



South Pender Island Local Trust Committee Regular Meeting Agenda

Date June 18, 2013
Time 10:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road
South Pender Island, BC
V0N 2M0

Pages

1. Call Meeting to Order 10:00 AM - 10:05 AM
2. Approval of Agenda
 - 2.1. Additions/Deletions
 - 2.2. Questions from public on Agenda Items
3. Community Information Meeting
4. Public Hearing
5. Previous Meetings
 - 5.1. Adopted Local Trust Committee Minutes - for information
 - 5.1.1. Adopted South Pender Island Local Trust Committee Business Meeting Minutes of April 16, 2013 (attached) 4 - 13
 - 5.2. Public Hearing Records and Community Information Meeting Notes Received - for information
none
 - 5.3. Section 26 Resolutions-without-meeting (attached) 14 - 14
 - 5.4. Advisory Planning Commission Minutes - none
6. Business Arising from the Minutes 10:05 AM - 10:10 AM
 - 6.1. Follow-up Action Report (attached) 15 - 16
7. Delegations

8. Correspondence	10:10 AM - 10:20 AM	
[correspondence received concerning applications and/or projects is considered with the application/project]		
8.1. Letter from Pender Community Transition (attached)		17 - 21
9. Applications, Permits, Bylaws and Referrals	10:20 AM - 11:00 AM	
9.1. SP-DVP-2013.1 (Scott) (attached)		22 - 33
10. Local Trust Committee Projects	11:00 AM - 12:30 PM	
10.1. LUB Amendments (attached)		34 - 39
10.2. APC Bylaw (attached)		40 - 49
10.3. Geothermal Options (attached)		50 - 54
11. Reports		
11.1. Work Program Reports		
11.1.1. Adopted Policies and Standing Resolutions and Objectives (attached)		55 - 55
11.1.2. South Pender Island Local Trust Committee Work Program - June 2013 (attached)		56 - 57
11.2. Applications Report		
11.2.1. South Pender Island Local Trust Committee Application Report - June 2013 (attached)		58 - 59
11.3. Expense/Budget Reports		
11.3.1. Trustee and Local Expenses (attached)		60 - 60
11.4. Bylaw Enforcement Reports - none		
11.5. South Pender LTC Web Page- Discussion		
11.6. Chair's Report		
11.7. Trustee Report		
12. Other Business	1:00 PM - 1:20 PM	
12.1. Upcoming Meetings		
12.1.1. Business Meeting to be held Monday, September 16, 2013, at 10:00 am, at the South Pender Fire Hall		

13. Motion To Close Meeting

THAT, pursuant to Section 90(a), (d), (g) and (i) of the Community Charter, the South Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting February 15, 2013, South Pender LTC In Camera Minutes and to discuss legal opinions regarding Advisory Planning Commission conflicts of interest; and further that staff and Recording Secretary remain present.(distributed under separate cover)

14. Recall to Order

14.1. Rise and Report from Closed Meeting

15. Town Hall Meeting

16. Adjournment

1:20 PM - 1:20 PM

ADOPTED

MINUTES OF THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON TUESDAY, APRIL 16, 2013, AT 10:00 AM AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD, SOUTH PENDER ISLAND, BC

PRESENT:	Ken Hancock Mike Jones Elizabeth Montague Andrea Pickard Kathy Gilbert	Chair Local Trustee Local Trustee Planner Recording Secretary
-----------------	---	--

There were six (6) members of the public present at the meeting.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 10:00 am. He acknowledged and expressed appreciation to First Nations for the opportunity to hold the meeting in traditional territory.

2. APPROVAL OF AGENDA

2.1 Additions / Deletions

Planner Pickard provided additional supporting documentation concerning Item 10.2, Advisory Planning Commission (APC) Bylaw Amendments.

Trustee Montague requested that Town Hall meetings be held both at the beginning and end of the Local Trustee Committee Meetings. A further item was then added to the agenda – 2.3 Town Hall Meeting

By consensus, the agenda, as amended, was approved.

2.2 Questions from public on Agenda items

A member of the public raised a number of questions about proposed changes to the Land Use Bylaw (LUB.)

The member questioned whether the Local Trustee Committee (LTC) had directed staff to make changes to the LUB following the February 9 2013 Community Information Meeting (CIM.)

Trustees and staff responded that the changes proposed are part of an on-going process and that the draft bylaw presented at various meetings is iterative. It was noted that the draft bylaw has not yet received any readings. Further CIM(s) are contemplated.

Concern by the member of the public was expressed that the order for the LUB review as specified on the LTC Top Priorities List was not being followed.

Planner Pickard reviewed the process and noted that the project scope had been reviewed and approved by the LTC.

Trustee Montague indicated that the scope needed to be reviewed following the CIM.

Further comments from members of the public included whether the draft LUB amendments followed direction coming from the Official Community Plan (OCP) review; whether the process was being rushed, and whether there were flaws in the LUB review process review.

2.3 Town Hall Meeting

A member of the public asked whether the LUB review had been initiated without public input.

Chair Hancock pointed to the staff discussion reports at each step of the way and suggested that Trustees might request a summary report identifying the process to date.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Adopted Local Trust Committee Minutes

5.1.1 Local Trust Committee Business Meeting Minutes of February 5, 2013

These were adopted through Resolution-without-meeting and provided for information.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Received Community Information Notes of February 9, 2013

These were provided for information.

5.3 Section 26 Resolutions-without-meeting

These items were provided for information.

5.4 Advisory Planning Commission Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard noted that the status of all items was as shown in the report.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 D. Howe, CRD Director, Southern Gulf islands Letter dated February 25, 2013 re: Proposed Pender islands Farm Plan

Trustee Montague indicated that she had discussed the plan with Director Howe and indicated a joint willingness to develop a plan with other Southern Gulf Islands, minus Salt Spring Island, and that the next step is to contact potential partners.

Trustee Jones noted the need to incorporate the farm plan within the work priorities.

8.2 North Pender Island Local Trust Committee letter dated March 22, 2013 Re: Area Farm Plan

Trustees welcomed the support from the North Pender island LTC and expressed appreciation for support from the CRD.

8.3 A. Lightbody and M. Foster letter dated February 12, 2013 Re: Restrictions for Residential Homes

Trustees acknowledged the letter, stating it would form part of the comments related to the LUB review. Planner Pickard advised that the letter is available on the Islands Trust website.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

None

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Land Use Bylaw Amendments

Planner Pickard reviewed her report following the February 9, 2013 CIM. She highlighted proposed changes to the draft LUB amending bylaw as a result of the direction received at the CIM.

She further noted, per her report, that three issues require direction from the LTC:

- marine geothermal loops;
- maximum floor area for single family dwellings;
- accessory building height.

Trustees discussed future process and timing: whether to send the proposed changes to a CIM; to the APC with or without changes. Trustees noted that it is difficult to incorporate changes to an LUB if there are suggestions made at a CIM, if the public hearing is held immediately following a CIM.

Planner Pickard was then requested to read the changes proposed to the draft amending bylaw that followed the CIM.

Discussion followed on the exact boundaries of various zones; (Marine Protection in particular,) and whether there are areas where marine geothermal loops installations are not appropriate at all.

Trustees noted that marine geothermal loops had emerged as a significant issue. Planner Pickard outlined various approaches to its regulation:

- allowing marine geothermal loops in certain zones;
- allowing marine geothermal loops in certain zones, and include those zones within a development permit area (DPA), with guidelines containing requirements to help ensure adequate environmental protection;
- not permitting marine geothermal loops, so that any proposal would have to go through a rezoning process.

Planner Pickard explained that while zoning may allow a use, DPAs may not prohibit a use, but may provide guidelines to ensure the use is carried out in accordance with LTC policy. Planner Pickard provided some examples of DP guidelines, such as requiring professional reports, requiring that marine geothermal loops not be installed in environmentally sensitive areas (eg – eel grass areas.)

Trustees discussed the possibility of severing the issue of marine geothermal loops from the rest of the amending bylaw, and referring the issue back to a CIM and / or to the APC.

Resolution-SP-LTC-12-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to remove clauses 4 and 47-50, relating to marine geothermal loops from draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment Bylaw No. 1, 2012.

CARRIED

Trustees further noted the concerns related at the CIM to regulating maximum floor area of a single family dwelling. Trustees also commented on a desire for a more comprehensive review of issues around accessory buildings, including referral to a future CIM and the APC. Trustees also noted that community feedback is more forthcoming with a specific proposal rather than with a general request for input.

Resolution-SP-LTC-13-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment Bylaw No. 1, 2012 by increasing the maximum height for accessory buildings to 24 feet.

CARRIED

Trustees then discussed additional changes proposed to draft Bylaw No. 111 arising from the CIM held on February 9 2013.

Resolution-SP-LTC-14-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to revise draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment Bylaw No. 1, 2012 by inserting a definition for solar collectors as presented in the Staff Report dated March 27, 2013.

CARRIED

Resolution-SP-LTC-15-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to revise draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment bylaw No. 1, 2012 by deleting “and there is no interior passageway connecting the two dwellings” from Clause 7 amending Part 3 – General Regulations.

CARRIED

Resolution-SP-LTC-16-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to revise draft Bylaw No. 111 cited as “South Pender Island Land Use Bylaw No. 92, 2003, Amendment bylaw No. 1, 2012” by deleting Clauses 17, 22, 27, 32, 35 and 39 regarding maximum floor area for a single family dwelling.

CARRIED

Trustees discussed process and timing for public consultation, including whether or not to send proposed changes to a CIM and the APC prior to First Reading of the draft bylaw. Planner Pickard noted that a referral to the APC must be responded to within 30 days of the referral.

Resolution-SP-LTC-17-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting for draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment bylaw No. 1, 2012 to be held on a Saturday.

CARRIED

Trustees discussed issues around introduction of regulating marine shoreline geothermal loops. In response to the discussion, Planner Pickard confirmed that drafting a report to the LTC outlining various options would not be particularly time-consuming; however a more exhaustive report developing guidelines will require additional staff resources.

Resolution-SP-LTC-18-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to bring a report back to the Local Trust Committee dealing with options for marine geothermal loops.

CARRIED

Resolution-SP-LTC-19-13

It was Moved and Seconded that the South Pender Island Local Trust Committee amend Motion SP-LTC-18-13, by adding that the staff report include reference to shoreline mapping, eel grass mapping, forage fish mapping, global warming, sea level rise and eroding shorelines.

CARRIED

10.2 Advisory Planning Commission Bylaw Amendments

Planner Pickard reviewed the suggested change to the size of the Advisory Planning Commission (APC,) as requested by the LTC. She reviewed the late agenda item which included excerpts from the *Local Government Act* and excerpts from other local area APC bylaws. She also noted that an APC may be established for a specific purpose (eg – for an Area Farm Plan .)

Trustees discussed establishing a minimum and maximum size for an APC, noting that too small an APC is ineffective.

Trustees also discussed developing terms of reference for an APC. Planner Pickard explained that the South Pender Island APC was guided by the APC Bylaw. Terms of reference are particularly helpful when an APC is struck for a specific purpose (eg – a farmland bylaw.) Chair Hancock noted that there are good examples of terms of reference for Gabriola, Salt Spring and Ruxton APCs.

Resolution-SP-LTC-20-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to prepare a bylaw that would amend South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005 to allow for a minimum of five (5) and not more than seven (7) members.

CARRIED

Resolution-SP-LTC-21-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to draft terms of reference for the Advisory Planning Commission modeled on recent examples of Advisory Planning Commission terms of reference.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 Adopted Policies and Standing Resolutions; and Objectives

No discussion.

11.1.2 South Pender Island Local Trust Committee Work Program – April, 2013

Trustees discussed the increasing scope of changes to the Land Use Bylaw. Trustees debated dealing with the changes as directed by Trustees in the present scope vs increasing the scope to include broader issues in the LUB.

Planner Pickard suggested broadening the scope of the planned CIM to become a workshop that would include any other items to be addressed in changes to the LUB.

Resolution-SP-LTC-22-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to prepare a Community Information Meeting and workshop on draft Bylaw No. 111 and inviting discussion on further topics that might not have been included.

CARRIED

Resolution-SP-LTC-23-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to add two additional items to the Top Priorities List:

#3 Options for Marine Geothermal Loops

#4 Advisory Planning Commission Bylaw and Terms of Reference.

CARRIED

Planner Pickard advised that the Shoreline Protection Mapping Project on the Top Priorities List is almost complete and that she will send the draft mapping to the LTC prior to its launch. She noted that this is an iterative project that will be added to as further information becomes available (eg – the work by Ramona deGraff.)

Trustees requested that the scope of #8 on the Projects List (Area Farm Plan) be amended to reflect inclusion of the Southern Gulf Islands in the plan.

Trustee Montague advised that she will be contacting other local jurisdictions to gather existing resources regarding Project Item #2 (Forest Lands.) She further noted that this is a Trustee-led project.

Chair Hancock offered to assist the LTC in finding resources, noting that many publications are available on stewardship of forest lands.

**Note – The meeting recessed from 12:00 noon to 12:20 pm.*

11.2 Applications Report

11.2.1 South Pender Island Applications Report Dated April, 2013

A brief discussion regarding SP-SUB-2011.2 (Airey Group) indicated that the applicant is in discussion with the Anglican Church Diocese regarding possible compensation for the proposed community facility (the former church.)

11.3 Expense/Budgets Reports

This item was provided for information.

11.4 Bylaw Enforcement Report

None

However, in response to a question from Trustee Jones, Planner Pickard offered to check the status of a bylaw enforcement file on South Pender Island.

11.5 South Pender Island LTC Web Page

Trustees requested that the February 9 2013 CIM Notes be added to the LUB update section of the website.

Planner Pickard obtained concurrence from Trustees to remove out-of-date material from the website.

Chair Hancock indicated that he would have a progress report on the mineral claim issue that will be reported back the LTC at a future meeting and that the website will be updated with new information.

11.6 Chair's Report

Chair Hancock reported that at a recent meeting of the Association of Vancouver Island and Coastal Communities a motion was passed to make Vancouver Island and the Gulf Islands a genetically-modified organism free zone.

Chair Hancock further reported that the Association has requested further work from the Federal Government on management of derelict vessels; and on the issue of administration of Private Managed Forest Lands.

11.7 Trustee Report

Trustee Montague stated that she is trying to improve LTC processes related to South Pender Island.

Trustee Jones expressed his appreciation for the learning process associated with his role as Trustee. He expressed his appreciation for his work with staff and other agencies and is looking forward to future accomplishments.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Business Meeting to be held Tuesday, June 18, 2013 at 10:00 am, at the South Pender Island Fire Hall

12.2 Annual Report

In response to enquiries from Trustees, Planner Pickard advised that the Annual Report is a legal requirement and that the report is submitted to the Minister of Community, Sport and Cultural Development.

Resolution-SP-LTC-24-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to amend the Annual Report by striking out the clause “primarily to update amendments to OCP policies completed in the previous term;” and approve the Annual Report as amended.

CARRIED

12.3 Renewable Energy Technologies in the Trust Area – Ocean Based Geo-Exchange Systems

Trustee Jones referred to Planner Kris Nichols’ staff report dated January 31, 2013 presented to the Islands Trust Local Planning Committee meeting of February 7, 2013.

Trustee Jones advised that the Local Planning Committee had replaced Ocean-Based Geo-Exchange Systems with Bylaw Enforcement as a priority.

13. TOWN HALL

A member of the public and the Trustees discussed proposed changes to the APC Bylaw regarding the number of APC members. It was noted that the APC Bylaw changes are in draft form and that if there not enough applicants for positions on the APC, members of the public can be invited to apply to be appointed to the APC.

A member of the public requested an update to the status of the application to relocate road dedication, including a park trail, at Tilly Point; more specifically the status of the park trail relocation. Staff and Trustees advised that discussions and negotiations appeared to be on-going with the Parks Commission and Ministry of Transportation and Infrastructure, as the approving authority.

A member of the public requested that the web page be updated to remove the subdivision potential map as it is out-of-date. At the request of Trustees, Planner Pickard undertook to have the zoning and density review map removed from the web page.

A member of the public made the following comments:

- that the upcoming supporting documentation CIM should explain the difference between an OCP and an LUB;
- that the on-going Shoreline Review project may result in further restrictions on areas considered acceptable for marine geothermal loop installations;
- that the LTC had not discussed possible changes to the LUB other than those in the draft LUB amending bylaw;
- that better access to Trustee Jones would be appreciated, given his temporary absence from South Pender Island.

In response to an enquiry from a member of the public, Planner Pickard advised that a typical public hearing costs about \$500 - \$2,000; typically about \$2,000, the majority of which is spent on the legislated requirement for advertising costs.

A member of the public noted that the budget for the APC had been exceeded. Trustees undertook to review the detailed line items with Islands Trust staff.

14. ADJOURNMENT

Resolution-SP-LTC-25-13

It was Moved that the South Pender Island Local Trust Committee Meeting be adjourned at 1:06 pm.

CARRIED

RECORDER

CHAIR

**Islands Trust****RWM From: April 10, 2013 To: June 06, 2013**

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2013-04	In Favour	THAT South Pender Island Local Trust Committee Meeting Minutes of April 16, 2013 be Adopted	May 09, 2013



Islands Trust

Follow Up Action Report w/ Target Date

South Pender Island

Apr-16-2013

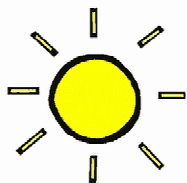
No.	Activity	Responsibility	Target Date	Status
1	Item 10.1 LUB Amendments: amend the draft bylaw to remove max floor area for SFD, remove marine geothermal loops, add solar collector definition, remove interior passageway reference, and increase permitted height for accessory buildings to 24 ft	Andrea Pickard	Jun-18-2013	Done
2	Item 10.1 LUB Amendments: schedule a CIM and community workshop for a Saturday for draft bylaw 111 and any other topics of interest	Andrea Pickard	Jun-18-2013	Done
3	Item 10.1 LUB Amendments: prepare a draft Trustee newsletter regarding the CIM to be sent as addressed mail	Andrea Pickard	Jun-18-2013	Done
4	Item 10.1 LUB Amendments: staff to prepare a report outlining regulatory options for marine geothermal loops and include information from new shoreline and habitat mapping, and consideration of climate change, sea level rise and erosion	Andrea Pickard	Jun-18-2013	Done
5	Item 10.2 APC Bylaw: staff to prepare a draft bylaw increasing the APC membership to a min of 5 and max of 7 (done), and prepare draft terms of reference	Kathy Jones Andrea Pickard	Jun-18-2013	Done
6	Item 11.1.2 Work Program: add marine geothermal loops and APC Bylaw to the top priorities	Andrea Pickard	Jun-18-2013	Done
7	Item 11.4 Bylaw Enforcement Report: request BEO inform the Trustees of the single bylaw file for their information only	Andrea Pickard	Jun-18-2013	Done
8	Item 11.5 Webpage: delete from latest news Oct 2012 and older items, and remove the section on Zoning and Density Review. the top priorities also needs to be updated.	Kathy Jones	Jun-18-2013	Done

9 Item 12.2 Annual Report: delete the phrase
"primarily to implement updates to the OCP policies
completed in the previous term" and approve as
amended

Robert Kojima

Jun-18-2013

Done



PENDER COMMUNITY TRANSITION (PCT)

** a cooperative alliance for a brighter future **

www.pendercommunitytransition.ca

Coordinator: Zorah Staar, info@pendercommunitytransition.ca
6612 Harbour Hill Drive, Pender Island, BC, V0N 2M1

May 15, 2013 (by email)

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

(Trustees Gary Steeves, Ken Hancock & Chair Peter Luckham) and

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

(Trustees Elizabeth Montague, Mike Jones & Chair Ken Hancock)

c/o Island Planner Andrea Pickard (to apickard@islandstrust.bc.ca)

Dear Trustees and Planner:

RE: PENDER COMMUNITY TRANSITION (PCT) REQUEST FOR 2013-2014 FUNDING SUPPORT FROM PENDER LTC'S

On February 18, 2013, Pender Community Transition provided our final report for the fiscal year ending March 31, 2013, regarding the \$600 of Local Trust Committee support provided for that period. Now we are writing again, to tell you about our plans for the fiscal year beginning April 1, 2013, and to ask if the Pender Local Trust Committees would once again support PCT by purchasing a series of reports on our activities during this upcoming period.

For the 2013-14 year, PCT plans to continue our focus on the key community transition issues of **energy, food growing, economic relocalization**, and **community spirit**. This is to help our community respond to worldwide challenges (climate change, the end of "easy" oil, global financial instability, etc.), by becoming more sustainable and also more locally resilient. We consider this PCT mission to be highly complementary to the Islands Trust "preserve and protect" mandate and policies, in particular the Trust's work on climate change, local food security, and other aspects of community resilience and sustainability.

Pender Community Transition has been very successful with 3 years of workshops, events, and projects, most of which have focussed on one key issue at a time (e.g. an Energy Action Day). Now we believe that the best way we can serve our North and South Pender community is by addressing multiple key issues at once, with 2 new capacity-building projects, namely:

1. Reaching out into our community with a **Sustainable & Resilient Neighbourhoods Program** (i.e. 3 inspiring and useful central workshops, 20 neighbourhood workshops with the first 20 interested areas, and then support for follow-up action); and
2. creating a **Pender Island Hub (PIH) for Local Resilience & Sustainable Enterprise**, i.e. a drop-in, gathering, and workshop space at Hope Bay, for support and cooperation between interested Pender non-profit groups, as well as supporting greater Pender resilience, sustainability, new social enterprise, other sustainable enterprise, community-building, and more! **(SEE ATTACHED SUMMARIES FOR DETAILS)**

The space for the **Pender Island Hub** is initially planned to be shared with the new **FELÁNET** Centre for Innovation & Peace, with the Hub having more of a focus on practical local Pender support, resilience, and sustainability. However, the foregoing issues are all closely connected.

Our Pender neighbourhoods also need to be more closely connected and cooperative! (neighbour-to-neighbour, and at the community level). Therefore, the Hub is intended to be one of the follow-up resources for the **Sustainable & Resilient Neighbourhoods Program**.

Finally, our Trust Area islands are very similar, and the Pender Island Hub is intended to facilitate cooperation with them as well. Pender Community Transition has been working closely with the new Southern Gulf Islands Economic Development Commission on all of the foregoing developments, and we will continue to do so.

We have already received a CRD Grant-in-Aid, which has been supporting our initial work on the Neighbourhood and Hub proposals, and which will support at least 3 central workshops in any event. However, we know we can do more, and so our next step is to complete a Vancity grant application, and then follow up with other funding sources. In the interim, having another year of LTC support would be incredibly helpful, for us to know we can move forward. For example, a percentage of local grants are required for any application to Vancity.

We respectfully ask that the Pender Local Trust Committees commit \$600 of funding for the purchase of ongoing reports, regarding Pender Community Transition activities for the year beginning April 1, 2013. This could include \$400 from North Pender and \$200 from South Pender.

I invite you to contact me if you need more information. You can also see the PCT website at www.pendercommunitytransition.ca. Thank you for your consideration of this request. Thank you also for all the energy and expertise that you have already been devoting, as Trustees, to many of the same key community issues as discussed above.

Sincerely,

Zorah Staar

PCT Coordinator, Phone: (250) 629-3825

Email: info@pendercommunitytransition.ca

PENDER COMMUNITY TRANSITION – 4th year Project Descriptions: For the 2013-14 year, we'll continue to focus on the key transition issues of **energy, food growing, economic relocalization, and community spirit**. This is to help our community respond to worldwide challenges (climate change, the end of "easy" oil, global financial instability, etc.), by becoming more sustainable and also more locally resilient. Going beyond one-issue workshops, we now intend to address multiple key issues at once, with 2 new capacity-building projects. This is by seeking funding to reach out into our community with a **Sustainable & Resilient Neighbourhoods Program**, and also to create a **Pender Island Hub (PIH) for Local Resilience & Sustainable Enterprise** (see below).

PCT is very grateful to the community members and groups who support us, and our main funders to date: the CRD, Pender Local Trust Committees, Vancity, Greenangels, and Southern Gulf Islands Economic Development Commission. We'll be happy to confirm our 4th year activities once funding is confirmed. In the interim, you are invited to go to www.pendercommunitytransition.ca, email info@pendercommunitytransition.ca, or call PCT Coordinator **Zorah Staar (250-629-3825)**, to learn more and express interest in the proposed projects below!

1. SUSTAINABLE & RESILIENT NEIGHBOURHOODS PROGRAM

North and South Pender have about 2,500 permanent residents, divided into 86 neighbourhoods. PCT has connected with 200+ Penderites interested in community transition (e.g. who've attended a workshop on an issue). Now we propose to reach further, by **going out into interested neighbourhoods**. This is to co-host (along with a neighbourhood rep) an informal, initial neighbourhood workshop, and then to support follow-up gatherings where possible. This is for fun learning and connection, positive behaviour shifts, and capacity building, on these issues:

- a. talking about sustainability & local resilience: why it's important for communities, neighbourhoods, our Earth
- b. sustainable energy use & environmental behaviour change (e.g. home energy audits? renewables, conservation)
- c. growing secure & sustainable food, e.g. options like winter gardening, neighbour cooperation on growing, etc.
- d. increasing sustainable purchasing & buying local, to build a greener economy, & support greater local capacity
- e. building community spirit, e.g. some neighbours gathering for the first time! creating trust and new cooperation
- f. identifying & building neighbourhood resources, i.e. skills to exchange, things to share, emergency & other help
- g. useful follow-up for each neighbourhood & participant, including identifying & connecting with community resources

A key tool will be a Pender-specific "**Neighbourhood Guidebook to Greater Sustainability & Local Resilience**", to be developed in consultation with other groups. We plan to deliver 3 inspiring and useful central workshops, 20 neighbourhood workshops (as above) with the first 20 interested areas, and then follow-up support. This could include the new Pender Island Hub (see 2. below), inter-area cooperation, and more. We'd love to "Penderize" what's been successful elsewhere (e.g. UK's "Transition Streets" & Victoria's "Building Resilient Neighbourhoods").

2. PENDER ISLAND HUB (PIH) FOR LOCAL RESILIENCE & SUSTAINABLE ENTERPRISE

Pender has no space (like a Hub) to support greater sustainability and local resilience (i.e. no drop-in, non-profit, community development space). We have 40+ non-profits, but only 2 with public offices, and all are struggling for resources. We're a mix of retirees (some well off), and younger families/folks (many low-income) straining to earn enough to stay here, so we can keep our community and economy alive. PCT did a February "Innovation & Social Enterprise" event, plus follow-up. Our conclusion: a powerful way to meet the above needs and build capacity is a **Pender Island Hub (PIH) for Local Resilience & Sustainable Enterprise**, which could provide:

- a. a drop-in, gathering, & workshop space, for learning & cooperation to increase sustainability & local resilience (including sustainable energy, secure and sustainable food, encouraging environmental behaviour change, etc.)
- b. not-for-profit sector support: for sector networking, resource sharing (space, equipment, services), pamphlets/PR
- c. expanding social enterprise: space for co-innovation, incubation & support of new sustainable social enterprises
- d. supporting green economy: rentable co-work space for other sustainable enterprises (e.g. without start-up funds)
- e. Sustainable & Resilient Neighbourhoods: follow-up to 1. above, inviting further connection & cooperative action
- f. non-monetary enterprise: supporting local exchange, informal co-ops, other innovations to increase local capacity
- g. community spirit: building the connections & trust needed to transition into real community sustainability & resilience
- h. inter-community cooperation: a model & a vehicle for cooperation with neighbouring islands, First Nations & others

PCT is seeking funding to establish the Pender Island Hub at the Hope Bay commercial centre, i.e. to "incubate" the Hub, so it may further develop the useful services and resources to sustain itself. We plan to share space with the Gulf Islands' new FELÁNET Centre for Innovation & Peace. We also intend for the Pender Island Hub to inspire others, and to facilitate inter-community cooperation, which we all need for our sustainability and resilience!

From: [Zorah Staar/Colin McLarty](#)
To: [Andrea Pickard](#)
Subject: addendum re: PCT funding request (for SOUTH PENDER TRUSTEES)
Date: May-30-13 5:24:11 PM
Attachments: [a proposed GULF ISLANDS HUB ON PENDER.pdf](#)

To: Planner Andrea Pickard & the **South Pender Island Trustees**

From: Zorah Staar, Pender Community Transition (PCT)

Andrea, could you please now forward the attached to the South Pender Island Local Trustees, as a **follow-up to the PCT funding request submitted on May 15, 2013?**

Further to that proposal for LTC purchase of a series of PCT reports on our activities for the coming year, these are now intended (subject to funding) to focus on the creation of a **GULF ISLANDS HUB ON PENDER (GIHOP)** rather than a solely Pender-focussed Hub. **Please see the attached revised proposal in this regard.**

This change involves PCT postponing doing the proposed Sustainable & Resilient Neighbourhoods Program. The change was made because PCT cannot do everything in one year, and because representatives of both Vancity (our main funder) and the Southern Gulf Islands Economic Development Commission (a main partner) were very interested in including an **inter-island Hub aspect**. This is along with a strong local Hub to help our Pender non-profit groups, community members and social enterprises.

I have been thinking about how a local Pender community Hub could make a special effort to reach out to South Pender, and create stronger connection and cooperation between North and South. I welcome your thoughts about this. The North Pender LTC recently approved \$400 of PCT funding support (purchase of reports), based on their project heading for climate change adaptation and community resilience. I hope that the South Pender LTC will also find the proposed Hub project to be congruent with their objects, and the objects of the Islands Trust.

Zorah Staar
info@pendercommunitytransition.ca

GULF ISLANDS HUB ON PENDER (GIHOP)

Cooperating on Sustainability, Local Resilience, Social Innovation & Enterprise

PENDER COMMUNITY TRANSITION (PCT) proposes to seek resources for and host the above Hub, at Hope Bay on Pender Island, in consultation and cooperation with interested Pender and Gulf Island non-profits, community members, First Nations, social enterprises, and the Southern Gulf Islands Economic Development Commission. PCT is an incorporated non-profit Society, whose mission is to help our community and others “transition” to greater sustainability and local resilience. This is to respond to global and local challenges like climate change, shrinking availability of cheap energy and resources, financial instabilities, ferry issues, etc. Some key community responses involve: energy; local food; economic relocalization; community spirit & arts; nature conservation; and transportation. We invite you to see www.pendercommunitytransition.ca for more about PCT or the proposed Hub, and to contact Coordinator Zorah Staar (info@pendercommunitytransition.ca or 250-629-3825) to give feedback or get involved!

GULF ISLANDS HUB ON PENDER (GIHOP): The proposed mission of the Hub is to offer a drop-in, non-profit, shared physical and virtual space, plus services, together with cooperative and educational opportunities, for island organizations and people to co-create greater sustainability, local resilience, social innovation, and social enterprise. Key issues: energy; local food; economic relocalization; community spirit & arts; nature conservation; and transportation. When our similar island communities cooperate to build capacity on these issues, then each community is stronger! Good things like this are already happening. Now Pender Community Transition and others want to help it go further. Therefore, PCT is seeking resources and partners to initiate a Gulf Islands Hub, starting with 3 interconnected aspects:

1. Developing local Hub features: Pender has no drop-in, non-profit, community development space (no youth drop-in space either). We have 40+ non-profits, but only 2 with small public offices, and all struggling for resources. Like other Gulf Islands, we're a mix of retirees (some well off), and younger folks (many low-income) straining to earn enough to stay here, so we can keep our communities and economies strong. Therefore, PCT proposes to host or co-host (with other Pender non-profits) a local Hub at Pender's Hope Bay dockside commercial centre, which can offer:

- a. a drop-in, gathering, & workshop space, for Pender cooperation & learning on greater sustainability & resilience (including activities re: sustainable energy, food, & environmental behaviour change, all welcoming families & youth!)
- b. non-profit sector support: networking & resource sharing (space, equipment, grantwriting & accounting services, etc.)
- c. expanding social enterprise: space for social innovation, leading to incubation & services for new social enterprises
- d. supporting green economy: rentable co-work space for other sustainable enterprises (e.g. without start-up funds)
- e. non-monetary enterprise: supporting service exchange, informal co-ops, other innovations to increase local capacity
- f. community spirit & arts: building the local relationships, trust, & culture, needed to support cooperation on sustainability
- g. model for others: offering a “pilot” local Hub that other islands are invited to emulate and/or cooperate with where useful

2. Developing inter-island Hub features: Firstly, the Hub will continue the process that PCT has already begun, i.e. consulting and exploring cooperative potentials with the Southern Gulf Islands (SGL's, Pender, Mayne, Galiano, Saturna), the SGI Economic Development Commission, local First Nations, and other interested islands like Saltspring and Gabriola. Then “co-learning by doing”, PCT proposes to initiate and host/co-host an inter-island physical and virtual Hub (at the same Hope Bay dockside space as the above), for interested partners to begin jointly acting towards features including:

- a. a boat-in/ferry-over gathering & workshop space, for inter-island cooperation & learning on sustainability & resilience (e.g. hosting inter-island action gatherings of experts/groups working on sustainable energy, or food, or transportation etc.)
- b. non-profit networking & support, i.e. initiating a non-profit virtual Hub, rotating inter-island networking, & potential services
- c. social innovation & enterprise: a regional social innovation centre & services, for social enterprises, inter-island co-ops, etc
- d. Area Farm Plan development: supporting current Gulf Islands efforts to resource & develop a common farm plan
- e. community spirit & arts: building inter-community relationships, cultural exchange, & cooperation (including First Nations)
- f. inter-island “Folk School”: space for skill-building sustainability & resilience courses, taught by local & visiting islanders

3. Developing educational Hub features: Further re: future skill-building and other innovative educational activities at the Hub, to access charitable funds these are planned to be hosted by a new charity – the FELÁNET Centre/Institute (a name gifted by the Tsawouts). PCT proposes to assist with FELÁNET's non-profit incorporation and charitable registration, and with co-hosting of initial workshops to support this (e.g. re: sustainable food, energy, and inter-community learning). The future goal (beyond the foregoing 3 initial Hub developments) is for the **Gulf Islands Hub on Pender** and the **FELÁNET Institute** to work in partnership towards developing the services and resources to sustain themselves as thriving social enterprises, expanding their use of the Hope Bay building, and creating a synergy between the cooperative and educational aspects of greater island sustainability, resilience, social innovation and enterprise.



STAFF REPORT

June 3, 2013

File No.: SP-DVP-2013.1 (Scott)

To: South Pender Island Local Trust Committee
For the meeting of June 18, 2013

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Application

Owner: Leighton Pullen
Applicant: David Scott
Location: Lot 1, Section 2, Pender Island, Cowichan District, Plan 33227
 Gowlland Point Road

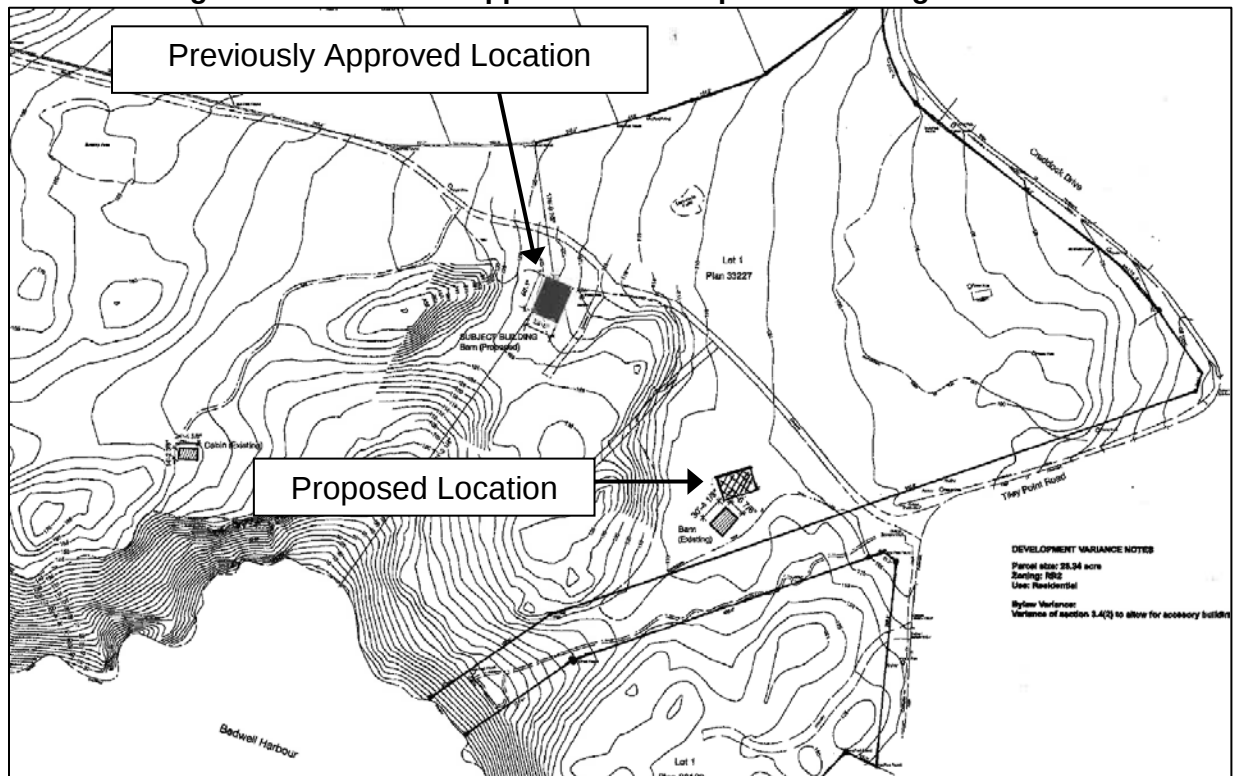
THE PROPOSAL:

The purpose of the application is to vary Subsection 3.4(2) of the South Pender Island Land Use Bylaw No. 92, 2003 (LUB) to increase the permitted height of an accessory building from 4.6 metres to 9.2 metres for a proposed agricultural building for storage of equipment for pasture maintenance and gardening, as well as a workshop area. The applicant had applied for and received a development variance permit in Sept 2012. However, the owner would like to change the proposed location of the building. The new location is approximately 104 metres south of the original location, in close proximity to an existing barn that they intend to remove.

The proposed location is approximately 20 metres from the closest property line, which is the unconstructed road dedication which is the location of 'Southlands Drive/Tilley Road Viewpoint Trail', and over 140 metres to the natural boundary of the sea.

The subject property is currently developed with an existing cabin and small barn. The property is zoned Rural Residential and agriculture is a permitted principal land use. The property is not with the Agricultural Land Reserve nor does it have farm status at this time under the *BC Assessment Act*. A draft Development Variance Permit is attached as Schedule A.

Figure 1: Site Plan of Approved and Proposed Building Locations



SITE CONTEXT:

The subject property is a 10.3 ha (25.38 acre) property on Gowlland Point Road. Adjacent properties residential properties in the area are significantly smaller with many under 2 acres. The properties north of the road property, are much larger in size and include the Gulf Islands National Park Reserve. The property currently contains an approximately 32m² (345ft²) cabin and one approximately 61m² (655ft²) barn.

The subject property is one of two associated with a proposal to relocate the road dedication and recreational walking trail. The property owner purchased the subject property and the adjacent waterfront property to the south (shown as Lot 1, PI 32109 below) with the intent to consolidate the two lots. The closest property line to the proposed building is the portion of Tilley Point Road that would be closed if the application if the trail relocation is completed.

Based on GIS data the property steeply rises to approximately 40-50 metres near the shoreline, with most of the property sloping in a southeasterly direction from a maximum height of 58 metres near Gowlland Point Road to 22 metres near South Lands Dr.

Figure 2: Subject Property

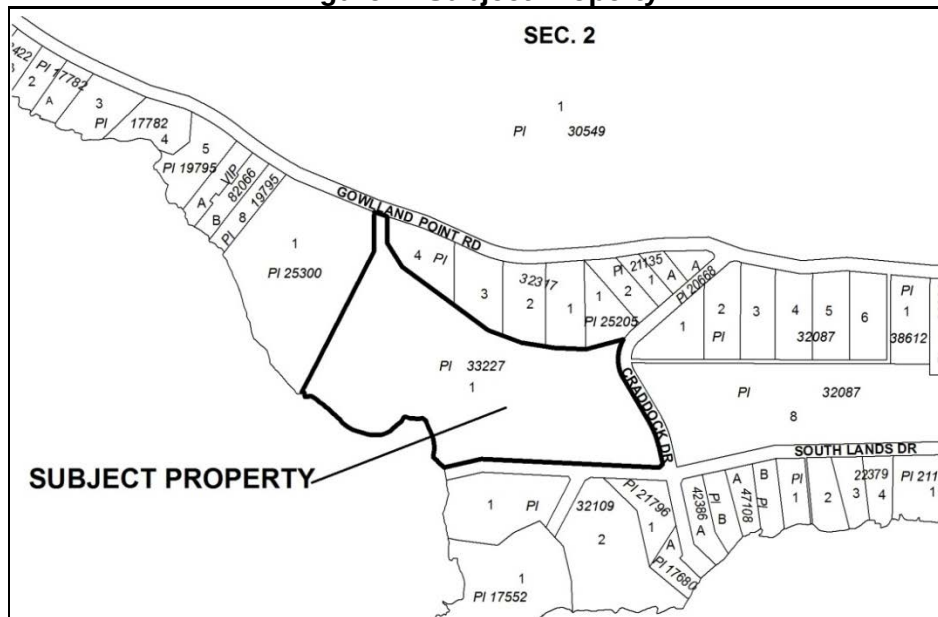


Figure 3: Orthophoto



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

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

- 4.1.5 the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses;
- 4.1.6 the use of adjacent properties to minimize any adverse affects on agricultural land; and

- 5.2.3 policies related to the aesthetic, environmental and social impacts of development.

Official Community Plan:

The subject property is designated Rural Residential in the OCP.

Section 2.4 'General Policies' in the OCP includes:

- 2.4.6 Landowners are encouraged to consolidate undeveloped lots, particularly those smaller than the existing lot minimum size requirements, to assist in retaining the island's rural character.

Land Use Bylaw:

The subject property is zoned Rural Residential 2 (RR2) in the Land Use Bylaw, as are other properties along the water side of Gowlland Road. The bylaw states that the total accessory building floor area for lots greater than 4 ha (10 acres) is 372 m² (4000ft²). The proposal, once constructed, will bring the amount of floor area on the property to approximately 340 m² (3655 ft²); within the allowable amount of floor area.

Islands Trust Fund: There are no Trust Fund Board covenants on the property.

Sensitive Ecosystems and Hazard Areas: Land adjacent to the shoreline is identified as being low, moderate or high hazard areas due to steep slopes. The proposed building is located outside of the identified hazard areas.

Based on the Trust's Sensitive Ecosystem Mapping the property contains areas of primary mature forest and herbaceous ecosystem classes with tertiary component of wetland. The proposed building appears to be outside of an identified sensitive ecosystem.

Figure 4: Steep Slope Hazard Areas and 2m Contour Intervals

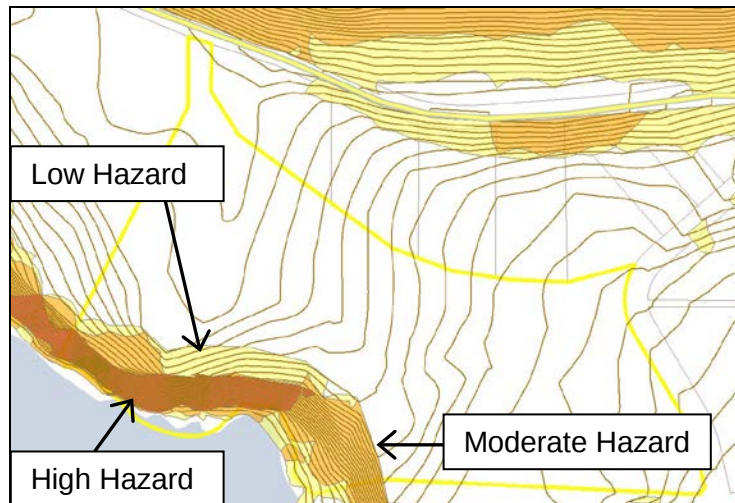
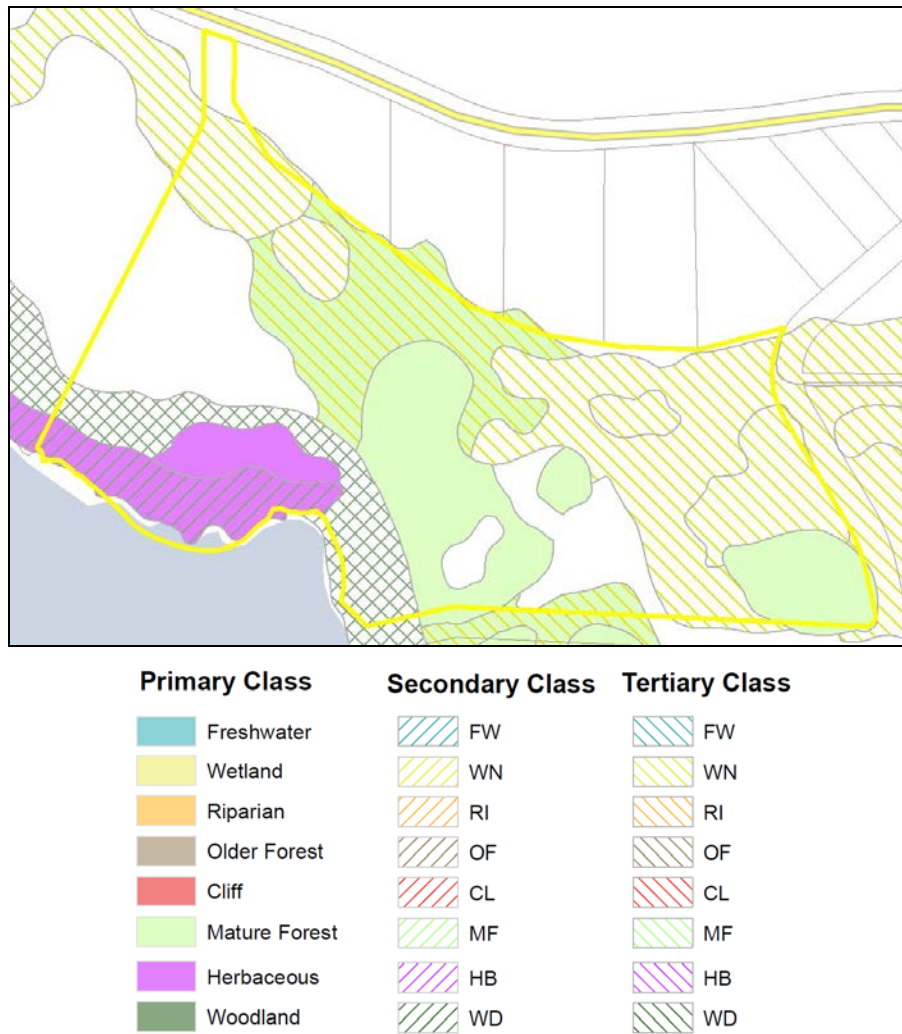


Figure 5: Sensitive Ecosystem Mapping



Archaeological Sites: There are no registered archaeological sites in the provincial database on the property or in close proximity.

Covenants: BC Hydro holds a right-of-way registered in 1964. Using the title documents Islands Trust GIS staff could not accurately determine if the proposed building is within the right-of-way boundaries. Hydro was forwarded a copy of the notice and proposal and has indicated they have no concerns.

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

Climate Change Mitigation and Adaptation: As a large waterfront property the shoreline may be particularly vulnerable to storm surges and sea level rise. The proposed building is sited over 140m (465ft) from the shore. The owners intention to use the land for residential and agriculture (pasture) purposes the natural buffering capacity of the land should be retained.

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached as Schedule B. At the time of writing this report no comments have been received. If comments are received they will be brought to the LTC meeting on June 18th.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The applicant wants to construct an accessory building with an agricultural barn character and function in keeping with the agricultural scale and character of the 25+ acre property. The new proposed location is closer to the existing barn which will be removed.

The overall intent of the regulation being varied. The overall purpose of height regulations is to minimize impacts on adjacent property related to: shading, aesthetic, and privacy concerns. Regulating lower height for accessory buildings also ensures that principal buildings remain dominant in size and scale relative to accessory uses. Regulating height also helps to provide a consistent pattern of development within a given zone. The South Pender Island Land Use Bylaw also addresses agricultural uses, buildings and structures in Section 3.7. Section 3.7 permits an agricultural building up to a maximum height of 12.2 metres, subject to a minimum setback of 7.6 metres, it being located on ALR land and the property having farm status under the BC Assessment Act. The subject property is not within the ALR nor does it have farm status at this time.

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

STAFF COMMENTS:

The LTC previously considered and approved a development variance permit (DVP) for the building of which the form and character will not be changing. The new proposed location is over 100 metres south than the approved DVP and the elevation at the new location is also 12-14 metres lower than the previous site, both which would reduce visual impacts to the residences fronting onto Gowlland Point Road.

Given the proposed building is sited well back from the property line, it is intended to be used for land maintenance, and that no neighbouring property owners have expressed concerns or objections to the height, staff recommend approval.

RECOMMENDATIONS:

THAT Development Variance Permit SP-DVP-2013.1 (Scott) BE APPROVED.

Prepared and Submitted by:



Andrea Pickard

June 3, 2013

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

June 3, 2013

Date

PROPOSED



Islands Trust

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

SP-DVP-2013.1

To: Leighton Pullen

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

Lot 1, Section 2, Pender Island, Cowichan District, Plan 33227, PID: 000-231-207.

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

- a) Subsection 3.4 (2) is varied to increase the maximum height of an accessory building height from 4.6 metres to 9.2 metres.

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender Island Land Use Bylaw No. 92, 2003" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

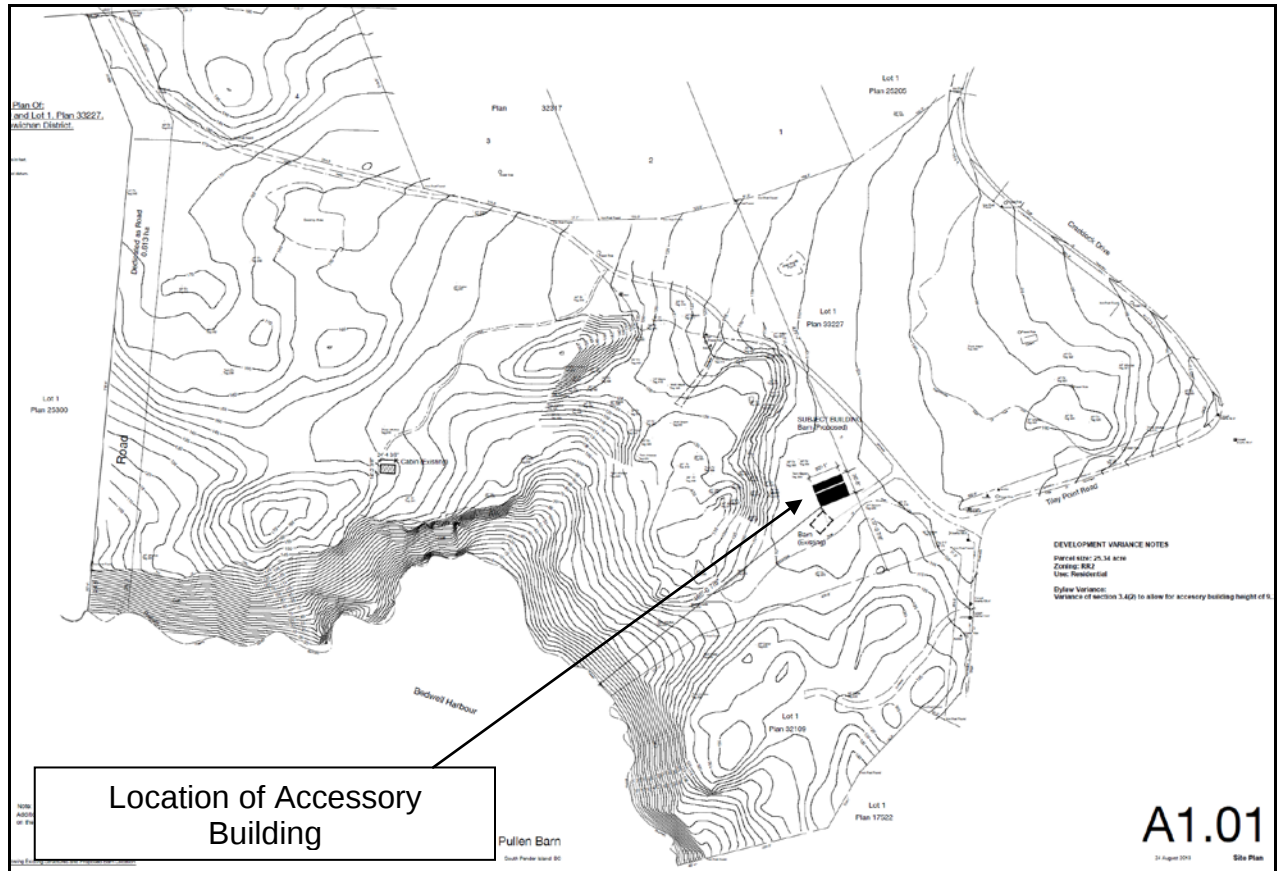
PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

SP-DVP-2013.1

SCHEDULE 'A'

Site Plan



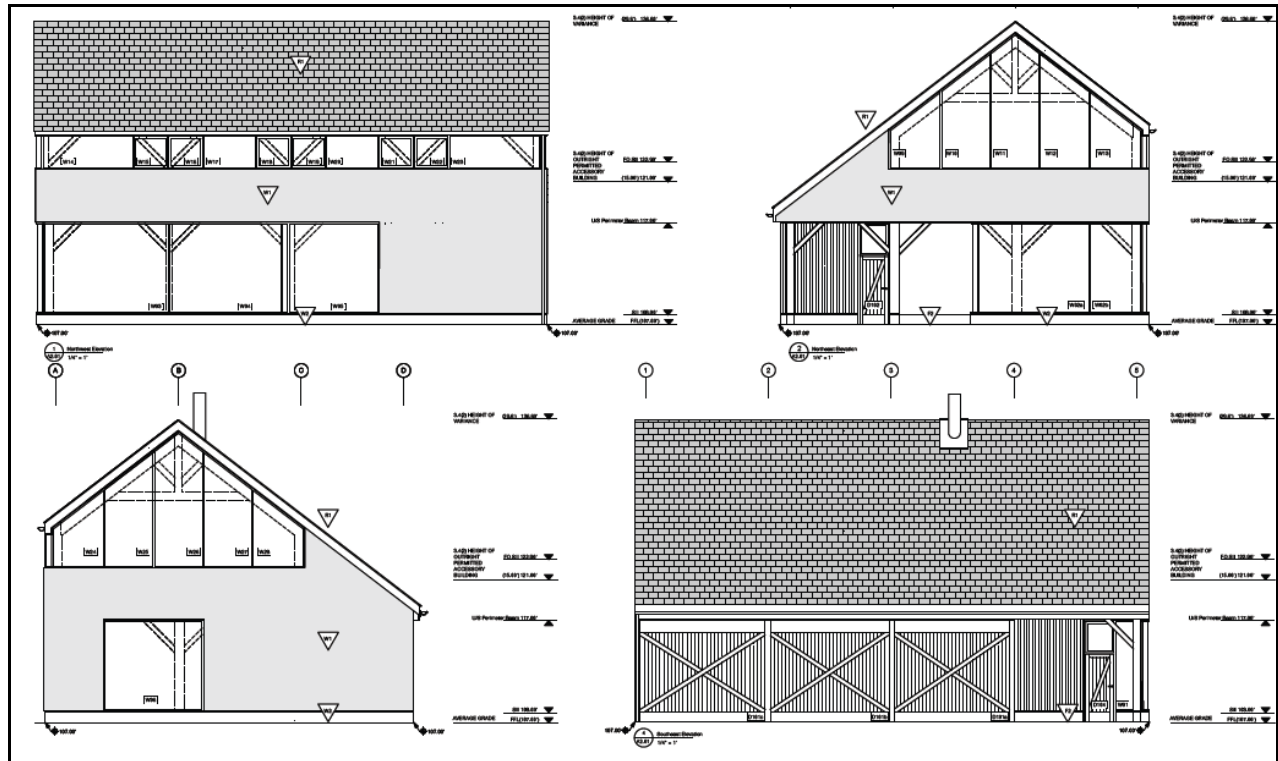
PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

SP-DVP-2013.1

SCHEDULE 'B'

Building Elevation



The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 10:00 a.m., Tuesday, June 18, 2012 at the South Pender Island Fire Hall, 8961 Gowlan Point Road, South Pender Island.

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

Kathy Jones
Deputy Secretary

DRAFT

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 111**

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 92, 2003

WHEREAS the South Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the South Pender Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the South Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26 except sections 932 to 937 and 939 of the *Local Government Act*;

AND WHEREAS the South Pender Island Local Trust Committee wishes to amend Land Use Bylaw No. 92, 2003;

AND WHEREAS the South Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the South Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 92, cited as "South Pender Island Land Use Bylaw No. 92, 2003" is amended as follows:

1. Section 1.1 (Definitions) is amended for "floor area" by deleting "the outer surface of the exterior walls" and inserting "the interior surface of the exterior walls" such that it reads "floor area" means the sum of the horizontal areas of all storeys in a building, measured to the interior surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of all areas of a floor having a floor and ceiling less than 1.5 metres apart."
2. Section 1.1 (Definitions) is amended for "pump/utility house" by deleting "an accessory building" and inserting "a building" such that it reads: "pump/utility house" means a building with a maximum floor area of 2.9 square metres (32 square feet) containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.
3. Section 1.1 (Definitions) is amended for "structure" by inserting "above or below ground utility lines" such that it reads: "structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes septic fields, septic tanks, absorption fields and related appurtenances below ground, above or below ground utility lines, concrete and asphalt paving, or similar surfacing of the land.
4. ~~Section 1.1 (Definitions) is amended by inserting in the correct alphabetical location "marine geothermal loop" means a renewable geoechange system (geothermal heat exchange) utilizing the natural occurring temperature of the ocean for the purpose of heating and cooling that:~~
 - ~~a. is a closed loop system using only freshwater as the circulating heat transfer fluid,~~
 - ~~b. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and~~
 - ~~c. is designed and installed by a Registered System Designer accredited by the Canadian Geoechange Coalition, or the International Ground Source Heat Pump Association."~~

~~Following the definition the following be added: Information Note: Installation of a marine geothermal loop is also required to obtain the necessary permits or approvals from provincial and federal agencies.~~

~~5-4.~~ Section 1.1 (Definitions) is amended by inserting in the correct alphabetical location ""storage building" means a non-residential building for the storage of goods and materials for use on the lot which it located and personal effects of the owner of the lot."

5. Section 1.1 (Definitions) is amended by inserting in the correct alphabetical location ""solar collectors" means a device or combination of devices that uses direct sunlight as a source of energy for such purposes as generating electricity, heating or cooling a structure, heating or pumping of water and may include a water storage tank. For certainty, equipment with a built-in solar power source such as lighting fixtures are not considered 'solar collectors' for the purpose of this bylaw.

6. Part 3 (General Regulations) is amended by inserting a new Section 3.14 "Attached Dwellings" with the following subsections: "(1) Where a lot is permitted more than one dwelling in Part 5 of this bylaw, two dwellings may be attached subject to each dwelling complying with their respective floor area regulation ~~and there is no interior passageway connecting the two dwellings.~~ For clarity, permitted dwellings include single family dwellings or cottages.

(2) Despite 3.14(1) dwellings may not be attached on land within the Agricultural Land Reserve where second dwellings are only permitted for persons engaged in on-going agricultural activities.

7. Section 3.3 (Siting and Setback Regulations) is amended by inserting a new subsection (6) "Despite the setback provisions in Part 5 of this Bylaw pump/utility houses and solar collectors less than 4.6 metres in height may be sited as close as 3.0 metres to a lot line. "

Following the definition the following be added: *Information Note: Buildings or structures sited within 4.5 metres of a dedicated road require a permit from the Ministry of Transportation and Infrastructure.*

8. Subsection 3.4(2) (Height Regulations) is amended by inserting "and storage buildings are" and deleting "is" such that it reads: "A building or structure accessory to a single family dwelling and storage buildings are not to exceed 4.6 metres (15 feet) in height."

9. Subsection 3.4(2) (Height Regulations) is amended by deleting "4.6 metres (15 feet)" and inserting "7.3 metres (24 feet)"

10. Subsection 3.4(3) (Height Regulations) is amended by deleting "4.6 metres (15 feet)" and inserting "7.3 metres (24 feet)"

11. Subsection 3.7(1) (Agricultural Uses, Buildings and Structures) is amended by deleting "4.6 metres (15 feet)" and inserting "7.3 metres (24 feet)"

~~8-12.~~ Subsection 3.4(4) (Height Regulations) is amended by inserting "roof-top mounted" such that it reads: "The height regulations for buildings and structures specified elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, roof-top mounted solar collectors, farm silos and grain bins and water storage tanks.

~~9-13.~~ Subsection 3.5(4) (Accessory Uses, Buildings and Structures) is amended by inserting "including storage buildings" such that it reads: "Subject to the density and siting provisions in Part 5, the total floor area of all accessory buildings, including storage buildings, on a lot shall not exceed the following:"

~~10-14.~~ Section 3.5 (Accessory Uses, Buildings and Structures) is amended by inserting a new subsection (6) that reads: "Where storage buildings are a permitted use in Part 5 of this Bylaw, they may be constructed prior to a single family dwelling subject to:

- (a) The use is limited to the storage of goods and materials for use on the lot and personal effects of the owner of the lot;
- (b) Only one storage building is permitted on any lot;
- (c) The floor area is not to exceed the allowable floor area based on the lot size as specified in Subsection 3.5.(4);
- (d) The storage building is not to be used for human habitation; and
- (e) For certainty, the use of storage buildings as a commercial storage facility is prohibited.

~~44-15.~~ Subsection 4.2(4) (Zone Boundaries) is amended by deleting “scaling from Schedule “B” and in that case the zone boundary is the midpoint of the line delineating the zone boundary” and inserting “reference to the digital records stored and maintained in a geographical information system (GIS) at the offices of the Islands Trust” such that it reads: “Where a zone boundary shown on Schedule “B” does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by reference to the digital records stored and maintained in a geographical information system (GIS) at the offices of the Islands Trust”

~~42-16.~~ Subsection 5.1(1) (Rural Residential One (RR1) Permitted Uses) is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”

~~43-17.~~ Subsection 5.1(3) (Rural Residential One (RR1) Density) is amended by inserting at the end “,which may be attached subject to Section 3.14.”

~~44-18.~~ Subsection 5.1(4) (Rural Residential One (RR1) Density) is amended by inserting at the end “,of which two of the permitted dwellings may be attached subject to Section 3.14.”

~~15. Section 5.1 (Rural Residential One (RR1)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.~~

~~46-19.~~ Subsection 5.1(6) (Rural Residential One (RR1) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”

~~47-20.~~ Subsection 5.2(1) (Rural Residential Two (RR2) Permitted Uses) is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”

~~48-21.~~ Subsection 5.2(3) (Rural Residential Two (RR2) Density) is amended by inserting at the end “, which may be attached subject to Section 3.14.”

~~49-22.~~ Subsection 5.2(4) (Rural Residential Two (RR2) Density) is amended by inserting at the end “,of which two of the permitted dwellings may be attached subject to Section 3.14.”

~~20. Section 5.2 (Rural Residential Two (RR2)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.~~

~~21-23.~~ Subsection 5.2(6) (Rural Residential Two (RR2) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”

~~22-24.~~ Subsection 5.3(1) (Rural Residential Three (RR3) Permitted Uses) is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”

~~23-25.~~ Subsection 5.3(3) (Rural Residential Three (RR3) Density) is amended by inserting at the end “,which may be attached subject to Section 3.14.”

~~24-26.~~ Subsection 5.3(4) (Rural Residential Three (RR3) Density) is amended by inserting at the end “, of which two of the permitted dwellings may be attached subject to Section 3.14.”

~~25. Section 5.3 (Rural Residential Three (RR3)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.~~

~~26-27.~~ Subsection 5.3(6) (Rural Residential Three (RR3) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be.”

~~27-28.~~ Subsection 5.5(3) (Community Service (S1) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be.”

~~28-29.~~ Subsection 5.6(3) (Government Service (S2) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be.”

~~29-30.~~ Subsection 5.7(1) (Agriculture (A) Permitted Uses) is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”

~~30. Section 5.7 (Agriculture (A)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.~~

31. Subsection 5.7(6) (Agriculture (A) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be.”

32. Subsection 5.8(1) (Forestry (F) Permitted Uses) is amended by inserting a new Article (g) “Storage buildings subject to Subsection 3.5(6)”

~~33. Section 5.8 (Forestry (F)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.~~

34. Subsection 5.8(2) (Forestry (F) Density) is amended by inserting at the end “,which may be attached subject to Section 3.14.”

35. Subsection 5.8(5) (Forestry (F) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be.”

36. Subsection 5.9(1) (Natural Resource (NR) Permitted Uses) is amended by inserting a new Article (e) “Storage buildings subject to Subsection 3.5(6)”

~~37. Section 5.9 (Natural Resource (NR)) is amended by inserting under Siting and Size a new subsection (6) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.~~

~~38-37.~~ Subsection 5.9(3) (Natural Resource (NR) Density) is amended by inserting at the end “,which may be attached subject to Section 3.14.”

~~39-38.~~ Subsection 5.9(5) (Natural Resource (NR) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be.”



STAFF REPORT

June 6, 2013

File No.: SP-3050-20-08

To: South Pender Island Local Trust Committee
For the meeting of June 18

From: Andrea Pickard
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Advisory Planning Commission Bylaw and Terms of Reference

Project Overview

At the regular business meeting of April 16th the South Pender Island Local Trust Committee (LTC) directed staff to prepare a bylaw to amend the Advisory Planning Commission Bylaw to allow for a minimum of five and not more than seven members. The LTC also directed staff to prepare draft terms of reference for the Advisory Planning Commission (APC).

Attached to this report is:

- Draft Bylaw No. 112, an administrative bylaw to amend the APC Bylaw,
- A copy of Bylaw No. 98, Advisory Planning Commission Bylaw, 2005 using mark-up, and
- A draft terms of reference.

Project Background

Concern of stating 'a minimum' number of Advisory Planning Commission (APC) members in a bylaw was raised and the potential ramifications if the number of APC expressions of interest were less than the stated minimum requirement. Therefore, referring to a 'minimum' number of appointments was not used in Draft Bylaw 112 and was alternatively included in the terms of reference.

The matter of real or perceived conflict of interest has also been a discussion point in recent months and an additional clause has been included in the attached copy of Bylaw 98 for the LTC's consideration. The proposed amendment states:

If an APC member has a direct or indirect pecuniary interest, or another interest that constitutes a conflict of interest with regard to a matter referred by the LTC, the member shall declare this and remove themselves from the discussion and not

attempt to influence the discussion related to the matter before, during or after the meeting.

The above clause is consistent with the language used in s. 100(2) of the *Community Charter*, although it is a shortened version.

The draft terms of reference attached were modeled on recent Salt Spring Island and Gabriola Island examples. However, using the comments tool it has been noted where staff recommends the LTC give additional consideration to their suitability for South Pender Island.

Next Steps

To amend an administrative bylaw there is no requirement for a public hearing and the amending bylaw may be given three readings at one meeting. The bylaw would then need to be forwarded to Executive Committee for approval before being adopted by the LTC. Adoption of the bylaw could occur at a meeting or by resolution-without-meeting, as could any additional APC appointments.

The LTC can 'terms of reference' are not a bylaw and can be approved by resolution.

Recommendations

If the LTC wants to consider adopting terms of reference then you may not want to proceed with giving readings to Draft Bylaw 112 until the terms of reference have been reviewed and considered ready for approval.

If the LTC decides not to proceed with terms of reference then readings of Draft Bylaw 112 could be considered.

Prepared and Submitted by:



June 6, 2013
Date

Concurred in by:

Robert Kojima

June 6/13

Regional Planning Manager

Date

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 112

A bylaw to amend the South Pender Island Local Trust Committee
Advisory Planning Commission Bylaw

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

1. South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005 is amended as follows:
 - a. Section 2 - **Appointment of Members**, Subsection (a), is amended by replacing the words "not more than five" with the words "up to seven".
2. This bylaw may be cited as "South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005, Amendment No. 1, 2013".

READ A FIRST TIME THIS DAY OF , 201_

READ A SECOND TIME THIS DAY OF , 201_

READ A THIRD TIME THIS DAY OF , 201_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 201_

ADOPTED THIS DAY OF , 201_

CHAIR

DEPUTY SECRETARY

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 98

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR THE SOUTH PENDER ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The South Pender Island Local Trust Committee being the Local Trust Committee having jurisdiction on and in respect of the South Pender Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, R.S.B.C., 1989, enacts as follows:

1. Establishment

- (a) The South Pender Island Local Trust Committee may appoint one or more Advisory Planning Commissions (APC) for the South Pender Island Local Trust Area to advise as follows:
 - i) If one Advisory Planning Commission (APC) is appointed, that Commission shall advise the Local Trust Committee on matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee.
 - ii) If a second or additional Advisory Planning Commission (APC) is appointed, those Commission(s) shall advise the Local Trust Committee on matters respecting one or more special projects that are matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee

2. Appointment of Members

- (a) The Advisory Planning Commission(s) consists of ~~not more than five up to seven~~ members for each Commission. Every member must be an elector of the Local Trust Committee, as defined in Section 5 of the *Local Government Act*, and at least 2/3 of the members must be residents of the Local Trust Area.
- (b) A Local Trustee, officer or employee of the Islands Trust, or an approving officer is not eligible to be a member of the APC.
- (c) The Local Trust Committee shall by resolution appoint members to serve up to a three-year term commencing January 1st.
- (d) The Local Trust Committee may, by resolution, remove a member at any time.
- (e) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.
- ((f) The members must, during the first meeting after January 1st, from among the members elect a Chairperson, and a Deputy Chairperson to act in the place of the Chairperson in the absence of the Chairperson.
- (g) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).

Comment [AP1]: Effect of bylaw 112

- (h) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the **Secretary** shall write the South Island Local Trust Committee to advise them and the **Deputy Chairperson** shall serve until a Chairperson is elected in accordance with Section 2 (f).

3. Roles

(a) Secretary

- (1) The Local Trust Committee may appoint a Secretary to the Advisory Planning Commission. For certainty a Secretary appointed by the Local Trust Committee is not a member of the APC.
- (2) The Secretary is to:
 - i) assist the Chairperson, as required, in arranging meetings of the APC;
 - ii) ensure that proper notification of meetings is given in compliance with this Bylaw;
 - iii) keep legible minutes of all meetings;
 - iv) provide copies of all minutes and recommendations of the APC to the Local Trust Committee and the Secretary of the Islands Trust; and
 - v) maintain an annual record book of approved minutes to be available to the public upon request.
- (3) If a Secretary is not appointed by the Local Trust Committee then the APC may elect a member to act as a Secretary. For certainty the Secretary elected by the APC is member of the APC and will serve without remuneration.

(b) Chairperson

- (1) The Chairperson is to:
 - i) receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
 - ii) ensure proper conduct of all meetings in accordance with the requirements of this Bylaw, the principles of procedural fairness, and in accordance with the requirements of the *Islands Trust Act*, the *Local Government Act*, the Community Charter or regulations under those Statutes;
 - iii) sign the minutes certifying that they are true and correct after they have been approved by the APC;
 - iv) in the absence of a Secretary, appoint a member of the APC to record the minutes of the meeting; and
 - v) in the absence of a Secretary, to act in the capacity of a Secretary for purposes established in this Bylaw, unless another member of the APC is appointed by the Chair to undertake such responsibilities.

4. Referrals to the Commission

- (a) The Local Trust Committee may by resolution, refer any matter respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*.
- (b) The APC must meet, when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- (c) At its first meeting, the APC shall select a regular monthly meeting day to consider referrals.
- (d) In the event that no referral is received by the Secretary at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.
- (e) A meeting of the APC on any particular referral must be held not more than 40 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- (f) The Local Trust Committee may refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by the Advisory Planning Commission for additional recommendations if it feels changes to the application warrant the review. In these cases the APC may be asked to respond in a briefer than normal time period.
- (g) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members of the APC to deal with any matter for which a quick response is requested.
- (h) Although the recommendations of the APC must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- (a) An employee of the Islands Trust shall mail or otherwise deliver documentation associated with any referral from the Local Trust Committee to all members and the Secretary of the APC.
- (b) The Secretary must send a notice of meeting upon receipt of a referral to be discussed to each APC member at least 5 calendar days prior to the regularly scheduled meeting.
- (c) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member of the APC.
- (d) The Secretary must ensure an applicant is notified of the date, time and place of the APC meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- (e) The Secretary must ensure the Local Trustees and the employee as referred to in Section 5.(a) are notified of each APC meeting at least five calendar days prior to the day of the meeting.
- (f) Where a matter upon which a recommendation has been made is referred back to the APC for further comment within a limited time period, the Secretary must notify the Local Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least two days prior to the meeting unless the applicant agrees to a lesser notice.

6. Conduct of Meeting

- (a) All deliberations of the APC must take place in a meeting, and all APC meetings must be open to the public with the exception that the meeting may be closed if it relates to a matter specified in S.90(1) of the Community Charter.
- (b) A quorum of the APC is 50% of those appointed.
- (c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- (d) An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by APC members.
- (e) If the applicant or his or her agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in his or her absence.
- (f) At the request of any member of the APC, the Chairperson must invite any elected official, staff or resource person present or member of the public at the meeting to comment on the matters before the APC. Any Local Trustee, officer or employee of the Islands Trust may attend at a meeting of the APC in a resource capacity.
- (g) The APC must not receive development proposals and other applications directly from applicants.
- (h) The APC must not consult directly with other government agencies.
- (i) ~~(f)~~ If the Chairperson considers that another person at the meeting is acting improperly, the Chairperson may order that the person is expelled from the meeting.
- (j) If an APC member has a direct or indirect pecuniary interest, or another interest that constitutes a conflict of interest with regard to a matter referred by the LTC, the member shall declare this and remove themselves from the discussion and not attempt to influence the discussion related to the matter before, during or after the meeting.

7. Notice of Recommendation

- (a) If a Local Trustee did not attend an APC meeting, the Local Trustee may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting of the APC are recorded and approved by the APC at its subsequent meeting.
- (c) The Secretary must ensure a completed referral form recording the response of the APC and a copy of the draft minutes are submitted to the Local Trust Committee and Islands Trust office within seven calendar days of the meeting.
- (d) A recommendation of the APC may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that, where requested by any member, all dissenting opinions are also recorded.

8. Transition

- (a) South Pender Island Local Trust Committee Bylaw No. 79 cited as the "South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 1996" is repealed.

9. This Bylaw may be cited as the "South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005".

READ A FIRST TIME THIS 23rd DAY OF June , 2005

READ A SECOND TIME THIS 23rd DAY OF June , 2005

READ A THIRD TIME THIS 23rd DAY OF June , 2005

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
28th DAY OF June , 2005

ADOPTED THIS 29th DAY OF August , 2005

DEPUTY SECRETARY

CHAIRPERSON



South Pender Island Advisory Planning Commission

Terms of Reference

South Pender Island Local Trust Committee Bylaw No. 98 authorizes the establishment of an Advisory Planning Commission (APC), as well as a special project Advisory Planning Commission, to advise on matters of land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by, and at the discretion of, the South Pender Island Local Trust Committee (LTC).

This Terms of Reference guides the mandate, roles and responsibilities, conduct, and membership of the Advisory Planning Commissions and their members. The operations of the Advisory Planning Commissions are guided by the South Pender Island Local Trust Committee Bylaw No. 98. Both documents should be referred to for guidance.

1. Mandate

- a. The APC shall provide recommendations to the South Pender Island Local Trust Committee on matters referred to it concerning land use, community planning or proposed bylaws and permits.
- b. **APC** meetings are to follow the *Community Charter's* requirements for open meetings, public access to records, and the posting of notices for public meetings. In addition to the South Pender Island Local Trust Committee Bylaw No. 98, meeting procedures and the conduct of meetings shall be guided by the adopted policies of the Islands Trust Council and the South Pender island Local Trust Committee.
- c. **Ensure** the applicant of any application based referral is provided opportunity to attend meetings and provide input to the APC.

Comment [AP1]: This is essentially noted in the APC bylaw as well 3b1i) and 6a) but posting of notices is not explicit

Comment [AP2]: Referred to in 5d) and 6d) of the bylaw

2. Roles and Responsibilities

The South Pender Island Local Trust Committee shall:

- a. **Strive** to appoint APC members of various local areas on South Pender and/or representative of various community organizations.
- b. Upon request of the APC, function in a resource capacity for the APC without interfering or unduly influencing any recommendations of the APC.
- c. **Strive** to appoint no less than five APC members.

Comment [AP3]: Although this is in other drafts it may not be suitable for SPI as drafted but you may want to consider a similar statement

Comment [AP4]: Option to consider instead of using 'a minimum' reference in the bylaw

All APC members shall:

- a. Exercise their judgement based on personal experience and knowledge of the subject matter as objectively applied to a specific application or issue. Conversely, responsibility to provide opportunities for public consultation and the gauging of community opinion is more appropriately considered one of the roles of the LTC.
- b. Be guided by the general policy intent as set out in the South Pender Island Official Community Plan and Land Use Bylaw.
- c. Ensure all deliberations of the APC take place at a meeting of the APC and such meetings must be open to the public with appropriate notice of meeting time and location.

- d. Establish a schedule of regular meetings on an annual basis.
- e. Recognize that appointment to the APC does not authorize members to trespass; however if a site visit is warranted to provide a better understanding of the proposal Islands Trust staff shall be contacted in order to obtain the owner's consent and to arrange a site visit. A minute taker is not required but all deliberations must take place during the scheduled, public meeting. Preferably, site visits should take place on the same day that a committee is meeting.

Comment [AP5]: Could delete, is in 4c) of the bylaw

Islands Trust staff shall:

- a. Advise the APC Chair of a referral from the Local Trust Committee as soon as possible, and strive to have the referral package prepared and distributed within one week of the LTC decision to refer a matter to the APC, excepting requests for supplemental information which may require additional time to prepare.
- b. Provide APC members with a reference manual upon appointment to the APC.
- c. Provide opportunities for training sessions regarding meeting procedures and other matters that will be of benefit to the APC process.
- d. Attend APC meetings upon request if possible.
- e. Provide opportunity to review the referral information in detail with the Chair before the meeting.
- f. As necessary, request additional information from other governmental agencies or individuals that would be helpful to the APC.

3. Conduct

- a. APC members shall listen to and acknowledge the views of others, including those expressed by an applicant, and promote a meeting environment where all opinions are respected and all members are comfortable expressing their views.
- b. If an APC member believes they may have a direct or indirect conflict of interest, the member must declare this, state in general terms why this is believed to be the case, and physically remove themselves from the meeting. APC members are encouraged to discuss and receive advice from Islands Trust staff if they believe they may have a potential conflict of interest.
- c. APC members who declare a conflict of interest remain entitled to advocate their position as a member of the general public, however they shall clearly indicate they are speaking as an individual in those circumstances.
- d. The APC may only request information from other agencies or individuals through the Islands Trust staff.

Comment [AP6]: It may be preferable to also address this in the APC bylaw for clarity

Comment [AP7]: This is also in the bylaw 6h) so may not be required

4. Membership

- a. APC members who are absent from three or more consecutive regular meetings may be requested by the Local Trust Committee to resign membership.
- b. Upon expiry of an APC member's appointment, APC members can apply to be reappointed by the Local Trust Committee.

Comment [AP8]: The LTC may want to consider terms addressing possible staggering of appointments as previously discussed when appointments were made for 1 year to be off-set from the Trustee term



Memorandum

Date June 3, 2013 File Number n/a

To South Pender Island Local Trust Committee
For the meeting of June 18, 2013

From Andrea Pickard, Planner

Re Options for marine based geothermal systems

At the April meeting of the South Pender Island Local Trust Committee (LTC) the LTC considered draft Bylaw No. 111 and deleted proposed amendments that would permit 'marine geothermal loops' as a permitted land use in the water zones. The LTC requested staff to report back with alternative regulatory options to address marine geothermal loops. The LTC also requested that related topics of shoreline mapping, eel grass mapping, forage fish mapping, global warming, sea level rise and eroding shorelines be considered.

The LTC was also forwarded a staff report at the April meeting from the Local Planning Committee summarizing the status of marine based geothermal systems in the Islands Trust area; this memo will serve as an addendum to the previous report and focus on the regulatory options that the LTC could consider.

The LTC is reminded the discussion below only pertains to marine based system intended to be accessory to upland residential properties. There are two main questions to consider: whether to permit the use or not and what is the level of control the LTC would like to have with regard to the development?

Current Scenario:

Under the current regulations marine based geothermal systems are not a specified permitted use in any of the water zones; therefore, a property owner would need to apply for a bylaw amendment (rezoning) to allow the use in the marine zone. The current marine zones are shown in the Table 1 below. Through a rezoning process the LTC could require a wide range of supplemental reports and also specify any number of conditions before the rezoning would be approved. Often a registered covenant may also be required to ensure long term conditions for the development would remain in effect.

Table 2 below summarizes the range of options from the regulatory most permissive to least permissive.

The least permissive is the rezoning process which would obviously be an additional cost to the property owner in both financial and time with no assurance the outcome would be successful. The requirement to rezone is a risk that the owner would need to be willing to undertake at a level much higher than a variance or temporary use permit would involve; therefore it would be considered a significant barrier for owners interested in pursuing this alternative energy option. That is not intended to mean requiring a rezoning is not the most suitable option since it may also encourage owners to explore other options that would be permitted, such as a land based system within their property boundaries.

If the use is permitted within a zone then options to regulate the development include:

- How a use is defined within the Land Use Bylaw, which cannot be amended by variance so in order to be compliant with the bylaw the use would also have to fit within the definition,
- General criteria within the bylaw that would apply to the specific land use such as is used for home occupation,
- Identify marine geothermal loops as a permitted use but also designate the marine waters and upland areas as a development permit area with applicable guidelines, this would mean any proposed system would need to demonstrate to the LTC that it complies with the guidelines. If the proposed system complies with the development permit guidelines then the LTC would have to issue the required permit.

Table 1: Current Marine Zones

Marine Zone	Permitted Uses	Comment
Marine General W1	Anchorage and moorage of private vessels by the owner of the upland lot. Floats, docks, wharves, ramps, walkways accessory to the upland lot.	Generally adjacent to land along Canal Road, the Ainslie Pt area, and Richardson Bluff
Marine Protection W2	Anchorage and moorage of private vessels by the owner of the upland lot. Anchorage apparatus, buoys and stairs adjacent to public accesses or temporary floats.	Generally adjacent to land along Boundary Pass Rd, the eastern end of the Island, and Gowlland Pt Rd.
Marina W3	Marinas; Boat rentals; Marine fuelling stations; Facilities for temporary mooring; Buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, boat launching ramps, dolphins and pilings and buildings necessary for the operation of the permitted uses.	Poets Cove Resort area
Marine Transportation Service W4	Government Wharf; Customs building; Signs, boat launching ramps, buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, dolphins and pilings and buildings necessary for the operation of the permitted uses.	Poets Cove Resort area
National Park Marine W5	Marine navigation aids; Natural resource management and protection; docks, wharfage, and moorage accessory to the upland park lands.	Adjacent to the National Park between Poets Cove and Ainslie Point and around Blunden Islet

Table 2: Regulatory Options

Use	Regulatory Options	Comment	Level of Control/ Process
Permitted use	Definition	Current example would be how cottages are limited in floor area by how they are defined	Most permissive, no process required
Permitted use	General criteria within the LUB	Current example would be how home occupations are further regulated in the LUB	Process only required if variance to a regulation was required, in which case notification would be required ie: if the regulations specified all upland lines needed to be underground but that was not feasible in a particular location
Permitted use in location subject to development permit area	DPA guidelines	In order to obtain a development permit owners need to demonstrate the proposal complies with the guidelines. For example, guidelines could include confirming no sensitive habitat, suitable upland locations (steep slope, eroding site, minimal vegetation disturbance etc), freshwater systems preferred, compliance with DFO Operational Guidelines, no archaeological sites etc.	Process required by permit would be issued if compliance with guidelines demonstrated, less risk to owners. Level of control based on adopted guidelines and broadly applicable No notification to neighbours required
Not permitted use	Zoning amendment required	The LTC could also consider adopting policies within the OCP outlining the conditions required to obtain support of the LTC. May provide some assurance to owners to initiate the process, but final outcome still uncertain.	Most onerous process, highest risk for owners, no assurance of approval Highest level of control with site specific applicability Notification to neighbours and public hearing required
Not permitted use	Temporary use permit with range of possible conditions	Due to the cost of investment a TUP is not suitable to this type of development and a relatively limited time period has limited ability to reach the payback period or return on investment	Less onerous than rezoning but high risk if a TUP is not renewed and investment is not feasible Notification to neighbours required
Not permitted use	If the LTC wanted to discourage consideration of these systems in any location	OCP policies could be considered that an LTC would not support the use of marine waters for these structures	Any proposed system would then need to amend both the Land Use Bylaw and the OCP in order to be permitted

Habitat

Marine ecosystems are complex, dynamic, and highly seasonal. Fisheries and Oceans Canada (DFO) has existing operational statements for a number of routine activities topics such as 'culvert maintenance', however they do not capture marine geothermal loops. Since such a project does not have an existing operational statement, then an Aquatic Effects Assessment would be required by DFO. Furthermore, if the project cannot be designed to mitigate impacts then a more detailed project review may be required by DFO and an authorization permit may be necessary.

With recent eel grass and forage fish mapping the LTC could use areas of known sensitive habitat as locations where marine systems would not be permitted outright or that professional reports would have to comment on potential impacts and recommend mitigation measures. However, it would not be anticipated that Islands Trust mapping would be comprehensive enough to identify areas as 'suitable', therefore requiring a report on a proposed system from a qualified professional would be the most effective method to obtain a detailed site assessment of potential habitat impacts.

Habitat mapping that the Islands Trust has identified would be helpful indicators for property owners or hired consultants and may be useful as part of a high level review. For example, if there is a significant amount of identified sensitive habitat in the surrounding area then an owner may anticipate additional design elements would be required in order to mitigate alterations to fish habitat. A system designer would be alerted to the presence of the sensitive habitat early in the process and a biologist assessing the proposal could include the data as part of their site assessment.

Climate Change

With predicted sea level rise any marine geothermal systems could become increasingly submerged and since the systems are designed to be resting on the seabed there should be minimal impact in the subtidal area. In the existing intertidal areas the geothermal lines need to be protected by physical damage and freezing of the heat transfer fluid. Depending upon the physical characteristics of the site there may be alterations near the interface between the high water mark and upland areas with climate change but each site would be unique. If the LTC used a development permit approach then a guideline requiring the system design account for site alterations due to sea level rise could be included.

Conversely one may argue that these non-fossil fuel based energy sources mitigate against global warming and are more resilient to concerns of peak oil and are less demanding on the existing power grid.

Physical Shoreline

The physical characteristics of the site including the shoreline substrate, energy exposure, rate of erosion, steep upland areas, and the existing upland vegetation should all be considered at the design stage. Recent shoreline mapping of South Pender indicates the following:

- Low rock/boulder – 59% - 13 km
- Sea cliff – 18% - 4 km
- Pebble/sand – 17% - 4 km
- Marsh/fine sediment – 1.7% - 0.4 km
- Bluff - 0%

Low rock/boulder and sea cliffs are the categorized as hard, rocky shoreline types indicating they should be more resistant to erosion than the soft shore types. Soft shorelines may be more erosion prone and their sediment source may be vital to the local transport and accretion process. Any development along the

shoreline should be sensitively designed and be adequately robust so the system is technically sound, while at the same time does not interfere with the coastal process.

The south-east end of South Pender Island (roughly from Teece Pt, to Tilley Pt) is identified as having medium energy exposure with the rest of the island being low exposure. Energy exposure is largely based on the wave energy resulting from the wind exposure and length of fetch.

The local upland characteristics would also affect the design and the system utility lines would need to be buried or otherwise protected from damage. While burying lines should be the least obtrusive visually, the location should be selected to minimize disturbance to the upland vegetation. In a development permit area the guidelines could require the location be selected to avoid tree removal, disruption of sensitive upland habitat or ecosystems, and not in areas with steep slopes could be considered.

pc Robert Kojima, Regional Planning Manager

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: February 14, 2012

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

11.1.1



Islands Trust

Top Priorities

South Pender Island

No.	Description	Activity	Received / Initiated	Responsibility	Target Date	Status
1	LUB Review and Update	1. Determine Scope of Review 2. Determine Timeline 3. Determine Methodology 4. Technical Update 5. Initiate Background Work on selected topics 6. Undertake Community Consultation/Communications 7. Legislative Process	Oct-04-2011	Andrea Pickard		On Going
2	Shoreline Protection	1. develop new MapIT shoreline application for South Pender 2. develop web-based, interactive resource including interactive mapping and educational information	Oct-04-2011	Andrea Pickard		On Going
3	Marine Geothermal loops	consider alternative options to permit/ regulate ocean loops	Apr-16-2013			On Going
4	APC Bylaw	consider amending the APC bylaw and consider adopting related terms of reference	Apr-16-2013			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



Applications w/ Status - South Pender Island

Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SP-DVP-2013.1	Pullen c/o David Scott Planner: Andrea Pickard	May-01-2013	8912 GOWLLAND POINT RD To revise the location of the accessory building allowed under SP-DVP-2012.3

Planning Status

Status Date: Jun-03-2013

notice sent, report on June agenda

Status Date: May-02-2013

Sent letter of acknowledgement of receipt of fees and application to applicant. Copied to trustees and forwarded file to planner.

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2011.2	Airey Group Planner: Andrea Pickard	Oct-26-2011	To create 4 new lots + remainder.

Planning Status

Status Date: Jun-06-2012

on June agenda for further discussion re: parkland and APC comments

Status Date: Apr-12-2012

PIPRC response considered at Apr LTC, referred to APC to discuss with stakeholders invited to participate

Status Date: Feb-09-2012

park proposal outline received and forwarded to PIPRC for comment

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2013.1	Everest Lapp	Apr-23-2013	9807 SPALDING RD & 9805 SPALDING RD Boundary Adjustment

Planner: Andrea Pickard

Planning Status

Status Date: Jun-04-2013

PLA issued

Status Date: May-08-2013

response sent to MOTI

Status Date: May-06-2013

Received fees and application. Signature missed on application. Sent email to Applicant to send a note with signature confirming her signature on cheque as being the owner.

Kathy Jones

From: Nicole Ranger
Sent: May-06-13 9:30 AM
To: Andrea Pickard; Ken Hancock; Liz Montague; Mike Jones; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Nancy Roggers
Subject: South Pender Final Expenses to March 31/13

Islands Trust

LTC EXP SUMMARY REPORT F2012

Invoices posted to March 31, 2013 (Final for Fiscal Year End)

665 South Pender	Invoices posted to March 31, 2013	Budget	Spent	Balance
65000 665	LTC "Trustee Expenses"	1,100.00	784.00	316.00
65200 665	LTC Local Exp LTC Meeting Expenses	1,700.00	1,795.48	(95.48)
65210 665	LTC Local Exp APC Meeting Expenses	300.00	962.44	(662.44)
65220 665	LTC Local Exp Communications	500.00	300.90	199.10
65230 665	LTC Local Exp Special Projects	200.00	200.00	-
65240 665	LTC Local Exp Miscellaneous	300.00	-	300.00
TOTAL LTC Local Expense		3,000.00	3,258.82	(258.82)
73001 665 4005	South Pender Shoreline Protection	6,000.00	5,447.57	552.43
TOTAL Project Expense		6,000.00	5,447.57	552.43

Nicole Ranger

Finance Clerk
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8
 Phone: (250) 405-5152
 Fax: (250) 405-5155

Preserving *Island* communities, culture and environment



Please consider the environment before printing this email