



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: November 5, 2021
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

		Pages
1.	CALL TO ORDER	10:30 AM - 10:30 AM
2.	APPROVAL OF AGENDA	10:30 AM - 10:35 AM
3.	TRUSTEE REPORT	10:35 AM - 10:45 AM
4.	CHAIR'S REPORT	
5.	TOWN HALL AND QUESTIONS	10:45 AM - 11:00 AM
6.	COMMUNITY INFORMATION MEETING	
	None	
7.	PUBLIC HEARING	
	None	
8.	MINUTES	11:00 AM - 11:10 AM
8.1.	Adopted Local Trust Committee Minutes Dated September 24, 2021 (for Adoption)	3 - 8
8.2.	Section 26 Resolutions-without-meeting - None	
8.3.	Advisory Planning Commission Minutes - None	
9.	BUSINESS ARISING FROM THE MINUTES	
9.1.	Follow-up Action List Dated Oct 2021	9 - 9
10.	DELEGATIONS	
11.	CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>		

12.	APPLICATIONS AND REFERRALS	
13.	LOCAL TRUST COMMITTEE PROJECTS	11:10 AM - 12:30 PM
13.1.	Short Term Vacation Rental Project - Consideration of Adoption of Bylaws 119 and 120 – Staff Report (attached)	10 - 16
13.2.	Shoreline Review - Staff Report (attached)	17 - 20
13.3.	Land Use Bylaw Amendments Project - Staff Report (attached)	21 - 31
13.4.	Minor Official Community Plan Amendments Project - Staff Report (attached)	32 - 48
14.	REPORTS	12:30 PM - 12:40 PM
14.1.	Work Program Reports (attached)	
14.1.1.	<u>Top Priorities Report Dated Oct 2021</u>	49 - 49
14.1.2.	<u>Projects List Report Dated Oct 2021</u>	50 - 50
14.2.	Applications Report Dated Oct 2021 (attached)	51 - 51
14.3.	Trustee and Local Expense Report Dated Sept 2021 (attached)	52 - 52
14.4.	Adopted Policies and Standing Resolutions (attached)	53 - 54
14.5.	Local Trust Committee Webpage	
14.6.	Islands Trust Conservancy Report - None	
15.	NEW BUSINESS	12:40 PM - 1:00 PM
15.1.	New Fee Bylaw - Request for Decision (attached)	55 - 71
15.2.	Advisory Planning Commission Appointments – Staff Memo (attached)	72 - 72
16.	UPCOMING MEETINGS	1:00 PM - 1:05 PM
16.1.	Draft 2022 LTC Meeting Schedule (attached) (for approval)	73 - 73
17.	TOWN HALL	1:05 PM - 1:20 PM
18.	CLOSED MEETING	
	None	
19.	ADJOURNMENT	1:20 PM - 1:20 PM



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 24, 2021
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: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager South Office
Dionne LoForte, Recorder

Public: There were approximately 10 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:45 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- September 18th, 2021 South Pender APC minutes to be added; approved minutes to become item 8.5.

By general consent, the agenda was approved as amended.

3. TRUSTEE REPORT

4. CHAIR'S REPORT

5. TOWN HALL AND QUESTIONS

Q: A member of the public inquired about the Islands Trust Policy Statement (TPS).

A discussion was held regarding the following matters:

- the TPS budget;
- the future of the traditional town hall format;

- questions regarding the TPS moving forward as a re-write and whether the public's concerns will be heard concerning the current draft;
- the Fraser Simpson Shoreline Protection Model Bylaw Report (21st September);
- Trustees' perspectives/concerns regarding the TPS.

Q: A question was raised regarding public correspondence and where to find it on the website.

- A discussion was held regarding concerns of finding documents on the new website, including a suggestion to have a correspondence specific page for each Local Trust Area.

Q: A member of the public asked about Trustees' position on where South Pender Island fits into the priorities/direction of the Islands Trust.

- A discussion was held regarding duties and responsibilities of South Pender Trustees and the Official Community Plan (OCP) with respect to local and provincial regulations, as well as Trust Council and how it impacts the individual desires of the local community.
- A discussion was held regarding affordable housing and the Local Trust Committee's (LTC) input/ability.
- A member of the public pointed out the number of initiatives that have come out of Trust Council and the TPS, and the impact they are having on the local community.
- A discussion was held regarding the general volume of initiatives that South Pender takes on in relation to the rest of the Islands Trust.
- A member of the public pointed out that Trust Council's initiatives and the TPS are going to impact the OCP and to bring the OCP up to date to reflect these initiatives;
- A discussion was held regarding this concern and more focus on the macro issues.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated July 9, 2021 (for Adoption)

By general consent, the Local Trust Committee meeting minutes of July 9, 2021 were adopted.

8.2 Local Trust Committee Special Meeting Minutes Dated August 21, 2021 (for Adoption)

- Trustee Thorn suggested an amendment to the first sentence of item 3.1.a to change "which would apply" to "would be considered".

- Trustee Thorn suggested an amendment to item 3.1.d to change the wording from “meets regularly” to “met on a number of occasions”.

By general consent, the suggested changes to LTC Special Meeting Minutes dated August 21, 2021 were approved as amended.

8.3 Section 26 Resolutions-without-meeting Dated Sept 2021

8.4 South Pender Advisory Planning Commission (APC) Minutes Dated July 16, 2021 (for Receipt)

8.5 South Pender APC meeting minutes dated September 18th, 2021 (fore Receipt)

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Sept 2021

10. DELEGATIONS

None.

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted on the LTC webpage.

12. APPLICATIONS AND REFERRALS

12.1 Trust Council Policy Statement Bylaw No. 183 Referral (for response)

- The LTC is not prepared to support the current draft or make recommendations until additional meetings are held with the local communities (no action at this time).

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Coastal Review Project – Staff Report

Planner Stockdill presented a staff report on for the Coastal Review Project. Discussion was held regarding the following matters:

- Chair Patrick provided an overview of what Thetis Island LTC is doing regarding First Nations and the community
- Trustee Wright discussed protecting shoreline from development, what other LTCs are doing, the Development Permit Area (DPA) for environmental protection and hazardous areas and future development, and to present a proposal for the public to consider whether it is important and how the LTC will implement it
- Trustee Thorn inquired about timelines and what comes back to the LTC and community
- Desire for transparency related to the mapping overlay provided by Planner Stockdill and the APC

- Trustee Thorn suggested that transparency warrants more of a discussion than a decision
- Chair Patrick expressed that the First Nations communities wish to be part of the conversation at the implementation step versus being consulted at the “solution step” – i.e. DPA
- the use of different tools such as LUB review, sea level rise elevations, etc. and not just DPA

SP-2021-046

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee direct staff to draft two Project Charter options.

CARRIED

SP-2021-047

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee direct staff to advise the Regional Planning Committee that the LTC will consider undertaking amendments to Shoreline Protection.

CARRIED

Meeting was paused at 12:58pm and resumed at 1:05pm.

13.2 Minor OCP Amendments Project – Staff Report

Planner Stockdill provided an overview of the staff report. Discussion was held regarding the project:

- Trustee Thorn discussed going into the community with bigger picture ideas and macro-level guidelines for the community to think about, not micro managing aspects such as aesthetic planning; he also reiterated the importance of consulting with First Nations in the planning phase.
- Trustee Wright questioned whether the LTC can deny a Development Variance Permit application and suggested having a value-based guideline for the rural aesthetic character of South Pender.

SP-2021-048

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Official Community Plan Amendments Project.

CARRIED

13.3 LUB Amendments Project – Staff Report

Staff presented a staff report regarding the Land Use Bylaw (LUB) Amendment project. Trustee Thorn suggested specific square footage numbers based on lot sizes, recognizing that currently a lot that is less than 1 acre has a maximum dwelling floor area of 3800 sq ft. The proposed maximum square footage put forth by Trustee Thorn per lot sizes are:

- less than 1 acre – max 2750 sq. ft.
- 1-2 acres – max 3750 sq. ft.
- 2-4 acres – max 4000 sq. ft.
- 4-10 acres – max 4500 sq. ft.
- 10 acres or greater – max 5000 sq. ft.

Discussion also included:

- Setbacks: increase interior side yard setback to 6 metres (20 feet) for properties with a width of greater than 30 metres (100 feet)
- With respect to contiguous forests, concern for clearing cutting a lot for residential construction
- It is paramount to recognize “legal non-conforming” for those properties that will exceed the newly created maximum floor areas.

SP-2021-049

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Land Use Bylaw Amendments Project and to incorporate three specific points:

- i) to increase setback to 20 feet for dwelling units in Rural Residential zones
- ii) to amend maximum floor area for dwelling units in Rural Residential zone as per Trustee Thorn and;
- iii) site specific zoning for non-conforming dwellings.

CARRIED

Meeting was adjourned here (2:12pm) and the rest of the agenda was deferred to the subsequent meeting.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for November 5, 2021 at the South Pender Fire Hall, Pender Island

17. TOWN HALL

. None

18. CLOSED MEETING

South Pender Island Local Trust Committee
Regular Meeting Minutes
September 24, 2021

DRAFT

5 of 6

None

19. ADJOURNMENT

By general consent, the meeting was adjourned at 2:12 pm.

Laura Patrick, Chair

Certified Correct:

Dionne Loforte, Recorder



Follow Up Action Report

South Pender Island

24-Sep-2021

Activity	Responsibility	Dates	Status
1 8.1 SP LTC minutes for July 9, 2021 approved as is.	Jas Chonk Robin Ellchuk	Target: 15-Oct-2021	Completed
2 8.2 SP LTC minutes from August 21, 2021 approved as amended.	Jas Chonk Robin Ellchuk	Target: 15-Oct-2021	Completed
3 13.1 Coastal Review Project 1. Create two draft project charters (one for DPA, and second for DPA plus other recommendations). 2. Staff to notify RPC that the SP LTC is considering shoreline protection amendments. 3. Add CIM/community engagement options for next staff report.	Kim Stockdill Robert Kojima	Target: 05-Nov-2021	Completed
4 13.2 Minor OCP Project. 1. Staff to prepare draft OCP bylaw.	Jas Chonk Kim Stockdill	Target: 05-Nov-2021	Completed
5 13.3 LUB Project Review 1. Staff to draft LUB amendment. (DONE) 2. Draft bylaw to include: 20 ft setback for dwellings in RR zone (DONE), site specific zoning for non-conforming dwellings, and max floor area (DONE) as stated by Trustee Thorn at Sept 24/21 meeting.	Jas Chonk Kim Stockdill	Target: 05-Nov-2021	Completed
6 15.1 New Fee bylaw - place item on next Nov 5/21 agenda.	Jas Chonk	Target: 05-Nov-2021	Completed



File No.: SP_6500_2020_STVR
Review

DATE OF MEETING: November 5, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
SUBJECT: Bylaw Nos. 119 & 120 Final Approval

RECOMMENDATION

1. That South Pender Island Local Trust Committee Bylaw No. 119, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”, be adopted.
2. That South Pender Island Local Trust Committee Bylaw No. 120, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, be adopted.

REPORT SUMMARY

The purpose of this report is to present proposed Bylaw Nos. 119 and 120 for consideration of final adoption. The above recommendation is supported as the bylaws have received Executive Committee and Minister (for Bylaw No. 119) approval.

BACKGROUND

The South Pender Island Local Trust Committee (LTC) is reviewing the Short Term Vacation Rentals (STVR) regulations and guidelines as part of the LTC’s Top Priority Project. Proposed Bylaw No. 119 would amend the TUP section in the South Pender Island Official Community Plan (OCP) in order to amend and add new STVR TUP guidelines. Proposed Bylaw No. 120 would remove STVRs has a home business use in the South Pender Land Use Bylaw (LUB).

Bylaw Approval Steps

Based on direction from LTC, staff prepared draft Bylaw Nos. 119 and 120 which were given first reading by LTC on January 19, 2021.

A Community Information Meeting (CIM) and Public Hearing for proposed Bylaw Nos. 119 and 120 were held electronically on March 5, 2021.

Proposed Bylaw Nos. 119 and 120 were given second and third reading on March 5, 2021, following the Public Hearing.

Islands Trust Executive Committee approved proposed Bylaw Nos. 119 and 120 on April 14, 2021.

The Minister of Municipal Affairs and housing approved proposed Bylaw No. 119 on October 4, 2021 (LUB bylaw amendments do not need to be approved by the Minister).

ALTERNATIVES

1. Receive for information

The LTC may receive the report for information.

2. Proceed no further

The LTC may decide to proceed no further with the project and/or bylaw amendment.

NEXT STEPS

If the LTC chooses to proceed, the amending bylaws will be consolidated into the South Pender Land Use Bylaw and Official Community Plan.

Submitted By:	Kim Stockdill, Island Planner	October 27, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 27, 2021

ATTACHMENTS

1. Proposed Bylaw No. 119
2. Proposed Bylaw No. 120

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 119

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN

BYLAW NO. 107, 2011

The South Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”.

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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 19TH DAY OF JANUARY 2021.

PUBLIC HEARING HELD THIS 5TH DAY OF MARCH 2021.

READ A SECOND TIME THIS 5TH DAY OF MARCH 2021.

READ A THIRD TIME THIS 5TH DAY OF MARCH 2021.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
14TH DAY OF APRIL 2021.

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING
THIS 4TH DAY OF OCTOBER 2021.

ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
3. Clause 3.1.2(e)(ii) is amended by deleting the first bullet and replacing it with: “
 - The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Rural Residential.”;
 and in the second bullet replacing the word “regulations” with “policy and guidelines”.
4. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and” and by adding a new policy to 3.5.2 Agricultural Policies that reads: “The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Agriculture.” and renumber accordingly.
5. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;” and by adding a new policy to 3.6.2 Forest Land Policies that reads: “The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots that do not have Private Managed Forest Land status and where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Forest.” and renumber accordingly.
6. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

 - a) For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons.

- b) The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
- c) The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.
- d) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the temporary use permits may consider the concentration or clustering of short term vacation rentals in any one area.
- e) The Local Trust Committee should not approve more than 10 short term vacation rental temporary use permits.
- f) A temporary use permit for short term vacation rental use may not be issued in areas of known groundwater shortage based on available mapping unless the applicant can provide evidence for the use.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of four vehicles.
- h) If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m².
- j) The temporary use permit should require that the owner or other designated contact be available on South or North Pender Island by telephone or email at all times when the short term vacation rental is in use and to provide the name and contact information to guests and adjacent neighbours.
- k) The permit should require that the applicant post the following information for guests:
 - i. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
 - ii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service.
- l) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
 - i. limit the number of bedrooms that can be used for short term vacation rentals;
 - ii. limit the number of guests who are 18 years of age or older to four;
 - iii. establish the dates during which the use may occur with particular attention to the period of May 1 to September 30 in a calendar year;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - v. prohibit camping or occupancy of RVs on the property;
 - vi. prohibit the rental or provision of motorized personal watercraft; and
 - vii. prohibit outdoor fires.
- m) A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.
- n) A temporary use permit for a short term vacation rental should not be issued in a dwelling or cottage that does not have Occupancy Permit approval."

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 120

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 Local 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, 2020”.

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

2.1 Section 1.1 (Definitions) is amended for “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”.

2.2 Subsection 3.6(1) is amended by deleting “short-term vacation rental of *cottages*,”.

2.3 By deleting Subsection 3.6(9) in its entirety.

3. SEVERABILITY

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 19TH DAY OF JANUARY 2021.

PUBLIC HEARING HELD THIS 5TH DAY OF MARCH 2021.

READ A SECOND TIME THIS 5TH DAY OF MARCH 2021.

READ A THIRD TIME THIS 5TH DAY OF MARCH 2021.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
14TH DAY OF APRIL 2021.

ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

DATE OF MEETING: November 5, 2021
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Shoreline Review Project – Project Charter

RECOMMENDATION

- 1. That the South Pender Island Local Trust Committee endorse a Project Charter for the Shoreline Review Project.**

REPORT SUMMARY

To provide the South Pender Island Local Trust Committee (LTC) with two options on how to proceed with the Coastal Area Review Project, specifically one option to proceed with a development permit area or the second to undertake a more comprehensive review.

BACKGROUND

The Shoreline Review Project was placed as a Top Priority project earlier this year, and staff presented a memo at the [May 7, 2021](#) meeting and a staff report at the [September](#) meeting, where the LTC adopted the following resolution:

SP-2021-046

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee direct staff to draft two Project Charter options.

ANALYSIS

The LTC has requested two options for the project: one would involve adapting a development permit area developed for other local trust areas, and proceeding through the process of consultation and consideration of readings. This option would likely be completed relatively quickly and require fewer resources, but would still need a staff planner to be assigned.

The second option would entail a more comprehensive review of the issues, options and potential amendments; and consequently have a longer project timeline and require more resources. The comprehensive option would also provide for consultation specifically with waterfront owners, as well as with the community generally. Both options provide for First Nations consultation consistent with Islands Trust and the LTC's reconciliation commitments.

Two draft project charters are attached for the two options:

1. A DPA option: focussed solely on drafting, reviewing and implementing a DPA, with a timeline of approximately one year.
2. A Comprehensive option: allowing for a broader review of regulatory options and more community consultation, resulting in a project extending into 2023.

The next steps are to:

1. LTC provide endorsement of one of the project charters.
2. Assign staff and budgetary resources

Depending on the project's scope as identified by the LTC, the project may be appropriate for the Regional Planning Team.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that staff report regarding XXX in relation to the Shoreline Review Project.

2. Refer the project to the APC

If the LTC would like refer this staff report, or other specific document to the South Pender Island APC, the following resolution may be used:

That the South Pender Island Local Trust Committee request staff to refer XXX to the South Pender Island Advisory Planning Committee for comment."

3. Hold the application in abeyance

The LTC may choose to hold the project in abeyance.

4. Receive for information

The LTC may receive the report for information

Submitted By:	Robert Kojima, Regional Planning Manager	October 27, 2021
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ATTACHMENTS

1. Project Charter – DPA Project
2. Project Charter – Comprehensive Shoreline Review

Shoreline Development Permit Area Review - Charter v1

South Pender Island Local Trust Committee

Date: October 2021

Purpose: to consider adoption of a development permit area (DPA) for increased protection of South Pender's shorelines. This involves review of development permit areas adopted or are being considered in other local trust areas.

Background: The SPILTC amended its OCP and LUB in recent years to permit new private moorage by rezoning application only, this has mitigated the impacts of new docks on the foreshore. The LTC has subsequently prioritized protection of upland shoreline areas. Other local trust committees have adopted or are considering adoption of development permit areas (DPA) for shoreline protection, and Trust Council recently endorsed a toolkit of shoreline protection options. The SPILTC has provided direction to proceed with consideration of a shoreline DPA for the South Pender Island Local Trust Area.

Objectives

- To review existing shoreline DPA from other LTAs and best practices generally
- To consider amendments to the OCP to establish a shoreline DPA

In Scope

- Review DPA provisions
- Prepare draft bylaws for consideration
- Community consultation
- Legislative process for amending bylaw

Out of Scope

- New mapping or professional reports
- Bylaw amendments unrelated to DPA

Workplan Overview

Deliverable/Milestone	Date
Project Charter endorsement by LTC, direction to prepare draft bylaw, budget request initiated	Nov 5, 2021
Draft bylaws with options	March 2022
First Nations consultation	March – Sept 2022
Community information meetings	Apr – May 2022
LTC consideration of First Reading	June 2022
Legislative process	June – Oct 2022

Project Team

TBD	Project Manager
Kim Stockdill	Island Planner
RPM Approval: Name of RPM Date: xxx	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2022-23	First Nations consultation	\$1000
	Community information meetings	\$1000
	Public hearing	\$2000
	Legal/ contingency	\$1000
	Total	\$5000

Comprehensive Shoreline Review - Charter v1

South Pender Island Local Trust Committee

Date: October 2021

Purpose: to review options for increased protection of South Pender's shorelines. This includes consideration of measures to protect sensitive shoreline ecosystems and habitat, to mitigate the impacts of climate change on shoreline development, and to further the protection of cultural heritage.

Background: The SPILTC amended its OCP and LUB in recent years to permit new private moorage by rezoning application only, this has mitigated the impacts of new docks on the foreshore. Islands Trust has integrated shoreline mapping, forage fish mapping, sensitive ecosystem mapping and geological hazard mapping for the South Pender Island Local Trust Area. Project to map cultural heritage is also underway. The project would integrate existing mapping, community consultation, First Nations consultation, and toolkits and best practices for shoreline bylaws. Other local trust committees are currently reviewing shoreline issues, this project may be assigned to the Regional Planning Team

Objectives

- To review existing mapping and best practices
- To engage with community
- To consult with First Nations
- To consider options achieve shoreline protection
- To consider amendments to bylaws to protect shorelines, protect development and protect cultural heritage

In Scope

- Review of existing mapping and relevant reports
- Engage in consultation with waterfront owners, and the community generally
- Consultation with First Nations
- Develop regulatory options for discussion
- Prepare draft bylaws for review
- Legislative process for amending bylaws, potentially both OCP and LUB

Out of Scope

- New mapping or professional reports
- Bylaw amendments unrelated to shoreline issues

Workplan Overview

Deliverable/Milestone	Date
Project Charter endorsement by LTC, project budget request initiated	Nov 5, 2021
Draft discussion paper	Feb 2022
First Nations consultation	April – Sept 2022
Consultation with waterfront owners	April – May 2022
Community information meetings / open houses	May – July 2022
LTC review of consultation and options	Sept – Nov 2022
LTC direction to prepare draft amendments	Nov 2022
Community consultation on draft amendments	Feb – Apr 2023
Legislative process	May – Sept 2023

Project Team

TBD	Project Manager
Kim Stockdill	Island Planner
RPM Approval: <i>Name of RPM</i> Date: xxx	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2022-23	Mail out(s)	\$500
	First Nations consultation	\$2000
	Community information meetings	\$1000
2023-24	Community information meetings	\$1000
	Public hearing	\$2000
	Legal/ contingency	\$2000
	Total	\$7500

DATE OF MEETING: November 5, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP LUB Amendments Project – Draft Bylaw No. 122

RECOMMENDATION

For the South Pender Island Local Trust Committee (LTC) to receive the draft bylaw and provide any revisions if necessary.

REPORT SUMMARY

The purpose of this report is to present a draft bylaw for the Land Use Bylaw (LUB) Amendments project (Attachment No. 1) and provide a timeline for the project.

BACKGROUND

At the September 24, 2021 regular LTC meeting, staff presented a staff report outlining options for the LTC's consideration. The following resolution was passed:

SP-2021-049

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Land Use Bylaw Amendments Project and to incorporate three specific points:

- i) to increase setback to 20 feet for dwelling units in Rural Residential zones
- ii) to amend maximum floor area for dwelling units in Rural Residential zone as per Trustee Thorn and;
- iii) site specific zoning for non-conforming dwellings.

CARRIED

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

ANALYSIS

Draft Bylaw No. 122

The draft bylaw is attached for the LTC's review and the following topics are included in the bylaw.

Maximum Floor Area Regulations (for Rural Residential 1, 2, & 3 zones)

The draft bylaw includes the following amendments to the Rural Residential 1 (RR1), Rural Residential 2 (RR2) and Rural Residential 3 (RR3) zones:

- Decreasing the maximum floor area for dwellings as specified at September 24, 2021 meeting.
- Increasing the setback for all rural residential dwellings and cottages from 3.0 metres (10 ft) to 6.0 metres (20 ft) for interior side lot lines and from 4.5 metres (15 ft) to 6.0 metres for exterior side lot lines. At the September 24, 2021 there was a discussion to only increase the setbacks for those lots with a width greater than 30 metres (100 feet). Due to the irregular shapes of most lots on South Pender, determining where to take this measurement would be difficult and subjective. If the LTC wishes to amend the setbacks from side lot lines for dwellings and cottages for only larger lots, staff recommend amending the draft bylaw to state that the 6.0 metre setback is only applicable to those lots greater than 0.4 ha. For example the regulation could read:
 - *Despite Subsection 5.1(6), the setback for a dwelling or cottage shall be 6.0 metres (20 ft.) from any interior or exterior lot line for a lot with an area greater than 0.4 ha.*

The draft bylaw does not contain the site specific zoning for those nine properties that would become legal non-conforming if the maximum floor area for dwellings is decreased. Staff will work with the Trustees to identify the nine properties and determine their exact floor areas in order to give the lots site specific zoning. Once those lots are identified, further amendments will be incorporated in the bylaw, along with the consequential map amendments.

Agriculture Regulations

The draft bylaw includes the following amendments:

- Decreasing the maximum floor area for dwellings from 560 m² (6028 ft²) to 500 m² (5382 ft²) to align with Agricultural Land Commission (ALC) regulations.
- Increase the maximum floor area for cottages from 70 m² (753 ft²) to 90 m² (969 ft²). This is to align with the new ALC regulations coming into effect at the end of 2021. The new regulations would allow a secondary dwelling with a maximum floor area of 90 m² to be located on property in the Agricultural Land Reserve (ALR) to be used as an additional residence for housing family, as a rental suite, or for farm worker accommodation (without the requirement for the ALC's approval).
- Add definitions for the following terms: agri-tourism, agri-tourist accommodation, farm retail sales, and farm status.
- Add agri-tourism and agri-tourist as permitted accessory uses in the Agriculture (A) zone with conditions for those lots with Farm Status and located within the ALR. While agri-tourism is a farm use under the ALC regulations, this would recognize that use and establish that is accessory to principal the uses.
- Add farm retail sales as permitted accessory uses in the Agriculture (A) zone with conditions for those properties located within the ALR.
- Increasing the maximum floor area for home businesses located in the ALR from 65 m² (700 ft²) to 100 m² (1076 ft²) to align with ALC regulations.

Shipping Containers

The draft bylaw includes two regulations for shipping containers. The first new regulation permits only one shipping container on properties over 0.4 ha in the Rural Residential 1 (RR1), Rural Residential 2 (RR2), and Rural Residential 3 zones (RR3). Subsequently shipping containers would not be a permitted accessory use on RR1, RR2, and RR3 properties less than 0.4 ha.

The second regulation would require any shipping container placed on a lot to be adequately screened (in compliance with the landscape screening regulations in the LUB).

LTC Consideration: The draft bylaw does not regulate the number of shipping containers in zones other than in the RR1, RR2, and RR3 zones. Direction from the LTC is required if the LTC wishes to regulate this use in other zones (Agriculture zone, Forestry zone, Commercial Resort zone, etc.).

Setback to the natural boundary of the sea – Stairways

The draft bylaw removes 'stairways' from Subsection 3.3(3) which exempts certain structures from complying with the 7.6 metres (25 feet) setback from the natural boundary. If the bylaw is adopted, a property owner would be required to apply for a variance in order to construct stairways within the 7.6 metre setback.

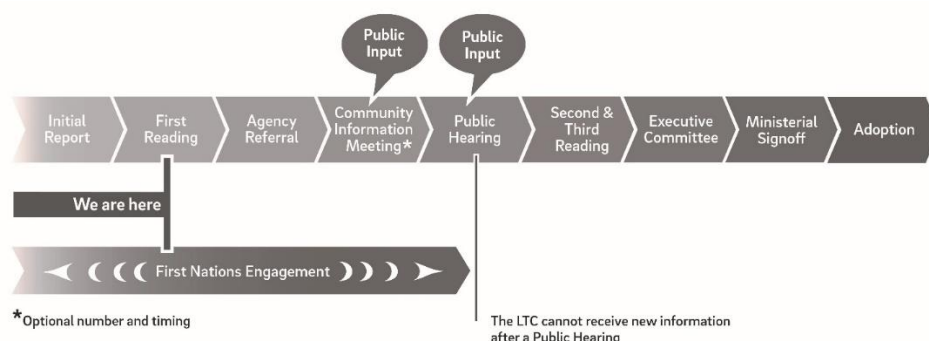
If the LTC wishes to make any amendments to the draft bylaw, the LTC should put a resolution forward as outlined in the 'Alternatives' section of this staff report – Alternative no. 1.

Timeline

Staff recommend the following timeline for the Minor OCP project:

- September 24, 2021 regular LTC meeting:
 - LTC gave direction to **staff to draft bylaw**
- November 5, 2021 regular LTC meeting:
 - LTC to review draft bylaw
 - LTC to give direction to staff to make any further amendments to the bylaw
 - Staff to send draft bylaw out for **referral** to First Nations and government agencies but will have to re-refer bylaw after First Reading to the ALC
- February 4, 2022 regular LTC meeting:
 - LTC can make amendments to draft bylaw
 - LTC to consider **First Reading of draft bylaw**
 - LTC to determine if proposed bylaw is in compliance **with current Islands Trust Policy Statement (ITPS)**
 - Staff to re-refer proposed bylaw to the ALC
 - LTC to give **direction to schedule a Community Information Meeting (CIM)** at next regular LTC meeting (tentatively scheduled for March 4, 2022)
 - LTC to give **direction to staff to schedule a Public Hearing** for the LTC meeting (May 6th)
- March 4, 2022 regular LTC meeting
 - **Community Information Meeting** for proposed Bylaw No. 122
- May 6, 2022 regular LTC meeting:
 - LTC to review comments/recommendations from formal referrals and from the March 4th CIM
 - **Formal Public Hearing is held** as part of May 6th regular meeting
 - LTC can amend proposed bylaw based on comments from the CIM and referrals
 - LTC to give **Second Reading and Third Reading**
 - LTC to refer **bylaw to EC for approval**

The above timeline is in line with the timeline outlined on the [Project Charter](#). The graphic below provides a visual representation of a typical bylaw adoption process. As this is a Land Use Bylaw amendment, approval from the Minister of Municipal Affairs is not required.



Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend scheduling a CIM at a separate LTC meeting from the public hearing (as outlined above under 'Timeline'). A Public Hearing would then be tentatively scheduled for the May 6, 2022 regular LTC meeting.

Rationale for Recommendation

The LTC gave direction to staff to draft bylaw amendments based on recommendations made in the September 24th, 2021 staff report. Staff have presented a draft bylaw for the LTC's review based on their recommendation and the project charter. As the bylaw is still in draft form and further amendments are required, staff at this time have no recommendations until the draft bylaw is finalized.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Direction to amend draft bylaw

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by...

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to provide further information on...

3. Refer staff report with draft bylaw to the Advisory Planning Commission

The LTC may opt to refer the staff report with the draft bylaw to the Advisory Planning Commission to provide comments on the draft bylaw or other possible amendments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 5, 2021 and draft Bylaw No. 122 regarding the Minor OCP Amendments Project to the South Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to make no amendments to the South Pender OCP. The project would be removed from the Top Priority List.

NEXT STEPS

Based on direction from the LTC, staff will:

- Continue to make amendments to the draft LUB
- Send draft bylaw out for referral

Submitted By:	Kim Stockdill Island Planner	October 29, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 29, 2021

Attachments:

1. Draft Bylaw No. 122 (LUB amendment)
2. Notes taken by Trustee Wright at Community Gathering on October 23, 2021

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 122**

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.2, 2021".

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as "South Pender Island Land Use Bylaw No. 114, 2016" is amended as follows:

2.1 By adding the following new definitions to Section 1.1 'Definitions':

"“agri-tourism” means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.”

"“agri-tourist accommodation” means a use accessory to a *farm use* for the purpose of accommodating commercial guests within specific structures on specific portions of a *lot*.”

"“farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.”

"“Farm Status” means land classified as a farm pursuant to the *(BC) Assessment Act*.”

2.2 By removing the words “floor area of 70m² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.

2.3 By removing the word “outer” and replacing it with “inner” in the definition of ‘floor area’.

2.4 By removing the word “stairway” from Subsection 3.3(3).

2.5 By adding the following two new subsections to Section 3.5 ‘Accessory Buildings and Structures’ as follows:

(6) “One accessory shipping container may be placed on a lot greater than 0.4 hectares in area in the Rural Residential 1, Rural Residential 2, and the Rural Residential 3 zones.”

(7) “Shipping containers must be screened from neighbouring lots, roads, or

the sea by use of landscape screening in compliance with Section 3.9.”

- 2.6 By adding the words “except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m² (1076 ft²)” at the end of Subsection 3.6(4) so it reads:

‘The combined *floor area* used in all *home businesses* on a *lot*, except a *bed and breakfast*, must not exceed 65 m² (700 ft²) except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m² (1076 ft²).’

- 2.7 By deleting Subsection 5.1 (5) and replacing it with:

Maximum *Floor Area* per *lot*:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	255 m ² (2750ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	348 m ² (3750ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	372 m ² (4000ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	465 m ² (5000ft ²)

✓ ✓ ✓

- 2.8 By adding the following new Subsection after Subsection 5.1(5) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

✓ ✓ ✓

- 2.9 By adding the following new Subsection directly after the newly renumbered Subsection 5.1(7) and renumbering accordingly:

“Despite Subsection 5.1(6), the setback for a *dwelling* or *cottage* shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*.”

✓ ✓ ✓

- 2.10 By removing “560 m² (6028 ft²) and replacing it with “500 m² (5382 ft²) in Subsection 5.5(9).

- 2.11 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(11) to 5.5(14);”

2.12 By adding the words “and *farm retail sales*.” after the words ‘on the same lot’ in Article 5.5(1)(e).

2.13 By adding the following new article after Article 5.5(1)(d) and renumber accordingly:

“Accessory agri-tourist accommodation, subject to Subsections 5.5(13) to 5.5(19), and as permitted by the Agricultural Land Commission;”

2.14 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 90 m² (969 ft²).”

2.15 By removing the word “Rescinded” adding the following to Subsection 5.5(10):

“*Farm retail sales* are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor *floor area* for the *farm retail sales* shall not exceed 300 m² (3229 ft²).

2.16 By adding the following new subsections after Subsection 5.5(10) under ‘Conditions of Use’ and renumber accordingly:

“5.5(11) *Agri-tourism buildings or structures* are not permitted.

5.5(12) *Agri-tourism* must be in compliance with the *Agricultural Land Reserve Use Regulation*.

5.5(13) *Agri-tourism* and *agri-tourist accommodation* are only permitted on a *lot* with *Farm Status*.

5.5(14) *Agri-tourism* and *agri-tourist accommodation* are only permitted on a *lot* located in the Agricultural Land Reserve.

5.5(15) *Agri-tourist accommodation* must be *accessory* to an active *agri-tourism* activity.

5.5(16) *Agri-tourist accommodation* must be *accessory* to a *farm use*.

5.5(16) *Agri-tourist accommodation buildings and structures* must not exceed a *lot* coverage of 5 percent.

5.5(17) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.

5.5(18) *Agri-tourist accommodation* may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

5.5(19) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests or 10 bedrooms.

2.17 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

2.18 By adding the following new subsection after Subsection 5.7(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

3. SEVERABILITY

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	20___
PUBLIC HEARING HELD THIS	___ DAY OF	20___
READ A SECOND TIME THIS	___ DAY OF	20___
READ A THIRD TIME THIS	___ DAY OF	20___
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	___ DAY OF	20___
ADOPTED THIS	___ DAY OF	20___

CHAIR

SECRETARY

Community Information gathering – Maximum Floor Area for Residences, Oct 23, 2021

The meeting began at 10:30 at the SP Fire Hall with 25 members of the public in attendance. Cameron Thorn acted as moderator. Steve wright was in the audience and did not participate in the discussion but took notes of the meeting. The question of whether this was legally a formal LTC meeting was raised, not as a complaint or concern, but to note that both trustees were in the same room and the discussion will relate to items which will be on the LTCs agenda. People expressed their appreciation for holding informal meetings and felt it was useful in presenting an opportunity for open dialogue.

The first issue raised was about the potential for existing properties to be designated as “legal non-conforming”. The concern centered on the number of structures (homes and accessory bldgs), the appraised value of properties being diminished, and implications about insurance policies that may result from that designation. The question over replacement of the current, legal structure to the existing size if destroyed was also raised. It was stated that trustees intended any changes to bylaws would not penalize existing structures. An example was provided in which if the side setback was increased, the new setback could apply to residences, not accessory buildings. This was welcomed by a number of attendees. A suggestion was made to present a deeper explanation about what “legal non-conforming” was, its meaning and its implications as there seemed to be some differences in understanding of the possible repercussions.

The discussion turned to whether this initiative was necessary should not proceed further because the previous LTC advanced a similar project in 2017 in which a compromise arose from much debate and resulted in the current figures for residential floor area. Comments followed ranging from a distrust in the data being provided, to the limited number of undeveloped lots (54) making this exercise over-reactive, to being pushed purely for political reasons. It was suggested that because the majority of persons at this meeting opposed the initiative, then trustees should not continue with this project and should they do so, it was evidence that they were not listening to the “community”. It was explained that trustees should act pro-actively when recognizing trends elsewhere to protect or maintain the character and natural resources of the island and that house size plays a significant role. It was added that the number of attendees in the meeting did not in fact represent a “majority” and it was important to hear from all residents/property owners. One response was to provide evidence that 51% of residents supported this initiative and if that is successful, those opposing the proposal would then support it.

Recognizing that the atmosphere in the meeting was becoming overtly aggressive, it was suggested that hostility and polarization were not helpful in this debate. A speaker stated that they were uncomfortable with the atmosphere and that was a primary reason why they and others did not attend these types of meetings. They went on to explain why they supported the trustees in this and other proposals to maintain the character of the island and if people liked the island as it is now, then steps have to be taken to maintain it for future generations. Other speakers agreed with those sentiments and it lowered the temperature and nature of the discussion. One suggestion was that the discussion was focused on the metrics of the floor area rather than the principles and objectives of any changes. They continued to say if retention of the character was what everyone agreed upon then the community should begin to consider options of how that can be done. It was agreed that setbacks, height of buildings, total lot coverage, could also go a long way in meeting those objectives.

Solutions offered by speakers included whether any new regulations could apply only to new development, consideration of incentives, the use of variances to help respond to site specific issues found to be problematic to owners, and to defer amendments because the cost of construction was prohibitive to building larger homes.

The meeting came to a close with more agreement in principle than it began with and a desire for trustees to consider what had been said and present a re-consideration of the proposal along with more information at a future meeting.

This is a synopsis of the meeting from notes taken by Steve Wright

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: November 5, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments Project – Draft Bylaw No. 123

RECOMMENDATION

1. That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a first time.
2. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.
3. That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123.

REPORT SUMMARY

The purpose of this report is to provide a draft bylaw for the Minor Official Community Plan (OCP) project. The draft bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee’s (LTC) consideration and the Islands Trust Policy Statement is attached (Attachment No. 2) for the LTC’s review.

BACKGROUND

At the September 24, 2021 regular LTC meeting, staff presented a staff report outlining options for the LTC’s consideration. The following resolution was passed:

SP-2021-048

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Official Community Plan Amendments Project.

CARRIED

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

ANALYSIS

Draft Bylaw No. 123.

The draft bylaw is attached for the LTC's consideration and the following three topics are included in the bylaw.

First Nations Acknowledgment Statement

The Senior Intergovernmental Policy Advisor provided draft wording for the First Nations Acknowledgement Statement. This statement may be amended after comments and recommendations are received from the early engagement and formal referral with the WSANEC Leadership Council. The statement, if adopted, will be placed at the beginning of the OCP as the first subsection in 'Section 1.2 Introduction'.

Building Design & Siting Guidelines

The reviewed and edited guidelines are included in the draft bylaw and, if adopted, will be attached as an appendix to the OCP. A residential land use policy was also added to the draft bylaw so that Development Variance Permit applications to vary residential maximum floor area for dwellings incorporate the guidelines into the building proposal. The draft wording for this policy is as follows:

"v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, 'Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines' should be incorporated into the building proposal where feasible."

Rights of Nature

The draft bylaw includes a new Subsection under the OCP Section '5.1 Natural Environment'. The new subsection (5.1.6) includes a background statement and advocacy policies regarding Rights of Nature as provided by Trustee Wright.

If the LTC wishes to make any amendments to the draft bylaw, the LTC should put a resolution forward as outlined in the 'Alternatives' section of this staff report – Alternative no. 1.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. Staff have identified the following agencies and First Nations for referrals:

- | | |
|---|---------------------------|
| - Capital Regional District – Building Inspection | - Lyackson First Nation |
| - Ministry of Municipal Affairs & Housing | - Malahat First Nation |
| - BC Assessment Authority | - Pauquachin First Nation |
| - Saturna Island Local Trust Committee | - Penelakut Tribe |
| - North Pender Island Local Trust Committee | - Semiahmoo First Nation |
| - Islands Trust – Bylaw Enforcement | - Stz'uminus First Nation |
| - WSANEC Leadership Council | - Tsartlip First Nation |
| - Cowichan Tribes | - Tsawout First Nation |
| - Halalt First Nation | - Tsawwassen First Nation |
| - Lake Cowichan First Nation | - Tseycum First Nation |

The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

If the LTC would like to send the bylaw to the South Pender Island Advisory Planning Commission (APC) for comment, a resolution is required (see 'Alternative No. 4' below for draft motion).

First Nations

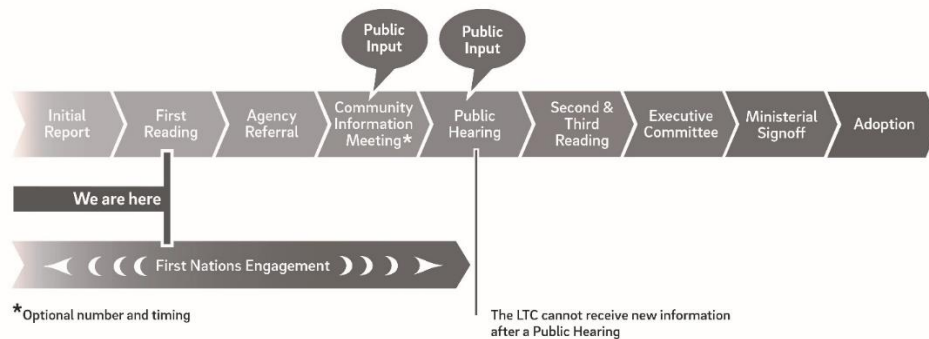
The Senior Intergovernmental Policy Advisor prepared an early engagement letter and recommended it be sent to the WSANEC Leadership Council to introduce the project, and to invite comment on a draft version of the introductory statement. As the letter was sent out last week, no comments have been received at the time of writing this staff report. We hope to receive comments by mid-December at the latest.

Timeline

Staff recommend the following timeline for the Minor OCP project:

- September 24, 2021 regular LTC meeting:
 - LTC gave direction to **staff to draft bylaw**
- November 5, 2021 regular LTC meeting:
 - **Early engagement letter to WSANEC Leadership Council** sent
 - LTC to review draft bylaw
 - LTC to give **First Reading of draft bylaw**
 - LTC to determine if proposed bylaw is in compliance **with current Islands Trust Policy Statement (ITPS)**
 - LTC to give **direction to schedule a Community Information Meeting (CIM)** at next regular LTC meeting (tentatively scheduled for February 4, 2022)
 - Staff to send proposed bylaw out for **formal referral** to First Nations and government agencies in late December/early January
- February 4, 2022 regular LTC meeting:
 - **Community Information Meeting is held** during regular meeting to gather comments and answer questions from community members for proposed Bylaw No. 123
 - LTC can make amendments to proposed bylaw, if necessary, to incorporate any recommended changes to the bylaw from the early engagement with the WSANEC Leadership Council
 - LTC can give Second Reading to proposed bylaw, or wait for next LTC meeting
 - LTC to give **direction to staff to schedule a Public Hearing** for next LTC meeting (March 4th)
- March 4, 2022 regular LTC meeting:
 - LTC to review comments/recommendations from formal referrals (First Nations and government agencies) and from comments collected from the February 4th CIM
 - LTC can amend proposed bylaw if necessary.
 - LTC to give **Second Reading** (not necessary if Second Reading was given on Feb 4th)
 - **Formal Public Hearing is held** as part of March 4th regular meeting
 - LTC to give **Third Reading**
 - LTC to refer **bylaw to EC and the Minister for approval**

The above timeline is in line with the timeline outlined on the [Project Charter](#). The following graphic provides a visual representation of a typical bylaw adoption process:



Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend scheduling a CIM at a separate LTC meeting from the public hearing (as outlined above under 'Timeline'). A Public Hearing would then be tentatively scheduled for the March 4, 2022 regular LTC meeting.

Islands Trust Policy Statement

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 2 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaw.

Rationale for Recommendation

The LTC gave direction to staff to draft bylaw amendments based on recommendations made in the September 24th, 2021 staff report. Staff have presented a draft bylaw for the LTC's consideration based on their recommendation and the project charter.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Direction to amend draft bylaw

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee amend draft Bylaw No. 123 by...

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to provide further information on...

3. Schedule a CIM and Public Hearing at the same meeting

The LTC may wish to schedule a CIM and public hearing at the same meeting. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 123, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

4. Refer staff report with draft bylaw to the Advisory Planning Commission

The LTC may opt to refer the staff report with the draft bylaw to the Advisory Planning Commission to provide comments on the draft bylaw or other possible amendments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 5, 2021 and draft Bylaw No. 123 regarding the Minor OCP Amendments Project to the South Pender Island Advisory Planning Commission for comment.

5. Proceed no further

The LTC may choose to make no amendments to the South Pender OCP. The project would be removed from the Top Priority List.

NEXT STEPS

Based on direction from the LTC, staff will:

- Proceed with bylaw referrals to First Nations and government agencies in December/January.
- Schedule CIM for the first LTC meeting in 2022.

Submitted By:	Kim Stockdill Island Planner	October 27, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 27, 2021

Attachments:

1. Draft Bylaw No. 123 (OCP amendment)
2. Islands Trust Policy Statement

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

**A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 107, 2011**

The South Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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 _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING
THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul̓qumínum̓ speaking people include the W̱JOŁŁP (Tsartlip), BOŖEĆEN (Pauquachin), S̱ÁUTW (Tsawout), W̱SIKEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The W̱SÁNEĆ Peoples (meaning The Emerging Peoples) speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the W̱SÁNEĆ Peoples is enriched with history, place names, village sites, cultural locations and ancestral resting places, and sacred sites that need to be honoured and respected. The history of the Central Coast Salish Peoples is sustained and continues in the language, oral history, place names, village sites, cultural and sacred sites, and landscapes that encompass this place they call home, it was never extinguished and continues in the treaty, and territorial lands and waters they caretake for future generations.

South Pender Island is also the location of the S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW̱ (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); S̱XTIS (meaning candle neck duck); YEUWE (meaning fortune teller from oral history stories); and XELISEN – (meaning lost middle). The preservation and protection of village sites, cultural heritage sites, archaeological sites and objects, and ancestral resting places requires sensitivity and respect and is an important part of reconciliation. Cultivation areas both on land and in marine areas include camas meadows, reef-netting locations and clam gardens, and hunting and harvest areas for Indigenous food resources, inherent rights, and medicine.

The South Pender Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Local Trust Committee seeks to build relationships and to collaborate with First Nations and the Indigenous community to protect cultural places, preserve and increase access to culturally

significant species and food sources, and celebrate the culture, history, language, and art of First Nations within the area.

As part of the South Pender Local Trust Committee (LTC) commitment to support the goals of reconciliation the South Pender LTC recognizes the importance of preserving and protecting the following culturally significant plants and food/medicines for First Nations and Indigenous communities:

- SPÁÁNW (camas) and any areas of SPÁÁNW meadows or cultivation areas;
- KÁŦEŁĆ (ocean spray) a hardwood for making tools from arrows and harpoon shafts, to salmon skewers and needles;
- ELILE,İŁĆ (salmonberry) and DEKĖNİŁĆ (thimbleberry) plants their shoots and berries and cultivation areas;
- ŁEKES (Porphyra) edible seaweeds and the conservation of shoreline and upland areas that preserve ŁEKES habitat;
- Á,ĆEX (crab) a traditional food;
- SQŁÁ,İ, (littleneck clam), S,OXE, (butter) SWÁÁM (horse clam), STELO,EM, (cockles), ŁÁU,ĶEM, (bay mussel) and İEXİEX (pacific oyster) and the areas in which they are harvested; including conservation to reduce pollutants that lead to the closer and degradation of these species;
- XPÁ, (western red cedar) for house posts and planks, totem poles, dugout canoes, mats, baskets, clothing, and cordage, and the preservation of this species for future generation;
- ŦŦÁ,ELĆ (broad-leaf maple) for paddles and spindle whorls;
- JSÁ,İŁĆ (Douglas-fir), SKĖMÍ,ĖKS (grand fir), and KĖKĖYİŁĆ (arbutus) and the conservation of these species for future generations.

The South Pender LTC will undertake actions within its regulatory bylaws and advocacy work in collaboration with the local community to welcome and meaningfully include local First Nations and Indigenous community to the islands and waters of the area to:

- identifying sites of First Nations significance and ensure their protection;
- celebrate and look for opportunities to incorporate First Nation languages on public signage;
- advocate for the renaming places of significance;
- prioritize local Indigenous public art;
- respect and honour First Nations village sites and ancestral resting places;
- preserve traditional harvesting, fishing, and medicine gathering locations including fish trap areas, sacred places, traditional trails, canoe runs, and bathing sites, and allow for ceremonial use of those locations;
- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
- consider changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant due to cultural heritage sites, or cultural food sources.”

2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new subsection after Subsection ‘5.1.5 Hazardous Condition Areas:

“5.1.6 South Pender Island & Rights of Nature

Background

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender OCP maintains that “South Pender Island and its community are an expression of the cumulative interactions of people and the island’s environment. The goals of the OCP are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.” To achieve this goal the OCP calls for “for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of sustainability then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

5.1.6 (a) Rights of Nature Policies

Advocacy Policies

- i. Prevent and control pollution and its effects and the harmful forms of erosion.
 - ii. Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape.
 - iii. Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets.
 - iv. Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity.
 - v. Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones.
 - vi. Promote the integration of environmental objectives into the various policies of a sectoral nature.
 - vii. Promote environmental education and respect for environmental values.
 - viii. Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.”
4. By adding the following new part after ‘Part 9 – Administration’:

“PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

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

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.

The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island's history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline's objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles, the use of regionally sourced building materials and the use of exterior colours which compliment the natural character of the island;
- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
- To encourage designs of buildings and structures that maintain compatibility with the character of the neighbourhood and community, and to decrease the visual prominence of a building or structure.

Guideline 1 - Principles of Design

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. Designs should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes.

- Keep the design simple. This should be accomplished in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

DRAFT



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 Minor OCP Amendments Project
File Name: SP LTC Bylaw No. 123

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Top Priorities Report

South Pender Island

1. *Land Use Bylaw Amendments Project*

Potential amendments:

1. Maximum floor area
2. Setback Review
3. Agricultural Regulations
4. Shipping containers
5. Minor and technical amendments

Responsible

Kim Stockdill

Dates

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

2. *Minor OCP Amendments*

Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement

Responsible

Kim Stockdill

Dates

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

3. *Coastal Area Review Project*

Initial community consultation prior to LTC direction to proceed

Responsible

Dates

Rec'd: 09-Apr-2021

Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

4. *Building and Siting Guidelines*

Responsible

Date Received

Review policy and regulations related to building and siting on residential properties, including floor area, setbacks, siting and other regulations.

31-Jan-2020

5. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 3

09-Apr-2021



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2021.1	Rachel Thomson for Airey Homes Inc. Planner: Kim Stockdill	27-May-2021	8970 GOWLLAND POINT RD - ALR application for subdivision
Planning Status			
Status Date: 25-Aug-2021 ALC has indicated non-farm use application is required for the strata access road along ALR portion of land. Subdivision application is on hold until further direction is received by applicant.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc. Planner: Phil Testemale	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
Planning Status			
Status Date: 14-Oct-2021 PLRS received.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending September 2021

665 South Pender	Invoices posted to Month ending September 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	80.00	212.32	-132.32
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,735.00	472.39	1,262.61
65210-665	LTC - Local Exp - APC Meeting Expenses	370.00	57.14	312.86
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>2,649.00</u>	<u>529.53</u>	<u>2,119.47</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	3,000.00	58.50	2,941.50
73001-665-4118	South Pender LUB Minor Amendments	<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>
TOTAL Project Expenses		<u>6,000.00</u>	<u>58.50</u>	<u>5,941.50</u>

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2020-015 (Standing) that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	04-Jun-2020
2019-015 (Standing) 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	06-Sep-2019
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing) - 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: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) 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.	Carried	28-Apr-2015
2010-000 (Standing) Send FUAL to trustees once drafted following the meeting.	Carried	05-Oct-2010
2006-012 (Standing) 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.	Carried	23-May-2006



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** September 24, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee Bylaws

RECOMMENDATION:

That the South Pender Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raise funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

That the South Pender Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

Alternative:

That the South Pender Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

Prepared By: David Marlор, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/August, 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
- 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
- 3. Costs:
 - 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
- 4. Community Benefit:
 - 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME this st day of , 20

READ A SECOND TIME this st day of , 20

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary



southinfo@islandstrust.bc.ca www.islandstrust.bc.ca



Updated: October 27, 2021

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE OF 2022 BUSINESS MEETINGS

**THE LTC HAS ADOPTED THE FOLLOWING DATES FOR ITS 2022 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.**

LOCATION: TBD

DATE	LOCATION
February 4	Fire Hall #3
March 4	Fire Hall #3
May 6	Fire Hall #3
June 24* (Friday)	Fire Hall #3
September 9	Fire Hall #3
November 4	Fire Hall #3

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

ALL REGULAR BUSINESS MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/spender

Email: southinfo@islandstrust.bc.ca

Phone: 250-405-5151