



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: May 5, 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 - None		
9.	MINUTES	11:10 AM - 11:20 AM	
9.1	Local Trust Committee Special Meeting Minutes Dated March 11, 2023 (for Adoption)		4 - 10
9.2	Local Trust Committee Minutes Dated March 17, 2023 (for Adoption)		11 - 18
9.3	Local Trust Committee Public Hearing Record Dated March 17, 2023 (for Receipt)		19 - 20
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 April 2023		21 - 25
11.	DELEGATIONS		

12. CORRESPONDENCE

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

- 12.1 Various Correspondence re North Pender Forestry Concerns – A total of 48 pieces of public correspondence have been received and provided to the LTC as a combined file.

13. APPLICATIONS AND REFERRALS 11:20 AM - 11:30 AM

- 13.1 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 138 (for response) (attached) 26 - 28

14. LOCAL TRUST COMMITTEE PROJECTS 11:30 AM - 12:00 PM

- 14.1 Groundwater Project - Staff Report (attached) 29 - 41

15. REPORTS 12:00 PM - 12:10 PM

15.1 Work Program Report (attached)

15.1.1 Active Projects Report Dated April 2023 42 - 42

15.1.2 Future Projects Report Dated April 2023 43 - 44

15.2 Applications Report Dated April 2023 (attached) 45 - 48

15.3 Trustee and Local Expense Report Dated Feb 2023 (attached) 49 - 49

15.4 Adopted Policies and Standing Resolutions

15.4.1 Standing Resolutions - Staff Report (attached) 50 - 52

15.4.2 Adopted Policies and Standing Resolutions (attached) 53 - 58

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS 12:10 PM - 12:45 PM

16.1 North Pender LTC Protocol Agreements

16.2 Options for forest and tree management on North Pender Island 59 - 61

16.3 Draft Annual Report Wording - for approval (attached) 62 - 62

That the North Pender Island Local Trust Committee approves the format and outline of contents for the 2022/23 Annual Report.

16.4 North Pender Island LTC Freedom of Information and Protection of Privacy Bylaw No. 233 - Request for Decision (attached) 63 - 67

16.5 Topic Discussion for June 24, 2023 Special Meeting

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 26, 2023 at the Anglican Hall, Pender Island

18. TOWN HALL 12:45 PM - 1:00 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)(f) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated March 17, 2023*
- *Appointment of APC Members*
- *Bylaw Enforcement*

AND that the recorder and staff attend the meeting.

19.2 Recall to Order

19.3 Rise and Report

20. ADJOURNMENT 1:00 PM - 1:00 PM

North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: March 11, 2023
Location: Anglican Parish Hall
4703 Canal Road, RR 1, North Pender Island BC

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

Staff Present: Kim Stockdill, Island Planner
Brad Smith, Island Planner
Narissa Chadwick, Island Planner
William Shulba, Senior Freshwater Specialist
Sarah Shugar, Recorder

Others Present: Approximately 18 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 1:02 p.m. 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 Groundwater Sustainability Implementation Project

Freshwater Specialist Shulba and Planner Chadwick presented an overview of the Groundwater Sustainability Implementation Project.

The following questions and answers were recorded:

Q: What tools were used?

A: A contractor used registered wells and drillers log data to assign geological terms and identify the fracture depth of wells. Water use is the unknown factor. We can use proxies such as looking at registered wells and assigning 600 litres per day and we can extrapolate the data.

Q: Do we have monitoring wells on Pender Island?

A: The Province has a Groundwater Observation Network and there are two wells that are actively monitored on Pender Island. W. Shulba oversees a community wells monitoring program on Salt Spring Island. The Province keeps a long-term record and includes long-term climate patterns.

Q: Would it be possible for property owners to be able to participate in a well monitoring program or could the LTC require well monitoring on Pender Island?

A: The most economical way to monitor a well is to install a data monitor to a new well, although the majority of newer wells can be retrofitted for well monitoring. The issue is what to do with the data. It is an emerging science and there are more tools available.

Q: How do tidal impacts fit into groundwater well monitoring?

A: The movement of water through a fracture is maximum 100 meters per year. An aquifer is a hydraulic system and the tides impact the pressure, although the exchange of water is slow.

Q: There is a land parcel that has almost all of the trees removed and now water is springing out of the rock. Should we be trying to capture that water?

A: Trees act as pumps and bring water into them and soils are degraded during clear cutting. Densely packed second-growth forests are not the best for groundwater recharge. Thirsty forests make healthy soils. Springs in clear-cut areas contribute to increasing sediment in streams and rivers.

The meeting recessed for a break at 2:14 p.m. and reconvened at 2:20 p.m.

Q: Do the recommendations take into consideration whether there are hydro geologists to do the work?

A: Yes.

Q: What about subdivision?

A: There could be conditions in a rezoning process to address water recharge. Scheduled critical recharge area maps could be used as an additional tool in planning decisions.

Comment: Watersheds in other jurisdictions are fenced.

A: Many jurisdictions protect their watersheds.

Q: Are there areas in the Province that manage different uses for groundwater?

A: There are areas such as the Koksilah Watershed that are reconfiguring water use, including groundwater licenses for uses that impact salmon. Mayne Island has been quite successful with managed water systems.

Q: It is important for people who want to use cisterns that they don't run into difficulties in the permitting process.

A: The Islands Trust and CRD need to take a coordinated approach regarding water storage.

A Trustee expressed support for educational materials regarding grey water regulations and pilot projects.

Q: Where are the monitored wells on Pender Island?

A: One of the provincially monitored wells is located on Paisley road and there is another located on Pirates Road.

The meeting recessed at 3:00 p.m. for a break and reconvened at 3:10 p.m.

3.2 Land Use Bylaw Review Project - Staff Report

Planner Stockdill presented a staff report dated March 8, 2023 regarding LUB Review Project – Proposed Bylaw Nos. 223, 224, & 229.

There was discussion regarding the stairs within the setback to the sea. Concern was expressed that the stairs within the setback to the sea topic needs more consideration and the LTC would like to hear more from the public on this item. Planner Stockdill advised this could be amended following the Public Hearing and the topic could be flagged in the Public Hearing notice.

There was discussion regarding the foreshore retaining Water 1 Zoning in order to continue to permit private docks. Concern was expressed that the needs more consideration and the LTC would like to hear more from the public on this item. Planner Smith advised there is a Provincial moratorium on new docks.

There was discussion regarding how many properties would be impacted by the Maximum Floor Area topic. Planner Stockdill advised a total of 271 properties could potentially be impacted. Support was expressed that further education is needed on this topic.

A member of the public spoke to the definitions of farming and agri-tourism within the Agricultural Land Reserve (ALR) land. There was discussion regarding agriculture regulations, zoning and farm status.

NP-2023-22

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to amend draft Bylaws No. 223 and 229 to rezone Lot 18, Section 10, Pender Island, Cowichan District, Plan 22424 to a site specific Community Park 2 zone that would also permit the existing tennis courts.

CARRIED

NP-2023-23

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to remove the following accessory uses from the Rural Residential 1 zone: pig farming, dog breeding, boarding kennels and keeping of livestock.

CARRIED

NP-2023-24

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to allow all uses in the Commercial 2 zone for that portion of 4605 Bedwell Harbour Road zoned Commercial 2 g (C2g).

CARRIED

NP-2023-25

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to allow the following densities for the Commercial 2 zoned properties: 1329 MacKinnon Road is permitted 20 Tourist Accommodation Units and 1333 MacKinnon Road is permitted 7 Tourist Accommodation Units.

CARRIED

NP-2023-26

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to amend Commercial 2 (g) zone to permit one Tourist Accommodation Unit with a maximum floor area of 280m² (3000 ft²) and which is not calculated in the total floor area for tourist accommodation units.

CARRIED

NP-2023-27

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to rezone those portions of 3418 South Otter Bay Road as outlined in Column 4 in Table 1 of the staff report dated March 11, 2023.

CARRIED

NP-2023-28

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to rezone the area around North Pender to be rezoned from Water 3 zone to Water 1 zone.

CARRIED

NP-2023-29

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to remove the maximum floor area and total floor area regulations for the Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2, and/or Agriculture zones, from draft Bylaw No. 224 to draft Bylaw No. 229.

CARRIED

NP-2023-30

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 229 to increase the maximum floor area for the Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2, and/or Agriculture zones to:

- 3000 ft² for those lots less than 0.4 ha (1 acre);
- 3500 ft² for those 0.4 ha (1 acre) to less than 1.2 ha (3 acres); and or,
- 4000 ft² for those 1.2 ha (3 areas) or greater.

CARRIED

NP-2023-31

It was MOVED and SECONDED,

That the North Pender Local Trust Committee direct staff to amend draft Bylaw No. 229 to allow commercial boat maintenance on that portion of 4606 Razor Point Road that is zoned General Industrial (b).

CARRIED

NP-2023-32

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to remove agri-tourism and agri-tourist accommodation from the Rural zone.

CARRIED

NP-2023-33

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be read a first time.

CARRIED

NP-2023-34

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be read a first time.

CARRIED

NP-2023-35

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be read a first time.

CARRIED

NP-2023-36

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be read a second time.

CARRIED

NP-2023-37

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be read a second time.

CARRIED

NP-2023-38

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 229, 2022, Amendment No. 1, 2022” be read a second time.

CARRIED

NP-2023-39

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting prior to the Public Hearing for the Land Use Bylaw Review Project.

CARRIED

NP-2023-40

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee move to suspend bylaw enforcement on the Industrial zoned portion of 4606 Razor Point Road until the completion of Bylaw 224 and 229.

CARRIED

By general consent, the North Pender Island Local Trust Committee requested staff to schedule the Public Hearing for the Land Use Bylaw Review Project on May 13, 2023, location to be determined.

4. ADJOURNMENT

By general consent, the meeting was adjourned at 4:53 p.m.

David Maude, Chair

Certified Correct:

Sarah Shugar, Recorder

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: March 17, 2023
Location: Anglican Parish Hall
4703 Canal Road, RR 1, North Pender Island BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Charly Caproff, Planner 1
Brad Smith, Island Planner
Pat Todd, Recorder

Attendees: There were approximately eight (8) members of the public in attendance.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:31 a.m. 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 adopted as presented.

3. TRUSTEE REPORT

Trustee Campbell reported on a very busy month. There were a number of committee meetings and discussions and much positive feedback. He stated the importance in hearing issues for/from residents.

Trustee Morrison spoke of people reaching out, meetings with MLA Adam Olsen, the appreciation of letters/communication and the importance of hearing all voices. When speaking/writing to Trustees, it is important to include the rationale regarding issues. Southern Gulf Forum is working to co-ordinate activities.

4. CHAIR'S REPORT

Chair Maude reported on Trust Council. All levels of local government are working well together and there is increased communication between agencies. To resolve local issues, it is important for all governing levels to work together.

5. ELECTORAL AREA DIRECTOR'S REPORT

There was a community meeting with Paul Brent, CRD Director of Southern Gulf Islands Electoral Area, on March 16, 2023.

6. TOWN HALL AND QUESTIONS

Speaker pointed out importance of a respectful place for public as well as the Local Trust Committee (LTC) and staff.

Mick Collins spoke of a good meeting with MLA Adam Olsen. He stressed the importance of communicating the rationale regarding bylaws and proposed changes.

Regional Planning Manager (RPM) Kojima reviewed the process for rescinding Bylaws to enable further discussion and amendments prior to moving forward for adoption.

Trustee Morrison encouraged everyone to watch the live-stream recording to hear entire discussions, as minutes are not verbatim records.

7. COMMUNITY INFORMATION MEETING – None

8. PUBLIC HEARING

8.1 NP-RZ-2022.1 (Sidney Island Strata Corporation) - Proposed Bylaw No. 232

8.1.1 Recess for Public Hearing

North Pender Local Trust Committee meeting closed at 10:44 a.m.

8.1.2 Recall to Order

North Pender Local Trust Committee meeting recalled at 10:53 a.m.
Minutes under separate cover.

9. MINUTES

9.1 Local Trust Committee Minutes Dated January 20, 2023

The following amendments to the minutes were presented for consideration:

Town Hall: fourth speaker (Joyce) – sentence to read: "...barns and a desire to have 'farm' defined..."

By general consent, the minutes were adopted as amended.

9.2 Local Trust Committee Special Meeting Minutes Dated February 10, 2023

By general consent, the minutes were adopted.

9.3 Local Trust Committee Special Meeting Minutes Dated February 25, 2023

By general consent, the minutes were adopted.

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

Planner Smith spoke to items 9.2 and 9.3.

Discussion regarding Short Term Vacation Rentals (STVR):

- What is included in information packages for guests/clients
- Getting feedback from Fire Department: suggestions as to core items to be included
- Some STVRs operating as home businesses
- Adjusting examples for different STVR scenarios

11. DELEGATIONS

12. CORRESPONDENCE

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

There was a question regarding Trustees writing on an issue, such as tree cutting, on whether the conversation should be opened to the community, i.e., at the LTC meeting.

RPM Kojima added that Province has delegated additional tree cutting powers to municipalities that are not currently available to LTCs. Planner Smith commented that efforts have been made by regional districts for similar powers, but the province has not agreed to this change.

A need was expressed for conversation across government levels, including the question of forested areas.

Another question arose as to how the LTC is voicing community interests/concerns to other government levels.

12.1 Forestry management concerns – various submissions

The trustees discussed the following:

- Whether the LTC or Trust Council (TC) is responsible
- An advocacy letter outlining concerns would need to come from the LTC rather than staff
- The need for a co-ordinated conversation with all levels of government and the relevant person in government to come into conversation
- Trustee Morrison offered to draft a letter to be brought to the LTC

13. APPLICATIONS AND REFERRALS

RPM Kojima reviewed the application information.

13.1 NP-RZ-2022.1 (Sidney Island Strata Corporation) - Proposed Bylaw No. 232

NP-2023-10

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 second time.

CARRIED

NP-2023-11

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 third time.

CARRIED

NP-2023-12

It was Moved and Seconded,

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

CARRIED

13.2 NP-TUP-2022.5 (Sketch)

Planner Smith reviewed the application for a Temporary Use Permit (TUP). The request is to allow the temporary use of storage containers on the site. There has been 1 supportive submission and 4 not in favour.

The applicant spoke to the application and reviewed the history of the situation. The shipping containers are mostly screened.

The LTC discussed the following:

- Potential for setting a precedent
- The lack of available housing to rent
- Lack of a future plan for the TUP
- Neighbours have generally not supported this use on the site
- Shipping containers have been there for 5 years at this point
- The structures (containers) would be permitted if there were residence as a primary use
- The possibility of a 1 year TUP with a plan to complete screening was discussed
- Temporary deferral would allow for the applicant to provide a cease of use plan prior to consideration of permit approval.

NP-2023-13

It was Moved and Seconded,

that the North Pender Island Local Trust Committee defer Temporary Use Permit 2022.5 (Sketch) application to the May Local Trust Committee meeting.

CARRIED

NP-2023-14

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request the applicant to submit a cease of use plan to the Local Trust Committee by April 30, 2023.

CARRIED

The meeting recessed for a break at 12:23 pm and reconvened at 12:30 pm.

13.3 NP-TUP-2023.1 (Vermeeren)

Planner Caproff reviewed the application for a TUP for an STVR, including to permit up to 60 days. There was one response to a notification requesting a vegetative screen or fence (the respondent was not an immediate neighbour).

The applicant informed the LTC that abutting neighbours do not have fencing and, as it is a deer trail, fencing is not desired.

Discussion:

- Shorter STVR times was to encourage owners to come to the island and be part of the community
- Shorter times also were to discourage commercial operations
- Guidelines currently state 30 day maximum
- STVR operating at 60 days before LTC modified guidelines to 30
- STVR operating since 2019 with no complaints and low occupancy
- Request to make more availability outside of summer season

NP-2023-15

It was Moved and Seconded,

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

CARRIED

13.4 NP-TUP-2023.2 (Hepburn)

Planner Caproff outlined the application for a STVR TUP renewal, also with up to 60 days. The TUP has been in place since 2018 and has had no complaints to date. There have been no submissions from the notice.

The applicant noted they require an extended stay of 7 days minimum to reduce turnover.

NP-2023-16

It was Moved and Seconded,

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

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 North Pender Island Local Trust Committee Draft Fees Bylaw No. 226

The LTC discussion was as follows:

- The desire for “cost recovery” for extraordinary costs
- Minimizing fees, as raising fees could cause ill feelings within the community
- People not seeking a permit due to costs until “caught”
- More accurate reflection of IT work costs for permits
- Building Permit costs are not shared by the CRD
- Fees are not covering all costs, such as staff, reports, etc.
- Increase is basically the cost of inflation
- Actual costs higher than new proposed fees – just closing the gap
- Trust Council policy around fees is to recover major portion of costs

NP-2023-017

It was Moved and Seconded,

that the North Pender Island Local Trust Committee defer consideration of Draft Fees Bylaw No. 226 to the November meeting.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Active Projects Report Dated March 2023

RPM Kojima reviewed the projects report.

Discussion:

- LUB Review - Public Hearing in May
- Groundwater Project - more community consultation/education regarding water
- Trustees to give consideration of a major project for next fiscal year
 - Housing Project?
 - Review of DPAs?
- Need to prepare business case for September for next fiscal year

15.1.2 Future Projects Report Dated March 2023

Received for information.

15.2 Applications Report Dated March 2023

Planner Smith reviewed the Applications Report.

15.3 Trustee and Local Expense Report Dated Jan 2023

Received for information.

15.4 Adopted Policies and Standing Resolutions

15.4.1 Standing Resolutions

RPM Kojima spoke to report highlighting some Standing Resolutions to be rescinded, e.g., those addressing the COVID situation, as they are no longer relevant.

Summary Table on page 142 of the agenda package.

By general consent, this item was deferred to the April meeting.

15.4.2 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

Will be updated upon conclusion of meeting.

15.6 Islands Trust Conservancy Report Dated Feb 2023

Received for information.

16. NEW BUSINESS

16.1 Mayne LTC request re Siting and Use Permit Option

There was discussion as to whether this is worth considering/exploring. The item is being considered for the Southern Gulf Island forum.

16.2 Options for forest and tree management on North Pender Island

Planner Smith reviewed options. Review of DPAs would need to be an LTC priority project. Advocacy for additional tree protection regulatory powers best to come forward at Trust Council level.

LTC had subsequent discussion and agreed to review options further at a future meeting.

16.3 Bylaw notice reporting and policy

Included in agenda for community information.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for April 28, 2023 at the Anglican Church Hall, Pender Island.

NP-2023-018

It was Moved and Seconded,

that the North Pender Island Local Trust Committee meeting scheduled for April 28 be rescheduled for May 5, 2023.

CARRIED

18. TOWN HALL – none

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

By general consent, the meeting was adjourned at 2:45 p.m.

David Maude, Chair

Certified Correct:

Pat Todd, Recorder

**North Pender Island Local Trust Committee
Record of Public Hearing
Bylaw No. 232**

Date: March 17, 2023
Location: St. Peter's Anglican Church Hall
4703 Canal Road, North Pender Island BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Pat Todd, Recorder

Others Present: There were approximately eight (8) members of the public.

1. CALL TO ORDER

Chair Maude called the Public Hearing to order at 10:44 a.m. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. INTRODUCTIONS AND OPENING STATEMENT FROM THE CHAIR

Chair Maude introduced himself, the Trustees and staff present.

Chair Maude read a statement outlining the content, purpose, and process of the Public Hearing according to Section 465 of the *Local Government Act*.

Chair Maude noted that written submissions had been received prior to the meeting. All relevant documents are contained in the Public Hearing binder, which is available to the public.

3. REVIEW OF PUBLIC HEARING NOTICE

Regional Planning Manager (RPM) Kojima reviewed the procedures for posting of notices and publication of Public Hearing according to statutes. In addition, a mailing went out to property owners on Sidney Island. Four written submissions all in support of the bylaw had been received. Notification was submitted to a number of agencies with Capital Regional District Building Inspection responding that approval was not recommended based on concerns that RVs are not subject to the Building Code.

RPM Kojima reviewed the purpose of proposed Bylaw No. 232.

Mr. Hermann, Sidney Island, spoke to the rationale of the proposed bylaw. He noted, that there is no commercial accommodation on the island and bylaw would enable new owners to get to know their lot prior to building. A survey conducted showed 83% of respondents in support of the use of recreation vehicles, the maximum time being 4 years.

4. BYLAWS 232 – SUBMISSIONS

Chair Maude asked if any members of the public would like to speak to proposed Bylaw No. 232.

Chair Maude called a second time for any comments or submissions on the proposed bylaw.

Chair Maude called for submissions a third and final time.

5. ADJOURNMENT

RGM Kojima noted that upon closure of the Public Hearing, any further questions or submissions should be forwarded to staff, as Trustees cannot hear anything further on applications.

There being no further submissions, Chair Maude declared the Public Hearing closed at 10:53 a.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

David Maude, Chair

Certified Correct:

Pat Todd, Recorder

DATE

Follow Up Action Report

North Pender Island

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

20-Jan-2023

Activity	Responsibility	Dates	Status
1 Townhall - Staff to provide a report to LTC with options for enforcement on 4185 Schooner Road - NOTE STAFF WILL SEEK A LEGAL OPINION IN NEW FISCAL YEAR	Warren Dingman	Target: 10-Feb-2023	Completed

10-Feb-2023

Activity	Responsibility	Dates	Status
1 Staff to draft letter to the Province regarding the Port Washington shed.	Brad Smith	Target: 10-Mar-2023	Completed
2 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	Completed
3 Staff to write letter to the CRD requesting they address lighting nuisances on North Pender.	Kim Stockdill	Target: 10-Mar-2023	Completed

Follow Up Action Report

North Pender Island

11-Mar-2023

Activity	Responsibility	Dates	Status
1 Groundwater Special Meeting - Staff to research regulation and application of greywater in BC Building Code and provide summary to the LTC.	Brad Smith William Shulba	Target: 14-Apr-2023	Completed



Follow Up Action Report

North Pender Island

11-Mar-2023

Activity	Responsibility	Dates	Status
2 LUB review project - BL 224 1) Amend 223 and 229 to permit existing tennis courts - DONE 2) Remove accessory uses of keeping of livestock, boarding kennels etc from RR 1 zone - DONE 3) Allow all uses in C2 zone for Driftwood Centre (ie no change - leave as is in current bylaw) - DONE 4) a) C2 zoning on McKinnon Road - allow following densities 1329 20 tourist accommodation units - 1333 - 7 units - DONE b) Amend to allow one accommodation unit on to a maximum floor area of 280m² (3000 ft²) and which is not calculated in the total floor area for tourist accommodation units. - DONE 5) Amend bylaw as proposed in Table 1 of Mar 11 staff report for 3418 Otter Bay Rd - DONE 6) Stairs in setbacks - leave amendment as is for PH to not exempt stairs in setbacks - NO ACTION 7) Docks - remove docks from BL 224 - do not add to projects list - wait and see for now - WAITING FOR UPDATED MAP 8) a) Make changes to remove house size limits from BL 224 and move to BL 229 - DONE b) Amend BL 229 to increase max floor area to 3000 ft² 0.4 ha, 3500 ft² 0.4-12, 4000 ft² 1.2 ha or greater - DONE 9) Amend BL 229 to allow commercial boat repairs on portion of 4606	Kim Stockdill	Target: 24-Mar-2023	Completed



Follow Up Action Report

North Pender Island

11-Mar-2023

Activity	Responsibility	Dates	Status
Razor Point Rd. that is zoned general industrial (b) - DONE 10) Amend BL 224 to remove agritourism and agritourist accommodation from the Rural zone - DONE			
3 Update standing resolution passed by LTC re: pausing bylaw enforcement actions on industrial land prior to consideration of adoption of BL 229	Brad Smith Robert Kojima Sheree Rialp	Target: 24-Mar-2023	Completed
4 BL Review Project - BL 223, 224, and 229 given 1st and second reading - update BLs in EDM and website	Jas Chonk Kim Stockdill	Target: 24-Mar-2023	Completed
5 LUB Review project - schedule CIM and PH for May 13, 2023, initiate notifications, PH binder compilation etc.	Jas Chonk Kim Stockdill Sheree Rialp	Target: 24-Mar-2023	Completed

17-Mar-2023

Activity	Responsibility	Dates	Status
1 9.1 January 20, 2023 LTC meeting minutes adopted as amended - add sentence under town hall re farms definition - captured in minutes 9.2 February 10, 2023 LTC special meeting minutes adopted as presented 9.3 February 25, 2023 LTC special meeting minutes adopted as presented	Sheree Rialp	Target: 31-Mar-2023	Completed
2 13.1 NP-RZ-2022.1 (Sidney island) - BL 232 given 2nd/3rd reading, update BL in EDM and on website, send to EC for approval	Jas Chonk Robert Kojima	Target: 31-Mar-2023	Completed



Follow Up Action Report

North Pender Island

17-Mar-2023

Activity	Responsibility	Dates	Status
3 13.2 NP-TUP-2022.5 (Sketch) 1) Defer application to May 26 LTC agenda and initiate re-notifications- Jas 2) Add condition to require screening along side of TUP area - Brad	Brad Smith Jas Chonk	Target: 31-Mar-2023	Completed
4 13.3 NP-TUP-2023.1 (Vermeeren) - Issue TUP renewal for 3 yrs, update TAPIS and website with approved permit, set up monitoring and close-out file	Charly Caproff Jas Chonk	Target: 31-Mar-2023	Completed
5 13.4 NP-TUP-2023.2 (Hepburn) - Issue TUP for 3 yrs, update TAPIS and website with approved permit, set up monitoring and close-out file	Charly Caproff Jas Chonk	Target: 31-Mar-2023	Completed
6 14.1 Fees Bylaw 226 - LTC deferred consideration to November 2023 meeting - JAS - please add Staff Report to November 2023 agenda cover	Jas Chonk	Target: 31-Mar-2023	Completed
7 15.4.1 - Standing resolutions staff report deferred to April 2023 meeting - JAS - please add to April agenda cover	Jas Chonk	Target: 31-Mar-2023	Completed
8 16.2 - Tree management staff report deferred to April 2023 meeting - JAS - please add to April agenda cover	Jas Chonk	Target: 31-Mar-2023	Completed
9 17.1 April 21, 2023 LTC meeting moved to May 5, 2023 - Jas/Robin, please update meeting schedule and book venue	Jas Chonk Sheree Rialp	Target: 31-Mar-2023	Completed
10 In-Camera - APC appointments discussion deferred to Apr meeting - JAS please add as in-camera agenda on Apr agenda	Jas Chonk	Target: 31-Mar-2023	Completed



Islands Trust

BYLAW REFERRAL FORM

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

Island: Saturna Island Local Trust Area Bylaw No.: 138 Date: April 11, 2023

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

APPLICANTS NAME / ADDRESS:

445 East Point Road, Saturna Island

PURPOSE OF BYLAW:

Amendments would be made to the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to rezone the waterfront portion of the subject parcel located at 445 East Point from Rural Residential (RR) to Rural General (RG) to allow for the creation of two waterfront RG zoned lots through subdivision.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

The North West 1/4 Of Section 12, Saturna Island, Cowichan District, Except Parts In Plans 19569, 20704, VIP63161, VIP79024 and VIP84336

SIZE OF PROPERTY AFFECTED:

37.64 ha

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R)

OTHER INFORMATION:

Additional information, including a preliminary staff report and the current bylaws, is available at:
<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

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

BSmith

(Signature)

Name: Brad Smith

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

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Government Agencies

Parks Canada

Regional Agencies

CRD, Planning and Protective Services, Building Inspection
Island Health

Non-Agency Referrals

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Ts'uubaa-asatx Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area

(Island)

(Signature)

(Date)

138

(Bylaw Number)

(Name and Title)

(Agency)

File No.: Groundwater
Implementation

DATE OF MEETING: May 5, 2023
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Groundwater Implementation Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee provide direction to staff on proceeding with the Groundwater Sustainability Implementation Project.

REPORT SUMMARY

This report provides a summary of status of the North Pender Island Local Trust Committee's Groundwater Sustainability Implementation Project and suggests next steps if the LTC wishes to proceed.

BACKGROUND

At the February 1, 2021 meeting the LTC endorsed a project charter for the implementation phase (Phase 3) of the Groundwater Sustainability Science Program. Previous phases involved: data and information inventory, groundwater recharge potential mapping and groundwater availability assessment.

A community information webinar was held in September 2021 to introduce the community to the data and mapping work that had been done. At the February 24, 2022 LTC meeting resolutions were passed supporting the development of a new Groundwater Protection Development Permit Area. The LTC also supported amendments to the OCP and LUB that were not directly related to the data gathered but will support freshwater sustainability. These included: updates to definitions, the addition of cistern requirements for all new builds and updated to subdivision regulations related to potable water. The proposed LUB amendments have been included in the LUB Review Project and will be going to public hearing on May 13th, 2023.

Draft Bylaw No. 228 (OCP amendments -See Attachment 2) containing draft Development Permit Guidelines for a new Groundwater Recharge Protection DPA were included in the April 28, 2022 staff report. Draft Bylaw 228 contains:

General Amendments to OCP (Attachment 2)

- Updates to Objectives and Policies for Land Use to include focus on groundwater sustainability and acknowledgement of indigenous cultural knowledge.
- Removing reference to "Schedule F" which will be updated to include groundwater regions.
- Updating Water Systems (3.2) to align with other proposed changes.

- Updating Groundwater Resources (4.1) to align with other proposed changes including reference to the Islands Trust Freshwater Sustainability Strategy.

The Creation of a Groundwater Recharge Protection Development Permit Area (Attachments 2)

- New DPA guidelines based on those proposed for Galiano Island.
- The draft bylaw does not yet included a map of DPA boundaries. A Memo has been provided to the LTC presenting options and describing the methodology.

Due to the focus on the LUB Review Project no further actions regarding the Groundwater Sustainability Implementation Project were undertaken until January 20, 2023. An updated version of the memo on methodology was attached to the January 20, 2023 staff report which also contained draft Bylaw 228.

All relevant staff reports can be found here: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

On March 11th, 2023 the LTC held an in-person community information meeting. The purpose of the meeting was to present options for development permit area boundaries and share details related to the mapping and data that informed those options. At this meeting the 20+ community members attended, as well as the LTC members, were able to ask questions to the Senior Freshwater Specialist and the Project Planner. This helped to provide clarity related to the data and next steps.

PROPOSED NEXT STEPS:

If the LTC supports proceeding with the bylaw amendment, staff will:

- Provide Draft Bylaw 228 with the recommended DPA boundaries for review and consideration of First Reading

Once Bylaw 228 is read for the first time:

- LTC can request staff schedule a public meeting.
- Bylaws are referred to relevant agencies and First Nations
- Public Hearing is scheduled
- LTC considers Second and Third reading and referral to EC and Minister

Budget and resources: This project is the LTC's current active Minor Project. The project can proceed as outlined above with the current allocated budget of \$2500 to cover public hearing costs, and with support from the Island Planner.

Rationale

- A significant amount of work has been done on this project since it was initiated two years ago.
- The public has had an opportunity to engage with the project since its initiation including an online and in person CIM.
- Bylaw drafts have been presented to the LTC on a number of occasions providing time for review of the proposed DPA exemptions and guidelines.

ALTERNATIVES

1. LTC proposes changes to the project

The LTC may want to consider changes to the project. The LTC would need to identify how they would like to proceed and staff will report back with options and available resources.

That the North Pender Island Local Trust Committee request staff

2. Request further information

The LTC may request further information prior to making a decision. The LTC should specify the information they require.

That the North Pender Island Local Trust Committee request staff provide the following information:....

3. Put the project on hold

The LTC may decide they want to put the Groundwater Sustainability Implementation Project on hold until a future date.

That the North Pender Island Local Trust Committee put the Groundwater Sustainability Implementation Project on the future projects list.

4. Proceed no further

The LTC may choose not to proceed with the project.

That the North Pender Island Local Trust Committee proceed no further with the Groundwater Sustainability Implementation Project.

Submitted By:	Narissa Chadwick, Island Planner	April 25, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	April 26, 2023

ATTACHMENTS

1. Draft Bylaw 228 (OCP)

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2022”.

2. SCHEDULES

North Pender Island Official Community Plan Bylaw No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007, is amended as follows:

1. Section 2.1 Residential Land Uses is amended by deleting “3)” in its entirety and replacing it with “3) To plan for a land use pattern which ensures the sustainable use of natural resources, protects groundwater recharge potential and water quality and minimizes greenhouse gas emissions.”
2. Section 2.1 Residential Land Uses, Subsection 2.1.G is amended by adding “and limit or reduce negative impact on groundwater quality and quantity” after “reduce greenhouse gas emissions” and before “.”
3. Section 2.1.1. Rural Residential Land Use “2)” is amended by removing “and” between “natural habitat” and “to limit” and replacing it with “,” and by adding “and protects groundwater recharge potential and water quality” after “greenhouse gas emissions”.
4. Section 2.1.1 Rural Residential Land Use, Subsection 2.1.1.5 is amended by adding “, protect critical groundwater recharge areas,” after “reduce emissions” and before “or preservation”.
5. Section 2.1.2 Rural Land Use, Subsection 2.1.2.5 is amended by removing “2.1.2.3” and replacing it with “2.1.2.4” and by adding “f) The proposal is not in an area where increasing density will threaten groundwater recharge and availability.”
6. Section 2.1.2 Rural Land Use, Subsection 2.1.2.6 is amended by adding “groundwater recharge areas and other” after “preservation of” and before “the environmentally sensitive” and removing “the” after “and other” and before “environmentally sensitive”.
7. Section 2.4 Commercial Land Uses, is amended by removing Subsection 2.4.8 in entirety and replaced by “ 2.4.8 New buildings are encouraged to incorporate water conservation measures, including freshwater catchment and retention systems.”
8. Section 3.2 Water Systems is amended by removing “The location of the existing community water systems and water licenses are shown on Schedule F.”
9. Section 3.2 Water Systems, Subsection 3.2.3 is amended by removing “2045 litres/day/lot (450 gallons/day/lot)” and replacing it with “2000 litres/day/lot (440 gallons/day/lot)”

10. Section 3.2 Water Systems, is amended by deleting 3.2.4 in its entirety and replaced with “Regulations may be considered requiring the installation of freshwater catchment and retention systems in new construction.”
11. Section 4.1 Groundwater Resources, Objective “4)” is amended by adding “, including indigenous cultural knowledge, after “resources” and before “is utilized”.
12. Section 4.1 Groundwater Resources is amended by removing Subsection 4.1.1 in its entirety and replacing it with “4.1.1 The Local Trust Committee shall work with other agencies and the community in the implementation of the Islands Trust’s Freshwater Sustainability Strategy. The Strategy Implementation should involve the following elements:
 - a) the development of land use polices and regulations informed by groundwater recharge data and groundwater availability assessment data;
 - b) the use of groundwater recharge data and groundwater availability assessment data in land use decision-making to reduce impacts on groundwater recharge and groundwater supply;
 - c) the assessment of existing zoning and implementation of changes to support the sustainability of groundwater resource;
 - d) the protection of groundwater from potential contamination;
 - e) the promotion of sustainable use of the groundwater resource.”
13. Section 4.1 Groundwater Resources, Subsection 4.1.4 is amended by removing the space between “ground” and “water”
14. Section 4.1 Groundwater Resources, Subsection 4.1.12 is amended by inserting “freshwater” after “retention of” and before “in cisterns”.
15. Section 5.2 Development Permit Areas is amended by adding:

“5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – GROUNDWATER RECHARGE PROTECTION

5.2.12.1 Description of Area

Development Permit Area 11 includes critical groundwater recharge areas identified on Schedule Q. Critical groundwater recharge areas contain hydrogeological conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Factors considered in the identification of critical aquifer recharge areas include topography, remote sensing, satellite multispectral analysis depth to water table, presence of highly permeable soils, land-cover analysis, structural geology, presence of flat terrain, and the presence of more permeable surficial geology.

5.2.12.2 Authority

The Critical Groundwater Recharge Development Permit Area is designated a development permit area pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 488(1)(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

5.2.12.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 473(1)(d) of the *Local Government Act* that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

The Islands Trust Council has committed to identifying, protecting and, where possible, restoring or rehabilitating groundwater recharge areas in the Trust Area.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, and
- the quality and quantity of drinking water sources for current and future Trust Area residents is preserved and protected, and
- the overall health of watersheds and ground water in the Islands Trust Area is protected.

Mapping of recharge and water balance completed in 2021 for North Pender Island identifies that the island has a number of areas of critical concern with respect to groundwater vulnerability.

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development and climate change on groundwater supplies

5.2.12.4 Development Approval Information

The Groundwater Recharge Protection DPA is also designated an area for which development approval information (DAI) may be required according to Section 485(1) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means

information on the anticipated impact of the proposed activity or development on the community or the natural environment.

5.2.12.5 Applicability

A development permit is required for the subdivision of land, construction of, addition to or alteration of a building or other structure, or land alteration, including the cutting of trees, unless exempted below.

5.2.12.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Development for which Islands Trust has been provided with a written statement from a registered professional hydrogeologist with relevant experience certifying that the proposed would have no impact on critical groundwater recharge
- b) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- c) Dwellings, cottages, accessory buildings and structures, and associated land alteration that are clustered within a residential home plate not exceeding an area of 1000m², and one access driveway and overhead utility lines and poles outside of the residential home plate.
- d) Land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) Removal of invasive species.
- g) Cutting and removal of up to 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.

- k) The construction of an accessory building or structure with a lot coverage of less than 100m².
- l) Construction of trails or fences that does not alter contours of the land.
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- n) Works undertaken by a local government or a body established by a local government.
- o) Works authorized under a provincial statute.

5.2.12.7 Guidelines

The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 11 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines.

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydrogeologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydrogeologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be, to the greatest extent possible, designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) minimize interference with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.

5. Where freshwater collection and storage cisterns are required as a condition of the construction of a building, impervious surfaces should be minimized.
6. Where freshwater collection cisterns are required as a condition of construction of a building, the LTC may require that all new dwelling units include:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A pumping system;
 - iii. An overflow handling system.
7. The use of impervious paved driveways shall be discouraged.
8. Where tree removal is not exempt from the requirement for a permit:
 - a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
 - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage. The construction of roads and utility corridors and other activities involving

the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.

10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
11. Permits may include minor variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.”
16. Schedule “F – Select Surface Water Resources” is removed and replaced with Schedule “F – Groundwater Regions and Water Service Areas” as shown on Plan No.1 attached and forming part of this bylaw.
17. Schedule “Q – Development Permit Area 11 – Groundwater Recharge Protection Development Permit Area” is added after “Schedule P – Development Permit Area 10 – Riparian and Aquatic Development Permit Area “ as shown on Plan No.2 attached and forming part of this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Plan 2

Schedule F - Groundwater Regions and Water Service Areas

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Plan 2

**Schedule Q – Development Permit Area 11 – Groundwater Recharge Protection
Development Permit Area**

Active Projects Report

North Pender Island

1. LUB Review Project

Public Hearing is scheduled for May 13, 2023.

Responsible

Kim Stockdill

Dates

Rec'd: 07-Nov-2019
Target: 01-May-2023

2. Groundwater Sustainability Project

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

Phase 3: Groundwater Mapping Implementation - ON-GOING

Responsible

Narissa Chadwick
William Shulba

Dates

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



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: 27-Apr-2023

Applicant still working on design schematics for retaining structure.

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

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.3	Michael McDonald and Gillian Reid McDonald	17-Mar-2023	3722 RUM RD: Appeal to Board of Variance for siting of a deck in a setback.

Planner: Brad Smith

Planning Status

Status Date: 18-Apr-2023

Planner Brad Smith assigned.

Status Date: 20-Mar-2023

File created in EDM.

Status Date: 20-Mar-2023

Requested missing documentation (page 2 of LUA) from applicants.



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.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2023.1	Villamar Design	08-Mar-2023	7943 PLUMPER WAY: Application for a DP for development in a woodland and a herbaceous DPA.

Planner: Brad Smith

Planning Status

Status Date: 27-Apr-2023

Scheduled to be on May 26 LTC agenda, planner still waiting on updated site plan and septic report from applicant

Status Date: 17-Apr-2023

Planner conducted site visit and met with property owner

Status Date: 13-Mar-2023

Planner Brad Smith assigned.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2023.2	Villamar Design	17-Apr-2023	7943 PLUMPER WAY: Application for a variance for siting of a dwelling in a setback.

Planner: Brad Smith

Planning Status

Status Date: 27-Apr-2023

Scheduled for May 26 LTC meeting, planner still waiting on septic report and updated site plan

Status Date: 18-Apr-2023

File created in EDM.

Status Date: 18-Apr-2023

Subject Property Map + Mailing List requested from GIS.

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: 26-Apr-2023

Request by strata to defer adoption until after AGM. Would be on July LTC meeting agenda

Status Date: 12-Apr-2023

EC approval

Status Date: 05-Apr-2023

Package prepared for Apr 12 EC agenda



Applications

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			
<u>Status Date:</u> 19-Dec-2022 File re-assigned to Charly Caproff			
<u>Status Date:</u> 14-Oct-2022 Applicant away until November. Will review need for DP/DVP application then.			
<u>Status Date:</u> 12-Oct-2022 E-mail to applicant requesting status update.			

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			
<u>Status Date:</u> 27-Apr-2023 Scheduled to be on agenda for May 26 LTC meeting			
<u>Status Date:</u> 21-Mar-2023 Application deferred to May meeting			
<u>Status Date:</u> 09-Mar-2023 Staff report on March 17, 2023 LTC agenda			

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending February 2023

650 North Pender	Invoices posted to Month ending February 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	460.00	0.00	460.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,123.00	2,176.01	946.99
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		<u>4,052.00</u>	<u>2,236.01</u>	<u>1,815.99</u>
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	792.88	1,207.12
73001-650-4115	North Pender Groundwater Strategy Implementation	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>792.88</u>	<u>3,207.12</u>



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
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ATTACHMENTS

Standing resolutions log

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2023-040 (Standing) Proposed Bylaws 224 & 229 - 4606 Razor Point Rd That the North Pender Island Local Trust Committee move to suspend bylaw enforcement on the Industrial zoned portion of 4606 Razor Point Road until the completion of Bylaw 224 and 229.	Carried	11-Mar-2023
2022-002 (Standing) 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.	Carried	27-Jan-2022
2020-026 (Standing) 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.	Carried	21-May-2020

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-012 (Standing) 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.	Carried	19-Jun-2020
2020-011 (Standing) 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.	Carried	04-Jun-2020

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing) 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.	Carried	30-Jan-2020
2019-074 (Standing) 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.	Carried	04-Jul-2019

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing) 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.	Carried	04-Jul-2019
2019-061 (Standing) 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.	Carried	30-May-2019
2019-030 (Standing) 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.	Carried	28-Feb-2019



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) 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.	Carried	31-Jan-2019
2018-070 (Standing) 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.	Carried	06-Sep-2018
2011-050 (Standing) 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.	Carried	28-Apr-2011

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2007-146 (Standing) 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.	Carried	30-Aug-2007
2006-080 (Standing) 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.	Carried	25-May-2006
2005-005 (Standing) 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	Carried	27-Jan-2005

DATE OF MEETING: May 5, 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 and to provide an update on planner engagement and progress with the property owners at 4185 Schooner Way.

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) at 4185 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 update on staff engagement with the property owners at 4185 Schooner Way as well a more general summary on what potential next steps the LTC could take enhance forestry management on North Pender.

UPDATE ON SCHOONER WAY PROPERTY

Planning staff visited the property on February 2, 2023 and met with the owner's onsite. At that meeting, staff directed the owners that they will be required to submit a Development Permit (DP) application for remediation and restoration.

Since that meeting:

- The property owners have been cooperative and communicative with both planning and bylaw enforcement staff;
- While accepting responsibility for their actions, the property owners state that they did not willfully or knowingly conduct unauthorized tree removal in the DPA;
- The property owners are preparing to submit a DP application and have hired an off-island registered professional biologist (RP Bio) with significant experience and expertise in forestry management and restoration to assess the impacts of tree removal and make recommendations for site remediation and future nesting tree protection (e.g. limiting of structures and development in DPA);
- Provincial forestry staff including a fish and wildlife RP Bio have visited the property and have concluded there were no violations to provincial regulations.

When ready, staff will bring the DP application forward to the LTC in a regularly scheduled public meeting via the presentation of a staff report with accompanying draft DP for consideration by the LTC. The proposed conditions in the DP will reflect the recommendations for remediation of the RP Bio.

FORESTRY MANAGEMENT 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 Toolkit](#) to help guide decision-making.

On page 5 of toolkit there is a specific recommendation for an 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

Last term, Trust Council directed the Chief Administrative Officer to request that 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*. However, this request has recently been withdrawn by Trust Council and there is currently no discussion being held with the province on this topic.

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	April 27, 2023
Concurrence:	Robert Kojima Regional Planning Manager	April 28, 2023

North Pender Island Local Trust Committee

The North Pender Island Local Trust Committee (NPLTC) held seven regular business meetings in the 2022/23 fiscal year, as well as seven Community Information Meetings, nine special meetings and one public hearing.

Work for this period focused on advancing the NPLTC priorities of reviewing the Land Use Bylaw and addressing Groundwater Sustainability.

From April 1, 2022 to March 31, 2023, the NPLTC received and considered applications for one development variance permit, two development permits, one bylaw amendment application, six temporary use permits and one Liquor and Cannabis Regulation Branch referral. In addition, the North Pender Island Board of Variance heard three appeals.

During the same time period, staff reviewed 38 building permit referrals, and two Crown lease referrals.

The NPLTC also considered a bylaw amendment for zoning affecting residential lots on Sidney Island, amendments to the fee bylaw and considered a development permit delegation bylaw.

REQUEST FOR DECISION

To: North Pender Island Local Trust Committees **For the Meeting of:** May 5, 2023
From: David Marlor, Director, Legislative Services **Date Prepared:** March 30, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023”, be read a first time.
2. That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023”, be read a second time.
3. That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023”, be read a third time.
4. That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. North Pender Island Local Trust Committee Bylaw No. 233

Alternative:

1. That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023” be amended and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.

2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 30, 2023
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DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 233

A Bylaw to designate the head of the North Pender Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the North Pender Island Local Trust Committee the authority to designate a person as the head of the North Pender Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the North Pender Island Local Trust Committee the authority to set any fees the North Pender Island Local Trust Committee requires to be paid under section 75 of the Act,

THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Salt Spring Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the North Pender Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 90, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME 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

North Pender Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 233 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
		(i) floppy disks	\$2 per disk
		(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
		(iii) computer tapes	\$40 per tape, up to 2 400 feet
		(iv) microfiche	\$3 per fiche
		(v) microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
		(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
		(vii) photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
		(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
		(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(xi) scanned electronic copy of a paper record	\$0.10 per page
		(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
		(xiii) slide duplication	\$0.95 each
		(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
		(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2		the actual cost to the public body of providing that service