South Pender Island Local Trust Committee
Regular Meeting Agenda

Date: June 24, 2014
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.	**Town Hall**	10:05 AM - 10:15 AM	
4.	**Community Information Meeting**		
	none		
5.	**Public Hearing**		
	none		
6.	**Previous Meetings**	10:15 AM - 10:20 AM	
6.1	**Adopted Local Trust Committee Minutes - for information**		
6.1.1	**Adopted South Pender Island Local Trust Committee Meeting Minutes of April 8, 2014 (attached)**		4 - 11
	For information		
6.2	**Public Hearing Records and Community Information Meeting Notes Received**		
	none		
6.3	**Section 26 Resolutions-without-meeting (attached)**		12 - 12
	RWM Report dated June 2014		

6.4 Advisory Planning Commission Minutes

none

7. Business Arising from the Minutes — 10:20 AM - 10:30 AM

7.1 Follow-up Action Report (attached) — 13 - 13

FUAL Report dated June 2014

8. Delegations

none

9. Correspondence

[correspondence received concerning applications and/or projects is considered with the application/project]

none

10. Applications, Permits, Bylaws and Referrals

none

11. Local Trust Committee Projects — 10:30 AM - 11:30 AM

11.1 LUB Review - Project Charter and Focus Group Reports - Memo (attached) — 14 - 17

11.1.1 Focus Group 1 - Report (attached) — 18 - 59

11.1.2 Focus Group 2 - Report (attached) — 60 - 63

12. Reports — 11:30 AM - 12:00 PM

12.1 Work Program Reports

12.1.1 Adopted Policies and Standing Resolutions and Objectives (attached) — 64 - 64

12.1.2 South Pender Island Local Trust Committee Work Program (attached) — 65 - 66

Work Program Report dated June 2014

12.1.3 Federal Marihuana for Medical Purposes Regulation - Staff Report (attached) — 67 - 74

12.2 Applications Report

12.2.1 South Pender Island Local Trust Committee Application Report (attached) — 75 - 75

Applications Report dated June 2014

12.3 Expense/Budget Reports

12.3.1 Trustee and Local Expenses (attached) 76 - 76

LTC Expense Report dated May 2014

12.4 Bylaw Enforcement Reports

none

12.5 South Pender LTC Web Page

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

www.islandstrust.bc.ca/islands/local-trust-areas/south-pender

12.6 Chair's Report

12.7 Trustee Report

13. Other Business 12:00 PM - 12:15 PM

13.1 Upcoming Meetings

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

13.2 SGIEDC Food and Agriculture Strategy Briefing - Jeff Weightman, CRD Project Manager (attached) 77 - 77

14. Town Hall Meeting 12:15 PM - 1:00 PM

15. Adjournment 1:00 PM - 1:00 PM

ADOPTED

**MINUTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON TUESDAY, APRIL 8, 2014, AT 10:00 AM
AT THE SOUTH PENDER FIRE HALL,
SOUTH PENDER ISLAND, B.C.**

PRESENT:	Ken Hancock	Chair
	Mike Jones	Local Trustee
	Elizabeth Montague	Local Trustee
	Robert Kojima	Regional Planning Manager
	Shannon McConchie	Recording Secretary

REGRETS: None

There were thirteen (13) members of the public present.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 10:00 a.m. Introductions were made and Chair Hancock acknowledged that the meeting was being held on the traditional territory of the Coastal Salish Nation.

2. APPROVAL OF THE AGENDA

2.1 Additions/Deletions

Chair Hancock asked for any additions or changes to the agenda; no amendments were made.

The agenda was Approved by consent.

2.2 Questions from public on Agenda Items

None

3. TOWN HALL

Chair Hancock invited the public to make comment.

John Chapman, a member of the public, discussed the Transportation Survey, which addresses inter-island transportation. He noted that the survey could be found in the most recent copy of the Island Tides and brought several copies with him to the meeting.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1 Adopted Local Trust Committee Minutes – for information

6.1.1 South Pender Island Local Trust Committee Meeting Minutes of February 11, 2014

For information

6.2 Public Hearing Records and Community Information Meeting Notes Received – for information.

None

6.3 Section 26 Resolutions without Meeting (RWM)

The RWM Report dated April 1, 2014, was provided for information.

6.4 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action Report

Regional Planning Manager (RPM) Kojima provided information from the Follow-Up Action Report dated April 1, 2014. He noted that the status of all items was provided in the report.

Trustee Montague stated that she would provide further information regarding the canal boat speed issue in her Work Program Report, item 12.1.2.

8. DELEGATIONS

None

9. CORRESPONDENCE

None

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 North Pender Island Local Trust Committee Bylaw 194 Referral

SP-2014-007
It was MOVED and SECONDED, that the South Pender Island Local Trust Committee responds to the North Pender Island Local Trust Committee Bylaw 194 referral with "Interests Unaffected."

<u>CARRIED</u>

10.2 Saturna Island Local Trust Committee Bylaws No. 112, 113, 114 & 115 Referral

SP-2014-008
It was MOVED and SECONDED, that the South Pender Local Trust Committee responds to the Saturna Island Local Trust Committee regarding Bylaw referrals No. 112, 113, 114, and 115, with “Interests Unaffected.”

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw (LUB) Review – Draft Terms of Reference

Regional Planning Manager (RPM) Kojima informed the public that the committee had received applications for focus group chairs and that these applications would be considered during the in-camera section and reported after. RPM Kojima further suggested that the committee consider setting dates, reviewing the draft Terms of Reference, and possibly giving direction on a draft Project Charter. He explained each of these steps and emphasized that all of these documents could be changed to suit the evolving needs of the project. He continued, describing the structure of the focus groups, noting that there would be three groups, each with its own chair, and each focusing on a different section of the Land Use Bylaw, as follows:

- Focus Group One: LUB Sections 1, 2, 8
- Focus Group Two: LUB Sections 4 and 5
- Focus Group Three: LUB Sections 3, 6, 7.

A discussion followed in which Trustee Montague, Trustee Jones, and RPM Kojima provided the following information in response to public questions:

- Focus groups will have access to the South Pender Island Fire Hall, but are also able to meet at a private residence as long as it remains open to the public.
- Focus group Chairs will have a deadline of April 19, 2014, by which to submit the dates and times of their planned meetings. This deadline was set in consideration of the submission deadline for the Pender Post.
- Focus group chairs will have a deadline of June 17, 2014, by which to submit their preliminary reports. This deadline was set to correspond with the June 24, 2014 Local Trust Committee Business Meeting.
- Trustee Montague emphasized that she would be at as many meetings as possible and would be available as a resource to the Chairs of the focus group.

There was further discussion regarding concerns that the process remain holistic, that the chairs of each focus group be encouraged to communicate, that the community's desire to proceed slowly remain respected, and that the focus group chairs be provided with training.

Chair Hancock explained the role of a Project Charter. RPM Kojima added that he would prepare a draft Project Charter for the June 24, 2014, Local Trust Committee Business Meeting based on the comments of the trustees made at this meeting.

SP-2014-009
It was MOVED and SECONDED, that the South Pender Island Local Trust Committee endorse the draft Terms of Reference for Focus Group Chairs and request that staff distribute the Terms of Reference to the Chairs following their appointment.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Adopted Policies and Standing Resolutions and Objectives

None

12.1.2 South Pender Island Local Trust Committee Work Program

Trustee Montague presented the signs that were created to address the canal erosion and boat speed issue. She announced that on April 19, 2014, Corporal Pick (RCMP) would be involved in a media event to demonstrate that canal speeds will be enforced.

Jane Perch, a member of the community, commented that posting signs on the bridge framework alone would not provide boaters with enough advanced warning to reduce their speed prior to entering the canal and that it is the wake, not the speed, which causes erosion. She also noted that in the past, property owners had agreed to have the signs displayed from their property.

Trustee Montague acknowledged the comment and added that buoys were also considered, but that cost was an issue.

Bruce McConchie, a member of the community, commented that the RCMP does not have the resources to monitor and enforce boat speeds. He also noted that depending on the conditions, commercial boaters sometimes require a wake in order to maintain control.

12.2 Applications Report

None

12.2.1 South Pender Island Local Trust Committee Application Report

None

12.3 Expense/Budget Reports

12.3.1 Trustee and Local Expenses

Expense/Budget Reports dated March 2014 provided for information.

It was noted that a new fiscal year is now beginning.

12.4 Bylaw Enforcement Reports

None

12.5 South Pender Island LTC Web Page

Trustee Jones announced that the Web Advisory Group meeting will be held in May 2014, and that he will bring any of the public's comments or questions to that meeting.

A member of the public asked whether an archive of minutes and agendas would be available.

RPM Kojima answered that they would, dating back to 2011.

Trustee Montague added that Advisory Planning Commission (APC) Chair, Buffy Paterson, had requested and received a copy of all minutes and agendas going back to the beginning of this term.

12.6 Chair's Report

Chair Hancock reported that he is preparing to attend the Association of Vancouver Island and Coastal Communities (AVICC) convention. He discussed the role of the association in advocacy issues including the Agricultural Land Reserve Core Services review and the BC Ferry service cuts. Chair Hancock stated that he would provide a report from the convention at the next Local Trust Committee Business Meeting.

12.7 Trustee Report

Trustee Montague provided a reminder that the Stewardship Awards deadline for recommendations is April 16, 2014. She commented that while Trustees are not able to make recommendations, Brooks Point is first in her mind. Trustee Montague reiterated that she is committed to acting as a resource for the Land Use Bylaw (LUB) focus groups.

Trustee Jones provided a reminder that April 19, 2014, is Community Stewardship Day for both North and South Pender Islands.

Chair Hancock added a description of the planned events and emphasized the importance of ecological protection.

Trustee Jones reiterated that the Web Advisory Group meeting will be held in six (6) weeks and that he would take any comments to the group at that time, including concern over maintaining an accessible archive.

13. OTHER BUSINESS

13.1 Upcoming Meetings

The next meeting of the South Pender Island Local Trust Committee will be held on Tuesday, June 24, 2014, at 10:00 am at the South Pender Fire Hall.

13.2 Groundwater Toolkit & Memo

Trustee Jones discussed the Groundwater Toolkit and encouraged the public to read the document.

Chair Hancock thanked Trustee Jones for his work on this toolkit.

13.3 2013-1014 Annual Report Submission

Trustee Montague and Regional Planning Manager (RPM) Kojima noted two (2) typographical errors in the document, as follows:

- page three (3), paragraph one (1): “hearings” should be “hearing”
- page three (3), paragraph two (2): in “support for of”, “of” will be removed.

SP-2014-010
It was MOVED and SECONDED, that the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2013-2014 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport, and Cultural Development.

CARRIED

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Bruce McConchie expressed the following concern with the LUB focus groups:

- The Terms of Reference and deadlines were not provided prior to a call for Chair applications.
- The areas of reference are very defined, which may be in contradiction to the community's desire for a holistic approach.
- Three (3) focus groups may become disjointed and it may be unrealistic to expect Chairs to attend all meetings of other focus groups as well.

Bruce McConchie continued, stating that he had recommended the project be sent to the Advisory Planning Commission (APC) and that the recommendation had not been accepted. He further recommended that the focus groups not be held to a strict time line, cautioning that this may produce a rushed job.

Trustee Montague thanked Bruce McConchie for his comments and acknowledged that the process would evolve and may get messy.

Paul Petrie stated that while he appreciates the cautions, as someone who put himself forward as a Chair applicant, he is comfortable with the Terms of Reference. He suggested that the APC receive an overview at the end of the process.

Trustee Montague acknowledged that the APC bring history and local knowledge. She further stated that involving the APC at some point in the process would be beneficial.

Tracey Calvert expressed concern that three (3) separate groups seemed at odds with the holistic approach and asked whether there would be a structure to guide them in integration.

Trustee Montague stated that meeting minutes and community letters of input would be available to all three (3) Chairs.

Trustee Jones added that the Chairs would be able to meet if they so choose.

There was discussion of process of assigning Chairs to committees.

The public was informed by the Trustees that there had been three applicants, that the applications would be considered during the In Camera meeting, and that the Chairs would be announced following the In Camera meeting, on the website, and in the Pender Post.

15. IN-CAMERA MEETING

SP-2014-011
At 11:19 a.m., it was **MOVED and SECONDED** that, pursuant to Section 90(a) & (f) of the Community Charter, the South Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of consideration to Adopt South Pender Island Local Trust Committee In-Camera meeting minutes of June 18, 2013; appointing Chair(s) for the LUB Review Focus Groups and appointing a Secretary to the South Pender Island Advisory Planning Commission; and further that staff and the Recording Secretary, Shannon McConchie, remain present.

CARRIED

Note: See separate In Camera Meeting minutes dated April 8, 2014.

16. RECALL TO ORDER

SP-2014-012
It was Moved and Seconded that the South Pender Island Local Trust Committee re-open the meeting to the public at 11:50 am.

CARRIED

Chair Hancock reported the appointment of Shannon McConchie as Advisory Planning Commission Secretary and the appointment of Focus Group Chairs for the Land Use Bylaw Review as follows:

- Gordie Duncan for Sections 1, 2, 8
- Paul Petrie for Sections 4, 5
- Ron Henshaw for Sections 3, 6, 7

17. ADJOURNMENT

SP-2014-013
It was MOVED and SECONDED, that the South Pender Island Local Trust Committee meeting be adjourned at approximately 11:53 a.m.

CARRIED

______________________________ ______________________________

RECORDER **CHAIR**

Islands Trust

RWM From: April 08, 2014 To: June 16, 2014

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2014-05	In Favour	THAT the South Pender Island Local Trust Committee meeting minutes of April 8, 2014 be adopted.	Apr 29, 2014

Print Date: Jun-16-2014

Islands Trust

Follow Up Action Report w/ Target Date

South Pender Island
Apr-08-2014

No.	Activity	Responsibility	Target Date	Status
1	NPILTC Bylaw No. 194 referral - interests unaffected	Sharon Lloyd-deRosario	Apr-11-2014	Done
2	SAILTC bylaws No.s 112, 113, 114, 115 - interests unaffected	Sharon Lloyd-deRosario	Apr-11-2014	Done
3	11.1 LUB review terms of reference - endorsed as amended	Robert Kojima	Apr-11-2014	Done
4	Focus Group appointments - Gordie Duncan - sections 1,2 and 8 Paul petrie - sections 4 and 5 (Zoning) Ron Henshaw - sections 3, 6, 7	Robert Kojima	Apr-18-2014	Done
5	13.3 annual report - approved with corrections	Robert Kojima	Apr-09-2014	Done
6	in-camera minutes of June 18, 2013 adopted as presented	Lori Foster	Apr-11-2014	Done
7	that Shannon MCConchie is appointed as secretary to the SP APC	Lori Foster	Apr-11-2014	Done
8	staff to prepare draft project charter	Robert Kojima	May-30-2014	Done

Memorandum

Date	June 3, 2014	File Number	SP-6500-02 Land Use Bylaw Review 2012
To	South Pender Island Local Trust Committee		
From	Robert Kojima Regional Planning Manager		
Re	Land Use Bylaw Review – Draft Project Charter		

At the April meeting, the LTC adopted a Resolution endorsing Terms of Reference for Focus Group chairs. Trustees also requested staff to prepare a draft Project Charter for the next LTC meeting and gave some general direction on the content of the Charter. The LTC, through the Terms of Reference, also requested that the Focus Group Chairs provide preliminary reports by June 17th. The purpose of this memo is to provide a draft Project Charter to the LTC for consideration and request further direction.

A Project Charter is a project management tool which incorporates into a single document the key objectives, scope, timelines, deliverables and responsibilities for a project. It is intended to help keep a project on track in terms of timelines and budget, while also providing for changes to the project scope due to altered circumstances. The content of the project charter addresses the following:

a. Objectives of the project
b. Scope – what is in scope, what is out of scope
c. Deliverables – what are the deliverables at each stage of the project
d. Timelines – a timeline tied to the deliverables
e. Budget – allocation of the available budget

Focus Group chairs were requested to provide reports to the LTC on the findings of their respective focus groups by June 17th. The timeline anticipates that if additional Focus Group meetings or work on the focus group reports are required, final reports could be submitted by August 1st. The LTC should consider providing Focus Group Chairs with any preliminary comments on reports received at the June meeting. The timeline anticipates that the Focus Group final reports be presented at a community information meeting in August. If the LTC agrees, a resolution should be considered requesting the CIM to be scheduled.

Recommended Resolutions:

1. That the South Pender Island Local Trust Committee endorse the draft Project Charter dated June 3, 2014.
2. That the South Pender Island Local Trust Committee request that staff schedule a community information meeting for August 2014 for Focus Group Chairs to present recommendations to the LTC and the community.

Attachments: Draft Project Charter
Focus Group Reports

IslandsTrust

Project Charter

Project Name: South Pender Island Land Use Bylaw Review

Creation Date: June 3, 2014 Last Updated: June3, 2014 Version: 1

Purpose

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

Background

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

Project Objectives

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

Project Scope

In Scope	Out of Scope
▪ Community consultation in the form of focus group meetings, community information meetings, APC comments, written submissions and informal comment ▪ Consideration of amendments to regulations in the Land Use Bylaw ▪ Legislative process to amend the LUB	▪ LUB Amendments that would require amendments to OCP Goals or Objectives, or significant changes to OCP policies

Project Deliverables

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

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
Owners and residents generally	*Individually and /or through Focus Groups*	• Potential impact of regulatory changes on property, development, environment, quality of life,neighbourhood character and amenities
Development community	*Contractors, designers, surveyors, architects, etc*	• Potential impact of regulatory changes on practices
Agencies and NGOs	*Building Inspection, Parks and Recreation Commission, Conservancy, etc.*	• Various – potential impacts of changes on areas of interest or jurisdiction
Businesses	*Poet's Cove, home-based businesses*	• Potential impact of regulatory changes on business
Advisory Planning Commission	*APC*	• To provide advice to the LTC on potential amendments to the Land Use Bylaw

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

Project Team Resources

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

Project Budget

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

Project Timeline

Deliverable / Milestone	Target Completion Date
Focus Group Preliminary Reports delivered	June 16, 2014
LTC receipt of Preliminary Reports, Consideration of Project Charter, preliminary feedback to Focus Group Chairs	June 24, 2014
Focus Group Final Reports (if required)	August 1, 2014
Community Information Meeting to present Focus Group Reports	August 2014
Focus Group Reports Referred to APC for comment	August 2014
LTC meeting - review of final Focus Group Recommendations	September 16, 2014
Local Government Elections	November 15, 2014
Review of Focus Group reports, APC recommendations and staff comments by new LTC. Direction to prepare draft bylaw(s)	February 2015
Review of draft bylaw(s) by LTC	April 2015
Draft bylaw(s) referred to agencies for comment	April 2015
Community Information meeting, on-line comments, mail-out	April - May 2015
First Reading	June 2015
Public Hearing	July 2015
Second, Third Readings, EC Approval	September 2015
Adoption	October 2015

Endorsements

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

South Pender Island Land Use Bylaw Review

Preliminary Report - Focus Group 1

Gordie Duncan - Chair

6/15/2014

This is a preliminary report, as part of a comprehensive review, containing suggestions and comments for changes and updates to the South Pender Island Land Use Bylaw No. 92, 2003. This report covers Parts 1, 2 & 8

Focus Group 1 Overview

June 14, 2014

Focus Group 1 is one of three Focus Groups appointed by the South Pender LTC to "obtain the widest possible community participation, to identify and comment on potential amendments to the Land Use Bylaw and to report to the community and to the Local Trust Committee."

Focus Group 1 was tasked with reviewing three Parts of the LUB - Parts 1, 2 and 8.

A total of eight Community Meetings where scheduled by the three Focus Group Chairs. Notifications were posted in the Pender Post and on the Islands Trust Website. Notices were also made by a Mail Drop and via Email where current Email addresses where know.

Focus Group 1 held two meetings, while a third had to be cancelled as many of the interested parties where unable to attend.

Focus Group Chairs in most cases attended the other Focus Group meetings. This ensured that there was continuity of thought and purpose with respect to the cross referencing and meaning of different Parts, Sections and Subsections.

In addition to comments and thoughts provided by those who attended the Focus Group 1 meetings, I received 6 additional documents with suggestions and comments. Those documents are attached.

Where written documentation was presented for a Section or Subsection, I have copied those comment(s) directly into this report. This was to nullify any chance of miss interpretation on my part. And while I haven't identified the writer in most cases, I have included all written submissions for your reference.

Chair Summary

I wish to begin by thanking those of you who not only attended the Focus Group Meetings but also those who made written submissions!

With respect to Focus Group 1, I must acknowledge Jane Perch and Wendy Scholefield for their tremendous knowledge and input which they provided with respect to the LUB and its technicalities.

I must also thank Trustee Montague for her supporting roll and for attending not only Focus Group 1 meetings but I believe most of all the Focus Group Meetings.

It has become obvious to me that our Land Use Bylaw No. 92, 2003 is in dire need of update, by virtue of the fact that if nothing else it is over 10 years old, and it is my hope that this initiative will not die.

Indeed the Focus Group meetings are only the beginning, by laying the foundation for a "comprehensive" review. While I believe the Focus Groups have identified the many changes that are required in the LUB, there needs to be much more work beyond this "Preliminary Report" by future groups to finalize the “wording” and “intent” of the LUB Sections and Subsections and its support for the Official Community Plan. Whether this is done by extending the Focus Groups mandate or by other appointed groups will be determined by the LTC.

I sincerely hope that the community will continue to show its strong interest and support for the Land Use Bylaw review, as was demonstrated in the January 4, 2014.

Gordie Duncan

Chair – Focus Group 1

Attachments:

13.08.01 – LUB Amendments – Home Occupations – Cameron Thorn

13.08.01 – LUB Amendments – Outbuildings – Cameron Thorn

14.04.30 – LUB Focus Meeting – Cameron Thorn

14.05.11 – LUB Focus Meeting – Cameron Thorn

Comments – Parts 1 & 2 2014.05.11 – Jane Perch

Residence – 2014.05.04 – Dennis Perch

Chair Terms of Reference

May 06, 2014

Focus Group 1 Meeting 1

In Attendance: Jane Perch, Wendy Schofield, John Rumble, John Chapman, Gordie Duncan - Chair, Liz Montague – LTC.

Part 1 - DEFINITIONS Review

Comment:

It is suggested that where a "definition" is used in the LUB Document that it be identified in some way, perhaps in italics or an asterisk, so as to identify to the reader that there is a "definition" for this term.

While we started with the definition of "*accessory*" and its ambiguity, it quickly became clear that there would need to be a complete review of, and likely the redefining of Definitions that are used in conjunction with "*accessory*". The general consensus would be to eliminate "accessory" as a definition by reworking the definitions such as "building" and "structure" as these two definitions are used extensively in all Parts and many Sections.

Definitions in the Sections and Subsections that are used in conjunction with "*accessory*" are indicated below and have been grouped together for ease of reference:

"**accessory"** in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

The points below are those of Jane Perch:

- Very confusing and unclear wording. What is the principal use in zones which allow several uses? The suggestion is that this definition "*accessory*" be deleted.
- The main discussion point here is to determine if there is agreement that "accessory buildings, structures & uses can be constructed before a principal dwelling. See the provisions in Section 3.5
- For zones that allow a cottage, there is provision for that to be constructed prior to a dwelling. (Section 3.5(1).
- Other accessory buildings can be constructed if a building permit has been issued for the single family dwelling. As noted in my comments on Section 5, if we agree to all the uses permitted in each zone, do we really care what order they occur and hence is there a need to have a building permit for a dwelling before other uses can occur?

- By eliminating “accessory” could we define perhaps three structures – “residence”, “cottage” and “out building”

- Need to look at this in context of lot coverage. Should well heads, retaining walls, fences, uncovered patios, heat pumps, propane tanks, oil tanks, be excluded?

"building" means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.

- If a structure such as a “car port” – having a roof but no traditional walls defined as a building or structure?

- Does the “car port” roof count in the square footage for “Lot Coverage”?

Please refer to Cameron Thorn’s letter **13.08.01 LUB Amendments – Out Buildings**

The points below are those of Cameron Thorn:

- The definition of the "building" permitted as a principal use on rural residential property prior to construction of a residential dwelling be defined as an "Outbuilding", consistent with our approved OCP rather than a "Storage Building". An Outbuilding definition will enable a broader range of uses than a "Storage Building" without any change to the physical characteristics of the building.

- Notwithstanding the issue of permitted "uses", "Outbuildings" would be subject to the same height, density and siting provisions as Accessory Buildings. The staff proposal for "Storage Buildings" similarly proposes the same density and siting provisions as Accessory)' Buildings.

- In terms of "uses" an Outbuilding would have the same uses as an Accessory Building, rather than die "storage only" use advanced by staff. Under die existing bylaw, an Accessory Building can be used both for activities and for storage, but not otherwise as a habitable dwelling. (Note: An Accessory Building can be occupied as a temporary dwelling prior to the construction of a single family dwelling subject to a number of conditions)

- **New Definition Add: "Outbuilding"** means a non-habitable building that may be constructed on Rural Residential designated lands as a permitted principal use prior to the construction of a single-family dwelling on the same lot

"cottage" means an accessory single family dwelling with a floor area of 56 m2 (603 ft2) or less.

- A definition for “*cottage*” is contained in the OCP and the LUB documents – while both definitions are the same, is this necessary?

"dwelling, single family" means a building used as a residence for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating; for this purpose it also includes a mobile home.

- Do we need "single family" included as part of the definition?
- Should we consider "in-law suites" as part of the definition
- Should there be some consideration for "assisted living facilities" for care givers, for an aging community?

"greenhouse" means a structure covered with clear or translucent material, and used for the purpose of growing plants, which is of sufficient size for persons to work within the structure.

- Is a greenhouse included in the "Lot Coverage" calculation?

"mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

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

"pump/utility house" means an accessory 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.

- Is *"pump/utility house"* included in lot coverage calculation?

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

- This definition needs to be reworded.
- Please refer to the Dennis Perch letter "**Dennis 2014_05_04"**

"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, concrete and asphalt paving, or similar surfacing of the land.

- This definition is used significantly in all Parts, and needs to be reworked for a better definition of the intent of its meaning

"ecological reserve" means an area of land (or water) established as an ecological reserve under *Ecological Reserves Act*.

- add "**the**" to "*under Ecological Reserves Act*", also remove "**s**" from "*Reserves"*

"farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the *Provincial Agricultural Land Commission Act* or its regulation and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act.*

- remove "*Provincial*" from *"Provincial Agricultural Land Commission"*

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer 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 a ceiling less than 1.5 metres apart.

- Do we wish to revisit the change proposed in the defeated Bylaw 111? "*means the sum of the horizontal areas of all storeys in a building, measured to "outer surface of the exterior walls"* changed to ***"the interior surface of the exterior walls,"***

- Floor area – as per earlier draft, clarify that cistern does not have to be just *for rainwater collection*. Reference should be "**cistern used for the storage of water**"

- It should be noted that Section 3.5.5 also talks about *"cisterns"* for *"accessory buildings or structures"* – we need to make sure that the two sections are consistent in their description.

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

- why do we use the term "highway"? According to Schedule H, there are no highways on South Pender Island. Suggestion – use "**road**" or "**roadway**". This change would have to be in consideration of the terms "roads" used in the OCP 6.1.3.

"home occupation" means a commercial use that is accessory to a permitted residential use on the same lot.

- this could be changed to "**home based business"** for clarity

- Use of the term "*accessory*"?

- This definition requires review with respect to the "full time resident" qualification

- It also needs to accommodate Section 3.6

- Please refer to the Cameron Thorn's letter "**13.08.1 – LUB Amendments – Home Occupation"**

"hotel definitions"

- It was felt that there should be no changes or deletions of any of the current group of "*hotel"* definitions and that the review of the definitions should be done in conjunction with what is contained in the DPA

"landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

- What does this definition define or cover that is not defined in Section 3.9?

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Condominium Act*.

- Lot – correct name of act. Condominium Act is now the Strata Property Act.
- Suggest simpler wording: **means a parcel of land registered in the Land Title Office and includes a strata lot**
- *"subdivided whether under"* if not rewritten – remove **whether**

"lot coverage" lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof.

- Lot coverage – Should coverage be based on enclosed buildings and structures?
- Include Carports, covered patios? Exclude steps, eaves, open courtyards, pergolas, patios, driveways, parking, retaining walls, and fences?
- Should the measurement be to the drip line? Need to consider this in context of what is included in the definition of "structure" as there are many structures that would not really be pertinent to calculating the lot coverage.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, and

- *"of survey registered with the BC Land Titles Office*" **change ...registered with the Land Title Office....**

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

- What is the intent?

- Do we need this definition?

"utilities" means broadcast transmission, electrical, telephone, sewer or water services and facilities established or licensed by a government or government agency (excluding private radio or television towers) and includes navigation aids.

- This is referenced in Section 3.1(1).
- Needs work. What is broadcast transmission? Perhaps change to "public utilities"
- With the ever expanding Wireless Universe, should we be concerned with the growing number of cellular transmitters and/or the potential for broadcast towers?

In Attendance: Jane Perch, Wendy Schofield, John Rumble, John Chapman, Gordie Duncan - Chair, Liz Montague – LTC.

Part 2 - ADMINISTRATION Review

2.2 Conformity

(1)

- "other legislation applicable to <u>*their*</u> use of land" change to "**the**"

2.3 Inspection

(1)

- Needs revision.
- Should need to notify the "**owner**" as well as the "<u>*occupier*</u>" as it is the owner that could face an action or penalty.
- "Islands Trust Bylaw <u>*Investigation*</u> Officer" – s/b "**Enforcement**" Officer?
- Also see *Community Charter* requirements – see below. Perhaps we need to reference this.

2.4 Violation

(1)

- Revise wording for clarity
- "<u>*Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw*</u>" – **simplify for clarity**
- <u>*"who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw "*</u>

– as above simplify - Suggestion....."by any provisions of this Bylaw commits an offence against this Bylaw."

(2) Suggestion - Add

- **"Each day that a violation is continued shall constitute a separate offence."**

(3) Suggestion

- **Relocate information in section 2.5 as it is relevant to this topic.**

2.5 Penalty

(1)

- pursuant to the "*Offences Act"*, s/b "**Offence Act"**
- not exceeding "*$2,000"* - **Remove the dollar amount as this number changes over time which would then require amendments**
- *"Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence."* - **Suggestion :- Move this to Section 2.4**
- **Suggestion for 2.5 -: "A person who commits an offence against this bylaw is liable, upon summary conviction, to a fine pursuant to the *Offence Act*."**

Note: South Pender does not have a "Ticketing Bylaw". There was a significant discussion on the process, if a Bylaw Officer were to issue a "ticket" for a violation. Clarification is needed on how or can "ticketing" be applied and processed leading to fines.

Is the procedure and process defined in the "Community Charters" and if so should this be referenced in our LUB?

2.6 Covenants

(1)

- This subsection appears to be rather "wordy" perhaps it should at least be broken into shorter sentences.

2.8 Enforcement of Siting Regulations

(1)

- Title not relative to subsection does not deal with "*Enforcement*"
- Suggestion for title "**Siting Requirements**" or "**Siting Requirements for Development Permits or Development Variance Permits"**

Suggest that the following new sections be added:

2.9 Bylaw Amendments -Add

A member of the public can also propose amendments to the LUB so this provision should be noted.

(1)

Suggestion: Add "Except for amendments initiated by the South Pender Island Local Trust Committee, any person applying to have any provision of this Bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in the Development Procedures Bylaw No. 60 (as amended)."

(2.10) Development Permits and Temporary Commercial and Industrial Use Permits Sited in the Official Community Plan

Comment by Jane Perch: I always wonder how one knows that there may be some requirements in the OCP that may pertain to development of a property so I think that there should be some mention of this as the OCP is a visionary document and not one that you would normally look at when researching the regulations regarding development of a property. I also wonder why these provisions are not in the LUB rather than the OCP.

(1)

Suggestion: Add "The provisions of the development permit system included within the Official Community Plan apply in addition to the regulations in this Bylaw."

Addendums:

Trust Policy Manual 3.2. Statutory Notice

Procedural requirements of the Community Charter, the Local Government Act, the Islands Trust Act and relevant procedures bylaws in respect of land use decisions shall be strictly adhered to.

Community Charter - Authority to enter on or into property

16 (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.

(2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.

(3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(4) Except in the case of an emergency, a person

(a) may only exercise the authority at reasonable times and in a reasonable manner, and

(b) must take reasonable steps to advise the owner or occupier before entering the property.

(5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:

(a) the occupier consents;

(b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;

(c) the entry is made under the authority of a warrant under this or another Act;

(d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;

(e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

(e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

May 22, 2014-05-24

Focus Group 1 Meeting 2

Part 8 SUBDIVISION REGULATIONS Review

In Attendance: Ron Hens haw, Paul Petrie, John Rumble, Darryl Henderson, Gordie Duncan

8.1 – Lot Area Calculations – This section created a significant amount of discussion, but as a group we felt we could eventually understand the meaning or intent of each of the subsections, it was felt that clarification could be applied to all three subsections.

(1) Lot Area Calculations:

- This subsection refers to Part 5, Paul to make sure Part 5 refers to Part 8
- When determining Lot Area Calculations for a proposed subdivision is the Average Lot Area determined before common areas such as road rights of way, parkland etc. is removed?
- In conjunction with the above point, there is no definition for "Average Lot Area" and how it is calculated.

(2)

- It should be clear that if a greater portion of a proposed subdivision is being dedicated to parkland that the "average lot area of the lots" will be smaller, than those defined in Zone Regulations (Part 5),
- Also that the total number of allowable lots will not be reduced because of the greater portion of donated parkland

(3)

- It was felt that the second part of this subsection "*and no lot is to be created in respect of any fractional area resulting from such a calculation*" should be reviewed for a clearer meaning.

8.3 – Covenants Prohibiting Further Subdivision and Development

(1)

- Remove "accessory" from the term "*accessory cottages*"

(3)

- Terms appearing in this subsection that are variations which do not have definitions and should be removed or redefined. "*Sleeping Cabin*" – how is it defined, does it have bathroom or kitchen facilities and should it be removed? "*Accessory Guest Cottage*" – simplified to "Cottage"?

8.4 - Boundary Adjustment Subdivisions

(2)

- the second part of this subsection "***<u>except where the lots being subdivided are located in two or more zones</u>***" created confusion with no clear resolution, clarification is needed, especially when related to 8.7.1 and 8.3.2.

8.5 – Section 946 Subdivisions (Residence for a Relative)

(1)

- During our meeting it was of a general consensus that this section referred to ALR land only and there was discussion on how or whether this statement complies or contradicts permissible subdivisions covered under Part 5 Zone Regulations i.e. 10 acres versus 20 acres?. Paul is to review.
- Subsequent to the meeting a review of Section 946 (a copy of which is enclosed), suggests that further review and clarification of this subsection is required in relation to Section 946, especially for none ALR zones.
- Is the Section required?

8.11 – Highway Standards

- This section refers to "***<u>Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996</u>***". Is this indeed the latest version of "Ministry of Transportation and Highways" document?

Conservation Covenants

What is a conservation covenant?

Section 219 of the *Land Title Act* (or 'a section 219 covenant') authorizes the government, a Crown Corporation or Agency, local government and other entities designated by the provincial government to enter into conservation covenants with property owners to help conserve their land. Covenants are registered against a property's title and restrict the use of the property, typically to protect a natural or heritage feature or value.

According to the *Assessment Act*, when determining the value of a property for assessment purposes, BC Assessment must consider any terms or conditions contained in a covenant registered under section 219 of the *Land Title Act*.

The only exception to this requirement is when properties have been granted an exemption for protection of a natural area under section 7.1 of the *Islands Trust Act*.

Source: http://bcassessment.ca/public/Fact%20Sheets/Conservation%20Covenants.aspx

Subdivision of Land for Relatives

Source: http://www.th.gov.bc.ca/DA/L2_sub_types.asp

Under Section 946 of the Local Government Act (O.I.C. 996 B.C. Regulation 189/89), a person may subdivide to produce a lot on which a separate residence will be constructed for a relative. The minimum size of the lot is one hectare unless the Medical Health Officer approves a smaller lot, which can be no less than 2500 m^2. If the property is assessed as farmland, the remainder may not be reduced below two hectares

Subdivision to provide residence for a relative

946 (1) If the requirements of this section are met, an approving officer may approve the subdivision of a parcel of land that would otherwise be prevented from subdivision by a provision in

(a) a bylaw under this Act other than a bylaw under subsection (4), or

(b) a regulation under the *Local Services Act*

that establishes a minimum parcel size.

(2) An application for subdivision of a parcel under this section may only be made if all the following requirements are met:

(a) the person making the application has owned the parcel for at least 5 years before making the application;

(b) the application is made for the purpose of providing a separate residence for

(i) the owner,

(ii) a parent of the owner or of the owner's spouse,

(iii) the owner's child or the spouse of the owner's child, or

(iv) the owner's grandchild;

(c) the subdivision would not be a subdivision that an approving officer is prevented from approving by subsection (3).

(3) Despite subsection (1), an approving officer must not approve a subdivision under this section in any of the following circumstances:

(a) if

(i) the parcel proposed to be subdivided is classified as farm land for assessment and taxation purposes, and

(ii) after creation of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b), the remainder of the parcel proposed to be subdivided would be less than 2 hectares;

(b) if the parcel proposed to be subdivided

(i) is not within an agricultural land reserve established under the *Agricultural Land Commission Act*, and

(ii) was created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2), 1989*;

(c) if the parcel proposed to be subdivided

(i) is within an agricultural land reserve established under the *Agricultural Land Commission Act*, and

(ii) was within the previous 5 years created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2), 1989*.

(4) Subject to subsections (5) and (6), a local government may, by bylaw, establish the minimum size for a parcel that may be subdivided under this section, and different sizes may be specified for different areas specified in the bylaw.

(5) A bylaw under subsection (4) does not apply to land within an agricultural land reserve established under the *Agricultural Land Commission Act*, with the exception of land to which section 23 (1) or (2) of that Act applies.

(6) Any parcel created by subdivision under this section must be at least 1 hectare unless a smaller area, in no case less than 2 500 m^2, is approved by the medical health officer.

(7) For 5 years after subdivision under this section,

> (a) the use of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b) must be residential use only, and
>
> (b) the use of the remainder of the original parcel must not be changed from the use of the original parcel,

unless the use is changed by bylaw.

(8) For a parcel of land that is not within an agricultural land reserve established under the *Agricultural Land Commission Act*, or that is within such a reserve but is land to which section 23 (1) or (2) of that Act applies, approval of subdivision under this section may only be given on the condition that

> (a) the owner of the original parcel covenants with the local government, in respect of each of the parcels being created by the subdivision, that the parcel
>
> > (i) will be used as required by subsection (7), and
> >
> > (ii) will not be subdivided under this section, and
>
> (b) the covenants referred to in paragraph (a) be registered under section 219 of the *Land Title Act* at the same time that application is made to deposit the subdivision plan.

(9) If a subdivision referred to in subsection (8) is approved, the approving officer must state on the note of approval required by section 88 of the *Land Title Act* that the approval is subject to conditions established by subsection (8).

Comments on Sections 1, & 2 of the Land Use Bylaw Review

Jane Perch
May 5, 2014, 2014
Amended May 11, 2015

Section 1.1 – Definitions

Accessory – very confusing and unclear wording. What is the principal use in zones which allow several uses? My suggestion is that this definition be deleted. Where it is necessary to address

The main discussion point here is to determine if there is agreement that "accessory buildings, structures & uses can be constructed before a principal dwelling. See the provisions in Section 3.5

For zones that allow a cottage, there is provision for that to be constructed prior to a dwelling. (Secion 3.5(1).

Other accessory buildings can be constructed if a building permit has been issued for the single family dwelling. As noted in my comments on Section 5, if we agree to all the uses permitted in each zone, do we really care what order they occur and hence is there a need to have a building permit for a dwelling before other uses can occur?

Cottage – if a zone permits a cottage, why is it accessory?

Dwelling, single family – I think we can delete the reference to "single family" after dwelling as the definition seems to take care of this.

Ecological reserve – correct typos. Add "the" before Ecological. Delete the "s" from Reserve

Farm use – correct legislation name. Delete "Provincial"

Floor area – as per earlier draft, clarify that cistern does not have to be just for rainwater collection. Reference should be "cistern used for the storage of water"

Lot – correct name of act. Condominium Act is now the Strata Property Act. Suggest simpler wording: means a parcel of land registered in the Land Title Office and includes a strata lot

Lot coverage – Should coverage be based on enclosed buildings and structures? Include Carports, covered patios? Exclude steps, eaves, open courtyards, pergolas, patios, driveways, parking, retaining walls, fences? Should the measurement be to the drip line? Need to consider this in context of what is included in the definition of "structure" as there are many structures that would not really be pertinent to calculating the lot coverage.
Lot line – correct reference - ...registered at the Land Title Office....

Principal – do we need this definition? What is the intent?

Structure – need to look at this in context of lot coverage. Should well heads, retaining walls, fences, uncovered patios, heat pumps, propane tanks, oil tanks, be excluded?

Utilities- do we need this? This is referenced in Section 3.1(1). If so, needs work. What is broadcast transmission? Perhaps change to "public utilities"

A careful read of the complete bylaw is necessary to see if there are other terms that may need to be defined. I have not yet had an opportunity to do this. I expect that we will find terms that will need to be defined and that some of the comments I have made will change as we go through the full document.

Section 2 –Administration

2.2 Correct typ0 in 5th line. “their” should be “the”

2.3 Needs revision. Should need to notify the owner as well as the occupier as it is the owner that could face an action or penalty. Also see *Community Charter* requirements Perhaps we need to reference this.

Trust Policy Manual 3.2. Statutory Notice

Procedural requirements of the Community Charter, the Local Government Act, the Islands Trust Act and relevant procedures bylaws in respect of land use decisions shall be strictly adhered to.

Community Charter - Authority to enter on or into property

16 (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.

(2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.

(3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(4) Except in the case of an emergency, a person

(a) may only exercise the authority at reasonable times and in a reasonable manner, and

(b) must take reasonable steps to advise the owner or occupier before entering the property.

(5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:

(a) the occupier consents;

(b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;

(c) the entry is made under the authority of a warrant under this or another Act;

(d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;

(e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

2.4 Revise wording for clarity and relocate information in section 2.5 as it is relevant to this topic.

(1).....by any provisions of this Bylaw commits an offence against this Bylaw.
Add (2) Each day that a violation is continued shall constitute a separate offence.

2.5 Correct typo and delete reference to fine $ as this changes over time.

Suggestion: A person who commits an offence against this bylaw is liable, upon summary conviction, to a fine pursuant to the *Offence Act*.

2.8 The title should be changed as this is not dealing with Enforcement
Suggestion: Siting Requirements for Development Permits and Development Variance Permits.

Suggest that the following new sections be added:

Bylaw Amendments

A member of the public can also propose amendments to the LUB so this provision should be noted.

Suggestion: Except for amendments initiated by the South Pender Island Local Trust Committee, any person applying to have any provision of this Bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in the Development Procedures Bylaw No. 60 (as amended).

Development Permits and Temporary Commercial and Industrial Use Permits Sited in the Official Community Plan

I always wonder how one knows that there may be some requirements in the OCP that may pertain to development of a property so I think that there should be some mention of this as the OCP is a visionary document and not one that you would normally look at when researching the regulations regarding development of a property. I also wonder why these provisions are not in the LUB rather than the OCP.

Suggestion: The provisions of the development permit system included within the Official Community Plan apply in addition to the regulations in this Bylaw.

.

Dennis & Jane Perch
Edit profile details

- Dennis & Jane Perch

pacific.cove@shaw.ca

From: **Dennis Perch** (pacific.cove@shaw.ca) You have a rule set up for messages like this one
Sent: May-05-14 12:09:56 PM
To: 'Elizabeth Montague' (lizmontague@gmail.com); spifocus1@hotmail.com

Hi Liz. I'll give you one good example below regarding the variety of language surrounding "residence". Note particularly the choice of "residential use" and "residential" in some cases. Case law has established them as having completely different legal meanings to "residence". Also note that North Pender does not define "residence" and prefers to resolve this ambiguity by expensive litigation (STVR prosecutions) rather than making a simple amendment to the LUB. (Very irresponsible.)

So, it's evident that the selection of the best definition language is crucial as it can have a huge negative spin off if not done correctly.

i Hornby Island

residential means a use of land providing for the home life of a person or persons in common occupancy; vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

a) an owner or tenant of the lot is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or

b) the owner or tenant is residing in another lawful dwelling on the lot while the vacation home rental is occurring; or

c) the owner of the lot resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of that owner,

and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under s. 911 of the Local Government Act;

ii. South Pender Island

“residence” means a home, abode or place where an individual is living at a specific point in time.

iii. Mayne Island

"Residential use" means the occupancy or use of a dwelling unit for the domicile or home life of a person or persons, or the occasional or seasonal occupancy of a dwelling unit by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner; and for certainty, residential use does not include tourist accommodation use, commercial vacation rental, or any occupancy of a dwelling unit by persons entitled to such an occupancy under a time share plan as defined in the Real Estate Act or successor legislation. For the purpose of this definition, owner includes a tenant under a residential tenancy agreement.

iv. Saturna Island

15.1.37 “residence” means a building used by an individual, or group of individuals living together in common occupancy, as a single household and containing only one kitchen.

15.1.38 "residential" means a use providing for the accommodation and home life of a person or persons.

v. Denman Island

residence means:

• the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or

• the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;

vi. Salt Spring Island

“residential” means the use of a dwelling unit for

(a) the permanent domicile or home life of a person or persons, or

(b) the occasional or seasonal occupancy of a dwelling unit by

i. an owner who has a permanent domicile elsewhere or

ii. a non-paying guest of such an owner,

and for these purposes an “owner” includes a tenant under a residential tenancy agreement;

and for certainty, “residential” does not include

(a) any commercial guest accommodation use; or

(b) any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation, unless the term of occupancy is at least 6 continuous months.”

vii. Gabriola Island

residence means:

1. the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or

2. the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement,

and for certainty, residence does not include tourist accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

viii. <u>North Pender Island</u>

The North Pender Island LUB does not define “residence” although it is an integral part of the definition of “dwelling” as a permitted use.

Dennis Perch

CAMERON THORN

August 1, 2013

Elizabeth Montague
Mike Jones
Ken Hancock
South Pender Local Trust Committee

Dear Trustees,

RE: South Pender Land Use Bylaw – Home Occupations

I believe a review and reconsideration of aspects of Section 3.6 'Home Occupations' are warranted as part of the larger review of the South Pender Land Use Bylaw. In particular, I advocate for an amendment to Section 3.6 (5) of the bylaw. This section stipulates that, "the business owner or operator or at least one of the employees of a home occupation must be *permanently resident* on the property where the home occupation is conducted."

It is difficult to understand the rationale for such a rigid restriction. On the other hand, there are a number of rationales for why such a restriction should be relaxed. Particularly due to the proximity of urban centres such as Vancouver and Victoria, there are a considerable number of people who split their time between off-island and their homes on South Pender. Such residents often have a professional designation, expertise or special skill that that they may wish to practice on the island and the offering of such services may be of interest to other full-time or part-time residents of both South and North Pender Island.

A decree that one must be 'permanently resident' on South Pender in order to conduct business from their property runs counter to the modern world around us. The recent introduction of high-speed Internet to South Pender Island – a welcome and essential service – enables residents to more easily conduct business anywhere in the world regardless of where they physically reside.

It may be that section 3.6 (5) was instituted at a time when a 'business' was a more traditional enterprise occurring at one location where machinery and labour came together to produce a tangible object. The requirement that the business owner or operator be 'permanently resident' may well have been to ensure that the coming and going of employees and the hours of work and the associated noise were in keeping with, and respectful of the norms or standards of a residential neighbourhood. These continue to be important considerations and the operation of any business in a residential neighbourhood should be subject to bylaw provisions regarding noise and perhaps, hours of operation.

That said, many businesses today are not a merging of labour and capital to produce widgets. Many part time residents of the island are business owners or consultants and their business

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is the selling of their own personal skill or expertise. Consider the following examples of business owners and consultants all of whom are property owners and part-time residents of South Pender: architects, interior designers, personal finance managers, accountants, artists, painters and jewelry makers.

These business examples represent important and unique services that benefit the island. These businesses are almost without exception clean, quiet and only occur in the presence of the property owner.

One option might be to simply remove 'permanently resident from the bylaw; however, this requirement does safeguard against a property owner allowing someone that has no association with, or regard for a neighbourhood to operate a business without consideration for the neighbours.

A more balanced approach would be to amend the bylaw by adding a new section, Section 3.6 (5)(i) which could state: "where a property owner (is a business owner or operator and) is not permanently resident on their property, the conduct of business as a home occupation may only occur on the property when the property owner is present."

This section would ensure protection for the peace and quiet of neighbours and also improve the variety and range of services and goods available on the island.

Part-time residents/property owners are subject to the same level of taxation as full time residents/property owners while consuming less of the public services funded by taxation. From a 'fairness perspective' it is arguably unfair to demand the same level of taxation from part-time residents as full time residents even while denying part-time residents equality in terms of property rights and business opportunities on the island.

For the above noted reasons I am recommending that a new section 3.6 (5)(i) be added to the South Pender Land Use Bylaw.

Best Regards,

Cameron Thorn

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CAMERON THORN

August 1, 2013

Elizabeth Montague
Mike Jones
Ken Hancock
South Pender Local Trust Committee

Dear Trustees,

RE: South Pender OCP & Land Use Bylaw - Outbuilding

A Public Hearing date for proposed Bylaw No. 111 regarding amendments to the South Pender Land Use Bylaw is now scheduled for August 10, 2013.

I recognize much discussion has occurred on the policy proposal that would permit construction of a "building" as a permitted principal use on Rural Residential (RR) designated property prior to construction of a residential dwelling on that same property.

The South Pender OCP which was the topic of considerable public input and which was adopted in 2011 used the term "outbuilding" to describe the type of building that would be permitted as a principal use prior to construction of a residential building on RR properties.

Coincidentally or otherwise, at the very first meeting (February 14, 2012) of the newly comprised South Pender LTC, the minutes show that during discussions on this matter, the term "outbuilding" was arbitrarily dropped and replaced instead with the term "storage building".

In the March 16, 2012 Staff Report on the Land Use Bylaw review, the proposed amendment on this topic reads: " …'storage building' means a non-residential building for the storage of goods and materials for use on the lot which it is located and personal effects of the owner of the lot". The reason noted by staff for this amendment is: "To implement OCP policy direction to consider non-residential buildings in advance of a dwelling."

One and a half years later the discussion still continues regarding the most appropriate wording to describe the "use or uses" applicable to a outbuilding / storage buildings. During this time period improvements have been made to the proposed wording regarding the permitted square footage and height such that this outbuilding / storage building now has the same physical characteristics (height, density & setbacks) as an accessory building.

That being the case, many people in the community ask why the 'use' provisions as proposed by staff remain so restrictive. There was a very small text amendment made to the use provisions during the June 18, 2013 LTC meeting (see attached) but the proposed use remains restricted to nothing more than storage.

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CAMERON THORN

I have heard various people in the community ask the question, "how do we make the uses more flexible, to enable not just storage but activities such as a workshop or perhaps an art studio or yoga studio in this building." The first obvious point is that so long as the community acquiesces to the arbitrary change in terminology from "outbuilding" to "storage building" the range of uses will by definition, be to limited to storage.

Therefore, in general terms I would recommend the following:

1. The definition of the "building" permitted as a principal use on rural residential property prior to construction of a residential dwelling be defined as an "Outbuilding", consistent with our approved OCP rather than a "Storage Building". An Outbuilding definition will enable a broader range of uses than a "Storage Building" without any change to the physical characteristics of the building.

2. Notwithstanding the issue of permitted "uses", "Outbuildings" would be subject to the same height, density and siting provisions as Accessory Buildings. The staff proposal for "Storage Buildings" similarly proposes the same density and siting provisions as Accessory Buildings.

3. In terms of "uses" an Outbuilding would have the same uses as an Accessory Building, rather than the "storage only" use advanced by staff. Under the existing bylaw, an Accessory Building can be used both for activities and for storage, but not otherwise as a habitable dwelling. (Note: An Accessory Building can be occupied as a temporary dwelling prior to the construction of a single family dwelling subject to a number of conditions)

Specific Recommendations to amend Bylaw No. 111:

Definitions:

Add: "Outbuilding" means a non-habitable building that may be constructed on Rural Residential designated lands as a permitted principal use prior to the construction of a single-family dwelling on the same lot.

Remove: "Storage building" draft definition

Section 3.4 Height Regulations

(2) A building or structure accessory to a single-family dwelling and outbuildings are not to exceed 7.3 metres (24 feet) in height.

Section 3.5 Accessory Uses, Buildings and Structures

(4) Subject to the density and siting provisions in Part 5, the total floor area of all accessory buildings, including outbuildings, on a lot shall not exceed the following:

(6) remove this clause

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Section 3.6 Home Occupations

(3) Home occupations must be conducted entirely within a dwelling or a permitted accessory building or outbuilding where the permitted principal use is residential…..

5.1 Rural Residential One (RR1)

(1)(f) Add Outbuildings and Remove, "Storage buildings subject to Subsection 3.5(6)

5.2 Rural Residential Two (RR2)

(1)(f) Add Outbuildings and Remove, "Storage buildings subject to Subsection 3.5(6)

5.3 Rural Residential Three (RR2)

(1)(f) Add Outbuildings and Remove, "Storage buildings subject to Subsection 3.5(6)

Thank you for consideration of this matter.

Best Regards,

Cameron Thorn

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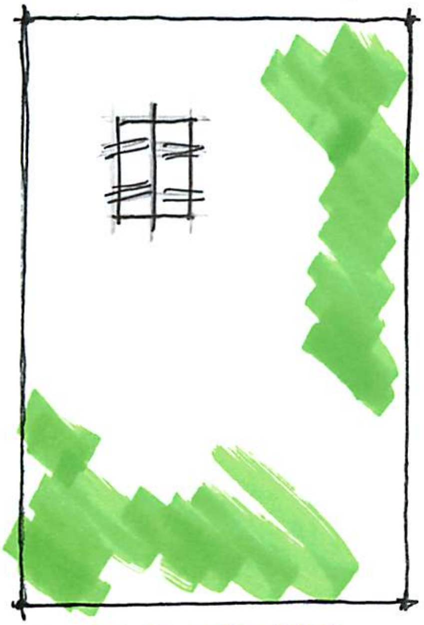
PRIOR TO SINGLE-FAMILY DWELLING:

LOT 1:

STORAGE BUILDING

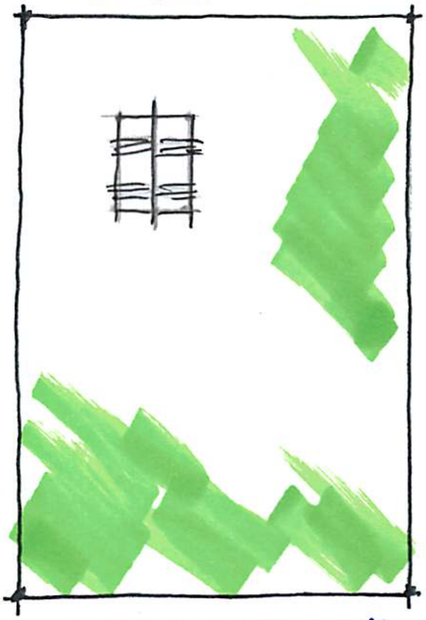


• 1000 S.F. STORAGE.

USE: STORAGE ONLY.

LOT 2:

OUTBUILDING

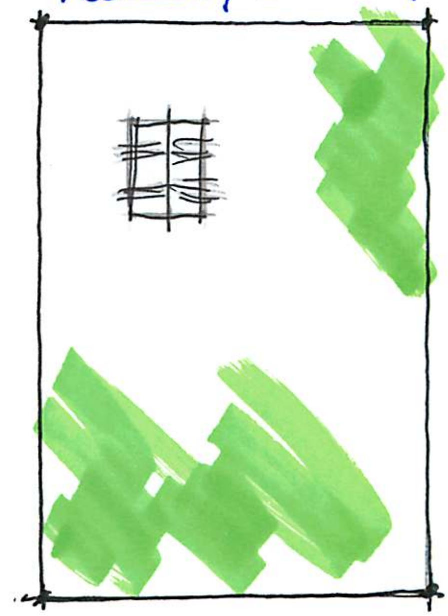


• 1000 S.F. OUTBUILDING

USE: ACTIVITIES + STORAGE.

LOT 3:

ACCESSORY BUILDING



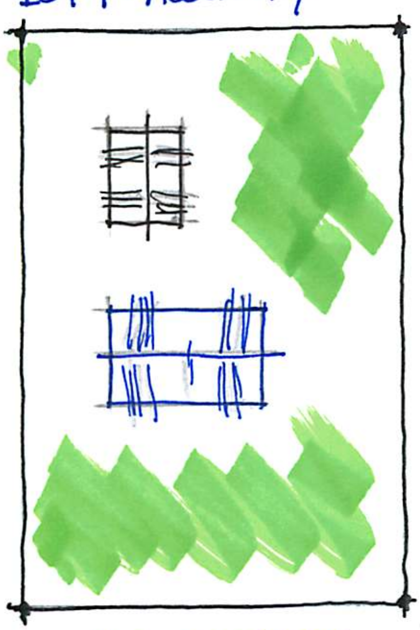
• 1000 S.F. ACCESSORY

USE: TEMPORARY DWELLING

* CONNECTED TO WATER & SEWAGE + B.P. ISSUED FOR SINGLE-FAMILY HOUSE.

FOLLOWING SINGLE-FAMILY DWELLING:

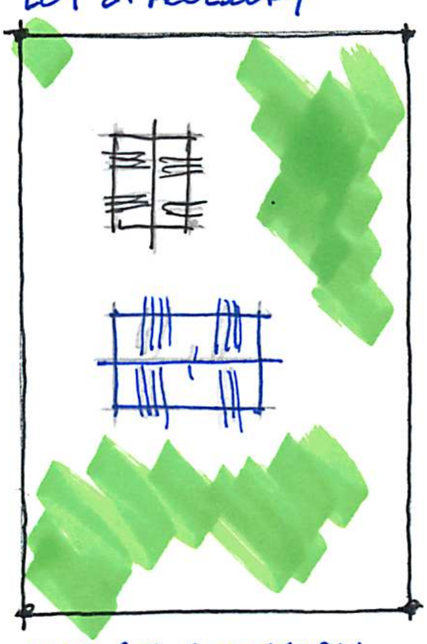
LOT 1: ACCESSORY



1000 S.F. ACCESSORY

USE: BROAD USES EXCEPT HABITATION

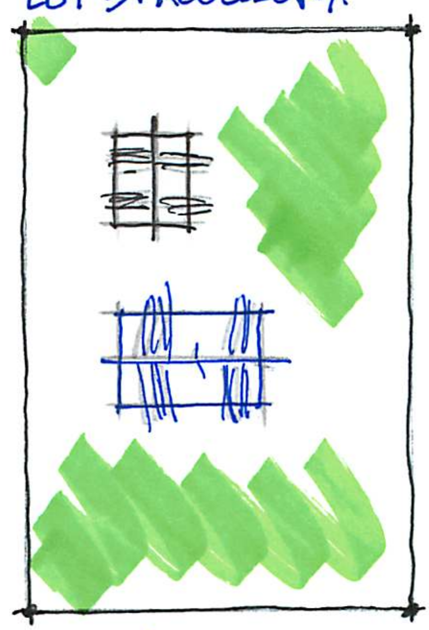
LOT 2: ACCESSORY



1000 S.F. ACCESSORY

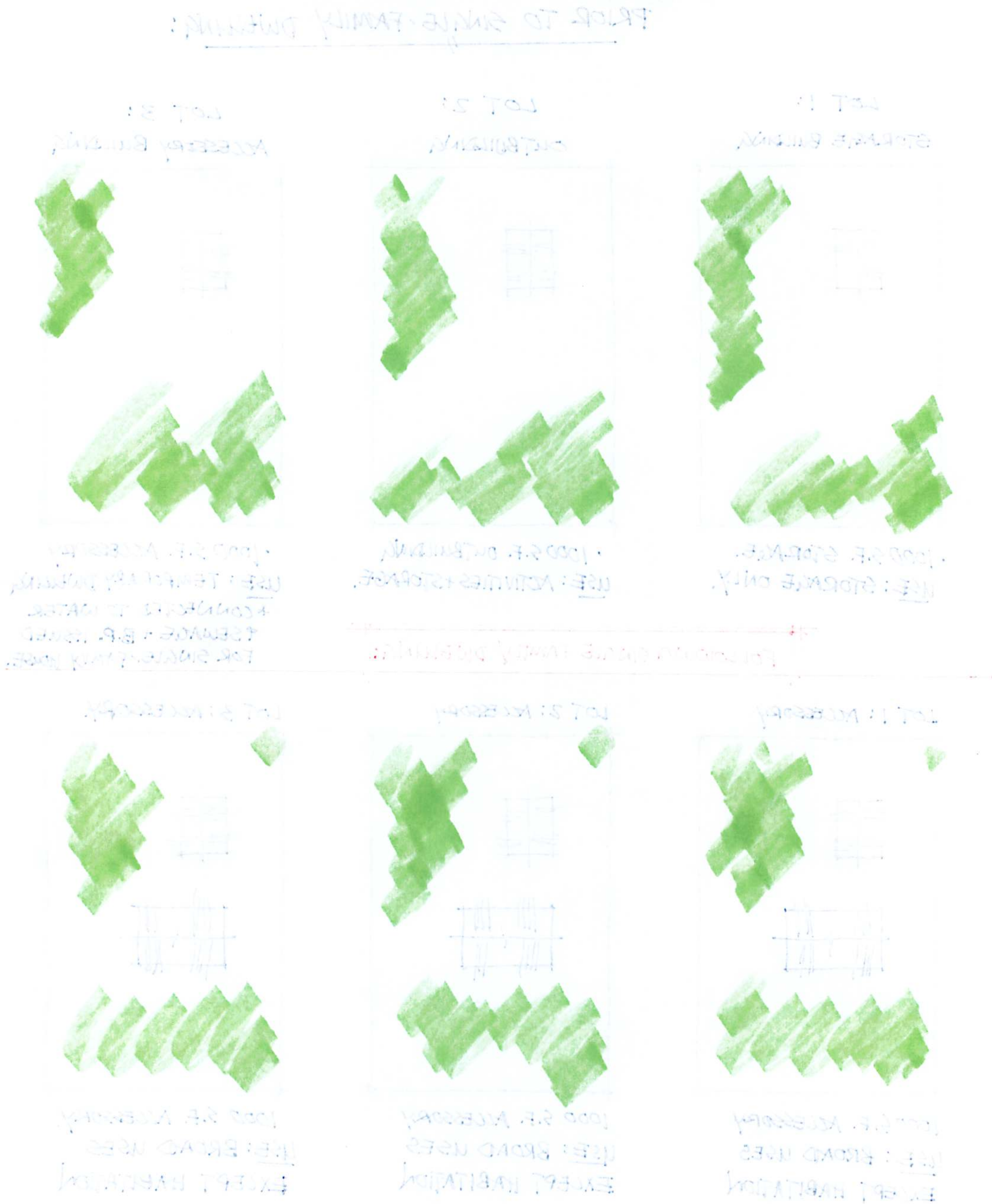
USE: BROAD USES EXCEPT HABITATION

LOT 3: ACCESSORY.



1000 S.F. ACCESSORY.

USE: BROAD USES EXCEPT HABITATION


PRIOR TO SINGLE-FAMILY DWELLING:
LOT 1: STORAGE BUILDING
LOT 2: OUTBUILDING
LOT 3: ACCESSORY BUILDING
• 1000 S.F. STORAGE.
USE: STORAGE ONLY.
• 1000 S.F. OUTBUILDING
USE: ACTIVITIES + STORAGE.
• 1000 S.F. ACCESSORY
USE: TEMPORARY DWELLING
+ CONNECTED TO WATER
+ SEWAGE + B.P. ISSUED
FOR SINGLE-FAMILY DWELL.
FOLLOWING SINGLE-FAMILY DWELLING:
LOT 1: ACCESSORY
LOT 2: ACCESSORY
LOT 3: ACCESSORY
1000 S.F. ACCESSORY
USE: BROAD USES
EXCEPT HABITATION
1000 S.F. ACCESSORY
USE: BROAD USES
EXCEPT HABITATION
1000 S.F. ACCESSORY
USE: BROAD USES
EXCEPT HABITATION

line setback is currently 3.1 m., so this proposed amendment would have most impact for front or rear lot lines, and other zones with larger required setbacks.

Currently, in the general regulations there is a list of structures that are exempt from height restrictions. 'Solar collectors' is in that list. ***Clause 9*** would amend the regulations by limiting the exemption to 'roof-top mounted solar collectors'. This would help avoid excessively high structures or towers for mounting solar panels.

2. Storage (Accessory) Buildings

During the review of the Official Community Plan (OCP) last year, a new policy was introduced: *"The Local Trust Committee may consider implementing regulations that would permit outbuildings as a permitted principal use prior to construction of a residential dwelling on Rural Residential designated lands."* On lots where no house has been built yet, owners are currently not allowed to construct a storage building. By changing the bylaw to allow one storage building as a principal permitted use, owners could now construct, for example, a storage shed even if a residential building is not yet constructed on the lot. ***Clause 5*** introduces a definition for 'storage buildings' and ***Clause 11*** has related regulations to which a storage building would need to comply.

Clauses 13, 18, 23, 30, 33 and 37 all would amend the zoning regulations to add 'storage buildings' to the list of permitted uses in zones where single family dwellings are permitted. ***Clauses 8 and 10*** add the term 'storage buildings' in the general regulations that address 'accessory buildings' to avoid creating ambiguity in the bylaw. The height and floor area regulations for accessory buildings would also apply to storage buildings.

3. Maximum Floor Area for Single Family Dwellings

The proposed amendments would include a new regulation that limits the floor area of a single family dwelling to 375 m^2 (4036 ft^2). ***Clauses 16, 21, 26, 31, 34 and 38*** would amend the zoning regulations to add the new regulation to each zone where single family dwellings are permitted (RR1, RR2, RR3, A, F, and NR). A property owner wanting to construct a larger home could apply to the LTC for a variance to this regulation.

4. Attached Dwellings

Clause 6 is a proposed amendment that would allow dwellings to be attached; these could be attached horizontally such as a duplex, or vertically such as a secondary suite. This amendment would only apply on lots where two or more dwellings are already permitted, such as a cottage

Sharon Lloyd-deRosario

Subject: FW: Proposed Land Use Bylaws

Importance: High

-----Original Message-----
From: Wendy Scholefield [mailto:wendy@clarinch.com]
Sent: January-28-13 1:28 PM
To: Liz Montague; Mike Jones; Ken Hancock
Cc: Buffy Paterson; Andrea Pickard
Subject: Proposed Land Use Bylaws

To the South Pender Local Trust Committee,

I have received my Islands Trust Newsletter and I am disturbed by the way that some of the information has been presented. For example, in providing information about Marine Geothermal Energy, you indicate that these geoexchange systems would be allowed in all Marine zones except for the National Park Marine Zone. Since few people are familiar with zoning, I think it would have been helpful if you had indicated that these units would be allowed in Marine General , Marine Commercial and Marine Protected zones so that people could discuss and consider whether this technology is , in fact, appropriate in all of our marine zones. I am personally opposed to allowing anything in a Marine Protected Zone, despite any manufacturer's assurances of safety.

I am also concerned that the section named Storage (Accessory) Buildings is completely misleading and does not indicate that there are a range of choices that can be made regarding the construction of outbuildings prior to the construction of a residence. After quoting the change to the OCP, you have written that "On lots where no house has been built yet, owners are currently not allowed to construct a storage building." You fail to mention that owners are currently not allowed to build any accessory or outbuildings. I believe that it would have been responsible to indicate the options available when changing the Land Use Bylaw. I believe that it would be useful for the community to have a discussion about the pros and cons of allowing outbuildings and what kinds of outbuildings would be permitted prior to the construction of a residence. If you are, in fact, recommending that only storage sheds be allowed, why not indicate that that is what you are proposing and why that is your preference, rather than pretending that a storage shed is the only option available. I think that the LTC should provide full information to the people of South Pender so that they can provide you with their views on the subject. Then you can make the decision that you believe to be in the best interests of our community.

However, I shouldn't have been surprised by the information that was presented in the newsletter. You referred these draft amendments to the volunteers who sit as advisors to you on the Advisory Planning Commission. When they brought their concerns regarding the proposed amendments and the process being used by the LTC, you chose to chastise them and to direct them to comment only on those issues referred to them. Some of the criticism verged on the personal, rather than on professional considerations.

When that didn't work and the APC was still expressing concerns about what the LTC was doing with regard to the amendments, you offered a "re-education" process with three Islands Trust Staff. Presumably the purpose of this exercise was to ensure that the APC and the APC chair restricted their advice to what the LTC wanted to hear . The APC did not feel the need for an education process regarding their roles and responsibilities and declined the offer. It might be more useful if the Trustees and the Chair of the LTC reviewed their own roles and responsibilities.

Finally, when the APC did its work without the guidance of staff, you waved the bogus banner of "legal opinion" to further threaten and silence people with views that did not correspond with your own.

THIS TEXT WAS AMENDED AT JUNE 18.13 LTC MEETING

SECTION 3.5 ....

(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.

~~11.~~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"

~~12.~~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)"

~~13.~~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."

~~14.~~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.~~

~~16.~~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:"

~~17.~~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)"

~~18.~~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."

~~19.~~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."

respective floor area regulation. 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 is 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)"

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.

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:"

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 on which it is located, and for the storage of personal property 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.

REVISED TEXT. FROM JUNE 18.13 LTC MEETING

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"

CT Comments
14.05.14

April 30, 2014 focus group 2 meeting. South Pender community room. 1:00- 2:30

Present: Marje Bryan, John Chapman, Gord Duncan, Darryl Henderson, Ron Henshaw, Christina McQuarrie, Liz Montague, John Rumble, Wendy Scholefield, Paul Petrie, chair

A range of broad issues and a number of specific LUB provisions were discussed as summarized below.

1. Some of the discussion related to making the zoning regulations in Part 5 of the LUB more flexible to better reflect the rural character of the Island as expressed in OCP Goal 2.2.1: "To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquillity, privacy, freedom from disturbance, and relative self- sufficiency within a visually attractive environment."

2. Another line of discussion related protecting the natural environment for future generations as expressed in OCP Goal 2.2.2: "To protect the natural features and biological diversity of the island and its immediate surroundings, including those of adjacent islands and islets, and surrounding marine waters." How do we protect the limited water supply?

3. A number of questions were raised regarding the balance between protecting the environment and enjoying the rural lifestyle:

- How do we protect natural areas while still providing access to residents and visitors (trails, parks, etc) - LUB sections 5.9, 5.10, 5.11 &5.12.

- How do we document where the Island is at now so we can ensure that the pace of development is sustainable?

- How do we minimize the impact on our neighbours and the surrounding environment? LUB 3.3, 3.4, 3.6, etc.

4. The lack of clarity of some provisions was discussed:

It was suggested that we need better definitions for "Interior" and "exterior" lot lines.

LUB Sections 5.1, 5.2 and 5.3 should begin with a statement that the minimum lot size for the zone is one acre, two acres and ten acres so that it is immediately obvious to the reader what the distinction is between RR1, RR2 and RR3 zones.

5. **Accessory:** The use of the term "accessory" is confusing which makes it difficult to understand and/or rationalize some provisions: Why do we need to specify which is principal and which is accessory use and the order in which the various permitted uses

Agreed!

occur? There is nothing in the LUB to indicate what the principal use is from the list provided under each zone. There should not be a requirement for a dwelling before the other building uses (e.g. agriculture) can occur. This can be particularly important where a resident owns two lots in the same area. Should an owner be able to construct a building and use it as temporary accommodation during construction of a dwelling as long as building permit and code requirements are met (with a requirement that the occupancy ceases once occupancy of the dwelling or cottage occurs)? It was suggested that we remove "accessory" in conjunction with the definition (flag for Gordie) and LUB 3.5 (flag for Ron). There is no need to distinguish a storage building as a separate building category. Agreed.

- Agreed.

Already permitted under 3.5(2) of existing bylaw.

6. How does our land use bylaw impact CRD building permits and vice versa? (*Get clarification from the planner.)*

Agreed!

7. How can we be more flexible with regulations while maintaining the standard of protection. e.g can we have a bathroom in a workshop. Should we have smaller setbacks for roadside stands? How can we build flexibility to promote food security and respond to climate change? We need to discuss housing for agriculture workers?

8. Some provisions (e.g height restrictions on a farm without "Farm Status"?) are restrictive and may not be necessary. We should look at other Island LUB provisions to see how those communities have addressed these questions.

9. What is the process for gaining greater flexibility for subdivision of forestry land? LUB 5.8(9). Darryl Henderson offered to prepare a proposal on this for the next meeting. Would an OCP revision (OCP 3.6.2 (a)) be required if an LUB change was recommended?

10. The provisions of the commercial resort zone (5.4) are complex and carefully drafted and should be left intact, particularly while the ownership appears to be in transition. What is the status of employee accommodation at the resort in (LUB 5.4(1)(c and in the development permit

11. There was a general discussion regarding the boundaries of the Schedule B map and what process is available for addressing significant boundary issues (e.g agriculture - ALR designated land). There is a typo in Natural Resource – NP (should be NR) in Section 4.

Agreed!

12. We need to review the whole LUB to use plain language wherever possible and provide a clear explanation (definition) for technical terms.

13. Why are different identifiers used on the Zoning map than are used on the Map following the OCP – that is, W1 – 5 , not MC, MG, MP etc – can't the identifiers be the same on all maps? Is there a reason for the differences?

CT Comments
14.05.14

Comments on Sections 1, & 2 of the Land Use Bylaw Review

Jane Perch
May 5, 2014, 2014
Amended May 11, 2015 2014

Section 1.1 – Definitions

Accessory – very confusing and unclear wording. What is the principal use in zones which allow several uses? My suggestion is that this definition be deleted. Where it is necessary to address

The main discussion point here is to determine if there is agreement that "accessory buildings, structures & uses can be constructed before a principal dwelling. See the provisions in Section 3.5

For zones that allow a cottage, there is provision for that to be constructed prior to a dwelling. (Secion 3.5(1).

Agreed!

Other accessory buildings can be constructed if a building permit has been issued for the single family dwelling. As noted in my comments on Section 5, if we agree to all the uses permitted in each zone, do we really care what order they occur and hence is there a need to have a building permit for a dwelling before other uses can occur?

Cottage – if a zone permits a cottage, why is it accessory?

Dwelling, single family – I think we can delete the reference to "single family" after dwelling as the definition seems to take care of this.

Ecological reserve – correct typos. Add "the" before Ecological. Delete the "s" from Reserve

Farm use – correct legislation name. Delete "Provincial"

Floor area – as per earlier draft, clarify that cistern does not have to be just for rainwater collection. Reference should be "cistern used for the storage of water"

Lot – correct name of act. Condominium Act is now the Strata Property Act. Suggest simpler wording: means a parcel of land registered in the Land Title Office and includes a strata lot

Good Point

Lot coverage – Should coverage be based on enclosed buildings and structures? Include Carports, covered patios? Exclude steps, eaves, open courtyards, pergolas, patios, driveways, parking, retaining walls, fences? Should the measurement be to the drip line? Need to consider this in context of what is included in the definition of "structure" as there are many structures that would not really be pertinent to calculating the lot coverage.
Lot line – correct reference - ...registered at the Land Title Office....

Principal – do we need this definition? What is the intent? Why is "Principal" necessary if we are considering removal of "Accessory"

Structure – need to look at this in context of lot coverage. Should well heads, retaining walls, fences, uncovered patios, heat pumps, propane tanks, oil tanks, be excluded?

Utilities- do we need this? This is referenced in Section 3.1(1). If so, needs work. What is broadcast transmission? Perhaps change to "public utilities"

A careful read of the complete bylaw is necessary to see if there are other terms that may need to be defined. I have not yet had an opportunity to do this. I expect that we will find terms that will need to be defined and that some of the comments I have made will change as we go through the full document.

Section 2 –Administration

2.2 Correct typ0 in 5th line. "their" should be "the"

2.3 Needs revision. Should need to notify the owner as well as the occupier as it is the owner that could face an action or penalty. Also see *Community Charter* requirements Perhaps we need to reference this.

Trust Policy Manual 3.2. Statutory Notice
Procedural requirements of the Community Charter, the Local Government Act, the Islands Trust Act and relevant procedures bylaws in respect of land use decisions shall be strictly adhered to.

Community Charter - Authority to enter on or into property

16 (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.

(2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.

(3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(4) Except in the case of an emergency, a person

(a) may only exercise the authority at reasonable times and in a reasonable manner, and

(b) must take reasonable steps to advise the owner or occupier before entering the property.

(5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:

(a) the occupier consents;

(b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;

(c) the entry is made under the authority of a warrant under this or another Act;

(d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;

(e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

2.4 Revise wording for clarity and relocate information in section 2.5 as it is relevant to this topic.

(1).....by any provisions of this Bylaw commits an offence against this Bylaw.
Add (2) Each day that a violation is continued shall constitute a separate offence.

2.5 Correct typo and delete reference to fine $ as this changes over time.

Suggestion: A person who commits an offence against this bylaw is liable, upon summary conviction, to a fine pursuant to the *Offence Act*.

2.8 The title should be changed as this is not dealing with Enforcement
Suggestion: Siting Requirements for Development Permits and Development Variance Permits.

Suggest that the following new sections be added:

Bylaw Amendments

A member of the public can also propose amendments to the LUB so this provision should be noted.

Suggestion: Except for amendments initiated by the South Pender Island Local Trust Committee, any person applying to have any provision of this Bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in the Development Procedures Bylaw No. 60 (as amended).

Development Permits and Temporary Commercial and Industrial Use Permits Sited in the Official Community Plan

I always wonder how one knows that there may be some requirements in the OCP that may pertain to development of a property so I think that there should be some mention of this as the OCP is a visionary document and not one that you would normally look at when researching the regulations regarding development of a property. I also wonder why these provisions are not in the LUB rather than the OCP.

Suggestion: The provisions of the development permit system included within the Official Community Plan apply in addition to the regulations in this Bylaw.

Introduction

Focus group #2 was assigned Parts 4 and 5 of the LUB dealing with zone classification and specific zone regulations. Three meetings were held April 30th - morning; May 14th - afternoon; and June 11th - evening. A total of 13 residents participated in one or more meetings and 8 residents participated in at least 2 of the meetings. Trustee Montague attended all three meetings. Meeting notes were circulated to those who participated in the meetings for comment and additions. This preliminary report is based on the notes from these three meetings and follow-up submissions. Participants agreed that the focus group preliminary reports should be circulated broadly before the June 24th LUB meeting.

Wherever possible, focus group chairs attended each other's meetings and attempted to integrate discussion of interrelated issues (e.g. general zone regulations Part 3 with specific zone regulations Part 5; and, accessory uses, buildings, etc with definitions). There was general agreement by the participants that next steps in the LUB review should emphasize a "wholistic" review of the LUB starting with the recently revised OCP and consider what additional LUB provisions are needed to more fully implement the revised OCP policies. This issue can be addressed in the LTC's project charter for the LUB review. Reference to updated provisions in other Island LUB's should be considered where there is a good fit for the South Pender OCP policies.

Major issues

<u>Integrating Part 3 with Part 5:</u> There was considerable discussion regarding the interconnection between part 3 (general regulations) and part 5 (zone specific regulations), and the potential confusion of having to reference permitted uses in two locations in the LUB. The possibility of incorporating the permitted uses from Part 3 within Part 5 for each zone and eliminating 3.1 and 3.2 in Part 3 was explored. The objective would be to consolidate the permitted uses in one place where it was most likely to be referenced by residents. The participants reviewed the Denman Island LUB that provides the permitted uses for each zone in a checklist /table for categories of zones (e.g. the permitted uses for the 3 rural residential zones, the permitted uses for the three resource zones, etc). There was general agreement that the approach in the Denman Island LUB had considerable merit and should be considered as an alternate approach in Part 5 of our current LUB.

Rural Residential clarification: There was some discussion regarding a specific Rural Residential section in part 5 with a brief introduction to explain the three RR zones with the subdivision distinctions for those three zones so the basis for the distinction is immediately obvious to the reader. The following draft introduction was discussed:

“Section 3.1 of the South Pender Official Community Plan (OCP) states the objectives and policies for residential land use and development. Sections 5.1, 5.2 and 5.3 of the LUB detail the regulations that implement the OCP requirements for the three rural residential zones. Schedule B of the LUB designates which residential zone applies to South Pender properties. The primary distinction between the three residential zones is the minimum and average lot area requirements for any lot created by subdivision as specified in Section 3.1.2(c) of the OCP as follows:

- 0.4 hectares (1.0 acre) for lots in the RR1 zone
- 0.8 hectare (2.0 acres) for lots in the RR2 zone
- 4.0 hectare (9.9 acres) for lots in the RR3 zone”

Flexibility in regulations: Some of the discussion related to making the zoning regulations in Part 5 of the LUB more flexible to better reflect the rural character of the Island as expressed in OCP Goal 2.2.1: “To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquillity, privacy, freedom from disturbance, and relative self- sufficiency within a visually attractive environment.” Several issues were discussed:

- How can we be more flexible with regulations while maintaining the standard of protection? e.g can we have a bathroom in a workshop.
- How can we build flexibility to promote food security and respond to climate change? What provision should be made for housing for agriculture workers?
- Should we have smaller setbacks for roadside stands?
- The current building height for outbuildings was considered too restrictive for our Island and does not allow flexibility for multiple use buildings with a smaller footprint.
- What is the process for gaining greater flexibility for subdivision of forestry land? LUB 5.8(9). It was agreed that this would likely require an OCP amendment if there was community support for such a change. (an informal working group has been established to explore this issue)
- The issue of flexibility in the maximum cottage floor area established in the OCP was discussed. A proposal to increase the maximum floor area of a cottage up to 750 sq. feet with a corresponding reduction (150 sq. feet) in the total floor area of all accessory buildings so the overall maximum floor area would

not change was reviewed. This idea would require an OCP change if there was community support for such a change.

- A similar proposal to have a cottage located over a garage was also discussed. This would require a change in the OCP if there was community support for such a change. These OCP issues are flagged for the trustees if they wish to further investigate these issues.

Protecting the environment. Another line of discussion related protecting the natural environment for future generations as expressed in OCP Goal 2.2.2: “To protect the natural features and biological diversity of the island and its immediate surroundings, including those of adjacent islands and islets, and surrounding marine waters.” A number of questions were raised, but no specific proposals were advanced.

- How do we protect the limited water supply on South Pender and give effect to the OCP policy 2.4.1 regarding “inordinate consumption of freshwater”.
- How do we manage unnecessary tree cutting with respect to OCP section 2.4.4 regarding green house gas reduction?
- How do we maintain the balance between protecting the environment and enjoying the rural lifestyle?
- How do we protect natural areas while still providing access to residents and visitors? (trails, parks, etc) - LUB sections 5.9, 5.10, 5.11 &5.12.
- How do we document where the Island is at now so we can ensure that the pace of development is sustainable?

House keeping

There was general agreement that the establishment of zones (part 4) should precede Part 3, since specific zones are discussed in Part 3.

A number of participants indicated the use of the term “accessory” in the LUB is confusing which makes it difficult to understand and/or rationalize some provisions. - why do we need to specify which is principal and which is accessory use and the order in which the various permitted uses occur? There was general agreement that there is no need to distinguish a storage building as a separate building category.

There was some discussion regarding the interpretation on whether the ‘accessory uses’ in section 5.7(1)(e) were applicable to farm use only or other uses in 5.7(1) (b)(c) & (d).

There was a brief discussion regarding the new section 3.14 proposed under the previously recinded bylaw 111. It was unclear what advantage would be accomplished by that provision. There was no apparent interest in further pursuing that option.

It was suggested that we need better definitions for “Interior” and “exterior” lot lines.

Some provisions (e.g height restrictions on farm outbuildings without “Farm Status”?) are restrictive and may not be necessary.

What is the status of employee accommodation at the resort in LUB 5.4(1)(c and in the development permit? (It was proposed that the provisions of the commercial resort zone (5.4) are complex and carefully drafted and should be left intact.)

There was a general discussion regarding the boundaries of the Schedule B map and what process is available for addressing significant boundary issues (e.g agriculture - ALR designated land). There is a typo in Natural Resource – NP (should be NR) in Section 4.

Why are different identifiers used on the Zoning map than are used on the Map following the OCP – that is, W1 – 5 , not MC, MG, MP etc – can’t the identifiers be the same on all maps? Is there a reason for the differences?

Plain language

We need to review the whole LUB to use plain language wherever possible and provide a clear explanation (definition) for technical terms.

There was agreement that terms in the LUB that are defined should be footnoted to indicate that there is an applicable definition.

Paul Petrie

June 16, 2014

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.

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. Techncial Update 5. Initiate Background Work on selected topics 6. Undertake Community Consultation/Communications 7. Legislative Process 8. Further community consultation/ communication	Oct-04-2011	Robert Kojima		On Going
2	Canal Erosion and Boat Speed	coordinate a meeting of the appropriate agencies to discuss boat speed signage and enforcement	Nov-05-2013	Liz Montague		On Going

Islands Trust

Projects

South Pender Island

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

STAFF REPORT

Date: May 26, 2014 **File No.:** 6500 -20

To: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

From: Robert Kojima, Regional Planning Manager
Marnie Eggen, Planner 1

CC: Regional Planning Managers
Southern Team Island Planners
David Marlor, Director of Local Planning Services

Re: New Federal *Marihuana for Medical Purposes Regulation*

THE PROPOSAL:

The purpose of this report is to provide Local Trust Committees with the following:

- an overview of the new *Marihuana for Medical Purposes Regulation;*
- an overview of its implications for the Islands Trust Southern Region;
- a summary of the zones in Southern Region local trust areas that could currently permit medical marihuana production; and
- options on how to proceed

A version of this report has been provided to Northern Region Local Trust Committees.

BACKGROUND:

Implementation of the new Federal *Marihuana for Medical Purposes Regulations* (MMPR) is underway. The new regulations (June 2013) came into force on April 1, 2014. However, as a result of a Federal Court Order, brought down March 21, 2014, those operating under the old regulations, *Medical Marihuana Access Program* (MMAR), are allowed to continue to produce medical marihuana past the original expiry date of March 31, 2014. The Order, however, does not affect the right of commercial medical marihuana producers to proceed with applications to Health Canada for licenses under the MMPR.

The new system relies on a more secure supply and distribution system that is based on federally licensed production facilities.

The key elements of the federal MMPR progam are the following:

1. Production in residential dwellings will no longer be permitted.
2. All aspects of medical marihuana growth, cultivation, processing, storage, research and development, shipping/distribution and administrative office functions are to be centralized and contained within an enclosed, indoor, secure facility, which must contain a restricted-access area and 24/7 video surveillance monitoring.
3. A commercial licensed producer will have the ability to conduct research and development, test and produce a variety of strains.
4. Only dried marihuana may be produced and sold.
5. Storefronts and retail outlets will not be permitted.
6. All medical marihuana distribution will be by a secured courier to a registered client.
7. Key facility personnel must hold valid security clearance, issued by Health Canada.
8. Applicants for a commercial medical marihuana production license must provide notice (including location details) to the local government, and police and fire.
9. Health Canada will ensure that a Facility meets security, safety, quality control, record keeping, inventory and monitoring requirements to avoid theft. Health Canada is not bound to ensure compliance with local government zoning when issuing licenses.

Generally, the proposed changes will move the industry from many small producers to fewer larger commercial producers. *Marihuana for Medical Purposes Regulation* may be found at: http://gazette.gc.ca/rp-pr/p2/2013/2013-06-19/html/sor-dors119-eng.php

Health Canada

Health Canada indicates, as of November, 2013, that it has received over 250 applications from individuals or companies seeking to become certified producers. Under the new regulation, applicants for a production licence are required to notify the local government, local police force and local fire officials of intention to apply to Health Canada.

As defined within the Regulation,

> *" "local government" includes the government of*
>
> - *(a) an incorporated or unincorporated city, metropolitan area, town, village or municipality;"*

Health Canada has indicated that it will not publically release the location of production sites. In the licencing process, it is looking to assure that producers are familiar with and able to comply with local government land use, development and servicing provisions. Health Canada does enable producers to publicize the location, and recognizes that an application to amend zoning or for a variance permit requires notification of the location.

Agricultural Land Commission

The British Columbia Agricultural Land Commission (ALC) has released an information bulletin stating that "if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of "farm use" under the *ALC Act*." Production of the plant indoors is considered farming, similar to a vegetable greenhouse operation. A small business office, testing lab, processing and drying, packaging/shipping areas, cloning room and anything else directly related to the growing and processing of the plant are considered to be accessory uses associated with farm use. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the Land Commission for non-farm use would be required.

Anecdotally, the Land Commission advises that a standard production and distribution facility may range from 10,000 to 50,000 square feet in size. Similarly to other indoor plant production, common nuisances for surrounding property owners may include odors, noise associated with air ventilation and generators, and night time lighting.

The Information Bulletin may be found at:
http://www.alc.gov.bc.ca/publications/ALC_Info_Bulletin_Marijuana_Amended_Jan_2014.pdf

Union of BC Municipalities

The Union of BC Municipalities (UBCM) wrote to the federal Health Minister in June 2013 to draw attention to gaps in the federal licensing process that could allow an application to be approved which does not meet local government regulations. Responding to this concern, Health Canada is initiating phone confirmation directly to local governments to ensure that it has received notice of the application. Staff are not aware of any licenses issued under the new regulations to date within the Islands Trust Area. Islands Trust has received a handful of notices of intent; none have been received for locations within the Southern Region.

Notice of intent to Local Governments

Health Canada has designed a program that provides improved security of production and responds to the medical needs of Canadians. Implementing the program across Canada has not enabled federal authorities to tailor its process to each unique level of local government.

Health Canada requires that applicants, prior to submitting an application, must "provide written notice to local authorities to inform them of their intention to submit an application". It also states that notice must be delivered to a senior official of the local government, of the RCMP, and of the local fire authority. To date, two notices of intent have been received for the Northern Region and the letter of response, copied to Health Canada, has included the following information:

- provisions of the applicable Land Use Bylaw, any applicable Development Permit Area provisions;
- reference to other agencies that work in cooperation with Islands Trust to manage development and servicing within the Trust Area; and
- a request that Health Canada refer the completed application with site plan for confirmation of compliance with the applicable Local Trust Committee bylaws.

Further information from Health Canada indicates that Health Canada won't be referring the completed application to local governments. As a result, staff will be requesting a full set of site plans from the applicant. As further information is provided from Health Canada, these processes may change. Local trust committees are not being copied or otherwise notified of these responses to notices of intent.

Health Canada is working with the Federation of Canadian Municipalities to develop a Fact Sheet. It has not confirmed if local elected officials are to be advised of the application, nor has it reconciled how the perspectives of the locally elected officials would be gathered if the location and address is protected by federal privacy and security provisions. At best, the comments of a local trust committee may be considered in-camera under section 90(1)(m) of the *Community Charter*.

Local Government Development and Servicing Regulations

Land use bylaws in each individual local trust area provide regulations concerning land use. Servicing of new development may be governed by bylaws of an applicable regional district, water purveyor, fire service area, or improvement district.

Islands Trust Policy Statement

The Policy Statement provides a general strategy for land use planning in partnership with provincial and federal agencies to achieve Object of the Islands Trust (Reference BC *Islands Trust Act* and *Islands Trust Policy Statement*, 1993). Specific strategies addressed include ecosystem protection, stewardship of resources, and sustainable communities. Within the policy statement, there is commitment that some uses are not suited to the Trust Area.

The production of marihuana for medicinal purposes is not addressed explicitly in the Policy Statement. Several policies address all forms of development and essential servicing such as transportation or water supply, and environmental quality such as the following:

3.1.9 *Trust Council encourages actions and programs of other government agencies which… prevent pollution of the air, land and fresh and marine waters of the Trust Area.*

4.1.2 *Trust Council shall consult with the Ministry of Agriculture and the British Columbia Land Reserve Commission to request that agricultural policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.*

4.4.1 *It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.*

5.1.2 *It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.*

STAFF COMMENTS:

Medical marihuana production under the MMPR could include the following activities:

- Growing and harvesting
- Testing
- Research
- Processing

- Packing and storage
- Shipping and distribution
- Administration

Due to the nature of the above activities and the requirements for secure facilities, the impacts of the activity could be considered more akin to an industrial land use due to the scale and characteristics of the buildings. Depending on the bylaw, medical marihuana could be an outright permitted use in some industrial zones; however, in order to be permitted, the definition would have to address all aspects of the use, including growing and harvesting. As it is considered an agricultural land use by the Agricultural Land Commission (ALC), by the same principle it would also be permitted outright in zones where agriculture is a permitted use. As the ALC has recognized the licensed production of medical marihuana as a “farm use” under the *ALC Act*, medical marihuana production facilities are permitted on all lands that are located in the Agricultural Land Reserve. Local governments can, however, regulate the use within the ALR; for example, significant setbacks could be established. Local trust committees consider whether amending their bylaws to regulate the use within the ALR and to address the production of medical marihuana use in zones outside the ALR. Additionally, as outlined in the Islands Trust Policy Statement above, the production of medical marihuana may not be an appropriate use for some areas; for example, small lots, smaller islands that are solely residential in character, or islands that have no ALR or industrial zoned lands. Also, consideration should be given to the likelihood of such operations on islands where services are limited, such as no connection to power, no ferry service, limited water supply.

It is difficult to anticipate if any producers will ever be licensed in the Southern local trust areas. Although Health Canada has received at least 250 applications, it is also very hard to predict how many producers will fill the market in Canada. Health Canada has not imposed any limits, but is taking the approach of letting the market decide.

Many BC local governments have adopted or are currently adopting bylaw amendments addressing the new MMPR. The zones where this use is generally being permitted are industrial and agricultural. Setbacks and minimum parcel size are key components of bylaw amendments. Setbacks are generally being set at 30 m and larger, and minimum parcel size ranges from approximately 2 ha to 260 ha.

Zones that Currently Permit the Production of Medical Marihuana in the Southern Region

The following outlines the various land use bylaws and zones where the production of medical marihuana, licensed under the MMPR, would be permitted currently in the land use bylaws in the Southern Region. Generally the use would be permitted in zones where agriculture is a permitted use, along with accessory uses.

Galiano Island Local Trust Area

Galiano Island Land Use Bylaw No. 127 would permit the production of medical marihuana under the new MMPR in the Rural 2 (R2), Rural 3 (R3) and Agriculture (AG) zones as a “Farm Use”, in combination with provisions for accessory uses. The Light Industrial (L1) and Forest Industrial (FI) zones would not permit the use.

Mayne Island Local Trust Area

The current Mayne Island LUB No. 146 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of "agriculture" along with the accessory use provisions:

- Miners Bay Rural Comprehensive (MRBC)
- Rural (R)
- Upland (UP)
- Agriculture (A)
- Country Guest House Commercial (C5)

The Mayne Island industrial zone (I1) would not permit medical marihuana production.

North Pender Island Local Trust Area

The current North Pender Island LUB No. 103, 1996 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of "agriculture," and its link to the *ALCA*:

- Rural (R)
- Rural Comprehensive One (RC1)
- Rural Comprehensive Two (RC2)
- Agriculture (AG)

The industrial zones would not permit the use.

The North Pender Associated Islands LUB No. 148 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of "agriculture" and extensive ALR lands:

- Rural Residential (RR)
- Agriculture (A)
- Agriculture Two (A2)
- Industrial One (I1)
- Forestry One (F1)
- Community Service One, Two and Three (S1, S2, S3)
- Forrest Island Comprehensive Development Zone (CD 1)
- James Island Comprehensive Development Zone (CD 3)

Saturna Island Local Trust Area

The current Saturna Island LUB No. 78 would permit the production of medical marihuana licensed under the MMPR as a "farm use" in the following zones:

- Rural Residential (RR) – on parcels 1.0 hectare or larger
- Rural General (RG) – on parcels 1.0 hectare or larger
- Rural Agricultural Sales (RAS)
- Rural Comprehensive Development (RCD)
- Farmland (F)
- Farm Resort (F1)
- Farm Retreat (F2)
- Forest Reserve (FR) on lands also within the ALR
- Forest General (FG) on lands also within the ALR

South Pender Island Local Trust Area

The current South Pender Island LUB No. 92 would permit the production of medical marihuana licensed under the MMPR in the following zones where "agriculture" is a permitted use, in combination with the accessory use provisions:

- Rural Residential One, Two and Three (RR1, RR2 & RR3)
- Agriculture (A)

SUMMARY OF OPTIONS:

Staff recommends that local trust committees consider and direct staff on their preferred approach in respect of the new MMPR. Local Trust Committees have the following options:

a) **Status Quo:** This could be an appropriate response where no notifications have been received and it is unlikely that a medical marihuana production facility under the new MMPR would be approved.

b) **Add to the projects list:** This would allow an LTC to consider future amendments, balancing the likelihood of a medical marihuana production facility being applied for under the MMPR in future with the other projects on an LTC's work program.

c) **Add to the top priorities list and direct staff to provide more information:** If the LTC chooses this option based on concerns about potential impacts, staff should be directed to report back with options.

RECOMMENDATIONS:

1. **THAT**, with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the (*insert Island*) Local Trust Committee not consider amendments to the (insert Island name) Island Bylaw No. (insert no.) at this time.

   OR

2. **THAT** the (*insert Island*) Local Trust Committee direct staff to add to the projects list the production of medical marihuana under the *Marihuana for Medical Purposes Regulation*.

   OR

3. **THAT** the (*insert Island*) Local Trust Committee direct staff to add to their top priorities list an amendment to the (insert Island name) Island Bylaw No. (insert no.) regarding the production of medical marihuana under the *Marihuana for Medical Purposes Regulation* and direct staff to provide further information on options for limiting and regulating the use.

Prepared and Submitted by:

Marnie Eggen	April 28, 2014
Marnie Eggen, Planner 1	Date
	May 26, 2014
Robert Kojima Regional Planning Manager	Date

Islands Trust

Applications w/ Status - South Pender Island
Status: Open

Applications

No Records Found

Islands Trust

LTC EXP SUMMARY REPORT F2015

Invoices posted to Month ending May 2014

665 South Pender	Invoices posted to Month ending May 2014	Budget	Spent	Balance
65000-665	LTC "Trustee Expenses"	700.00	0.00	700.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,000.00	35.12	964.88
65210-665	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-665	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-665	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		2,550.00	35.12	2,514.88
Projects				
73001-665-2011	South Pender OCP/LUB	5,000.00	105.43	4,894.57
TOTAL Project Expenses		5,000.00	105.43	4,894.57

Southern Gulf Islands Economic Development Commission Food and Agriculture Strategy

2014/2015

Briefing for Island Trust Local Trust Committees

The Southern Gulf Islands Economic Development Commission (SGIEDC) wishes to develop a Food and Agriculture Strategy that includes an Agricultural Land Use Inventory (ALUI) and Agriculture Water Demand Model (AWDM). The CRD will provide project oversight to this initiative. The SGIEDC will, through the SGI Area Agricultural Plan Steering Committee (currently being set up), guide development of the strategy, inventory and model and ensure that the project is responsive to community needs. Other key stakeholders will be engaged including but not limited to: farmers/growers, value added providers, retailers, funders, chefs, agricultural societies, Local Trust Committee, Chambers of Commerce, backhaulers, Ministry of Agriculture, CRD, and the SGI Economic Development Commission.

On July 17, 2013 the CRD Board supported a Gas Tax allocation that was leveraged to acquire Investment Agriculture Foundation funding to support the development of a SGI Food and Agriculture Strategy in addition to the development of an Agricultural Land Use Inventory and Water Demand Model. The SGIEA Director appointed Michael Dunn, member of the SGI EDC as the main point of contact for the consultant with project management support from CRD Regional Planning. Regional Planning will communicate regularly with the consultant regarding project progress, budget, timing and communications/engagement.

An agricultural land use inventory (ALUI) and agricultural water demand model (AWDM) will be the first two components of the food and agriculture strategy. The two projects will trigger important community engagement about food and agriculture that will carry on throughout the Food and Agriculture Strategy process. These conversations will ideally cross over and inform the Food and Agriculture Strategy. The ALUI, AWDM, and Food and Agriculture Strategy processes will connect to and compliment agriculture inventories and related planning work being undertaken elsewhere in the region such as Salt Spring Island, North Saanich and Central Saanich.

The Food and Agriculture Strategy, AWDM and ALUI contract is expected to begin in the Summer of 2014. The ALUI and AWDM model must be completed by December 31, 2014 and the Food and Agriculture Strategy must be completed by April 30, 2015.

The planning process will consist of five phases: Phase 1 Pre ALUI, Phase 2 Communications (Ongoing), Phase 3 ALUI and AWDM Field Work, Phase 4 Post Survey Data Analysis and Report Preparation, and Phase 5 Food and Agriculture Strategy Preparation. The SGIEA ALUI, AWDM, and Food and Agriculture Strategy is intended to help re-establish local food and agriculture as a vital part of the Southern Gulf Islands' economy and support long term community resiliency. A clear road map and implementation plan are expected to be a key component of the strategy and intended to provide long term direction to the community. If you have any questions please contact the CRD's project manager, Jeff Weightman at 250-360-3162 or jweightman@crd.bc.ca.