

North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: May 6, 2016
Time: 1:00 pm
Location: Pender Island Community Hall
 4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	1:00 PM - 1:30 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	1:30 PM - 1:40 PM
6.1 Local Trust Committee Minutes Dated March 31, 2016 (for Adoption)	4 - 12
6.2 Section 26 Resolutions-without-meeting Report Dated April 2016	13 - 13
6.3 Advisory Planning Commission Draft Minutes Dated February 2 & 18, 2016 (for Receipt)	14 - 19
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated April 2016	20 - 20
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
9.1 Email from S Steil re Port Browning Marina - Water Zone Expansion	21 - 22
Marine Ecology	
9.2 March 23, 2016 Letter from E. Brownlee re Eelgrass Concerns at Port Browning	23 - 23

10.	APPLICATIONS AND REFERRALS	1:40 PM - 2:00 PM	
10.1	NP-RZ-2016.1 (Mainroad) - Staff Report		24 - 41
10.2	NP-DP-2016.3 (Hoshowski) - Staff Report		42 - 60
10.3	Salt Spring Island Local Trust Committee Bylaw No. 491 Referral (for Response)		61 - 63
10.4	Salt Spring Island Local Trust Committee Bylaw No. 492 Referral (for Response)		64 - 65
10.5	Salt Spring Island Local Trust Committee Bylaw No. 493 Referral (for Response)		66 - 67
11.	LOCAL TRUST COMMITTEE PROJECTS	2:00 PM - 2:30 PM	
11.1	Housing: Short Term Vacation Rentals (STVR) - Staff Report		68 - 76
11.2	Waste Management - Staff Memo		77 - 78
12.	REPORTS	2:30 PM - 2:40 PM	
12.1	Work Program Report (attached)		
12.1.1	<u>Top Priorities Report Dated April 2016</u>		79 - 79
12.1.2	<u>Projects List Report Dated April 2016</u>		80 - 82
12.2	Applications Report Dated April 2016 (attached)		83 - 87
12.3	Trustee and Local Expense Report Dated March 2016 (attached)		88 - 88
12.4	Adopted Policies and Standing Resolutions (attached)		89 - 90
12.5	Local Trust Committee Webpage		
12.6	Chair's Report	2:40 PM - 2:50 PM	
12.7	Trustee Report		
12.8	Trust Fund Board Report		
	none		
13.	NEW BUSINESS	2:50 PM - 3:00 PM	
13.1	2015-2016 Annual Report - North Pender Island Local Trust Committee Section		91 - 93
	Request for Decision attached		
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for May 26, 2016, 9:45 am, at the Pender Island Community Hall		
15.	TOWN HALL	3:00 PM - 3:15 PM	

16. CLOSED MEETING

none

17. ADJOURNMENT

3:15 PM - 3:15 PM



DRAFT

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: March 31, 2016
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present Justine Starke, Island Planner
Shannon Brayford, Recorder

Others Present Thirteen (13) members of the public present

1. CALL TO ORDER

Chair Grams called the meeting to order at 4:00 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and introduced the LTC and staff.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

John Chapman spoke on behalf of Moving Around Pender (MAP) regarding the updated MAP report submitted to the LTC in January of this year. He requested that the LTC share any feedback on the report, advise MAP on whether the LTC can open the 1992 agreement between the Islands Trust and the Ministry of Transportation and Infrastructure (MOTI), and pass a resolution endorsing the report.

The LTC acknowledged the requests, spoke in support of MAP's efforts, and noted that they required assistance from staff in order to move forward.

Planner Starke provided an overview of the information she had received regarding the possibility of reopening the MOTI agreement and presented alternative solutions.

By general consent, it was agreed to add MAP's Request to agenda item 13, New Business.

Dale Henning requested an update on the Waste and Resource Management project.

Planner Starke reported that according to the revised project charter, the next step is to host a public information session that includes participation by the Capital Regional District (CRD). She noted that this will be scheduled for April or May.

Michael Sketch referred to page 13 of the agenda package and remarked that the photo of the Port Browning property show fill that extends beyond the subject parcel's property line, and that the fill was not present in photos provided to the Agricultural Land Commission. He remarked that this could raise concerns regarding soil quality.

Chair Grams thanked Mr. Sketch for his information and noted that there is currently not an application before this LTC for that property. He invited him to bring it back to their attention, if and when there is an application.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1 Local Trust Committee Minutes Dated February 25, 2016 (for Adoption)

Trustee Masselink recommended that the fifth paragraph of Item 3 be revised to reflect that the sheep and horse in discussion belong to his wife and are not his.

By general consent, the Local Trust committee meeting minutes of February 25, 2016 were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

None.

6.3 Advisory Planning Commission Minutes (for Receipt)

None.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated March 2016

For information.

8. DELEGATIONS

8.1 Duane Shaw, Mill Bay Marine Group re: Port Browning Marina Proposed Development

Duane Shaw provided a presentation of the proposed development which included the following points:

- Proposal would replace the existing marina and extend its size, requiring a portion of the site to be rezoned from W1 to W2.
- A Wave and Wind study has been completed and will be used to determine the type of floating breakwater that should be installed.
- The proposed marina will sell fuel.
- The main building will be left in place, but is proposed to undergo a full renovation over several years.
- A 60 seat club house with a full kitchen is proposed.
- Fourteen private units and a nine unit lodge are proposed. This would require acquiring the adjacent Rural zoned property and doing a boundary adjustment subdivision.

Mr. Shaw remarked that they would like to post signs on the property and on their website regarding their proposals and their applications.

Planner Starke responded that the only limit to doing so would be regarding sign size and location. She directed Mr. Shaw to the bylaws governing such signs.

In response to questions from the LTC, Mr. Shaw provided the following information:

- The time frame to complete the project is expected to be 3-5 years.
- An Environmental Impact report has been completed and is currently in draft form. If possible, it will be posted online once complete.
- First Nations consultation is beginning in the upcoming weeks.

Chair Grams acknowledged members of the public who wished to speak.

Dale Henning asked whether the property lines that Michael Sketch had referred to in the Town Hall were accurate. It was noted that the diagrams provided were for illustrative purposes only and were not survey documents.

Jim Petrie asked for information on the following points:

- If the marina would offer sewage pump out services. It was answered that it would and that a holding tank would be used before the contents were taken to Victoria for disposal.
- If the fuel holding tanks would be aboveground. It was answered that the tanks would be aboveground and an overview of the safety and handling procedures was explained.

- If the Sailing Club's house would be allowed to stay on the property. It was answered that this discussion has to be had with the Sailing Club and they had been encouraged to stay.
- If the Mill Bay Marine Group had concerns regarding the neighbouring property's applications to serve as a waste transfer site. It was answered that there were concerns, but that they related more to traffic than the site's proposed use.

9. CORRESPONDENCE

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

None.

10. APPLICATIONS AND REFERRALS

10.1 NP-DP-2016.1 (Daw) - Staff Report

Planner Starke provided an overview of the application and staff report, noting that the staff report recommended approval of the application.

NP-2016-018

It was MOVED and SECONDED,

that Development Permit NP-DP-2016.1 for LOT 2, SECTION 10, PENDER ISLAND, COWICHAN DISTRICT, PLAN 22149 (Daw - 36111 Galleon Way) be approved.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Housing - Short Term Vacation Rentals (STVR) - Staff Report

Planner Starke provided an overview of the Staff Report, noting that the project is on target with the charter's timeline.

Planner Starke noted that members of the public have criticized the data collected from the information sessions and the surveys. She explained the advantages of the qualitative approach and noted that obtaining statistically valid data was beyond the resources available for the project.

Planner Starke provided an overview of the options that could be considered, including the following points:

- The recommended option for changing the Land Use Bylaw to allow STVRs as an accessory use, where there is a second dwelling to ensure an on-going residential use also occurs on the property.

- That a “home business” approach ensures an operator is on site, and regulations can be drafted that are specific to the STVR use, despite the existing home business regulations that may be overly restrictive.
- The use of Temporary Use Permits (TUPs) to permit STVRs on a case-by-case basis where the proposed changes to the land use bylaw would not permit them.

A discussion was held regarding Temporary Use Permits, their cost, and the length of time for which they are held. Planner Starke noted that the process can be streamlined and the LTC can reduce the application fee. The length of time that a TUP is issued for is set by the LTC on a case-by-case basis as part of consideration of permit approval. Chair Grams asked whether TUP guidelines would be proposed as part of the bylaw and Planner Starke said that they would be.

A discussion was held regarding whether to refer the staff report to the Advisory Planning Commission (APC). It was generally agreed that further public and APC input would be facilitated by the creation of a draft bylaw.

Trustee Masselink requested that the draft bylaw include a staff report on the issues that the bylaw might raise based on concerns heard from the public.

NP-2016-019

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to bring forward recommendations to streamline the process and reduce the fees of Temporary Use Permits.

CARRIED

NP-2016-020

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to draft regulations based on the “Summary of Recommendations” in the staff report dated March 22, 2016 and the comments made by the Local Trust Committee during this meeting.

CARRIED

Jim Petrie noted that Magic Lake has small properties and asked if other islands that they are looking to as models are the same. Trustee Masselink said that other islands are not having difficulty with the small properties, but noted that no two islands are the same.

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated March 2016

Trustee Masselink reported that Trust Council had been asked what they are doing regarding Climate Change. He noted that while it may not be part of the LTC's mandate directly, he would like to find ways that they can support the efforts of other organizations, like MAP.

A discussion was held regarding the Top Priorities List and whether to add another project to the list. It was generally agreed to continue the discussion under Item 13.

12.1.2 Projects List Report Dated March 2016

Received for information.

12.2 Applications Report Dated March 2016 (attached)

Received for information.

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

Received for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

No comments.

12.6 Chair's Report

Chair Grams provided a report which included the following points:

- Executive Council's work has focused on Trust Council and the recent budget.
- The Chief Administrative Officer (CAO) Hiring Committee is pleased with the integration process of the new CAO.
- Recently attended a media training event.

12.7 Trustee Report

Trustee Masselink reported that he had attended Trust Council and shared the following points:

- The meeting focused on the passing of a budget.

- Discussions were held regarding the size of the budget and whether Islands Trust is providing enough value for the tax dollars.
- The new CAO was invited to take a critical look at the organization and provide constructive feedback.
- It was acknowledged that the organization struggles to work with other agencies, which is part of their mandate.
- Many trustees share frustration at being limited to land-use issues, but wanting to assist their community in other ways.

Trustee Barber reported that she is looking forward to working with the CRD and moving forward with the Waste Management project.

12.8 Trust Fund Board Report Dated March 2016

Received for information.

13. NEW BUSINESS

13.1 MAP Proposal

A discussion was held regarding the MAP proposal. Within the discussion the following points were generally agreed to:

- Planner Starke would coordinate a meeting between MAP, the CRD, and possibly MOTI.
- Trustee Masselink would act as the LTC liason for MAP and report back to the LTC.
- The project would not be added to the project list at this time, but may be considered in the future.

NP-2016-021

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee ask the Executive Committee to review the existing Ministry of Transportation and Infrastructure Letter Of Agreement with the Islands Trust.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 28, 2016, at the Pender Community Hall

15. TOWN HALL

Jim Petrie commented that regarding Trustee Masselink's remarks on inter-agency work, he commended CRD Director David Howe's facilitation of such collaboration. He also noted that the Waste and Sewer Local Service Committee was working with the CRD to get local contractors involved in upcoming projects.

Marika Kenwell asked that the LTC make their STVR decisions within the context of North Pender, noting that the island's density is not matched by those of Galiano and South Pender. She further asked that the LTC considers the local infrastructure and their capacity, including fire medical, RCMP and water resources.

Marika Kenwell reported that there is a group independently interviewing the key people regarding infrastructure and will provide the report to the LTC in the summer.

Trustee Masselink noted that educating tourists can play a role in preserving resources.

Michael Sketch made the following points:

- MAP is a long-term project and may not need to be placed on the LTC's Top Priority List. He commented that MOTI responds to the Official Community Plan (OCP) and the LTC could focus on MAP's recommended OCP amendments.
- The APC recommendation for top priority was Potable Water and shared his support of this recommendation.
- TUPs are seen as a precursor to rezoning, and if they are used as a regulatory feature for STVRs then they could lead to a case for rezoning. He asked whether a licence-approach could be considered instead.

John Chapman remarked that using TUPs for STVRs could consume LTC time and suggested a streamlined approach to avoid this.

16. CLOSED MEETING (Distributed Under Separate Cover)

At 5:58 pm Chair Grams thanked the public for attending the meeting and noted that they would be closing the meeting by resolution.

16.1 Motion to Close Meeting

NP-2016-022

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division e, s. 90(1) (d)(f) for the purpose of considering:
Adoption of In-Camera Meeting Minutes Dated February 25, 2016;
Bylaw Enforcement.

and

that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Grams recalled the public meeting to order at 6:09 pm, noting that there was no content for a Rise and Report.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 6:10 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2016-02	In Favour	THAT the North Pender Island LTC regularly scheduled meeting for April 28, 2016, be rescheduled to Friday, May 6, 2016.	21-Apr-2016



ADOPTED



**Pender Island
Advisory Planning Commission
Minutes of a Meeting**

Date: Tuesday, February 2, 2016 (12:00 p.m.)

Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island,
BC

Members Present: Michael Symons (Chair)
Barbara Johnstone Grimmer
Julie Roper
Sharon Card
Ron Underhill

Staff Present: Shannon Brayford, Recorder

Regrets: Benjamin McConchie
Garnet Coburn
Dorothy Murdoch
Justine Starke, Island Planner

Others Present: None



1. CALL TO ORDER

At 12:00 Chair Symons welcomed everyone and called the meeting to order.

2. APPROVE AGENDA

The following additional agenda item was presented for consideration:

- Item 5 North Pender Local Trust Committee Referral

NP-APC-2016-005

It was **MOVED** by Member Roper and **SECONDED** by Member Underhill **THAT** the Advisory Planning Commission approve the proposed agenda as amended.

CARRIED

3. MINUTES OF TUESDAY, JANUARY 12, 2016 FOR ADOPTION

The following amendments were proposed and discussed:

- Revise Item 4 to read "Members Underhill and Coburn noted that they were not members of the APC at the time of this meeting and would abstain from the vote."

- Revise motions NP-APC-2016-001, 002, and 004 to reflect the members who moved and seconded as follows in order: Card and Coburn, Roper and Murdoch, Underhill and Murdoch.

A discussion was held regarding whether including the names of those who move and second motions would deviate from the Islands Trust standards for minutes. Chair Symons requested contact information for the staff member who could assist the APC with the minutes standard. The recorder provided the contact information for Lori Foster. It was generally agreed to include the names in the revised minutes as well as the minutes of this meeting.

NP-APC-2016-006

It was **MOVED** by Member Card and **SECONDED** by Member Underhill **THAT** the Advisory Planning Commission adopt the minutes of January 12, 2016 as amended.

CARRIED

4. REVIEW OF PROCESS FOR MINUTES DISTRIBUTION AND APPROVAL

A discussion was held regarding the process of distributing the minutes and the occurrence of draft minutes being published in the Local Trust Committee agenda package prior to their adoption by the APC.

The recorder noted the sections of the APC's Terms of Reference which apply to the distribution of the minutes and noted that Islands Trust staff would be best suited to deal with concerns regarding the process.

Chair Symons presented a list of steps that he considered the appropriate path for a set of APC minutes. There was general consensus that the members would like this process followed.

5. NORTH PENDER ISLAND LOCAL TRUST COMMITTEE REFERRAL; TOP PRIORITY LIST

Chair Symons provide an overview of the referral. He noted that he was in attendance at the LTC meeting and reported the following points:

- Planner Starke clarified that the top priorities list was not numerated in priority sequencing.
- Planner Starke clarified that each of the priorities with a number one (1) were actually individual items.
- The LTC was looking for a single item as a recommendation.

The members compared the Top Priorities Lists from the current referral package with the list from the previous referral package. It was noted that the order of the items had changed, but that all items were present on both lists.

A discussion was held regarding which items on the list were beyond the LTC's mandate.

A discussion was held regarding water sustainability and the following points were made:

- Recommended the response focus on water sustainability.
- All other issues fall under the issue of potable water and recommended that the APC send a single recommendation with unanimous support.
- The "Activity" column for "Potable Water" was blank and suggested the APC include recommendations.
- "Groundwater Protection" is listed as a separate item and does not include any listed activities.
- A referral package with more robust background information, including what actions have already taken place and what is within the LTC's mandate, would have aided the decision.

Following a general consensus that water would be the direction of the recommendation, it was recommended that the motion specifically say "water" rather than "potable water". It was also noted that, at the Provincial level, water issues are combined and no longer distinguished into separate categories.

A discussion was held regarding the importance of stored water and other water issues. It was generally agreed that the specific items would be added in a recommendation for the column "Activities".

A discussion was held regarding placing an emphasis of timeliness on the recommendation to encourage the LTC to undergo related activities this year.

NP-APC-2016-007

It was **MOVED** by Member Roper and **SECONDED** by Member Johnstone Grimmer **THAT** the Advisory Planning Commission recommend to the North Pender Local Trust Committee that the number one priority for their 2016 Work Plan be Water.

CARRIED

Chair Symons opened a discussion of the activities related to the top priority "Water". He noted that several items on the Top Priorities list do not have activities listed.

A discussion was held regarding water assessment, well monitoring, and ways the LTC could apply such data to land use regulations.

Member Johnstone Grimmer provided an overview of well regulations including the agencies involved and the changes that are currently underway.

A discussion was held regarding whether the recommended activities should be presented as a motion as this would carry greater strength. Some members noted that the LTC had not specifically requested this recommendation in their referral making such a motion inappropriate. Other members noted that they did not feel the

recommendation was inappropriate as they were completing the recommended item's chart. They further noted that if the recommendation was inappropriate, it would be so irrespective of whether it took the form of a motion or not.

A discussion was held regarding the referral and it was noted that the referral came the day before the meeting. The members questioned whether the requirements for public notification of this agenda topic had been satisfied.

Chair Symons requested that the Recorder telephone Planner Starke at 1:27 pm. Planner Starke was unavailable by phone.

Following the discussion it was generally agreed that the recommended activities for the priority item "Water" be sent to the LTC as a motion.

NP-APC-2016-008

It was **MOVED** by Member Roper and **SECONDED** by Member Card **THAT**, given that no activities are suggested under Item 1, the Advisory Planning Commission recommend that in 2016 the North Pender Local Trust Committee assess water resources and use those assessments in future land use decisions, and also that they:

- Conduct ongoing monitoring of water quality and quantity, and
- Advocate for appropriate Provincial and Capital Regional District policy changes regarding conservation and reuse such as grey water and rain water catchment.

CARRIED

6. ADJOURNMENT

Chair Symons noted that a brief meeting would be scheduled for the approval of this meeting's minutes.

By General consent the meeting was adjourned at 1:35 pm.

Michael Symons, Chair

Certified Correct:

Shannon Brayford, Recorder

**North Pender Island
Advisory Planning Commission
Minutes of a Meeting**

Date: Thursday, February 18, 2016 (12:00 p.m.)

Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Michael Symons (Chair)
Barbara Johnstone Grimmer
Julie Roper
Sharon Card
Benjamin McConchie

Staff Present: Shannon Brayford, Recorder

Regrets: Dorothy Murdoch
Ron Underhill
Garnet Coburn
Justine Starke, Island Planner

Others Present: No members of the public were present.

1. CALL TO ORDER

At 12:03 Chair Symons welcomed everyone and called the meeting to order.

2. APPROVE AGENDA

By General Consent the agenda was approved as presented.

3. MINUTES OF TUESDAY, FEBRUARY 2, 2016 FOR ADOPTION

Chair Symons reported that he had received a copy of the Islands Trust's Minutes Guidelines. A discussion was held regarding those guidelines. There was general consent that members will be identified within motions, but that elsewhere the discussion will be recorded without identifying specific speakers and that the draft minutes should be amended accordingly.

NP-APC-2016-008

It was **MOVED** by Member Roper and **SECONDED** by Member Card **THAT** the Advisory Planning Commission adopt the minutes of February 2, 2016 as presented.

CARRIED

Chair Symons reported that he had discussed the option of approving motions by means of a Resolution Without Meeting (RWM). A discussion was held regarding the benefits of approving minutes soon after a meeting date and the options for doing so.

4. ADJOURNMENT

By General consent the meeting was adjourned at 12:17 pm.

Michael Symons, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

01-Apr-2016

Activity	Responsibility	Target Date	Status
Item 6.1 - Minutes of March 31 2016 adopted as amended.	Sharon Lloyd-deRosario Regina Robinson		Done
Item 10.1 NP-DP-2016.1 (Daw) - permit approved for issuance.	Sharon Lloyd-deRosario Phil Testemale		Done
Item 11.1 - STVR Top Priority. Direction to draft regulations to implement summary of recommendation. Bring process for streamlining and reducing the fees of TUPs.	Justine Starke		Done
Item 13.1 - New Business - Coordinate meeting with MoTI and CRD Director to discuss the Moving Around Pender recommendations.	Justine Starke Derek Masselink		Done
Confirm future LTC meetings are not double booked for the space at the North Pender Community Hall. Enquire about booking sound equipment for all future LTC meetings at the community hall.	Justine Starke Regina Robinson		Done

Sara J Steil

[REDACTED] Pender Island, B.C. V0N 2M1
Tel: [REDACTED] email: [REDACTED]



March 26, 2016

North Pender Local Trust Committee

Attention: Trustee George Grams, Trustee Derek Masselink & Trustee Dianne Barber
c.c. Planner Justine Starke and Regional Planning Manager Robert Kojima

COPIED TO

☒ PLANNER

☒ LTC

☒ Deputy Secretary

Dear Trustees:

Re: Port Browning Marina – Water Zone expansion

While we applaud the proposed marine pump-out facility plus the expansion of moorages facilities to lessen the burden on the Port Browning Harbour generally from individual anchorages which causes several damage to the sea bed and the base marine ecology, we do however, have a concern with the location of the expansion.

For your information, I have spoken at length with [REDACTED] on these concern with special enfaces on the eelgrass meadows that surround the present marina docks, plus, there is also the forage fish habitat within the intertidal area of Hamilton Beach. [REDACTED] is mindful of the eelgrass meadows & the forage fish habitat & has shown willingness towards preservation Any change in water currents or hardening of shoreline or hardening devices within the subtidal areas that affect wave action and/or water base currents could have devastating affects on these critical habitats.

Port Browning Harbour used to be one of the most productive forage fish (to include herring) habitats in the Southern Gulf Islands and due to overuse & toxic contaminants of these waters the productivity has greatly diminished over the decades. Many of us are working diligently to enhance the Port Browning forage fish (including herring spawn within the eelgrass meadows) productivity to its past glory.

With the Islands Trust Fund eelgrass meadows inventory mapping it shows that the proposed dock, at the very least, borders eelgrass meadows so the precautionary principle should be applied to alleviate any possibility of infringement into these meadows by human activities to include boat traffic and any deleterious substances that may enter into the marine waters to contaminate the eelgrass habitat.

[REDACTED] has made reference in overview of concerns to (14) 'The intertidal zone northwest of Port Browning Marina should continue to be protected' – we would be very grateful if we are assured that the entire intertidal zone of Port Browning Harbour, and 'subtidal zone' as well, in the vicinity of Port Browning Marina be protected as critical habitat.

Would also like to put forward that 'asphalt' parking bays or other such uses are extremely toxic to marina wildlife and forage fish habitat and that it would be most helpful if indigenous vegetation be maintained or enhance along the marine riparian area of upwards to the Fisheries & Oceans recommendations for fish habitat riparian areas of 30 metres which is essential to the filtering of deleterious substances entering the marine ecosystem from land base sources.

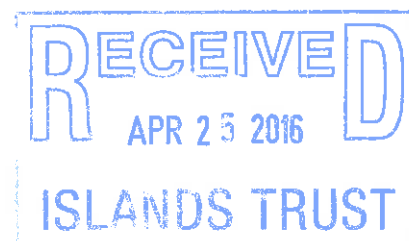
And we extend to [REDACTED] our sincere thanks and appreciation for [REDACTED] mindfulness and genuine

Sara J Steil

[REDACTED] *Pender Island, B.C. V0N 2M1*
Tel: **[REDACTED]** *email:* **[REDACTED]**

concerns for the health and well being of the marine ecology of Port Browning Harbour.

Respectively Submitted
Sara Steil
Marine Ecology



PO Box 52
Pender Island, BC, V0N 2M0
info@penderconservancy.org
March 23, 2016

Ms. Jennifer Eliason
Manager
Islands Trust Fund
200 - 1627 Fort Street
Victoria, BC, V8R 1H8



Dear Jennifer,

As you are no doubt aware there are new owners of the Port Browning Marina Resort on North Pender Island and they have plans for redevelopment and expansion, including a rezoning of the water lease area.

While the Mill Bay Marina Group has made a generally positive impression on the community, PICA is deeply concerned about possible impacts of this development on the new eelgrass meadows at the entrance to Brackett Cove which is located at the headwaters of Port Browning Harbour. These new meadows were planted by divers under the direction of Nikki Wright and Sea Change with support and assistance from PICA. There have been two planting sessions, in August 2014 and in July 2015, and a follow-up inspection to monitor progress done in February 2015 which showed the eelgrass plantings were flourishing. Unfortunately these newly established meadows do not appear on the ITF inventory map of eelgrass meadows. PICA urgently requests that an update of the ITF inventory map be made to indicate the existence of the new Brackett Cove eelgrass meadows. This could be critical information to have documented in relation to Mill Bay Marina Group's application for Port Browning Marina rezoning. That application is imminent. Therefore an update of the ITF inventory map is of critical and urgent importance.

Thank you very much for your prompt attention to this matter.

Sincerely,

Eleanor Brownlee
PICA President

April 5, 2016

File No.: NP-RZ-2016.1

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

From: Phil Testemale
A/Planner 2

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

Re: Rezoning Application

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

PRELIMINARY REPORT

THE PURPOSE OF REPORT:

The purpose of this report is to provide background to proposed bylaw amendments and seek direction from the North Pender Local Trust Committee (LTC) to proceed, or not proceed, with application NP-RZ-2016.1 (Mainroad Properties).

BACKGROUND:

The subject properties are commonly known as the highways works yard, on Port Washington Road. They have been used for the storage of highways maintenance materials and equipment since approximately the 1950's. The longstanding previous owner was the Crown (the Ministry of Transportation and Highways), and, as such, they were immune to zoning regulation. The current owner and applicant is Mainroad Properties, which is a private company and therefore obligated to conform to zoning.

The current application is to rezone portions of both properties from **Rural (R)** to **Industrial 2 (a)** to correspond to the current area of industrial use and the designations of the OCP. The North half of Lot 9 is currently zoned as **Industrial 2 (a)** and a similar area of Lot 8 had a TUP (**NP-TUP-2012.2**) for industrial uses. This TUP expired on February 1, 2016 and was intended to "bridge" to this rezoning application.

THE PROPOSAL:

This is a preliminary report to review a bylaw amendment application involving two (2) adjacent subject properties (Lot 8 and 9). Lot 8 is currently zoned **Rural (R)** and Lot 9 is split-zoned **Rural (R)** and **Industrial 2(a)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).

The owner is applying to rezone the areas of properties to correspond with the **Industrial (I)** and **Rural (R)** designations in the North Pender Island Official Community Plan No. 171, 2007. The proposed zoning boundary, however, will follow the north perimeter of **Development Permit Area (DPA) One – Woodland Ecosystem** in order to maintain the DPA in the **Rural (R)** zone (Figure Three).

The allowable uses for the **Industrial 2 (a)** and **Rural (R)** zoned areas are itemized in 'Current Planning Status' (below).

There is no proposal for new buildings or structures.

SITE CONTEXT:

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

The topography is fairly level, graded and cleared of most vegetation along the northern half (approximately) of the properties. There is vegetative screening along the road and west side of Lot 9. The west border of Lot 8 is screened to the east by mature trees. The back, or south, portions are forested and rise steeply by 24 metres to a high point located near the southern boundary of the subject property.

Although ownership has changed multiple times, the property has been historically used as a gravel storage yard for highway maintenance. The existing uses on the subject properties include:

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

Staff visited the site on February 16, 2016 and on March 15, 2015.

Figure One: Site Context

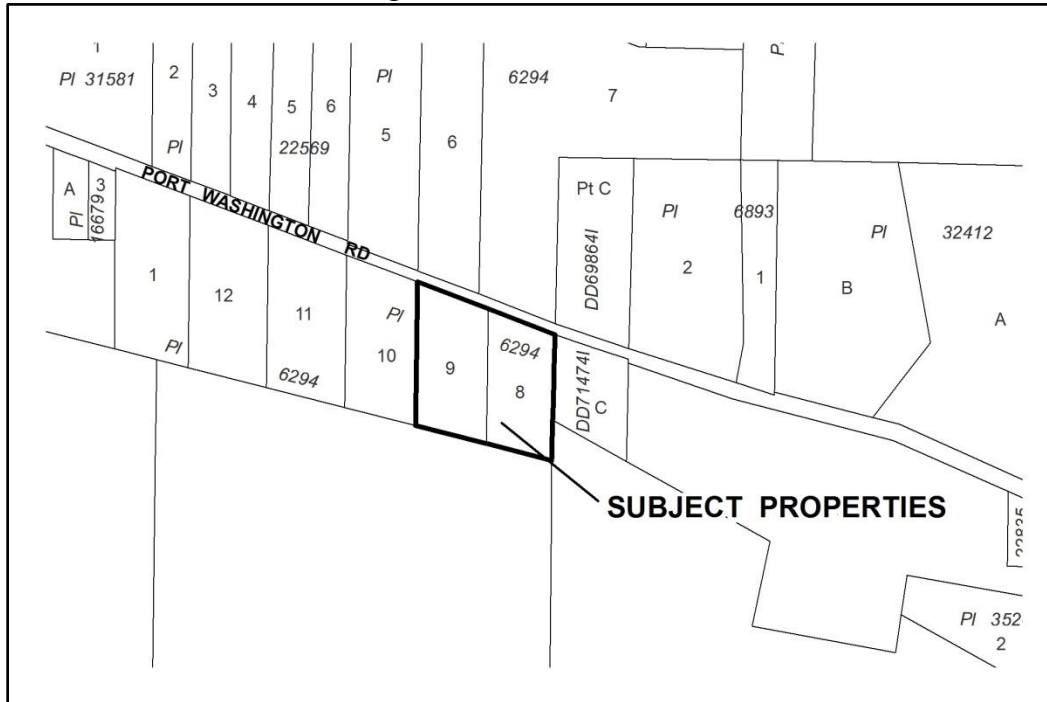


Figure Two: Orthophoto of Site

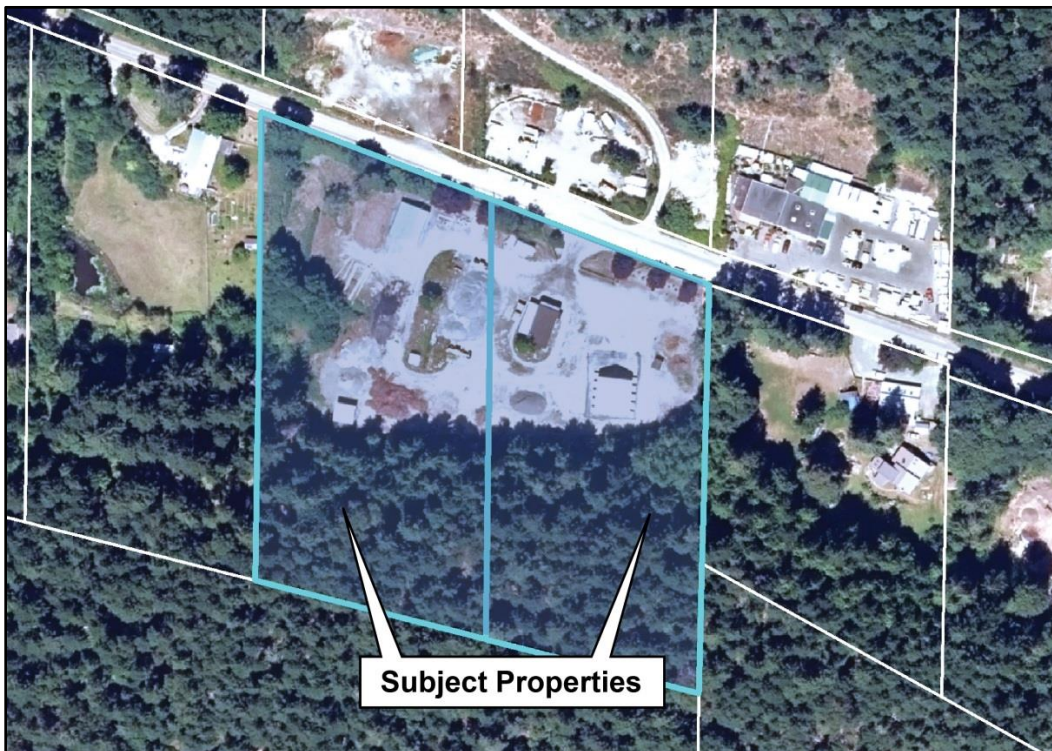


Photo One: Entrance to Mainroad yard looking southwest



Photo Two: Salt Shed on Lot 8

Photo Three: Asphalt pad and sump



Photo Four: Evapotranspiration pond adjacent to salt shed

Photo Five: Landscaping along roadway



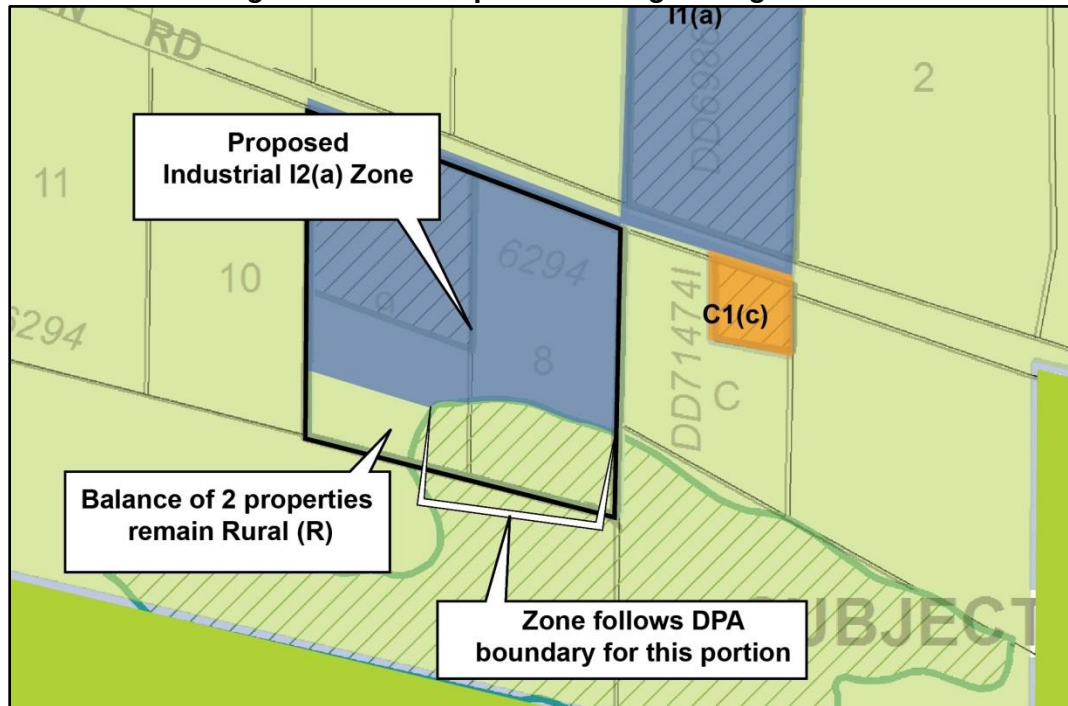
Photo Six: Fuel storage area

Photo Seven: 'Wetland' area on Lot 9 (Hydro lease beyond)



Photo Eight: View west from salt shed toward Lot 9

Figure Three: Proposed Zoning Configuration



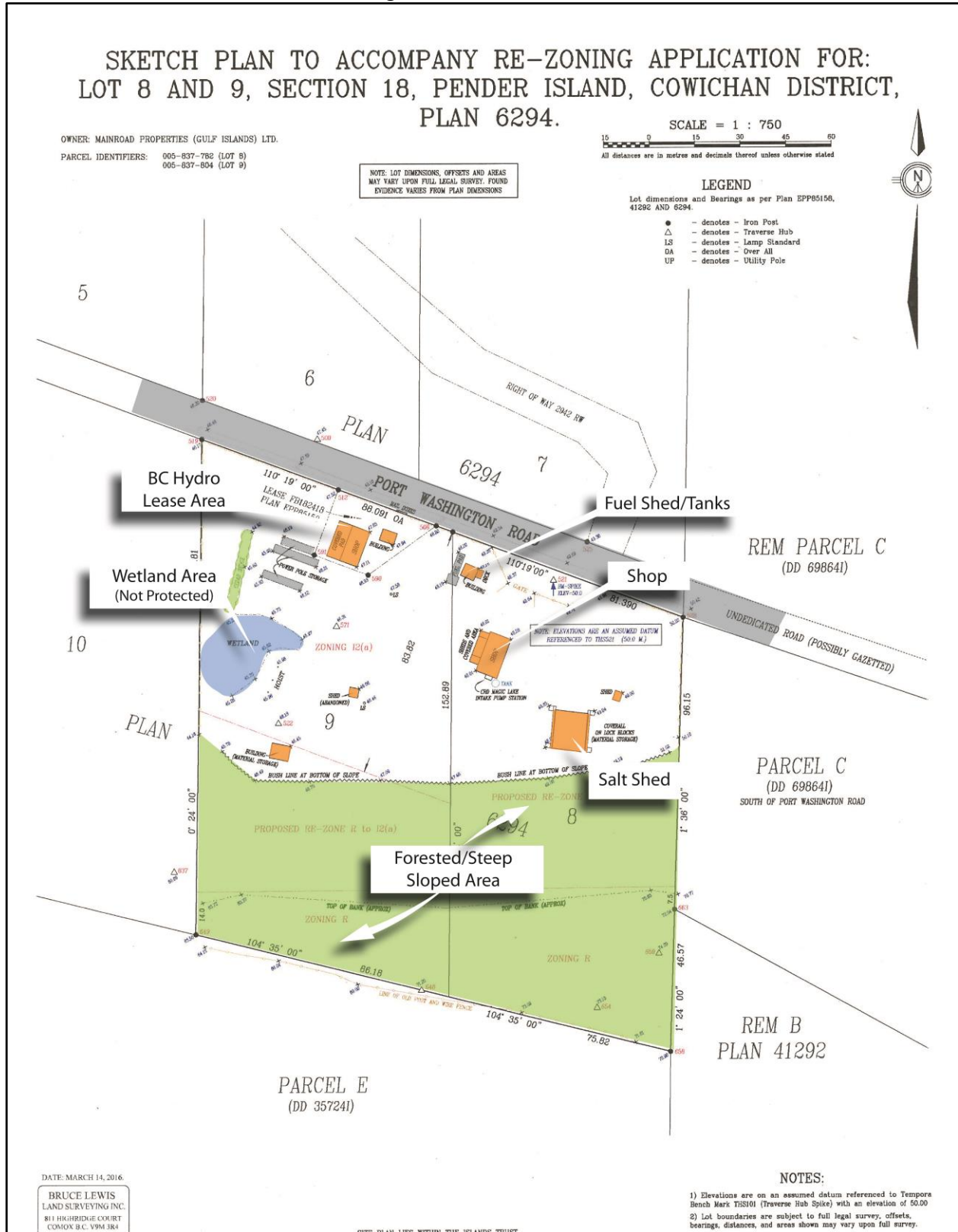
CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this proposal are:

- 5.2.3 - the aesthetic, environmental and social impacts of development.
- 5.2.4 - potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 – to achieve efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.3.5 - address the impacts of road location, design, construction and systems.
- 5.7.2 - economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.1 3 - address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- 5.2.3 address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.4 address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

Figure Four: Site Plan



Official Community Plan

The North Pender Island Official Community Plan (OCP) designates the majority of the two properties as **Industrial (I)**, with **Rural (R)** along the rear of both properties (Figure Four). The current proposal would align zoning to these designations, although the proposed border is to follow the north boundary of **DPA One** in order to afford the sensitive ecosystem further protection by maintaining it fully in the **Rural (R)** zone.

Relevant OCP policies include:

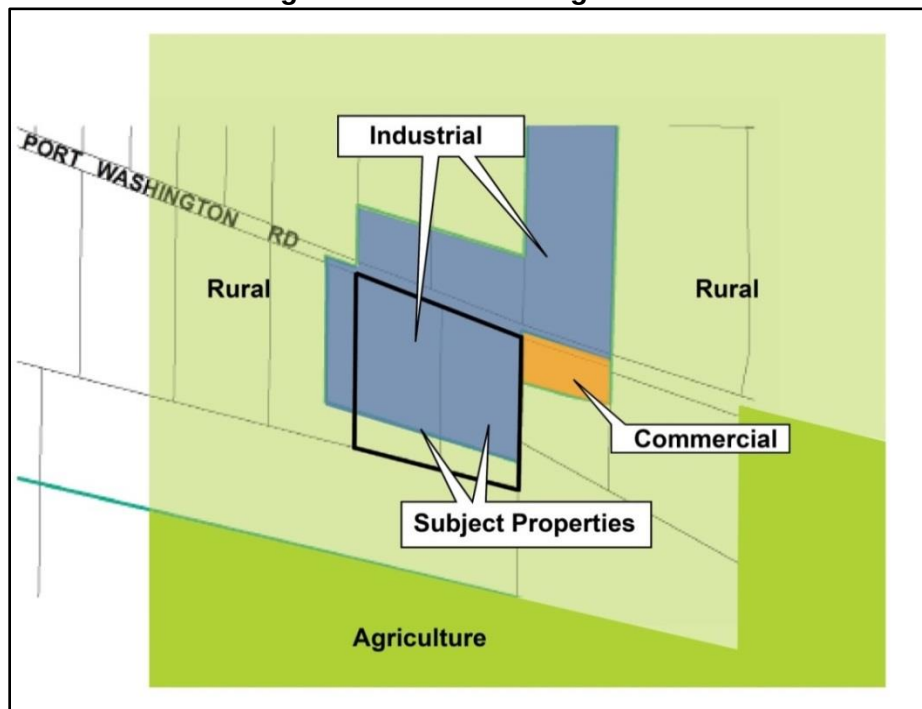
- 2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.2 Priority may be given to the following locations for new or additional industrial development:

- a) by application to rezone the industrially designated land on Port Washington Road;

The Local Trust Committee may consider requiring development information for industrial rezoning applications through adoption of a development approval information bylaw.

- 2.5.3 Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- 2.5.5 Strip development of industrial businesses shall be prohibited through the implementation of appropriate development permit area guidelines.
- 2.5.6 Industrial activity, parking and storage areas should be screened.

Figure Five: OCP Designations



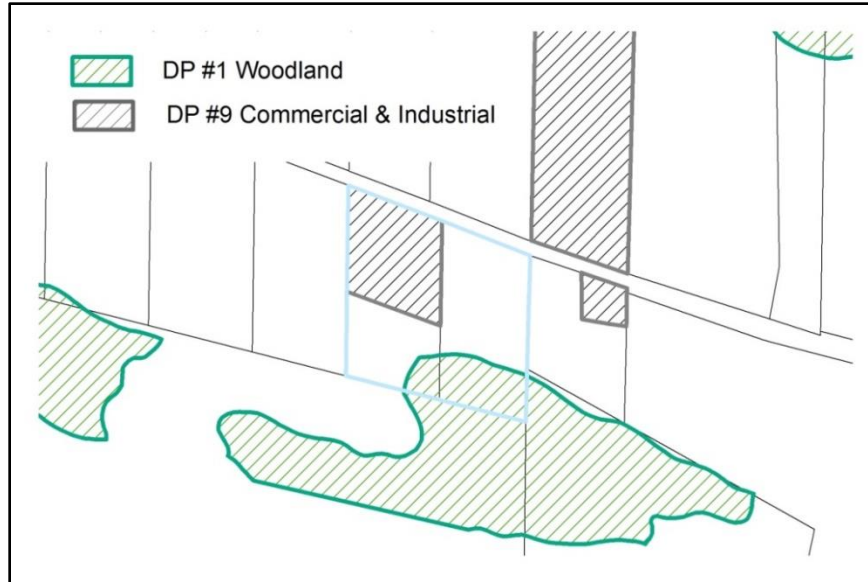
Development Permit Areas

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

- DPA 1- Woodland Ecosystem
- DPA 9 – Commercial and Industrial Form and Character (Lot 9 only)

Generally a zoning amendment application does not initiate Development Permits and the proposal does not include any new buildings and structures. DPA 9 (form and character) would automatically apply to the areas of the property that were rezoned to Industrial.

Figure Six: DPAs



Land Use Bylaw

Lot 9 is currently “split-zoned” **Industrial I2 (a)** and **Rural (R)** in the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996; and, Lot 8 is entirely zoned as **Rural (R)** (Figure Seven).

Allowable Uses in the **Industrial 2 (a)** zone:

8.9.8 Site Specific Regulations

- Storage of dangerous or hazardous materials;
- servicing and repairing of goods, materials and equipment; and,
- processing and crushing and storage of gravel.

Other regulations:

8.9.3 Accessory Dwelling

- (1) No more than one accessory dwelling may be located on a lot, and the dwelling must be occupied by an operator or employee of the principal industrial use
- (2) No accessory dwelling may have a floor area greater than 140 m²

8.9.4 Lot Coverage

- (1) Lot coverage may not exceed 33 percent.

8.9.5 Setbacks

- (1) No building or structure may be located
 - (a) within 9.2 metres of any front lot line or rear lot line; or
 - (b) within 15 metres of any interior or exterior side lot line.

See: 'Staff Comments' (below) with regard to potential required variances for the siting of buildings and structures on the property.

8.9.6 Height

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

See: 'Staff Comments' (below) with regard to a required variance for the height of one of the structures

8.9.7 Landscape Screening

- (1) Every external storage area and works yard must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every industrial use must be screened from adjacent residential, commercial and institutional uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the non-industrial uses.

Allowable Uses in the **Rural (R)** zone:

8.2.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural (R) Zone:
 - (a) dwelling;
 - (b) agriculture;
 - (c) on lots 1.2 hectares in area and larger, one cottage; and
 - (d) accessory home business, subject to Section 3.5, and on lots greater than 2 hectares in area accessory home industry, subject to Section 3.6.

8.2.4 Lot Coverage

- (1) Lot coverage may not exceed 25 percent.

Temporary Use Permit NP-TUP-2012. 2:

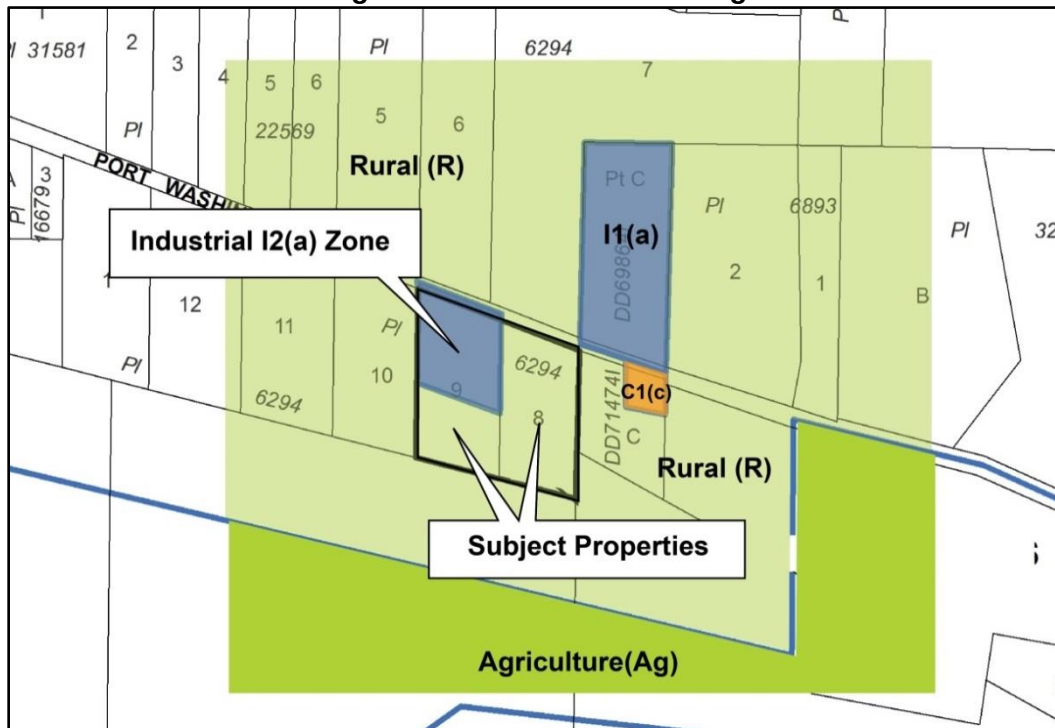
A Temporary Use Permit (NP-TUP-2012.2) for a portion of Lot 8 was issued on February 1, 2013 and expired on February 1, 2016. The TUP was issued for a three period with the understanding that this rezoning application would be made at this point. Uses allowed in **NP-TUP-2012. 2:**

- Vehicles and equipment storage and maintenance;
- Accessory office
- Storage of salt, sand, gravel and road patching materials.

The site inspection conducted on March 15 by the bylaw enforcement officer indicated that the applicant had largely complied with the conditions of the TUP. The required asphalt pad in front of the salt shed with sump and oil separator; the evapotranspiration pond; the cistern for rainwater storage; and the required landscaping were all constructed/planted (photos). There were, however, some concerns flagged that staff will undertake to resolve as the rezoning progresses:

- The condition and extent of landscape screening: The plantings required with the TUP have been affected by drought and deer foraging. The possibility of more extensive and different screening will be pursued.
- The width of the access on Lot 8 is oversized from that permitted as part of the TUP (approximately 9 metres versus 6).
- There were indications that some materials (road patching asphalt) may have been stored uncovered and directly on the ground.
- The height of the Salt Shed (see: LUB above).
- Possible waste storage and transfer of 'roadkill' from the island (not an allowable use).

Figure Seven: Current Zoning



Islands Trust Fund

There are no Trust Fund covenants or properties in the surrounding area. As such, the application does not affect the interests of the Trust Fund Board. Staff did explore the potential for a conservation covenant for the area of DPA One on the properties. However, the limited size and lack of contiguous areas of protection on neighbouring properties make it ineligible for the NAPTEP and unlikely to be assumed by a conservation group.

Regional Conservation Plan

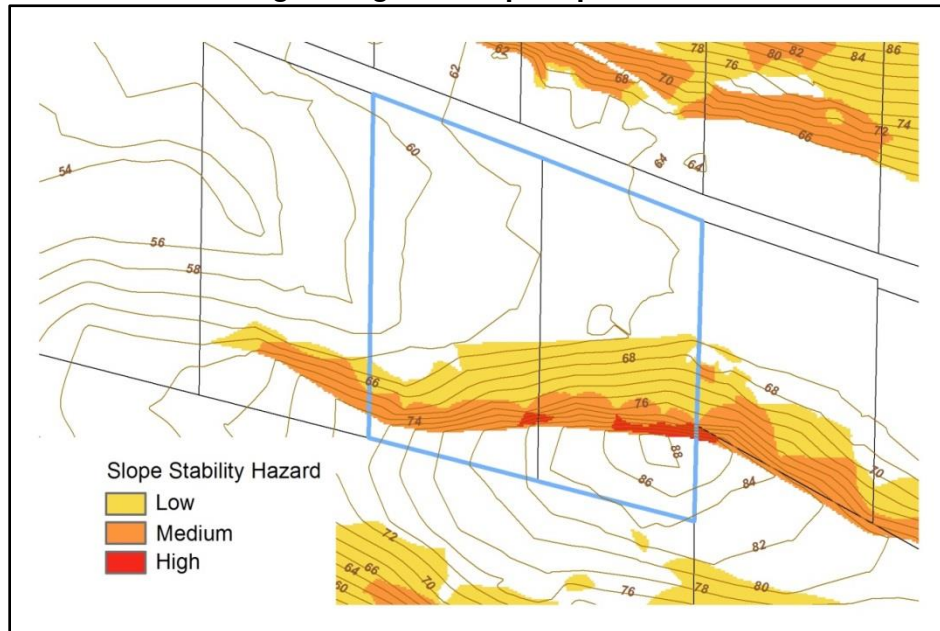
The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

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

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

Figure Eight: Steep Slope Hazard



Archaeological Sites

There are no archaeological sites listed on the Provincial RAAD database for the subject property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants

There are no LTC or Trust Fund Board covenants registered on title for the properties or in the vicinity.

Bylaw Enforcement:

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

Climate Change Mitigation and Adaptation

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

Professional Report/Development Approval Information

Most of the uses on the property have been established on the properties historically, and the TUP has not generated any issues. Notwithstanding, a site visit on February 16, 2016 indicated that there may be issues associated with contaminants on the site with potential impacts on the groundwater supply and surface water contamination on neighbouring properties. The TUP introduced measures to offset potential contamination of ground and surface water with the new salt shed. Based on the initial site inspection, staff requested under the Development Approval Information (DAI) bylaw that the applicant provide a site profile with the following:

- An inventory of contaminants on site and management plans for these.
- An inventory of current ground and surface water conditions with respect to possible contamination.
- Recommendations for containment and site drainage
- Any recommendations for mitigation and restoration (if applicable).

The letter, dated March 2, 2016 is attached in full.

The LTC should advise staff if they believe further information or professional reports that should be requested.

COMMUNITY CONSULTATION:

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

- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee

First nations have not been identified for consultation as there is not an amendment to the OCP and no potential interest has been identified.

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

At this preliminary stage in the process, there is no need for a community information meeting. If the application proceeds, staff does not anticipate at this point that a community information meeting separate from the public hearing would be necessary.

RESULTS OF CIRCULATION:

To date there has been no circulation associated with this application. As the application proceeds public and agency notification will be required.

STAFF COMMENTS:

The purpose of this report is to provide a brief preliminary background to the proposal and to seek direction from the North Pender Island Local Trust Committee whether or not to proceed with the zoning amendment application.

The proposal is to rezone rural portions of the two subject properties (Lots 8 & 9) to permit industrial activities in those areas. Lot 8 is currently zoned **Rural (R)** and Lot 9 is split zoned **Rural (R)** and **Industrial 2 (a)**. The proposal would leave the southern, bottom quarter (approximately) of the properties in the **Rural (R)** zone.

A Temporary Use Permit (**NP-TUP- 2012.2**) was issued for industrial uses on Lot 8 and expired on February 1, 2016. The TUP was approved with the understanding that this zoning application would be forthcoming.

The following are relevant considerations and issues that the LTC may want to discuss in making the decision whether to proceed with the application or not.

Islands Trust Policy Statement

The proposal is consistent with the directive policies of the Islands Trust Policy Statement.

OCP Policies

The proposal is consistent with the objectives and policies of the Industrial Lands section of the Official Community Plan. Specifically:

2.5.1 Priority may be given to the following locations for new or additional industrial development:

- a) by application to rezone the industrially designated land on Port Washington Road;

The proposal rationalizes Zoning with OCP Designations and formalizes the uses that have existed historically on the two properties and that have been permitted on Lot 8 with NP-TUP-2012.3

Split Zoning

The application creates a situation where both properties will have split zoning between **Industrial 2 (a)** and **Rural (R)** on the lower portions. Typically split zoning is not supported, particularly if the minimum lot size in each zone is not met. In this circumstance, however, the application is supportable for the following reasons:

- The Zoning would correspond to the OCP designations (above).
- Lot 9 is currently split zone in this manner. The proposal would expand the industrial zone,
- The change in zoning would not alter the densities afforded by either zone.
- The delineation would formalize established historical uses on the properties.
- The Rural portions provide a buffer to properties and ecosystems to the south.
- The Rural portions are not appropriate for industrial uses due to the topographic constraints.

Development Permit Area & Zoning Boundary

The area of the DPA One occupies a bench formation that is approximately 20 metres above that the main (northern) portions of the properties (see: Figure Three and Six). The proposed zone boundary would leave the DPA entirely within the Rural (R) zone.

The feasibility of placing a conservation covenant on this area was explored with the Trust Fund Board and other staff. However, the size of the DP Area, as well as the lack of adjacent and contiguous areas under covenant protection, makes it ineligible for the NAPTEP and unlikely to be assumed by a conservation group. Therefore, short of rezoning the area to natural protection which would require an amendment to the OCP, locating the zoning boundary here is the most straightforward mechanism to maintain and protect the DPA.

Successful rezoning would automatically designate the Industrial areas within Development Permit Area Nine – Industrial and Commercial Form and Character. The applicant is required to apply for DPs and building permits for any future development on the property.

Height and Setback Requirements

The inspection conducted by the bylaw enforcement officer on March 15, 2016, revealed that the height of the salt storage shelter (constructed in 2013) is over the maximum height (9.7 metres) permitted by the LUB. As such, the applicant will be required to obtain a Development Variance Permit (DVP). Staff has advised the applicant and anticipates an application prior to the public hearing for this rezoning.

In addition, the site plan (Figure Four) indicates numerous buildings that are not sited in conformity with the LUB. Staff will follow-up with the applicant in order to determine the legal status of these buildings, although it is most likely that they are legal non-conforming. Any required variance can be included in the above DVP application.

Professional Reports

Staff has requested Development Approval Information from the applicant (See DAI letter – attached). This is to provide a site profile of the environmental condition of the site and further information on storm water and drainage management. The justification is the potential contamination of soils, ground and surface water resources.

Staff will report in future Staff Reports the results of this request and any recommendations for conditions.

The LTC should advise staff if they believe further information or professional reports that should be requested.

Landscape Screening

The TUP required landscape screening that was undertaken in addition to mandatory screening that is required with Industrial zoned land. Staff will verify the conformity of the screening, and, if required, make recommendations to the LTC in future reports.

Other Potential Impacts of Use

There have been no complaints received in the three year period that the TUP was in place. As the use is historical and has been contemplated through the consultative OCP process, there is a general expectation of the industrial use, its impacts and the suitability of the use in this location.

Options:

The Local Trust Committee has generally two options at this time:

1. resolve to proceed no further with application; or
2. direct staff to proceed with the application and to prepare draft bylaws.

Based on the foregoing, staff recommends proceeding with the application and for staff to prepare draft OCP and LUB amendment bylaws.

RECOMMENDATIONS:

1. **THAT** the North Pender Island Local Trust Committee directs staff to proceed with the application **NP-RZ-2016.1 (Mainroad)** and to prepare draft bylaws.

Prepared and Submitted by:



April 5, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

April 6, 2016

Date

Attachments: DAI Letter to applicant dated: March 2, 2016



200-1627 Fort Street, Victoria, BC V8R 1H8
Telephone 250 405-5151 Fax 250 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

March 17, 2016

File Number: NP-RZ-2016.1

Mainroad Properties Ltd.
Attn: David Turrene

Via email:

Dear David Turrene :

Re: Rezoning Application – Terms of Reference – Lots 8 & 9

We have completed a preliminary review and site inspection of the Mainroad Properties rezoning application. We have established that supplemental information is required to that submitted with the application to clarify outstanding issues. The purpose of this letter is to identify information that is required from the applicant pursuant to the North Pender Island Development Approval Information Bylaw.

In addition to information received in the application, we request that you:

1. Provide an Environmental Assessment to report on the current state of the two properties (the “site”) and the areas proposed for future development addressing sensitive ecosystems and potential impacts resulting from uses on the site as well as neighbouring properties. The assessment should be prepared by an Environmental Professional and include:
 - (i) A site profile inventorying existing on site conditions for:
 - a. contaminants inventoried on the site;
 - b. management of contaminants (including emergency plans);
 - c. ground and soil conditions; and
 - d. surface and ground water conditions both on the properties and for surrounding properties.
 - (ii) Recommendations for containment and management of contaminants and for the management of surface water on the site and exiting the site and for the protection of ground water.
 - (iii) Recommendations for mitigation or remediation.

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

- (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
- (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;

- (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, and
- (e) make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development.

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

Sincerely,

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

Phil Testemale
A/ Planner 2
Local Planning Services

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

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STAFF REPORT

April 11, 2016

File No.: NP-DP-2016.3

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

From: Phil Testemale
A/Planner 2

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

Re: Develop Permit Application

Owner: Marty Hoshowski

Applicant: Same

Description: Lot 24, Section 9, Pender, Cowichan District, Plan 22335

PID: 003-218-201

Civic Address: 1613 Schooner Way

THE PROPOSAL:

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

The owner is proposing to construct a new dwelling on the subject property. The application is for measures for the protection of sensitive ecosystems and construction management for the proposed dwelling within **Development Permit Area (DPA) One - Woodland Ecosystems**.

The Objective of the development permit area is to *preserve and protect remaining sensitive woodland ecosystems*.

A copy of the Development Permit Area Checklist for DPA 1 and the proposed Development Permit NP-DP-2016.3 (Hoshowski) are attached.

BACKGROUND:

The proposal is for the construction of a new 76m² (825 ft²) single-family dwelling that would be sited completely within DPA One (Figure Three). The applicant's rationale for locating the dwelling within the DPA is summarized as: siting and privacy; minimizing tree removal; utilizing a previously disturbed area; and, drainage. The rationale is attached and analyzed in 'Issues Summary' and 'Staff Comments' (below).

The proposal will involve the removal of six (6) mature Douglas-fir trees, with four (4) retaining vertical structure (stumps) for habitat. The latter will include topping the trees while maintaining some vertical structure and root systems.

The applicant is modifying an existing driveway access from Schooner Road that will extend a maximum of 27 metres (90 ft.) from the road. This will keep it well outside of the DPA.

As part of the DP application process, the owner hired Caurinus Environment to conduct an assessment of the proposal using the DPA guidelines. Their report "Environmental Assessment of 1613 Schooner Way" ("Report" - dated January 31, 2016 and submitted by Dan Baxter B.Sc., R.P.Bio and Erin O'Brien, Ph.D.) is attached in full and provided a thorough environmental inventory, impact assessment and strategies to guide development. The main conclusion of the report is as follows:

The proposed construction of a new single-family home within this ecosystem will have little or no impact on the overall health and sustainability of this sensitive area. The removal of six trees in the Woodland Ecosystem DPA will have no negative effects, as the dwelling will be located in a currently disturbed area (pg. 17).

The report recommendations for mitigation, construction management and monitoring are detailed in "Staff Comments" (below), and included as conditions in the proposed Development Permit **NP-DP-2016.3**

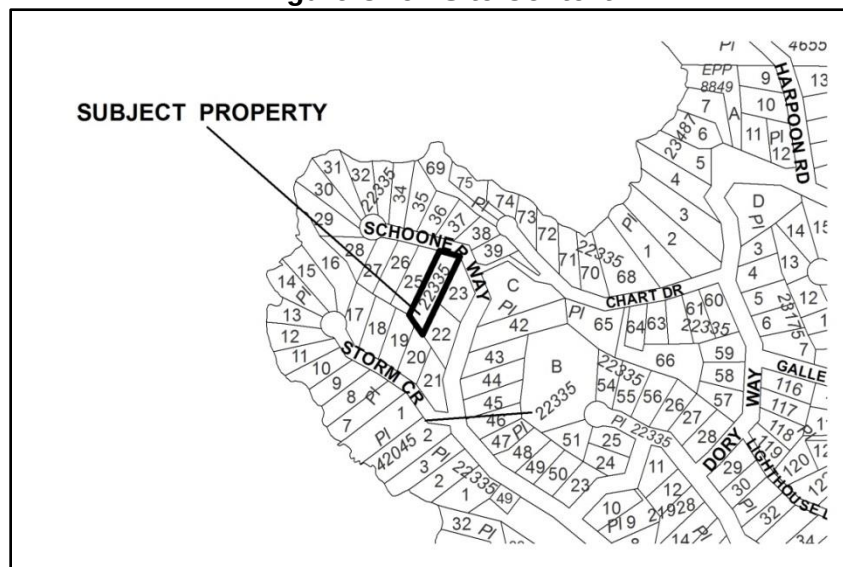
Staff will visit the property on April 21, 2016.

SITE CONTEXT:

The property is a 0.23 ha. (0.57 acres) in size and is located at 1613 Schooner Way, on Mouat Point in the Magic Lake subdivision on North Pender Island (Figure One – Subject Property). The size and configuration of neighbouring properties and those in the general vicinity are of a similar size and all are zoned **Rural Residential - RR**.

The topography rises moderately to steeply from Schooner way on the northern boundary, continues more gently to the height of the property (approximately $\frac{3}{4}$ the depth of the site, and the proposed location of the dwelling) and then descends southward becoming steep at the south boundary.

Figure One - Site Context



The report describes the site as being composed of sandstone rock, conglomerate rock and coarse textured, well-drained soil. The ecosystems occurring in the DPA are predominantly Douglas-Fir-Salal and Douglas-fir – Shore pine – Arbutus. The latter is mainly vegetated with young Douglas fir and two species of mature trees (Douglas-fir and Arbutus). Figure Three details the location and size of the six Douglas-firs that are to be removed or modified. No rare plant communities or rare species habitat were identified by the report within or adjacent to the proposed development

The building site is in an area described in the report as “... *previously disturbed by historic land use and selective logging and is in a state of regeneration.*” (p.8)

Figure Two – Orthophoto with Contours



Currently, the only structure on the property is a small unused cabin on the property that is to be removed.

Photo One: DPA looking South



Photo Two: Proposed Building Site (flagged)

Photo Three: Indication of clearing



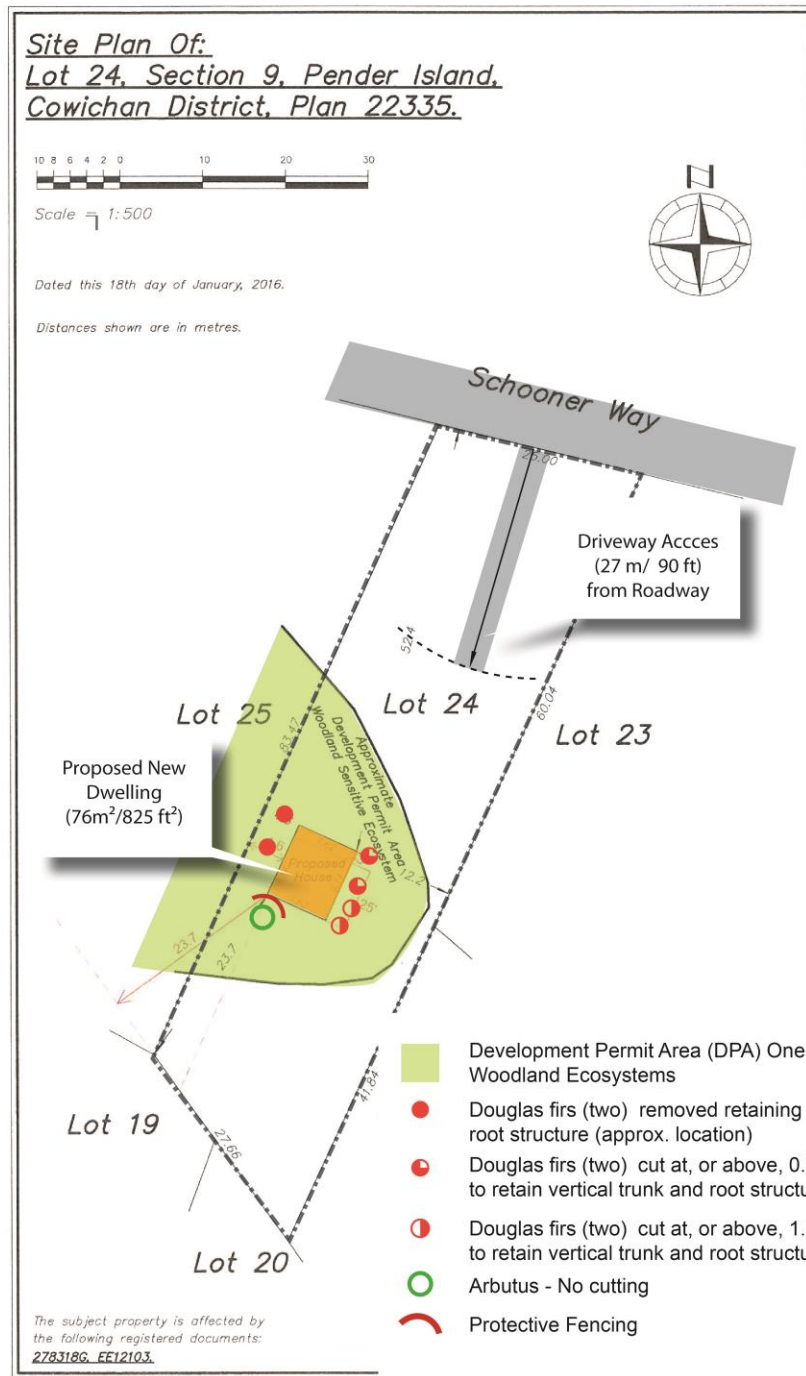
Photo Four: View west to neighbouring property

Photo Five: View southeast to neighbouring property



Photo Six: View northeast to neighbouring property

Figure Three - Site Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.2.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.

The proposal for construction within the DPA is consistent with the above policies.

Official Community Plan

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

Development Permit Area 1 (DPA) – Woodland Ecosystem is designated on the property as shown in Figure Four (below). The objective of the DPA is to preserve and protect remaining sensitive woodland ecosystems. Analysis of the proposal's conformity to the objectives and guidelines of the DPAs is within "**DAI Checklist(s)**" (attached), and "Staff Comments" (below)

Figure Four – DPA One



Land Use Bylaw

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

Islands Trust Fund

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

Regional Conservation Plan

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

Sensitive Ecosystems and Hazard Areas

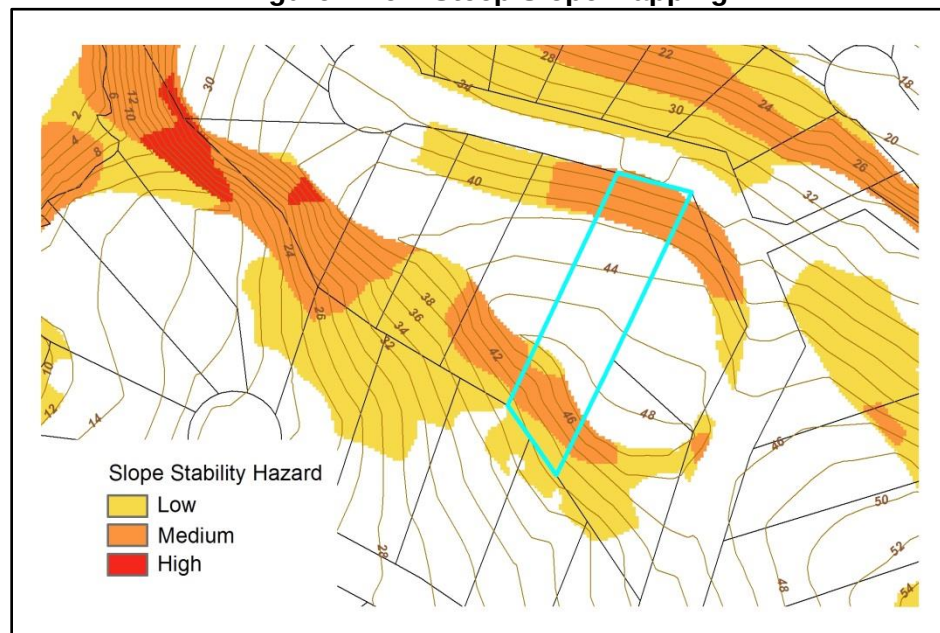
The woodland ecosystem is the only identified sensitive ecosystem on the subject property. A detailed inventory of the sensitive ecosystem are contained in the Report and summarized in 'Site Context' (above). Low and medium slope hazard are identified in the southern portion of the property outside of the proposed building site (Figure Five)

Archaeological Sites

There are no archaeological sites listed on the Provincial RAAD database for the subject property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Figure Five – Steep Slope Mapping



Covenants

There are no registered covenants on the property.

Bylaw Enforcement:

There are no bylaw enforcement files or issues for the property

Climate Change Mitigation and Adaptation

The proposed new dwelling (76m²/825 ft²) is of a modest size and utilizes a previously disturbed area of the property. These will limit potential GHG emission changes resulting from approval. The potential impacts on proposed development from anticipated or possible climate change induced hazards, are unlikely to be significant given the elevation of the property and setback from the sea.

COMMUNITY INFORMATION MEETING(S):

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

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit.

ISSUES SUMMARY:

Objective and Guidelines of the DPA

The overall objective of the DPA is to preserve and protect remaining sensitive woodland ecosystems.

The guidelines are assessed in the attached DPA Checklist. Four specific guidelines are highlighted as they apply to the proposal in terms of the applicant's rationale for locating the dwelling in the DPA which is also supported by the Biologist's report:

1. *Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.*
2. *Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.*
3. *The area cleared and disturbed for development should be minimized.*
4. *Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.*

Applicant's Rationale for Constructing in the DPA

The applicant rationale (attached) is summarized as follows:

- Siting & privacy – the only near level portion of the site north of the DPA would place the dwelling directly beside the neighbour to the east. The proposed site affords the applicant some views whilst minimizing natural impacts and neighbour privacy.
- Tree removal – the applicant wants to achieve views from his dwelling and avoid altering the property as much as possible. Building outside the DPA would require removing more mature trees than the current proposal. The proposal requires the removal of only two (2) mature Douglas-firs that are leaning and weakened (exposed roots) and topping four (4) others.
- Existing disturbed site – although in the DPA the building site utilizes a previously disturbed (logged and cleared) area.
- Drainage – placing the dwelling at the height of the property will not alter the hydrology of the site.

Biologists Report

The applicant has provided a biologist's report that concluded that *"The proposed construction of a new single-family home within this ecosystem will have little or no impact on the overall health and sustainability of this sensitive area."*

The report made the following excerpted recommendations (excerpted - below) all of which have been included in the draft DP:

4.0 Impact Assessment

Woodland Ecosystem DPA - The proposed construction of a new single-family home within this ecosystem will have little or no impact on the overall health and sustainability of this sensitive area. The removal of six trees in the Woodland Ecosystem DPA will have no negative effects, as the dwelling will be located in a currently disturbed area. The large Douglas-fir (DBH 77.2) is to be removed to accommodate the proposed dwelling. Although this tree has value as a source of seed for future regeneration, there is sufficient ecological redundancy throughout the property in the form of similar and larger Douglas-fir, and its removal will therefore not adversely affect the system as a whole. Moreover, moving the proposed dwelling away from the Douglas-fir will bring it closer to the only large mature arbutus on the property, which the owner is committed to retaining. The property owner will be developing the on-site home with the intention of causing as little impact to the habitat as possible. The removal of any tree from the property will be minimized, so as to not alter the ecological function of the area. The planned excavation to level the ground will have no effect on the hydrology of the property as it is composed of sandstone rock, conglomerate rock and coarse textured and well-drained soil.

- No rare plant communities or rare species habitat occur within or adjacent to the proposed development
- Site Hydrology - The subject property is composed of well-draining medium-textured loamy soils, and any removal of trees will be completed in a way that retains its soil stabilising properties by leaving the lower base of the tree, inclusive of the roots.

5.0 Mitigation and Recommendations

Retention of some vertical structure (where possible) by topping some of the Douglas-fir instead of removal would be beneficial to wildlife species in the area. The four Douglas-fir trees that run parallel to the northeast-southeast side of the proposed dwelling will need to be modified. In the northeast corner of the property the two Douglas fir trees should be cut above the 0.5 m mark. The remaining two trees should be cut to 1.0 m, while leaving the base of the trunk intact in ground to minimize soil disturbance. If this height interferes with the construction of the dwelling, then they should be cut to 0.5 m, while leaving the base of the trunk intact in-ground to minimize soil disturbance. On the western side of the property, both leaning Douglas-fir trees (DBH 34.5; 77.2) should be removed. The smaller of the two has a lean of approximately 15° and will be in danger of falling towards any newly constructed dwelling. The final and larger Douglas-fir (DBH 77.2) on the western side of the property should be removed with as little disturbance to the soil as possible. In all cases, we recommend retaining as much of the base of the trees as possible for their wildlife value, and any tree that needs to be removed should have its supportive root structure left intact. There were direct observations of bark-gleaning species such as chestnut-backed chickadees and red-breasted nuthatches using trees within the survey area as foraging substrates. Further, there are primary and secondary cavity nesters in the area that would use the retained vertical structure

for nesting and foraging opportunities. This measure would retain and provide additional ecological value from the existing trees, while still providing the space needed for construction of the dwelling.

Other recommendations:

1. The removal of invasive species (Scotch broom, spurge-laurel) is recommended throughout the entire property, including the Woodland Ecosystem DPA, to prevent their continued spread and improve the quality of natural areas.
2. Landscaping and restoration of natural areas should be conducted using only native plant species.
3. Minimize disturbance of, and maintain undeveloped habitat in as natural a state as possible.
4. Any hired contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds should be performed regularly.
5. Avoid tree removal during peak breeding bird timing window (April 1st to July 31st).

6.0 Monitoring and Restoration

A recommended follow-up visit may be necessary once construction of the dwelling is complete. This would enable an environmental monitor to assess the effectiveness of the proposed mitigation procedures. A restoration plan is not needed at this time, as the property owner has committed to having as minimal environmental impact as possible.

7.0 Conclusion

We have reviewed the plans and provided recommendations that will help guide an environmentally responsible development and ensure that potential detrimental impacts to the natural environment will be avoided and/or mitigated. If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

Dan Baxter (B.Sc., R.P.Bio) and Erin O'Brien (Ph.D.)



Caurinus Environmental

All of the recommendations of the biologist's report have been included in the DP.

STAFF COMMENTS:

The completed Development Permit Area Checklist for DPA 1 is attached. The proposal meets the guidelines of the DPA.

All of the recommendations of the biologist's report have been included in the DP, and concludes that the proposed development will not adversely impact the woodland ecosystem.

The rationale for locating development in the DPA is supportable and verified by the biologist's report.

The application exemplifies the function of development permit areas as a tool for identifying and protecting sensitive ecosystems, and the nature of the mapping that establishes them. The latter is undertaken using reconnaissance (large scale) mapping data. Often, as is the case here, when a DP is triggered and a detailed site analysis is conducted by a professional (biologist) it is found that some areas of the development permit area may in fact have lower habitat value from areas outside of the area on the same property. Notwithstanding, the objective of protecting the sensitive ecosystem is met by the DP process.

Although the property has some topographic constraints, there other potentially suitable sites on the property that are outside of the DPA. However, the reasons provided for siting the dwelling in the DP area largely meet the overall and specific objectives of the DPA. Most significantly, the dwelling has a small footprint and utilizes an existing disturbed site. The owner is concerned that the development be least impactful to the existing natural site conditions as possible. The proposed location allows the applicant to achieve views from the dwelling with less impact with clearing and tree removal and to neighbour's privacy.

Given the foregoing and attached information, staff is recommending that NP-DP-2016.3 (Hoshowski) be approved.

RECOMMENDATIONS:

1. **THAT** Development Permit NP-DP-2016.3 (Hoshowski) **BE APPROVED**.

Prepared and Submitted by:



April 11, 2016

Date

Concurred in by:



April 12, 2016

Date

Robert Kojima

Regional Planning Manager

Attachments: DPA One Checklist

Proposed permit NP-DP-2016.3 (Hoshowski)

"Environmental Assessment of 1613 Schooner Way" ("Report" - dated January 31, 2016 and submitted by Dan Baxter B.Sc., R.P.Bio and Erin O'Brien, Ph.D.

DPA Checklist: NP-DP-2016.3
New Dwelling in DPA One

Guidelines	Comments
Overall DPA Guidelines	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Conditions placed in DP based on professional report ("Environmental Assessment of 1613 Schooner Way" ("Report") - dated January 31, 2016 and submitted by Dan Baxter B.Sc., R.P.Bio and Erin O'Brien, Ph.D.
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Justification for location of dwelling inside DPA provided by applicant and supported by Report.
3. The area cleared and disturbed for development should be minimized.	Previously disturbed area.
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Only one area proposed.
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	Siting and removal of two (2) leaning Douglas-fir allows siting that avoids mature Arbutus tree.
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	n/a
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	Minimal excavation and small building footprint.
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Small building site limits impact on connections.
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	No landscaping proposed. Applicant wants to maintain property as close to current natural condition as possible.

Guidelines		Comments
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	DPA condition.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Report and DPA condition address drainage.
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	DPA condition.
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	(Outside DPA) However, using (modifying) an existing driveway and staying clear of DPA.
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	n/a
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	n/a
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	n/a
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	yes
	b) fencing, flagging and posting of notices during construction;	yes
	c) limits on blasting in sensitive areas;	n/a
	d) limits on construction timing;	Tree removal timing only.
	e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Minimal impact on site hydrology established in Report.

Guidelines		Comments
f)	restoration or enhancement of disturbed sensitive ecosystems and habitat	DPA recommendations for use of native species and removal of invasive species.
18.	The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	n/a
<i>Woodland Ecosystem Guidelines</i>		
1.	Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated understorey vegetation should be protected.	Report recommends retention of vertical structure and root systems for tree removal and modification.
2.	Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	DPA condition.
3.	Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	n/a
4.	Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	Complies – DPA conditions.
5.	Denning and nesting sites or rare, threatened or endangered species should be protected.	n/a
6.	Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow existing contours of the site, utilize small concrete pilings and have gaps between boards.	n/a

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2016.3**

To: Martin (Marty) Hoshowski

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

Lot 24, Section 9, Pender Island, Cowichan District, Plan 22335
PID: 003-218-201

2. This Development Permit No. NP-DP-2016.3 authorizes the construction of a single family dwelling including tree removal and cutting ("topping") within Development Permit Area 1 – Woodland Ecosystems ("DPA"), subject to the following requirements and conditions:

Tree Removal, Cutting and Protection

- a. Only the following trees, indicated on Schedule A ('Site Plan'), and no others may be removed or modified within the DPA:
 - i. Two (2) larger Douglas-fir trees on the western boundary of the property as shown on Schedule 'A' may be removed, subject to retaining the supportive root structure for soil stability and as much vertical structure as possible for habitat. For certainty: the two (2) Douglas-firs have been identified by Dan Baxter R.P. Bio. as leaning and of danger to the proposed dwelling and/or adjacent property ("Environmental Assessment of 1613 Schooner Way" - dated January 31, 2016 and submitted by Dan Baxter B.Sc., R.P.Bio and Erin O'Brien, Ph.D.).
 - ii. The remaining four (4) Douglas-fir trees in the DPA, and outside of the building envelope, as shown on Schedule 'A' may be cut at, or above, the following heights to provide for habitat and the root systems retained intact for soil stability:
 - (a) The two (2) in the northeast of the DPA should be cut above 0.5 metres; and,
 - (b) The two (2) to the south of (a) should be cut above 1.0 metres.
 - iii. With the exception of danger trees, there is to be no tree cutting or removal during the period from April 1st to July 31st.
- b. Dead or declining trees, downed logs, snags and leaf litter should be retained in the DPA for habitat.
- c. The mature arbutus tree identified on Schedule 'A' is to remain undisturbed.

Other Vegetation

- d. Landscaping and restoration of natural areas within the DPA should include only native species.

- e. The on-going removal of invasive species, such as Scotch broom and spurge-laurel is recommended.
- f. The undeveloped portions of the DPA are to remain in an undisturbed, natural state.

Septic and Drainage

- g. The septic absorption field for the dwelling shall be located entirely outside of the DPA.
- h. All stormwater from roof drainage and drain tiles shall be directed away from the DPA.

Construction Management

- i. The arbutus tree closest to the development site and shown on Schedule "A" shall be protected by a temporary, high-visibility fencing for the duration of the dwelling's construction.
- j. All contractors and construction personnel are to be notified of the DPA location and the conditions of this Development Permit.
- k. All contractor vehicles and equipment should be washed prior to entering the property, and should be checked periodically to avoid transporting invasive plant species on or off the property.
- l. There shall be no removal of soil from the DPA other than necessary for the building site excavation.
- m. There shall be no depositing of soil in the DPA from the building site excavation or otherwise.

Monitoring

- n. Upon completion of construction, a registered professional biologist shall provide written communication to the Islands Trust confirming that all conditions of this DP have been satisfied.

- 3. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
- 4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
- 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
- 6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

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

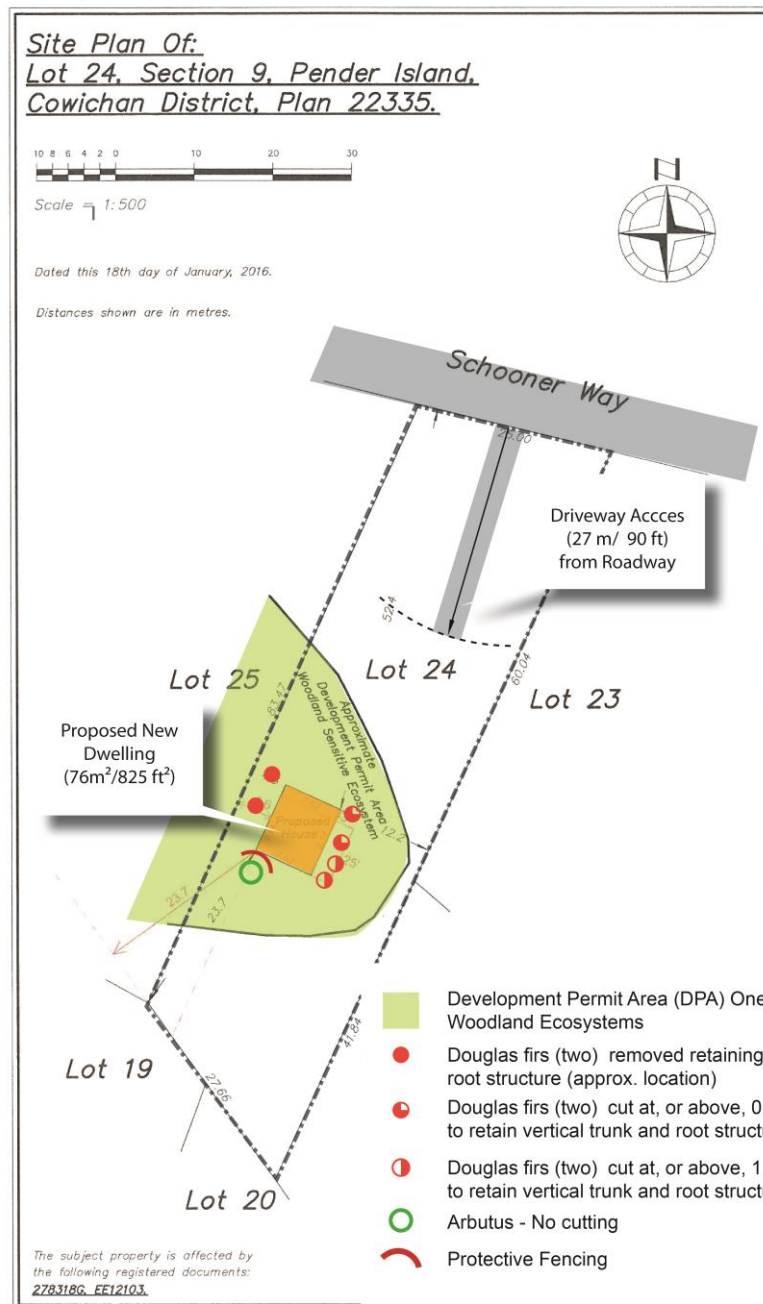
_____, 2016
Deputy Secretary, Islands Trust Date Issued

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.3 Schedule "A"

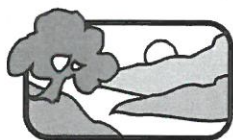
Site Plan



NP-DP-2016.3 - Attachment

Applicant's rationale (rec'd via e-mail April 6, 2016)

My property from the road is a fairly steep grade, which levels off adjacent to the DP area, if I built right there I would have next to zero level ground on the entire property, this would also place the house where myself and my neighbour to the west would pretty much have clear views into one anothers homes. In this area if I wanted to take advantage of views I would have to take down numerous trees which I would rather not, I wish to keep the property as close to it is now. The area in which I'd like to place the house is on the peak of the property and has at some point been heavily cleared and I will only have to take down 2 trees at the most on the east side, (which may or may not be in the DP area) and the 2 trees that need to be removed on the west side would need to be removed under any circumstance, 1 is leaning very badly, almost at 9 o'clock and the other which is a very large fir tree has the majority of it's roots exposed, with a whole lot of root already missing, it looks like this area had rock removed at some point. The other benefit of building in this area is I would never have to worry about standing water, as it simply runs away all direction.



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area

Bylaw No.: 491

Date: April 6, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days, by May 6, 2016. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held in the summer of 2016.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee, Islands Trust, 1-500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

PURPOSE OF BYLAW:

To rezone four properties abutting a proposed Ganges Harbour Boardwalk.

GENERAL LOCATION:

Ganges Harbour, Salt Spring Island

LEGAL DESCRIPTION:

- (a) Lot A, Section 1, Ranges 3 and 4 East, North Salt Spring Island, and of District Lot 2066 Cowichan District, Plan VIP83860 and a portion of the Shoreline (PID 027-249-794, 145 Lower Ganges Road)
- (b) Lot 1 Sec.1, Ranges 3 and 4, North Salt Spring Island, Cowichan District, Plan 49983 and a portion of Shoreline (PID 017-088-364, Lower Ganges Road)
- (c) Lot A, Section 2, Range 4 East, North Salt Spring Island and District Lot 689, Cowichan District, Plan VIP 65932 (PID 023-882-921, 151 Lower Ganges Road)
- (d) Lot 3, Section 2, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP 59755 and a portion of the Shoreline (PID 018-951-775).

SIZE OF PROPERTIES AFFECTED:

- (a) 0.02 hectares
- (b) 14.86 square metres
- (c) 0.1 hectares
- (d) 3.97 hectares,

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

- Ganges Village Core
- Shoreline Development

OTHER INFORMATION:

To amend Salt Spring Island Land Use Bylaw No. 355 to provide for a new, mixed use, yet primarily commercial zoning to accommodate four properties abutting or fronting the proposed "Ganges Harbour Walk" in Ganges on Salt Spring Island. See attached staff report and proposed bylaw at first reading for further details.

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: Stefan Cermak

Title: Regional Planning Manager, Salt Spring
Island Planning Team

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada – Habitat & Enhancement
Transport Canada Programs

Regional Agencies

CRD – All Referrals & K. Campbell
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Senior Manager
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Environmental Eng. Division
CRD – Housing Secretariat
CRD – Parks & Community Services
CRD – Ganges Water & Sewer Commission
CRD – SSI Liquid Waste Disposal Local Service Commission
CRD – SGI Small Craft Harbours Commission

PLEASE TURN OVER

Provincial Agencies

BC Assessment Authority
Ministry of Community, Sport & Cultural Development
Ministry of Transportation & Infrastructure
Ministry of Natural Resource Operations – Archaeology Branch
Ministry of Forest Lands & Natural Resource Operations
(Environment)
Ministry of Forest Lands & Natural Resource Operations
- Front Counter BC
Ministry of Jobs, Tourism & Skills
Ministry of Transportation and Infrastructure

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI Harbour Authority
SSI Salmon Enhancement Society

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

First Nations

Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

491
(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
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 492 Date: April 18, 2016

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

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

A bylaw to amend the Salt Spring Island Land Use Bylaw No. 355 for minor housekeeping amendments which fall within one of the three following criteria:

- congruent with current legislation;
- clarification for consistent interpretation; and
- consistent with intended purpose.

GENERAL LOCATION:

Salt Spring Island and Associated Islands and Waters

LEGAL DESCRIPTION:

Capital Regional District Electoral Area "F" including Salt Spring Island, Associated Islands and Waters

SIZE OF PROPERTY AFFECTED:

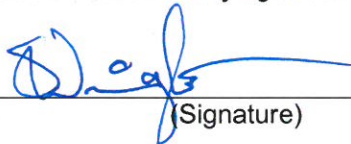
ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Salt Spring Island Local Trust Committee Bylaw No. 434

OTHER 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: Seth Wright

Title: Planner

This referral has been sent to the following agencies:

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Transportation & Infrastructure
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC

First Nations

Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

Regional Agencies

CRD – All Referrals & K. Campbell
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Senior Manager
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Parks & Community Services
CRD – Ganges Water & Sewer Commission
CRD – SSI Liquid Waste Disposal Local Service Commission
Vancouver Island Health Authority

Non-Agency Referrals

North Salt Spring Waterworks District
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI Harbour Authority

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)

492
(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



PRELIMINARY BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area

Bylaw No.: 493

Date: April 18, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 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:

To amend the Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (Green house gas emission reduction targets, policies and actions) per Section 473, Subsection 3 of the Local Government Act.

GENERAL LOCATION:

Piers Island, South West of Salt Spring Island, North East of Saanich Peninsula

LEGAL DESCRIPTION:

Piers Island, Victoria District

SIZE OF PROPERTY AFFECTED:

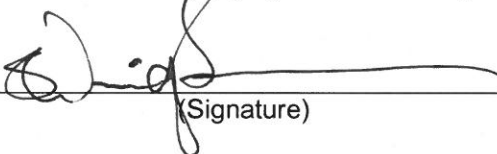
ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Piers Island Official Community Plan Bylaw No. 51

OTHER 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: Seth Wright

Title: Planner

This referral has been sent to the following agencies:

Provincial Agencies

BC Assessment Authority
BC Ferry Services Inc.
Ministry of Community, Sport & Cultural Development
Ministry of Energy
Ministry of Transportation & Infrastructure
Ministry of Forest Lands & Natural Resource Operations – Environment
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC

Regional Agencies

CRD – All Referrals & K. Campbell
CRD – SSI Building Inspection
CRD – SSI Director
CRD – Environmental Eng. Division
CRD- SGI Small Craft Harbours Commission
Vancouver Island Health Authority

Non-Agency Referrals

SS Ferry Advisory Committee

First Nations

Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Islands Trust Fund

PRELIMINARY 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)

493
(Bylaw Number)

(Title)

(Agency)

Date: April 19, 2016 **File No.:** NPI 6500-20-Housing

To: North Pender Island Local Trust Committee
For the meeting of May 6, 2016

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: LTC Top Priority – STVR (Housing)

Project Objectives

The overall objective of this project is to engage a community planning process that considers options to improve the stock, availability, and impacts of affordable housing on North Pender Island. The North Pender Island Local Trust Committee's (LTC) first priority is consideration of the use of residential zones for tourist accommodations, known as STVRs (Short Term Vacation Rentals). The scope of this work is being guided by a "[project charter](#)," which can be reviewed on the North Pender Island Local Trust Area web page: www.islandstrust.bc.ca/npender/housing.

The purpose of this report is to introduce land use bylaw regulations to permit short term vacation rentals as an accessory use in residential zones, to recommend enabling amendments to the Official Community Plan, and to present possible "Short Term Vacation Rental Permit" guidelines for inclusion under the Temporary Commercial and Industrial Use Permit section of the OCP.

Project Background

At the March 31, 2016 Local Trust Committee meeting, the LTC passed the following resolutions:

NP-2016-019

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to bring forward recommendations to streamline the process and reduce the fees of Temporary Use Permits.

NP-2016-020

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to draft regulations based on the "Summary of Recommendations" in the staff report dated March 22, 2016 and the comments made by the Local Trust Committee during this meeting.

The "Summary of Recommendations" referred to in the resolution are as follows:

- STVRs permitted as an accessory use in the Rural, Rural Residential, and Agriculture zones, implying there must also be a principal residential use occurring on the property at the same time.
- Only one STVR be permitted per property.
- No minimum lot size for STVRs.

- There is no floor area limit for STVRs.
- There is no limit on the number of bedrooms that can be used for STVRs.
- Landscape strips do not need to be provided for STVRs.
- A minimum of two parking spaces must be provided for an STVR.
- Temporary Use Permit guidelines should be developed to permit STVRs on a case by case basis, where the land use bylaw does not permit them, e.g. for instances where there is not an on-going principal residential use.
- The fees bylaw should be amended to reduce the application fee for Temporary Use Permits.

Proposed Land Use Bylaw and Official Community Plan Amendments

Land Use Bylaw 103:

The following proposed amendments to the Land Use Bylaw will have the effect of implementing the policy approach agreed to by the Local Trust Committee:

Amend Section 1.1 (definitions) to add the following:

- “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. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home business*, subject to the regulations established in Section 3.5.”
- Include short term vacation rental under the home business definition

Amend Section 3.5

- 3.5.1- add the word “cottage” so that it reads, “Home businesses must be conducted entirely within a dwelling, cottage or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.”
- 3.5.2 – Add “with the exception of short term vacation rentals,” so the regulation reads, “With the exception of short term vacation rentals, the combined floor areas of all home businesses on a lot must not exceed 65 m².”
- 3.5.4 – For clarity, add “In the case of a short term vacation rental, the operator or another person responsible for the vacation rental must live in a permitted dwelling or cottage on the property.”
- Add a new Section 3.5.11 – “No more than one dwelling or one cottage may be used for a short term vacation rental on a lot.”

North Pender Island Official Community Plan

The following proposed amendments to the Official Community Plan will enable and add certainty for the Land Use Bylaw amendments as well as provide guidelines for Short Term Vacation Rental Temporary Use Permits. The guidelines have been informed by the TUP policies of other Local Trust Areas and were [workshopped at the February 6, 2016 community consultation session](#).

Amend Section 2.1.1 (Rural Residential Land Use)

- Add “except where authorized by a Temporary Use Permit” to the end of policy 2.1.1.2 so the policy reads: “2.1.1.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use, except where authorized by a Temporary Use Permit.”
- Add the following policy after Section 2.1.1.2:
“Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”

Amend Section 2.2.2 (Rural Land Use)

- Add “except where authorized by a Temporary Use Permit” to the end of policy 2.1.2.2 so the policy reads: “2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use, except where authorized by a Temporary Use Permit.”
- Add the following policy after Section 2.1.2.2:
“Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage, except where authorized by a Temporary Use Permit.”

Amend Section 6: Temporary Use Permits

- Amend the preamble to specify that a permit can be issued for up to three years, and no longer for only commercial or industrial uses. This is a house keeping amendment to bring consistency with changes to the Local Government Act.
- Include the following guidelines under “Temporary Use Permit Policies:”
“In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:
 - a) for the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier;
 - b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for short term vacation rentals;
 - c) the Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence;
 - d) the Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - e) the landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other measure may be required. If the lot is in served by a community water system, the application should be referred to the water system for comment;
 - f) the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles;
 - g) If the proposal is located on a property identified as containing a sensitive ecosystem, the landowner should provide information for guests indicating the location of the sensitive areas and information on how to avoid impacting the sensitive features.
 - h) in addition to any other conditions the LTC may consider appropriate, the permit may:
 - require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit;
 - require the owner or manager to provide neighbours within a 200 metre radius of the vacation rental with the owner or manager’s phone number, and a copy of the temporary use permit;
 - require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area;
 - prohibit camping or occupancy of RVs on the property;
 - restrict advertising to one unilluminated sign, with a maximum area;

- prohibit the rental or provision of motorized personal watercraft;
- prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- prohibit outdoor fires;
- establish the dates during which the use may occur; and
- include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received;
- require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them;
- require the landowner/operator to post contact information and permit information at the entrance to the property; and
- a temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”

Streamlined TUP Process and the North Pender Island Fees Bylaw:

The North Pender Island Local Trust Committee has requested staff to bring forward a proposal for reducing the application fee and streamlining the short term vacation rental permit process.

The TUP process for Short Term Vacation Rental Permits can be streamlined using a checklist of possible permit conditions for applicants to fill out. Similar to the approach with the Development Permits on North Pender, a checklist can be created to implement the [Development Approval Information Bylaw](#). This checklist will make it easier to review the application and will provide certainty to the applicant on the information required to support the application. The statutory process for issuing Temporary Use Permits cannot be changed, however. In accordance with Division 8 of Local Government Act, application for a permit must be advertised in the newspaper at least 3 and not more than 14 days before the LTC will consider the application. Notice must also be delivered to neighbours within 100 metres of the boundaries of the property (this is pursuant to the [North Pender Procedures Bylaw](#)). One of the most significant streamlining elements for applicants would be for the LTC to ensure that decisions are made in a single meeting, ensuring that decisions aren't deferred to the subsequent meeting

Currently, the [North Pender Island Fees Bylaw 173](#) sets the application fee for TUPs at \$1100.00. While the administrative bylaw can be amended to reduce the fee, because there is a statutorily required newspaper advertisement, the fee needs to cover the cost of advertising. On average, such newspaper advertisements cost Islands Trust \$700.00. Also, even with a streamlined application process, a minimum of \$200 for staff costs should be factored in. It is on this basis that it is recommended the application fee be reduced only as low as \$900.00 for Short Term Vacation Rental Permits. For a six year permit, this amounts to a \$175/year cost to the STVR operator once you factor in the \$165 permit renewal fee.

Relevant Policy and Land Use Considerations

Islands Trust Fund

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

Bylaw Enforcement:

There are 28 open bylaw enforcement files for STVR uses on North Pender Island. Since May 2006, the North Pender Island Local Trust Committee has been using the following standing resolution to implement an enforcement strategy for short term vacation rentals:

THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement:

- 1. They are advertised on the internet, newspapers or other media;*
- 2. They are not managed by the property owner;*
- 3. More than one dwelling on the lot is simultaneously made available for STVR;*
- 4. While the property is rented persons are also staying in tents, trailers or RVs;*
- 5. There are issues related to health and safety;*
- 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR;*
- 7. The owner of the property uses more than one property on North Pender Island as a STVR.*

THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;

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

Climate Change Mitigation and Adaptation

While the proposed changes are not expected to have a huge impact on the number of new visitors, an increase tourism could increase the number of vehicles traveling to North Pender. This in turn could increase the greenhouse gas emissions relative to the increase in traffic.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

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

Analysis

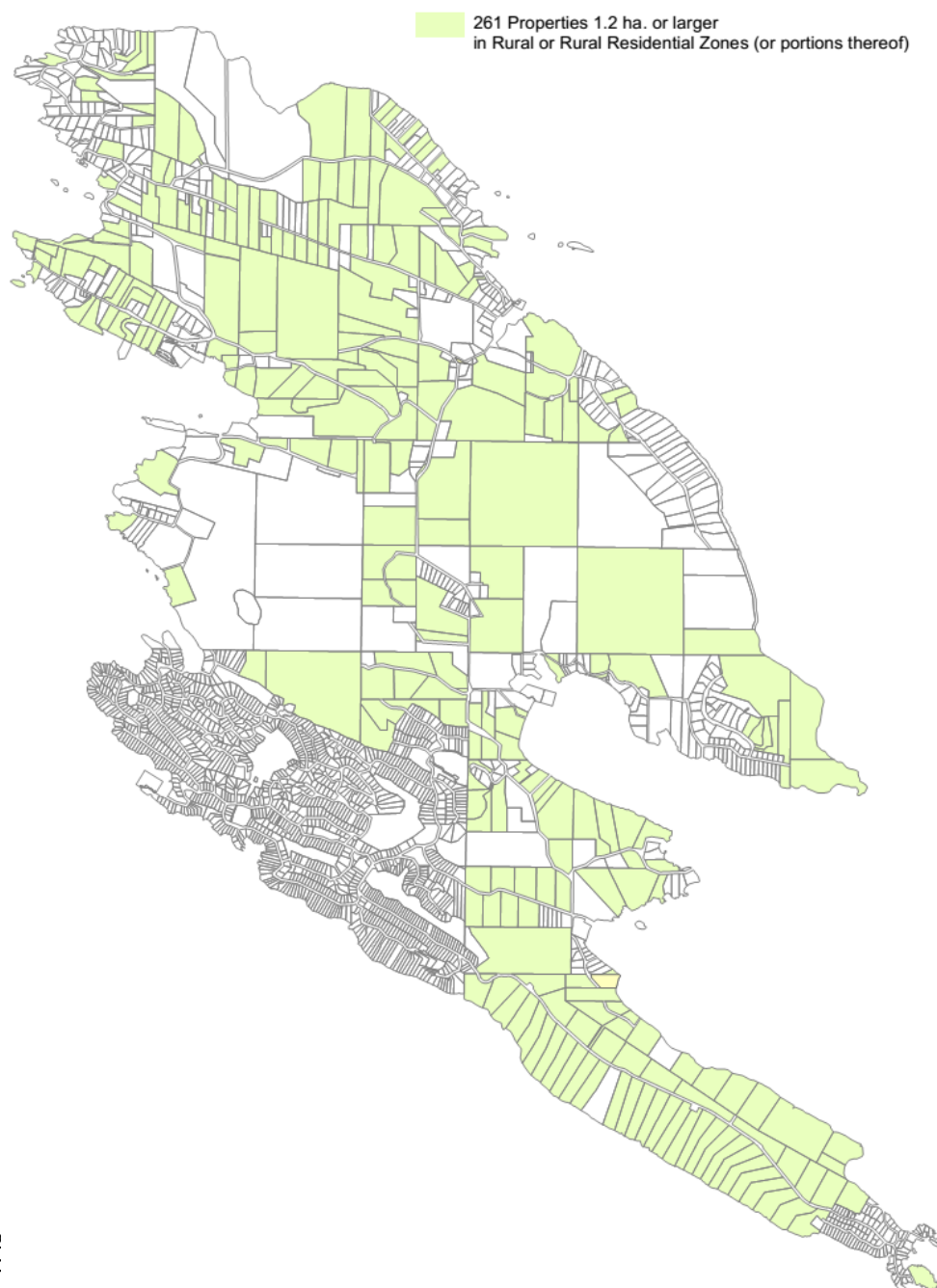
As was discussed in the March 31 [staff report](#), the regulatory approach to allow STVRs as an accessory use under the home business regulations would require there be someone responsible for the use also resident on the property. This would provide oversight in the way of an owner or caretaker also living on the property, but also implies a second dwelling unit or cottage exists on the property. Although there are a few grandfathered exceptions, under the current Land Use Bylaw there is a 1.2 ha (3 acre) minimum lot size for a cottage to be allowed in addition to a dwelling. There are 261 properties zoned Rural or Rural residential that are 1.2 ha (3 acres) or larger on North Pender Island. Please see Map 1 on the following page.

In areas of the island with Rural Residential zoning, properties can be subdivided to be 0.4 ha (1 acre), or if there is a community water connection, as small as 0.25 ha (0.6 acre). In Magic Lake Estates, the average property size is less than 1 acre. There are many properties therefore where STVR uses would not be permitted under the proposed regulations because the lots are too small to have a secondary cottage. Additionally, many STVR operators do not live on North Pender and

rent their vacation houses out as STVRs for additional income when they are not using them. However, as has been discussed, these examples are also the ones that are cited as being problematic for community members. Of the 28 bylaw enforcement for STVR uses, most of the violations are occurring in Magic Lake.

In Magic Lake, many people are concerned over the water supply and septic capacity of the neighbourhood. Also, because the lots are very small in Magic Lake, the STVRs that do cause nuisances are a burden for neighbours to deal with. Without a local owner or caretaker to manage the problems, it is only the RCMP that can be called. As was agreed to at the last meeting, it is under these circumstances that STVRs would be best managed with a Temporary Use Permit. The proposed guidelines can set site specific conditions; not all guidelines will be relevant to each proposal. While it is considered reasonable to require a permit be applied for in these circumstances, it is also acknowledged that the application fee and the process itself are claimed to be deterrents to STVR operators actually making application. The intent of the proposal to reduce the application fee and to streamline the process is to make it less daunting to apply for an STVR permit.

Map 1



Issues for Further Discussion:

1. The LTC should consider whether it is acceptable to run both a bed and breakfast and an STVR on the same property. Current proposed language would not prevent this.
2. The LTC should also consider whether to address situations where portions of dwellings are being used as an STVR, but are not operated as B&Bs (for example, where people are advertising individual rooms on Airbnb.) The current proposed language would not prevent this.
3. The proposed TUP guidelines do prompt the LTC to specify a maximum number of persons per bedroom. While this is included in the TUP guidelines for the other islands, it is difficult to administer and was not favoured by North Penderites in the consultation. Nevertheless, the LTC could consider adding in a guideline establish a maximum number of people per bedroom to be authorized by the STVR Permit.
4. The LTC should turn its mind to the acceptability of issuing an STVR permit to allow an STVR in a non-residential, accessory building. This is something that we receive inquiries about and has been the subject of a recent application. The current proposed language is silent on this matter.
 - On the one hand, if the overall footprint of residential and STVR uses on the property combined are small, the LTC may want to consider this. Permit conditions could require the building be converted back to an accessory building upon expiration of the permit. Pursuant to s.496 of the Local Government Act, a security deposit could also be requested to ensure this.
 - On the other hand, however, the LTC needs to ensure STVRs are not being run in unsafe buildings or buildings without residential building permits. Also, it may invite bylaw violations if people assume they can build more than one dwelling in contravention of zoning, and simply apply for a TUP to run an STVR out of one of them. TUPs are intended to as a tool to allow a change of use, not to increase density.
5. The LTC should consider whether to specifically exclude some areas from consideration of TUPs (around Buck Lake, Magic Lake, or Trincomali for example).

Communications and Community Consultation

Agency Referrals:

Staff have provided regulatory language and are seeking direction to draft bylaws. Once draft bylaws are prepared and ready for consideration of First Reading, staff will initiate bylaw referrals to agencies. Staff will also initiate engagement with any First Nations with an interest in the area for OCP amendments. The following First Nations have been identified as having an interest in the North Pender Island Local Trust Area:

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

- Tsawout
- Tsawwassen
- Tseycum

The LTC may wish to consider referral to the Advisory Planning Commission once draft bylaws are prepared. The LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected by an OCP bylaw. The LTC should consider if it wishes to undertake additional consultation than that identified above and direct staff accordingly.

Community Information Meetings & Public Hearing:

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

The Local Trust Committee may wish to engage in further consultation prior to considering First Reading of a draft bylaw or after it has bylaws at First Reading. As with all Land Use Bylaw and Official Community Plan amendments, the LTC must hold a public hearing in accordance with statutory requirements. The LTC will have the option to hold an additional community information meeting prior to or at the same time as the Public Hearing.

Next Steps

Formal Bylaw Amendment Process:

1. Direct staff to draft bylaws
2. Consider First Reading
3. Consider Second Reading (and any amendments); or
4. Public Hearing
5. Consider Second and/or Third Reading
6. Referral to Executive Committee
7. Referral to Ministry of Community, Sport, and Cultural Development
8. Adoption

Summary of Planning Recommendations

Land Use Bylaw Amendments:

Based on a review of options at the last meeting, the LTC provided direction to staff to proceed with drafting regulations to permit STVRs as an accessory use, where there is an on-going principal use to ensure the operator or someone responsible for the operation would be resident on the property. In the discussion, it was explained that using the home business section of the land use bylaw is the best way to achieve this objective. There are some home business regulations that do not make sense (such as floor area limits) for STVRs, but other regulations are applicable. For example, the parking requirement is two additional parking places be provided for a home business in addition to the two required for a residential use. The home business regulations in the land use bylaw have been extracted from the full land use bylaw for convenience and are posted on the [website](#).

North Pender Island Official Community Plan Amendments:

It is proposed to amend language in the Official Community Plan to clarify that STVRs would be permitted as accessory uses in the Rural Residential and Rural land use designations, where there is an operator or someone responsible for the use resident on the property.

Short Term Vacation Rental Permits:

Temporary Use Permits are tools that allow local governments to permit uses otherwise prohibited by zoning. Based on a review of options at the March 31 meeting, the LTC provided direction to proceed with adding Temporary Use Permit guidelines for those properties where the changes to

the zoning would still preclude the STVR use on a property. Once an application for permit is made, the LTC reviews the request and sets any conditions of use as the terms of the permit.

Since the North Pender Island OCP was adopted in 2007, statutory changes have resulted in TUPs being issuable for up to 3 years (from the previous 2 years) and for all uses (previously TUPs could only be issued for commercial and industrial uses). If the amendments proceed, it provides an opportunity to also bring the wording in Section 6 of the North Pender OCP into conformity with current legislation.

The proposed guidelines can be included in the Official Community Plan to assist the LTC in considering STVR permits and to give STVR applicants certainty about the expectations of the LTC for the STVR operation. The guidelines have been informed by the TUP policies of other Local Trust Areas and were workshopped at the February 6, 2016 community consultation session. There are 5 "issues for further discussion," on page 7 that the LTC should consider before directing staff to draft bylaws based on the proposed regulations in this report.

Streamlined TUP Process and the North Pender Island Fees Bylaw:

The LTC has requested information to consider reducing the application fee for Short Term Vacation Rental Permits and streamlining the short term vacation rental permit process. Currently, the [North Pender Island Fees Bylaw 173](#) sets the application fee for TUPs at \$1100.00. This administrative bylaw can be amended to reduce the fee. Staff propose reducing the application to \$900.00 and streamlining the STVR Permit process by using expedited processing times and an STVR permit checklist.

RECOMMENDATIONS:

- 1) THAT the North Pender Island Local Trust Committee directs staff to draft amendments to the Land Use Bylaw 103, 1996 and the Official Community Plan Bylaw 171, 2007 to permit Short Term Vacation Rentals based on the draft regulations presented in the staff report dated April 13, 2016.
- 2) THAT the North Pender Island Local Trust Committee directs staff to draft a bylaw amendment to the North Pender Island Fees Bylaw 173 to reduce the fee for Short Term Vacation Rental Temporary Use Permits to \$500.00.
- 3) THAT the North Pender Island Local Trust Committee directs staff to draft a sample Development Approval Information Bylaw Checklist aimed at streamlining the short term vacation rental permit process.

Prepared and Submitted by:

Justine Starke
Island Planner, Local Planning Services

April 19, 2016
Date

Concurred in by:



Robert Kojima
Regional Planning Manager

April 19, 2016

Date

MEMORANDUM

Date: April 18, 2016 **File No.:** 6500-20-Waste Management

To: North Pender Island Local Trust Committee
For the meeting of May 6, 2016

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: **Amended Project Charter: Land Use Planning for Waste & Resource Management**

Purpose

The purpose of this report is to update the North Pender Island Local Trust Committee (LTC) on the top priority project: Land Use Planning for Waste & Resource Management and the planning of a community consultation open house, scheduled for the afternoon of Monday, May 30, 2016 at the Legion on North Pender Island.

Background

The previous work of the Waste and Resource Management Commission (WRMC) identified a number of issues and advanced understanding of the needs of this project. The WRMC developed a categorized list of land selection criteria for siting waste transfer stations. The WRMC also agreed that different types of waste transfer operations would have different land use impacts. Understanding that there may be variations on the different models, the WRMC proposed a range of five basic types of waste transfer operations. This work has been summarized in [a spread sheet and is posted on the website.](#)

The LTC revised the scope of work for this project by endorsing a new [project charter](#) on February 25, 2016. According to the charter, the objectives of the review are:

- *To consult North and South Pender islanders, waste management operators, and other stakeholders.*
- *To consider what level of waste transfer is needed on N. Pender.*
- *To inventory existing industrial zones and waste transfer sites and apply land use criteria for siting a range of waste transfer facilities.*
- *To make recommendations on potential locations and the range of appropriate land uses*
- *To consider amending the OCP with guiding policies and land designations for waste and resource management.*
- *To consider zoning and regulating land to accommodate the preferred level of waste and resource management.*
- *Collaboration with CRD to ensure a comprehensive understanding and integrated approach.*

Update

The May 30, 2016 is an opportunity for the wider community to be informed of the work to date and to gain understanding of the different roles of the Capital Regional District, Islands Trust, and the private sector that are currently in effect. Staff from the Capital Regional District have agreed to participate in a resource capacity.

The project charter also anticipates an integrated decision making process, envisioned as a modified “Structured Decision Making” process, in order to systematically consider the land use impacts and corresponding land use criteria for each model of waste and resource management facility. This process will pick up where the Commission left off in its work on land use selection criteria. A consultant has been identified and discussions have been initiated around scheduling the meeting in mid July, which is on target with the timeline of the Project Charter. In the mean time, staff will be interviewing operators and stakeholders, and developing a community questionnaire for the general public to give input into the service levels needed.

It is recommended that the open house be scheduled as a special meeting of the Local Trust Committee in order for a quorum of the LTC to participate in discussions at the open house.

Recommendation

It is recommended THAT the North Pender Island Local Trust Committee direct staff to schedule the Waste and Resource Management community open house on May 30, 2016 as a “special meeting” of the North Pender Island Local Trust Committee.

Prepared and Submitted by:

Justine Starke, Island Planner
Local Planning Services

April 18, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

April 18, 2016

Date



Islands Trust

Print Date: April 26, 2016

Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke	
2	Housing	This is a broad scope project focused on housing; the first priority is consideration of vacation rentals in residential zones.	03-Feb-2015	Justine Starke	

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

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

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

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

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

Projects

North Pender Island

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



Islands Trust

Print Date: April 26, 2016

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2016.1	DAVID OHNONA	01-Apr-2016	3709 STARBOARD CRES NORTH PENDER RELAXATION OF SIDE AND FRONT LOT LINE SETBACK FOR AUX BUILDING
Planner: Phil Testemale			
Planning Status			
Status Date: 07-Apr-2016			
File Opened			

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.2	BETTE C GALLANDER DERRYCK H SMITH	07-Mar-2016	4847 Buccaneers Rd Riparian planting mitigation for tree cutting.
Planner: Phil Testemale			
Planning Status			
Status Date: 11-Apr-2016			
Contacted QEP and waiting for resubmission of RAR Assessment Report			
Status Date: 09-Mar-2016			
File opened and given to Planner.			
File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.3	MARTIN J HOSHOWSKI	24-Mar-2016	1613 Schooner Way, North Pender Island Build 825 sq. ft. residential dwelling in DPA1
Planner: Phil Testemale			
Planning Status			
Status Date: 19-Apr-2016			
Proposed permit and staff report on agenda for consideration by LTC at April 28 meeting.			

Applications

Status Date: 29-Mar-2016
File created and given to Planner.

Rezoning

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

Status Date: 04-Mar-2015
LTC put application on hold pending outcome of community wide waste management land use planning process.
Applicant invited to make application for TUP.

Status Date: 22-Jan-2015
LTC defers consideration of rezoning pending Work Program discussion at Feb 3rd special meeting

Status Date: 13-Jan-2015
Staff report prepared for January 22 2015 meeting

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	18-Jan-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debris, and sorting & recycling & transfer of materials & garbage).
Planner: Justine Starke			
Planning Status			

Status Date: 11-Mar-2015
Email correspondence advised applicant LTC will be considering putting application on hold pending outcome of community process for waste management. Application to be put on next available agenda.

Status Date: 13-Jan-2015
Met with applicant to discuss; applicant to continue to fulfill conditions set by previous staff and LTC

Status Date: 27-Nov-2014
Emailed applicant requesting status update



Applications

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

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

Planner: Phil Testemale

Planning Status

Status Date: 06-Apr-2016

Preliminary report completed and on April 28, 2016 LTC Agenda

Status Date: 17-Mar-2016

Development Approval information requested.

Status Date: 24-Feb-2016

In discussion with applicant on location of zone boundary; drainage and contamination mgmt. and site plan

Subdivision

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

To create a boundardy adjustment between 4446 and 5431 Hooson.

Planner: Phil Testemale

Planning Status

Status Date: 19-Nov-2015

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

Status Date: 03-Sep-2015

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

Status Date: 03-Jun-2015

E-mailed owner requesting information on applying for DPs

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.1	FERGUSON, JOHN	04-Feb-2016	1329 MACKINNON RD

Subdivision to create one parcel and one remaining.

Applications

Planner: Phil Testemale

Planning Status

Status Date: 02-Mar-2016

Sub Referral Report emailed and papered to David Koch at MoTI

Status Date: 24-Feb-2016

Reviewing application and preparing MoTI response

Status Date: 18-Feb-2016

Fee \$1210 received. Receipt #3276.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2016.1	Raevin Equipment Ltd	22-Jan-2016	018-191-947 DRIFTWOOD PROPERTIES

TUP to store top soil, aggregates, storage cans, additional greenhouse

Planner: Phil Testemale

Planning Status

Status Date: 03-Mar-2016

E-mailed applicant requesting that all items be submitted by March 30 in order to meet the April LTC deadlines

Status Date: 24-Feb-2016

Finalizing uses and conditions for permit with applicant prior to drafting.

Status Date: 15-Feb-2016

Letter e-mailed to Dorothy indicating terms for use and bylaw compliance for moving forward with the TUP.

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

Planner: Phil Testemale

Planning Status



Applications

Status Date: 06-Apr-2016

File Opened Created application, forwarded to LTC and planner

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending March 2016

650 North Pender	Invoices posted to Month ending March 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	641.06	858.94
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	3,120.51	-370.51
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	682.69	67.31
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,550.00</u>	<u>3,803.20</u>	<u>746.80</u>
Projects				
73001-650-4047	North Pender Age Friendly Community Plan	2,500.00	16,467.68	-13,967.68
73001-650-4054	North Pender Waste Management Review	3,250.00	2,084.24	1,165.76
73001-650-4055	North Pender Housing Review	3,250.00	1,514.90	1,735.10
TOTAL Project Expenses		<u>9,000.00</u>	<u>20,066.82</u>	<u>-11,066.82</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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

6.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.
7.				

REQUEST FOR DECISION

To: North Pender Island Local Trust
Committee

For the Meeting of: May 6, 2016

From: Robert Kojima,
Regional Planning Manager

Date Prepared: April 25, 2016

SUBJECT: 2015-2016 ANNUAL REPORT – APPROVAL OF NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). To comply with the schedule indicated in the policy, the Executive Committee has adopted the following schedule for preparation of individual committee reports:

Committee reports:	Reports to be approved on the following dates:
TPC	May 16
LPC	May 25
FPC	May 31
TFB	May 10
EC	May 18
Denman	April 19 / May 17
Gambier	March 17 / May 19
Gabriola	April 14 / May 7
North Pender	April 4 / May 2
Hornby	April 1
Lasqueti	April 18 / May 14
North Pender	March 21 / April 25
North Pender	April 28
Salt Spring Island	April 7 / May 5
North Pender	April 21 / May 21
South Pender	April 5 / May 10
Thetis	March 29 / May 24
Ballenas-Winchelsea	May 18
Executive Islands	

Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings listed above.

FINANCIAL: None

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

OTHER: n/a

BACKGROUND

- The Executive Committee will consider the format and outline of the 2015-2016 Annual Report at its meeting on March 22nd or April 6th.

REPORT/DOCUMENT: North Pender Island Local Trust Committee input to Annual Report (draft)

KEY ISSUE(S)/CONCEPT(S): Consistent Annual Report sections from each committee

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10.i](#).

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2016 without further editing from staff or trustees at the Trust Council meeting.

RESPONSE OPTIONS

Recommended: That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

Alternative: None

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Robert Kojima, Regional Planning Manager

Text for Inclusion in 2015-16 Annual Report

The North Pender Island Local Trust Committee held nine regular business meetings and four special meetings. The Local Trust Committee received and considered applications for six development variance permits, five development permits, one temporary use permit, and two rezonings.

Projects considered during this period included a project to review land use options for waste and resource management, completion of an age friendly planning process, and a review of housing policies and regulations, with the initial phase being a consideration of options for the regulation of short term vacation rentals.