



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 10:00 AM, TUESDAY, APRIL 16, 2013 AT THE FIRE HALL AT 8961 GOWLLAND POINT ROAD SOUTH PENDER ISLAND, B.C.

***Approximate** time is provided for the convenience of the public only and is subject change without notice.

	Page #	*Approx. Time*
1. CALL TO ORDER		10:00 am
2. APPROVAL OF AGENDA		
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING - none		
4. PUBLIC HEARING - none		
5. PREVIOUS MEETINGS		10:05 am
5.1 Adopted Local Trust Committee Minutes (attached) (for information)		
5.1.1 Adopted Local Trust Committee Business Meeting Minutes of February 5, 2013	1	
5.1.2 Adopted Local Trust Committee Special Meeting Minutes of February 9, 2013	9	
5.2 Public Hearing Records and Community Information Meeting Notes (attached) (for information)		
5.2.1 Received Community Information Notes of February 9, 2013	10	
5.3 Section 26 Resolutions-without-meeting (attached)	17	
5.4 Advisory Planning Commission Minutes - none		
6. BUSINESS ARISING FROM THE MINUTES		
6.1 Follow-up Action Report (attached)	18	10:15 am
7. DELEGATIONS - none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		10:20 am
8.1	D. Howe, CRD Director, Southern Gulf Islands letter dated February 25, 2013 re: Proposed Pender Islands Area Farm	20	
8.2	North Pender Island Local Trust Committee letter dated March 22, 2013 re: Area Farm Plan	21	
8.3	A. Lightbody and M. Foster letter dated February 12, 2013 re: Restrictions for Residential Homes	22	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS - none		
10.	LOCAL TRUST COMMITTEE PROJECTS		10:50 am
10.1	Land Use Amendments Staff Report (attached)	23	
10.2	Advisory Planning Commission Bylaw Amendments (attached)	36	
11.	REPORTS		12:00 pm
11.1	Work Program Reports		
11.1.1	Adopted Policies and Standing Resolutions; and Objectives (attached)	43	
11.1.2	South Pender Island Local Trust Committee Work Program – April 2013 (attached)	44	
11.2	Applications Report		
11.2.1	South Pender Island Applications Report dated April, 2013 (attached)	46	
11.3	Expense/Budget Reports		
11.3.1	Trustee and Local Expenses (attached)	47	
11.4	Bylaw Enforcement Report - none		
11.5	South Pender LTC Web Page (attached) – For Information	48	
11.6	Chair’s Report		12:30 pm
11.7	Trustee Report		
12.	OTHER BUSINESS		12:45 pm
12.1	Upcoming Meetings		
12.1.1	Business Meeting to be held Tuesday, June 18, 2013 at 10:00 am, at the South Pender Fire Hall		
12.2	Annual Report (attached)	50	
12.3	Renewable Energy Technologies in the Trust Area – Ocean Based Geo-Exchange Systems (attached)	51	
13.	TOWN HALL		1:00 pm
14.	ADJOURNMENT		1:15 pm

ADOPTED

MINUTES OF THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON TUESDAY, FEBRUARY 5, 2013, AT 10:00 AM AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD, SOUTH PENDER ISLAND, BC

PRESENT:	Mike Jones Elizabeth Montague Robert Kojima Kathy Gilbert	A/Chair and Local Trustee Local Trustee Regional Planning Manager Recording Secretary
REGRETS:	Ken Hancock	Chair

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

1. CALL TO ORDER

Trustee Jones called the meeting to order at 10:03 am.

Resolution-SP-LTC-01-13

It was Moved and Seconded that the South Pender Island Local Trust Committee appoint Trustee Mike Jones to act as Chair for the February 5, 2013 meeting of the South Pender Island Local Trust Committee.

CARRIED

2. APPROVAL OF AGENDA

2.1 Additions / Deletions

None

By consensus, the agenda was approved.

2.2 Questions from public on Agenda items

A member of the public noted the conflict between the upcoming February 9, 2013 Community Information Meeting (CIM) and the Pender Community Transition (PCT) meeting to be held on the same day. Trustees noted that the CIM is not a public hearing, where formal comment is received; and that there will be several CIMs.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Adopted Local Trust Committee Minutes

5.1.1 Local Trust Committee Business Meeting Minutes of November 13, 2012

These were adopted through Resolution-without-meeting.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

These items were provided for information.

5.4 Advisory Planning Commission Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Regional Planning Manager (RPM) Kojima noted that the status of all items was as shown in the report.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 C. Thorne Letter dated June 25, 2012 re: Proposed Land Use Bylaw (LUB) Amendment Section 3.5

Trustee Montague explained that the letter was brought forward at this time as it had not been included in the September 18, 2012 LTC meeting agenda.

8.2 M. Taylor Email dated January 28, 2013 re: Proposed changes to South Pender Island Land Use Bylaw

Trustees indicated that the email will be considered as part of the LUB review.

8.3 W. Scholefield Email dated January 28, 2013 re: Proposed Land Use Bylaw

Trustee Montague noted that this email will be added to the comments received at the CIM and will form part of the considerations associated with the LUB review.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 Saturna Island Bylaw No. 110 Referral for Comment

RPM Kojima noted that Trustees had received supporting documentation via email.

Trustees discussed the different approaches among the Gulf Islands to “ocean loop geo-exchange systems.”

Resolution-SP-LTC-02-13

It was Moved and Seconded that the South Pender Island Local Trust Committee advise the Saturna Island Local Trust Committee that the interests of South Pender Island are unaffected.

CARRIED

9.2 North Pender Island Bylaw No. 192 Referral for Comment

RPM Kojima explained that this is a proposed change to the North Pender Island Official Community Plan identifying the “Magic-Ferry” Bicycle-Walking Route between the BC Ferries terminal and the entrance to Magic Lake Estates; and identifying the existing car stop network. Formal recognition of these elements may result in additional transportation system funding.

Resolution-SP-LTC-03-13

It was Moved and Seconded that the South Pender Island Local Trust Committee recommends approval of Bylaw 192, because it will result in a reduction of greenhouse gases.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

None

11. REPORTS

11.1 Work Program Reports

- 11.1.1 Adopted Policies and Standing Resolutions; and Objectives
No discussion.

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

RPM Kojima provided an update regarding the Shoreline Protection Top Priorities work program item: that a DVD has been received from consultants for each island or groups of islands toward the goal of developing web-based access to shoreline protection resources and development of the MapIT on-line application.

RPM Kojima suggested that the LTC may want to review the projects list at a future meeting when Chair Hancock is present.

Trustees indicated that they would like staff to prepare a report on the Forest Lands item, but agreed to defer the request until Chair Hancock is present; and noting that all work program items are subject to funding in the upcoming budget.

RPM Kojima advised that there is only one active application in process SP-SUB-2011.2 (Airey Group) that involves numerous conditions to be fulfilled. The Title is one of the complexities to be resolved.

11.3 Expense/Budgets Reports

11.3.1 Trustee and Local Expenses

RPM Kojima reported that the SPI budget and expenses are at or below expense targets overall, with expenditures on the Shoreline Project expected to rise as more time and resources are devoted to that project.

11.4 Bylaw Enforcement Report

None

11.5 South Pender Island LTC Web Page

Trustee Montague requested that several Pender Post Trustee articles missing from the webpage be added.

Trustees and staff discussed options for including correspondence on the webpage from the public, related to the LUB update.

Resolution-SP-LTC-04-13

It was Moved and Seconded that the South Pender Island Local Trust Committee requests posting on-line under the Land Use Bylaw Update section of the webpage, all correspondence; and that all incoming correspondence related to the Land Use Bylaw update be included in the agenda packages.

CARRIED

RPM Kojima confirmed that there will be a link to correspondence provided on the webpage.

11.6 Chair's Report

A/Chair Jones stated that he is looking forward to the February 9, 2013 CIM. He expressed disappointment that the meeting conflicts with the PCT event, but also noted that this first Family Day weekend will bring more off-Islanders to the Island.

11.7 Trustee Report

Trustee Montague reported that she had been in contact with John Readshaw, who will be presenting at the upcoming March 2, 2013, "What We Must Know About Our Shorelines" event to be held on South Pender Island starting at 9:45, at Firehall #3 and on North Pender Island starting at 1:45 pm, at the Hope Bay meeting room.

Trustee Montague also provided a progress report on her exploring a Farm Plan for South Pender Island. She advised that she has been in contact with Derek Masselink, who has developed farm plans elsewhere. She noted that it is important to partner with North Pender Island on this initiative.

Trustee Montague reported that she also spoke with David Graham, Trustee for Denman Island, to learn more about the scope, funding and timeline of this project.

Resolution-SP-LTC-05-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to write to the Capital Regional District Director and North Pender Island Local Trust Committee confirming their interest in development of a joint Pender Island Farm Plan with South Pender Island.

CARRIED

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Special Meeting to be held Saturday, February 9, 2013 at 11:00 am, at the South Pender Fire Hall

This is a Community Information Meeting regarding proposed changes to the South Pender Island Land Use Bylaw (LUB.)

12.1.2 Business Meeting to be held Tuesday, April 16, 2013 at 10:00 am, at the South Pender Fire Hall.

12.2 PICA Shoreline Series Event 2

“What We Must Know About Our Shorelines.” (See Item 11.7.)

Trustee Montague commented that this is a rare opportunity to hear a marine engineer and expert on this subject.

12.3 National Marine Conservation Area Reserve

Planning Manager Kojima presented his report written to all LTCs (included in agenda package.)

Trustees expressed concern that all “zoning control” would be assumed by Parks Canada in the Reserve area.

Planning Manager Kojima stated that mapping is very preliminary .

15. TOWN HALL

By consensus, the order of business was varied to conduct the Town Hall meeting at this point in the agenda.

A member of the public requested that staff provide a “marked up” version of the LUB showing existing and proposed text and mapping changes.

By consensus, Trustees requested that the Pender Post section of the webpage be moved up on the page to draw people’s attention to the activities of the Local Trust Committee.

Further, it was suggested that local realtors mention the Islands Trust website to prospective purchasers. Planning Manager Kojima suggested that Trustees provide copies of the webpage to local realtors to be included in the packages they provide to purchasers.

A discussion followed concerning making correspondence from the public widely available. Points included:

- that members of the public should be made aware that their correspondence to the islands trust will be available in the public domain;
- that staff always vet correspondence that may be made public, for issues related to privacy legislation and slander, among others;
- that staff try to determine whether a submission from the public is intended for wider public distribution, or whether it is intended for the attention of a particular Trustee(s) or staff member(s.)

Options for conducting the business of the Islands trust when only two (2) Trustees are present were discussed, including deferral of meetings until the Trustees and Chair can all be present; or attendance by the Chair’s alternate. Trustees were encouraged to try to ensure full LTC attendance.

In response to an enquiry from a member of the public concerning the previous one-year appointments of Advisory Planning Commission (APC) members, Trustees and staff explained that the intent was to stagger APC appointments with Trustee elections (which formerly coincided exactly with the three-year APC appointment terms,) so that the APC is not newly appointed at the same time as the Trustees are elected. This will help to provide continuity in the discussion of issues between the APC and LTC. Trustees noted that going forward, the next APC will be appointed for a three-year term, so not to coincide with Trustee elections.

A member of the public enquired as to the government jurisdiction over airspace, noting that a small plane flies over his home at 4:00 – 4:30 am every day. Staff noted that air space is a matter of federal jurisdiction. The member of the public was asked to write to the LTC who will forward his correspondence to the Executive Committee.

**Note – The meeting recessed from 10:55 am to 11:15 am.*

Trustees received a verbal update on the Parks Commission trails project as part of the “Experience Gulf Islands” initiative. They were advised that the next Parks Commission meeting is to be held on February 16, 2013.

13. MOTION TO CLOSE MEETING

Resolution SP-LTC-06-13

It was Moved and Seconded

THAT, pursuant to Section 90(1)(a), (d), (g), and (i) of the Community Charter, the South Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose adopting June 19, 2013 South Pender Island Local Trust Committee In Camera Minutes and to consider Advisory Planning Commission appointments; and further that staff and Recording secretary remain present.

CARRIED

The Regular Business Meeting adjourned to the In Camera Meeting at 11:20 am.

14. RECALL TO ORDER

By consensus, the South Pender Island Local Trust Committee Meeting reconvened out of camera.

The Regular Business Meeting reconvened at 11:35 am.

15. RISE AND REPORT

Resolution-SP-LTC-07-13

It was Moved and Seconded that the South Pender Island Local Trust Committee appoint the following people to the South Pender Island Advisory Planning Commission for a three-year term:

Bruce McConchie
Buffy Paterson
Donna Spalding
Jane Perch
Ron Henshaw

CARRIED

Resolution-SP-LTC-08-13

It was Moved and Seconded that the South Pender Island Local Trust Committee review the Advisory Planning Commission Bylaw at its next Business Meeting, with a view to increasing the maximum number of Advisory Planning Commission members to six (6) and reconsider appointment of the sixth applicant for an Advisory Planning Commission position at that time.

CARRIED

Resolution-SP-LTC-09-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to set up a facilitated meeting to include Eli Mina, the South Pender Island Local Trust Committee and others as agreed upon to clarify the roles, improve communication and overall functioning of the Local Trust Committee.

CARRIED

16. ADJOURNMENT

Resolution-SP-LTC-10-13

It was Moved and Seconded that the South Pender Island Local Trust Committee Meeting be adjourned at 11:39 am.

CARRIED

RECORDER

CHAIR

ADOPTED

**MINUTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE SPECIAL MEETING
HELD ON SATURDAY, FEBRUARY 9, 2013, AT 11:00 AM
AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD,
SOUTH PENDER ISLAND, BC**

PRESENT:	Ken Hancock Mike Jones Liz Montague Andrea Pickard Kathy Gilbert	Chair Local Trustee Local Trustee Island Planner Recording Secretary
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There were approximately eighteen (18) members of the public in attendance.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 11:02 am.

2. APPROVAL OF AGENDA

Resolution-SP-LTC-10-13

It was Moved and Seconded that the Agenda be approved.

CARRIED

3. COMMUNITY INFORMATION MEETING

Please see separate Community Information Meeting Notes of same date.

4. ADJOURNMENT

The meeting was adjourned at 1:16 pm.

RECORDER

CHAIR

**NOTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON FEBRUARY 9, 2013 AT 11:00 AM
AT THE AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD,
SOUTH PENDER ISLAND, BC**

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

There were approximately eighteen (18) members of the public present.

Chair Hancock opened the meeting at 11:02 am. He acknowledged that the meeting was being held in the traditional Territory of the Coast Salish and expressed his appreciation.

Chair Hancock stated that the purpose of the Community Information Meeting (CIM) was to have staff present a synopsis of draft Bylaw No. 111, a bylaw to amend Land Use Bylaw No. 92, and answer questions of a technical nature from members of the public. He noted that a binder with submissions from the public was available at the CIM and will be added to as comments are received; and the binder will form part of the future public hearing record. He then asked Planner Pickard to present the proposed changes to the Land Use Bylaw.

Planner Pickard outlined the process to date and drew the attention of those present to the package of material available at the meeting, particularly noting the “marked up” version of the present Land Use Bylaw (LUB.)

Planner Pickard stated the amending bylaw is in draft stage, it has been referred to the Advisory Planning Commission (APC) and has not received any readings as of yet. She advised that a further CIM will be held prior to the public hearing for the amending bylaw and that the February 9, CIM will help to refine changes to the bylaw.

Planner Pickard identified four (4) main areas of change that are incorporated into the amending bylaw, all of which came out of the recent Official Community Plan (OCP) Review or were identified by current Trustees:

1. Changes supporting environmentally- friendly buildings;
2. Allowing for construction of a storage building prior to construction of a house on a lot;
3. Introduction of a maximum floor area for principal dwellings;
4. Allowing for dwellings to be attached, where a second dwelling is permitted.

Language around pump houses and utility lines will be clarified.

Planner Pickard presented the changes clause by clause. Members of the public were invited to ask questions and provide comments for each clause. A session on general comments was also provided for following the detailed presentation.

Clause 1: In order to not penalize thick-walled construction (e.g. – straw bale) dimensions will be measured from the interior walls, rather than exterior walls, as is now the case.

Clause 2: Pump/utility houses will no longer be defined as an accessory building.

Clause 3: The definition of “structure” will exempt utility lines.

Clause 4: Marine geothermal systems will be defined and regulations for installation introduced.

Discussion points included:

- that federal and provincial requirements must still be met;
- clarification that marine geothermal loops are situated in the ocean water, must be protected from freezing and that some of the infrastructure lies on the bed of the sea;
- that the proposed amending bylaw will restrict the cooling / heating liquid used to fresh water (as opposed to propylene glycol or other liquid not subject to easy freezing);
- that while Fisheries and Oceans Canada is still one of the approving authorities, the Land Use Bylaw must be amended to allow the use of marine geothermal systems in the Marine zones; and that existing systems will be “grandfathered” with the adoption of the amending bylaw;
- that the requirements for marine geothermal systems currently varies from island to island within the Trust area;
- that there should be a common definition for these systems.

Clause 5: A new definition for “storage building” will be introduced; and construction of a storage building will be permitted prior to construction of a dwelling, (not currently permitted) in order for owners to be able to shelter items for personal use.

In response to a question about the origin of the term “storage,” as opposed to “accessory”, Chair Hancock clarified that until there is a principal use on a property, the use cannot be accessory as there is nothing to append it to.

Planner Pickard also highlighted that the storage building must be for non-commercial purposes.

Clause 6: Introduces provision for a second dwelling (where permitted in the bylaw) to be attached to the other dwelling on a lot.

It was noted that the second dwelling might be used by a care taker or member of the family requiring care, and that the new provision will allow for a smaller building footprint than that created by requiring two separate structures.

Clause 7: Will introduce a requirement for pump / utility houses to be located a minimum of 3 m (10 ft.) from all property lines.

Planner Pickard noted that pump houses presently sited closer than 3 m from a property line will be rendered legal non-conforming. She outlined the provisions in the *Local Government Act* surrounding non-conforming siting.

In response to a question about the siting requirements for solar collectors, Planner Pickard explained that the maximum height for free-standing solar collectors is 4.6 m (15 ft.) and the 3 m setback will apply.

Clause 8: Will allow for a maximum height of 4.6 m (15 ft.) for storage buildings.

Clause 9: Clarifies that roof-mounted solar collectors are exempt from the maximum building height regulation in the Land Use Bylaw.

Clause 10: Adds storage buildings to the total permitted floor area in alignment with current accessory buildings.

Clause 11: Will provide regulations as to the use of storage buildings.

Clause 12: Updates provisions around measurement of zone boundaries to reference Geographic Information System (GIS) data now used to determine zone boundaries rather than paper maps.

Clauses 13-17: Are amendments to the RR1 zone permit a storage building, allow attached dwellings, and remove pump/utility houses as exempt from setbacks

Clause 16: Introduces a maximum dwelling size of 375 m² (4036 ft²) for single family dwellings in zones where they are permitted.

Later in the meeting, discussion took place on whether an owner would be able to apply for a development variance permit (DVP) to increase the size of a proposed single family dwelling; or whether an increase in size constituted a change in density, which is not variable through a DVP.

Clauses 18-27: Will insert the substantive changes noted above into the RR2 and RR3 zones.

Clauses 28 and 29: Remove pump/utility houses as exempt from setbacks in the S1 and S2 zone

Clauses 30-32: Will insert the substantive changes as described above into the Agriculture zone.

Clauses 33-40: Will insert the substantive changes as described above into the Forestry Zone Natural Resource Zone.

Clauses 41-45: Relate to new regulations around the siting of pump/utility houses in various zones.

Clauses 46-49: Add regulations in connection to the proposed new recognition of marine geothermal loop systems.

Chair Hancock then opened the floor to questions of a more general nature than those pertaining to each individual clause of draft Bylaw 111.

Stuart Scholefield commented on the need to protect the shoreline and stated that the proposed marine geothermal loop regulations appear to intrude on shoreline protection. Further, he noted that in some locations the storms cause significant changes to the shoreline on a recurring and frequent basis and questioned how marine geothermal loops could be installed so they would not be impacted by these storms; and by extension, harm the sensitive shoreline.

Planner Pickard outlined some of the salient requirements that Fisheries and Oceans Canada has for installation of such systems, such as the need for “before and after” underwater videography and that no damage to habitat is allowed. She also clarified the areas in which such systems would be allowed).

Trustee Montague reminded those in attendance of the upcoming Pender Island Conservancy Association (PICA) presentations on “What We Must Know About Our Shorelines” on March 2, 2013, and stated that these sessions will help to clarify impacts on the shoreline of such systems.

John Chapman asked for and received confirmation that in aggregate, the maximum size of all accessory buildings and structures, including storage buildings, will not change from the present limit.

Cameron Thorne, speaking on behalf of Howard Airey, stated that Mr. Airey, felt the proposed maximum dwelling unit size of 375 m² is too restrictive and that the bylaw should rely on lot coverage and setbacks to control house size. He also stated that the proposed 4.6 m height for a storage building does not allow for any architectural discretion; and further, that by allowing a more generous height, a second storey could be added, which would decrease the overall building footprint of development.

Ron Henshaw stated that heat pump technology should be encouraged, but not in marine sensitive ecosystems. He encouraged installation of ground-based systems before considering marine-based systems.

Ken Robertson, who has had a marine geothermal loop system for 14 years, agreed with previous speakers that there are some areas where these systems should be permitted (e.g. adjacent to a cliff face), some where they should not be permitted (sensitive ecosystems). He stated that some flexibility is needed with respect to the liquid in the loop, noting that more concrete is needed for a fresh water system to protect the system from freezing. He also noted that his system has seen the introduction of marine life where none existed before its installation.

Bruce McConchie commented on three (3) areas of the draft bylaw:

1. With respect to the proposed marine geothermal loop provisions, he expressed concern about the cutbacks to Fisheries and Oceans Canada as related to their ability to adequately evaluate such systems.

Planner Pickard noted the reliance on professionals' reports for guidance in installation and subsequent monitoring.

2. With respect to solar collectors, **Mr. McConchie** identified a possible illegality with solar-powered lighting at the street, which assists emergency responders in finding a home quickly.

3. **Mr. McConchie** enquired as to the basis for the proposed 375 m² dwelling size.

Planner Pickard recounted the research she had undertaken and noted that this size is a starting point for discussion on maximum house size.

Cameron Thorne introduced his remarks by stating that he would have preferred a conceptual discussion of the Land Use Bylaw with principals and objectives being developed; and that the Bylaw needed a more holistic and comprehensive review, addressing all of the items raised in the OCP Review.

Mr. Thorne asked for clarification as to the maximum height for a solar collector not mounted on a roof and was advised that the maximum would be the same as that for a principal building; and that the Islands Trust could consider introducing a maximum height specifically structures mounted on a roof.

Mr. Thorne also suggested that the 3 m setback proposed for pump houses was not necessary along front and rear property lines.

Planner Pickard advised those present that approval for any building or structure proposed to be less than 4.5 m (14.7 ft.) from a highway right-of-way (usually a road) requires approval from the Ministry of Transportation and Infrastructure; are evaluated for issues related to sight lines, and that such approvals are usually straightforward.

Planner Pickard recounted the process by which the present set of draft bylaw amendments was arrived at: they were in response to the major policy directions identified through the OCP Review; that height of storage buildings was not specifically identified, but timing of construction was; the various Local Trust Committees' priorities had been considered, along with allocation of resources (primarily staff time;) and the work that other jurisdictions had undertaken had been used to inform the proposed changes.

Mr. Thorne requested that the height and maximum size of accessory buildings be increased.

William Henderson stated that the proposed 375 m² maximum dwelling size is too restrictive; there are houses larger than that right now on South Pender Island; there are probably fewer than 100 lots left to be built on; the proposed limit will negatively impact property values; and the restrictions on the size of accessory buildings will result in construction of multiple buildings for storage and parking, increasing the overall building footprint.

Mac Foster agreed with the suggestion that a maximum dwelling size of 375 m² is too restrictive and suggested using other means to control size.

Planner Pickard noted that the present size is limited to 25% of lot area. She then enquired of those present whether the issue was the principle of limiting house size; or whether the 375 m² proposal was the issue.

Mr. Foster expressed concern about reducing options for individuals.

Stuart Scholefield stated his support for Messrs.' Airey and Thorne's opinions on limiting the height of accessory buildings to 4.6 m. He supported a less restrictive height limit in order to reduce overall building footprint.

A brief discussion regarding possible future CIMs to be held in connection with draft Bylaw 111; and whether there would be an opportunity to identify and consider additional changes to the LUB.

Planner Pickard and Trustees stated that there will be further discussion on draft Bylaw 111; and that Trustees should be contacted to discuss further changes to the LUB.

Everest Lapp presented some conceptual sketches showing options for achieving the same floor area using different layouts and heights for accessory buildings. She supported suggestions for increasing building height on order to reduce overall building footprint.

Ms. Lapp supported the proposed change regarding measuring building size from the inside walls, rather than the outside walls.

Ms. Lapp also asked for consideration of a maximum aggregate size for all buildings and structures, including principal and accessory buildings.

Judith Robertson asked for clarification as to the impetus for introducing a maximum floor area for dwellings.

Chair Hancock explained that the changes proposed were in response to Provincial legislation enacted in support of reducing greenhouse gases.

Ms. Robertson recommended use of other tools such as a floor area ratio maximum to control house size; and agreed with previous opinions that 375 m² is too restrictive.

Note: The meeting recessed from 12:43 pm to 1:01 pm.

Cameron Thorne stated that the proposed definition of storage building appears to preclude any type of activity in storage buildings, such as woodworking. He also expressed his opinion that while the OCP encourages lot consolidation, the LUB allows for more overall building size if lots are not consolidated. He also reiterated his opposition to introducing a maximum dwelling size as tantamount to downzoning; that the market should dictate house size; and that other tools such as increased setbacks for large homes could be considered.

Another member of the public recommended relating maximum dwelling size to lot size.

Everest Lapp stated that in Victoria, a maximum dwelling size has resulted in construction of homes to that maximum.

John Chapman agreed with the earlier concern raised regarding lack of resources at Fisheries and Oceans Canada with respect to approving heat pump (marine geothermal loop) technology.

Planner Pickard identified two additional options: site-specific rezoning for each application for a marine geothermal loop system; and identifying all zones where marine geothermal loops are permitted as a development permit area and adopting guidelines for installation to go along with that designation.

Chair Hancock invited further submissions from the public.

Trustees expressed their appreciation for the comments and encouraged the public to provide on-going and further input for their consideration.

Hearing no further submissions, Chair Hancock adjourned the meeting at 1:16 pm.

RECORDER

DATE



Islands Trust

Print Date: Apr-04-2013

RWM From: February 05, 2013 To: April 04, 2013

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2013-03	In Favour	THAT South Pender Island Local Trust Committee Special Meeting Minutes of February 9, 2013 be adopted; and THAT South Pender Island Local Committee Community Information Meeting Notes of February 9, 2013 be received.	Mar 12, 2013

2013-02	In Favour	THAT South Pender Island Local Trust Committee Business Meeting minutes dated February 5, 2013 be Adopted	Feb 20, 2013
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Islands Trust

Follow Up Action Report w/o Target Date

South Pender Island Jun-19-2012

No.	Activity	Responsibility	Status
1	Item 8.1 - Correspondence from PCT: the SPILTC allocates \$200 for the purchase of a series of reports from Pender Community Transition on their activities in the coming year to address community resilience and climate change adaptation SP-LTC-30-12 \$100 paid Nov/12 NROGGERS SP-LTC-31-12 \$100 paid Mar/13 NROGGERS	Nancy Rogers	Done

Feb-05-2013

No.	Activity	Responsibility	Status
2	Saturna Bylaw 110 referral - interests unaffected	Gary Richardson	Done
3	NP Bylaw 192 - approval recommended because GHG emission reductions	Andrea Pickard	Done
4	webpage changes: Move link to pender post reports to just under "latest news" paragraph" Create a link to public submissions under LUB Review section, add a brief disclaimer stating that submissions are public information.	Kathy Jones	Done
5	LUB correspondence: include future submissions in next available agenda package	Kathy Jones Andrea Pickard	Done
6	Write letter to NPILTC and CRD Area director and alternate requesting confirmation of interest in participating in a Pender Islands Area Farm Plan	Andrea Pickard	Done
7	Bring (Update) copies of strikethrough version of LUB amendments to CIM	Andrea Pickard	Done
8	bring additional copies of brochures for trustees to distribute to realtors	Andrea Pickard	Done

9 APC appointments:
 - Bruce McConchie
 - Buffy Paterson
 - Donna Spalding
 - Jane Perch
 - Ron Henshaw

Kathy Jones
 Sharon Lloyd-deRosario

Done

10	- add APC bylaw to next LTC meeting agenda for consideration of amending maximum number of members to 6 and reconsider appointment of the 6th applicant for an APC position at that time	Andrea Pickard	Done
11	That the CAO be request to schedule a facilitated workshop with Eli Mina for the LTC and other persons agreed upon	Linda Adams Andrea Pickard	Done
12	Website: forward the Nov, Dec, and Feb Pender Post reports to be posted.	Mike Jones Liz Montague	On Going

Feb 25/13

Andrea Pickard
Local Planning Services
Islands Trust
Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

Dear Andrea,

Thank you for the invitation to participate in the proposed Pender Islands Area Farm planning process. At this time I would be inclined support a regional agricultural planning process for the entire Southern Gulf Islands archipelago.

As you know, the CRD is pursuing a regional, triple-bottom line economic development approach in the Southern Gulf Islands Electoral Area through an Economic Development Commission. The Commission has discussed the possibility of supporting local sustainable agricultural activities in the Southern Gulf Islands including a regional agricultural plan.

Given the fragmented geography and history of our community of islands, this approach might seem like an impossibility. However, recent work by the Commission on regional initiatives such as the "Experience the Gulf Islands" regional trail network is demonstrating that our communities are capable of collaborating as a community of interest on projects that matter. We see a regional farm plan as a potential regional initiative and therefore would wholeheartedly support it if it is approached in this manner.

I would be happy to discuss this matter more directly with you and Pender Islands' Local Trustees.

Sincerely,



David Howe
CRD Director, Southern Gulf Islands
dhowe@greenangels.com



200-1627 Fort Street, Victoria, BC V8R 1H8
 Telephone 250 405-5151 Fax 250 405-5155
 Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
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 Web www.islandstrust.bc.ca

File Number: n/a

March 22, 2013

South Pender Island Local Trust Committee

Via email: spltc@islandstrust.bc.ca,

Dear South Pender Island Local Trust Committee,

Re: Area Farm Plan for Pender Islands

Thank you for your letter dated February 13, 2013 regarding a Pender Islands Area Farm Plan.

The North Pender Island Local Trust Committee discussed your request, in conjunction with the response from Director Howe, at their February 28th meeting. In response, the North Pender Island Local Trust Committee directed staff to provide the following comments for your consideration:

1. That the North Pender Island Local Trust Committee supports the idea of a regional area farm plan for the Southern Gulf Islands;
2. That we appreciate the CRD's willingness to consider taking a leadership role; and
3. That we look forward to receiving more information on the proposal.

Sincerely

Andrea Pickard
 Island Planner

apickard@islandstrust.bc.ca
 250-405-5189

pc: CRD Electoral Area Director Howe

u:\local trust committees\south pender\letters\2013\areafarmplan.docx

To: South Pender Island Trust Committee

February 12, 2013

My husband, Mack Foster, recently attended your Community information meeting and expressed our opinion about the proposed 4036 sq.ft. restriction for residential homes on South Pender Island. It was suggested a letter stating our opinion be submitted so it would be on record.

We understand there is concern about 'monster houses' upsetting the balance of our small Island but we would like to suggest the whole picture be looked at in a broader sense. There are already several houses with a larger square footage that already exist on the Island and we aren't aware that any of these appear obnoxious or overbearing. Your proposed restriction would unfairly make them legal, non-conforming.

In one of your other proposals your are considering is allowing a legal cottage to be joined to the house. From an outward appearance this would also look like an extra large house. If the outward visual appearance of a large house is your concern then this option is inconsistent with the concern about square footage.

In addition, the size of the house doesn't necessarily relate to the number of people living in it so use of resources would be difficult to measure.

We definitely honour the island by collecting rainwater, maintaining a garden and composting with a strong belief in stewardship of the land. What we don't agree with is unreasonable controls placed on private property.

We request more careful consideration be given to this topic. It might be prudent to gather information about the number of houses that would be legal, non-conforming and create a formula that takes into account what already exists, lot size and other realistic criteria, rather than just choosing a number from another jurisdiction.

Respectively submitted,
Alma Lightbody & Mack Foster
8805 Ainslie Point Road,
South Pender Island

March 27, 2013

File No.: SP-6500-20 LUB
Review 2012

To: South Pender Island Local Trust Committee
For the meeting of April 16, 2013

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Review of South Pender Island Land Use Bylaw

PROJECT BACKGROUND:

The South Pender Island Local Trust Committee (LTC) has identified a review of the Land Use Bylaw (LUB) on the work program. At the meeting of November 2012 the LTC requested an additional amendment to the draft bylaw and directed staff to schedule a weekend community information meeting (CIM). The CIM was held February 9, 2013 and the notes will be included in the April meeting agenda.

Based on comments at the CIM there are some key points that should be considered and/or clarified at this time to assist the LTC with providing direction to staff on how to proceed. Comments are provided below relative to the proposed clauses in the attached draft bylaw.

- Clause 2: Deleting the reference to 'accessory' for a pump/utility house would increase the allowable floor area for accessory buildings by 2.9 m² (32ft²) since they would not be included in any aggregate accessory calculations.
- Clause 6: A proposed definition for 'solar collectors' has been included with the attached draft bylaw (clause 6) for clarity. This definition would also clarify that solar hot water systems, including the water storage tank, would be included as solar collector.
- Clause 7: Deleting the reference to 'no interior passageway connecting the two dwellings' is recommended. Building code addresses issues regarding safe access and egress, and there may be circumstance where common areas for shared entryways, laundry rooms, or storage rooms may be appropriate.
- The *Local Government Act* establishes that a development variance permit can be used to vary the siting, size or dimensions of buildings, structures, or a parcel of land, but they cannot vary the use or density of land. A local government can regulate the density of land by various regulatory options; therefore, how the relevant bylaws are drafted would be a factor in how a local government regulates density in their jurisdiction. Based on how the LUB is drafted, establishing a maximum floor area would be size regulation and

therefore can be varied. Parcel size requirements for subdivision and lot coverage are density regulations that cannot be varied. Examples of other density regulations include floor area ratio or the number of units per hectare although they are not applied in the LUB. Therefore the LTC could consider a variance to floor area as long as it did not exceed the lot coverage.

Furthermore the LTC needs to decide if they want to amend or proceed with:

- Adding 'marine geothermal loop' as a use in the marine zones (Clauses 4 and 47-50).
- Limiting the maximum floor area for a single family dwelling (Clauses 17, 22, 27, 32, 35, 39).
- Increasing the maximum height for an accessory building in this bylaw (expanded scope) or add it to the project list for future consideration.

The draft bylaw was also sent out to referral agencies near the end of September and at this point five agencies have responded with no objections or concerns raised. The agencies that have responded are: Agricultural Land Commission; Vancouver Island Health Authority; Ministry of Transportation and Infrastructure; Ministry of Forests, Lands, and Natural Resource Operations; and Parks Canada. Furthermore the adjacent LTC's from North Pender and Saturna Islands responded with no objections. The draft bylaw was also considered by the Advisory Planning Commission and the minutes were previously received at the November 2012 meeting.

STAFF COMMENTS:

The LTC should now consider further revisions to the draft bylaw. If the LTC is satisfied to proceed with the draft bylaw then you may choose to give the draft bylaw First Reading and direct staff to schedule a public hearing. A community information meeting to be held immediately prior to a public hearing would also be recommended.

If the LTC proceeds with First Reading, staff request direction as to whether the public hearing should be scheduled for a weekend date or in conjunction with a regularly scheduled LTC meeting. The LTC is reminded the 2013 meeting schedule is: June 18th, Sept 16th and November 5th.

A possible timeline is:

- April LTC, request any amendments, give the bylaw First Reading,
- Schedule CIM and PH for a Saturday before the June LTC
- June LTC, consider any further amendments and Second and Third Reading
- Refer proposed bylaw to Executive for Approval

Alternatively, if the LTC requests a number of revisions to the draft bylaw a revised bylaw can be considered for First Reading at either the June LTC or by Resolution-Without-Meeting.

When advancing a draft bylaw to first reading the LTC should also consider if the proposed bylaw complies with the directive policies in the Islands Trust Policy Statement. As part of the referral package staff prepare for Executive Committee a policy statement checklist is included.

The checklist is attached for your review. It should be noted that often many of the policies are not applicable, as is the case with this bylaw.

RECOMMENDATIONS:

Options include:

1. THAT the South Pender Island Local Trust Committee direct staff to revise draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012 by inserting a definition for solar collectors as presented in the Staff Report dated March 27, 2013.
2. THAT the South Pender Island Local Trust Committee direct staff to revise draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012 by deleting "and there is no interior passageway connecting the two dwellings" from Clause 7 amending Part 3 – General Regulations.
3. THAT the South Pender Island Local Trust Committee direct staff to revise draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012 by replacing the "The maximum floor area of a single family dwelling is limited to 375m² (4036ft²)" in Clauses 17, 22, 27, 32, 35, and 39 with "The maximum floor area of a single family dwelling is limited to ### m² (#### ft²)"
4. THAT the South Pender Island Local Trust Committee give First Reading to draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012.
5. THAT the South Pender Island Local Trust Committee direct staff to schedule a community information meeting and public hearing for proposed Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012, to be held on a Saturday. (Or in conjunction with the June 18, 2013 Local Trust Committee meeting).

Prepared and Submitted by:



Andrea Pickard

March 27, 2013

Date

Concurred in by:



Robert Kojima

April 2, 2013

Date

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 111

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

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

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

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

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

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

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

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

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

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

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

- ~~6.7.~~ Part 3 (General Regulations) is amended by inserting a new Section 3.14 “Attached Dwellings” with the following subsections: “(1) Where a lot is permitted more than one dwelling in Part 5 of this bylaw, two dwellings may be attached subject to each dwelling complying with their respective floor area regulation ~~and there is no interior passageway connecting the two dwellings.~~ For clarity, permitted dwellings include single family dwellings or cottages.
(2) Despite 3.14(1) dwellings may not be attached on land within the Agricultural Land Reserve where second dwellings are only permitted for persons engaged in on-going agricultural activities.

- ~~7.8.~~ 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.*

- ~~8.9.~~ Subsection 3.4(2) (Height Regulations) is amended by inserting “and storage buildings are” and deleting “is” such that it reads: “A building or structure accessory to a single family dwelling and storage buildings are not to exceed 4.6 metres (15 feet) in height.”

- ~~9.10.~~ 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.

- ~~10.11.~~ 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:”

- ~~11.12.~~ Section 3.5 (Accessory Uses, Buildings and Structures) is amended by inserting a new subsection (6) that reads: “Where storage buildings are a permitted use in Part 5 of this Bylaw, they may be constructed prior to a single family dwelling subject to:

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

- ~~12.13.~~ 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"

| ~~13.14.~~ 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)"

| ~~14.15.~~ 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."

| ~~15.16.~~ 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."

| ~~16.17.~~ 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.

| ~~17.18.~~ 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:"

| ~~18.19.~~ 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)"

| ~~19.20.~~ 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."

| ~~20.21.~~ 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."

| ~~21.22.~~ 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.

| ~~22.23.~~ 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:"

| ~~23.24.~~ 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)"

| ~~24.25.~~ 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."

| ~~25.26.~~ Subsection 5.3(4) (Rural Residential Three (RR3) Density) is amended by inserting at the end ", of which two of the permitted dwellings may be attached subject to Section 3.14."

| ~~26.27.~~ Section 5.3 (Rural Residential Three (RR3)) is amended by inserting under Siting and Size a new subsection (7) "The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²)." and renumbering the subsequent subsections accordingly.

| ~~27.28.~~ Subsection 5.3(6) (Rural Residential Three (RR3) Siting and Size) is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"

- ~~28-29.~~ Subsection 5.5(3) (Community Service (S1) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”
- ~~29-30.~~ Subsection 5.6(3) (Government Service (S2) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”
- ~~30-31.~~ Subsection 5.7(1) (Agriculture (A) Permitted Uses) is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”
- ~~31-32.~~ Section 5.7 (Agriculture (A)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.
- ~~32-33.~~ Subsection 5.7(6) (Agriculture (A) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”
- ~~33-34.~~ Subsection 5.8(1) (Forestry (F) Permitted Uses) is amended by inserting a new Article (g) “Storage buildings subject to Subsection 3.5(6)”
- ~~34-35.~~ Section 5.8 (Forestry (F)) is amended by inserting under Siting and Size a new subsection (7) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.
- ~~35-36.~~ Subsection 5.8(2) (Forestry (F) Density) is amended by inserting at the end “,which may be attached subject to Section 3.14.”
- ~~36-37.~~ Subsection 5.8(5) (Forestry (F) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”
- ~~37-38.~~ Subsection 5.9(1) (Natural Resource (NR) Permitted Uses) is amended by inserting a new Article (e) “Storage buildings subject to Subsection 3.5(6)”
- ~~38-39.~~ Section 5.9 (Natural Resource (NR)) is amended by inserting under Siting and Size a new subsection (6) “The maximum floor area of a single family dwelling is limited to 375 m² (4036ft²).” and renumbering the subsequent subsections accordingly.
- ~~39-40.~~ Subsection 5.9(3) (Natural Resource (NR) Density) is amended by inserting at the end “,which may be attached subject to Section 3.14.”
- ~~40-41.~~ Subsection 5.9(5) (Natural Resource (NR) Siting and Size) is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”
- ~~41-42.~~ Subsection 5.10(3) (Passive Recreation Park (P1) 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:”
- ~~42-43.~~ Subsection 5.11(3) (Heritage Community Park (P2) 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:”



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: SP-6500-20-LUB Review 2012. - Bylaw #111

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

CONSISTENT		NO.	DIRECTIVE POLICY
			Agricultural Land
n/a		4.1	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a		4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a		4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.

CONSISTENT		DIRECTIVE POLICY	
NO.			
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture	
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.	
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.	
	4.2	Forests	
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.	
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.	
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.	
	4.3	Wildlife and Vegetation	
	4.4	Freshwater Resources	
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.	
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses	
	4.5	Coastal Areas and Marine Shorelands	
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.	
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.	
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.	
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.	
	4.6	Soils and Other Resources	
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the	

		protection of productive soils.
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PART V: Policies for Sustainable Communities

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

CONSISTENT		NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
n/a	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
√	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Date March 26, 2013 File Number

To South Pender Island Local Trust Committee
For the meeting of April 16, 2013

From Andrea Pickard
Local Planning Services

Re South Pender Island Advisory Planning Commission

At the February 5th meeting of the South Pender Island Local Trust Committee (LTC) reviewed the expressions of interest for the Advisory Planning Commission (APC) and furthermore, passed the following resolution:

It was Moved and Seconded that the South Pender Island Local Trust Committee review the Advisory Planning Commission Bylaw at its next Business Meeting, with a view to increasing the maximum number of Advisory Planning Commission members to six (6) and reconsider appointment of the sixth applicant for an Advisory Planning Commission position at that time.

Attached to this memo is Bylaw 98, the administrative bylaw to establish an APC for South Pender Island. The number of appointees is specified in Clause 2(a).

Process: The APC bylaw is an administrative bylaw which has slightly different requirements to amend than land use bylaws (LUB or OCP). To amend an administrative bylaw there is no requirement for a public hearing and the amending bylaw may be given three readings at one meeting. The bylaw would then need to be forwarded to Executive Committee for approval before being adopted by the LTC. Adoption of the bylaw could occur at a meeting or by resolution-without-meeting, as could any additional APC appointments.

Options:

1. The LTC could direct staff to prepare a bylaw that would be limited to amending the number of APC appointments to six.
2. The LTC could direct staff to review the APC bylaw more broadly and prepare a report outlining options for the LTC's consideration to amend and update the APC bylaw.

The purpose of this memo is to obtain direction from the LTC on how you wish to proceed.

OPTIONAL RESOLUTIONS:

THAT the South Pender Island Local Trust Committee direct staff to prepare a bylaw that would amend 'South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005' to increase the number of appointed members to six.

OR

THAT the South Pender Island Local Trust Committee direct staff to prepare a report outlining optional amendments to 'South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005' including an amendment to increase the number of appointed members to six.

pc Robert Kojima, Regional Planning Manager

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 98

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

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

1. Establishment

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

2. Appointment of Members

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

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

3. Roles

(a) Secretary

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

(b) Chairperson

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

4. Referrals to the Commission

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

5. Notice of Meeting

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

6. Conduct of Meeting

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

7. Notice of Recommendation

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

8. Transition

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

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

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

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

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

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

ADOPTED THIS 29th DAY OF August , 2005

DEPUTY SECRETARY

CHAIRPERSON

South Pender Island 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

Print Date: Apr-04-2013

Top Priorities

South Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	LUB Review and Update	1. Determine Scope of Review 2. Determine Timeline 3. Determine Methodology 4. Technical Update 5. Initiate Background Work on selected topics 6. Undertake Community Consultation/Communications 7. Legislative Process	Oct-04-2011	Andrea Pickard		On Going
2	Shoreline Protection	1. develop new MapIT shoreline application for South Pender 2. develop web-based, interactive resource including interactive mapping and educational information	Oct-04-2011	Andrea Pickard		On Going



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 joint with NPILTC	Sep-18-2012	On Going



Islands Trust

Applications w/ Status - South Pender Island Status: Open

Applications

Subdivision

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

Planning Status

Status Date: Jun-06-2012

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

Status Date: Apr-12-2012

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

Status Date: Feb-09-2012

park proposal outline received and forwarded to PIPRC for comment

Kathy Jones

From: Nicole Ranger
Sent: March-26-13 11:55 AM
To: Andrea Pickard; Ken Hancock; Liz Montague; Mike Jones; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Nancy Roggers
Subject: South Pender Expense Report March 2013

Islands Trust

LTC EXP SUMMARY REPORT F2012

Invoices posted to March 31, 2013

665 South Pender	Invoices posted to March 31, 2013	Budget	Spent	Balance
65000 665	LTC "Trustee Expenses"	1,100.00	560.64	539.36
65200 665	LTC Local Exp LTC Meeting Expenses	1,700.00	1,530.44	169.56
65210 665	LTC Local Exp APC Meeting Expenses	300.00	962.44	(662.44)
65220 665	LTC Local Exp Communications	500.00	300.90	199.10
65230 665	LTC Local Exp Special Projects	200.00	200.00	-
65240 665	LTC Local Exp Miscellaneous	300.00	-	300.00
TOTAL LTC Local Expense		3,000.00	2,993.78	6.22
73001 665 4005	South Pender Shoreline Protection	6,000.00	360.09	5,639.91
TOTAL Project Expense		6,000.00	360.09	5,639.91

Nicole Ranger

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

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Islands Trust

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Population (2011):

Approximately 201

Size:

911 hectares (2,251 acres)

Location:

15 kilometres east of the Swartz Bay ferry terminal on Vancouver Island via North Pender Island.

[Land Use Planning](#)

[Related Planning Services](#)

[Related Resources](#)

[Trust Area Mapping](#)

[Related Links](#)

South Pender Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the South Pender Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

[Pender Post Trustee Reports](#)

January 2013

- [Land Use Bylaw Amendment Newsletter - January, 2013](#)

December 2012

- [Information on Mining Claims](#)

October 2012

- [October 13, 2012 - Shoreline Stewardship Event](#)

September 2012

- [South Pender Community Survey - Final Results](#)
- [Pender Islands Transportation Survey Results - Residents](#)
- [Pender Islands Transportation Survey Results - Visitors](#)
- [Pender Island Transportation Management Plan](#)

June 2012

- [Ministry of Transportation Decision Re: Tilly Point Road Closure Application](#)

May 2012

- [South Pender Island Trustee Newsletter - May 2012](#)

Committee Links

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[Resolutions-Without-Meeting](#)

[Associated Islands](#)

[Land Use Application Forms](#)

Planner Office Hours on Pender Island

- [Planner Office Hours on Pender Island](#)

General Information

- [Eagle Brochure](#)
- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)
- **Transportation Plan**
- [Pender Island Transportation Management Plan](#)
- [Pender Islands Transportation Survey Results - Residents](#)
- [Pender Islands Transportation Survey Results - Visitors](#)

South Pender Island Local Trust Committee Projects

Local trust committee community planning projects are initiated and managed through their Work Programs. The Work Program Top Priorities are projects that have been prioritized by the LTC and for which resources are

available or anticipated to be available shortly. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.

- [Work Program Top Priorities](#)

Land Use Bylaw Amendments

- [Staff Report - April 10, 2012](#)
- [Land Use Bylaw Amendment Newsletter - May 2012](#)
- [Staff Report - June 19, 2012](#)
- [Staff Report - September 18, 2012](#)
- [Draft Bylaw No. 111, Referral to Advisory Planning Commission - September 21, 2012](#)
- [Staff Report - October 30, 2012](#)
- [South Pender Advisory Planning Commission Minutes - November 2, 2012](#)
- [Draft Bylaw No. 111](#)
- [Draft Consolidation of Land Use Bylaw No. 92](#)
- [Land Use Bylaw Amendment Newsletter - January, 2013](#)
- [Public Submissions](#)

Bylaw Enforcement

- [Staff Report - September 8, 2011 - Adoption of Bylaw Enforcement Notification Bylaw - TABLED until 2013](#)

Zoning and Density Review

- [Potential RR Zones Memo - June 9, 2011](#)
- [Staff Report - May 2010](#)
- [Residential Subdivision Potential Map](#)

Climate Change Action

- [Community Engagement Tools](#)
- [Climate Wise Islands](#)

Ecosystem Mapping Webpage

Geological Hazard Protection

- [Steep Slopes Hazard Map](#)

Applications

SP-SUB-2011.2 (Cadez)

- [Referral Package dated April 19, 2012 - sent to Advisory Planning Commission for Comment](#)
- [Advisory Planning Commission Referral Response - Draft May 4, 2012 Minutes](#)

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South Pender Island Local Trust Committee

Over the reporting period, the South Pender Island Local Trust Committee (LTC) held five regular business meetings and one special meeting. The LTC received applications for two development variance permits and one temporary use permit. The LTC also concluded one development variance permit received in the previous period.

During the year the Local Trust Committee proceeded with several projects. The LTC undertook an on-line community survey to gauge opinion on a number of land use issues. During this period, the LTC also commenced an initiative to make a number of amendments to the Land Use Bylaw, primarily to implement updates to OCP policies completed in the previous term. Finally, the LTC initiated a project to increase shoreline awareness by expanding the public mapping website to include additional shoreline related data and educational materials.



Memorandum

Date February 25, 2013 **File Number** FILE

To Local Trust Committees

From Local Planning Committee

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

At its meeting on February 7, 2012, the Local Planning Committee passed a resolution requesting that the attached report be circulated to all Local Trust Committees for information.

The report outlines the ocean loop geo-exchange technology and how it is being permitted currently within the Trust Area. It includes background information on ocean loop geo-exchange systems, the possible impacts and benefits of their use and briefly outlines what is currently being done or proposed on some of the Islands (i.e. North Pender, Saturna, Executive Islands, Galiano, Mayne, Salt Spring, South Pender and Thetis) in accommodating ocean loop geo-exchange systems.

Attachment: Renewable Energy Technologies in the Trust Area – Ocean Loop Geo-Exchange Systems Report

REQUEST FOR DECISION

To: Local Planning Committee

For the Meeting of: February 7, 2013

From: Kris Nichols, Island Planner

Date: January 31, 2013

SUBJECT: RENEWABLE ENERGY TECHNOLOGIES IN THE TRUST AREA - OCEAN LOOP GEO-EXCHANGE SYSTEMS

RECOMMENDATION:

That the Local Planning Committee circulate this report, *Renewable Energy Technologies in the Trust Area - Ocean Loop Geo-Exchange Systems*, dated January 31, 2013, to all Local Trust Committees and planning staff so that they are aware of the implementation options for ocean loop geo-exchange systems and their status in other Local Trust Areas.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Adoption of bylaws to accommodate the utilization of geo-exchange systems will enable owners to implement heating and cooling technology that reduces Greenhouse Gas Emissions and is therefore environmentally responsible.

FINANCIAL: Staff time would be required to develop and implement bylaws or amend existing bylaws to accommodate ocean loop geo-exchange systems.

POLICY: There are six (6) Trust Policy statements to be considered with the accommodation of ocean loop geo-exchange systems into Local Trust Area (LTA) bylaws. All LTA OCPs should contain targets, policies and actions to reduce greenhouse gas emissions (GHG) as a result of changes to the *Local Government Act* and the implementation of bylaws to permit ocean loop geo-exchange supports this.

IMPLEMENTATION/COMMUNICATIONS: The LTC and staff would work with clients to educate them on the options available to accommodate the use of geo-exchange systems within their Local Trust Area.

BACKGROUND

Description of Issue:

At the last Committee meeting a briefing report was reviewed outlining the ocean loop geo-exchange technology and how it is being permitted within the Trust Area currently. The Committee requested some further clarification on the use the ocean loop geo-exchange systems presenting a critical overview of the ocean based geo-exchange approaches being used.

This report will expand on the previous report considered at the November 7, 2012 meeting, presenting background information on ocean loop geo-exchange systems, the possible impacts

and benefits of their use and briefly outlining what is currently being done or proposed on some of the Islands (i.e. North Pender, Saturna, Executive Islands, Galiano, Mayne, Salt Spring, South Pender and Thetis) in accommodating ocean loop geo-exchange systems.

The report is not to be interpreted as an endorsement of this type of system versus the more conventional forms of heating and cooling that are being used based on climate change or any other environmental efficiency or cost saving. The fact is that these systems are becoming more frequent and will likely continue to be so in the future and Local Trust Committees will have to find a way to consider accommodating these new technologies within the current land use regulations. Many of the islands are already accommodating them as the systems are introduced or as bylaws are being updated.

REPORT:

Local Planning Committee has on its Work Program List: "1. Encouraging Green Technologies" with the intent that LPS staff will develop model policy and regulatory wording to address ocean based geo-exchange and draft an RFD for the LPC.

Changes to technology and an increasing demand for the use of this technology has resulted in an increase in proposals within the Islands Trust Area to install ocean based geo-exchange systems, typically for new construction. An ocean based geo-exchange system uses temperature gradients in the ocean to provide heating and cooling. The infrastructure typically consists of pipes containing a heat transfer fluid that are anchored to the seabed and connected to a structure (typically a house, but commercial properties may look at this as well) on the upland property.

Although geo-exchange heating, using latent heat from the ground, and heat pumps using heat from the air, is not new, these systems are typically located on the same lot as the building and thus have not been an issue with respect to zoning. These systems are infrastructure accessory to building (the principal use) and are permitted outright in all zones on the same lot as the principal use (in the same way a septic field would be accessory). Ocean-based loops, however, differ in that the foreshore is generally in a different zone and therefore, that portion of the system is not located on the same lot as the building and thus would not meet the definition of an accessory use. Being partially located on the ocean floor also requires a Crown lease as any dock would.

Technology

The terminology preferred by the industry for this type of installation is a geo-exchange system. The term 'geothermal' is now reserved for larger, higher temperature systems (e.g. neighbourhood heating). These systems are similar to air source heat pumps but geo-exchange systems extract heat from the ground or water and transfer it to the air within a building.

Types of systems include:

- Closed loop vs. open loop:
 - o Open loop uses a conventional well to extract water, which after the heat is extracted the water is then returned to a pond, stream or other well.
 - o Closed loops circulate a heat transfer fluid.
- Vertical vs. horizontal
 - o Horizontal systems typically bury pipes 1.8 to 2.4 metres either below ground or below the winter ice level in a water body or the low tide mark in the ocean
 - o Vertical systems use boreholes 45 to 60 metres. Boreholes for geothermal wells are regulated by the *BC Water Act* and must be constructed by a qualified well driller

Accreditation and Certification of the Technology

The Canadian Geo-exchange Coalition has an accreditation and certification program called the “CGC Global Quality Geo-exchange Program”. CGC ranges from training, to accreditation of an individual, company qualification, and certification of systems. To be accredited there is both the required training and have positive field experience confirmed by customers and manufacturers/distributors recommendations.

‘Certification of systems’ means the system has been designed by an accredited designer, installed by an accredited installer, and any borehole work has involved an accredited vertical loop installer. The system must also meet CSA standard C-448-02, use ISO/CSA approved equipment, and engage such best practices as providing ‘as-builts’, and proper labelling of all pipes and valves.

By meeting the standards established the installation would include meeting Department of Fisheries and Oceans (DFO) guidelines. DFO, typically, does not play a direct role in the approvals of these systems.

The Industry Training Authority (ITA) also provides a Domestic/Residential Certified Geothermal Technician program, which takes approximately 2 years to complete. The International Ground Source Heat Pump Association (IGSHPA) based in the US also provides training to be a ‘Certified Geo-exchange Designer’ (CGD). In addition to taking the required courses and passing an exam, to be eligible for certification one must be:

- An engineer or architect with 3 years of experience in commercial geothermal heat pump, or heating, ventilation and air conditioning (HVAC) experience
- Have a four year non-technical degree with 5 years of experience
- Have a two –year technical degree with 8 years of experience
- Have 10 or more years of experience

KEY ISSUES:

Potential Impacts

This technology is relatively new, but is becoming more popular as residents and businesses look for alternative heating and cooling systems that are less reliant on conventional methods with a desire to be more environmentally responsible.

There are a number of considerations in contemplating changes to regulations to permit ocean loop geo-exchange systems on the foreshore:

1. Use of geo-exchange systems results in reduced Greenhouse Gas (GHG) emissions, particularly as the ocean-based systems are often installed in conjunction with new construction of larger waterfront homes which would otherwise have significant conventional heating and/or cooling requirements. In addition, as passive systems they provide greater local resilience in the sense that owners are not dependant on off-island fuel sources (e.g. propane, oil). From the homeowners’ perspective, they can also provide cost savings over the long term, although usually require additional upfront costs.
2. Although the amount of work on the foreshore is usually minimal, disturbance of sensitive areas such as eelgrass beds or other habitat may be a concern. The Islands Trust has been improving its mapping of the foreshore areas and therefore disturbances become less likely. Guidelines established by DFO also have to be followed. Some islands have DPAs along the foreshore offering another level of protection.
3. Similarly, work required to bury lines immediately upland or in the intertidal area could also result in alteration of existing shorelines or use of materials such as concrete.

Installing systems in conjunction with existing or proposed docks would minimize these impacts.

4. On-going maintenance and concerns over leaks is an issue: the systems are complex and require regular inspection and maintenance by qualified professionals. The type of heat transfer fluid used is also sometimes raised as a concern. Some new systems use water only, as in the system recently approved on North Pender, or use an anti-freeze within the closed loop. The propylene glycol type of fluid sometimes used in these systems is the same as that used as moisturizer in medicines, cosmetics, food, toothpaste and mouthwash and has low toxicity, is highly soluble in water, and readily metabolized by microbes and marine life¹. Higher levels of toxicity have been found from propylene-based Airplane De-icing Fluids (ADF) as a result of additives used in those applications only.
5. Concerns over damage to systems by wave or tides. This is a concern. Proper instalment by a certified installer following established guidelines and procedures. There may be some areas (e.g. narrow channels) where it is impractical to lay a system on the ocean floor due to the flow and tide action.

Potential Benefits:

There is a great deal of research literature that explains the many benefits (e.g. cost, GHG reductions, flexibility, air quality, availability of grants, efficiency, environmentally responsible, etc.) of utilizing these types of systems instead of the conventional methods. If more buildings utilized this type of heating/cooling system the island's electrical system/supply could service a greater number of buildings without requiring costly upgrades. Also, there would be less propane, oil and wood deliveries required, which would reduce wear-and-tear on the road infrastructure. Fewer fuel delivery trucks also reduce transportation GHG emissions, noise and traffic. Two of the most common benefits are listed here:

1. Increased Efficiency and Cost Savings: It is stated through several sources (e.g. www.geoexchange.com , www.earthpointenergy.com , www.geo-exchange.ca) that with these systems two thirds of the energy supplied is from the solar energy stored in the earth/water and 1/3 of the energy is used for servicing the system generally the circulating pump. A large cost of energy supplied to residences is the expense of getting it there – electrical transmission lines, gas lines, oil pipelines, trucks, ferries. These have both direct and indirect costs associated with them. These costs are significantly reduced if not eliminated when using a geo-exchange system. This results in a 25%-50% lower utility bills than conventional systems.

The geo-exchange system used in the North Pender house is a type of water-source heat pump system. It was pointed out in the North Pender example by the engineer (Weir Design and Engineering) the efficiency of these systems as follows:

Heating Efficiency:

The efficiency of a heating system can be defined as the ratio of heat output to energy input. There are many types of heating systems that utilize different equipment with different energy sources. The following is a list of heating systems commonly used in residential applications and their estimated efficiency:

- Wood fireplace - 30 to 50%
- Oil furnace or boiler - 65 to 85%
- Natural gas furnace or boiler - 80 to 95%

¹ Canadian Council of Ministers of the Environment, 2007. Canadian Soil Quality Guidelines for Propylene Glycol: Environmental and Human Health. www.ccme.ca/assets/pdf/1394_pg_rationale_e.pdf
US Environmental Protection Agency Office of Pesticide Programs. Reregistration Eligibility Decision for Polypropylene Glycol. www.epa.gov/oppsrrd1/REDs/propylene_glycol_red.pdf

Propane furnace or boiler - 80 to 95%
Electric heaters or furnace - 100%
Air-source heat pump - 200 to 300%
Water-source heat pump - 300 to 400%

Cooling Efficiency:

This geo-exchange system (used in North Pender) has been designed with “free cooling” where by all cooling will be provided without the use of the heat pumps (the heat pumps only operate when heating is required). This is possible due to the temperature of the ocean during the summer, which sufficiently cools the heat transfer fluid without the use of heat pumps.

Similar to above, the efficiency of a cooling system (air conditioning system) can be defined as the ratio of cooling output to energy input. Cooling efficiency is typically not expressed as a percentage but rather in the form of an Energy Efficiency Ratio (EER). However, for the purpose of comparison within the context of this discussion, the estimated EER for some common residential cooling systems have been converted to percentage:

Air-source heat pump / air conditioner - 300 to 400%
Water-source heat pump (without free cooling) - 400 to 500%
Water-source heat pump (with free cooling) - 3000% or greater

2. Reduced CO₂ Emissions: According to data supplied by the Natural resources Canada, a typical residential geo-exchange system produces an average of about one pound less CO₂ per hour of use than a conventional system. To put it into perspective if just 100,000 homes converted to geo-exchange, Canada would reduce its CO₂ emissions by 880,000,000 pounds.

Another example is for every 2.5 hours of use, a geo-exchange system produces one kilogram less CO₂ than a conventional HVAC (heating, ventilation, and air conditioning) system.

RELEVANT POLICY:

Trust Policy Statement: Relevant Directive policies include:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.1.5 – address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area

OCP Policy: policies within the OCPs could be updated as part of the basis of the GHG reduction policies if not already accommodated through general wording in these sections. In addition some OCPs specifically mention using a DPA to manage energy conservation in commercial development. Designation of a DPA to regulate installation of the system could be considered both on the grounds of protection of the natural environment and energy conservation and therefore could be made applicable in a shoreline or foreshore DPA. By requiring a DP it would ensure safe and appropriate installation. As an example, the North Pender OCP contains a requirement that an environmental report be submitted to indicate that there is no impact to the foreshore.

Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008), which amended the Local Government Act, introduced changes that enable local governments to address climate action in their communities. Among the changes is a requirement for local governments to have targets, policies and actions to reduce GHG emissions. Therefore all OCPs must contain these targets and policies for GHG emission reduction. The Bill 27 also allows for development permit areas that promote energy and water conservation, and reduce greenhouse gases at the single family dwelling level.

Zoning options: amending zoning bylaws to permit ocean loop geo-exchange systems as a permitted use in one or more of the current marine zones or as some islands have permitted in all zones would be required. This would vary depending on the zoning. A recent amendment to the zoning on a site-specific basis in the North Pender LUB provided for both the use and a definition. This use and definition, with relevant modifications, would provide a good basis for a suitable amendment to a zoning bylaw. Currently, zoning is the main tool for regulating use.

Building Inspection: for those islands that have building inspection, ocean loop geo-exchange systems are not subject to building inspection. However, building inspection does currently require that an engineer certify the HVAC system where an ocean loop geo-exchange system provides heating and cooling.

Crown tenure: ocean loop geo-exchange systems are required to obtain approval from the province for tenure over the foreshore. The applications are referred to the Islands Trust for review of zoning compliance.

Climate Change Adaptation and Mitigation: use of renewable or other energy sources that are an alternative to fossil fuels is a recognized mitigation strategy. Ocean loop geo-exchange systems could, depending upon the type of conventional heating and size of the dwelling, provide significant emission reductions. See the previous discussion on potential benefits and CO2 reductions.

CURRENT LOCAL TRUST AREA IMPLEMENTATION

Island Updates

Eight of the 13 Islands Trust Islands have begun or completed implementing changes to their land use bylaws to accommodate the use of ocean loop geo-exchange systems.

Mayne Island: Supports ocean loop geo-exchange through its OCP Policy dealing with Climate Change (4.7.9) which states: *"The LTC should consider amending zoning regulations to permit or facilitate small scale renewable energy production, such as solar collectors, wind turbines and geothermal heating."* The LUB permits ocean loop geothermal in all zones except the W1 zone.

North Pender Island: Has permitted a site specific rezoning for a water based ocean loop geo-exchange.

South Pender Island: Is considering permitting ocean loop geo-exchange in all zones. They are holding a CIM to discuss this and other land use bylaw amendments in February.

Saturna Island: The LTC has given reading to a bylaw that would amend the Land Use Bylaw to include a definition of ocean loop geo-exchange systems and to add ocean loop geo-exchange systems as a permitted use in the marine zones. It is scheduled for a public hearing in February.

Galiano Island: Staff have been directed to draft an OCP amendment to alter the existing DPA (Shoreline and Marine DPA) to provide for guidelines for ocean loop geo-exchange. As a complement staff have also been requested to review the zoning bylaw to permit the ocean loop geo-exchange structures within the Marine zones and the setback to the sea for private residential use.

Thetis Island: In June 2012, the APC was directed to consider a couple of options to add to the work program a review of OCP policies and LUB regulations and in the meantime that any requests for ocean loop geo-exchange be dealt with as a rezoning. Subsequently, the Thetis LTC has dropped this issue and it appears it may have been application driven and no application has been made.

Ballenas-Winchelseas: The draft OCP contains the wording to permit the use of geo-exchange for individual dwellings. Within the proposed Shoreline Development Permit Area there are guidelines for the installation of ocean loop geo-exchange systems:

Ocean-loop geo-exchange systems will only be considered if they are closed-loop systems using only freshwater as the circulating heat transfer fluid; if they meet or exceed the Canadian CSA design standards CAN/CSA-448-02; and if they are designed and installed by a Registered System Designer.

The draft LUB permits an ocean loop geo-exchange within the Residential zone and the Marine General zones and contains the definition:

"Ocean-loop geo-exchange" means a renewable geothermal heat exchange system that utilizes the naturally occurring temperature of the ocean for heating and cooling that:

- a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,*
- b. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and*
- c. is designed and installed by a Registered System Designer accredited by the Canadian Geo-exchange Coalition, or the International Ground Source Heat Pump Association.*

Salt Spring Island: In the LUB's Shoreline Zones geothermal heating equipment is permitted in tidal water only.

SUMMARY

Currently, eight (8) of the 13 Local Trust Committees either have regulations and policies or have them proposed to permit ocean loop geo-exchange systems. The proposals by the LTCs to accommodate geo-exchange loops are considered for the main islands and not for their associated islands currently. The approach enacted or proposed is varied and tailored to meet the needs for the Island or as a result of a specific application or the desire of the LTC to be proactive in anticipating the need. Most contain policies that permit the geo-exchange systems either in general in the OCP (GHG policies) or through specific DPA guidelines. Complementary to that would be changes to the LUB to permit the use within specific zones and to define the use.

In addressing their implementation, the two primary concerns are to ensure that the systems are installed professionally by a certified installer and that any impacts on sensitive shoreline or foreshore ecosystems are addressed.

Building Inspection has the authority to establish standards for installation of the systems and to carry out inspections or obtain certifications, but most have not included these systems in the scope of their building bylaws. This could change, as some jurisdictions are becoming involved in permitting and inspecting land based systems. Conventionally, Fisheries and Oceans Canada has reviewed all foreshore applications for impacts on habitat however, changes to staffing and to the legislation seem to be reducing that agency's role and ability to respond to referrals. They have established guidelines which all installers are to follow.

The use of a clear and specific definition for the use can address some of the concerns that the systems meet specified standards for example using fresh water within the closed loop system as is stated in the North Pender bylaw. Impacts on habitat could be addressed through the designation of a DPA; however, it would have to be general in many areas as there is not

currently mapping available that identifies sensitive shoreline and foreshore features such as eelgrass beds, although such mapping should be available in the future.

There are three basic ways for a Local Trust Committee to address the ability of residents to utilize this new technology:

1. Site specific rezoning (e.g. North Pender)
2. Permit their use but regulate (e.g. OCP through DPs)
3. Permit their use outright (e.g. Saturna, Salt Spring Island, Mayne)

DESIRED OUTCOME:

It is recommended that an Islands Trust model bylaw or policy not be established. Eight of the 13 Local Trust Committees already have amended bylaws or are contemplating regulations or policies related to ocean loop geo-exchange systems. Each LTC has a unique set of bylaws to which model provisions may or may not be applicable. For instance, some may not have DPAs currently and may want to address this issue through other forms regulation. Some may want to deal with amendments on a site specific basis thereby not contemplate any new regulations or policies. The current approach by LTCs appears to be working well based on demand and the desire of LTCs to add it to their work programs as a proactive measure. There are a range of options already developed at the LTC level and which are summarized in this report. It is recommended that this report be circulated to ensure that all LTCs and planners are aware of the issues and the options that are being used to address the potential use of these systems by a number of LTCs.

RESPONSE OPTIONS

Recommended:

That the Local Planning Committee circulate this report, *Renewable Energy Technologies in the Trust Area - Ocean Loop Geo-Exchange Systems*, dated January 31, 2013, to all Local Trust Committees and planning staff so that they are aware of the implementation options for ocean loop geo-exchange systems and their status in other Local Trust Areas

Alternative:

That the Local Planning Committee receive the report as information and take no further action.

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February 1, 2013

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