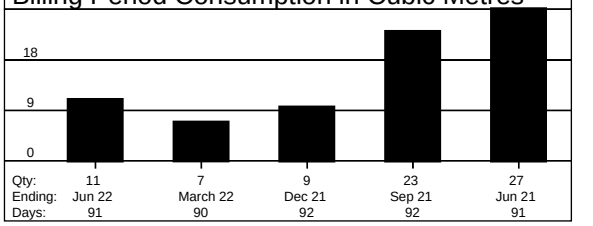
UTILITY BILL

CAPITAL REGIONAL DISTRICT
479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Aug 11, 2022
Due date: Sep 10, 2022
Billing from: Apr 01, 2022
to: Jun 30, 2022

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Apr 01, 2022	Jun 30, 2022	91	63033501	560,547	571,534	11	Cubic Metres

Previous Balance [redacted]

Magic Lake Water Fixed Charge 1.00 SFE x $ 83.64
Magic Lake Water Consumption Charge 11 x $ 0.0000
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 101.43
Late Payment Charge

Balance Due [redacted]

Important Message

Magic Lake water service area bills have been delayed due to a system issue. Please note the amended due date, which is 30 days from the day the bill was issued, not from the end of the service period. We thank you for your patience and understanding while we worked to resolve this software issue.

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Aug 11, 2022
Due date: Sep 10, 2022
Please pay: **$** [redacted]

Amount paid

Making a difference...together

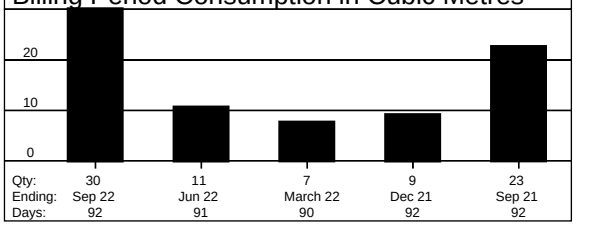
UTILITY BILL

CAPITAL REGIONAL DISTRICT
479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Catherine Vermeeren
Robert Vermeeren
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Oct 06, 2022
Due date: Nov 05, 2022
Billing from: Jul 01, 2022
to: Sep 30, 2022

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 3812 Cutlass Crt							
Jul 01, 2022	Sep 30, 2022	92	63033501	571,534	601,924	30	Cubic Metres

Previous Balance [redacted]

Magic Lake Water Fixed Charge 1.00 SFE x $ 83.64
Magic Lake Water Consumption Charge 30 x $ 0.0000
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 101.43
Late Payment Charge

Balance Due [redacted]

Important Message

Winterizing your irrigation system is an important step in preventing leaks due to freezing, and non-winterized irrigation leaks do not qualify for adjustment credits. If you have an irrigation system, please contact your irrigation maintenance company to schedule this service before the weather gets cold enough to freeze
General Local Election Day is Saturday, October 15, 2022. Learn more at www.crd.bc.ca/vote

Making a difference...together

Please detach and return with your payment

Customer: Catherine Vermeeren, Robert Vermeeren
Account number: [redacted]
Invoice number: [redacted]

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Oct 06, 2022
Due date: Nov 05, 2022
Please pay: **$** [redacted]

Amount paid

Making a difference...together

Integrated Water Services
479 Island Highway
Victoria, BC, Canada V9B 1H7

T: 250.474.9600
F: 250.474.4012
www.crd.bc.ca

July 16, 2019

File: MLECS-19-001, MLECS-19-002 and MLECS-19-003
Your File: NP-TUP-2019.1
NP-TUP-2019.2
NP-TUP-2019.3

Mr. Phil Testemale, Planner 2
Islands Trust
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Dear Testemale:

RE: TEMPORARY USE PERMITS FOR SHORT TERM VACATION RENTALS WITHIN MAGIC LAKE ESTATES WATER AND SEWER SERVICE AREAS

On June 11, 2019, the Islands Trust had submitted referrals for temporary use permits (TUP) for short term vacation rentals (STVR) on the following three properties located within the Magic Lake Estates Water and Sewer service areas:

- 3812 Cutlass Court (PID: 003-618-358)
- 1602 Schooner Way (PID: 000-785-733)
- 3745 Privateers Court (PID: 003-343-405)

It is confirmed that all three properties are within both the Magic Lake Estates Water and Sewer service areas and each have active connections to the water and sewer services. All three properties are zoned Rural Residential (RR) as per Islands Trust Land Use Bylaw 103.

On March 5, 2018, the CRD did respond to Islands Trust Bylaws 216 and 217 regarding secondary suites indicating that the sewage system is at its capacity and cannot take additional flows until it is upgraded.

However, with respect to STVR's, it is our understanding that additional suites (densification) are not being added on a permanent basis. Currently, the wastewater system is at its capacity (particularly during the winter months due to inflow and infiltration), but as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property, then the system should not see any increased demand. Therefore, should Islands Trust choose to approve the TUP's, it should be on condition that wastewater discharges shall not exceed what can be reasonably expected from an existing rural residential property use.

If you have any questions or require further information, please feel free to contact me.

Yours truly,

Malcolm Cowley, P.Eng
Manager, Wastewater Engineering and Planning
Integrated Water Services

MJC:eu

cc: Kathy Heslop, Chair, Magic Lake Estates Water and Sewer Committee
Ian Jesney, Senior Manager, Infrastructure Engineering
Joseph Marr, Manager, Water Distribution Engineering and Planning

STAFF REPORT

File No.: NP-TUP-2023.2 (Hepburn)
(NP-TUP-2020.7)

DATE OF MEETING:	March 17, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Charly Caproff, Planner 1 Southern Team
COPY:	Robert Kojima, Regional Planning Manager Southern Team
SUBJECT:	Temporary Use Permit for STVR Applicant: Leslie Hepburn Location: 1602 Schooner Way, North Pender Island

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2023.2 (Hepburn)**

REPORT SUMMARY

The purpose of the report is to consider renewal of a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary, the above recommendations for the issuance of the renewal is supported as:

- There have been no complaints about the STVR since the original TUP was issued in 2018;
- The guest capacity is reasonable and the application largely meets Official Community Plan (OCP) guidelines; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

BACKGROUND

A TUP for the same STVR use was issued for property initially in 2018 (NP-TUP-2018.2) for one (1) year and renewed in 2019 (NP-TUP-2019.2), also for a year. A new application for three (3) years was issued in 2020 (NP-TUP-2020.7). The purpose of the TUP renewal application is to allow for STVR use on the property to continue in compliance with the Land Use Bylaw (LUB) and OCP.

The proposed TUP has a maximum guest capacity is six (6) in a single family dwelling, and is requesting sixty (60) days for STVR use from May 1 to September 30 as was permitted with the previous permit.

The property is located at the end of Schooner Way and there are two other permitted STVRs in close proximity (Figure 2). It is owned by the applicant, who does not live full-time on-island, but under the conditions of the previous TUP they provide a 24/7 on-island contact for guests. There is no new construction or land alteration associated with this application.

A copy of a completed the proposed permit (NP-TUP-2023.2) and TUP checklist can be found as Attachments 3 and 4.

Specific File Activity:

- At its May, 2018 Regular Meeting, the LTC passed the following resolution:

  NP-2018-047
  It was Moved and Seconded,
  That the North Pender Island Local Trust Committee amend the proposed Temporary Use Permit NP-TUP-2018.2 (Hepburn) to shorten its validity period from three (3) years to one (1) year.

  CARRIED

- At its November, 2019 Regular Meeting, the LTC passed the following resolution:

  NP-2019-103
  It was Moved and Seconded,
  that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2019.2 (Hepburn) for one (1) year.

  CARRIED

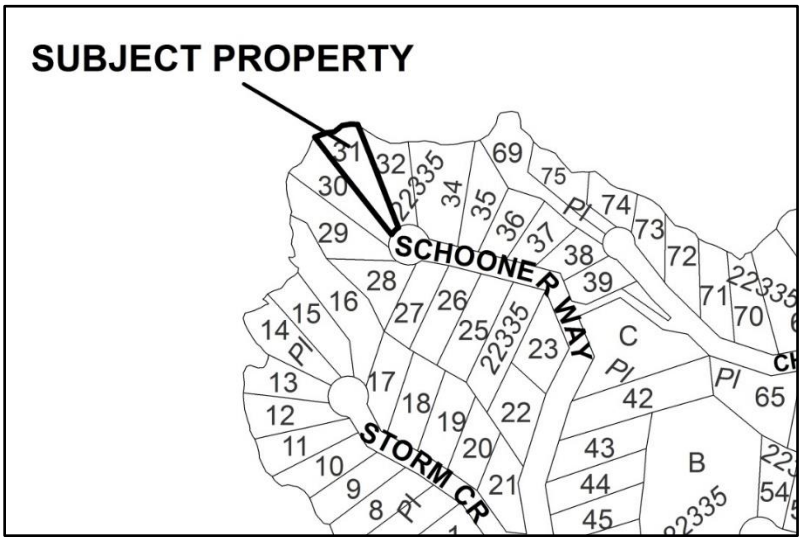
- At its January, 2021 Regular Meeting, the LTC passed the following resolution:

  NP-2021-020
  It was Moved and Seconded,
  that the North Pender Island Local Trust Committee amend proposed Temporary Use Permit NP-TUP-2020.7 (Hepburn) by inserting the following condition: That the maximum number of guests is

temporarily limited to five (5) for the duration that the Provincial Emergency Health Order for COVID 19 remains in effect.

CARRIED

Figure 1 – Location of subject property



ANALYSIS

Policy/Regulatory

Official Community Plan:

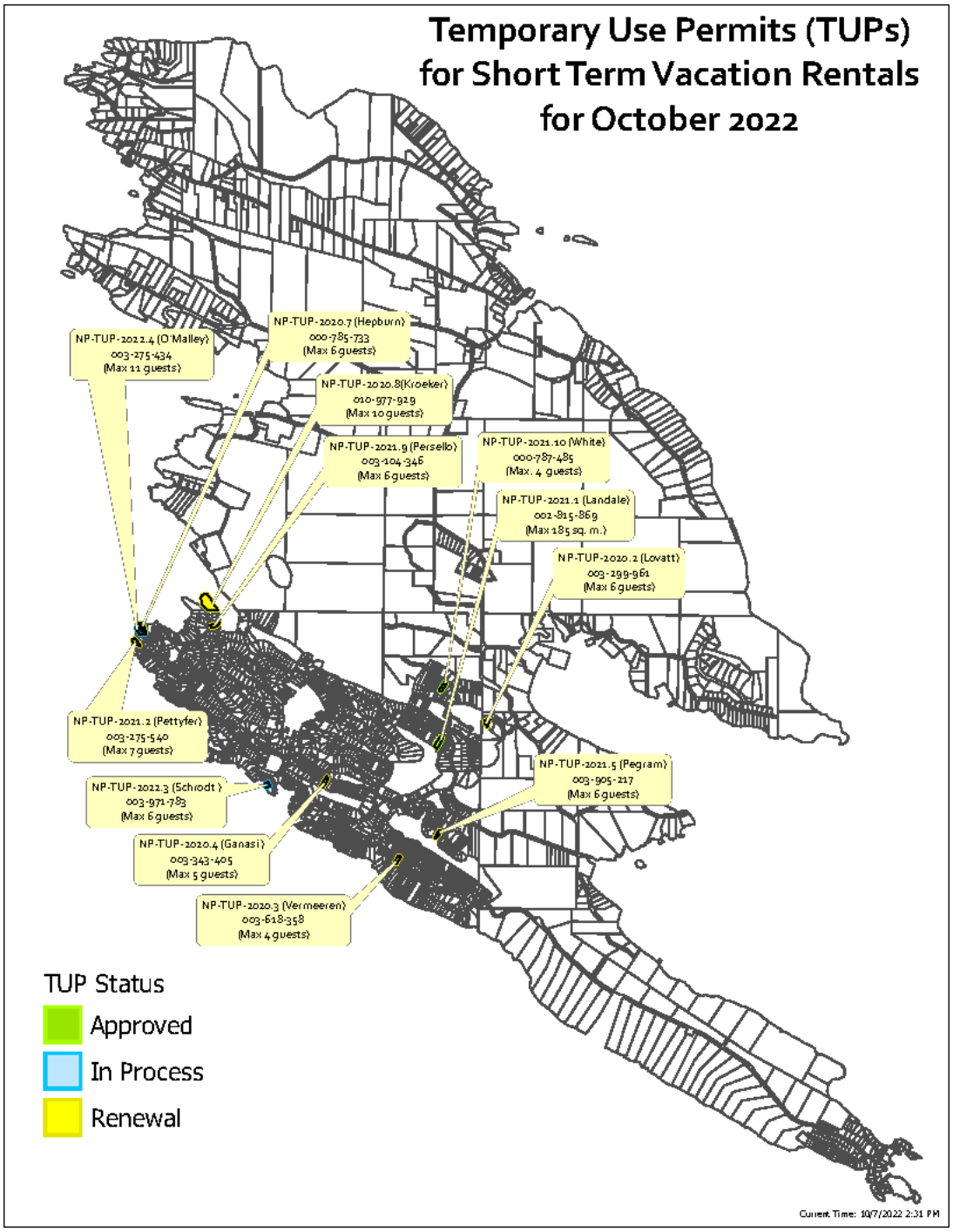
The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Guidelines for TUP applications for STVRs are contained in the OCP.

A significant portion of the subject property is located in **Development Permit Area 1 (DPA 1) Woodland Sensitive Ecosystem** (Attachment 2). There is no development as part of this application, and therefore no Development Permit required. The applicant has provided guests with information on this sensitive ecosystem, consistent with subsection 6.40.10 of the OCP.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)**. **RR** zoning permits a single-family dwelling and accessory uses. The RR zone permits STVRs as a home occupation, but only when a TUP has been obtained.

Figure 2 - STVR – TUP map (updated October 2022)



Issues and Opportunities

Compliance (previous TUP)

As the use has been previously permitted, staff contacted the applicants with the same questions for a renewal, specifically, asking for confirmation that:

- that you have complied fully with all conditions over the valid period of your TUP, and if not please indicate which condition you have not complied with and the reason;
- that all contacts are current and if they were updated that those have been supplied to neighbours; and,
- indicate any changes to the STVR use or use of your property in general that may be relevant to the TUP.

Additionally, the applicants were requested to confirm adherence to specific conditions in the prior TUPs:

d) *the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem (Development Permit Area One) located on the property, and how to avoid or minimize impacting the sensitive feature;*
n) *that an application for renewal include hydro and water metre readings for the term of the TUP.*
o) *that water conservation signs be posted at all water sources.*

They have confirmed that they have adhered to all the foregoing. Staff conducted a site visit on Friday, February 24, 2023.

Consultation

Agencies

If NP-TUP-2023.2 is approved for issuance, staff will provide the permit to the CRD staff contact for the Magic Lake Water and Sewer System for information consistent with OCP policy 6.4.7.

Rationale for Recommendation

- A three-year period is reasonable as the TUP conditions largely conform to the current, proposed changes to the STVR OCP guidelines;
- There have been no complaints about the STVR since the original TUP was issued in 2018;
- The guest capacity is reasonable and meets OCP guidelines;
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. **Request further information**

   The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific application, the 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 for application NP-TUP-2023.2 submit to the Islands Trust the following _____ .

2. Deny the application (s)

The LTC may deny any or all of the applications. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2023.2.

Submitted By:	Charly Caproff, Planner 1	March 8, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	March 9, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Proposed NP-TUP-2023.2 (Hepburn)
4. Temporary Use Permit (TUP) Checklist
5. Guest Information
6. CRD Utility Invoice and BC Hydro consumption information

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
PID	000-785-733
Civic Address	160 Schooner Way, North Pender Island

LAND USE

Current Land Use	Residential (Waterfront)
Surrounding Land Use	Residential (Waterfront)

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-BE-2017.8	Unlawful STVR use (closed)
NP-TUP-2018.2	STVR for One (1) Year
NP-TUP-2019.2	Renewal of 2018.2
NP-TUP-2020.7	STVR for Two (2) Years

POLICY/REGULATORY

Official Community Plan Designations	**Rural Residential - RR** Subject property is located within **Development Permit Area One – Woodland Sensitive Ecosystem**. See condition in draft permit and Attachment 2.2.
Land Use Bylaw	**Rural Residential – RR** RR zoning permits a single-family dwelling and accessory uses
Other Regulations	
Covenants	
Bylaw Enforcement	NP-BE-2017.8 – Unlawful STVR use (closed)

SITE INFLUENCES

Islands Trust Conservancy	The subject property is not located near any properties owned or protected by the Islands Trust Fund.
Regional Conservation Strategy	The area of the subject property is of medium to low relative habitat composition value although 50-60% of the property is within a Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings.
Species at Risk	
Sensitive Ecosystems	Woodland Sensitive Ecosystem – see above

Hazard Areas	The shoreline of the subject property is of moderate slope hazard risk.
Archaeological Sites	Archeological potential exists along the subject property's natural boundary lot line, however no known sites exist on the property or within 100m.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will consume fossil fuels travelling from their points of origin. The property does not appear to be at immediate risk of climate change related hazards.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Islands Trust shoreline mapping does not indicate presence of eelgrass, forage fish or bull kelp in immediate vicinity of subject property.

ATTACHMENT #2 – MAPS, PHOTOGRAPHS

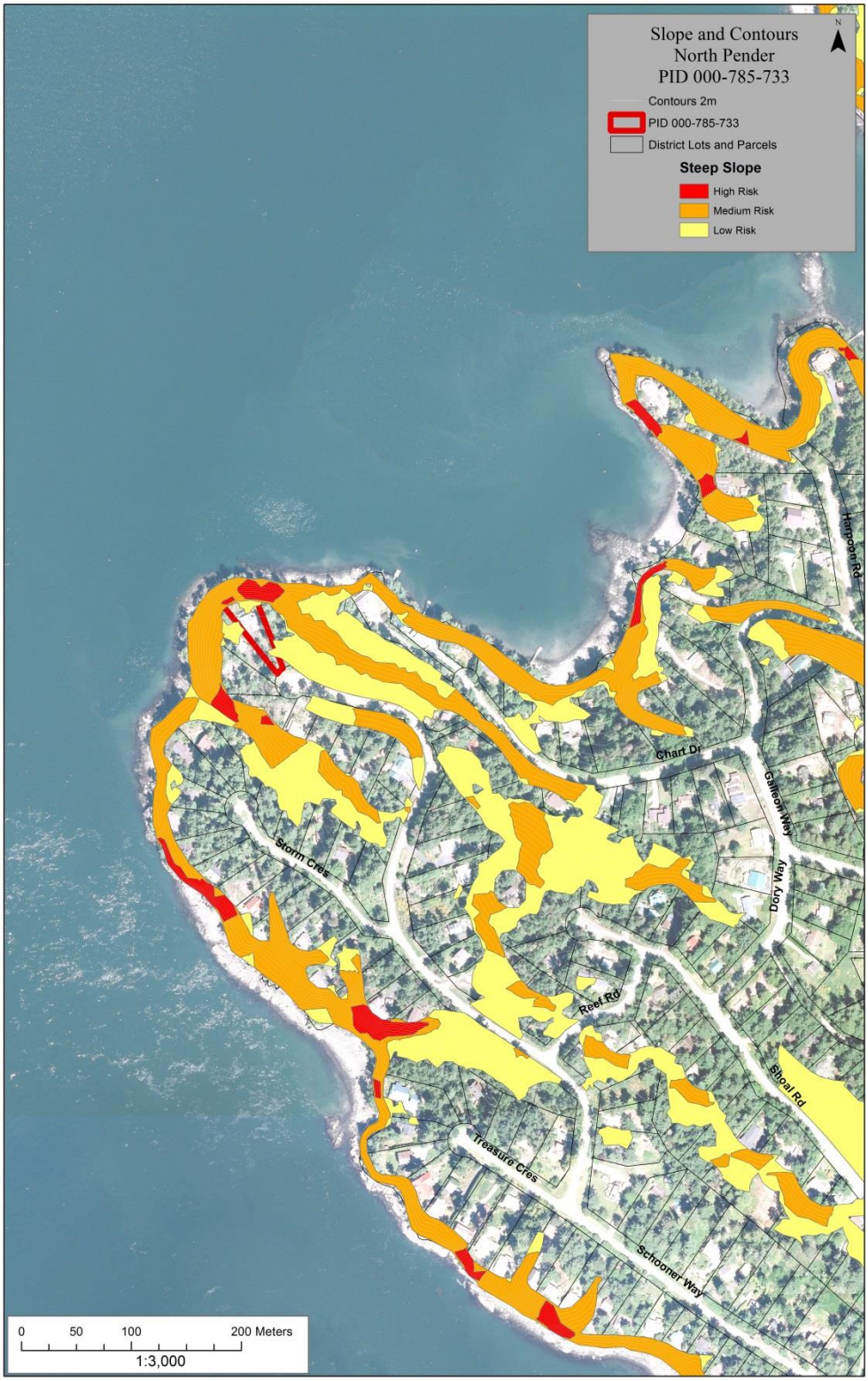
2.1 Zoning – Rural Residential (RR)



2.2 DPA 1 – WOODLAND SENSITIVE ECOSYSTEM



2.3 STEEP SLOPES



2.4 PHOTOGRAPHS: SUBJECT PROPERTY, 1602 SCHOONER WAY



Driveway Entrance



Parking Area



STVR Porch



View

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2023.2 (Hepburn)
Renewal of NP-TUP-2020.7 (Hepburn)

1602 Schooner Way

To: Leslie Hepburn

1. This Permit applies to the land described below:

   Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335
   (PID: 000-785-733).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

   a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

   a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
   b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
   c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
   d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem (Development Permit Area One) located on the property, and how to avoid or minimize impacting the sensitive feature;
   e) the maximum number of guests is limited to six (6), with the exception that the maximum number of guests is temporarily limited to five (5) for the duration that the Provincial Emergency Health Order for COVID 19 remains in effect.
   f) the maximum number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of sixty (60) days;
   g) camping and occupancy of recreational vehicles are prohibited;
   h) signs advertising the Short Term Vacation Rental are prohibited;
   i) the rental or provision of motorized personal watercraft is prohibited;
   j) all outdoor fires are prohibited;

PROPOSED

k) all parking for guests of, and visitors to, the Short Term Vacation Rental must be contained on the subject property;
l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
m) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
n) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
o) that an application for renewal include hydro and water metre readings for the term of the TUP; and,
p) that water conservation signs be posted at all water sources.

4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a new permit.

5. 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 approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

_____
Deputy Secretary, Islands Trust

_____
Date Issued

PROPOSED

Attachment 4: TUP Checklist for Short TERM Vacation Rental

NP-TUP-2023.2 (Hepburn)
1602 Schooner Way

Guidelines	Comments
Overall TUP Guidelines	
a) **Time Period** - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	N/A
b) **Residential Appearance** - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No alteration of residence.
c) **Cumulative Effects** - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Although there are two STVRs in proximity, the STVR has not received specific complaints since the first TUP was issued in 2018.
d) **Distance to Another STVR** - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	Two STVRs in proximity, see note above.
e) **Water Supply** - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
i. **Private Well -** If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.	N/A
ii. **Community Water System (Magic Lake & Razor Point)** - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Planner will contact CRD staff as per OCP guidelines.
iii. **Trincomali Improvement District -** A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

Attachment 4: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
f) **Parking** - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of **two (2)** vehicles	Complies.
g) **Sensitive Ecosystems** - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Complies.
h) **Signage** - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m^2.	Complies.
i) **Operator Contact** - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Provided.
j) **Operator Contact & TUP to Neighbours** - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Provided.
k) **Guest Information** - The permit should require the landowner post the following information for guests:	
i. remind guests that the property is located in a residential area;	Complies.
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Complies.
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Complies.
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Complies.
l) **Permit Conditions** - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. limit the number of **bedrooms** that can be used for short term vacation rentals;	
ii. limit the number of guests to **six (6)** for properties located within the Magic Lake Estates Water System Area;	Included.

Attachment 4: TUP Checklist for Short TERM Vacation Rental

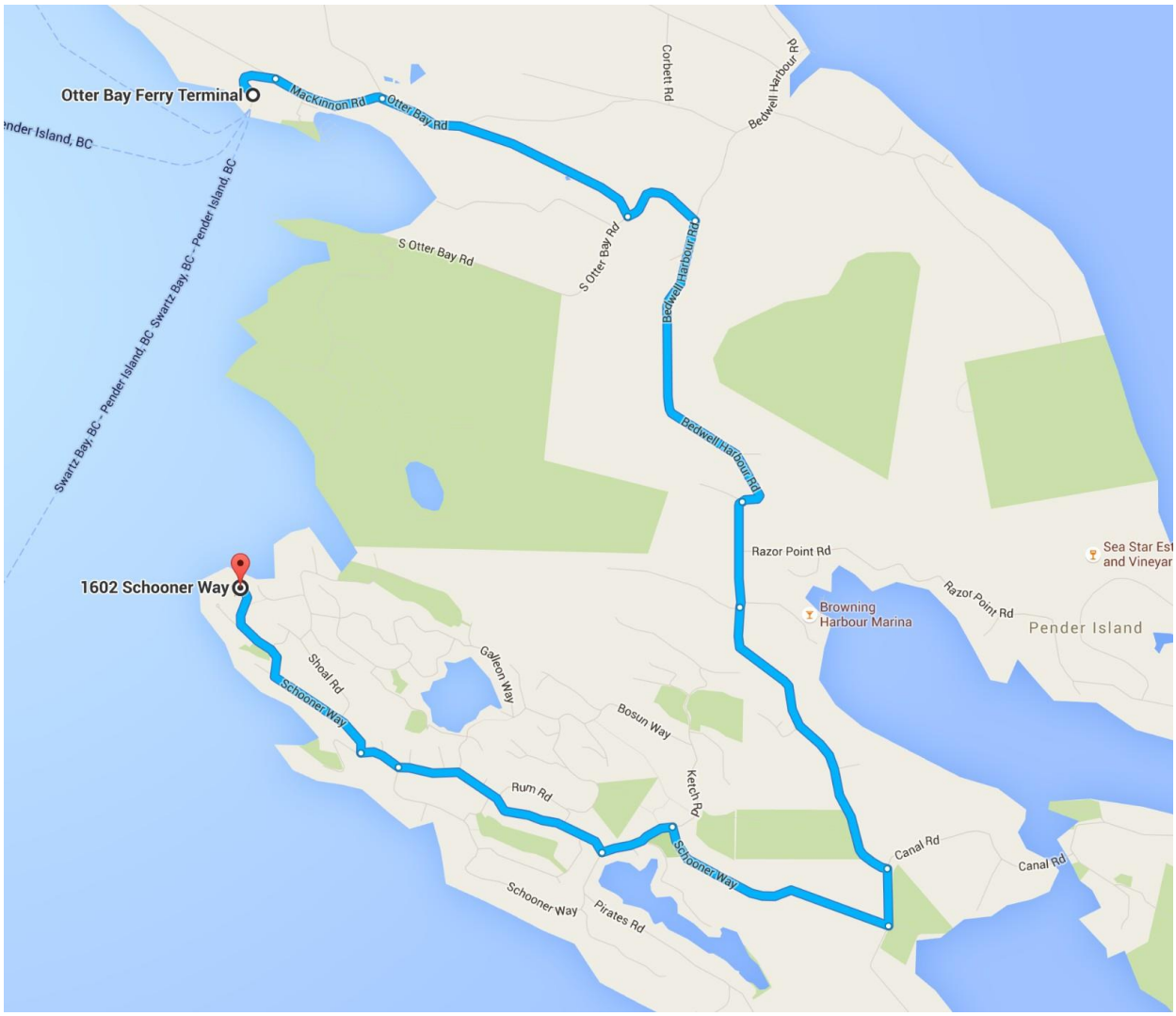
Guidelines	Comments
iii. **limit the number of days** the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;	Applicant is seeking sixty (60) days to allow for more booking availability if needed. This is a renewal application.
iv. require **mitigating** measures to address **neighbours' concerns**, such as retention of existing screening and fencing, or installation of additional screening;	N/A
v. require the landowner/operator to **post contact information and permit information** at the entrance to the property;	
vi. **prohibit** camping or occupancy of RVs on the property;	Included in permit.
vii. **prohibit** the rental or provision of motorized personal watercraft;	Included in permit.
viii. **prohibit** watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Included in permit.
ix. **prohibit** outdoor fires; and	Included in permit.
x. establish the **dates** during which the use may occur.	Included in permit.
m) ***Agriculture Land Reserve*** - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) **Owner Occupancy** - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	
o) **Maximum Number of STVRs** - The Local Trust Committee must not approve more than **twenty (20)** temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	Complies.
p) **Occupancy Permit** - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Complies.
q) **Bylaw Enforcement** - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included in permit.

Attachment #5

PENDER ISLAND NOTES

Welcome to our family home. We hope that you have a fabulous time and that you take a few moments to review the following notes.

Map:



Directions:

1. Head northwest on Otter Bay Ferry Terminal toward MacKinnon Rd
280 m
2. Slight right onto MacKinnon Rd
600 m
3. Continue onto Otter Bay Rd
1.5 km
4. Turn left to stay on Otter Bay Rd
450 m
5. Turn right onto Bedwell Harbour Rd
1.8 km
6. Continue onto Bedwell Harbour Road
550 m
7. Continue onto Canal Rd
1.7 km
8. Turn right onto Bedwell Harbour Road/Bridges Rd
300 m
9. Turn right onto Schooner Way
1.3 km
10. Turn left to stay on Schooner Way
400 m
11. Turn right onto Privateers Rd
1.2 km
12. Continue onto Schooner Way
220 m
13. Turn right to stay on Schooner Way
Destination will be on the right
1.2 km

1602 Schooner Way
Pender Island, BC V0N 2M2

https://goo.gl/maps/aJRca5ZQPs92

1. **House Access:** Within 3-7 days prior to arrival, you will receive an email with details regarding house access.

2. **Smoking:** Smoking is allowed outside only (specifically, in the front carport and driveway). Please discard cigarette butts in a respectful manner so as to not leave a mess.
3. **Outdoor Furnishings:** Please keep the property and all furnishings in good order. Pender Island is known for windstorms to stir up without much notice. Please ensure all patio cushions are inside when you leave the property or when you retire in the evening. Cushions are beside the front leftmost sliding glass door.
4. **Fireplace:** Please enjoy the upstairs fireplace but always be sure to open the damper before starting any fire. If smoke is coming out of the front of the fireplace, put out the fire immediately and ventilate the house. There is firewood underneath the hot tub on the bottom deck that is available for your use. Do not overfill the fireplace and create a blazing fire that could cause damage to the firebox or cause a fire. Keep the fire to a respectable blaze at all times to prevent damage, particularly to the floor.
5. **Hot Tub:** [No children under the age of 5 permitted in hot tubs without adult supervision]. When using the hot tub, remember there is a certain health risk associated with this facility. Use at your own risk. Our housekeepers drain, sanitize, refill and replenish chemicals in all tubs prior to your arrival; therefore, it may not be warm until later that evening. [DO NOT STAND ON THE HOT TUB COVERS. Hot tub covers are for insulation purposes and are not designed to support a person or persons. They will break and you may be charged for replacement.] Remember when not using the hot tub, leave cover on so hot tub will stay warm.
6. **Towels:** We provide bath towel for our guests. These towels are not to be used as beach towels. Please bring your own beach towels.
7. **Bedding:** Linens will be provided based on the guest occupancy as per the reservation.
8. **Garbage:** There is no garbage pickup on the island. There are large garbage bags in the closet beside the washer and dryer. Please take your garbage with you when you leave. Please see garbage drop-off options in the house binder.
9. **Recycling:** There is also no recycling pickup on the island. Please leave your recycling items in the recycling bin in the carport.
10. **Green waste:** We have compost behind the carport. When we are staying at our family getaway, we typically put a large bowl on the counter for food scraps and empty it daily into the compost behind the carport/shed.
11. **Water**: House tap water is municipal and ok to drink, shower and brush your teeth with, as well as wash dishes. The left kitchen sink has a filtered waterspout, which you can also use for drinking water.

12. **Septic System**: Please, please, do not put anything other than toilet paper down the toilet. It is easy to break and expensive to fix. We have provided septic safe toilet paper for your use.
13. **Music & Noise Level:** Please respect the neighbors' tranquility by keeping the noise and music to a reasonable level, particularly after 11:00pm
14. **Stairs to Ocean:** Please do NOT use the stairs that access the ocean on the right of the house (when facing the ocean). These stairs are the neighbours and they will call the police and report you as trespassers.
15. **BBQ**: There is full can of propane and there should be a backup propane can in the garage shed. If you need to refill, it can be refilled at Otter Bay Marina.
16. **Danger**:
    The house is on the bluffs. There is no fence at the edge of the property, just the cliffs and the ocean. For beach access, please look at the maps at the house (accessible via walking or driving).
17. **Contact Information:**

Have a great holiday and if you have any questions or concerns please call us at following numbers

Leslie (owner in Vancouver)	Cell	[redacted]
If you cannot reach Leslie,		
Frances (Housecleaner on Pender)	Home	[redacted]
Charmaine (Manager on Pender)	Cell	[redacted]

SHORT TERM RENTAL AGREEMENT

This Short Term Rental Agreement (the "*Agreement*") is made by and between Leslie Hepburn ("*Homeowner*") and ****** ("*Guest*") as of the date last set forth on the signature page of this Agreement. For good and valuable consideration, the sufficiency of which is acknowledged, the parties hereby agree as follows:

1. Property. The Property is located on Pender Island. The address will be received by the guest within one-month prior to date of arrival, as well as details regarding access to the Property and any additional information necessary.

   The Property comes complete with a fully equipped kitchen including a refrigerator, freezer, oven and stove, microwave, dishwasher, toaster, coffee maker, blender, cookware, dishes, glasses, utensils, linens and towels. The Property also includes a full size washer and dryer, iron, and ironing board. While we try to provide each guest with everything they will need, there are some items that are not provided in the home. While bath and hand towels are provided, you may want to bring your own beach towels and washcloths, as these are not always supplied in the property. Vacation rental properties are "self catering" accommodations.

2. Rental Party: The Guest agrees to limit the occupancy of the overnight guests in the Property during this rental agreement to * persons, including children.

3. Maximum Occupancy: The maximum number of guests is limited to 8 persons.

4. Term of the Rental. The rental begins at 4 p.m. on ****** (the "*Check-in Date*") and ends at 10 a.m. on ****** (the "*Checkout Date*"). Check-in and check-out times may be adjusted upon request.

5. Minimum Stay: This property requires a 3 night minimum stay. Longer minimum stays (7 nights) are required during the summer season. If a rental is taken for less than 3 days, the guest will be charged an increased rate.

6. Rental Rules: Guest agrees to abide by the Rental Rules attached as Exhibit A at all times while at the property and shall cause all members of the rental party and anyone else Guest permits on the property to abide by the following rules at all times while at the property.

7. Access: Guest shall allow Homeowner access to the property for purposes of repair and inspection. Homeowner shall exercise this right of access in a reasonable manner.

8. Rental Rate and Fees

a. Deposit: A deposit of $300 is due 30 days prior to the Check-In Date.

The deposit is for security and shall be refunded within 7 days of the Check-out Date provided no deductions are made due to:

i. damage to the property or furnishings;
ii. dirt or other mess requiring excessive cleaning; or
iii. any other cost incurred by Homeowner due to Guest's stay.

If the Property appears dirty or damaged upon Check-in, Guest shall inform Homeowner immediately.

b. Rental Rate. Payment in full of the following fees shall be due within 30 days of the Check-in Date:

7 Day Rental =
VRBO Service Fee
Refundable Damage Deposit $300.00

9. Cancellation Policy: If Guest wishes to cancel his/her reservation, the deposit will be refunded as follows:

100% if cancelled more than 30 days prior to the Check-in Date
50% if cancelled more than 14 days prior to the Check-in Date

The parties agree to the terms of this Short Term Rental Agreement, as evidenced by the signatures set forth below.

Homeowner



Guest:

Name (print) Leslie Hepburn

Name (print): _____

Date: July 28, 2017

Date: _____

Phone # (during stay):



Phone # (during stay):

Exhibit A

RENTAL RULES

1. Smoking is NOT PERMITTED anywhere inside the house or on the deck. If you smoke, please do so in the front on the driveway.

2. Guests are not allowed to exceed the occupancy limit agreed to above.

3. Guests should not create excessive noise at a level that disturbs neighbors; Code-enforced neighborhood quiet hours are from 11:00p.m. – 8:00a.m.

The Homeowners are not responsible for any accidents, injuries or illness that occurs while on the Property. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the Property or others whom they invite to use the Property.

4. Do NOT use the stairs that access the ocean to the right of the house. That is not our property and the neighbours will report it as trespassing.

5. Keep the property and all furnishings in good order

6. Only use appliances for their intended uses

7. PETS are not permitted.

8. Housekeeping: There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. We suggest you bring beach towels. We do not permit towels or linens to be taken from the house.

9. Garbage: Any garbage must be stowed in the proper garbage or recycling receptacles, located in the carport. Please take the garbage when you leave – see Rental Notes.

10. Hot Tub: [No children under the age of 5 permitted in hot tubs without adult supervision]. When using the hot tub, remember there is a certain health risk associated with this facility. Use at your own risk. Our housekeepers drain, sanitize, refill and replenish chemicals in all tubs prior to your arrival; therefore, it may not be warm until later that evening. [DO NOT STAND ON THE HOT TUB COVERS. Hot tub covers are for insulation purposes and are not designed to support a person or persons. They will break and you may be charged for replacement.] Remember when not using the hot tub, leave cover on so hot tub will stay warm.

11. Fireplace: The home you are renting is equipped with a wood-burning fireplace. Always be sure to open the damper before starting any fire. If smoke is coming out of the front of the fireplace, put out the fire immediately and ventilate the house. Do not use soft woods in fireplaces such as pine, fir, and redwood because they cause a coating in the flue, which can cause fires. Use woods such as oak, almond, walnut, etc. Do not overfill the fireplace and create a blazing fire that could cause damage to the firebox or cause a fire. Use a fireplace screen at all times when using the fireplace to prevent damage, particularly to the floor. Guest is required to adhere to any burn bans and is responsible for any fees or fines due to violations.

12. Water and Septic: The property is on well and septic systems. The mineral content in the water is high. There is a filtered water system in the kitchen for drinking use. The septic system is very effective; however, it will clog up if improper material is flushed. Do not put down any drain or toilet: cat litter, disposable diapers, paper towels, facial tissue, cigarette butts or filters, grease, coffee grounds, dental floss, colored tissue paper, tampons or sanitary napkins or any non-biodegradable item. DO NOT FLUSH anything other than toilet paper. No feminine products should be flushed at anytime. If it is found that feminine products have been flushed and clog the septic system, you could be charged damages of up to $300.

13. Force Majeure: There may be circumstances beyond our control and contemplation, in which the property might not be available for your reservation. Examples of these, but are not limited to water, gas or sewer leaks, fire or any other damage to the property making it inhabitable or potentially inhabitable. In the event of Force Majeure, the Homeowner will do their best to make alternative arrangements for the guest whenever possible. If we are unable to do so or if the alternative arrangements are not acceptable to you, then we will refund all monies paid. This will be the full extent of our liability to you and we will not be responsible for any other costs connected with any such cancellation, howsoever arising. We accept no responsibility of liability for any loss or damage or alteration in the terms of your reservation caused by events beyond our control, including, but not restricted to war, terrorist activity, civil commotion, flight and/or ferry delays or cancellations, airport closure, adverse weather conditions, fire, flood or industrial dispute. There will be no credit given for shortened stays due to late arrival or early departure for any reason and no credit given for cancellation due to weather conditions.

Account Number	Interval Start Date/Tin	Net Consumption (kWh)	Demand (k	Power Factor (%)
[redacted]	2/1/2020 0:00	0	N/A	N/A
	3/1/2020 0:00	3117.31	N/A	N/A
	4/1/2020 0:00	2554.48	N/A	N/A
	5/1/2020 0:00	1590.54	N/A	N/A
	6/1/2020 0:00	966.45	N/A	N/A
	7/1/2020 0:00	1121.69	N/A	N/A
	8/1/2020 0:00	1038.39	N/A	N/A
	9/1/2020 0:00	890.39	N/A	N/A
	10/1/2020 0:00	2243.13	N/A	N/A
	11/1/2020 0:00	3836.96	N/A	N/A
	12/1/2020 0:00	3611.88	N/A	N/A
	1/1/2021 0:00	3872.68	N/A	N/A
	2/1/2021 0:00	4313.65	N/A	N/A
	3/1/2021 0:00	3598.68	N/A	N/A
[redacted]	4/1/2021 0:00	1447.55	N/A	N/A
	5/1/2021 0:00	1357.29	N/A	N/A
	6/1/2021 0:00	964.29	N/A	N/A
	7/1/2021 0:00	824.11	N/A	N/A
	8/1/2021 0:00	1061.87	N/A	N/A
	9/1/2021 0:00	1298.39	N/A	N/A
	10/1/2021 0:00	2933.9	N/A	N/A
	11/1/2021 0:00	2902.25	N/A	N/A
	12/1/2021 0:00	5134.23	N/A	N/A
	1/1/2022 0:00	3588.67	N/A	N/A
	2/1/2022 0:00	3258.7	N/A	N/A
	3/1/2022 0:00	3513.8	N/A	N/A
	4/1/2022 0:00	3125.35	N/A	N/A
	5/1/2022 0:00	2597.42	N/A	N/A
	6/1/2022 0:00	1150.23	N/A	N/A
	7/1/2022 0:00	1106.55	N/A	N/A
	8/1/2022 0:00	852.22	N/A	N/A
	9/1/2022 0:00	740.15	N/A	N/A
[redacted]	10/1/2022 0:00	1285.26	N/A	N/A
	11/1/2022 0:00	3501.21	N/A	N/A
	12/1/2022 0:00	3902.11	N/A	N/A
	1/1/2023 0:00	4700.19	N/A	N/A

Making a difference...together

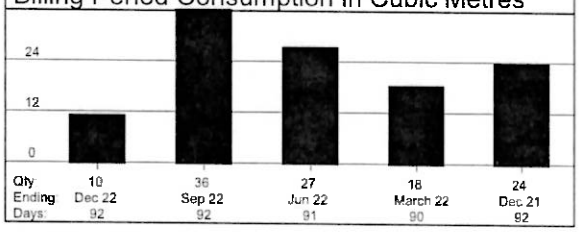
UTILITY BILL

CAPITAL REGIONAL DISTRICT
479 Island Highway
Victoria, BC V9B 1H7
250.474.9600 | 800.663.4425 | Fax 250.474.4012
www.crd.bc.ca | waterbilling@crd.bc.ca

Leslie Hepburn
[redacted]

Account number: [redacted]
Invoice number: [redacted]
Date: Feb 23, 2023
Due date: Feb 05, 2023
Billing from: Oct 01, 2022
to: Dec 31, 2022

Billing Period Consumption in Cubic Metres



METER READING SUMMARY

From Date	To Date	Days	Device	Reading Old	Reading New	Quantity Billed	
Service Address: 1602 Schooner Way							
Oct 01, 2022	Dec 31, 2022	92	63033874	1250,969	1260,601	10	Cubic Metres

Previous Balance [redacted]
Payment Received on Oct 26, 2022

Balance Forward

Magic Lake Water Fixed Charge 1.00 SFE x $ 83.64
Magic Lake Water Consumption Charge 10 x $ 0.0000
Magic Lake Sewer Fixed Charge 1.00 SFE x $ 101.43

Balance Due

If your account balance is current: thank you for your prompt payment!
If you had an overdue balance from prior to December 31, 2022: Overdue accounts as of the end of the year were transferred to property taxes for applicable properties if not paid by February 10, 2023. Please contact your municipality for information on paying these balances

Important Message

The 2023 retail water rate has been set at $2.5466 per cubic meter. Your current bill has been prorated to reflect the change in rate from January 1, 2023 onward; this is a per-diem calculation and not a read taken on January 1. For further details please visit our website at: www.crd.bc.ca/water-rates

Making a difference...together

Please detach and return with your payment

Customer: Leslie Hepburn
Account number: [redacted]
Invoice number:

CAPITAL REGIONAL DISTRICT
Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7

Date: Feb 23, 2023
Due date: Feb 05, 2023
Please pay: [redacted]

Amount paid

STAFF REPORT

File No.: 6500-20: 2021-22 Fees Bylaw

DATE OF MEETING:	January 20, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Robert Kojima, Regional Planning Manager Southern Team
COPY:	Brad Smith, Island Planner
SUBJECT:	Proposed Fee Bylaw 226

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee Bylaw No. 226, cited as "North Pender Island Local Trust Committee Fees Bylaw, 2021", be given First Reading**

2. **That the North Pender Island Local Trust Committee Bylaw No. 226, cited as "North Pender Island Local Trust Committee Fees Bylaw, 2021", be given Second Reading**

3. **That the North Pender Island Local Trust Committee Bylaw No. 226, cited as "North Pender Island Local Trust Committee Fees Bylaw, 2021", be given Third Reading**

4. **That the North Pender Island Local Trust Committee Bylaw No. 226, cited as "North Pender Island Local Trust Committee Fees Bylaw, 2021", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee**

REPORT SUMMARY

The purpose of this report is for the North Pender Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 226 which would replace Bylaw No. 173 (LTC Fees Bylaw) to include:

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

BACKGROUND

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model.

The Model Fees Bylaw was endorsed by Trust Council in 2021 to establish applications fees that are more consistent with the costs of processing applications. There has been a significant and growing gap between the application fees being received and costs incurred to process those applications since the current fee bylaw was adopted in 2007. The Regional Planning Committee spent several meetings reviewing costs, fees and developing recommended new fees. As LTCs are obligated to consider applications, in the absence of increased fees application processing will be increasingly funded from general revenues. Increased fees would not fund 100% of the cost of processing applications, but would create a more equitable balance between 'user pay' and the general taxpayer. Increased fees were also recommended in the recent governance review ("greater cost recovery is required").

It may be useful to clarify when application fees are paid to Islands Trust. Fees are required for the following:

- When owners, rarely, apply to amend the zoning on their property.

- Land use permit applications, including most commonly:
    - Temporary use permits, predominantly for short term vacation rentals
    - Development permits – most are to manage development in environmentally sensitive areas
    - Development variance permits by owners who feel that their development cannot comply with siting regulations
    - Owners who apply to subdivide their land into new lots

Many services are not, or cannot be funded by fees, including:

- Owners applying for a building permit: at the request of regional districts, Islands Trust staff review building plans for compliance with zoning but cannot charge a fee. Building permit fees are charged by the CRD.
- Inquiries: owners, professionals and other agencies do not pay a fee for inquiries about zoning, development permit areas, or to ask about process or jurisdiction, or for staff to direct inquiries to appropriate agencies.
- Applications by community organizations, where there is a community benefit, can apply to have fees refunded

Most applications are the result of regulations put in place by the Local Trust Committee to protect the environment and minimize impacts of development on the community, for example:

- Development permits to ensure that development that occurs in sensitive areas has appropriate conditions
- Temporary use permits for vacation rentals ensure that neighbours get a say and that appropriate conditions are put in place
- Variances which provide an opportunity for neighbours to comment and for the LTC to consider impacts
- Subdivision regulations ensure that new lots comply with minimum lot sizes, minimum frontage and have sufficient groundwater

In addition to increased fees, other Trust-wide changes have been implemented as part of the Planner Services review, including:

- Hiring of a planning technician to review building permit plans
- One dedicated planner in each office assigned exclusively to processing land use permit applications.
- Delegation of the authority to issue development permits to staff

- New application tracking software
- Application processing procedures are being reviewed resulting in revised processes and forms

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

> **NP-2021-094**
> **It was Moved and Seconded**
> That the North Pender Local Trust Committee request staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services".
>
> **CARRIED**

At several meetings in 2022 the LTC considered the draft bylaw, a community information meeting was held, and ultimately the LTC deferred consideration of the new fee bylaw to the current term.

Rationale for Recommendation

The new fee bylaw was developed by the Regional Planning Committee, was endorsed by Trust Council in 2021, and has been adopted by 10 local trust committees. Adopting the new fee bylaw would bring greater cost recovery to the processing of applications, and would bring the North Pender LTC's fees in line with those of the other LTCs.

Next Steps

If the LTC gives three readings to the bylaw, it will be referred to Executive Committee for approval and come back to the LTC for consideration of adoption.

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

ATTACHMENTS

1. Draft Bylaw No. 226

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 226

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

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

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

Citation

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

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the North Pender Island Local Trust Committee Development Procedures Bylaw No. 72, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;

2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;

2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or

2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

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

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

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

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

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

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

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

Application Fees

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

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	**Column 2: Fee**
Major (e.g. change to density or OCP)	$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	$4,600

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

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

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

4. Fee for After-the-Fact Application

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

5. Collection and Refund of Application Processing Fee Amounts

5.1 The total application processing fee must be received before the processing of the application can begin.

5.2 An applicant may withdraw their application at any time through written notice to the Planning Team Assistant and/or the Planner responsible for processing the application.

5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less $100.

5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.

5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.

6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.

6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.

6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.

6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is more than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.

6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.

7.2 The North Pender Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

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

9. Severability

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

10. Repeal

10.1 "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007" is repealed upon adoption of this bylaw.

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

READ A FIRST TIME THIS _____ DAY OF _____ , 202X

READ A SECOND TIME THIS _____ DAY OF _____ , 202X

READ A THIRD TIME THIS _____ DAY OF _____ , 202X

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

ADOPTED THIS _____ DAY OF _____ , 202X

_____ _____

CHAIR SECRETARY

Islands Trust

Print Date: March 10, 2023

Active Projects Report

North Pender Island

1. *LUB Review Project*	Responsible	Dates
Project is in the community consultation phase. Recommendations for a draft bylaw will be considered by the LTC in late 2021.	Kim Stockdill	Rec'd: 07-Nov-2019 Target: 01-May-2023

2. *Groundwater Sustainability Project*	Responsible	Dates
Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - COMPLETED Phase 3: Groundwater Mapping Implementation - ON-GOING	Narrisa Chadwick William Shulba	Rec'd: 29-Nov-2018 Target: 31-Mar-2023

Islands Trust

Print Date: March 10, 2023

Future Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*	Responsible	Date Received
Consider implementation of toolkit and mapping - LPC to develop model bylaw in 2021-22		01-Feb-2019

2. *Raptors Nests*	Responsible	Date Received
To update the raptor nests mapping.		27-Jan-2022

3. *Affordable Housing Options*	Responsible	Date Received
A project to review affordable housing options.		24-Mar-2022

4. *Accessory Dwelling Units*	Responsible	Date Received
Review options for accessory dwelling units on North Pender.		26-May-2022

5. *Review DPAs*	Responsible	Date Received
To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs.		11-Aug-2022

6. *Browning to Driftwood Corridor Plan*	Responsible	Date Received
Coordination on a transportation plan for the Driftwood to Port Browning corridor.		11-Aug-2022

Future Projects Report

North Pender Island

7. *Soil Bylaw Project*	Responsible	Date Received
Work on Soil bylaw was undertaken in 2021 and 2022. Project deferred prior to bylaw readings		29-Apr-2021

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.1	Cameron, Heather	03-Jan-2023	Appeal to Board of Variance for structural alteration.

Planner: Brad Smith

Planning Status

Status Date: 28-Feb-2023

Planner met with applicant to review variance requests - mutually agreed that additional work is needed by applicant with respect to retaining wall scope and engineering plans- March 7 meeting postponed

Status Date: 09-Feb-2023

Meeting scheduled for March 7, 2023

Status Date: 10-Jan-2023

Planner Brad Smith assigned.

Development Permit

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

Planner: Charly Caproff

Planning Status

Status Date: 03-Feb-2023

Emailed applicant to inquire whether they want to proceed with DP

Status Date: 19-Dec-2022

File re-assigned to Charly Caproff

Status Date: 13-Oct-2022

E-mail to applicant requesting status update.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2022.1	Sidney Island Strata Corporation	23-Mar-2022	Application to amendment Bylaw #148 to permit an expanded use of recreational vehicles and accessory buildings on Sidney Island. Bylaw No. 232 (LUB)

Planner: Robert Kojima

Planning Status

Status Date: 09-Mar-2023

Public hearing on March 17, 2023 LTC agenda

Status Date: 16-Jan-2023

Bylaw referrals prepared

Status Date: 12-Jan-2023

On January 20th agenda for consideration of First Reading

Subdivision

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

Planner: Charly Caproff

Planning Status

Status Date: 19-Dec-2022

File re-assigned to Charly Caproff

Status Date: 14-Oct-2022

Applicant away until November. Will review need for DP/DVP application then.

Status Date: 12-Oct-2022

E-mail to applicant requesting status update.

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.5	Stanley Point Estates Ltd.	06-Dec-2022	Application for a temporary use permit for shipping containers.

Planner: Brad Smith

Planning Status

Status Date: 09-Mar-2023
Staff report on March 17, 2023 LTC agenda

Status Date: 02-Mar-2023
Planner met onsite with applicant

Status Date: 08-Dec-2022
Planner Brad Smith assigned.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2023.1	Vermeeren, Bryan	12-Jan-2023	Application for a temporary use permit for a short term vacation rental.

Planner: Charly Caproff

Planning Status

Status Date: 09-Mar-2023
On March 17, 2023 LTC agenda

Status Date: 09-Mar-2023
Staff report submitted to agenda folder

Status Date: 24-Feb-2023
Site visit conducted

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2023.2	Hepburn, Leslie	27-Jan-2023	1602 SCHOONER WAY: Application for a renewal of a temporary use permit for a short term vacation rental.

Planner: Charly Caproff

Planning Status

Status Date: 09-Mar-2023
On March 17, 2023 LTC agenda

Status Date: 09-Mar-2023
Staff report submitted to agenda folder

Status Date: 24-Feb-2023
Site visit conducted

Islands Trust

LTC EXP SUMMARY REPORT F2023

Invoices posted to Month ending January 2023

650 North Pender	Invoices posted to Month ending January 2023	Budget	Spent	Balance
65000-650	LTC "Trustee Expenses"	460.00	0.00	460.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,123.00	1,494.21	1,628.79
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	60.00	339.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	280.00	0.00	280.00
TOTAL LTC Local Expense		4,052.00	1,554.21	2,497.79
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	639.13	1,360.87
73001-650-4115	North Pender Groundwater Strategy Implementation	2,000.00	0.00	2,000.00
TOTAL Project Expenses		4,000.00	639.13	3,360.87

STAFF REPORT

File No.:

DATE OF MEETING:	March 17, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Robert Kojima, Regional Planning Manager Southern Team
COPY:	Brad Smith, Island Planner
SUBJECT:	Standing Resolutions

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee rescind the following standing resolutions:**

    a. **2005-005**
    b. **2006-080**
    c. **2007-146**
    d. **2011-050**
    e. **2019-061**
    f. **2020-011**
    g. **2020-012**
    h. **2020-026**

REPORT SUMMARY

This report reviews the North Pender Island Local Trust Committee's Standing Resolutions and provides comment on the continuing relevance or applicability several of the resolutions.

BACKGROUND

At the January meeting, the LTC requested that staff provide a report on the status of the LTC's Standing Resolutions.

Standing Resolutions are LTC resolutions which provide direction to staff, or guidance to the LTC itself, beyond a single action or decision. Essentially these are on-going policies adopted by the LTC by resolution. A report listing all standing resolutions is included in every LTC agenda. A review is warranted as a number of the current standing resolutions were specifically adopted during the pandemic state of emergency, others may be generally out-of-date or no longer relevant.

ANALYSIS

The LTC currently has a total of 15 standing resolutions. These address a number of policy areas, including Advisory Planning Commission appointments, Liquor and Cannabis Regulation Branch referrals, and bylaw

enforcement. The detailed resolution wording is in the standing resolutions report attached, the table below summarizes the resolutions along with staff comments.

Resolution #	Standing Resolution	Comments
2005-005	Advisory Planning Commission Appointments	Rescind: has not been applied by LTCs as there are limited numbers of expressions of interest for APC appointments
2006-080	Communications Policy	Rescind: no longer applicable to current communications methods and procedures
2007-146	Special Occasion License Policy	Rescind: no longer applicable, special event permits now issued by LCRB without referral
2011-050	Adopting In-camera Minutes	Rescind: resolution not required, standard trust-wide practice
2018-070	Retail Cannabis Licensing Process	Retain
2019-016	Bylaw enforcement – Derelict Vehicles	LTC should review and confirm or rescind
2019-030	Advisory Planning Commission – contact incumbents before advertising	Retain
2019-061	Vacation Rentals – refer to Magic Lake Sewer and Water Committee	Rescind: responses have been non-committal
2019-072	Standing Resolution – Reconciliation	Retain
2019-074	Cell Tower Strategy	Retain
2020-010	Bylaw enforcement – on-going uses	LTC should review and confirm
2020-011	Bylaw enforcement – defer enforcement on commercial uses	Rescind: pandemic specific
2020-012	Liquor primary and manufacturer licensees – temporary expanded service areas.	Rescind: pandemic specific
2020-026	Bylaw Enforcement – restaurants temporary structures	Rescind: pandemic specific
2022-02	Travel Trailer Enforcement- deferment	LTC should review and confirm

The review of the standing resolutions indicates that:

- The four oldest resolutions (pre-dating 2011) are all out-of-date and no longer relevant to current processes
- Three resolutions were adopted during the pandemic state of emergency to support businesses
- One resolution has had limited response

Of the remaining resolutions, they are either still relevant or, in the case of bylaw enforcement policies, the LTC may wish to review them, either now or in the future.

Rationale for Recommendation

Rescinding out-of-date or ineffective resolutions would result in more focussed and accurate standing resolutions

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. **Request further information**

   The LTC may request further information prior to making a decision.

   That the North Pender Island Local Trust Committee request that. ..

2. **Receive for information**

   The LTC may receive the report for information

Submitted By:	Robert Kojima, Regional Planning Manager	March 6, 2023

ATTACHMENTS

Standing resolutions log

Islands Trust

Print Date: March 9, 2023

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2022-002 (Standing)	**Carried**	**27-Jan-2022**
Travel Trailer Enforcement that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.		
2020-026 (Standing)	**Carried**	**21-May-2020**
15.2 New business - Re: Bylaw Enforcement: Not Enforce on Restaurants or Liquor Primary Establishments during Cc 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.		
2020-012 (Standing)	**Carried**	**19-Jun-2020**
Liquor primary and manufacturer licensees within the North Pender Island Local Trust Area 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.		

Islands Trust

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-011 (Standing)	**Carried**	**04-Jun-2020**

RE: Bylaw Enforcement Action

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.

Islands Trust

Standing Resolutions Log

North Pender Island

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

Islands Trust

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing)	**Carried**	**04-Jul-2019**
13.2 Standing Resolution - Reconciliation Report 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**
16.2. Rise and Report 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**
13.2 Advisory Planning Commission - Staff Memo 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.		

Islands Trust

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing)	**Carried**	**31-Jan-2019**
12.4 Adopted Policies and Standing Resolutions 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.		
2018-070 (Standing)	**Carried**	**06-Sep-2018**
12.2 Retail Cannabis Licensing - Staff Report 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.		
2011-050 (Standing)	**Carried**	**28-Apr-2011**
Adopting In Camera Minutes It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.		

Islands Trust

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2007-146 (Standing)	**Carried**	**30-Aug-2007**
Special Occasion License Policy THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.		
2006-080 (Standing)	**Carried**	**25-May-2006**
Communications Policy Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.		
2005-005 (Standing)	**Carried**	**27-Jan-2005**
Advisory Planning Commission Appointments The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		

ISLANDS TRUST CONSERVANCY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit https://islandstrust.bc.ca/whats-happening/meetings-and-events/

1. ORGANIZATION UPDATES/TEAM

- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was elected Chair of ITC Board, Trustee Smith was elected Vice-Chair, and Trustee Yates was elected as the FPC representative.
- The ITC Board discussed the ITC ex officio seat on the Governance Committee, noting the ITC Chair will appoint a member to the committee. Shortly after the ITC meeting, the ITC Chair appointed Trustee Grant Scott as the ITC Board's ex-officio member on the Islands Trust Council's Governance Committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the Crown Agencies and Board Resourcing Office regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan in November 2022 and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval. A meeting has been set to discuss the plan with Ministry staff. Staff will inform the ITC Board of the outcomes.
- The ITC Board reviewed and approved the 2026-2030 ITC Plan Project Charter.
- The ITC Board reviewed and approved the 2023-2026 Species at Risk Program Project Charter.
- The ITC Board reviewed the 2023/24 ITC Budget briefing from the Financial Planning Committee. The ITC Board discussed potential budget reductions and moved that ITC Budget has been carefully considered potential budget reductions and their implications, and concluded that its budget request is necessary and responsible going forward.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.
- ITC registered a 11.35 hectare covenant, known as the Livingstone Covenant on Lasqueti island. This covenant is the first covenant on Lasqueti and is part of the Natural Area Protection Tax Exemption (NAPTEP) Program. It was gifted through the Federal Ecological Gifts Program.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board reviewed and approved the ITC NAPTEP Covenants Monitoring Report for 2022, and directed staff to address management concerns as identified in the report.
- ITC Board reviewed and approved the ITC Nature Reserve Monitoring Report 2022.

5. COMMUNICATIONS AND OUTREACH

- ITC has updated its website to include information about the species at risk program, see https://islandstrust.bc.ca/conservancy/species-at-risk/
- ITC is hosting Species at Risk focussed speaker series between February 16 and April 12, 2023. For more information, see https://islandstrust.bc.ca/conservancy/species-at-risk/

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board received a legacy donation of $25,000 for the purposes of implementing a Western Screech-Owl research project on Link Island.
- The ITC Board reviewed an application from the Nature Conservancy of Canada and awarded a $50,000 Opportunity Fund Grant for the acquisition of 161 ha (397 acres) of conservation lands on Reginald Hill on Salt Spring Island.
- The ITC Board awarded a $4,614.75 grant from the Morrison Waxler Biodiversity Legacy Fund Grant program to expand the existing Nighthawk Hill NAPTEP covenant on North Pender Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: https://islandstrust.bc.ca/conservancy/

Shortcuts of interest:

- **Goals:** https://islandstrust.bc.ca/conservancy/conservation-planning/
- **Opportunity Fund:** (context) https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/ ; (to donate online) https://islandstrust.bc.ca/donate-to-conservancy/
- **Request key updates via email:** https://islandstrust.bc.ca/subscribe/ (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

From: David Maude <dmaude@islandstrust.bc.ca>
Sent: Tuesday, January 31, 2023 7:04 PM
To: Mayne Island Local Trust Committee <MayneIslandLocalTrustCommittee@islandstrust.bc.ca>; North Pender Island Local Trust Committee <NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>; South Pender Island Local Trust Committee <SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>; Saturna Island Local Trust Committee <SaturnaIslandLocalTrustCommittee@islandstrust.bc.ca>; Galiano Island Local Trust Committee <GalianoIslandLocalTrustCommittee@islandstrust.bc.ca>
Cc: Paul Brent <pbrent@mac.com>
Subject: Siting and Use Permits option

Fellow Trustees.

Second try, the Trust email seems to be having issues....

There have been some ongoing concerns with regard to CRD Building Inspection, the timeliness and costs of inspections and permit issuance and the barriers these might present to enable economical and creative housing solutions.

There is a potential that CRD could withdraw Building Inspection which could be replaced be Siting and Use Permits (Link below to the Hornby Bylaw for your reference). This would undertaking involve a full public process both by the Trust and CRD that likely would take some time to accomplish.

At the Mayne Island January 30 meeting, the following motion was passed:

"That the Mayne island LTC request Trustee Maude write to Saturna Island LTC, South Pender Island LTC, Galiano Island LTC and North Pender Island LTC to request their thoughts on Mayne Island LTC asking CRD to identify interest in implementing siting and use permits in the event CRD should discontinue use of building permits."

What we would like is some feedback that we could pass onto Director Brent as to whether there is interest amongst the islands to pursue this as an option.

Thank you.

https://islandstrust.bc.ca/document/hornby-ltc-siting-and-use-permit-bylaw-no-168/

Mayne Island Trustee
Trust Council Vice Chair

Wi'la'mola - *we are all travelling together*

MEMORANDUM

File No.: NP-Resolution 2023-09

DATE OF MEETING:	March 17, 2023
TO:	North Pender Island Local Trust Committee
FROM:	Brad Smith, Island Planner Southern Team
COPY:	Robert Kojima, Regional Planning Manager
SUBJECT:	Enhanced forestry management on North Pender Island

PURPOSE

The purpose of this staff memo is to provide the Local Trust Committee (LTC) with information on potential options to further enhance forestry management and ecosystem preservation on North Pender Island.

BACKGROUND

At the January 20, 2023 meeting, the LTC passed the following resolution in response to recent logging activities within a Development Permit Area (DPA) on Schooner Way:

NP-2023-09
It was Moved and Seconded,
that the North Pender Local Trust Committee direct staff to explore possible next steps that the North Pender Local Trust Committee may take to address clearcutting of forest areas on North Pender Island in terms of bylaws and/or coordination with other agencies.

CARRIED

This memo provides a brief summary on what potential next steps the LTC could take enhance forestry management on North Pender and summarizes work already underway.

OPTIONS

1) **Review DPAs on North Pender Island and consider expanding to include other forestry management and ecosystem preservation values not currently considered.**

Currently, there are 10 DPA types established on North Pender Island, including DPA 1 Woodland. The DPA areas only cover a small portion of the forested land base on North Pender, as shown in the DPA compilation map.

The LTC could consider expanding DPAs to capture additional ecosystem values. For example, a significant portion of North Pender Island is located in the Coastal Douglas Fir (CDF) Zone. The Islands Trust has developed a CDF Tookit to help guide decision-making.

On page 5 of toolkit there is a specific recommendation for the LTC to consider the establishment of DPAs as an essential step to protecting the CDF zone.

The LTC could consider a range of DPAs that seek to address the objectives of the CDF toolkit which are:

- Maintain Contiguous Forest Cover
- Protect and Restore Functioning Ecosystems
- Protect Watershed Ecology
- Honour the Cultural Heritage of Coast Salish Stewardship

The LTC could also consider the preservation of other sensitive ecosystem values within DPAs for enhanced forestry management not directly related to the CDF ecosystem.

If the LTC were to proceed with this option, this work would have to be added to the future projects list as the LTC currently has 2 active projects, and are only permitted one minor project. A community engagement and education component would also be recommended.

2) Seek further legislative powers from the province to enable the Islands Trust and LTCs to establish additional regulations for forestry management activities beyond DPAs

Islands Trust already has made a request with the province to expand legislative powers. While currently on hold, the follow-up action required of the Chief Administrative Officer is "That Islands Trust requests the Province enhance the Trust's jurisdiction over tree-cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter."

3) Advocate for provincial agencies to establish stricter forestry management practices on private lands

Advocacy should be directed to Trust Council, through a trustee Request for Decision (RfD).

NEXT STEPS

Upon direction from the LTC, staff will add a review of DPAs to the future projects list.

Submitted By:	Brad Smith, PAg Island Planner	March 9, 2023
Concurrence:	Robert Kojima Regional Planning Manager	March 9, 2023

BRIEFING

To:	**Trust Council**	**For the Meeting of:**	**March 8, 2023**
From:	**CAO**	**Date Prepared:**	**February 3, 2023**
SUBJECT:	**Bylaw Enforcement Policy and Practices Overview**		

1. **PURPOSE:**

   To provide an overview on Islands Trust enforcement policy and practice to Trust Council.

2. **CONTEXT**

   Following a delegation at the December 2022 Trust Council meeting regarding the application of bylaw enforcement procedures, Trust Council, during the disposition of delegations session, made the following motion:

   That Trust Council requests that Executive Committee include a session on bylaw enforcement policy and practice in the March 2023 Trust Council meeting agenda.

   To support Trust Council's direction the following actions are underway:

   1. Development of this report on current bylaw enforcement practice;
   2. A session for the March 2023 Trust Council has been developed including guest speakers from the Ombudsperson Office and the Attorney General's office, in order to speak to current best practices and any issues with the Islands Trust;
   3. An in-camera session has been planned for Trust Council to address issues associated with specific bylaw files.

   More specifically, these reports and the sessions will describe the bylaw enforcement process and authorities, describe the current authorities of local trust committees, trustees and Trust Council; describe the number and nature of open files; describe the issues and number and nature of complaints by citizens on how the service is delivered, including charges of bias, diversity, bullying and proportionality.

   Following receipt of this work, Trust Council may provide direction on how it wishes to proceed, either to continue with current practice or direct changes in either policy, practice or both.

3. BACKGROUND

3.1 BYLAW ENFORCEMENT AUTHORITY

The authority to enforce land use bylaws lies with the local trust committees. Section 28 of the *Islands Trust Act* gives the local trust committees all of the powers and authority of a regional district board in relation to bylaw enforcement. The only proviso is that any fines collected through bylaw enforcement are paid to Trust Council. The legislation does not compel local trust

committees, or any local government in British Columbia, to enforce its bylaws; the decision on whether to enforce a bylaw or not is up to the local government, including local trust committees.

Section 14 of the *Islands Trust Act*, however, gives control of the budget to Trust Council, not the local trust committees. Therefore, there is a role for Trust Council in approval of budgets for bylaw enforcement, as well as all other budget decisions.

As a result of the above legislative structure, Trust Council does not have authority to tell a local trust committee how to enforce its bylaws. However, Trust Council can provide guidelines for local trust committees to follow, and use those guidelines to help Trust Council determine appropriate funding and resourcing availability to local trust committees for bylaw enforcement.

Because of this division between legislated authority to undertake enforcement of bylaws, and the funding of bylaw enforcement, all requests by local trust committees to undertake significant enforcement action (usually through the British Columbia Supreme Court) requires approval for funding through the Executive Committee.

3.2 BYLAW ENFORCEMENT BYLAWS

All local trust committees have a "Bylaw Infractions Investigation Bylaw". This bylaw permits the bylaw enforcement officers to enter any property at any reasonable time to determine whether the local trust committee bylaw, or any issued permits are being complied with.

Most local trust committees have a "Bylaw Enforcement Notification Bylaw". This bylaw permits the bylaw enforcement officers to issues violation tickets (with a fine attached) for violations of the provisions of the land use bylaw. The infraction, and the fine amount, are established in the bylaw. The bylaw establishes the general process for the issuance and collection of the fine, as well as an appeal process for the person who receives the fine. Note that these bylaw infraction notices are only used in those local trust areas that have adopted a "Bylaw Enforcement Notification Bylaw".

3.3 TRUST COUNCIL BYLAW ENFORCEMENT POLICY

To provide guidance to local trust committees on resourcing for bylaw enforcement, Trust Council has adopted Policy 5.5.1 [Bylaw Compliance and Enforcement]. This policy is based on the Ombudsperson's "Bylaw Enforcement: Best Practices Guide for Local Governments, 2016", with adjustments to reflect the unique structure of the Islands Trust.

Generally, Policy 5.5.1 sets out when an enforcement investigation may be opened by bylaw enforcement staff. This is usually based on a complaint, but the policy also indicates certain situations where staff may proactively enforce without a complaint; these are generally to do with violations that may cause environmental damage, or health and safety issues.

The Policy also allows local trust committees to establish their own local policies for enforcement. This currently is being used by some local trust committees, who have "standing resolutions" instructing staff on either proactive enforcement on particular issues (such as short-term vacation rentals), or to withhold enforcement in certain situations (such as residential use that appears not to be lawful due to the affordable housing issue). While these policies require different enforcement standards in each local trust area, the work is undertaken with the resources allocated by Trust Council, and managed by the Manager of Bylaw Compliance and Enforcement. If a local trust committee policy direction requires additional resources, staff would advise the local trust committee of this, and the local trust committee would then ask staff to make the appropriate requests through Trust Council for additional resources to support the enforcement policy.

The policy also specifies that local trust committees and trustees will not get involved in the investigation of a complaint, or the writing of reports about the complaint. This is a best practice to ensure that the investigation and reporting is free from politics. Of course, should compliance not be achieved, the local trust committee will become involved when deciding whether or not to seek legal action to uphold the bylaw or to direct that a file be closed.

The policy also includes other aspects of enforcement such as mediation, confidentiality, and taking legal action.

3.4 ORIGINS OF THE CURRENT PROCESS

Roycroft Report

In 2007, Trust Council passed a resolution that directed the Director of Planning Services to complete a review of the bylaw enforcement program. The report was completed in 2008, and provided recommendations that established the current organization of the bylaw office, and the policies and procedures that they currently follow.

The Roycroft Report made the following key recommendations:

- that a supervisor was required, originally in the form of a coordinator, and eventually in a position designated as the manager;
- that a bylaw officer operate in each of the three geographic areas: Northern, Salt Spring and Southern;
- that communications information be provided to those subject to complaint;
- that the bylaw enforcement adjudication system be investigated for use by Islands Trust and it was ultimately adopted by ten Local Trust Areas; and
- that the CAO be involved in recommendations to proceed with litigation actions.

Trust Council Policy and Ombudsperson Best Practices were used to create the Bylaw Enforcement Best Practices Manual and it outlines the purpose of bylaw compliance and enforcement program and it details how complaints and bylaw files are to be processed and investigated. It provides guidance to staff on how to conduct operations and on file management and communications with respondents, complainants and Trustees.

An important element of the process is the notification to respondents, complainants and Trustees when a file is open. The notifying of those effected immediately upon opening a file is a non-confrontational way of proceeding with an investigation and it achieves success in opening a cooperative dialogue.

The manual is maintained in accordance with the procedural and administrative fairness measures outlined by the Ombudsperson guide on best practices for bylaw enforcement. This document can be edited and updated on a regular basis and it is a work in progress that is labeled a DRAFT.

Mediation is an option in the Trust Council Policy but it is not mandatory and there are no policies or procedures on how the process is to be conducted. However, training in mediation and negotiation from the Justice Institute of BC (JIBC) is required for bylaw staff. The JIBC courses provide the skill and knowledge base for how mediation is to be conducted. These courses are combined with courses on conflict resolution and negotiation.

Local Trust Committees make their own policies on bylaw enforcement by way of standing resolutions.

3.5 CURRENT DAY-TO-DAY PRACTICES

The current day-to-day practices for bylaw enforcement, generally, are as follows:

1. When a **complaint** is received, a bylaw file is opened to investigate on the authority of the Manager and the Manager assigns a Bylaw Officer to the file. The property owner is sent a **notice letter** and is asked to contact the bylaw officer assigned to the file.
2. Bylaw Officer assigned to the file begins to research and **investigate** the complaint and the property.

3. If the property owner contacts the officer as requested, he conducts an **interview and arranges a site visit.**

4. If contraventions are identified during a visit or inspection, respondent receives a **determination letter** identifying contraventions, which may include a deadline for compliance. If there are no contraventions, then the file can be closed. If there are issues relevant to other agencies, it could be referred for their action.

5. If there is no compliance by the deadline, a **bylaw violation notice** (BVN) may be issued by the bylaw officer. Bylaw Officer has the authority to issue BVNs for contraventions identified in an adopted Bylaw Enforcement Notice Bylaw (BEN).

6. Manager's recommended policy to Bylaw Officers is to give two deadlines for issuing a BVN: one of 90 days and then one of 45 days.

7. Property owner can pay or dispute a BVN. If they dispute, the BEN bylaw and policy will state who the appointed **screening officers** are. Manager is usually the screening officer but if the Manager writes a BVN, then the Regional Planning Manager becomes the screening officer.

8. Screening officer can uphold or cancel a BVN. There are adopted policies on when a bylaw notice can be cancelled. If upheld, a **compliance agreement** can be offered to correct the contravention. Most compliance agreements come with a 100 percent discount to encourage compliance.

9. If there is no resolution with a compliance agreement, the bylaw notice goes to an **adjudicator**.

10. Bylaw Manager will request an adjudicator on a specific date from the Ministry of Attorney General, and a hearing date will be confirmed. All parties notified of the hearing date.

11. Adjudicator will uphold or cancel a disputed BVN. Their decision cannot be appealed but judicial review of the decision is available based on factual errors or errors in law.

The day-to-day oversight of bylaw enforcement is delegated by Trust Council (Policy 5.5.1) to the Bylaw Compliance and Enforcement Manager (Manager), Trust Council Policy 5.5.1 states that the Manager will maintain the best practices operating manual, and the Manager reports to the Director of Planning Services, who is briefed on a regular basis. The CAO is briefed on bylaw enforcement issues and resource allocations and responds to individual complaints or problems as needed.

3.6 REPORTING

The Director of Planning Services receives updates and briefings on files as and when required. The Director briefs the Chief Administrative Officer (CAO) when appropriate or at the CAO's request.

Trust Council Policy 5.5.1 also states that Trustees will be advised when a bylaw file is opened, and that Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually. The policy also states that Local Trust Committees may request reports about specific investigations and general enforcement activity.

The policies stated in section 10 of Trust Council Policy 5.5.1 mean that the Local Trust Committees have a more active participation in day-to-day enforcement than the CAO, or the Director, as the local trustees are advised of all file openings and some local trust committees have requested that they be notified of files closed. The CAO and the Director of Planning Services are not routinely advised of these activities.

Local Trustees who are contacted by respondents, or complainants, can and do contact the Manager for updates and guidance on how to respond to those enquiries.

3.7 INVESTIGATION

On receipt of a complaint, staff create a file and investigate the complaint. This is to determine if there is merit to the complaint, and if there is, to speak with the person in violation to seek voluntary compliance. While staff investigate complaints based on order of receipt, some

complaints that look like they may have environmental or health and safety concerns are usually investigated ahead of other complaints that do not seem to have a similar impact.

The determination of a contravention, and the requests for compliance by giving deadlines or issuing a bylaw warning notice, can initiate the following actions:

- respondent can state they will comply with the regulations and they provide a timeline;
- respondent can state they will not comply and the bylaw officer provides a deadline for compliance;
- respondent can request a mediation process; and
- respondent can state that the determination is incorrect and there is no contravention of the bylaw. They often demand that the determination be rescinded or they wish to appeal the decision.

Generally, about 90 per cent of violations are concluded using the voluntary process.

3.8 APPEAL OF BYLAW ENFORCEMENT DECISION PROCESS

Appeal Process – Bylaw Violation Notice (BVN) Issued

This bylaw dispute adjudication system was introduced in 2010 on Salt Spring Island and then in five other LTAs by 2011. The bylaw notice adjudication system was established by the Province as a 'bylaw court' that is not part of the court system. It was primarily designed to deal with minor bylaw contraventions but a wide range of local governments use the system to deal with all bylaw contraventions whether they be parking, noise, animal control, soil deposit and removal, or land use contraventions.

Bylaw Violation Notices are only issued in those local trust areas that have adopted a Bylaw Enforcement Notification (BEN) Bylaw, and only then for those items listed in the bylaw for which a notice can be issued. A Bylaw Violation Notice (BVN) is issued after a respondent has been given time to comply, which is usually a minimum of 90 days, and there may be an extension of 45 days if it is reasonable to do so.

The criteria used when considering the issuance of a BVN comes down to whether or not a compliance agreement is available under the relevant BEN bylaw, and whether or not a reasonable amount of time has been given for the respondent to achieve compliance.

If there is no compliance agreement available for a contravention, it is interpreted that there should be no time to comply given, or cannot be given. In these cases, a BVN would be issued once a contravention was confirmed. If there is a compliance agreement available for a contravention, it is then interpreted that time to comply can be given and that no BVN should be issued until a reasonable amount of time to comply has been given.

Screening Officer

Once a bylaw violation notice (BVN) has been issued, the respondent has 14 days to either pay the penalty or dispute the BVN. Once a dispute has been received, it is forwarded to a screening officer.

Screening officers are appointed by a Local Trust Committee and the powers and duties are adopted by policy. Options for officers are limited to a number of staff positions (See Attachment 1.). A screening officer can cancel a bylaw notice, negotiate a compliance agreement with the disputant, or forward the matter to an adjudication hearing. Screening officers are not authorized to approve legal actions as a part of their duties. Their role is to follow the LTC adopted policies on how and when a BVN may be cancelled or when it should not be forwarded to adjudication.

This is the first formal opportunity for a respondent/disputant to raise concerns about the process, conduct of staff, or the interpretation of a bylaw. Many concerns are addressed at this phase as the screening begins the process to negotiate a compliance agreement or even determine if the Screening Officer policies dictate that a bylaw notice be cancelled.

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1. the Bylaw Violation Notice was issued to the wrong person;
2. an exception specified in the bylaw or related enactment exists;
3. a permit exists which authorises the alleged violation;
4. there is poor likelihood of success at adjudication for the Local Trust Committee.

   For example:
   a) The evidence is inadequate to show a contravention;
   b) The officer relied on incorrect information in issuing the Bylaw Violation Notice;
   c) The Bylaw Violation Notice was not completed properly;

5. It is not in the public interest to proceed to adjudication for one of the following reasons:
   a) The bylaw has changed since the Bylaw Violation Notice was issued, and now authorizes the contravention;
   b) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.

Adjudication

The Ministry of Attorney General maintains the roster of adjudicators and assigns them on a rotational basis. Local governments cannot ask for specific adjudicators to be assigned to a hearing.

Once a hearing date has been set, the process is to advise the disputant of the date and request how they wish to be heard. This is set out in regulation. They can appear in person, in writing, or by electronic means. We forward our reports that we wish to present to the adjudicator to the disputant two weeks prior to the hearing. Disputants are requested to do the same, but it is not mandatory. They can present their entire case and evidence on the day of the hearing.

An adjudicator's decision is final and there is no appeal. However, a judicial review can be requested if the disputant believes there has been an error in law.

Appeal Process – No Bylaw Violation Notice Issued

Bylaw Violation Notices are only issued in those local trust areas that have adopted a Bylaw Enforcement Notification Bylaw, and only then for those items listed in the bylaw for which a notice can be issued.

There is currently no formal process within Islands Trust to deal with an appeal of a determination made by a bylaw officer. If a respondent feels strongly that they have not contravened a bylaw, they typically take one of the actions listed below.

- raise the issue with the Manager and request a review of the determination;
- raise the issue with a Regional Planning Manager or Director of Planning Services and request that they review the determination;
- raise the issue with the CAO and may make an administrative fairness complaint; or
- make a complaint to the Ombudsperson.

Appeal Process – Actions of Bylaw Officers

When somebody has a concern about the way they have been treated by any staff (including bylaw compliance and enforcement officers), or trustees, they may make an in-formal or formal complaint to the Islands Trust. Trust Council has adopted two policies to guide how these complaints are received and how they are handled.

Trust Council Policy 7.1.1 [Administrative Fairness Principles], and Policy 7.1.2 [Handling of Administrative fairness Complaints] together outline the process for internally handling complaints about the actions of local trust committees, trustees and staff.

Generally, Policy 7.1.1 states that complaints about bylaw enforcement should be considered in regards to the procedures on bylaw enforcement (Policy 5.1.1). Normally this means that complaints about a decision of the local trust committee is not something Trust Council can adjudicate as the decision to enforce its bylaws or not, is the discretion of the local trust committee. This means complaints regarding a local trust committee's decisions would be referred to that local trust committee.

Policy 7.1.2 outlines the procedures for informal complaints and formal complaints. Formal complaints are generally in writing, are logged, and are dealt with according to the policy. Informal complaints are usually verbal (in person or on the phone) and usually dealt via a conversation with the Chief Administrative Officer or Chair, depending on whether it is staff or trustee/trust committee related.

Complaints regarding local trust committee actions, or trustee actions are handle through the Executive Committee, and Policy 7.1.2 outlines the process for this.

Complaints regarding staff are handled by the Chief Administrative Officer following the procedures outlined in Policy 7.1.2.

Policy 7.1.2 also provides avenue for appeal should people not be satisfied with the outcome, authorising the Executive Committee to undertake a review of the decision of the Chief Administrative Officer.

Appeal Process - Ombudsperson

In British Columbia anybody who is not satisfied with a decision of a local government may file a complaint regarding a local trust committee action or decision, a trustee action or staff action with the Ombudspersons Office. When they receive a complaint, the Ombudsperson will contact the Islands Trust to notify us of the complaint, and request our records about the issue.

The ombudsperson is interested to see what we did to resolve the issue. In some instances, the complaint is beyond the jurisdiction of the ombudsperson (such as a land use planning decision or bylaw enforcement decision), or the Ombudsperson is satisfied with the action taken by the Islands Trust. In some instances we may agree to take further action to resolve the issue. In all situations, when there is a complaint to the Ombudsperson's office, we work cooperatively with them to resolve the complaint. Under the *BC Ombudsperson Act*, the Islands Trust is compelled to provide all requested information, which we do.

3.8 DISCRETION AND PROPORTIONALITY The Ombudsperson Best Practise guide indicates that "administratively fair enforcement decisions are proportional, equitable and consistent." And more specifically, "Bylaw enforcement action should be proportional to the nature of the violation and appropriately address the harm that is caused by the violation."

So, how is proportionality evidenced at the Islands Trust and how does this relate to the discretion of bylaw enforcement? A related question is *when* is proportionality implemented or evidenced: on site with the bylaw enforcement officer, at an LTC meeting when a decision to proceed is made, or at the Executive Committee table when litigation funding is approved?

The Islands Trust Enforcement Best Practise and Procedures draft manual does not explicitly define proportionality, however it does reference that the enforcement service is conducted in keeping with the Ombudspersons Best Practise Guide, which does address proportionality. Further in practise, the sequence of compliance (i.e. voluntary compliance): education, mediation and enforcement is graduated. This is an important element in service delivery and indeed education itself contributes to 90% of files never getting to the bylaw notice stage. The BEN bylaw process has a proportional range of ticketing values that can be applied by LTCs. Nevertheless, there may be

merit in developing a set of agreed criteria that express the Islands Trust understanding of proportionality and how it may be applied in a different manner.

That being said, once a complaint has been made, the process relies on a relatively literal interpretation of the offence process as described by the land use bylaw. Bylaw staff have exercised limited discretion when it comes to enforcement options, that discretion lies with the Local Trust Committees who are the decision makers on whether or not to enforce their bylaw.

Generally proportionality/discretion at the bylaw enforcement officer level is expressed by giving and extending reasonable time to achieve compliance. A land use bylaw states that a contravention occurs each day a non-permitted use or siting occurs as opposed to one-time discrete events. While the Land Use Bylaw states that every day is a new contravention, rarely have respondents been fined on a daily basis. Respondents are given reasonable time to comply options so that they may find solutions or apply to the LTCs for permits. However, Bylaw staff cannot make determinations or give time to comply based on the perceived merits of a use or structure.

Policy 5.5.1 provides four conditions for the closing of a file and only two of those apply to bylaw officers: they may close the file if there is no contravention or if compliance has been achieved. The policy (S. 4.1.4) does permit the Manager and the Director to make determinations on minor contraventions and close files. This may mean that contraventions remain but it is not in the public interest to pursue or it may be unreasonable to pursue. This policy has not been used extensively and there may be value in providing a clearer path to apply for discretion under 4.1.4. The Director may also delegate the authority to the Manager. The LTC has unfettered authority on whether or not to enforce its bylaws and an LTC may direct that a file be closed. When each BEN bylaw is adopted, it is the LTC that reviews the penalty schedule for the Land Use Bylaw and they can establish the penalty amounts and whether or not a compliance agreement is available for a specific contravention.

Generally the practise has been that the criteria and principles for enforcement are based upon the land use bylaw, the BVN Notice criteria, and the relevant enforcement bylaw. Determinations of public interest have generally been made at the LTC table in considering individual violations and continued enforcement. Perhaps this balance needs to be revisited, and more discretion at the officer level be inserted into the system. Moving to a more staff lead approach could be challenging/undesirable, as it is that elected officials have a better insight into the public interest and the best means of achieving the mandate of the Trust. Another consideration is that the application of proportionality at the staff level is challenged by the number of Local Trust Committees, variety of land use bylaws that they are required to enforce, and the attendant desire by each community to have an independent regulatory regime.

3.9 LEGAL ACTION

Local Trust Committees may authorize legal action against property owners who fail to comply with the regulations. As bylaw notices cannot be issued for development permit area contraventions, legal action is the only means to enforce the regulations.

If bylaw staff believe that they cannot obtain compliance by using BEN or through negotiation, they will prepare a request for legal action that will be considered by the LTC. LTCs are the sole authority to determine if they wish to enforce their bylaws. Outside legal counsel provide opinions based on the investigations and facts provided by bylaw staff, the regulations in the relevant bylaw, and a review of judicial decisions.

Any legal action approved by an LTC must then be considered by the Executive Committee (EC) for funding.

3.10 MEDIATION

Trust Council policies establish the structure for day-to-day operations for both staff and Local Trust Committees regarding the opening and closing of files, the conduct of investigations, and the process for pursuing legal action.

For mediation, the policy was adopted as an alternative to regular enforcement steps and it recognized that its application would be limited. The mediation process was never intended to be a means to resolve disputes between bylaw staff and property owners, it was meant to provide a means to resolve neighbour disputes. It was fully recognized that the law cannot be mediated.

There are no procedures or policies written specific to the mediation process. A more robust mediation process could be developed at the direction of Council.

4. RELEVANT BYLAW ENFORCEMENT STATISTICS

Current Open Files	Average new files 4 yr avg	Average closed files 4 yr avg	On Hold by Standing Resolution (deferred enforcement)
598	260	179	112

Open by written Complaint	Open by Standing Resolution on STVRS (Proactive)	Standing Resolution for Derelict Vehicles on North Pender (Proactive)	Bylaw Officer (Proactive)
455	115	12	16

Complaints about the conduct of Bylaw Officers since 2013	Complaints to the Ombudsperson
six	one

The complaint to the Ombudsperson resulted in no action or follow-up required by Islands Trust.

5. ANALYSIS AND ISSUE IDENTIFICATION

Trust Council has heard concerns expressed about the bylaw enforcement process and the conduct of bylaw officers. In the context of recent complaints, an issue to consider is whether or not Islands Trust is delivering the service to all stakeholders (Trustees, Respondents, Complainants) in a fair and functional manner, and also meeting the Trust Mandate to preserve and protect.

Islands Trust bylaw staff typically process more than 260 new compliance and enforcement files each year. Approximately 50 percent of files are resolved after the Notice to Respondent letter is received. Property owners will acknowledge obvious contraventions and take steps to comply within a reasonable amount of time after which no further action is necessary and the file can be closed.

The number of files that result in BVNs is minimal and does not amount to more than ten percent of the total number of open files. The average from the latest reporting cycles is eight percent. There are always disputants willing to sign compliance agreements and voluntarily comply. Those signing compliance agreements are given a 100 per cent discount on any penalty amounts.

If we are to use the Pareto principle, or 80-20 rule, 80 percent of the files are resolved without the need for any type of bylaw warning notice or bylaw violation notice. The remaining 20 percent require what could be considered the hard enforcement tactics of issuing warning notices, violation notices with penalties, or court action approved by an LTC. There are a limited number of disputed BVNs going to adjudication and almost all can be dealt with by holding four adjudication days per year.

Specific issues presented by the delegate at Trust Council focused on due process, communication and inappropriate conduct. As it is staff who deliver the enforcement service, it is difficult for them to provide an objective analysis of some of these sensitive issues. It would be more effective to address the issue through an external review or analysis. Nevertheless, the following commentary is provided as a general overview of the criticism of the bylaw enforcement process.

EQUITY AND FAIRNESS

Does bylaw enforcement disproportionality target working and non-elite residents?

- The records that are kept in TAPIS (Trust Area Property Information System) are for properties, and there is no separate identification of the specific characteristics or personal attributes of the property owner. Staff do not have data or information to indicate a structural bias is in place. Although the owner is ultimately responsible for contravention, the investigative process and the enforcement file is really for the property only. Bylaw staff are concerned about the physical structures on the lot and the actual uses on the lot, and any contraventions identified are for the land uses irrespective of the relative incomes or permanence status of the landowners. .

NO APPEAL PROCESS

Is there an appeal process for citizens/residents who claim to be unfairly enforced against?

- The combination of the administrative fairness process, Ombudsperson process, and the adjudication process function as an appeal processes available to citizens, however, Trust Council may wish to investigate an alternative or additional process to ensure fairness.

PREDETERMINED GUILT

Is guilt presumed through the complaint and bylaw enforcement process?

- Bylaw complaints are fully investigated before any determination of a contravention is made. Trust Council dictates that written complaints be processed, and if they are anonymous, use fake names, or impersonate others, or are vexatious, they are either not processed or the file closed.

BULLYING

Are citizens bullied by either the bylaw enforcement staff or the process?

- In the last approximately 10 years, there have been 6 complaints regarding staff conduct in this area, three of which refer to bullying or intimidation specifically. One went to small claims court and the matter was dropped, another was addressed through the compliance agreement process and the third was referred to the ombudsperson office and no findings against the Trust were made.
- Staff abide by the code of conduct standards for the Province. If a contravention is confirmed for a property, all owners are given time to comply and this is negotiated with them whenever possible. Those subject to enforcement are asked to estimate how much time they need to comply and if the time frame is reasonable, it is accepted by staff. Mediation is offered if it is reasonable to do so. The majority of those offered mediation with the complainants, or complainants, refuse Islands Trust intervention if it just means sitting down and talking with their neighbours about the problem.

6. WHAT CAN BE DONE DIFFERENTLY?

If Trust Council wants to establish a different bylaw enforcement regime or practice, it could consider a number of avenues, including the following:

1. Initially, Trust Council may wish to undertake an independent analysis of the function and seek some recommendations for change. The Ombudsperson Office regularly conducts 3rd party independent reviews of this nature.
2. The Islands Trust could consider a more robust definition and practice associated with proportionality and the exercise of discretion they would like to see used by bylaw officers.
3. Trust Council could consider that a more formal appeal process for determinations made by Bylaw Officers to be established to deal with respondents concerns before any BVN is written.
4. An alternative to the Administrative Fairness process could be adopted to address staff actions/conduct.
5. The previous Trust Council Policy of giving respondents 90 days before any legal action was initiated should be reinstated. The compliance and enforcement policy is to seek voluntary compliance and give respondents time to comply and this is a more than reasonable policy to ensure that we are seeking compliance and not using punitive measures. The 90 day period was removed from the policy in 2019 may have caused enforcement to happen too quickly in 2020 and caused unnecessary stress for certain respondents.
6. LTCs can adopt their own policies on "time to comply" for specific contraventions if they wish, and it would be beneficial for some LTCs to follow such a policy to address community concerns.
7. LTCs could reconsider the use of "standing resolutions" on general or specific violations in order to lessen the number of instances of interaction between the organization and community members.
8. Trust Council could consider in more detail how the mandate of the Islands Trust is reinforced by the bylaw enforcement function and land use regulation.
9. Other matters identified by Trust Council.

8. ATTACHMENT(S):

1. **Example of screening officer policy (North Pender Island LTC)**

9. FOLLOW-UP: as directed by Trust Council

Prepared By:	**Russ Hotsenpiller, CAO**
	Stefan Cermak, Director of Planning Services
	Warren Dingman, Bylaw Enforcement Manager
Reviewed By/Date:	**David Marlor, Director, Legislative Services/February 3, 2023**

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Approval Date:	March 11, 1995
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Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

B. Policy

1. COMPLIANCE

1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016.

3. COMMENCING INVESTIGATIONS

3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:

3.1.1 in response to written complaints of an alleged contravention made by any person;

3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;

3.1.3 bylaw contraventions appear to cause health and safety issues;

3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

Islands Trust;

3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;

3.1.6 advertisements exist for apparently unlawful uses;

3.1.7 a Local Trust Committee directs staff to commence an investigation.

4. CLOSING INVESTIGATIONS

4.1 Bylaw investigation files can be closed in one or more of the following circumstances:

4.1.1 if no contravention existed;

4.1.2 if compliance has been achieved;

4.1.3 on direction of a Local Trust Committee;

4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

5. PRIORITY OF INVESTIGATION

5.1 The workload for bylaw investigations will be prioritized as follows:

5.1.1 by specific direction of a Local Trust Committee;

5.1.2 health and safety issues;

5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;

5.1.4 contraventions of land use bylaws and other bylaws.

6. MEDIATION

6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.

6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:

6.2.1 provide full information and exchange of information;

6.2.2 confirm facts;

6.2.3 explore opportunities for compliance;

6.2.4 negotiate a timeline for compliance;

6.2.5 reach a compliance solution.

7. LEGAL ACTION

7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:

7.1.1 issue a bylaw violation notice; or

7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.

7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.

7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under

the following conditions:

7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.

7.3.2 A long-form information may be sworn only after approval by a local trust committee; and

7.3.3 Executive Committee has approved legal funding for the prosecution; and

7.3.4 The long-form information has been reviewed and prepared by legal counsel.

8. BYLAW NOTICE DEBT

8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9. CONFIDENTIALITY

9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.

10.2 Trustees may make a written complaint alleging a bylaw contravention.

10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.

10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.

10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

10.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

C. Legislated References

1. *Islands Trust Act*
2. *Offence Act*

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016
- BC Local Government Bylaws>Bylaw Enforcement