



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: July 28, 2016
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	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	10:00 AM - 10:10 AM
6.1 Local Trust Committee Minutes Dated June 30, 2016 (for Adoption/Receipt)	4 - 12
6.2 Section 26 Resolutions-without-meeting Report Dated July 2016	13 - 13
6.3 Advisory Planning Commission Minutes (for Receipt)	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated July 2016	14 - 15
8. DELEGATIONS	10:10 AM - 10:20 AM
8.1 Representative from the Pender Island Trust Protection Society	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
none	

10.	APPLICATIONS AND REFERRALS	10:20 AM - 10:45 AM	
10.1	NP-DP-2016.4 (Port Browning Marina) - Staff Report		16 - 33
10.2	NP-DVP-2016.4 (Cribb) - Staff Report		34 - 46
10.3	NP-RZ-2016.3 (Eakins) - Staff Report		47 - 61
11.	LOCAL TRUST COMMITTEE PROJECTS	10:45 AM - 11:00 AM	
11.1	Short Term Vacation Rentals (STVRs) - Update Report		62 - 65
12.	REPORTS		
12.1	Work Program Report (attached)	11:00 AM - 11:20 AM	
12.1.1	<u>Top Priorities - Housing Needs Assessment - Discussion</u>		
12.1.2	<u>Top Priorities Report Dated July 2016</u>		66 - 66
12.1.3	<u>Projects List Report Dated July 2016</u>		67 - 69
12.2	Applications Report Dated July 2016 (attached)		70 - 75
12.3	Trustee and Local Expense Report none		
12.4	Adopted Policies and Standing Resolutions (attached)		76 - 77
12.5	Local Trust Committee Webpage		
12.6	Chair's Report	11:20 AM - 11:30 AM	
12.7	Trustee Report		
12.8	Trust Fund Board Report none		
13.	NEW BUSINESS		
13.1	2017-18 Budget: LTC Project Funding Requests - Staff Memo		78 - 82
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for September 22, 2016 at the Community Hall, Pender Island		
14.2	Special Local Trust Committee Meeting Scheduled for August 10, 2016, at 10:00 am, at the Pender Island Legion		
15.	TOWN HALL	11:30 AM - 11:45 AM	

16. **CLOSED MEETING (Distributed Under Separate Cover)** 11:45 AM - 12:00 PM

16.1 **Motion to Close the Meeting**

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

- *Adoption of In-Camera Meeting Minutes Dated March 31, 2016 and*
- *Appointment of APC Members*

16.2 **Recall to Order**

16.3 **Rise and Report**

17. **ADJOURNMENT** 12:00 PM - 12:00 PM



DRAFT

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: June 30, 2016
Location: Anglican Parish Hall
4703 Canal Road, North Pender Island, BC

Members Present: George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

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

Public Present: There were approximately thirty-eight (38) members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 4:00 p.m. and announced that the meeting was being recorded. He read a statement providing an overview of the rationale for recording the meeting, the uses of the recording, and the regulations regarding defamatory comments.

Chair Grams welcomed the public and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Donn Korbin spoke in support of the Browning Harbour development project. He noted that the minutes were in error as they said that the Special Meeting of May 30, 2016 was advertised on the Islands Trust News Feed.

Donn Korbin asked for information regarding the special group which was announced at the open house concerning Waste Management.

Planner Starke clarified that there was not a special group. She provided an overview of the upcoming meeting, noting that attendees were asked to RSVP and that, while space is limited, only 18 of the 25 seats have been filled. She further remarked that there will be additional town halls for general attendance in the future.

Gary Steeves spoke in opposition to NP-TUP-2016.4. He provided an overview of the site and the potential negative impacts that a Short Term Vacation Rental (STVR) would have on the neighbours.

Peter Taylor spoke in opposition to NP-RZ-2016.2 noting the noise and fume pollution that be experienced by his property.

Michael Sketch noted that he had provided a written submission to the LTC regarding the deposition of fill on the ALR land on the Burdett property and summarized the content of the document. He asked that Trustee Masselink apologize for comments made at the May 26, 2016 meeting and also consider recusing himself from discussions and decisions on this issue.

Chair Grams noted that all Trustees and appointed Commissioners have access to staff support in determining whether they are in a position of conflict of interest.

Ben McConchie asked that Trustees consider the limited resource of water when making their decisions.

Candice Zell spoke in favour of STVRs noting the benefits of them and the drawbacks of empty vacation homes.

Gary Steeves remarked that the Official Community Plan (OCP) states that the LTC should undergo a water-mapping project for Pender.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 26, 2016 (for Adoption)

By general consent, the Local Trust committee meeting minutes of May 26, 2016 were adopted as presented.

6.2 Local Trust Committee Special Meeting Minutes Dated May 30, 2016

By general consent, the Local Trust committee meeting minutes of May 30, 2016 were adopted as presented.

6.3 Section 26 Resolutions-without-meeting Report

none

6.4 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2016

Received for information

8. DELEGATIONS

8.1 M. Kenwell re The Increase in the Summer Population & its Impact on the Local Infrastructure 2016.

Marika Kenwell provided a report based on interviews she had held with infrastructure stakeholders. Her report included the following infrastructure related concerns:

- Increased volume of emergency responder calls.
- Health Care Clinic being used for walk-ins, displacing resident patients.
- Increased amount of after-hours care provided by the local physicians.
- Increased stress on the water and sewer system in Magic Lake Estates.

9. CORRESPONDENCE

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

9.1 Email Dated June 13, 2016 from Sam Sydneysmith regarding Sign on Portland Island

A discussion of the correspondence was held and there was general consensus that staff should reply with an explanation that the island is a National Park and not within this LTC's jurisdiction, and that the superintendent of Parks Canada should be copied on the communication.

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaw No. 488 Referral

By general consent, the LTC stated that their interests are unaffected by proposed bylaw Nos. 113 and 114 South Pender Island Local Trust Committee.

10.2 NP-TUP-2016.4 (Hewlett)

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

A discussion was held regarding the following points:

- Date restrictions
- TUP length
- Neighbour concerns
- Sign restrictions
- Renewal and reapplication fees

NP-2016-042

It was MOVED and SECONDED,

that Temporary Use Permit NP-TUP-2016.2 (Hewlett) be amended as follows:

- The duration of the permit shall be for a one year and three month period.
- Landscape screening is required between the subject property and the property to the west (27131 Schooner Way) and the property to the east (2703 Yawl Lane).
- The maximum number of guests is limited to four.
- No signs shall be put up advertising the STVR.

CARRIED

NP-2016-043

It was MOVED and SECONDED,

that Temporary Use Permit NP-TUP-2016.2 (Hewlett) be approved as amended.

CARRIED

10.3 NP-DVP-2016.2 (Mainroad)

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

NP-2016-044

It was MOVED and SECONDED,

that Development Variance Permit NP-DVP-2016.2 (Mainroad Properties) be approved.

CARRIED

10.4 NP-DP-2016.2 (Gallander & Smith)

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

The applicant spoke and provided an overview of the intended plantings.

NP-2016-045

It was MOVED and SECONDED,

that Development Permit NP-DP-2016.2 (Gallander & Smith) be approved.

CARRIED

10.5 NP-RZ-2016.3 (Eakins)

Planner Starke provided an overview of the application and the related staff report. She noted that the application included a request to rezone a portion of the rural lot to Commercial 3 (C3), but that this request will be addressed in a future staff report.

The applicant was invited to speak and provided an overview of the request.

Planner Starke provided clarification on the recommended bylaw amendment.

NP-2016-046

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee proceed with application NP-RZ-2016.3 (Eakins) and direct staff to prepare draft bylaws to remove the service zone SD(a) and incorporate the use into a rural zone variation on Lot 3, Section 11, Pender Island Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW.

CARRIED

10.6 NP-RZ-2016.2 (Port Browning)

Planner Starke provided an overview of the application and the staff report. She outlined the additional information that was requested of the applicant by staff.

A member of the public, Peter Taylor expressed concern that the applicant had not contacted neighbours.

Trustee Masselink acknowledged the presence of concerns and remarked that the application process was still in the early stages.

NP-2016-047

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee proceed with the application NP-RZ-2016.2 (Port Browning Marina) and to prepare a draft bylaw.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Short Term action Rentals (STVR)

Planner Starke provided an overview of the staff report and the history of the project.

Planner Starke addressed proposed bylaws 203 and 204, outlining the nature of the proposed bylaws and the timeline for the process.

Trustee Barber asked for a discussion of legalization with regulations. A discussion was held and the following points were raised:

- Some members want outright allowance and others still oppose STVRs.
- Benefits of the TUPs
- Benefits of legalization with regulation.
- Drawbacks of TUPs, including application cost.

Trustee Barber commented that it allows one STVR per property, but would like the TUP to consider one STVR per 10 acres. A discussion was held. Staff was directed to complete an analysis and there was general consensus that the issue will be considered at the second reading.

NP-2016-048

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee give First Reading to Bylaw No. 203, cited as "North Pender Island Official Community Plan Bylaw No. 171, Amendment No. 2, 2016."

CARRIED

NP-2016-049

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee give First Reading to Bylaw No. 204, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016."

CARRIED

NP-2016-050

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 203 and Bylaw No. 204 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2016-051

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee refer Bylaws 203 and 204 to the North Pender Island Advisory Planning Commission for feedback.

CARRIED

NP-2016-052

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for Bylaws 203 and 204.

CARRIED

NP-2016-053

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to consider changes to the Land Use Bylaw or other regulations to ease limitations of only one Short Term Vacation Rental on parcels over ten acres.

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated June 2016

For information

12.1.2 Projects List Report Dated June 2016

For information

12.2 Applications Report Dated April 2016 (attached)

For information

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

For Information

12.4 Adopted Policies and Standing Resolutions (attached)

For information

12.5 Local Trust Committee Webpage

No remarks were made

12.6 Chair's Report

Chair Grams provided a report which included the following points:

- Overview of the decisions made at Trust Council.
- Update on Salt Spring Island's ongoing groundwater project, noting that a Water Consumption and Efficiency Committee will be formed and he was encouraging the inclusion of attendees from all islands.
- Announcement that Diana Allen will be presenting on August 19, 2016 on ground water in the Gulf Islands.
- Announced that the Senior Intergovernmental Policy Advisor has been appointed and provided an overview of the appointee's experience and education.

12.7 Trustee Reports

Trustee Barber provided a report on attending the Island's Trust Community Housing Forum and also Trust Council, which was hosted on North Pender Island.

Trustee Masselink provided an overview of the Trust Council Marine Traffic session with the Director from Transport Canada and representatives from the Port Authorities of Nanaimo and Vancouver.

12.8 Electoral Area Director's Report

none

12.9 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 28, 2016, 9:45 am, at the Community Hall, 4418 Bedwell Harbour Road, Pender Island

15. TOWN HALL

Michael Sketch asked the LTC to consider revising the Official Community Plan to distinguish STVRs and note that Temporary Use Permits (TUPs) for STVRs are not a precursor for rezoning.

Marika Kenwell asked for the location in the Local Government Act that deals specifically with Temporary Use Permits and stated that the TUP runs with the land in the event of a sale.

Planner Starke responded that she would have to research where the relevant regulation is found and remarked that she would send an email in response to the question.

16. CLOSED MEETING

none

17. ADJOURNMENT

NP-2016-054

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee meeting be adjourned at 6:30 p.m.

CARRIED

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2016-03	In Favour	THAT North Pender Island Local Trust Committee schedule a Special Local Trust Committee Meeting to be held August 10, 2016.	12-Jul-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
- draft a bylaw amendment to the Fees Bylaw 173 to reduce the fee for STVR TUPs to \$900.00.	Sharon Lloyd-deRosario Justine Starke	26-May-2016	Done
-draft a sample DAI Bylaw Checklist aimed at streamlining the STVR permit process.			

26-May-2016

Activity	Responsibility	Target Date	Status
Add Housing Needs Assessment to June Agenda for consideration of adding to top priority list.	Justine Starke	30-Jun-2016	Done

30-Jun-2016

Activity	Responsibility	Target Date	Status
Minutes of May 26 2016 and May 30 2016 adopted.	Regina Robinson	28-Jul-2016	Done
NP-TUP-2016.4 (Hewlett) - amended and approved: The duration of the permit shall be for a one (1) year and 3 month period landscape screening is required between the subject property and the property to the west (27131 Schooner Way) and east (2703 Yawl Lane). The maximum number of guests is limited to four No signs shall be put up advertising the STVR.	Sharon Lloyd-deRosario Phil Testemale	28-Jul-2016	Done



Follow Up Action Report

10.3 NP-DVP-2016.2 (Mainroad) - approved for issuance.	Sharon Lloyd-deRosario Phil Testemale	28-Jul-2016	Done
10.4 NP-DP-2016.2 (Gallander & Smith) - approved for issuance	Sharon Lloyd-deRosario Phil Testemale	28-Jul-2016	Done
Bylaws 203 & 204 (STVR) - given first reading (DONE), referred to APC, schedule public hearing and CIM, bring recommendations for how to address allowing more than one STVR on larger properties (DONE).	Justine Starke	28-Jul-2016	On Going
NP -RZ-2016.3 (Eakins) - proceed with application, draft bylaws to amend Rural zone as a zone variation to allow septic infrastructure.	Justine Starke	28-Jul-2016	On Going
NP-RZ-2016.2 (Port Browning) -proceed with the application and direct staff to prepare draft bylaws.	Justine Starke Phil Testemale	28-Jul-2016	On Going
South Pender Bylaws 113 and 114 referral -respond that NPI LTC interests are unaffected.	Sharon Lloyd-deRosario	28-Jul-2016	Done

STAFF REPORT

July 19, 2016

File No.: NP-DP-2016.4 (Port Browning)

To: North Pender Island Local Trust Committee
for the Regular LTC Meeting of July 28, 2016

From: Phil Testemale
A/Planner 2

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

Re: Rezoning Application

Owner: Port Browning Marina Resort Ltd.

Applicant: Robert Blanchard, P.Eng.

Description: Lot A (DDG54184) of Section 11, Pender Island, Cowichan District, Plan 7982

PID: 005-034-311

Civic Address: 4605 Oak Road

THE PROPOSAL:

This report is to consider a Development Permit (DP) application.

The applicant is proposing to undertake renovations, including minor additions, to the existing pub and restaurant facility on the subject property. The application is for measures for the proposed development to conform to the guidelines set out in **Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character**.

The Objective of the development permit area 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.*

The proposed Development Permit NP-DP-2016.4 (Port Browning Marina) is attached

BACKGROUND:

The subject restaurant and pub facility is a part of the Port Browning Marina facility. The marina operation has been in business since 1967 and was sold in September of 2015 to the Mill Bay Marine Group. This application is for minor exterior renovations and additions as an interim measure to improve the look and function of the facilities prior to a more substantial

redevelopment of the property and its associated marina. There are interior renovations that are part of the renovation and shown in plans, however, these are not included in the permit

There are concurrent applications for both rezoning (NP-RZ-2016.2 [marina expansion] and 2016.3 [septic infrastructure and inclusion of a portion of adjacent property with subject property]) and subdivision (NP-SUB 2016.2 – [boundary adjustment for latter). In addition, a DP application will be required for the overall redevelopment plan including an expanded marina for both form and character and environmental protection.

A summary of the proposal for the redevelopment, which, to be clear, is not part of this DP application, is as follows:

- Rebuilt and expanded marina (87 slips and approx. 340' of transient moorage).
- Completely renovated pub and bistro ('Bridgeman's Pub and Bistro).
- A newly constructed 60 seat clubhouse.
- A new heated pool that will allow for year round use.
- 23 rentable accommodation units (14 - 1 & 2 bedroom cabins and a 9 unit lodge).

THE PROPOSAL:

The application is to renovate the existing restaurant and pub facility and will entail the following:

- Enhanced entrance into the Bistro on the north side of the building.
- New sign at the Entrance to the Bistro (size and materials to conform to guidelines).
- Upgraded patio area, includes a new patio surface and protective hand rails. The existing patio and a portion of the building itself encroaches on the required setback area (15 m from Natural Boundary of the Sea). The work in this area does not include any new structures, only the repair and maintenance of existing ones.
- Rebuild the pub deck stairs
- New doors from the pub area onto the pub deck.
- A new sign at the pub entrance reading Bridgeman's Pub (size and materials to conform to guidelines).
- A new protective rail around the pub deck.

The applicant has also provided the following details:

- The aesthetics of the building are being maintained with all materials to match existing.
- Refreshing existing finishes will be completed as general maintenance as needed.
- No landscaping changes are proposed.
- There will not be an increase to the occupant load on the building therefore the parking as it is currently will not be affected.

The site plan for the specific area of the pub and restaurant with setbacks is shown as Figure Three. Figure Four is a floor plan, and Figure Five and Six are perspectives of the various aspects and character for the proposed renovations.

Given that the proposed development is minor in scope, a Development Permit Area Checklist for DPA 9 has not been completed.

SITE CONTEXT:

The subject property is 2.2 ha (5.5 ac) in size and is located on Oak Road entrance to Bracket Cove at head of Port Browning Harbour (Figure One). The property is largely developed with open grass fields and orchard in the eastern (lower) portion, and a wooded area along Oak Road. The development consists of the pub and café, marina office and store front, laundry facility and uses associated with the marina operation. Properties surrounding Bracket Cove and Port Browning are predominately rural and rural residential uses. There is also an industrial zoned property at the end of Hamilton road.

Staff has visited the subject property on numerous occasions.

Figure One: Subject Property

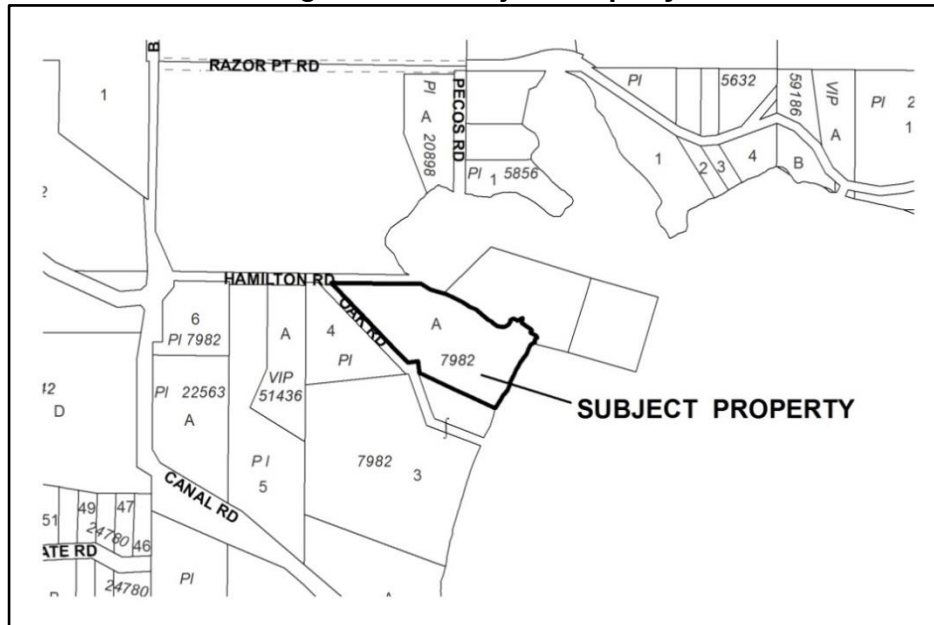


Figure Two: Orthophoto & Zoning



Figure Three: Site Plan

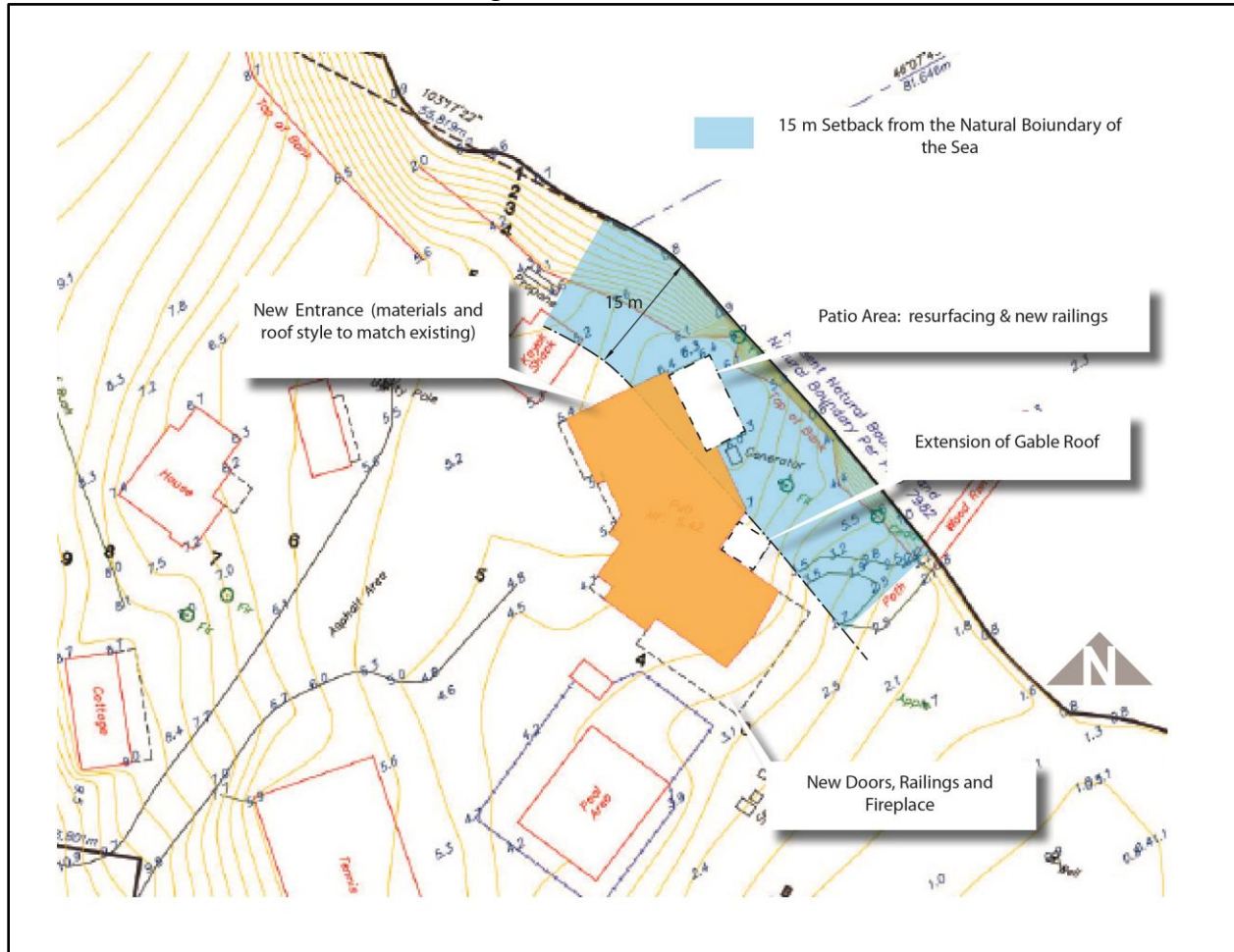


Figure Four: Building Plan



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

Figure Five: Elevations

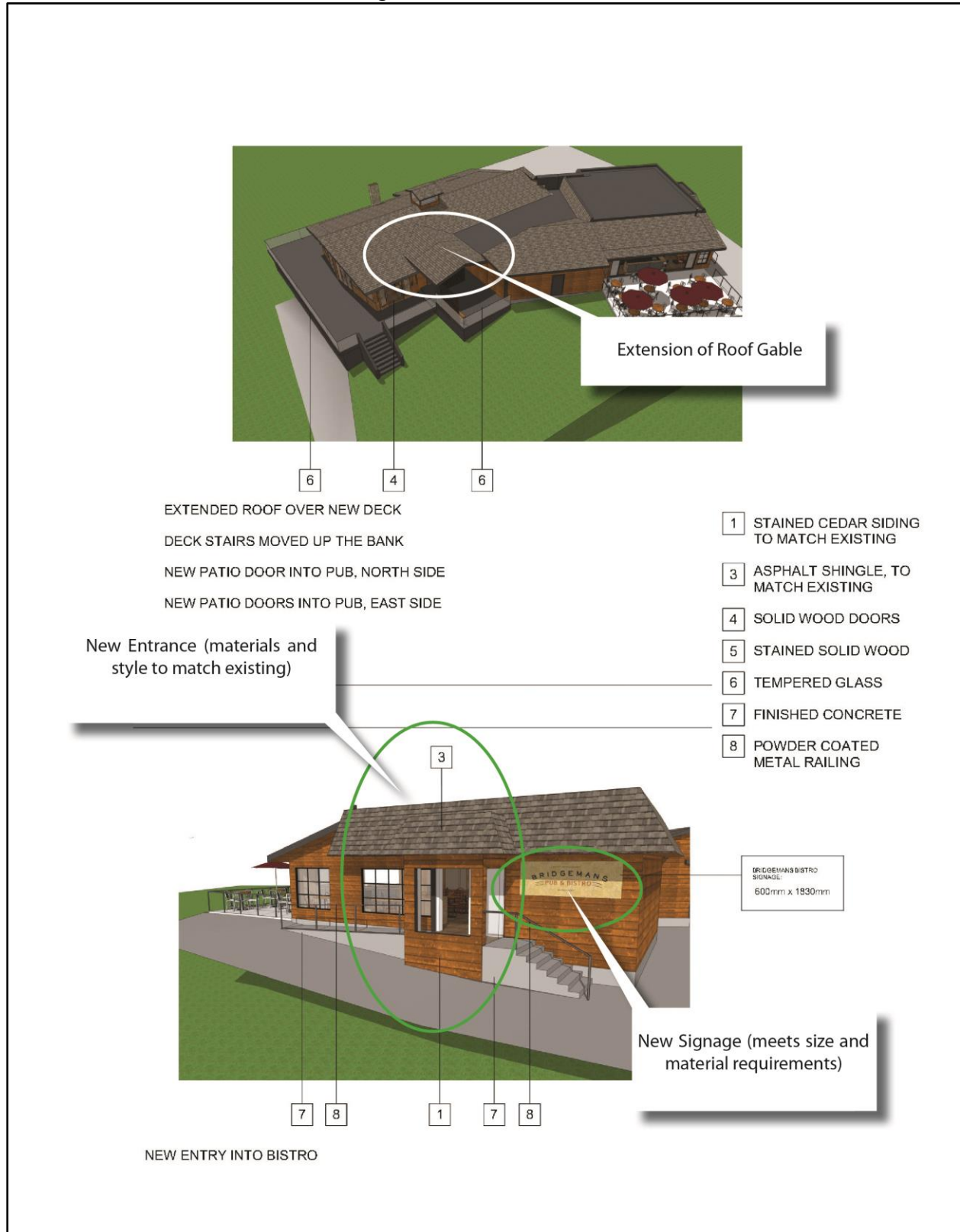


Figure Six: Elevations



8 6 7

RESURFACED CONCRETE PATIO
NEW BI FOLD PATIO DOOR INTO BISTRO
UPGRADED TO PATIO RAILING

2 BISTRO PATIO
Scale: 1/16" = 1'-0"

- 1 STAINED CEDAR SIDING TO MATCH EXISTING
- 3 ASPHALT SHINGLE, TO MATCH EXISTING
- 4 SOLID WOOD DOORS
- 5 STAINED SOLID WOOD
- 6 TEMPERED GLASS
- 7 FINISHED CONCRETE
- 8 POWDER COATED METAL RAILING



2

4

4

NEW PATIO DOORS INTO ENTRY AND LOWER PUB
MASONRY FIREPLACE MOVED TO SOUTH WALL
REMOVE EXISTING CHIMNEY AND PATCH ROOF WITH EXISTING SHINGLE
UPGRADED TO PATIO RAILING

4 PUB DECK
Scale: 1/16" = 1'-0"

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The relevant policy to the proposed development is:

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.

Official Community Plan

The North Pender Island Official Community Plan (OCP) designates the property as **TC – Tourist Commercial** (Figure Seven). Relevant OCP policies include:

Figure Seven: OCP Designations



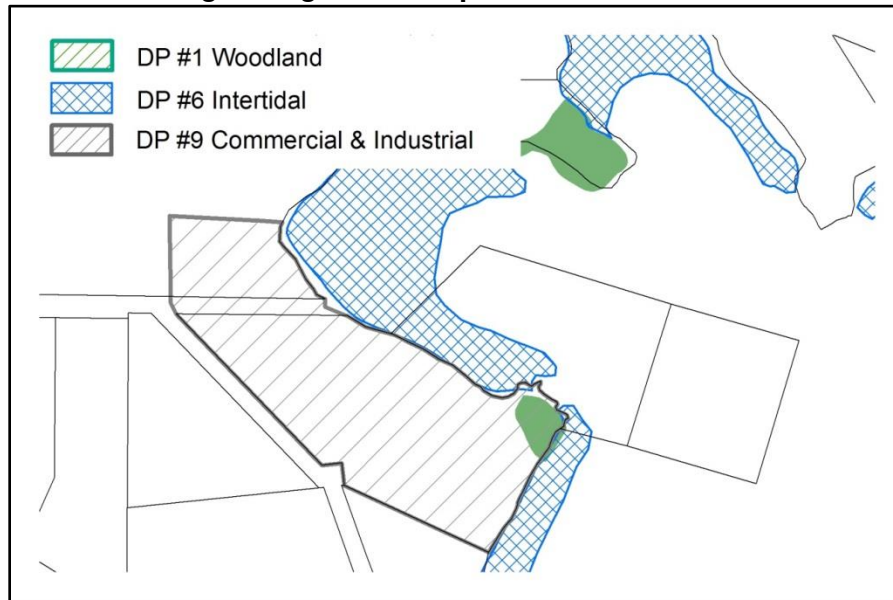
Development Permit Areas

Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the entirety of the property and the attached Water Lot 85 (Figure Eight). 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.

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. The current development proposal will not affect these protected areas.

Analysis of the proposed development's conformity to the objectives and guidelines of the DPAs is within "Issues Summary" and "Staff Comments" (below)

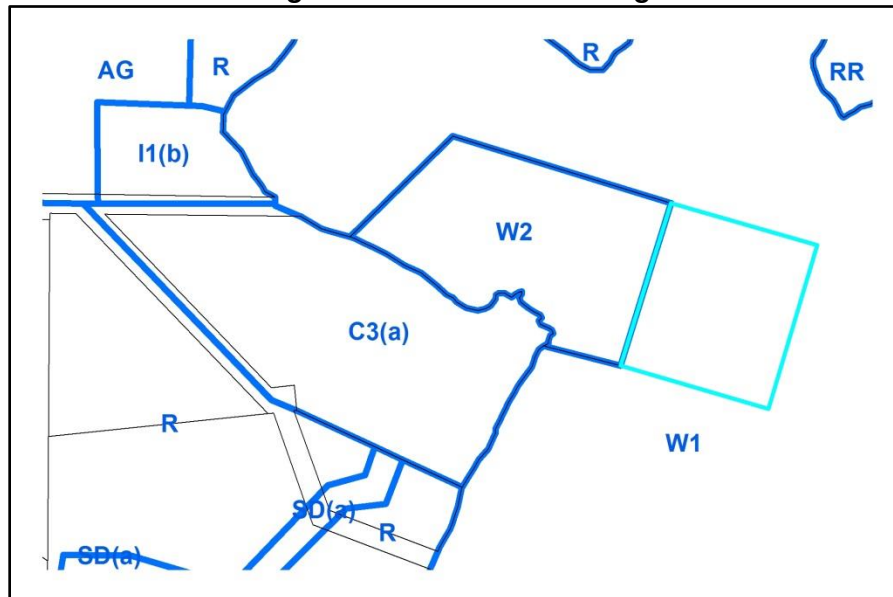
Figure Eight: Development Permit Areas



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 (Figure Nine).

Figure Nine: Current Zoning



Islands Trust Fund

The application does not affect the interests of the Trust Fund Board.

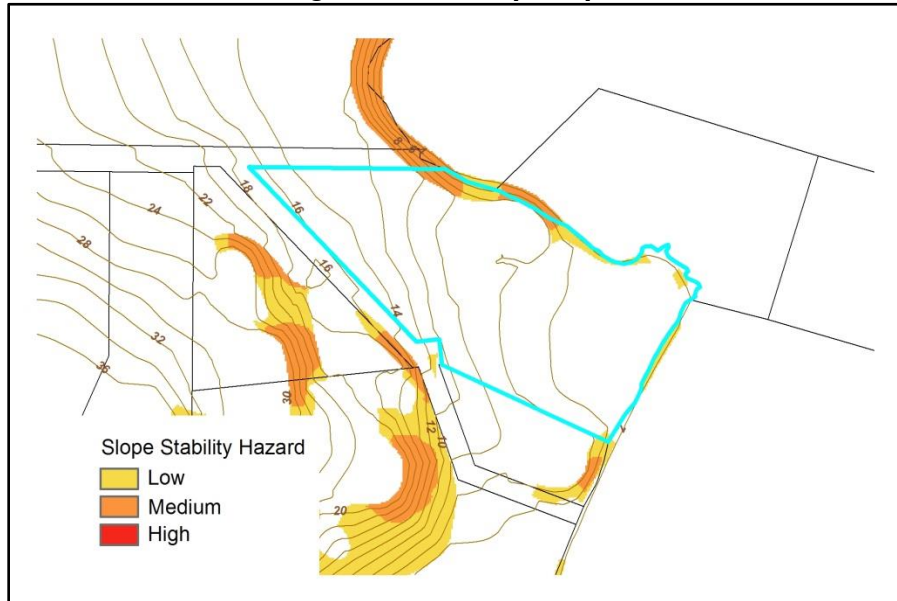
Regional Conservation Plan

The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

The woodland ecosystem is the only identified sensitive ecosystem on the subject property. As described above, the minor nature of external renovations will not impact this or the shoreline area. Low and medium slope hazard are identified along the shoreline to the north of the pub/restaurant (Figure Ten).

Figure Ten: Steep Slopes



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. The applicant is aware of these sites, and, as part of the marina rezoning (NP-RZ-2016.2), is conducting an Archaeological Impact Assessment (AIA). The minor nature of the proposed development should not impact any resources, however, by copy of this report, the applicants are notified of their obligations under the *Heritage Conservation Act* should any archaeological resources be encountered.

Covenants

There are no covenants 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.

Climate Change Mitigation and Adaptation

The proposed development consists mostly of interior alterations and minor additions and alterations to the exterior of the pub/restaurant, and, as such will have a negligible impact on greenhouse gas emissions. Susceptibility to hazards from climate change such as sea level rise and storm surges is limited given that the building is at a protected elevation of approximately 5.2 metres above sea level. It is primarily existing deck structures that (not buildings) that would potentially be susceptible to storm surges.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit.

ISSUES SUMMARY:

The proposed development is primarily interior alterations to the pub and restaurant and as well as exterior alterations which are minor in nature and conform to the guidelines of the DPA.

Only the exterior changes are part of the DP. In summary the relevant proposed changes are:

Bistro Entrance

- Enhanced entrance into the Bistro on the north side of the building.
- New sign at the entrance to the Bistro

Bistro Patio

- New patio surface,
- protective hand rails

Pub

- Rebuild the pub deck stairs
- New doors from the pub area onto the pub deck.
- A new sign at the pub entrance reading Bridgeman's
- A new protective rail around the pub deck

As described above, the area of the patio and a portion of the bistro are within the 15 m setback from the natural boundary of the sea. These structures have legal non-conforming status as they predate the 1999 change to the LUB from 7.5 metres to the current 15 metres. There are no new structures or increase in area proposed for that area, therefore a variance is not required.

The architecture, choice of materials and design are intended to match the existing building.

The signage will meet the materials guidelines and size requirements of the LUB.

Given the scale and extend of the changes, a landscape plan was seen as unwarranted.

STAFF COMMENTS:

Based on the foregoing, staff is recommending that the development permit be issued.

RECOMMENDATIONS:

1. **THAT** Development Permit **NP-DP-2016.4 (Port Browning Marina)** **BE APPROVED**

Prepared and Submitted by:



July 19, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

July 20, 2016

Date

Attachments: Proposed Development Permit **NP-DP-2016.4**



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2016.4

To: Port Browning Marina Resort Ltd. Ltd.
c/o Rob Blanchard

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

Lot A (DDG54184) of Section 11, Pender Island, Cowichan District, Plan 7982 (PID: 005-034-311)
2. This Development Permit authorizes the construction of additions and alterations to an existing commercial restaurant and pub building 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; And,
 - c) Construction shall be in substantially in accordance with the Elevations attached as Schedule 'C' 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. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
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.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##^h DAY OF , 2016.

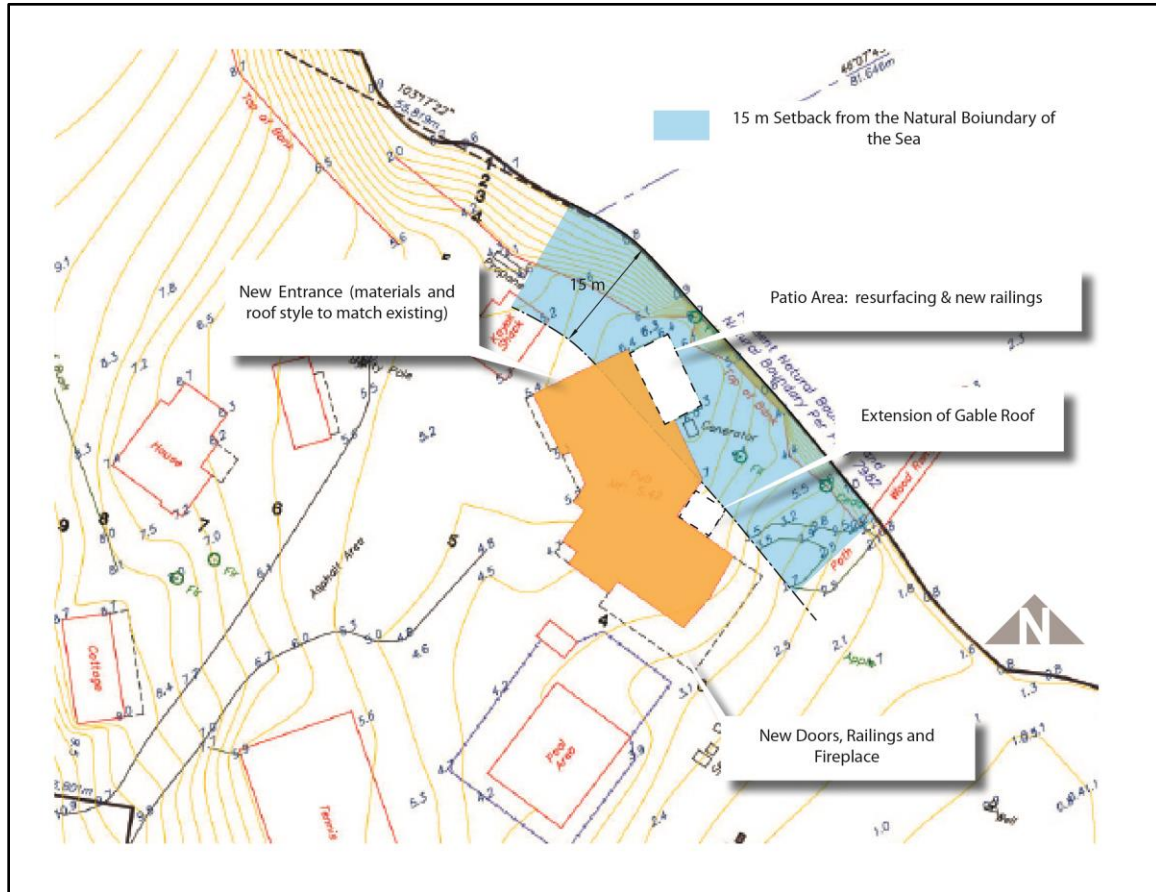
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##ND DAY OF Month, 2016, THIS PERMIT AUTOMATICALLY LAPSES.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.4
Schedule "A"**

Site Plan



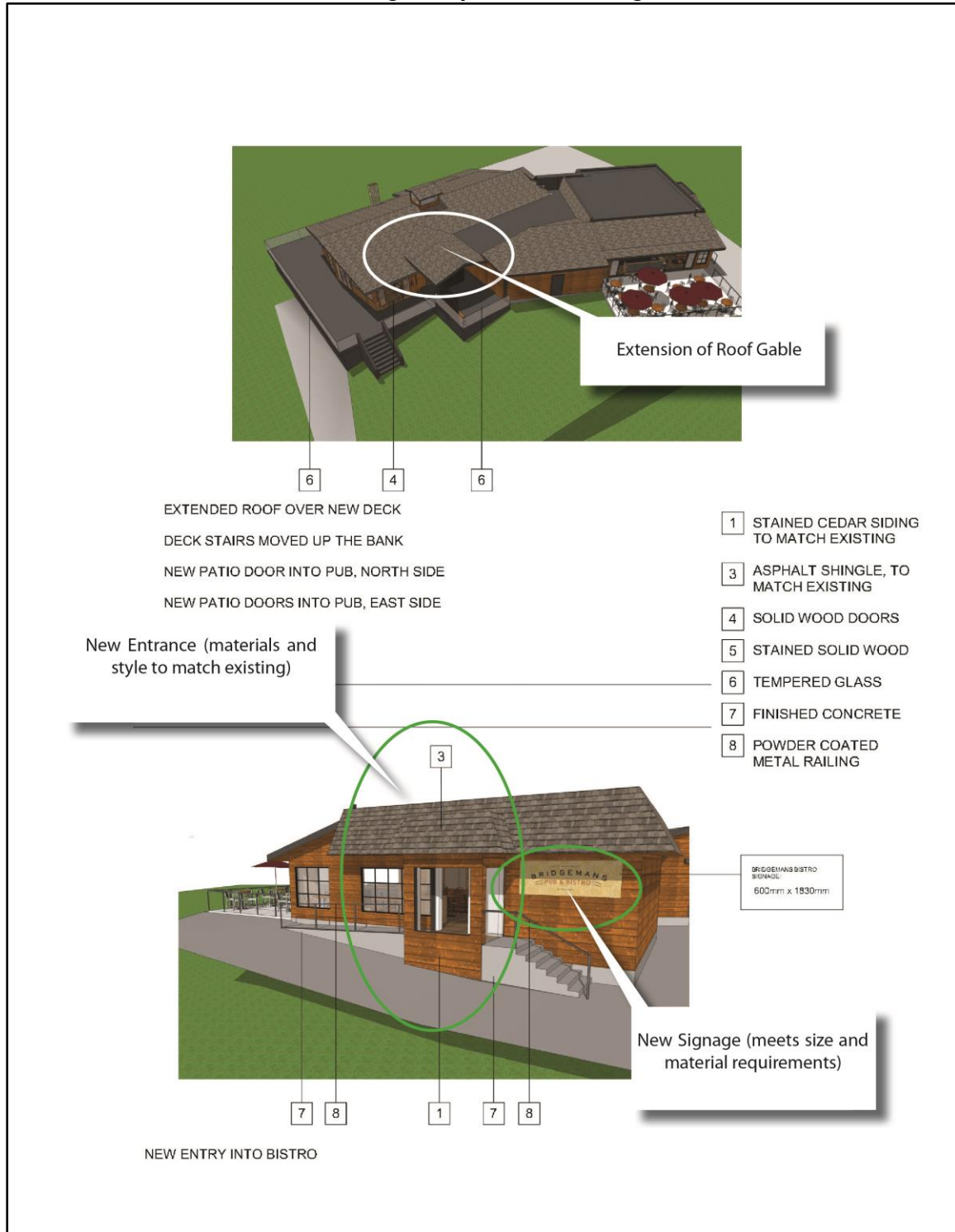
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.4
Schedule "B"**

Building Floor Plan



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.4
Schedule "C"**

Building Perspective Drawings



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.4
Schedule "C"**

Building Perspective Drawings



8 6 7

RESURFACED CONCRETE PATIO
NEW BI FOLD PATIO DOOR INTO BISTRO
UPGRADED TO PATIO RAILING

2 BISTRO PATIO
Scale: 1/16" = 1'-0"

- 1 STAINED CEDAR SIDING TO MATCH EXISTING
- 3 ASPHALT SHINGLE, TO MATCH EXISTING
- 4 SOLID WOOD DOORS
- 5 STAINED SOLID WOOD
- 6 TEMPERED GLASS
- 7 FINISHED CONCRETE
- 8 POWDER COATED METAL RAILING



2
4
4

NEW PATIO DOORS INTO ENTRY AND LOWER PUB
MASONRY FIREPLACE MOVED TO SOUTH WALL
REMOVE EXISTING CHIMNEY AND PATCH ROOF WITH EXISTING SHINGLE
UPGRADED TO PATIO RAILING

4 PUB DECK
Scale: 1/16" = 1'-0"

STAFF REPORT

July 18, 2016

File No.: NP-DVP-2016.4
(Cribb)

To: North Pender Island Local Trust Committee
For the meeting of July 28, 2016

From: Phil Testemale
A/ Planner 2

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

Re: Development Variance Application

Owner: James and Andrea Cribb
Applicant: Same
Description: Lot 36, Sections 7 & 8, Pender Island, Cowichan District, Plan 20817
PID: 003-600-424
Civic Address: 4825 Cannon Crescent

FINAL REPORT

THE PROPOSAL:

This report is to consider a Development Variance Permit (NP-DVP-2016.4) for reducing the front lot line setback for an addition and renovation of a single family dwelling and construction of a retaining wall to facilitate parking on the subject property. Specifically, the proposal is to vary the North Pender Island Land Use Bylaw No 103, 1996 (LUB) as follows:

- a) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line would be varied to permit an addition to an **existing single family dwelling** within 5.9 metres of a front lot line; And,
- b) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of an exterior side lot line would be varied to permit the **construction of retaining wall structure** within 0.0 metres of a front lot line.

Figure Three (below) indicates the variances.

A copy of the proposed permit NP-DVP-2016.4 (Cribb) and notification are attached.

BACKGROUND:

The rationale for the proposed variance for the addition and renovation to the dwelling is to create a front entrance that is more functional (better access); that addresses structural concerns; and, that conforms to the Building Code as apparently the existing entrance does not. The applicants purchased the house in 2010 and the footings and foundations for this portion of the dwelling were constructed in a substandard manner which the applicants want to correct. The addition is not significant in size and maintains/enhances the visual character of the dwelling.

The proposed variance for the retaining wall is to address the topographical challenges of the front yard to create two level and accessible parking spaces on the property. The terrain of the property descends steeply to the south and east from the road toward the house. The grade of the existing driveway is at approximately 16 % and is unsafe and unuseable at certain times of the year. The proposed retaining wall and back-fill would allow for two reasonably level (2) spaces on the subject property. They are currently having to park on the road right of way as shown on the site plan (Figure Three).

SITE CONTEXT:

The subject property is a 0.38 ha (0.94 acre) property on Cannon Crescent. The topography slopes steeply from north to the lowest point in the south corner (Figure Seven). The property has some mature trees with more significant tree coverage in the south corner where a riparian protected stream crosses the property (see DPAs below). There is a designated raptor nest on the neighbouring property to the south. The project will not entail significant removal of vegetation, but will require fill and back-fill around the retaining wall.

The dwelling is the only building on the property.

Planning staff visited the site on July 14, 2016. (See: Photos below)

Figure One – Site Context

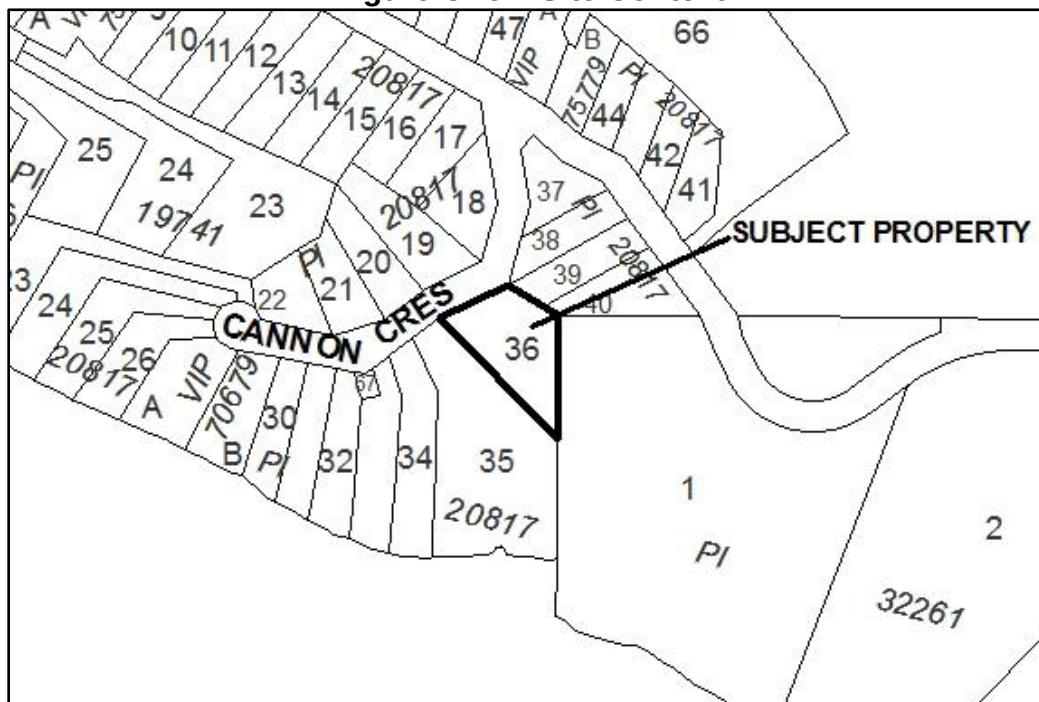


Figure Two – Orthophoto with Zoning



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan

The subject property is designated **Rural Residential (RR)** in the Official Community Plan (OCP); relevant policies include:

- 2.1. A – Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island.

Development Permit Area Ten – Riparian and Aquatic Habitat is located on the southern portion of the property as shown in Figure Six. There is no development proposed in proximity to this DPA. In addition, **Development Permit Area Seven – Raptor and Heron Nests** is designated on the neighbouring property to the south and west and intersects onto a very small portion of the subject property. By copy of this staff report the owner/applicant are aware of the location of the nest and are encouraged to be noise sensitive to time frames of nesting and fledgling.



Photo One: Partial view of front entrance to dwelling



Photo Two: View of driveway and dwelling from property line

Approximate
location of proposed
retaining wall

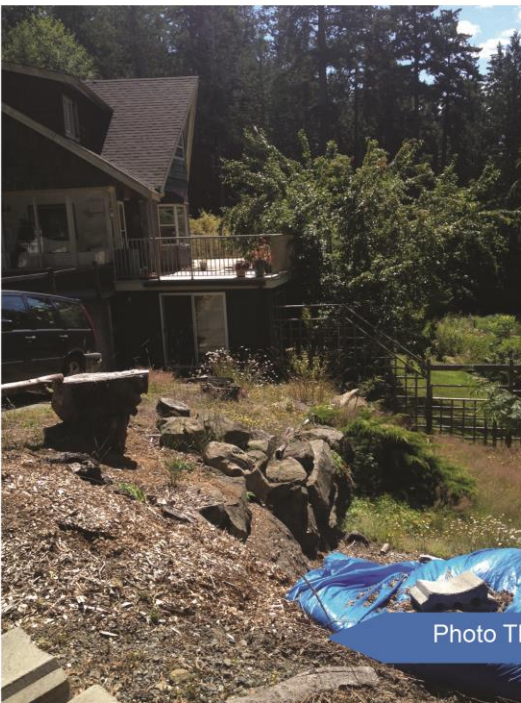


Photo Three: View of southwest side of dwelling

Figure Three – Site Plan

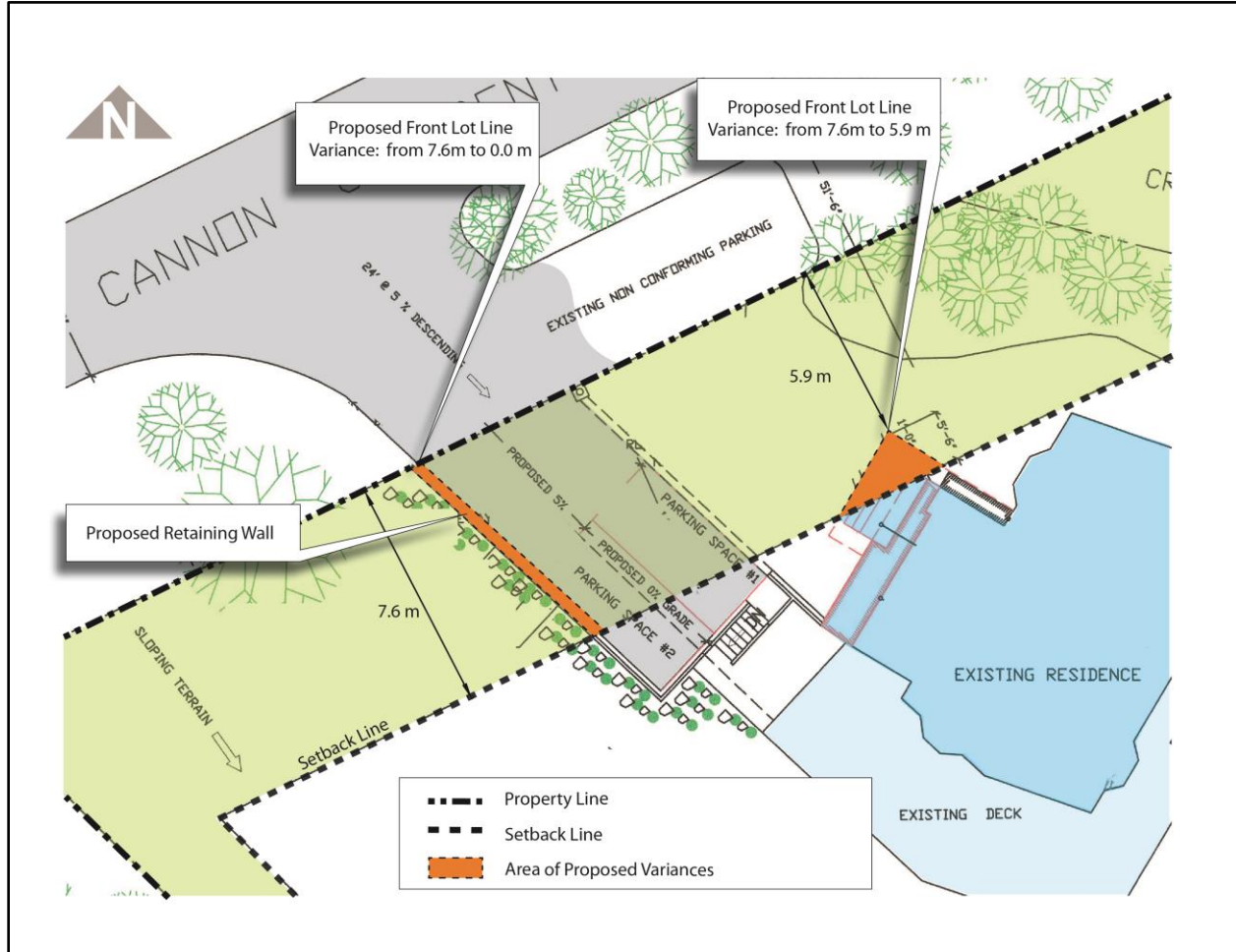


Figure Four – Building Elevations

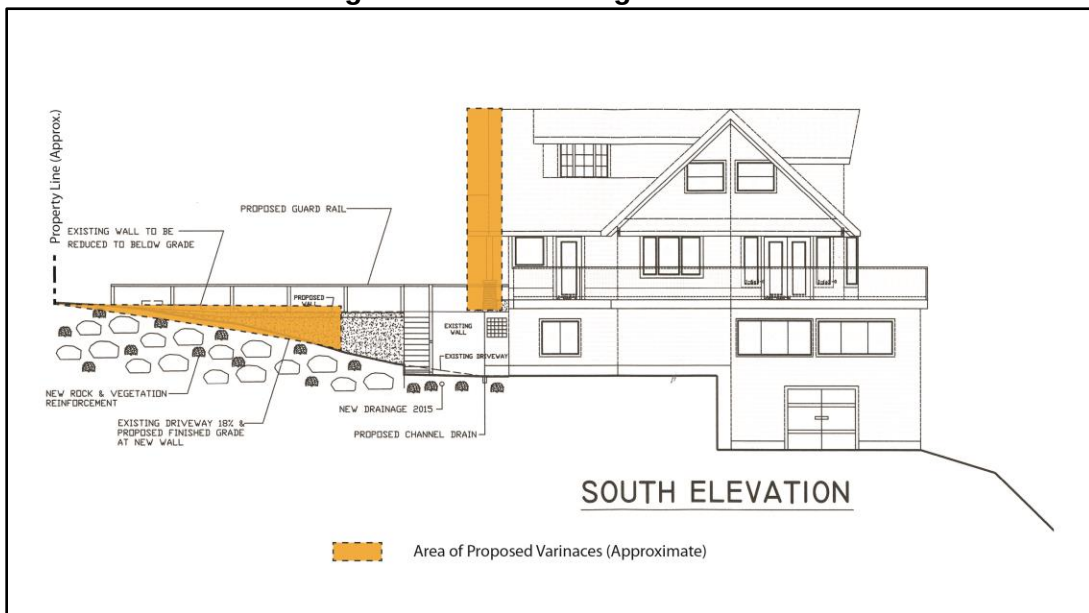
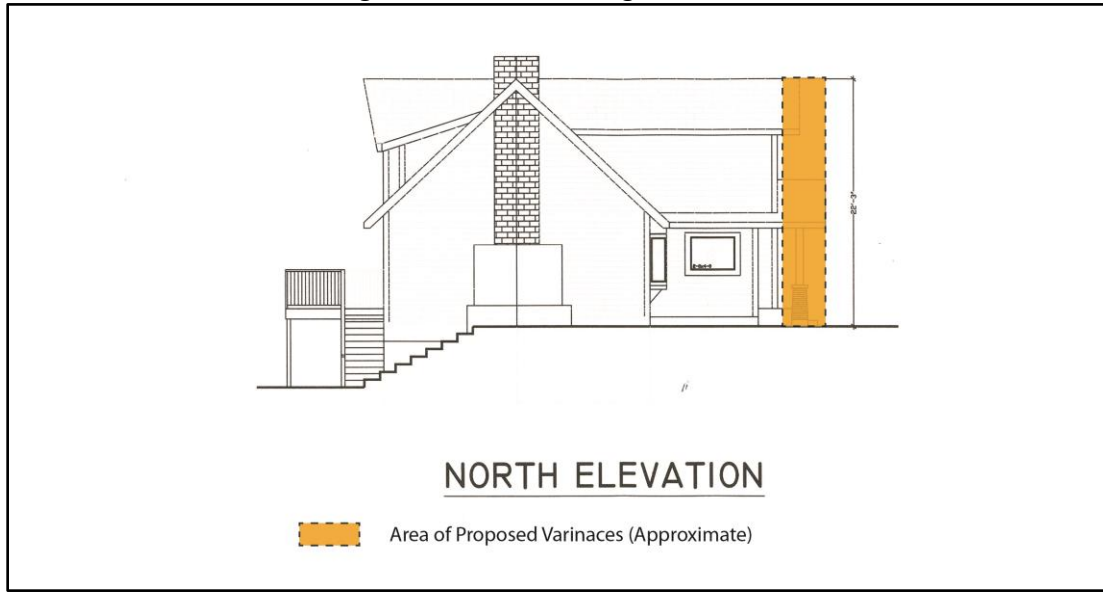
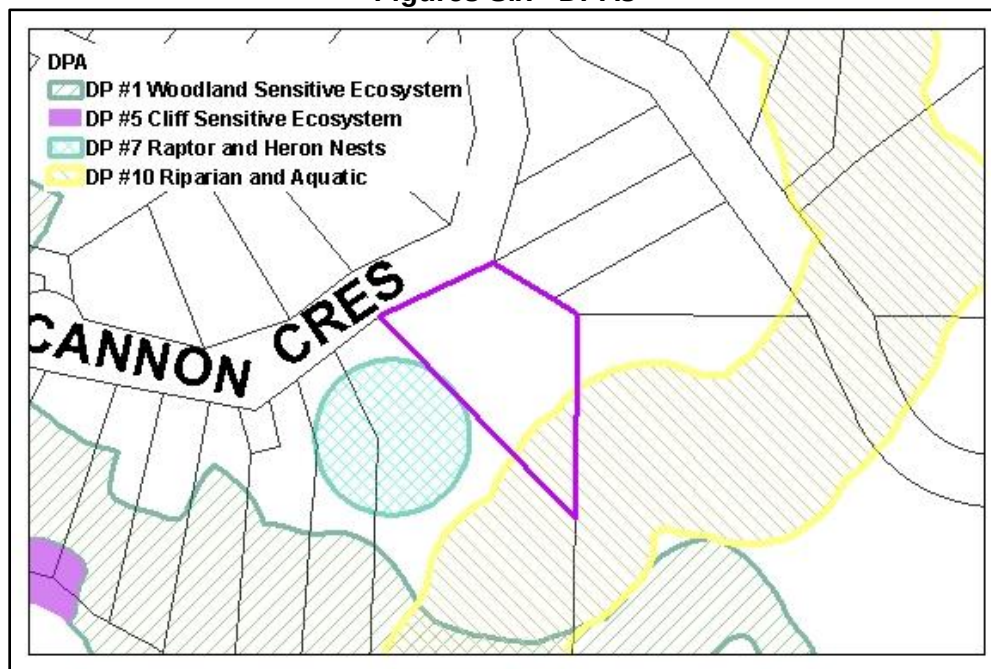


Figure Five – Building Elevations



Figures Six - DPAs



Land Use Bylaw

The subject property is zoned **Rural Residential (RR)** and the Land Use Bylaw as are other properties in the area.

Islands Trust Fund

There are no Trust Fund Board covenants on the property.

Regional Conservation Plan

The goals and objectives of the Regional Conservation Plan are unaffected by this application.

Sensitive Ecosystems and Hazard Areas

The steep slope hazard mapping shows low and medium hazard in the area to southwest corner of the property where the slope is the steepest (Figure Seven). The applicant's are aware that an Engineer's report will be required as part of the building permit process as the wall will likely exceed 1.2 metres in height.

Archaeological Sites

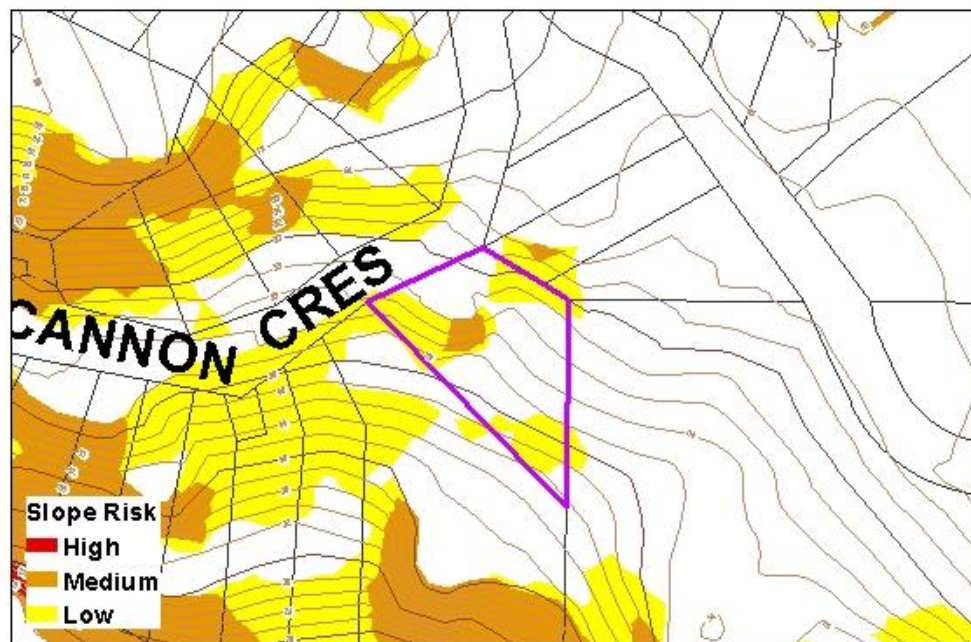
There are no archaeological sites identified on the Provincial Remote Access to Archaeological Data (RAAD) database for the subject property.

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 *Heritage Conservation Act*. 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 *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants

There are no registered covenants on title.

Figure Seven: Steep Slope Mapping with Contours



Bylaw Enforcement:

There are no enforcement files for this property.

Climate Change Mitigation and Adaptation

There is minimal clearing of vegetation and construction associated with this proposal, therefore the impact on climate change from increased greenhouse gas emissions is likely to be nominal.

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached. The notification period ends on July 27, 2016. 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.

ISSUES SUMMARY:

Applicant's stated rationale for the variance.

The rationale(s) for the two variances is for: improved access and to address safety concerns and building code deficiencies for the entrance addition to the dwelling; and to create two (2) relatively flat parking spaces on the subject property.

The applicants stated rationale in support of the variance is as follows:

A. Construction of main entry of existing residence used questionable structural building practices (particularly with regard to foundation and loadbearing). Reason for proposed variance A is to make ingress/egress and front of residence safe and more functional, constructed to B.C. Building code and current standards.

B and C. Current parking is non-conforming and challenging due to location and grade; location of existing residence and sloping terrain of property makes conforming parking spaces impractical. Reason for proposed variance B is to make two 2.6 m x 5.5 m parking spaces, with the area at least partially conforming. Reason for proposed variance C is to facilitate creating the two parking spaces as per proposed variance B, near level across the width and with less than 6% grade lengthwise.

Note: Reason 'B' is not relevant as there is no variance requirement for the placing of fill, rather just for the retaining wall (described as 'C')

The overall intent of the regulation being varied.

The overall purpose of the setback regulations is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential impacts of granting the variance.

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

STAFF COMMENTS:

The applicant's rationale for the two variances has been provided above. The rebuilding and small extension to the main entry of the house is modest and is a minor setback variance. The design and size is complimentary to that of the dwelling; will not impact any neighbouring properties; and, is consistent with the intent of the regulation. The new entrance will also

address safety/building code deficiencies with the existing entrance, particularly with footings and foundations.

The retaining wall, although a more significant variance, facilitates the construction of safer and more useable parking spaces on the subject property. The steep terrain and current location of the dwelling strongly limits the placement of useable parking spaces. The design is such that the size of the variance decreases as it moves from the south toward the property line. Visual and other impacts to neighbouring properties would be minimal as there is landscaping prescribed on the supporting fill to the southwest of the wall. An Engineer's report will be required as part of the building permit process as the wall will likely exceed 1.2 metres in height.

To date there have been no objections or concerns from neighbours resulting from notification.

Based on the forgoing, staff is recommending approval of the development variance permit as drafted.

RECOMMENDATIONS:

1. **THAT** Development Variance Permit NP-DVP-2016.4 (Cribb) **BE APPROVED**

Prepared and Submitted by:



Phil Testemale
A/Planner 2

July 18., 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager
Attachments: Proposed Permit NP-DVP-2016.4
Notice NP-DVP-2016.4

July 18, 2016

Date

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2016.4

To: James and Andrea Cribb

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

Lot 36, Sections 7 & 8, Pender Island, Cowichan District, Plan 20817
(PID: 003-600-424)

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

- a) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line is varied to permit the construction of an addition to a single family dwelling within 5.9 metres of a front lot line; And,
- b) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line is varied to permit the construction of a retaining wall structure within 0.0 metres of a front lot line.

The development shall be consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.

3. 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 103,1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
THIS ##th DAY OF MONTH, YEAR.**

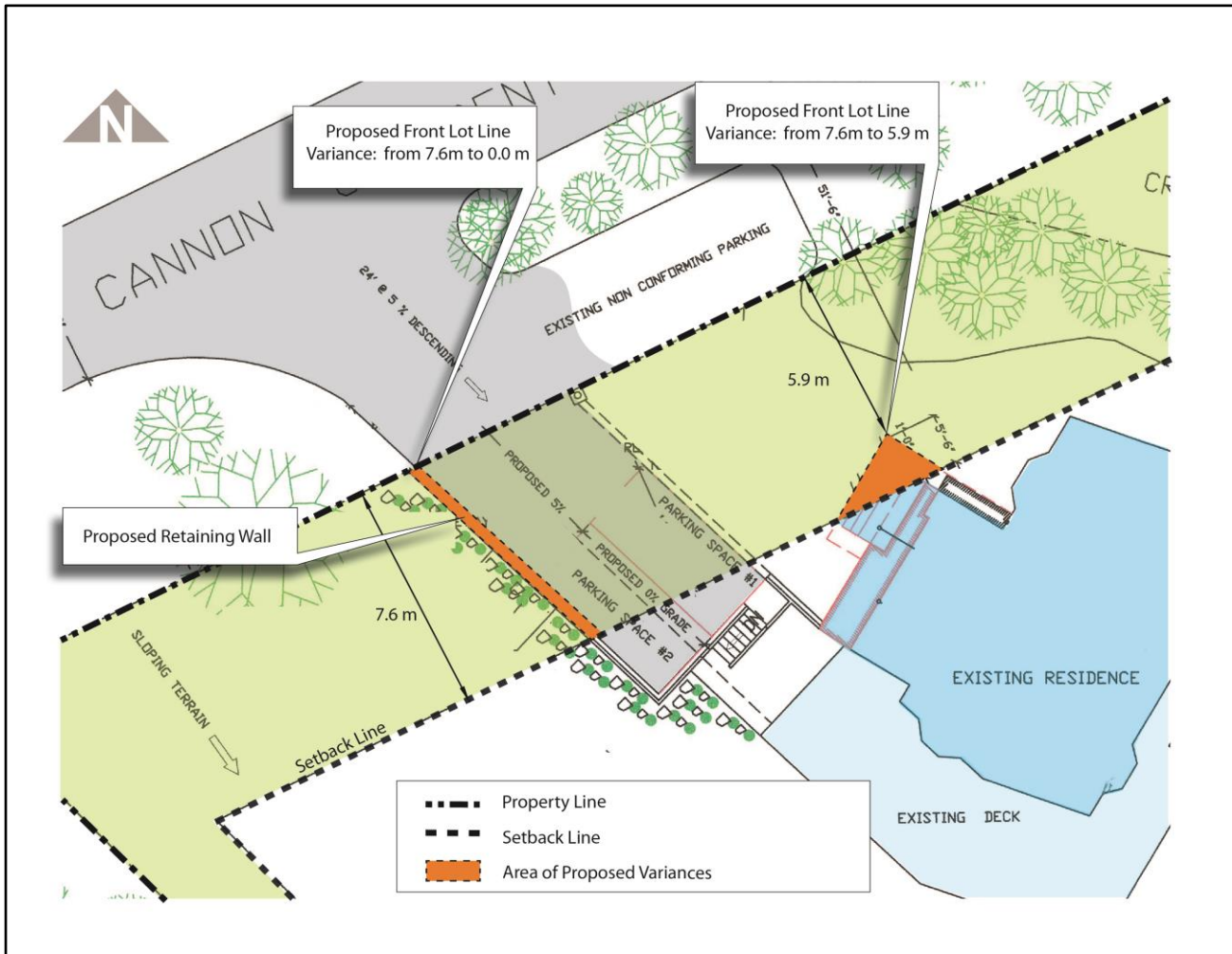
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH,
YEAR, THIS PERMIT AUTOMATICALLY LAPSES.**

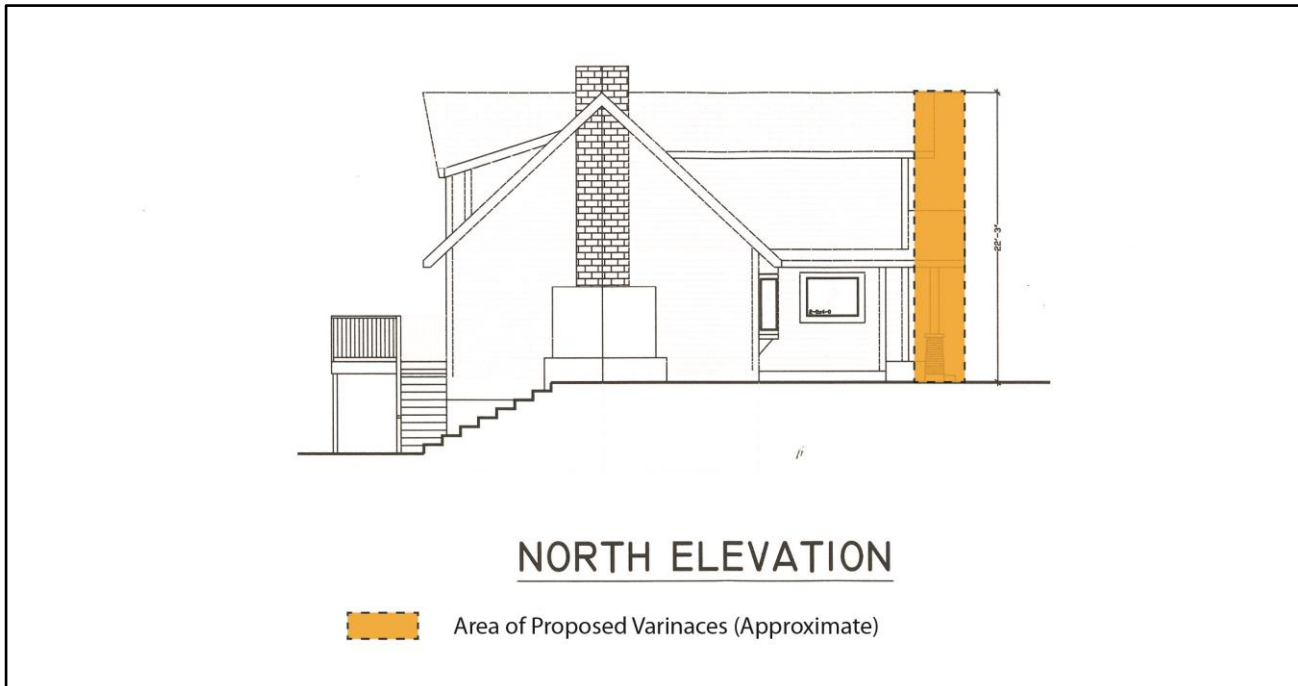
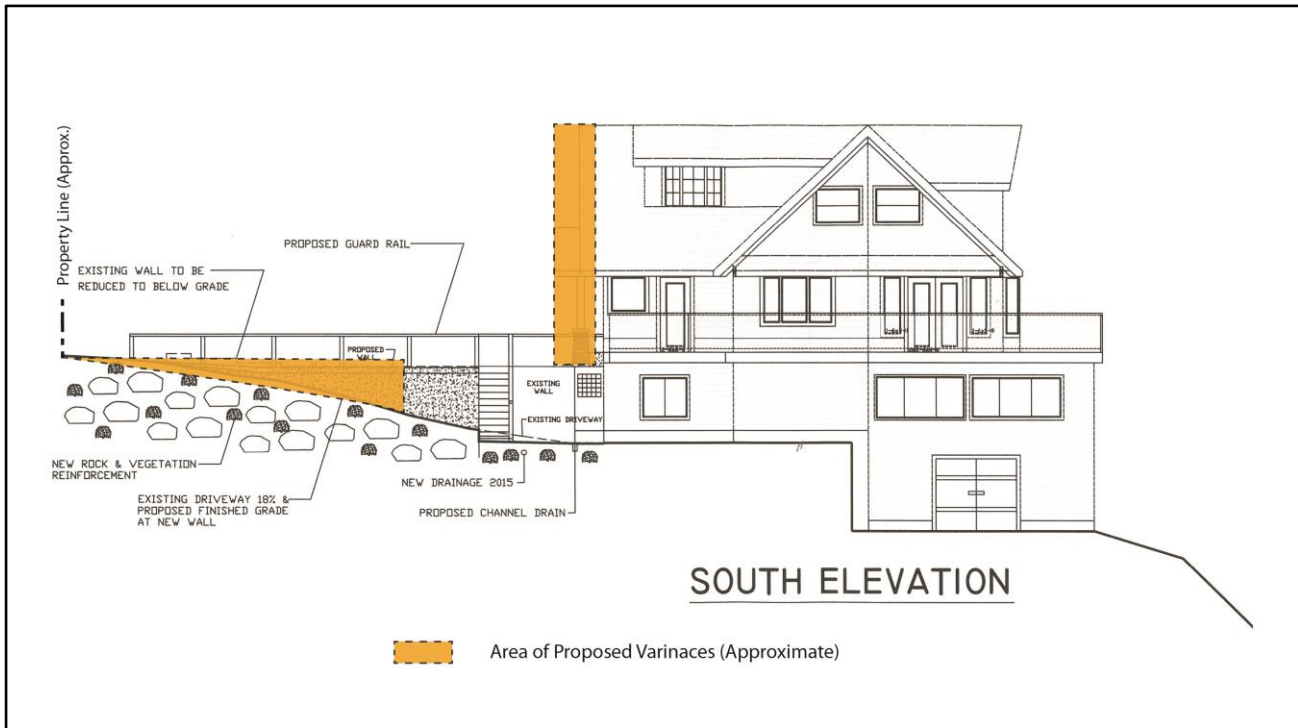
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2016.4

SCHEDULE 'A'
SITE PLAN



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2016.4

SCHEDULE 'B'
ELEVATIONS



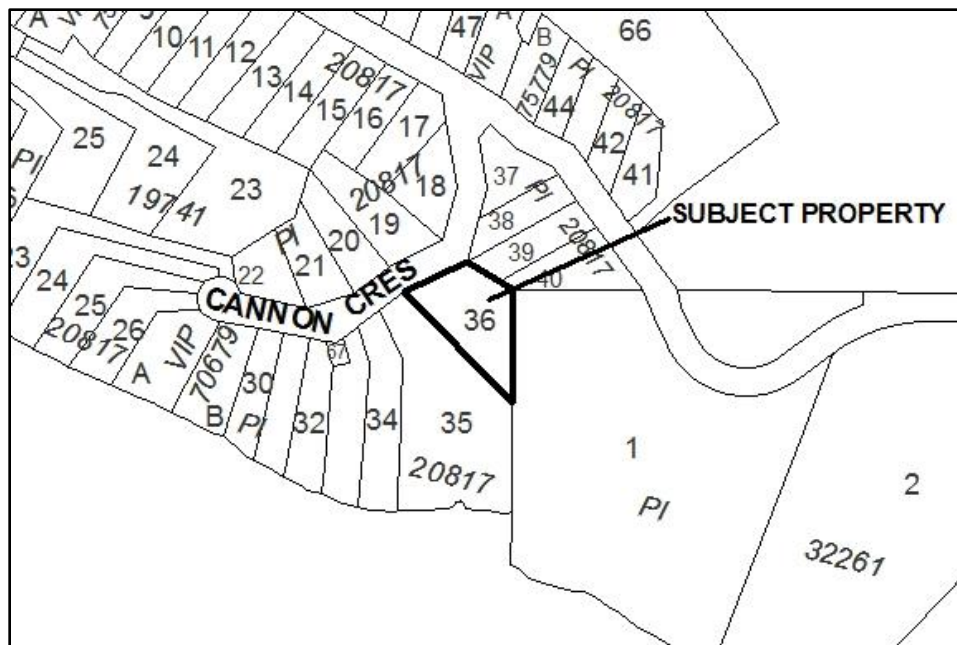
NOTICE
NP-DVP-2016.4
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996, by varying:

Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line is varied to permit: **the construction of an addition to a single family dwelling** within **5.9 metres** of a front lot line; and, the **construction of a retaining wall (structure)** within **0.0 metres** of a front lot line.

The property is located at 4825 Cannon Crescent and is legally described as Lot 36, Sections 7 & 8, Pender Island, Cowichan District, Plan 20817. PID: 003-600-424

The general location of the subject properties is shown on 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. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **July 15, 2016** and continuing up to and including **July 27, 2016**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 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 pm, **July 27, 2016**.

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., July 28, 2016**, at the Pender Island Community Hall 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.

STAFF REPORT

July 18, 2016

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

To: North Pender Island Local Trust Committee
for the Regular LTC Meeting of July 28, 2016

From: Justine Starke
Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Rezoning Application

Owner: Lucille Henshaw; Gary Henshaw

Applicant: Lloyd Eakins, Richard Wey Surveying

Description: 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

PID: 005-636-639; and 005-636-591

Civic Address: 4606 Oak Road and 4602 Oak Road

PRELIMINARY REPORT

PURPOSE:

The purpose of this report is to provide background to proposed bylaw amendments and seek direction from the North Pender Local Trust Committee (LTC) to proceed, or not proceed, with application NP-RZ-2016.3 (Eakins).

BACKGROUND:

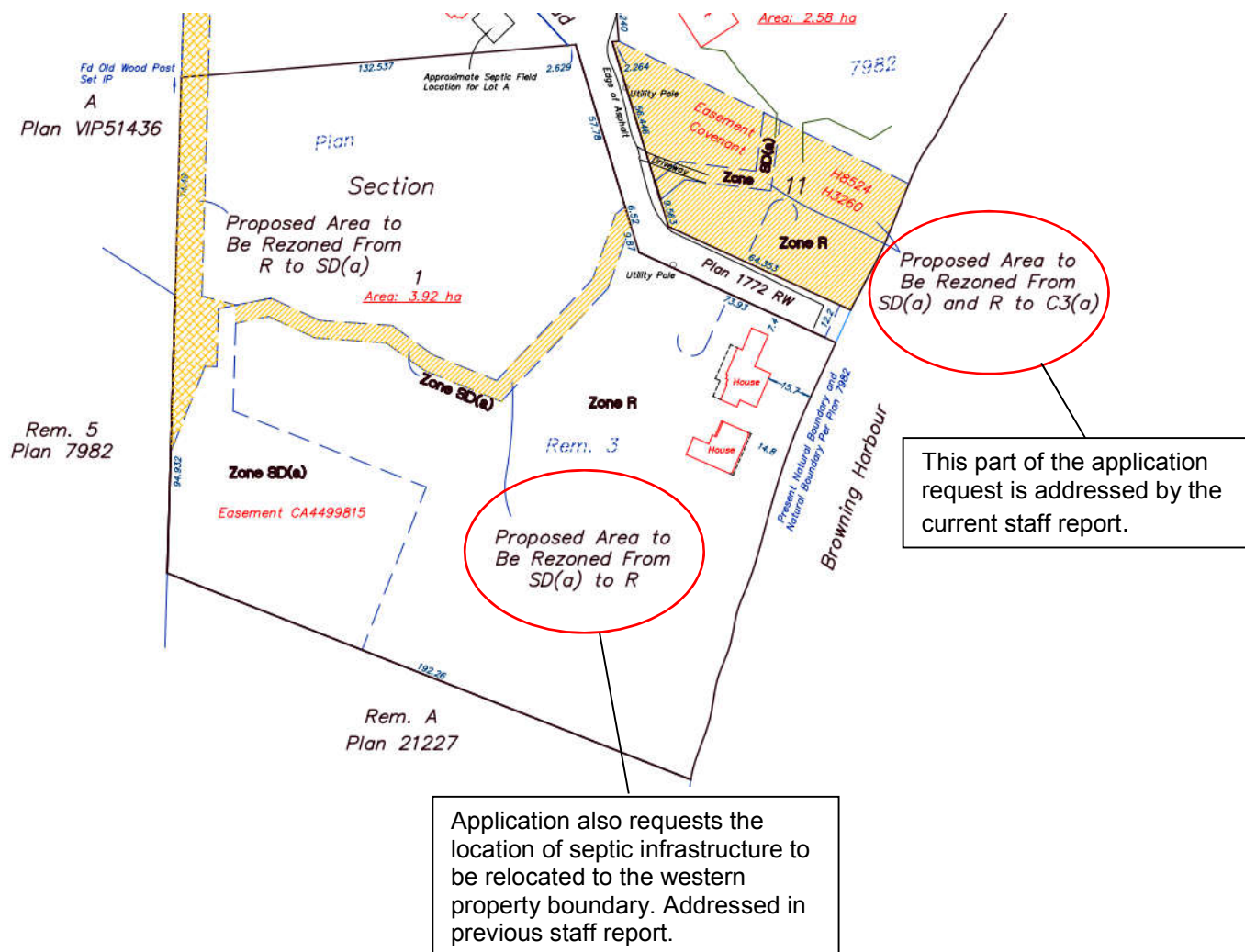
The subject properties are adjacent to the existing Port Browning Marina facility; this application is related to the overall plan to update and expand the resort facilities, as well as expand the marina. The marina expansion at Port Browning is undergoing a separate rezoning (NP-RZ-2016.2) and development permit applications for the form and character of development and protection of sensitive ecosystems have also been received by the Islands Trust office.

While the current proposal is to rezone a portion of Rural land to Commercial for the Port Browning Resort expansion, the application also seeks to make a technical amendment to the North Pender Island Land Use Bylaw to allow existing septic infrastructure on the subject parcels (which currently service Port Browning), be

re-located on the same parcels. That aspect of the application was detailed in a [staff report and reviewed by the NPI LTC on June 30, 2016](#).

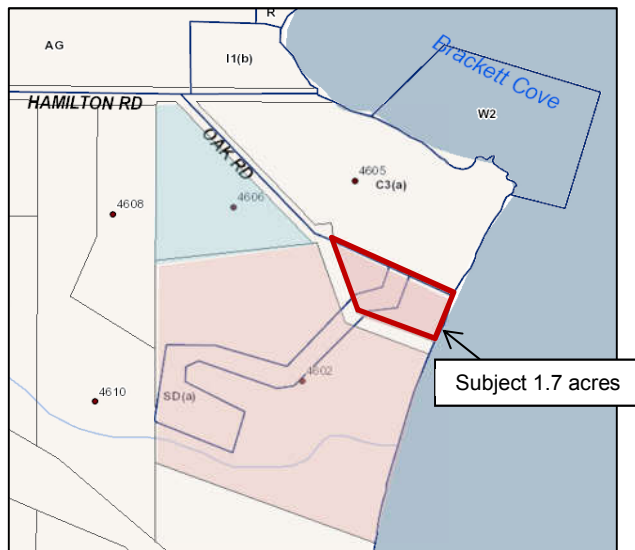
THE PROPOSAL:

This report addresses the applicant's request to rezone a 1.7 acre portion of Lot 3 from Rural to Commercial 3 (a) and to include it as part of the Port Browning Marina Resort. (There is a concurrent request for a boundary adjustment that would include this area of land in the Port Browning property – see application NP-SUB-2016.2). The Port Browning property is currently zoned for 39 rental units; the applicant is proposing a total of 23 units over the total (expanded) site. The applicant's proposal and rationale are attached as appendix 1.



SITE CONTEXT:

The subject of this report is a 1.7 acre portion of Lot 3 (4602 Oak Road), which is 11.34 acres and residential in use. The adjacent property to the north east currently has the Port Browning pub and café, marine office and store front, laundry facility and marina. There is also an industrial zoned property to the north at the end of Hamilton road. Otherwise, the surrounding properties are predominately rural and rural residential uses.



The 1.7 acres of Rural land adjoins the Port Browning property and is used as an extension of the campground in the orchard. It is a hooked lot, severed from the remainder lot by Oak Road. It contains some heritage orchard trees and is covered with a large thicket of blackberries. There are two campsites/picnic areas carved out of the blackberries. The sailing club has a small building at the foot of Oak Road and runs its sailing programs from the beach.



Sailing Club at foot of Oak Road



Subject 1.7 acres adjoins Port Browning Resort.



Approximate location of current lot/zone boundary between Port Browning's Commercial Zone and the subject property's Rural zone.



The land has a number of heritage orchard trees amongst a large blackberry thicket.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this proposal are:

“Local Trust Committees, in their Official Community Plans and regulatory bylaws:

- 3.1.5 – 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.

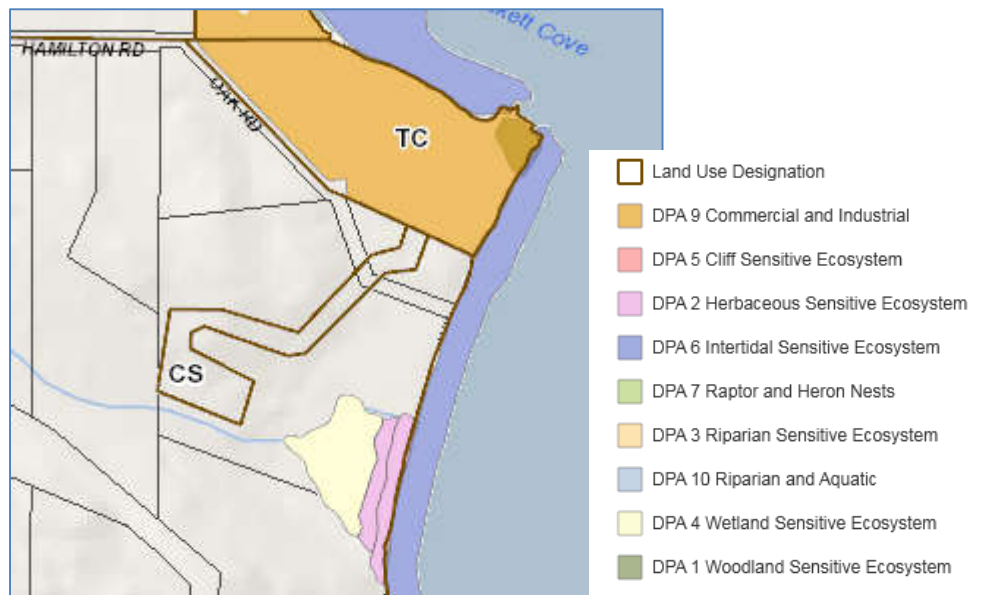
- 5.2.3 – address the aesthetic, environmental and social impacts of development.
- 5.2.4 – address potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.5.4 – 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.
- 5.5.5 – 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.
- 5.5.6 – address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
- 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 – address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
- 5.8.6 – 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."

Official Community Plan

Development Permit Areas

The subject properties are located within following Development Permit Areas (DPAs):

- DPA 4 (Wetland Sensitive Ecosystem)
- DPA 2 (Herbaceous Sensitive Ecosystem)
- DPA 10 (Riparian and Aquatic)
- DPA 6 (intertidal sensitive ecosystem); extends below the natural boundary of the shoreline

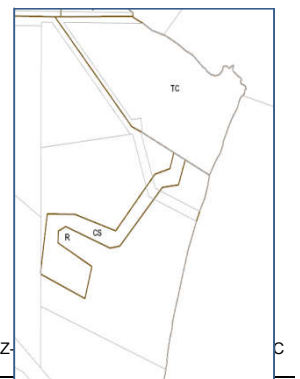


Note that areas of focus of the applications do not appear to be within the development permit areas, and a development permit would not be required. However, if the Rural zone is successfully rezoned to Commercial, it will become part of Development Permit Area 9 (Commercial and Industrial), and a development permit would be required to construct the proposed cottages.

Designations:

The subject properties are designated Rural (R) and Community Services (CS) by the North Pender Island Official Community Plan. The adjacent Port Browning Marina is

OCP Designations:



designated Tourist Commercial (TC). An OCP amendment is required to rezone the Rural portion of Lot 3 to Commercial – the designation must be changed to Tourist Commercial (TC). The Tourist Commercial land use policies have therefore also been included below.

Rural and Residential Policies:

2.1.D Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Rural Residential and Rural designations to a higher density without amendment to this plan.

2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural.

2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

Commercial Objectives

2) To provide for economic opportunities that are compatible with conservation of resources and protection of community character.

3) To ensure that commercial development does not adversely affect rural character and lifestyle.

4) To protect the character and integrity of quiet residential and rural neighbourhoods.

General Commercial Policies

2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.

2.4.4 Applications for commercial rezoning must prove adequate water supply and waste disposal capability for both present and projected needs.

2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.

2.4.7 New buildings are encouraged to comply with Silver, Gold or Platinum LEED Rating System standards.

2.4.8 New buildings are encouraged to incorporate water conservation measures, including rainwater catchment systems

2.4.9 Parking and storage areas should be suitably screened to maintain the rural character of the area. 2.4.10 In order to manage stormwater and drainage on-site, parking areas should utilize porous or permeable surfaces and impervious surfaces should be minimized. Swales and open ditches should be used rather than curb and gutter systems.

Tourist Commercial Policies

2.4.14 Tourist oriented or commercial recreational activity shall not be permitted as a principal use on lands suitable for agriculture or in hazardous or environmentally sensitive areas.

2.4.16 The Local Trust Committee will support efforts to develop a tourism plan that provides for mutual benefits for the community and for visitors, promotes an North Pender Island Official Community Plan

economically diverse community and that is compatible with the conservation of resources and the protection of community character and values.

2.4.18 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.

2.4.19 Regulations should limit the residential use of commercial guest accommodation units.

2.4.20 Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments.

Land Use Bylaw

The subject properties are split zoned Rural and SD(a) (Service zone). Permitted uses in the Rural zone are residential and agriculture. The request is to rezone the Rural portion of Lot 3 to Commercial 3(a), and incorporate it into the Commercial 3(a) zone of the Port Browning Marina Resort. Please see Appendix 2 to review the North Pender Island Land Use Bylaw 103 Commercial 3 zone in full. To summarize, the Commercial 3(a) currently permits:

- 39 guest accommodation units as a hotel, motel, and lodge;
- campground in compliance with Subsection 3.16;
- marina;
- boat launching ramps;
- accessory laundromat, restaurant, recreation facility, retail sales facility up to 140 m2 in floor area, boat rental, and premises, including a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*; and
- no more than two accessory dwellings for the caretaker, owner or operator (can be staff housing).

Islands Trust Fund

There are no Trust Fund Board properties adjacent the subject properties. Staff have recommended the marina application be referred to the Trust Fund Board.

Sensitive Ecosystems and Hazard Areas

There are no know hazard areas on the subject properties. The subject properties are located within following Development Permit Areas (DPAs):

- DPA 4 (Wetland Sensitive Ecosystem)
- DPA 2 (Herbaceous Sensitive Ecosystem)
- DPA 10 (Riparian and Aquatic)
- DPA 6 (intertidal sensitive ecosystem); extends below the natural boundary of the shoreline

Note the application does not propose works in the sensitive ecosystems, but a development permit would be required for development within the sensitive ecosystem Development Permit Areas.

Archaeological Sites

There are several archaeological sites identified on the provincial RAAD on this and adjacent parcels. Staff have requested an Archaeological Impact Assessment (AIA) be submitted under the DAI Bylaw (below) and

recommend First Nations be included as part of the referral process. The applicants have advised a Archaeological Impact Assessment has been commissioned from Madrone Consulting.

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.

Covenants

There is an easement registered against the title of both subject properties, giving Port Browning dominant tenement rights and the ability to maintain its septic infrastructure. This easement will be updated once the rezoning is complete to reflect the future re-location of the septic infrastructure.

Public Consultation

The applicants held public 'open houses' prior to making this application. A community information meeting is typically not held prior to receiving all reports and preparing draft bylaws. However, if the LTC gauges that there is a high level of concern, it has the option to schedule a CIM at this point in the process. Staff is recommending (below) scheduling a community information meeting after draft bylaws are complete and the requested professional reports have been provided. Any extraordinary community consultation should be coordinated to also address the other applications related to the overall development proposal for Port Browning.

In accordance with regular statutory requirements, a public hearing would be required and it is normal practice to hold a Community Information Meeting prior to that. 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.

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- Ministry of Agriculture – Regional Agrologist
- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Island Health
- CRD, Building Inspection Services
- CRD, Regional Parks and Community Services
- CRD, Electoral Area Director
- 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

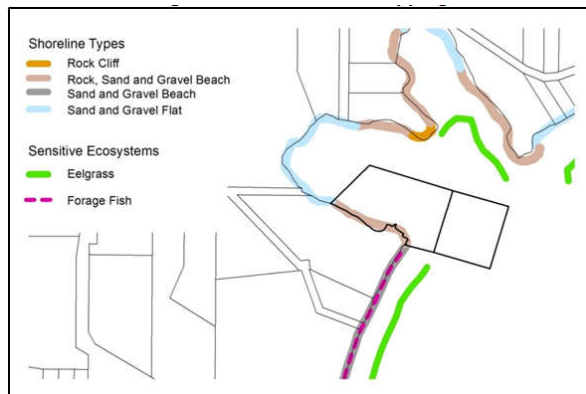
This application requires an Official Community Plan amendment and First Nations interests may be impacted by the proposal. The following have been identified for referring draft bylaws for comment:

- Cowichan Tribes

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

Shoreline

There are different shoreline types in the vicinity of the subject lots, as indicated below. The current rezonings do not have any associated shoreline development proposed.



Professional Report/Development Approval Information:

Based on the initial review of the application and professional reports submitted as part of that application, staff requested that the applicant provide further information and professional reporting under the Development Approval Information (DAI) bylaw. The letter, dated July 12, 2016 is attached in full; the development approval information that has been requested is summarized as follows:

1. Updating the 'Site Plan' to include all existing buildings and structures and proposed siting of future cottages, the location of the sailing club and boat launch, and by including proposed parking areas and screening from adjacent residential properties.
2. Providing information on any staff accommodation that will be provided.
3. Providing additional information on the proposed cottages, including more detail on how many buildings are proposed for Lot 3, the maximum floor area of the cottages, any LEED rating standards (or similar) that will be pursued, and any water conservation measures that are planned (including rainwater catchment systems).
4. Information on servicing for the Port Browning Resort and the subject property, including demonstration of adequate water supply and septic servicing for the resort.

5. Providing a plan for the storage and drainage of stormwater on the site.
6. Provide an Archaeological Impact Assessment that identifies pertinent cultural heritage resources on the land and under sea and addresses potential impacts of the development proposal on these site(s). This assessment must:
 - i. Be prepared by a Registered Professional Consulting Archaeologist;
 - ii. Include an assessment of the potential cultural and spiritual significance of traditional First Nations land or marine areas of use or occupation; And,
 - iii. Include an assessment of potential impacts and mitigation measures on First Nations fishery resources (if relevant).

The LTC should advise staff of any further information or professional reports that should be requested.

ISSUES SUMMARY:

Issues identified through a preliminary analysis of the application are as follows:

- Development Approval Information – As discussed, there has been more information requested of the applicants. This will include information on servicing, drainage, siting of the proposed cabins, and archaeological impacts.
- Community benefits – the Mill Bay Marine Group has presented community benefits of the proposal to include:
 - Reduced density: 23 instead of 39 units
 - Maintain the open space around the pub.
 - Providing a standard 25m metre heated pool, managed as a community amenity; the proposal is to work with the Capital Regional District to research potential options.
 - Continuing to allow the sailing club to exist on the property
 - Emergency access – increased access for emergency vehicles.
- Consideration of this application is linked to consideration of the application to expand the marina (NP-RZ-2016.2); community benefits should be considered the context of the whole project.
- The subject properties are currently under different ownership than the Port Browning Resort. Coordination is required between all parties.
- Changing the zoning from Rural to Commercial 3(a) requires an OCP amendment and referral to the Minister of Community, Sport, and Cultural Development. Early and on-going engagement with First Nations is expected. Again, because the proposal is connected to the marina expansion, First Nations consultation should be coordinated. The marina proposal requires approval from the Province – Islands Trust staff are exploring the possibility of coordinating First Nations consultation with the Ministry of Forest, Land and Natural Resources (FLNRO).
- Rezoning to Commercial 3 (a) would be contingent on the boundary adjustment being completed to ensure the land is part of the Port Browning lot.
- Discussions with the applicant indicate a willingness to rezone the Port Browning property to specify in zoning that the overall density will not exceed the 23 units; this is considered a community benefit and is dependent on other aspects of the project proceeding.

STAFF COMMENTS:

Staff agree that rezoning the 1.7 acre section of the Rural lot 3 is, as the applicant's rationale states, a "natural fit" – it has been historically used for camping and recreation associated with the marina, it hosts the community sailing club, and is a local boat launch. The land feels and functions as a part of the Port Browning Resort.

This rezoning application is being requested as part of the overall Port Browning Marina expansion and will be coordinated to avoid duplication of information requests as well as to ensure an understanding of overall development impacts. When considering development approval information, land use impacts, and community amenities, the Port Browning Resort proposal should be considered as a whole.

Rezoning from Rural to Commercial requires an OCP amendment and is considered to be up-zoning the property, but as a change of use is not in conflict with OCP policy 2.1 D. The proposal has been presented as a way to reduce the overall density of the Port Browning resort and achieve a level of development that maintains the character of the place, including retaining the open community space in front of the Pub. The proposal to provide a pool has also been offered as a community amenity. These community amenities have been offered in the context of the whole Port Browning Marina Resort project and will need further negotiating and assurances prior to bringing any bylaw amendments to Public Hearing.

Staff is seeking direction from the LTC on how to proceed with the rezoning application. Options for LTC consideration are as follows:

- Direct staff to proceed with the application and drafting of bylaws to rezone the 1.7 acre portion of Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW to Commercial 3(a).
- Direct staff to proceed with the application and request the applicants to amend the application to include the Port Browning property to ensure the overall upland density does not exceed 23 commercial accommodation units.
- Direct staff bring the application back for LTC consideration once additional information has been received under the Development Approval Information Bylaw.
- Resolve to proceed no further with the application.

Based on the foregoing, staff recommend the LTC direct staff to proceed with the application and request the applicants to amend the application to include the Port Browning property so overall upland density does not exceed 23 commercial accommodation units.

RECOMMENDATIONS:

1. **THAT** the North Pender Island Local Trust Committee proceed with application NP-RZ-2016.3 (Eakins) and request staff to prepare draft bylaws to rezone the subject 1.7 acre portion of Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW to Commercial 3(a).
2. **THAT** the North Pender Island Local Trust Committee request that the applicants of NP-RZ-2016.2 (Robert Blanchard, Mill Bay Marine Group) to include Port Browning Marina Resort (4605 Oak Road) in the current rezoning request to ensure the overall upland density does not exceed 23 commercial accommodation units.
3. **THAT** the North Pender Island Local Trust Committee request staff coordinate the community consultation, agency referrals and First Nations engagement done for NP-RZ-2016.3 (Eakins) as much as possible with NP-RZ-2016.2 (Port Browning Marina Resort).

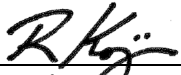
Prepared and Submitted by:

Justine Starke
Island Planner

July 18, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

July 20, 2016

Date

Appendix 1: Applicant's Rationale

Appendix 2: Land Use Bylaw 103 – Commercial 3 Zone

Appendix 1: Applicant's Rationale



July 4, 2016

Islands Trust
200-1627 Fort Street,
Victoria, BC, V8R 1H8

ATTENTION: Justine Starke, Island Planner

RE: Rezoning - North Pender Island, Lot A & Remainder of Lot 3, Plan 7982

Dear Mrs Starke:

Please consider this letter as the rationale for rezoning the 1.7 acre parcel of land on Oak Road as referenced above, and adjusting the boundary to include it within the Port Browning Marina lands.

1. Natural Fit

The subject land (zoned residential) is bound by Oak Road (which terminates as a boat ramp), the ocean and extensive beach front, and the Port Browning Marina property. This piece of land has historically been used as camping and recreation activity associated with the marina as well as being the home of the community sailing club and a local boat launch. As a somewhat orphaned piece of residential land surrounded by marina and community activity it is felt that the requested rezoning and subsequent inclusion to the marina property the highest and best use of the land and the most natural fit.

2. Reduced Density

The current Marina property, without the 1.7 acres, is zoned for 39 rental units; however, we are proposing only 23 units to provide a more respectful development density on the marina site. By adding the 1.7 acres to the existing marina lands and maintaining only 23 units we reduce the density even further; with the goal of protecting North Pender's natural beauty.

3. Cabin location

We feel that 23 rental units is the least possible that we could build and operate comfortably. If we were not able to utilize this 1.7 acres as part of our project, we would have to locate the cabins in other areas on the property, which may include the front lawn area as it would be the only other property left available and we prefer to maintain this as natural space for patron and community use.

4. Space from the pub

By utilizing the 1.7 acres for our project, we can maximize the space between all of the buildings but specifically maximize the space surrounding the Pub. This objective will reduce the noise as much as possible for the cabin guests and minimize the feeling of intrusion for the pub patrons.

5. Room for a 25m Community Pool

We have proposed a new heated pool and hot tub area in our project. By allowing the inclusion of the 1.7 acres we anticipate being able to provide a standard 25m long pool, as requested by Pender residents, allowing year round lap swimming. We would anticipate managing this as a community amenity and are committed to working with the CRD to research this potential.

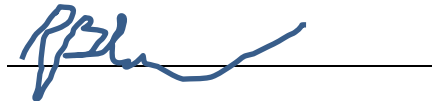
6. Sailing Club

The community sailing club currently resides on the 1.7 acre property and we are committed to letting it stay in that location. If this parcel remains residential and is sold as such, the sailing club could be in jeopardy of having to vacate the property.

7. Emergency access

By allowing the 1.7 acres into the project, we open up more perimeter for access. We intend to use some of that access for parking. Additionally, emergency vehicles will be able to access more of the property with more ease.

Sincerely

A handwritten signature in blue ink, appearing to read 'RBL', is written over a horizontal line.

Robert Blanchard, P.Eng. LEED AP
Mill Bay Maine Group

Appendix 2:

8.6 Commercial Three (C3) Zone

8.6.1 Subdivision Requirements

- (1) No lot having an area less than 0.6 hectares may be created by subdivision in the Commercial Three (C3) Zone.

8.6.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Commercial Three (C3) Zone:

BL 179

- (a) hotel, motel, and lodge;
- (b) campground in compliance with Subsection 3.16;
- (c) marina;
- (d) boat launching ramps;
- (e) accessory laundromat, restaurant, recreation facility, retail sales facility up to 140 m² in floor area, boat rental, and premises, including a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*; and
- (f) accessory dwelling unit for the caretaker, owner or operator of a permitted principal use, subject to Subsection 8.6.3.

8.6.3 Accessory Dwellings

- (1) No more than two accessory dwellings may be located on a lot, of which one must be occupied by the owner of the principal commercial use and one may be occupied by employees of that commercial use.
- (2) No accessory dwelling may have a floor area greater than 140 m².

8.6.4 Commercial Guest Accommodation

BL 139

- (1) No hotel, motel or lodge building may contain more than 18 commercial guest accommodation units.
- (2) Subject to subsection 8.6.9, the number of commercial guest accommodation units on a lot may not exceed
 - (a) in the case of a lot 2 hectares in area or less, 17.4 units per hectare, rounded to the nearest whole number; nor
 - (b) in the case of lot having an area greater than 2 hectares, 35 units plus 12.39 units per hectare in excess of 2 hectares, rounded to the nearest whole number, but no lot may have more than 60 commercial guest accommodation units.

8.6.5 Lot Coverage

- (1) Lot coverage may not exceed 25 percent, nor 8 percent in the case of lots on

42

which guest accommodation units are located.

8.6.6 Setbacks

- (1) No building or structure may be located:
 - (a) within 7.6 metres of any front lot line or rear lot line; or
 - (b) within 6.1 metres of any interior or exterior side lot line.
- (2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.6.6(1)(a) and (b) must be increased by 3 metres .

8.6.7 Height

- (1) No building or structure may exceed 9.7 metres in height.

BL 140

8.6.8 Landscape Screening

- (1) Every external storage area must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every commercial use must be screened from adjacent residential uses. The screening must be provided along lot lines abutting parcels zoned Rural Residential and Rural, complying with article 3.13.1(2).

BL 139

8.6.9 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
C3(a)	Portion of Lot A, Plan 7982 (G54184), Section 11	Despite 8.6.4(2), the maximum number of commercial guest accommodation units permitted in this location is 39

Date: July 20, 2016 **File No.:** NPI 6500-20-Housing

To: North Pender Island Local Trust Committee
For the meeting of July 28, 2016

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: LTC Top Priority – STVR (Housing)

Project Objectives

The North Pender Island Local Trust Committee's (LTC) is considering Short Term Vacation Rentals (STVRs). The scope of this work is being guided by a "[project charter](#)," which can be reviewed on the North Pender Island Local Trust Area web page: www.islandstrust.bc.ca/npender/housing.

The purpose of this report is to present information on the request to consider easing the limitation of only one Short Term Vacation Rental for parcels that are over ten acres in size.

Project Background:

At the meeting of June 30, 2016, the North Pender Island Local Trust Committee gave first reading to Bylaws 203 and 204. [Bylaw 203](#) is an amending bylaw to the North Pender Island Official Community Plan Bylaw 171. It provides enabling language for STVRs in the OCP and contains guidelines for Short Term Vacation Rentals (STVRs) to be permitted by a Temporary Use Permit. [Bylaw 204](#) is an amending bylaw to the North Pender Island Land Use Bylaw 103; if adopted it would permit STVRs as home businesses on North Pender Island. Under the home business regulations, STVRs would be permitted where the owner or operator also lives on the property.

The following resolution was passed at the North Pender Island Local Trust Committee of June 30, 2016.

June 30, 2016:

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct staff to consider changes to the Land Use Bylaw or other regulations to ease limitations of only one Short Term Vacation Rental on parcels over ten acres.

Discussion

The regulatory approach the NPI LTC is pursuing in order to allow short term vacation rentals will:

- Where permitted outright, ensure that the owner or operator is resident on the property;
- Allow regulations to be incorporated in the home business provisions;

- Limit the outright use to properties that have a permitted second dwelling so there is an operator or someone responsible for the use resident on the property;
- Enable owners of properties with only one permitted dwelling or that otherwise would not fit the zoning permissions to apply for a TUP; new guidelines have been introduced to address this.
- Allow STVRs in a way that is generally consistent with the approach adopted recently on Galiano and being considered on Mayne Island.

The question of whether to permit only one short term vacation rental per property was presented in the public consultation sessions and survey:

- On February 6, the question was explained and the sample regulatory language considered by the breakout groups was:
"No more than one dwelling or cottage per lot may be used as a short term vacation rental at any one time:"
 - Four groups agreed with this regulation
 - Two groups did not agree with this regulation.
 - One group could not reach consensus on this regulation.
- In the live survey February 6, the question was *"No more than one dwelling should be used as an STVR per lot:"*
 - 26 people of 42 (62%) answered "yes"
 - 15 people (36%) answered "no"
- In the on-line questionnaire, this issue was addressed in Question #7: *"There should only be one STVR permitted per property:"*
 - 338 people answered this question
 - 182 people (53.8%) answered Yes
 - 62 people (18.3%) answered no
 - 49 people (14.5%) answered "other," and made a comment. The comments represent a mix of responses, from people say "no STVRs" to some people answering that it depends on the size of the property or how many legal dwellings are allowed.

North Pender Island Land Use Bylaw 103:

The Land Use Bylaw 103 permits one dwelling and one cottage (on 3 acres +) per lot.

There however are a few exceptions to the current density permissions: under the previous zoning Bylaw No. 5, there was a provision that allowed the same number of dwellings on a property that would be permitted if the land was subdivided (a concept known as "dwellings equivalent to lots"). Some property owners took advantage of this provision and built multiple dwellings on large lots (staff are aware of one or two examples of this, the most well-known being the Timbers property). When Bylaw 103 was adopted in 1999, the "dwellings equivalent to lots" density provision was removed and any properties with multiple dwellings were grandfathered (became legal non-conforming).

Today, in the Rural and Rural Residential zones, there are 132 lots that are 10 acres or larger in size (see map below). Under current zoning, these properties would only permit one dwelling and one cottage.



Issues Summary:

- There are 132 lots that are 10 acres or over in, or partly in, the Rural and Rural Residential zones. Of these, there is only one known property that currently has more than two dwellings.
- Under the current home business approach, an owner or operator is required to live on the property.
- For the regulations to permit more than one STVR, the LTC could include a bylaw amendment that does not require the STVR to be a home business and have an owner/operator live on site. Under that scenario, other than the very few exceptions, there would only be two STVRs permitted per large property (because there are only two permitted dwellings). However, without the home business provisions there would no longer be a mechanism to require a caretaker or owner/operator live on the site.
- Alternatively, the LTC could amend the proposed STVR home business regulations to permit more than one STVR on lots 10 acres or more; the bylaw could allow one STVR for every 10 acres of land. Under this scenario, the STVR would still be a home business and would require an owner/operator to live on site.
- Changing the general regulations to accommodate those few examples of properties where more than two dwellings are permitted is not considered a best practice; where there are exceptions to the density regulations it is best to consider site specific zoning changes or permit multiple STVRs through a Temporary Use Permit.

Options:

The Local Trust Committee has the following options:

- Take no action and continue to propose one short term vacation rental per property; and/or
- add a guideline to the Temporary Use Permit guidelines to allow more than one STVR on large properties with a TUP; or

- further amend the home business regulations to state: “With the exception of lots 4 ha (10 acres) or more, no more than one dwelling or one cottage may be used for a short term vacation rental on a lot. An additional short term vacation rental is permitted for every 4 ha (10 acres) of land on a lot;”
- amend the principal uses permitted in the Rural and Rural Residential zone regulations to permit Short Term Vacation Rentals as a principal use on properties 10 acres or larger and allow one STVR for every 10 acres of land.

Should the LTC decide to amend Bylaws 203 or 204, these amendments could be made at second reading, once the referral responses have been received and before the public hearing is held.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee add a guideline to the Temporary Use Permit guidelines to allow more than one STVR on lots that are 10 acres or larger.

Prepared and Submitted by:

Justine Starke

Island Planner, Local Planning Services

July 20, 2016

Date

Concurred in by:



Robert Kojima

Regional Planning Manager

July 20, 2016

Date

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 is consideration of vacation rentals in residential zones.	03-Feb-2015	Justine Starke	

**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



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.4	MILL BAY MARINE GROUP Planner: Phil Testemale	09-Jun-2016	4605 Oak Rd. Interior and exterior cosmetic upgrades to existing marina and pub
Planning Status			
Status Date: 20-Jul-2016 Permit drafted; staff report on July 28 LTC agenda for consideration of approval.			
Status Date: 10-Jun-2016 File opened and forwarded to planner and LTC.			

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 Variance application on setback to build a SFD for recreational purposes.
Planning Status			
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.			
File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.4	CRIBB, JAMES Planner: Phil Testemale	17-Jun-2016	4825 CANNON CRES Relaxation of front yard setback
Planning Status			
Status Date: 12-Jul-2016 Permit and Notice drafted and forwarded to DS for notification			

Applications

Status Date: 12-Jul-2016

On July 28,2016 LTC Agenda

Status Date: 21-Jun-2016

File opened and forwarded to planner and LTC

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett	09-Nov-2012	Waste transfer/sorting facility with commercial recycle & composting

Planner: Justine Starke

Planning Status

Status Date: 15-Jul-2015

Application delays related to ALC re-consideration of previous approval.

Status Date: 04-Mar-2015

LTC put application on hold pending outcome of community wide waste management land use planning process.
Applicant invited to make application for TUP.

Status Date: 22-Jan-2015

LTC defers consideration of rezoning pending Work Program discussion at Feb 3rd special meeting

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	18-Jan-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address

Allowing for present use (gravel storage & sales; construction debris, and sorting & recycling & transfer of materials & garbage).

Planner: Justine Starke

Planning Status

Status Date: 11-Mar-2015

Email correspondence advised applicant LTC will be considering putting application on hold pending outcome of community process for waste management. Application to be put on next available agenda.

Status Date: 13-Jan-2015

Met with applicant to discuss; applicant to continue to fulfill conditions set by previous staff and LTC

Applications

Status Date: 27-Nov-2014

Emailed applicant requesting status update

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD

To change from a TUP to a permanent zoning for a highway works yard.

Planner: Phil Testemale

Planning Status

Status Date: 19-Jul-2016

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

Status Date: 18-May-2016

DS drafting bylaws

Status Date: 06-Apr-2016

Preliminary report completed and on April 28, 2016 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 Rezone the water lot adjacent to the current Marina

Planner: Justine Starke

Planning Status

Status Date: 20-Jun-2016

Preliminary Staff Report on June 30 LTC agenda

Status Date: 18-May-2016

Preliminary review / DAI requirements being undertaken

Status Date: 11-May-2016

File opened and forwarded to planner/LTC.

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

NP-RZ-2016.3

20-May-2016

4602 and 4606 Oak Road
005-636-639

Request 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:** 28-Jul-2016

Staff report on rezoning 1.7 Rural to Commercial to add to Port Browning Resort to LTC for preliminary consideration.

Status Date: 20-Jul-2016

Staff met with applicants of Port Browning Marina and subject property. Agreement to coordinate applications and have Mill Bay Marine Group act as agent for NP-RZ-2016.2 and NP-RZ-2016.3.

Status Date: 30-Jun-2016

LTC considers SD (septic servicing) component of the rezoning request. Decides to proceed with application.

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.2	Ene Haabniit	09-Jul-2014	4446 HOOSON RD and 5431 HOOSON RD

To create a boundary adjustment between 4446 and 5431 Hooson.

Planner: Phil Testemale**Planning Status****Status Date:** 19-Nov-2015

Applicant contacted in late September. On hold pending hiring a consultant.

Status Date: 03-Sep-2015

Called applicant and left message. Awaiting response from applicant and application for Development Permit. PT

Status Date: 03-Jun-2015

E-mailed owner requesting information on applying for DPs

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

NP-SUB-2016.1 FERGUSON, JOHN 04-Feb-2016 1329 MACKINNON RD

Subdivision to create one parcel and one remaining.

Planner: Phil Testemale

Planning Status

Status Date: 19-Jul-2016

Waiting for DP Application and revised Covenant

Status Date: 15-Jun-2016

PLA Issued June 15, 2016

Status Date: 02-Mar-2016

Sub Referral Report emailed and papered to David Koch at MoTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd Boundary adjustment

Planner: Phil Testemale

Planning Status

Status Date: 19-Jul-2016

Waiting for PLA

Status Date: 27-Jun-2016

Subdivision referral report sent to MoTI

Status Date: 10-Jun-2016

File opened and forwarded to LTC and Planner

Temporary and Industrial Use Permit

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

Planner: Phil Testemale

Planning Status

Applications

Status Date: 19-Jul-2016

Applicant is reviewing option to rezone or proceed with TUP. Sept 22 LTC agenda

Status Date: 18-May-2016

Reviewing options with applicant.

Status Date: 06-Apr-2016

File Opened Created application, forwarded to LTC and planner

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.				

Date: July 20, 2016

File No.:

To: Local Trust Committees

From: Robert Kojima
Regional Planning Manager

CC: Island Planner

Re: 2017-2018 Budget Requests

Purpose

Local trust committees have been requested to submit project budget requests for the next fiscal year (2017-18).

Local Trust Committee Expense Budgets:

A budget for the Local Expense Account has been developed based on the current budget (2016/17) and expenditures – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account. This funding is intended to support local planning initiatives at the discretion of the local trust committee (a local trust committee resolution is required to use these funds).

LTC Projects Budgets:

The Local Trust Committee will need to make funding requests to support anticipated project work in the next fiscal year.

Special Consideration:

Projects planned for the current fiscal (2016/17) which are not completed should be considered as a new project for the 2017/18 fiscal year with resources allocated to support that work.

Budget Request Timeline:

July	Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
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July to Sept	Local Trust Committees review and approve budget requests at LTC meeting
Sept	Budget requests submitted to the Director of Local Planning Services
Oct	Management finalizes budget recommendations to FPC
Oct 19	FPC reviews and discusses first draft of the Budget
Nov 16	FPC approves a draft Budget and principles to be submitted to December Trust Council
Dec 9	Trust Council debates and endorses budget principles and preliminary budget

LTC Budget Requests

I have prepared a draft LTC project budget using the following approach:

- On-going Top Priority projects that are not anticipated to be completed in the current fiscal year with an estimated amount sufficient to complete the projects; where project charters have been endorsed, budgets noted in those documents have been used;
- Other projects from the Projects list that are anticipated become Top Priorities in next fiscal year have been identified in a general way, with an amount sufficient to commence a typical project. There is the option for this budget to be re-allocated to an appropriate alternate administratively after adoption of the budget.

The LTC should review the draft budget requests and:

1. delete any projects included in the draft budget request it does not consider a priority
2. identify any other projects it currently considers a priority for the next term and add them to the budget request (and the work program if necessary),
3. identify any additional expenses associated with any of the projects.

Resolution Wording

1. THAT the _____ Island Local Trust Committee approve and forward the draft 2017-18 LTC Project Budget Request to the Financial Planning Committee as presented; or
2. THAT the _____ Island Local Trust Committee revise the draft 2017-18 LTC Project Budget Request by including/deleting _____ with a budget of \$_____ and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



Robert Kojima
Regional Planning Manager

July 20, 2016

Date

Attachments:

1. Draft 2017-18 LTC expense budget
2. Summary table of LTC project budget requests

2017/18 LTC EXPENSE BUDGET

Total 2017/18

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372		22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%		
LTC EXPENSES **														
LTC Meeting Expenses	4,500	4,750	5,500	4,750	2,750	1,250	1,500	4,000	7,000	2,500	2,000	1,000		41,500
APC Meeting Expenses	600	600	500	500	500	500	500	600	1,500	500	500	500		7,300
Communications	500	1,250	500	1,000	1,000	1,000	1,000	500	1,250	300	300	1,000		9,600
Special Projects	500	1,000	500	500	500	500	500	500	1,000	500	500	500	500	7,500
SUB-TOTAL EXPENSES	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
Program	0	0	0	0	0	0	0	24,000	0	0	0	0	0	24,000
TOTAL	6,100	7,600	7,000	6,750	4,750	3,250	3,500	29,600	10,750	3,800	3,300	3,000	500	89,900
	7%	8%	8%	8%	5%	4%	4%	33%	12%	4%	4%	3%		

PROJECT CODE	N. PENDER	Project	Budget	Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB	Newly Adopted Policy in OCP	Notes
		Land Use Planning for Waste Management (completion)	\$ 7,000.00		x			Communications, CIM, legal, Public hearing, contingency
		Housing (secondary suites)	\$ 5,000.00			x		communications, CIM, Public hearing, contingency
		Housing (Needs Assessment)	\$ 7,000.00			x		contingent upon grant to supplement
		OCP / LUB	\$ 5,000.00		x			to commence LUB or OCP amendment project
		TOTAL PROJECTS	\$ 24,000.00					