



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: June 30, 2016
Time: 4:00 pm
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	
6.1 Local Trust Committee Minutes Dated May 26, 2016 (for Adoption)	4 - 12
6.2 Local Trust Committee Special Meeting Minutes Dated May 30, 2016	13 - 14
6.3 Section 26 Resolutions-without-meeting Report	
none	
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none	
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9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	

9.1	Email dated June 13, 2016 from Sam Sydneysmith regarding Sign on Portland Island	21 - 21
10.	APPLICATIONS AND REFERRALS	
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11.1	Short Term Vacation Rentals (STVR) - Staff Report Bylaws 203 & 204 (for further consideration)	132 - 151
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12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Electoral Area Director's Report	
12.9	Trust Fund Board Report none	
13.	NEW BUSINESS	
13.1	Invitation from Salt Spring Island Watershed Protection Authority to Presentation by Diana Allen Topic "Estimating Groundwater Recharge to the Gulf Islands: Challenges and Progress"	165 - 166

14. UPCOMING MEETINGS

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

15. TOWN HALL

16. CLOSED MEETING

none

17. ADJOURNMENT



DRAFT

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 26, 2016
Location: Pender Island Community Hall
4418 Bedwell Harbour 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

The meeting was being recorded.

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:45 am. He 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

Michael Sketch noted that he had sent two written submissions and he provided an overview of the first. The first submission addressed concern that, in 2012, “infrastructure discarded material” from Magic Lake was placed on the Browning Harbour Agricultural Land Review (ALR) land. He provided the history of the land, discussed the current owners’ proposed use of the site as a waste transfer site, and cited studies to demonstrate that the soil did not suffer from soil degradation prior to 2012.

Mr. Sketch cited Official Community Plan (OCP) sections that may have been violated and remarked that the LTC, at that time, deferred the matter to the Agricultural Land Commission (ALC). He further requested that the LTC direct staff to address the matter and to formally advise the ALC on the matter.

Trustee Masselink responded to the comments. He acknowledged the concern about the soil quality and recommended a broader discussion that does not focus on a single land owner.

Michael Sketch referred to his second submission which addressed the issue of waste management on the Penders. He provided an overview of possible models that could be used and addressed the role of the CRD in those models. He noted that the Pender Island Recycling Society might provide a full range of waste services and provided an overview of the benefits of this model. Mr. Sketch requested that the LTC direct staff to liaise with Pender Island Recycling Society to investigate a similar provision for the Pender Islands.

Note: Planner Starke arrived at 10:12 am.

Mike Burdett noted that his property, previously discussed by Mr. Sketch, includes industrial land that is outside of the ALR. He denied the accuracy of Mr. Sketch's statements and asked that the issue be discussed without continued personal attacks directed specifically at his family and their property.

Donn Korbin referred to the upcoming May 30, 2016 North Pender Island Special Meeting that will have an open house with Capital Regional District (CRD) representatives. He noted that the meetings were not advertised in the Pender Post or other communications and that the CRD representatives are not mentioned in the advertisements he was able find.

Planner Starke acknowledged that information about the meeting could have been put in the Pender Post, but that notice of the meeting was on Islands Trust website newsfeed, had been sent to the Islands Trust subscription list, and that posters had been put up around the island. She provided an overview of the statutory requirements for advertising meetings and the publications that are used to meet those requirements.

Chuck Harris spoke against business owner signs that are posted on roadsides and power poles. He noted that he has contacted Bylaw Enforcement, but has not yet received a response.

Gary Dudley remarked that he is very familiar with the property owned by Mike and Anne Burdett, which was discussed earlier in the Town Hall. He noted that he is one of the last people still alive who remembers the land before development, and stated strongly that the land has never been suited to grow vegetation and that extensive searches have never located a water source.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 6, 2016 (for Adoption)

By general consent, the Local Trust committee meeting minutes of May 6, 2016 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Draft Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated May 2016

Trustee Masselink referred to Item 11.1 Short Term Vacation Rentals and asked for an update.

Planner Starke responded that it would be addressed at the next meeting.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 Email Dated May 10, 2016 from W. MacDonald re Community Housing Needs Assessment for the Pender Islands

Wendy MacDonald, Manager at Plum Tree Court, provided a hard copy of the Housing Need and Demand Study template used by BC Housing. She noted that this is the desired outcome of the study that they are asking the LTC to initiate.

Wendy MacDonald outlined the specific situation of Plum Tree Court and the reasons they are seeking assistance with this study. She also highlighted the benefits that the study would have for the community as a whole and asked that a Housing Need and Demand Study be considered for the overall Trust Area.

Trustee Barber remarked that the study could be included in the LTC's ongoing housing project.

Trustee Masselink asked whether the LTC, the CRD, or another organization could receive the grant to complete this study.

Wendy MacDonald responded that Plum Tree Court would be willing to work with anyone who was willing to help them.

Planner Starke provided an overview of the upcoming Islands Trust Housing Forum on June 13, 2016 and noted that Wendy MacDonald would be presenting that day. She also remarked that a housing needs assessment should be the first step in a housing-related project and that this would be the next stage in the work project.

There was general consensus to continue the discussion under agenda item 12.1.

10. APPLICATIONS AND REFERRALS

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

Chair Grams provided an overview of the Salt Spring Island referrals for the LTC's information.

NP-2016-035

It was MOVED and SECONDED,

that the interests of the North Pender Island Local Trust Committee are unaffected by proposed bylaw No. 488 Salt Spring Island Local Trust Area.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaw No. 489 Referral

NP-2016-036

It was MOVED and SECONDED,

that the interests of the North Pender Island Local Trust Committee are unaffected by proposed bylaw No. 489 Salt Spring Island Local Trust Area.

CARRIED

10.3 Salt Spring Island Local Trust Committee Bylaw No. 489 Referral

NP-2016-037

It was MOVED and SECONDED,

that the interests of the North Pender Island Local Trust Committee are unaffected by proposed bylaw No. 489 Salt Spring Island Local Trust Area.

CARRIED

10.4 Mayne island Local Trust Committee Bylaw Nos. 165 & 166

NP-2016-038

It was MOVED and SECONDED,

that the interests of the North Pender Island Local Trust Committee are unaffected by proposed bylaw Nos. 165 & 166 Mayne Island Local Trust Area.

CARRIED

10.5 Mayne Island Local Trust Committee Bylaw No. 167 Referral

NP-2016-039

It was MOVED and SECONDED,

that the interests of the North Pender Island Local Trust Committee are unaffected by proposed bylaw No. 167 Mayne Island Local Trust Area.

CARRIED

10.6 Mayne Island Local Trust Committee Bylaw Nos. 168 & 169

NP-2016-040

It was MOVED and SECONDED,

that the interests of the North Pender Island Local Trust Committee are unaffected by proposed bylaw Nos. 168 & 169 Mayne Island Local Trust Area.

CARRIED

10.7 NP-TUP-2016.1 (Murdoch)

Planner Starke provided an overview of the application and the related staff report. She noted that this application has been made as a voluntary effort to bring the rural property into compliance with the current bylaws. She further reported that two letters have been received from neighbours speaking against the application.

Trustee Masselink expressed the following concerns:

- Industrial screening activities can be disturbing to neighbours.
- Neighbouring property owners have shared concerns regarding the activities and some who feel impacted are not captured in the definition of “neighbours” and should therefore be granted more time to have their concerns addressed.
- By relocating the gravel, this Temporary Use Permit (TUP) may relocate an issue that is concerning to the community instead of allowing the issue to be dealt with.

Gary Dudley was invited to speak as a neighbouring property owner. He asked whether there was any protection to ensure that the permitted activities would not be expanded to other sites on the property. He also noted that rain run-off will distribute the materials beyond the property on which they sit.

A discussion was held regarding what the next step should be. A recommendation for a community meeting was made and discussed by the LTC with input from Planner Starke.

A discussion was held regarding amending the TUP to add conditions that would mitigate the concerns of the LTC and the neighbours.

NP-LTC-041

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2016.1 (Murdoch) for a period of three years.

A discussion of the motion was held and there was general agreement to make a friendly amendment to reduce the period to two years.

The motion was re-read as follows:

NP-LTC-041

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2016.1 (Murdoch) for a period of two years.

Trustee Masselink expressed concern that the TUP process was moving too fast to provide adequate time to address the concerns of the community.

A discussion was held regarding the proposed activity of gravel screening and concerns from neighbours. The applicant responded that this activity would not take place and offered that it be removed from the TUP.

Further discussion was held regarding a community meeting and whether it would prove beneficial to this process.

Chair Grams recommended a friendly amendment "Which would not include gravel screening" and there were no objections. The motion was re-read and a vote was called.

NP-LTC-041

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2016.1 (Murdoch) for a period of two years, which would not include gravel screening.

CARRIED

(Trustee Masselink opposed)

A member of the community expressed concern with the burning that has taken place on the property.

Chair Grams acknowledged the concern and noted that it was an issue for Bylaw Enforcement.

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated April 2016

For information.

12.1.2 Projects List Report Dated April 2016

A discussion was held regarding the addition of a Community Housing Needs Assessment to the Project List. There was general consensus that the discussion would continue after the June 13, 2016 Housing Forum and that Trustee Masselink would contact CRD Director David Howe regarding possible CRD involvement in the study.

12.2 Applications Report Dated April 2016 (attached)

For information.

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

The date on the document was noted and Planner Starke remarked that an error may have been made by staff.

12.4 Adopted Policies and Standing Resolutions (attached)

For information

12.5 Local Trust Committee Webpage

Trustee Masselink noted that the advertising for the May 30, 2016 meeting is very general and asked if it could be broadened with more information.

Planner Starke acknowledged the concern and remarked that as an open house, there is little structure to expand upon. She also provided an overview of the meeting's structure and its goals.

12.6 Chair's Report

Chair Grams provided a report which included the following points:

- Attended a Royal Roads University presentation regarding the clam beds at Fulford Harbour. He noted that marine aquaculture is very topical and provided an overview of the issue.
- Preparing for Trust Council and looks forward to an interesting and full agenda.
- Provided an overview of the Salt Spring Island Watershed Protection Authority, noting that a Water Conservation and Efficiency Committee is being established to maximize conservation and efficiency.

12.7 Trustee Report

Trustee Masselink provided a report which included the following points:

- Teaching a course in Environmental Land Use Planning at Royal Roads University.
- Receiving many calls regarding STVRs from people who are concerned that there should be more aggressive regulations.
- On Sunday, May 29, 2016 there is a meeting at the Tribal School to discuss Saanich Sea and future care.
- Gulf Island National Parks Reserve is meeting June 17, 2016 for the first time is a long time and he will be attending on behalf of the LTC.

Trustee Barber provided a report which included the following points:

- A Parks meeting was held yesterday and they displayed a brochure of events which did not include activities on the Pender Islands. She noted that this is a missed opportunity for the island.
- The CRD Gas Tax Fund has made a donation for the Pender Island Community Bus and the organization is now seeking volunteer bus drivers.

12.8 Trust Fund Board Report May 2016

Chair Grams provided an overview of the report, noting that there are vacancies on the Trust Fund Board for which they are actively seeking referrals.

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 30, 2016, 4:00 pm, at the Anglican Parish Hall, 4703 Canal Road, Pender Island

15. TOWN HALL

Marika Kenwell remarked that she provided a report in follow-up to community statistics related to STVRs. She further noted that she will send the statistics from the Pender Island Fire Rescue Chief and the Community Hall Board in the near future.

Chuck Harris remarked that the economy on Pender Island is driven by construction and only 7% is driven by tourism. He remarked that as an Islands Trust location, tourism should not be promoted at the expense of the environment.

Michael Sketch asked whether the meeting was recorded, when it will be available, and if it will be edited.

Chair Grams responded that the meeting was being recorded, that it will be posted online, and that there is a policy to edit for defamation.

Michael Sketch commented on the STVR TUP provisions and remarked that the public expectation is that TUPs serve to address bylaw infractions or as a precursor for a zoning application. He recommended that the LTC make an OCP amendment that clarifies the use of TUPs specifically for STVRs.

A discussion was held regarding the use of vacation rental regulations in other jurisdictions.

Anne Burdett asked if the upcoming meetings regarding waste and resource management would be recorded.

Planner Starke responded that the May 30, 2016 meeting will be an informal town hall and will not be recorded, but that the meeting held in August will be recorded.

Marika Kenwell remarked that TUPs on Gabriola Island are specifically used for STVRs to prevent rezoning.

Michael Sketch outlined the benefits of having community land zoned industrial that could be run by a not-for-profit and used communally.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent, the meeting was adjourned at 11:59 am.

George Grams, Chair

Shannon Brayford, Recorder



DRAFT

North Pender Island Local Trust Committee Minutes of a Special Meeting

Date: May 30, 2016
Location: Pender Island Community Hall
Royal Canadian Legion, North Pender Island, BC

Members Present Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Justine Starke, Island Planner
Shannon Brayford, Recorder

Public Present There were twenty six (26) members of the public present
Anke Bergner, Capital Regional District
Tom Watkins, Capital Regional District
Dave Howe, Regional Director, Southern Gulf Islands

1. CALL TO ORDER

Planner Starke opened the meeting at 1:00 pm. She asked the Local Trust Committee (LTC) to select an acting Chair.

By general consent, Trustee Barber was appointed acting Chair

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Waste and Resource Management Discussion

Small group discussions were held in an informal manner and attendees were encouraged to review poster boards which outlined the project's progress to date.

Planner Starke, Trustees, and Capital Regional District (CRD) representatives spoke with attendees individually.

No addresses were made to the group as a whole.

Note: CRD representatives Anke Bergner and Tom Watkins departed from the meeting at 2:48 pm

4. ADJOURNMENT

By general consent, the meeting was adjourned at 4:00 pm.

Dianne Barber, Acting Chair

Shannon Brayford, Recorder

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
11.1 Housing - STVR- 1) draft amendments to the LUB and the OCP to permit STVRs based on the staff report dated April 13, 2016 and as discussed on May 6 2016. [Done]	Sharon Lloyd-deRosario Justine Starke	26-May-2016	On Going
2) draft a bylaw amendment to the Fees Bylaw 173 to reduce the fee for STVR TUPs to \$900.00.			
3) 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	On Going

Regina Robinson

From: Marika Kenwell [REDACTED]
Sent: Saturday, May 28, 2016 1:54 PM
To: Derek Masselink; George Grams; Dianne Barber; Justine Starke; Robert Kojima
Subject: THE INCREASE IN THE SUMMER POPULATION AND ITS IMPACT ON THE LOCAL INFRASTRUCTURE 2016.
Attachments: Impact Population Increase 2016.pdf

Please find attached the digital cc of the report as the above title indicates. I wish to thank you for encouraging this Community to participate in the work of "Preserve And Protect" en devours. The generosity of the Infrastructure leaders reflects the supportive people we live with in this Community.

Regards.

Marika Kenwell (the one who writes with an accent)



THE INCREASE IN THE SUMMER POPULATION AND ITS IMPACT ON THE LOCAL INFRASTRUCTURE

Prepared for PITPS and the LTC April/2016

This brief report arose out of repeated discussions in the Community and the LTC regarding the unknown elements that would shed light on what Pender Islands "Carrying capacity" is as far as Population numbers are concerned. It is understood that the carrying capacity of the Island is a crucial foundation element on which land use planning and development decisions should be based. An increase in Population density also has a major impact on the local environment, the supply of natural resources such as water, especially in the face of climate change.

The following Infrastructure Leaders were interviewed and notes reflect comments made by interviewees ; Chief Of the P.I Fire and Rescue Services Charlie Boyte , Executive Director Of The P.I Health Care Society Robert Dill , DR G .Moore Health Center/Clinic Physician and The Staff of the Local Police Services.

P.I .FIRE AND RESCUE SERVICES:

The Fire Chief was generous by giving up a half hour of his busy day. He understood that the Population of Pender Doubles during the warm weather months and his workload stats reflect this (See attached Stats). Discussion lead to the pressures to support the local economy by increasing Tourism and he understood that there is a need to stimulate the economy. However, he raised the need to find a balance between supporting the economy and safeguarding the local resources and the local infrastructure. He shared his continuing effort to find additional strong volunteers for the Fire and Rescue Services in order to keep this Community safe. He advocates bringing additional young families on to the Island, but is aware that there is very limited affordable housing for families. He is concerned re the additional pressure that visitors bring as they may not be aware of how limited our water resources are and that fires can jeopardize the community. He states that in the event of a fire he will be using the Magic Lake Estates water supply. He recognized that his Service Workload is linked to the local Health Clinic Workload as Fire Services are the First Responders to all 911 calls.

P.I. HEALTH CARE SOCIETY:

The Executive Director Robert Dill shared a few minutes on the phone. He stated that the Health Care Society takes a "Hands Off Approach" to the Health Center day to day operations. More or less" just rents the structure to the Service Delivery Staff". He did note that due to the surge in Health Centre Visit a few years ago they cautioned the Community to not "Use the Clinic as a Walk In Clinic".

P.I. HEALTH CENTER/CLINIC PHYSICIAN:

Dr. Gerry Moore offered some time for a discussion on what the impact of the increase in the Summer Population brings. He stated that there is a significant change in Patient Flow. When the Patient flow increases "All Routine Medical Interventions Are Delayed" until the surge in Patient flow returns to normal. To manage the increased workload, most summers only one of the Doctors will take Appointments! The second Doctor will look after the so called "Walking Wounded or Fast Track" Patients. He felt it is important that the Community and Visitors understand that they should seek medical care off Island whenever feasible. I understand that this applies to those that have GPs or Medical Specialists off Island. The most significant increase in workload appeared in the "Call Out

Service". DR Moore stated that this service triples in the summer months. This workload occurs after regular hours of operations and is of an Emergency nature . During after hours, only one Doctor is on call and provides the Acute or Emergency Care. This usually requires that the Patient be stabilized....in the Clinic and if the Patient needs to be evacuated to a City Hospital the Patient stays in the Clinic until evacuation/transportation is realized. Last May/June and July/August stats are reflected in the attached sheet prepared by the Medical Clinic Staff. A brief discussion with two of the staff indicated that the summer workload brings a significant amount of stress especially when people stand in line outside of the Clinic waiting to get in.

POLICE SERVICES:

Police Services Designates were interviewed. There was recognition that with the summer population increase came additional workload. The workload increase starts as the warm weather arrives and is reflected in weekend call outs/complaints and in general workload related to increased visitor population. The Police do not keep stats on whether the complaints were generated by Tourists/STVRs or property owners...and even if they keep such stats they would not be made available to the public.

LOCAL WATER AND SEWER SERVICE COMMITTEE:

Discussions with Jim Petrie are ongoing re the Water concerns and the need to protect the Water Reservoir. Having had to take Magic Lake out of use last summer as a cautionary step due to Blue Green Algae bloom is a concern again. Regular testing of the water by the CRD will continue throughout the summer months in order to get accurate data re possible toxin levels during Algae bloom. At the May 21st Buck Lake Property Owners Association meeting, Jim reminded us that stage one water conservation is in effect as of May 1st. Update on the Sewer Capacity repair was welcome, work will proceed in July 2016. Concern re the pressure on both the water and the sewer system during the summer population increase in Magic Lake Estates continue! Regulating STVRs is supported by many Magic Lake Estate Property owners. Concern re the recent LTC decision to not protect the Water Reservoirs is significant. The Buck Lake Property owners, who serve as the Stewards of this water supply are fairly worried as the summer months arrive, as there has not been any rain for some times!

SUMMARY/CONCLUSIONS:

This review with the above Infrastructure leaders was a valuable experience. It is understood that some of the leaders want to support Economic Stimulus by increasing the visitor population, yet they are concerned about the impact that additional Tourist population will have on our Natural Resources and on the Infrastructure during the critical summer months .The Cautionary Principle raised, support a balance between assisting the economy and Protecting this Community towards sustainability .There is a sense that Pender Island is close to its carrying capacity in the context of the Water supply ,Sewage disposal capacity , Health Care Services capacity and Density in Residential Zones.

Respectfully Submitted:

Marika Kenwell , Lynne Wells

Code Number	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total Incidents
1	Structure Fire												1	1
2	Chimney Fire			1						1		1	2	5
3	Vehicle Fire							1					1	2
4	Grass Fire								1					1
5	Forest Fire													0
6	Burn Complaint			1	4	3	2	4	2	5	3	2		26
7	First Response	4	6	4	4	9	7	10	11	9	9	4	8	85
8	Ambulance Assist		2	2			1	2	2	2	3	4	1	19
9	RCMP Assist				1									1
10	Smoke Sighting					1	4		4	1	1			11
11	Chemical Spill					1								1
12	Oil Spill													0
13	Fuel Spill													0
14	Gas Leak						2							2
15	Appliance Fire													0
16	Hydro Lines Down/Incidents							2	2		1	1	4	10
17	Smoke Smell						1	4	2	1				8
18	Motor Vehicle Incident	2				2		1	3	1		1		10
19	Miscellaneous			1		1			1		1			4
20	Plane Crash													0
21	Search & Rescue											1		1
22	Alarm Bells	1	2	1	1			1		1	3	4	2	16
23	Public Assist / Good Samaritan		1	2			6	5	2	1	1			18
24	Rope / Embankment Rescue								1					1
25	Illegal Burn / Illegal Eqp Use						1	14	3	4			1	23
	Total Incidents	7	11	12	10	17	24	44	34	26	22	18	20	245

Pender Island Medical Clinic

5715 Canal Road
Pender Island, B.C. V0N 2M1
Telephone (250) 629-3233 FAX (250) 629-3234

Dr. Gerald Moore, MD, Inc
Ms. Tracey L. Adams MN NP
Dr. Behzad Ansari, MD

AFTER HOURS BILLING CODE STATS For Drs. Moore, Ansari, & locums

Fee Code 1200 – Call out surcharge 18:00 – 23:00

Fee Code 1201 – Call out surcharge 23:00 – 08:00

Fee Code 1202 – Call out surcharge weekend & holiday days 08:00 – 18:00

Fee Code 112 – Day time Emergencies

FEE CODE	Date Range	Number of Services	Total Number
112	1 May 2015 To 30 June 2015	7	38
1200		9	
1201		5	
1202		17	
112	1 July 2015 To 31 August 2015	3	39
1200		6	
1201		6	
1202		24	

Prepared by Shelley Richards, medical office assistant 2016-04-28

Regina Robinson

From: [REDACTED]
Sent: Monday, June 13, 2016 2:00 PM
To: npltcwebmail
Subject: Contact Form Submission



COPIED TO

☒ **PLANNER**

☒ **LTC**

☒ June LTC agent

Contact: North Pender Island Local Trust Committee

Name: Sam Sydneysmith

Email: [REDACTED]

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message: Dear Sir On a recent paddle to Portland Island we landed at Arbutus Point and, to our horror, encountered a monstrous heavy-built billboard, standing about 10ft. tall by 12ft. wide, plumb in the middle of the point's grassy peninsula. This monstrosity has RUINED the natural beauty and ambience of Arbutus Point, one of the Gulf Islands' finest viewpoints. The billboard is a shameless piece of First Nations' propaganda. It comprises three tall panels; two displaying historical information about First Nation's earlier occupation of the island, and a third on how to play the indian game of "bones".... (believe it!!). This hideous structure invades virtually every sightline from the five or so designated campsites set in the trees behind. If First Nations interests want to display such information about themselves, could this not be done on horizontal notice boards? ... (as is done on other islands e.g Russell Island nearby). It is most disheartening to sense that our precious and unique Gulf Islands, entrusted to National Parks Canada "on Reserve", can be so quickly downgraded by this kind of insensitive and mindless development. Please take a look at Arbutus Point and, if you agree that this development is "inappropriate", please persuade Trust Council pursue National Parks and save this gem of the gulf islands from mindless degradation [REDACTED]



Islands Trust

BYLAW REFERRAL FORM

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

Island: South Pender Island Local Trust Area Bylaw Nos.: 113 (OCP) & 114 (LUB) Date: May 24, 2016

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

APPLICANTS NAME / ADDRESS: N/A

PURPOSE OF BYLAW:

The purpose of Bylaw 114 is to make extensive amendments to the Land Use Bylaw. The majority of the changes are technical or minor in nature, however several significant changes to regulations are proposed, including:

- Increasing the maximum floor area of cottages from 56m² to 70m²
- Requiring new dwellings to have cisterns for rainwater catchment
- Removing floor area limits for accessory buildings
- Reducing maximum lot coverage from 25% to 15%, 10%, or 5% depending upon lot size
- Establishing a maximum floor area for new dwellings
- Increasing the minimum lot area in the Agriculture and Forestry zones from 4 ha to 16 ha
- Permitting private docks only in locations with existing docks/tenures, any new private dock proposals would require a rezoning application. The OCP would be also be amended to provide policy criteria for consideration of dock rezoning applications
- Subdivisions would be required to provide proof of potable water in the form of a professional report
- The lot recently added to Brooks Point Regional Park would be rezoned and re-designated.

Bylaw 113 would amend the OCP to enable the LUB amendments.

Staff reports and background materials are available on the South Pender island webpage: [Land Use Bylaw Amendments](#)

GENERAL LOCATION:

South Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including reports and a blackline version of the LUB, is available at: www.islandstrust.bc.ca by following the links to the South Pender page and the Land Use Bylaw Review project. Please contact the undersigned with any questions.

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


(Signature)

Name: Robert Kojima

Title: Regional Planning Manager
Contact Info: Tel: 250-405-5159
Email: rkojima@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

Agricultural Land Commission

BC Assessment Authority

Ministry of Agriculture – Regional Agrologist

Ministry of Community, Sport and Cultural Development

Ministry of Forest, Lands & Natural Resource Operations

- Crown Lands And Resources

- Water Protection

- Archaeology Branch

Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Pender Islands Parks and Recreation Commission

Gulf Islands School District No. 64

Regional Agencies

Capital Regional District – Building Inspection

Capital Regional District – Regional Parks and Community Services

Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

TE'Mexs Treaty Association

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

South Pender Island Local Trust Area

(Island)

113, 114

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

STAFF REPORT

June 20, 2016

File No.: NP-TUP-2016.2
(Hewlett)

To: North Pender Local Trust Committee
For LTC Meeting: June 6, 2016

From: Phil Testemale, A/Planner 2

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

Re: Temporary Use Permit Application

Owner: Ann Hewlett & Paul Stephenson
Applicant: Same
Description: Lot 1, Section 9, Pender Island, Cowichan District, Plan 16459
PID: 003-972-640
Civic Address: 2705 Yawl Lane

THE PROPOSAL:

This application is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a Dwelling Unit.

BACKGROUND/PROPOSAL:

The proposal is to allow for a TUP for a STVR use within an existing 142 m² (1530 ft²) single family dwelling. The application is for a proposed new use on the property that to date has only been used as a residence.

The applicant's reasons for the proposed temporary use are to be able to operate an STVR in compliance with bylaw regulations. The dwelling is a four (4) bedroom (one is very small) home and the applicants have stated that they propose to advertise as being suitable for up to two (2) adult couples (no children or pets). The applicants have owned the property for 7 years and recently extensively renovated the home. The house is for sale, but it is noted that the permit is attached to the land, not the applicants. The property is in the Magic Lake water and sewer system and has off street parking for four (4) cars.

The owners propose to rent from June to September, plus long weekends throughout the year and expect to advertise online with VRBO, Away.ca etc. They live on North Pender in the Bricky Bay area. With respect to the management and operation of the STVR the applicants have submitted the following:

We are available for emergency contact 24 hours a day, 7 days per week. We intend to be directly involved in the management of the STVR. We have extensive property management

experience as we own and manage two apartment buildings with a total of 32 units, so we are very familiar with dealing with tenant complaints, etc.

They have informed and spoken directly to their immediate neighbours about the proposal and their operational role. More information is attached on a one page excerpt from their application submission.

There is no construction or land alteration associated with this application.

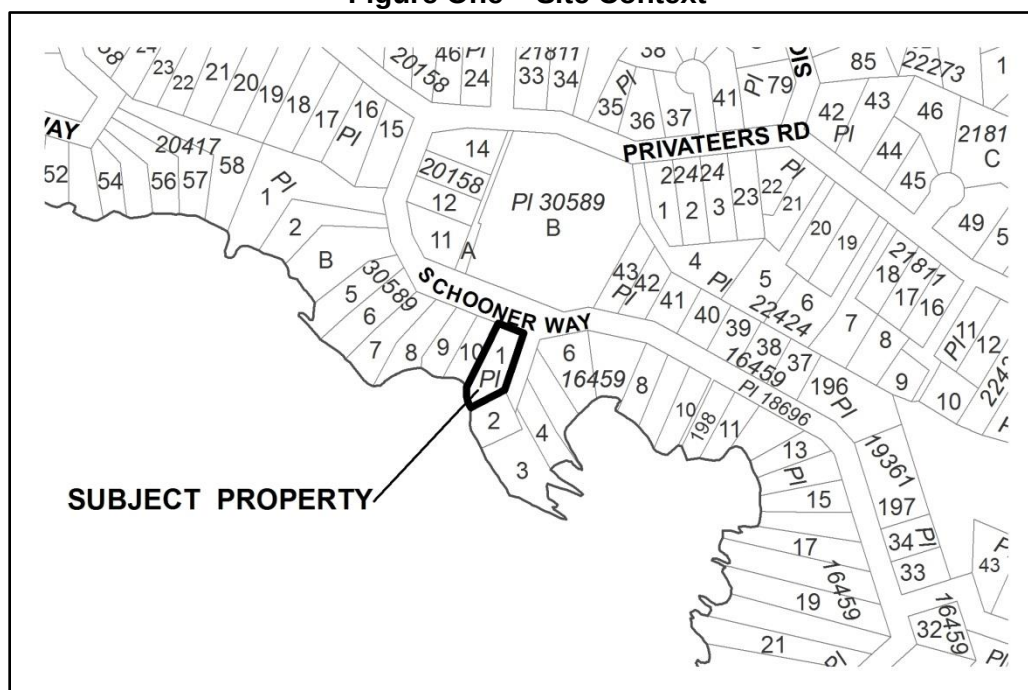
The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application. A copy of the proposed NP-TUP-2016.2 and a completed TUP checklist are attached.

SITE CONTEXT:

The property is a 0.2 ha (0.48 ac) property located at 2705 Yawl Lane in the Magic Lake Estates subdivision on North Pender Island (Figure One). The property is an oceanfront parcel just north of Boat Nook and has direct neighbours either side and across Yawl Lane. With exception of the CRD sewage treatment property north and across Schooner Way, neighbouring properties north and south are of a similar size and residential use.

The property slopes from Schooner Way south toward the ocean with a steep bank area above the foreshore. For this reason, the applicants have stated that they will be advertising as adult oriented accommodation with no children or pets. A portion of the property is in the Woodland Ecosystem Development Permit Area One (see below).

Figure One – Site Context



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is

increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for STVR within a dwelling unit is consistent with the above policies.

Figure Two – Orthophoto with Zoning



Photo One: View south of sideyard on east side of dwelling



Photo Two: View toward west

Photo Three: View to west neighbouring dwelling



Photo Four : View of south and east side of dwelling

Photo Five : View west of south side of dwelling



Photo Six : View of parking area (north and east side of dwelling)

Official Community Plan

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

Conformity of proposal with the proposed objectives and guidelines for TUP applications for STVRs is analyzed in the 'TUP – Short Term Vacation Rental' Checklist' - attached.

Development Permit Areas 1 – Woodland Sensitive Ecosystem is designated on the subject property (Figure Three). No development activity requiring a DP is proposed. A condition in the draft permit (3.d)) is that the applicant must provide information for guests on the location of the DPA on the property as well as information on how to avoid or minimize impacting the sensitive feature.

Land Use Bylaw

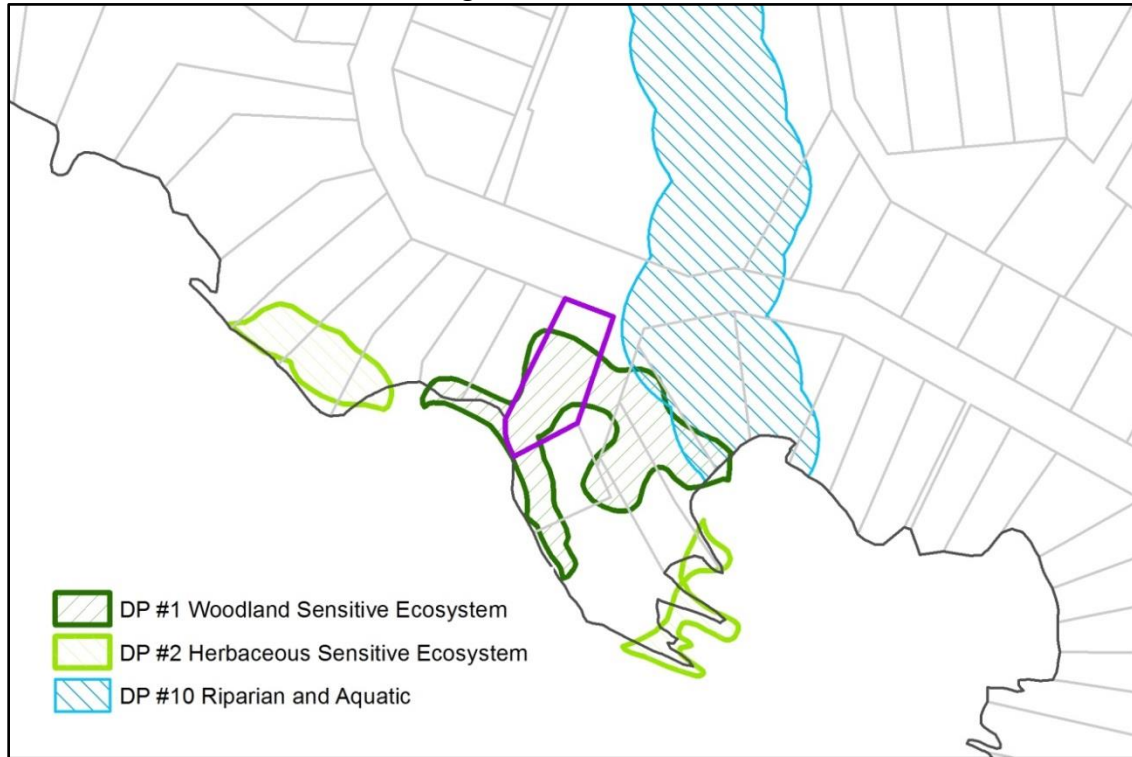
The property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).

The property is within the Magic Lake Waterworks District and sewer system.

Islands Trust Fund

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Figure Three - DPAs



Covenants

There are no covenants registered on the subject property's title.

Sensitive Ecosystems and Hazard Areas

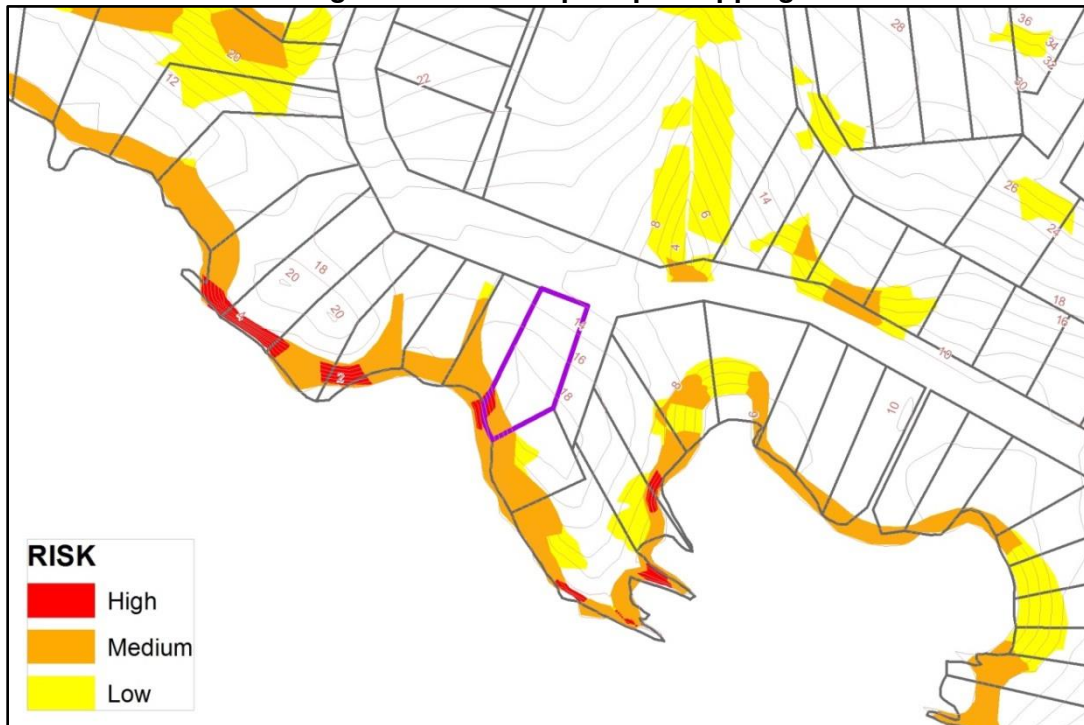
The sensitive shoreline ecosystem and woodland ecosystems are identified in the OCP section. As stated above, there are areas identified in the moderate and high steep slope hazard areas, however, no development is proposed with this application.

Archaeological Sites

There are no identified archaeological sites on the 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.

Figure Four – Steep Slope Mapping



Bylaw Enforcement:

There are no Bylaw Enforcement files for this property.

Climate Change Mitigation and Adaptation

There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.

Shoreline

The identified shoreline type is Boulder/Cobble Beach.

RESULTS OF CIRCULATION:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on June 22, 2016. The notification period will end at 4:30 p.m. on June 29, 2016.

Staff has received five (5) submissions to date. These are attached in full. All indicate that they are strongly opposed to the application. The reasons are summarized as follows:

- Privacy. Primarily this is due to the small lot size, the proximity of neighbouring homes to the subject home and 'overlook' as the subject home is also at a higher elevation. In addition, the landscape is open and there is minimal fencing potentially causing intrusions or trespass.
- Disruption to Peace and Quiet. There are concerns about the constant turnover of guests and the potential for partying and noise, garbage, etc.
- Neighbourhood Character. The local area is described as "tight knit" with seniors. There are concerns that short term renters will alter and disrupt this character.

- Parking. Letters indicated that parking on the property and the on Yawl Lane is very constrained.
- Services. Stress on the Magic Lake sewer and water system that already has issues with capacity and infrastructure.
- Fire and safety. The concerns are due to a perceived lack of understanding or regard for such issues from renters from off-island.
- Sale of the property. The property is currently vacant and being marketed for sale. The TUP, if issued, “runs with land” which is to say that it applies to the land and does not expire if the land is sold. The concern is about future potential owners abiding by the conditions of the TUP and/or that this application might be being used just to market the property.

Any further public submissions will be forwarded to the LTC and presented at the North Pender Island LTC meeting on June 30, 2016.

ISSUES SUMMARY:

DRAFT TUP Objectives and Guidelines

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

This is the first application for a TUP for an STVR for North Pender and will “test” to some extent the policy direction that the LTC has chosen with regard to STVRs, particularly for Magic Lake Estates.

Some particular issues that have arisen that the LTC should consider:

Local Context

The response to the notification has raised many concerns that reflect the localized situation wherein the subject property is on a small property on a confined cul de sac. The landscape is open and adjacent houses are visible and in close proximity. In addition, there are numerous permanent residents (including both direct neighbours), and an established sense of community has been expressed by the submissions.

Sensitive Ecosystem DPA

As stated above, a condition of the permit of is for the applicant to provide information of the sensitive ecosystem (DPA One – Woodland) to renters.

Applicant’s Rational for the Proposed Use

The applicant is applying in order to gain approval for an STVR use prior to conducting the business. Numerous submissions have indicated that a concern that the owners might be applying merely to “market” the property which is for sale.

Response to Neighbour and Public Notification

The summary of submissions has been provided in the previous section. To date this has indicated unanimous opposition to the proposal.

STAFF COMMENTS:

The attached checklist, the foregoing summary and the submissions received to date in response to the notification, highlight the real issues, as well as those that are perceived and potential, which arise when a STVR application is contemplated at the local level. The draft policies and the proposed permit have been drafted in order to address such issues and to mitigate these with conditions.

The TUP process has the benefit of the notification process that gauges the level of neighbour support and identifies issues and concerns that might otherwise not be identified. Applications look at each proposal on a case by case basis, and the support or objections from neighbours as well as their specific concerns, all which should be taken into consideration by the LTC as it makes its decision.

The local community has raised concerns based on the physical and social circumstances of this particular application. If the LTC does wish to proceed with the application, staff is recommending that the permit be revised to mitigate some of the concerns. In particular, staff is recommending that the permit be amended as follows:

- Changing the time period to one (1) year: this would allow a “trial run” after which a renewal application would take into consideration any issues that might arise.
- Inserting a condition for landscape screening between the subject property and the property to the west (27131 Schooner Way) and east (2703 Yawl Lane). The vegetative screening should be either outside of the DPA; or, in previously disturbed areas and consistent with exemption 5.2.1.4 c) of the OCP wherein “*determination by Islands Trust staff that the land subject to the proposed work does not contain a sensitive ecosystem.*” The screening should utilize indigenous plantings and be of a form acceptable to staff.
- Inserting a condition limiting the number of people and bedrooms (i.e. four (4) in two bedrooms (2)).

OPTIONS:

The LTC has options including amending the proposed TUP in order to make the conditions more restrictive. The conditions cannot be made more permissive without directing staff to conduct a new notification process.

The LTC should consider the following options:

1. Deny the permit; OR
2. Approve the permit as drafted; OR
3. Approve the permit amended with all or some of the conditions outlined in the previous section.

RECOMMENDATIONS:

1. **THAT** Temporary Use Permit NP-TUP-2016.2 (Hewlett) be amended as follows [insert any new conditions]
2. **THAT** Temporary Use Permit NP-TUP-2016.2 (Hewlett) **BE APPROVED [as amended]**.

Prepared and Submitted by:



June 20, 2016

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

June 20, 2016

Date

Attachments: Proposed NP-TUP-2016.2 (Hewlett)
Notice NP-TUP-2016.2
TUP Checklist – Short Term Commercial Vacation Rental
Excerpt from application submission.
Correspondence

PROPOSED



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2016.4 (Hewlett)**

2705 Yawl Lane

To: Ann Hewlett and Paul Stephenson

1. This Permit applies to the land described below:

Lot 1, Section 9, Pender Island, Cowichan District, Plan 16459
(PID: 003-972-640).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other on-island contact person's name and telephone number be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
 - b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
 - c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
 - d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem located on the property, and how to avoid or minimize impacting the sensitive feature;
 - e) camping and occupancy of recreational vehicles are prohibited;
 - f) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Short Term Vacation Rental is permitted. The sign must be located on the lot occupied by the Short Term Vacation Rental use;
 - g) the rental or provision of motorized personal watercraft is prohibited;
 - h) all outdoor fires are prohibited;
 - i) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - j) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - k) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them; and,

- l) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner and on island contact person, and permit information at the entrance to the property.
- 4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
- 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued



Islands Trust

**NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2016.4**

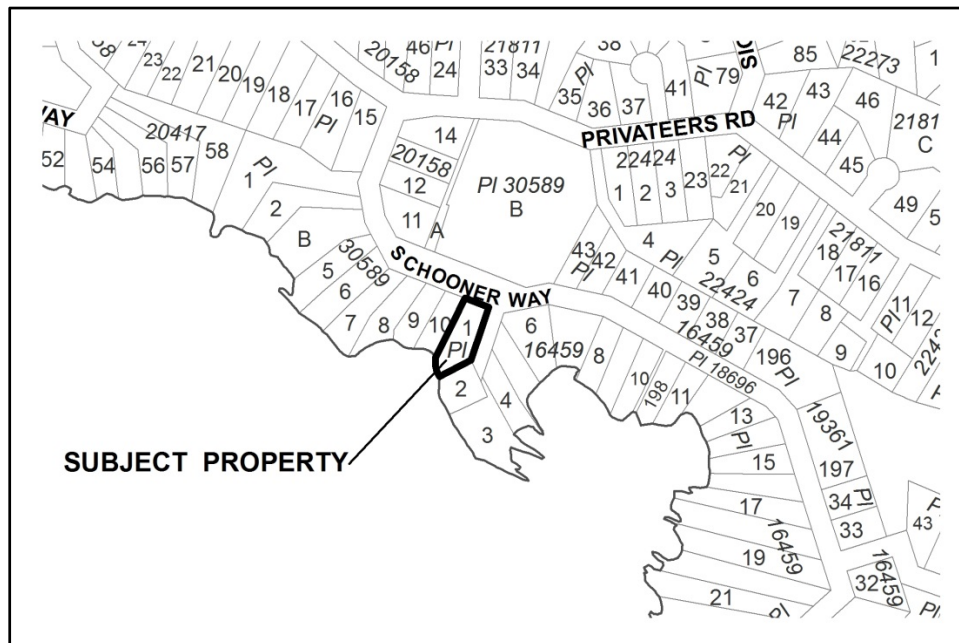
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to a portion of Lot 1, Section 9, Pender Island, Cowichan District, Plan 16459 (PID: 003-972-640). This property is located at 2705 Yawl Lane.

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

- a) A Short Term Vacation Rental within the Dwelling Unit.

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **June 17, 2016** and up to and including **June 29, 2016**.

Enquiries or comments should be directed to Planner Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before 4:30 p.m., **June 29, 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 **4:00 p.m.**, Thursday, **June 30, 2016**, at the Pender Island Anglican Parish Hall, 4703, Canal Road on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary

TUP Checklist for Short Term Vacation Rental: NP-TUP-2016.4
2705 Yawl Lane

Guidelines	Comments
TUP Guidelines	
Time Period - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Complies
Residential Appearance - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.	No alteration to the dwelling is proposed.
Cumulative Effects – 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.	This is the first STVR/TUP application for North Pender Island and the local neighbourhood.
Water and Sewer – 6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	Magic Lake Water and Sewer systems. Draft permit sent to CRD for information.
Parking - 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.	Two (2) spaces as condition in draft permit.
Sensitive – Ecosystems - 6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Condition placed in draft permit.
Signage – 6.4.7 The Permit should restrict advertising to one unilluminated sign, with a max. area of 0.6 m ² .	Permit indicates a maximum size of 0.4 m ²

On Island Contact - 6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition placed in draft permit.
Neighbour Contact – 6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.	Condition placed in draft permit.
Guest Information – 6.4.10 The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Condition placed in draft permit.
Use of Accessory Buildings – 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.	N/A
General Conditions – 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may: a) Limit the number of bedrooms that can be used for short term vacation rentals; b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening; c) require the landowner/operator to post contact information and permit information at the entrance to the property; d) prohibit camping or occupancy of RVs on the property; e) prohibit the rental or provision of motorized personal watercraft; f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	a) None as drafted b) None as drafted c) Condition placed in draft permit. d) Condition placed in draft permit. e) Condition placed in draft permit. f) None as drafted

g) prohibit outdoor fires; and h) establish the dates during which the use may occur.	g) Condition placed in draft permit. h) None as drafted
Bylaw Enforcement – 6.4.13 The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received.	Condition placed in draft permit.
Agricultural Land Reserve – 6.4.14 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”	N/A

The proposed STVR is at 2705 Yawl Lane which is a small Cul-de-sac off Schooner Way. The property lot size is approximately .45 acre, 175' long on Yawl Lane and 80' wide on Schooner Way. The house is 1530 sq feet with 3 -4 bedrooms.

The house has been extensively renovated and is virtually brand new, including new energy efficient appliances. The house is on the Magic lake water and sewer system. We have approached our Insurance Broker and are ready to place the appropriate insurance on the house for an STVR. We will have the garbage picked up weekly by Pender Island Waste Management. There is an enclosed area outside adjacent to the house for garbage containers, secure from raccoons and other animals. There is ample off street parking, off Yawl Lane.

There will be a Binder displayed visibly inside the house containing information on water conservation, fire safety, garbage and recycling information and wildlife respect. This binder will also contain our contact information and all emergency numbers pertaining to Pender Island (ie fire, police, medical, CRD).

Due to the topography and new condition of the house, we will be advertising the house as an adult oriented accommodation, no children, no pets.

We, have owned this property for seven years. It was our primary residence until we recently purchased a property in the Bricky Bay area of North Pender. We live on North Pender full time. We are available for emergency contact 24 hours a day, 7 days a week. We intend to be directly involved in the management of the STVR. We have extensive property management experience as we own and manage two apartment buildings with a total of 32 units, so we are very familiar with dealing with tenant complaints, etc.

There are five other properties on Yawl Lane. Three homeowners are full time, one homeowner is seasonal coming to Pender only in the winter for a couple of months and one property owner we have never seen in seven years. Our closest neighbour on Yawl Lane has a privacy fence around their entire property.

On the other side of the subject house, the neighbor next door on Schooner Way is full time. Our house has a 30' x 30' fenced vegetable garden area and substantial landscaping between the two houses. After that all property owners all the way to Privateers on both sides of Schooner Way which is approximately 10 properties, are all seasonal owners, some homes we have never seen occupied. There are no properties directly across on the other side of the road as it is park trail and CRD property. There is ample off street parking, off Yawl Lane.

We have always been on good terms with our neighbours and expect that will continue. We will make every effort to resolve any issues or concerns any neighbour may have.

North Pender Island Local Trust Committee

#200 1627 Fort St.

Victoria BC

Attention: Phil Testemale



Dear Committee

We are writing to strongly oppose a commercial Short Term Vacation Rental permit for 2705 Yawl Lane.

We (Jim Foote & Doreen Williams) have resided [REDACTED] for 26 years. It is a wonderful neighbourhood where people care about each other. We are totally against having an STVR beside us for many reasons. We will outline them below.

We reside [REDACTED] the property seeking the permit (2705). The residence on 2705 has been recently renovated and is currently up for sale. There is very little space between the properties (both residences at 2703 & 2705 are close to the side lot line) and it is totally open. We do have a small fence but it does not provide a visual barrier nor does it prevent visitors from wandering into our property. In fact, on a couple of occasions recently, potential off island buyers were permitted to wander freely on the property and came onto our property.

The 2705 residence is on a higher elevation than our property and has an outside front deck which is very close to our property. Our windows on the west side look across a semi-circle bay and the new deck on the elevated 2705 property allows people to see into our windows along the whole west side of our house.

We are concerned about a total infringement on our privacy. Weekend renters are far less likely to respect a neighbour or care about the challenges presented by the very close proximity of our houses. A long term neighbour is what we need, not an STVR.

We are seniors in a very close knit, quiet neighbourhood. The prospect of frequent occupation with a constant turnover of strangers beside us is very unnerving. We fear the loss of peaceful living as the voices of strangers carry easily around our little bay.

The owners of 2705 say there are 4 bedrooms in the house. Just how many weekend party people could be in the small house perched over our home? This activity will undoubtedly devalue our property should we decide or be required to sell and move.

We understand 2 vehicle parking spaces are required on the property. Two spaces are available but parking is not ample on the 2705 property as the house, the DPA on the property and the public road allowance severely restrict the actual parking area. Who will monitor this? When four couples using 4 bedrooms travel in separate vehicles, there will be problems because the reality is Yawl Lane has very

limited space and four driveways enter a very small area of public roadway. To allow 4 bedrooms to be used when only 2 parking spots are available is just inviting problems for residents.

So we are concerned about intrusions, noise and parking. We are worried about strangers in our backyards and we are concerned about cigarette butts and the risk of fire. We feel vulnerable. We have not had fences to stop people/neighbours from moving across our properties. We have a few fences in Yawl Lane to keep deer out of our gardens but they all have gates to allow neighbours to move freely. How does issuing this permit add to our peace and well-being? We feel an STVR permit is an infringement on our feeling of safety, peace and quiet.

We are not against the house rental market. We understand the struggle to find accommodation on the island. The illegal STVR's have not helped that situation. When someone rents for a year or more they become friends and neighbours while those just trying to make quick money put strangers in our yard.

Magic Lake Estates is not and never has been suitable for STVR's. The problems with our sewer and water systems, the overloading of emergency services and the strains on our islands resources will not be eased by putting further commercial uses in our tightly packed subdivision. Will the STVR operators pay commercial taxes rather than residential rates? Will they in anyway contribute to the wear and tear in our neighbourhood or on our island? Will they do anything other than place more pressure on the sustainability of our neighbourhood?

2705 Yawl Lane is for sale. If a permit were issued would it expire when the house is sold? If not, would the new owners need to come back to the LTC or would the permit and conditions continue to run until the expiry of the permit? If the latter is true, the present application is just a way of increasing the prospect of selling by offering a 'mortgage helper'. If someone can buy the house and never come here while they rent the property every weekend to a different tourist then my husband and I are more than alarmed and outraged.

Most people moved to this island for its beauty, its safety, its peace, its quiet, the closeness to nature and the wonderful community spirit. I cannot see how STVR's will provide any of this.

Please, please turn down this application. Think about our little lane and the impacts on us.

Sincerely

Doreen Williams & Jim Foote



North Pender Island Local Trust Committee

Suite 200 1627 Fort Street

Victoria BC V8R 1H8

Dear Mr. Testemale

Re: NP-TUP-2016.4 (2705 Yawl Lane Hewlett)



COPIED TO

☒ **PLANNER**

☒ **LTC**

☒ *dep sec NP TUP 2016.4*

I am very strongly opposed to this application as I believe 2705 Yawl Lane is exactly the wrong location for a commercial tourist accommodation facility. A number of the reasons for my opposition may be obvious but there are other reasons for denying the application which I believe the Local Trust Committee should seriously consider as well.

The more obvious reasons are the geographic and physical issues. The lots on Yawl Lane and along Schooner Way in proximity of 2705 Yawl Lane are small. The physical layout means houses were constructed close to each other. In fact, the [REDACTED] and the [REDACTED] which border the south and north side of the subject property respectively, have houses that look directly up at the subject 2705 house. Any disturbance by fun generating visitors cannot help but disturb the privacy of the [REDACTED] households. Having long time resident seniors call someone on the other side of the island to deal with such a circumstance seems to be poor planning to me as other more suitable locations would eliminate or drastically reduce the chances of disturbance and increase fairness to our senior long time residents.

There are other obvious concerns. These are feelings of personal security and safety. The ever present worry of fire from cigarettes or other party activity keeps us all awake some nights. Those of us that live full time on these little coves at or near Yawl Lane have lots of experience dealing with well intentioned yet ignorant city folk on vacation. The number of times we have had to call the fire department or extinguish 'camp fires' ourselves is alarming.

Obviously parking space is an issue. The physical layout of the public road (Yawl Lane) is very tight. Four private driveways [REDACTED] all merge into the top of Yawl Lane and contrary to the applicant's statement there is not ample parking either on the 2705 property or the public cul-de-sac of Yawl Lane. These issues are plainly obvious with a site visit.

Aside from these and other 'security' issues arising from the physical layout there are other circumstances of this application that ought to be considered. The 2705 property is for sale. Planning staff have told me that a TUP, once granted, goes with title not the individuals that applied. Assuming that to be correct, how do we know that the buyers/new owners want to operate a tourist accommodation house? Or are the applicants simply trying to make the real estate sale easier by telling prospective buyers that they have planning permission for a built in mortgage helper? The sellers obviously are not interested in operating an STVR as they are actively trying to sell the property. If this is about assisting or enhancing the ability to sell, why put the neighbourhood through this angst? If this

application represents only private real estate leverage, the LTC should deny the application without any further waste of LTC time or neighbourhood emotion.

I asked the applicant Hewlett why they had decided to apply at this time rather than after the LTC changed the by-laws to include a list of conditions for STVR regulation. I initially thought it might have something to do with the fact that the applicant says 2705 has 4-5 bedrooms yet the Staff Report on conditions to consider in STVR TUP situations says the number of bedrooms should be kept to a maximum of 3.

But I was wrong. The reason this application was made had nothing to do with actually operating an STVR. Rather this application was made to increase the sale value of 2705 and speed up the sale of 2705. As neighbours worry about neighbourhood security issues, the applicant is worried only about their personal wealth.

For all the reasons cited above, I ask that the LTC choose a more suitable location where the property owners actually want to operate a tourist accommodation business and deny application NP-TUP-2016.4

Yours sincerely

Gary Steeves



Regina Robinson

Subject: FW: application NP-TUP-2016.4



-----Original Message-----

From: [REDACTED]
Sent: Monday, June 20, 2016 10:09 AM
To: Phil Testemale
Cc: George Grams
Subject: application NP-TUP-2016.4

I am Haydn Acheson [REDACTED]

COPIED TO



PLANNER



LTC



NP TUP 2016.4
Dep Sec

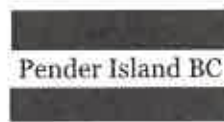
I am concerned regarding short term rentals at this location.

We live in a small bay area where noise is amplified in the bay. we often can hear the neighbors on their deck or dogs barking.

short term rentals in our area concern me for the following reasons, late night noise: parties/ fires on the beach below our houses; parking, transient population ,trespassing up the stairs from the beach onto our property, garbage and or litter etc.

Therefore I am opposed to this application

Haydn Acheson



June 20, 2016

Re: NP-TUP-2016.4

Phil Testemale
Planner, Islands Trust



Dear Mr. Testemale,

I am writing to add my name to the list of opponents to the granting of a TUP to the owners of 2705 Yawl Lane for the purposes of running a short term vacation rental.

As a long term resident of Yawl Lane, I have experienced the disruption for residents that an STVR can cause. Noise, fires, littering, etc. have all been a problem. We live in close proximity to each other, respect each other's privacy, conserve our water and generally look out for each other. My neighbours, who are even more elderly than I, are fearful for their security with a parade of strangers coming and going from our small lane.

I am sure that there are many areas more suitable for an enterprise such as a short term rental, somewhere where folks aren't living in such close proximity. Speaking of the "enterprise", it appears that the current owners are only applying for the permit to enhance the salability of their property, not to run it themselves. It seems almost rash to grant a use permit to an unknown!

I hope that our Local Trust Committee will take a good hard look at the objections of the residents of this small enclave and reject this application.

Thank you,

Marina Horvath

Cc: George Grams

North Pender Local Trust Committee

C/O Phil Testemale

#200 – 1627 Fort Street

Victoria BC



COPIED TO



PLANNER



LTC



NP TUP 2016.4
dep. [signature]

Dear Local Trust Committee

I am writing in opposition to application NP-TUP-2016.4 (Hewlett).

I just feel that the renting 2705 Yawl Lane to tourists in such a small lot area is not the right thing to do. It will cause problems in our small cul-de-sac as our homes are very close to each other. I know my neighbours [redacted] also oppose this application and will probably provide a more detailed explanation of the negative effects on Yawl Lane residents.

Thank you for receiving my input and please do not grant the application.

Sincerely

Mary Adele Mulligan

Mary Adele Mulligan

[redacted]
Pender Island

June 14, 2016

File No.: NP-DVP-2016.2
(x-ref:NP-RZ-2016.1)

To: North Pender Island Local Trust Committee
For the meeting of June 30, 2016

From: Phil Testemale
A/ Planner 2

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

Re: Development Variance Application

Owner: Mainroad Properties (Gulf Islands) Ltd. Inc. No. 0704096
Applicant: David Turenne
Description: Lot 8 and 9, Section 18, Pender Island, Cowichan District, Plan 6294
PID: 005-837-782
005-837-804
Civic Address: 3323 Port Washington Road, Pender Island

FINAL REPORT

THE PROPOSAL:

This report is to consider a Development Variance Permit (NP-DVP-2016.2) for reducing the front and interior side lot line setbacks for three buildings and one structure, and to vary the height requirement for one building on the subject property. The purpose of the variances is to bring existing buildings and structures into legal conformity with the LUB. Specifically, the proposal is to vary the North Pender Island Land Use Bylaw No 103, 1996 (LUB) as follows:

- a) Subsection 8.9.5 (1) (a) which states that no building or structure may be located within 9.2 metres of any front lot line would be varied to permit the siting of an existing **Building 'A' (on Lot 9)** within 7.0 metres of a front lot line;
- b) Subsection 8.9.5 (1) (a) and Subsection 8.9.5 (1) (b) which state that no building or structure may be located within 9.2 metres of any front lot line, nor within 15 metres of any interior side lot line, are varied to permit the siting of an existing **Structure 'B' (concrete fuel pad and tanks straddling Lot 8 & 9)** within 5.5 metres of a front lot line, and 0.0 metres of an interior side lot line;

- c) Subsection 8.9.5 (1) (b) which states that no building or structure may be located within 15 metres of any interior side lot line is varied to permit the siting of an existing **Building 'C' (storage building/shed)** within 2.5 metres of an interior side lot line;
- d) Subsection 8.9.5 (1) (b) which states that no building or structure may be located within 15 metres of any interior side lot line is varied to permit the siting of an existing **Building 'D' (shop/garage)** within 5.5 metres of an interior side lot line; And,
- e) Subsection 8.9.6 (1) which states that no building or structure may exceed 9.7 metres in height is varied to permit an existing **Building 'E' (salt shed)** 10.0 metres in height.

All of the buildings and structures and their distances to the lot lines are shown in Figure Three (below). Figure Four is a sealed engineer's drawing indicating the height of building 'E' (salt shed) as constructed.

A copy of the proposed permit NP-DVP-2016.2 (Mainroad Properties) and notification are attached.

BACKGROUND:

The two properties are the subject of rezoning application NP-RZ-2016.1 (Mainroad Properties) to rezone portions from **Rural (R)** to **Industrial 2 (a) (I2(a))** to correspond to existing non-conforming uses on the site (see <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>). Through the analysis of that application, the legal survey of the property, and a site inspection the siting and height discrepancies that require variances were identified.

The use as a highways yard on the properties has continued since the 1950's to the present. As the properties were formerly owned by the province, they were immune to zoning. As such, the buildings and structures were likely built without regard to setbacks. Additionally, as the two properties have functionally been treated as one property, the interior setbacks were not considered. The present owner is Mainroad Properties which is a private company and, as such obliged to conform to zoning regulations.

With the exception of building 'E' (the salt shed), the buildings would likely have legal non-conforming status, however verifying this requires documentation that Mainroad Properties was unable to produce. Therefore, the recommended course of action to the applicant, and hence their rationale, was to obtain a DVP for the buildings and structures to ensure they are legally conforming.

Building 'E' (the salt shed) was built in 2013 under a temporary use permit and the height infraction was identified after construction (Figure Four). This specific variance is therefore to remedy an illegal non-conformity.

SITE CONTEXT:

Both subject properties are 2.40 ha (5.94 acres) in area. The sizes are comparable to the surrounding properties fronting Port Washington Road. Larger properties are located to the south of the subject property. Most of the surrounding properties are zoned **Rural (R)** with some other industrial and commercial uses in the vicinity. These include a small retail store/cafe on the adjacent property to the east and a building centre and storage of aggregate, soils and mulch both located across Port Washington Road (see Figure 2).

The topography is fairly level, graded and cleared of most vegetation along the northern half (approximately) of the properties. There is vegetative screening along the road and west side of

Lot 9. The west border of Lot 8 is screened to the east by mature trees. The back, or south, portions are forested and rise steeply by 24 metres to a high point located near the southern boundary of the subject property.

Existing uses on the subject properties include:

- An office.
- Storage (salt) shed.
- Two 'shops' (mechanical/ workshop).
- Numerous small buildings (one abandoned).
- Storage of gravel and patching materials.
- Storage of highways vehicles and equipment.
- BC Hydro leases an area on Lot 9 for a storage building and storage of poles.

Staff visited the site on February 16, 2016 and on March 15, 2016.

Figure One – Site Context

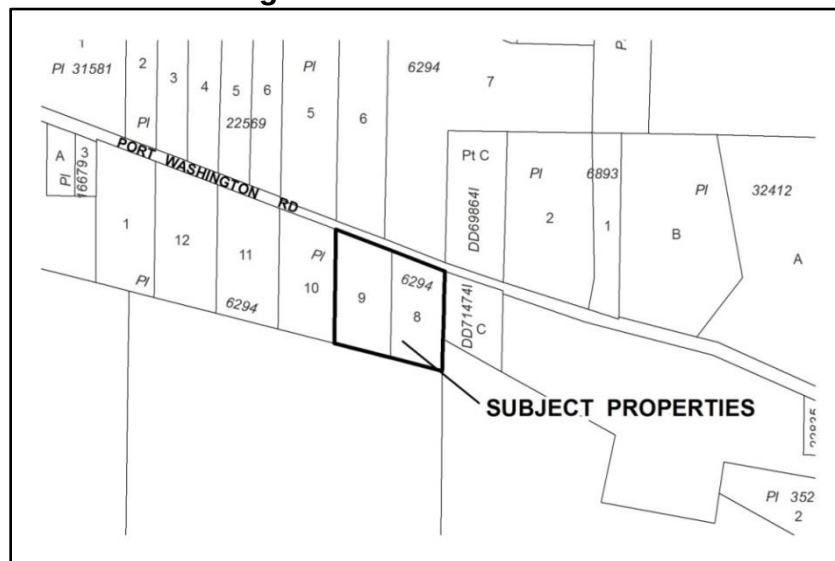
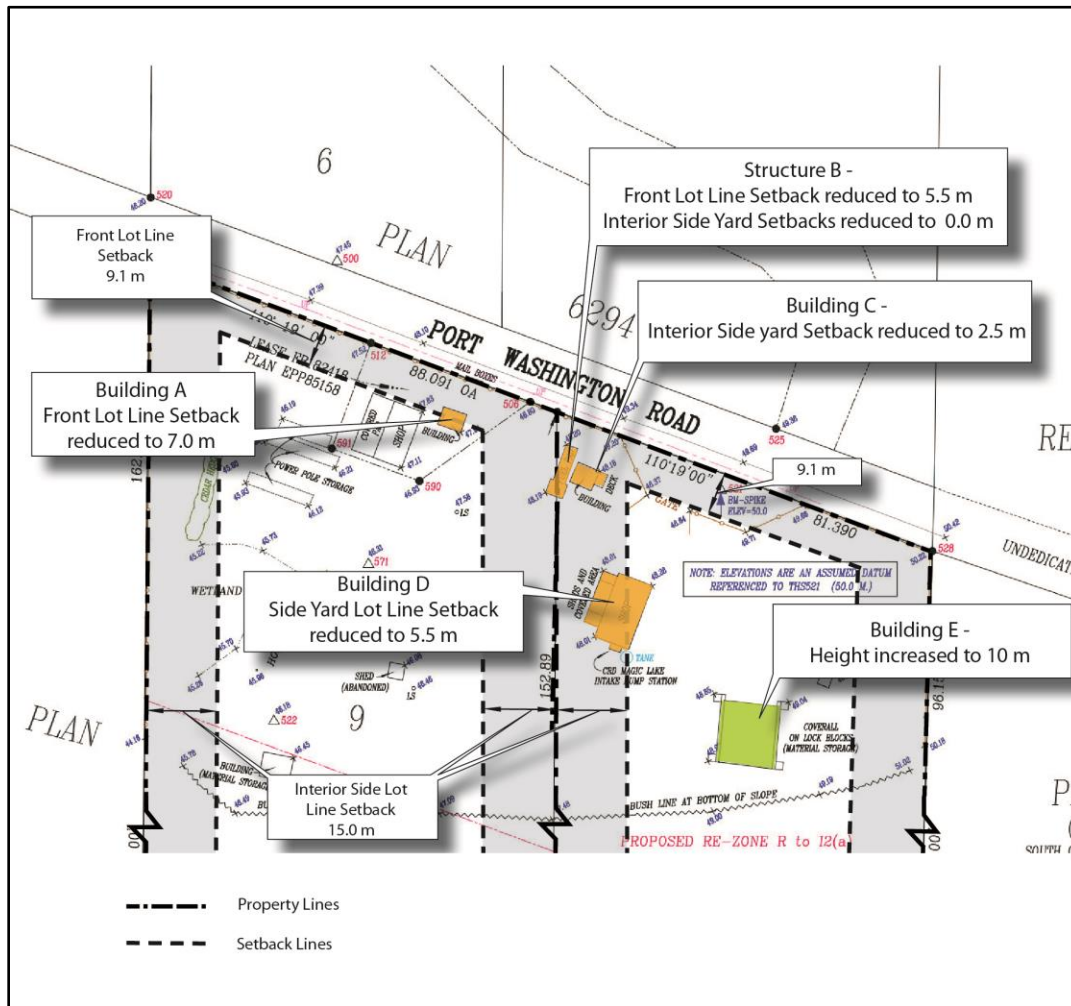


Figure Two – Orthophoto



Figure Three – Site Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan

The North Pender Island Official Community Plan (OCP) designates the majority of the two properties as **Industrial (I)**, with **Rural (R)** along the rear of both properties (Figure Five).

Development Permit Areas

The Subject properties are located within the following Development Permit Areas (DPAs – see Figure Six):

- DPA 1- Woodland Ecosystem
- DPA 9 – Commercial and Industrial Form and Character on a portion of Lot 9 only. However, with the proposed rezoning, all of the **Industrial 2 (a)** areas on both Lot 8 & 9 will be automatically included in DPA 9. Hence any future development in these areas will require a DP application.

Figures Four – Elevations of Salt Shed

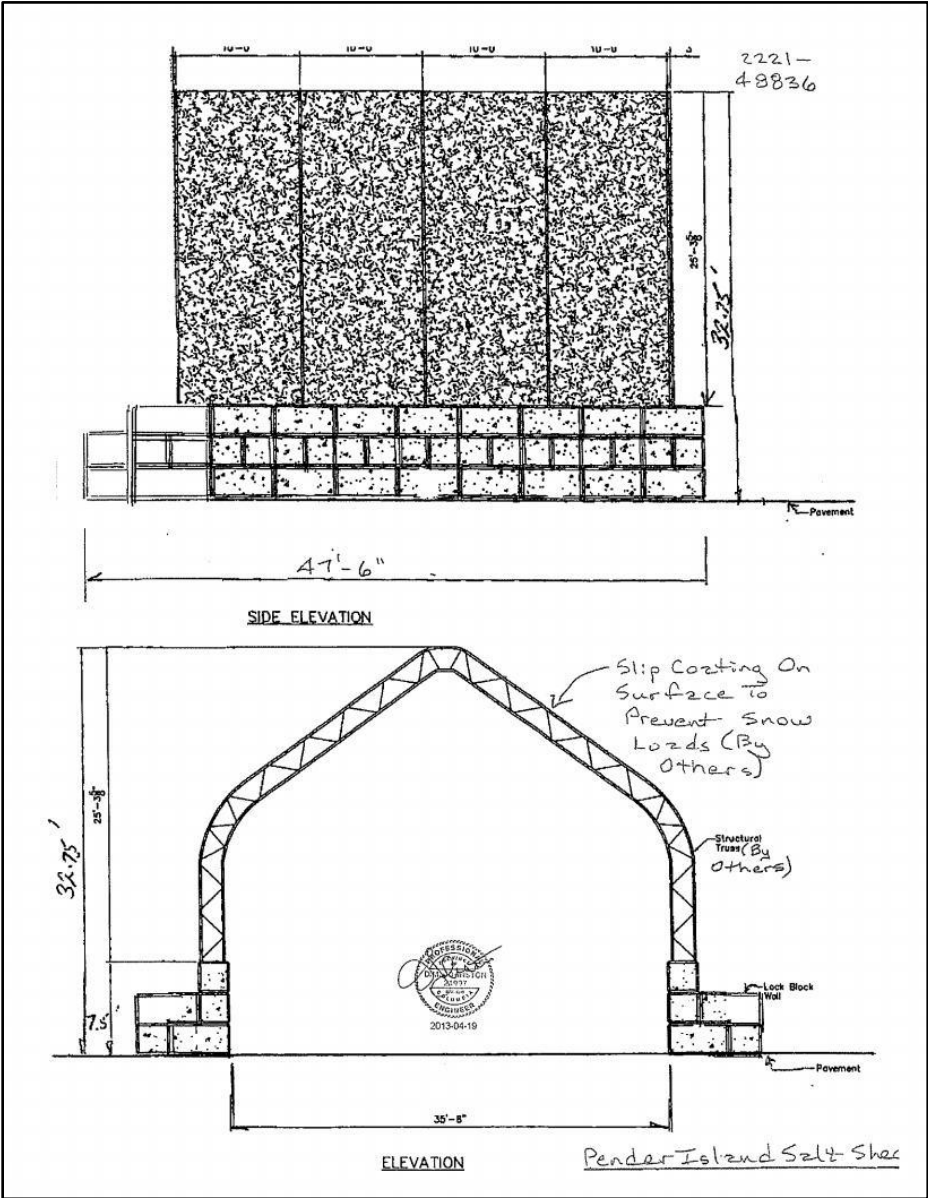


Photo One: Building 'A' and BC Hydro Lease Area on Lot 8



Building 'A'



Photo Two: Structure 'B' (Fuel Pad & Tanks - foreground) and Building 'C' (background)



Photo Three & Four: Building 'D' - Rear and Front

Photo Five: Salt Shed - Building 'E'



Figure Five: OCP Designations

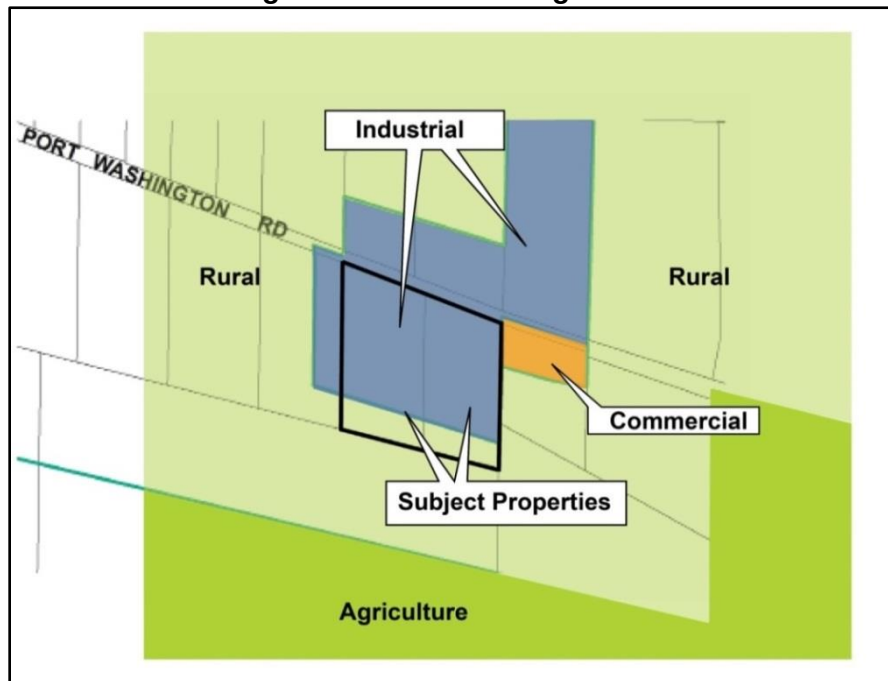
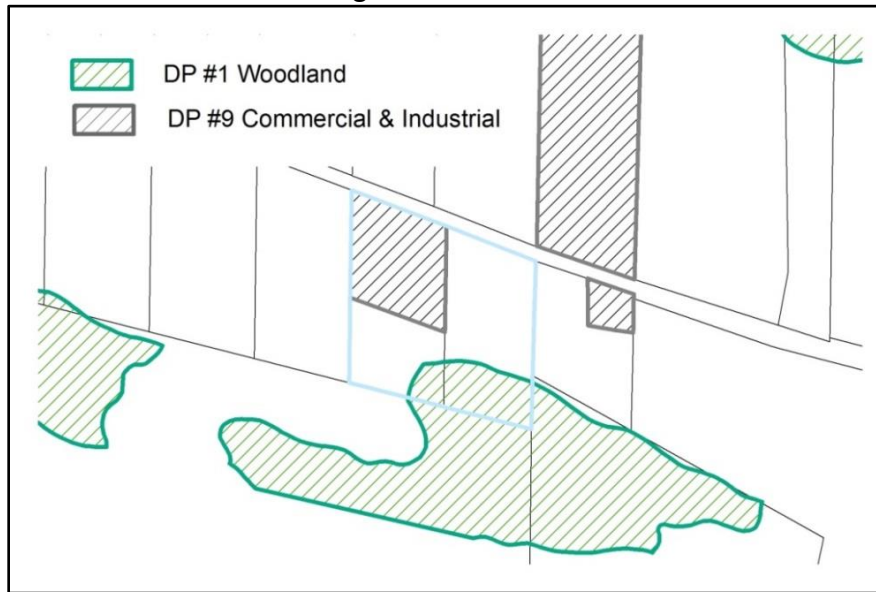


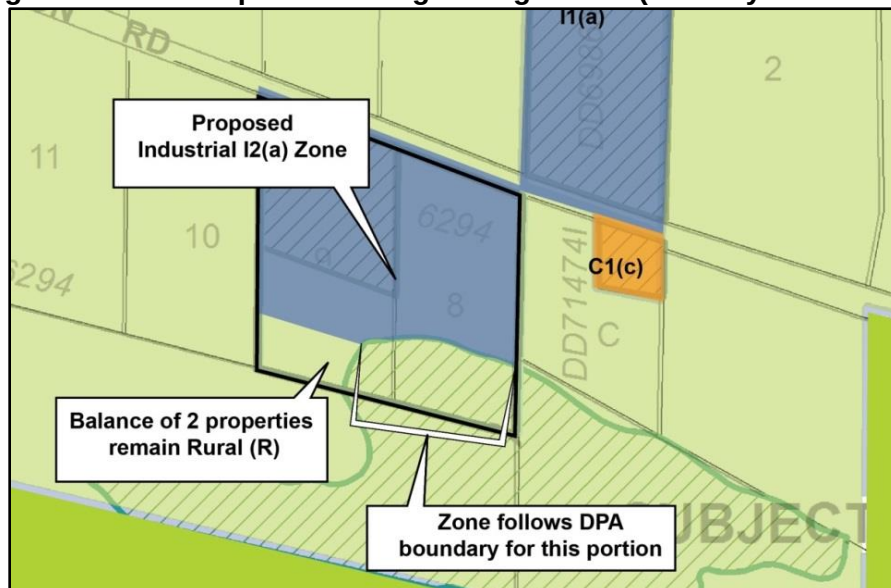
Figure Six: DPAs



Land Use Bylaw

Lot 9 is currently “split-zoned” **Industrial I2 (a)** and **Rural (R)** in the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996; and, Lot 8 is entirely zoned as **Rural (R)** NP Draft bylaw No. 201 (NP-RZ-2016.1) will rezone the two properties to increase the **Industrial I2 (a)** portions on both properties as shown in Figure Seven.

Figure Seven: Proposed Zoning Configuration (Draft Bylaw No. 201)



Islands Trust Fund/Regional Conservation Plan

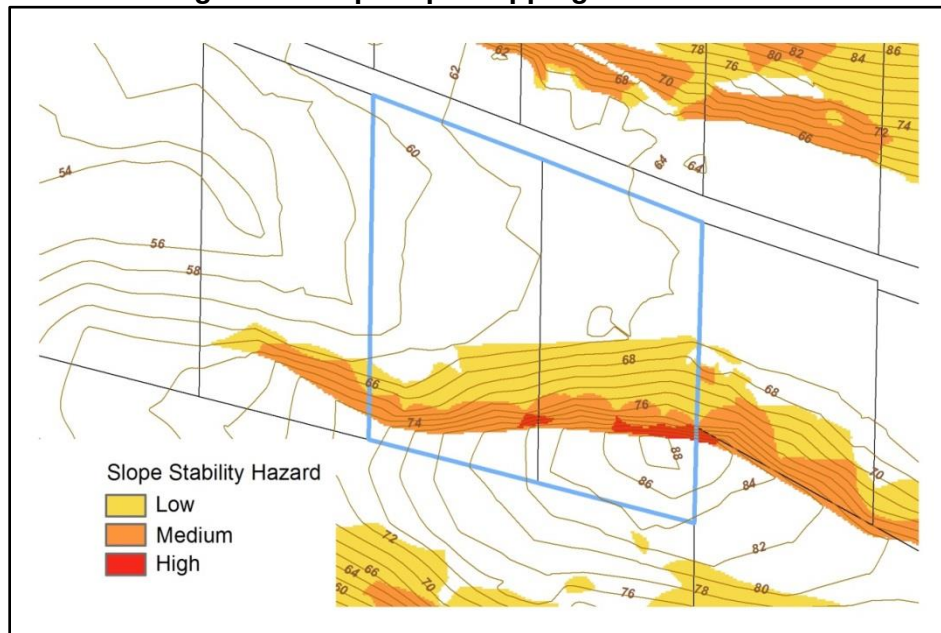
There are no Trust Fund Board covenants on the property and the proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

A portion of the property along the southern (rear) boundary is subject to the Woodland Sensitive Ecosystem Development Permit Area One (see above).

The steep slope mapping identifies the hillside located on the southern portion of the subject properties as having low, moderate and high hazard hazards (Figure Eight). The existing uses are not located in an identified hazard area, and all moderate and high risk is in the **Rural (R)** zone.

Figure : Steep Slope Mapping with Contours



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 LTC or Trust Fund Board covenants registered on title for the properties or in the vicinity.

Bylaw Enforcement:

There was an enforcement file created in 2008 (**NP-BE-2008.3**) on Lot 9 which was closed in 2009. The violation states that there was no landscape screening between properties. This is a reference to the zoning requirement for landscape screening in the LUB.

Climate Change Mitigation and Adaptation

There are no anticipated changes to the property from climate change impacts as the area of Industrial uses is an existing disturbed area. There are structures (salt shed) that includes measures to mitigate water contamination and improve water conservation

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached. The notification period ends on June 29, 2016. In addition, as part of the notification process, the notice was referred to the CRD Chief Building Inspector. At the time of writing, no written comments have been received. Any submissions received prior to June 30th will be reported at the LTC Meeting.

ISSUES SUMMARY:

Applicant's stated rationale for the variance.

The applicant has stated the following rationale in support of the variance:

- The building (s) cannot be moved easily.
- The salt shed does not obstruct anyone's view.
- The entrance has to accommodate big trucks turning (the latter is a reference to a condition in the TUP (**NP-TUP-2012.2**) and is not relevant to this application).

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:

This application was made on the advice of staff as a result of the concurrent application NP-RZ-2016.1, and will bring the siting and height of all buildings and structures on the subject properties into conformity with the North Pender Island Land Use Bylaw No 103, 1996.

Given the historic use and ownership by the province of the properties, the buildings and structures were likely built without regard to setbacks. Additionally, as the two properties have functionally been treated as one property, the interior setbacks were not considered. With the exception of building 'E' (salt shed), the buildings would likely have legal non-conforming status, however verifying this requires documentation that Mainroad Properties found difficult to produce.

The exception Building 'E' (the salt shed) was built in 2013 under a temporary use permit and the height infraction was identified after construction. This variance will remedy an illegal, non-conforming height.

The only foreseeable impact of the variances is for structure 'B' which is a concrete pad with fuel tanks which straddles the shared property line with therefore no setback. This is not normally supported and would otherwise require either a boundary adjustment subdivision or removal. However the ownership of the properties is likely to be maintained by one company and if one or both were to be sold, the main issue would be in conveyancing and therefore an encumbrance to the owner.

The height variance for the salt shed is minor and does not impact neighbouring properties or public areas. The other siting variances address buildings that have been in place for some time, that do not impact the overall intent of the regulation and have generated no concerns or complaints.

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

Based on the foregoing, staff is recommending approval of this development variance permit.

RECOMMENDATIONS:

- 1. THAT Development Variance Permit NP-DVP-2016.2 (Mainroad Properties) BE APPROVED**

Prepared and Submitted by:



June 14, 2016

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

June 14, 2016

Date

Attachments: Proposed Permit NP-DVP-2016.2
Notice NP-DVP-2016.2



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2016.2

To: Mainroad Properties (Gulf Islands) Ltd.
c/o David Turenne

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

Lot 8 & 9, Section 18, Pender Island, Cowichan District, Plan 6294
(PID: 005-837-782 & 005-837-804)

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

- a) Subsection 8.9.5 (1) (a) which states that no building or structure may be located within 9.2 metres of any front lot line is varied to permit the siting of an existing Building 'A' within 7.0 metres of a front lot line;
- b) Subsection 8.9.5 (1) (a) and Subsection 8.9.5 (1) (b) which state that no building or structure may be located within 9.2 metres of any front lot line, nor within 15 metres of any interior side lot line, are varied to permit the siting of an existing Structure 'B' (fuel pad and tanks) within 5.5 metres of a front lot line, and 0.0 metres of an interior side lot line;
- c) Subsection 8.9.5 (1) (b) which states that no building or structure may be located within 15 metres of any interior side lot line is varied to permit the siting of an existing Building 'C' within 2.5 metres of an interior side lot line;
- d) Subsection 8.9.5 (1) (b) which states that no building or structure may be located within 15 metres of any interior side lot line is varied to permit the siting of an existing Building 'D' within 5.5 metres of an interior side lot line; And,
- e) Subsection 8.9.6 (1) which states that no building or structure may exceed 9.7 metres in height is varied to permit an existing Building 'E' (salt shed) 10.0 metres in height.

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 ## DAY OF MONTH, 201#.

Deputy Secretary, Islands Trust

Date of Issuance

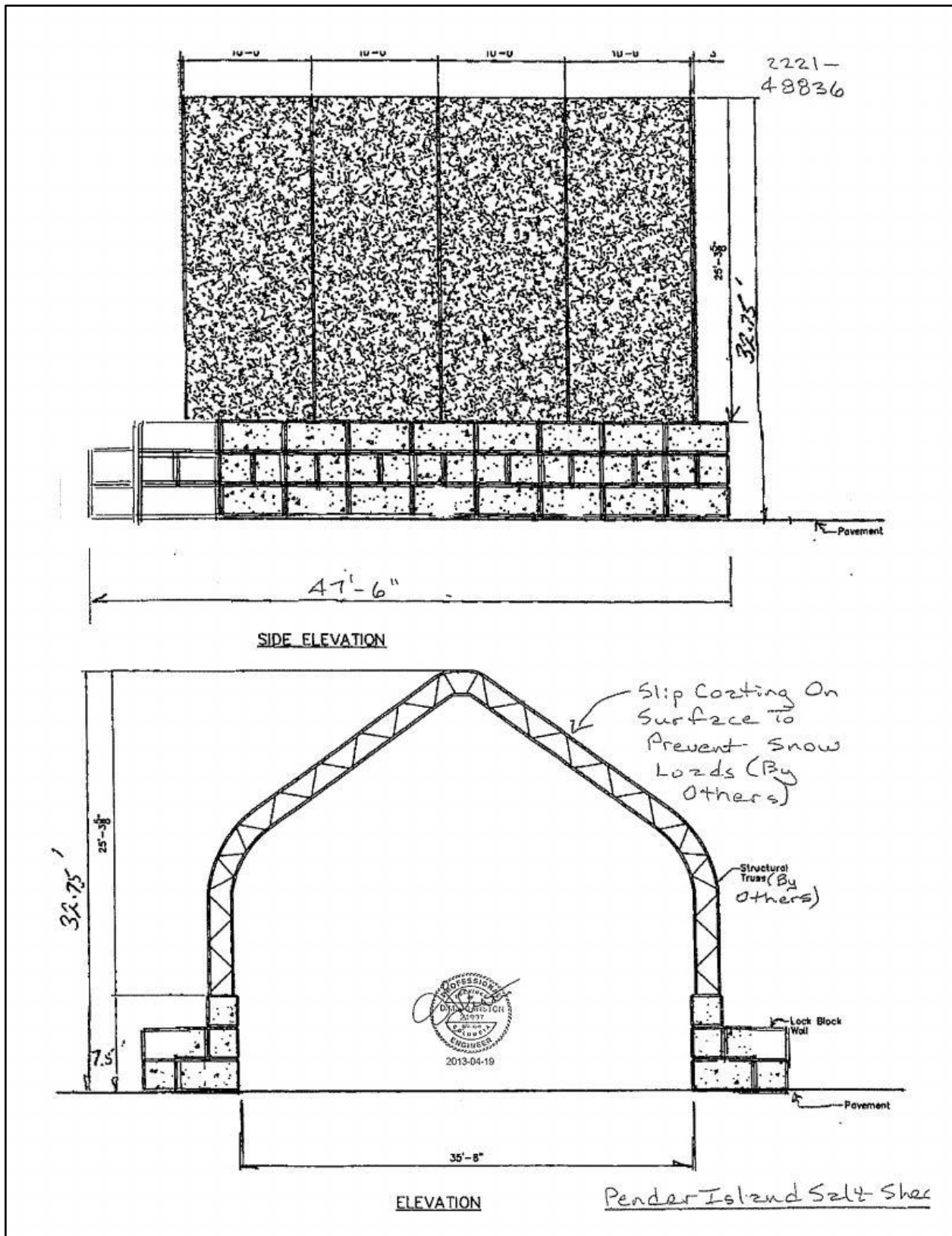
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ## DAY OF MONTH, 201#, THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'
SITE PLAN



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2016.2

SCHEDULE 'B'



ELEVATION

(HEIGHT) OF BUILDING 'D' (SALT SHED)

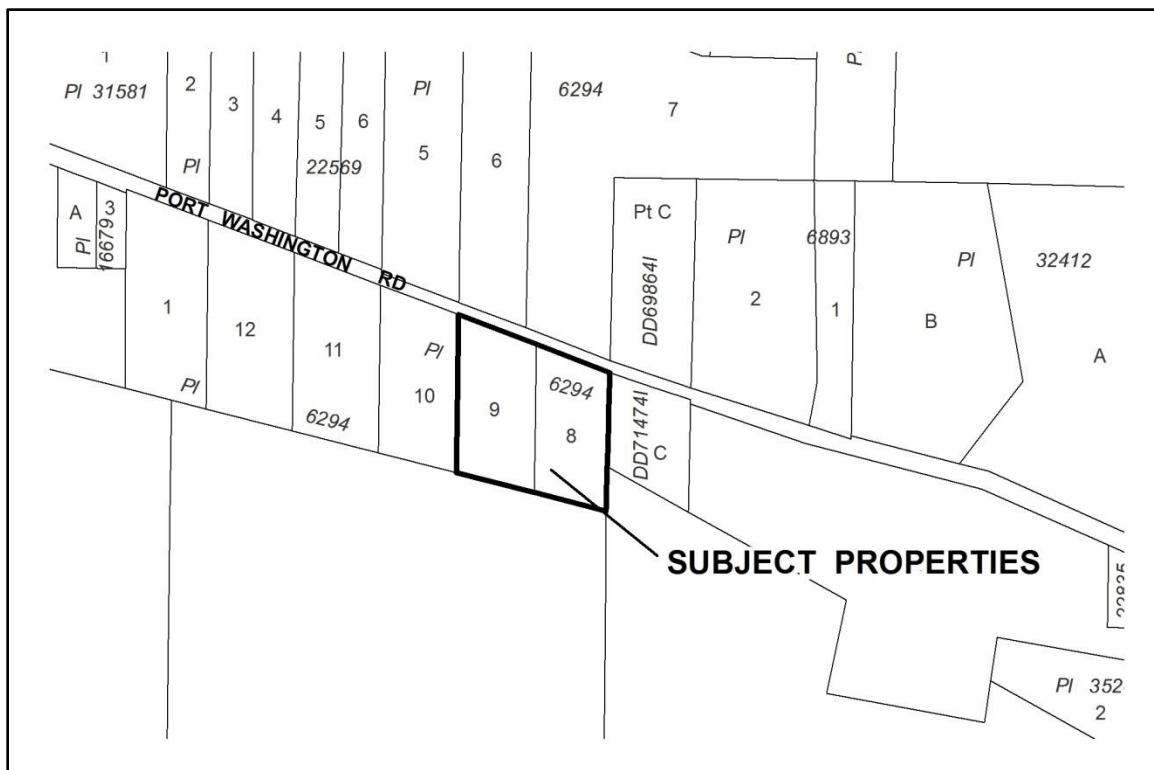
NOTICE
NP-DVP-2016.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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:

- a) Subsection 8.9.5 (1) (a) which states that no building or structure may be located within 9.2 metres of any front lot line is varied to permit the siting of an existing building within 7.0 metres of a front lot line;
- b) Subsection 8.9.5 (1) (a) and Subsection 8.9.5 (1) (b) which state that no building or structure may be located within 9.2 metres of any front lot line, nor within 15 metres of any interior side lot line, are varied to permit the siting of an existing structure (fuel pad and tanks) within 5.5 metres of a front lot line, and 0.0 metres of an interior side lot line;
- c) Subsection 8.9.5 (1) (b) which states that no building or structure may be located within 15 metres of any interior side lot line is varied to permit the siting of an existing building within 2.5 metres of an interior side lot line;
- d) Subsection 8.9.5 (1) (b) which states that no building or structure may be located within 15 metres of any interior side lot line is varied to permit the siting of an existing building within 5.5 metres of an interior side lot line; And,
- e) Subsection 8.9.6 (1) which states that no building or structure may exceed 9.7 metres in height is varied to permit an existing building (salt shed) 10.0 metres in height.

The properties are located at 3323 Port Washington Road and are legally described as Lot 8 and 9, Section 18, Pender Island, Cowichan District, Plan 6294. PID: 005-837-782 and 005-837-804

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 **June 17, 2016** and continuing up to and including **June 29, 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, B.C., commencing **June 17, 2016**. Also, attached for your convenience is a copy of the proposed permit.

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, **June 29, 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 **4:00 p.m., June 30, 2016**, at the Pender Island Anglican Parish Hall, 4703, Canal Road on North Pender Island.

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

Sharon Lloyd-deRosario
Deputy Secretary

June 12, 2016

File No.: NP-DP-2016.2

To: North Pender Island Local Trust Committee
for the Regular LTC Meeting of June 30, 2016

From: Phil Testemale
A/Planner 2

CC: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
Warren Dingman, Bylaw Enforcement Officer

Re: Development Permit Application

Owner: Bette Gallander and Derryck Smith
Applicant: Same
Description: Lot 3, Section 8, Pender Island, Cowichan District, Plan 20805
PID: 000-027-618
Civic Address: 4847 Buccaneers Road

THE PROPOSAL:

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

The application is for restoration of damage resulting from unpermitted tree removal and clearing of vegetation within the **Development Permit Area (DPA) Ten - Riparian and Aquatic**. The proposed mitigation includes the planting of trees and vegetation to restore a damaged (disturbed) area of the sensitive riparian habitat on the subject property.

The specific objective of the designation of the DPA is:

to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.

Copies of the Development Permit Area Checklist for DPA 10 and the proposed Development Permit NP-DP-2016.2 (Gallander) are attached.

BACKGROUND:

This application is for compliance with a bylaw enforcement action (NP-BE-2015.1) resulting from a complaint in February 2015 for tree cutting in the DPA without a permit. Some of the tree cutting was also done on the adjacent property to the west without that owner's knowledge or permission. There is no record of any danger tree assessment being undertaken, therefore it is

assumed that the trees and vegetation were removed for aesthetic reasons only. The inventory of removal is as follows:

- Two (2) mature, second growth Douglas firs with diameters of 28 cm (11") and 42 cm (16.5");
- A smaller, second growth Douglas fir with a diameter 10 cm (4");
- Multiple small scouler Willow shrubs;
- Trimming of multiple big leaf Maples.

To comply with the enforcement order the owner is required to obtain a DP and fulfil the requirements of the DPA and the provincial *Riparian Areas Regulations*. The owner accordingly hired a Qualified Environmental Professional (QEP) Kathy Reimer, R.P.Bio who prepared and submitted a Riparian Areas Regulation (RAR) Assessment Report ("assessment report," dated January 3, 2016) to the provincial Ministry of Forests, Lands and Natural Resources Operations (FLNRO). As the initial assessment report did not meet the RAR methodology and a revised (updated) report was submitted on April 18, 2016.

The report established the Streamside Protection and Enhancement Area (SPEA) on the property at 15 metres from the high water mark of the lake as well as measures for restoration of specific areas where damage from tree and vegetation removal occurred (Figure Three – Site Plan). The measures prescribed by the QEP include the planting of replacement trees and vegetation and following provincial tree replacement criteria as well as measures for protection and monitoring. The revised assessment report is attached in full.

SITE CONTEXT:

The property is 0.12 ha (0.295 ac) in size and is located on the north side of Magic Lake near the end of Buccaneers Road (Figure One). The size and residential use is consistent with that of the local neighbourhood. Typical with other properties on Magic Lake, the property boundaries extend over the water area (Figure Three).

The properties topography is generally flat on the northern half where the dwelling is located but then drops steeply southward to the lake (Figure Three). The property has many second growth Douglas fir trees, several big leaf maples and some small Arbutus trees with an understory of Salal and scouler Willow. The QEP identified that willow trees are regenerating from the roots of trees that were cut. The soils on site are very shallow with only small pockets between the primarily sandstone bedrock.

The property currently has a single family dwelling as well as a staircase to a dock at the water's edge (Photos).

Staff visited the site in February of 2015 and April of 2016.

Figure One - Subject Property

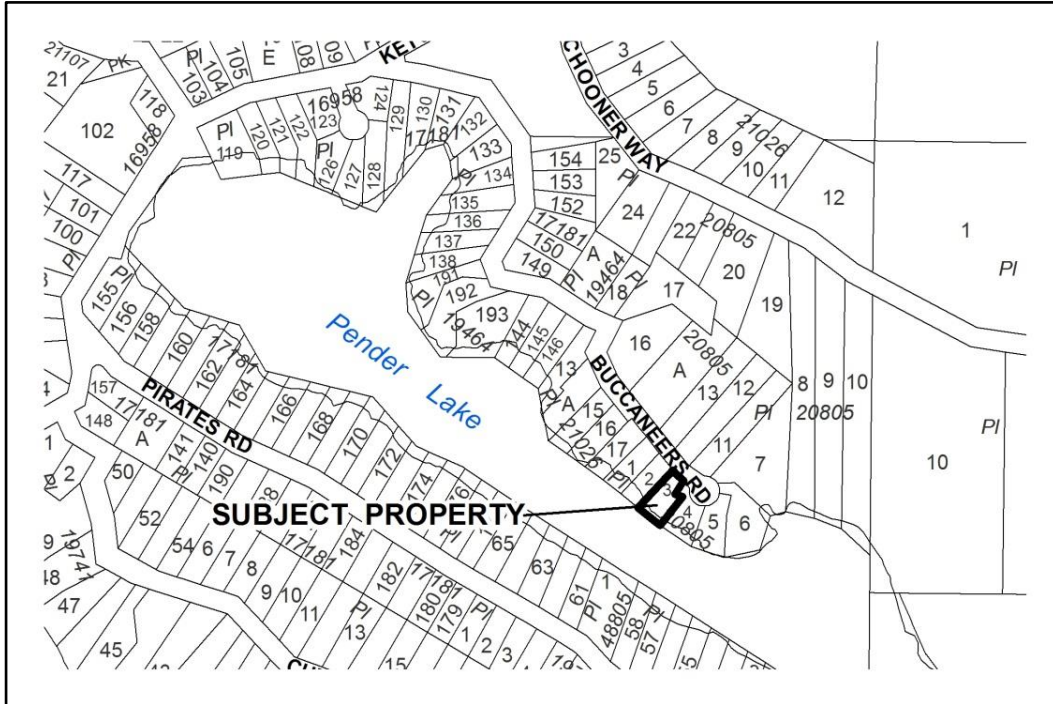


Figure Two - Orthophoto with Contours



Figure Three – Site Plan

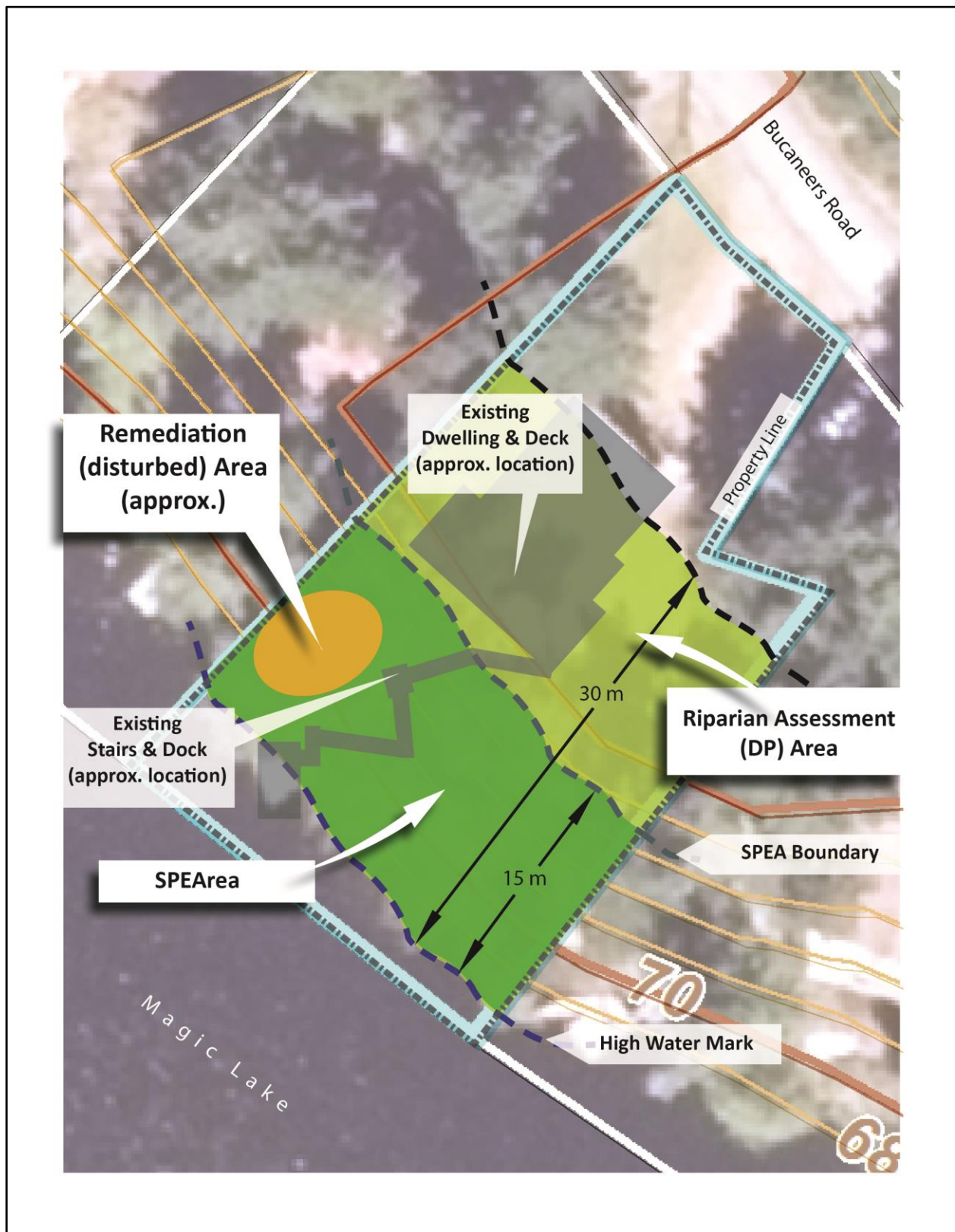




Photo One: View west from edge of deck



Photo Two: View downslope to dock/lake



Photo Three: Tree cutting on property border



Photo Four: Cutting (disturbance) looking toward west neighbour

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

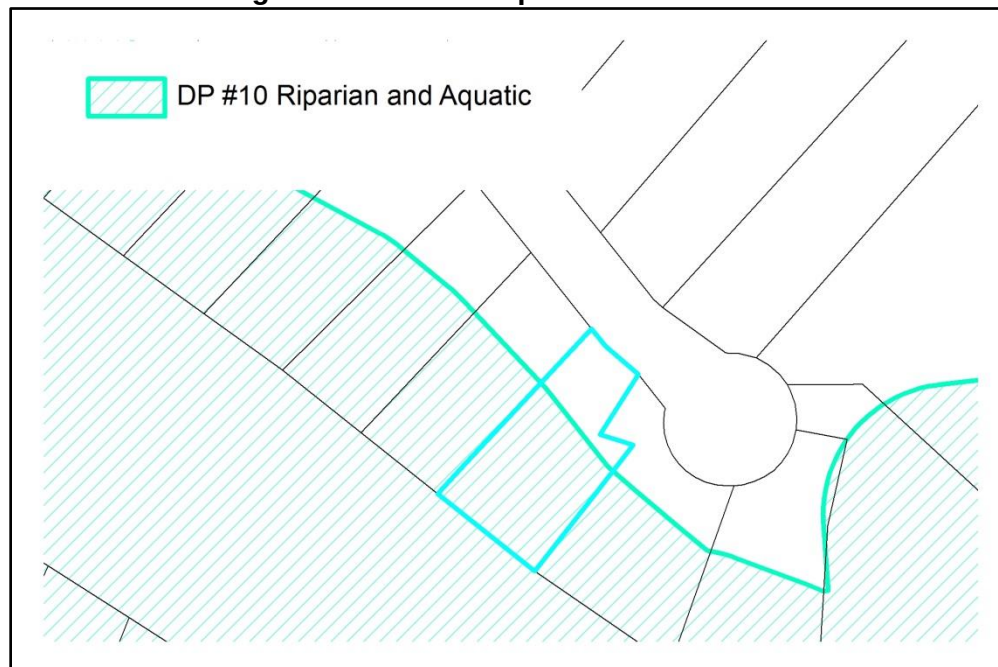
Official Community Plan

The subject property is designated as **Rural Residential (RR)** in the North Pender Island Official Community Plan Bylaw No. 108, 1995.

Development Permit Area 10 (DPA) – Riparian and Aquatic is designated on the property as shown in Figure Four (below). The objective of the DPA is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Analysis of the proposal's conformity to the objectives and guidelines of the DPAs is within "**DAI Checklist(s)**" (attached), and "Staff Comments" (below)

Figure Four – Development Permit Areas



Land Use Bylaw

The property is zoned as **Rural Residential - RR** in the North Pender Island Land Use Bylaw No. 103, 1996.

Islands Trust Fund

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

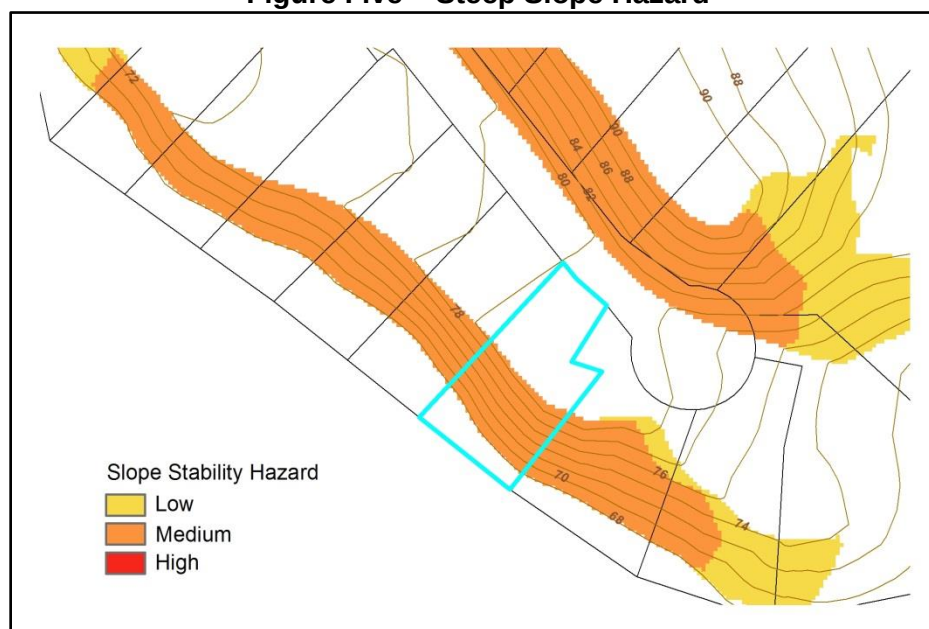
Regional Conservation Plan

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

Sensitive Ecosystems and Hazard Areas

The riparian habitat is the only identified sensitive ecosystem on the subject property. The lake's water quality has a large impact on the fish habitat and clearing of areas around the lake introduces damaging soil nutrients into the lake. The medium slope hazard on the property is shown in Figure Five – Steep Slope Hazard.

Figure Five – Steep Slope Hazard



Archaeological Sites

There are no archaeological sites listed on the Provincial 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 the property.

Bylaw Enforcement:

As described above, this application is for compliance with a bylaw enforcement action (NP-BE-2015.1) resulting from a complaint in February 2015 of tree cutting in the DPA without a permit. Some of the tree cutting was also done on the neighbour's property to the west without that owner's knowledge or permission.

Climate Change Mitigation and Adaptation

The GHG emission changes resulting from the removal of trees and vegetation should be offset by the required replanting. There are no climate change induced hazards associated with this application.

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

STAFF COMMENTS:

The specific objective of the designation of the DPA is: *to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes*

The proposal is for restoration of damage resulting from unpermitted tree removal and clearing of vegetation within the **Development Permit Area (DPA) Ten - Riparian and Aquatic**. The measures are limited to replanting of trees and vegetation in the damaged area of the sensitive riparian habitat on the subject property. No other development activity is associated with this application.

As a requirement of provincial *Riparian Areas Regulations*, a RAR Assessment Report (dated: January 3, 2016 and updated April 18, 2016) was prepared and submitted to the province by Kathy Reimer, R.P.Bio. The provincial Ministry of Forests, Lands and Natural Resources Operations advised that it was not possible to confirm RAR methodology given that tree removal is not permitted (April 25, 2016). However, they did acknowledge that the application of the SPEA was correct and that the prescribed replanting followed the provincial tree replacement criteria.

The assessment report established the Streamside Protection and Enhancement Area (SPEA) on the property at 15 metres from the high water mark of the lake (Figure Three – Site Plan). It includes mitigative measures for restoration of specific areas where damage from tree and vegetation removal occurred. These include: *Planting, Protection of Trees and Environmental Monitoring*. All recommendations have all been incorporated into the proposed DP. Adherence to the conditions of the DP and monitoring will, over time, offset the impacts from the tree and vegetation removal in the riparian areas within the SPEA.

The completed Development Permit Area Checklist for DPA 10 is attached. The proposal meets the guidelines of the DPA.

Given the foregoing and attached information, staff is recommending that NP-DP-2016.2 (Gallander & Smith) be approved.

RECOMMENDATIONS:

THAT Development Permit NP-DP-2016.2 (Gallander & Smith) **BE APPROVED.**

Prepared and Submitted by:



June 12, 2016

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

June 13, 2016

Date

Attachments: DPA Ten Checklist

Draft Permit NP-DP-2016.2 (Gallander)

Riparian Areas Regulations Assessment Report (dated: January 3, 2016 and updated April 18, and June 7, 2016, submitted by Kathy Reimer, R.P.Bio.)

Riparian and Aquatic DPA Checklist: NP-DP-2016.2 (Gallander and Smith)
Remediation for Tree and Vegetation Removal

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Regulations (RAR)</i> Assessment Report was prepared by Kathy Reimer, R.P.Bio and submitted the report (revised dated April 18, 2016) to the province. The provincial Ministry of Forests, Lands and Natural Resources Operations responded on April 25, 2016 that although it could not comply with the RAR methodology, the SPEA was set correctly and tree replacement was in accordance with the provincial tree replacement criteria. All conditions based on recommended measures in RAR Assessment Report placed in draft DP for <i>Planting, Tree & Shrub Protection</i> and <i>Environmental Monitoring</i>
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	The permit is for remediation of damage from tree removal without a permit or RAR Assessment.
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	N/A
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas	N/A

Guidelines	Comments
identified as important to fish life processes where installation of a float would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	N/A
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	N/A

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.2**

To: Bette Gallander and Derryck Smith

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

Lot 3, Section 8, Pender Island, Cowichan District, Plan 20805
PID: 000-027-618

2. This Development Permit No. NP-DP-2016.2 authorizes the remediation of the area described as 'disturbed area' on Schedule 'A' within Development Permit Area 10 – Riparian and Aquatic ("DPA"), subject to the following requirements and conditions:

- a. To include planting and installation of protective measures which shall be consistent with Schedules "A", "B", and "C" attached to and forming part of this permit.

Planting

- b. All plantings other than Douglas fir trees shall be limited to the 'Species Selection' list attached as part of Schedule 'B' 'Species Selection and Tree Planting Criteria.'
- c. The planting of replacement trees in the area marked 'Remediation Area' on Schedule 'A' shall be in accordance with the 'Provincial Tree Replacement Criteria' attached as Schedule 'C' and as follows:
 - i. Cut Tree # 1 (28 cm [11"] diameter Douglas fir) shall be replaced with three (3) Saskatoon Berry and/or Scoulers willow replacement trees.
 - ii. Cut Tree # 2 (42 cm [16.5"] diameter Douglas fir) shall be replaced with two (2) Scoulers willow, one (1) Saskatoon Berry and one (1) Mountain ash replacement trees that will have a minimum height of 2.0 metres at maturity.
 - iii. Cut Tree # 3 (10 cm [4"] diameter Douglas fir) shall be replaced with four (4) Snowberry, Ocean Spray, Salal or tall Oregon Grape replacement shrubs.
- d. The planting of shrubs in the in the area marked 'Remediation Area' on Schedule 'A' shall be at a ratio of one per one square metre (1:1 m²) and shall be selected from the 'Species Selection' list attached as part of Schedule 'B' 'Species Selection and Tree Planting Criteria.'
- e. Landscaping and restoration of natural areas within the DPA other than specified herein and should include only native species.
- f. The undeveloped portions of the DPA are to remain in an undisturbed, natural state.
- g. The on-going removal of invasive species, such as Scotch broom and spurge-laurel is recommended.

Protection of Trees and Shrubs

- h. The area shown as 'Remediation (disturbed) Area' on Schedule 'A' shall be protected by a continuous fence enclosure of a height and design sufficient to protect the area from deer foraging.
- i. Any individual plantings outside of the area shown as 'Remediation (disturbed) Area' on Schedule 'A' should be protected by fencing from deer foraging.
- j. The fencing cited in h. and i. (above) shall be installed under the supervision of the supervising QEP and shall remain in place until the plantings have matured.
- k. All trees and plants shall be watered regularly for the first year after planting.

Environmental Monitoring

- l. All planting and installation of protective fencing shall be done under the supervision of a Qualified Environmental Professional (QEP)
 - m. Upon completion of planting and installation of protection, the supervising registered professional biologist shall provide written communication to the Islands Trust confirming that all conditions of this DP have been satisfied.
- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
 - 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

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 rd DAY OF , 2016.

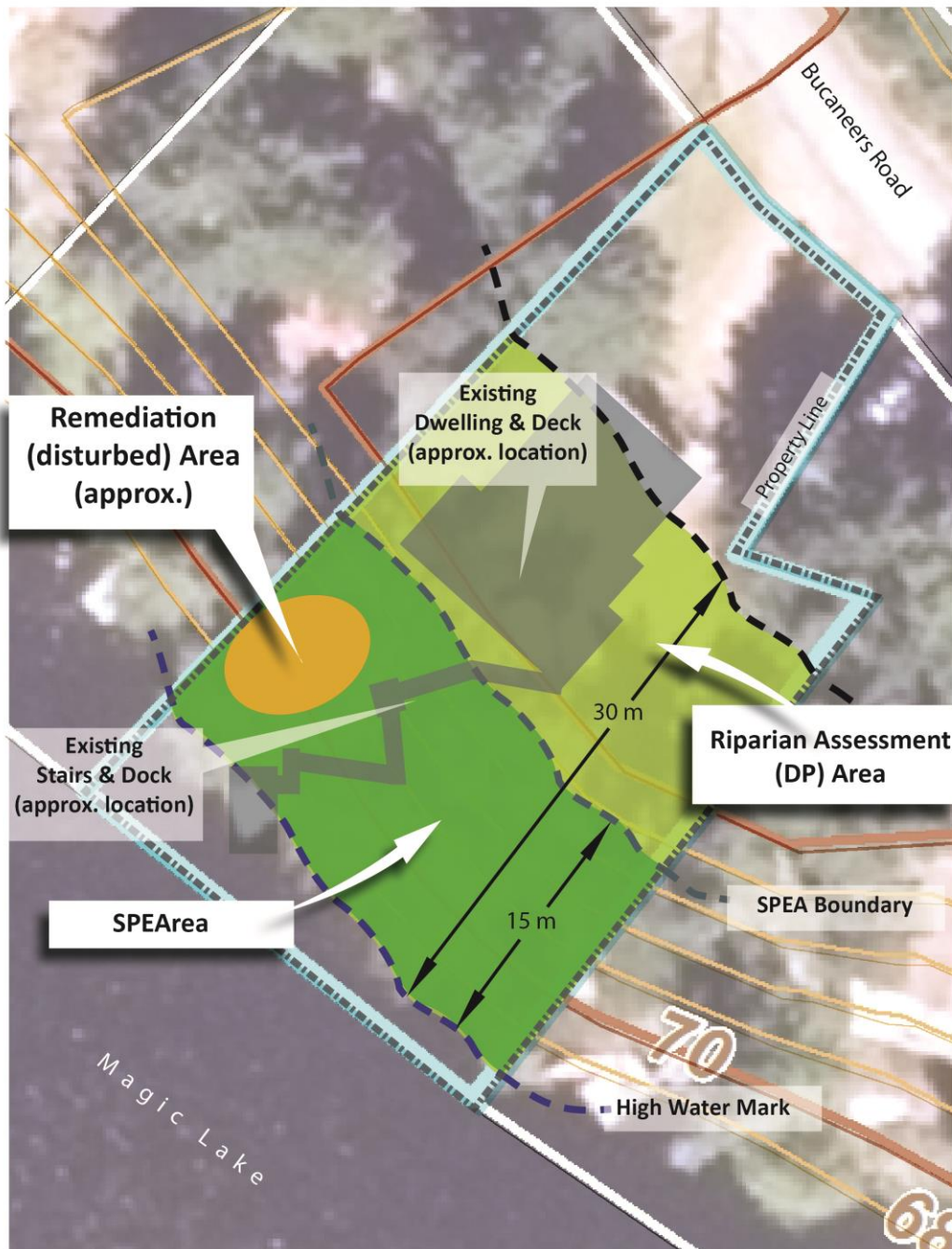
_____, 2016	_____, 2016
Deputy Secretary, Islands Trust	Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 201# THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.2
Schedule "A"

Site Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.2 Schedule "B"

Species Selection and Tree Planting Criteria

Species Selection suggestions

1. Somewhat dry areas
 - A. Shrubs
 - a. Salal (*Gaultheria shallon*)
 - b. Tall Oregon Grape (*Barbaris aquifolium*)
 - c. Snowberry (*Symphoricarpos albus*)
 - B. Small trees
 - a. Saskatoon Berry (*Amelanchia sp.*)
 - b. Scoulers Willow (*Salix scouleriana*)
 - c. Mountain ash (*Sorbus Sitchensis*)
2. Very dry areas
 - A. Shrubs
 - a. Ocean Spray (*Holodiscus discolor*)
 - b. Snowberry (*Symphoricarpos albus*)

Planting plan for the disturbed 33 square meters –see guidelines Page 17

1. Replacement for tree #1. 11" diameter Douglas Fir— Three small trees (Saskatoon Berry, Scoulers willow)
2. Replacement for Tree #2 16.5" diameter fir -- 4 replacement small trees- >2m tall
When mature—Two Scoulers willow trees, one Saskatoon , one Mountain ash
3. Replacement for tree #3 4" 4 shrubs, snowberry, ocean spray, salal or tall Oregon Grape

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.2 Schedule "C"

Provincial Tree Replacement Criteria



INFORMATION

November 1996

TREE REPLACEMENT CRITERIA:

The criteria below apply to the replacement of trees authorized for removal under the *Fisheries Act*, *Wildlife Act* or *Land Title Act* by BC Environment, Fish, Wildlife and Habitat Protection. Requests for authorization should be accompanied by a tree survey and replacement planting plans completed by a professionally certified environmental consultant and detailing numbers, sizes and species. Species suitable for replacement will be based on site specific conditions.

- | | |
|-----------------------------|---|
| • 0 mm - 151 mm (6") dbh* | 2 replacement trees (min height 1.5 m), or, 4 shrubs (for up to 50% of trees being replaced in this range); |
| • 152 mm - 304 mm (12") dbh | 3 replacement trees (min height 1.5 m); |
| • 305 mm - 456 mm (18") dbh | 4 replacement trees (min height 2.0 m); |
| • 457 mm - 609 mm (24") dbh | 6 replacement trees (min height >* 2.0 m); |
| • 610 mm - 914 mm (36") dbh | 8 replacement trees (min height > 2.0 m). |

Trees > 914 mm dbh (36") will require individual approval and replacement criteria prior to removal.

Every effort must be made to retain 20% of trees > 304 mm dbh (12") as wildlife snags at minimum height of 3 m.

- * dbh = diameter breast height
- * > = greater than

For further information, please contact the following:

Ecosystem Planning & Protection
BC Environment, Lower Mainland Region
10470-152nd St.
Surrey BC V3R 0Y3
Phn: (604) 582-5235
Fax: (604) 582-5305
Web-site: <http://wlapwww.gov.bc.ca/sry>

Riparian Areas Regulation: Assessment Report

Date		November 20, 2015						
I. Primary QEP Information								
First Name	Kathleen			Middle Name	Elaine			
Last Name	Reimer							
Designation	RPBiologist			Company: Island Stream and Salmon Enhancement Society				
Registration #	1728		Email salmonkathy@gmail.com					
Address	Box 289							
City	Salt Spring Island	Postal/Zip	V8K2V9		Phone #	250-537-7580		
Prov/state	BC	Country	Canada					
II. Secondary QEP Information (use Form 2 for other QEPs) N/A								
III. Developer Information								
First Name	Bette			Middle Name				
Last Name	Gallander							
Company								
Phone #	250-598-8925		Email		bcgallander@yahoo.com			
Address	203 Denison Road							
City	Victoria	Postal/Zip	V8S 4K2					
Prov/state	BC	Country	Canada					
IV. Development Information								
Development Type	new							
Area of Development (ha)	.01	Riparian Length (m)		20				
Lot Area (ha)	.12	Nature of Development		New. Riparian planting mitigation for tree cutting				
Proposed Start Date	Feb. 1, 2016	Proposed End Date		May 31, 2016				
V. Location of Proposed Development								
Street Address (or nearest town)		4847 Buccaneers Road						
Local Government	Islands Trust		City	Pender Island				
Stream Name	Magic Lake							
Legal Description (PID)	000-027-618		Region	Capital Regional District				
Stream/River Type	Lake		DFO Area	18.3				
Watershed Code	92525800-15500							
Latitude	48	45	42	Longitude	123	17	00	

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

Magic Lake, also known as Pender Lake, is a man-made reservoir with a dam and a controlled outlet. It was originally constructed as a water supply for the subdivision around it. Over the years, it has been restocked along with another nearby reservoir, Buck Lake, with rainbow trout from the Vancouver Island trout hatchery. The trout spawn along the beach just upstream from the dam outlet. There is a cement weir at the exit of the lake that controls the lake water levels.

The lake now serves as fish habitat and as an alternate or emergency water supply for the community. The Islands Trust has recently adopted the Riparian and Aquatic Development Permit Area of 30 meters from the high water mark as part of the implementation of the Riparian Areas Regulation on Pender Island.

The lot is on the North side of the lake and there is approximately 22 meters of waterfront. There is a steep bank between the house and the water. There is an existing staircase and dock at the water's edge

All the lots along the reservoir are serviced by a sewer system. The main problem affecting the water quality in the lake is excessive algae blooms caused by nutrients from the surrounding residential development entering the lake. Protecting the riparian areas from land clearing will help to prevent the release of nutrients from the soil around the lake.

This Riparian Areas Assessment report is a requirement of the Development Permit Area (DPA-10) that the Islands Trust has recently implemented on all the lakes and streams on Pender Island. The Magic Lake property owner (Ms. Gallander) has been required to apply for the development permit and to complete riparian planting as mitigation for recently cutting down some trees within the 30m Riparian Area assessment zone.

On the property, near the south western boundary the vegetation (approximately 30 sq. meters) within the proposed 15m SPEA has been disturbed (Photographs 3-6). There were two second growth Douglas fir trees over 10" diameter that were cut down. Many smaller Scouler willow trees were cut off at the roots and several big leaf maples have been trimmed. There are several second growth fir trees, some small Arbutus and an understory of Salal remaining inside the SPEA. There are many willow shoots that are regenerating from the roots of the cut off willow trees.

This area has potential planting sites for some additional shrubs. The Provincial Tree Replacement criteria will be used to determine the number of plants required See Appendix 1, Page 16-17. Fencing will be required to protect the new willows and the other plants in the restoration area. The plants will have to be watered during the summer months.

The soils at the site are very shallow (Map 5). The site is mainly sandstone bedrock with only pockets of soil suitable for planting. Much of the SPEA on the property is not suitable for planting (Photograph 9).

This Assessment Report is for the restoration work and riparian planting only. Any future work within the 30m assessment area would require a new Development Permit from the Islands Trust.

Section 2. Results of Riparian Assessment (SPEA width)

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment

2. Results of Detailed Riparian Assessment

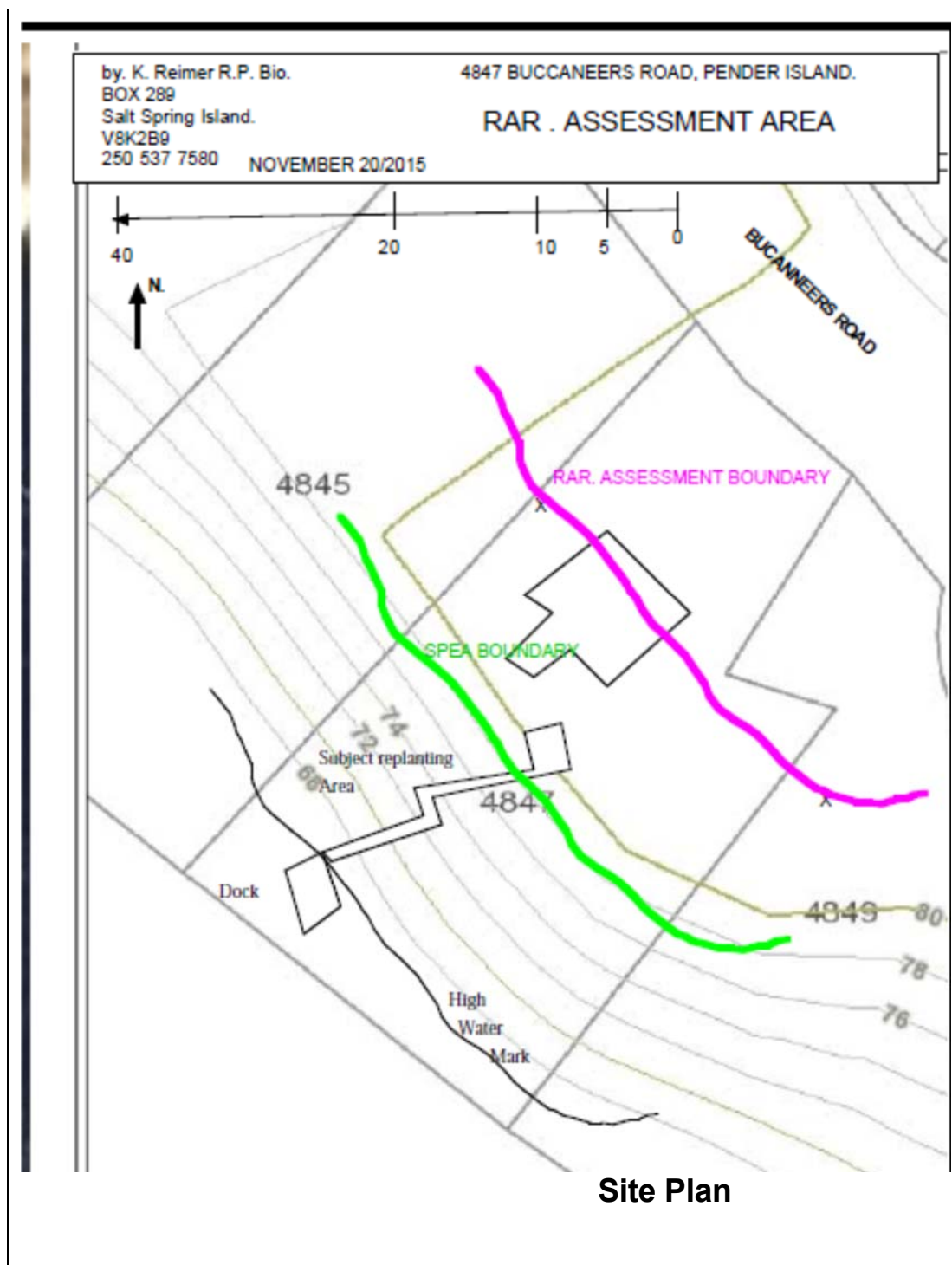
Refer to Chapter 3 of Assessment Methodology		Date:	Sept. 8, 2015
Description of Water bodies involved (number, type)		One Lake	
Stream			
Wetland			
Lake	x		
Ditch			
Number of reaches	1		
Reach #	1		

Site Potential Vegetation Type (SPVT)

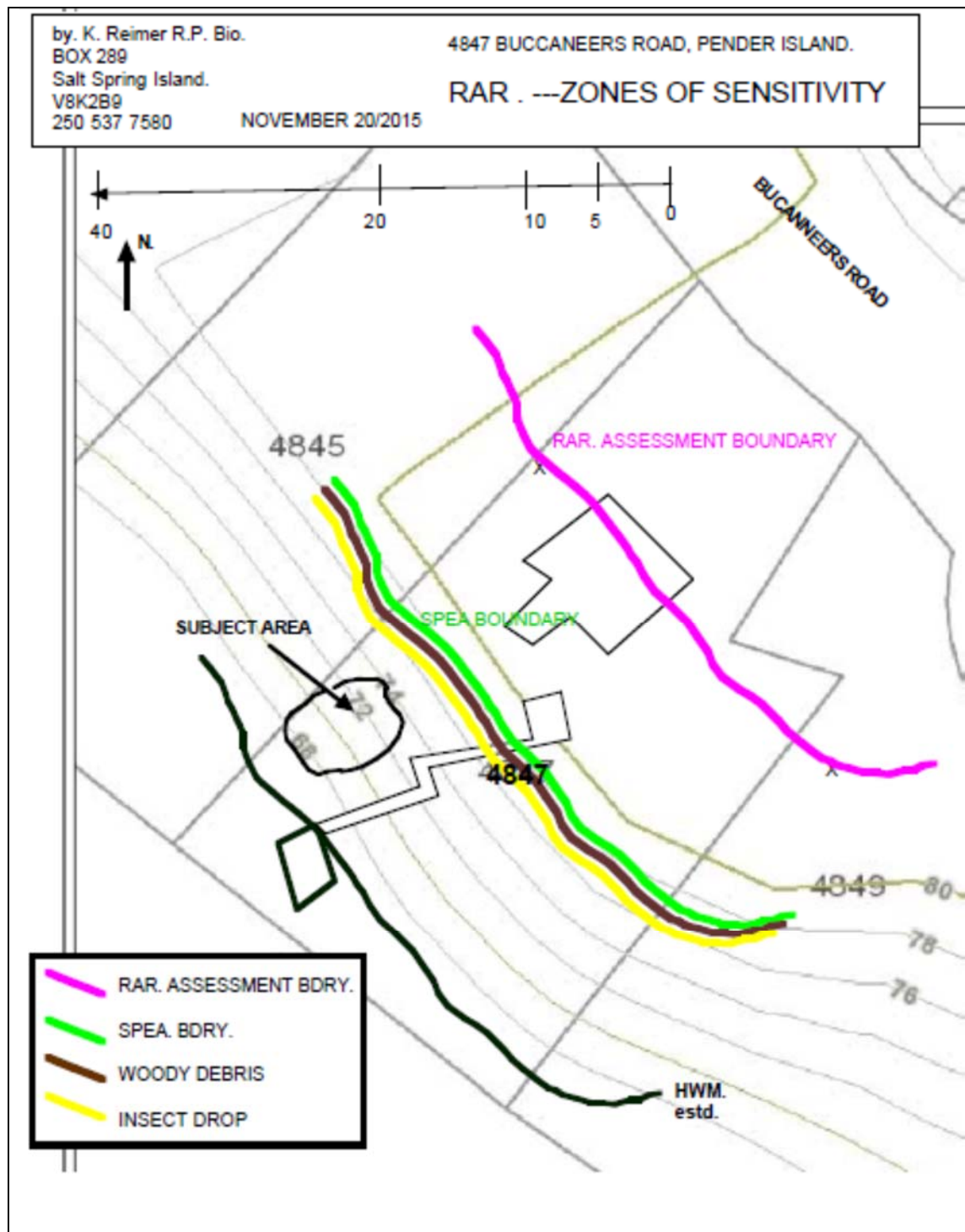
	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
		I, <u>Kathleen Reimer RPB</u> biologist, hereby certify that: - I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; - I am qualified to carry out this part of the assessment of the development proposal made by the developer Bette Gallander - I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and - In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
Polygon No:	1	Method employed if other than TR	
	LC	SH	TR
SPVT Type			x

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	15, moved south 30m	South bank		No	x
SPEA maximum	15	(For ditch use table 3-7)			

Section 3. Site Plan Map 1.

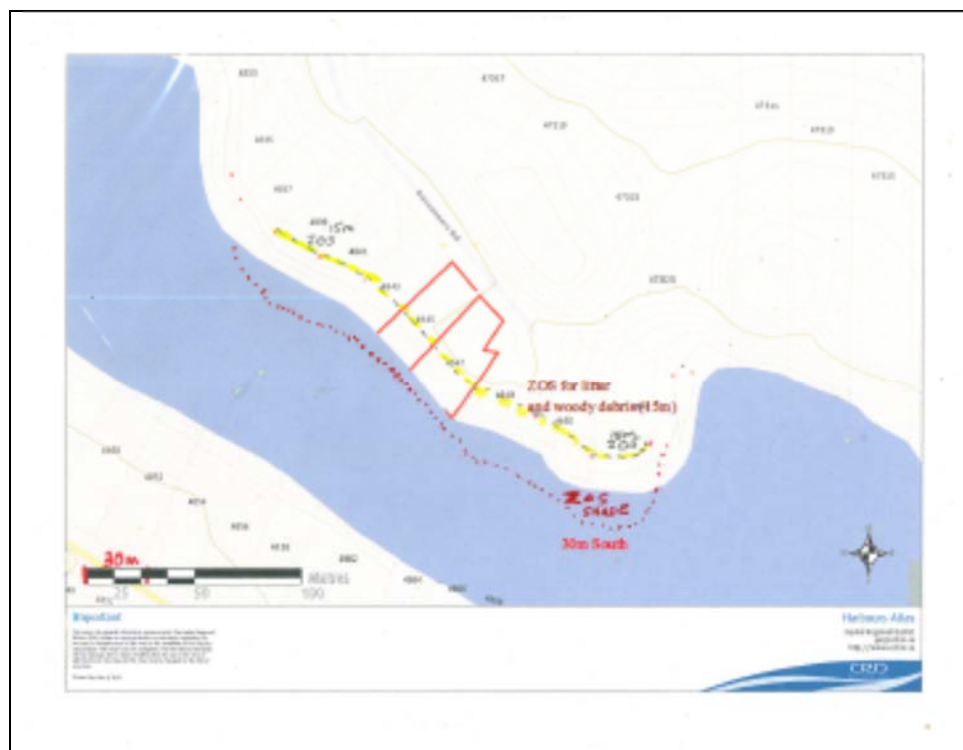
Map 2. Site plan showing Zones of Sensitivity



*** There is no Zone of Sensitivity for shade on this section of Magic Lake.

See the following large scale map

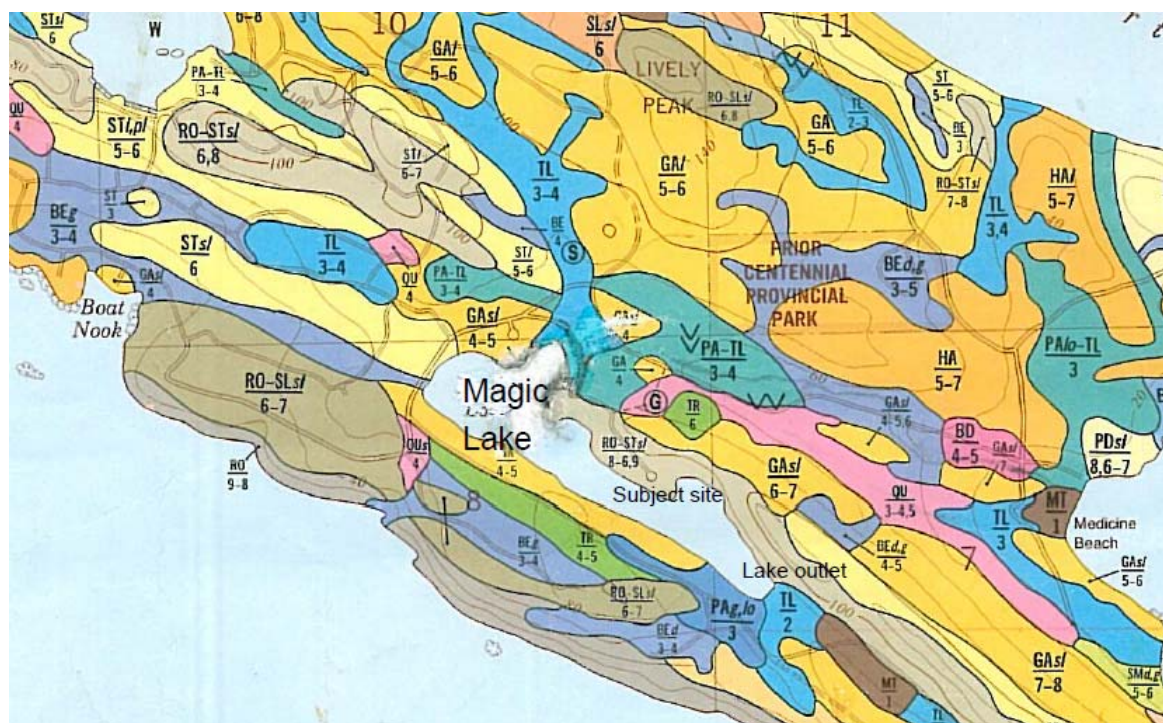
Map 3. Buccaneers Road, Magic Lake Calculation of Zone of Sensitivity for Shade



Map 4. CRD Atlas: Orthophoto of Subject property



Map 5. Soils of Pender Island



RO-SL	Rock-Salalakim	Conglomerate bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 50-65%)		Gravelly sandy loam colluvial and glacial drift materials less than 100 cm deep over conglomerate bedrock. (Salalakim soil, 35-50%)	Well to rapid
RO-ST	Rock-Saturna	Sandstone bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 50-65%)		Channery sandy loam colluvial and glacial drift materials less than 100 cm deep over sandstone bedrock (Saturna soil, 35-50%)	Well
SL	Salalakim	Gravelly sandy loam colluvial and glacial drift materials less than 100 cm deep over conglomerate bedrock (Salalakim soil, 75-100%)	Well to rapid	Conglomerate bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 0-25%)	
SM	St. Mary	Sandy loam to loamy sand marine or fluvial deposits (30-70 cm thick) over 15-50 cm of loam to silty clay loam marine deposits underlain by compact, unweathered till within 100 cm (St. Mary soil, 75-100%)	Imperfect	Loam to silty clay loam marine deposits less than 100 cm deep over compact, unweathered till (0-25%)	Imperfect
ST	Saturna	Channery sandy loam colluvial and glacial drift materials less than 100 cm deep over sandstone bedrock (Saturna soil, 75-100%)	Well	Sandstone bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 0-25%)	

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your “return” button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

• Danger Trees	Only a RAR trained QEP who is a Registered Professional Arborist can determine if a tree within the SPEA is dangerous. Any tree removal within the SPEA will require a Development Permit from the Islands trust. If a tree is proved to be dangerous, it may be trimmed to a safe height but the remaining trunk and the roots must be left within the SPEA.
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that:	
• I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; • I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; • I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
• Windthrow	There is no sign of windthrow along this side of Pender Lake.
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that:	
• I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; • I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; • I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
• Slope Stability	The slope is bedrock (Map 5) so there are no stability issues
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that:	
• I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; • I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; • I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
• Protection of Trees	The new planted area must be protected from wildlife with a proper fenced enclosure high enough to protect the new growth from deer.
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that:	
• I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; • I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; • I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
• Encroachment	The enclosure must remain fenced until the vegetation has been re-established.
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that:	
• I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; • I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; • I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
• Sediment and Erosion Control	The restoration of the damaged area will not be subject to erosion and silting.
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that:	

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; - I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; - I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
Stormwater Management	There are no drainage courses near the SPEA and no storm water from the building directly enters the SPEA
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that: - I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; - I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; - I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
Floodplain Concerns (highly mobile channel)	The planting area is well above the lake floodplain
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that: - I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; - I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bette Gallander</u>; - I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

It is essential that the QEP supervise the restoration work so that the fencing can be approved and in order to ensure that the appropriate plants are used. The fencing of the disturbed area should take place as soon as possible. This will determine the extent of the regeneration of the native shrubs and allow for the proper location of any new seedlings. The QEP can then advise the owner on the choice of native shrubs, The Islands Trust will be issuing a Development Permit with conditions that must be met by the property owners. Part of their requirements will be a post development report from the QEP. When the restoration is completed to the satisfaction of the Islands Trust, the QEP will submit a follow up RAR report .	
--	--

Section 6. Photos

Provide a description of what the photo is depicting, and where it is in relation to the site plan.

Photograph 1. Looking down from House site, the damaged area is on the lower left near the neighbours dock along the property boundary



Photograph 2. Looking down the lower part of Landowners staircase to their dock



Photograph 3. Close up of damaged area



Photograph 4. Just uphill from Photo 2. Burn pile.



Photograph 5. Close up of cleared area showing new willow growth



Photograph 6. Close-up of cut willows showing regrowth



Photograph 7. Large Scouler's willow near neighbours dock. Owner's clearing is on the left



Photograph 8. Close-up of a branch of the Scouler's Willow



Photograph 9. View of SPEA from the Landowners sundeck.



APPENDIX 1. Riparian Planting recommendations

1. The main disturbed area should be enclosed with well supported deer fencing
2. Any individual plants outside the larger fenced area should also be protected.
3. There should be approximately one shrub per square meter, depending on the amount of regeneration of the surviving native vegetation.
4. The plants chosen should be somewhat drought resistant.
5. After planting the shrubs should be watered regularly for the first year.
6. The fencing should remain in place until the plants have matured

Species Selection suggestions

1. Somewhat dry areas
 - A. Shrubs
 - a. Salal (*Glautheria shalon*)
 - b. Tall Oregon Grape (*Barbaris aquifolium*)
 - c. Snowberry (*Symphoricarpus albus*)
 - B. Small trees
 - a. Saskatoon Berry (*Amelaunchia sp.*)
 - b. Scoulers Willow (*Salix scouleriana*)
 - c. Mountain ash (*Sorbus Sitchenis*)
2. Very dry areas
 - A. Shrubs
 - a. Ocean Spray (*Holodiscus discolor*)
 - b. Snowberry (*Symphoricarpus albus*)

Planting plan for the disturbed 33 square meters –see guidelines Page 17

1. Replacement for tree #1. 11" diameter Douglas Fir--- Three small trees (Saskatoon Berry, Scoulers willow)
2. Replacement for Tree #2 16.5" diameter fir -- 4 replacement small trees- >2m tall
When mature—Two Scoulers willow trees, one Saskatoon , one Mountain ash
3. Replacement for tree #3 4" 4 shrubs, snowberry, ocean spray, salal or tall Oregon Grape

APPENDIX 1a. Provincial Tree Replacement Guidelines



INFORMATION

November 1996

TREE REPLACEMENT CRITERIA:

The criteria below apply to the replacement of trees authorized for removal under the *Fisheries Act*, *Wildlife Act* or *Land Title Act* by BC Environment, Fish, Wildlife and Habitat Protection. Requests for authorization should be accompanied by a tree survey and replacement planting plans completed by a professionally certified environmental consultant and detailing numbers, sizes and species. Species suitable for replacement will be based on site specific conditions.

• 0 mm - 151 mm (6") dbh*	2 replacement trees (min height 1.5 m), or, 4 shrubs (for up to 50% of trees being replaced in this range);
• 152 mm - 304 mm (12") dbh	3 replacement trees (min height 1.5 m);
• 305 mm - 456 mm (18") dbh	4 replacement trees (min height 2.0 m);
• 457 mm - 609 mm (24") dbh	6 replacement trees (min height >* 2.0 m);
• 610 mm - 914 mm (36") dbh	8 replacement trees (min height > 2.0 m).

Trees > 914 mm dbh (36") will require individual approval and replacement criteria prior to removal.

Every effort must be made to retain 20% of trees > 304 mm dbh (12") as wildlife snags at minimum height of 3 m.

* dbh = diameter breast height

* > = greater than

For further information, please contact the following:

Ecosystem Planning & Protection
BC Environment, Lower Mainland Region
10470-152nd St.
Surrey BC V3R 0Y3
Phn: (604) 582-5235
Fax: (604) 582-5305
Web-site: <http://wlapwww.gov.bc.ca/sry>

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date	December 22, 2015
------	-------------------

1. I Kathleen Reimer, Registered Professional Biologist,

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- I am qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- I am qualified to carry out the assessment of the proposal made by the developer, Bette Gallander, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- I have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my professional opinion that:

- if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

Submission Instructions

Riparian Areas Regulation – Qualified Environmental Professional – Assessment Report RAR- QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: See the Guidelines and the Assessment Methods for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be complete, by submitting the information specified, and posted to provide notification to the local government, Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site

STAFF REPORT

June 21, 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 June 30, 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-2016.3) 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.

This application 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. The specific request is that the area zoned SD(a) (Service Zone) be re-aligned to be adjacent the western border of the subject properties. This special zone boundary has been in place for many years; it is found as far back as the North Pender Island Land Use Bylaw no. 5, which was in place from 1978-1999. The only permitted use in the SD(a) zone is the treatment and disposal of sewage produced on the Port Browning property. This zone boundary defines the location of the septic infrastructure; it enables the septic use that is essentially an accessory use of the adjacent commercial parcel. Please see the plan attached as appendix 1 and the map below.

Area: 2.58 ha

Area: 3.92 ha

Area: 2.58 ha

Proposed Area to Be Rezoned From SD(a) and R to C3(a)

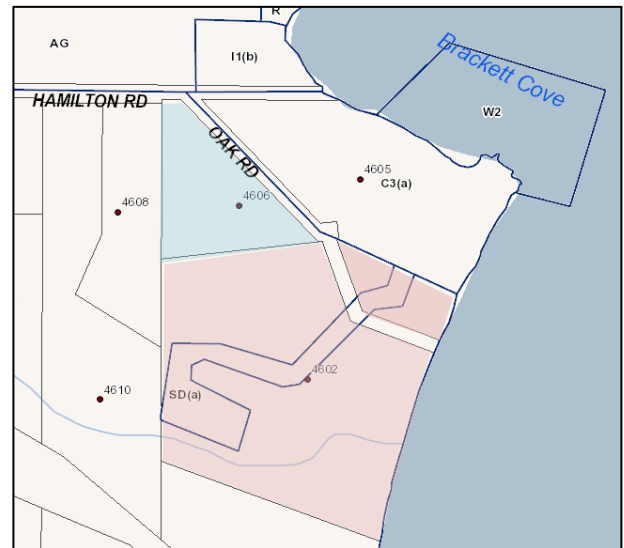
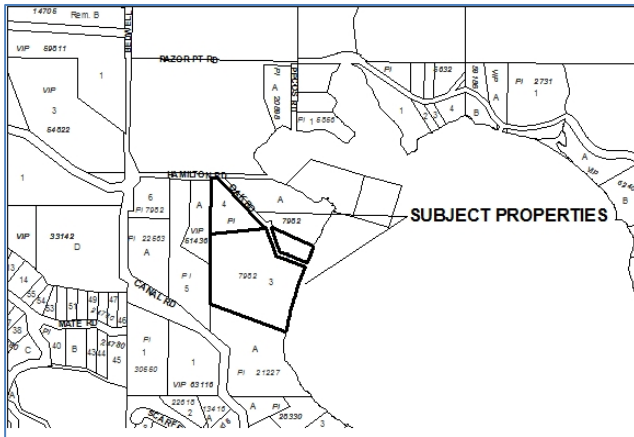
Proposed Area to Be Rezoned From SD(a) to R

This part of the application request will be addressed by a future staff report.

Current request: location of septic infrastructure to be relocated to the western property boundary.

SITE CONTEXT:

The subject properties are split zoned Rural and SD(a) and, with the exception of the septic disposal, are residential in their use. Lot 4 (4606 Oak Road) is 2.4 acres and Lot 3 (4602 Oak Road) is 11.34 acres. 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.



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this proposal are:

- 3.1.5 - 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.

Official Community Plan

The subject properties are designated Rural (R) and Community Services (CS) by the North Pender Island Official Community Plan. Relevant objectives and policies are as follows:

Community Services Objectives:

- 2) *To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.*
- 3) *To facilitate community services that meet the social and physical needs of the community.*
- 4) *To support community facilities through efforts of community members.*
- 5) *To ensure that all community service facilities are accessible to all members of the community.*

Rural Objectives:

- 1) *To promote the retention of large parcels of land for scenic, aesthetic and natural resource values and long term rural use.*
- 2) *To support and promote the working landscape for sustainable agriculture and woodlot management.*
- 3) *To preserve the opportunity for a rural lifestyle.*
- 4) *To preserve natural features and environmentally sensitive areas.*

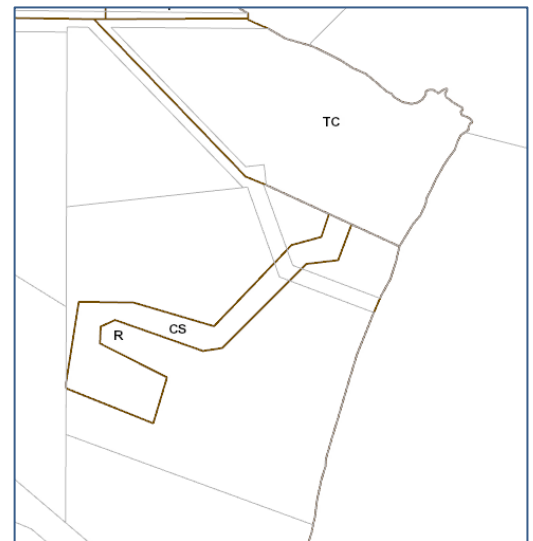
Rural Policies:

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

Development Permit Areas

The subject properties are not located within a Development Permit Area (DPA).

OCP Designations:



Land Use Bylaw

The subject properties are split zoned Rural and SD(a) (Service zone). Permitted uses in the Rural zone are residential; the SD(a) zone permits the treatment and disposal of sewage produced on the Port Browning property.

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 could be made a condition of proceeding with final adoption of one or both of the proposed zoning changes.

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

There is minimal public consultation recommended for this bylaw amendment. As mentioned, this request is considered to be a technical amendment; the septic infrastructure servicing Port Browning has been located on this property for many years. The associated request to rezone part of Lot 3 from Rural to Commercial 3 is a more impactful proposal, and more in-depth public consultation will be recommended when that aspect of the application is presented to the LTC for consideration.

In accordance with regular statutory requirements, a public hearing would be required. 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.

ISSUES SUMMARY:

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

- This rezoning application is required because the septic infrastructure for the Port Browning resort is located on an adjacent property;
- the septic system is accessory to the commercial use, but would need to be on the same property to qualify as an accessory use;
- a separate zone was created to allow the septic use on the Rural parcel;
- the very specific zone boundary does not give the owners the flexibility to upgrade and relocate the septic system without rezoning the property;
- the location of the SD(a) zone transverses Lot 3 and creates split zoned lots;
- the OCP designation of Community Service (CS) aligns with the SD(a) zone, but the use does not fit with the objectives of the CS land use designation in the OCP because the use is not providing a community service. An OCP mapping amendment is required.

STAFF COMMENTS:

The specific request is that the area zoned SD(a) (Service Zone) be re-aligned so it is adjacent the western border of the subject properties. The only permitted use in the SD(a) zone is the treatment and disposal of sewage produced on the Port Browning property. This unusual zone boundary defines the location of the septic infrastructure; it enables the septic use that is essentially an accessory use of the adjacent commercial parcel. However, because the zone boundary is very restrictive, it does not give the owners the flexibility to upgrade and relocate the septic system without rezoning the property. It also creates split zoned lots. The applicants have requested to relocate the SD(a) zone along the western boundaries of the two subject properties. Another option would be for the LTC to remove the SD(a) zone completely and add the septic disposal use to the uses permitted

in the Rural zone on these properties. The mapped SD(a) zone would then be removed from the land use bylaw; a corresponding OCP amendment to remove the CS designation would also be recommended. This would provide the land owners with flexibility should the infrastructure need to be moved again in the future.

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 a bylaw that relocates the SD(a) zone along the western boundaries of the subject properties.
- Direct staff to proceed with the application and drafting of bylaws that removes the SD(a) zone, and adds the septic disposal use to the principal uses permitted in the Rural zone on the subject properties (on a site specific basis). An OCP amendment would be required to remove the CS land use designation from the OCP schedule B.
- Direct staff to table the application pending receipt of further information on the request to rezone a portion of Lot 3 from Rural to Commercial 3.
- Resolve to proceed no further with the application.

The request to rezone a portion of Lot 3 from Rural to C3 should be addressed separately, with separate bylaws. Staff recommend proceeding with the technical amendments at this point, but will need more information for Rural rezoning. If the bylaw amendments end up with separate public hearings, there will need to be a cost recovery agreement between the applicant and the Islands Trust to account for the extraordinary costs of the second public hearing.

Based on the foregoing Issues Summary, staff recommend the LTC give direction to draft a land use bylaw amendment that removes the SD(a) zone and adds the septic disposal use as a principal use permitted in the Rural zone on the subject properties (site specific zone variation). A corresponding OCP amendment is also recommended to remove the CS land use designation from OCP schedule B.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee proceed with application **NP-RZ-2016.3 (Eakins)** and direct staff to prepare draft bylaws to address the Service Zone SD(a) on Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW.

Prepared and Submitted by:

Justine Starke
Island Planner

June 21, 2016

Date

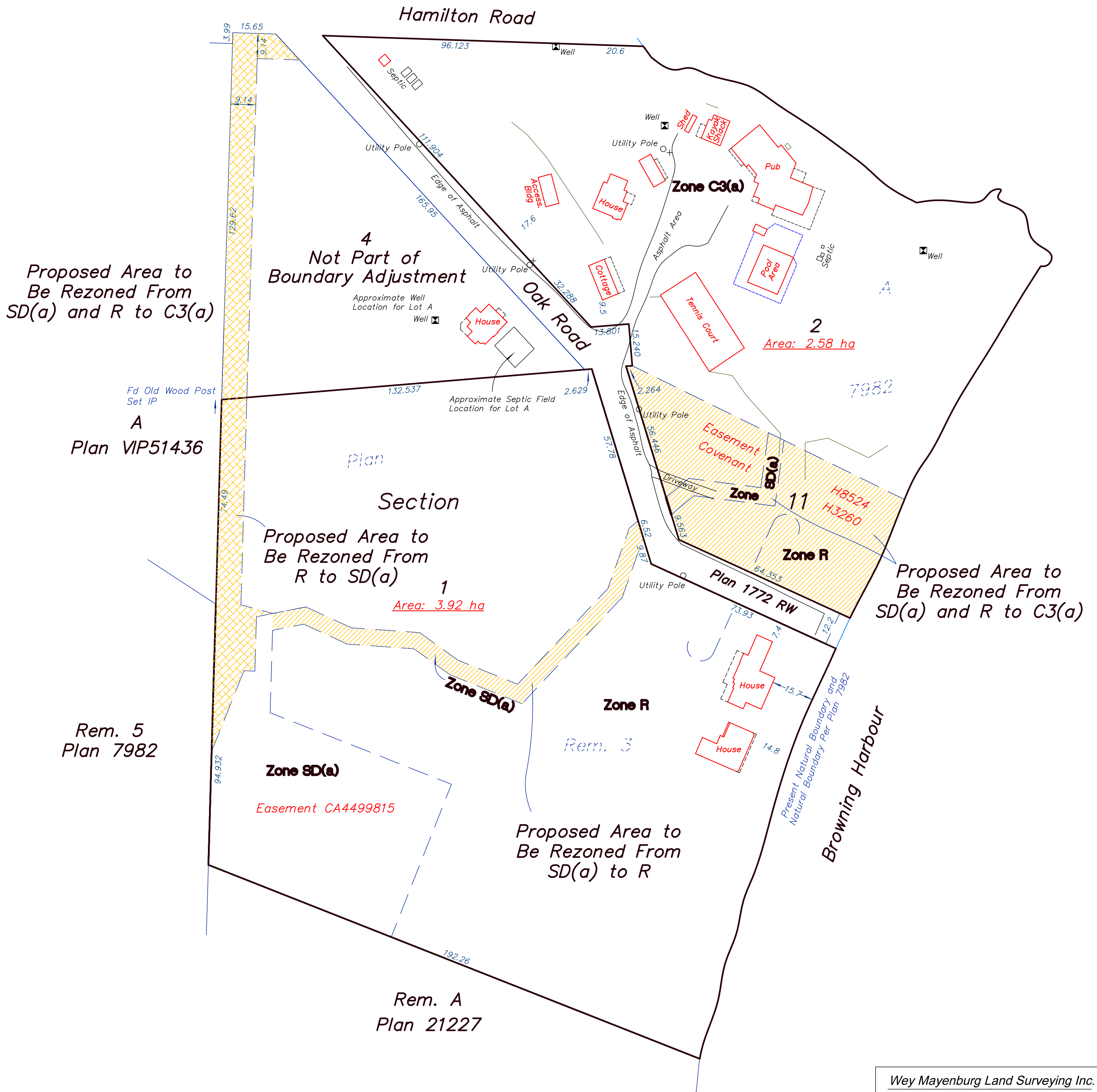
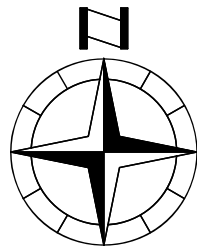
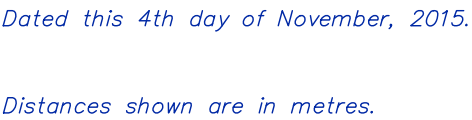
Concurred in by:


Robert Kojima
Regional Planning Manager

June 22, 2016

Date

Appendix 1: Development Plan



Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 70268\Pro\LE

STAFF REPORT

June 16, 2016

File No.: NP-RZ-2016.2(Port Browning)

To: North Pender Island Local Trust Committee
for the Regular LTC Meeting of June 30, 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: Surveyed Water Lot 107 and Unsurveyed Water Area, Port Browning Harbour, Pender Island, Cowichan District
PID: (Upland, attached) 005-034-311
Civic Address: (Upland, attached) 4605 Oak Road

PRELIMINARY REPORT

THE PURPOSE OF REPORT:

The purpose of this report is to provide background to a proposed bylaw amendment and seek direction from the North Pender Local Trust Committee (LTC) to proceed, or not proceed, with application NP-RZ-2016.2 (Port Browning Marina Resort).

BACKGROUND:

The subject Water Lot 107 is adjacent to Surveyed Water Lot 85 where the existing Port Browning Marina facility is located. The marina has been in business since 1967 and was sold in September of 2015 to the Mill Bay Marine Group. This application is part of an overall redevelopment plan to update and expand the marina as well as the upland resort facilities. The redevelopment will require a separate rezoning (NP-RZ-2016.3) for the upland portions, and development permit applications for the form and character of development and protection of sensitive ecosystems.

This specific rezoning is for the **Water 1 (W1)** zoned area of Surveyed Water Lot 107 (WL107) and areas of unsurveyed water where expansion to WL107 is proposed. The applicant has stated that the current marina due to its condition, layout and lack of services is in need of a complete renovation.

To date, the applicants have proactively met with staff prior to application to seek feedback on their plans and seek guidance on process. They subsequently hosted several 'open house' events to inform and seek input from the Pender Island public.

THE PROPOSAL:

The application is to rezone an expanded WL 107 from **Water 1 (W1)** to **Water 2 (W2)**. This will permit the combined marina facility to be upgraded to include the following:

- Remove the existing marina entirely. Leaving only the existing pier, which would be altered.
- New marina will be laid out by an engineer using data obtained via a wave and wind study and a bathymetric study, both commissioned for the project.
- Replace the existing docks with brand new, timber frame docks. The dock will have concrete top decking and also some mesh decking to aid in light penetration, through to the ocean floor.
- Replace the existing creosote telephone pole piles, with metal piles.
- Change the layout to allow a slip for an individual boat, 87 slips and approx. 340' of transient moorage in total within the protected basin. The current capacity of the marina is 65 slips in a configuration that makes the moorage of larger boats difficult during busy periods.
- Replace the power system with a modern one of appropriate size.
- Install a water system that will reach around the entire marina.
- Have on dock firefighting equipment.
- Install a Fuel dock with gas and diesel sales.
- Install an on-dock sani pump out.
- Float plane dock.
- Improved floating attenuator designed using information from a recent wind and wave study. This will ensure safe moorage for all customers and allow expansion to have a higher percentage of annual moorage customers.
- Access to the marina would be via a new pier and ramp, via the existing upland property. *This has recently been amended, as the approach will be in its current location.*

The preliminary layout of the marina is shown in Figures Three and Four. This plan will be amended as (stated above) the approach will be located where it is currently sited to avoid archaeological resources and ensure foreshore and small craft access.

All of the uses listed above are permitted by the **Water 2 (W2)** zone.

The proposal for the upland portion, which to be clear is not part of this rezoning application, is as follows:

- Completely renovated pub and bistro ('Bridgemans 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)

SITE CONTEXT:

The subject water lot is 0.94 ha (2.33 ac) in size and is located offshore of the entrance to Bracket Cove at head of Port Browning Harbour (Figure One). The lot directly abuts the eastern portion of water lot 85 where the present 65 slip marina facility is located.

The biological, fish habitat and topographic conditions of the tidal and intertidal area and vicinity are described in a report 'Biological Assessment of Proposed Modifications to Port Browning Marina, Port Browning , North Pender Island – 2016' (Castor Consultants Ltd. – no date) submitted by the applicant (<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>). Shoreline types and sensitive ecosystems are also described in Sensitive Ecosystems and Hazard Areas (below). In short, Bracket Cove is a relatively well protected shallow inlet with a low-sloped foreshore. The intertidal foreshore is composed of sedimentary bedrock exposures and narrow gravel and sand beach. The shallow subtidal substrate is comprised of almost entirely of silty sand. The deeper subtidal area outside and to the east of the cove where the subject water lot overlies, is similarly made up of silty sand with shell and occasional hard substrate.

The subject area is exposed to wind and wave action particularly from the east and south east. The report 'Port Browning Wind/Wave Analysis and Attenuator Hydrotechnical Design Final Report' (Northwest hydraulic Consultants, May 3, 2016) provides further physical marine characteristics of Port Browning including wind and wave analysis and bathometric charting of the seabed (<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>) .

The only structure occupying the water lot is the 105 m x 1.2 m diameter metal wave attenuator that lies diagonal in an east northeast line (Figure Two).

The attached upland property of 2.2 ha (5.5 ac) currently has the pub and café, marine office and store front, laundry facility and uses associated with the marina operation. There is also an industrial zoned property at the end of Hamilton road. Otherwise properties surrounding Bracket Cove and Port Browning are predominately rural and rural residential uses.

Staff has visited the subject property on numerous occasions, most recently on May 24, 2016.

Figure One: Subject Property

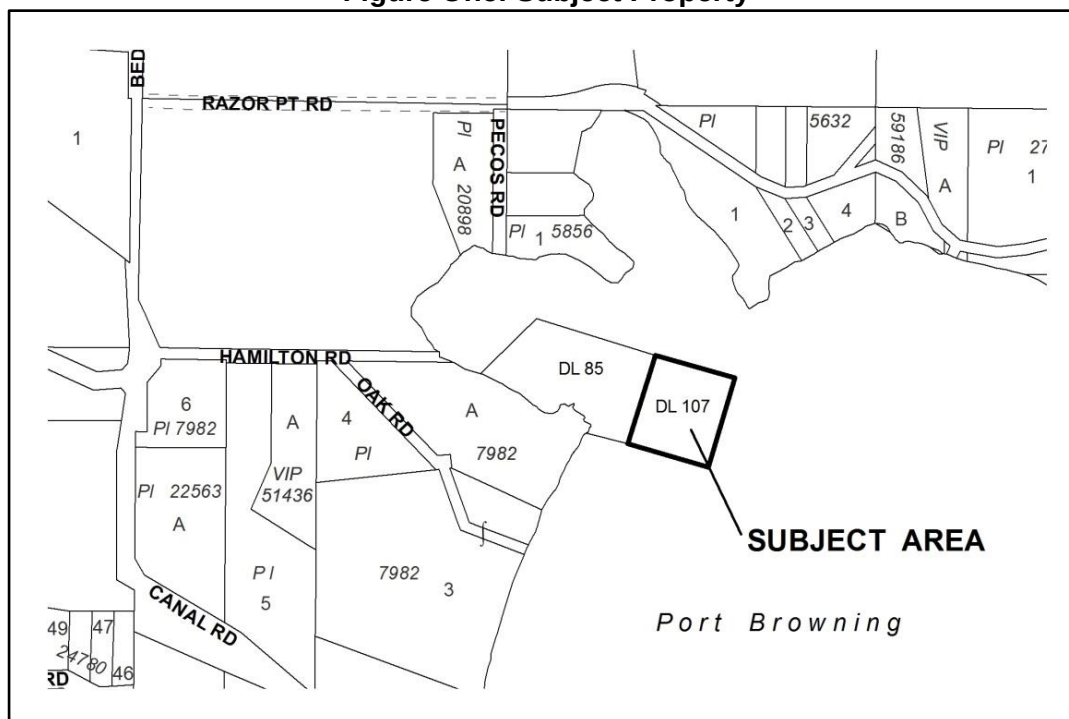
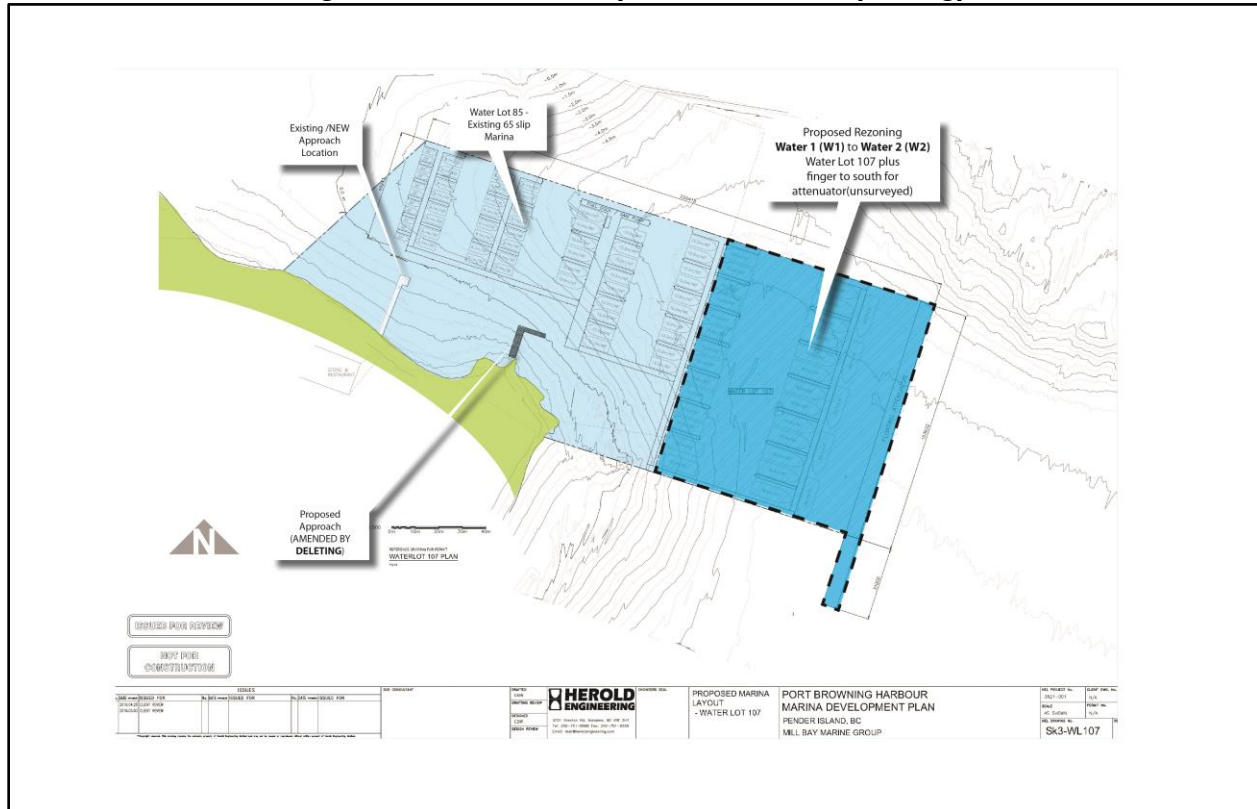


Figure Four: Site Plan (Enhanced for Reporting)



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this proposal are:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 – address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.1.5 - regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
- 3.4.4 - address the protection of sensitive coastal areas.
- 3.4.5 – address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.9 - address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
- 4.5.10 – address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
- 5.1.3 - address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- 5.2.3 – 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.

- 5.2.6 address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
- 5.5.4 – 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.
- 5.7.2 – address the economic opportunities that are compatible with conservation of resources and protection of community character

Official Community Plan

The North Pender Island Official Community Plan (OCP) designates all water (ocean) areas as **Marine (M)** (Figure Six). Relevant OCP policies include:

2.4 General Commercial Policies

- 2.4.1 Marinas shall be regulated to ensure the compatibility of the location, size and nature of the marinas with ecosystems and the character of the area, and should be required to provide marine pump-out services.

3.1.1 Water Transport Policies

- 3.1.1.1 Use of marinas as private yacht clubs shall be prohibited.
- 3.1.1.2 Expansion of public and community dock lease or license areas only be considered through application for rezoning.
- 3.1.1.5 Permanent anchoring of floating camps or houseboats and residential use of any vessel moored or beached shall not be permitted, except for one marina caretaker residence.

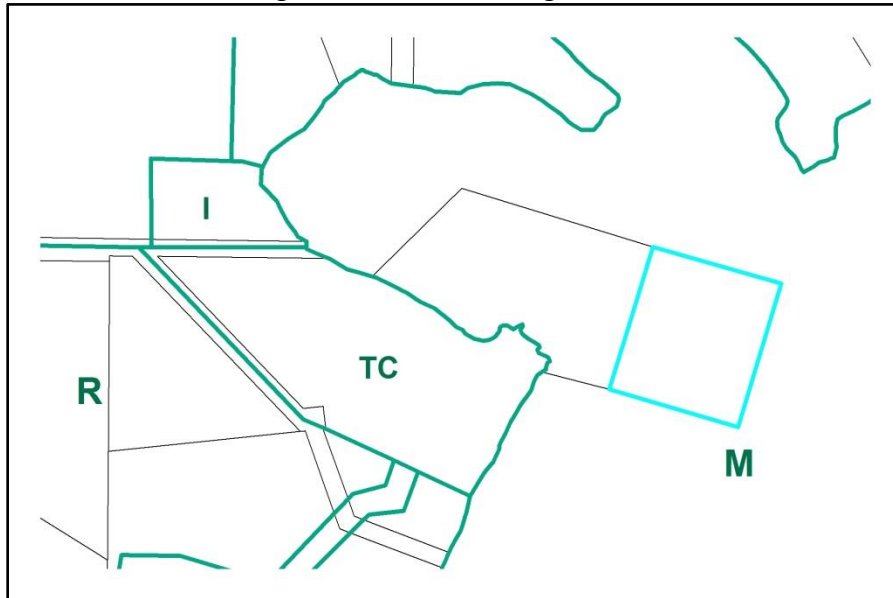
4.2 Coastal Area Policies:

- 4.2.1 Regulations should protect natural coastal processes from the impacts of development.
- 4.2.2 Ocean vistas may be protected by regulation.
- 4.2.3 Use of the foreshore and the surface of marine waters within the North Pender Island Local Trust Area shall be regulated by zoning.
- 4.2.7 Maintenance of public access and the right to recreational use of the foreshore shall be protected.
- 4.2.8 Filling, deposit, or excavation of materials on the foreshore shall be prohibited.
- 4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

4.6 Heritage Resource Policies:

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

Figure Six: OCP Designations

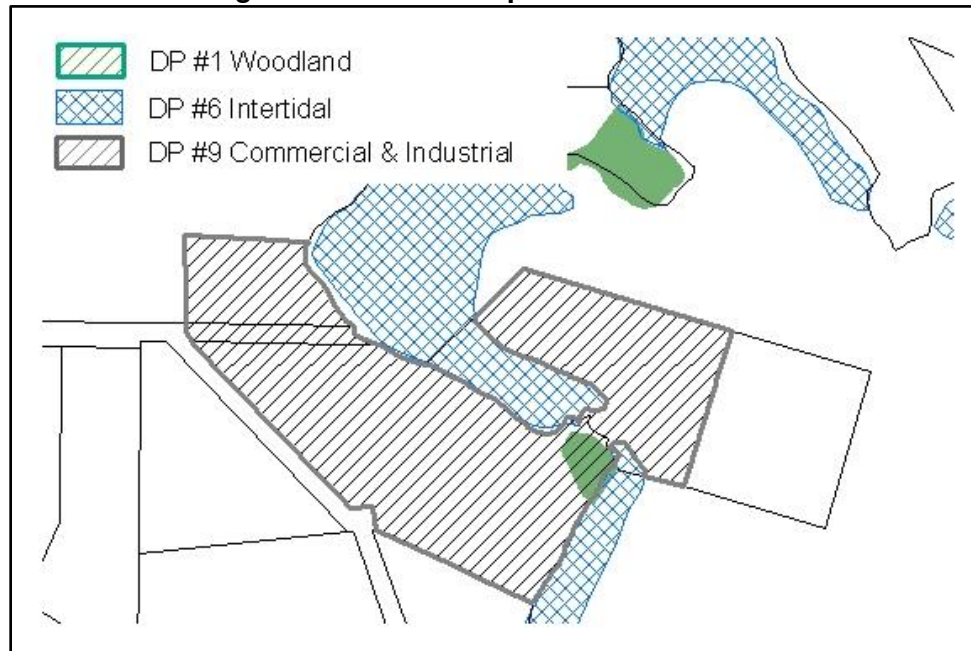


Development Permit Areas

The subject area is not located within a Development Permit Area (DPA). **Development Permit Area (DPA) Six- Intertidal Ecosystems** is designated on Water Lot 85 and the adjacent, attached upland is designated in **DPA 9 – Commercial and Industrial** and a portion is in **DPA 1 – Woodland Ecosystem (Figure Seven)**.

Generally, a zoning amendment application does not initiate Development Permits and the proposal does not include any new buildings or structures at this time. The applicant will be required to make an application for a Development Permit prior to initiating construction. It is noted that the DPA is designated by reference to the zone, so that if rezoned as proposed, the additional water area (WL107) would be subject to a DP as well. In anticipation of this, staff has requested information through the DAI Bylaw (below) for this application that will also be applicable to DPA guidelines.

Figure Seven: Development Permit Areas



Land Use Bylaw

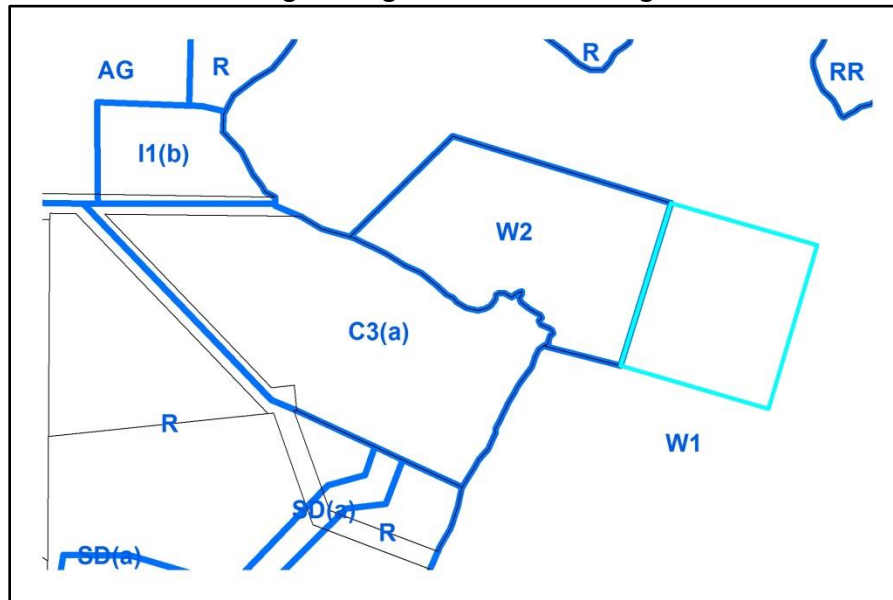
Water Lot 107 is zoned **Water 1 (W1)** in the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996 (Figure Eight). The allowable uses in that zone are as follows:

- (a) private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea, and providing access to that lot or those lots;
- (b) pilings necessary for the establishment or maintenance of the uses permitted by Clause 8.19.1(1) (a);
- (c) boat launching ramps; and
- (d) marine navigation, marine navigation aids and marker buoys.

The allowable uses in the proposed **Water 2 (W2)** zone are as follows:

- (a) sale and rental of boats and sporting equipment, except personal watercraft;
- (b) marinas;
- (c) yacht clubs;
- (d) wharfage facilities for water taxis, ferries, fishing boats, sea planes and similar craft;
- (e) marine fuelling stations;
- (f) seawalls, breakwaters, slips, docks, piers, dolphins and pilings necessary for the establishment or maintenance of any use permitted in this zone;
- (g) private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lot or those lots;
- (h) boat launching ramps; and
- (i) marine navigation, marine navigation aids and marker buoys.

Figure Eight: Current Zoning



Islands Trust Fund

Staff are recommending that the draft bylaw be referred to the Trust Fund Board as given the size of the project and the presence of sensitive ecosystems, their interests, including the Regional Conservation Plan, might be affected.

Sensitive Ecosystems and Hazard Areas

The marine and shoreline sensitive ecosystems are detailed below in 'Shoreline.' There are no DPAs designated in the area of the proposed rezoning. However, pending successful rezoning, the impact of the overall proposal including WL85 will be assessed as part of a DP application. Of particular concern are the eel grass and forage fish habitats in and adjacent to the subject lot as well as the general vicinity of Port Browning, natural shoreline processes and any land disturbance or construction where steep slopes occur along the foreshore. . Staff has requested more professional reporting on this matter (see 'Professional Report/Development Approval Information').

Archaeological Sites

There are several archaeological sites identified on the provincial RAAD on the attached upland parcel. Particularly the areas extending in both directions along the shoreline from the knoll feature have identified sites. Staff has requested an Archaeological Impact Assessment (AIA) be submitted under the DAI Bylaw (below) and, although there is no OCP amendment with this particular rezoning, staff is recommending that given that this is a marina First Nations be included as part of the referral process.

The applicants have responded that an AIA is being conducted by Madrone Consulting and will be forthcoming at the end of the summer.

Covenants

There are no covenants attached to Water Lot 107.

Bylaw Enforcement:

There are no active bylaw enforcement files for the water lots or for the attached upland property.

Climate Change Mitigation and Adaptation

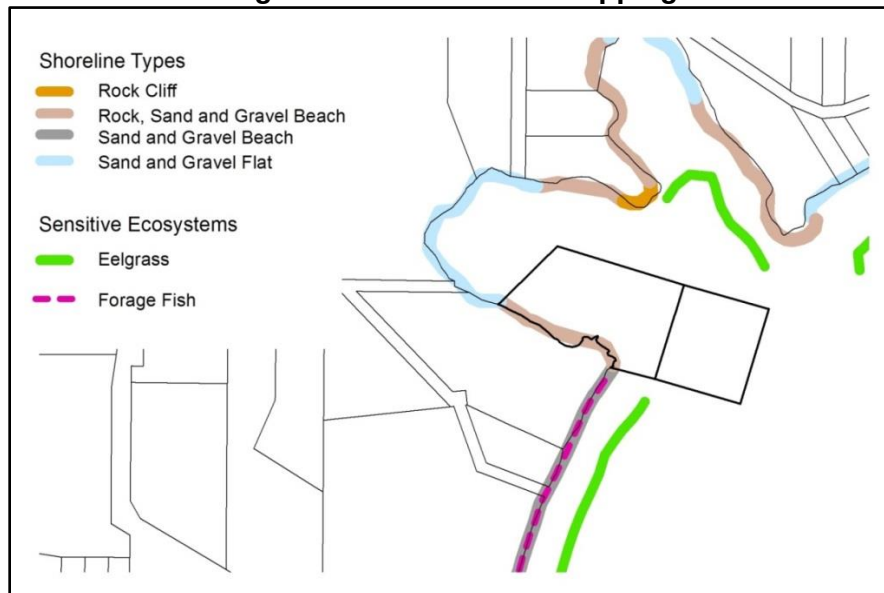
The proposed development associated with the rezoning could have potential impacts on greenhouse gas emissions such as increased impermeable shading of the sea floor from increased dock area and boat moorage; localized increased boat and seaplane traffic; disposal of existing dock infrastructure and production/construction of new dock infrastructure. Positively the replacement of an end of life marina facility including toxic materials (creosote) with more sustainable construction materials (dock and ramps; piles; electrical and water systems). There is also the potential for mitigation of shading through design and material choice, and for 'green business' approaches from the company.

The marina by its nature is susceptible to hazards from climate change such as sea level rise and storm surges, etc. A key aspect of the design is a new wave attenuator that will protect the marina from storm activity to a standard of year events

Shoreline

Figure Nine below indicates the shoreline types in the vicinity of the subject lot. As indicated above, the submitted 'Biological Assessment' analyzed the potential for impacts to the fish habitat. Although the report referenced the forage fish habitat, staff have requested through the DAI bylaw (see next section) that the scope of the report be broadened to map the eelgrass beds that are identified to the south of the lot, and to report on potential impacts and mitigation. The two shorelines identified adjacent to the expansion are Rock, Sand and Gravel Beach. Additionally, and again through the DAI process, staff have requested that the scope of the "Wind/Wave Analysis" report be broadened to include a more definitive analysis of potential impacts on shoreline (littoral) processes.

Figure Nine: Shoreline Mapping



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 May 25, 2016 is attached in full. These issues and the applicant's response to date are discussed in 'ISSUES SUMMARY' (Below) and are summarized as follows:

- Site Plan – request for a revised plan.
- Biological Assessment – request that scope be broadened to address some deficiencies re: sensitive ecosystems.
- Wind/Wave Analysis – request more definitive design and analysis of impacts on shoreline processes
- Provide an Archaeological Impact Assessment
- Provide a visual impact assessment
- Provide design information for navigation of small vessels
- List all provincial and federal licenses, permits and/or approvals required for the construction, operation and decommissioning

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

COMMUNITY CONSULTATION:

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.

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

Although this application does not include an amendment to the OCP, the nature of the application would indicate that First Nations interests would 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

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

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, they have 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.

RESULTS OF CIRCULATION:

There has been no circulation on this file to date. However, staff has received two letters in response to the open house meetings held by the applicant. These have been circulated to the LTC and are at (<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>). The Pender Island Conservancy has indicated that they "...are deeply concerned about newly planted eelgrass meadows at the entrance to Brackett Cove..." Sara Steil has indicated a similar concern about eelgrass meadows and fish forage habitat.

ISSUES SUMMARY:

Issues that staff has identified through a preliminary analysis of the application are reflected in the contents of the DAI letter dated May 25, 2016. It is anticipated that as that information and reporting is provided and the process moves forward, that other issues might arise.

Site Plan

The Site Plan submitted is shown in Figures Three (above). Staff requested that this be resubmitted to clearly indicate the location and design of the 'approach' ramp; the attenuator and establish the natural boundary of the sea based on a legal survey. Of particular concern is that the extent and orientation of the proposed attenuator will dictate the area of the expanded lease and rezoning. The applicant has responded by amended the application on June 17, 2016 by siting the proposed approach where it is currently located to address concerns about archaeological sites and foreshore access. In addition, the applicant confirmed that the size and location of the attenuator will be as shown in Figures Three and Four.

Potential Impacts and Mitigation on Sensitive Ecosystems

The report 'Biological Assessment of Proposed Modifications to Port Browning Marina, Port Browning, North Pender Island – 2016' (Castor Consultants Ltd. – no date) was submitted as part of the application. This was a thorough analysis of fish habitat resources and potential impacts that inventoried the site using SCUBA diver video analysis and 'drop camera' transects as well. They identified two habitat types and noted that "*neither of these habitats support species of special significance or listed marine species*" (p. 16).

The conclusion of the report is the main impact of the proposed development would be from increased shading (of the sea bed) by the new structures from 1320 m² to 3400 m² (p.17 and 18). However, the report states that that shading would have "little" effect on the overall

productivity of the subtidal habitat. They noted that the use of light penetrating decking on docks and access ramps could help to mitigate the some of the shading and that the seasonal nature of the operation would leave significant areas vacant. They noted that no dredging or foreshore excavation of any kind was required. They also indicated that the replacement of the existing marina with new docks and concrete pilings would result in the removal of a considerable amount of toxic creosote from the site.

The overall conclusion of the report is that the construction of the project will not result in significant harm to fish or fish habitat with the proviso that best practices (various) are followed. The latter includes specific mitigation measures for the Southern Killer Whale Critical Habitat Migration.

Staff identified that although the existence of fish forage habitat along the beach to the south of the lot (see Figure Nine) was addressed in the report, there was no discussion of the eel grass mapping nor DPA Six – Intertidal Ecosystems that is designated for parts of the existing marina (WL 85). We have requested that the report be revised to provide baseline mapping on the eel grass beds to the south of the proposed expansion as well analysis of potential impacts and mitigation recommendations. Additionally, we have requested detail construction recommendations to limit shading.

The applicant has responded that their environmental consultant is discussing the exact requirements with DFO, and that the final design will minimize impacts with light penetrating docks, etc. Furthermore, the consultant will be conducting eelgrass mapping on June 21st using the same method as the 2012 eelgrass assessment by Nikki Wright employing a Drop camera, and location by laser ranger (+/-1m) and/handheld gps.

It is noted that the applicants have indicated that the expanded marina capacity should decrease the number of boats that are anchoring off in Port Browning during the busy summer season. If achieved this will decrease damage to some of the sensitive seabed habitat caused by anchoring and anchor dragging.

Shoreline (Littoral) Processes

An identified OCP policy is to protect natural coastal processes from the impacts of development. The 'Port Browning Wind/Wave Analysis and Attenuator Hydrotechnical Design Final Report' (Northwest hydraulic Consultants, May 3, 2016) was submitted as part of the application. The purpose of that report is limited to an analysis "to assist in the designing a wave attenuator ...". Staff have requested that this report be supplemented by amending the scope of the report to analyze potential impacts of the marina expansion and wave attenuator on natural shoreline (littoral) processes in Bracket Cove and adjacent areas and to make recommendations for mitigation if they are required. Importantly, we have indicated that this analysis be based on a final design and location of the proposed wave attenuator.

The applicant has responded and will be submitting an updated report, likely after the agenda deadline date, but prior to the June 30 LTC Meeting.

Archaeological Impacts

An Archaeological Impact Assessment has been requested as there are numerous identified archaeological sites in the vicinity of the subject water lot. This is to include an assessment of the potential cultural and spiritual significance of traditional First Nations land or marine areas of use or occupation, and an assessment of potential impacts and mitigation measures on First Nations fishery resources (if relevant).

A specific impact that staff noted was the proposed location of the approach ramp which is was proposed to land on the foreshore where there is a known archaeological site. The applicants responded to this concern by moving to the current location as stated above. The design of the marina may be further modified dependent upon the results of the archaeological assessment.

As stated above, the applicants are having an AIA is conducted by Madrone Consulting and with results forthcoming at the end of the summer.

Visual Impact Analysis

Directive policies supported by OCP policies call for protection of ocean vistas by regulation. Accordingly, staff has requested that more information on the potential impacts on the character of Port Browning Harbour from the marina expansion. A visual impact assessment is to be provided by the applicant. The terms of reference for this is professional design analysis of view impacts from a sample of onshore locations (including from features on the upland property) and from a sample of views from the sea. It will include current marina facilities and capacities in comparison to scenarios where the proposed marina expansion is at capacity with the anticipated maximum size of vessels and the attenuation structure.

The applicant has responded by indicating that they have engaged an architect to provide this analysis.

Public Access

The applicant should demonstrate that the proposed rezoning and proposed development maintains public access and the right to recreational use of the foreshore (OCP policy 4.2.7). In order to achieve this staff have directed the applicant submit design analysis and recommendations to clarify and assure the navigation of small vessels (i.e. kayaks, stand up paddle boards, etc.) through the area between the dock and approach structures and foreshore area.

This policy and issue has been acknowledged by the applicant and they propose to accommodate this access by siting the approach in its current location (and height).

Socio- Economic Benefit

In the application, the proponent has described a number of potential socio-economic benefits of the new, expanded marina that are summarized as follows:

- A new safe facility for local boat moorage.
- A more convenient customer experience for local boaters and Pender Islanders with proximity to a new restaurant and pub facilities.
- Better marina services including fuel, sani dump, better power and water, and wi fi.
- An option to anchoring in Port Browning Harbour.
- An improved wave attenuator will provide safer moorage
- New docks will make for a safer boating experience
- Spin-off benefits for local businesses, particularly at the Driftwood Centre
- Employment opportunities as up to twelve additional full time positions are projected for the overall resort/marina facility.
- Improved transportation options with a float plane dock.

STAFF COMMENTS:

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 application and draft a bylaw and present it and further reporting on required information under the DAI Bylaw at a subsequent meeting;
- Direct staff to proceed with application by scheduling an initial community information meeting in advance of drafting bylaws.
- Direct staff to table the application pending receipt of further information as required under the DAI Bylaw;
- Resolve to proceed no further with the application.

Based on the foregoing Issues Summary, staff recommends that they be directed to proceed and draft an amendment bylaw for the regular LTC meeting in July. Any further information, reports and correspondence will be reported at that time.

RECOMMENDATIONS:

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

Prepared and Submitted by:



June 16, 2016

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

June 16, 2016

Date

Attachments: DAI Letter to applicant (May 25, 2016)



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Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
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May 25, 2013

File Number: NP-RZ-2016.2

Port Browning Marina Resort
c/o Robert Blanchard,
740 Handy Road
Mill Bay, BC V0R 2P1
Via email:

Dear Robert Blanchard:

Re: Rezoning Application – Terms of Reference – Lot A (DD G54184) of Section 11, Pender Island, Cowichan District, Plan 7982

This letter is in response to your application to amend the North Pender Island Land Use Bylaw for the Port Browning Marina (lease area).

The purpose of this letter is to identify information that is required from the applicant pursuant to the North Pender Island Development Approval Information Bylaw. Under the DAI bylaw, a zoning amendment application uses a 'terms of reference' approach for required information. The objective of this process is to identify and request any anticipated information from the applicant in a timely manner, as early as possible in the process.

As this particular property also contains sensitive ecosystem Development Permit Areas, we have tried to consider the information required for those future applications at this point.

Some specific requirements that have been identified based upon what has been submitted to date are as follows:

1. The 'Site Plan' submitted should be amended as follows:
 - i. By referencing the recent legal survey that it is based on;
 - ii. Indicating the current natural boundary of the sea based on that survey;
 - iii. Indicating the exact location of the "approach" and any alteration and construction on the foreshore and upland portions that are required.
 - iv. This should also indicate the relationship of the approach to the upland *Development Permit (DPA) Area 5 – Woodland Ecosystems* and geological issues related to slope stability and erosional activities (see Islands Trust DPA and Steep Slope Mapping – attached).
 - v. The site plan shows the attenuator extending south of the current lease area and it is understood that you are in the process of applying to extend that lease. We require that the exact location and size of this be established and that the proposed zone boundaries be clearly indicated on the plan (see below for related concerns).

2. A biological assessment entitled 'Biological Assessment of Proposed Modifications to Port Browning Marina, Port Browning , North Pender Island – 2016' (Castor Consultants Ltd. – no date) has been submitted that provided conclusions about the potential impact on fish or fish habitat. We note that the report concluded that the proposed expansion would have no impact on the beach area where there is known forage fish habitat. The report should be supplemented by amending the scope of the report to inventory baseline environmental conditions and address the impacts of development and measures for mitigation for known sensitive ecosystems (Islands Trust mapping of the Sensitive Marine Habitat and DPAs are attached). Specifically the amended report should include the following:
 - i. As part of the baseline inventory, the extent of the eel grass beds directly to the south of the proposed expansion should be mapped and submitted;
 - ii. Identification of any potential impacts arising from the proposed expansion and recommendations to limit, mitigate, and manage any potential impacts; And,
 - iii. Construction detail recommendations to limit the impacts from reduced light penetration on the sea bed. The Islands Trust can provide further information either to yourselves or the biologist if required.
3. We received a report entitled 'Port Browning Wind/Wave Analysis and Attenuator Hydrotechnical Design Final Report' (Northwest hydraulic Consultants, May 3, 2016) as part of your application. The purpose of that report is "to assist in the designing a wave attenuator ..." We require that this report be supplemented by amending the scope of the report to analyse potential impacts of the marina expansion and wave attenuator on natural shoreline (littoral) processes in Bracket Cove and adjacent areas and to make recommendations for mitigation (if required). In addition, the report recommends design changes to southern extent of the attenuator and gives two design scenarios based on slip orientation. As stated above, we the exact location and size of this be established for this analysis and for visual impact analysis (below).
4. 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).

On a preliminary basis staff have a concern with the proposed location of the "approach" and request that clarification be provided about the location and design of the approach that mitigates any impacts on archaeological resources. It is noted that you have provided some supplementary alternative sketches to this end. However we require that the site plan and sections be revised to meet this particular.

5. We require that a visual impact assessment should be submitted by a professional architect or landscape architect that addresses the impacts on views from the proposed marina expansion. This should analyse view impacts from a sample of onshore locations (including from features on the upland property) and from a sample of views from the sea. This should illustrate the current marina facilities and capacities in

comparison to scenarios where the proposed marina expansion is at capacity with the anticipated maximum size of vessels and the attenuation structure .

6. We require design analysis and recommendations to clarify and assure the navigation of small vessels (i.e. kayaks, stand up paddle boards, etc.) through the area between the dock and approach structures and foreshore area.
7. We require a list all provincial and federal licenses, permits and/or approvals required for the construction, operation and decommissioning of the proposed project and the associated responsible regulatory agency.

The applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
- (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
- (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, and
- (e) make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development.

The next step is to submit the requested information for review. Although this typically will be submitted prior to preparing a staff report for consideration by the Local Trust Committee (LTC), our intention is to present a preliminary staff report for this application at the June 30, 2016 LTC Meeting. We appreciate that providing the above information in full and in advance of that meeting cannot reasonably be expected. As such our reporting will include a summary and copy of this letter and those items that have been fulfilled.

Please note that the Islands Trust reserves the right to require additional information or clarification in response to the project report. Any additional will be in writing and identify the additional information required in as clear and specific manner as possible.

If you have any questions concerning the application or requirements stated above, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "TESTEMALE", with a horizontal line underneath.

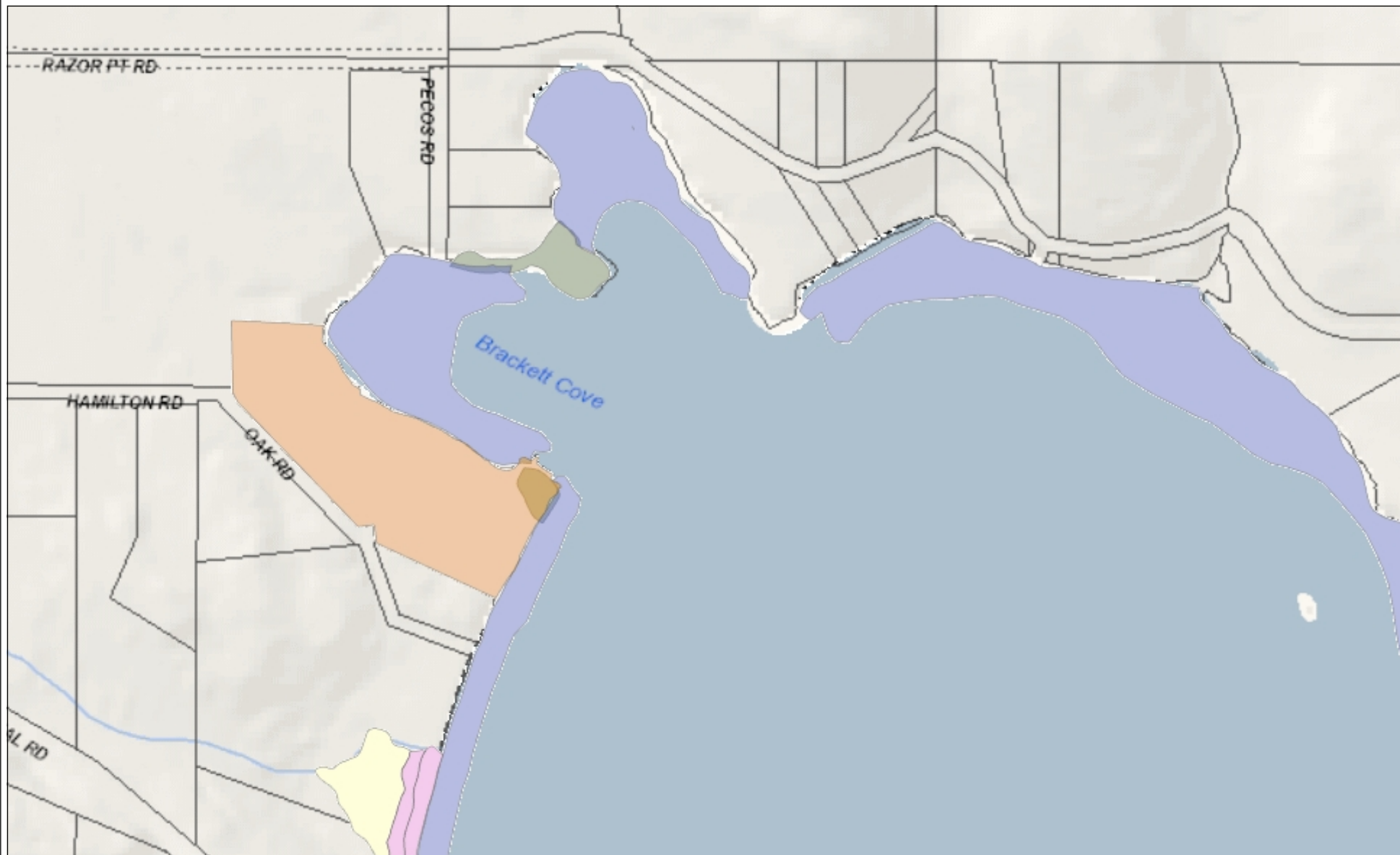
Phil Testemale
A/Planner 2
Local Planning Services

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

Attachments:

DPA Mapping
Steep Slope Mapping
Sensitive Ecosystem Mapping

u:\local trust committees\north pender\applications\rvz\2016\np-rz-2016.2 (port browning marina)\staff reports\np-rz-2016.3 dai.tor.letter.docx



229.3 0 114.7 229.3 Meters

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© Islands Trust



1:4,514

May 25, 2016

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class**
-  Not Zoned
-  Commercial/Industrial
-  Community
-  Residential
-  Resource
-  Water
- Contours**
-  Index Contour
-  Intermediate Contour

LEGEND - Operational Layers

-  DPA 9 Commercial and Industrial
-  DPA 5 Cliff Sensitive Ecosystem
-  DPA 2 Herbaceous Sensitive Ecosyst
-  DPA 6 Intertidal Sensitive Ecosystem
-  DPA 7 Raptor and Heron Nests
-  DPA 3 Riparian Sensitive Ecosystem
-  DPA 10 Riparian and Aquatic
-  DPA 4 Wetland Sensitive Ecosystem
-  DPA 1 Woodland Sensitive Ecosyster
- Physical Features
- Shoreline Units



NP-RZ-2016.2 Sensitive Marine Ecosystem Mapping



229.3 0 114.7 229.3 Meters

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May 25, 2016

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LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class**
-  Not Zoned
-  Commercial/Industrial
-  Community
-  Residential
-  Resource
-  Water
- Contours**
-  Index Contour
-  Intermediate Contour

LEGEND - Operational Layers

- Eelgrass**
-  <all other values>
-  Flat
-  Patch
-  Fringing, Patchy
-  Fringing, Continuous
-  Fringing
-  Flat, Patchy
-  Flat Continuous
- Forage Fish**
-  Pacific Sandlance
-  Surf Smelt
-  Surf Smelt/Pacific Sandlance

Physical Features
Shoreline Units



NP-RZ-2016.2 Steep Slope Mapping



57.3 0 28.7 57.3 Meters

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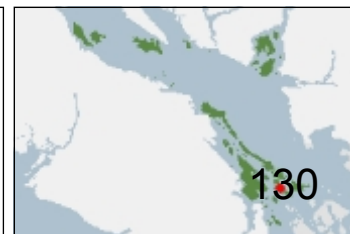


1:1,128

May 25, 2016

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class
 -  Not Zoned
 -  Commercial/Industrial
 -  Community
 -  Residential
 -  Resource
 -  Water
- Contours
 -  Index Contour
 -  Intermediate Contour

LEGEND - Operational Layers

-  High Risk
-  Moderate Risk
-  Low Risk
- Physical Features
- Shoreline Units

Date:

June 17, 2016

File No.: NPI 6500-20-Housing

To:

North Pender Island Local Trust Committee
For the meeting of June 30, 2016

From:

Justine Starke, Island Planner, Local Planning Services

CC:

Robert Kojima, Regional Planning Manager

Re:

LTC Top Priority – STVR (Housing)

Project Objectives

The overall objective of this project is to engage a community planning process that considers options to improve the stock, availability, and impacts of affordable housing on North Pender Island. The North Pender Island Local Trust Committee's (LTC) first priority is consideration of the use of residential zones for tourist accommodations, known as STVRs (Short Term Vacation Rentals). 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 introduce draft bylaws to amend the North Pender Island Land Use Bylaw to permit STVRs as home businesses in residential zones, and to amend the Official Community Plan with enabling language for STVRs and Temporary Use Permit guidelines for STVRs.

Project Background:

Then following is an excerpt from the minutes of May 5, 2016:

NP-2016-030 It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to draft amendments to the Land Use Bylaw 103, 1996 and the Official Community Plan Bylaw 171, 2007 to permit Short Term Vacation Rentals based on the draft regulations presented in the staff report dated April 13, 2016 and amended as discussed at the meeting on May 5, 2016.

CARRIED
Trustee Barber opposed

NP-2016-031 It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee directs staff to draft a bylaw amendment to the North Pender Island Fees Bylaw 173 to reduce the fee for Short Term Vacation Rental Temporary Use Permits to \$900.00.

CARRIED

The LTC also discussed and clarified its approach on the following issues (excerpt from minutes):

- “Operating a bed and breakfast and STVR on the same property.” Planner Starke noted that the B&B regulations require operators to be living on the property. General agreement that this should be allowable.
- Allowing portions of a residence to be rented as an STVR. General agreement that the bylaw should be framed to permit this.
- Specifying a maximum number of persons per bedroom for a TUP. A discussion was held regarding the benefits and drawbacks of the guideline. General agreement to include the limitation in the TUP guidelines, but defer the decision to pick a number until an application warrants it.
- Specific exclusion of some areas from TUP consideration. A discussion was held regarding Buck Lake and there was general consensus to not exclude certain areas from being eligible for a TUP.
- TUP for a non-residential accessory building. A discussion was held and there was general agreement that this should be allowable under limited circumstances.”

NP-2016-028

THAT the North Pender Local Trust Committee direct Staff to include Temporary Use Permits for a non-residential accessory building to be allowable under the bylaw.

CARRIED

Trustee Barber opposed

Proposed Land Use Bylaw and Official Community Plan Amendments

Draft Land Use Bylaw 204:

Draft Bylaw 204 is an amending bylaw to the North Pender Island Land Use Bylaw 103. It is attached as Appendix 1 for consideration by the Local Trust Committee.

There have been no changes made from the draft regulations in the [staff report](#) considered by the LTC on May 5, 2016.

Draft OCP Bylaw 203:

Draft Bylaw 203 is an amending bylaw to the North Pender Island Land Use Official Community Plan Bylaw 171. It is attached as Appendix 2 for consideration by the Local Trust Committee.

The proposed TUP guidelines have been refined since the May 5, 2016 meeting. Appendix 3 includes the draft regulations considered at the May 6 meeting for easy reference. The following changes have been made in the bylaw drafting process:

- The guidelines have been re-organized according to a more logical sequencing.
- The previous version included a number of potential permit conditions under subsection (k), stating, “In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit. . .” This subsection has been amended, with some of the guidelines relocated. The only guidelines remaining under this subsection are those that may be only applied in certain situations. This gives clarity for staff, trustees, and applicants as to which guidelines could become permit conditions as a matter of course, and which will only be applied in specific situations (see Draft Bylaw 203, S. 6.4.12 in Appendix 2).
- The guideline which stated that, “the name and contact information [should be included] in the conditions of the permit,” has been removed due to concerns regarding the Freedom of Information and Protection of Privacy Act.”
- The water requirement guideline (see Draft Bylaw 203 S.6.4.4) has been amended to clarify that a copy permit will be sent to community water districts “for information.”

- The guideline about signage (see Draft Bylaw 203 S.6.4.7) has been amended to specify the maximum area of a sign is 0.6 m². This is to make the guideline consistent with land use bylaw regulations.
- A new guideline (S. 6.4.11) has been added to reflect the decision made on May 5, 2016. This guideline states, "The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code."

Relevant Policy and Land Use Considerations

Islands Trust Fund

Consistent with policy, any temporary use permit application pertaining to a property adjacent to a Trust Fund Board owned property or conservation covenant would be referred to Islands Trust Fund for comment.

Islands Trust Policy Statement

The NPI LTC considered relevant policies from the Islands Trust Policy Statement at the June 18, 2015 Local Trust Committee meeting. The relevant policies are found in the [staff report](#) that supported that meeting.

The Islands Trust Policy Statement Directives Only Checklist is provided in Appendix 4 for LTC consideration.

Official Community Plan

The NPI LTC considered relevant OCP policies at the June 18, 2015 Local Trust Committee meeting. The relevant policies are found in the [staff report](#) that supported that meeting.

Bylaw Enforcement:

The NPI LTC was given information and background on bylaw enforcement in the [staff report](#) supporting the May 5, 2016 LTC meeting.

It is recommended that if the Local Trust Committee adopts the proposed bylaws, it revisit its STVR enforcement strategy.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

The proposed policy changes do not imply an increase to impacts to sensitive ecosystems, hazard areas, shorelines, or archaeological resources. At the time of building a dwelling or a cottage, each property is reviewed for any development permit areas and archaeological sites that may be on the property. In the course of a TUP application, the property is checked for any sensitive ecosystem, hazard, shoreline, or archaeological resources. Draft Bylaw 203 contains TUP guideline 6.4.6 to bring awareness and educate visitors on any sensitive ecosystems that may be present.

Communications and Community Consultation

Agency Referrals:

Once the draft bylaws have received First Reading, staff will initiate bylaw referrals to agencies and engagement with any First Nations that have an interest in the area for OCP amendments.

Should the LTC give First Reading to the attached bylaws, it may wish to refer the bylaws to the Advisory Planning Commission for input.

Community Information Meetings & Public Hearing:

There have been two LTC community information meetings, structured as workshops, on North Pender Island (November 7, 2015 and February 6, 2016). Additional public feedback was generated through an on-line and paper questionnaire and through letters, emails, phone calls, and one-on-one meetings. The outcome of these community consultation sessions have already been reported to the LTC, most notably in the [staff report](#) presented at the March 31 LTC meeting.

As with all Land Use Bylaw and Official Community Plan amendments, the LTC must hold a public hearing in accordance with statutory requirements. It is recommended the LTC hold an additional community information meeting prior to or at the same time as the Public Hearing.

Summary

The LTC have provided direction to staff to proceed with drafting bylaws based on the regulations reviewed at the May 6, 2016 NPI LTC meeting. Previous reports have analyzed different approaches and regulatory options.

Draft Bylaw 204 amends the NPI LUB to provide a definition for short term vacation rental and to permit STVRs as an accessory home business use, where there is an operator or someone responsible for the use resident on the property.

Draft Bylaw 203 amends the North Pender Island Official Community Plan to clarify that STVRs would be permitted as accessory uses in the Rural Residential and Rural land use designations, and to provide STVR guidelines in Section 6: Temporary Use Permits. The bylaw also amends Section 6 to make it consistent with the updated British Columbia *Local Government Act*.

This approach:

- Ensures that the owner or operator is resident on the property;
- Allows regulations to be incorporated in the home business provisions;
- Limits 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;
- Owners of properties with only one permitted dwelling can apply for a TUP; and new guidelines have been introduced to address this.
- Is generally consistent with the approach adopted recently on Galiano and Mayne Islands.

Streamlined TUP Process and the North Pender Island Fees Bylaw:

The LTC has given direction to reduce the application to \$900.00 and streamlining the STVR Permit process by using expedited processing times and an STVR permit checklist. Staff will bring a draft amendment to the fees bylaw to the LTC for consideration prior to public hearing.

Next Steps

1. Review the attached draft bylaws 203 and 204, and provide direction on any changes.
2. Give draft bylaws 203 and 204 first reading.
3. Refer draft bylaws to the Advisory Planning Commission for feedback.
4. Direct staff to arrange a community information meeting and public hearing for draft bylaws 203 and 204, schedule for the fall of 2016.
5. Review the Policy Statement Checklists for draft bylaws 203 and 204.

Alternative options:

- Take no action on the draft bylaws and direct staff to bring forward a different approach to regulating STVRs on North Pender Island.

RECOMMENDATIONS:

1. 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, 2007, Amendment No. 2, 2016".
2. THAT the North Pender Local Trust Committee give First Reading to Bylaw No. 204, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016."
3. THAT the North Pender 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.
4. THAT the North Pender Local Trust Committee refer Bylaws 203 and 204 to the North Pender Island Advisory Planning Commission for feedback.
5. THAT the North Pender Local Trust Committee direct staff to schedule a community information meeting and public hearing for Bylaws 203 and 204.

Prepared and Submitted by:

Justine Starke

Island Planner, Local Planning Services

June 17, 2016

Date

Concurred in by:

June 20, 2016



Robert Kojima
Regional Planning Manager

Date

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 204**

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016”.

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

2.1 Section 1.1 – Definitions, is amended to add the following:

“short term vacation rental” means the use of a dwelling or cottage, or a portion of a dwelling or cottage, as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home business*, subject to the regulations established in Section 3.5.

2.2 Section 1.1 – Definitions, is amended to Include “short term vacation rental” under the home business definition, so the new definition reads:

“home business” means an accessory commercial use conducted on a residential lot and includes: short term vacation rentals, bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.”

2.3 Section 3.5 – Home Business Regulations, is amended as follows:

3.5.1- add the word “cottage” so that it reads, “Home businesses must be conducted entirely within a dwelling, cottage or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.”

3.5.2 – Add “with the exception of short term vacation rentals,” so the regulation reads, “With the exception of short term vacation rentals, the combined floor areas of all home businesses on a lot must not exceed 65 m².”

3.5.4 – For clarity, add “In the case of a short term vacation rental, the operator or another person responsible for the vacation rental must live in a permitted dwelling or cottage on the property.”

Add a new Section 3.5.11 – “No more than one dwelling or one cottage may be used for a short term vacation rental on a lot.”

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 203

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

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this _____ day of _____, 20.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this _____ day of _____, 20.

READ A THIRD TIME this _____ day of _____, 20. _____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this _____ day of _____, 20____.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this _____ day of _____, 20____.

ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 203**

SCHEDULE 1

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

1. Amending Policy 2.1.1.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
2. Inserting a new policy after Policy 2.1.1.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
3. Amending Policy 2.1.2.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
4. Inserting a new policy after 2.1.2.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
5. Amending Section 6: Temporary Use Permits as follows:
 1. Delete the preamble in its entirety and replace with the following:

“An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.”
 2. Add a new Policy 6.4 as follows:
 - 6.4 “In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.
 - 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.
 - 6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other

report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.

- 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.
- 6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.
- 6.4.10 The permit should require the landowner post the following information for guests:
 - a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency service contact information, and to provide a means for contacting them;
- 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.
- 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may:
 - a) Limit the number of bedrooms that can be used for short term vacation rentals;
 - b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - c) require the landowner/operator to post contact information and permit information at the entrance to the property;

- d) prohibit camping or occupancy of RVs on the property;
- e) prohibit the rental or provision of motorized personal watercraft;
- f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- g) prohibit outdoor fires; and
- h) establish the dates during which the use may occur.

6.4.13 The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received.

6.4.14 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”

Appendix 3: Draft TUP Guidelines considered at the May 6, 2016 North Pender Island Local Trust Committee Meeting

Temporary Use Permits

- Amend the preamble to specify that a permit can be issued for up to three years, and no longer for only commercial or industrial uses. This is a house keeping amendment to bring consistency with changes to the Local Government Act.
- Include the following guidelines under “Temporary Use Permit Policies:”

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

- a) for the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier;
- b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for short term vacation rentals;
- c) the Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence;
- d) the Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) the landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other measure may be required. If the lot is in served by a community water system, the application should be referred to the water system for comment;
- f) the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles;
- g) If the proposal is located on a property identified as containing a sensitive ecosystem, the landowner should provide information for guests indicating the location of the sensitive areas and information on how to avoid impacting the sensitive features.
- h) in addition to any other conditions the LTC may consider appropriate, the permit may:
 - require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit;
 - require the owner or manager to provide neighbours within a 200 metre radius of the vacation rental with the owner or manager’s phone number, and a copy of the temporary use permit;
 - require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area;
 - prohibit camping or occupancy of RVs on the property;
 - restrict advertising to one unilluminated sign, with a maximum area;
 - prohibit the rental or provision of motorized personal watercraft;
 - prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
 - prohibit outdoor fires;
 - establish the dates during which the use may occur; and
 - include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received;

- require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them;
- require the landowner/operator to post contact information and permit information at the entrance to the property; and
- a temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”



Islands Trust

POLICY STATEMENT CHECK LIST (DIRECTIVES ONLY)

File No: NPI-6500-20 Housing: STVR
Bylaws 204 (OCP) and 203 (LUB)

PURPOSE- The following table provides planning staff with an efficient and effective means to evaluate bylaws to ensure that they are consistent with the policies within the Policy Statement.

POLICY STATEMENT - The Policy Statement (Consolidated April 2003) is comprised of several parts. Parts I and II, outline the purpose as well as the Islands Trust object and guiding principles. Parts II, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities. There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council - statements about Trust Council's position or philosophy on various matters,
- Directive Policies - policies that direct Local Trust Committees and island municipalities to address certain matters, and
- Recommendations – recommendations to other government agencies, non-government organizations, property owners, residents and visitors.

POLICY CHECK LIST (DIRECTIVES ONLY) - The Policy Statement Checklist (Directives Only) is based on the Directive Policies from the Policy Statement. The Directive Policies require the Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and the island municipalities to address certain a matters in their official community plan in a way that implements the policy of Trust Council. Staff use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality applications and proposals for their consistency with the Island Trust Policy Statement. The table identifies whether or not the referral addresses and is consistent with the policies within the Policy Statement as follows:

- ✓ identifies that the bylaw is CONSISTENT with the policy from the Policy Statement.
- N/A means the policy is not applicable to the bylaw.
- ✗ identifies that the bylaw is INCONSTSTENT (contrary or at variance) with the policy from the Policy Statement.

Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	POLICY	POLICY
	3.1	Ecosystems
N/A	3.1.3	the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	the protection of unfragmented forest ecosystems ¹⁵ within their local planning areas from potentially adverse impacts of growth, development and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	the protection of sensitive coastal areas.
N/A	3.4.5	the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	POLICY	POLICY
	4.1	Agricultural Land
N/A	4.1.4	the identification and preservation of agricultural land for current and future use.

¹⁵ Unfragmented Forest Ecosystem - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

N/A	4.1.5	the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	POLICY	POLICY
N/A	4.1.7	the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	The needs and locations for marine dependent land uses.

N/A	4.5.9	the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
N/A	4.6.3	Soils and Other Resources - the protection of productive soils.

Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:

PART V: Policies for Sustainable Communities

CONSISTENT	POLICY	POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities

N/A	5.3.4	the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	the impacts of road location, design, construction and systems.
N/A	5.3.6	the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	the identification of acceptable locations for the disposal of solid waste.
	5.5	Recreation
N/A	5.5.3	the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	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.

Directive Policies: **Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following**

CONSISTENT	POLICY	POLICY
N/A	5.5.5	the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	the identification, protection, preservation and enhancement of local heritage.

N/A	5.6.3	the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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



Islands Trust

Print Date: June 23, 2016

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-2016.2	BETTE C GALLANDER DERRYCK H SMITH Planner: Phil Testemale	07-Mar-2016	4847 Buccaneers Rd Riparian planting mitigation for tree cutting.
Planning Status			
Status Date: 16-Jun-2016 Staff report on June 30 LTC agenda for consideration.			
Status Date: 17-May-2016 Revised report received. June LTC agenda for consideration			
Status Date: 11-Apr-2016 Contacted QEP and waiting for resubmission of RAR Assessment Report			

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: 10-Jun-2016 File opened and forwarded to planner and LTC.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.2	MAINROAD PROPERTIES (G, Planner: Phil Testemale	26-May-2016	3323 Port Washington Rd. Variance for setbacks on shop and gas shed, height of salt shed and height of entrance gate.
Planning Status			

Applications

Status Date: 16-Jun-2016

Staff Report on June 30 agenda for consideration.

Status Date: 07-Jun-2016

Permit and Notice drafted and forwarded to DS for mailout.

Status Date: 07-Jun-2016

On June 30 LTC agenda

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.3	KAYNE, DONALD	01-Jun-2016	37149 Schooner Way Variance application on setback to build a SFD for recreational purposes.

Planner: Phil Testemale

Planning Status

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	17-Jun-2016	4825 CANNON CRES Relaxation of front yard setback

Planner: Phil Testemale

Planning Status

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: 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.

Applications

Status Date: 22-Jan-2015

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

Status Date: 13-Jan-2015

Staff report prepared for January 22 2015 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

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: 20-Jun-2016

Bylaw drafted. Waiting for further information on drainage plan. July 28th agenda.

Status Date: 18-May-2016

DS drafting bylaws

Status Date: 06-Apr-2016

Preliminary report completed and on April 28, 2016 LTC Agenda

**Applications**

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.2	PORT BROWNING MARINA RESORT LTD INC.NO. BC1037734 Planner: Justine Starke	09-May-2016	4605 OAK RD Rezone the water lot adjacent to the current Marina
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
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: 20-May-2016 File opened			
Status Date: 20-May-2016 File forwarded to planner and LTC			

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 boundardy adjustment between 4446 and 5431 Hooson.

Applications

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
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: 15-Jun-2016

PLA Issued June 15, 2016

Status Date: 02-Mar-2016

Sub Referral Report emailed and papered to David Koch at MoTI

Status Date: 24-Feb-2016

Reviewing application and preparing MoTI response

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: 10-Jun-2016

File opened and forwarded to LTC and Planner

Temporary and Industrial Use Permit



Applications

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

Status Date: 18-May-2016

Reviewing options with applicant.

Status Date: 06-Apr-2016

File Opened Created application, forwarded to LTC and planner

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2016.4	STEPHENSON, PAUL	24-May-2016	2705 YAWL LANE Permit for short term vacation rental.

Planner: Phil Testemale

Planning Status

Status Date: 07-Jun-2016

Permit and notice drafted and forwarded to DS for mailout and newspaper. On June 30 LTC agenda

Status Date: 24-May-2016

File opened and forwarded to planner and LTC.

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

650 North Pender	Invoices posted to Month ending May 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	0.00	1,500.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	665.82	3,334.18
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	0.00	600.00
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>665.82</u>	<u>4,934.18</u>
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	0.00	3,000.00
73001-650-4054	North Pender Waste Management Review	7,000.00	216.87	6,783.13
73001-650-4073	North Pender STVR Review	4,000.00	0.00	4,000.00
73001-650-4074	North Pender Affordable Housing Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>18,000.00</u>	<u>216.87</u>	<u>17,783.13</u>

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.				



North Pender Local Trust Committee
Dianne Barber N Pender Island Trustee
Derek Masselink, N Pender Island Trustee
George Grams, N Pender Island Trust Committee Chair
Suite 200 - 1627 Fort St.
Victoria, B.C. V8R 1H8 Canada

June 1, 2016

Re: Invited Speaker about Gulf Islands Groundwater Management
A presentation to the Salt Spring Island Watershed Protection Authority and Salt Spring Island community as part of the Integrated Water Management Program and Watershed Stewardship Workshop Series.

When: Friday August 19th, 2016 from 11:00am - 12:30pm.
Speaker: Diana Allen, Ph.D. Groundwater Resources Research Group, Simon Fraser University, B.C.
Location: To Be Determined.

Topic “Estimating Groundwater Recharge to the Gulf Islands: Challenges and Progress”

The Salt Spring Island Watershed Protection Authority (SSIWPA) would like to invite the North Pender Local Trust Committee, and other members of the Pender Islands community (if applicable) to attend the presentation described above.

RSVP by June 30, 2016 to Coordinator Shannon Cowan at ssiwpacoord@gmail.com (250-653-4867).

* Please indicate the number of participants who will attend, and venue preference (1,2,3 in priority order) from the options below:

- i) Community Gospel Chapel, Salt Spring Island (located at corner of Vesuvius Bay Road and North End Road)
- ii) Lions Hall, Salt Spring Island (located on Drake Road, near Ganges)
- iii) Mary Winspear Centre, Sidney B.C.

* Please indicate in your RSVP if the number of participants might be higher (and by how much) at the Sidney venue. The goal is to offer this event at no cost to participants, if the SSIWPA budget allows.

Sincerely,
Shannon Cowan, SSI Watershed Protection Authority Coordinator

Speaker Biography:

Diana Allen, Ph.D. and her “Groundwater Resources Research Group” in the department of Earth Sciences at Simon Fraser University have studied groundwater resources in the B.C. Gulf Islands for over ten years.

Dr. Allen is a member of the Pacific Institute for Climate Solutions (PICS), and has been a published scientist for 20 years, with a broad range of experience in both empirical approaches and modeling of direct recharge, as well as with mapping deep groundwater flow contributions to main and lower order streams in mountainous and coastal zones. She is also involved with climate change impact research on different types of aquifers and fractured bedrock groundwater systems, groundwater quality risk assessments and aquifer vulnerability mapping.

Dr. Allen’s student, Isabelle Larocque presented her thesis work to the Salt Spring community at large in January of 2015, titled “The hydrogeology of Salt Spring Island, British Columbia” (2014).

In early 2016, another student completed recharge studies on Gabriola Island, British Columbia. **Dr. Allen aims to integrate the new results about groundwater recharge in the Gulf Islands, with previous work, in her presentation on August 19th, 2016.**