



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: February 25, 2016
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	9:45 AM - 9:50 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:50 AM - 10:15 AM
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	10:15 AM - 10:30 AM
6.1 Local Trust Committee Minutes (for Adoption/Receipt)	
6.1.1 <u>North Pender Island Local Trust Committee Meeting Minutes of January 28, 2016</u>	4 - 16
6.1.2 <u>North Pender Island Local Trust Committee Special Meeting Minutes of February 6, 2016</u>	17 - 22
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes (for Receipt)	
6.3.1 <u>APC Adopted Minutes Dated July 29, 2015</u>	23 - 26
6.3.2 <u>APC Draft Minutes Dated February 2, 2016</u>	27 - 30
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated February 2016	31 - 32
8. DELEGATIONS	
none	

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10:30 AM - 11:00 AM

- | | | |
|------|--|----------|
| 10.1 | NP-RZ-2014.1 (Philpot) Staff Memo/Covenant
Bylaw 198 for Further Consideration to Adopt | 33 - 36 |
| 10.2 | NP-DVP-2015.5 (deRuiter) - Staff Report | 37 - 59 |
| 10.3 | NP-DVP-2016.1 (Lansdowne) - Staff Report | 60 - 74 |
| 10.4 | NP-DP-2015.5 (Bowers) - Staff Report | 75 - 112 |

11. LOCAL TRUST COMMITTEE PROJECTS

11:00 AM - 11:20 AM

- | | | |
|------|---|-----------|
| 11.1 | Land Use Planning for Waste and Resource Management | 113 - 118 |
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12. REPORTS

11:20 AM - 11:35 AM

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|--------|--|-----------|
| 12.1 | Work Program Report (attached) | |
| 12.1.1 | <u>Top Priorities Report Dated February 2016</u> | 119 - 119 |
| 12.1.2 | <u>Projects List Report Dated February 2016</u> | 120 - 122 |
| 12.2 | Applications Report Dated February 2016 (attached) | 123 - 128 |
| 12.3 | Trustee and Local Expense Report Dated January 2016 (attached) | 129 - 129 |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | 130 - 131 |
| 12.5 | Local Trust Committee Webpage | |
| 12.6 | Chair's Report | |
| 12.7 | Trustee Report | |
| 12.8 | Trust Fund Board Report | |

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

- | | |
|------|---|
| 14.1 | Next Regular Meeting Scheduled for March 31, 2016, at the Pender Community Hall |
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15. TOWN HALL

11:35 AM - 11:45 AM

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

16.1 **Motion to Close Meeting**

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

- *Adoption of In-Camera Meeting Minutes Dated January 28, 2016*
- *Appointment of BOV Members*

AND that the recorder and staff attend the meeting.

16.2 **Recall to Order**

16.3 **Rise and Report**

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



North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: January 28, 2016
Location: Pender Island Community Hall
4418 Canal Road, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Russ Hotsenpiller, Chief Administrative Officer
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Others Present: Approximately (40) members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:47 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and introduced the Trustees and staff present.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING

At 9:46 am the Chair announced that that the LTC would be moving to a private room for the In-Camera portion of the meeting.

NP-2016-001

It was MOVED and SECONDED

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

- Adoption of In-Camera Meeting Minutes Dated October 29 & November 26, 2015
- Personal information about individuals considered for positions appointed by LTC
- Legal advice

And that the Recorder and Staff attend the meeting.

CARRIED

3.1 Recall to Order

NOTE: RPM Kojima and CAO Hotsenpiller left the meeting at 10:30 am.

Chair Grams recalled the meeting to order at 10:36 am.

3.2 Rise and Report

Chair Grams reported that the in-camera meeting had been recessed and that the LTC would return in-camera following Item 16. He noted that there was not a Rise and Report at this time.

4. TOWN HALL AND QUESTIONS

Dorothy Murdoch, Maria Hanson, Lance Mueller (Director of Pender Island Chamber of Commerce), **Phillip Cook, Ed Taylor, and Martha Berringer** each spoke in favour of application NP-RZ-2015.1 (Colliers International). Each speaker noted the economic benefits of The Timbers for the tourism industry and the owners' efforts to operate with a good neighbours agreement.

John Allen spoke against the application NP-RZ-2015.1 (Colliers International), noting the rural zoning of the land and the past legal decisions against its proposed use. He requested that Trustee Barber recuse herself from discussion of this application as she has expressed bias in favour of the application in the past.

Dan Charman asked that any trustees who considered the proposal outside of the public meeting recuse themselves. Also noted that he is an immediate neighbour and has not been notified, involved, or invited to any community consultations.

Chair Grams asked Planner Starke to speak to the notification process. Planner Starke provided an overview, noting that this application is in its preliminary stages and that the formal process would not begin until a later time.

Rob Reedleder spoke against application NP DVP-2015.7 (Deschenes) noting that the lot has three inhabitable structures, it is a home that is being referred to as an accessory building, and approval would set precedent for future bylaw infractions.

Dale Henning spoke regarding the Waste and Resource Management Committee (WRMC). He provided an overview of the Commission's initial goal and noted that of the five objectives, progress had been made on one.

Michael Sketch, member of WRMC, spoke regarding bias and noted that bias would not be relevant for the WRMC if they dealt only with policy. He further commented that staff reports and other staff advice to the LTC contains bias.

5. COMMUNITY INFORMATION MEETING

none.

6. PUBLIC HEARING

none.

7. MINUTES

7.1 Local Trust Committee Minutes Dated November 26, 2015

By general consent the minutes of November 26, 2015 were adopted.

7.2 Section 26 Resolutions-without-meeting Report Dated January 2016

Received for information.

7.3 Advisory Planning Commission Minutes

7.3.1 Advisory Planning Commission Draft Minutes of January 12, 2016

Received for information.

7.3.2 Waste & Resource Management Special Advisory Planning Commission (SAPC) Adopted Minutes Dated November 20, 2015

Received for information.

7.3.3 Waste & Resource Management SAPC Adopted Minutes of January 4, 2016

Received for information.

7.3.4 Waste & Resource Management SAPC Adopted Minutes of January 4, 2016

Received for information.

7.3.5 Waste & Resource Managements SAPC Draft Minutes of January 15, 2016

Received for information.

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated January 2016

Trustee Masselink addressed the concern that the website does not allow easy sharing of information through social media. Planner Starke noted that they can try to address the concerns in other ways, but that the core issue is a structural problem with the design of the website.

9. DELEGATIONS

9.1 B. Mathias & J. Chapman Re: Moving Around Pender (MAP) Transportation Plan

John Chapman spoke, providing the following points:

- An overview of MAP and the organization's goals.
- A request that the LTC re-open the 1992 agreement with MOTI.
- An offer that MAP will participate in whatever manner the LTC determines appropriate.
- A request that the LTC endorse the Pender Transportation Plan and support its ideas.

Barry Mathias, Vice Chair of MAP, noted that since 1992 MAP had assumed they would receive prior knowledge of any work completed on the roads so that they could negotiate the creation of roadside paths. He reported that they have not received such notice.

Trustee Masselink thanked them for bringing it to their attention and agreed that the MOTI agreement should be attended to.

9.2 Jim Burrows & Neptune Estates Re: NP-RZ-2015.1 (Colliers International)

Jim Burrows provided a hand-out to the LTC and presented the following points:

- Representing Neptune Estates, 38 neighbours of the application property.
- The application is not about those who support business and those who do not, but about keeping business locations consistent with the Official Community Plans (OCP).
- A list of bylaw infringements regarding the property's dock, buildings and operations.
- An overview of the legal covenant related to construction on the site.
- An overview of the environmental impact of construction on the site.
- An overview of the history of legal actions and decisions related to the property.
- Noted that multiple OCP amendments would be required and would impact rural ones across the island.
- Noted that residents in Neptune Estates purchased their properties believing they were protected by the OCP.

Michael Symons rose to speak and Chair Grams asked that he limit his remarks in the interest of time. Michael Symons agreed that he would submit his prepared written remarks and limit his verbal ones. The remarks were submitted to the LTC.

Michael Symons made the following remarks:

- Requested that the LTC not be distracted by decisions of how to move forward and focus on whether the application should move forward at all.
- Noted that this application is the kind of development that the Islands Trust was created to guard against.
- Remarked that property owners purchase in rural areas for specific reasons and trust that the zoning will be upheld.
- Listed the Rural Land Use Statement in OCP outlines four allies and benefits of Rural Land. Noted that these would be promoted by preserving the zoning.
- Noted that denying this application does not take rights from the owner as they are asking for special consideration.

10. CORRESPONDENCE

Chair Grams noted that the agenda stated that “*Correspondence received concerning current applications or projects is posted to the LTC webpage*” and asked about the change. Planner Starke commented that this is the practice for handling correspondence to help manage the volume of the agenda package.

11. APPLICATIONS AND REFERRALS

11.1 NP-DVP-2015.7 (Deschenes)

Planner Starke provided an overview of the application, the purpose of the regulations, and the staff recommendation for the most reasonable solution.

Chair Grams invited the applicant to speak, but she noted that all of her information was included in the staff report.

Trustee Masselink asked whether the accessory building had been disconnected from sewage thus ensuring that it not be used as a residence.

The applicant responded that the CRD had requested that the sewer connection be disconnected and they had complied. She further noted that if they want to reconnect they will have to apply to the CRD for a permit.

NP-2016-002

It was MOVED and SECONDED

THAT Development Variance Permit NP-DVP-2015.7 (Deschenes) be approved.

CARRIED

11.2 NP-DP-2015.4 (Beauvais)

Planner Starke provided an overview of the application and the related staff report. She noted that the applicant sent their regrets and was not in attendance at the meeting.

NP-2016-003

It was MOVED and SECONDED

THAT Development Variance Permit NP-DVP-2015.4 (Beauvais) be approved.

CARRIED

Chair Grams commended the applicant for taking action to protect the land before building.

11.3 NP-DP-2015.6 (Rae/Driftwood)

Planner Starke provided an overview of the application and the related staff report. She noted that there is an active bylaw enforcement file on this property.

Dorothy Murdoch spoke as a representative for the applicant and provided rationale for the proposed changes.

Trustee Masselink remarked that the parking spot adjacent to the flower area was encroached by the fence. Dorothy Murdoch reported that the fence had been moved.

NP-2016-004

It was MOVED and SECONDED

THAT Development Variance Permit NP-DVP-2015.6 (Rae/Driftwood) be approved.

CARRIED

11.4 NP-RZ-2015.1

Planner Starke provided an overview of the application and the related staff report. She also noted the following points:

- The applicant's request is for site specific zone variations.
- The proposed Short Term Vacation Rental (STVR) use would be a primary use rather than a secondary one and would thus require an OCP amendment.
- There is community sensitivity regarding this application.
- The staff report recommends a community information meeting and that the application be referred to the Advisory Planning Commission for review,

Planner Starke noted that the first consideration is whether the application warrants a change in the Official Community Plan.

Alex Conconi addressed the LTC and acknowledged the controversy, remarking that he hoped that they could reconcile the concerns.

In response to Trustee Masselink's question about the dock's size, Alex Conconi noted that the dock was built in accordance with the licence that they were granted, but that the licence was granted in spite of being non-conforming.

Planner Starke noted that the amendment would be site specific permit the dock at its current size in this location only.

Trustee Masselink noted the controversial history of the issue and remarked that he hoped that they would be able to continue without further dividing the community.

A discussion was held regarding the process of hosting community information meetings, whether such meetings would be of benefit, and whether this would be the role of the applicant or the LTC.

Trustee Masselink noted his preference that the applicant hold these meetings.

Additional members of the public requested an opportunity to speak. Chair Grams noted that time had been provided during the Community Hall and that the floor would not be open to public comment at this time.

Chair Grams asked if there were any material changes between this application and the 2013 Temporary Use Permit (TUP) application.

Planner Starke responded that this application was revised as a result of the TUP process and that it addresses several of the concerns by way of additional information and professional reports. Planner Starke noted that the application package was comprehensive and cautioned against the LTC requesting further information from the applicant unless the application proceeds to bylaw drafting. Alex Conconi commented that he saw value in the LTC hosting the community meetings, as his attempts at neighbour outreach faced difficulty due to the level of controversy.

Additional community members requested an opportunity to speak and the Chair denied their requests.

A discussion was held regarding the current STVR project and whether it's outcome would be relevant to this application.

Trustee Masselink remarked that he would like to defer moving forward on the application and a discussion was held regarding the LTC's options.

NP-2016-005

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee direct staff to proceed no further with application NP-RZ-2015.1 (Colliers International).

CARRIED

(Opposed by Trustee Barber)

NOTE: A break was held from 12:15-12:32.

Trustee Masselink addressed the applicant and remarked that he appreciated the work that had gone into the application. He noted that the LTC's decision reflected the community's concerns and their current position in their work plan. He further encouraged the applicants to return once they had made further progress with their neighbours and offered his ongoing assistance.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Land Use Planning for Waste and Resource Management

In response to direction from the LTC at their last meeting, Planner Starke provided an overview of a staff report regarding alternatives for pursuing this work program without a Waste and Resource Management Special Advisory Planning Commission (WRMC)..

Planner Starke's presentation included the following points:

- Noted that the staff report does not make a recommendation.
- There was some progress made by the WRMC to date and noted the productivity of the previous two meetings.
- An overview of the options presented in the Staff Report and her opinion on each option.
- The principles of Natural Law include the right to unbiased decision makers and in this case, advisors.

Addressing the LTC's consideration of whether to dissolve the WRMC, Planner Starke noted that central to this decision is whether the LTC felt that the recommendations of the WRMC would ultimately have public credibility..

A discussion was held regarding the WRMC, the work completed to date, and the issue of bias.

NP-2016-006

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee dissolves the Waste and Resource Management Special Advisory Planning Commission.

CARRIED

Trustee Masselink and Trustee Barber remarked that the WRMC had generated a useful decision making framework and that this would be used moving forward.

Chair Grams noted that some members of the Commission ignored the LTC's request and continued to act with overt bias. He further noted that the other members of the WRMC had been informed that they could raise a vote of no-confidence, but had chosen not to do so.

Planner Starke noted the high level of volunteerism demonstrated by the WRMC members and commented that she hoped that those members would continue to remain involved in the process.

At Chair Gram's request, Planner Starke commented that, of the staff report's recommendations, her preference would be that the LTC direct staff to conduct a hybrid process with planning staff and consultant(s). She provided an overview of the process and the types of consultants that could be involved.

Trustee Masselink noted that moving forward he would like to continue including the Trustees from South Pender Island and also the CRD.

NP-2016-007

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee conduct a hybrid process with planning staff and consultants with regards to the waste and resource management issue and revise the project charter to accommodate that process.

CARRIED

Dale Henning asked whether the pending Agricultural Land Commission decision would impact this charter. Chair Grams noted that this is not in the hands of the LTC and that the project charter would be modified if required.

13. REPORTS

13.1 Work Program Report

13.1.1 Top Priorities Report Dated January 2016

Planner Starke provided an overview of the Advisory Planning Commission's (APC) comments on the Age Friendly Report. She noted that the APC's recommendation was recorded in the minutes and that those draft minutes had been revised.

The APC has advised that the LTC consider Climate Change Adaption and Community Resilience and Potable Water, and the Age Friendly Plan for the Top Priority List.

Michael Symons, APC Chair, noted that the minutes were in draft and not yet approved by the APC. He reported that the Top Priorities document had listed three separate number 1 items. Michael Symons clarified that the APC's motion recommended Climate Change Adaption and Community Resilience and Potable Water, and the Age Friendly Plan.

Planner Starke clarified that although each were numbered with a "1", the first three items on the list were separate items.

Trustee Barber noted that she was at the meeting and felt that continuing work on the Age Friendly plan fit within the LTC's project on housing.

A member of the public asked if the LTC had received any response from the public to their request in the Pender Post for comments on the Age Friendly plan. Trustee Barber noted that they had not.

Trustee Masselink asked whether the LTC would be stretching their resources by adding an additional project.

Planner Starke commented that the LTC has the resources for three top priorities. She further recommended that they address potable water because it relevant to every land use decision.

NP-2016-008

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee remove the age friendly planning from the list of top priority projects.

CARRIED

A discussion was held regarding whether the LTC would require additional information in order to add a new item to the Top Priority List.

Michael Symons noted that the APC would be meeting soon and wondered if, with the clarification that they were discreet items, the LTC would like them to reconsider the items and make a new recommendation.

Trustee Masselink agreed that his would be helpful and noted that he would like a particular focus on potable water.

NP-2016-009

It was MOVED and SECONDED

That the North Pender Island Local Trust Committee refer back to the Advisory Planning Commission the consideration of the top priorities to identify a project to fill the vacated place.

CARRIED

13.1.2 Projects List Report Dated January 2016

For information.

13.2 Applications Report Dated January 2016

For information

13.3 Trustee and Local Expense Report Dated December 2015

For information.

13.4 Adopted Policies and Standing Resolutions

For information.

13.5 Local Trust Committee Webpage

Trustee Masselink noted that he had spoken to RPM Kojima regarding the issue of sharing calendar information on social media. He reported that he would be following up with the correct staff member.

13.6 Chair's Report

Chair Gram provided an overview of the meetings which he had recently attended, as well as an update of the ongoing projects in which he is involved. He provided a highlight of decisions that had been made at Trust Council and noted the ongoing importance of marine issues.

13.7 Trustee Report

Trustee Masselink thanked the WRMC for their work and noted that he is looking forward to the STVR meeting on Saturday. He reported that the Trust Budget would be considered in March and that a public survey is available online.

Trustee Barber thanked the WRMC members and noted that she hoped they understood the LTC's reason's for their decision made today. She thanked the public for their participation in today's difficult meeting.

13.8 Trust Fund Board Report

None.

14. NEW BUSINESS

None.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for February 25, 2016, at the Pender Community Hall.

16. TOWN HALL

Jim Petrie commented as a member of the now dissolved WRMC. He noted that he was disappointed with the LTC's decision. He remarked that community involvement is an important part of the project and that the use of consultants will be expensive.

Chair Grams commented that the Commission could have raised a motion of no-confidence and the LTC may have made a different decision if that had happened.

Donn Korbin spoke, raising the following points:

- It has not been demonstrated that the island needs a new waste transfer site.
- North Pender Island currently houses two waste transfer sites that serve both North and South Pender Islands already. He encouraged the LTC to consider their responsibility to the North Pender Residents to keep this equitable.
- Regarding in camera decision and recording of votes at the November meeting he noted that he had inquired to Planner Starke about the count of a particular vote, but was informed that it was confidential because it happened during an in-camera session. He noted his concern that Trustee Masselink had voted on an issue when he should have recused himself.

Planner Starke provided an explanation of the regulations governing the confidential nature of In-Camera Meetings.

Chuck Harris asked how the next STVR meeting would be different from the previous meeting.

Planner Starke provided an overview of the structure of the upcoming meeting.

Marika Kenwell offered feedback on the November STVR meeting. She recommended that when using the break-out group methodology as an inductive approach, some direction should be provided to the small groups.

Dale Henning commented that the LTC's decision regarding the WRMC was a difficult one. He remarked that he felt that it would lead to a more open discussion and better outcome.

Anne Burdett asked whether a microphone could be used at large meetings. This request was acknowledged by the LTC. Marika Kenwell noted that as a member of the Community Hall board she would explore this.

17. CLOSED MEETING

At 1:39 pm the Chair announced that that the LTC would be returning to the in-camera meeting which had been left in recess.

NP-2016-010

It was **MOVED** and **SECONDED**

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

- Personal information about individuals considered for positions appointed by LTC
- Legal advice

And that the Recorder and Staff attend the meeting;

CARRIED

17.1 Recall to Order

Chair Grams recalled the meeting to order at 1:43 pm.

A discussion was held regarding a letter of appreciation to the WRMC members.

Trustee Masselink volunteered to send the letter and requested that Islands Trust's communications staff provide a template.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:44 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder



Islands Trust

DRAFT

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: February 6, 2016
Location: Royal Canadian Legion
1344 MacKinnon Road, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Seth Wright, Acting Planner Two
Shannon McConchie, Recorder

Regrets: None

Public Present: There were approximately seventy (70) members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:01 pm. He introduced the Local Trust Committee (LTC) and staff. Chair Grams provided an overview of the meeting's format and encouraged the public to participate actively.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. PRESENTATION AND INFORMATION

Chair Grams invited Planner Starke to facilitate the workshop.

Planner Starke provided an overview of the meeting's structure and goals of each section. She then gave a presentation which included the following points:

- An overview of the previous special LTC meeting on Short Term Vacation Rentals (STVR) and the outcomes of that meeting.
- Regulatory options for STVRs including Temporary Use Permits (TUPs), accessory use, rezoning, home-based businesses, and principal use.
- An overview of the Islands Trust's planning framework.

During the presentation, community members were invited to ask questions and the following information was provided in response to those questions:

- TUPs transfer with the sale of a property, unless there are conditions in the TUP which prevent this.

- Zoning Bylaw changes require amendments to the Land Use Bylaw (LUB).
- Variance permits cannot be used to vary land use or density.
- It is a policy of the Official Community Plan (OCP) that STVRs are not allowed as principal uses in residential zones.
- An overview of the OCP amendment process was provided to illustrate the difference in rigour compared with amendments to the LUB.

Members of the community raised the issue of holding a referendum regarding STVRs. Planner Starke provided an explanation of the governance process and explained the reasons why referendums are not a legal option for the LTC.

4. BREAK OUT GROUPS

Planner Starke provided an explanation of the break-out group process and an overview of the worksheets that each group would receive.

Julie Roper, a member of the North Pender Advisory Planning Commission (APC) spoke and requested that her comments be recorded in the minutes. The following points were made:

- This meeting was being presented as a way to determine the community's opinion on STVRs.
- Today's meeting will not provide reliable data.
- The LTC should prioritize conducting a reliable survey to determine what the community wants.
- She would assist with the creation of the survey if invited to do so.

A suggestion was made by a member of the community that the small groups be rearranged so that the groups represented a diversity of opinion. The public expressed general consensus and broke out into small groups at 1:47 pm.

Some members of the community left the facility during the small group discussions. The LTC and staff circulated among nine groups with approximately five participants in each group, a total of 44 participants.

5. REPORT BACK

Planner Starke brought the larger group back together at 2:39 pm and commended the public on their work.

She invited each group to report with an overview of their responses to the regulations on their worksheet.

Group 1 reported the following points:

- Lengthy discussion on Item 6, "More than one dwelling or cottage per lot may be used as a short term vacation rental at any one time," provoked a lot of discussion, with agreement in the end.
- Added a regulation "Groups comprised solely of young adults, aged 17-21 years, are not permitted."

- Noted that they would like to see the LTC choose an option that does not involve changes to the OCP in consideration of how long the process would take.

Group 2 reported the following points:

- Amended number 3 from “Short Term Vacation Rentals are only permitted where the owner or an operator live on the property” to “Short term Vacation Rentals are permitted where the owner or responsible designated person are present on the island during occupancy.”

Group 3 reported the following points:

- Noted that they were not able to clearly understand number 11, “STVRs should only be permitted in certain zones on the island.”
- Strong consensus in agreement with number 12, “STVRs should not be permitted in certain locations”.
- Added a regulation, “STVRs must be licensed so that the licence can be revoked”.
- Added a regulation, “Neighbours should have contact numbers”.
- Noted that bylaw must be enforced.

Planner Starke noted that neither the LTC nor the Capital Regional District (CRD) have the authority to provide or require business licences. She also noted that TUPs can include some of the regulations that a business licence would.

A discussion was held regarding TUPs and the cost and time associated with them.

Planner Starke noted that the LTC can set the fee for TUPS and does have the ability to streamline the process, thus reducing the application time from the current 6-8 weeks. She further noted that several of the requirements that are reflected in the timeline are legislated and outside of the LTC’s control.

Group 4 reported the following points:

- No consensus on number 1, “STVRs are permitted in Commercial Zones, but not permitted in Residential Zones.
- No consensus on number 12 and discussion of water resource concerns.
- Consensus in agreement with number 6 and number 8, “Two off-street parking spots must be provided for the STVR”.

Group 5 reported the following points:

- Amended number 8 to read “No street parking at all”.
- Noted that regulations must be enforceable and include a phone system that is responsive.
- Added the following recommendations on rules and regulations:
 - STVRs should be taxed.
 - Water should be considered
 - Insurance should be considered.

A discussion was held regarding the issue of taxes and equitable treatment of STVRs and commercial lodging.

Planner Starke noted that tax laws are beyond the LTC.

Group 6 reported the following points:

- Regarding number 1, the distinction between commercial and residential is not an issue as STVRs should be either allowed or not.
- Amended number 3 to require that the owner or designated point of contact is on island.
- Recommended that the point of contact must have authoritative power, including power to evict. Noted that this would cover most of the other issues.

Group 7 had reviewed TUP regulations and reported the following points:

- Agreed with all except the limitation of seasonal occupancy.
- Debate over regulating the number maximum of bedrooms and guest. Agreed two persons per bedroom and did not want to specify the total number of bedrooms.
- Noted the cost of the permit and the term of renewal, recommended two years and a cost of \$200.
- Recommended enlarging the notification radius from 100 meters to account for larger properties and noise carried by water.
- Agreed that inside the STVR all relevant information must be posted, including emergency information and waste removal.

Group 8 reported the following points:

- Agreed with all of them
- Emphasized number 3.
- Added a regulation "Rental property owner must be responsible for the actions of the renter and provide them with a list of rules."

Group 9 had reviewed TUP regulations and reported the following points:

- Expand the radius from 100 to 200 meters.
- Recommended posting of contact information at property line for the purposes of emergency services.
- Recommended STVR definition to specifically include AirBnB rentals so that there was no question.
- Recommended no off-island watercraft use on Magic Lake and Buck Lake.

A member of the community spoke and noted that there was no further regulation needed beyond the laws and bylaws already in place. As a business owner, he noted that STVRs had economic benefit to the younger members of the community.

Planner Starke noted that a survey would be available online and that the data from that survey and the past two meetings would be presented to the LTC who would then give further direction to staff. She invited participants to share their opinions on what the next steps should be. The following comments were made:

- Draft a ByLaw
- Seek the opinion of the silent majority as these meetings provide only the vocal minority

- Provide the public with a brief overview of what staff had learned from these meetings.

A discussion was held regarding seeking greater community feedback. The following points were made:

- The community had already been consulted in their election of the Trustees.
- Those who attend the meeting are a biased group and cannot be taken as representative of community's opinion.
- Those who attend the meeting are the ones who are passionate on either side of the issue and potentially are representative of the community.
- While consultation is important, eventually a decision must be made in a timely manner.
- The meetings have shown that people on either side of the issue can come together and work.
- Meetings can be confrontational and this discourages business owners and the elderly from attending.

Planner Starke noted that she was not hearing from the participants that they felt that another community meeting would be beneficial. There were no voices of dissent.

6. SURVEY

Planner Starke provided instructions on how to vote with the electronic remote system.

Planner Starke read the questions in sequence and invited the public to vote, noting that the program would record the results.

A discussion was held regarding non-dwelling rentals including tent spots. Planner Starke invited participants in the discussion to schedule a meeting with her to discuss the bylaw.

Following the survey, Planner Starke invited further comments from the public.

A member of the community commented that some of the attendees who left earlier had commented that they were leaving because STVRs were going to happen and they were not going to have a say. She recommended that the upcoming survey address the suggestion that regulations include the requirement that an operator be on-island and have the authority to deal with any issues that arise.

Planner Starke reported that the staff report would come to the LTC at a future meeting. She noted that a decision on whether to change the bylaws would not be possible in time for the summer season, but that if someone wanted to run an STVR this year that they could apply for a TUP and that is the only way to have a legal STVR at this point in time

8. ADJOURNMENT

Chair Grams thanked Planner Starke

By general consent the meeting was adjourned at 3:49 pm.

George Grams, Acting Chair

Certified Correct:

Shannon Brayford, Recorded



ADOPTED

North Pender Island Advisory Planning Commission Minutes of Meeting



Date: Wednesday, July 29, 2015 (4:30 pm)

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

Members Present: Julie Roper
Michael Symons
Barbara Johnstone Grimmer
Sharon Card
Ben McConchle
Dorothy Murdoch

Staff Present: Justine Starke, Island Planner
Zorah Staar, Recording Secretary

Regrets: None

Others present: Derek Masselink (Local Trustee)

COPIED TO

☒ PLANNER

☒ LTC

☒ DEPUTY

SECRETARY

1. CALL TO ORDER

With this new Advisory Planning Commission (APC) not yet having elected its Chair and Deputy Chair, previous Deputy Chair Roper called the meeting to order at 4:30 pm, and acted as chair until item 5. APC Members introduced themselves, and Trustee Masselink said that he was present to offer thanks and encouragement.

2. APPROVAL OF AGENDA

Item 3. of the proposed agenda was amended, to show the date of the minutes to be approved as April 23, 2015 (not April 2, 2015).

NP-APC-2015-017

MOVED by Member Symons, SECONDED by Member Card

THAT the Advisory Planning Commission approve the proposed agenda, as amended.

CARRIED

3. APPROVAL OF MINUTES

NP-APC-2015-018

MOVED by Member Symons, SECONDED by Member Smith

THAT the Advisory Planning Commission approve the minutes of the April 23, 2015 APC meeting.

CARRIED

It was noted that the April 23 meeting occurred the day before the end of the term of the previous APC. Where possible, the current APC Members were in favour of having brief subsequent meetings for timely approval of APC minutes on Local Trust Committee referrals.

4. APC ORIENTATION

Orientation materials had been distributed to new APC Members. Island Planner Justine Starke gave a presentation, to orient newer APC Members and also provide a review. Some of the key points were as follows:

- review of Islands Trust history and “preserve and protect” mandate, North Pender Island Trust Area, Official Community Plan, Land Use Bylaw framework, and applications or matters that may be referred to APC;
- APC as a statutory body, subject to APC Bylaw and other restrictions;
- APC role is to provide advice, comments, and recommendations, on matters specifically referred by the Local Trust Committee (LTC);
- APC recommendations are not binding on the LTC, but are very appreciated;
- APC Members should be cautious if discussing LTC referrals with each other apart from duly-constituted meetings, because an inadvertent quorum may occur, but individual APC Members may discuss referrals with other community members apart from meetings;
- North Pender Island Advisory Planning Commission Bylaw provides for a period at each APC meeting to hear some community comments, but public should also be directed to make all comments directly to LTC, because it was not APC's role to adjudicate on public input or receive it on LTC's behalf;
- APC Members must declare potential conflicts of interest, and withdraw from discussions where a conflict is considered to exist (by Islands Trust Chief Administrative Officer Linda Adams);
- APC Bylaw stipulated meeting requirements, including posting of notices at least 5 days in advance, 50% meeting quorum, taking of minutes, etc.;

- Current 3 top priorities of Local Trust Committee (LTC), i.e. (1) Age & Disability Friendly Planning, (2) Land Use Planning for Waste Management (including a separate Task Force / Special Advisory Planning Commission), and (3) Housing (beginning with consideration of short term vacation rentals).

An APC Member noted that it was helpful if the LTC made it as clear as possible what was expected of the APC on a referral, including how much public input.

An APC Member asked (respectfully) what was the point of the APC, if the LTC was under no obligation to follow any APC recommendations.

Island Planner Starke and Trustee Masselink answered this and other questions from APC Members, including the following comments:

- encouragement for APC Members to talk to their community contacts prior to meetings, to get a sense of diverse community positions on LTC referrals;
- importance of APC Member discussions providing a reflection of community opinions, even if LTC believed that they had reasons not to follow every APC recommendation, and were willing to accept the consequences of this choice;
- LTC reasons for appointing a separate Waste Management Task Force / Special Advisory Planning Commission, to have multiple meetings on that issue (Note: task force also included as ex-officio members the Chairs of the North Pender and South Pender APC's, or their delegates – see 5. below).

5. ELECTION OF APC CHAIR & DEPUTY CHAIR

Acting chair Julie Roper called 3 times for nominations for the role of APC Chair.

NP-APC-2015-019

MOVED by Member Card, SECONDED by Member McConchie
THAT Michael Symons be nominated for APC Chair.

There was another nomination but with no seconder (as required). Therefore, Member Symons was declared APC Chair for this term.

Chair Symons called 3 times for nominations for the role of APC Deputy Chair

NP-APC-2015-020

MOVED by Member Murdoch, SECONDED by Member McConchie
THAT Barbara Johnstone Grimmer be nominated for APC Deputy Chair.

There were no other nominations. Therefore, Member Johnston Grimmer was declared APC Deputy Chair for this term.

Chair Symons was not available to serve as an ex-officio member of the Waste Management Task Force / Special Advisory Planning Commission. Deputy Chair Johnstone Grimmer volunteered to take this role, and was delegated to do so.

As for future meetings of the regular Advisory Planning Commission once a Local Trust Committee referral had occurred, various APC Members had difficulties attending morning, afternoon, or evening meetings, so a 4:30 pm weekday meeting time seemed most likely to work in future.

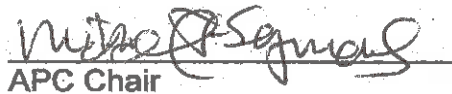
6. ADJOURNMENT

NP-APC-2015-020

MOVED by Member Roper, SECONDED by Deputy Chair Johnstone Grimmer

THAT the APC meeting be adjourned at 5:49 pm.

CARRIED


APC Chair

Certified Correct:


Zorah Staar, Recorder

DRAFT

Pender Island Advisory Planning Commission Minutes of a Meeting



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

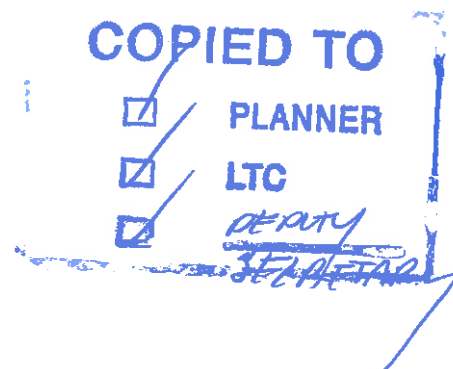
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island,
BC

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:

- Member Johnstone Grimmer recommended the response focus on water sustainability.
- Member Roper noted that all other issues fall under the issue of potable water and recommended that the APC send a single recommendation with unanimous support.
- Member Roper noted that the "Activity" column for "Potable Water" was blank and suggested the APC include recommendations.
- Member Underhill noted that "Groundwater Protection" is listed as a separate item and does not include any listed activities.
- Member Card commented that 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, Member Roper recommended that the motion specifically say "water" rather than "potable water".

Member Johnstone Grimmer commented 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

**Follow Up Action Report****North Pender Island****27-Nov-2015**

No.	Activity	Responsibility	Target Date	Status
1	October 26 2015 Minutes of the NPI LTC adopted. October 29 2015 Minutes of the NPI LTC adopted. November 7 2015 Special Meeting of NPI LTC adopted.	Lori Foster	18-Dec-2015	Done
1	Planning staff to present LTC with options for pursuing the Waste Management project in the event the SAPC is dissolved.	Justine Starke	13-Jan-2016	Done
1	Bylaw Nos. 195 (LUB) & 197 (OCP) {Clam Bay Farm} adopted.	Sharon Lloyd-deRosario Kim Stockdill	16-Dec-2015	Done
1	Age friendly plan - Final report received by the NPI LTC. Report back to UBCM funders.	Justine Starke	31-Dec-2015	Done
1	Housing (STVR) project charter adopted as amended. Update website with new project charter. Also post staff report.	Justine Starke Lori Foster	30-Dec-2015	Done
1	Refer Age Friendly Plan to APC - done LF Dec 3. Seek input on next steps and advice on what the next top priority for the LTC should be.	Sharon Lloyd-deRosario Justine Starke Lori Foster	28-Jan-2016	Done

28-Jan-2016

No.	Activity	Responsibility	Target Date	Status
1	Minutes of November 26 2015 NPI LTC meeting were adopted.	Pauline Brazier	11-Feb-2016	Done
1	NP-DVP-2015.7 (Deschanes) to be issued.	Sharon Lloyd-deRosario Phil Testemale	25-Feb-2016	Done



Follow Up Action Report

1	NP-DP-2015.4 (Beauvais) approved for issuance. Applicant should be notified.	Sharon Lloyd-deRosario	25-Feb-2016	Done
1	NP-DP-2015.6 (Rae/Driftwood) approved for issuance.	Sharon Lloyd-deRosario Phil Testemale	25-Feb-2016	Done
1	NP-RZ-2015.1 (Colliers) - The Timbers. LTC resolution to proceed no further. Applicant eligible for refund under fees bylaw.	Justine Starke Pauline Brazier	25-Feb-2016	On Going
1	Waste Management - bring updated projected charter to Feb 25 LTC meeting in order to conduct a hybrid process run by planning staff with assistance from a consultant.	Justine Starke	10-Feb-2016	Done
1	Waste and Resource Management Commission dissolved. Amend template APC thank you letter and send to Derek Masselink for signature.	Sharon Lloyd-deRosario Justine Starke	05-Feb-2016	Done
1	Age Friendly Plan removed from top priority list.	Justine Starke	17-Feb-2016	Done
1	Long project list referred back to APC.	Justine Starke	01-Feb-2016	Done



Memorandum

Date: February 11, 2016
File Number: NP-RZ-2014.1 (0697595 BC LTD)
To: North Pender Island Local Trust Committee
For the meeting of February 25, 2016
From: Justine Starke, Island Planner
Re: Adoption of Proposed Bylaw No. 198 (7950 Plumper Way).

In general terms, the purpose of Proposed Bylaw No. 197 is to permit a 83.6m² (900 ft²) dock, and to prohibit any additional docks being constructed adjacent to the property, should the land be subdivided in the future.

Bylaw 198 was given First Reading on January 22, 2015 and Second Reading on April 30, 2015. A public hearing was held at the June 18th regular LTC meeting; the public hearing was re-advertised according to statutory requirements and a second public hearing was held on July 30, 2015. Bylaw 198 received Third Reading by the North Pender Island Local Trust Committee on July 30, 2015. It was approved by the Executive Committee of IslandsTrust on September 15, 2015.

The Local Trust Committee has made a s. 219 covenant a condition of final adoption of Bylaw 198 in order to ensure that if the land is subdivided in the future, new lot owners would be permitted access to the dock. The Section 219 covenant was accepted for signature by the Local Trust Committee on November 26, 2015. It has now been registered at the Land Title Office, signaling the completion of all conditions set prior to adoption of Bylaw 198.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee adopt Bylaw 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 04, 2014 (NP-RZ-2014.1; 0697595 BC Ltd; 7950 Plumper Way).

Attachments: Bylaw No.198

pc Robert Kojima, Regional Planning Manager

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 198

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

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

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

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(c)	The land covered with water fronting Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except part in Plan 19554.	(1) Despite 8.19.6(1) the maximum water area that may be covered by a float is 83.6m ² . (2) Despite 8.19.7(1) a maximum of one private float, ramp and walkway is permitted in the W1(c) zone

2. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 04, 2014".

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

READ A FIRST TIME this 22nd day of JANUARY , 2015
READ A SECOND TIME this 30th day of APRIL , 2015
PUBLIC HEARING HELD this 30th day of JULY , 2015
READ A THIRD TIME this 30th day of JULY , 2015
APPROVED BY THE EXECUTIVE COMMITTEE this 15th day of SEPTEMBER , 2015
ADOPTED this day of , 20

Chair

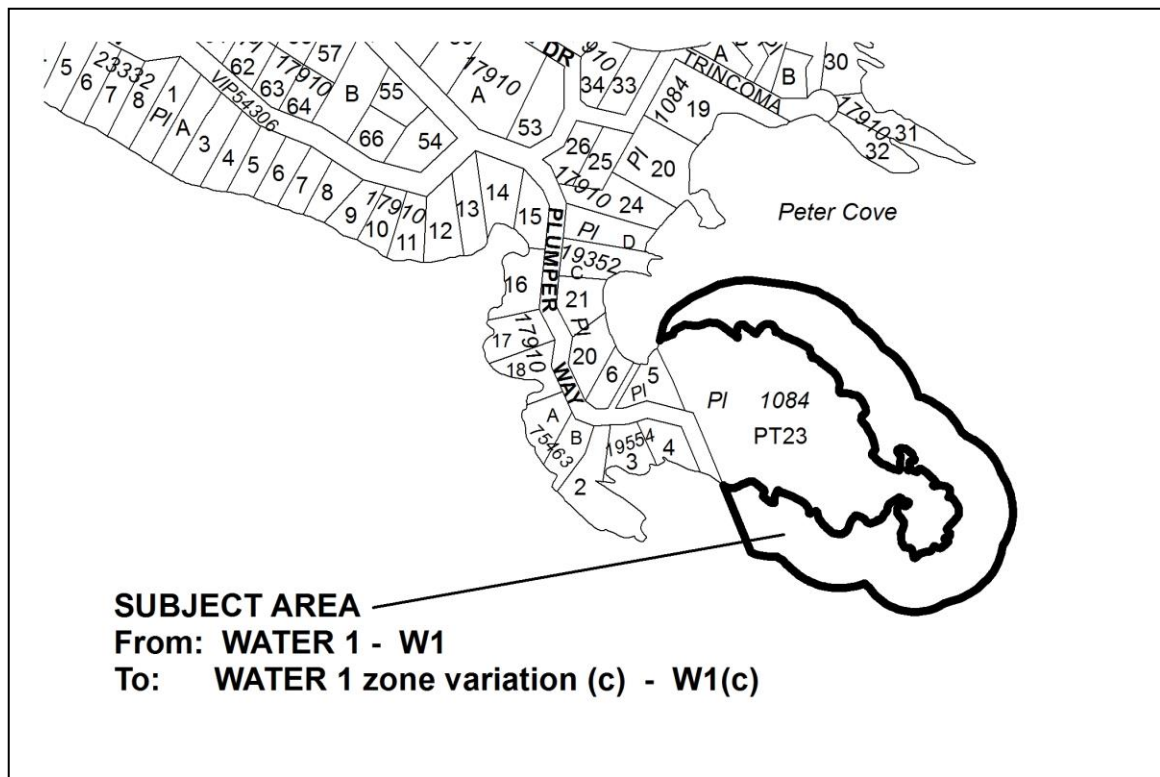
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 198

PLAN No. 1

“North Pender Island Land Use Bylaw No. 103, 1996, Schedule “D” Zoning Map” is amended as follows:



for human habitation under the BC Building Code and CRD Bylaws. The only solution for the applicant, other than removing the treehouse, was to make a building permit application for a new principal dwelling on the property. This would allow the treehouse to remain, but as a non-residential accessory building, and thereby conform to the LUB with a successful height variance. The variance application was put in abeyance pending the application for a principal dwelling. In December a building permit for a 33 m² (357 ft²) principal dwelling was submitted and staff approved the plans referred by the CRD. The applicant has also demonstrated a *bona fide* commitment to constructing the principal dwelling (see following details and 'Staff Comments')

The current application, therefore, is for a height variance to an **accessory building** that is 8.53 metres in height.

The sequence of construction and permitting is as follows:

- The applicant bought the property in 2014 and made enquiries to both the Islands Trust and the CRD building inspection department about constructing a less than 10 m² (107 ft²) in order to avoid the building permit requirement given its size.
- The treehouse was constructed without a building permit in the summer of 2014 with a floor area that was over 10 m² (107 ft²). The floor area was subsequently reduced by altering the loft area so as not to be included in the floor area calculation.
- In late 2014 or early 2015 the applicant appeared on local television and indicated that the treehouse was being rented and used for human habitation. At this point the CRD Building Inspection and the Islands Trust became involved.
- The owner applied for a Development Variance Permit for height of the treehouse in April 25, 2015 as a principal dwelling.
- Staff conducted a site inspection on May 7, 2015.
- Staff, CRD Building Inspection staff and the owner agreed in a telephone meeting on May 29 of 2015 that the owner would stabilize the treehouse structurally, remove the residential fixtures, and apply for a building permit for a new principal dwelling by the end of July 2015. The DVP was put in abeyance pending the receipt of the latter.
- In July of 2015 Bylaw Enforcement found that the owner was advertising the treehouse for rent as a STVR on AIR BnB. When advised that the use was illegal, the owner stopped advertising. No enforcement file was opened.
- A Building Permit referral (NP-BP-2015.21) for the treehouse as an accessory building was referred to the Islands Trust on November 2, 2015. This was rejected as a building cannot, by definition be accessory without a principal use.
- The owner committed to making an application for a new principal dwelling by the end of 2015.
- The owner made that application (NP-BP-2015.24) on December 15, 2015 which has been approved as complying with zoning by staff.
- Staff reactivated the variance application for an overheight accessory structure, drafted the proposed permit and undertook statutory notification of neighbouring properties in January of 2016.
- The application was originally on the agenda for the January LTC meeting, but the applicant requested it be deferred as he was unable to attend that meeting.
- The applicant has undertaken substantive steps to demonstrate he is *bona fide* working on completing the new principal dwelling (see "Staff Comments")
- The owner will be required to convert the treehouse to an accessory structure as a condition of occupancy.

SITE CONTEXT:

The property is 0.22 hectares (0.5 ac) in size fronting on Mate Road in Magic Lake Estates (Figure One). The property is also accessed from Sailor Easement that services numerous area properties off of Sailor Way. The size and use of the property is typical to those in the surrounding area. Houses on adjacent properties are located close to the southern property boundaries (at the highest elevation), and are generally accessed using Sailor Easement. (Figure Seven).

The property slopes uniformly at approximately 20% from the south toward Mate Road. The property is well treed with a mature forest and has had minimal clearing (Photos and Figure Seven). Currently, the only building on the property is the subject tree house.

Planning staff visited the site on May 7, 2015, (See: Photos below)

Figure One: Site Context

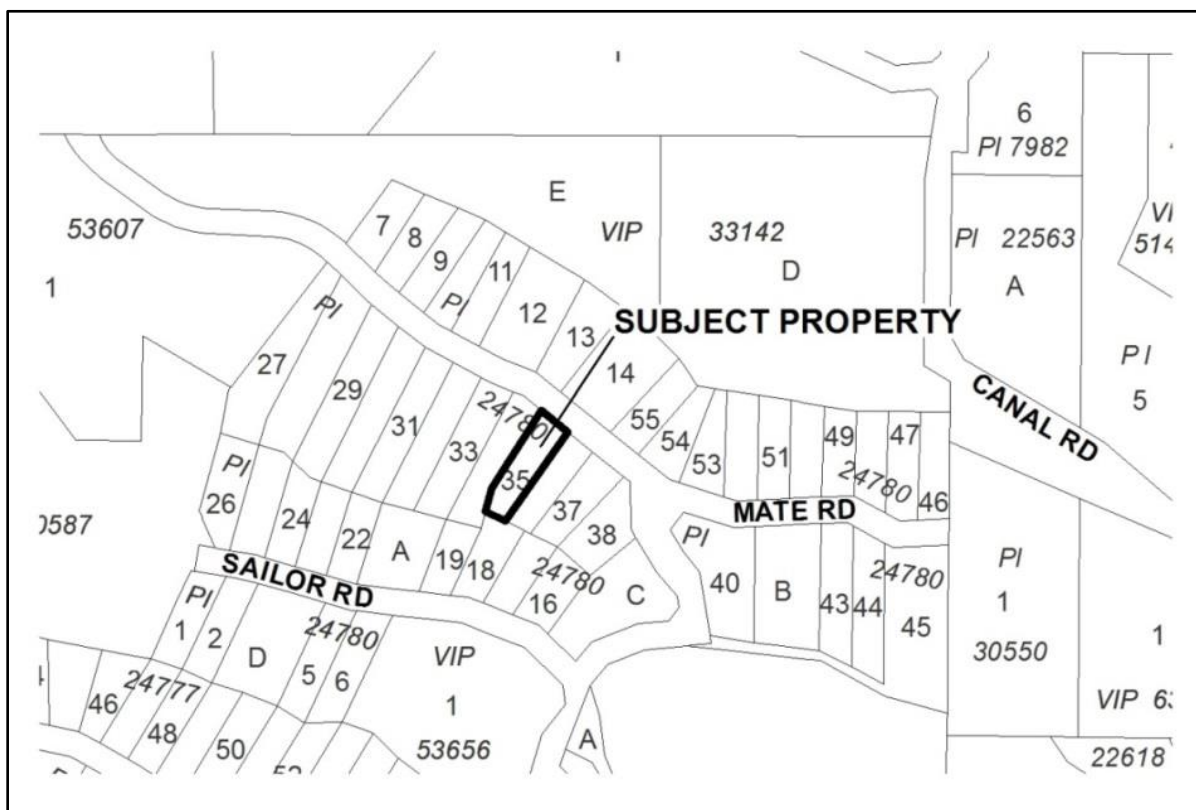


Figure Two: Site Plan

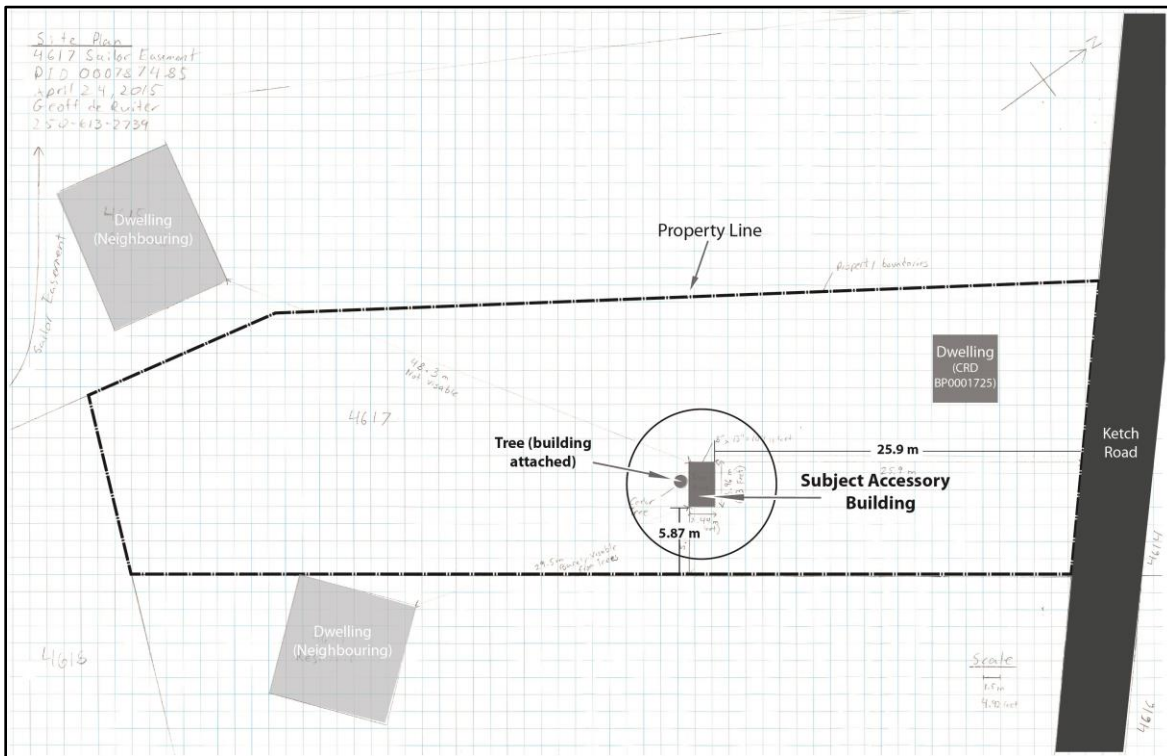
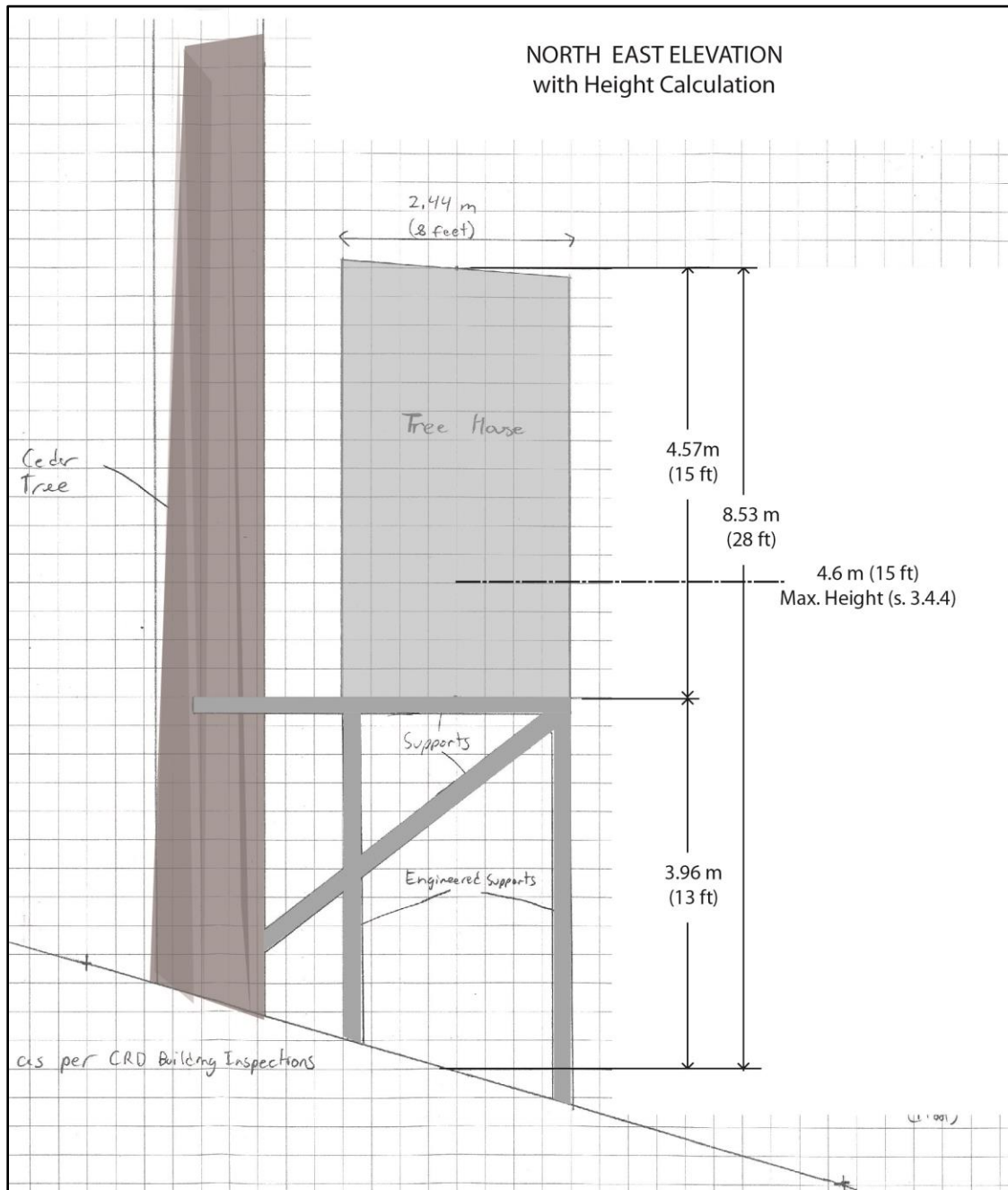


Figure Three: Elevation with Height Calculation



1500 LBS HANGER
(SUCH AS HUC26-3)

3-2X8 OR 4X8 #1
(DFIR, SPF, OR NORTHERN)

ADD 1 2X6 3X6
TO EXISTING 2X6

CONTINUOUS 3-2X8 OR
4X8 #1 (DFIR, SPF,
OR NORTHERN)

EXISTING
PARTS TO
REMAIN

2X4 OR 4X6 #1 (DFIR,
SPF, OR NORTHERN) BETWEEN
EACH POST

1700 LBS HANGERS
(SUCH AS LUS26-2)

NEW 2X6
FLOOR SCISS
@ 16" OC (TYPICAL)

NEW 4X6 #2 OR 6X6 #2
POSTS (DFIR, SPF, OR NORTHERN)

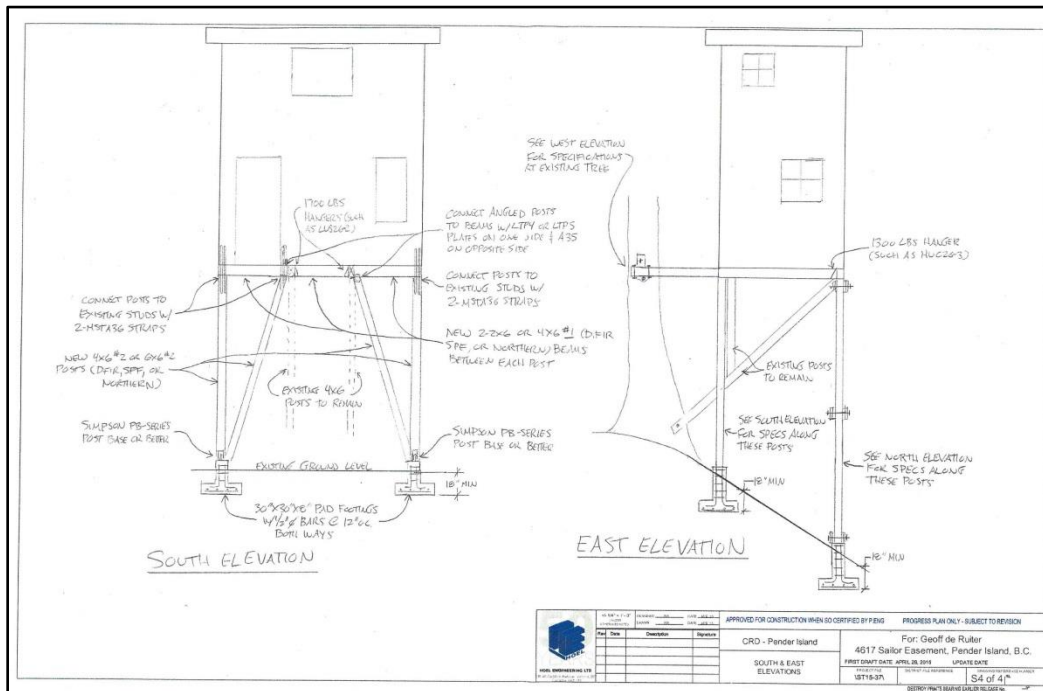
1500 LBS HANGER
(SUCH AS HUC26-3)

3-2X8 OR 4X8 #1 (DFIR,
SPF, OR NORTHERN)

MAIN FLOOR PLAN



Figure Six: Engineer's Elevations



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

5.2 Growth and Development

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

Official Community Plan

The subject property is designated as **RR- Rural Residential** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

There are no development permit areas designated on the subject property.

Land Use Bylaw

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (See: Figure Seven).

Islands Trust Fund

There are no Trust Fund Board covenants or properties in proximity to the proposed subdivision.

Regional Conservation Plan

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



Photo One: View of Treehouse from West and Below



Photo Two: View from South



Photo Three: View of Treehouse Floor and Supporting Structure

An aerial photograph of a residential neighborhood with property lines overlaid in white. A central lot is outlined in red and labeled 'R5'. Other areas are labeled 'R' and 'CP1' in blue text. The image shows a mix of green trees and residential buildings.

The property does not have any sensitive ecosystems other than mature forests indicated on Islands Trust Fund and LPS mapping. The treehouse has already been constructed and did not involve any substantive clearing given the design. The areas are not protected and the subject building is already constructed. The property slopes at approximately 20% from Sailor Easement down to Mate Road. This area has a medium slope stability hazard (Figure Eight).

Slope Stability Hazard

- Low
- Medium
- High

Archaeological Sites

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

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

Covenants

There are no LTC or other covenants or easements registered on title for the property.

Bylaw Enforcement:

There are no bylaw enforcement files for the property. The Bylaw Officer did investigate the use of the building as a short term vacation rental (STVR) however, when advised that the use was illegal, the owner stopped advertising.

Climate Change Mitigation and Adaptation

The proposal is to bring an existing building into compliance and does not involve any new construction. Therefore, no impact on potential GHG emission changes will result. The elevation of the property mitigates the potential impacts on proposed development from anticipated or possible climate change induced hazards.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application.

RESULTS OF CIRCULATION:

Notices for the Variance were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on January 27, 2016. After notification had been sent, the applicant requested that the application be forwarded to the February LTC meeting in order that he could attend. At the writing of this report, there have been two written submissions received from adjacent neighbours, both in support of the application (attached). One phone message was received also expressing support. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on February 25, 2016.

A referral was sent to the CRD Chief Building Inspector at the time of notification. To date, no response has been received.

ISSUES SUMMARY:

Applicant's stated rationale for the variance.

The applicant's rationale for the variance is contained in the following from excerpt from an e-mail sent to Islands Trust staff on February 12, 2016:

In the spring of 2014, I inquired with Island's Trust and with the CRD whether my plans for a treehouse would be allowed given the local regulations. Prior to purchasing my property, I sought verbal affirmation from Kim Farris at the Islands Trust and Chris Watson that building a non-permitted sized structure would be allowed, but knowing there were bylaws that were applicable in terms of safety, and building height. I honestly believe both Kim and Chris did their jobs appropriately and responsibly when communicating with me. I feel the error was an unfortunate lapse of information on the topic of height restrictions with what exactly was being built, and where the height of the structure began. When building the treehouse, I did ensure that the building was conforming to height restrictions (less than 4.5 m) and in this sense I was acting in good faith to follow the bylaws, however that excluded the foundation support beams, which should have been included. I am honest and sincere in saying that if I were to have interpreted the correct height, I would have built the treehouse modified so as its height or layout would have been conforming. I have followed the guidance and developed resolutions with both Island's Trust and CRD and thus am applying for this variance to the structure, but as a permitted accessory building.

The overall intent of the regulation being varied.

The overall purpose of size and siting regulations of residential buildings can be summarized as follows:

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

Potential impacts of granting the variance.

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

STAFF COMMENTS:

Intent of the regulation

The proposed variance is a substantive difference from the regulation, and challenges the notion of providing a consistent development pattern. However, despite being 4.0 metres overheight, the design (on stilts), and small size (9.6 m² or 104 ft²) of the structure make it more unobtrusive than a conventional building of the same height. In addition, the topography and the well forested nature of the property, the location of the treehouse on the property, and the location of neighbouring dwellings reduces the impacts.

Applicant's rationale

The applicant's rationale indicates that he sought the advice of staff at the Islands Trust and CRD for the construction of a building that would not require a building Permit. Unfortunately,

the lack of a permit or review left the interpretation of bylaws and code to the applicant and resulted in an illegal building either by the LUB or the Building Code depending on its use (accessory or dwelling). The applicant appears sincere in his efforts to remedy the non-compliance (see below).

Solution to non-compliance

The application has been made in order to bring the property into compliance with the Land Use Bylaw. There has been a protracted attempt by the applicant, the Islands Trust and the CRD to find a resolution to compliance which is challenging given the unique nature of the structure. In order to resolve the non-conformity, the applicant was ultimately faced with the choice of removing the structure or having it engineered, altering the use and applying for the construction of a new principal dwelling. Undertaking the latter has been delayed owing primarily to costs which exceeded applicant's limited budget. At this point, staff is confident that the applicant is legitimately moving toward compliance with the construction of the new principal dwelling.

Steps indicating bona fide progress on principal dwelling

The applicant has declared in an e-mail dated February 12, 2016 (attached) the following in order to demonstrate that he is moving toward constructing the principal dwelling on the property:

1. Applied, have had approved, and paid in full my application/building permit for new dwelling on my property.
2. Have had an excavating company come to my property for a site assessment.
3. Contracted Chris Carrier from Eco Source Septic to plan and permit a septic field in accordance to my site plan. The septic permit was approved and paid in full. (Files attached).

If the variance is granted, staff will continue to monitor progress on the construction of the dwelling.

Stated use of treehouse moving forward

The applicant has further declared in the same e-mail that the uses for the accessory building will be exclusively non-residential:

The final use of the treehouse will be for non-residential uses only.

Neighbour support

The notification process generated two (2) letters and one voice message from neighbours. All responses are in support or have no issue with the variance.

Given the foregoing, staff recommends that the development variance permit be issued.

RECOMMENDATIONS:

- 1. THAT Development Variance Permit NP-DVP-2015.5 (De Ruiter) BE APPROVED**

Prepared and Submitted by:

FESTIVAL

February 15, 2016

Date _____

Concurred in by:


Robert Kojima
Regional Planning Manager
Northridge, CA 91324

February 16, 2016

Date _____

Attachments: Notice for NP-DVP-2015.5 (De Ruiter)
Proposed Development Permit NP-DVP-2015.5 (De Ruiter)
E-mail submission by applicant dated February 12, 2016
Written submissions in response to notification (two)



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2015.5

To: Geoffrey de Ruiter

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

Lot 35, Section 10, Pender Island, Cowichan District, Plan 24780
(PID: 000-787-485)

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

Subsection 3.4.4 which states that an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to permit an existing accessory building with a height of 8.53 metres and two storeys.

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

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

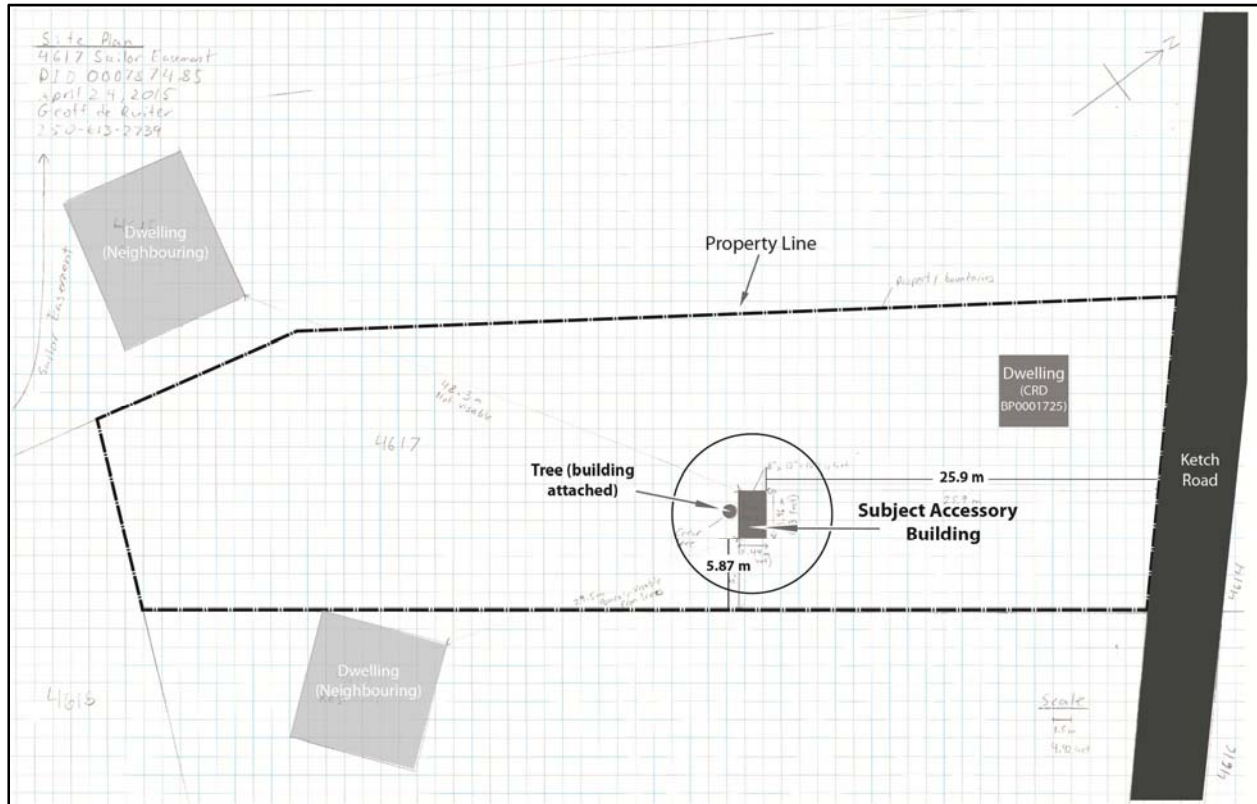
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF Month, 201#.

Deputy Secretary, Islands Trust

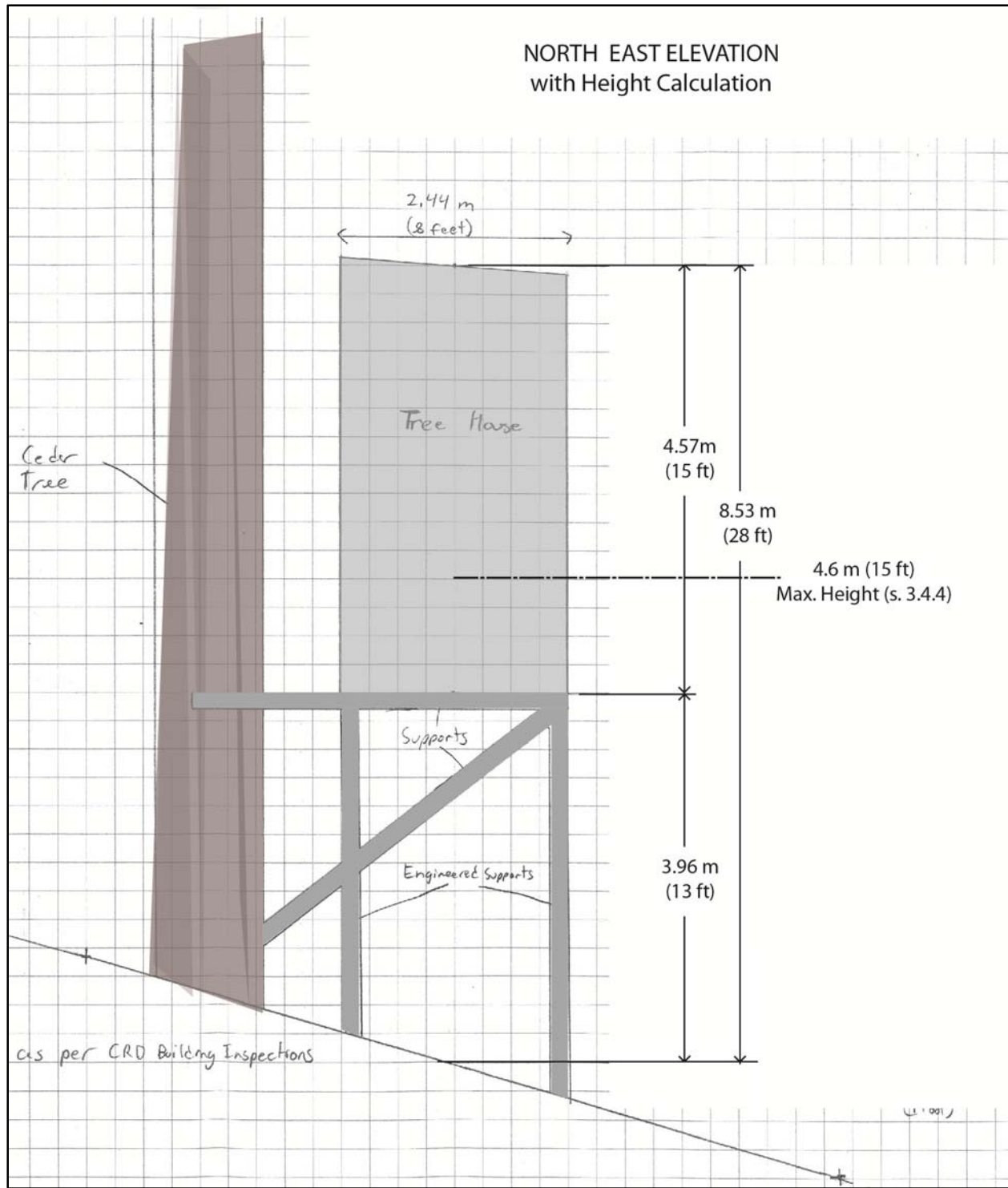
Date of Issuance

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2015.5
SCHEDULE 'A'



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2015.5
SCHEDULE 'B'

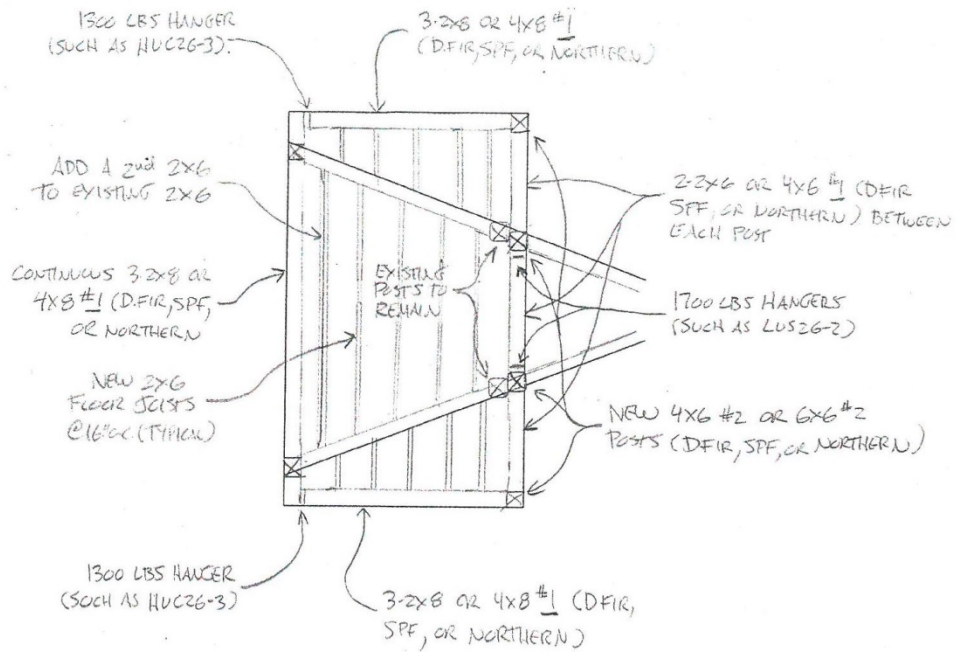


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2015.5

SCHEDULE 'C'

Engineer's Plan

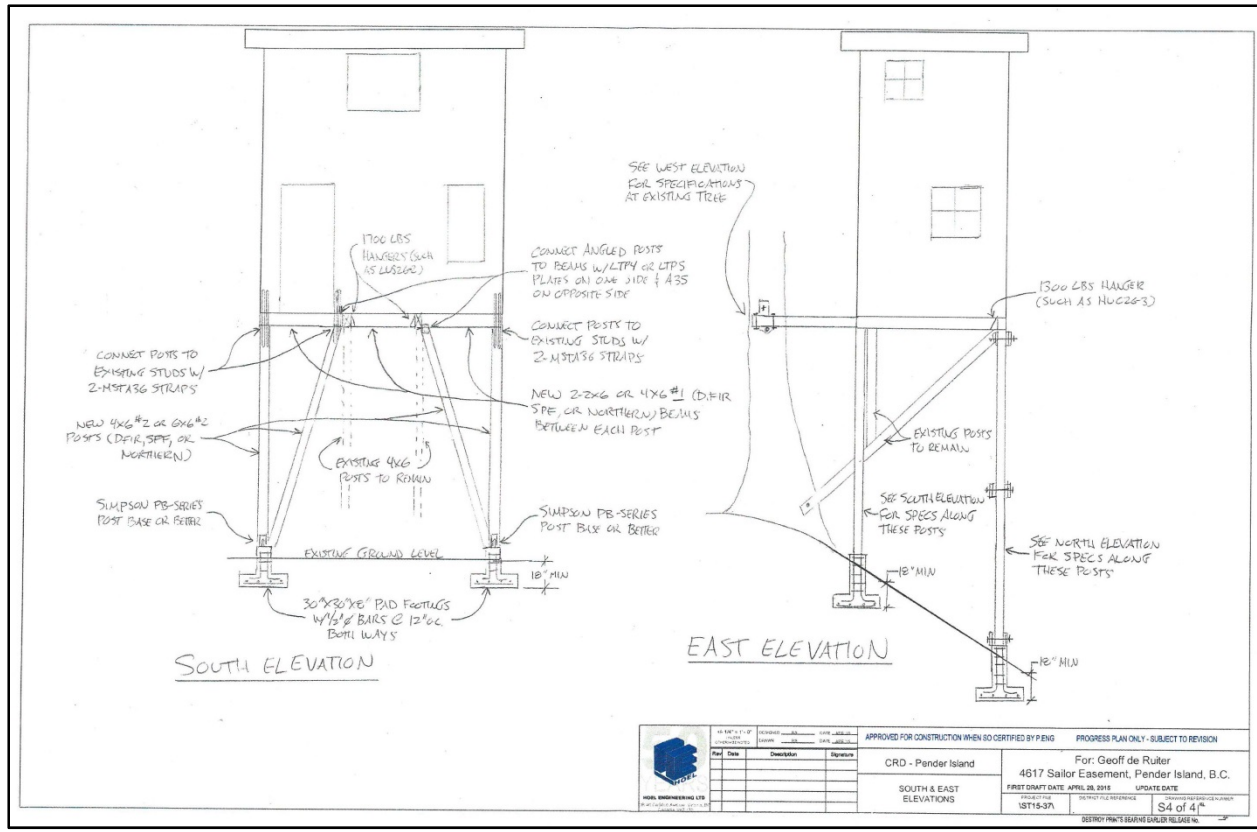


MAIN FLOOR PLAN

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2015.5

SCHEDULE 'D' (PART 1)

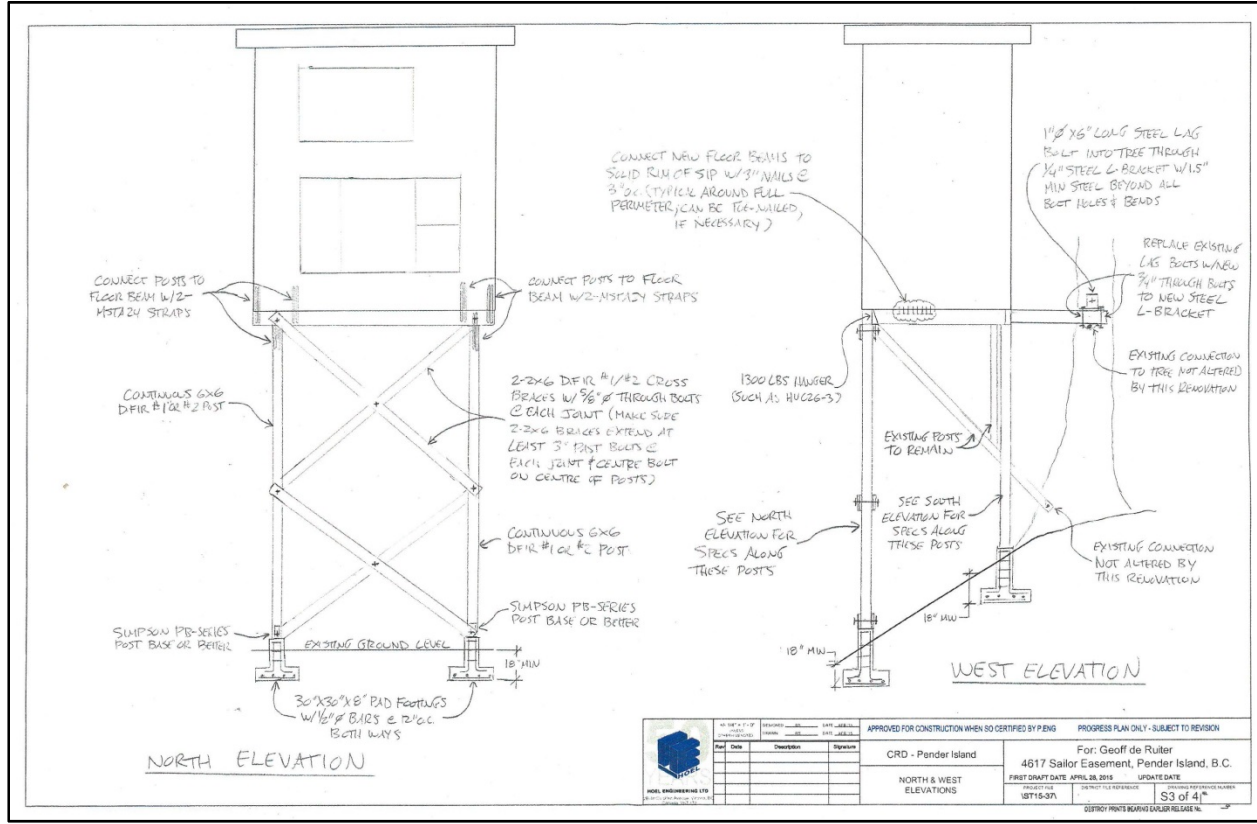
Engineer's Elevations



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2015.5

SCHEDULE 'D' (PART 2)

Engineer's Elevations

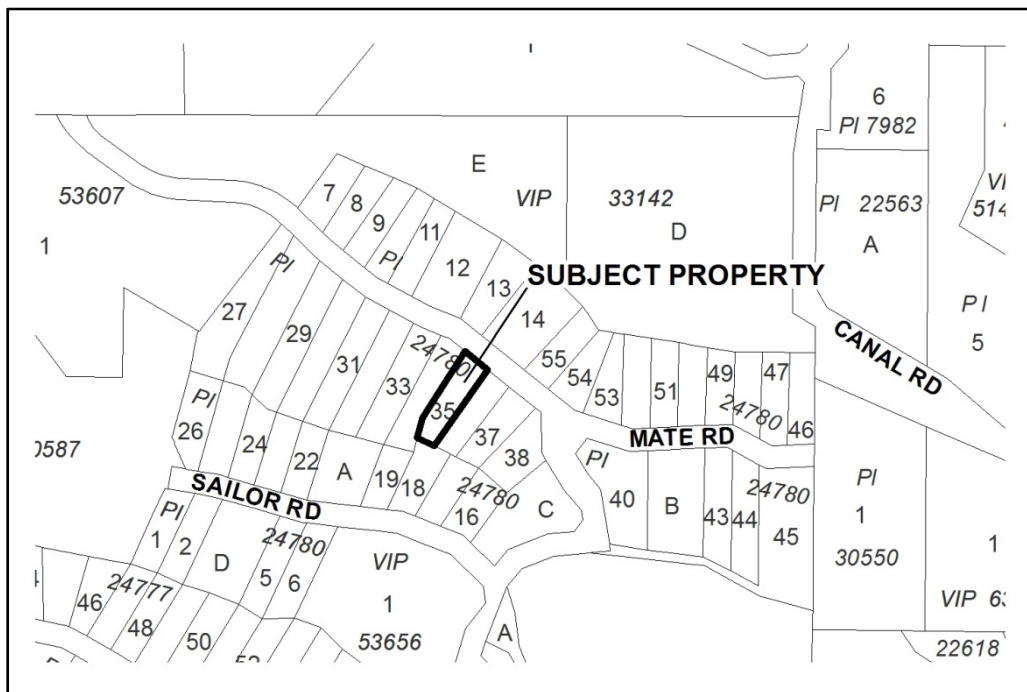


**NOTICE
NP-DVP-2015.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996, by varying subsection 3.4.4 which states an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to permit an existing accessory building with a height of metres and two storeys.

The property is located at Lot 35, Section 10, Pender Island, Cowichan District, Plan 24780.
PID: 000-787-485

The general location of the subject properties is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 15, 2016** and continuing up to and including **January 27, 2016**.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing **January 15, 2016**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **January 27, 2016**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:45 a.m., January 28, 2016**, at the Pender Island Community Hall on North Pender Island.

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

Phil Testemale

From: Geoff de Ruiter <geoffreyderuiter@gmail.com>
Sent: Friday, February 12, 2016 2:56 PM
To: Phil Testemale
Subject: Re: NP-DVP-2015.5 (Deruiter) Information Request

Hi Phil, here are the responses to your email questions.

1. A statement of the intended final use of the treehouse

The final use of the treehouse will be for non-residential uses only.

2. A new rationale for the variance for height for an accessory building (the treehouse).

In the spring of 2014, I inquired with Island's Trust and with the CRD whether my plans for a treehouse would be allowed given the local regulations. Prior to purchasing my property, I sought verbal affirmation from Kim Farris at the Islands Trust and Chris Watson that building a non-permitted sized structure would be allowed, but knowing there were bylaws that were applicable in terms of safety, and building height. I honestly believe both Kim and Chris did their jobs appropriately and responsibly when communicating with me. I feel the error was an unfortunate lapse of information on the topic of height restrictions with what exactly was being built, and where the height of the structure began. When building the treehouse, I did ensure that the building was conforming to height restrictions (less than 4.5 m) and in this sense I was acting in good faith to follow the bylaws, however that excluded the foundation support beams, which should have been included. I am honest and sincere in saying that if I were to have interpreted the correct height, I would have built the treehouse modified so as its height or layout would have been conforming. I have followed the guidance and developed resolutions with both Island's Trust and CRD and thus am applying for this variance to the structure, but as a permitted accessory building.

3. An itemized list of the tangible steps that you have taken and will be taking to demonstrate that you are bone fide working on completing the new dwelling (NP-BP-2015.24). By example you have submitted your owner builder approval.

- Applied, have had approved, and paid in full my application/building permit for new dwelling on my property (Image attached)
- Have had a excavating company come to my property for a site assessment.
- Contracted Chris Carrier from Eco Source Septic to plan and permit a septic field in accordance to my site plan. The septic permit was approved and paid in full. (Files attached)

Talk to you soon,
Geoff

On Fri, Feb 12, 2016 at 7:48 AM, Phil Testemale <ptestemale@islandstrust.bc.ca> wrote:

Hi Geoff,

Thanks for replying quickly.

RE: rationale - your rationale needs to speak directly to the variance you are requesting (height variance for an accessory building) I would be as succinct as possible.

Phil Testemale

From: information
Sent: Tuesday, January 26, 2016 11:14 AM
To: Phil Testemale
Subject: FW: re. development variance permit / Geoff de Ruiter

Gabrielle Doiron
Administrative Assistant
Islands Trust
200-1627 Fort St.
Victoria, BC V8R 1H8
Phone: 250-405-5151 fax: 250-405-5155 Enquiry BC Toll-Free call 1-800-663-7867

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca Preserving Island communities, culture and environment since 1974 P Please consider the environment before printing this email

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

From: Gudrun Rausch [<mailto:goodline.gudrun@gmail.com>]
Sent: Monday, January 25, 2016 7:12 PM
To: information
Subject: re. development variance permit / Geoff de Ruiter

To Phil Testemale with the Islands Trust,

I have no issues with the development variance permit NP-DVP-2015.5 and support its passing. There is no impact on our property with the increase in height of the structure found on Lot 35.

Sincerely,
Gudrun Finnen
4611 Sailor Easement
Pender Island, BC
V0N2M2

Phil Testemale

From: CAROL DAVIS <cjd4@shaw.ca>
Sent: Thursday, January 14, 2016 9:56 AM
To: Phil Testemale
Subject: North Pender Island Lot 35, Section 10

Hello Phil,

I am the direct neighbour of Geoff de Ruiter who owns the above property. I own lot 34 at 4615 Sailor Easement. I am in favour of allowing for a height variance being allowed for bylaw 103, subsection 3.4.4.

As his direct next-door neighbour, I would like it noted that his treehouse is not visible from my home , or for that matter, from anywhere on my property. It in no way impedes anyone's view or privacy, or enjoyment of their own homes.

If Islands Trust has an issue with any properties in this area their time would be better spent looking at the properties with dead cars, dead trailers, and those overflowing half a dozen motorized vehicles overflowing onto the right of way.

Carol Davis
4615 Sailor Easement
Pender Island, BC
250-629-9959

Sent from my iPad

STAFF REPORT

February 16, 2016

File No.: NP-DVP-2016.1

To: North Pender Island Local Trust Committee
For the meeting of February 25, 2016

From: Phil Testemale
A/ Planner 2

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

Re: Development Variance Application

Owner: Stephen Frank
Applicant: Heath Lansdowne
Description: Lot 105, Section 9, Pender Island, Cowichan District, Plan 23175
PID: 003-055-752
Civic Address: 2655 Galleon Way

FINAL REPORT

THE PROPOSAL:

This report is to consider a Development Variance Permit (NP-DVP-2016.1) for reducing the front and exterior side lot line setbacks for the construction of a 140 m² (1507 ft²) single family dwelling on the subject property. Specifically, the proposal is to vary the North Pender Island Land Use Bylaw No 103, 1996 (LUB) as follows:

- a) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line would be varied to permit the construction of single family dwelling within 3.76 metres of a front lot line; And,
- b) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of an exterior side lot line would be varied to permit the construction of single family dwelling within 3.76 metres of an exterior side lot line.

Figure Three (below) indicates the proposed siting of the dwelling and the distances to the lot lines.

A copy of the proposed permit NP-DVP-2016.1 (Lansdowne) and notification are attached.

BACKGROUND:

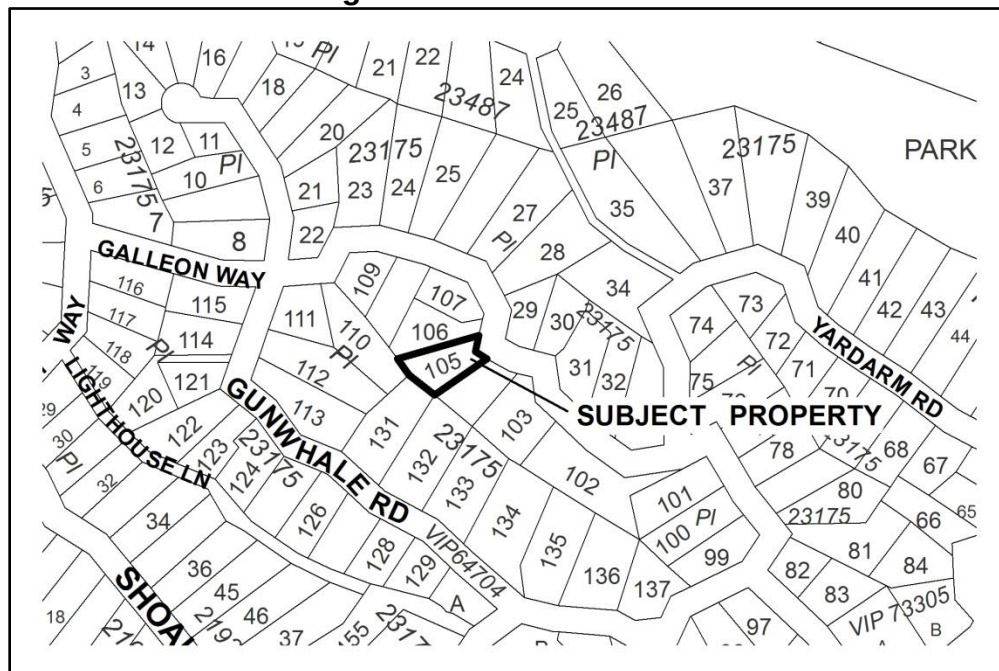
The previous owners were issued a DVP in 2012 (NP-DVP-2012.3) for a very similar application. That permit lapsed in 2014 as construction on the dwelling never began. The new placement of the dwelling and the rationale are consistent with the previous proposal, although the proposed minimum setback is increased to 3.76 from 3.0 metres. It appears that some site clearing activity occurred as a result of the previous DVP.

The rationale for the variance pertains to the steep topography of the site and the lot configuration. The site has a level area closer to Galleon Way right of way that falls away steeply moving toward the west of the property. Figure Three indicates the “dog leg” shape of the front and exterior lot lines which “pushes” the buildable area on the property back onto the steeper part of the property. Building the dwelling and deck over the steeper portion would require a geotechnical engineer and increased building costs due to the slope. Situating the dwelling on the flat, rock area as proposed would eliminate the need for an engineer, reduce the cost and alleviate the owner’s concerns about seismic events.

SITE CONTEXT:

The subject property is a 0.15 ha (0.37 acre) undeveloped property on Galleon Way. Adjacent properties along Galleon are of a similar size and shape. The property is treed with a relatively flat area closer to Galleon Way end of the property. This flat area is bordered by a slight grade (primarily in the road right-of-way) from Galleon Way and on the southwest by a steep slope. Most of the properties directly adjacent to the lot have established residences.

Figure One – Site Context



The proposed location (Figure Three) of the single family residence is 3.76 metres (12.4 ft.) from the front lot line, however, the built portion of the road (Galleon Way) is approximately 12-14 metres (40 - 45 feet) from the property line and therefore the impact on the road will be negligible (see Figure Two).

Regardless of the distance to the paved surface, the owner is required to obtain a permit from the Ministry of Transportation as the proposed house is within 4.5 metres of that right-of-way. The previous owner did receive the required permit, however current owner will need to renew or apply for a new permit.

Planning staff visited the site on February 16, 2016. (See: Photos below)

Figure Two – Orthophoto with Contours



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

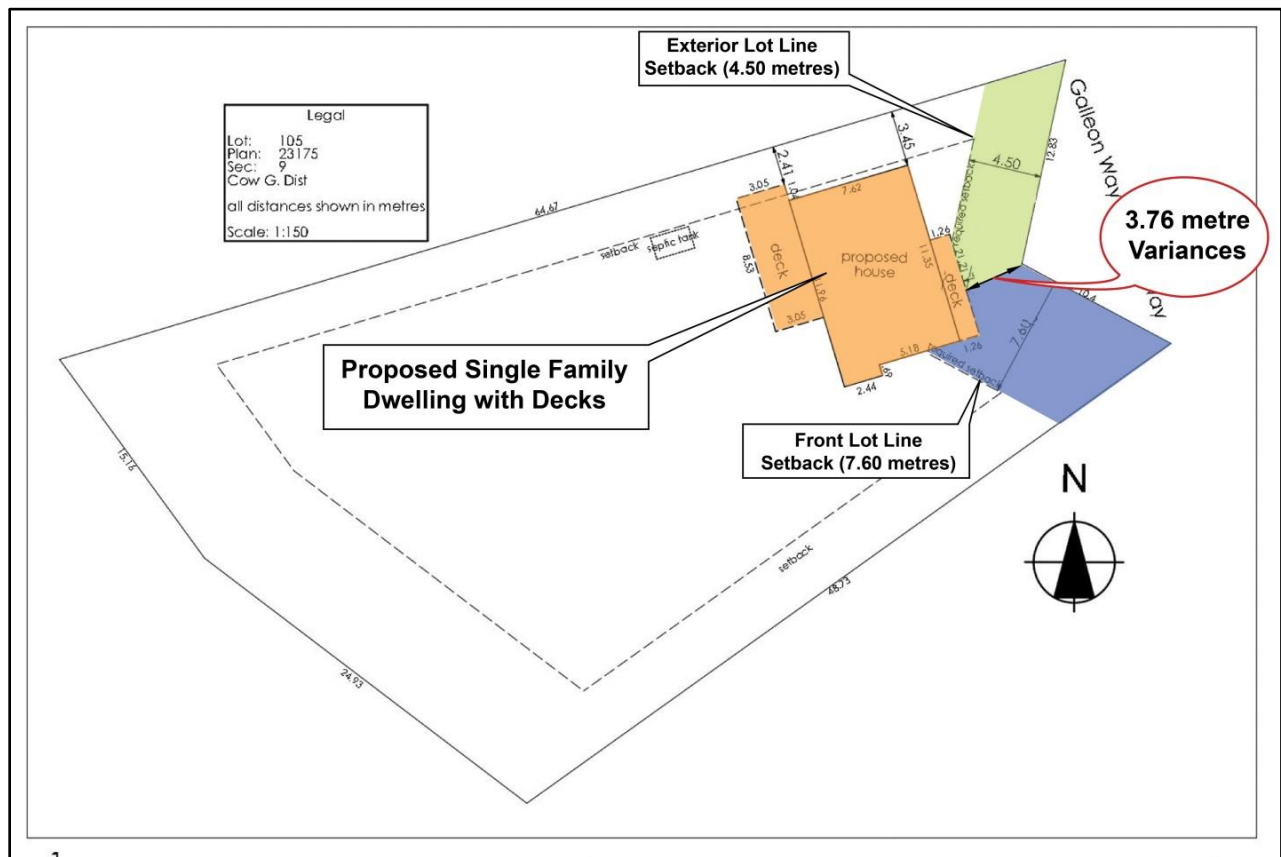
Official Community Plan

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

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

There are no development permit areas located on this property.

Figure Three – Site Plan



Figures Four to Seven - Elevations

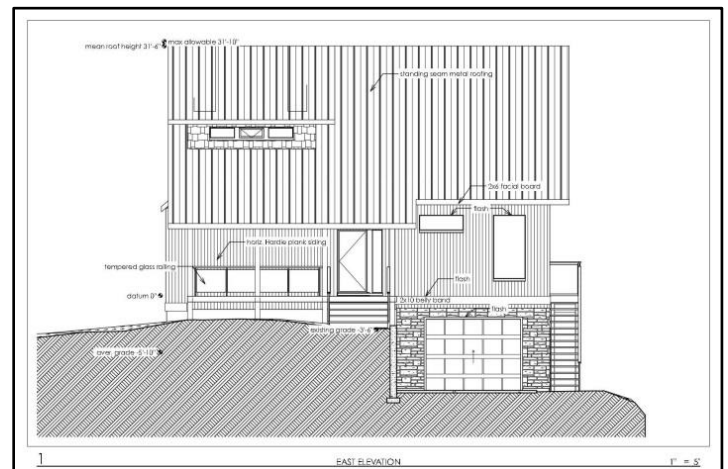
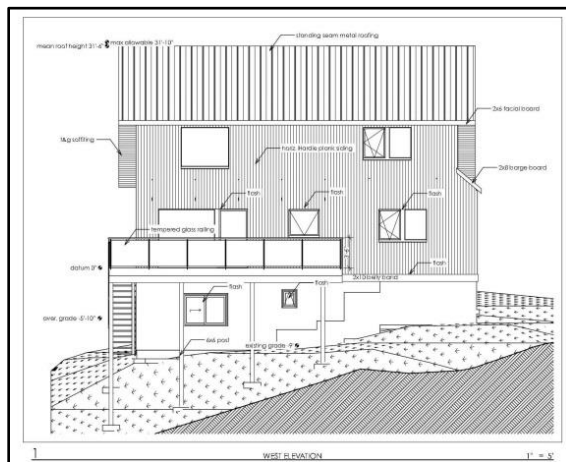
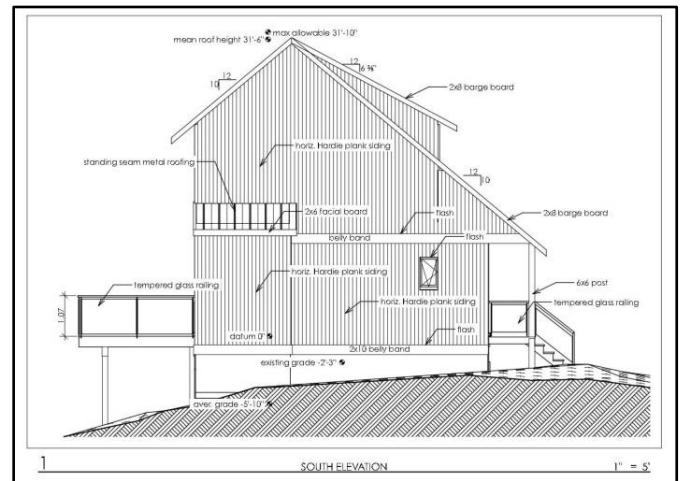
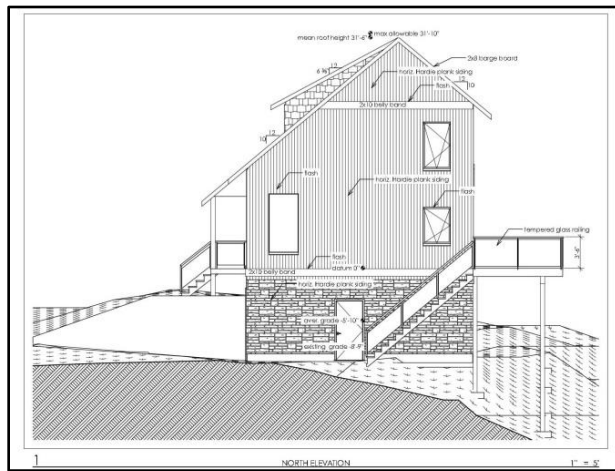




Photo One: View southwest showing proposed building site



Photo Two: View west on edge of building site



Photo Three: View to lower part (west) of property

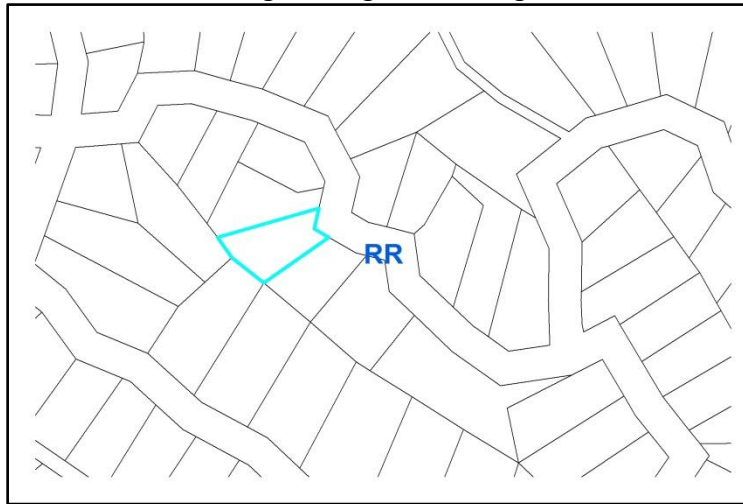


Photo Four: View northeast from building site to roadway

Land Use Bylaw

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

Figure Eight: Zoning



Islands Trust Fund

There are no Trust Fund Board covenants on the property.

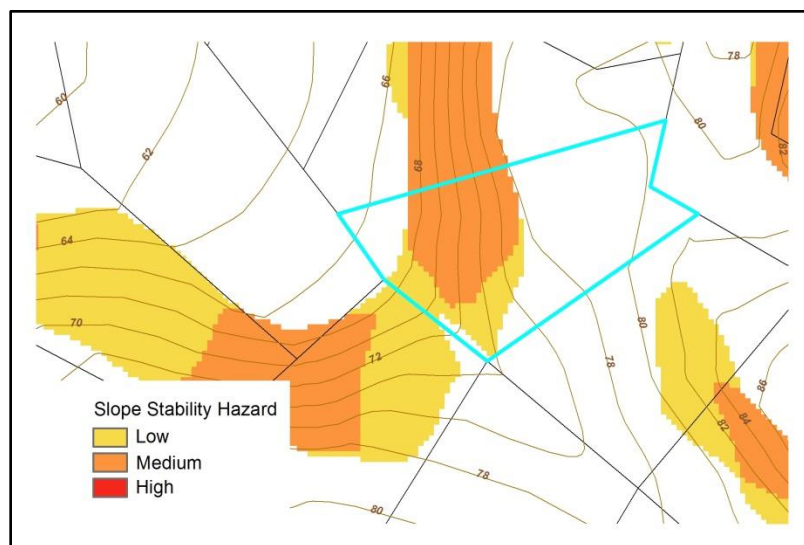
Regional Conservation Plan

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

Sensitive Ecosystems and Hazard Areas

The steep slope hazard mapping shows low and medium hazard in the southwest corner of the property where the slope is the steepest (Figure Nine).

Figure Nine: Steep Slope Mapping with Contours



Archaeological Sites

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

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

Covenants

There are no registered covenants on title.

Bylaw Enforcement:

There are no enforcement files for this property.

Climate Change Mitigation and Adaptation

The property is well treed, with some clearing in the area of the building site. It is anticipated that the construction of the residence may require the removal of other trees and lower vegetation consistent with many of the developed properties in the area.

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached. The notification period ends on February 24, 2016. At the time of writing, no written comments have been received. One neighbour did contact staff regarding clarification of the application details, specifically as to which property lines were involved. If any comments are received they will be brought to the Local Trust Committee meeting.

ISSUES SUMMARY:

Applicant's stated rationale for the variance.

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

The lot rises slightly from the road to a suitable building area of rock, then slopes steeply down to the west. Because of the dog leg in the front and exterior side lot property lines, and the steep slope to the rear, the required setbacks create a significant restriction for the location of even a modest house. We would like to keep the house away from the slope to avoid the need to hire a geotech (nical engineer) for the foundation and reduce the owners concerns about possible seismic events impacting the house. And to minimize concerns from the building inspector about the height of the posts supporting the deck at the rear. The further we can move toward the road the shorter the posts will be.

The overall intent of the regulation being varied.

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

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential impacts of granting the variance.

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

STAFF COMMENTS:

The need for the variance is due to the applicant wishing to construct a single family residence on a lot that has building constraints due to the steep slope. If the owner met the setback requirements, it would mean that they would have to build over the steep slope which would require additional building cost and require a geotechnical engineer's report. Building closer to the front lot line and the exterior lot line that fronts the roadway, would also allow the construction to occur on a relatively flat area which is potentially seismically more stable.

Despite being closer to the front lot line the house would still be over 21 metres from the built portion of Galleon Way. There is a large (18 metres) section of unconstructed road and uncleared right-of-way that is between the built/paved road and the front lot line. The location of the house will be similar to the location of the residences on the adjacent properties.

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

Based on the fact that the construction of this residence should have negligible impact on the surrounding properties and the constructed road, staff is recommending approval of this development variance permit.

RECOMMENDATIONS:

1. **THAT** Development Variance Permit NP-DVP-2016.1 (Lansdowne) **BE APPROVED**

Prepared and Submitted by:



February 16, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

February 16, 2016

Date

Attachments: Proposed Permit NP-DVP-2016.1
Notice NP-DVP-2016.1



Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2016.1

To: Stephen Frank
c/o Heath Lansdowne

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

Lot 105, Section 9, Pender Island, Cowichan District, Plan 23175
(PID: 003-055-752)

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

- a) Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line is varied to permit the construction of single family dwelling within 3.76 metres of a front lot line; And,
- b) Subsection 8.1.5 (1) (b) which states that no building or structure may be located within 4.5 metres of any exterior side lot line is varied to permit the construction of single family dwelling within 3.76 metres of an exterior side lot line.

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw 103,1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

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

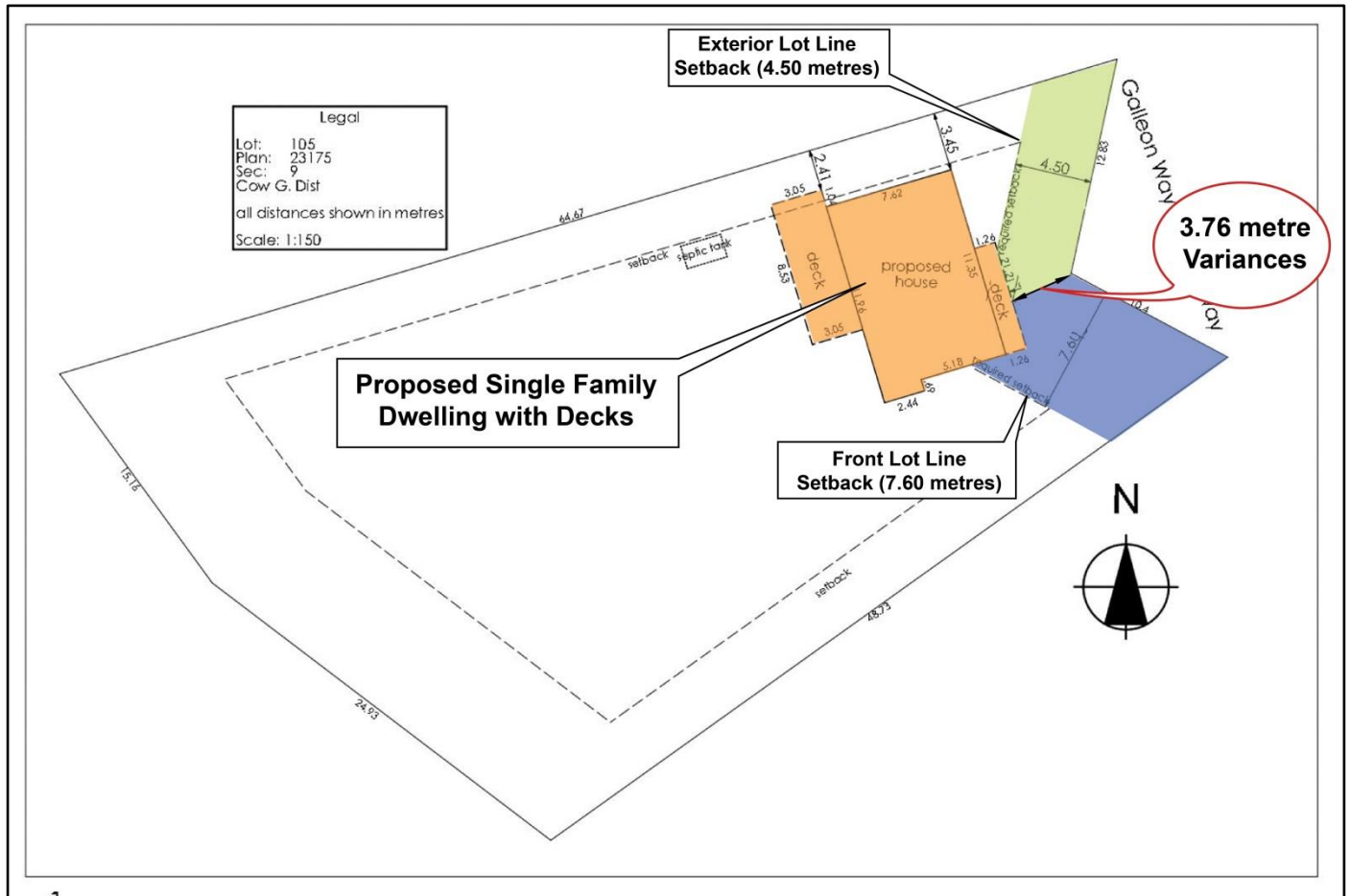
Deputy Secretary, Islands Trust

Date of Issuance

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

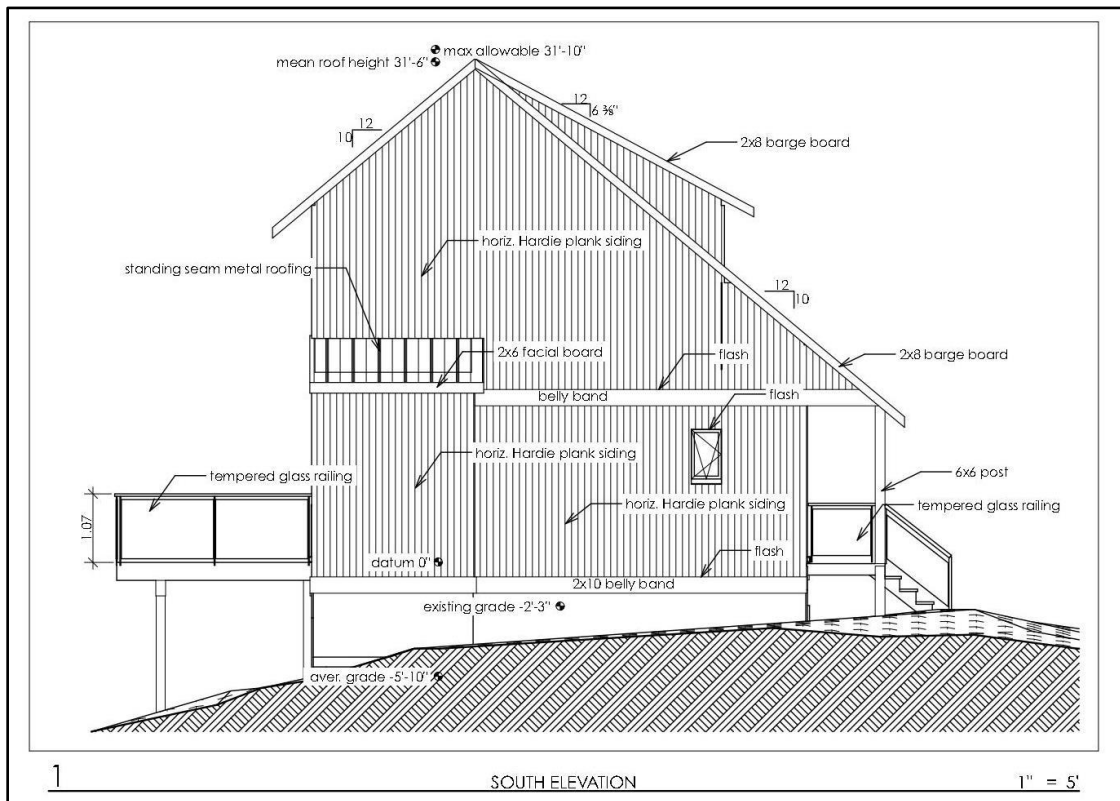
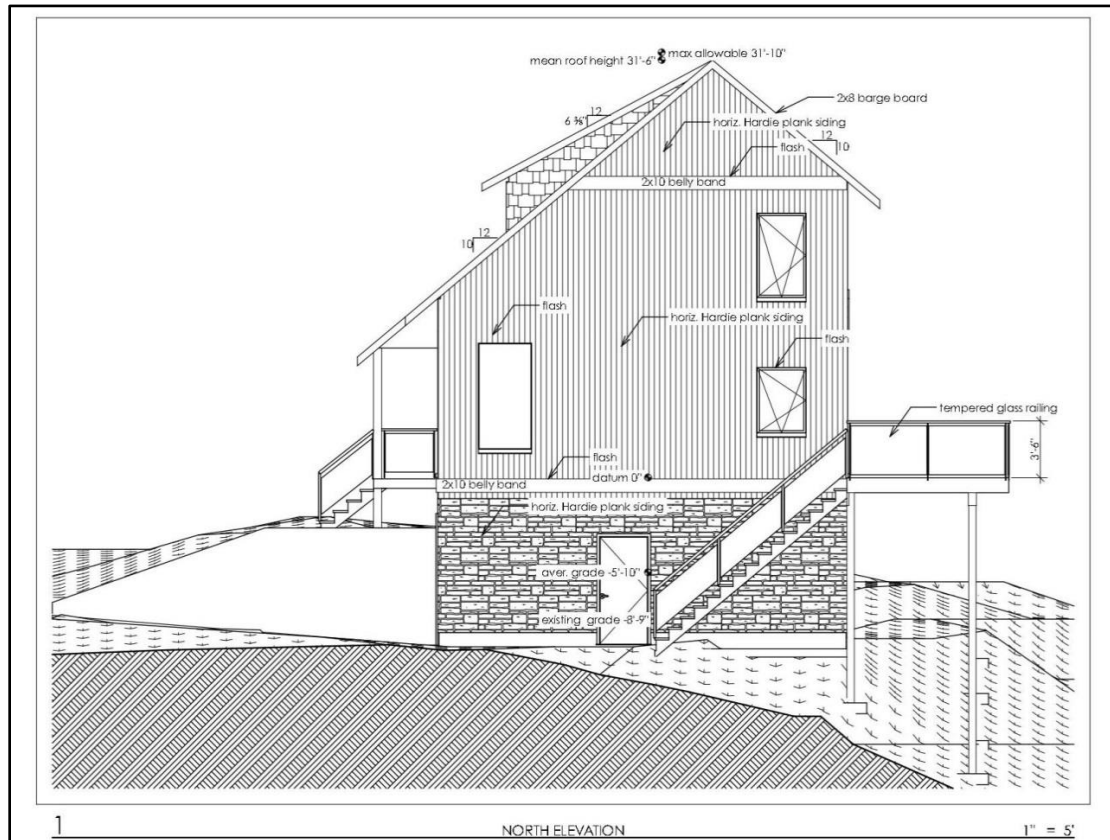
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2016.1

SCHEDULE 'A'
SITE PLAN



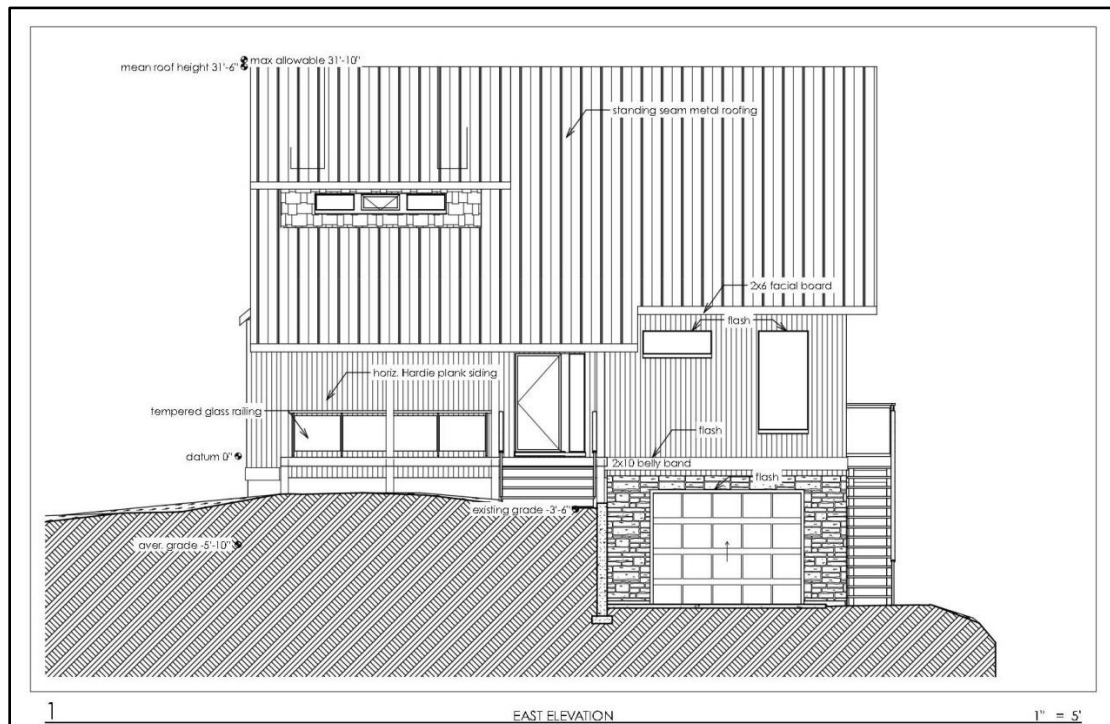
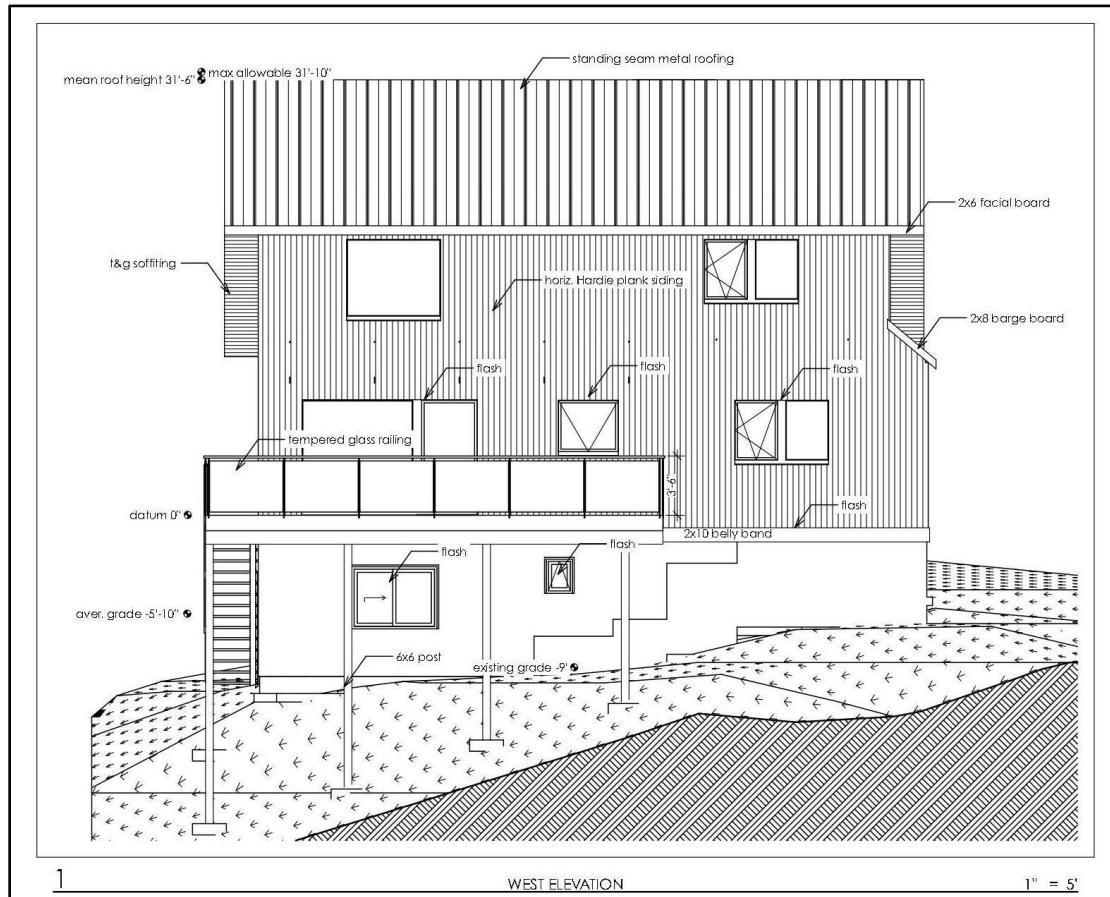
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2016.1

SCHEDULE 'B'
ELEVATIONS



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2016.1

SCHEDULE 'B'
ELEVATIONS



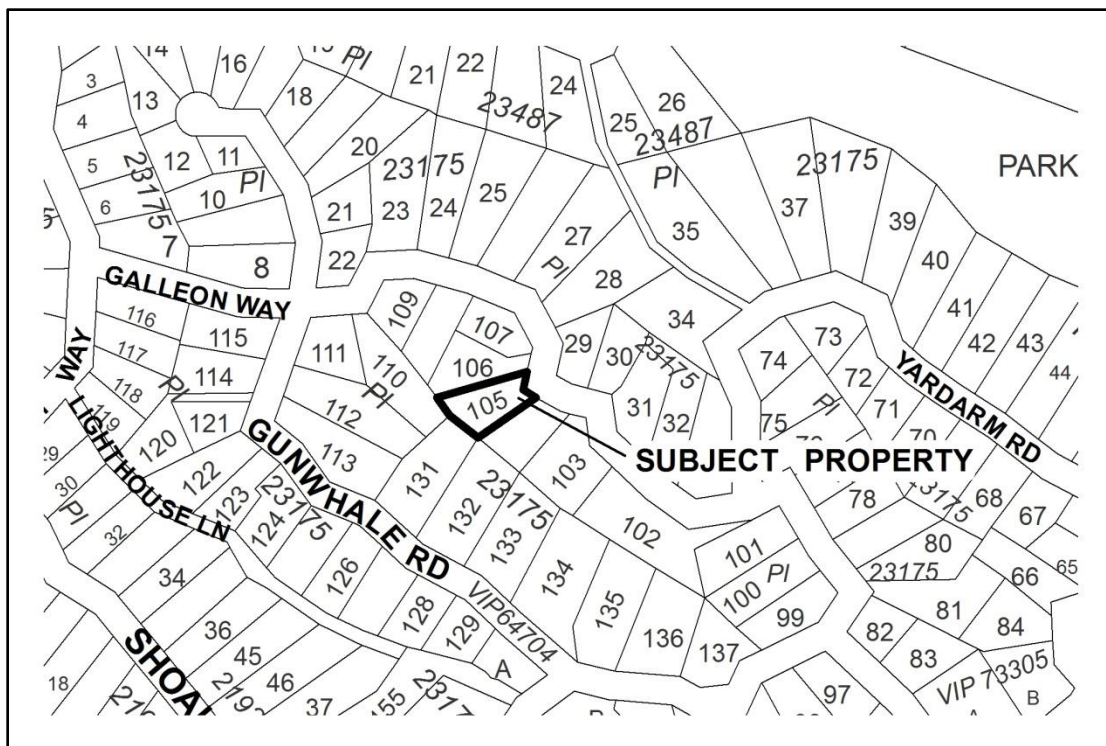
NOTICE
NP-DVP-2016.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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

1. Subsection 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front lot line is varied to permit the construction of single family dwelling within 3.76 metres of a front lot line; And,
2. Subsection 8.1.5 (1) (b) which states that no building or structure may be located within 4.5 metres of any exterior side lot line is varied to permit the construction of single family dwelling within 3.76 metres of an exterior side lot line.

The property is located at 2655 Galleon Way and is legally described as Lot 105, Section 9, Pender Island, Cowichan District, Plan 23175. PID: 003-055-752

The general location of the subject properties is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 12, 2016** and continuing up to and including **February 24, 2016**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing **February 12, 2016**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **February 24, 2016**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:45 a.m., February 25, 2016**, at the Pender Island Community Hall on North Pender Island.

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

Sharon Lloyd-deRosario
Deputy Secretary

February 11, 2016

File No.: NP-DP-2015.5

To: North Pender Island Local Trust Committee
for the Regular LTC Meeting of February 25, 2016

From: Phil Testemale, A/Planner 2

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

Re: Development Permit Application

Owner: John Bowers

Applicant: Same

Description: Lot 3, Section 10, Pender Island, Cowichan District, Plan 21811

PID: 003-344-410

Civic Address: 3769 Privateers Road

FINAL REPORT

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 ecosystem and construction management for the proposed dwelling that is 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-2015.5 (Bowers) are attached.

BACKGROUND:

The proposal is for the construction of a new single-family home that would be sited almost completely within DPA One. The applicant's rationale for locating the dwelling within the DPA is threefold:

- The house is to be constructed as a passive solar house and the site topography makes the proposed location optimal for maximum solar access on the south facing wall.
- The building site is a previously disturbed and level site which minimizes the need for further clearing and excavation.

- The building site can utilize an existing access further minimizing clearing and grading activities, albeit outside of the DPA.

The proposal also includes the removal (and/or topping) of six mature Douglas-fir trees in the DPA for the purposes of providing light access to the new dwelling. All other Douglas-fir and arbutus trees will be retained.

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 3769 Privateers Road" ("Report" - dated January 22, 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 to provide passive solar heating will have no negative effects, as any loss would be counter balanced by reduced energy consumption provided by passive solar heating (pg. 15).

The report recommendations for mitigation and construction management are detailed in "Issues" (below), and included as conditions in the proposed Development Permit NP-DP-2015.5.

The Development Permit Area Checklist for DPA 1 is attached.

SITE CONTEXT:

The property is a 0.24 ha. (0.6 acres) in size and is located at 3769 Privateers Road in the Magic Lake subdivision on North Pender Island (Figure One - Subject Property). The rear lot line (south) abuts Capstan Lane Community Park. The size and configuration of neighbouring properties and those in the general vicinity are of a similar size and all are zoned Rural Residential with the exception of the park to the south.

The topography of the property slopes gently from the northwest boundary on Privateers Road toward the southeast. The slope breaks about $\frac{3}{4}$ of the way down the property and increases toward the lowest part of the property (the southern boundary).

The report describes the site's hydrology as being well-draining sandstone rock and sandy soil. The ecosystems occurring in the DPA are predominantly Douglas-Fir-Onion Grass and Douglas-Fir-Salal. Trees in the DPA are young and mature Douglas-fir and there are five arbutus trees. Figure Three details the six larger, mature Douglas firs that are to be removed or topped to retain the root system for soil stability and varying vertical heights for habitat. No rare plant communities or rare species habitat occur within or adjacent to the proposed development.

The property was volunteered for a survey by another biologist, Christian Engelsoft R.P.Bio., for the provincially listed sharp-tailed snake. The property may have suitable habitat in the summer and two roofing shingles were placed to provide basking areas.

The proposed area for the dwelling is a previously disturbed, open area that has some smaller tress and tree stumps. (See: Photos) The only structure on the property is a travel trailer being used as a temporary dwelling (see: 'Bylaw Enforcement' – below).

Figure One – Site Context

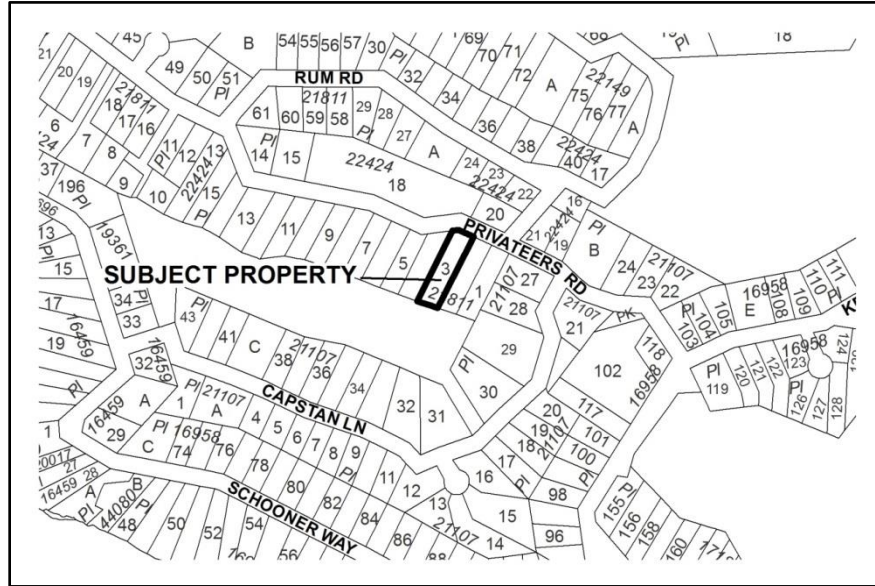


Figure Two: Site Plan

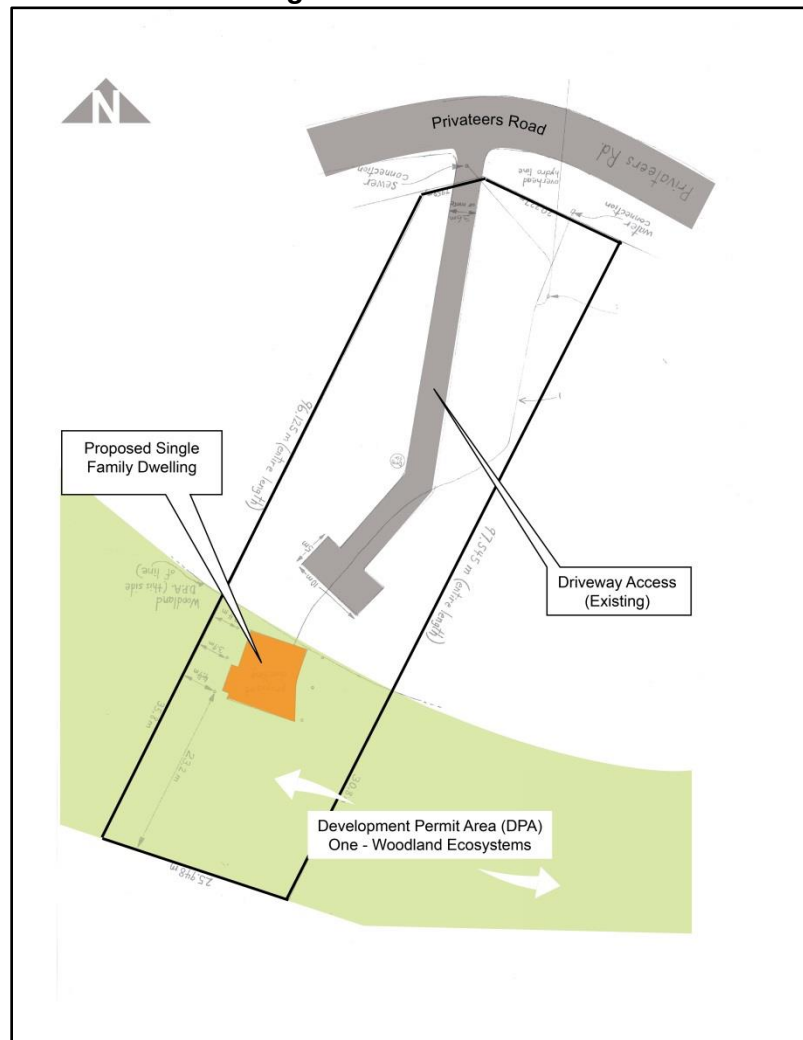


Figure Three: Detailed Site Plan/Inventory

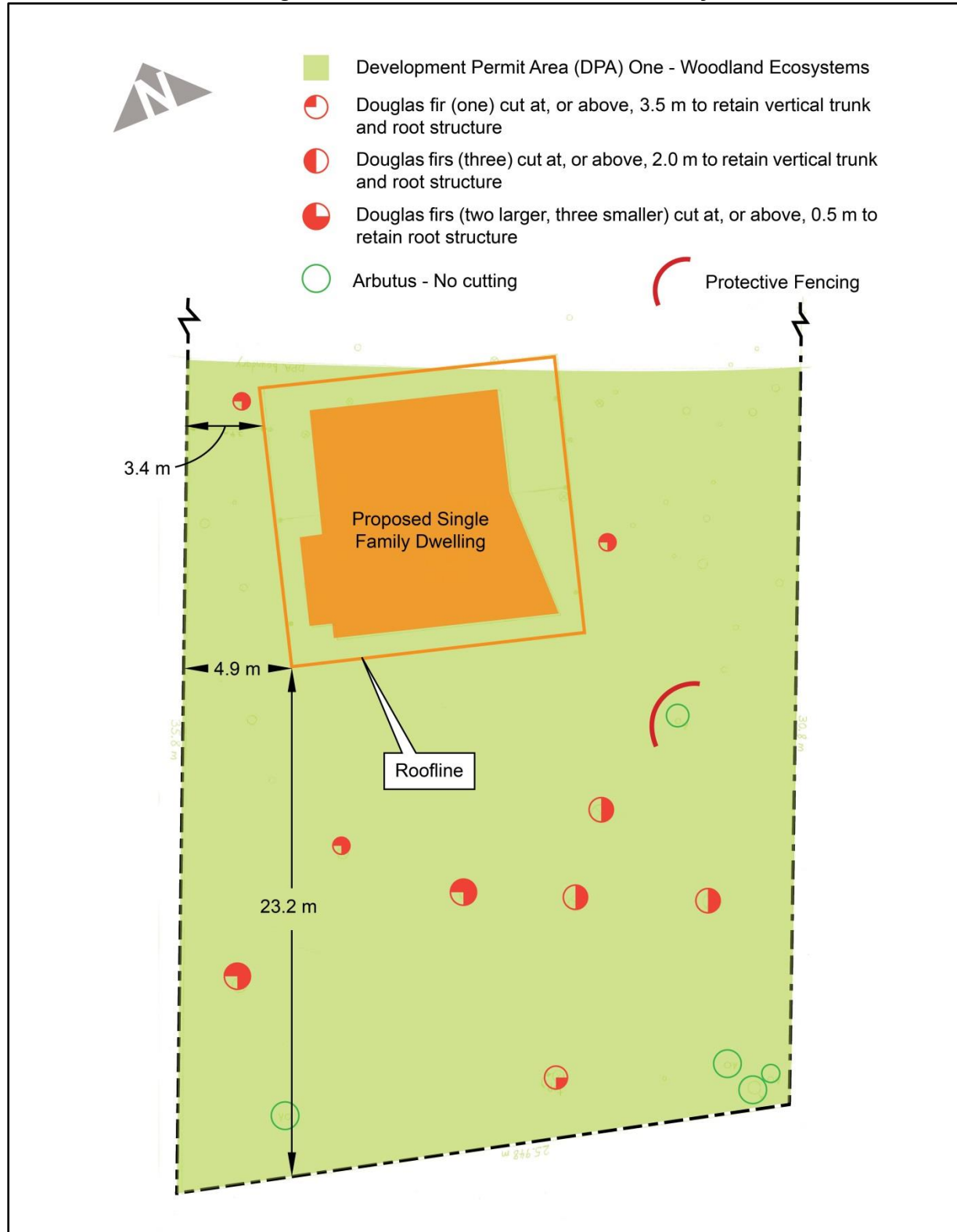


Figure Four: Orthophoto with Contours



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.

Photo One: View South showing Area of Proposed Dwelling (Yellow Tape)



Photo Two: Proposed Building Site

Approximate Boundary of
DPA One (orange tape)



Photo Three: View to Adjacent Property (West)



Official Community Plan

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

Development Permit Area One (DPA) – Woodland Ecosystems is designated on the property as shown in Figure Five (below). The objective of the DPA is to preserve and protect remaining sensitive woodland ecosystems. Specific guidelines are analyzed in the DPA Checklist (attached).

Figure Five: DPA One



Land Use Bylaw

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

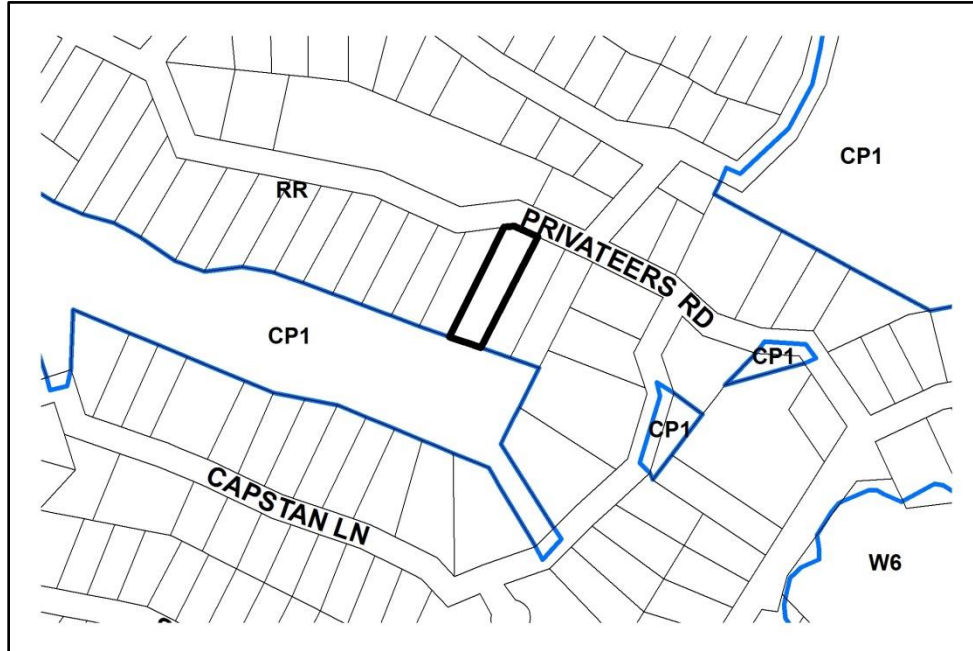
Islands Trust Fund

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.

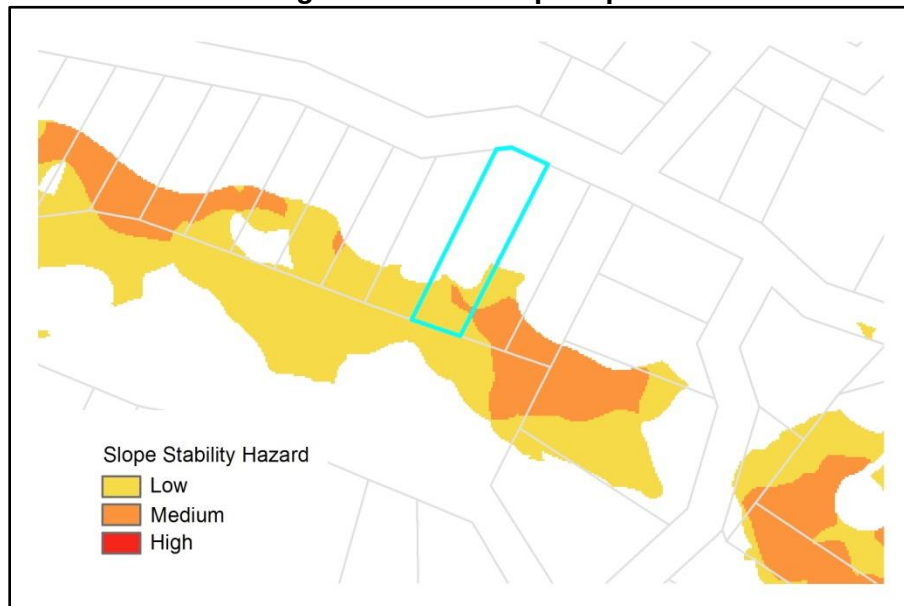
Figure Six: Zoning



Sensitive Ecosystems and Hazard Areas

A detailed inventory of the sensitive ecosystem are contained in the Report (attached) and summarized in 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 Seven)

Figure Seven: Steep Slopes



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 the property or in the vicinity.

Bylaw Enforcement:

There is an open bylaw investigation file for the property (NP-BE-2015.3). The outstanding infraction is for an unlawful dwelling (travel trailer) that is being used for human habitation and is sited outside of the DPA. This application and a forthcoming building permit application indicate that the owner is moving towards compliance with the LUB. Upon referral of the building permit, staff will recommend that the trailer is removed or uninhabited as condition for issuance of an occupancy permit for the new dwelling.

Climate Change Mitigation and Adaptation

The owner is proposing the construction of a passive solar dwelling using strawbale construction that will limit potential GHG emission changes resulting from approval. In addition, the report confirms that the loss of six mature Douglas-firs would be more than offset by the reduced energy consumption of a passive home. The potential impacts on proposed development from anticipated or possible climate change induced hazards, are not likely to be significant given the location of the property.

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. Three specific guidelines are highlighted as they apply to the proposal in terms of locating the dwelling in the DPA and the tree cutting and removal:

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.*

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) 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 to provide passive solar heating will have no negative effects, as any loss would be counter balanced by the reduced energy consumption provided by using the passive solar heating. 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, as to not alter the ecological function of the area.

- 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 sandstone rock and sandy soil 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. In the SE corner of the property the three Douglas fir trees should be cut above the 2 m mark. The two trees on the south of the property should be cut to 0.5 m, while leaving the base of the trunk intact in ground to minimize soil disturbance. The final and larger Douglas fir in the SW corner should be cut above 3.5 m leaving a substantial wildlife tree. In all cases, leave as much of the base of the trees for its wildlife value and any tree that needs to be removed should have their supportive root structure left intact. There were direct observations of birds such as brown creeper using trees within the survey area as foraging substrates (bark gleaning), and mixed foraging flocks of chickadees and nuthatches were also detected, which are also bark-gleaning species. 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 some of the ecological value of the existing trees while still generating passive solar heating value for the dwelling.

Other recommendations:

1. The continued removal of any invasive species is recommended throughout the Woodland Ecosystem DPA to improve the quality of natural areas and prevent their continued spread.
2. Landscape and restoration of natural areas only with 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

Applicant's Rationale for Constructing in the DPA

The applicant has provided a rationale for locating the dwelling in the DPA that addresses the DPA guidelines. Particularly the first two points are relevant to these objectives:

- The house is to be constructed as a passive solar house and the site topography makes the proposed location optimal for the maximum solar access on the south facing wall.
- The building site is a previously disturbed level site which minimizes the need for further clearing and excavation.
- The building site can utilize an existing access further minimizing clearing and grading activities, albeit outside of the DPA.

Enforcement

The outstanding infraction is for an unlawful dwelling (a travel trailer) that is being used for human habitation. This use as a temporary dwelling will cease as a condition of final occupancy for the new dwelling.

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 proposal will allow for the construction of a single family dwelling, and subsequent removal, or non-habitation, of the trailer, thereby moving the uses on the property toward compliance with the Bylaw and allowing the enforcement file to be closed.

Given the foregoing and attached information, staff is recommending that NP-DP-2015.5 (Bowers) be approved.

RECOMMENDATIONS:

1. **THAT** Development Permit NP-DP-2015.5 (Bowers) **BE APPROVED.**

Prepared and Submitted by:



February 11, 2016

Date

Concurred in by:



Robert Kojima

Regional Planning Manager

February 12, 2016

Date

Attachments: DPA One Checklist

Proposed permit NP-DP-2015.5 (Bowers)

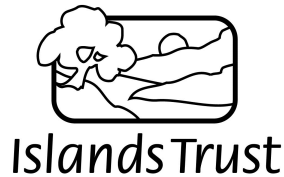
"Environmental Assessment of 3769 Privateers Road" (dated January 22, 2016
and submitted by Dan Baxter B.Sc., R.P.Bio and Erin O'Brien, Ph.D.)

DPA Checklist: NP-DP-2015.5 (Bowers)
Construction of a New Single-family Dwelling in DPA One – Woodland Ecosystem

Guidelines		Comments
<i>Overall DPA Guidelines</i>		
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.	Although there are other building sites on the property outside of the DPA, this site allows the maximum solar access for a passive house design. This has been confirmed in the biologist's report submitted by the applicant: "Environmental Assessment of 3769 Privateers Road" (dated January 22, 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.	Siting has been rationalized on the basis of passive solar design and the need to take advantage of siting for solar access. In addition, the proposed house site is a previously disturbed area and does not contain a fragile ecosystem. These have been confirmed by the biologist's report
3.	The area cleared and disturbed for development should be minimized.	The proposed site has been previously cleared.
4.	Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Complies
5.	Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	Tree removal and cutting outside of the dwelling's excavation area will retain root structure as well as vertical structure for habitat with the larger Douglas-firs.
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.	The balance of the DPA is to remain undisturbed; native species removed; and new plantings limited to native species.
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.	Removal and topping of mature Douglas-fir trees will maintain vertical structure (habitat) while providing solar access.
8.	Connections and corridors should be maintained to provide continuity between	The development will not significantly block habitat corridors. (The biologist report noted

Guidelines		Comments
	sensitive ecosystems and important habitat.	some evidence of deer trails only).
9.	Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Complies.
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	Complies.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Complies – storm drainage to be directed way from the DPA
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	Complies – septic field to be located outside of DPA.
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.	Driveway access already developed outside 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;	complies

Guidelines	Comments
b) fencing, flagging and posting of notices during construction;	complies
c) limits on blasting in sensitive areas;	n/a
d) limits on construction timing;	Tree removal and trimming is not permitted between April 1 st and July 31 st
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	n/a
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Prescribes native planting
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
Woodland Ecosystem Guidelines	
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.	Trees removal and cutting outside of the dwelling's excavation area will retain root structure as well as vertical structure for habitat with the larger Douglas-fir
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	Above
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	Complies
4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	Complies
5. Denning and nesting sites or rare, threatened or endangered species should be protected.	None identified by Biologist
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-2015.5**

To: John Bowers

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

Lot 3, Section 10, Pender Island, Cowichan District, Plan 21811
PID: 003-344-410

2. This Development Permit No. NP-DP-2015.5 authorizes the construction of a single family dwelling including tree cutting ("topping") and removal within Development Permit Area ("DPA") 1 – Woodland Ecosystems, subject to the following requirements and conditions:

Tree Cutting, Removal and Protection

- a. Only the following trees and no others may be removed within the DPA:
 - i. The larger Douglas-fir tree in the south of the property as shown on Schedule 'B' should be cut at, or above, the 3.5 metre height, and the vertical trunk and root system retained intact for habitat and soil stability.
 - ii. The three (3) Douglas-fir trees in the Southeast corner of the property as shown on Schedule 'B' should be cut at, or above, the 2 metre height, and the vertical trunks root systems retained intact for habitat and soil stability.
 - iii. The remaining six (6) Douglas-fir trees in the DPA, and outside of the building envelope, as shown on Schedule 'B' should be cut at, or above, the 0.5 metre height, and the root systems retained intact for soil stability.
 - iv. There is to be no tree cutting or removal during the period from April 1st to July 31st.
- b. All arbutus trees identified on Schedule 'B' are to remain undisturbed.

Other Vegetation

- c. Landscaping and restoration of natural areas within the DPA should include only native species.
- d. The undeveloped portions of the DPA are to remain in an undisturbed, natural state.

Septic and Drainage

- e. The septic absorption field for the dwelling shall be located entirely outside of the DPA on property

- f. All stormwater from roof drainage and drain tiles shall be directed away from the DPA toward the road (south).

Construction Management

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

Monitoring

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

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

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

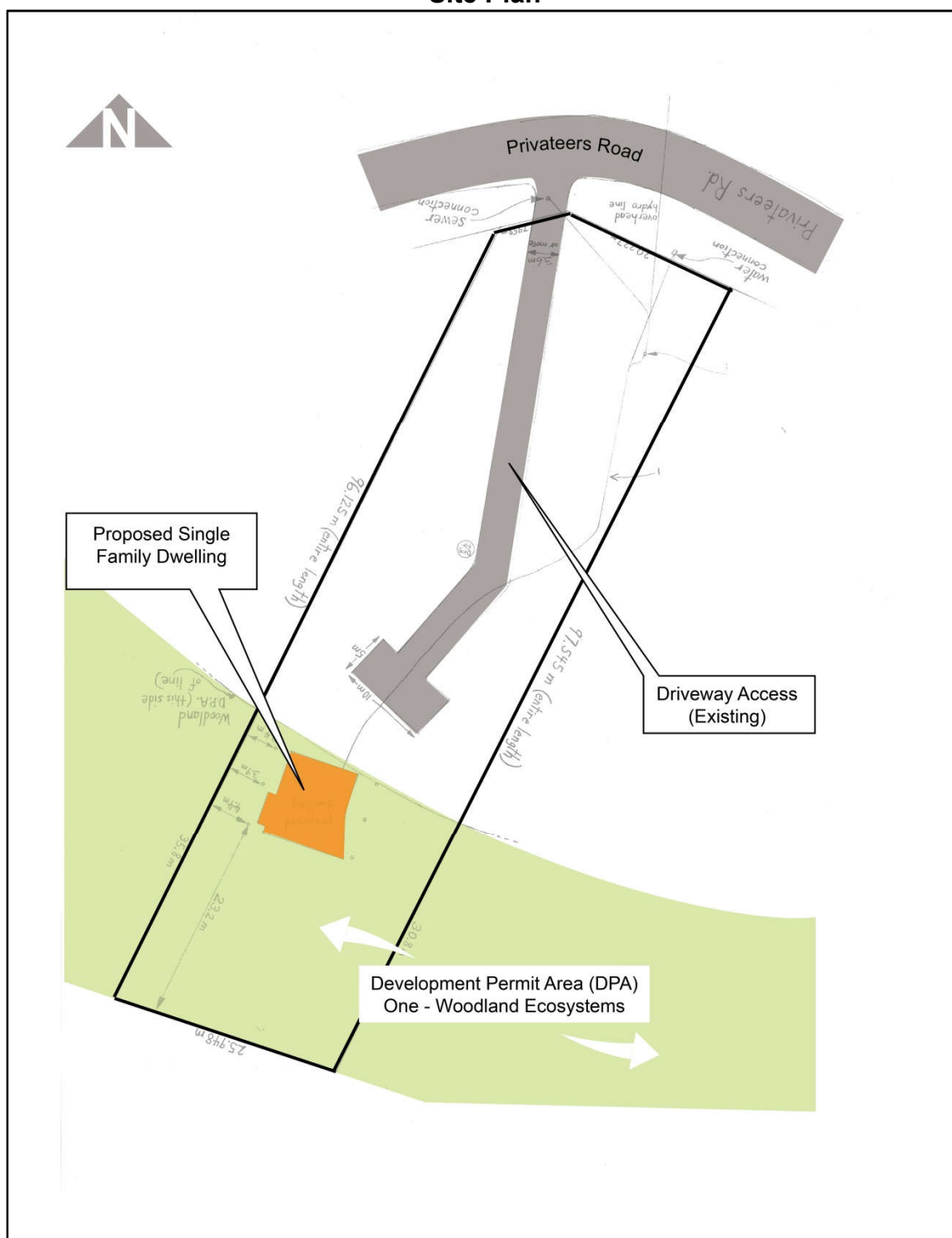
Deputy Secretary, Islands Trust

_____, 2016
Date Issued

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

DEVELOPMENT PERMIT 2015.5
Schedule "A"

Site Plan



DEVELOPMENT PERMIT 2015.5
Schedule "B"



Environmental Assessment of 3769 Privateers Road

Submitted To:

John Bowers

On

January 22, 2016

Prepared By:

Caurinus Environmental

Caurinus Project No.: CE201601

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1.0 Introduction

In January 2016, Caurinus Environmental was retained by John Bowers to complete an environmental inventory and impact assessment for the construction of a new single-family home within the designated sensitive woodland ecosystem located on Pender Island at 3769 Privateers Road (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide proposed development in an environmentally responsible manner.

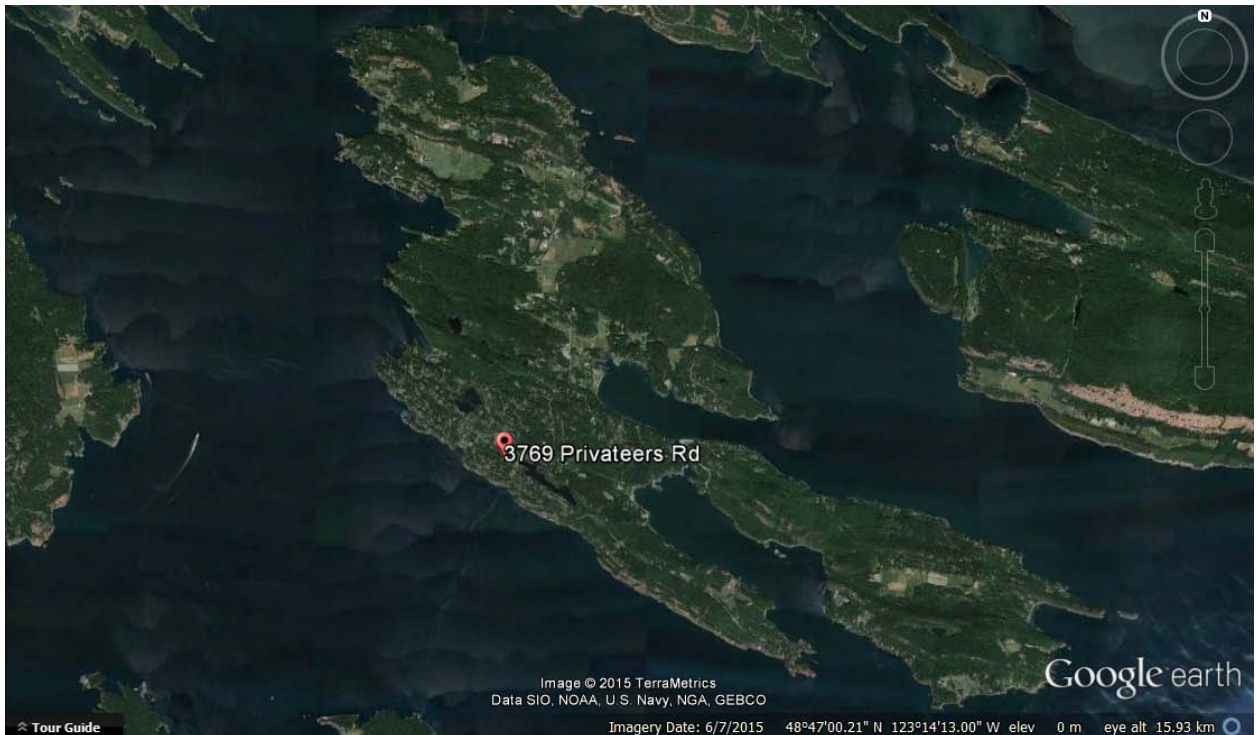


Figure 1. Pender Island; Gulf Islands (Google Earth 2015)

Located in the North Pender Island Local Trust Area, Capital Regional District (CRD) the subject area is approximately 0.24 ha (0.58 acres) in size. The subject area is located on Privateers Road near the corner of Galleon Way in the Magic Lake area (Figure 2). Legal property description for the parcel is:

- Privateers Road; Lot 3, Plan VIP21811, Section 10, Land District 16, Portion Pender Island (PID: 003-344-410)



Figure 2. 3769 Privateers Road on Pender Island (MapIT, Island Trust 2016).

The purposed area is currently zoned RR2 (Rural Residential) and is surrounded by RR2 zones to the north, south, east, west. The proposed plan is to construct a new single-family home. There is currently a live-in trailer on the property.

The subject property falls under the jurisdiction of the North Pender Island Local Trust Area and consequently must conform to the North Pender Island Official Community Plan Bylaw No.171, 2007. Both phases of the environmental assessment are included in this report: Ecological Assessment Phase and Impact Assessment and Mitigation Phase.

Other regulatory frameworks which also guide the assessments and strategies within this report include, but are not limited to:

1. Species at Risk Act (SARA) - Federal
2. Migratory Birds Convention Act – Federal
3. Wildlife Act – Provincial

2.0 Supporting Inventories

A review of current information pertaining to the subject property and surrounding areas was conducted and includes the following, but is not limited to:

- Biogeoclimatic maps and online satellite imagery of the subject property.
- BC Conservation Data Centre (CDC).
- Ecocat, Ecosystems Report Catalogue

- Terrestrial Ecosystem Mapping

2.1 Physical Resources

Humid Temperate Ecodomain

In British Columbia, the ecosystems of the Gulf Islands originate from the most southerly extent of the Humid Temperate Ecodomain extending from the continental slope and shelf, all the coastal islands, adjacent mountains, the central interior plateau, and the southern interior mountains. The climate is characterized by strong seasonal cycles of temperature and precipitation with a distinct winter (CPAWS 2005; Demarchi 2011).

Humid Maritime & Highlands Ecodivision

This Ecodivision occurs along the coast from the western edge of the Continental Slope eastward to the effective height of land on the Coast Mountains, including the Nass Basin and Nass Ranges. This Ecodivision's climate is temperate, with abundant rainfall throughout the year; but with reduced precipitation in summer. Coniferous tree species that occur include Douglas-fir, western redcedar, western hemlock, Sitka spruce, amabilis fir, and yellow-cedar. In the extreme south of the province, where it is much drier, it contains arbutus and Garry oak communities (CPAWS 2005; Demarchi 2011).

Georgian Depression Ecoprovince (GED)

This ecoprovince lies between the Vancouver Island Mountains and Olympic Mountains to the west and the southern Coast Mountains and northern Cascade Ranges to the east. In British Columbia, the Georgia Depression Ecoprovince is a large basin that encompasses the southeastern Vancouver Island Mountains, the Nanaimo Lowlands, and the Gulf Islands in the west, the Strait of Georgia, in the middle, and the Georgia Lowlands and Fraser Lowlands in the east (CPAWS 2005; Demarchi 2011).

SGI - Southern Gulf Islands Ecosection

These islands occur from Newcastle and Gabriola islands south to Chatman, Discovery and Chain islands, including the inter-island channels and sounds that extend across the Strait of Georgia, and the San Juan Island in Washington. The islands consist of folded and faulted shale and sandstone/conglomerate, with some volcanic stocks intermixed. This has resulted in the many linear valleys and island separations. The northwesterly aligned folded structure and the eroding power of southeasterly moving glacial ice have resulted in the prominent northwesterly-southeasterly alignment of the Gulf Islands. As the glaciers retreated, it resulted in very deep deposits of sediments on this lowland. Streams that originate here are short and often ephemeral, drying in the summer (CPAWS 2005; Demarchi 2011).

2.2 Topography

The bedrock geology plays a large role in the topography of the islands. North Pender bedrock is categorized as the Nanaimo Group and consists of the following sedimentary bedrock types: sandstone, shale, siltstone, conglomerate. This has led to the steep rugged topography following the trends of the major resistant bedrock units (sandstones and conglomerates), with the valleys being comprised of sandy or clay soils located over less resistant shale and along fault lines ((Kenney et al.1988; Kohut et al. 2001). Locally the surveyed property has been incised heavily and scraped down to the bedrock with large deposits of sediment throughout (Kohut et al. 2001). The subject area consists of a gentle downward slope beginning from the property boundary near Privateers Road. Elevation reaches 99 meters above sea level along the northern property boundary and 81 meters along the southern property boundary.

2.3 Hydrology

Soils, climate, vegetation cover, and surface topography work together in a complementary manner. Soils directly influence the infiltration rate of rainfall, the rate of surface runoff, and ultimately the groundwater recharge/discharge as well as soil moisture content (Kenney et al.1988). The subject property is composed of well-draining sandstone rock and sandy soil. There are no bodies of water, riparian areas or flood potential present on the site.

2.4 Biological

2.4.1 Biogeoclimatic Ecosystem

In British Columbia, resource managers have advocated Terrestrial Ecosystem Mapping (TEM) as a means to establish natural resource baselines for planning and management purposes. Furthermore, these databases are to be used by stakeholders and resource planners to provide guidance for the private sector and all levels of government regarding conservation and management at a meaningful scale, such as community development plans, and to do so in a common language.

Climate, topography and surface geology influence the site hydrology, which in turn influences the biological resources on site. This ecological principle is fundamental to most Ecological Landscape Classifications. The vegetation assessment utilizes the Biogeoclimatic Ecosystem Classification (BEC) which is used extensively throughout British Columbia to report and describe terrestrial ecosystems. In the BEC system, climate is the most significant determinant of ecosystems, influencing soil characteristics which in turn influence the climax (old growth) vegetation, its composition and structure.

The subject property is located in the CDFmm - Moist Maritime Coastal Douglas-fir subzone occurring in the Southern Gulf Islands (Pojar and Mackinnin 1994). The Southern Gulf Islands ecosystems originate from being situated in the rain shadow of the mountains on

Vancouver Island and Washington's Olympic Peninsula. This results in warm, dry summers and mild, wet winters. The Southern Gulf Islands fall predominantly into the Coastal Douglas-Fir biogeoclimatic zone. The most common tree species found are Douglas-fir, western red cedar and Garry oak. Other common species include salal and Oregon grape in upland areas; wild rose, snowberry and ocean spray in rocky outcrops, and big leaf maple, sword fern and salmonberry in moister regions (Meidinger and Pojar 1991; Demarchi 2011).

The following ecosystems were noted within the subject property (Ministry of Environment 2003; Figure 3):

- CDFmm DS/01: Douglas-fir – salal
- CDFmm DO/03: Douglas-fir – onion grass

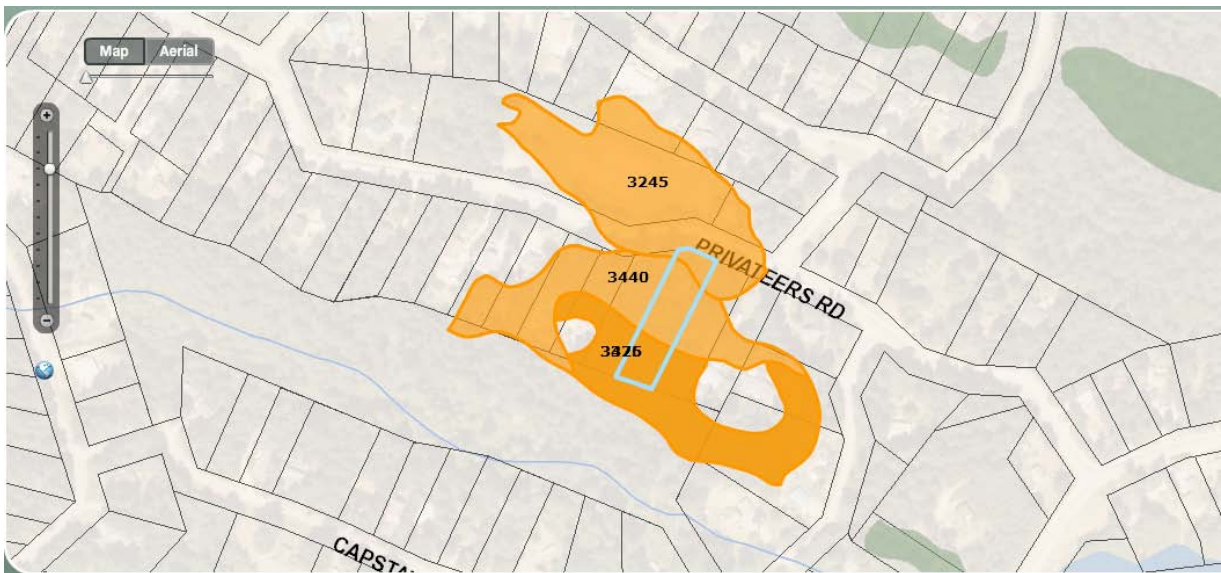


Figure 3. Property Ecosystems: (3245: Douglas-Fir-Onion Grass. 3440: 70% Mature Douglas-Fir-Onion Grass; 30% Douglas-Fir-Salal; 3475: 80% Douglas-Fir-Onion Grass; 20% Douglas-Fir-Salal Structural Stage:5) (MapIT, Island Trust 2016).

- Woodland Ecosystem DPA

Locally a portion of the property has been designated as a Woodland Ecosystem DPA by the Island Trust. This designation includes forest such as open deciduous, and mixed deciduous conifer. They are generally restricted to areas with shallow soils on south-facing slopes in areas with extremely dry summers. The Woodland Ecosystem DPA present is designated as Douglas-fir Woodland (Figure 4).



Figure 4. Woodland Ecosystem DPA. 3326: 80% Douglas-Fir-Onion Grass; 20% Douglas-Fir-Salal SS:5) (MapIT, Island Trust 2016).

3.0 Site Inventory

Dan Baxter (B.Sc., R.P.Bio) and Erin O'Brien (Ph.D.) of Caurinus Environmental conducted a site visit and review of current information pertaining to the subject property and surrounding areas in January 2016. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM).

The subject property is accessed on Privateers Road near the corner of Galleon Way in the Magic Lake area (Figure 2). The property begins at the northwest corner of the property from Privateers Road, and there is a gentle decline in elevation running from NW to SE, where it drops off significantly for the last 5-7 m. The proposed home site has been previously disturbed by historic land use and selective logging and it is in a state of regeneration.

3.1 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of Ministry of Environment and is the provincial coordinator of tracking rare and endangered species (native plants, animals, and natural plant communities) in British Columbia on provincial, national and international levels.

Documented locations of sensitive and non-sensitive species were reviewed for the area using a 1 kilometre search radius; no known sensitive or non-sensitive occurrences have been reported in the area (Data review: January 2, 2016).

3.2 Flora

The ecosystems on the property categorized by the Islands Trust were as follows - (3245: Douglas-Fir-Onion Grass; 3440: 70% Mature Douglas-Fir-Onion Grass; 30% Douglas-Fir-Salal; 3475: 80% Douglas-Fir-Onion Grass; 20% Douglas-Fir-Salal. All polygons had been previously disturbed either from clearing for development or selective logging. Only polygon 3475 was surveyed as this is also the polygon designated as “*Woodland Ecosystem DPA*”. In general, plants encountered were typical given the historic land use and disturbed conditions for the area. No species from (Table 1) were detected. However, the timing of our investigation (early winter) would not preclude the potential occurrence of rare species at some other point during the growing season (this would apply to all plant species). Given the prior disturbance to the area, however, it is unlikely such species would be found on site.

Table 1. Short list of Red- and Blue-listed plant species by the B.C. Conservation Data Centre (CDC) and Species-at-Risk Act (SARA) scheduled species including their status as rated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that could occur on Pender Island, B.C.

Common Name	Genus Species	CDC List	COSEWIC Status	SARA Schedule
graceful arrow-grass	<i>Triglochin concinna</i>	Blue		
dense spike-primrose	<i>Epilobium densiflorum</i>	Red	Endangered	1
Henderson's checker-mallow	<i>Sidalcea hendersonii</i>	Blue		
erect pygmyweed	<i>Crassula connata</i> var. <i>connata</i>	Red		
slender popcornflower	<i>Plagiobothrys tenellus</i>	Red	Threatened	1
Lindley's microseris	<i>Uropappus lindleyi</i>	Red	Endangered	1
Spanish-clover	<i>Acemisson americanus</i> var. <i>americanus</i>	Blue		
graceful arrow-grass	<i>Triglochin concinna</i>	Blue		
chaffweed	<i>Anagallis minima</i>	Blue		
purple sanicle	<i>Sanicula bipinnatifida</i>	Red	Threatened	1
coast manroot	<i>Marah oregano</i>	Red	Endangered	1
contorted-pod evening-primrose	<i>Camissonia contorta</i>	Red	Endangered	1

The following section summarizes the provincial Terrestrial Ecosystem Mapping TEM - ecosystems found on the subject property site, Figure 3. The following ecosystems were identified in a literature review and confirmed during the survey of the property:

CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm DS/01: Douglas-fir – Salal**

Forested site dominated by Douglas-fir with association with grand fir and western redcedar. Typical site conditions for zonal DS forests are mid to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include Snowberry (*Symphoricarpos albus*), Pinegrass (*Calamagrostis rubescens*) and Birch-leaved spirea (*Spiraea betulifolia*), salal (*Gaultheria shallon*), dull Oregon-grape (*Mahonia nervosa*), ocean-spray (*Holodiscus discolor*), sword fern (*Polystichum munitum*), and Oregon beaked moss (*Eurhynchium oregonum*).

- **CDFmm DO/03: Douglas fir – Onion Grass**

The tree layer is dominated by Douglas-fir with Garry oak (*Quercus garryana*) present on warm aspects; arbutus (*Arbutus menziesii*) is the only other tree species present. Typically found on crests to upper slopes where bedrock is near the surface or forms outcrops. Soils are shallow, mostly sandy loamy, often with moderate coarse fragments, but can be deeper where Garry oak is present. The shrub layer is sparse with small amounts of oceanspray and hairy honeysuckle (*Lonicera hispidula*) and regeneration of the overstory species. The herb layer is diverse with many annual and perennial species.

Site Inventory Description:

The area surveyed was comprised solely of the *Woodland Ecosystem DPA*. The area of the property that falls within this ecosystem classification is mainly vegetated with young and mature Douglas-fir (*Pseudotsuga menziesii*). The diameter at breast height (DBH) of the six trees to be modified or removed for increased solar exposure ranged from 42.5 - 78.5 cm, whereas trees to be removed for construction of the house ranged from 20.2 - 52.5 cm (DBH). Five arbutus trees are located on the property at the far SE end of the property. Plant species present include dull Oregon-grape, salal, Oregon beaked moss, rattlesnake plantain (*Goodyera pubescens*), and dovefoot geranium (*Geranium molle*).

3.3 Fauna

During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act-scheduled species were assessed for possible occurrence in the site subject property. A short list of these species (Table 2) that could potentially be found on the site was developed for more detailed assessment. This wildlife assessment only considers vertebrate animals.

Table 2. Red- and Blue-listed vertebrate species designated by the B.C. Conservation Data Centre (CDC), and Species at Risk Act (SARA)-scheduled species including their status as rated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), that could occur on Pender Island, B.C.

Common Name	Genus Species	CDC List	COSEWIC Status	SARA Schedule
<u>AMPHIBIANS AND REPTILES</u>				
Western Toad	<i>Anaxyrus boreas</i>	Blue	Special Concern	1
Painted Turtle (Pacific Coast Population)	<i>Chrysemys picta</i>	Red	Endangered	1
Red-Legged Frog	<i>Rana aurora</i>	Blue	Special Concern	1
Sharp-tailed Snake	<i>Contia tenuis</i>	Blue	Threatened	1
<u>BIRDS</u>				
Olive-sided Flycatcher	<i>Contopus cooperi</i>	Blue	Threatened	1
Black Swift	<i>Cypseloides niger</i>	Blue	Endangered	1
Barn Swallow	<i>Hirundo rustica</i>	Blue	Threatened	1
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	Blue	Special Concern	
Great Blue Heron, <i>fannini</i> subspecies	<i>Ardea herodias fannini</i>	Blue	Special Concern	1
Northern Goshawk, <i>laingi</i> subspecies	<i>Accipiter gentilis laingi</i>	Red	Threatened	1
Western Screech-Owl	<i>Megascops kennicottii macfarlanei</i>	Blue	Threatened	1
<u>MAMMALS</u>				
Little Brown Myotis	<i>Myotis lucifugus</i>	Yellow	Endangered	1
Keen's Myotis	<i>Myotis keenii</i>	Blue		
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	Blue		

The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following nine bird species were observed during our site visit, with no species at risk being detected. The birds detected on site are typical for the area in early winter. No passerine, heron or raptor nests were detected during the site visit.

Table B. List of bird species detected or observed at 3769 Privateers Road (Pender Island, BC).

Common Name	Genus Species
Northern Flicker	<i>Colaptes auratus</i>
Pileated Woodpecker	<i>Hylatomus pileatus</i>
Red-breasted Sapsucker	<i>Sphyrapicus ruber</i>
Red-breasted Nuthatch	<i>Sitta canadensis</i>
Common Raven	<i>Corvus corax</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Chestnut-backed Chickadee	<i>Poecile rufescens</i>
Brown Creeper	<i>Certhia americana</i>
Golden-crowned Kinglet	<i>Regulus satrapa</i>

Mammals

Only one species of mammal was detected during our site visit, and no species at risk were detected. Mammal sign and observations are summarized below:

- Black-tailed deer (*Odocoileus hemionus columbianus*) pellets
- A deer trail was detected at the far SE end of the property near the arbutus trees
- A dead black-tailed deer fawn was detected adjacent to the deer trail

Other mammals that may be on site but which were not directly surveyed include small rodents and bats. Suitable habitats for roosting and nursery sites are not present on site. Suitable sites would include both clefts in steep rock outcrops, and standing dead trees with hollow interiors or with bark flaking off in large pieces (Nagorsen and Brigham 1993).

Amphibians and Reptiles

Christian Engelsoft (R.P.Bio.) of the Habitat Trust has previously surveyed the property for the provincially listed sharp-tailed snake. Suitable habitat may be present in the summer months, and two small roofing shingles have been placed in appropriate locations that would provide basking areas should the snake be present. No reptiles or amphibians were detected during our site visit, but may occur in the warmer months. No hibernacula were found on the property.

3.4 On Site and Adjacent Land Use

Currently there is a live-in trailer with personal belongings adjacent to the trailer on the property in the non-Woodland Ecosystem DPA. The proposed site of construction is an open area (Plate 1) with few trees and some tree stumps (Plate 2). Adjacent developed properties exist on either side of the property (Plates 3, 4).



Plate 1: View of proposed building site looking South



Plate 2: View of representative stump located in the subject property.



Plate 3: West side of property showing adjacent development



Plate 4. East side of property showing adjacent development

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 to provide passive solar heating will have no negative effects, as any loss would be counter balanced by the reduced energy consumption provided by using the passive solar heating. 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, as to not alter the ecological function of the area.

- 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 sandstone rock and sandy soil 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. In the SE corner of the property the three Douglas fir trees should be cut above the 2 m mark. The two trees on the south of the property should be cut to 0.5 m, while leaving the base of the trunk intact in ground to minimize soil disturbance. The final and larger Douglas fir in the SW corner should be cut above 3.5 m leaving a substantial wildlife tree. In all cases, leave as much of the base of the trees for its wildlife value and any tree that needs to be removed should have their supportive root structure left intact. There were direct observations of birds such as brown creeper using trees within the survey area as foraging substrates (bark gleaning), and mixed foraging flocks of chickadees and nuthatches were also detected, which are also bark-gleaning species. 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 some of the ecological value of the existing trees while still generating passive solar heating value for the dwelling.

Other recommendations:

1. The continued removal of any invasive species is recommended throughout the Woodland Ecosystem DPA to improve the quality of natural areas and prevent their continued spread.
2. Landscape and restoration of natural areas only with 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

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SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	N/A	
	The proposed development and associated features	N/A	
	The development permit area boundary	N/A	
	Existing buildings and structures	N/A	
	Roads and driveways	N/A	
	Topographic features	N/A	
	Significant features identified in the site inventory	N/A	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	N/A	
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: - existing plant communities - marine, aquatic and terrestrial habitats - sensitive ecosystems - nesting trees - the presence of rare species and rare plant communities - current on-site and adjacent land uses - slope stability - erosional processes - hydrology and flood potential - topography	✓	
	Site background analysis that includes the following known information: - A check for observed species and ecosystems at risk - A description of the context of the site including the use of adjacent lands and proximity to protected areas - A check for the presence of raptor and heron nests - A check for the presence of fish-bearing water courses	✓	
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard	✓	
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	N/A	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following:	✓	
	Sensitive ecosystems	✓	
	Rare plant communities	✓	
	Rare species habitat	✓	

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	Site hydrology	✓	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area	✓	
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features	✓	
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.	✓	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance	✓	
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development	✓	

STAFF REPORT

Date: February 15, 2016 **File No.:** 6500-20-Waste Management

To: North Pender Island Local Trust Committee
For the meeting of February 25, 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 present the North Pender Island Local Trust Committee (LTC) with an updated Project Charter and new scope of work for pursuing the LTC top priority project: Land Use Planning for Waste & Resource Management. Previously, this work was designed to be led by the Waste and Resource Management Special Advisory Planning Commission (WRMC).

Background

The Waste & Resource Management Commission (WRMC) was established to research best practices, conduct community analysis, and give advice on the ideal locations and preferred scope of waste management that should be pursued on the Pender Islands. Specifically, the objectives included:

- To develop criteria for siting waste transfer facilities
- To inventory existing industrial land.
- To reach community consensus on the location and scope of waste management on NPI
- To map proposed locations for current/future waste management facilities.
- Collaboration with CRD to ensure a comprehensive understanding and approach.

On January 28, 2016, the North Pender Island Local Trust Committee considered community concerns and questions regarding the objectivity of the WRMC, and decided to dissolve the Commission. The LTC directed staff to pursue a similar process, led by planning staff with assistance from consultants as required.

At its last couple of meetings, the WRMC made progress on creating 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:

- a) Full waste transfer station (referred to as the “full meal deal”): public drop off, drop off by waste management operators, recycling, storage, sorting, crushing, and transferring.
- b) Waste transfer station/drop off combo: has public drop off, operator drop off, sorting, crushing, storing, and transferring.
- c) Waste Transfer Station Only: No public access, single operator.
- d) Waste & Organics Transfer Station: Includes separate bins to collect organic waste, possibly could include commercial composting.

- e) Public Drop off only: Does not involve any sorting or crushing. Eg) Bins at Magic Lake Market.

Please see the Appendix 1 spread sheet which was created by a WRMC volunteer. The spreadsheet records the site selection criteria that was brainstormed and discussed by the Commission and audience members. The spreadsheet is also set up to analyze the range of waste transfer facilities according to the land use criteria.

Staff Comments

The work of the WRMC over the last months has progressed understanding of the issues that circumscribe this project. The spread sheet demonstrates some of this understanding, and will be a useful tool to workshop at an upcoming community meeting. In addition, the underlying assumption that “North Pender Island has a need for appropriate and permanent location(s) for solid waste management,” from the background of the original project charter has been questioned. Future work on this process may reveal there is not community consensus on the need for a location to sort and transfer solid waste on North Pender Island. The project charter should not rule out the LTC option of continuing with the status quo.

The updated project charter proposes a renewed process for public consultation and community review of waste and resource management on North Pender Island. An initial open house is proposed to inform the wider community on this project and the roles and responsibilities of different actors and agency authorities. It is anticipated that the staff from the Capital Regional District would be invited to participate in a resource capacity.

It became clear during the WRMC deliberations that progress on advancing this project should be informed by both the waste disposal behaviours of the community at large and community service needs, as well as by waste disposal operators and their ideal service models and land needs. The project charter anticipates consulting with these stakeholder groups. The South Pender Island Local Trust Committee may want to have South Pender islanders included in the advertising and outreach for public events.

The project charter also anticipates drawing on consultant(s) for the facilitation of 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 would pick up where the Commission left off in its work on land use selection criteria.

The project charter’s budget is based on the NPI LTC request to Trust Council for \$7000 to fund this project in the 2016-17 fiscal year. The charter estimates \$4000 to be used for consultant fees. This amount is not sufficient to engage a firm that specializes in waste management engineering or to conduct a consultant-run integrated decision making process, but will allow a consultant to be hired to assist with process design and facilitation at strategic intervals.

Project Charter

The Project Charter (Version 3) responds to Local Trust Committee direction to adapt and re-scope this project using planning staff and consultants rather than a Special Advisory Planning Commission. The following changes have been made to the Project Charter:

- Removed references to the Waste and Resource Management Special Advisory Planning Commission
- Refined the purpose of the project as follows:

“To engage the Pender community in a process that considers the zoning of land to accommodate a range of solid waste transfer services. The process will involve an evaluation of community needs and best practices, an inventory of existing industrial land and current waste transfer sites, and consideration of appropriate land use criteria for the siting of a range of waste transfer facilities.”

- Revised the “background” to remove the assumption that Pender Island needs land zoned for a waste transfer facility. This enables the process to explore that question in considering what level of solid waste management should be accommodated by zoning on North Pender Island.
- Revised the project objectives as follows:
 - *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.*
- Developed a new work plan proposing three community consultation sessions, interviews with waste disposal operators, and a community questionnaire.
- Updated the budget with general estimates of cost allocations within the limit of the NPI LTC’s budget request fro 2016-17.

Recommendations

It is recommended THAT the North Pender Island Local Trust Committee endorse the Project Charter Version 3 dated February 15, 2016.

It is recommended THAT the North Pender Island Local Trust Committee refer the subject staff report (dated February 15, 2016) to the South Pender Island Local Trust Committee for information.

Prepared and Submitted by:

Justine Starke, Island Planner
Local Planning Services

February 15, 2016

Name, Title

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

February 16, 2016
Date

Waste & Resource Management Commission**WTS Site Selection Criteria**

2/17/2016

Location	A - WTS Full Facility	B - WTS and Drop Off Combo	C - WTS Only	D - WTS + Organic Xfer	E - Public Drop Off Only		RankingTotal
Central to Majority of Population							0
Along Regular Travel Routes							0
Adjacent to Existing Industrial Zones							0
Proximity to Other Sites (Resale & Recycle)							0
Traffic Circulation - Safety, Egress, Ingress							0
Parking for Operations and Public							0
Locate Remotely							0
Convenient for Public							0
Close to Ferry (for Trucks)							0
Flat Site Preferable							0
Support Future Economic Development							0

Ranking	5 = Highest	4	3	2	1 = Lowest
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Environment	A - WTS Full Facility	B - WTS and Drop Off Combo	C - WTS Only	D - WTS + Organic Xfer	E - Public Drop Off Only		RankingTotal
Noise							0
No Impact on Aquifer							0
Drainage (Surface Run Off)							0
Water Table Contamination							0
Not Adjacent to Sensitive Eco. Location							0
No Impact on Marine/Riparian							0
Minimize Impact on Adj. Natural Amenities							0

Ranking	5 = Highest	4	3	2	1 = Lowest
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Size	A - WTS Full Facility	B - WTS and Drop Off Combo	C - WTS Only	D - WTS + Organic Xfer	E - Public Drop Off Only		RankingTotal
15 - 30 M Vegetation Buffer							0
15 - 35 M Setback							0
Room for Expansion							0
Room for Required Services							0
Establish Minimum Size							0

Ranking	5 = Highest	4	3	2	1 = Lowest
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Agriculture	A - WTS Full Facility	B - WTS and Drop Off Combo	C - WTS Only	D - WTS + Organic Xfer	E - Public Drop Off Only		RankingTotal
Avoid Land With Agricultural Potential							0
							0
							0

Ranking	5 = Highest	4	3	2	1 = Lowest
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Land Use Planning for Waste Management - Charter V.3

North Pender Island Local Trust Committee

Date: February 15, 2016

Purpose *To engage the Pender community in a process that considers the zoning of land to accommodate a range of solid waste transfer services. The process will involve an evaluation of community needs and best practices, an inventory of existing industrially zoned land and current waste transfer sites, and consideration of appropriate land use criteria for the siting of a range of waste transfer facilities.*

Background *Pender Island currently does not have any land zoned to accommodate the storage, processing, and transfer of solid waste and discarded materials. Solid waste management has historically been provided on land without adequate zoning, sometimes operating under Temporary Use Permits, other times in contravention of the Land Use Bylaw. The exception to this is the Recycling Centre which is located in the Recycling Facility (RF) zone and is a permitted use within the Land Use Bylaw. Neither the Light Industrial (I1) nor the Industrial (I2) zones in LUB 103 permit waste transfer. New CRD restrictions on food waste at Hartland Landfill require consideration of community composting facilities. The CRD is undergoing a regional process to update its Integrated Solid Waste and Resource Management Plan and offering opportunities for a coordinated approach.*

Objectives

- * 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.

In Scope

- Community engagement sessions, including an integrated decision making process.
- Interviews with operators.
- A community questionnaire on the need for waste management and the services desired.
- Evaluate existing industrial zones, waste transfer sites, and other viable properties by applying the agreed upon land use criteria.
- Recommend amendments to the OCP/LUB.
- Collaboration with CRD.

Out of Scope

- Regulating facility operations or operating guidelines
- Waste management considerations that are outside of NPI LTC authority for land use planning.
- Focussing on specific aspects of current rezoning's/TUPs other than as part of the island wide review.

Work Plan Overview (See attached)

Project Team

Justine Starke, Island Planner	Project Manager
Various Consultants	Community Engagement and waste management planning.
Vacant	Administrative Planning Assistant
Pamela Hafey	Communications Specialist

RPM Approval:

Robert Kojima

Date:

LTC Endorsement:

Resolution:

Budget : 2016-17: \$7000

Budget Source: 2016-17 NPI LTC OCP/LUB request = \$7000

Fiscal	Item	Cost
2016-17	Consultant Fees	\$4000
2016-17	3 Community engagement sessions	\$2000
2016-17	Communications	\$1000
	Total	\$7000

PROJECT CHARTER WORK PLAN OVERVIEW

Updated February 15, 2016

Deliverable/Milestone	Target Date
Community Consultation #1: Open House –Understanding waste management; roles and responsibilities; introduction to land use criteria and range of facilities; community mapping board. With assistance from Capital Regional District.	April, 2016
Interviews with waste disposal operators - focus on service models and land needs.	April - June 2016
Survey Monkey questionnaire on community needs – gather input on behaviour and the demand for a range of waste and resource management facilities.	April - June 2016
Community Consultation #2: Workshop Workshop --. Review results of community process to date. Apply preliminary land use criteria to the range of models for siting, using an integrated decision making process (part 1).	July, 2016
Community Consultation #3: Workshop: Review inventory of existing industrial land and land used for waste management activities. Apply land use criteria for the range of facilities and discuss mitigation of nuisances through regulation - Integrated decision making process (part 2).	September, 2016
Preliminary analysis of results presented to Local Trust Committee	October/November 2016
OCP/LUB amendments drafted for consideration.	November/December 2016
Formal OCP/LUB process begins.	Spring 2017



Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities through a Special Advisory Planning Commission. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke		On Going
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		On Going

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

No.	Description	Activity	Received/Initiated	Status
1	Potable Water		29-Oct-2015	On Going
2	Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015	On Going
3	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009	On Going
3	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	On Going
4	Agricultural Building Watercourse Setbacks		28-Jul-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012	On Going

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

No.	Description	Activity	Received/Initiated	Status
6	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	On Going
7	Road Side Signs		26-Apr-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012	On Going
9	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	On Going



Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
10	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.			On Going
11	Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		On Going
12	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	On Going



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.3	RAE, Christopher Davie	08-May-2015	4605 BEDWELL HARBOUR RD To make the building more aesthetically pleasing.

Planner: Phil Testemale

Planning Status

Status Date: 22-Dec-2015

DP amendment received. See xref file NP-DP-2015.6

Status Date: 07-Oct-2015

Applicant has not paid Landscape LoC

Status Date: 07-Oct-2015

Applicant has indicated that will not be proceeding with construction and will amend approved DP

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.5	JOHN R BOWERS	05-Nov-2015	3769 PRIVATEERS RD

To construct a single family dwelling within DPA (sensitive ecosystem area)

Planner: Phil Testemale

Planning Status

Status Date: 12-Feb-2016

Staff Report and Attachments on Feb 25 agenda.

Status Date: 25-Jan-2016

Biologists report with recommendations received.

Status Date: 25-Jan-2016

Preparing Staff Report and Permit for Feb 25 LTC Agenda

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.1	Daw, David	05-Feb-2016	36111 GALLEON WAY

DP needed for BP.

Applications

Planner: Phil Testemale

Planning Status

Status Date: 15-Feb-2016

RAR assessment rec'd. Processing file for March LTC meeting

Status Date: 11-Feb-2016

Fee received.

Status Date: 05-Feb-2016

file opened, awaiting fee

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.5	DE RUITER, GEOFFREY	29-Apr-2015	4617 SAILOR EASEMENT To build a tree house.

Planner: Phil Testemale

Planning Status

Status Date: 14-Jan-2016

Applicant requested that the application be deferred to Feb 25 LTC meeting

Status Date: 05-Jan-2016

Applicant has now applied for a BP for SFD on property.

Status Date: 05-Jan-2016

Variance application reactivated for height of accessory building.

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.1	Heath Lansdowne Design Studio	11-Jan-2016	2655 GALLEON WAY To reduce the front and exterior side lot setbacks to 3 metres each.

Planner: Phil Testemale

Planning Status

Applications

Status Date: 02-Feb-2016

Draft Permit and Notice forwarded to DS for mailout and delivery.

Status Date: 25-Jan-2016

Drafting Staff Report and DVP for Feb 25 Agenda

Status Date: 12-Jan-2016

opened file, processed fee, gave to planner, forwarded to LTC.

Rezoning

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

Status Date: 04-Mar-2015

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

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.

Applications

Status Date: 13-Jan-2015

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

Status Date: 27-Nov-2014

Emailed applicant requesting status update

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2014.1	0697595 BC LTD (Philpot)	07-Jul-2014	7950 Plumper Way Amend the LUB for the maximum water area that may be covered by floats and wharfs.

Planner: Justine Starke

Planning Status

Status Date: 17-Feb-2016

Notice of registration received. Bylaw 198 to be considered for adoption at the February 25 2016 NPI LTC.

Status Date: 29-Oct-2015

Covenant accepted by LTC

Status Date: 08-Sep-2015

EC approval

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: 25-Jan-2016

Preparing preliminary report for Feb 25 LTC agenda

Status Date: 12-Jan-2016

emailed applicant (auto reply out of office) until Jan 20 to provide title searches.

Status Date: 12-Jan-2016

titles received, sent to LTC, gave file to planner



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.

Planner: Phil Testemale

Planning Status

Status Date: 05-Feb-2016

received referral from MoTI. Send Sub App to applicant with fee request.

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

Applications

Status Date: 15-Feb-2016

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

Status Date: 25-Jan-2016

Memo sent to BE re: acceptable uses for TUP and compliance

Status Date: 24-Jan-2016

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

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

650 North Pender	Invoices posted to Month ending January 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	2,763.83	-13.83
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	465.18	284.82
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>3,229.01</u>	<u>1,320.99</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	2,004.24	1,245.76
73001-650-4055	North Pender Housing Review	3,250.00	337.75	2,912.25
TOTAL Project Expenses		<u>9,000.00</u>	<u>18,809.67</u>	<u>-9,809.67</u>

ADJUST FOR GRANT REVENUE
FOR N.P. AGE FRIENDLY
COMMUNITY PLAN

-15,992.29

TOTAL PROJECTS 9,000 2,817.38 6,182.62

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.				