



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: November 1, 2019
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

			Pages
1.	CALL TO ORDER	10:00 AM - 10:35 AM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT	10:35 AM - 10:45 AM	
4.	CHAIR'S REPORT	10:45 AM - 10:50 AM	
5.	TOWN HALL AND QUESTIONS	10:50 AM - 11:15 AM	
6.	COMMUNITY INFORMATION MEETING none		
7.	PUBLIC HEARING none		
8.	MINUTES	11:15 AM - 11:20 AM	
8.1	Local Trust Committee Minutes Dated September 6 and October 18, 2019 (for Adoption)		4 - 15
8.2	Section 26 Resolutions-without-meeting Dated October 2019		16 - 16
8.3	Advisory Planning Commission Draft Minutes Dated September 21, 2019 (for Receipt)		17 - 20
9.	BUSINESS ARISING FROM THE MINUTES	11:20 AM - 11:25 AM	
9.1	Follow-up Action List Dated October 2019		21 - 22
10.	DELEGATIONS none		

11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
12.	APPLICATIONS AND REFERRALS	
	none	
13.	LOCAL TRUST COMMITTEE PROJECTS	11:25 AM - 12:30 PM
13.1	Short Term Vacation Rentals (STVR) Review - Staff Report & Draft Bylaw 117 (attached)	23 - 31
13.2	Building and Siting Guidelines - Staff Report (attached)	32 - 44
14.	REPORTS	12:30 PM - 12:40 PM
14.1	Work Program Reports (attached)	
	14.1.1 <u>Top Priorities Report Dated October 2019</u>	45 - 45
	14.1.2 <u>Projects List Report Dated October 2019</u>	46 - 46
14.2	Applications Report	
	none	
14.3	Trustee and Local Expense Report Dated August 2019 (attached)	47 - 47
14.4	Adopted Policies and Standing Resolutions (attached)	48 - 50
14.5	Local Trust Committee Webpage	
14.6	Islands Trust Conservancy Report	
	none	
15.	NEW BUSINESS	12:40 PM - 1:10 PM
15.1	Climate Change Information - Briefing and Report (attached)	51 - 69
15.2	Covenant Discharge Request re: 8806 Ainslie - Staff Report (attached)	70 - 94
15.3	LTC(s) Live Streaming Meetings - Staff Request For Decision (attached)	95 - 96
15.4	BEN Bylaw No. 116 - Staff Report & Bylaw No. 116 (attached)	97 - 112
	for further consideration	
16.	UPCOMING MEETINGS	1:10 PM - 1:15 PM
16.1	Next Regular Meeting - Proposed for February 7, 2020 at 10:30 am, at the South Pender Island Fire Hall	

for consideration to Adopt

17. TOWN HALL 1:15 PM - 1:30 PM

18. CLOSED MEETING (Distributed Under Separate Cover) 1:30 PM - 1:40 PM

18.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a & d) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated September 6, 2019*
- *Appointment of BOV Members*

AND that the recorder and staff attend the meeting.

18.2 Recall to Order

18.3 Rise and Report

19. ADJOURNMENT 1:40 PM - 1:40 PM



South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 6, 2019
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Laura Patrick, Chair
Cameron Thorn, Local Trustee
Steve Wright, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Public: There were approximately 12 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Regional Planning Manager (RPM) Kojima reported a late addition delegation was requested for Ian Elliot of the Capital Regional District Community Economic Sustainability Commission regarding their Digital Connectivity Project.

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Wright reported on the following:

- Attending a meeting with representatives of BC Ferries, local government, and commerce regarding scheduling and infrastructure;
- He provided an overview of the topics discussed; and
- He will be sponsoring a meeting in October with a date and time to be announced, so that the community can start to discuss the situation and provide BC Ferries with direction and feedback.

Trustee Thorn reminded the community to follow the Trustee reports in the Pender Post and gave an overview of topics coming up on the day's agenda.

4. CHAIR'S REPORT

Chair Patrick reported the following:

- That Islands Trust will launch its Policy Review Project and local events will be announced for November;
- She encouraged the public to register online for updates; and
- Trust Council will be held on September 17 and 18, 2019 on Bowen Island and the Strategic Plan will be one of the focuses.

5. TOWN HALL AND QUESTIONS

Jane Perch addressed item 15.1 "BEN Bylaw No. 116" and provided an overview of the history of the matter when it was addressed during a previous Local Trust Committee (LTC) Term. She recommended that the LTC review the record from that time. She addressed the Short Term Vacation Rental (STVR) matter and noted that they are allowed in the Official Community Plan (OCP). She encouraged the LTC to consider whether the matter is significant and requires attention, and also to consider addressing the OCP as a whole.

A member of the public requested and received more detailed information from the meeting with BC Ferries from Trustee Wright.

A discussion was held regarding BC Ferries, traffic to and from the Pender Islands and the tourism industry.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Adopted Local Trust Committee Minutes Dated April 5, 2019

Chair Patrick reported that the minutes were adopted by resolution-without-meeting.

8.2 Section 26 Resolutions-without-meeting Dated August 2019

Received for information.

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated August 2019

RPM Kojima reviewed the report.

10. DELEGATIONS

10.1 Ian Elliot, Capital Regional District Community Economic Sustainability Commission

Chair Patrick invited Ian Elliot to address the LTC.

Ian Elliot provided a presentation on the Capital Regional District's (CRD) Digital Connectivity Project, which included the following points:

- Background of the project and rationale for its undertaking.
- An overview of the opportunities for community engagement during the project.

11. CORRESPONDENCE

None

12. APPLICATIONS AND REFERRALS

12.1 Saturna Island Local Trust Committee Bylaw No. 127 Referral

RPM Kojima noted that the Bylaw is now post-public hearing.

Chair Patrick and RPM Kojima provided an overview of the bylaw.

The Trustees requested information on Commercial Vacation Rentals and the water licensing system.

SP-2019-008

It was Moved and Seconded,

that the South Pender Island local Trust Committee respond to the Saturna Island Local Trust Committee Bylaw No. 127 referral with "interests unaffected".

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Groundwater Sustainability Strategy Project Update

RPM Kojima provided an overview of the report and the details of the project. He noted that the South Pender Island LTC has an opportunity to participate in the project should they choose.

A discussion was held regarding the project's scope, anticipated outcomes, data validity, future uses of the data, and additional study that could follow this project.

SP-2019-009

It was Moved and Seconded,

that the South Pender Island Local Trust Committee endorse the attached Master Project Charter for the Southern Gulf Islands Groundwater Sustainability Strategy Project.

CARRIED

14. REPORTS

14.1 Work Program Reports

14.1.1 Top Priorities Report Dated August 2019

Received for information.

14.1.2 Projects List Report Dated August 2019

Received for information.

14.2 Applications Report

None

14.3 Trustee and Local Expense Report Dated July 2019

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

Chair Patrick invited comment from the Trustees and heard none.

14.6 Islands Trust Conservancy Report Dated May 21, 2019

Chair Patrick invited Robin Williams of the Islands Trust Conservancy to address the LTC.

Robin Williams provided an overview of the report.

15. NEW BUSINESS

15.1 BEN Bylaw No. 116

RPM Kojima reviewed the Bylaw, its rationale, and the associated staff recommendations.

The LTC requested and received information on the cost of implementation and process for adjudication.

The LTC members addressed public comments and provided their rationales for supporting the bylaw.

SP-2019-010

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 116, cited as "South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019", be read a first time.

CARRIED

SP-2019-011

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be read a second time.

CARRIED

SP-2019-012

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be read a third time.

CARRIED

SP-2019-013

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

15.2 Model Cell Tower Strategy - Staff Briefing

RPM Kojima provided an overview of the staff briefing.

Chair Patrick provided further information on the matter and an overview of the responses she has observed in other Trust areas.

Information was given on the requirements for consultation and the status of the brochure noted in the briefing.

SP-2019-014

It was Moved and Seconded,

that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.

CARRIED

15.3 Standing Resolution - Reconciliation Report

RPM Kojima provided an overview of the staff report.

SP-2019-015

It was Moved and Seconded,

that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

CARRIED

15.4 Short Term Vacation Rentals (STVRs)

It was noted that the matter of STVRs had been referred to the Advisory Planning Commission (APC).

15.5 Recreational Vehicles Used as Residences

Trustee Wright reviewed the matter, the related CRD and Islands Trust regulations, and the relevance of the matter for the promotion of agriculture and housing affordability.

A discussion was held between the community and the LTC that addressed the following topics:

- The housing crisis and its impact on the island;
- The impact of housing regulations on the ability to house staff that farm agricultural land;
- The hinderance of housing regulations on building self-sustaining homes; and.

- Whether or not the LTC should review the current South Pender Local Trust Committee regulations.

15.6 Derelict Vehicles & Machinery

Trustee Wright provided an overview of the regulations and noted that there are complaints of violations. He encouraged compliance with the regulations.

15.7 Steel Storage Containers

Trustee Wright provided an overview of the matter and their current relationship to regulations.

RPM Kojima provided options by which the LTC could amend the bylaws to specifically address steel storage containers as structures.

A discussion of options for regulations and the goal of those regulations was held including screening, setbacks, quantity, and uses.

15.8 Building Guidelines

Trustee Thorn provided an overview of the matter.

A discussion was held regarding the creation of accessible building guideline educational materials and revising the current regulations to preserve the rural character of the island.

SP-2019-016

It was Moved and Seconded,

that the South Pender Island Local Trust Committee remove “Reconciliations Issues” from the Top Priorities List, and add the top priorities “Short Term Vacation Rental Review” and “Building Design and Siting Guidelines”.

CARRIED

SP-2019-017

It was Moved and Seconded,

that the South Pender Island Local Trust Committee add “Steel Storage Containers”, “Recreational Vehicles Used as Residences”, and “Derelict Vehicles and Machines” to the Projects List.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for November 1, 2019, at the South Pender Fire Hall

17. TOWN HALL – N/A

All members of the public had departed the meeting by this time.

18. CLOSED MEETING

18.1 Motion to Close the Meeting

SP-2019-018

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a, & d) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated April 5, 201
- Appointment of Board Of Variance Members

AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

Chair Patrick recalled the meeting to order at 1:45 p.m.

18.3 Rise and Report

Chair Patrick reported that the LTC agreed by resolution to defer the decision on Board of Variance appointments until the next meeting.

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:46 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: October 18, 2019
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Laura Patrick, Chair
Steve Wright, Local Trustee
Cameron Thorn, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Maple Hung, Recorder

Public: There were approximately (14) members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She introduced Islands Trust staff and Trustees. She mentioned this is an official forum which has discussion for land use planning and other matters.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 2.1 Town Hall

Chair Patrick mentioned Town Halls are to be clear and concise. She reminded the public to speak about issues and not people.

By general consent the agenda was approved as amended.

2.1 Town Hall

A member of the public commented on Short Term Vacation Rental's (STVR) and a notice she received. She was hoping for discussions on the moratorium.

A member of the public commented on confusion about the STVR issue and the APC referral.

Bruce McConchie noted that STVR discussion is appropriate. He discussed a major review of the bylaws in past terms, and referred to freighters and pressures on water.

He recommended that the Local Trust Committee (LTC) look to the Official Community Plan (OCP) to see what the community wants.

A member of the public mentioned the draft South Pender Building Guidelines.

It was noted that the South Pender Building Guidelines and OCP document were not presented at the last LTC meeting and did not go to the Pender Post. Trustee Thorn will put a correction in the Pender Post.

Vic Daniels spoke about APC meetings and the timelines for notification. He wanted to know how many people attended an informal meeting.

It was indicated that the next APC meeting minutes will be included in the agenda package for the next South Pender LTC meeting.

Regional Planning Manager (RPM), Kojima gave an overview of the APC body and how notice is given for their meetings.

Discussion was held during the Town Hall on the following points:

- The LTC and staff explained notification procedures for meetings;
- Public Hearing processes;
- This Special Meeting was advertised via the webpage, posting and email notifications were sent out;
- STVR communications sent to the LTC are part of a public record and could be brought up as a Freedom of Information (FOI) request and posted on-line;
- Public email correspondence can be sent to the South Pender LTC webmail, and the writer's personal information will be redacted;
- The next South Pender APC meeting is on November 16, 2019;
- Rick Friesen, Chair of the South Pender APC, mentioned that he is confident the APC will get a recommendation back to the LTC; and
- Chair Patrick noted there will be timelines made on projects so people can see what stage they are at.

3. BUSINESS ITEMS

3.1 Short Term Vacation Rentals (STVR) Policies and Regulations – Discussion

Chair Patrick opened the floor for discussion.

RPM Kojima gave an overview of the OCP and the Land Use Bylaw (LUB). He mentioned that there are two classes of STVR's: one is as a home business (in a cottage) and the second one is rental of a dwelling (the owner is not resident).

It was indicated that the LTC made STVR's a Top Priority at the last meeting.

The purpose in today's meeting is so the LTC can deliberate further on STVR's and give direction on how to proceed. Discussion will be held on a moratorium and perhaps initiate a bylaw to amend the LUB and OCP while a full review of STVRs is held.

The LTC discussed the following points:

- How to have a moratorium and an interim bylaw to amend the LUB & OCP;
- Tourists can use up to 49% more water than residents;
- STVR's are popular and the exact amount is unknown;
- There are potentially 17 homes used for STVR's, with 3 AirBnB's and 3 cottages;
- STVR's have created some impacts on affordable housing and long term rentals;
- There is no input on new operations;
- Commercially zoned units are assessed at a higher rate and taxed according to BC assessment;
- Impacts on ferries;
- Pender Island is being advertised as a place for investment..

There was support on the moratorium as a mechanism to have more time to review the issues. During this time the LTC can consult with the community before making a final decision.

RPM Kojima explained the only way to implement a moratorium is to amend the bylaw. Using an interim bylaw could be the mechanism while the review proceeds. He gave an overview of the bylaw amendment process.

Discussion continued on these options:

- Would prefer to amend the LUB and not the OCP so it will take shorter time;
- Staff can create a draft LUB amendment to be ready for the next LTC meeting in November;
- The regulations would address island character and the environment;
- Whether the amendment should include homebased business STVR's or just STVRs in dwellings; and
- Business licensing is not an option.

SP-2019-018

It was Moved and Seconded,

that staff be instructed to prepare a draft bylaw amendment and staff report to remove short-term vacation rental of a dwelling as an outright permitted use in all zones except commercial resort and that this bylaw amendment remain in force until it has been replaced by a future bylaw amendment (regulation) enacted in response to a comprehensive short term vacation rental policy for South Pender Island.

Discussion was held on the following:

- Possible impacts on the OCP; and
- Home based businesses.

The question on the motion was then called.

CARRIED

It was explained that all STVR correspondence is received by the LTC.

RPM Kojima spoke on the following points:

- Staff will draft a bylaw and staff report for the next LTC meeting;
- The LTC can hold discussion on the OCP policies;
- Give direction to schedule a Public Hearing; and
- Refer the bylaw to the adjacent southern island LTC's and any agencies.

4. ADJOURNMENT

By general consent the meeting was adjourned at 12:20 p.m.

Laura Patrick, Chair

Certified Correct:

Maple Hung, Recorder



Islands Trust

Print Date: October 24, 2019

Resolutions Without Meeting

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2019-06	In Favour	THAT the South Pender Island Local Trust Committee direct staff to schedule a Special Local Trust Committee Meeting for the purpose of discussing Short Term Vacation Rentals, at a time and place determined in coordination with the local trust committee members.	01-Oct-2019



**South Pender Island
Advisory Planning Commission
Minutes of a Meeting**

Date: Saturday, September 21, 2019 (10:00 a.m.)

Location: Pender Islands Fire Hall #3
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Rick Friesen, Chair
Donna Spalding, Vice Chair
Rodney Kirkwood
Howard Airey
Gordie Duncan

Staff Present: Shannon Brayford, Recorder

Regrets: None

Others Present: Steve Wright, South Pender Island Local Trust Committee
14 members of the public.

1. CALL TO ORDER

At 10:03 am, Acting Chair Donna Spalding welcomed everyone and called the meeting to order.

2. ELECTION OF CHAIR

Shannon Brayford provided an overview of the process for election of a Chair.

Shannon Brayford made a first call for nominations for the position of Chair of the South Pender Island Advisory Planning Commission.

Rick Friesen nominated himself. Rodney Kirkwood seconded the nomination.

Rick Friesen accepted the nomination.

Shannon Brayford made a second and third call for nominations.

No further nominations were heard.

By acclamation, Rick Friesen was appointed Chair of the South Pender Island Advisory Planning Commission (APC).

Chair Friesen recommended the nomination of a Vice Chair to act in his absence.

Chair Friesen made a first call for nominations for the position of Vice Chair of the South Pender Island Advisory Planning Commission.

Donna Spalding nominated herself. Gordie Duncan seconded the nomination.

Donna Spalding accepted the nomination.

Chair Friesen made a second and third call for nominations.

No further nominations were heard.

By acclamation. Donna Spalding was appointed Vice Chair of the South Pender Island Advisory Planning Commission (APC).

3. APPROVAL OF THE AGENDA

Chair Friesen recommended that item 5 and 6 be combined on the agenda.

SP-APC-2019-001

It was MOVED and SECONDED,

that the South Pender Island Advisory Planning Commission approve the agenda as amended.

CARRIED

4. MINUTES OF APRIL 9, 2016 FOR ADOPTION

It was noted that no members of the current APC were presented at the meeting and that the minutes are being adopted per procedure.

SP-APC-2019-002

It was MOVED and SECONDED,

that the South Pender Island Advisory Planning Commission adopt the minutes of April 9, 2016 as presented.

CARRIED

5. REFERRAL

5.1 Consideration of Short Term Vacation Rentals Per Local Trust Committee Referral

SP-APC-2016-003

It was MOVED and SECONDED,

that the South Pender Island Advisory Planning Commission strike Item 2 from the Terms of Reference.

CARRIED

Chair Friesen invited comments from the public.

Comments were made regarding the history, rationale, and basis of the referral.

A discussion was held regarding the process for notifying the community of meetings. Some community members present recommended that Chamber of Commerce Calendar and Pender Island Online Forum be used as vehicles for notification.

A discussion was held regarding the impact and prevalence of STVRs on South Pender Island. Members of the Community and the APC shared their research and concurred that approximately 8% of homes on South Pender Islands offer STVRs.

A discussion was held regarding the importance of fulsome community engagement on the matter.

SP-APC-2016-004

It was MOVED and SECONDED,

that the South Pender Island Advisory Planning Commission hold a second meeting, that it be advertised broadly, and that the meeting be held with a full month's notification.

CARRIED

SP-APC-2016-005

It was MOVED and SECONDED,

that the South Pender Island Advisory Planning Commission request that Islands Trust staff advertise notice of the upcoming Advisory Planning Commission meeting through the Islands Trust website and the email subscription for South Pender Island.

CARRIED

By general consensus, it was agreed that the next meeting shall be scheduled for November 16, 2019 at 1:00 pm and that this date and the topic for discussion shall be advertised to the public through the Islands Trust web site, Chamber of Commerce, Pender Forum and Pender Post.

A discussion was held regarding the modes by which the public can communicate with the APC.

By general consensus, the APC requested that South Pender Island Trustees and Islands Trust staff ensure that all communications from the public regarding Short Term Vacation Rentals be shared with the APC.

6. ADJOURNMENT

SP-APC-2016-006

It was MOVED and SECONDED,

that the South Pender Island Advisory Planning Commission adjourn the meeting at 11:34 am.

CARRIED

Rick Friesen, Chair

Certified Correct:

Shannon Brayford, Recorder



Follow Up Action Report

South Pender Island

06-Sep-2019

Activity	Responsibility	Dates	Status
1 12.1 Saturna bylaw No. 127 - interests unaffected (post-public hearing)	Gary Richardson Sharon Lloyd-deRosaric	Target: 13-Sep-2019	Completed
2 13.1 Groundwater Sustainability Strategy Project - project charter endorsed	William Shulba	Target: 13-Sep-2019	Completed
3 15.1 Ben Bylaw No 116: First, Second and Third Readings,(done) forward to EC - Oct. 30/19 meeting	Sharon Lloyd-deRosaric Warren Dingman	Target: 13-Sep-2019	Completed
4 14.1 Work Program: Top Priorities amended to delete reconciliation and to add 'STVR Review' and 'Building Design and Siting Guidelines'. Projects list amended to add 'RVs as residences', 'steel storage containers', and 'derelict vehicles and machinery'	Robert Kojima	Target: 13-Sep-2019	Completed
5 15.2 Radio antenna strategy endorsed	Robert Kojima	Target: 13-Sep-2019	Completed
6 15.3 Reconciliation Standing Resolution adopted	Robert Kojima	Target: 13-Sep-2019	Completed
7 Board of Variance: consideration of appointments deferred to next meeting	Sharon Lloyd-deRosaric	Target: 13-Sep-2019	Completed

18-Oct-2019

Activity	Responsibility	Dates	Status
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Follow Up Action Report

South Pender Island

18-Oct-2019

Activity	Responsibility	Dates	Status
1 Staff directed to prepare staff report and draft bylaw that would remove STVRs in a dwelling as an outright permitted use in all zones except CR.	Narrisa Chadwick Sharon Lloyd-deRosario	Target: 25-Oct-2019	Completed

File No.: SP-6500-20
(STVR Review)

DATE OF MEETING: November 1, 2019
TO: South Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: STVR LUB Amendment

RECOMMENDATION

1. That South Pender Island Local Trust Committee Bylaw No. 117, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”, be read a first time.
2. That the South Pender Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 117, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”.
3. That staff be directed to develop project charter and staff report related to the short-term vacation rental review project.

REPORT SUMMARY

The purpose of this report is to provide the LTC with a summary of a draft bylaw which would amend the LUB to remove Short Term Vacation Rentals (STVRs) in dwellings as a permitted use. The report also provides information to support the LTC’s assessment of the extent to which proposed interim changes to the Land Use Bylaw to prohibit the operation of STVRs as an outright use in all zones except commercial resort are consistent with the OCP and can therefore be adopted as a temporary measure while further research is done to determine future STVR policy direction. The proposed bylaw amendment is contained in Attachment 1.

BACKGROUND

On October 18, 2019 a Special Meeting of the South Pender LTC was held to address concerns related to the perceived impacts of STVRs and consider the policies and regulations permitting STVRs. The LTC had previously identified a project to review STVR policies and regulations as a Top Priority. In the meantime, the LTC has identified concerns about the impacts of STVRs and specifically of new operations on the community. The option of placing a moratorium on new STVRs while the LTC gathers public input on future policy direction was discussed. Staff identified at the meeting that the only way to implement a moratorium on new STVRs would be to amend the Land Use Bylaw. If adopted, such a bylaw would result in existing, on-going operations being able to continue as pre-existing non-conforming uses under s. 528 of the Local Government Act, but would prohibit new STVRs in dwellings from commencing.

There are two classes of STVRs on South Pender Island:

- 1) STVRs as Home Occupation: the LUB permits STVRs in a cottage as a home business provided the “property owner or operator or one of the employees of the home business must be resident on the lot on which the home business is conducted at the time the home business is operated”. The LUB also permits Bed and Breakfast as a home business.
- 2) STVRs as an Outright Use: Currently the LUB allows STVRs in a dwelling as an outright use in Rural Residential, Agricultural, Forestry, and Natural Resource zones (i.e. STVRs that don’t conform to home occupation regulations). The owner or operator or one of the employees of the business does not need to be a resident on the property when guests are renting the property).

The resolution adopted by the LTC directs staff to prepare an amendment to the Land Use Bylaw to prohibit STVRs in a dwelling as an outright use in all zones (Commercial Resort, where Hotel Cottages are permitted as part of Hotel Resort Use, was excluded from consideration by the LTC’s resolution). There are a number of OCP policies related to home occupation STVRs, however as that use is not currently considered in the proposed amendments to the LUB, policies related to home occupations are not considered.

The following resolution was adopted at the LTC Special Meeting on October 18, 2019:

SP-2019-018

It was Moved and Seconded,

That staff be instructed to prepare a draft bylaw amendment and staff report to remove short-term vacation rental of a dwelling as an outright permitted use in all zones except commercial resort and that this bylaw amendment remain in force until it has been replaced by a future bylaw amendment (regulation) enacted in response to a comprehensive short term vacation rental policy for South Pender Island.

ANALYSIS

OCP Consistency Considerations

An OCP is a statement of objectives and policies to guide decisions on planning and land use management; as such statements in OCPs are interpreted and applied with a greater degree of discretion than regulations would be. Statement in an OCP should be interpreted as guidelines regardless of whether the language is prescriptive or not. When proposing changes to an LUB, the amending bylaw must be consistent with the OCP; but in determining consistency the following principles should be considered:

1. The bylaw must be consistent with the OCP as a whole. While a proposed regulation may appear to be inconsistent with a specific policy or objective in the OCP, determination of consistency must be addressed in relation to the OCP in it’s entirely.
2. The bylaw cannot be in direct collision with a specific policy in the OCP in the absence of countervailing policies. For example if the OCP states that a specific use should not be permitted in a certain land use designation and a LUB regulation proposes to permit that use in that area, the OCP policy and LUB could be in direct collision in the absence of other policies supporting the use.
3. The bylaw amendments must be within a range of possible outcomes contemplated by the OCP as whole.

Relevant OCP Policies Related to Consistency of Proposed LUB Changes

There are a number of OCP statements relevant to consideration of consistency of the proposed amendment, including those related to:

- OCP Goals
- Residential Land Use and Development
- Agricultural Land Use and Development
- Forestry Land Use and Development
- Natural Resource Area Land Use and Development

Relevant objective and policies in these section are identified below.

OCP goals:

Section #	OCP Goals
2.2.1	To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquillity, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
2.2.4	To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable;

Residential land use and development objectives and policies:

Section #	Objective/Policy
3.1.1 a)	To Maintain a rural island living environment that is safe, visually attractive, and free from disturbance and the sense of overcrowding
3.1.1 (a) ii)	Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. <i>Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small-scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands. [emphasis added]</i>
3.1.2 (a) (i)	Single family residential use is to be the predominant principal land use on lands designated Rural Residential (RR)
3.1.2 (e)(ii)	On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation.....
3.1.2 (e)(ii)	Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in general*.

*Land use regulations applicable to short-term single family dwelling rentals are currently limited to the same regulations applicable to the residential use of a dwelling (i.e. setbacks, siting and size of buildings, etc.).

Agricultural land use and development objectives and policies:

Section #	Objective/Policy
3.5.1 (a)	To protect lands having characteristics suitable for agriculture.
3.5.1 (b)	To support the use and development of agricultural lands for mixed agricultural activities and practices that do not compromise the land for future farm use, create conflicts with other adjacent land uses, or impair the island's water supplies.
3.5.2 d)	Lands designated as Agriculture are to be used primarily for agricultural use and development.
3.5.2 (d) iv)	ensure that other allowed uses on Agriculture designated lands are compatible, both in type and scale, with rural residential living. <i>Land use regulatory bylaws are to make provision for the uses customarily associated with rural living including short-term rental of a single family dwelling and home occupations. [emphasis added]</i>

Forest land policies:

Section #	Objective/Policy
3.6.2	Lands designated as Forest on Schedule "B" are to be used predominantly for forest land use and development.
3.6.2 (b)	Zoning regulations are to: iii) allow other uses compatible, both in type and scale, with rural residential living. <i>Land use regulatory bylaws are to make provision for the following uses customarily associated with rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands. [emphasis added]</i>

Natural Resource Area objectives and policies:

Section #	Objective/Policy
3.8.1(a)	To recognize those areas of land where natural features and/or resource values require conservation measures.
3.8.1 (b)	To encourage conservation of natural features and resource values.

The policies in the OCP related to Natural Resource Land Use and Development do not speak directly to STVRs. However, it does allow “one single family dwelling, on lots of 8 hectares (19.78 acres) or larger, one cottage”. Short term vacation rental of a dwelling in the Natural Resource Area is permitted in the LUB.

Overall, while there are a number of OCP policies that support STVR use in dwellings, there are also OCP goals, objectives and policies identified above which support the maintenance of rural character, state that residential uses should be the predominant use in these land use designations, encourage the regulation of STVR uses, and speak to compatibility and regulation of impacts. Currently, the LUB permits STVRs in a dwelling, but does not regulate the use to a greater extent than the residential use of dwellings. These policies suggest that the overall approach in the OCP is to ensure that rural residential uses (or agricultural and forestry uses in those land use designations) are the predominant use, that other uses (including STVRs), should be secondary and that impacts should be mitigated to minimize impacts on those principal uses.

Prohibiting STVRs as a permitted principal use, particularly in conjunction with the LTC’s stated intent to undertake a thorough review of the issue with a view to potentially amending OCP policies and further amending the regulations, would be supported by those OCP statements which speak to maintaining rural character and minimizing impacts on the principal uses in those land use designations. However, the LTC should turn its mind to the OCP’s relevant goals, objectives and policies (and any others it considers relevant) and weigh the respective merits in consideration of the draft bylaw’s consistency with the OCP.

The sections of the OCP identified above also speak to home occupations. The amending bylaw as drafted would permit short term vacation rentals as home occupation to continue. If the bylaw were amended to prohibit home business STVRs the LTC would need to consider the consistency with the home occupation policies and the fact that home business STVRs are an accessory, not a principal, use.

Summary of Proposed Bylaw Amendment

The draft bylaw (see Attachment 1) proposes to remove “Short-term vacation rental of a dwelling” from the zones where they are currently permitted outright. The LUB currently permits short-term vacation rental as an outright use in dwellings in Rural Residential, Agriculture, Forestry and Natural Resources Zones. In the section of the LUB pertaining to each of these zones under “Permitted Use” “Short-term vacation rental of a dwelling” would be removed and replaced with “rescinded”. Changes would also be made under “Conditions of Use” to remove “Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replace it with “rescinded” (the home business regulations also specify that only one cottage may be used as a home business STVR). Once the LTC has completed a full-scale review of the policies and regulations, these provisions could be further amended by the LTC or the uses could be restored in the LUB.

Consultation

As per *Local Government Act* requirements related to amending land use bylaws, the LTC will be required to hold a public hearing after first reading of the bylaw amendment and before third reading. A community information meeting can be scheduled at the time of public hearing. Notice of public hearing must be advertised in two consecutive issues of a newspaper, with the last publication not less than 3 days and at least 10 days before public hearing.

Referral to adjacent Local Trust Committees (North Pender and Saturna) is also required by Trust Council policy. Adjacent LTCs are provided with 30 days to respond and the referral period should end before the hearing.

The timing of the implementation of the bylaw amendments must consider the need for a public hearing and referral to adjacent LTCs. Following the close of the public hearing, the LTC can hear no new information, can give

further readings to the bylaw and must refer the bylaw to the Executive Committee of the Islands Trust for approval. Following EC approval, the LTC can consider final adoption. Given the statutory requirements, the public hearing could be held in December 2019 at the earliest, and adoption could not occur until sometime in early 2020.

Rationale for Recommendation

Recommendation:

- 1. That South Pender Island Local Trust Committee Bylaw No. 117, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”, be read a first time.**
- 2. That the South Pender Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 117, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”.**
- 3. That staff be directed to develop project charter and staff report related to the short-term vacation rental review project.**

While there are OCP policies supporting STVRs as a principal use, there are also a number of relevant countervailing OCP statements. There is a risk that the proposed amendment could be challenged and found to be inconsistent with the OCP. However, as the proposed amendments would only address STVRs as a principal use the proposed bylaw amendments do not appear to be in direct collision with the OCP when read as a whole. Specifically, the amendments appear to be consistent with a number of broader OCP goals, objectives and policies.

It is recommended that these amendments be implemented as a temporary measure while further research is done to determine future STVR policy directions. Recent correspondence received, and interest expressed at the Special Meeting on October 18, 2019 indicate that further research and public engagement is warranted to explore options and opportunities related to STVR policy direction.

ALTERNATIVES

1. Do Nothing

The LTC does not support proceeding with the proposed amendments to the Land Use Bylaw.

That the South Pender Island Local Trust Committee not proceed with draft Bylaw 117 cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”.

2. Support with Changes

The LTC support the proposed amendment but with changes.

That the South Pender Island Local Trust Committee amend proposed Bylaw 117 by.....

That the South Pender Island Local Trust Committee give First Reading to Bylaw 117, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”, as amended

3. Request Further Information

The LTC request further information before supporting proposed amendments to the Land Use Bylaw.

That staff return with further information regarding

NEXT STEPS

If the South Pender Island Local Trust Committee (LTC) gives First Reading to the bylaw and directs the scheduling of Public Hearing, staff will proceed to schedule a public hearing and community information meeting (to be held at the same time), refer the bylaw to adjacent LTCs, and undertake notification of the public hearing as per the *Local Government Act*. If the LTC directs staff to develop a project charter and staff report related to the short-term vacation rental review project, staff will prepare project charter and staff report for the next regular LTC meeting.

Submitted By:	Narissa Chadwick, Island Planner	October 23, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 24, 2019

ATTACHMENTS

1. Proposed Land Use Bylaw Amendment

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 117

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

The South Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the South Pender Island Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019”

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019” is amended as follows:

1. Section 5.1 (Rural Residential Zones) is amended under “Permitted Uses” by deleting “(1)(d) Short-term vacation rental of a dwelling;” and replaced with “*rescinded*”
2. Section 5.1 (Rural Residential Zones) is amended under “Conditions of Use” by deleting “(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “*rescinded*”
3. Section 5.5 (Agriculture (A)) is amended under “Permitted Uses” by deleting “(1)(d) Short-term vacation rental of a dwelling;” and replaced with “*rescinded*”
4. Section 5.5 (Agriculture (A)) is amended under “Conditions of Use” by deleting “(10) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “*rescinded*”
5. Section 5.6 (Forestry (F)) is amended under “Permitted Uses” by deleting “(1)(a) Short-term vacation rental of a dwelling;” and replaced with “*rescinded*”
6. Section 5.6 (Forestry (F)) is amended under “Conditions of Use” by deleting “(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “*rescinded*”
7. Section 5.7 Natural Resource (NR) under “Permitted Uses” by deleting “(1)(c) Short term vacation rental of a dwelling;” and replaced with “*rescinded*”
8. Section 5.7 Natural Resource (NR) under “Conditions of Use” by deleting “(7) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time” and replaced with “*rescinded*”

B. This Bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 117, 2019, Amendment No.1, 2019.”

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_.

SECRETARY

CHAIR

File No.: SP-6500-20
(Building and Siting Review)

DATE OF MEETING: November 1, 2019
TO: South Pender Island Local Trust Committee
FROM: Narissa Chadwick, Senior Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Options for South Pender Building Design & Siting Guidelines

RECOMMENDATION

That the South Pender Island Local Trust Committee (LTC) request staff to report back at the next South Pender LTC meeting on the following options....

REPORT SUMMARY

The purpose of this report is to identify to the South Pender Local Trust Committee (LTC) options for implementing guidelines for design and siting of new buildings as identified in the "South Pender Island Building Design & Siting Guidelines (DRAFT)" (Draft Guidelines - attached).

The report includes:

- Identification of legislative authority as it relates to the objectives of the Draft Guidelines
- Identification of options for implementing some of the objectives contained in the Draft Guidelines

BACKGROUND

On September 6, 2019 the South Pender LTC forwarded the "South Pender Island Building Design & Siting Guidelines (DRAFT)" to Islands Trust staff to explore option for implementation.

The draft guidelines seek to "promote building that will be compatible with the environment, topography, and neighbourhoods". The draft indicates interest in applying design and siting guidelines to both commercial and residential buildings to support the following objectives:

- Appropriate siting of buildings
- Integrating building into the landscape
- Promoting both a variety of building styles, traditional and contemporary
- Discouraging the urbanization/sub-urbanization of designs
- Encouraging the use of good quality, regionally sourced building materials and the achievement of energy conservation through the use of energy saving technologies

- Encouraging consideration and respect of neighbouring properties when siting and designing a building
- Encouraging the use of exterior colours which integrate into the landscape and compliment the rural character of the island.

ANALYSIS

As indicated in the Draft Guideline Vision Statement, the Draft Guidelines are intended to support the South Pender Island Official Community Plan in particular the following goals:

- 1.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquillity, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- 1.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

Under the *Local Government Act* local governments have limited ability to directly or effectively impose the kind of design controls identified in the Draft Guidelines, particularly in residential areas. For example, while zoning can be used to influence size, siting and lot coverage, it cannot be used to influence the form and character of a building within a given area/building envelope. While development permit authority can be used to influence the form and character of multi-family, commercial and industrial buildings it cannot be used to directly influence the form and character of residential buildings that are not “multi-family” or “intensive residential”. There are other regulatory tools such as Development Variance Permit conditions, Temporary Use Permit conditions, Covenants and Density Bonusing that could be used in very specific circumstances in response to an application.

The following identifies how South Pender LTC’s use of regulatory tools such as zoning and development permit areas could be expanded to support some of the objectives identified in the Draft Guidelines. Screening and landscaping bylaws are another regulatory tool discussed. The use of tools connected to application processes such as Development Variance Permit (DVP) conditions, Temporary Use Permit (TUP) conditions and Covenants is also explored as well as Density Bonusing which provides an opportunity for negotiated amenities at the time of rezoning.

Zoning

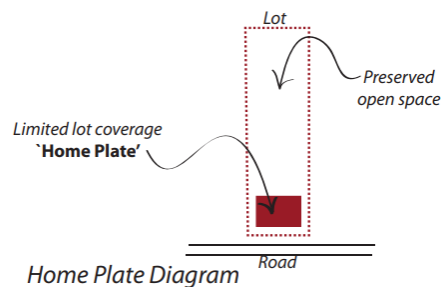
Local Government Act (s.479) enables local governments to use zoning to regulate:

- Use and density of land, buildings and other structures
- Siting, size and dimensions of buildings and other structures and permitted uses
- Location of uses on the land and within buildings and other structures
- Shape, dimensions and area of all parcels of land created by subdivision (this can include establishing minimum and maximum parcel sizes)

South Pender’s zoning regulations identify permitted uses, density, size and siting, conditions of use, subdivision lot size requirements and site-specific regulations. Size and siting regulations were updated in 2016 to address concerns related to the building of excessively large dwellings and accessory buildings on larger parcels of land. Further reducing lot coverage and size and siting regulations may increase the potential of supporting the objectives identified in the Draft Guidelines particularly those that refer to building scale. In addition, this could stimulate applications for development variance permits providing opportunity to apply some design criteria. The potential to connect design criteria to development variance applications is discussed later in this report.

In addition to further reducing lot coverage, South Pender could also explore the use of zoning to facilitate building clustering. On a single residential lot **building clustering**, also referred to **“home plate”** regulations, establishes that the dwelling, any additional residence, and associated accessory buildings must be clustered within set distance of each other, usually by reference to a road (see diagram below). This essentially establishes a residential footprint on the lot, with the rest of the property reserved for agriculture and/or forestry and/or environmental uses. The South Pender LUB does not currently use zoning in this way.

Diagram 1: Building Clustering/Home plate



Credit: Regional District of Nanaimo

Homestead Cluster Option:
2 residences - original farm house and new home.



Image

Zoning can also be used to permit smaller lots in order to facilitate building clustering on multiple lots, supporting the development of a **conservation subdivision**. This approach helps support the conservation of land for ecological purposes, agriculture and farming (see Diagram 2) by concentrating the development in one area as opposed to spreading it throughout the subdivision. South Pender still has subdivision potential which makes this an option in some areas. North Pender conducted a conservation subdivision review in 2013/2014 which could be used as a guide to designing a process for South Pender. [Details are available on the Islands Trust webpage.](#)

Diagram 2: Conservation Subdivision

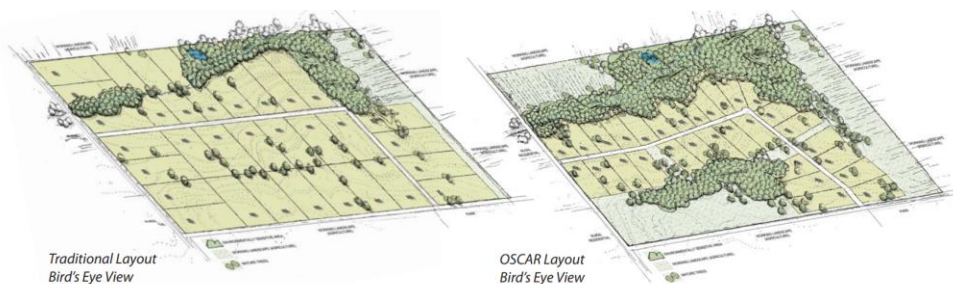


Image Credit: Regional District of Nanaimo

Screening and Landscaping Bylaws

Local Government Act (s.527) enables local governments to use bylaws to set standards for and regulate the provision of screening or landscaping for one or more of the following purposes:

- masking or separating uses;
- preserving, protecting, restoring and enhancing the natural environment;
- preventing hazardous conditions.

The use of s527 screening and landscaping provisions could potentially be used retain vegetation on the lot (e.g. in setback areas) and otherwise screen buildings from off property sightlines. The requirements may vary according to different zones, uses within a zone and locations within a zone. Implementation would be challenging. Given that the requirement is not connected to a permitting process, bylaw enforcement would rely on resident observation/complaints and staff surveying of lots.

Development Permit Areas

The *Local Government Act* (s488) enables local governments to designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:
 - Intensive residential development
 - Commercial, industrial or multi-family residential development
 - Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

With respect to the identification of DPA objectives related to form and character, the legislation is very clear that this does not apply to single-family dwellings unless they can be considered to be intensive residential. The term “intensive residential” is intended to refer to infill housing and small lot development within existing subdivisions. This is not the type of development that is typical to the Southern Gulf Islands therefore DPAs for intensive residential would have limited applicability.

South Pender currently has three types of DPAs. **DPA1** (Commercial Form and Character) applies to the Commercial Resort Zone on the Island (Poets Cove). **DPA2** (Wetland, Stream and Lake Areas) applies to specific lakes, streams and wetland areas. **DPA3** (Bedwell Harbour Ridge) which applies primarily to the Bedwell Harbour Ridge Conservation Area. Given their focussed scope, these DPAs support some of the objectives of the Draft Guidelines to a limited degree.

Developing additional DPAs for the protection of the environment, and promotion of energy and water conservation and the reduction of greenhouse gas emissions could influence some aspects of building siting as well as design aspects such as building orientation, roof design, renewable energy, exterior lighting, water management (including pervious surfaces), and construction materials. The LTC is cautioned that the use of a DPA on a larger scale can be administratively challenging and time consuming. The time commitment needed to review applications may not be commensurate with anticipated benefits.

Development Variance Permit (DVP) Conditions

The *Local Government Act* (s.498) enables local governments to issue a development variance permit (DVP) to allow a property owner to vary certain provisions established within land use bylaws. At the time of a DVP application, it may be possible to negotiate with a property owner who may be seeking changes related to setbacks, size, height, floor area or other siting or size regulations in the LUB. If guidelines were established in the OCP, the LTC could potentially utilize the DVP process to support applications with specific design features that are within a reasonable scope of the variance being applied for (e.g. it would not be reasonable for a DVP for the addition of a deck to require substantial design changes to the house). The establishment of such guidelines may require a legal opinion.

The impact of this approach would be limited as the number of variances considered by the LTC is small. A scan of past DVP applications on South Pender indicates that there has been an average of about one DVP issued for a residential properties per year. As indicated above, an increase the number of DVP applications may occur if the LTC also considered reducing the existing maximum floor area for buildings and/or lot coverage.

Temporary Use Permit Conditions

The *Local Government Act* (s.921) enables local governments to authorize the use of temporary use permits (TUPs) to allow a use otherwise not permitted by zoning. South Pender's OCP allows the use of TUPs. The issuing of temporary use permits provides an opportunity to place conditions upon the property owner at the time of application approval. In contrast to development variance permits, the legislation specifically authorizes the inclusion of conditions in a TUP, provided they are consistent with guidelines in the OCP and within reasonable scope. As with DVPs, it is unlikely that there would be many TUP applications on South Pender for which siting and design conditions could be applied as TUP applications typically do not involve building new or altering existing buildings.

Covenants

Under s.219 of the *Land Title Act* a local government may enter into agreement with a property owner to register a covenant to run with the land. Covenants can include both positive obligations, such as the installation and maintenance of landscaping, and negative restrictions, such as restricting the property owner from undertaking certain actions such as exceeding building height limitations. A covenant can require the property owner and future owners of the property to adhere to a set of obligations which could include constructing buildings in compliance with particular designs and specifications and/or designating areas of land for environmental protection. As such, covenants could be used to achieve a number of the objectives identified in the Draft Guidelines on specific properties.

Entering into a covenant agreement is voluntary on the part of the landowner. Given this, there are limited opportunities where covenant agreements may be established. These opportunities include rezoning or certain subdivision approvals.

Density Bonusing

The *Local Government Act (s482)* enables local governments to permit additional density in exchange for the provision of community amenities. Design features and land preservation could potentially be considered community amenities that can be attained as part of the rezoning process through negotiations with property owners interested in additional density. Density bonusing could be used in processes supporting the design of conservation subdivisions.

OPTIONS

Under the *Local Government Act* local governments have limited ability to directly or effectively impose the kind of design controls identified in the Draft Guidelines, particularly in residential areas. The extent to which regulatory tools can be used to implement the objectives identified in the Draft Guidelines has been identified above. Considering this, and keeping in mind limited resources, the LTC should identify a priority option or combination of priority options that they would like staff to report back on in more detail. A number of options are identified below. Alternately, the LTC has previously indicated a desire to refer the matter to the Advisory Planning Commission (APC). Forwarding the staff report to the APC along with the guidelines could provide sufficient context for the APC to provide useful comment. Staff could also work with the APC chair to schedule a meeting time when staff could attend or call in.

1. Do Nothing

Do not proceed with any project related to the implementation of siting and design guidelines for South Pender Island and remove the project from the Top Priorities list

2. Guidelines Only

Staff develop a clear and concise set of voluntary guidelines to be promoted and shared with the community and more specifically with property owners submitting applications for building and development permits. Based on past experience across the Southern Gulf Islands, these types of voluntary guidelines such as the Islands Trust "[Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands](#)" and the "[Choosing a Building Site on your Lot: Fact Sheet](#)", would likely have limited impact.

3. Create and implement a set of siting and design guidelines and policies to be included in the Official Community Plan (OCP) that would be applicable to development permit and temporary use permit applications and rezonings.

Staff would develop and implement a set of siting and design conditions that could be applied to development permit and temporary use permit applications and rezonings, this would require amendment to the relevant sections of the OCP.

4. *Revisit and revise regulations related to lot coverage, building floor area and siting*

Staff to revisit work contributing to previous size and siting regulation changes and provide options for increased limitations to support Draft Guideline objectives related to building scale, and potentially increase the number of development variance applications upon which design and siting related development variance guidelines could be applied.

5. *Zoning to support clustering/home plate*. Staff to provide draft bylaw options for supporting a clustering/home plate approach.

6. *Screening and Landscaping*. Staff to provide further analysis and options related to screening and landscaping.

7. *Explore DPA options*. Staff to further explore the option of developing DPAs related to the protection of the natural environment and/or the promotion of energy conservation, water conservation and reduction of greenhouse gas emissions. This would include examining how DPAs could be used to achieve goals identified in the Draft Guidelines and an analysis of staff time and resources required to administer DPAs.

8. *Explore options to support Conservation Subdivision*. Staff to identify a process, based on the North Pender process, to explore the potential and process for supporting conservation subdivisions.

NEXT STEPS

The LTC identify priority options they would like staff to explore in more detail in a report to be brought back to at the next LTC meeting.

Submitted By:	Narissa Chadwick, Island Planner	October 18, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 24, 2019

ATTACHMENTS

1. South Pender Island Building Design & Siting Guidelines (DRAFT) (Draft Guidelines)

South Pender Island Building Design & Siting Guidelines (DRAFT)

Vision Statement:

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

- 2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- 2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

These guidelines draw upon objective criteria and a variety of time-tested approaches for creating thoughtfully designed, energy efficient homes and accessory structures (hereafter, "buildings") which also relate to, and are in harmony with, their rural surroundings. These guidelines promote an appreciation of our island's heritage, create an understanding of our rural character, and reinforce our regional identity. Ultimately, the success of these guidelines will only be measured in years to come, in the eyes of our children and the generations which follow. These guidelines are presented to encourage imaginative, site specific design innovation which results in buildings whose design, siting and massing are in harmony with their rural surroundings regardless of whether the building is of a contemporary, minimalist, traditional or rural architectural vernacular.

Purpose:

These guidelines are intended to be prescriptive and to make clear the importance of good siting and design. These guidelines provide guidance to architects, designers, and builders on the design of the building and its position on the property taking into consideration the topography of the land, its ecology, and the rural character of the island and overall community. These guidelines should inform the architectural style, scale and massing of the building and at the same time enhance the visual amenity of the surrounding environment. These guidelines seek to achieve the following:

- To ensure buildings are sited appropriately
- To integrate the building into the landscape
- To promote both a variety of building styles, traditional and contemporary
- To discourage the urbanization/sub-urbanization of designs
- To encourage the use of good quality, regionally sourced building materials and the achievement of energy conservation through the use of energy saving technologies.
- To encourage consideration and respect of neighbouring properties when siting and designing a building
- To encourage the use of exterior colours which integrate into the landscape and compliment the rural character of the island.

Each of us has a responsibility for the environment and rural character of the island, not just in preserving our existing heritage, but in creating a heritage for future generations to enjoy. It is therefore crucial that when developing a property, the design of the buildings and other improvements is a positive introduction to the landscape and does not detract from the existing natural surroundings. Stewardship by property owners is important if we wish to preserve, rather than diminish, our sense of place in the unique environment of South Pender.

These guidelines are to be used by architects, designers, builders and owners in developing a design for any building (commercial or residential). By using appropriate architectural materials, details, and finishes, together with size, scale, and proportion, the rural character of the island and its community will be expressed. The Design Guidelines seek to promote building that will be compatible with the environment, topography, and neighbourhoods (or settlement areas). At the same time, some variety in the details of construction is encouraged as a means of promoting diversity. It is intended also, that individual expression is tempered with careful consideration of the setting and of the character of the island's natural environment and its community.

Objectives:

Buildings:

- To promote a diversity of architectural styles that are compatible with a village-in-a-forest context
- To promote simplicity in building design
- To promote buildings that are in scale
- To continue the use of “natural” building finishes.

Diversity of architectural styles is encouraged:

- A new building should be different in style from buildings on nearby or abutting properties.
- A design that creates individual character while also maintaining compatibility with the character of the neighbourhood and overall community, is encouraged.
- A design that incorporates innovation and the use of skilled workmanship is encouraged.

Simple and restrained character:

- Keep building forms, materials, and details, simple and visually restrained.
- Building forms, materials, and details that contrast within a single building or with neighbouring buildings are discouraged.
- Design features that increase the visual prominence of the building should be avoided.
- Avoid visual complexity in different materials or details.

Building scale and design integrity:

- Building details should be used to provide interest and not exaggerate the scale of the building.
- Avoid oversized design elements that exaggerate the buildings scale.
- Avoid entryways, doors, and windows that are out of proportion with the human form.

Architectural details:

- Design details that appear to be superficial, non-structural, or gratuitous, should be avoided. Details should be authentic, integral elements of the overall building design concept.

- Design details and selected cladding materials should be used throughout the full exterior of the building to maintain consistency.
- Use of “natural” building materials is preferred, and synthetic materials avoided. The use of vinyl, or products that simulate a wood grain are inappropriate.
- Roof materials should be consistent with the architectural style of the building and with the context of the neighbourhood.
- Muted colours similar to the natural earth and surrounding environment are preferred to blend in with the forest while limiting the use of bright colours to accent features.

Landscape:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and where there has been intervention this has generally been with indigenous planting reinforcing the link with the land to enhance its natural character. This link with the land has been instilled over generations and along with house design, the garden evolved in a harmonious way to achieve an almost seamless transition from house to landscape.
- By creating a planting zone between house and path, enclosures, privacy, wildlife habitats, boundary treatments and limiting the use of expansive areas of pavement and lawns, the house becomes visually anchored to its site, and thereby softens the geometric impact that the built environment has on the natural landscape.
- The traditional forest landscape is one of the most important features of the community. While each individual site has unique features, residents are encouraged to contribute to the natural character throughout the development of their property. Filtered views from the street of homes nestled in the landscape through trees and vegetation, is preferred and contributes to a “sense of discovery”.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, select paving materials that convey the colour of native materials and that will reduce runoff. Use porous materials that permit percolation of water and aeration in soils.
- Avoid large, continuous areas of paving that are uncharacteristic of the forest landscape.
- Use materials for surfacing which are geologically linked with the area. When possible, source local quarries for stone and exposed aggregates.

Fencing:

- Not every site needs a fence or wall along its perimeter. Fences and walls that exhibit craftsmanship and interesting design but do not create a “walled off” appearance, are preferred.
- Respect the neighbourhood and adjoining properties when designing a fence or wall.
- Avoid ornate, wrought iron, or chain link fencing along the street.

Design Guidance:

Siting:

In addition to these Guidelines, also refer to siting and setback directives and requirements within the Islands Trust Policy Statement, the South Pender Official Community Plan, the South Pender Land Use Bylaw and, the Agricultural Land Commission.

Of all factors, site selection has the biggest influence on how successfully a building can assimilate into its rural surroundings. Essentially good siting is when a building appears to “belong” to the landscape rather than intruding upon it. A careful and detailed site analysis is necessary to determine any siting issues and strategies which should determine the position of the house on the landscape but also the design layout of the house itself and how it relates to the site and the wider landscape. Utilizing good natural sites will minimize disturbance to the ecology, the topography of the land, and the visual impact of new structures. Good natural sites offer shelter, privacy and take advantage of solar applications. Consideration should be given to the prominence of the structure, views from adjacent properties, the siting of existing structures, and the visual impact from other perspectives, not only from the property being developed. Clear only what is necessary and, prior to removing trees, consider sight-lines from the completed structures, shade requirements, wildlife habitat, water retention and drainage. These issues should be addressed at the initial stages to avoid poor design decisions at a later stage. Site features unique to an individual property should be exploited and incorporated into the design of the house to create a house which is rooted to the natural environment. This is much preferable to a “show house”, a large and bulky building which dominates the site and immediate setting and where trees and natural shelter features are removed for maximum presentation effect.

Functional issues such as road access, services, drainage and septic disposal, need responding to along with design issues which result in an integrated solution. The focus here is on working with the site features and not against them.

Unfortunately, it has frequently become a standard and misappropriated feature of rural landscape to ‘land’ a sub-urban design onto a rural landscape which only serves to emphasize its poor contextual relationship. In the past, local knowledge was utilized to site homes to take into account particular micro-climate influences, such as summer heat, early frosts, and drainage routes. The concept of a view from the top of a hill was far less important than that of shelter, so as to conserve fuel and energy as opposed to the top of the hill which was cold, exposed and generally isolated. Buildings have evolved in response to their function and natural setting, whereas today’s sub-urban response has been to dominate the landscape. Today’s designers and builder should show the same understanding and respect for contours and topographical features as our traditional past has shown.

Siting of residential buildings on Agricultural Land Reserve (ALR) zoned lands.

While the design principles outlined elsewhere within these guidelines also apply to ALR zoned lands, additional criteria for the siting and size of residential buildings on ALR lands is outlined within section 2.4.6 of the ALC Guide for Bylaw Development in Farming Areas. In brief, residential uses should:

- not restrict agricultural activities
- be located in non-farming areas of the property to minimize the impact on farm practices and farming potential in farming areas.

Principles of Design:

1. Keep the design simple.
 - while variety is encouraged and visual interest is desired, this should be accomplished in a restrained manner, such that each building remains subordinate to the forest character.
2. Promote diversity of styles:

- within the basic framework of the design traditions common with the historical buildings, a range of architectural designs can occur. In fact, repetition of a single style within a subdivision should be avoided.

3. Be consistent within an individual building:

- avoid designs that are insensitive to the designs of neighbouring buildings. While diversity is encouraged throughout the community as a whole, consistency in design throughout an individual building is important.

Design, as it was in the past, should contribute to the character of the community by responding to the forest context and using craftsmanship in construction and detail. However, architects and designers should not feel constrained to a particular architectural vernacular. Adapting more contemporary design approaches to the size, massing, scale, materials and site relationships found in earlier designs is encouraged as a means of achieving compatibility with diversity. Good design should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and usually built by their owners who had the knowledge and ability to maintain and repair their homes. Many of today's designs are more complex with complicated construction methods and materials with which owners do not have the knowledge and/ability. Relying on others to do the necessary work for them may be problematic because the work force in small communities is limited.

The Design Process:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. This process should be followed as compared to picking a design from a 'pattern book' of house types and trying to fit this design into the site.

Stage 1: Define the objectives

It is important to decide what you need and what you don't as this will inform your architect / designer what you require. A good understanding of the design will take time and is a two-way process which discusses the needs of the individual and is shaped by the guidance and expertise of the designer/architect.

Stage 2: Assess the site

Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. While the design of the structure is also a crucial element, poor site selection places significant limitations on how you create your living space as its position in the landscape will complicate construction and may adversely affect your lifestyle. Good site selections opens up a significant number of potential possibilities for the creation of your living space.

Essentially, good siting is when a building appears to "belong" to the landscape rather than intruding upon it. The key to allowing a new dwelling to "belong in the landscape" is the selection of the correct site within the landscape and then to consider the characteristics of that site and develop the design of your house based on these characteristics. It is important for a dwelling to pay particular attention to the existing contours on a site to determine if a specifically designed dwelling can be accommodated on a site, making use of and working with the site levels. Digging out the site can be expensive and the creation an artificial platform can make the structure unnecessarily prominent.

The following should be looked at in relation to the site:

- What are the characteristics of the site?
- Are there features that should be retained or incorporated in the design?
- Is there a good view? How can the rooms and/or the dwelling be orientated to take advantage without losing the benefits of solar gain?
- Are there potential negative impacts on neighbouring properties?
- Are there viewpoints external to the site where the structure will be obvious in the landscape?
- How will the design affect the skyline?

Stage 3: Produce a concept

A design concept will bring together all the individuals' requirements and the assessments carried out will help to arrange the buildings on the site. This will show how the buildings will look on the ground. The production of a good design concept will form the basis for the preparation of detailed drawings to be submitted with a planning application.

Designing the right house for the right site:

The site selection and locating the dwelling appropriately in the site is critical. The key to designing a dwelling successfully is that the dwelling is designed for the site where it is to be built. It is important that designs are not just copied of other sites which the applicant may like for one reason or another. These structures may not suit the chosen site or possibly the individual needs of the future resident.

Before you start to think about a house type, it is important to study the character and physical attributes of the site. A site contour map can be drawn up and any proposal on this site should have minimal intervention with landscape features. It is vital that you design a dwelling based on the sites features and not the other way around. A building should reinforce the character of a particular landscape and compliment it through careful location, siting and building design.

The following characteristics should be central to the design process;

- Simple building form
- Well proportioned
- Sits comfortably in the landscape with as little disruption to the existing ecology as possible
- Maximize solar gain with rooms obtaining natural light throughout the day
- Sheltered from the weather
- Simple construction
- No unnecessary or non-functional ostentatious details on building
- Modern but distinctively rural
- Minimize areas of hard, non-porous surfacing
- A selection of landscape plants that are easy to maintain, deer resistant and drought tolerant.

Conclusion:

These guidelines are intended to assist in preserving and protecting the sensitive environment, heritage and rural character of South Pender Island and to ensure that the beauty and quiet enjoyment that we cherish are maintained for present and future generations.

Top Priorities Report

South Pender Island

1. *Groundwater Sustainability project*

Responsible

Dates

Phase 1: to undertake analysis of groundwater resources

William Shulba

Rec'd: 05-Apr-2019
Target: 31-Mar-2020

2. *STVR Review*

Responsible

Dates

Consider initiating review upon receipt of APC comments

Narrisa Chadwick

Rec'd: 06-Sep-2019

3. *Building and Siting Guidelines*

Responsible

Dates

To consider regulations, policies and educational guidelines for residential buildings

Narrisa Chadwick

Rec'd: 06-Sep-2019



Projects Report

South Pender Island

1. <i>Development Permit Areas</i>	Responsible	Date Received
review existing DPAs for sensitive ecosystems to determine current status		28-Apr-2015

2. <i>Sea level Rise and Shoreline Erosion</i>	Responsible	Date Received
		28-Apr-2015

3. <i>Agricultural Land Review</i>	Responsible	Date Received
		06-Sep-2016

4. <i>RVs as Residences</i>	Responsible	Date Received
review regulations for use of RVs and related vehicles as dwellings		06-Sep-2019

5. <i>Steel Storage Containers</i>	Responsible	Date Received
Review LUB regulations to consider prohibiting or regulating steel storage and shipping containers		06-Sep-2019

6. <i>Derelict vehicle and machinery</i>	Responsible	Date Received
Review derelict vehicle and discarded equipment regulations		06-Sep-2019

Islands Trust
 LTC EXP SUMMARY REPORT F2020
 Invoices posted to Month ending August 2019

665 South Pender	Invoices posted to Month ending August 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	157.00	43.00	114.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,928.00	60.00	1,868.00
65210-665	LTC - Local Exp - APC Meeting Expenses	411.00	60.00	351.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,883.00</u>	<u>120.00</u>	<u>2,763.00</u>
Projects				
TOTAL Project Expenses		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: September 6, 2019

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.	October 5, 2010		Follow up action list	Send FUAL to trustees once drafted following the meeting.
3.	April 28, 2015	SP-2015-015	Printed Agenda Pkgs	That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings. [Copies of the agenda cover will be brought to the meetings]
4.	February 1, 2019	SP-2019-01	Cannabis Retail Sales	- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment.

				• However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the local trust committee.
5.	September 6, 2019		Model Cell Tower Strategy	That the SPILTC endorse the model radio antenna strategy Link to IT Web Document: http://www.islandstrust.bc.ca/media/346706/final-model-strategy-for-antenna-systems.pdf
6.	September 6, 2019		Reconciliation	That the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: - Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; - For various Local Trust Committee meetings, invite elders from local First Nations to attend

				and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area.
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DATE OF MEETING: Various

TO: Local Trust Committees

FROM: David Marlor, Director,
Local Planning Services

SUBJECT: Climate Change Adaptation and Mitigation Strategies

PURPOSE

At its regular business meeting in June 2019, Trust Council passed the following resolution:

TC-2019-043

It was Moved by Trustee Fast and Seconded by Trustee Peterson,

That Trust Council direct staff to add agenda items 6.4 and 8.4 regarding climate emergency tools and strategies to all Local Trust Committee's upcoming agendas and suggest to the Bowen Island Municipality.

NEXT STEPS

The two reports "Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust" and "Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation" are provided for information on the local trust committees, and to assist when determining local actions to take in response to Trust Council's climate emergency declaration.

Submitted By:	David Marlor, MCIP, RPP Director, Local Planning Services	August 29, 2019
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ATTACHMENTS

1. Attachment 1: Items 6.4 and 8.4 from June 2019 Trust Council

To: Trust Council **For the Meeting of:** June 19, 2019
From: CAO **Date Prepared:** May 23, 2019
SUBJECT: Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust

PURPOSE: To provide Trust Council a summary report on current and past actions, and policies adopted by the Islands Trust to address climate change. This report is a companion report to the land use actions report on the current agenda and is offered to provide context for Trust Council as they contemplate a range of potential options to address climate change within the Trust Area.

BACKGROUND: On March 13, Trust Council passed the following resolution:

That the Islands Trust Council:

1. Declare a Climate Change Emergency in the Islands Trust Area.
2. Add climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.
3. Direct the Trust Council Chair to write to the Chairs of Regional Districts in the Islands Trust Area asserting Trust Council's full support for declarations of a Climate Emergency;
4. Direct the Trust Council Chair to write to the Provincial Minister of the Environment, asserting the Islands Trust Council's support to help the Province close the 25% emissions gap in the Clean BC Plan, and calling on the Province to provide the powers and resources to local governments;
5. Direct the Trust Council Chair to write to the Federal Minister of the Environment, asserting the Islands Trust Council's support to help Canada meet its Nationally Determined Contribution target made in the Paris Agreement and call on the federal government to provide the powers and resources to local governments.
6. Direct staff to report back to the June 2019 Trust Council meeting on measures and land-use planning actions that the Islands Trust can take to advance progress toward Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations.
7. Direct staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning to provide guidance and support for the Trust Area's efforts to transition away from fossil fuels in ways that prioritize those most vulnerable to climate impacts and most in need of support in transitioning to renewable energy.
8. Trust Council directs staff to work with First Nations and First Nations government agencies to seek support for the climate change emergency and to engage to coordinate climate action strategies with First Nations within the Islands Trust Area.

While the Islands Trust, as a function of its mandate and authority, has included climate change adaptation and mitigation measures in its decision making, including Bill 27 OCP implementation and the application of land use regulations, this briefing provides an overview of specific climate actions that the organization has taken.

Please note that while the Province committed to providing Community Energy and Emission Inventory data for local governments, there is insufficient data for the Islands Trust specifically, requiring that we use a conversion factor to approximate some of our emissions measures.

4. **Bill 27 OCP Greenhouse Gas amendments**

Under separate cover a report will be provided to the June 2019 Trust Council meeting that will include the amendments to local trust committees OCPs required by Bill 27. Generally, each LTC/Bowen Island Municipality (except Piers Island) adopted target reductions for their area, either a 50% or 33% reduction by 2020 and a greater, 85% reduction by 2050. Land use bylaws have not been comprehensively updated to reflect OCP direction. There has been no sustained performance measurement of each local trust area/island municipality to determine how successful the OCP amendments have been in reducing emissions. Datasets are limited on an LTA/IM by LTA/IM basis for specific GHG reductions.

5. **Corporate Actions**

- i. In 2007, the Islands Trust adopted a **Corporate Climate Action Plan**. From a corporate perspective, the three areas effecting our emissions levels are travel, paper and building heating and maintenance. The Climate Action Plan provides a reasonably rigorous analysis of these target emission sources as well as others and make recommendations for mitigations. The Action Plan has led to a number of business practices that are still in place including:
 - a. Reduction of printing
 - b. Reduction of color printing
 - c. Double siding of documents
 - d. Not producing paper agendas
 - e. Support for employees to commute by bike
 - f. Increased ride sharing to staff and Trust meetings
 - g. Replacement of the windows and shading of Victoria office
 - h. Revised purchasing policy to emphasize energy efficiency

The plan is now somewhat dated and could be refreshed to find new points of emphasis and education for staff and trustees.

Since 2007 the Trust has monitored its GHG generation and in support of the Action Plan.

- ii. Adoption of **Policy 7.4.5 Carbon Neutral Operations**. This policy formalized a number of Trust wide operations dedicated to GHG reduction, including a carbon reduction goal, identification of carbon emission sources, dedication to using offsets to achieve carbon neutrality (including purchasing criteria) and reporting requirements.
- iii. In January 2013, a Corporate Sustainability Advisory Group (Green Team) was identified consisting of one member of Trust Council and a department representative across the organization. The term was for 12 months and the terms of reference included develop innovating ways to address climate change impacts and GHG reductions and to implement the Corporate Action Plan.

From the available data on Islands Trust operations, it is reasonable to conclude that we are a low carbon producing organization.

6. **Regional and National Context**

It would be impractical to provide a comprehensive overview of regional climate change initiatives; however, it is worth noting that there have been 16 declarations of a climate emergency in BC. Prominent among them is the City of Vancouver who have recently unanimously approved a motion recognizing the climate emergency and passing an ambitious set of six “Big Moves” that will guide

the City's response to Climate Change. The goal is to meet the objective of limiting warming to 1.5C as per the Paris Agreement.

The initial wave of climate emergency declarations occurred in Quebec (2018-2019), with over 300 communities having taken this step.

7. Issues and Opportunities

The following items provide a list of issues, amongst many, that could form the basis for further discussion by Trust Council.

- We do not have accurate Community Energy and Emissions Inventory information which limits our ability to accurately measure how emissions programing is reducing carbon levels.
- Issue of built form density is central to lessening climate change impacts and GHG production within the Trust Area.
- The Islands Trust does not have climate change policy in the Policy Statement but does in Official Community Plans and a variable level of climate regulation in LUBs.
- Corporate opportunities: electronic meetings, carbon friendly foods, further policies on travel.
- We have not liaised with First Nations on climate change in any substantial manner and will need to include this issue in our Policy Statement discussions.

ATTACHMENT(S):

- 1. N/A**

FOLLOW-UP: As directed by Trust Council

Prepared By: R Hotsenpiller

Reviewed By/Date: May 28, 2019



Islands Trust Council Plan for Continuous Learning

(What other topics would trustees like to propose?)

Updated May 9, 2019

Year	Trust Council Meeting	Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2019	December (Victoria)				
	September (Bowen)				
	June (Galiano)	Strategic Plan	What Elected Officials Need to Know about FOI & Protection of Privacy Training (LGMA) June 25 th webinar.		Chair, Vice Chair, Committee Chairs & ITC Chair training
	March 2019 (Gabriola)	Strategic Plan	Young/Anderson Introduction Bill Buholzer		
	January 2019 Nanaimo	Orientation	Orientation		NA
2018	November (Victoria)	Orientation	Orientation	Orientation	Orientation
	September (Gambier/Keats)	Lessons Learned 2014 -2018	Implications of the Water Sustainability Act		
	June (Saturna)	Strategic Plan	<i>Islands Trust Act</i> Amendments		Agricultural Land Commission/Islands Trust
	March (Salt Spring)	(Freshwater Specialist) (Water Sustainability Act) Regional Conservation Plan		Adapting to Climate Change	March (Salt Spring)

BRIEFING

To: Trust Council **For the Meeting of:** June 18, 2019

From: David Marlor, Director, Local Planning Services **Date Prepared:** May 30, 2019

SUBJECT: **Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation**

PURPOSE:

To provide an initial approach in response to Trust Council's Climate Change Emergency Declaration in respect to local planning tools to address climate change.

BACKGROUND:

At its regular business meeting in March 2019, Trust Council declared a Climate Change Emergency. As part of that declaration, Trust Council requested that staff:

"report back to June 2019 Trust Council meeting on measures and land use planning actions that the Islands Trust can take to advance progress towards Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations".

This briefing focuses on land use planning actions that the local trust committees and Bowen Island Municipality could take to advance progress towards greenhouse gas reduction targets and to adapt to the effects of climate change.

Following the implementation of new mandatory requirements for official community plans to include targets and policies for greenhouse gas reductions, all local trust committees and Bowen Island Municipality amended their official community plans to include those targets and policies.

The following table includes a summary of the targets established by each local trust committee and Bowen Island Municipality in their official community plans. Each local trust committee and Bowen Island Municipality also adopted related policies on how to achieve those targets.

Local Trust Committee/Island Municipality	Reduction By 2015	Reduction By 2020	Reduction By 2050	Notes
Bowen Island Municipality	-	33%	80%	Reduction over 2007 emissions
Ballenas-Winchelsea	-	50%	50%	Below per Canadian per capita for 2020/2050
Gabriola	-	33%	85%	Reduction over 2007 emissions

• Mudge	-	50%	50%	Below per Canadian per capita for 2020/2050
• DeCourcy	-	50%	50%	Below per Canadian per capita for 2020/2050
Galiano	-	33%	-	Reduction over 2007 emissions
Gambier	-	33%	85%	Reduction over 2007 emissions
• Associated	-	20%	85%	Reduction over 2007 emissions
• Keats	-	33%	85%	Reduction over 2007 emissions
Denman	-	33%	85%	Reduction over 2007 emissions
Hornby	-	25%	80%	Reduction over 2007 emissions
Lasqueti	-	50%	50%	Below per Canadian per capita for 2020/2050
Mayne	-	33%	-	Reduction over 2007 emissions
North Pender	-	33%	-	Reduction over 2007 emissions
• Associated	-	50%	50%	Below per Canadian per capita for 2020/2050
Saturna	-	33%	-	Reduction over 2007 emissions
SSI	15%	40%	85%	Reduction over 2007 emissions
• Piers	-	-	-	Bylaw is not compliant
South Pender	-	33%	-	Reduction over 2007 emissions
Thetis	-	33%	85%	Reduction over 2007 emissions
Associated	-	-	-	Bylaw contains no targets
Valdes	-	50%	50%	Below per Canadian per capita for 2020/2050

A. Local Planning Actions Since 2010

Since 2010, planning Staff regularly include consideration of climate change mitigation and adaptation in staff reports on planning applications and projects. As a result, all planning decisions by local trust committees over the past eight years have included a climate change lens. In addition to this, local trust committees adopted specific policies in their official community plans related to climate change mitigation and adaptation. Many of these policies have been implemented through land use bylaw amendments. A list of these implemented policies is included in Appendix 1.

Appendix 2 lists the official community plan policies that have not yet been implemented in the land use bylaws.

The remainder of this briefing provides information on land use planning actions that can be undertaken in relation to climate change. Section B addresses actions related to climate change mitigation and Section C addresses actions related to climate change adaptation.

B. Climate Change Mitigation Tools

Climate change mitigation involves actions that reduce greenhouse gas emissions (GHGs). In the local trust areas the main source of GHGs is combustion from transportation and combustion from heating and cooling buildings. Therefore, any policies and regulations that reduce the need for transportation, or reduce the need for heating or cooling of buildings will help in reducing GHGs.

The Province committed to providing the Community Energy and Emissions Inventory (CEEI) for local governments. For the Islands Trust area there is very little data available. The only metric is residential heating using wood, propane or oil (and this is withheld for Lasqueti and Gambier LTAs). There are no metrics available for transportation or any other source of GHG emissions. The last year CEEI reports were undertaken was 2012. As a result we currently do not have metrics to measure progress towards targets in OCPs. Bowen Island Municipality has Community Energy and Emission Inventories (starting on page 40 of this linked document <https://bowenisland.civicweb.net/document/118760>).

Local trust committees and Bowen Island Municipality have the following tools available to them to reduce GHGs:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to mitigate climate change.

1. **Enact existing Official Community Plan policies** for the mitigation of climate change that are already in the official community plans but have not yet been acted on (Appendix 2 contains a list of these policies).
2. **Update official community plans** to ensure the mandatory GHG reduction targets and policies are relevant and up to date; Galiano Island, Mayne Island, North Pender Island, South Pender Island and Saturna Island local trust committees have targets for GHG reduction set for 2020 with no targets for any future dates, and as such those targets will be out of date next year. The Salt Spring Island Local Trust Committee has not adopted any targets or policies for the Piers Island OCP. The Thetis Associated Islands OCP contains objectives and policies but no targets. While the Islands Trust has very limited metrics to measure progress, the requirement to have targets and policies in official community plans is mandatory under s. 473 of the *Local Government Act*. These official community plans should be updated within the next year to ensure they remain compliant with required content for an official community plan, and to address targets and policies for GHG reduction. Other local trust committees should review their targets and policies for relevance to current conditions.
3. **Use the zoning authority under s. 479 of the *Local Government Act* to cluster development** and move away from large lots to small compact "villages". This can be accomplished through OCP policies to require this kind of development, rezoning appropriately by increasing density in appropriate locations and reducing in other locations and density transfer to move density to appropriate areas. Some local trust committees already have some form of this in their OCPs. Salt Spring and Gabriola have density transfer that has seen some significant land use changes. While these were not specifically created to address climate change mitigation, they can be

effective in changing the land use pattern to one that is more sustainable and reduces the need for transportation.

5. **Use the climate change development permit areas to reduce the heating and cooling requirements for buildings.** To improve building energy efficiency, land use planning can require landscaping and orientation of buildings in a way to maximize sun in winter and shade in summer. This would be done through a development permit area (DPA), with the justification and objectives in the Official Community Plan and the guidelines in the Land Use Bylaw. Local trust committees and Bowen Island Municipality may use DPAs to reduce GHG emissions and for energy conservation under s. 488 of the *Local Government Act*. Using these DPAs, local trust committees and Bowen Island Municipality may establish guidelines around landscaping, siting of buildings and structures, form and exterior design of buildings and structures, machinery, equipment and systems external to buildings or structures. The DPA may also place restrictions on type and placement of trees and other vegetation in proximity to buildings and structures to provide for energy conservation and reduction of GHGs.

C. Climate Change Adaptation Tools:

Climate change adaptation involves adapting communities to the anticipated effects of climate change. In the Islands Trust area, these effects include sea-level rise, longer periods of drought, more intense storm events, wildfires, warmer summers and warmer winters, and ecosystem changes which may impact plant and animal species.

Local trust committees and Bowen Island Municipality have the following tools available to them to adapt to climate change:

- **Zoning Authority** - Section 479 of the *Local Government Act*.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to adapt their communities to the effects of climate change:

1. **Sea Level Rise Adaptation Tools**

The Provincial government has established an expected sea-level rise in the Victoria area of 3.1 cm/50 years.

The Provincial (Subdivision) Approving Officer is currently requiring at time of subdivision a covenant for a 15 metres setback and 1.5 metres above the current high high water mark for any buildings or structures. This approach by the Provincial Approving Officer is a broad-brush approach to adapting to climate change and does not consider site specific conditions. Before initiating adaptation measures local trust committees and Bowen Island Municipality should have an understanding of the local situation.

- a) **Undertake mapping of sea-level rise** on the islands to provide information to assist with developing policies and regulations to adapt to sea-level rise.
- b) **Enact zoning regulations under s.479 of the *Local Government Act* and flood level regulations under s. 524 of the *Local Government Act*.** Using these provisions, local trust committees and Bowen Island Municipality may enact regulations to require setbacks for

buildings and structures from the future anticipated natural boundary of the sea, as well as establish a minimum elevation for buildings and structures above the anticipated future elevation of the sea. Local trust committees and Bowen Island Municipality could make exceptions for structures that are designed to be moved (not on permanent foundation). Notwithstanding, the Provincial Approving Officer will continue to have independent authority to establish different requirements.

2. **Longer Periods of Drought Adaptation Tools**

Islands Trust Staff currently has little information on groundwater such as the effects of climate change on recharge and capacity of the aquifers to provide water. Research and mapping of aquifers would allow local trust committees to develop policies and regulations that reflect the capacity of the aquifers including anticipated climate change effects. Water storage and alternative water supplies could be considered. Means to reduce water consumption includes using development permit areas for water conservation, requiring drought tolerant planting, and requiring features to reduce water use.

- a) **Undertake research and mapping of aquifers, develop water consumption budgets, and identify salt water intrusion risks**, based on expected climate change effects. This work would then inform the land use planning for future development on the islands. This work is already underway for some islands, and staff is working with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development to undertake a robust salt water intrusion risk assessment and mapping for the Islands Trust area.
- b) **Update policies and regulations to align their development potential** – through land use and density provisions – with the anticipated capacity of the aquifers.
- c) **Use the climate change development permit areas under s. 488 of the *Local Government Act* to promote water conservation.** Local trust committees and Bowen Island Municipality could establish goals, objectives and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote water conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for water conservation.

4. **More Intense Storms Adaptation Tools**

Climate change is expected to result in more intense storm events, with higher winds and heavier rain than in the past.

- a) **Develop runoff control bylaws** under s. 523 to deal with anticipated flood and runoff from storm events.
- b) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas subject to flooding and require they remain free from development except development may be permitted in accordance with the guidelines. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

5. **Wildfire Adaptation Tools**

As climate change results in hotter and longer dryer periods during the summer months, the risk of wildfires on the islands increases. Most islands have a wildfire plan prepared by the fire district or regional district.

- a) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas at risk to wildfires and include requirements respecting the character of development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures, and establish restrictions on the type and placement of trees and other vegetation in proximity to the development. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

6. **Warmer Summers and Warmer Winters Adaptation Tools**

Climate change is expected to lead to our summers and winters becoming warmer.

- a) **Establish development permit areas for energy conservation** under s. 488 of the *Local Government Act* to require that the exterior form and design of buildings, and other specific features of the development, reduce the need for energy in summer and winter. Local trust committees and Bowen Island Municipality could establish goals, objective and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote energy conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for energy conservation.

ATTACHMENTS:

1. Summary of Local Trust Committee OCP climate change policies already implemented
2. Summary of Local Trust Committee OCP climate change policies not yet implemented

FOLLOW-UP:

Further work in specified areas as indicated in the briefing, or as requested by the Trust Council, Executive Committee, Local Planning Committee or local trust committees.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief Administrative Officer/

Summary of Official Community Plan policies, listed by local trust area, that have been implemented in the land use bylaws.

Ballenas-Winchelsea Local Trust Area

- Shoreline Development Permit Area (applicable to 30 m upland of the natural boundary of the sea).
- Regulations in the land use bylaw exempts solar collectors, wind generators and water storage tanks from height restrictions.

Denman Island Local Trust Area

- Climate change impacts are considered in staff.
- Providing the dedication of conservation area, consistent with OCP policies for density transfer.

Gabriola Island Local Trust Area

Gabriola Island

- Climate change impacts are considered in staff reports.
- Providing for rainwater collection and storage, trail/path connections and dedication of 300+ acres of parkland.
- Development Approval Information (DAI) Bylaw amended (2013) to include option to address GHG emissions, anticipated energy usage, carbon emissions and groundwater resources in conjunction with bylaw amendment or TUP applications [Criteria for assessing OCP/LUB applications developed.
- Land Use Bylaw (parking regulations and Village DPA guidelines) amended to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces and increase walkability.
- Land Use Bylaw amended to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged, and to exclude cisterns from floor area calculation.
- Official Community Plan and Land Use Bylaw amended to encourage local food production.

Mudge Island

- Climate change impacts considered in staff reports.
- Land Use Bylaw amended to exclude from the calculation of lot coverage in the RR zone: cisterns and similar structures for rainwater collection and storage; fire-fighting towers; pervious paths, driveways and parking spaces; and garden beds.

DeCourcey Island

- Climate change impacts considered in staff reports.

Galiano Island Local Trust Area

- Climate change impacts considered in staff reports, and inclusion of a policy in the Land Use Policies section of the Official Community Plan applicable to consideration of all applications.
- Amendments to shoreline development permit area to include guidelines to consider and address sea level rise impacts.
- Changes to zoning regulations to permit small-scale renewable energy, specifically height regulations amended.

Gambier Island Local Trust Area

- Climate change impacts considered in staff reports.

Hornby Island Local Trust Area

- Climate change impacts considered in staff reports.
- Official Community Plan Water Supply Protection and Water Resource Protection Development Permit Area includes guidelines to protect water resources.
- Official Community Plan Community Service Use Development Permit Area includes guidelines to provide rainwater catchment and storage; and hydrology study.
- Official Community Plan Commercial Development Permit Area includes guidelines to maintain natural vegetation and reduce light pollution.
- Water storage tanks and wind turbines exempt from Land Use Bylaw height regulations.

Lasqueti Island Local Trust Area

- Climate change impacts considered in staff reports.

Mayne Island Local Trust Area

- Climate change impacts considered in staff reports.
- Zoning amended to exclude solar collectors, wind generators and water tanks from maximum height regulations.
- Geothermal heating systems permitted.
- Amendments to Land Use Bylaw to permit mixed use (second storey residential) in commercial zones.
- Zoning for employee accommodation in commercial resorts.
- Secondary suites permitted.

North Pender Island Local Trust Area

North Pender Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted.
- Temporary use permit guidelines amended to include climate change impacts.

North Pender Associated Islands

- Climate change impacts considered in staff reports.
- Shoreline DPAs include erosion provisions.

Salt Spring Island Local Trust Area

Salt Spring Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted in select areas.
- Amenity Zoning includes implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations.
- Climate change considered when evaluating suitability of density transfer.
- Rezoning application supporting local food production and storage as a community amenity
- Coordination with local and provincial agencies regarding fresh water demand and supply in relation to climate change.
- Land use regulations require 15m setbacks from natural bodies of water; 1.5 m elevation above natural body of water.
- Pathways and bikeways dedication at time of subdivision as per OCP Cycle Route map.

- DAI Bylaw including development permit checklist (both are drafted but not yet implemented).

Piers Island

- Climate change impacts considered in staff reports.
- 3.0 m elevation of buildings required if within 30m of water body.

Prevost Island

- Climate change impacts considered in staff reports.

Saturna Island Local Trust Area

- Climate change impacts considered in staff reports.
- Geothermal heating permitted.
- Secondary dwelling units (secondary suites amendment in process).
- Sustainability checklist.
- TUP guidelines amended to include consideration of climate change impacts.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.
- Although not a Bill 27 requirement, LUB was amended to limit dwelling floor area and overall floor area on residential lots.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.

Thetis Island Local Trust Area

Thetis Island and Valdes Island

- Climate change impacts considered in staff reports.

Thetis Associated Islands

- Climate change impacts considered in staff reports.
- Land Use Bylaw definition of floor area excludes any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection.
- Land Use Bylaw permits the following uses in all zones: conservation; water supply facilities for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures; solar collectors; wind turbines; and ocean geothermal loop exchange systems.
- Solar collectors are exempt from Land Use Bylaw height regulations.

Summary of Local Trust Committee Official Community Plan Policies that have yet to be implemented.

The following is a summary of Official Community Plan policies on climate change that have not yet been enacted in the land use bylaw regulations or through development permit areas. For actual wording of the policies, please consult that relevant official community plan bylaw.

Ballenas-Winchelsea Local Trust Area

- Identify significant un-fragmented forest and non-forest ecosystems and ensure these are noted on mapping for environmental and carbon sequestration value.

Denman Island Local Trust Area

- Review zoning to ensure provisions encourage energy efficiency and the greenhouse gas emissions reduction in new construction.
- Review development permit area guidelines and incorporate provisions to promote energy conservation, water conservation and greenhouse gas emissions reduction.
- Encourage renewable energy, limit fossil fuel consumption, encourage energy-efficient and carbon-efficient building construction.

Gabriola Island Local Trust Area

Gabriola Island

- Consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of GHGs.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- Amend LUB to consider setbacks from the ocean in relation to sea level rise.

Mudge Island

- Establish climate change as a fundamental factor in land use decision making.
- Encourage on-island agriculture and sharing of local food production.
- Encourage all new construction be built at the highest possible energy-efficiency standards.
- Further policies and actions to be considered as part of a future review of the OCP.

DeCourcey Island

- Encourage on-island agriculture and the sharing of local food production.
- Encourage new construction built at highest possible standards to reduce energy needs.
- Specific policies and actions to be included in a future OCP review.

Galiano Island Local Trust Area

- Amendments to parking requirements to require alternatives to parking spaces.
- Requiring new development to utilize building technology that minimizes energy use.

Gambier Island Local Trust Area

Gambier Island

- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support protection of forest resources.
- Require water storage with every dwelling unit.

Gambier Associated Islands

- Support actions to minimize GHG emissions.
- Recognize importance of forested lands in removing carbon dioxide from the atmosphere.
- Consider potential impacts on global climate change and GHG reduction targets when considering applications.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Reduce extent of infrastructure (e.g. development of common docks).
- Zoning regulations should support small scale residential solar and wind power generation on residential lots.

Keats Island

- Promote use and development of renewable energy sources.
- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support cluster development appropriate for Keats Island.
- Encourage energy efficient buildings.
- Encourage use of alternative energy.
- Encourage water storage for every dwelling unit

Hornby Island Local Trust Area

- Develop criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.
- Encourage retention of forest cover except for the clearing of land for farming in the ALR.
- Limit size of buildings and opportunities for attached dwelling units and visitor accommodation units.
- Encourage green building techniques and alternative energy systems (solar, wind, geothermal, or water based) into residential housing.
- Encourage safe multi-use trails and bike lanes to facilitate non-motorized forms of travel.
- Encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods.
- Support the local provision of services that residents presently travel off-island to access.
- Review LUB to provide for community gardens and community food processing and storage.
- Encourage local food production.

Lasqueti Island Local Trust Area

- Develop criteria for assessing OCP or zoning applications from the perspective of climate change adaptation and mitigation.
- Encourage energy conserving buildings.
- Encourage cycling and walking trails to permit non-automobile based forms of travel.
- Encourage water conservation and rainwater catchment.

Mayne Island Local Trust Area

- Permitting attached dwellings.
- DPA to manage lot layout.
- DPA for energy conservation.
- Amendments to amenity zoning and density transfer policies.

North Pender Island Local Trust Area

North Pender Island

- A review of overall development potential to consider amendments to zoning where changes could limit or reduce emissions.
- Permitting attached dwellings.
- Amending parking requirements.
- DPA to manage subdivision layout (conservation subdivision design project started but later abandoned by LTC).
- Second storey residential over commercial.
- Requiring cisterns or other water conservation measures in new development.
- Permitting community wood chipping or composting.
- Amend existing DPA to include energy conservation provisions.

North Pender Associated Islands

- Specific policies and actions to be included in a future review of the plan.

Salt Spring Island Local Trust Area

Salt Spring Island

- Calculation of carbon budget at time of rezoning or demonstrated conformity with LEED or similar.
- GHG or energy efficiency specific DPA.
- Amend fees bylaw to support energy efficient building design.
- Mapping and analysis to anticipate potential impacts of climate change on land use.
- Height relaxation for solar and wind power generation on residential lots.

Piers Island

- In progress of updating OCP for Climate Change.

Prevost Island

- No policies on climate change – bylaw requires updating

Saturna Island Local Trust Area

- Amending zoning to allow mixed use, including second storey residential in commercial designation.
- Amending parking requirements.
- Include energy conservation measures in DPA.
- Implement DPA for lot layout and tree removal.
- Permitting attached dwellings.
- Limit floor area of dwellings.

South Pender Island Local Trust Area

- Permit community gardens.

Thetis Island Local Trust Area

Thetis Island

- Develop new criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.

- Promote land use that supports local food production to reduce food transportation costs and GHGs.
- Support new forms of housing that include clustering and zero emission housing.
- Encourage local, small-scale generation of alternative non-polluting energy sources.
- Regulate the size, siting and height of wind turbines to minimize environmental impacts and safety risks.

Thetis Associated Islands

- Consider the potential impacts on climate change GHG emissions in bylaw provisions and review of development applications.
- Identify significant un-fragmented forest and wetland ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Through bylaw provisions, support residential renewable energy (e.g. micro hydro, solar, wind, waste heat, etc.) use.
- Promote the conservation of forested lands and wetlands as a cost effective and important climate change mitigation strategy.

Valdes Island

- Establish climate change as a fundamental factor in land use decision-making.
- Policies and actions with respect to climate change mitigation will be considered as part of a future review of the Rural Land Use Bylaw.

File No.: 06-2450-SP

(x-ref SP-DVP-03-97)

DATE OF MEETING: November 1, 2019

TO: South Pender Island Local Trust Committee

FROM: Phil Testemale
Southern Team

SUBJECT: Request for Discharge of Section 219 Covenant
Applicant: Mark & Lisa Strohschein
Location: 8806 Ainslie Point Road

RECOMMENDATION

1. That the South Pender Island Local Trust Committee accepts the discharge of Section 219 covenant EL096392 registered on Lot 9, Section 21, Pender Island, Cowichan District, Plan VIP53829, Except part in Plan VIP54818 and designates the Chair of the Local Trust Committee to sign the discharge of the covenant (8806 Ainslie Point Road).

PURPOSE

The purpose of this report is to consider a request from the owner to discharge a Section 219 Covenant registered on the subject property located at 8806 Ainslie Point Road (Attachment 1 and Figure 1).

The above recommendation is supported as: zoning restrictions on the size and type of accessory buildings when the covenant was registered have subsequently been amended to be more permissive than those in the covenant, and, as such, the covenant places an unnecessary encumbrance on the subject property.

BACKGROUND

The owners of 8806 Ainslie Point Road have made a written request (Attachment 2) to discharge the covenant on the property that exclusively places limits on the size and type of accessory buildings. Those limits are more restrictive than those currently regulated in the South Pender Island Land Use Bylaw 114, 2016 (LUB).

Where there is a covenant registered on a property that is more restrictive than zoning, the covenant restriction applies regardless of the zoning regulations.

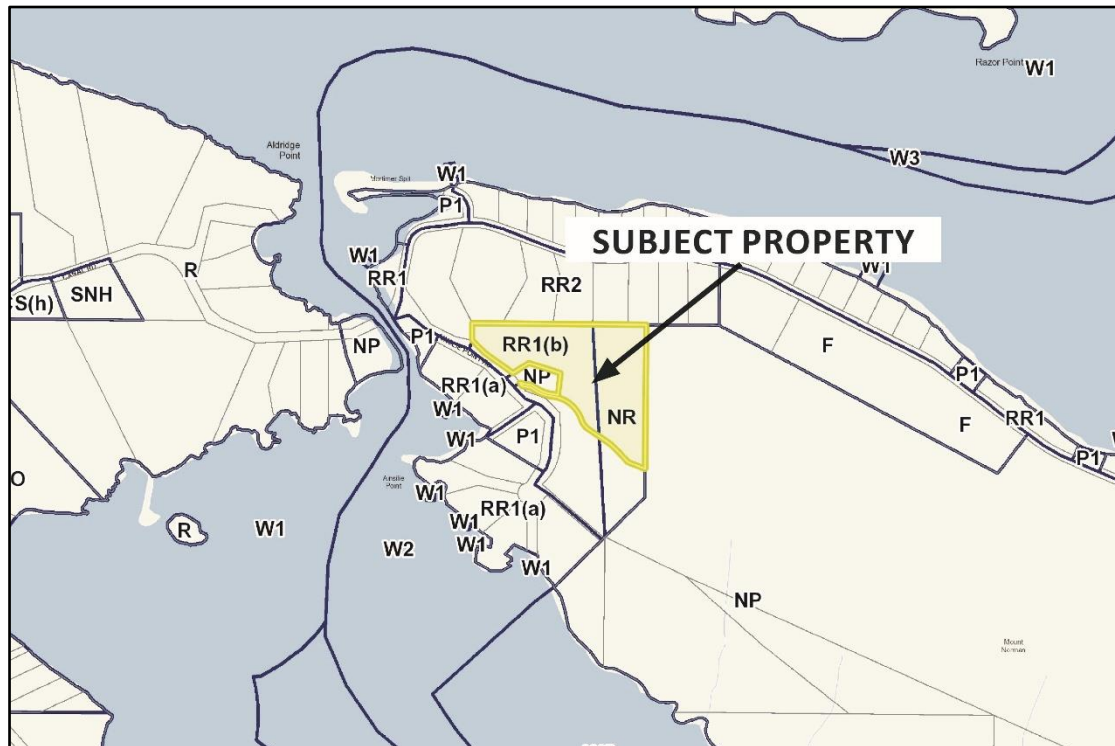
The owners are currently selling the property and the encumbrance has been highlighted by a potential purchaser.

The covenant was registered on the property as a condition for issuance of a Development Permit (SP-DVP-03-97 – Attachment 3) in 1997. The Bylaw of the day (South Pender Island Zoning Bylaw no. 4, 1980) limited the total area of all accessory buildings on lot to not exceed **70² (750 ft² - Subsection 4.9(3) b))**. The DVP allowed an increase in that total to **158 m² (1700ft²)**. The purpose of the covenant was to ‘cap’ the total floor area, and to further stipulate the type and sizes of accessory buildings. The relevant portion of the covenant is as follows:

1 (c) The total floor area of accessory buildings and structures on the land shall not exceed 1700 sq. ft. and shall be distributed as follows:

<i>1 garage</i>	<i>not to exceed 600 sq. ft.</i>
<i>1 pumphouse</i>	<i>not to exceed 100 sq. ft.</i>
<i>1 studio</i>	<i>not to exceed 500 sq. ft.</i>
<i>1 greenhouse</i>	<i>not to exceed 500 sq. ft.</i>

Figure 1 - Subject Property



The property is split zoned in South Pender Land Use Bylaw (114, 2016) **RR1 (b) Rural Residential One (b)**, and **Natural Resource (NR)**.

Split zoning is regulated through section 3.12 of the LUB as follows:

3.12 Lots Divided by a Zone Boundary

(1) If a lot is divided by one or more zone boundaries, the residential density permitted must be calculated by reference to the areas of the portions of the lot lying within each zone, and the dwellings and cottages may only be constructed on any portion of the lot if and to the extent that the minimum lot area or density regulation for that portion is complied with.

(2) If a lot is divided by one or more zone boundaries, lot coverage and maximum floor area must be calculated by reference to the areas of the portions of the lot lying within each zone.

The LUB therefore allows the following in terms of building floor areas:

- For the **RR 1 (b) zoned portion**:
 - 2.9 ha (7.2 ac.)
 - One (1) single family dwelling, one (1) cottage and **accessory uses**.
 - **The total floor area for all buildings (dwellings and accessory) is 836 m² (9000 ft²)** where the floor area of a dwelling may not exceed 543 m² (5845 ft²) and the maximum size for a cottage is 70 m² (753 ft²).
 - The maximum floor area of **any accessory building** may not exceed **140 m² (1507 ft²)**.
 - Theoretically, if a dwelling and cottage were built to maximum sizes, **223 m² (2400 ft²)** of accessory buildings could be constructed on this portion.
- For the **NR zoned portion**:
 - 2.7 ha (6.7 ac.).
 - One (1) single family dwelling is permitted that may not exceed 560 m² (6028 ft²), although the **lot coverage (all buildings) for the area zoned NP cannot exceed 1.5 %** of the lot size. That figure is **407 m² (4378 ft²)**,
 - No maximum floor area is stipulated for any accessory building, other than through the above calculation for all buildings.
 - The potential for accessory buildings is therefore dependent on the size of the dwelling.

Rationale for Recommendation

The recommendation on page 1 is supported as there is the potential for accessory buildings on the property with current LUB regulations that exceeds the limits of the covenant, even without accounting for the NP portion. That places an unnecessary encumbrance on the total floor area of accessory buildings on the property.

NEXT STEPS

- The owner's will have their legal counsel provide the legal documents to the Islands Trust for the Chair to sign, and then register the discharge with the Land Titles Office, all at their expense.

Submitted By:	Phil Testemale, Planner 2	October 24, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 24, 2019

ATTACHMENTS

1. Covenant EL096392
2. Letter from Owners
3. SP-DVP-03-97

**LAND TITLE ACT
FORM C**

(Section 219.81)

Province of

British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use)

97 AUG 19 11 32

EL096392

LAND TITLE OFFICE
VICTORIA

PAGE 1 of 5 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Scott-Moncrieff & Company
Barristers & Solicitors
#104-9710 2nd Street, Sidney, B.C.
V8L 3C4 656-0981

Agent

Client #10297

File No: 8527:ldh

Fees: \$50.00

2. PARCEL IDENTIFIER(S)
(PID)

017-710-499

LEGAL DESCRIPTION(S) OF LAND:*

(LEGAL DESCRIPTION)

**Lot 9, Section 21, Pender Island, Cowichan District,
Plan VIP53829, Except part in Plan VIP54818**

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

Section 219 Covenant

Part 2 Attached

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
(b) Express Charge Terms
(c) Release

D.F. No.

☒ Annexed as Part 2☐ There is no Part 2 of this instrument

01 97/08/19 11:32:25 01 VI 000965
CHARGE \$50.00

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):*

MICHAEL STEPHEN BURDETT and ANNE CATHERINE BURDETT

6. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s))*

THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE, a corporation under the Islands Trust Act, S.B.C. 1989, c. 68, with an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

EXECUTION DATE

Officer Signature(s)

Bryan W. Scott-Moncrieff
BRYAN W. SCOTT-MONCRIEFF
Barrister & Solicitor
104-9710 Second Street
Sidney, B.C. V8L 3C4

Y	M	D
97	07	31

Transferor(s) Signatures

Michael Burdett
Michael Stephen Burdett
Anne Burdett
Anne Catherine Burdett

OFFICER CERTIFICATION

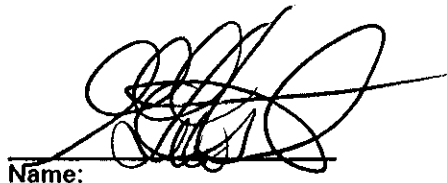
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

Page 2 of 5 Pages

Officer Signature(s)


Name:

GORDON McINTOSH
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
ISLANDS TRUST
2nd FLOOR, 1627 FORT STREET
VICTORIA, BC V8R 1H8

Execution Date

Y M D

97 08 13

97 08 13

Transferee(s) Signature(s)

**"The South Pender Island Local
Trust Committee by its
authorized signatory"**


Name: JOHN MCCREARY**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument

FORM C

(Section 219.81)

PROVINCE OF BRITISH COLUMBIA

GENERAL INSTRUMENT - PART 2

Page 3 of 5 Pages

THIS AGREEMENT made the day of July, 1997 is

BETWEEN: **Michael Stephen Burdett, and, Anne Catherine Burdett, 6616 Harbour Hills Road, Pender Island, B.C. (the "Transferor(s))"**

AND:

The South Pender Island Local Trust Committee, 2nd Floor, 1627 Fort Street, Victoria, B.C. (the "Transferee")

WHEREAS:

- A. The Transferors are the registered owners of the property more commonly known and described as Lot 9, Section 21, Pender Island, Cowichan District, Plan VIP53829, except part in Plan VIP54818 (hereinafter referred to as the "land").
- B. The Transferors have applied to the Transferee for a Development Variance Permit to increase the floor area of accessory buildings and structures on the land from 750 sq. ft. to 1700 sq. ft.
- C. The Transferee, as a condition to granting approval of the Development Variance Permit, have requested the Transferors to enter into a covenant on the terms and conditions hereinafter contained, pursuant to section s. 219 of the *Land Title Act*.
- D. The Transferors have agreed to grant this covenant on the terms and conditions hereinafter contained to ensure that the development of the land proceeds in a manner that benefits the Transferors and is in the public's interest.

NOW THEREFORE WITNESSETH that in consideration for the sum of **TWO (\$2.00) DOLLARS** now paid by the Transferee to the Transferors (the receipt and sufficiency of which is hereby acknowledged by the Transferors), the Transferors covenant and agree with the Transferee, as a covenant granted in accordance with s. 219 of the *Land Title Act*, as follows:

- 1(a) "Accessory" In relation to a use, building, or structure" means incidental, secondary and exclusively devoted to a principal use, building or structure.

FORM C

(Section 219.81)

PROVINCE OF BRITISH COLUMBIA

GENERAL INSTRUMENT - PART 2

Page 4 of 5 Pages

1(b) No accessory building or structure on the land shall be used for human habitation.

1(c) The total floor area of accessory buildings and structures on the land shall not exceed 1700 sq. ft. and shall be distributed as follows:

1 garage	not to exceed 600 sq. ft.
1 pumphouse	not to exceed 100 sq. ft.
1 studio	not to exceed 500 sq. ft.
1 greenhouse	not to exceed 500 sq. ft.

2. All of this Agreement constitutes a single covenant granted by the Transferors to the Transferee in accordance with s. 219 of the *Land Title Act*, and that covenant burdens the land and runs with it and binds the successors in title to the land. The covenant created by this Agreement burdens and charges all of the land and any parcel into which it is subdivided by any means and any parcel into which it is consolidated.
3. The Agreement benefits and binds the Transferors and the Transferee, their assigns, successors, heirs, executors, administrators and personal representatives. The Transferors are not liable for any breach of this Agreement which occurs after the Transferors have ceased to be the owners of the land.
4. This Agreement is the entire agreement between the parties concerning its subject, and supersedes and terminates all other agreements, understandings or promises concerning its subject. The Transferee has made no representations and gives no warranties to the Transferors regarding the subject of this Agreement or any related matter or proceeding.
5. A waiver of any breach of this Agreement is binding only if given in an instrument executed by the party giving the waiver, and only if the waiver is an express waiver of the breach in question. A waiver of a breach of this Agreement operates to waive only the breach in respect of which it has expressly been given.
6. Nothing in this Agreement exempts the Transferors of the land from any statutory requirement or from the ordinary jurisdiction of the Transferee, its bylaws, permits, regulations and orders.

FORM C

(Section 219.81)

PROVINCE OF BRITISH COLUMBIA

GENERAL INSTRUMENT - PART 2

Page 5 of 5 Pages

-
7. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in full force unaffected by that holding or by the severance of that part.
 8. The Transferors agree to do everything reasonably necessary, at the Transferor's expense, to ensure that this Agreement is registered against title to the land with priority over all financial charges, liens, encumbrances, or the registration of which is pending, at the time of application for registration of this Agreement in the Land Title Office.
 9. This Agreement is a contract between the Transferors and the Transferee and is also a deed executed and delivered under seal by the Transferors to the Transferee.
 10. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

END OF DOCUMENT

Mark & Lisa Strohschein
8806 Ainslie Pt Road
South Pender, BC V0N 2M3
Cell: (250) 514-0075

October 17, 2019

RE: To Discharge the restrictive covenant EL96392 registered on title for 8806 Ainslie Point Road

Dear South Pender Local Trust Committee, Cameron Thorn and Steve Wright, Planner Phil Testemale,

Attached: Our Title
 Restrictive Covenant EL96392
 Email from Planner Phil Testamale
 Email from Planner Phil Testemale

We are requesting to remove the Restrictive Covenant EL96392 from our title. At the time this permission was granted, the South Pender Bylaws were different, and allowed the Burdette's (former owners) for more structures that the Bylaws allowed for at that time (750 sqft).

The request allowed the following accessory buildings:

- 1 garage not to exceed 600 sq ft
- 1 pumphouse not to exceed 100 sq ft
- 1 studio not to exceed 500 sq ft
- 1 greenhouse not to exceed 500 sq ft

I believe the former owners intended to build these structures but they were not all built. The garage/shop was built and a few small sheds under 100 sqft.

The current bylaws are much more fluid in that they do not label the permitted structures, or their uses and they look at lot coverage vs counting buildings. We request that the Restrictive Covenant be removed, and the current bylaws will regulate the accessory buildings going forward.

Our property has two types of zoning. The following method would be how accessory buildings would be determined under the current bylaws when using the zoning division set out in Phil Testamale's email RR1b is 7.2 Acres and NR is 6.7 Acres:

RR1b – 5.1(5) The total floor area of all buildings may not exceed 9000 sqft

NR – 5.7 (4) The area of lot covered by buildings and structure shall not exceed 1.5%

There was a bylaw infraction noted on Phil Testemale's email, but we have since resolved that issue. It was requested that we move the tiny mobile home from the RR1b section to the NR zone, we since sold that structure and it has been removed. We did not want to put it on the NR part of the property which backs on to Mount Norman. Although a site on the NR section was prepped for it, and it had a view, we did not wish to compromise our family's privacy to make it work. We have a large family and safety was a concern for us more so than the income it produced for the family.

Sincerely,
Mark & Lisa Strohschein

TITLE SEARCH PRINT

2019-09-26, 11:55:39

File Reference:

Requestor: Charmaine Harris

Declared Value \$550000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA4339180

EJ67579

Application Received

2015-04-16

Application Entered

2015-04-20

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

MARKUS STROHSCHIEIN, BUSINESSMAN
LISA DAWN STROHSCHIEIN, BUSINESSWOMAN
8806 AINSLIE POINT ROAD
PENDER ISLAND, BC
V0N 2M3
AS JOINT TENANTS

Taxation Authority

Capital Assessment Area

Description of Land

Parcel Identifier:

017-710-499

Legal Description:

LOT 9, SECTION 21, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP53829, EXCEPT
PART IN PLAN VIP54818

Legal Notations

HERETO IS ANNEXED EASEMENT EF18167 OVER THAT PART OF LOT 8,
PLAN VIP53829 SHOWN ON PLAN VIP53830

HERETO INTER ALIA IS ANNEXED EASEMENT EF18202 OVER LOT 10,
PLAN VIP53829

HERETO IS ANNEXED RESTRICTIVE COVENANT EF99992 OVER LOT A, PLAN
VIP54818

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE MUNICIPAL
ACT, SEE EL126895

TITLE SEARCH PRINT

File Reference:

Declared Value \$550000

2019-09-26, 11:55:39

Requestor: Charmaine Harris

Charges, Liens and Interests

Nature:	UNDERSURFACE RIGHTS
Registration Number:	423386G
Registration Date and Time:	1971-07-27 12:27
Registered Owner:	RALPH MEREDYTH TURTON
Remarks:	DD 247431I; ASSIGNMENT OF 186679G (SEE 423385G); INTER ALIA; TRANSFERRED TO EF17298
Nature:	UNDERSURFACE RIGHTS
Registration Number:	R104855
Registration Date and Time:	1986-11-28 08:54
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA; SURRENDER OF CERTAIN MINERALS
Nature:	UNDERSURFACE RIGHTS
Registration Number:	EF17298
Registration Date and Time:	1992-02-14 12:33
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA, TRANSFER OF 4233386G; PURSUANT TO MINERAL LAND TAX ACT, MINTERALS HEREIN; FORFEITED AND VESTED IN THE CROWN
Nature:	EASEMENT
Registration Number:	EF18166
Registration Date and Time:	1992-02-17 13:54
Remarks:	DD EF18165; PART IN PLAN VIP53830; APPURTENANT TO LOT 1, PLAN 43412
Nature:	EASEMENT
Registration Number:	EF18168
Registration Date and Time:	1992-02-17 13:54
Remarks:	DD EF18165; PART IN PLAN VIP53830; APPURTENANT TO LOT 8, PLAN VIP53829
Nature:	COVENANT
Registration Number:	EL96392
Registration Date and Time:	1997-08-19 11:32
Registered Owner:	THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

TITLE SEARCH PRINT

2019-09-26, 11:55:39

File Reference:

Requestor: Charmaine Harris

Declared Value \$550000

Nature:	MORTGAGE
Registration Number:	CA4339181
Registration Date and Time:	2015-04-16 10:15
Registered Owner:	FIRST WEST CREDIT UNION INCORPORATION NO. FI156

Duplicate Indefeasible Title	NONE OUTSTANDING
-------------------------------------	------------------

Transfers	NONE
------------------	------

Pending Applications	NONE
-----------------------------	------

**LAND TITLE ACT
FORM C**

(Section 219.81)

Province of

British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use)

97 AUG 19 11 32

EL096392

LAND TITLE OFFICE
VICTORIA

PAGE 1 of 5 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Scott-Moncrieff & Company
Barristers & Solicitors
#104-9710 2nd Street, Sidney, B.C.
V8L 3C4 656-0981

Agent

Client #10297

File No: 8527:ldh

Fees: \$50.00

2. PARCEL IDENTIFIER(S)
(PID)

017-710-499

LEGAL DESCRIPTION(S) OF LAND:*
(LEGAL DESCRIPTION)

**Lot 9, Section 21, Pender Island, Cowichan District,
Plan VIP53829, Except part in Plan VIP54818**

3. NATURE OF INTEREST:*
DESCRIPTION

Section 219 Covenant

DOCUMENT REFERENCE
(page and paragraph)
Part 2 Attached**PERSON ENTITLED TO INTEREST**

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
(b) Express Charge Terms
(c) Release

D.F. No.

☒ Annexed as Part 2☐ There is no Part 2 of this instrument

01 97/08/19 11:32:25 01 VI 000965
CHARGE \$50.00

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):***MICHAEL STEPHEN BURDETT and ANNE CATHERINE BURDETT****6. TRANSFEREE(S):** (Including occupation(s), postal address(es) and postal code(s))*

THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE, a corporation under the Islands Trust Act, S.B.C. 1989, c. 68, with an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

EXECUTION DATE

Officer Signature(s)

[Signature]
BRYAN W. SCOTT-MONCRIEFF
Barrister & Solicitor
104-9710 Second Street
Sidney, B.C. V8L 3C4

Y	M	D
97	07	31

Transferor(s) Signatures

[Signature]
Michael Stephen Burdett
[Signature]
Anne Catherine Burdett

OFFICER CERTIFICATION

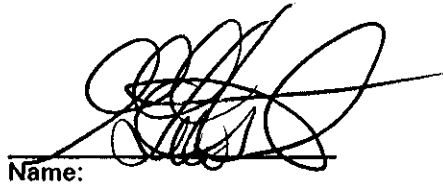
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

Page 2 of 5 Pages

Officer Signature(s)


Name:

GORDON McINTOSH
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
ISLANDS TRUST
2nd FLOOR, 1627 FORT STREET
VICTORIA, BC V8R 1H8

Execution Date

Y M D

97 08 13

97 08 13

Transferee(s) Signature(s)

**"The South Pender Island Local
Trust Committee by its
authorized signatory"**


Name: JOHN MCCREARY**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument

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FORM C

(Section 219.81)

PROVINCE OF BRITISH COLUMBIA

GENERAL INSTRUMENT - PART 2

Page 4 of 5 Pages

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FORM C

(Section 219.81)

PROVINCE OF BRITISH COLUMBIA

GENERAL INSTRUMENT - PART 2

Page 5 of 5 Pages

-
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 10. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

END OF DOCUMENT

Phil Testemale

From: Phil Testemale
Sent: Tuesday, January 15, 2019 3:31 PM
To:
Cc: Warren Dingman
Subject: 8806 Ainslie Point Road

Hello

I managed to get access to our property system and now am able to give you some clearer answers – apologies.

First, as discussed as the property is 'split zoned (**RR1 (b) Rural Residential One (b)** – 2.9 ha (7.2 ac.), and **Natural Resource (NR)** 2.7 ha (6.7 ac.)). Split zoning is regulated through section 3.12 of the South Pender Land Use Bylaw (114, 2016 <http://www.islandstrust.bc.ca/media/344528/bylaw-no-114-lub-adopted-oct-3-17-1.pdf>) :

3.12 Lots Divided by a Zone Boundary

- (1) If a *lot* is divided by one or more *zone* boundaries, the residential density permitted must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*, and the *dwelling*s and *cottage*s may only be constructed on any portion of the *lot* if and to the extent that the minimum *lot* area or density regulation for that portion is complied with.
- (2) If a *lot* is divided by one or more *zone* boundaries, *lot coverage* and *maximum floor area* must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*.
- (3) Despite Subsection 3.12(1), if one of the portions of the *lot* is in the Agricultural (A) Zone, the *dwelling* or *cottage* permitted in respect of that portion of the *lot* may be sited on another portion of the *lot*.

(last is non-applicable)

As such the following is permitted:

For the **RR 1 (b) zoned portion: One (1) single family dwelling, one (1) cottage and accessory uses. The total floor area for all buildings on that portion (dwellings and accessory) is 836 m² (9000 ft²). The floor area of a dwelling may not exceed 543 m² (5845 ft²); max size for a cottage is 70 m² (753 ft²)**

For the **NR zoned portion: One (1) single family dwelling. The floor area of that dwelling may not exceed 560 m² (6028 ft²) The Lot coverage (all buildings) for the area zoned NP cannot exceed 1.5 %.**

Please note that the foregoing must be applied individually to the in the portion that it is zoned for (i.e. you could **not** build two (2) dwellings and one (1) cottage all on the RR1(b) zone).

Lastly, there is a bylaw enforcement file open on this property for an illegal Short Term Vacation Rental operation and number of dwellings (tiny homes). I am cc'ing Warren Dingman, Bylaw Enforcement Officer. Please contact him if you require clarification or additional information on the infractions.

Sincerely,

Phil Testemale

A/ Planner 2

Islands Trust

200 – 1627 Fort Street

Victoria, BC V8R 1H8

Office: (250) 405-5170 Fax: (250) 405-5155

Email: ptestemale@islandstrust.bc.ca

Web: www.islandstrust.bc.ca

*Preserving **Island** communities, culture and environment*



Please consider the environment before printing this email

From: [Phil Testemale](#)
To: ["charris@coastalliferealty.ca"](mailto:charris@coastalliferealty.ca)
Cc: ["lisastroh"](#); [Robert Kojima](#); [Sharon Lloyd-deRosario](#)
Subject: 8806 Ainslie Point Road
Date: October 3, 2019 10:08:58 AM

Hello Charmaine,

As the current [Land Use Bylaw](#) is more permissive (allows more square footage for accessory buildings) than the DVP, then current zoning would take precedent over the permit. However, as the s. 219 Covenant registered on title is a legal contract that is more restrictive than the zoning (it limits accessory building size, use and number on the property), then it (the covenant) has precedent over zoning.

Therefore, if your client wants to construct accessory buildings that (in building size, use and number) exceed the covenant, then they need to apply to the South Pender Island Local Trust Committee in writing to have the covenant released (citing the covenant number and reasons). This would require a resolution from the LTC and all legal costs would be the responsibility of the land owner. Once released, the owner would be able to build in compliance with the size restrictions in the LUB.

I hope this explains sufficiently,

Phil Testemale

Planner 2 – Southern Team
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
In Victoria 250-405-5170
Enquiry BC Toll-free call 1-800-663-7867
Or from the lower mainland 1-604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustconservancy.ca
Preserving Island communities, culture and environment since 1974



Please consider the environment before printing this email

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

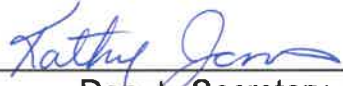
SP-DVP-03-97

To: M. and A. Burdett

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

Lot 9, Section 21, Plan VIP53829, Pender Island, Cowichan District.,
Except Plan VIP54818.
2. South Pender Island Zoning Bylaw No. 4, being " Zoning Bylaw, South
Pender Island, 1980" is varied as follows:
 - a) Section 4.9(3)(b) is varied to provide for a total floor area of
accessory buildings of 1,700 sq.ft. in accordance with the siting
plan Schedule "A" attached to and forming part of this permit.
3. This permit is not a building permit and does not remove any obligation on
the part of the permittee to comply with all other requirements of "South
Pender Island Zoning Bylaw, 1980" and to obtain other approvals
necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE THIS 19th DAY OF September, 1997.



Deputy Secretary, Islands Trust

September 23, 1997
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE
23rd DAY OF September , 1999, THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE "A"

LOT 9, SECTION 21
PENDER ISLAND, COWICHAN DISTRICT
PLAN V.P. 53829

* HYDRO WILL GO UNDERGROUND TO COTTAGE, HOUSE & WELL FROM STABLES

ALL MEASUREMENTS ARE APPROXIMATE

REMAINDER LOT A

TREES

POINT

ROAD

LOT A 0.9 AC

TREES

ROCKY BLUFF

TREES

PROPOSED COMPALE - 600'

PROPOSED STUDIO - 500'

TREES

HYDRO POLE

PROPOSED GARAGE SITE

HYDRO POLE

PROPOSED HOUSE

PROPOSED WELL

PROPOSED PUMP HOUSE

SEASONAL CREEK

POND

CLEARED AREA

HOUND NORTH PARK

LOT 15

LOT 14

LOT 13

Date of Issuance



REQUEST FOR DECISION

To: South Pender Island Local Trust Committee
For the Meeting of: November 1, 2019

From: David Marlor, Director, Local Planning Services
Date Prepared: October 23, 2019

SUBJECT: Live Streaming of Local Trust Committee Meetings

RECOMMENDATION:

That the Local Trust Committee communicate to Trust Council its interest (or lack thereof) in filming and streaming its public meetings.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Meeting streaming provides a new way for island constituents to engage in Islands Trust work. Challenges and opportunities related to this topic will be explored in a report to Trust Council in coming months.

1 PURPOSE:

To determine the level of interest in streaming local trust committee meetings.

2 BACKGROUND:

At its June 19, 2019 meeting Trust Council made the following resolutions:

"That Trust Council request that each local trust committee and Trust Council committees indicate whether it has an interest in filming and streaming its public meetings."

And,

"That Trust Council request staff to prepare a report about the costs and feasibility of filming and streaming videos of public meetings through the new Islands Trust website and social media."

The report requested in the latter resolution is currently being prepared by staff.

Forming part of this discussion will be the level of interest of Council committees in pursuing this initiative for their own public meetings. As such, a committee decision is required for communication to Trust Council to inform dialogue and appropriate resource allocation.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: A change in procedures for how local trust committee meetings are organized and conducted.

FINANCIAL: Additional costs for equipment, processing and storage of recordings and staff resources to operate the equipment.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The interest or lack thereof of the Local Trust Committee will be communicated to Trust Council as requested.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S):
None.

5 ATTACHMENT(S):
None.

RESPONSE OPTIONS

That the Local Trust Committee communicate to Trust Council its interest in filming and streaming its public meetings.

OR

That the Local Trust Committee communicate to Trust Council that it is not interested in filming and streaming its public meetings.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By: Clare Frater, Director, Trust Area Services



DATE OF MEETING: November 1, 2019
TO: South Pender Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance & Enforcement Manager, Local Planning Services
SUBJECT: Bylaw Enforcement Notification Bylaw

RECOMMENDATION

1. That South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 116, 2019”, be adopted.

REPORT SUMMARY

This report recommends that South Pender Island Local Trust Committee adopt South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019 (BEN), subject to Executive Committee approval at its regular business meeting on the 30th of October.

Background:

At the September 6, 2019 meeting, South Pender Island Local Trust Committee gave three readings to Bylaw No. 116 making the following resolutions:

1. That South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be read a first time.
2. That South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be read a second time.
3. That South Pender Island Local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be read a third time.
4. That the South Pender Island local Trust Committee Bylaw No. 116, cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Rationale for Adoption

Adoption of a BEN bylaw would allow the South Pender LTC to more effectively deal with complaints received from South Pender Islanders about potential bylaw contraventions. The BEN bylaw provides the ability to negotiate compliance agreements – to outline the approach to be taken to achieve bylaw compliance – and an opportunity to reduce fines to zero when compliance is achieved.

Proposed Bylaw No.116 is consistent with Islands Trust Council policies and approved by the Executive Committee.

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement Manager	October 22, 2019
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ATTACHMENT

1. SP-LTC_BEN-Bylaw-116



South Pender Island Local Trust Committee

Bylaw Enforcement Notice Bylaw *Screening Officer's Powers and Duties Policy* November 1, 2019

Appointment of Screening Officers

Pursuant to section 7.2 of the South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Compliance and Enforcement Manager; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the South Pender Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) **Bylaw Compliance and Enforcement Manager.** In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) **Bylaw Compliance and Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

- 1) the Bylaw Violation Notice was issued to the wrong person;

- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) The evidence is inadequate to show a contravention;
 - b) Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c) The Bylaw Violation Notice was not completed properly.
- 5) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b) The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.
- 6) the disputant intends to challenge the bylaw or the intended defence is ill suited to the adjudication process.



BYLAW VIOLATION NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO:

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____
If paid within 15-28 days \$ _____
If paid after 28 days* \$ _____
*See reverse for additional information on late payments.

METHOD OF DELIVERY:	
☐	In Person
☐	By Mail



Islands Trust

ADJUDICATION REQUEST

To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 116

A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE SOUTH PENDER ISLAND LOCAL TRUST AREA

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 the South Pender Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the South Pender Island Local Trust Area;

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

Citation

1. This Bylaw may be cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 116, 2019”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the South Pender Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedule “A” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule “A” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty Amount set out in column A2 of Schedule “A” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under

- paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedule “A” as attached to this bylaw; or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the Act.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the Act to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:
- (1) Regional Planning Manager;
 - (2) Bylaw Compliance and Enforcement Manager;
 - (3) Bylaw Compliance and Enforcement Officer;
 - (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedule is attached to and forms part of this bylaw:

- (a) Schedule A – South Pender Island Land Use Bylaw No. 114, 2016 Contraventions and Penalties

READ A FIRST TIME THIS 6TH DAY OF SEPTEMBER ,2019

READ A SECOND TIME THIS 6TH DAY OF SEPTEMBER ,2019

READ A THIRD TIME THIS 6TH DAY OF SEPTEMBER ,2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
30TH DAY OF OCTOBER ,2019

ADOPTED THIS DAY OF ,2019

SECRETARY

CHAIR

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(1)	Prohibited Airport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(2)	Prohibited Heliport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(3)	Prohibited Seaplane Facility	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(4)	Prohibited Private Marina	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(5)	Prohibited Disposal of Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(6)	Prohibited Junkyard/Auto Wrecking Yard/Storage of Derelict Vehicles	\$350.00	\$262.50	\$525.00	Yes	100%
3.2(7)	Prohibited Landfill/ Disposal or Storage of Hazardous/Toxic Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(8)	Prohibited Dirt Bike or ATV Trail	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(9)	Prohibited Rental/Sale/Commercial Storage of Personal Watercraft	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(10)	Prohibited Residential Use of Vessel	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(11)	Prohibited Commercial Use of Buoy/Float/Dock/Wharf/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(12)	Buildings/Structures Prohibited While Used for Prohibited Use	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(13)	Prohibited Dwellings/Cottages on Common Strata Property	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(14)	Prohibited Boathouse	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(15)	Prohibited Floatplane Hangar	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(2)	Building/Structure in Setback from Freshwater Waterbody	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(3)	Building/Structure in Setback from Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(4)	Sewage System Too Close to	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

	Watercourse/Well/Domestic Water Supply					
3.4(1)	Dwelling/Cottage Too High	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(2)	Accessory Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
3.5(1)	Accessory Building Used For Human Habitation	\$500.00	\$375.00	\$750.00	Yes	100%
3.5(3)	Outbuilding On Lot Before Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(1)	Home Businesses Goods Less Than 70% Homemade/ Retail Sales Unrelated To Personal Service	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(2)(a)/(b)/(c)	Prohibited Home Occupation	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(3)	Home Occupation Not Indoors/Screened	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(4)	Home Occupation Too Big	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(5)	Home Occupation No Resident Owner/Operator	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(6)	Home Occupation Too Many Employees	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(7)	Home Occupation Improper Parking	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(a)	B & B In Wrong Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(c)	B & B Too Many Bedrooms	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(d)	B & B Too Many Employees	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(e)	B & B Providing Meals Other Than in Morning	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(f)	B & B Improper Parking	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(g)	B & B In Accessory Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(9)(a)	STVR In Wrong Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(9)(b)	STVR Use in Cottage and Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(9)(c)	More Than One Cottage On Lot Used For STVR	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(1)	Over Height Agricultural Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)	Over Height Fence	\$200.00	\$150.00	\$300.00	Yes	100%
3.9(1)	Improper Vegetative Landscape Screen	\$200.00	\$150.00	\$300.00	Yes	100%
3.9(2)	Improper Non-vegetative Screen	\$200.00	\$150.00	\$300.00	Yes	100%
3.10(1)	Unpermitted Use of Recreational Vehicle	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

3.11(1)	Storing More Than One Unlicensed Vehicle	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(2)	Storing Unusable Vehicle/Vessel	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(1)	Unpermitted Use In RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(2)/(3)/(4)	Unpermitted Dwelling/Cottage In RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(5)	Exceed Floor Area on Lot	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)(a)	Building/Structure In Setback From Front/Rear Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)(b)	Building/Structure in Setback from Interior Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)(c)	Building/Structure in Setback From Exterior Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(7)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(8)	Using more than one Dwelling Or Cottage At Same Time in RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(1)	Unpermitted Use in C Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(2)	Combined Floor Area of Buildings and Structures Covers Too Much Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(3)	A Building/Structure Covers Too Much Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(4)(a)	Building/Structure in Front/Rear Setback	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(4)(b)	Building/Structure in Interior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(4)(c)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(6)	Resort Hotel Fail To Comply With Conditions Of Use.	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(1)	Unpermitted Use In S Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(1)	Unpermitted Use In S2 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.4(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

5.4(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(1)	Unpermitted Use in A Zone	\$500.00	\$375.00	\$525.00	Yes	100%
5.5(2)	More Than One Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(3)	Extra Cottage/Dwelling Without Ongoing Agriculture	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(4)/(5)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(6)(a)	Building/Structure in Front/Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(6)(b)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(7)(a)/(b)/(c)/(d)	Agricultural Buildings/Structures in Setback	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(9)	Exceed Dwelling Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(10)	Using More Than One Dwelling Or Cottage At Same Time In RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(1)	Unpermitted Use In F Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(2)	More than One Dwelling and One Cottage	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(3)/(4)	Exceed Lot coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(5)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(6)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(7)	Exceed Dwelling floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.6.8	Using More Than One Dwelling Or Cottage At Same Time in RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(9)	Portable Sawmill In Setback	\$350.00	\$262.50	\$750.00	Yes	100%
5.7(1)	Unpermitted Use in NR Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(2)	More than One Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(3)	More Than One Dwelling and One Cottage	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(4)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(5)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(6)	Exceed Dwelling Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(7)	Using More Than One Dwelling Or Cottage At Same Time in RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.8(1)	Unpermitted Use In	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

	Community Park Zone					
5.8(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.8(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.8(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(1)	Unpermitted Use in NP Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.9(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(1)	Unpermitted Use In RC Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.10(2)	Exceed Lot Coverage	\$350.00	\$262.00	\$525.00	Yes	100%
5.10(3)	Building/Structure Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(4)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(5)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.11(1)	Unpermitted Use in W1 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(2)	Unpermitted Building on Float/Wharf	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(3)	Float/Wharf Exceeds combined Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(4)	Ramp/Walkway Exceeds Width	\$350.00	\$262.50	\$525.00	Yes	100%
5.11(5)	Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.12(1)	Unpermitted Use in W2 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.12(2)	Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(1)	Non Permitted Use in W3 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.13(3)	W3 Uses Outside W3 Zone	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(4)	Building Exceeds floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(5)	Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.14(1)	Unpermitted Use in W4 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.15(2)	Unpermitted Use in W5 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
6.2(1)/(2)/(3)	Prohibited Sign	\$350.00	\$262.50	\$525.00	Yes	100%
6.4(1)	Sign Outside Front or Exterior Setback Area	\$350.00	\$262.50	\$525.00	Yes	100%
6.5	Fail to Remove Obsolete Sign	\$350.00	\$262.50	\$525.00	Yes	100%
6.6	Too Many/Too Large Sign	\$350.00	\$262.50	\$525.00	Yes	100%
7.2	Parking Fails To Meet Design Standard	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

7.2(2)	Parking Space Too Small	\$350.00	\$262.50	\$525.00	Yes	100%
7.3(4)	Fail to Provide/Maintain Required Off Street Parking	\$350.00	\$262.50	\$525.00	Yes	100%



Updated: Oct 17, 2019

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

DRAFT NOTICE OF 2020 BUSINESS MEETINGS

**THE LTC HAS _____ THE FOLLOWING DATES FOR ITS
2020 MEETING SCHEDULE.**

**THE LTC MEETS BI-MONTHLY EVERY 1st FRIDAY AT 10:30 AM
UNLESS OTHERWISE NOTED.**

**MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE SOUTH PENDER LTC
WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION.**

February 7, 2020
May 1, 2020
September 4, 2020
November 6, 2020

TENTATIVE LOCATION: SOUTH PENDER FIRE HALL – 8961 GOWLLAND POINT RD.

**These are regular business meetings of the Local Trust Committee, where they will
consider items such as bylaws, applications, and correspondence.**

ALL MEETINGS ARE OPEN TO THE PUBLIC

**Website: www.islandstrust.bc.ca/spender
Email: information@islandstrust.bc.ca
Phone: 250-405-5151**