



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: November 6, 2020
Time: 10:30 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:30 AM - 10:30 AM	
2.	APPROVAL OF AGENDA	10:30 AM - 10:40 AM	
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	10:40 AM - 11:00 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	11:00 AM - 11:15 AM	
8.1.	Adopted Local Trust Committee Minutes (for Adoption)		
8.1.1.	<u>September 4, 2020 Regular Meeting Minutes</u>		3 - 7
8.1.2.	<u>September 26, 2020 Special Meeting Minutes</u>		8 - 9
8.2.	Section 26 Resolutions-without-meeting Dated October 2020		10 - 10
8.3.	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated October 2020		11 - 11
10.	DELEGATIONS		

11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
12.	APPLICATIONS AND REFERRALS	
	None	
13.	LOCAL TRUST COMMITTEE PROJECTS	11:15 AM - 12:30 PM
13.1.	Short Term Vacation Rental Review - Staff Report (Attached)	12 - 27
13.2.	Alternative Housing – Staff Report (Attached)	28 - 33
14.	REPORTS	12:30 PM - 12:50 PM
14.1.	Work Program Reports (attached)	
	14.1.1. <u>Top Priorities Report Dated October 2020</u>	34 - 34
	14.1.2. <u>Projects List Report Dated October 2020</u>	35 - 36
14.2.	Applications Report Dated October 2020 (attached)	37 - 37
14.3.	Trustee and Local Expense Report Dated August & Sept 2020 (attached)	38 - 39
14.4.	Adopted Policies and Standing Resolutions (attached)	40 - 42
14.5.	Local Trust Committee Webpage	
14.6.	Islands Trust Conservancy Report Dated October 2020	
15.	NEW BUSINESS	
16.	UPCOMING MEETINGS	
16.1.	Next Regular Meeting - 2021 Schedule for Adoption	43 - 43
16.2.	Next Special CIM Meeting - November 14th, 2020	
17.	TOWN HALL	12:50 PM - 1:15 PM
18.	CLOSED MEETING	
	None	
19.	ADJOURNMENT	1:15 PM - 1:15 PM



DRAFT

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

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 4, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Kathy Gilbert, Recorder
Wil Cottingham, Planning Assistant, Host
Kim Stockdill, Island Planner
Narissa Chadwick, Island Planner

Public: There were approximately (4) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:36 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

SP-2020-017

It was Moved and Seconded,

that in accordance with *Ministerial Order M192 – Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 – 2020*, North Pender Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

Therefore in order to meet the principles of openness, transparency, and accessibility, meetings of the North Pender Island Local Trust Committee will be held electronically over the period August 26 to October 31, 2020, will be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

By general consent the agenda was approved as presented.

3. TRUSTEE REPORTS

Trustee Thorn had nothing to report.

Trustee Wright reported on the following points:

- Real estate has been selling briskly;
- Some new owners have limited knowledge about community values, including the environment; the ability to have a property assessed for items such as sensitive ecosystems: and the limits of what can be regulated, such as building design; and
- Working with Regional Planning Manager (RPM) Kojima to develop ideas for educating new owners.

Trustee Thorn suggested that an education process for newcomers be made available, perhaps at the realty office.

Chair Patrick suggested that communication with prospective new owners would be a way to provide information on those topics enumerated above and other items that might help to information their purchase.

4. CHAIR'S REPORT

Chair Patrick advised that there will be a virtual Town Hall at Trust Council on September 16, 2020.

5. TOWN HALL AND QUESTIONS

Recorder Gilbert advised that there was once a welcome package at the realty office and offered to put together a package. Trustee Wright advised that he has provided a package to the realty office, but would be happy to hear further input.

Rick Friesen, Kathy Whitehead and Debbie Friesen requested that participants using different platforms, such as Apple, Android, and PCs be tested prior to the meeting.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes

8.1.1 June 4 2020 Special Meeting Minutes (for information)

Received for information.

8.1.2 December 16, 2019 Public Hearing Record (for Receipt)

Received for information.

8.2 Section 26 Resolutions-without-meeting Dated August 2020

Received for information.

8.3 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated August 2020

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 Saturna Island Local Trust Committee Bylaw No. 132 Referral

The proposed amendment to their OCP to add information on First Nations history and presence on the Island.

SP-2020-018

It was Moved and Seconded

that the interests of the South Pender Island Local Trust Committee are unaffected by Saturna Island Local Trust Committee Bylaw No. 132.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Review - Staff Report

Planner Chadwick gave an overview of the STVR Review project.

Trustees discussed a number of issues, such as whether to use temporary use permits (TUPs) everywhere an STVR is proposed; or to permit STVRs as a home-based business. RPM Kojima advised that if a STVR is a home-based business, the owner of the property must be present.

Trustees expressed a preference for aligning the regulations with those for North Pender.

Trustee Wright referred to correspondence from Peter Brook on his thoughts on STVRs on Pender Island and Bowen Island.

Trustees suggested that they consult further with stakeholders and residents. Trustees will provide their written comments to staff.

SP-2020-019

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff to prepare draft bylaws for the STVR Review project in accordance with the staff report dated September 4, 2020.

CARRIED

13.2 Alternative Housing - Staff Report

SP-2020-020

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff prepare draft policies and regulations that would tie RV use to a building permit for a dwelling, with maximum limit of 2 years, and to limit recreational use of vehicles of RVs to 60 days, and to permit occupancy of RVs or bunkhouses for agricultural or forestry workers from May to September.

CARRIED

13.3 Update on Southern Gulf Islands Groundwater Sustainability Strategy - Staff Memo

Staff advised that the draft report is undergoing a professional review. The final report is due in November 2020.

14. REPORTS

14.1 Work Program Reports

14.1.1 Top Priorities Report Dated August 2020

14.1.2 Projects List Report Dated August 2020

RPM Kojima noted that the building and siting review and STVRs have been referred to the APC. Trustee Thorn suggested that the LTC consider issues to be sent to the APC.

14.2 Applications Report Dated August 2020

Received for information.

14.3 Trustee and Local Expense Report Dated July 2020

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

None

14.6 Islands Trust Conservancy Report Dated July 2020

Received for information.

15. NEW BUSINESS

15.1 Contiguous Forest Mapping in the Islands Trust Area Report

Received for information.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for November 6, 2020 at the South Pender Fire Hall, Pender Island

Trustee Wright suggested holding monthly meetings with a recorder present and meetings with the Chair and staff every second month. He also suggested holding the bi-monthly meetings on Saturday mornings to allow for off-islanders to attend. RPM Kojima requested that Trustees send a list of dates that they would like meetings to be held, noting that 6 regular meetings can be scheduled for 2021.

17. TOWN HALL

Richard Friesen requested that the public be able to access APC meetings. Trustee Wright advised that all issues are referred to APC.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:32 p.m.

Laura Patrick, Chair

Certified Correct:

Kathy Gilbert, Recorder



South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: September 26, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Maple Hung, Planning Team Assistant, Host
Kathy Gilbert, Recorder

Public: There were approximately five (5) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL

Trustee Wright stated that the Official Community Plan (OCP) contained a number of policies relating to preserving the rural character of South Pender Island (SPI). He commented that the Land Use Bylaw (LUB) is weak on regulations to implement the policies, specifically noting that protection of the environment and protecting land development on hazardous areas are provisions that could be strengthened. He noted that a tool that is available to the Islands Trust is Development Permit Areas (DPAs.) Terms and conditions can be included that are tailored to individual development proposals.

Trustee Thorn stated that the bylaws need to be aligned with the OCP in order to preserve and protect the rural character of SPI. He also observed a recent trend of building larger homes without the landowner considering the neighbouring character.

The Local Trust Committee and the members of the public explored several issues including:

- A maximum house size;
- The possibility of implementing a ratio of house size to lot area;
- A desire to review the existing siting and setback requirements;

- The possibility of other forms of development, such as clustering;
- The possibility of incentives for landowners to building homes that respect the character of the neighbourhood;
- Means such as development permits to maintain the rural character of SPI; and
- The need for community engagement.

Trustee Wright would like to meet with North Pender Trustees and staff to discuss the issues on SPI and to draw from the experiences of other jurisdictions.

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:32 a.m.

Laura Patrick, Chair

Certified Correct:

Kathy Gilbert, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2020-010 THAT the South Pender Island Local Trust Committee hold a Special Electronic Local Trust Committee Meetings on September 26, 2020 and November 14, 2020 at 10:00 am.	Carried	22-Sep-2020



Follow Up Action Report

South Pender Island

04-Sep-2020

Activity	Responsibility	Dates	Status
1 13.1 STVR Review - staff to prepare draft bylaws based on TUP requirement for all STVR uses, report back at next meeting for review.	Jas Chonk Kim Stockdill	Target: 23-Oct-2020	Completed
2 12.1 Saturna Bylaw 132 - interests unaffected	Jas Chonk	Target: 11-Sep-2020	Completed
3 13.2 - Alternative Housing - that staff prepare draft policies and regulations that would: - require a BP for dwelling for occupancy of RV - limit occupancy of RVs to 2 years while building dwelling - limit recreational use of an RV to 60 days - permit use of RVs and bunkhouses for workers for farms with farm status or forestry with managed forest status from May to Sept	Narrisa Chadwick	Target: 23-Oct-2020	Completed
4 Update projects list to: delete items 3 and 4, add setback from the sea and stairs to Sea Level Rise, add house size review to building and siting guidelines	Robert Kojima	Target: 11-Sep-2020	Completed
5 16.1 - Upcoming meetings: - schedule two zoom town halls as special meetings to be attended by trustees and minute-takers, staff to initiate RWMs to schedule meetings once trustees identify dates - LTC to consider holding 6 regular meetings in 2021	Jas Chonk Maple Hung	Target: 23-Oct-2020	Completed

DATE OF MEETING: November 6, 2020
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP STVR Review – LUB/OCP Amendments

RECOMMENDATION

1. That the South Pender Island Local Trust Committee Bylaw No. 119, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”, be read a first time.
2. That the South Pender Island Local Trust Committee Bylaw No. 120, cited as the “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, be read a first time.
3. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw Nos. 119 and 120, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” and “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, are not contrary to or at variance with the Islands Trust Policy Statement.
4. That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting and Public Hearing for draft Bylaw Nos. 119 and 120.

REPORT SUMMARY

The purpose of this report is to provide two draft bylaws for the South Pender Island Local Trust Committee (LTC) to consider in order to allow Short Term Vacation Rentals (STVRs) only by Temporary Use Permits (TUP). The draft bylaws are attached (Attachment No. 1 and 2) for the LTC’s consideration and the Islands Trust Policy Statement is attached (Attachment No. 3) for the LTC’s review.

BACKGROUND

At the December 2019 LTC regular meeting the South Pender Island passed motions to adopt a proposed project charter for the South Pender Island STVR Review and for staff to schedule public engagement opportunities and launch a survey to gather feedback on STVR policy. A survey was then launched in March 2020 and results of the survey were shared in a report to the South Pender Island LTC at the June 4th, 2020 special meeting as well as five potential STVR policy options for the LTC to consider. The South Pender LTC gave direction to staff to move forward with the project by requiring all STVRs to require a TUP and remove the provision in the Land Use Bylaw (LUB) to allow STVRs as a home occupation.

At the September 4, 2020 LTC regular meeting the North Pender Island, the following resolution was passed:

SP-2020-019

that the South Pender Island Local Trust Committee request staff to prepare draft bylaws for the STVR Review project in accordance with the staff report dated September 4, 2020.

Background information regarding the project and the updated Project Charter can be found on the South Pender Project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/stvr-review-project/>

ANALYSIS

Draft Bylaw Nos. 119 & 120

At the previous LTC meeting on September 4, 2020 the LTC discussed how to proceed with the STVR project and gave direction to staff to draft bylaws in order to allow STVR by temporary use permits only. This direction would require two amendment bylaws: one for the Land Use Bylaw (draft bylaw no. 120) and one for the Official Community Plan (draft bylaw no. 119).

Draft bylaw no. 120 would amend the South Pender LUB by removing short term vacation rental use of cottages as a home business. A home business in the South Pender LUB is defined as “a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental.” The draft bylaw includes removing short term vacation rental from the definition of home business and all regulations associated with STVRs. The LUB amendment bylaw would not remove the use of Bed and Breakfast as a home business. Bed and breakfast home businesses to date have not been a contentious issue in terms of commercial rental on South Pender therefore staff are not recommending removing the use from the Land Use Bylaw.

Draft Bylaw no. 119 would amend the South Pender OCP by adding STVR guidelines to the TUP section and also include policy amendments (removing reference to short term vacation rentals as a form of home business in OCP policies).

North Pender Draft STVR TUP Guidelines:

At the September 4th meeting the LTC showed an interest to align future STVR TUP guidelines with the North Pender LTC's STVR TUP guidelines. The North Pender LTC is also in the process of reviewing their STVR TUP guidelines and a draft OCP bylaw amendment will be presented to the North Pender LTC at their October 29th, 2020 regular LTC meeting. In order to achieve similar TUP guidelines, the South Pender draft OCP amendment attached to this staff report are derived from the NP draft OCP bylaw amendment. Staff will provide a verbal update on how the North Pender LTC is proceeding with their draft bylaw, and if any amendments were made at the South Pender November 6th, 2020 LTC meeting.

The following STVR TUP guidelines in the draft bylaw are ones that staff wish to highlight for the LTC's consideration:

1. Cumulative Considerations:

Staff included a TUP policy (8.2.6(d)) that states that “the Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.” In other words, only two STVR TUPs would be permitted for their buffer to overlap; a third TUP would not be supported. The purpose of this policy is to provide a way for the LTC to review and evaluate cumulative impacts on a neighbourhood.

2. Limiting the number of guests to six:

Staff are of the opinion that one of the most effective and efficient way to mitigate issues associated with short term vacation rentals (traffic, noise and water consumption) is to restrict the maximum number of guests staying at a STVR. As seen in Section 8.2.6(m)(ii) in the draft OCP Bylaw no. 119, staff are recommending a guideline that would restrict the maximum number of guests to six. The maximum number of guests would also align with the Province's Covid 19 Best Practices of no more than six people permitted in one's social bubble.

3. Limiting STVR use from May to September:

One of the topics discussed with the NP LTC was the ability to limit the number of days a STVR could be in use during the summer months in order to help reduce traffic, noise, and utility consumption. Staff recommend limiting the maximum total number of days STVRs can operate in the summer months rather than an outright restriction of no STVR use during the summer months. If the South Pender LTC does not wish to regulate the number of days a STVR can operate during the summer months, Section 8.2.6 (m)(iii) should be deleted from the draft OCP amendment Bylaw no. 119.

4. Absentee property owners

One of the issues for neighbours, and for staff and the LTC, has been STVRs where the owners are absentee and have little or no presence in the neighbourhood, in contrast to properties where owners make regular use of it themselves. A guideline was included to the draft bylaw (8.2.6(o)) stating that applications for a STVR temporary use permit should not be considered by the LTC if the dwelling unit is not occupied on a regular basis by the property owners.

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

Consultation

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

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

The LTC has identified interest in engaging current STVR operators in the review of draft bylaw amendments. Staff will send the draft bylaws to all known STVR operating on South Pender by email or mail for comment on the proposed amendments.

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

First Nations

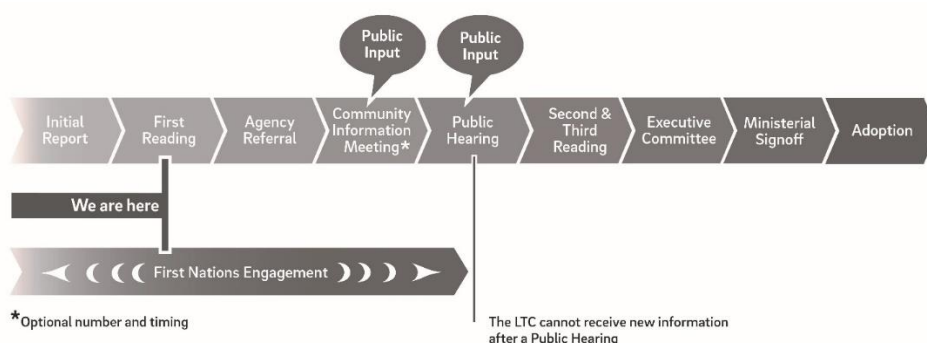
Draft Bylaw No. 119 and 120 would apply to applications that use the current footprint of an existing dwelling unit with no additional disturbance or impact to the lands or waters to ensure protection of any possible archaeological sites.

Timeline

The project charter provides the timeline for the project, but generally the process for LUB and OCP amendments are as follows:

- LTC gives direction to staff to draft bylaws;
- LTC gives first reading;
- Bylaw referrals sent, with comments to be received prior to Public Hearing;
- Community Information Meeting and Public Hearing held;
- LTC gives direction for second and third reading;
- Proposed bylaw referred to Executive Committee and the Minister of Municipal Affairs & Housing for approval; and
- LTC gives final reading and adopts bylaw.

The following graphic outlines the process:



Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. LTC could choose to schedule the CIM in conjunction with the public hearing, which would be a reasonable approach given the extensive consultation undertaken to date. Staff recommend scheduling a CIM and public hearing for the next LTC meeting in early 2021. This would provide enough time to send out the formal referrals and receive comments prior to the public hearing. The project is currently on schedule as the Project Charter's timeline includes a public hearing to be scheduled for early 2021.

The LTC also has the option to schedule a public hearing and CIM after second reading of the bylaw. If the LTC wishes to proceed with this option, staff would bring back the bylaws at the next LTC meeting in early 2021 for second reading at which point the LTC would then give direction for staff to schedule the CIM and public hearing for the next LTC meeting in spring 2021. This option would extend the timeline by a few months.

Islands Trust Policy Statement

The draft bylaw amendments are consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaws. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaws.

Rationale for Recommendation

The LTC gave direction to staff to draft bylaw amendments based on recommendations made in the September 4th, 2020 staff report. Staff have presented two draft bylaws for the LTC's consideration based on their recommendation and the project charter.

ALTERNATIVES

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

1. Direction to amend draft bylaw

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

That the South Pender Island Local Trust Committee amend draft Bylaw No. 119 or 120 by...

2. Request further information

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

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

3. Schedule a public hearing and CIM after giving second reading to the bylaws.

The LTC may wish to schedule a public hearing and CIM after giving second reading to the draft bylaws. No resolution is required for this alternative at this time. A resolution to schedule a CIM and public hearing will be required after the bylaws are given second reading.

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

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

That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 6, 2020 regarding the Short Term Vacation Rental Review Project to the South Pender Island Advisory Planning Commission for comment.

5. Proceed no further

The LTC may choose to make no changes to STVR regulations and guidelines. The project will be considered complete.

NEXT STEPS

Based on direction from the LTC, staff will:

- Proceed with bylaw referrals to First Nations, government agencies and current STVR operators.
- Schedule CIM and Public Hearing for the first LTC meeting in 2021.

Submitted By:	Kim Stockdill Island Planner	October 28, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 28, 2020

Attachments:

1. Draft Bylaw No. 119 (OCP amendment)
2. Draft Bylaw No. 120 (LUB amendment)
3. Islands Trust Policy Statement

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ 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. 119**

SCHEDULE 1

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

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Article 3.1.2 (e) (Background) is amended by deleting “Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”
3. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
4. By deleting Clause 3.1.2(e)(ii) “Short-term Rental of Single Family Dwellings” in its entirety.
5. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and”.
6. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;”.
7. By adding the following to Section 8.2 (Temporary Use Permit Policies):

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

 - a) For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.
 - b) The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
 - c) The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.

- d) The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- e) The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- f) If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- h) If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m².
- j) The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- k) The temporary use permit should require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- l) The permit should require that the applicant post the following information for guests:
 - i. remind guests that the property is located in a residential area;
 - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,
 - iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.
- m) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
 - i. limit the number of bedrooms that can be used for short term vacation rentals;
 - ii. limit the number of guests to 6;
 - iii. limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - v. require the landowner/operator to post contact information and permit information at the entrance to the property;
 - vi. prohibit camping or occupancy of RVs on the property;
 - vii. prohibit the rental or provision of motorized personal watercraft;
 - viii. prohibit outdoor fires; and
 - ix. establish the dates during which the use may occur.
- n) A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.
- o) An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners."

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 120**

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

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

1. Citation

This bylaw may be cited for all purposes as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020".

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

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

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

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

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

DRAFT



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SP_6500_2020_STVR Review

File Name: Bylaw Nos. 119 & 120

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

DATE OF MEETING: November 6, 2020

TO: South Pender Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner

SUBJECT: RV and Seasonal Workers Housing

RECOMMENDATION

1. **That the South Pender Island Local Trust Committee request staff to prepare draft bylaws addressing limits on the use of recreational vehicles as recommended in the November 6, 2020 staff report.**

REPORT SUMMARY

The purpose of this report is to identify options for policies and regulations related to limiting the use of recreational vehicles and permitting the temporary use of recreational vehicles and bunkhouses for agricultural and forestry workers.

BACKGROUND

This project emerged out of the concern for the use of recreational vehicles as year round housing. A number of problems related to the use of RVs as dwellings year round have been identified. A project charter focussing on addressing the issue of RVs as housing was presented to the LTC at their June 2nd special meeting. At that meeting the South Pender LTC requested that staff amend the Project Charter to include alternative forms of housing other than just recreational vehicles.

At the September 4, 2020 LTC meeting Trustees indicated that the “alternative forms of housing” related specifically to temporary housing for seasonal workers in farming and forestry. At the meeting:

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff prepare draft policies and regulations that would tie RV use to a building permit for a dwelling, with maximum limit of 2 years, and to limit recreational use of RVs to 60 days, and to permit occupancy of RVs or bunkhouses for agricultural or forestry workers from May to September.

ANALYSIS

This report address two interests:

1. Preventing the use of recreational vehicles as permanent housing.
2. Addressing the need to affordable housing for seasonal workers in farming and forestry.

Recreational Vehicles:

As indicated in the September 4, 2020 report, there are a number of issues related to the use of RVs as permanent housing. These include:

- RVs may not be hooked up to septic systems.
- Power may be provided via extension cord, presenting a safety hazard.
- Year-round RV dwellers may be using heating systems that pose a fire hazard (e.g. wood burning stoves).
- RVs do not meet the required standards for dwelling use under the BC Building Code.
- As they are not designed for permanent, year-round housing, when exposed to damp conditions over a period of time RVs can be prone to leaks and the subsequent mould which can contribute to health problems.
- A proliferation of RVs can change the aesthetic of a community.

South Pender's land use regulations related to recreational vehicles are currently quite permissive. While the use of an RV is permitted "as a temporary dwelling prior to the construction of a dwelling" there are no limits of time placed on their use. The LTC has identified interest in limiting RV use as follows:

1. Tying RV use to a building permit
2. Limiting the use of RVs (while a building permit is open) to two years.
3. Limiting recreational use of RVs to 60 days.

The first two points could be addressed through the following suggested bylaw amendment (blue italics indicates what is currently not in the bylaw):

3.10 Use of Recreational Vehicles

(1) The use of a *recreational vehicle* as a temporary *dwelling* prior to the construction of a *dwelling* on the same lot is permitted *for up to two years from the date of issuance of the building permit for a dwelling* in the any zone where a *dwelling* is a permitted use, subject to:

- (a) a building permit being issued, and remaining in effect, for the dwelling;*
- (b) the connection of the recreational vehicle to sewage disposal facilities complying with the Public Health Act;*
- (c) the provision of a domestic water supply to the building;*
- (d) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages; and*
- (e) the occupancy of the recreational vehicle ceasing prior to or concurrently with occupancy of a dwelling on the lot.*

(2) Recreational vehicles may be used for seasonal accommodation for a period not exceeding 60 days in a calendar year.

With respect to allowing for the seasonal “recreational use” of RVs staff note that by including what has been proposed above (3.10 (2)) the LUB would be permitting a use that was not previously permitted. This is responding to the interests identified by Trustees at the September 4th, 2020 meeting to permit the “recreational use” of RVs which occurs on a number of properties during the summer months. Throughout the Islands Trust, including South Pender, where this use is not permitted it has only been enforced upon when there has been a complaint. This approach enables enforcement when the use is causing problems. Such enforcement would be more challenging if the use is permitted.

The use of a “mobile home” could be an alternative to a recreation vehicle use for more longer term temporary living. The South Pender definition of “dwelling” includes “mobile home”. A mobile home is defined in the LUB as “a dwelling suitable for year-round occupancy, designed, constructed or manufactured to CAN/CSA Z240 standards, to be moved from one place to another by being towed or carried”. All dwellings, including mobile homes, require building permits.

Permitting the Use of Recreational Vehicles and Bunkhouses for Seasonal Workers:

While considering limitations on the use of RVs the LTC is interested in not limiting options for temporary accommodation for seasonal workers in farming and forestry. The use of temporary use permits is an option that currently exists and could effectively address the interests of the LTC without additional amendments.

Temporary Use Permits

Section 493 of the *Local Government Act* authorizes the Local Trust Committee to issue temporary use permits to allow a use otherwise not permitted by zoning. An Official Community Plan may designate areas appropriate for allowing temporary uses that by their nature be of temporary duration and would not need a permanent use designation, may be considered transitional, or may create uncertainty about their appropriateness or viability as a continuous use.

A temporary use permit may be issued for a period of up to three years and may be renewed only once. The issuance of a temporary use permit is conditional on compliance with criteria identified at the time of issuance. Criteria to be considered when issuing a TUP are identified in the OCP.

The TUP policy and guidelines as currently written in the OCP would support the issuance of TUPs for seasonal worker accommodation which could include RVs. The TUP process allows neighbours to comment and TUPs can establish conditions specific to the application. Should the property owner be interested in continuing the use beyond the permitted time allowed by the original TUP and subsequent renewal, they may apply for another TUP or a rezoning. The LTC may decide to take on the rezoning as an LTC project or as part of a broader LUB update.

Given that there is currently not a high demand for temporary housing to accommodate seasonal workers in farming and forestry, encouraging application for a TUP is the recommended approach at this time. If the LTC supports the use of TUPs for this type of accommodation a future amendment to the TUP section of the OCP creating specific guidelines for seasonal worker accommodation could be considered.

Should the need for seasonal worker accommodation increases or a permanent need is identified, the LTC could consider the following options:

1. Allow outright in Agricultural and Forestry Zones

The LTC could consider allowing temporary housing for seasonal workers as an outright permitted use in forestry zones and agricultural zones that are not within the Agricultural Land Reserve.

Properties in the agricultural land reserve are subject to limits on farm/ranch worker accommodation as identified in the Agricultural Land Commission Act. Accommodations outside what is permitted under the Act requires an application to the Agricultural Land Commission to be permitted.

2. Site Specific Zoning

The LTC could choose to create site specific zones within forest and agricultural zones to accommodate seasonal farm and forest workers. Given that there is no specific property where housing for seasonal workers is currently known to be an issue, the LTC would need to develop a criteria for determining which properties to development site specific zoning for.

Rationale for Recommendation

Recommendation:

1. *That the South Pender Island Local Trust Committee request staff to prepare draft bylaws addressing limits on the use of recreational vehicles as recommended in the November 6, 2020 staff report .*

Rationale:

- The draft bylaw language provided in this report would address the interests of the LTC to: tie RV use to a building permit for a dwelling; limit RV use to a maximum of 2 years; and allow, but limit the recreational use of RVs to 60 days.
- There are no existing limitations to using Temporary Use Permits to permit the use of RVs and other accessory buildings to house temporary seasonal forestry and farm workers. This approach would require no additional changes to the OCP or LUB. The LTC can identify conditions, including the length of time permitted in a year, specific to each TUP application.

ALTERNATIVES

1. Adopt the recommendation with amendments

The LTC may choose to request that staff prepare draft bylaws based on amendments to the staff recommendation.

That the South Pender Island Local Trust Committee request staff to prepare draft bylaws addressing limits on the use of recreational vehicles based on amends to the staff recommendation identified in the November 6, 2020.

2. Request further information

The LTC may require additional information before requesting staff to draft bylaws. The additional information needed would need to be specified in the resolution.

That the South Pender Island Local Trust Committee request staff to provide additional information related to.....

NEXT STEPS

If the LTC supports the recommendation:

- Staff will prepare draft bylaw for next LTC meeting.

Submitted By:	Narissa Chadwick RPP, Islands Planner	October 23, 2020
Concurrence:	Robert Kojima, Regional Planning Director	October 27, 2020

ATTACHMENTS

1. Project Charter

South Pender Island Alternative Housing Project - Charter (Revision)

South Pender Island LTC

Date: August 26/ 2020

Purpose: To address issues associated with the use of Recreational Vehicles as housing on South Pender Island and identify options for other affordable housing alternatives.

Background: While recreational vehicles (RVs) are permitted on South Pender Island as a temporary dwelling prior to the construction of a permanent dwelling under a number of conditions, there are instances, including housing farm workers, where RVs being used do not adhere to bylaws. Enforcing bylaws would leave no other options for those living in RVs. Other options to support affordable housing need to be identified and considered.

Objectives

To engage in an analysis of issues related to the use of RVs as housing on South Pender Island and identify options to support affordable housing alternatives for seasonal workers.

In Scope

- Review of existing bylaws
- Analysis of issues associated with use of RVs
- Identify enforcement issues
- Identify policy and regulatory options to support affordable housing options for seasonal workers.
- Undertake legislative process to amend bylaws if required

Out of Scope

- Unrelated OCP or LUB amendments
- Other housing/zoning related regulations and policies

Workplan Overview

Deliverable/Milestone	Date
Project Initiation	May 1, 2020
Research and Review	May- August 2020
Report to SP LTC for discussion	September/Nov 2020
Draft bylaws for LTC Review, First Reading	January 2021
Bylaw referrals	Jan - Feb 2021
Community Information Meeting / Public Hearing / Further Readings	March 2021
Bylaw Amendment process complete	April 2021

Project Team

Narissa Chadwick	Project Manager
Maple Hung	Planning Assistant
Robert Kojima	Regional Planning Manager
Updated: Oct.26/2020	

Budget

Budget Sources:

Fiscal	Item	Cost
2020-21	Communications	\$500
2020-21	Public Hearing	\$1500
2020-21	Contingency	\$500
	Total	\$2500

Top Priorities Report

South Pender Island

1. *Groundwater Sustainability project*

Phase 1: to undertake analysis of groundwater resources

Responsible

William Shulba

Dates

Rec'd: 05-Apr-2019
Target: 30-Sep-2020

2. *STVR Review*

Review of STVR regulations, as per project charter

Responsible

Kim Stockdill

Dates

Rec'd: 06-Sep-2019
Target: 31-Mar-2021

3. *Alternative Housing*

Review regulations relating to recreational vehicles and consider tiny homes and secondary dwellings.

Responsible

Narrisa Chadwick

Dates

Rec'd: 31-Jan-2020
Target: 31-Mar-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. *Steel Storage Containers*

Responsible

Date Received

Review LUB regulations to consider prohibiting or regulating steel storage and shipping containers

06-Sep-2019

4. *Derelict vehicle and machinery*

Responsible

Date Received

Review derelict vehicle and discarded equipment regulations

06-Sep-2019

5. *First Nations Language*

Responsible

Date Received

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

01-Nov-2019

6. *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



Projects Report

South Pender Island

Applications

File Number	Applicant Name	Date Received	Purpose
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Planner:

Planning Status

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending August 2020

665 South Pender	Invoices posted to Month ending August 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	119.00	0.00	119.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,745.00	360.05	1,384.95
65210-665	LTC - Local Exp - APC Meeting Expenses	374.00	0.00	374.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,663.00</u>	<u>360.05</u>	<u>2,302.95</u>
Projects				
73001-665-4107	South Pender Short Term Vacation Rental (STVR) Review	3,500.00	171.25	3,328.75
73001-665-4109	South Pender Building and Sitting Review	2,000.00	0.00	2,000.00
73001-665-4111	South Pender Alternative Housing	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>171.25</u>	<u>7,828.75</u>

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending September 2020

665 South Pender	Invoices posted to Month ending September 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	119.00	0.00	119.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,745.00	517.65	1,227.35
65210-665	LTC - Local Exp - APC Meeting Expenses	374.00	0.00	374.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,663.00</u>	<u>517.65</u>	<u>2,145.35</u>
Projects				
73001-665-4107	South Pender Short Term Vacation Rental (STVR) Review	3,500.00	171.25	3,328.75
73001-665-4109	South Pender Building and Sitting Review	2,000.00	0.00	2,000.00
73001-665-4111	South Pender Alternative Housing	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>171.25</u>	<u>7,828.75</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2020-015 (Standing) that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	04-Jun-2020
2019-015 (Standing) that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	06-Sep-2019
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing) Send FUAL to trustees once drafted following the meeting.	Carried	05-Oct-2010
2006-012 (Standing) That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.	Carried	23-May-2006



Standing Resolutions Log



Updated: October 28, 2020

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

DRAFT NOTICE OF 2020 BUSINESS MEETINGS

**THE LTC HAS DRAFT THE FOLLOWING DATES FOR ITS 2021 MEETING SCHEDULE.
THE LTC MEETS BI-MONTHLY EVERY 1st FRIDAY AT 10:30 AM UNLESS OTHERWISE NOTED.
MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE SOUTH PENDER LTC
WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION.**

LOCATION: TBD

January 29
March 5
May 7
July 9
September 3
November 5

ELECTRONIC MEETINGS: You will be able to join the meeting with a ZOOM Webinar link. The links will be available on the news webpage prior to the meeting on our news landing page here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/>

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

ALL MEETINGS ARE OPEN TO THE PUBLIC

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