



Islands Trust

## **SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BUSINESS MEETING AGENDA  
TO COMMENCE AT 10:00 AM, TUESDAY, JUNE 19, 2012  
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.

	<b>Page #</b>	<b>*Approx. Time*</b>
<b>1. CALL TO ORDER</b>		10:00 am
<b>2. APPROVAL OF AGENDA</b>		
<b>2.1 Additions/Deletions</b>		
<b>2.2 Questions from public on Agenda Items</b>		
<b>3. COMMUNITY INFORMATION MEETING - none</b>		
<b>4. PUBLIC HEARING - none</b>		
<b>5. PREVIOUS MEETINGS</b>		10:05 am
<b>5.1 Adopted Local Trust Committee Minutes (for information only)</b>		
5.1.1 Local Trust Committee Business Meeting Minutes of April 10, 2012 (attached)	<b>1</b>	
<b>5.2 Public Hearing Records and Community Information Meeting Notes - none</b>		
<b>5.3 Section 26 Resolutions-without-meeting (attached)</b>	<b>12</b>	
<b>5.4 Advisory Planning Commission Minutes</b>		
5.4.1 Advisory Planning Commission Meeting Minutes of May 4, 2012 (attached)	<b>13</b>	
5.4.2 Advisory Planning Commission Meeting Minutes of June 1, 2012 (pending)		
<b>6. BUSINESS ARISING FROM THE MINUTES</b>		10:15 am
<b>6.1 Follow-up Action Report (attached)</b>	<b>20</b>	
<b>7. DELEGATIONS - none</b>		

<b>8.</b>	<b>CORRESPONDENCE</b> (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>	10:20 am
8.1	<b>Z. Staar letter dated May 21, 2012 re: Pender Community Transition (PCT) Funding Request</b>	<b>22</b>
8.2	<b>W. Scholefield email dated May 24, 2012 re: SP-SUB-2011.2 (Cadez)</b>	<b>24</b>
<b>9.</b>	<b>APPLICATIONS, PERMITS, BYLAWS AND REFERRALS</b>	10:30 am
9.1	<b>SP-SUB-2011.2 (Cadez) Advisory Planning Commission Follow-up</b> (attached)	<b>27</b>
9.2	<b>Referral of Proposed North Pender Bylaw No. 191, Land Use Bylaw Amendment No. 1, 2012</b> (attached)	<b>33</b>
<b>10.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	11:00 am
10.1	<b>Community Survey</b> (attached)	<b>36</b>
10.2	<b>Land Use Bylaw Review 2012</b> (attached)	<b>58</b>
10.3	<b>Shoreline Review</b> (attached)	<b>65</b>
<b>11.</b>	<b>REPORTS</b>	12:30 pm
11.1	<b>Work Program Reports</b>	
11.1.1	Adopted Policies and Standing Resolutions; and Objectives (attached)	<b>67</b>
11.1.2	South Pender Island Local Trust Committee Work Program – June 2012 (attached)	<b>68</b>
11.2	<b>Applications Report</b>	
11.2.1	South Pender Island Applications Report dated June, 2012 (attached)	<b>70</b>
11.3	<b>Expense/Budget Reports</b>	
11.3.1	Trustee and Local Expenses (attached)	<b>71</b>
11.4	<b>Bylaw Enforcement Report - none</b>	
11.5	<b>South Pender LTC Web Page</b> (attached) – For Information	<b>72</b>
11.6	<b>Chair’s Report</b>	
11.7	<b>Trustee Report</b>	
<b>12.</b>	<b>OTHER BUSINESS</b>	12:50 pm
12.1	<b>Upcoming Meetings</b>	
12.1.1	Next Business Meeting – Tuesday, September 18, 2012 at 10:00 am, at the South Pender Fire Hall	
12.2	<b>Road Assessment for NZEV</b> (attached)	<b>74</b>
<b>13.</b>	<b>TOWN HALL</b>	1:00 pm
<b>14.</b>	<b>ADJOURNMENT</b>	1:30 pm

# ADOPTED

5.1.1

**MINUTES OF THE SOUTH PENDER ISLAND  
LOCAL TRUST COMMITTEE BUSINESS MEETING  
HELD ON TUESDAY, APRIL 10, 2012, AT 10:00 AM  
AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD,  
SOUTH PENDER ISLAND, BC**

<b>PRESENT:</b>	<b>Ken Hancock</b>	<b>Chair</b>
	<b>Elizabeth Montague</b>	<b>Local Trustee</b>
	<b>Mike Jones</b>	<b>Local Trustee</b>
	<b>Andrea Pickard</b>	<b>Island Planner</b>
	<b>Kris Nichols</b>	<b>Planner</b>
	<b>Kathy Gilbert</b>	<b>Recording Secretary</b>

There were twenty (20) members of the public present at the meeting.

## **1. CALL TO ORDER**

Chair Hancock called the meeting to order at 10:03 am.

## **2. APPROVAL OF AGENDA**

### **2.1 Additions / Deletions**

Chair Hancock identified late items to be placed under Correspondence, 8.1 from Wendy Scholefield and 9.2(a) from Tralee Dunn to be added to the agenda. By consent, the agenda, as amended, was approved.

### **2.2 Questions from public on Agenda items**

Wendy Scholefield highlighted two items from her correspondence that she requested be discussed at the meeting: land erosion; and a request for more time for the review of the Land Use Bylaw.

## **3. COMMUNITY INFORMATION MEETING**

None

## **4. PUBLIC HEARING**

None

## **5. PREVIOUS MEETINGS**

### **5.1 Adopted Local Trust Committee Minutes**

#### **5.1.1 Local Trust Committee Business Meeting Minutes of February 14, 2012**

Chair Hancock noted that the February 14, 2012, minutes are provided for information.

### **5.2 Public Hearing Records and Community Information Meeting Notes**

None

### **5.3 Section 26 Resolutions-without-meeting**

Chair Hancock advised that these items are provided for information.

### **5.4 Advisory Planning Commission Minutes**

None

## **6. BUSINESS ARISING FROM THE MINUTES**

### **6.1 Follow-up Action Report**

Planner Pickard presented the items as identified in the Follow-up Action Report and advised Trustees that the status of all items was as shown in the report..

## **7. DELEGATIONS**

### **7.1 Ryan Evanoff, Ministry of Transportation and Infrastructure**

Mr. Evanoff provided a status report on a proposed road closure at Tilly Point. The proposal is in response to a a land owners' application that, if approved, would result in the existing Tilly Point Road ocean access being closed in exchange for provision of two new accesses, to be constructed by the property owner.

Mr. Evanoff noted that public input is required, and that the District Highways Manager is the approving authority for the request.

Chair Hancock opened the floor for comment by the Pender Island Parks and Recreation Commission (PIPRC) and members of the public.

Chair of the PIPRC, Arn Berry, spoke to the letter of support provided by PIPRC in response to the proposal, noting that the existing and proposed accesses are both lookouts, rather than ocean accesses, and supporting a proposal that would see two accesses created in place of the present one.

**Agnes Watts**, adjacent property owner stated that the proposal will result in a loss of privacy for her.

Discussion followed regarding whether or not the trails were necessary; topographic considerations; fencing related to privacy concerns; and the possibility of reconfiguring the trail of concern to alleviate privacy concerns.

**Mr. Berry** provided a copy of a letter written by the PIPRC to neighbouring property owners clarifying the reasons for supporting the trail proposal.

Mr. Evanoff noted that discussions with the property owner were still on-going and that the public has until April 30 to provide input to the Ministry.

Chair Hancock thanked Mr. Evanoff for helping to foster a good working relationship with the Islands Trust.

## **7.2 Paul Petrie, Pender Islands Conservancy Association – Report on Brooks Point Ecological Inventory Project**

Mr. Petrie identified Sylvia Pincott and Monica Petrie in the gallery from the Pender Islands Conservancy Association (PICA), working on the Brooks Point project.

Mr. Petrie presented the report. He reviewed the campaign to keep the latest acquisition intact (ie – no subdivision of the land.) He stated that PICA has shifted their campaign efforts from fund-raising to education and informed those present that the report will be on the PICA website shortly.

Mr. Petrie highlighted the existence of sharp-tailed snakes at Brooks Point. He identified a trail guide that has been prepared for visitors to Brooks point that provides educational information on flora and fauna, including marine life.

Mr. Petrie commented that preparation of the Brooks Point report was a team effort and thanked the Local Trust Committee for their support.

Trustees commended PICA on the report.

A brief discussion followed on present zoning (Rural Residential) and options for future rezoning.

## **8. CORRESPONDENCE**

### **8.1 Email from Wendy Scholefield dated April 6, 2012**

Chair Hancock noted that the email addressed a number of items on the agenda and suggested that the email be referenced as the various items came forward for discussion.

## 9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

### 9.1 SP-DVP-2012.1 (Hol)

Planner Nichols presented the application for an over height workshop with loft. The site is steeply-sloping and there will be no impact on the neighbours. Staff are supporting the requested variance.

The applicant was present and had no comments.

Both Trustees supported the requested variance as the building will have a smaller footprint than if designed to meet the Land Use Bylaw requirements.

Wendy Scholefield spoke to her email, stating that the present height limits should be reviewed.

#### **Resolution-SP-LTC-14-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee Development Variance Permit SP-DVP-2012.1 (Hol) be approved.

**CARRIED**

### 9.2(a) SP-SUB-2011.2 (Cadez)

Planner Pickard presented the application, which consists of a proposed 4-lot bareland strata development, where parkland dedication is necessary. She also noted that this application will also require approval from the Agricultural Land Commission [see Item 9.2(b).]

The owners propose to satisfy the park dedication requirement by purchasing the adjacent Anglican Church property, no longer being used as a church, renovate it, provide an endowment for future maintenance, and convey the Church to a stewardship body, such as the Pender Island Parks and Recreation Commission (PIPRC,) with ownership by the Capital Regional District.

The applicant's representative, Howard Airey, was present and reviewed the history of the proposed development. He stated the owners do not wish to dedicate park, specifically access to the water, as there would be too much impact on the subject property. He further stated that if the Church was not accepted as the park dedication for this proposal, the applicants would not proceed with development.

Chair Hancock noted that the PIPRC does not support the applicant's proposal, as there are opportunities for water access through the property to satisfy the park dedication requirements.

Chair Hancock also noted correspondence received from Tralee Dun not supporting the applicant's proposal. In her letter to Trustees, Ms. Dun suggested approaching Parks Canada to enquire as to whether they might be

interested in managing the Church should the applicant's proposal be accepted.

Chair Hancock referred to Wendy Scholefield's email of April 6, 2012, raising a number of issues, centering on the need for further dialogue and information.

Trustees, representatives of the PIPRC and members of the public discussed various aspects of the proposal, including:

- ownership and maintenance issues;
- the lack of servicing on the Church property, making it unsuitable for community purposes;
- the fact that the Church property is less than the maximum 5% parkland dedication required under the *Local Government Act*;
- loss of opportunity in the longer term for ocean access;
- condition of the building;
- broad community support for preservation of the Church;
- whether Parks Canada might be interested in the Church property.

Planner Pickard noted that discussions with the applicant are still in a preliminary phase and that there are many details to be worked out. She stated that the purpose of bringing the application forward at this time is to seek approval in principle.

Discussion followed on various courses of action, including referral to the Advisory Planning Commission.

*\*Note – The following motion was passed following the recess after Item [9.2(b)].*

#### **Resolution-SP-LTC-15-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee refer Subdivision File SP-SUB-2011.2 to the South Pender Island Advisory Planning Commission, and that identified stakeholders be invited to attend.

**CARRIED**

#### **9.2(b) SP-ALR-2012.1 (Cadez)**

Planner Nichols presented his report on the component of the Cadez application ([see Item 9.2(a)] relating to the Agricultural Land Reserve (ALR.) The application to the Agricultural Land Commission (ALC) is required as the applicants propose to construct a strata road and common septic field on a portion of the land located within the ALR.

Planner Nichols stated that the impact on ALR land will be negligible.

*\*Note – The meeting recessed from 11:45 am to Noon.*

#### **Resolution-SP-LTC-16-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to forward the application for a subdivision / non-farm use in the Agricultural Land Reserve, SP-ALR-2012.1 (Airey Group c/o Robert Cadez) to the Agricultural Land Commission for consideration.

**9.3 Referral of Proposed North Pender Bylaw No. 190, Land Use Amendment Bylaw Amendment No. 1, 2012**

This is an application on North Pender Island to construct a seawall below the natural boundary of the sea, in part, to protect an archaeological site.

Trustee Montague raised the idea of working with North Pender representatives to jointly address erosion issues.

Chair Hancock noted that the nature of the site, a First Nations archaeological site, warranted special consideration, as normally this application would not have been considered.

**Resolution-SP-LTC-17-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee, in response to the referral of proposed Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 2006, Amendment No. 1, 2012”, and draft Development Permits NP-RZ-2011.1 (Turner) and NP-DP-2011.9 (Turner) advise the North Pender Island Local Trust Committee that interests of the South Pender Island Local Trust Committee are unaffected.

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

**10.1 Land Use Bylaw Review 2012 – amendments**

Planner Pickard presented her report, following on directive received at the February 14, 2012 South Pender Island Local Trust Committee meeting.

Of the changes proposed, as identified in the summary sheet, Item #5, relating to geoexchange systems may be refined.

Item #10, relating to the timing for construction and use of accessory buildings, Planner Pickard stated she was looking for direction on community consultation, a possible community information meeting, and timing for drafting and readings of an amending bylaw.

Discussion followed on how accessory building size is measured for “environmentally friendly” buildings – from the inside of walls (so that such building owners are not penalized for use of thicker walls) or the outside of buildings.

Trustee Jones suggested that building size be measured from the inside of walls for all buildings to keep the process consistent.

Chair Hancock asked for clarification as to how the proposed Land Use Bylaw changes came about, Planner Pickard replied that most came out from the update to the Official Community Plan, as well as “housekeeping” amendments.

In response to comments provided by Wendy Scholefield regarding the timeline and process for the Land Use Bylaw update, it was noted that this process is less extensive and requires less public consultation than the Official Community Plan review required.

### **Resolution-SP-LTC-18-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to prepare a newsletter and complementary survey outlining the proposed changes to the Land Use Bylaw, to gather information on shoreline issues and any other issues to be addressed.

**CARRIED**

## **10.2 Shoreline Review**

Planner Pickard reviewed existing shoreline policies in various bylaws, related practices of the Islands Trust and other regulatory agencies. She identified various options for adopting shoreline management procedures, addressing items such as stairs, decks, land clearing, and geoexchange systems. She further commented on the implications for construction in sensitive ecosystem areas, erosion control and creation of hazards.

Planner Pickard noted that this initiative is part of a Trust-wide initiative. Mapping has been done at a preliminary level.

Planner Pickard stated that direction is needed with respect to scope of the project, public consultation, and involvement of the Advisory Planning Commission.

Trustees discussed several issues, including:

- that erosion is the major issue;
- the need to identify the scope of the local project;
- the need to develop local mapping and policies;
- support for the Greenshores initiative.

### **Resolution SP-LTC-19-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to prepare a survey questionnaire to gather input from the community regarding shoreline issues.

**CARRIED**

## **10.3 Advisory Planning Commission Memo**

In response to enquiries raised at the February 14, 2012 Local Trust Committee (LTC) meeting regarding options for the terms of Advisory Planning Commission (APC) members, Planner Pickard stated that the APC Bylaw does not require amendment, should the LTC wish to appoint APC members such that their appointments not coincide with LTC elections. She noted that terms of the APC are up to three (3) years.

Planner Pickard reviewed various options, as identified in her staff report, so that terms do not coincide with elections.

*\*Note – The meeting recessed from 1:55 pm to 2:04 pm.*

## 11. REPORTS

### 11.1 Work Program Reports

#### 11.1.1 Adopted Policies and Standing Resolutions; and Objectives

This item was presented for information.

#### 11.1.2 South Pender Island Local Trust Committee Work Program – March 2012

Trustee Montague described the value of a recent presentation by Deputy Fire Chief Mike Dine to the Castle Road strata members on wildfire prevention and preparedness. She suggested that this information could be made available to the broader community of South Pender and requested an amendment to the Forest Lands Project to include wildfire prevention and preparedness.

#### **Resolution SP-LTC-20-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee requests that the “Activity” column for the Forest Lands Project be amended by adding wildfire protection and preparedness.

**CARRIED**

Trustees discussed ways to further engage constituents by adding a third item to the Top Priorities work program.

#### **Resolution-SP-LTC-21-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee add a third item to the Top Priorities list to direct staff to work with Trustee Jones to draft a survey for the approval of the Local Trust Committee that can be used on the internet using Survey Monkey, and that this survey be distributed on-line.

**CARRIED**

### 11.2 Applications Report

#### 11.2.1 South Pender Island Applications Report dated March, 2012

These items (Hol and Cadez /Airey applications) were discussed earlier in the meeting.

### **11.3 Expense/Budgets Reports**

#### 11.3.1 Trustee and Local Expenses

Chair Hancock stated that the 2012 – 2013 final budget had now been completed.

### **11.4 Bylaw Enforcement Report**

None

### **11.5 South Pender Island LTC Web Page**

Trustees requested that the South Pender Island Historical Reports section of the webpage be refined to look similar to that on the North Pender Island webpage.

### **11.6 Chair's Report**

Chair Hancock reported that he is planning on attending the upcoming Association of Vancouver Island Coastal Communities (AVICC) meeting in Ucluelet. A workshop concerning derelict vessels will be of particular interest.

Chair Hancock also stated that North Pender Island Trustee Gary Steeves, is hoping to be elected to the executive of the AVICC.

### **11.7 Trustee Report**

Trustee Montague commented that the new Islands Trust office location at Hope Bay, to be shared with the Capital Regional District (CRD,) will offer more opportunities for collaboration with the CRD.

Trustee Montague identified areas of interest to her that include food security, removal of broom and gorse, noting that these species are not only invasive, but also very flammable.

Trustee Montague indicated that she is looking forward to hosting the Trust Council meeting to be held June 12-14.

Trustee Jones reported that he will be taking part in a table top exercise that will take participants through a significant oil spill in Haro Strait. A further "live" exercise is planned later in the year.

## **12. OTHER BUSINESS**

### **12.1 Upcoming Meetings**

12.1.1 Next Business Meeting – Tuesday, June 19, 2012 at 10:00 am, at the South Pender Fire Hall

## **12.2 A Strategic Approach to Islands Trust Communication**

This item was presented for information.

## **12.3 Annual Report**

Trustees reviewed a draft Annual Report prepared for their information and concurrence by Planner Pickard.

Chair Hancock requested a wording change from “appointed” to “elected” in the report.

Trustees agreed that the report with the change as requested accurately reflected their activities in the reporting period. .

## **12.4 Community Survey**

This item was discussed previously in the meeting (Items 10.1, 10.2 and 11.1.2.)

## **12.5 Joint Penders Meeting**

Trustees discussed items that may be interest to both Local Trust Committees, such as shoreline protection, Moving Around Pender, (MAP,) and the Parks Commission.

Chair Hancock noted that there was support for a joint meeting from the North Pender Island Local Trust Committee.

### **Resolution-SP-LTC-22-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to schedule a joint meeting of the South Pender Island and North Pender Island Trust Committees.

**CARRIED**

Timing for the meeting will likely be in the late summer.

## **13. MOTION TO CLOSE MEETING**

### **Resolution SP-LTC-23-12**

It was Moved and Seconded THAT, pursuant to Section 90(1)(c) of the Community Charter, the South Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering APC Appointments and adopting Minutes of March 15, 2011 Local Trust Committee In Camera Meeting; and further that Islands Trust Staff and Recording Secretary Kathy Gilbert remain present.

**CARRIED**

The Regular Business Meeting adjourned to the In Camera Meeting at 2:53 pm.

**14. RECALL TO ORDER**

**Resolution-SP-LTC-28-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee Meeting reconvene out of camera.

**CARRIED**

The Regular Business Meeting reconvened at 3:00 pm.

Chair Hancock reported that the following members were appointed to the Advisory Planning Commission: Cameron Thorne, Buffy Paterson, Ron Henshaw, Paul Petrie, and Jane Perch for a term to expire on December 31, 2012.

**15. TOWN HALL MEETING**

**John Chapman** spoke to his concern that park dedication requirements are being manipulated through such activities as road and driveway construction, and timing of subdivision applications to circumvent park dedication requirements. He stated that such activities reduce opportunities to secure the best land for public purposes.

A discussion followed whereby it was stated that most of the activities of concern do not require any local government approvals.

**16. ADJOURNMENT**

**Resolution-SP-LTC-29-12**

It was Moved and Seconded that the South Pender Island Local Trust Committee Meeting be adjourned at 3:07 pm.

**CARRIED**

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**RECORDER**

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**CHAIR**



**Islands Trust**

**RWM From: April 02, 2012 To: May 29, 2012**

Print Date: May-29-2012

**South Pender Island**

<b>Resolution #</b>	<b>Action</b>	<b>Resolution Description</b>	<b>Resolution Date</b>
2012-05	In Favour	THAT the Advisory Planning Commission Minutes, clearly watermarked as DRAFT, and supporting documentation that went to the Advisory Planning Commission on the "Cadez Subdivision" referral question be posted to the South Pender Island Local Trust Committee web page.	May 28, 2012
2012-04	In Favour	THAT the South Pender Island Local Trust Committee draft meeting minutes of April 10, 2012 be Adopted.	Apr 24, 2012

COPIED TO

- PLANNER
- LTC
- KJ

**MINUTES OF THE SOUTH PENDER ISLAND  
ADVISORY PLANNING COMMISSION  
HELD ON FRIDAY, MAY 4, 2012, AT 10:15 AM  
AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD,  
SOUTH PENDER ISLAND, BC**

RECEIVED

5.4

MAY 17 2012

ISLANDS TRUST  
VICTORIA BC

- PRESENT:** Paul Petrie APC Chair (part)  
Jane Perch Acting Chair (part)  
Cameron Thorn APC Member  
Ron Henshaw APC Member
- Liz Montague Local Trustee
- Kathy Gilbert Recording Secretary
- REGRETS:** Buffy Paterson APC Member and Chair Elect
- PUBLIC:** Fourteen (14)

**1. CALL TO ORDER**

APC Chair Petrie called the meeting to order at 10:18 am.

**2. ELECTION OF APC CHAIR AND VICE-CHAIR**

Chair Petrie opened the floor for nominations.

Buffy Paterson was elected as APC Chair by acclamation.  
Jane Perch was elected as Vice-Chair by acclamation.

Vice-Chair Perch assumed the Chair.

**3. CONFIRMATION OF REGULAR MONTHLY MEETING**

It was Moved and Seconded that the regular meeting of the South Pender Island Advisory Planning Commission be held on the first Friday of each month.

**CARRIED**

**4. APPROVAL OF AGENDA**

The agenda was approved by consensus.

**5. APPROVAL OF MINUTES**

It was Moved and Seconded that the Minutes of the South Pender Island Advisory Planning Commission Meeting of November 14, 2011 be approved.

**CARRIED**

**6. REVIEW AND DISCUSS SOUTH PENDER ISLAND LOCAL TRUSTEE REFERRAL Resolution SP-LTC-15-12 (Airey Group / Cadez subdivision application and proposal for dedication of Church of the Good Shepherd to satisfy parkland dedication requirement)**

The Vice-Chair provided an overview of the development proposal, which consists of a four (4) lot bareland strata development that will necessitate park dedication. The owners propose to purchase the adjacent Anglican Church property, renovate the building and provide a maintenance fund that would last approximately ten (10) years.

The Vice-Chair asked the owners' agent, Robert Cadez to elaborate on the proposal.

Robert Cadez noted that:

- two (2) homes are planned on the site – one under construction and one approved for construction;
- the owners were approached by Church representatives in an effort to preserve the Church;
- the owners are willing to upgrade the Church and provide a maintenance fund;
- the owners have no interest in dedicating a trail or parkland and will withdraw subdivision application should their proposal not be accepted.

Vice-Chair Perch requested comment from the Pender Island Parks and Recreation Commission (PIPRC.)

Arn Berry, Chair of the PIPRC indicated that the PIPRC had met with the applicant and had looked at the Church site. He noted that at issue for the PIPRC is whether or not they want to assume responsibility for the Church, in particular maintenance, as offered by the applicant. He further stated that there is support from the PIPRC to preserve the Church.

Arn Berry read the motion passed by the PIPRC to not support the proposal by the adjacent property owner to acquire, renovate and transfer title to the Capital Regional District (CRD) as an offer to satisfy park dedication requirements under the *Local Government Act* as part of the subdivision application. He noted the Parks and Recreation Master Plan has identified possible beach accesses through the property.

Vice-Chair Perch opened the floor for discussion and comment.

John Bryan, representing the Friends of the Good Shepherd Church (FOGS) thanked Robert Cadez for the owners' generous offer to preserve a valuable community asset.

Ian Robertson, a member of the Anglican Church Parish Council, stated that he is involved in the effort to dispose of the Church asset. Mr. Robertson reviewed the history of the Church and provided an assessment of the legal status of the property: He stated that:

- the property had been acquired in 1937;
- that there is an indenture on title registered by the original property owners (the Richardson family,) that limits use of the property to Church use;
- that he is trying to contact the descendants of the Richardson family in England to gain their consent to have the indenture removed (hopefully by the end of the summer;) otherwise a legal process will have to be undertaken to have the indenture removed.

Mr. Robertson also informed those present that the Church has not been deconsecrated and is still available for its original purposes. He further identified the memorial garden on site that needs to be preserved. He stated that he believes that the Diocese would be interested in disposing of the Church property. He noted that there was no formal proposal from the applicant as yet.

Robert Cadez stated that his client is awaiting further information regarding the situation of the Church proposal prior to entering into a formal agreement.

Discussion from the gallery included the following questions and points:

- that this is a somewhat intangible proposal at this time;
- whether the Diocese would be willing to give the Church to a community group;
- whether the Richardson descendants are aware of the indenture on title;
- whether the Richardson descendants could request that they resume title to the Church;
- that this will be a lengthy and complicated process to complete.

David Spalding stated that he supports the proposal to retain the Church. He elaborated on his own family's and the Richardson family's history with the Church, noting that George Richardson was a South Pender resident.

Robert Cadez explained that an earlier subdivision proposal for the subject property had contemplated 12-15 lots; but had been scaled back by the present owners. He stated that the major issue for the owners is the loss of privacy that would occur should trails be established through the property. However, he reiterated that he is optimistic that the alternative proposal entailing the Church property is achievable, with time.

Vice-Chair Perch noted that the Advisory Planning Commission (APC) is an advisory body to the Local Trust Committee (LTC) who will make a determination on the park dedication issue.

Additional comments from the public noted:

- that there are two beach accesses identified in the parks and Recreation Master Plan;
- that the proposal involving the Church should not circumvent the requirement for park dedication;
- that the PIPRC was unaware of the indenture on the property until this meeting;
- that there are many trails on the Penders, but only one Church of the Good Shepherd;
- that while the LTC had included a "cash-in-lieu" of park dedication in the Official Community Plan, the recent update had removed that option, as public policy is to require land for park dedication for public access purposes; and it was thought that the proposal to transfer the Church to the CRD was tantamount to cash-in-lieu.

Vice-Chair Perch asked Paul Petrie to read written submissions on this matter (attached to the minutes:)

- Jane Spalding Lovsin – support the applicants' proposal and summarized family and local history related to the Church;
- Alma Lightbody and Mack Foster - support the applicants' proposal;
- Jon Spalding – supports the applicants' proposal;

- Bert Hol – FOGS - supports the proposal;
- John Chapman – letter submitted as a private citizen (not representing PIPRC;) recommended looking for other options to preserving the Church; and supports the PIPRC position;
- Buffy Paterson- APC Chair – asked for more information before she could make a decision on the proposal.

Ron Henshaw stated that this is an issue between the PIPRC and the LTC. He noted that there are many public accesses to the water, and that there needs to be more work done on transferring the Church to the community for community purposes.

Cameron Thorn summarized the issue as preserving a heritage asset vs deviating from the Parks Plan. He commented on the need to review established policies from time to time. He stated that it is in the public interest to pursue the applicants' offer.

Paul Petrie noted the following:

- that preserving the Church is an effort that will take some time; and there may be other options for park dedication;
- that the OCP was recently revised to delete the cash-in-lieu option for park dedication;
- that public policy documents are important to be adhered to;
- that the OCP strongly supports the PIPRC and their recommendations;
- that considerable resources (staff and LTC) will be required to move this proposal forward;
- that this proposal is tantamount to cash-in-lieu; but that the Islands Trust staff report had not commented on this interpretation;
- that he supports the staff recommendation to not proceed with the proposal at this time.

The following points were further discussed by APC members:

- that both the proposal to deed the Church to the CRD and the PIPRC position to require land dedication have merit;
- that the applicants should be given some indication of support or non-support for their proposal so that they can decide whether or not to expend addition funds pursuing the proposal, including whether purchase of the Church property is even an option;
- that there is not enough information on the proposal and more work needs to be done by all parties;
- that there are many public assets requiring expenditure of staff resources through complex and possibly creative solutions;
- the possibility of revisiting the cash-in-lieu provision in the OCP;
- that the APC should try to forge a consensus recommendation to the LTC.

It was Moved that on the basis of the information available and the uncertainties involved that the Local Trust Committee not pursue the application at this time.

As there was no Secunder, a vote was not taken.

It was Moved and Seconded that notwithstanding the uncertainties around the application at this time, that the applicant be given the opportunity to pursue

discussions with the Anglican Church to better understand the viability of dedicating the Church to the Capital Regional District; recognizing that the Local Trust Committee would only make a decision on the application once the opportunities have been further explored.

Discussion on the motion followed:

Arn Berry stated that the motion does not support further discussion with the PIPRC to further the park dedication requirements.

APC members discussed the following:

- that the motion is premature and inflexible, contravenes the OCP and is a mixed cash-in-lieu and land dedication proposal;
- that further land dedication might satisfy the land dedication requirement;
- that the surrounding land is in the Agricultural Land Reserve (ALR,) which provides further complexities to the possibilities;
- that the proposal is complex;
- that the cash-in-lieu option could be revisited within the OCP;
- whether or not the staff report addressed the question of whether the applicants' proposal was in compliance with the OCP.

Vice-Chair Perch reviewed the two options in the staff report, and described Chair Paterson's request that the proposal not be proceed with.

An amendment was proposed:

It was Moved and Seconded that subject to the Anglican Church and applicant reaching a memorandum of understanding (MOU,) the Advisory Planning Commission does support the parkland proposal and the Advisory Planning Commission recommends that the Local Trust Committee direct staff to further initiate the process to formalize the proposal.

**AMENDMENT CARRIED**

Discussion by members of the APC on the motion, as amended, included the following:

- that there was some support for giving the applicant some direction as to support for the proposal to deed the Church to the CRD;
- that cost acquisition of the Church could be prohibitive;
- that the proposal is contrary to the OCP and recommendation of the PIPRC;
- that there are too many uncertainties about the proposal;
- that there is some interest from the community in pursuing the applicants' proposal;
- that more levels of government and processes need to follow to pursue this proposal;
- that the uncertainties include whether or not the land can be acquired by another party;
- that the PIPRC discussions can still happen in the face of the wording of the OCP; and there may be flexibility in the position of the PIPRC.

Robert Cadez stated that the applicants want to know whether or not the community supports the applicants' proposal.

The motion, as amended was:

It was Moved and Seconded that notwithstanding the uncertainties around the application at this time, that the applicant be given the opportunity to pursue discussions with the Anglican Church to better understand the viability of dedicating the Church to the Capital Regional District; recognizing that the Local Trust Committee would only make a decision on the application once the opportunities have been further explored;

AND FURTHER THAT subject to the Anglican Church and applicant reaching a memorandum of understanding (MOU,) the Advisory Planning Commission does support the parkland proposal and the Advisory Planning Commission recommends that the Local Trust Committee direct staff to further initiate the process to formalize the proposal.

Mover Cameron Thorn withdrew the motion.

The APC further discussed options for a motion and recommendation that would allow for a consensus of various approaches that would allow further progress on the applicants' proposal, provide some parkland, while providing direction to the applicants. The APC also discussed the need to leave options open and the possibility of an alternate position of the PIPRC.

*Note: The meeting recessed from 1:03 pm to 1:14 pm.*

It was Moved and Seconded that the Advisory Planning Commission strongly supports preservation of the Church of the Good Shepherd as a heritage site for the community, including the possibility of including the Church within a Capital Regional Park; however, given the uncertainty of the possible sale of the land to be without covenants, and given the position of the Pender Island Parks and Recreation Commission, it is premature to ask that the Local Trust Committee direct staff to proceed with the application at this time.

**DEFEATED**

The APC discussed the following issues prior to voting on the motion.

- that there are two uncertainties – sale of the Church and the PIPRC may have another position with respect to managing a Church within a CRD park;
- that the key is the community needs to find a way to preserve the Church;
- whether the applicants' proposal satisfies the park dedication requirement;
- the desire to send a message to the applicants regarding the community support for their offer; and if not, whether there would be an incentive for the applicants to proceed with their offer and the subdivision;
- legislative ways to make the Church into a park.

It was Moved and Seconded that the Advisory Planning Commission strongly supports preservation of the **Page No. 18** unique heritage building for the

benefit of the community; and subject to a viable agreement between the applicants and the Church to purchase the land, the Advisory Planning Commission recommends to the Local Trust Committee that this proposal be accepted as meeting the park dedication requirement; and if so., directs staff to formalize the proposal.

**DEFEATED**

Prior to the vote, the APC commented as to the following:

- that the motion restricts the options that may be supported by the APC;
- that the motion allows for advancement of the application, despite many uncertainties;
- that the motion endorses the proposal, and given the uncertainties, it is premature to pass such a motion;
- that staff and the PIPRC need to be engaged in the discussion;
- that there is no risk to the community with the motion;
- that there may be a finite amount of money available in the community to raise funds to purchase the Church, indicating a good opportunity to pursue the applicants' proposal;
- that this is a good opportunity for the community, but this provides a high level of endorsement for the applicants' proposal.

Vice-Chair Perch summarized the two positions of the APC as first, requiring more information prior to making a recommendation to the LTC; and second, endorsing the proposal in principle, in order to move the development forward. She further noted that the APC would like to achieve a consensus in its recommendation to the LTC.

## **7. RECOMMENDATION TO SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE**

Following further discussion, Paul Petrie suggested that given the inability of the APC to reach consensus at this meeting and the absence of the Chair, that the matter be deferred for further discussion to a meeting to be held on June 1, 2012 at 10:15 am at Fire Hall #3.

## **8. OTHER BUSINESS**

None.

## **9. ADJOURNMENT**

It was Moved and Seconded that the South Pender Island Advisory Planning Commission be adjourned at 1:47 pm.

**CARRIED**

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**CHAIR**

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**Date Adopted**



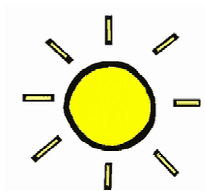
**South Pender Island  
Feb-14-2012**

No.	Activity	Responsibility	Target Date	Status
1	Item 8.3: Correspondence from P Petrie - the LTC authorizes up to \$300 for payment to PICA for an ecological inventory report and map of the residential property, for phase 3 of the Brooks Pt park acquisition	Nancy Roggers	Apr-10-2012	Done

**Apr-10-2012**

No.	Activity	Responsibility	Target Date	Status
2	Item 9.1 SP-DVP-2012.1 (Hol) - permit approved for issuance as drafted	Kathy Jones	Jun-19-2012	Done
3	Item 9.2(a) SP-SUB-2011.2 (Cadez) - refer to the APC and request the identified stakeholders are invited to participate in the meeting	Andrea Pickard	Jun-19-2012	Done
4	Item 9.2(b) SP-ALR-2012.1 (Cadez) - staff to forward the application to the Agricultural Land Commission for consideration	Kris Nichols	Jun-19-2012	Done
5	Item 9.3 Referral of NP bylaw 190 - respond to the referral indicating 'interests unaffected'	Andrea Pickard	Jun-19-2012	Done
6	Item 10.1 LUB Review - staff to prepare a draft Trustee Newsletter regarding the proposed changes, and to include related questions with the proposed general survey	Andrea Pickard	Jun-19-2012	Done
7	Item 10.2 LUB Review - staff to prepare draft bylaws with the listed items with a revision to change the floor area measurement to the interior surface of the outside walls for all buidings instead of using the environmentally friendly approach	Andrea Pickard	Jun-19-2012	Done

8	Item 10.2 Shoreline Review - staff to draft a survey questionnaire to gather input from the community regarding shoreline issues in conjunction with the general survey	Andrea Pickard	Jun-19-2012	Done
9	Item 10.3 APC - for the new appointments, use a one-year term once, then use the 3 yr term after that	Kathy Jones	Jun-19-2012	Done
10	Item 11.1.2 Work Program - add 'including wildfire prevention and preparedness' to the Forest Lands activity description and add on-line survey to the top priority list	Andrea Pickard	Jun-19-2012	Done
11	Item 11.5 Web page - list the previous 'South Pender Updates' with a link to 'Pender Post Trustee Reports' in the same way as the North Pender web page	Kathy Jones	Jun-19-2012	Done
12	Item 12.3 Annual Report - in the first paragraph change appointed to elected and submit as revised	Andrea Pickard	Jun-19-2012	Done
13	Item 12.4 Community Survey - Trustee Jones to work with staff in drafting an on-line survey for the community for general feedback and including the LUB amendments and shoreline topics as discussed	Mike Jones Andrea Pickard	Jun-19-2012	Done
14	Item 12.5 Joint Pender Meeting - staff to schedule a combined NP and SP meeting with an agenda of common interests	Robert Kojima	Jun-19-2012	On Going
15	Item 13 APC appointments - appoint the 5 individuals who responded to the EOI for a one -year term	Sharon Lloyd-deRosario	Jun-19-2012	Done



## PENDER COMMUNITY TRANSITION (PCT)

*\* a cooperative alliance for a brighter future \**

[www.pendercommunitytransition.ca](http://www.pendercommunitytransition.ca)

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

May 21, 2012 (by email)

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
(Trustees Gary Steeves, Ken Hancock & Chair Peter Luckham) and  
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
(Trustees Mike Jones, Elizabeth Montague & Chair Ken Hancock)  
c/o Island Planner Andrea Pickard (to [apickard@islandstrust.bc.ca](mailto:apickard@islandstrust.bc.ca))

Dear Trustees and Planner:

### RE: PENDER COMMUNITY TRANSITION (PCT) REQUEST FOR 2012-2013 FUNDING SUPPORT FROM PENDER LTC'S

On March 12, 2012, Pender Community Transition provided our final report for the fiscal year ending March 31, 2012, regarding the \$600 of Local Trust Committee support provided for that period. Now we are writing again, to tell you about our plans for the fiscal year beginning April 1, 2012, and to ask if the Pender Local Trust Committees would once again support PCT by purchasing a series of reports on our activities throughout this upcoming period.

PCT recently submitted funding applications to the CRD and Vancity, to support the following upcoming projects on the key issues of energy, food growing, and economic relocalization:

1. **2<sup>nd</sup> Energy Action Day & Campaign:** This event planned for fall, 2012 and the lead-up community education campaign are all about energy conservation (i.e. many ways to need less energy), and energy transition (i.e. shifting to low-carbon, renewable, sustainable sources). This project will involve cooperation with other interested community groups and members, including our kids! We had a first Energy Action Day in 2011 (with 150 participants despite a storm, power failure, and fire alarm), and now we'll have another day of fun and informative energy displays, expert and inspiring speakers, cool energy videos, and lively networking.
2. **Solar Photovoltaic Demo Project:** This project is intended to lead up to and be displayed at the November, 2012 Energy Action Day. It involves Pender kids learning about and constructing a small solar photovoltaic back-up system (for example using new or donated solar panels, a charge controller, deep-cell battery, LED lighting, etc.) Studies show that if you get a child or adult excited about and engaged in even one new energy project like the above, this translates into broader behaviour change such as more energy conservation activities and greater willingness to explore low-carbon energy sources.
3. **Local Food Skill-Building Workshops:** Increased local food growing is essential to each community's future food security, self-sufficiency, and resilience. Yet we have lost many of the skills that make this possible. This project will involve two days of food skill-

building workshops, arranged in cooperation with Pender food groups and growers. The first will be in fall of 2012 (likely on Seed Saving and/or Food Preservation & Storage). The second workshop day will be in spring, 2013 (likely on Poultry Raising, and/or Beekeeping, Mason Bees & Pollinator Support), or other topics of greatest usefulness, as funding permits.

**4. Local Food Community Dinners:** This is another project to develop awareness and cooperation in support of more local food growing on Pender. This includes community support for existing Pender growers, building connections, and inspiring more food growers! The plan is to work together with all interested community members and groups to organize two events - a Late-Harvest Local Food Community Dinner, and then a spring, 2013 “Nettlefest” Local Food Community Dinner. The focus of these dinners will be locally grown food, and also building community connection, resilience, and spirit!

**5. Community Greenhouse:** This project is to purchase and construct a small Community Greenhouse, in or near the garden of the Pender Islands School. This is a designated Community School with a number of facilities jointly funded by and shared with the community for use. The School Garden Club and School have raised money and constructed raised planting beds, a fence, and compost area, and now they need additional funding to more effectively grow heat-loving plants, and to support local food growing activity.

**6. Pender Local Currency Pilot Project:** Local currencies represent a wonderful opportunity to raise awareness about the importance of local sustainable buying and supporting our businesses, and to help build a strong, resilient, local economy and community. This project is to involve working in cooperation with the local Chamber of Commerce, businesses, and non-profit groups, towards the spring, 2013 issuance of a sample Pender currency (e.g. 2,000 - \$5 bills), with an expiry date after two summer tourist seasons (e.g. September, 2014). Then an assessment can be made about continuing the project.

**7. Local Currency & Economic Relocalization Campaign:** The above Local Currency Project is a very useful tool for creating public attention and excitement about “something new”, which can inspire residents (and tourists) to learn about and have fun with local sustainable buying. The campaign would begin with an artwork/design contest for the Pender \$5 bill, and then engage all stakeholders to be part of the spring, 2013 issuance of the new currency (which could only be spent with Pender businesses or groups). This would naturally lead into a related aspect of the campaign – economic relocalization, i.e. demonstrating the need for more local sources (business or social enterprise) where Penderites can get their core needs met.

We respectfully ask that the Pender Local Trust Committees commit \$600 of funding for the purchase of ongoing reports on Pender Community Transition activities in the coming year (\$400 from North Pender and \$200 from South Pender). The projects we propose (subject to funding from other sources) are highly consistent with the Islands Trust mandates regarding climate change and creating resilient island communities. I invite you to contact me if you need more information. You can also see [www.pendercommunitytransition.ca](http://www.pendercommunitytransition.ca). Thanks!

Sincerely,

*Zorah Staar*

PCT Coordinator, Phone: (250) 629-3825

Email: [info@pendercommunitytransition.ca](mailto:info@pendercommunitytransition.ca)

## Kathy Jones

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**From:** Andrea Pickard  
**Sent:** May-29-12 2:06 PM  
**To:** Kathy Jones  
**Subject:** FW: File SP-SUB-2011.2

Kathy, please add this as correspondence to the SP LTC agenda, thanks.

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**From:** Wendy Scholefield [mailto:wendy@clarinch.com]  
**Sent:** May-24-12 8:53 PM  
**To:** Mike Jones; Liz Montague; Ken Hancock  
**Cc:** Andrea Pickard; David Marlor  
**Subject:** File SP-SUB-2011.2

To the South Pender Local Trust Committee:

I am writing to bring to your attention my concerns about some aspects of the staff report prepared for **File No.** SP-SUB-2011.2 (Cadez) on March 27 of this year. I believe that if the South Pender Local Trust Committee were to accept the second option as proposed in the report and passed a resolution to that effect, the developer might reasonably consider legal action if the LTC did not proceed to accept the parkland dedication that it has supported through resolution.

I will outline my concerns:

Page 1

“The subject property is adjacent to the Good Shepherd Church, which in recent years has been dissolved by the Anglican Diocese and is considered for sale.”

*I am concerned that the Trust has not done its due diligence in determining the status of the Church of the Good Shepherd. It is not clear that the congregation of the Good Shepherd has, in fact, been dissolved; whether the church building has been disestablished; if the church building and lot are for sale at this time; what the restrictive covenants are and what the implications of the covenant(s) might be for the community's use of the church and how it might affect the ability of the diocese to sell the church. There seems to be no answer to any of these questions in the staff report, although there is a lot of talk on the island about what the situation might be.*

Page 6

“The local government has discretion with respect to the amount (up to the 5% limit) and the location of the parkland proposed by the applicant. There is no obligation to accept property that is not suited for park use. If an official community plan or land use bylaw contains policies and designations respecting the type and location of future parks, the local government may determine whether the owner must provide land or money. The South Pender Island OCP identifies that land, rather than cash-in-lieu is to be accepted for parkland.”

*The recently updated South Pender Island Official Community Plan requires the dedication of land in case of subdivision and does not allow for cash-in-lieu. This report provides no discussion or analysis of the issue of whether offering alternate land, which is not part of the proposed subdivision, in exchange for the right to subdivide is allowable under the provisions of the LGA with the limitations set by the South Pender OCP. This issue has become the focus of much of the discussion in the community and it is not clear at this time what the legal interpretation might be. The matter must be addressed so that informed discussion can take place. I am aware that there was an instance not long ago where a developer offered an alternate piece of property which he owned as parkland dedication and, to my knowledge, the offer was not even considered by staff; while the conditions here may be different, the principles underlying the decision should be consistent and consistently applied.*

Page 7

**OPTIONS:**

THAT the South Pender Island Local Trust Committee does not support the parkland proposal involving the adjacent church property for SP-SUB-2011.2 (Cadez) and the applicant be requested to revise the proposed subdivision plan to include parkland.

OR

THAT the South Pender Island Local Trust Committee does support the parkland proposal involving the adjacent church property for SP-SUB-2011.2 (Cadez) and directs staff to further initiate a process to formalize the proposal.

*The options outlined are, firstly, providing few alternatives to the Local Trust Committee. At minimum, the LTC should have been provided the option of taking no further action until essential information is available. The second option could be viewed as an acceptance of the proposal without any of the particulars of the agreement available. Directing staff to initiate a process to formalize the proposal seems to hand the discussions over to staff without any guidance from the LTC as to what is expected in a formal proposal. It is difficult to understand what process would be undertaken to formalize a proposal without some assurances that the applicant can deliver what is proposed. If the LTC were to pass a resolution as presented in the second option, the applicant could reasonably argue that the LTC has agreed to the proposal and may begin the work on subdivision on the understanding that they have the approval of the LTC when the LTC may be working on the assumption that they are awaiting the details of the proposal before final approval. The end result could be legal action by the applicant.*

*It is my understanding that the applicant is now applying pressure to approve the proposal as it is taking too long and they have no further funds to devote to the project. (This raises questions of how long the application has been under consideration and what funds the applicant has devoted to the project to date - and I'm not aware of the answer to either of the questions but perhaps the planner can provide some clarification.) The major difficulty in all of this is that it gives the impression that the delays are with the Trust and that all the Local Trust Committee has to do is approve the proposal and the applicant can get on with it. However, the reality is quite different. Unfortunately, the timing desired by the applicant is not in line with the ability of the church or our community to respond. It is my understanding that the church is not actively on the market right now; the existing covenants are very restrictive, and there is no agreement with the CRD or any other body*

*willing to take responsibility for the land and the building. The danger I see for the LTC and for our community is that, if the LTC approves the proposal and then the applicant is unable to purchase the property and/or there is no group able to accept ownership and responsibility for the land and building, then the applicant could argue that they are prepared to fulfill the agreement but they are unable to do so through no fault of their own. In any event, I believe that they would have received subdivision approval and have proceeded with their development. It seems highly unusual to me to approve a subdivision request based the receipt of a piece of property as parkland dedication which does not belong to (nor is there an indication that there is an agreement to purchase in place) the applicant requesting subdivision.*

The applicant has stated that, in the event that the church proposal is not accepted, they will retain the property as it is currently, with the limit of two houses and two cottages and the approved barn structure. It is unfortunate for our community if they chose to abandon their proposal, but the LTC has no power to hasten the sale of the church, remove the covenants, or assign responsibility to a community group.

I am very supportive of our community's being able to retain and maintain the Church of the Good Shepherd because the building and the memorial garden are so important to many people on South Pender and to those who are no longer living on South Pender. I am concerned that the applicant is making an offer that they may not be in a position to honour and we will be left with neither the church (and presumably the upgrades and maintenance fund) nor the trails. I fear that the sale of the church and property is a very complex issue and may take quite some time to resolve.

Thank you for your consideration.

Wendy Scholefield



# STAFF REPORT

June 5, 2012

**File No.:** SP-SUB-2011.2 (Cadez)

**To:** South Pender Island Local Trust Committee  
For the meeting of June 19, 2012

**From:** Andrea Pickard  
Island Planner  
Local Planning Services

**Re: Proposed Four-Lot Subdivision**

**Owner:** Mark Mache and Horatio Kemeny  
**Applicant:** Robert Cadez  
**Location:** 8970 Gowlland Point Road  
Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022, Except that part thereof lying to the east of a boundary parallel to and perpendicularly distant 200 feet from the easterly boundary of said lot.

**THE PROPOSAL:**

The owners have applied to the Ministry of Transportation and Infrastructure for a four-lot bareland strata subdivision on the subject property. The property is split zoned Agriculture (A) and Rural Residential Two (RR2). The four proposed strata lots are located within the RR2 zone, with the A zoned portion being proposed as common property.

The proposed subdivision triggers the requirement for parkland dedication in accordance with section 941 of the *Local Government Act*. The subject property is adjacent to the Good Shepherd Church, which is currently owned by the Anglican Diocese although they are pursuing the option of divesting the property. The applicants have proposed to purchase the church property and then dedicate it to fulfill the parkland requirement. They have also indicated the proposal would include a commitment to restore the building and establish a general maintenance fund that would be expected to cover 10 years of operation.

The proposal was referred to the Pender Islands Park and Recreation Commission (PIPRC) for comment, additionally a site visit was conducted with some of the PIPRC members and the applicant. The PIPRC has responded with the following: that PIPRC does not support the proposed offsite park dedication, but rather we support the general public interest and policy provisions that favour an onsite 5% park dedication involving access to the ocean.

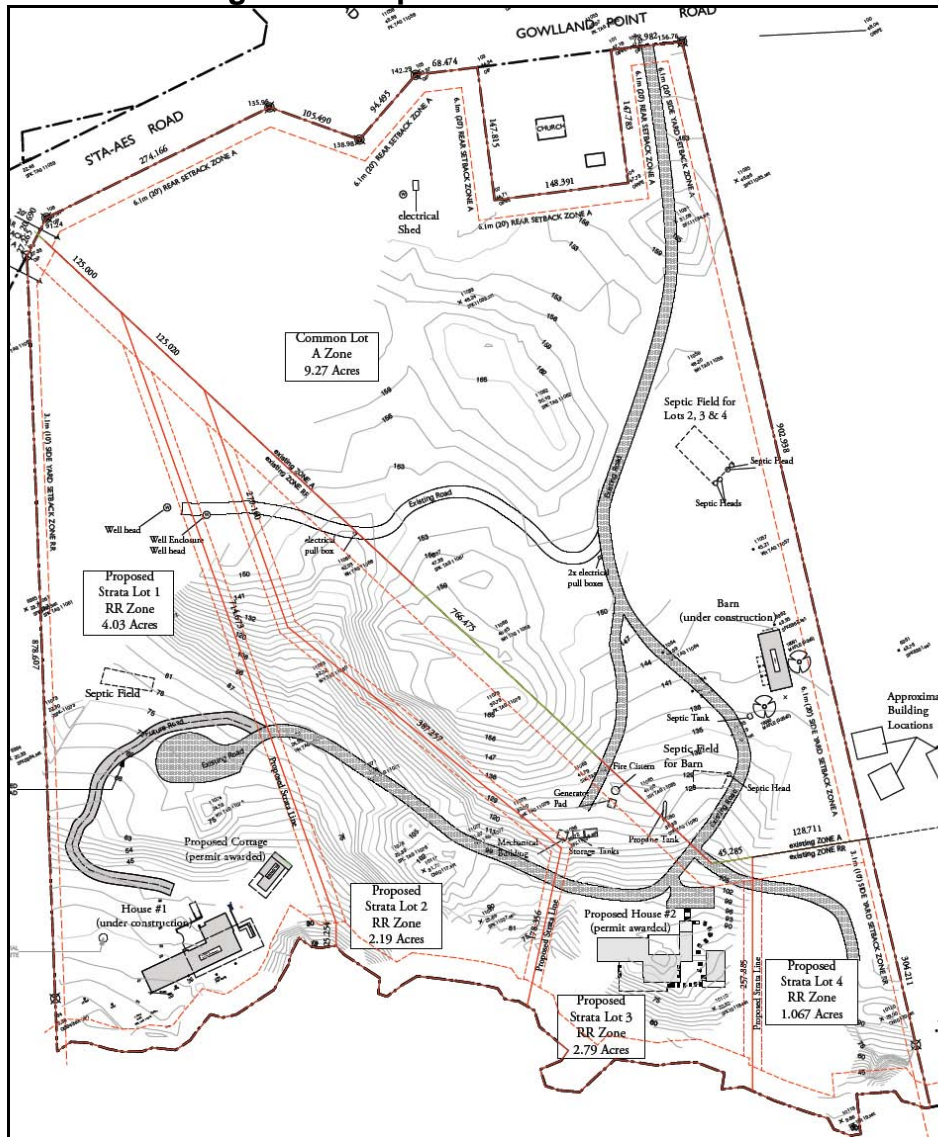
At the April meeting of the LTC the proposal was referred to the Advisory Planning Commission (APC) for comment with direction to include the stakeholders in the discussion. The APC met once with the stakeholders and the minutes are received as part of this agenda. A second meeting of the APC on June 1 was held for further discussion. At the time of submitting this

report the APC minutes had not been received. The purpose of this report is to request direction from the LTC on how they want staff to proceed with the application.

The preliminary staff report with both the applicant's proposal and the PIPRC response included as attachments is posted on-line, along with the draft Advisory Planning Commission minutes of May 4th at: <http://www.islandstrust.bc.ca/lc/sp/pdf/spapccadezreferralpkgapr182012.pdf>

There remain other outstanding conditions that must be completed before the subdivision is finalized, most notable approval from the Agricultural Land Commission (ALC). A response from the ALC remains pending.

**Figure 1: Proposed Subdivision Plan**

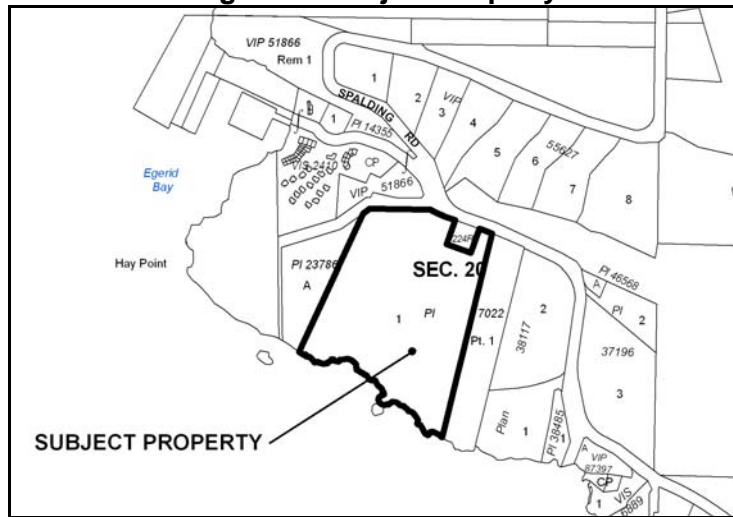


**SITE CONTEXT:**

The subject property is an 8 hectare (20 acre) waterfront property on Gowlland Point Road, which is larger than other properties in the surrounding area. The properties in the surrounding area tend to range from 1.6 to 2.4 hectare (4 to 6 acres). Based on GIS data the property rises

quite steeply from the shoreline to 50m elevation, with a moderately steep slope running through the property roughly adjacent to the zone boundary.

**Figure 2: Subject Property**



**Figure 3: Subject Property with Orthophoto and 2 metre Contour Intervals**



**CURRENT PLANNING STATUS OF SUBJECT LANDS:**

Trust Policy Statement: Directive policies relevant to this application include:

- 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.
- 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.

Official Community Plan: The subject property is designated Rural Residential and Agriculture in the OCP. The property with the Church of the Good Shepherd is designated Community and Government Services (CG).

Relevant policies include:

- 3.7.2c) – The Local Trust Committee is to cooperate with the Pender Islands Park and Recreation Commission by working within the terms of the existing protocol agreement and to update it as needed. The purpose of the Protocol Agreement is to work jointly in matters pertaining to the establishment, planning, and development of community parks and other public lands under Commission management.
- 3.7.2d) – Dedication of land, rather than cash-in-lieu, shall be required where for the purposes of the *Local Government Act* there is parkland dedication at the time of subdivision. The type and/or location of preferred parklands are identified on Schedule “D”.

The OCP also includes policies regarding Heritage Cultural Resources. There are no policies specific to the church property, although the church itself is one of the three properties listed in the 1984 “Island Heritage Buildings” associated with early settlement.

Land Use Bylaw: The subject property is split zoned Rural Residential (RR) and Agriculture (A) in the Land Use Bylaw. The property with the Church of the Good Shepherd is zoned Community Service (S1) which permits: community halls, fire halls, libraries, museums, schools, and churches; cemeteries; and accessory uses, buildings and structures, other than dwellings.

Covenants: There is a registered covenant on the title for the subject property under subdivision which is held by the CRD and addresses geotechnical issues.

The church property has a Document Deposited (DD) noted on title as part of the “Registered Owner” rather than as a registered covenant, which would be the mechanism used today. The indenture does note the land is being granted to the Anglican Diocese to be used no other purpose than the liturgy and rites of the Church of England.

## **STAFF COMMENTS:**

The *Local Government Act* requires that an owner of land being subdivided must provide parkland of an amount and in a location acceptable to the local government, or pay to the regional district an amount that equals the market value of the land that may be required for park purposes. The amount of land that may be required must not exceed 5% of the land being proposed for subdivision.

The provision of parkland does not apply to:

- A subdivision of which fewer than 3 additional lots would be created, or

- A subdivision by which the smallest lot being created is larger than 2 ha. If fewer than 3 additional lots are proposed on a parcel that itself was created within the past 5 years the provision of parkland applies.

The local government has discretion with respect to the amount (up to the 5% limit) and the location of the parkland proposed by the applicant. There is no obligation to accept property that is not suited for park use. If an official community plan or land use bylaw contains policies and designations respecting the type and location of future parks, the local government may determine whether the owner must provide land or money. The South Pender Island OCP has a policy that land, rather than cash-in-lieu, is to be accepted for parkland (Article 3.7.2 d).

Subdivision proposals involving parkland dedication are referred to the PIPRC for comment. Recommendations from the PIPRC are then considered by the LTC, who have the authority to accept the proposed parkland. The Protocol Agreement does note that the LTC will exercise its statutory powers with due consideration for the recommendations of the Commission. The LTC will endeavour to maintain close communications with, and be open to advice from the Commission. The Commission acknowledges that the statutory responsibility of the LTC in this regard cannot be delegated, nor can any discretion be fettered by reference to another body such as the Commission.

The Parks Master Plan identifies six different types of park categories, one being a heritage park. The South Pender Land Use Bylaw has three main zones for community parks that reflect this: passive recreation, natural area conservation and heritage. This is not intended to dismiss the PIPRC referral comments but only points out that the Parks Master Plan identifies other types of parks that could be managed under the PIPRC mandate, so although it may not be their preference with this particular application staff would consider that the proposal is not in conflict with the Parks Master Plan.

For the church proposal to proceed it would involve CRD staff involvement due to the complexity of the proposal and long term oversight/ownership of the building. It is also anticipated that the recently formed community interest group the 'Friends of the Good Shepherd' would also be involved in some manner, along with the Pender Islands Park and Recreation Commission.

Upon reviewing the APC minutes of the May 4<sup>th</sup> meeting there appear to be concerns raised that the proposal would be contrary to the OCP policy as this is tantamount to cash-in-lieu. Although this proposal would involve cash it is quite distinct from the cash-in-lieu option outlined in the Local Government Act. Funds provided through a cash-in-lieu option are an alternative to parkland dedication must be held in reserve by the Regional District and can only be used to acquire new parks. This proposal would be distinct: it involves dedication of land for park, and a voluntary donation of funds as an endowment for maintenance of the property which would be managed through another mechanism specifically for use on the church. Staff do not interpret acceptance of this proposal to be in conflict with the OCP policy.

The LTC should now consider whether you choose to pursue the proposed option involving the church property, or respond to the applicant that the amount and/or location of land being proposed for dedication is not acceptable. If the LTC rejects the amount and/or location of proposed parkland, the applicant has the options of revising the application to propose alternate parkland, revising the application to result in three or fewer lots, or withdrawing the application. Following your decision, staff would advise the applicant accordingly.

If the LTC believes that there is merit to the proposal, subject to an acceptable detailed formal agreement, then the recommendation is to accept the proposal in principle. Accepting the proposal in principle does not guarantee that the proposal is going to be successful as various issues may arise that are insurmountable. If the LTC decides to pursue the parkland proposal, the priority for staff would be to initiate discussions with the CRD, the Anglican Diocese and the applicant to address the legal issues around transferring the land into CRD ownership.

As there is no final commitment at this point by the LTC, staff recommend this opportunity be further investigated to determine if the proposal is feasible, particularly due to the level of community interest expressed to protect the church and its heritage value. The implication of pursuing this option is that staff time and resources would be directed to work on this, which would otherwise be directed to other LTC work projects

**RECOMMENDATIONS:**

THAT the South Pender Island Local Trust Committee considers the parkland proposal involving the adjacent church property for SP-SUB-2011.2 (Cadez) to be acceptable in principle and directs staff to initiate a process to work with the stakeholders to develop a more detailed proposal to be considered by the South Pender Island Local Trust Committee.

**ALTERNATIVE:**

THAT the South Pender Island Local Trust Committee does not consider the amount and location of the proposed parkland involving the adjacent church property for SP-SUB-2011.2 (Cadez) to be acceptable.

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Prepared and Submitted by:

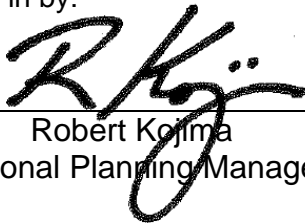


Andrea Pickard

June 7, 2012

Date

Concurred in by:



Robert Kojima  
Regional Planning Manager

June 7, 2012

Date



# Islands Trust

## BYLAW REFERRAL FORM

**Island:** North Pender Island Local Trust Area **Bylaw No.:** 191 **Date:** May 1, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Lockhart Industries c/o Doug Lockhart (applicant) 6640 Razor Point Road

**PURPOSE OF BYLAW:**

The purpose of proposed bylaw 191 is to amend the North Pender Island Land Use Bylaw to permit the placement of an ocean-based, closed loop, geothermal heat exchange system in the Water 1 zone. The objective is to provide domestic heating and cooling accessory to the upland residential property. The proposed bylaw would be a site-specific amendment for this location only, rather than a general amendment to the Water 1 zone.

Related reports are available on-line at: <http://www.islandstrust.bc.ca/lc/np/default.cfm> under the "Proposed Ocean-Based Geothermal System Application".

**GENERAL LOCATION:**

Port Browning on the east side of North Pender Island

**LEGAL DESCRIPTION:**

Lot B, Section 11, Pender Island, Cowichan District, Plan 32264 Except parts in Plan VIP68515, PID: 000-078-841

**SIZE OF PROPERTY AFFECTED:**

Approximately 0.41ha of the Water 1 zone

**ALR STATUS:**

n/a marine waters

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Marine, with the upland lot being Agriculture and in the ALR

**OTHER INFORMATION:**

Two staff reports dated March 14 and April 17. Related professional reports and copies of the staff reports are also on the web under the 'Proposed Ocean-Based Geothermal System' at: <http://www.islandstrust.bc.ca/lc/np/default.cfm>

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Andrea Pickard

Title: Island Planner  
 Contact Info: Tel: 250-405-5189  
Email: apickard@islandstrust.bc.ca

This referral has been sent to the following agencies:

**Federal Agencies**

Parks Canada

**Provincial Agencies**

Ministry of Forest, Lands & Natural Resource Operations – Ecosystem Protection  
 Ministry of Forest, Lands & Natural Resource Operations – Archaeology Branch  
 Ministry of Forest, Lands & Natural Resource Operations – Aquaculture  
 Ministry of Forest, Lands & Natural Resource Operations – Crown Lands

**Regional Agencies**

Capital Regional District – Building Inspection

**Adjacent Local Trust Committees and Municipalities**

South Pender Island Local Trust Committee  
 Salt Spring Island Local Trust Committee  
 Saturna Island Local Trust Committee  
 Mayne Island Local Trust Committee

**Non-Agency Referrals**

Islands Trust Fund  
Islands Trust Bylaw Enforcement

**First Nations**

Chemainus First Nation  
Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Pauquachin First Nation  
Penelakut Tribe  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

191

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

Date June 6, 2012

File: SP-6500-20-04  
Community Survey

**To:** South Pender Island Local Trust Committee  
For the meeting of June 19, 2012

**From:** Andrea Pickard  
Island Planner  
Local Planning Services

**Re:** Community Survey

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At the April 10, 2012 meeting of the South Pender Island Local Trust Committee (LTC) the LTC directed staff, in conjunction with Trustee Jones, to draft an on-line survey to obtain feedback from the community on a range of issues. A summary report of the responses is attached for your information.

The survey was posted on-line May 18<sup>th</sup> and as of June 5 there had been 15 respondents; however the survey is still on-line so more responses may be submitted. An updated version of the survey report will be brought to the June meeting if more responses are received. Please note, the written responses are compiled at the end of the document.

The survey consisted of seven general themes: communications, issues of general concern, South Pender Land Use Bylaw regulations, shoreline development, forest fires, general suggestions, and demographics. Some key points are noted below.

*Communications (Q 1-7):* Emails are the preferred method of communication and the Pender Post reports are read regularly or always by most respondents. All respondents indicated they would respond to a survey at least regularly or more frequently, with 60% stating they would respond almost always even with more than 5 surveys a year. Most respondents learned of the survey through the email subscriber option, or the Trustee Newsletter.

*Issues of General Concern (Q8):* This question presented 11 different issues and asked if the respondents thought that Islands Trust was doing enough to address them. For all issues the majority of respondents thought 'enough' was being done; however, the second choice was 'not enough' for eight of the issues. At least one-third of respondents thought not enough was being done on the issues of: economic development, and protecting the shoreline and coastal environment, protecting sensitive ecosystems and habitat, and protecting vegetation.

*Land Use Bylaw Regulations (Q 9-11):* With regards to the amendments currently being proposed most respondents indicated they would support the amendments. More than 70% support the

floor area amendment (measuring to the interior side of the wall) with no concerns. Regarding allowing storage buildings without a residence 78.6% would support or conditionally support it, with 21.4% having some concerns.

With regards to the question of possible amendments the majority of responses were to support or conditionally support. All options had some respondents indicate they would not support them, the highest being permitting attached dwellings where 2 or more are permitted on a lot.

With regards to the question of current regulations being appropriate, the majority of respondents answered appropriate. Of particular note is 35.7% thought the setback to the sea was not restrictive enough.

*Shoreline Development (Q12-18):* Respondents to the shoreline development question tended to lean towards keeping the shoreline natural, with a cautious approach for any development including having a natural look. The question if the size of stairs to the foreshore should be regulated had 60% of respondents indicating no, they should not be regulated.

Nine respondents answered the question of what aspect of the shoreline is most important, which are: a natural state (5), public access (2), marine habitat (1) and no disturbance in the intertidal zone (1).

*Forest Fires (Q19-20):* All respondents feel adequately informed about what they can do around their home to prevent forest fires, and over 90% feel they know what to do in the event of a forest fire.

Comments included they were not sure of the community plan for emergency situations.




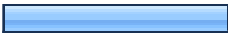




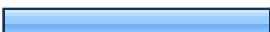
*General Suggestions (Q21):* Three issues were raised: the proliferation of signs, promoting a pan-island trail network, and a no-wake zone in the canal between North and South Pender.

*Demographics (Q22-27):* Respondents were relatively balanced between full-time, seasonal, and periodic residents. Full-time residents tended to not live here as long as the seasonal respondents with the earliest respondent living on South Pender since 1968. Male respondents dominated at 73%. All respondents were 41 years or older with the majority in the 56-69 year category. Over 85% of respondents feel they are regularly engaged with select topics.





### **Next Steps:**

Staff recommends that the survey now be closed and the summary report posted on-line. The LTC can consider the input when considering the shoreline review and the proposed Land Use Bylaw amendments.

**1. How do you prefer to hear about Local Trust Committee business? (select all that apply)**

		Response Percent	Response Count
By visiting the website		40.0%	6
<b>Email updates (subscriber)</b>		<b>80.0%</b>	<b>12</b>
Newspaper - Pender Post		66.7%	10
Newspaper - Island Tides		33.3%	5
Newspaper - Driftwood		0.0%	0
Newspaper - other		0.0%	0
Conversations with a Local Trustee		40.0%	6
Conversations with staff (phone or office hours)		6.7%	1
From Trustee Newsletters sent by mail		26.7%	4
Posted notices		6.7%	1
Word of mouth		0.0%	0
Attend the Local Trust Committee meetings		40.0%	6
	Other (please specify)		0
		<b>answered question</b>	<b>15</b>
		<b>skipped question</b>	<b>0</b>

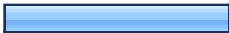




**2. Do you read the monthly Pender Post report from the Local Trustees summarizing their activities?**

		Response Percent	Response Count
Always		40.0%	6
Regularly		46.7%	7
Rarely		6.7%	1
Never		6.7%	1
<b>answered question</b>			<b>15</b>
<b>skipped question</b>			<b>0</b>






**3. Are there changes you would suggest to make the Pender Post reports from the Local Trust Committee more valuable to you?**

	Response Count
	3
<b>answered question</b>	<b>3</b>
<b>skipped question</b>	<b>12</b>




#### 4. What is your preferred method of contact with the Local Trustees?

		Response Percent	Response Count
Phone		33.3%	5
<b>Email</b>		<b>93.3%</b>	<b>14</b>
Letter		6.7%	1
Attending Local Trust Committee meetings		40.0%	6
Face to face conversations		6.7%	1
I don't like to contact Trustees directly		0.0%	0
	Other (please specify)		0
		<b>answered question</b>	<b>15</b>
		<b>skipped question</b>	<b>0</b>



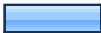

### 5. What is your preferred method of contact with the Islands Trust staff?

		Response Percent	Response Count
Phone		42.9%	6
<b>Email</b>		<b>78.6%</b>	<b>11</b>
Letter		14.3%	2
Attending Local Trust Committee meetings		14.3%	2
Face to face conversations (on-island office hours)		7.1%	1
I don't like to contact staff directly		0.0%	0
	Other (please specify)		1
<b>answered question</b>			<b>14</b>
<b>skipped question</b>			<b>1</b>

### 6. The Local Trust Committee would like to explore using on-line surveys as a way to get input on community issues. How frequently would you respond to an on-line survey from the Local Trust Committee?

		Response Percent	Response Count
<b>Almost always (more than 5 times a year)</b>		<b>60.0%</b>	<b>9</b>
Frequently (3-4 times a year)		20.0%	3
Regularly (2-3 times a year)		20.0%	3
Occasionally (1-2 times a year)		0.0%	0
Almost never		0.0%	0
<b>answered question</b>			<b>15</b>
<b>skipped question</b>			<b>0</b>

## 7. How did you hear about this survey? (select all that apply)

		Response Percent	Response Count
By visiting the website		7.1%	1
<b>Email updates (subscriber)</b>		<b>57.1%</b>	<b>8</b>
Pender Post Report		0.0%	0
Conversations with a Local Trustee		14.3%	2
Conversations with staff		0.0%	0
From the Trustee Newsletter		28.6%	4
Word of mouth		0.0%	0
	Other (please specify)		1
		<b>answered question</b>	<b>14</b>
		<b>skipped question</b>	<b>1</b>

**8. For the following list of topics, please indicate if you think the Islands Trust is doing enough to address them:**

	Too much	Enough	Not enough	Uncertain/No comment	Response Count
Promoting environmental stewardship and education	6.7% (1)	<b>66.7% (10)</b>	20.0% (3)	6.7% (1)	15
Enforcing bylaws	0.0% (0)	<b>73.3% (11)</b>	13.3% (2)	13.3% (2)	15
Ensuring open and transparent process and decision making by government	0.0% (0)	<b>86.7% (13)</b>	6.7% (1)	6.7% (1)	15
Protecting sensitive ecosystems and habitat	6.7% (1)	<b>46.7% (7)</b>	33.3% (5)	13.3% (2)	15
Protecting the shoreline and coastal environment	7.1% (1)	<b>42.9% (6)</b>	35.7% (5)	14.3% (2)	14
Protecting the marine environment	0.0% (0)	<b>50.0% (7)</b>	28.6% (4)	21.4% (3)	14
Advocacy work to other levels of government	7.1% (1)	<b>50.0% (7)</b>	14.3% (2)	28.6% (4)	14
Addressing economic development	0.0% (0)	<b>53.3% (8)</b>	40.0% (6)	6.7% (1)	15
Protecting vegetation (tree removal)	6.7% (1)	<b>46.7% (7)</b>	33.3% (5)	13.3% (2)	15
Fostering community discussions	0.0% (0)	<b>64.3% (9)</b>	21.4% (3)	14.3% (2)	14
Promoting alternative forms of transportation	14.3% (2)	<b>42.9% (6)</b>	28.6% (4)	14.3% (2)	14
			Other (please specify)		1
<b>answered question</b>					<b>15</b>
<b>skipped question</b>					<b>0</b>

**9. The South Pender Island Land Use Bylaw is the primary regulatory bylaw for land use on South Pender. Please indicate how you feel about proposed amendments to the Land Use Bylaw currently under consideration:**

	<b>Would support</b>	<b>Conditional support</b>	<b>Neutral</b>	<b>Would have some concerns</b>	<b>Would not support</b>	<b>Response Count</b>
Allowing ocean-based geothermal systems for residential purposes	<b>42.9% (6)</b>	28.6% (4)	14.3% (2)	14.3% (2)	0.0% (0)	14
Allowing storage buildings on a lot without a residence	<b>50.0% (7)</b>	28.6% (4)	0.0% (0)	21.4% (3)	0.0% (0)	14
Measuring the floor area from the inside walls rather than the outside (this would be most applicable for cottages and accessory buildings that are limited in size and benefit owners wanting to use alternative building materials such as straw bale)	<b>71.4% (10)</b>	21.4% (3)	7.1% (1)	0.0% (0)	0.0% (0)	14
<b>answered question</b>						<b>14</b>
<b>skipped question</b>						<b>1</b>



**10. Please indicate how you feel about possible amendments to the Land Use Bylaw that have been raised in previous discussions:**

	<b>Would support</b>	<b>Conditional support</b>	<b>Neutral</b>	<b>Would have some concerns</b>	<b>Would not support</b>	<b>Response Count</b>
Requiring rainwater catchment systems with new construction	<b>46.2% (6)</b>	38.5% (5)	0.0% (0)	7.7% (1)	7.7% (1)	13
Limiting the extent of impermeable surfacing on a lot	<b>46.2% (6)</b>	30.8% (4)	7.7% (1)	7.7% (1)	7.7% (1)	13
Limiting the maximum floor area of a dwelling	30.8% (4)	<b>38.5% (5)</b>	7.7% (1)	15.4% (2)	7.7% (1)	13
Where two or more dwellings are permitted on a lot, allowing them to be attached	<b>30.8% (4)</b>	<b>30.8% (4)</b>	15.4% (2)	23.1% (3)	0.0% (0)	13
<b>answered question</b>						<b>13</b>
<b>skipped question</b>						<b>2</b>

## 11. Do you think the current regulations are restrictive enough for the following Land Use Bylaw regulations?

	Too restrictive		Appropriate		Not restrictive enough	Rating Average	Response Count
Height of accessory buildings (4.6m or ~15ft)	14.3% (2)	7.1% (1)	<b>78.6% (11)</b>	0.0% (0)	0.0% (0)	2.64	14
Floor area for accessory buildings (ranges from 70m2 or ~750ft2 to 372m2 or ~4000ft2)	23.1% (3)	0.0% (0)	<b>53.8% (7)</b>	23.1% (3)	0.0% (0)	2.77	13
Allowing cottages (Rural Residential zones require 2 acres or more)	7.1% (1)	0.0% (0)	<b>85.7% (12)</b>	0.0% (0)	7.1% (1)	3.00	14
Setback to the sea (7.6m or ~25ft)	0.0% (0)	0.0% (0)	<b>57.1% (8)</b>	7.1% (1)	35.7% (5)	3.79	14
					Other (please specify)		2
					<b>answered question</b>		<b>14</b>
					<b>skipped question</b>		<b>1</b>

## 12. Have you heard of "Green Shores" as a new approach for shorelines?

		Response Percent	Response Count
Yes		53.3%	8
No		46.7%	7
		<b>answered question</b>	<b>15</b>
		<b>skipped question</b>	<b>0</b>



**13. Would you prefer regulations restricting use of the shoreline so that they are kept visually natural with native vegetation, or allow shoreline development such that buildings and structures could be visible along the shore with vegetation greatly reduced or altered?**

		Response Percent	Response Count
Kept undeveloped as possible		57.1%	8
Neutral		21.4%	3
Allow development		21.4%	3
	Other (please specify)		1
answered question			14
skipped question			1

**14. Waterfront property owners often have concerns with natural erosion of the shoreline. Generally, do you support the use of erosion protection structures (ie; seawalls, breakwaters etc) to prevent further erosion or prefer to 'let nature take its course'?**

		Response Percent	Response Count
Support protection measures		40.0%	6
Neutral		26.7%	4
Let nature takes its course		33.3%	5
	Other (please specify)		5
answered question			15
skipped question			0

**15. Currently the Land Use Bylaw allows a set of stairs to access the foreshore with no specific restrictions. Do you think a set of stairs to the foreshore should be regulated for a maximum width and height?**

		Response Percent	Response Count
Yes		40.0%	6
No		60.0%	9
	Other (please specify)		0
answered question			15
skipped question			0



**16. What is the most important aspect or feature of the shoreline to you?**

	Response Count
	9
answered question	9
skipped question	6


**17. Do you have any specific concerns about the use and development of South Pender's shoreline?**

	Response Count
	8
answered question	8
skipped question	7

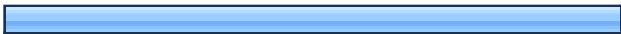

**18. Do you think the Local Trust Committee should do more to protect the shoreline?**

		Response Percent	Response Count
Yes		69.2%	9
No		30.8%	4
	Other (please specify)		1
<b>answered question</b>			<b>13</b>
<b>skipped question</b>			<b>2</b>

**19. Do you feel adequately informed about what measures you could do around your home and property to to prevent forest fires?**

		Response Percent	Response Count
Yes		100.0%	14
No		0.0%	0
	Other (please specify)		0
<b>answered question</b>			<b>14</b>
<b>skipped question</b>			<b>1</b>




**20. Do you feel you know what to do in the event of a forest fire?**

		Response Percent	Response Count
Yes		92.9%	13
No		7.1%	1
Other (please specify)			2
answered question			14
skipped question			1

**21. Do you have any other concerns or suggestions you think the Local Trust Committee should consider?**

	Response Count
	5
answered question	5
skipped question	10

**22. Do you live on South Pender?**

		Response Percent	Response Count
Full-time		35.7%	5
Part-time / seasonal		35.7%	5
Short, periodic visits only		28.6%	4
answered question			14
skipped question			1




**23. If you live on South Pender full-time, what year did you move here?**

	Response Count
	5
answered question	5
skipped question	10



**24. If you live on South Pender part-time or periodically, what year did you start visiting regularly?**

	Response Count
	10
answered question	10
skipped question	5




**25. As a citizen, how engaged with local issues do you consider yourself?**

		Response Percent	Response Count
Highly engaged		7.1%	1
<b>Engaged regularly with select topics</b>		85.7%	12
Unsure		0.0%	0
Rarely engaged		7.1%	1
Not engaged		0.0%	0
	answered question		14
	skipped question		1

## 26. What is your gender?

		Response Percent	Response Count
Female		26.7%	4
Male		73.3%	11
answered question			15
skipped question			0

## 27. What is your age category?

		Response Percent	Response Count
25 yrs or less		0.0%	0
26-40 yrs		0.0%	0
41-55 yrs		26.7%	4
56-69 yrs		53.3%	8
70 yrs or more		20.0%	3
answered question			15
skipped question			0

**Page 2, Q3. Are there changes you would suggest to make the Pender Post reports from the Local Trust Committee more valuable to you?**

1	Less personal reflection and comments	May 31, 2012 2:57 PM
2	No	May 26, 2012 4:20 PM
3	No	May 19, 2012 12:49 PM

**Page 2, Q5. What is your preferred method of contact with the Islands Trust staff?**

1	So far, I haven't contacted the staff.	May 18, 2012 9:33 PM
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**Page 2, Q7. How did you hear about this survey? (select all that apply)**

1	letter from Trustees	May 31, 2012 10:14 AM
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**Page 2, Q8. For the following list of topics, please indicate if you think the Islands Trust is doing enough to address them:**

1	So many uncertain's, as I've just signed on to email updates.	May 18, 2012 9:33 PM
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**Page 2, Q11. Do you think the current regulations are restrictive enough for the following Land Use Bylaw regulations?**

1	For clarification on item 3 above, you should define what is meant by cottage in this context. Likewise any other terms that the ordinary reader may not precisely understand.	May 25, 2012 3:06 PM
2	Don't yet know enough about the issues in Questions 9, 10, and 11.	May 18, 2012 9:33 PM

**Page 2, Q13. Would you prefer regulations restricting use of the shoreline so that they are be kept visually natural with native vegetation, or allow shoreline development such that buildings and structures could be visible along the shore with vegetation greatly reduced or altered?**

1	Mostly undeveloped, but some carefully evaluated development may be	May 18, 2012 9:33 PM
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**Page 2, Q13. Would you prefer regulations restricting use of the shoreline so that they are kept visually natural with native vegetation, or allow shoreline development such that buildings and structures could be visible along the shore with vegetation greatly reduced or altered?**

appropriate.

**Page 2, Q14. Waterfront property owners often have concerns with natural erosion of the shoreline. Generally, do you support the use of erosion protection structures (ie; seawalls, breakwaters etc) to prevent further erosion or prefer to 'let nature take its course'?**

1	Further to my comment in #11, it might be useful to have a prefatory explanatory paragraph with some or all of the questions. In this case, the average reader may not be aware that seawalls and breakwaters can be ecologically destructive.	May 25, 2012 3:06 PM
2	effect of seawalls on adjacent shoreline must be considered	May 23, 2012 10:09 AM
3	restrict tree cutting	May 22, 2012 9:11 AM
4	but use natural materials and keep a natural look, mandate native plants	May 21, 2012 11:41 PM
5	It depends on location.	May 18, 2012 4:10 PM

**Page 2, Q16. What is the most important aspect or feature of the shoreline to you?**

1	Public ownership and access	May 31, 2012 2:57 PM
2	Public Access to beaches	May 26, 2012 4:20 PM
3	Natural state including nearshore ecosystems.	May 25, 2012 3:06 PM
4	undisturbed and natural	May 23, 2012 4:48 PM
5	natural	May 23, 2012 10:09 AM
6	natural views	May 22, 2012 9:11 AM
7	natural as possible look from the water	May 21, 2012 11:41 PM
8	Habitat for marine life	May 19, 2012 12:49 PM
9	No disturbance of intertidal zone	May 18, 2012 4:10 PM

**Page 2, Q17. Do you have any specific concerns about the use and development of South Pender's shoreline?**

1	Just leave present bylaws as they are	May 26, 2012 4:20 PM
2	Erosion and overhanging large trees being eroded	May 23, 2012 4:48 PM
3	should be accessible re beach constructions and lots of Ocean Accesses	May 23, 2012 10:09 AM
4	Large "showplace" houses that don't fit the environment	May 22, 2012 12:24 PM
5	Shoreline should be kept as natural as possible	May 22, 2012 9:11 AM
6	traffic	May 20, 2012 8:46 AM
7	Interference with habitat for marine life	May 19, 2012 12:49 PM
8	Not at this time.	May 18, 2012 9:33 PM

**Page 2, Q18. Do you think the Local Trust Committee should do more to protect the shoreline?**

1	Don't know enough about what is presently done.	May 18, 2012 9:33 PM
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**Page 2, Q20. Do you feel you know what to do in the event of a forest fire?**

1	No specific actions have been publisized in my area	May 23, 2012 10:09 AM
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**Page 2, Q20. Do you feel you know what to do in the event of a forest fire?**

2	Not sure of current community plan.	May 18, 2012 4:10 PM
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**Page 2, Q21. Do you have any other concerns or suggestions you think the Local Trust Committee should consider?**

1	Proliferation of signs	May 31, 2012 2:57 PM
2	No	May 26, 2012 4:20 PM
3	promote pan-island trail network, some for bikes	May 23, 2012 10:09 AM
4	Advocate making the waterway between N & S PI a "No Wake" zone - and enforcing it!	May 19, 2012 12:49 PM
5	Not yet. With more time, perhaps.	May 18, 2012 9:33 PM

**Page 2, Q23. If you live on South Pender full-time, what year did you move here?**

1	1999	May 26, 2012 4:20 PM
2	2008	May 23, 2012 4:48 PM
3	2004	May 23, 2012 10:09 AM
4	1984	May 22, 2012 9:11 AM
5	North Pender	May 20, 2012 8:46 AM

**Page 2, Q24. If you live on South Pender part-time or periodically, what year did you start visiting regularly?**

1	1981	May 31, 2012 2:57 PM
2	1994	May 31, 2012 10:14 AM
3	1976	May 26, 2012 4:20 PM
4	1979	May 25, 2012 3:06 PM
5	1977	May 25, 2012 12:53 PM
6	2004	May 23, 2012 10:09 AM
7	1995	May 19, 2012 12:49 PM
8	2012	May 18, 2012 9:33 PM
9	1968	May 18, 2012 5:49 PM
10	1976	May 18, 2012 4:10 PM

June 7, 2012

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

**To:** South Pender Island Local Trust Committee  
For the meeting of June 19, 2012

**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 on the work program. At the February 14th meeting, the LTC reviewed the work program. At that time possible amendments to the Land Use Bylaw (LUB) to address climate change and permitting storage buildings as a principal use were discussed and the LTC directed staff to proceed with amendments on those two topics. At the April 10th meeting the LTC gave direction to include related questions in the community survey on the proposed LUB amendments.

The survey results have been summarized in a separate memo and a draft bylaw is attached to this memo. Responses related to the proposed bylaw amendments are highlighted below.

1. Measuring the floor area to the interior side of the outside walls was supported at 71.4%, with 21.4% having conditional support. 7.1% were neutral and no responses indicated concern.
2. Allowing a storage building on a lot as a principal use had 50% support, with 28.6% having conditional support and 21.4% having some concern.
3. Allowing ocean-based geothermal systems in the marine zones was supported at 42.9% with 28.6% having conditional support. Being neutral or having some concerns both has a response of 14.3%.

Responses about other amendments that had been previously identified but that are not currently included in the draft bylaw did not have the same level of support, although the majority of responses were for support or conditional support. The list of amendments included: requiring rainwater catchment, limiting the extent of impermeable surfacing, limiting maximum floor area of a dwelling, and allowing attached dwellings where two or more are permitted on a lot.

In response to the newsletter one email was received commenting on the proposed amendment to exempt utility lines from setbacks noting that care must be taken in the location of lines particularly lines for heating oil, sewage or saltwater. Staff notes that currently sewage lines are exempt and generally heating oil lines would not be in the setback since oil storage tanks are usually adjacent or very close to the dwelling.

Since that list of amendments was reviewed staff has made one revision. The February staff report included a proposed definition for ocean-based geoexchange system, this has been revised to include a reference to the system being designed and installed an accredited Residential System Designer.

## **STAFF COMMENTS:**

The LTC should now consider revisions to the draft bylaw, including any new amendments to be added to the draft bylaw. If the LTC is satisfied to proceed with the draft bylaw then you may choose to consider scheduling of a community information meeting before the next LTC meeting which is scheduled for Sept 18<sup>th</sup>.

A possible timeline is:

- June LTC meeting:
  - Consider revisions to the draft bylaw
  - Optional: referral to the Advisory Planning Commission
  - Direct staff to schedule a Community Information Meeting
  - Draft bylaws would also be sent to referral agencies
- Hold a Community Information Meeting
  - Option: could be part of the Sept 18th LTC meeting or held separately in July or Aug
- September LTC meeting:
  - Consider further revisions to the bylaw
  - Give the bylaw First Reading
  - Direct Staff to Schedule a Public Hearing – could be part of the Nov LTC meeting or held separately (Oct – early Nov)
- November LTC meeting:
  - Hold Public Hearing
  - Consider further revisions to the bylaw
  - Give the bylaw Second and Third Reading
  - Direct staff to forward the proposed bylaw to Executive Committee

## **RECOMMENDATIONS:**

Options include:

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 to .....

THAT the South Pender Island Local Trust Committee direct staff to refer draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012 to the Advisory Planning Commission.

THAT the South Pender Island Local Trust Committee direct staff to schedule a community information meeting for draft Bylaw No. 111 cited as South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012 to be held (on a weekend vs weekday) in advance of the September Local Trust Committee meeting.

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Prepared and Submitted by:



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Andrea Pickard

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June 7, 2012

Date

Concurred in by:



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Robert Kojima

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June 7, 2012

Date

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

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

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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 “ocean-based geexchange system” means a renewable energy system utilizing the natural occurring temperature of the ocean for the purpose of supplying energy to the abutting upland lot, that:
  - a. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
  - b. is designed and installed by a Residential System Designer accredited by the Canadian Geexchange Coalition, or the International Ground Source Heat Pump Association.”Following the definition the following be added: *Information Note: Installation of ocean-based geexchange systems are 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 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 an interior side property 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.*
7. 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.
8. 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:”
9. 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 25 square metres (269 square feet);
  - (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.
10. 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”
11. 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)”
12. 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:”
13. 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)”
14. 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:”
15. 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)”
16. 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:”

17. 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:”
18. 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:”
19. Subsection 5.7(1) – Agriculture (A) Permitted Uses is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”
20. 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:”
21. Subsection 5.8(1) – Forestry (F) Permitted Uses is amended by inserting a new Article (g) “Storage buildings subject to Subsection 3.5(6)”
22. 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:”
23. 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)”
24. 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:”
25. 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:”
26. 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:”
27. Subsection 5.12(3) – Natural Area Community Park (P3) 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. Subsection 5.13(3) – National Park (NP) 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. Subsection 5.14(4) – Conservation (RC) 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. Subsection 5.15(1) – Marine General (W1) Permitted Uses is amended by inserting a new Article (c) “Ocean-based geexchange system”
31. Subsection 5.16(1) – Marine Protection (W2) Permitted Uses is amended by inserting a new Article (c) “Ocean-based geexchange system”
32. Subsection 5.17(1) – Marina (W3) Permitted Uses is amended by inserting a new Article (f) “Ocean-based geexchange system”

33. Subsection 5.18(1) – Marine Transportation Service (W4) Permitted Uses is amended by inserting a new Article (d) “Ocean-based geoexchange system”

- B. This Bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 92, 2003, Amendment No. 1, 2012.”
- C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this	day of	, 201_.
PUBLIC HEARING HELD this	day of	, 201_.
READ A SECOND TIME this	day of	, 201_.
READ A THIRD TIME this	day of	, 201_.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	day of	, 201_.
ADOPTED this	day of	, 201_.

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**SECRETARY**

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**CHAIR**



# STAFF REPORT

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June 7, 2012

**File No:** SP-6500-20  
Shoreline Review

**To:** South Pender Island Local Trust Committee  
For the meeting of June 19, 2012

**From:** Andrea Pickard  
Island Planner  
Local Planning Services

**CC:** Robert Kojima, Regional Planning Manager

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**Re: Shoreline Protection Project**

## BACKGROUND:

At the April 10<sup>th</sup> meeting of the South Pender Island Local Trust Committee (LTC) directed staff to include some questions in the community survey on shoreline issues. The survey results have been summarized in a separate memo. When considering the input received the LTC should keep in mind that 15 respondents is a fairly small sample and is unlikely to be a true representation of the community. Responses to related to the proposed bylaw amendments are highlighted below.

1. Slightly over half of the respondents have heard of Green Shores.
2. Regarding shoreline development: 57.1% preferred the shoreline to be kept as undeveloped as possible. Allowing some development or neutral both received 21.4% of responses.
3. Regarding erosion and permitting erosion protection structures: support for protection measures received 40% of responses with letting nature take its course at 33.3% or neutral at 26.7%
4. The preference was not to regulate the size of stairs to the foreshore at 60% compared to 40% supporting more regulation.
5. The shoreline features identified as most important to people were: being in a natural state (5), public access (2), marine habitat (1), and not disturbing the intertidal zone (1).
6. Specific concerns identified were: erosion and overhanging trees, accessibility, overly large homes, traffic, keeping it in a natural state, and interfering with marine habitat.
7. Most respondents though the LTC should do more to protect the shoreline at 69.2%
8. Regarding the question of whether the current regulations are restrictive enough: for the setback to the sea 57.1% thought it was appropriate while 35.7% thought it is not restrictive enough, 7.1% were in between those two.
9. For current amendments under consideration: allowing ocean based geoexchange systems had 42.9% support, 28.6% conditional support, and 14.3% for both neutral or having some concern.

10. Regarding the Islands Trust activities for general issues, responses for protecting the shoreline and coastal environment were: 42.9% thought enough was being done while 35.7% thought not enough was being done. For protecting the marine environment 50% thought enough was being done while 28.6% thought not enough was being done.

**STAFF COMMENTS:**

At the June Trust Council meeting, which will be held after submitting this report but before the June 19<sup>th</sup> meeting, a request for decision will be presented regarding a proposed approach to the integrated watershed and shoreline mapping project. As you will discuss, the proposal is to create a Shoreline Mapping Working Group. The intent is to bring various efforts that have been initiated together and have the Working Group review and compile this information into a comprehensive package, to develop a strategy for public outreach and also how to integrate the information into our day-to-day operations.

As you know the North Pender Island Local Trust Committee also has Shoreline Review as a top priority work project. When discussing a Shoreline project moving forward it became evident there are three aspects that are suitable to advance as phases:

1. Information gathering (compiling existing information and identification of any gaps),
2. Community education and consultation, and
3. Implementation (may range from creating information materials to consideration of regulatory options).

This three phased approach seems to be practical and staff recommend the South Pender LTC consider a similar approach. The timing of the phases should also work well with the establishment of a Shoreline Working Group and targeting public outreach in the autumn 2012.

The combined South and North Pender Islands meeting could be an opportunity to focus primarily on shoreline issues and be the best opportunity to arrange for speakers as part of the public outreach component. That would not preclude other topics of common interest to be addressed at the same meeting, but if the LTC's are agreeable, most of the meeting would be dedicated to shoreline issues.

**RECOMMENDATION:**

THAT the South Pender Island Local Trust Committee direct Staff to report back with a draft scope, timeline, budget, and workplan for advancing the Shoreline Review, based on three phases: information gathering; education and consultation; and implementation.

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Respectfully submitted by:

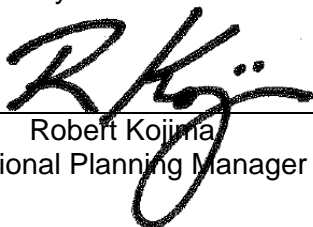


Andrea Pickard

June 7, 2012

Date

Concurred in by:



Robert Kojima  
Regional Planning Manager

June 8, 2012

Date

# South Pender Island Local Trust Committee

## POLICIES AND STANDING RESOLUTIONS

Revised: February 14, 2012

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



**Top Priorities**

**South Pender Island**

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	LUB Review and Update	<ol style="list-style-type: none"> <li>1. Determine Scope of Review</li> <li>2. Determine Timeline</li> <li>3. Determine Methodology</li> <li>4. Technical Update</li> <li>5. Initiate Background Work on selected topics</li> <li>6. Undertake Community Consultation/Communications</li> <li>7. Legislative Process</li> </ol>	Oct-04-2011	Andrea Pickard		On Going
2	Shoreline Protection	<ol style="list-style-type: none"> <li>1. Completion of watershed and shoreline mapping</li> <li>2. Consideration of issues related to erosion, including Canal erosion</li> <li>3. Education on shoreline stewardship and the Greenshores Project</li> <li>4. Consider impacts of docks on shoreline</li> </ol>	Oct-04-2011	Andrea Pickard		On Going
3	On-line survey	prepare an on-line survey for South Pender including questions re: general issues, the LUB amendments, and shoreline topics	Apr-10-2012	Andrea Pickard		On Going



# Projects

## South Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Development Approval Information Bylaw	To draft a DAI bylaw to provide certainty with respect to requirements for development permit applications	May-04-2010	On Going
2	Forest Lands	Public education regarding best management and stewardship practices on forest lands including wildfire prevention and preparedness	Feb-14-2012	On Going
3	Sensitive Ecosystem Mapping	consider DPA or other protective measure	Feb-14-2012	On Going
4	Geological Hazard Mapping	consider DPA or other protective measures	Feb-14-2012	On Going
5	Raptor Nests	consider DPA or other protective measure	Feb-14-2012	On Going
6	Parks and Recreation	update OCP schedule with more specific information after PIPRC Master Plan is reviewed	Feb-14-2012	On Going



# Applications w/ Status - South Pender Island Status: Open

## Applications

### Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2012.1	the Airey Group	Mar-08-2012	8970 GOWLLAND POINT RD Subdivision in the ALR - Sec. 21(2) ALC Act & Non-Farm Use in the ALR - Sec. 20(3) ALC Act

Planner: Kris Nichols

### Planning Status

Status Date: Apr-12-2012

forwarded to ALC

Status Date: Mar-15-2012

Initiated review of application

Status Date: Mar-12-2012

Created file and forwarded to Planner

## Subdivision

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

### Planning Status

Status Date: Jun-06-2012

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

Status Date: Apr-12-2012

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

Status Date: Feb-09-2012

park proposal outline received and forwarded to PIPRC for comment

**Kathy Jones**

**From:** Nancy Roggers  
**Sent:** May-29-12 8:34 AM  
**To:** Kathy Jones  
**Subject:** FW: South Pender expense report May/12

Hi Kathy,

~~I see I sent that one to Becky by mistake -- sorry about that.~~

Nancy

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**From:** Nancy Roggers  
**Sent:** Monday, May 28, 2012 5:35 PM  
**To:** Andrea Pickard; Ken Hancock; Kris Nichols; Liz Montague; Mike Jones; Robert Kojima; Becky McErlean  
**Cc:** Cindy Shelest  
**Subject:** South Pender expense report May/12

***Islands Trust***  
**LTC EXP SUMMARY REPORT F2012**  
 Invoices posted to May 31, 2012

665 South Pender	Invoices posted to May 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200	LTC Local Exp LTC Meeting Expenses	3,000.00	-	3,000.00
65210	LTC Local Exp APC Meeting Expenses	-	-	-
65220	LTC Local Exp Communications	-	-	-
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
<b>TOTAL LTC Local Expense</b>		<b>3,000.00</b>	<b>0.00</b>	<b>3,000.00</b>
73001	Project OCP update	-	-	-

Thanks!

Nancy Roggers  
 Finance Officer



## Islands Trust

Preserving **island** communities, culture and environment.

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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](#)

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## 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.

### June 2012

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

### May 2012

- [South Pender Island Trustee Newsletter - May 2012](#)
- [South Pender Island Community Survey](#)
- [Draft Pender Islands Transportation Management Plan](#)
- [Moving Around Pender Transportation Survey](#)

### October 2011

- [South Pender Bylaw Enforcement Notification Bylaw](#)

### July 2011

- ["Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands"](#)
- Fact sheet: "[Choosing a Building Site on your Lot](#)"
- Fact sheet: "[Making Changes to your Lot Line](#)"
- Fact sheet: "[Applying for a Variance](#)"

### [Pender Post Trustee Reports](#)

### 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](#)

## South Pender Island Local Trust Committee Projects

### Bylaw Enforcement

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

### Zoning and Density Review

## Committee Links

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[Trustee Membership](#)

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[Planning Bylaws](#)

[Administrative Bylaws](#)

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[Associated Islands](#)

[Land Use Application Forms](#)

- [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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# Memorandum

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Date June 6, 2012

File: n/a

**To:** South Pender Island Local Trust Committee  
For the meeting of June 19, 2012

**From:** Andrea Pickard  
Island Planner  
Local Planning Services

**Re:** Neighbourhood Zero Emission Vehicles

Provincial legislation changed in recent years to allow Neighbourhood Zero Emission Vehicles (NZEV) in some circumstances. A NZEV operator must obtain the necessary permit for their specific vehicle and would be authorized to drive on roadways where the use of NZEV has been approved.

To have roadways authorized for NZEV an application to the Ministry of Transportation and Infrastructure (MOTI) is required for a roads assessment. MOTI then evaluate the proposed roads and identify any areas where an NZEV would not be appropriate, which may be due to topography or safety concerns.

The North Pender Island Local Trust Committee has directed staff to prepare a roads assessment application for all roads on North Pender. The purpose of this memo is to ask the South Pender Local Trust Committee if they would like roads on South Pender Island to also be assessed and include both Pender Islands in the application.

## **RECOMMENDATION:**

THAT the South Pender Island Local Trust Committee directs staff to include all South Pender roadways in the application to the Ministry of Transportation and Infrastructure for a road assessment to allow Neighbourhood Zero Emission Vehicles.