



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 31, 2025
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

		Pages
1.	CALL TO ORDER	10:00 AM - 10:25 AM
2.	TERRITORIAL ACKNOWLEDGEMENT	
3.	APPROVAL OF AGENDA	
4.	TRUSTEE REPORT	
5.	CHAIR'S REPORT	
6.	ELECTORAL AREA DIRECTOR'S REPORT	
7.	TOWN HALL AND QUESTIONS	10:25 AM - 10:40 AM
8.	COMMUNITY INFORMATION MEETING - None	
9.	PUBLIC HEARING - None	
10.	MINUTES	10:40 AM - 10:50 AM
10.1	Local Trust Committee Minutes Dated November 29, 2024 (for Adoption)	4 - 15
10.2	Section 26 Resolutions-without-meeting Report Dated Jan 2025	16 - 16
10.3	Advisory Planning Commission Minutes Dated December 13, 2024 and January 17, 2025 (for Receipt)	17 - 23
11.	BUSINESS ARISING FROM THE MINUTES	
11.1	Follow-up Action List Dated Jan 2025	24 - 27
12.	DELEGATIONS	10:50 AM - 11:00 AM
12.1	CRD – Pender Parks and Recreation Commission re Schooner Way Trail Updates	

13. CORRESPONDENCE

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

13.1 Pender Islands Conservancy re Environmental Assessment 28 - 31

14. APPLICATIONS AND REFERRALS 11:00 AM - 11:30 AM

14.1 PLDVP20240301 (Stacyszyn) - Staff Report (attached) 32 - 46

14.2 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 541 (for Response) (attached) 47 - 52

15. LOCAL TRUST COMMITTEE PROJECTS 11:30 AM - 12:15 PM

15.1 Housing Access and Affordability Project – Staff Memo (attached) 53 - 61

15.2 Raptor Nest DPA Project – Staff Memo (attached) 62 - 64

16. REPORTS 12:15 PM - 12:25 PM

16.1 Work Program Report (attached)

16.1.1 Active Projects Report Dated Jan 2025 65 - 65

16.1.2 Future Projects Report Dated Jan 2025 66 - 67

16.2 Applications Report Dated Jan 2025 (attached) 68 - 71

16.3 Trustee and Local Expense Report Dated Nov 2024 (attached) 72 - 72

16.4 Adopted Policies and Standing Resolutions (attached) 73 - 76

16.5 Local Trust Committee Webpage

16.6 Islands Trust Conservancy Report Dated Nov 2024 77 - 79

17. NEW BUSINESS 12:25 PM - 12:40 PM

17.1 Options for potential downzoning of 6601 Razor Point Road - Staff Memo (attached) 80 - 82

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for April 4, 2024 at the St. Peter's Anglican Church Hall, Pender Island

19. TOWN HALL 12:40 PM - 1:00 PM

20. CLOSED MEETING (Distributed Under Separate Cover)

20.1 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):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

20.2 Recall to Order

20.3 Rise and Report

21. ADJOURNMENT

1:00 PM - 1:00 PM

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: November 29, 2024
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Brad Smith, Island Planner
Phil Testemale, Planner 2 (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were eighteen (18) members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. TERRITORIAL ACKNOWLEDGEMENT

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Campbell reported participation on a steering committee working with regional districts discussing affordable housing options and what can be done in an advocacy role.

Trustee Morrison reported she was unable to attend September Trust Council meetings as she was presenting at New York Climate Week; however, she will attend December Trust Council as budget discussions commence.

5. CHAIR'S REPORT

Chair Maude reported the following:

- New Chief Administrative Officer, Rueben Bronee, has begun work
- Trust Policy Statement draft continues and hopes it goes to first reading soon in order to move to public engagement stage
- In September Trust Council voted to send request for a governance review to the Province

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

A member of the public stated the following:

- There is insufficient information for the Local Trust Committee to make a decision on application NP-PLRZ20240110
- Previous email communication indicated it was the Planner's understanding the sale of goods, or activities other than permitted use, were not taking place at the property
- They live in proximity to the property and concerns include location of a well within 30 metres of the site and building site of the proposed shop will encroach on a legal easement used as a driveway
- Building on the driveway could destabilize the slope causing sewage to wash away
- They presented as a delegation during the April, 2024 Local Trust Committee meeting and the minutes did not provide sufficient summary of their comments compared to a member of the public speaking during town hall

A member of the public spoke to the Razor Point Road development and asked if the Local Trust Committee has considered reversing the decision to issue the variance and if the applicant had followed up regarding removing some of the zoning capabilities or putting a covenant on the property.

The Local Trust Committee clarified the decision to issue the variance could not legally be reversed and the property owner is not obligated to advise the Local Trust Committee about covenant plans. It was noted that the property owner has indicated willingness to discuss progress regarding a covenant.

A member of the public, representing the Stewardship Committee for the Pender Islands Conservancy Association, stated the following:

- They have submitted a letter regarding the Port Washington Road application
- Property is adjacent to both the Lisa Baile Nature Reserve and 10 acres of forest wetland the Conservancy purchased for a nature reserve
- The 36 acre Alter Ridge Nature Reserve is 85 metres from subject property
- Expanded industrial use in the area would have a negative impact
- Asked the Local Trust Committee to pursue other location options for the industrial use

A member of the public noted the industrial site has been in place for many years and wondered where it would go if not permitted to operate.

A member of the public indicated an alternative location for the aggregate storage operation might be forthcoming.

A member of the public, speaking on behalf of the Raincoast Conservation Foundation, spoke to the approval of the 6601 Razor Point Road variation and indicated that a Trustee conveyed justification for the decision based on a donation to the Foundation.

A Trustee noted the statement was inaccurate and would be addressed when the minutes were being adopted.

A member of the public spoke to the review of the Trust Policy Statement and made the following comments:

- Structure of the adoption delegates the application of Islands Trust policies to Local Trust Committees which can accept or reject said policies
- They have submitted an alternate statement which leaves Trust Area policies in the hands of the Trust
- Structure allows Trustees and Planners to step outside of the policies and this should be changed

A member of the public stated the following:

- Short-term vacation rentals are a commodity and contribute to housing issues
- Refusal to issue a Temporary Use Permit does not ensure property owners will provide long-term rental housing
- Local Trust Committee has the tools to support affordable housing
- Requested the Local Trust Committee deny the Ganasi Temporary Use Permit application

A member of the public asked if the Local Trust Committee can initiate downzoning of the 6601 Razor Point property.

Island Planner Smith replied rezoning a property to retroactively address a development variance permit decision might be challenged but this does not preclude the Local Trust Committee from trying to do so.

NP-2024-056

It was MOVED and SECONDED

that North Pender Local Trust Committee request staff to report back with a summary of options and implications associated with downzoning 6601 Razor Point property.

CARRIED

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Minutes Dated July 26, 2024 (for Adoption)

The following amendment to the minutes was presented for consideration:

NP-2024-057

It was MOVED and SECONDED,

that an asterisk be added to the July 26, 2024 minutes prior to approval after the section on page 3 of the meeting minutes that states: "While not known at the time of variance approval the landowner, through their family foundation, made a significant donation to the Raincoast Conservation Foundation which points to their interest in protection of the island." Additionally, at the bottom of that page in the meeting minutes add the note: "*Raincoast Conservation did not work with the landowner on Razor Point to have a community or Conservancy benefit in any interactions with the family foundation.

CARRIED

By general consent the minutes were adopted as amended.

10.2 Local Trust Committee Minutes of Special Meeting Dated October 26, 2024 (for Adoption)

By general consent the North Pender Local Trust committee meeting minutes of October 26, 2024 were adopted.

10.3 Section 26 Resolutions-without-meeting Report Dated Nov 2024

Received for information.

10.4 Advisory Planning Commission Minutes Dated July 29; August 12; September 13; October 18; November 1; and November 14, 2024 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated Nov 2024

Received for information.

12. DELEGATIONS

12.1 Capital Regional District – Rural Housing Program

Justine Starke, Manager, Service Delivery Southern Gulf Islands Electoral Area, spoke to the Capital Regional District's Rural Housing Program and highlighted the following:

- Rural islands experience hidden homelessness, housing supply shortage, lack urban infrastructure, have higher pre-development costs, and have complicated governance structures
- Rural Housing Program will support non-profit sector, provide incentives to build accessory dwelling units, provide pre-development funding, and leverage additional funding
- Pilot Project to match provincial funding for accessory dwelling units, support multi-unit affordable housing, and support housing navigator position to coordinate, advocate, and navigate issues

- Important for varying levels of government to work within the scope of their authority and then pass the baton to work with partners to provide a whole government approach

13. CORRESPONDENCE

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

13.1 Sara Miles re April 6, 2024 Minutes

Received for information.

13.2 Raincoast Conservation Foundation re July 26, 2024 Minutes

Received for information.

14. APPLICATIONS AND REFERRALS

14.1 NP-TUP-2024.6 (Ganasi) - Staff Report

Planner Testemale summarized the staff report and highlighted the following:

- Application for renewal of a Temporary Use Permit for a short-term vacation rental
- Applicant requests to rent dwelling for maximum of 180 days per year in the summer months
- Water consumption and hydro records have been provided
- No complaints have been received since the permit was first issued

Discussion ensued and the following comments and clarifications were noted:

- Short-term vacation rental Temporary Use Permit guidelines specify 30 day rental maximum; however, several approvals have been provided for longer periods
- There is potential for short-term vacation rentals being disallowed should the Local Trust Committee opt into Provincial government regulations in the future
- Recent approval of a Temporary Use Permit for a longer rental period was done on the basis that the building was not suited to a long-term rental and each application needs to be looked at on individual merit
- The Housing Review Project might provide further understanding on housing needs and how short-term vacation rentals might affect housing availability
- Local Trust Committee has complete discretion on granting a Temporary Use Permit and guidelines can be adhered to or not
- There is a standing resolution to enforce against non-registered short-term vacation rentals and the Local Trust Committee does not want to affect those that are in compliance
- Accommodation taxes are collected by the Capital Regional District
- Trustees would like clarity on short-term vacation rental tourism taxes being paid to the Southern Gulf Island Tourism group and if any of the funds are returned to the community

The applicant was in attendance and noted the property insurance allows 160 days of occupation and friends and family stays were included in the 180 day Temporary Use Permit occupation request.

NP-2024-058

It was MOVED and SECONDED,

that North Pender Local Trust Committee request Temporary Use Permit NP-TUP-2024.6 (Ganasi) be amended by limiting the amount of days to sixty (60).

CARRIED

NP-2024-059

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2024.6 (Ganasi) for a period of three (3) years as amended.

CARRIED

14.2 NP-PLTUP20240261 (Murdoch) - Staff Report

Planner Testemale summarized the staff report and indicated the application is to renew a Temporary Use Permit for the purpose of storing and processing landscape materials, gravel, equipment, and materials necessary for construction of the Driftwood Centre.

Trustees had no questions for the Planner or applicant, who was in attendance.

NP-2024-060

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit PLTUP20240261 (Murdoch) for a period of three (3) years.

CARRIED

14.3 NP-PLDVP20240225 (Grant) - Staff Report

Planner Testemale summarized the staff report and highlighted the following:

- Application for Development Variance Permit to allow replacement of a pre-fabricated building with same floor size as previous and increased height allowance
- Previous building, that was destroyed by a fire, also had a height variance
- Building was ordered by the applicant as same model and when plans were delivered to the Capital Regional District for building inspection it was determined that the building height had been altered by the manufacturer
- Foundation was verified by the CRD Building Inspector as acceptable for re-use
- Proposed use remains as previous
- Impacts on surrounding properties not substantive compared to previous building
- Applicant has limited options because the pre-fabricated building can not be altered

Discussion ensued and the following comments and clarifications were noted:

- Letter of objection received is not related to the height variance but to the building's existence

- Variance is for a structure that will be 18" higher than a previously approved height variance
- Building could be returned, however the applicant stated it could not
- Building is very close to the road, however the Planner clarified it is not a public road but a shared driveway

It was noted that the applicant was in attendance

NP-2024-061

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit PLDVP20240225 (Grant).

CARRIED

Trustee Morrison opposed.

14.4 NP-PLRZ20240110 (Bigham) – Staff Report

Island Planner Smith summarized the staff report and highlighted the following:

- Temporary Use Permit has expired and the applicant is seeking ability to continue operations while rezoning application is under discussion
- Draft bylaw for rezoning would allow further discussion and community engagement
- Official Community Plan designates the top portion of the lot as rural (residential use only) and bottom portion is designated industrial
- Applicant seeks rezoning for the proposed industrial use in the industrial designated area

Discussion ensued and the following comments and clarifications were noted:

- There is concerted effort by the community to create a conservancy zone across the ridge at the top of the property
- Conversation is about where industrial business should be located on the island
- There is an effort within the community to find an alternative space that is reasonable and usable for industrial uses proposed
- Trustee would like to defer drafting the bylaw to see if other options come to fruition while delaying enforcement in the interim
- Goal is to give permanency to the applicant while also addressing growth and community concerns
- Applicant has complied with the conditions of the Temporary Use Permit
- Trustee noted receiving terms of reference and preparing draft bylaws are the mechanisms to begin the community conversation

The applicant was in attendance and indicated they are unsure if any potential new locations are viable. They noted they have tried to address concerns about noise, well water, rain catchment, and washing pad for vehicles. They would like to move forward with determining allowed uses and getting qualified professional reports.

NP-2024-062

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs applicant to provide an ecological assessment report in respect to the rezoning application NP-PLR20240110 (Bigham) for impact on adjacent properties.

CARRIED

NP-2024-063

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to proceed with application PLR20240110 (Bigham) and to provide terms of reference to the applicant.

CARRIED

NP-2024-064

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee permits the current industrial land use to continue during consideration of application PLR20240110 in accordance with standing resolution 2020-010 policy option 15.1(b); and directs that bylaw enforcement actions, including the issuing of notices, to cease.

CARRIED

The meeting was recessed for a break at 12:55 p.m. and reconvened at 1:10 p.m.

14.5 Salt Spring Island Local Trust Committee Proposed Bylaws 538 and 539 Referral - For Response

NP-2024-065

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaws No. 538 and 539.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Raptor Nest DPA Review Project – Staff Report

Island Planner Smith noted that property owners have stated concerns about expanded buffer areas that might cover their entire lot and the Local Trust Committee can consider exemption guidelines regarding specific concerns.

Discussion ensued.

NP-2024-066

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee direct staff to add language to the draft bylaw that provides a guideline for undeveloped lots.

CARRIED

NP-2024-067

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee receives draft Bylaw No. 235 cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023" as amended for use in further community and property owner consultation and directs staff to initiate draft bylaw referrals.

CARRIED

NP-2024-068

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to update the Raptor Nest DPA Review Project Charter to reflect new timelines and other updates as presented in the November 29, 2024 staff report.

CARRIED

15.2 Housing Access and Affordability Project – Staff Report

Island Planner Smith summarized the staff report.

Trustees thanked Advisory Planning Commission members for their time and work done to date.

NP-2024-069

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to initiate the development of a draft Housing Action Plan that considers the recommendations of the Special Advisory Planning Commission on Housing and results of community engagement including the housing needs survey results.

CARRIED

NP-2024-070

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing review the 2024 Housing Needs Assessment survey results and provide input into the development of a draft Housing Action Plan.

CARRIED

16. REPORTS

16.1 Work Program Report

16.1.1 Active Projects Report Dated Nov 2024

Received for information.

16.1.2 Future Projects Report Dated Nov 2024

Received for information.

16.2 Applications Report - Verbal Report

Island Planner Smith provided a verbal update and noted the concrete plant had applied for rezoning and staff were waiting for reports to be submitted prior to bringing it to the Local Trust Committee.

16.3 Trustee and Local Expense Report Dated Sept 2024

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

Trustees requested data analysis and relevant Advisory Planning Commission minutes for the Housing Access and Affordability Project be added to the project webpage.

16.6 Islands Trust Conservancy Report Dated July 2024

Received for information.

17. NEW BUSINESS

17.1 Dark Sky Principles Adoption Advocacy Briefing

Trustee Morrison indicated the topic will be discussed at Trust Council and that she would be seeking support to advocate Dark Sky Principles with the Capital Regional District.

NP-2024-071

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee direct staff to notify Trustee Morrison of North Pender Island Local Trust Committee's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

CARRIED

17.2 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report

The Senior Policy Advisor summarized the staff report and outlined options available to the Local Trust Committee regarding community engagement on the Islands Trust draft Policy Statement

Discussion ensued.

NP-2024-072

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee request a community mail drop for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

CARRIED

NP-2024-073

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee select Engagement Option No. 2 Community mail drop for Phase 4 community engagement in addition to a mail drop about the new draft Islands Trust Policy Statement.

CARRIED

- 17.3 Natural Area Protection Tax Exemption Program Application - Information Memo**
Received for information.

18. UPCOMING MEETINGS

18.1 Draft 2025-2026 LTC Meeting Schedule (for Adoption)

Discussion ensued and Trustees requested the proposed March 28, 2024 meeting date be moved to April 4, 2024.

NP-2024-074

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve their January, 2025 to March, 2026 Meeting Schedule as amended.

CARRIED

Trustees requested that a Special Meeting be scheduled for Saturday, April 12, 2025 for community engagement on topics that may include Draft Trust Policy Statement and Dark Sky Principles. It was noted that this meeting would not require live-streaming but would require a minute taker.

19. TOWN HALL

A member of the public made the following comments:

- If the Local Trust Committee will be considering downzoning a property it is important that the process is reasonable and fair
- Trust Programs Committee has a community benefit land trust project which proposes land can be owned by the Regional District or the taxpayer and used by the community for things like the aggregate business

20. CLOSED MEETING - None

21. ADJOURNMENT

By general consent the meeting was adjourned at 2:08 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder

DRAFT



Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2025-001	Carried	08-Jan-2025
To appoint APC Member		
That the North Pender Island Local Trust Committee appoint Michael Dine to the North Pender Island Special Advisory Planning Commission, commencing immediately for a term ending March 1, 2025.		

**North Pender Island Advisory Planning Commission
MINUTES**

Date: December 13, 2024
Location: Fireside Room, St. Peter's Church

Members Present: Peter Pare, Chair (electronic)
Gregory Nicholls, Member (electronic)
Julia Nicholls, Member (electronic)
Lisa Baile, Member (electronic)

Regrets: Mary Beth Rondeau, Vice-Chair

Staff Present: Brad Smith, Island Planner (electronic)
Carly Bilney, APC Secretary (electronic)

There were no members of the public present.

1. Call to Order

Chair Pare called the meeting to order at 9:00 a.m.

2. Approval of Agenda

The following amendment to the agenda was proposed: Add Item 4 – How do we get new members?

By general consent, the agenda was approved as amended.

3. North Pender November 14, 2024 APC Minutes (for Adoption)

By general consent, the North Pender Advisory Planning Commission minutes of November 14, 2024 were adopted.

4. How do we get new members?

With Mary Beth's resignation, discussion ensued about how to get new members on the Advisory Planning Commission. Planner Smith noted prospective members must submit an application and the Local Trust Committee could subsequently appoint them by resolution without meeting or at the next scheduled meeting.

Planner Smith noted he would send the application form to Commission members to share with the community and will also request that the Legislative Clerk advertise for the positions.

5. Discussion of new referral:

A. That the North Pender Island Local Trust Committee directs staff to initiate the development of a draft Housing Action Plan that considers the recommendations of the Advisory Planning Commission

and results of community engagement including the housing needs survey results.

B. That the North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing review the 2024 Housing Needs Assessment survey results and provide input into the development of draft Housing Action Plan.

Planner Smith noted that the timeline for this project begins in March and goes for a year. He described short-term actions that could be achieved including flexible zoning, advocacy goals, and rezoning a portion of the Church property to pursue housing opportunities. Discussion ensued and the following comments were made:

- The survey results show a strong majority of people that are interested in flexible zoning
- There is interest in looking at tiny home provisions and considering maximum floor provisions for more than one cottage
- The Commission may consider framing the concept of a higher density zone and making recommendations around working with the Land Suitability Analysis (which is currently still in the works)
- Support was expressed by one Commission member for prioritizing a Vacancy and Speculation Tax in the Commission's recommendations
- Opposition was expressed to a Vacancy and Speculation Tax as the survey results do not flag it as a priority in the community, and it would be a concept the whole Trust would need to be behind for the Province to administer it
- Support was expressed for providing pre-approved house plans so property owners can avoid the expense and time taken with the building code; it was noted that the Capital Regional District may already be pursuing this, and the Commission could advocate for it
- The need to prioritize a conversation about allowing Recreational Vehicles that are hooked up to septic and water was expressed
- Allowing composting privies is under the jurisdiction of Island Health and the Province

Discussion continued about rezoning on the Church property and the following comments were made:

- To facilitate the rezoning of specific areas there needs to be actual bylaw amendments
- Working with the Church to identify a sub-area on that parcel, building more engagement between the Society and the Church, and advocating for the Church would help to enable the change
- The Commission supports the work of Trustee Elliott who is researching tiny home feasibility in relation to the building code

Planner Smith noted the next steps involve staff drafting an action plan to share with Commission members in January for comment. He described the work done thus far by Commission member as exceptional and thanked them for their efforts.

Planner Smith left the meeting at 9:48 a.m.

6. Review of key suggestions in the Housing Needs Survey

Chair Pare noted he would draft an addendum to the Advisory Planning Commission's recommendations to share with members for comment.

Comments were made at the amount of support expressed in the survey for tiny homes, even by people who already have houses. Brief discussion followed about other property on the island where

opportunities for housing may exist.

7. Next Meeting

January 24 at noon (TBC)

8. Adjournment

By general consent the meeting was adjourned at 9:54 a.m.

Peter Pare, Chair

Certified Correct:

Carly Bilney, Recorder

North Pender Island Advisory Planning Commission
MINUTES

Date: January 17, 2025
Location: Fireside Room, St. Peter's Church

Members Present: Peter Pare, Chair
Gregory Nicholls, Member
Julia Nicholls, Member
Lisa Baile, Member
Mike Dine, Member

Regrets: Mary Beth Rondeau, Vice-Chair

Staff Present: Brad Smith, Island Planner (electronic)
Carly Bilney, APC Secretary (electronic)

There was 1 member of the public present.

1. Call to Order

Chair Pare called the meeting to order at 9:03 a.m.

2. Approval of Agenda

Chair Pare welcomed new Advisory Planning Commission member Mike Dine and reviewed the work achieved by the group so far.

Planner Smith commented that members of the Advisory Planning Commission whose term ends in March will need to be reappointed by the Local Trust Committee, and he expressed hope that all members continue to participate. Support was expressed for completing the latest referral by March.

Planner Smith noted he will bring a draft action plan to the Local Trust Committee at the April 4th meeting; the January 31st staff report will include a high level overview of key items to be included in the action plan that are based on input from the Advisory Planning Commission and survey results.

By general consent, the agenda was approved as presented.

3. North Pender December 13, 2024 APC Minutes (for Adoption)

By general consent, the North Pender Advisory Planning Commission minutes of December 13, 2024 were adopted.

4. Discussion of Addendum to APC Recommendations

Planner Smith commented on the addendum to the list of recommendations proposed by the Advisory Planning Commission. He noted the action plan will focus on what can be implemented in the next year including:

- public engagement
- bylaw amendments, and
- advocacy and support for the development of affordable housing through other agencies.

Chair Pare reviewed the list in the addendum and the following comments were made about each topic:

1. Short term vacation rentals

- The Advisory Planning Commission recommends that the Local Trust Committee not opt into Bill 35 but phase out temporary use permits
- The Commission could also consider whether it would be worthwhile to remove the ability to allow temporary use permits altogether; this would still allow a cottage to be rented if someone is living in the main house
- The bylaws are confusing

2. Suitable land and build-out analysis

- Completion of the Suitable Land Analysis is being held up by lack of a contractor to do the work
- Getting access to this should be one of the key actions to be able to identify where more intensive housing development may be appropriate based on ground water, road access, zoning limits, underlying ecological data, sensitive areas, etc.
- Fire safety and emergency vehicle access should be assessed in conjunction with the Land Suitability Analysis
- Water for fire suppression is an element that often gets missed and increasing density will require increased water; this is a concern that can be inserted into building permit requirements
- We are aware of districts that have fire suppression water (hydrants), but there is no data for outside of those areas
- Insurance underwriters do not take private water suppression systems into consideration
- The Advisory Planning Commission recommends fast-tracking a build-out analysis; it would be really useful and should be a key recommendation

3. Short-term zoning changes to alleviate the housing crisis

- The Advisory Planning Commissions acknowledges there are many people currently living in recreational vehicles and recommends allowing them provided they have approved water and sewage

- However, recreational vehicles are meant for short-term accommodation and using them for full-time residency often presents a huge life safety issue; they are often never inspected prior to occupancy and do not meet the safety requirements they were intended to meet
- The safe occupancy of a recreational vehicle (RV) is the responsibility of the property owner, not the people who are generally living in the RV
- Perhaps the use of an RV as a dwelling or cottage could also be permitted subject to adherence to Canadian fire safety standards
- The recommendation could be modified to reflect fire safety concerns

4. Longer term zoning/bylaw changes

- Support was expressed for changing the bylaw to allow worker accommodation at public facilities (e.g. the fire hall, Driftwood Centre)
- Accessory dwelling units and flexible zoning (such as on Mayne Island) that would allow a second cottage if you restricted the floor area of the main dwelling should be considered
- The Advisory Planning Commission could maintain contact with Trustee Elliott and the Islands Trust's Tiny House Working Group
- A higher density zone using the land suitability analysis to allow for tiny homes not on wheels might be considered (e.g. a tiny home village or an apartment building)
- The survey showed a great deal of support for tiny homes, including from people who already owned a house

5 & 6. Template house plans / Secondary suites

- The Commission expressed support for providing pre-approved housing plans so property owners could avoid some initial expenses when building
- Rather than a prime focus of the action plan, this could be part of an education component focused on secondary suite initiatives

Planner Smith suggested combining Recommendations 5 and 6 as examples of an educational component where related information can be provided to property owners.

7. Stimulation of community groups

- This is a good standalone action
- North Pender lacks grassroots groups that are much more proactive elsewhere

Planner Smith noted the staff memo for the Local Trust Committee would include the Advisory Planning Commission report and addendum.

5. Discussion of new referral:

Planner Smith outlined the four pillars of an action plan: Education, Advocacy, Bylaw amendments, and an Analysis component. He noted these would include a few key objectives

and actions under each pillar, and that a draft plan can be vetted to the Local Trust Committee in advance of the meeting.

6. Next Meeting

Tuesday, March 4 at 9am

7. Adjournment

By general consent the meeting was adjourned at 10:14 a.m.

Peter Pare, Chair

Certified Correct:

Carly Bilney, Recorder

Follow Up Action Report

North Pender Island

05-Apr-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 16.2 BEN Bylaw - Enforcement schedule a webinar about current bylaw enforcement practices and policies in North Pender Island\n Bylaw Enforcement produce a Bylaw Compliance and Enforcement Policy Document in plain language for public awareness\n	Warren Dingman	Target: 10-May-2024	Completed

14-Jun-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 6.2 NP-DP-2018.5 (PICSS) - DP approved as presented - staff to issue permit <u>after</u> deposit received for landscaping, and close out file	Jas Chonk Phil Testemale	Target: 28-Jun-2024	Completed

Follow Up Action Report

North Pender Island

29-Nov-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 10.1 July 26, 2024 LTC meeting minutes adopted with addition of information note from Deb (resolution with wording in meeting minutes) 10.2 October 26, 2024 special meeting minutes adopted as presented	Emily Bryant	Target: 13-Dec-2024	Completed
0%	2 14.1 NP-TUP-2024.6 (Ganasi) TUP approved as amended for <u>60 days</u> maximum for 3 years Staff to issue permit, close files and update any monitoring requirements	Jas Chonk Phil Testemale	Target: 13-Dec-2024	Completed
0%	3 Add 6601 Razor Point Rd. covenant update as a standing New Business item on future agendas until LTC instructs otherwise	Jas Chonk	Target: 13-Dec-2024	Completed
0%	4 14.2 PLTUP20240261 (Murdoch) - TUP renewal approved as presented for 3 years Staff to issue permit, close file and update any monitoring requirements	Jas Chonk Phil Testemale	Target: 13-Dec-2024	Completed
0%	5 Clarify for LTC how accommodation tax works for STVRs on SGI and if any taxation from NP STVRs filters to NP community	Brad Smith	Target: 13-Dec-2024	Completed
0%	6 14.3 PLDVP20240225 (Grant) - Permit approved as presented Staff to issue permit, close out file	Jas Chonk Phil Testemale	Target: 13-Dec-2024	Completed

Follow Up Action Report

North Pender Island

29-Nov-2024

Progress	Activity	Responsibility	Dates	Status
0%	7 14.4 PLRZ20240110 (Bigham) - Application to proceed - 1) Staff to issue Terms of Reference 2) Bylaw enforcement to update file to cease bylaw enforcement actions while rezoning proceeds - Complete	Brad Smith	Target: 13-Dec-2024	Completed
0%	8 14.5 BL 538 and 539 Interests are unaffected	Jas Chonk	Target: 13-Dec-2024	Completed
0%	9 15.1 Raptor Nest DPA review project 1) Add guideline language re undeveloped lots 2) Initiate FN and agency BL referrals 3) Update project charter as presented	Brad Smith Jas Chonk	Target: 13-Dec-2024	Completed
0%	10 15.2 Housing Access and Affordability Project 1) Staff to initiate drafting of Action Plan 2) Send new referral letter to APC re Action Plan support - Complete 3) Post APC minutes and CRD presentation to housing project webpage - Complete	Brad Smith Emily Bryant	Target: 10-Jan-2025	Completed
0%	11 17.1 - Notify Trustee Morrison in writing that LTC is interested in Dark Sky Principles policy	Brad Smith	Target: 13-Dec-2024	Completed
0%	12 17.2 Policy Statement Amendment Project - Engagement Option #2 selected + a household maildrop	Jason Youmans	Target: 13-Dec-2024	Completed
100%	13 18.1 Meeting schedule adopted as amended: 1) Move March 28 to Apr 4 2) Add Saturday April 12 CIM as a special meeting	Emily Bryant	Target: 13-Dec-2024	Completed

Follow Up Action Report

North Pender Island

29-Nov-2024

Progress	Activity		Responsibility	Dates	Status
0%	14	New business - Staff to provide a report with options for potential downzoning of 6601 Razor Point Road	Brad Smith	Target: 10-Jan-2025	Completed

From: Brad Smith
Sent: Wednesday, December 18, 2024 1:31 PM
To: 'Erin O'Brien' <[REDACTED]>; Pamela Wright <[REDACTED]>
Cc: SouthInfo <SouthInfo@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Bdeltd <[REDACTED]>; Robert Kojima <rkojima@islandstrust.bc.ca>
Subject: RE: Pender Conservancy inquiry re: Environmental Assessment

Hi Erin and Pamela,

Thank you for your attached letter and email. At the November 29th meeting the LTC passed the following resolution:

NP-2024-062

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs applicant to provide an ecological assessment report in respect to the rezoning application NP-PLR20240110 (Bigham) for impact on adjacent properties

CARRIED

As a starting point, staff are requesting the following from the applicant. The LTC could also direct additional study.

An Ecological Assessment Report that includes at a minimum:

- a. Property location and description including background and history of use of subject parcel and adjacent properties;
- b. Identification of existing structures, roadways and other development features;
- c. Desktop review of ecological, landform and other relevant spatial data layers;
- d. Site inventory including identification of significant sensitive terrestrial and aquatic ecosystem features and species on subject parcel and adjacent properties;
- e. Review and assessment of the concerns expressed in the [letter](#) from the Pender Islands Conservancy to the LTC, dated November 25, 2024 (Attachment 2); and,
- f. Conclusions and recommendations with respect to suitability and impact of proposed industrial uses including potential cumulative impacts, siting of development infrastructure and driveway/parking areas, measures to reduce impacts to neighbouring properties and ecosystems during construction and operation, and future site monitoring requirements.

As this is a rezoning process, opportunities for public comment and input would follow in the rezoning process itself, including review and comment on any ecological assessment reports submitted by the applicant.

The scope of work at this point does not include examination of alternative locations.

In terms of timing, my understanding is that the applicant will move forward as quickly as possible with engaging a QEP.

Your offer for data sharing is appreciated. Braedon is cc'ed on this response so that he can pass along that offer to his QEP.

Best regards, Brad

From: Erin O'Brien <[REDACTED]>

Sent: Saturday, November 30, 2024 10:30 AM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Brad Smith <bsmith@islandstrust.bc.ca>; Bdeltd <[REDACTED]>

Cc: Pamela Wright <[REDACTED]>

Subject: Pender Conservancy inquiry re: Environmental Assessment

Dear North Pender Trustees, Planner Smith and Braedon:

Please see attached letter from Dr. Pamela Wright, Pender Islands Conservancy Stewardship Committee Chair. We look forward to hearing from you regarding clarification of the Islands Trust Environmental Assessment process and standards, and to assisting in the process in any way we can.

Best wishes,
Erin

<:<:<:<:<:<:<:

Dr. Erin O'Brien
Ecology and Development Director
Pender Islands Conservancy



Pender Islands
Conservancy

30 Nov 2024

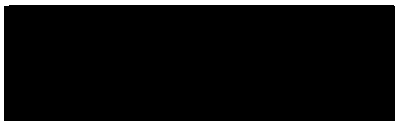
Dear North Pender Island trustees and staff:

In the Nov 29 North Pender Island LTC meeting, trustees requested an Environmental Impact Assessment (EIA) for the proposed industrial rezoning on Port Washington Road. We assume that the standard expected of this EIA is that dictated by the Canadian Environmental Assessment Act (CEAA, 2012). As part of that process, the QEP that is retained to complete this EIA will be expected to document species present, consider recommendations of recovery strategies for all species at risk on the Subject Property and adjacent properties, examine cumulative impacts, and incorporate public comments into their assessment. As time is of the essence, we assume the site assessment will be conducted in the coming winter months, outside of the breeding season for migratory songbirds, and during the dormant period for at-risk sharp-tailed snakes, most meadow plants that occur in the DPA on the Subject Property and surrounding Nature Reserves, and their associated at-risk pollinators. The Pender Conservancy has some inventory and mapping data for our protected properties in the area, and we would be happy to share this information with the QEP to ensure the EIA that is produced is comprehensive and can be accepted by our community.

To this end, it would be helpful if the trustees or Trust staff can provide some guidance on what EIA standard they require. If the Islands Trust indeed follows CEAA standards (as is the industry standard throughout British Columbia), the public must be invited to comment on the identified environmental impacts and mitigation measures. The assessment report should also identify “alternative means of carrying out the project” (i.e. alternative locations), so the QEP will need to be fully aware of these potential alternatives and have the opportunity to discuss them with relevant landholders.

Please let us know if we can be of assistance in this process.

Best wishes,



Dr. Pamela Wright
Stewardship Committee Chair
Pender Islands Conservancy Association

DATE OF MEETING: January 31, 2025
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Nick Stacyszyn
Location: 3729 Privateers Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of PL-DVP-2024-0301 (Stacyszyn)

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) to the maximum floor area as a percentage of the overall dwelling size for a proposed secondary suite.

RATIONALE FOR VARIANCE

The rationale for the variance to allow the construction of a basement secondary suite to provide a rental housing unit.

BACKGROUND

The proposal is proceeding ahead of an application for a Preliminary Plan Review and Building Permit with the purpose to comply with the North Pender Land Use Bylaw No. 224, 2024 (LUB).

The specific variance to the LUB is as follows:

- a) Subsection 3.10 (3) which states that the maximum floor area for a secondary suite is 90m² (968 ft²) and it must not exceed 40 per cent of the floor area of the principal dwelling is varied to permit a secondary suite that is a maximum of 41.5 per cent of the floor area of the principal dwelling.

The proposed suite would occupy the entire basement of an existing dwelling with a ground level, walk-out entrance at the rear or south facing side of the dwelling. Overall the dwelling is modest in size at 125.5 m² (1351.3 ft²) with the proposed suite itself being 52 m² (560.1 ft²). That area is well below the maximum 90 m² which is part of the same regulation that would be varied. The proposed exceedance of 1.5 % is a minor variance to the regulation, and altering the ground floor to reduce the size by 1.9 m² (20 ft²) to comply would be costly and difficult to justify. The proposed suite complies with all other Secondary Suite regulations in the LUB.

The LUB regulation is consistent with previous the BC Building Code requirements for secondary suites, however the BCBC was changed in 2019 and there is currently no limit on the size or percentage of the building that a suite can occupy.

The property is 0.21 ha (0.51 ac.) in size and slopes gently from the roadway toward the rear of the property in the southwest (Attachment 1). The property is largely cleared with some retained large mature trees closer to the road. The subject dwelling is located on the north part of the property and there area also two (2) small accessory buildings (less than 10 m²) to the north and west of the dwelling (Attachment 2).

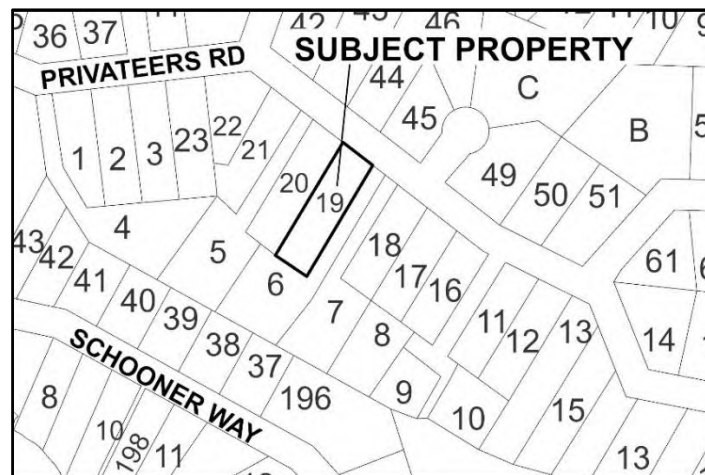
The applicant has provided a letter explaining the context and rationale for the variance (Attachment 3).

If the application is denied, the owners could apply to the Board of Variance or alter the plans to conform.

A copy of the Notice and proposed permit PLDVP20240301 (Stacyszyn) are Attachments 4 & 5.

Staff visited the property on December 19, 2024 (Attachment 2).

Figure 1 – Subject Property



ANALYSIS

Impacts on Local Neighbourhood

The impacts resulting from the approval of the variance would be nil given the nature of the regulation, and that compliance with the regulation would not change the proposed use nor result in any decipherable outward change to the dwelling.

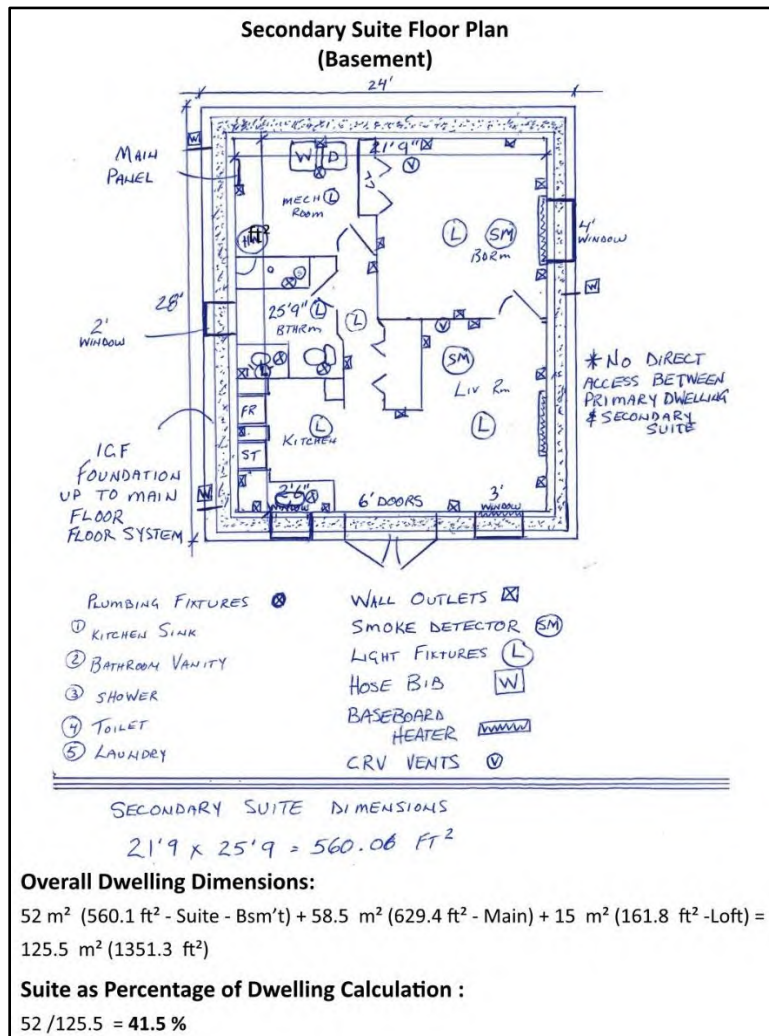
Intent of Regulations being varied

The overall purpose of the regulation is to minimize impacts on adjacent properties to:

- Ensure that the LUB regulation concurs with previous BC Building Code limits.
- Ensure that the proposed use remains secondary to the principal residential use by relative size.

- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.
- Establishing certainty with respect to development by maintaining consistent size regulations.

Figure 2 – Suite Floor Plan



Potential impacts of granting to variance

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

Circulation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on January 22, 2025.

At the time of writing, staff have received no submissions in response to notification.

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

First Nations

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

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale for the variance is reasonable.
- Approval will permit construction to proceed and result in much needed rental housing.
- Impacts on neighbouring properties from approval of the variance would be nil.
- The proposed variance is minor and does not challenge the intent of the regulation.
- At the time of writing, there have been no response to the notification.

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee refuse application PL-DVP-2024-0301 (Stacyszyn).

Submitted By:	Phil Testemale, Planner 2	January 14, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	January 15, 2025

ATTACHMENTS

1. Site Context
2. Photographs
3. Applicant’s Rationale

4. Notice
5. Draft Development Variance Permit PLDVP20240301 (Stacyszyn)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 19, Section 10, Pender Island, Cowichan District, Plan 21811
PID	003-343-294
Civic Address	3729 Privateers
Property Size	0.21 ha (0.51 acres)

LAND USE

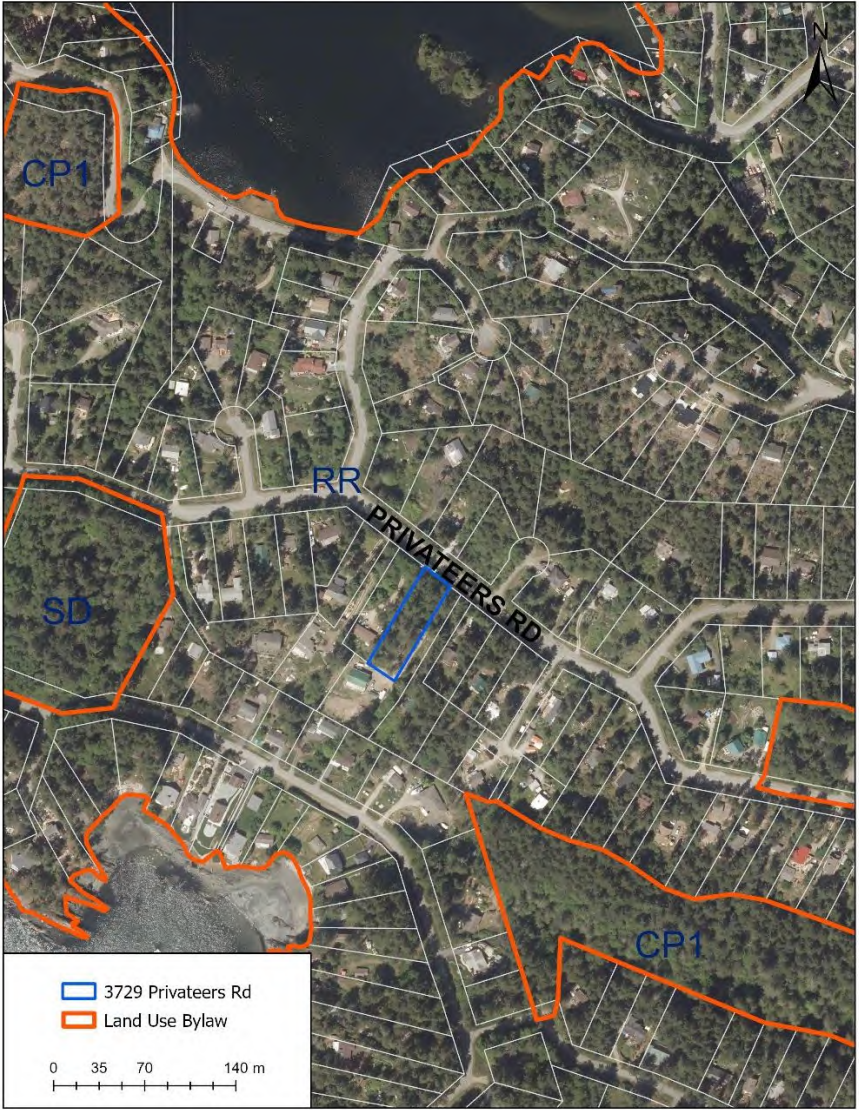
Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2022.32	SF Dwelling

POLICY/REGULATORY

Official Community Plan Designations	Designated as RR- Rural Residential in the North Pender Island Official Community Plan No.171, There are no Development Permit Areas designated on the property.
Land Use Bylaw	The property is zoned as Rural Residential 1 (RR1) in the North Pender Island Land Use Bylaw No. 224, 2022

	 OrthoZoning
Other Regulations	N/A
Easement	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed in TAPIS
Sensitive Ecosystems	None mapped on TAPIS

Hazard Areas	None
Archaeological Sites	Archaeological Potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP.

ATTACHMENT 2 – PHOTOS (DECEMBER 19, 2024)

Entrance to Property



Front/West Side of Dwelling



Front/East Side of Dwelling



Rear of Dwelling



From: nick stacy [REDACTED]

Sent: Tuesday, November 12, 2024 11:10 AM

To: Emily Bryant <ebryant@islandstrust.bc.ca>

Subject: Re: Planning Application: PLDVP20240301 - 3729 PRIVATEERS RD, PENDER ISLAND, BC V0N 2M0

I attained my owner Builder certification to build our Timber log home here on Pender and from the get-go our basement space was intended to be a rental unit as here on Pender housing much like so many other places is that a premium our main level is 682 Ft with a loft which is basically half of the footprint upstairs so I'm saying that our lower level is the same footprint basically almost the same layout a full functioning kitchen three-piece bath laundry and mechanical room living room and bedroom and I'm speaking with Aaron Campbell and Brad back in the spring we had been told at the time go ahead apply for the go ahead from Islands Trust but we're just getting home track with that now as our concentration was on our main level to get our occupancy which we got on September 22nd and now are pursuing completing the lower level as a full rental Suite as there's no access from the main floor the only access or entry is from the walk out of the basement Suite

We have done some work down here as the ceiling is loaded with safe and sound and soundproofing res bar and 5/8 drywall as per code requires inspections have been done on all the plumbing and electrical in the lower level rough ends are complete Etc hopefully this clarifies our intended use on this space and although it is greater than 40% of our living space we were told back in the spring it should not be a problem to apply for the variance as once again housing situation on Pender is not the greatest and this is a new build Ocean View etc etc

If you need anything else from me don't hesitate to ask I will get that form filled out and back to you by the end of the day



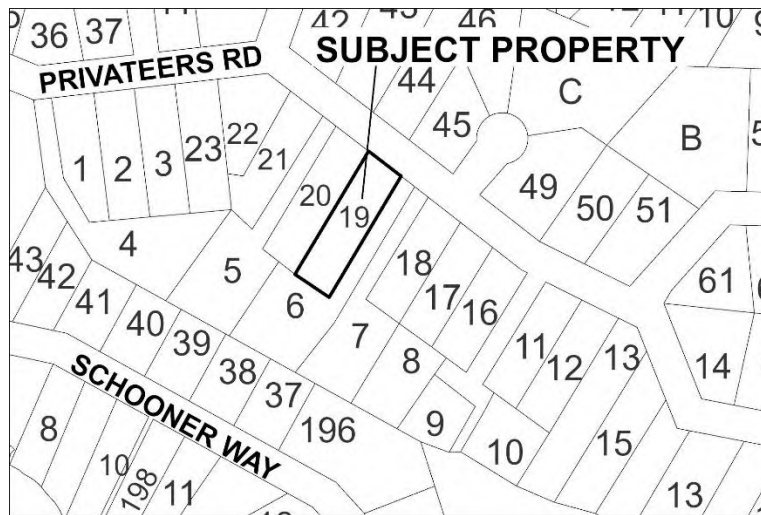
NOTICE
PLDVP20240301
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224, 2022 by:

- A variance to the maximum floor area of a secondary suite as a percentage of the dwelling's overall floor area from 40 to 41.5%

The property is located at **3729 Privateers Road** and is legally described as Lot 19, Sections 10, Pender Island, Cowichan District, Plan 21811 (PID: 003-343-294).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, BC. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 10, 2025** and continuing up to and including **January 22, 2025**.

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

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 22, 2025**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m.** on **January 31, 2025**, at the **St. Peter's Anglican Hall, 4703 Canal Road**, on North Pender Island.

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

Jas Chonk, Deputy Secretary



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20240301**

To: Nick and Linda Stacyszyn

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

Lot 19, Section 10, Pender Island, Cowichan District, Plan 21811
(PID: 003-343-294)

2. North Pender Island Land Use Bylaw 224, 2022 is varied as follows:

- a) Subsection 3.10 (3) which states that the maximum floor area for a secondary suite is 90m² (968 ft²) and it must not exceed 40 per cent of the floor area of the principal dwelling is varied to permit a secondary suite that is a maximum of 41.5 per cent of the floor area of the principal dwelling.

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the "North Pender Island Land Use Bylaw 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2025.

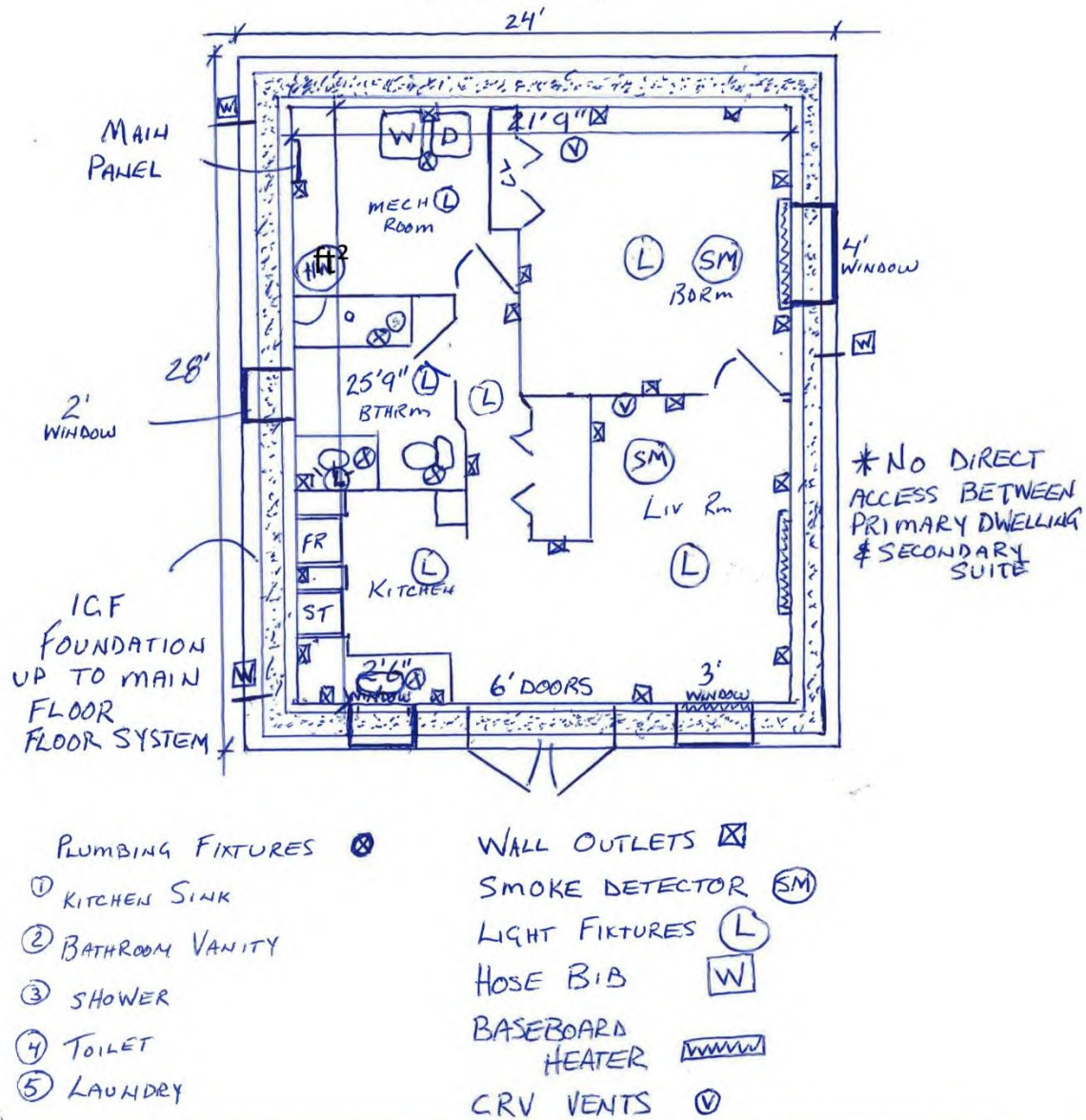
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 2027, THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'

Secondary Suite Floor Plan (Basement)



SECONDARY SUITE DIMENSIONS

$$21'9 \times 25'9 = 560.06 \text{ FT}^2$$

Overall Dwelling Dimensions:

$$52 \text{ m}^2 (560.1 \text{ ft}^2 - \text{Suite} - \text{Bsm't}) + 58.5 \text{ m}^2 (629.4 \text{ ft}^2 - \text{Main}) + 15 \text{ m}^2 (161.8 \text{ ft}^2 - \text{Loft}) = 125.5 \text{ m}^2 (1351.3 \text{ ft}^2)$$

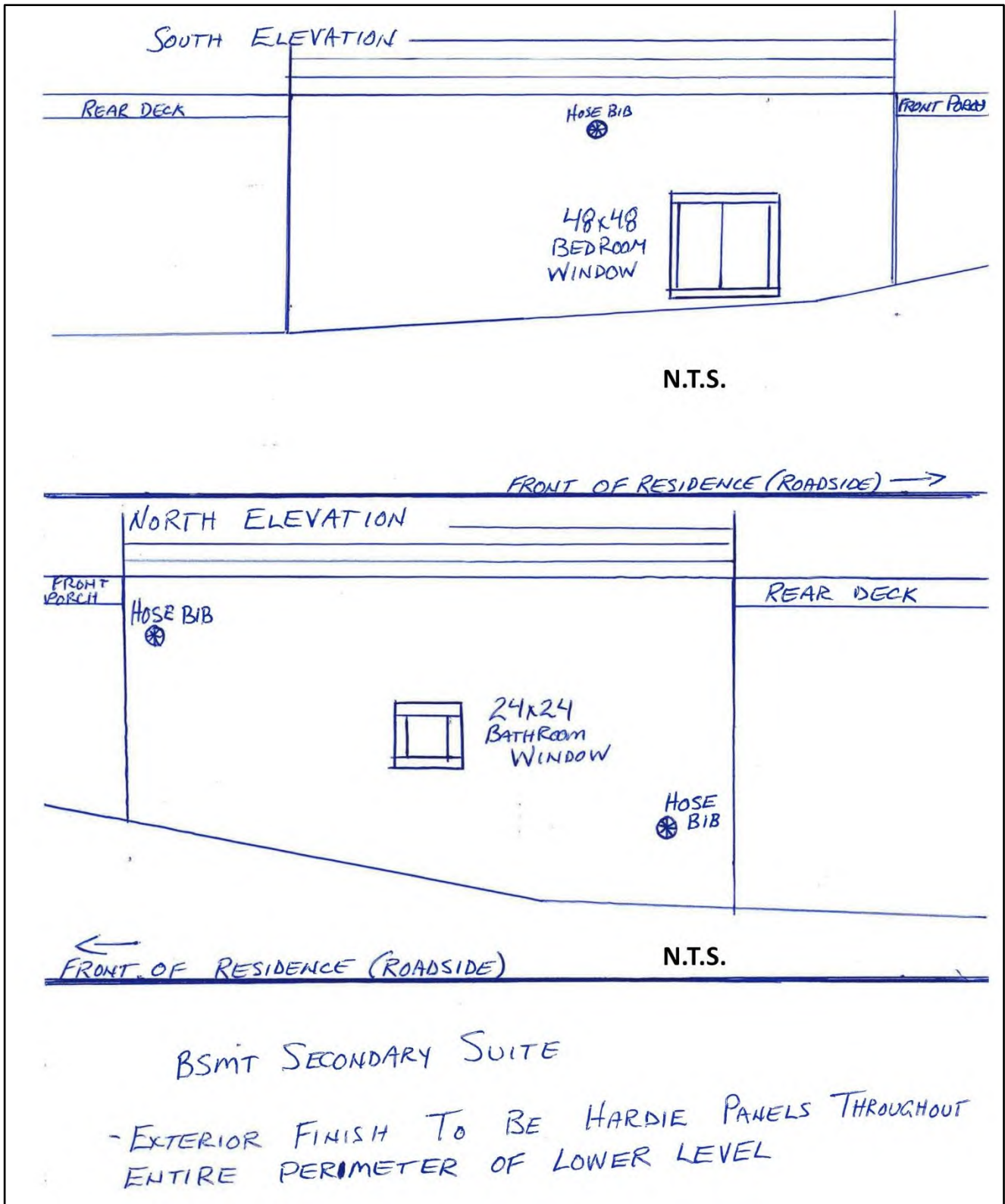
Suite as Percentage of Dwelling Calculation :

$$52 / 125.5 = 41.5 \%$$

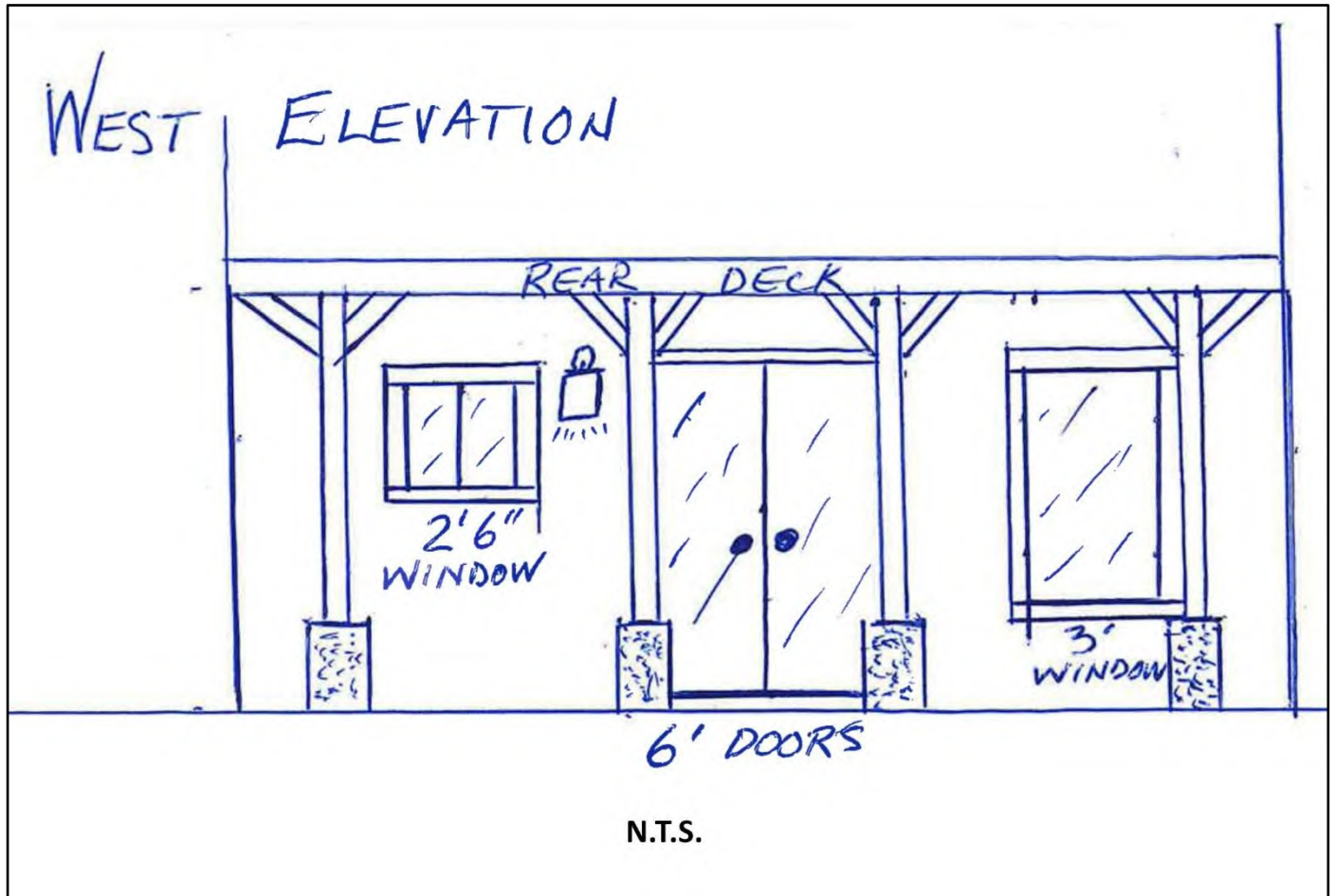
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDVP20240301

SCHEDULE 'B'



SCHEDULE 'C'



From: Rob Pingle
Sent: Thursday, January 16, 2025 1:52 PM
To: 'mtippett@cverd.bc.ca'; Jas Chonk; Nadine Mourao; 'realestate@crd.bc.ca'; 'amanda.vanderkloof@bcas.ca'; 'saltspring@rcmp-grc.gc.ca'; 'jholmes@saltspringfire.com'; 'FrontCounterBC@gov.bc.ca'; Corlynn Strachan
Cc: Oluwashogo Garuba
Subject: Salt Spring Island Local Trust Committee Proposed Bylaw No 541 Referral - For Response
Attachments: SS-LTC_2024-01-16_SS-BL-541_ReferralFRM.pdf

Dear Referral Coordinators,

We are contacting you in regards to a referral of Bylaw No. 541 (attached), which proposes to amend the Land Use Bylaw to permit one (1) dwelling and one (1) full time rental cottage on the property at 200 Collins Road, Salt Spring Island.

Staff reports and other materials related to the proposed bylaw can be viewed on our website at: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> as PLRZ20240145.

A reply is respectfully requested by **March 17, 2025** to ensure that your concerns or comments are considered by our elected officials.

Should you have any questions, or require further information on the Proposed Bylaw, please contact Islands Trust Planner Oluwashogo Garuba at (250) 538-5603 or ogaruba@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Referral responses should be addressed to myself at rpingle@islandstrust.bc.ca.

Thank you for your time and attention to this referral,

Rob Pingle

Legislative Clerk | Deputy Secretary
Islands Trust

4 – 121 McPhillips Avenue | Salt Spring Island BC V8K 2T6

Phone: 250-538-5600 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

The Salt Spring Island Islands Trust office at 500 Lower Ganges Rd is now closed. Islands Trust staff will continue to provide services by phone and e-mail until the new office space at 121 McPhillips Avenue opens. During the in-person office closure period, enquiries can be submitted by email at ssiinfo@islandstrust.bc.ca, or call 250.537.9144.

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOŖÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to

reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



BYLAW REFERRAL FORM

4-121 McPhillips Ave
Salt Spring Island, BC V8K 2T6
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 541 Date: January 16, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Jordan Litke

PURPOSE OF BYLAW:

To change the subject property zoning from Rural to Rural variant f to permit one (1) dwelling and one (1) full time rental cottage.

GENERAL LOCATION:

200 Collins Road, Salt Spring Island

LEGAL DESCRIPTION:

LOT 3 SECTION 3 RANGE 2 WEST NORTH SALT SPRING COWICHAN DISTRICT PLAN EPP100050

SIZE OF PROPERTY AFFECTED:

4.2 hectares (10.4 acres)

ALR STATUS:

Not in ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhood (RN)

OTHER INFORMATION:

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.

(Signature)

Name: Oluwashogo Garuba

Title: Islands Trust Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Ts'uubaa-Asatx (Lake Cowichan) First Nation

Salt Spring Island Coast Salish Society

Regional Agencies

Capital Regional District
CRD – SSI Building Inspection
Islands Trust – Islands Trust Conservancy

Provincial Agencies

BC Assessment Authority
Front Counter BC

Non-Agency Referrals

BC Ambulance Service
RCMP
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**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

Salt Spring Island Trust Area

(Island)

(Signature)

(Date)

541

(Bylaw Number)

(Title)

(Agency)

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 541

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2024”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

- 2.1 Schedule “A” – Zoning Map, is amended by changing the zoning classification for LOT 3 SECTION 3 RANGE 2 WEST NORTH SALT SPRING COWICHAN DISTRICT PLAN EPP100050 from Rural (R) to Rural variant f (R (f)), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 355 as are required to effect this change.

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ 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____

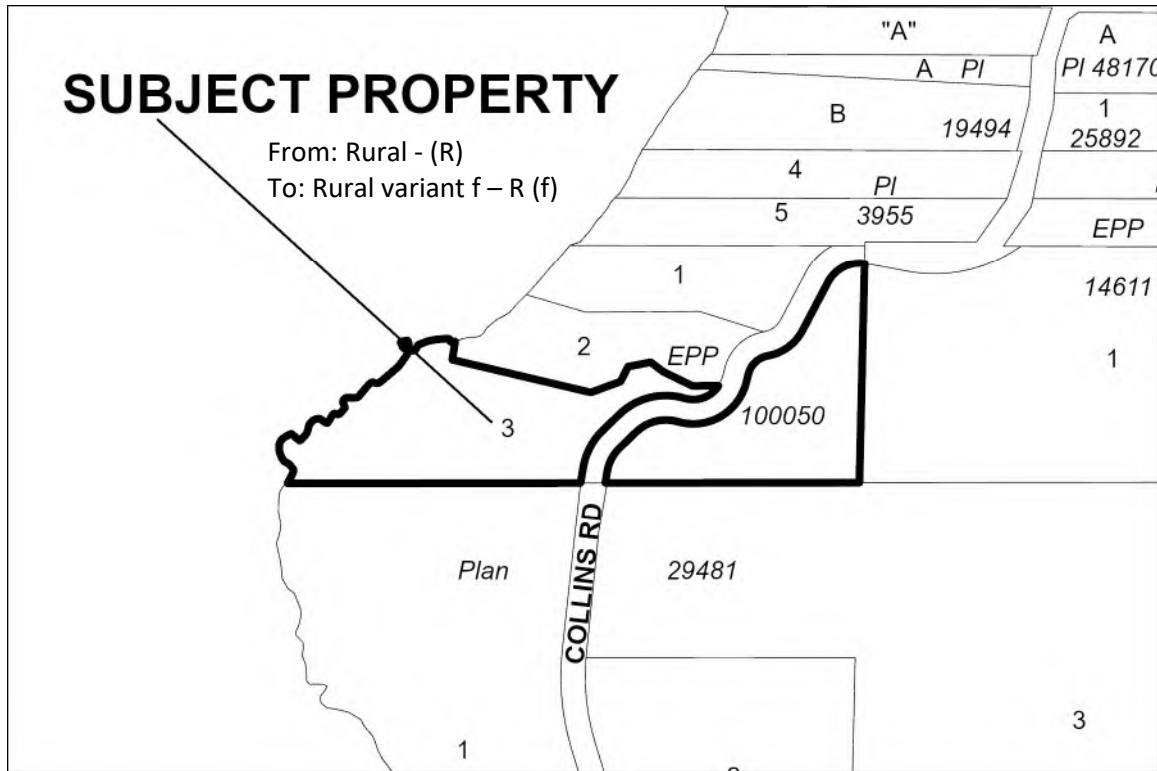
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 541

Plan No. 1



MEMORANDUM

File No.: 6500-20-Housing Access and
Affordability Project

DATE OF MEETING: January 31, 2025
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Housing Access and Affordability Project Update

PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with an update on the Housing Access and Affordability Project.

PROJECT UPDATE

At the Nov 29, 2024 meeting, the LTC directed staff to initiate the development of a draft Housing Action Plan that considers the recommendations of the Advisory Planning Commission (APC) and results of community engagement including the housing needs survey results. Since that meeting, the following has occurred:

- Housing needs survey results have been collated and posted on the project [webpage](#).
- A second referral letter has been sent to the APC with direction provided at the November meeting.
- The APC and staff have met three times and an addendum report has been submitted by the APC in respect of the new referral (Attachment 1).
- One member of the APC has resigned and one new member has been added. Another application for membership has been received and will be considered in-camera at the January 31, 2025 meeting.

APC Referral and Addendum Report

At the November 29, 2024 meeting, the LTC directed the APC to review the 2024 Housing Needs Assessment survey results and provide input into the development of a draft Housing Action Plan. The APC has subsequently submitted an addendum report with recommendations on short and long-term actions to increase affordable housing on North Pender Island.

The prioritized list is informed by review of the Housing Needs Survey and is divided into 4 categories of potential actions; A) Bylaw and Zoning changes or additions, B) Analysis, C) Educational opportunities, and D) Advocacy. The proposed goals and actions below are reflective of many of these recommended actions.

APC Membership and Term Renewal

The current APC term ends March 1, 2025. The LTC should decide if they want the APC to continue on for another one-year term. From a staff perspective, the APC has been very effective to date and there is value in having them continue on. The LTC could consider the passing the following resolution:

That the North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing be extended to a second one-year term starting on March 1, 2025.

The APC currently has five members and the LTC will consider the appointment of other new members at the January 31, 2025 meeting. Mary Beth Rondeau has resigned from the APC, and Mike Dine has been added.

Staff have requested that APC members indicate if they are interested in continuing to participate. If the LTC decides to continue with the APC beyond March 1, staff will ensure the LTC has appointed those interested prior to the current term ending.

Contents of Draft Housing Action Plan

The draft Housing Action Plan will be consistent to the Islands Trust [Housing Options Toolkit](#) template and in a format similar to the [Mayne Island Housing Action Plan](#). The plan will focus on achievable goals, objectives and actions that can be realized in fiscal 2025-26. Based on the work of the APC and the housing needs survey results, staff propose the following as key goals and actions:

Goal 1: Updating and Using Available Data to Inform Housing Projects

Proposed Actions:

- Finalize Suitable Land Analysis and make information public
- Initiate and complete island wide build-out analysis

Goal 2: Diversifying Housing Options through Zoning

Proposed Actions:

- Expand opportunities to build secondary suites and increase flexibility for Accessory Dwelling Units (ADU).
- Explore opportunities for zoning changes to permit higher density Multi- Unit Development in areas with a concentration of community amenities (eg. around Driftwood Centre)
- Explore legalizing the use of RVs on appropriate properties considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.
- Explore opportunities to permit worker accommodation (e.g at community firehalls, Driftwood Center etc.).
- Explore permitting the use of Tiny Homes as ADUs or establishing higher density tiny home zones on appropriate properties considering, set-backs, parking, access, septic, available water, visual aesthetics and fire safety.

Goal 3: Increasing Opportunities for Non-Profit Housing

Proposed Actions:

- Explore rezoning of a portion of Anglican Church lands to permit affordable housing.
- Use Suitable Land Analysis to identify other parcels that may be appropriate for higher density community housing.
- Advocacy and collaboration with other levels of government on island-based affordable housing initiatives including potential expansion of Plum Tree Court.

- Engagement with community members to increase participation in community housing initiatives and non-profit community housing organizations.

Goal 4: Education and Outreach

Proposed Actions:

- Promote and increase awareness of secondary suite incentives and programs.
- Promote and increase awareness of template house plans to reduce development costs.
- Initiate island wide mail out describing project goals and objectives and opportunities to become involved in housing initiatives (to be completed early in the next fiscal).
- Develop educational materials to inform public of changes to zoning and results of project deliverables (to be completed following the completion of bylaw amendments as the project is wrapping up).
- Review Short Term Vacation Rental guidelines and develop educational materials.
- Initiate further engagement with First Nations on housing needs and opportunities.
- Collaborate with the Capital Regional District (CRD) on harmonization of housing projects and programs.

This is only a preliminary list of goals and associated actions based on the work of the APC and the survey results. The LTC may have other ideas or priorities that could be included in the draft plan.

April 12 Community Information Meeting

The LTC has a Community Information Meeting (CIM) scheduled for Saturday April 12, 2025. With direction from the LTC, staff will plan to spend a portion of this day's agenda presenting the draft Action Plan to the community for input prior to final endorsement by the LTC at the May meeting. This timeline is consistent with the approved project workplan.

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsed and project initiation</i>	Jul 2024
<i>Engagement letter to First Nations</i>	Aug 2024
<i>Conduct web-based housing needs assessment survey/</i>	Aug - Oct 2024
<i>Draft Terms of Reference for APC</i>	Sep 2024
<i>Preliminary report with analysis</i>	Nov 2024
<i>LTC review of options</i>	Nov 2024 – Jan 2025
<i>Initiate drafting of housing Action Plan</i>	Jan 2025
<i>Recommendations to LTC, LTC review, direction to prepare bylaws</i>	Feb 2025
<i>Community consultation on draft bylaws, bylaw referrals, First Nations engagement, Finalize Housing Action Plan</i>	Feb – Apr 2025
<i>Legislative process to amend LUB/OCP (timeline much shorter if not requiring OCP amendments)</i>	May – Dec 2025
<i>Implementation and communications</i>	Jan – Mar 2026

NEXT STEPS

Staff will bring a draft Action Plan to the LTC at the April 4 meeting for further input and direction on next steps.

Submitted By:	Brad Smith, PAg Island Planner	January 20, 2025
Concurrence:	Robert Kojima Regional Planning Manager	January 21, 2025

Attachment 1. APC Addendum Report, January 2025

January 17, 2025

ADDENDUM TO NORTH PENDER APC RECOMMENDATIONS

The North Pender Special APC (NP S-APC) are submitting this Addendum to its list of Recommendations regarding the Affordable Housing crisis on North Pender.

This addendum is based on our careful review of the results of the Pender Islands Housing Needs Survey that was conducted by the LTC and is influenced by the new referral from the LTC .

- a) That the North Pender Island Local Trust Committee directs staff to initiate the development of a draft Housing Action Plan that considers the recommendations of the Advisory Planning Commission and results of community engagement including the housing needs survey results.***
- b) That the North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing review the 2024 Housing Needs Assessment survey results and provide input into the development of draft Housing Action Plan.***

The extensive recommendations submitted by the APC represent an ambitious list of short- and long-term actions to increase affordable housing on North Pender. Given that the new referral asks for our assistance in developing a draft Housing Action Plan we are providing a prioritized list of actions to incorporate into that plan. The prioritized list is informed by review of the Housing Needs Survey and is divided into 4 categories of potential actions; A) Bylaw and Zoning changes or additions, B) Analysis, C) Educational opportunities, and D) Advocacy.

A) Bylaw and Zoning changes or additions

1. Short Term Vacation Rentals:

NP S-APC suggested that the NP LTC not Opt into Bill 35 in 2025 since owners of non-conforming STVRs would immediately lose this source of income and the LTC would lose oversight of non-conforming rental accommodation. The results of the survey indicate that there is general support for this recommendation. However, the APC agrees that STVRs that are *not in a host's principal residence*

or within not more than one secondary suite or accessory dwelling on the same property as the principal residence, represent a potential loss of long-term rental accommodation. Therefore, the NS S-APC recommend that TUPs for such STVRs be made to lapse after their 3 year extensions and not be extended beyond that. STVR's should not be allowed for properties where the owners are not the living. TUP's should not be granted for STVRs where the owner does not live full time. We further recommend that TUPs for such units not be offered in the future.

2. Permit the use of RVs on appropriate properties considering set-backs, parking, access, septic, available water and visual aesthetics (**Suitable Land Analysis**), as well as fire safety. Although there were some comments on the survey that did not support this, the majority were in favor.
(eg Comment # 21 – *“Definitely allowing people to live in mobile homes a development to accommodate this would help immensely. Low income people can't afford a house but could afford a trailer”*).

Of particular concern was the fire safety issue. It was suggested that in addition to a septic connection and potable water the sanctioned units would need to be inspected by the local fire department before the owners of the property are allowed to have people reside in RVs on their property.

This is not a long-term solution to the issue given the problems of RVs in our climate but given their widespread and increasing use we think this is a priority. A corollary to this recommendation is that the LTC establish criteria for Island Health-approved Self Composting Privies.

3. Permit under-used commercial properties to be used as principal residences and rezone existing built commercial accommodation units for residential use. TUPs could be used in some situations. An example is the Fire Halls.
4. There was support in the Survey for the development of more multi-unit subsidized housing units. An expansion of Plum Tree Court and rezoning of the Anglican Church property from Community Service (CSa) to Rental Housing (RH) are two such initiatives. The NP S-APC recommends that the LTC continue to dialogue with the North Pender Island Housing Society, the Anglican Church and other community groups to explore potential parcels of land suitable for multi-unit below-market subsidized housing (rental or ownership). This is an

issue where the APC could play an active role by arranging interaction between the Trust and Community Groups.

5. The NP S-APC recommends that the LTC explore changes in zoning and bylaws to allow increased density on suitable lots situated relatively close to the Driftwood Centre by increasing the permitted number of dwelling units on appropriate parcels of land. **"Appropriate"** to be defined by the aforementioned **Suitable Land Analysis**. This would lead to less pressure to build out to maximum possible density in other more sensitive parts of the island. Concentration of density in specific areas close to amenities would also reduce the need for transportation which forms the biggest single contributor to the Island's greenhouse gas emissions.

Specifically, the NP S-APC recommends that the NP LTC institute a **Flexible Housing Option** on North Pender similar to the one introduced on Mayne Island.

B) Analyses

1. **Suitable Land and Build-Out Analysis:** The NP S-APC believes that these analyses are very important tools in the development of a Housing Action Plan. They will inform the LTC whether and where to make zoning and/or bylaw changes to facilitate affordable housing options. We understand that the **Suitable Land Analysis** has been recently completed and ask that it be made available for review as soon as possible. The process of developing a **Build-Out Analysis** should be fast-tracked.

C) Educational material and events

1. **Secondary Suites:** There was support for the encouragement of secondary suites. (Comment # 89, *"Secondary suites Grants and tax incentives for landlords creating permanent rental accommodation"*) This is another opportunity for the Trust and APC to inform people about existing incentives for the construction of secondary suites and ADUs from

both the CRD and the Province. A combination of these programs would provide an \$80,000 forgivable loan for such construction.

2. **Template House plans:** One interesting comment in the survey was the suggestion that the government could develop. Comment #27 *“one or two simple floor plans that pass the building code available for low income people to use”*.

This is what the Federal Government did between 1950 and 70 when there was a national housing crisis and many thousands of home were built using those plans. In fact the Federal and Provincial Governments are presently instituting a similar program (See: <https://housing-infrastructure.canada.ca/housing-logement/design-catalogue-conception/index-eng.html>) which should be available in early 2025.

The City of Vancouver has developed a catalogue of standardized house plans.

See: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/guides/bc_std_des_catalogue_v1.pdf

While this issue is outside the mandate of the Local Trust it represents an opportunity for the Trust to make this program known to residents of Pender who want to build. The development and approval of house plans is often an expensive and time-consuming part of the process and this program may stimulate new lower-cost home construction.

D) Advocacy

1. **Tiny Homes:** There were many comments in the survey in support of allowing Tiny Homes on Pender Island. (Comments # 7,8,11,12, 14,17, 43, 44, 47. 53, 76 etc). This is in keeping with the NP S-APC’s recommendation that the NP LTC permit the use of Tiny Homes on Wheels as ADUs on appropriate properties considering, set-backs, parking, access, septic, available water and visual aesthetics (**Suitable Land Analysis**). This recommendation leads to potential conflict with the Capital Regional

District since they regulate the building code. However, an initiative on this issue is being undertaken by the Trust's Regional Planning Committee [RPC] with an active project to regularize Tiny Homes on Wheels (THOW). They have already developed a THOW Guide and are working in conjunction with the Nanaimo Regional District to convene a steering committee and technical panel to explore enablement of Tiny Homes in the Islands Trust Area. The NP S-APC recommends that the NP LTC work with the Regional Planning Committee to advocate for, and implement its recommendations.

The APC could play an active role on this issue by maintaining contact with the Regional Planning group and bringing updates to the LTC.

2. **Stimulation of Community Groups:** APC research has shown that other Gulf Islands are being more proactive in addressing the housing crisis than North Pender. On Galiano, there is one organization developing affordable housing options and another developing more options for market-rate rental housing.

Galiano Affordable Living Initiative (<https://gali.ca/>) which has acquired land and has developed a housing agreement with the Galiano Trust. They plan to develop multiple subsidized housing units.

Galiano Cottage Coop(<https://www.galianocottages.org/>) which is developing novel strategies for creating secure, long-term, market-price rental housing (*"creating secure, long-term, market-price rental housing on Galiano, managed and maintained by the islanders living in it".*.)

The APC and LTC could work to stimulate such groups on North Pender. One idea was to have a symposium on Pender and invite the proponents of such initiatives on other islands to present.

MEMORANDUM

File No.: 6500-20-Raptor Nest DPA
Project

DATE OF MEETING: January 31, 2025
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Raptor Nest Development Permit Area (DPA) Review Project Update

PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with an update on the Raptor Nest Development Permit Area (DPA) Review Project.

PROJECT UPDATE

At the Nov 29, 2024 meeting, the LTC received draft bylaw No. 235 and directed staff to complete referrals.

Since that meeting, the following has occurred:

- Draft Bylaw No. 235 has been referred to First Nations and agencies. The referral period closes February 13, 2025. Staff will bring a complete record of referrals to the LTC at the April 4 meeting. To date:
 - The Pender Island Conservancy has responded in support of the proposed updates.
 - The Islands Trust Conservancy has responded in support of the proposed and have provided comments regarding the potential addition of seasonal buffering areas for Screech Owls and 'other raptors' in accordance with provincial best practices; and a potential additional owl nesting location that could be added to the inventory. Staff are following up with ITC and may suggest amendments to the draft bylaw at the next meeting based on comments received.
 - Ministry of Municipal Affairs defers all comments on the ecological and environmental aspects of raptor and heron nest protection to the Ministry of Water, Land, and Resource Stewardship.
 - Tsawwassen First Nation (TFN) has responded indicating no concerns.
 - Ts'uubaa-asatx Nation, defers to any Nation(s) whose title and governing authorities are directly affected but retain the right to provide input should greater interests be identified in the future.
- Staff continue to engage with potentially affected property owners. Since the last meeting, two site visits were completed by staff to assess nest trees. As a result, one tree was removed from the inventory as it was damaged in a storm beyond functional use for raptors (as confirmed by the RP Bio.)

Additional Mail Out to Property Owners

At the last meeting, the LTC briefly discussed completing another mail out to all property owners potentially affected by the updated DPA mapping. To date, only property owners where a nest tree is located specifically on their parcel were notified by mail out (43 letters in total), and several owners have responded. The LTC has the budget in this fiscal to complete an additional mail out.

If a second mail out is to be completed, the LTC should decide whether to send only to properties within the core buffer areas that apply year-round (159 properties including original 43), or to also include those properties located within seasonal buffer areas (an additional 212 properties). The LTC could pass the following resolution to proceed:

The North Pender Island Local Trust Committee directs staff to send a mail out to all property owners with parcels that contain at least a portion of the parcel proposed to be located within newly updated development permit area 7 (including or not including) those parcels only affected by seasonal buffering areas.

Retention of RP Bio Services

Despite being out of contract, to date, the RP Bio has been willing to respond to staff enquiries regarding specific properties where questions have arisen from property owners. To ensure these services are available and to compensate the professional for his time, if the LTC decides to complete a broader reaching mail out to property owners, staff also recommend that the LTC request that staff investigate the feasibility of awarding a contract to Caurinus Environmental to support the additional volume of property owner enquiries.

These services would be provided on an as needed basis, and billed accordingly. The LTC has the budget in this fiscal to pay for these services. The LTC could pass the following resolution to proceed:

The North Pender Island Local Trust Committee requests staff to investigate the feasibility of awarding a service contract to Caurinus Environmental Consulting to provide additional support to staff for property-owner enquiries regarding specific nesting tree locations and features in respect of the Raptor Nest DPA Review Project.

PROJECT TIMELINES

The project remains on schedule in accordance with the approved workplan.

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsed</i>	July 2023
<i>Project initiation and preliminary report to LTC</i>	Sept 2023
<i>Procurement process for updated mapping and professional report</i>	Oct - Dec 2023
<i>Professional report study completion, staff review, project summary paper, landowner and stakeholder group engagement</i>	Jan – Nov 2024
<i>Early consultation with First Nations</i>	Sept – Dec 2023
<i>LTC preliminary review of proposed amended DPA provisions and study results</i>	May - Jul 2024
<i>Direction to prepare bylaws</i>	Jul 2024
<i>Final mapping delivered</i>	Nov 2024
<i>Community consultation on draft bylaws, bylaw referrals</i>	Nov 2024 – Apr 2025
<i>Legislative process to amend OCP</i>	Apr – Sep 2025
<i>Implementation and communications</i>	Sept – Oct 2025

The project charter currently only has funding for the 2024-25 fiscal year. If the LTC continues to proceed with Bylaw No. 235, given there is an OCP amendment, a public hearing will be required. There may also be additional property-owner consultation and data collection required beyond fiscal 2024-25. As such, the LTC should direct staff to amend the Project Charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000, based on the following estimates:

- Consultation - \$2,000
- Public Hearing - \$2,000
- Contingency - \$1,000

Staff would then request that the Planning Director allocate the \$5,000 to the project for 2025-26 fiscal year.

LTC could pass the following resolution to proceed:

The North Pender Island Local Trust Committee requests that staff amend the Raptor Nest DPA Review Project charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000 for additional consultation, holding of a public hearing and contingency.

NEXT STEPS

Staff will bring draft Bylaw No. 235 along with referral responses back to the LTC at the April meeting likely with a recommendation to consider first reading. Depending on the direction of the LTC, staff will also initiate a second mail out to property owners and a new consulting services contract with Caurinus Environmental.

Submitted By:	Brad Smith, PAg Island Planner	January 20, 2025
Concurrence:	Robert Kojima Regional Planning Manager	January 21, 2025

Active Projects Report

North Pender Island

0. Major project - Housing Access and Affordability Project

Responsible

Dates

Activity:

Brad Smith

Rec'd: 26-May-2023

Pre-project phase: establish project scope and submit business case for Trust Council approval

Target: 31-Dec-2025

Consultation - special APC to review issues and provide recommendations

0. Minor project - Update of Raptors Nest DPAs

Responsible

Dates

Activity:

Brad Smith

Rec'd: 26-May-2023

To review and update DPA mapping, DPA provisions, undertake consultation and legislative process to adopt OCP amendment

Target: 31-Oct-2025

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 including forest cover, tree cutting and removal.

11-Aug-2022

Future Projects Report

North Pender Island

6. *Browning to Driftwood Corridor Plan*

Responsible

Date Received

Coordination on a transportation plan for the Driftwood to Port Browning corridor.

11-Aug-2022

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

8. *Public engagement on groundwater data*

Responsible

Date Received

Project to present information on groundwater project to public and educate landowners

26-May-2023

9. *Fire Inspection requirements for STVRs*

Responsible

Date Received

05-Apr-2024



North Pender Local Trust Committee

Open Applications

Report

Print Date: January 23, 2025

Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
NP-DP-2024.3	Robert Gamel	2/16/2024	385 EVERGREEN LANE	GAMEL - 385 EVERGREEN LANE: Application for a DP for development in the Sidney Island Geotechnical Area B DPA.
Planner		Status		Most Recent Completed Activity
Bruce Belcher		Under Review		Planning Review

Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240350	Doug Smith	12/13/2024	5410 HOOSON RD, PENDER ISLAN	The owners are applying for a height variance to repurpose the barn to an accessory building, seeking a building height of 8.61m to save and reuse the existing barn.
Planner		Status		Most Recent Completed Activity
Brad Smith		Local Trust Committee		Assign to LTC Meeting

North Pender

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240301	Nick Stacyszyn	11/8/2024	3729 PRIVATEERS RD, PENDER IS	To vary maximum floor area and percentage of floor area for secondary suite
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Email Applicant of LTC Meeting	

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240330	Charles Keay	12/4/2024	2603 GALLEON WAY, PENDER ISL	Variance for siting of existing dock
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Assign to LTC Meeting	

North Pender

Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
NP-RZ-2024.1	Aaron Grimmer	1/8/2024	4415 BEDWELL HARBOUR RD, PE	Application for rezoning to amend the land use bylaw and OCP to permit Gulf Excavating to continue operations as established under the temporary use permit. Bylaws 236 and 237.
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Record LTC Decision/Update FUAL	

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240110	Braedon Bigham	6/27/2024	3334 PORT WASHINGTON RD, PEN	Amend zoning to bring BDE into zoning compliance
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Email Applicant of LTC Meeting	

North Pender

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
NP-SUB-2023.1	Brent Mayenburg	9/22/2023		2218 Clam Bay Road - Edgewood Estates - Re-activated subdivision for 12 lot bare land strata
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Waiting for Conditions	Determine Next Steps - PL	

Application Number	Applicant Name	Date Received	Address	Purpose
NP-SUB-2023.2	Greg Atkins	10/18/2023	0 JAMES ISLAND	Lots 1-5, James Island: Referral of a subdivision application for 79 new lots
Planner		Status	Most Recent Completed Activity	
Brad Smith		Administrative Approval	Record and File PLR	

Application Number	Applicant Name	Date Received	Address	Purpose
NP-SUB-2020.1	Bradford Gilbert	3/5/2020	1610 SCHOONER WAY, PENDER I	A subdivision referral for a boundary adjustment subdivision.
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Administrative Approval	Record and File PLR	

Islands Trust

LTC EXP SUMMARY REPORT F2025

Invoices posted to Month ending November 2024

650 North Pender	Invoices posted to Month ending November 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	300.00	0.00	300.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	1,670.00	805.89	864.11
65210-650	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
TOTAL LTC Local Expense		<u>1,970.00</u>	<u>805.89</u>	<u>1,164.11</u>
Projects				
73001-650-4132	North Pender Raptor Nest DPA update	5,000.00	90.00	4,910.00
73001-650-4137	North Pender Housing Access & Affordability	15,000.00	1,587.76	13,412.24
TOTAL Project Expenses		<u>20,000.00</u>	<u>1,677.76</u>	<u>18,322.24</u>

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

Standing Resolutions Log

North Pender Island

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

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
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



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 19TH, 2024 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- Chair Smith provided a reminder that there will be an election for Chair and Vice Chair in January 2025, and advised she will be stepping down as Chair.
- The ITC Board and ITC staff reported on the highlights of attending the Salish Sea Conservation Forum on Galiano Island on October 18th, 2024.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board adopted the proposed board meeting schedule from January 2025 to March 31st, 2026. Staff were directed to schedule the following ITC board meeting dates: January 21st, May 27th, October 7th, November 18th, 2025 and January 20th, 2026 as electronic meetings, and list the Victoria office board room as the public meeting location. Three in-person meetings will be held on March 18th and July 22nd, 2025, and March 17th, 2026.
- The ITC Board approved an increase of \$7,582 to its proposed 2025-26 Salaries and Benefits budget (Islands Trust Contribution) due to an error in its earlier submission relative to the amount available from the Environment and Climate Change Canada Contribution Agreement for Salaries and Benefits in 2025-26. In light of the increasing budget line request, the Board approved reducing the Board's training budget line by \$3,000 (originally increased to support education on Indigenous Conserved and Protected Areas). The board directed staff to provide these changes to the Financial Planning Committee and Trust Council.
- The ITC Board will indicate to Financial Planning Committee and Trust Council its supports for the Trust Area Services business case for an Auxiliary Policy Advisor for 2025-26 as this position is critical for ongoing intergovernmental and policy work. The ITC Board requests that a portion of an Auxiliary Policy Advisor position be dedicated to support the Conservancy's engagement with First Nations on the development of its next Five Year Plan.
- Trustee Elliott provided an update to the ITC Board from Executive Committee. Items reported include identifying an upcoming Executive Committee meeting on November 20th in preparation for Trust Council's December meeting, welcoming the new Islands Trust Chief Administration Officer, Reuben Bronee, and that the Policy Statement amendment project is proceeding through Committee of the Whole discussions and will go to communities and ITC before it is finalized.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- Trustee Yates reported that no changes to the proposed ITC budget were requested by Financial Planning Committee.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including that the Committee is reviewing the Trustee remuneration policy to ensure that Islands Trust is following best practices and is submitting two business cases to Financial Planning Committee for inclusion in the 2025-26 budget; for a full-time Corporate Secretary and for policy assistance. The committee also set its 2025-26 meeting schedule and supported a suggestion to create a governance manual to help organize policies.
- The ITC Board received a Salt Spring Island LTC Planning Referral Notice and discussed how best to review and comment referrals in a timely manner.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved the conservation proposal submitted by Tara Martin to place a NAPTEP covenant on approximately 1 ha of Salt Spring Island, subject to review of First Nations responses and to Ministerial approval, to protect woodlands and herbaceous habitats, maturing dry Douglas-fir forest, and connectivity with adjacent protected areas.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board granted the request of Sallas Forest Strata, Sidney Island, to use an excavator to extract invasive *Crataegus monogyna* (hawthorn) trees from covenants ES065747 (Dragonfly Pond), ES65743 (Woodpecker Pond), and ES065749 (Kingfisher Pond) and to dispose of the biomass on site by burning. A temporary waiver of certain sections of the covenant was granted, subject to specific terms to allow this work.
- The ITC Board accepted the ITC Natural Area Protection Tax Exemption Program (NAPTEP) Covenant Monitoring Report 2024 and directed staff to address compliance and ecological concerns as identified in the report.
- The ITC Board accepted the ITC Nature Reserve Monitoring Report 2024 and directed staff to address the recommendations as identified in the report.
- The ITC Board approved soil moisture research at Link Island Nature Reserve by the Swift family, subject to First Nations consultation and the covenant holder's approval.
- The ITC Property Management Specialist presented a briefing on Gambier Island Local Trust Committee requesting the use of Squamish language on ITC Nature Reserve signage on Gambier Island.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

5. COMMUNICATIONS AND OUTREACH

- The ITC Board directed staff to prepare and submit a letter from the ITC Board to the Minister of Municipal Affairs that reiterates the ITC's desire to undertake meaningful First Nations engagement, explains the ITC's staff capacity challenges, provides the Board's proposed ITC Plan engagement outline, and seeks the Minister's support for the updated timeframe for development and submission of the next ITC Plan.
- The ITC Board requested that Director Frater consider if a portion of the new Trust Area Services Policy Advisor position, supposed by Trust Council in September 2024, can be targeted to assist ITC staff with the Five Year Plan/First Nations Engagement project or if ITC can seek similar funding for an ITC Policy Advisor position for this and other policy requirements.
- The ITC Board requested Chair Smith write a letter on behalf of ITC to Trust Council regarding having not been consulted by Trust Council before the request for a Provincial review was made.
- The ITC Communications Specialist presented a briefing with a Communications and Engagement Strategy for ITC's 35th Anniversary.
- The ITC Strategic Fund Development Specialist advised that the annual holiday appeal will launch this year on Giving Tuesday on Tuesday December 3rd.

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DATE OF MEETING: January 31, 2025
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: 6601 Razor Point Road

PURPOSE

The purpose of this memo is to provide the Local Trust Committee with requested implications of and options for amending zoning on 6601 Razor Point.

BACKGROUND

The 10.89 ha (26.9 acre) Rural Residential 2 (RR2) zoned property is located at 6601 Razor Point Road and encompasses Razor Point. Zoning permits one house, one secondary suite and one cottage and the minimum average lot area is 0.6 ha, resulting in a subdivision potential of up to 18 lots.

The lot was the subject of a recent variance to permit a reduced setback from the natural boundary, increased maximum floor area for a new dwelling and a new cottage, and increased maximum height for a new accessory building.

Subsequently, at the last regular meeting, the LTC adopted the following resolution:

NP-2024-056

It was **MOVED** and **SECONDED**

that North Pender Local Trust Committee request staff to report back with a summary of options and implications associated with downzoning 6601 Razor Point property.

ANALYSIS

‘Downzoning’ is a term commonly used to refer to situations in which a local government initiates a reduction of the intensity or density of land use, or the removal of previously permitted uses, on a property by amending the applicable zoning.

Legislation

In general, downzoning is a valid exercise of a local government’s legislated authority: Section 458 of the *Local Government Act* establishes that compensation is not payable to any person for any reduction in the value of that person’s interest in land or for any loss or damage resulting from the adoption of an official community plan

or a zoning bylaw. However, this does not apply when a zoning bylaw restricts the use of land to a public use. Given its general controversy and potential for litigation, downzoning is rarely exercised by local governments.

Non-conforming protection provisions protect existing development from the impacts of downzoning. Section 529 of the *Local Government Act* holds that if, at the time a zoning bylaw is adopted, land or a building or structure that the bylaw applies to is being “lawfully used” and such use does not conform to the new bylaw, the existing use may be legally continued as a nonconforming use. Subsection 529(4) clarifies that a building or structure that is “lawfully under construction” at the time of adoption of a land use bylaw is considered to be existing at that time and to be in use for its intended purpose. Consequently, downzoning cannot prevent the completion of a building or structure that complies with the old zoning if the building or structure is lawfully under construction.

Also, Section 511 of the *Local Government Act* protects in-stream subdivision applications from complying with a new or amended bylaw for a period of 12 months after the bylaw is adopted, unless the applicant agrees in writing. In effect, this means that an applicant can submit a subdivision application once a bylaw amendment is initiated and has the period leading up to bylaw adoption plus 12 months to complete the subdivision under the existing zoned density.

Legal Risks

As a downzoning is typically not supported by the affected landowner, such amendments are often subject to legal attack. The grounds for a challenge can include:

- Failure to follow statutorily prescribed procedures, often around the public hearing process.
- Bad Faith, Unreasonableness, or Improper Purpose are also typical bases for challenging downzoning bylaws.
- Constructive taking, when a landowner asserts that a downzoning is an effective expropriation.

Options

The LTC has requested options associated with downzoning. As the property currently only permits one dwelling and one cottage, but has significant subdivision potential, it is assumed that an LTC initiated amendment would be directed at subdivision potential:

1. Amend zoning to reduce subdivision potential –removing all or most potential lots.
2. Amend zoning to remove subdivision potential but permit some or all dwellings and cottages equivalent to lots.
3. Rezone to delineate areas for clustered lots – i.e. conservation subdivision design.
4. Density bonus: amend zoning to reduce current subdivision potential but permit full development with provision of a prescribed amenity.

These options would affect the potential to subdivide, but the dwelling currently under development would have non-conforming protection and such an amendment would not address land alteration and tree removal (outside the existing woodland DPA).

Prioritization

As an LTC-initiated amendment, a downzoning would need to be identified by the LTC as its Minor Project (assuming the project could be completed for under the \$5,000 maximum for a Minor Project). The LTC's current Minor Project (Raptor Nest DPA update) would need to be completed or halted, budget would need to be allocated by the Director, and staff resources provided for a new project. Depending on whether or not an OCP amendment would be required, such a project could take up to a year or more to complete. As mentioned above, initiation of such a project could precipitate the owner to submit a subdivision application, potentially with a less than optimal layout in order to maximize the number of lots, comply with development permit guidelines, and avoid variances. Under Section 511, the owner would have one year after adoption of such a bylaw to complete the subdivision.

Submitted By:	Robert Kojima, Regional Planning Manager	January 23, 2025
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