



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 22, 2015
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 - 10:00 AM | |
| 4. | COMMUNITY INFORMATION MEETING | | |
| | none | | |
| 5. | PUBLIC HEARING | | |
| | none | | |
| 6. | MINUTES | 10:00 AM - 10:10 AM | |
| 6.1 | Local Trust Committee Minutes | | |
| 6.1.1 | <u>Special LTC Meeting Draft Minutes Dated December 17, 2014 (for Adoption)</u> | | 4 - 6 |
| 6.1.2 | <u>Local Trust Committee Adopted Minutes Dated August 28, 2014 (for Information)</u> | | 7 - 17 |
| 6.2 | Section 26 Resolutions-without-meeting Report Dated January 2015 | | 18 - 19 |
| 6.3 | Advisory Planning Commission Minutes | | |
| 6.3.1 | <u>Advisory Planning Commission Draft Minutes Dated January 7, 2014 (for information)</u> | | 20 - 20 |
| 6.3.2 | <u>Advisory Planning Commission Adopted Minutes Dated January 14, 2013, (for Information)</u> | | 21 - 26 |
| 6.3.3 | <u>Advisory Planning Commission Adopted Minutes Dated October 29/November 3, 2014 (for Information)</u> | | 27 - 32 |
| 6.3.4 | <u>Advisory Planning Commission Adopted Minutes Dated November 13, 2014 (for Information)</u> | | 33 - 34 |

7. BUSINESS ARISING FROM THE MINUTES	10:10 AM - 10:20 AM	
7.1 Follow-up Action List Dated January 2015		41 - 41
8. DELEGATIONS	10:20 AM - 10:40 AM	
8.1 Michael Sketch		
8.2 Ron Henshaw		
9. CORRESPONDENCE	10:40 AM - 10:50 AM	
Correspondence received concerning current applications or projects is posted to the LTC webpage		
9.1 December 14 2014 Email & Attachments From S Steil re Request for Assistance		42 - 46
10. APPLICATIONS AND REFERRALS	10:50 AM - 12:30 PM	
10.1 Salt Spring Island Local Trust Committee Bylaw 479 Referral		47 - 48
10.2 NP-RZ-2012.2 (Clam Bay) - Memo		49 - 50
10.3 NP-DVP-2014.2 (Davies) - Staff Report		51 - 67
10.4 NP-DVP-2014.3 (Vasilev) - Staff Report		68 - 82
10.5 NP-RZ-2012.1 (Burdett) - Staff Report		83 - 109
10.6 NP-RZ-2014.1 (0697595 BC LTD) - Staff Report (to Consider First Reading of Bylaw No. 198)		110 - 130
11. LOCAL TRUST COMMITTEE PROJECTS		
none		
12. REPORTS	12:30 PM - 1:20 PM	
12.1 Work Program Report		
12.1.1 <u>Top Priorities Report Dated January 2015</u>		131 - 131
12.1.2 <u>Projects List Report Dated January 2015</u>		132 - 133
12.2 Applications Report Dated January 2015 (attached)		134 - 139
12.3 Trustee and Local Expense Report Dated December 2014 (attached)		140 - 140
12.4 Adopted Policies and Standing Resolutions (attached)		141 - 141
12.5 Local Trust Committee Webpage		

12.6 Chair's Report

12.7 Trustee Report

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

1:20 PM - 1:30 PM

14.1 2015 Annual LTC Meeting Schedule (attached)

142 - 142

14.2 Special Local Trust Committee Meeting to be held
10:00 am, Tuesday, February 3, 2015 , at the
Pender Royal Canadian Legion Br 239

14.3 Next Regular Meeting Scheduled for February 26,
2015 at the Pender Island Community Hall

15. TOWN HALL

1:30 PM - 1:45 PM

16. CLOSED MEETING

none

17. ADJOURNMENT

1:45 PM - 1:45 PM



**North Pender Island
Local Trust Committee
Minutes of Special Meeting**

Date: December 17, 2014
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Peter Luckham, Alternate Chair
Dianne Barber, Trustee
Derek Masselink, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
Miles Drew, Bylaw Enforcement Manager
Warren Dingman, Bylaw Enforcement Officer
Zorah Staar, Recorder

Regrets: George Grams, Chair

Media and Others Present: Fifteen (15) members of the public

1. CALL TO ORDER

Alternate Chair Luckham called the meeting to order at 12:15 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations, and that he was standing in for George Grams, the new Chair of the North Pender Island Local Trust Committee (LTC).

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add: Item 5. Local Trust Committee 2015 Meeting Schedule, and re-number remaining items.

By general consent the agenda was approved as amended.

3. TOWN HALL & QUESTIONS

Alternate Chair Luckham invited members of the public to comment or ask questions.

Sara Steil expressed concerns to the new Trustees about the importance of protecting North Pender groundwater, and mentioned the related 1997 Henderson thesis report entitled "An Ecosystem Approach to Groundwater Management in the Gulf Islands."

Regional Planning Manager (RPM) Kojima said that he believed this document was in the Islands Trust library.

There were no other public comments or questions.

4. LTC TOP PRIORITY: AGE FRIENDLY COMMUNITY PLAN – MEMO

Planner Starke referred to the October 20, 2014, Memorandum re: Age and Disability Friendly Community Planning, and commented as follows:

- previous North Pender Island Local Trust Committee had made this a Top Priority, and sought an available Seniors grant from the Union of BC Municipalities (UBCM);
- now a \$16,500 grant had been confirmed, for a consultant to develop a North Pender Age-Friendly Community Plan, but with a 1-year time limit;
- if the current Local Trust Committee chose to make this project a priority, a Request for Proposals should be issued as soon as possible, to find a consultant;
- project objectives included a survey, community consultation, and recommending age-friendly policies to address transportation, accessibility of public and commercial infrastructure, housing, health services, social inclusion, civic engagement, and more.

Trustees Barber and Masselink were in favour of making the above project one of their Top Priorities for this term.

Trustee Masselink saw this as a collaborative project with the Capital Regional District (CRD) and Vancouver Island Health Authority (VIHA), and also hoped that it could include consideration of related housing issues.

Planner Starke confirmed, that given the previous LTC resolution to proceed, no additional resolution was needed for staff to begin seeking a project consultant.

5. LOCAL TRUST COMMITTEE 2015 MEETING SCHEDULE

Regional Planning Manager (RPM) Kojima said that a draft 2015 meeting schedule had been circulated to Trustees.

Trustee Masselink said that the dates were fine, but he supported further discussion about the timing and location of the meetings, in order to make them as accessible as possible (e.g. for community members who worked weekdays).

Trustee Barber agreed.

RPM Kojima said that a resolution-without-meeting had already been circulated, which the Trustees could approve in order to confirm the January meeting. Then the initial schedule could indicate that the other monthly times and locations were to be announced.

By general consent the Trustees also directed staff to schedule an LTC Special Meeting in late January or February, to focus on the Work Plan Top Priorities.

6. MOTION TO CLOSE MEETING

Alternate Chair Luckham said that the Local Trust Committee was required to meet In Camera (without the public), to discuss bylaw enforcement, litigation, personnel issues, and other subjects not appropriate for open discussion (per the *Community Charter*).

Trustee Masselink asked if each LTC agenda could include an explanation like the above.

NP-2014-87

It was MOVED and SECONDED,

THAT, pursuant to Section 90(1) (f) (g) (i) (j) and Sections 91(1) and 91(2) of the *Community Charter*, the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purposes of considering Adopting In-Camera minutes of April 24, 2014, and to discuss Bylaw Enforcement legal issues, and further that Bylaw Enforcement Manager, Miles Drew; Bylaw Enforcement Officer, Warren Dingman; Planner, Justine Starke; Regional Planning Manager, Robert Kojima, and Recording Secretary, Zorah Staar, remain present.

CARRIED

7. RECALL TO ORDER

NP-2014-88

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

8. RISE AND REPORT FROM CLOSED MEETING

Alternate Chair Luckham reported that during the closed portion of the meeting a bylaw enforcement report was received and a resolution passed to defer a court date.

9. ADJOURNMENT

By general consent the meeting was adjourned at 2:14 pm.

Peter Luckham, Alternate Chair

Certified Correct:

Zorah Staar, Recorder

ADOPTED



North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Thursday, August 28, 2014
Location: Pender Islands Community Hall
4418 Bedwell Harbour Road
North Pender Island, BC

Members Present: Peter Luckham, Chair
Gary Steeves, Local Trustee
Ken Hancock, Local Trustee

Regrets: None

Staff Present: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
Zorah Staar, Recording Secretary

Media and Others Present: Thirteen (13) members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:48 am. Chair Luckham acknowledged that the meeting was being held in traditional territory of Coastal Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF THE AGENDA

2.1 Additions and Deletions

The following additions to the agenda were presented for consideration:

- 11.3 Discuss MoTI Response re: Einar's Hill under existing item 6.1
- 12.3 Travel Expenses for Farm Plan Meeting on Saturna Island

By general consent the agenda was approved as amended.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 North Pender Island Local Trust Committee Meeting Minutes of June 26, 2014.

The June 26, 2014 minutes were amended as follows:

- 8.1 first sentence, revise as follows: "...the comments requesting amendment of the Public Hearing Record were about subjects not covered by the Land Use Bylaw amendments, so..."
- 12.3 first sentence, revise as follows: "Trustee Steeves noted that a Community Stewardship Award is to be presented..."

By general consent, the North Pender Island Local Trust Committee Meeting Minutes of June 26, 2014, were adopted as amended.

5.2 Public Hearing Records and Community Information Meeting Notes to be Received

5.2.1 North Pender Island Local Trust Committee Community Information Meeting Notes of June 26, 2014

The June 26, 2014 Community Information Meeting Notes were received.

5.2.2 North Pender Island Local Trust Committee Public Hearing Record of June 26, 2014

The June 26, 2014 Public Hearing Record was received.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commissions / Task Force to be received

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action List

Island Planner Justine Starke provided information from the Follow-Up Action Report dated August 20, 2014.

Trustee Hancock reported on the MoTI (Ministry of Transportation & Infrastructure) response to his inquiries re: road safety issues on Einar's Hill. This included a visit by an engineer, and an indication that MoTI had requested funding approval to install a barrier and improve the shoulders.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 June 23, 2014 Letter from D. Durant re: Einar's Hill Bypass Route

Re: the letter from D. Durant expressing concerns about the Einar's Hill Bypass Route proposed by Moving Around Pender.

Trustee Steeves also expressed concerns re: the lack thus far of an ecological assessment, Capital Regional District (CRD) budget, public consultation in the CRD format, and licenses of occupation.

NP-2014-075

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee requests Trustee Steeves to work with staff on a response to the June 23, 2014 Letter from D. Durant, for the Chair's signature.

CARRIED

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw Communications)

Island Planner Starke referred to the Staff Report for NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw), and said that this was an application to renew a Temporary Use Permit and amend a Development Permit for the Shaw Cable building and site at Medicine Beach. There had been some minor changes to the landscaping, which were substantially in compliance, but which made it advisable to make slight revisions to the permits.

The Trustees and Chair asked questions and commented about drainage, landscaping, future rezoning, and a reference to herbicides possibly having been used by Shaw's contractors, to deal with invasive species.

NP-2014-076

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to contact the Applicant for NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw), to inquire about past or future use of herbicides or pesticides, as this would be contrary to the conditions of the Temporary Use Permit.

CARRIED

NP-2014-077

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to prepare a resolution-without-meeting for further consideration of applications NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw).

CARRIED

9.2 NP-RZ-2014.1 (0697595 BC Ltd.)

Island Planner Starke reviewed the August 7, 2014 Staff Report for NP-RZ-2014.1 (0697595 BC Ltd.), commenting as follows: that this application was to amend the Water 1 zone for an existing 83.6m² dock on Wallace Point, whereas only a size of 37m² was allowed; that the Applicant had agreed to restrict further development of docks on a proposed 3-lot subdivision of the property, meaning that the existing dock would become a common one; and that the Applicant had also agreed to consider a NAPTEP covenant for the property (Natural Area Protection Tax Exemption Program).

The applicant was present.

The Trustees asked questions and commented on the following issues:

- mapping indicates some eel grass near the dock and the staff site visit observed bull kelp beds (which are significant marine habitat for fish) in the general area of the dock;
- the Official Community Plan policy reference to “coastal processes” interpreted as biological and environmental factors as primary in this case, but this was also connected with aspects of the hard shoreline;
- a registered archaeological site being near the dock (although has been confirmed to not be on the subject property), and the importance of early consultation with First Nations;
- An underlying premise of the proposal is to limit new docks from being permitted on the proposed strata lots and the sharing of the larger dock, once the subdivision has completed. I; therefore, the subdivision of the upland lot is relevant to the rezoning of the water and the Preliminary Layout Approval should be attached to the next staff report; and
- the possibility of referring the application to the Advisory Planning Commission.

NP-2014-078

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2014.1 (0697595 BC Ltd.), and to prepare a draft bylaw.

CARRIED

NP-2014-079

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to give early notice to First Nations re: rezoning application NP-RZ-2014.1 (0697595 BC Ltd.).

CARRIED

9.3 NP-CL-2014.1 (Shaw-Ledcor)

Island Planner Starke reviewed the August 12, 2014 response letter sent by the Islands Trust, which concerned Crown lease referral NP-CL-2014.1 for Shaw-Ledcor to install a submarine cable in Navy Channel, at the new location of Tracey Road on North Pender.

Trustee Steeves said that he planned to notify the Tracey Road residents, and tell them that the proposal was supposed to involve remediation of the work area.

9.4 Referral – Experience the Southern Gulf Islands Cycling & Pedestrian Draft Trail Plan

Regional Planning Manager (RPM) Kojima referred to the August 19, 2014 Memorandum, which summarized policy-based comments to be made to the CRD in response to their referral of the draft “Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan.”

The Trustees commented about the draft CRD Trail Plan, including:

- support for the responses proposed by Islands Trust staff;
- general support for CRD measures to make our roads safer, but also some concerns about why the Einar’s Hill Bypass was not part of the Plan, the Plan’s scope and cost, and more (see motion below);
- the Trustees having received indications of both community support and also community concerns about the Plan;
- the need for early, real consultation with affected landowners;
- the need for consultation with local commissions;
- the need for work to be tendered locally and support economic development
- that it would have been useful to have an Experience the Southern Gulf Islands representative present to answer questions.

NP-2014-080

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to include the following points in their referral response to the CRD re: the draft Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan:

1. future construction should be tendered locally where possible;
2. environmental assessment of proposed trails;
3. establish proposed budget in advance;
4. early consultation with local Parks Commissions;
5. consistent with Local Trust Committee Official Community Plan policies;
6. ongoing consultation with local community, consistent with CRD Public Consultation Guidelines.

CARRIED

It was noted that people with comments about the above CRD draft Trail Plan should express them to the CRD's Southern Gulf Islands Electoral Area Director and/or Economic Development Commission.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Conservation Subdivision Review

Island Planner Starke reviewed the August 15, 2014 Staff Report re: Conservation Subdivision Review. This project is to encourage property owners to apply a conservation approach for the design and layout of future subdivisions on their property, so as to minimize adverse effects of development. As requested, the Staff Report described a range of possible Official Community Plan and Land Use Bylaw amendments, not to impede and potentially to incentivize a Conservation Subdivision approach for new subdivisions. This could include a new development permit area.

The Trustees thanked staff for their report, but noted that due to time limitations today, detailed discussion of the recommendations would have to occur at the next Local Trust Committee meeting. One or more "workshop" type meetings by the Advisory Planning Commission were also suggested.

NP-2014-081

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff that the Conservation Subdivision Review, including background material and Staff Reports, be referred to the North Pender Island Advisory Planning Commission (APC) for preliminary review and comments, with the understanding that any bylaw amendments will be subject to inviting further review and recommendations by the APC.

CARRIED

10.2 Age and Disability Friendly Planning

Island Planner Starke reviewed the August 7, 2014 Staff Report regarding Age and Disability Friendly Community Planning, a new project to consider how the Local Trust Committee can improve accessibility aging and mobility challenged community members and people with disabilities. The report included background and a draft project charter.

The Trustees thanked staff and expressed support, but noted that detailed discussion would have to be postponed to the next Local Trust Committee meeting. Also, the proposed project charter's "Workplan Overview" should be amended, to show dates "to be decided" for items 2-5

NP-2014-082

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee endorses the project charter for the Age and Disability Friendly Community Planning Project, as amended.

CARRIED

NP-2014-083

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee requests staff to prepare an age-friendly and disability-friendly assessment for North Pender Island using online and paper questionnaires or surveys.

CARRIED

11. REPORTS

11.1 Work Program Report

Island Planner Starke referred to the June 17, 2014 Memorandum, which provided comments and context for the Local Trust Committee to consider refining the Work Program's "long list" of project priorities.

NP-2014-084

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee defers consideration of the projects list update memorandum to its next meeting.

CARRIED

11.2 Applications Report

Island Planner Starke reviewed the August 20, 2014 Applications Report.

11.3 Bylaw Enforcement Reports

The Trustees requested an update from the Bylaw Enforcement Office at their next meeting.

11.4 Expense/Budget Reports

11.4.1 LTC Expense Report dated June, 2014

11.4.2 LTC Expense Report dated July, 2014

The June and July, 2014 Expense Reports were available.

11.4.3 2015-16 Budget Submissions

Regional Planning Manager (RPM) Kojima reviewed the August 6, 2014 Staff Report, which included a draft Local Trust Committee Budget Request for 2015-16.

NP-2014-085

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve and forward the draft 2015-16 LTC Project Budget Request to the Financial Planning Committee as presented.

CARRIED

11.5 Adopted Policies and Standing Resolutions

This report was unchanged.

11.6 North Pender LTC Web Page

The North Pender Island Local Trust Committee web page is found at www.islandstrust.bc.ca/islands/local-trust-areas/north-pender.

11.7 Chair Report

Chair Luckham said that the final Trust Council meeting of this term would occur on Gambier and Keats Islands in September, 2014, including consideration of the past 3 years of activities.

11.8 Trustees Report

Trustee Steeves had been receiving complaints about the prevalence of rats, and he planned to check with the relevant provincial Ministry.

Note: At this point, the Local Trust Committee amended the agenda by consensus, to advance the Town Hall Meeting so that it would occur before staff had to leave for a ferry (see notes at 13. below).

12. OTHER BUSINESS

12.1 Community Stewardship Awards Presentation

There was discussion of arrangements to award Community Stewardship Awards to Barrie Morrison and the Nancy Waxler-Morrison Fund (posthumously), and to Christa Grace-Warrick, tentatively at noon on September 13, at the Community Hall.

12.2 Upcoming Meetings

The next meeting of the North Pender Island Local Trust Committee was scheduled for Thursday, October 30, 2014 (9:45 am, Pender Island Community Hall).

12.3 Travel Expenses for Farm Plan Meeting on Saturna Island

NP-2014-086

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee agrees that Trustee Hancock is attending on its behalf the September 2, 2014, Saturna meeting of the Steering Committee for the Regional Farm Plan, and he is to be reimbursed for travel expenses up to \$250.

CARRIED

13. TOWN HALL MEETING

David Miller spoke regarding the new project for Age and Disability Friendly Community Planning suggesting that the disability parking spots at the Driftwood Centre needed repainting.

RPM Kojima said that the Driftwood development permit did not cover this issue per se, but perhaps Miller could try speaking with CRD Building Inspection.

Dennis Perch expressed concerns about the April 24, 2014 Record of the Public Hearing not containing an accurate summary of his verbal comments, or attaching his written submission, and about this matter not yet having been addressed to his satisfaction..

RPM Kojima confirmed that the Record of Public Hearing document itself did not attach written submissions, but these were included in the Public Hearing binder, which is not converted to electronic versions. However, correspondence to the Local Trust Committee (such as that received from Perch about his concerns) had been included in agenda packages. RPM Kojima stated that Mr. Perch likely confused the correspondence section of the agenda package with the draft minutes of a previous meeting, where correspondence from a previous meeting would be recorded.

Chair Luckham said that he would follow up further with Dennis Perch.

Elizabeth Montague spoke regarding the Burdett application to rezone part of North Pender property for solid waste transfer purposes. She commented on the following: that she was commenting as a South Pender landowner and not as a Trustee; that she had written a letter to the LTC and she wondered why it wasn't on the agenda today; that she suggested having the Town Hall earlier in the meeting; that the Burdett application affected South Penderites as well, and most people didn't know about it; and that since this application was being referred to the North Pender Island Advisory Planning Commission, could submissions be made to them?

RPM Kojima noted that letters regarding an application are gathered and then included in the LTC agenda package when that application is on the agenda (which Burdett was not today).

Chair Luckham encouraged North or South Penderites with concerns about the Burdett application to send them in writing to the North Pender Island Local Trust Committee. Advisory Planning Commission meetings were public and could involve some public comments, but they were not a body intended to receive such comments for the Local Trust Committee. In addition, the Burdett application was just beginning to be considered by the Local Trust Committee, and so there would be various future opportunities for public consultation.

Barb Grimmer said that the dates of Advisory Planning Commission meetings should be posted on the Islands Trust website (in addition to notices being put up).

Chair Luckham said that he would bring this up with staff.

Barb Grimmer also commented as follows: that she wouldn't want to see a Conservation Subdivision approach required in all cases because sometimes a conventional subdivision plan might be more appropriate; that regarding Industrial zones on North Pender, Islands Trust staff should review these, because there were errors that had existed for 15 years re: industrial setbacks, development permits, waste disposal, etc., some of which were pertinent to the current waste applications; that regarding the Burdett solid waste application, there were errors and omissions relating to past approvals and use of the property by others, which were being carried forward in the Staff Reports, and instead should be corrected as well; and that the Burdett Agricultural Land Commission approval was only for 5 years, so why was a rezoning being considered instead of a temporary use permit?

Chair Luckham said that it would be useful for Barb Grimmer to confirm in writing for the Planners the historical errors in Industrial zoning and use referred to above.

Sara Steil commented on two future events being organized by PICA (Pender Islands Conservancy Association) and PITPS (Pender Islands Trust Protection Society), namely: a March, 2015 presentation by Andy MacKinnon of the Ministry of Forests, regarding the Coastal Douglas Fir zone under stress; and a July, 2015 San Juan County whale presentation.

Dennis Perch commented as follows: that Elizabeth Montague's letter regarding the Burdett application was important because it showed the "big picture" on Pender waste management; that a major solid waste management plan was needed before the North Pender Local Trust Committee entertained applications by individuals seeking rezoning for this purpose; that such a plan should be put on the Local Trust Committee work plan and given a budget; and that a past timeline suggested moving fairly quickly on the solid waste issue, which Perch did not support.

Trustee Hancock commented as follows: that the CRD was in the middle of a regional solid waste management planning review, which they had initiated without informing the Local Trust Committees within the CRD; that North Pender was the only LTC which had asked staff to involve Islands Trust in the process; that the North Pender Advisory Planning Commission had made a 2009 recommendation for North Pender not to develop a local solid waste management plan; and that on the other hand, Hancock and the other Trustees did support consideration of such a plan

14. ADJOURNMENT

NP-2014-087

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee meeting be adjourned at 3:27 p.m.

CARRIED

Peter Luckham, Chair

CERTIFIED CORRECT:

Zorah Staar, Recorder

RWM From: August 28, 2014 To: January 14, 2015

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2015-01	In Favour	THAT North Pender Island Local Trust Committee hold a Special Local Trust Committee Meeting on Tuesday, February 3, 2015.	Jan 12, 2015
2014-14	In Favour	THAT the North Pender Island Local Trust Committee Proposed 2015 Annual Meeting Schedule be adopted, thereby holding their Regular Local Trust Committee meetings on the following dates: January 22, February 26, March 26, April 30, May 21, June 18, July 30, September 10, October 29, and November 26, 2015, all at 9:45 a.m.	Dec 19, 2014
2014-13	In Favour	THAT North Pender Island Local Trust Committee hold a Special Local Trust Committee Meeting on Wednesday, December, 17, 2014.	Dec 10, 2014
2014-12	In Favour	That the North Pender Island Local Trust Committee regular business meeting of November 27, 2014 be cancelled.	Nov 18, 2014
2014-11	In Favour	THAT the North Pender Local Trust Committee draft minutes of the August 28, 2014, regular business meeting be Adopted.	Nov 11, 2014
2014-10	In Favour	THAT North Pender Island Local Trust Committee's interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 482.	Oct 21, 2014
2014-09	In Favour	THAT North Pender Island Local Trust Committee's interests are unaffected by Mayne Island Local Trust Committee Bylaws No. 161, 162, 163 & 164.	Oct 21, 2014

2014-08	In Favour	THAT North Pender Island Local Trust Committee's interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 480.	Oct 21, 2014
2014-07	In Favour	THAT North Pender Island Local Trust Committee direct staff to post the Staff Report regarding the UBCM Senior's Housing and Support Initiative 2015 Age Friendly and Community Planning Project, to the North Pender Island Local Trust Committee web page on the Islands Trust Web site.	Oct 21, 2014
2014-06	In Favour	THAT North Pender Island Local Trust Committee Business Meeting scheduled for October 30, 2014, be cancelled.	Oct 21, 2014
2014-05	In Favour	THAT the North Pender Island Local Trust Committee support Islands Trust staff in applying for, managing, and administering the UBCM Senior's Housing and Support Initiative 2015 Age Friendly and Community Planning Project Grants on its behalf.	Oct 08, 2014
2014-04	In Favour	THAT North Pender Island Local Trust Committee Temporary Use Permit NP-TUP-2014.3 (Shaw Communications) be approved for a (3) three year term, and; THAT North Pender Island Local Trust Committee amended Development Permit NP-DP-2014.3 (Shaw Communications) be approved.	Sep 15, 2014

DRAFT

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, JANUARY 7, 2015 (10:30 am)
PENDER COMMUNITY HALL
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND**

PRESENT:

COPIED TO



PLANNER



LTC



DEPUTY SECRETARY

REGRETS:

PUBLIC:

Val Butcher
Marika Kenwell
Reg Smith
Sharon Card
Michael Symons
Zorah Staar

Julie Roper

none

Chair
Member
Member
Member
Member
APC Secretary

Deputy Chair



1. CALL TO ORDER

The meeting was called to order at 10:41 am, by Chair Val Butcher of the North Pender Island Advisory Planning Commission (APC).

2. APPROVAL OF AGENDA

Chair Butcher noted and it was agreed by consensus that the sole agenda item was to consider approval of the minutes of the December 8, 2014 APC meeting (re: NP-RZ-2012.1 – Burdett application to rezone for solid waste transfer). The North Pender Island Local Trust Committee had referred this application for APC consideration.

3. APPROVAL OF MINUTES

The December 8 minutes had been circulated in initial draft form to APC Members and the Islands Trust, and then further revised and re-circulated.

Moved by Marika Kenwell, seconded by Michael Symons, to adopt the December 8, 2014 APC Minutes, as revised.

CARRIED

4. ADJOURNMENT

Moved by Michael Symons, seconded by Reg Smith, to adjourn the meeting at 10:46 am.

CARRIED

Chair

Date adopted

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
MONDAY, JANUARY 14, 2013 (9:45 AM)
COMMUNITY HALL LOUNGE
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND**

PRESENT:

Marika Kenwell
Julie Roper
Bob Erho
Sharon Card
Valerie Butcher
Amanda Griesbach
Reg Smith

Chair
Deputy Chair
Member
Member
Member
Member
Member

Zorah Staar
Robert Kojima
Gary Steeves

APC Secretary
Regional Planning Manager
Local Trustee

REGRETS:

Rob Willingham
Andrea Pickard

Member
Islands Planner

PUBLIC: There were no members of the public present.

1. CALL TO ORDER

The meeting was called to order at approximately 9:45 am.

2. AGENDA

Moved by Marika Kenwell, seconded by Julie Roper, to accept the agenda as proposed.

CARRIED

3. MINUTES

Moved by Val Butcher, seconded by Sharon Card, to adopt the June 6, 2012 Advisory Planning Commission minutes as circulated.

CARRIED

Zorah Staar reported that a recent Islands Trust training had suggested to keep minutes as brief as possible, in general summarizing discussion without necessarily indicating names. An exception could be made with contrasting points of view. The focus should be any consensus reached by the group. Staar said that this was how she already tried

to do Advisory Planning Commission (APC) minutes, but with enough detail to show the process of the discussion.

Trustee Steeves and the APC Members who commented said that they found the current APC minutes approach to be useful, although somewhat briefer would be fine too. While some APC Members said that perhaps names didn't need to be used, Trustee Steeves said that it was helpful for him to see some names associated with the key comments (so that he could call an APC Member for clarification later). It was also noted that any APC Member could ask for a particular viewpoint and/or their opposing vote on a motion to be recorded in the minutes.

4. PUBLIC COMMENTS

There were no members of the public present.

5. NEW BUSINESS

A. Referral of Variance Application NP-DVP-2012.5 (Aronowicz c/o Wiebe)

Applicant Harold Wiebe for variance application NP-DVP-2012.5 had been advised of this meeting but was not present, and neither was the owner of 1117 Walden Road (Aronowicz). APC Members expressed concern about this. [Note: Zorah Staar later learned and reported to APC Members that Wiebe had emailed her at 8:25 am this morning, to say he meant to attend but the seaplane he wanted to take was grounded.]

APC Members had received the Staff Report dated November 6, 2012, and the supplementary Memorandum dated December 13, 2012. Regional Planning Manager (RPM) Robert Kojima was present today as a resource. The APC Chair and two of the APC Members had been able to view the property, but the others had not known this was potentially possible, with the permission of the applicant. RPM Kojima was asked to follow up on the issue of APC Members being advised in future about this possibility.

Chair Marika Kenwell invited each APC Member in turn to make comments with regard to this application for multiple variances, which Planner Andrea Pickard had divided into 7 different components (see page 1 of November 6, 2012 Staff Report). These components involved the dwelling and various structures being completely or partially within the required 15 metre ocean setback, and/or the 3 metre side lot line setback.

The predominant comments made by APC Members can be summarized as follows (see also the 7 subsequent motions which confirmed the majority APC positions):

- it was of great concern how profoundly almost all the natural features of the shoreline at 1117 Walden Road had been removed, and replaced with structures

such as a shed, multiple stone patios and pathways, cement walls, two hot tubs, lighting, non-indigenous landscaping, etc., most of which were within setbacks;

- also noted that because 1117 Walden was in a pocket cove, it had been harder for the community to notice the huge amount of work being done to alter the natural shoreline and the land above it, unless you entered the cove (as one APC Member had done with a kayak), or were permitted to enter the property;
- re: variance component 2. (propane shed), it was beside a steep drop, which was of concern if the tank shifted and fell (e.g. due to a tremor or failure of the supports); felt by all APC Members that the shed could be moved, so it should be moved, outside of the ocean setback (i.e. there was no reason to have it there);
- re: variance component 3 (north stone patio), it was allegedly built as an expansion of a previous older patio (possibly of cement and possibly pre-dating the 15-metre ocean setback established in 1978?), so there was some lack of agreement among APC Members about whether a variance should be granted for this new stone, cement, and artificially-lit structure; see Motion 3. below, re: majority view that this patio should have the stone and cement removed, and be remediated back to a porous surface such as gravel and a more natural state;
- re: variance component 4 (main stone patio), APC Members did not support a variance to allow this stone and cement structure to continue in its current size, but they did accept the idea of allowing it to be as big as a pathway only (no clear consensus re: surfacing), to permit the owners to access a part of the property that would otherwise be difficult to reach;
- re: variance component 5 (partially sunken hot tub), it was noted that the owner already had a similar hot tub on the property, so there was no apparent reason to allow another one within a setback, and this variance was strongly opposed;
- re: variance component 6 (stone pathway and patio, to south and west), these structures were directly observed by three APC Members to be washing out from beneath and dangerous, as well as being yet another unnecessary violation of the ocean setback, so this variance was not supported by any APC Members;
- re: variance component 7 (portion of foreshore deck), APC Members were strongly opposed to a variance for this upland portion of the deck within the setback, and also opposed to the related request to permit the majority of the deck which was actually below the ocean setback (i.e. below the natural boundary of the sea); APC Members were not convinced that the deck was just a rebuilding of an earlier deck (constructed prior to the 15-metre ocean setback);
- re: variance component 1 (single family dwelling): this variance was discussed last, with difficulty because the additions which had increased the dwelling's

encroachment into the ocean and side setback were allegedly made prior to the ocean setback being established in 1978, but there was evidentiary issues on this; APC Members did not generally support additions being made into setbacks, but they would reluctantly support a variance for the dwelling if the evidence did not permit the Local Trust Committee to oppose this;

- overall, 6 of 7 APC Members were significantly disturbed not only by the extreme alterations of the natural landscape within the setbacks for 1117 Walden, but also by the actions of the owner, applicant, and contractors, in failing so severely either to check Land Use Bylaw requirements, and/or to blatantly ignore them, even when official stop work orders had been issued by CRD Building Inspection;
- some APC Members also expressed strong concerns about the precedent that it could set for the neighbourhood and for North Pender, to allow variances for such a significant number and degree of structures within the ocean setback (potentially even more significant with sea level rises due to climate change);
- most APC Members wished that there was a way to make the 1117 Walden owner, applicant, and contractors aware of the foregoing, and to impose fines for so blatantly ignoring our local bylaws and customs, and also ignoring the beauty of the natural features within the ocean setback which had been destroyed;
- APC Members also commented on the great need for remediation to occur here, i.e. for the setback areas where structures were required to be removed, to minimize the damage of such removal, and to return those areas to a more natural state, as much as possible);
- finally, APC Members also stressed the need for more education and other new tools, to prevent something like this from happening again.

RPM Kojima noted that there had been a recent court case confirming that the Islands Trust could not sue contractors for facilitating Land Use Bylaw violations authorized by owners, but rather it was the property owner's responsibility when such violations had occurred.

Trustee Steeves noted that the owner of 1117 Walden could not automatically be made to pay a significant fine (other than the relatively minor amounts permitted under the Islands Trust ticketing bylaw, for minor infractions). However, the Local Trust Committee did have the authority to refuse any of the requested variances, and to require the owner to remove or pay someone to remove any unpermitted structures within the setbacks. The cost of such removal would appear to be extremely significant in this case. Furthermore, the Islands Trust had the Bylaw Enforcement option of taking the owner to court, if this was necessary to obtain compliance.

The Advisory Planning Commission (APC) then passed a series of motions containing their recommendations to the Local Trust Committee (LTC) regarding the property at

1117 Walden Road and application NP-DVP- 2012.5, specifically referring to the 7 variance components on page 1 of the Staff Report dated November 6, 2012, as follows:

1. **Moved by Val Butcher, seconded by Julie Roper**, that the APC reluctantly supports variance component 1 (single family dwelling), due to the lack of evidence regarding when additions were made to the dwelling.

CARRIED (6 in favour, Amanda Griesbach opposed)

2. **Moved by Val Butcher, seconded by Bob Erho**, that the APC recommends that variance component 2 (shed) not be granted.

CARRIED (all in favour)

3. **Moved by Julie Roper, seconded by Amanda Griesbach**, that the APC recommends that variance component 3 (north stone patio) be approved to a limited degree, requiring the concrete surface to be replaced with a more porous one.

CARRIED (5 in favour, Marika Kenwell & Val Butcher opposed)

Note: Kenwell and Butcher's reason was the lack of information about the degree to which the north patio area had previously been developed and used (e.g. some indication of a cement patio having previously been there).

4. **Moved by Marika Kenwell, seconded by Julie Roper**, that the APC recommends that variance component 4 (main stone patio) be approved to a limited degree, requiring that the allowed width be a pathway.

CARRIED (6 in favour, Amanda Griesbach opposed)

5. **Moved by Bob Erho, seconded by Amanda Griesbach**, that variance component 5 (partially sunken hot tub) is not supported by the APC.

CARRIED (all in favour)

6. **Moved by Julie Roper, seconded by Amanda Griesbach**, that variance component 6 (stone pathway and patio) not be approved by the LTC.

CARRIED (all in favour)

7. Moved by Sharon Card, seconded by Amanda Griesbach, that variance component 7 (portion of foreshore deck) not be approved by the LTC.

CARRIED (all in favour)

Note: RPM Kojima had to leave the meeting at 12:11 pm.

6. INTEREST FOR 2013 ADVISORY PLANNING COMMISSION APPOINTMENTS

It was noted that the current APC terms ended in March, and Members would be invited to express an interest in being re-appointed. Trustee Steeves said that there were a couple of big referrals potentially to be made by the Local Trust Committee. He also thanked all the APC Members for their service and very useful comments on the matters referred to date

7. ADJOURNMENT

The meeting was adjourned by consensus at 12:19 pm.



Chair

OCTOBER 29, 2014

Date adopted

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, OCTOBER 29, 2014 and MONDAY, NOVEMBER 3, 2014 (10:00 am)
COMMUNITY HALL LOUNGE
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND**

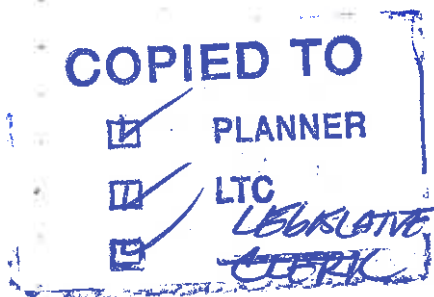
PRESENT:

Val Butcher
Julie Roper
Marika Kenwell
Reg Smith
Sharon Card
Michael Symons

Chair
Deputy Chair
Member
Member
Member
Member

Zorah Staar
Justine Starke

APC Secretary
Island Planner, Islands Trust



REGRETS:

none

PUBLIC: There were 3 members of the public present on both meeting days.

1. CALL TO ORDER

The meeting was called to order at approximately 10:05 am on Wednesday, October 29, adjourned at 12:30 pm, and then continued on Monday, November 3, 2014. Former Chair Marika Kenwell initially served as Acting Chair, until the elections at item 4. below.

2. APPROVAL OF AGENDA

Moved by Val Butcher, seconded by Sharon Card, to accept the agenda as proposed.

CARRIED

3. APC ORIENTATION / PROCESS REFRESHER

Island Planner Justine Starke from the Islands Trust. She distributed updated Advisory Planning Commission (APC) manuals as required, and then gave a presentation, to orient newer APC Members, and to review process issues for everyone. 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, and Land Use Bylaw framework;
- APC is a statutory body, subject to an 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; individual APC Members may discuss referrals with other community members apart from meetings;
- North Pender Island Advisory Planning Commission (APC) Bylaw provides for a period at each APC meeting to hear some community comments; public should be directed to make all comments directly to Local Trust Committee (LTC);
- APC Members must declare potential conflicts of interest, and withdraw from discussions where a conflict is considered to exist (APC Chair Val Butcher to check with Linda Adams of Islands Trust re: potential future conflict on solid waste referral expected next by APC, because of APC members using this service);
- APC only meets to discuss a referral, but this can take multiple meetings (plus Planner Starke later confirmed that a follow-up meeting to approve minutes also possible);
- Starke had now arranged for APC meeting notices to be under News section of North Pender Island LTC webpage at www.islandstrust.bc.ca (search "Islands").

4. ELECTION OF APC CHAIR & VICE-CHAIR

Planner Justine Starke reviewed the process to elect an APC Chair and Deputy Chair, at the first meeting of each term. Former Chair Marika Kenwell did not have time to continue in this role, and she stressed the importance of being aware of LTC meetings.

Moved by Julie Roper, seconded by Reg Smith, to nominate Val Butcher for the role of Chair of the North Pender Island Advisory Planning Commission.

After 3 calls for further nominations, there were none. Commissioner Butcher was declared APC Chair by acclamation, and she took over this role at 11:12 am.

Moved by Val Butcher, seconded by Reg Smith, to nominate Julie Roper for Deputy Chair of the North Pender Island Advisory Planning Commission

After 3 calls for further nominations, there were none. Commissioner Roper was declared APC Deputy Chair by acclamation.

5. APPROVAL OF MINUTES

Moved by Val Butcher, seconded by Sharon Card, to adopt the January 14, 2013 Advisory Planning Commission minutes as circulated.

CARRIED

6. PUBLIC COMMENTS

Chair Butcher invited brief comments from the 3 members of the public who were present.

Michael Sketch mentioned North Pender Island APC Bylaw section 6 (1), which provided that "The Chairperson shall make provision for a public participation period within each meeting."

In response, APC Member Michael Symons said that it would be useful for the LTC to clarify their definition of a public participation period, and what was expected of the APC.

Dianne Barber asked why the APC was electing a Chair and Deputy Chair today, in advance of Islands Trust elections.

It was discussed that the APC was supposed to elect a Chair and Deputy at the first meeting of each new term, which today's meeting was.

7. LOCAL TRUST COMMITTEE REFERRAL (October 29, 2014 discussions)

The main purpose of this meeting was for the APC to discuss the LTC referral of their **Conservation Subdivision Special Project**. APC Members had received an August 15, 2014 Staff Report (entitled "Conservation Subdivision Review") and attachments. Planner Starke reviewed the Staff Report, making comments including the following:

- project objective was to consider Official Community Plan (OCP) or Land Use Bylaw (LUB) amendments, to encourage owners of certain properties (eligible for subdivision into 3 or more additional lots) to apply a conservation approach for the design and layout of future subdivisions, so as to minimize adverse impacts;
- a conservation approach meant that a major portion of property to be subdivided would be set aside for conservation and/or working landscape (e.g. agriculture, forestry), with housing clustered on the remaining portion (on smaller lots, but with the same density/number of lots as existing zoning);
- reasons for this LTC project were: subdivision by heirs was likely at some point; subdivision often caused more damage than rezoning, e.g. roads and building leading to habitat fragmentation, erosion, lost agriculture or forestry, etc.; and research suggested conservation subdivision often did not occur without incentives;
- there had been a November, 2013 community information meeting on the Conservation Subdivision approach, a smaller June, 2014 workshop with 10 owners of properties eligible for subdivision, and also a survey completed;
- OCP or LUB amendments could remove some disincentives to a conservation subdivision approach (e.g. lot frontage rules, park dedication for lots over 5 acres), create incentives (e.g. potential density bonus), and also include a development permit area, conservation covenants, and/or other tools to set guidelines;
- August 15, 2014 Staff Report included lists of potential OCP and LUB amendments, which the Local Trust Committee had not yet considered.

With the available meeting time for October 29 ending, the APC intention was to continue this meeting on November 3, with Planner Justine Starke again in attendance. Initial comments by individual APC Members included the following:

- a key issue was North Pender carrying capacity for development of new lots;
- some of the large remaining properties had watersheds that needed protection;
- a conservation subdivision approach might result in more lots than could have been developed conventionally, plus a density bonus would add to this;
- Official Community Plan came from 100's of hours of consultation with 100's of community members, and it should only be altered with significant consultation;
- more information was requested about the impetus and need for this project.

Moved by Michael Symons, to adjourn or recess this meeting until Monday, November 3, 2014 (10:00 am), when discussions would continue.

CARRIED

8. LOCAL TRUST COMMITTEE REFERRAL (November 3, 2014 discussions)

On Monday, November 3, 2014 (10:00 am), the Advisory Planning Commission (APC) resumed their meeting to discuss the Local Trust Committee (LTC) referral of the **Conservation Subdivision Special Project**. The same 6 APC Members were present (Val Butcher, Julie Roper, Marika Kenwell, Reg Smith, Sharon Card, Michael Symons), with Island Planner Justine Starke, Recorder Zorah Staar, and 3 members of the public.

Individual APC members expressed the following initial concerns:

- some APC Members felt it premature to comment, when the LTC position on the potential amendments in the August 15, 2014 Staff report was unknown, there was not yet a proposed bylaw, and there had not been more public input;
- the Conservation Subdivision Project now appeared significantly different from what was presented at the November, 2013 community meeting, when comments suggested that: only larger subdividable properties would be affected (instead of any involving 3 or more additional lots); conservation subdivision would not be mandatory; the park dedication requirement would remain; and there was no mention at the community meeting of a potential density bonus;
- some APC Members expressed support for the Conservation Subdivision approach, but strong opposition to a density bonus incentive (i.e. extra lots);
- there was a provision in the Official Community Plan (OCP) about subdivision regulations being reviewed after the 2006 Census, and arguably this should happen before any Land Use Bylaw (LUB) amendments to support a Conservation Subdivision approach;

- in addition to the potential advantages, the potential disadvantages of Conservation Subdivisions were not noted in the Staff Report or to the community, e.g. promotion of gated communities, possible farmland loss, density bonuses jeopardizing carrying capacity, and also, if density was clustered to protect open spaces, was lawful perpetual protection of those spaces possible, if a future government could later allow development?
- North Pender build-out of existing subdivision potential estimated to be 4,500 lots, i.e. potentially 8,000 people or more? (instead of current population of 2,500), so should there be any incentives to greater subdivision, or on the other hand, who was going to buy all these new, smaller lots?
- Land Use Bylaw (LUB) already allowed lot clustering, to create and protect larger green spaces, so were new Conservation Subdivision amendments necessary?
- overall, the APC had enough questions and uncertainties about potential Conservation Subdivision OCP and LUB amendments, that they felt it was premature for them to make recommendations at this time

Moved by Michael Symons, seconded by Marika Kenwell, that the North Pender Island Advisory Planning Commission refer the Conservation Subdivision Project back to the North Pender Island Local Trust Commission, with our collected comments and concerns, for further development and public consultation.

CARRIED (5 in favour, Julie Roper opposed)

Note: Julie Roper said that she appreciated the referral of this project at this time.

Chair Val Butcher then invited APC Members to repeat their key comments on the Conservation Subdivision Project, which included the following individual ideas (in addition to those already noted above):

- some aspects of Conservation Subdivision are good, e.g. potential protection of sensitive areas, farmland, and forests, but will this protection be legally perpetual?; stronger protection for covenanted areas is suggested;
- could Conservation Subdivision be a means to support additional Elder and affordable housing units? (which would be positive);
- more background needed to proceed at this point, i.e. context on why additional Conservation Subdivision amendments are needed (beyond current OCP/LUB), and more history from other places showing how this approach can succeed;
- more community consultation is needed, especially re: recent amendment ideas, and based on a working paper distributed in advance, with clear proposals;
- no APC Member supported density bonuses as an incentive, e.g. one opinion was that water resources are insufficient to justify any increased density;

- one APC Member expressed opposition to removing the park dedication requirement as an incentive to Conservation Subdivision, but one APC Member expressed support for this; and
- even if Conservation Subdivision is encouraged, it should not be mandatory, and should only apply to larger parcels (e.g. 100 acres) and not smaller subdivisions.

Note: None of the comments in these minutes were confirmed as a majority group opinion, although certain comments appeared to be supported by more than one APC Member.

Moved by Marika Kenwell, seconded by Sharon Card, to adjourn this meeting at 12:01 pm, with the proviso that the APC plans to meet again within 2 weeks in order to approve these minutes.

CARRIED



Chair

November 13, 2014

Date adopted

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
THURSDAY, NOVEMBER 13, 2014 (10:00 am)
COMMUNITY HALL LOUNGE
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND**

PRESENT:

Val Butcher
Julie Roper
Marika Kenwell
Reg Smith
Sharon Card
Michael Symons

Chair
Deputy Chair
Member
Member
Member
Member

APC Secretary

COPIED TO

- ☒ PLANNER
- ☒ LTC
- ☒ *LEGISLATIVE CLERK*

Zorah Staar

REGRETS:

none



PUBLIC: There were no members of the public present.

Advisory Planning Commission (APC) Chair Val Butcher called the meeting to order at 10:05 am. It was confirmed that the only agenda item was to correct and approve the minutes of the October 29 and November 3, 2014 APC meeting (a two-part meeting), re: the **Conservation Subdivision Project** referred by the Local Trust Committee.

The APC approved by consensus the following corrections to the above minutes:

- Page 2, first point, revised to read as follows: "APC Members should be cautious if discussing LTC referrals with each other apart from duly-constituted meetings, because an inadvertent quorum may occur; individual APC Members may discuss referrals with other community members apart from meetings;"
- Page 2, second point, remove the words "brief" and "but";
- Page 2, third point, replace "2 meetings" with "multiple meetings";
- Page 3, fourth paragraph, replace the phrase "Planner Starke clarified that" with "It was discussed that"
- Page 4, item 8, second paragraph, underline "Individual APC Members...";
- Page 5, first point, add "In addition to the potential advantages, the..." at the beginning; and
- Page 6, "Note", remove "Other than the opposition to density bonuses".

Moved by Marika Kenwell, seconded by Michael Symons, to adopt the minutes of October 29 and November 3, 2014 APC meeting, as amended.

CARRIED

In addition, the October 29 and November 3, 2014 APC minutes stated on page 3 (second point) that "...it would be useful for the LTC [Local Trust Committee] to clarify their definition of a public participation period, and what was expected of the APC."

Chair Val Butcher had checked with Trustee Gary Steeves of the LTC, who replied as follows about the Advisory Planning Commission Bylaw provision for a "public participation period" at APC meetings: such a period was intended to allow the APC to receive brief public comments for their information, the APC Chair controlled the length of such comments, and members of the public should make their comments to the LTC.

Moved by Michael Symons, seconded by Marika Kenwell, to adjourn this meeting at 10:42 am

CARRIED



Chair



Date adopted

IT

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
MONDAY, DECEMBER 8, 2014 (12:30 pm)
PENDER COMMUNITY HALL
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND**

PRESENT:

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☒ **PLANNER**

☒ **LTC**

☒ **LEGISLATIVE
CLERK**

Val Butcher
Julie Roper
Marika Kenwell
Reg Smith
Sharon Card
Michael Symons
Zorah Staar

Chair
Deputy Chair
Member
Member
Member
APC Secretary



Present by cell phone: Justine Starke

Island Planner, Islands Trust

REGRETS: none

PUBLIC: There were approximately forty-three (43) members of the public present.

1. CALL TO ORDER

The meeting was called to order at 12:30 pm, by Chair Val Butcher of the North Pender Island Advisory Planning Commission (APC).

2. APPROVAL OF AGENDA

Moved by Julie Roper, seconded by Reg Smith, to accept the agenda as proposed.

CARRIED

3. APPROVAL OF MINUTES

Moved by Val Butcher, seconded by Sharon Card, to adopt the November 13, 2014 APC minutes as circulated.

CARRIED

4. LOCAL TRUST COMMITTEE REFERRAL

Chair Butcher confirmed that the main purpose of this meeting was APC consideration of the referral by the North Pender Island Local Trust Committee (LTC) of Application NP-RZ-2012.1 (Applicants Michael & Anne Burdett), seeking to rezone part of the property at 4606 Razor Point (also adjoining Hamilton Road) for a Solid Waste Transfer Station and In-Vessel Composter (Note: composting request now potentially withdrawn – see below).

4.1 Introductory Comments by Island Planner

Island Planner Justine Starke was listening and commenting by a cell phone speaker phone. She made an initial statement with the following comments re: NP-RZ-2012.1 (Burdett):

- this is a proposal for a waste transfer facility at 4606 Razor Point Road (with actual access off Hamilton Road);
- Agricultural Land Commission gave a 5-year approval with conditions, for this non-farm use of Agricultural Land Reserve (ALR) land;
- initial rezoning application was to temporarily store recycled materials, compost, and domestic garbage on the site before transfer off-island, but now it looks like in-vessel composting proposal is being withdrawn (see Applicant's statement below), however for application to be officially amended, Applicant would write to Local Trust Committee;
- Applicant proposing that all bins used to store recycled materials, compost, and domestic garbage are to be enclosed in buildings with concrete floors and an internal drainage system;
- proposed drainage plan is in accordance with recommendations of an engineer's report, all effluent resulting from the bins will be collected via a drain to a holding tank;
- Applicants not proposing a system that would involve any leachate being introduced into natural drainage regime of the property, and this will be a condition of zoning;
- if rezoning was approved, and it did involve composting, this would be tightly regulated under a licence from the Capital Regional District (but now it looks like composting request will be withdrawn by Applicant);
- waste management aspect may also be licensed in the future, pending outcome of CRD's current review of a Solid Waste Management Plan;
- a covenant could be a "place-holder" to regulate certain aspects of the solid waste operation, until an applicable CRD Bylaw and license was in effect;
- Staff Report contains details re: traffic impacts, landscaping, hours of operation etc.;
- draft rezoning bylaw has not been given First Reading, and will be considered at a future Local Trust Committee (LTC) meeting;
- APC input would be useful, re: draft bylaw, location, issues that the LTC has authority to control, and conditions under which the LTC should proceed, if at all (remembering that the LTC does not have jurisdiction over how the business will operate).

Note: Staff Reports and documentation on this rezoning application are available at www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications.aspx

4.2 Introductory Comments by Applicants

Applicants Michael and Anne Burdett were present, and had emailed a statement to the Planner and APC yesterday, which they now read at the meeting (summarized below):

- a lot of misinformation spread through our community regarding our application;
- our family owns Industrial land, and this is a land use issue;
- our application addresses environmental concerns of leachate, odour, vector, noise, dust, and traffic;
- we believe we are within the scope of the OCP (Official Community Plan), Land Use bylaws, CRD regulations, as well as obtaining Agricultural Land Commission approval
- it seems in-vessel composting is the biggest concern within our community, so we would like at this time to remove the composting component from our application;
- we're working on a system to truck organics directly off island to Hartland organics area, for community members unable to backyard compost and commercial customers;

- we're asking to combine past operations of our Temporary Use Permits at Port Washington Road and Medicine Beach, to a centrally-located, staffed location for drop-off of bagged household garbage and construction waste, for better monitoring;
- Agricultural Land Commission's Resolution gave approval for a five-year term, saying "Extension of the approval will be contingent upon satisfactory review of the operation by the Commission", which is a safety measure for our community;
- we welcome questions about our application (our phone line is open).

4.3 Introductory Comments by APC Chair

APC Chair Butcher made an initial statement, noting that the rezoning application NP-RZ-2012.1 (Burdett) was referred to the APC by the former Local Trust Committee (LTC), who had not given the draft rezoning bylaw First Reading. Also, the newly-elected Local Trustees had not yet had a chance for any input on the application or the draft rezoning bylaw.

The APC guidelines made provision for a brief period of public comment during their meetings, and the APC would take these comments into account. However, the proper place for people to convey comments on applications to the Local Trustee Committee was at LTC meetings, or to the Trustees (e.g. via Island Planner Justine Starke, jstarke@islandtrust.bc.ca). The APC was not a decision-making body, and simply provided its own comments and some recommendations to the LTC, which the Trustees were not bound to accept.

4.4 Brief Public Comments

Of the 43 community members present, 9 indicated that they would like to speak. APC Chair Butcher suggested 30 minutes for this period, and there was 3-minute limit per speaker. What follows is a brief summary of the comments made.

Bill Gannon (4610 Hamilton Road) commented as follows: that he lived across the street from the proposed solid waste transfer station, and was very concerned about negative smell, health, traffic, noise, and other impacts from it; that OCP section 2.5.1 provided that "Industrial development which may have a deleterious impact on adjacent land uses will not be permitted"; that this provision was being overridden or ignored, along with the "human impacts" (e.g. on his visiting extended family of 40, and others), and so he was very opposed.

Peter Taylor (4601 Pecos Road) said that his property was 160 metres from the proposed location for the solid waste transfer station, and that he was in favour of the rezoning. He had lived on Pender for 74 years, and did not see a problem with the proposed uses on that site.

Candis Zell commented as follows: that the proposed property failed an environmental assessment; that the previous hydrology model was done for different purposes; that there was an extreme amount of water flowing through the property, above and below ground; that construction waste could contain asbestos, which became airborne; and that to put household and commercial waste next to a restaurant and resort was not a good use of zoning.

Jim Petrie commented as follows: that as an interested observer, he had visited the proposed rezoning site; that he fully supported this application; that there were very demanding regulations for solid waste transfer; that the Applicants had answered every question from the Islands Trust; and that especially given the CRD's January 1 deadline for organic wastes, the Local Trust Committee should move ahead with the rezoning.

Sara Steil commented as follows: that she fully supported the proposed solid waste rezoning; that the Burdetts provided a much needed service, and had done things well so far; that there had been a lot of misinterpretation of information; that in the past on Pender, there had been a great deal of dumping of waste in the forest, and she didn't want us to go back to that.

David Rippner said that he spoke for the Pender Recycling Society Board (PIRS), which felt there should be a solid waste management plan for the Penders (with community participation) before establishing any new waste facility. PIRS wasn't opposing any individual applications, but requested a thorough examination of all factors re: locating and operating these facilities, before any bylaw changes.

Elizabeth Montague commented as follows: that the South Pender Island Local Trust Committee supported a North and South Pender solid waste management plan, involving community consultation; that the correspondence sent to the North Pender LTC re: the Burdett application was not on the website, so it could not be assessed; and that even if the Burdetts did a good job, the proposed rezoning would allow future owners to operate too.

Linda Gannon commented as follows: that her 95-year-old mother-in-law Siobhan Gannon felt that the proposal made no sense; that in addition to Peter Gannon (see above), Oliver Gannon of 4608 Hamilton Road lived adjacent to the proposed site; that Pender needed solid waste transfer, but in an appropriate area, which this was not; that near the Recycling Centre would be better; and that usually this use was away from where people shopped and did business.

Michael Sketch commented as follows: that the Local Government Act required Official Community Plans to include waste transfer, which North Pender's OCP did not; that the APC should return this rezoning bylaw to the LTC, and suggest that before the OCP is amended, there should be a discarded materials management plan, and also a discarded materials management commission (similar to the CRD Harbours Commission).

Island Planner Justine Starke had been listening by cell phone (as well as possible), and said that the above suggestion involved CRD rather than Islands Trust legislation, but it was her understanding that CRD Commissions did have an ability to work on implementation issues.

4.5 Advisory Planning Commission Discussion & Comments

APC Chair Val Butcher noted that there would be additional public consultation in future re: rezoning application NP-RZ-2012.1 (Burdett). At this time, the Chair invited the APC Members to comment. Note: APC Members had previously had an opportunity to visit the site.

APC Member Sharon Card commented as follows:

- community concerns seemed focused on the proposed location, lack of public consultation to date, and the composting proposal (which now appeared withdrawn);
- the proposed location for solid waste transfer could be the best for this purpose, but there should be screening as expeditiously as possible;
- suggested that draft bylaw include a lower height restriction (to match proposed building), hours of operation, site specific regulations about location, and also take into account what happens if Agricultural Land Commission approval was not extended after 5 years.

On the issue of the Agricultural Land Commission potentially not extending their approval of the solid waste use after 5 years, Island Planner Justine Starke said it was possible that then the proposed rezoning (if approved now) would no longer be able to be utilized, or that the Applicant would make a new ALC application. The ALC report was on the Islands Trust website, and the Applicant was in the process of fulfilling their conditions.

Chair Val Butcher noted at 1:16 pm that two people had been noticed recording the meeting. Those persons said that this was for personal use, and not for public sharing.

APC Member Marika Kenwell commented as follows:

- many email/web comments had been made, including inaccurate, unpleasant ones;
- draft rezoning bylaw laid down which provisions the LTC could choose to approve, and there would have to be additional public meetings before this could happen;
- many community members disliked proposed site being close to a resort and restaurant, and were anxious about what would happen with overall waste management on Pender;
- urgent for LTC to address this anxiety, and Pender should also be part of CRD's regional waste management plan, but in light of this plan, Burdett proposal might not be viable;
- after review, Kenwell believed Burdett location and design would involve sufficient screening with vegetation/trees and two berms (which would also reduce noise);
- compost concerns were about other sites, and now Burdett had withdrawn this request.

In response to the above and other questions, Applicant Michael Burdett commented as follows:

- if CRD regional planning suggested a CRD property for future Pender waste transfer, then private operators would probably bid on that transfer work;
- much of the noise on the proposed property to date had been dismantling the tank farm;
- smaller green bins were proposed to be used on the site (not the largest bins);
- there would also be saw milling noise (along with 3 other neighbourhood mills);
- Applicants currently collected household and commercial compostable material and trucked it off island, and planned to continue this (instead of composting it here);
- after January 1 CRD deadline (no more organics in garbage), there'd be enforcement needed with people including organics in garbage bags, which would be given back.

APC Member Michael Symons commented as follows:

- this was a complex application, involving a clear community need for solid waste transfer but also the issue of the best community design and location to meet this need;
- Applicant was well-qualified to handle waste, but rezoning would allow future operators;
- APC had not been able to see related correspondence not yet received by LTC;
- Application was currently in flux, with composting aspect just having been withdrawn;
- Industrial zoning on property was a historical anomaly, which it did not necessarily make sense to continue (Agricultural or Commercial zoning more appropriate?);
- he supported a solid waste management plan, and didn't agree that proposed site was best one (e.g. near Recycling, or Port Washington industrial area, could be better?).

APC Member Reg Smith commented as follows:

- some basic issues here were noise, operating times, and best location;

- if proposed location was a proper one, covenants could be used to cover a lot of concerns, e.g. re: drainage;
- Applicants appeared to have done a great job with mechanics of the situation, and as long as there were covenant controls, Smith did not have a problem with the application.

In response to a question about controlling solid waste transfer activities, Planner Justine Starke said that rezoning (if approved) would permit certain uses as per the draft bylaw, and the covenant could have additional operational requirements, but this was not ideal because related monitoring was beyond the scope of what the LTC usually did. Therefore, the covenant provisions could be seen as a "place holder" until a CRD bylaw and licensing was in effect.

APC Member Julie Roper commented as follows:

- there was a huge community need for solid waste transfer (versus buried garbage);
- most of her concerns had been re: composting proposal, which now seemed withdrawn;
- Roper was really concerned about correspondence that APC hadn't seen, and felt this was referred to APC too soon, however Applicants had been waiting for a long time;
- from Engineer's assessment, she wondered if more environmental assessment needed;
- almost any property on Pender would have some of the same problematic issues with solid waste transfer, and Applicants had done a good job handling waste to date.

APC Chair Val Butcher commented as follows:

- draft bylaw covered mitigating factors, but newly-elected LTC was not familiar with it;
- perhaps Local Trust Committee should refer this matter back to APC once new Trustees had met, and they could provide full information; and
- more public consultation was also essential.

All APC Members agreed that more public consultation was necessary, for our community to meet as a whole and work together on solid waste issues as "we" (not "us and them"). The APC Members also noted the need to hear input from the new Trustees, and receive full information, after which they would be willing to consider this application again. In addition, APC Members noted the urgency of the situation, given community needs, the January 1 CRD deadline, and the length of time the Applicants had been working on this application.

Moved by Michael Symons, seconded by Marika Kenwell, that the Advisory Planning Commission return rezoning application NP-RZ-2012.1 (Burdett) to the Local Trust Committee, with a recommendation that they give urgent consideration to it, with particular attention to:

- A. community needs;
- B. a more global waste management plan or program; and
- C. a greater opportunity for public consultation.

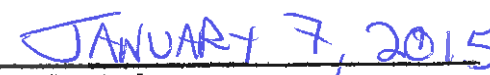
CARRIED

Moved by Michael Symons, to adjourn the meeting at 2:06 pm.

CARRIED



Chair



Date adopted



Islands Trust

Print Date: Jan-14-2015

Follow Up Action Report w/ Target Date

North Pender Island Dec-17-2014

No.	Activity	Responsibility	Target Date	Status
1	Schedule a special meeting for late january or early February for the purpose of reviewing work program priorities. Consider options for advertising of special meeting	Lori Foster Justine Starke	Jan-09-2015	Done
1	5.add Annual meeting schedule as a topic on Jan 22, 2015 meeting agenda.	Sharon Lloyd-deRosario	Jan-14-2015	Done

From: Sara & Dick Steil [<mailto:steils@shaw.ca>]
Sent: Sunday, December 14, 2014 12:15 PM
To: Justine Starke
Cc: Dianne Barber; Derek Masselink; Robert Kojima
Subject: Request for assistance from the NPILTC

Hello Justine

Early in the fall 2014 we sent out a 'Request for Assistance' to the NPILTC (attached) with regards to the forthcoming Special Presentation by Provincial Research Ecologist Andy MacKinnon. Unfortunately the NPILTC has been unable to consider this request due to the 2014 Civic Election.

So am taking the liberty of also sending a poster of the event with a further request of the NPILTC to electronically circulate 30 days prior to the event. This event enhances the Islands Trust Strategic Plan & Advocacy initiatives to preserve & protect the ecology of the Islands Trust Area.

We are pleased to inform you that the SPI LTC has already endorsed the event & has agreed to electronically circulate the notice as well.

Thanking you in advance

Sara Steil – Director

The Pender Islands Trust Protection Society

The Pender Islands Trust Protection Society

6604 Harbour Hill Road, Pender Island, B.C. V0N 2M1

September 9, 2014

To: North Pender Island Local Trust Committee

Attention: Chair Trustee Peter Luckham; Trustee Gary Steeves; Trustee Ken Hancock

Dear Trustees:

The Pender Islands Trust Society and the Pender Island Conservancy Association are pleased to announce this important & educational event: -

Re: Coastal Douglas-fir (CDF) biogeoclimatic zone, an area of "coastal rainshadow forest" by Andy MacKinnon RPBio RPF - Research Ecologist Ministry of FLNRO.

Saturday, March 7, 2015 (1 pm to 4 pm) at the Community Hall – upstairs.

As you are aware, and have been informed by the Islands Trust Fund featured presentation at the June Trust Council session on Saturna Island, the southern gulf islands of the Salish Sea are located in the threatened 'Coastal Douglas-fir (CDF) biogeoclimatic zone, an area of coastal rainshadow forest'. And is one of the least protected in the province of British Columbia.

The continuing threats by human inhabitation is the main cause of the status given to this ecosystem. Almost daily we witness human interaction within the ecology which gives rise to serious concerns for the biodiversity of this threatened (and could possibly be given the endangered listing shortly) ecosystem such as: -

- 1) The ramification of climate change with more & more drought of long duration. Sign of tree stress especially for western red cedar, common juniper, and the grand fir plus many other species;
- 2) the 'want by property owners' for wide open views along shorelines – stripping any & all indigenous vegetation, increased footprints for dwellings & accessory buildings, and the ever increasing network of trails with some possible 'multi-use' trails on the horizon, to name a few. These scenarios of human activities causes changes in the natural hydrology, promotes loss of watersheds, slope stability, soil erosion, exacerbating the loss of soil moisture during summer drought conditions, and increases runoff, therefore, causing negative impacts on groundwater resources. Loss of plant communities which increases the likelihood of further invasion of introduced species, and most important of all the loss of the biodiversity of the CDF bioclimatic zone generally, sequestrating of carbon plus purification of the atmosphere.

As you will have noted the list is long. There appears to be an urgent need to inform islanders (residents & property owners), & visitors alike, that the Gulf Islands are within the 'Coastal Rainshadow' of the threatened CDF Bioclimatic zone.

At this time, and with the Islands Trust mandate of biological integrity and the need for preservation & protection, we ask you to fully support this educational forum with assistance in sending notification of encouragement to all islanders in your Local Trust Committee area via any means at your disposal. We also realize that there is a civic election in November, so we further request that you place this important event on your 'follow-up action list' or on your 'work programme' to assure that the newly elected Trustees are aware, and see the need to 'send notification of encouragement' to the electorate early in 2015.

Please feel free to contact the unsigned if further information is required. Thank you for your support.

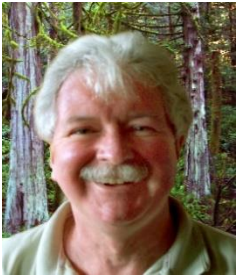
Yours truly

Sara J. Steil – Director & Event Convenor
The Pender Islands Trust Protection Society

c.c. Planner: - Justine Starke

Robert Kojima - Regional Planning Manager

You are invited to a Special Presentation by a leading Provincial Research Ecologist Andy MacKinnon RPBio RPF Research Ecologist for Coast Area with Ministry of Forests, Lands & Natural Resources Operations, and co-author of 'Plants of Coastal British Columbia'



“An Amazing opportunity”

The Gulf Islands lie in the *“Coastal Douglas-fir (CDF) biogeoclimatic zone, an area of "coastal rainshadow forest" and this ecosystem is in serious peril.*

Why are the coastal Douglas-fire ecosystems at risk? Towering Douglas-fir forests once dominated a narrow strip of low-lying land along the southeastern coast of Vancouver Island, the Gulf Islands, and parts of the Lower Mainland and Sunshine Coast. Now only fragments of these unique ecosystems remain in an old-growth state and we are in danger of losing what is left.

This is the very reason that the Gulf Islands National Park Reserve was established in the Southern Gulf Islands through land acquisition.

“The factors relating to loss are tremendous, the value for maintaining what is left is beyond the imagination”.

Please take advantage of this opportunity to listen & learn from Andy MacKinnon, as he shares his knowledge with us and why we must protect this amazing ecosystem we live within.

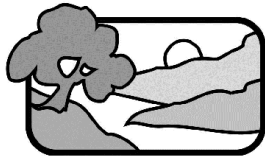
Join in on **March 7, 2015 from 1 pm to 4 pm at the Community Hall** to learn what needs to be done to preserve what we have left and the ramifications if we don't.

An opportunity will be available during the afternoon for Andy MacKinnon to autograph your own personal 'Plants of Coastal British Columbia' so bring your book to the event and meet Andy personally.

Sponsored by the Pender Islands Trust Protection Society and the Pender Islands Conservancy Association

Questions: Contact Sara at 629-6885

Admission by donation



Islands Trust

BYLAW REFERRAL

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

Island: Salt Spring Island Local Trust Area **Application No.:** SS-RZ-2014.1 **Date:** November 12, 2014

You are requested to comment on the attached application for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANT NAME:

David Borrowman

PURPOSE OF APPLICATION:

To rezone the subject property from Commercial 6 to a new Commercial 6 variant in order to remove some uses the strata property owners have found to be a nuisance. The proposed bylaw would permit general office use, farm-related light industry, indoor boat building and personal services. The number of permitted dwelling units would be restricted to one. Water consumption for each use would be restricted to 1000 litres per day. The property has already been developed and subdivided into 23 strata lots; no new construction is proposed.

ADDRESS/ LOCATION:

315 Upper Ganges Road, Salt Spring Island, BC

LEGAL DESCRIPTION:

Strata Lots 1-23 Section 5, Range 3 East, North Salt Spring Island, Cowichan District, Strata Plan VIS4561

SIZE OF PROPERTY AFFECTED:

0.6 hectares/ 1.5 acres

ALR STATUS:

No (adjacent)

OFFICIAL COMMUNITY PLAN DESIGNATION:

Industrial and Commercial Services (I)

OTHER INFORMATION:

Please see attached staff report and Proposed Bylaw 479.

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

(Signature)

Name: Kristin Aasen

Title: Planner 2

This referral has been sent to the following agencies:

Federal Agencies

Industry Canada

Regional Agencies

Capital Regional District

Provincial Agencies

Agricultural Land Commission
Ministry of Environment
Ministry of Forests, Lands and Natural Resource Operations
Ministry of Transportation & Infrastructure
BC Transit

Adjacent Local Trust Committees

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee

APPLICATION REFERRAL RESPONSE SUMMARY

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

Salt Spring Island Local Trust Area
(Island)

(Name/ Signature)

(Date)

479
(Bylaw Number)

(Title)

(Agency)



Memorandum

Suite 200, 1627 Fort Street Victoria, B.C. BC V8R 1H8

Telephone (250) 405-5151 FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date: January 9, 2015

File Number: NP-RZ-2012.2 (Clam Bay Farm)

To: North Pender Island Local Trust Committee

From: Kim Farris
A/Planner 2

Re: Execution of S. 219 Covenant – Clam Bay Farms

The applicant for NP-RZ-2012.2 (Clam Bay) is in the process of finalizing their rezoning application by registering required covenants in order for the bylaw adoption. Two Section 219 covenants to be granted to North Pender Local Trust Committee (LTC) as a condition of the rezoning application NP-RZ-2012.2 (Clam Bay) can be found on the North Pender LTC website under Current Applications: [Permanent Covenant](#) & [Temporary Covenant](#). One covenant is temporary and would be discharged from the property title once the construction activities have completed (as stated in paragraph 22 of the Temporary Covenant). The second covenant is intended to be a permanent document and would remain on the property title in perpetuity. Each covenant was reviewed by the applicant and the Islands Trust's legal counsel.

The Executive Committee approved proposed OCP Bylaw 197 on July 2, 2014 and the Minister approved the bylaw in October, 2014.

As a reminder to the North Pender LTC, as this application is post public hearing the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

The applicant is now in the process of registering the covenants therefore staff recommend the North Pender Island LTC adopt a motion authorizing the Chair to execute covenant on behalf of the North Pender Island LTC.

Next Steps:

The applicant is working with the Islands Trust Fund to finalize the conservation covenant and survey plan. The survey plan will also include the road dedication as per the Ministry of Transportation and Infrastructure requirements. The registration of the conservation covenant will be authorized by the Islands Trust Fund Board. Once all three covenants are registered (temporary, permanent, and conservation), the proposed OCP Bylaw 197 and LUB Bylaw 195 may proceed to adoption.

Recommendation:

1. THAT the North Pender Island Local Trust Committee authorize the Chair of the North Pender Island LTC to execute section 219 covenants required as a condition to rezone for application RZ-2012.2 (Clam Bay).

Pc: Robert Kojima, Regional Planning Manager
Justine Stark, Island Planner

STAFF REPORT

Date: January 13, 2015

File No.: NP-DVP-
2014.2(Davies)
(x-ref. NP-SUB-
2014.3)

To: North Pender Island Local Trust Committee
For the meeting of January 22, 2015

From: Phil Testemale, Planner 1

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

Re: Development Variance Application NP-DVP-2014.2

Owner: Marianne Davies

Applicant: Same

Description: Lot 1, Section 19, North Pender Island, Cowichan District, Plan
23416 &

Parcel "G" (DD 98036-i) of the South East ¼ of Section 19, Pender Island,
Cowichan District, Except Those Parts in Plans 12147, 20226, 21077,
23416, 43782 and VIP 53926
003-105-067

PID: 004-097-858

Civic Address: 5414 & 5410 Hooson Road, Pender Island

FINAL REPORT

THE PROPOSAL:

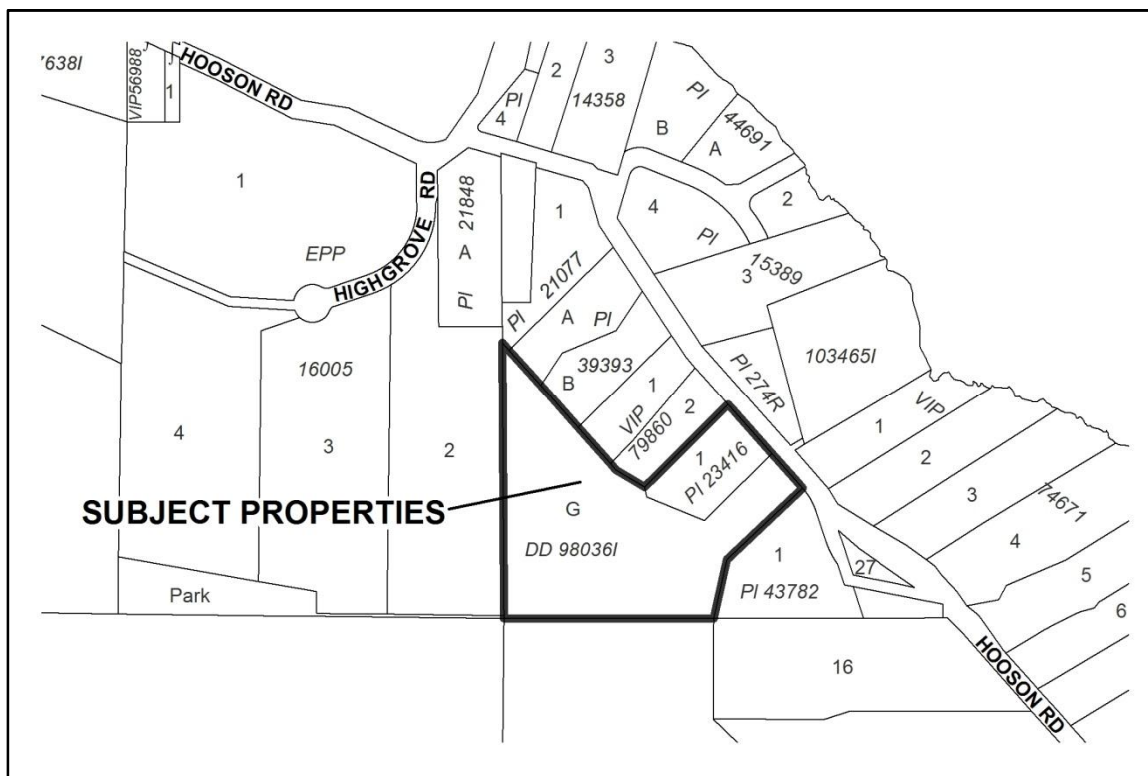
The proposal is for a Boundary Adjustment Subdivision between the above-noted properties, resulting in the latter parcel being "split zoned" (a lot lying in two or more zones). Section 4.9.3 of the North Pender Land Use Bylaw No. 103, 1996 states that:

A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited except where the lot being subdivided is located in two or more zones.

This subdivision was referred to the Islands Trust by the MoTI and in response, the Islands Trust requested that obtaining a variance to this regulation be a condition of Preliminary Layout Approval (PLA). The proposed subdivision "shifts" the current

southwest to northwest boundary approximately 40 metres to the southeast creating a narrower 10 metre wide access strip to Parcel “G.” (see: Figure Two).

Figure One: Subject Properties



The following Table One outlines the current and proposed distribution of zone areas for the two parcels

Table One: Zone & Area Distribution

Parcel	Current		Proposed		Min. Average Lot Area (Subdivision)*
	Area (Overall)	Zone	Area (Overall)	Areas by Zone	
Lot A	.82 ha (2.02 ac)	Rural Residential (RR)	1.15 ha (2.84 ac)	RR = .82 ha (2.02 ac) R = .32 ha (.79 ac)	RR = .6ha (1.48 ac) R = 4.0ha (9.88 ac)
Rem. Parcel “G”	4.42 ha (11.2 ac)	Rural (R)	4.2 ha (10.4 ac)	R = 4.2 (10.4 ac)	R = 4.0ha (9.88 ac)

There is currently no subdivision potential for either property, nor does the proposed boundary adjustment create any further potential.

A draft Development Variance Permit is attached as Schedule A and the notice that was circulated is attached as Schedule B.

Figure Two: Proposed Boundaries

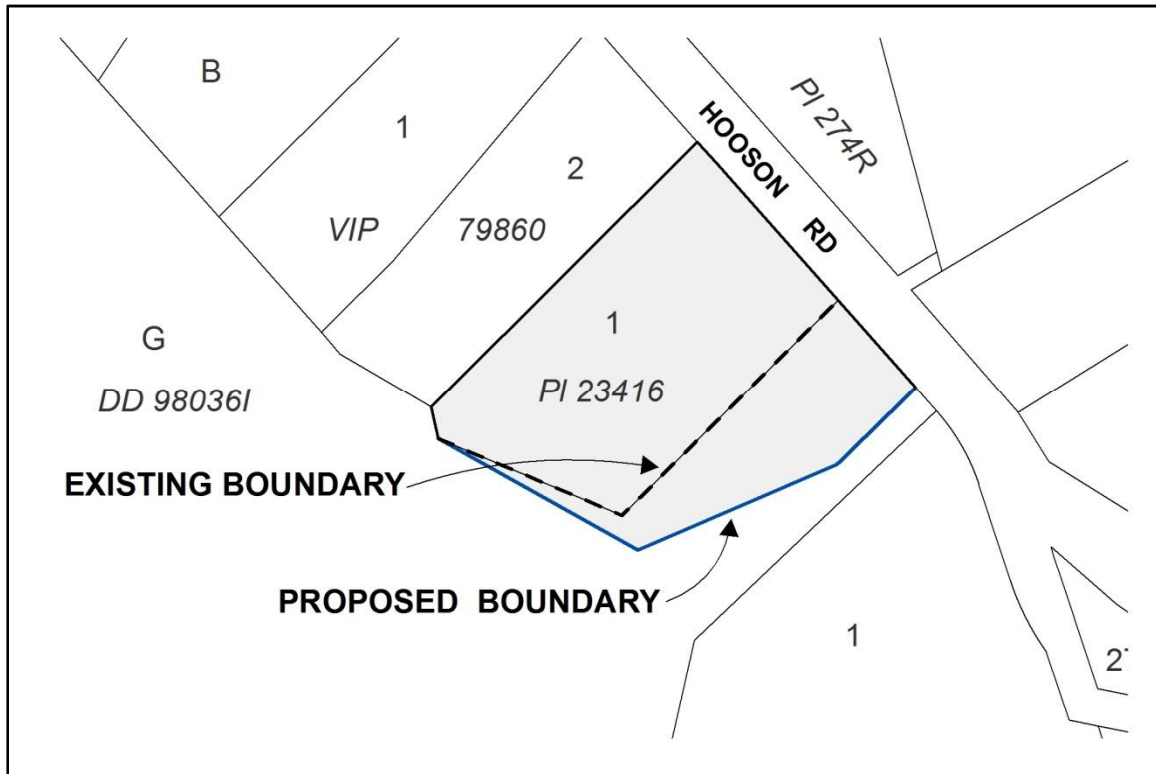
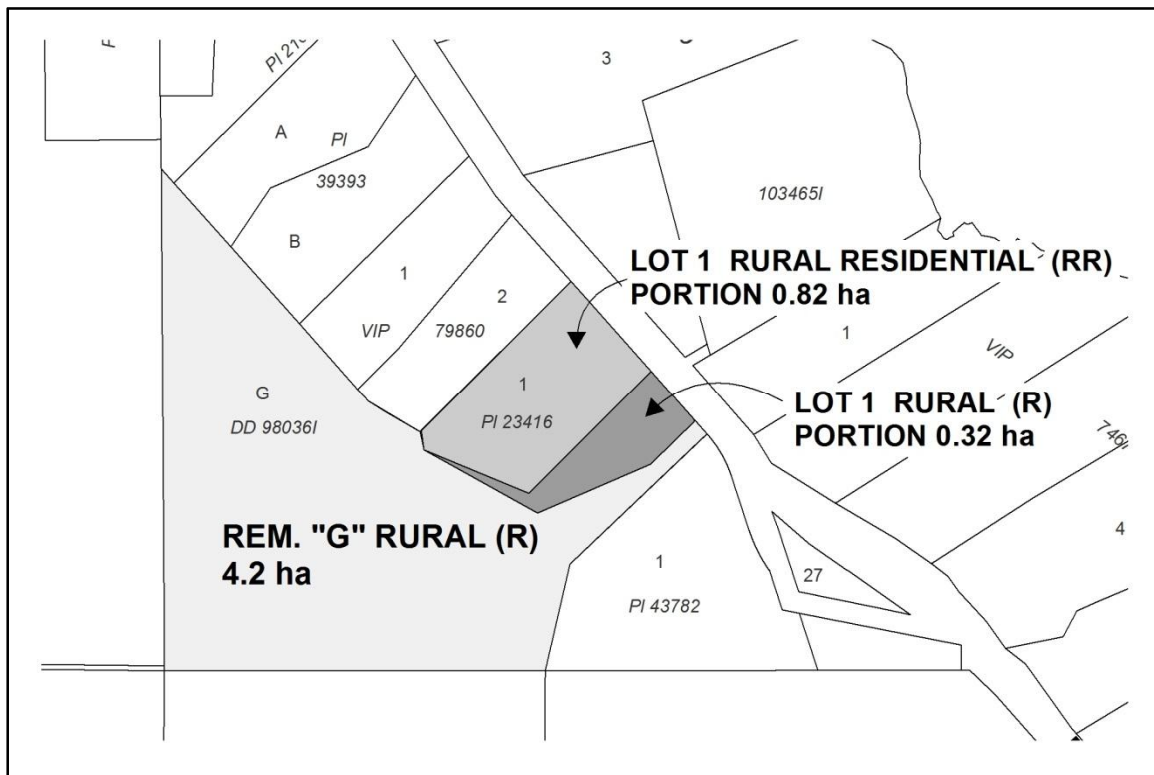


Figure Three: Proposed Lots with Zone Areas



BACKGROUND:

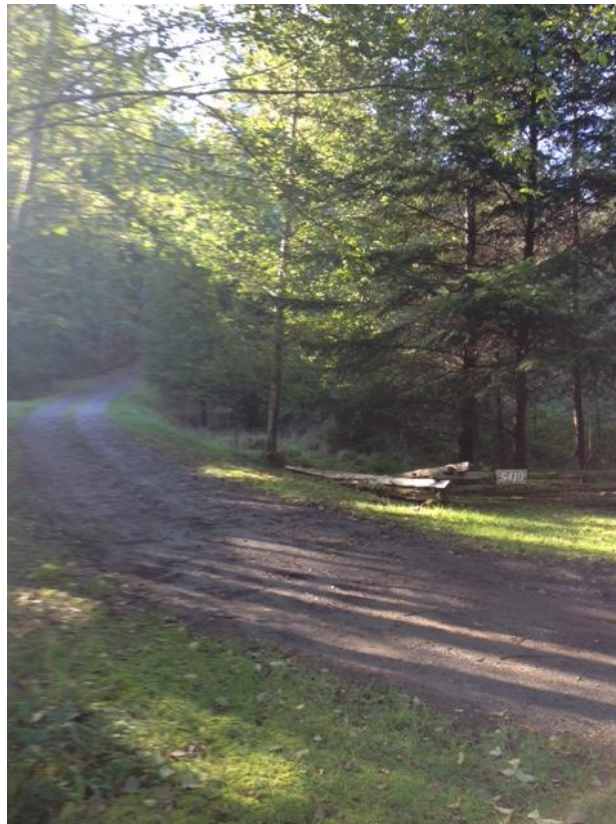
The applicant is the owner of both properties and she is planning to sell Rem “G” once the subdivision is finalized. Her intention in making a boundary adjustment is to incorporate a wetland/pond area that is currently on proposed Rem. Lot “G” onto Lot 1. The pond is within the catchment of the well on Lot 1 and the environmental health of the pond is intrinsic to the well. The owner would like to be able to protect the future condition of her well by including the pond on the same property. Figure Five indicates the proximity of the pond to the well on Lot 1 (15 metres). Given the high susceptibility to groundwater contamination (see: ‘Intrinsic Groundwater Susceptibility Mapping’ below) she would like to ensure that the pond is preserved from any agricultural or other contamination that might take place on Rem “G”.

The new boundary will rationalize the property line in terms of the natural topography of the two parcels as it will more closely follow the contours of the land. The current location of the driveway access to Rem. “G” is located fully within the proposed, narrower panhandle (see: Figure 5 – below). Finally, privacy for Lot 1 would be ensured by limiting the access strip to ten metres where the current driveway access for Parcel “G” is located.

SITE CONTEXT:

The properties are located at 5414 Hooson Road and 5410 Hooson Road on the Eastern portion of North Pender Island south from Hope Bay (see: Figure One). The two properties slope upward toward the southwest from Hooson Road. Lot 1, Plan 23416 and the access strip to Rem. "G" have a more gradual slope that steepens toward the rear of the property toward a small knoll (see: Figure Four). Both properties have mature forest cover over the majority of their areas with clearings for dwellings, accessory buildings and garden/small-scale agriculture. Figure Five indicates the location of all buildings, wells, septic disposal fields and the wetland area ("pond") referenced above. Uses and the pattern of development of surrounding properties are all similar to that the subject properties.

Photo One: Picture of Existing Driveway to Rem 'G'



**Photo Two: Picture of Vegetated
Well Catchment/Pond**



Photo Three: Picture of Driveway at Top of Ridge



Photo Four: View Down Ridge to Well Catchment



Figure Four : Orthophoto and Topography of Subject Properties

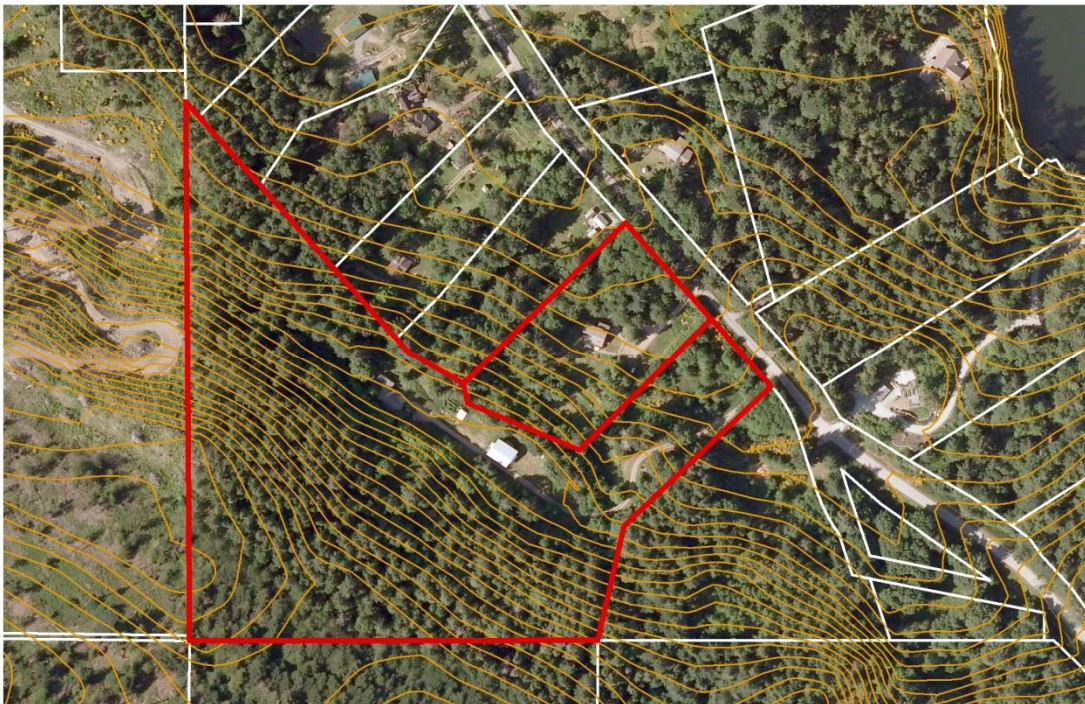
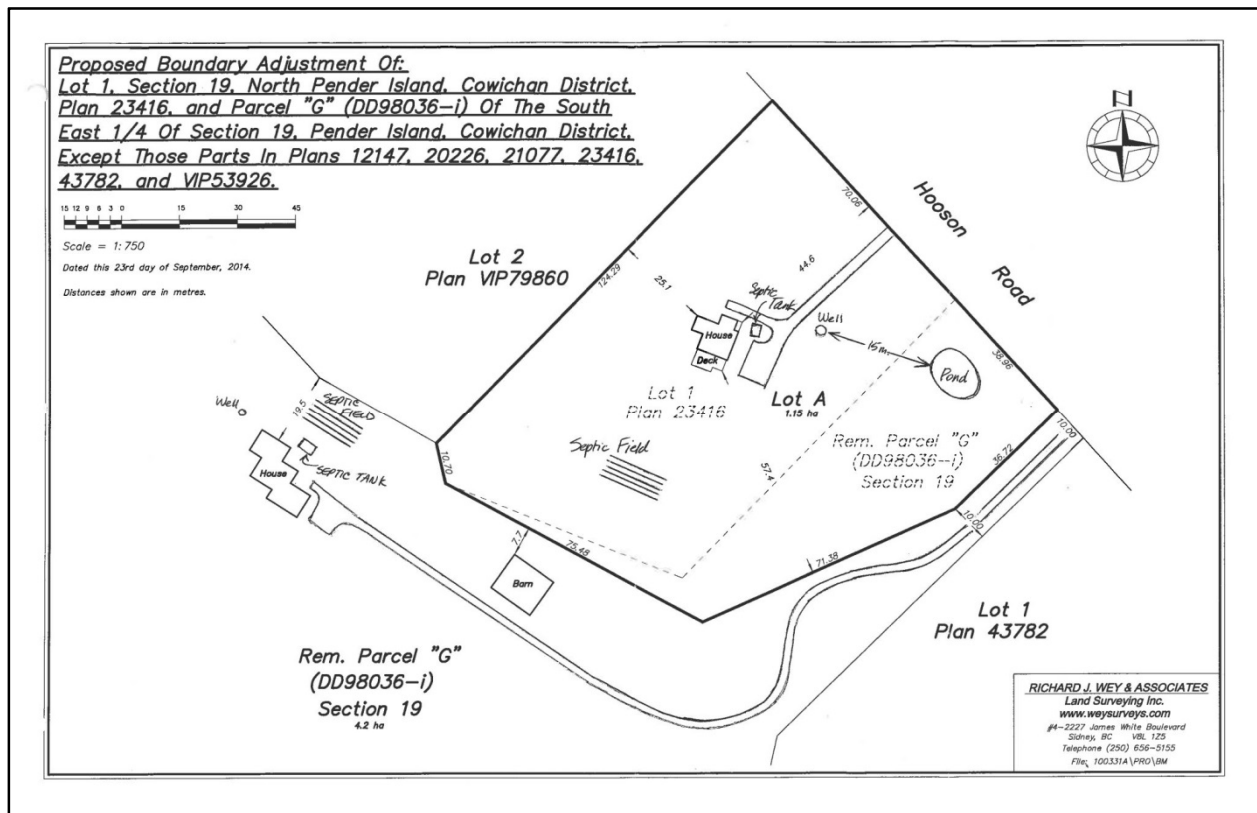


Figure Five – Detailed Site Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan

In the North Pender Official Community Plan Bylaw No.171, 2007:

- Lot 1, Plan 23416 is designated **Rural Residential (RR)**; and
- Parcel “G” (DD 98036-i), Section 19 is designated **Rural (R)**

There are no Development Permit Areas designated on either property.

Land Use Bylaw

In the North Pender Island Land Use Bylaw No. 103, 1996:

- Lot 1, Plan 23416 is zoned **Rural Residential (RR)**; and,
- Parcel “G” (DD 98036- i), Section 19 is zoned **Rural (R)**.

The following section of the LUB is the subject of this proposed variance application:

4.9.3 boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited except where the lot being subdivided is located in two or more zones.

The breakdown of proposed zoning is shown in “The Proposal” (above).

Islands Trust Fund

This application has no considerations for the Islands Trust Fund.

Regional Conservation Plan

This application has no considerations for the Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas

Sensitive Ecosystem Mapping (Figure Six) indicates a Mature Forest Ecosystem on proposed Rem “G.” Both properties have been developed, and the proposed variance does not facilitate any further development past what is currently permitted. Therefore, there is little or no impact anticipated as a result of the variance.

The Steep Slope Hazard Mapping (Figure Seven) shows some low and medium hazard areas however the impacts of this variance are neutral.

Figure Six – Sensitive Ecosystem Mapping

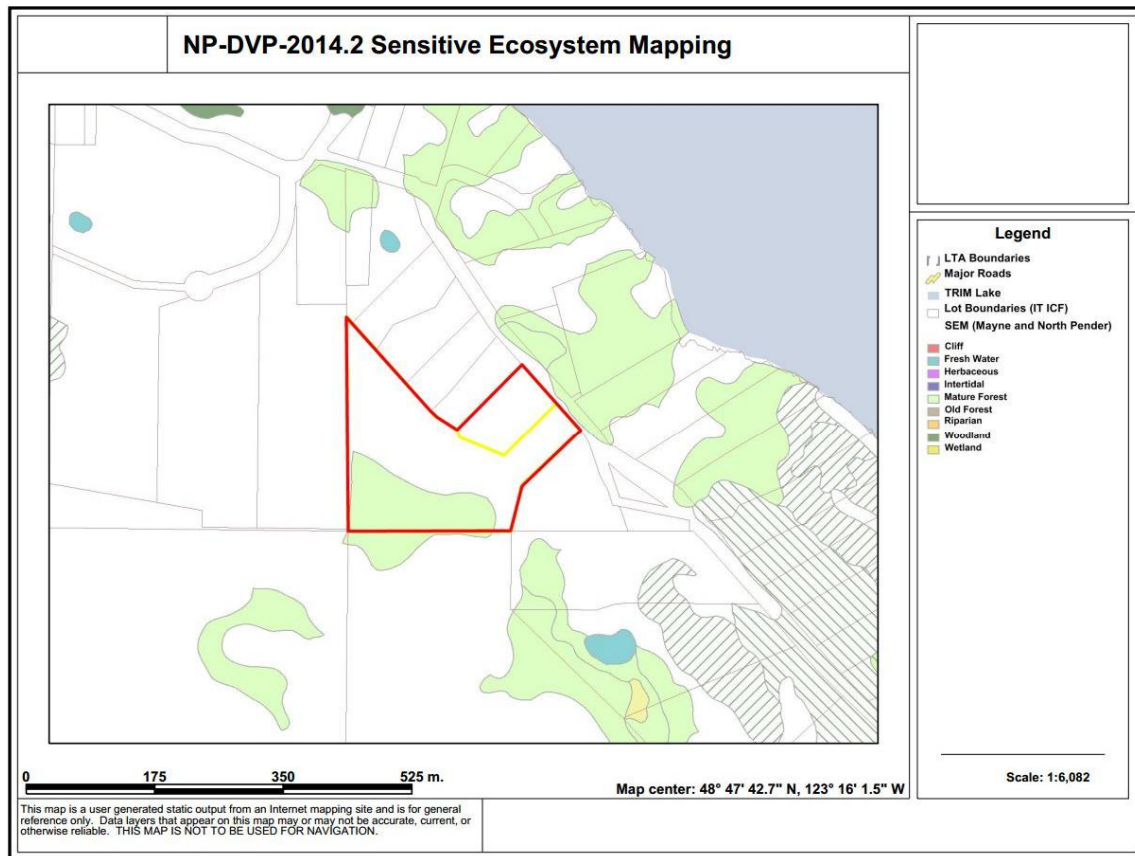
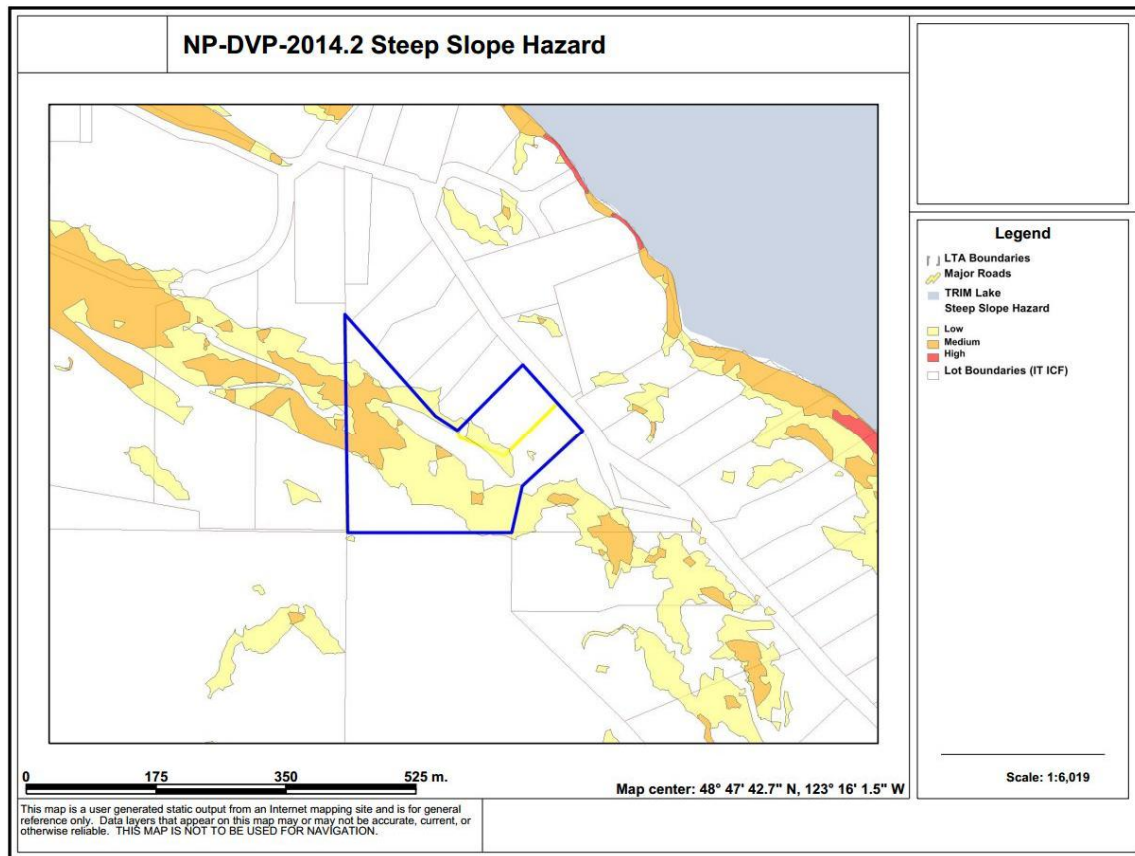


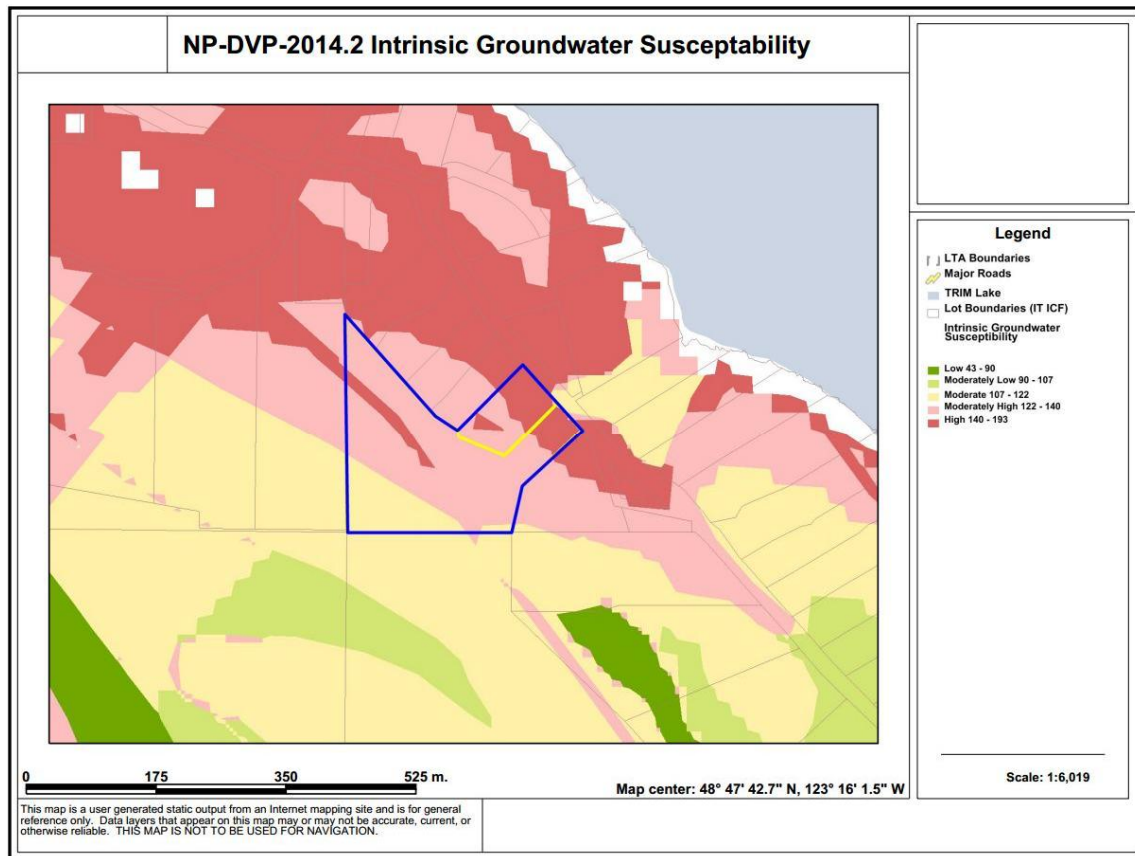
Figure Seven – Steep Slope Hazard



Intrinsic Groundwater Susceptibility

Mapping of Intrinsic Groundwater Susceptibility (Figure Eight) shows areas of Moderately High and High susceptibility to contamination of groundwater resources. Of particular note is the area closest to Hooson Road. This is the area where the well for Lot 1 is located and the pond that is intrinsically tied to the well by proximity (15 meters) and topography. One of the primary justifications cited for the subdivision is that moving the property boundary will locate the pond on the same lot as the well and allow the owner to protect the integrity of the pond itself and her well.

Figure Eight – Intrinsic Groundwater Susceptibility



Archaeological Sites

The Provincial RAAD mapping shows no known archaeological sites in the vicinity

Covenants

There are no covenants registered on the subject properties. The property directly to the west of Rem. "G" has a restrictive covenant for required treatment of well water as testing revealed concentrations of chemicals above acceptable levels.

Bylaw Enforcement:

There are no bylaw enforcement files associated with either of these properties.

Climate Change Mitigation and Adaptation

This application has no impact on climate change mitigation and adaptation.

Other:

n/a

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on January 21, 2015. At the writing of this report, there had been no public submissions received as a result of the notification, however a few neighbours called to get a better understanding of what the notice was about. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on January 22, 2015.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance. The owner intends to sell Rem "G" in the near future and she would like to ensure that prior to selling the current boundary is rationalized to achieve the following:

- The privacy of Lot 1 is maintained by ensuring that the driveway access to Rem. "G" is maintained and screened in its current location with the minimum width allowable of 10 metres.
- The proposed boundary corresponds to the topography of the two properties better than the current.
- That moving the boundary will incorporate a wetland pond that is in the catchment to the well on Lot 1. This will allow her to maintain a natural buffer around the pond area thereby helping to protect the ecological health of the pond and (by extension) her well.

The overall intent of the regulation being varied. The overall purpose of boundary adjustment regulation being varied is to ensure that zoning corresponds to property boundaries for reasons of legal certainty and regulation of land use, density and siting that is unambiguous and predictable. Although the variance is contrary to this policy, the justifications – particularly the protection for a well catchment, warrant the change. Additionally the Trustees can also remedy this by directing staff to reconcile the split zoning through a future technical amendment to the LUB.

Potential impacts of granting a 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, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

This variance application is to permit a boundary adjustment subdivision between two properties with the same owner. The applicant has requested to vary Section 4.9.3 of the North Pender Land Use Bylaw No. 103, 1996 to permit the creation of a lot that lies within two zones.

The applicant is planning to sell the larger parcel Rem "G," Plan and has stated that the boundary adjustment will ensure that the integrity of her well on Lot 1, by incorporating the wetland (pond) that is currently on Rem "G." Additionally, this will allow her to

maintain privacy along the boundary between her dwelling and the driveway to dwelling and buildings on Rem "G." The proposed boundary also follows a rational topographic divide between the properties.

The rationale provided by the applicant is sound and has the benefit of affording the wetland area some protection that it might not otherwise have. The impacts of this proposal on neighbours or the pattern of development are not judged by staff to be significant. The subdivision does not create any potential for further development, and in fact the narrowing of the access to the larger parcel removes any expectation for future subdivision of that lot. The only foreseeable impact is administrative vis a vis having parcels of land in multiple zones. This is easily remedied by a readjustment to the zone boundary to match the new property boundary with the next technical amendment of the Land Use Bylaw. Staff is therefore of the opinion that the requested variance is reasonable and that it should be supported by the Trust Committee.

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2014.2 (Davies) **BE APPROVED.**

Prepared and Submitted by:



January 13, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 13, 2015

Date

Attachments: Draft Permit and Notice

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP- DVP- 2014.2

To: Marianne Davies

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

Lot 1, Section 19, North Pender Island, Cowichan District, Plan 23, PID: 003-105-067 &

Parcel "G" (DD 98036-i) of the South East ¼ of Section 19, Pender Island, Cowichan District, Except Those Parts in Plans 12147, 20226, 21077, 23416, 43782 and VIP 53926 PID: 004-097-858

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

- a) Subsection 4.9.3 is varied to permit a boundary adjustment subdivision resulting in a lot lying in two zones.

All buildings, structures and property boundaries shall be consistent with Schedules 'A' which is 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 22nd DAY OF January, 2015.

Deputy Secretary, Islands Trust

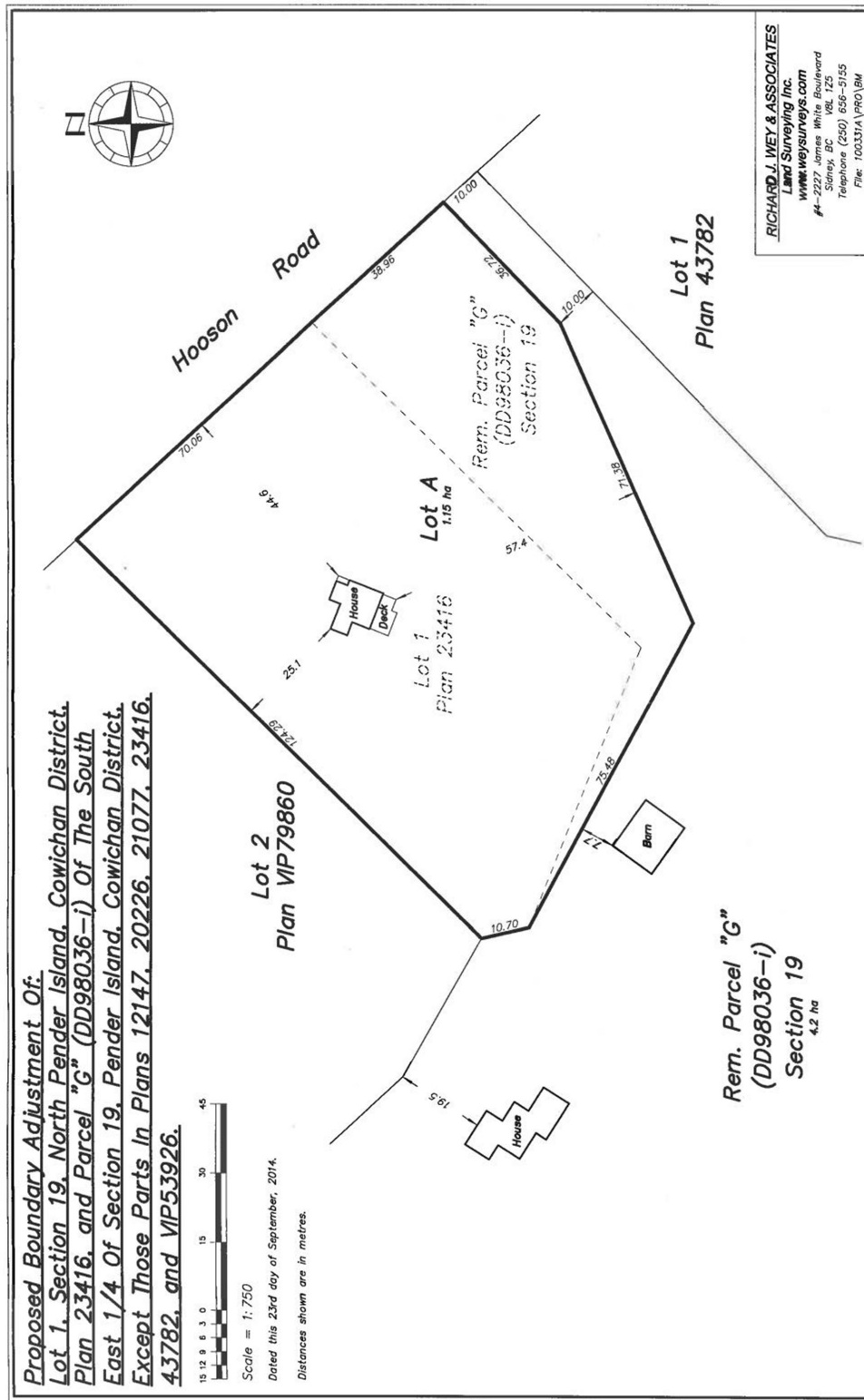
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE #th DAY OF Month, 2015, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP- DVP- 2014.2

SCHEDULE 'A'

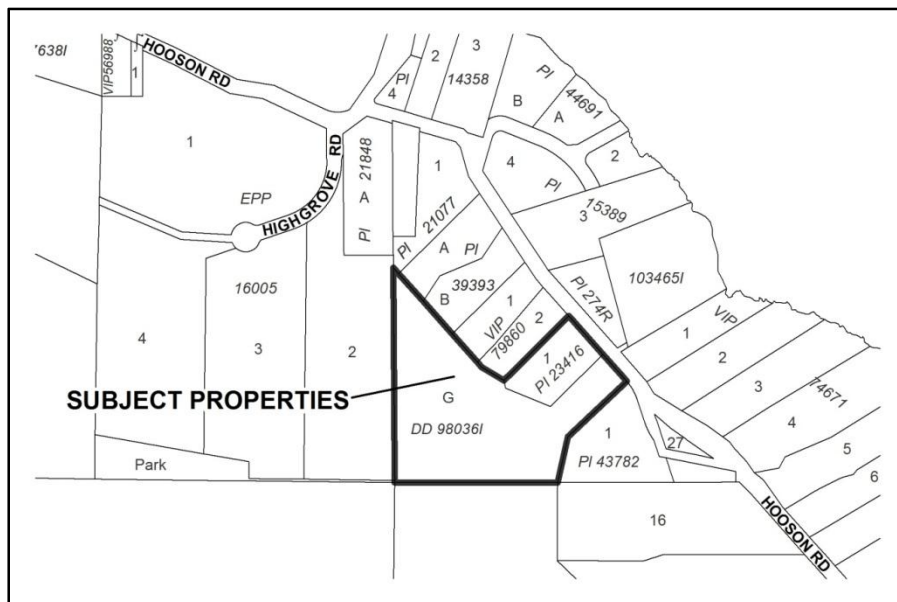


**NOTICE
NP-DVP-2014.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw 103, 1996 by varying Clause 4.9.3. to permit a boundary adjustment subdivision resulting in a lot lying in two zones.

The properties are located at 5410 and 5414 Hooson Road and are legally described as Lot 1, Section 19, North Pender Island, Cowichan District, Plan 23, and Parcel "G" (DD 98036-i) of the South East ¼ of Section 19, Pender Island, Cowichan District, Except Those Parts in Plans 12147, 20226, 21077, 23416, 43782 and VIP 53926.

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 9, 2015** and continuing up to and including **January 21, 2015**

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 9, 2015** . Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Island Planner Justine Starke at (250) 405-5194, 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 21, 2015**.

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 22, 2015**, 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.

January 09, 2015

File No.: NP-DVP-2014.3

To: North Pender Island Local Trust Committee
For the meeting of January 22, 2015

From: Justine Starke, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Permit

Owner: Murray and Sharon Vasilev
Applicant: Same
Location: 1201 Westwind Road, North Pender Island
Parcel A (DD 32597I) of Section 23, Pender Island, Cowichan District.
PID: 000-020-524

THE PROPOSAL:

This application seeks to bring a number of non-conforming and legal non-conforming issues into compliance with the current siting and area requirements of Land Use Bylaw 103. Please see Appendix 1 for the proposed permit.

Specifically the proposed permit would vary:

- 1) The setback to the natural boundary of the sea from 15 metres to:
 - i. 8.7 metres for a dwelling and surrounding sidewalk;
 - ii. 0 metres for a portion of a walkway and ramp associated with the dock;
 - iii. 1.7 metres for a stone wall, patio, and hot tub.
- 2) The width of a ramp or walkway, including handrails, used to access the float from 1.5metres to 3.9 metres.
- 3) The interior side lot line setback from 3.0 metres to 0.25 metres for a garage.

Note the area of the dock's float is understood to also be non-conforming with the land use bylaw. The applicants have agreed to address this by way of a separate application.

The septic tank is denoted by the septic tank lid in the site plan. The septic tank is located to the northwest of the dwelling and also within the current required setback. It is known to have

existed in that location since before 1968. It was upgraded in the early 1990s. It is considered legal non-conforming under Section 911 of the Local Government Act. The septic field, cottage and most of the outbuildings are not within any existing setbacks.

SITE CONTEXT:

The 2.3 acre subject property is located on the north eastern side of North Pender, on Westwind Road. It is a waterfront property zoned Rural Residential (RR). Surrounding parcels are also zoned Rural Residential. The property gently slopes from the north east and includes a point of land overlooking Swanson Channel. There are four main buildings on the subject property – a dwelling unit, cottage, shop, and garage. There are also a few sheds, a pumphouse, and a hot tub sunken into a stone patio within the surrounding landscaping.

Figure 1: Subject Property Map

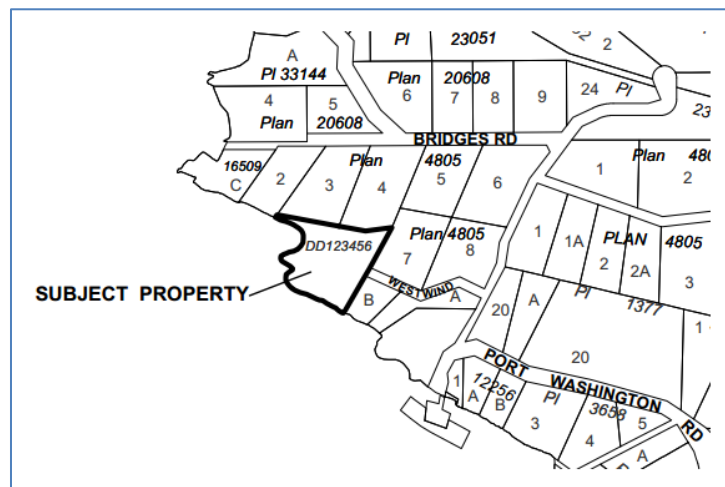
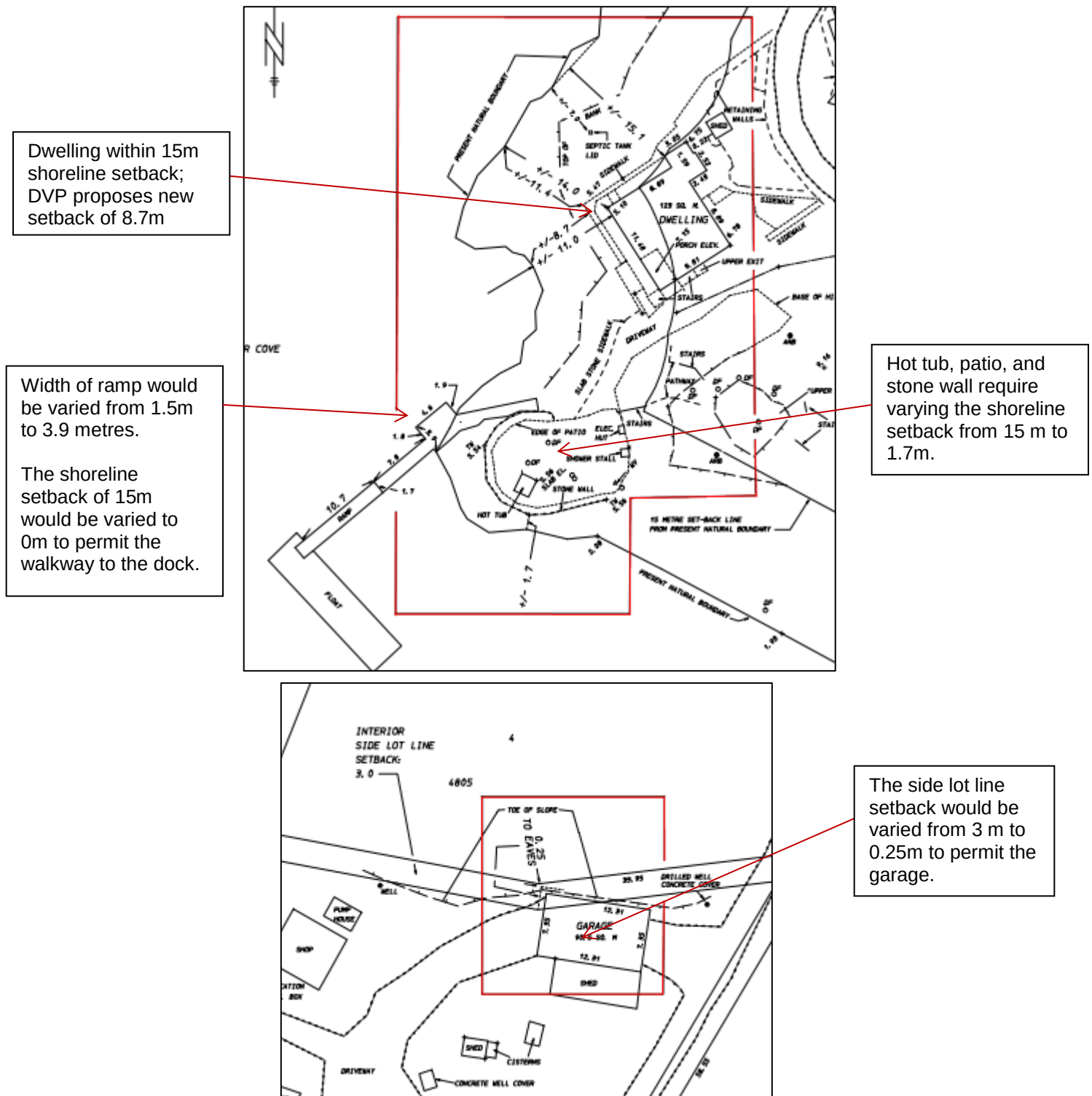


Figure 2: Orthophoto and 2 metre Contour Lines



Figure 3: Excerpts from the Survey Site Plan (see attached plan for full scale)



Picture 1: View from ramp of dwelling, walkway, and stone wall associated with the hot tub patio



Picture 2: Hot tub, patio, and dock walkway



**Picture 4:
Garage corner within setback**



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement: Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws,

- 3.4.4 ...address the protection of sensitive coastal areas.
- 3.4.5 ...address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 ...address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
- 5.1.3...address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- 5.5.4...address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.

Official Community Plan: Policies relevant to this application include:

Rural Residential Land Use

- 2.1.1.1 The principal use shall be residential. Accessory uses shall not detract from the rural character of the island

Coastal Areas

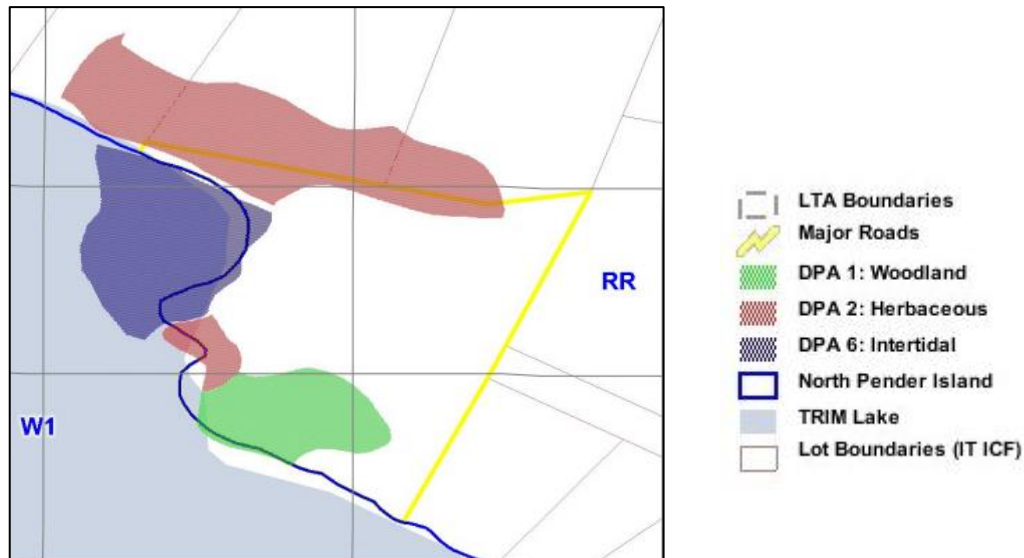
- 4.2.2 Ocean vistas may be protected by regulation.
- 4.2.6 Marshes, bluffs and other natural features along the coast shall be protected from erosion, pollution and other impacts of development by:
 - Ensuring that any use of the foreshore does not result in permanent damage to natural features;
 - Encouraging use of community docks or multi-user docks; and
 - Ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.10 No structures, including boat houses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Development Permit Areas

The subject property is in the following Development Permit Areas:

- Development Permit Area 1: Woodland
- Development Permit Area 2: Herbaceous
- Development Permit Area 6: Intertidal

Figure 3: Development Permit Areas



This DVP seeks to bring a property with existing buildings and structures into compliance with the current land use bylaw regulations. The property was first developed in the 1920's when the main dwelling was constructed. The hot tub was originally installed in 1997 and was subsequently lowered into (sunken) into the patio area in 2003 above the mortared stone wall. The dock, ramp and walkway were constructed in 2003. All the structures that exist within the DPA have been there since before the DPAs were adopted into the Official Community Plan in 2007. A development permit is therefore not required for these existing structures.

Land Use Bylaw

The subject property is zoned Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996. The specific bylaws relevant to this application include:

1) Section 3.7.1: Siting

No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea nor 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for this purpose paved areas of asphalt, concrete or similar material are "structures".

2) Section 8.1.5 Setbacks

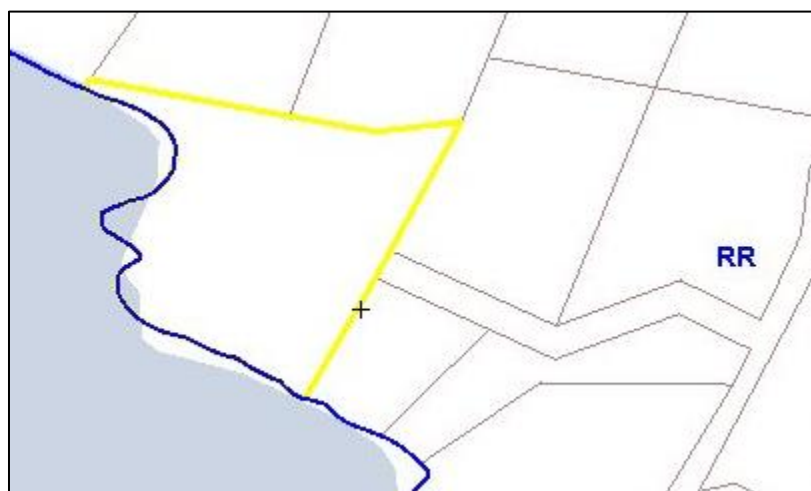
No building or structure may be located:

- (b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.

3) Section 8.19.6 Size of Structures

- (2) The width of any ramp or walkway, including handrails, used to access any float or wharf permitted in clause 8.19.1(1)(a) shall not exceed 1.5 metres.

Figure 4: Zoning Map



Islands Trust Fund:

This application has no considerations for the Islands Trust Fund.

Sensitive Ecosystems and Hazard Areas:

The Islands Trust Sensitive Ecosystem Mapping (SEM) identifies the woodland and herbaceous sensitive ecosystems protected in the Development Permit Areas.

Figure 5: Sensitive Ecosystems



Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on or near the property.

Covenants:

There are no covenants registered on the property.

Bylaw Enforcement: The encroachments have been identified in a current bylaw enforcement file and the Bylaw Enforcement Officer has previously attended the site. Depending upon the decision of the LTC removal of any unauthorized structures would be required in order to close the enforcement file.

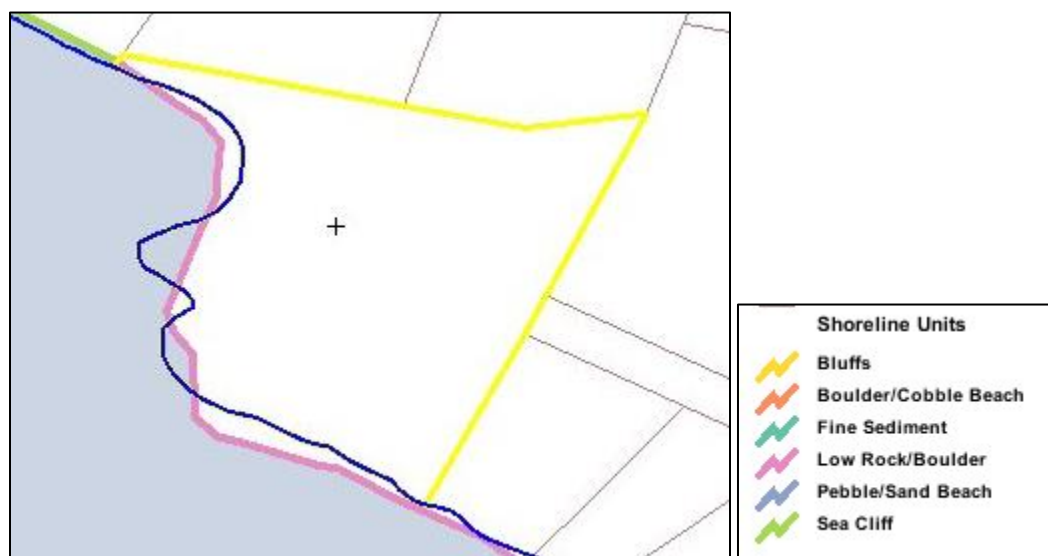
Climate Change Mitigation and Adaptation

With future changes in sea level, shoreline developments may become increasingly vulnerable. Land alterations and construction of structures adjacent to, and along the shoreline, may also impact natural coastal processes, including the buffering capacity of a more natural landscape to extreme storms and high intensity surface run-off.

Shoreline:

Shoreline mapping completed for all the major islands in the Trust Area has divided the shoreline into segments based on morphology and substrate. There are six classifications of shoreline type identified for the Gulf Islands and the shoreline adjacent to the subject property is identified as low rock /boulder. This shoreline type is generally stable in terms of erosion, however may be more vulnerable to storm surges and sea level rise.

Figure 6: Shoreline Mapping



It would be anticipated that the related biological features would consist of those species that attach to rocky substrate and those that can dominate crevice areas that may occur between exposed rocks or within fracture lines such as lichens, barnacles, rockweed, mussels and limpets. Key species associated with rocky shores and nearshore subtidal areas include: kelp, rockfish, lingcod, sea urchins, scallops, prawn, rock crab, Oystercatcher, Pelagic Cormorant and Pigeon Guillemot¹.

The predominant wave energy system on North Pender is from south to north, which is based on both wave energy and fetch, however this northern area of the island is somewhat exposed to seasonal north-westerly storms and ferry traffic resulting in a medium wave exposure; the majority of the northern shoreline of the island is classified as a low energy wave exposure.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 pm on January 21, 2015. At the writing of this report, no public submissions have been received. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on January 22, 2015.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance:

This property was bought by the current owner's parents in 1968. The current application was spurred by a bylaw enforcement file, and the owner would like to bring all existing legal non-conforming and non-conforming issues into compliance with today's Land Use Bylaw requirements. The encroaching structures have existed for various lengths of time and the applicant does not feel it is reasonable to move them now.

The main house on the property (marked dwelling in the site plan) was built in the 1920's and is partially within the current required setbacks. The cottage was built around 1950. The ages of the other outbuildings are not known but they are more than 30 years old.

The hot tub was originally installed in 1997 and was subsequently lowered into (sunken) into the patio area in 2003 above the mortared stone wall. The hot tub is now less visible and more in keeping with the surrounding landscape.

This variance application also includes the upland portion of the walkway to the dock that was installed in the summer of 2003, but does not include the dock which will be reviewed in a subsequent application. The dock was installed following the granting of the License of Occupation #109773 by the BC Ministry of Sustainable Resource Manager on the 1st day of May, 2003. The application and approval process involved inspection by a registered biologist and review by the Department of Fisheries and Oceans.

The garage in the northeast portion of the property was built in the 1970's when the current owner's father, Andre Vasilev, was the owner of the subject property; this building is legal non-conforming as it was built prior to the establishment of the North Pender Island Land Use Bylaw No. 103, 1996. It was only during this DVP application that garage encroachment was identified. The adjacent property to the north of the subject property was owned by Murray and Sharon Vasilev and was recently sold to Susan Vasilev, the sister of the applicant. Susan Vasilev has provided a letter of no complaint regarding a portion of the garage existing in the setback area.

The overall intent of the regulation being varied:

The overall purpose of setback to the natural boundary of the sea is to protect the coastal environment from impacts arising from development, protect developments from impacts from

the sea such as storm surges, and to preserve the aesthetic quality of the natural shoreline as viewed from the water. Setbacks also ensure a consistent development pattern and deter developments that would negatively impact the sensitive coastal environment.

Potential impacts of granting a 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, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

This application seeks to bring a number of legal non-conforming structures and non-conforming structures into compliance with the North Pender Island Land Use Bylaw.

The property was first developed in the 1920s when the dwelling was built; the siting of the dwelling as well as the garage and the septic tank are legal non-conforming. The hot tub, patio, and wall were constructed in 1997 and remodeled in 2003 when the dock ramp and walkway were also constructed. These structures are not protected by legal non-conforming status.

The historic character of the buildings and patio structures, walkways, and landscaping is however consistent with the rural character of the island and the neighbourhood. The applicant is not proposing any new construction that would impact the sensitive ecosystem development permit areas. The shoreline is stable and the structures do not impact coastal processes.

The oversize dock introduces a range of issues to be addressed that the owner would rather deal with in a subsequent application.

Given the above, staff this request for variance from the North Pender Island Land Use Bylaw

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2014.3 (Vasilev) BE APPROVED.

Prepared and Submitted by:

Justine Starke, Island Planner

January 09, 2015

Concurred in by:



Robert Kojima
Regional Planning Manager

Date

Appendices:

Appendix 1: Proposed Permit

Appendix 2: Notice



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2014.3

To: Murray and Sharon Vasilev

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

Parcel A (DD 32597I) of Section 23, Pender Island, Cowichan District.
PID: 000-020-524

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

a) For the dwelling and surrounding sidewalk

- i) Section 3.7.1 is varied to reduce the setback from the natural boundary of the sea from 15 metres to 8.7 metres.

b) For the walkway and ramp associated with the dock

- i) Section 3.7.1 is varied to reduce the setback from the natural boundary of the sea from 15 metres to 0 metres.
ii) Section 8.19.6 (2) is varied to increase the width of a ramp or walkway, including handrails, used to access the float from 1.5 metres to 3.9 metres.

c) For the stone wall, patio, and hot tub

- i) Section 3.7.1 is varied to reduce the setback from the natural boundary of the sea from 15 metres to 1.7 metres.

d) For the garage within the interior side lot line setback

- i) Section 8.1.5(1)(b) is varied to reduce the interior side lot line setback from 3.0 metres to 0.25 metres.

3. The location of the structures shall be consistent with Schedules 'A' which is attached to and forms part of this permit.
4. 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 the existing development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

SKETCH TO ACCOMPANY DEVELOPMENT VARIANCE PERMIT APPLICATION
OVER A PORTION OF
PARCEL A (DD 32597 1) OF SECTION 23,
PENDER ISLAND, COMWICHAN DISTRICT

LEGEND:

THE INTENDED PLOT SIZE OF THIS PLAN
IS 864mm IN WIDTH AND 559mm IN HEIGHT
WHEN PLOTTED AT A SCALE OF 1:250

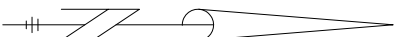
SCALE 1:250 0 5 10

ALL DIMENSIONS ARE EXPRESSED AS
METRES AND DECIMALS THEREOF.

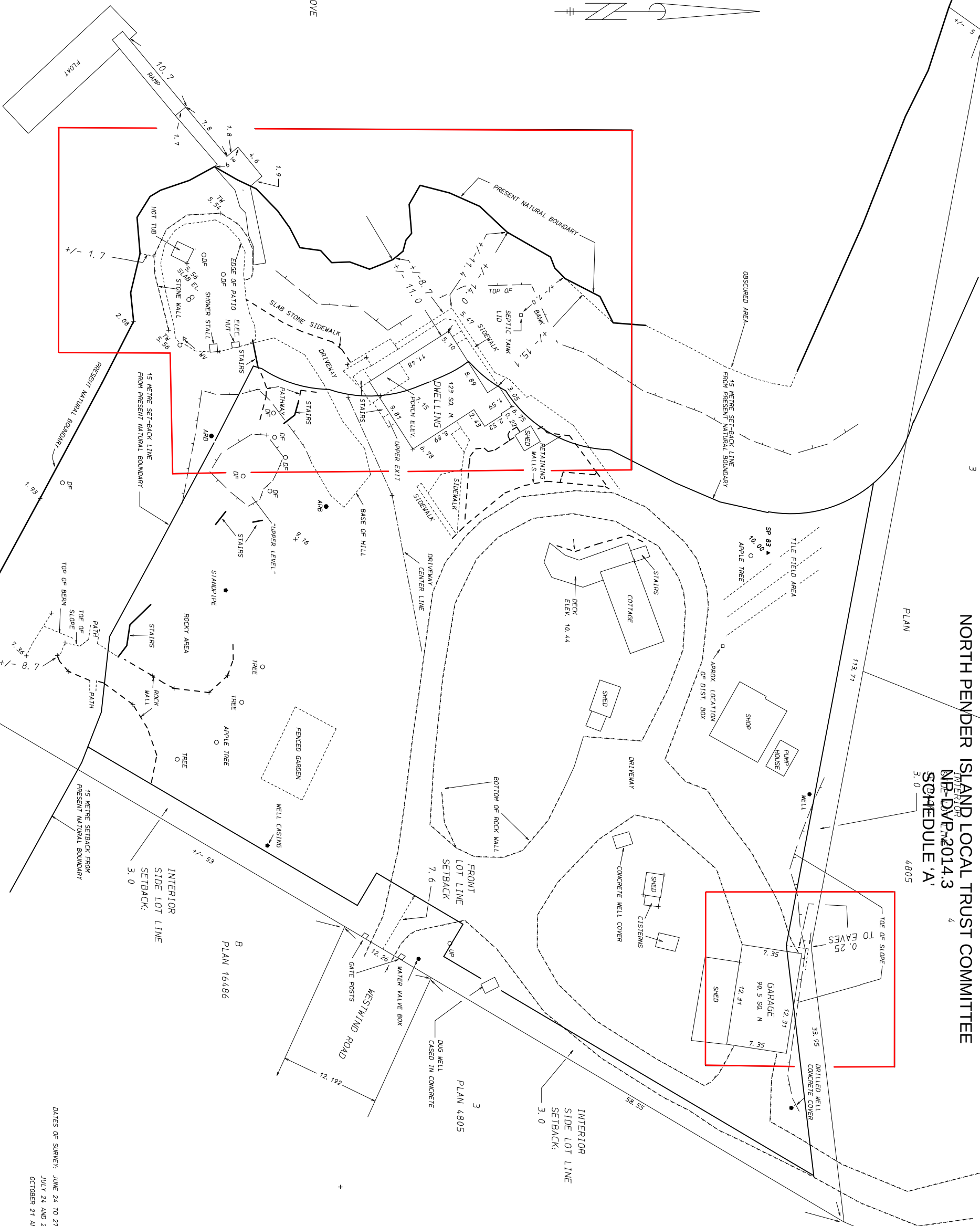
- ▲ SP INDICATES SPIKE
- ▲ CC INDICATES CUT CROSS
- ▲ PM INDICATES PAINTED CROSS
- DF INDICATES DOUGLAS FIR
- ARB INDICATES ARBUTUS
- + 312 INDICATES POINT NUMBER
- △ 312 INDICATES POINT ELEVATION
- △ TW INDICATES TOP OF WALL
- △ BW INDICATES BOTTOM OF WALL
- △ WV INDICATES WATER VALVE
- △ UP INDICATES UTILITY POLE

NOTE:

ELEVATIONS ARE ASSUMED AND ARE REFERRED TO
SPIKE B3. ELEVATION = 10.00 METRES



GRIMMER COVE



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
SCHEDULE 'A'
PLAN 4805

DATES OF SURVEY: JUNE 24 TO 27, 2008

JULY 24 AND 25, 2008

OCTOBER 21 AND 24, 2008

RALPH B. TURNER, BCLS., CLS.
3411 CHATHAM STREET
RICHMOND BC, V7E 2Y9
TELEPHONE: 604-271-3412
FAX: 604-271-5919
CELLULAR: 778-834-5919
e-mail: ralph.turner@shaw.ca

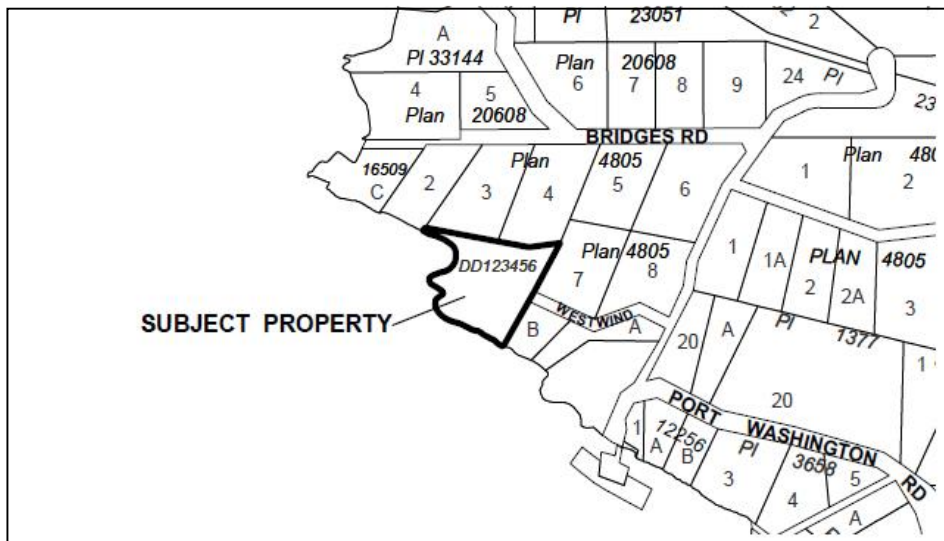
Cad File: 1416DVB3

NOTICE
NP-DVP-2014.3
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 103, 1996 by varying:

- 1) Section 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to:
 - i. 8.7 metres for a dwelling and surrounding sidewalk;
 - ii. 0 metres for a portion of a walkway and ramp associated with the dock;
 - iii. 1.7 metres for a stone wall, patio, and hot tub.
- 2) Section 8.19.6(2) is varied to increase the width of a ramp or walkway, including handrails, used to access the float from 1.5metres to 3.9 metres
- 3) Section 8.1.5(1)(b) is varied to reduce the interior side lot line setback from 3.0 metres to 0.25 metres for a garage.

The property is located at 1201 Westwind Road, and is legally described as Parcel A (DD 325971) of Section 23, Pender Island, Cowichan District. PID: 000-020-524. The general location of the subject property 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 9, 2015**, and continuing up to and including **January 21, 2015**.

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 9, 2015**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Island Planner, Justine Starke at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 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 21, 2015.**

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., Thursday January 22, 2015**, 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

STAFF REPORT

January 5, 2015

File No.: NP-RZ-2012.1
(Burdett)

To: North Pender Island Local Trust Committee
For the meeting of January 22, 2015

From: Justine Starke, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Rezoning Application

Owner: Michael and Anne Burdett
Applicant: Same

Location: 4606 Razor Point Road,
The Fractional North West $\frac{1}{4}$ of Section 11, Pender Island, Cowichan District,
Except the South 26.364 Chains, and Except Parcel A (DD143808I), and Except
those parts shown outlined in red on Plans 5632 and 262R, and Except those
parts in Plans 5856, 7982 and 20898.

THE PROPOSAL:

This is an application by *Pender Island Waste Management* to amend the North Pender Land Use Bylaw 103 to permit a waste transfer station at 4606 Razor Point Road.

**Note: the application has been amended to remove the proposal for an in-vessel composter as a part of this application.*

The waste transfer facility is proposed to be open for drop off from the public and would facilitate *Pender Island Waste Management's* existing weekly residential pick up route, commercial waste, recycling, and construction bin service. The waste transfer use is proposed to be contained within an enclosed building on a concrete pad, with a leachate catchment system.

Draft Bylaw 196 proposes a new *Industrial 3 Zone: Waste Transfer Facility*, as well as introduces a new definition to the Land Use Bylaw. Draft Bylaw 196 has been amended to remove the composting use and to implement previous LTC direction; it is attached as Appendix 1 for the consideration of the Local Trust Committee.

BACKGROUND:

The subject property is owned by the applicants, who have operated *Pender Island Waste Management* for a number of years. The location is a waterfront property facing onto Hamilton Cove at the western end of Port Browning. The overall property is primarily zoned for agriculture, with areas of rural and industrial zoning as well. The subject area is zoned industrial.

Under current zoning, the only permitted use on the property is boat storage, although there are a number of petroleum tanks on the property left over from earlier zoning and historic industrial uses.

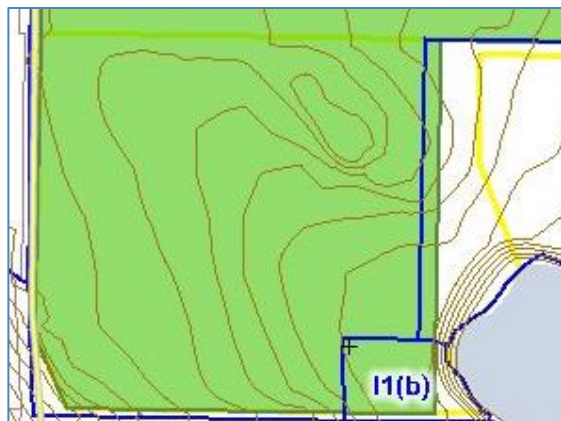
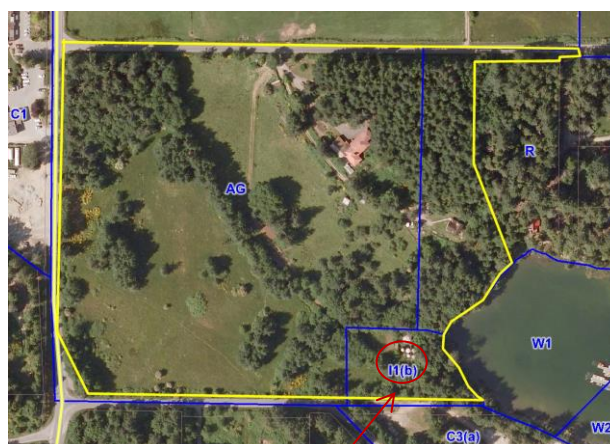


Figure 2: I1(b) Zone and ALR Boundary (in green)

Figure 1: Orthophoto and Zoning



Approx. location of proposed
Waste Transfer Facility

The Agricultural Land Reserve (ALR) boundary does not coincide with the zone boundary or other legal boundary so portions of both the rural and industrial zones are within the ALR.

The proposal would rezone a 0.95 acre (0.38 ha) area of the industrially zoned area for the waste transfer site and continue with the permitted boat storage on the remaining Industrial 1(b), outside of the ALR (as a condition of ALC approval, boat storage is not supported within the ALR on this property).

The applicants have removed most of the existing fuel tank infrastructure, and propose to construct a new building for the waste/recycling storage bins. The building would also contain two bailers for compacting paper products and be constructed with a concrete slab with a catchment system.

North Pender Island Local Trust Committee

The North Pender Island **Advisory Planning Commission** reviewed this application on December 8, 2014. Please see the attached APC minutes for more detail. After much discussion, the following motion was passed:

It was MOVED and SECONDED,

That the Advisory Planning Commission return rezoning application NP-RZ-2012.1 (Burdett) to the Local Trust Committee, with a recommendation that they give urgent consideration to it, with particular attention to:

- A. community needs;*
- B. a more global waste management plan or program; and*
- C. a greater opportunity for public consultation.*

The North Pender Island **Local Trust Committee** last reviewed this application on June 26, 2014 when it passed the following resolutions:

NP-2014-071 It was *MOVED* and *SECONDED*,

That North Pender Island Local Trust Committee refer Draft Bylaw No. 196 to the North Pender Island Advisory Planning Commission once information associated with the Implementation Recommendations cited on page 15 of the June 18, 2014 Staff Report has been received, and that CRD Bylaw No. 2736 be included.

NP-2014-072 It was *MOVED* and *SECONDED*,

That North Pender Island Local Trust Committee authorize staff to enter into a cost recovery agreement with the Applicants for rezoning application NP-RZ-2012.1 (Burdett) for the drafting of suitably worded section 219 covenant(s) and other agreements.

By general consent, the North Pender Island Local Trust Committee agreed that staff should amend Draft Bylaw No. 196 as follows:

- *Revise section 8.9A.3 (1) to clarify that all waste, compost and recycling must “be contained in sealed collection bins within buildings” located on impervious surfaces designed with a drainage control system to prevent any contamination to the environment, except for one bin for bulk metal that could be outside of a building but within a covered structure and on an impervious surface.*
- *Revise section 8.9A4 (1) to remove “or under covered structures.”*

Pender Island Waste Management

Currently, Pender Island Waste Management is operating a residential waste pick up and drop off service at the Medicine Beach Magic Lake Market. The sources and amounts of material for recycling or disposal are outlined in the table below. These volumes are estimated based on the level of existing services and may be subject to change. At this time, the intent is to continue servicing the drop-off site at the Magic Lake Market for the collection of household waste, however the applicant's operation is based on leasing the site from the property owner.

Source	Material	Estimate Volume*
Poets Cove	Garbage, Cardboard, Recycling	2 small bins per week (during winter months the frequency drops to every 6 weeks) 52 tons garbage annually
Browning Harbour Marina/Pub	Garbage, Cardboard, Recycling	2 small bins per week (during winter months the frequency drops to every 10 days) 25 tons garbage annually
Driftwood Centre	Garbage	1-3 small bins per week
Hope Bay Centre	Garbage and Recycling	Weekly collection - bags
Medicine Beach Market Drop-off	Garbage	3-4 small bins per week (during winter months the frequency drops to 2/ week)
Otter Bay Marina	Garbage only	1 small bin per week (during winter months the volume

		drops to 6-10 bags weekly combined with Currents)
Currents	Garbage only	1 small bin per week (during winter months the volume drops to 6-10 bags weekly combined with Otter Bay)
Construction Sites	Construction waste and recycling	Varies – 7 medium sized bins available for service
Various	Metal recycling	1 large bin monthly
Weekly pick up service	Garbage	5-6 tons monthly

*Small bins are approximately 3 cubic yards; Medium bins are 12-14 cubic yards; Large bins are 40 cubic yards

- A large bin (40 cubic yard) is used to store bagged recyclables or bundled cardboard until it is transported off-island for processing.
- A lidded 16 cubic yard bin would be used to transport waste materials off-island for disposal approximately three times per week, during the summer months.

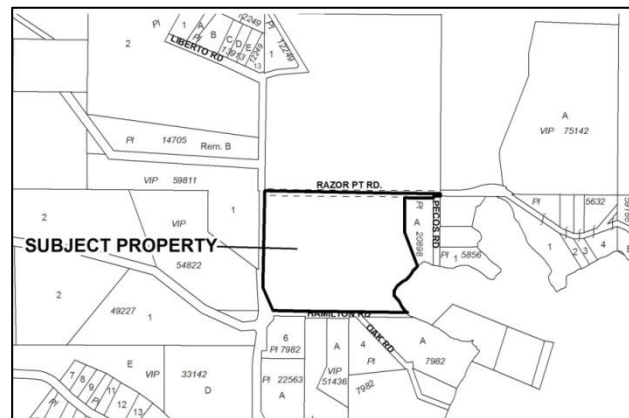
SITE CONTEXT:

The subject property is split zoned Agriculture (AG), Rural (R), and Industrial One (I1(b)). A significant portion of the property is also within the Agricultural Land Reserve. The subject property is located between the main commercial area serving the island (Driftwood Centre) and Port Browning. The property contains an older farmhouse (early 1900's) on the rural zoned portion of the property, a newer (1980's) home on the agricultural portion of the property, a number of accessory structures, and the old bulk fuel storage site on the industrial portion.

Figure 3: Subject Property

Based on BC Assessment data the property is 8.32ha (20.55ac). The subject area within the overall property is located in the south-eastern corner of the lot, adjacent to Hamilton Road to the south and the shoreline of Brackett Cove to the east.

Surrounding properties range widely in size from less than 2ac to almost 40 ac with a range of rural, commercial and agricultural zoning. Based on GIS data the property is fairly level, declining steadily across the property from a maximum elevation of 32 m above sea level (asl) in the southwest corner (Bedwell Harbour and Hamilton Rd intersection) to 12m asl as it nears the shoreline, where it declines more steeply to sea level.



The subject property also has a watercourse that generally bisects it diagonally. This is not a provincially identified stream or a watercourse subject to the Riparian Areas Regulation but is a watercourse that is recognized to be part of the drainage basin for two small surface

waterbodies adjacent to the airstrip, which is located approximately 1km upstream from Port Browning. The existing vegetation between the industrial portion and the watercourse would be maintained.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The Islands Trust Policy Statement Checklist is attached as Appendix 2 for consideration by the Local Trust Committee. Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

Ecosystems

3.1.5...the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.

Coastal and Marine Ecosystems

3.4.4...the protection of sensitive coastal areas.

3.4.5...the planning for and regulation of development in coastal regions to protect natural coastal processes.

Agricultural Land

4.1.4...the identification and preservation of agricultural land for current and future use.

4.1.5...the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

4.1.6...the use of adjacent properties to minimize any adverse affects on agricultural land.

4.1.8...land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land.

Growth and Development

5.2.3...policies related to the aesthetic, environmental and social impacts of development.

Disposal of Waste

5.4.4...the identification of acceptable locations for the disposal of solid waste.

15 m from the exterior and interior side lot lines

Official Community Plan

The land use designation in the OCP for the subject property is Industrial, Agriculture, and Rural Residential, which is in alignment with the relevant zoning. The subject area is the area designated Industrial. Relevant policies in the OCP include:

Agriculture Policies

2.2.1-The 'right to farm' shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.

2.2.13-The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.

2.2.15-When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.

2.2.16-When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.

Industrial Policies

2.5.1-Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.

2.5.3-Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.

2.5.4-Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.

2.5.6-Industrial activity, parking and storage areas should be screened.

Solid Waste Policies

3.3.2.1-Regulations shall permit the continued operation of an island location where waste can be taken for recycling.

3.3.2.2-The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.

3.3.2.3-Regulations shall prohibit the use of land on North Pender Island as a landfill.

Coastal Areas

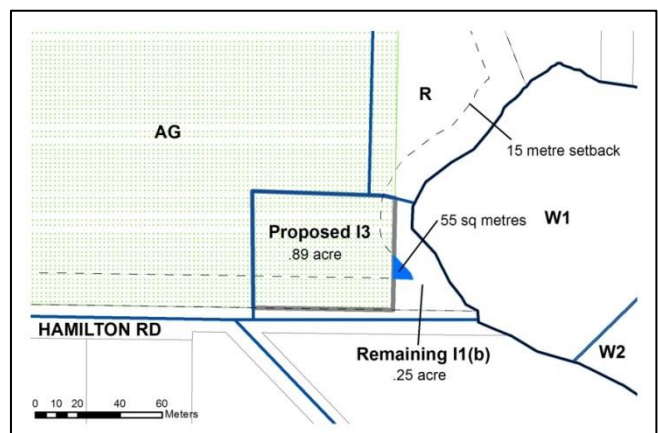
4.2.1-Regulations should protect natural coastal processes from the impacts of development.

Land Use Bylaw:

The subject property is split zoned Agriculture (AG), Rural (R), and Industrial One (I1(b)) by the North Pender Land Use Bylaw 103. Permitted uses in the I1(b) zoning is limited to boat storage. Neighbouring properties are zoned:

- North - Agriculture
- East - Rural and Water 1
- South – Commercial 3 (Browning Pub), Water 3 (marina) and Rural
- West – Rural and Commercial 1 (Driftwood Centre)

Figure 4: Existing and Proposed Zone Boundaries with Setbacks



As noted, the subject property is split zoned with approximately 82% AG, 13% R, and 5% I1(b).

The area of the proposed I3 Zone is .89 acres, with the new zone boundary following the ALR boundary on the eastern side. The remaining I1(b) zone will cover an .25 acre area.

Current setback requirements for the I1(b) zone are:

- 15 m setback upland from the natural boundary of the sea
- 15 m from the exterior and interior side lot lines
- Landscape screening is required to provide a visual screening of storage areas and from adjacent uses along lot lines abutting the non-industrial uses (including the water zone (W1)).

Broader Legislative Context

The LTC has the ability to zone land to be used for waste management operations, but it cannot use zoning to regulate how a waste transfer station operates. However, any property handling waste materials requires compliance with a number acts and regulations, most notably:

- *Environmental Management Act (EMA)*
- *EMA - Hazardous Waste Regulations*
- *EMA – Recycling Regulation*
- *EMA – Contaminated Sites Regulation*
- *EMA – Organic Matter Recycling Regulation*
- *EMA – Storage of Recyclable Material Regulation*
- The federal *Transportation of Dangerous Goods Regulations*

The Capital Regional District (CRD) is authorized under the Regional District Service Powers to regulate waste and recycling operations and does regulate waste and recycling operations in some areas of its jurisdiction, as well as operates the Hartland Landfill. The CRD has adopted a Solid Waste Management Plan (SWMP), currently under review, which enables the regulation of solid waste throughout the region.

Unlike Salt Spring Island, where the CRD has the “*Salt Spring Island Transfer Station Regulation*” to regulate solid waste facilities, there is no such regulation to require permits or licences for waste transfer facility operators elsewhere in the Southern Gulf Islands. Nevertheless, the provincial regulations under the *Environmental Management Act* still apply to waste management operations everywhere in the Province.

The CRD is currently amending the SWMP by developing a new Integrated Solid Waste and Resource Management Plan (ISWRMP). The review is being conducted in three stages:

1. Analysis of existing systems and identification of issues
2. Development and evaluation of options and strategies
3. Plan consultation and adoption.

In May 2013 the NPI LTC wrote to the CRD to request that consideration of waste management for North Pender Island be considered during the SWMP review. While North Pender Island is within the CRD and therefore falls under the SWMP, the SWMP requires specific enabling policies to authorize the CRD to regulate waste management on North Pender Island. Including North Pender Island in the Solid Waste Management Plan would enable CRD to pass regulation

and have oversight of waste transfer stations on North Pender. Without this amendment to the SWMP, the CRD cannot create a bylaw or regulation to license or issue permits for waste transfer stations. However, even with such regulatory oversight, the CRD still requires that the zoning be in place before it can license a waste transfer facility.

The CRD is currently still in stage 2 of the ISWRMP process and anticipates beginning consultation in fall 2015, with plan completion targeted for 2016. Discussions with CRD staff indicate that with support from the Southern Gulf Islands Electoral Area Director, there could be targeted consultation on North Pender Island.

Islands Trust Fund:

There are no Trust Fund properties or conservation covenants in the vicinity.

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystem development permit areas (DPA) on the subject property; however the adjacent marine water of Port Browning is a sensitive intertidal DPA. The Industrial portion of the property would be subject to the form and character DPA and a development permit would be required prior to any building permit being issued.

The steep slope mapping shows two relatively small areas of low and moderate hazard on the property with a larger, moderate hazard area identified adjacent to the shoreline.

Figure 5: Development Permit Areas

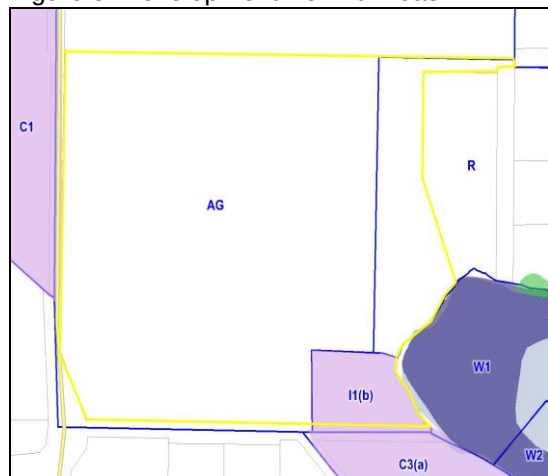
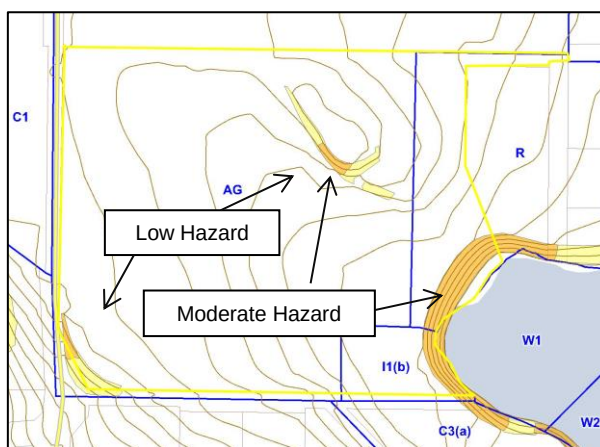


Figure 6: Steep Slope Mapping and 2m Contour Intervals



Archaeological Sites:

There are no archaeological sites registered in the provincial database on the subject property or in close vicinity.

Agriculture Land Reserve:

On October 3, 2013, in resolution #413-2013, the Agricultural Land Commission approved the operation of a waste transfer facility and in-vessel composting within the ALR for a period of 5 years and subject to a number of conditions:

THAT the request to use 0.46 ha for the purpose of a waste transfer facility and in-vessel compost be approved.

AND THAT the approval is subject to the following conditions:

- 1. The preparation of a surveyed posting plan to delineate the 0.46 ha area;*
- 2. That vehicular access to the waste and compost facility is to be from Hamilton Road. The Commission does not support vehicular traffic from Razor Point Road through the property;*
- 3. The construction of a fence along the entire length of the west and north boundaries of the surveyed and posted 0.46 ha area to prevent trespass or encroachment on the remainder of the subject property as well as visual screening. The applicants are to provide a proposed fencing plan to the Commission for review and approval;*
- 4. The planting of a vegetative buffer along the entire length of the west and north boundaries of the surveyed and posted 0.46 ha area to prevent trespass or encroachment on the remainder of the subject property as well as visual screening. The applicants are to provide a proposed vegetative buffering plan to the Commission for review and approval; and*
- 5. The operation must be in substantial compliance with the facilities described in the application. The applicants are to provide the Commission with a final site development plan before commencing operation for review and approval.*
- 6. Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable unless authorized by the Commission;*
- 7. The approval of the waste transfer facility and in-vessel composting is for a term of five (5) years. Extension of the approval will be contingent upon satisfactory review of the operation by the Commission;*

AND THAT the request to continue using a portion of the subject property for boat storage be refused;

AND THAT the request for a trail dedication be submitted by way of an application pursuant to Section 6 of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.

Covenants:

There are no covenants or rights-of-way registered on title.

Climate Change Mitigation and Adaptation:

Generally any improvements to the waste management and diversion options available to the community further reduces the risk that residents may choose to burn or bury waste. The property is centrally located on the island and may result in reduced vehicle distance travelled when servicing the community needs.

Shoreline

Recent shoreline mapping completed for all the major islands in the Trust Area has divided the shoreline into segments based on morphology and substrate. There are six classifications of shoreline type identified for the Gulf Islands and the shoreline adjacent to the subject property is identified as pebble/sand.

Pebble/sand is a soft shoreline that may be a source of sediment and could be vulnerable to erosion, particularly when sediment supply is interrupted. It would be anticipated that the related biological features would be dominated by burrowing invertebrates such as worms and clams, which can also attract concentrations of birds.

The predominant wave energy system on North Pender is from south to north, which is based on both wave energy and fetch; all of Port Browning and the eastern shoreline of North Pender Island is identified as low energy.

PROFESSIONAL REPORTS:

Copies of the professional reports received for this application have been posted on the North Pender Island webpage at: www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications

Drainage:

A site plan showing the drainage proposal for the main building has been provided, and a subsequent drainage report by Ryzuk Geotechnical (dated October 14, 2014) was provided as per the Local Trust Committee's request of June 28, 2014. The report concludes:

"In order to contain any leachate produced within the building, we recommend that the floor slab be graded toward a central floor drain or multiple drains which should be conveyed via solid PVC pipe to a fully sealed sump. The sump should pump any collected liquid to a holding tank outside the building, to be removed from the site by a contractor as necessary. Given the above, and provided that our recommendations are adhered to, it is our professional opinion that the proposed development can be undertaken without contaminating the natural watercourse or ocean, and without substantially altering the natural hydrologic regime at the site as required by the noted Bylaw."

Hydrological Impact Assessment:

The applicants previously provided a hydrological report, *Required Permit for the Purpose of Temporary Holding and Processing of Discarded Goods and Materials – Hydrogeological Impact Assessment*, by William Hodge, PGeo, (dated August 18, 2012), which concluded that "as long as the discarded goods and materials are not stored directly on the ground (consisting of a broken shale base) there should be no concern," but cautioned that materials stored directly on the ground had the potential to contaminate Browning Harbour. The report specifically stated that if this recommendation was followed, "the proposed operation would not impact the groundwater in any manner."

On December 3, 2014, the engineer amended this study to remove reference to groundwater. The new report now simply emphasizes the potential impact to Browning Harbour by stating "If the goods and materials are stored directly on the [broken shale] base some contaminants could infiltrate through this shale and potentially impact the water of Browning Harbour." The report recommends monitoring the ditches and keeping the culvert clean at all times. It also indicates concerns with the "highway" water that drains through the site to Browning Harbour – the concern specifically references the potential for contamination by highway salts in winter months.

The drainage assessment by Ryzuk (discussed above) also offers conclusions on the existing surficial geotechnical and drainage conditions; however, if the Local Trust Committee would feel more confident with additional insight into the potential for groundwater contamination, it may want to commission its own study using the Islands Trust Technical Services Fund.

Servicing:

The waste transfer facility will not be serviced by water or a septic system. There is an existing well on the site that could be used if operational requirements demand a water source; however the current operation does not use water. There are no bathrooms or kitchen facilities proposed for the buildings and structures.

Environmental Site Assessment:

A report entitled *Phase II Environmental Site Assessment*, by TerraWest Environmental Consultants, dated December 8, 2011, was commissioned by the previous owners to address an 'area of potential environmental concern', which was the industrial portion of the property and the above ground storage tanks and associated infrastructure. The assessment included soil and groundwater testing, including soil vapour and sediment sampling. The report concluded that all soil, soil vapour, and groundwater testing reported trace or non-detectable values for all parameters, which were below the Contaminated Site Regulations criteria. The report also concluded that no further environmental assessment work was recommended.

Traffic Impacts:

The NPILTC requested more information on the estimation of vehicles from general public use of the site. Access to the site will be restricted to the Hamilton Road entrance in accordance with the ALC requirement. The revised opening times & updated traffic pattern are estimated as follows:

Tuesday 8-4	10-20 vehicles
Friday 8-4	10-20 vehicles
Saturday 8-4	10-20 vehicles
Sunday 12-4	10-15 vehicles

Transporting materials to Hartland landfill are estimated at 3 trucks per week during the summer season. The site is proposed to be open for public drop-off up to three days per week, including Saturdays.

Mitigating Nuisances and Managing Operations

If the CRD had a Solid Waste Transfer Regulation for North Pender, it would likely be similar to the Salt Spring Island Solid Waste Transfer Regulation and require a management plan to address leachate, vectors, dust, litter, odour, and noise. Until such time as North Pender Island is regulated by the CRD in this way, the NPI LTC can request a covenant be registered on the property title to ensure the following proposed management goals are implemented. The following has been proposed by the applicant:

Leachate - bins used for off island transportation to Hartland landfill and drywall disposal will be held within a wood frame and metal roof building that contains a drain to concrete catchment which will be regularly monitored. We do not handle liquid waste and to date we have never had to have one of the sumps pumped in either of the buildings on Port Washington road or at Medicine Beach.

Vector, dust, litter - vector issues will be addressed by the waste bins being contained within a building with hardware cloth being used in any possible access spots. A scheduled end of day survey of the site for any possible litter will be performed. Dust will be controlled by an early summer application of magnesium chloride.

Staff note: While commonly used by highway maintenance crews on North Pender and elsewhere, cursory research indicates that the use of Magnesium Chloride is controversial; it is known to migrate through soils and accumulate in

underground and surface water supplies.¹The applicants have been requested by the LTC to explore other options.

Odour- all household bagged garbage currently is removed within 72 hours of pickup. With the eventual removal of the majority of organics from the waste stream most odours should be eliminated.

Noise- we are situated well back from the road with an approximately 10 foot berm between the site and the road. Any noise generated would be within the hours of 7am and 7pm.

Hazardous and Controlled Waste:

Hazardous waste – the applicants do not propose to handle hazardous waste.

The following controlled waste items will be handled as follows:

Drywall

Gypsum drywall will be transferred from the facility according to the following procedure:

- Drywall is stored and taken to a private company on Vancouver Island for disposal. Every load brought must be accompanied by documentation showing where the drywall originates from.
- All persons getting rid of drywall on North Pender are therefore provided with a drywall questionnaire which must be completed and signed.
- If the drywall was manufactured before 1992 it must be tested for asbestos. If the drywall is found to contain asbestos it will not be handled; a facility qualified in asbestos abatement will be called to remove it from the site.

Batteries and Paint Cans- Batteries are anticipated to be received by the facility occasionally, approximately a dozen a year. Batteries are stored in a double walled fish tote, as are any paint cans that may be received. People are advised to take their paint cans to the local recycle depot.

Tires - Approximately a dozen tires are anticipated to be received/year.

Car hulks- Car Hulks are not accepted by the transfer station. There is a private company on North Pender Island that goes directly to someone's house to remove vehicles.

Land clearing waste – A limited amount of brush is accepted, with the exception of stumps, broom, or gorse. Chipped material is accepted from a local tree faller – it is mixed with the manure from the farm animals and used as compost for the owner's garden.

Scrap metal - scrap metal is accepted (old window frames, old metal roofing, etc.) as well as from commercial customers, for example the tin cans from the restaurants or

¹ Warrington, P.D. "Roadsalt and Winter Maintenance for British Columbia Municipalities,"(December, 1998)
<http://www.env.gov.bc.ca/wat/wq/bmps/roadsalt.html#35>

when Poets Cove , Current at Otter Bay, disposes of old BBQs, ironing boards, metal lawn furniture, etc.

Referrals:

Referrals were sent to agencies with the draft bylaw in summer 2014. The following agency responses were received. Full referral responses can be see on the website at:

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

1. Island Health (VIHA) (November 19, 2014)
 - Water Quality – recommended a 30 metre setback from wells
 - Traffic – highlighted the CRD idling bylaw (#3533) which limits idling to a maximum of 3 minutes.
 - Leachate – recommended a maintenance plan be in place for the holding tank.
 - Odour control – recommended a comprehensive odour management plan for the compost (no longer applicable).
 - Vector/Pest Control – recommended an Integrated Pest Management program be implemented
 - Composting – recommended keeping logs on the Earth Tub equipment (no longer applicable).
2. Capital Regional District (July 7, 2014)
 - CRD staff support the proposed Bylaw No. 196 in principle
 - Noted the CRD does not regulate solid waste activities on North Pender Island
 - Stated that if it did, “As part of a license application, applicants would have to submit a leachate management plan that is approved by a qualified professional, as well as plans on how to manage noise, vectors, litter and dust. Applicants must also submit performance securities based on anticipated tonnages.”
 - Gave information regarding composting and the CRD Composting Facilities Regulation Bylaw #2736; noted the Earth Tub proposed facilities would not currently meet the requirements of the CRD regulation. This was clarified by staff to mean that they would need to have an expert evaluate whether the Earth Tub would be considered acceptable technology under the bylaw.
3. Ministry of Transportation and Infrastructure (December 5, 2014)
 - Gave preliminary approval of the rezoning based on impacts to the existing road network
 - Offered information on permit requirements in order to construct the Hamilton Road Right of Way. Note the current access to the industrial site does not need additional permitting.
4. Saturna Island Local Trust Committee (July 10 2014)
 - Interests unaffected
5. Salt Spring Island Local Trust Committee (July 28, 2014)
 - Interests unaffected
6. South Pender Island Local Trust Committee (September 16, 2014)

THAT the SPILTC request that the NPILTC consider the impacts of solid waste management on the Pender Islands, and that current composting methods be considered against the planned composting method; and that a planning process that includes the community be part of the assessment of the solid waste management of both islands.

CORRESPONDENCE

This application has spurred a large amount of correspondence to be sent to Islands Trust. Correspondence on this application is forwarded to the trustees as it is received and copies will be available in the public hearing binder if the application proceeds to public hearing. The general issues raised by this correspondence are addressed broadly under “Issues Summary.” Public correspondence has been posted to the website.

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

*Note that not all correspondence received will be posted to the website, in accordance with the Islands Trust Policy 7.4.i (Incoming Local Trust Committee Correspondence):

**2(g) - Correspondence that is defamatory toward an individual or that contains profanities or language that the Legislative Service Manager (or their designate) deems to be inappropriate will not be placed on a local trust committee agenda that is open to the public.*

**2(k) - Personal information supplied by the sender in correspondence to the Local Trust Committee is also part of the public record and may have contact information (email address, house number, phone number) and signature severed before being included in the an open meeting agenda package.*

COMMUNITY INFORMATION MEETING(S):

Given the broad public interest in this application, the LTC may want to consider a separate Community Information Meeting (CIM) before proceeding to a public hearing. This would allow the opportunity for any amendments to be considered at second reading, prior to public hearing.

ISSUES SUMMARY:

The following summarizes the concerns of neighbours, issues, and recommendations from referral agencies that have resulted from review of this application:

1. Concern over the history of the industrial zoning on the site
 - The original industrial zoning was specific to enable the tank farm. Between 1978 and 1999 the zoning allowed a range of industrial uses; it was later downzoned to permit only boat storage.
 - Previous staff reports have offered a timeline on the zoning history of the property.
 - All zoning can be changed by bylaw amendment; the OCP guides how a local government should consider requests for zoning amendments. The Local Government Act sets the statutory process for changing a bylaw, including requirements for notification of neighbours and a public hearing.
2. Concern over impacts to agricultural land
 - There is general concern about the industrial use of this agricultural land.

- Agricultural policies were addressed by the ALR application and subsequent ALC decision;
 - The remaining non-industrial portion of the property remains in the ALR and the ALC has set conditions on how to avoid impacting the ALR land;
 - The application was referred to the Regional Agrologist as directed by the OCP; there was no response to the referral.
3. Need for the service, lack of appropriately zoned land, movement for broader solid waste management planning
- The North Pender Island Land Use Bylaw does not identify a waste transfer facility as a permitted use in any zone; up until now, this use has been permitted by way of temporary use permits issued at various locations over different time periods. In order to legalize the business operations, an application for a temporary use permit or bylaw amendment (rezoning) is required regardless of location.
 - There are voices advocating for a broader community process to focus on planning for waste management on North Pender Island (and even considering South Pender Island as well). This is a topic to consider under the Local Trust Committee's work program and can be further explored in an upcoming discussion on LTC priorities for policy work this term.
4. Concern over contamination to the environment (groundwater, Browning Harbour)
- The drainage study provided by registered professional geotechnical engineers conclude there will not be any contamination of the ground water if recommendations for an enclosed system within the building are followed.
 - The hydrologist report cautions that storing materials directly on the shale base could contaminate Browning Harbour.
 - The hydrologist recommends regular maintenance of the ditches and culverts to avoid contamination of surface water flows.
 - VIHA recommends a 30 metre setback from all wells in the area. This setback recommendation has been added draft bylaw 196.
 - VIHA also recommends regular maintenance of the holding tank be required in a management plan.
 - The NPI LTC can request protection of the existing vegetation on the site by way of a Section 219 Covenant.
5. Concern over impacts to neighbourhood character and enjoyment (traffic impacts, vectors, smell, leachate)
- There will be neighbourhood traffic impacts as a result of the heavy trucks and the residential drop off of garbage. This can be mitigated to some degree with agreed-upon hours of operation as proposed by the applicant.
 - Odours can be controlled through a management plan that specifies operational standards to reduce the potential for odour.
 - VIHA recommended an Integrated Pest Management program be implemented
 - Staff are recommending a management plan be attached to a covenant and registered on title of the property until such a time that the CRD regulates waste management on Pender Island.
 - As a result of neighbour feedback to the draft bylaw, the Local Trust Committee directed changes to the draft bylaw 196 to make clear all materials are to be stored in sealed bins, inside enclosed buildings. This will assist greatly in mitigating the potential for nuisances to migrate beyond the site.

6. North Pender is not regulated by a CRD Waste Transfer Facility regulation
 - Nuisances such as the potential for vectors, dust, litter, odour, and noise would need to be regulated by a management plan attached to a covenant, registered on the property title.
 - There is a CRD noise bylaw and a CRD idling bylaw in effect.

STAFF COMMENTS:

This application seeks rezoning to create a waste transfer facility as a class of industrial zoning on North Pender Island. The subject property is appropriately designated Industrial by the Official Community Plan; an OCP amendment is therefore not required.

The Industrial policies in the OCP require a number of considerations, including avoiding deleterious impacts to adjacent land and avoiding hazardous and environmentally sensitive areas as well as areas suitable for agriculture. The proposal is premised on all leachate being contained in the building, with a sump pump and holding tank; on this basis staff consider the proposal to be substantially consistent with the North Pender Official Community Plan.

The specific site is not in a hazardous or environmentally sensitive area, and its agricultural potential has been impacted by previous industrial uses. The remaining Agricultural zone on the subject property is a working farm; buffering, fencing and setbacks as required by the ALC are addressed by the proposed bylaw. The proposal would not include storing or disposing of hazardous waste, nor the use of the land as a land fill.

Impacts to Climate Change have been considered; having a permanent location for waste transfer may reduce the risk of residents burning or burying waste. The central location may result in reduced vehicle travel in contrast to individuals taking waste off-island. Although no longer part of the proposal, it is important to note that diverting the commercial organic waste from the landfill also supports emission reduction objectives.

However, the OCP does state that applications for industrial rezoning to prove sustainable water supply and waste disposal capability; the waste transfer facility is not proposing to be serviced. The Local Trust Committee needs to consider whether the proposed operation is one that warrants servicing. The applicants maintain that it does not.

Setbacks and the existing vegetation will provide visual and auditory buffers from the adjacent uses. Further buffering, and fencing and landscaping will be provided to fulfill the ALC conditions of approval, and as required by the proposed bylaw. The ALC approval of a non-farm use with conditions further supports the location as appropriate.

DRAFT BYLAW 196

Draft Bylaw 196 seeks to address the potential land use impacts of the proposed waste transfer facility. The bylaw prohibits hazardous waste from being accepted at the facility. The bylaw requires the storage of waste and recycling to be within buildings and stored in leak proof collection bins, with tightly sealing lids. This will mitigate the potential for smells, vectors, and leachate. The draft bylaw permits one scrap metal bin to be stored outside under a covered structure. The bylaw requires landscape screening along the zone boundaries and setbacks which will serve to limit noise, and provide a visual buffer from the street and neighbouring properties. The addition of a 30 metre setback from any wells has been added to the bylaw as a further safeguard.

Proposed Bylaw 196 would rezone the 0.95 acre (0.38 ha) area shown on Plan no. 1 of the bylaw. The remaining area of the current I1(b) zone would retain existing zoning and permit boat storage as the only permitted use. The NPILTC may consider requesting that the covenant also require retention of a vegetative buffer to screen the boat storage use from being visible from the shore. Additional site-specific landscaping requirements are recommended to be included in a s.219 covenant.

MANAGEMENT PLAN

Staff are recommending a management plan be attached to a covenant and registered on title of the property until such a time that the CRD regulates waste management on Pender Island.

Operational measures that have been proposed or recommended could be implemented by a covenant, including:

- A scheduled end of day survey of the site for any possible litter.
- Regular monitoring and maintenance of ditches and culverts
- A maintenance plan for the holding tank
- An Integrated Pest Management Plan
- Household bagged garbage to be removed within 72 hours of pickup.
- Limited hours of operation
- A limit on the number of vehicles entering the site per day.
- Leachates to drain to a concrete catchment with regular monitoring.
- Dust control is proposed to be managed through the application of magnesium chloride. It is recommended that this be further researched or an alternative dust management measure be requested of the applicant by the NPILTC

The LTC should note there are challenges associated with effectively monitoring operational requirements through a covenant. While under the current regulatory context, a covenant is the best available tool to ensure implementation of management objectives, administering such a covenant requires institutionalized procedures that will be one-off, and unique to this covenant. Staff oversight of these requirements will be required, and monitoring will have to occur to ensure no breaches have occurred. The covenant should be discharged if/when the CRD takes regulatory responsibility for the facility's operation.

Implementation Recommendations:

Should the bylaw be adopted, there are a number of outstanding matters that have been raised in this report that the NPILTC could request as conditions of bylaw approval and should be provided or addressed prior to public hearing. These include:

1. An LTC initiated peer review of the hydrologist report;
2. An alternative method to magnesium chloride that can be used to manage dust pollution and that will not introduce contaminants into the environment;
3. A section 219 covenant to implement the operational measures described above as well as other required recommendations arising from professional reports, referral agencies, or public input;
4. A section 219 covenant to prevent the removal of vegetation within 15 metres of the natural boundary.

OPTIONS

The LTC has a number of options at this juncture. If there is consensus that the application has merit and the bylaw is sound at a basic level, the LTC should consider First Reading to enable a public consultation process and further staff work. The bylaw and associated conditions of approval can be fine tuned as the process unfolds. If there is consensus that the use is not

suited to the site, the application should proceed no further. The LTC may also want to wait until it considers whether land use planning for waste management on North Pender Island is chosen as an LTC top priority.

Option 1: Proceed with Bylaw 196

- Consider the Islands Trust Policy Statement
- Give the bylaw first reading
- Direct staff to schedule a Community Information Meeting

Option 2: Proceed no further with Bylaw 196

- Staff would initiate a cost recovery process with the applicant to refund a portion of the application fees in accordance with the fees bylaw.
- The applicants could apply for a Temporary Use Permit as alternative to rezoning.

Option 3: Defer Consideration

- It may be easier for the LTC to consider whether to continue with this application once it has had a discussion about the potential benefits of a community wide land use discussion on waste management on the Penders.
- If this option is chosen, it is recommended the subject staff report be brought to the following LTC meeting to consider options 1 & 2 again. This is to ensure procedural fairness in not deferring consideration indefinitely.
- The applicants could apply for a Temporary Use Permit as alternative to rezoning.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee defer consideration of NP-RZ-2012.1 pending the outcome of the work program and top priority discussion at the February 3, 2015 Special Local Trust Committee Meeting.

Appendices:

Appendix 1: Draft Bylaw 196

Appendix 2: Islands Trust Policy Statement Checklist

Prepared and Submitted by:

Justine Starke

Date: January 9, 2015

Concurred in by:



Robert Kojima
Regional Planning Manager

January 9, 2015

Date

DRAFT

As amended June 26, 2014

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 196

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. by adding the following new definitions to Section 1.1 (Definitions) in alphabetical order:

"hazardous waste" means any chemical compound, mixture, substance or article which is defined as a hazardous waste in the Hazardous Waste Regulation enacted under the *Environmental Management Act*.

"waste transfer facility" means the use of a site, buildings and structures for receiving, collecting, storing, sorting, and transferring, and ~~composting~~ solid waste and recyclable waste that originate from residential, commercial, institutional, demolition or construction sources;

2. By adding a new Industrial (I3) Zone following Section 8.9 as follows:

"8.9A Industrial (I3) Zone

8.9A.1 Subdivision Requirements

- (1) No lot having an area less than 1.2 hectares may be created by subdivision in the Industrial 3 Zone.

8.9A.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Industrial 3 Zone
 - (a) Waste transfer facility.

8.9A.3 Conditions of Use

- (1) All waste materials, ~~compost~~, and recycling must be contained within sealed collection bins and within buildings, located on

impervious surfaces designed with a drainage control system to prevent any contamination to the environment.

- (2) Despite 8.9A.3(1) one bin for the storage of bulk metal may be stored within a covered structure outside of a contained building.
- (3) Hazardous waste is prohibited from being collected, stored, or composted at a waste transfer facility.
- (4) Asbestos is prohibited from being received, collected, stored, or transferred at a waste transfer facility.

8.9A.4 Buildings and Structures

- (1) Waste transfer facilities must , provide leak proof collection bins with tightly sealing lids which are located within buildings.

8.9A.5 Lot Coverage

- (1) Lot coverage within the zone shall not exceed 33%.

8.9A.6 Setbacks

- (1) No building or structure may be located
 - (a) within 30 metres of any front, rear, interior side, or exterior side lot line.

8.9A.7 Height

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

8.9A.8 Landscape Screening

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

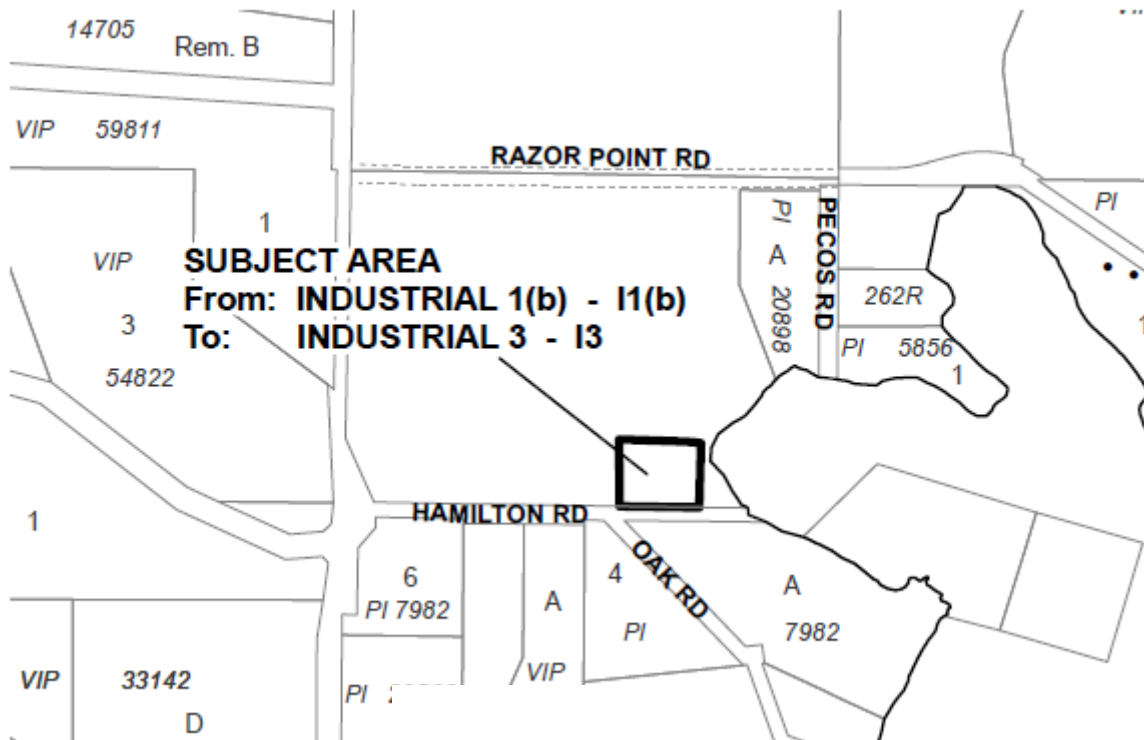
8.9A.9 Signs

- (1) In addition to Section 5.2 (Sign Regulations – Commercial and Industrial Zones), additional signage must be posted within waste transfer facilities and recycling facilities to indicate which materials are accepted and which materials are prohibited, and to provide contact information for the facility operator in case of emergency.

- 3. 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.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 196

PLAN No. 1





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
	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.
	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	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.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
✓	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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

Date: January 5, 2015

File No.: NP-RZ-2014.1

X-Ref: Bylaw 198
NP-SUB-2012.2
NP-NAPTEP-2014.1

To: North Pender Island Local Trust Committee
For the meeting of January 22, 2015

From: Justine Starke, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: **NP-RZ-2014.1 – Wallace Point Rezoning for Common Dock**

Owner: 0697595 BC Ltd.

Applicant: Michael Philpot, President/Director 0697595 BC

Location: Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except part in Plan 19554 (7950 Plumper Way)

THE PROPOSAL:

The purpose of this application is to amend the Water 1 zone of the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) to permit a 83.6m² (899.9 ft²) existing dock, which due to its size cannot be permitted under the W1 zoning, and to prohibit any additional docks adjacent to the property. The dimensions of the float are 18.3m x 4.6m (60ft x 15ft). The dock structure is located in the Water 1 (W1) zone abutting an upland property zoned Rural Residential (RR). Draft Bylaw 198 has been prepared for consideration of First Reading by the North Pender Island Local Trust Committee.

BACKGROUND:

Background to this application including previous reports is available on the Islands Trust website at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications.aspx>.

The subject property is also currently being subdivided into three strata lots plus common property (NP-SUB-2012.2). As a condition of the W1 bylaw amendment, the owner has agreed to restrict each of these lots from having its own dock (as would otherwise be permitted under zoning) and to use the existing dock as a shared facility for all three lots. The property owner is also working with the Trust Fund Board to protect a large portion of the upland for conservation values using a Natural Areas Property Tax Exemption Program (NAPTEP) covenant. Please see Appendix 2 to view the plan of subdivision and the Preliminary Layout Approval issued by the Ministry of Transportation and Infrastructure.

The owner was issued a License of Occupation from the Ministry of Natural Resource Operations (formerly Integrated Land Management Bureau) in September 2007 for a 60m x 36m area for the installation of a dock structure consisting of a ramp and float. At that time, the plans attached did not show the dock as being larger than that permitted by the bylaw. The oversize dock was brought to the attention of Islands Trust through a bylaw enforcement complaint.

In 2010, there was a Development Variance Permit process initiated to remedy the non-conforming dock; this application was not supported by staff at the time and was withdrawn before being

considered by the NPILTC. A main reason for non-support was the 225% increase in the size of the dock over that permitted by the LUB and the inability to control further docks from being installed adjacent to the proposed new lots. The applicant at that time proposed to trade-off further dock construction, but there was not a legal mechanism to restrict other docks from being constructed (the water zone surrounding the property boundaries is owned by the crown and cannot be restricted by covenant). The owner has now opted to rezone the water which offers the NPILTC the opportunity to use zoning to restrict the construction of two additional docks adjacent to the future strata lots.

The NPILTC reviewed this application as a preliminary proposal on August 28, 2014. The following resolutions were passed:

NP-2014-078

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2014.1 (0697595 BC Ltd.), and to prepare a draft bylaw.

CARRIED

NP-2014-079

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to give early notice to First Nations re: rezoning application NP-RZ-2014.1 (0697595 BC Ltd.).

CARRIED

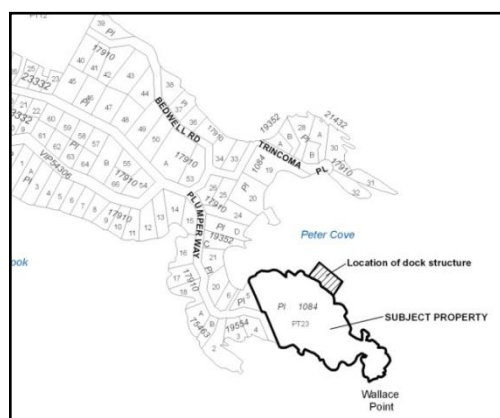
SITE CONTEXT:

The subject property is located on Wallace Point at 7950 Plumper Way, in the Trincomali neighbourhood. The subject property is approximately 2.9 hectare (7 ac) in size and is surrounded by much smaller lots, in the range of 0.12 to 0.4ha. The dock structure is located on the north-east side of the property, in Peter Cove facing Bedwell Harbour. There are few docks constructed in the Trincomali neighbourhood, although there are a number of mooring buoys located in the sheltered waters of Peter Cove and Bedwell Harbour. Photographs taken during a site visit are included for reference.

Figure 2: Orthophoto and 2 metre Contour Intervals



Figure 1: Subject Property





Above and to right: Photos of the dock in Peter Cove, in different seasons, with and without boat moored. The area of the float is 83.6m². The max. area currently permitted by the LUB is 37 m².

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The Trust Council Directives Only Checklist (Appendix 3) is attached for consideration by the Local Trust Committee. The draft bylaw 198 is considered either in compliance with, or not applicable to, the policies found in the checklist.

The bylaw is consistent with policies in the *ecosystem preservation and protection* section, policies for *stewardship of resources* and policies for *sustainable communities*. The checklist will be forwarded to the Executive Committee after Third Reading of the bylaw.

Official Community Plan:

The property is designated Rural Residential and the water is designated Marine in the Official Community Plan (OCP). Relevant policies in the OCP include:

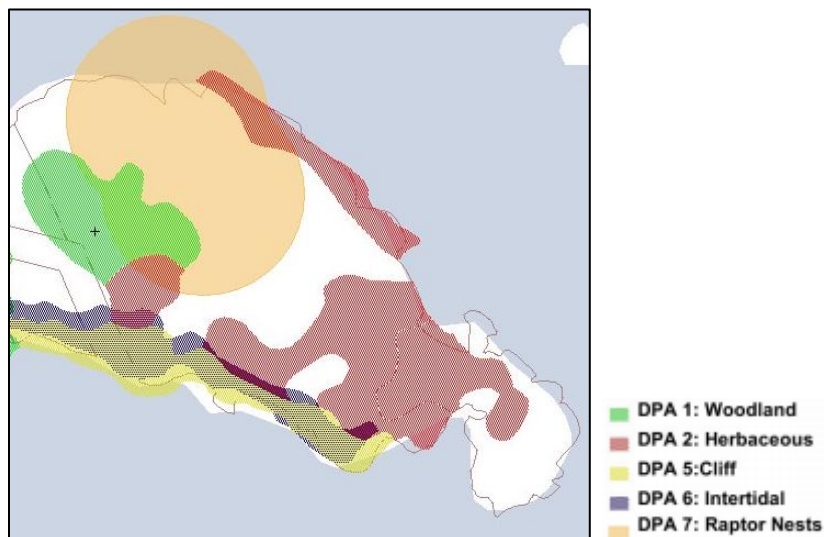
- 4.2.1 Regulations should protect natural coastal processes from the impacts of development.
- 4.2.3 Use of the foreshore and the surface of marine waters within the North Pender Island Local Trust Area shall be regulated by zoning.
- 4.2.6 Marshes, bluffs and other natural features along the coast shall be protected from erosion, pollution and other impacts of development by:
 - ensuring that any use of the foreshore does not result in permanent damage to natural features;

- encouraging use of community docks or multi-user docks; and
- ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

The subject area of the dock over the water is not within a DPA, however the upland property is subject to the following Development Permit Areas (these are being addressed as a condition of the upland subdivision application):

- ✓ Development Permit Area 1: Woodland
- ✓ Development Permit Area 2: Herbaceous
- ✓ Development Permit Area 5: Cliff
- ✓ Development Permit Area 6: Intertidal
- ✓ Development Permit Area 7: Raptor Nests (there are two overlapping nest sites)

Figure 3: Development Permit Areas



Land Use Bylaw: The subject property is zoned Rural Residential (RR) as are the surrounding properties. The marine water in the area subject to this application is zoned Water 1 (W1). Permitted uses in the W1 Zone include:

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

Under S. 8.19.6, the maximum water area that may be covered by floats and wharves is 37 m² (398.3 ft²). The permitted width of any ramp or walkway, including handrails, used to access any float or wharf is 1.5 metres (4.9 ft).

Islands Trust Fund: There is currently a NAPTEP covenant proposed for registration on the property, which was approved by Trust Council on June 18, 2014. The proposed covenant area includes much of the sensitive ecosystem Development Permit Areas, including mature woodland ecosystems (both Douglas-fir / Arbutus woodland and a small Garry oak woodland) and an herbaceous ecosystem (coastal bluff ecosystem). Coastal juniper (blue listed) is present in a small patch and the bluffs had prickly pear cactus, which is not rare, but is particular to dry rocky sites in the islands. Camas and Death camas were also noted in the NAPTEP proposal. There are two mapped eagle nest trees within the proposed covenant area and there is extensive evidence of River Otter use. There are dense Bull Kelp beds off of the point which are good fish and invertebrate habitat. Other rare plants may be present, but the site was not visited at the appropriate time for observation. The land is a point and is largely surrounded by ocean.

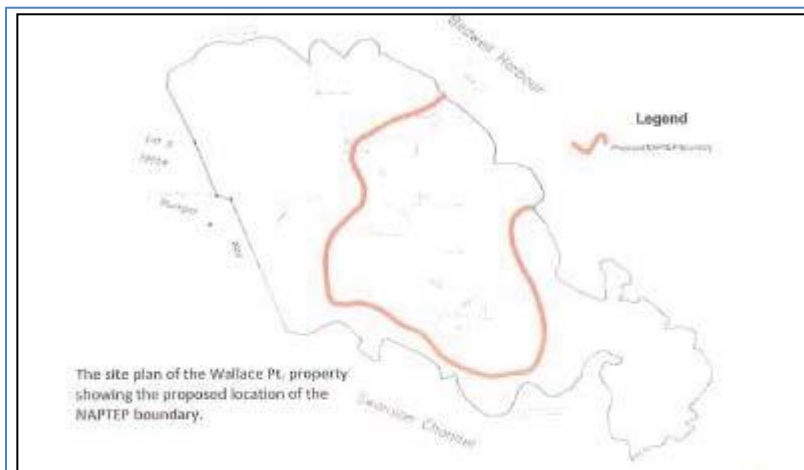
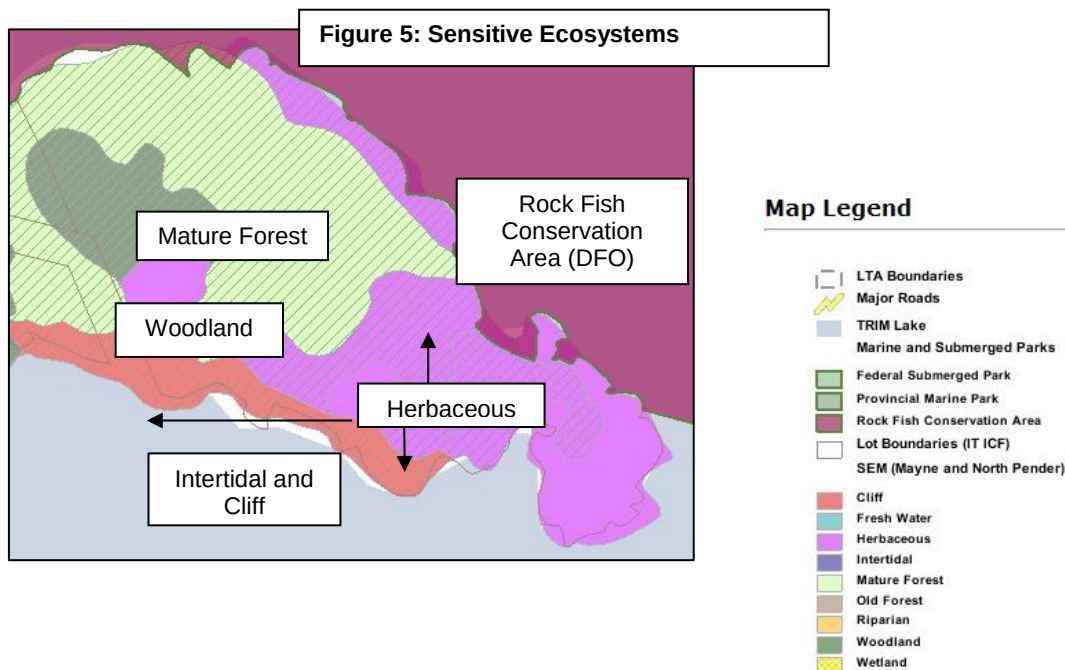


Figure 4: Proposed Covenant Boundary (note the proposed protected area includes the point and the majority of the property's shoreline, the orange outline surrounds the excluded area.)

Sensitive Ecosystems and Hazard Areas:

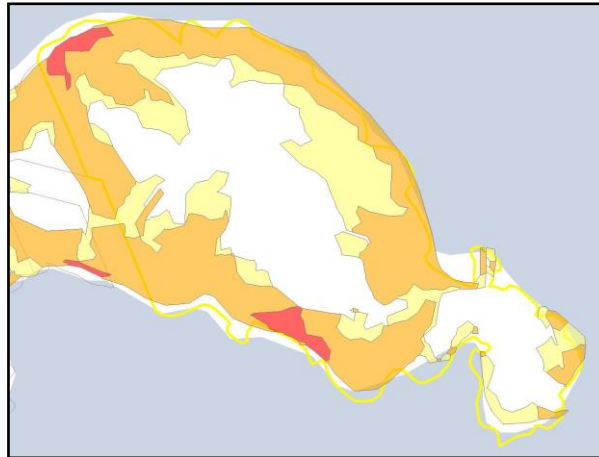
The property contains a number of sensitive ecosystems, which have been identified by the Development Permit Areas sensitive intertidal, woodland, herbaceous, and cliff ecosystems, as well as for raptor nests. The marine waters in that area of Bedwell Harbour are identified as a Rock Fish Conservation Area by the Department of Fisheries and Oceans. The dock structure is not located within the sensitive intertidal DPA, but is in the Rock Fish Conservation area which restricts fishing activities in this area.



Steep Slope Hazard Mapping

The steep slope hazard mapping shows areas of low, moderate and high hazard areas on the subject property. According to GIS data the property has a high point at 28 metres from sea level, with a moderately steep drop of approximately 14-18m to the shoreline which encircles the property.

Figure 6: Steep Slope Hazard Mapping



Archaeological Sites: There is an archaeological site registered in the provincial database located in the vicinity of the subject property; however, the dock structure is well over 100m away from the site. As has been confirmed through the subdivision process, the area will be included in the land protected the NAPTEP covenant, and therefore sterilized from development. The Ministry of Transportation and Infrastructure is also addressing any archaeological impact by requesting confirmation of support from the Archaeology Branch as a condition of Preliminary Layout Approval for the subdivision.

The Islands Trust preliminary bylaw referral to First Nations in September 2014 resulted in a request by Lyackson First Nation for photos of the land where the dock ramp is attached. After reviewing the photos, the Lyackson staff responded: "We have no objection to the proposal as we see no direct impacts to an archaeological site. That does not necessarily mean there is no cultural site of significance to us, just simply that we do not have the resources or capacity to explore this matter further" (K. Johnnie, email, November 10, 2014).

Covenants: There are no covenants registered on title.

Climate Change Mitigation and Adaptation: Coastal environments are vulnerable to future changes in sea level, storm frequency and storm intensity due to climate change. The dock structure is located in an area of rocky shoreline and the applicant has indicated the float was engineered to withstand extreme weather events.

Shoreline The shoreline type has been identified as "sea cliff." Sea cliffs are hard, mostly bedrock shores with slopes steeper than 20%. Sea cliffs are resistant to erosion and tend to be stable over a human time scale. Sediment transport rates along shoreline nearby sea cliffs are low, because

of the limited sediment they supply to the nearshore. Sea cliffs in the Gulf Islands support the common upper intertidal zone community of barnacles, rockweed and blue mussels, at all wave exposures. Associated species include limpets, periwinkles, shore crabs, and sea stars. Bull kelp, a highly productive habitat, occurs throughout the Gulf Islands in nearshore rocky areas, often at rocky headlands like sea cliffs or areas of higher tidal currents.

Other: The owner was issued a License of Occupation from the Ministry of Natural Resource Operations (formerly Integrated Land Management Bureau) in September 2007 for the dock, specifically for a 60m x 36m license area consisting of a ramp and float. The area of the lease does not need to be expanded as a result of this rezoning application; it is of sufficient area to accommodate the larger dock.

Professional Reports:

The applicant was requested to provide development approval information under the Development Approval Information Bylaw 134. A professional report by a marine biologist has been provided which identifies what impacts the excess area of the dock may have on the surrounding marine environment, with specific note of any sensitive marine ecosystems and/or the habitat of rare or threatened species. The report considers whether the dock disrupts natural coastal processes and the relative impacts of the larger dock versus one to three smaller docks, with consideration of the impact to the marine habitat of removing the dock. The report concludes that:

Docks have impacts, but they are legally permitted structures on the subject property. This assessment focused on the difference between the adverse affects of the existing size dock relative to a permitted dock of less than half its size. Overall, several dock related concerns have been mitigated through citing [sic] and construction choices. Other concerns exist regardless of the difference in dock size. Issues associated with dock presence and the loss of unobstructed shorelines increase with each dock citing. The primary concerns from this dock relate to the potential interference with sediment transport processes into Peter Cove and the loss of light to the subtidal and intertidal community below the dock. Impacts to sediment transport processes are considered minimal primarily due to the low volume of fine sediment moving past the dock into Peter Cove, but also the low number of pilings (two) that can interfere with wave energy. Light is reduced to a greater extent from the larger structure, however the reduction in available habitat is considered minimal (McDuffy, M. 2014. "Assessment of Near shore Habitat Impact of Oversized Dock, Wallace Point, North Pender Island, BC," (p. 11).

This report can be viewed at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications.aspx>.

REFERRALS AND COMMUNITY INFORMATION MEETING(S):

As requested at the last meeting, a preliminary referral was sent to the following First Nations.

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson*
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo

- Stz'uminus
- Tsartlip
- Tsawout
- Tsawwassen
- Tseycum

* The preliminary referral to Lyackson First Nation was acknowledged with a request for more information, specifically pictures of the land where the dock attaches. Pictures were sent by staff and a response from Lyackson was received, which states: "We have no objection to the proposal as we see no direct impacts to an archaeological site. That does not necessarily mean there is no cultural site of significance to us, just simply that we do not have the resources or capacity to explore this matter further."

Should the NPI LTC give the draft bylaw 198 First Reading, referrals will be sent to the following agencies for comment (the LTC may also direct staff to include other agencies not listed). Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- Trust Fund Board
- Ministry of Forest, Lands & Natural Resource Operations
 - Archaeology Branch
 - Ecosystems Branch
 - Crown Lands and Resources
- Ministry of Transportation and Infrastructure
- Department of Fisheries and Oceans
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee

In addition, the public hearing notice would be circulated to all property owners and tenants within 100 metres of the subject property in advance of the public hearing. Prior to public hearing, the LTC will also be asked to determine if a community information meeting should be held separate from the public hearing.

RESULTS OF CIRCULATION:

Previously, although the 2010 application for DVP was never heard by the Local Trust Committee, the statutory neighbourhood notification was conducted and the variance request was circulated to neighbouring residents and owners for comment; no comments were received. The applicant also conducted his own survey of the neighbourhood with a prepared letter for residents to sign that explained the variance request and stated they had no objections. Of 19 properties visited, contact was made with 15, and of those, 12 signed the letter of no objection. The applicants' survey information is on file at Islands Trust.

ISSUES SUMMARY:

1. Regulating the maximum water area that may be covered by floats serves to:
 - reduce both localized and the cumulative impacts of floats on the coastal environment;
 - reduce the visual impacts of dock structures for adjacent property owners; and
 - protect the rural character of the island shoreline as seen from the sea.

2. Floats block sunlight for aquatic plants, which may lead to a loss in fish habitat. Limiting the size of permitted structures also helps to avoid an armoured appearance to a shoreline that could occur with multiple private dock structures along the waterfront. The Trust Policy Statement and OCP policies that support sharing of docks or community docks are examples of one approach to help deter this occurring.
3. The North Pender OCP supports multi-user, shared docks where there is no disruption to natural coastal processes. The subject dock is not a community dock (i.e. not for public use), but will be a multiple user dock (i.e. would serve 3 strata lots); this is consistent with the policies which do not discriminate between public facilities or the sharing of private facilities.
4. The OCP calls for an environmental impact assessment to determine the impacts of multiple user docks. Consistent with the Development Approval Information Bylaw, a professional report has been provided to identify any impacts the excess area of the dock may have on the surrounding marine environment. The report concludes that the primary concerns of 1) interference with sediment transport and 2) a reduction of light caused by the dock have minimal impact.
5. The central land use question for consideration concerns the relative impacts of the existing, oversize dock, versus the potential for up to three 37m² docks permitted as accessory to the proposed new strata lots.

STAFF COMMENTS:

The professional report has confirmed that the environmental impact of the larger dock is assumed to be less than the impact of three regular sized docks, and not out of proportion with the impacts of one smaller dock. The chain anchoring of the dock to the sea floor allows natural coastal processes to flow and the ramp to the dock allows light to filter through it. The relative impact of shading the float has on the sea floor is considered less than the impacts of habitat damage that would occur by removing the dock.

Draft Bylaw 198 is attached for consideration of First Reading by the North Pender Island Local Trust Committee. The Bylaw proposes a new site-specific Water 1(c) zone (W1(c)) and the zone boundary has been drafted to avoid any potential impacts to adjacent neighbouring properties. The draft bylaw covers the entire shore of the subject property and the new zone only permits one dock. Should the applicant's proposed subdivision be approved, the zone variation would restrict the new lots from having additional docks. Through the subdivision process, staff can ensure the dock continues to be adjacent to common property in the bare land strata plan of subdivision. Consideration of impacts of the oversize dock should take this tradeoff into account. The biologist report has confirmed that the impact of one larger dock is less than the cumulative impacts of three 37m² docks.

With these factors in mind, staff support Draft Bylaw 198 being given First Reading and being sent out for agency referrals. Staff also advise the application be sent to Advisory Planning Commission for feedback. The Local Trust Committee may also consider giving staff direction to schedule a community information meeting and public hearing at this time. Amendments or substantive revisions that may result from the referral process or from community input can be considered at second reading of the bylaw.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee gives FIRST READING to 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).
2. THAT the North Pender Island Local Trust Committee refer Bylaw 198 and the staff report dated November 10, 2014 to the Advisory Planning Commission for advice.
3. THAT North Pender Island Local Trust Committee has reviewed and agrees with the Islands Trust Directive Policy Checklist as attached to the Staff Report for NP-RZ-2014., dated January 5, 2015.
4. THAT the North Pender Island Local Trust Committee direct staff to schedule a public hearing and community information meeting for 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).

Prepared and Submitted by:

Justine Starke

January 5, 2015

Concurred in by:



Robert Kojima
Regional Planning Manager

January 8, 2015

Date

Attachments:

Appendix 1: Draft Bylaw 198

Appendix 2: Plan of Subdivision & PLA

Appendix 3: Islands Trust Policy Statement Checklist

BYLAW NO. 198

120

PUBLIC HEARING HELD this day of , 20

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

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

APPROVED BY THE EXECUTIVE COMMITTEE this day of , 20

ADOPTED this _____ day of _____, 20____

Chair

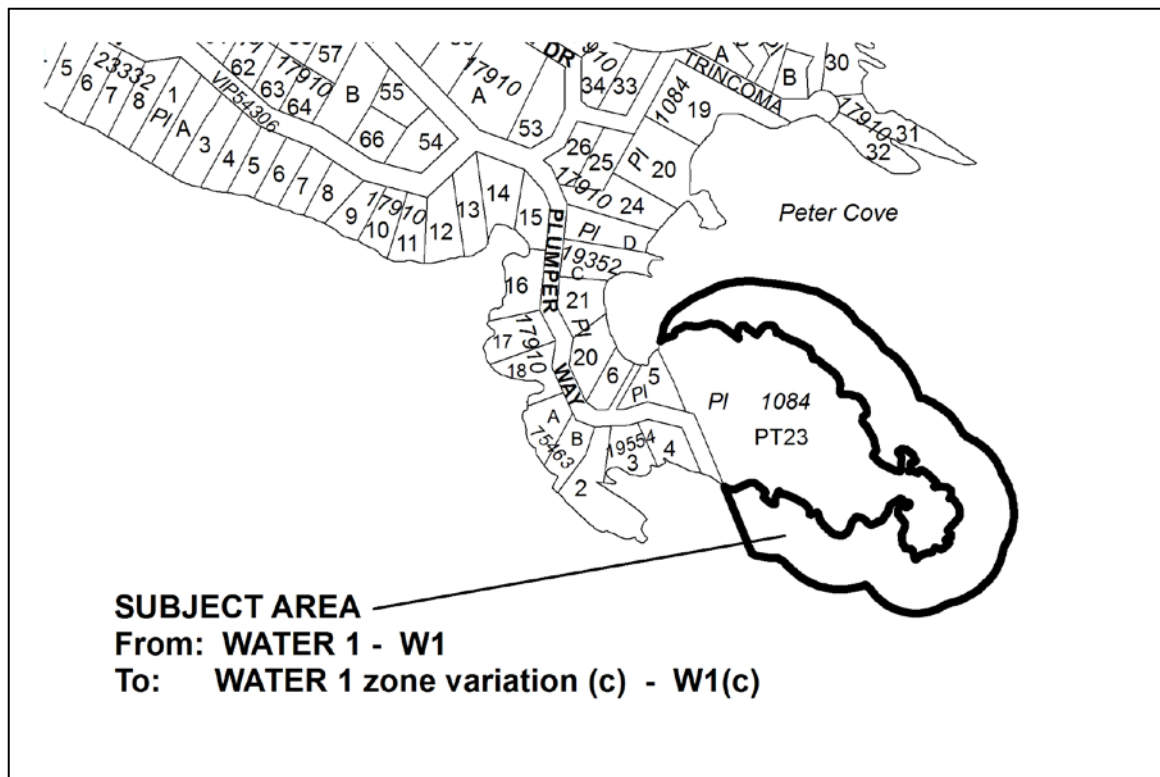
Secretary

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:





**PROPOSED SUBDIVISION
PRELIMINARY LAYOUT
APPROVAL**

Michael Philpot;
c/o Richard J. Wey & Associates Land
Surveying Inc.
4-2227 James White Boulevard
Sidney, British Columbia V8L 1Z5

Your File #: 80187
eDAS File #: 2012-03582
Date: September 19,
2013

**Re: Proposed Subdivision of Lot 23, Section 6, Pender Island, Cowichan District,
Plan VIP1084, except part in Plan VIP19554**

Please note that this revised PLA letter replaces the letter issued October 17, 2012

Your proposal for a 3 lot Bare Land Strata subdivision has received preliminary layout approval, subject to the following condition(s):

1. Written confirmation from the Islands Trust that all applicable bylaws and regulations have been complied with, including proof of potable water for each lot.
2. Written confirmation from the Islands Trust that all applicable development and development variance permits have been issued, prior to submission of final plan.
3. Written confirmation from the Islands Trust that the 10% frontage requirement, pursuant to Section 944 of the Local Government Act, has been waived for proposed strata Lot A.
4. Written confirmation from Archaeology branch that registered archaeology site DeRt-14 is not impacted by the proposed development.
5. Applicant to comply with access to water, pursuant to Section 75(1)(c) of the Land Title Act, to the satisfaction of the Provincial Approving Officer.
6. Provision of an acceptable flood covenant, registrable pursuant to Section 219 of the Land Title Act, that prohibits construction of a dwelling within 15m or below 1.5m above the natural boundary of Bedwell Harbour and/or Swanson Channel. Covenant to be in favour of the Capital Regional District and Her Majesty the Queen in Right of the Province of British Columbia, as Represented by the Minister of Transportation and Infrastructure.
7. Applicant to comply with all requirements of the Strata Property Act.
8. Written confirmation from VIHA that an appropriate common sewage system has been designed and constructed to good engineering practices.

Local District Address
Saanich Area Office 240-4460 Chatterton Way Victoria, BC V8X 5J2 Canada Phone: (250) 952-4515 Fax: (250) 952-4508

9. Written confirmation from the Pender Island Fire Department that recommendations outlined in their letter dated August 2, 2012 have been addressed to their satisfaction.

10. Proposed common driveway access to be constructed to the satisfaction of the Provincial Approving Officer prior to final approval. A valid access permit is required for connection of the proposed driveway to Plumper Way. (permit application form attached)

11. Final survey plan to be in strict compliance with revised plan by Richard J. Wey dated June 14, 2013.

12. Note: Applicant to contact BC Hydro regarding the requested pole line SRW, as per their letter dated August 24, 2012.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of this letter. However, if at any time there is a change in legislation or regulations this preliminary layout approval is subject to review and may be cancelled.

Submission of Final Plans (Mylar and 5 prints) to be accompanied by a current Tax Certificate (FIN 55), together with a plan examination fee of \$100.00 plus \$100.00 per lot created by the plan (for a Total of \$400). If paying by cheque, make payable to the Minister of Finance.

If you have any questions please feel free to call Ryan Evanoff at (250) 952-4495.

Please quote file number 2012-03582 when contacting this office.

Signed on behalf of Provincial Approving Officer by

A handwritten signature in black ink, appearing to read 'Ryan', with a long horizontal line extending to the right.

Ryan Evanoff
Development Approvals Technician – Saanich Area Office

Cc: Islands Trust, Planning

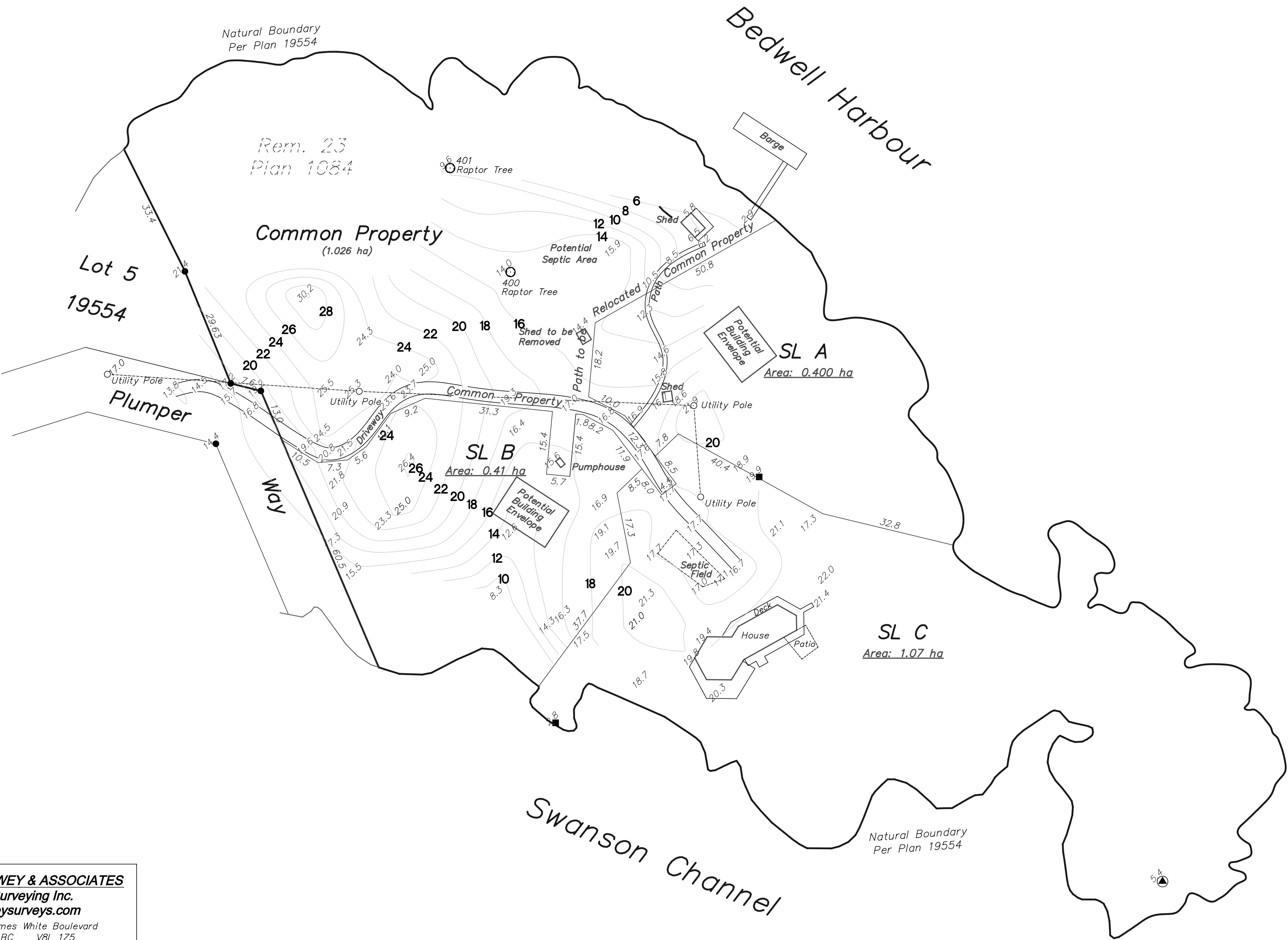
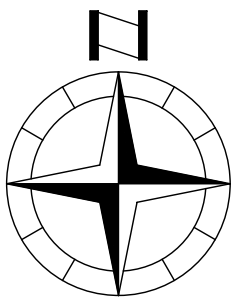
Plan of Proposed Strata Development of
Lot 23, Section 6, Pender Island,
Cowichan District, Plan 1084, Except Part In Plan 19554.

Dated this 14th day of June, 2013.

Distances and elevations shown are in metres.

Elevations are based upon assumed datum.

Scale = 1: 750



RICHARD J. WEY & ASSOCIATES
Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 80187e\Pro\LE



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 198 – NP-RZ-2014.1 (Philpot)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	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.
N/A	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.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	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.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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



Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
2	Conservation Subdivision Review	• identify natural and cultural features to be prioritized for protection • community engagement • engage key stakeholders, including property owners of larger lots • review options to implement in LUB and OCP	Feb-28-2013	Robert Kojima Justine Starke	Oct-01-2014	On Going
3	Age and disability friendly communities	Explore age and disability friendly community planning, with an initial focus on parking and access in commercial and service zones.	May-22-2014	Justine Starke	Nov-06-2014	On Going

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

No.	Description	Activity	Received/Initiated	Status
1	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	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects:		Jan-22-2009	On Going
	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			
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
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	Mar-22-2012	On Going

- 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

7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	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	Sep-20-2012	On Going
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

Applications w/ Status - North Pender Island

Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2014.2	Marianne E. Davies	Oct-24-2014	5414 HOOSON RD & 5410 HOOSON RD Variance to S.4.9.3 of LUB prohibiting split zoning. Boundary adjustment with cross referenced file.

Planner: Phil Testemale

Planning Status

Status Date: Dec-31-2014

circulated and report prepared for January agenda

Status Date: Oct-24-2014

opened file, gave to Planner, cc'd LTC, contacted mapping for mailout

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2014.3	Murray and Sharon Vasilev	Dec-02-2014	1201 WESTWIND RD Seek permission for structures as they exist.

Planner: Justine Starke

Planning Status

Status Date: Jan-13-2015

Notification send to neighbours (Jan 9 -21)

Status Date: Jan-13-2015

Permit and staff report drafted, waiting to confirm LNC status of septic tank

Status Date: Dec-02-2014

opened file, processed fee, notified LTC, gave to Planner

File Number	Applicant Name	Date Received	Purpose
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NP-DVP-2014.4

Dustin Heigh

Dec-18-2014

4302 BEDWELL HARBOUR RD

To build a second storey on proposed shop building.

Planner: Justine Starke

Planning Status

Status Date: Jan-13-2015

File assigned to PT

Status Date: Dec-18-2014

opened file, gave to Planner, notified LTC, processed fee

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.1	Jody Bradley	Jan-06-2015	4814 CANNON CRES construction of accessory building for residential use

Planner: Phil Testemale

Planning Status

Status Date: Jan-07-2015

opened file, gave to Planner, processed fee, forward to LTC

Rezoning

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

Planner: Justine Starke

Planning Status

Status Date: Jan-13-2015

Staff report prepared for January 22 2015 meeting

Status Date: Nov-27-2014

APC Site visit and meeting scheduled for early December

Status Date: Oct-14-2014

Drainage Report Received, APC meeting date TBD.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.2	Clam Bay Holdings Ltd	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planner: Kim Farris

Planning Status

Status Date: Oct-20-2014

Ministerial approval of OCP amendment received

Status Date: Aug-05-2014

Draft covenants sent to applicant for review

Status Date: Jun-10-2014

CIM/PH scheduled for June 26th LTC meeting

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

Planner: Justine Starke

Planning Status

Status Date: Jan-13-2015

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

Status Date: Nov-27-2014

Emailed applicant requesting status update

Status Date: Sep-25-2014

Sent reminder email. Waiting for response.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.2	JC Cosh & JF Wood c/o Karl Hamson for the Elder Project	Jul-08-2013	4601 BEDWELL HARBOUR RD To amend the LUB to rezone the rural portion of the lot to allow for a 24 unit seniors housing complex plus necessary support structures and facilities

Planner: Justine Starke

Planning Status

Status Date: Dec-23-2014

Applicant confirmed application status is on hold.

Status Date: Nov-27-2014

Emailed applicant requesting status update

Status Date: Sep-24-2014

Spoke with applicant; still on hold.

File Number	Applicant Name	Date Received	Purpose
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NP-RZ-2014.1

0697595 BC LTD Jul-07-2014
(Philpot)

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: Jan-13-2015

Staff Report and draft bylaw prepared for Jan 22 2015 LTC

Status Date: Nov-27-2014

Nov 27 LTC Mtg Cancelled; application to proceed at next LTC meeting.

Status Date: Nov-10-2014

Draft Bylaw 198 for consideration of 1st Rd at Nov. 27 LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	RJ Wey & Associated Land Surveying (Philpot) Planner: Justine Starke	Jul-24-2012	Proposed 3 lot Strata Development

Planning Status

Status Date: Jan-13-2015

Applicant continuing to work through PLA req'ts

Status Date: Aug-18-2014

On-going - Sub conditions being fulfilled

Status Date: May-29-2014

Communications with applicant have confirmed DVP and DPs as well as other requirements as conditions of PLA

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross Planner: Kim Farris		2218 CLAM BAY RD To create 11 lots including remainders

Planning Status

Status Date: Dec-31-2014

applicant has determined location of access route, proceeding with application

Status Date: May-29-2013

Applicant to determine location of strata road access prior to initiating the required DP

Status Date: Apr-11-2013

PLA received from MOTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.2	Ene Haabniit	Jul-09-2014	4446 HOOSON RD and 5431 HOOSON RD To create a boundary adjustment between 4446 and 5431 Hooson.

Planner: Phil Testemale

Planning Status

Status Date: Dec-08-2014

Referral response e-mailed to MoTI;owner PT

Status Date: Nov-28-2014

fee received, notified LTC, gave file to Planner

Status Date: Aug-15-2014

Called applicant, left message noting the sub app and fee had not been received to date

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.3	Marianne Elizabeth Davies	Sep-30-2014	5410 HOOSON RD 5414 HOOSON RD To create a boundary line adjustment between two properties.

Planner: Phil Testemale

Planning Status

Status Date: Oct-15-2014

Comments e-mailed to MoTI, DVP Required

Status Date: Oct-07-2014

fee received, notified LTC, gave file to Planner

Status Date: Oct-01-2014

opened file, sent letter to applicant requesting fee and form cc'd LTC and MoTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.4	Wey Mayenburg Land Surveying Inc	Oct-30-2014	6626 & 6624 RAZOR POINT RD Boundary adjust between two properties.

Planner: Phil Testemale

Planning Status

Status Date: Nov-18-2014

Referral Response e-mailed

Status Date: Nov-10-2014

received fee, notified LTC, gave file to Planner

Status Date: Oct-30-2014

opened file, notified applicant for fees

Islands Trust

LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending December 2014

650 North Pender	Invoices posted to Month ending December 2014	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	700.00	1,082.70	-382.70
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	2,228.81	521.19
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	683.03	66.97
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	1,562.86	-812.86
TOTAL LTC Local Expense		<u>4,550.00</u>	<u>4,474.70</u>	<u>75.30</u>
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	3,095.96	-95.96
73001-650-4028	North Pender Conservation Subdivision/Shoreline Review	2,000.00	1,589.33	410.67
73001-650-4029	North Pender Road/Transportation Amendments	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>7,500.00</u>	<u>4,685.29</u>	<u>2,814.71</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE OF 2015 BUSINESS MEETINGS

**THE LTC WILL MEET ON A THURSDAY OF EACH MONTH
DATE, TIME, AND LOCATION AS INDICATED**

January 22, 2015	Time: 9:45 a.m. Location: Pender Community Hall 4418 Bedwell Harbour Rd
February 26, 2015	Time: TBA Location: TBA
March 26, 2015	Time: TBA Location: TBA
April 30, 2015	Time: TBA Location: TBA
May 21, 2015	Time: TBA Location: TBA
June 18, 2015	Time: TBA Location: TBA
July 30, 2015	Time: TBA Location: TBA
September 10, 2015	Time: TBA Location: TBA
October 29, 2015	Time: TBA Location: TBA
November 26, 2015	Time: TBA Location: TBA

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ALL MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/islands/local-trust-areas/north-pender

Email: information@islandstrust.bc.ca

Phone: 250-405-5151