



South Pender Island Local Trust Committee Special Meeting Agenda

Date August 10, 2013
Time 1:00 pm
Location: South Pender Fire Hall
8961 Gowlland Point Road
South Pender Island, BC
V0N 2M0

| | Pages |
|---|---------|
| 1. Call to Order | |
| 2. Approval of Agenda | |
| 3. Local Trust Committee Minutes | |
| 3.1. South Pender Island Local Trust Committee Special Meeting Minutes of June 15, 2013 | 2 - 2 |
| 3.2. South Pender Island Local Trust Committee Meeting Minutes of June 18, 2013 | 3 - 13 |
| 3.3. South Pender Island Local Trust Committee Community Information Meeting Notes of June 15, 2013 | 14 - 17 |
| 4. Community Information Meeting | |
| 4.1. Proposed Bylaw No. 111 | |
| 5. Public Hearing | |
| 5.1. Proposed Bylaw No. 111 | |
| 6. Adjournment | |

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

DRAFT

**MINUTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE SPECIAL MEETING
HELD ON JUNE 15, 2013 AT 11:00 AM
AT POETS COVE RESORT, 9801 SPALDING ROAD
SOUTH PENDER ISLAND, BC**

| | | |
|-----------------|-----------------------|----------------------------|
| PRESENT: | Ken Hancock | Chair |
| | Liz Montague | Local Trustee |
| | Mike Jones | Local Trustee |
| | Andrea Pickard | Island Planner |
| | Kathy Gilbert | Recording Secretary |

There were ten (10) members of the public in attendance.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 11:04 am.

He acknowledged that the meeting was being held in traditional Coast Salish territory and expressed his appreciation.

2. APPROVAL OF AGENDA

By consensus, the agenda was approved.

3. COMMUNITY INFORMATION MEETING

a. Draft Bylaw 111 (LUB Amendments)

b. Open Discussion on other land use issues of concern

See separate Community Information notes of same date.

Note: The meeting recessed from 12:10 pm to 12:20 pm.

4. ADJOURNMENT

By consensus, the South Pender Island Local Trust Committee Meeting was adjourned at 12:30 pm.

RECORDER

CHAIR

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

DRAFT

**MINUTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON TUESDAY, JUNE 18, 2013, AT 10:00 AM
AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD,
SOUTH PENDER ISLAND, BC**

| | | |
|----------------------|---------------------------|----------------------------------|
| PRESENT: | Ken Hancock | Chair |
| | Mike Jones | Local Trustee |
| | Elizabeth Montague | Local Trustee |
| | Andrea Pickard | Planner |
| | Robert Kojima | Regional Planning Manager |
| Kathy Gilbert | | Recording Secretary |

There were five (5) members of the public present at the meeting.

1. Call to Order

Chair Hancock called the meeting to order at 10:00 am. He acknowledged and expressed appreciation to First Nations for the opportunity to hold the meeting in traditional territory.

2. Approval of Agenda

2.1. Additions / Deletions

At the request of the applicants Item 9.1: SP-DVP-2013.1 (Scott), Trustees agreed to vary the order of business to consider their application following Item 2.2: Questions from Public on Agenda Items and they also varied the order of business to consider Item 15: Town Hall Meeting, in advance of Item 13: Motion to Close Meeting.

By consensus, the agenda, as amended, was approved.

2.2. Questions from Public on Agenda Items / Town Hall Meeting

As per Trustee Montague's request to conduct Town Hall Meetings at the outset and at the end of Local Trust Committee (LTC) meetings, Trustees conducted a Town Hall session.

A member of the public commented on Item 10.2, APC Bylaw as follows:

- requesting clarification on whether or not conflict of interest guidelines apply to the Advisory Planning Commission (APC), as well as to LTC Trustees;
- whether the APC may receive conflict of interest training;
- whether the APC may receive legal advice from Islands Trust legal counsel on conflict of interest issues.

It was noted that the draft APC Terms of Reference have provisions mirrored in the APC Bylaw, including references to the number of APC members.

9. Applications, Permits, Bylaws, and Referrals

9.1. SP-DVP-2013.1 (Scott)

Applicant representative, David Scott, was present together with property owners, the Pullens, to address any issues associated with the application.

Planner Pickard referring to her staff report, presented application information. This is a development variance permit application to vary the permitted height of an accessory building from 4.6 metres to 9.2 metres. An application was approved by Local Trust Committee in September, 2012, for the same structure but in a different location on the subject property.

Planner Pickard noted that this location should have fewer impacts on the neighbouring property owners on Gowlland Point.

Planner Pickard reported that no responses following notification of neighbouring property owners had been received.

Applicant David Scott had also contacted nearby residents and had received no comments or concerns.

Trustees supported the revised location and application.

Resolution-SP-LTC-26-13

It was Moved and Seconded that South Pender Island Local Trust Committee Development Variance Permit, SP-DVP-2013.1 (Scott,) be approved.

CARRIED

3. Community Information Meeting

None (see Notes from CIM of June 15 2013)

4. Public Hearing

None

5. Previous Meetings

5.1. Adopted Local Trust Committee Minutes

5.1.1. Local Trust Committee Business Meeting Minutes of April 16, 2013

These minutes were adopted through Resolution-without-meeting and are provided for information.

5.2. Public Hearing Records and Community Information Meeting Notes

It was noted that a CIM had been held on June 15 2013. A separate report has been provided.

5.3. Section 26 Resolutions-without-meeting

This item was provided for information.

5.4. Advisory Planning Commission Minutes

None

6. Business Arising from the Minutes

6.1. Follow-up Action Report

Planner Pickard noted that the status of all items was as shown in the report and that some items were to be discussed on the agenda.

7. Delegations

None

8. Correspondence

8.1. Letter from Pender Community Transition, dated May 15 2013

A request was received to help fund on-going reports toward this initiative, which supports development of a Pender Island hub for the Sustainable and Resilient Neighbourhoods program, to be more widely extended throughout the Gulf Islands, and workshops to connect more closely Pender neighbours.

Funding from the North Pender Island Local Trust Committee has been secured in the amount of \$400 and funding from the Capital Regional District (CRD) has also been provided.

Resolution-SP-LTC-27-13

It was Moved and Seconded that the South Pender Island Local Trustee Committee commit \$200 to the Pender Community Transition Initiative for the purchase of reports regarding their activities over the coming year .

CARRIED

8.2. Correspondence from D. and W. Munroe

Trustees were in receipt of correspondence expressing concern about the possible Land Use Bylaw (LUB) change to increase the maximum permissible height of accessory buildings, and expressing support for the proposed maximum permissible size of dwellings (now removed from the draft bylaw.)

9. Applications, Permits, Bylaws and Referrals

9.1. SP-DVP-2013.1 (Scott)

This item was addressed earlier on the agenda following Item 2.2.

10. Local Trust Committee Projects

10.1 Land Use Bylaw Amendments

Planner Pickard reviewed the materials in the package as presented at the June 15, 2013, CIM.

Trustees and staff discussed:

- marine geothermal looping as a permitted use;
- deletion of the specific reference to rainwater collection in the floor area calculation exemption in the LUB;
- whether community input could be built in to the examination of taller accessory buildings; Planner Pickard noted that the avenue for this would be through a DVP;
- there seemed to be overall support for an increase in the proposal to increase accessory building height;
- adjustments to accessory building height limits could be made following the public hearing for Draft Bylaw No.111.

Trustees and staff discussed steps to be followed regarding draft amending Bylaw No. 111 and possible additional changes to the LUB. It was noted that possible LUB changes had been referred to the APC and to two (2) CIMs. Options included expanding the scope of Bylaw No. 111, to clarify definitions; referral again to the APC at this time; proceeding with Bylaw No. 111, as is then reviewing the work program to examine an expanded LUB group of amendments. Implications of expanding the scope of further LUB changes were discussed, particularly with respect to workload and timing for consideration of draft Bylaw No. 111.

Resolution-SP-LTC-28-13

It was Moved and Seconded that the South Pender Island Local Trust Committee Draft Bylaw No. 111, Definitions Section be revised by deleting the words “collection of rainwater” and substituting with the words “storage of water.” in the definition of “floor area”.

CARRIED

Trustee Montague requested clarification of the term “personal effects” vs. “property” in Draft Bylaw No. 111, as related to storage buildings.

**Note – The meeting recessed from 11:00 to 11:10 am.*

Trustees further discussed the definition and permitted uses within accessory buildings.

Resolution-SP-LTC-29-13

It was Moved and Seconded that the South Pender Island Local Trust Committee Draft Bylaw No. 111, Section 1.1, Clause 4, of (Definitions,) be amended by inserting (in the correct alphabetical order) “storage building means a non-residential building for the storage of goods and materials for use on the lot on which it is located, and for the storage of personal property of the owner of the lot;”.

AND that this amendment also be reflected in Clause 14 of Draft Bylaw No. 111.

CARRIED

Trustee Montague asked whether a storage building might be used for agricultural purposes, whether farm stands are permitted as home occupations, and whether farm stands are exempt from setback requirements.

Regional Planning Manager (RPM)Kojima provided definitions for Agricultural Use and Home Occupations and assured Trustees that the above identified uses are permitted; and that setback issues are addressed though the LUB and Ministry of Transportation and Infrastructure (MOTI) permitting processes.

Resolution-SP-LTC-30-13

It was Moved and Seconded that South Pender Island Local Trust Committee Draft Bylaw No. 111, cited as “South Pender Island Land Use Bylaw No 92, 2003, Amendment Bylaw No 1, 2012” as amended, be given First Reading.

CARRIED
Opposed

Trustee Montague

Trustees discussed timing for a public hearing for Proposed Bylaw No. 111, noting that a summer public hearing would allow for part-time residents to provide input.

Resolution-SP-LTC-31-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to schedule a public hearing for Proposed Bylaw No. 111, in August, 2013.

CARRIED

Resolution-SP-LTC-32-13

It was Moved and Seconded that the South Pender Island Local Trust Committee Proposed Bylaw No. 111, with amendments be referred to the Advisory Planning Commission in July 2013.

CARRIED

Trustee Montague requested clarification of the definition of Agricultural Use in the RR zone, setbacks for accessory buildings and the authority of MOTI.

RPM Kojima offered an option to place additional information notes in the LUB could be considered to address Trustee Montague's concerns.

**Note – The meeting recessed from 12:00 Noon to 12:07 pm.*

10.2. Advisory Planning Commission Bylaw Amendments

Planner Pickard reviewed Draft Bylaw No.112, a bylaw to amend the APC Bylaw No. 98, and presented proposed Terms of Reference prepared at the request of the LTC. She stated that the Terms of Reference were based on other local examples and some clauses had been identified that may require further revision to be appropriate for South Pender Island.

Planner Pickard noted that the recommended size of the APC is up to seven (7) members. She also noted that conflict of interest guidelines were not specifically included in Draft Bylaw No. 112, but were in the Terms of Reference.

Trustees and staff noted that the APC training materials could be updated.

Trustee Montague expressed concern about language in the draft bylaw regarding the base of community representation on the APC. Trustees commented that the bylaw allowed for a broad base of representation to reflect various interests, views and organizations.

Resolution-SP-LTC-33-13

It was Moved and Seconded that the South Pender Island Local Trust Committee Draft Bylaw No. 112, be referred back at the September 16, 2013, Local Trust Committee meeting.

CARRIED

Following Item 14.1, Trustees discussed which Islands have conflict of interest guidelines for their APCs.

Trustee Montague offered to write a memo to Trust Council requesting consideration by the Islands Trust Local Planning Committee regarding the pros and cons of conflict of interest guidelines with respect to APCs.

10.3. Geothermal Options

Planner Pickard presented, in her staff report dated June 3, 2013, options for marine geothermal systems, ranging from most permissive (allowing marine geothermal systems in the LUB,) to least permissive (requiring an application to amend both the OCP and LUB) for each proposed system.

Planner Pickard's report also provided a commentary on the relationship between marine geothermal systems and climate change, habitat impacts and consideration of site physical suitability based on characteristics of the shoreline.

A map showing shoreline types was presented and was well-received by Trustees.

In response to a question regarding the rationale for establishing the W-1 Zone, RPM Kojima advised that a report commissioned about twenty (20) years ago identified the area now zoned as W-1 as suitable for the installation of docks largely based on wind and energy exposure. The current W2 zone restricts docks but permits mooring buoys.

Planner Pickard reviewed the parameters that might be included in an OCP amendment, which might include setting very specific guidelines in DPAs; for example, identifying areas where installation would not be acceptable; establishing the professional reports that would be required in support of an application; or developing policies outlining when the Local Trust Committee should support LUB amendments when a proposal complies with the specified criteria.

RPM Kojima also suggested that changes to the OCP around marine geothermal systems could then be reviewed and followed to include, for example, guidelines for dock installation and removal of upland vegetation.

Trustee Montague indicated her tentative support to require each proposal to require an application to amend the LUB

Trustee Jones also indicated that he may prefer that each proposal require an LUB amendment or limit the installation of marine geothermal systems to the W-1 Zone on a trial basis.

Resolution-SP-LTC-34-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to bring back a report regarding the use of Official Community Plan policies for rezoning vs. Official Community Plan development permit guidelines as applied to marine geothermal use.

CARRIED

11. Reports

11.1. Work Program Reports

11.1.1. Adopted Policies and Standing Resolutions; and Objectives

No discussion.

11.1.2. South Pender Island Local Trust Committee Work Program – June 2013

The staff report was presented with no changes to the report identified. Staff reported that there is no firm date for the MapIT shoreline initiative, but it is expected that it will be available by the next LTC meeting in September 2013.

Resolution-SP-LTC-35-13

It was Moved and Seconded that the South Pender Island Local Trust Committee direct staff to add information notes in the Land Use Bylaw to the Projects List.

CARRIED

Requested information notes may include explanations on road side stands, criteria for agricultural use and accessory buildings for agricultural use.

11.2. Applications Report

11.2.1. South Pender Island Applications Report
June 2013

Planner Pickard anticipated conducting a web meeting regarding SP-SUB-2011.2 (Airey Group) that will include the applicant and representation by the Anglican Church Diocese regarding the proposed community facility (the former church).

11.3. Expense/Budgets Reports

11.3.1. Trustee and Local Expenses

This item was provided for information.

Trustees noted that APC expenses exceed the budget.

RPM Kojima will investigate and report details to the LTC.

11.4. Bylaw Enforcement Report

None

Planner Pickard identified one new bylaw enforcement item.

11.5. South Pender Island LTC Web Page

Regional Planning Manager Kojima provided an overview of the newly-launched web site. He stated that some updates should take place more quickly, although some may require resolutions of LTCs.

Trustee Montague requested that past meetings and agendas be added to the site as soon as possible.

11.6. Chair's Report

Chair Hancock reported that a successful Trust Council meeting was held recently on Mayne Island. A presentation by Kinder Morgan was included on the agenda. Also presented was information on a local community carbon marketplace. He further reported that a new Provincial recycling regulation may prove problematic, with significant product stewardship undertakings upcoming.

11.7. Trustee Report

Trustee Montague noted the recent Islands Trust Fund initiative to match funds donated for the completion of the Brooks Point land acquisition. (See the Islands Trust web site.) The initiative will draw to a close on December 31, 2013.

Trustee Montague stated that the various Economic Development Commission members in the Southern Gulf Islands are all in support of a farm plan. Work is needed to draw together LTCs to move the project forward.

Trustee Jones advised that the "Experience the Gulf Islands" initiative was positively received at the Trust Council meeting. He also noted that the possibility of proactive bylaw enforcement was raised at Trust Council.

RPM Kojima will investigate the suggestion further and report back to Trustees.

12. Other Business

12.1. Upcoming Meetings

12.1.1 Business Meeting to be held Monday, September 16 2013 at 10:00 am, at the South Pender Island Fire Hall.

13. Motion to Close Meeting

Resolution-SP-LTC-36-13

It was Moved and Seconded that, pursuant to Section 90(a), (d), (g), and (i) of the *Community Charter*, the South Pender Island Local Trust Committee resolves to close the meeting to the public the purpose of adopting February 15, 2013, South Pender LTC In Camera Minutes and to discuss legal opinions regarding Advisory Planning Commission conflicts of interest, and further that staff and Recording Secretary remain present.

CARRIED

The Regular Business Meeting adjourned to the In Camera meeting at 1:20 pm.

14. Recall to Order

14.1 Rise and Report from Closed Meeting

The minutes of the South Pender Local Trust Committee February 5, 2013 In Camera meeting were adopted.

The Regular Business Meeting reconvened at approximately 2:00 pm.

15. TOWN HALL

See Item 2.2.

16. ADJOURNMENT

Resolution-SP-LTC-40-13

It was Moved and that the South Pender Island Local Trust
Committee Meeting be adjourned at 2:20 pm.

CARRIED

RECORDER

CHAIR

**Community Information Meeting
Notes Subject to Approval
By the Local Trust Committee**

DRAFT

**NOTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON JUNE 15, 2013 AT 11:00 AM
AT POETS COVE RESORT, 9801 SPALDING ROAD,
SOUTH PENDER ISLAND, BC**

| | | |
|-----------------|-----------------------|----------------------------|
| PRESENT: | Ken Hancock | Chair |
| | Mike Jones | Local Trustee |
| | Liz Montague | Local Trustee |
| | Andrea Pickard | Island Planner |
| | Kathy Gilbert | Recording Secretary |

There were ten (10) members of the public present.

Draft Bylaw 111 (LUB Amendments)

Chair Hancock provided an introduction to the purposes of the meeting, which was to further review proposed changes to Bylaw No. 92, cited as “South Pender Island Land Use Bylaw No. 92, 2003,” particularly those resulting from requests made at the February 9, 2013 Community Information Meeting (CIM.) The second purpose was to raise other possible land use issues within the Land Use Bylaw (LUB,) not previously identified.

He identified resource material available for the public to follow during the discussions and a binder containing a collection of documents available for review.

Chair Hancock then invited Planner Pickard to present changes since the February CIM.

Planner Pickard highlighted changes as follows:

- proposed measurement of floor area from the inside of the building walls in order to remove a barrier for owners wanting to construct environmentally friendly buildings using thicker walls such as straw bale, cob or double-walled energy efficient design ;
- deletion of the proposed amendment to allow marine geothermal loops. The Local Trust Committee has requested a report to consider alternative methods that marine geothermal loops could be regulated but that process will no longer be part of this bylaw;
- rooftop solar collector units are exempt from the building height restrictions; and introduction of a definition for “solar collectors;”
- adding a storage building as a new permitted use, which would mean owners could construct a non-habitable building without requiring a residence on the property;
- changing the proposed height of storage and accessory buildings to 7.3 metres (approximately 24 feet,) from 4.6 metres (approximately 15 feet;)
- allowing for two dwellings, where permitted, to be attached;
- introducing a 3.0 metre setback for pump / utility houses;

- confirming that above or below ground utility services are not considered structures;
- removal of the proposed maximum floor area for a single family dwelling;
- updating the zone boundary measurement provisions to reflect the current use of a digital mapping or Geographic Information System (GIS.)

Before opening the floor to questions and comments, Trustees noted that changes to the draft bylaw can still be made, and invited comments on what else Trustees should be considering.

Chair Hancock then opened the floor for discussion.

John Rumble asked for clarification of the status of marine geothermal loops.

Planner Pickard advised that the draft bylaw has been amended so that marine geothermal loops will not be listed as a permitted use, and that any proposal for such use would be subject to an application for rezoning, with the attendant requirement for studies and approvals from other levels of government.

John Rumble stated that he would like to see no activity in the Marine Protection Zone.

Cameron Thorne noted that the definition of storage building has been updated, but uses are different from those permitted in accessory buildings.

Planner Pickard reviewed the background on the proposal to allow construction of storage buildings in advance of a residence, noting that storage buildings might be used to store equipment that owners might use as they develop their properties over time.

Discussion followed on whether there was a conflict in the use of the term “out building” in the Official Community Plan (OCP) and the term “storage building,” and Planner Pickard assured those present that there was no conflict.

Jane Perch asked whether a cottage might be constructed prior to construction of a single family dwelling.

Planner outlined the sequence of events and restrictions: that a cottage would be a single family dwelling until such time as the main single family dwelling was constructed. The cottage would become an accessory use and size of building restrictions would apply.

Jane Perch noted that more work needs to be done on the definitions in the bylaw and stated that some housekeeping amendments should be considered, such as replacing *Condominium Act* with *Strata Property Act*.

Buffy Paterson stated that there was confusion with respect to accessory buildings and uses. She also suggested that some flexibility be built into the bylaw by allowing, as an example, combined size of an accessory building and cabin, to reduce the overall building footprint.

Murray McAndrew asked for the background of the proposed change in height of accessory buildings and storage buildings.

Trustees and Cameron Thorne explained that a smaller building footprint and improved aesthetics might result.

Ursula Asche asked for an explanation of marine geothermal energy.

Planner Pickard advised that geothermal energy draws on the relatively consistent temperature of the earth located below ground or from large water bodies to be used for heating or cooling a building.

Cameron Thorne stated that there are disincentives to the policy in the OCP and regulations in the LUB encouraging consolidation of parcels of land. Referring specifically to his two lots, he stated that more density can be placed on 2 separate lots than on one consolidated lot.

Chair Hancock pointed out that this is a general voluntary attempt to limit density; and that normally, people purchase an adjacent parcel of land to create a buffer.

A discussion on the location and size of pump houses followed.

Planner Pickard noted that construction of any structure within 4.5 metres of a road requires approval by the Ministry of Transportation and Infrastructure. She also confirmed that any building, pump house or otherwise, which was legally constructed, is granted non-conforming status and would not have to be relocated or removed should the LUB change the required setbacks or size limitations subsequent to construction of the building.

Jane Perch asked that the floor space calculation exempting cisterns be fine-tuned to remove reference to cisterns filled by only rainwater.

Note: The meeting recessed from 12:10 pm to 12:20 pm.

Open Discussion on Other Land Use Items of Concern

In response to a question regarding the location and timing of the CIM from Buffy Paterson, Trustee Montague advised that at the time of booking, the fire hall was not available. She further advised that it was important to have the CIM in advance of the upcoming June 18, 2013 Local Trust Committee meeting.

Cameron Thorne noted his support for the proposed increase in height for accessory and storage buildings. He asked for flexibility in regulations to reflect the rural nature of South Pender Island.

Chair Hancock thanked the public for coming to the meeting.

Trustee Montague noted issues around size and location of docks.

Trustees encouraged the public to express their concerns in writing, and commented on the collective wisdom of South Pender Island residents.

Hearing no further comments from the public, Chair Hancock adjourned the meeting at 12:30 pm, by consensus.

RECORDER

DATE