



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 6, 2022
Time: 11:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Pages

- | | | |
|--------|---|---------------------|
| 1. | CALL TO ORDER | 11:00 AM - 11:00 AM |
| 2. | APPROVAL OF AGENDA | 11:00 AM - 11:05 AM |
| 3. | TRUSTEE REPORT | 11:05 AM - 11:15 AM |
| 4. | CHAIR'S REPORT | 11:15 AM - 11:20 AM |
| 5. | TOWN HALL AND QUESTIONS | 11:20 AM - 11:35 AM |
| 6. | COMMUNITY INFORMATION MEETING | |
| 6.1. | Land Use Bylaw Amendments Project - Proposed Bylaw No. 122 | 11:35 AM - 11:45 AM |
| 6.2. | Minor Official Community Plan Amendments Project - Proposed Bylaw No. 123 | 11:45 AM - 12:00 PM |
| 7. | PUBLIC HEARING | |
| 7.1. | Land Use Bylaw Amendments Project - Proposed Bylaw No. 122 | 12:00 PM - 12:15 PM |
| 7.1.1. | <u>Recess for Public Hearing</u> | |
| 7.1.2. | <u>Recall to Order</u> | |
| 7.2. | Minor Official Community Plan Amendments Project - Proposed Bylaw No. 123 | 12:15 PM - 12:30 PM |
| 7.2.1. | <u>Recess for Public Hearing</u> | |
| 7.2.2. | <u>Recall to Order</u> | |
| 8. | MINUTES | 12:30 PM - 12:35 AM |
| 8.1. | Adopted Local Trust Committee Minutes Dated March 4, 2022 (for Adoption) | |

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 April 2022	11 - 12
10.	DELEGATIONS	
11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
11.1.	Electorial Boundaries Commission	13 - 13
12.	APPLICATIONS AND REFERRALS	12:35 PM - 12:50 PM
12.1.	SP-ALR-2022.1 and SP-ALR-2022.2 – Staff Report (attached)	14 - 31
12.2.	Saturna Island Local Trust Committee Referral for Proposed Bylaws 133 and 134 (for response) (attached)	32 - 43
12.3.	Mayne Island Local Trust Committee Referral for Proposed Bylaws 184 and 189 (for response) (attached)	44 - 52
12.4.	Mayne Island Local Trust Committee Referral for Proposed Bylaws 186 and 187 (for response) (attached)	53 - 66
13.	LOCAL TRUST COMMITTEE PROJECTS	12:50 PM - 1:20 PM
13.1.	South Pender Island Local Trust Committee Proposed Fees Bylaw No. 124 - Consideration of Adoption – Staff Report (attached)	67 - 73
13.2.	Land Use Bylaw Amendments Project – Staff Report (attached)	74 - 82
13.3.	Minor Official Community Plan Amendments Project – Staff Report	83 - 94
14.	REPORTS	1:20 PM - 1:35 PM
14.1.	Work Program Reports (attached)	
14.1.1.	<u>Top Priorities Report Dated April 2022</u>	95 - 95
14.1.2.	<u>Projects List Report Dated April 2022</u>	96 - 97
14.2.	Applications Report Dated April 2022 (attached)	98 - 99
14.3.	Trustee and Local Expense Report Dated Feb 2022 (attached)	100 - 100
14.4.	Adopted Policies and Standing Resolutions (attached)	101 - 103

- 14.5. **Local Trust Committee Webpage**
- 14.6. **Islands Trust Conservancy Report Dated January 2022** 104 - 106
15. **NEW BUSINESS** 1:35 PM - 1:40 PM
- 15.1. **Draft Annual Report Wording - for approval (attached)** 107 - 107
- That the South Pender Island Local Trust Committee approves the format and outline of contents for the 2021/22 Annual Report.
16. **UPCOMING MEETINGS**
- 16.1. **Next Regular Meeting Scheduled for June 24, 2022 at the South Pender Fire Hall, Pender Island**
17. **TOWN HALL** 1:40 PM - 1:50 PM
18. **CLOSED MEETING (Distributed Under Separate Cover)** 1:50 PM - 2:00 PM
- 18.1. **Motion to Close the Meeting**
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a)(d) for the purpose of considering:*
- *Adoption of In-Camera Meeting Minutes Dated February 4, 2022*
 - *Appointment of Board of Variance Members*
- AND that the recorder and staff attend the meeting.*
- 18.2. **Recall to Order**
- 18.3. **Rise and Report**
19. **ADJOURNMENT** 2:00 PM - 2:00 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: March 4, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Cameron Thorn, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Lauren Edwards, Recorder

Regrets: Steve Wright, Trustee

There were approximately 12 public attendees at the meeting

1. CALL TO ORDER

Chair Patrick called the meeting to order at 11:00 am. She acknowledged that the meeting was held in the traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT - In-Camera February 4, 2022 Meeting

By general consent the LTC chose not to appoint an APC for the balance of the term, however consideration may be given to opportunities for working groups.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Thorn reported on road problems and he remains in contact with the Ministry of Transportation regarding timelines.

5. CHAIR'S REPORT

Chair Patrick reported that the Islands Trust Council meeting is scheduled for March 8th to 10th with a Town Hall session scheduled on March 8th from 7:00 to 9:00 pm. The Trust Policy Statement engagement is being initiated and events will be occurring on Pender Island. She recommended subscribing to the website.

6. TOWN HALL AND QUESTIONS

In response to a question about being informed of the work by the LTC:

- Residents were encouraged to register to receive email notifications through the Islands Trust website and Trustee Thorn commented that his cell and email have been made available.
- The LTC will begin in person meetings at the next meeting.

7. COMMUNITY INFORMATION MEETING

7.1 Land Use Bylaw Amendment Project

Planner Stockdill introduced the Land Use Bylaw (LUB) Amendment Project which is for LTC's consideration of amendments to regulations for total and maximum floor areas, setbacks and agricultural land use as well as shipping containers and other minor and technical amendments. She stated that the first reading has not yet been given and there will be a second Community Information meeting in the late spring/early summer if the LUB proceeds.

In response to a question concerning waterfront setbacks:

- Bylaw 122 attached to the agenda was referenced;
- Changes under sections 2.4 and 2.5 restrict setback to 15 metres;
- The setback from the sea can be found under General Regulations;
- Current structures, if legally constructed, would be protected if the new regulation is more restrictive; and
- Repairs to current structures will be addressed during bylaw consideration.

In response to a concern regarding the maximum floor space and that the five tier model be reduced:

- It was reported that a number of house size options had been put forward as well as a proposal for changes to house size or setbacks in order to be legally conforming.

In response to a suggestion that an equal cap be set on short-term vacation rentals (STVRs):

- It was reported that a separate project has been completed for this issue and an email will be sent today.

In response to a question about the changing square footage figures in the drafts:

- Trustee Thorn reported that the square footage opinions differ, but that his numbers are based on rural consideration and captures 85 to 95 percent of the current building stock, but that there is fluidity to that number.

In response to a concern raised about public reaction and dialogue, the following was reported:

- In the absence of changes to the LUB, a variance can be sought, but there are no criteria for trustees to rely on; and
- In 2019, design and siting guidelines were developed and would be attached as appendices to the OCP to provide principles to consider that reflect the values of the Official Community Plan (OCP); and

- Trustee Thorn reported that he focussed on land use issues only for square footage figures.

A concern was raised about uncertainties in the variance process and the mechanisms for decision making by trustees.

- It was reported that variance considerations are of rural character, which includes privacy and natural landscape as well as maintaining setbacks for side yard boundaries and homes; and
- The two mechanisms for variance processes were described.

In response to a request for the actual proposals for house sizes:

- Planner Stockdill reported that if adopted as currently drafted, there will be the existing maximum floor area regulations for those dwellings that currently exist and more restrictive regulations for new builds.

Comments from the community members in attendance were:

- One individual was in favour of the original proposal and adopting a tier structure similar to North Pender;
- One individual supported the blackline draft of page 24, but that could change based on amendments; and
- One individual suggested that there should be a unique solution for South Pender as it is more rural than North Pender.

In response to a concern raised about the BC Assessment data and the calculation of unfinished areas:

- Trustee Thorn reported that his proposal is meant to avoid non-conforming properties through a schedule to the bylaw as opposed to a table of existing and new bylaws; and
- Attached garages should be recognized in the schedule to the bylaw.

In response to concern expressed on the rationale for changes:

- Trustee Thorn reported the goal is to have a mechanism to recognize existing properties within the LUB.

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 4, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of February 4, 2022 were adopted.

9.2 Section 26 Resolutions-without-meeting - None

9.3 Advisory Planning Commission Minutes – None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Feb 2022

11. DELEGATIONS

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 LUB Amendments Project – Staff Report

Planner Stockdill provided an overview of this topic for LTC consideration. Three topic areas where staff had provided comment were: maximum floor areas; shipping containers; and groundwater recommendations. She reported that shipping container regulations were added.

Planner Stockdill described Draft Bylaw 122 with two options that would eliminate legal non-conforming maximum floor area. One option has two regulations and the second option (not detailed in the staff report) has one regulation.

Planner Stockdill described the differences as:

- Two sets of regulations allows the property owner to add an addition if structure is under the bylaw maximum; and
- One regulation with a restricted house size for both new builds and current structures, the floor area could be retained but could not be expanded.

Discussion occurred on this issue and included:

- Progressing this issue in the absence of Trustee Wright;
- Planner Stockdill reported that Trustee Wright sent comments on a number of issues which she can highlight but not paraphrase;
- Concern was raised that with two tables, new construction on an existing home may avoid new size restrictions and remain legal non-conforming and outside the LUB;
- A single table that recognizes construction prior to LUB can be reflected in a schedule to the LUB;
- Communication to be sent to residents with an 18 month response time for a site plan;
- Amending Bylaw 122 to one table with a clause to retain or rebuild to the existing floor area;
- An example can be brought back for the May 6th meeting in a blackline version of the bylaw as well; and
- The available tables and the certainty for first reading was discussed.

SP-2022-017

It was Moved and Seconded,

that the South Pender Island Local Trust Committee amend draft bylaw 122 as follows:

by using the table on page 15 exhibiting four land use categories as Table 3 in the Staff Report in the right-hand column;

and,

the draft bylaw include clauses recognizing homes in terms of house size and setbacks that would have been built before the adoption of this new bylaw;

and,

that the bylaw include only one table.

CARRIED

Planner Stockdill requested direction on groundwater protection regulation and discussion included:

- Cistern catchment for storage of freshwater;
- The building permit for a house or cottage triggers the requirement to install a cistern on the lot.

SP-2022-018

It was Moved and Seconded,

that the South Pender Island Local Trust Committee amend draft Bylaw No. 122 as amended by amending the Groundwater Protection Regulation Section 3.14 to include a cottage as a new building.

CARRIED

SP-2022-019

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 122, cited as the "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" as amended be read a first time.

CARRIED

SP-2022-020

It was Moved and Seconded,

that the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2022-021

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Bylaw No. 122.

CARRIED

Chair Patrick stated that a Community information meeting will be held May 6th for the proposed bylaw followed by a Public Hearing.

14.2 Minor OCP Amendments Project – Staff Report

Region Planning Manager (RPM) Kojima reported that both draft versions of the Rights of Nature bylaw are attached and will be going to First Nation consultation and referral and that the remaining OCP amendments are going to public hearing.

14.3 Shoreline Review – Draft Discussion

RPM Kojima reported the project's draft version of the discussion paper is attached.

- Discussed timeline for consultation and community meeting as well as coordination with other shoreline projects;
- Chair Patrick reported that the Lyackson First Nation asked to be involved in the project definition phase for new projects and that trips to each first nations will occur; and
- RPM Kojima will report back in the May or June meeting with an update on a potential new timeline.

15. REPORTS

15.1 Work Program Reports (attached)

15.1.1 Top Priorities Report Dated Feb 2022

15.1.2 Projects List Report Dated Feb 2022

15.2 Applications Report Dated Feb 2022

- RPM Kojima reported that there is no news on the ALR application; and
- TUP file is closed and will be taken off the applications report.

15.3 Trustee and Local Expense Report Dated Dec 2021

15.4 Adopted Policies and Standing Resolutions

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 6, 2022 at the South Pender Fire Hall, Pender Island

A Community Information Meeting and public hearing on draft bylaw 122 will occur.

18. TOWN HALL

A community member raised a concern about the confusion caused by the various tables, communication being limited to email and the appearance of lack of transparency.

- Trustee Thorn commented on making available a concise table that relates to house size;
- Chair Patrick stated that the Community Information Meeting and public hearing meetings should have clarity and information will be communicated by email and the Islands Trust website and sent out by the trustees as best they can;
- Discussion occurred about the number of properties affected which Trustee Thorn reported would be 25 across all categories based on today's proposed information if adopted and that there are a number of protections for homes larger than allowed in the bylaw;
- Chair Patrick commented that slides would be helpful at the public meetings and suggested comments can be sent to southinfo@islandstrust.bc.ca.

19. CLOSED MEETING

None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:49 pm.

Laura Patrick, Chair

Certified Correct:

Lauren Edwards, Recorder



Follow Up Action Report

South Pender Island

04-Feb-2022

Activity	Responsibility	Dates	Status
1 12.1 SP-TUP-2021.1 (Ellis) - Application denied. Staff to notify applicant and close file.	Phil Testemale Sylvia Oliver	Target: 25-Feb-2022	Completed
2 13.1 SP LTC Fees Bylaw No. 124 1. Given First, Second and Third Reading. 2. Forward to EC for approval.	Jas Chonk Robert Kojima	Target: 25-Feb-2022	Completed
3 13.3 Minor OCP Amendments Project 1. Schedule CIM and Public Hearing for Bylaw No. 123 for May 6th LTC meeting. (DONE) 2. Staff to create additional OCP amendment bylaw for Rights of Nature (Done). 3. Send draft Bylaw No. 126 on early referral to FN. (DONE)	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 29-Apr-2022	Completed

04-Mar-2022

Activity	Responsibility	Dates	Status
1 9.1 SP LTC minutes from Feb 4, 2022 adopted as is.	Robin Ellchuk	Target: 18-Mar-2022	Completed



Follow Up Action Report

South Pender Island

04-Mar-2022

Activity	Responsibility	Dates	Status
2 14.1 LUB Amendments Project 1. Amend draft bylaw to include 'cottage' to Section 3.14, to regulate maximum floor area with one chart, and add legal non-conforming clause. 2. Bylaw No. 122 given First Reading as amended. 3. IT Policy Statement Directives Only Checklist endorsed for Bylaw No. 122. 4. Schedule CIM and Public Hearing for May 6, 2022. 5. Re-refer proposed Bylaw No. 122 to the ALC.	Jas Chonk Kim Stockdill	Target: 29-Apr-2022	Completed
3 14.3 Shoreline Review Project - bring to LTC when staff resources allow	Robert Kojima	Target: 03-Jun-2022	In Progress

From: "INFO, BCEBC BCEBC:EX" <info@bcebc.ca>
Subject: Greetings from the BC Electoral Boundaries Commission
Date: March 3, 2022 at 11:45:56 AM PST
To: "sefast@bimbc.ca" <sefast@bimbc.ca>



March 3, 2022

Councillor Sue Ellen Fast
Island Municipality of Bowen Island

Greetings from the BC Electoral Boundaries Commission.

Please accept this letter as an invitation to your organization to express your views on the province's current electoral district boundaries.

The BC Electoral Boundaries Commission is an independent, non-partisan commission with a mandate to review the area, names and boundaries of provincial electoral districts. The Commission submits two reports to the Legislative Assembly with recommendations for the next two provincial general elections.

Your voice is an important part of this process. To help prepare its preliminary report, the Commission is now seeking public input on the province's current electoral district boundaries. We will be publishing a preliminary report with initial recommendations. After, we will seek public input on those recommendations.

You can share your organization's views in the following ways:

- through the [Commission website](#),
- at an in-person or virtual [public meeting](#), or
 - by [writing the Commission](#) directly.

Visit our website to learn more about the Commission, review maps and resources, and find the electoral districts in your community.

Please feel free to share this information with others and contact us with any questions.

Sincerely,

Justice Nitya Iyer
Commission Chair

BC Electoral Boundaries Commission

100- 1112 FORT STREET, VICTORIA B.C. V8V 3PK
BCEBC.CA | INFO@BCEBC.CA | 1-800-661-8683

File No.: SP-ALR-2021.1 & SP-ALR-2022.2 (Airey Group)

DATE OF MEETING: May 6, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: ALR Application for Non-Farm Use
Applicant: Airey Group
Location: 8790 Gowlland Road

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request the applicant submit to the Islands Trust the following to support applications SP-ALR-2021.1 and SP-ALR-2022.2:

- **information on the current farm activities on the ALR land to address OCP policy 3.5.2(h);**
- **information on how the agricultural capability of the land will not be impacted by the non-farm use (strata access road); and,**
- **how the applications are not at variance with Islands Trust Policy 4.1.7.**

REPORT SUMMARY

The purpose of the report is for the Local Trust Committee (LTC) to decide if it wishes to forward the subdivision and non-farm use applications to the Agricultural Land Commission (ALC) for consideration, with or without additional comments or recommendations for the ALC to take into consideration, or to request further information from the applicant prior to forwarding to the ALC.

BACKGROUND

The subject property is 8.04 hectare (19.8 acres) in area and is split zoned Rural Residential 2 (RR2) and Agriculture (A). The subject property currently has two dwellings, one cottage, accessory buildings and structures constructed on the RR2 zoned portion, and a barn and accessory structures on the A zoned portion. There is also an existing driveway that bisects the Agriculture zoned portion of the property to access the RR2 zoned portion.

In 2007 a subdivision application was received to subdivide the subject property into 7 lots. A note on file indicates the applicants let the Preliminary Layout Review (PLR) expire. In 2011/2012 another ALR and subdivision application was received to subdivide the property into four strata lots with common property. That subdivision application did not proceed due to the dedication of land for parkland dedication.

The property owners have now brought forward a new subdivision application that would create:

- Strata Lot 1 - 2.02 hectares, zoned RR2, very small northern area located in Agricultural Land Reserve (ALR).

Z:\09 Current Planning\11 SP\3410 ALR\20 Referrals (P)\2022\SP-ALR-2022.1 (Airey Grp - Non-Farm Use)\06 Staff Reports\SP-LTC-2022-05-06_ALR-2021.1 and SP-ALR-2022.1 Staff Report.docx

- Strata Lot 2 – 2.06 hectares, zoned RR2, very small northern area located in ALR.
- Remainder Common Property – 3.8 ha, zoned A, and primarily located in the ALR. The existing driveway bisecting the ALR will become a strata access way to access Strata Lot 1 and Strata Lot 2.

An application for subdivision was received by the Islands Trust and staff have provided comments and conditions to the Ministry of Transportation and Infrastructure (SP-SUB-2021.1). As a portion of the property is located within the ALR, Islands Trust staff added the following condition to approval of subdivision:

- Application to the ALC for subdivision and non-farm use (strata road) is required.

The applicants have now applied for subdivision to the ALC (SP-ALR-2021.1) and for a non-farm use application for the strata road (SP-ALR-2022.1).

Figure 1 – Subject Property

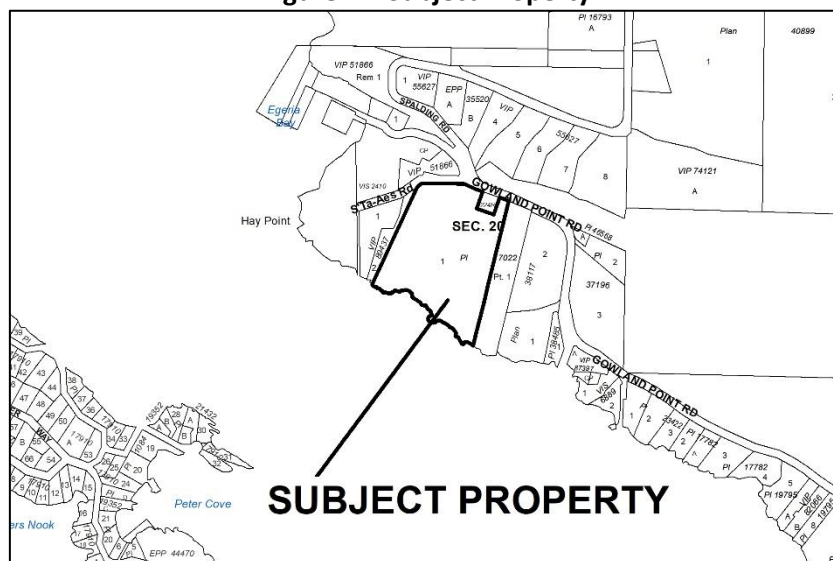
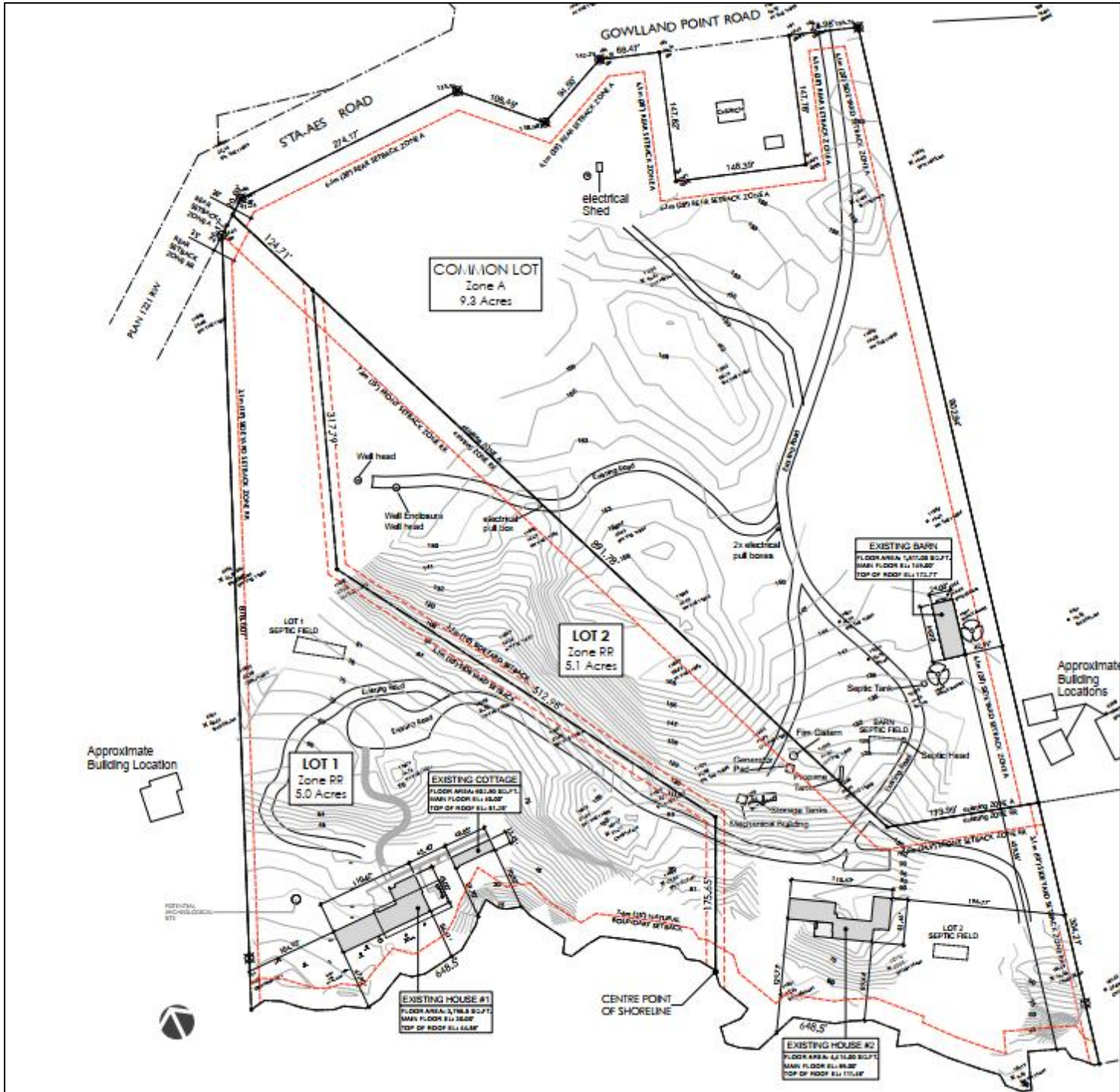


Figure 2 – ALR



Figure 3– Applicant's Subdivision Plan



ANALYSIS

Islands Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

Agricultural Land

4.1.4...the identification and preservation of agricultural land for current and future use.

4.1.5...the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

4.1.6...the use of adjacent properties to minimize any adverse affects on agricultural land.

4.1.7...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.

4.1.8...land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land.

Policy/Regulatory

Official Community Plan:

The property is split designated as **Rural Residential and Agriculture** in the South Pender Island Official Community Plan (OCP) Bylaw 107, 2011.

The follow are applicable Agriculture Objectives and Policies in the South Pender OCP:

3.5.1(b) To support the use and development of agricultural lands for mixed agricultural activities and practices that do not compromise the land for future farm use, create conflicts with other adjacent land uses, or impair the island's water supplies.

3.5.2(a) In order to support and retain a capability for mixed agricultural activities, the minimum parcel area requirement for subdivision of Agriculture designated lands is to be 4 hectares (9.88 acres).

3.5.2(d) Lands designated as Agriculture are to be used primarily for agricultural use and development. Zoning regulations are to:

(i) allow for a mixture of agricultural uses and related accessory uses, acceptable to the Agricultural Land Commission, that enhance the viability of island agricultural activity;

(iv) ensure that other allowed uses on Agriculture designated lands are compatible, both in type and scale, with rural residential living. Land use regulatory bylaws are to make provision for the uses customarily associated with rural living home occupations.

3.5.2(h) The Local Trust Committee shall not support applications to the Agricultural Land Commission for nonfarm use unless it can be demonstrated that the proposed use would allow an active farm to diversify, the agricultural capability of the land is not impacted, and the use is consistent with zoning or policies of this OCP.

Land Use Bylaw:

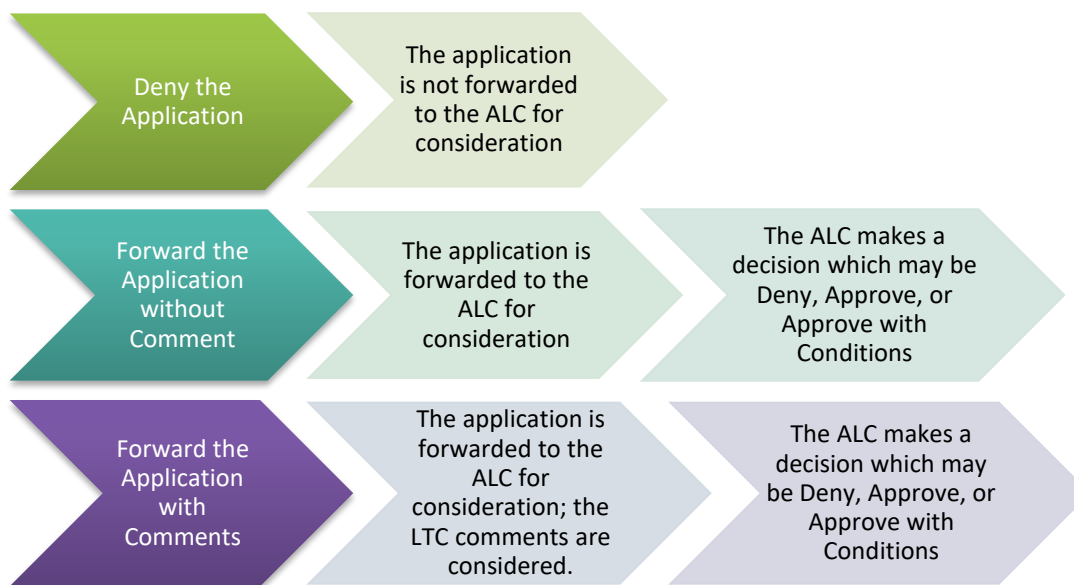
The subject property is split zoned as **Rural Residential 2 (RR2) and Agriculture** in the South Pender Island Land Use Bylaw No. 114, 2016.

Issues and Opportunities

ALC Application Process

The LTC has the discretion to consider the application following one of the three (3) following paths with the subsequent steps as illustrated in Figure 3.

Figure 4 – ALC Applications



Typically the inclusion of 'comments' would be recommended conditions that the ALC may or may not include if approving.

Islands Trust & OCP Objectives and Policies

In considering whether to support and forward the application to the ALC, the LTC should consider how the proposal would be beneficial to both the agricultural viability of the farm operation and broader agriculture objectives, and whether it supports the Islands Trust and OCP policies. Staff's opinion is that the applications at this time do not meet the following OCP policy as they applicant has not demonstrated how the proposed non-farm use (strata access) would allow an active farm to diversify:

3.5.2(h) The Local Trust Committee shall not support applications to the Agricultural Land Commission for nonfarm use unless it can be demonstrated that the proposed use would allow an active farm to diversify, the agricultural capability of the land is not impacted, and the use is consistent with zoning or policies of this OCP.

Clarification from the applicant is also required as to if the proposal is at variance with the following Islands Trust policy:

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.

Subdivision Regulations

The subdivision application would meet minimum and average lot areas required for RR2 lots. The common property, located within the Agriculture zone, is not required to meet the minimum lot size of 4.0 ha for the Agriculture zone as 'common property' is not a 'lot'.

A covenant will be required to be registered as a condition of the MOTI subdivision application which would complying with Subsection 8.3(3) of the South Pender Island Land Use Bylaw. The covenant would in respect of prohibit the further subdivision of the common property, the construction of any dwelling or cottage on the common property and the disposition of the common property separately from the strata lots.

Non-Farm Use - Access

The non-farm use application is required for the strata access route over the ALR land to access the RR2 zoned lots. The strata access will follow the existing driveway which would reduce impact to the ALR lands and the applicant has indicated that the use will be the same. Although staff note there may be some impact to the ALR lands if the strata access must be upgraded to meeting the *Bare Land Strata Regulations* or *Strata Property Act*.

Agricultural Activities on the Subject Property

The applicant does not indicate how the applications support agriculture in the short or long term nor do they provide any detail on the current farm activities. If the subdivision application with MOTI is successful, then the remainder common property portion that is zoned Agriculture and located in the ALR would not be able to permit a single-family dwelling or second residence. Rather the only permitted use would be Agriculture. It is unknown whether the elimination of residential use of the Agriculture zone common property would have a positive or negative impact to the ALR land.

In terms of the proposed strata access, a previous staff report dated March 27, 2012 provides the following rationale to support the current strata road/driveway access:

"It could be argued that the use of the agricultural portion of the lot will not be substantially hindered by the proposed subdivision and non-farm use. The proposed strata road is to follow the existing access to the proposed waterfront lots (rural residential zoned portion), but being built to an improved standard. The access road was changed slightly from the existing so as to not impact the ALR land by moving the access point from the west side of the church site to the east side. Options for access to the residential portion are limited due to steep topography. The common septic field for lots 1, 2 and 3 will most likely have to remain free of certain agricultural activities (machinery, cultivation), but as with the rest of the ALR land can continue for the use of livestock (horses) thereby not impacting its capability."

There is lack of information as to how the proposed non-farm use (strata access) would benefit local farming or improve farming capability or production on the subject property. The LTC could consider requiring the applicant to provide information on the active farm use of the land to address the ITPS directives and OCP policies and objectives that the applications may be at variance with.

Land Capability for Agriculture

Staff have undertaken a preliminary analysis based on available soil mapping using the Agricultural Capability Mapping in BC. The purpose of this analysis is to provide some indication, albeit at a general level, to the LTC of the agricultural potential of the property in the absence of professional agrologist's report.

The range of suited crops decreases from Class 1 to Class 7 and/or the management inputs increase from Class 1 to Class 7. For example, Class 1 lands can support the broadest range of crops with minimal management units. Attachment 3 itemizes the spectrum of soil classes assessed based on factors such as soil moisture and depth, etc.

The subject property has the agricultural capacity Class 5, 6, and 7 (Attachment 3). These classes indicate that the land may have limitations, or no capability at all, to produce some crops. Without a professional Agrologist report or site specific information, the above classifications are for information only.

First Nations

Staff reviews all applications and referrals using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, there are known archaeological sites and sites of archaeological potential on the to the subject property. Staff have therefore provided directly to the applicant the Islands Trust Chance Find Protocol, BC Archaeology Branch Guidance document and a link on obtaining archaeological information.

Rationale for Recommendation

The applications could be supported by staff as the subdivision application layout retains larger rural residential parcels, and does not create the maximum number of lots permitted by zoning. Furthermore, the non-farm use strata access will follow the existing driveway potentially having minimal impacts on the agriculture lands. There is still a lack of information from the applicant regarding the current farm activities on the property and how the subdivision and non-farm use will support or enhance the agricultural land. Staff are therefore recommending that the following information is provided by the applicant prior to the LTC's decision to forward the applications to the ALC:

- information on the active farm (for example a farm plan);
- information on how the agricultural capability of the land will not be impacted by the non-farm use (strata access road); and,
- how the applications is not a variance with Islands Trust Policy 4.1.7.

ALTERNATIVES

1. Approve the applications without comments

The LTC may support the application being forwarded to the ALC without comments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee supports applications SP-ALR-2021.1 and SP-ALR-2022.1 (Airey Group) for subdivision and non-farm use within the Agricultural Land Reserve and directs staff to forward the application to Agricultural Land Commission for further consideration.

2. Approve the applications with comments

The LTC may support the application being forwarded to the ALC with comments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee supports applications SP-ALR-2021.1 and SP-ALR-2022.1 (Airey Group) for subdivision and non-farm use within the Agricultural Land Reserve and directs

staff to forward the application to Agricultural Land Commission for further consideration and to include the following comments _____

3. Deny the application(s)

The LTC may deny the application(s). The decision should be accompanied by reasons. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee deny application(s) SP-ALR-2021.1/SP-ALR-2022.1 for the follows reasons _____.

NEXT STEPS

- Staff will bring back the applications for the LTC's consideration once further information is received from the applicant.

Submitted By:	Kim Stockdill, Island Planner	April 27, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 28, 2022

ATTACHMENTS

1. Site Context
2. Maps and Subdivision Plan
3. Land Capability for Agriculture Classification (ALC)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022, Except That Part Thereof Lying To The East Of A Boundary Parallel To And Perpendicularly Distant 200 Feet From The Easterly Boundary Of Said Lot
PID	005-802-938
Civic Address	8970 Gowlland Point Rd

LAND USE

Current Land Use	Rural Residential and Agriculture
Surrounding Land Use	North – Commercial Resort/Community Service 1 (church) West – Rural Residential 2 East – Agriculture South – Water 2

HISTORICAL ACTIVITY

File No.	Purpose
SP-ALR-2005.1	Request to exclude land from the ALR. Request denied by LTC.
SP-ALR-2012.1	Subdivision and non-farm use application. Approval received by LTC.
SP-DVP-2011.1	Variance approved to increase height of accessory building (barn) in the A zoned portion of the lot.
SP-SUB-2007.3	Subdivision application to subdivided into 7 lots. PLA expired.
SP-SUB-2011.2	Subdivision application to subdivision into 4 strata lots. Subdivision did not proceed due to request for parkland dedication.

POLICY/REGULATORY

Official Community Plan Designations	Split designation of Rural Residential and Agriculture in the South Pender Island Official Community Plan Bylaw NO. 107
Land Use Bylaw	The subject property is split zoned as Rural Residential 2 (RR2) and Agriculture (A) in the South Pender Island Land Use Bylaw No. 114, 2016.
Other Regulations	N/A
Covenants	FB380894 (CRD – Geotechnical Report)
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Subject property is located in an area of Critical Habitat for Sharp-tailed Snake. See also: Attachment 2.3

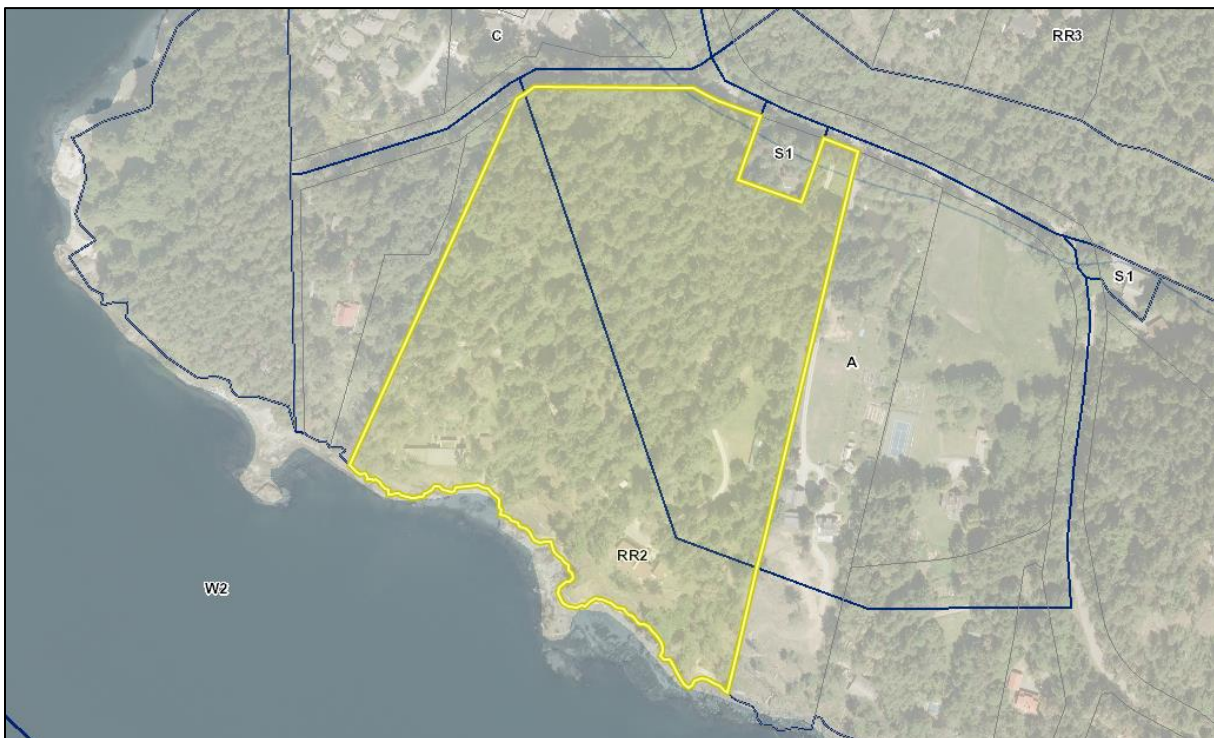
Sensitive Ecosystems	The subject property is located within the Herbaceous, Woodland and Mature Forest Sensitive & Rare Ecosystems. See Attachment 2.4
Hazard Areas	Areas of high, moderate, and low steep slope risk. See attachment 2.5
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information and indicates archaeological potential noted within the property. Accordingly, by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Additionally, staff have provided directly to the applicant the Islands Trust Chance Find Protocol, BC Archaeology Branch Guidance document and a link on obtaining archaeological information
Climate Change Adaptation and Mitigation	Proposed subdivision does not create the maximum number of lots permitted by zoning. The reduction in density could potentially reduce GHG emission reduction.

ATTACHMENT 2 – MAPS AND SUBDIVISION PLAN

2.1 ORTHOPHOTO & BUILDING FOOTPRINTS



2.2 LAND USE (ZONING)



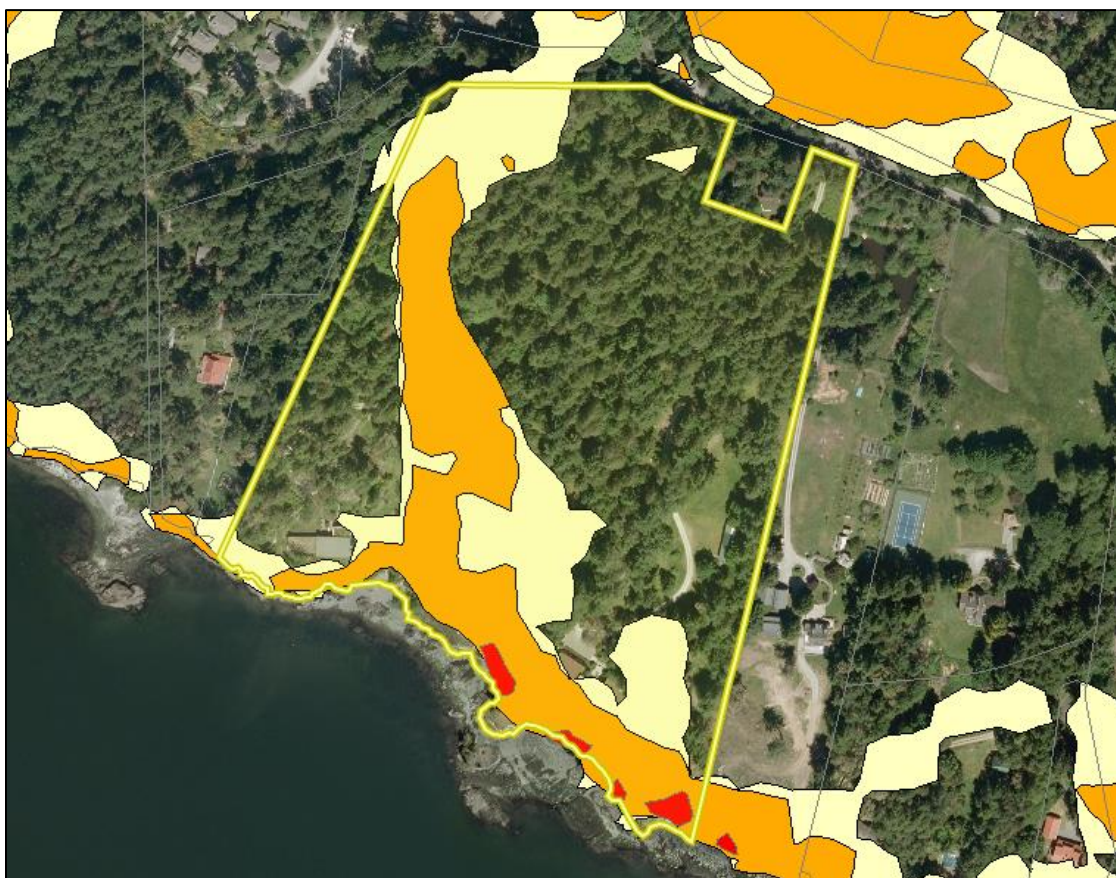
2.3 SPECIES AT RISK



2.4 SENSITIVE ECOSYSTEMS



2.5 STEEP SLOPES



This topographic map illustrates a 20-acre property in the Town of Gore, divided into three lots. The property is bounded by Sta-Aes Road to the north and Gowlland Point Road to the east. The map includes the following details:

- LOT 1 Zone RR 5.0 Acres:** Located in the southwest, featuring an existing cottage and a septic field.
- LOT 2 Zone RR 5.1 Acres:** Located in the center, featuring an existing house #1 and a septic field.
- COLLISION LOT Zone A 9.3 Acres:** Located in the northeast, featuring an existing barn and a septic field.

Other features and structures shown on the map include:

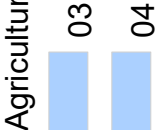
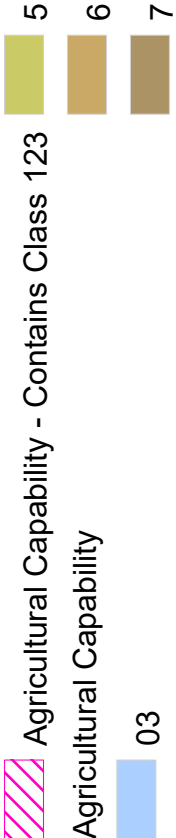
- EXISTING COTTAGE:** Located on Lot 1, with a floor area of 1,116 sq. ft. and a main floor elevation of 110.00'.
- EXISTING HOUSE #1:** Located on Lot 2, with a floor area of 1,116 sq. ft. and a main floor elevation of 110.00'.
- EXISTING HOUSE #2:** Located on Lot 2, with a floor area of 1,116 sq. ft. and a main floor elevation of 110.00'.
- EXISTING BARN:** Located on Collision Lot, with a floor area of 1,116 sq. ft. and a main floor elevation of 110.00'.
- EXISTING CHURCH:** Located on Collision Lot, with a floor area of 1,116 sq. ft. and a main floor elevation of 110.00'.
- EXISTING SHED:** Located on Collision Lot, with a floor area of 1,116 sq. ft. and a main floor elevation of 110.00'.
- EXISTING SEPTIC FIELDS:** Located on each of the three lots.
- EXISTING WELLS:** Located on Collision Lot and Lot 2.
- EXISTING ELECTRICAL PULL BOXES:** Located on Collision Lot and Lot 2.
- EXISTING FIRE CABINETS:** Located on Collision Lot and Lot 2.
- EXISTING MECHANICAL BUILDING:** Located on Collision Lot.
- EXISTING STORAGE TANKS:** Located on Collision Lot.
- EXISTING CENTRE POINT OF SHORELINE:** Located on Collision Lot.

The map also shows various topographic features such as contour lines, a creek, and a road. A north arrow is located in the bottom left corner.

ArcGIS Web Map

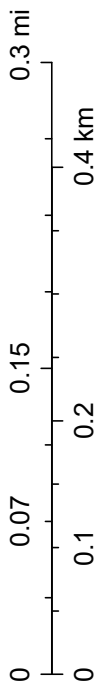


4/27/2022, 9:34:44 AM



Agricultural Capability

1:9,028



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



AGRICULTURAL CAPABILITY CLASSIFICATION IN BC

Not all agricultural lands are created equal and not all agricultural land are capable or suitable for producing all agricultural products, regardless of the level of management applied. The main limiting factors in British Columbia are climate and topography. Climate determines the heat energy and moisture inputs required for agricultural production. Topographic limitations mostly restrict the ability to use cultivation equipment. Soils with all their variability are also a key limiting factor. Depending upon their properties and characteristics they may be appropriate for sustaining the production of certain agricultural products, but not others.

In BC agricultural capability ratings and limitations are assessed through a classification system known as the "Land Capability Classification for Agriculture in British Columbia"¹. The classification system describes seven land capability classes for agriculture (Classes 1 to 7). Class 1 land has minimal limitations when associated with the most amenable climates in the Province. In Class 2 to Class 5 lands the limitations increase. Class 6 lands have limitations that preclude arable agricultural activities yet are capable of sustaining native and/or perennial uncultivated agriculture. Class 7 lands have limitations that preclude all arable and natural grazing agricultural systems, regardless of the climate. Increasingly, new innovations in drainage and irrigation, tillage, nutrient replenishment (whether organic or inorganic), pest management, as well as closed environmental systems, allow for agricultural production on agricultural land once deemed too limited or unsuited for producing specific products. The recognition of 'arable' agricultural activities is also significant in that Class 6 and 7 lands may still be agriculturally productive, where topography and climate allows, and where the agricultural activities are dedicated to closed environmental systems (i.e. greenhouses).

The land capability classification for agriculture has two main components; the capability **class** and the capability **subclass**. The class identifies potential for agriculture. **The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.** As the class numbers increase from Class 1 to Class 7, the range of crops decreases. Associated with each class is a subclass that identifies limitations or special management practices needed to improve the soil, such as topography, stoniness, soil moisture deficiency, low fertility, etc. Regular management practices required to make land productive include, drainage, irrigation, stone picking, fertilization etc.



AGRICULTURAL CAPABILITY CLASSIFICATION IN BC

LAND CAPABILITY CLASSES FOR MINERAL SOILS

The seven land capability classes for mineral soils are defined and described as follows:

CLASS 1 LAND IN THIS CLASS EITHER HAS NO OR ONLY VERY SLIGHT LIMITATIONS THAT RESTRICT ITS USE FOR THE PRODUCTION OF COMMON AGRICULTURAL CROPS.

Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.

CLASS 2 LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTISES OR SLIGHTLY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which does not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.

CLASS 3 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTISES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practises are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

CLASS 4 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTISES OR SEVERELY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

CLASS 5 LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

CLASS 6 LAND IN THIS CLASS IS NONARABLE BUT IS CAPABLE OF PRODUCING NATIVE AND OR UNCULTIVATED PERENNIAL FORAGE CROPS.

Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for



AGRICULTURAL CAPABILITY CLASSIFICATION IN BC

cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

CLASS 7 LAND IN THIS CLASS HAS NO CAPABILITY FOR ARABLE OR SUSTAINED NATURAL GRAZING.

All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but they do not provide natural sustained grazing by domestic livestock due to climate and resulting unsuitable natural vegetation. Also included are rockland, other nonsoil areas, and small water-bodies not shown on maps. Some unimproved Class 7 land can be improved by draining or diking.

Agriculture Capability Subclasses

The subclass indicates lands with similar kinds but varying intensities of limitations and hazards. It provides information on the kind of management problem or use limitation. Except for Class 1 lands, which have no significant limitations, the capability classes are divided by subclasses on the basis of type of limitation to agricultural use. Each class can include many different kinds of soil, similar with respect to degree of limitation: but soils in any class may require unlike management and treatment as indicated by the subclasses shown.

A & M	Soil moisture deficiency	N	Salinity
C	Adverse climate (excluding precipitation)	P	Stoniness
D	Undesirable soil structure	R	Shallow soil over bedrock and/or bedrock outcroppings
E	Erosion	T	Topography
F	Low fertility	W	Excess water (groundwater)
I	Inundation (flooding by streams, etc.)	S & X	Cumulative and minor adverse conditions



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area Bylaw No.: 133/134 Date: March 24, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee Project

PURPOSE OF BYLAW:

Minor amendments to the Saturna Island Official Community Plan No. 70 (OCP) and the Saturna Island Land Use Bylaw No. 119 (LUB) that will improve clarity and consistency of bylaw application and address some longstanding minor errors with respect to zoning and land use designations.

Professional reports and staff reports are available on the Saturna island webpage:

<https://islandstrust.bc.ca/island-planning/saturna/projects/>

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

BSmith

(Signature)

Name:

Brad Smith

Title:

Island Planner

Contact Info

Tel: 778 679 5185

Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Non-Agency Referrals

Saturna Island Parks and Recreation Commission

Regional Agencies

Capital Regional District – Building Inspection

Capital Regional District – Regional Parks and Community Services

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area
(Island)

(Signature)

(Date)

133/134
(Bylaw Number)

(Name and Title)

(Agency)

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 133

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

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

1. CITATION

This Bylaw may be cited for all purposes as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021".

2. SCHEDULES

Saturna Island Official Community Plan No. 70, 2000 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 17TH DAY OF FEBRUARY 2022.

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 THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 133**

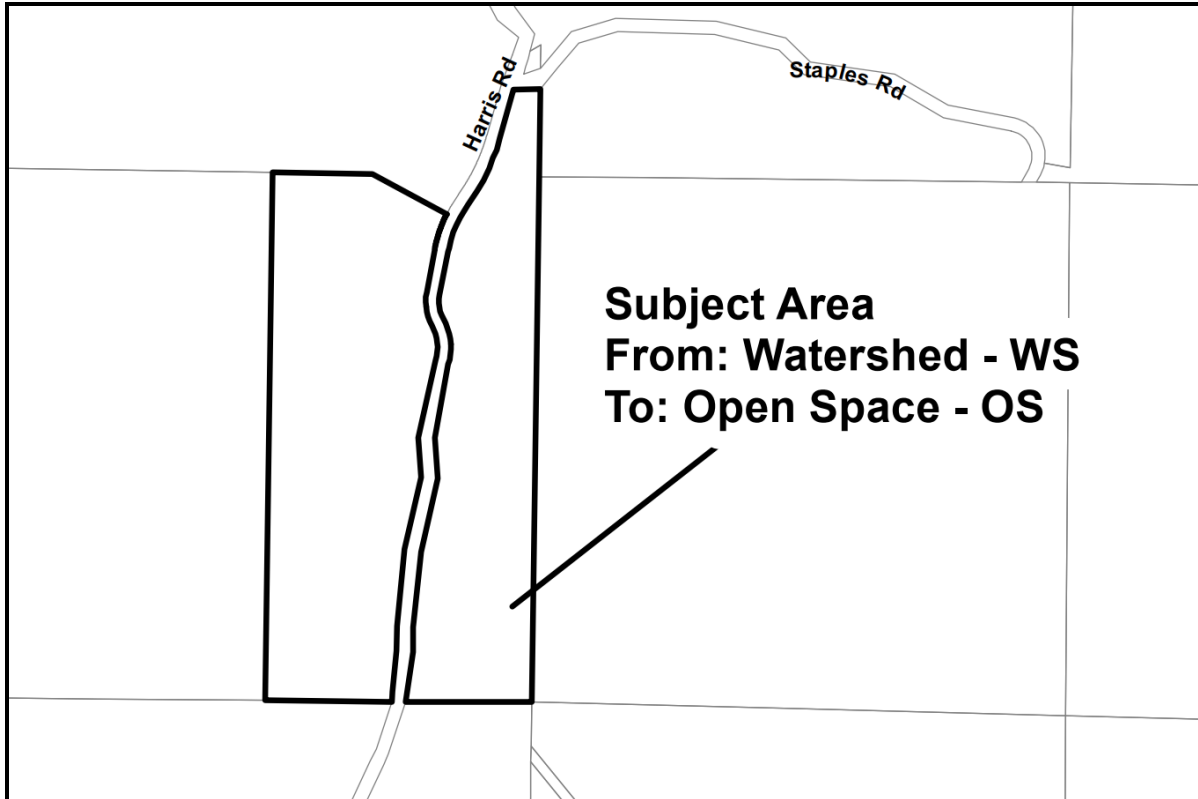
SCHEDULE 1

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

1. Schedule "B" – Land Use Designation Map, is amended by changing the land use designation of the land parcel legally described as *Fractional Section 8 Saturna Island Cowichan District Except, 1) West 1/2 Of The Se 1/4 Thereof, 2) Sw 1/4 Thereof, and 3) Those Parts in Plans 2755, 8220, 15123, 18277, 18592, 19557, 19752, 21813, 32473, 40064, 44888, VIP67333, VIP84109, EPP34443 and EPP70279* from Watershed (WS) to Open Space (OS), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 70 as are required to effect this change.
2. Schedule "B" – Land Use Designation Map, is amended by changing the land use designation of the land parcel legally described as *Lot 52, Cowichan District, Containing 1.16 Acres, More Or Less* from Wilderness Reserve (WR) to Rural (R), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 70 as are required to effect this change.

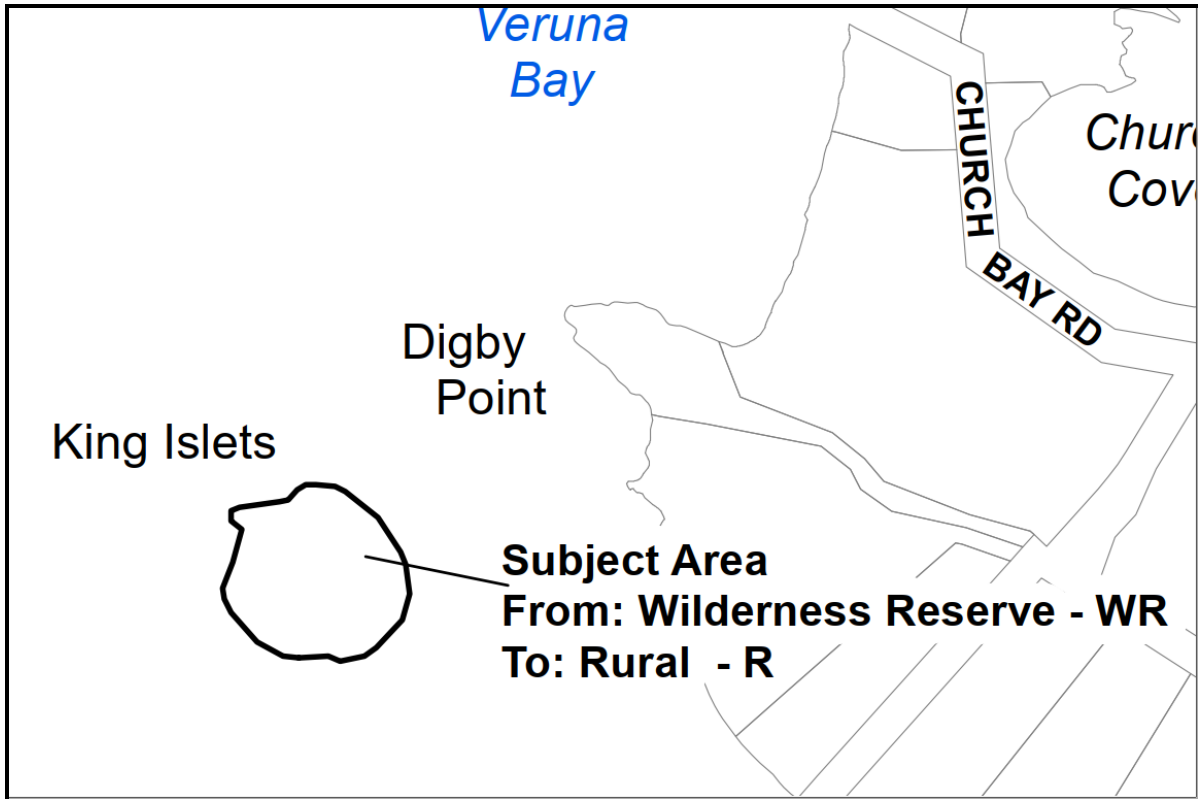
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 133

Plan No. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 133

Plan No. 2



PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 134

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1. Part 11 (Water Zoning Regulations) Section 11.5 (Open Waters Zone), Subsection 11.5.1 (Permitted Uses) is amended by inserting a new Article 11.5.1(6) that reads “Hydrophone research facilities” immediately following Article 11.5.1(5).

2.2. Part 12 (Subdivision Regulations) Section 12.7 (Lot Width) is amended by inserting “exclusive of any panhandle access strip” such that it reads “No lot may have a width less than one third of its depth exclusive of any panhandle access strip.”

2.3. Section 15.1 (Interpretation) Subsection 15.1.34 is amended by inserting “excluding cisterns and other associated water storage infrastructure uses except for pumps and necessary pipes.” such that it reads “ “pumphouse” means a subordinate building or structure not exceeding 9.3 square metres (100 sq. ft.) in area, separated from and located on the same parcel as the main building, that is used for water or sewage pumping facilities excluding cisterns and other water storage infrastructure uses except for pumps and necessary pipes.”

2.4. Section 15.1 (Interpretation) Subsection 15.1.33 is amended by deleting “solid waste disposal,” such that it reads “ “public service uses” means a use providing for the essential servicing of Saturna Island with water, sewer, electricity, telephone, cablevision, and similar services.”

2.5. Schedule “B” – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Lot 30, Section 17, Saturna Island, Cowichan District, Plan 7360* from Rural General (RG) to Community Services (CS), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 119 as are required to effect this change.

2.6. Schedule “B” – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Fractional Section 8 Saturna Island Cowichan District Except, 1) West 1/2 Of The Se 1/4 Thereof, 2) Sw 1/4 Thereof, and 3) Those Parts in Plans 2755, 8220, 15123, 18277, 18592, 19557, 19752, 21813, 32473, 40064, 44888, VIP67333, VIP84109, EPP34443 and EPP70279* from Watershed (W) to Community Park (CP), as

shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

2.7. Schedule "B" – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Lot 52, Cowichan District, Containing 1.16 Acres, More Or Less* from Wilderness Reserve (WR) to Rural Residential (RR), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

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.

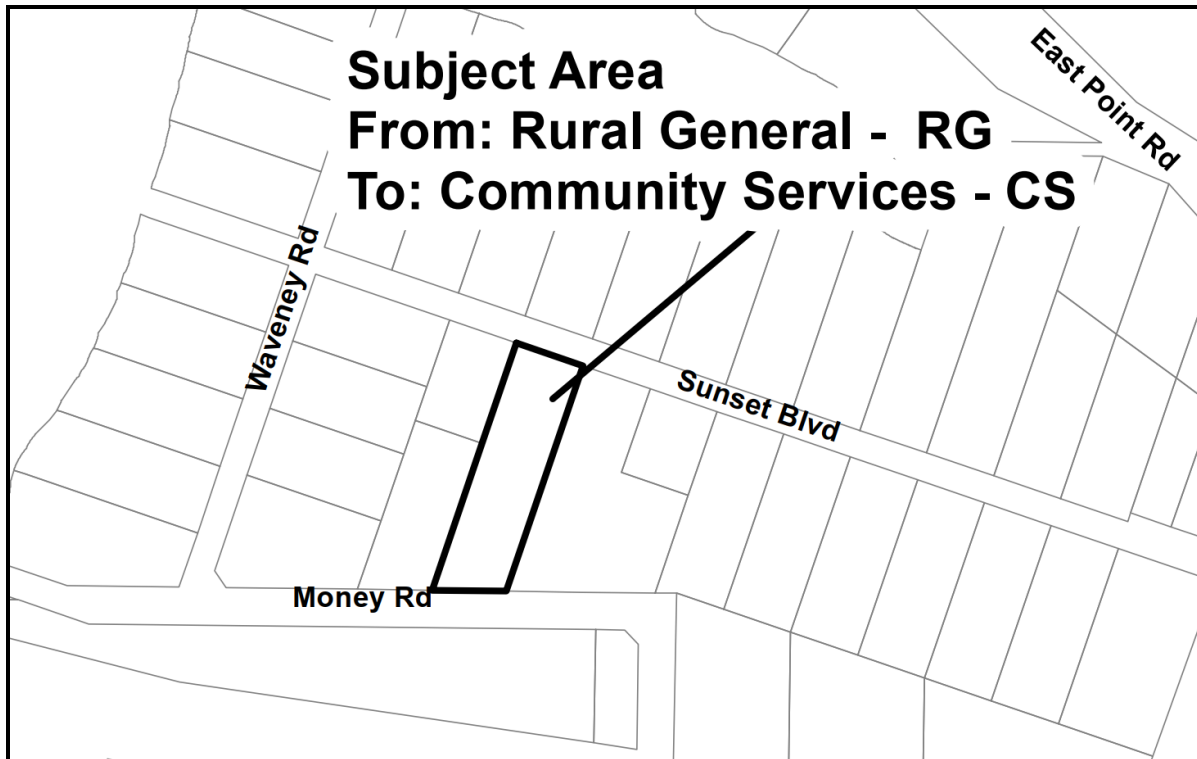
READ A FIRST TIME THIS	17 TH	DAY OF	FEBRUARY	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

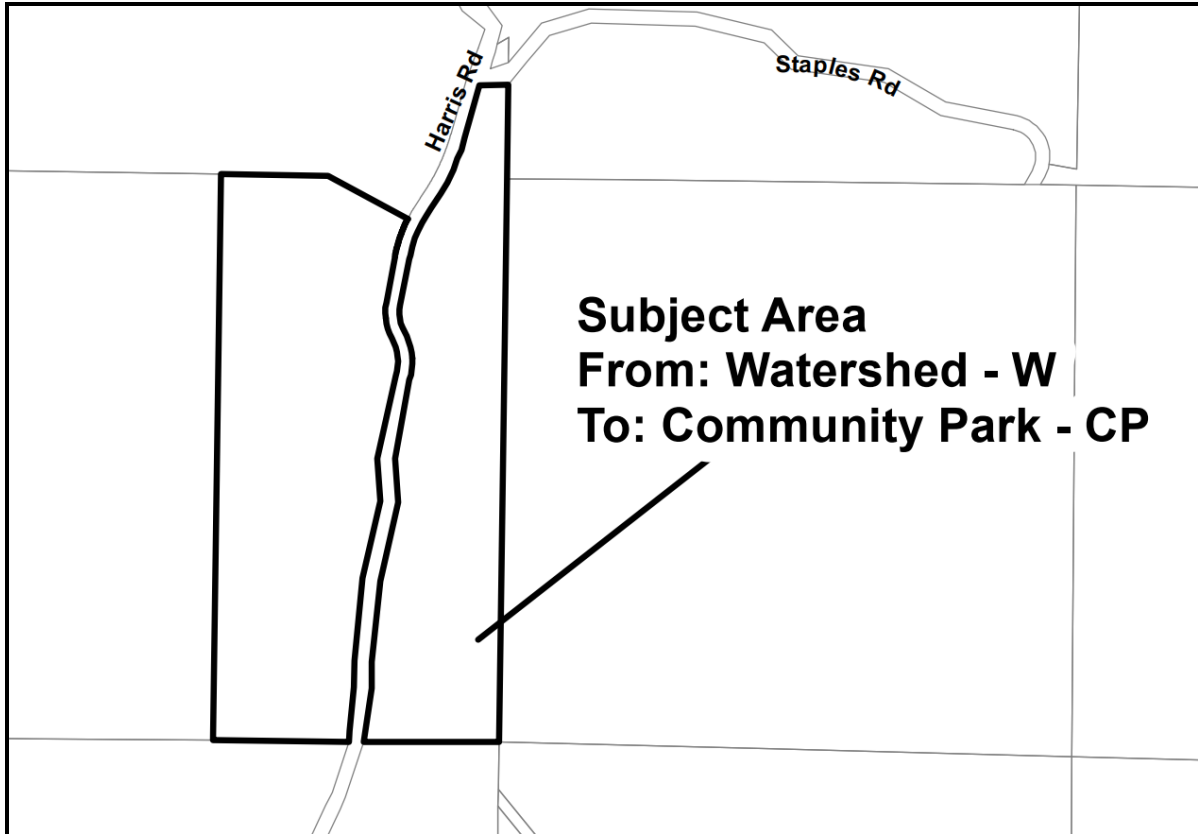
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 134

Plan No. 1



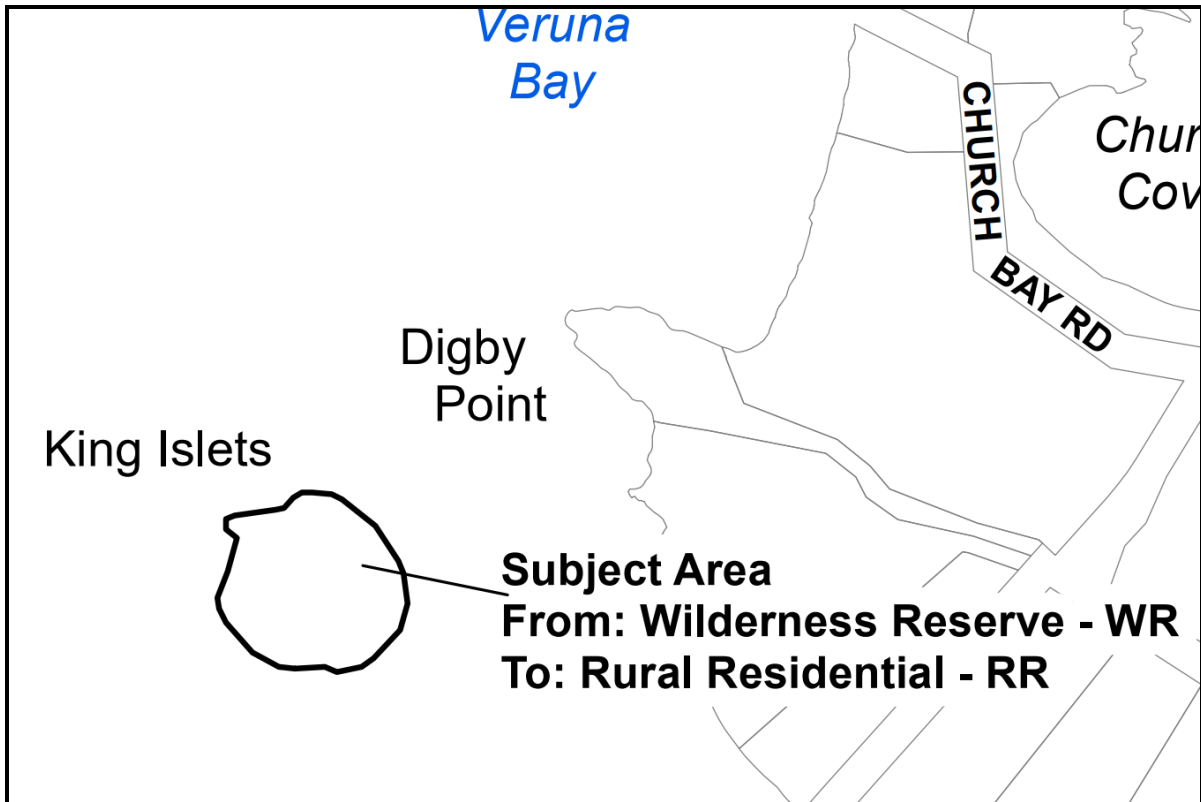
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 134

Plan No. 2



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 134

Plan No. 3





Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 184 and 189 Date: March 31, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mayne Island Local Trust Committee Flexible Housing Project

PURPOSE OF BYLAW:

The purpose of this Bylaw is to introduce zoning that will allow additional dwellings within a maximum combined square footage in a specific area on Mayne Island that has been identified as the "pilot area" for this approach.

Professional reports and staff reports are available on the Mayne Island webpage:

<https://islandstrust.bc.ca/island-planning/mayne/projects/>

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

Narissa Chadwick

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189

Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Regional Agencies

Capital Regional District – Building Inspection

Provincial Agencies

Ministry of Municipal Affairs

Non-Agency Referrals

BC Assessment Authority

Islands Trust – Bylaw Enforcement

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

184/189

(Bylaw Number)

(Name and Title)

(Agency)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008” is amended as follows:

2.1 By attaching Plan 1, attached to and forming part of this Bylaw, as Schedule “E” – Flexible Housing Map.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “Recreational vehicle” and replacing it with ““Recreational vehicle” means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, including a tiny home on wheels that meets the Canadian Standards Association Standard for Recreational Vehicles, but does not include a mobile home or, manufactured home”.

2.3 Section 1.1 – Definitions, is amended by adding ““Tiny home on wheels” means– a dwelling unit on a wheeled chassis designed to be used as a full-time residence”.

2.4 Subsection 3.13 (3) – Secondary Suites, is amended by inserting “in areas outside the shaded area in Schedule “E” following “constructed” in both instances.

2.5 Subsection 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.

2.6 Subsection 5.1 (2) –Settlement Residential (SR) Zone, is amended by inserting “unit” after the first instance of “dwelling” and before “per lot”

2.7 Section 5.1 – Settlement Residential (SR) Zone is amended by inserting a new subsection (3.1) following subsection (3):

“(3.1) Despite 5.1(2) and (3), on lots shown on Schedule E, the following density is permitted:

- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m² (2500 square feet).

- (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m² (3500 square feet).
 - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m² (4750 square feet).
 - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
 - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
 - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
 - (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.10 Subsection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- "3.1) Despite 5.5 (2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m² (2500 square feet).
 - (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m² (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m² (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."

2.12 Section 5.5 (7) – Rural (R) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

2.13 Section 5.6 (7) – Upland (UP) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

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	28 TH	DAY OF	MARCH	2022.
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____

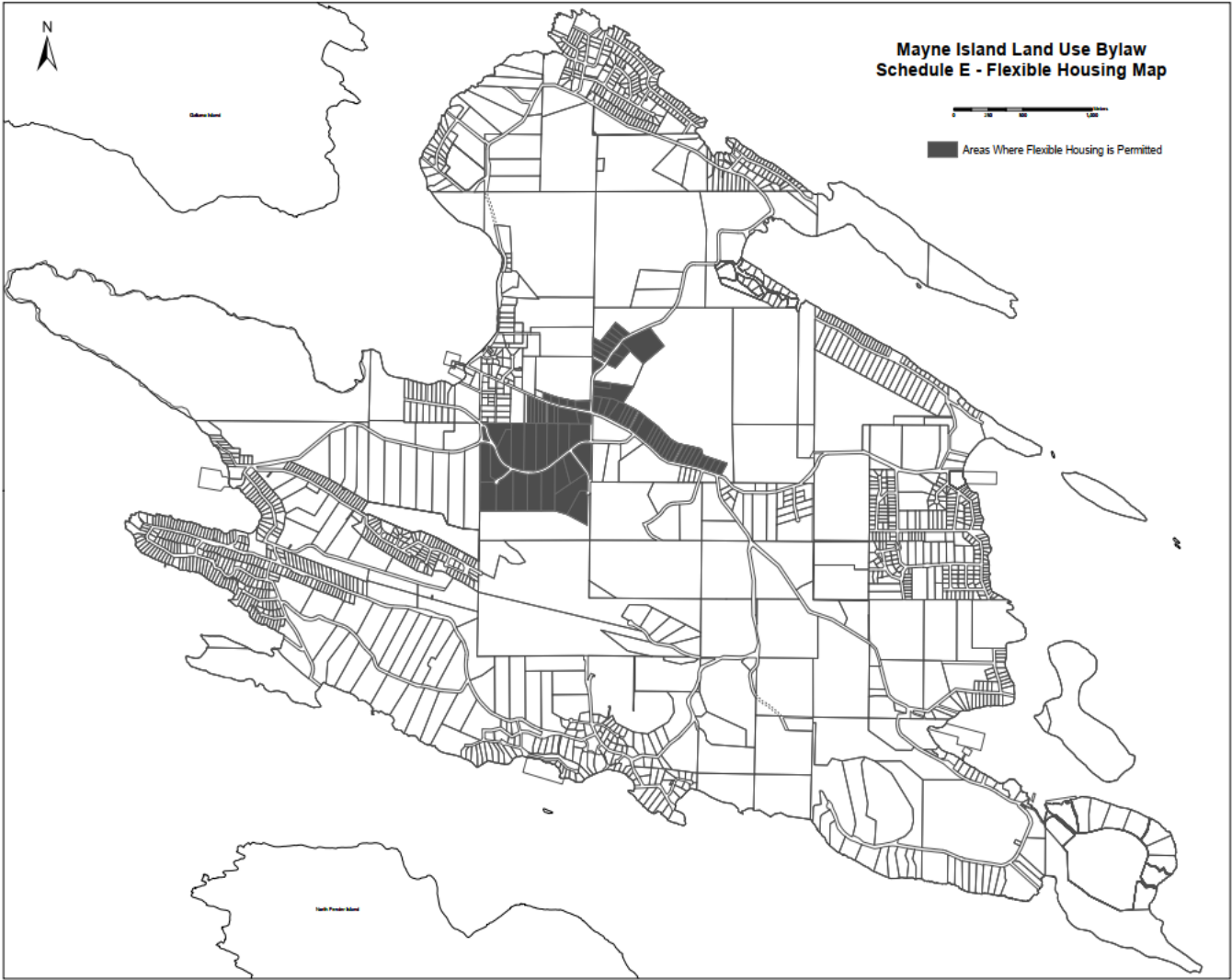
CHAIR

SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 184

Plan 1

Schedule E (Flexible Housing Areas Map)



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 189

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

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

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022".

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 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 28TH DAY OF MARCH 2022.

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 THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 189**

SCHEDULE 1

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. Section 1.2 Broad Community Objectives is amended by adding to Objective 5) "and flexible" after "effective" and before "housing".
2. Section 2.1.1 Settlement Residential Objectives is amended by adding: "4) to support flexible options for housing while preserving and protecting rural character and freshwater sustainability."
3. Settlement Residential policy 2.1.1.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "or larger" and before ".".
4. Settlement Residential policy 2.1.1.3 is amended by deleting "On" and replacing it with "In general, on" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "of lot area" and before ".".
5. Settlement Residential policy 2.1.1.10 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".
6. Section 2.1.4 Rural Objectives is amended by adding "3) to support flexible approaches housing while preserving and protecting rural character and freshwater sustainability".
7. Rural policy 2.1.4.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor area" after "of parcel area".
8. Rural policy 2.1.4.3 is amended by inserting "primary" after second instance of "permitted" and before "dwelling unit".
9. Rural policy 2.1.4.12 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 186 and 187 Date: March 31, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS: Mayne Island Local Trust Committee - OCP and LUB Minor Amendments

PURPOSE OF BYLAW:

Minor amendments to LUB and OCP including:

OCP – Removal of Parks Master Plan

OCP – Land Designation change to support new zoning

LUB - Rezoning to support brewery previously operating with TUP

LUB- Correction on zoning of a commercial property

LUB- Correction on zoning of a residential property

LUB – Site specific zoning to restrict additional structures on a property zoned as park

LUB – Rezoning a property from residential to community service operating with TUP

LUB – Change to definition of secondary suites to reduce confusion with definition of “dwelling unit”

LUB – New definition of Patio added, allowance of Patios in setbacks

LUB – Stricter regulations for election signs

Professional reports and staff reports are available on the Mayne Island webpage:

<https://islandstrust.bc.ca/island-planning/mayne/projects/>

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

Name: Narissa Chadwick

Narissa Chadwick

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5189

Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Regional Agencies

Capital Regional District – Regional Parks and Community Services

Provincial Agencies

Ministry of Municipal Affairs

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

Non-Agency Referrals

Mayne Islands Parks and Recreation Commission

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

(Signature)

(Date)

186/187
(Bylaw Number)

(Name and Title)

(Agency)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 186

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021”.

2. SCHEDULES

Mayne Island Official Community Plan Bylaw No. 144, 2007 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 28TH DAY OF MARCH 2022.

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 THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 186**

SCHEDULE 1

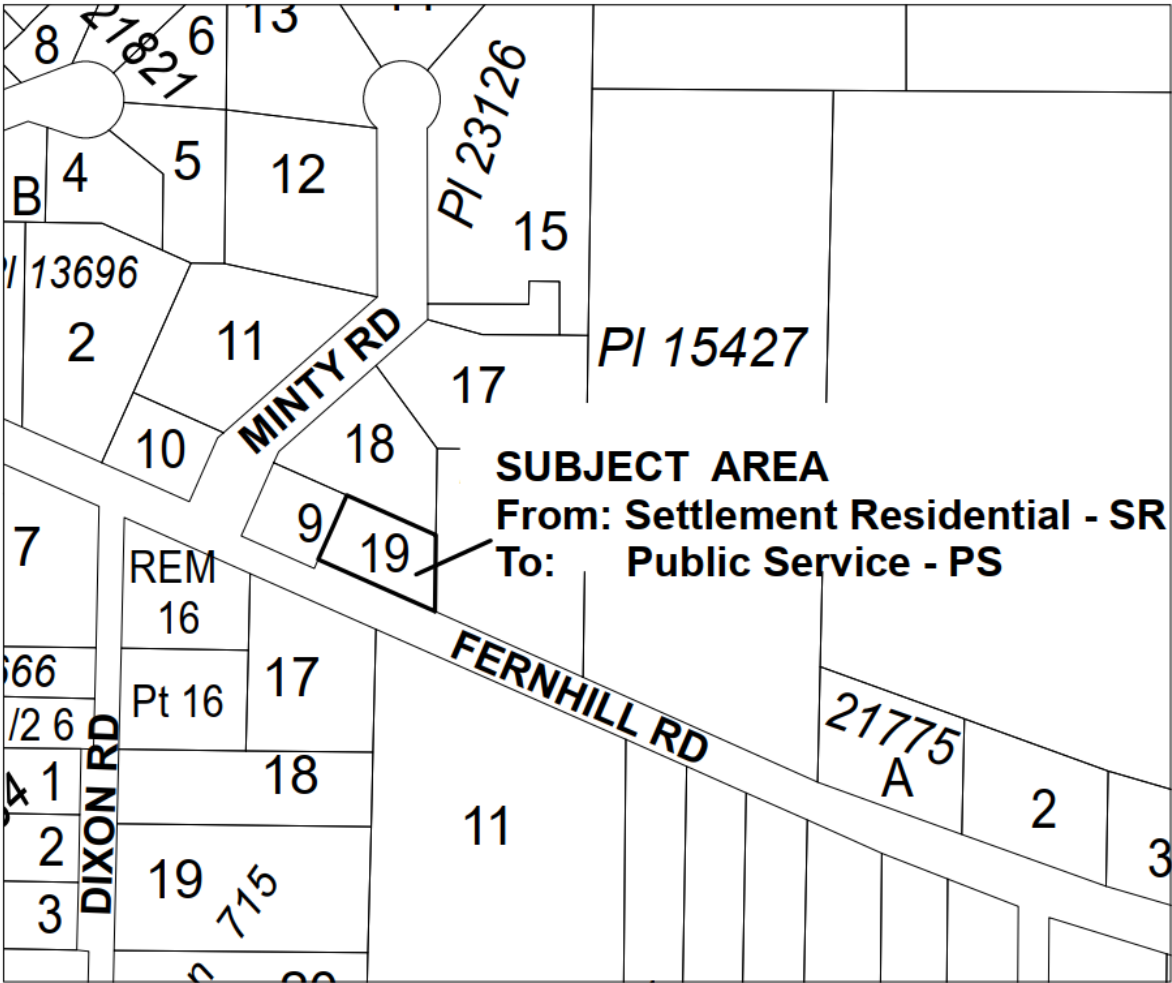
The Mayne Island Official Community Plan Bylaw No. 144, 2007, is amended as follows:

1. Schedule “H” Mayne Island Parks and Recreation Commission Parks Master Plan is removed.
2. Schedule “B” Land Use Designations is amended by changing the designation of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, 437 Fernhill Rd from Settlement Residential (SR) to Public Service (PS), as shown on Plan No. 1 attached and forming part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 186

Plan No. 1



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 187

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 Section 1.1. Definitions is amended by adding “ ”Patio” means a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”

2.2 Section 1.1 Definitions is amended by removing from the definition of “Secondary suite” the words “self-contained dwelling unit” and replacing them with “residential unit”.

2.3 Section 3.3 (2) Siting and Setback Regulation is amended by adding “a patio” after “a fence” and before “ , utility line”.

2.4 Section 5.1 – Settlement Residential (SR) Zone is amended by adding the following as a new subsection (13) under the new heading “Site Specific Regulations”:

“The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
SR (a)	Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702 490 Fernhill Road	(1) in addition to the uses permitted in 5.1 (1) above, an accessory brewery, tasting room and outdoor patio, and accessory food and beverage sales, are permitted in this location, subject to: (a) the maximum floor area of the combined brewing, storage, retail and interior brewery product sampling area is 150m ² (1615 ft ²)

		(b) the total number of seats for sampling area guests (inside + outside) shall not exceed 46 (c) the accessory brewery, tasting room and outdoor picnic area, and accessory food and beverage sales, must be screened from residential uses on adjoining lots by a landscape screen complying with section 3.8(1)(a).
--	--	--

2.5 Section 5.5(14) Rural (R) Zone is amended by adding the following as a new row to the table:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 797 Beechwood Drive	(1) Despite 5.5(2) and 5.5(3) the maximum density is two dwellings and two cottages.

2.6 Section 5.10 (13) – Commercial 3 (C3) Zone Site Specific Regulations is amended by adding “(3) Repair shops, machine shops and retail sales uses must be located within buildings.” in column three.

2.7 Section 5.17(6) – Community and Regional Park (P) Zone Site Specific Regulations is amended by adding the following as a new row to the table:

Site-Specific Zone	Land Description	Site Specific Regulation
P (c)	Emma and Felix Jack Park	Despite 5.17 (1)(b) no buildings or structures are permitted except: - an honouring figure - picnic tables - vegetation protection fencing

2.8 Section 6.2 Permitted Signs is amended by adding “except signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election” after “Third party signs are prohibited” and before “.”

- 2.9 Section 6.3 is amended by removing “3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election.”

Map Amendments

- 2.10 Schedule “B” – Zoning Map is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, (437 Fernhill Rd) from Settlement Residential (SR) to Community Service (S1), as shown on Plan No. 1 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.11 Schedule “B” - Zoning Map is amended by changing the zoning classification of Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702, (490 Fernhill Road) from Settlement Residential SR to Settlement Residential SR(a) as shown on Plan No. 2 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.12 Schedule “B” - Zoning Map is amended by changing the zoning classification of the south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 (797 Beechwood Drive) from Rural R to Rural R(f) as shown on Plan No.3 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.13 Schedule “B” - Zoning Map is amended by changing the zoning classification of Felix Jack Park from Park (P) to Park P(c) as shown on Plan No. 4 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.

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 28TH DAY OF MARCH 2022.

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____

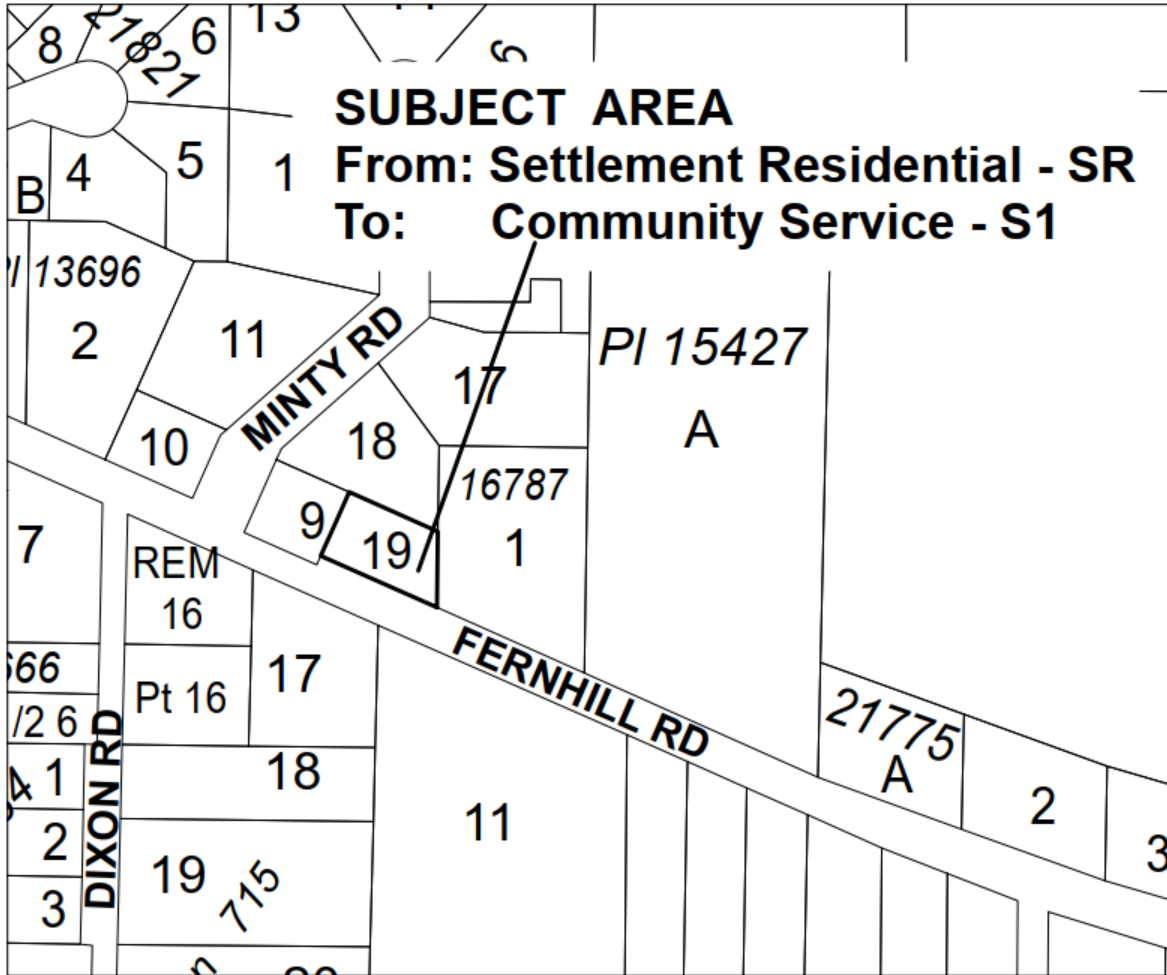
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

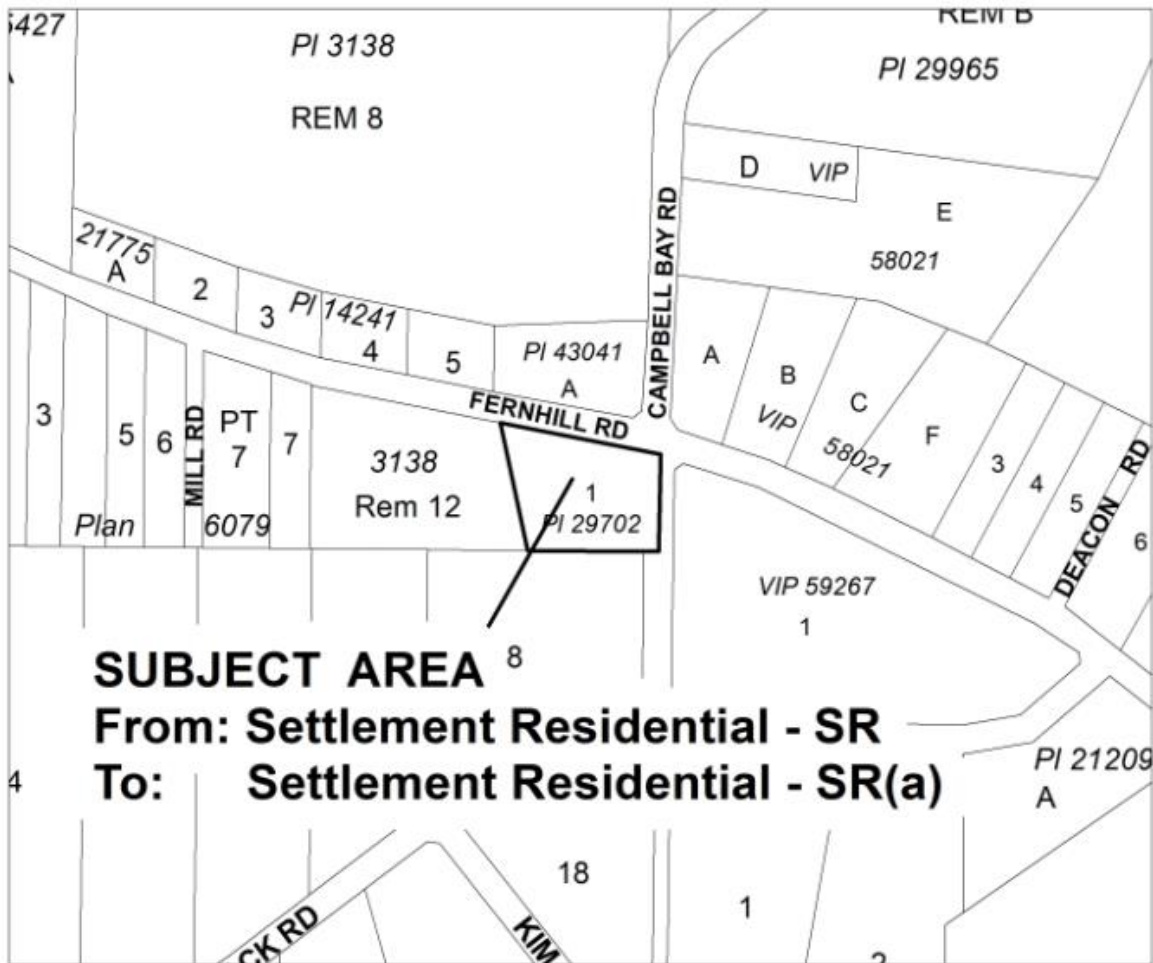
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 1



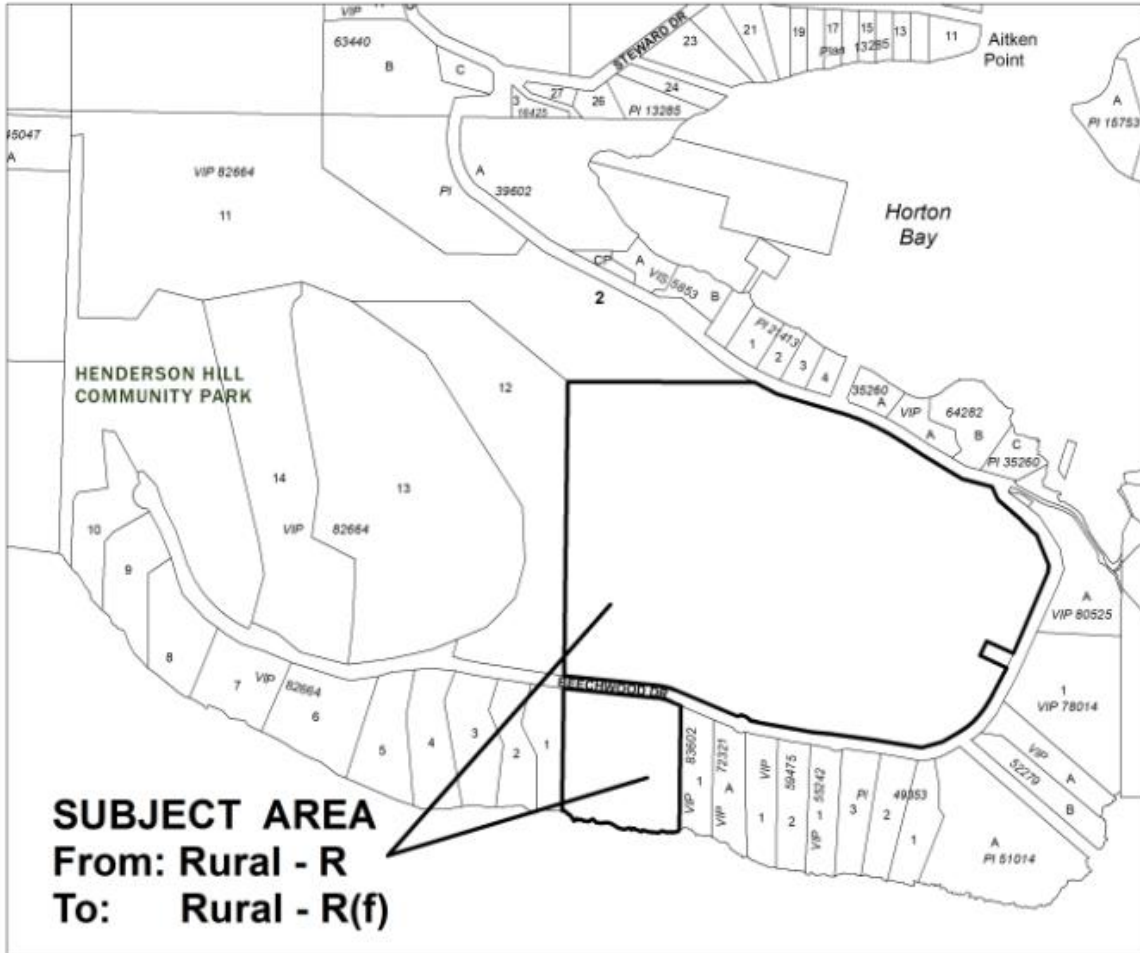
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 2



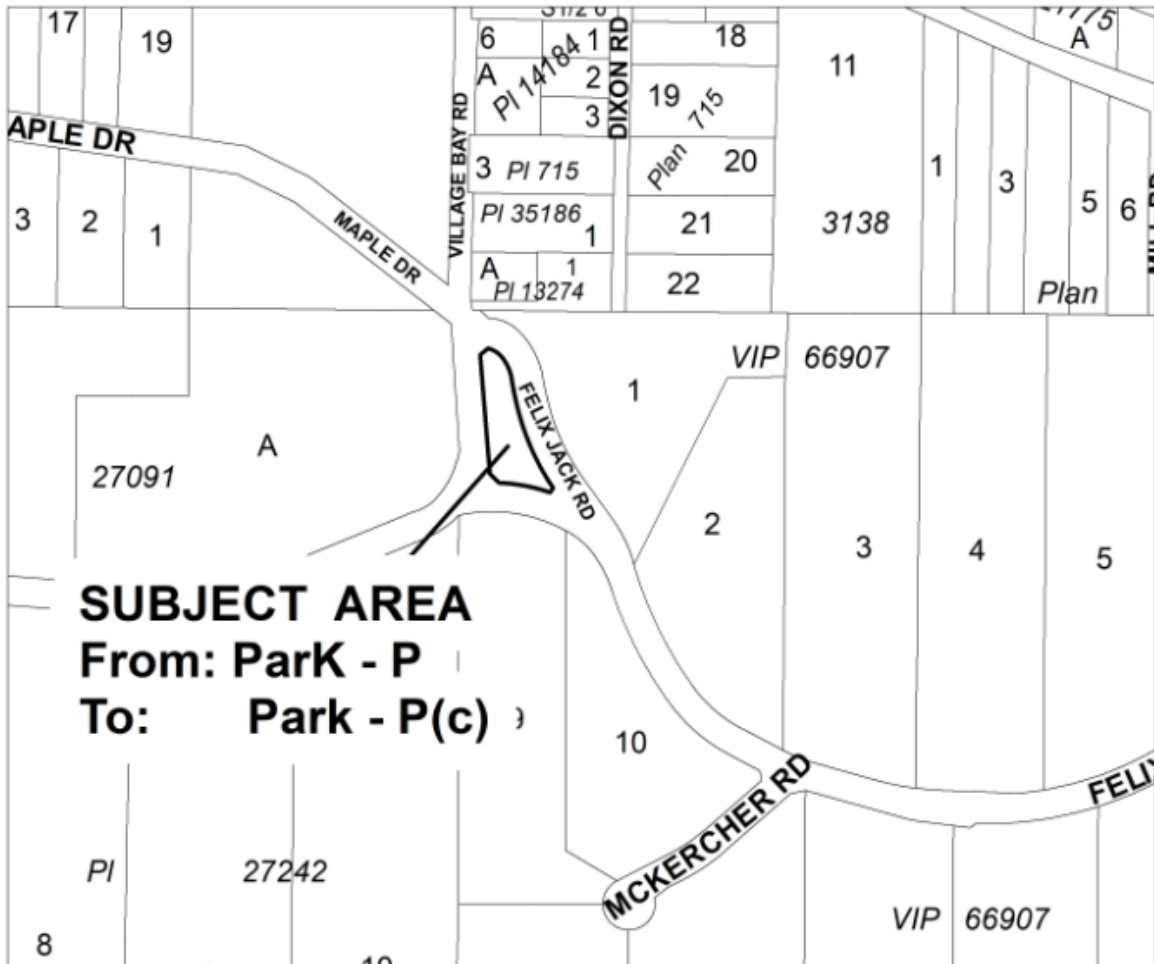
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 3



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 4



DATE OF MEETING: May 6, 2022

TO: South Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

SUBJECT: Proposed Fee Bylaw

RECOMMENDATION

1. That the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be adopted.

REPORT SUMMARY

The purpose of this report is for the South Pender Island Local Trust Committee (LTC) to consider adoption of Bylaw No. 124, which would replace the current Fees Bylaw to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

In June, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In November, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw. Three readings were given to Bylaw 281 at the February LTC meeting, Executive Committee approved the bylaw on March 23rd, and it is now back on the LTC agenda for consideration of adoption.

Submitted By:	Robert Kojima Regional Planning Manager	March 31, 2022
---------------	--	----------------

ATTACHMENTS

1. Proposed Bylaw No. 124

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 124

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

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;

NOW THEREFORE the South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island 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 "South Pender Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the South Pender Island Local Trust Committee Development Procedures Bylaw No. 60, 1992 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*.

PROPOSED

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

“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 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
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

PROPOSED

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity (Development Areas – DP1, DP2, DP4, DP5, DP6, DP3)	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$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 Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. 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
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

PROPOSED

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 and referrals requiring local government consultation	\$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 rate 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, Board of Variance, or formal referral response submitted to the relevant agency.

PROPOSED

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 covenants 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 South Pender Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

PROPOSED

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 “South Pender Island Local Trust Committee Fees Bylaw No. 101, 2007” 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 4TH DAY OF FEBRUARY , 2022

READ A SECOND TIME THIS 4TH DAY OF FEBRUARY , 2022

READ A THIRD TIME THIS 4TH DAY OF FEBRUARY , 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
23RD DAY OF MARCH , 2022

ADOPTED THIS _____ DAY OF _____ , 202X

CHAIR

SECRETARY



File No.: SP LUB Amendments
Project

DATE OF MEETING: May 6, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Project Update & Post Public Hearing Report – LUB Amendments Project

RECOMMENDATIONS

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be read a second time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be read a third time.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 122 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

The purpose of this staff report is to provide an update on proposed Bylaw No. 122, and also provide options for the South Pender Island Local Trust Committee (LTC)’s consideration after the Public hearing.

BACKGROUND

The South Pender Island LTC passed the following resolutions at the February 4, 2022 regular LTC meeting:

SP-2022-017

It was Moved and Seconded,

that the South Pender Island Local Trust Committee amend draft bylaw 122 as follows:

by using the table on page 15 exhibiting four land use categories as Table 3 in the Staff Report in the right-hand column;

and,

the draft bylaw include clauses recognizing homes in terms of house size and setbacks that would have been built before the adoption of this new bylaw;

and,

that the bylaw include only one table.

CARRIED

SP-2022-018**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee amend draft Bylaw No. 122 as amended by amending the Groundwater Protection Regulation Section 3.14 to include a cottage as a new building.

CARRIED

SP-2022-019**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee Bylaw No. 122, cited as the “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” as amended be read a first time.

CARRIED

SP-2022-020**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2022-021**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Bylaw No. 122.

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/>. In addition, a blackline version of the Land Use Bylaw (LUB) with the integrated amendments of proposed Bylaw No. 122 can be found [here](#).

Proposed Bylaw No. 122

The proposed Bylaw No. 122 was given First Reading on March 4, 2022 and formal referrals were sent out to First Nations and agencies. Correspondence received regarding the project can be found on the [South Pender Project](#) webpage and formal public hearing submissions and referral responses can be found in the [public hearing binder](#).

A comment was received questioning if an existing ‘fence, pump/utility house, stairway, wharf and dock ramps or their footings’ is required to be sited 7.6 metres from the natural boundary (NB) of the sea if the proposed bylaw is adopted. As shown in Table 1, the blackline version of the new bylaw states that under Subsection 3.3(3), ‘fence, pump/utility house, stairway, wharf and dock ramps or their footings’ are allowed to be sited within the 15 metres from the NB of the sea. Subsection 3.3(4) then states that buildings and structures built prior to the adoption of the Bylaw No. 122 may be located just 7.6 metres from the NB. In order to add more clarity to the new bylaw, the LTC may consider amending proposed Bylaw No. 122 to make it explicitly clear that a ‘fence, pump/utility house, stairway, wharf and dock ramps or their footings’ built prior to the adoption of Bylaw No. 122 and within the setback is sited legally. Draft motion for the LTC’s consideration:

“ That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by amending Section 2.5

by adding the words “except for a fence, pump/utility house, stairway, wharf and dock ramps or their footings” after the words ‘buildings or structures.’.”

If the LTC votes in favour of the above amendment, Subsection 3.3(3) and 3.4(4) would read as follows:

(3) Buildings or other structures, except a fence, pump/utility house, stairway, wharf and dock ramps or their footings, shall not be sited within 15 metres (50 feet) 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

(4) Despite Subsection 3.3(3), buildings or structures, except a fence, pump/utility house, stairway, wharf and dock ramps or their footings, legally constructed prior to [insert date of Bylaw No. 122 adoption] shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

Table 1 – Excerpt from [Blackline LUB](#)

(3)	<i>Buildings or other structures, except a fence, pump/utility house, stairway, wharf and dock ramps or their footings, shall not be sited within <u>15 metres (50 feet)</u> 7.6 metres (25 feet) of the <i>natural boundary</i> of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".</i>
(4)	<i>Despite Subsection 3.3(3), buildings or structures legally constructed prior to [insert date of <i>Bylaw No. 122 adoption</i>] shall not be sited within <u>7.6 metres (25 feet)</u> of the <i>natural boundary</i> of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".</i>

The LTC has the discretion to amend the bylaw before or after the Public Hearing. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

The next steps for proposed Bylaw No. 122 are outlined below under ‘Public Hearing’. Staff are recommending the LTC give Second and Third Reading to the bylaw, and to send the bylaw to Executive Committee for approval.

PUBLIC HEARING

A public hearing is scheduled for May 6, 2022. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

If the Executive Committee approves proposed Bylaw No. 122, the next step for the LTC would be to adopt the bylaw.

FIRST NATIONS: At this time the recommendations comply with the Islands Trust Reconciliation Declaration and the Local Trust Committee Standing Resolutions on Reconciliation.

Rationale for Recommendation:

The recommendations are supported by staff as no referral comments were received in objection. Staff also supports amending Section 2.5 of the proposed bylaw to add more clarity to the setback to the sea regulations.

ALTERNATIVES

1. Make amendments to the bylaw

The South Pender Island LTC may amend proposed Bylaw No. 122.

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by:...

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw Nos. 122.

Resolution:

That the South Pender Island Local Trust Committee proceed no further with Bylaw No. 122..

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 122 to the Islands Trust Executive Committee for approval.

Submitted By:	Kim Stockdill, Island Planner	April 26, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 27, 2022

ATTACHMENTS

1. Proposed Bylaw No. 122

PROPOSED

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* as referred to in Section 33 of the *Agricultural Land Reserve Use Regulation*.”

““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 words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” in Subsection 3.3(3).

2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), *buildings or structures* legally constructed prior to [insert date of Bylaw No. 122 adoption] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “structures”.”

2.6 By adding the following new subsections to Section 3.5 'Accessory Buildings and Structures' as follows:

- “(6) Shipping containers are a permitted accessory use on a *lot* subject to the following:
- (a) On a *lot* less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.
 - (b) On a *lot* 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.
 - (c) On a *lot* with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.
- (7) Shipping containers must be screened from neighbouring *lots*, roads, or the sea by use of landscaping screening in compliance with Section 3.9.”

2.7 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).’

2.8 By adding the words “or *cottage*” after the words ‘used as a dwelling’ to Subsection 3.14(1) so it reads:

‘A building permit shall not be issued for a new *building* to be used as a *dwelling* or *cottage* on a *lot* in the RR(1), RR(2) or RR(3) zones unless a *building* on the *lot* is equipped with a rainwater catchment system and cistern(s) for the storage of rainwater with a minimum cistern capacity of 9,000 litres (1980 gallons).

2.9 By deleting the words Table from Subsection 5.1(5) and replacing it with

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 (5000 ft ²)	255 m ² (2750 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
1.2 ha to < 4 ha (3 to 10 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000 ft ²)	4372 m ² (4000 ft ²)

”

2.10 By add the following new subsection after Subsection 5.1(5):

“Despite Subsection 5.1.(5), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this bylaw, a replacement *dwelling* may constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this bylaw.”

2.11 By adding the following new subsection after the newly created Subsection 5.1(6) and renumbering accordingly:

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

2.12 By adding the following new subsection directly after the newly renumbered Subsection 5.1(9) and renumbering accordingly:

“Despite Subsection 5.1(9), the setback for a *dwelling* or *cottage* shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*.” ✓ ✓ ✓

2.13 By add the following new subsection after Subsection 5.1(5):

“Despite Subsection 5.1.(9), on a *lot* that contains a legal *dwelling* or *cottage* constructed prior to the adoption of this bylaw, a replacement *dwelling* or *cottage* may constructed, or the existing *dwelling* or *cottage* re-constructed or altered, provided the distance from the interior or exterior *lot line* to the replacement, re-constructed or altered *dwelling* or *cottage* does not exceed the distance from the interior or exterior *lot line* to the *dwelling* or *cottage* on the *lot* at the time of the adoption of this bylaw.”

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

2.15 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);”

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

2.17 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;”

2.18 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).”

2.19 By adding the following ‘Information Note’ after the newly created Subsection 5.5(10):

“Information Note: *The maximum floor area of a dwelling or cottage located within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.”*

2.20 By removing the word “Rescinded” adding the following to the newly renumbered Subsection 5.5(11):

“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).

2.21 By adding the following new subsections after Subsection 5.5(11) under ‘Conditions of Use’ and renumber accordingly:

“5.5(12) Agri-tourism buildings or structures are not permitted.

5.5(13) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.

5.5(14) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.

5.5(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.

5.5(16) Agri-tourist accommodation must be accessory to an active agri-tourism activity.

5.5(17) Agri-tourist accommodation must be accessory to a farm use.

5.5(18) Agri-tourist accommodation buildings and structures must not exceed a lot coverage of 5 percent.

5.5(19) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.

5.5(20) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the

agri-tourism accommodation unit, 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(21) 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.

2.22 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).”

2.23 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	4 TH	DAY OF	MARCH	2022.
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

File No.: SP Minor OCP
Amendments Project

DATE OF MEETING: May 6, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Project Update & Post Public Hearing Report – Minor OCP Amendments Project

RECOMMENDATION

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a second time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a third time.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 123 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the South Pender Island Local Trust Committee proposed Bylaw No. 123 be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

The purpose of this staff report is to provide an update on proposed Bylaw No. 123, and also provide options for the South Pender Island Local Trust Committee (LTC)’s consideration after the Public hearing. In addition, the staff report will summarize the timeline for the draft Bylaw No. 126 process.

BACKGROUND

The South Pender Island LTC passed the following resolutions at the February 4, 2022 regular LTC meeting:

SP-2022-013

It was Moved and Seconded,

that the Rights of Nature be reintroduced to the Trust Committee’s project list as a new bylaw amendment to the Official Community Plan and referred out to First Nations.

CARRIED

SP-2022-014

It was Moved and Seconded,

That the South Pender Local Trust Committee direct staff to schedule a public hearing for Bylaw 123.

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/>

Draft Bylaw No. 126

At the February 4, 2022 meeting, the LTC gave direction to staff to draft a secondary OCP amendment bylaw for Rights of Nature wording. The draft Bylaw No. 126 is attached for the LTC's reference. This bylaw was sent out on early referral to First Nations with a requested response date of mid-June. The following outlines the process and approximate timeline for this bylaw:

- Early referral to First Nations – March to June 2022
- First Reading – June 2022
- Formal referral to First Nations and agencies – Summer 2022
- Second/Third Reading, Community Information Meeting, and Public Hearing – Fall 2022
- Bylaw adoption – 2023

Proposed Bylaw No. 123

The proposed Bylaw No. 123 was given First Reading on November 5, 2021 and formal referrals have been sent out to First Nations and agencies. Correspondence received regarding the project can be found on the [South Pender Project](#) webpage and formal public hearing submissions and referral responses can be found in the [public hearing binder](#).

The LTC has the discretion to amend the bylaw before or after the Public Hearing. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

The next steps for proposed Bylaw No. 123 are outlined below under 'Public Hearing'. Staff are recommending the LTC give Second and Third Reading to the bylaw, and to send the bylaw to Executive Committee and the Minister for approval.

PUBLIC HEARING

A public hearing is scheduled for May 6, 2022. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The

courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

If the Executive Committee and Minister approves proposed Bylaw No. 123, the next step for the LTC would be to adopt the bylaw.

FIRST NATIONS: At this time the recommendations comply with the Islands Trust Reconciliation Declaration and the Local Trust Committee Standing Resolutions on Reconciliation.

Rationale for Recommendation:

The recommendations are supported by staff as the amendments are minor and no referral comments were received in objection.

ALTERNATIVES

1. Make amendments to the bylaw(s)

The South Pender Island LTC may amend one, or both, of the bylaws.

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be amended by:...

That the South Pender Island Local Trust Committee draft Bylaw No. 126, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2022” be amended by:...

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw Nos. 123 or 126.

Resolution:

That the South Pender Island Local Trust Committee proceed no further with Bylaw Nos. 123 or 126.

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 123 to the Islands Trust Executive Committee and the Minister for approval. Staff will also report back at the June LTC meeting to summarize early referrals comments for draft Bylaw No. 126.

Submitted By:	Kim Stockdill, Island Planner	April 22, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 22, 2022

ATTACHMENTS

1. Proposed Bylaw No. 123
2. Draft Bylaw No. 126

PROPOSED

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	5 TH	DAY OF	NOVEMBER	2021.
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 Hul̓qumíñuṁ speaking people include the W̱JOŁŁP (Tsartlip), BOŖÉĆEN (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); S̱TIS (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 Island Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Island 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 Island 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 DEĖENİŁĆ (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), SKÉMÍ,ĖKS (grand fir), and ĖEĖEYİŁĆ (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 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 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.

- Consider designs 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

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 126

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, 2022”.

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. 126**

SCHEDULE 1

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

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

“5.1.6 South Pender Island & Rights of Nature

South Pender Island, known as SDÁY,ES/stéyəs to the W’ SÁNEĆ People, lies within the Coastal Douglas fir biogeoclimatic ecological zone, one of the smallest of British Columbia’s fourteen ecological zones, a place acknowledged to contain “some of the most unique, and most threatened, ecosystems in the province.” Many bird species and other animals within this zone are diminishing in numbers and within the Salish Sea, many species of fish, shellfish, and sea birds are also in decline. The Southern Killer Whale (Orca), one of the most iconic mammals of the region, is under constant and increasing threat by the degradation of their environment due, directly or indirectly to human activity and climate change.

The South Pender Official Community Plan (OCP), recognizes that South Pender Island and its present 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 the rural character and natural features so valued by all people: Indigenous people, residents, property owners, and visitors. To achieve these goals 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 associated OCP policies is “the concept that land use and development should be compatible with the inherent capacity of the island.” Indigenous people that inhabited this region since time immemorial embrace a long-range view, understanding that we all depend upon, connect to, and hold responsibility for, the sustainability of the land, waters and all species. The understanding that all species are “relatives” requires the principle of “reciprocity”; caring for, nurturing, and respect. Understanding this “way of knowing”, was learned through oral history passed down, observation, and experience through millennia. This way of knowing and understanding aligned with the Rights of Nature.

The Rights of Nature recognizes the negative impact from settler activity that saw Nature as a resource, that Nature is an object or property, rather than an interrelationship of life forms. If we recognize the importance of “sustainability” then we must also recognize the mutual need to maintain a balance in the ecosystems that we share with the plants, forests, and animals, by limiting our use of, and impacts upon, Nature.

The basic right of future generations to a healthy environment can only be ensured if present generations recognize that this requires us to look beyond present and short-term “needs”, particularly those of Euro settler viewpoints of economic progress and development. For example, while it may be necessary to cut down trees to build a home, the clear cutting of large swaths of trees destroys a forest and the associated ecosystem which plant and animal species depend upon to survive.

The South Pender Island Official Community Plan recognizes the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, First Nation governments, and with the involvement and participation of property owners, to encourage and enhance our efforts to:

- a) Recognize that climate change, pollution, erosion, and other forms of environmental degradation, to the land, waters, and all species, is a threat to the environment and ecosystems;
- b) Conduct and promote land use planning with a view to the location of activities that minimizes environmental impact, balancing social and economic development with the restoration of the landscape and ecological enhancement;
- c) Classify and develop natural and recreational areas, to protect landscapes, in such a way as to guarantee the conservation of nature and the preservation of First Nations’ cultural values, traditional activities, and assets;
- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and ensure ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities to promote the environmental quality of rural settlement and the protection of traditional First Nations’ areas;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for First Nations’ values;
- h) Promote the Natural Area Protection Tax Exemption Program (NAPTEP), of the Trust Conservancy and encourage the compatibility of development with the protection of the environment and the quality of all life,
- i) Recognize that limitations must be determined since incremental growth, even green incremental growth, erodes the functionality of fragile and limited ecosystems and resources;
- j) Recognize that “stewardship” reflects the role First Nations have to actively steward and manage their territorial areas.”

Top Priorities Report

South Pender Island

1. <i>Land Use Bylaw Amendments Project</i>	Responsible	Dates
Potential amendments: 1. Maximum floor area 2. Setback Review 3. Agricultural Regulations 4. Shipping containers 5. Minor and technical amendments	Kim Stockdill	Rec'd: 09-Apr-2021 Target: 30-Sep-2022
2. <i>Minor OCP Amendments</i>	Responsible	Dates
Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement	Kim Stockdill	Rec'd: 09-Apr-2021 Target: 30-Sep-2022
3. <i>Shoreline Review Project</i>	Responsible	Dates
Initial community consultation prior to LTC direction to proceed		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

6. *Raptor's Nest Mapping*

Responsible

Date Received

To update the mapping of raptor's nest on South Pender Island.

04-Feb-2022



Print Date: April 27, 2022

Projects Report



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2021.1	Rachel Thomson for Airey Homes Inc. Planner: Kim Stockdill Planning Status	27-May-2021	8970 GOWLLAND POINT RD - ALR application for subdivision
Status Date: 27-Apr-2022 On May 6, 2022 agenda.			
Status Date: 02-Mar-2022 Applicant in process of applying for NFU application with ALC.			
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.			
File Number	Applicant Name	Date Received	Purpose
SP-ALR-2022.1	Airey Homes Inc. Planner: Kim Stockdill Planning Status	01-Mar-2022	Agricultural Land Commission Application ID 63805 (Non Farm Use)
Status Date: 27-Apr-2022 On May 6, 2022 agenda.			
Status Date: 13-Apr-2022 Robert K. assigned the file to Kim Stockdill.			
Status Date: 13-Apr-2022 Advised Kim that the file has been assigned to her and put physical file on her desk.			



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc.	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision

Planner: Phil Testemale

Planning Status

Status Date: 14-Oct-2021

PLRS received. ALC approval req'd as condition precedent.

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 February 2022

665 South Pender	Invoices posted to Month ending February 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	80.00	363.79	-283.79
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,735.00	884.41	850.59
65210-665	LTC - Local Exp - APC Meeting Expenses	370.00	437.48	-67.48
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	37.51	256.49
TOTAL LTC Local Expense		<u>2,649.00</u>	<u>1,359.40</u>	<u>1,289.60</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	3,000.00	108.50	2,891.50
73001-665-4118	South Pender LUB Minor Amendments	<u>3,000.00</u>	<u>150.00</u>	<u>2,850.00</u>
TOTAL Project Expenses		<u>6,000.00</u>	<u>258.50</u>	<u>5,741.50</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2021-016 (Standing) That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners	Carried	05-Nov-2021
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



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019
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

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2006-012 (Standing)	Carried	23-May-2006
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.		



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 25, 2022 BOARD SPECIAL MEETING (OPEN PORTION)

*NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit
<https://islandstrust.bc.ca/whats-happening/meetings-and-events/>*

1. ORGANIZATION UPDATES/TEAM

- Chair and Vice chair elections were held. Trustee Stamford was acclaimed as Chair of the ITCB. Trustee Fast was acclaimed as Vice-Chair of ITCB.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented the Board with a 2022-23 ITC Work Planning package and request for decision. The ITC has a small team that is working to meet existing commitments with respect to current conservation proposals and land management projects. Woven through all its work, the ITCB has committed to strengthening relationships with First Nations. The ITC is also working on a new Climate Change Project to prepare for effects of climate change on lands that are managed by the ITC, and a new Species at Risk Program aimed at species threatened by extinction in the islands. To enable creation of work programs that can successfully meet these commitments, the ITCB directed staff to focus on these new program areas in 2022. ITC will continue to act on high priority conservation opportunities, but will hold other less urgent work until the spring of 2023.
- The ITCB had three readings of Islands Trust Conservancy Bylaw No. 3, cited as “Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022.” The bylaw will allow the ITC board members to attend meetings electronically.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference
- The ITCB approved attendance at e-Summit of the Pan Canadian Parks and Protected Areas Research Network for Trustees Stamford and Smith.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITBC noted for the public in the 'rise and report' of the in camera meeting, that it has approved signing of a conservation covenant on Lasqueti Island that is the subject of a Natural Area Protection Tax Exemption Proposal application.
- The Ecosystems Protection Specialist presented a conservation proposal to donate a 2.45 ha NAPTEP covenant on Salt Spring Island, to protect mature forests, wetlands, and connectivity to other protected areas. Decision was made to approve the proposal but defer this securement project until late 2022/early 2023 due to staff capacity constraints.
- The Public Acquisitions and Covenants reports were presented to and accepted by the ITCB.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the Moore Hill Management Plan. Board discussed the cultural significance and public opinion regarding closure of public access and relationship building with First Nations and approved the management plan.
- The ITC Covenant Management & Outreach Specialist provided a slide presentation to Board members, highlighting the top six projects completed in 2021. The ITCB commented this was a great learning experience and requested that these presentations be communicated more broadly to the public.
- The ITC Property Management Specialist presented a slide presentation to Board members highlighting the top restoration projects completed in 2021, noting partners, local conservancies and volunteers have been instrumental in doing this work.

5. COMMUNICATIONS AND OUTREACH

- The ITC Manager advised that an outreach letter had been sent to Gabriola landholders in January in collaboration with the Gabriola Land and Trails Trust. The Gabriola Island Local Trust Committee was notified.
- The ITCB received a letter from Sheila Harrington regarding a book she is developing about land trusts in the islands.
- The ITCB received a building permit referral for information for a greenhouse on a covenanted property on North Pender Island. As the greenhouse is well distanced from the covenant boundary, the ITC Manager advised that staff did not have concerns.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- Trustee Smith provided a verbal update noting that Galiano Island recently completed the new Cable Bay conservation area, including 25 hectares, linking to other conservation areas, totalling 500 hectares of Coastal Douglas-fir forests, and wetlands. There will be a celebration in the spring. The ITCB provided an Opportunity Fund Grant to kick start the project in 2019.



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- The Budget Report was presented and accepted by the ITCB.
- Trustee Fenton advised that the Thetis Island Local Trust Committee is trying to pull together a program to bring community engagement, stewardship and education. Thetis is working towards community composting.
- Trustee Adams advised she signed up for Land Trust Alliance of BC Indigenous Engagement session and will provide an update.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

South Pender Island Local Trust Committee

The South Pender Island Local Trust Committee (SPILTC) held six regular business meetings in the 2021/22 fiscal year, as well as two special meetings.

Work for this period focused on completion of SPILTC priorities to address short term vacation rentals, alternative housing and adopting a new procedures bylaw to permit electronic meetings, and advancing its priorities of implementing amendments for Land Use Bylaw amendments, minor OCP amendments, a shoreline review and adopting a new fees bylaw.

From April 1, 2021 to March 31, 2022, the SPILTC received and considered an application for one temporary use permit.

During the same time period staff also reviewed six building permit referrals, and the South Pender Island Board of Variance also considered one application.