



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 26, 2017
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	9:45 AM - 10:00 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	10:00 AM - 10:15 AM
4.1 NP-LCB-2016.1 (Port Browning Marina)	
5. PUBLIC HEARING	
none	
6. MINUTES	
6.1 Local Trust Committee Minutes Dated November 24, 2016 (for Adoption)	4 - 11
6.2 Section 26 Resolutions-without-meeting Report Dated January 2017	12 - 12
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated January 2017	13 - 15
8. DELEGATIONS	10:15 AM - 10:25 AM
8.1 M. Sketch re Trouble & Avoiding Trouble in the Discarded Materials Management Project for North & South Pender	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
none	

10.	APPLICATIONS AND REFERRALS	10:25 AM - 11:25 AM	
10.1	NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3(Eakins) - Staff Report Bylaws No. 206, 207 & 208 for consideration of First Reading		16 - 42
10.2	NP-RZ-2016.3 (Eakins) - Staff Report Bylaws No. 209 & 210 for consideration of First Reading		43 - 60
10.3	NP-TUP-2016.2 (Coburn) - Staff Report		61 - 78
10.4	NP-TUP-2016.3 (Bingham) - Staff Report		79 - 105
10.5	NP-LCB-2016.1 (Port Browning) - Staff Report		106 - 128
10.6	NP-DP-2016.6 (Murdoch/Driftwood) - Staff Report		129 - 161
11.	LOCAL TRUST COMMITTEE PROJECTS	11:25 AM - 11:45 AM	
11.1	First Nations Presentation by Fiona MacRaid		162 - 171
12.	REPORTS	11:45 AM - 12:00 PM	
12.1	Work Program Report (attached)		
12.1.1	<u>Top Priorities Report Dated January 2017</u>		172 - 172
12.1.2	<u>Projects List Report Dated January 2017</u>		173 - 175
12.2	Applications Report Dated January 2017 (attached)		176 - 181
12.3	Trustee and Local Expense Report Dated November 2016 (attached)		182 - 184
12.4	Adopted Policies and Standing Resolutions (attached)		185 - 186
12.5	Local Trust Committee Webpage		
12.6	Chair's Report	12:00 PM - 12:15 PM	
12.7	Trustee Report		
12.8	Trust Fund Board Report		
13.	NEW BUSINESS		
	none		
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for February 23, 2017, at the Community Hall, Pender Island		
15.	TOWN HALL	12:15 PM - 12:30 PM	

16. **CLOSED MEETING (Distributed Under Separate Cover)** 12:30 PM - 1:00 PM

16.1 **Motion to Close Meeting**

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

- *Adoption of In-Camera Meeting Minutes Dated September 22, 2016*
- *APC*
- *Legal Issue*

AND that the recorder and staff attend the meeting.

16.2 **Recall to Order**

16.3 **Rise and Report**

17. **ADJOURNMENT** 1:00 PM - 1:00 PM



DRAFT

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: November 24, 2016
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: George Grams, Chair (By Phone)
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present: Justine Starke, Island Planner
Shannon Brayford, Recorder

Others Present: Nineteen (19) members of the public present

1. CALL TO ORDER

At 9:47 am Derek Masselink called the meeting to order, acting as Chair. He acknowledged that the meeting was being held in the traditional and unseated territory of the Coast Salish people. He reported that George Grams was unable to attend due to the weather, but would participate by phone. He further noted that Local Trust Committee (LTC) members are unable to vote via telecommunications.

2. APPROVAL OF AGENDA

It was noted that a piece of late correspondence had been received from the Pender Island Parks and Recreation Society and would be added under item 9.

By general consent, the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Ben McConchie asked for clarification regarding an email he received from George Grams addressing Advisory Planning Commission (APC) members speaking in LTC town halls.

Planner Starke provided information regarding the LTC and APC proceedings. She also agreed to meet with the APC in the future to provide further clarification.

Dale Henning reported that the Agricultural Land Commission (ALC) has denied the reconsideration to reverse the resolution regarding the Burdett property. He further provided comments regarding the ongoing waste management project, noting concern with the project's lack of progress. He requested information on the cost of the workshop facilitator, Dr. Shannon Cowan and spoke in favour of approving an application that will allow the Burdett property to house a waste management facility.

Donn Korbin provided comments on the Waste Management Staff Report and offered recommendations for moving forward.

Jim Petrie spoke in favour of approving the Burdett's application.

Ann Burdett spoke, noting that she and her husband have had an application before the LTC since 2012. She provided an overview of the impact the application's delay has had on their business and asked that the LTC move forward.

Michael Sketch provided an overview of the ALC's reconsideration decision regarding the Burdett property.

Lou Henshaw provided a personal perspective on the history of the properties surrounding Port Browning Marina and the modifications made by previous owners.

Candice Zell spoke against the LTC making a rushed decision regarding a waste and resource management site.

Dale Henning responded to comments made by Lou Henshaw, providing information from the ALC about the properties surrounding Port Browning Marina.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Meeting Minutes Dated October 27, 2016 & Special Meeting Minutes of November 5, 2016 (for Adoption)

By general consent, the Local Trust Committee Meeting Minutes of October 27, 2016 were adopted as presented.

By general consent, the Local Trust Committee Special Meeting Minutes of November 5, 2016 were adopted as presented.

6.1.1 Public Hearing Record Dated November 5, 2016 (for Receipt)

By general consent the Public Hearing Record dated November 5, 2016 was received as presented.

6.2 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated November 2016

For information.

8. DELEGATIONS

8.1 M. Sketch re: Discarded Materials Management for North and South Pender Islands

Michael Sketch read from a written report, including the following points:

- History of waste and resource management on the Pender Islands.
- Management of the materials from the Magic Lake sewers project.
- Rationale for conserving and improving agricultural lands on the islands.
- Potential solutions that the LTC could implement to protect water and soil quality, in addition to managing waste.

9. CORRESPONDENCE

9.1 L. Henshaw Email Dated November 4, 2016

The LTC acknowledged receipt of this correspondence.

9.2 Pender Islands Parks and Recreation Commission (PIPRC)

Planner Starke provided an overview of the letter noting that staff is working with the PIPRC to select the best option for moving forward.

10. APPLICATIONS AND REFERRALS

10.1 NP-DP-2016.7 (Regehr) - Staff Report

Planner Starke provided an overview of the application and staff report.

NP-2016-073

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.7 (Regehr).

CARRIED

10.2 NP-DP-2016.8 (Elevation) – Staff Report

Planner Starke provided an overview of the application and staff report.

A representative of the applicant noted that the dock materials required by the permit are contrary to the recommendations within the riparian report.

A discussion was held regarding the dock materials.

NP-2016-074

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee amend permit file number NP-DP-2016.8 2.v to include steel posts.

CARRIED

Member of the community, Jim Petrie remarked that consideration should be given to standardizing the materials used in bodies of water, particularly those that serve as reservoirs for drinking water.

NP-2016-075

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.8 (Elevation) as amended.

CARRIED

10.3 Salt Spring Island Local Trust Committee Bylaw No. 497 Referral

George Grams provided an overview of the referral.

NP-2016-076

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaw No. 497 Referral with “interests unaffected”.

CARRIED

10.4 NP-DP-2016.9 (Lundie) – Staff Report

Planner Starke provided a presentation of the staff report, including the staff recommendations for conditions to be fulfilled prior to approval.

A discussion was held with representatives of the property owners regarding the benefits of the permit and the opportunity to restore the riparian area. Further discussion was held regarding ongoing management of the vegetation in the riparian area and also the management of a trail access to the lake.

Planner Starke recommended that the LTC receive the report now, deliberate at this meeting, and plan to use a Resolution Without Meeting to approve, dismiss or defer the application, should all of the conditions be met.

A discussion was held regarding this recommendation.

By general consent, the Pender Island Local Trust Committee direct staff to include management of the vegetation in the Streamside Protection and Enhancement Boundary, and also location and management of the proposed trail in Development Permit NP-DP-2016.9 (Lundie).

NP-2016-077

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee receive the report for information, and, pending receipt of a detailed cost estimate for planting and fencing and a security in the form of an irrevocable letter of credit, request staff prepare a resolution without meeting that would approve issuance of the Development Permit NP-DP-2016.9 (Lundie).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Management - Staff Report

Planner Starke provided an overview of the Staff Report including the following points:

- Overview of the process.
- Rationale for requiring site specific review.
- Recommended considerations for moving forward.
- Recommended actions for the LTC to consider

A discussion was held regarding the recommended actions. It was noted that both Trustees should visit each of the sites, however the issue of convening as a quorum was raised. Planner Starke remarked that she will seek advice to ensure procedural correctness is followed. It was further noted that an invitation should be extended to Capital Regional District (CRD) staff to attend the site visits.

A discussion was held regarding the recommendations.

NP-2016-078

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to schedule site visits and meetings with land owners, for Trustees, Capital Regional District staff and Islands Trust staff to attend. Trustee attendance should be guided by procedural correctness.

CARRIED

NP-2016-079

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to continue to refine the list of suitable sites for waste management, based on the results of site visits, and consultation with owners and stakeholders.

CARRIED

NP-2016-080

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to draft regulations for the purpose of discussion, based on Option 1, as presented in the staff report dated November 7, 2016.

CARRIED

11.2 Short Term Vacation Rentals (STVR) – Staff Report – Bylaws 203 & 204

Planner Starke noted that the LTC is not able to hear new information at this point in the process. She provided an overview of the staff report and the included recommendations.

NP-2016-081

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 203, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016,” be amended to remove section 6.4.13 and to renumber accordingly.

CARRIED

NP-2016-082

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 203, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016,” be read a third time, as amended.

CARRIED

NP-2016-083

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 204, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016,” be read a third time.

CARRIED

NP-2016-084

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee proposed Bylaws No. 203 and No. 204 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

NP-2016-085

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee proposed Bylaw No. 203 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

The LTC thanked the staff and the community for their contributions to this project.

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated October 2016

A discussion was held regarding the addition of secondary suites to the Top Priorities List.

A discussion was also held regarding requesting a report on First Nations Interests and Issues and how the North Pender Island LTC can integrate those matters in a more effective manner.

NP-2016-085

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee add Secondary Suites under the topic of housing, and also a third item, First Nations Interests, to the Top Priorities List.

CARRIED

12.1.2 Projects List Report Dated October 2016

Received for information.

12.2 Applications Report Dated October 2016 (attached)

Received for information.

12.3 Trustee and Local Expense Report Dated September 2016 (attached)

Planner Starke responded to Town Hall questions about Dr. Shannon Cowan's compensation for facilitating the workshop and creating the staff report. She noted that the compensation was approximately \$8,000 for approximately 150 hours of work.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

Trustee Masselink requested that the LTC advertise the email subscription feature which provides alerts when the webpage has been updated. It was noted that this shall also be included in the Trustees' article in the Pender Post.

12.6 Chair's Report

Chair Grams reported that the incorporation study on Salt Spring Island has concluded and will make a recommendation that the Ministry of Community, Sport, and Cultural Development authorize a referendum for incorporation on Salt Spring Island.

12.7 Trustee Report

Trustee Barber reported that she is pleased with the outcome of the STVR project and is looking forward to moving forward with the housing project.

Trustee Masselink reported that he is preparing for the next Trust Council which will be held on Salt Spring Island in December. He also responded to concerns regarding his career change and part-time residence off-island with assurance that he continues to be committed to his position as a trustee.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for January 26, 2017, at 9:45 am at the Pender Community Hall

15. TOWN HALL

Lou Henshaw provided a personal perspective on the history of watercourses around the Port Browning Marina. She spoke against approval of applications that will threaten those water ways and expressed concern that the planting of eel grass in the marina area is being done to prevent development.

Trustee Masselink responded with an overview of the goals of the habitat development.

Michael Sketch made remarks on the waste management and offered recommendations for future actions.

John Antifi provided a history of the properties surrounding his own and remarked that the Burdett's responded positively to his concerns regarding water runoff from their property with necessary landscaping modifications.

16. CLOSED MEETING (Distributed Under Separate Cover)

none

17. ADJOURNMENT

By general consent, the meeting was adjourned at 12:55 pm.

Derek Masselink, Acting Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2016-04	In Favour	THAT North Pender Island Local Trust Committee development permit NP-DP-2016.9 (Lundie) be approved as amended.	13-Dec-2016

Follow Up Action Report

North Pender Island

06-May-2016

Activity	Responsibility	Target Date	Status
10.1 - NP- RZ-2016.1 (Mainroad) - directs staff to proceed with the application NP-RZ-2016.1 (Mainroad)and to prepare draft bylaws.	Sharon Lloyd-deRosario Justine Starke Phil Testemale	26-May-2016	On Going

22-Sep-2016

Activity	Responsibility	Target Date	Status
-minutes of July 28 2016 adopted - Special meeting minutes of August 10 2016 adopted -Public hearing record of July 2015 adopted	Regina Robinson	27-Oct-2016	Done
Mayne Island Bylaw 170 - Interests unaffected	Sharon Lloyd-deRosario	12-Oct-2016	Done
STVR Bylaws 203 &204 - Second reading given	Sharon Lloyd-deRosario Justine Starke	27-Oct-2016	Done

27-Oct-2016

Activity	Responsibility	Target Date	Status
Charge audio recording equipment before each monthly LTC meeting.	Regina Robinson		Done
Minutes of Sept 22 2016 and October 6 adopted.	Regina Robinson	24-Nov-2016	Done
NP-DP-2016.5 (Townsend) - permit issued.	Sharon Lloyd-deRosario Phil Testemale	24-Nov-2016	Done

**Follow Up Action Report**

NP-RZ-2016.3 (Eakins) - Bylaw 207, 208, 209, 210 referred to the Advisory Planning Commission.	Justine Starke Phil Testemale Regina Robinson	24-Nov-2016	Done
NP-RZ-2016.2 (Port Browning Marina) - referred to the Advisory Planning Commission.	Justine Starke Phil Testemale Regina Robinson	24-Nov-2016	Done
Fees Bylaw 205 - Given first, second, and third reading (Done) and referred to the Executive Committee of Islands Trust. - EC pkg sent to DM for review	Sharon Lloyd-deRosario Justine Starke	05-Nov-2016	Done

24-Nov-2016

Activity	Responsibility	Target Date	Status
NP-DP-2016.7 (Regehr) - LTC approved permit for issuance.	Sharon Lloyd-deRosario Phil Testemale	14-Dec-2016	Done
NP-DP-2016.8 (Elevation) - Permit provision 2.v amended to add steel posts to dock construction. Approved as amended. Gratitude from LTC for great work by Phil Testemale.	Sharon Lloyd-deRosario Phil Testemale	14-Dec-2016	Done
NP-2016.9 (Lundie) - LTC received information - will consider DP by RWM after receipt of LoC. LTC request permit to make provision for land owners to have ability to manage trees planted within the SPEA and also to address and make provision for the trail that has been addressed in RAA report.	Sharon Lloyd-deRosario Phil Testemale	14-Dec-2016	Done
STVR - Bylaws 203/304 - Bylaw 203 amended. Bylaws 203/204 given third reading (Done) and referred to EC (sent to DM for review) and MCSCD.	Sharon Lloyd-deRosario Justine Starke	14-Dec-2016	Done
Salt Spring Bylaw 497 Referral - Interests unaffected.	Sharon Lloyd-deRosario	16-Nov-2016	Done
Minutes of October 27, November 5, and public hearing record of Nov. 5 adopted.	Regina Robinson	14-Dec-2016	Done



Follow Up Action Report

PIRCS request re: gazebo - respond to J. Chapam the LTC took no action - it would take the same time to rezone whether initiated by LTC or applicant.	Phil Testemale	16-Nov-2016	Done
Work Program - Top Priorities: Add secondary suites under Housing Top Priority. Add First Nations Interests to Top Priority list - and request a staff report from inter-governmental policy advisory on First Nations issues and interests affecting North Pender, and how the LTC might approach it.	Justine Starke	11-Jan-2017	Done
Add a news update to remind Pender Islanders that the subscription list is available and to encourage people to sign up.	Regina Robinson	07-Dec-2016	Done
Waste Management: 1. That the North Pender Island Local Trust Committee direct staff to schedule site visits and meetings with land owners, for trustees, CRD staff, and IT staff to attend. Trustee attendance should be guided by procedural correctness. [SCHEDULED for FEB 2017] 2. That the North Pender Island Local Trust Committee direct staff to continue to refine the list of suitable sites for waste management, based on the results of site visits, and consultation with owners and stakeholders. 3. That the North Pender Island Local Trust Committee direct staff to draft regulations for the purpose of discussion, based on Option 1, as presented in the staff report dated November 7, 2016.	Justine Starke	11-Jan-2017	On Going



File No.: NP-RZ-2016.2 and 2016.3
(Port Browning) x-ref:NP-
SUB-2016.2 (Eakins)

DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Victoria Office

SUBJECT: Rezoning Application for Port Browning Marina

Applicant: Port Browning Marina Resort Ltd, c/o Rob Blanchard, Mill Bay Marine Group Ltd./Lloyd Eakins

Location: Surveyed Water Lot DL 107 and Unsurveyed Water Area, Port Browning Harbour, Pender Island, Cowichan District adjacent to 4605 Oak, AND
4606 Oak Road; 4602 Oak Road; 4605 Oak Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016", be read a first time.
2. That the North Pender Island Local Trust Committee Bylaw No. 207, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016", be read a first time.
3. That the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016," be read a first time.
4. That the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 206, 207, and 208. (*pending receipt of AIA report*)
5. That the North Pender Island Local Trust Committee request staff to refer Bylaw Nos. 206, 207 and 208 to the North Pender Island Advisory Planning Commission for comment.
6. That the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting for Bylaws Nos. 206, 207 and 208.

REPORT SUMMARY

The purpose of this report is for the North Pender Island Local Trust Committee (LTC) to provide further direction to staff for the application NP-RZ-2016.2 (Port Browning c/o Mill Bay Marine Group) for the expansion of the Port Browning Marina. This proposal is to rezone DL 107 and an unsurveyed water area from **Water 1 -(W1)** to **Water 2 -(W2)** and **Water 2 (a) - (W2[a])**.

Furthermore, staff is requesting the LTC provide further direction for the application NP-RZ-2016.3 (Port Browning c/o Mill Bay Marine Group and Lloyd Eakins) which proposes to rezone a portion of 4602 Oak Road

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from **Rural (R)** to **Commercial 3 (C3)**, and include it in the Port Browning Resort (4605 Oak Road), which will be rezoned from **C3(a)** to **C3**. The proposal to rezone 4602 and 4606 Oak Road to a Rural zone variation (**R(d)**) which removes the **SD** zone is discussed in a separate report to the LTC. Bylaws 207 and 209 are mapping amendments to the Official Community Plan to accommodate this proposal.

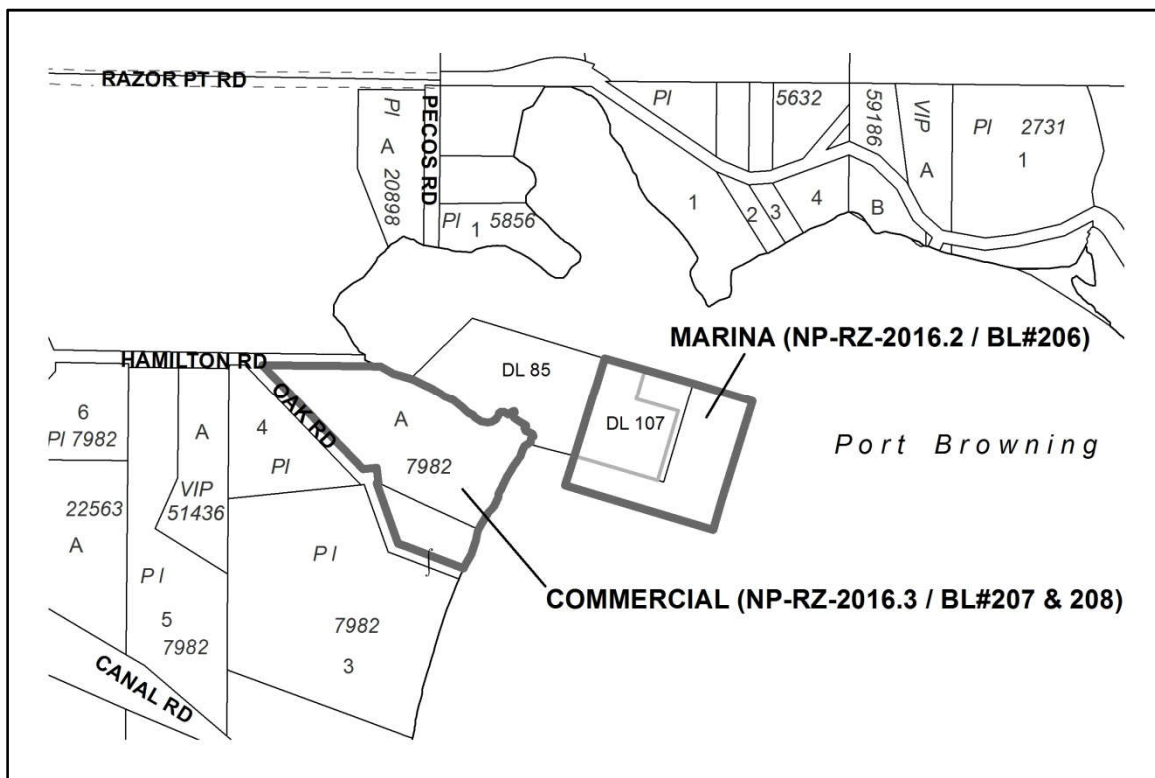
In summary, staff is recommending:

1. Consideration of First Reading of Draft Bylaw Nos. 206, 207, and 208 (Attachment 3);
2. A decision on re-referral of Draft Bylaw Nos. 206, 207 and 208 to the North Pender Island Advisory Planning Committee;
3. Direction for staff to schedule a Community Information Meeting;
4. Direction for staff to report back on the results of the referral of the bylaws to agencies and First Nations with any proposed amendments prior to Second Reading and scheduling a Public Hearing.

The above recommendations are supported as the applicants have supplied all information required by the Development Approvals Information (DAI) letters of May 23, 2016 (NP-RZ-2016.2 – ‘Marina’) and July 12, 2016 (NP-2016.3 – ‘Upland’). Although at the time of writing we are not in receipt of the Archaeological Impact Assessment (AIA) report, a preliminary results letter has been received (Attachment 4). The applicants have agreed to the mechanisms and process for the securing of community amenities that are part of their proposal.

In addition, the extended deadline for First Nations to respond to a preliminary of the proposals has passed, with no substantive results.

FIGURE 1: SUBJECT PROPERTIES



BACKGROUND

Background to these applications, including two (2) staff reports and with site context for each of the applications, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

Specific File Activity:

The two applications have been reviewed previously on June 30, July 28 and October 27, 2016.

The following is a summary of activities that have occurred for this application since the last report to the Local Trust Committee:

- **By general consent**, the Local Trust Committee deferred decision on this application (both NP-RZ-20162 and 2016.3) to a later time when the archaeological report will be available.
- Professional Reporting as a result of DAI letters (<http://www.islandstrust.bc.ca/media/341332/np-rz-20162-daitorletter.pdf>). All professional reports received are posted at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> The following revised and new reports have been received since the date of the preliminary staff report (October 27, 2016):
 - 'Preliminary Results - Archaeological Impact Assessment (AIA)' preliminary assessment prepared by Madrone Environmental Consulting Ltd. (dated November 28, 2016 Attachment 4)
- Discussions on securing community amenities.
- First Nations engagement.

Details on the foregoing are discussed in 'Issues and Opportunities' (below).

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

Directive policies relevant to this proposal were highlighted in previous staff reports.

Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 206, 207 and 208 has been completed (Attachment 2). The proposed rezoning will be compliant upon receipt of the AIA report. As such, staff is recommending that a resolution to endorse the checklist that normally accompanies First Reading be deferred pending the receipt of the Archaeological Impact Assessment which will likely be submitted prior to the LTC meeting.

Official Community Plan

Refer to previous reports

Development Permit Areas:

Refer to previous reports.

Land Use Bylaw:

The three (3) proposed Bylaws are attached (Attachment 3). In Summary the changes are as follows:

Bylaw 206 – is a bylaw to rezone DL 107 and an expanded DL area of This proposal is to rezone DL 107 from **Water 1 -(W1)** to **Water 2 -(W2)** and **Water 2 (a) - (W2[a])**. This will facilitate the expansion of the marina in a portion of the lease area and permit an attenuator in the expanded area. It is noted that these two changes would be general changes to the Definitions section and the **Water 2 (W2)** zone in the LUB.

Bylaw 207 - is a mapping amendment to the Official Community Plan to accommodate the rezoning proposal (Bylaw 208 – following)

Bylaw 208 - **will rezone** an a portion of 4602 Oak Road (0.7 ha) from **Rural (R)** to **Commercial 3 (C3)**, and include it in the Port Browning Resort (4605 Oak Road), which will be rezoned from **C3(a)** to **C3**.

Issues and Opportunities:

First Nations Engagement

In a more proactive approach to consultation, and with the hope of meaningful and substantive engagement, referral letters for this application were sent out on October 11, 2016 and the referral response date was extended to January 16, 2017. The following identified First Nations received the referral:

- Cowichan Tribes
- Halalt
- Lake Cowichan
- Lyackson
- Malahat (TE'Mexw Treaty Association)
- Pauquachin
- Penelakut
- Semiahmoo
- Stz'uminus
- Tsartlip
- Tsawwassen
- Tseycum

The Halalt First Nation responded by deferring to other First Nations with priority interests.

The Cowichan Tribes requested a site visit, but had to cancel for personal reasons. The site visit has yet to be re-scheduled, but staff are pursuing a new date.

The applicants have consistently indicated a willingness to actively engage with First Nations as that process moves forward.

See also 'Consultation' (below).

Archaeological Impact Assessment

OCP Policies on heritage resources are as follows:

- 4.6.4 All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants will be notified if the application is within a known, protected archaeological site. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.

- 4.6.5 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

The applicants have hired Madrone Consulting to conduct an Archaeological Impact Assessment (AIA) with a permit under the Heritage Act. The AIA has taken a very long time to complete, and is outside of the applicant's control. As mentioned, the Archaeological Impact Assessment (AIA) is still pending but an Archaeological Summary was prepared by Madrone Consulting (Attachment 4). The summary indicates that the location of the archaeological site is outside in an area of Lot 3 that is to be consolidated with the larger Lot A (see note on Attachment 1.6). The applicants are aware that this is an area of significance and will be altering their plans accordingly (relocating some of the proposed cottages).

Community Amenities

Although the rezoning for the marine and upland portion of the development are separate bylaws, they are the same project which have been separated to ensure one does not delay another. The applicants have stressed that the overall success of the development hinges on the expansion and rebuilding of the marina.

Part of the applicant's argument in favour of the marina expansion is that the overall development will provide many tangible benefits to the community. As most of these are on the upland and the likelihood is that the rezoning for the marina will be adopted prior to the upland, staff has identified that it will be necessary to secure these benefits through a legal mechanisms. The benefits are as:

- **Reduced Density**
- Provision of **Alternate Emergency Access** (Portion) for Magic Lake Estates
- Preservation of **Open Field Area**.
- **Pool** – a 25 metre pool with a community access component.
- Access use for **Sailing Club**.
- **Sewer Pump-Out Facility**.

The following is a summary of progress and mechanisms that the applicants have made toward providing these amenities:

- **Reduced Density:**
 - 29 units of accommodation versus the 39 units currently permitted by zoning.
 - With the proposed increase in average floor area, if the density is measured according to the current requirement for an average floor area of 56m,² there is the equivalent of 33.5 units being proposed. It is noted that the proposed units are also for what will ultimately be a larger parcel (with the addition of the 0.7 ha area from Lot 3), so the effect of density will be lessened further.
 - This benefit will be secured through the zoning amendment (Bylaw 208)
- **Maintain the Open Space:**
 - This amenity will ensure public access to the open space (field) area in front of the pub and limit structures.
 - The details of this are being discussed with MBMG, but generally would entail prohibitions on fencing off the specific area, limited structures, no buildings, hard surfaces, etc.
 - The mechanism for securing this will be through zoning and as part of a Section 219 covenant for this and other items.

- **Emergency Access**
 - The applicant has been negotiating with the CRD to provide a portion of the trail (emergency road) for Magic Lake Estates through a portion of their property at the top of Bedwell Harbour Road.
 - This may take the form of a statutory RoW in favour of the CRD that would require a resolution from LTC to require this as a condition of Final Adoption of rezoning
 - Alternatively, they may enter a long-term lease with the CRD which would be secured as part of the covenant where there would be no use of commercial accommodation units prior to the lease being provided.
- Providing a standard **25M Heated pool**, managed as a community amenity
 - The applicant has been working with the CRD on this amenity.
 - They are working on the funding for construction as well as an access and operational cost agreement.
 - This would be secured as part of the covenant, again where there would be no use of commercial accommodation units prior to this being completed.
- Continuing to allow the **Sailing Club** to continue on the property
 - The applicant has agreed to negotiate a long term lease (5/10 years) that would be provided prior to Final Adoption of the bylaws.
- Marine **Sewer Pump-Out Station**
 - This will be secured as part of the covenant (that no use of buildings prior to the construction of the pump out)

Consultation:

The following agencies have been identified for referring draft Bylaw No. 206, 207 and 208 for comment; the LTC may also direct staff to include other agencies not listed. Staff will refer the proposed bylaws subsequent to First Reading. Additionally, the LTC may choose to re refer the proposal to the Advisory Planning Commission.

- DFO
- Ministry of Transportation and Infrastructure
- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Ministry of Forest, Lands & Natural Resource Operations, Crown Lands
- Island Health
- Islands Trust Fund
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- CRD, Southern Gulf Islands Harbours Commission
- Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

The applicants held public 'open houses' prior to making this application and have been responsive to neighbour and community concerns as they have arisen.

As the application includes an amendment to the OCP the proposed bylaws will be again be referred to the following First Nations:

- Cowichan Tribes
- Halalt
- Lake Cowichan
- Lyackson
- Malahat (TE'Mexw Treaty Association)
- Pauquachin
- Penelakut
- Semiahmoo
- Stz'uminus
- Tsartlip
- Tsawwassen
- Tseycum

Note: The referral to the First Nations is supplemental to the above early engagement.

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

Rationale for Recommendations:

Staff is recommending First Reading as the applicants have met all the requirements of the DIA with the exception of the Archaeological Impact Assessment (AIA) report. Although the results of the AIA and the consultation process may require amendments to the Draft Bylaws No. 206, 207 and 208, these can be considered at Second Reading. As stated above, the AIA has taken a very long time to complete. Although the LTC indicated by general consent at the October 27, 2016 meeting that they would defer a decision on this application (both NP-RZ-20162 and 2016.3) to a later time when the AIA report will be available, staff is confident that based on the preliminary results, the AIA report will not impact the rezoning application moving forward.

Staff is recommending that they be directed to schedule a CIM. Further, staff is recommending that the LTC defer a decision to endorse the Islands Trust Policy Statement Directive Policies Checklist until the full AIA is received, and that scheduling a Public Hearing and Second Reading be deferred pending the results of agency referrals and the receipt of the full AIA report.

ALTERNATIVES

1. Defer First Reading

The LTC may choose to defer consideration of First Reading pending receipt of the AIA and completion of the referral period by not moving on the first resolution on page 1, and direct staff to report back when these items are fulfilled.

2. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

3. Opt to Not Refer Application to Advisory Planning Commission

The LTC may opt to not refer the application to the Advisory Planning Commission, by not moving on the second resolution on page 1.

4. Proceed No Further

The LTC may opt to proceed no further with the application.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw Nos. 206, 207 and 208 cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016”

NEXT STEPS

- Staff will refer Bylaws No. 206, 207 and 208 to the above-listed agencies and First Nations.
- Staff will re refer the Bylaws to the Advisory Planning Commission if directed by resolution.
- Staff will schedule a CIM.
- Staff will report back to the LTC on the results of the AIA report and agency and First Nations referrals with recommended amendments to the Bylaws (if required) prior to Second Reading and scheduling of a Public Hearing.
- Staff will initiate the drafting and legal review of the proposed Section 219 covenant on a cost recovery basis.

Submitted By:	Phil Testemale, A/Planner 2	January 17, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 17, 2017

ATTACHMENTS

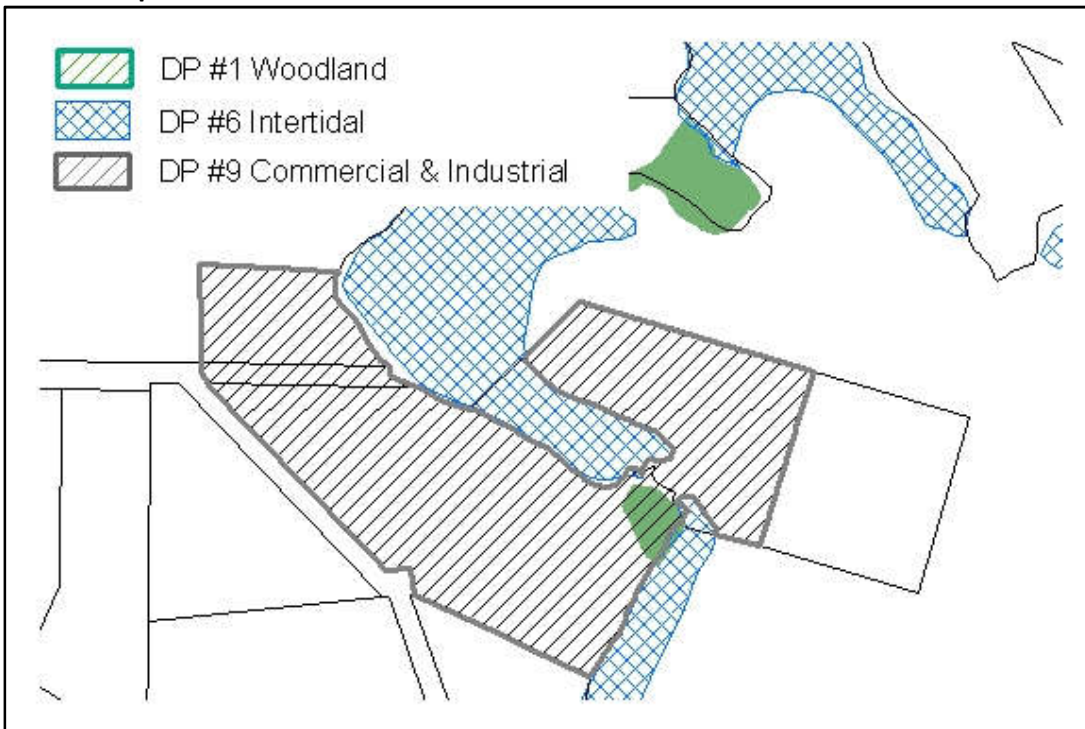
1. Mapping
2. Islands Trust Policy Statement Directive Policies Checklist
3. Draft Bylaw Nos. 206, 207 and 208
4. Preliminary Results of AIA (Madrone Environmental Services Ltd., November 28, 2016)

ATTACHMENT 1: MAPPING

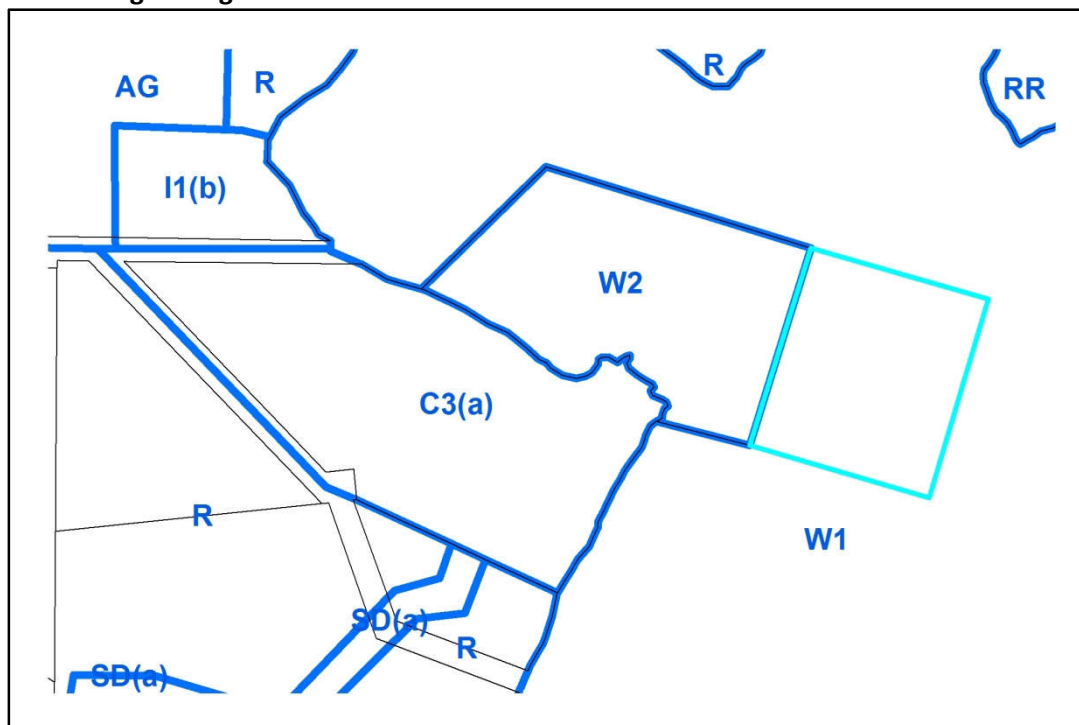
1.1 Orthophoto



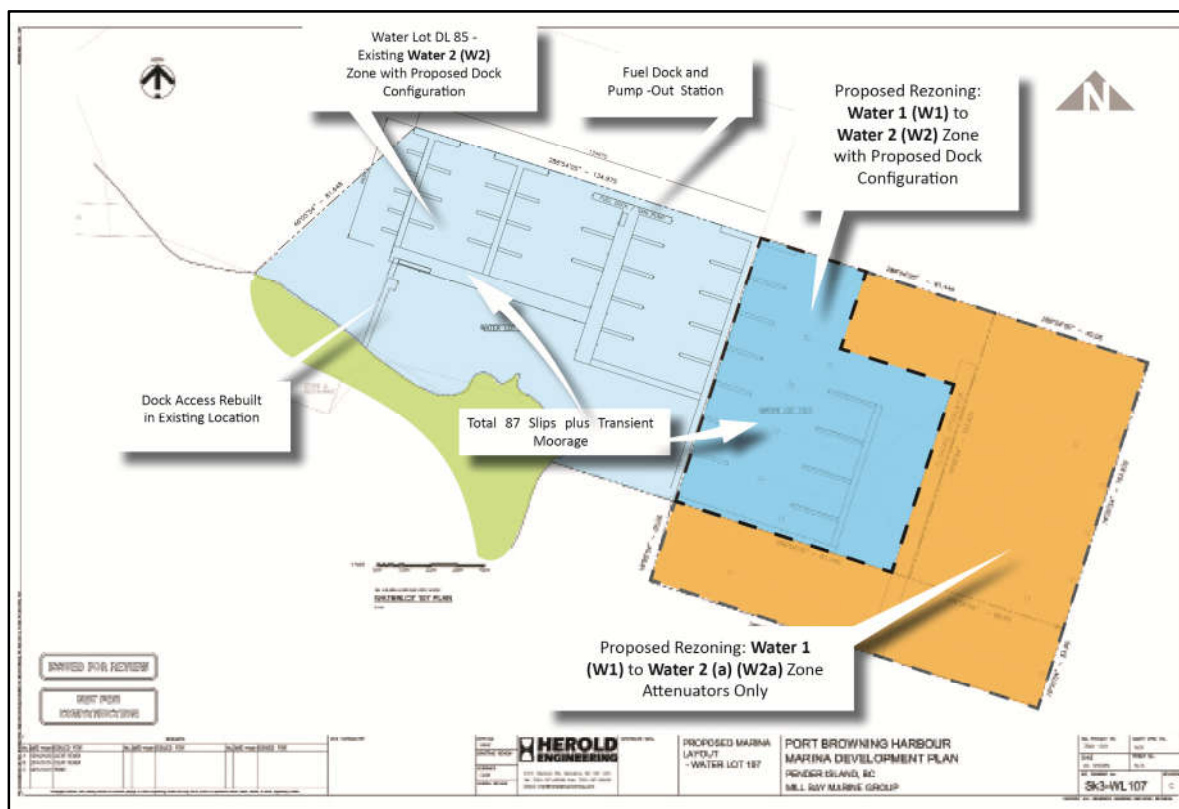
1.2 Development Permit Areas



1.3 Existing Zoning



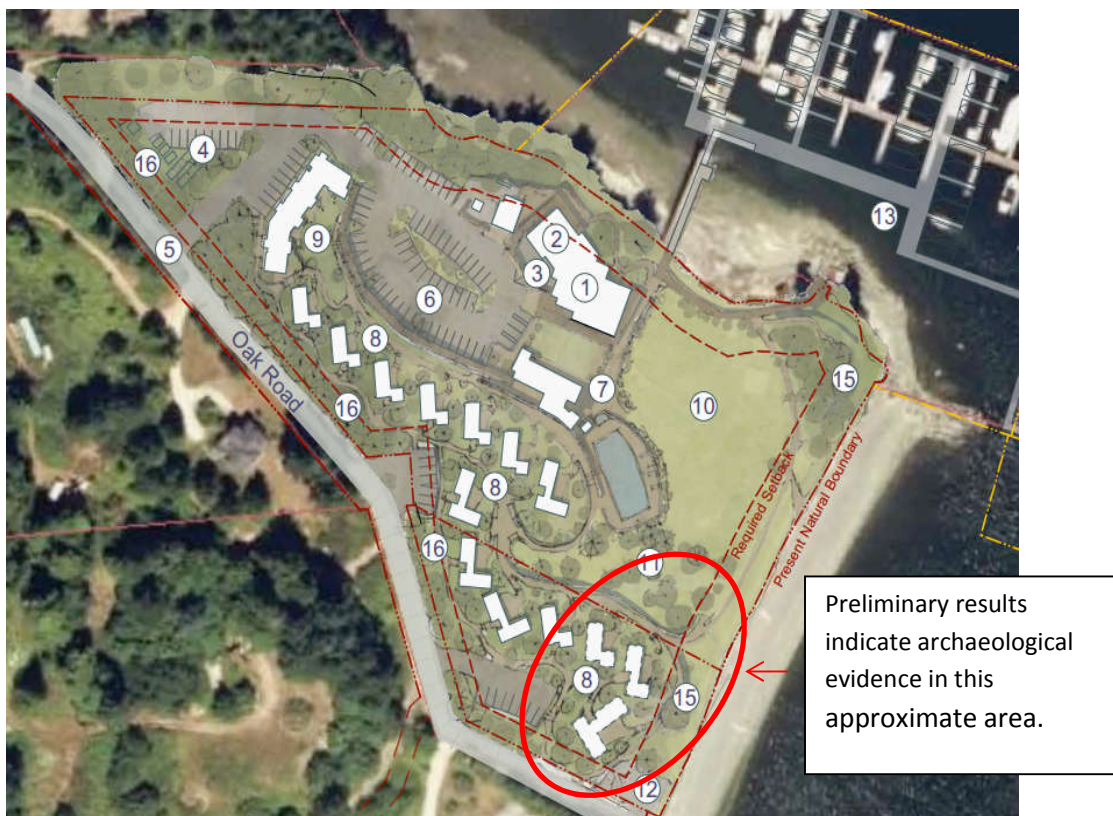
1.4 Site Plan (Marina)



1.5 Site Plan (Rezoning – Upland)



1.6 Concept Plan (Upland)





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No 206 (LUB), 207 (OCP) and 208 (LUB) and File NP-RZ-2016.2 and NP-RZ-2016.3

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and 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 CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	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
✓	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.
✓	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.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	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.
✓	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.
✓	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.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	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.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	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
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	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.
✓	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
X	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.
X	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	
	COMPLIANCE WITH TRUST POLICY
✓	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons: Compliance with 5.6 has not been completed – Archaeological Impact Assessment pending.

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 206

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Section 1.1 – Definitions, “marina” is amended by inserting a comma and the word “marine sewage pump-out stations”, after “walkways” and before “and”.

2.2 Clause 8.20.1 (1) (h) is amended by removing the word “and”.

2.3 Clause 8.20.1 (1) (i) is amended by removing the period after “buoys” and replacing it with a semi-colon and the word “and”.

2.4 Article 8.20.1 (1) is amended by inserting the following as clause 8.20.1 (1) (j):

“(j) accessory buildings on docks for which the maximum floor area of all accessory buildings on docks is not to exceed 37 m² within any one location in the W2 zone”.

2.5 Section 8.20 Water 2 (W2) is amended by the insertion of the following as Subsection 8.20.5:

“ 8.20.5 Site Specific Regulations

- (1) The regulations listed in Column 3 of the following table only apply to the land identified in column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in column 1.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
W2(a)	Part of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District.	Despite 8.20.1(1), the only use permitted in this area are floating wave attenuators.

2.6 Schedule "D" – Zoning Map, is amended by changing the zoning classification of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District, from Water 1 (W1) to Water 2 (W2) and Water 2 (a) (W2 [a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "1" to Bylaw No. 103 as are required to effect this change.

3. Severability

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

READ A FIRST TIME THIS _____ 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____

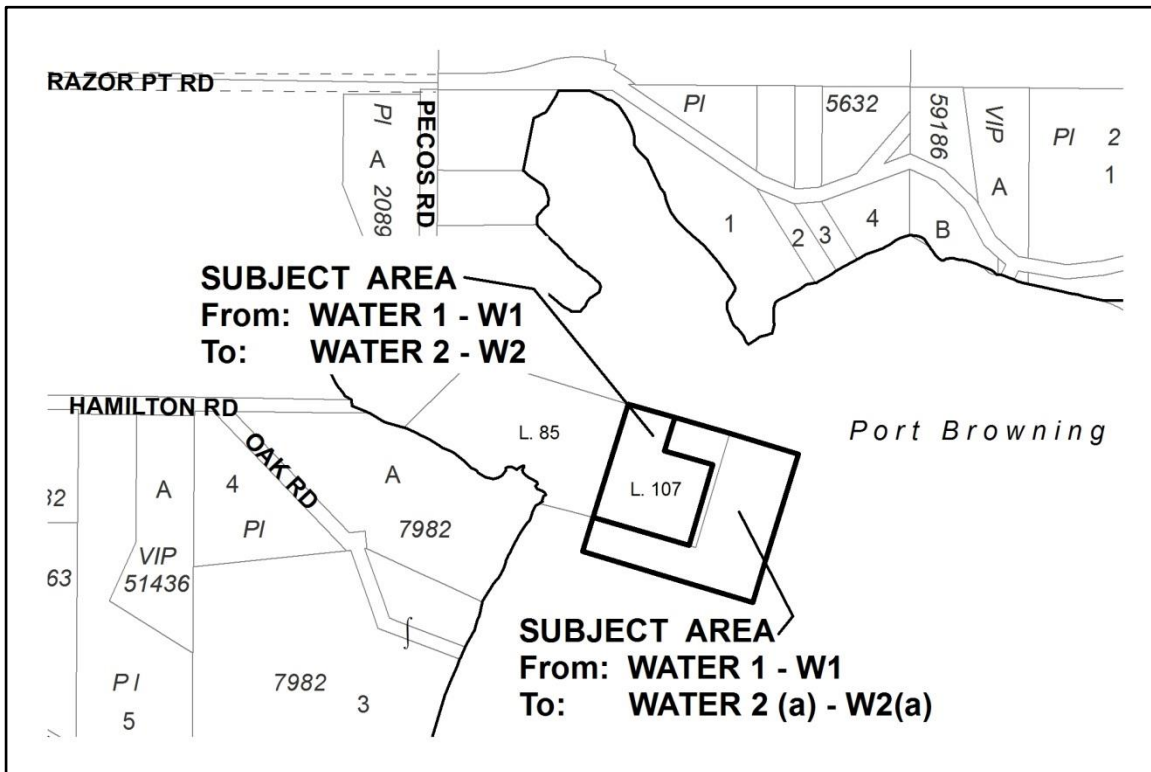
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 206

Plan No. 1



DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 207

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ 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 COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

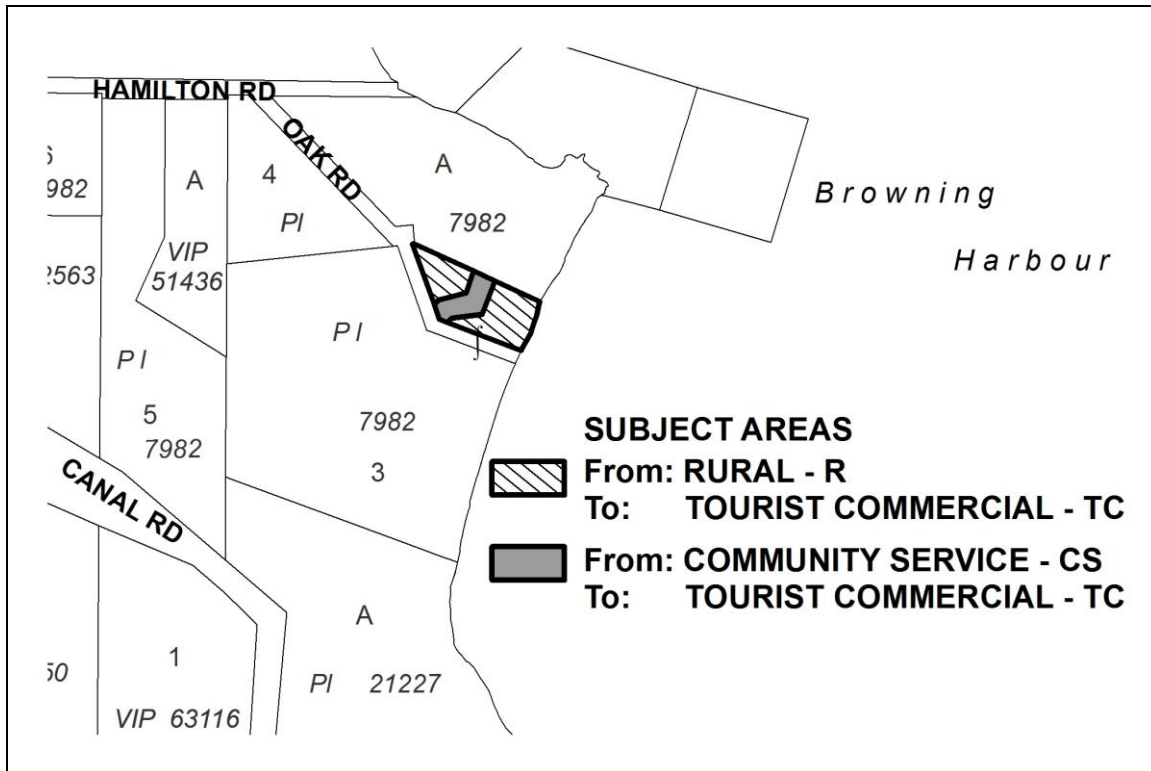
Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 207**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007 is amended as follows:



DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 208

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Section 8.6.4 (2) is deleted and replaced with, “The maximum number of commercial accommodation units permitted in the Commercial 3 zone is 29.”

2.2 Section 8.6.4 is amended by adding a new subsection (3), which reads: “Despite the definition of *commercial guest accommodation unit*, the maximum floor area of a commercial guest accommodation unit is 121 square metres, with the total floor area of all commercial guest accommodation units in the Commercial 3 zone not exceeding 1876 square metres.”

2.3 Section 8.6.5 (1) is deleted and replaced with, “Lot coverage may not exceed 15%.”

2.4 Section 8.6.7 is amended by adding a new subsection (2), which reads: “Despite 8.6.7(1), the maximum height for a hotel is 10.7 metres.”

2.5 Section 8.6.9 — “Site Specific Regulations,” is deleted.

2.6 Schedule “D” – Zoning Map, is amended by changing the zoning classification of a portion of the Lot 3, Section 11, Plan 7982 except Part in Plan 21227 and 1772RW from SD (a) (Service Zone (a)) and Rural (R), to Commercial 3 (C3), and by changing the zoning classification of Lot A (Dd G54184) Of Section 11, Pender Island, Cowichan District, Plan 7982 from Commercial 3 (a) to Commercial 3, as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “D” to Bylaw No. 103 as are required to effect this change.

3. Severability

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

READ A FIRST TIME THIS _____ 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____

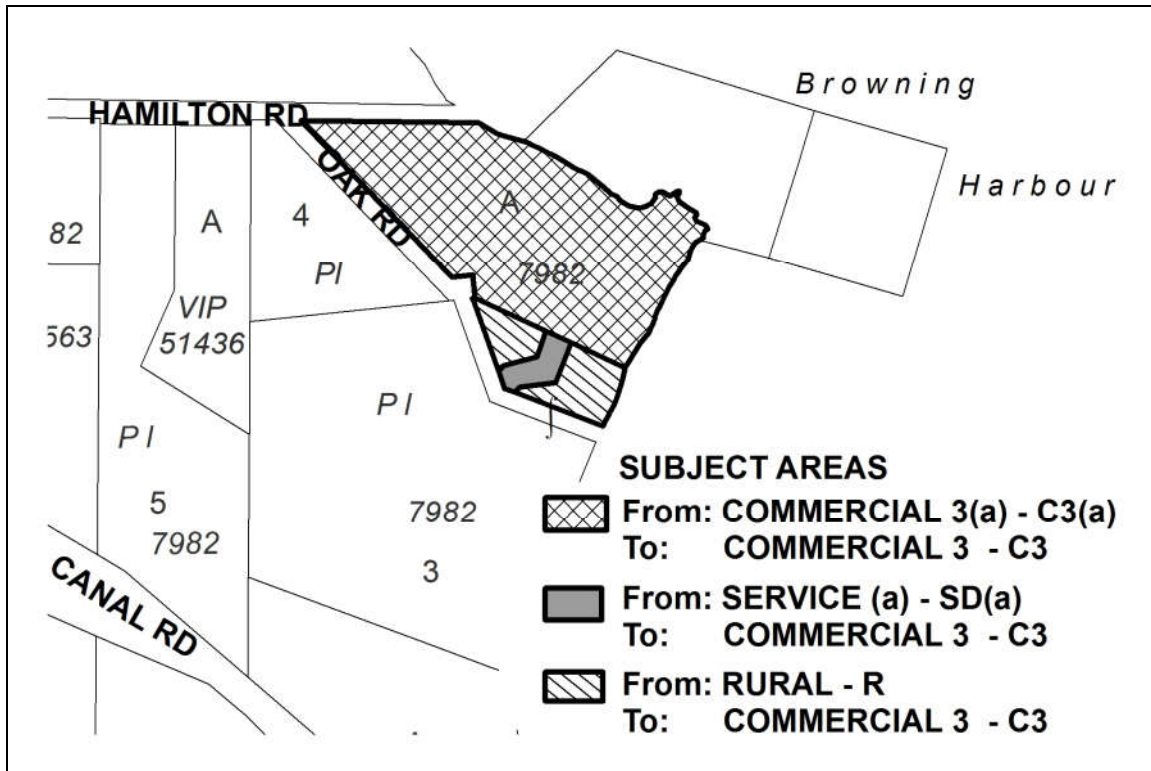
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 208**

Plan No. 1



VIA EMAIL

November 28, 2016

Rob Blanchard

Mill Bay Marina Group
740 Handy Rd, Mill bay B.C.
V0R 2P1
rob@mbmg.ca

Attention: **Rob Blanchard**

Reference: Preliminary Results of the Archaeological Impact Assessment (Permit # 2016-0323) Conducted at Port Browning Marina

Dear Rob,

We are pleased to issue this letter of preliminary findings for the Archaeological Impact Assessment (AIA) site work at Port Browning Marina.

Archaeological work was conducted on the subject property from October 4th to 7th, 2016 with follow up mapping on October 12. All work was done in accordance with BC Archaeology Branch Standards.

The study focused on areas where future development activity is proposed. The majority of the property tested is relatively free of significant archaeological materials though a site alteration permit will be required before construction can proceed. An application for an alteration permit can be submitted once the results from the current study have been reviewed and approved by the Archaeology Branch, who may issue further management direction in addition to the recommendations provided by the current study.

One area of concern was identified during the October testing on the South end of the property. Further investigations on Nov 8th and 9th have defined the area to be avoided to a relatively small 250 m² portion of the property. We recommend that the area of concern be avoided by all development activities so as to minimize potential impacts to archaeological resources. In consultation with the Archaeology Branch all ground disturbing activities in the vicinity of the area of concern will be monitored by a qualified archaeologist.

Previous AIA studies identified other locations on the site that are archaeologically sensitive, including: 1) The setback area within 15m of the Natural Boundary, and 2) the orchard area. Both these areas are outside of the proposed development and, other than the services installation for the docks, further archaeological studies in these areas are not recommended for this project.

In regards to archaeological potential within the water zone where the pilings will be driven for dock expansion, it is our opinion that though archaeological potential for cultural material in the water zone exists there is no way to test the deposits in a non-destructive, feasible manner. Further, the low impact of pile driving, the distance from shore and depth of water, and the fact that no materials are brought to the surface during construction for investigation, we recommend no archaeological work within the water zone prior to the commencement of pile driving.

A final AIA report will follow this summary letter

Respectfully submitted,
Madrone Environmental Services Ltd.

A handwritten signature in black ink, appearing to read "Pat McCashin". The signature is written in a cursive, flowing style with a horizontal line at the end.

Pat McCashin, BA
Senior Archaeologist



File No.: NP-RZ-2016.3 (Eakins)
x-ref:NP-RZ-2016.2 and
NP-SUB-2016.2 (Eakins)

DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Justine Starke Island Planner
Victoria Office

SUBJECT: Rezoning Application for Port Browning Septic Infrastructure

Applicant: Port Browning Marina Resort Ltd, c/o Rob Blanchard, Mill Bay Marine Group Ltd./Lloyd Eakins

Location: Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982; and Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW
4606 Oak Road and 4602 Oak Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 209, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016," be read a first time.
2. That the North Pender Island Local Trust Committee Bylaw No. 210, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016," be read a first time.
3. That the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 209 and 210.
4. That the North Pender Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant(s) of NP-RZ-2016.3 (Eakins) to cover the extraordinary cost associated with holding a separate public hearing for Bylaws 209 and 210.

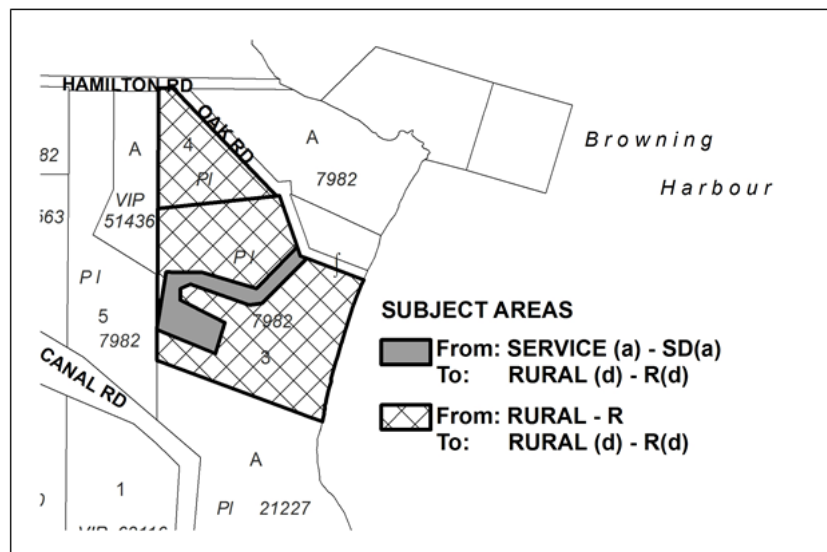
REPORT SUMMARY

This purpose of this report is for the North Pender Island Local Trust Committee (LTC) to consider Bylaws 209 and 210, which would rezone 4602 and 4606 Oak Road to a Rural zone variation **(R(d))** which removes the **SD** zone, and would permit realigning the existing septic disposal infrastructure that services the Port Browning Resort. Bylaw 209 is a mapping amendment to the Official Community Plan to accommodate this proposal.

In summary, staff is seeking specific direction to:

1. Consideration of First Reading of Draft Bylaws 209 and 210 (attachment 1 &2).
2. Consideration of the Islands Trust Policy Statement Directive Policies Checklist for Draft Bylaw 209 and 210 (attachment 3).
3. Direction to enter into a cost recovery agreement so an extraordinary, additional public hearing can be held for Bylaws 209 &210, separate from the others bylaws for the Port Browning Resort that are also associated with this application number.

FIGURE 2: SUBJECT PROPERTY



BACKGROUND

Background to these applications, including two (2) staff reports and with site context for each of the applications, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

This application is part of the Port Browning Resort rezonings, however the substantive issues are quite different. Bylaws 209 and 210 are technical amendments to the North Pender Island Land Use Bylaw and Official Community Plan to allow existing septic infrastructure on the subject parcels (which currently service Port Browning), be re-located on the same parcels. These amendments provide the land owners with flexibility should the infrastructure need to be moved again in the future.

The application was reviewed previously on July 28 and October 27, 2016.

The following is a summary of activities that have occurred for this application since the last report to the Local Trust Committee:

- By general consent, the Local Trust Committee deferred decision on this application (both NP-RZ-20162 and 2016.3) to a later time when the archaeological report will be available.
- Professional Reporting as a result of DAI letters (<http://www.islandstrust.bc.ca/media/341332/np-rz-20162-daitorletter.pdf>) . All professional reports received are posted at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>
- At the time of writing, the Archaeological Impact Assessment (AIA) was still pending but an Archaeological Summary was prepared by Madrone Consulting. This is attached to the staff report for NP-RZ-2016.2 on the January 26 2017 NPI LTC agenda.
- First Nations Consultation is on-going.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

Directive policies relevant to this proposal were highlighted in previous staff reports.

Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaws 209 and 210 has been completed. The proposed rezoning is compliant.

Land Use Bylaw:

Currently, the only permitted use in the existing SD(a) zone is the treatment and disposal of sewage produced on the Port Browning property. This zone boundary defines the location of the septic infrastructure; it enables the septic use that is essentially an accessory use of the adjacent commercial parcel. Bylaw 210 removes the SD(a) zone and adds the septic disposal use to the uses permitted in the Rural zone on these properties.

Official Community Plan

Bylaw 209 is an OCP mapping amendment to remove the CS designation, which is unnecessary and does not enable the use.

Development Permit Areas:

Refer to previous reports.

Issues and Opportunities:***Bylaw Enforcement***

There is the on-going bylaw enforcement issue due to an unlawful second dwelling on Lot 3. The owner has committed to a verbal compliance agreement with bylaw enforcement to resolve the issue. This is being addressed as a requirement of the boundary adjustment (subdivision) application and should be resolved prior to final adoption.

First Nations Engagement

In a more proactive approach to consultation, and with the hope of meaningful and substantive engagement, revised referral letters for this application were sent out on October 11, 2016 (Attachment 5) to the following identified First Nations for their comment:

- Cowichan Tribes
- Halalt
- Lake Cowichan
- Lyackson
- Malahat (TE'Mexw Treaty Association)
- Pauquachin
- Penelakut
- Semiahmoo
- Stz'uminus
- Tsartlip
- Tsawwassen
- Tseycum

The Halalt First Nation responded by deferring to other First Nations with priority interests.

The Cowichan Tribes requested a site visit, but had to cancel for personal reasons. The site visit has yet to be re-scheduled, but staff are pursuing a new date.

The deadline for a response from First Nations was extended from December 5 2016 to January 16, 2017. No further responses have been received.

Archaeological Impact Assessment

There is a mapped archaeological site on the property.

OCP Policies on heritage resources are as follows:

- 4.6.4 All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants will be notified if the application is within a known, protected archaeological site. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.
- 4.6.5 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

The applicants have hired Madrone Consulting to conduct an Archaeological Impact Assessment (AIA) with a permit under the Heritage Act. The AIA has taken a very long time to complete, and is outside of the applicant's control. As mentioned, the Archaeological Impact Assessment (AIA) is still pending but an Archaeological Summary was prepared by Madrone Consulting. This is attached to the staff report for NP-RZ-2016.2 on the January 26 2017 NPI LTC agenda. The summary indicates that the location of the archaeological site is outside of the area where the septic infrastructure will be relocated.

Extraordinary Public Hearing:

The applicants have requested that these bylaws be advanced at their own pace, separate from the others bylaws for the Port Browning Resort that are also associated with this application number. If it turns out that Bylaws 209 and 210 are ready to go to public hearing in advance of the bylaws associated with the Port Browning resort, an extra public hearing could be held. In this situation, a cost recovery agreement would be needed to have the applicants pay the costs associated with the additional public hearing for Bylaws 209 & 210.

Consultation:

The following agencies have been identified for referring draft Bylaw No. 209 and 210 for comment; the LTC may also direct staff to include other agencies not listed. Staff will refer the draft bylaw subsequent to First Reading. Additionally, the LTC may choose to refer the proposal to the Advisory Planning Commission although this is not recommended for the technical amendment. The APC has been referred the other aspects of the Port Browning Resort expansion.

- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee

- South Pender Island Local Trust Committee
- Islands Trust Bylaw Enforcement

Rationale for Recommendations:

The reasons for the recommendations on page 1 of this report are based on the above analysis. The proposed bylaws are considered technical amendments. The existing infrastructure is essentially accessory to the Port Browning Resort use, but because they are on adjacent properties, the use needs to be addressed in the zoning. The resolution authorizing a cost recovery agreement for the extraordinary public hearing will only be acted on in an additional public hearing is required. Other issues and opportunities related to the expansion of the Port Browning Marina are being addressed by the staff report for NP-RZ-2016.2 on the January 26 2017 NPI LTC agenda.

ALTERNATIVES

1. Defer First Reading

The LTC may choose to defer consideration of First Reading again, pending receipt of the AIA and completion of the referral period by not moving on the first resolution on page 1, and direct staff to report back when these items are fulfilled.

2. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

3. Proceed No Further

The LTC may opt to proceed no further with the application.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016"

NEXT STEPS

1. Agency referrals
2. Consideration of second reading by the NPI LTC
3. Cost Recovery Agreement
4. Public Hearing
5. Consideration of third reading by the NPI LTC
6. Consideration by Executive Committee of Islands Trust
7. Consideration by the Minister of Community, Sport, and Cultural Development
8. Consideration of Adoption by the NPI LTC.

Submitted By:	Justine Starke, Island Planner	January 17, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 17, 2017

ATTACHMENTS

1. Draft Bylaw No. 209
2. Draft Bylaw No. 210
3. Islands Trust Policy Statement Directive Policies Checklist

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 209

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 Schedule” B” – Land Use Map - 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 COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

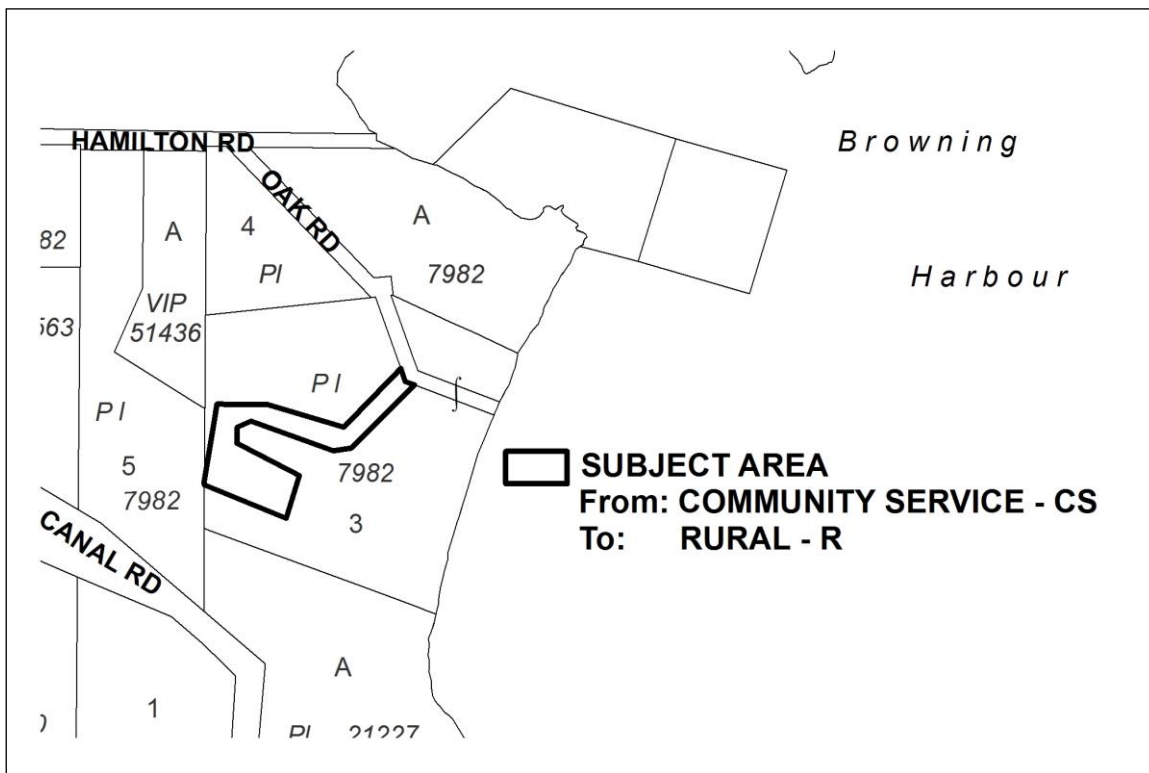
Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 209**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007 is amended as follows:



DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 210

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Section 8.2.8 – “Site Specific Regulations”, is amended by adding a new Site Specific Zone Reference R(d) as follows:

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
R(d)	Lot 3, Section 11, Plan 7982 except Part in Plan 21227; and Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982.	(1) In addition to the uses permitted by 8.2.2 the following use is permitted: (a) the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982.

2.2 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Lot 3, Section 11, Plan 7982 except Part in Plan 21227 and 1772RW from SD (a) (Service Zone (a)) and Rural (R), to Rural (d) (R(d)), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

2.3 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982 from Rural (R) to Rural (d) (R(d)), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

2.4 And by making such consequential numbering alterations to effect this change.

3. Severability

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

READ A FIRST TIME THIS _____ 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____

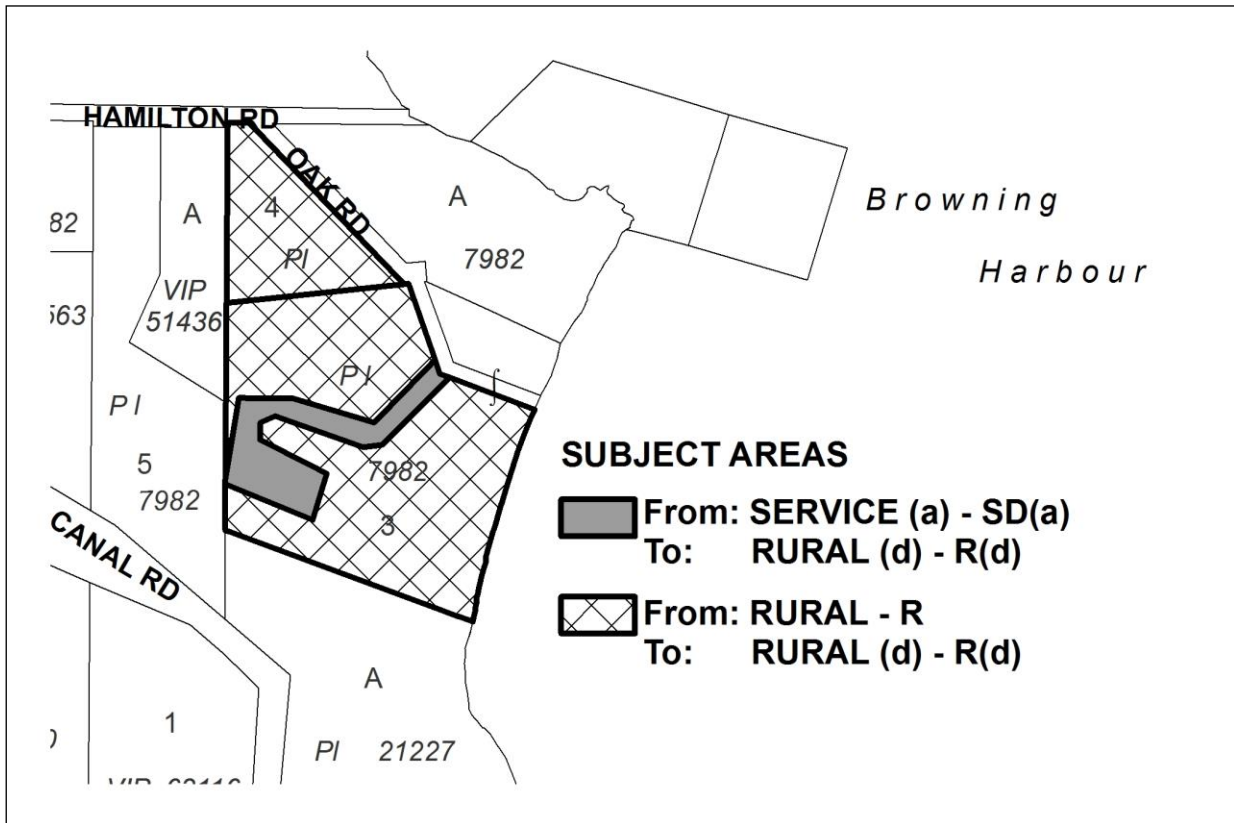
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 210**

Plan No. 1



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 210**

Plan No. 2



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No 209 (OCP) & 210 (LUB) and File NP-RZ-2016.3

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and 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 CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	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.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
	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.
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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
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	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.
✓	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
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	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Justine Starke, Island Planner
Southern Team

SUBJECT: Temporary Use Permit for STVR

Applicant: Zoe Landale and Garnet Coburn

Location: 4753 Bosun Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2016.2 to include a condition that, "the use shall not commence until a Certificate of Occupancy from the Capital Regional District has been issued and a copy has been submitted to the Islands Trust planning office."
2. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2016.2, as amended.

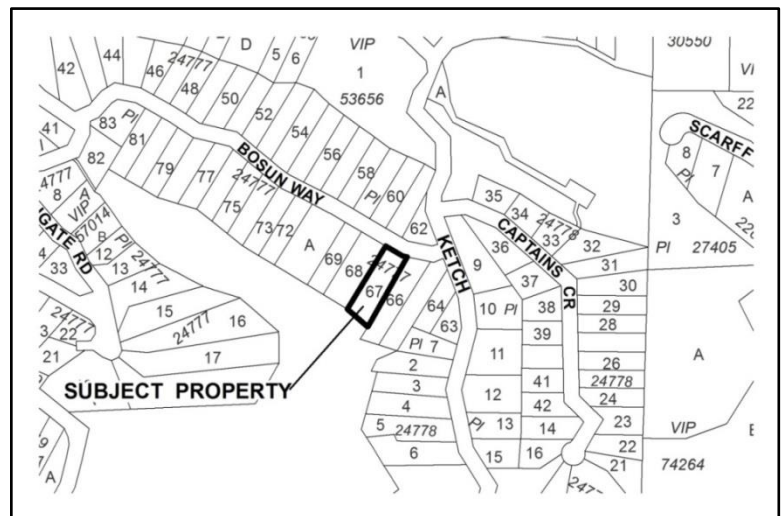
REPORT SUMMARY

The purpose of this report is to present the request for a Temporary Use Permit to authorize the use of an 26m² (280 ft²) accessory building (cabin) 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. The establishment of this short term vacation rental (STVR) use is subject to the conditions specified in the permit. The permit is requested to be issued for three years.

BACKGROUND

The applicant's 280ft² cabin was constructed initially for the owners to live in while building their house. Now that the main house has been built, the cabin is now classified as an accessory building. The STVR use is proposed as an important source of income for the owners as well as providing a service for island visitors. This application was initiated as a result of bylaw enforcement.

The NPLTC has proposed bylaws 203 and 204 to authorize STVRs on North Pender. These bylaws are at third reading, post public hearing, and currently under review by the Executive Committee of Islands Trust.



Because the bylaws are post public hearing, the Local Trust Committee cannot receive new information that would impact further consideration of the bylaws. Nevertheless, the current application has been reviewed according to bylaw 203 which has guidelines to address the proposed temporary use permit.

ANALYSIS

Policy/Regulatory

Official Community Plan:

[Proposed OCP bylaw 203](#) would support this application. The guidelines within the bylaw have been implemented as Temporary Use Permit conditions where applicable. Specifically, the guideline proposed under 6.4.11 is relevant to the proposal and supports LTC approval:

- 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.

The total floor area of all buildings on the property is 135m² as follows:

- Cabin - 26m² (280 ft²)
- Owners house - 77m² (830 ft²)
- Carport/woodshed –26m² (280 ft²)
- Tool shed – 5.9m² (64 ft²)

The applicants advise that the cabin meets the BC Building Code, but has yet to be issued an occupancy permit. The LTC should amend the permit to require an occupancy permit from the CRD be issued prior to the vacation rental use occurring.

Land Use Bylaw:

The property is zoned Rural Residential by the North Pender Island Land Use Bylaw 103. Current regulations do not permit STVRs, and the [proposed bylaw 204](#), which will amend the Bylaw 103 to allow STVRs in some circumstances, would also preclude this STVR from being permitted. It is in this context that the Temporary Use Permit is being requested.

Issues and Opportunities

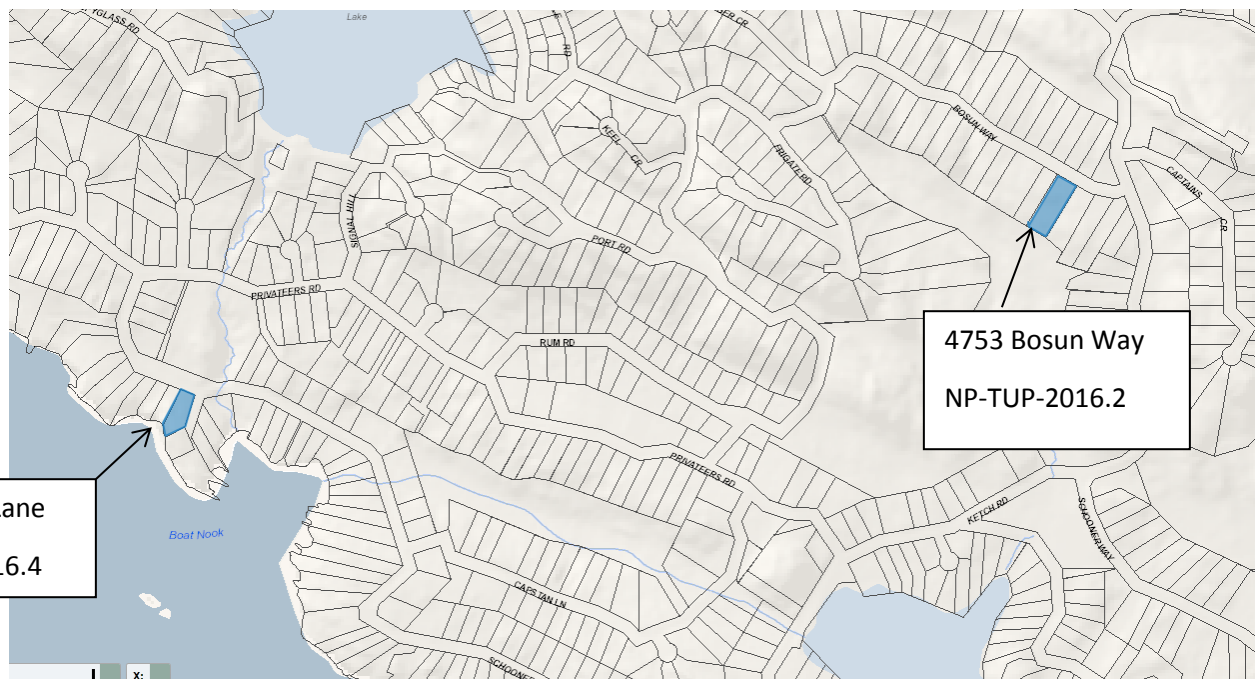
The attached 'TUP Checklist for Short Term Vacation Rentals' analyzes the proposal and proposed TUP for compliance with the draft STVR policies for the OCP. The proposal is compliant with these guidelines and conditions where applicable.

The applicants advise that the cabin meets the BC Building Code, but has yet to be issued an occupancy permit. Staff have not been successful in contacting the Capital Regional District building inspector, but are assuming the occupancy permit cannot be issued because the use is currently unlawful. It is recommended that the LTC include a condition in the permit that an occupancy permit from the CRD must be issued prior to the vacation rental use occurring.

This application is for the STVR use of a 280ft² cabin, where the total floor area of all the buildings on the property comprises a small foot print at 135m². The TUP guideline 6.4.11 in proposed Bylaw 203 was designed to address this type of situation.

This is the second application for a TUP for an STVR for North Pender, and will also “test” to some extent the policy direction that the LTC has chosen with regard to STVRs, particularly for Magic Lake Estates. Policy 6.4.3 of proposed Bylaw 203 requires the LTC to consider the cumulative effects of STVRs in a neighbourhood. The following clip shows the location of the two properties with STVR TUPs (including the proposed application):

Issued and Proposed TUPs for STVRs in Magic Lake Estates:



Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, posted on-island, and published in the Driftwood newspaper on January 18, 2017. The notification period will end at 4:30 p.m. on January 25, 2016. No correspondence has been received at the time of preparing this report, but may be received before or during the LTC meeting. Because this application relates to Proposed Bylaw 203, which is post public hearing, the notice stated that only written submissions will be accepted in response to the notification.

Staff were contacted by one neighbour as a result of the notification who voiced concerns over the illegal STVR use and the fact the building does not have an occupancy permit. Staff encouraged the neighbour to write a letter outlining these and any other concerns.

Rationale for Recommendation

The application for STVR is consistent with the checklist and proposed OCP policies in Bylaw 203. Staff support the application because it is an example of the policy approach the LTC is favouring with regards to the STVR use of accessory buildings where they meeting the building code and where the total floor area of all buildings on

the property is less than 185 m². The proposed amendment to the permit to require copy of the occupancy permit will ensure the building is fit for residential use.

ALTERNATIVES

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

1. Defer consideration

The LTC may defer consideration of this application until Bylaw 203 has been considered for adoption. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee defer consideration of application Temporary Use Permit NP-TUP-2016.2.

2. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that the application would be required to remove aspects of the cabin that define it as a dwelling unit. The file would be transferred to bylaw enforcement. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application Temporary Use Permit NP-TUP-2016.2 for the follows reasons [insert reasons].

Submitted By:	Justine Starke, RPP, CIP Island Planner	January 16, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 17, 2017

ATTACHMENTS

1. Photographs
2. Maps and Plans
3. STVR TUP Checklist
4. Notice
5. Proposed Temporary Use Permit

Photo A - from across Bosun Way to property



Photo B - view of parking spot



Photo C - from deck of cabin towards West neighbour



Photo D - view toward West neighbour's drive screen to give privacy



Photo E - looking toward willow behind cabin



Photo F - looking down East property line

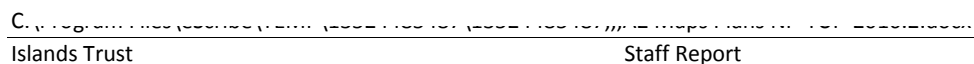


Photo G - close to West neighbour looking toward cabin





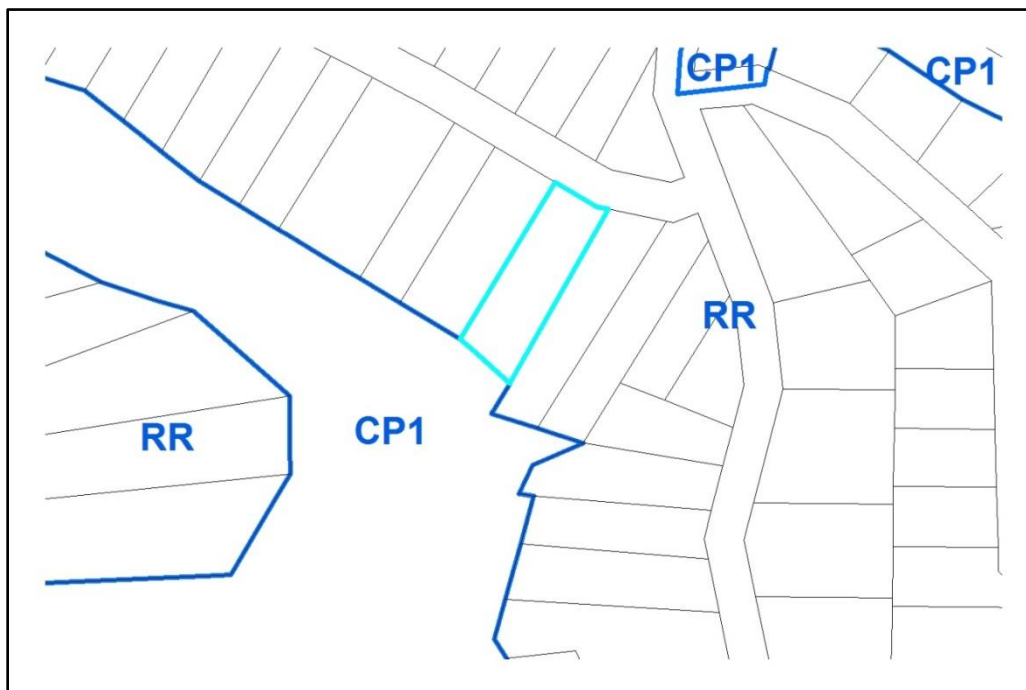
Subject Property Site Plan:



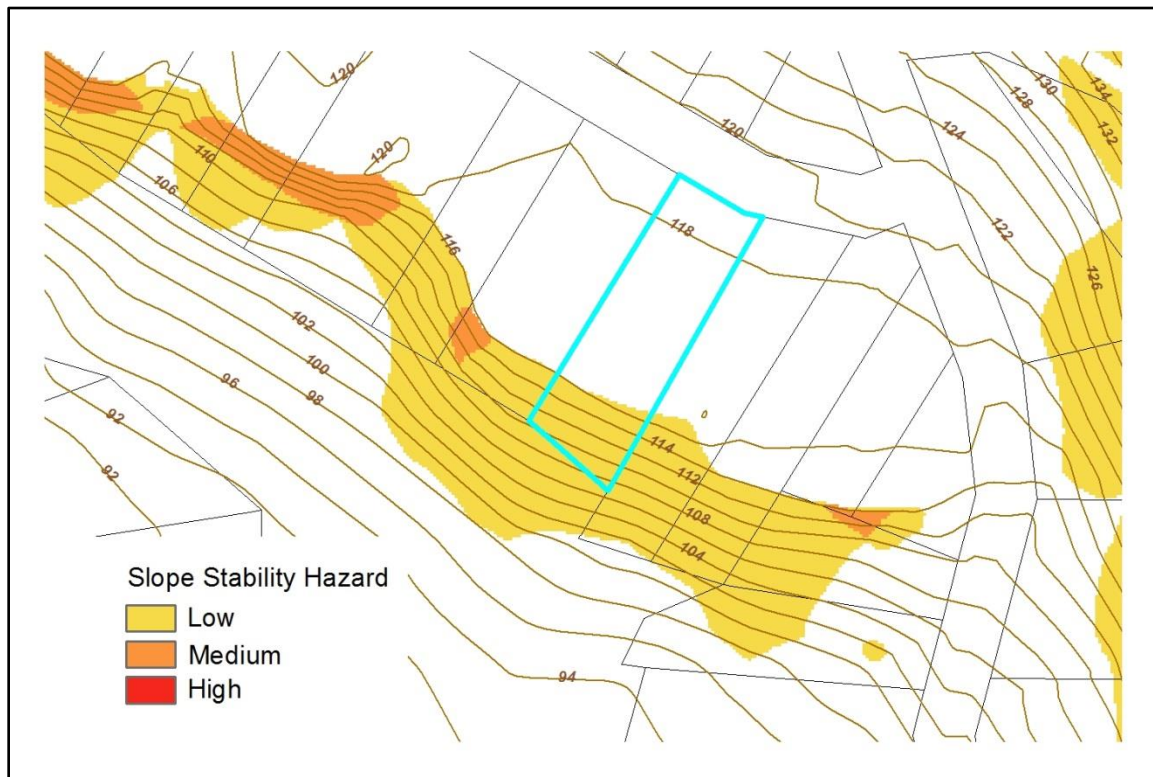
Subject Property Ortho Photo:



Subject Property with Zoning:



Subject Property Slope Stability Hazard:



**TUP Checklist for Short Term Vacation Rental:
NP-TUP-2016.2
4753 Bosun Way, North Pender Island**

Guidelines	Comments
TUP Guidelines	
Time Period - 6.4.1 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.	Complies
Residential Appearance - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.	No alteration to the dwelling is proposed.
Cumulative Effects – 6.4.3 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.	This is the second STVR/TUP application for North Pender Island and Magic Lake Estates. No negative cumulative effects are noted.
Water and Sewer – 6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	Magic Lake Water and Sewer systems. Draft permit sent to CRD for information.
Parking - 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.	Two (2) spaces as condition in draft permit.
Sensitive – Ecosystems - 6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	The property is not located in a sensitive ecosystem.
Signage – The Permit should restrict advertising to one unilluminated sign, with a max. area of 0.6 m ² .	Permit indicates a maximum size of 0.6m ²
On Island Contact - 6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition placed in draft permit.
Neighbour Contact – 6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.	Condition placed in draft permit.
Guest Information –	

Guidelines	Comments
6.4.10 The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) 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); c) emergency service contact information, and to provide a means for contacting them;	Condition placed in draft permit.
Use of Accessory Buildings – 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.	Complies. Occupancy permit required as condition in TUP.
General Conditions – 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may: a) Limit the number of bedrooms that can be used for short term vacation rentals; b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening; c) require the landowner/operator to post contact information and permit information at the entrance to the property; d) prohibit camping or occupancy of RVs on the property; e) prohibit the rental or provision of motorized personal watercraft; f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake; g) prohibit outdoor fires; and h) establish the dates during which the use may occur.	a) None as drafted b) Condition placed in draft permit. c) Condition placed in draft permit. d) Condition placed in draft permit. e) N/A f) N/A g) Condition placed in draft permit. h) None as drafted
Agricultural Land Reserve – 6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued."	N/A



Islands Trust

**NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2016.2**

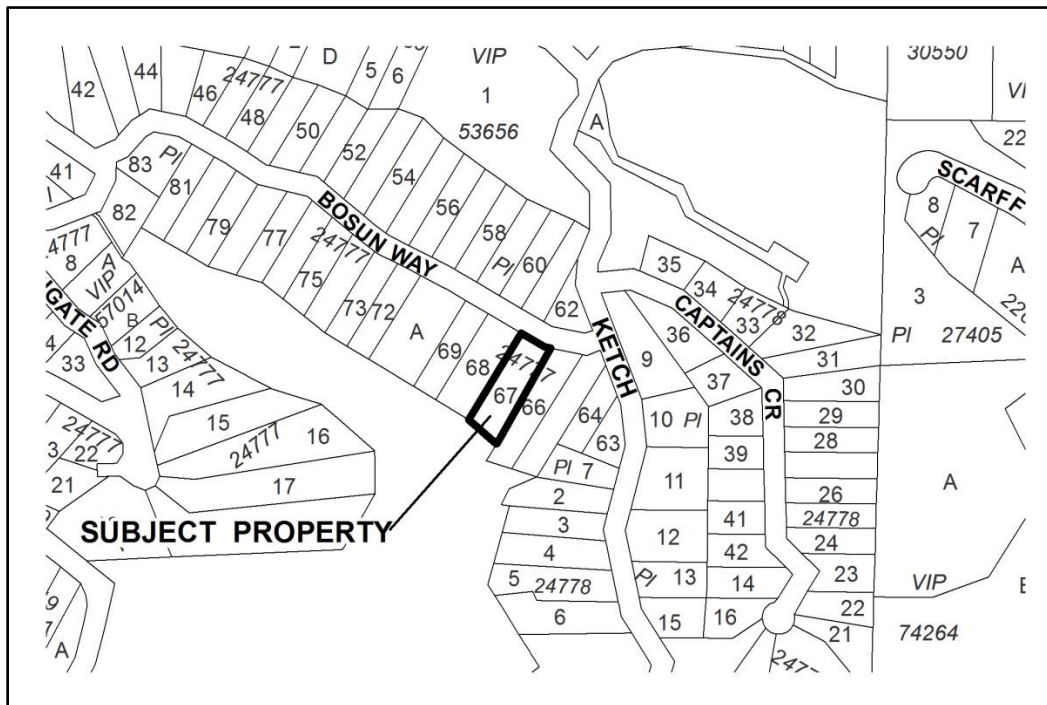
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to a portion of Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777. This property is located at 4753 Bosun Way.

The purpose of this temporary use permit would be to permit:

- a) "The use of an accessory building (cabin) 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."

The establishment of these uses would be subject to the conditions specified in the permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **January 13, 2017** and up to and including **January 25, 2017**.

Please note this application relates to Bylaw 203, currently at Third Reading and Post-Public Hearing. For this reason, only written submissions to planning staff will be accepted in response to this notice. Presentations at the meeting will not be accommodated. Enquiries or comments should be directed to Planner Justine Starke at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northpenderplanner@islandstrust.bc.ca, before **4:30 p.m., January 26, 2017**. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:45 a.m., January 26, 2017**, at the Pender Island Community Hall (Lounge) on North Pender Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Sharon Lloyd de Rosario
Deputy Secretary

PROPOSED



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2016.2

TO: Zoe Landale and Garnet Bruce Coburn

1. This Temporary Use Permit applies to the land described below:

That portion of: Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777, indicated on Schedule 'A' as the Subject Area attached to and forming part of this permit.

PID: 002-815-869; Civic Address: 4753 Bosun Way, North Pender Island

Indicated as "Subject Area" on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

- a) "The use of an accessory building (cabin) 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."

3. The use shall not commence until a Certificate of Occupancy from the Capital Regional District has been issued and a copy has been submitted to the Islands Trust planning office.

4. The uses may be carried on subject to the following conditions:

- a) The commercial accommodation use shall not alter the residential appearance of the property.
- b) The owner must provide parking for a minimum of two vehicles on the property.
- c) Advertising is restricted to one unilluminated sign, with a maximum area of 0.6 m².
- d) Either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival.
- e) The property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit.
- f) The owner must post the following information for guests:
 - a) remind guests that the property is located in a residential area;
 - b) 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);

PROPOSED

- c) emergency service contact information, and to provide a means for contacting them.
 - g) The total floor area of all buildings on the property must not exceed 185 m².
 - h) The existing landscaping, screening, and fencing must be retained.
 - i) The property owner or operator must post permit information and the name and a contact number for the on-island contact person at the entrance to the house.
 - j) Camping and occupancy of recreational vehicles is prohibited.
 - k) All outdoor fires are prohibited.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996," and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

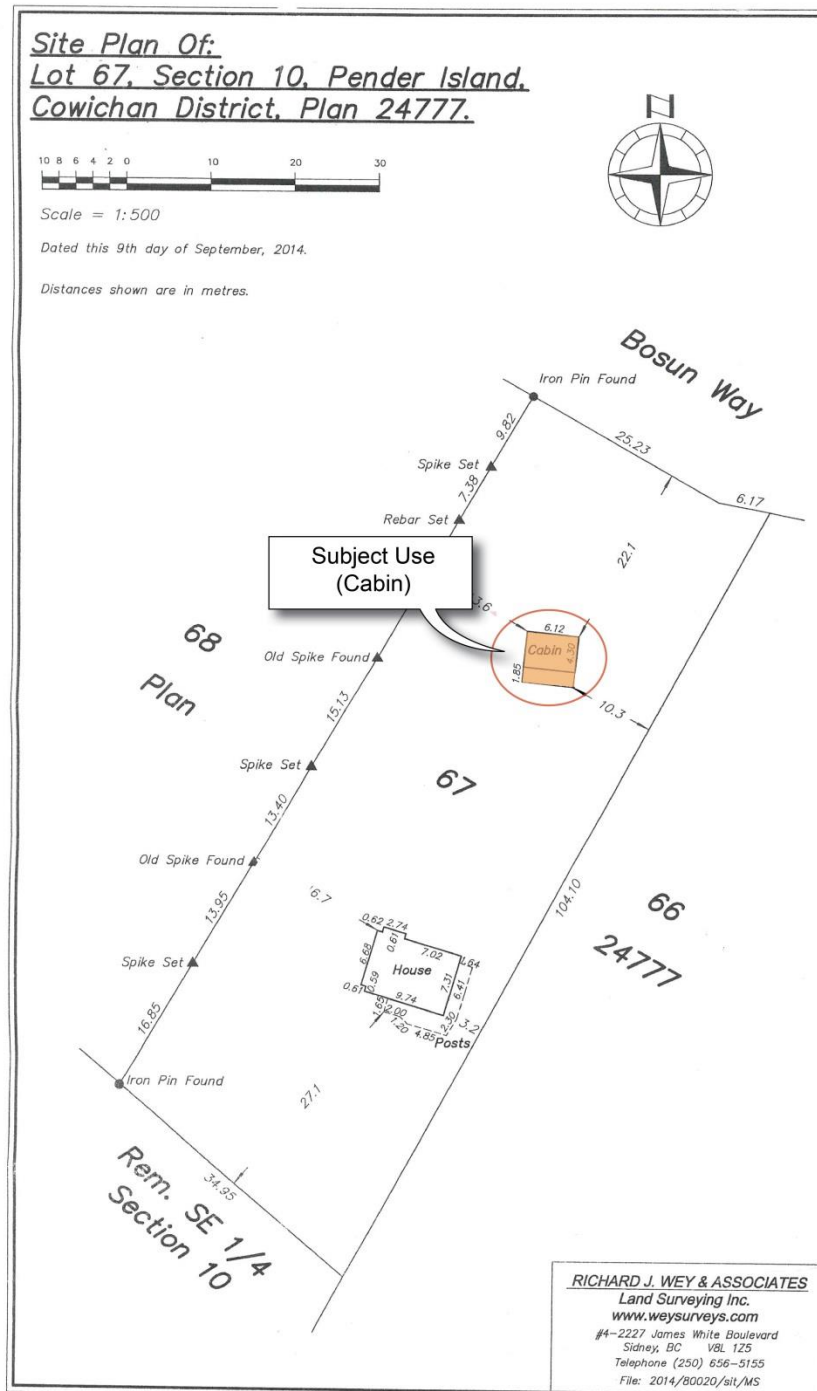
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

PROPOSED
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2016.2

SCHEDULE 'A'





DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

SUBJECT: Report subject: Temporary Use Permit
Applicant: Braedon Bigham
Location: 3334 Port Washington Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-2016.3 (Bigham).

REPORT SUMMARY

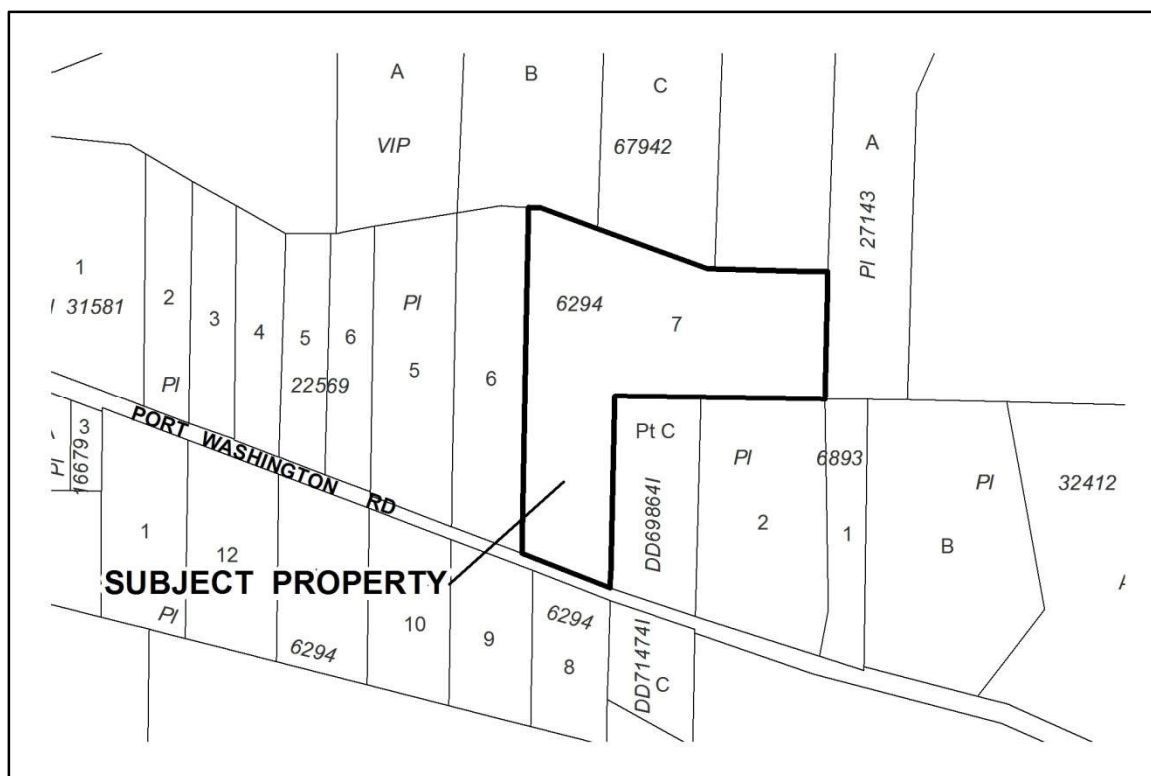
This report is to consider a Temporary Use Permit (TUP) application.

The subject property currently has a valid TUP (NP-TUP-2014.2) which is a renewal permit that will expire in July of 2017.

The new TUP would apply to the portion of the subject property directly adjacent to Port Washington Road that is designated **Industrial (I)** in the Official Community Plan. The TUP as drafted would be valid for three (3) years and could be renewed by the Local Trust Committee (LTC) for a further three (3) years.

In summary, the above recommendation for the issuance of the TUP is supported as: to date, there has been no opposition resulting from the notification process; the business meets a community demand; the proposal meets the specific guidelines of the OCP; the uses and siting have been addressed in response to issues arising from enforcement; and, the permit conditions should further mitigate the potential for issues to arise from the proposed use.

Overall, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.



BACKGROUND

Specifically, the proposed uses for the subject property are:

The proposed TUP also places the following restrictions on these uses:

The property has had numerous TUPs and TUP renewals issued for the use beginning in 2006 and originally a different applicant. Typically a rezoning would be initiated after the initial three year period or after a renewal.

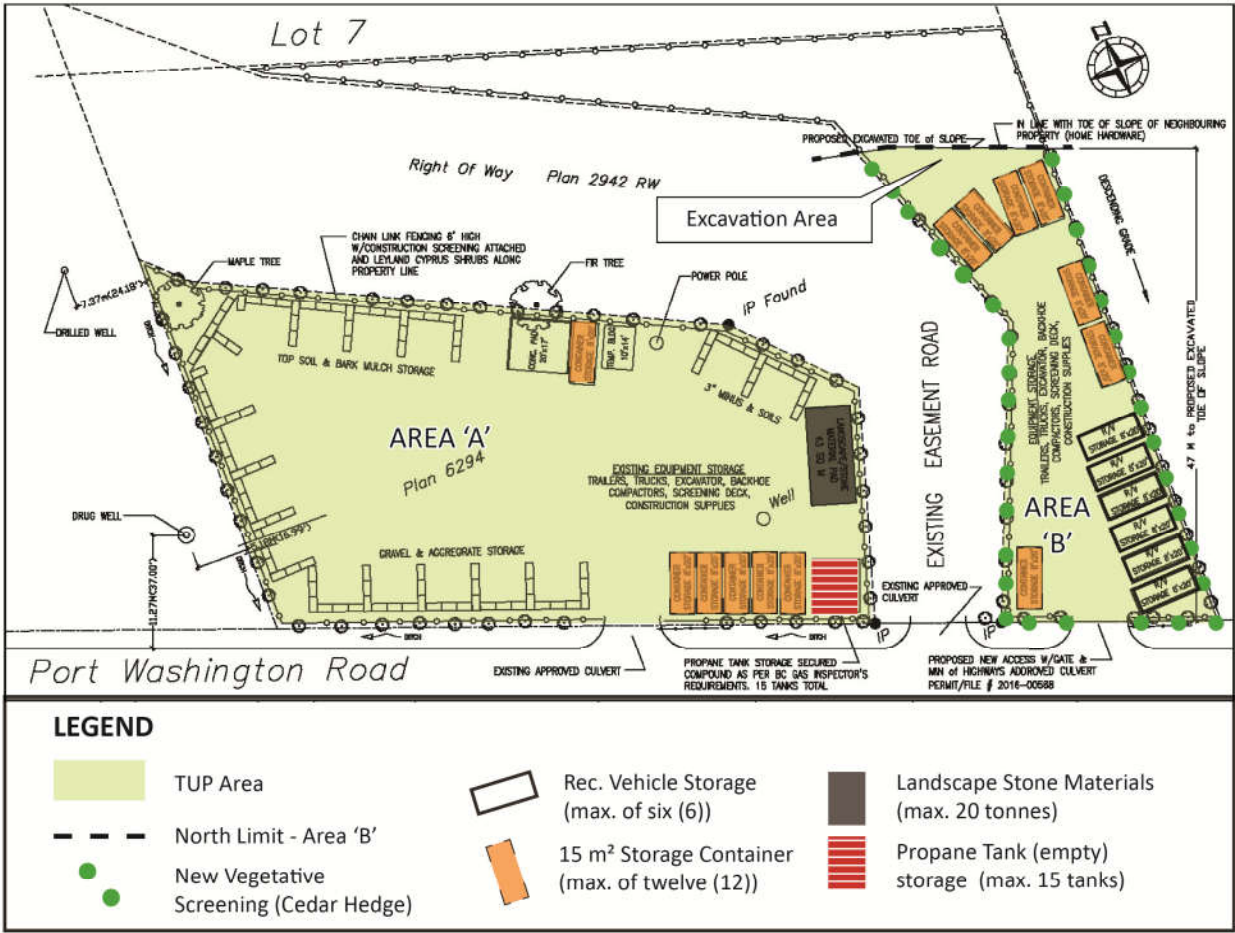
The applicant has explored the feasibility of rezoning and decided that continuing with a TUP would provide the most options for his business. This is discussed further below - 'Issues and Opportunities.'

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of the proposed NP-TUP-2016.3 (Bigham – Attachment 10) and a completed TUP checklist (Attachment 5) are attached.

Staff have visited the site on numerous occasions over the past year.

Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Attachment 3 lists two ITPS policies. The proposal is in compliance.

Official Community Plan:

The subject property is designated as **I - Industrial (I)** and in the North Pender Island Official Community Plan Bylaw No. 108, 1995. Attachment 4 analyzes the applicable OCP policies, and Attachment 5 those for TUPs. The proposal is in compliance.

Development Permit Area (DPA) One – Woodland Ecosystem and **DPA Two –Herbaceous Ecosystem** – are designated on the upland rear of the property distant from the proposed development along Port Washington Road (Attachment 2.3)

Land Use Bylaw:

The property is zoned as **Rural (R)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.4). (See also comments under ‘Siting’ – below)

Issues and Opportunities

TUP versus Rezoning

A TUP is typically used in the following circumstances:

1. A use is temporary (i.e. a temporary processing operation);
2. The local government is willing to permit a use to commence prior to rezoning. This can be of interest to the owner (i.e. they may wish to undertake a particular use on a trial basis) or be in the interest of the local government (the local government may want the option of having the use cease if the impacts prove to be deleterious);
3. A TUP can also be used in a situation where timing is an issue (i.e. the proposed use is consistent with the intent of the community plan and/or zoning and there is a willingness to allow the use to commence prior to completing a rezoning process); and/or
4. A TUP may be preferable as conditions may be included in a TUP that cannot be included in zoning (such as hours of operation, or requirements for restoration).

The applicant has explored the feasibility of rezoning given that this would provide certainty of continued use. However, he has decided to not apply for rezoning at this time as he is unsure about the long term suitability of property, particularly as the limited area that is designated Industrial might not be able to accommodate his growing business and the bisecting access Right of Way makes the site challenging.

The benefit of issuing a new TUP from a planning perspective is that it enables stricter limits on operational aspects of the use such as hours of operation, number of structures on site, etc. which could not be incorporated into zoning.

Expanded Area

As stated above, the applicable portion of the subject property is designated as **I – Industrial** in the OCP. The current TUP only applies to the area identified as Area ‘A’ (Figure 2). As the applicant’s business has grown and diversified in the years since the original issuance of the TUP, he is proposing to expand and use the area to the east of the Right of Way (Area ‘B’) that divides that portion of the property. This will better utilize the designated area of the property allowing extra space for the business, and thereby improve its viability.

Siting Variances

There are numerous structures – storage containers and concrete ‘lock-block’ walls - that would be sited within the required front (7.5 m) and side-yard (6.1 m) setbacks of the subject property as shown on Figure 2 (Schedule ‘B’ of the proposed permit). It is noted that the storage containers (‘sea cans’) are easily relocatable structures that are not sited on permanent foundations, and the ‘lock-block’ concrete barriers are similarly non-permanent. Given that the permit explicitly states the condition that the all structures are to be sited in accordance with Schedule ‘B’, these effectively represent variances to the LUB siting provisions. They are, in essence, temporary variances allowed only for the period that the permit is valid. Once the permit expires, all structures would either have to be removed or conform to the setbacks (in addition to the density and use provisions) of the **Rural –R** zone. This is different from a Development Variance Permit (DVP) where, if granted, the siting of buildings and structures would have permanent effect on the subject property.

Geotechnical (Slope)

The expansion into the area of the TUP to Area ‘B’ also proposes to extend the area as far north as practical in order to gain a larger, level area. As the area slopes upward, excavating would be more functional and better screened as opposed to putting storage containers on a raised and visible area (‘Excavation Area’ – Figure 2). As this area has low and medium slope stability hazards (Attachment 2.4), the applicant hired CN Ryzuk to conduct a ‘Field Review and Site Instruction’ (Attachment 6). This concluded that excavation of the area shown on Figure 2 would be feasible (geotechnically) and not require stabilization measures. However, the report was based on assumptions that can only be verified with excavation. Therefore, conditions have been inserted into the draft permit requiring the excavation work to be monitored by a geotechnical engineer, and, upon conclusion of the works, that the monitoring engineer certifies that no stabilization was required or that any stabilization recommended was installed as specified.

Protection of Ground Water Wells on Neighbouring Properties

In response to complaints and concerns about the impacts from the ongoing use on neighbouring wells (specifically to the west), Chris Lachlan, an Inspector from Island Health, visited the subject property and neighbouring property to the west in order to assess the potential for contamination of neighbouring wells stemming from the use. Staff discussed the issue with Chris Lachlan who indicated that the complaint was unsubstantiated as the neighbour could not provide test results, and furthermore, that the well actually had no power so it would have been impossible for water to be drawn for any test.

Notwithstanding, the applicant will be hiring an independent hydrological engineer to survey the situation and anticipates that he will be submitting a report prior to or at the LTC meeting.

The potential for soil contamination related to the storage of vehicles and boats was raised with the existing and previous TUPs, and addressed by the conditions requiring a suspended drip collection system under the engines, tarping of materials, etc. The proposed TUP includes maintains such conditions.

Neighbour Concerns/Bylaw Enforcement

The use of the site over the recent past has developed from a waste transfer facility to the current and proposed uses. The property has an active enforcement file (NP-BE-2015.32). The violations stemmed largely from the growth of the business that exceeded the limitations on use and siting with the current TUP, as well as a sometimes fractional relationship with a neighbour. The proposed TUP incorporates all of the uses, siting and timing that the applicant feels confident will facilitate his business moving forward.

The TUP mechanism facilitates the short and near-term monitoring and assessment of the uses prior to considering a zoning amendment.

Nuisance from Dust, Odours and Noise

As an industrial designated area, there is an expectation that some intensive activity would be occurring, which is balanced by regulating this in a manner that provides a fair expectation for anyone residing or working in the area to the degree of potential impacts.

The ongoing storage and processing of aggregates, soils and mulch has the potential to create nuisance issues related to noise, dust and odours. These impacts have been minimized by limiting processing to blending, and not including screening, sorting, crushing or washing. The storage of compost materials is not permitted and the hours of processing are limited.

In addition, the applicant has supplied a letter from Superior propane verifying that the storage of unused/empty propane tanks and cylinders on the site meets provincial regulations as well as Superior Propane's safety requirements (Attachment 7).

Traffic Impacts:

The proposed use by its nature increases the number of heavy vehicles accessing the site as part of the operation. The site has been actively used for the proposed or similar uses for a reasonable length of time and the applicant has obtained access permits for both the existing entrance to the site and the new (eastern) portion from the Ministry of Transportation and Infrastructure.

Vehicle traffic from the general public (retail) is going to the site is limited to Saturdays and that restriction is continued with the Draft permit.

Screening/Landscaping:

Vegetative screening and fencing for the existing (western portion – Area 'A') of the property was required and installed as a condition of earlier TUPs. The draft permit includes a condition to install similar vegetative screening for the perimeter of the eastern portion (Area 'B').

Consultation

Statutory Requirements

As required, TUP Notices were circulated to surrounding property owners and residents, posted on-island, and published in the Driftwood newspaper on January 18, 2017. The notification period will end at 4:30 p.m. on January 25, 2017.

No correspondence has been received at the time of preparing this report. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation

In summary, the above recommendation for the issuance of the TUP is supported as, to date, there has been no opposition resulting from the notification process; the business meets a community demand; the proposal meets the specific guidelines of the OCP; the uses and siting have been rationalized in response to issues arising from enforcement; and, the permit conditions should further mitigate the potential for issues to arise from the proposed use.

Overall, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP

The LTC does have the alternatives (following) to amend the permit by placing stricter conditions, to request further information, or to deny the permit.

ALTERNATIVES

1. Amend the permit

The LTC may amend the proposed permit by requiring other condition (s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amends Temporary Use Permit NP-TUP-2016.3 (Bigham) by inserting the condition [insert].

2. Request further information

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

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust [insert].

3. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2016.3 (Bigham) for the following reasons [insert reasons].

Submitted By:	Phil Testemale, A/Planner 2	January 11, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 11, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Drawings, Photographs
3. Islands Trust Policy Statement Directive Policies
4. OCP Policies
5. TUP Checklist
6. Geotechnical Field Review – C.N. Ryzuk (December 19, 2016)
7. Letter from Superior Propane (July 14, 2016)
8. Notice
9. Correspondence
10. Draft NP-TUP-2016.3 (Bigham)
11. Existing NP-TUP-2014.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 7, SECTIONS 18 AND 22, PENDER ISLAND, COWICHAN DISTRICT, PLAN 6294
PID	005-837-693
Civic Address	3334 Port Washington Road
Property Size	6.1 ha (15 acres) Industrial designation area (including Right of Way) – 0.4 ha (1 acre)

LAND USE

Current Land Use	The subject area for the TUP (lower portion abutting Port Washington Rd) is currently being used as for storage and wholesale of aggregates, soils and mulch as well as numerous accessory uses under a TUP. Beyond the current uses occurring on the industrial (western) portion, the lot is undeveloped including the upper portion of the property.
Surrounding Land Use	The subject property is 6.1 ha (15 acres) in area and is larger than many of the surrounding properties which tend to range from 1.6 to 4 ha(4 to 10 acres). The property is adjacent to the building centre and across from the Mainroad yard on Port Washington Road, both zoned/designated for industrial uses. There is also a commercial property where a small retail store is located in close vicinity.

HISTORICAL ACTIVITY

File No.	Purpose
NP-TUP-2006.1	Original TUP that permitted storage of vehicles, RVs, boats and storage and processing, shipping of waste materials.
NP-TUP-2009.1	Renewal of 2006.1
NP-TUP-2011.1	New TUP – To existing uses (aggregates, soils and mulch and storage)
NP-TUP-2014.2	Renewal of 2011.1

POLICY/REGULATORY

Official Community Plan Designations	The North Pender Island Official Community Plan No . 171, 2007 (OCP) designates the majority of the property R - Rural , with the front portion of the lot adjacent to Port Washington Road being designated I- Industrial (I) (Attachment 2.2) Woodland Sensitive Ecosystem Development Permit Area (DPA 1) and Herbaceous Sensitive Ecosystem (DPA2) are designated on the property (Attachment 2.3 and ‘Sensitive Ecosystems’).
Land Use Bylaw	The property is zoned as Rural (R) in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.4)

Other Regulations	
Covenants	There are no covenants held by the LTC, the Trust Fund Board or other provincial agency.
Bylaw Enforcement	NP-BE-2015.32 – Infractions for not following the conditions of NP-TUP-2014.2 and siting.

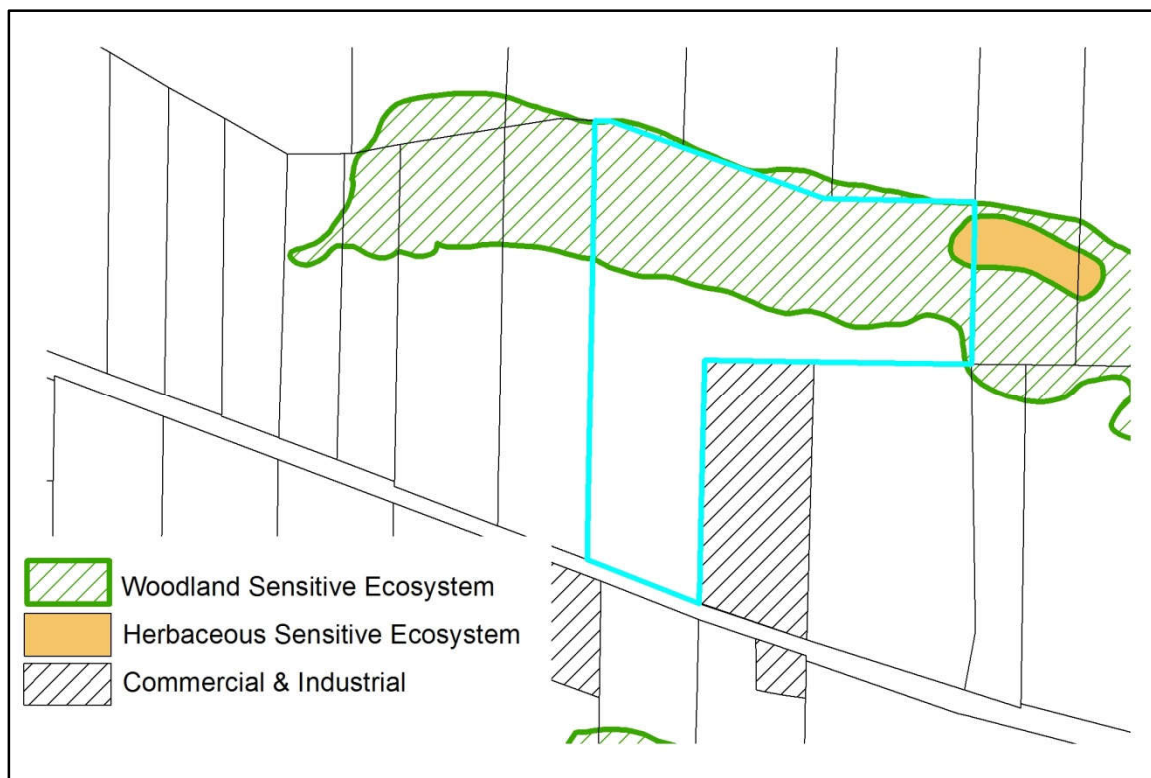
SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	A portion of the property along the northern (rear) boundary is subject to the Woodland Sensitive Ecosystem Development Permit Area (DPA 1) Herbaceous Sensitive Ecosystem (DPA2). The woodland DPA extends approximately 100m into the property. Furthermore, there is a small area of Herbaceous Sensitive Ecosystem in the north-east corner of the lot which is surrounded by the woodland DPA. The proposed TUP is approximately 200m distant from the DP boundary.
Hazard Areas	See Attachment 2.4, Attachment 7, permit conditions and comments in 'Issues and Opportunities' above.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Localizing the availability of aggregates, soils and mulches may reduce the need for individual property owners to transport loads from off island sources, thereby reducing off island vehicle trips. There are anticipated economic and environmental benefits to bulk purchasing and transportation to a relatively central location with smaller deliveries to island residents as required. The area proposed for this use is an existing disturbed area so there are no anticipated changes to the property from climate change impacts.

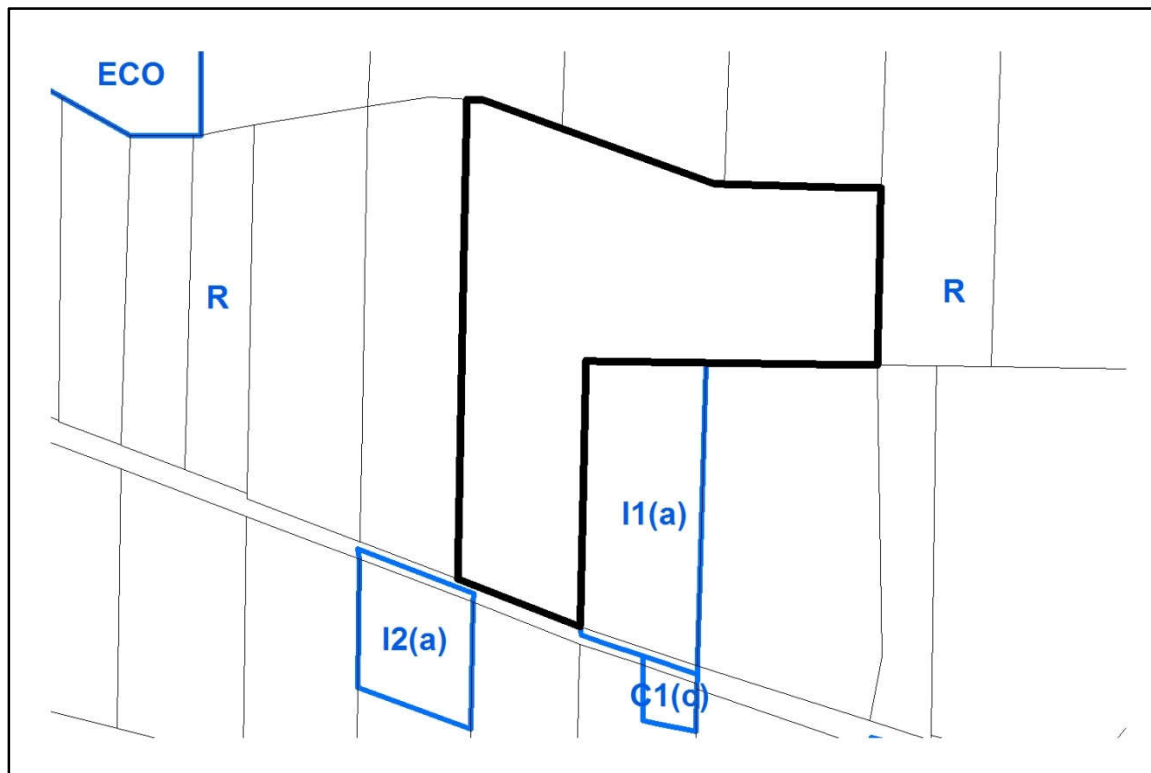
2.1 ORTHOPHOTO



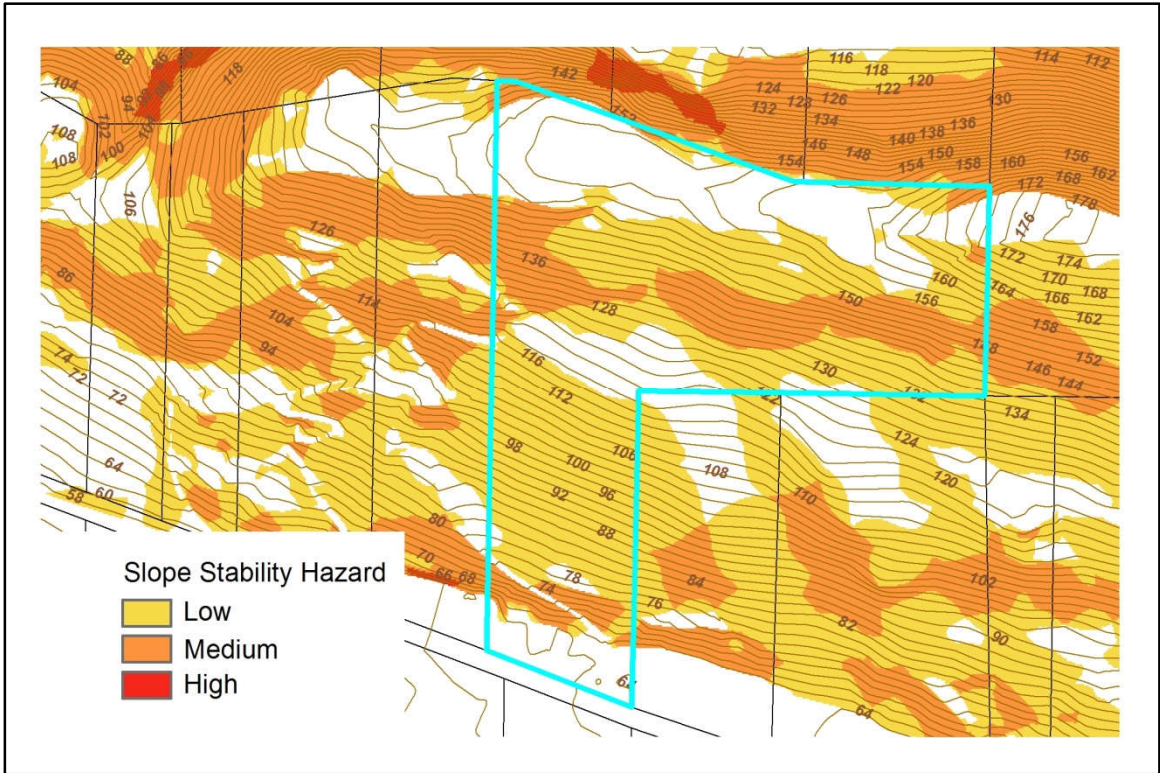
2.3 DPAs



ATTACHMENT 2.4 ZONING



2.4 STEEP SLOPES AND CONTOURS



ATTACHMENT 3, 4 & 5 – POLICIES

ATTACHMENT 3 - ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
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	yes	
5.7.2 address economic opportunities that are compatible with conservation of resources and protection of community character	yes	

ATTACHMENT 4 - NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN No. 171, 2007

OCP Objective/Policy	Complies	Planner Comments
2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.	yes	The proposed/ongoing use is in an area of industrial use and designation. Island Health has indicated that impacts on neighbouring wells are unlikely and have not been substantiated by testing. Further the owner is hiring an independent hydrologist to report for the LTC meeting. Conditions to limit nuisance from dust, odor and noise are in the draft permit.
2.5.2 Priority may be given to the following locations for new or additional industrial development: a) by application to rezone the industrially designated land on Port Washington Road; The Local Trust Committee may consider requiring development information for industrial rezoning applications through adoption of a development approval information bylaw.	yes	
2.5.6 Industrial activity, parking and storage areas should be screened.	yes	In place for western portion and new screening is a condition for the eastern portion.

ATTACHMENT 5 - TEMPORARY USE PERMIT POLICIES. 171, 2007

OCP Objective/Policy	Complies	Planner Comments
6.1 The North Pender Island Trust Committee may issue Temporary Commercial and Industrial Use Permits for any area covered by this plan.	yes	
6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.	yes	Potential reduction to GHG by reducing off-island travel to obtain similar materials and/or services.



RYZUK GEOTECHNICAL
ENGINEERING & MATERIALS TESTING

28 Crease Avenue
Victoria, B.C.
V8Z 1S3
Tel: 250-475-3131
Fax: 250-475-3611
mail@ryzuk.com

Geotechnical Field Review / Site Instruction

Project No: 8102-1

Project: Geotechnical Assessment - 3334 Port Washington Road, Pender Island, BC

Client: Raevin Equipment

Contact: Mr. B. Bigham

Email / Fax No: raevinequipment@shaw.ca

Date: December 19, 2016

Copy to:

☐
☐
☐

Email / Fax:

Copy to:

☐
☐
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Email / Fax:

As requested, we have reviewed the proposed concept to excavate existing soils from the toe area of the slope at the referenced site in order to create additional yard storage. Our review was conducted via photographs you provided, remote aerial imagery, and available mapping. While there is currently no legislation in place restricting work within this area, we understand that the Islands Trust has specified that professional review needs be carried out prior to approval as the work would be peripheral to a moderately steep slope. Our associated observations, comments, and recommendations in this regard are contained herein. Our work has been carried out in accordance with, and is subject to, the attached Terms of Engagement.

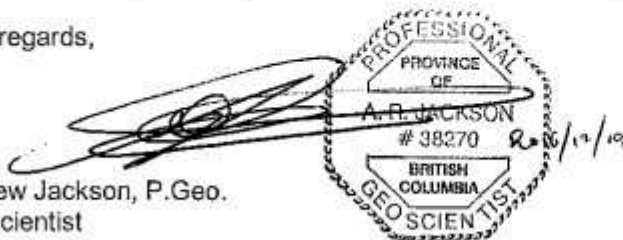
We understand that it is proposed to excavate existing soils within a length of approximately 20 to 25 m along the eastern toe of the predominant slope at the property. Anecdotal evidence suggests that the in situ soils may be overburden fills placed up against an existing sandstone bedrock slope. The sloping rock is ubiquitously present within adjacent areas and is typically inclined at approximately 25 to 30 degrees from horizontal.

Provided the bedrock is present in a similar alignment and configuration as adjacent areas, and as long as the soil veneer up slope from the area is thin and not at risk of translational sliding, we expect that this removal would be feasible from a geotechnical perspective, without the requirement for stabilization measures. At this time, we consider the removal feasible based on this assumption, however, we recommend that the work is carried out during the dry months and that we review the location once the excavation is underway to confirm the conditions. In the event that the soil veneer above the excavated area is thicker than anticipated, or other instability issues are evident, we consider that some method of stabilization may be required and our recommendations for such would be contingent on the conditions observed at that time.

We trust that the preceding is suitable for your current requirements. Please call if you have questions.

Kind regards,

Andrew Jackson, P.Geo.
Geoscientist



Attached – Terms of Engagement

July 14, 2016

To whom it may concern,

I am writing this letter to explain the business arrangement Superior Propane has with Big Dig-Em Excavating.

We have been dealing with Braedon Bigham for over 8 years, and the prior owner before that. We store unused propane tanks and cylinders in a locked and secure compound on the property at 3334 Port Washington Road, V0N2M1 Pender Island. These tanks are for installation or replacement of existing customer tanks, as well as tanks that have been removed and will be returned to our facility for redeployment or disposal.

The storage facility meets all regulatory requirements as well as Superior Propane's safety requirements.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

John Bennett
Market Manager – Pacific Region
Vancouver Island, Gulf Islands & Powell River
John_Bennett@SuperiorPropane.com

C 250-739-3896
P 250-729-3286
F 250-758-0635



2585 McCullough Road
Nanaimo, BC V9S 4M9
[Superior Propane - Home](#)

superiorpropane.com

10128 Nordel Court, Delta, BC V4G 1J7
C: 604-679-8986 • F: 604-495-7968 • 1-87SUPERIOR



Islands Trust

**NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2016.3**

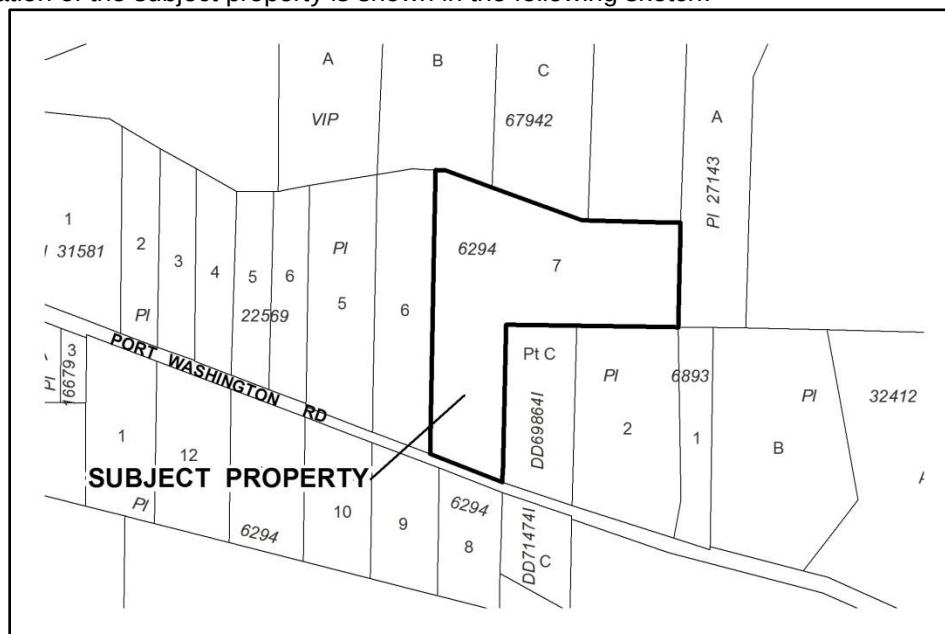
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to a portion of Lot 7, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294 (PID: 005-837-693). This property is located at 3334 Port Washington Road.

The purpose of this temporary use permit would be to permit:

- a) "The storage and handling of aggregates, soils and mulch."
- b) "For certainty, for the purposes of this permit handling is defined as blending but does not include screening, sorting, crushing or washing."
- c) "Wholesale of aggregates, soils and mulch."
- d) "Accessory retail sales of bulk aggregates, soils and mulch including landscape stone materials to the general public."
- e) "For certainty, the maximum accessory retail sales permitted in 2(d) shall be limited to a volume of 84 m³ (110 yd³) or 20% of all aggregate, soil and mulch sales including up to 20 tonnes for landscape stone materials."
- f) "Storage of recreational vehicles, to a maximum of six (6)."
- g) "Siting of shipping containers, 15 m² (2.4m x 6.0 m) in size, for storage use, to a maximum of twelve (12)."
- h) "Storage of empty propane tanks, to a maximum of 15 (Fifteen)."
- i) "Storage of motorized and non-motorized vehicles and equipment directly required for the business know as Big Digham Excavating Ltd."

The establishment of these uses would be subject to the conditions specified in the permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **January 13, 2017** and up to and including **January 25, 2017**.

Enquiries or comments should be directed to Planner Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca , before 4:30 p.m., **January 25, 2017**. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:45 a.m., Thursday, January 26, 2017**, at the Pender Island Community Hall (lounge) on North Pender Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Sharon Lloyd-deRosario, Deputy Secretary



Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2016.3

TO: Karen Elaine Singlehurst and William Douglas Singlehurst
c/o Braedon Bigham

1. This Temporary Use Permit applies to the land described below:

That portion of:

Lot 7, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294
PID: 005-837-693

indicated as 'Temporary Use Permit Area' on Schedules 'A' and 'B' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

- a) "The storage and handling of aggregates, soils and mulch."
- b) "For certainty, for the purposes of this permit handling is defined as blending but does not include screening, sorting, crushing or washing."
- c) "Wholesale of aggregates, soils and mulch."
- d) "Accessory retail sales of bulk aggregates, soils and mulch including landscape stone materials to the general public."
- e) "For certainty, the maximum accessory retail sales permitted in 2(d) shall be limited to a volume of 84 m³ (110 yd³) or 20% of all aggregate, soil and mulch sales including up to 20 tonnes for landscape stone materials."
- f) "Storage of recreational vehicles, to a maximum of six (6)."
- g) "Siting of shipping containers, 15 m² (2.4m x 6.0 m) in size, for storage use, to a maximum of twelve (12)."
- h) "Storage of empty propane tanks, to a maximum of 15 (Fifteen)."
- i) "Storage of motorized and non-motorized vehicles and equipment directly required for the business know as Big Digham Excavating Ltd."

3. The uses may be carried on subject to the following conditions:

- a) No on-site composting or storage of composted materials is permitted.
- b) Accessory retails sales to the general public are limited to between 8:00 a.m. and 4:30 p.m. on Saturdays only.

- c) Aggregates, soils and mulch materials stored on-site shall be contained within areas delineated along three sides with concrete lock block walls measuring a maximum height of 2 blocks (1.5 m).
- d) Stored soils and mulch shall be covered with secured tarps in good condition to prevent leachates caused by rainfall.
- e) Dust control measures shall be implemented to prevent impacts on neighbouring properties.
- f) The maximum volume of aggregates, soils and mulch materials stored at one time is limited to 420 m³ (550 yd³).
- g) Existing vegetation screening (cedar plantings) around the entire perimeter of the western portion of the permit area (Area 'A') indicated on Schedule 'B' shall be maintained at least 2 metres in height providing a visual screen, except for one access not exceeding 6 metres in width.
- h) New vegetation screening using cedar plantings is to be planted around the perimeter of the eastern portion of the permit area (Area 'B') as indicated on Schedule 'B' and shall be maintained at least 2 metres in height providing a visual screen, except for the northern boundary of the area and one access not exceeding 6 metres in width.
- i) Existing fencing along the front lot line and the interior side lot lines shall be maintained at least 2.5 metres in height, except for two access driveways not exceeding 6 metres in width.
- j) The existing building measuring 4.8 m wide x 6 m long x 4.4 m high in the western portion of the permit area (Area 'A') indicated on Schedule 'B' shall be used solely for the storage of materials and equipment or as an office accessory related to the uses permitted by this permit.
- k) The storage of all recreational vehicles permitted by 2. f) above shall include a suspended drip system (consisting of grommetted canvas squares suspended beneath the engines and lined with absorbent pads).
- l) Storage of empty propane tanks permitted by 2. h) above is to be undertaken in a secure, internal compound in compliance with BC Gas Inspector's regulation and all safety regulations specified by Superior Propane.
- m) Movement of machinery and vehicles to and from the subject area is limited to between 6:30 a.m. and 10 p.m. daily.
- n) This permit allows for the excavation of the area indicated as 'Excavation Area' on Schedule 'B' to facilitate an additional, level area for the uses specified in 2. above.
- o) All excavation work specified in 3) n) above shall be under the supervision of a registered Geotechnical Engineer (P.Eng.) to ensure the geotechnical stability of the sloped area to the north of the permit area and the driveway in 'Access Right of Way'.

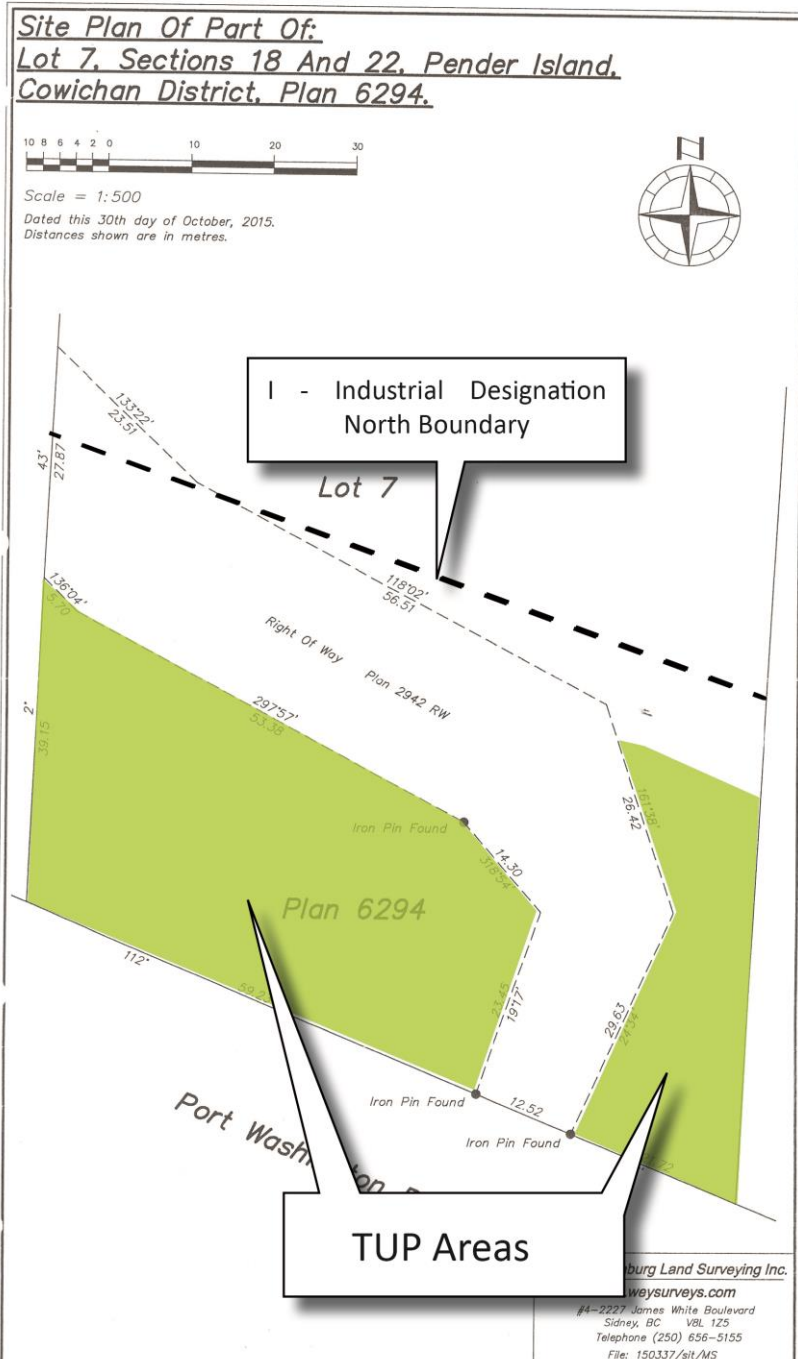
- p) The monitoring P. Eng. cited in 3. o) above shall prepare and submit to the Islands Trust written confirmation of the geotechnical stability of the sloped area to the north of the permit area and the driveway in 'Access Right of Way' within one (1) month of the excavation work being completed.
- q) All equipment and materials permitted by paragraph 2. above are to be removed from the site by the date of the expiry of this permit. The removal of fencing is not a condition of this permit.
- 4. This permit is valid for **three years** from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.
- 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS th DAY OF Month, 2017.

Deputy Secretary, Islands Trust

Date of Issuance

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2016.3
SCHEDULE 'A'**



Lot 7

Excavation Area

AREA 'A'
plan 6294

AREA 'B'

Right Of Way Plan 2942 RW

Port Washington Road

LEGEND

- TUP Area
- North Limit - Area 'B'
- New Vegetative Screening (Cedar Hedge)
- Rec. Vehicle Storage (max. of six (6))
- 15 m² Storage Container (max. of twelve (12))
- Landscape Stone Materials (max. 20 tonnes)
- Propane Tank (empty) storage (max. 15 tanks)



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2014.2

TO: Karen Elaine Singlehurst and William Douglas Singlehurst

1. This Temporary Use Permit applies to the land described below:

That portion of:

Lot 7, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294
PID: 005-837-693

indicated on Schedule 'A' as the Subject Area attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

- a) "The storage and handling of aggregates, soils and mulch."
- b) "For certainty, for the purposes of this permit handling is defined as blending but does not include screening, sorting, crushing or washing."
- c) "Wholesale of aggregates, soils and mulch."
- d) "Accessory retail sales of bulk aggregates, soils and mulch to the general public."
- e) "For certainty, bulk sales permitted in 2(d) does not include pre-package materials."
- f) "Storage of recreational vehicles to a maximum of six."

3. The uses may be carried on subject to the following conditions:

- a) No on-site composting or storage of composted materials is permitted.
- b) Accessory retail sales to the general public are limited to 8:00 a.m. to 4:30p.m. Saturdays.
- c) Aggregates, soils and mulch materials stored on-site shall be contained within areas delineated along three sides with concrete lock block walls measuring a maximum height of 2 blocks (1.5 m).
- d) The maximum volume of aggregates, soils and mulch materials stored at one time is limited to 420 m³ (550 yd³)
- e) Existing vegetation screening along the front lot line and along one-half of the west lot line by cedar plantings shall be maintained at least 2 metres in height providing a visual screen, except for one access not exceeding 6 metres in width, and vegetative screening is to be extended to surround the entire subject area.
- f) Existing fencing along the front lot line and the interior side lot lines shall be maintained at least 2.5 metres in height, except for one access not exceeding 6 metres in width.
- g) The storage of all recreational vehicles permitted by 2(f) above shall include a suspended drip system (consisting of grommetted canvas squares suspended beneath the engines and lined with absorbent pads).
- h) The existing building measuring 16ft wide x 20ft long x 14.5ft high in the subject area shall be used for the storage of related materials and equipment or as office accessory to the uses permitted by this permit only.

- i) All equipment and materials permitted by paragraph 2 above are to be removed from the site by the date of the expiry of this permit. The removal of fencing is not a condition of this permit.
 - j) Dust control measures shall be implemented to prevent impacts on neighbouring properties.
 - k) Stored soils and mulch shall be covered to prevent leachates caused by rainfall.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust. This permit renews the Temporary Use Permit for file no. NP.TUP.2011.1 and cannot be further renewed by resolution of the North Pender Island Local Trust Committee.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 26th DAY OF June, 2014.

Deputy Secretary, Islands Trust

Date of Issuance

[illegible]



File No.: NP-LCB-2016.1 (Port Browning Marina)

DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

SUBJECT: **Liquor Control and Licensing Branch Referral – Port Browning Marina**

Applicant: Port Browning Marina Resort Ltd.

Establishment: Bridgemans Pub North Pender Island (formerly SH-QU-ALA Pub)

Location: 4605 Oak Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee directs staff to send a response to the Liquor Control and Licensing Branch regarding the Port Browning Marina application that states:
 - a. The potential impacts due to noise if the application is approved (*would be none, would be minimal, or would be significant due to....*),
 - b. The impacts on the community if the application is approved would be (*negligible or beneficial because.... or detrimental because....*),
 - c. The Local Trust Committee has solicited public input to gather the views of residents (*and ## residents provided written or verbal comments*),
 - d. The views of residents were generally (*in support or in opposition or neutral..... or of the ## comments received # were supportive, # were opposed or had concerns and # were neutral*) about the application,
 - e. A notice of the application was advertised in the newspaper, posted on local bulletin boards, and posted on the North Pender webpage and residents were invited to provide written submissions or attend a community information meeting,
 - f. A community information meeting was held on January 26, 2017 to gather input from residents about the application.
 - g. The Local Trust Committee agrees with the views of residents that (*the application should be supported or the application should be denied or the application should include the following restrictions.....*)

The current application is for the liquor-primary license only and proposes to change the current hours of operation as follows:

Current Hours of Liquor Sale

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	10:30	10:30	10:30	10:30	11:00	11:00	11:00
CLOSED	12:30	12:30	12:30	12:30	1:00	1:00	midnight

Proposed Hours of Liquor Sale

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9:00	9:00	9:00	9:00	9:00	9:00	9:00
CLOSED	1:00	1:00	1:00	1:00	1:00	1:00	1:00

The application does not propose to change the capacity of the pub.

Concurrently with the subject application to the LCLB, the owners applied for a change of licence for the food-primary bistro and for name changes to both facilities. Those three (3) applications have been approved by the LCLB are attached for information (Attachment 4.1 to 4.3).

The Port Browning Marine Resort has also applied to rezone the subject property to include an adjacent rural parcel as part of **Commercial 3 (a)** zone (NP-RZ-2016.3) and to expand the adjacent **Water 2 (W2)** area in order to redevelop the marina (NP-RZ-2016.2).

A Development Permit application (NP-DP-2016.4) was approved in the spring for minor exterior changes and interior reconfiguration of the pub and bistro (Figure 2).

Figure 1 – Subject Property

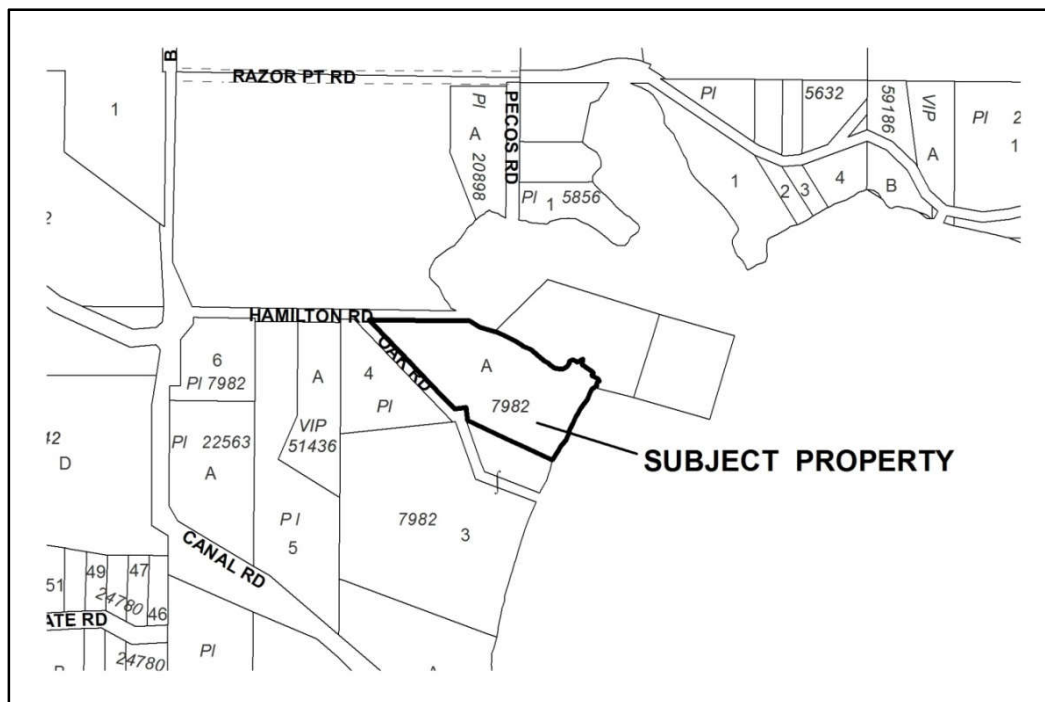


Figure 2 – Floor Plan from NP-DP-2016.4



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan:

The North Pender Island Official Community Plan (OCP) designates the property as **TC – Tourist Commercial**. In addition, there are Development Permit Areas designated on the property, but as there is no new development that is part of the proposal, a DP is not required.

Land Use Bylaw:

The subject property is zoned **Commercial Three (C3 [a])** in the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996. The pub is an allowable use in the zone.

Issues and Opportunities

The pub is a well-established commercial venue serving the community.

The change in hours of operation would allow the opening of the pub up to two (2) hours earlier than the current licence and closing times ½ hour later Monday to Thursday and one (1) hour later on Sundays. There would be no change to the closing times on Friday and Saturday nights which are usually the busiest times of the week for a pub.

Regardless of how minor the changes may be regarded, the amendment to the liquor license may be of concern to the public. The location and aspect of the pub overlooking the harbour, does mean that noise impacts can be significant, especially direct and adjacent neighbours, and particularly during the busy summer months when the use of the pub's deck is increased and weather conditions can cause voices and music to be travel over the water. This has been problematic at times in the past and the subject of noise complaints.

The public may also identify concerns that have not previously been forwarded to staff or discussed with local trustees and therefore public input is important to fully consider potential impacts.

As noted above, based on feedback from the notification and consultation process, the LTC is required to comment on:

- The potential for noise if the application is approved and
- The impact on the community if the application is approved.

Consultation

In order to gather input from the public, staff scheduled a CIM and advertised the notice in the Island Tides newspaper, posted the notice on the bulletin boards and on the North Pender webpage. A copy of the notice is attached to this report.

At the time of writing, no written comments have been received. If any comments are received they will be brought to the Local Trust Committee meeting.

As stated above the results of the consultation are required in the form of a resolution(s) from the LTC and will be forwarded to the general manager of the LCLB to consider when making an application decision.

Rationale for Recommendation

Staff has outlined the resolutions on page 1 of this report to facilitate the requirements of public consultation from the LCLB. The LTC will need to complete the details based on pending information and comments from the community.

Alternatives

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

NEXT STEPS

The resolution forwarded to the general manager of the LCLB to consider when making an application decision.

Submitted By:	Phil Testemale, A/Planner 2	Select Date.
Concurrence:	Robert Kojima, Regional Planning Manager	January 9, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. LCLB Application
4. LCLB approvals received (change of hours -Bistro - food –primary, and change of names - Bistro and Pub)
5. Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot A (DDG54184) of Section 11, Pender Island, Cowichan District, Plan 7982
PID	005-034-311
Civic Address	4605 Oak Road

LAND USE

Current Land Use	Restaurant (Bistro), Pub, Offices and other Accessory Uses to Marina Facility
Surrounding Land Use	Rural, Industrial,

HISTORICAL ACTIVITY

File No.	Purpose
NP-DP-2016.4	A Development Permit issued in July 2016 for minor renovations to the Bistro and Pub.
NP-RZ-2016.2 and 2016.3	Rezoning applications for Rural parcel (south) to Commercial and for Marina expansion of Water 2 area.

POLICY/REGULATORY

Official Community Plan Designations	The North Pender Island Official Community Plan (OCP) designates the property as TC – Tourist Commercial Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the entirety of the property and the attached Water Lot. DPA 1 – Woodland Ecosystem (Figure Seven) is designated on the small knoll/promontory on the eastern edge of the property. Development Permit Area (DPA) Six- Intertidal Ecosystems is designated on the adjacent water areas to the east and south of the property.
Land Use Bylaw	The subject property is zoned Commercial Three (C3 [a]) in the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996
Other Regulations	
Covenants	There are no covenants registered on the subject property.
Bylaw Enforcement	There is an active bylaw enforcement file for the water lot (85 – the marina portion). The violation is for complaints about live aboard vessels.

SITE INFLUENCES

Islands Trust Fund	The application does not affect the interests of the Trust Fund Board.
Regional Conservation Strategy	The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A

Sensitive Ecosystems	The woodland ecosystem is the only identified sensitive ecosystem on the subject property. Low and medium slope hazard are identified along the shoreline to the north of the pub/restaurant
Hazard Areas	[Include any information on hazard areas or potential hazard areas, such as unstable slopes or flood areas.]
Archaeological Sites	There are several archaeological sites identified on the provincial RAAD on the subject property, particularly the areas extending in both directions along the shoreline from the knoll feature have identified sites. Another site(s) has been identified through the Archaeological Impact Assessment (AIA- forthcoming) that was required for the two rezoning applications.
Climate Change Adaptation and Mitigation	There is no new development proposed and therefore the application would not affect or be affected by climate change; however, the golf course and surrounding area is known to have many areas of wet, poorly drained soils.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2

2.1 Orthophoto with Zoning



2.1 DPAs

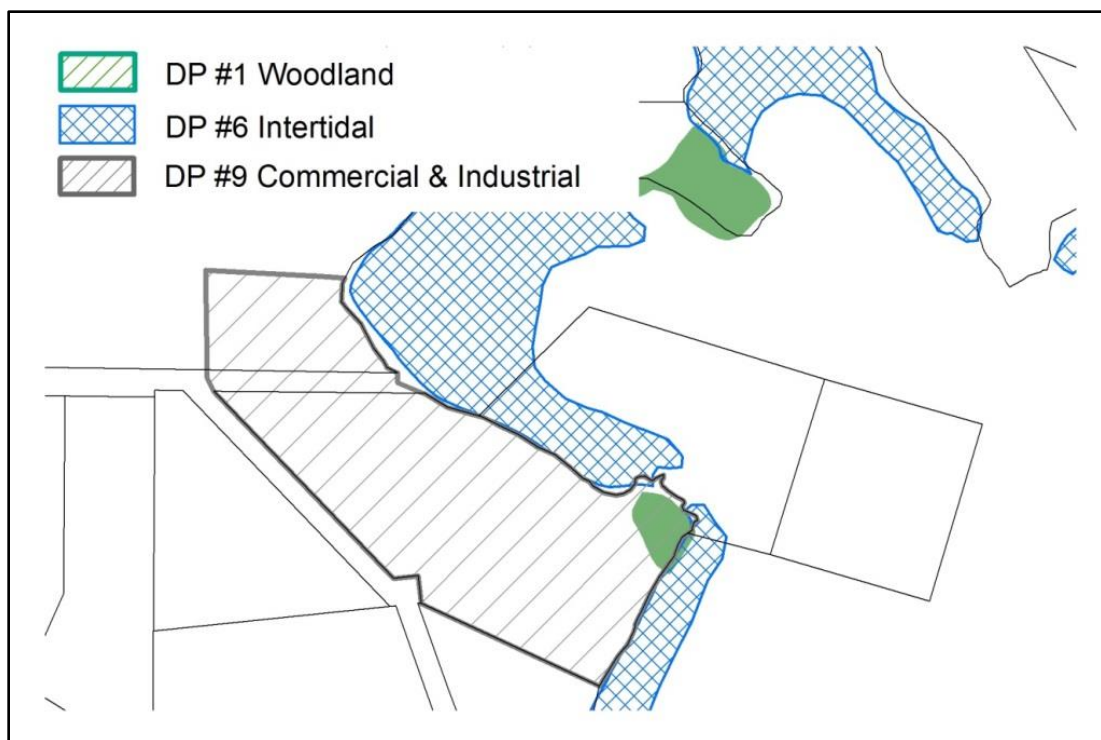


Photo One: View from east of restaurant deck



Photo Two: View of main deck from northeast



Photo Three: North side of building showing bistro patio beyond



Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

FILLING OUT THIS FORM:

Complete all applicable fields then submit with payment as outlined in Part 10 of this application form.

- If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111.
- LCLB forms and supporting materials referred to in this document can be found at: www.pssg.gov.bc.ca/lclb

Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Kathy Heslop

Phone number: 250-222-0018

Fax number:

E-mail address: kathy@portbrowning.ca

Licensee Information

Licensee name [as shown on licence]: SH-QU-ALA

Establishment name [as shown on licence]: SH-QU-ALA

Establishment

Location address: 2605 Oak Road

Pender Island

BC

V0N 2M1

(as shown on licence):

Street

City

Province

Postal Code

Mailing address:

(All correspondence will go to this address)

Box 126

Pender Island

BC

V0N 2M0

Street

City

Province

Postal Code

Business Tel with area code: 250-629-3493

Business Fax with area code:

Business e-mail: kathy@portbrowning.ca

Contact Name: Heslop, Kathy

Title/Position: administrator

last / first / middle

Type of Change Requested

Please check (X) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 13 for the approval process for the change you have requested.

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
☒ 1. Establishment/business or licence name change (p.2)	132721, 130860	(C2-LIC) (sub)
☐ 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
☐ 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
☐ 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
☐ 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
☒ 6. Change to hours of sale (p.3)	132721, 130860	(C3-LIC) (sub)
☐ 7. Catering endorsement (p.4)		(C3-LIC) (sub)
☐ 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).

PART 1: Establishment or Business Name Change and/or Licence Name Change C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x licences = \$

Establishment or business name change:

Current establishment or business name as shown on licence: SH-QU-ALA

Proposed name: Port Browning Marina Resort Ltd

Licence name changes:

Licence #:

Current licence name: SH-QU-ALA

Proposed licence name: Bridgemans Pub North Pender Island

Licence #:

Current licence name: SH-QU-ALA

Proposed licence name: Bridgemans Bistro North Pender Island

Attach the following:

☐ Sketch or picture of the proposed establishment or business signage.

Also complete Parts 9 and 10

PART 2. Entertainment Endorsement (Food Primary licenses only)

C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

A) Patron non-participation entertainment endorsement (e.g., musicians)

Note: Patron non-participation entertainment must end by 1:00 a.m.

Fee: \$220 per licence x licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

B) Patron participation entertainment endorsement (e.g., dance floor):

Note: Patron participation entertainment must end by midnight.

Fee: \$330 per licence x licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

☐ Request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form. For further information on local government resolutions, read Part 11).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria (see contact information on page 5 of this form).

NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☐ No

Also complete Parts 9 and 10

PART 3. Request of Change in Terms and Conditions

C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x licences = \$

Attach:

☐ A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.psgg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

Also complete Parts 9 and 10

PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts

C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 9 and 10

PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only) **C3 - LIC**

Fee: \$220 per affected licence x licences = \$
(where you are adding or removing an exemption)

Small and medium manufacturers may apply to have a tied house association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

Attach a signed letter for each manufacturing licence that you are applying for above, stating the following:

- ☐ Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- ☐ Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three) as well as any licence where you want the exemption removed
- ☐ Disclose the manufacturer's production amount (minus spillage) for the previous year.

For more information on requests for exemption, see Policy Directive 13-03.

Also complete Parts 9 and 10

PART 6. Change to Hours of Sale**C3 - LIC**

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check (☒) the appropriate change, and provide the requested information and documents:

A) Food Primary

- ☐ (i) Request to change hours of liquor sales before midnight Fee: \$220 per licence x licences = \$
 - complete proposed hours of sale table below
- ☐ (ii) Request to extend hours of liquor sales later than midnight Fee: \$330 per licence x licences = \$
 - complete proposed hours of liquor sale table below, and
 - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nations resolutions, read Part 11).

Note: if you have patron participation entertainment, it must end by midnight

B) Liquor-Primary, Liquor-Primary Club, Manufacturer Special Event Area or Manufacturer Lounge

- ☐ (i) Request to change the hours of liquor sales within the hours currently approved:
 - complete proposed hours of sale table below Fee: \$220 per licence x licences = \$
- ☒ (ii) Request to change the hours of liquor sales outside the hours currently approved:
 - complete proposed hours of liquor sale table below, and Fee: \$330 per licence x licences = \$
 - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

Complete the table below, indicating proposed hours of liquor sales:

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	10:30 am	10:30 am	10:30 am	10:30 am	11:00 am	11:00 am	11:00 am
CLOSED	12:30 am	12:30 am	12:30 am	12:30 am	1:00 am	1:00 am	Midnight

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
CLOSED	1:00 am	1:00 am	1:00 am	1:00 am	1:00 am	1:00 am	Midnight

NOTE – When relocating a Food-Primary establishment: An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☒ No

Also complete Parts 9 and 10

PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (**excluding** liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

NOTE: If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering endorsement. **A fee of \$200 will be charged if a second (2nd) inspection is required.**

Also complete Parts 9 and 10

PART 8. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Occasion Licensed (SOL) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SOL licensee and confirm with the SOL licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SOL event. Wine store licensees can only sell the range of products permitted by their store licence.

No Fee

NOTE: If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCLB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCLB 091) by fax or email 14 calendar days prior to the SOL event. A copy of LCLB 091 form can be found on our website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB091.pdf>. An event specific authorization will be issued.

Also complete Parts 9 and 10

PART 9: Declaration

My signature (the licensee's) below indicates that I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 15(2) of the *Liquor Control and Licensing Act* states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below:

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant

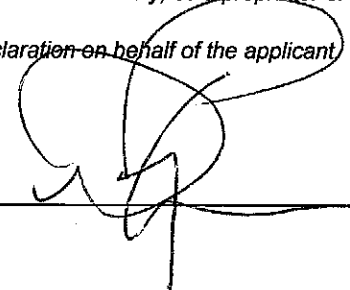
Name of Official: Shaw, Duane

(last / first / middle)

Position: Director

Date: 13 Oct 2016

(Day/Month/Year)

Signature: 

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

PART 10: Application Fees

TOTAL FEE Submitted: \$ 550

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check (X) one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

☒ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☐ I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number:

Expiry date:

(Month)

(Year)

Signature:

PART 11: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- **Request your local government/First Nation to sign and date Part 12 of this form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

PART 12: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): _____

Name of Official: _____ (last / first / middle) Title/Position: _____

Date of receipt of application: _____ Phone Number: _____
(Day/Month/Year)

Signature of Official: _____

The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
 - the potential for noise if the application is approved;
 - the impact on the community if the application is approved; and
 - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
 - the views of the residents;
 - the method used to gather the views of the residents; and
 - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

PART 13: Application and Approval Process – What happens next?

For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).
- Part 8 Temporary Off-site Sale Endorsement

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change request:

- Part 7 Catering Endorsement (all C1)

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.
Note: The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering licence. **A fee \$200 will be charged if a second (2nd) inspection is required**
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066



November 9, 2016

Job # 753946-30

Port Browning Marina Resort Ltd.
Via email: Kathy@portbrowning.ca

Attention: Kathy Heslop

Re: Establishment: SH-QU-ALA
Food Primary Licence # 130860
Establishment Address: 2605 Oak Road, Pender Island

Your recent application to extend the hours of liquor service for your food primary liquor licence has been approved, as follows:

From:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am
Close	1:00 am	1:00 am	1:00 am	1:00 am	1:00 am	1:00 am	Midnight

To:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	1:00 am	1:00 am	1:00 am	1:00 am	1:00 am	1:00 am	Midnight

An amended liquor licence reflecting the change will be sent under separate cover.

This amended licence and the official floor plan(s) for your establishment must be retained on the premises and readily available for inspection by police and liquor inspection staff.

Sincerely,

James Hackett
Case Manager

cc: Rob Scott, Inspector
OUTER GULF ISLANDS R.C.M.P. #153 RCMP

**Liquor Control and
Licensing Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
Fourth Floor, 3350 Douglas Street
Victoria BC
<http://www.pssg.gov.bc.ca/lclb>

December 15, 2016

Port Browning Marina Resort Ltd.
Via email: Kathy@portbrowning.ca

Attention: Kathy Heslop

Re: Name Change Approved – Liquor Primary
Establishment Name: Port Browning Marina Resort
Establishment Address: 2605 Oak Road, Pender Island, BC
Food Primary Liquor Licence #130860
Expiry Date: July 31, 2017

Your recent application for the following change(s) to your liquor licence has been approved:

Establishment Name Change from: Sh-qu-Ala
Licence Name Change from: Sh-qu-Ala

TO

Establishment Name: Port Browning Marina Resort
Licence Name: Bridgemans Bistro North Pender Island

An amended liquor licence and, where applicable, new or revised floor plan reflecting the change(s) will be mailed to you. Please destroy your previous licence and, where applicable, old floor plans and replace with the amended licence and/or floor plans. The official floor plan for your establishment is part of the liquor licence, and must be retained on the premises readily available for inspection by police and liquor inspection staff.

As a reminder, before you make any changes to the establishment you must have approval from the Liquor Control and Licensing Branch. Please refer to the Liquor Control and Licensing Branch website for details at <http://www.pssg.gov.bc.ca/lclb/> or call 1-866-209-2111.

Sincerely,



David Jones
Case Manager

cc: Robert Scott, Liquor Inspector (Via email)
Pender Island RCMP, via fax (250) 629 - 3625

**Liquor Control and
Licensing Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC
<http://www.pssg.gov.bc.ca/lclb>

December 15, 2017

Port Browning Marina Resort Ltd.
Via email: Kathy@portbrowning.ca

Attention: Kathy Heslop

Re: Name Change Approved – Liquor Primary
Establishment Name: Port Browning Marina Resort
Establishment Address: 2605 Oak Road, Pender Island, BC
Liquor Primary Liquor Licence # 132721
Expiry Date: July 31, 2017

Your recent application for the following change(s) to your liquor licence has been approved:

Establishment Name Change from: Sh-qu-Ala
Licence Name Change from: Sh-qu-Ala

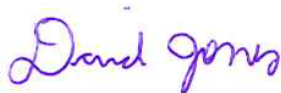
TO

Establishment Name: Port Browning Marina Resort
Licence Name: Bridgemans Pub North Pender Island

An amended liquor licence and, where applicable, new or revised floor plan reflecting the change(s) will be mailed to you. Please destroy your previous licence and, where applicable, old floor plans and replace with the amended licence and/or floor plans. The official floor plan for your establishment is part of the liquor licence, and must be retained on the premises readily available for inspection by police and liquor inspection staff.

As a reminder, before you make any changes to the establishment you must have approval from the Liquor Control and Licensing Branch. Please refer to the Liquor Control and Licensing Branch website for details at <http://www.pssg.gov.bc.ca/lclb/> or call 1-866-209-2111.

Sincerely,



David Jones
Case Manager

cc: Robert Scott, Liquor Inspector (Via email)
Pender Island RCMP, via fax (250) 629 - 3625

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NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
APPLICATION FOR LIQUOR PRIMARY LICENCE
BRIDGEMANS PUB NORTH PENDER ISLAND (formerly SH-QU-ALA)

An application has been made to the Liquor Control and Licensing Branch by Bridgemans Pub, North Pender Island (formerly 'SH-QU-ALA' - Port Browning Marina Resort Ltd.) for an amendment to their liquor-primary licence. As the local government, the North Pender Island Local Trust Committee is required to provide resolutions and comments on the application. These resolutions and comments will be forwarded to the general manager of the Liquor Control and Licensing Branch to consider when making an application decision.

In order to receive public comment, and to provide an opportunity for the public to ask questions of the applicant, a **Community Information Meeting** has been scheduled.

The Community Information Meeting will be held as part of the regular Local Trust Committee Meeting on Thursday, January 26, 2017, starting at 9:45 am, at the Community Hall, 4418 Bedwell Harbour Road, Pender Island.

The property subject to this application is located at 4605 Oak Road legally described as PID 005-034-311, Lot A, (DD G54184) Section 11, Pender Island, Cowichan District, Plan 7982. The subject property is zoned as **Commercial 3 (a) – C3(a)**.

Currently the marina has both a food primary and liquor primary license. The liquor primary license (subject of notice) for Bridgemans Pub, North Pender Island has a capacity for 285 with 210 seated inside and 75 on the patio. The current application would:

- For certainty, maintain the total capacity of the license/facility unchanged; And,
- Change the current hours for the license/facility as follows:

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	10:30	10:30	10:30	10:30	11:00	11:00	11:00
CLOSED	12:30	12:30	12:30	12:30	1:00	1:00	midnight

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9:00	9:00	9:00	9:00	9:00	9:00	9:00
CLOSED	1:00	1:00	1:00	1:00	1:00	1:00	midnight

Copies of background documents may be inspected on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. and between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **January 19, 2017** and continuing up to and including **January 25, 2017**.

Written comments concerning the application may be delivered to:

1. the office of the Islands Trust by mail at #200 - 1627 Fort Street, Victoria, B.C. V8R 1H8, or by Fax (250)405-5155, prior to **4:30 p.m. January 25, 2017**; or
2. by delivery to the Local Trust Committee at the Community Information Meeting starting at **9:45 am January 26, 2017**.

Reasonable efforts will be made to provide email comments, if they are opened and received, to the North Pender Island Local Trust Committee for consideration, but the public should not rely on email as a means of providing a written comment. Email submissions should be sent to information@islandstrust.bc.ca.

Written submissions made in response to this notice will be available for public review.

Inquiries regarding the proposed application may be directed to Phil Testemale, A/Planner 2 at (250) 405-5170 or ptestemale@islandstrust.bc.ca, or for Toll Free access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867).

The North Pender Island Local Trust Committee may consider a resolution concerning this application during the regular business meeting immediately following the Community Information Meeting on January 26, 2017, at the Community Hall on North Pender Island.

Sharon Lloyd-deRosario
Deputy Secretary



File No.: NP-DP-2016.6
(Murdoch/Driftwood
Properties)
(NP-DP-2008.1)

DATE OF MEETING: January 26, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale. A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

SUBJECT: Development Permit Application

Applicant: Dorothy Murdoch

Location: 4605 Bedwell Harbour Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.6 (Murdoch / Driftwood Properties Ltd.)

REPORT SUMMARY

This report is to consider a Development Permit (DP) application to amend an existing permit (NP-DP-2008.1).

The proposal is for the following construction and development to update buildings and landscaping at the Driftwood Mall:

- Additions and alterations to the exterior (façade) of three (3) of the existing retail buildings,
- Placement of a 'sea can' storage unit behind the existing gas station;
- An amended landscaping plan for specific areas around and adjacent to the subject buildings; and,
- An amended parking plan for the overall site.

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

Copies of the Development Permit Area Checklist and proposed Development Permit NP-DP-2016.6 (Murdoch/Driftwood Properties Ltd.) are attached. (Attachment 5 & 6)

BACKGROUND

The overall development plan for the site consists of eight (8) existing retail buildings, a service station, two (2) future (unbuilt) retail buildings, one (1) retail building under construction, landscaped areas, parking and numerous accessory storage buildings (See: Figure Two – Site Plan). Details of the proposed changes are discussed in ‘Issues and Opportunities’ – below.

The current, overall development was approved as NP-DP-2008.1 when new DP guidelines were adopted with the current OCP. This DP was amended in 2011 and more recently with NP-DP-2015.3 which approved changes to the facades and floor areas of Buildings A, B and C, as well as an amended parking plan and landscaping plan.

Subsequent to NP-DP-2015.3 being issued the owner decided not to proceed with the construction citing economic factors and the loss of some tenants. A building permit was never issued for the proposed construction. Except for changes to landscaping, the addition of a storage container and minor changes to parking, the current proposal is the same as NP-DP-2015.3.

Application NP-DP-2015.6 was issued February 2, 2016 and amended NP-DP-2008.1 for minor alterations to the ‘Bistro’ entrance, parking layout and outside storage at the ‘garden centre.’

A Temporary Use Permit (NP-TUP-2016.1) accommodates the storage of landscaping aggregates and materials for the Driftwood on the adjacent Rural (R) property and was issued on June 1, 2016.

On the same **Rural (R)** there is now an application to rezone a 0.7 ha (1.6 ac) parcel (to be subdivided off) to **Community Service (CS)** for the construction of a new, NU to YU store (NP-RZ-2016.4 – PICSS).

Staff has visited the site numerous times.

Figure 1 – Site Context

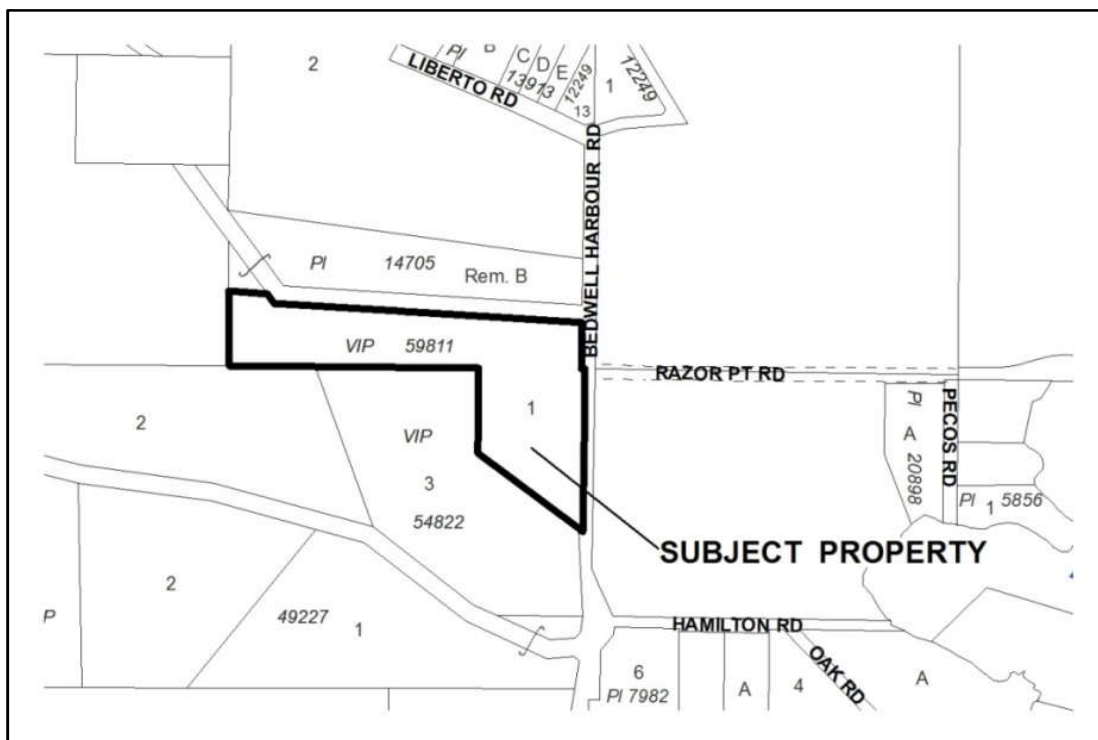
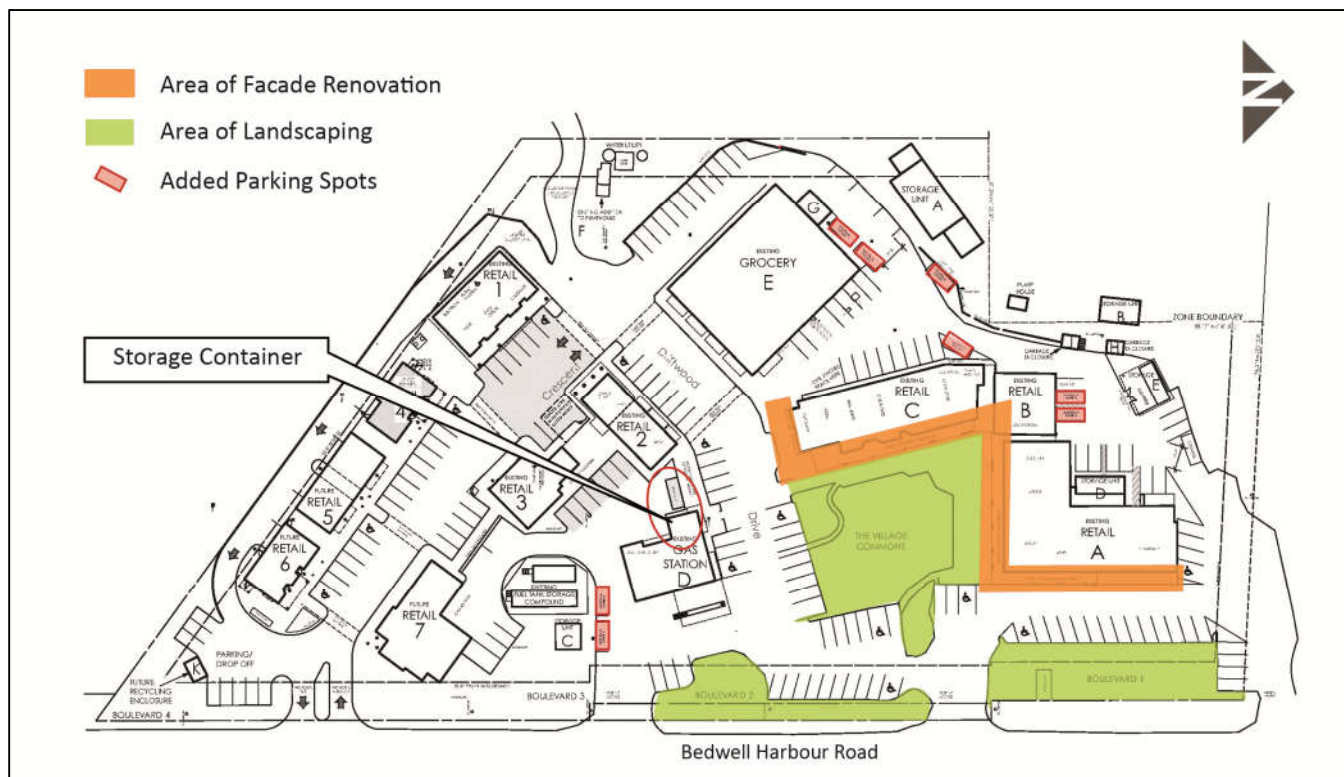


Figure 2 – Overall Site Plan



ANALYSIS

POLICY/REGULATORY

Islands Trust Policy Statement:

The relevant policy to the proposed development is:

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.

The policy supports the proposal.

Official Community Plan:

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties. There are no DPAs for sensitive ecosystems designated on the property.

Analysis of the proposed development's conformity to the objectives and guidelines is found in the Development Permit Area Checklist (Attachment 5) and below in 'Issues and Opportunities.'

In summary the proposal conforms to the DPA guidelines.

Land Use Bylaw:

The application complies with the siting, use and parking requirement provisions of the North Pender Island Land Use Bylaw No. 103, 1996.

Issues and Opportunities

Form and Character (Facades)

- The proposal is to alter the facades of buildings Retail A, B and C (Figure 2 and Attachments 3.2 and 3.3).
- This will update the architecture of the original Driftwood Centre buildings to match that of more recent construction on the site as exemplified by buildings Retail 1 through 4 (post office, flower Shop, insurance offices, etc.).
- Changes will include the east facades of Retail C; the south and east facades of Retail A; and a small portion of Retail B.
- The design is intended to give each of the store fronts a differentiated and identifiable look within the overall theme of the development. This improves upon the current uniform, undifferentiated appearance of the facades, where signage is the only unique identifier for each business.
- The updates will articulate the current facades with alternating roof lines and roof types, as well as other architectural elements and details to make them more visually appealing and interesting.
- The south east corner of Retail A (Bakery) features a new tower element which anchors the development visually from the street.
- The construction will not add any floor space to these buildings.
- The changes maintain the continuous, covered walkways along the front of all the buildings.

The alterations to the facades will serve to unify the appearance of Retail A, B and C buildings with the architecture of the newer buildings on the property. The altered roof lines, projections and details give the individual businesses a unique identity. Further, the changes “lighten” the massing and make the facades more visually interesting and inviting. This is in contrast to the blocky and uniform appearance that these buildings currently have.

Overall the form and character of the proposed development is consistent with the DP Guidelines.

Landscaping

- Landscaping for the current application is limited to the “Village Commons” and the two (2) boulevard areas adjacent to Bedwell Harbour Road and directly east to the buildings being renovated (Attachment 3.6).
- The design largely utilizes the existing, established landscaping elements with some new plantings (spreading yew and Pampas grass) along the boulevard areas, a new planter and a new gravel pathway on the south portion of the ‘Village Commons’.
- The treatment of the ‘open’ Village Commons’ remains largely unchanged, and pedestrian circulation is addressed as there is no longer the issue of the addition to the Bistro (as with DP-2015.3) and the improved path to the south.
- The new storage container (‘sea can’) to be placed behind the gas station is screened by existing plantings.
- There is potential for a bioswale(s) between Bedwell Harbour Road and the parking lot. The applicant is encouraged to investigate this with the Ministry of Transportation and Infrastructure.

- A condition of the proposed DP is a Letter of Credit for 125% of the estimated cost of the Landscaping as per the DP guidelines. An estimate of \$7000 has been provided, and a Letter of Credit in the amount \$8750 will be taken prior to issuance of the permit.

Overall the landscaping proposal is consistent with the DP Guidelines.

Parking

- The current approved plan (NP-DP-2008.1) for parking provides 165 spaces including 10 spaces for disabled.
- The site plan (Figure 2) highlights additional parking that has been added or reassigned.
- The 'Parking Plan' (Attachment 3.4) and highlighted 'Parking Summary' (Attachment 3.5) detail the proposed on-site parking.
- In summary, the plan has an overall count of 174 spaces including 13 spaces for disabled. This number exceeds the requirement in the Land Use Bylaw (137 including 13 accessible).

The parking plan gives an accurate count of spaces that are currently constructed and future space. The amended number exceeds that required by the LUB and that approved by the existing DP.

Overall the parking proposal is consistent with the DP Guidelines and the provisions of the LUB.

Consultation

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

Rationale for Recommendation

Based on the proposal's compliance with the DPA guidelines and that the uses, siting and parking conform to the provisions of the LUB, staff is recommending that the LTC approve issuance of Development Permit NP-DP-2016.6 (Murdoch/Driftwood Properties) as per the resolution on Page 1.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the guideline(s) that has not been satisfied.

Recommended resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2016.6 (Murdoch/Driftwood Properties) as the application does not comply with guideline _____ of the North Pender Island Official Community Plan.

Submitted By:	Phil Testemale, A/Planner 2	January 5, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 5, 2017

ATTACHMENTS

1. Site Context
2. Mappings
3. Plans and Elevations
4. Photographs
5. DPA Guidelines Checklist
6. Development Permit
7. Landscaping Estimate (Formwerks Architectural Inc., December 9, 2016)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811
PID	018-948-413
Civic Address	4605 Bedwell Harbour Road
Property Size	4.08 hectare (10.8 ac)

LAND USE

Current Land Use	Commercial Retail – Driftwood Mall
Surrounding Land Use	The property is surrounded by properties of varying size zoned Rural, Agricultural, or National Park.

HISTORICAL ACTIVITY

File No.	Purpose
NP-DP-2008.1	Overall development plan
NP-DP-2015.3	Amendments to NP-DP-2008.1 for facades, landscaping and parking – expired
NP-DP-2015.6	Minor amendments for ‘Bistro’ entrance, outdoor garden store and parking.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as Commercial (C), Community Service (CS) and Tourist Commercial (TC) in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (see: Figure Twelve: OCP Designations). The proposed development is all within the Commercial (C) designation. Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the Commercial and Tourist Commercial portions of the property (Attachment).
Land Use Bylaw	The property is split-zoned Commercial 1 (C1) Service (SD) and Commercial 2 (C2f) in the North Pender Island Land Use Bylaw No. 103, 1996. The zoning is shown on Figure Fourteen (below). The area of proposed development is within the Commercial 1 (C1) portion. The existing, proposed additions (current application) and future uses and siting of buildings and structures conform to the Land Use Bylaw.
Other Regulations	
Covenants	There are no LTC or other covenants registered on the property.
Bylaw Enforcement	There is an active enforcement file on the subject property (NP-BE2013.5) This Enforcement was initiated for insufficient parking (resolved), dumping and burning of waste material and depositing a large pile of gravel. The file is open. Many of the issues have been mitigated with the TUP for the adjacent

	parcel.
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SITE INFLUENCES

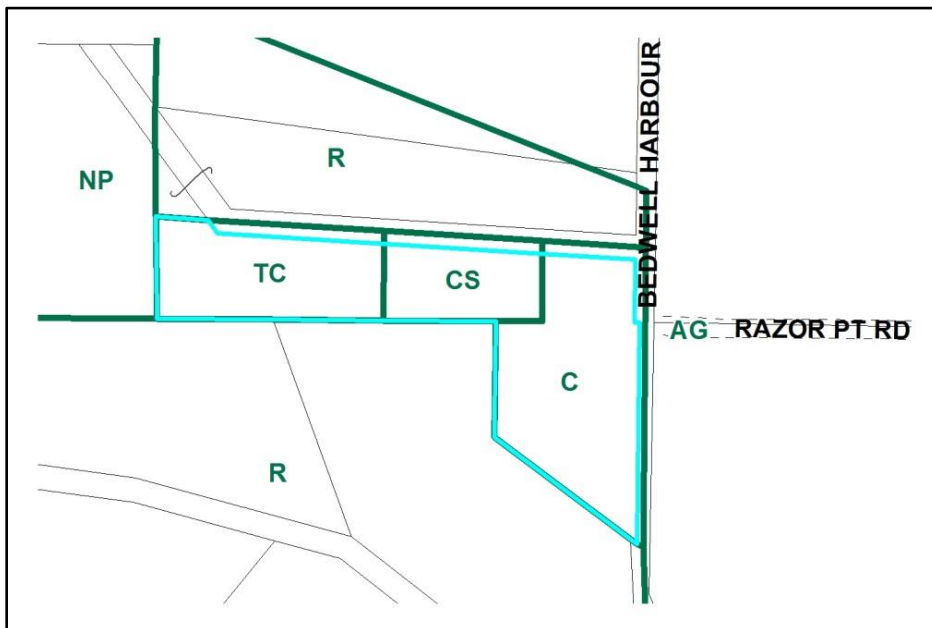
Islands Trust Fund	There are no Trust Fund Board covenants or properties in proximity to the proposed development.
Regional Conservation Strategy	The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	There is a small portion of the property that has mature forest sensitive ecosystem values. The area is on the western periphery of the Commercial 1 (C1) area and the current proposal does not affect this area. There are only small occurrences of low and medium slope hazard on the western periphery of the Commercial 1 (C1) area of the property. The current proposal is unaffected.
Hazard Areas	N/A
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	As the proposed construction does not substantially increase development density, the potential GHG emission changes resulting from approval are minimal. The proposed landscaping plan adds some ground cover that will have a positive impact on climate moderation. Given the location of the potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral.

ATTACHMENT 2 – MAPPING

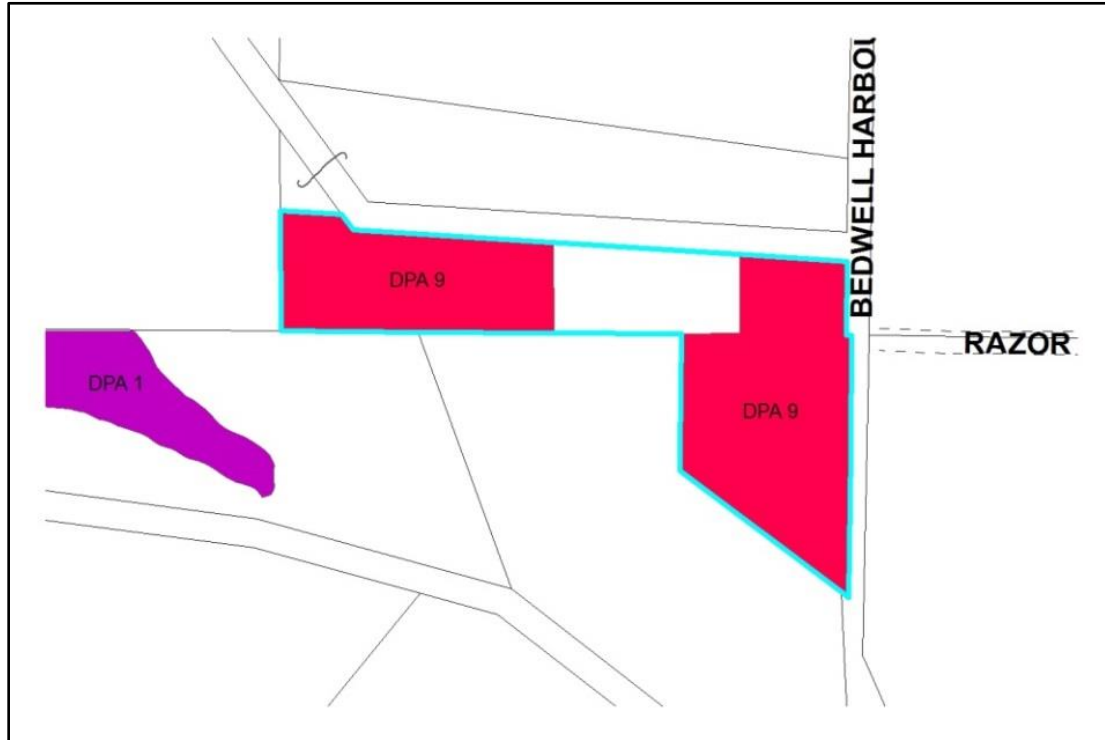
ATTACHMENT 2.1 – ORTHOPHOTO AND ZONING



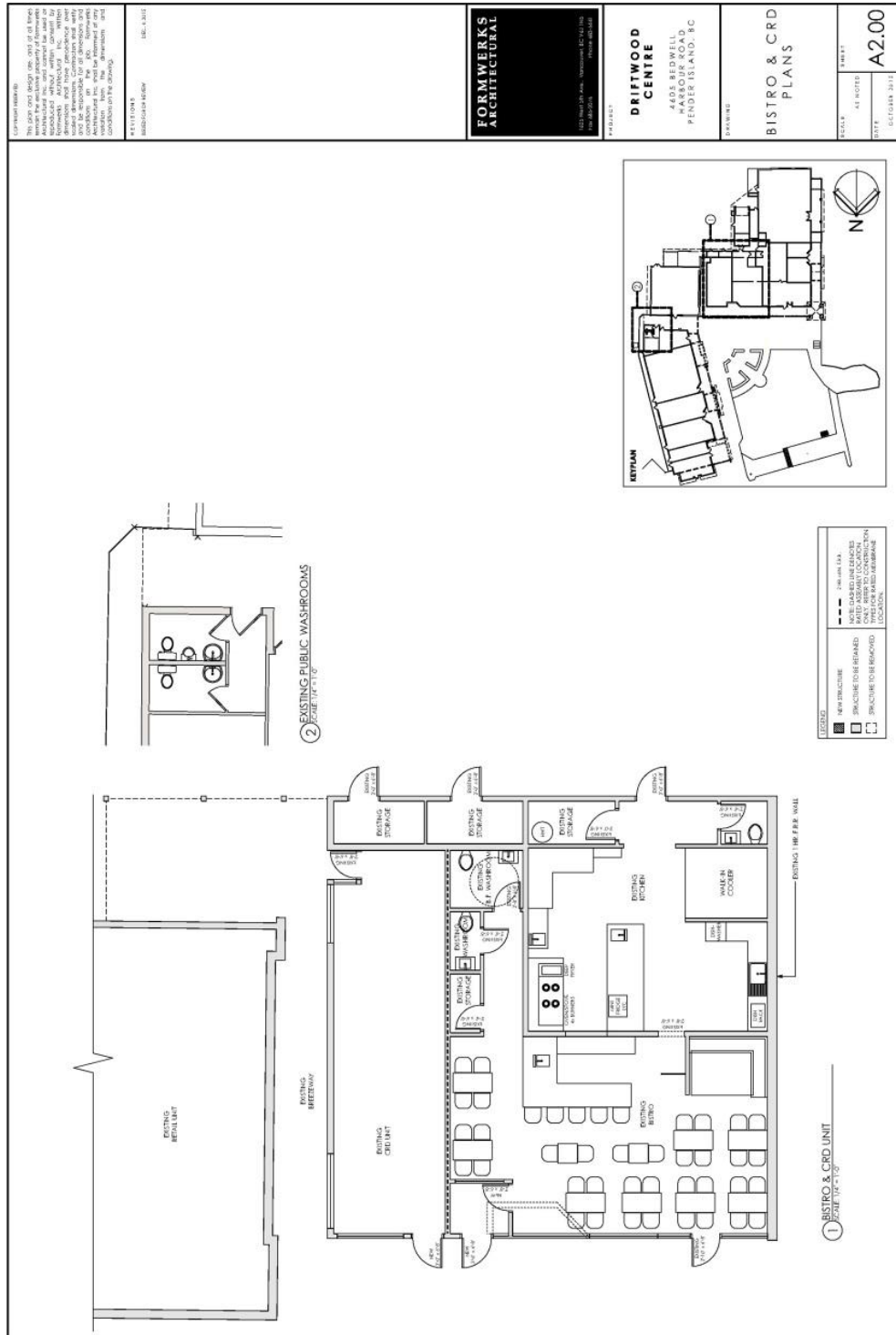
ATTACHMENT 2.2 – OCP DESIGNATIONS



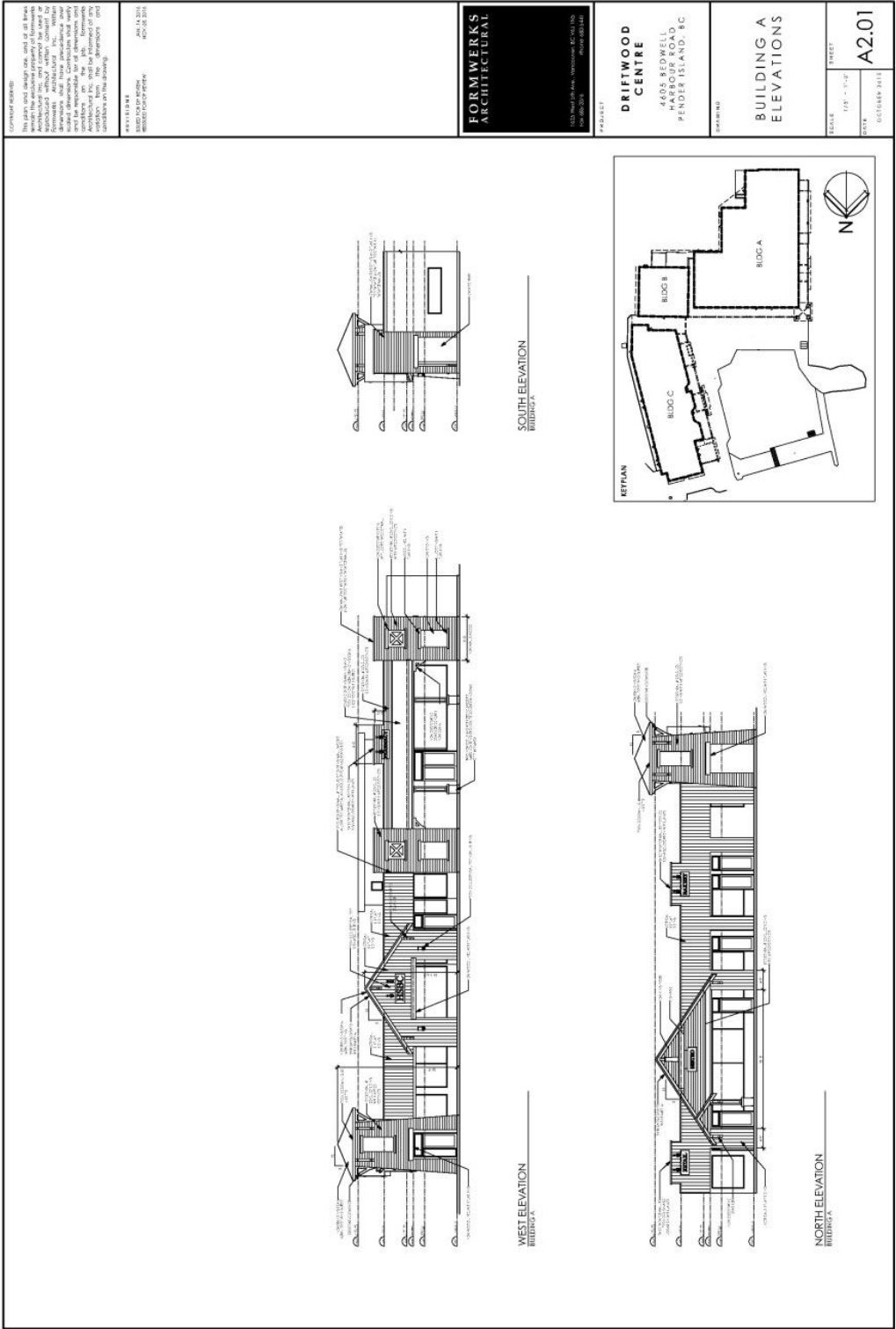
ATTACHMENT 2.3 – DPAs



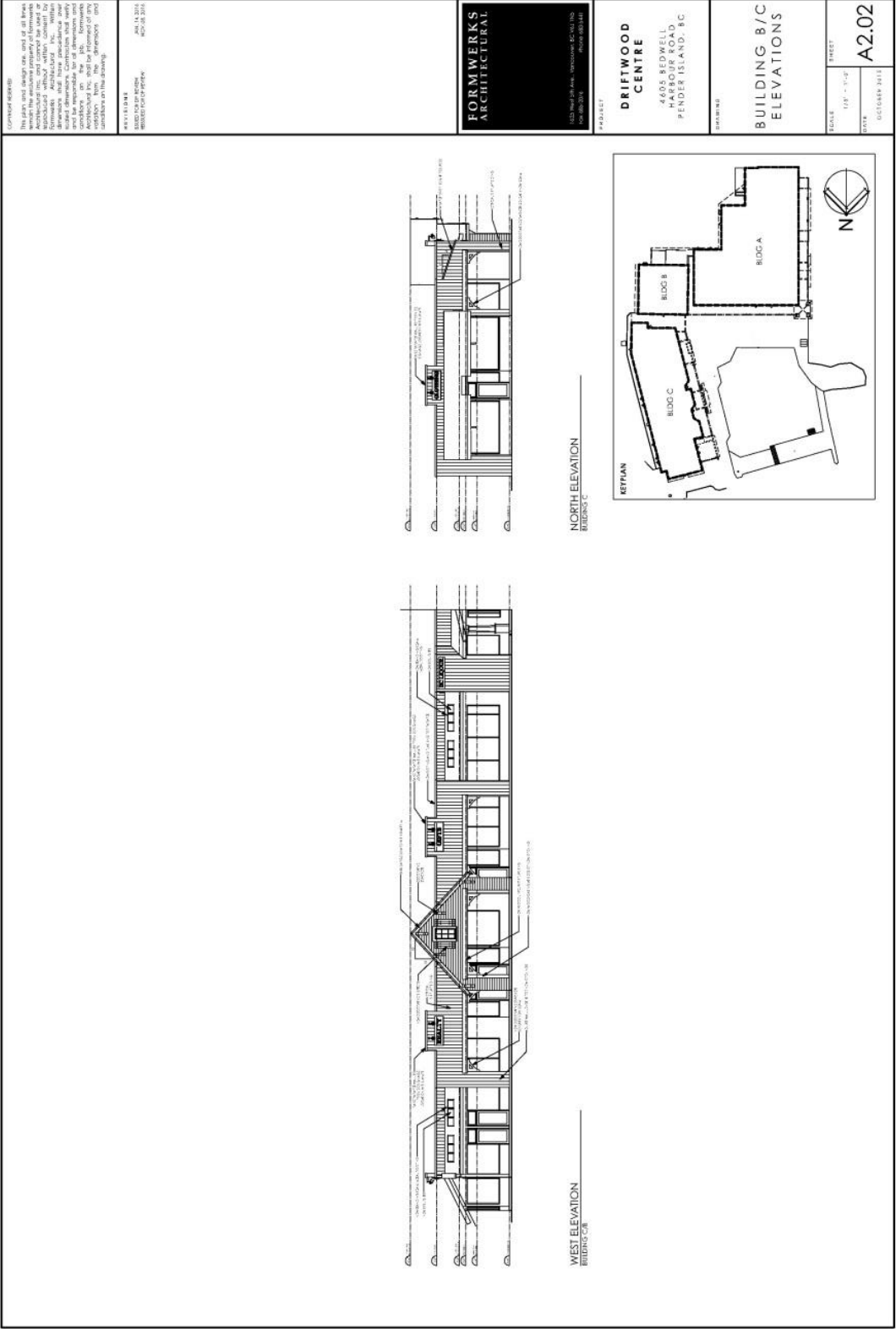
ATTACHMENT 3.1 –FLOOR PLAN – PORTION OF BUILDING A ELEVATIONS



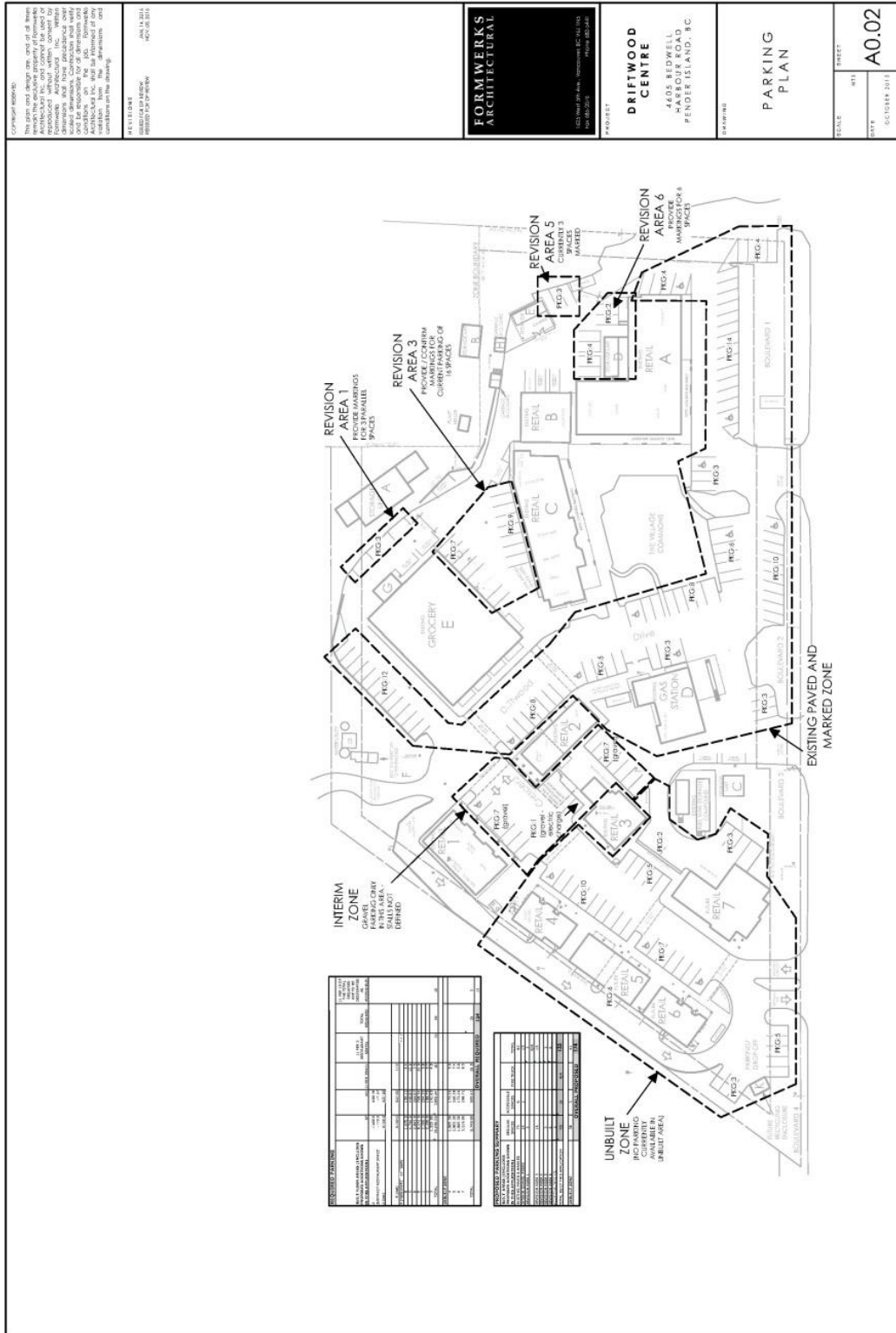
ATTACHMENT 3.2 –ELEVATIONS – BUILDING A



ATTACHMENT 3.3 –ELEVATIONS – BUILDING B/C



ATTACHMENT 3.4 –PARKING PLAN



ATTACHMENT 3.5 –PARKING SUMMARY TABLE

PROPOSED PARKING SUMMARY				
BUILT AREAS (INCLUDES PROPOSED ADDITIONS SHOWN IN THIS APPLICATION)	REGULAR SPACES	ACCESSIBLE SPACES	FIRE TRUCK	TOTAL
EXISTING PAVED & MARKED	73	9		82
INTERIM GRAVEL AREAS	14	1		15
REVISION AREA 1	3			3
				N/A
REVISION AREA 3	16			16
REVISION AREA 4				
REVISION AREA 5	3			3
REVISION AREA 6	6			6
ADDITIONAL PARKING	2			
TOTAL BUILT THIS APPLICATION	103	10	N/A	133
UNBUILT ZONE	36	3		41
	OVERALL PROPOSED			174

ATTACHMENT 3.6 –LANDSCAPE PLAN



ATTACHMENT 4.0 – PHOTOGRAPHS

Photo 4.1 - Bistro & Bakery - Building A



Photo 4.2 - Existing Façade - Building A



Photo 4.3 - Architectural Theme (Building - Retail 2)

Photo 4.4 - Architectural Theme (Building - Retail 3)



Photo 4.5 - The Commons



Photo 4.6 - Boulevard Landscaping adjacent to Bedwell Harbour Rd.



Form and Character Development Permit Checklist

File No: NP-DP-2015.6 (Murdoch/Driftwood Properties)

Proposed Development: Renovation to Facades, Landscaping and Parking

Guideline	Complies		Comments
	Yes	No	
1. For general commercial buildings or structures			
a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape	☐	☐	N/A
b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road	☐	☐	N/A
c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings	☒	☐	Gable and hip roof lines, as well as wood siding and metal standing seam roofing are elements consistent with adjacent residential development
d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units	☒	☐	Building height is one storey, with a two storey tower element
e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height	☒	☐	The existing frontage length is maintained, but design articulation has been provided to reduce long wall lengths and to provide focus and identity to individual store fronts.
f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design	☒	☐	
g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized	☒	☐	
h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered	☒	☐	
i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture	☒	☐	Wood siding, metal standing seam roofing, wood windows and wood window trims are all materials commonly used in coastal architecture.

Guideline	Complies		Comments
	Yes	No	
j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features	☒	☐	Variety has been provided through articulation and a combination of pitched roof elements that punctuate the facade. This articulation allows for change in colours and cladding orientations providing focus and identity to individual store fronts and visual interest. The south east corner of Building A (Bakery) features a new tower element which anchors the development visually from the street.
k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation	☐	☐	N/A
l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design	☒	☐	
m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible	☒	☐	Existing
2. For tourist commercial buildings or structures			
			Section Removed – N/A
3. For industrial buildings or structures			
			Section Removed – N/A
4. Landscaping Guidelines – all applications			
a) A landscape plan should be professionally prepared and should:	☒	☐	
i) provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work	☒	☐	
ii) identify existing vegetation by type and identify areas which are to be cleared	☒	☐	
iii) provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads	☒	☐	
iv) provide for vegetative buffers along lot lines	☒	☐	
v) identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides	☒	☐	Plants chosen are disease resistant, drought tolerant and for the most part deer resistant
b) Existing site topography and landscape features should not be altered in order to create new landscaping	☒	☐	

Guideline	Complies		Comments
	Yes	No	
c) Existing indigenous vegetation should be retained wherever possible. Significant indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetations within the buildable area of the site should be preserved wherever possible through careful and innovative site design	☒	☐	Mature and healthy trees are retained and need to be protected during construction
d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening	☒	☐	There is an existing landscape strip along Bedwell Harbour Road Additional naturalized planting has been added to fill in gaps within existing planting and upgrade the area
e) Landscaped strips should be provided adjacent to the boundary of the ALR, along abutting residential properties and adjacent to watercourses	☐	☐	N/A
f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and the other guidelines in this section	☐	☐	N/A
g) proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged	☒	☐	Plants have been chosen for their drought and deer resistance, ornamental value, all season interest and local availability and existence (non-invasive)
h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole of the site and screen all buildings from view; plantings should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners	☒	☐	
i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation	☒	☐	There is potential for a bioswale(s) between Bedwell Harbour Road and the parking lot. The applicant is encouraged to investigate this with the Ministry of Transportation and Infrastructure.
j) all landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the BCSociety of Landscape Architects and BCNursery Trades Association standards	☒	☐	All plants and planting to meet BC Landscape Standard latest edition
k) the application should include a security , in the form of an irrevocable letter of credit for 125% of the value of the quoted landscape cost	☒	☐	Estimate of \$7000 provided by applicant. Condition in draft permit.
5. Parking Layout – all applications			

Guideline	Complies		Comments
	Yes	No	
a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems	☐	☐	N/A – no significant areas of new parking added
b) visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas	☐	☐	N/A
c) parking should be located at the sides or rear of buildings wherever feasible	☒	☐	
d) development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment	☒	☐	
e) all significant paved parking areas should be included within the context of any stormwater plan and incorporate oil/water separators	☐	☐	N/A
f) the shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety	☒	☐	
g) all new development should include provision for bicycle parking or storage	☒	☐	Bicycle rack location has been maintained - refer to LO1 Landscape
6. Lighting – for all new buildings or site development			
a) lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths	☒	☐	
b) high intensity lighting in parking lots and along roadsides is discouraged	☒	☐	
c) security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscape buffer	☒	☐	
7. Signs			
a) each site should have no more than one freestanding sign, located on the same lot as the development	☒	☐	
b) one sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building	☒	☐	Business signage locations have been shown on the wall faces directly above or in near proximity of each business.
c) billboards and roof signs should not be permitted	☒	☐	
d) signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons	☒	☐	A pair of lamps has been indicated to provide downlighting of each business sign.
8. For marine structures over the water or the foreshore			

Guideline	Complies		Comments
	Yes	No	
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section			
Are any variances proposed?	☐	☒	



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2016.6

To: Driftwood Properties Ltd.
c/o Dorothy Murdoch

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

Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811 (PID: 018-948-413)
2. This Development Permit amends Section 2. of Development Permit NP-DP- 2008.1 by authorizing the construction of additions to existing commercial retail units subject to the following requirements and conditions:
 - a) The siting and layout of buildings and structures shall be substantially in accordance with the Site Plan attached as Schedule 'A' attached to and forming part of this permit;
 - b) Construction shall be in substantially in accordance with the Floor Plans attached as Schedule 'B' attached to and forming part of this permit;
 - c) Construction shall be in substantially in accordance with the Elevations attached as Schedule 'C' attached to and forming part of this permit;
 - d) Landscaping shall be in substantially in accordance with the landscape plan attached as Schedule 'D' attached to and forming part of this permit.
 - e) Parking configuration, number of stalls and construction shall be in accordance with the Parking Plan attached as Schedule 'E' attached to and forming part of this permit
3. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.
4. Pursuant to Section 502 of the Local Government Act, the Local Trust Committee requires security to ensure that any conditions respecting new planting and other landscape elements are satisfied:
 - a. Where the Local Trust Committee considers that a condition in the permit respecting restoration has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the restoration condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.

- b. Any interest earned on the security provided under Condition 4 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
 - c. The security provided by the permit holder shall be in the form of:
 - I. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent.
 - II. Payable to the Islands Trust,
 - III. In the amount of 125% of the quoted landscaping cost totaling \$8750.00 based upon the cost estimate provided by Formwerks Architectural Inc. received December 9, 2016.
 - d. Where the development authorized by this permit has been completed or the permit has lapsed prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 4a of this permit, provided that the conditions have been met.
5. This permit authorizes Islands Trust staff to access the subject property without prior notification, for the purpose of verifying compliance with the conditions set out in this permit.
6. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

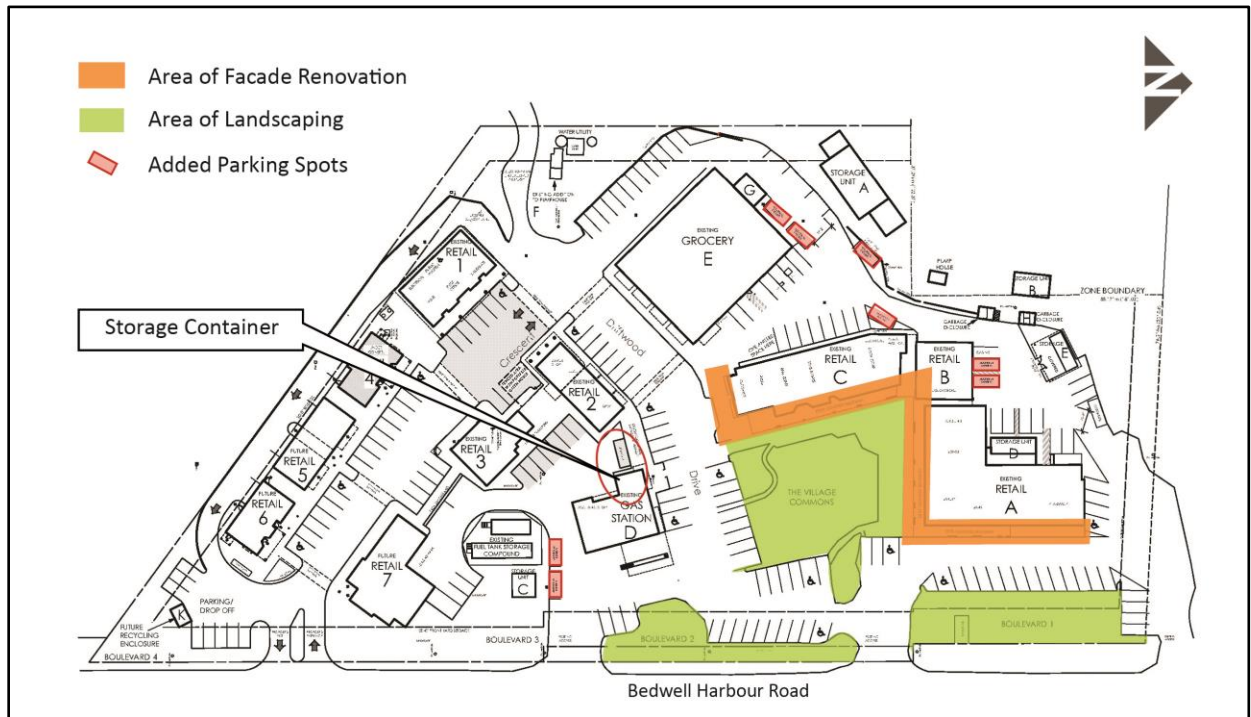
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
THIS ##^h DAY OF , 2017.

Deputy Secretary, Islands Trust

Date Issued

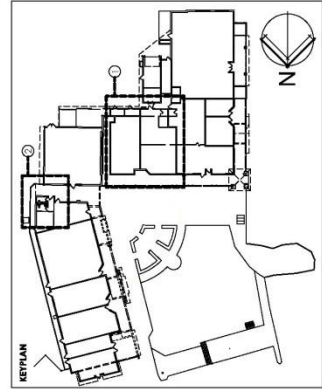
IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##ND DAY OF Month, 2017, THIS
PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.6
Schedule "A"
Property Site Plan

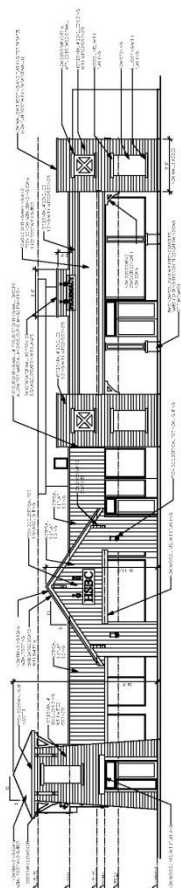
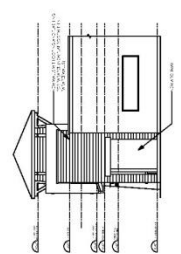
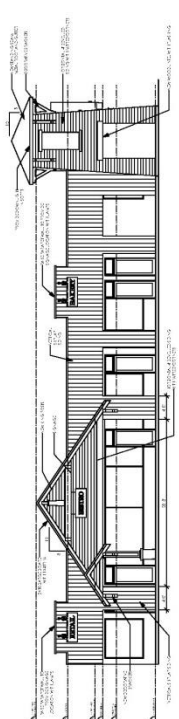
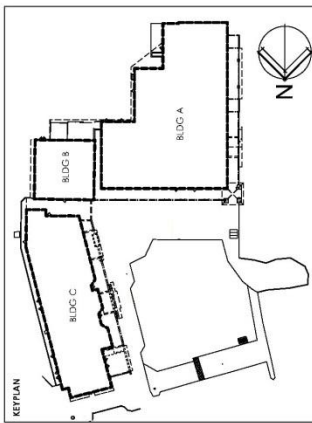


Schedule "B"

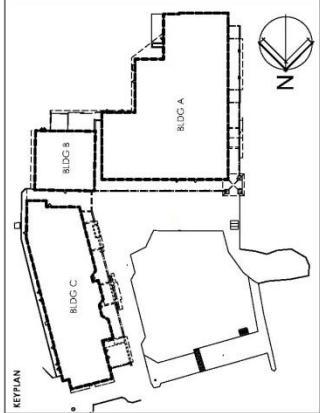
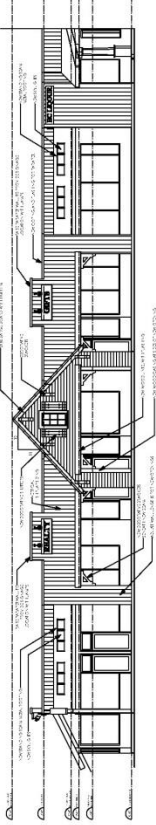
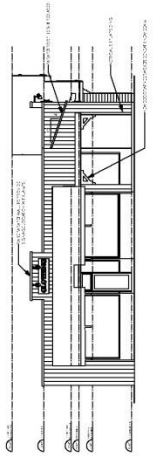
Building Floor Plans



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.6
Schedule "C"
Building Elevations

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BUILDING A ELEVATIONS						
 WEST ELEVATION BUILDING A  SOUTH ELEVATION BUILDING A  NORTH ELEVATION BUILDING A						
 KEY PLAN  N						

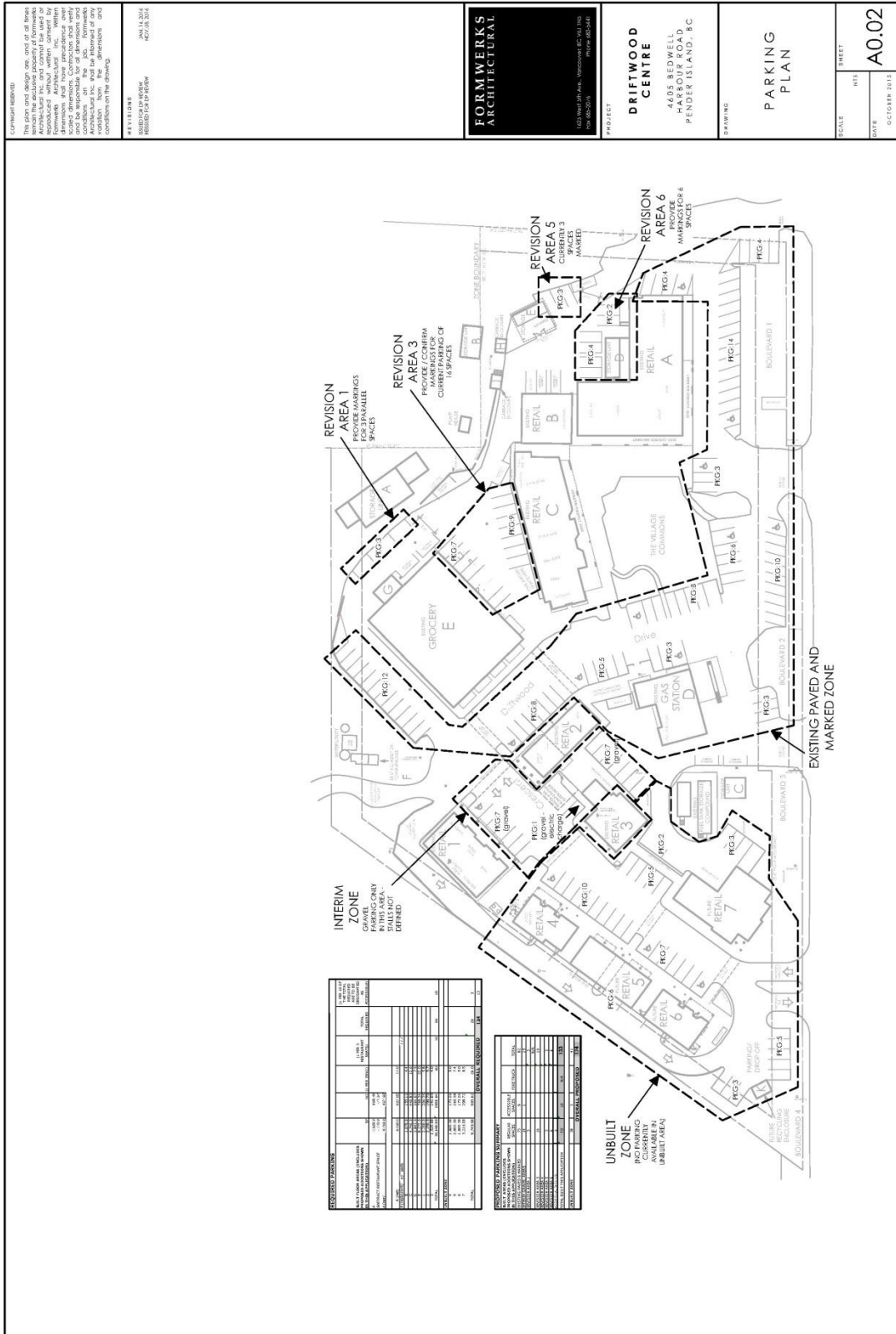
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.6
Schedule "C"
Building Elevations

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KEY PLAN 					
WEST ELEVATION BUILDING C/B 					
NORTH ELEVATION BUILDING C 					

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.6
Schedule "D"
Landscape Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.6
Schedule "E"
Parking Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.6
Schedule "E"
Parking Plan

PROPOSED PARKING SUMMARY				
BUILT AREAS (INCLUDES PROPOSED ADDITIONS SHOWN IN THIS APPLICATION)	REGULAR SPACES	ACCESSIBLE SPACES	FIRE TRUCK	TOTAL
EXISTING PAVED & MARKED	73	9		82
INTERIM GRAVEL AREAS	14	1		15
REVISION AREA 1	3			3
				N/A
REVISION AREA 3	16			16
REVISION AREA 4				
REVISION AREA 5	3			3
REVISION AREA 6	6			6
ADDITIONAL PARKING	3			
TOTAL BUILT THIS APPLICATION	123	10	N/A	133
UNBUILT ZONE	38	3		41
	OVERALL PROPOSED			174



DATE OF REPORT: January 13, 2017

TO: North Pender Local Trust Committee

FROM: Justine Starke, Island Planner, and
Fiona XETXÁTTEN MacRaid, Senior Intergovernmental Policy Advisor
Victoria Office

SUBJECT: Long term relationship-building program with local First Nations

RECOMMENDATION

1. That the North Pender Island Local Trust Committee (NPLTC) embark on a plan of constructive actions that demonstrate a commitment to improving respectful relationships between residents and visitors of North Pender Island and local First Nations.
2. That NPLTC ask South Pender Local Trust Committee (SPLTC) to join in the work of this plan as local First Nations have considered North and South Pender Islands to have always been one island until the canal was dredged in 1902-3.
3. That the NPLTC (and possibly the SPLTC) initiate these reconciliatory actions by hosting a public educational event focused on the archaeological findings of the canal excavation between the two islands during the summers of 1984-85-86, particularly the research goal of testing the theory that this was an early area of Coast Salish cultural intensity and climax (proposed by A.L. Kroeber in 1939).
4. That NPLTC (and possibly SPLTC) build on the knowledge shared at this event and develop other events in coordination with local First Nations that focus on land-use issues (Islands Trust core activities), such as Indigenous law principles of land use, land ownership, land transfers, land-use authority and land-use enforcement.

REPORT SUMMARY

The canal excavation of the 1980s indicated this was a site of strong Coast Salish cultural and ethnic continuity for over 5000 years. The evidence shows that the Pender Canal sites were winter villages until around 2200 BP¹. It is assumed that there was a significant tilting of the Juan de Fuca plates which affected rising sea levels after this time and the village sites shifted in use to a seasonal camp for local First Nations.

A public event focused on these findings helps Pender residents, visitors and local First Nations come to a common level of understanding. This, in turn, sets the groundwork for building a plan of reconciliatory actions based firmly in the evidence that North and South Pender Islands have been an extremely important site for First Nations until the last century or so.

¹ "Before Present" means before 1950. The most commonly used convention in radiocarbon dating. "Present" referring to the year 1950 AD. 1950 is the date that the calibration curves were established. It also predates atmospheric testing of the atom bomb, which significantly upset C12/C14 ratios in the following years.

BACKGROUND

1. Consideration of neighbouring Indian Reserve lands

There is a nearby Indian reserve at Hay Point on South Pender Island, which was assigned to members of the Tsawout and Tseycum First Nations around 1877. In the early 1870s a joint federal-provincial Indian Reserve Commission was tasked with setting aside reserve lands with special instruction to the commissioners to "officially enjoined as little as possible to interfere with any existing tribal arrangements; and... they were to be careful to not disturb the Indians in the possession of any villages, fishing stations, fur trading posts, settlements, or clearings which they might occupy, and to which they might be specially attached."²

It can be assumed that, for Tsawout and Tseycum First Nations, the reserve lands allotted to them (and not other First Nations) was due to how significant and relevant their attachment was to these southern Gulf Islands.

2. Consideration of Douglas Treaty rights on and around Pender Islands

As Canadians, we are all Treaty people, whether Treaty settlers or Treaty First Nations. Most of the land of BC is without treaties, except the Douglas Treaties of Vancouver Island and Treaty 8 in the northeast of BC. James Douglas seemed to be respectful of the 1763 Royal Proclamation of the British Empire that stated that all land west of the Appalachian Mountains were to be considered under Aboriginal title and that the only way to secure land for settlement was through treaties.

Five modern First Nations – Tsawout, Tseycum, Tsartlip, Malahat and Paquachin First Nations are the direct descendants of those who signed the South Saanich and the North Saanich Treaties of February 7, 1852.

The lands surrendered by the North Saanich were described as:

"commencing at Cowichan Head and following the coast of the Canal de Haro north-west nearly to Saanich Point, or Qua-na-sung; from thence following the course of the Saanich Arm to the point where it terminates; and from thence by a straight line across country to said Cowichan Head, the point of commencement, so as to include all the country and lands, with the exceptions hereafter named, within those boundaries."

The lands surrendered by the South Saanich were described as:

*"between Mount Douglas and Cowichan Head on the Canal de Arro and extending thence to the line running through the centre of Vancouver Island, North and South."*³

It is important to note as a background consideration of this report that neither Treaty mentions the Gulf Islands. This has been a controversial issue of treaty interpretation. The descendants of the South Saanich

²DIAND, Annual Report, 1876, p. xv-xvi: David Mills, Minister of Interior, to Governor General of Canada, 15 January 1877 Retrieved from the Department of Indian and Northern Affairs Canada website, British Columbia Indian Treaties in Historical Perspective: Treaty Activities Reserve Policy, December 29, 2016.

<http://www.aadnc-aandc.gc.ca/eng/1100100028952/1100100028954#chp3>

³"Conveyance of Land to Hudson's Bay Company by Indian Tribes," B.C. Papers, p. 10. Retrieved from the Department of Indian and Northern Affairs Canada website, British Columbia Indian Treaties in Historical Perspective: Treaty Activity: Negotiations, Agreements, December 29, 2016.

<http://www.aadnc-aandc.gc.ca/eng/1100100028952/1100100028954#chp3>

and North Saanich Treaties assumed – and continue to assume to this day - that the islands were never surrendered or “purchased” by a treaty. Today, members of Tsawout, Tseycum, Pauquachin, Tsartlip and Malahat First Nations have a firm belief that the islands, in their entirety, constitute the “villages and enclosed fields” guaranteed to them by both the South Saanich and North Saanich Treaties:

“The conditions of our understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us and the land shall be properly surveyed hereafter.” [N.B. the surveys promised in these Treaties were never done]

For non-Aboriginals to embark on a sincere journey to build authentic relationships with members of the local Douglas Treaty Nations, these feelings and beliefs about the Treaties must be understood to appreciate the significance of the grace with which these members engage with non-Aboriginal residents on the islands.

3. Consideration of other asserted Aboriginal Title and Rights

The Hul’quimi’num Treaty Group, representing Cowichan Tribes, Lake Cowichan First Nation, Chemainus First Nation, Halalt First Nation and Penelakut Tribe was founded in 1993 to jointly negotiate a comprehensive treaty with British Columbia and Canada in the BC Treaty Process. They have frustratingly been in Stage 4 (out of six stages), which is the negotiation of an Agreement –in-Principle since 1997. Substantive treaty negotiations take place in this stage. Land, resources, self-government and financial components usually form part of the negotiations. This includes proving their Aboriginal rights and title over traditional territory, including the Gulf Islands.

Tsawwassen First Nation ratified their Agreement-in-Principle in 2007 with Canada and BC. Their treaty settlement included hunting and fishing rights on and around Pender Island—an arrangement to which the Sencot'en Alliance objected, saying those rights are theirs under the 1852 Douglas Treaty. Semiahmoo First Nation and three other First Nations (Tsartlip, Tsawout and Pauquachin) make up the Sencot'en Alliance, which says their traditional territory stretches south to the northern end of Puget Sound, including both the San Juan Islands and the Gulf Islands, across southern Vancouver Island to include sites north of the Canada/U.S. border, on the lower Fraser River and on all adjacent land. Members of the Sencot'en Alliance also say they're signatories to the Douglas Treaties, taken with the British Crown from 1850 to 1854, and are not involved with the current B.C. Treaty Commission negotiations.

In 2014 Hwlitsum First Nation filed a claim against the provincial and federal governments for \$2 billion and a massive land claim, including but not limited to “lands in and around TI’uqtinus village, Xway Xway, Hwlitsum, including all lands at Brunswick Point, Westham Island and all or some of the lands at Salt Spring Island, Gabriola Island, Valdes Island, Galiano Island, Saturna Island, North and South Pender Island, Mayne Island, the San Juan Islands, the Lamalcha portions of Penelakut Island, Lummi and other locations throughout their traditional territory, including Musqueam, Chemainus and Coquitlam.”

4. Consideration of recent First Nations Issues on the Pender Islands

The Poets Cove Resort was built on an ancient First Nations village site. In 2003, human remains of about 60 people, some up to 2,500 years old, were uncovered while crews were building a swimming pool for the luxury resort. They were buried by representatives of the Saanich Tribes about 30 metres from where they were found. In 2005 the developer was charged with violating the 1996 Heritage Conservation Act, the first time that the government has attempted to enforce the Act.

ANALYSIS

Given the complexity of First Nations asserted claims to the Pender Islands – some Reserve land associations, some Aboriginal Treaty rights, some Aboriginal rights and title over asserted traditional territory – it may be a more tactful way to initiate relationship building with all these First Nations by focusing on evidence found over 30 years ago. The evidence of the canal excavation focuses on the long duration of occupation, not necessarily what tribe exactly this village site belonged to. That determination is for First Nations to come to amongst themselves.

Reconciliation between Aboriginal and non-Aboriginal Canadians begins with shifting attitudes and shifting systems of power. The first step of this journey is to recognize that Canada has minimized and ignored the voice of First Nations to the degree that many Canadians have little understanding (if any) of the historical journey and connections that First Nations people have with their land and waters until just recently. As non-Aboriginals, our initial response should be to listen and learn. This report proposes a public event that would encourage that learning approach.

The protected waterways and islands off the mouth of the Fraser River constituted an ideal environment for this cultural development. This is something island residents, visitors and local First Nations alike can be proud of together. The fact that this canal excavation provided evidence that the Gulf Islands were an early centre for the development of Northwest Coast cultural complexes of food, art, beliefs, woodworking, feasts for the dead, masks, social ranking and crafts is a positive message to start a mutually respectful relationship on.

A public event focused on the canal excavation could include special knowledge holders from local First Nations such as those who continue to play important cultural roles in their communities that have continued for millennia such as funerary practices, masks and the role of seafood and art. This would reinforce not only an historical connection to the lands and the waters of the Pender Islands, but demonstrate that this culture is alive and well in current times. Despite tremendous death during the smallpox epidemic of the 1860s, the unfair reduction of reserve land allotments and the 88 years of residential school experience in this area, this culture has survived. The resilience of these Coast Salish cultural practices – and the people who continue to practice them against tremendous attempts to assimilate them into colonial culture - could be celebrated through such a public event.

Policy/Regulatory:

2014-2018 Strategic Plan. Goal D: Effective, Efficient and Collaborative Governance

- Priority 6.1: Improve engagement with first Nations
- Priority 6.2: Improve protection of archaeological and First Nations cultural resources

North Pender Island Official Community Plan

Heritage Resource Objectives

- 1) To encourage identification, protection, preservation and enhancement of heritage resources, including lands and structures of natural, archaeological, historic, cultural, aesthetic, educational or scientific heritage value.
- 2) To preserve and protect the heritage values and character of historic coastal settlement patterns and remains.
- 3) To increase public awareness and appreciation of heritage resources.

4.6.7 The Local Trust Committee will advocate for the designation and protection of eligible heritage sites under the *Heritage Conservation Act*.

4.6.8 The Local Trust Committee will support programs to increase education, recognition, awareness and appreciation of heritage resources.

4.6.9 The Local Trust Committee shall work with the Canadian Coast Guard, the RCMP, the South Pender Island Local Trust Committee and other organizations to educate users about the speed limit through the canal separating North and South Pender in order to reduce the rate at which erosion is occurring near the Canal Site.

Issues and Opportunities:

Possible topics of interest could include:

- Subsistence on maritime resources, and the continuance of that reliance today
- Art and sculpture based on spirit power and shamanic beliefs
- Advanced woodworking in Coast Salish culture
- Memorial potlatches, feasts for the dead, and the use of masks
- Manifestations of social ranking in times past by use of the labret, ear spool types and head deformations in infancy; and how social ranking is perceived today
- Items used for trade such as quartz crystals, soapstone and dentalium
- Soapstone-carved crafts and spoon-making

Consultation:

January/February 2017:

1. Notification to local First Nations' Chief and Council about intentions to invite community members who can speak to how many of the cultural practices discovered in the canal excavation continue today. The cultural-themed public event would include a follow-up feedback from either Islands Trust staff or trustees to the Nations' Chief and Council.
2. Event Plan to be shared with all stakeholders. Posters developed.

February/March 2017

1. Event
2. Feedback to local First Nations by Islands Trust staff or trustees. Discussion regarding the desire for possible subsequent events.

Rationale for Recommendation:

As the NPLTC considers developing constructive actions that demonstrate a commitment to improving respectful relationships between residents and visitors of the Pender Islands and the local First Nations with asserted interests, they should do so with care given the complexities of competing First Nations interests and the recent unfortunate issue of burial sites being disturbed due to the development at Poets Cove Resort.

Focusing on a research project over 30 years old – with significant findings – will shift the attention to the extraordinary resilience of Coast Salish cultural practices, not necessarily which First Nations have stronger claims to the Pender Islands

This show of respect at a cultural and spiritual level will soften the ground and allow for a sincere political dialogue between elected First Nations officials and the NPLTC (and possibly SPLTC). This, in turn, can lead to a broader discussion with other First Nations and interested agencies in the development of a plan of activities to foster a relationship of mutual respect.

ALTERNATIVES

- 1. A first step that is not a public event.** The NPLTC could invite known First Nations elders or knowledge-keepers for a low-key shared meal where they could offer advice on moving forward and the NPLTC could, in turn, share that information more publically afterwards.
- 2. A first step that focuses on background First Nations information.** The NPLTC could have a preliminary public event for residents that helped prepare them with background information such as the Douglas Treaties or information on those Nations currently involved in the BC Treaty process.
- 3. Request further information.** A more comprehensive plan of approach may be desired that includes preliminary discussions with other agencies such as Parks Canada, the Capital Regional District or others before approaching local First Nation.

NEXT STEPS

An Event Plan to be submitted to the NPLTC (and possibly the SPLTC) for approval for a February/March event.

Submitted By:	Justine Stark, Island Planner Fiona XETIXÁTTEN MacRaid, Senior Intergovernmental Policy Advisor	January 13, 2017
Concurrence:	Robert Kojima, Manager, Regional Planning Manager, Southern Team	January 13, 2017

Appendix A

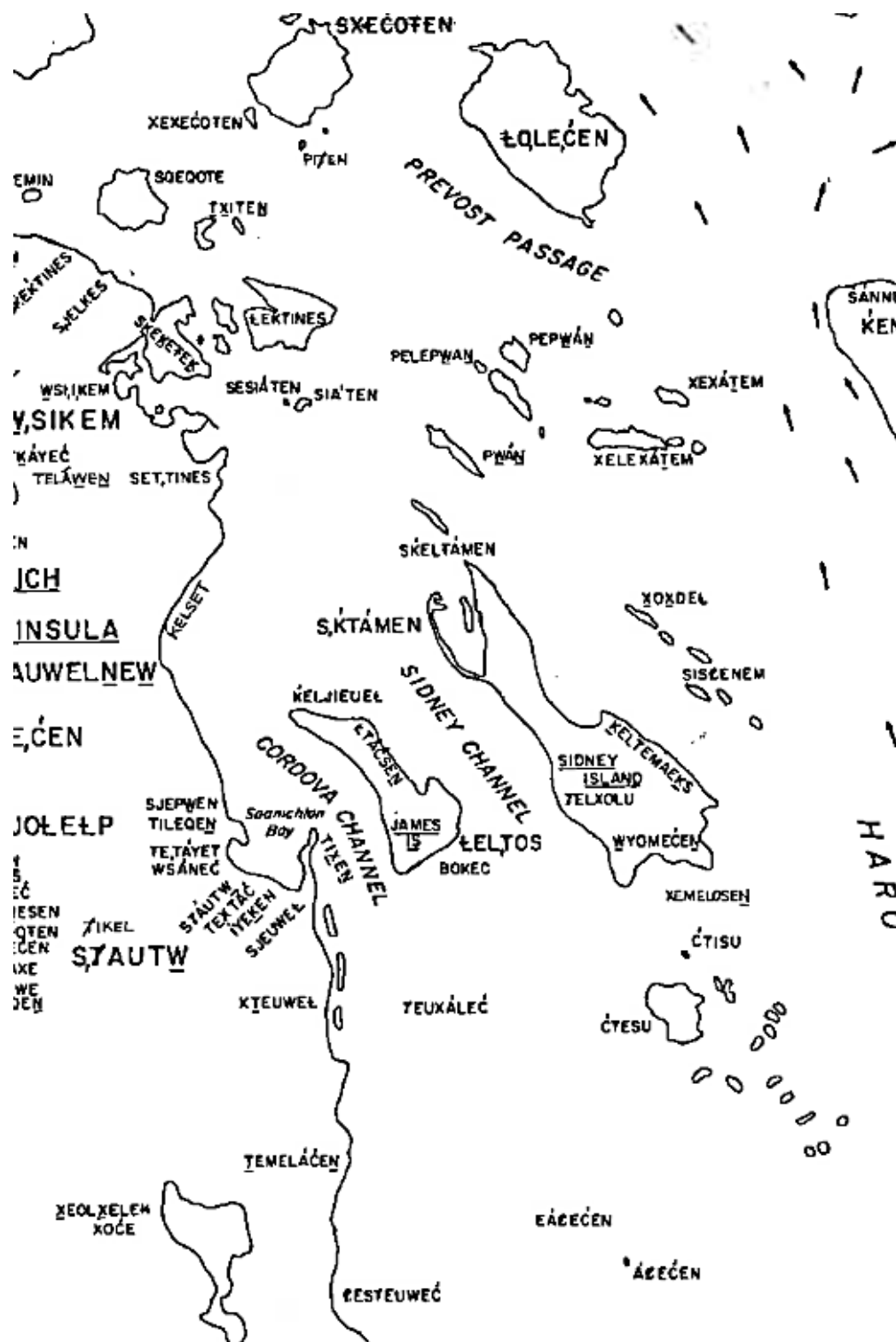
Sites of Special Significance to Douglas Treaty Nations on North Pender, South Pender and Associated Islands



Pender Islands

S,DÁYES	"wind drying", referring to drying salmon	North Pender Island
KELAKE	"crow"	Razor Point
TELOSEN	"taking a mate"	Hope Bay
CAK,SEN	"seal call point"	Stanley Point
HE,KIN,ES	"chest out of the water"	James Point
SKÁTEM	"place of otters"	Otter Bay
XE XÍÁCSÉN	"narrow neck"	bluffs on bay south of Otter Bay
S,KEK,TINES	"place to get chest out of the water"	Pender Bluffs
XIXÁNEM	"little running trail"	area along Swanson Channel, NW of Wallace Point
SWÁLET	XIXEXI means "narrow", SWÁLET of Pelkey family	west entrance of Bedwell Harbour
E,H,O,	"did you hear?", burial ground at one time	beach at park on north side of Bedwell Harbour
ILÉCEN	"earth edge"	Port Browning
SMONEĆ	"pitch", referring to pitch for fire-starting	eastern point of South Pender
XELISEN	"lost middle", it used to be an isthmus joining North, South Pender Island	NW point Camp Bay
QENENIW	"watching the slack tide"	SE point of South Pender Island

Associated Islands with North Pender Local Trust Committee



SKĒMIN	name of a little black duck you see there	Arbutus Island
SSEQOTE	"crow"	Piers Island
XEXECOTEN	"little dry mouth"	Brackman Island
SXECOTEN	"you can see where your mouth is", ("dry mouth")	Portland Island
PITEN	describes the idea of slippage, like a knot slipping down a rope	little island south of Portland Island
LO,LE,CEN	"place to leave behind", ("abandoned earth")	Moresby Island
TXITEN	"hard rocks" from TEX - "hard" & TEN - "becoming"; at low tide completely surrounded by reef rocks	Knapp Island
LEKTINES	"wide chest"	Coal Island
SESIATEN	"little hair", refers to a story about XAELS	Little Shell Island
SIATEN	"hair", refers to story noted above	Shell Island
PELEPWAN	"more than one blown"	Domville & Forrest Islands
PEPWAN	"a little one blown"	Brethour Island
PWAN	"blown by a breeze"	little island south of Domville
XELEXATEM	"crossways", this island lies in a different direction than all the others	Gooch Island group
XEXATEM	"little crossways"	Comet Island
LEL,TOS	"splashed in the face"	James Island

BOKÉĆ	"sand bluff"	South end bluff
ŁTÁĆSEN	"splashed on the neck"	NE spit of James Island
ĲELJIEUEL	"sheltered canoes", from the word for shelter	spit on centre east side of James Island
SKTÁMEN	"submerged by the waves"	Sidney Island Spit
WYOMEĆEN	"the land of caution", the beach faces the south wind so it is difficult to land here	SW point on Sidney Island
TELXOLU	"place of defeat"; halibut fishing area	west side, beach across from James Island
SKELTÁMEN	plural for SKTÁMEN, (see above)	north end of Sidney Island
KELTEMÁEKS	"bad light"	east mid side bay of Sidney Island
XEMELOSEN	"souvenir"	Sallas Rock
XOXDEŁ	an Indian name, Mother of XODEŁ (Spiden Island)	Mandarte Island
SISĆENEM	idea of sitting out for pleasure of the weather	Halibut Island
TEUXÁLEĆ	"giant" - refers to a story	James Spit sandbar
ĆTESU	"just arrived"	D'Arcy Island
ĆTISU	"little just arrived"	Little D'Arcy Island
EÁĆECEN	"goodbye earth", refers to the high tide concealing the reef	Zero Rock
ÁĆECEN	"little goodbye earth"	Little Zero Rock



Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke	
2	Housing	This is a broad scope project focused on housing; the first priority was consideration of vacation rentals in residential zones. The LTC will now consider permitting secondary suites on North Pender.	03-Feb-2015	Justine Starke	
3	First Nations Interests	LTC to consider First Nations issues and interests affecting North Pender.	24-Nov-2016		



Projects

North Pender Island

Description	Activity	R/Initiated
Potable Water		29-Oct-2015
Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015
Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009
Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths - DONE 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) 6. Marine riparian areas		22-Jan-2009
Agricultural Building Watercourse Setbacks		28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

**Projects****North Pender Island**

Description	Activity	R/Initiated
LUB Amendments	·review of industrial zoning, including waste management ·tourist commercial zoning review ·home industry regulation ·review of commercial (C1) zoning ·incorporate TUP's into zoning ·landscape screening review ·review of marine zoning regulations in conjunction with overall shoreline development review ·amendments to permit renewable energy ·review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction ·height exemptions for agricultural or forestry buildings ·max floor area for principal dwellings	22-Mar-2012
Road Side Signs		26-Apr-2012
Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012
LUB/OCP Amendments Related to Roadway and Transportation Initiatives	·NZEV designation ·Level 2 Charging Stations ·Additional Car Stop Locations ·Additional Bicycling-Walking Routes ·Heritage Roads ·Road standards in subdivision servicing regulations ·Related policy and regulatory options	20-Sep-2012

Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.

Projects

North Pender Island

Description	Activity	R/Initiated
Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones	
Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	22-Jan-2009



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.6	c/o DRIFTWOOD PROPERTIES Planner: Phil Testemale	19-Sep-2016	4605 Bedwell Harbour Rd.\nUpdate the character of the building and landscaping.
Planning Status			
Status Date: 18-Jan-2017 Permit drafted; application on January 26 agenda for consideration of issuance.			
Status Date: 17-Nov-2016 Waiting on information (previous)			
Status Date: 03-Oct-2016 E-mail sent to applicant requesting revised plans and a completed application (landscaping, parking and screening)			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.3	KAYNE, DONALD Planner: Phil Testemale	01-Jun-2016	37149 Schooner Way\nVariance application on setback to build a SFD for recreational purposes.
Planning Status			
Status Date: 18-Jan-2017 Applicant has new designer - waiting for amended plans			
Status Date: 19-Jul-2016 Application on hold as owners review options based on staff feedback to initial proposal			
Status Date: 01-Jun-2016 File opened and forwarded to LTC and Planner.			

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
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**Applications**

NP-LCB-2016.1 SH-QU-ALA (PORT 27-Oct-2016 4605 Oak Rd.\nSH-QU-ALA change to liquor licence

BROWNING MARINA

PUB)

Planner: Phil Testemale

Planning Status

Status Date: 13-Jan-2017

Notification sent out. Jan 26 agenda (CIM and resolutions)

Status Date: 17-Nov-2016

New Application

Status Date: 15-Nov-2016

File opened and forwarded to planner and LTC

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD\n\nTo change from a TUP to a permanent zoning for a highway works yard.

Planner: Phil Testemale

Planning Status

Status Date: 18-Jan-2017

Applicant will be providing 2006 site profile supplemented by water and soil testing by SNC Lavolin to be conducted next week. If information rec'd February 2017 agenda for First Reading

Status Date: 09-Jan-2017

Applicant has provided drainage plan.

Status Date: 19-Jul-2016

Bylaw drafted. Waiting for drainage plan. Sept 22 LTC agenda.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.2	PORT BROWNING MARINA RESORT LTD INC.NO. BC1037734	09-May-2016	4605 OAK RD\nRezone the water lot adjacent to the current Marina

Planner: Phil Testemale

Applications

Planning Status

Status Date: 18-Jan-2017

On Jan 26 agenda for First Reading

Status Date: 17-Nov-2016

First reading deferred pending submission of AIA.

Status Date: 21-Oct-2016

Staff Report No. 2 on October 27 agenda. First Reading of Bylaw recommended.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.3	MILL BAY MARINE GROUP c/o HENSHAW	20-May-2016	4602 and 4606 and 4605 Oak Road\n\n005-636-639\nRequest that area zoned SD(a) passing through lots 3 and 4 be re-aligned to be adjacent to the westerly boundaries AND rezone the part of lot 3 that sits NE of Oak Rd to be C3(a).

Planner: Justine Starke

Planning Status

Status Date: 18-Jan-2017

On Jan 26 LTC agenda for First Reading

Status Date: 17-Nov-2016

First reading deferred pending receipt of archaeological impact assessment.

Status Date: 20-Oct-2016

Draft bylaws for consideration of first reading to Oct 27 LTC mtg.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.4	PENDER ISLAND COMMUNITY SERVICE SOCIETY PICSS c/o RAE	27-Oct-2016	4605 BEDWELL HARBOUR RD\nOCP AND LUB Amendment from Rural to Community Service Zoning

Planner: Phil Testemale

Planning Status

Status Date: 13-Jan-2017

DAI letter sent to applicant.

Applications

Status Date: 09-Jan-2017

DIA Letter being prepared. February agenda for Preliminary Staff Report

Status Date: 01-Nov-2016

File circulated to planner and LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD \nTo create 11 lots including remainder
Planner: Kim Stockdill			

Planning Status

Status Date: 29-Sep-2015

Subdivision exempt from DPAs (PLA condition no. 3)

Status Date: 20-Aug-2015

Applicant provided Environmental Assessment on Eagle's Nest.

Status Date: 11-Jun-2015

applicant indicates that owners have reached decision to proceed with altered driveway, biologist to review route for impact on DPA

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd\nBoundary adjustment
Planner: Phil Testemale			

Planning Status

Status Date: 05-Oct-2016

PLA rec'd from MoTI

Status Date: 15-Sep-2016

Waiting for PLA

Status Date: 27-Jun-2016

Subdivision referral report sent to MoTI



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2015.1	BURDETT, MICHAEL	10-Mar-2015	4606 RAZOR POINT RD For resource recovery of discarded goods and transferring of disposables for trucking to a landfill or recycling processor.

Planner: Rob Milne

Planning Status

Status Date: 19-Dec-2016

Emailed applicant to inquire if they have decided on how they wish to proceed.

Status Date: 15-Dec-2016

Emailed applicant a summary of discussion of ALC resolutions with ALC staff, after failure to contact by phone.

Requested direction on application.

Status Date: 08-Dec-2016

Telephone conversation with applicant. Applicant will consider modifying scope of uses and advise staff of decision and direction.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2016.2	GARNET B COBURN BARBARA Z LANDALE	12-Feb-2016	4753 BOSUN WAY \n\nTUP for STVR permit.

Planner: Justine Starke

Planning Status

Status Date: 17-Nov-2016

Applicant proceeding. January 2017 Agenda.

Status Date: 03-May-2016

Applicant requested to put file on hold pending the outcome of the STVR community planning process.

Status Date: 12-Feb-2016

opened file, notified LTC, processed fee, gave to planner

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2016.3	BRAEDON'S BIG DIGEM EXCAVATING	04-Apr-2016	3334 Port Washington Rd\nTemporary use permit for wholesale and storage of aggregates, soil and mulches.

Planner: Phil Testemale

Applications

Planning Status

Status Date: 13-Jan-2017

Notifications sent out. Consideration on January 26 agenda

Status Date: 20-Dec-2016

Revised/Draft Permit sent to applicant - clarification requested. January 26 agenda.

Status Date: 15-Sep-2016

Applicant proceeding with TUP - October agenda

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending November 2016

650 North Pender	Invoices posted to Month ending November 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	228.45	1,271.55
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	2,067.59	1,932.41
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	209.71	390.29
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>2,277.30</u>	<u>3,322.70</u>
Projects				
73001-650-4054	North Pender Waste Management Review	10,000.00	9,683.33	316.67
73001-650-4073	North Pender STVR Review	4,000.00	1,356.02	2,643.98
73001-650-4074	North Pender Affordable Housing Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>18,000.00</u>	<u>11,039.35</u>	<u>6,960.65</u>

650 North Pender

Prd.	Source	Date	Description	Reference	Amount
65000-650					
		LTC "Trustee Expenses"			
03	AP	6/30/2016	DIANNE BARBER	4802	228.45
					228.45
65200-650					
		LTC - Local Exp - LTC Meeting Expenses			
01	AP	4/24/2016	SHANNON BRAYFORD	APRIL 24 2016	25.36
02	AP	5/31/2016	PENDER ISLAND RECREATION AND A	1163	270.00
02	AP	5/30/2016	SHANNON BRAYFORD	MAY 30, 2016	370.46
03	AP	6/30/2016	ST.PETER'S ANGLICAN CHURCH	JUNE 30, 2016	175.00
03	AP	6/30/2016	DIANNE BARBER	4802	60.66
03	AP	6/30/2016	SHANNON BRAYFORD	JUNE 30, 2016	305.35
03	GL	6/30/2016	REV ACC HALL RENTAL JAN-MAR/16	BA2-5	-120.00
04	AP	7/27/2016	MARY WINSPEAR CENTRE	9143 JUL/16	80.00
04	AP	7/28/2016	SHANNON BRAYFORD	JULY28/16	190.74
06	AP	9/22/2016	SHANNON BRAYFORD	SEPT 22/16	190.74
07	AP	10/27/2016	SHANNON BRAYFORD	OCT 5, 2016	289.96
08	AP	11/24/2016	SHANNON BRAYFORD	NOV24/16	229.32
					2,067.59
65210-650					
		LTC - Local Exp - APC Meeting Expenses			
06	AP	9/9/2016	PENDER ISLAND RECREATION AND A	1224	30.00
06	AP	9/22/2016	SHANNON BRAYFORD	SEPT 22/16	179.71
					209.71
73001-650-2006					
		North Pender OCP/LUB			
07	GL	10/31/2016	REAL DRIFTWOOD INV 7043777 TO PROJ 4073	BA2-3	-587.45
07	GL	10/31/2016	REVERSE OCT/16 J/E BA2-3	BA3-1	587.45
08	AP	11/3/2016	DRIFTWOOD PUBLISHING LTD.	7043777	587.45
08	GL	11/30/2016	REAL DRIFTWOOD INV #7043777 TO PROJ 4073	BA2-5	-587.45
					0.00
73001-650-4054					
		North Pender Waste Management Review			
02	AP	5/30/2016	THE ROYAL CANADIAN LEGION BRANCH 239	009	100.00
02	AP	5/30/2016	SHANNON BRAYFORD	MAY 30, 2016	116.87
03	AP	6/6/2016	PEOPLE POWER PRODUCTIONS INC.	1609-1	840.00
04	AP	7/4/2016	PENDER POST	24097	34.29
04	AP	7/31/2016	PEOPLE POWER PRODUCTIONS INC.	1615	1,440.00
05	AP	8/8/2016	PENDER EVENT RENTALS	423	17.66
05	AP	8/10/2016	THE ROYAL CANADIAN LEGION BRANCH 239	016	190.00
05	AP	8/10/2016	SHANNON BRAYFORD	AUG10/16	323.04
05	AP	8/30/2016	PEOPLE POWER PRODUCTIONS INC.	1618	3,270.00
05	AP	8/27/2016	BANK OF MONTREAL-MASTERCARD	DOIRON AUG/16	165.00
06	AP	9/12/2016	THE ROYAL CANADIAN LEGION BRANCH 239	023- OCT6/16	190.00
06	AP	9/30/2016	PEOPLE POWER PRODUCTIONS INC.	1620	1380.30

07	AP	10/11/2016	PENDER EVENT RENTALS	442	37.66
07	AP	10/9/2016	VANILLA LEAF BAKERY CAFE LTD.	65	185.00
07	AP	10/31/2016	PEOPLE POWER PRODUCTIONS INC.	1622	1,170.00
07	AP	10/27/2016	SHANNON BRAYFORD	OCT 5, 2016	223.81
					9,683.33

73001-650-4073

North Pender STVR Review

07	AP	10/30/2016	DRIFTWOOD PUBLISHING LTD.	7043796	587.45
07	AP	10/3/2016	THE ROYAL CANADIAN LEGION BRANCH 239	029-NOV 5/16	100.00
07	GL	10/31/2016	REAL DRIFTWOOD INV 7043777 TO PROJ 4073	BA2-3	587.45
07	GL	10/31/2016	REVERSE OCT/16 J/E BA2-3	BA3-1	-587.45
08	AP	11/8/2016	ROBYN LUDWIG	2	81.12
08	GL	11/30/2016	REAL BLACKMAN INV 20163315 TO HW/SW FOR SSI PHONE	BA2-5	587.45
					1,356.02

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. 2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;
4.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
5.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.

6.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes 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 for other issues or if it is reliably reported to the officer that such activity may be taking place.
7.				