



South Pender Island Local Trust Committee

Regular Meeting Agenda

Date: November 4, 2014
Time: 10:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Pages

- | | | | |
|-------|---|---------------------|---------|
| 1. | CALL MEETING TO ORDER | 10:00 AM - 10:10 AM | |
| 2. | APPROVAL OF AGENDA | | |
| 2.1 | Additions/Deletions | | |
| 2.2 | Questions from Public on Agenda Items | | |
| 3. | TOWN HALL | 10:10 AM - 10:20 AM | |
| 4. | COMMUNITY INFORMATION MEETING | | |
| | none | | |
| 5. | PUBLIC HEARING | | |
| | none | | |
| 6. | PREVIOUS MEETINGS | 10:20 AM - 10:30 AM | |
| 6.1 | Adopted Local Trust Committee Minutes | | |
| 6.1.1 | <u>South Pender Island Local Trust Committee Adopted Minutes dated September 16, 2014</u> | | 4 - 10 |
| | - for information (attached) | | |
| 6.2 | Public Hearing Records and Community Information Meeting Notes Received | | |
| | none | | |
| 6.3 | Section 26 Resolutions-without-meeting | | 11 - 11 |
| | RWM Report dated October 2014 (attached) | | |
| 6.4 | Advisory Planning Commission Minutes | | |
| | none | | |

7.	BUSINESS ARISING FROM THE MINUTES	10:30 AM - 10:40 AM	
7.1	Follow-up Action Report		12 - 12
	FUAL Report dated October 2014 (attached)		
8.	DELEGATIONS		
	none		
9.	CORRESPONDENCE		
	(Correspondence received regarding an application(s) or project(s) is listed with the application/project)		
10.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	10:40 AM - 11:10 AM	
10.1	SP-DVP-2014.1 (Landsdowne) Staff Report		13 - 41
	(attached)		
11.	LOCAL TRUST COMMITTEE PROJECTS	11:10 AM - 12:00 PM	
11.1	Land Use Bylaw (LUB) Review - Staff Report		42 - 52
	(attached)		
12.	REPORTS	12:00 PM - 12:40 PM	
12.1	Work Program Reports		
12.1.1	<u>Adopted Policies and Standing Resolutions and Objectives</u>		53 - 53
	(attached)		
12.1.2	<u>South Pender Island Local Trust Committee Work Program</u>		54 - 58
	Work Program Report dated October 2014 / Memo (attached)		
12.2	Applications Report		
12.2.1	<u>South Pender Island Local Trust Committee Application Report</u>		59 - 59
	Application Report dated October 2014 (attached)		
12.3	Expense/Budget Reports		
12.3.1	<u>Trustee and Local Expenses</u>		60 - 60
	LTC Expense Report dated September 2014 (attached)		
12.4	Bylaw Enforcement Reports		
	none		

12.5 South Pender LTC Web Page

The South Pender Island Local Trust Committee
Website can be found at:
www.islandstrust.bc.ca/islands/local-trust-areas/south-pender

12.6 Chair's Report

12.7 Trustee Report

13. OTHER BUSINESS

12:40 PM - 12:45 PM

13.1 Upcoming Meetings

The next meeting of the South Pender Island Local
Trust Committee, is to be announced.

14. TOWN HALL MEETING

12:45 PM - 1:00 PM

15. ADJOURNMENT

1:00 PM - 1:00 PM

ADOPTED



South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: September 16, 2014
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Ken Hancock, Chair
Mike Jones, Trustee
Liz Montague, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Shannon McConchie, Recording Secretary

Others Present: There were five members of the public present.

1. CALL MEETING TO ORDER

Chair Hancock called the meeting to order at 10:05 a.m. Introductions were made and Chair Hancock acknowledged that the meeting was being held on the traditional territory of the Coastal Salish Nation.

2. APPROVAL OF AGENDA

2.1. Additions/Deletions

The following additions to the agenda were presented for consideration:

- 9.1 Correspondence from the Pender Islands Trust Protection Society (PITPS)
- 9.2 Correspondence from Cameron Thorn

By general consent the agenda as amended was approved.

2.2. Questions from public on Agenda Items

None

3. TOWN HALL

Chair Hancock invited the public to make comment.

Jane Perch spoke about the pending North Pender Waste Management Bylaw and its importance to South Pender residents. She discussed support for community meetings, concerns about composting, and a desire for a slow approach.

Bruce McConchie congratulated Trustee Montague for attending the Land Use Bylaw Focus Group meetings and discussed dates for reviewing the reports.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1. Adopted Local Trust Committee Minutes

6.1.1. South Pender Local Trust Committee Meeting Minutes of June 24, 2014

For information

6.2. Public Hearing Records and Community Information Meeting Notes

None

6.3. Section 26 Resolutions-without-meeting

For information

6.4. Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1. Follow-up Action Report

Regional Planning Manager (RPM) Kojima provided information from the Follow Up Action Report dated September 2014.

Trustee Montague updated the LTC on the feasibility of installing marker buoys and the estimated cost.

8. DELEGATIONS

None

9. CORRESPONDENCE

9.1. Pender Islands Trust Protection Society (PITPS)

Sara Steil spoke on behalf of the PITPS and asked the LTC to support promoting an upcoming educational event on the costal Douglas-fir biogeoclimatic zone.

SP-2014-019

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee add to the Follow-Up Action List for the next LTC to support PITPS in their outreach on the presentation Andy Mackinnon on the costal Douglas-fir biogeoclimatic zone with a target date of February 2015.

CARRIED

9.2. Cameron Thorn

Trustee Montague verbally shared correspondence she had received from Cameron Thorn which asked that the Land Use Bylaw (LUB) Review be expanded to include amendments to the Official Community Plan (OCP).

A discussion was had between staff and trustees regarding the challenges of amending the OCP and the current scope of the LUB review. It was concluded that while the current LUB review project does not allow for substantial changes to the OCP, the project could be expanded with consideration of time and budget.

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1. North Pender Island Local Trust Committee Bylaw 196 Referral

A discussion was held between the trustees regarding the best way to respond to the NPILTC Bylaw 196 referral and the public was invited to share their opinions as well. The following points were addressed:

- Since North Pender handles the solid waste for South Pender as well, the island's interests are affected.
- The trustees did not wish to impose their will on another LTC.
- The bylaw to rezone would not guarantee the Agricultural Land Commission (ALC)'s temporary approval for site use would be extended.
- The Pender Island Recycling Society would be an interested party that should be included in the discussion.

SP-2014-020

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee request that the North Pender Island Local Trust Committee consider the impacts of solid waste management on the Pender Islands and that current composting methods be considered against the planned composting methods. Also, that a planning process that includes the community be part of the assessment of the solid waste management strategy of both islands.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Land Use Bylaw Review - Staff Report

RPM Kojima reviewed staff report 6500-20-Land Use Bylaw Review.

Trustee Montague and RPM Kojima discussed the possibility of holding a working meeting to review the report in detail. It was noted that such a meeting would be open to the public.

SP-2014-021

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee request that staff review and provide comments on the Focus Group 3 recommendations for the November Local Trust Committee meeting.

CARRIED

12. REPORTS

12.1. Work Program Reports

12.1.1. Adopted Policies and Standing Resolutions and Objectives

Provided for information

12.1.2. South Pender Island Local Trust Committee Work Program

Regarding, Canal Erosion and Boat Speed, Trustee Montague discussed the difficulty of securing funds for the placement of buoys. Following a discussion of possible solutions, RPM Kojima confirmed that if Trustee Montague drafted a letter he could review it. Trustee Montague could also contact the Islands Trust Grants Coordinator to see if funding may be available.

SP-2014-022

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee direct staff to bring back a report regarding updating the project list for the next South Pender Local Trust Committee meeting.

CARRIED

12.2. APPLICATIONS REPORT

12.2.1. South Pender Island Local Trust Committee Application Report

None

12.3. Expense/Budget Reports

12.3.1. Trustee and Local Expenses

LTC Expense Report dated August 2014 was provided for information.

12.3.2. 2015/16 Budget Requests

Regional Planning Manager (RPM) Kojima reviewed the budget and the process.

Trustee Montague inquired about the budget that would be required to expand the Land Use Bylaw review to include concurrent Official Community Plan updates. RPM Kojima noted that the budget includes an amount to support this, but that the next LTC might have to request additional funds if the scope of the project were expanded.

SP-2014-023

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee approve and forward the draft 2015-16 Local Trust Committee Project Budget Request to the Financial Planning Committee as presented.

CARRIED

12.4. Bylaw Enforcement Reports

None

12.5. South Pender LTC Web Page

The South Pender Local Trust Committee Web page can be found at:
www.islandstrust.bc.ca/islands/local-trust-areas/south-pender

12.6. Chair's Report

Chair Hancock spoke of attending the final Trust Council Meeting and the interest he took in the presentations on a recent project to study and map rare Glass Sponge Reefs.

12.7. Trustee Report

Trustee Montague spoke of the southern gulf islands proceeding with mail-in voting and that she now serves on the Food and Agricultural Society Steering Committee.

Trustee Jones announced that he will be shaving his head in support of a leukemia research fundraiser on October 4, 2014 at 1 o'clock at Hope Bay.

13. OTHER BUSINESS

13.1. Upcoming Meetings

The next meeting of the South Pender Island Local Trust Committee will be held on Tuesday, November 4, 2014, at 10:00 am at the South Pender Fire Hall.

13.2. Experience the Southern Gulf Islands Cycling & Pedestrian Draft Trail Plan

RPM Kojima reviewed the memo provided.

John Chapman noted that the trails in the report are a wish list and do not reflect an accurate plan. A discussion followed regarding placing trails on private property and Mr. Chapman explained the individualized agreements between the Trail Society and property owners that provide flexibility and liability insurance.

13.3. South Pender Island Community Stewardship Award

Awards were presented and the meeting broke for refreshments.

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Mamie Hutt-Temoana suggested that the LTC consider improving public outreach and education regarding their ongoing and future projects.

15. ADJOURNMENT

SP-2014-024

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee meeting be adjourned at 12.21 p.m.

CARRIED

Ken Hancock, Chair

CERTIFIED CORRECT

Shannon McConchie, Recording Secretary



RWM From: September 16, 2014 To: October 27, 2014

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2014-07	In Favour	THAT South Pender Island Local Trust Committee meeting minutes dated September 16, 2014 be Adopted.	Oct 02, 2014



Islands Trust

Print Date: Oct-27-2014

Follow Up Action Report w/ Target Date

South Pender Island Sep-16-2014

No.	Activity	Responsibility	Target Date	Status
1	LTC support for outreach for PITPS coastal douglas-fir presentation		Feb-27-2015	On Going
2	10.1 - Referral of NPILTC bylaw 196 - THAT the SPILTC request that the NPILTC consider the impacts of solid waste management on the Pender Islands, and that current composting methods be considered against the planned composting method; and that a planning process that includes the community be part of the assessment of the solid waste management of both islands.	Sharon Lloyd-deRosario Justine Starke	Sep-26-2014	Done
3	11.1 LUB review - staff requested to prepare report reviewing Focus Group 3 report.	Robert Kojima	Oct-30-2014	Done
4	12.1.2 Canal Erosion and Boat Speed - trustee Montague to draft letter to other agencies and contact IT Grants administrator re any grants available for navigation buoys		Oct-31-2014	On Going
5	12.1.2 - projects list - staff to bring recommendations to next LTC to rationalize projects list	Robert Kojima	Oct-31-2014	Done
6	12.3 .2 2015/16 budget request - forward to FPC as presented	Robert Kojima	Sep-22-2014	Done

STAFF REPORT

October 21, 2014

File No.: SP-DVP-2014.1 (Heath Lansdowne)

To: South Pender Island Local Trust Committee
For the meeting of November 4, 2014

From: Phil Testemale, Planner 1 (Acting)

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Application

Owner: Jeff Van Steenberg & Kim Van Steenberg
Applicant: Heath Lansdowne, (Homecraft Design)
Location: Lot A, Section 2, Pender Island, Cowichan District, Plan VIP82066
PID: 026-872-153

THE PROPOSAL:

The purpose of the application is to vary Subsection 3.4(2) of the South Pender Island Land Use Bylaw No. 92, 2003 (LUB) to increase the permitted **height** of an **accessory building** from **4.6 metres (15 ft.)** to **6.7 metres (22 ft.)** to permit the construction of a two (2) storey accessory building.

BACKGROUND

The subject property currently contains a single family dwelling with an adjacent accessory building connected to the dwelling by a walkway, as well as a one-storey accessory building on the front of the property (subject accessory building). The owners are proposing to demolish the latter accessory building and construct a two-storey accessory building in the same location. The footprint of the proposed two-storey accessory building is larger than the existing structure. The applicant has stated that the main floor of the accessory building will be used as a garage and the second storey will be used as studio space. The existing accessory building that is adjacent to the dwelling is to be structurally connected to the dwelling as part of an overall renovation of that dwelling.

The property is zoned **Rural Residential 2 (RR2)**. Section 3.5 of the LUB regulates the use and size of **accessory buildings** as follows:

- A building accessory to a dwelling may not be used for human habitation (except as a temporary dwelling prior to the construction of a single dwelling on the same lot)
- The maximum height of an accessory building is not to exceed **4.6 metres (15 ft.)** in height.

- The total floor area of all accessory buildings located on the subject property (that is greater than 0.4 hectares) is 93 m² (1000 ft²).
- The siting provisions (setbacks) in the RR2 Zone.

Rationale of Applicants

The rationale that has been provided by the applicant is attached in full (see: Attachment Three) To summarize:

- *Site constraints:* The subject property's topography and long, narrow configuration (see: below) limits the area that is developable to the front (Northern) portion of the property. This area is further limited by the existing driveway and established woodland, the front –yard setback and an existing septic field and a sewage treatment plant (not shown on plan, between house and accessory building). In order to maximize the allowable floor area of the accessory building on one level, several fruit trees would also have to be removed.
- *Architectural:* The owner's desire for the architecture of the accessory building to match that of the dwelling precludes a flat roof. The applicant has tried to minimize the effect of the height through the roof design. Achieving the space by adding to the accessory building adjacent to the dwelling would require structural upgrades and be "unattractive." Further, the owners want to ensure that the studio/workshop is outside of the main dwelling due to safety concerns associated with artist's materials (paint and solvents).
- *Neighbouring properties:* The property to the East has an existing two storey accessory building (see: Photos - below) immediately adjacent to the proposed accessory building, so they feel that the building would not be unduly out of place.
- *Neighbour Support:* Both adjacent neighbours have written in support (see: Attachment Four).
- *LUB Review:* The owners do not feel that the proposed variance should be delayed by the bylaw review with an unspecified timeline. They are eager to gain the space and are concerned about the timeframe for the LUB review and the need to wait even longer if a change to height regulations does not occur.

Board of Variance Application

This same proposal was the subject of a Board of Variance application in August of this year (SP-BOV-2014.1). The resolution to approve the variance was defeated as the Board considered that there was no demonstrable hardship associated with the proposal. The Board of Variance may only consider approving a variance appeal if it considers that complying with the zoning regulations would entail an undue hardship.

Timing/Sequencing

There are two issues with respect to timing and the sequencing of construction:

- The structural incorporation of the adjacent accessory building and the dwelling to ensure that the issuance of the Variance does not create non-conformity in the total floor area of all accessory buildings. A Condition has been put in the Draft Permit stating that, prior to issuance of Final Occupancy for the subject accessory building, the accessory building adjacent to the dwelling be structurally incorporated into the dwelling in conformity with the Bylaw.
- Use of the subject as a temporary dwelling during the renovation of the dwelling. This is permissible under the LUB, however, for clarity, a statement has been put in the Draft Permit that upon issuance of Final Occupancy for the dwelling, that the use of the subject accessory building must revert to a non-residential use.

A draft Development Variance Permit is attached as Attachment One.

Figure 1: Site Plan of Existing and Proposed Building Locations

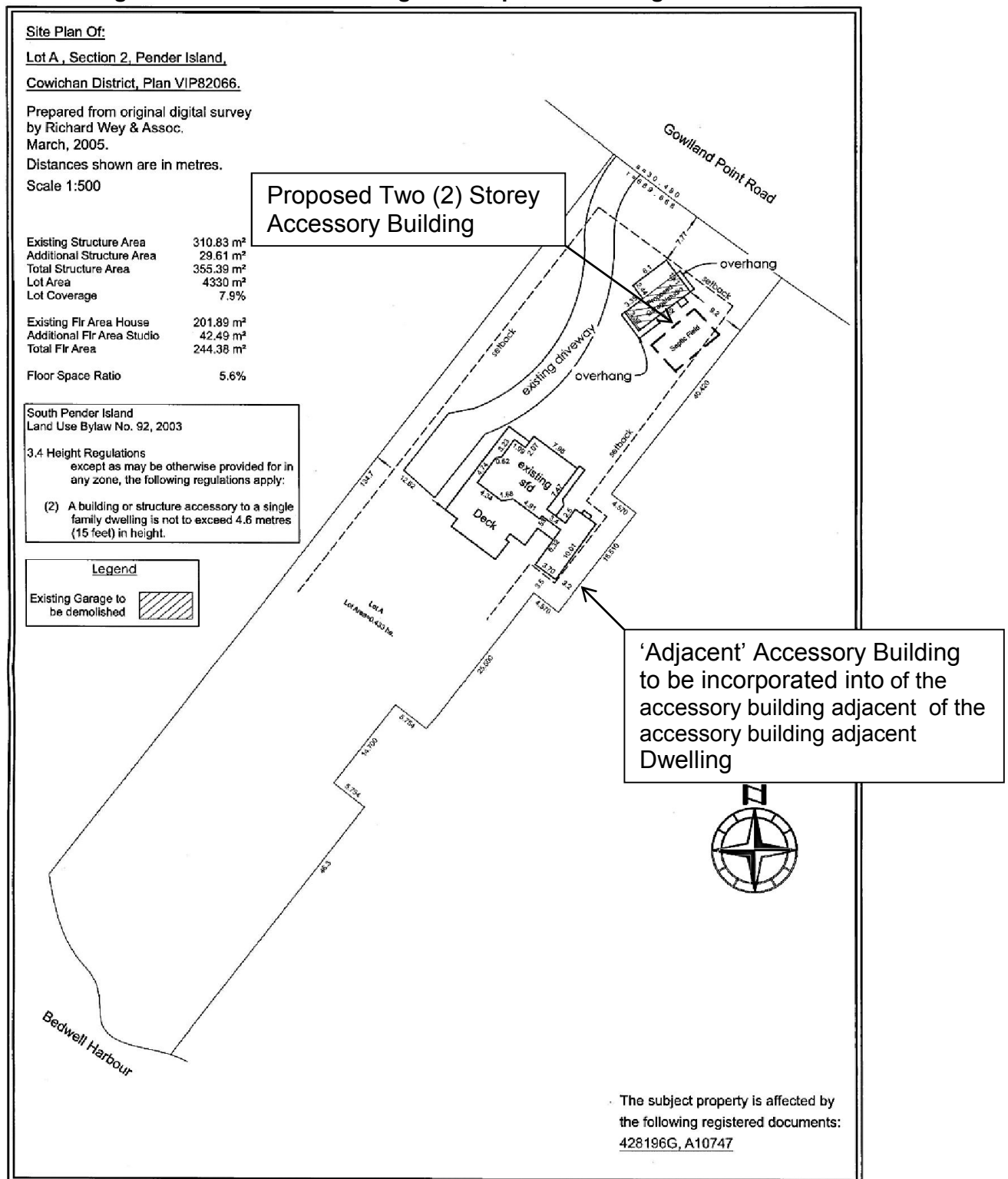


Figure 2 (a): North Elevation

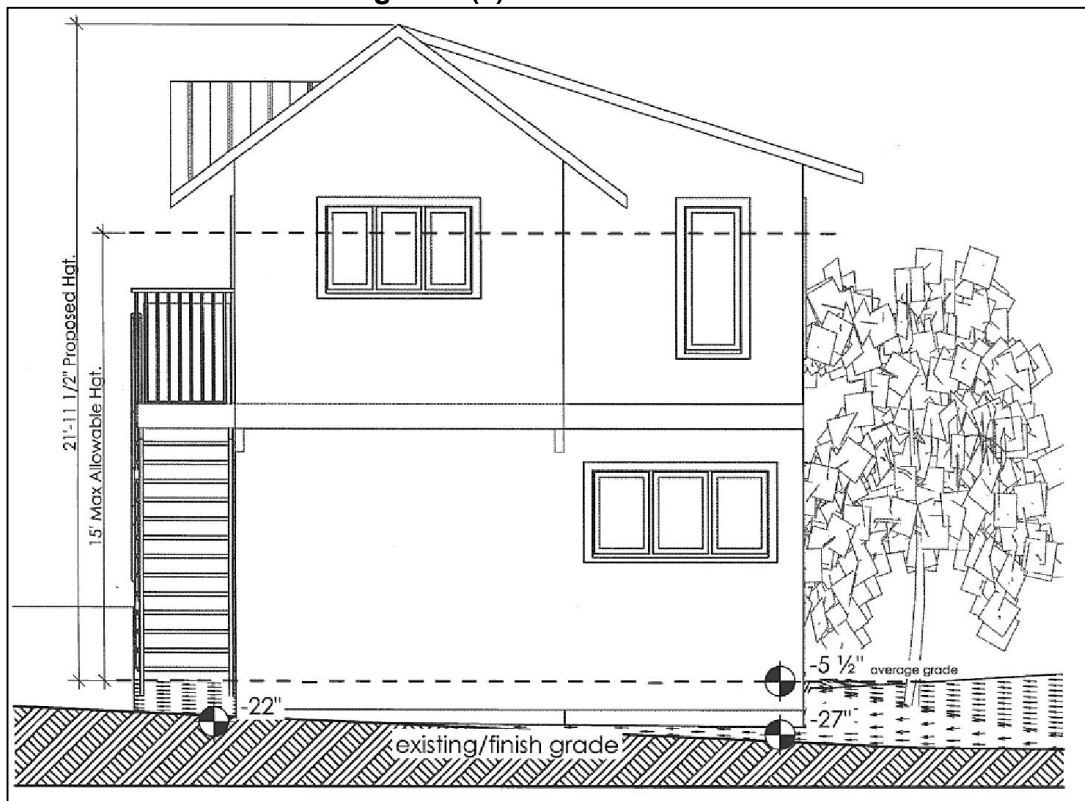


Figure 2 (b): West Elevation

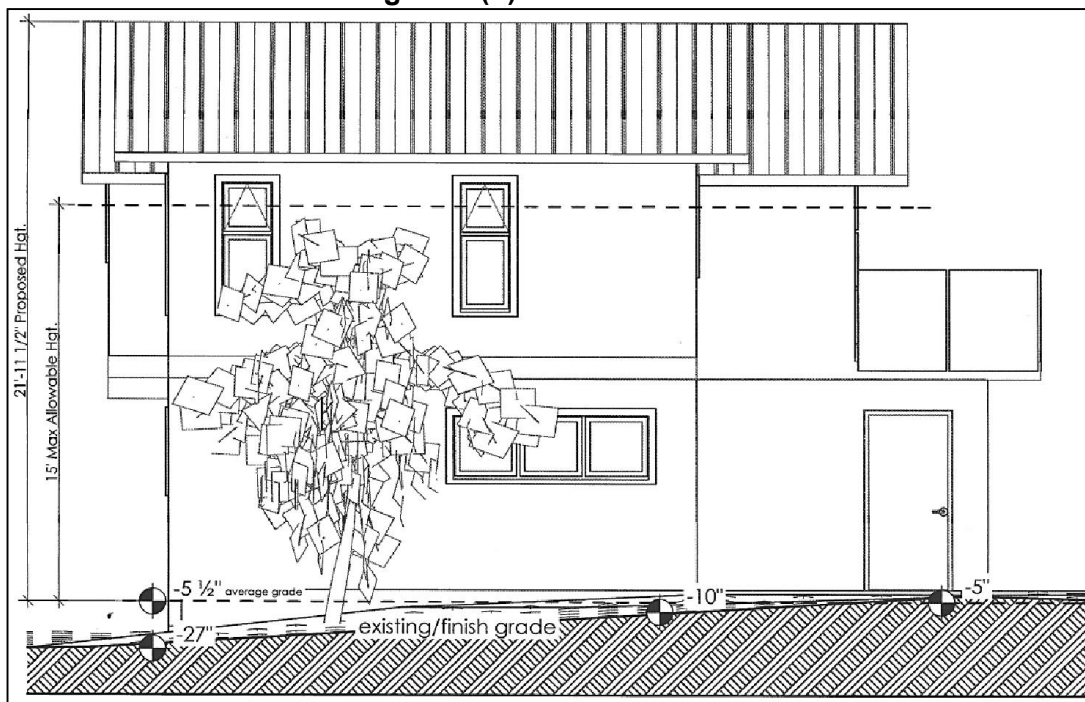


Figure 2 (c): East Elevation

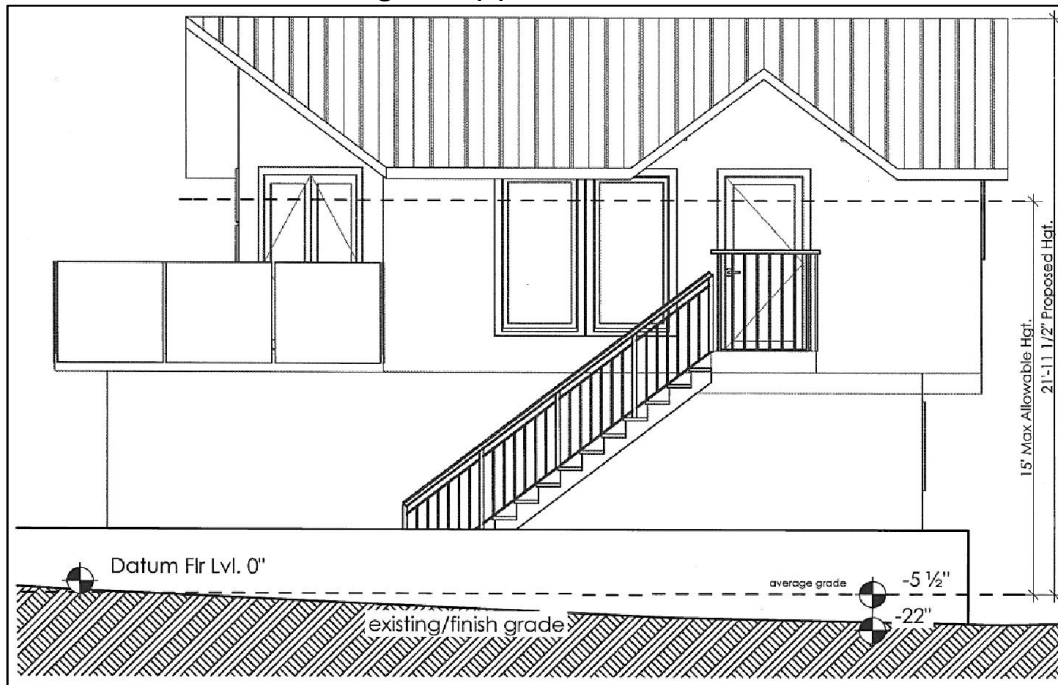


Figure 2 (d): South Elevation

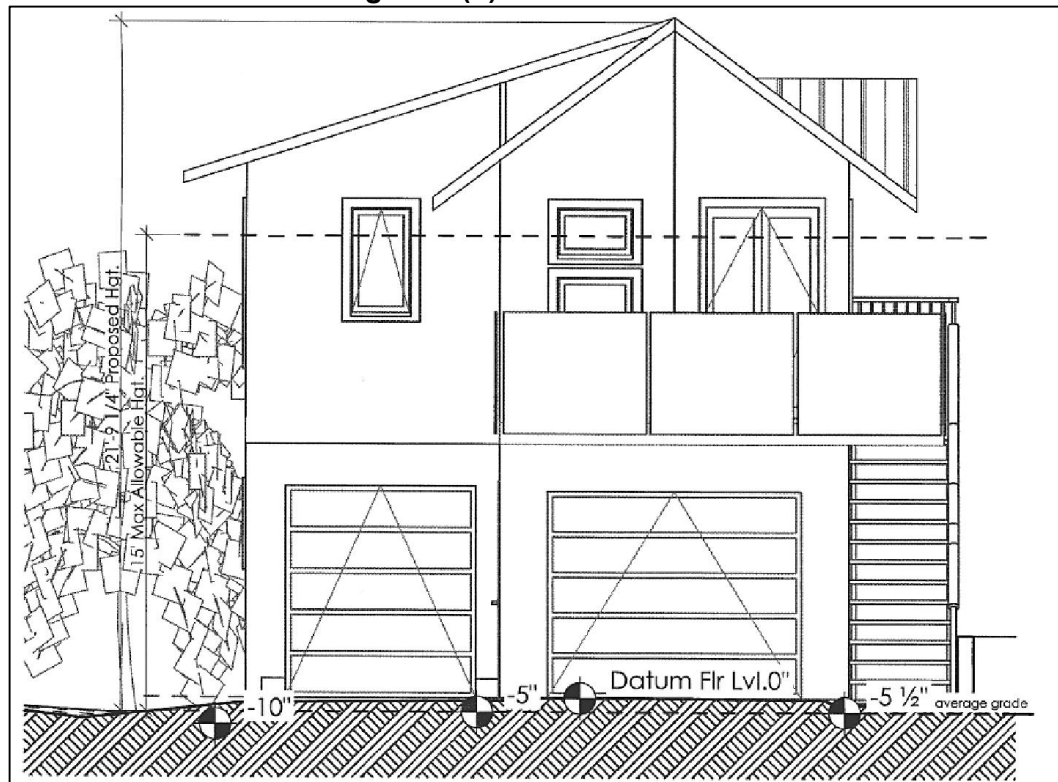
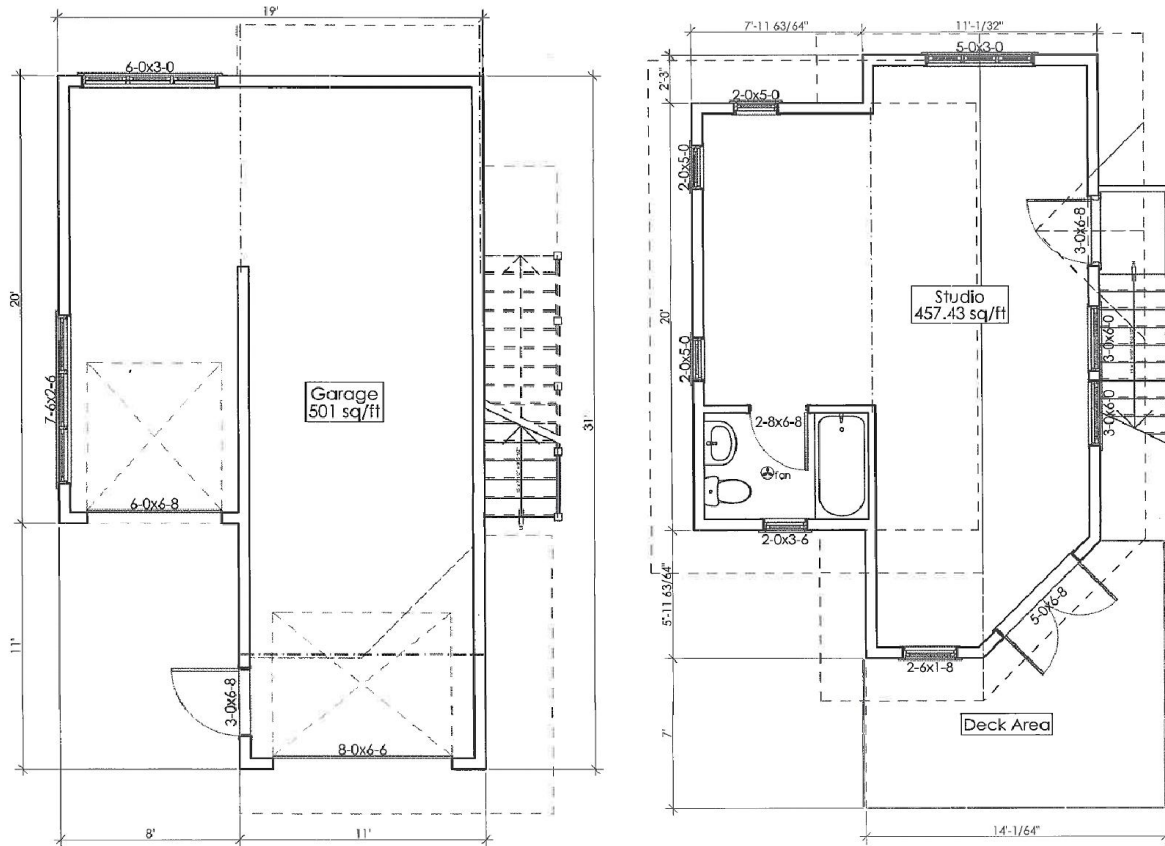


Figure 3: Floor Plans



SITE CONTEXT:

The subject property is a 0.43 hectare (1.07 acre) waterfront property, located 8922 Gowlland Point Road at the south end of South Pender Island. The property is zoned Rural Residential 2 (RR2) and adjacent properties along that side of Gowlland Point Road are of a similar size and have the same zoning designation. The property across Gowlland Point Road is part of the Gulf Islands National Park Reserve.

A single family dwelling, adjacent accessory building and garage currently exist on the property. The property slopes upwards from Gowlland Point Road towards the single family dwelling unit. The terrain then slopes down toward the shore increasing in steepness closer to the foreshore.

Location and contour maps as well as photographs of the existing garage to be demolished and the accessory building on the property to the East follow.

SUBJECT PROPERTY

PI 17782
2 A 3 PI 17782 4 5
PI 19795
A VIP 82066
B PI 8 19795
PI 25300
1
GOWLLAND POINT RD
4 PI 3 32317 2 1
PI 21135 1 A
PI 25205 1 2
CRADDOCK DR
A
EPP 24749
PI 30549

A topographic map showing a coastal area. The map features brown contour lines indicating elevation. A red polygon highlights a specific region on the map, which is located near the coastline. The map also shows a blue area representing water and a yellow line representing a road or boundary.

Figure 6: Orthophoto

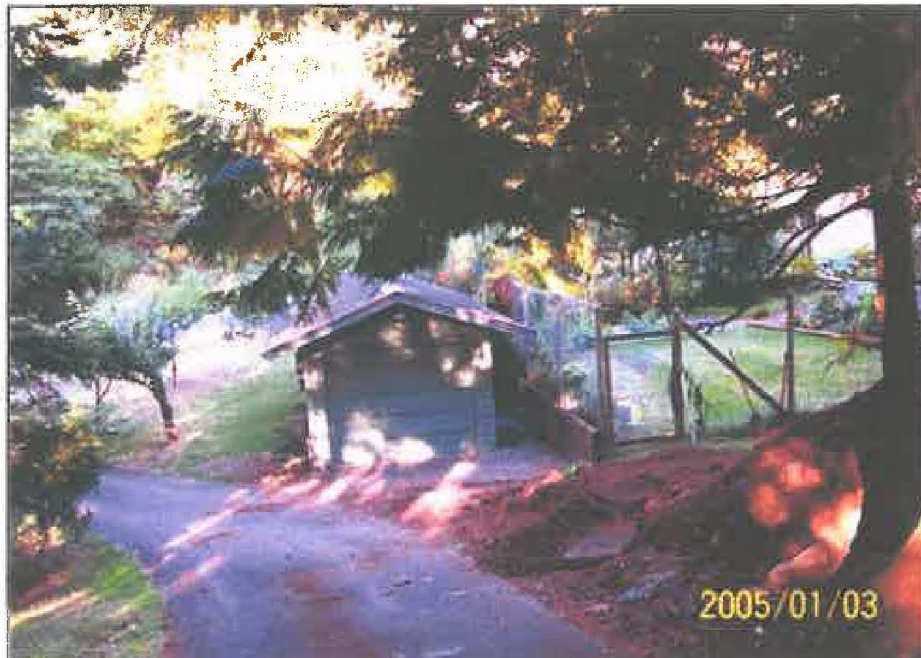


Figure 7 (a) – Owner Photos

Existing Garage

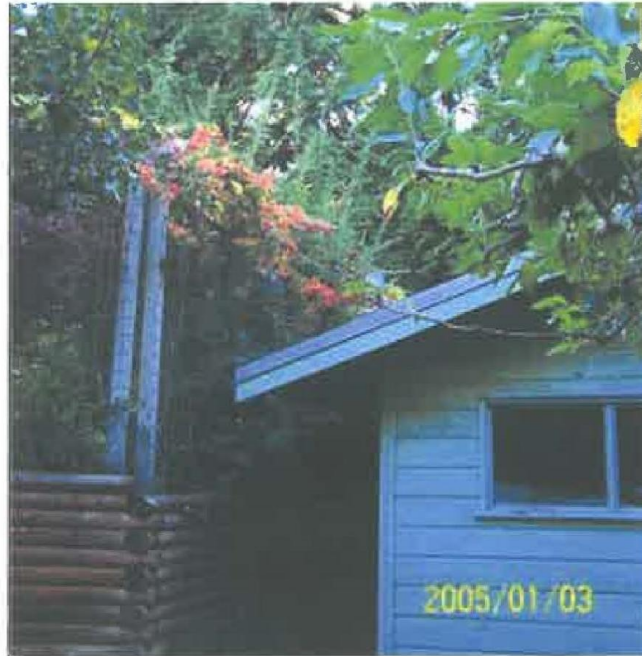


As seen from the septic field

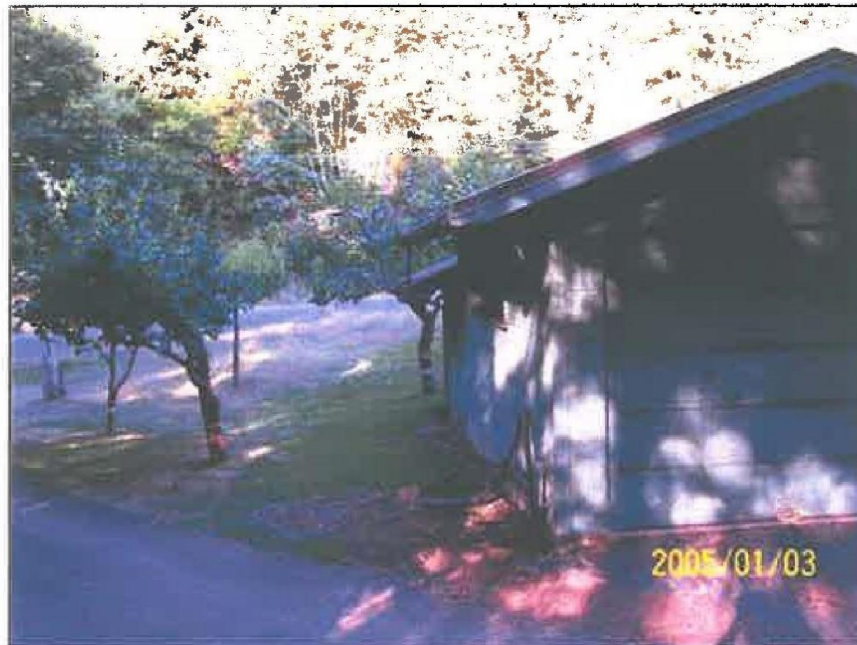


Proximity to existing Septic field and drive

Figure 7(b): Owner Photos
Existing Garage



Proximity to the raised area of the septic field



Fruit trees and proximity to Drive

Figure 7 (c): Owner Photos

Existing accessory building on adjacent property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include: Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

5.2.3 Policies related to the aesthetic, environmental and social impacts of development

5.2.5 (the) means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

Official Community Plan:

The subject property is designated Rural Residential (RR) in the South Pender Island Official Community Plan (OCP) Bylaw No. 107, 2011. The Rural Residential objectives of this designation are:

- a) To maintain a rural island living environment that is safe, visually attractive, and free from disturbance and the sense of overcrowding;
- b) To allow opportunities for rural island living on lots of varying sizes;
- c) To ensure that single family detached dwellings are the predominant form of island residential housing;
- d) To enable island residents opportunities for small scale economic activity;
- e) To provide island visitors opportunities to experience aspects of rural island living;
- f) To allow opportunities for additional dwellings on larger residentially designated parcels, without further subdivision; and
- g) To consider affordable, rental, and special needs housing development proposals when community need is demonstrated.

The specific policies in the RR designation that pertain to this application are:

- Single family residential use is to be the predominant principal land use on lands designated; and
- Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small-scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands.

There are no Development Permit Areas (DPAs) located on the subject property.

Land Use Bylaw:

The subject property is zoned Rural Residential 2 (RR2) in the South Pender Island Land Use Bylaw (LUB) No. 92, 2003. The specific regulations relevant to this application include:

3.4 (2) - A building or structure accessory to a single family dwelling is not to exceed 4.6 metres (15 feet) in height.

3.5(1) – A building accessory to a dwelling, other than a cottage, may not be used for human habitation, except as provided for in Subsection 3.5(2) or as permitted by the zoning regulations in Part 5 of the Bylaw. *(This refers to constructing an accessory building and using it as a temporary dwelling prior to the dwelling unit construction.)*

3.5(4) - Subject to the density and siting provisions in Part 5, the total floor area of all accessory buildings on a lot (greater than 0.4 hectares [1 acre] to 2 hectares [5 acres]) shall not exceed 93 m² (1000 ft²).

5.2(6) - The minimum setback for any building or structure, except a fence or pump/utility house, shall be:

- (a) 7.6 metres (25 ft.) from any front or rear lot line;
- (b) 3.1 metres (10 ft.) from any interior side lot line;
- (c) 4.6 metres (15 ft.) from any exterior side lot line.

Islands Trust Fund: There are no Trust Fund Board covenants on the property. The Gulf Islands National Park across Gowlland Road is covenanted.

Sensitive Ecosystems and Hazard Areas: There is one primary sensitive ecosystem identified on the property. It is a woodland sensitive ecosystem with a secondary class of herbaceous. A secondary woodland sensitive ecosystem and tertiary wetland sensitive ecosystems are also located on the property.

A majority of the subject property contains low, medium, and high steep slope hazards as seen in Figure 9.

Archaeological Sites: Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites identified on this property. Notwithstanding, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.

Covenants There are two covenants registered on the property title (428196G and A10747). These are not in favour of the Local Trust Committee and are not applicable to this application as the covenants are in reference to building schemes from 1971 and 1972. .

Bylaw Enforcement: There is no enforcement files associated with the property.

Climate Change Mitigation and Adaptation: As a waterfront property the shoreline may be particularly vulnerable to storm surges and sea level rise. That said the very steep rise of the property and the location of the accessory building mitigates this risk.

Figure 8: Sensitive Ecosystem Mapping

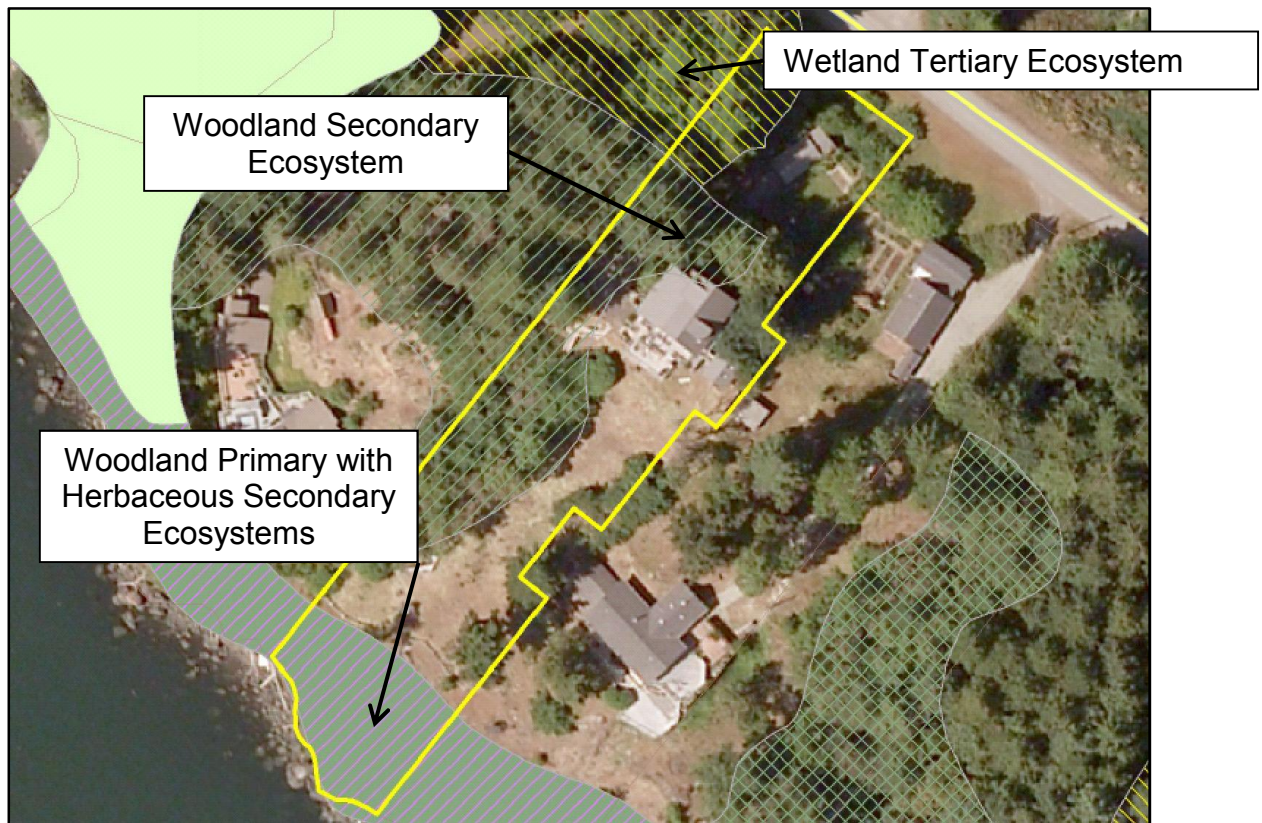
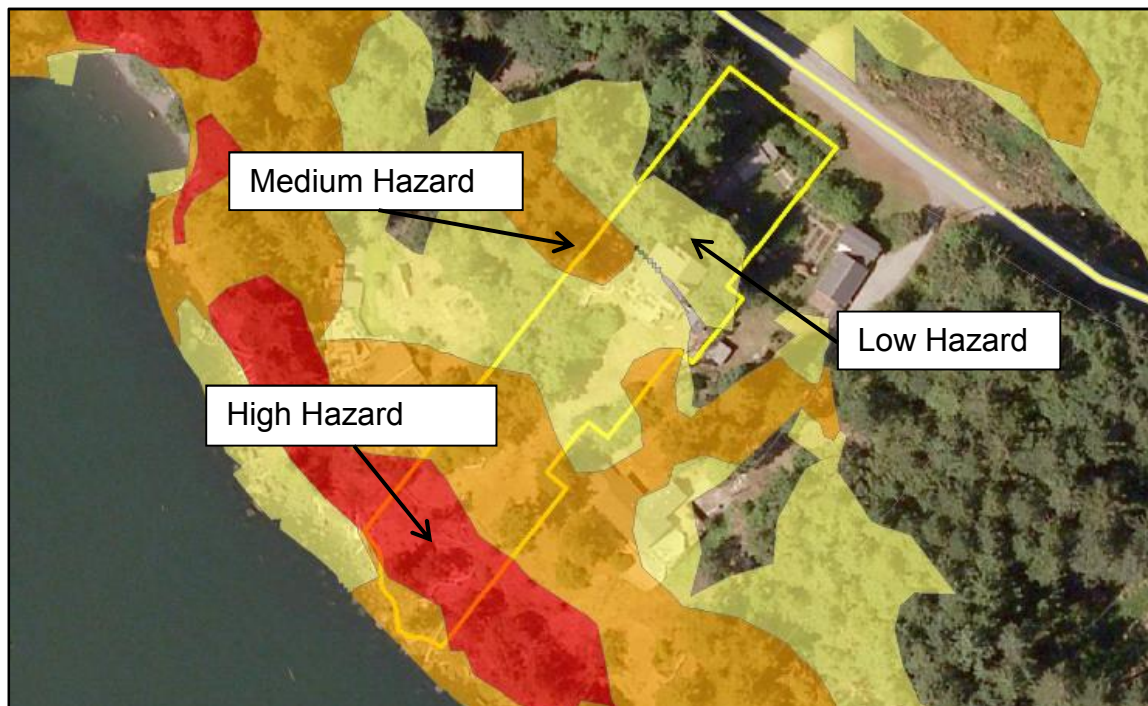


Figure 9: Steep Slope Hazard Mapping



RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached as Attachment Two. At the time of writing this report no responses have been received. If comments are received they will be brought to the LTC meeting on November 4th.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The applicant wants to build a two storey accessory building to incorporate a garage, storage and workshop space in an accessory building to their dwelling. The property has a reasonably high number of siting constraints given topography and the location of the dwelling. There are also immediate constraints that limit the available footprint with the proposed site owing to a septic field, fruit trees, setback from the road and driveway location. Incorporating the uses into the dwelling is not desirable to the applicants for architectural reasons as well as the need for safety reasons associated with the use of paints and solvents. Their immediate neighbours have no objections to the proposal. The applicants do not want to delay in order to await the outcome of the LUB review. Most draft amendments would consider an increase to accessory building height to 7.3 metres (24 feet)

The overall intent of the regulation being varied. The overall purpose of height, size and use regulations of accessory buildings can be summarized as follows:

- Limiting the visual impact of development on adjacent properties, the public roadway and along the waterfront.
- Minimizing impacts on adjacent properties related to shading, aesthetic, and privacy concerns.
- Maintaining safe sight lines for vehicles or pedestrians using the roadway.
- Ensuring the principal buildings and uses are dominant over accessory buildings.
- Protection of the privacy of neighbouring residents.
- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.
- Ensuring the non-residential use of accessory buildings.
- Establishing certainty with respect to residential development by maintaining consistent siting and height regulations.

The contemplated variance does not seriously challenge these objectives, apart from the latter use issue and certainty with development. Limiting accessory buildings to a 4.6 m height restriction supports the above objectives and discourages a non-permitted residential use of accessory buildings. Subsection 3.5(1) of the South Pender LUB states that an accessory building may not be used for human habitation. As stated previously, the exception is use as a temporary residence while constructing a principle dwelling. The owners are planning to live in the proposed accessory building while renovating. In order to ensure that this residential use is terminated upon completion of the renovation, a condition has been put in the draft permit that withholds issuance of a Final Occupancy Permit until the use is reverted to an accessory one.

The issue of certainty with residential development patterns should be considered in light of the immediate context of neighbouring properties and the constraints of the site.

Potential impacts of granting the variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances for a particular situation that may warrant relaxation of specific zoning regulations, each application is evaluated on its own merits. The contemplated amendments to

the height regulations for accessory buildings in the LUB raises further issues for this particular decision. These are ones of timing and the desire for a timely decision by the owners, the actual size of this variance versus contemplated changes and expectations that may arise.

STAFF COMMENTS:

Circulation of the Draft Permit to neighbouring property owners generated no response to the proposed variances in advance of the LTC meeting where this application will be considered. Letters of support from the two adjacent neighbours to the east and west are attached.

The need for a variance is to construct a new accessory building that does not meet the height requirements of the Bylaw. The property is significantly constrained owing to the topography, the location of a septic field, driveway and fruit trees. The proposed overall size and footprint is modest. The need to separate the accessory use from the principle dwelling owing to use and storage of chemicals and paints is valid. Potential visual impacts are minimal and limited to the roadway, and the setbacks mitigate any roadway safety concerns. Privacy and shading of neighbouring properties is not a significant issue due to intervening uses, setbacks and consent from neighbours.

Although it would not be impossible for the owners to achieve the same size of building, the constraints of the site would likely result in a less practical solution and one that may be less aesthetically appealing.

The issue of potential residential use of the accessory building by current or future owners is not insignificant given the design and planned temporary residential use of the owners while they renovate their main dwelling. The latter use is permitted and the Draft DVP provides that the use remains temporary.

The issue arising from contemplated LUB amendment of height regulations and the expectation and precedent that may arise in granting this variance is significant. The LTC must weigh whether it is reasonable to defer a decision on this specific application until the potential bylaw amendments are addressed versus the desire by the owners to have a more immediate decision. Added to this are questions of the size of the variance relative to contemplated changes, and the perception that could arise with respect to the review process if this variance is granted. The draft amendments included amending the maximum height of accessory buildings from the current 4.6 metres to 7.3 metres. However, this is draft proposal and there is no guarantee that the amendment would be adopted as drafted.

The South Pender Local Trust Committee has two options:

1. Approve the Development Variance Permit as drafted; or,
2. Deny the Permit.

In summary, the proposed variance has the support of the neighbours, and in the local context and that of the property, seems to be a reasonable solution.

RECOMMENDATIONS:

THAT Development Variance Permit SP-DVP-2014.1 (Heath Lansdowne) BE APPROVED.

Prepared and Submitted by:

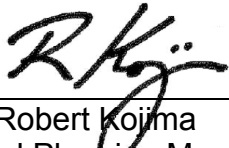


Phil Testemale

October 21, 2014

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

October 21 2014

Date

Attachment One: Proposed Development Variance Permit SA-DVP-2014.1



PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

SP-DVP-2014.1

To: Heath Lansdowne, Homecraft Design.

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

Lot A, Section 2, Pender Island, Cowichan District, Plan VIP82066, PID: 026-872-153.

2. South Pender Island Land Use Bylaw 92, 2003 is varied as follows:

- a) Subsection 3.4 (2) is varied to increase the maximum height of an accessory building height from 4.6 metres to 6.7 metres.

The height and location of the accessory building shall be consistent with Schedules 'A,' 'B' and 'C' which are attached to and form part of this permit.

3. For certainty: Prior to issuance of a Final Occupancy Permit for the renovation of the single family dwelling, the accessory building located directly adjacent and to the south-east of the single family dwelling is to be structurally incorporated into the dwelling; And, the accessory building subject to this variance is to be converted to a non-residential use.
4. 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 "South Pender Island Land Use Bylaw No. 92, 2003" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER LOCAL TRUST COMMITTEE THIS
th DAY OF , 2014.**

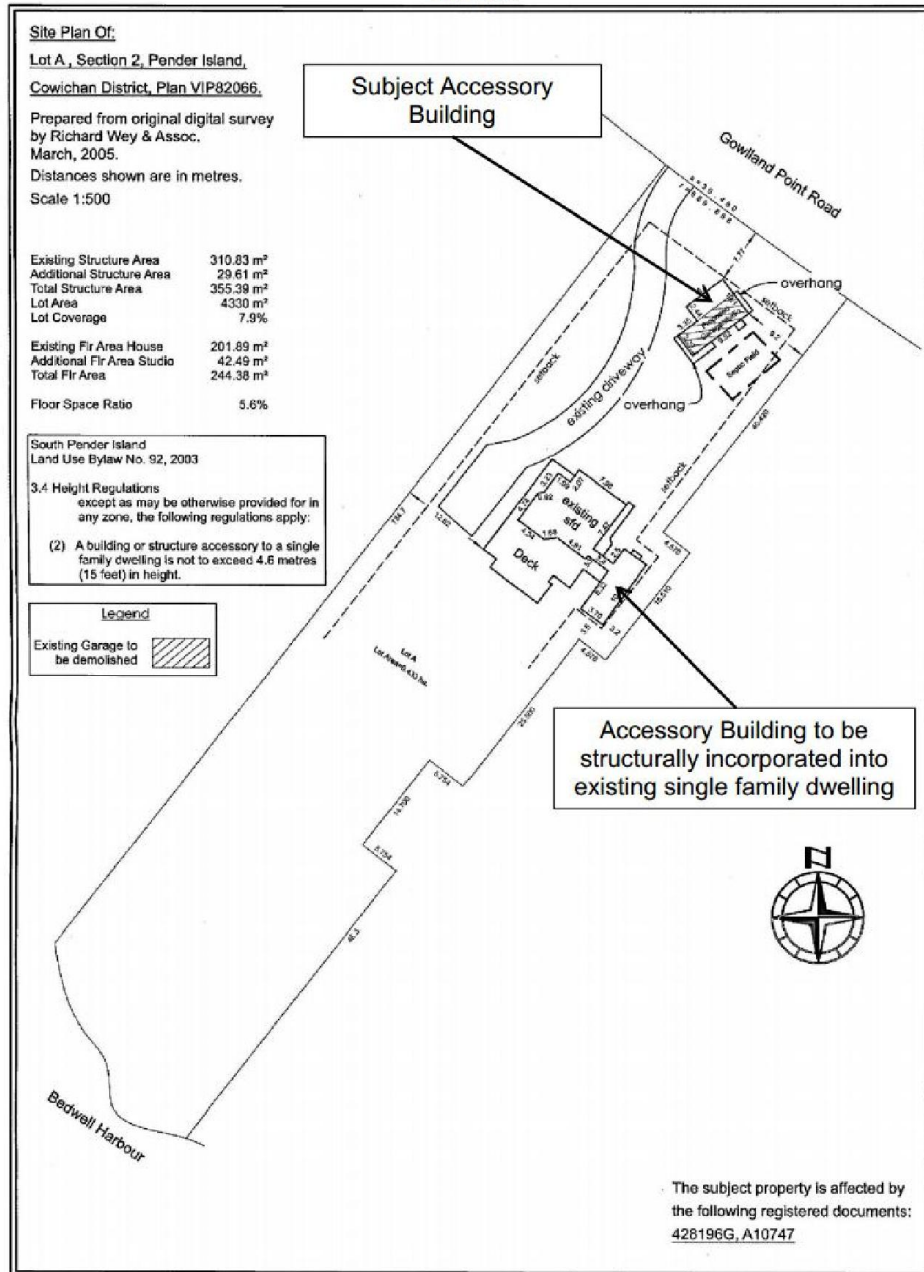
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE th DAY OF 2016,
THIS PERMIT AUTOMATICALLY LAPSES.**

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2014.1
SCHEDULE 'A'

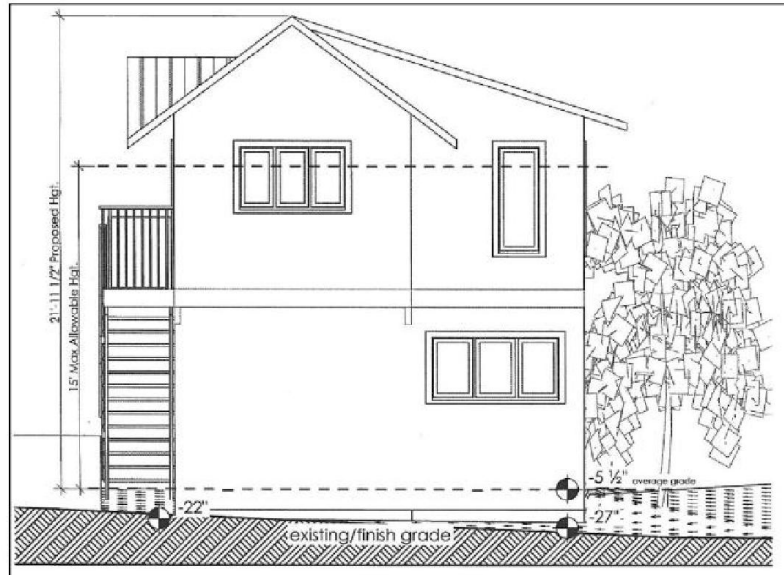
Site Plan



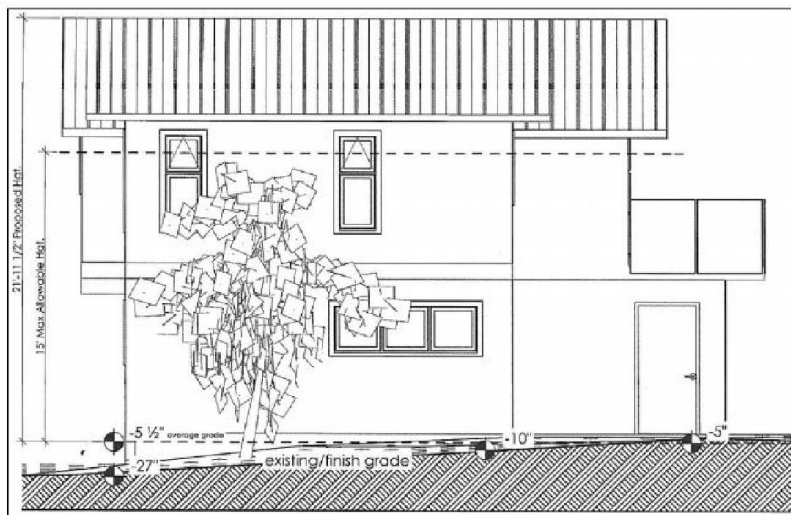
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2014.1
SCHEDULE 'B'

BUILDING ELEVATIONS

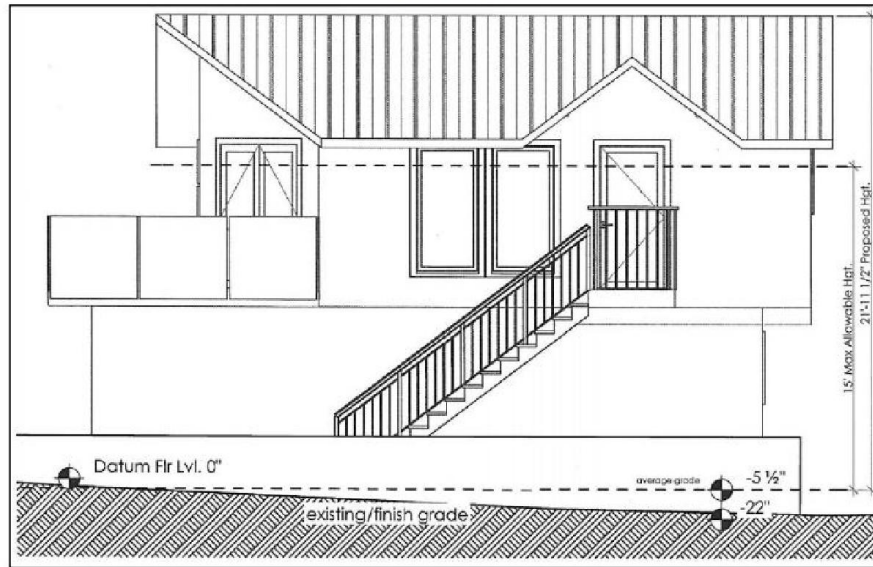
North Elevation



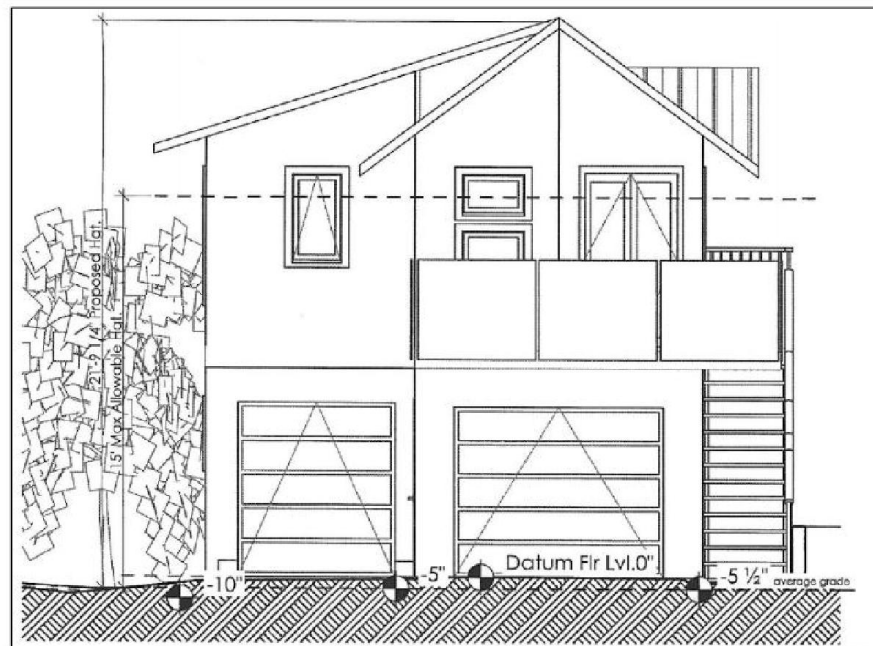
West Elevation



East Elevation



South Elevation



Attachment Two: SA-DVP-2014.1 Notice



Islands Trust

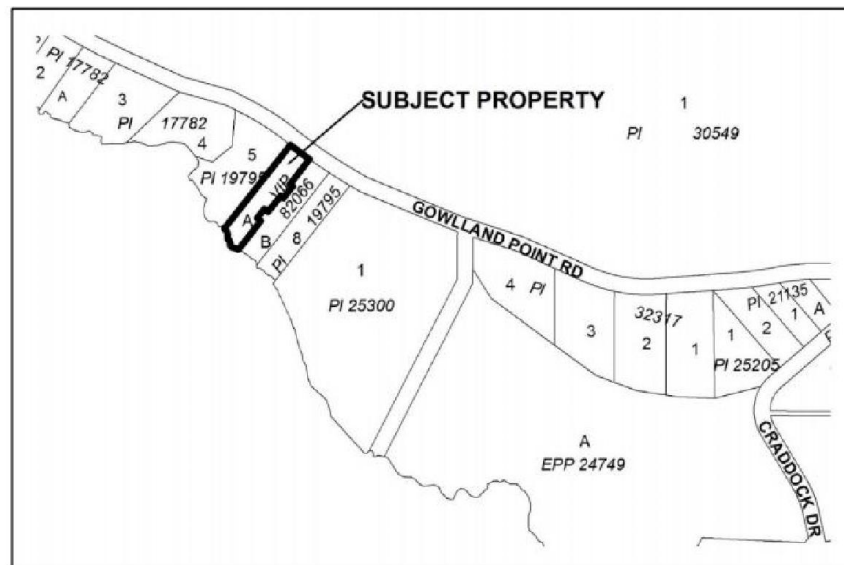
NOTICE SP-DVP-2014.1 SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the South Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*.

The proposed permit would vary Subsection 3.4(2) of the South Pender Island Land Use Bylaw No. 92, 2003 (LUB) to permit an increase in the height of an accessory building from 4.6 metres to 6.7 metres for the purpose of constructing a two (2) storey accessory building.

The property is located at 8922 Gowlland Point Road, and is legally described as: Lot A, Section 2, Pender Island, Cowichan District, Plan VIP82066, PID: 026-872-153

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, **October 23, 2014** and continuing up to and including **November 3, 2014**.

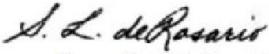
For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing October 23, 2014. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before for **4:30 pm, November 3, 2014.**

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 10:00 a.m., Tuesday, November 4, 2014, at the South Pender Island Fire Hall, 8961 Gowlland Point Road, South Pender Island.

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

Deputy Secretary


Sharon Lloyd-deRosario

Attachment Three: Letter from Applicant



Homecraft
Design

Ph 250-361-5996 • 2631 Lighthouse Lane • Pender Island, BC V0N 2M2 • homecraftdesign@shaw.ca • www.homecraftdesign.ca

To Whom It May Concern:

Aug 27, 2014

I am writing to appeal to you for a height variance for a garage /potting/ art studio to replace the existing garage structure at 8922 Gowlland Point Road, on South Pender Island. Although the lot is relatively large and the lot coverage is low, there is no room to further develop the lot within the bylaws. The proposed structure is to replace the existing garage that is located between the existing driveway on the west, the septic field on the east, the front setback on the north and the septic treatment plant and driveway on the south. The property is long and narrow and rises up from the road to a crest where the existing SFD sits as far south as could be at the edge of a steep slope, which falls away steeply to the sea below. To the east, the property line has been adjusted to accommodate an older part of the structure that was encroaching and so, there is no opportunity to develop further on that side of the home. To the west is the existing driveway and the lot then also falls away steeply with a well established young woodland. Immediately to the north of the home there is again a steep slope, which does level out, but this area is occupied by the septic treatment plant. Further north again is the existing garage and septic field.

The clients would like the look of the new shop/studio to be in keeping with the existing house so this precludes a flat roof. I have tried to keep the structure as low as possible by dividing the roof into two areas, one gabled and the other a shed roof. I have kept the pitch low to reduce height, but it still exceeds the allowable accessory building height of 15'. There is a slight slope to the footprint of the shop area which also adds to the height.

The adjacent property at 8920 Gowlland Point Road has an existing over height two story accessory building immediately adjacent to the proposed site and as such I feel that the proposed over-height accessory building will not look unduly out of place. Additionally there is a lovely orchard which the owners wish to preserve for its natural beauty.

We have recently applied to the Board of Variance and were denied, on the grounds that we could be more creative in finding a solution within the existing bylaws. The site was visited by the board members and they asked many questions that I answered. It was also clear in the application that there simply is very little room to add more floor area to the existing garage location. Even so, it was suggested by the variance board that we could get more creative in finding a solution within the bylaws. After duly considering this suggestion, there simply is not the room to create a one storey expansion in the area. Even with expanding the structure to its maximum, it would not create a useable space for the client's need of more garage storage and a useable art/potting studio area. In this scenario we would have to remove several fruit trees as well which we felt would take away from the property's natural beauty. It was also suggested by the variance board that a second story could be added to a small wing of the existing house, but that portion of the structure would require significant structural upgrades before a second story could be added, and to be frank, would be very unattractive. Additionally, this proposed solution does not meet the client's need for more garage storage space and a separate area for the art/potting supplies. There simply is not another appropriate location to add the additional studio space desired.

The existing house is only 2 bedrooms so no space within could be converted and further additions are also not possible because of the siting of the house and topography. The applicant also has concerns about paint and solvent vapours used in

her hobbies being present in the home with young children and grandchildren visiting and thus wanted this located in a safe and separate space.

⁹ The LUB may be changing to allow for higher accessory buildings, and this was also verbally given as a reason for denying the variance at the prior hearing. This process is still in the very early stages and will not come into affect for about 1 year. It is difficult for my clients to understand why if the newly proposed laws will support over height buildings that will not need a permit in future, why this variance was denied when it is in keeping with the newly proposed future changes. Understandably, the applicant is eager to have the additional storage space and studio useable as soon as possible, and waiting for a year to find out if the LUB will be changed is unappealing. If the LUB is not changed the applicant will still need to appeal to a DVP which will add several more months to the wait. Consideration should also be given to the fact that local builders and tradespeople will be employed on island if this project is permitted and this has positive economic value for Pender Island. The applicants have also worked diligently on this design with me to ensure the building would fit in with and preserve the natural surroundings.

The board of variance may also not have been aware that the neighbours on each side of the property have viewed the plans and are in support of the project. There were also no objections from anyone on South Pender to this proposed project. For your review, we have attached letters of support from both these neighbouring property owners.

With this additional information, I believe that we have established hardship without question for this over height variance and ask that you consider this unique property and situation request noting that we have made efforts to minimize the over-height as much as practically possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heath', followed by a long horizontal line extending to the right.

Heath Lansdowne

Attachment Four: Letters of Support from Neighbouring Properties

To: Whom it may concern at Islands Trust

Re: Application for variance

From: Kim and Jeff Van Steenberg

Date: August 28, 2014

We, the owners of 8922 Gowlland Point Road, give Heath Lansdowne of Homecraft Design, permission to act on our behalf to submit for a variance in regards to our building request.

Thank you



Kim Van Steenberg



Jeff Van Steenberg

To: Whom it may concern at Islands Trust

From: Russ and Caroline Pomahac
8920 Gowlland Point Road,
Pender Island, BC

Re: Development Variance Permit for 8922 Gowlland Point Road

Date: August 28, 2014

We are the owners of the adjacent property to the proposed development of an expanded garage with a second story art/potting studio at 8922 Gowlland Point Road. We would like to express our support for the project. Our neighbours, Kim and Jeff Vansteenbergen, have worked closely with designer Heath Lansdowne in order to preserve the existing orchard and natural beauty of the property, and the structure will fit in nicely..

The proposed building will not be much larger than the existing structure and we feel it will be an enhancement to the property. We also have an over-height garage with a second story on our property which has never caused any concerns. Please feel free to contact us about this issue:
(250) 629-6196 cpomahac@gmail.com

Sincerely,



Russell Pomahac



Caroline Pomahac

To: Whom it may concern at Islands Trust

From : Suzanne Lawrence and Doug Wardell

RE: Development Variance Permit for 8922 Gowlland Point Road

Date: August 28, 2014

We are the owners of the adjacent property to the proposed development of an expanded garage with a second story art/potting studio at 8922 Gowlland Point Road. We have no objections to this project. The building is tasteful in design and the project has taken care to preserve the property's natural surroundings.

Sincerely

Suzanne Lawrence Doug Wardell

File No.: 6500-20- Land Use
Bylaw Review

To: South Pender Island Local Trust Committee
For the meeting of November 4, 2014

From: Robert Kojima
Regional Planning Manager

Re: Land Use Bylaw Review

Interim Report

The purpose of this report is to provide the Local Trust Committee (LTC) with preliminary staff comments on the Focus Group 3 recommendations for amendments to the Land Use Bylaw (LUB).

Project Background

The LTC has been considering amendments to the LUB since 2011. In February 2014, the LTC determined that it wished to undertake comprehensive community consultation on potential amendments to the LUB rather than proceed with the then proposed amendments (Bylaw 111). At the April meeting, the LTC endorsed terms of reference for Focus Groups and requested that the three Focus Groups provide preliminary reports by June 17th. At the June meeting the LTC endorsed a project charter and received reports from two Focus Groups, along with some preliminary comments from the third and the LTC requested that (1) staff review and provide comments on the recommendations received from Focus Groups 1 and 2; and (2) that a new Chair re-convene Focus Group 3 and provide recommendations to the LTC. The Focus Group 1 and 2 reports and staff comments were received at the September 18th meeting. The purpose of this report is to review and provide some context on the Focus Group 3 report. Further background on the project is available on the **webpage**.

Relevant Policy and Land Use Considerations

Islands Trust Policy Statement

Any bylaw adopted by a local trust committee may not be contrary to or at variance with the Islands Trust Policy Statement. At consideration of First Reading the LTC will be requested to review the Islands Trust Policy Statement Directives Checklist prepared by

staff and resolve that the draft bylaw is not contrary to or at variance with the Islands Trust Policy Statement.

Official Community Plan

The project charter establishes that any potential LUB amendments that would require amendments to OCP Goals or Objectives, or that would require significant changes to OCP policies, are outside the scope of this project. This would not preclude minor changes to OCP provisions for consistency.

Land Use Bylaw

Review of the Land Use Bylaw (LUB) is the focus of this project. Potential amendments may subsequently be considered.

Bylaw Enforcement:

No current enforcement issues or patterns have been identified.

Climate Change Mitigation and Adaptation

The OCP was amended last term to incorporate some goals and policies pertaining to GHG emission mitigation. Impacts of climate change and regulatory changes to support adaption have not been considered to date.

Analysis

The purpose of the project is to undertake a comprehensive review of the LUB and obtain widespread community input. The project would not include potential amendments that would require significant OCP policy amendments.

The LTC has tasked three Chairs to convene Focus Groups to review different sections of the LUB, obtaining the widest possible community participation, and provide comments on potential amendments to the LTC and the community. The expectation is that the Focus Groups would provide any and all comments or recommendations that arose during discussions, with the understanding that some recommendations may be out of scope of the project, some may be issues that fall outside the purview of zoning, or not be technically feasible; finally, some recommendations may not ultimately be supported by the LTC. Because the Focus Groups were not expected to limit their recommendations, I previously suggested that the LTC consider the following framework or criteria when considering options:

1. Is the recommendation in scope? In other words, it would result in an LUB amendment consistent with OCP policies.
2. Is it an issue that is best addressed by zoning? There may issues that arise in the review for which zoning is not the optimal tool, or even feasible, to address the problem.
3. Is there a clear issue or problem with the current regulation(s) that justify an amendment? Amendments should be undertaken to address an identified problem or achieve a defined objective. This could be simple, but the tests should be correcting an error or reducing vagueness or uncertainty. And changes

to regulatory bylaws should be considered carefully as they can result in unintended consequences and, even if bundled with other amendments, involve significant costs in staff, community and trustee time.

As with Focus Groups 1 and 2, I have copied the specific recommendations or suggestions (and in some cases questions) into the attached table and provided corresponding comments for each. Generally, the staff comments fall into one of several categories:

- An issue for further consideration: these are issues that have emerged to date from the groups and will require additional analysis and deliberation. These are:
 - a review of accessory building regulations, including increasing the height of accessory buildings
 - Removing the provision requiring the operator of a home occupation to be a permanent resident
 - Provisions relating to height of farm buildings
 - A review of regulations relating to temporary use of RVs
 - Review of cottage floor area (would require OCP amendment)
- A technical amendment that would add clarity, reduce uncertainty or correct errors;
- A recommendation suggesting changing specific wording that would require further technical / legal review of implications;
- A recommendation that would require OCP policy amendments, these are currently out of scope but could be noted for LTC future projects;
- A recommendation that requires further information defining the specific problem or concern that needs to be addressed;
- A change that is not recommended either because it would have unintended consequences, is not needed, or would not address the problem or issue;
- Answers to questions raised in the notes of the Focus Group discussions.

Project Charter

A copy of the project charter is attached for reference. The timeline suggests referral to the APC of the reports at this meeting. No changes to the timeline are suggested at this time.

Next Steps

Consistent with the project charter, the next step would be to refer the Focus Group reports to the APC.

RECOMMENDATIONS:

THAT the South Pender Island Local Trust Committee refer Focus Group reports 1, 2 and 3 to the Advisory Planning Commission for comment, and further that the APC be requested to report back to the LTC in February 2015.

Prepared and Submitted by:



Robert Kojima, RPM

October 23, 2014

Date

Attachments:

Focus Group 3 Recommendation Table
Proejct Charter

FOCUS Group 3 Recommendations

	Focus Group Recommendation	Comments
	Part 6 - Signs	
1.	Are home signs permitted?	All signs are permitted except those specifically excluded under 6.2. Not clear what is meant by home signs – addresses, names?
2.	Should illuminated home address signs be permitted in the interest of safety?	Externally illuminated signs already permitted, an amendment would be required for internally illuminated signs.
3.	If home signs are a permitted use, should size and lighting specifications be defined?	Sizes are specified in table 6.1, externally illuminated signs are permitted
4.	LUB jurisdiction over signage does not cover Highway Easements or Federal Parks	No, signs within highways that are not exempt under 6.3, or are not placed by the Crown, <u>are</u> subject to the LUB regulations
5.	Should consideration be given to 3 rd party signs?	Not recommended, unless there is a specific location, such as group signage.
6.	If 3 rd party signs were approved, should there be design limitations such as size and illumination?	Yes
7.	Move this 6.5.1 [Obsolete Signs] to 6.2 “Prohibited Signs”, in order to delete this section.	Not necessary, obsolete signs are different from prohibited signs
8.	Housekeeping in Table 3.1 [6.1] – Zone “All Other Zones” – Change “only those signs exempted by <i>Section 6.2</i> to <i>Section 6.3</i> .”	Yes, corrects a cross-reference
9.	Some discussion on whether the Sign Regulation Table 6.1 should include all zones with respect to permissibility and size?	Not necessary, the other zones are park and marine zones
	Part 7 – Parking Regulations	
10.	7.1.2 It was suggested that reference to the term “the disabled” throughout this document be updated?	Could be updated – ‘accessible parking’, ‘persons with disabilities’ are contemporary terms
11.	7.1 Should parking that is designated for the disabled have design criteria such as maximum slope, lighting and identification signs?	Regulated by the BC building code

	Focus Group Recommendation	Comments
12.	7.2 Do these design standards meet today requirements, if not should they be updated?	Likely yes, but could be briefly reviewed
13.	7.4 There was significant discussion with respect to the “2 parking spaces” requirement for a “Residential Lot”, as it was suggested that perhaps only one (1) should be required. There was not a general consensus to what the final allotment for parking spaces on a “Residential Lot” should be. Perhaps the current designation applies to new subdivisions applicants.	The requirement applies to new construction. There have rarely been issues with meeting the 2 space standard for SFDs, parking can be provided in garages, carports or driveways. Reducing the standard to less than 2 would not be recommended in a low density rural environment
14.	As it appears impossible for the Firehall to provide 5 Parking Spaces – the minimum of 5 Parking Spaces requirement should be removed, if it is not enforceable	The firehall presumably has pre-existing non-conforming status with respect to parking. If the firehall were redeveloped, then the new construction should be expected to meet the current standard, or apply for a variance.
Part 3 General Regulations		
15.	3.1 Uses permitted in all zones: can this section be removed altogether?	Not recommended: all uses would have to be listed in each separate zone, could result in unintended consequences
	3.2 Prohibited in all zones:	
16.	It was recommended that the first paragraph should be rewritten in order to simplify it, possibly by removing, “Without limiting the generality of the foregoing”.	Removing the quoted statement would undermine the generality of the first sentence and potentially effect the standard statement in each zone that “the following uses are permitted and no others”
17.	It was suggested that if “3.2 Permitted” is clearly spelled out then by default all other uses are prohibited, therefore do we even need “Section 3.2 Prohibited in All Zones”	This section is not strictly necessary, but does aid in interpretation and enforcement.
18.	Exceptions should be clearly stated. When you look at the permitted uses in the C Zone and W4 Zone, there is no provision for sea plane use so there is a disconnect.	3.2(1) and (2) are <i>ultra vires</i> according to current case law (aviation is federal jurisdiction), and could be removed entirely.
19.	(5) The names of regulatory agencies should be updated (health and waste).	Yes, a technical amendment

	Focus Group Recommendation	Comments
20.	(6) The definition of “junkyard” should be reviewed.	Yes, should be reviewed for improved wording
21.	(7) Refuse dump, updated definition	Yes, should be reviewed for improved wording
22.	(8) The uses here should clarify if it is for public use or private uses. It could be interpreted in an onerous way for property owners. Also mentioned was the question of noise and disturbance bylaws regarding RV use on properties. Is it too restrictive? What are other Islands doing?	Subsection prohibits use of trails for motorized vehicles, could provide support in future enforcement if needed
23.	(9) This section was apparently used to restrict the storage and use of marine vehicles like Sea-Doo’s that may operate out of Poets Cove. Does it need a more specific definition? Or keep as it is? Questions raised that a bylaw can restrict “storage” of personal water craft, especially when one thinks of this on private property as opposed to Poets cove.	Long-standing prohibition common in a number of bylaws. Based on legal advice as only method of limiting personal watercraft.
24.	(12) Redundant?	Could likely be removed
	3.3 Siting and Setbacks – referencing between Parts 3 and 5 and bylaws should identify intent	General comment – cross referencing is discouraged as a practice, unless it is to exclude one part of the enactment from another (ie “Despite Section...”), due to likelihood of error creeping in with future amendments. Care must be taken including purposive statements in regulations: they can inadvertently narrow the scope of the regulation.
	3.4 Height	
25.	(2) It is recommended that a building or structures’ height that is an accessory to a single-family dwelling should be increased from 15’ to 25’. This would allow for two story buildings or structures that would create a smaller footprint, and allow for more creative building designs.	An issue for further consideration – benefits described in focus group reports, potential impacts should be considered as well
26.	It is suggested that the provisions of subsection 3.7(1) (b) which address farm status under BC Assessment Act as a limitation on the height of a building or structure, be eliminated. Article (1) (b) serves no tangible purpose other than to create hardship on emerging farms. Removing it would be consistent with other Islands. An example was made where an owner could create income to validate farm status, get a permit to build a 40’ building then let the <i>status</i> lapse creating a non conforming building.	The requirement is restrictive, and an owner can allow status to lapse; however the intent should also be considered: it is the only objective provision linking the increased height to a <i>bone fide</i> farm operation. Other option is case-by-case variances
	3.5 Accessory Buildings, Uses and Structures	

	Focus Group Recommendation	Comments
27.	(2) This section should be broken into two parts; one which addresses 'accessory to a dwelling buildings' and a second part which addresses 'non-accessory buildings and/or structures'	Review of buildings non-residential buildings permitted out-right should be reviewed (has been identified). Not clear which regulations in this section would apply to principle buildings – the section is premised on regulations applicable to accessory buildings only. Height of principle buildings is regulated in each zone.
28.	Further discussion needs to examine the language and intent of this sub-section. Terminology when referencing “buildings” and “structures” must be consistent. If buildings are included in “structures” this needs to be made clear. Terms like out-building, accessory building, and structure, are confusing when sonic are being used interchangeably.	Section should be reviewed for technically consistent wording, separately from review of policy questions
29.	(2) (b) The use of the word “accessory” is problematic	Language could be reviewed, although it is well established in practice.
30.	(4) Regulations seem to be written more for urban than rural circumstances (4) (a) Discussion on whether the figures in 3.5(4)(a) should be examined considering how we live in rural areas.	Could be simplified along lines of some other LTC bylaws, and regulations limiting floor area by lot area sometimes have presented challenges in determining compliance. However regulations have been established for many years, creating expectations
31.	(5) Discussion on the need for flexibility; specifically around the limit of 650 sq feet and the ability to access a loft on the second floor. Just slightly larger would make it easier to accommodate a farm labourer, caregiver or other assistant in a private living scenario	Discussion appears to refer to cottage floor area, not accessory buildings specifically. Increasing floor area of cottages could be considered, recent examples from other LTCs (eg Mayne), although would require an OCP amendment.
	3.6 Home Occupations	
32.	It is strongly recommended that the Section Title “Home Occupations” be changed to “Home Based Business”	Not clear on purpose of change: home occupation is the term used in the OCP and is common. “Occupation” was probably considered more extensive and accurate than just “business” by OCP drafters.

	Focus Group Recommendation	Comments
33.	3.6(1) There may be some questionable uses listed. Does repairing of goods include small motors, boats or vehicles? These are quite different than clothing repair. What is encompassed by creation of a product? Could this include manufacturing, creation of a dangerous product?	Technical review of list of uses recommended, compare with other bylaws. No history of issues with current regulations
34.	Discussion took place on changing the intent of this section from attempting to define what can and cannot be considered for a home based business by attempting identify businesses that <u>are</u> or <u>are not</u> acceptable, but rather create a general based criteria (performance based bylaw) for which all home based businesses must adhere to. Criteria components such noise, light, air quality, traffic, parking, neighbourhood impact etc. could be specified and all home based business would be required to conform. This would make it easier for the bylaw to identify unacceptable businesses, and perhaps negate acceptable businesses being rejected	Performance based zoning is attractive in theory but difficult to effectively implement in practice. Bylaws have moved away from listing general undesirable impacts due to vulnerability on vagueness and uncertainty to establishing more objective uses and criteria.
35.	Can a renter operate a home based business on their rental property? Who is responsible if the business is not in compliance with the LUB – the owner or renter?	Yes, likely not lawful to discriminate on basis on tenure. Both could be subject to enforcement.
36.	3.6(2) Perhaps the use of or storage of hazardous materials should be added to this section.	A prohibited use in 3.1
37.	3.6(2) (a) Would this restrict tasting food products?	Not likely to be a considered unlawful if food produced on premises
38.	It is generally agreed that home based businesses are not only a benefit to the community, but also in part are the way of the future, therefore 3.6.5 needs to be reworded likely by removing “permanent resident”.	Yes, a technical amendment
39.	it was felt that specifics that are contained in subsections (8) and (9) for Bed and Breakfasts and Short Term Vacation Rental would remain, which is not to say that these businesses would not have to comply to all the other articles of the section.	These are additional to the other regulations
3.7 Agricultural Uses, Buildings and Structures		
40.	Is “Uses” in the Section Title required?	Probably not, title is based on LUB template
41.	If Agriculture is allowed in other zones, such as Rural Residential then would Article (a) and (b) be relevant – should these two articles be removed?	Land can be in ALR and have farm status in zones other than Agriculture.
42.	3.8.1 While the fence height is not an issue, the “definition” of a fence needs to be reviewed. Is a fence a structure?	Yes, a fence is a structure, and the definition of ‘fence’ includes the word ‘structure’. Issue with current definition needs to be defined

	Focus Group Recommendation	Comments
43.	3.8.2 General discussion regarding the limiting the height of protective netting or wire to 8 feet. If the netting or wire is added to a fence, should there be a height limit?	Height limit could be removed, has not been an issue to date however.
44.	3.9.2 Is felt to be confusing and should be removed, or at the very least should only contain the term “fence” so that it is consistent with “3.8 Fences” and its height restrictions.	As the intent is to provide screening, I would assume that it was drafted to modify the general term ‘fence’ to narrow it to fences that could provide a visual screen
	3.10 RVs	
45.	Title of this Section should have “s” removed from Vehicles, with the intent of one (1) only RV used as dwelling	The limit is provided in sub (1), heading is not a regulation and is from a template
46.	3.10.1 There was considerable discussion around “temporary dwelling”. It is thought that the intent of this section was to allow someone to live in their RV while their permanent residence is being built, but there is no definition on what “temporary” means. There is no conditions of the issuance of a Building Permit stated with “temporary dwelling”	Yes, it is not tied to a building permit like residential use of an accessory building is. This should be revisited and consideration given to at least including a requirement for a building permit for principle dwelling. RVs are not designed for year-round residential use, cannot obtain building permits or occupancy certificates.
47.	Do we want to allow RV’s as a Permanent residence?	Not recommended for safety issues, and RVs are not designed for year round occupancy.
48.	What does “Nothing in this Subsection prohibits the non-residential storage of recreational vehicles on a lot” mean?	Gives comfort to owners that they can park RVs on their lots
	3.11 Derelict Vehicles	
49.	As there is not definition of “Vehicles”, would boats, ATV’s, RV’s or any other type transportation device be included in this section?	Should review this for interpretation
50.	3.11.1 Recommend “Unlicensed motor vehicles, other than farm and forestry vehicles, shall not be stored on a lot unless completely enclosed in a building. Is it necessary to refer to the Motor Vehicle Act?	Could be revised, but likely not necessary.
51.	3.11.2 reference to “permanent” building is not needed or else needs to be defined	Could be reviewed

	Focus Group Recommendation	Comments
52.	3.11.3 Needs work	Need more information on issues, could be reviewed by Bylaw Enforcement for effectiveness.
	Lots Divided by zone Boundary	
53.	There was considerable discussion and it was agreed that this Section definitely needs clarification as to its intent by simplifying the wording 3.12.1 Suggest “If a lot is divided by one or more zone boundaries, the density permitted is calculated by reference to the area of the lot lying within each zone 3.12.2 Suggest “Dwellings, cottages or structures may be constructed on the portion of the lot in a particular zone to the extent of the density permitted by that zone	Is complex wording, should be reviewed but may not be feasible to rely on simpler wording
	3.13 Use of Common Property	
54.	Clarification of wording and intent is needed: Does this refer to bare land strata only	No, would be applicable to any strata plan but only an issue in bare land stratas
55.	Septic systems used for more than 1 Lot, under a Strata plan	Not clear on issue or question
	General comments	
56.	Highlighting or bolding of “definitions” so that the reader knows that there is definition for that term.	Use of italics is common practice, could be implemented (May not require an amendment to bylaw).
57.	Perhaps links could be provided to the term that would direct the reader on an electronic device to the related topic or definition.	Yes, should be investigated for feasibility; hyperlinks would not likely be considered part of the bylaw so could be added or changed easily without an amendment.

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: February 14, 2012

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 23, 2006	SP-LTC-12-06	Adoption of Minutes	That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting. [The adopted minutes will be posted to the website as soon as possible and a copy will also be included in the next meeting's agenda package].
2.	April 14, 2009	SP-LTC-19-09	Website	It was Moved and Seconded that the South Pender Island Local Trust Committee request that the "latest news" section of the South Pender Island webpage be updated monthly with the addition of the South Pender Island Local Trust Committee Report to the Pender Post.
3.	October 5, 2010		Follow up action list	Send FUAL to trustees once drafted following the meeting.



Top Priorities

South Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	LUB Review and Update	1. Focus Group review and reports 2. Preliminary review of focus group reports 3. APC review of focus group reports 4. Community information meeting(s) 5. Draft bylaws 6. Bylaw process	Oct-04-2011	Robert Kojima	Dec-31-2015	On Going
2	Canal Erosion and Boat Speed	to examine options to assist in reducing boat speeds through the canal	Nov-05-2013	Liz Montague		On Going

Projects

South Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Development Approval Information Bylaw	To draft a DAI bylaw to provide certainty with respect to requirements for development permit applications	May-04-2010	On Going
2	Forest Lands	Public education regarding best management and stewardship practices on forest lands including wildfire prevention and preparedness	Feb-14-2012	On Going
3	Sensitive Ecosystem Mapping	consider DPA or other protective measure	Feb-14-2012	On Going
4	Geological Hazard Mapping	consider DPA or other protective measures	Feb-14-2012	On Going
5	Raptor Nests	consider DPA or other protective measure	Feb-14-2012	On Going
6	Parks and Recreation	update OCP schedule with more specific information after PIPRC Master Plan is reviewed	Feb-14-2012	On Going
7	Community Transition and Resilience	Support ongoing development of community transition and resilience to worldwide challenges such as climate change, peak oil, and food security	Jun-19-2012	On Going
8	Area Farm Plan	Potentially a Southern Gulf Island regional farm plan in conjunction with the CRD	Sep-18-2012	On Going
9	LUB Information Notes	consider including for clarification on: • roadside farm stands (setbacks, MoTI) • agriculture vs home occupation	Jun-18-2013	On Going
10	amend APC bylaw	consider amending the APC bylaw (draft bylaw no. 112) and consider adopting related terms of reference	Sep-06-2013	On Going
11	Marine Geoexchange Systems	consider alternative options to permit/ regulate ocean loops ie: OCP policies or development permit areas	Nov-05-2013	On Going

Date: October 15, 2014

File No.:

To: South Pender Island Local Trust Committee
For the meeting of November 4, 2014

From: Robert Kojima
Regional Planning Manager

Re: Project List Review

Background

At the September meeting, the LTC requested that staff bring back a report recommending updates to the Projects List. The intention is to review the current LTC's list of potential projects that have been identified over the course of the term and to provide a simplified list of potential projects for the next LTC.

The Projects List is the part of the Work Program where the LTC lists potential future planning projects. This document is intended to identify future desired projects and briefly describe them. Prior to proceeding with initiating a project the LTC must make the project a Top Priority and funding and resources to undertake the project must be approved. The Projects List is important in budget preparation in terms of projecting future funding requirements. Generally speaking, many projects on these lists tend to be ill-defined and require significant further analysis and definition before being approved as a Top Priority.

Analysis

The attached table provides the current projects list, including descriptions and activities, along with staff comments on each potential project. A number of the projects could be considered for removal from the list as no longer relevant, others could be consolidated, and others should be retained as they are projects that the LTC has identified as potentially important but have been deferred due to other priorities.

In summary, the recommended changes to consider are:

- Delete the DAI Bylaw, Parks and Recreation, Area Farm Plan and LUB information notes projects
- Consolidate the Sensitive Ecosystem, Hazard and Raptor mapping projects into a single project for DPA implementation

- Re-consider the Forest Lands and Community Transition and Resilience LUB projects
- Retain the APC bylaw and Marine geo-exchange projects on the list

Next Steps

The LTC should review the list in the attached table and make appropriate revisions by resolution.

Summary of Planning Recommendations

The recommendations are summarized above and in the attached table. Alternatives for the LTC include making no changes to the list and leaving it to the next LTC to review all items, or deleting all items.

RECOMMENDATIONS:

1. THAT the South Pender Island Local Trust Committee amend its Projects List by deleting projects 1, 2, 6, 8 and 9; consolidating projects 3, 4, and 5; and re-defining project 7 to focus on adaption to sea level rise.

Prepared and Submitted by:



Robert Kojima Regional Planning
Manager

October 15, 2014

Date

Attachments:

1. Projects List Table

Projects List Table

	Description	Activity	Comments
1	Development Approval Information Bylaw	To draft a DAI bylaw to provide certainty with respect to requirements for development permit applications	A DAI bylaw is only recommended if Development Permit Areas are implemented. Recommendation is to remove this as a seaprate project. If a future LTC chooses to proceed with new DPA, it would be recommended as part of an implementation program
2	Forest Lands	Public education regarding best management and stewardship practices on forest lands including wildfire prevention and preparedness	Currently not clearly defined in terms of potential amendments to LUB or OCP, recommend removing or redefining.
3	Sensitive Ecosystem Mapping	Consider DPA or other protective measure	Consider combining all three potential DPA projects into a single item
4	Geological Hazard Mapping	Consider DPA or other protective measures	See above
5	Raptor Nests	Consider DPA or other protective measure	See above
6	Parks and Recreation	Update OCP schedule with more specific information after PIPRC Master Plan is reviewed	No known update to PIPRC Master Plan planned. Consider deleting and future LTC can re-introduce at such time as PIPRC updates Master Plan
7	Community Transition and Resilience	Support ongoing development of community transition and resilience to worldwide challenges such as climate change, peak oil, and food security	As currently described the project is not well defined. Could consider removing or alternately, could be revised to specifically focus on addressing sea level rise impacts – this would be relevant as new provincial guidelines and CRD mapping are pending.
8	Area Farm Plan	Potentially a Southern Gulf Island regional farm plan in conjunction with the CRD	This is being implemented by CRD, recommendation is to remove as an LTC project. A future LTC could add implementation of recommendations following completion of Strategy.
9	LUB Information Notes	Consider including for clarification on: roadside farm stands (setbacks, MoTI) agriculture vs home occupation	These would be addressed as part of the on-going LUB review. Recommend removing this from project list.
10	Amend APC bylaw	Consider amending the APC bylaw (draft bylaw no. 112) and consider adopting related terms of reference	Recommend retaining for next LTC to re-consider
11	Marine Geoexchange Systems	consider alternative options to permit/ regulate ocean loops ie: OCP policies or development permit areas	Significant work has already been done, consider retaining for next LTC to re-consider



Applications w/ Status - South Pender Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SP-DVP-2014.1	Health Lansdowne	Sep-16-2014	8922 GOWLLAND POINT RD Requesting a height variance from the limit of 4.6m to 6.7m for proposed garage.

Planner: Phil Testemale

Planning Status

Status Date: Oct-22-2014

Staff Report submitted for Nov 4 Agenda

Status Date: Sep-16-2014

opened file, notified LTC, gave to planner

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending September 2014

665 South Pender	Invoices posted to Month ending September 2014	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	700.00	310.62	389.38
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,000.00	568.67	431.33
65210-665	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-665	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-665	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>2,550.00</u>	<u>568.67</u>	<u>1,981.33</u>
Projects				
73001-665-2011	South Pender OCP/LUB	5,000.00	593.91	4,406.09
TOTAL Project Expenses		<u>5,000.00</u>	<u>593.91</u>	<u>4,406.09</u>