



# South Pender Island Local Trust Committee

## Regular Meeting Agenda

Date: September 16, 2014  
Time: 10:00 am  
Location: South Pender Fire Hall  
8961 Gowlland Point Road, South Pender Island, BC

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### Pages

1. Call Meeting to Order 10:00 AM - 10:15 AM
2. Approval of Agenda
  - 2.1 Additions/Deletions
  - 2.2 Questions from public on Agenda Items
3. Town Hall
4. Community Information Meeting  
None
5. Public Hearing  
None
6. Previous Meetings 10:15 AM - 10:20 AM
  - 6.1 Adopted Local Trust Committee Minutes
    - 6.1.1 South Pender Local Trust Committee Meeting Minutes of June 24, 2014 (attached) 4 - 9  
For information
  - 6.2 Public Hearing Records and Community Information Meeting Notes Received - for information  
None
  - 6.3 Section 26 Resolutions-without-meeting 10 - 10  
RWM Report dated September 2014 (attached)
  - 6.4 Advisory Planning Commission Minutes  
None

|               |                                                                                                                                                  |                            |                |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------|
| <b>7.</b>     | <b>Business Arising from the Minutes</b>                                                                                                         | <b>10:20 AM - 10:30 AM</b> |                |
| <b>7.1</b>    | <b>Follow-up Action Report</b>                                                                                                                   |                            | <b>11 - 11</b> |
|               | FUAL Report dated September 2014 (attached)                                                                                                      |                            |                |
| <b>8.</b>     | <b>Delegations</b>                                                                                                                               |                            |                |
| <b>9.</b>     | <b>Correspondence [correspondence received concerning applications and/or projects is considered with the application/project]</b>               |                            |                |
| <b>10.</b>    | <b>Applications, Permits, Bylaws and Referrals</b>                                                                                               | <b>10:30 AM - 10:45 AM</b> |                |
| <b>10.1</b>   | <b>North Pender Island Local Trust Committee Bylaw 196 Referral (attached)</b>                                                                   |                            | <b>12 - 14</b> |
| <b>11.</b>    | <b>Local Trust Committee Projects</b>                                                                                                            | <b>10:45 AM - 12:00 PM</b> |                |
| <b>11.1</b>   | <b>Land Use Bylaw Review - Staff Report (attached)</b>                                                                                           |                            | <b>15 - 34</b> |
| <b>12.</b>    | <b>Reports</b>                                                                                                                                   | <b>12:00 PM - 12:30 PM</b> |                |
| <b>12.1</b>   | <b>Work Program Reports</b>                                                                                                                      |                            |                |
| <b>12.1.1</b> | <b>Adopted Policies and Standing Resolutions and Objectives (attached)</b>                                                                       |                            | <b>35 - 35</b> |
| <b>12.1.2</b> | <b>South Pender Island Local Trust Committee Work Program</b>                                                                                    |                            | <b>36 - 37</b> |
|               | Work Program Report dated September 2014 (attached)                                                                                              |                            |                |
| <b>12.2</b>   | <b>Applications Report</b>                                                                                                                       |                            |                |
| <b>12.2.1</b> | <b>South Pender Island Local Trust Committee Application Report</b>                                                                              |                            |                |
|               | None                                                                                                                                             |                            |                |
| <b>12.3</b>   | <b>Expense/Budget Reports</b>                                                                                                                    |                            |                |
| <b>12.3.1</b> | <b>Trustee and Local Expenses</b>                                                                                                                |                            | <b>38 - 38</b> |
|               | LTC Expense Report dated August 2014 (attached)                                                                                                  |                            |                |
| <b>12.3.2</b> | <b>2015/16 Budget Requests (attached)</b>                                                                                                        |                            | <b>39 - 43</b> |
| <b>12.4</b>   | <b>Bylaw Enforcement Reports</b>                                                                                                                 |                            |                |
| <b>12.5</b>   | <b>South Pender LTC Web Page</b>                                                                                                                 |                            |                |
|               | The South Pender Local Trust Committee Web page can be found at:                                                                                 |                            |                |
|               | <a href="http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender">www.islandstrust.bc.ca/islands/local-trust-areas/south-pender</a> |                            |                |
| <b>12.6</b>   | <b>Chair's Report</b>                                                                                                                            |                            |                |

**12.7 Trustee Report**

**13. Other Business** 12:30 PM - 1:00 PM

**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 - Memo (attached)** 44 - 67

**13.3 South Pender Island Community Stewardship Award**

Presentation and cake

**14. Town Hall Meeting** 1:00 PM - 1:15 PM

**15. Adjournment** 1:15 PM - 1:15 PM



# ADOPTED

## South Pender Island Local Trust Committee Minutes of a Regular Meeting

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**Date of Meeting:** Tuesday, June 24, 2014, 10:00 a.m.  
**Location:** South Pender Fire Hall  
South Pender Island, BC

**Members Present:** Ken Hancock, Chair  
Mike Jones, Local Trustee  
Elizabeth Montague, Local Trustee

**Regrets:** None

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

**Media and Others Present:** There were six (6) members of the public present.

### 1. CALL TO ORDER

Chair Hancock called the meeting to order at 10:04 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 THE AGENDA

#### 2.1 Additions and Deletions

The following additions to the agenda were presented for consideration:

10.1 North Pender Island LTC Bylaw Referrals No.195 and No.197  
11.1.3 Land Use Bylaw Review Focus Group 3 Report

**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.

No comments were made.

**4. COMMUNITY INFORMATION MEETING**

None

**5. PUBLIC HEARING**

None

**6. PREVIOUS MEETINGS**

**6.1 Local Trust Committee Minutes**

6.1.1 Adopted South Pender Island Local Trust Committee Meeting Minutes of April 8, 2014

For information

**6.2 Public Hearing Records and Community Information Meeting Notes received.**

None

**6.3 Section 26 Resolutions-without-meeting**

RWM Report dated June 2014 was provided for information.

**6.4 Advisory Planning Commissions / Task Force to be received.**

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 June 2014.

**8. DELEGATIONS**

None

**9. CORRESPONDENCE**

None

**10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**

**10.1 North Pender Island Bylaw Referrals No. 195 & No. 197**

**SP-2014-014**

**It was MOVED and SECONDED,**

That the South Pender Island Local Trust Committee finds its interests are unaffected by North Pender Island proposed bylaws No. 195 and No. 197.

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 LUB Review – Project Charter and Focus Group Reports**

A discussion was held regarding the next steps for the focus groups and what would need to be accomplished before final reports could be created. Discussion with the focus group chairs and Trustees included:

- When to refer reports to the Advisory Planning Committee (APC).
- Additional meetings for Focus Group 3 to complete the unfinished work.
- Appointing new chairs to accommodate those who are now unable to commit further time to the project.
- Extending the deadline for final Focus Group reports.

In consultation with Chair Hancock and Regional Planning Manager Kojima, the Trustees decided to revise the South Pender Island Land Use Bylaw Review Project Charter to reflect the following scheduling changes:

- Review preliminary focus group findings at the September South Pender LTC meeting.
- Receive final focus group reports at the November South Pender LTC meeting and pass the reports to the APC at that time.

**SP-2014-015**

**It was MOVED and SECONDED,**

That the South Pender Island Local Trust Committee direct staff to create a newsletter update on the LUB review and that the newsletter be mailed out in August.

**CARRIED**

**SP-2014-016**

**It was MOVED and SECONDED,**

That the South Pender Island Local Trust Committee direct staff to review Focus Group 1's and Focus Group 2's report and bring back the report at the September South Pender Island Local Trust Committee meeting.

**CARRIED**

**SP-2014-017**

**It was MOVED and SECONDED,**

That the South Pender Island Local Trust Committee appoint Gordie Duncan as Chair for the final work to be done on Focus Group 3.

**CARRIED**

**SP-2014-017**

**It was MOVED and SECONDED,**

That the South Pender Island Local Trust Committee endorse the South Pender Island Land Use Bylaw Review Project Charter as revised.

**CARRIED**

11.1.1 Focus Group 1 – Report

Provided for information.

11.1.2 Focus Group 2 – Report

Provided for information.

11.1.3 Focus Group 3 – Report

Provided for information.

**12. REPORTS**

**12.1 Work Program Reports**

12.1.1 Adopted Policies and Standing Resolutions and Objective

Provided for information.

12.1.2 South Pender Island Local Trust Committee Work Program

Regarding, Canal Erosion and Boat Speed, Trustee Montague raised the suggestion of placing of buoys. A discussion ensued and it was agreed that Trustee Montague would send a letter to Transport Canada with the recommendation.

### 12.1.3 Federal Marihuana for Medical Purposes Regulation

#### **SP-2014-017**

**It was MOVED and SECONDED,**

That, with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the South Pender Island Local Trust Committee not consider amendments to the South Pender Island Bylaw No. 92 at this time.

**CARRIED**

## **12.2 Applications Report**

### 12.2.1 South Pender Island Local Trust Committee Application Report

Applications Report dated June 2014 was provided for information.

## **12.3 Expense / Budget Reports**

### 12.3.1 Trustee and Local Expenses

LTC Expense Report dated May 2014 was provided for information.

## **12.4 Bylaw Enforcement Reports**

None

## **12.5 South Pender LTC Web Page**

The South Pender Island Local Trust Committee web page can be found at:

[www.islandstrust.bc.ca/islands/local-trust-areas/south-pender](http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender)

## **12.6 Chair's Report**

Chair Hancock spoke of the Trust Council meeting held on Saturna Island and what he heard from the Department of Fisheries and Oceans regarding federal regulation of aquaculture. He also shared what he had learned of the Douglas Fir Ecosystem and its importance in the Southern Gulf Islands.

## **12.7 Trustee Report**

Trustee Montague spoke of the Trust Council meeting held on Saturna Island and what she learned regarding carbon sequestering in the Southern Gulf Islands' forests. She also shared the Pender Island residents who had won the Community Stewardship Awards.

Trustee Jones shared that he had attended the Web Advisory Group Meeting. He noted that archived documents will not be uploaded to the website unless specifically requested.

### 13. OTHER BUSINESS

#### 13.1 Upcoming Meetings

The next meeting of the South Pender Island Local Trust Committee will be held on Tuesday, September 16, 2014, at 10:00 am at the South Pender Fire Hall.

#### 13.2 SGIEDC Food and Agriculture Strategy Briefing – Jeff Weightman, CRD Project Manager

RPM Kojima provided information from the project outline and timeline.

### 14. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

**Sara Steil** spoke regarding the Community Stewardship Award presented to Paul and Monica Petrie. She suggested that the award be presented at a ceremony at Brooks Point.

**Jane Perch** asked the Trustees about mail-in ballots for the next LTC election and whether they would be accepted.

Chair Hancock provided information regarding which bodies make the decisions on allowing mail-in ballots, what had been historically and in other jurisdictions, and how they would be administered if allowed. He noted that the decision had not been finalized.

### 15. ADJOURNMENT

**SP-2014-018**

**It was MOVED and SECONDED,**

That the South Pender Island Local Trust Committee meeting be adjourned at 11:16 a.m.

**CARRIED**

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**Ken Hancock, Chair**

**CERTIFIED CORRECT:**

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**Shannon McConchie, Recording Secretary**



## RWM From: June 16, 2014 To: September 09, 2014

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### South Pender Island

| Resolution # | Action    | Resolution Description                                                                                   | Resolution Date |
|--------------|-----------|----------------------------------------------------------------------------------------------------------|-----------------|
| 2014-06      | In Favour | THAT the South Pender Island Local Trust Committee business meeting minutes of June 24, 2014 be adopted. | Jul 10, 2014    |



## Follow Up Action Report w/ Target Date

### South Pender Island Jun-24-2014

| No. | Activity                                                                                                                                                                                                 | Responsibility         | Target Date | Status |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------|--------|
| 1   | THAT SPILTC's interests are unaffected by NPILTC bylaws 195 and 197                                                                                                                                      | Sharon Lloyd-deRosario | Jun-26-2014 | Done   |
| 2   | 11.1 Staff to draft a trustee newsletter to be sent out in August updating the community on status of the LUB review and providing dates of remaining focus group meetings. Mailout done August 18, 2014 | Robert Kojima          | Jul-31-2014 | Done   |
| 3   | 11.1 Staff to undertake a preliminary review of the focus group reports for the Sept 16th LTC meeting                                                                                                    | Robert Kojima          | Aug-29-2014 | Done   |
| 4   | 11.1 Gordie Duncan appointed as Chair of Focus Group 3 to schedule two or more meetings to conclude the work of that focus group. Notices with dates to be drafted and posted                            | Robert Kojima          | Oct-30-2014 | Done   |
| 5   | 11.1 the Project Charter to be revised                                                                                                                                                                   | Robert Kojima          | Jun-27-2014 | Done   |
| 6   | The activities sections of the Work Program top priorities be updated                                                                                                                                    | Robert Kojima          | Jun-25-2014 | Done   |
| 7   | Trustee Montague to follow up with Transport Canada on feasibility of installing marker buoys to assist in regulating speeding through the canal                                                         | Liz Montague           | Aug-28-2014 | Done   |



Islands Trust

# BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area Bylaw No.: 196 Date: July 7, 2014

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:**

Mike and Anne Burdett - 4606 Razor Point Road, North Pender Island

**PURPOSE OF BYLAW:**

The purpose of the bylaw is to permit a waste transfer and composting facility by rezoning a portion of the subject property from *Industrial 1(b)* to *Industrial 3: Waste Transfer Facility*.

Professional reports and staff reports are available on the North Pender island webpage:  
<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender.aspx>

Please note this is a referral for a DRAFT bylaw, intended for early input prior to first reading. The recommended resolutions in the attached staff report were not passed, the NPLTC requested more information prior to considering the bylaw further.

**GENERAL LOCATION:**

4606 Razor Point Road, North Pender Island Local Trust Area

**LEGAL DESCRIPTION:**

The Fractional North West ¼ of Section 11, Pender Island, Cowichan District, Except the South 26.364 Chains, and Except Parcel A (DD143808I), and Except those parts shown outlined in red on Plans 5632 and 262R, and Except those parts in Plans 5856, 7982 and 20898

**SIZE OF PROPERTY AFFECTED:**

The proposal is to rezone a 0.95 acre (0.38 ha) area of a 22 acre, split zoned property for a waste transfer facility.

**ALR STATUS:**

In the ALR. Approved by ALC resolution #413-2013, for 5 Years, and subject to conditions.

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

The subject area is designated Industrial by the North Pender Land Use Bylaw.

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) and attached to this referral.

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.

Name: Justine Starke

(Signature)

Title: Island Planner  
Contact Info: Tel: 250-405-5189  
Email: [jstarke@islandstrust.bc.ca](mailto:jstarke@islandstrust.bc.ca)

PLEASE TURN OVER →

This referral has been sent to the following agencies:

**Federal Agencies**

Environment Canada

**Provincial Agencies**

Agricultural Land Commission  
BC Assessment Authority  
Ministry of Agriculture – Regional Agrologist  
Ministry of Community, Sport and Cultural Development  
Ministry of Environment  
Ministry of Environment, – Water Stewardship Division  
Ministry of Transportation & Infrastructure

**Regional Agencies**

Capital Regional District – Electoral Area Director  
Capital Regional District – Environmental Resource Management  
Capital Regional District – Infrastructure Engineering  
Capital Regional District – Regional Parks and Community Services  
Capital Regional District – S. Gulf Islands Ports  
Island Health  
North Pender Island Fire Rescue

**Adjacent Local Trust Committees and Municipalities**

Mayne Island Local Trust Committee  
Saturna Island Local Trust Committee  
South Pender Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Town of Sidney  
District of North Saanich  
District of Central Saanich

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
TE'Mexs Treaty Association  
Pauquachin First Nation  
Penelakut Tribe  
Semiahmoo First Nation  
Stz'uminus First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation

# 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

North Pender Island

(Island)

196

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

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

**To:** South Pender Island Local Trust Committee  
For the meeting of September 16, 2014

**From:** Robert Koijma  
Regional Planning Manager

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**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 Focus Group recommendations for amendments to the Land Use Bylaw (LUB).

## **Project Background**

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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 17<sup>th</sup>. At the June meeting the LTC endorsed a project charter and received reports from two Focus Groups, along with some preliminary comments from a third. At that meeting 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 reconvene Focus Group 3 and provide recommendations to the LTC in time for the September 18<sup>th</sup> meeting. Further background on the project is available on the [webpage](#).

## **Relevant Policy and Land Use Considerations**

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### 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 by bylaw enforcement staff that should be considered during the review.

### 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**

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The purpose of the project is to undertake a comprehensive review of the LUB and obtain widespread 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 are not 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 am suggesting 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.

The first point (consistency with OCP policy) is identified in the Project Charter, if the LTC supports the other two parameters they could also be incorporated in the scope section of the project charter.

To date two of the three Focus Groups have reported. I have copied the specific recommendations or suggestions (and in a few cases questions) into the attached tables 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:
  - Permitting non-residential buildings prior to dwellings, which includes a review of accessory buildings generally;
  - Increasing the height of accessory buildings;
  - Removing the provision requiring the operator of a home occupation to be a permanent resident;
  - Consideration of groundwater protection measures.
- 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.

The recommendations of Focus Group 3 were not received prior to the agenda deadline. A similar review could be conducted on those recommendations for the next meeting.

## **Project Charter**

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A copy of the project charter is attached for reference. No changes to the timeline are suggested at this time, but the LTC may wish to request that staff revise the scope section to include the two criteria mentioned above.

## Next Steps

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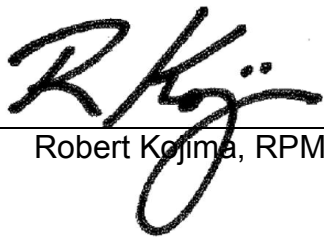
Consistent with the project charter, the next steps would be to receive the Focus Group 3 recommendations, along with staff comments at the November meeting.

## RECOMMENDATIONS:

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

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Prepared and Submitted by:



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Robert Kojima, RPM

September 5, 2014

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Date

Attachments:

Focus Group 1 Recommendation Table

Focus Group 2 Recommendation Table

Proejct Charter

| Focus Group Recommendation                                                                                                                                                                                                                                                                                                                                                                                          | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| It is suggested that where a “definition” is used in the LUB Document that it be identified in some way, perhaps in italics or an asterisk, so as to identify to the reader that there is a “definition” for this term.                                                                                                                                                                                             | Italics are used in some bylaws to identify defined terms, this would potentially improve interpretation. This would be a technical change and could improve readability.                                                                                                                                                                                                                                                                                                                                                                                |
| a complete review of, and likely the redefining of Definitions that are used in conjunction with “ <u>accessory</u> ”. The general consensus would be to eliminate “accessory” as a definition by reworking the definitions such as “building” and “structure” as these two definitions are used extensively in all Parts and many Sections                                                                         | Need a better understanding and clarification of what the problem or issue is with the current approach. These terms are widely used in zoning bylaws and exist under common law, there would be issues and unintended consequences with removing accessory uses and structures from the bylaw: uses commonly now falling under the heading of accessory would be rendered non-conforming or no longer permitted. The discussion appeared to focus on accessory <i>buildings</i> , uses and structures are also customarily accessory to principal uses. |
| <p><b>“building”</b> means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.</p> <ul style="list-style-type: none"> <li>• If a structure such as a “car port” – having a roof but no traditional walls defined as a building or structure?</li> <li>• Does the “car port” roof count in the square footage for “Lot Coverage”?</li> </ul> | Question: yes, a carport is a building (and is a structure – buildings are a subset of structures). Lot coverage would be engaged, but not floor area if not walled.                                                                                                                                                                                                                                                                                                                                                                                     |
| Outbuilding v. storage building                                                                                                                                                                                                                                                                                                                                                                                     | This is an issue for further deliberation: specifically as to the range of uses that should be permitted in non-residential buildings in the absence of a residence, and second, the maximum height of non-residential buildings.                                                                                                                                                                                                                                                                                                                        |
| A definition for “ <u>cottage</u> ” is contained in the OCP and the LUB documents – while both definitions are the same, is this necessary?                                                                                                                                                                                                                                                                         | A definition is not required in the OCP, but having it in the OCP precludes amending cottage provisions in LUB alone, or relaxing max floor area by variance. This may well have been the intention of the drafters of the OCP and thus may be out of scope of this review                                                                                                                                                                                                                                                                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>"dwelling, single family"</b> means a building used as a residence for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating; for this purpose it also includes a mobile home.</p> <ul style="list-style-type: none"> <li>• Do we need "single family" included as part of the definition?</li> <li>• Should we consider "in-law suites" as part of the definition</li> <li>• Should there be some consideration for "assisted living facilities" for care givers, for an aging community?</li> </ul> | <p>Questions:</p> <ul style="list-style-type: none"> <li>• No, could be redrafted, but SFD is the conventional term, there are no legal issues with using it, and it is widely known and used.</li> <li>• Usually are treated as a separate use; would need an OCP amendment, and would be out of scope of this review</li> <li>• Assisted living facilities would be a new use, requiring review of and potentially changes to OCP policies and thus out of scope.</li> </ul>        |
| Is a greenhouse included in the "Lot Coverage" calculation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Is <u>"pump/utility house"</u> included in lot coverage calculation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>"residence"</b> This definition needs to be reworded.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Would need clarification on the problem or issue that has arisen with the current definition. In the LUB 'Residence' is used in the definition of dwelling and short term vacation rental, and a prohibition on residential uses of boats. The current approach in this LUB is appropriate: it defines dwelling in relation to the use (residence), not just as a type of building, which is more consistent with legislative authority best practices stemming from recent case law. |
| <p><b>"structure"</b></p> <ul style="list-style-type: none"> <li>• This definition is used significantly in all Parts, and needs to be reworked for a better definition of the intent of its meaning</li> </ul>                                                                                                                                                                                                                                                                                                                                                                   | More clarity or better understanding of the problem with the current definition is needed. It is a standard definition used in bylaws. The exclusions could be reviewed for other structures to be excluded. Caution should be exercised about changing fundamental provisions because of unintended consequences                                                                                                                                                                     |
| <p><b>"ecological reserve"</b> means an area of land (or water) established as an ecological reserve under <i>Ecological Reserves Act</i>.</p> <ul style="list-style-type: none"> <li>• add <b>"the"</b> to <u>"under Ecological Reserves Act"</u>, also remove <b>"s"</b> from <u>"Reserves"</u></li> </ul>                                                                                                                                                                                                                                                                      | Delete this definition, it is out of date. Where the term appears in the general provisions should be replaced with updated terminology or removed (e.g. the land is now part of National Park Reserve)                                                                                                                                                                                                                                                                               |
| <p><b>"farm use"</b></p> <ul style="list-style-type: none"> <li>• remove <u>"Provincial"</u> from <u>"Provincial Agricultural Land Commission"</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                     | Technical change, consistent with current terminology                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <p><b>“floor area”</b> .</p> <ul style="list-style-type: none"> <li>Do we wish to revisit the change proposed in the defeated Bylaw 111? <i>“means the sum of the horizontal areas of all storeys in a building, measured to “outer surface of the exterior walls”</i> changed to <b><i>“the interior surface of the exterior walls.”</i></b></li> <li>Floor area – as per earlier draft, clarify that cistern does not have to be just <i>for rainwater collection</i>. Reference should be <b>“cistern used for the storage of water”</b></li> <li>It should be noted that Section 3.5.5 also talks about <i>“cisterns”</i> for <i>“accessory buildings or structures”</i> – we need to make sure that the two sections are consistent in their description.</li> </ul> | <ul style="list-style-type: none"> <li>There is no recommendation, just flagged as an issue.</li> <li>Technical change for increased certainty and clarity of intent</li> <li>Yes, should be reviewed</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>“highway”</b> includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.</p> <ul style="list-style-type: none"> <li>why do we use the term “highway”? According to Schedule H, there are no highways on South Pender Island. Suggestion – use <b>“road”</b> or <b>“roadway”</b>. This change would have to be in consideration of the terms “roads” used in the OCP 6.1.3.</li> </ul>                                                                                                                                                                                                                                                                         | <p>Highway stems from definition under the Land Title Act and other provincial legislation, has a more extensive and specific meaning than just a road or roadway. Would not recommend changing this.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>“home occupation”</b> means a commercial use that is accessory to a permitted residential use on the same lot.</p> <ul style="list-style-type: none"> <li>this could be changed to <b>“home based business”</b> for clarity</li> <li>Use of the term <i>“accessory”</i>?</li> <li>This definition requires review with respect to the “full time resident” qualification</li> <li>It also needs to accommodate Section 3.6</li> <li>Please refer to the Cameron Thorn’s letter <b>“13.08.1 – LUB Amendments – Home Occupation”</b></li> </ul>                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>Not clear why change is suggested: home occupation is the term used in the OCP and is common. “Occupation” was probably considered more extensive and accurate than just “business”</li> <li>Accessory is used in order to define the use as secondary and incidental to the residential use, otherwise it would just be a principal commercial use</li> <li>Definition doesn’t limit the use to full-time residents, but ss 3.6(5) does: permanent residence requirement for home occupation – recommend this reference be removed or changed to include seasonal or part-time residents.</li> </ul> |
| <p><b>“landscape screen.</b></p> <ul style="list-style-type: none"> <li>What does this definition define or cover that is not defined in Section 3.9?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Could be duplication, recommend that it be reviewed</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <p><b>“lot”</b> means any parcel, block or other area in which land is held or into which it is subdivided whether under the <i>Land Title Act</i> or the <i>Condominium Act</i>.</p> <ul style="list-style-type: none"> <li>• Lot – correct name of act. Condominium Act is now the Strata Property Act.</li> <li>• Suggest simpler wording: <b>means a parcel of land registered in the Land Title Office and includes a strata lot</b></li> <li>• <u>“subdivided whether under”</u> if not rewritten – remove <b>whether</b></li> </ul>                          | <ul style="list-style-type: none"> <li>• Update reference to legislation – a technical amendment</li> <li>• This could be reviewed for legal implications, but would seem to change meaning somewhat</li> <li>• Appears ok to remove “whether”, but should be reviewed for technical implications</li> </ul>                                                        |
| <p><b>“lot coverage”</b></p> <ul style="list-style-type: none"> <li>• Lot coverage – Should coverage be based on enclosed buildings and structures?</li> <li>• Include Carports, covered patios? Exclude steps, eaves, open courtyards, pergolas, patios, driveways, parking, retaining walls, and fences?</li> <li>• Should the measurement be to the drip line? Need to consider this in context of what is included in the definition of “structure” as there are many structures that would not really be pertinent to calculating the lot coverage.</li> </ul> | <ul style="list-style-type: none"> <li>• Floor area regulates the interior space of buildings. Lot coverage has a different intent: to limit the development of parcels in order to retain vegetation, limit run-off from impervious surfaces, and generally protect rural character. The use of drip line is indicative of the intent to limit run-off.</li> </ul> |
| <p><b>“lot line”</b> means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, and<br/> <u>“of survey registered with the BC Land Titles Office”</u> <b>change ...registered with the Land Title Office....</b></p>                                                                                                                                                                                                                                                                                                       | <p>Technical amendment - should be updated to LTSA</p>                                                                                                                                                                                                                                                                                                              |
| <p><b>“principal”</b> 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.</p> <ul style="list-style-type: none"> <li>• What is the intent?</li> <li>• Do we need this definition?</li> </ul>                                                                                                                                                                                                                                                                   | <p>This is a standard definition – purpose is to support and define the distinction between principal permitted uses in each zone and accessory uses which are not usually listed or specified. Would not recommend removing this definition.</p>                                                                                                                   |
| <p><b>“utilities”</b></p> <ul style="list-style-type: none"> <li>• This is referenced in Section 3.1(1).</li> <li>• Needs work. What is broadcast transmission? Perhaps change to “public utilities”</li> </ul> <p>With the ever expanding Wireless Universe, should we be concerned with the growing number of cellular transmitters and/or the potential for broadcast towers</p>                                                                                                                                                                                 | <p>Should be reviewed for technical accuracy and currency; could be clearer about those exempt from LG regulation (Hydro, Cellular towers) and those that should be permitted outright and exempt from setbacks (cable, underground) and those that should be regulated.</p>                                                                                        |
| <p>PART2</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>2.2 Conformity</b><br/> (1)</p> <ul style="list-style-type: none"> <li>• “other legislation applicable to <u>their</u> use of land” change to <b>“the”</b></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                         | <p>Not sure of problem: a change would slightly alter the meaning of the sentence: “their” is linked to “any person”</p>                                                                                                                                                                                                                                            |

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| <p><b>2.3 Inspection</b></p> <p>(1)</p> <ul style="list-style-type: none"> <li>Needs revision.</li> <li>Should need to notify the “<b>owner</b>” as well as the “<u>occupier</u>” as it is the owner that could face an action or penalty.</li> <li>“Islands Trust Bylaw <u>Investigation</u> Officer” – s/b “<b>Enforcement</b>” Officer?</li> <li>Also see <i>Community Charter</i> requirements – see below. Perhaps we need to reference this.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Refer to Bylaw Enforcement coordinator for review and comment</p> |
| <p><b>2.4 Violation</b></p> <p>(1)</p> <ul style="list-style-type: none"> <li>Revise wording for clarity</li> <li><u>“Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw” – simplify for clarity</u></li> <li><u>“who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw ”</u></li> </ul> <p><b>_ – as above simplify - Suggestion.....”by any provisions of this Bylaw commits an offence against this Bylaw.”</b></p> <p><b>(2) Suggestion - Add</b></p> <ul style="list-style-type: none"> <li>“Each day that a violation is continued shall constitute a separate offence.”</li> </ul> <p><b>(3) Suggestion</b></p> <ul style="list-style-type: none"> <li>Relocate information in section 2.5 as it is relevant to this topic.</li> </ul> | <p>Refer to Bylaw Enforcement Coordinator for review and comment</p> |

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| <p><b>2.5 Penalty</b><br/>(1)</p> <ul style="list-style-type: none"> <li>• pursuant to the "<u>Offences Act</u>", s/b "<b>Offence Act</b>"</li> <li>• not exceeding "<u>\$2,000</u>" - <b>Remove the dollar amount as this number changes over time which would then require amendments</b></li> <li>• "<u>Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.</u>" - <b>Suggestion :- Move this to Section 2.4</b></li> <li>• <b>Suggestion for 2.5 :- "A person who commits an offence against this bylaw is liable, upon summary conviction, to a fine pursuant to the <i>Offence Act</i>."</b></li> </ul> <p><b>Note:</b> South Pender does not have a "Ticketing Bylaw". There was a significant discussion on the process, if a Bylaw Officer were to issue a "ticket" for a violation. Clarification is needed on how or can "ticketing" be applied and processed leading to fines.<br/>Is the procedure and process defined in the "Community Charters" and if so should this be referenced in our LUB?</p> | <p>Refer to Bylaw Enforcement Coordinator for review and comment. Consideration of a Bylaw Enforcement Notification system of tickets would be separate bylaw, distinct from these sections of the LUB.</p> |
| <p><b>2.6 Covenants</b><br/>(1)</p> <ul style="list-style-type: none"> <li>• This subsection appears to be rather "wordy" perhaps it should at least be broken into shorter sentences.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Technical review</p>                                                                                                                                                                                     |
| <p><b>2.8 Enforcement of Siting Regulations</b><br/>(1)</p> <ul style="list-style-type: none"> <li>• Title not relative to subsection does not deal with "<u>Enforcement</u>"</li> <li>• Suggestion for title "<b>Siting Requirements</b>" or "<b>Siting Requirements for Development Permits or Development Variance Permits</b>"</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Technical review</p>                                                                                                                                                                                     |

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| <p><b>2.9 Bylaw Amendments -Add</b><br/> A member of the public can also propose amendments to the LUB so this provision should be noted.<br/> (1)<br/> <b>Suggestion: Add “Except for amendments initiated by the South Pender Island Local Trust Committee, any person applying to have any provision of this Bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in the Development Procedures Bylaw No. 60 (as amended).”</b></p> <p><b>(2.10) Development Permits and Temporary Commercial and Industrial Use Permits Sited in the Official Community Plan</b><br/> Comment by Jane Perch: I always wonder how one knows that there may be some requirements in the OCP that may pertain to development of a property so I think that there should be some mention of this as the OCP is a visionary document and not one that you would normally look at when researching the regulations regarding development of a property. I also wonder why these provisions are not in the LUB rather than the OCP.<br/> (1)<br/> <b>Suggestion: Add “The provisions of the development permit system included within the Official Community Plan apply in addition to the regulations in this Bylaw.”</b></p> | <p>Could be added as information notes, but not as provisions of the bylaw.</p>                                                                                                                                                                                                                              |
| <p>Part 8</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                              |
| <p><b>8.1 – Lot Area Calculations –</b></p> <p>Clarity:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                              |
| <p>(1) Lot Area Calculations:</p> <ul style="list-style-type: none"> <li>• This subsection refers to Part 5, Paul to make sure Part 5 refers to Part 8</li> <li>• When determining Lot Area Calculations for a proposed subdivision is the Average Lot Area determined before common areas such as road rights of way, parkland etc. is removed?</li> <li>• In conjunction with the above point, there is no definition for “Average Lot Area” and how it is calculated</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Questions:</p> <ul style="list-style-type: none"> <li>• Different purposes and authroity– Part 5 is zoning, Part 8 are subdivision regulations;</li> <li>• Yes, it’s the sum of the areas of the proposed lots</li> <li>• No definition as it is defined within s. 8.1 within the regulations.</li> </ul> |

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| <p>(2)</p> <ul style="list-style-type: none"> <li>It should be clear that if a greater portion of a proposed subdivision is being dedicated to parkland that the “average lot area of the lots” will be smaller, than those defined in Zone Regulations (Part 5),</li> <li>Also that the total number of allowable lots will not be reduced because of the greater portion of donated parkland</li> </ul>                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>It says that, but could be reviewed for certainty. It says that, but could be reviewed for certainty</li> </ul>                                                                           |
| <p>(3)</p> <ul style="list-style-type: none"> <li>It was felt that the second part of this subsection “<u>and no lot is to be created in respect of any fractional area resulting from such a calculation</u>” should be reviewed for a clearer meaning.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                | <p>Recommend Review, but caution over technical and legal implications</p>                                                                                                                                                       |
| <p><b>8.3 – Covenants Prohibiting Further Subdivision and Development</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                  |
| <p>(1)</p> <ul style="list-style-type: none"> <li>Remove “accessory” from the term “<u>accessory cottages</u>”</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Yes</p>                                                                                                                                                                                                                       |
| <p>(3)</p> <ul style="list-style-type: none"> <li>Terms appearing in this subsection that are variations which do not have definitions and should be removed or redefined. “<u>Sleeping Cabin</u>” – how is it defined, does it have bathroom or kitchen facilities and should it be removed? “<u>Accessory Guest Cottage</u>” – simplified to “Cottage”?</li> </ul>                                                                                                                                                                                                                                                               | <p>Yes, sleeping cabin should be removed.<br/>Yes, should just be cottage</p>                                                                                                                                                    |
| <p><b>8.4 - Boundary Adjustment Subdivisions</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                  |
| <p>(2)</p> <ul style="list-style-type: none"> <li>the second part of this subsection “<u>except where the lots being subdivided are located in two or more zones</u>” created confusion with no clear resolution, clarification is needed, especially when related to 8.7.1 and 8.3.2.</li> </ul>                                                                                                                                                                                                                                                                                                                                  | <p>Intent is not to preclude boundary adjustments where the parent lot(s) is split-zoned. Review wording for consistency with similar provisions in other bylaws.</p>                                                            |
| <p><b>8.5 – Section 946 Subdivisions (Residence for a Relative)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                  |
| <p>(1)</p> <ul style="list-style-type: none"> <li>During our meeting it was of a general consensus that this section referred to ALR land only and there was discussion on how or whether this statement complies or contradicts permissible subdivisions covered under Part 5 Zone Regulations i.e. 10 acres versus 20 acres?. Paul is to review.</li> <li>Subsequent to the meeting a review of Section 946 ( a copy of which is enclosed), suggests that further review and clarification of this subsection is required in relation to Section 946, especially for non ALR zones.</li> <li>Is the Section required?</li> </ul> | <ul style="list-style-type: none"> <li>No, the opposite, ALR land is exempt from this provision; without this provision s. 946 provides a means of avoiding adherence to the minimum lot area provisions in the bylaw</li> </ul> |

**8.11 – Highway Standards**

This section refers to “Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996”. Is this indeed the latest version of “Ministry of Transportation and Highways” document

yes

## FOCUS Group 2 recommendations

|    | Focus Group Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 1. | The possibility of incorporating the permitted uses from Part 3 within Part 5 for each zone and eliminating 3.1 and 3.2 in Part 3 was explored. The objective would be to consolidate the permitted uses in one place where it was most likely to be referenced by residents. The participants reviewed the Denman Island LUB that provides the permitted uses for each zone in a checklist /table for categories of zones (e.g. the permitted uses for the 3 rural residential zones, the permitted uses for the three resource zones, etc). There was general agreement that the approach in the Denman Island LUB had considerable merit and should be considered as an alternate approach in Part 5 of our current LUB.                                                                                                                                               | No clear problem or issue has been noted with the current format, it is legal, consistent with model LUB, and provides certainty. Revising and amendment would entail a significant re-working of the bylaw. Should consider whether or not this is a serious enough concern to warrant work. Reviewing 3.1 is supported, eliminating it is not recommended as it succinctly establishes uses permitted outright. Reviewing 3.2 is supported, in practice it is useful as providing certainty and for bylaw enforcement specifies certain uses as prohibited and does not require the exercise of determining if an activity is part and parcel of a permitted use, or is an accessory use, or is immune from zoning. |
| 2. | Suggestion is to add an introduction to the RR zones: Section 3.1 of the South Pender Official Community Plan (OCP) states the objectives and policies for residential land use and development. Sections 5.1, 5.2 and 5.3 of the LUB detail the regulations that implement the OCP requirements for the three rural residential zones. Schedule B of the LUB designates which residential zone applies to South Pender properties. The primary distinction between the three residential zones is the minimum and average lot area requirements for any lot created by subdivision as specified in Section 3.1.2(c) of the OCP as follows: <ul style="list-style-type: none"> <li>• 0.4 hectares (1.0 acre) for lots in the RR1 zone</li> <li>• 0.8 hectare (2.0 acres) for lots in the RR2 zone</li> <li>• 4.0 hectare (9.9 acres) for lots in the RR3 zone"</li> </ul> | Not clear what the problem is that this would address. Caution is that every part of the bylaw has meaning in a legal sense and that it would have to be clear that it is not somehow changing the intent. Information notes could be added that are not considered part of the bylaw.                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3. | <u>Flexibility in regulations:</u> Some of the discussion related to making the zoning regulations in Part 5 of the LUB more flexible to better reflect the rural character of the Island as expressed in OCP Goal 2.2.1:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4. | <ul style="list-style-type: none"> <li>• How can we be more flexible with regulations while maintaining the standard of protection? e.g can we have a bathroom in a workshop.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Yes, bathrooms are permitted currently                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5. | <ul style="list-style-type: none"> <li>• How can we build flexibility to promote food security and respond to climate change? What provision should be made for housing for agriculture workers?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Agriculture is permitted as a principal use in the RR zones currently. Best mechanism for bone fide farmworkers is TUP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6. | <ul style="list-style-type: none"> <li>• Should we have smaller setbacks for roadside stands?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | This is recommended as a technical amendment: exempt roadside stands from setbacks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|     | Focus Group Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Comments                                                                                                                                                                                                                                                          |
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| 7.  | <ul style="list-style-type: none"> <li>The current building height for outbuildings was considered too restrictive for our Island and does not allow flexibility for multiple use buildings with a smaller footprint</li> </ul>                                                                                                                                                                                                                                                           | Should be further reviewed as a potential regulatory change. Caution is that two storey accessory buildings often evolve into a residence on the second storey and review should consider explicitly permitting this.                                             |
| 8.  | <ul style="list-style-type: none"> <li>What is the process for gaining greater flexibility for subdivision of forestry land? LUB 5.8(9). It was agreed that this would likely require an OCP amendment if there was community support for such a change. (an informal working group has been established to explore this issue)</li> </ul>                                                                                                                                                | Would need more review of what “flexibility” could entail: smaller lot sizes? Lot averaging? Amenity bonus? – All would require amendment to OCP policies and thus out of scope. “Forest Lands” has been identified as a future LTC project on the projects list. |
| 9.  | <ul style="list-style-type: none"> <li>The issue of flexibility in the maximum cottage floor area established in the OCP was discussed. A proposal to increase the maximum floor area of a cottage up to 750 sq. feet with a corresponding reduction (150 sq. feet) in the total floor area of all accessory buildings so the overall maximum floor area would not change was reviewed. This idea would require an OCP change if there was community support for such a change</li> </ul> | As noted, this would require an OCP amendment so would be out of scope of this project. Could be added to projects list as a future review.                                                                                                                       |
| 10. | <ul style="list-style-type: none"> <li>A similar proposal to have a cottage located over a garage was also discussed. This would require a change in the OCP if there was community support for such a change. These OCP issues are flagged for the trustees if they wish to further investigate these issues</li> </ul>                                                                                                                                                                  | As noted, this would require an OCP amendment so would be out of scope of this project. Linked to suggestion for permitting higher accessory buildings. Could be added to projects list as a future review                                                        |
|     | <u>Protecting the environment.</u> Another line of discussion related protecting the natural environment for future generations as expressed in OCP Goal 2.2.2:                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                   |
| 11. | <ul style="list-style-type: none"> <li>How do we protect the limited water supply on South Pender and give effect to the OCP policy 2.4.1 regarding “inordinate consumption of freshwater”.</li> </ul>                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>- Consider re-establishing proof of potable water provisions in sub regulations</li> <li>- Require cisterns in new dwellings</li> <li>- Groundwater protection DPA (OCP issue) – out of scope</li> </ul>                   |
| 12. | <ul style="list-style-type: none"> <li>How do we manage unnecessary tree cutting with respect to OCP section 2.4.4 regarding green house gas reduction?</li> </ul>                                                                                                                                                                                                                                                                                                                        | DPAs: this would require an OCP amendment so would be out of scope of this project, but is on projects list as implementation of ecosystem mapping                                                                                                                |
| 13. | <ul style="list-style-type: none"> <li>How do we maintain the balance between protecting the environment and enjoying the rural lifestyle?</li> </ul>                                                                                                                                                                                                                                                                                                                                     | DPAs are the land use tool for environmental protection; this would require an OCP amendment so would be out of scope of this project. On projects list as a implementation of ecosystem mapping                                                                  |
| 14. | <ul style="list-style-type: none"> <li>How do we protect natural areas while still providing access to residents and visitors? (trails, parks, etc) - LUB sections 5.9, 5.10, 5.11 &amp; 5.12</li> </ul>                                                                                                                                                                                                                                                                                  | Not a zoning issue: NR zone (5.9) is a large lot residential zone. P1, P2 and P3 zones are for community parks, which are owned by CRD and managed by parks commission.                                                                                           |
| 15. | <ul style="list-style-type: none"> <li>How do we document where the Island is at now so we can ensure that the pace of development is sustainable</li> </ul>                                                                                                                                                                                                                                                                                                                              | Build out analyses, ecosystem mapping. Separate potential projects.                                                                                                                                                                                               |
|     | <b>House keeping</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                   |

|     | Focus Group Recommendation                                                                                                                                                                                                                                                                                                                                                                                                      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16. | There was general agreement that the establishment of zones (part 4) should precede Part 3, since specific zones are discussed in Part 3.                                                                                                                                                                                                                                                                                       | Part 4 precedes part 5 because the zones to which these provisions apply are listed in part 5 immediately following. Part 3 are General Regulations which can apply in any zone. This format is consistent with other bylaws and the model LUB.                                                                                                                                                                          |
| 17. | A number of participants indicated the use of the term “accessory” in the LUB is confusing which makes it difficult to understand and/or rationalize some provisions.<br>- why do we need to specify which is principal and which is accessory use and the order in which the various permitted uses occur? There was general agreement that there is no need to distinguish a storage building as a separate building category | Accessory uses and structures, not just buildings are regulated and permitted: this allows for all the common and minor structures and activities on properties. Caution: changing accessory provisions would lead to unintended consequences. Better to focus on deliberation around the distinct issue of outbuildings without affecting other provisions that are standard, necessary and that have caused no issues. |
| 18. | There was some discussion regarding the interpretation on whether the ‘accessory uses’ in section 5.7(1)(e) were applicable to farm use only or other uses in 5.7(1)(b)(c) & (d)                                                                                                                                                                                                                                                | Yes, accessory uses could be accessory to any of the listed the principal uses.                                                                                                                                                                                                                                                                                                                                          |
| 19. | There was a brief discussion regarding the new section 3.14 proposed under the previously recinded bylaw 111. It was unclear what advantage would be accomplished by that provision. There was no apparent interest in further pursuing that option                                                                                                                                                                             | 3.14 would allow attached dwellings where more than one dwelling is permitted. Advantage would be to reduce building costs, impacts on the site, and lower emissions.                                                                                                                                                                                                                                                    |
| 20. | It was suggested that we need better definitions for “Interior” and “exterior” lot lines                                                                                                                                                                                                                                                                                                                                        | Need more information on what the issue or problem is with the current definitions? These are standard wording and caution should be exercised as any change could create non-conformity or alter development potential as unintended consequences                                                                                                                                                                       |
| 21. | Some provisions (e.g height restrictions on farm outbuildings without “Farm Status”?) are restrictive and may not be necessary                                                                                                                                                                                                                                                                                                  | Accessory building heights should be considered for amendment.                                                                                                                                                                                                                                                                                                                                                           |
| 22. | What is the status of employee accommodation at the resort in LUB 5.4(1)(c and in the development permit? (It was proposed that the provisions of the commercial resort zone (5.4) are complex and carefully drafted and should be left intact.)                                                                                                                                                                                | Question: employee housing is permitted, but would require a new DP or amendment to existing permit to construct. No change seems to be recommended.                                                                                                                                                                                                                                                                     |
| 23. | There was a general discussion regarding the boundaries of the Schedule B map and what process is available for addressing significant boundary issues (e.g agriculture - ALR designated land). There is a typo in Natural Resource – NP (should be NR) in Section 4                                                                                                                                                            | <ul style="list-style-type: none"> <li>- Typo should be corrected.</li> <li>- Not sure what boundary issue refers to, would need more information.</li> </ul>                                                                                                                                                                                                                                                            |
| 24. | Why are different identifiers used on the Zoning map than are used on the Map following the OCP – that is, W1 – 5 , not MC, MG, MP etc – can’t the identifiers be the same on all maps? Is there a reason for the differences                                                                                                                                                                                                   | OCP map identifies land use designations pertaining to respective land use policies in the OCP. Land Use policies are broader, zoning is more specific and implements the policies. There is no need to be same. If zoning is amended would require extensive changes to the bylaw.                                                                                                                                      |

|     | <b>Focus Group Recommendation</b>                                                                                                        | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                          |
|-----|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25. | We need to review the whole LUB to use plain language wherever possible and provide a clear explanation (definition) for technical terms | Caution – the Land Use Bylaw is a legal enactment not a policy document, caution should be exercised in changing terms in the LUB leading to unintended consequences, loss of legal certainty and precision, and introduction of unclear meanings or vagueness. Specific instances of language that is vague or uncertain should be addressed where they are identified. |
| 26. | There was agreement that terms in the LUB that are defined should be footnoted to indicate that there is an applicable definition        | Italics are used in some bylaws, this could considered be technical amendment.                                                                                                                                                                                                                                                                                           |

## Project Charter

### Project Name: South Pender Island Land Use Bylaw Review

Creation Date: June 3, 2014

Last Updated: June 24, 2014

Version: 2

#### Purpose

*This project is intended to provide an opportunity for comprehensive community consultation on potential amendments to the Land Use Bylaw*

#### Background

*This project has been initiated by the South Pender Island Local Trust Committee in order to provide for comprehensive community consultation on which elements of the Land Use Bylaw should be considered for amendment. The LTC considered a number of amendments (Bylaw 111) in 2013, leading up to and including a public hearing, before deciding in January 2014 to proceed no further in the formal bylaw process and to provide further opportunity for community consultation. In April 2014 the LTC appointed three persons to Chair focus groups, each tasked with reviewing different sections of the LUB and reporting back to the LTC and the community. Following the chairs' reports, the LTC will make further decisions on how to proceed which may result in revisions to the project timeline.*

#### Project Objectives

- To provide an opportunity for comprehensive and holistic community input on the Land Use Bylaw
- To consider amendments to the LUB based on the widest possible community consultation

#### Project Scope

| In Scope                                                                                                                                                                                                                                                                                                                           | Out of Scope                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Community consultation in the form of focus group meetings, community information meetings, APC comments, written submissions and informal comment</li> <li>▪ Consideration of amendments to regulations in the Land Use Bylaw</li> <li>▪ Legislative process to amend the LUB</li> </ul> | <ul style="list-style-type: none"> <li>▪ LUB Amendments that would require amendments to OCP Goals or Objectives, or significant changes to OCP policies</li> </ul> |

#### Project Deliverables

- Community consultation in the form of reports from the three focus group chairs
- APC comment on focus group recommendations
- One or more community information meetings for community comment on focus group input
- Staff report(s) on feasibility of implementing focus group recommendations
- Draft amending bylaw(s)
- One or more community information meetings to consult on potential amendments
- Legislative process to amend LUB

## Stakeholders

| Stakeholder                           | Represented by                                                                 | Interests, expectations, concerns                                                                                                                                                        |
|---------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Owners and residents generally</i> | <i>Individually and /or through Focus Groups</i>                               | <ul style="list-style-type: none"> <li>• Potential impact of regulatory changes on property, development, environment, quality of life, neighbourhood character and amenities</li> </ul> |
| <i>Development community</i>          | <i>Contractors, designers, surveyors, architects, etc</i>                      | <ul style="list-style-type: none"> <li>• Potential impact of regulatory changes on practices</li> </ul>                                                                                  |
| <i>Agencies and NGOs</i>              | <i>Building Inspection, Parks and Recreation Commission, Conservancy, etc.</i> | <ul style="list-style-type: none"> <li>• Various – potential impacts of changes on areas of interest or jurisdiction</li> </ul>                                                          |
| <i>Businesses</i>                     | <i>Poet's Cove, home-based businesses</i>                                      | <ul style="list-style-type: none"> <li>• Potential impact of regulatory changes on business</li> </ul>                                                                                   |
| <i>Advisory Planning Commission</i>   | <i>APC</i>                                                                     | <ul style="list-style-type: none"> <li>• To provide advice to the LTC on potential amendments to the Land Use Bylaw</li> </ul>                                                           |

**First Nations:** As with all LTC projects, First Nations with asserted aboriginal rights in the subject area will be contacted early to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change.

## Project Team Resources

| Name                                            | Role                          | Responsibility                                                                                                                                |
|-------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <i>SPILTC</i>                                   | <i>Project Sponsor</i>        | Provides direction through maintaining the project as a work program priority, giving direction and approvals as required                     |
| <i>Robert Kojima, Regional Planning Manager</i> | <i>Project Champion</i>       | Provides adequate project resources, strategic direction and oversight, and ensures project remains aligned with overall goals and objectives |
| <i>Robert Kojima, Regional Planning Manager</i> | <i>Project Manager</i>        | Day-to-day management of the project, and undertakes or directs all project work                                                              |
| <i>TBD</i>                                      | <i>Planner</i>                | Planning support in the form of research, bylaw drafting, meeting attendance and support for legislative processes as required                |
| <i>Barb Dashwood</i>                            | <i>GIS/Mapping Support</i>    | Mapping as required                                                                                                                           |
| <i>Sharon Lloyd-deRosario and Lori Foster</i>   | <i>Administrative support</i> | General administrative support, including advertising, booking meetings, preparing notices, updating website, etc                             |

## Project Budget

| Item                   | Details                                            | Fiscal Yr 2014-15 | Fiscal Yr 2015-16 |
|------------------------|----------------------------------------------------|-------------------|-------------------|
| Communications         | Mail out                                           | \$500             |                   |
| Meetings and Workshops | Focus Groups - \$500<br>APC - \$500<br>CIM - \$500 | \$1500            |                   |
| Public Hearing         | Notice, Hall, Minute-taker, mail-out               |                   | \$2000            |
| Contingency            |                                                    | \$1000            | \$1000            |
| <b>Totals</b>          |                                                    | <b>\$3000</b>     | <b>\$3000</b>     |

## Project Timeline

| Deliverable / Milestone                                                                                          | Target Completion Date |
|------------------------------------------------------------------------------------------------------------------|------------------------|
| Focus Group Preliminary Reports delivered                                                                        | June 16, 2014          |
| LTC receipt of Preliminary Reports, Consideration of Project Charter, preliminary feedback to Focus Group Chairs | June 24, 2014          |
| Preliminary Review of Focus Group Reports                                                                        | September 16, 2014     |
| Review of Final Focus Group Reports                                                                              | November 2, 2015       |
| Focus Group Reports Referred to APC for comment                                                                  | November 2, 2014       |
| Local Government Elections                                                                                       | November 15, 2014      |
| Review of Focus Group reports, APC recommendations and staff comments by new LTC.                                | February 2015          |
| Community Information Meeting to present Focus Group Reports                                                     | March 2015             |
| LTC direction to prepare draft bylaw(s)                                                                          | April 2015             |
| Review of draft bylaw(s) by LTC                                                                                  | June 2015              |
| Draft bylaw(s) referred to agencies for comment                                                                  | July 2015              |
| Community Information meeting, on-line comments, mail-out                                                        | July - August 2015     |
| First Reading                                                                                                    | September 2015         |
| Public Hearing                                                                                                   | October 2015           |
| Second, Third Readings, EC Approval                                                                              | November 2015          |
| Adoption                                                                                                         | December 2015          |

## Endorsements

| Name                     | Endorsement Date      |
|--------------------------|-----------------------|
| Project Sponsor          | Local Trust Committee |
| Project Champion/Manager | Robert Kojima         |

# 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.<br><br>[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        | <ol style="list-style-type: none"><li>1. Focus Group review and reports</li><li>2. Preliminary review of focus group reports</li><li>3. APC review of focus group reports</li><li>4. Community information meeting(s)</li><li>5. Draft bylaws</li><li>6. Bylaw process</li></ol> | Oct-04-2011        | Robert Kojima  | Oct-30-2015 | 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: <ul style="list-style-type: none"> <li>• roadside farm stands (setbacks, MoTI)</li> <li>• agriculture vs home occupation</li> </ul> | 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 |

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

| 665 South Pender        | Invoices posted to Month ending August 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        | 373.15        | 626.85          |
| 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>373.15</u> | <u>2,176.85</u> |
| Projects                |                                             |                 |               |                 |
| 73001-665-2011          | South Pender OCP/LUB                        | 5,000.00        | 105.43        | 4,894.57        |
| TOTAL Project Expenses  |                                             | <u>5,000.00</u> | <u>105.43</u> | <u>4,894.57</u> |

**Date:** August 16, 2014

**File No.:**

**To:** South Pender Island Local Trust Committee  
For the meeting of September 16, 2014

**From:** Robert Kojima  
Regional Planning Manager

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**Re: 2015-2016 Budget Requests**

Purpose

Local trust committees have been requested to submit project budget requests for the next fiscal year (2015-16).

Local Trust Committee Expense Budgets:

A budget for the Local Expense Account has been developed based on the current budget (2014/15) – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account (\$750 for the SPILTC). This funding is intended to support minor local planning initiatives at the discretion of the Local Trust Committee and consistent with Islands Trust policy (a resolution is required to use these funds).

LTC Projects Budgets:

The Local Trust Committee will need to make funding requests to support anticipated project work. When considering new work items for the 2015/16 fiscal year, the LTC is asked to consider the following:

- A new local trust committee will be sworn-in in December 2014; therefore, priorities could potentially change after the new LTC sets its priorities. Essentially, the existing LTC will be responsible for ensuring that the incoming LTC has sufficient funds to undertake work program items.
- The new LTC will have an opportunity to amend these requests after being sworn-in in December and prior to the Financial Planning Committee meeting in February 2015.
- Projects planned for the current fiscal (2014/15) which are not completed should be considered as a new project for the 2015/16 fiscal year with resources allocated to support that work.

### **Budget Request Timeline:**

|             |                                                                                                          |
|-------------|----------------------------------------------------------------------------------------------------------|
| July - Aug  | Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees |
| Aug to Sept | Local Trust Committees review and approve budget requests at LTC meeting                                 |
| Sept 22     | 2014 Budget requests submitted to the Director of Local Planning Services                                |
| Oct 14      | Management finalizes budget recommendations to FPC                                                       |
| Oct 21      | Draft Budget and Program List submitted to FPC                                                           |
| Oct 29      | FPC reviews and discusses first draft of the Budget                                                      |
| Nov 12      | FPC approves a draft Budget and principles to be submitted to December Trust Council                     |
| Dec 3       | Trust Council debates and endorses budget principles and preliminary budget                              |

### **LTC Budget Requests**

I have prepared a draft LTC project budget using the on-going Top Priority project that is currently not anticipated to be completed in the current fiscal year and an estimated amount sufficient to complete the project. An amount was also added to commence various OCP projects identified on the Projects List.

The LTC should review the draft budget request and:

1. identify any items included in the draft budget it does not consider important and delete from the budget request
2. identify any other projects it currently considers important for the next term and add them to the budget request (and the work program if necessary),
3. identify any additional expenses associated with the projects.

### **Resolution Wording**

1. THAT the South Pender Island Local Trust Committee approve and forward the draft 2015-16 LTC Project Budget Request to the Financial Planning Committee as presented; or

2. THAT the South Pender Island Local Trust Committee revise the draft 2015-16 LTC Project Budget Request by including (deleting) \_\_\_\_\_ with a budget of \$\_\_\_\_\_ and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



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Robert Kojima  
Regional Planning Manager

August 16, 2014

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Date

Attachments:

1. Draft 2015-16 LTC expense budget
2. Summary table of LTC project budget requests

2015/16 LTC EXPENSE BUDGET

Total 2015/16

|                      | 615-Denman | 620-Gabriola | 625-Galiano | 630-Gambier | 635-Hornby | 640-Lasqueti | 645-Mayne | 650-N.Pender | 655-Salt Spring | 660-Saturna | 665-S.Pender | 670-Thetis | EC as LTC | LPC |        |
|----------------------|------------|--------------|-------------|-------------|------------|--------------|-----------|--------------|-----------------|-------------|--------------|------------|-----------|-----|--------|
| population           | 1095       | 4050         | 1258        | 313         | 1074       | 359          | 1112      | 1996         | 9780            | 359         | 236          | 372        |           |     | 22004  |
|                      | 5%         | 18%          | 6%          | 1%          | 5%         | 2%           | 5%        | 9%           | 44%             | 2%          | 1%           | 2%         |           |     |        |
| LTC EXPENSES **      |            |              |             |             |            |              |           |              |                 |             |              |            |           |     |        |
| LTC Meeting Expenses | 2,500      | 4,250        | 2,500       | 2,500       | 2,500      | 500          | 1,500     | 2,750        | 8,000           | 1,000       | 1,000        | 1,000      |           |     | 30,000 |
| APC Meeting Expenses | 750        | 750          | 500         | 750         | 750        | 500          | 750       | 750          | 2,000           | 500         | 500          | 500        |           |     | 9,000  |
| Communications       | 300        | 750          | 300         | 300         | 300        | 300          | 300       | 300          | 1,250           | 300         | 300          | 300        |           |     | 5,000  |
| Special Projects     | 750        | 2,250        | 750         | 750         | 750        | 750          | 750       | 750          | 4,500           | 750         | 750          | 750        | 750       |     | 15,000 |
| Miscellaneous        |            |              |             |             |            |              |           |              |                 |             |              |            |           |     | 0      |
| SUB-TOTAL EXPENSES   | 4,300      | 8,000        | 4,050       | 4,300       | 4,300      | 2,050        | 3,300     | 4,550        | 15,750          | 2,550       | 2,550        | 2,550      | 750       |     | 59,000 |
| Program              | 0          | 0            | 7,500       | 0           | 0          | 0            | 6,500     | 9,000        | 0               | 6,500       | 5,000        | 0          | 0         | 0   | 34,500 |
| TOTAL                | 4,300      | 8,000        | 11,550      | 4,300       | 4,300      | 2,050        | 9,800     | 13,550       | 15,750          | 9,050       | 7,550        | 2,550      | 750       | 0   | 93,500 |
|                      | 5%         | 9%           | 12%         | 5%          | 5%         | 2%           | 10%       | 14%          | 17%             | 10%         | 8%           | 3%         |           |     |        |

| S. PENDER  |                       | DRAFT SPILTC PROJECT BUDGET REQUEST |                |                   |                                  |                             |                                                            |
|------------|-----------------------|-------------------------------------|----------------|-------------------|----------------------------------|-----------------------------|------------------------------------------------------------|
| Project    |                       | Budget                              | Strategic Plan | Prov. Requirement | Continuation of existing OCP/LUB | Newly Adopted Policy in OCP | Notes                                                      |
| Project #1 | LUB Review completion | \$ 3,000.00                         |                |                   | x                                | x                           | To complete review and update of LUB                       |
| Project #2 | OCP updates           | \$ 2,000.00                         |                |                   |                                  |                             | To commence various OCP updates identified on project list |
|            | TOTAL PROJECTS        | \$ 5,000.00                         |                |                   |                                  |                             |                                                            |

Date August 19, 2014 File Number

To Southern Local Trust Committees

From Robert Kojima  
Regional Planning Manager

Re Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan

Islands Trust has received a referral of the draft Experience the Gulf Islands (EGI) Cycling and Pedestrian Trail Plan for the Southern Gulf Islands from the CRD. A copy is attached and can also be viewed here: <http://www.crd.bc.ca/docs/default-source/parks-pdf/crd-draft-sgi-trail-plan.pdf?sfvrsn=2>

It is described as a vision for a trail system that will link people and places on each island and to Vancouver Island and the mainland, with this document providing the first high-level overview of a proposed regional trail system. Islands Trust was initially requested to respond to CRD by August 29<sup>th</sup>; I have contacted CRD staff and requested an extension until later in September in order to provide an opportunity for each local trust committee to provide comments, if any, on the plan. CRD staff and EGI volunteers have been independently obtaining community comment. Community comments and agency responses will be brought back to the CRD Electoral Area Services Committee in November.

In responding to the referral, staff will be providing the following comments to CRD staff based on existing OCP policies, legislative requirements, and zoning:

- OCPs currently include policies advocating for or supporting development of trails and linear parks
- OCPs also currently include policies supporting walking and cycling trails linking services and populations in order to mitigate GHG emissions.
- Several OCPs include policies supporting creation of linear parks at time of subdivision, trails as potential amenities at time of rezoning, and/or the establishment of trails through voluntarily by landowners.
- All OCPs include policies advocating that MOTI construct or permit trails in the highway right of way where feasible and as opportunities permit.
- Several OCPs include policies allowing LTCs to consider implementing regulations for cash-in-lieu of parking to be provided for trails.
- Four OCPs include Schedules identifying at least some future trails or cycling routes. Consistency between these maps and the EGI plan should be encouraged, either by revising the EGI plan, or by LTCs considering future amendments to the OCP schedules where appropriate. Identifying future trails in the OCP would be important in order to support establishment of trails in the highway right-of-way, as park dedication at time of subdivision, or as a community amenity at time of rezoning.
- The plan should avoid identifying future trails in locations that are unlikely to result in rights-of-way being acquired across private land. Although linear parks could be acquired at time of subdivision as

mandatory parkland dedication (Islands Trust could assist in identifying lands with future subdivision potential) the timing and initiation of subdivisions are at the discretion of landowners.

- Siting of future trails should avoid sensitive or hazardous lands, including sensitive ecosystems and rock fall hazard areas; Islands Trust could assist by providing existing mapping.
- EGI should exercise caution in proposing to locate future trails in areas which could conflict with existing or zoned land uses, including agricultural land, active forestry or other resource lands, or industrial areas. Islands Trust could assist by providing land use and zoning maps.

The extension of the referral period was obtained in order to provide an opportunity for LTC's to request any specific comments to be included in the response to the CRD. LTC comments are not required, but if there are, they should be provided by resolution. The following resolution wording is suggested:

THAT the \_\_\_\_\_ Island Local Trust Committee request that staff provide the following comments to the Capital Regional District concerning the draft Cycling and Pedestrian Trail Plan:

1.

pc            Island Planners

Attachment: Draft Cycling and Pedestrian Trail Plan



EXPERIENCE THE SOUTHERN GULF ISLANDS  
cycling and pedestrian draft trail plan



CAPITAL REGIONAL DISTRICT | MAY 2014

# Executive Summary

The draft Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan presents a path forward for a trail system that will link people and places on each island and to Vancouver Island and the mainland. As a key component of the Experience the Southern Gulf Islands Initiative of the Southern Gulf Islands and Salt Spring Island Economic Development Commissions, the trail system will also be a catalyst for community and economic development.

The trail system will provide a way for people to get around the islands by foot, bicycle or horseback although not all trails will be developed for all of these uses. The proposed system for each island has a regional route which will form part of the CRD regional pedestrian and cycling trail system, with connecting community trails. The regional route will provide the backbone and connect the ferry terminals to key national, provincial and regional parks and community commercial areas. The community trails will provide the linkages from community parks to the regional route, a network of trails for the community and additional opportunities for recreation and alternative transportation. These trails will also need to be developed to

be sustainable; last for decades, be designed and constructed to have minimal environmental impact, be safe and have low maintenance costs.

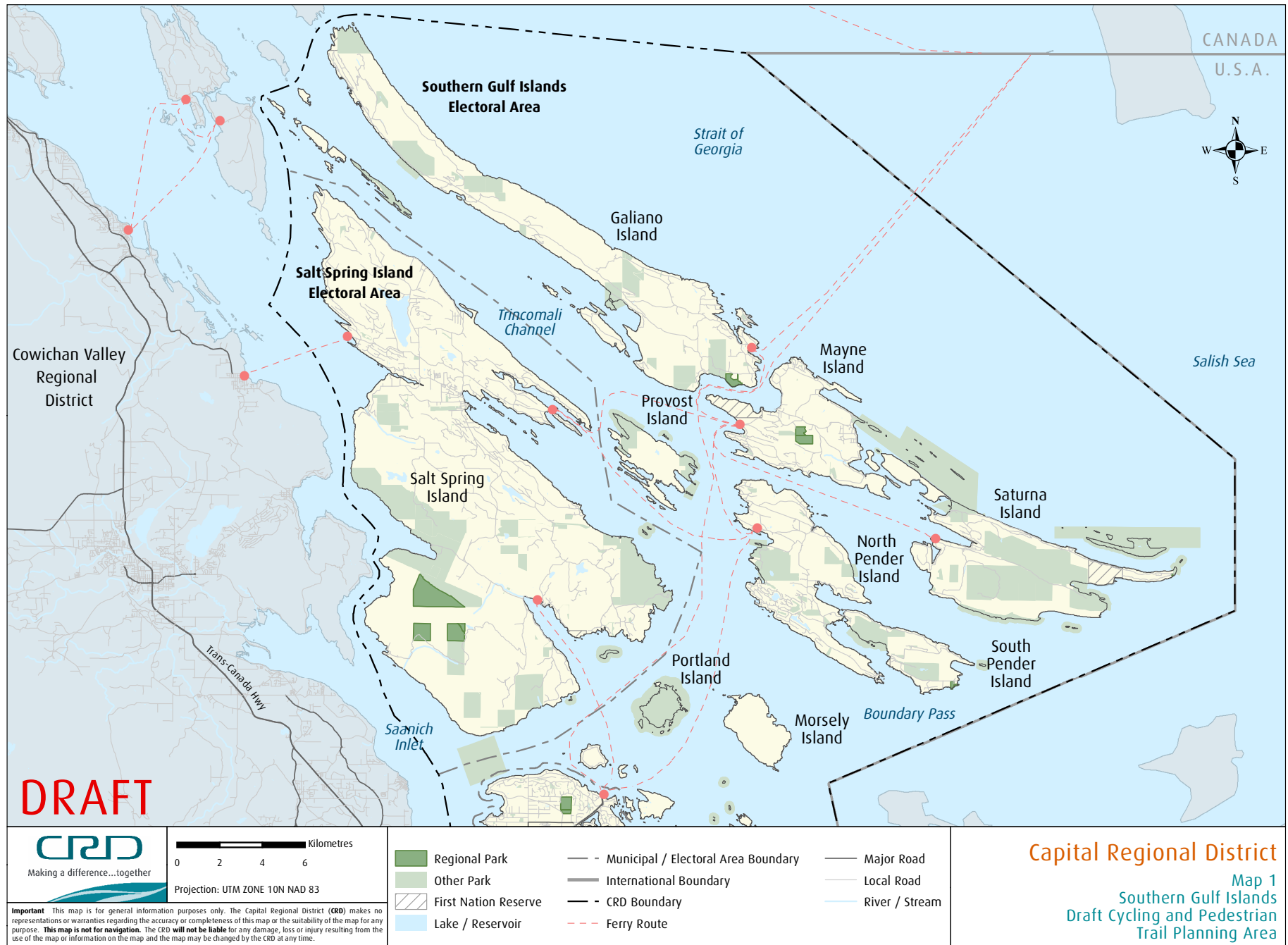
The development of the trail system will take many decades and follow four steps: acquiring tenure, undertaking detailed planning, constructing the trail and operating and maintaining the trail. Approval of this trail plan does not constitute approval of funding for any of the above work. Future funding will require that projects are considered through the CRD's business planning process, annual budgeting, capital budget plans and annual work plans. In addition, the CRD and the community will need to seek out funding from partners to leverage regional and local investment.

Upon approval of the draft plan by the Regional Parks Committee a public participation process will be undertaken to provide an opportunity for the public to offer feedback on the plan. The CRD will also seek feedback from Parks Canada, Islands Trust and First Nations. This feedback will be recorded and reported to the Regional Parks Committee and considered in preparing the final plan.

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Map 1: CRD Southern Gulf Islands



# Introduction

In December 2012 the Capital Regional District (CRD) Board authorized the development of a cycling and pedestrian trail plan for the Southern Gulf Islands. This project is a key component of the Experience the Gulf Islands initiative (ETGI). ETGI is a program of the Southern Gulf Islands and Salt Spring Island Economic Development Commissions. It is a unifying theme that embodies first hand experiences with landscapes, people and history, offered and packaged as outdoor recreation, tourism and educational opportunities that generate health, economic and community benefits, to enrich the lives of residents and visitors.

Developing and providing the support system for enriched experiences will be a catalyst for community and economic development.

A key building block of ETGI will be the development of a system of major trails and water routes interconnecting communities, events, amenities and supporting businesses throughout the

islands. A major spine trail across and interconnecting each of the Southern Gulf Islands (SGI) and Salt Spring Island is proposed to be developed as part of the CRD regional trail system and would form a destination loop on the Trans Canada Trail (“Islands in the Salish Sea Loop”).

The cycling and pedestrian trail planning project is being managed through CRD Regional Parks. The *Regional Parks Strategic Plan* (2012) provides direction for the preparation of the trail plan. The *Strategic Plan* provides:

1. a vision for regional trails throughout the CRD,
2. the purpose of regional trails, and
3. a strategic action that states, “In partnership with other public agencies, local government and private landowners, [it will] initiate planning for the regional trails system on Salt Spring Island and Southern Gulf Islands.

For more information on Experience the Gulf Islands initiative visit:



# Project Purpose

The purpose of the project is to produce a trail plan that identifies at a general level the proposed regional and community trail routes for recreation, transportation and tourism purposes as part of the ETGI.

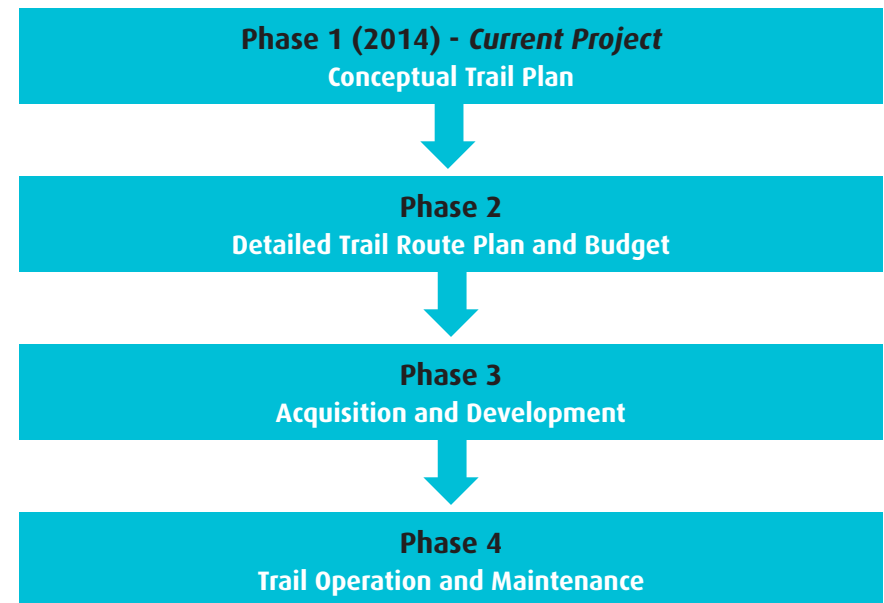
The regional trail will provide the backbone and connect the ferry terminals to key national, provincial and regional parks and community commercial areas.

The community trails will provide the linkages from the community parks to the regional trail, a network of trails for the community and additional opportunities for recreation and alternative transportation.

Some of these trails may be located in the Southern Gulf Islands National Park Reserve.

The completion of a system of cycling and pedestrian trails on the Southern Gulf Islands will take many years to achieve and will occur through four phases as outlined in Figure 1.

**Figure 1: Timeline for Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan**

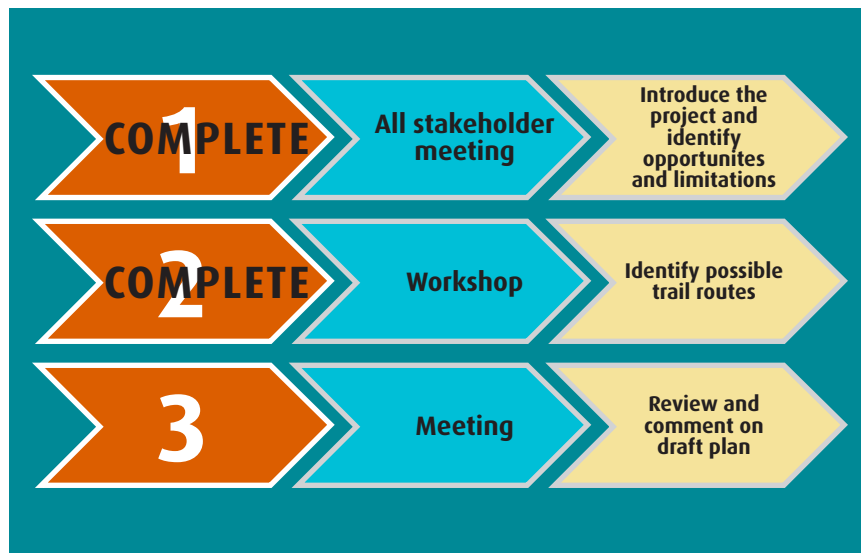


# Community Consultation

The Pedestrian and Cycling Trail Plan process began in the spring of 2013 and included a comprehensive community consultation process that included face to face meetings with ETGI team leaders, members of the public, community open houses, mapping exercises as well as field visits.

With this draft plan, two of the three stages of the engagement process have been completed. The draft plan is now being circulated for public comment and review.

**Figure 2: Community Engagement Process**



The wide range of information collected from the open houses and general ETGI meetings helped to identify key community interests. The feedback received included a number of suggestions and needs as illustrated in Figure 4. From these interests, a vision was drafted to assist with the long term planning and implementation of the project.

**Figure 3: Community-Based Ideas Gathering**



The key findings from the public engagement session included a wide range of information primarily associated with the following themes:

- *Sustainable Trails* - trails need to be in good condition, protecting the environment and resources, sustainable structures and construction techniques
- *Accessibility* - trails need to be multiuse and for all ages and abilities
- *Communication* - digital communication, marketing and provide signs
- *Community Benefit* - these trails celebrate place, culture, health and lifestyle
- *User Safety* - need to address signs and codes of conduct
- *Economic Development* - the trails will provide a variety of great tourism experiences, amazing destinations and amenities
- *Alternative Transportation* - there is a need to provide opportunities for alternative modes of transportation to the motorized vehicle
- *Education* - community and visitor stewardship and interpretive opportunities



Photo: Danica Rice

Figure 4: Community Interests

# COMMUNITY INTERESTS



# First Nations

The Southern Gulf Islands are within the traditional territory of 22 Coast Salish First Nations. There are five bands from the WAANEC (Saanich) Nation that have land-based interests in the Southern Gulf Islands: Tsawout, Tsartlip, Tseycum, Malahat and Pauquachin. The Penelakut Tribe has land on Galiano Island. The CRD will engage

these First Nations in a dialogue about trail planning with the intent to understand their interests, locate possible trail routes on First Nation land and other land in their traditional territory within the Southern Gulf Islands and identify ways to work together on the Experience the Southern Gulf Islands Initiative.



Photo: Danica Rice

# Trail Planning

## Trails on the Southern Gulf Islands

Each of the ETGI has a number of parks, trails and unique outdoor experiences owned and managed by a variety of land agencies and conservation groups or societies. Some of the trail experiences include early farm trails, historic logging routes, low traffic paved roads, as well as animal trails that have become “social trail” routes. *Social trails* are formed by repeated use of a particular route by people or animals. Often, they are trails that have been worn into the ground from users taking the path of least resistance to a particular destination.

In spite of advanced planning in some cases or little planning in others, many of the trails in the Gulf Islands are not legal or formalized. Some trails follow paths that were previously created by wild animals and do not meet basic layout standards that require maximum conformation to grades and slope. As a result,

sections of existing trails are not sustainable. Evidence exists in the parks, trail corridors and open spaces as the trails have become degraded from soil loss and erosion resulting in damage to local vegetation and habitat.

Without meeting sustainable grades or construction standards the trail system will erode with increased use. It will eventually become dangerous and may need significant maintenance over the long term. This said, trails in the Gulf Islands pass through some of western Canada’s most fragile ecosystems and therefore need to be sustainable through good design. By respecting local landscapes and ecosystems, trails can be used to help to conserve sensitive lands and not contribute to overuse and environmental degradation.

## Sustainable Trail Planning and Development

Sustainable trails are designed and constructed to minimize erosion and environmental degradation and last a long time without major repairs. They are safe and pose minimal liability risk to land managers. Sustainable trails can range from easy to difficult depending on the steepness of grades, the width of the trail and the alignment chosen. They can be challenging and winding or breathtaking and open. Sustainable trails can be

designed to accommodate all users including mountain bikers and equestrians, however they do require routine maintenance and monitoring to preserve their longevity and function.

By requiring sustainable layout and construction standards early in the process minimal erosion and environmental degradation will result, as well as low maintenance costs.

# Existing Conditions

While the Southern Gulf Islands have a host of great amenities and destinations to explore, a few barriers exist that must be overcome as far as trail planning and trail use is concerned. Some of the existing conditions on each of the islands include the following:

1. Steep hill climbs
2. Suburban layout – distant from amenities
3. Lack of pedestrian safety in commercial zones
4. Dangerous road sides
5. Distance between commercial zones and ferry terminal
6. Residents reliant upon car for amenities
7. Must be very fit to cycle the roads
8. Eroded, fall-line and steep trails
9. Exposed cliffs and rock wall barriers
10. Reliance on ferry



# The Draft Trail Plan

Figure 5: Vision



## A vision...

*A necklace jewelled together by unique destinations. From wild coasts and beaches, pastoral farmlands, spectacular bluffs, and quaint villages to cool and shady forests, glacially-striated and sandstone-pocketed rock formations. Our trail is a priceless experience in the Salish Sea. We invite BC residents and guests to visit, recreate, celebrate and relax.*

*Our trail system is respectful of land owner interests, sustainable in design and a part of the daily routine for local people in the Gulf Islands. Open to multiple users, visitors will experience cultural and education opportunities based on partnerships that tell stories of past peoples, the evolution of land uses and of continued protection for future generations.*

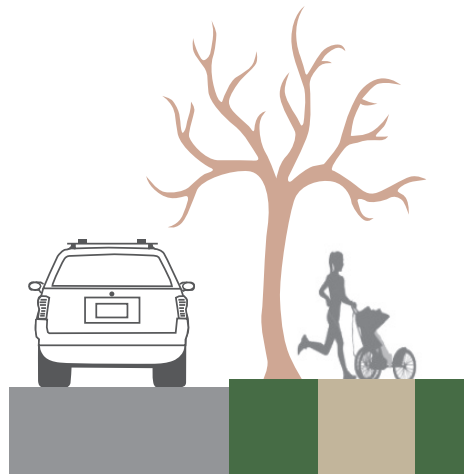
*Through a range of organized alternative transportation options, effective signage, and strong digital and ground-based communications, residents and visitors have the ability to explore historic and culturally significant destinations and the significant distinctions on each of the islands.*

*An array of visitor services and amenities are available for cyclists, backpackers, families, the elderly and those with more decadent tastes.*

# Proposed Trail Design

The ETGI trail system is based on the vision and feedback received from the public open houses, community survey, mapping exercises, preliminary field reconnaissance and meetings with ETGI team leaders and members of the public. Based on this feedback and the project scope, the following conceptual trail standard types will form the basis for many of the trails within the vision trail system.

**Figure 7: Conceptual Rural Pedestrian and Cycling Trail Guideline**



**"COMMUNITY TRAIL"**

trail tread width: .75-2 m  
trail corridor width: 2-3 m  
surface: natural / crushed fines  
slope: maximum 15 percent

**WILL ACCOMMODATE:**

walking  
hiking  
mountain biking  
horseback riding  
all-mountain strollers  
all-terrain wheelchairs  
dogs on leash

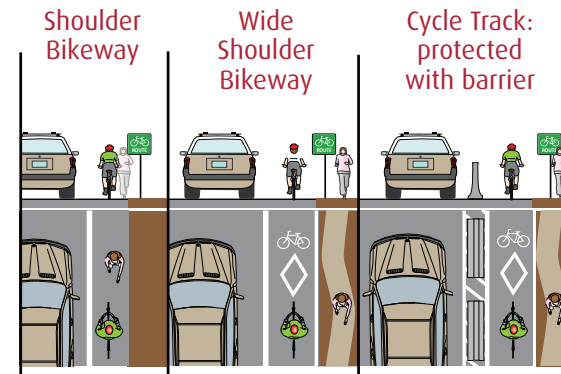


**"RURAL MULTI-USE TRAIL"**

trail tread width: 1.5-2.5 m  
trail corridor width: 2-4 m  
surface: natural / crushed fines  
slope: maximum 8 percent

**WILL ACCOMMODATE:**

walking  
hiking  
cycling  
horseback riding  
strollers  
wheelchairs  
electric scooters  
dogs on leash



**"ROADSIDE CYCLE TRAIL"**

trail tread width: .75-2 m  
trail corridor width: 2-3 m  
surface: natural / crushed fines / pavement  
slope: paved maximum 15 percent  
crushed fines maximum 8 percent

**WILL ACCOMMODATE:**

walking\*  
cyclists\*  
horseback riding\*  
strollers\*  
wheelchairs\*  
dogs on leash\*

**CRD Cycling Trail Standard**

Minimum standard should be "Shoulder Bikeway" and where possible strive for separated grade trail and cycle track with protective barrier mechanisms

# Proposed Trail System

The proposed trail system is shown on maps 2 through 6. This is a conceptual view of the system. More detailed planning is required to outline the exact location. Some of this detailed work has begun. The following sequence of actions are proposed to develop the trail system:

1. Completing the conceptual trail plan
2. Undertaking detailed trail planning which could include surveying and engineering design work

3. Obtaining tenure for the land where the trail will be located
4. Budgeting for trail development, operation and maintenance
5. Undertaking trail development
6. Managing ongoing trail operation and maintenance

Developing the trail system will take many decades and the focus in the next few years will be to develop some of the priority locations.

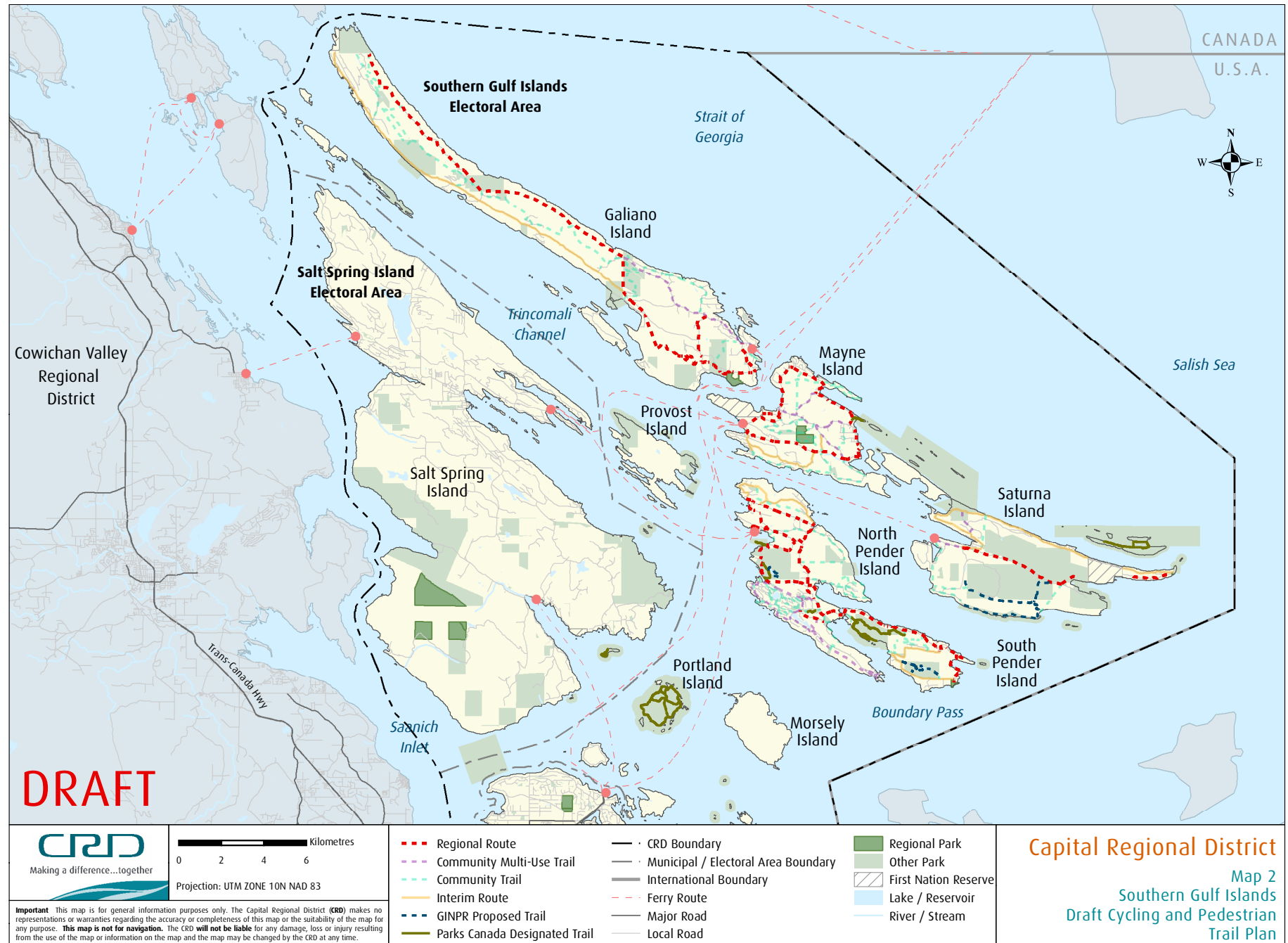
## Funding to Implement the Draft Trail Plan

The draft Southern Gulf Islands Cycling and Pedestrian Plan provides the first high-level overview of a proposed trail system on the Southern Gulf Islands. It will take many decades for the entire trail system to become a reality. The development of the individual parts of the trail system will need to follow four steps; (1) acquiring tenure to build a trail, (2) undertaking detailed planning which could include the preparation of engineering plans, (3) constructing a trail, and (4) operating and maintaining a trail. All of this will require funding.

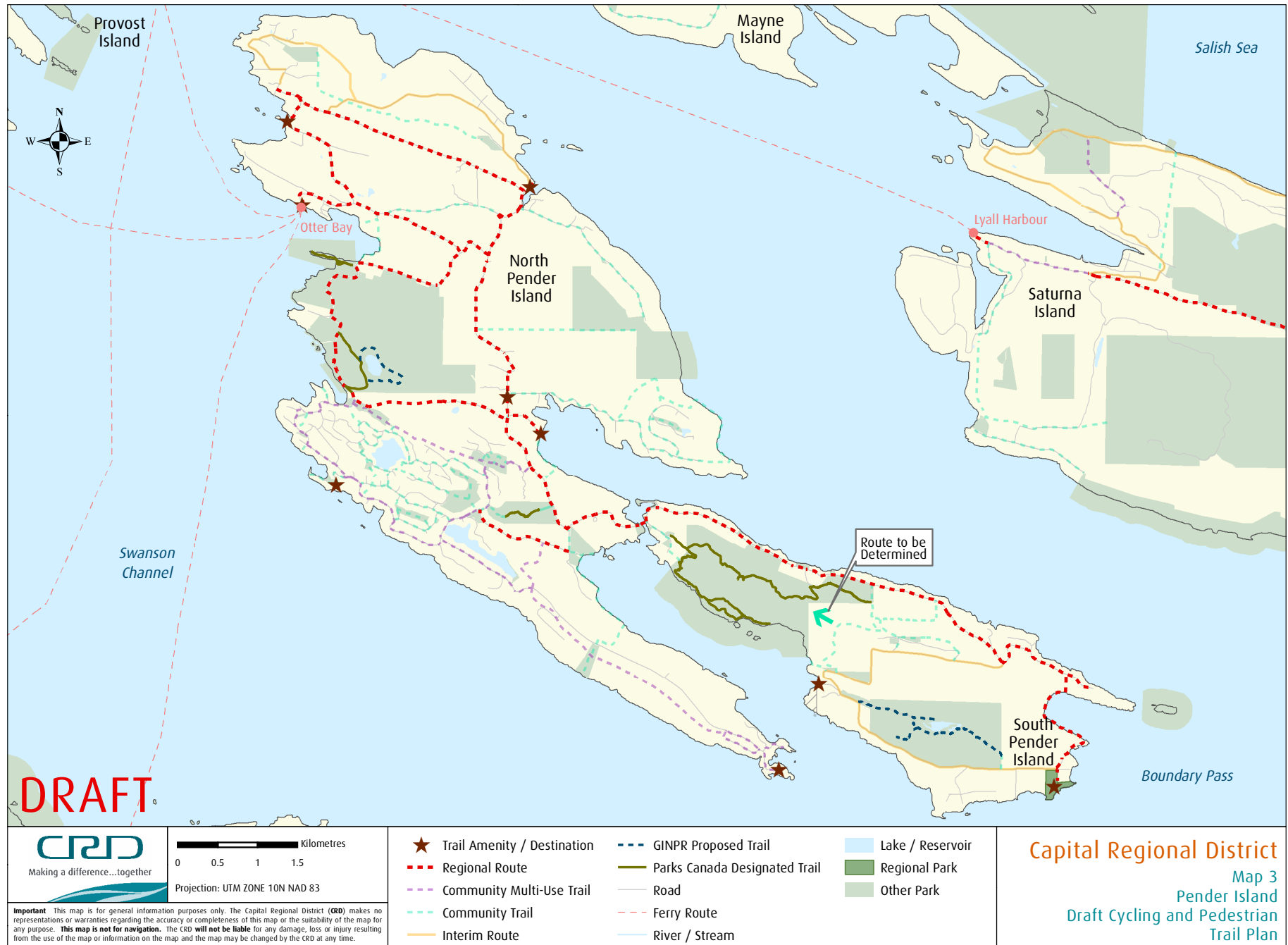
Approval of the Southern Gulf Islands Cycling and Pedestrian Plan does not constitute approval for funding for acquisition,

detailed planning, development or operation and maintenance of the proposed regional trail route system. The CRD budget process will be adhered to. Future funding will require that projects are considered through the CRD business planning process, annual budgeting, capital budget plans and annual work plans. Implementation of the plan will be contingent on available financial and staff resources and considered alongside management priorities of other regional parks and trails and Regional Parks' strategic priorities identified in the Regional Parks Strategic Plan and community park and trail initiatives on the Southern Gulf Islands through the park commission on each island.

Map 2: Proposed Regional Trail Vision



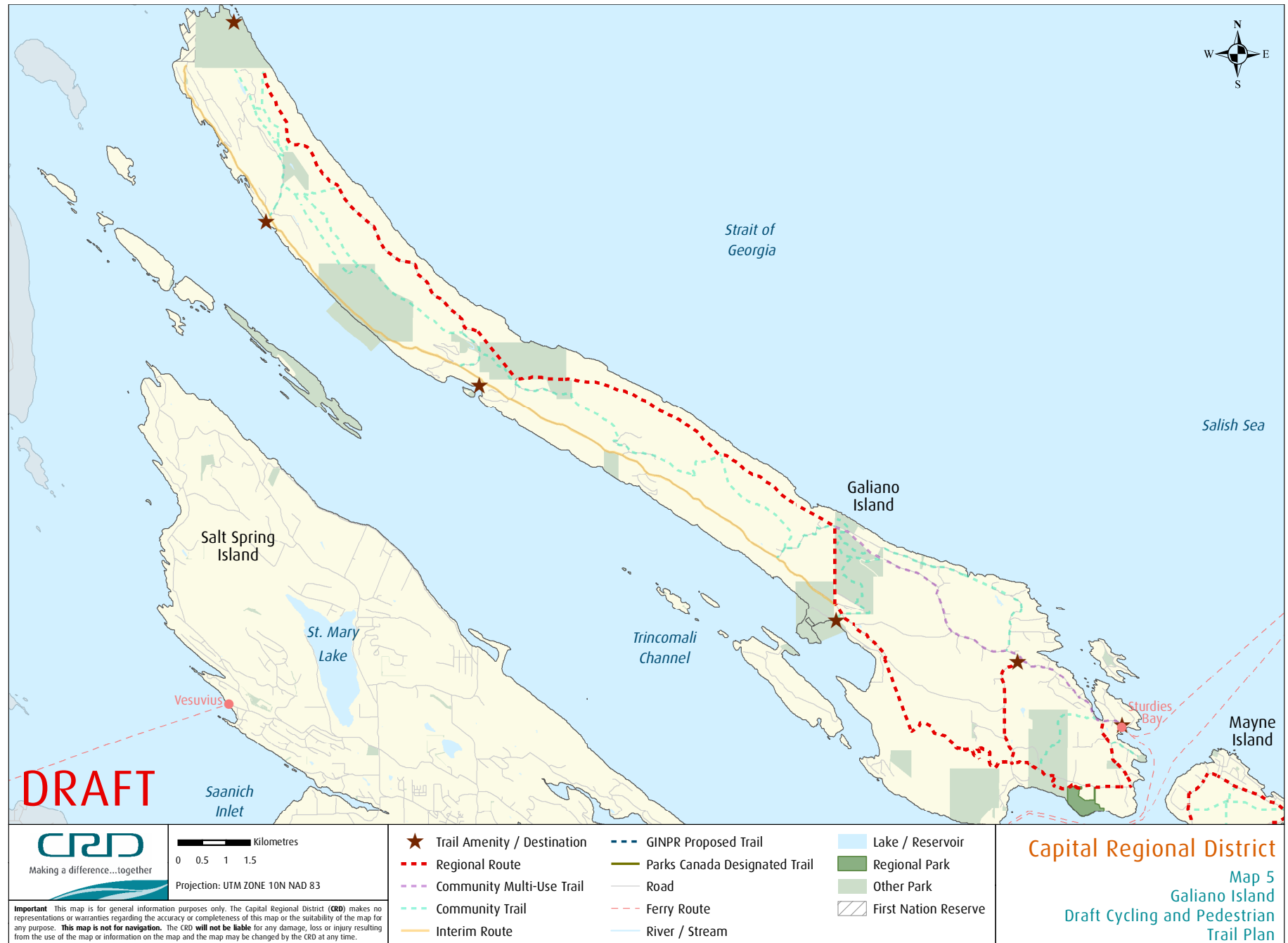
Map 3: Proposed Pender Islands Trail Vision



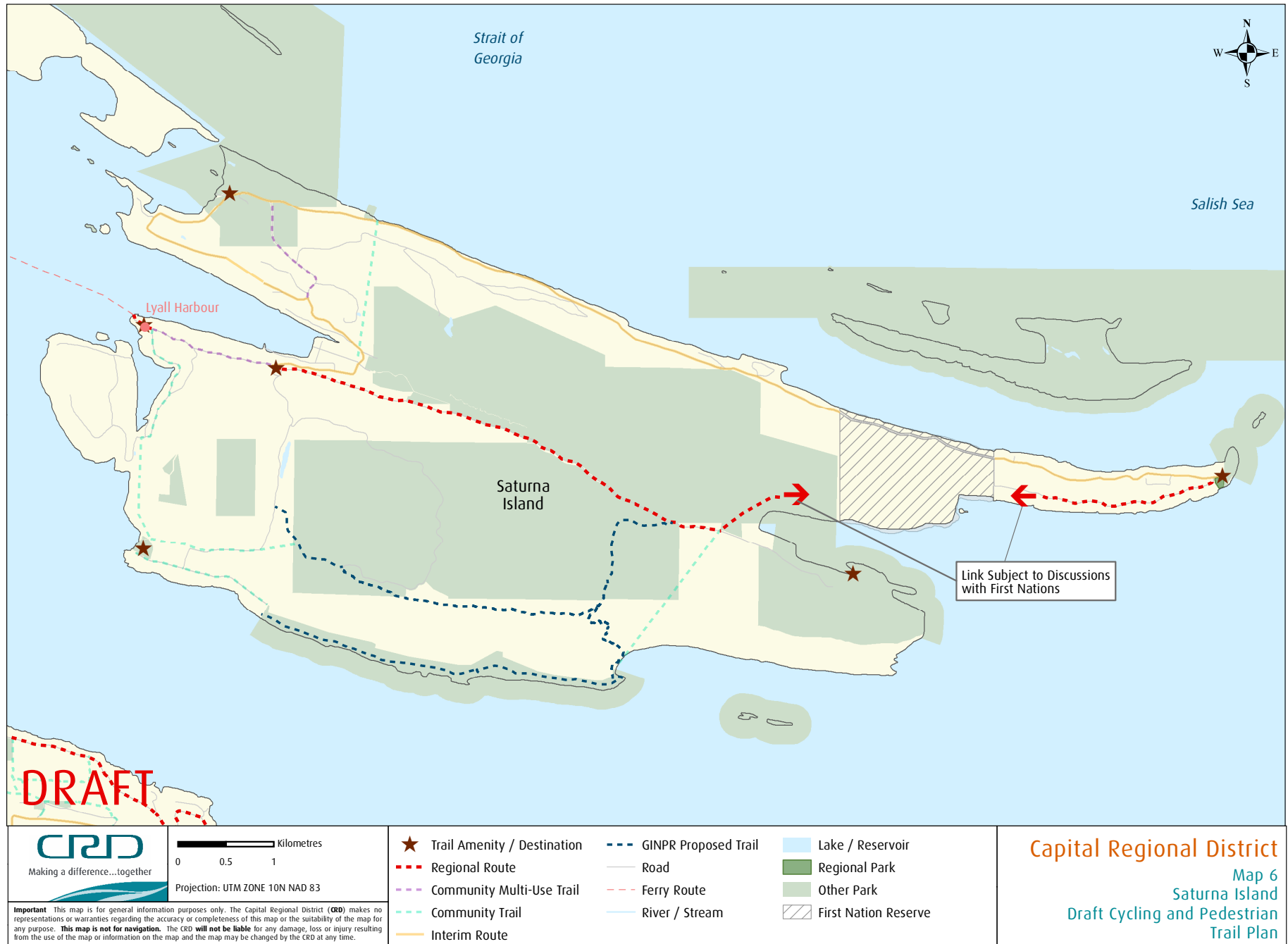
Map 4: Proposed Mayne Island Trail Vision



Map 5: Proposed Galiano Island Trail Vision



Map 6: Proposed Saturna Islands Trail Vision



# Next Steps

The draft Southern Gulf Islands Cycling and Pedestrian Plan is a proposal. It is now time to hear from everyone whom the plan might affect or who have an interest in the outcome of the plan. The CRD will provide opportunities for residents of the Southern Gulf Islands, the Southern Gulf Islands Economic Development Commission, all levels of government, and First Nations to provide

comments. These comments will be recorded and considered in preparing the final plan. A report on the outcome of the engagement process will be prepared and made available. The final plan will be presented to the CRD Regional Parks Committee and subsequently the CRD Board for approval.

## Planning Process From Here

The following flowchart illustrates the process for the next stages of the trail planning process.





**For more information:**

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