



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 20, 2023
Time: 10:30 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	10:30 AM - 10:30 AM	
2.	APPROVAL OF AGENDA	10:30 AM - 10:35 AM	
3.	TRUSTEE REPORT	10:35 AM - 10:45 AM	
4.	CHAIR'S REPORT	10:45 AM - 10:50 AM	
5.	ELECTORAL AREA DIRECTOR'S REPORT	10:50 AM - 10:55 AM	
6.	TOWN HALL AND QUESTIONS	10:55 AM - 11:10 AM	
7.	COMMUNITY INFORMATION MEETING		
	None		
8.	PUBLIC HEARING		
	None		
9.	MINUTES	11:10 AM - 11:15 AM	
9.1	Local Trust Committee Minutes Dated October 27, 2022 (for Adoption)		4 - 12
9.2	Local Trust Committee Special Meeting Minutes of December 1, 2022 (for Adoption)		13 - 14
9.3	Section 26 Resolutions-without-meeting Report - None		
9.4	Advisory Planning Commission Minutes Dated - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated Jan 2023		15 - 17
11.	DELEGATIONS		

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

11:15 AM - 12:00 PM

- | | | |
|------|---|---------|
| 13.1 | NP-TUP-2022.4 (O'Malley) - Staff Report (attached) | 18 - 47 |
| 13.2 | NP-RZ-2022.1 (Sidney Island) - Staff Report (attached) | 48 - 65 |
| 13.3 | Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137 (for response) (attached) | 66 - 75 |

14. LOCAL TRUST COMMITTEE PROJECTS

12:00 PM - 1:30 PM

- | | | |
|------|--|-----------|
| 14.1 | Land Use Bylaw Review Project – Staff Report (attached) | 76 - 93 |
| 14.2 | North Pender Local Trust Committee Draft Fees Bylaw No. 226 - Staff Report (attached) | 94 - 102 |
| 14.3 | North Pender Island Local Trust Committee Draft Delegation Bylaw No. 231 - Staff Report (attached) | 103 - 108 |
| 14.4 | Groundwater Sustainability Implementation Project Update - Staff Report (attached) | 109 - 136 |

15. REPORTS

1:30 PM - 1:40 PM

- | | | |
|--------|--|-----------|
| 15.1 | Work Program Report (attached) | |
| 15.1.1 | <u>Local Trust Committee Work Program Review - Staff Report (attached)</u> | 137 - 142 |
| 15.1.2 | <u>Active Projects Report Dated Jan 2023</u> | 143 - 143 |
| 15.1.3 | <u>Future Projects Report Dated Jan 2023</u> | 144 - 145 |
| 15.2 | Applications Report Dated Jan 2023 (attached) | 146 - 149 |
| 15.3 | Trustee and Local Expense Report Dated Nov 2022 (attached) | 150 - 150 |
| 15.4 | Adopted Policies and Standing Resolutions (attached) | 151 - 156 |
| 15.5 | Local Trust Committee Webpage | |
| 15.6 | Islands Trust Conservancy Report Dated Nov 2022 (attached) | 157 - 158 |

16. NEW BUSINESS

1:40 PM - 1:45 PM

- | | | |
|------|---|-----------|
| 16.1 | Letter from W̱SANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments | 159 - 167 |
|------|---|-----------|

17. UPCOMING MEETINGS

1:45 PM - 1:50 PM

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

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

18. TOWN HALL 1:50 PM - 2:00 PM

19. CLOSED MEETING - None

20. ADJOURNMENT 2:00 PM - 2:00 PM



DRAFT

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

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: October 27, 2022
Location: Electronic Meeting

Members Present: Trustee Sue Ellen Fast, Chair
Benjamin McConchie, Trustee
Deb Morrison, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Lauren Edwards, Recorder

There were approximately 16 members of the public in attendance.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Add: Correspondence from Joyce Thayer to Section 13.1 Land Use Bylaw Project.

Add: Amendment for North Pender LTC Minutes of August 13, 2022 to Section 15.2 New Business.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee McConchie congratulated Trustee Morrison, Chair Patrick, Chair Fast and all others who were successful in their elections and wished them luck. He acknowledged their care about the islands and said he would support them as an ex trustee. He also acknowledged Regional Planning Manager Robert Kojima, Planner Kim Stockdill and Islands Trust staff for their work over the past few years and through the changing times.

Trustee Morrison thanked all who participated in the elections and stated that the conversations were helpful and valuable and that she will consider the use of Facebook going forward. She commented positively on the use of the *Pender Post*, respectful conversations and working with Trustee McConchie. She said the term had been challenging on various fronts including the global pandemic.

4. CHAIR'S REPORT

Chair Fast read from Chair Patrick's message which said she was honored to have served in the chair role and get to know the people on Pender Island and especially the trustees.

Chair Fast congratulated Trustee Morrison and thanked the trustees for their service. She reported that:

- Trust Council meeting for newly elected trustees will be held November 17th to 19th in Victoria;
- elections will be held for Executive Committee;
- an online Trust Council meeting is scheduled for December 6th to 8th; and
- LTC meetings will resume in 2023.

5. TOWN HALL AND QUESTIONS

Joyce Thayer, a fulltime North Pender resident, stated that an over height building in the Clam Bay Road area has been incorrectly approved. She suggested that a legal opinion be sought and is looking for a solution going forward.

Michael Sketch, a North Pender resident, asked that trustees resolve the wording regarding the Browning Marina to Driftwood corridor in the Project's List.

Michael Sketch requested the Local Trust Committee (LTC) rethink the staff recommendations in the staff report to omit the setback distances from sewage fields and stated the bylaw is missing the potential for enforcement. He asked that the LTC leave this project for the next term.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated September 29, 2022 (for Adoption)

NP-2022-121

It was moved and seconded,

that the North Pender Island Local Trust Committee meeting minutes of September 29, 2022 be adopted as presented.

CARRIED

8.2 Section 26 Resolutions-without-meeting Report - None

8.3 Advisory Planning Commission Minutes – None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Oct 2022

Planner Stockdill reported that groundwater project maps can be found on the Groundwater Sustainability Project webpage and that all maps and reports are under folder #5.

Discussion occurred on the reporting of the follow up action items and RPM Kojima stated that a status report will be prepared to lead discussion and inform the new LTC members. The Land Use Bylaw (LUB) Project public hearing date is to be decided.

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 Mayne Island Local Trust Committee Referral for Proposed Bylaws 181 and 183 (for response)

RPM Kojima provided an overview of the Mayne Island LTC referral regarding rezoning a 10-acre property to allow for construction of multifamily rental housing. The application is at second reading and for public hearing next month.

NP-2022-122

It was Moved and Seconded,

that North Pender Island Local Trust Committee interests are unaffected by bylaws 181 and 183.

CARRIED

Discussion occurred regarding the review process and to flag the item for Trust Council.

12.2 NP-DVP-2022.1 (Regan) - Staff Report

Planner Stockdill provided an overview of the staff report and commented that the applicant provided three letters of support from neighbours.

The applicant, Heather Regan, spoke to the fact that the siting of the deck would increase neighbour privacy and did not require the removal of trees.

NP-2022-123

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2022.1 (Regan).

CARRIED

12.3 NP-TUP-2022.3 (Schrodt) - Staff Report

- Planner Stockdill provided an overview of the staff report which included:
 - The application is for a short-term vacation rental (STVR) of a three bedroom single family dwelling;
 - The application complies with Temporary Use Permit (TUP) Guidelines;
 - There is significant privacy screening, it will only be rented to families and couples and the owners will use the property whenever possible;
 - The closest TUP is 400 meters away and would be the 10th TUP where the policy states a maximum of 20;
 - One letter of support is in the public record and staff spoke to two anonymous neighbours who expressed concerns for STVRs in general;
 - Staff spoke to a third person and offered to relay concern regarding who will monitor the property and what the options are if there is an issue; and
 - The permit must be posted to the front of the property.
- Trustee Morrison reported that she received phone calls from several residents who had difficulty emailing letters to oppose the TUP;
- The applicant, Charles Schrodt, reported that he has an agreed contact who lives on the island full time for any concerns or complaints;
- Discussion occurred regarding the length of TUP approvals, compliance and bylaw enforcement;
- Discussed past problems experienced with STVRs and building trust with elderly neighbours;
- It was reported that the applicant canvassed the neighbourhood;
- Charles Schrodt provided history on a direct neighbour's B&B and stated that over several years there were no instances of loud parties or police being called;
- Planner Stockdill reported the anonymous callers are not direct neighbours;
- Discussion occurred on the difficulty for decision making while addressing anonymous concerns;
- Planner Stockdill reported there is an LTC policy that anonymous correspondence should not be considered;
- Discussion occurred regarding bylaw enforcement as the means to address problems and that TUPs cannot be revoked;
- It was requested that a specific description of what constitutes community engagement should be put in the Transition Report for the next Trust Council; and
- It was requested that during the next LTC term, communication can be done highlighting good examples of STVRs.

NP-2022-124

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2022.3 (Schrodt).

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 LUB Review Project – Staff Report

Planner Stockdill reported on some items contained in the Staff Report, including:

- Wetlands and streams should be in a separate project for better analysis;
- An overview was provided on the topic of setbacks for sewage systems and permitted exemptions through a professional reliance model through Island Health;
- Staff are recommending not to include outhouses in the LUB. Discussion occurred on an existing outhouse in Stanley Point area. Planner Stockdill agreed to flag this item for discussion with Island Health and include it in the Follow-up Action List;
- Trustee Morrison requested that, as an additional piece for the LUB project, she would like a means of communication for multiple jurisdictions so there are numbers to phone as opposed to waiting for bylaw enforcement. Chair Fast agreed this would be helpful to the islands as well as bylaw enforcement;
- It was noted for discussion going forward that once the bylaw is finalized, problematic items could be identified for clearer communication;
- An overview was provided on Item 3 of the Staff Report including the CRD definition of floor area. Areas less than 1.5 metres in height would not be defined as a storey and this item is forwarded for the next LTC;
- Outdoor lighting in residential setting should be regulated in nuisance bylaw under CRD. Discussion occurred on the Dark Sky initiatives and it was requested that the Bowen Island Dark Sky bylaw language be brought forward for the next LTC;
- Driftwood Centre item is flagged to bring forward to the next LTC. A request was made that the meaning of lots of water (flooding in November vs water in August) and quality of water be considered;
- Planner Stockdill presented on Item 8 - McKinnon Road. A request was made that the calculation show total square footage maximum. Discussion occurred on the need for communicating the Trust's authority to shift zoning and to make clear roles, responsibilities and mandates. Planner Stockdill agreed to the request; and
- Planner Stockdill raised item #5 regarding agri-tourism and the definition of 'Farm'. She reported the newest letter received will be on the project webpage and that letter writers are recommending the LTC request a legal opinion to avoid further issues relating to the interpretation of current Bylaw 103 which is being corrected through Bylaw 224. Discussion occurred regarding:
 - the help of the legal review to address the current situation and to inform changes to the draft bylaw; and
 - the stated purpose for farm use on building plans is an enforcement issue.

NP-2022-125

It was Moved and Seconded,

that North Pender Island Local Trust Committee ask for a legal opinion about the interpretation of Bylaw No. 103 Subsection 3.4.4 with respect to use of farm and forestry purposes and its impact for revisions in the proposed Land Use Bylaw.

CARRIED

14. REPORTS

14.1 Work Program Report (attached)

14.1.1 Top Priorities Report Dated Oct 2022

14.1.2 Projects List Report Dated Oct 2022

- RPM Kojima stated that he will prepare a report for incoming trustees;
- It was commented that the new target date for the water project is dependent on the LTC and that William Shulba did high resolution maps; and
- Discussed the Browning to Driftwood Corridor Plan and its wording as well as collaboration with CRD and Pender Island Parks Commission regarding coordination of a transportation plan.

NP-2022-126

It was Moved and Seconded,

that North Pender Island Local Trust Committee request staff to adjust Priority Project item 7 to read “coordination on a transportation plan for the Driftwood to Point Browning Corridor”.

CARRIED

14.2 Applications Report Dated Oct 2022

Report received with agenda. No discussion.

14.3 Trustee and Local Expense Report Dated August 2022

Report received with agenda. No discussion.

14.4 Adopted Policies and Standing Resolutions

Report received with agenda. No discussion

14.5 Local Trust Committee Webpage

A request was made that staff post trust-wide issues as a singular message for all trustees. Chair Fast commented that this may be something for Trust Council to address.

Discussion occurred regarding communicating locally and a request was made that this issue be put on the agenda and to consider repurposing a couple of meetings to community information meetings.

14.6 Islands Trust Conservancy Report – None

Chair Fast, as vice chair for the Islands Trust Conservancy, provided an oral report that:

- There has been a lot accomplished this term;
- Deadline is approaching for people making tax decisions and donations;
- Information is available regarding current campaigns;
- There was discussion and collaboration at the Union of BC Municipalities meeting which was attended by provincial ministers, the chair of the Agricultural Land Commission and the Green Party leader;
- Discussion occurred on communication about local conservancy groups and Islands Trust Conservancy and that the Islands Trust Conservancy could be more visible on the support of both the local conservancy and Islands Trust Conservancy; and
- Chair Fast reported that recent elections will change the Islands Trust Conservancy.

15. NEW BUSINESS

15.1 Resolution Wording - Staff Memo

RPM Kojima provided an overview of the memo dated October 27, 2022.

NP-2022-127

It was Moved and Seconded,

that North Pender Island Local Trust Committee request that Trust Council review procurement policy 6.5.3 to provide a method for local trust committees to compensate community members who provide environmental data to Islands Trust.

CARRIED

NP-2022-128

It was Moved and Seconded,

that North Pender Island Local Trust Committee request that Trust Council prioritize and support the creation of protocol agreements with First Nations.

CARRIED

15.2 Amendment for North Pender LTC Minutes of August 13, 2022

It was reported that the minutes of the August 13, 2022 LTC meeting require amendment to the resolution regarding accessory buildings/structures. The term “uses” was omitted in the resolution.

NP-2022-129

It was Moved and Seconded,

that North Pender Island Local Trust Committee request that staff verify the resolutions from the August 13, 2022 minutes include “uses” when referencing “accessory uses buildings and structures”.

CARRIED

16. INFORMATION ITEMS

16.1 The Climate Projections Report for Islands Trust Area

<https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area/>

16.2 Islands Trust Conservancy Current Campaigns

<https://islandstrust.bc.ca/conservancy/current-campaigns/>

16.3 2022 Election Results Trust Council

<https://islandstrust.bc.ca/about-us/governance/2022-local-election/>

16.4 Nov 2022 Islands Trust Council Quarterly Meeting Announced

<https://islandstrust.bc.ca/event/trust-council-quarterly/>

17. UPCOMING MEETINGS

17.1 Next Regular Meeting - to be determined

- RPM Kojima provided an overview of the process towards creating the annual meeting schedule;
- It was confirmed that the LTC is not meeting in November; and
- The topic for the first meeting with the new LTC will be meetings and how to schedule them.

NP-2022-130

It was Moved and Seconded,

that North Pender Island Local Trust Committee cancel its November 24, 2022 regular meeting.

CARRIED

NP-2022-131

It was Moved and Seconded,

that North Pender Island Local Trust Committee request staff to schedule a short electronic meeting about scheduling around early December.

CARRIED

18. TOWN HALL

Michael Sketch of North Pender Island made the following comments:

- With regards to Rural Residential (RR) Zoning and over height buildings, one approach might be to require farm tax status as a condition before consideration of zoning permission;
- With regards to the LUB project, the waste transfer facility zone (McDonald farm area) is shown on the OCP map schedule but it is not shown on the LUB map schedule;
- Planner Stockdill responded that the land use amendment for waste transfer facility is in proposed bylaw 229;
- With regards to the Hamilton Road Industrial zoned property in the ALR, there is no non-farm use for that particular piece of ALR allowed by the ALC to date. The current LUB allows for boat storage and current wording is accessory buildings, but that permission is not given by ALC; and
- Trustee Morrison responded that she is aware of the zoning on Hamilton Road and a confirmation letter is expected from the ALR or it will be pulled from the bylaw. She asked that this item is noted for the new trustee's information.

19. CLOSED MEETING – None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:23 pm.

Sue Ellen Fast, Chair

Certified Correct:

Lauren Edwards, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: December 1, 2022

Location: Electronic Meeting

Members Present: David Maude, Chair
Tim Peterson, Trustee
Deb Morrison, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Brad Smith, Planner 2
Pat Todd, Recorder

1. CALL TO ORDER

Chair Maude called the meeting to order at 11:30 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Chair Maude introduced Trustees and Staff.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

BUSINESS ITEMS

3.1 Draft 2023 LTC Meeting Schedule

Points of discussion:

- Accessibility to meetings
- Friday vs. Thursday to increase attendance
- Get community talking
- Staff availability/travel
- Saturday special-meetings occasionally
- Hybrid – staff can join without travelling
- Question of Recorder: ads out for hiring
- Community Resources (CRD) may have equipment for streaming
- February meeting special meeting regarding budget for community input
- Fees Bylaw and Delegations Bylaw – motion was made at previous meeting to bring forward to next term

- Trustee Campbell to speak with Planner Stockdill regarding Land Use Bylaw (LUB) Review Project.
- Chair Maude to review LUB Review Project.
- Bylaw Enforcement: meeting in spring – March or April 2023.

NP-2022-132

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt the 2023 annual meeting schedule with regular meetings on January 20th, March 24th, April 28th, May 26th, July 28th, September 29th and November 24th.

CARRIED

NP-2022-133

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to schedule special meetings in 2023 for February 25th, June 24th and October 28th, at the Community Hall if available, and meetings be advertised in the Pender Post.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:55am.

David Maude, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

North Pender Island

28-Jan-2021

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

27-May-2021

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

27-Jan-2022

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

28-Apr-2022

Activity	Responsibility	Dates	Status
1 14.3 Groundwater Sustainability Project 1. Use of cisterns on private land for fire prevention (by fire department).	Narrisa Chadwick	Target: 20-May-2022	Completed

Follow Up Action Report

North Pender Island

27-Oct-2022

Activity	Responsibility	Dates	Status
1 8.1 Minutes of Sept 29, 2022 regular LTC meeting adopted as is.	Robin Ellchuk	Target: 10-Nov-2022	Completed
2 12.1 Mayne LTC Bylaw Nos. 181 & 183 - Interests Unaffected.	Jas Chonk	Target: 10-Nov-2022	Completed
3 12.2 NP-DVP-2022.1 (Regan) - approved. Staff to issue permit and close file.	Jas Chonk	Target: 18-Nov-2022	Completed
4 12.3 NP-TUP-2022.3 (Schrodt) - TUP approved for three years. Staff to issue permit, add notification to TAPISinfo (COMPLETE), and close file.	Jas Chonk	Target: 18-Nov-2022	Completed
5 13.1 LUB Review Project: (IN PROGRESS - FEB 2023) 1. Add community information meeting and Public Hearing options to staff report. 2. Attach correspondence regarding 'farm use' to next staff report. 3. Send email to Island Health regarding privy regulations (ie. Stanley Point). 4. Light pollution over water regulations (review Bowen bylaw).	Kim Stockdill	Target: 13-Jan-2023	In Progress
6 13.1 Staff to request legal opinion on Section 3.4.4 of Bylaw No. 103 and impacts to proposed land use bylaw amendments. (IN PROGRESS - FEB 2023)	Kim Stockdill	Target: 09-Dec-2022	In Progress
7 14.1 Staff to change description of 'Browning to Driftwood Corridor Plan' on the Future Projects List.	Kim Stockdill	Target: 11-Nov-2022	Completed

Follow Up Action Report

North Pender Island

27-Oct-2022

Activity	Responsibility	Dates	Status
8 15.1 Staff to send items to Trust Council regarding the procurement policy and FNs protocol agreements. - Resolutions forwarded to the Directors of Administration and Trust Area Services respectively - Manager of ITC has spoken to community member and he is aware of issues	Robert Kojima	Target: 25-Nov-2022	Completed
9 15.2 Staff to review previous minutes for errors regarding resolutions for industrial zoning.	Kim Stockdill	Target: 25-Nov-2022	Completed
10 17.1 Staff to cancel the regular scheduled NP LTC meeting on November 24, 2022. Staff to cancel hall booking, post on website, and send message to email subscribers.	Jas Chonk Robin Ellchuk	Target: 10-Nov-2022	Completed
11 17.1 Staff to schedule an electronic NP LTC special meeting in order to discuss 2023 LTC meeting schedule. (tentative date of Thursday, Dec 1, 10-11AM)	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 10-Nov-2022	Completed

File No.: NP-TUP-2022.4 (O'Malley)

X-ref NP-TUP-2020.5 & NP-TUP-2017.3

DATE OF MEETING: January 20, 2023

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit - STVR
Applicant: Pauline O'Malley
Location: 1603 Schooner Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2022.4 (O'Malley)

REPORT SUMMARY

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

BACKGROUND

The application is for an STVR use proposed within an existing four (4) bedroom dwelling with a proposed maximum number of guests of eight (8) adults and three (3) children. The oceanfront property is located within Magic Lake Estates.

The STVR use has been permitted under a TUP since 2017: NP-TUP-2017.3 issued in November 2017 and renewed in November 2020 (NP-TUP-2020.5) for two (2) years. Under the *Local Government Act*, TUPs can be issued for a maximum of three (3) years and renewed once without notification to neighbours for a further three (3) years. As such, to continue the use, the applicants have made a new application and notification to neighbouring properties has been undertaken ('Consultation' - below).

The applicant resides in the dwelling for the majority of the year except for the summer months. They are requesting to rent out the STVR for a maximum of ninety (90) days from May 1 to September 30 in a calendar year. The proposed maximum number of guests is eleven (11) (eight [8] adults and three [3] children). The applicants have provided their rationale for the STVR TUP in their Letter of Purpose (attachment no. 3).

This STVR use predates the amendments to the TUP Guidelines (Bylaw 222 adopted March 2022) which in part added guidelines to restrict the number of guests to a maximum of six (6) and the number of days in the

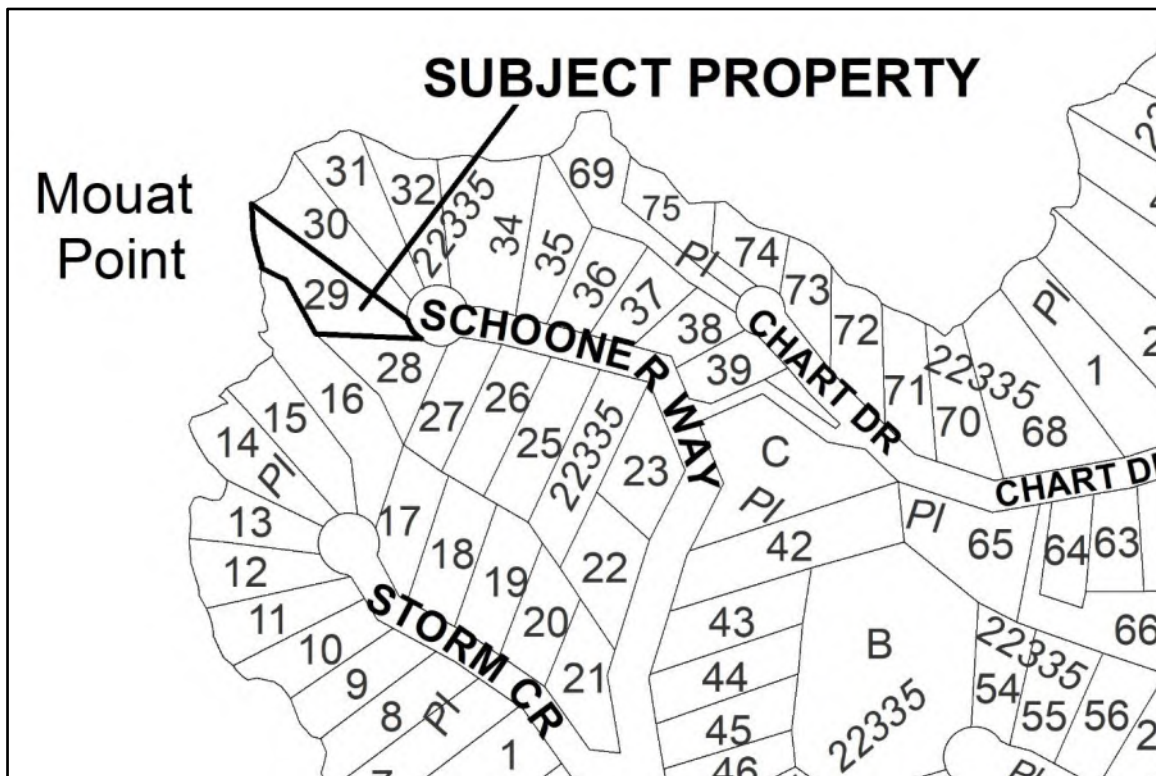
summer to thirty (30). Since the original TUP the Islands Trust has received no formal complaints, nor have any issues been reported to staff from neighbours.

The applicant has provided an addendum to their application that includes the rationale for the use and exceeding two of the TUP Guidelines (Attachment 3). A copy of the proposed guest information booklet is Attachment 4.

The property is 0.22 ha (0.55 ac) in size and with the dwelling located on the cul de sac end of Schooner Way (Figure 1). The area between the dwelling and road has sufficient room for two (2) cars. The property is a steep sloped, narrow lot that is well treed with the mature vegetation providing privacy and sound absorption to adjacent properties.

- There is no new development proposed with this application.
- A copy of the Notice is Attachment 8 and the proposed TUP is Attachment 9.
- Staff visited the property on January 6, 2022.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

Official Community Plan:

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

A completed STVR checklist for this proposal is Attachment No. 5. The checklist includes comments on how, and if, the application complies with the STVR TUP guidelines.

A portion of the property is located within the **Woodland Development Permit Area No. 1**. As there is no land alteration or construction intended, a Development Permit is not required. A requirement for the applicant to provide information on the DPA to all guests is a condition in the draft TUP.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)**. RR zoning permits a single-family dwelling and accessory uses.

Issues and Opportunities

Cumulative Impacts, Proximity and Number of STVRs

Assessing cumulative impacts entails that the LTC's exercise its discretion to determine where the threshold for impacts lie for a local neighbourhood and the island as a whole on a case-by-case basis. Assessing compliance with existing policies for maximum guest capacity, a cap on STVRs numbers in Magic Lake Estates, distance to other STVRs, and other information provides guidance for that determination.

There are two other STVR permits in the immediate neighbourhood, however, this STVR use was the first to be permitted and therefore no cumulative impacts are expected (Attachment 6).

Policy 6.4.18 limits the maximum number of permits to twenty (20). There are currently eleven (11) TUPs issued for STVRs, and all are in Magic Lake Estates.

Potential Impacts on Direct Neighbours and Neighbourhood

The potential impacts of an STVR use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

Given the size of the subject property, the location of the dwelling on the property, accommodation for required parking, the applicant's attention to neighbour privacy and the proposed screening process, impacts on neighbours should be minimal. In addition, the STVR use has been in operation for five years with no formal complaints.

TUP Conditions

The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP. The recommended term of three (3) years is the maximum permitted by legislation (above), and the owners would be eligible to apply to renew for a further three (3) years. The LTC may opt to reduce that timeframe if they judge that a shorter time to gauge any impacts and concerns prior to a renewal application is preferable.

The previously issued TUP included no restrictions on the amount of days the STVR use could be in operation; however the applicant has proposed to add a restriction on the number of days in light of the newly adopted STVR TUP guidelines. The draft TUP circulated for notice would allow a maximum of ninety (90) days from May 1 to September 30 summer months versus the policy guideline of a of thirty (30) days.

The LTC may opt to amend that condition in the draft TUP to be consistent with the thirty (30) day policy.

Additional Conditions

There are other guidelines that have not been included in the draft TUP that the LTC may opt to include by amendment. These are as follows:

- *The following **mitigating measures** are required:*
 - *retention of existing screening and fencing; and/or,*
 - *the installation of addition screening; and*
- *the **dates** during which the use may occur are limited to _____.*

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, published in the *Driftwood* newspaper (Attachment 8) and posted on North Pender Island community bulletin boards. The notification period ends at 4:30 p.m. on January 18, 2023.

At the time of writing, staff has received no responses to notification. The applicant has provided letters from their direct neighbours outlining their support for the TUP application (Attachment 7). Any further submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. 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

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

- Although the number of guests exceeds the current TUP guideline of six (6) maximum guests, the issuance of the TUP would provide an opportunity for larger families to gather and stay on North Pender. The previously issued TUP permitted the STVR to accommodate eleven (11) guests in total and no complaints were received during that time.
- The rationale for the use is reasonable for the property and within the neighbourhood;
- The cumulative impacts of STVR use from approval of the TUP would be small given the STVR use has been in operation for the past 5 years and community members are familiar with the STVR rental.
- The TUP issued previously did not limit the number of days during the summer. Although the current application does not comply with the guideline of a maximum of 30 days, the current neighbours are in support of the application (90 days maximum during the summer months) and no concerns have been raised from previous summer periods. In addition, the applicants state that they have a minimum rental period of seven days during the summer months which reduces the number of new renters visiting the property; and,
- Two letters of support have been received.

ALTERNATIVES

1. Request further information

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

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

2. Amend or Add conditions

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

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2022.4(O'Malley) be amended by the addition of the following condition(s): _____

3. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Temporary Use Permit application NP-TUP-2022.4 (O'Malley).

Submitted By:	Kim Stockdill, Island Planner	January 11, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 12, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Addendum Letter of Purpose
4. Guest Information
5. Guideline Checklist
6. STVR Issued Permits Map
7. Letters of Support (2)
8. Notice
9. Draft TUP

APPENDIX 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 29, Section 9, Pender Island, Cowichan Land District Plan 22335
PID	003-275-434
Civic Address	1603 Schooner Way

LAND USE

Current Land Use	Residential (one single family dwelling)
Surrounding Land Use	Residential (single-family dwellings)

HISTORICAL ACTIVITY

File No.	Purpose
NP-TUP-2017.3 & NP-TUP-2020.5	TUP issued and renewed for STVR in dwelling unit.

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential (RR) The subject property is in Development Permit Area 1 for the protection of Woodland Ecosystems.
Land Use Bylaw	Zoning: Rural Residential (RR) RR zoning permits a single-family dwelling and accessory uses The foreshore adjacent the subject property is zoned Water 1 (W1).
Other Regulations	Staff are unaware of any additional applicable regulations concerning the subject application.
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	No Trust Fund Board interests in the vicinity of the subject property
Regional Conservation Strategy	The subject area is of lower to medium habitat composition importance according to the Islands Trust Fund regional conservation plan: Our Priorities - Conservation Planning
Species at Risk	Coast Douglas Fir/Oregon Grape Ecological Community

Sensitive Ecosystems	Woodland Sensitive Ecosystem (Primary Class)
Hazard Areas	Half of property characterized by “medium” slope stability hazard
Archaeological Sites	No recorded archaeological sites on the property. However, RAAD mapping shows the potential for unrecorded archaeological features within 50 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will burn fossil fuels travelling from their points of origin. Staff are unaware at the present time whether the property is at risk of climate change related hazards.
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	No other available shoreline data in TAPIS

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

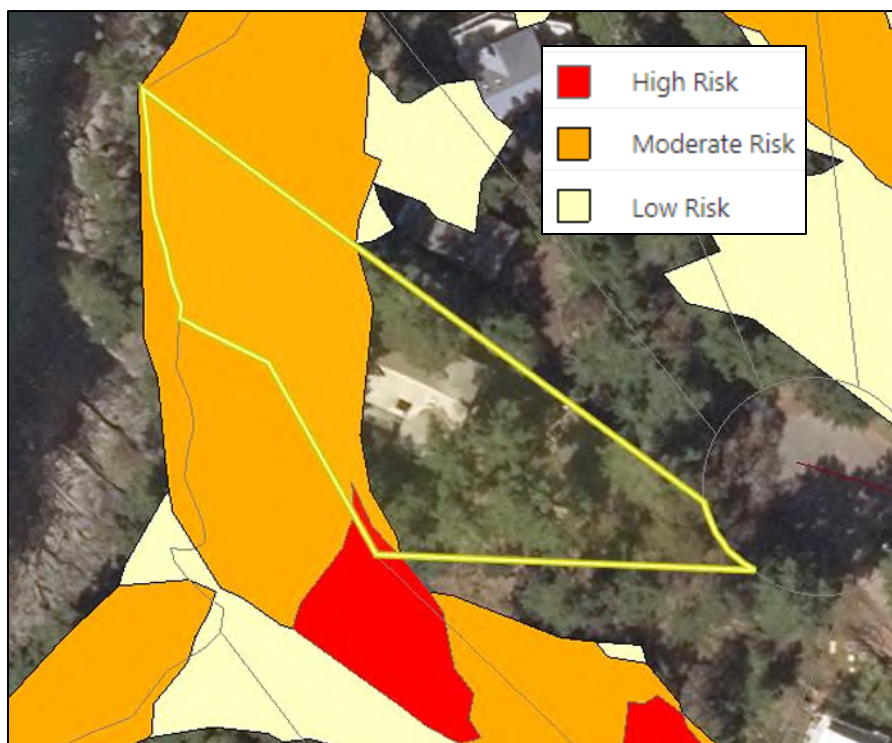
2.1 ORTHOPHOTO



2.2 WOODLAND DPA



2.3 CONTOURS & STEEP SLOPE HAZARD MAPPING



2.4 PHOTOGRAPHS (2017)



Image 1: View of subject property from Schooner Way.



Image 2: View of subject property parking area. Staff estimate sufficient offstreet parking for four cars.



Image 3: Stairs from driveway to subject dwelling.



Image 4: View of subject dwelling from water.

Land Use Application – TUP – STVR – Addendum A

We have been renting to guests since 2017 with TUP license with zero complaints from neighbours. Letters from our neighbours who live right next door are attached. I have lived in Magic Lake since 1985 when I purchased my first house [REDACTED]. I sold that house around 2000. When Kari Yuers and I decided to buy a home together 14 years ago, we chose Pender Island again. We love the island, cherish our neighbours and still consider Pender Island home.

We were the first STVR in the area, and is therefore an established use prior to any other STVR's in the neighbourhood. In all this time, we have not had any complaints from our neighbours. We ask that we be allowed to operate in this continued capacity.

Our home is a large two storey 4 bedroom, 3 full bathroom house with a total of 3000 square feet. All of the bedrooms are very spacious. There are two bedrooms upstairs with king beds in each and two bedrooms downstairs. One bedroom downstairs has a queen bed, and the other has a queen bed and twin bed for children. Downstairs has one 4 piece bath and upstairs has two 4 piece baths.

This is my home, and Kari and I care deeply about who stays in the house. Therefore, we mostly rent to multigenerational families; grandparents, adult children of those parents and their children. This is the reason why we requested a maximum of 8 adults and 3 children be allowed. This was granted five years ago at the first application hearing when I explained the set-up of the house, and subsequently two years ago when the application was renewed.

I carefully screen the guests before they book. I call them and speak to them personally. Many of the families that stay at my home are repeat guests, year after year. We respectfully request that the same number of guests remain, 8 adults and 3 children maximum to ensure that all family members can stay.

I have commitments to be in Vancouver during the summer months. I occupy the house the rest of the year. This is my Principal residence as indicated on my BC Drivers' License attached.

Also, we certainly do not want the house to be empty, for fear of rodents moving in. We rent the property from mid-June until Labour Day. A minimum stay of 7 nights is required from families. We have extensive house rules that our guests must oblige by. Our neighbours keep an eye out for any issues. Our caretaker on the island also stops by periodically to ensure that guests are abiding by our rules. A copy is attached.

We appreciate that new restrictions have been put in place to restrict days. Our current TUP allows unlimited days and we have had no complaints from neighbours. We respectfully request that we be allowed to have guests stay a maximum of 90 days during the summer months.

Thank you for your consideration.

Pauline O'Malley
[REDACTED]

Cleaner Check List

To-Do List:

- ☐ Wash all linens and dish towels, bath towels and bathmats on site
- ☐ DO NOT remove pillow protectors or mattress protectors UNLESS DIRTY
- ☐ Use the Cotton sheets in the SUMMER and Flannel in the WINTER
- ☐ All of the extra clean linens are in Storage Room downstairs
- ☐ Storage room key is kept between mattress and box spring in Queen room downstairs
- ☐ Storage room must always be LOCKED from guests
- ☐ Gently clean the TVs (dust) and remove fingerprints
- ☐ Ensure cobwebs gone
- ☐ Ensure windows clean inside and out
- ☐ Replace light bulbs if needed (stored in laundry area in upstairs kitchen)
- ☐ Ensure a box of Kleenex is in every room
- ☐ Replace burnt out bulbs or batteries

Summer Check out/in:

- ☐ Out: 10am or earlier – no exceptions
- ☐ In: 4 pm or later – no exceptions

Damage: Take a picture and text to me immediately

Inspection:

- ☐ TV turns on (with remote)
- ☐ All lights work
- ☐ Bed is not broken (quick lie down on bed)
- ☐ All faucets work
- ☐ Toilet flushes
- ☐ Fridge is on
- ☐ Wine Fridge is plugged in
- ☐ Oven and stove turn on
- ☐ All furniture is in good condition

Bathroom Checklist:

- ☐ Clear room of all unwanted items and throw garbage in bin
- ☐ Dust high, then low
- ☐ Clean the cabinets inside and out
- ☐ Shine the mirror
- ☐ Clean the tub, shower with VIM to ensure removal of pink, green or black mildew
- ☐ Disinfect and clean the toilet
- ☐ Clean the sink
- ☐ Take out the garbage and clean wastebasket
- ☐ Replace white kitchen bags with new in wastebaskets
- ☐ Clean all touchpoints (light switch, doorknobs, walls, etc.)
- ☐ Remove used towels and bathmat
- ☐ Replace/Refill hand soap, conditioning shampoo and toilet paper rolls (only 2 rolls of TP per bathroom)
- ☐ Vacuum then mop or hand wipe floor to disinfect

Bedroom Checklist:

- ☐ Clear room of all unwanted items and throw garbage in bin
- ☐ Dust high, then low including artwork and inside/out of cabinets and drawers,
- ☐ Dust blinds, window sills and baseboards
- ☐ Remove soiled linen
- ☐ Make bed with fresh linen
- ☐ Sanitize the telephone and remote controls (if applicable)
- ☐ Vacuum the upholstery
- ☐ Vacuum under the beds and the rest of the floors
- ☐ Use carpet cleaner if need be
- ☐ Take out trash and replace with new bag
- ☐ Place 2 sets of towels neatly folded on bed

Balconies Checklist

- ☐ Clear all trash
- ☐ Clean table and chairs
- ☐ Sweep or blow railings, deck etc.
- ☐ Clean the glass railings
- ☐ Clean the windows inside and out
- ☐ Place chairs neatly by the table
- ☐ Ensure hot tub lid free of debris or fir gum (use Goo Gone)

Living Room Checklist:

- ☐ Clear room of all unwanted items and throw garbage in bin
- ☐ Dust high, then low including artwork, blinds, baseboards and inside/out of cabinets and drawers
- ☐ Sanitize the stereo and remote controls
- ☐ Vacuum and arrange the furniture
- ☐ Wipe down leather couches if need be with clean damp rag
- ☐ Vacuum the rug and floors
- ☐ Mop the floors
- ☐ Clean the fireplace
- ☐ Clean mirror

☐ Text 778-227-8715 when finished.

Thank you. Add anything else you think is important.

For questions, contact Pauline at 778-227-8715

Two Kitchens Checklist:

- ☐ Tea kettle and toaster, need to be put in cupboards to leave kitchen counters clear
- ☐ Thoroughly clean coffee maker and dust off coffee grinder
- ☐ Refill water filter and put in fridge
- ☐ Remove all food from fridge/freezer
- ☐ Clean in/out of fridge/freezer
- ☐ Clean the filter in the bottom of the dishwasher each visit.
- ☐ Never leave ANYTHING in the washer or dryer
- ☐ Leave the lid to the washer open
- ☐ Clear room of all unwanted items and throw garbage in bin
- ☐ Clean garbage bins including recycle bins to the left of the dishwasher
- ☐ Dust high, then low including inside/out of cabinets and drawers and baseboards
- ☐ Clean the dishes and check for cracked plates etc. Take a picture, send to Pauline and discard
- ☐ Wash the cabinets inside and out, around the knobs, stovetop, countertop
- ☐ Clean the toaster and the drawer it is in
- ☐ Clean the drawers and ensure cutlery clean
- ☐ Clean the microwave inside and out
- ☐ Clean all small appliances and make sure they work
- ☐ Wipe down the oven, inside and out, if dirty run the auto clean when you arrive
- ☐ Clean the sinks
- ☐ Clean the table and leave card for guests in platter on table.
- ☐ Take out trash and replace with new bag
- ☐ Check trash on balcony in garbage cans and remove
- ☐ Check trash in recycle bins to the right of the sink, and ensure they are clean
- ☐ Vacuum floor
- ☐ Then mop tile floors (I use hot water with a drop of dishwashing detergent and a little bleach.)

WOODLAND ECOSYSTEMS

NORTH PENDER ISLAND DEVELOPMENT PERMIT AREA

What Are They?

Woodland ecosystems are open deciduous, and mixed deciduous-coniferous forests. They are found on North Pender Island in areas where conditions have prevented the establishment of dense coniferous forests.

Woodland ecosystems generally are restricted to rocky knolls, south-facing slopes and ridges where soils are shallow and extremely dry in summer. They are found along the coast of southern British Columbia, Washington, Oregon and California, and exist here because of the warm, dry climate and fire history of this area.

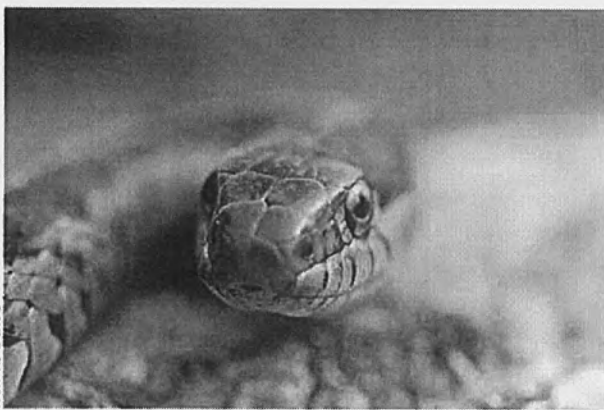
Two woodland ecosystem types are found on North Pender island:

Garry Oak Woodlands

These are biologically rich areas, that support an incredible diversity of plants, including close to 100 species considered to be at risk. In areas with deeper soils, Garry oak woodlands include stunning and diverse wildflower meadows.

Arbutus/Douglas-fir Woodlands

These areas are found on dry south facing slopes with rocky, nutrient-poor soils. They support only a few understorey species such as dull Oregon grape and hairy honeysuckle.

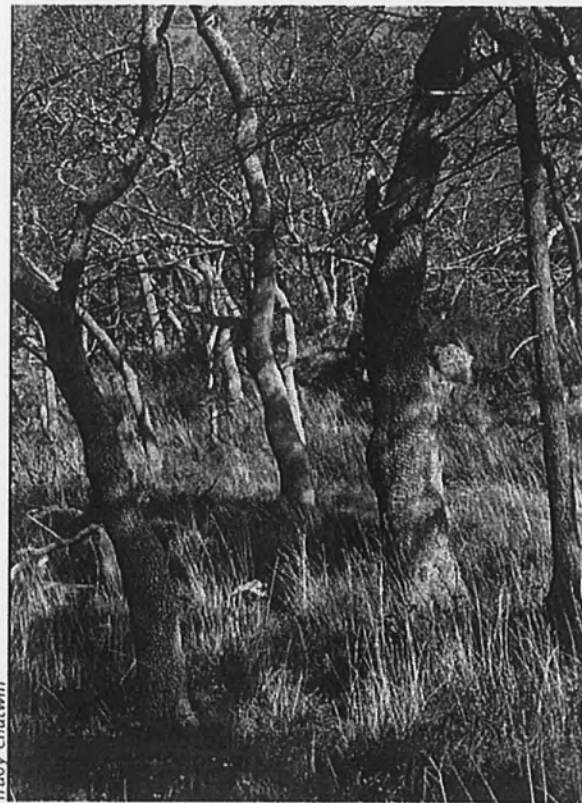


Neil K. Dawe

Why They Are Important

Woodland ecosystems are the most threatened ecosystem type found within the Islands Trust area. They are officially designated as nationally, provincially and regionally rare.

Garry oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia. They have been particularly impacted by development.



Trudy Chatwin

Woodland ecosystems make up only 4.6% of North Pender Island

Their Purpose

The purpose of the Woodland Ecosystems Development Permit Area (DPA) is to offer protection to the remaining woodland ecosystems on North Pender Island by guiding any new development that might occur within them. The areas covered by the Woodland Ecosystems DPA are indicated in Schedule I of the North Pender Island Official Community Plan (OCP).

What Does This Mean?

If you have a property that is wholly or partially located within a Woodland Ecosystems DPA you will need to obtain a development permit from the Islands Trust before undertaking certain new land-altering activities identified in the North Pender Island OCP.

The regular maintenance of existing buildings and landscaping, as well as any development that takes place outside of the DPA does not require a Development Permit.



Islands Trust

Extent of Woodland Ecosystems DPA Areas on North Pender Island



How You Can Protect This Ecosystem

Establish a Surrounding Buffer

A protective vegetated buffer around a woodland area will help protect it from potentially harmful outside influences and disturbance.

Control Invasive Species

The open nature of woodlands and their increasing proximity to new developments makes them particularly vulnerable to the intrusion of non-native species such as Scotch broom and gorse.

Limit Access

Any form of human and domestic animal access may severely affect the understorey vegetation, soil, tree health, or stand age structure in these sensitive and very dry ecosystems.

Maintain the Existing Hydrologic Regime

Surface or groundwater drainage patterns can be easily and detrimentally altered by the construction of roads, trails, houses and gardens. Any changes to these patterns can seriously affect the health of these dry ecosystems.

Consider Establishing a Protective Covenant

Properties with woodland ecosystems may qualify for the Natural Area Protection Tax Exemption Program. This program provides landowners who permanently protect natural features of their land with the opportunity to receive a 65% exemption in property taxes on the protected portion of their land. www.islandstrustfund.bc.ca/naptep.cfm

Mark Kaarremaa



Associated Species

Animals

Alligator lizards, garter snakes, songbirds, bats, butterflies

Plants

Garry Oak, arbutus, Douglas-fir, oceanspray, hairy honeysuckle, false box, purple peavine, white fawn lily, common camas, electrified cat's tail moss

Rare Species

Sharp-tailed snake, Propertius duskywing butterfly, Western Screech Owl, apple moss

*Ecosystem DPAs guide
development in identified
ecologically sensitive areas*

For More Information

To determine if your land has a Woodland Ecosystems DPA on it consult the North Pender Island Official Community Plan (OCP). Copies of the OCP are available from Islands Trust offices in Victoria and Pender Island, and on-line at:

www.islandstrust.bc.ca/ltc/np

If you have any questions about DPAs please contact Islands Trust staff by phone by dialing 1.800.663.7867 and requesting 250.405.5151 or by email at npi@islandstrust.bc.ca.

Welcome info for Guests:

Hello - We are so looking forward to having you and your family and friends stay at Eagle Rock.

Please share this email with everyone coming to stay.

Island living is very different from city living. To ensure a pleasant experience, here are some essential things for you to note.

Location: 1603 Schooner Way, Pender Island, BC

<https://goo.gl/maps/ENmrWoLvw9ZhoFA>

IMPORTANT***Please book your ferry as soon as possible. www.BCFerries.com

What to pack:

1. Bring your slippers. Please do not wear outdoor shoes in the house, especially on the carpets.
2. Please bring your cell phones and chargers. There is no phone at the house. Wireless Internet network "XXX. Password XXX

Arrival:

1. Access. Your assigned 4-digit access code is XXX checkmark. To activate the panel on the digital lock, wave the front or back of your hand over the black face. Key in your code and then the checkmark. The deadbolt should open. If not, pull the door toward you and try again. If that doesn't work, call me at 778-227-8715
2. Check-IN time is any time after 4 pm and check-out is any time before 10 am. Sorry, no exceptions.
3. ***This is an extremely quiet neighbourhood with full-time residences. The municipal bylaws state that "any excessive noise after 11 am and before 8 am is not permissible and subject to fines." We ask you to please respect this when outside or inside the house.
4. The outdoor tram is intended for persons with disabilities and loading with your luggage and groceries. Any use of the tram is at your own risk. The maximum weight is 300lbs. Please do not overload or it will shut down. Adults must accompany children. Let me know ASAP if the tram is not working.
5. Sorry, do not park any cars on the road. Vehicles must be parked in our very large driveway all of the time. There is a new by-law on the island that states no parked cars on road.

Getting Settled In:

1. Please do not ask the neighbours for anything. Text or call my cell at 778-227-8715. If I do not answer, leave a detailed message. I will happily return your call. If I don't return the call within 15 minutes, please contact Laurie our on-island manager at 778-549-0611. She will return your call when she can.

2. Electric heat is expensive. To keep it "green", please TURN OFF the thermostats in the rooms when you leave rooms. Close the door. Please turn the heat ON when in the room when you need it, please. The rooms heat up fast with the electric heat.

3. An iPod/iPhone 4 and 4S compatible docking station/CD player is upstairs for music. We have some CDs there too. You are welcome to bring your own.

4. Water is scarce on the island. Please do not run water unnecessarily when washing dishes, brushing teeth, having showers, or flushing toilets.

Kitchen:

1. When you first arrive, please take a moment to open all the cupboards and drawers in the kitchen to orient yourself. Spices, foil, and oil come with the house.

2. The property uses a septic tank – which means that absolutely NO meat, coffee grounds, grease, or bleach goes down the drains. Please use a "grease jar" for kitchen fat or hot oil.

3. The circuit panel box is located in the King bedroom closest to the kitchen behind the bed, behind the picture hanging on the right, just in case a breaker trips.

4. We have provided lots of plastic cutting boards. They are located to the right of the microwave. Please DO NOT cut on the kitchen counter.

5. There is a fire extinguisher under the sink and two downstairs.

6. Important tip for the new dishwasher: DO NOT load the little square white plates in lower rack. They drop down and block the sprayer below. Put them on the top rack and you will be happier.

Outside:

1. On the right of the house, concrete slabs are covering the septic tank. Please do not walk on the concrete slabs, or else they will crack. These are inspected after each visit.

2. Eagle Rock is located on a high bank. Walking on the property is at your own risk. An adult must accompany all children under the age of 14. You must stay within the boundaries of the property indicated by the fences, pink ribbons, and "do not trespass" signs. Outside of our property lines is PRIVATE property. It is against the law to trespass.

3. The docks at bottom of the hill, to the left and the right, are on our neighbours' properties. This, like all private property, is strictly OUT OF BOUNDS. We appreciate you respecting this, as do our neighbours.

4. An adult must accompany all children under 14 on the flagstone patio. The furniture on this flagstone patio must not be moved. We appreciate your understanding.

5. Our home is a "no smoking" home for health, fire, and safety reasons. Please ensure no smoking on the decks nor anywhere within 15 feet of the house. If you or your guests need to smoke, please use the safety ashtrays provided.

6. Our home is situated near an Eco Protected area. Please refer to the guest book on site and do not walk on any of these areas.

Hot Tub:

1. Please read and follow the hot tub instructions posted in the "spa" bathroom near the hot tub. Any use of the hot tub is at your own risk. Do not allow children to use the hot tub without the supervision of an adult. To help keep it clean, please keep the water level up just above the jets and maintain the floating bromine device open and floating in the tub.

2. Hot Tub and Lid. Please be very gentle when opening the lid. Any damage will result in losing all of your damage deposit as the cost of replacement exceeds \$500.

3. Beach & Spa Towels: Please use only the towels in the linen closet on the top floor in the hall. They have been set aside for swimming and hot tub use. The "nice" towels are for indoor use.

BBQ:

Please turn the propane OFF when not in use. There are two propane tanks for the BBQ. The hardware store on the island is the only place to get refills for about \$25 and they are closed Sundays. We are happy to reimburse you. Please keep the BBQ clean inside and out.

Bathrooms:

The upstairs bathrooms have "floating sinks". They are not designed for heavy weight. Please do not lean, sit, or place heavy things on the sink.

Fireplaces:

1. In the Summer (June/July/August), please respect the "No Fires" ban posted at the Fire Hall. This ban includes wood-burning fireplaces.

2. When using the fireplace, keep the door at the bottom of the stairs shut, or else you will get smoke in the house, and the fire will not vent properly.

3. Absolute NO fires outdoors. ***Outdoor Fires are strictly forbidden. Thank you.

Garbage:

1. Please drop off your garbage at the Liquor Store at Medicine Beach on route to the ferry for \$7.50 a big green garbage bag. They are in the kitchen in the broom cupboard. You will see the sandwich board sign for the Liquor Store. If you choose to leave your garbage or recyclables at the house, a charge of \$20 per bag will be charged against your damage deposit for any garbage or recyclables left behind.

2. Please take all water and pop bottles back to the Tru Value Grocery Store and liquor cans and bottles back to the Liquor Store for your refund. Other recyclables can be taken to the Pender Island Recycling Depot at 4402 Otter Bay Road or home with you.

3. Tip. When we can, we burn all paper and "burnables" in the fireplace.

Leaving:

1. As a courtesy to the cleaners and the next guests, please...

- Ensure that your dishes are washed,
- BBQ is off, cleaned, and covered,
- BBQ propane tanks are full,
- Wet towels are left hanging to dry and not left on the floor
- Leave Beds unmade to let the cleaner know which beds were used. Don't pull the sheets off the bed. Thank you.

2. Housekeeping: We will wash all linens, make fresh beds, clean floors, bathrooms and windows, and all other cleaning that is required for the next guest. Please clean your own dishes.

3. To lock the door, close the door shut and hold shut. Wave the back or front of your other hand on the locking mechanism and key in your 4-digit code with the checkmark at the end. You will hear the deadbolt lock. Test the door to see if it is locked. Thank you.

4. Please text me when you have left the house so I can let the cleaners know.

Please contact me any time with your questions. Thank you.

Pauline O'Malley

Best to call or text 778-227-8715

Pauline@PaulineOMalley.com

Attachment 5: TUP Checklist for Short Term Vacation Rental

NP-TUP-2022.4 (O'Malley)
1603 Schooner Way

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	The proposed use meets the definition of STVR.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior changes proposed.
c) Cumulative Effects - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	The STVR has operated for the past 5 years. No cumulative effects are expected.
d) Distance to Another STVR - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	There are two STVR TUPs within 200 metres of the subject property. The STVR has operated since 2017 via TUPs and therefore there is no additional cumulative impacts to the neighbourhood.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
i. Private Well - If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.	N/A
ii. Community Water System (Magic Lake & Razor Point) - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Yes - Property is on Magic Lake Water. If approved, staff will refer the TUP to the CRD.
iii. Trincomali Improvement District - A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

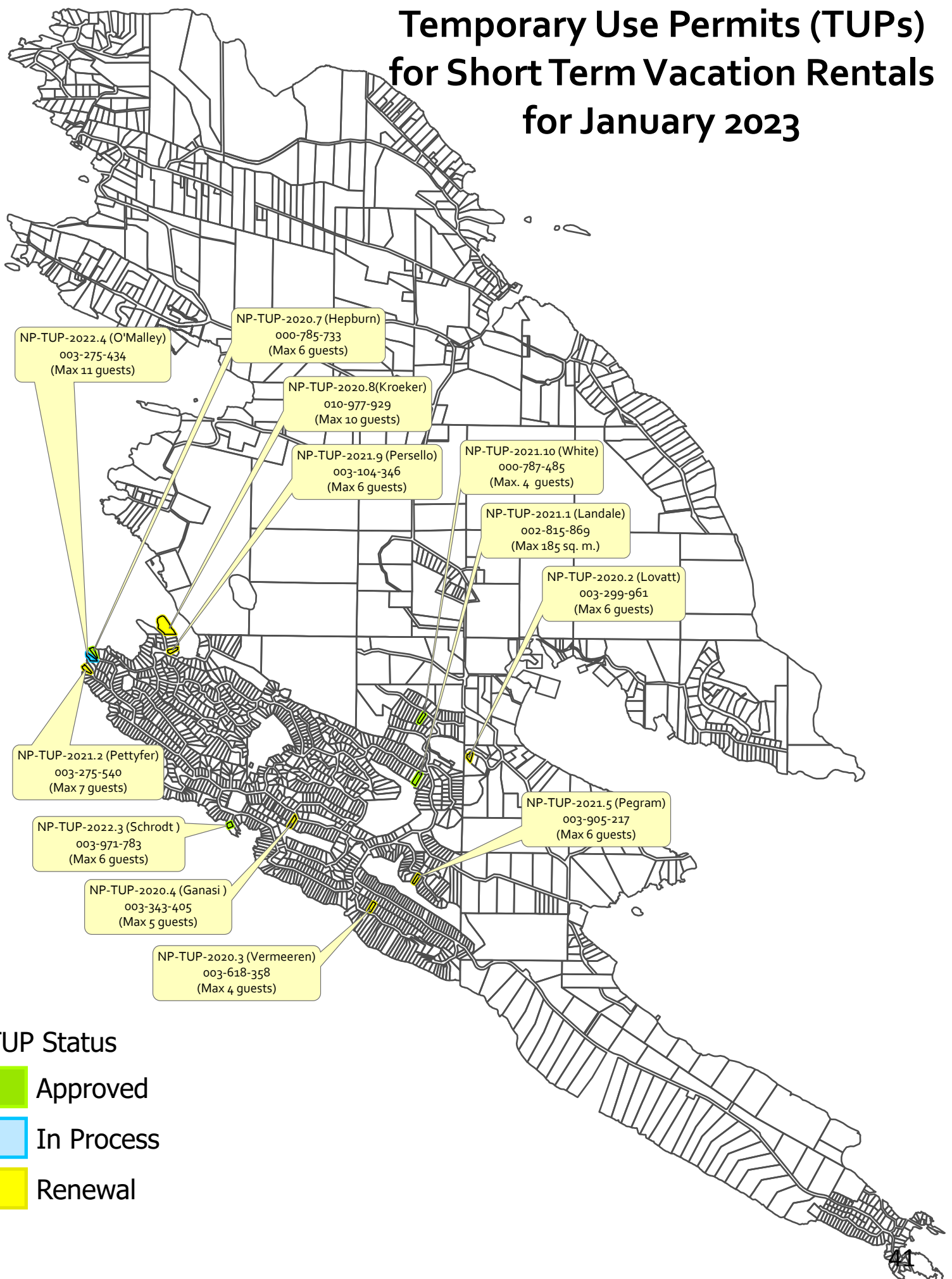
Attachment 5: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two (2) vehicles	Complies.
g) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Yes – Condition in draft TUP to provide guests with information on the location of the Woodland Sensitive Ecosystem located on the property, and how to avoid or minimize impacts on the sensitive ecosystem.
h) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ² .	Yes – condition in TUP.
i) Operator Contact - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Yes – condition in TUP.
j) Operator Contact & TUP to Neighbours - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes – condition in TUP.
k) Guest Information - The permit should require the landowner post the following information for guests:	
i. remind guests that the property is located in a residential area;	Yes
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Yes
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Yes
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Yes
l) Permit Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. limit the number of bedrooms that can be used for short term vacation rentals;	Yes, a maximum of four bedrooms as stated in TUP condition.
ii. limit the number of guests to six (6) for properties located within the Magic Lake Estates Water System Area;	Applicant has requested the continued maximum occupancy of 8 adults and 3 children.

Attachment 5: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
iii. limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;	Applicant has requested a limit of 90 days from May 1 to September 30 to continue the same level of service as the previous approved TUPs.
iv. require mitigating measures to address neighbours' concerns , such as retention of existing screening and fencing, or installation of additional screening;	Not a condition, but existing fencing and screening on property.
v. require the landowner/operator to post contact information and permit information at the entrance to the property;	Yes, a condition of the TUP.
vi. prohibit camping or occupancy of RVs on the property;	Yes, a condition of the TUP.
vii. prohibit the rental or provision of motorized personal watercraft;	Yes, a condition of the TUP.
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Yes, a condition of the TUP.
ix. prohibit outdoor fires; and	Yes, a condition of the TUP.
x. establish the dates during which the use may occur.	Maximum of 90 days from May 1 to September 30.
m) Agriculture Land Reserve - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) Owner Occupancy - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	Yes, owner uses premise year round.
o) Maximum Number of STVRs - The Local Trust Committee must not approve more than twenty (20) temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	The total number of issued TUPs in Magic Lakes is eleven (11).
p) Occupancy Permit - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Yes.
q) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Yes, condition of TUP.

Temporary Use Permits (TUPs) for Short Term Vacation Rentals for January 2023



TUP Status

- Approved
- In Process
- Renewal

LETTER DELIVERED TO NEIGHBOURS

Dear Neighbour

Kari Yuers and I have happily owned 1603 Schooner Way since 2008. We call it "Eagle Rock".

Prior to that, I owned a house on Captains Crescent. I have been a resident of Pender Island for more than 30 years.

Occasionally we invite guests to stay at our home via VRBO. We have been doing so for years without incident. We mostly attract multi-generational families, or couples who wish to have a quiet retreat. I carefully screen our guests before they confirm their booking.

We also have a great team of people who take care of our property.

We have a license with the CRD.

I ask that if you ever have an issue, or see something not quite right at our property, to please reach out to me immediately at 778-227-8715 by text or phone.

If I do not respond within an hour, please contact Laurie Rupert on the island. She can be reached at 778-549-0611. She would love to hear if there are any issues at our house.

We have a set of strict rules that our guests have to abide by and they seem pretty respectful. We love our house and our neighbours.

We invite you to reach out to us and we look forward to having you over on our deck or sit in front of our fireplace. Just give me a call or send a text.

Always yours,

Pauline O'Malley
778-227-8715

October 1, 2022

ENDORSEMENT
LETTER of REFERENCE
1603 Schooner

Attention: Local Trust Committee Members

We have been requested by Pauline O'Malley and Kari Yuers to provide our input regarding their STVR renewal application for 1603 Schooner Way.

We have been their [REDACTED] neighbours for over 11 years and have never encountered a problem with their visitors. We appreciate that they provided contact information for their agent/manager at Pender as well as for themselves in case we ever encountered a problem. However, we have never had occasion to use it as their guests have consistently been respectful of our neighbourhood setting.

It is also our opinion that properly operated STVR rentals such as theirs provide a needed service with accommodations for visitors who in turn are an important source of income for our Pender merchants and artisans during their Pender holidays.

We support this application for renewal for the maximum time allowed.

Sincerely,

Barbara and Keith Floyd
[REDACTED]

LETTER OF REFUGEE
ENDORSEMENT
[601 SC-AN*SE-] NIX

October 15, 2022

To: Islands Trust BC

Re: Owners of 1603 Schooner Way TUP STVR

From: Michael Cowan, [REDACTED]

We [REDACTED] have been neighbours of Pauline's at [REDACTED] for two years now. We have never had an issue with any of the guests that have stayed at their home, and frankly we welcome them. Its great getting to meet new people as they go for walks and enjoy the neighbourhood.

Pauline is a great neighbour and has kept us up to date in person and in writing with the contact information of their agent/manager on Pender Island whom we have never had occasion to call.

Personally, I think STVR's allow much need accommodation that enhances our islands economy and brings in much need tourist income.

Please feel free to reach out if you require any further information.

Best Regards

Michael Cowan
[REDACTED]

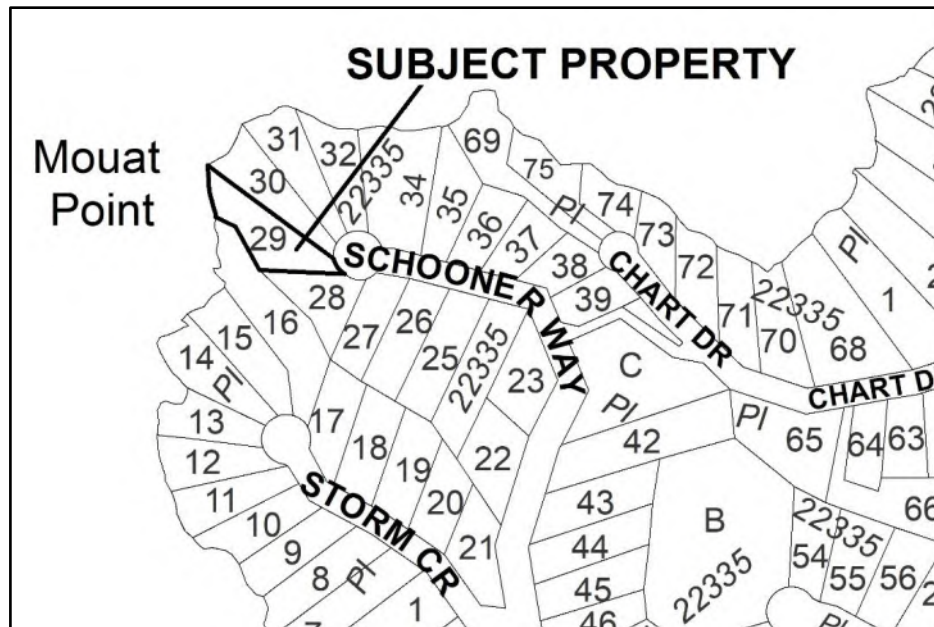
NOTICE
NP-TUP-2022.4
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot 29, Section 9, Pender Island, Cowichan District, Plan 22335 (PID: 003-275-434). This property is located at **1603 Schooner Way**.

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

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 6, 2023** and continuing up to and including **January 18, 2023**.

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

Enquiries or comments should be directed to Kim Stockdill, Island Planner 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 p.m., **January 18, 2023**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m., January 20, 2023**.

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

Jas Chonk, Deputy Secretary



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2022.4 (O'Malley)

1603 Schooner Way

To: Pauline O'Malley
Kari Yuers

1. This Permit applies to the land described below:

Lot 29, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 003-275-434).

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

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

3. and is subject to the following conditions:

- a) A **parking** area that will accommodate a minimum of **two (2)** vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
- b) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
- c) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
- d) the property owner must provide guests with information on the location of the **Woodland Sensitive Ecosystem** located on the property, and how to avoid or minimize impacts on the sensitive feature;
- e) **Signage** advertising the STVR is restricted to one unilluminated sign, with a maximum area of 0.6 m²;
- f) the property owner must post within the dwelling the following **information for guests**:
 - i. remind guests that the property is located in a residential area;
 - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and
 - iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use.
- g) the **maximum number of bedrooms** that can be used for the STVR use is limited to **four (4)**;
- h) the **maximum number of guests** is limited to **eight (8) adults** (eighteen years old or older), plus **three (3)** children (seventeen years old or younger);

- i) from the period of May 1 to September 30 only, the STVR use is limited to a **ninety (90) days** in any calendar year;
 - j) The following activities are **prohibited**:
 - i. camping and occupancy of recreational vehicles;
 - ii. the rental or provision of motorized personal watercraft;
 - iii. the use on Magic Lake or Buck Lake of watercraft brought from off island; and,
 - iv. outdoor fires.
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint.
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2023.

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: January 20, 2023

TO: North Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Bylaw No. 232 - Sidney Island Bylaw Amendment Application
Applicant: Sidney Island Strata Corporation
Location: Sidney Island

RECOMMENDATION

1. That North Pender Island Local Trust Committee Bylaw No 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”, be read a first time.
2. That the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.
3. That the North Pender Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”.

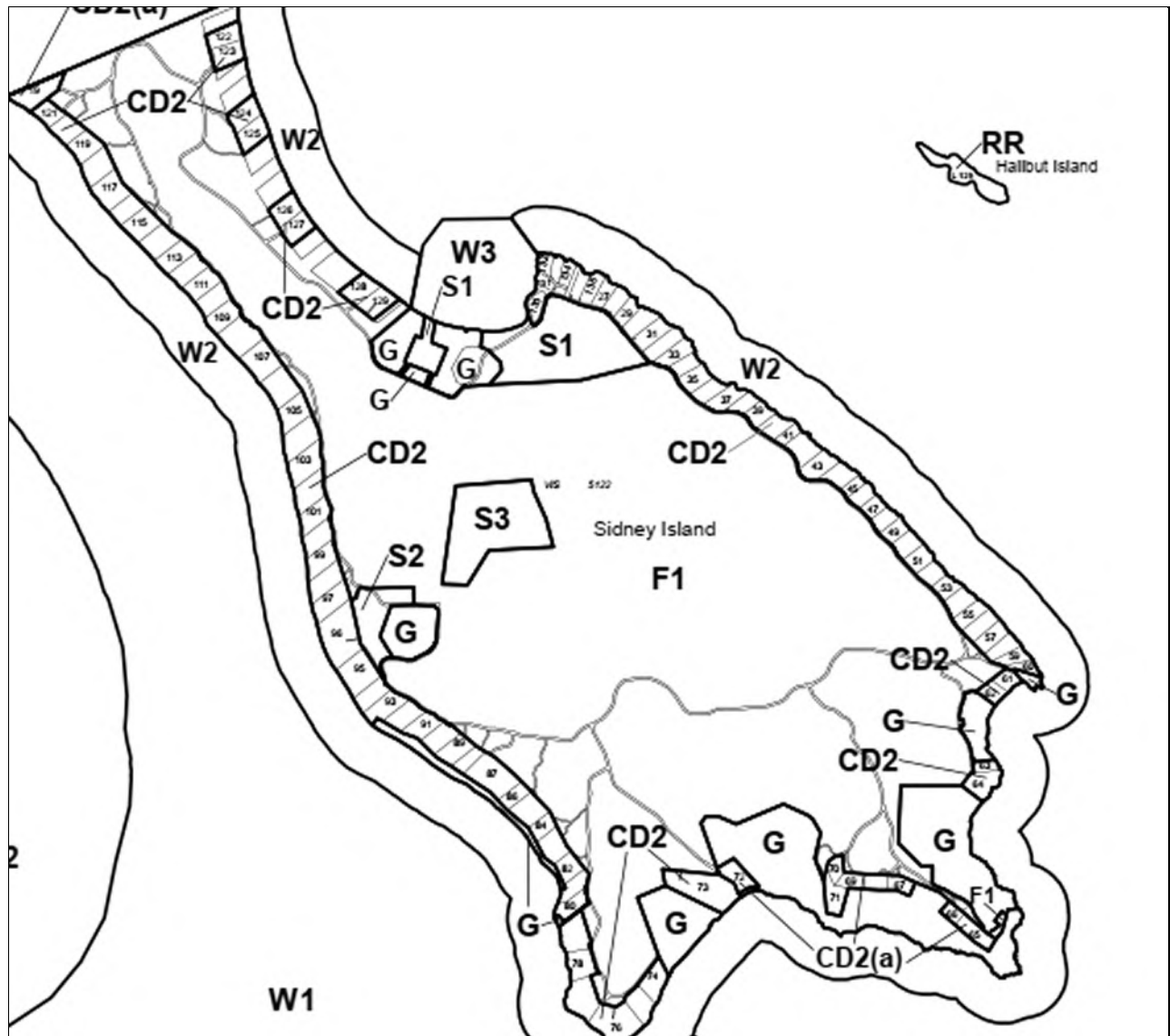
REPORT SUMMARY

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

BACKGROUND

The portion of Sidney Island not located in the National Park Reserve is a 111 lot bare land strata. The strata plan totals approximately 700 hectares (1750 acres), of which 590 ha are common property, including several conservation covenant areas granted to the Islands Trust Conservancy and the Local Trust Committee. The 111 bare land strata lots total about 120 hectares, or 17% of the strata (see map below). The northern portion of Sidney Island is in the National Park Reserve (‘Sidney Spit’).

Z:\09 Current Planning\09 NP\3650 RZ\25 Applications (P)\2022\NP-RZ-2022.1 Sidney Island Strata Corporation\06 Staff Reports\NP-LTC_2023-01-20_RPT.docx



Sidney Island Strata - Zoning

The Associated Islands bylaws, as they apply to Sidney Island, were last amended in 2013. Amendments to the OCP at that time included establishing new development permit areas; while the amendments to the Land Use Bylaw, in addition to corrections and technical amendments, permitted a second caretakers' dwelling, permitted storage buildings prior to constructing a dwelling, established a maximum floor area for dwellings, and prohibited the storage of recreational vehicles.

The prohibition of recreational vehicles (RVs), while supported by the strata ten years ago, has become an issue in recent years as new owners have brought RVs onto the island and sited and used them on their lots prior to constructing a dwelling. In addition, some owners have built unpermitted structures to provide temporary accommodation on their lots.

Approximately a dozen bylaw enforcement complaints were received in the last few years for the use of RVs on Sidney Island. In response to the enforcement complaints, the Strata formed an owners' special committee to survey owners, and to review and report on the issue. Overall, the committee identified that:

- a. The temporary, short term use of RVs is generally tolerated by owners, however some owners have submitted complaints, resulting in on-going enforcement, and discord between owners.
- b. There is no temporary accommodation available on the island for owners to use while visiting or maintaining their undeveloped lots (STVRs are not permitted, and there are no common accommodations other than several basic 'hunters cabins' on the common property).
- c. It is beneficial that owners become familiar with a property prior to building. As owners familiarize themselves with their sites, the desire to build as close as possible to the shore decreases, and owners tend to select building sites requiring less tree removal and having less impact.
- d. There is confusion over the status of RVs on the part on new owners: the strata council has remained neutral, the CRD cannot issue permits for RVs, Islands Trust enforces upon complaint, and word of mouth is ambiguous.
- e. In the absence of RVs being permitted, there has also been an increase in other unlawful construction (oversized sheds, 'bunkies', etc.)
- f. There is no desire to allow a proliferation of RVs or to allow permanent or long term use of RVs as an alternative to a dwelling or in addition to a dwelling.
- g. The issue will decline over time as lots are developed with permanent dwellings.

Staff have met with Sidney Island Strata Council members both prior to and since the application was submitted; several options were proposed and reviewed, with the applicants deciding to submit a bylaw amendment application. This approach received unanimous support at the strata's annual general meeting.

At the LTC meeting of September 29, 2022, the LTC received a preliminary report and directed staff to prepare a draft bylaw. Staff consulted further with strata representatives, and draft Bylaw 232 has the support of the strata council.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff consider that the potential amendments in draft Bylaw 232 would be not be contrary or at variance with any Policy Statement directive policies (Directives Policy Checklist attached). The LTC should review, and if in agreement, endorse the checklist.

Official Community Plan:

The OCP establishes that the principal use in the Residential Designation should be dwellings (and cottages where applicable). To be consistent with the OCP principle, zoning permitting RVs would be similar to the current regulations permitting RVs while a dwelling is being constructed: the use would be temporary and not a permanent alternative to a dwelling.

Land Use Bylaw:

The current regulations in the Land Use Bylaw permit the residential use of accessory buildings and RVs while a dwelling is being constructed. The Sidney strata lots are zoned Comprehensive Development 2, with current permitted uses consisting of one dwelling per lot, accessory buildings and uses, and one storage building permitted prior to construction of the dwelling. In addition, the zoning prohibits the storage of RVs on a lot in

the CD2 zone. The proposed amendments would permit residential use of RVs prior to the construction of a dwelling for up to four years, and would expand the maximum floor area for the one non-residential building permitted prior to a dwelling.

Islands Trust Conservancy:

The Islands Trust Conservancy holds several conservation covenants on Sidney Island. Staff have referred the bylaw to the ITC.

Issues and Opportunities

Recreational Vehicles

The primary proposed amendment would be to permit residential RVs for a limited period of time prior to construction of a dwelling. Currently, the bylaw only permits residential use of an RV if a building permit has been issued for a dwelling.

As described above, there appears to be widespread support among members of the strata to allow limited residential use of RVs for a period of time in the absence of a building permit for a dwelling. In addition there is support to utilize the strata's authority to provide greater oversight and monitoring of the use of RVs in conjunction with Islands Trust bylaw enforcement.

The limits on use of RVs currently and in the proposed amendment are intended to address the issues identified by the strata, while also considering concerns with the use of RVs as residences, including that:

- RVs are designed and intended for seasonal, recreational use rather than year-round occupancy. However, given the nature of Sidney Island, use of RVs are typically for a few weeks a year, primarily in the summer.
- RVs fall outside the scope of the BC Building Code, therefore there is no permitting and inspection process through Building Inspection. This is an area where the strata can provide oversight and monitoring.
- RVs should be connected to septic fields, and while the amendments would require this, without inspection there is no ability to confirm this. The strata proposes to exercise its authority to ensure that when RVs are brought onto the island that they are connected to a valid septic system.
- The use of RVs should not be on-going or permanent and the intent, expressed in the OCP, is that the principal use of the Sidney Island strata lots should be residential dwellings. The proposed amendments would limit RVs to a maximum time on any lot (4 years) and while that would be enforceable by Islands Trust enforcement staff, the strata is proposing to provide documentation, oversight and monitoring, and potentially enforcement.
- The strata is also proposing that its bylaws be amended to require screening of RVs from adjacent lots. This would help limit visual impacts, and the strata is in the best position to establish, inspect and enforce such a requirement.

Other amendments

Based on feedback provided in its surveys of strata lot owners, the strata also requested some other amendments. After review by staff and discussion with strata representatives, the proposed bylaw would also:

1. Amend the current regulation permitting only one small storage building prior constructing a dwelling, so that such buildings can be larger (up to 40m² from 25m²) and have washroom facilities connected to a septic field. This would allow for owners to have washroom facilities and greater storage on their lots prior to constructing a dwelling.
2. Hunters Cabins: these are older cabins located on the common property; although referred to as 'hunters cabins', they tend to be used also by others such as contractors' crews. These are currently permitted as 'sleeping cabins' in the S1 zone, and kitchens are not permitted. These structures are reaching the end of their useful life and previous strata councils have raised the possibility of replacements. The proposed amendments would facilitate future upgrades or replacement of these structures by allowing for kitchen facilities. This could also provide a viable alternative for potential purchasers or owners who are visiting undeveloped sites.

Draft Bylaw 232 is attached, along with a draft consolidation showing the amendments to the definitions and the CD2 zone.

Consultation

Given the nature of the proposed amendments, and the fact the strata special committee has undertaken extensive consultation and received support at the AGM, further early community consultation is likely not warranted. However, if the bylaw proceeds, staff are recommending that the LTC direct the scheduling of a Public Hearing, at which a community information meeting could also be held.

Staff have initiated referral of the draft bylaw to the following agencies:

- Parks Canada
- Capital Regional District Building Inspection
- Island Health
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Islands Trust Conservancy

Islands Trust Bylaw Enforcement has reviewed the draft amendments and has no concerns.

The LTC should consider if the bylaw should be referred to any other agencies.

The bylaw is also being sent to the following First Nations:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Malahat First Nation
- Pauquachin First Nation
- Penelakut Tribe

- Semiahmoo First Nation
- Snuneymuxw First Nation
- Songhees Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation
- WSANEC Leadership Council

Timeline

If the LTC gives First Reading, staff will schedule a public hearing following the close of the referral period, likely to be held at the March LTC meeting. If there are any major issues raised through the referral process, staff would bring the bylaw back to the LTC for consideration prior to scheduling the hearing.

Rationale for Recommendation

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

ALTERNATIVES

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

1. Request further information

The LTC may refer back to staff requesting further information prior to making a decision. Recommended wording for a resolution is as follows:

That the North Pender Island Local Trust Committee request that staff report back with....

2. Deny the application

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

That the North Pender Island Local Trust Committee proceed no further with application NP-RZ-2022.1.

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

4. Receive for information

The LTC may receive the report for information

NEXT STEPS

If the LTC proceeds as recommended, staff will schedule a public hearing following the close of the referral period.

Submitted By:	Robert Kojima, Regional Planning Manager	January 6, 2023
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ATTACHMENTS

1. Draft Bylaw 232
2. Draft consolidation
3. Islands Trust Policy Statement Directive Policies checklist

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 232

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

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

1. Citation

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;
- (b) articles 3.10(1)(b) through 3.10(1)(e); and
- (c) the storage of any recreational vehicles that is not being used as a temporary residence prior to the construction of a single family dwelling is not permitted.”

3. SEVERABILITY

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

READ A FIRST TIME THIS	<u> </u>	DAY OF	<u> </u>	<u>20</u>
PUBLIC HEARING HELD THIS	<u> </u>	DAY OF	<u> </u>	<u>20</u>
READ A SECOND TIME THIS	<u> </u>	DAY OF	<u> </u>	<u>20</u>
READ A THIRD TIME THIS	<u> </u>	DAY OF	<u> </u>	<u>20</u>
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	<u> </u>	DAY OF	<u> </u>	<u>20</u>
ADOPTED THIS	<u> </u>	DAY OF	<u> </u>	<u>20</u>

CHAIR

SECRETARY

Bylaw 232 – Draft Consolidation

"personal watercraft" means a vessel less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

"pier" means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

BL#187 "pump/utility house" means a building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

"residence" means a home, abode or place where a household is actually living at a specific point in time.

"retail sales" means the selling of goods or merchandise to the general public for personal or household consumption, but excludes the sale of liquor.

"seawall" means a structure erected parallel to and near the natural boundary of the sea for the purpose of protecting the adjacent bank or uplands from the action of waves or currents, and for this purpose includes revetments and bulkheads.

"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

"sign" means any device or medium, including its supporting structure visible from the sea, any highway or lot other than the one on which it is located and which is used to attract attention for advertising, information or identification purposes.

"short-term vacation accommodation" means the commercial use or provision of a single family dwelling or cottage as temporary accommodation, for periods of less than one month at a time, for households who maintain a permanent residence elsewhere.

"sleeping cabin" means a building used for non-commercial overnight

accommodation and includes only sleeping quarters and washroom facilities and ~~does not~~may contain a kitchen or ~~any~~ elements of a kitchen.

Commented [RK1]: Would allow the hunters' cabins to have kitchens

5.20 Sidney Island Comprehensive Development Zone (CD 2)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) Single family dwellings;
 - (b) Accessory uses, buildings and structures;
 - (c) Storage building; subject to subsection 5.20(8);
 - (d) Use of a recreational vehicle as a temporary residence, subject to 5.20(9).

Commented [RK2]: For certainty, would permit use of RVs as temporary residences

Density

- (2) There may not be more than one single family dwelling on any lot.
- (3) The combined lot coverage of all buildings and structures may not exceed 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure, except a fence or pump/utility house, shall be 10 metres (33 feet) from any lot line.

(5) Despite Subsection 3.3(2) the minimum setback for any building or structure, except a fence, shall be 15 metres (49 feet) from the natural boundary of the sea. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

- (6) The maximum floor area of a single family dwelling is limited to 465 m² (5,005 ft²).

Conditions of Use

- (7) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

- (8) The storage building permitted under 5.20(1)(c) may be constructed prior to a single family dwelling subject to:

- (a) The use is limited to the storage of goods and materials for use on the

- lot, and the building may contain washroom facilities.
- (b) Only one storage building is permitted on any lot prior to construction of a principal dwelling.
- (c) The floor area is not to exceed 2540 square metres (269430 square feet).
- (d) The storage shed building is not to be used for human habitation, and
- (e) For certainty, this does not limit accessory buildings permitted under Section 3.5, and 5.20(1)(b).

Commented [RK3]: Would permit washrooms in storage buildings constructed prior to a principal dwelling

Commented [RK4]: Clarifies that the restriction to one storage building only applies to lots without a principal dwelling

Commented [RK5]: Would increase the maximum area of storage buildings

Commented [RK6]: Correction

Commented [RK7]: Improve certainty of interpretation

- BL#187 (9) Despite Subsection Article 3.10(1)(a) one recreational vehicle may be used as temporary residence prior to the construction of a single family dwelling on a lot without issuance of a building permit for a single family dwelling subject to:
- (a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;
- (b) articles 3.10(1)(b) through 3.10(1)(e); and
- (c) the storage of any recreational vehicles that are not being used as a temporary residence prior to the construction of a single family dwelling under that section is not permitted.

Commented [RK8]: Would permit residential use of one RV in the absence of a building permit for a dwelling

Commented [RK9]: Limits residential use of RV to 3 years from start date

Commented [RK10]: Must have septic, water, sited lawfully and must cease upon issuance of occupancy for principal dwelling

Commented [RK11]: Consequential wording amendment to prohibition on storage of RVs.

Subdivision Lot Size Requirements

- (10) No more than 111 lots may be created in the CD2 zone.
- (11) No lot may be created having an area less than 1 hectare (2.5 acres), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 1 hectares (2.5 acres) so long as the total area of land in the amended strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 1 hectares (2.5 acres).

BL#187-

Site Specific Regulations

- (12) The regulations listed in Column 3 of the following table only apply to the land identified in column 2 of the same row. These lands are identified on the zoning map by the site- specific zoning reference listed in column 1.

Table 5.3		
Site-Specific Zone	Location Description	Site Specific Regulations

CD2(a)	Strata lots 19 and 65 to 71, Plan VIS5122.	(1) Despite Subsection 5.20(4) above, the required interior side and rear lot line setbacks are 3 metres (10 feet), except where a lot line is contiguous with the NP zone, the setback from that lot line is 10 metres (33 feet).
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ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: NP-RZ-2022.1

File Name: Sidney Island.

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



Islands Trust

BYLAW REFERRAL FORM

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

Island: Saturna Island Local Trust Area Bylaw No.: 136/137 Date: October 27, 2022

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

APPLICANTS NAME / ADDRESS:

119 Payne Road and 104 Narvaez Bay Road

PURPOSE OF BYLAW:

Amendments would be made to the Saturna Island Official Community Plan Bylaw No. 70, 2000 (OCP) and the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to re-designate and rezone a portion of the subject parcel located at 104 Narvaez Bay Road currently designated Forest Land (F) and zoned Forest General (FG) to a designation of Rural (R) and a zoning of Rural General (RG). In addition, 10 subdivision densities would be removed from the subject parcel located at 119 Payne Road and transferred to the subject parcel located at 104 Narvaez Bay Road via a LUB amendment that would increase the subdivision density on the newly created Rural General zoned portion of 104 Narvaez Bay Road to a maximum of 12 new lots.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360; and, Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445

SIZE OF PROPERTY AFFECTED:

33.3 ha and 52.4 ha

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R), Watershed (WS), Forest Land (F)

OTHER INFORMATION:

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

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

BSmith

(Signature)

Name:

Brad Smith

Title:
Contact Info

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

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Government Agencies

Parks Canada

Regional Agencies

CRD, Planning and Protective Services, Building Inspection

CRD, Integrated Water Services

Island Health

Non-Agency Referrals

Saturna Island Parks and Recreation Commission

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

BYLAW REFERRAL FORM
RESPONSE SUMMARY

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

Saturna Island Local Trust Area
(Island)

136/137
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 136

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022”.

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 136**

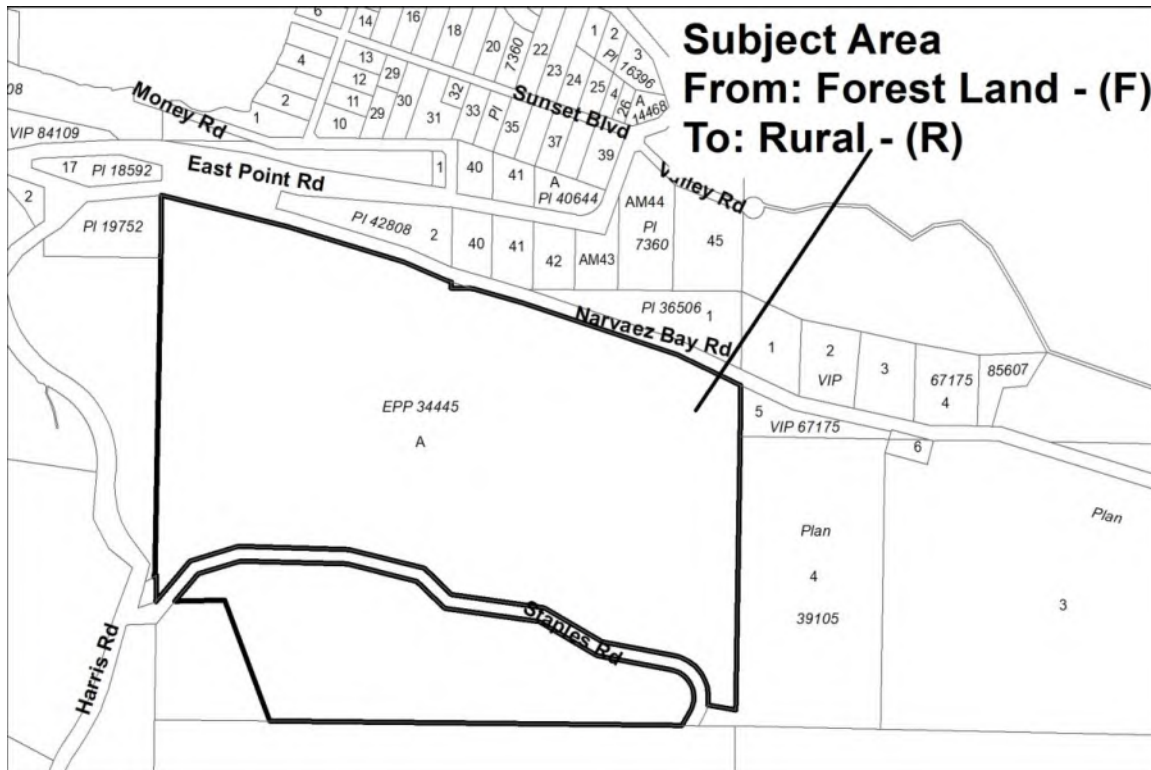
SCHEDULE 1

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

Schedule “B” – Land Use Designation Map, is amended by changing the land use designation of a portion of the land parcel legally described as *Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445* from Forest Land (F) to Rural (R), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Land Use Bylaw No. 70 as are required to effect this change.

SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 136

Plan No. 1



DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 137

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

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022”.

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

2.1 Subsection 4.2.14 – Site Specific Regulations, Article 4.2.14 (1) is amended by:

- i. Deleting the word “Colum” and replacing it with the word “Column” in the first sentence of Article 4.2.14 (1).
- ii. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(a) Row, Column 3, Item Number (1) of the Site Specific Regulations Table.
- iii. Deleting the reference to subsection “4.2.11” and replacing it with the reference to subsection “4.2.12” in the RG(b) Row, Column 3, Item Number (2) of the Site Specific Regulations Table.
- iv. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(b) Row, Column 3, Item Number (3) of the Site Specific Regulations table.
- v. Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(b) with the Site-Specific Zone Reference of “RG(c)”, such that it reads:

RG(c)	Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445	(4) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 3.7 hectares (9.1 acres).
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- vi. Inserting a new row in the Site Specific Regulations Table immediately following the newly added row referencing RG(d) with the Site-Specific Zone Reference of “RG (d)”, such that it reads:

RG(d)	Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360	(5) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 6.0 hectares (14.8 acres).
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- 2.2 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445 from Forest General (FG) to Rural General (c) [RG(c)], as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.
- 2.3 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360 from Rural General to Rural General (d) [RG(d)], as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

3. SEVERABILITY

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

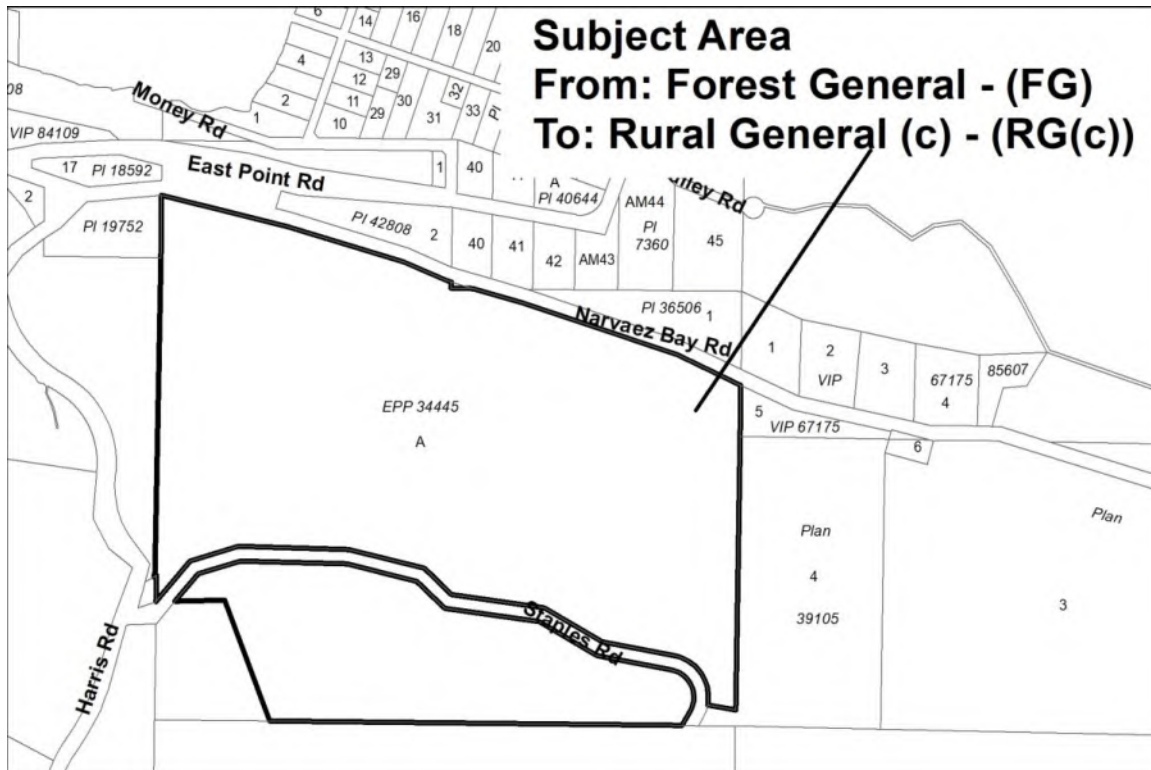
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____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

CHAIR

SECRETARY

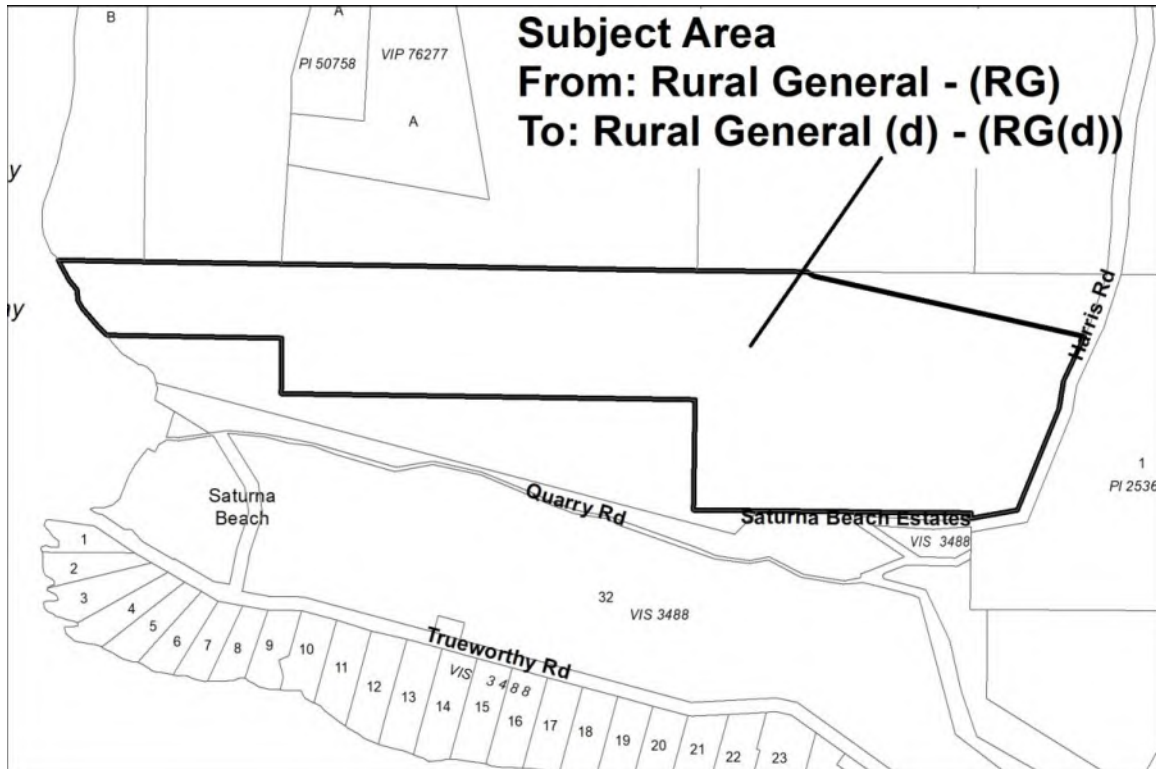
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 137

Plan No. 1



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 137**

Plan No. 2



DATE OF MEETING: January 20, 2023
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Proposed Bylaw Nos. 223, 224, & 229

RECOMMENDATION

The North Pender Island Local Trust Committee (LTC) schedule a Special Meeting to discuss further decisions and next steps for the Land Use Bylaw Review Project. A resolution is not required as the special meeting for October 1, 2022 was deferred until the new term.

REPORT SUMMARY

The purpose of this report is to provide a summary of the project to date. The report is structured to provide an overview of the process to date, major decision made by the previous LTC, and decisions still required by the current LTC.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender Land Use Bylaw (LUB). The project originally encompassed the following seven topic areas:

1. [Residential floor area review](#)
2. [Conservation subdivision review](#)
3. [Tourist Commercial regulation review](#)
4. [Marine shoreline regulations review](#)
5. [Agricultural regulations amendments](#)
6. [Industrial regulation review](#)
7. [Minor and technical amendments](#) (includes new bylaw formatting)

The Conservation Subdivision review topic was removed from the project as the LTC wished to address it as a separate project. Over the course of two years, the LTC held numerous Community Information Meetings to narrow down the scope of each topic, to identify regulations to amend, add, or remove for the LUB. All the background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

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

Bylaw Overview

There are currently three bylaws associated with this project. The North Pender Island LTC gave first reading to the three proposed Bylaw Nos. 223, 224 and 229 on May 6, 2022, the Policy Statement Directives Checklists were endorsed, and second reading was given on September 1, 2022. The bylaws are summarized below and can be found on the project's webpage.

[Bylaw No. 223 – OCP Amending Bylaw](#)

The proposed Official Community Plan (OCP) amendment Bylaw No. 223 would support and enable the amendments to the Land Use Bylaw in Bylaw No. 229.

[Bylaw No. 224](#)

Proposed Bylaw No. 224, if adopted, will replace the Land Use Bylaw (LUB) No. 103 and [the zoning map](#). Proposed Bylaw No. 224 includes the majority of changes to the LUB and is structured with the new LUB template. This Bylaw No. 224 can be adopted prior to the adoption of Bylaw No. 223, as it currently complies with the North Pender OCP.

[Bylaw No. 229](#)

Proposed Bylaw No. 229 includes amendments to the Land Use Bylaw that require enabling policies in the OCP. Without the adoption of amending OCP Bylaw No. 223, adoption of Bylaw No. 229 would not be possible.

The bylaws can be found on the projects webpage: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

Timeline

The following is a basic timeline of the project:

- Spring/Summer 2020 - Staff provided the LTC with discussion papers on each topic.
 - Includes background, current policy and regulations, and options for the LTC to consider.
- Fall 2020 - Early engagement letters to First Nations.
- Fall 2020 & January 2021 – Five online Community Information Meetings.
- Spring 2021 – Referral to the Special Agricultural Advisory Planning Committee (AAPC).
- Summer/Fall 2021 – LTC narrowed scope of each topic and provided staff with direction to draft bylaws.
- Early 2022 – Two CIMs outlining 'hot topic' items included in the draft bylaws.
- May 2022 – Bylaws were given First Reading.
- July/August 2022 – three CIMs with community were held.
- September 2022 – Bylaws were given Second Reading, ITPS endorsed, direction to schedule Public Hearing.
- October 2022 – Special Meeting was deferred until the new term.

Next steps:

- Schedule a special meeting to finalize decisions (see section below)
- Schedule Public Hearing

Directions given to staff and resolutions related to the project can be found in the attached **Resolution Tracking** document (Attachment No.2).

ANLYSIS

The following summarizes decisions made to date by the previous LTC:

**RR1 – Rural Residential 1, RR2 – Rural Residential 2, R – Rural, RC1 – Rural Comprehensive 1, RC2 – Rural Comprehensive 2, AG – Agricultural, TUP – Temporary Use Permit*

TOPIC	PROPOSED CHANGES/SUMMARY
Residential Floor Area	- Maximum floor areas for dwellings established for *RR1, RR2, R, RC1, RC2, and AG zones. - Total floor areas for all buildings, excluding secondary suites, established for RR1, RR2, R, RC1, RC2, and Ag zones. - Legal non-conforming related clause added to zones with newly established maximum floor areas for dwellings. This clause would allow the dwelling to be rebuilt to the previous floor area.
Tourist Commercial (C2 Zoning)	- Reduced the number of tourist accommodation units for the Woods and Otter Bay to reflect the current build out (25, and 33 respectively). - Reduction of the number of tourist accommodation units for four MacKinnon Road properties. From a total of 55 tourist accommodation units to 31 units. - Clarified regulations, uses, and density in the C2 zone.
Agriculture	<u>Rural Residential 1 & Rural Residential 2 Zones</u> - Separated Rural Residential (RR) zone into two zones: - RR1 – Magic Lake & Trincomali - RR 2 – all other areas that were zoned RR - Difference between RR1 vs RR2 zone: - RR 2 zone permits horticulture, keeping of livestock and bees as a principal permitted use. - Restrict all buildings and structures (except for a dwelling or cottage) to 4.6 metres in height for the RR1 and RR2 zone. <u>Agriculture Zone</u> - Increased maximum floor area of a cottage from 56 m² to 90 m² to align with new Agricultural Land Commission (ALC) Residential Policies. - Add new agricultural uses that align with ALC policies. <u>Other agriculture regulations</u> - Restrict agricultural buildings to zones that only permit agricultural as a principal permitted use (R, RC1, RC2, and AG zones) - Updated agricultural regulations based on recommendations from the ALC and the North Pender Agriculture Advisory Planning Commission.
Industrial	- Combined the two existing industrial zones (Light Industrial & Industrial) into one zone (General Industrial Zone). - Incorporate TUP (Burdett) uses for waste transfer at 4415 Bedwell Harbour Rd (McDonald Farm) as permitted uses in the LUB (OCP & LUB amendments required – Bylaw No. 223 & 229). - Permitted ‘accessory buildings and structures’ on site specific General Industrial uses. 3418 South Otter Bay Rd - Western portion (Old Batch Plant) rezoned to allow the following uses: waste transfer facility, composting facility, recycling and reuse facility, contractor yard, and storage of gravel.

	○ Easter portion (next to recycling depot) rezoned to the existing uses and also waste transfer facility, composting facility, and recycling or reuse facility uses. • Legalized waste drop off at Medicine Beach.
Marine/Shoreline	• Restriction on private docks by rezoning area around North Pender to the Water 3 (W3) which does not permit private docks. • All areas with existing private docks, or those with an in-progress private dock license with the Province would retain the Water 1 (W1) zone. The W1 zone permits private docks. • New regulation that requires buildings and structures to be 1.5 metres from the natural boundary (NB) of the sea on a vertical plane. The NP LUB currently has a 15 metre [horizontal] setback from the NB of the sea. • Stairs are no longer permitted within the setback from the NB of the sea, unless they are accessory to a permitted private dock.
Minor/Technical Amendments	<u>Groundwater Regulations</u> • New requirement for cistern(s) with total capacity of 18,000L for freshwater required for new dwellings or cottages if located outside of a community water system. • Updates to the subdivision regulations (further amendments are still required). <u>Other new/amended regulations</u> • New regulation would allow the construction of an 'Outbuilding' (floor area of 10 m² or less) on a lot prior to the principal use. • Rezoned upland portion of Magic Lake to permit a community park, and allowed a community dock in the W6 zone. • Increase cottage maximum floor area from 56 m² to 80 m² for all zones (except for AG is 90 m²).

DECISIONS TO BE MADE/ITEMS FLAGGED FOR DISCUSSION

The following items require further discussion and decision by the LTC. Staff to provide further information on each item at a future Special Meeting.

- Staff to provide further comments on 'outhouse' regulations (ie. Stanley Point).
- Staff to provide further comments on outdoor lighting and Dark Sky initiatives.
- Confirm intent with MacKinnon Road C2 Zoning and invite C2 MacKinnon Road property owners to future special meeting.
- Confirm intent with C2 zoned portion of Driftwood Centre.
- Rezone 1200/1201 Port Washington Road from C1(a) to a site specific Rural Residential zone that would only permit one dwelling unit.
- All General Industrial (GI) zoned lots are site-specific zones. Confirm with LTC to see if some GI lots could be rezoned to allow the GI permitted uses.
- Incorporate NP-TUP-2020.1 (Bigham) into LUB Review project for 3334 Port Washington Rd which would legalize the uses in the TUP.
- Incorporate NP-TUP-2021.4 (Grimmer) into LUB Review project for 4415 Bedwell Harbour Rd to legalize the concrete batch plant uses as permitted in the TUP.
- Add definition of 'compost facility' to LUB.
- Confirmation that [ALC conditions](#) have been met for 4606 Razor Point Road prior to allowing 'accessory buildings and structures' on site specific GI zoned portion of the lot.

- Add ‘non-motorized boat storage’ to upland community park use on Magic Lake.
- Update subdivision regulations as further amendments were identified by the Planner for the Groundwater Sustainability Project.
- Provide update from legal opinion regarding Section 3.4.4 (farm and forestry use buildings).
- Schedule next Special Meeting.
- Schedule Public Hearings.

PUBLIC HEARING

The LTC gave direction to staff to schedule public hearings for proposed Bylaw Nos. 223, 224, and 229. The scheduling of the Public Hearings have been placed on hold until after the election. Public Hearings should be scheduled when the LTC has finalized amendments to Bylaw Nos. 223, 224, and 229 (Spring 2023).

SPECIAL MEETING

The LTC gave direction to staff to schedule a special meeting to discussion the Land Use Bylaw Review Project on October 1, 2022. This special meeting was deferred until the new term. The LTC should provide staff with possible dates to discuss the next steps for the project and to also discuss the items identified above.

ALTERNATIVES

1. Proceed no further

The LTC may choose to proceed no further with the project.

Submitted By:	Kim Stockdill, Island Planner	January 12, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 12, 2023

ATTACHMENTS

1. Project Charter
2. Resolution Tracking

Land Use Bylaw Review – Project Charter v2

North Pender Island Local Trust Committee

Date: June 23, 2021

Purpose: project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

Background: The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	January 2020
Staff research and analysis of options, preparation of background documents, reports and discussion papers	Feb – June 2020
LTC review of background material and consideration of public consultation options	June 2020
First Nations engagement	June – Nov 2020
Public consultation (scope, extent and timing to differ for topic areas), early referrals	July – Nov 2020
LTC review of consultation results and consideration of amendment options	Jan – Feb 2021
Preparation of draft bylaw (blackline and new format)	Mar – July 2021
LTC Consideration of draft bylaw	July - Sept 2021
Community Information meetings / agency and First Nations referrals	Sept - Nov 2021
Legislative Process (longer if OCP amendments required)	Nov '21 – April '22

Project Team

Robert Kojima	Project Sponsor
Kim Stockdill	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
RPM Approval: Robert Kojima Date: January 20, 2020	LTC Endorsement: Resolution #: Date: Jan 30, 2020

Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
2020-21	Total (2020-21)	\$4000
2021-22	Consultation, legislative process	\$3000

LTC Resolutions/Direction to Staff - NP LUB Review Project

Date	Topic	Resolution or Informal Direction	Motion/Direction	Staff Comments
January 28, 2021	Marine & Shoreline	Direction	LTC supports removing docks as a permitted use and to grandfather existing docks by zoning tenures.	
March 18/21	Max Floor Area	Resolution	NP-2021-030 that the North Pender Islands Local Trust Committee direct staff to create a report reflecting the discussion on floor area review on March 18, 2021.	
March 18/21	Agriculture Regulations	Resolution	-Invite SAAPC to April 29 th NP LTC meeting to discussion the SAAPC recommendations.	
March 18/21	Industrial Regulations	Direction	LTC supports the removal of Industrial designations and and industrial zoning from steep slope areas, specifically Port Washington area and steep slope adjacent to recycling centre.	
		Direction	LTC supports amending OCP designation for 005-773-954 to Industrial (lot east of home hardware), level portion only	
		Direction	Amend the OCP and Zoning for portions of 3418 Otter Bay Rd currently zoned I2(b) and I2(c). New OCP designation – Community Service. New zoning for I2(b) would be Community Service that permits waste transfer and new LUB zoning for I2(c) would permit waste transfer, composting and recycling.	
		Resolution	NP-2021-032 That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18. 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone.	
		Direction	Review and update the industrial permitted uses and to allow basic, light industrial uses (including contractor yards and storage).	
		Direction	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	
		Decision on hold	Rezone 3338 Port Washington (Home Hardware) to commercial	
		Direction	Keep site specific zoning for boat storage on Hamilton Road	
		Resolution	NP-2021-033 That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18. 2021, item 16, the	

			North Pender Island Local Trust Committee direct staff to apply general industrial zoning.	
		Direction	Rezone 3334Port Washington (TUP) to the general industrial zone.	
April 29, 2021	AG	Resolution	NP-2021-042 that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.	
	AG	Resolution	It was Moved and Seconded, that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback	
May 12, 2021	C2 zone	Resolution	Staff to contact four MacKinnon Rd owners/operators and notify them the LTC is considering reducing the permitted Commercial Guest Accommodation units for each property, and is considering rezoning the properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses. NP-2021-050 that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential. By general consent, the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.	
		Resolution	NP-2021-051 that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property	
		Direction	Add provision that requires employee accommodation for higher density developments.	
		Direction	Staff to provide options for requiring onsite operators 24/7.	
	Minor Amendments	Direction	By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use	

May 12, 2021	Marine/ Shoreline	Resolution	NP-2021-053 that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.	
		Resolution	NP-2021-052 that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.	
May 12, 2021	Minor Amendments	Direction	Remove 'fencing' from option for Landscape Screening. Screening should be planning/vegetation only.	
		Direction	Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection.	
		Direction	Add regulation to allow one accessory building/structure with a maximum floor area of 10m ² .	
		Direction	Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.	
		Resolution	NP-2021-054 that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.	
May 27, 2021	Minor Amendments	Resolution	NP-2021-068 that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.	
June 24, 2021	Max Floor Area	Resolution	NP-2021-073 that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.	
		Resolution	NP-2021-074 that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.	

July 29, 2021	Agriculture	Resolution	NP-2021-081 that the North Pender Island Local Trust Committee request that staff refer farm worker accommodation and the new Agricultural Land Commission residential rules to the North Pender Island Agricultural Advisory Planning Commission.	
	C2 Zoning	Direction	-Defer decision on MacKinnon Road properties until after Groundwater Project presentation in September 2021 -Requirement for alternative methods/sources of groundwater other than from a well for existing uses and new density. -Water storage for fire also a requirement for existing uses and new density. -Add provision that requires employee housing where tourist accommodation units exceeds 20 units.	
	Marine/Shore line	Direction	-Active private moorage applications with the province should receive conditional zoning (permitting the private dock) only if the application with the province is approved.	
	Community Engagement	Resolution	NP-2021-081 that the North Pender Island Local Trust Committee request staff to schedule two Special Meetings in the Fall 2021 to present the draft bylaws for the Land Use Bylaw Review Project.	
Oct 22, 2021	Max Floor Area	Resolution	NP-2021-082 That the North Pender Island Local Trust Committee invite the South Pender Island Local Trust Committee Trustees to the December Special Meeting on Land Use Bylaw.	
	C2 Zoning	Resolution	NP-2021-083 That the North Pender Island Local Trust Committee request staff to contact the owners of 1329 MacKinnon Road and 1349 MacKinnon Road to discuss the option of entering into a 219 Covenant.	
	C2 Zoning	Resolution	NP-2021-084 That the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to change the zoning behind the Driftwood from C2 to rental residential.	
	Marine/Shore line	Resolution	NP-2021-085 That the North Pender Island Local Trust Committee request staff to amend the	

			zoning in the draft Land Use Bylaw of the foreshore to Water 3 for the eleven in-stream private moorage applications.	
	Meeting Scheduling	Resolution	NP-2021-086 That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting in December 2021 to present the draft bylaws for the Land Use Bylaw Review Project to the Local Trust Committee for review and comment.	
Oct 28, 2021	Community Engagement	Resolution	NP-2021-098 That the North Pender Island Local Trust Committee schedule a Community Information Meeting regarding the Land Use Bylaw Review on February 5, 2021 at 11:00 am.	
December 4, 2021	Meeting Scheduling	Direction	By general consent it was agreed that the South Pender Island Trustees be invited to the North Pender LTC February 5, 2022 meeting.	
	Max Floor Area	Direction	By general consent the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.	
	C2 Zoning	Direction	By general consent the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.	
	C2 Zoning	Direction	By general consent the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held.	-This is in reference to the proposed rental housing zone on the Driftwood property.
February 24, 2022	Marine/Shore line	Resolution	NP-2022-24 that the North Pender Local Trust Committee request staff to retain the Water 1 zoning for the 11 instream private moorage applications with the Province.	
March 24, 2022	Max Floor Area	Resolution	NP-2022-036 that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).	
	Max Floor Area	Resolution	NP-2022-037 that the North Pender Local Trust Committee direct staff to remove "Lot Area coverage" from Land Use Bylaw and replace with "Total Floor Area of all buildings and structures".	

	Max Floor Area & AG Regulations	Resolution	NP-2022-038 that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.	
	C2 Zoning	Resolution	NP-2022-039, that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).	
	C2 Zoning	Resolution	NP-2022-040 that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.	
	Industrial Regulations	Resolution	NP-2022-041 that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).	
April 28, 2022	General Regs & Subdivision Regs	Resolution	NP-2022-054 that the North Pender Island Local Trust Committee incorporate the Groundwater Sustainability Project draft land use bylaw regulations into the draft Bylaw No. 224.	
	RR & C2 Zoning	Resolution	NP-2022-055 that the North Pender Island Local Trust Committee direct staff to create a new land use bylaw amendment moving Agriculture as a principal resident use in the Rural Residential 2 zone and rezoning the C2 Driftwood property to rental housing into this new bylaw and removing these items from Bylaw No. 224.	
	1200/1201 Port Washington Rd	Resolution	NP-2022-056 that the North Pender Island Local Trust Committee rezone 1200 & 1201 Port Washington Road from Commercial 1(a) to Rural Residential 2 as part of the Land Use Bylaw Review Project.	
	Industrial Regulations	Resolution	NP-2022-057 that the North Pender Island Local Trust Committee direct staff to incorporate the Temporary Use Permit uses into the Land Use Bylaw Review Project for Medicine Beach drop-off.	
	Max Floor Area	Resolution	NP-2022-058	

			that the North Pender Island Local Trust Committee directs staff to adjust the maximum floor area table by removing the last row of four hectares or greater and providing options around incentivizing secondary suites.	
	Community Engagement	Resolution	NP-2022-059 that the North Pender Island Local Trust Committee direct staff to schedule a Community Information meeting following first reading of the Land Use Bylaw Project.	
May 26, 2023	Magic Lake Community Park	Resolution	NP-2022-066 that the North Pender Local Trust Committee amend draft Bylaw Nos. 223 and 229 by rezoning the northwest end of Magic Lake to permit a community park.	Amendments made to Bylaw No. 223 & 229.
	Magic Lake Community Dock	Resolution	NP-2022-067 that the North Pender Local Trust Committee amend draft Bylaw Nos. 223 and 229 by adding a 'community dock' as a permitted use in the Water 6 Zone.	Amendments made to Bylaw No. 223 & 229.
	Bylaw No. 223	Resolution	NP-2022-068 that the North Pender Island Local Trust Committee Draft Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021", be read a first time.	First Reading to Bylaw No. 223
	Bylaw No. 224	Resolution	NP-2022-069 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022", as amended, be read a first time.	First Reading to Bylaw No. 224
	Bylaw No. 229	Resolution	NP-2022-070 that the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022", as amended, be read a first time.	First Reading to Bylaw No. 229
	ITPS Endorsement	Resolution	NP-2022-071 that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021", is not contrary to or at variance with the Islands Trust Policy Statement.	ITPS endorsed for Bylaw No. 223.
	ITPS Endorsement	Resolution	NP-2022-072 that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022", is not contrary to or at variance with the Islands Trust Policy Statement.	ITPS endorsed for Bylaw No. 224.
	ITPS Endorsement	Resolution	NP-2022-073	ITPS endorsed for Bylaw No. 229.

			that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.	
August 11, 2023	General Regs	Resolution	NP-2022-077 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to add one pump/utility shed with a maximum floor area of 10 m ² to Section 3.1.	Bylaw No. 224 amended
	Max Floor Area	Resolution	NP-2022-078 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to permit dwellings with a maximum floor area of 500 m ² on Rural zoned lots with an area of 16 ha or greater.	Bylaw No. 224 amended
	1200/1201 Port Washington Rd	Resolution	NP-2022-79 that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 229, 2022” have property 1200 & 1201 Port Washington Road retain its site specific commercial C1(a) zoning.	Reverts zoning back to current zoning C1(a) zoning. Applicant to apply for a rezoning application.
	C2 Zoning	Resolution	NP-2022-80 that the North Pender Island Local Trust Committee request that the proposed bylaw 229 be amended cited “North Pender Land Use Bylaw No 229” plan to rezone 1349 McKinnon Rd reduced from 8 units to 3 units and 1329 McKinnon Rd reduce from 15 units to 7 units.	Bylaw No. 224 amended.
	Public Hearings	Resolution	NP-2022-81 that the North Pender Island Local Trust Committee direct staff to schedule a Public Hearing for proposed Bylaw Nos. 223, 224, and 229.	Direction to schedule Public Hearings
August 13, 2023	C2 Zoning	Resolution	NP-2022-85 that the North Pender Island Local Trust Committee rescind the resolution made at the North Pender Island Local Trust Committee August 11, 2022 regular meeting that reads: “That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to reduce the number of tourist accommodation units from 8 to 3 for 1349 MacKinnon Road and from 15 to 7 for 1329 MacKinnon Road”.	Bylaw No. 224 amended
	Agriculture & RR1/2 Zoning	Resolution	NP-2022-86	Removes policy in Bylaw No.223 that would have

			That the North Pender Island Local Trust Committee proposed bylaw 223, cited as “North Pender island Official Community Plan Bylaw 171, 2007, Amendment No. 1, 2021, be amended by deleting Section 2.	permitted Agriculture as a primary permitted use in the RR zones.
	Agriculture & RR1/2 Zoning	Resolution	NP-2022-87 that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by deleting Subsection 2.2.	Amends Bylaw No. 229 by removing ‘Agriculture’ as a primary permitted use in the RR zones.
	Horticulture	Resolution	NP-2022-88 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding the following new Article to Subsection 5.2.1: ‘Horticulture’.	Amends Bylaw No. 224 to allow ‘horticulture’ as a primary permitted use in the RR1 and RR2 zones.
	RR1/RR2 Zones - permitted accessory agriculture uses	Resolution	NP-2022-89 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “and keeping of livestock” from Article 5.2.1(f), by deleting the word “accessory” from Subsection 5.2.13, and by adding the following new Articles to Subsection 5.2.1: ‘Keeping of Livestock and keeping of bees”.	Amends Bylaw No. 224 to allow certain accessory agriculture uses.
	RR2 Zones	Resolution	NP-2022-90 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting Article 5.2.1(g).	Amends Bylaw No. 224 by removing ‘accessory agri-tourism and agri-tourist accommodation’ from the RR2 zone.
	RR1/RR2 Zones - Accessory Building Height	Resolution	NP-2022-91 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as North Pender Island Land Use Bylaw No. 224, 2022” be amended by amending Rural Residential 1 and Rural Residential 2 zones so that all building and structures must not exceed 4.6 metres in height and one storey except for a dwelling or cottage.	Amends Bylaw No. 224 by restricting all buildings and structure heights to 4.6 m and one-storey except for dwellings and cottages.
	Boat Storage Use – 4606 Razor Point Rd (off Hamilton Rd)	Resolution	NP-2022-92 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “Despite Subsection 5.10(1), the only use permitted in this location is boat storage” and replacing them with “Despite Subsection 5.10(1), the only uses permitted in this location is covered boat storage and accessory buildings and structures and all covered boat storage buildings and structures and accessory building and structures must not exceed a height of 4.6 metres” to the Site-Specific General Industrial b (GI(b)) zone.	Amends Bylaw No. 224 to allow covered boat storage and accessory buildings/structures to the site specific zone.

	Main Road Properties (3323 Port Washington Rd)	Resolution	NP-2022-93 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “In addition to the uses permitted in Subsection 5.10(1), the following uses are also permitted:” and replacing it with “The only uses permitted are:” and by adding “Accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial c (GI(c)) zone.	Amends Bylaw No. 224 to allow accessory buildings and structures on the property.
	3330 & 3334 Port Washington Rd	Resolution	NP-2022-94 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to rezone 3330 Port Washington Road and 3334 Port Washington Road from General Industrial Zone to the Rural Zone.	Amends Bylaw No. 224 to retain the Rural zoning on for the two properties.
	3338 Port Washington Rd (Home Hardware)	Resolution	NP-2022-95 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding words “and accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial a (GI(a)) zone.	Amends Bylaw No. 224 to allow accessory buildings and structures on the property.
	Property east of Home Hardware	Resolution	NP-2022-96 that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 4.	Amends OCP Bylaw No. 223 to retain Rural OCP designation.
	4415 Bedwell Harbour Rd (Current Waste Transfer Site (Burdett))	Resolution	NP-2022-97 that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by adding “Accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial e (GI(e)) zone.	Amends Bylaw No. 229 to allow accessory buildings and structures to the site specific zone.
	3418 South Otter Bay Rd (Old Excavating Site)	Resolution	NP-2022-98 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to allow a ‘contractor yard’ use and ‘the storage of gravel’ on that portion of 3418 South Otter Bay Road in addition to the uses as outlined in the Community Service (q) zone.	Amends Bylaw No. 224 to retain current uses on the property (contractor yard and storage of gravel). The site specific zoning would no longer permit processing and crushing of gravel.
	Otter Bay Marina	Resolution	NP-2022-99 that the North Pender Island Local Trust proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022 be amended by rezoning Parcel C, DD828241, Section 17 and a portion of Lot A, VIP52864, Section 17 from Commercial 2 g (C2(g)) to Commercial 2 f (C2(f)).	Amends Bylaw No. 224 to correct mapping error.

	Driftwood Centre – C2 Zoned Portion	Resolution	NP-2022-100 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by rezoning the Portion of Lot 1, VIP59811, Section 15 from Commercial 2 f (C2(f)) to Commercial 2 g (C2(g)) and to add the following wording to the Site-Specific Commercial 2 g (C2(g)) zone: “Despite Subsection 5.8.1, Tourist Accommodation use is not permitted on the lot.”	Amends Bylaw No. 224 to correct mapping error, and to remove ‘Tourist Accommodation’ as a permitted use in the C2 site specific use.
	General Regulations	Resolution	NP-2022-101 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding the words “or community” after the word ‘private’ in Article 3.3.2(b).	Amends Bylaw No. 224 to correct technical error.
	General Regulations – Fences exempt from NB of the sea	Resolution	NP-2022-102 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the word “fences” from Subsection 3.3.1 and by adding the following new article to Subsection 3.3.2: “Fences.”.	Amends Bylaw No. 224 to allow fences within the setback to the natural boundary of the sea.
	3418 South Otter Bay Rd (property east of recycling depot)	Resolution	NP-2022-103 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to amend General Industrial d (GI(d)) zone to only permit the following uses: Waste transfer facility; composting facility; recycling or reuse facility; the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; and accessory building and structures.	Amends Bylaw 224 to only allow the uses as outlined in the resolution.
	General Regulations – Ag buildings	Resolution	NP-2022-104 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended Subsection 3.4.2 by deleting words “in a zone” and replacing it with “in the Rural, Rural Comprehensive 1, Rural Comprehensive 2, and Agriculture zones”.	Amends Bylaw No. 224 to make it explicitly clear that agricultural buildings are only permitted in zones where agriculture is a principal permitted use.
	Driftwood Centre – C2 Zoned Portion	Resolution	NP-2022-105 that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 5.	To amend OCP Bylaw No. 223 in retain the Tourism Commercial OCP designation for that portion of Driftwood Centre
	Driftwood Centre – C2 Zoned Portion	Resolution	NP-2022-106 that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by deleting Subsection 2.1.4 and by deleting Plan No. 3.	To amend Bylaw No. 229 in order to retain the C2 zoning for that portion of Driftwood Centre

Sept 1, 2022	Special Meeting	Resolution	NP-2022-109 that the North Pender Island Local Trust Committee direct staff to schedule a special meeting and a community information meeting on October 1, 2022 regarding the LUB Review Project.	Schedule Special Meeting (on hold)
	1200/1201 Port Washington Rd	Resolution	NP-2022-110 that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 2.	Bylaw No. 223 amended by changing OCP designation from RR to Commercial 1200/1201 Port Washington Rd to reflect resolution NP-2022-79 .
	Bylaw No. 223	Resolution	NP-2022-111 that the North Pender Island Local Trust Committee Draft Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021”, be read a second time as amended.	Second Reading to Bylaw No. 223
	Bylaw No. 224	Resolution	NP-2022-112 that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022”, be read a second time as amended.	Second Reading to Bylaw No. 224
	Bylaw No. 229	Resolution	NP-2022-113 that the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, be read a second time as amended.	Second Reading to Bylaw No. 229
Sept 29, 2022	Special Meeting	Resolution	NP-2022-118 that the Special Meeting scheduled for October 1, 2022 be rescheduled in the new term.	Reschedule Special Meeting for 2023
October 27, 2022	Legal Opinion	Resolution	NP-2022-125 that North Pender Island Local Trust Committee ask for a legal opinion about the interpretation of Bylaw No. 103 Subsection 3.4.4 with respect to use of farm and forestry purposes and its impact for revisions in the proposed Land Use Bylaw.	In progress.
	Boat Storage – 4606 Razor Point Rd		NP-2022-129 that North Pender Island Local Trust Committee request that staff verify the resolutions from the August 13, 2022 minutes include “uses” when referencing “accessory uses buildings and structures”.	Staff reviewed minutes and ‘uses’ were not discussed. Resolution NP-2022-92 from August 13, 2022 stands.

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

RECOMMENDATION

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

REPORT SUMMARY

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

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

BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

NP-2021-094

It was Moved and Seconded

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

CARRIED

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

Rationale for Recommendation

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

Next Steps

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

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

1. Draft Bylaw No. 226

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 226

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

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

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

Citation

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

Interpretation

- 2.1 In this bylaw:

"Applicant" means:

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

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

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

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

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

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

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

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

Application Fees

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

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

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

DRAFT

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

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

4. Fee for After-the-Fact Application

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

5. Collection and Refund of Application Processing Fee Amounts

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

6. Extraordinary Service Costs (ESC)

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

7. Annual Fee Increases

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

8. Application Fee Sponsorship

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

9. Severability

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

10. Repeal

- 10.1 “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

File No.: 12-14-6500-20
Permit Delegation

DATE OF MEETING: January 20, 2023
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Bylaw No. 231 - Delegation of Development Permits

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be read a First Time.
2. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be read a Second Time.
3. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be read a Third Time.
4. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The report attaches for LTC consideration draft Bylaw 231 that would delegate issuance of most development permits to staff. Bylaw 231 is based on the template endorsed by Trust Council and implements the direction provided by the LTC at the August meeting.

BACKGROUND

Local trust committees now have the authority to delegate issuance of development permits (DP) to staff. In June 2022, Trust Council adopted a policy that provides guidance to local trust committees and staff in considering adopting a delegation bylaw and also requested that local trust committees consider adoption of delegation bylaws. At the August 11th meeting, staff provided a report that reviewed the North Pender Island Local Trust Committee development permit areas (DPA) based on the Trust Council policy criteria, and recommended that the LTC consider a bylaw to delegate issuance of most development permits to staff.

Staff’s review concluded that the issuance of DPs for all the Environmental and Hazard DPAs can be delegated to staff, the guidelines are comprehensive and relatively objective, staff have long been assessing compliance with guidelines against professional reports, and incorporating professionals’ recommendations into DP conditions. However, applications for the Commercial and Industrial Form and Character DPA should continue to be

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considered by the LTC; while the guidelines are comprehensive, the more subjective interpretation of design-based guidelines, along with the sometimes high profile nature of these DPs, made staff reluctant to recommend delegation. The staff report detailing the analysis can be found at item 15.1 in the August 2022 LTC meeting agenda: <https://islandstrust.bc.ca/document/north-pender-ltc-regular-meeting-agenda-17/>.

At the August 11th meeting, the LTC adopted the following resolution:

NP-2022-078 82

It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to prepare a bylaw that would delegate the issuance of development permits to staff for the following development permit areas:

- a) North Pender Island OCP Bylaw No. 171, 2007, Development Permit Areas One through Six; and (Sensitive Ecosystems), Seven (Raptor Nests) and 10 (Riparian and Aquatic)*
- b) North Pender Associated Islands OCP Bylaw No. 147, 2002, Shoreline, Sidney Island Geotechnical and Sidney Island Shoreline Development Permit Areas.*

At the September 29, 2022 LTC meeting, the bylaw was brought back for further consideration. The LTC requested that the bylaw be deferred to consideration by the new LTC.

A delegation bylaw is an administrative bylaw, requiring three readings, Executive Committee approval, and adoption by the LTC. The LTC can proceed to give three readings and refer it to EC. If approved by the EC the LTC could adopt the bylaw at a subsequent meeting or by RWM.

Rationale for Recommendation

Trust Council has adopted a policy for delegation of development permits to staff and has requested LTCs consider adopting delegation bylaws. Delegation of DPs was also recommended by the recent governance review. Staff has prioritized the North Pender LTC's DPA for review and consideration of delegation based on the relative volume of applications and has assessed the DPAs to be appropriate for delegation with the exception of form and character DPs. Overall, the delegation of DPs would increase the efficiency of processing these permits and would result in faster turn-around times for applicants, particularly as the LTC has scheduled fewer business meetings this year.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If the LTC requests information which requires a significant amount of staff time in analysis or community consultation, the bylaw should be added to the LTC's work program. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that staff report back to the LTC with the following information: .

2. Proceed no further

If the LTC does not support delegation of DPs, either in principle or based on a consideration of the DPA provisions, the LTC should resolve to proceed no further. If the decision is based on DPA being considered out of date or in need of review, the resolution could specify proceeding no further until such time as the DPA(s) in question have been reviewed and updated.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee proceed no further with consideration of Bylaw 231.

3. Defer Consideration

The LTC may defer consideration, effectively directing that delegation be considered in the next term of the LTC.

That the North Pender Island Local Trust Committee defer consideration of Bylaw 231 and request that staff bring the report back to an agenda in the new term.

NEXT STEPS

If the recommended readings are given, staff will forward the bylaw to EC for approval.

Submitted By:	Robert Kojima, Regional Planning Manager	January 10, 2023
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ATTACHMENTS

1. Bylaw No. 231, 2022

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 231, 2022**

**A bylaw of the North Pender Island Local Trust Committee to Delegate the Power to Issue Certain
Land Use Permits**

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

SHORT TITLE

1. This bylaw may be cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”.

DEFINITIONS

2. In this bylaw:

“**Act**” means the Local Government Act.

“**Local Trust Committee**” means the North Pender Island Local Trust Committee.

“**Director**” means the Director of Local Planning Services.

“**Regional Planning Manager**” means the Manager assigned to the Local Trust Committee.

DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in his or her absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas:
 - a. North Pender Island Official Community Plan Bylaw No. 171, 2007:
 - i. Development Permit Area One;
 - ii. Development Permit Area Two;
 - iii. Development Permit Area Three;
 - iv. Development Permit Area Four;
 - v. Development Permit Area Five;
 - vi. Development Permit Area Six;
 - vii. Development Permit Area Seven;
 - viii. Development Permit Area Ten.
 - b. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002:
 - i. 701 Shoreline Development Permit Area;
 - ii. 702 Sidney Island Geotechnical Covenant Area Development Permit Area;
 - iii. 703 Sidney Island Shoreline Development Permit Area.

4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.
5. The Director, or in his or her absence the Regional Planning Manager, is also delegated the power to require, under Section 502 of the Act, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Director.
6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation, as determined by a professional landscape architect, a nursery person, a landscape contractor, a habitat biologist, or another person approved by the Director to provide.
7. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

RECONSIDERATION

8. An applicant may have a decision of the delegate in relation to a permit reconsidered by the Local Trust Committee by submitting a written request for reconsideration to the Deputy Secretary within thirty days after the decision is delivered to or made available to the applicant.
9. The request for reconsideration must include the following:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision;
 - c. reasons why the applicant wishes the decision to be reconsidered by the Local Trust Committee;
 - d. the decision which the applicant requests be made by the Local Trust Committee;
 - e. reasons in support of the decision requested from the Local Trust Committee; and
 - f. a copy of any documents which support the applicant's request for reconsideration by the Local Trust Committee.
10. Each reconsideration request shall be placed on the agenda of a regular Local Trust Committee meeting and shall include a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered and any further materials delivered by the owner.
11. The Local Trust Committee may consider any presentations made by the applicant and may either:
 - a. confirm all or part of the delegate's decision,
 - b. set aside all or part of the delegate's decision; or
 - c. amend the delegate's decision or make a new decision.

SCOPE OF BYLAW

12. For clarity, subject to the *Act*, unless a power, duty or function of the Local Trust Committee has been expressly delegated by this Bylaw or another bylaw, all of the powers, duties and functions of the Local Trust Committee remain with the Local Trust Committee.

READ A FIRST TIME THIS _____TH DAY OF _____, 20XX.

READ A SECOND TIME THIS _____TH _____ DAY OF _____, 20XX.

READ A THIRD TIME THIS _____TH _____ DAY OF _____, 20XX.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____TH _____ DAY OF _____, 20XX

ADOPTED THIS _____TH DAY OF _____, 20XX.

CHAIRPERSON

SECRETARY

File No.: Groundwater
Implementation

DATE OF MEETING: January 20, 2023
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Groundwater Implementation Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee revise the project charter for the Groundwater Sustainability Implementation Project.
2. That the North Pender Island Local Trust Committee request staff organize a special meeting for the LTC to review all materials related to the Groundwater Sustainability Implementation Project including options for Groundwater Protection Development Permit Area boundaries.
3. That the North Pender Island Local Trust Committee request staff organize an in person community information meeting prior to March 31, 2023 related to the Groundwater Sustainability Implementation Project to include options for Groundwater Protection Development Permit Area.

REPORT SUMMARY

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

BACKGROUND

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

A community information webinar was held in September 2021 to introduce the community to the data and mapping work that had been done. [The reports can be found here.](#)

At the February 24, 2022 LTC meeting resolutions were passed supporting the development of a new Groundwater Protection Development Permit Area. The LTC also supported amendments to the OCP and LUB that were not directly related to the data gathered but will support freshwater sustainability these include: updates to definitions, the addition of cistern requirements for all new builds and updated to subdivision regulations related to potable water. These were similar to the amendments proposed for Galiano.

Draft Bylaw No. 229 (LUB amendments) was included in the staff report provided to the LTC at their April 22, 2022 meeting. The LTC supported the staff recommendation to incorporate the Groundwater Sustainability Project draft land use bylaw regulations into the LUB Review Project. As a result the amendment proposed to be in Bylaw No. 229 are now incorporated in draft Bylaw No. 224. These LUB amendments are similar to those drafted for Galiano. Staff have been working on additional updates to the proof of water regulations. These revisions will be presented to the LTC in the revised Bylaw No. 224 (as part of the LUB Review Project).

Draft Bylaw No. Bylaw 228 (OCP amendments -See Attachment 2) containing draft Development Permit Guidelines for a new Groundwater Recharge Protection DPA were also included in the April 28, 2022 staff report. Due to time constraints the LTC moved the discussion regarding Bylaw 228 to the May 26, 2022 LTC meeting. Draft Bylaw 228 contains:

General Amendments to OCP (Attachment 2)

- Updates to Objectives and Policies for Land Use to include focus on groundwater sustainability and acknowledgement of indigenous cultural knowledge.
- Removing reference to “Schedule F” which will be updated to include groundwater regions.
- Updating Water Systems (3.2) to align with other proposed changes.
- Updating Groundwater Resources (4.1) to align with other proposed changes including reference to the Islands Trust Freshwater Sustainability Strategy.

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

- New DPA guidelines based on those proposed for Galiano Island.
- The draft bylaw does not yet include a map of DPA boundaries. This is still to be determined by the LTC. The attached Memo (Appendix 3) provides the methodology for identifying DPA boundary options.

At the May 26 2022 LTC meeting the North Pender Island Local Trust Committee identified the need for focussed time to review the provisions in draft Bylaw 228 and requested staff schedule a Special Meeting regarding the Groundwater Sustainability Project. Due to the focus on the LUB Review Project this special meeting was not scheduled. No further staff reports regarding the Groundwater Sustainability Implementation Project were presented to the LTC.

A memo describing the methodology related to the identification of the groundwater recharge protection development permit area was drafted to be presented at the June 2022 LTC meeting.. This memo has been updated and is attached as Appendix 3.

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

ANALYSIS

While the former LTC supported the Groundwater Sustainability Implementation Project, the LTC’s focus was on the LUB Project toward the end of the term. There is budget left for the 2022/23 fiscal to support public engagement on this project.

Staff hosted a successful in person workshop on Galiano in July 2022 which included a presentation and informal discussion opportunities. Large maps explaining the groundwater science and how it was used to identify options for DPA boundaries were posted to wall to facilitated informal discussion opportunities. A similar approach could be taken on North Pender.

Before engaging the public staff recommend that the LTC request a special meeting to go through materials related to the project and answer any questions the LTC may have. This meeting can be conducted over zoom. In addition to the materials already provided through past staff reports, staff can develop maps identifying options for DPA boundaries.

Rationale for Recommendation

That the North Pender Island Local Trust Committee revise the project charter for the Groundwater Sustainability Implementation Project.

- The project charter is currently out of date.
- Most of the major work on this project has been done and there is funding for this fiscal year. If the project requires additional funding next fiscal year, this can be supported as a minor project, with a budget under \$5000.

That the North Pender Island Local Trust Committee request staff organize a special meeting for the LTC to review all materials related to the Groundwater Sustainability Implementation Project including options for Groundwater Protection Development Permit Area boundaries.

- This will provide an opportunity for the LTC to develop a clear understanding of what is contained in the draft bylaws and how the groundwater science has been used to inform the development permit area boundary options.
- The LTC can choose to send questions to staff ahead of the meeting.
- Staff recommend this meeting be held before the community engagement meeting.

That the North Pender Island Local Trust Committee request staff organize an in person community engagement meeting prior to March 31, 2022 related to the Groundwater Sustainability Implementation Project to include options for Groundwater Protection Development Permit Area.

- This will provide the community with an opportunity to discuss the groundwater science and options for development permit area boundaries.
- Staff recommend that a similar approach to the community engagement meeting for the Galiano Groundwater Sustainability Implementation Project be taken. This would involve formal presentation as well as informal discussion, printed maps and handouts.

ALTERNATIVES

1. Request further information

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

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

2. Put the project on hold

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

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

3. Proceed no further

The LTC may choose not to proceed with the project.

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

NEXT STEPS

If the LTC chooses to support staff recommendations staff will:

- Update the project charter
- Create maps identifying DPA boundary options
- Schedule a special meeting for the LTC prior to the community engagement meeting
- Schedule a community engagement meeting

Submitted By:	Narissa Chadwick, Island Planner	January 10, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 10, 2023

ATTACHMENTS

1. Project Charter
2. Draft Bylaw 228 (OCP)
3. DPA Methodology Memo

GROUNDWATER SUSTAINABILITY - IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 2021

Purpose: To implement results of Phases one and two of the Southern Gulf Islands Groundwater Sustainability Project through community engagement and education, policy, and changes to regulations.

Background: The Southern Gulf Islands Groundwater Sustainability project was initiated in early 2019 and consisted of data collection, mapping and analysis of groundwater regions in the southern gulf islands. The results of the first phases of the project will be incorporated into Islands Trust development review processes. The Local Trust Committee has identified further implementation of the results through public engagement and potential bylaw amendments as a Top Priority project.

Objectives

- Identify implementation options
- Analyze and assess options
- To update bylaws to provide to greater protection of groundwater resources

In Scope

- Analysis of options for bylaw amendments to implement groundwater protection measures based on earlier phases of the project
- Community engagement on phases I and II
- Community, First Nations, and agency consultation
- Recommendations on potential amendments
- Support for legislative process to amend bylaws

Out of Scope

- Unrelated regulatory amendments
- Unrelated amendments to the OCP

Workplan Overview

Deliverable/Milestone	Date
Preliminary report and review of Project Charter by LTC	January 2021
Staff report on implementation options, LTC direction	April 2021
Community Groundwater Workshop to present findings of Phases 1 and 2	June 2021
Early First Nations Consultation and Targeted Agency referrals	April – Sept 2021
LTC review of potential options	September 2021
Community consultation	October – Dec 2021
LTC direction to prepare draft bylaws	January 2022
LTC review of draft bylaws, First Nations referrals, agency referrals and First Reading	Feb – April 2022
Public Hearing	May 2022
Post-hearing legislative process	May – Sept 2022
Implementation: educational materials, DAI Bylaw amendments, BVN Bylaw amendments, procedure bylaw amendments, application processing procedures revised	June – Dec 2022

Project Team

		Est. Hours/annum
Robert Kojima	<i>Project sponsor</i>	50
Narissa Chadwick	<i>Project planner</i>	200
William Shulba	<i>Professional advisor</i>	200
Maple Hung	<i>Admin support</i>	30
Jas Chonk	<i>Legislative Clerk</i>	10
Jackie O'Neill	<i>IS support</i>	10
		400
RPM Approval: Name of RPM Date: xxx	LTC Endorsement: Resolution #: Date: xxx	

Budget

Budget Sources:		
Fiscal	Item	Cost
21-22	Community consultation	\$1000
21-22	Legal review contingency	\$2000
21-22	First Nations consultation	\$2000
22-23	Public Hearing	\$2000
22-23	Contingency	\$1000
	Total	\$8000

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

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

“5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – GROUNDWATER RECHARGE PROTECTION

5.2.12.1 Description of Area

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

5.2.12.2 Authority

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

5.2.12.3 Special Conditions and Objectives that Justify the Designation

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

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

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

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

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

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

The Objectives of the development permit area are:

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

5.2.12.4 Development Approval Information

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

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

5.2.12.5 Applicability

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

5.2.12.6 Development Permit Exemptions

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

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

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

5.2.12.7 Guidelines

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

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

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

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

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

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

Plan 2

Schedule F - Groundwater Regions and Water Service Areas

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

Plan 2

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

MEMORANDUM

File No.: Freshwater
11-5420-10-
GWSS\Projects\DPA\NP\GWRP
DPA Memo

DATE OF MEETING: January 20, 2023

TO: North Pender Island Local Trust Committee

FROM: William Shulba, P.Geo, Senior Freshwater Specialist
Narissa Chadwick, Island Planner
Local Planning Services

COPY: Narissa Chadwick, Island Planner
Robert Kojima, Regional Planning Manager
Kim Stockdill, North Pender Island Planner

SUBJECT: Methodology Memorandum:
North Pender Island Groundwater Recharge Protection Development Permit Area

PURPOSE

The purpose of this memorandum is to present to the North Pender Island Local Trust Committee a groundwater recharge protection development permit area (DPA) boundary delineation methodology developed by Islands Trust staff with four DPA boundary options to consider.

SUMMARY

Key aspects of the methodology described in this memo are as follows:

- Identification of how groundwater recharge potential data from the Islands Trust Groundwater Recharge Mapping project informed the identification of critical aquifers. The raw data used can be found here: <https://islandstrust.bc.ca/programs/freshwater-sustainability/>. Related maps can be found here: <https://islandstrust.bc.ca/mapping-resources/mapping/north-pender/>
- Overlaying groundwater recharge mapping with property boundaries to determine the amount of critical recharge area on each parcel of land.
- Identification of the number of parcels that the DPA could apply to in 4 different scenarios (coverage of critical aquifer recharge area of up to 2 hectares, 5 hectares, 10 hectares, and 20 hectares) .

METHODOLOGY

Groundwater recharge is the process whereby precipitation replenishes aquifers by percolating through the landscape surface to the subsurface. Groundwater recharge potential is dependent upon several inherent geographical factors such as topographic slope, precipitation interception by plants, evaporation of water bodies on the land surface, the permeability of the soil, and subsurface geologic formations.

Groundwater Recharge Potential Mapping

To determine groundwater recharge potential, elements influencing groundwater recharge were weighted based on previous studies and observed data. The methodology addresses diffuse and localized groundwater recharge.

- **Diffuse recharge** is due to the widespread movement of water from land surface to the water table that varies spatially and seasonally. The percentage of precipitation that becomes diffuse recharge is dependent on soil, vegetation, local topography, and depth to the water table.
- **Localized recharge** occurs along discrete, bedrock lineaments including fractures, faults and geologic bedding planes and contacts.

The [Islands Trust Area Groundwater Recharge Potential Mapping report](#) describes in detail the methodology used to determine groundwater recharge potential on islands in the Islands Trust Area. The methodology was developed over three projects over a 4 year period. The resulting raw data is a *raster* dataset of a spatial resolution of 400 square metres (0.04 Hectares) per pixel. A raster consists of a matrix of cells (or pixels) organized into rows and columns (or a grid) where each cell contains a value representing information, such as temperature, elevation, or in this case groundwater recharge potential.

The resulting raster data is on a scale from 0.0 to 1.0. Whereby 0.0 is very low recharge and can be determined as a groundwater discharge area where groundwater is exiting from the subsurface to the surface. A groundwater recharge potential of 1.0 is very high recharge where all precipitation will enter the ground. It is unlikely that in any landscape 100% of precipitation enters the groundwater system. Figure 1 shows the methods that contributed to the determination of groundwater recharge potential and are described in the *Islands Trust Area Groundwater Recharge Potential Mapping report* (GW Solutions, 2021).

Classification of Critical Aquifer Recharge Areas

Islands Trust planning staff, Information Services, and the Senior Freshwater Specialist developed a methodology to classify critical aquifer recharge areas from the raw raster data of the Islands Trust Area Groundwater Recharge Mapping project. In the case of North Pender Island, the maximum amount of recharge potential was determined as 0.92 and minimum of 0.04 with an average mean of 0.39 and a standard deviation of 0.13.

The divisions of significant recharge potential, herein known *as Critical Aquifer Recharge Areas*, are based on statistical analysis using standard deviation to determine value breaks. The overall mean average of the recharge potential data is considered **Moderate** and is the majority of the potential recharge area. As shown in Figure 2 and illustrated in Figure 4, the average of **High** recharge is 1 standard deviation above the overall mean and the average of **Very High** recharge is 2 standard deviations above the overall mean. The average of **Low** recharge is 1 standard deviation below the overall mean and the average of **Very Low** recharge is 2 standard deviations below the overall mean.

Following classification, the raster was processed into a vector polygons to be used to determine **Critical Aquifer Recharge Areas**. Rather than a raster dataset of pixel values, a vector polygon consists of 3 or more vertices that are connected and “closed”, that outlines lakes, oceans, parcels, and in this case classified groundwater recharge areas (Figure 4).

To establish **Critical Aquifer Recharge Areas** polygons of *high* and *very high* groundwater recharge potential were combined together. Since the conversion from raster data to vector polygons can create unnatural results, a smoothing factor was applied. A polygon smoothing factor method, *multiple ring buffer* tool, was used to address the irregularities from determining polygons from pixels. Additionally, the *dissolve boundaries* tool was used to combine adjacent polygons together to create cohesion of proximal polygons. Further to this, lone pixels and other anomalies from the process were removed manually resulting in a mapping layer that represents **Critical Aquifer Recharge Areas** in a scientifically sound and meaningful way (Figure 5).

As shown in Figure 6, the smoothing factors generated an area slightly larger than the sum of the high and very high polygons. In addition to solving technical challenges of converting raw groundwater recharge potential raster data to a usable polygon layer, this method also integrates a spatial proximity effect used often in the assessment of changes in ecosystem services for biodiversity conservation (Liu et. al, 2016).

Delineating Boundaries for Groundwater Recharge Protection Development Permit Area

To determine boundaries for the proposed *Groundwater Recharge Protection Development Permit Area* an approach was used that calculated the area of the *Critical Aquifer Recharge Areas* for each individual land parcel on North Pender Island using a geospatial model. The DPA was then established by parcel rather than based on the derived polygons.

Several options are provided for consideration to establish the development permit area. In the case of North Pender the threshold options presented are 2-hectare, 5-hectare, 10-hectare, and 20-hectare of Critical Aquifer Recharge Area on a parcel. For example, if the 10-hectare option is selected any parcel that has 10 or more hectares of Critical Aquifer Recharge Area within the boundaries of that parcel, would be included in the DPA. If the 10-hectare option is chosen, all parcels that are less than 10-hectares are automatically excluded from the DPA regardless if those parcels have *Critical Aquifer Recharge Area* in the parcel.

This method was applied to all parcels of the island as indicated in figure 4. 6 and 8 on the following pages. However, the final resulting DPA will not include properties that are parks or other protected areas as these are either outside Islands Trust jurisdiction or they are already protected through covenants. The LTC has the opportunity to consider excluding other classes of property. The overall methodology is presented in a flow diagram on Figure 7 and the options are presented in Figure 8.

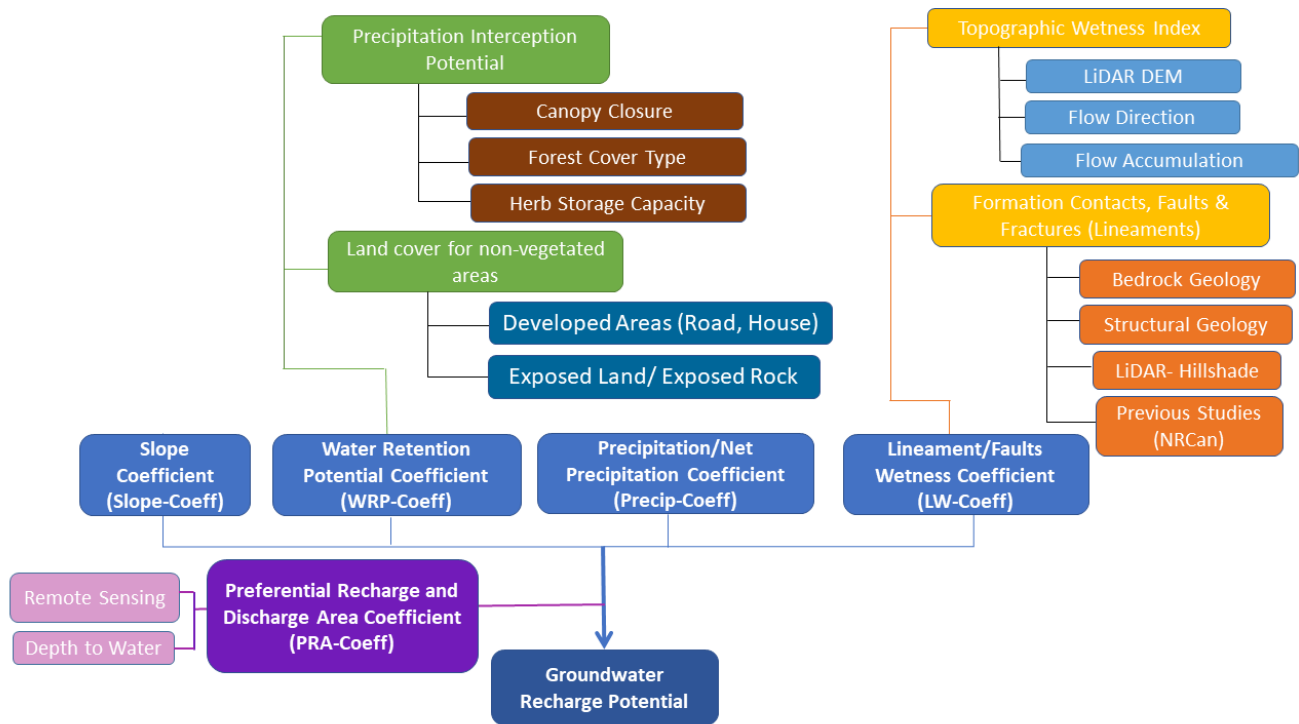


Figure 1: Islands Trust Area Groundwater Recharge Potential Mapping Methodology

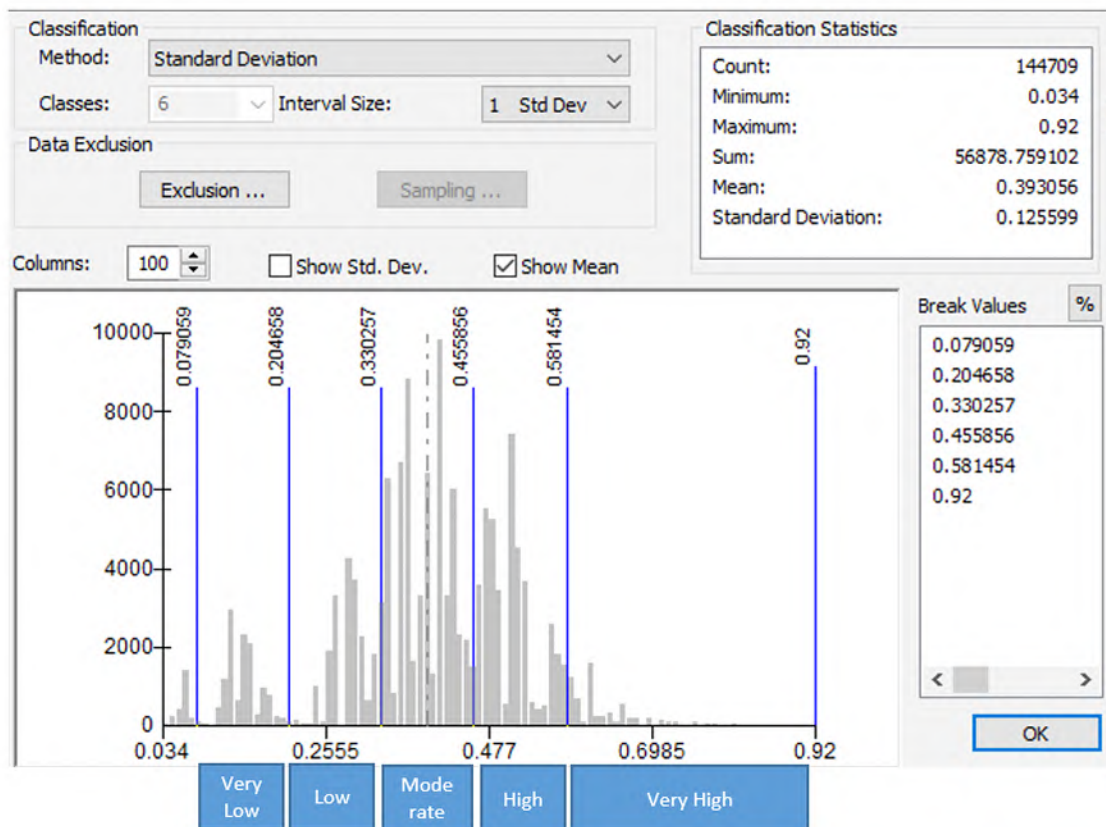


Figure 2: North Pender Islands Trust Groundwater Recharge Potential Classification Distribution

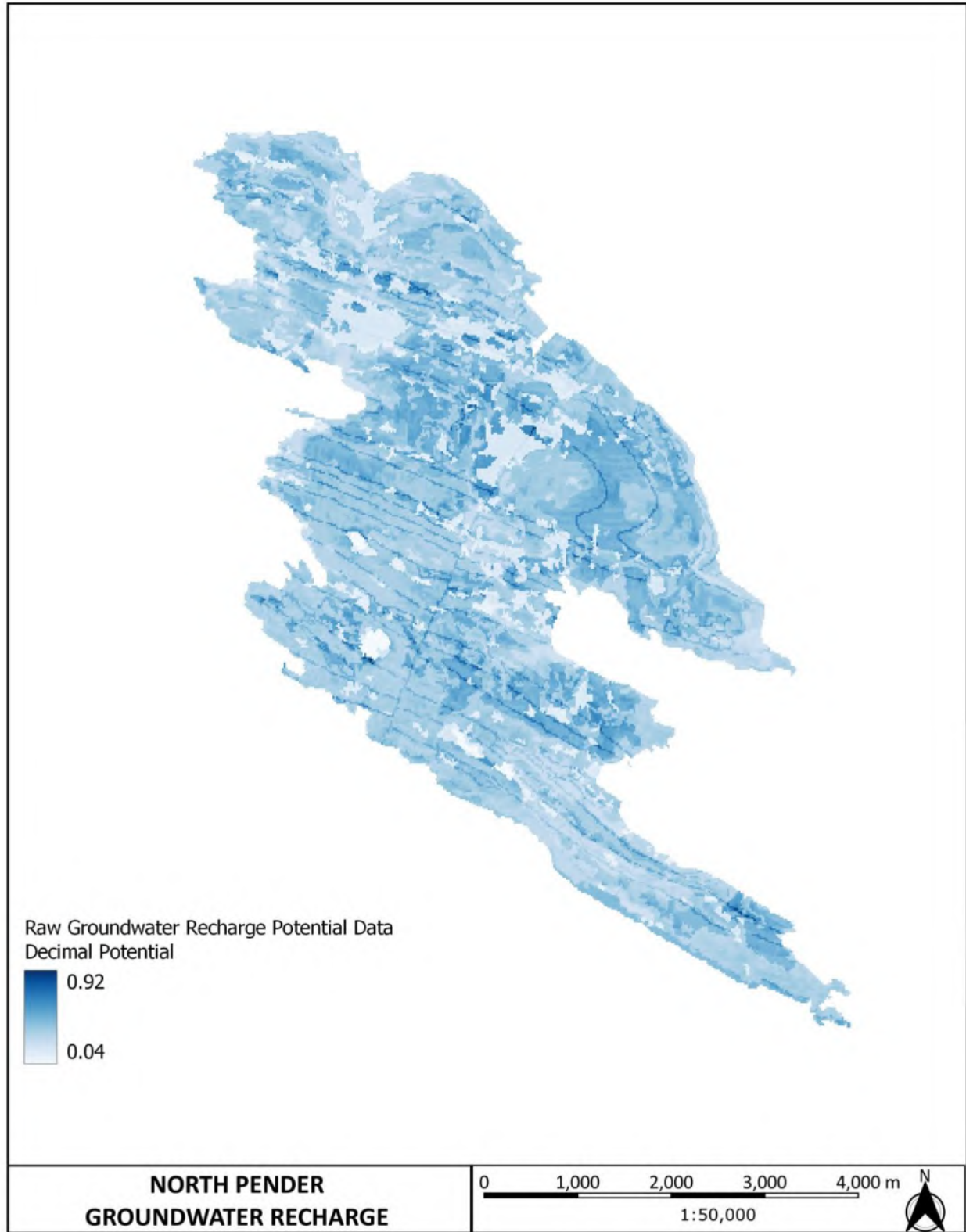


Figure 3: Raw Groundwater Recharge Potential Raster Data on North Pender Island

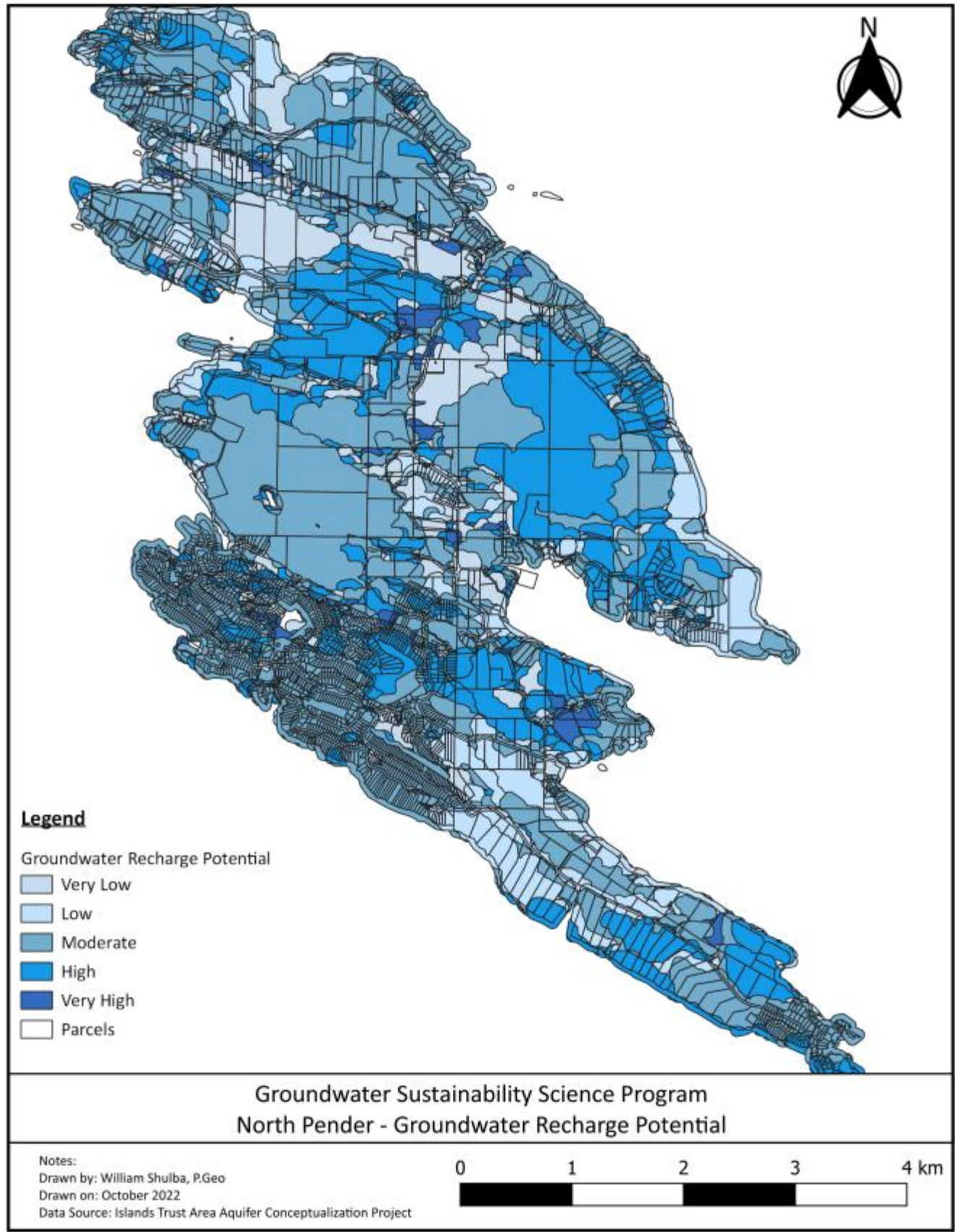


Figure 4: Classified Groundwater Recharge Potential Polygons on North Pender Island

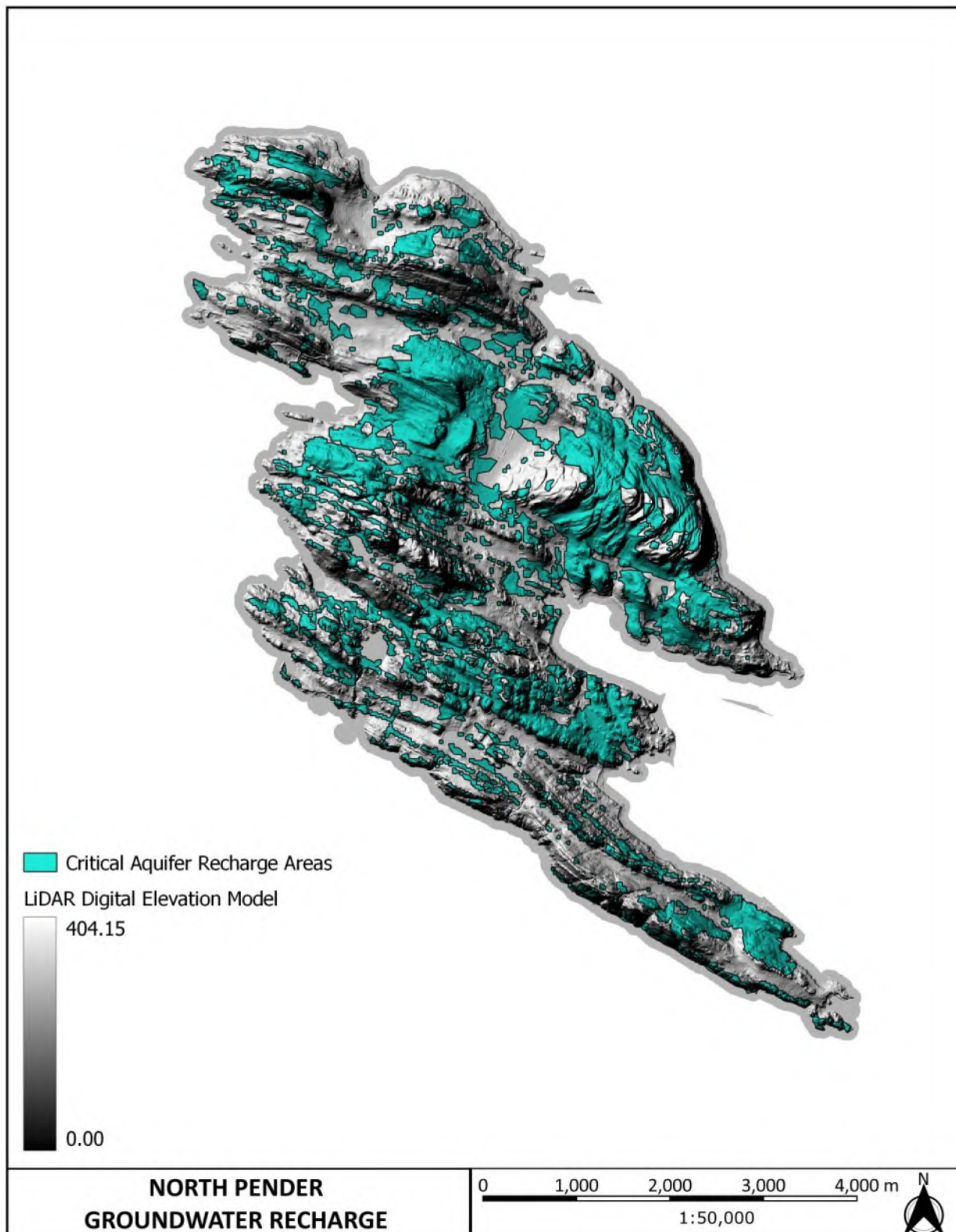


Figure 5: Critical Aquifer Recharge Areas of North Pender Island

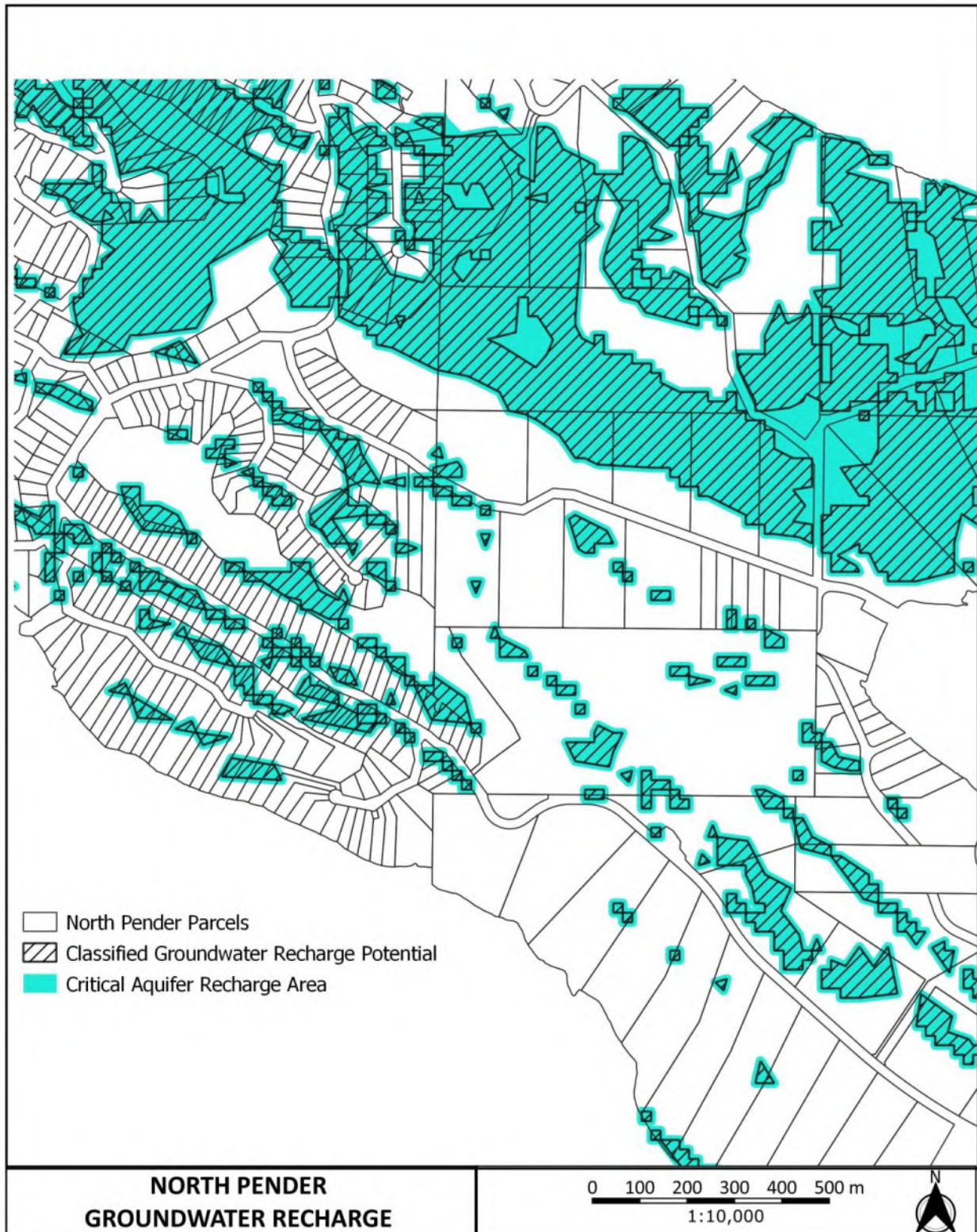


Figure 6: Critical Aquifer Recharge Areas compared to Classified Groundwater Recharge Potential to demonstrate smoothing factor.

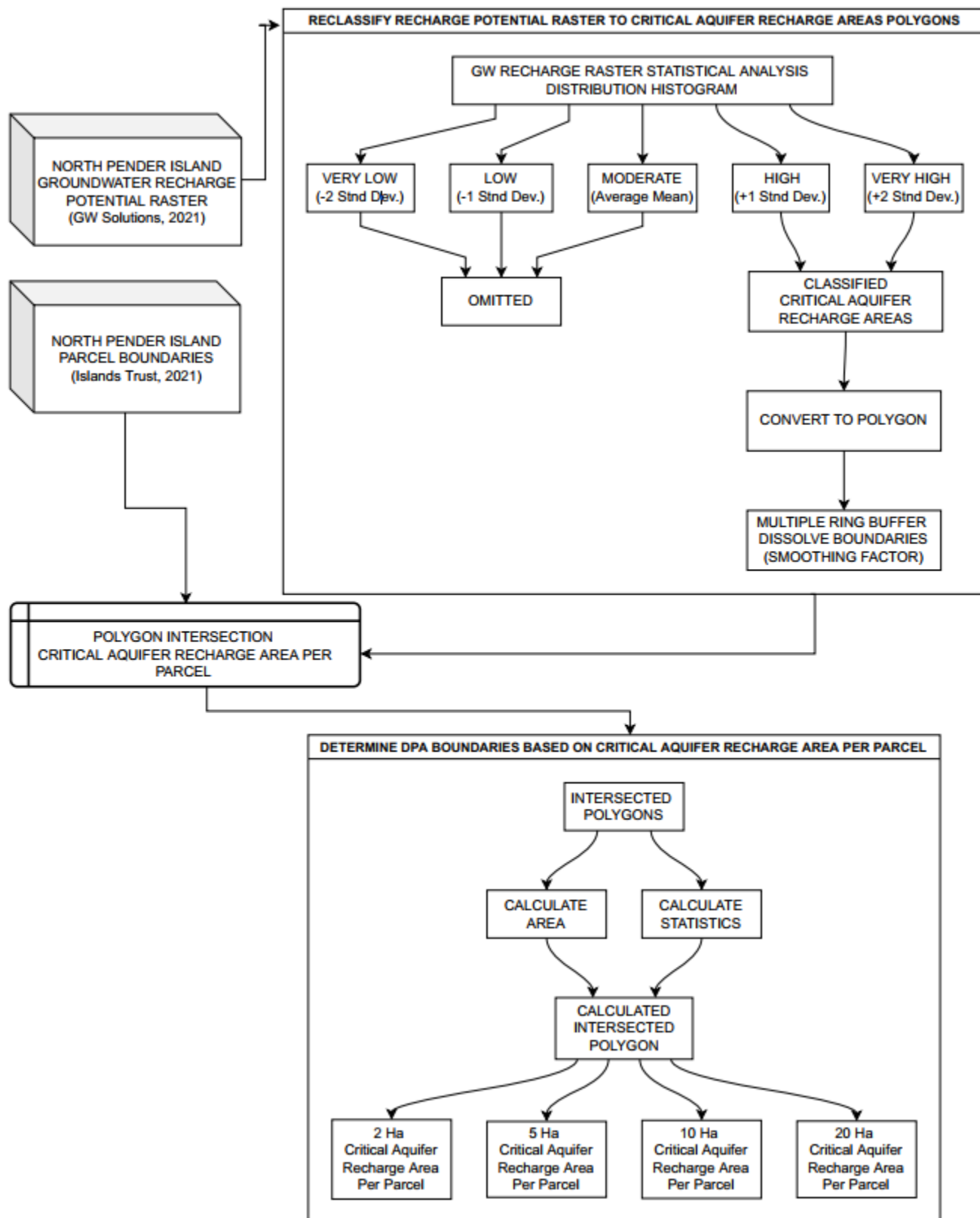


Figure 7: North Pender Island Groundwater Recharge Protection Development Permit Area Boundary Delineation Methodology

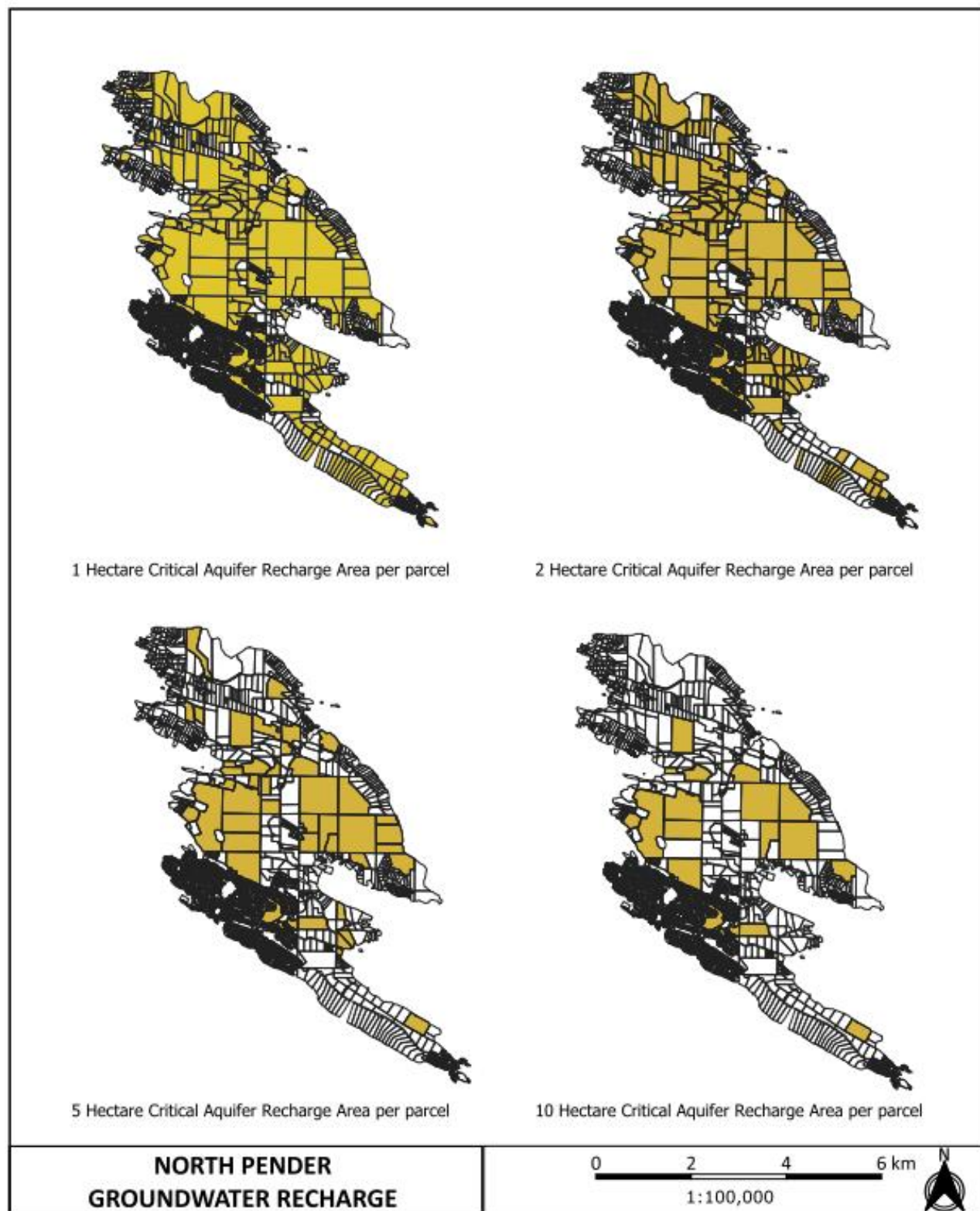


Figure 8: Groundwater Recharge Protection Development Protection Area options

ANALYSIS

The purpose of this groundwater recharge protection development permit area is to protect the ability of aquifers to produce sustainable water resources to the ecosystems and communities of North Pender Island. Islands Trust staff have proposed development permit area boundaries based on:

1. Identifying Critical Aquifer Recharge Areas from raw groundwater recharge potential raster data from the Islands Trust Groundwater Recharge Mapping project totalling 1200 hectares.
2. Identifying the area of Critical Aquifer Recharge Area for all parcels on North Pender Island.
3. Identifying options with respect to hectareage to be considered as a minimum threshold of Critical Aquifer Recharge Area per parcel for consideration as designation as a DPA.
4. While the Development Permit Area will not include crown, federal, provincial, and conservation areas this methodology memorandum considered all zones and all property ownership to illustrate the total area that would be protected.

Critical Aquifer Recharge Area per Parcel Option	Parcels affected	Total Critical Aquifer Recharge Area Protected (Hectares)	Percentage of Total Critical Aquifer Recharge Area Protected (%)
1-hectare	206	882	73%
2-hectare	123	760	63%
5-hectare	40	480	40%
10-hectare	16	321	27%

In Figure 9 an example comparing two options for DPA 5-hectare option and the additional coverage in the 2-hectare option. Although the 2-hectare option does capture more critical aquifer recharge area and contribute to protecting contiguous areas of recharge, it may over-represent the need for recharge protection in larger coastal lots.

The amount of critical aquifer recharge area currently under conservation or parkland is significant. This is a testament to the long history of the North Pender community in coordination with other agencies protecting the most significant natural areas of the island. Critical groundwater recharge areas are located in forested uplands that hold significant natural amenities that contribute to ecosystem services and healthy watershed hydrology. Although these lands may be protected by the managing agency, coordination with those agencies is encouraged to ensure best management practices on those lands to protect groundwater recharge.



Figure 9: Difference between 5-Hectare option (in orange) and 2-Hectare option (yellow) which is in addition to the 5-Hectare Option.

The majority of critical aquifer recharge areas are located on parkland and small residential lots. Although development permit areas are a useful land-use planning tool for protecting groundwater recharge, education and advocacy around groundwater recharge protection is critically important to groundwater protection.

Nearly every parcel on North Pender Island is related to groundwater resources in some way, either hosting critical aquifer recharge areas, sensitive drainage systems or the use of the groundwater resource. Ultimately protection of the groundwater resources on North Pender Island is the responsibility of every resident.

NEXT STEPS

Next steps are for the North Pender LTC to consider the recommended groundwater recharge protection development permit area boundary delineation methodology.

REFERENCES

GW Solutions, 2021. [Islands Trust Area Groundwater Recharge Potential Mapping report](#)

Yanfang Liu, Lei Zhang, Xiaojian Wei, Peng Xie (2016) Integrating the spatial proximity effect into the assessment of changes in ecosystem services for biodiversity conservation, Ecological Indicators, Volume 70, 2016, Pages 382-392, ISSN 1470-160X, <https://doi.org/10.1016/j.ecolind.2016.06.019>.

Submitted By:	William Shulba, P.Geo Senior Freshwater Specialist, Islands Trust	June 15, 2022
Edited By:	Narissa Chadwick, RRP Senior Planner	January 10, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 12, 2023

File No.: 6500-02
Term End Report

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

RECOMMENDATION

1. That the North Pender Island Local Trust Committee make any amendments to the Work Program

REPORT SUMMARY

The Local Trust Committee is being asked to review its 'Work Program' and provide direction for any changes to the Active and Future Projects. This report provides a summary of current and recently completed LTC Projects, an overview of the currently identified future projects, and identifies other potential projects the LTC may wish to consider this term. The report also provides a summary of the status of major applications.

Completed and On-going Projects

Over the course of past term the LTC undertook the following projects:

Project	Summary	Current Status	Comments
Waste Management	To identify and zone site(s) for waste transfer and to develop policies	Project ended without bylaw amendments	Long standing project was active for first year of last term (2018-19). LTC direction to consider locations through operator applications
Groundwater Sustainability	Mapping, data gathering and delineation of groundwater regions	Completed	Southern Gulf Islands-wide project completed in 2021. Implementation phase initiated by LTC (see below)
Landowner Education	Creation and distribution of DPA information for owners and operators	Completed	Project was initiated and completed in 2019
Land Use Bylaw Review	Project to update LUB, primarily through implementation of OCP policies	On-going	Project was commenced in 2020 and intended for completion in 2022. The project is substantially complete with new LUB and related bylaws with Second Reading.

			Project is funded through end of fiscal year (March 31, 2023) and if additional funding is required in the next fiscal year can be funded as a minor project.
STVR Review	Reviewed Policy and Regulations for Short Term Vacation Rentals	Completed	This two year project (2020 – 2022) resulted in amendments to the guidelines for STVR Temporary Use Permit
Soil Bylaw	Project was to consider adopting a soil bylaw to regulate removal or deposit of soil	In Abeyance	LTC completed review, drafting and consultation. Bylaw phase deferred. The project has been moved to the Future Projects list, could be re-initiated as a minor project later in the term.
Groundwater Mapping Implementation	To implement groundwater mapping project through amendments to Development Permit Area and subdivision regulations	On-going: LTC direction to draft bylaws and bring back for readings.	The project is funded through the end of the fiscal year (March 31, 2023). Additional costs in subsequent fiscal year can be funded as a minor project.

By Trust Council policy, an LTC can have one active minor project at a time, in addition to any major projects funded through a business case approved by Trust Council.

Currently, the Land Use Bylaw Review and the Groundwater Mapping Implementation project are both on-going projects. Both are currently funded and may continue as the LTC's Active Projects through the current fiscal year. Staff recommend that the LTC review the work undertaken by the previous LTC on both the LUB Review and the Groundwater Mapping Implementation project, identify activities to be undertaken in this fiscal year. If needed, additional funding in the next fiscal year can be available up to \$5000 for each project to complete the work. The LTC should review the work done to date and provide direction on whether it still wishes to proceed. If the LTC does want to proceed with the project, no amendment to the Work Program would be needed.

Potential Future Projects

The LTC should start to consider future projects, particularly any Major Projects, as scoping for business cases need to be developed starting in April 2023. The following section identifies potential future projects from several sources.

1. Future Projects List: as issues are identified, an LTC can add potential projects to the 'Future Projects List'. These are tracked in a report included in each agenda package. The following table summarizes the items currently identified on the Future Projects List:

Date added	Issue	Description	Comments
2019	Coastal Douglas-fir Protection	Implementation of recommendations from toolkit	Depending on scope, could be a minor project or a major project

Date added	Issue	Description	Comments
2022	Soil Removal and Deposit Bylaw	Analysis, drafting and consultation work done.	Would be a minor project
2022	Raptor Nests	Update Raptor nest mapping and update DPAs	Would be a minor project
2022	Affordable Housing Options	Review and consider options to amend bylaws for affordable housing	Depending on scope, could be a minor project or a major project
2022	Accessory Dwelling Units	Review options for accessory dwelling units (small secondary units)	Depending on scope, could be a minor project or a major project
2022	Review DPAs	To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs.	Would likely be a major project, particularly if funding for mapping required.
2022	Browning to Driftwood Corridor Plan	Coordination on a transportation plan for the Driftwood to Port Browning corridor.	Would likely be a minor project, however LTC should consider jurisdiction prior to initiating

The LTC should review the Future Projects List and remove any initiatives it considers out-of-date or any it no longer supports, or add any new initiatives it may want to consider.

2. Strategic initiatives: the following are potential projects that have been advanced through the Regional Planning Committee, with a brief description of each:
 - a. Affordable Housing: a broader review of housing policies and regulations, including consideration of implementation of Islands Trust housing toolkit recommendations and coordination with CRD [Southern Gulf Islands Housing Strategy](#). This is identified on the LTC's future projects list as "Affordable Housing Options"
 - b. Coastal Douglas-fir Ecosystem Protection: Regional Planning Committee prepared a toolkit with options for protecting significant tracts of mature forest. This is also on the LTC's Future Projects List.
 - c. Cultural Heritage Protection implementation: phase 1 of a project to develop criteria for identification of cultural heritage sites was undertaken last year, however that did not include delivery of mapping. Implementation could include designation of Heritage Conservation Areas, based on existing mapping, designation of shoreline areas or First Nations recommendations.

- d. **Shoreline Review:** Regional Planning Committee funded a report on shoreline protection last term. Several LTCs initiated projects to review shoreline and marine policies and regulations last term. The LTC has incorporated regulatory elements into the LUB Review.
3. **OCP Review:** North Pender's OCP was extensively reviewed and updated 14 years ago. While not the oldest OCP in the Trust Area, it is not the most recent; the LTC could consider identifying an OCP review to commence later in the term.
4. **Other potential projects:** the LTC should consider identifying other potential initiatives or issues, either as an LTC or through a process of community consultation.

The LTC may wish to consider scheduling a special meeting to engage in more detailed deliberations on identifying future projects or to engage in community consultation on future priorities.

Business Cases for Major Projects

Major projects are any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. LTCs wishing to undertake a Major Project should start developing a business case in the spring, and endorse the business case by July in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in October and November meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

Administrative Bylaws

All LTCs have administrative bylaws that govern the LTC's procedures. Recent amendments to the LTC's administrative bylaws include:

1. Amendments to the meeting procedures bylaw to permit electronic meetings

The LTC also considered, but deferred:

2. Adoption of a new Fees Bylaw to implement application fee changes recommended by the Regional Planning Committee
3. Adoption of a Land Use Permit Delegation Bylaw: this bylaw would delegate the approval of development permits to staff for all DPAs except Form and Character.

Pending Administrative Bylaw amendments that the LTC can expect next year include:

1. Amendments to the development procedures bylaw to allow for alternative notification for public hearings
2. Amendments to the Freedom of Information Bylaw will be brought to all LTCs by the Director of Legislative Services in the new year.

Applications

Rezoning applications are the most complex and time consuming applications considered by LTCs. The LTC considered several rezoning applications in the last term.

1. NP-RZ-2018.2 (GRL Holdings) – Rezoning of a portion of the Magic Lake Market site to permit the Shaw Communications building (had been operating by TUP for many years).
2. NP-RZ-2019.1, NP-RZ-2019.2 and NP-RZ-2021.1 (Sketch) – LTC resolutions were adopted to not proceed with these rezoning applications.
3. NP-RZ-2019.3 (Henshaw) – application for industrial site; LTC resolution to not proceed, but to undertake a comprehensive industrial review.

One rezoning application remains on-going:

1. NP-RZ-2022.1 (Sidney Island) – rezoning for Sidney Island Strata to permit temporary occupancy of RVs

In addition to rezoning applications, last term the LTC considered:

1. 73 land use permits (an average of 18 per year):
 - i. Development Permits – 27
 - ii. Development Variance Permits – 15
 - iii. Temporary Use Permits (including renewals) – 31
2. In addition:
 - i. The LTC considered six referrals
 - ii. Staff reviewed 178 Building Permits and 3 subdivisions
 - iii. There were 4 Board of Variance appeals

Summary reports with the current status of all applications are provided in each agenda package. Staff reports are included in agendas when an LTC decision or direction is required.

Standing Policies and Resolutions

The LTC has, over the years, adopted a number of policies in the form of standing resolutions. These resolutions direct how staff act in certain instances, and can provide guidance to the LTC itself. A report of standing resolutions is included in each staff report and the LTC should review these policies early in the term and considering rescinding outdated policies.

Follow up Action List

The Follow-up Action List (FUAL) is mechanism for tracking and reporting on actions resulting from LTC meetings. The FUAL is intended to be a short term actions, not be to be longer term projects. The current FUAL has been inherited from the out-going LTC. A couple of older items from 2021 have been forwarded to Trust Area Services, are not discrete actions and have lingered on the FUAL since, and staff recommend they be closed.

Rationale for Recommendation

The Work Program identifies active and future LTC projects. At the start of the term, the LTC should consider whether to proceed with the existing active projects and should also identify future priorities. Deliberation on the setting of strategic priorities for the term may best be undertaken by scheduling a special meeting.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a special meeting to review the Work Program. The resolution can be worded as:

That the North Pender Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities.

2. Amend the Work Program

The LTC can amend either list. The resolution may be worded as:

That the North Pender Island Local Trust Committee amend the [Active Projects List/Future Projects List] as follows: [indicate amendments].

Submitted By:	Robert Kojima, Regional Planning Manager	December 8, 2022
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Top Priorities Report

North Pender Island

1. LUB Review Project

Responsible

Dates

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

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

2. Groundwater Sustainability Project

Responsible

Dates

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

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

Phase 3: Groundwater Mapping Implementation - ON-GOING

Future Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit and mapping
- LPC to develop model bylaw in 2021-22

01-Feb-2019

2. *Raptors Nests*

Responsible

Date Received

To update the raptor nests mapping.

27-Jan-2022

3. *Affordable Housing Options*

Responsible

Date Received

A project to review affordable housing options.

24-Mar-2022

4. *Accessory Dwelling Units*

Responsible

Date Received

Review options for accessory dwelling units on North Pender.

26-May-2022

5. *Review DPAs*

Responsible

Date Received

To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs.

11-Aug-2022

6. *Browning to Driftwood Corridor Plan*

Responsible

Date Received

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

11-Aug-2022

Future Projects Report

North Pender Island

7. *Soil Bylaw Project*

Responsible

Date Received

Work on Soil bylaw was undertaken in 2021 and 2022. Project deferred prior to bylaw readings

29-Apr-2021

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.1	Cameron, Heather	03-Jan-2023	Appeal to Board of Variance for structural alteration.
Planner: Brad Smith			
Planning Status			
Status Date: 10-Jan-2023			
Planner Brad Smith assigned.			
Status Date: 09-Jan-2023			
File created in EDM.			

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	Application for development permit for a building in a form and character DPA
Planner: Charly Caproff			
Planning Status			
Status Date: 19-Dec-2022			
File re-assigned to Charly Caproff			
Status Date: 13-Oct-2022			
E-mail to applicant requesting status update.			
Status Date: 13-Oct-2022			
Applicant finalizing SUB 2017.3 as priority			

Applications

Rezoning

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

Planner: Robert Kojima

Planning Status

Status Date: 02-Dec-2022

Meeting with applicants, bylaws reviewed and applicants support for proceeding with bylaws as drafted with two minor changes

Status Date: 18-Nov-2022

Bylaw drafted, sent to bylaw enforcement and to applicants for review

Status Date: 29-Sep-2022

LTC direction to proceed with rezoning

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	Referral of a subdivision application for 2 lots

Planner: Charly Caproff

Planning Status

Status Date: 19-Dec-2022

File re-assigned to Charly Caproff

Status Date: 21-Nov-2022

Rec'd unsigned copy of easement. Response that require copy of registered Easement (water) or condition from MOTI that will be registered at sub. And, copy of signed sub plan required.

Status Date: 21-Nov-2022

Applicant will forward easement once registered and survey.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549
Planner: Charly Caproff			
Planning Status			
Status Date: 19-Dec-2022 File re-assigned to Charly Caproff			
Status Date: 14-Oct-2022 Applicant away until November. Will review need for DP/DVP application then.			
Status Date: 12-Oct-2022 E-mail to applicant requesting status update.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.4	O'Malley, Pauline	04-Aug-2022	Renewal of TUP - STVR.
Planner: Kim Stockdill			
Planning Status			
Status Date: 10-Jan-2023 Application placed on January 20th LTC agenda.			
Status Date: 19-Dec-2022 File re-assigned to Kim Stockdill			
Status Date: 14-Dec-2022 Permit and notice finalized and to DS for notification			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.5	Stanley Point Estates Ltd.	06-Dec-2022	Application for a temporary use permit for shipping containers.
Planner: Brad Smith			
Planning Status			
Status Date: 08-Dec-2022 Planner Brad Smith assigned.			
Status Date: 07-Dec-2022 Fee received from applicant.			
Status Date: 06-Dec-2022 File created in EDM.			

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending November 2022

650 North Pender	Invoices posted to Month ending November 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	460.00	0.00	460.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,123.00	1,219.64	1,903.36
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	60.00	339.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	280.00	0.00	280.00
TOTAL LTC Local Expense		<u>4,052.00</u>	<u>1,279.64</u>	<u>2,772.36</u>
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	639.13	1,360.87
73001-650-4115	North Pender Groundwater Strategy Implementation	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>639.13</u>	<u>3,360.87</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2022-002 (Standing)	Carried	27-Jan-2022
Travel Trailer Enforcement that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.		
2020-026 (Standing)	Carried	21-May-2020
15.2 New business - Re: Bylaw Enforcement: Not Enforce on Restaurants or Liquor Primary Establishments during Co that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.		
2020-012 (Standing)	Carried	19-Jun-2020
Liquor primary and manufacturer licensees within the North Pender Island Local Trust Area That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.		

Standing Resolutions Log

North Pender Island

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

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)	Carried	31-Jan-2019
12.4 Adopted Policies and Standing Resolutions that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.		
2018-070 (Standing)	Carried	06-Sep-2018
12.2 Retail Cannabis Licensing - Staff Report that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.		
2011-050 (Standing)	Carried	28-Apr-2011
Adopting In Camera Minutes It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.		

Standing Resolutions Log

North Pender Island

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



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 22, 2022 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- ***This meeting was the first Islands Trust Conservancy (ITC) Board meeting following the Islands Trust Council elections. Two new board members were elected to the ITC board (Trustee Scott and Trustee Yates) and one appointed by the Executive Committee (Trustee Elliott). ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was voted Chair of ITC Board, Trustee Smith was voted Vice-Chair, and Trustee Scott is the FPC representative. The ITC Manager advised that ITC will have an ex officio seat on the Governance Committee once the committee is constituted, noting the ITC Chair will appoint a member to the committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval.
- The ITC Board reviewed a referral for Galiano Islands Local Trust Committee bylaws 231 and 232. The ITC Board recommended that the Galiano Island Local Trust Committee approve bylaws 231 and 232 because they bring zoning into agreement with the use of conservation lands and further strengthen the conservation status for District Lots 64 and 68, which are adjacent to Islands Trust Conservancy covenanted areas.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).



5. COMMUNICATIONS AND OUTREACH

- ITC staff provided an overview and orientation presentation to incoming Board members.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board accepted a donation of approximately \$45,000 from the estate of William Tempest for the purpose of conservation initiatives on Hornby Island. From this approx. \$25,000 has been designated for covenant management activities and approx. \$20,000 to the Opportunity Fund for grants for Hornby Island.

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

Shortcuts of interest:

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

BRIEFING

To: LTCs in W̱SÁNEĆ Territory **For the Meeting of:** Various

From: Trust Programs Committee **Date Prepared:** September 2, 2022

SUBJECT: Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

PURPOSE: To provide, for information, a letter from W̱SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments.

BACKGROUND: On August 26, 2022, Trust Programs Committee received a letter from the W̱SÁNEĆ Leadership Council (WLC) regarding WLC staff's response to draft 2021 Islands Trust Policy Statement Amendments.

Trust Programs Committee passed the following resolution:

that Trust Programs Committee forward the letter of August 4, 2022, from W̱SÁNEĆ Leadership Council staff to all local trust committees in their territory

This letter has also been shared with Trust Council and provincial staff.

WLC staff participated in both Phase 1 and Phase 2 of early and meaningful engagement related to the Policy Statement Amendment Project. Additional correspondence from W̱SÁNEĆ Leadership Council regarding the Policy Statement has been posted to the Islands 2050 webpage at <https://islandstrust.bc.ca/programs/islands-2050/>.

Staff will continue early and meaningful engagement with W̱SÁNEĆ Leadership Council on the Policy Statement Amendment Project and will provide a formal referral after first reading.

ATTACHMENT(S):

1. Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services



WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (e.g. Introduction, Present Context, etc.).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of ȚELEȚÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of ȚELEȚÁĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of ȚELEȚÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creations stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOTEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.