



## North Pender Island Local Trust Committee Regular Meeting Agenda

Date: October 25, 2018  
Time: 10:00 am  
Location: Royal Canadian Legion  
1344 MacKinnon Road

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|     |                                                                      |                     | Pages   |
|-----|----------------------------------------------------------------------|---------------------|---------|
| 1.  | CALL TO ORDER                                                        | 10:00 AM - 10:05 AM |         |
| 2.  | APPROVAL OF AGENDA                                                   |                     |         |
| 3.  | TOWN HALL AND QUESTIONS                                              | 10:05 AM - 10:20 AM |         |
| 4.  | COMMUNITY INFORMATION MEETING<br>none                                |                     |         |
| 5.  | PUBLIC HEARING<br>none                                               |                     |         |
| 6.  | MINUTES                                                              | 10:20 AM - 10:25 AM |         |
| 6.1 | Local Trust Committee Minutes Dated September 6, 2018 (for Adoption) |                     | 4 - 14  |
| 6.2 | Section 26 Resolutions-without-meeting Report<br>none                |                     |         |
| 6.3 | Advisory Planning Commission Minutes<br>none                         |                     |         |
| 7.  | BUSINESS ARISING FROM THE MINUTES                                    | 10:25 AM - 10:30 AM |         |
| 7.1 | Follow-up Action List Dated October 2018                             |                     | 15 - 16 |
| 8.  | DELEGATIONS<br>none                                                  |                     |         |

## 9. CORRESPONDENCE

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

none

## 10. APPLICATIONS AND REFERRALS

10:30 AM - 11:10 AM

- |      |                                                                                   |          |
|------|-----------------------------------------------------------------------------------|----------|
| 10.1 | Salt Spring Island Local Trust Committee Bylaws No. 510 & 511 Referral (attached) | 17 - 19  |
|      | for response                                                                      |          |
| 10.2 | Salt Spring Island Local Trust Committee Bylaws No. 512 Referral (attached)       | 20 - 22  |
| 10.3 | NP-TUP-2018.6 (Persello) - Staff Report (attached)                                | 23 - 46  |
| 10.4 | NP-DP-2018.6 ( Mill Bay Marine Group) - Staff Report (attached)                   | 47 - 87  |
| 10.5 | NP-DP-2018.7 (Shaw & Cassels) - Staff Report (attached)                           | 88 - 118 |

## 11. LOCAL TRUST COMMITTEE PROJECTS

11:10 AM - 11:30 AM

- |      |                                                                                                |           |
|------|------------------------------------------------------------------------------------------------|-----------|
| 11.1 | Waste Transfer - Staff Report (attached)                                                       | 119 - 122 |
| 11.2 | North Pender Island Local Trust Committee Bylaw 219 - Fees Amendment - Staff Report (attached) | 123 - 126 |

## 12. REPORTS

11:30 AM - 12:00 PM

- |        |                                                             |           |
|--------|-------------------------------------------------------------|-----------|
| 12.1   | Work Program Report (attached)                              |           |
| 12.1.1 | <u>Top Priorities Report Dated October 2018</u>             | 127 - 127 |
| 12.1.2 | <u>Projects List Report Dated October 2018</u>              | 128 - 130 |
| 12.2   | Applications Report Dated October 2018 (attached)           | 131 - 138 |
| 12.3   | Trustee and Local Expense Report Dated July 2018 (attached) | 139 - 139 |
| 12.4   | Adopted Policies and Standing Resolutions (attached)        | 140 - 140 |
| 12.5   | Local Trust Committee Webpage                               |           |
| 12.6   | Chair's Report                                              |           |
| 12.7   | Trustee Report                                              |           |
| 12.8   | Islands Trust Conservancy Report Dated September 2018       | 141 - 142 |

## 13. NEW BUSINESS

none

**14. UPCOMING MEETINGS**

**14.1**      **Next Regular Meeting Scheduled for November 29, 2018 at the Anglican Church Hall,  
Pender Island**

**15. TOWN HALL** **12:00 PM - 12:15 PM**

**16. CLOSED MEETING**

none

**17. ADJOURNMENT** **12:15 PM - 12:15 PM**



# DRAFT

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

## North Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** September 6, 2018  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

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

**Staff Present:** Justine Starke, Island Planner  
Warren Dingman, Bylaw Enforcement Officer  
Shannon Brayford, Recorder

#### 1. CALL TO ORDER

Chair Grams called the meeting to order at 10:00 a.m. 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

**Don Corbin** addressed the notification process for the upcoming Public Information Meeting at the end of the current meeting, noting that there was conflicting information provided regarding the time of that portion of that meeting. He requested that the meeting be cancelled on the grounds that insufficient notification was provided.

Chair Grams requested staff advice on the matter and ruled that the statutory requirements were met and that the meeting could proceed as scheduled.

**Dale Henning** requested information on the length of time being allotted for the public information meeting. He noted that a meeting that is limited to two hours may be insufficient.

**Michael Sketch** addressed the proposed bylaw amendment that would allow boat storage on a piece of property in the Agricultural Land Reserve (ALR). He encouraged that the bylaw be changed for consistency with the Agricultural Land Commission (ALC) and provided a rationale for the request.

**Gary Steeves** requested clarification on whether bylaws can be amended after a public meeting has been held.

Chair Grams and Planner Starke provided an overview of the process and circumstances under which the public consultation process would be re-initiated.

**4. PUBLIC HEARING**

None

**5. MINUTES**

**5.1 Local Trust Committee Minutes Dated June 26, 2018**

By general consent the Local Trust committee meeting minutes of June 26, 2018 were adopted.

**5.2 Section 26 Resolutions-without-meeting Report Dated August 2018**

Received for information.

**5.3 Advisory Planning Commission Minutes**

Received for information.

**6. BUSINESS ARISING FROM THE MINUTES**

**6.1 Follow-up Action List Dated August 2018**

Planner Starke provided an overview and recent updates.

**7. DELEGATIONS**

None

**8. CORRESPONDENCE**

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

None

**9. APPLICATIONS AND REFERRALS**

**9.1 NP-DVP-2018.3 (Archer) - Staff Report**

Planner Starke provided an overview of the Staff Report.

Chair Grams invited the applicant to speak and no comments were made.

**NP-2018-069**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2018.3 (Archer).

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

None

**11. REPORTS**

**11.1 Work Program Report**

**11.1.1 Top Priorities Report Dated August 2018**

Received for information.

**11.1.2 Projects List Report Dated August 2018**

Received for information.

**11.2 Applications Report Dated August 2018**

Received for information.

**11.3 Trustee and Local Expense Report Dated June 2018**

Received for information.

**11.4 Adopted Policies and Standing Resolutions**

Received for information.

**11.5 Local Trust Committee Webpage**

Trustee Masselink requested that the staff consider changing the structure of the online calendar to remedy the dysfunction of not being able to post more than one meeting per day.

**11.6 Chair's Report**

Chair Grams reported that a recent letter was issued on behalf of all of the Trustees to the Prime Minister in opposition to the Trans Mountain Pipeline. He noted that the letter was also signed by representatives of San Juan County.

**11.7 Trustee Report**

Trustee Masselink reported that he is looking forward to the Public Information Meeting and also to the upcoming elections.

Trustee Barber reported that she will not be running for a second term, but that she is looking forward to seeing more progress within the community.

**11.8 Trust Fund Board Report Dated July 2018**

Received for information.

## 12. NEW BUSINESS

### 12.1 Islands Trust Conservancy, Incorporating the Regional Conservation Plan into Land Use Planning - Staff Briefing

Received for information.

### 12.2 Retail Cannabis Licensing - Staff Report

Planner Starke provided an overview of the report and noted that a standing resolution is included for consideration.

Trustee Masselink requested information on the application cost, noting that it is currently being recommended at an amount significantly lower than the amount recommended by the province.

#### NP-2018-070

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
  - Name of the applicant and a description of the proposal in general terms.
  - The location of the proposed establishment and the subject site.
  - The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered.
  - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application.
  - How public comments may be submitted to the local trust committee.

**CARRIED**

**NP-2018-071**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$4,000.

**CARRIED**

**12.3 Housing Needs Assessment Report - Staff Report**

Planner Starke provided an overview of the Staff Report, noting the benefits that the Housing Needs Assessment Report will provide to the communities involved.

**NP-2018-072**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee receive the “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd, dated February 2018; and that the North Pender Island Local Trust Committee request staff to publish the “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd, dated February 2018, on the North Pender Island Local Trust Committee website.

**CARRIED**

**12.4 Trust Programs Committee, Service Integration - Staff Briefing**

Planner Starke provided an overview of the briefing and outlined the purpose of the request for response.

**NP-2018-073**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee advises Trust Programs Committee that the Local Trust Committee has experienced barriers to engaging service providers/other agencies when addressing the following topics:

- First Nations Engagement, collaboration with other agencies to reduce the strain on their capacity.
- Road Right of Ways (Ministry of Transportation and Infrastructure).
- Public Transportation (Transportation Services).
- Access to alternative transportation corridors (Parks Canada).
- Solid waste and sewage (Waste Services).
- Access routes to Magic Lake Subdivision (Fire and Safety).
- Housing affordability and increased stock.
- Building inspections (CRD).

**CARRIED**

A discussion was held regarding expediting the zoning process to increase density for greater affordable housing.

**12.5 Bylaw Enforcement Update on Short Term Vacation Rentals (STVRs) - Staff Report**

Chair Grams invited Warren Dingman to provide a report.

Warren Dingman provided an update on the project to bring illegal short term vacation rentals (STVRs) into compliance. He noted a significant decrease in the number of open bylaw files related to STVRs.

The Trustees discussed the report and the following matters were clarified:

- There have not been any occurrences of neighbour complaints related to current Temporary Use Permit holders.
- North Pender Island has been more successful relative to other jurisdictions due to the way the project was undertaken.
- Details of the compliance campaign and the process for working with community members.

### **13. UPCOMING MEETINGS**

#### **13.1 Next Regular Meeting Scheduled for October 25, 2018, at the Royal Canadian Legion Hall, Pender Island**

### **14. TOWN HALL**

**Sara Steil** reported that there is an upcoming seminar on Watersheds, Groundwater and Climate Change on April 13-14, 2019 that will feature Andy MacKinnon and William Shulba. She requested that the North Pender Island Local Trust Committee assist in the promotion.

**Dale Henning** asked whether the incoming Trustees are restricted from discussing key decisions outside of Regular Meetings.

Chair Grams and Planner Starke provided a response. Planner Starke noted that the incoming Trustees are subject to the regulations of the bylaw process.

**Dale Henning** stated that he believes Trustees need to be property owners and full-time residents. He requested information on how to change the regulations to reflect this.

Chair Grams provided an overview of the legislative process.

**Dale Henning** requested that staff address the problems with the website calendar and not being able to post two meetings on the same day. He also requested information from Warren Dingman regarding the process for bylaw infestation of Gulf Excavating at MacDonald Farm.

Warren Dingman provided an overview of the matter.

**Dale Henning** addressed the ongoing loss of young families who leave the island when unable to find affordable housing. He encouraged the Islands Trust to take a more active role in building a solution.

**Michael Sketch** addressed the reasoning application for MacDonald Farm. He requested information on the dates and the requirements of the application.

Warren Dingman addressed the questions.

**Michael Sketch** addressed concerns that activities on MacDonald Farm pose a risk for groundwater pollution. He noted that that MacDonald Farm is not indicated on the map of sensitive aquifers and that bedrock protects the area.

**Michale Sketch** reported that Trust Council is upcoming and that he has made three submissions. He requested that Chair Grams request consideration of remedial measures regarding the ALC, including education on the website for landowners to understand their responsibilities if their property falls within the ALR.

**Kathy Cronk** requested information on how properties are identified as illegal STVRs in need of bylaw attention.

Warren Dingman provided an overview of the process, noting that some rentals are not STVRs, but are legal Bed and Breakfasts.

**Leila Tattersall** requested information on decisions made under item 12.2, Retail Cannabis Licensing.

Chair Grams provided an overview of the discussion and related decisions.

**15. CLOSED MEETING (Distributed Under Separate Cover)**

**15.1 Motion to Close Meeting**

**NP-2018-074**

**It was MOVED and SECONDED,**

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

- Adoption of In-Camera Meeting Minutes Dated April 26 and May 24, 2018
- Memberships of Board of Variance Members

AND that the recorder and staff attend the meeting.

**CARRIED**

**15.2 Recall to Order**

At 11:36 am Chair Grams recalled the meeting order.

**15.3 Rise and Report**

-----BREAK-----11:37 PM - 3:00 PM

**16. COMMUNITY INFORMATION MEETING**

Note: An excess of 200 members of the public were in attendance.

Chair Grams called the meeting back to order at 3:00 pm. He provided an overview of the purpose of the meeting and the process.

**16.1 North Pender Island Local Trust Committee Bylaws 214 & 215 - Waste Transfer**

Planner Starke gave a presentation, which included the following points:

- Rationale for the initiation of the waste transfer project.
- History of the project and key milestones.
- Overview of the bylaws and details of the specific properties included within them.
- Example of how the process is applied.

**Alex Wilson** requested information on whether the current Trustees are running again. He noted that Pender Island Waste Management is currently meeting the community's needs. He requested that the members of the public who agree with that statement raise their hands.

**Gary Goodman** spoke in favour of the current operation of Pender Island Waste Management and noted that every site considered will have challenges.

**John Pender** spoke in favour of the current operation by Pender Island Waste Management, noting that the operators are long-time integrated members of the community.

**Malcom Armstrong** spoke in favour of the Medicine Beach site and the drop-of system. He asked for a rationale for initiating the process.

Trustee Masselink responded with the rationale for initiating the process and also provided an overview of the relative jurisdictions of Islands Trust and other agencies.

**Wally Foster** noted that in spite of public support a property has been excluded and he requested information on how that property could be reinstated.

**Anne Burdett** read a written statement which included the following points:

- The history of the process from her and Mike Burdett's perspective.
- Examples from their experience of how the process was flawed and allowed for bias

**Robert Landa** made three recommendations:

- That zoning be dealt with as the properties present themselves in the future.
- That the public hearing be held at a later date to reduce holding a redundant meeting for the incoming Trustees.
- That the LTC write to the ALC in support of the Burdette's application.

Chair Grams asked for a show of hands of the public who would like for the LTC to send such a letter. The majority of the room raised their hand in support and two raised their hands in opposition.

**NP-2018-075**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee send a letter to the Agricultural Land Commission asking for reconsideration of their motion for farm use.

**CARRIED**

Chair Grams requested in indication from the public present on whether they would like the LTC to hold their consideration of the bylaws until the ALC has time of reconsider their decision.

There was loud support in favour of this recommendation from the crowd.

**NP-2018-076**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee advance the Hamilton Road property application for consideration under Bylaws 214 and 215.

**CARRIED**

**NP-2018-077**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee cancel the Public Hearing for Bylaws 214 and 215 for September 22, 2018.

**CARRIED**

**Marika Grunfeld** provided an overview of the impact that a Capital Regional District (CRD) run facility would have on the tax base and expressed the opinion that four sites are too many. She addressed specific concerns with the property currently operated by Main Roads.

A member of the public spoke against the process of pre-emptively zoning the properties.

**John Affitavas** noted that two of the properties being considered are neighbouring to his property and he reported that he has made complaints about dangerous practices on those properties.

**Don Corbin** addressed the provisions for commercial composting. He spoke against its inclusion and reported that community consultation did not show a majority of support for its inclusion.

**Jim Petrie** reported that he had circulated a mail-out to the community. He requested information on the status of Bylaws 214 and 215 given the recent resolutions.

Chair Grams provided an overview of the process moving forward.

**Jim Petrie** requested information on whether the setback allowances will be modified to accommodate the Burdett property.

Chair Grams provided an overview of the required process and the rationale for ensuring that the process is followed correctly.

**Neville Ammison** spoke to the MacDonald Farm property and its large size, questioning whether it puts the island at risk of becoming a regional waste site for the Southern Gulf Islands. He also spoke in favour of the current situation continuing.

Planner Starke provided an overview of role that the CRD has played to date.

**Allen Willmot** noted that the CRD should have had representatives attend the meeting. He also provided recommendations on improving the holding of meetings including larger quantities of handouts and wireless microphones.

**Sharon Card** spoke against the process, noting that the LTC should not be promoting greater capacity for waste, but should be working to reduce waste overall. She also noted that community demand was not assessed prior to beginning the process.

**Gayle Forthsythe** requested information on examples of inconsistent numbers within the various reports. She also requested information on how a “no asbestos” policy is enforced.

Planner Starke noted that the siting on one of the properties has changed through community feedback and this is reflected over time in the reports.

**Anne Greendon** requested information on whether the other outer Southern Gulf Islands are also going to have waste sites.

Chair Grams provided an overview of the other operations on the other islands, particularly on Salt Spring Island.

**Sara Steil** noted that by rezoning the properties to Industrial 2 there would be additional uses outside of garbage and provided a list of those.

**Benjamin McConchie** spoke against the process and addressed the comment that the LTC was not aware of the public’s opinion and noted that the Advisory Planning Commission had requested improved information.

**Lilian Tetral** spoke in favour of continuing the Island’s current excellent progress in reducing the waste produced.

**Dale Henning** noted that he and Jim Petrie circulated mailing to address the issues with this process. He provided an overview of some of the points in that mail-out, including criticisms of the process and opportunities for bias.

A member of the public spoke in favour of the process and noted that zoning a variety of sites is a valuable exercise.

**Margot Benton** spoke as a member of the Board of the Epicentre and expressed concern with placing a transfer station next to a community playground. She encouraged the community to reduce waste creation further.

**Gary Steeves** spoke against the process of the bylaw amendments because it rezones land without the prior application of the land owners.

**Robert Landa** addressed the potential of the property that Main Roads currently occupies being underbid by a larger business to access the extra allowed uses on the property. He also encouraged evening meetings in the future.

## 17. ADJOURNMENT

**By general consent** the meeting was adjourned at 5:10 pm.

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George Grams, Chair

Certified Correct:

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;Shannon Brayford, Recorder

## Follow Up Action Report

### North Pender Island

#### 21-Sep-2017

| Activity                                                     | Responsibility                           | Target Date | Status   |
|--------------------------------------------------------------|------------------------------------------|-------------|----------|
| Waste Management - Request Trust Council to amend DAI bylaw. | Sharon Lloyd-deRosario<br>Justine Starke | 14-Feb-2018 | On Going |

#### 06-Sep-2018

| Activity                                                                                                                                                       | Responsibility                           | Target Date | Status |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------|--------|
| NP-DVP-2018.3 (Archer) - Permit approved.                                                                                                                      | Sharon Lloyd-deRosario<br>Phil Testemale | 26-Sep-2018 | Done   |
| Retail Cannabis Licensing:<br>Standing resolution adopted - DONE<br>Resolution to initiate amendment to fees bylaw with increase in application fee to \$4000. | Sharon Lloyd-deRosario<br>Robert Kojima  | 31-Oct-2018 | Done   |
| Service integration Memo. NPI LTC passed a resolution identifying a number of issues with service integration. Please refer to the minutes of Sept. 2018.      | Robert Kojima                            | 25-Oct-2018 | Done   |
| Add links to SGI housing needs assessment to webpage                                                                                                           | Robert Kojima                            | 14-Sep-2018 | Done   |



## Follow Up Action Report



Islands Trust

# BYLAW REFERRAL FORM

1-500 Lower Ganges Road  
Salt Spring Island, BC BC V8K 2N8  
Ph: (250) 537-9144  
ssiinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

**Island:** Salt Spring Island Trust Area **Bylaw No.:** 510 and 511 **Date:** August 29, 2018

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:**

David Q. Brown and Esther Evanik / 480 Mt. Belcher Hts., Salt Spring Island, BC V8K 2J6

**PURPOSE OF BYLAW:**

Bylaw 511 will rezone two adjacent Rainbow Road properties from Residential 6 (R6) to a Commercial 2 (C2) zone variant to allow a range of commercial and residential uses. Bylaw 510 amends the SSI Official Community Plan to change the Land Use Designation of one of the subject properties from Agriculture (A) to Ganges Village Core (GVC) and to add both subject properties to Development Permit Area 1 (DPA1) for the management of the form and character of village development.

**GENERAL LOCATION:**

155 Rainbow Road, Salt Spring Island, BC

**LEGAL DESCRIPTION:**

PID: 005-888-387  
That Part of Block D, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371, Lying Between Lots 6 and 7, Plan 5827, and to the North of a Straight Boundary Extending from the South East Corner of Lot 7 of Said Plan to the South West Corner of Lot 6 of Said Plan; and,

PID 005-893-194  
Lot 7, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 5827

**SIZE OF PROPERTY AFFECTED:**

0.04 ha and 0.08 ha

**ALR STATUS:**

Adjacent to

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Agriculture (A) and Ganges Village Core (GVC)

**OTHER INFORMATION:**

Please call for further information.

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: Jason Youmans

Title: Island Planner

This referral has been sent to the following agencies:

**Federal Agencies**

None

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Penelakut Tribe  
Stz'uminus First Nation  
Malahat First Nation  
Pauquachin First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tseycum First Nation  
Semiahmoo First Nation  
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)  
Te'Mexw Treaty Association (for information only)

**Regional Agencies**

CRD – All Referrals & K. Campbell (SSI Senior Manager)  
CRD – SSI Economic Development Commission  
CRD – SSI Parks and Recreation  
CRD – SSI Transportation Commission  
CRD – Ganges Water & Sewer Commission

**Non-Agency Referrals**

North Salt Spring Waterworks District  
School District No. 64  
SSI Chamber of Commerce  
SSI Fire-Rescue  
Partners Creating Pathways

**Provincial Agencies**

BC Assessment Authority  
Ministry of Transportation & Infrastructure  
Ministry of Forest Lands, Natural Resource Operations and Rural  
Development – Front Counter BC  
Front Counter BC

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
Mayne Island Local Trust Committee  
North Pender Island Local Trust Committee  
Thetis Island Local Trust Committee  
Cowichan Valley Regional District

# 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

\_\_\_\_\_  
Salt Spring Island Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
510 and 511  
(Bylaw Number)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Agency)



Islands Trust

# BYLAW REFERRAL FORM

1-500 Lower Ganges Road  
Salt Spring Island, BC BC V8K 2N8  
Ph: (250) 537-9144  
ssiinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

**Island:** Salt Spring Island Trust Area **Bylaw No.:** 512 **Date:** October 15, 2018

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:

Salt Spring Island Local Trust Committee

## PURPOSE OF BYLAW:

Bylaw 512 proposes to rezone 405 Rural-zoned (R) properties to a new Rural zone variant – R(f). The R(f) variant establishes full-time rental cottages, instead of seasonal cottages, as a permitted use. On approximately 250 of the lots (between 2.0 hectares and 3.99 hectares), full-time rental cottages may have a floor area of 90 square metres (968 s.f.). On lots between 1.2 hectares and 1.99 hectares, full-time rental cottages are permitted only with a floor area of 56 square metres (602 s.f.) – the same as that permitted presently for seasonal cottages. Bylaw 512 also provides greater dwelling flexibility on Agriculture 1-zoned properties within the ALR by establishing greater consistency with permitted ALC non-farm uses – while not increasing the permitted density of dwellings permitted in the ALR.

## GENERAL LOCATION:

On 405 properties across Salt Spring Island.

## LEGAL DESCRIPTION:

Various

## SIZE OF PROPERTY AFFECTED:

All Rural zoned lots have an area between 1.2 hectares and 3.99 hectares.

## ALR STATUS:

Some change proposed.

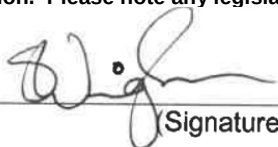
## OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhoods (RL) and Agriculture (A)

## OTHER INFORMATION:

<http://www.islandstrust.bc.ca/saltspring/cottages>

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: Seth Wright

Title: A/Island Planner

This referral has been sent to the following agencies:

### First Nations

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Penelakut Tribe  
Stz'uminus First Nation  
Malahat First Nation  
Pauquachin First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tseycum First Nation  
Semiahmoo First Nation  
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)  
Te'Mexw Treaty Association (for information only)

### Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)  
CRD – SSI Economic Development Commission  
CRD – SSI Building Inspection  
CRD – SSI Transportation Commission  
CRD – Housing Secretariat  
CRD – Fulford Water District  
CRD – Beddis Water District  
CRD – Highland Water District  
CRD – Fernwood Water District  
Vancouver Island Health Authority

### Non-Agency Referrals

BC Ambulance Service  
School District No. 64  
SSI Chamber of Commerce  
SSI Fire-Rescue

**Provincial Agencies**

Agricultural Land Commission  
Ministry of Agriculture  
BC Assessment Authority  
Islands Trust Conservancy  
Ministry of Municipal Affairs and Housing  
Ministry of Transportation & Infrastructure  
Front Counter BC

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
Mayne Island Local Trust Committee  
North Pender Island Local Trust Committee  
Thetis Island Local Trust Committee  
Cowichan Valley Regional District

# 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

\_\_\_\_\_  
Salt Spring Island Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
512  
(Bylaw Number)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Agency)

File No.: NP-TUP-2018.6 (Persello)  
(NP-BE-2018.1)

DATE OF MEETING: October 25, 2018  
TO: North Pender Island Local Trust Committee  
FROM: Phil Testemale, A/Island Planner  
Southern Team  
COPY: Justine Starke, Island Planner  
SUBJECT: Temporary Use Permit (TUP) – Short Term Vacation Rental  
Applicant: Darryl Persello and Suman Lee  
Location: 2612 Harpoon Road

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2018.6 (Persello)

## REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as the applicant's rationale is reasonable, it meets the specific guidelines of the OCP and the guest capacity is small. To date, one written response from a neighbour expressing support has been received. In addition, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

## BACKGROUND

The proposal is for a TUP for Short Term Vacation Rental use within an existing, smaller single-family dwelling on the property. The purpose of the TUP application is to ensure the property is in compliance with the Land Use Bylaw (LUB) prior to initiating the STVR use.

The applicant's stated reason for the application is to help offset costs such as property tax, wi-fi, utilities, etc. The owners propose to rent the house out for approximately 30 to 60 days per annum to friends and family and through booking sites such as Airbnb, VRBO, etc. The proposed rental duration would be from two (2) nights to one (1) week for a maximum of 48 weeks a year.

The property is 0.19 ha (0.46 ac) in size and located on the corner of Galleon Way and Chart Drive fronting onto the west side of Shingle Bay (see Figure One). The property is relatively open and slopes downward from the intersection toward shingle bay. The shoreline is high bank and is currently fenced to bar access (see Attachment 2.5).

The only building on the property is the small 61 m<sup>2</sup> (656 ft<sup>2</sup>), two (2) bedroom manufactured home. (see Attachment 2.5).

The location of the dwellings on the two adjacent properties are indicated in Attachment 2.4.

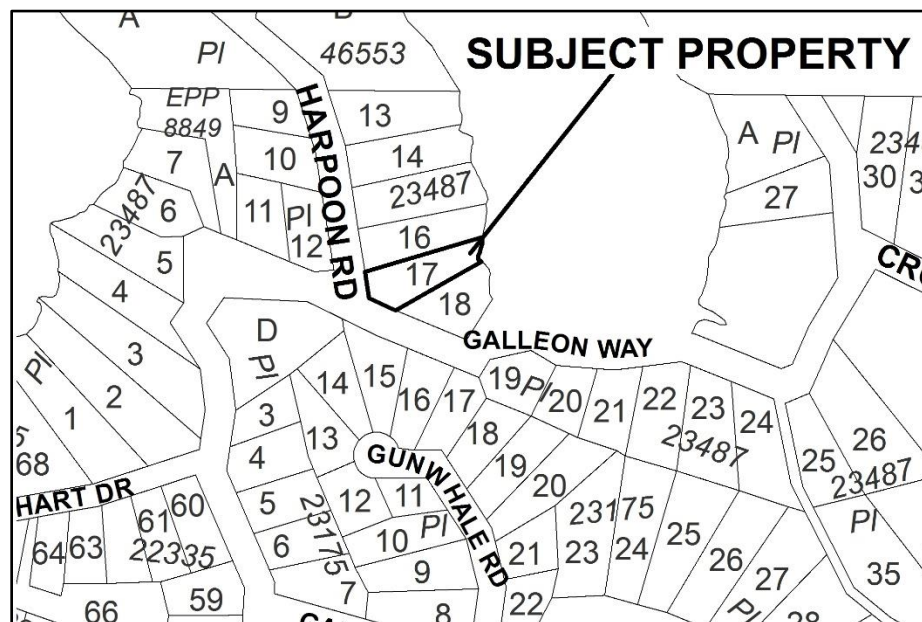
The maximum proposed guest capacity is six (6) guests. The driveway is able to facilitate four (4) cars. A copy of the 'Guest Information' provided to all visitors is Attachment 4.

The dwelling is connected to the CRD Magic Lake water. The sewer is septic and was installed in 2015 and under an Island Health permit.

A copy of the draft permit NP-TUP-2018.6 (Persello) and the notice are Attachments 5 and 6.

Staff visited the property on October 4, 2018 (see Attachment 2.6).

#### FIGURE ONE: SUBJECT PROPERTY



#### ANALYSIS

##### ***Islands Trust Policy Statement:***

The following ITPS policies are relevant and support the proposal:

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.

***Official Community Plan:***

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

Guidelines for TUP applications for STVRs are contained in the OCP. A completed analysis of all guidelines is Attachment 3. In summary, the proposal meets the applicable guidelines.

There are no **Development Permit Areas (DPAs)** on the subject property, however, **DPA 6 – Intertidal Sensitive Ecosystem** is designated on the water area in front of the subject property (Attachment 2.2). No development activity requiring a DP is proposed. A condition for the owner to provide information to guests on sensitive ecosystems has been included in the draft TUP.

***Land Use Bylaw:***

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

The TUP will allow the specific STVR use on property in compliance with the LUB.

**Issues and Opportunities**

***Water and Sewer***

As stated above, the dwelling is connected to both the CRD Magic Lake water and Sewer systems. If approved, the TUP will be forwarded to the Magic Lake Water Committee for information.

***Parking***

The applicant has enough space for the minimum of two (2) cars in the on-site driveway (See Attachment 2.6). Permit condition requires that all STVR parking is accommodated on site and no camping is permitted on or off the property.

***Property Size and Proximity to Neighbours***

The size and configuration of the subject property and that of the neighbours are small and narrow in the case of the neighbour to the north narrow and long (see Figure 1). Both the dwellings north and south are in close proximity where a poorly managed operation could be a cause of nuisance to neighbours (see Attachment 2.4, 2.5 and 2.6 – Photos). This is mitigated to some extent in both cases by natural screening of mature vegetation and topography also conceals the dwelling to the north. The owners have also erected lattice type screening on the southern boundary of the property in proximity to the dwelling. Lastly, the size of the dwelling and guest capacity is relatively small.

The owners have provided a copy of the 'Guest Information' sheet that is provided to all visitors (Attachment 4). That includes the on-island contact (Laurie Rupert) as per condition of the proposed TUP.

One direct neighbour has submitted written support for the application (see below and Attachment 7). Notwithstanding, if issues arise, the conditions in the draft TUP provide recourse through enforcement and ultimately by denying an application for renewal.

### ***Cumulative Impacts - Mapping***

Staff has provided the mapping in Figure 3 to inform the OCP Guideline for assessing cumulative impacts:

- 6.4 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.

The closest other TUP for a STVR is approximately 150 metres away at the end of Harpoon Road (Kroeker – 10 people) the next closest is approximately 500 metres to the west on Schooner Way (Yuers – 11 people). Both of those applications did generate some concern from neighbours about potential impacts on the local neighbourhood.

### ***Permit Conditions***

The proposed TUP incorporates most conditions that have been established in the OCP. It allows for a maximum of six (6) guests. The applicant has agreed to the terms of the proposed permit.

### ***Consultation***

#### ***Statutory Requirement - Notification***

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on October 17, 2018. The notification period will end at 4:30 p.m. on October 23, 2018.

At the time of writing, staff has received a single response in favour from the direct neighbour to the south (Lot 18). Any further submissions will be submitted to the LTC and reported at the LTC Regular Meeting.

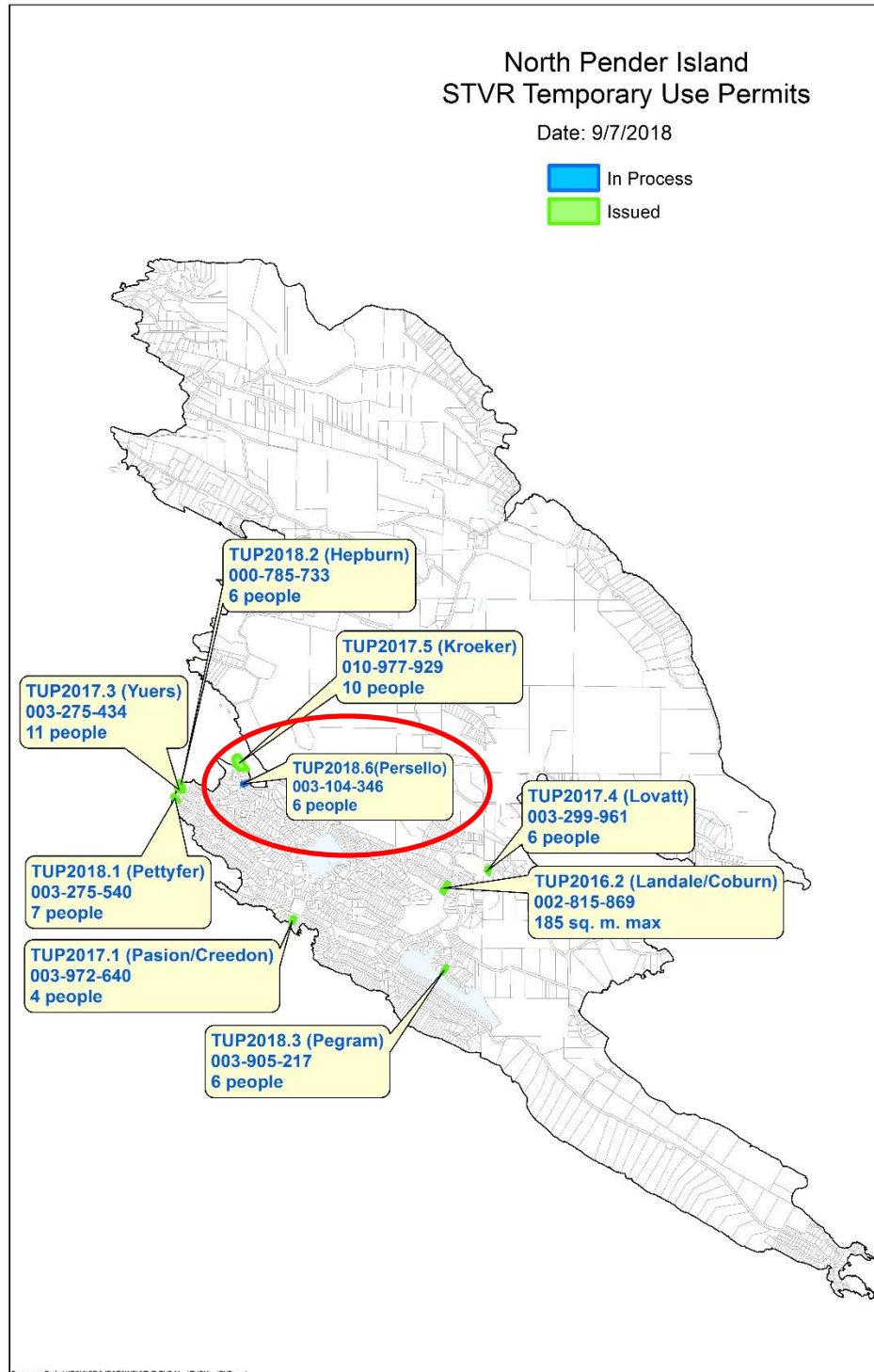
### ***Agencies***

If NP-TUP-2018.6 is issued, staff will refer the permit to the CRD staff contact for the Magic Lake Water System in accordance with OCP policy 6.4.4.

### ***First Nations***

Temporary Use Permit applications do not trigger a requirement for First Nations referral and no development is authorized by the draft TUP. No recorded archaeological sites are located within 100 metres of the subject property.

FIGURE 3: STVR/TUP MAP FOR ISLAND



### **First Nations**

Temporary Use Permit applications do not trigger a requirement for First Nations referral and no development is authorized by the draft TUP. No recorded archaeological sites are located within 100 metres of the subject property.

### **Rationale for Recommendation**

The recommendation for the issuance of the TUP on page one is supported as:

- The applicant's rationale is reasonable,
- The proposed STVR it meets the specific guidelines of the OCP
- The dwelling and guest capacity are both small.
- To date, the only response to notification has been favourable.
- Lastly, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

### **ALTERNATIVES**

#### **1. Request further information**

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

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust the following information:\_\_\_\_\_.*

#### **2. Amend the TUP and Approve Issuance as Amended**

The LTC may opt to amend the proposed permit by adding further restrictions (conditions).

Recommended wording for the resolutions are as follows:

*That the North Pender Island Local Trust Committee amend application NP-TUP-2018.6 (Persello) by adding\_\_\_\_\_.*

*That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2018.6 (Persello) as amended.*

#### **3. Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee deny application Temporary Use Permit NP-TUP-2018.6 (Persello).*

|               |                             |                  |
|---------------|-----------------------------|------------------|
| Submitted By: | Phil Testemale, A/Planner 2 | October 15, 2018 |
|---------------|-----------------------------|------------------|

|              |                                          |  |
|--------------|------------------------------------------|--|
| Concurrence: | Robert Kojima, Regional Planning Manager |  |
|--------------|------------------------------------------|--|

## ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Checklist
4. Applicant 'Guest Information'
5. Notice
6. Draft TUP
7. Correspondence

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| Legal Description | Lot 17, Section 9, Cowichan District, Pender Island, Plan 23487 |
| PID               | 003-104-346                                                     |
| Civic Address     | 2612 Harpoon Road                                               |

### LAND USE

|                      |                   |
|----------------------|-------------------|
| Current Land Use     | Rural Residential |
| Surrounding Land Use | Rural Residential |

### HISTORICAL ACTIVITY

| File No.      | Purpose                       |
|---------------|-------------------------------|
| NP-BP-2017.12 | For construction of dwelling. |
|               |                               |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | North Pender Island Official Community Plan No.171, 2007: <ul style="list-style-type: none"> <li>• <b>RR – Rural Residential</b> designation and</li> <li>• <b>Development Permit Area 6 – Intertidal Sensitive Ecosystem</b> is designated on the water adjacent to the subject property.</li> </ul> |
| Land Use Bylaw                       | North Pender Island Land Use Bylaw No. 103, 1996: <b>Rural Residential (RR)</b> .                                                                                                                                                                                                                     |
| Other Regulations                    | N/A                                                                                                                                                                                                                                                                                                   |
| Covenants                            | N/A                                                                                                                                                                                                                                                                                                   |
| Bylaw Enforcement                    | Enforcement for STVR. Current application is for compliance.                                                                                                                                                                                                                                          |

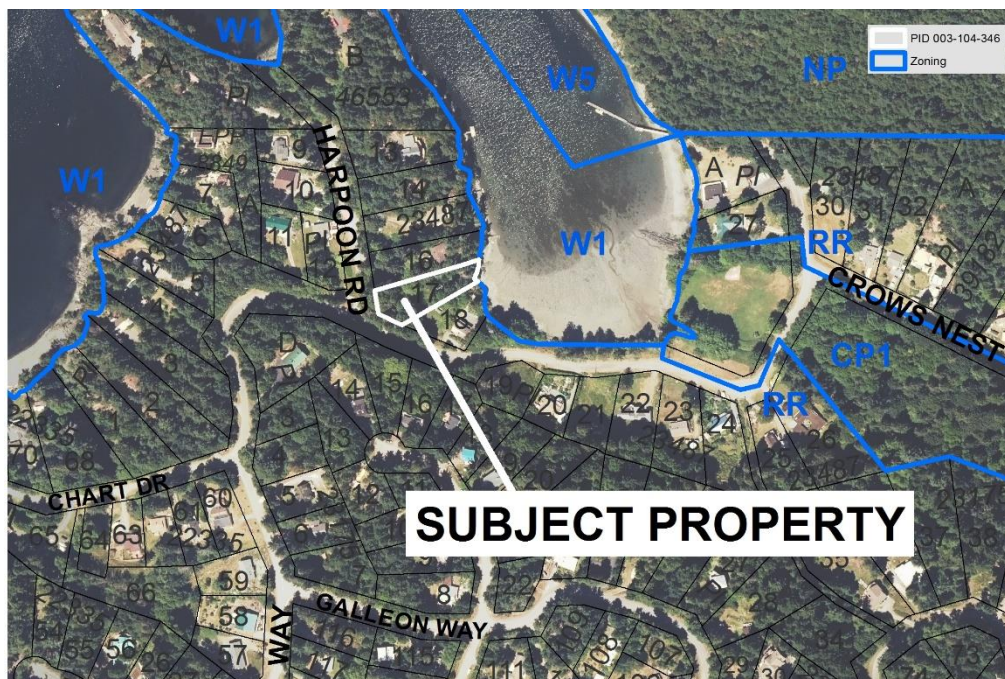
### SITE INFLUENCES

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Fund             | The proposal has no implications for the Island Trust Fund.                                                                                                                                                                                                                                                                                                                                                                                                        |
| Regional Conservation Strategy | The proposal has no implications for the Regional Conservation Strategy.                                                                                                                                                                                                                                                                                                                                                                                           |
| Species at Risk                | (N/A) No development associated with application                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Sensitive Ecosystems           | Condition in draft permit is for information to guests on <b>Development Permit Area 6 – Intertidal Sensitive Ecosystem</b> .                                                                                                                                                                                                                                                                                                                                      |
| Hazard Areas                   | There are areas of <b>Low</b> and <b>Medium Steep Slope Hazard</b> mapped on the subject property (see Attachment 2.3)                                                                                                                                                                                                                                                                                                                                             |
| Archaeological Sites           | There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts |

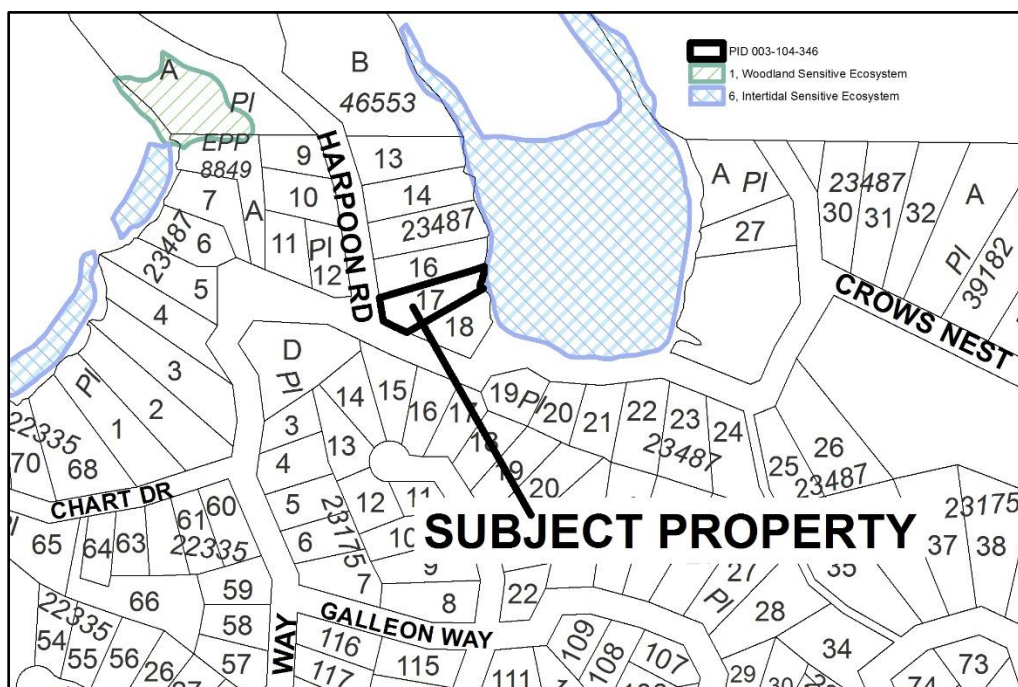
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. |
| Climate Change Adaptation and Mitigation | No development associated with application.                                                                                                                                                                                                                                                                                                                                                                                                  |
| Shoreline Classification                 | Sediment Shoreline - Pebble/Sand                                                                                                                                                                                                                                                                                                                                                                                                             |
| Shoreline Data in TAPIS                  | Mapping does not indicate eelgrass, forage fish or bull kelp ecosystems.                                                                                                                                                                                                                                                                                                                                                                     |

## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

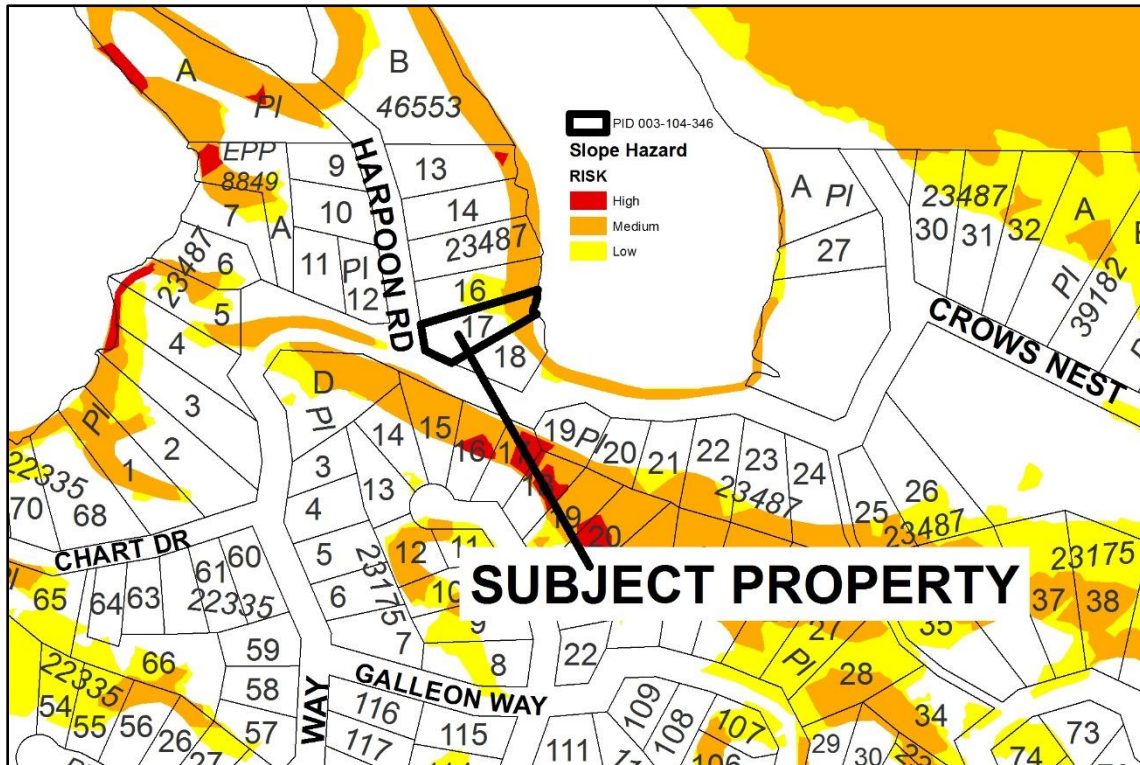
### 2.1 ORTHOPHOTO & ZONING



### 2.2 DPA Six



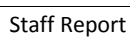
## 2.3 STEEP SLOPE HAZARD & CONTOURS



## 2.4 BUILDING FOOTPRINTS



## Islands Trust



## 2.6 PHOTOGRAPHS

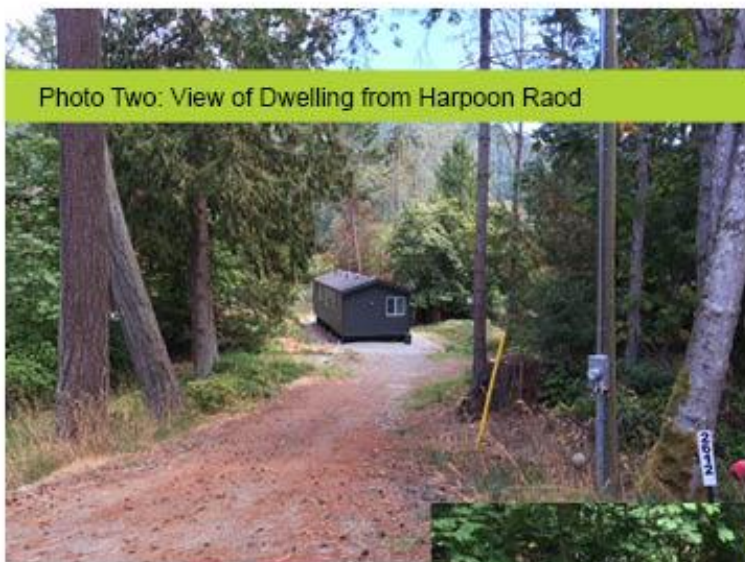


Photo Two: View of Dwelling from Harpoon Road



Photo Two: Parking Area



Photo Three: View of West Side of Dwelling

## 2.6 PHOTOGRAPHS (CONTINUED)



Photo Four: View West from Fence above Foreshore



Photo Five: Looking East over Shingle Bay



Photo Six: Screening along South Property Line

## Attachment 3: TUP Checklist for Short TERM Vacation Rental

**NP-TUP-2018.6 (Persello)**  
**2612 Harpoon Road**

| Guidelines                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall TUP Guidelines</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| a) <b>Time Period</b> - 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.                                                                                                                                                                              | <p>Application is for STVR</p> <p>No seasonal time frame as a permit condition or number of weeks. Applicants estimate 30 – 60 days of rental per year.</p>                                                                                                                                                                                                                                                                                                      |
| b) <b>Residential Appearance</b> - 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 proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c) <b>Cumulative Effects</b> - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.                                                                                                                                                                                                                                                         | <p>Reference Figure 2 in the Staff Report body. The closest other TUP for a STVR is approximately 150 metres on the end of Harpoon Road which was issued a permit in February of this year for 10 people (NP-TUP-2017.5 – Kroeker). There were concerns raised by neighbours about impacts at the LTC meeting</p> <p>The second closest is approximately 500 metres west.</p> <p>It is the LTC’s discretion where the threshold for cumulative impacts lies.</p> |
| d) <b>Water and Septic</b> - 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. | <p>The lot is serviced by the Capital Regional District’s Magic Lake Community Water System. Staff will refer the TUP to the Magic Lake Water System for information if approved.</p> <p>The septic system is new (2015) and installed under Island Health Permitting.</p>                                                                                                                                                                                       |

### Attachment 3: TUP Checklist for Short TERM Vacation Rental

| Guidelines                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Comments                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| e) <b>Parking</b> - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles                                                                                                                                                                                                                                                                                                                | Site visit confirms there is adequate space for at least two (2) off-street parking spaces (see Attachment 2.6).<br>Draft TUP condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property. |
| f) <b>Sensitive Ecosystems</b> - 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 for the owner to provide information to guests on the sensitive ecosystem (DPA 6 – Intertidal – adjacent water area of Shingle Bay) has been included in the draft TUP.                                                                    |
| g) <b>Signage</b> - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m <sup>2</sup>                                                                                                                                                                                                                                                                                                                               | No street signage proposed. Draft TUP limits signage to 0.6 m <sup>2</sup>                                                                                                                                                                           |
| h) <b>Operator Contact I</b> - 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 of draft TUP.                                                                                                                                                                                                                              |
| i) <b>Operator Contact II</b> - 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 of draft TUP.                                                                                                                                                                                                                              |
| j) <b>Guest Information</b> - The permit should require the landowner post the following information for guests:<br>a) remind guests that the property is located in a residential area;<br>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);<br>c) emergency service contact information, and to provide a means for contacting them; | Condition of draft TUP.<br><br>Owner has provided a copy of "House Manual"/"Guest Information" (Attachment                                                                                                                                           |
| k) <b>Accessory Buildings</b> - 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 m <sup>2</sup> , and if the building has received an occupancy permit for residential use under the BC Building Code.                                                                                                     | N/A                                                                                                                                                                                                                                                  |
| l) <b>Bylaw Enforcement</b> - 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 of draft TUP                                                                                                                                                                                                                               |

### Attachment 3: TUP Checklist for Short TERM Vacation Rental

|                                                                                                                                                                                                                                                 |                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Permit Conditions</b>                                                                                                                                                                                                                        |                                                                                                                  |
| m) <b>Conditions</b> - In addition to any other conditions the LTC may consider appropriate, the permit may: <ul style="list-style-type: none"> <li>i. Limit the number of bedrooms that can be used for short term vacation rentals</li> </ul> | Not included in draft TUP. However, LTC could consider such depending on neighbourhood notification response.    |
| <ul style="list-style-type: none"> <li>ii. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening</li> </ul>                                 | Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response. |
| <ul style="list-style-type: none"> <li>iii. require the landowner/operator to post contact information and permit information at the entrance to the property</li> </ul>                                                                        | Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response. |
| <ul style="list-style-type: none"> <li>iv. prohibit camping or occupancy of RVs on the property</li> </ul>                                                                                                                                      | Condition of draft TUP.                                                                                          |
| <ul style="list-style-type: none"> <li>v. prohibit the rental or provision of motorized personal watercraft</li> </ul>                                                                                                                          | Condition of draft TUP                                                                                           |
| <ul style="list-style-type: none"> <li>vi. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake</li> </ul>                                                                                           | Condition of draft TUP                                                                                           |
| <ul style="list-style-type: none"> <li>vii. prohibit outdoor fires</li> </ul>                                                                                                                                                                   | Condition of draft TUP                                                                                           |
| <ul style="list-style-type: none"> <li>viii. establish the dates during which the use may occur</li> </ul>                                                                                                                                      |                                                                                                                  |
| <b>Agriculture Land Reserve</b>                                                                                                                                                                                                                 |                                                                                                                  |
| n) <b>Agriculture Land Reserve</b> - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.                                  | N/A                                                                                                              |

## Welcome to **CASITA SUDUGO**, Pender Island

We are so happy to have you here and hope that your stay would be a fun one on this great island. We are fully equipped with all the comforts of home. Feel free to use (and enjoy) everything we have (at your own risk of course).

### ADDRESS:

2612 Harpoon RD, Pender Island

Look for a couple of **pink flamingos** that are eager to welcome you.

### DOOR LOCK:

The door code is [REDACTED]. Unfortunately the front door sticks a bit, so pull the door tight while the deadbolt unlocks automatically. There is a key in the lock box (next to the front door)- code: [REDACTED] in case you have trouble with the lock. Don't forget to put the door key back in the box using the same code. You can lock the door by pressing the lock button on the keypad. Pull the door tight while the deadbolt locks. Please check that it is locked when you leave.

### PARKING:

You can park any where on the driveway or the two spots near the house. Please do not park on areas beyond the garden ties. We have septic tanks and the septic field there!

### VENTILATION FAN:

By the front door, there is a switch to turn on the ventilation fan. This essentially turns on the main bathroom fan all the time. Please keep the switch on during the day and you can switch it off at night when you go to bed. When you leave. Please don't forget to turn it off. THANKS

### THERMOSTAT:

We generally keep the house at 50 °F (during the fall/ winter) when we leave. Feel free to adjust the thermostat while you are here if it is cold.

But don't forget to set the thermostat at 50 ° F when you leave.

### WIFI:

network name: **7 4 3 4 C A**

password: **2 4 0 9 3 8 1 0 6**

### TOWELS & SHEETS:

We got plenty of towels in the bedroom closet and extra set of sheets under the beds.

## **BEDS:**

You can pull out the bed in the second bedroom to make it a king size bed. The couch also folds down into a bed to accommodate one person.

## **TV:**

use the ROKU remote. It takes few second for it to turn on. You can watch Netflix. We have few episodes of Golden Girls, Seinfeld (and for the grown-ups, Sex and the City) on memory sticks. They are in the top drawer of the dining table.

## **MUSIC:**

Our little Amazon Alexa speaker is connected to our Spotify account. You can press the speaker button (or say 'Alexa' ) then say 'play (your favorite music or musician)'. It is portable, so you can bring it outside if you want. Just put it back on its base when you are done. You can also connect it to your phone through bluetooth or just use AUX cable. It is by the paper lantern. Our favorite playlist is 'Coffee house playlist'

## **BBQ:**

We have a small BBQ in the brown deck box. Feel free to use it. It sits on top of the deck box. Please use the 'copper' coloured reusable BBQ mats for easy cleaning which are stored in the stove drawer. Once cooled down, please store it back in the box. We got extra cans of propane underneath the ensuite bathroom sink. There is also a portable butane stove there in case the power goes off. \* Power outage happens frequently on this island. \*

## **DINING TABLE & CHAIRS:**

The table folds out. We have two extra folding chairs in the closet by the bathroom.

## **GOLF CLUBS:**

We have two sets of golf clubs you can use if you choose to go golfing at the Pender Island golf course. Clubs might be little too short. You can also rent them at the golf course.

## **KAYAKS:**

We have two sit-on-top kayaks. They are beginner friendly and pretty stable (Max. weight 275 lbs). However they are NOT ocean kayaks. **You can use them at your own risk.** Lock code is **1215**. PFDs (life vests) are in the deck box. Our favorite spot to kayak is Magic Lake about 5 min drive from the house. Please rinse off the kayaks and PFDs after use.

## **GAMES:**

There are some games (next to the stove) and puzzles under the bed in the master.

## **GARBAGE AND RECYCLING:**

Please take all your garbage and recycling with you when you leave. There is no residential garbage and recycling pickup here. There is a garbage drop-off at Medicine beach (open 10am to 10pm daily). They charge \$\$ by the bag or you can take your garbage home. There is also a recycling depot on the way to the ferry (closed Sundays and Mondays).

## **CACTUS & RHODIES:**

Please do us a favor by watering our little cactus. He is kept behind the blinds so that he can sunbathe while we are away. While you are here, he likes to hang on the table by the rocking chair. Please also water the rhododendruns by the door during the summer. They get thirsty. Hose bib is on the backside of the house.

## **BABIES & CHILDREN:**

This house is NOT baby-proofed, but your little ones are welcome. Please be aware that there is a steep drop-off on the ocean side hence the fence.

## **DOGS:**

If you bring a dog with you, please keep him/her off the bed or the couch. We have blankets and an extra sheet in the grey ottoman. There is a hose bib to wash him/her down in case they go in the ocean. Your pup will get MUDDY in Shingle Bay. Dog towels are in the master bedroom closet.

## **SMOKING IN AND OUT:**

No smoking inside please.

Be careful where you butt out outside. There is a fire ban on the island during the summer which means no campfires

Please be respectful of thy neighbor and bring your party indoors if after 11pm.

## **DEER:**

They come visit us often. Do NOT feed them and be respectful by keeping your distance. Your chances of seeing them in action is high super early in the morning or in the evening.

**\*\*Our Casita sits on beautiful Shingle Bay which is an Intertidal Ecosystem rich with sensitive flora and fauna. Please do you best to respect and not disturb the shoreline.**

**\*\*\*NO SHOES INDOORS PLEASE\*\*\*\***

## **WHEN YOU LEAVE:**

LOCK UP ALL DOORS + WINDOWS,

TURN ALL THE TAPS OFF (NO RUNNING WATER),

CLOSE THE BLINDS,

TAKE YOUR GARBAGE + RECYCLING

DON'T FORGET TO LEAVE THE KEY IN THE LOCK BOX !

**oh and DON'T FORGET TO HAVE AN AMAZING TIME !**

## ***Any questions?***

Call Darryl (604-306-1340) or Suman (604-837-7511) or our Island Contact

Laurie Rupert 778-549-0611

**NOTICE**  
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2018.6**

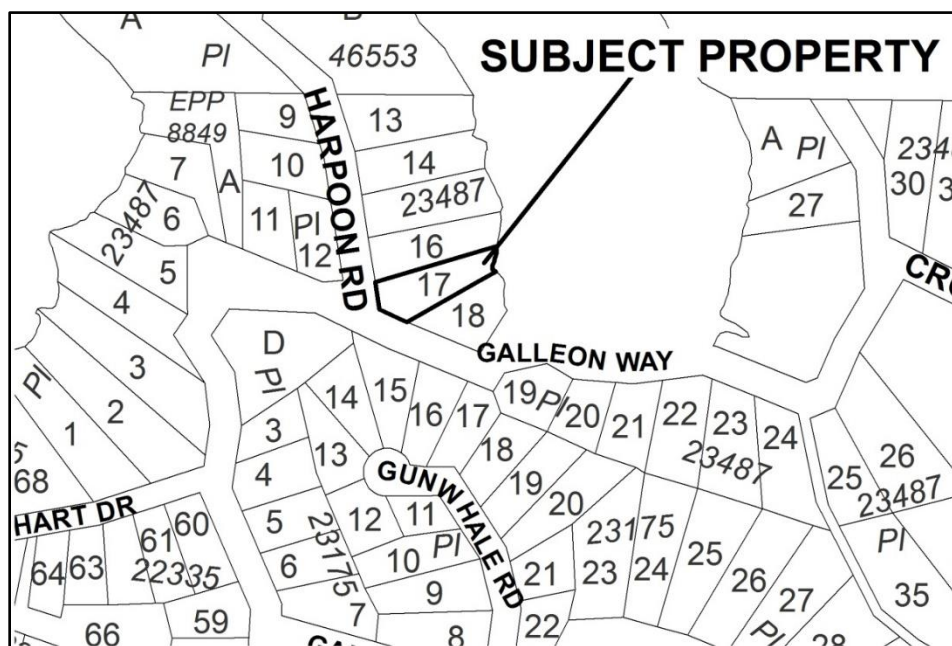
**NOTICE** is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 17, Section 9, Pender Island, Cowichan District, Plan 23487 (PID: 003-104-346). This property is located at 2612 Harpoon Road.

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, **October 12, 2018** and up to and including **October 24, 2018**.

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](mailto:information@islandstrust.bc.ca), before 4:30 p.m., **October 24, 2018**. 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 **10:00 AM.**, Thursday, **October 25, 2018**, at the Royal Canadian Legion Hall, 1344 MacKinnon 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



# PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
NP-TUP-2018.6 (Persello)**

**2612 Harpoon Road**

To: Darryl Persello & Suman Lee

1. This Permit applies to the land described below:

Lot 17, Section 9, Pender Island, Cowichan District, Plan 23487  
(PID: 003-104-346).

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) Either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
- 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 Riparian and Aquatic Ecosystem designated on the subject property and adjacent water surface;
- e) the maximum number of guests is limited to six (6);
- f) camping and occupancy of recreational vehicles are prohibited;
- g) signage advertising the Short Term Vacation Rental may not exceed 0.6 square metres;
- h) the rental or provision of motorized personal watercraft is prohibited;
- i) all outdoor fires are prohibited;
- j) all parking for the Short Term Vacation Rental must be contained on the subject property;
- k) 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;
- l) 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;

- m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house.
4. This permit is valid for three (3) 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, or apply for a renewal of this permit.
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<sup>xx</sup> DAY OF XXXXXXXX, 2018.**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date Issued

**From:** Maple Hung on behalf of information  
**Sent:** Friday, October 12, 2018 8:16 AM  
**To:** Phil Testemale  
**Subject:** FW: for P. Testemale comments on NP-TUP-2018.6

Hello Phil,

Correspondence for you below.

Let me know if you want me to save it physically in the file, electronically and distribute to the North Pender LTC members please?

Thanks!  
Maple

---

**From:** Mick Collins [REDACTED]  
**Sent:** Friday, October 12, 2018 7:33 AM  
**To:** information  
**Subject:** for P. Testemale comments on NP-TUP-2018.6

Hi Mr. Testemale:

We are the owners of the adjacent property lot 18. We support the application for a Temporary Use Permit for a Short Term Vacation Rental from the owners of Lot 17. They are good friends and neighbours and we are confident that any vacation rentals at that location will be well managed and we do not anticipate any problems.

Mick Collins and Marg Palmer

File No.: NP-DP-2018.6 (Mill Bay Marine Group)

DATE OF MEETING: October 25, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Permit Application

Applicant: Mill Bay Marine Group

Location: 4605 Oak Road and adjacent Water Lots 85 and 107

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of application NP-DP-2018.6 (Mill Bay Marine Group).

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

The above recommendation is supported as the proposed development is compliant with the DPA guidelines; the uses, siting and parking conform to the provisions of the LUB; and it is in conformity with Section 219 covenants registered on title.

## BACKGROUND

The proposal is for the following phased development on the subject property and the adjacent water lots (DL 85 and 107) in accordance with Figure two and summarized as follows:

- Expansion of the existing parking facilities in two (2) phases, including landscaping, to meet Land Use Bylaw (LUB) regulations and DPA 9 guidelines;
- Expansion of the existing 'service area' in two (2) phases, including landscaping, to include new fuel tanks for the marina and meet DPA guidelines;
- Redevelopment of the existing marina in three (3) phases in accordance DPA guidelines to include the following elements:
  - Replacement of the existing wave attenuator with a new one within the expanded DL 107;
  - Replacement of all docks and pilings and ramps with newly constructed floats, pilings and ramps;

- Installation of new fuel and sanitary sewer pump ('sani-pump') facilities (on dock);
- Construction of new (on dock) accessory buildings and structures including a marina office, fuel office and storage shed (s)
- Signage and lighting.

Details of the proposed development as well as relevant aspects of the following background are discussed further in 'Issues and Opportunities' – below. It is noted that the owners are pursuing the redevelopment of the marina in advance of any commercial accommodation development of the upland.

The subject property and lease areas were the subject of rezoning applications (**NP-RZ-2016.2** and **NP-RZ-2018.3**) the bylaws for which were adopted on May 24, 2018. Background information on the two rezonings, including staff and professional reports are available here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

There are two **Section 219 Covenants** that apply to the subject property: One permanent covenant that protects archaeology, the open field and caps the amount of commercial accommodation (29 Units); and, a temporary covenant that ensures amenities (sani-pump, 25 m pool and sailing club) required in advance of commercial accommodation being occupied. A condition of the permanent covenant has been inserted in the proposed DP.

There is an active subdivision application (**NP-SUB-2016.2**) for the subject property that has outstanding PLA conditions.

The subject area includes the newly zoned areas and particularly it is noted that the expanded DL107 (outer DL) has not yet been finalized by the Ministry of Forest, Lands and Natural Resource Operations and Rural Development (FLNRORD).

In addition, it is noted that there are other DPAs for sensitive ecosystems designated on the subject property (**DPA 1 – Woodland Sensitive Ecosystem**) and over the water (**DPA 6- Intertidal Sensitive Ecosystem** – see: **Figure Two**). However, as there is no new development proposed in these areas, there is no consideration for the proposed DP (see 'Official Community Plan' – below).

The current development of the property (shown in Attachments 2.5 and 2.6) consists of the existing marina docks and attenuator on the water areas and a pub, bistro restaurant, marina offices; swimming pool accessory buildings and a dwelling and parking areas.

Copies of the Development Permit Area Checklist and proposed Development Permit NP-DP-2018.6 (Mill Bay Marine Group Properties Ltd.) are attached. (Attachment 4 & 5)

Staff has visited the site numerous times.

Figure 1 – Subject Property

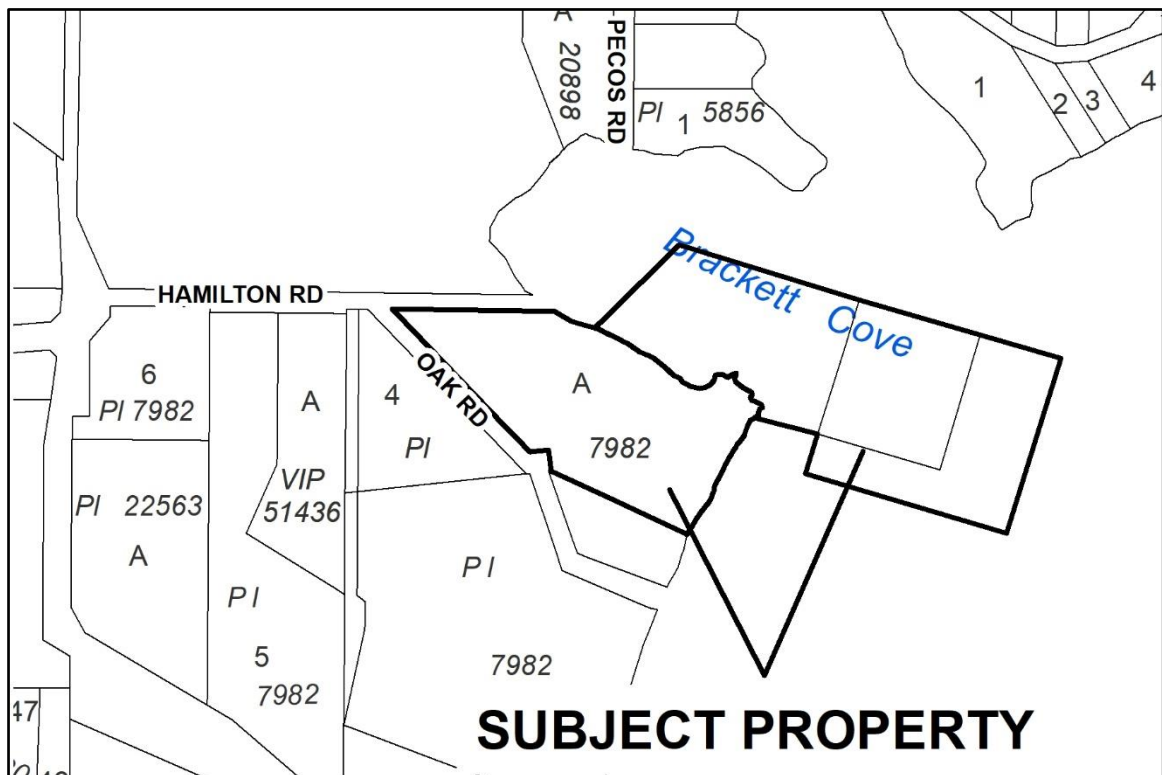


Figure 2 – Overall Site Plan



## ANALYSIS

### POLICY/REGULATORY

#### *Islands Trust Policy Statement:*

The relevant policy to the proposed development is:

**5.2.3** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

The policy supports the proposal.

#### *Official Community Plan:*

The subject property and water areas are designated as **TC- Tourist Commercial** and **M – Marine** respectively in the North Pender Island Official Community Plan 171, 2007

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

Analysis of the proposed development's conformity to the objectives and guidelines is found in the **Development Permit Area Checklist** (Attachment 3) and discussed in detail below ('Issues and Opportunities.')

In summary the proposal conforms to the DPA guidelines.

As noted above there is no development proposed in the two DPAs for sensitive ecosystems (**DPA 1** and **6**) designated on the property and water areas. Notwithstanding, the marina redevelopment is required to follow Best Management Practices issued by FLNRORD and DFO; to work within prescribed DFO fisheries windows; and in particular is required by DFO to undertake measures to mitigate impacts on Southern Killer Whale and their Critical Habitat. This includes required monitoring by a qualified marine mammal observer (MMO) following prescribed measures (such as temporary closures) during construction.

#### *Land Use Bylaw:*

The subject property is currently zoned as **Commercial 3 - C3; Water 2 -W2** and **Water 2(a) - W2(a)** in the North Pender Island Land Use Bylaw No. 103, 1996. The application complies with the siting, use and parking requirement provisions of the North Pender Island Land Use Bylaw No. 103, 1996.

### Issues and Opportunities

#### *Phasing*

As stated above the owners are choosing to pursue the redevelopment of the marina in advance of any commercial accommodation development of the upland that is permitted by rezoning. This is a business strategy and reflects the owner's goals of establishing the marina both as a revenue generator and 'anchor' for a full resort destination.

The extent of proposed redevelopment of the marina facility and required parking and service areas are shown as Figure Two above. The replacement of the marina docks be undertaken in three phases as shown in Schedule 'C' of the proposed DP (Attachment 4) and is summarized as follows:

**Phase One (see also Attachments 2.7 & 2.8):**

- This phase will not change the existing configuration of the docks but will insert a newly constructed main dock (east west) and reattach the existing dock fingers;
- A new attenuator will be constructed and anchored in DL107 (Water 2(a) zone) (see Schedule 'J' of proposed DP – Attachment 4); and,
- New fire suppression measures (standpipe in existing pool, etc.) will be installed and all other aspects of the development will remain as existing.

**Phase Two (see also Attachments 2.9 & 2.10):**

- Install new marina docks (Schedule 'I' of proposed DP – Attachment 4), pilings and systems (electrical, water) extending from the existing and replace fingers of existing as required;
- Installation of fuel pumps (lines, etc.) and fuel/sani-shelter on docks and new fuel tanks in the upland 'Service Area' (see: 'Landscaping and Parking' – below); and,
- Installation of public sewer pump out facility on dock which will fulfil one of the required amenities of the temporary covenants (above);
- Expanded parking, service area and landscaping (below).

**Phase Three (Attachments 2.11 & 2.12):**

- This third and final phase will have new docks, pilings and systems configured as shown in the attachments;
- A new marina office and storage shed will be constructed (Schedule 'D' of proposed DP – Attachment 4) and the fuel/sani-pump shelter and pumps will be relocated; and,
- All fixtures and systems will be in place;

The above phasing is not contingent on any timeframe and any substantive changes to the form and character of the proposal will require an amendment to the DP.

***Form and Character (On Dock Accessory Buildings)***

The form and character of development is limited to the marina docks and accessory structures. The guidelines for these are analysed in Attachment 3 – DPA Checklist. Some specific comments are as follows:

- The new marine structures, in particular the on dock accessory buildings (Office; Fuel Shed and Storage Shed – Schedule 'D' – Attachment 4 ) are limited in size and display a requisite marine character by using board and batten cedar siding and metal roofs;
- As indicated above all structures are floating and there is not alteration of the existing shoreline or placement of fill; and,

- The visual impacts of the proposal are minimal, unobtrusive and consistent with analysis that was part of the rezoning (see 'Background'- above).

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

### ***Landscape and Parking***

The proposed landscaping and parking for the development are limited in scope and changes are not required until Phase Two of the Marina (above). As such, the parking plan is limited to two phases shown as Schedule 'E' of the proposed DP – Attachment 4. Phase One will not involve any initial changes to existing parking areas and screening that uses existing natural vegetation. As the development of commercial accommodation units may alter landscaping and parking significantly with Phase Two, staff judged that it was reasonable to require a detailed landscaping plan prepared by a professional at that time. Instead, the landscaping and parking plan is limited to Schedule 'E' which with the condition that all planting should meet or exceed the BC Society of Landscape Architects and BC Nursery Trades Association standards. A condition that requires that any substantive change to the landscaping and parking plan require a professionally prepared plan be submitted prior to initiating Phase Two by amendment to the DP. Lastly, a security is required as a condition of the issuance of the DP to ensure that at a minimum the landscaping will be completed as per Phase Two of Schedule 'E' and 'F'.

With reference also to the DPA Guideline Checklist (Attachment 3) and Schedule 'E' and 'F' specifics are noted as follows:

- Phase One does not include any alteration to parking or existing landscaped areas and natural vegetation screens;
- Phase Two involves the expansion of Parking Lot 2 with gravel surfaces, landscaping elements to separate parking areas, a new access from Oak Road, and an enlarged service areas where fuel tanks, sewage treatment and garbage is located;
- Screening will be increased along Hamilton Road for the service area and mature vegetation will be preserved in the parking areas and adjacent to Oak Road;
- There is to be no further clearance of any area within the 15 metre setback from the Natural Boundary of the Sea;
- As above, a condition of the proposed DP is a Letter of Credit for 125% of the estimated cost of the Landscaping as per the DP guidelines. A general estimate of \$8000 has been confirmed by the applicants, and a Letter of Credit in the amount \$10000 will be taken prior to issuance of the permit.

The parking plan gives an accurate count of spaces that are currently constructed and future space. This meets requirement of the LUB.

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

### ***Signage and Lighting***

The only signage that is proposed is public service signs encouraging boaters to avoid anchoring near eelgrass beds in the area as that activity can damage the sensitive ecosystem. This was a concern that was raised

through the rezoning process particularly by the Cowichan Lake First Nations. A typical sign (from Mayne-Schedule 'H' of proposed DP) will be adapted with staff and local conservation group and placed in three (3) locations.

Overall the signage and lighting for the proposed development is consistent with the DP Guidelines.

### **Archaeology**

The following is an excerpted condition from NPILTC Section 219 Covenant CA6746422:

5. The Owners covenant and agree that for Areas 1, 2, 3 and 4, the Owners shall not construct, erect, or place any building, modular home, mobile home or unit, improvement or other structure on, or remove or displace any soil, earth, or fill from Area 1, 2 and 4 until and unless the Owners have obtained an ASA Permit and provided a copy of the ASA Permit to the LTC.

A condition has been inserted in the proposed DP to ensure compliance for the expanded parking area which is in the identified 'Area 4'.

### **Consultation**

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

### **Rationale for Recommendation**

Based on the proposal's compliance with the DPA guidelines and that the uses, siting and parking conform to the provisions of the LUB, and conformity with Section 219 covenants registered on title, staff is recommending that the LTC approve issuance of Development Permit NP-DP-2018.6 (Mill Bay Marine Group) as per the resolution on Page 1.

## **ALTERNATIVES**

### **1. Request further information**

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

Recommended resolution:

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

\_\_\_\_\_.

## 2. Deny the application

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

Recommended resolution:

*That the North Pender Island Local Trust Committee deny application NP-DP-2018.6 (Mill Bay Marine Group) as the application does not comply with guideline \_\_\_\_\_ of the North Pender Island Official Community Plan.*

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Phil Testemale, A/Planner 2              | October 15, 2018 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | October 15, 2018 |

## ATTACHMENTS

1. Site Context
2. Mappings and Plans
3. DPA Guidelines Checklist
4. Proposed Development Permit

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                                                                              |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| Legal Description | Lot A (DD G54184) of Section 11, Pender Island, Cowichan District, Plan 7982<br>Water Lot DL85<br>Water Lot DL107 (Expanded) |
| PID               | 005-034-311                                                                                                                  |
| Civic Address     | 4605 Oak Road                                                                                                                |

### LAND USE

|                      |                                                                                                    |
|----------------------|----------------------------------------------------------------------------------------------------|
| Current Land Use     | Commercial (Marina, Restaurant, Pub and accessory)                                                 |
| Surrounding Land Use | Rural (south and west); Industrial and Agriculture (northwest); Rural residential (north and east) |

### HISTORICAL ACTIVITY

| File No.             | Purpose                                                                                             |
|----------------------|-----------------------------------------------------------------------------------------------------|
| NP-RZ-2016.2 (MBMG)  | To rezone the water expanded DL 107 to Water 2 and Water 2 (a) for marina expansion                 |
| NP-RZ-2016.3 (MBMG)  | To redesignate and rezone Lot A, Plan 7982 and portion of Lot 3, Plan 7982 to Commercial 3          |
| NP-SUB-2016.4 (MBMG) | Boundary adjustment to consolidate Lot 3 area north of Oak Road with Lot A. PLA conditions pending. |

### POLICY/REGULATORY

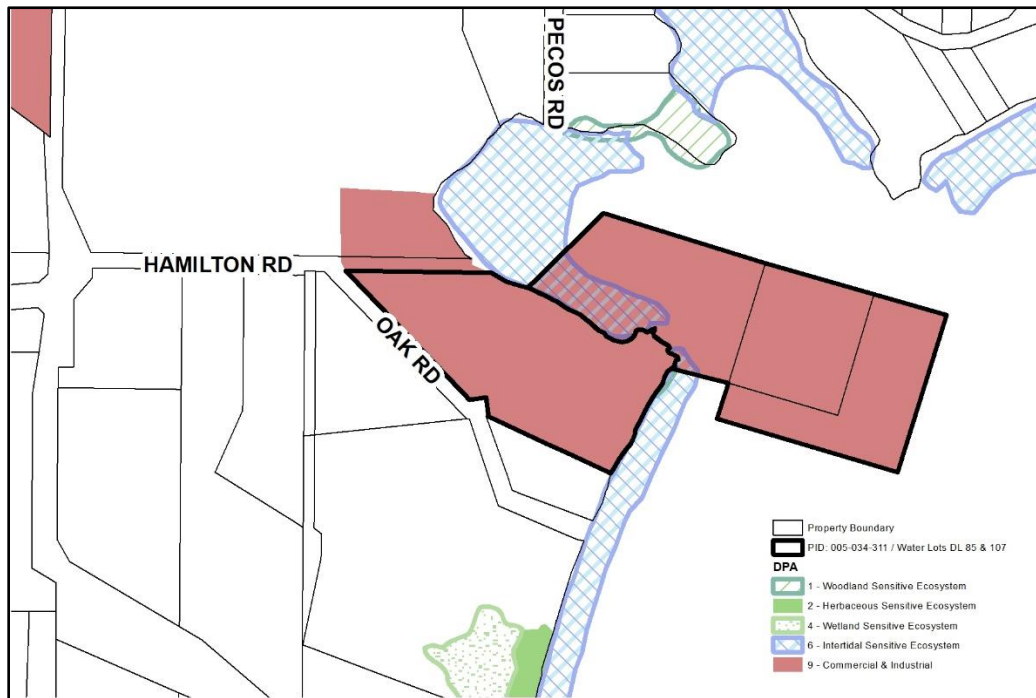
|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | Designated <b>TC- Tourist Commercial</b> and <b>M – Marine</b> in the North Pender Island Official Community Plan 171, 2007.<br><br>The following <b>Development Permit Areas (DPA)</b> are designated: <ul style="list-style-type: none"> <li>• <b>DPA Nine – Commercial and Industrial Form and Character;</b></li> <li>• <b>DPAs One – Woodland Sensitive Ecosystem</b> and <b>- 6 – Intertidal Sensitive Ecosystem.</b> (Note: the latter two do not apply as there is no development proposed in these areas – see: Attachment 2.2)</li> </ul> |
| Land Use Bylaw                       | <b>Commercial 3 - C3; Water 2 -W2 and Water 2(a) - W2(a)</b> zones in the North Pender Island Land Use Bylaw No. 103, 1996.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Other Regulations                    | The marina redevelopment is required to follow Best Management Practices issued by FLNRORD and DFO; to work within prescribed DFO fisheries windows; and to monitor to avoid disturbing Southern Resident Orca populations during construction.                                                                                                                                                                                                                                                                                                     |
| Covenants                            | LTC Covenants CA6746422 and CA6746425 – see Report body and below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Bylaw Enforcement                    | [Review bylaw enforcement files, summarize any outstanding enforcement issues. Raise any future enforcement concerns or recommendation to refer to BEO in main staff report].                                                                                                                                                                                                                                                                                                                                                                       |

## SITE INFLUENCES

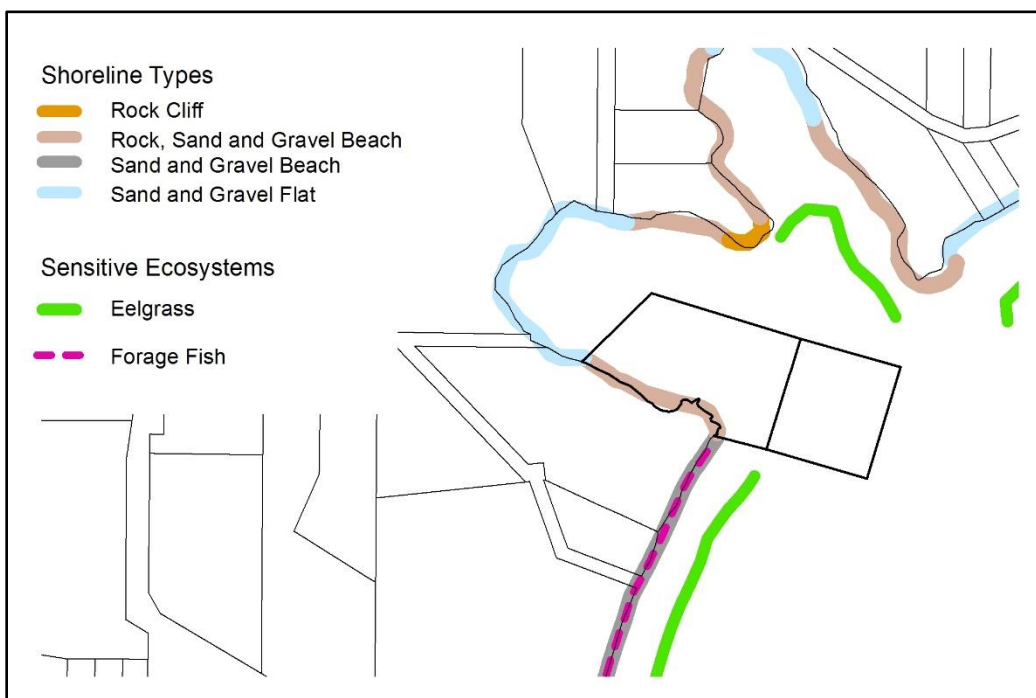
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|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy                | The proposal has no implications for the Islands Trust Conservancy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Regional Conservation Strategy           | The proposal has no implications for the Regional Conservation Strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Species at Risk                          | Through the Department of Fisheries and Oceans regulations –measures to be taken to mitigate impacts on Southern Killer Whale and their Critical Habitat. This includes required monitoring by a qualified marine mammal observer (MMO) following prescribed measures during construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Sensitive Ecosystems                     | See OCP (above); Shoreline (below) and report body.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Hazard Areas                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Archaeological Sites                     | Recorded archaeological site on subject property (upland) protected by Covenant CA 6746422. Water areas do not apply. Condition 5 of the covenant requires an archaeological site alteration permit under sections 12 or 14 of the <i>Heritage Conservation Act</i> to be provided to the Local Trust Committee prior to removing or displacing any soil, earth or fill for the expansion of the parking or service areas. This has been inserted as a condition on the proposed DP. 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 outside of the areas identified in CA 6746422 that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. |
| Climate Change Adaptation and Mitigation | GHG emission changes will result from new construction of docks and wave attenuator and disposal of existing structures. The marina docks and structures will be susceptible to anticipated or possible climate change induced hazards, eg sea level rise, storm event frequency and size. It is noted that the engineering and design of the proposed new attenuator will, at least, address many of these issues and improve the existing situation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Shoreline Classification                 | Sediment Shoreline - Pebble/Sand                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Shoreline Data in TAPIS                  | See Attachment 2.4. Eel grass mapping and forage fish habitat. Note conditions for signage in proposed DP and no work within these areas is proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



## 2.3 DPAs



## 2.4 MARINE



2.5 EXISTING DEVELOPMENT -PLAN



2.6 EXISTING DEVELOPMENT - PERSPECTIVE



Planning and Design by D'AMBROSIO architecture+urbanism [www.fdarcc.ca](http://www.fdarcc.ca)  
Marina Engineering by Herold Engineering [www.heroldengineering.com](http://www.heroldengineering.com)



Site Perspective- Existing A-02  
Port Browning Marina - North Pender Island, BC  
September 7, 2018

2.7 PHASE ONE DEVELOPMENT – PLAN



2.8 PHASE ONE DEVELOPMENT - PERSPECTIVE



For illustration only. Engineering drawings to take precedence

Planning and Design by D'AMBROSIO architecture+urbanism [www.fdarcc.ca](http://www.fdarcc.ca)  
Marina Engineering by Herold Engineering [www.heroldengineering.com](http://www.heroldengineering.com)



Site Perspective- Phase 1 A-04  
Port Browning Marina - North Pender Island, BC  
September 7, 2018

2.9 PHASE TWO DEVELOPMENT – PLAN



- ① Existing Port Browning Pub
  - ② Existing Kayak Rental Office
  - ③ Existing Pier
    - Eelgrass Sign, refer to drawing A-16
  - ④ Marina Docks
    - Refer to Marina Engineering drawing S02B by Herold Engineering
    - Refer to Fire Suppression drawing F-1.03 by Avalon Mechanical
    - Build new docks offsite, move docks by barge, and deploy pile driver and new docks, see drawing A-11
    - Install piles, new docks, and pile hoops,
    - Install electrical system and fire suppression system
    - Run fuel lines
    - Install fuel pumps and sani pumps
    - Replace existing fingers on existing docks as required
  - ⑤ Wave Attenuator
    - Refer to Wave Attenuator Drawing
  - ⑥ Existing Pool
    - Fire fighting standpipe
    - Refer to Fire Suppression drawing F-1.01 by Avalon Mechanical
  - ⑦ Parking Lot 1
    - Reconfigure existing paved and gravel surface as shown
    - Area for 16 parking spaces and 2 Disabled/ Drop-off spaces
  - ⑧ Parking Lot 2
    - Expand and configure existing compacted gravel surface as shown
    - Area for 32 parking spaces
    - Existing utility pole and trees to remain
  - ⑨ Existing Buildings to Remain
  - ⑩ Service Area
    - Refer to enlarged service area drawing
    - Install fuel storage tanks including fencing and bollards, Refer to drawing A-10 Fuel Storage Tanks
    - Landscape plan shall be submitted before installation of fuel tanks
    - Existing septic treatment tanks to remain
    - Relocate garbage and recycling bins to service area
  - ⑪ Existing Site Access
  - ⑫ Existing Sailing Club to Remain
  - ⑬ Landscape Screen
    - Maintain existing wooded area along Oak Road
  - ⑭ Existing Open Field 'The Lawn' to Remain
  - ⑮ Septic Pre-treatment Tank
    - New tank and connection to existing septic lift station
  - ⑯ New Site Access
    - Coordinate new fuel line grades with future construction
- |                    | Required   | Provided  |
|--------------------|------------|-----------|
| Parking            |            |           |
| Marina 48 Berths/5 | =10 Spaces | 10 Spaces |
| Pub 114 Seats/3    | =38 Spaces | 38 Spaces |
| Pickup             | = 1 Space  | 1 Space   |
| Disabled           | = 1 Space  | 1 Space   |
| Total              | =50 Spaces | 50 Spaces |
- Parking Space - 2.6m width x 5.5m length min.  
Pickup and Disabled space - 5.5m width x 5.5m length

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Site Plan - Phase 2 A-05  
Port Browning Marina - North Pender Island, BC  
September 7, 2018

2.10 PHASE TWO DEVELOPMENT - PERSPECTIVE



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Site Perspective- Phase 2    A- 06  
Port Browning Marina - North Pender Island, BC  
September 7, 2018

2.11 PHASE THREE DEVELOPMENT – PLAN



2.12 PHASE THREE DEVELOPMENT - PERSPECTIVE



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Site Perspective- Phase 3    A-08  
Port Browning Marina - North Pender Island, BC  
September 7, 2018

## Form and Character Development Permit Checklist

File No: NP-DP-2018.6 (Mill Bay Marine Group)

### Proposed Development: New Marina, and Expanded Parking and Service Areas

| Guideline                                                                                                                                                                                                                             | Complies                 |                          | Comments |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------|
|                                                                                                                                                                                                                                       | Yes                      | No                       |          |
| 1. For general commercial buildings or structures                                                                                                                                                                                     |                          |                          |          |
| a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape                                                  | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings                                                  | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height                                                                            | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design                                                              | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized                                         | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture                                                              | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |

| Guideline                                                                                                                                                                                                                                                                                                                         | Complies                 |                          | Comments |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------|
|                                                                                                                                                                                                                                                                                                                                   | Yes                      | No                       |          |
| l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design                                               | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| <b>2. For tourist commercial buildings or structures</b>                                                                                                                                                                                                                                                                          |                          |                          |          |
| a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| b) Where there are significant numbers of commercial guest accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties without being imitative or derivative of adjacent dwellings                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| d) Building mass should be limited to two storeys above grade                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| f) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| g) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| h) New buildings should result in minimal disturbance to existing vegetation                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| i) Such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design                                              | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| j) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline                                                                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |
| k) Development should be designed and sited in such a manner as to preserve existing significant views and view corridors from adjacent properties and public lands. Consideration should be given to siting a first storey below grade where it results in a lower profile building and protection of views                      | <input type="checkbox"/> | <input type="checkbox"/> | N/A      |

| Guideline                                                                                                                                                                                                                                                                                                                                                           | Complies                            |                          | Comments                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                     | Yes                                 | No                       |                                                                                                                                       |
| l) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, utilize small concrete pilings and have gaps between boards                                                                                                        | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                                                                                   |
| <b>3. For industrial buildings or structures</b>                                                                                                                                                                                                                                                                                                                    |                                     |                          |                                                                                                                                       |
| a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape                                                                                                                                                                                | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                                                                                   |
| b) Industrial buildings and structures should be functional and not include unnecessary design features or elements                                                                                                                                                                                                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                                                                                   |
| c) Buildings should be limited in height to one storey or one-and-a-half storeys. Height may exceed a standard storey where it is functionally required as part of a production process. A second storey may be considered where the visual impact would be minimal and where the second storey would be designed and used for an accessory dwelling or site office | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                                                                                   |
| d) Buildings should be designed and sited to avoid creating visual and noise impacts from industrial operations                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                                                                                   |
| e) Elements such as roof top mechanical equipment, shipping and loading areas, external storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design                                                                                | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                                                                                   |
| <b>4. Landscaping Guidelines – all applications</b>                                                                                                                                                                                                                                                                                                                 |                                     |                          |                                                                                                                                       |
| a) A landscape plan should be professionally prepared and should:                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/> | Condition of Proposed DP requires a professional plan be submitted prior to Phase 2 of project if substantive changes to DP are made. |
| i) provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work                                                                                                                                                       | <input type="checkbox"/>            | <input type="checkbox"/> | ( “ )                                                                                                                                 |
| ii) identify existing vegetation by type and identify areas which are to be cleared                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | ( “ )                                                                                                                                 |
| iii) provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads                                                                                                                                                                                                                                               | <input type="checkbox"/>            | <input type="checkbox"/> | ( “ )                                                                                                                                 |
| iv) provide for vegetative buffers along lot lines                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/> | ( “ )                                                                                                                                 |
| v) identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input type="checkbox"/> | ( “ )                                                                                                                                 |
| b) Existing site topography and landscape features should not be altered in order to create new landscaping                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                                                                       |

| Guideline                                                                                                                                                                                                                                                                                                                                                                                                                              | Complies                            |                          | Comments                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes                                 | No                       |                                                                            |
| c) Existing indigenous vegetation should be retained wherever possible. Significant indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetations within the buildable area of the site should be preserved wherever possible through careful and innovative site design                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As shown on DP 'Landscape and Parking Plan'                                |
| d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Screening (mature vegetation) to be retained along Oak Road.               |
| e) Landscaped strips should be provided adjacent to the boundary of the ALR, along abutting residential properties and adjacent to watercourses                                                                                                                                                                                                                                                                                        | <input type="checkbox"/>            | <input type="checkbox"/> | N/A                                                                        |
| f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and the other guidelines in this section                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Screening along Hamilton Road to be enhanced prior to fuel tanks (Phase 2) |
| g) proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                            |
| h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole of the site and screen all buildings from view; plantings should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                            |
| i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/> |                                                                            |
| j) all landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the BCSociety of Landscape Architects and BCNursery Trades Association standards                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                            |
| k) the application should include a security , in the form of an irrevocable letter of credit for 125% of the value of the quoted landscape cost                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Security is a condition of Permit (\$10000)                                |
| <b>5. Parking Layout – all applications</b>                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                          |                                                                            |
| a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Expanded parking areas to use gravel surfacing.                            |

| Guideline                                                                                                                                                                                | Complies                            |                          | Comments                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|------------------------------------------------------------------------------------|
|                                                                                                                                                                                          | Yes                                 | No                       |                                                                                    |
| b) visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| c) parking should be located at the sides or rear of buildings wherever feasible                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| d) development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | To be incorporated with Phase 2 Plan                                               |
| e) all significant paved parking areas should be included within the context of any stormwater plan and incorporate oil/water separators                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| f) the shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| g) all new development should include provision for bicycle parking or storage                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | To be incorporated with Phase 2 Plan                                               |
| <b>6. Lighting – for all new buildings or site development</b>                                                                                                                           |                                     |                          |                                                                                    |
| a) lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| b) high intensity lighting in parking lots and along roadsides is discouraged                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| c) security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscape buffer           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| <b>7. Signs</b>                                                                                                                                                                          |                                     |                          |                                                                                    |
| a) each site should have no more than one freestanding signs, located on the same lot as the development                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | New signage limited to public information on eelgrass ('Anchor Out for Eeelgrass') |
| b) one sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building | <input checked="" type="checkbox"/> | <input type="checkbox"/> | ( “ )                                                                              |
| c) billboards and roof signs should not be permitted                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| d) signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| <b>8. For marine structures over the water or the foreshore</b>                                                                                                                          |                                     |                          |                                                                                    |
| a) new marine construction should take the form of floating structures rather than the placement of new fill                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                                                    |
| b) new structures should display a marine character, exemplified by the use of materials such as wood and metal. Unenclosed polystyrene floats should not be used                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Proposed on dock accessory buildings comply                                        |

| Guideline                                                                                                                                                                                                                                                                                                                                                                           | Complies                            |                                     | Comments                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                     | Yes                                 | No                                  |                                                                            |
| c) development should not involve the construction of new buildings, including boathouses and boatsheds, over the water or foreshore. Limited numbers of small service, emergency, storage and utility structures may be considered on commercial docks, wharves and access ramps                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Three (3) accessory buildings on docks. Total area under 37 m <sup>2</sup> |
| d) the visual impacts of floats, moored boats and accessory structures, as seen from the sea and from upland residential lots, should be minimized. Floats and walkways should be designed to the minimum size required by applicable safety standards and marina layout should be designed to avoid moorage that results in massing of large numbers of boats in a single location | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                                                            |
| e) barge ramps and boat launches should be designed to be visually unobtrusive                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/>            | N/A                                                                        |
| f) use of shoreline hardening (revetments and seawalls) should be avoided. Where seawalls are required to protect upland buildings or structures, natural materials that will weather to the appearance of native rock in the vicinity should be used                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | No alteration to shoreline or fill proposed.                               |
| g) construction of new breakwaters should be avoided. Where existing breakwaters are replaced or conditions require a new breakwater, the use of floating breakwaters is encouraged. Where conditions require bottom-founded breakwaters, these structures should use natural materials that will weather to the appearance of native rock in the vicinity                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | New wave attenuator is floating.                                           |
| h) public access to the foreshore should be maintained                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                                                            |
| <b>9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section</b>                                                                                                                                                                                                                          |                                     |                                     |                                                                            |
| Are any variances proposed?                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                                                            |



## PROPOSED

### NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2018.6

To: Mill Bay Marine Group Ltd.

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

District Lot 85, Cowichan District;  
District Lot 107, Cowichan District; and  
Lot A (DD G545184) of Section 11, Pender Island, Cowichan District, Plan 7982.  
(PID: 005-034-311)

2. This Development Permit NP-DP-2018.6 authorizes the construction of a new marina including docks, ramps, attenuators, accessory buildings, a marine sewage pump-out station, fuel pumps, as well as landscaping, parking and service areas on the upland all within **Development Permit Area ("DPA") 9 – Commercial and Industrial Form and Character**, subject to the following requirements and conditions:

#### ***Siting and Layout***

- a) The siting and layout of marina buildings and structures shall be substantially in accordance with the Siting and Layout Plan and Engineering and Zoning Plan attached to and forming part of this permit as **Schedules 'A'** and **Schedule 'B'** respectively;
- b) Public access to and across the foreshore shall be maintained with all existing and new marina facilities;
- c) The marina shall include a sewerage pump-out facility with public access;
- d) Use of the attenuator or any other water area outside of the Water 2 (W2) Zone for moorage is prohibited by zoning;

#### ***Phasing of Development***

- e) Development of the marina shall generally proceed in a series of three (3) phases and be substantially in accordance with the Phasing Plan attached to and forming part of this permit site as **Schedule 'C'**;

#### ***Building Form and Character***

- f) Development of marina accessory buildings including a marina office, fuel office and storage shed shall be substantially in accordance with the Accessory Building Elevation and Floor Plans attached as attached to and forming part of this permit as **Schedule 'D'**;
- g) The maximum floor area of all accessory buildings on docks is 37m<sup>2</sup>

### ***Landscaping***

- h) Landscaping for the upland portion, including parking and service areas, shall be substantially in accordance with the Landscape and Parking Plan and Landscape and Parking Plan – Phase Two Detail attached to and forming part of this permit as **Schedule 'E'** and **Schedule 'F'** respectively;
- i) Landscaping shall generally proceed in two (2) phases as indicated in the Landscape and Parking Plan;
- j) Generally, landscaping shall adhere to the following conditions:
  - i. Existing topography and landscape features should not be altered;
  - ii. existing indigenous plants should be retained wherever possible;
  - iii. the extent of existing mature vegetation adjacent to Oak Road and shown on the Landscape and Parking Plan should be retained with the exception of new access points;
  - iv. All new plantings shall consist of indigenous, non-invasive plant and tree species as indicated on the Planting List attached to and forming part of this permit as **Schedule 'K'**;
- k) Phase One of landscaping shall entail the following:
  - i. The areas of natural vegetation along Oak Road and the mature tree(s) identified on the Landscape and Parking Plan are to be retained for the purposes of screening new and existing parking and service areas.
- l) Phase Two of landscaping shall entail the following:
  - i. Screening around the expanded service area shall be as shown on the Landscape and Parking Plan – Phase Two Detail and shall be a continuous vegetative or structural screen or a combination thereof and consist of existing and new plantings and/or wooden fencing that is of a width and height sufficient to screen the area;
  - ii. Landscape portions, specifically areas to separate parking spaces of 'Parking Lot 1' and '2' shall conform to the locations and extent shown on the Landscape and Parking Plan;
  - iii. Mature tree(s) on the subject property and identified on the Landscape and Parking Plan are to be retained;
- m) All landscaping and screening should be completed within 12 months of the installation of new fuel tanks and new site access in the service area and should meet or exceed the BC Society of Landscape Architects and BC Nursery Trades Association standards;
- n) Any substantive changes to **Schedule 'E'** or **'F'** requires the Landscaping and Parking Plan be amended by an application for an amendment to this Permit, and that amendment shall comply with all relevant DPA guidelines and require that a new landscape plan be professionally prepared .

### ***Parking***

- o) Parking configuration, number of stalls, landscaping components and construction shall occur in two (2) phases and generally be in accordance with the Landscape and Parking Plan attached to and forming part of this Permit as **Schedule 'E'**;
- p) There shall be no new areas cleared area of vegetation or trees within 15 metres of the Natural Boundary of the Sea;

### ***S. 219 Covenant - Archaeology***

- q) In accordance with condition 5. of Restrictive Covenant CA6746422, the owners shall provide a copy of the archaeological site alteration permit under sections 12

or 14 of the *Heritage Conservation Act* to the Local Trust Committee prior to removing or displacing any soil, earth or fill for the expansion of the parking or service areas;

**Lighting**

- r) Marina lighting shall be substantially in accordance with the Lighting Specification (Typical) attached to and forming part of this permit as **Schedule 'G'**;

**Signage**

- s) Three (3) public service signs (3) for the protection of Eel Grass Beds from anchoring vessels shall be erected generally in the locations indicated on **Schedule 'A'** and be substantially in accordance with the Sign Specification attached to and forming part of this permit as **Schedule 'H'**;

**Marine Structures**

- t) Construction of new marina floats shall be substantially in accordance with the Float Specifications attached to and forming part of this permit as **Schedule 'I'**;
  - u) All new walkways, ramps and floats shall be constructed of light penetrating deck surfacing ('mini-mesh').
  - v) New marina floats shall not utilize unenclosed polystyrene floats in their construction;
  - w) Only concrete or steel pilings are to be used in the construction of the new marina facility;.
  - x) Construction of new attenuators shall be in substantially in accordance with the Attenuator Specifications attached to and forming part of this permit as **Schedule 'J'**;
3. Pursuant to Section 502 of the Local Government Act, the Local Trust Committee requires security to ensure that any conditions respecting new planting and other landscape elements are satisfied:
- a) Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
  - b) Any interest earned on the security provided under Condition 4 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
  - c) The security provided by the permit holder shall be in the form of:
    - I. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent.
    - II. Payable to the Islands Trust,
    - III. In the amount of 125% of the quoted landscaping cost totaling \$10,000.00 based upon the cost estimate of \$8,000 confirmed by the applicant October 15, 2018.
4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

5. The area described herein shall be developed substantively 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 No. 103, 1996 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 including, but not limited to, the provincial Ministry of Forests, Lands And Natural Resource Operations and Rural Development and the Department of Fisheries and Oceans.

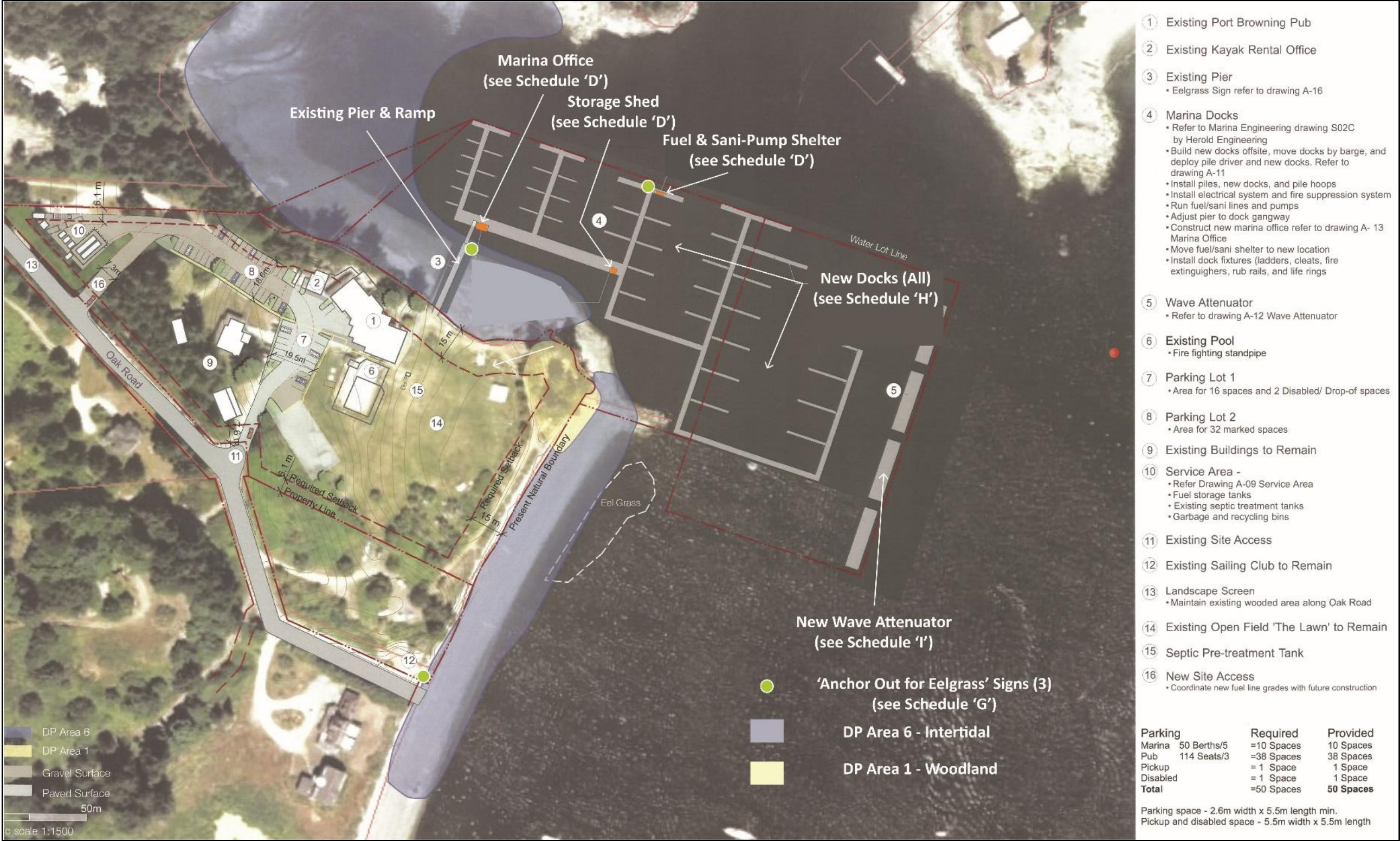
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS  
rd DAY OF , 2018.

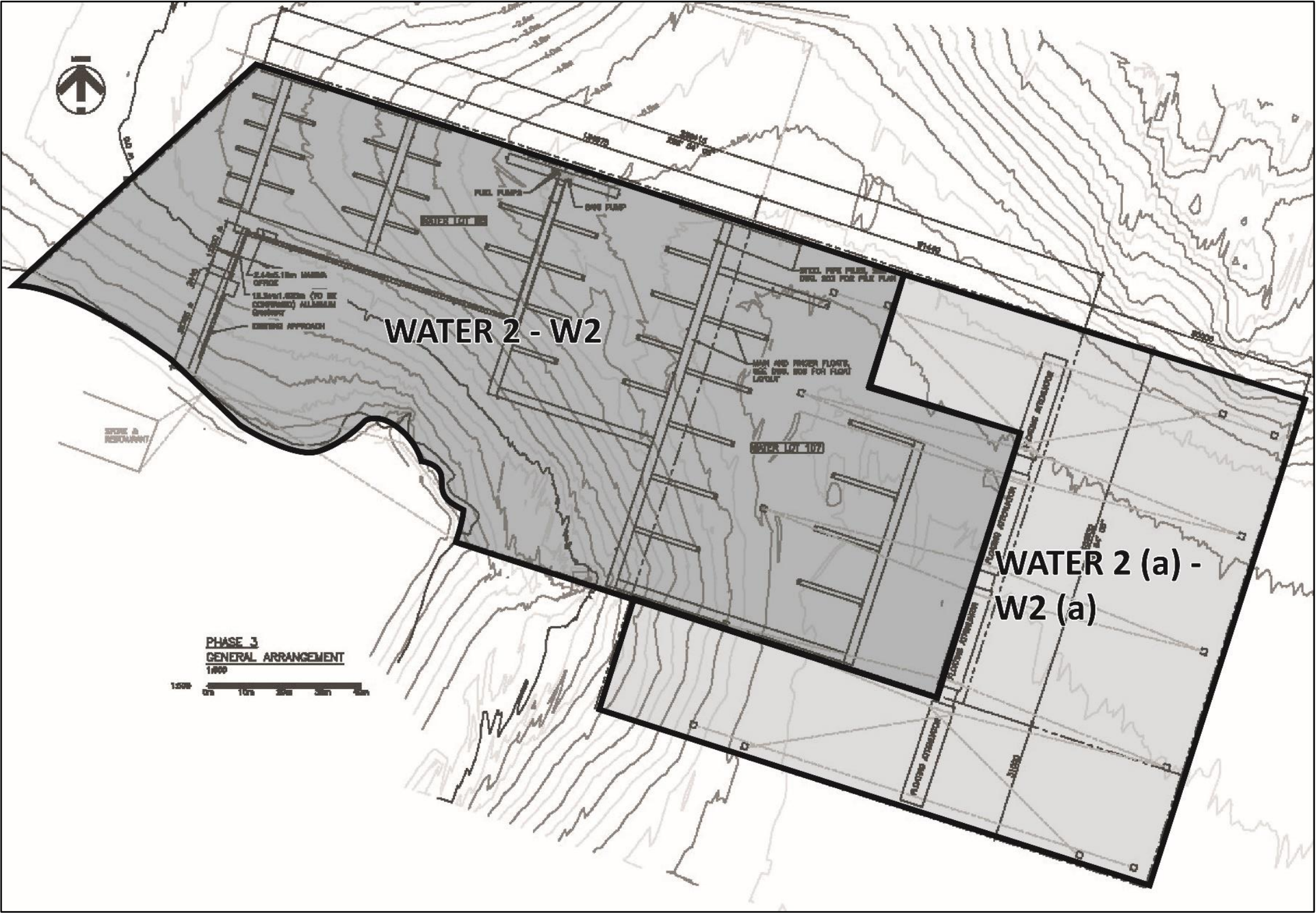
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_, 2018  
Date Issued

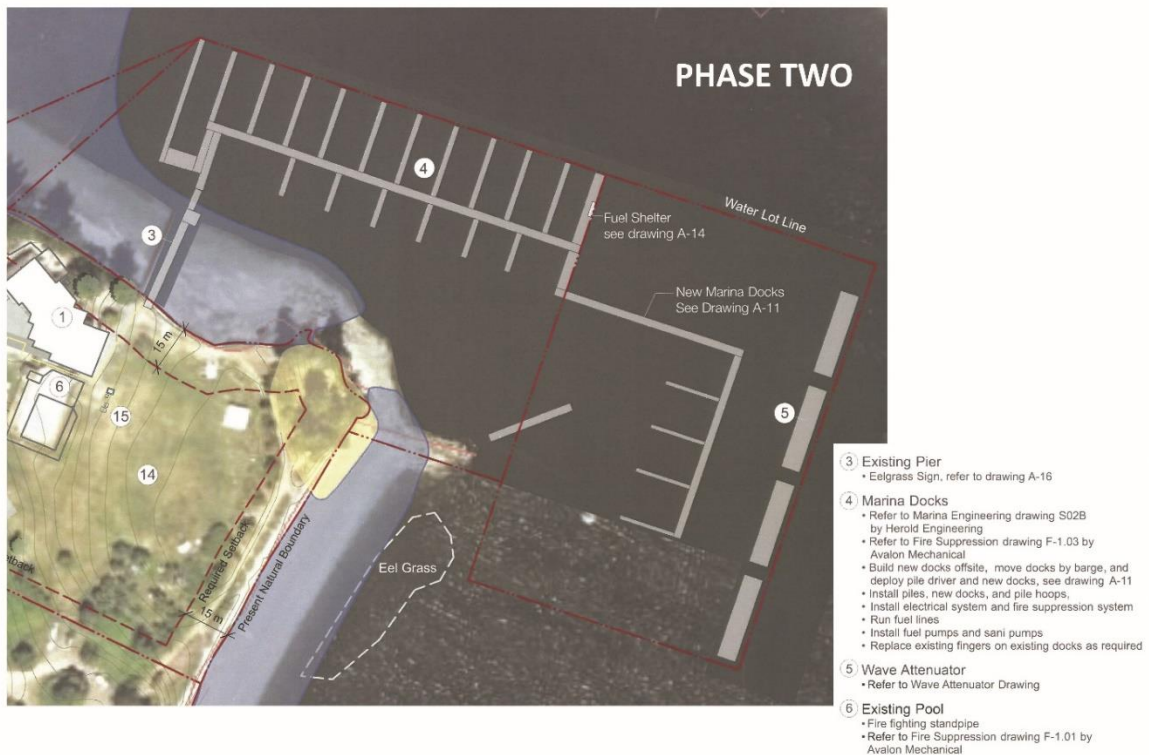
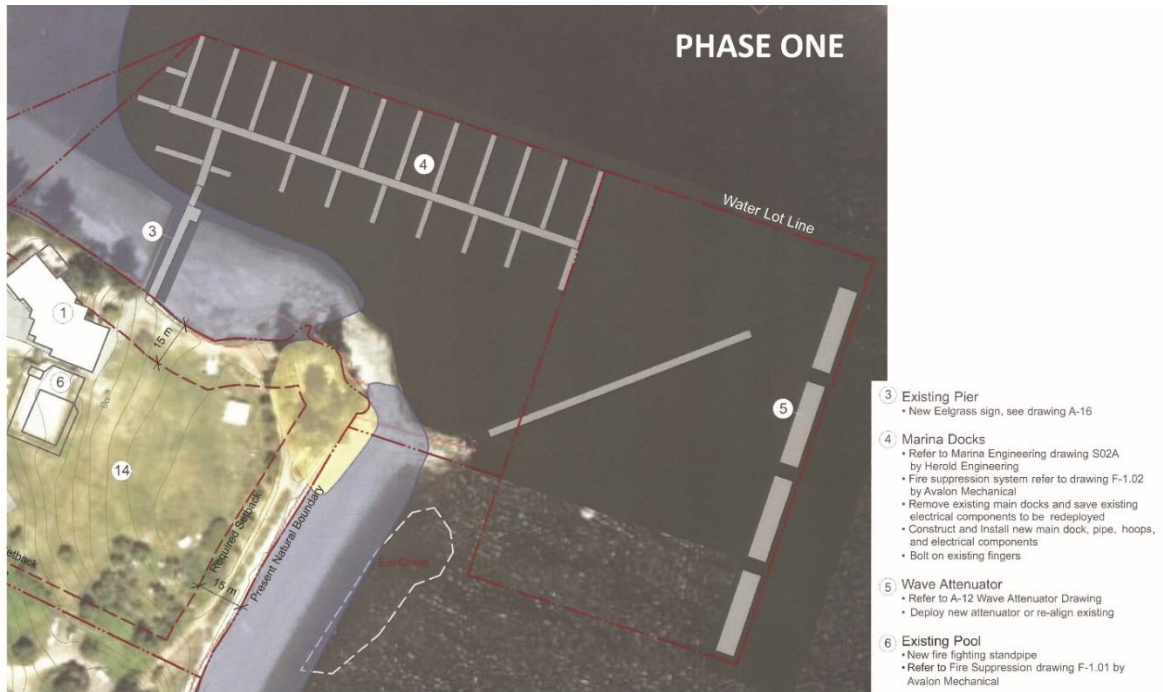
IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 201# THIS PERMIT  
AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'A'  
Siting and Layout Plan

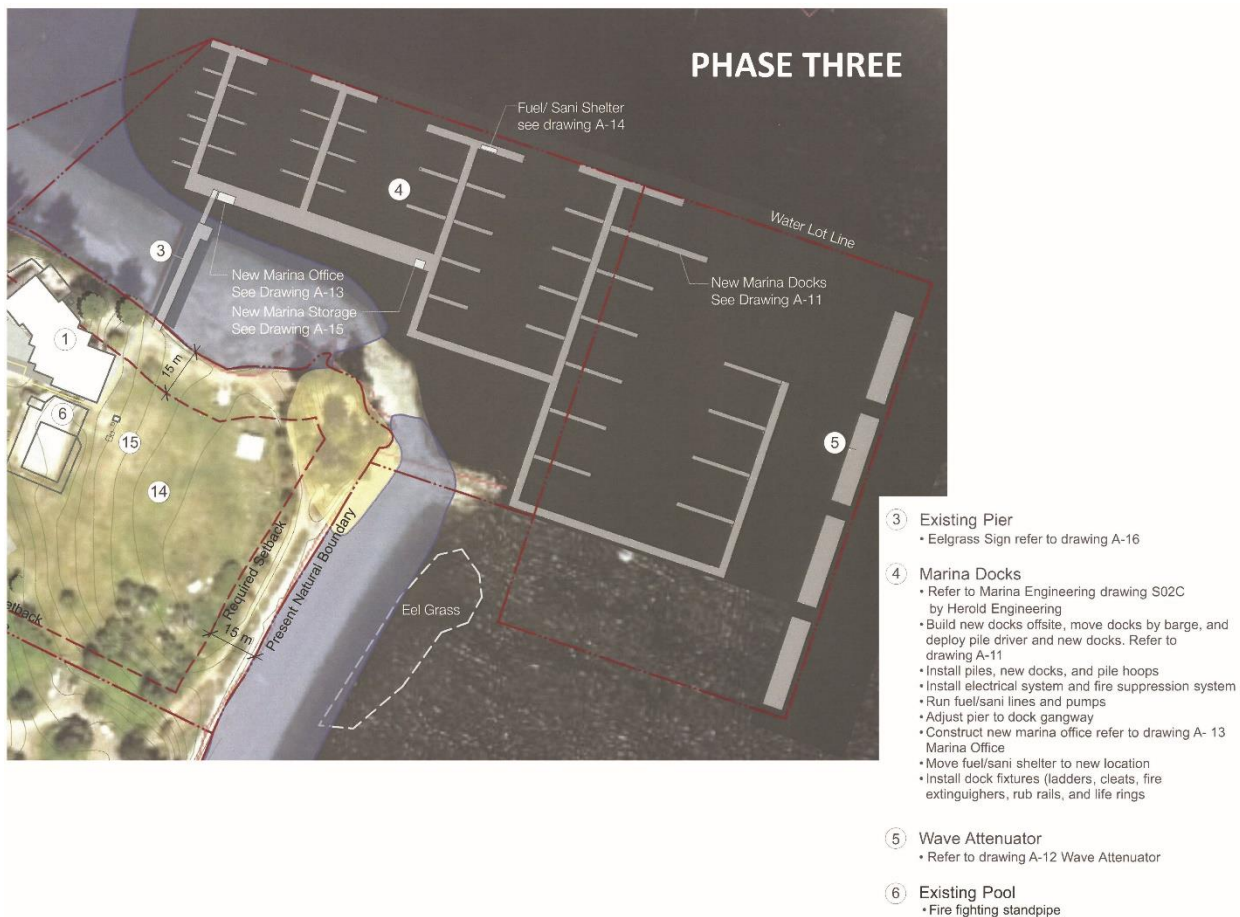




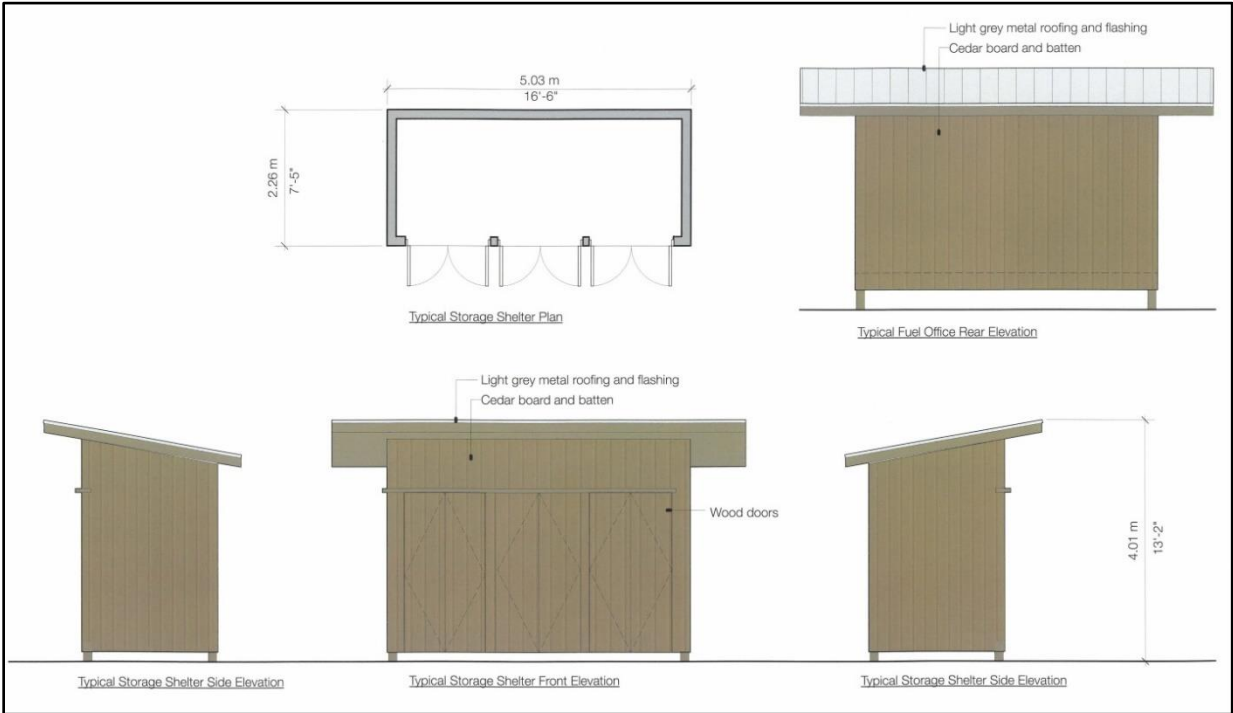
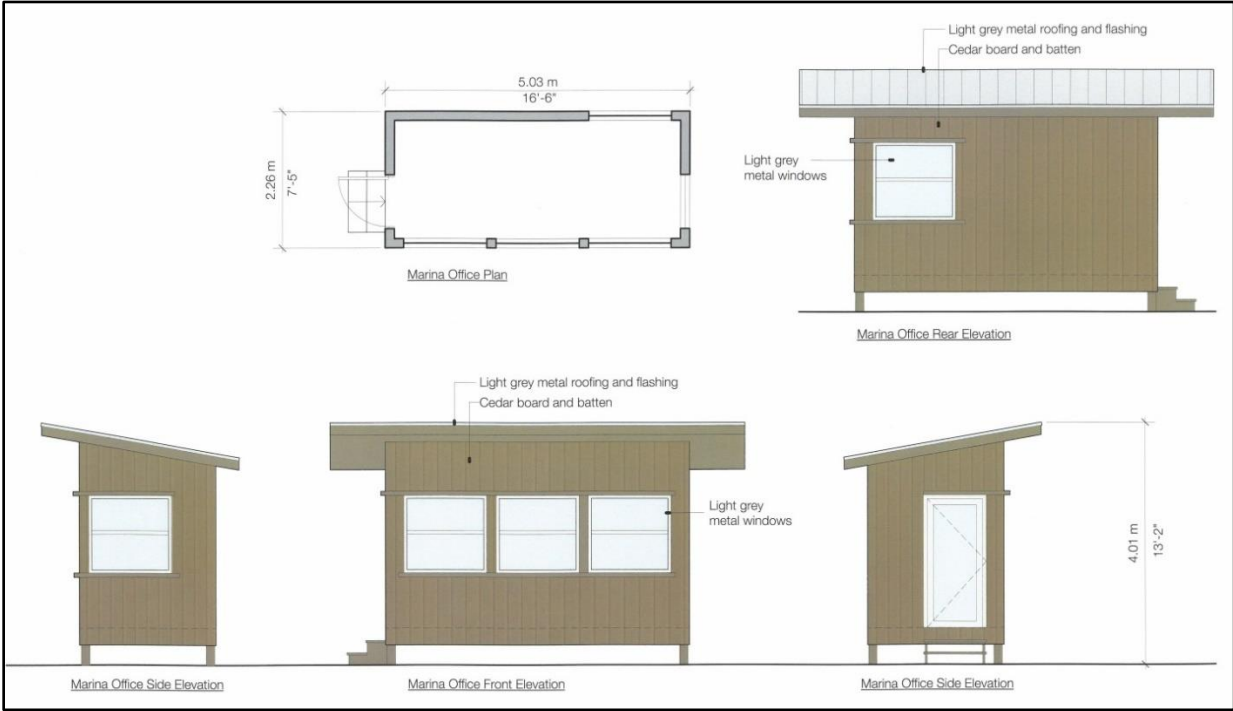
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT PERMIT 2018.6**  
**Schedule 'C'**  
**Phasing Plan**



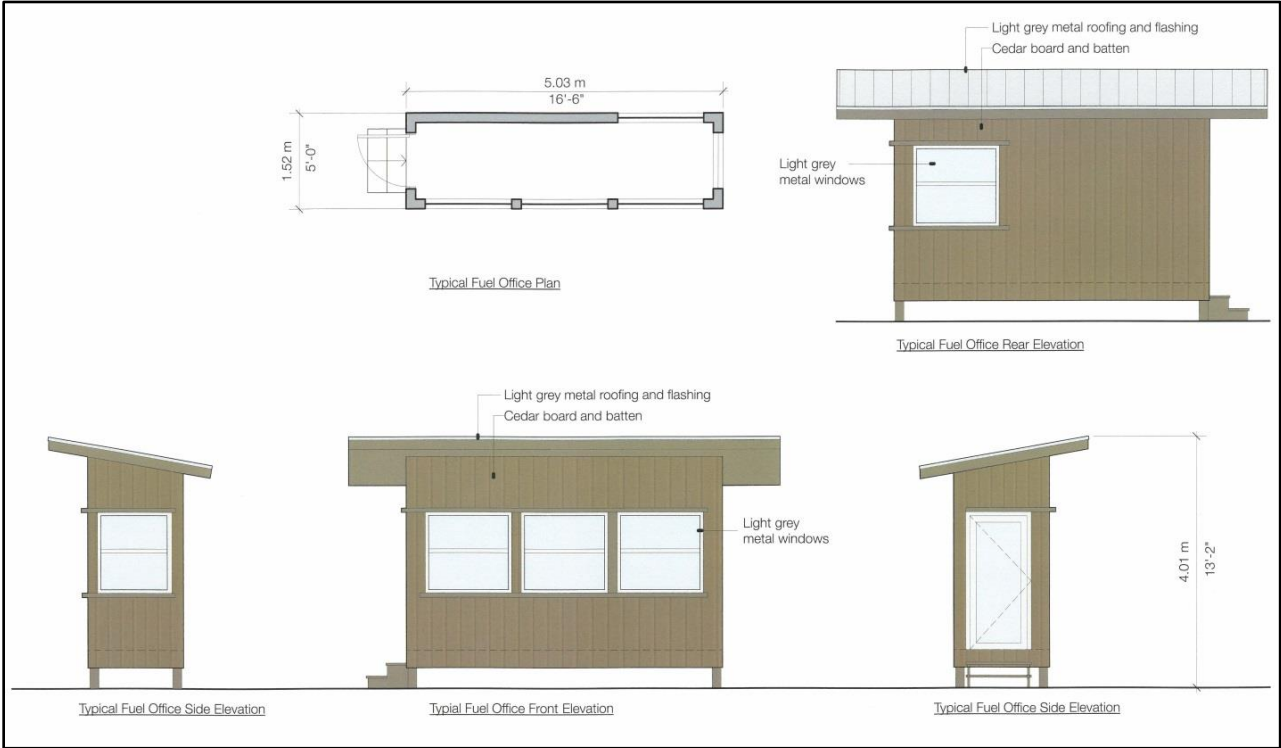
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'C'  
Phasing Plan (cont'd)**



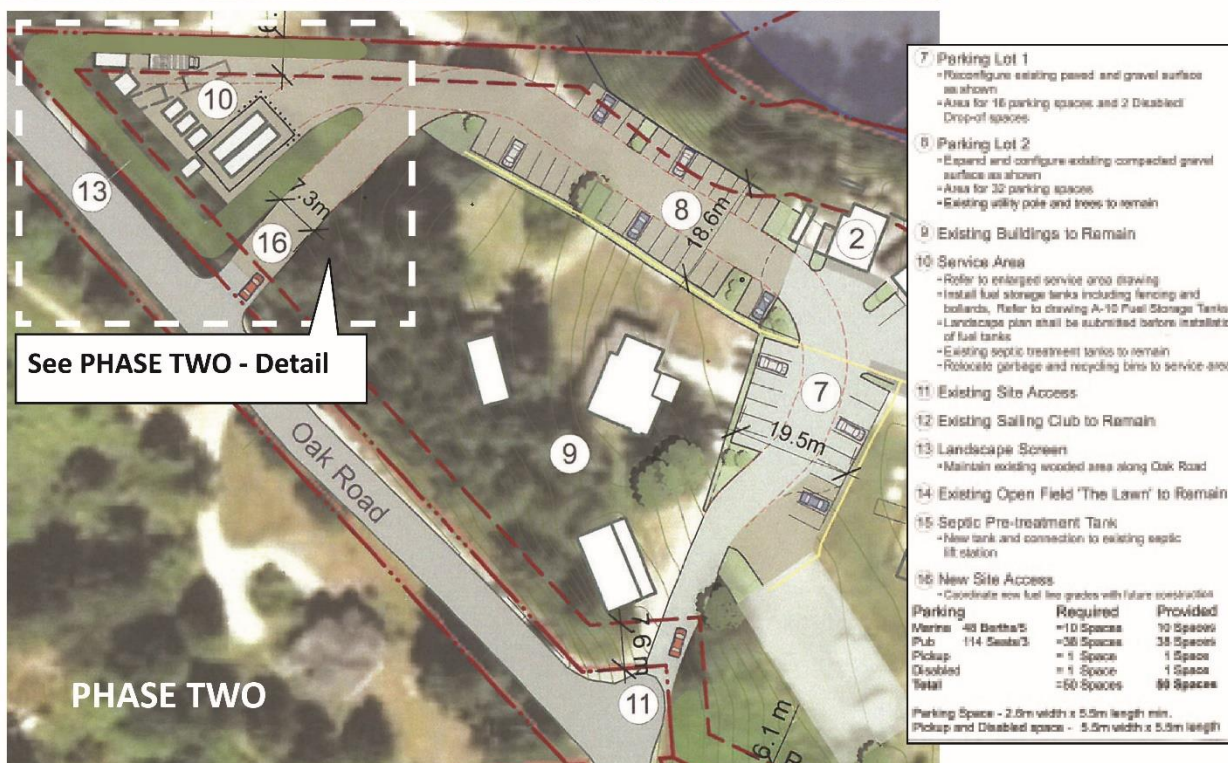
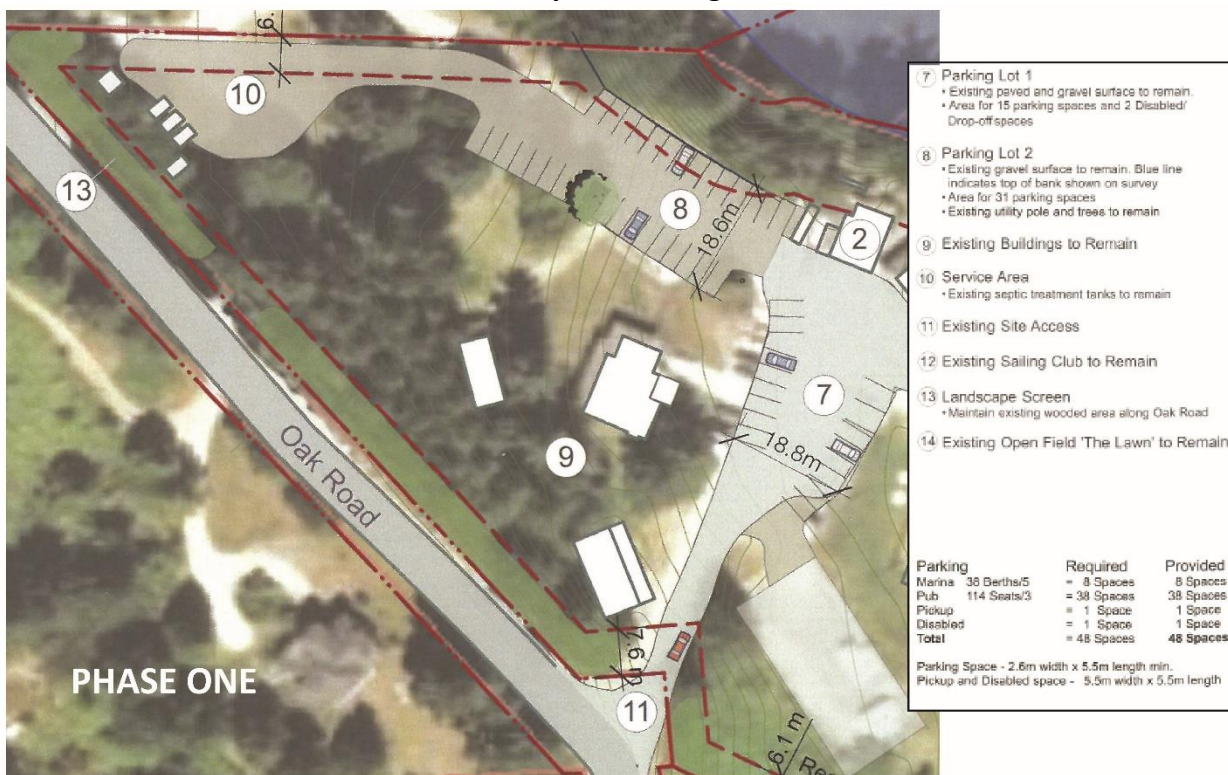
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT PERMIT 2018.6**  
**Schedule 'D'**  
**Accessory Building Elevation and Floor Plans**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT PERMIT 2018.6**  
**Schedule 'D' – Cont'd**  
**Accessory Building Elevation and Floor Plans**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT PERMIT 2018.6**  
**Schedule 'E'**  
**Landscape & Parking Plans**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'F'  
Landscape & Parking Plan - Phase Two Detail**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'G'  
Lighting Specifications (Typical)**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'H'  
(Eelgrass) Sign Specifications (Typical)**

# Help Protect Eelgrass

**Why?**

Eelgrass meadows are essential habitat for many species including spawning fish, juvenile salmon, and crabs. They are also feeding grounds for birds and mammals.

**Protect fish habitat by anchoring or mooring deeper than 6m (20ft) chart depth.**

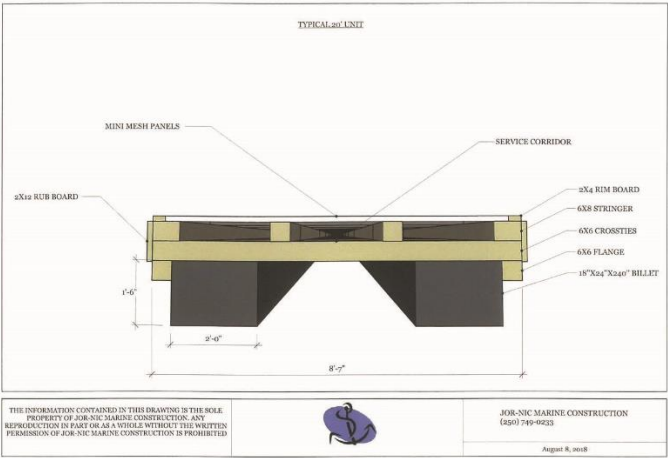


© Tawish Campbell   © Lianne Boyce   © Luke Mott

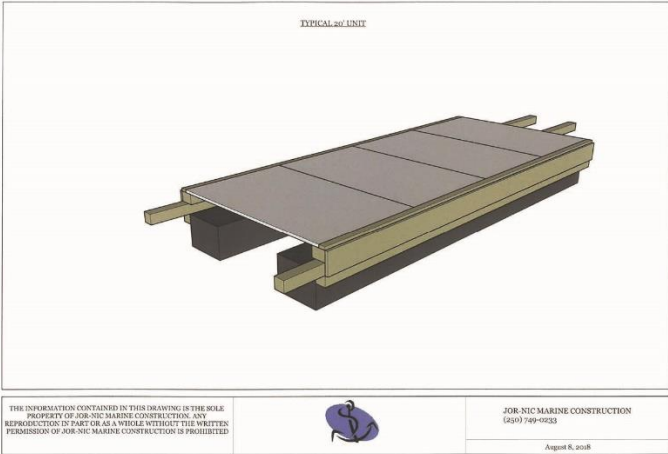


For more information:  
<http://www.conservancyonmayne.com>

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'I'  
Float Specifications (Typical)

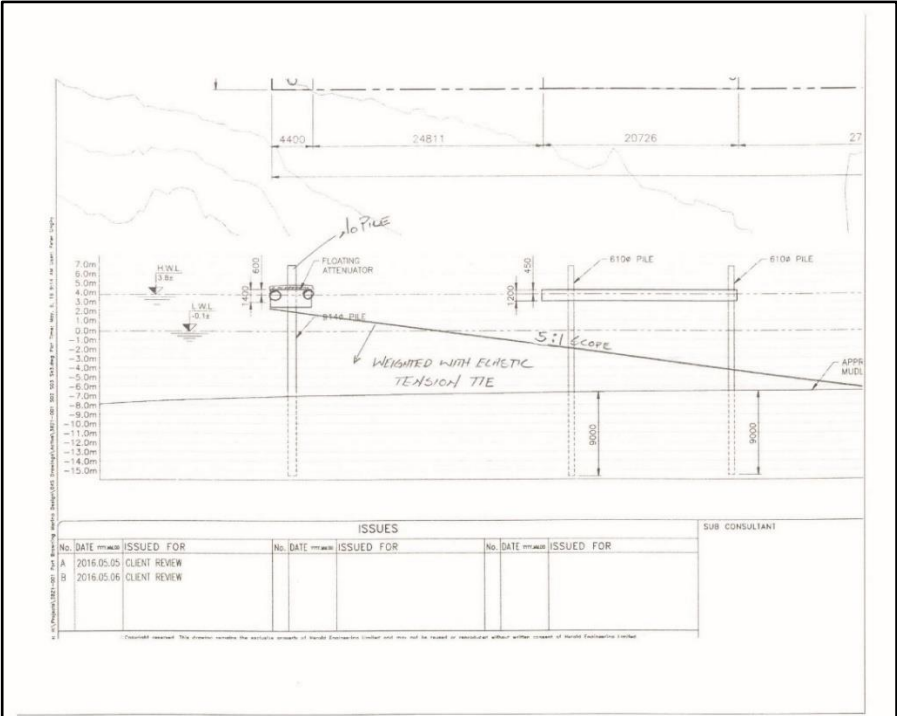


Typical Marina Dock Section



Typical Mini-mesh panel

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.6  
Schedule 'J'  
Attenuator Specifications**



Typical Wave Attenuator Drawing  
by Herold Engineering



Typical Wave Attenuator Image



File No.: NP-DP-2018.7 (Shaw & Cassels)

DATE OF MEETING: October 25, 2018  
TO: North Pender Island Local Trust Committee  
FROM: Phil Testemale, A/Planner 2  
Southern Team  
COPY: Justine Starke, Island Planner  
SUBJECT: Development Permit Application  
Applicant: Erin Shaw and Jamie Cassels  
Location: 441 Arbutus Spur, Sidney Island

## RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.7 (Shaw & Cassels)**

## REPORT SUMMARY

The purpose of this report is to consider a Development Permit (DP) application.

The application is to permit development within the **Sidney Island Geotechnical Development Permit Area (DPA)** on the property. Specifically, to move the boundary of the geotechnical hazard area seaward (westward) based on a submitted geotechnical hazard assessment of the site. The purpose is for the future construction of a single family dwelling in the DP area.

The specific objectives of the designation of the DPA are threefold:

1. *To protect the shoreline banks from development activities which exacerbate the natural erosion process;*
2. *To limit development in hazardous areas susceptible to erosion; and*
3. *To preserve the integrity of coastal processes and reduce cumulative impacts to the coastal shoreline.*

In summary, the above recommendation is supported as the application is based on a professional geotechnical assessment which meets all of the relevant objectives and guidelines for the DPA; and all recommendations of that assessment have been incorporated into the proposed DPA.

## BACKGROUND

The application is being made for the purpose of constructing a single family dwelling on the property which is currently vacant. The applicants are requesting that the dwelling be constructed in the area of the property where there is a better building site with better views. The application will remove a large portion of hazard Area B by moving the boundary on the subject property to within an average of 9.5 metres of the crest of the slope (see Figure 2 and 'Issues and Opportunities' – below).

This application is being made in advance of a Building Permit application for the dwelling as they need to finalize the siting and building design beforehand. The applicants have submitted building and siting plans that are conceptual (Attachment 2.4 and 2.5). The exact location of the proposed dwelling has not been finalized pending the outcome of this application.

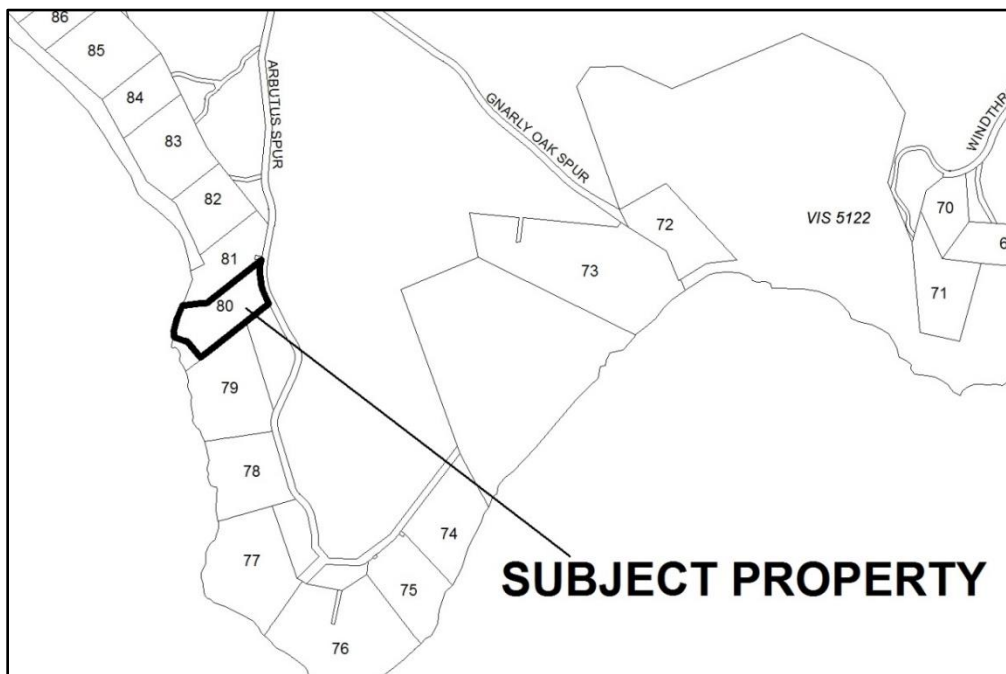
As required, a geological hazard assessment has been submitted. The report "Lot 80 Sidney Island – Geotechnical Considerations" (Brimmell Engineering Ltd., May 15/17 Updated July 24/18) is Attachment 3. The main rationale in the report is the bedrock shoreline that protects the property from erosion unlike properties to the north along the west side of Sidney Island. The report is discussed in 'Issues and Opportunities' (below). In summary the report complies with the DPA Guidelines.

As stated above, there are no buildings or structures currently on the property.

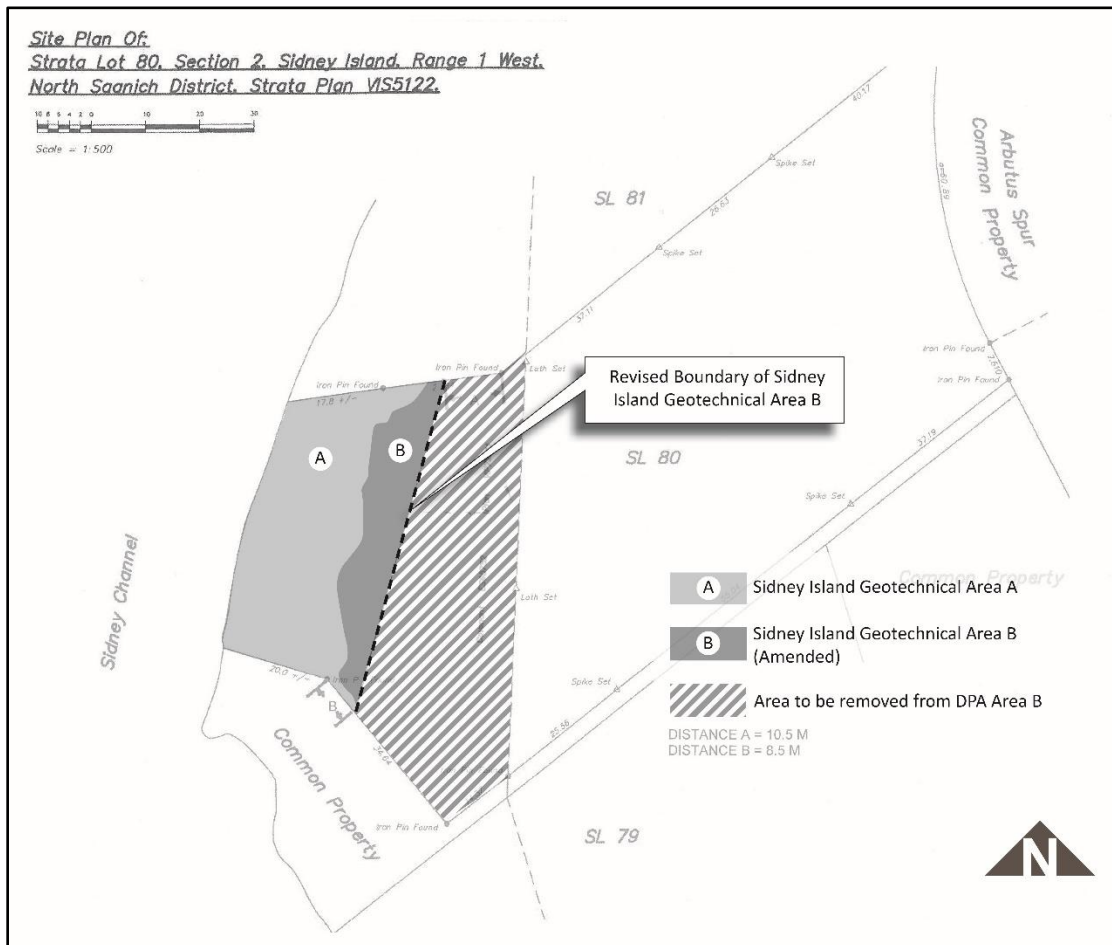
Owing to the location, staff has not visited the subject property.

The proposed Development Permit NP-DP-2018.7 (Shaw & Cassels) is Attachment 4.

**Figure 1 – Subject Property**



**Figure 2 – Site Plan**



## ANALYSIS

### Policy/Regulatory

#### ***Islands Trust Policy Statement:***

Applicable ITPS statements:

3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas

3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

5.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

The proposal is supported by the above ITPS policies.

**Official Community Plan:**

The property is designation **Residential - R** in the North Pender Associated Islands Official Community Plan No. 147, 2002.

As stated above the Sidney Island Geotechnical Development Permit Area (**Geotechnical DPA**) and the Sidney Island Shoreline Development Permit Area (**Shoreline DPA**) are designated on the subject property (see Attachment 2.2). The Shoreline DPA does not apply to this application.

**Land Use Bylaw:**

The property is zoned as **Sidney Island Comprehensive Development Zone 2 (CD2)** in the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB - see Attachment 2.4)

The proposed siting of a dwelling complies with the LUB

**Issues and Opportunities****Sidney Island Geotechnical DP- General**

The Geotechnical DPA is designated for the protection of development from hazardous conditions. The DPA coincides with a covenant (ES65752) which was registered at the time of subdivision of the island based on “*Report of Geotechnical Investigation for Sidney Island Residential Subdivision*” by Bruce McLeod of Levelton Engineering:

*The report identifies that the soil/sandbanks forming the westerly and north-easterly shorelines, which are not protected by bedrock, as being steeper than the long term stable slope angle due to on-going toe erosion. The on-going toe erosion and slope flattening processes are resulting in a landward regression of the crest of the slope. The report summarizes that building sites should be located beyond the recommended setbacks, and that disturbance to the shoreline banks by storm water drainage, land alterations, vegetation disturbance, or other means should be avoided. (OCP, p 42).*

The DPA has two components, the shoreline banks (‘Area A’) and relatively level upland areas (Area ‘B’) above and beyond the crest of the shoreline banks (see Figure 2). The boundary between the two areas is located 2 metres from the crest of the bank, which is where a 10 degree or more slope continues to the base of the banks. Importantly, the impacts from disturbance to vegetation and land alteration would have different effects in the two areas. Accordingly, Exemptions and Guidelines for considering issuance of a DP are different for the two areas.

As stated above the applicants have submitted a geological hazard assessment “Lot 80 Sidney Island – Geotechnical Considerations” (Brimmell Engineering Ltd., May 15/17 Updated July 24/18 - Attachment 3) in fulfillment of DPA requirements. That report analysis of the geological conditions (makeup and slope), directly addresses Islands Trust and OCP objectives, the objectives of the DPA and each of the specific DPA guidelines.

The report concludes:

*The main consideration that informs the recommendation on page 1 is that the portion of Area A that is proposed to be included in Area B (by adjusting the boundary line) has been identified as suitable for development by the report. Primarily that conclusion is due to the fact that the base of Lot 80 is protected by an erosion-proof bedrock shoreline that isn’t hazardous to development unlike properties further north along the west side of Sidney Island (p. 2).*

## **Sidney Island Geotechnical DP- Guidelines**

The following is an analysis of compliance with each of the eight (8) DP Guidelines by itemizing each and the report's conclusion in turn:

### **Guideline 1:**

***A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years***

As above, report concludes that development of Lot 80 east of the setback line will meet Guideline 1 (p. 3). The specific conclusion is:

“...with respect to geotechnical hazards (*footnote omitted*), the land may be safely used for the intended usage of a single family. It is confirmed that the requirements for legislated Landslide Assessments (seismic design event of 2% probability in 50 years of exceedance) has been considered when assessing the site.” (p.2)

### **Guideline 2:**

*All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development **will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years**. Where the geological hazard assessment report describes an area a suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report. (OCP, p. 44 & 45)*

The report submits the following response to guideline 2:

“This report forms a geological hazard assessment by a qualified professional licensed in the Province of BC with experience in geotechnical engineering and states that the proposed development will not result in slope instability or other geological failure hazard with a probability of in excess of 2% in 50 years. Development must be in compliance with measures and the building setback described in this report. “(p.3)

### **Guideline 3:**

*Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.*

The report submits the following response to guideline 3:

“Any area proposed to be cleared and disturbed for development should be minimized. Existing trees should be left intact within Area A although selective limbing/trimming is permitted as per Subsection (7)” (p.3)

These recommendations have been incorporated as conditions of the proposed DP.

**Guideline 4:**

*All on-site drainage should be directed away from the shoreline or crest of slope.*

The report submits the following response to guideline 4:

“As per the bylaw, on-site drainage should be directed away from the shoreline and the steep slope.” (p.3)

This recommendation and others for construction and permanent drainage have been incorporated as a condition of the proposed DP.

**Guideline 5:**

*Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.*

The report submits the following response to guideline 5:

“As per the bylaw, earthwork must be conducted in such a manner as to limit direct runoff into the sea and prevent the release of sediment towards the shore.” (p.5)

Conditions for this guideline have been incorporated as part of the proposed DP.

**Guidelines 6, 7 and 8** do not apply as there are no bank stabilization measures or variances proposed.

Base on the foregoing and attached, it is staff's opinion that the application has met all of the applicable Guidelines for the DPA.

**Consultation**

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

**Rationale for Recommendation**

The recommendation in support of approving issuance of the DP is based on the analysis of relevant policies and regulations, and, in particular DPA guidelines. In summary:

- the application is based on a professional geotechnical assessment which meets all of the relevant objectives and guidelines for the DPA; and
- all recommendations of that assessment have been incorporated into the proposed DPA.

**ALTERNATIVES**

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

**1. Request further information**

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

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust*  
\_\_\_\_\_.

## **2. Deny the application**

The LTC may deny the application. If this alternative is selected, the LTC MUST state the reasons for denial.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee deny application NP-DP-2018.7 (Shaw and Cassels) for the follows reasons* \_\_\_\_\_.

### **NEXT STEPS**

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Phil Testemale, A/Planner 2              | October 15, 2018 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | October 15, 2018 |

### **ATTACHMENTS**

1. Site Context
2. Maps, Plans, Photographs
3. Geotechnical Assessment - Brimmell Engineering Ltd.
4. Proposed Development Permit NP-DP-2018.7 (Shaw & Cassels)

## ATTACHMENT # – SITE CONTEXT

### LOCATION

|                   |                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------|
| Legal Description | Strata Lot 80, Section 2, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122 |
| PID               | 026-298-066                                                                                    |
| Civic Address     | 441 Arbutus Spur, Sidney Island                                                                |
| Property Size     | 0.93 ha (2.3 ac)                                                                               |

### LAND USE

|                      |                                                                               |
|----------------------|-------------------------------------------------------------------------------|
| Current Land Use     | Vacant                                                                        |
| Surrounding Land Use | Residential , Conservation (Common Property) and Forestry 1 (Common Property) |

### HISTORICAL ACTIVITY

| File No. | Purpose |
|----------|---------|
| N/A      |         |
|          |         |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | Designated as <b>Residential – R</b> in the North Pender Associated Islands Official Community Plan No.147, 2002<br>The following Development Permit Area (DPA)s are designated on the property (see Attachment 2.2): <ul style="list-style-type: none"><li>• <b>Sidney Island Geotechnical</b> and</li><li>• <b>Sidney Island Shoreline</b></li></ul> |
| Land Use Bylaw                       | Zoned as <b>Sidney Island Comprehensive Development (CD2)</b> in the North Pender Associated Islands Land Use Bylaw No.148, 2003                                                                                                                                                                                                                       |
| Other Regulations                    | The property is part of the Strata Plan VIS5122 Council                                                                                                                                                                                                                                                                                                |
| Covenants                            | [Review current covenants registered on title and provide details on those held by the local trust committee, the Trust Fund Board or other public agencies. Advise with respect to referral/process requirements.]                                                                                                                                    |
| Bylaw Enforcement                    | N/A                                                                                                                                                                                                                                                                                                                                                    |

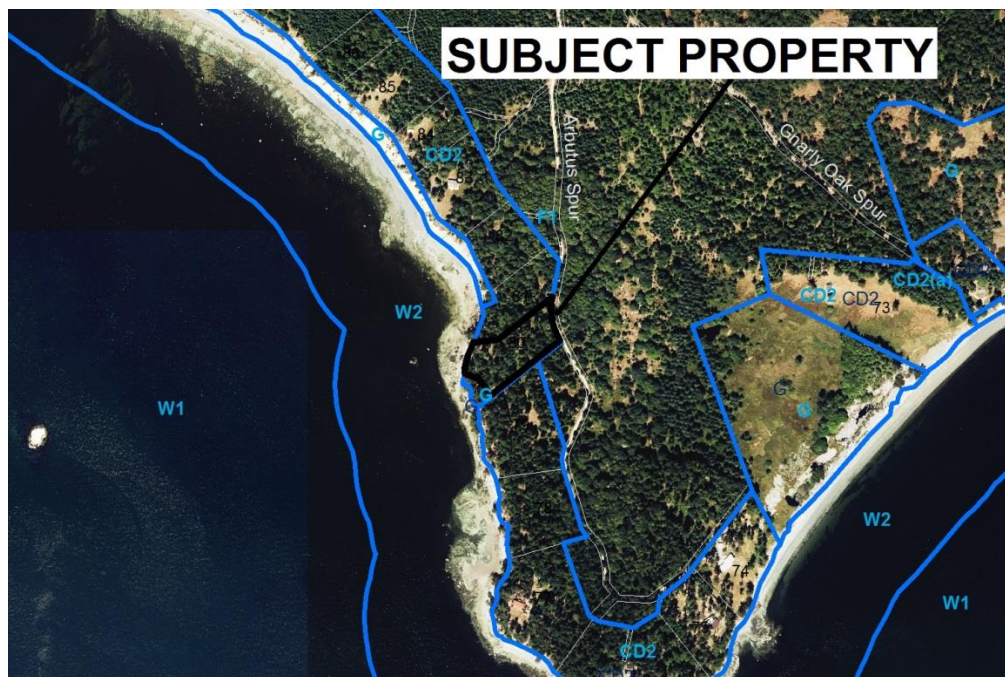
### SITE INFLUENCES

|                                |                                                                                                                                                                                                                          |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Fund             | This application has no considerations for the Islands Trust Fund.                                                                                                                                                       |
| Regional Conservation Strategy | This application has no considerations for the Regional Conservation Plan.                                                                                                                                               |
| Species at Risk                | None listed.                                                                                                                                                                                                             |
| Sensitive Ecosystems           | There is no development proposed in or in proximity to the shoreline DPA (15 metres from the Natural Boundary of the Sea). No other sensitive ecosystems area indicated on the Islands Trust Ecosystem Mapping database. |

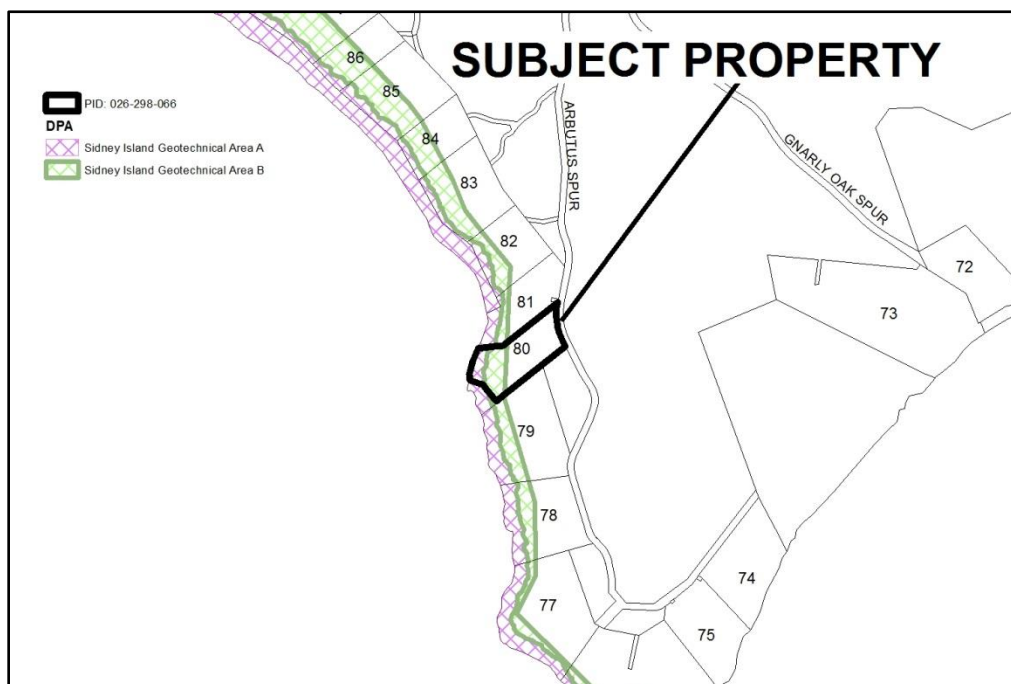
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazard Areas                             | As above, the Sidney Island Geotechnical DPAs A and B are designated for the protection of development from hazardous conditions. See also Attachment 2.3 (Contours)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Archaeological Sites                     | There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. |
| Climate Change Adaptation and Mitigation | GHG emission changes are linked to allowable density on the property and will not change with approval of the DPA. Submitted geological assessment report confirms that the development will be largely safeguarded from climate change induced hazards (i.e. geological process of 'slope flattening' and the shoreline by littoral drift that are pronounced further to the north on the Island) by virtue of the presence of bedrock along the subject property's shoreline .                                                                                                                                                                                                                                                    |
| Shoreline Classification                 | Unavailable on TAPIS. Geological analysis report (Attachment 3) indicates bedrock at toe of slope.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Shoreline Data in TAPIS                  | Eel grass beds in Sidney Channel (100 metres offshore)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

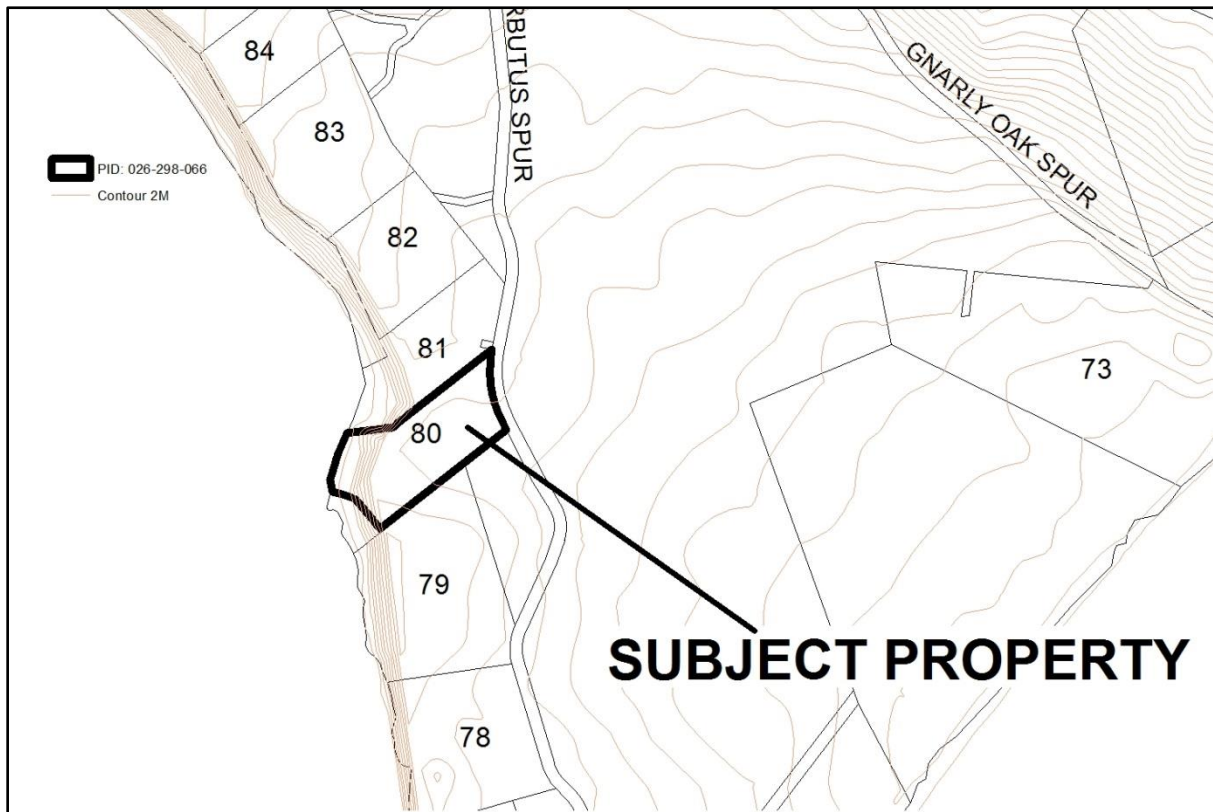
### 2.1 ZONING & ORTHOPHOTO



### 2.2 DPAs

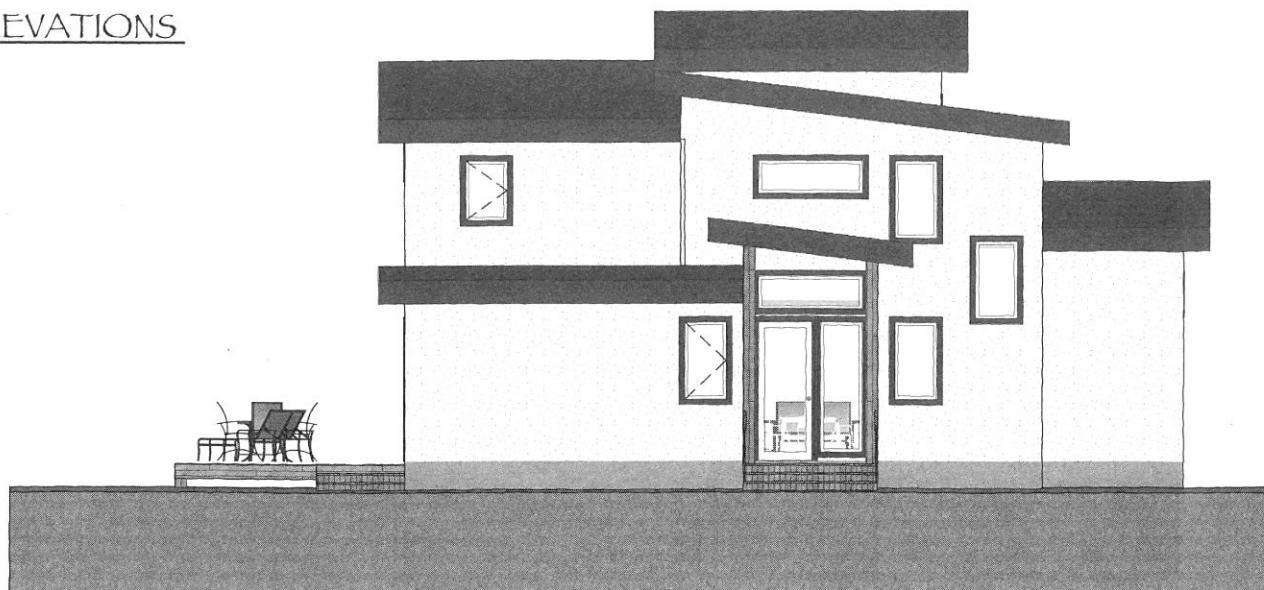


## 2.3 CONTOURS



2.4 ELEVATIONS 1 OF 2

ELEVATIONS

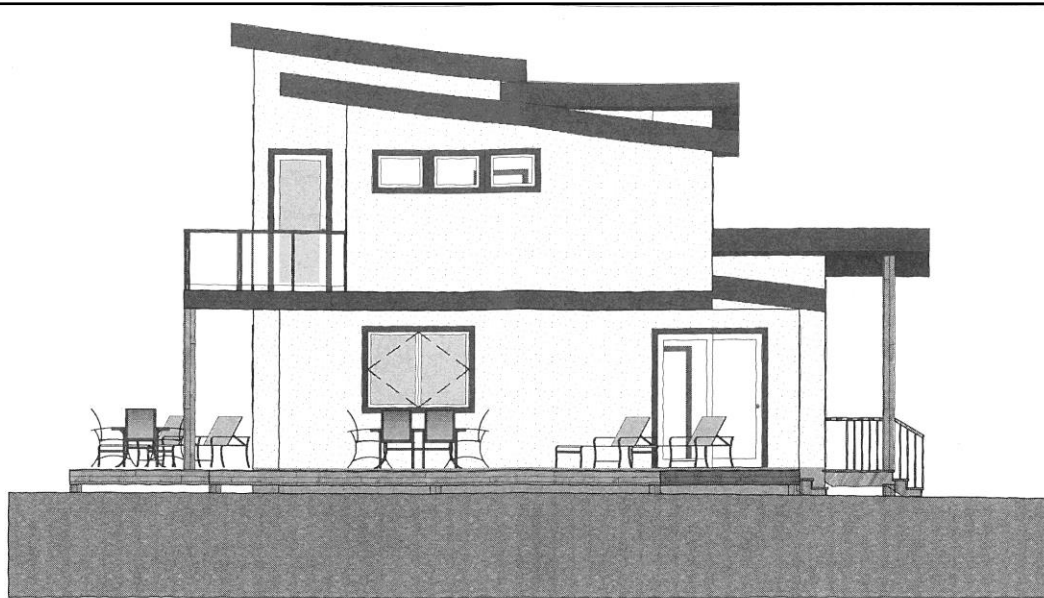


Front Elevation  
Scale: 1/4" = 1'-0"

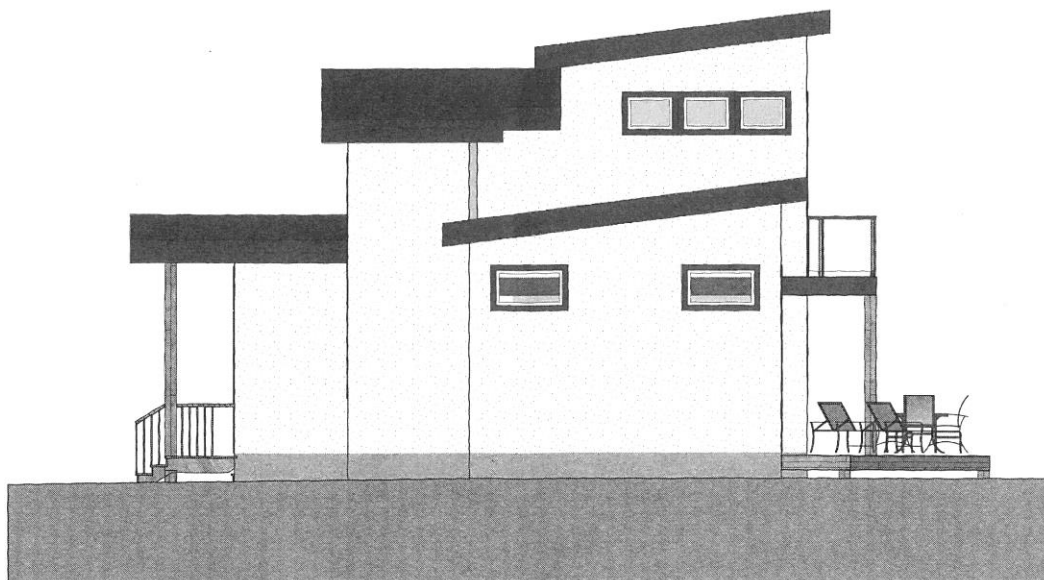


Rear Elevation  
Scale: 1/4" = 1'-0"

## 2.5 ELEVATIONS 2 OF 2



Left Elevation  
Scale: 1/4" = 1'-0"



Right Elevation  
Scale: 1/4" = 1'-0"

Brimmell Engineering Ltd  
971 Bank Street  
Victoria, BC  
V8S 4B1  
rbrimmell@shaw.ca

Erin Shaw & Jamie Cassels

May 15/17 updated July 24/18  
File No. 17-12

Re: Lot 80 Sidney Island – Geotechnical Considerations

This letter is further to our site meeting of May 13, 2017. The following documents are appended:

Photos with notes; Site plan with revised building setback indicated; Measured slope profile.

Lot 80 is on the west side of the island, near its southwest corner, and faces Sidney Channel. There is a steep shoreline slope to a height of 15+ m. The subject property features bedrock along the toe-of-slope. Because of the bedrock the slope is fairly stable, unlike properties to the north which are eroding since there isn't bedrock at beach level.

Typical of Sidney Island the stratigraphy consists of glacial till (Vashon Drift) over dense sand (Quadra Sand). These soils can be seen in one of the photos. Seepage wasn't evident due to the vegetation, but probably emerges within the lower half of the slope.

A slope profile was measured near the south end of shoreline frontage, as presented on Dwg 1. For safety reasons the length of the third section (from the top) had to be estimated. Superimposed is a 1.5:1 (hor:vert) line up and east from the top of the bedrock. The proposed setback line indicated on Dwg 2 is based on this 1.5:1 line plus 2.5 m. It is noted that the slope is steeper toward the north end of the lot, yielding a somewhat bigger setback from top-of-slope. The two, most westerly survey pins have been taken as approximately the top-of-slope.

It is recommended that foundations for the proposed home (including those for a deck) be located east of the setback line indicated on Drawing 2. It is anticipated that competent bearing soil will be found at shallow depth. Footings may be designed based on an allowable bearing pressure of 150 kPa. It is recommended that the steep slope be left undisturbed and that water not be allowed to cascade down it, for example from the roof drains.

In accordance with the foregoing comments and recommendations, and with respect to potential geotechnical hazards\*, the land may be safely used for the intended usage of single family residential. It is confirmed that the requirements for legislated Landslide Assessments (seismic design event of 2% probability in 50 years of exceedance) has been considered when assessing the site.

\*Including flooding, groundwater flows, mudflows, erosion, subsidence, land slip, earthquake & avalanche. The site is not inherently prone to flooding but reasonable care must be taken to grade the area around the building site in a way that prevents water problems. With respect to earthquake the site is not prone to unusual seismic issues such as liquefaction; however shaking in the event of an earthquake could be fairly severe, consistent with all other properties in the Vancouver Island region. Seismic Site Class C is considered applicable for this property.

The following comments refer to the applicable parts of Section 702 of North Pender Associated Islands OCP Bylaw No. 147, 2002 – consolidated May 9, 2013:

(4)

-Development of Lot 80 based on the revised building setback line is consistent with the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities, etc.”

-Development of Lot 80 will protect natural coastal processes

-Lot 80 is protected by an erosion-proof bedrock shoreline and isn't hazardous to development, as previously discussed in this report.

-The report entitled “Report of Geotechnical Investigation for Sidney Island Residential Subdivision” by Levelton Engineering isn't accurate for Lot 80 since it's based on (and specifically references) ongoing shoreline erosion. This is generally an issue for properties on the west side of Sidney Island, but isn't a problem at Lot 8 as the shoreline is protected by bedrock.

-Shoreline protection, either 'soft' or 'hard', isn't needed.

(5)

Objective 1 – Development on Lot 80 will not exacerbate (or otherwise alter) natural erosion processes

Objective 2 – Lot 80 isn't susceptible to erosion provided concentrated flows of stormwater runoff (or other types of flow) aren't allowed to cascade down the steep slope.

Objective 3 – Development of Lot 80 will preserve the integrity of coastal processes and reduce the cumulative impacts to the coastal shoreline

(7)

The exemption guidelines are considered to be applicable to development on Lot 80.

(8)

Guideline 1 - Development of Lot 80 east of the setback line (as described in this report) will meet the objective of Guideline 1.

Guideline 2 - This report forms a geological hazard assessment by a qualified professional licensed in the Province of BC with experience in geotechnical engineering and states that the proposed development will not result in slope instability or other geological failure hazard with a probability of in excess of 2% in 50 years. Development must be in compliance with measures and the building setback described in this report.

Guideline 3 - Any area proposed to be cleared and disturbed for development should be minimized. Existing trees should be left intact within Area A although selective limbing/trimming is permitted as per Subsection (7).

Guideline 4 - As per the bylaw, on-site drainage should be directed away from the shoreline and the steep slope.

Guideline 5 - As per the bylaw, earthwork must be conducted in such a manner as to limit direct runoff into the sea and prevent the release of sediment towards the shore.

Guideline 6 - Structures for bank stabilization aren't proposed.

Guideline 7 - Bank stabilization measures aren't proposed

Guideline 8 - This item isn't applicable to Lot 80.

I trust that this information meets your present requirements. Please do not hesitate to contact the writer if there are questions.

Yours truly

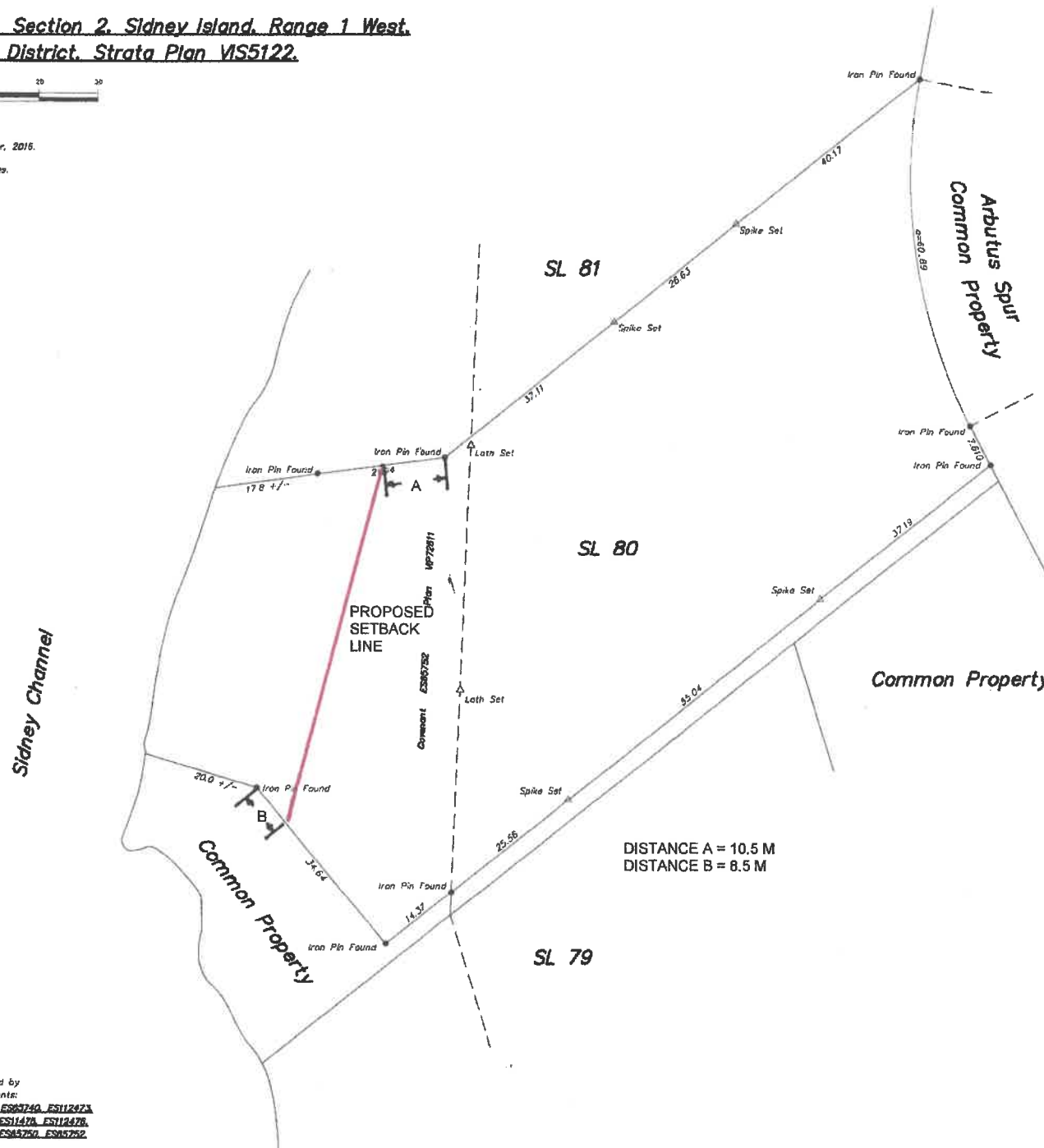


Richard Brimmell, P.Eng.  
for Brimmell Engineering Ltd.

Scale = 1:500

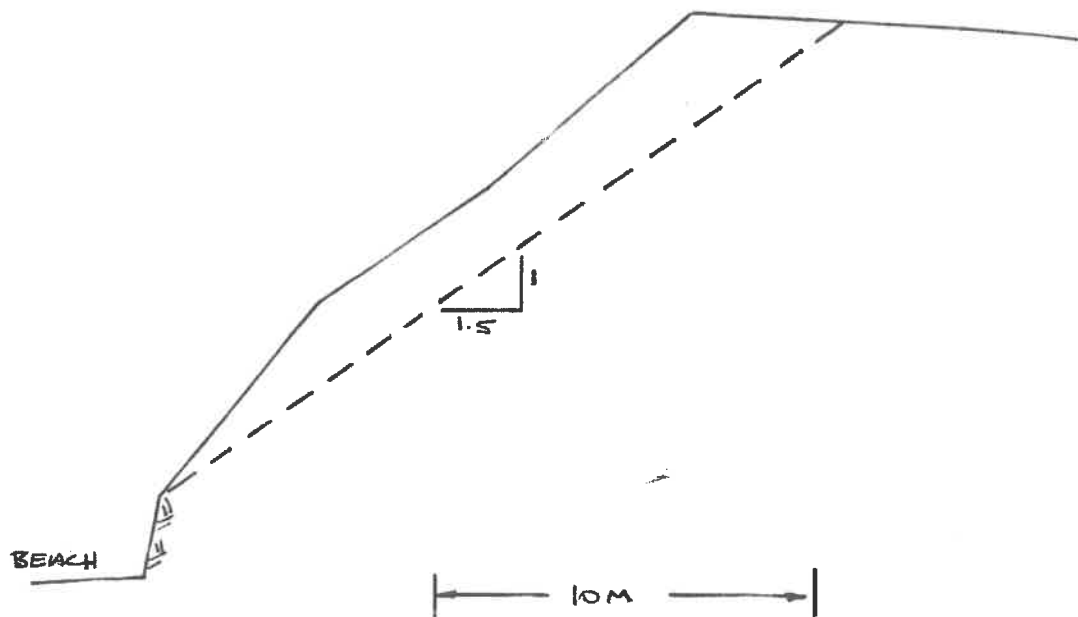
*Dated this 5th day of October, 2016.*

*Distances shown are in metres.*



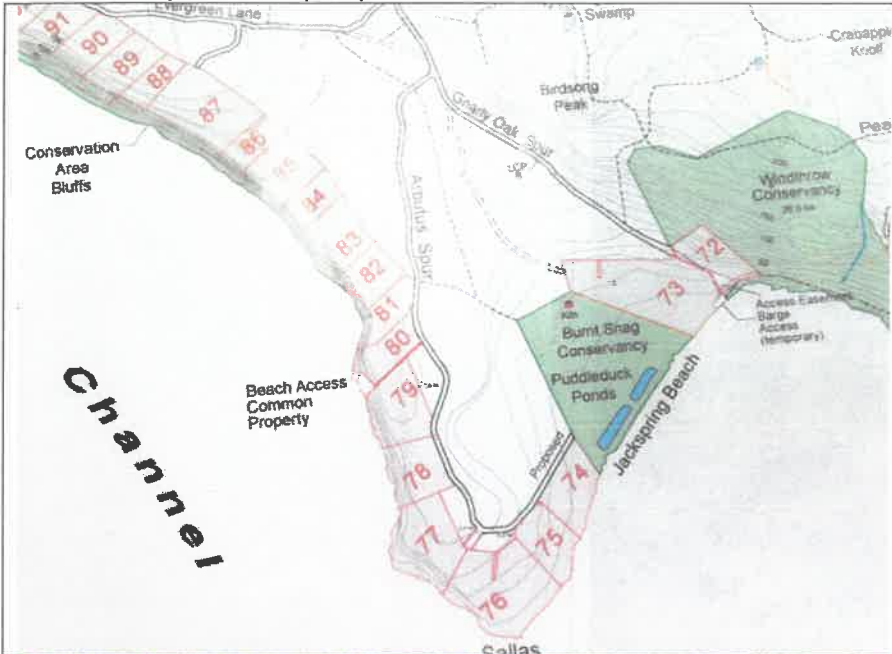
ESI12471, ES00738, ESI12472, ES05740, ESI12473,  
ES05742, ESI12474, ES05744, ESI1478, ESI12478,  
ES05748, ES05749, ESI12477, ES05750, ES05752,  
ES05757, EX35122, EX00002

**Way Mayenburg Land Surveying Inc.**  
www.way surveys.com  
#4-2227 James White Boulevard  
Sidney, BC V8L 1Z5  
Telephone (250) 656-6155  
Fax: 1603251577\GH



|                                                 |                     |                              |
|-------------------------------------------------|---------------------|------------------------------|
| Project: Proposed Home<br>Lot 80, Sidney Island | DRAWING 1<br>May/17 | Name: Measured Slope Profile |
| Clients: Erin Shaw & Jamie Cassels              | Job No. 17-12       | Brimmell Engineering Ltd.    |

Lot 80 Sidney Island May 13 photos



Bedrock exposed along the shore, looking north



The proposed house site, looking north



A soil scarp near top-of-slope on Lot 81, showing till (darker) over sand. The blue line is along the division between the soil types.



## PROPOSED

### NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2018.7

To: Erin Shaw and Jamie Cassels.

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

Strata Lot 80, Section 2, Sidney Island, Range 1W, North Saanich District, Strata Plan  
VIS5122 (PID: 026-298-066)

2. This Development Permit NP-DP-2018.7 authorizes construction of buildings or other structures and alteration of land on the area of land identified on Schedule 'A' within Sidney Island Geotechnical Permit Area (DPA) as designated in the North Pender Associated Islands OCP Bylaw No. 147, 2002 ('OCP'), subject to the following requirements and conditions:

#### ***Siting***

- a) The siting of building and structures shall be restricted to the area to the east of the 'Revised Boundary of Sidney Island Geotechnical Area B' (Revised Boundary) as shown on the Revised Development Permit Area Plan attached to and forming part of this permit as **Schedule 'A'**;
- b) All other requirements and exemptions in the DPA apply;

#### ***Geological Hazard Assessment Report***

- c) Construction of , alteration to or addition of any building or structure and any alteration of land shall comply with the recommendations of the geological hazard assessment report entitled "Lot 80 Sidney Island – Geotechnical Considerations" (Richard Brimmell, P.Eng., Brimmell Engineering Ltd., May 15/17 Updated July 24/18) attached to and forming part of this permit as **Schedule 'B'**;

#### ***Construction and Storm Water Management***

- d) Areas of clearing and tree removal for construction is to be minimized;
- e) During construction, and when construction is completed, all storm water drainage and rain water collection from any dwelling or building must be directed eastward away from the Revised Boundary as shown on **Schedule 'A'**;
- f) All necessary measures are to be taken to protect the shoreline area from sedimentation, specifically:
  - i. Construction and landscaping should be undertaken during dry weather and not during periods of prolonged rainfall;

- ii. Prior to commencing construction, and for the duration of construction, temporary fencing should be erected along or to the east of the Revised Boundary as shown on **Schedule 'A'** for the width of the property;
  - iii. Prior to commencing construction, and for the duration of construction, silt fencing shall be installed east of Revised Boundary as shown on **Schedule 'A'** extending for a distance from 10 metres south to 10 metres north of any excavation or clearing, all in accordance with the specification Erosion and Sedimentation Control Measures attached to and forming part of this permit as **Schedule 'C'**; and,
  - iv. Any soils exposed or deposited for a period of greater than two (2) weeks shall covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).
- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
- 4. The area described herein shall be developed substantively 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.
- 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Associated Islands Land Use Bylaw No. 148, 2003 nor from acquiring required approvals from other agencies including, but not limited to, the Capital Regional District and the Ministry of Transportation and Infrastructure.

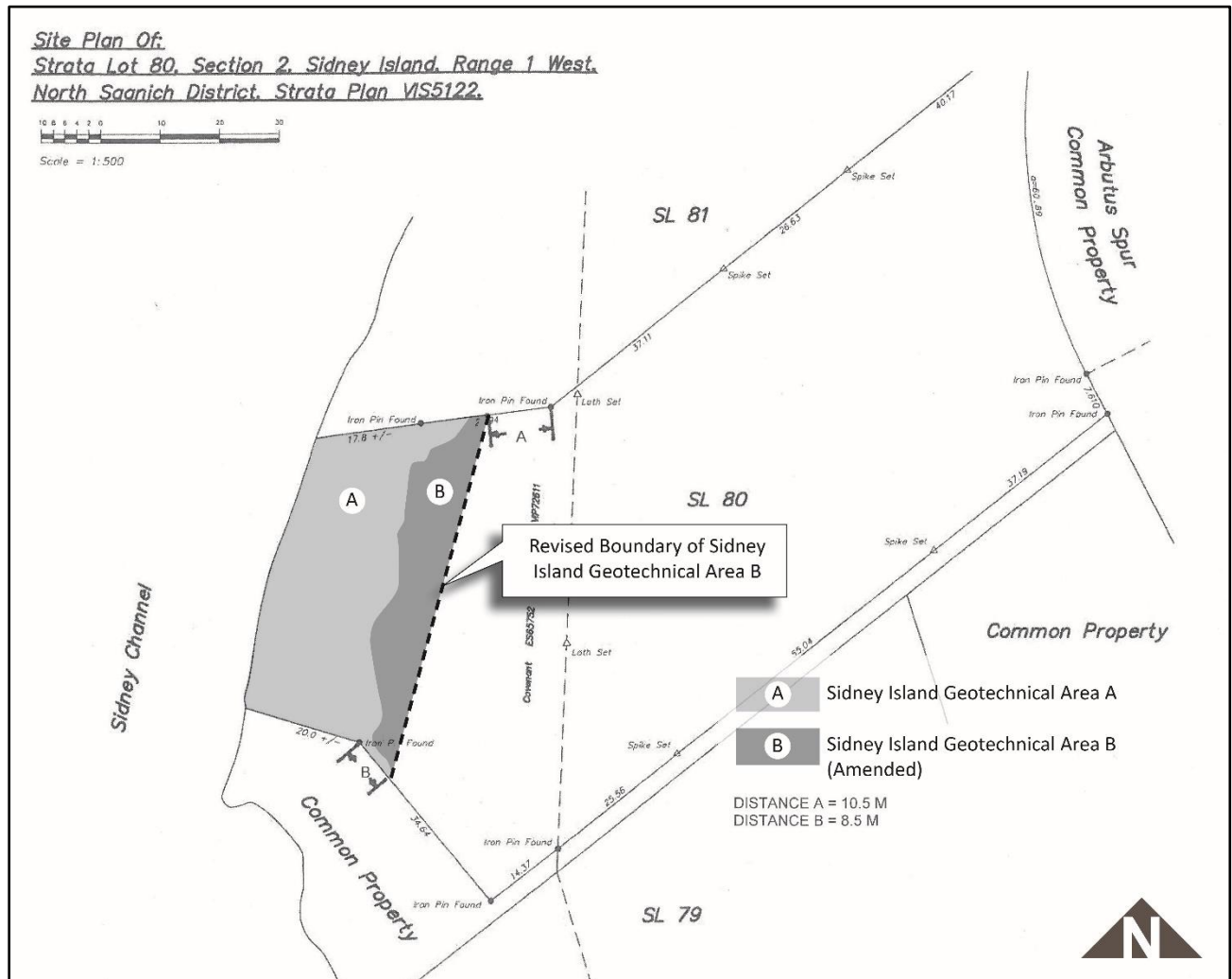
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS  
<sup>rd</sup> DAY OF , 2018.

\_\_\_\_\_  
 Deputy Secretary, Islands Trust

\_\_\_\_\_, 2018  
 Date Issued

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

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.7  
Schedule 'A'  
Revised Development Permit Area Plan**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.7  
Schedule 'B'  
Geological Hazzard Assessment Report**

Brimmell Engineering Ltd  
971 Bank Street  
Victoria, BC  
V8S 4B1  
rbrimmell@shaw.ca

Erin Shaw & Jamie Cassels

May 15/17 updated July 24/18  
File No. 17-12

Re: Lot 80 Sidney Island – Geotechnical Considerations

This letter is further to our site meeting of May 13, 2017. The following documents are appended:

Photos with notes; Site plan with revised building setback indicated; Measured slope profile.

Lot 80 is on the west side of the island, near its southwest corner, and faces Sidney Channel. There is a steep shoreline slope to a height of 15+ m. The subject property features bedrock along the toe-of-slope. Because of the bedrock the slope is fairly stable, unlike properties to the north which are eroding since there isn't bedrock at beach level.

Typical of Sidney Island the stratigraphy consists of glacial till (Vashon Drift) over dense sand (Quadra Sand). These soils can be seen in one of the photos. Seepage wasn't evident due to the vegetation, but probably emerges within the lower half of the slope.

A slope profile was measured near the south end of shoreline frontage, as presented on Dwg 1. For safety reasons the length of the third section (from the top) had to be estimated. Superimposed is a 1.5:1 (hor:vert) line up and east from the top of the bedrock. The proposed setback line indicated on Dwg 2 is based on this 1.5:1 line plus 2.5 m. It is noted that the slope is steeper toward the north end of the lot, yielding a somewhat bigger setback from top-of-slope. The two, most westerly survey pins have been taken as approximately the top-of-slope.

It is recommended that foundations for the proposed home (including those for a deck) be located east of the setback line indicated on Drawing 2. It is anticipated that competent bearing soil will be found at shallow depth. Footings may be designed based on an allowable bearing pressure of 150 kPa. It is recommended that the steep slope be left undisturbed and that water not be allowed to cascade down it, for example from the roof drains.

## Lot 80 Sidney Island Geotech Considerations

In accordance with the foregoing comments and recommendations, and with respect to potential geotechnical hazards\*, the land may be safely used for the intended usage of single family residential. It is confirmed that the requirements for legislated Landslide Assessments (seismic design event of 2% probability in 50 years of exceedance) has been considered when assessing the site.

\*Including flooding, groundwater flows, mudflows, erosion, subsidence, land slip, earthquake & avalanche. The site is not inherently prone to flooding but reasonable care must be taken to grade the area around the building site in a way that prevents water problems. With respect to earthquake the site is not prone to unusual seismic issues such as liquefaction; however shaking in the event of an earthquake could be fairly severe, consistent with all other properties in the Vancouver Island region. Seismic Site Class C is considered applicable for this property.

The following comments refer to the applicable parts of Section 702 of North Pender Associated Islands OCP Bylaw No. 147, 2002 – consolidated May 9, 2013:

(4)

- Development of Lot 80 based on the revised building setback line is consistent with the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities, etc.”
- Development of Lot 80 will protect natural coastal processes
- Lot 80 is protected by an erosion-proof bedrock shoreline and isn’t hazardous to development, as previously discussed in this report.
- The report entitled “Report of Geotechnical Investigation for Sidney Island Residential Subdivision” by Levelton Engineering isn’t accurate for Lot 80 since it’s based on (and specifically references) ongoing shoreline erosion. This is generally an issue for properties on the west side of Sidney Island, but isn’t a problem at Lot 8 as the shoreline is protected by bedrock.
- Shoreline protection, either ‘soft’ or ‘hard’, isn’t needed.

(5)

- Objective 1 – Development on Lot 80 will not exacerbate (or otherwise alter) natural erosion processed
- Objective 2 – Lot 80 isn’t susceptible to erosion provided concentrated flows of stormwater runoff (or other types of flow) aren’t allowed to cascade down the steep slope.
- Objective 3 – Development of Lot 80 will preserve the integrity of coastal processes and reduce the cumulative impacts to the coastal shoreline

(7)

The exemption guidelines are considered to be applicable to development on Lot 80.

(8)

Guideline 1 - Development of Lot 80 east of the setback line (as described in this report) will meet the objective of Guideline 1.

Guideline 2 - This report forms a geological hazard assessment by a qualified professional licensed in the Province of BC with experience in geotechnical engineering and states that the proposed development will not result in slope instability or other geological failure hazard with a probability of in excess of 2% in 50 years. Development must be in compliance with measures and the building setback described in this report.

Guideline 3 - Any area proposed to be cleared and disturbed for development should be minimized. Existing trees should be left intact within Area A although selective limbing/trimming is permitted as per Subsection (7).

Guideline 4 - As per the bylaw, on-site drainage should be directed away from the shoreline and the steep slope.

Guideline 5 - As per the bylaw, earthwork must be conducted in such a manner as to limit direct runoff into the sea and prevent the release of sediment towards the shore.

Guideline 6 - Structures for bank stabilization aren't proposed.

Guideline 7 - Bank stabilization measures aren't proposed

Guideline 8 - This item isn't applicable to Lot 80.

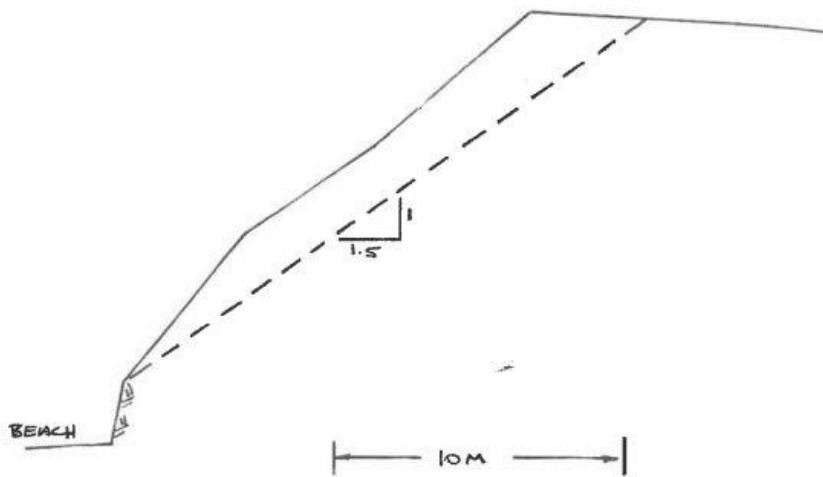
I trust that this information meets your present requirements. Please do not hesitate to contact the writer if there are questions.

Yours truly



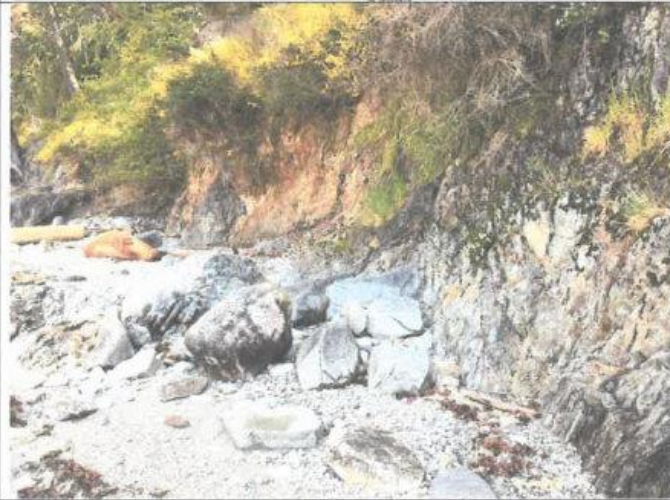
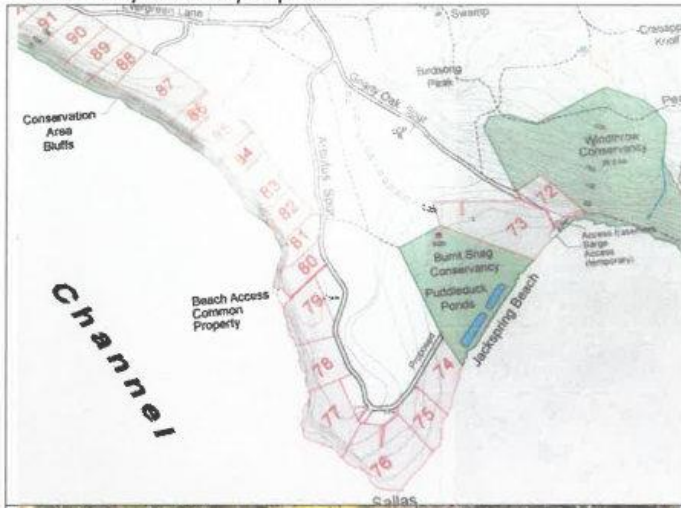
Richard Brimmell, P.Eng.  
for Brimmell Engineering Ltd.





|                                                 |                     |                              |
|-------------------------------------------------|---------------------|------------------------------|
| Project: Proposed Home<br>Lot 80, Sidney Island | DRAWING 1<br>May/17 | Name: Measured Slope Profile |
| Clients: Erin Shaw & Jamie Cassels              | Job No. 17-12       | Brimmell Engineering Ltd.    |

Lot 80 Sidney Island May 13 photos



Bedrock exposed along the shore, looking north

Lot 80 Sidney Island May 13 photos



The proposed house site, looking north

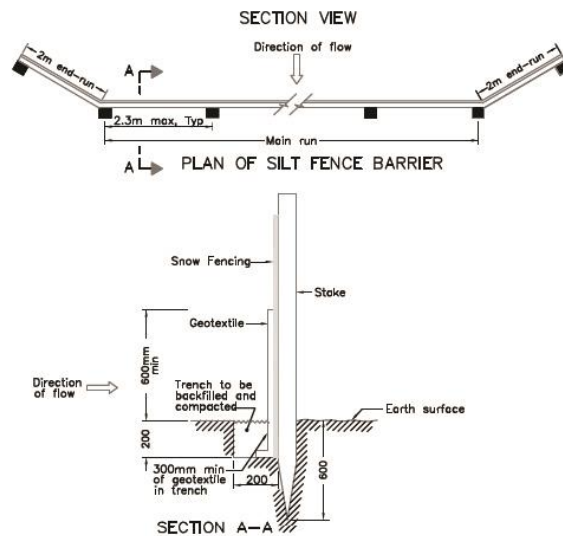


A soil scarp near top-of-slope on Lot 81, showing till (darker) over sand. The blue line is along the division between the soil types.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT 2018.7  
Schedule 'C'  
Erosion and Sedimentation Control Measures**

**EROSION AND SEDIMENTATION**

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



**NOTE:**

All dimensions are in millimetres or metres unless otherwise shown.

**SILT FENCE WITH SNOW FENCE DETAIL**

NTS



# STAFF REPORT

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File No.: NPI LTC 6500-20

Waste Management

DATE OF MEETING: October 25, 2018

TO: North Pender Island Local Trust Committee

FROM: Justine Starke, Island Planner

SUBJECT: **Letter to Agricultural Land Commission – Bylaws 214/215**

---

## RECOMMENDATIONS

1. THAT the North Pender Island Local Trust Committee authorize the Chair to sign the attached letter to the Agricultural Land Commission dated October 25, 2018.

## BACKGROUND

The LTC held a Community Information Meeting on September 6, 2018 in the lead up to the scheduled Public Hearing for these bylaws. Over 200 members of the public were in attendance; the vast majority of meeting attendees were voicing strong concerns about the removal of 4606 Razor Point Road from the proposals for waste transfer uses. The North Pender Island Local Trust Committee proceeded to cancel the scheduled public hearing and passed the following resolution:

### NP-2018-074

**It was MOVED and SECONDED,** THAT the North Pender Island Local Trust Committee send a letter to the Agricultural Land Commission asking for reconsideration of their motion for farm use.

**CARRIED**

### NP-2018-075

**It was MOVED and SECONDED,** THAT the North Pender Island Local Trust Committee advance the Hamilton Road property application for consideration under Bylaws 214 and 215.

**CARRIED**

The attached letter requests the Agricultural Land Commission renew permission for non-farm use to allow limited waste transfer within the ALR at 4606 Razor Point Road on North Pender Island (in response to ALC application 53097, the non-farm use was given conditional approval by Resolution #413/2013).

## Rationale for Recommendation

---

The North Pender Island Local Trust Committee (LTC) is currently at the end of its four year term, which had a significant focus on land use planning for waste transfer on North Pender Island. As a result of community input at the community information meeting, the LTC cancelled the public hearing that was scheduled and requested a letter be sent to the ALC. The letter is attached for consideration.

### Alternatives

- 1. Amend the letter.**
- 2. Proceed no further with the letter.**

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Justine Starke, Island Planner           | October 15, 2018 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | October 16, 2018 |

## ATTACHMENTS

Appendix 1: Letter to Agricultural Land Commission dated October 25, 2018



**North Pender Island Local Trust Committee**

Islands Trust  
200-1627 Fort St.  
Victoria BC V8R 1H8  
In Victoria 250-405-5151  
Enquiry BC Toll-free call 1-800-663-7867  
or from the lower mainland 604-660-2421  
Web: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

September 19, 2018

Agricultural Land Commission  
4940 Canada Way,  
Burnaby, BC V5G 4K6

Attention: Liz Sarioglu, Manager Land Use Planning

**Condition Review – ALC Resolution #386/2016 (x-ref ALC File: 53097)**

This letter is to request the Executive Committee of the Agricultural Land Commission renew permission for non-farm use to allow limited waste transfer within the ALR at 4606 Razor Point Road on North Pender Island (in response to ALC application 53097, the non-farm use was given conditional approval by Resolution #413/2013).

The North Pender Island Local Trust Committee (LTC) is currently at the end of its four year term, which had a significant focus on land use planning for waste transfer on North Pender Island. At this time, the LTC has decided not to proceed with the resulting bylaws (Bylaws 214/215), and has cancelled the public hearing that was scheduled. At a community information meeting held on September 6, 2018, the great majority of the community in attendance called for the bylaws to include the Burdett property at 4606 Razor Point Road, which is in the ALR and has been the subject of the above noted applications.

**Background:**

In 2015, the Agricultural Land Commission received 6 requests to reconsider ALC decision 53097. Upon review of the decision, the Executive Committee made the following decisions:

- It refused the reconsideration request to reverse Resolution #413/2013.
- It stated that should the Study not identify the Property as the selected site for a waste transfer facility, that the approval expire immediately.

The “study” referred to the community process that was underway to consider appropriate locations for waste transfer on North Pender Island. The community process resulted in proposed bylaws 214/215 which identified five properties as appropriate for a range of different types of waste transfer uses.

The property at 4606 Razor Point Road was one of two properties identified for “limited waste transfer.” Bylaws 214 and 215 were eventually drafted and given readings by the North Pender Island Local Trust Committee (the LTC). The Executive Committee received this information by way of a staff report and appendices on July 27, 2017.

On October 11, 2017, Islands Trust received correspondence with information that the Executive Committee of the ALC decided, “the submission was not conclusive that the Property was selected as the location for the waste transfer facility; therefore, the non-farm use approval had expired.”

The North Pender Island Local Trust Committee subsequently amended Bylaws 214 and 215 to remove 4606 Razor Pt. Road from the proposal to rezone for limited waste transfer uses.

The LTC held a Community Information Meeting on September 6, 2018 in the lead up to the scheduled Public Hearing for these bylaws. Over 200 members of the public were in attendance; the vast majority of meeting attendees were voicing strong concerns about the removal of 4606 Razor Point Road from the proposals for waste transfer uses. The North Pender Island Local Trust Committee proceeded to cancel the scheduled public hearing and passed the following resolution:

**NP-2018-074**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee send a letter to the Agricultural Land Commission asking for reconsideration of their motion for farm use. **CARRIED**

The North Pender Island Local Trust Committee would like to permit waste transfer uses on the subject property, pending another response from the ALC on this matter.

We request the ALC Executive Committee respond in a timely fashion to this request.

Sincerely,

George Grams  
Chair, North Pender Island Local Trust Committee

cc:

*Preserving **Island** communities, culture and environment*

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

File No.: 6500-20  
(LTC Cannabis Regulation)

DATE OF MEETING: October 25, 2018  
TO: North Pender Island Local Trust Committee  
  
FROM: Robert Kojima, Regional Planning Manager  
Southern Team  
  
SUBJECT: Bylaw to Amend Fees Bylaw for Cannabis Retail Sales License Applications

## RECOMMENDATION

1. That North Pender Island Local Trust Committee Bylaw No. 219, cited as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018”, be read a first time.
2. That North Pender Island Local Trust Committee Bylaw No. 219, cited as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018”, be read a second time.
3. That North Pender Island Local Trust Committee Bylaw No. 219, cited as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018”, be read a third time.
4. That North Pender Island Local Trust Committee Bylaw No. 219, cited as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

## REPORT SUMMARY

This report provides a draft bylaw that would amend the LTC fees bylaw to establish a separate fee for Retail Cannabis sale application referrals.

## BACKGROUND

At the last meeting, the LTC adopted a standing policy regarding processing notices of retail cannabis applications that may be received from the Liquor & Cannabis Regulation Branch and requested staff to bring back an amendment with a fee of \$4000.

The attached bylaw would amend the fees bylaw to include a new fee for cannabis retail applications, also update the agency name for liquor referrals, as well as correct numbering in the subsequent section of the bylaw.

As an administrative bylaw, a public hearing is not part of the legislative process for such a bylaw, the LTC can give the bylaw three readings at a single meeting and refer it to Executive Committee for approval. Following EC approval the bylaw would be considered for adoption by the LTC.

**RATIONALE FOR RECOMMENDATION**

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

**ALTERNATIVES**

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

**1. Do not amend the fees bylaw**

The fee for any referrals would remain at the current amount for liquor referrals.

**2. Request further information**

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Robert Kojima, Regional Planning Manager | October 17, 2018 |
|---------------|------------------------------------------|------------------|

# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 219

### A BYLAW TO AMEND THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE FEES BYLAW NO 173, 2007

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the North Pender Island Local Trust Committee, being the trust committee having jurisdiction in respect of the North Pender Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Citation:

This bylaw may be cited for all purposes as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018”.

2. North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007 is amended as shown on Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS DAY OF , 2018

READ A SECOND TIME THIS DAY OF , 2018

READ A THIRD TIME THIS DAY OF , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

# DRAFT

## North Pender Island Local Trust Committee

### Bylaw No. 219

#### Schedule 1

1. Part 3, **Application Fees**, Section 3.1, **TABLE 4 – Other Applications**, is amended by deleting row 3 and replacing it with the following new rows:

|    |                                                                                        |         |
|----|----------------------------------------------------------------------------------------|---------|
| 3. | Liquor & Cannabis Regulation Branch – Liquor Licensing Applications                    | \$825   |
| 4. | Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications | \$4,000 |

2. Part 3, **Application Fees**, Sections 3.3 through 3.6 are renumbered as Sections 3.2 through 3.5.



## Top Priorities

### North Pender Island

| No. | Description                            | Activity                                                                                                                                                                                                                                                                                                                                    | R/Initiated | Responsibility | Target Date |
|-----|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------|-------------|
| 1   | Land Use Planning for Waste Management | Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.                                                                                                                                                                            |             | Justine Starke |             |
| 2   | Housing                                | This is a broad scope project focused on housing; the first priority was consideration of vacation rentals in residential zones (COMPLETED); the LTC then conducted a process to consider permitting secondary suites on North Pender. Bylaws 216 and 217 are currently awaiting approval by the Minister of Municipal Affairs and Housing. | 03-Feb-2015 | Justine Starke |             |
| 3   | First Nations Interests                | LTC to consider First Nations issues and interests affecting North Pender.                                                                                                                                                                                                                                                                  | 24-Nov-2016 |                |             |

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

| Description                                                                                                                                                                                                                                                                                                                                            | Activity                                                                                                                              | R/Initiated |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Potable Water                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                       | 29-Oct-2015 |
| Cannabis retail referral fees                                                                                                                                                                                                                                                                                                                          | Amend fees bylaw to add \$4000 fee for cannabis retail referral                                                                       | 06-Sep-2018 |
| 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:<br>1. View corridor review<br>2. Parks and Conservation area review<br>3. Pedestrian and Cycle paths - DONE<br>4. Groundwater protection strategy<br>5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)<br>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                                                       | <ul style="list-style-type: none"> <li>·review of industrial zoning, including waste management</li> <li>·tourist commercial zoning review</li> <li>·home industry regulation</li> <li>·review of commercial (C1) zoning</li> <li>·incorporate TUP's into zoning</li> <li>·landscape screening review</li> <li>·review of marine zoning regulations in conjunction with overall shoreline development review</li> <li>·amendments to permit renewable energy</li> <li>·review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction</li> <li>·height exemptions for agricultural or forestry buildings</li> <li>·max floor area for principal dwellings</li> </ul> | 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 | <ul style="list-style-type: none"> <li>·NZEV designation</li> <li>·Level 2 Charging Stations</li> <li>·Additional Car Stop Locations</li> <li>·Additional Bicycling-Walking Routes</li> <li>·Heritage Roads</li> <li>·Road standards in subdivision servicing regulations</li> <li>·Related policy and regulatory options</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                     | 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-2017.3                                                                                                                                                                                   | Datawave Communications Inc.<br>(Driessen)<br><b>Planner:</b> Phil Testemale | 18-Aug-2017   | Single Family Dwelling                             |
| <b>Planning Status</b>                                                                                                                                                                         |                                                                              |               |                                                    |
| <b>Status Date:</b> 15-Nov-2017<br>Applicant obtaining geotechnical assessment report                                                                                                          |                                                                              |               |                                                    |
| <b>Status Date:</b> 17-Oct-2017<br>Request for further information (geotechnical assessment) sent to applicant                                                                                 |                                                                              |               |                                                    |
| <b>Status Date:</b> 13-Sep-2017<br>Waiting for survey information to process file                                                                                                              |                                                                              |               |                                                    |
| File Number                                                                                                                                                                                    | Applicant Name                                                               | Date Received | Purpose                                            |
| NP-DP-2018.3                                                                                                                                                                                   | Christine Collinson<br><b>Planner:</b> Phil Testemale                        | 08-May-2018   | Remedy completed work, if determined, in DPA area. |
| <b>Planning Status</b>                                                                                                                                                                         |                                                                              |               |                                                    |
| <b>Status Date:</b> 10-Aug-2018<br>Enquiry from potential buyer - property is listed for sale.                                                                                                 |                                                                              |               |                                                    |
| <b>Status Date:</b> 13-Jun-2018<br>Applicant advised that Trust will require a Biologist report in form of letter with recommendation as permit condition. Awaiting report as of June 13, 2018 |                                                                              |               |                                                    |
| <b>Status Date:</b> 30-May-2018<br>Ian planner review and discuss with Phil/Robert re: requirements/conditions                                                                                 |                                                                              |               |                                                    |
| File Number                                                                                                                                                                                    | Applicant Name                                                               | Date Received | Purpose                                            |
| NP-DP-2018.4                                                                                                                                                                                   | DRORA ARONOWICZ<br><b>Planner:</b> Phil Testemale                            | 10-May-2018   | impact of lampposts on eagles nest in driveway     |
| <b>Planning Status</b>                                                                                                                                                                         |                                                                              |               |                                                    |

## Applications

### Status Date:

| File Number  | Applicant Name                     | Date Received | Purpose                                                                                |
|--------------|------------------------------------|---------------|----------------------------------------------------------------------------------------|
| NP-DP-2018.5 | PICSS c/o HARDAL<br>MANAGEMENT INC | 23-May-2018   | Construct new building for store operated by Pender Island Community Services Society. |

**Planner:** Phil Testemale

### **Planning Status**

**Status Date:** 06-Jun-2018

Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.

**Status Date:** 04-Jun-2018

Received from Applicant cheque for application fee by post mail.

**Status Date:** 30-May-2018

Emailed Applicant with instructions on electronic funds transfer to pay application fee, cc Finance Officer.

| File Number  | Applicant Name                        | Date Received | Purpose                               |
|--------------|---------------------------------------|---------------|---------------------------------------|
| NP-DP-2018.6 | PORT BROWNING<br>MARINA RESORT<br>LTD | 11-Sep-2018   | form and character development permit |

**Planner:** Phil Testemale

### **Planning Status**

**Status Date:** 15-Oct-2018

Draft DP finalized with applicant and on October 25, 2018 agenda for consideration.

**Status Date:** 12-Sep-2018

application received, processed, payment received handed to planner

| File Number  | Applicant Name             | Date Received | Purpose                          |
|--------------|----------------------------|---------------|----------------------------------|
| NP-DP-2018.7 | JAMIE CASSELS<br>ERIN SHAW | 13-Sep-2018   | Sidney Island - geotechnical DPA |

**Planner:** Phil Testemale

### **Planning Status**

## Applications

**Status Date:** 15-Oct-2018

Application Complete. Geotechnical report submitted. On October 25, 2018 LTC agenda for consideration of issuance.

**Status Date:** 14-Sep-2018

created application, processing fee, copied LTC and forwarded to planner

| File Number            | Applicant Name                                                                  | Date Received | Purpose                                                                                 |
|------------------------|---------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------|
| NP-DP-2018.8           | EDWARD L<br>MONTAGUE<br>DEBORAH K<br>MONTAGUE<br><b>Planner:</b> Phil Testemale | 17-Sep-2018   | DPA was requested, new planting in area where trees were removed, replace two old sheds |
| <b>Planning Status</b> |                                                                                 |               |                                                                                         |

**Status Date:** 19-Sep-2018

created application, processing fee received, copied to LTC, and forwarded to planner

## Development Variance Permit

| File Number            | Applicant Name                                     | Date Received | Purpose                                                                                      |
|------------------------|----------------------------------------------------|---------------|----------------------------------------------------------------------------------------------|
| NP-DVP-2017.3          | BRAD JOHNSON<br><br><b>Planner:</b> Phil Testemale | 13-Jun-2017   | Variance required for access stairs to lower main deck of existing pathway, stairs and dock. |
| <b>Planning Status</b> |                                                    |               |                                                                                              |

**Status Date:** 10-Aug-2018

Owner meeting with Biologist next week. Will update on next steps

**Status Date:** 10-May-2018

Sent e-mail to owner requesting update.

**Status Date:** 22-Feb-2018

Site meeting with owner scheduled for March 5, 2018

## Rezoning

| File Number | Applicant Name | Date Received | Purpose |
|-------------|----------------|---------------|---------|
|-------------|----------------|---------------|---------|



## Applications

NP-RZ-2016.4      PENDER ISLAND      27-Oct-2016      4605 BEDWELL HARBOUR RD - OCP AND LUB Amendment from Rural to  
COMMUNITY  
SERVICE SOCIETY  
PICSS  
**Planner:** Phil Testemale

### Planning Status

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**Status Date:** 25-May-2018

Approved by EC - May 18, 2018

**Status Date:** 25-May-2018

Referral to Minister for Bylaw 211 in process.

**Status Date:** 23-Nov-2017

Bylaws receive further reading, forwarded to EC and Minister

| File Number  | Applicant Name                                                                                      | Date Received | Purpose                                       |
|--------------|-----------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------|
| NP-RZ-2018.2 | GRL Holdings - Shaw<br>Communications c/o<br>Westbrook Consulting<br><b>Planner:</b> Phil Testemale | 28-Jun-2018   | Move from TUP to permanent use with rezoning. |

### Planning Status

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**Status Date:** 21-Aug-2018

Payment Rec'd, Issued receipt, notified LTC, corporate docs received.

**Status Date:** 28-Jun-2018

Opened file, requested fee and company docs from applicant.

| File Number  | Applicant Name                                                                                  | Date Received | Purpose                                                                                                                                                                                 |
|--------------|-------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NP-RZ-2018.3 | TIM HALL PENDER<br>ISLAND PARKS &<br>RECREATION<br>COMMISSION<br><b>Planner:</b> Phil Testemale | 05-Jul-2018   | Danny Martin Park, 4710 Buccaneers Road - NPI OCP & LUB bylaws change from 'Community Service' to 'Community Park'; site will be used as a bowling green and continue as community park |

### Planning Status

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## Applications

**Status Date:** 15-Oct-2018

Spoke with J. Chapman. Remove from Oct 25 agenda pending DA information on RAR creek. Likely to proceed with TUP for Disc Park structure as funding is in place.

**Status Date:** 11-Sep-2018

DAI Letter sent to applicants and cc'd to CRD Real Estate.

**Status Date:** 05-Sep-2018

Applicants confirmed that the application proceeding (prior notification that it may be withdrawn). Lawn Bowling and Disc Park Shelter only.

### Subdivision

| File Number            | Applicant Name                                                       | Date Received | Purpose                                                   |
|------------------------|----------------------------------------------------------------------|---------------|-----------------------------------------------------------|
| NP-SUB-2012.4          | Edgewood Estates c/o<br>Graham Ross<br><b>Planner:</b> Kim Stockdill | 29-Nov-2012   | 2218 CLAM BAY RD<br>To create 11 lots including remainder |
| <b>Planning Status</b> |                                                                      |               |                                                           |
|                        | <b>Status Date:</b> 29-Aug-2018                                      |               |                                                           |
|                        | Updated PLA received from MOTI                                       |               |                                                           |
|                        | <b>Status Date:</b> 11-May-2018                                      |               |                                                           |
|                        | Updated driveway access plan received.                               |               |                                                           |
|                        | <b>Status Date:</b> 09-Jan-2018                                      |               |                                                           |
|                        | Awaiting information on driveway status                              |               |                                                           |
| File Number            | Applicant Name                                                       | Date Received | Purpose                                                   |
| NP-SUB-2016.2          | PORT BROWNING<br>MARINA RESORT<br><b>Planner:</b> Phil Testemale     | 06-Jun-2016   | 4605 and 4602 OAK Rd<br>Boundary adjustment               |
| <b>Planning Status</b> |                                                                      |               |                                                           |
|                        | <b>Status Date:</b> 09-Jan-2018                                      |               |                                                           |
|                        | Awaiting Ministerial signature                                       |               |                                                           |

## Applications

**Status Date:** 19-Jul-2017

Bylaws approved by EC

**Status Date:** 19-Jul-2017

Bylaws approved by EC. 207 to Minister for Approval.

| File Number   | Applicant Name                                                              | Date Received | Purpose                                                                 |
|---------------|-----------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------|
| NP-SUB-2017.1 | DAVID G<br>RICHARDSON EDNA<br>M HEMSWORTH<br><b>Planner:</b> Phil Testemale | 16-Mar-2017   | 3210 ARMADALE RD - proposed subdivision to create 2 residential parcels |

### Planning Status

**Status Date:** 25-Sep-2018

PLA extension approved. Waiting for Hydrogeologist report for proof of water.

**Status Date:** 14-Feb-2018

DVP approved (January 30, 2018). 10 percent waiver on February 22, 2018 agenda. Proof of potable water, septic and drainage required.

**Status Date:** 09-Jan-2018

PLA received. DVP on Jan 25, 2018 LTC for consideration.

| File Number   | Applicant Name                               | Date Received | Purpose                    |
|---------------|----------------------------------------------|---------------|----------------------------|
| NP-SUB-2017.3 | Jim Petrie<br><b>Planner:</b> Phil Testemale | 19-Dec-2017   | proposed 2 lot subdivision |

### Planning Status

**Status Date:** 02-Feb-2018

Referral response sent to MoTI.

**Status Date:** 16-Jan-2018

fees received, LTC notified, file passed to planner.

**Status Date:** 22-Dec-2017

file received from MoTI, fee request sent to applicant.

| File Number | Applicant Name | Date Received | Purpose |
|-------------|----------------|---------------|---------|
|-------------|----------------|---------------|---------|

**Applications**

NP-SUB-2018.1 JT COLLISON - 15-Jun-2018 Proposed 2-lot conventional subdivision of 6620 and 6618A Harbour Hill Road  
 McELHANNEY  
 CONSULTING  
 SERVICES  
**Planner:** Phil Testemale

**Planning Status**

**Status Date:** 12-Sep-2018

NP-DVP-2018.3 approved for issuance by LTC on Sept. 6/18. Notified MoTI of DVP and only requirement is submission of Final Plan.

**Status Date:** 01-Aug-2018

xref: NP-BP-2018.27 & NP-DVP-2018.3

**Status Date:** 31-Jul-2018

Referral report sent to MoTI. Requires a DVP (application received) for depth to width

**Temporary and Industrial Use Permit**

| File Number   | Applicant Name | Date Received | Purpose                                                             |
|---------------|----------------|---------------|---------------------------------------------------------------------|
| NP-TUP-2018.5 | AARON GRIMMER  | 26-Jul-2018   | aggregate storage, concrete batch plant, trucks and equipment, etc. |

**Planner:** Justine Starke

**Planning Status**

**Status Date:** 07-Aug-2018

file assigned to planner

**Status Date:** 01-Aug-2018

fees received, notified LTC, gave to RPM for planner assignment

**Status Date:** 26-Jul-2018

Received application forwarded by Planner from Applicant; created electronic and hard files, gave folder to Lori.

| File Number   | Applicant Name                    | Date Received | Purpose       |
|---------------|-----------------------------------|---------------|---------------|
| NP-TUP-2018.6 | DARRYL G<br>PERSELLO SUMAN<br>LEE | 16-Aug-2018   | TUP for STVR. |

## Applications

**Planner:** Phil Testemale

### Planning Status

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**Status Date:** 11-Sep-2018

TUP and Notice drafted. Oct. 25 LTC agenda

**Status Date:** 20-Aug-2018

Open File. Processed Cheque, gave to planner, notified LTC.

| File Number   | Applicant Name       | Date Received | Purpose                             |
|---------------|----------------------|---------------|-------------------------------------|
| NP-TUP-2018.7 | Baoxian Li, Yuhao Li | 31-Aug-2018   | use property as a short term rental |

**Planner:** Phil Testemale

### Planning Status

---

**Status Date:** 18-Sep-2018

E-mail to applicants requesting Checklist be completed.

**Status Date:** 06-Sep-2018

created application, processing fee, copied LTC and forwarded to the planner

***Islands Trust***  
LTC EXP SUMMARY REPORT F2019  
Invoices posted to Month ending July 2018

| 650 North Pender               | Invoices posted to Month ending July 2018 | <u>Budget</u>    | <u>Spent</u>    | <u>Balance</u>   |
|--------------------------------|-------------------------------------------|------------------|-----------------|------------------|
| 65000-650                      | LTC "Trustee Expenses"                    | 1,500.00         | 0.00            | 1,500.00         |
| <b>LTC Local</b>               |                                           |                  |                 |                  |
| 65200-650                      | LTC - Local Exp - LTC Meeting Expenses    | 4,000.00         | 806.84          | 3,193.16         |
| 65210-650                      | LTC - Local Exp - APC Meeting Expenses    | 600.00           | 45.00           | 555.00           |
| 65220-650                      | LTC - Local Exp - Communications          | 250.00           | 0.00            | 250.00           |
| 65230-650                      | LTC - Local Exp - Special Projects        | 500.00           | 0.00            | 500.00           |
| <b>TOTAL LTC Local Expense</b> |                                           | <u>5,350.00</u>  | <u>851.84</u>   | <u>4,498.16</u>  |
| <b>Projects</b>                |                                           |                  |                 |                  |
| 73001-650-4054                 | North Pender Waste Management Review      | 16,000.00        | 4,709.14        | 11,290.86        |
| 73001-650-4055                 | North Pender Housing Review               | 2,000.00         | 1,144.90        | 855.10           |
| <b>TOTAL Project Expenses</b>  |                                           | <u>18,000.00</u> | <u>5,854.04</u> | <u>12,145.96</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. | 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. |
| 4. | 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.                                                                                                                                                                                                                                                                                                                             |
| 5. | 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.                                                     |



## **Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality September 2018**

### **Islands Trust Conservancy Staff Changes**

Kate Emmings stepped into the role of acting Manager for the Islands Trust Conservancy, filling in for Jennifer Eliason, who is on a temporary assignment with BC Parks until the end of March 2019. Nuala Murphy stepped into the role of acting Ecosystem Protection Specialist, backfilling for Kate Emmings until the end of February 2019. The role of Property Management Specialist is currently vacant and will hopefully be filled by the end of the year. ITC administrative assistant Corlynn Strachan took a temporary assignment with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; filling in for her until April 2019 is Alexandra Trifonidis.

### **New Islands Trust Conservancy Board Member**

The Islands Trust Conservancy (ITC) board is thrilled to welcome Linda Adams, former Islands Trust Chief Administrative Officer, as a newly appointed board member. Appointed members are selected by the Crown Agency and Board Resourcing Office.

### **2018-2019 Budget Request**

The ITC board considered a business case for ITC staffing and recommended to the Islands Trust Council that the 2019-2020 budget include funding for one new auxiliary Covenant Monitoring and Outreach Specialist position and that financial planning for the 2020-2021 budget include a vision for a new fundraising position.

### **Approval of Lasqueti Islands Nature Conservancy (LINC) Opportunity Fund Grant**

The ITC board awarded a \$4,500 Opportunity Fund grant to LINC for a matching fundraising campaign for the purchase of Salish View on Lasqueti Island. The campaign is set to close in December and approximately \$90,000 is required to complete the protection of 11.61 ha of Coastal Douglas-fir forest.

### **Regional Conservation Plan Reporting**

The ITC board discussed ways to communicate the Regional Conservation Plan to local trust committees, Executive Committee and the Trust Council after the October 2018 election.

### **New Name: Islands Trust Conservancy**

ITC staff provided a verbal update about the Islands Trust Conservancy name change. The new website is active at [www.islandstrustconservancy.ca](http://www.islandstrustconservancy.ca) and staff are updating print publications.

## **Summary of Current Island-by-Island Activities**

The ITC board reviewed information and approved the annual covenant and nature reserve monitoring reports.

### **Denman**

Staff finalized the revised management plan for Morrison Marsh Nature Reserve. Invasive species removal and trail clearing, sign installation, and tree caging for forest restoration continue at three ITC nature reserves on Denman.

### **Lasqueti**

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The ITC board granted LINC a \$4,500 Opportunity Fund grant for a matching fundraising campaign.

### **Link Island (Gabriola Island Local Trust Area)**

The ITC board authorized the Chair to sign a NAPTEP covenant with the landowner and the Nanaimo & Area Land Trust Society for the creation of a new NAPTEP covenant. The 19.3 ha covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

### **North Pender Island**

The ITC board approved a request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles.

### **South Pender Island**

The ITC board approved a request from Pender Islands Parks and Recreation Commission to grant a covenant waiver to create new trail sections and close other trail sections to reduce overall trail length. The waiver also permits maintenance of a waterfall viewing platform.

### **Thetis**

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area and a public open house will be held on Thetis Island October 13, 2018.

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

Tony Law, Chair [tlaw@islandstrust.bc.ca](mailto:tlaw@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)