North Pender Island Local Trust Committee
Regular Meeting Agenda

Date:	August 28, 2014
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

   2.1 Additions/Deletions

   2.2 Questions from the Public on Agenda Items

3. Community Information Meeting

   None

4. Public Hearing

   None

5. Previous Meetings 9:50 AM - 10:15 AM

   5.1 Local Trust Committee Minutes

      5.1.1 North Pender Island Local Trust Committee Meeting Minutes of June 26, 2014 (attached) 4 - 12

      For consideration to Adopt

   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 (attached) 13 - 14

      For consideration to Receive

      5.2.2 North Pender Island Local Trust Committee Public Hearing Record of June 26, 2014 (attached) 15 - 16

      For consideration to Receive

   5.3 Section 26 Resolutions-without-meeting

      None

5.4 Advisory Planning Commission/Task Force to be received

None

6. Business Arising from the Minutes

6.1 Follow-up Action List (attached) 17 - 18

FUAL Report dated August 2014

7. Delegations

None

8. Correspondence

[Correspondence received regarding an application(s) or project(s) is listed with the application/project]

8.1 June 23, 2014 Letter from D. Durant RE: Einer's Hill Bypass Route (attached) 19 - 24

9. Applications, Permits, Bylaws and Referrals 10:15 AM - 11:00 AM

9.1 NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw) - Staff Report (attached) 25 - 80

9.2 NP-RZ-2014.1 (0697595 BC LTD) - Staff Report (attached) 81 - 90

9.3 NP-CL-2014.1 (Shaw-Ledcor) - Response Letter (attached) 91 - 94

For information

9.4 Referral - Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan - Staff Report (attached) 95 - 118

10. Local Trust Committee Projects 11:00 AM - 12:00 PM

10.1 Conservation Subdivision - Staff Report (attached) 119 - 132

10.2 Age and Disability Friendly Planning - Staff Report & Project Charter (attached) 133 - 143

11. Reports 12:00 PM - 12:30 PM

11.1 Work Program Report - Staff Memo (attached) 144 - 154

Work Program report dated August 2014

11.2 Applications Report (attached) 155 - 158

Application report dated August 2014

11.3 Bylaw Enforcement

None

11.4 Expense/Budget Reports

11.4.1	LTC Expense Report - dated June 2014 (attached)	159 - 159
11.4.2	LTC Expense Report - dated July 2014 (attached)	160 - 160
11.4.3	2015-16 Budget Submissions - Staff Report (attached)	161 - 165

11.5 Adopted Policies and Standing Resolutions (attached) 166 - 166

For information

11.6 North Pender LTC Web Page

The North Pender Island Local Trust Committee Web Page can be found at:

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

11.7 Chair's Report

11.8 Trustee Report

12. Other Business

12.1 North Pender Community Stewardship Awards

12.2 Upcoming Meetings

The next meeting of the North Pender Local Trust Committee will be held on Thursday, October 30, 2014 at 9:45 am, at the Pender Island Community Hall.

13. Town Hall Meeting 12:30 PM - 1:00 PM

14. Adjournment 1:00 PM - 1:00 PM

DRAFT

North Pender Island
Local Trust Committee
Minutes of a Regular Meeting

Date of Meeting:	**Thursday, June 26, 2014**
Location:	**Pender Island 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:	Nine 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 the 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 Add Unsightly Properties to discussion under existing item 11.3
12.3 Community Stewardship Award Presentation

By general consent the agenda was approved as amended.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

3.1 Bylaws No. 195 & 197 re: NP-RZ-2012.2 (Clam Bay Farm)

See separate Community Information Notes dated June 26, 2014.

4. PUBLIC HEARING

4.1 Bylaws No. 195 & 197 re: NP-RZ-2012.2 (Clam Bay Farm)

See separate Record of Public Hearing dated June 26, 2014.

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 North Pender Island Local Trust Committee Meeting Minutes of May 22, 2014.

The May 22, 2014 minutes were amended as follows:

7.1 paragraph four ("There was discussion…"), third bullet, that the word "fully" be removed.
11.1 paragraph one, third line, that "was had" be amended to read "took place".
11.7 that this item be amended to read (in its entirety) "Chair Luckham spoke regarding the upcoming Trust Council meeting on Saturna, and noted that the Community Stewardship Awards will be announced".

By general consent, the North Pender Island Local Trust Committee Meeting Minutes of May 22, 2014 were adopted as amended.

5.2 Public Hearing Records and Community Information Meeting Notes received.

None

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 Starke, provided information from the Follow-Up Action Report dated June 18, 2014.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 May 18, 2014 Letter from D. Perch re: Submission Recorded in April 24, 2014 Public Hearing Record

Re: the letter from Dennis Perch, Trustee Hancock noted that the comments requesting amendment of the Public Hearing Record were not germane to the content of the Land Use Bylaw, so there was no need to respond.

Chair Luckham added that the Public Hearing Record was a summary of public comments (i.e. not a verbatim account).

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 North Pender Island Local Trust Committee Proposed Bylaws No. 195 & 197

Regional Planning Manager Kojima noted that there had been a Community Information Meeting and Public Hearing concluded earlier today, on Proposed Bylaws No. 195 and 197 re: rezoning application NP-RZ-2012.2 for Clam Bay Farm.

NP-2014-065
It was MOVED and SECONDED,
That North Pender Island Local Trust Committee Proposed Bylaw No. 197, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014" be read a Second time.

CARRIED

NP-2014-066
It was MOVED and SECONDED,
That North Pender Island Local Trust Committee Proposed Bylaw No. 197, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014" be read a Third time.

CARRIED

NP-2014-067
It was MOVED and SECONDED,
That North Pender Island Local Trust Committee Proposed Bylaw No. 195, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014" be read a Second time.

CARRIED

NP-2014-068
It was MOVED and SECONDED,
That North Pender Island Local Trust Committee Proposed Bylaw No. 195, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014" be read a Third time.

CARRIED

NP-2014-069
It was MOVED and SECONDED,
That North Pender Island Local Trust Committee Proposed Bylaws No. 197 and 195 be referred to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

NP-2014-070
It was MOVED and SECONDED,
That North Pender Island Local Trust Committee Proposed Bylaw No. 197 be referred to the Minister of Community, Sport, and Cultural Development for approval.

CARRIED

The Trustees thanked Islands Trust staff for their fine work on the Clam Bay Farm application, and the Applicant for their patience and professional work.

9.2 NP-RZ-2012.1 (Burdett)

Island Planner Starke reviewed the June 18, 2014, Staff Report for NP-RZ-2012.1 (Burdett) – a rezoning application for a waste transfer station and in-vessel composter at 4606 Razor Point Road (with Hamilton Road access). Draft Bylaw No. 196 was presented for consideration. The applicants were present.

There was discussion between the Trustees, Planners, and applicants.

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.

CARRIED

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.

CARRIED

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."

9.3 NP-TUP-2014.2 (Bigham)

Island Planner Starke reviewed the June 17, 2014 Staff Report for NP-TUP-2014.2 (Bigham), an application to renew a Temporary Use Permit on Port Washington Road for storing and handling aggregates, soil and mulch, wholesales, accessory bulk retail sales, and storage of recreational vehicles.

The applicant was present to answer the Trustees' questions. He had stated that if a three-year temporary use permit renewal was granted, he intended to apply for rezoning during that time.

NP-2014-073
It was MOVED and SECONDED,
That the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2014.2 (Bigham) for a renewal period of three years.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Conservation Subdivision Project Charter Update

Island Planner Starke reviewed the June 16, 2014, Memorandum which summarized the June 14, 2014, Conservation Subdivision Workshop with interested property owners, potential next steps, and the updated Project Charter. Staff suggested further review of policy and regulatory options, and

that additional analysis would be presented at the next Local Trust Committee Meeting.

The Trustees were pleased with the positive property owner and community response thus far, and looked forward to receiving further information.

11. REPORTS

11.1 Work Program Report

Island Planner Starke confirmed that there was a detailed Memorandum re: potential changes to the Work Program Projects List which was missing from the agenda package but would be included in the next agenda package. Island Planner Starke presented the proposal onscreen, and the Trustees gave preliminary feedback.

11.2 Federal Marihuana for Medical Purposes Regulations

Regional Planning Manager Kojima reviewed the May 26, 2014, Staff Report re: new Federal Marihuana for Medical Purposes Regulations, and local government options for response.

> **By general consent,** the North Pender Island Local Trust Committee did not choose to take any action at this time.

11.2 Applications Report

Island Planner Starke reviewed the Applications Report dated June 18, 2014.

11.3 Bylaw Enforcement Reports

Trustee Steeves raised the issue of a local source having noticed unsightly premises with dumps of building materials and waste. Regional Planning Manager (RPM) Kojima suggested that the source make an anonymous complaint, and then Bylaw Enforcement could investigate and use options such as ticketing.

11.4 Expense/Budget Reports

The May, 2014 Local Trust Committee Expense Report was available.

11.5 Adopted Polices and Standing Resolutions

This report was unchanged.

11.6 North Pender LTC Web Page

The Local Trust Committee web page could be found at www.islandstrust.bc.ca/islands/local-trust-areas/north-pender

11.7 Chair Report

Chair Luckham said that he was just back from the Trust Council meeting on Saturna, where the Community Stewardship Awards were announced, including Brian Hollingshead for tremendous work on coastal ferry services.

11.8 Trustees Report

Trustee Hancock reported on his advocacy with the Ministry of Transportation & Infrastructure re: Einar's Hill road safety concerns. An MOTI Operations Manager was going to assess this corner with an engineer and then get back to Trustee Hancock.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next meeting of the North Pender Island Local Trust Committee is scheduled for Thursday, August 28, 2014, (9:45 am, Pender Island Community Hall).

12.2 SGI EDC Food and Agriculture Strategy Briefing

A briefing had been provided to Local Trust Committees about the Southern Gulf Islands Economic Development Commission (SGI EDC) Food and Agricultural Strategy project, by Jeff Weightman, CRD Project Manager. Regional Planning Manager (RPM) Kojima said that prospective contractors were being evaluated.

12.3 Community Stewardship Awards Presentation

Trustee Steeves noted the Community Stewardship Award to be presented posthumously to Barrie Morrison and the Nancy Waxler-Morrison, for their fund supporting conservation covenants. Trustee Steeves would follow up with the Pender Islands Conservancy Association to coordinate a family presentation.

13. TOWN HALL MEETING

Ron Henshaw expressed concerns re: NP-RZ-2012.1 (Burdett) as follows:

- Allowing community/Town Hall comments at the time of Trustee discussion.
- Assessing potential pollution when rain runs off over impermeable surfaces.
- Whether the west access road would be considered an industrial non-farm use.
- The need for the Staff Reports to incorporate updated site photos.
- The considerable Agricultural Land Reserve encroachment from this proposal.
- The need for significant community consultation and looking at all the facts.

Peter Gannon expressed concerns re: NP-RZ-2012.1 (Burdett) as follows:

- His property being near the proposed Burdett site, and therefore affected.
- The Staff Report suggestion that the location was suitable to the proposed use because it was near Driftwood Mall services (he disagreed).
- Available reports suggesting problems with Earth Tub composters and odour.
- The need for a professional report on potential compost odour from the proposal.

Island Planner Starke explained the planning principle of complete community, which could be interpreted to support having a waste/recycling centre near the central mall.

Trustee Steeves noted how the Trustees are challenged to think in terms of mitigating climate change by encouraging the grouping of trips to services, but said that he personally didn't think closeness to the Driftwood Mall was a pertinent issue.

Applicant Mike Burdett responded to concerns by describing his plans, saying that he lived near the proposed use as well, so if there was odour, it would not continue.

Oliver Gannon expressed concerns re: NP-RZ-2012.1 (Burdett) as follows:

- His property being across the road 20 feet from the proposed Burdett site.
- Browning Harbour and Marina being close to the proposed Burdett site.
- Visitors to the marina/pub walking near a solid waste/composting location.
- Waste transfer stations typically being in areas with various industrial uses.
- Smell was his biggest concern, which could be addressed by a professional study showing that the proposed activities would not cause this.

Trustee Steeves explained that the Local Trust Committee was legally obligated to consider any application for rezoning, and they would not make any decision about NP-RZ-2012.1 (Burdett) until there had been additional information provided, referrals, and significant community consultation.

Trustee Hancock said that his research suggested composting systems needed to be carefully managed, which could potentially be accomplished through the CRD Composting Bylaw. For this Bylaw to apply, local zoning had to permit a use. The Local Trust Committee had to have an open mind to all new information as they considered applications.

Chair Luckham said that his research suggested some problems with in-vessel composting, technically and in various locations. There would be more opportunities for consultation and dialogue about such concerns with the Burdett proposal.

Sara Steil expressed opposition to both aquaculture and marihuana growing in the Southern Gulf Islands, which she felt the Local Trust Committee should rezone in advance to prohibit. She also mentioned the petitions she had sent to the Local Trust Committee about pleasure boats not dumping sewage in the Islands Trust area, and more pump out stations being installed.

14. ADJOURNMENT

NP-2014-074
It was MOVED and SECONDED,
That the North Pender Island Local Trust Committee meeting be adjourned at 1:52 pm.

CARRIED

_____
Peter Luckham, Chair

CERTIFIED CORRECT:

_____
Zorah Staar, Recording Secretary

DRAFT

North Pender Island Local Trust Committee

Notes of a Community Information Meeting

Date of Meeting:	**Thursday, June 26, 2014**
Location:	**Pender Island 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:	Nine members of the public

3. Community Information Meeting

3.1 Bylaws No. 195 & 197 re: MP-RZ-2012.2 (Clam Bay Farms)

Chair Luckham called this Community Information Meeting to order at 10:00 am, as part of a Regular Meeting of the North Pender Island Local Trust Committee (see separate minutes).

The Chair noted that the purpose of this Community Information Meeting was to share information and invite community members to ask questions about or informally comment on the following:

- North Pender Island Local Trust Committee Proposed Bylaw No. 195 (cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014"); and
- Proposed Bylaw No. 197 (cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014").

Regional Planning Manager (RPM) Kojima commented as follows:

- Bylaws No. 195 and 197 concerned rezoning application NP-RZ-2012.2 (Clam Bay Farm), to allow clustering of 2 dwellings and 2 cottages, remove some agricultural uses, permit temporary farm worker accommodation, and create an ecological zone.
- The Bylaws were attached to the agenda package, and there was more information at www.islandstrust.bc.ca/islands/local-trust-areas/north-pender (under Current Applications).
- The two covenants had now been reviewed by legal counsel, and no changes of consequence were recommended.
- Applicant Bo Helliwell was present, along with Farm Manager Dan Hodgins.

Applicant Bo Helliwell described the proposed main dwelling (which he said would not be prominent), the property and its conservation zone, and the intentions of the owners to have a working farm. He also answered questions from the Trustees.

Chair Luckham invited members of the public to ask questions.

Marika Kenwell asked if the vineyard of grape vines would stay.

Farm Manager Dan Hodgins said yes, and that grapes were currently being sold to the Sea Star Vineyard/Winery on Pender.

Trustee Steeves said that Clam Bay's Farm Plan was on the web page, and it involved a lot more than grape growing.

Chair Luckham invited additional questions, but there were none. He declared the Community Information Meeting concluded at 10:19 am.

CERTIFIED CORRECT:

_____ _____

Zorah Staar, Recording Secretary **Date**

DRAFT

North Pender Island Local Trust Committee
Record of a Public Hearing

Date of Meeting:	**Thursday, June 26, 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:	Nine members of the public

4. PUBLIC HEARING

4.1 Bylaws No. 195 & 197 re: NP-RZ-2012.2 (Clam Bay Farms)

Chair Luckham called this Public Hearing to order at 10:19 am, as part of a Regular Meeting of the North Pender Island Local Trust Committee (see separate minutes).

This was a Public Hearing for the following proposed bylaws regarding rezoning application NP-RZ-2012.2 (Clam Bay Farm), for which a Community Information Meeting had just concluded (see separate notes):

- North Pender Island Local Trust Committee Proposed Bylaw No. 195 cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014"; and
- Proposed Bylaw No. 197 cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014".

Chair Luckham read out a statement of the procedures and rules for Public Hearings, pursuant to the Local Government Act. This included that no further submissions on the bylaws could be made to the Trustees after today's hearing. The materials prepared or received to date were in the available binder.

Regional Planning Manager (RPM) Kojima confirmed that the Notice of Public Hearing had been published, posted, and distributed as required, and referrals had been sent to other agencies. The responses were as follows:

- No submissions received from the public.
- No responses received from First Nations.
- Ministry of Transportation & Infrastructure had no objections, subject to the road dedication occurring.
- Capital Regional District – interests unaffected.
- Mayne Island Local Trust Committee – interests unaffected.
- Salt Spring Island Local Trust Committee – not able to comment.
- Saturna Island Local Trust Committee – interests unaffected.

Chair Luckham then invited members of the public to comment about Proposed Bylaws No. 195 and 197.

Sara Steil commended the North Pender Island Local Trust Committee for their due diligence, monitoring the level of development on the Clam Bay property to a reasonable level, and protecting conservation values.

Chair Luckham called three times for further comments or submissions about the proposed bylaws. There being none, he declared the Public Hearing adjourned at 10:31 am.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

_____ _____

Zorah Starr, Recording Secretary **Date**

Islands Trust

Follow Up Action Report w/ Target Date

North Pender Island

Nov-29-2012

No.	Activity	Responsibility	Target Date	Status
1	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going

Apr-24-2014

No.	Activity	Responsibility	Target Date	Status
12	Trustee Hancock to contract MoTI area manager concerning safety issues on einar's hill	Ken Hancock	May-21-2014	Done

Jun-26-2014

No.	Activity	Responsibility	Target Date	Status
1	Item 5.1 - Minutes of NPILTC meeting of May 22, 2014 amended and adopted.	Lori Foster	Jul-10-2014	Done
1	Item 9.1 Proposed Bylaws 195 & 197 (Clam Bay). Both bylaws given Second and Third Reading. - Done Refer Bylaw to EC and MoCSCD.	Kim Farris Sharon Lloyd-deRosario	Jul-24-2014	Done
1	Item 9.2 - NP -RZ-2014.2 (Burdett) Applicant to provide additional information as per staff report, draft bylaw amended and sent to referral agencies, refer draft bylaw to NPIAPC once additional information has bee received. Enter into cost recovery with applicant for drafting of covenants.	Justine Starke	Jul-24-2014	On Going
1	Item 9.3 - NP-TUP-2014.2 (Bigham) - Issue TUP renewal.	Sharon Lloyd-deRosario Justine Starke	Jul-24-2014	Done

1	Item 12.3 - Liaise with conservancy and representatives on arranging a ceremony for awarding the Morrison family with a community stewardship award.	Gary Steeves	Aug-28-2014	On Going

RECEIVED
JUL 17 2014
ISLANDS TRUST

June 23, 2014

Islands Trust
200 - 1627 Fort Street,
Victoria, B.C.
V8R 1H8

COPIED TO
☑ PLANNER
☑ LTC
☐ _____

Attention: Gary Steeves
North Pender Island Local Trustee

Dear Sir:

RE: Einar's Hill Bypass Route

I want to thank you for the way in which you handled the recent meeting with the special interest group, Moving Around Pender (MAP) regarding their proposal for an off road trail to bypass Einar's Hill. First of all, I would like to applaud the work that groups like MAP and others have done in creating alternative eco-friendly transportation routes around Pender Island. Initiatives like "Car Stop" have done a great job in reducing the impact of carbon producing vehicles around the island.

I also wish to state that I support the idea of establishing a safe pedestrian/bicycle corridor around Pender Island. However, MAP's proposal for the Einar's Hill Bypass route has raised some serious concerns. Their proposal calls for a pedestrian/bicycle route to bypass a section of Bedwell Harbour Road around Einar's Hill via an off road trail. First, I feel that the proposal for Einar's Hill isolates and addresses only one section of this road and certainly not the worst portion along the route. The section of the road from the Community Hall along the Ross-Smith farm poses far more serious problems for non-vehicular traffic than does the portion around Einar's Hill. Einar's Hill at least poses a peripheral verge that can be utilized for pedestrian and bike traffic.

The section near the Community Hall does not.

I believe that any viable plan for providing safe pedestrian and/or bicycle routes through this area need to be wide ranging and long term. The overall nature and use of the existing roadway needs to be considered in its entirety with special consideration given to sections of the road that have the most significant problems. I do not think it is enough to simply designate one section of the roadway for improvement if other worse sections of the road exist. And given that most pedestrian and bicycle traffic utilize the pre-existing roadways I think that modifying or improving existing roadways should be given priority.

We also need to take into consideration which option makes the best financial sense. I think financial analysis for both (all) options need to be established prior to any final decisions being made. It isn't simply enough to decide that an off road trail is a good idea. Financial considerations must also come into play if limited economic recourses are allocated to this or any other project.

As you can imagine there are also numerous logistical concerns surrounding off road trails that need to be addressed prior to establishing the trail. These include issues re environmental impact, maintenance, liability, and policing. Have any environmental studies been done? How do we know if these trails are impacting sensitive woodland areas? Who is to clean these trails and ensure they are in good working order? Who is to monitor them? How do we ensure that people actually keep to these trails?

A further concern has to do with the actual use of the proposed trail. Is the trail is to be used by both pedestrians and bicycles? As far as I understand the trails in the Magic Lake area of Pender Island are strictly limited to pedestrian traffic. Is it feasible to

allow the use of bicycles on this one section of trail if people are restricted from using bikes on other trails? And if bikes are allowed on this trail that raises the question of parking - where would they leave their vehicles if they chose to bike or walk only one portion of the trail?

The issue of parking along Bedwell Harbour Road already poses serious congestion issues as is evident from the parking predicament created by the Saturday market. In fact, as far as I am concerned it is this stretch of road that poses the worst problem of access along the whole section of roadway. When the road is congested there is not anywhere to walk at all except directly on the road itself or in the ditch. As mentioned Einar's Hill at least has a small peripheral pathway already existing that can be easily walked or cycled.

Also, if the trail is to be used for both pedestrians and bikes what is to prevent other motorized vehicles such as ATV's, motorcycles or scooters from using this trail? Liability is of course, also a major concern. Who is to take liability in the case of accident or fire? As you can imagine fire prevention is of significant concern to residents. In the event of a fire, fire trucks would have little or no access to these off road trails. In summer one casually dropped cigarette could lead to a major fire. And if it spread into the park it could encompass Magic Lake in the blink of an eye. I can't stress enough the danger the threat of fire poses to the inhabitants of a small community such as Pender Island. Has MAP discussed any of these issues with local fire officials?

Also as far as I understand the proposed trail bisects both private property and an active airfield. The airfield is in constant use by small aircraft and the medevac helicopter. Another section of the proposed trail traverses what is essentially a private roadway, coming within meters of a private residence before veering off through woodland. Are people really going to be comfortable

leaving the flat road way and using a trail that troops uphill past a private residence simply in order to bypass a short stretch of roadway? I know I wouldn't. We need to know the answer to this question prior to building this trail!

As mentioned how are we to keep people to the actual trail itself. What is to prevent them from veering off through the flatter, easier to walk section of the airstrip? What procedure will be in place if people do go off the proposed trail and veer off onto private property? What is to prevent people from going off the trail and camping out? We have had cases of people "living off the land" in both parks and on private property.

In conclusion, I would briefly like to mention Map's handling of their proposal. I don't believe this group has acquired an official land survey in order to establish the actual route of their proposed trail. Surely, this must be a first step. Furthermore, as far as I understand it the Ministry of Transportation considers the support of the community essential in approving any program that makes use of gazetted roadways for public use. I have heard that a proposal for this off road trail had been discussed and distributed to various organizations yet few residents of Pender Island have even heard of this proposal let alone seen a copy of it.

In fact, the only way that most residents know anything about MAP's scheme is either by encountering MAP representatives trespassing across private property or via the rumour mill. I personally don't think this shows good faith on the part of this group to engender legitimate community support for their project. In fact, it feels a bit like they are intending to slip their proposal in through a back door without consulting anyone.

And as many people I have talked to on an informal basis have expressed reservations about this proposed trail, I feel that community involvement in any decision making process should be

a priority. The community needs to be made aware of what is being considered and actively involved in the decision making process prior to any final determination being made. I believe we need to provide a public forum for concerned parties to get together to have collaborative input, to gather information and propose ideas with an eye on the best use of available resources both now and in the future.

These are just a few of my concerns. As I am sure you can appreciate there are many issues that need to be addressed and/or ironed out prior to MAP receiving approval for this trail. Also, I do not feel that Moving Around Pender (no matter how well intentioned) or any other partisan group for that matter should unilaterally decide which access routes for pedestrian or bicycle traffic are viable and which are not. Other options besides the single off trail route proposed by MAP needs to be considered and MAP representatives need to make public disclosure and community involvement a primary focus of their agenda.

Thank you for your kind consideration of my concerns.

Sincerely,

Donna Durant

cc Ryan Evanoff
Ministry of Transportation District Development Technician

cc Marcia Morash
Superintendent of the Gulf Island National Park Reserve

cc John Chapman
Moving Around Pender

cc Niall Parker
Moving Around Pender

STAFF REPORT

File No.: NP-TUP-2014.3 xref NP-DP-2014.3

To: North Pender Island Local Trust Committee for the meeting of August 28, 2014

From: Kerry Thompson, Co-op Planner I

CC: Robert Kojima, Regional Planning Manager

Re: Staff Report for NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw Communications)

Owner: GRL Holdings Ltd.
Applicant: Shaw Communications Incorporated
Location: 5838 Wallace Road (on property addressed 5827 Schooner Way)
Legal: THAT PART OF LOT 6, SECTION 7, PENDER ISLAND, COWICHAN DISTRICT, PLAN 1695, LYING OF THE EAST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 260 FEET FROM THE EASTERLY BOUNDARY OF SAID LOT, PID: 002-885-182

THE PROPOSAL:

This application is for a renewal of an expired existing Temporary Use Permit (TUP), and the amendment of a Development Permit.

A temporary permit for industrial use (Attachment 1) was issued to Shaw Communications on February 25, 2011 in order to construct a 107m^2 building for the purpose of housing equipment for "the supply and distribution of cablevision and internet service as a regulated service utility, but not including retail or office services". A concrete block wall was also constructed adjacent to the embankment on the west side of the building. A Form and Character Development Permit was also issued (Attachment 2). Several conditions accompanied the issuance of the permits, including conformity to the site plan, monitoring of drainage measures, sediment control, landscaping, and storage of hazardous materials. As required by the conditions of the permits, the installation of adequate landscaping and drainage has been verified by independent qualified professionals (Attachments 3 and 4).

It should be noted that there were some modifications to both site and landscaping plans as compared with those that were approved by the Local Trust Committee in 2011. However, staff reviewed the changes prior to implementation and found them substantially consistent with the original plans. The updated, as-built plans have been included in the TUP renewal application, and an application for a Development Permit amendment has also been submitted for the

purpose of updating the plans. Draft Temporary Use and Development Permits are attached as Attachments 5 and 6, respectively.

The renewal of the TUP is intended as an interim measure; the owner has continued to consult with staff about having that portion of the property rezoned for industrial use.

SITE CONTEXT:

The subject property is 0.82 ha (2.03 acres) in area and is split zoned Commercial 1 with an approximate 12-13 meter strip along the southern boundary zoned Rural. The western portion of the property is currently developed with a commercial building for the former Medicine Beach Market (now renamed), a liquor store, and a coffee shop, and an area containing garbage disposal bins for Pender Island Waste Management. East of the existing commercial site, a 4-6 metre embankment declines to a plateau where the Shaw building, parking, and septic field are now located. A small "ephemeral" creek is located just north of the Shaw site, but it has been confirmed that it is not designated under the Riparian Areas Regulation. A new access for the Shaw building was constructed off Wallace Road, and CRD Building Inspection determined that the street address of the lower site is 5838 Wallace Road (in contrast to the existing address of the commercial site, 5827 Schooner Way).

Rural zones surround the property on north, west, and south sides. The Medicine Beach Nature Sanctuary, in the Ecological (ECO) zone, is adjacent to the property on the east.

Figure 1: Subject Property

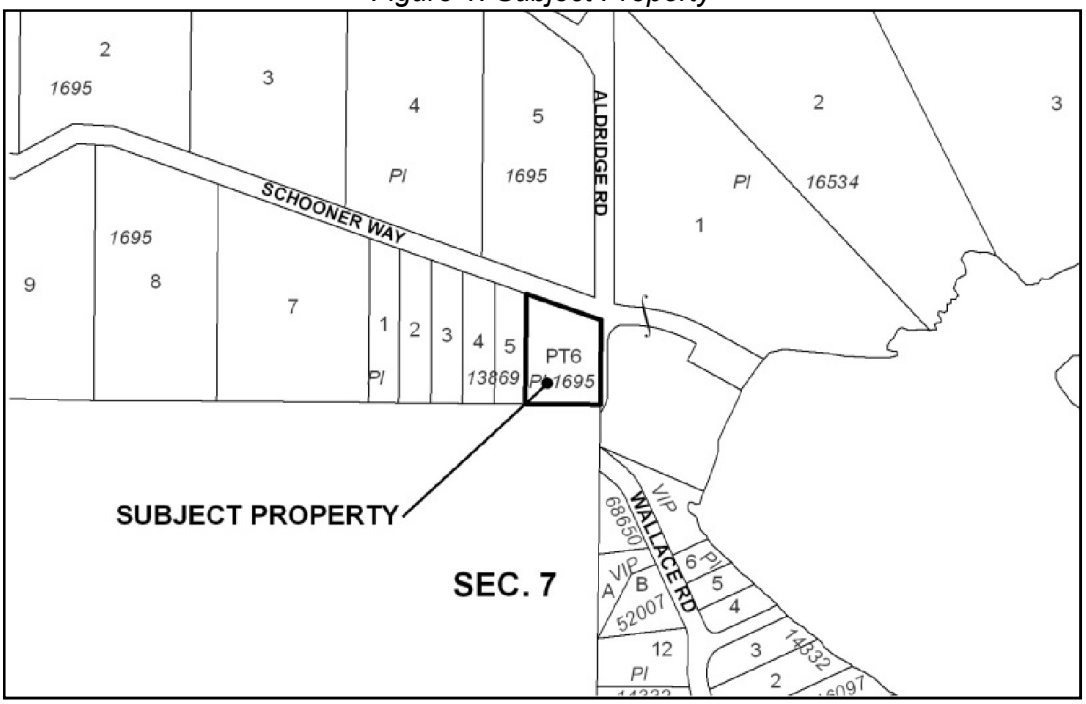


Figure 2: Orthophoto of Subject Property (2009)



As noted above, the Shaw site itself (located on the southeast part of the property) contains the following:

- Access driveway from Wallace Road.
- Unpaved, gravel parking area for three vehicles.
- Approximately 107m^2 prefabricated steel Shaw building (Figure 6).
- Two satellite dishes on a concrete base, with protective bollards (Figure 4).
- An emergency generator on a concrete base (Figure 4, 5).
- Approximately 3m high retaining wall, with chain link fencing on top (Figure 5).

The development is only intended for use by Shaw employees or contractors who are on-site intermittently. Although the majority of equipment is contained within the building or attached shed, a recent site visit by Islands Trust staff revealed some equipment (mostly spools of cable) being stored near the parking area (Figure 4, 5).

Figure 3: Wallace Road access



Figure 4: Parking area



Figure 5: Lock block retaining wall with fence



Figure 6: Site view



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan:

The subject property is designated Commercial in the Official Community Plan (OCP). Part 6 of the OCP authorizes the LTC to issue a Temporary Use Permit for any area covered in the plan and may specify conditions under which a temporary use be approved. A TUP may be issued for up to a three year period, with only one renewal permitted. Policies relevant to the Commercial designation, as well as the climate change impacts of the development, were considered in the review of the 2011 TUP application, and permit conditions were drafted accordingly.

Development Permit Areas:

The Commercial and Industrial Form and Character development permit area (DPA) applies to the subject property. Given compliance with the DPA Check List, a Development Permit was issued in 2011 (Attachment 2). The design of the structure and the landscape is substantially consistent with the plans attached as conditions of the permit. Minor variations from the approved plans were reviewed by staff prior to implementation and deemed to be sufficiently consistent. The proponent is applying for an amendment to the Development Permit to bring the site and landscaping plans into conformity with as-built specifications.

Land Use Bylaw:

The subject property is split zoned Commercial 1 with an approximate 12-13 meter strip along the southern boundary zoned Rural. The purpose of the application is to continue industrial use of the land that is not permitted within these zones.

Islands Trust Fund:

There are no Trust Fund Board covenants on the property. The Islands Trust Fund does own the adjacent Medicine Beach Nature Sanctuary. The Islands Trust Fund supported the original application NP-TUP-2010.2 and requested to be informed about any subsequent renewals. Islands Trust Fund staff have indicated that they have no concerns with the renewal.

Regional Conservation Plan (RCP):

North Pender Island has been identified as an area for moderate conservation focus. The use of the property is consistent with the RCP goal to "Promote community participation in conservation within the Islands Trust Area through *effective stewardship and management of private lands*…" (emphasis added). The proposal does not conflict with biodiversity priorities, and has addressed biodiversity concerns with its landscaping, drainage, and sediment control measures.

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystems on the property. There are some areas of low and medium steep slope hazard, but the development has largely avoided these areas, and has mitigated the hazard by constructing the lock block retaining wall, and retaining or establishing new plantings for slope stabilization.

Figure 7: Steep slope hazard



Archaeological Sites:

There are no registered archaeological sites on the property or in close proximity. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the BC Archaeology Branch.

Covenants:

There are no registered covenants on title.

Bylaw Enforcement:

A land use violation dated from 2008 was subsequently resolved in 2010, and bears no relation to the current application.

Climate Change Mitigation and Adaptation:

Based on GIS data, the eastern boundary of the subject property is 8 metres above sea level at the southern corner, rising to 14 metres above sea level at the northern corner. Being adjacent to the conservation area Medicine Beach may provide a natural buffer for storm events and storm surges. The plateau where the Shaw development is located had been cleared prior to the original application, and there was no substantial removal of soil or vegetation. The development has not produced any new vehicle trips on the island.

COMMUNITY INFORMATION MEETING(S):

Temporary Use Permits do not require Community Information Meetings or public hearings.

RESULTS OF CIRCULATION:

Temporary Permit Renewals do not require notification, per *Local Government Act* Section 921(13).

STAFF COMMENTS:

Section 920.2 of the British Columbia *Local Government Act* states that an Official Community Plan or a zoning (land use) bylaw may provide general conditions and designate areas where temporary use permits (TUP) may be allowed. The North Pender Official Community Plan Bylaw No. 103 states that the Local Trust Committee may issue temporary use permits for all areas covered by the plan (i.e. all of North Pender Island).

A Temporary Use Permit (TUP) is a flexible planning tool used to permit and regulate a use on a property that would otherwise not be permitted due to the current zoning. A TUP can be issued for a period of up to 3 years, with a possibility of renewal for up to an additional 3 years. The renewal of a permit is at the discretion of the LTC. .

The purpose of the TUP is to test whether or not the proposed use is appropriate at the subject site, in advance of an anticipated future rezoning. The current application is a renewal of the existing TUP, which has expired. As indicated above, the applicants intend to apply for a rezoning.

Plan and Permit Amendments
The development differs from the one originally approved in 2011 in the following details:

- No paved access path to building entrance.
- No bollards protecting the generator, although a retaining step has been constructed with the natural grade, which would effectively prevent collisions from vehicles (Figure 4, 5).
- Slight reorientation of the Shaw building to better conform to site topography (Figures 8, 9).

- Modification of the building envelope to include a small shed for equipment storage, instead of fencing the equipment area to prevent public access, as in original proposal.
- Chain link fencing on top of the retaining wall for safety.
- Minor modifications to the landscaping plan (see discussion below).

Figure 8: Original site plan

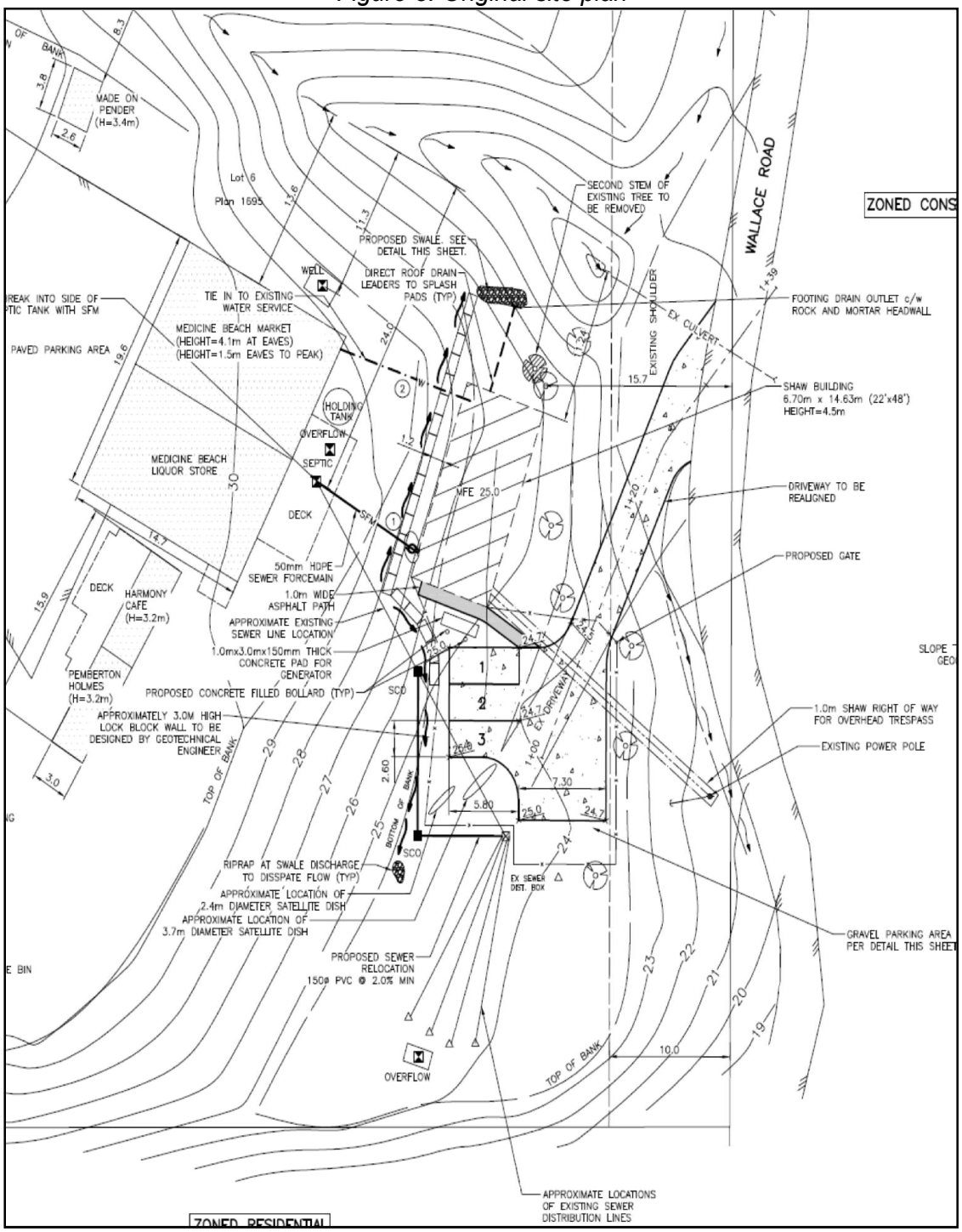
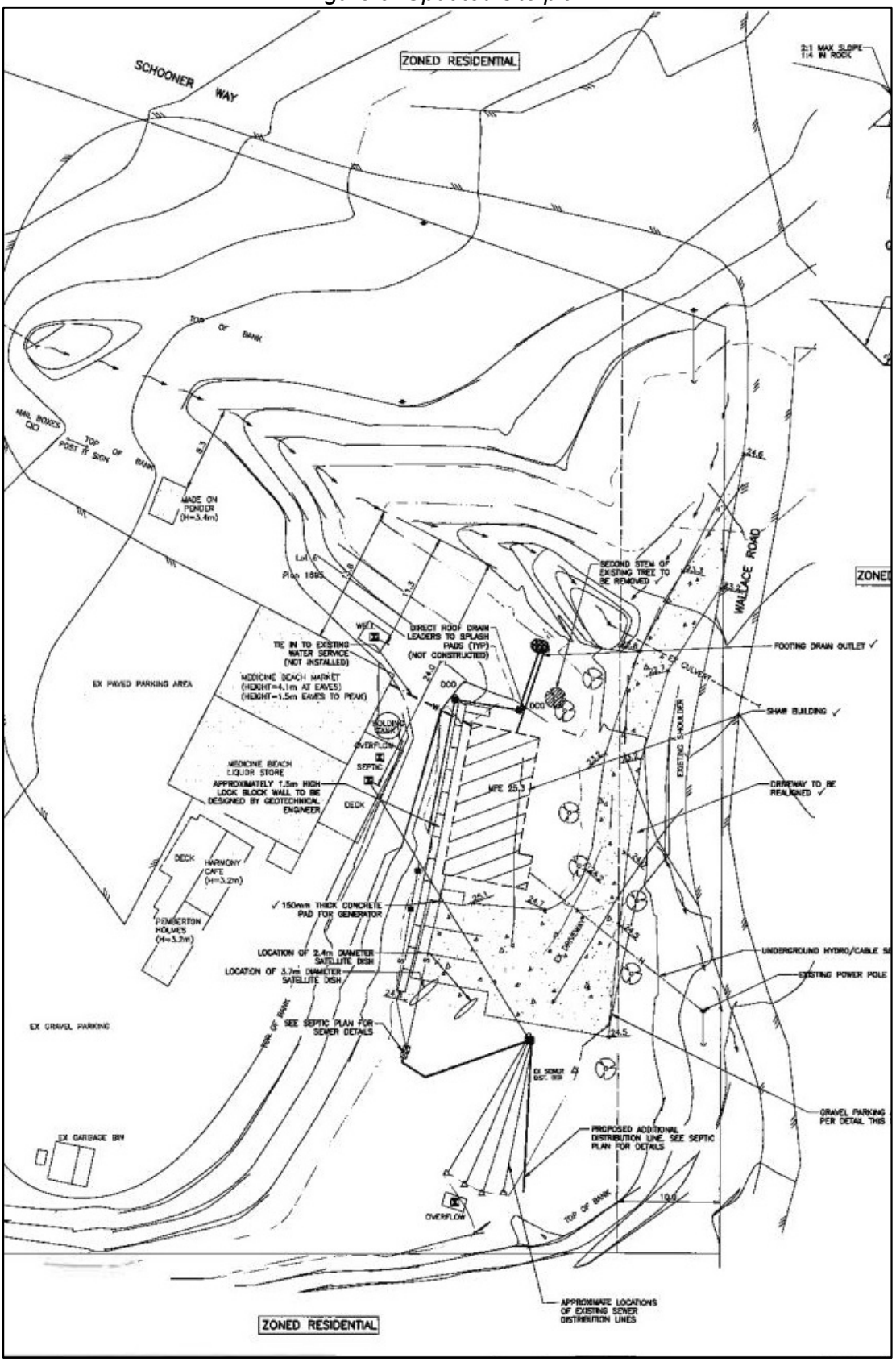


Figure 9: Updated site plan



As noted above, Islands Trust staff found the changes substantially consistent with the approved plans and application. As-built site and landscaping plans comprise part of proposed Temporary Use Permit renewal (Attachment 5), and the proposed amended Development Permit (Attachment 6).

Permit conditions
All conditions of the Temporary Use and Development Permits have been met, except as noted above re: the site and landscaping plans. Particular considerations for landscaping, drainage, and materials storage are discussed below.

Landscaping*:* A landscaping plan (Figure 10) by LADR Landscape Architects was submitted as part of the 2011 TUP application, and was included as a condition of both Temporary Use and Development Permits. The plan proposed planting of native species for the purposes of screening and slope stabilization; the retention of existing vegetation; the removal of invasive species; and chemical-free landscape maintenance until the new plantings had been established. In order to ensure the landscape plan proceed as indicated, the Development Permit required security in the amount of 125% of the quoted landscaping cost.

A second condition of the Development Permit required the landscaping to be completed within 12 months of the issuance of an occupancy permit. Swell Environmental Consulting, which had been contracted to evaluate the effectiveness of the drainage plan (see below), also commented on the invasive species present on site, and recommended removal and maintenance to prevent re-establishment. Shortly thereafter, Islands Trust staff performed a site visit and discussed modifications to the landscape plan that were required due to adjustments in the orientation of the primary building. A revised landscaping plan dated November 2012 (Figure 11) was supplied, which staff considered in "substantial compliance" with the plan in the Permits.

Landscape installation per the amended plan was reviewed by a BCSLA qualified professional in July 2013 (Attachment 3) and was found to be "in satisfactory condition and complete" and that it "substantially complies in all material respects with the plans and supporting documents" supplied by the landscape architects. Divergence from the original plan included some substitution of similar native species, some reduction in number of plantings for budget reasons, and inadequate establishment of seeded areas due to watering restrictions. The report suggests that the somewhat sparse appearance should be naturally corrected with growth over the next 2-3 years. Establishment of the seeded areas was anticipated over the rainy season. The report also noted the removal of invasive species in the landscaped areas. Deer fencing and ongoing maintenance (watering, invasive species removal, weeding) were recommended until the two-year establishment period is complete in July 2015. In response to the report, Islands Trust staff performed a site visit to verify the state of the landscaping and were satisfied that the security bond could be removed.

Photos taken by Islands Trust staff this summer (2014) show that the landscaping appears well maintained, and plantings remain in good condition.

Figure 10: Original landscaping plan

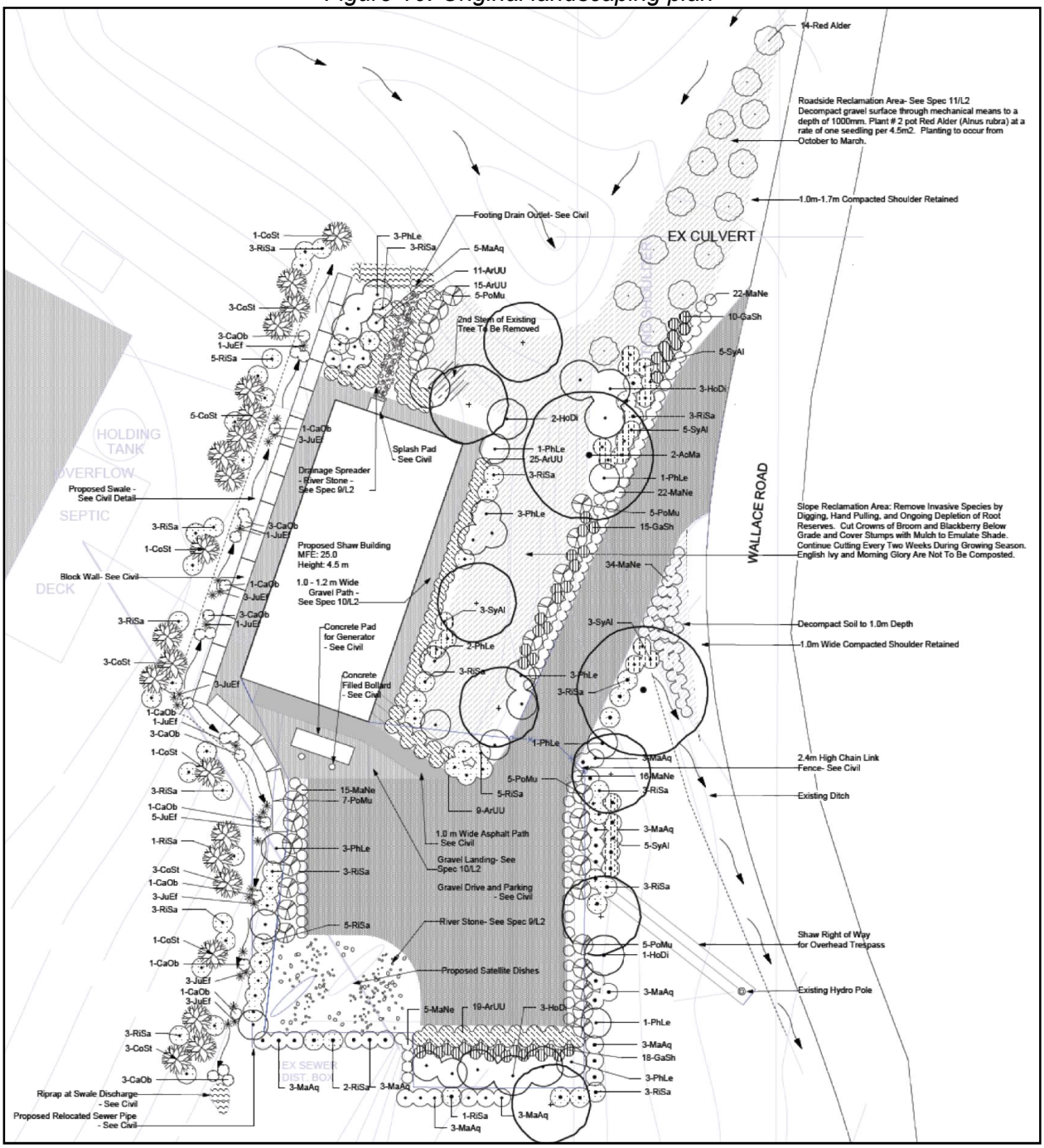


Figure 11: Updated landscaping plan

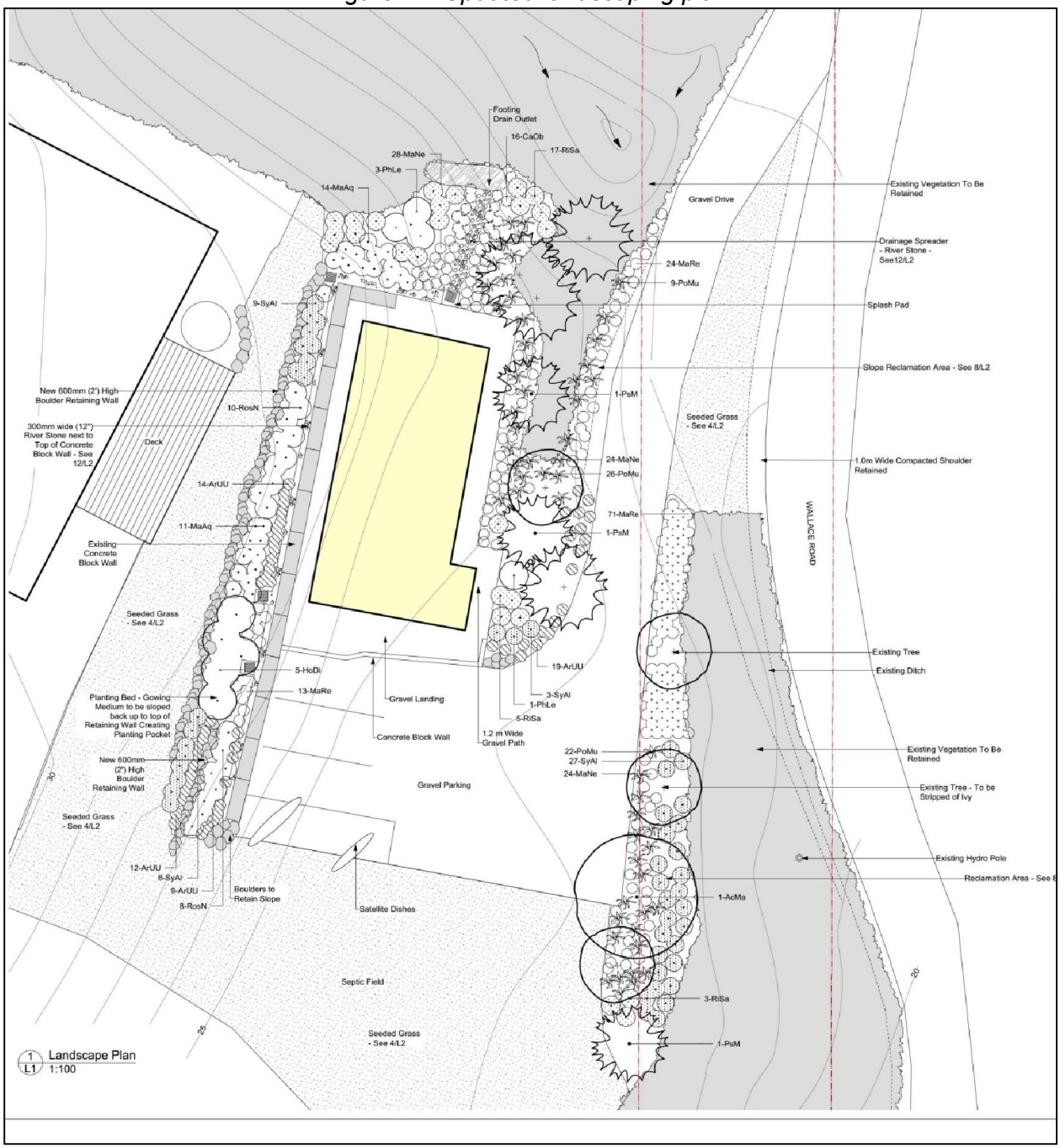


Figure 12: Landscaping adjacent to Wallace Road



Figure 13: Landscaping behind retaining wall



Figure 14: Landscaping on east side of Shaw building

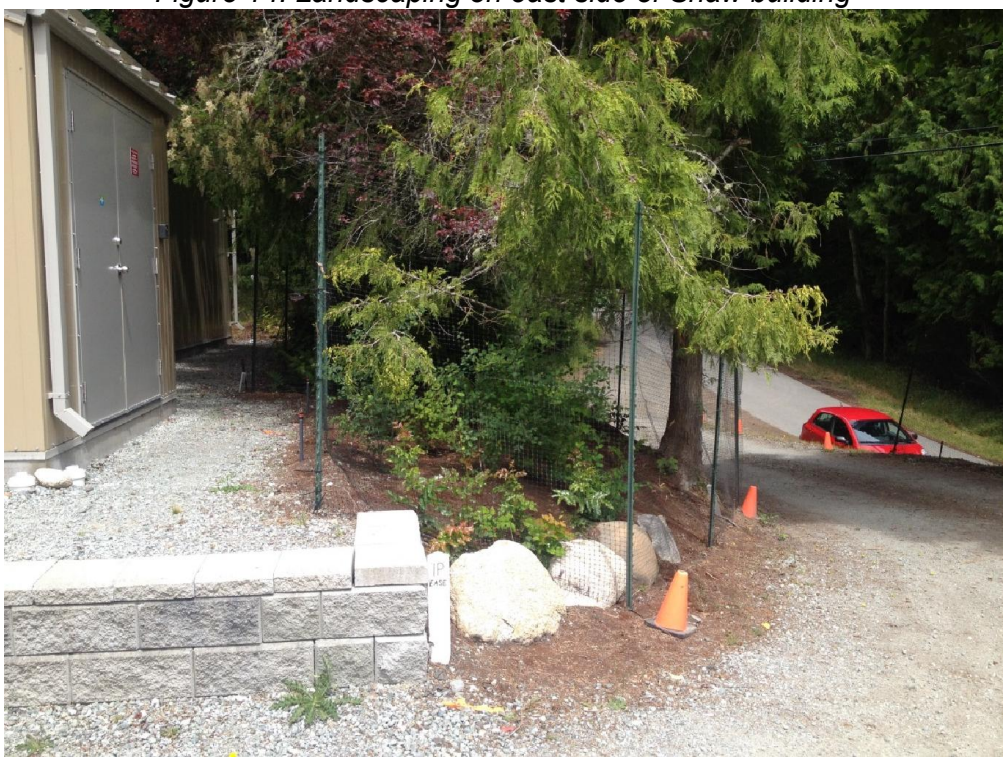


Figure 15: Landscaping on north side of Shaw building



Drainage*:* Drainage requirements comprised several conditions of the TUP, as follows:

> b) The site drainage design shall be in accordancewith the site plan labeled as Westbrook Drawing 247801 and attached as Schedule 'A' and shall ensure there is no significant alteration of the natural drainage pattern.
> c) The retaining wall shall be back filled with free draining material with a perimeter drain at the base and a swale adjacent to the top to manage site drainage as shown in Schedule 'A'.
> d) The access and parking area shall be surfaced with gravel or other permeable surfacing as shown in Schedule 'A'
> f) Post construction erosion control shall ensure sediments are not directed off site and in no circumstance shall sheet, rill or gulley erosion be permitted.
> o) At 18 months from issuance of this permit and prior to consideration of a renewal to this permit, a report from a qualified environmental professional commenting on the effectiveness of site drainage control and any impacts on the adjacent Ecological Zone, including any mitigation recommendations, shall be provided.

In their report dated August 13, 2012 (Attachment 4), Swell Environmental Consulting concluded that "The rainwater management on the site appears to be sufficient to protect the creek [on the north side of the site] and downstream aquatic ecosystems. It does not appear that there are any areas actively eroding and directing sediment into the channel."

Materials storage: Two conditions of the TUP concerned materials storage: no exterior storage of hazardous materials, and no storage of any materials or equipment outside of the fenced area. At their site visits, staff did not remark on any exterior storage of hazardous materials. However, it is unclear whether the second condition has been met. The proponents decided that the perimeter fence in the original application, which was to prevent public access to materials and equipment on site, was unnecessary, as a small shed structure was built adjacent and attached to the primary building for the same purpose. The site visit in summer 2014 revealed that spools of cable and two small tow-behind trailers were being stored around the unenclosed parking area (Figures 4,5).

In spite of the fact that the intent of the condition was not strictly realized, staff have no concerns with the storage of materials as observed.Tthe materials appear well-organized, limited in quantity, and are stored outside the perimeter of the designated parking area. A long-term solution for storage of materials and equipment on site can be addressed during the rezoning process.

The proposed TUP renewal attached as Attachment 5 outlines the specific conditions for this property, which are identical to those in NP-TUP-2010.2 except for the replacement of the site and landscaping plans with the corrected, as-built ones. Similarly, the proposed amended Development Permit is attached as Attachment 6, and contains conditions identical to those in NP-DP-2010.9 except for the replacement of the site and landscaping plans.

The TUP renewal, if granted for the full 3 years permitted by the *Local Government Act*, would expire in August 2017. The owner has been in discussion with Islands Trust staff about moving forward with a rezoning for industrial use before the renewal expires. The applicant is aware that as this is a temporary use permit, and that after 3 years they may have to remove any structures/alterations associated with the temporary use if a rezoning has not been granted before then.

Should the conditions of the TUP not be followed they will be enforced as would a zoning infraction through Bylaw Enforcement. That being said, the proponents have demonstrated every effort at communication with Islands Trust staff and at compliance with the conditions. Staff are recommending that the temporary use permit be renewed for a three (3) year term.

OPTIONS

The North Pender Island Local Trust Committee can consider the following options:

1. To issue the TUP renewal and the amended Development Permit as drafted and attached to this report.
2. To issue only the TUP renewal.
3. To issue only the amended Development Permit.
4. To issue neither the TUP renewal nor the amended Development Permit.

RECOMMENDATIONS:

THAT Temporary Use Permit renewal NP-TUP-2014.3 (Shaw Communications) **BE APPROVED**.

THAT amended Development Permit NP-DP-2014.3 (Shaw Communications) **BE APPROVED**.

Prepared and Submitted by:



Kerry Thompson, Co-op Planner I — August 18, 2014 (Date)

Concurred in by:



Robert Kojima, RPM — August 18, 2014 (Date)

Attachments:

1. Temporary Use Permit NP-TUP-2010.2
2. Development Permit NP-DP-2010.9
3. LADR Landscape Architects Site Report, 10 July 2013
4. Swell Environmental Consulting Site Report, 13 August 2012
5. Draft Temporary Use Permit NP-TUP-2014.3
6. Draft Development Permit NP-DP-2014.3

Attachment 1.

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2010.2

TO: GRL Holdings

1. This Temporary Industrial Use Permit applies to the land described below:

   That portion of the lot legally described as:

   > That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot

   As indicated on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

   a) "the placement of equipment for the supply and distribution of telecommunication and cable services as a regulated service utility, but not including retail or office services."

3. The uses may be carried on subject to the following conditions:

   a) The use permitted in 2(a) shall be limited to the development area and building as attached in Schedules 'A', and 'B'.

   b) The site drainage design shall be in accordance with the site plan labeled as Westbrook Drawing 247801 and attached as Schedule 'A' and shall ensure there is no significant alteration of the natural drainage pattern.

   c) The retaining wall shall be back filled with free draining material with a perimeter drain at the base and a swale adjacent to the top to manage site drainage as shown in Schedule 'A'.

   d) The access and parking area shall be surfaced with gravel or other permeable surfacing as shown in Schedule 'A'.

   e) During the site preparation and construction phase effective sediment controls in compliance with the provincial *Land Development Guidelines for the Protection of Aquatic Habitat* shall be in place such that there is no increase in sedimentation of the receiving waters.

   f) Post construction erosion control shall ensure sediments are not directed off site and in no circumstance shall sheet, rill or gulley erosion be permitted.

   g) Sediment controls shall be in place before land disturbance is initiated.

h) Any soil or fill stockpiled for more than 7 days shall be protected with temporary coverings or totally contained by silt fencing.

i) Any bare slopes exposed shall have sediment control measures implemented immediately on completion of any work.

j) The generator shall be at minimum have a dual walled fuel tank with secondary containment and leak detection.

k) Post construction there shall be no exterior storage of any hazardous materials.

l) Post construction there shall be no exterior storage of any materials or equipment outside of the fenced area.

m) Landscaping shall be in accordance with the plan by LADR Landscape Architects dated Jan 28, 2011 as attached in Schedule 'C'

n) All debris and waste materials currently on site as of the date of issuance of this permit shall be removed and properly disposed of. No waste materials shall be buried on site.

o) At 18 months from issuance of this permit and prior to consideration of a renewal to this permit, a report from a qualified environmental professional commenting on the effectiveness of site drainage control and any impacts on the adjacent Ecological Zone, including any mitigation recommendations, shall be provided.

p) Nothing in this permit prohibits deer fencing to protect implementation of the landscaping plan.

q) No fungicides, pesticides or herbicides shall be used in the development area.

4. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.

5. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 24th DAY February, 2011

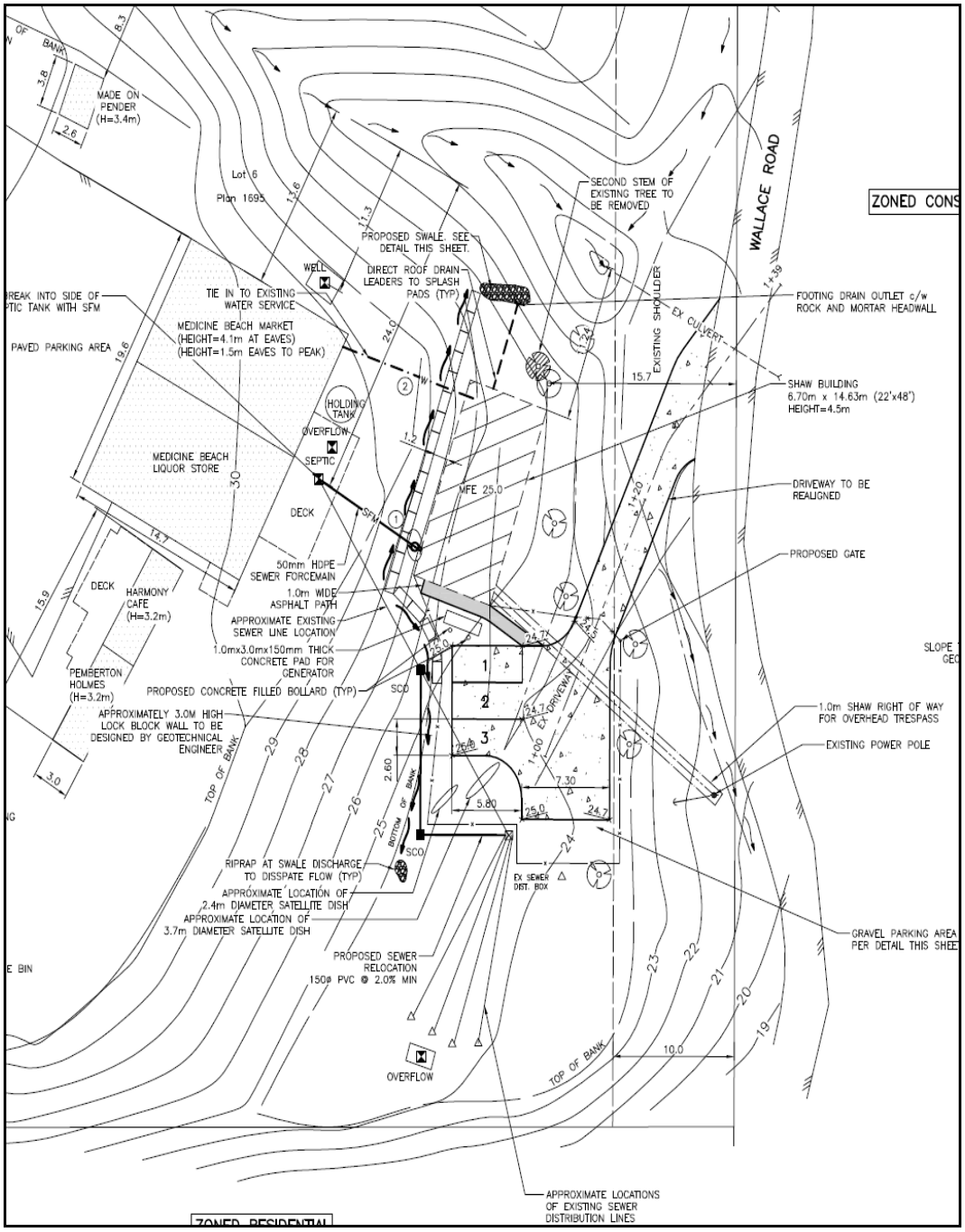
Deputy Secretary, Islands Trust

February 25, 2011

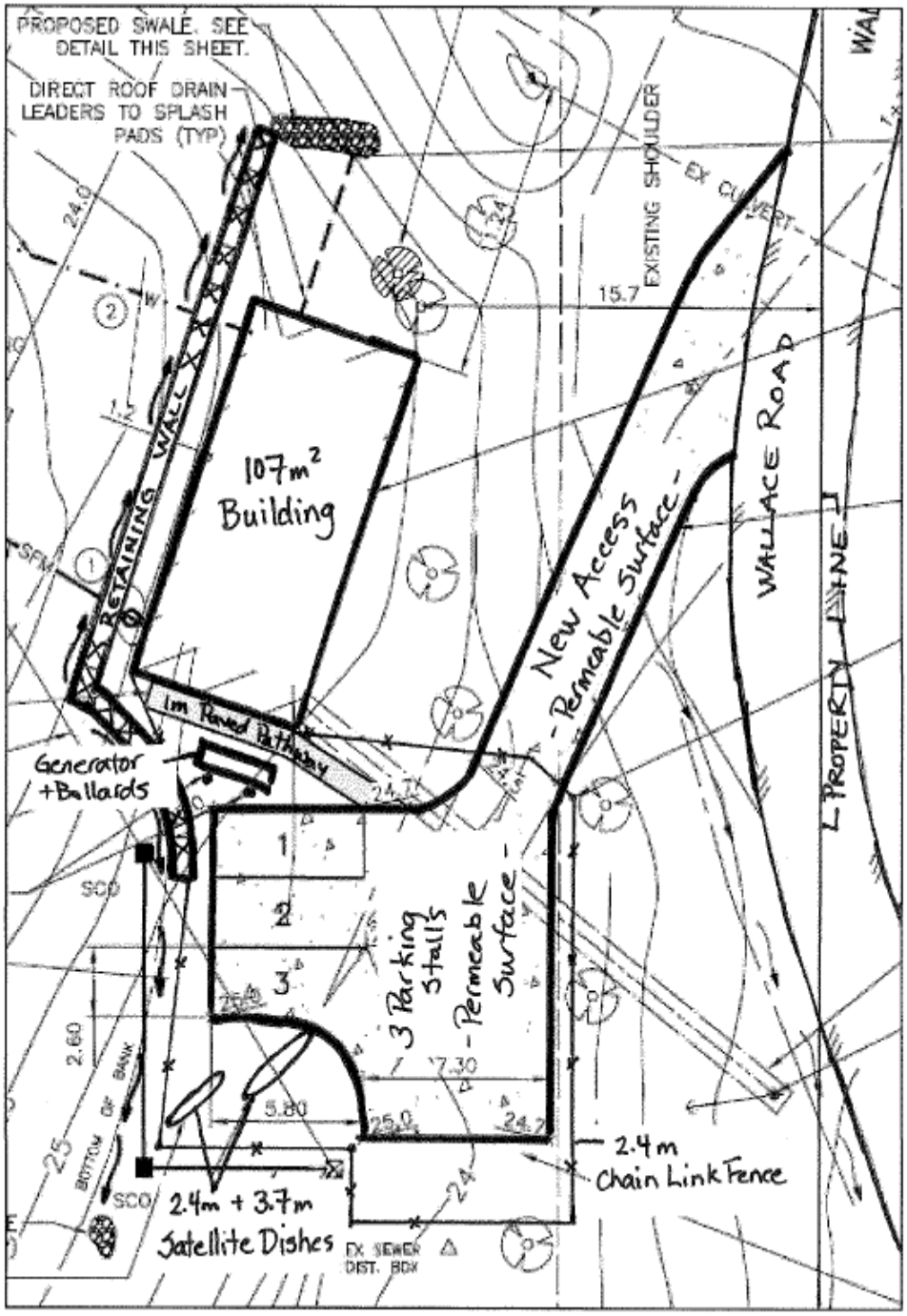
Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'A'

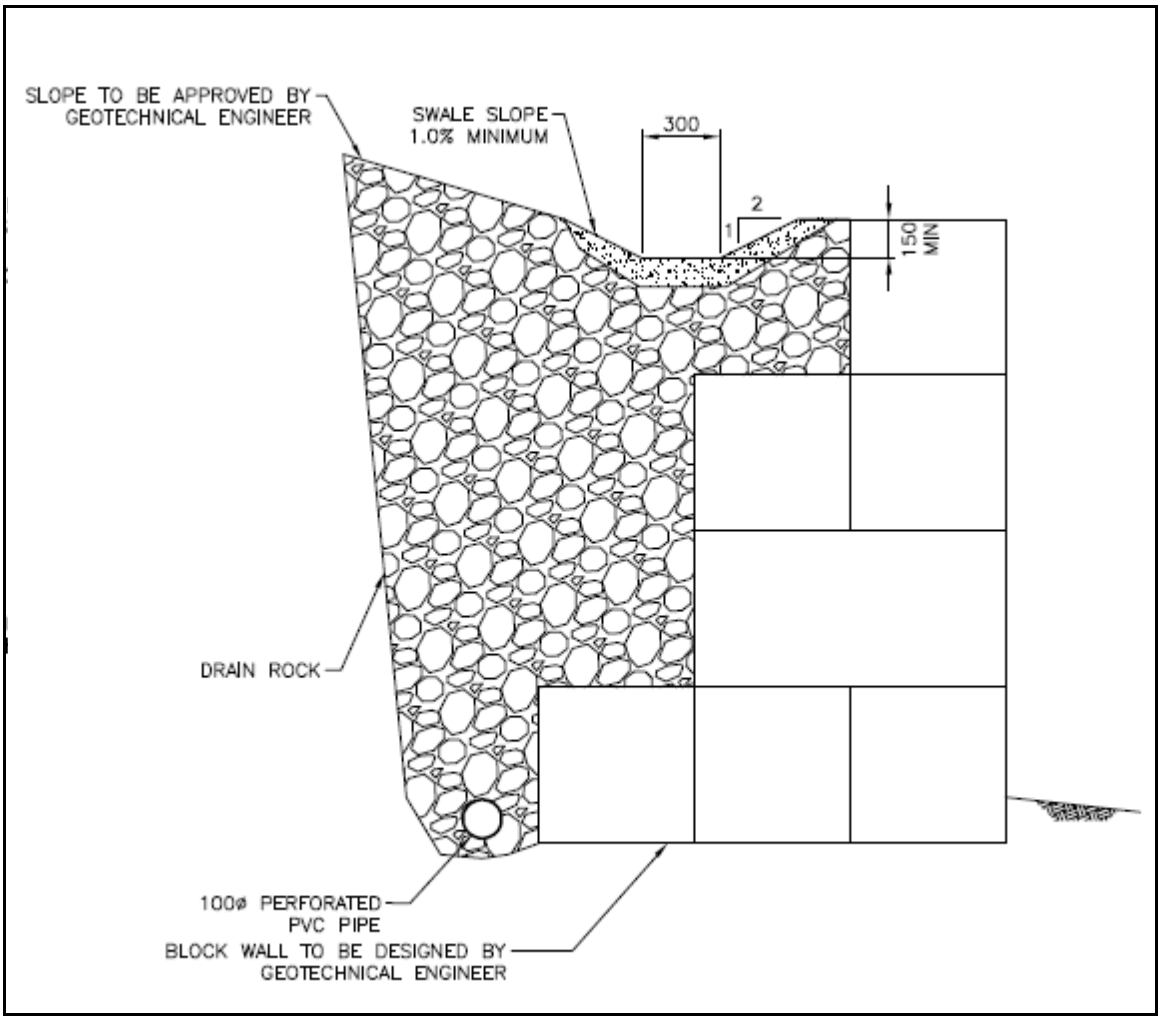
General Site Plan



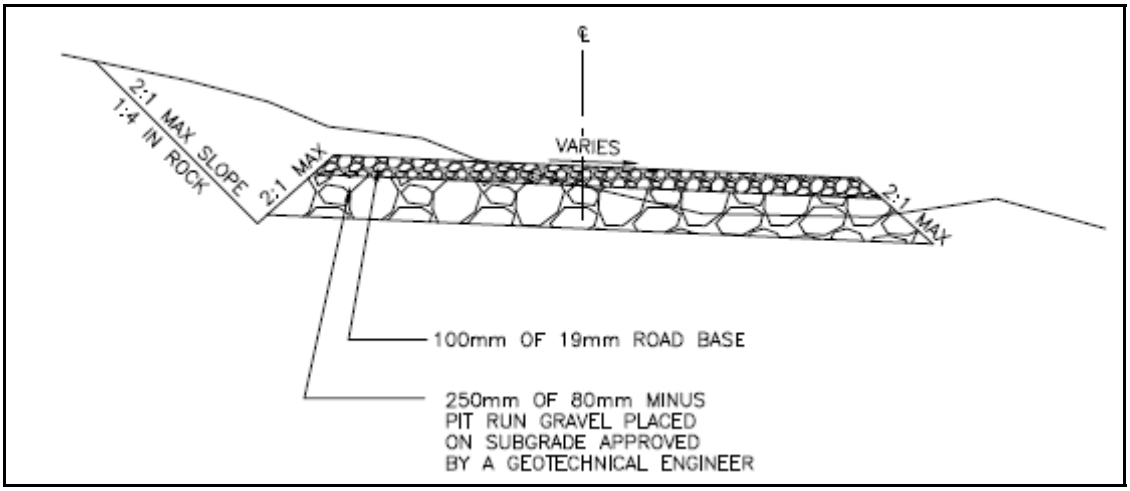
Development Area



Retaining Wall Swale Detail

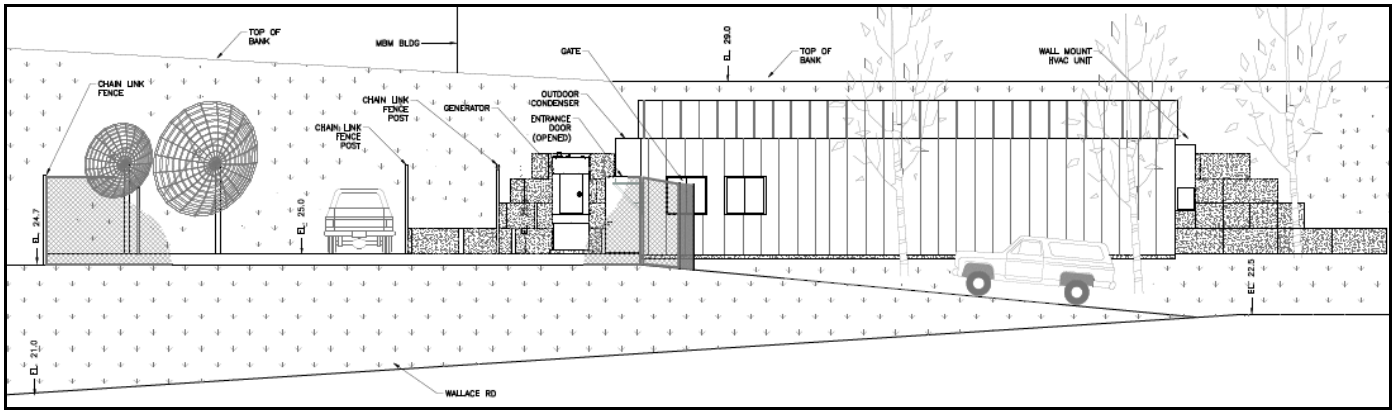


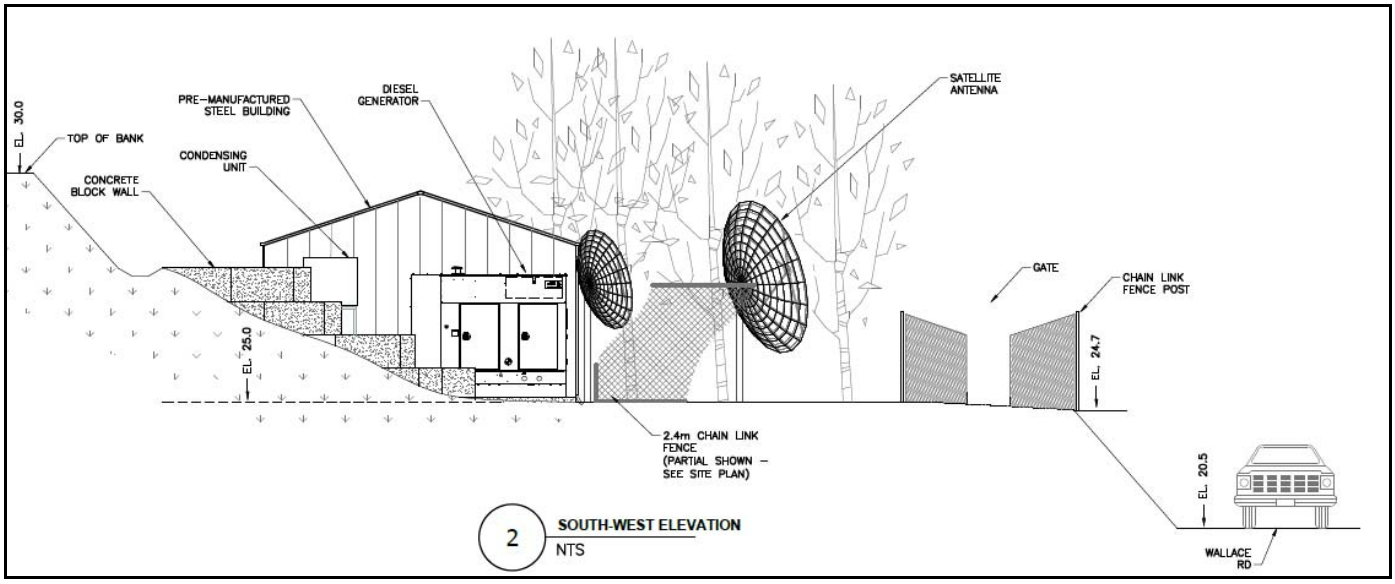
Access Detail



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'B'

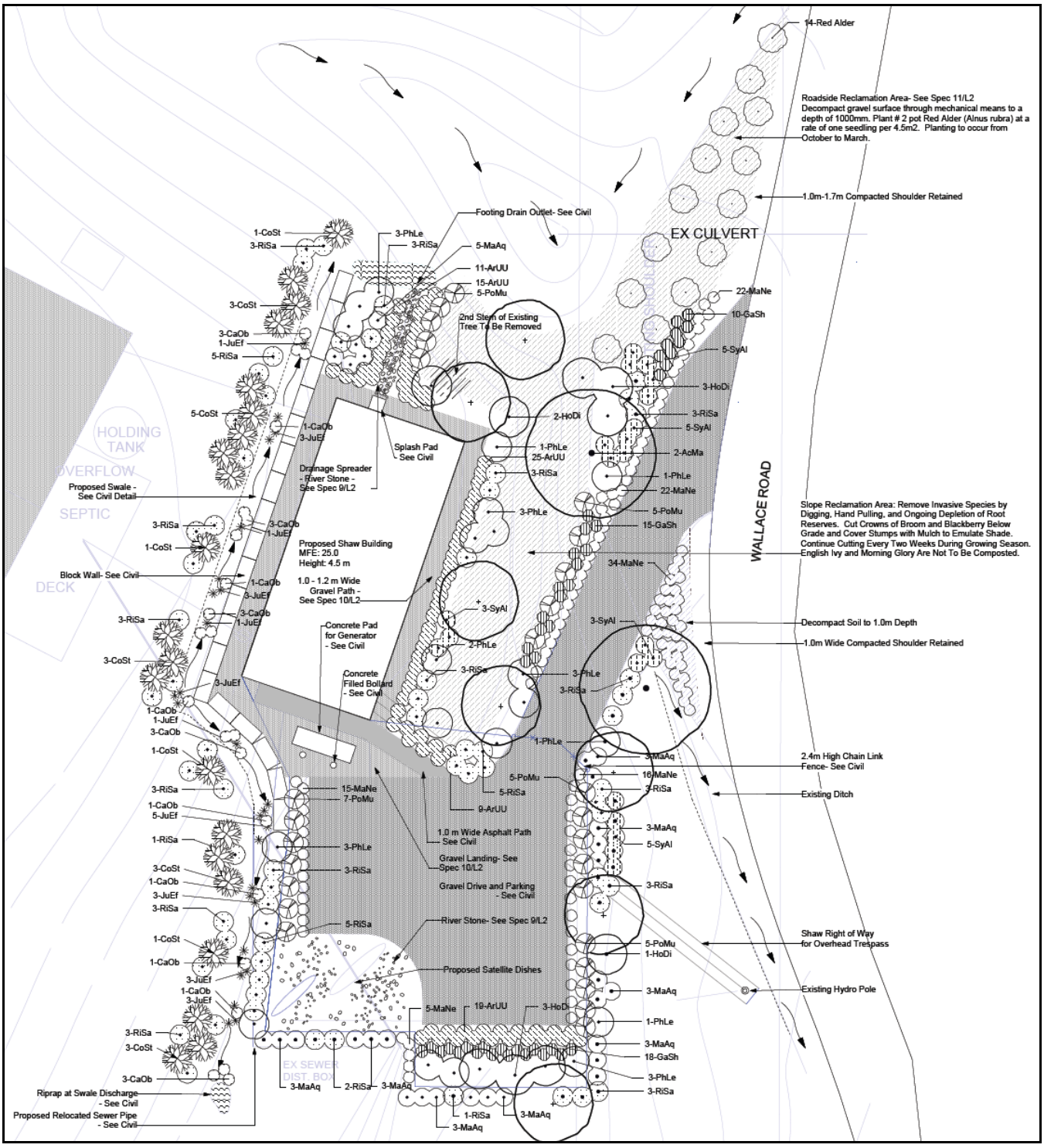
Building elevation





NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'C'

Landscape plan



Required Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name
AcMa	2	Acer macrophyllum	Big Leaf Maple
AlRu	14	Alnus Rubra	Red Alder

Large Shrubs

ID	Quantity	Botanical Name	Common Name
HoDi	9	Holodiscus discolor	Oceanspray
PhLe	21	Philadelphus lewisii	Wild Mock Orange

Medium Shrubs

ID	Quantity	Botanical Name	Common Name
CoSt	21	Cornus Stolonifera	Redtwig Dogwood
MaAq	29	Mahonia aquifolium	Tall Oregon Grape
RiSa	64	Ribes sanguineum	Red Flowering Currant
SyAl	21	Symphoricarpos albus	Snowberry

Small Shrubs

ID	Quantity	Botanical Name	Common Name
GaSh	43	Gaultheria shallon	Salal
MaNe	114	Mahonia nervosa	Low Oregon Grape

Groundcovers

ID	Quantity	Botanical Name	Common Name
ArUU	79	Arctostaphylos uva ursi 'Vancouver Jade'	Vancouver Jade Kinnickinnick

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name
CaOb	22	Carex obnupta	Slough sedge
JuEf	27	Juncus effusus	Common rush
PoMu	27	Polystichum munitum	Sword Fern

Attachment 2.
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2010.9

TO: GRL Holdings

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

   That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, lying of the east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot.

2. This Development Permit authorizes the construction of a 107m^2 building, a soil retaining wall, parking area and a second access from Wallace Road , exterior placement of two satellite dishes on a solid base, exterior placement of a generator on a 3m^2 base with at minimum 2 concrete bollards, a paved 8m by 1m pathway, and fencing subject to the following requirements and conditions:

   a) Siting and layout related to the development shall be in accordance with the site plan labelled as Westbrook Drawing 247801 and attached as Schedule 'A'.

   b) The form and character of the new building shall be in accordance with that shown on Schedule 'B'.

   c) Landscaping within the development area shall be consistent with the number and types of species recommended, and the planting be substantially consistent with the general locations identified in the landscaping plan prepared by LADR Landscape Architects dated January 28, 2011 as shown on Schedule 'C'.

   d) No existing native vegetation outside the development area on Schedule 'C' shall be removed.

   e) Landscaping shall be completed within 12 months of an occupancy permit being issued by the Capital Regional District and in accordance with the specifications provided by LADR Landscape Architects.

   f) Nothing in this permit prohibits deer fencing to protect implementation of the landscaping plan.

   g) No fungicides, pesticides or herbicides shall be used in the development area.

3. Pursuant to Section 925 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any conditions respecting landscaping are satisfied:

   a) Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.

b) Any interest earned on the security provided under Condition 3 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

c) The security provided by the permit holder is:

i. An irrevocable letter of credit with a clause for automatic renewal,
ii. Payable to the Islands Trust,
iii. In the amount of 125% of the quoted landscaping cost, or $ 25,743.66 based upon the cost estimate provided by LADR Landscape Architects dated January 28, 2011.

d) Where the development authorized by this permit has been completed or the permit has lapsed prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 2c) of this permit, provided that the conditions have been met.

4. North Pender Island Land Use Bylaw No. 103, 1996 is varied as follows:

a) Article 6.1.2(n) which requires 1 parking space per $35m^2$ of floor area is being varied to permit:

i. 1 parking space per $36m^2$ of floor area, requiring a minimum of 3 parking spaces for the development authorized by this permit.

5. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.

6. 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 Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS 24th DAY OF February, 2011.

Deputy Secretary, Islands Trust

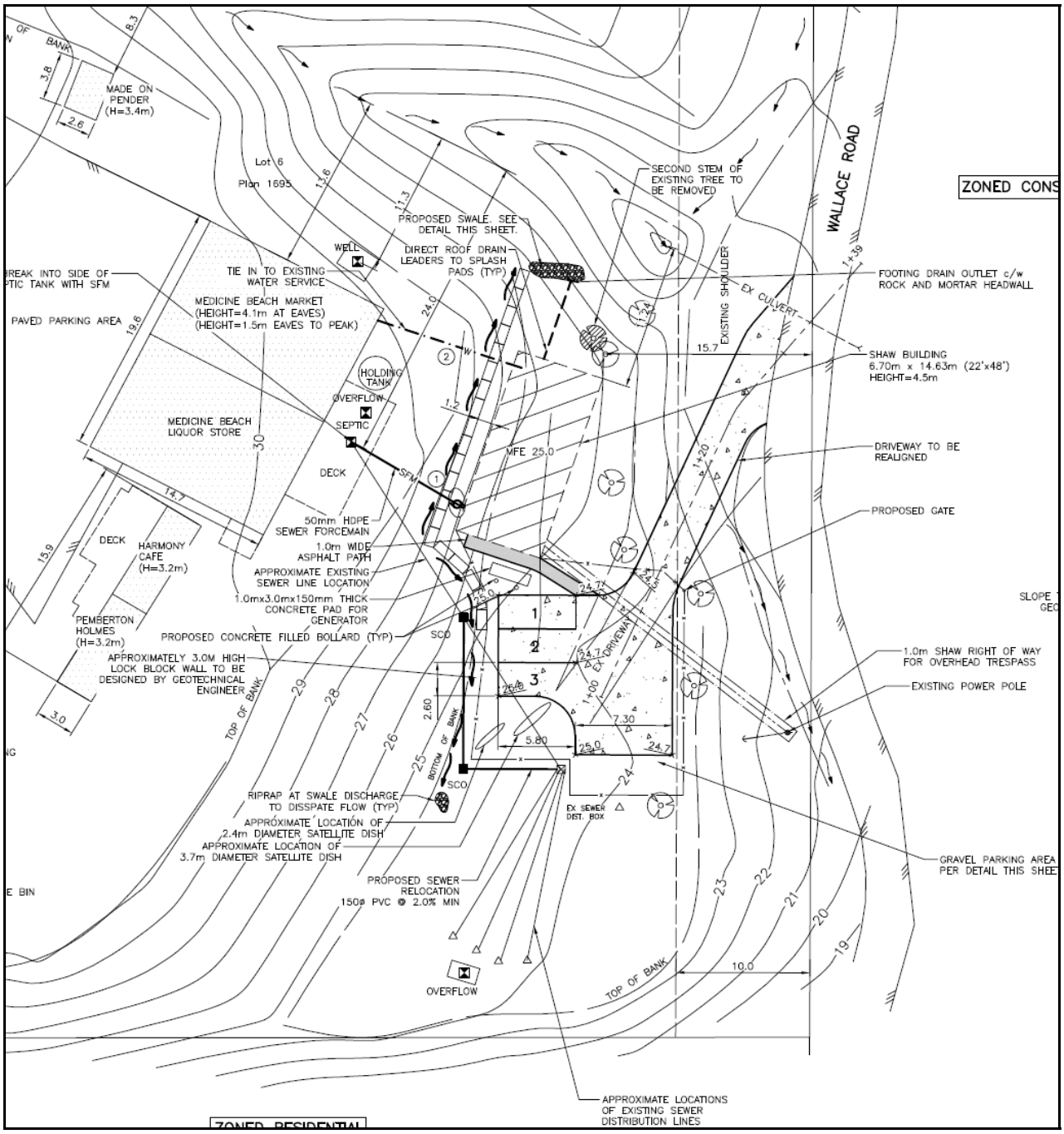
February 25, 2011

Date of Issuance

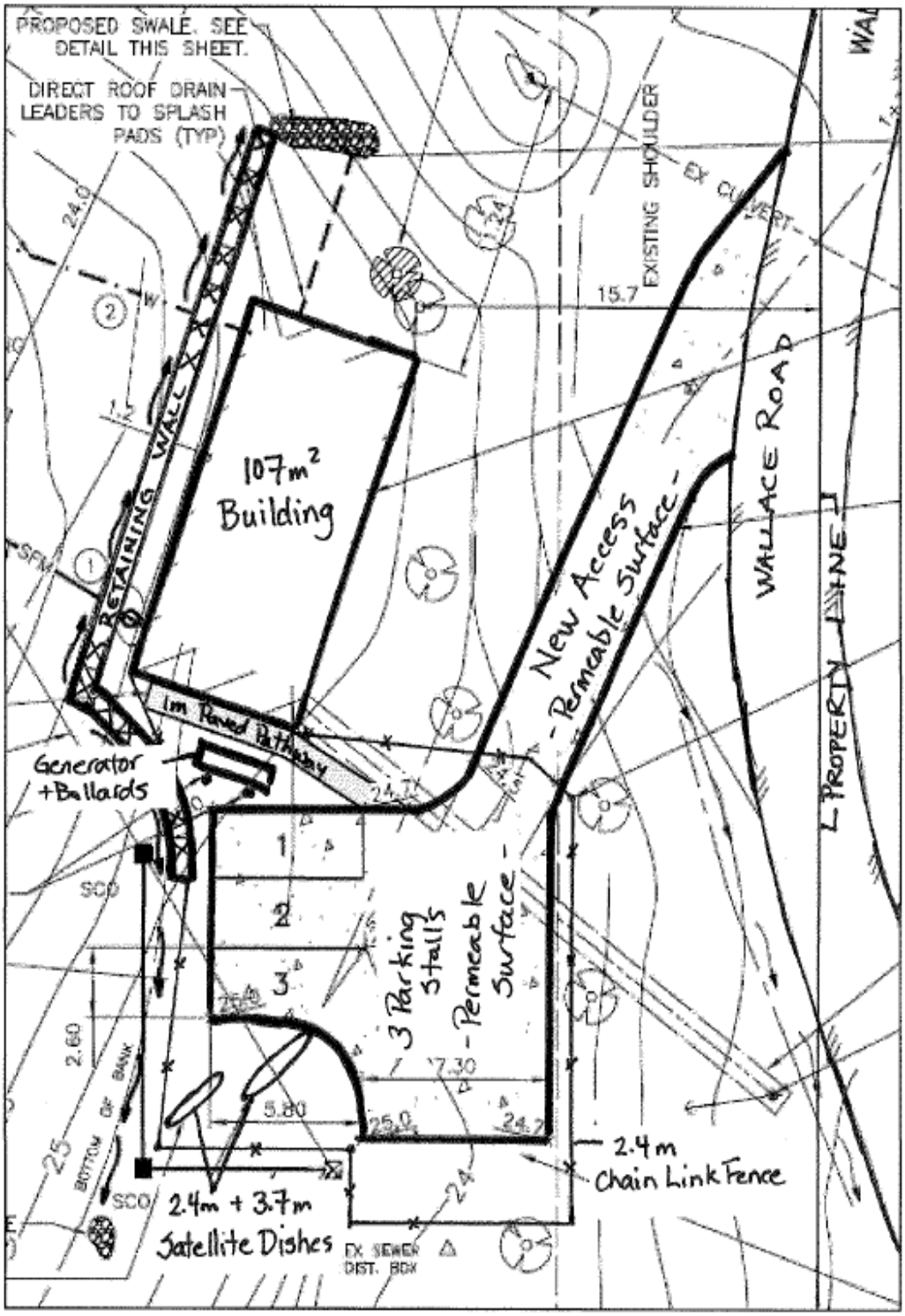
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 25th DAY OF February, 2013, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2010.9
SCHEDULE 'A'

General Site Plan

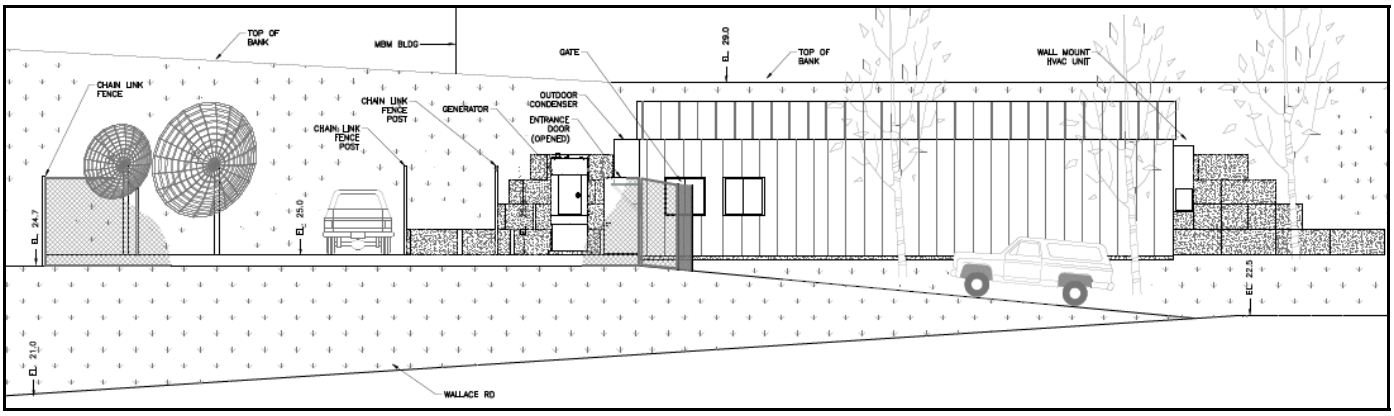


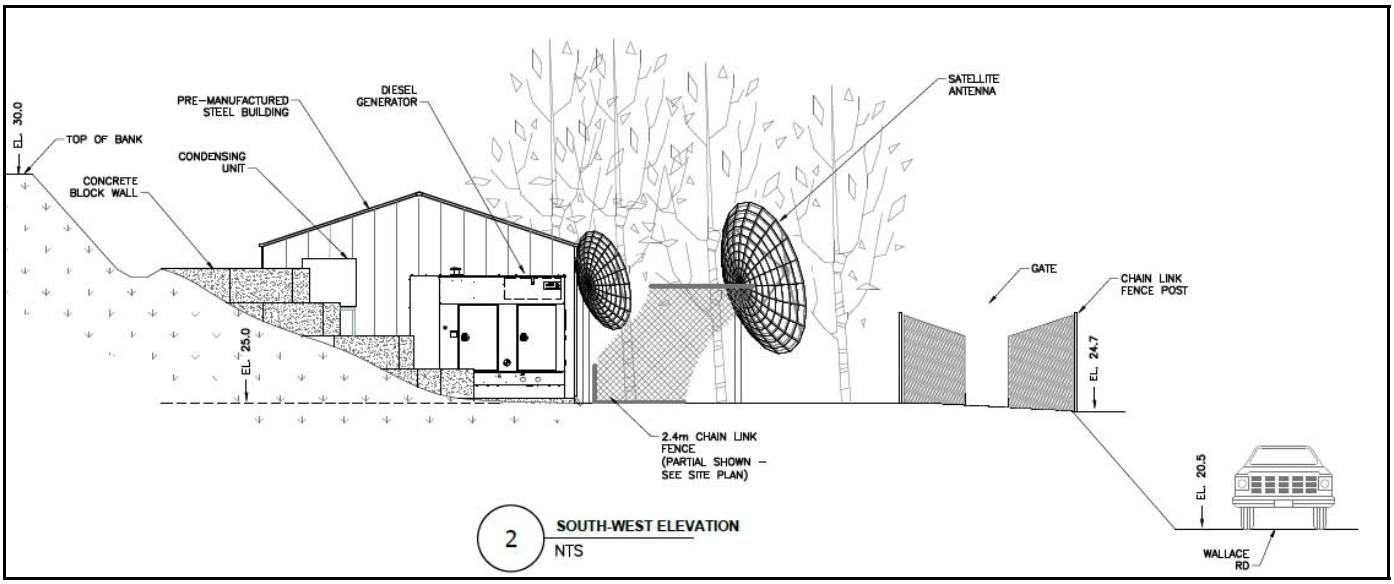
Development Area



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2010.9
SCHEDULE 'B'

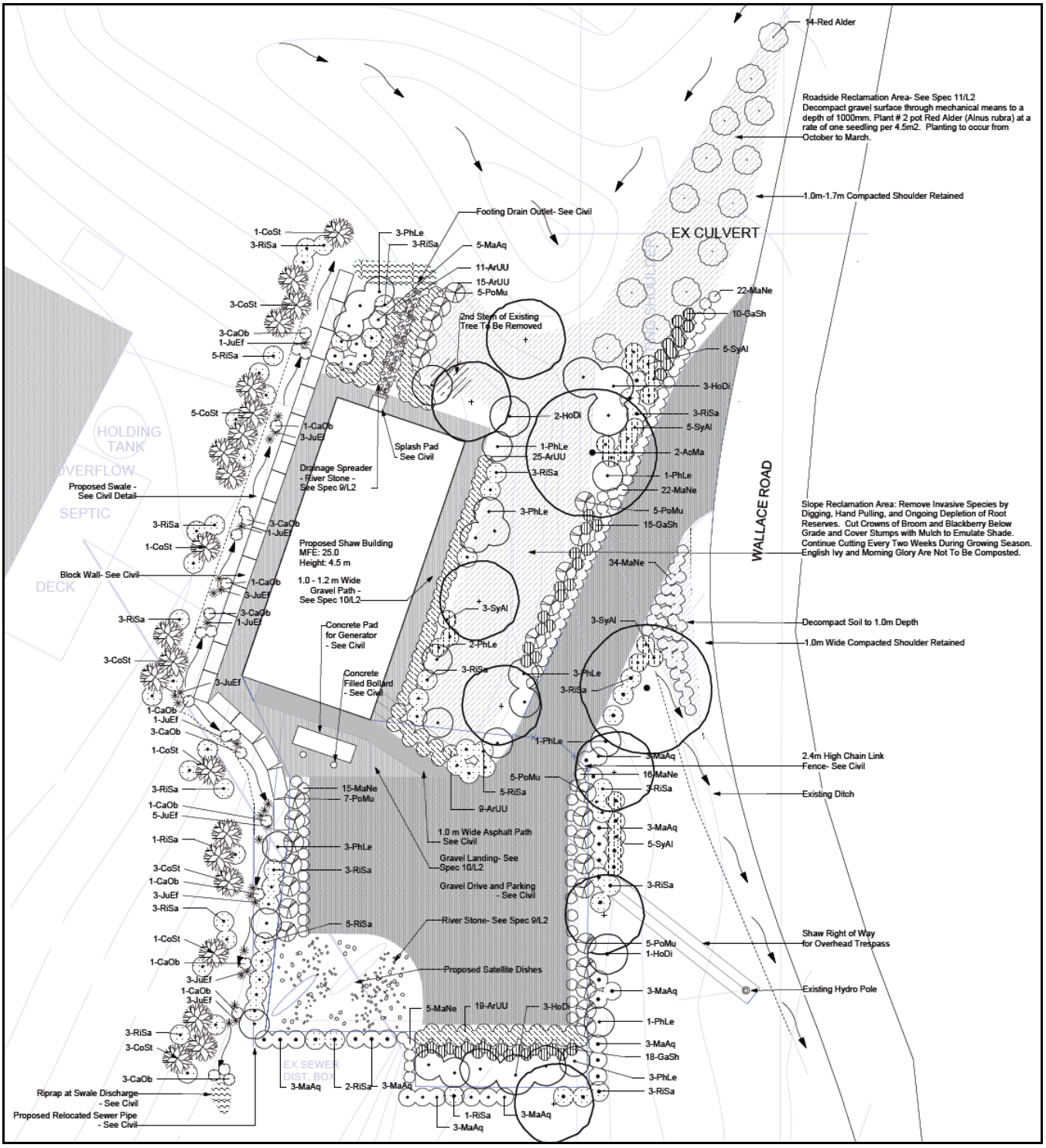
Building elevation





NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2010.9
SCHEDULE 'C'

Landscaping plan



Required Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name
AcMa	2	Acer macrophyllum	Big Leaf Maple
AlRu	14	Alnus Rubra	Red Alder

Large Shrubs

ID	Quantity	Botanical Name	Common Name
HoDi	9	Holodiscus discolor	Oceanspray
PhLe	21	Philadelphus lewisii	Wild Mock Orange

Medium Shrubs

ID	Quantity	Botanical Name	Common Name
CoSt	21	Cornus Stolonifera	Redtwig Dogwood
MaAq	29	Mahonia aquifolium	Tall Oregon Grape
RiSa	64	Ribes sanguineum	Red Flowering Currant
SyAl	21	Symphoricarpos albus	Snowberry

Small Shrubs

ID	Quantity	Botanical Name	Common Name
GaSh	43	Gaultheria shallon	Salal
MaNe	114	Mahonia nervosa	Low Oregon Grape

Groundcovers

ID	Quantity	Botanical Name	Common Name
ArUU	79	Arctostaphylos uva ursi 'Vancouver Jade'	Vancouver Jade Kinnickinnick

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name
CaOb	22	Carex obnupta	Slough sedge
JuEf	27	Juncus effusus	Common rush
PoMu	27	Polystichum munitum	Sword Fern

LADR LANDSCAPE ARCHITECTS

2845 DOUGLAS RD
VICTORIA, BC
V8Z 1E8

P: 250.595.0336
F: 250.412.0558
admin@ladr.ca
www.ladr.ca

To: Islands Trust

Date: 11 July 2013

Attn: Andrea Picard

Project No.: 1052

From: Julie Lommerse

Re: Shaw Communications Building, 5827 Schooner Way, Pender Island

---

Please be advised that the landscape installation on the above captioned project was reviewed by Julie Lommerse of LADR Landscape Architects on July 10, 2013, and found to be in satisfactory condition and complete. The landscape work substantially complies in all material respects with the plans and supporting documents prepared by this firm.

Julie Lommerse, BCSLA

LADR LANDSCAPE ARCHITECTS

28-495 DUPPLIN RD
VICTORIA, BC
V8Z 1G8

P. 250.598.0105
F. 250.412.0696
ADMIN@LADRLA.CA
WWW.LADRLA.CA

SITE REVIEW

Project: Shaw, Pender Island
Project No.: 1052

Date: 10 July 2013
Time: 9:45 - 10:45am

Present:
Bruce Crawshaw, Westbrook Consulting
Kristin Taggart, Islandscapes (Landscape Contractor)
Julie Lommerse, LADR

Circulate to:
Andrea Picard, Islands Trust
Bev Windjack, LADR

1. **Planting Beds/Trees**

   i. The majority of plants have been planted as specified, however, there were substitutions due to plant size availability and the potential for local deer browse. The substitutions include:

   - Kinnickinnick (*Arctostaphylos uva ursi*) #SP3 pot were substituted for Creeping Oregon Grape (*Mahonia repens*) #1 pot, however, in reality, the #1pots contained #SP3 sized plants (recently potted up).
   - Snowberry (*Symphoricarpos albus*) #2 pot were substituted with Snowberry (*Symphoricarpos albus*) #1 pot (heavy).
   - Oceanspray (*Holodiscus discolor*) #5 pot were substituted with Oceanspray (*Holodiscus discolor*) #2 pot (heavy).

   Due to the above substitutions, the beds being a slightly different shape, and a reduction in the number of plants in certain areas for budget reasons, the beds are not as full as they were designed to be. It will take a season or two to see the full effect of the planned design.

   ii. There was difficulty in planting two Douglas Fir trees between the building and access road. One was planted but may be crowded out due to competition from the roots of established trees. The second Douglas fir was relocated to the area between the parking lot and road.

2. **Seeded Areas**

   I. Due to lack of germination the seeded areas did not meet Acceptance conditions as specified in the contract documents. However, the specified seed was applied to the

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ADMIN@LADRLA.CA
WWW.LADRLA.CA

slope above the rock wall as well as between the access road and public road; due to water restrictions, the seeded areas have not been watered. The intention is for these areas to be naturally watered by the fall rains. It was noted that should these areas slump or erode it will be the responsibility of the landscape contractor to make them good.
Action: Islandscapes to monitor the seeded slopes, correct any damage due to erosion, and overseed any bare patches which are visible once the seed has germinated.

II. A portion of the grassy area adjacent to the parking lot and septic field was disturbed during the landscape installation. Disturbed areas to be made good (seeded). The seed is to be left to germinate once the fall rains begin. Any bare patches visible after germination are to be overseeded.
Action: Islandscapes Landscaping is to apply seed to disturbed areas surrounding the septic field and then overseed any bare patches which are visible once the seed has germinated.

3. **Soil Testing**
Due to budget constraints the imported soil applied to the site was not tested .

4. **Invasive Species Removal**
Invasive species have been pulled and cutback in areas that were landscaped as well as on the slope between the project site and the road. Some of the species removed include:
    - Scotch Broom
    - Daphne
    - English Ivy
    - Milk Thistle
    - Himalayan Blackberry

Because of the invasive species removal the slope and trees that some of these plants had engulfed look barren. It is expected that they will begin to leaf out/fill in over the next season or two.

Ongoing weeding and control of invasive species is recommended until the new plants are established.

5. **Deer Fencing**
Due to the prolific deer population on the island the landscape contractor installed deer fencing around all newly planted areas. It is recommended that this fencing be maintained and remain in place until the two year maintenance period is over. It should then be removed by the landscape contractor in charge of maintenance.

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V8Z 1B8

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ADMIN@LADRLA.CA
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Action: Maintenance contractor to maintain deer fencing for the duration of the maintenance contract and then remove in July 2015.

6. **Maintenance:**

   i. There is no irrigation system on this project -- to date watering has been done by hand using water that has been delivered to a cistern onsite. In order for the plants to be adequately maintained they will need to be watered regularly from May to October. During times of hot/dry weather hand watering may be required up to two times per week. One suggestion was to install a temporary irrigation system.

   ii. Ongoing weeding and control of invasive species is required until plants are established. In order to maintain a Level 5 (Background and Natural Areas Standard) it is recommended that this be done a *minimum* of three (3) times per year.

   Action: Shaw to establish a maintenance contract with an landscape company of their choice who will water and weed this area for a minimum of two years (July 2015).

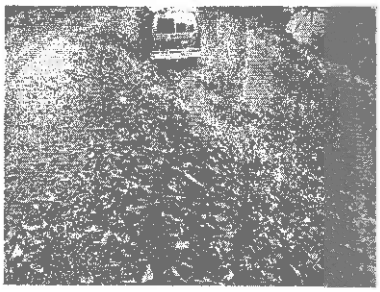
7. **Plant Warranty:**
   All plants are to be guaranteed by Islandscapes for one year from the date of this Site Review (July 10, 2014). Plant heath failure due to acts of God, improper maintenance or failure to irrigate/water will not be covered under this warranty.

End of Report

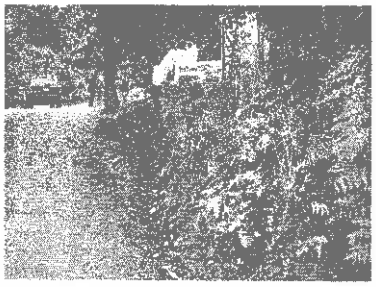
Shaw Communications Building

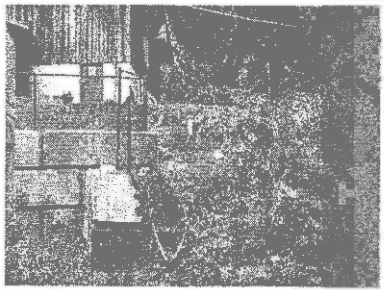
Before





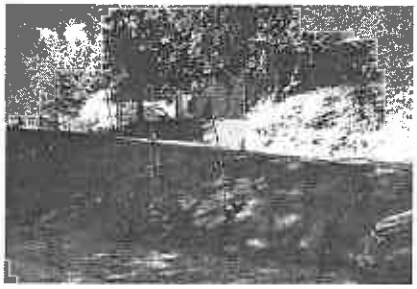


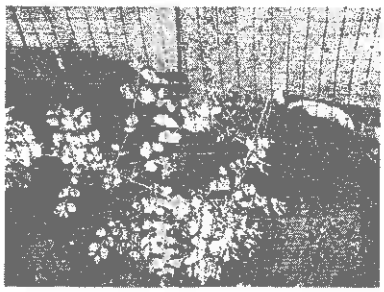




After (July 10-13)











swell ENVIRONMENTAL CONSULTING

Shaw Communications Inc.
Suite 400, 2441 - 37 Avenue NE
Calgary, Alberta, T3J 4T6
Attn: Raffaele Ardolino

August 13, 2012

RE: QEP Review of Shaw Communications Hub Site at Wallace Road and Schooner Way, North Pender Island

On August 13, 2012 I visited the above site to review the drainage works that were constructed with the Shaw building to ensure that the adjacent creek and downstream ecosystems are protected. The weather on August 13 was dry and sunny.

DRAINAGE

The only impervious surface area on the lot is the small building, the roof drainage flows via downspouts onto a gravel pathway surrounding the building. It appears as if the water infiltrates into the ground (potentially into the perimeter drain if there is substantial roof runoff). There was no evidence of excessive runoff (e.g. erosion) around the building.

The parking area and driveway are gravel, and it appears as if most rainfall infiltrates into the gravel, and any surface runoff flows via sheet flow into the vegetated areas surrounding the parking lot and along the driveway. There does not appear to be any concentration of flows (e.g. small channels) or erosion adjacent to the parking lot or driveway.

The outlet for the perimeter drain for the building is a riprapped area approximately 5 metres from the creek channel on the north side of the building. Any drainage from this outlet flows through a vegetated strip prior to reaching the creek. The roof drainage is not anticipated to contain sediments and the riprap and vegetated strip should dissipate the flow from the outlet, delivering clean water to the creek. There was no evidence of erosion around the outlet area.

The rainwater management on the site appears to be sufficient to protect the creek and downstream aquatic ecosystems. It does not appear that there are any areas actively eroding and directing sediment into the channel.

INVASIVE SPECIES

It appears that an area larger than the footprint for the building, driveway, parking area and disposal field was cleared for the construction of these facilities. Within the cleared areas there is extensive colonization of non-native invasive plant species, in particular thistles - both *Circsium* sp. and milk thistle (*Silybum marianum*), as well as non-native grasses and California poppy (*Eschscholzia californica*) (on the disposal field, with non-native grasses and thistles). Some of the milk thistle on the north side of the building are dead, some are cut or and some possibly treated with herbicide (unconfirmed, but some are standing dead plants).

Additionally, likely pre-existing on the site, in areas with older, established vegetation there are other invasive, non-native species on the site including Himalayan blackberry (*Rubus armeniacus*) (immediately adjacent to the creek), English ivy (*Hedra helix*) (in some of the trees along the east side of the site), Scotch broom (*Cytisus scoparius*), laurel-leaved daphne (*Daphne laureola*), and fox glove (Digitalis purpurea).

Removal of the thistles should be done when they are flowering prior to going to seed. Many seedheads have formed on the site, so the thistles should be carefully collected (especially the seed heads), bagged and disposed of where they will not spread (e.g. covered landfill or carefully burned).

Manual removal of the invasive species should be possible with diligent maintenance, however, if herbicides are used to control invasive species, a certified pesticide applicator must do the applications and must follow regulations with regard to the adjacent creek channel. Consideration should be given to the use of organic rather than chemical herbicides.

The shrubby invasive species should be removed manually prior to developing seeds and ensuring that the roots are removed.

Swell Environmental Consulting Ltd.
3345 University Woods, Victoria, BC V8P 5R2 ph. 217-9190 e. lehna@swell.ca www.swell.ca

The Himalayan blackberry patch is immediately adjacent to the creek channel and should only be removed if a full riparian area restoration will be completed and maintained, otherwise an erosion risk and sediment source may be created and the blackberries will reestablish without regular maintenance to control them.

Summary

The rainwater management on the site appears to be sufficient to protect the creek on the north side of the property and downstream aquatic ecosystems.

Invasive, non-native species have colonized exposed soils in the area cleared for construction, and other species are well established on some areas that were not cleared. In particular, thistle seeds are very mobile (wind distribution) and will spread quickly throughout the rest of the site and far beyond if not managed effectively. The shrubby invasive species could be easily managed by manual removal, with the exception of the Himalayan blackberry patch, which should only be removed if an extensive riparian restoration plan is implemented for the creek area.

Areas cleared of invasive species should be revegetated with native vegetation (particularly between the building and creek), or non-invasive ornamental species, mulch may also help prevent the reestablishment of these undesirable species. As with any type of landscaping, invasive species control (weeding) will be require on going maintenance to prevent reestablishment.

Sincerely,

L. Malmkvist

Lehna Malmkvist, MSc, RPBio (#1613)
Principal, Swell Environmental Consulting Ltd.

CC:
Bruce Crawshaw, PEng. Westbook Consulting Ltd.
Andrea Pickard, Local Planning Services, Islands Trust



Photo 1. Looking north at disposal field, parking lot and building. Parking lot is colonized by non-native grasses, invasive thistles and California poppy.



Photo 2. Between the building and creek, cleared area colonized by thistles and non-native grasses.



Photo 3. East of the building between driveway and building, the north end has well established native vegetation interspersed with invasive, non-native species such as laurel-leaved daphne.



Photo. 4. Downspout from roof, drains onto gravel pathway and infiltrates, in heavy rainfall runoff may flow through the vegetation to the right.



Photo 6. Outlet from the perimeter drains, approximately 5 metres south of the creek channel. Any flows are dissipated by the riprap and flow through a vegetated strip before reaching the creek.



Photo 7. Milk thistle, very large invasive, non-native plant, which is toxic to cattle and competes with native vegetation and forage on rangelands. Some of the thistles are dead, some are cut, others possibly treated with herbicide.

Attachment 5.

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2014.3

TO: GRL Holdings Ltd.

1. This Temporary Industrial Use Permit applies to the land described below:

   That portion of the lot legally described as:

   > That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot

   As indicated on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

   a) "the placement of equipment for the supply and distribution of telecommunication and cable services as a regulated service utility, but not including retail or office services."

3. The uses may be carried on subject to the following conditions:

   a) The use permitted in 2(a) shall be limited to the development area and building as attached in Schedules 'A', and 'B'.

   b) The site drainage design shall be in accordance with the site plan labeled as Westbrook Drawing 247801 dated December 5, 2011 and attached as Schedule 'A' and shall ensure there is no significant alteration of the natural drainage pattern.

   c) The retaining wall shall be back filled with free draining material with a perimeter drain at the base and a swale adjacent to the top to manage site drainage as shown in Schedule 'A'.

   d) The access and parking area shall be surfaced with gravel or other permeable surfacing as shown in Schedule 'A'.

   e) During the site preparation and construction phase effective sediment controls in compliance with the provincial *Land Development Guidelines for the Protection of Aquatic Habitat* shall be in place such that there is no increase in sedimentation of the receiving waters.

   f) Post construction erosion control shall ensure sediments are not directed off site and in no circumstance shall sheet, rill or gulley erosion be permitted.

   g) Sediment controls shall be in place before land disturbance is initiated.

h) Any soil or fill stockpiled for more than 7 days shall be protected with temporary coverings or totally contained by silt fencing.

i) Any bare slopes exposed shall have sediment control measures implemented immediately on completion of any work.

j) The generator shall be at minimum have a dual walled fuel tank with secondary containment and leak detection.

k) Post construction there shall be no exterior storage of any hazardous materials.

l) Post construction there shall be no exterior storage of any materials or equipment outside of the fenced area.

m) Landscaping shall be in accordance with the plan by LADR Landscape Architects dated November 21, 2012 as attached in Schedule 'C'.

n) All debris and waste materials currently on site as of the date of issuance of this permit shall be removed and properly disposed of. No waste materials shall be buried on site.

o) At 18 months from issuance of this permit and prior to consideration of a renewal to this permit, a report from a qualified environmental professional commenting on the effectiveness of site drainage control and any impacts on the adjacent Ecological Zone, including any mitigation recommendations, shall be provided.

p) Nothing in this permit prohibits deer fencing to protect implementation of the landscaping plan.

q) No fungicides, pesticides or herbicides shall be used in the development area.

4. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.

5. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS xxth DAY of MONTH, 2014

_____

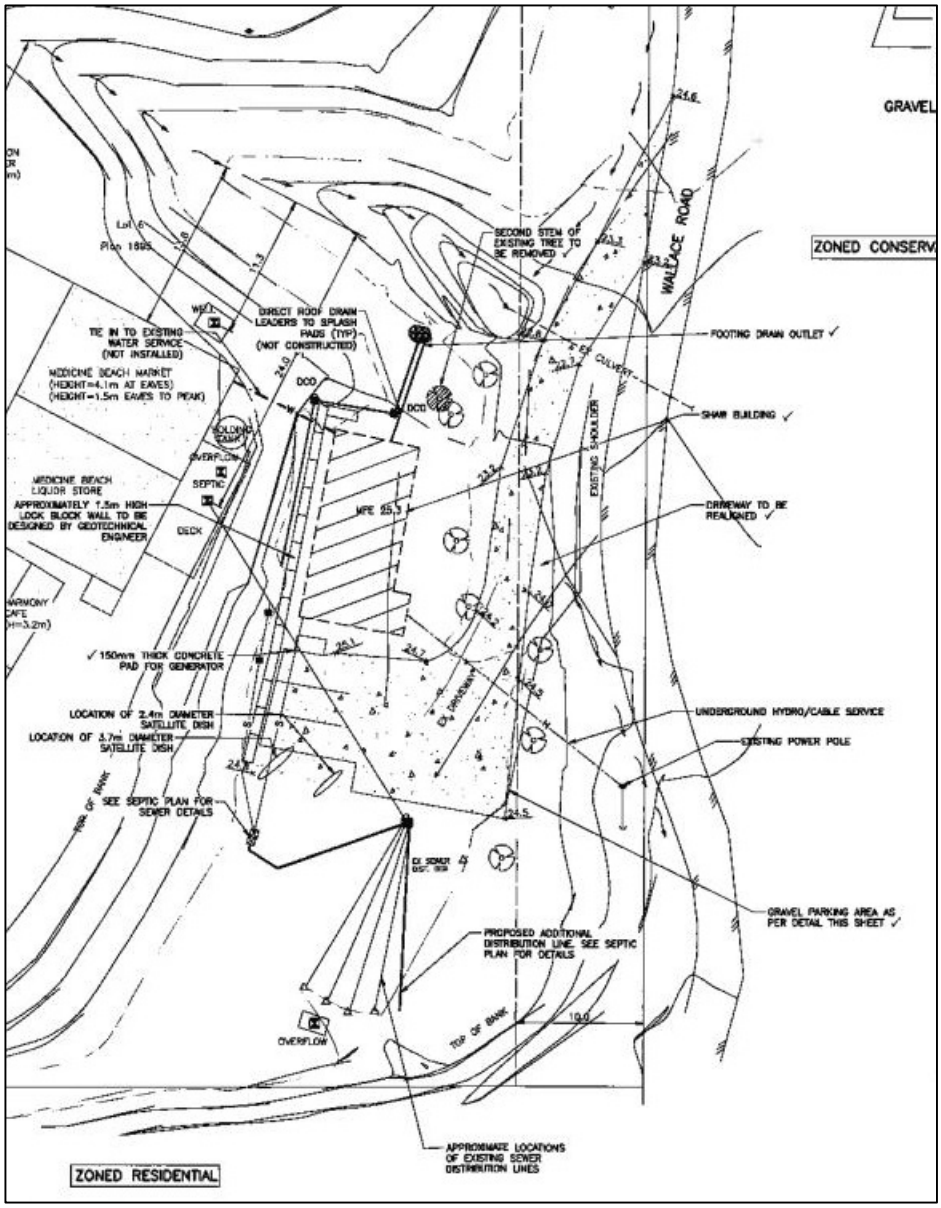
Deputy Secretary, Islands Trust

_____

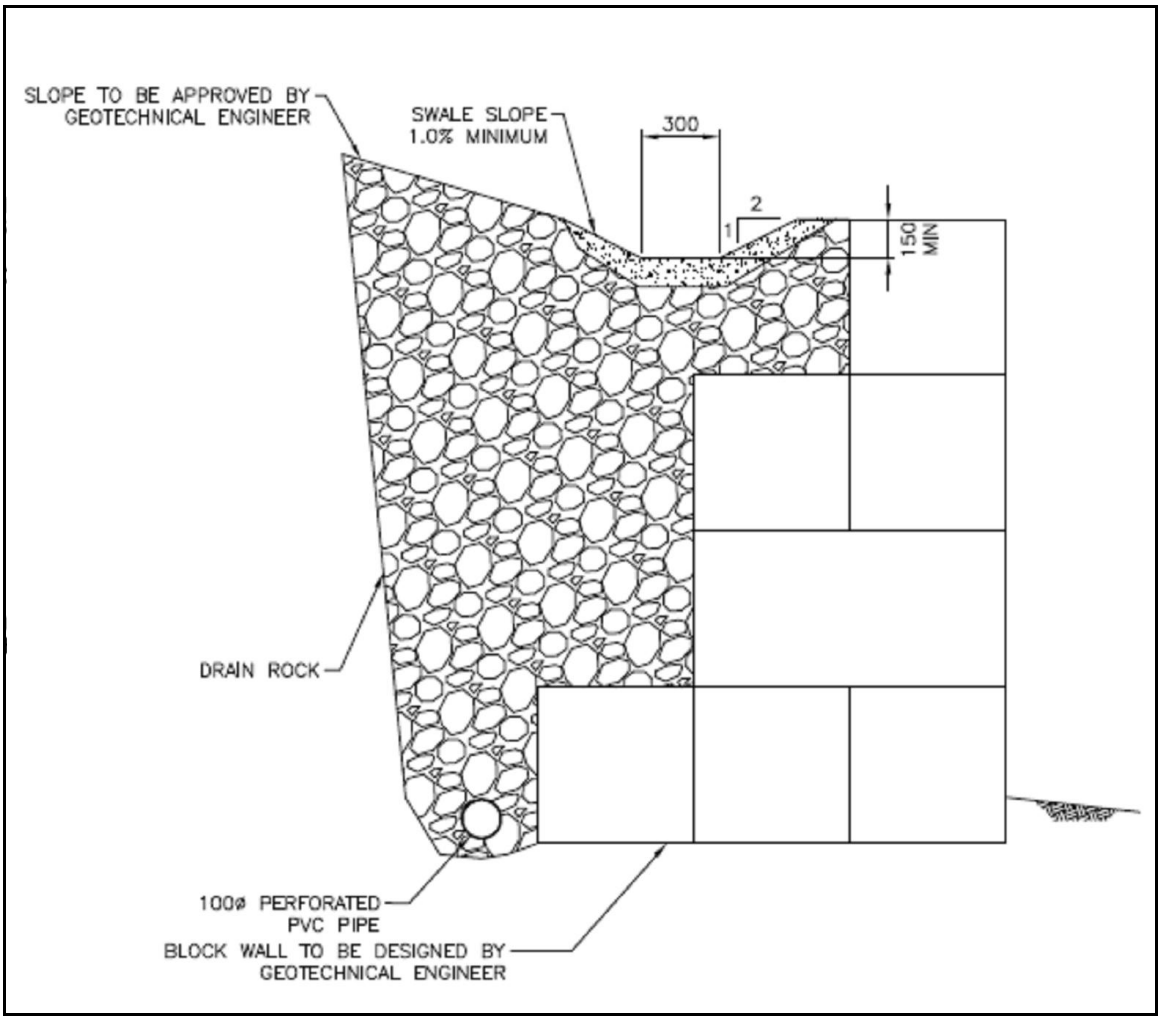
Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2014.3
SCHEDULE 'A'

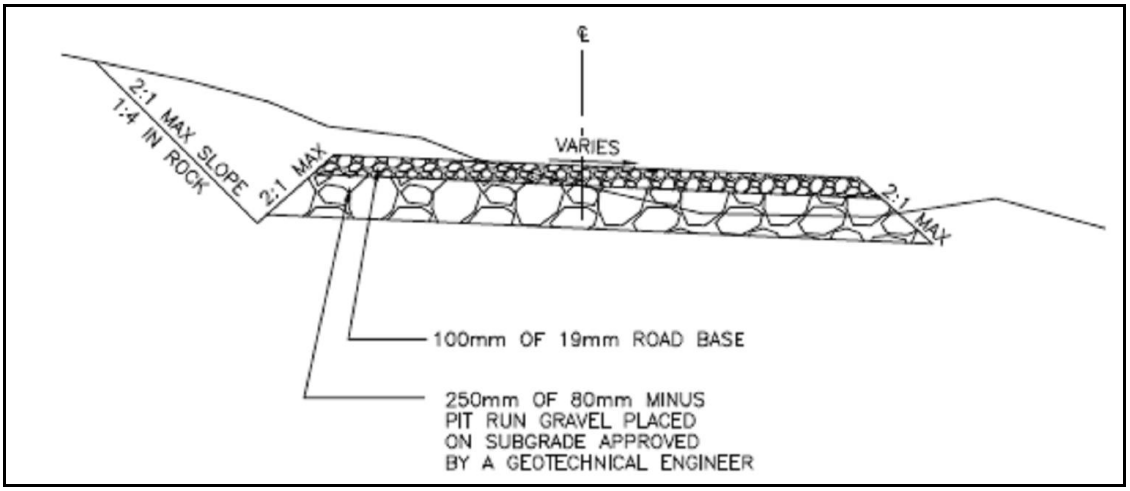
General Site Plan



Retaining Wall Swale Detail

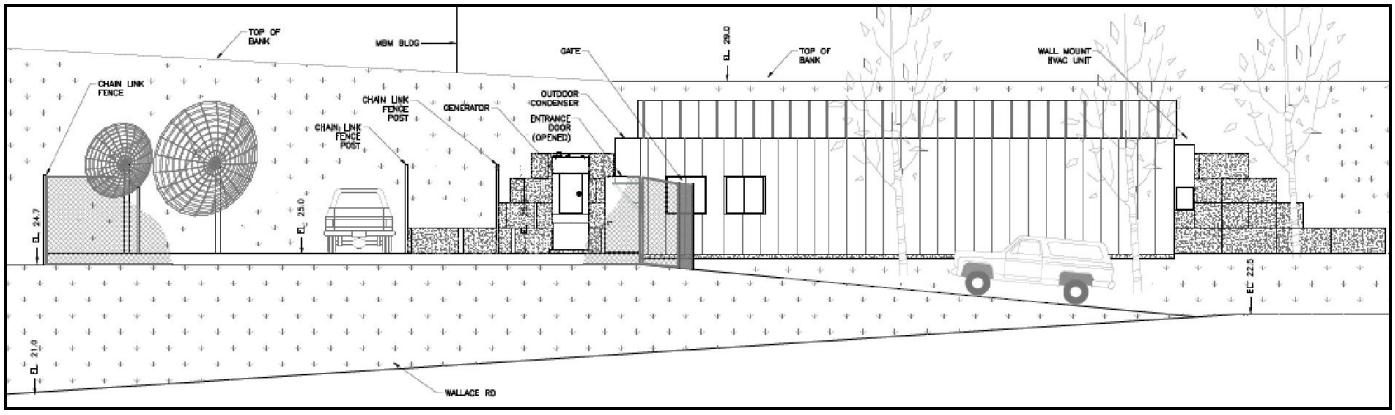


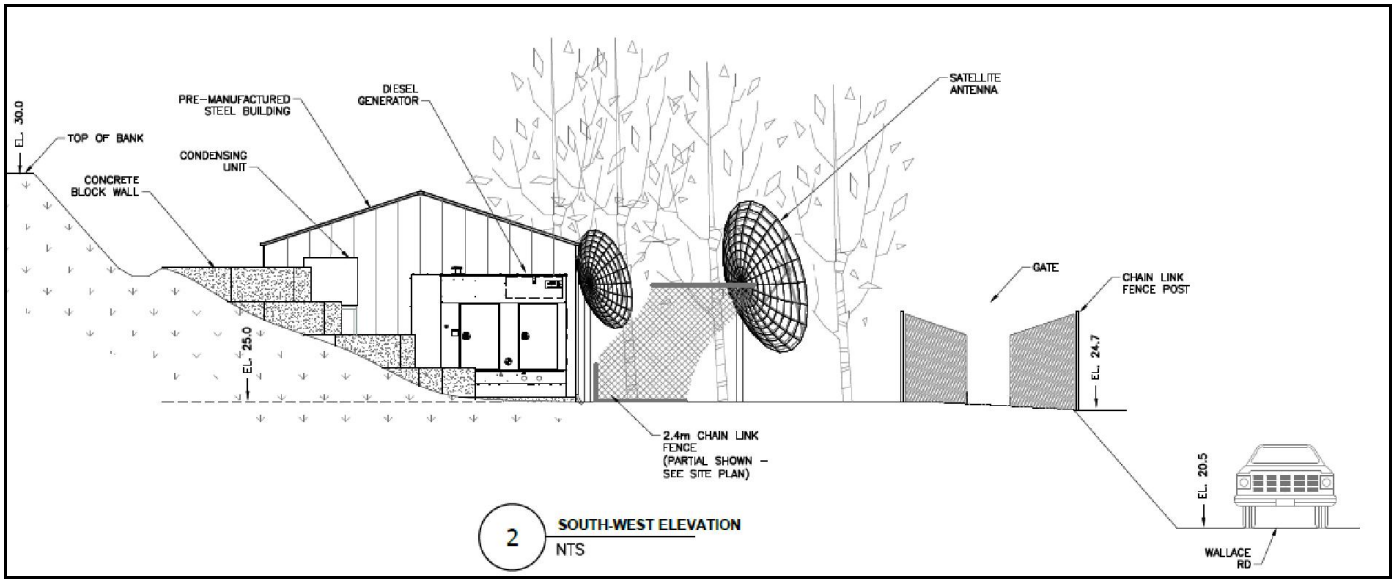
Access Detail



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'B'

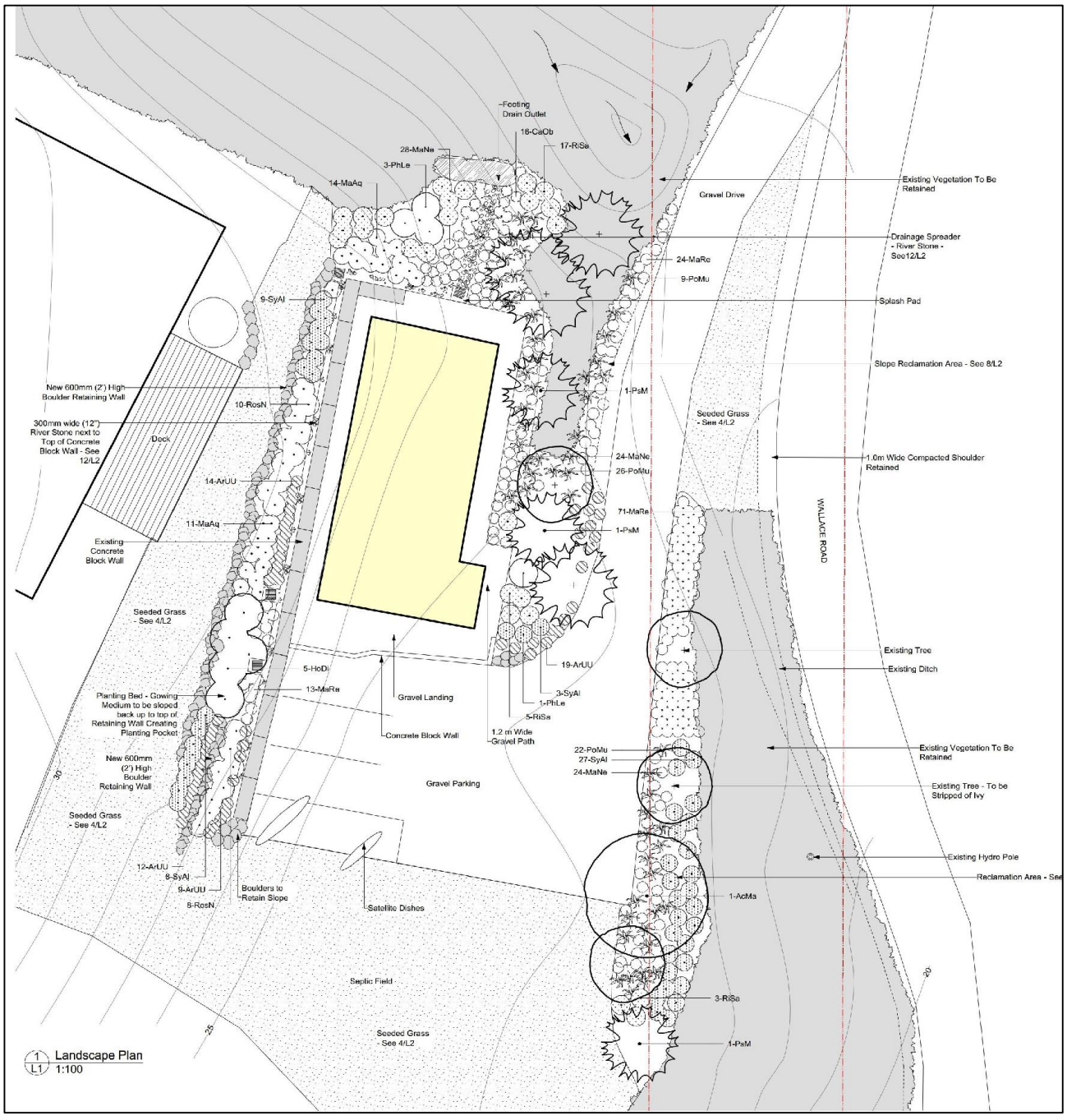
Building elevation





NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'C'

Landscape plan



Required Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name
AcMa	2	Acer macrophyllum	Big Leaf Maple
AlRu	14	Alnus Rubra	Red Alder

Large Shrubs

ID	Quantity	Botanical Name	Common Name
HoDi	9	Holodiscus discolor	Oceanspray
PhLe	21	Philadelphus lewisii	Wild Mock Orange

Medium Shrubs

ID	Quantity	Botanical Name	Common Name
CoSt	21	Cornus Stolonifera	Redtwig Dogwood
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GaSh	43	Gaultheria shallon	Salal
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ID	Quantity	Botanical Name	Common Name
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Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name
CaOb	22	Carex obnupta	Slough sedge
JuEf	27	Juncus effusus	Common rush
PoMu	27	Polystichum munitum	Sword Fern

Attachment 6.
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2014.3

TO: GRL Holdings Ltd.

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

   That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, lying of the east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot.

2. This Development Permit authorizes the construction of a 107m^2 building, a soil retaining wall, parking area and a second access from Wallace Road , exterior placement of two satellite dishes on a solid base, and exterior placement of a generator on a 3m^2 base subject to the following requirements and conditions:

   a) Siting and layout related to the development shall be in accordance with the site plan labelled as Westbrook Drawing 247801 dated December 5, 2011 and attached as Schedule 'A'.

   b) The form and character of the new building shall be in accordance with that shown on Schedule 'B'.

   c) Landscaping within the development area shall be consistent with the number and types of species recommended, and the planting be substantially consistent with the general locations identified in the landscaping plan prepared by LADR Landscape Architects dated November 21, 2012 as shown on Schedule 'C'.

   d) No existing native vegetation outside the development area on Schedule 'C' shall be removed.

   e) Landscaping shall be completed within 12 months of an occupancy permit being issued by the Capital Regional District and in accordance with the specifications provided by LADR Landscape Architects.

   f) Nothing in this permit prohibits deer fencing to protect implementation of the landscaping plan.

   g) No fungicides, pesticides or herbicides shall be used in the development area.

3. Pursuant to Section 925 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any conditions respecting landscaping are satisfied:

   a) Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.

b) Any interest earned on the security provided under Condition 3 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

c) The security provided by the permit holder is:

i. An irrevocable letter of credit with a clause for automatic renewal,
ii. Payable to the Islands Trust,
iii. In the amount of 125% of the quoted landscaping cost, or $ 25,743.66 based upon the cost estimate provided by LADR Landscape Architects dated January 28, 2011.

d) Where the development authorized by this permit has been completed or the permit has lapsed prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 2c) of this permit, provided that the conditions have been met.

4. North Pender Island Land Use Bylaw No. 103, 1996 is varied as follows:

a) Article 6.1.2(n) which requires 1 parking space per $35m^2$ of floor area is being varied to permit:

i. 1 parking space per $36m^2$ of floor area, requiring a minimum of 3 parking spaces for the development authorized by this permit.

5. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.

6. 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 Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS xxth DAY OF MONTH, 2014.

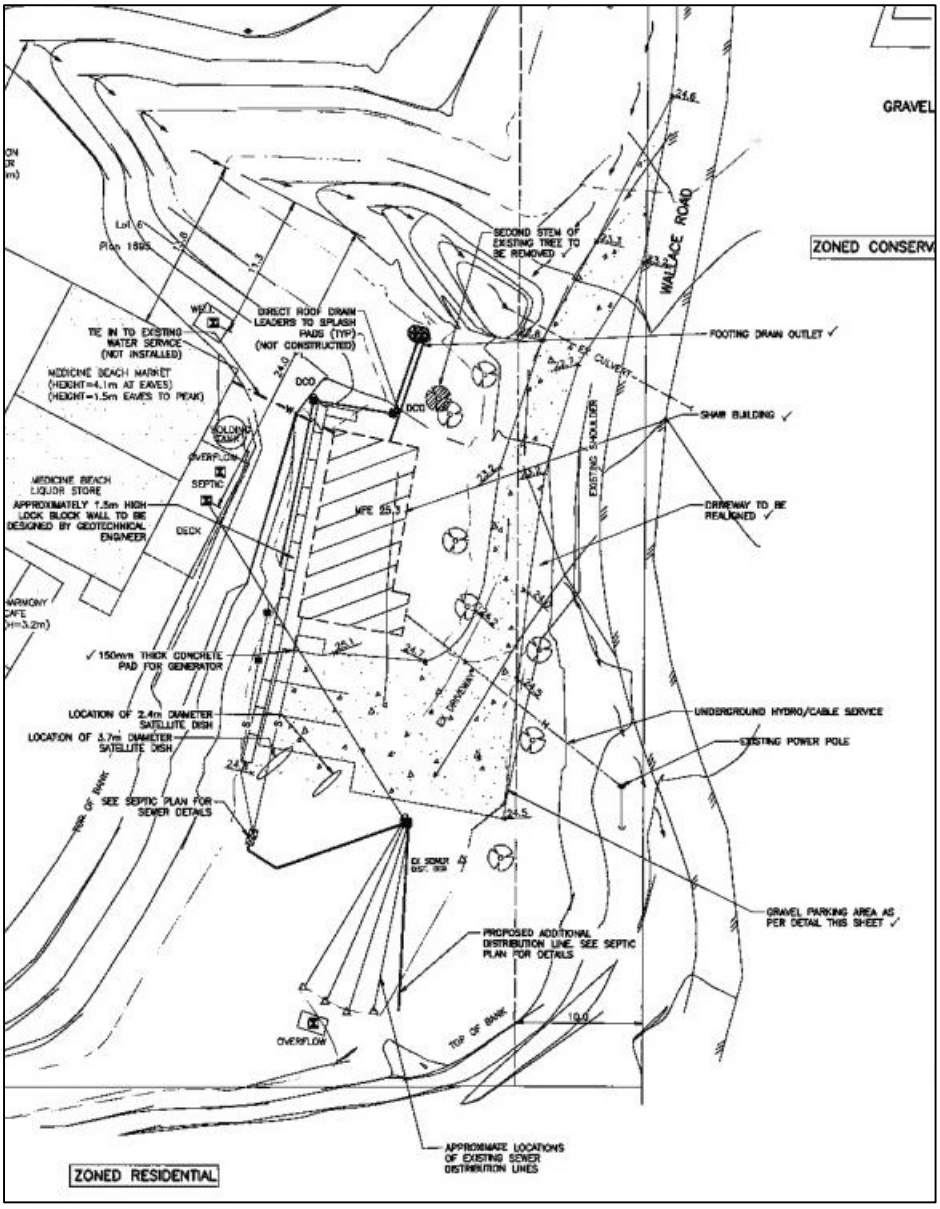
_____
Deputy Secretary, Islands Trust

_____
Date of Issuance

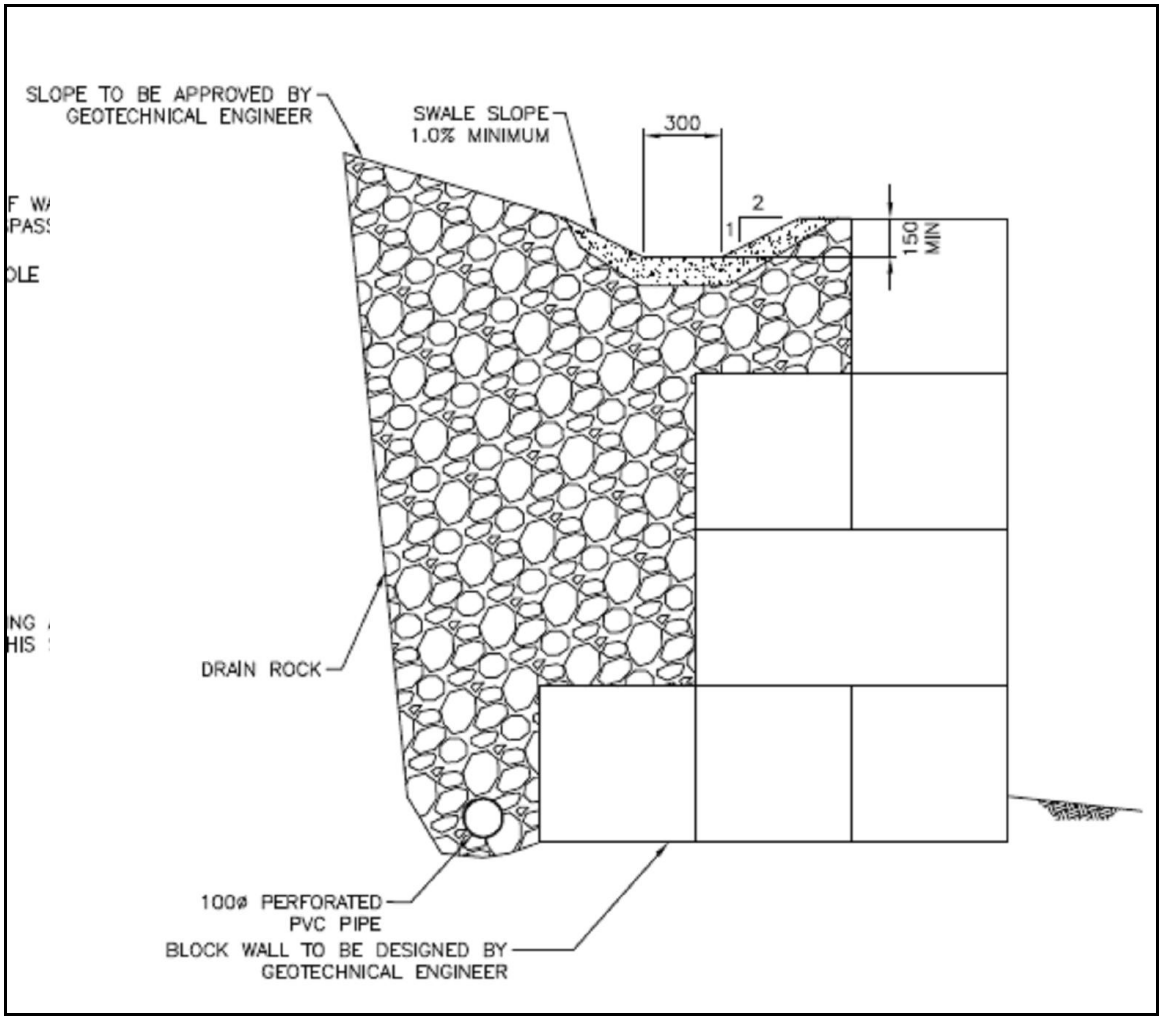
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 25th DAY OF February, 2013, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2014.3
SCHEDULE 'A'

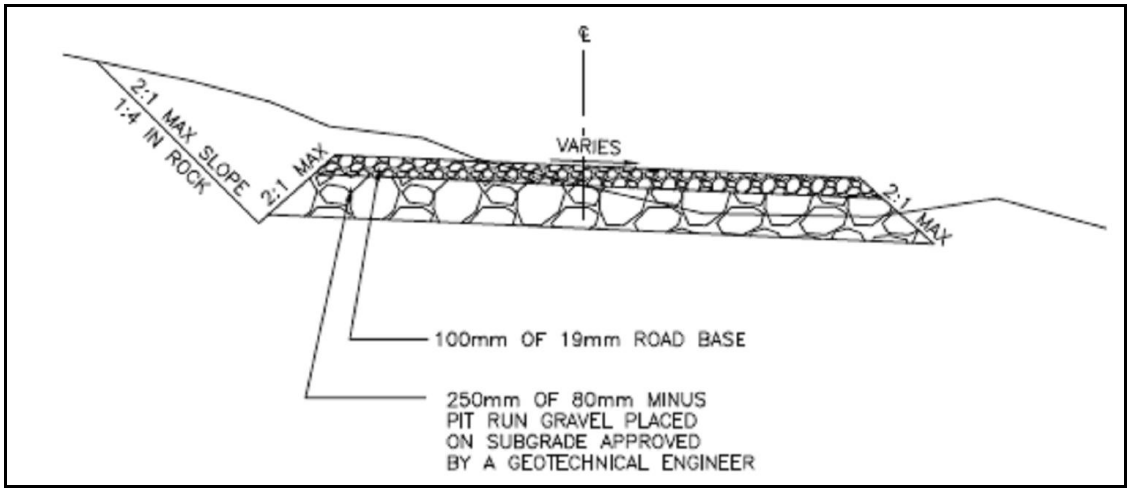
General Site Plan



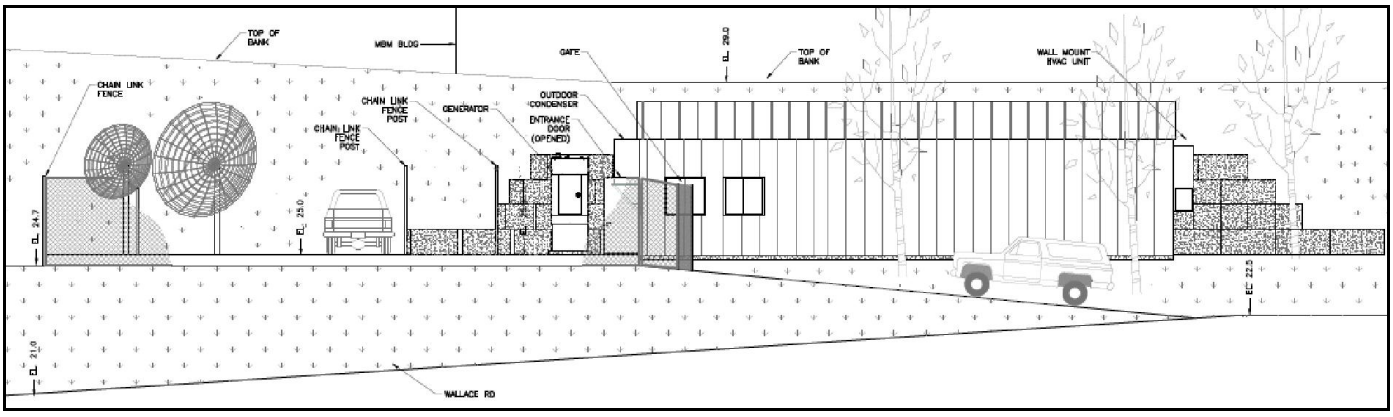
Retaining Wall Swale Detail

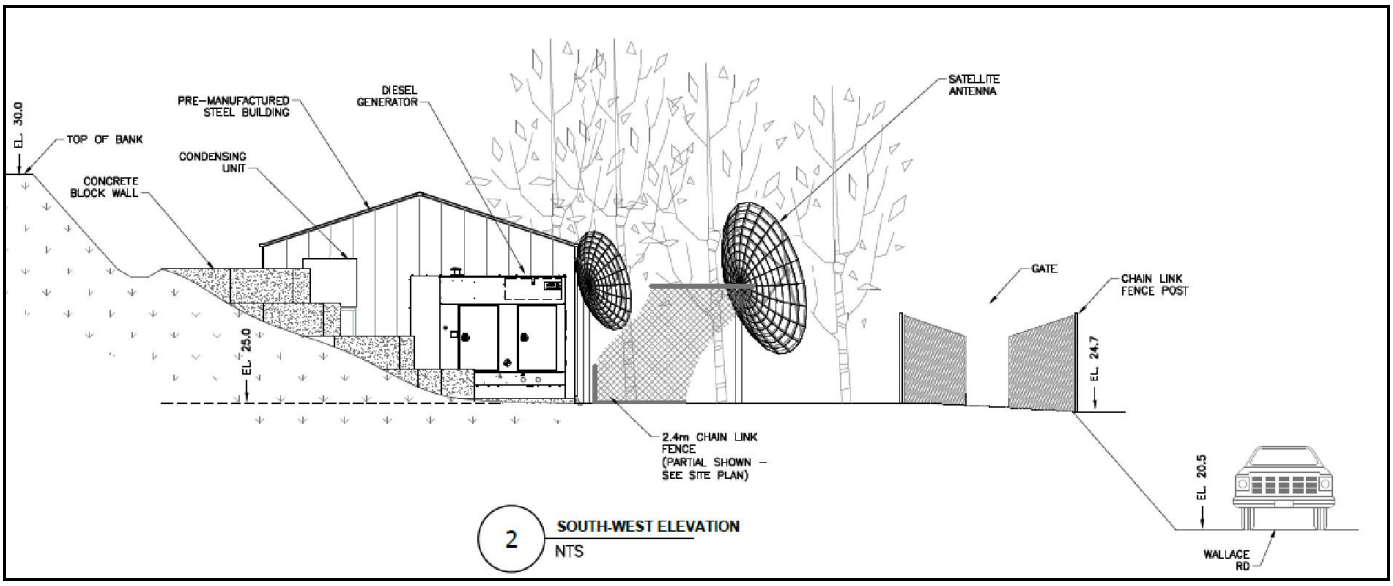


Access Detail



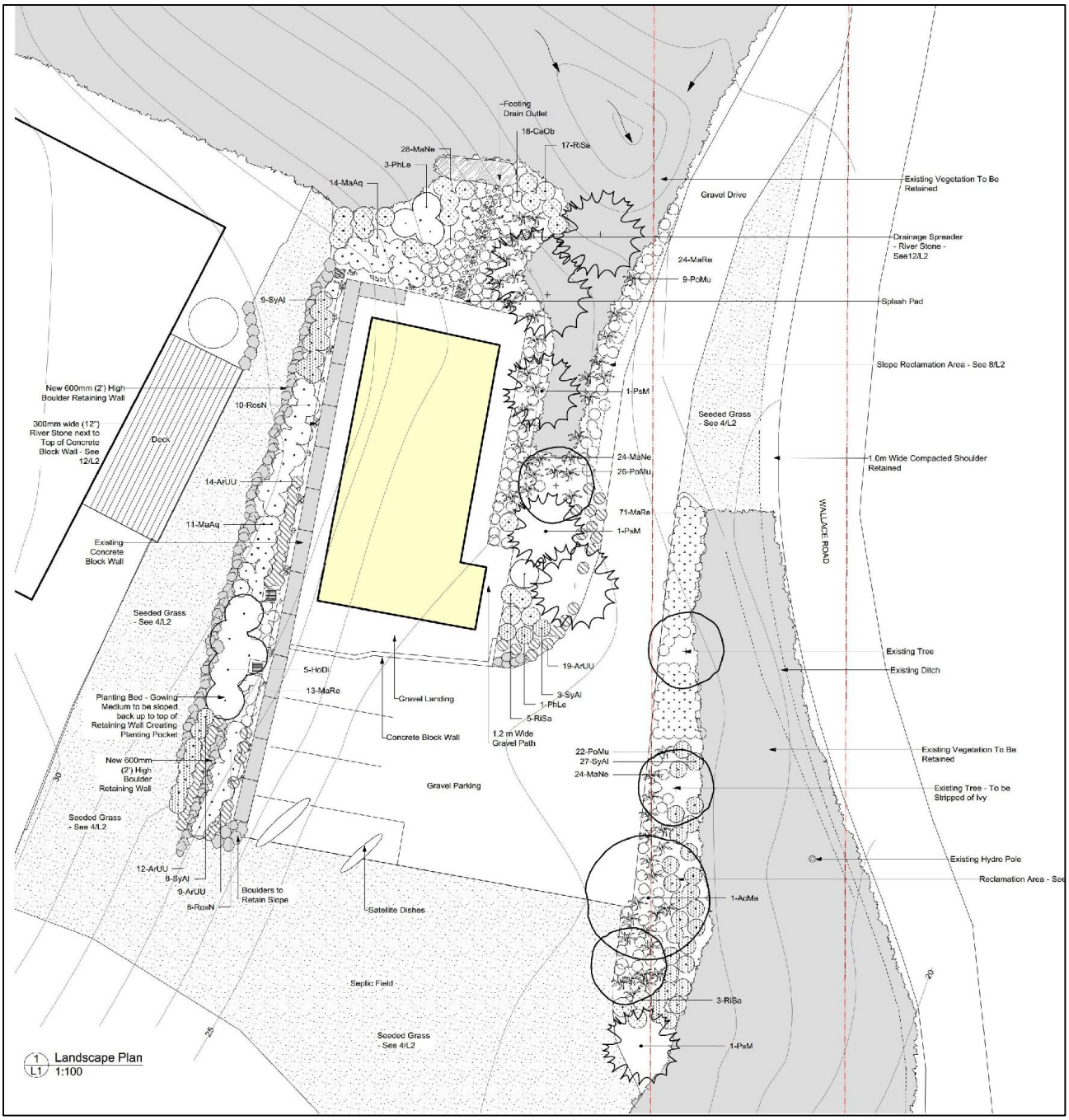
Building elevation





NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2014.3
SCHEDULE 'C'

Landscape plan



Required Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name
AcMa	2	Acer macrophyllum	Big Leaf Maple
AlRu	14	Alnus Rubra	Red Alder

Large Shrubs

ID	Quantity	Botanical Name	Common Name
HoDi	9	Holodiscus discolor	Oceanspray
PhLe	21	Philadelphus lewisii	Wild Mock Orange

Medium Shrubs

ID	Quantity	Botanical Name	Common Name
CoSt	21	Cornus Stolonifera	Redtwig Dogwood
MaAq	29	Mahonia aquifolium	Tall Oregon Grape
RiSa	64	Ribes sanguineum	Red Flowering Currant
SyAl	21	Symphoricarpos albus	Snowberry

Small Shrubs

ID	Quantity	Botanical Name	Common Name
GaSh	43	Gaultheria shallon	Salal
MaNe	114	Mahonia nervosa	Low Oregon Grape

Groundcovers

ID	Quantity	Botanical Name	Common Name
ArUU	79	Arctostaphylos uva ursi 'Vancouver Jade'	Vancouver Jade Kinnickinnick

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name
CaOb	22	Carex obnupta	Slough sedge
JuEf	27	Juncus effusus	Common rush
PoMu	27	Polystichum munitum	Sword Fern

STAFF REPORT

Date:	August 7, 2014	**File No.:** **X-Ref:**	NP-RZ-2014.1 NP-SUB-2012.2 NP-NAPTEP-2014.1
To:	North Pender Island Local Trust Committee For the meeting of August 28, 2014		
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 83.6m^2 existing dock, which due to its size cannot be permitted under the W1 zoning. 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).

This zoning application has been filed as part of a compliance agreement arranged by Islands Trust Bylaw Enforcement. In accordance with its upland zoning, the subject property is currently also being subdivided into three strata lots with common property. 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 NAPTEP covenant. Please see Appendix 1 for a survey of the NAPTEP covenant and DPA boundaries.

BACKGROUND:
The Islands Trust was referred the application for Crown land tenure in 2007. Staff provided a response that approval was supported as the float size indicated in the application complied with the Land Use Bylaw. Had the Crown land application shown the size of the existing float, the applicant would have been advised of the need for bylaw compliance at that time.

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, without a legal mechanism to restrict further docks from being constructed by future lot owners. The owner has now opted to rezone the water which offers the NPILTC the opportunity to restrict the construction of two additional docks.

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 1: Subject Property

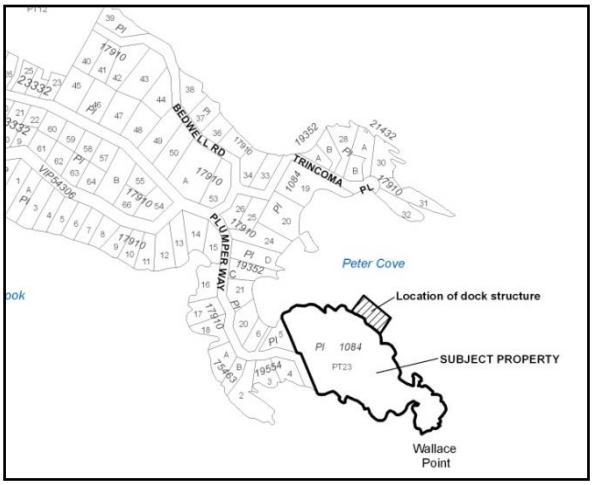


Figure 2: Orthophoto and 2 metre Contour Intervals









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 83.6m^2. The max. area currently permitted by the LUB is 37 m^2.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies in the Policy Statement relevant to this application include:

- 3.4.4 Local trust committees and island municipalities shall, in their official community plan and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5 Local trust committees and island municipalities shall, in their official community plan and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 Local trust committees and island municipalities shall, in their official community plan 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 plan and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
- 5.1.3 Local trust committees and island municipalities shall, in their official community plan 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.
- 5.5.4 Local trust committees and island municipalities shall, in their official community plan 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.

Official Community Plan:

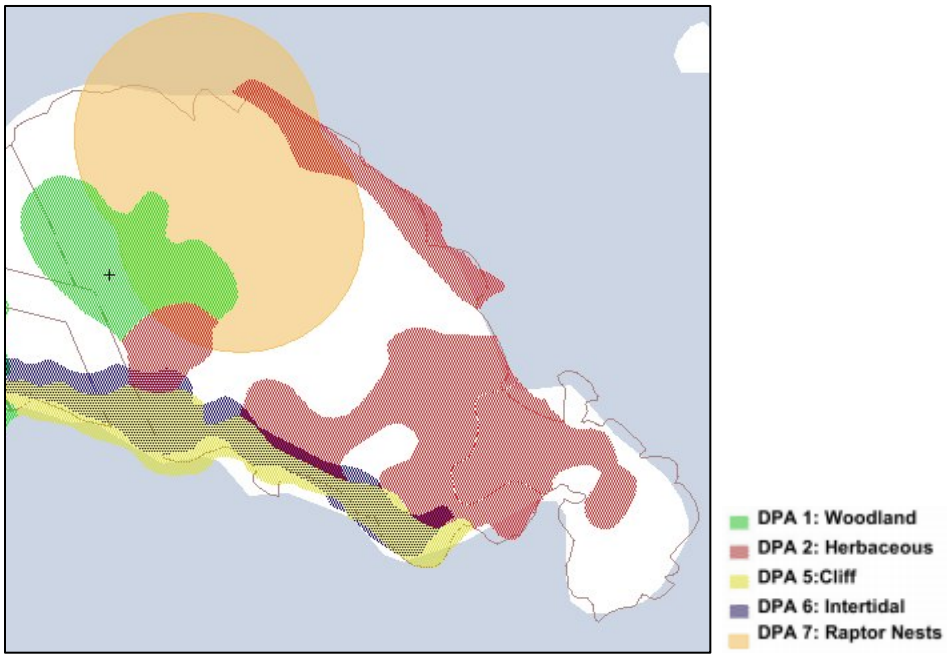
The property is designated Rural Residential and the water is designated Marine in the Official Community Plan (OCP). Relevant policies in the OCP include:

- 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 m^2. The permitted width of any ramp or walkway, including handrails, used to access any float or wharf is 1.5 metres.

Islands Trust Fund: Approved by Trust Council on June 18, 2014, there is currently a NAPTEP covenant proposed for registration on the property. The proposed covenant area includes much of the sensitive ecosystem Development Permit Areas. It is rich in sensitive ecosystems 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.

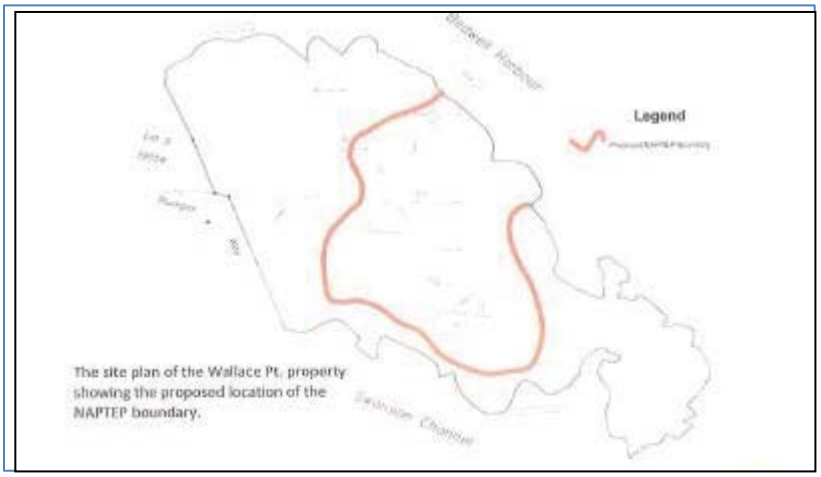
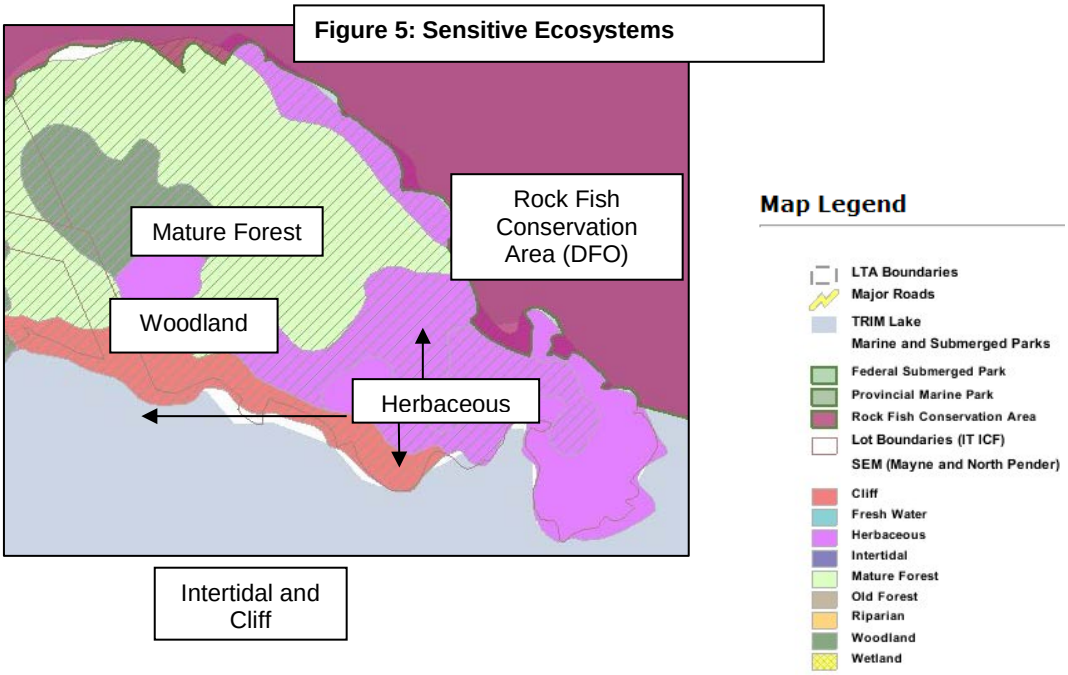


Figure 4: Proposed Covenant Boundary (note the proposed protected area includes the point and the majority of the property's shoreline, the orange outline surrounds the excluded area.)

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.

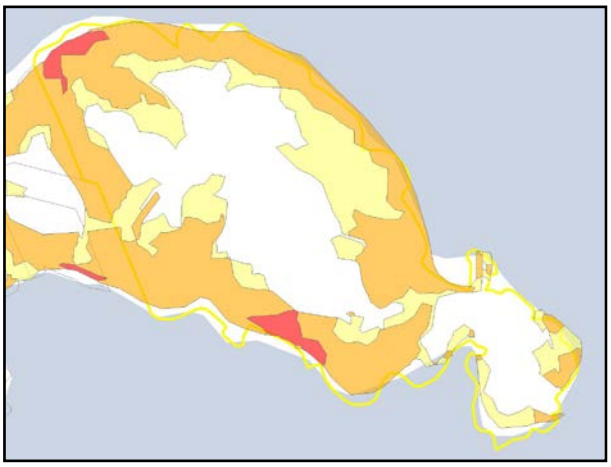
Figure 5: Sensitive Ecosystems



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 addressing this by requesting confirmation from the Archaeology Branch as a condition of Preliminary Layout Approval for the subdivision.

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 dock is permitted by a crown license over the water. The Islands Trust was referred the application for Crown land tenure in 2007, however the float size indicated in the application complied with the Land Use Bylaw. Had the Crown land application shown the size of the existing float, the applicant would have been advised of the need for compliance with the North Pender Land Use Bylaw at that time.

REFERRALS AND COMMUNITY INFORMATION MEETING(S):

Should this application proceed to bylaw drafting and readings, 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.

- First Nations:
  - Cowichan Tribes
  - Halalt
  - Lake Cowichan
  - Lyackson
  - Malahat (TE'Mexw Treaty Association)
  - Pauquachin
  - Penelakut
  - Semiahmoo
  - Stz'uminus
  - Tsartlip
  - Tsawout
  - Tsawwassen
  - Tseycum
- Trust Fund Board
- Ministry of Forest, Lands and Natural Resource Operations – Land Tenures Branch
- CRD, Electoral Area Director
- Pender Island Fire Rescue
- Department of Fisheries and Oceans
- Southern Gulf Islands Harbours Commission
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee

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

RESULTS OF CIRCULATION:

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. Previously, although the 2010 application for DVP was never heard by the Local Trust Committee, the variance request was circulated and also forwarded to the Ministry of Natural Resource Operations (formerly Integrated Land Management Bureau) for comment; their response indicated that in general terms, if the dock facility is a little larger than applied for, but all structures are built and placed within the approved tenure boundaries, then the Ministry's interests are unaffected.

Notice 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:

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.

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.

The North Pender OCP supports multi-user/community docks where there is no disruption to natural coastal processes. It calls for an environmental impact assessment to determine the impacts of such facilities. A professional report has been requested under the provisions of the Development Approval Information Bylaw to identify any 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 should also consider if the dock disrupts natural coastal processes. The central land use question for consideration concerns the relative impacts of the existing, oversize dock, versus the potential impacts of three smaller docks as accessory to the proposed new strata lots.

STAFF COMMENTS:

This application has been precipitated by a bylaw enforcement compliance agreement in response to complaints of a dock that exceeds the size limits of the land use bylaw. The area of the float is 83.6m^2; the maximum area currently permitted by the LUB is 37 m^2. The dock is located within a licensed crown lease area in the Water 1 zone of an upland property that is currently being subdivided into 3 strata lots. Under current zoning, once the subdivision is complete, each lot would be eligible to construct a 37 m^2 dock which would have cumulative visual and environmental impacts. Consideration of impacts of the oversize dock should take into account this tradeoff. With this in mind, staff support this application in principle, subject to any conditions and recommendations that may be contained within the environmental report.

RECOMMENDATIONS:

1. 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.

Prepared and Submitted by:

Justine Starke August 13, 2014

Concurred in by:



August 19, 2014

Robert Kojima, Regional Planning Manager

Attachments:

Appendix 1: Survey Plan with NAPTEP Covenant and DPAs

Site Plan of:
Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except Part In Plan 19554.

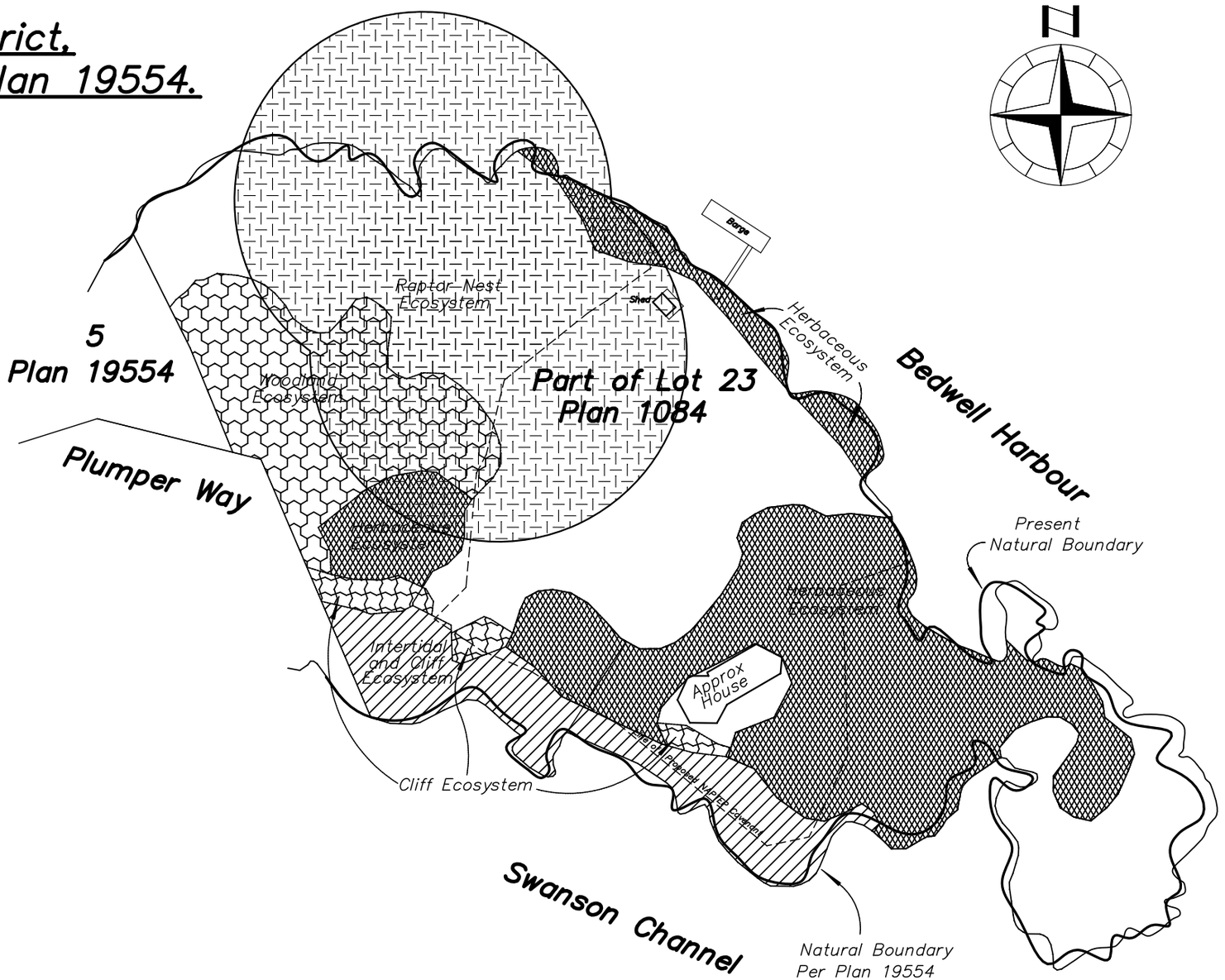
30 0 30 60 90

Scale = 1:1500

Dated this 15th day of August, 2014.

Distances shown are in metres.

Development Permit Area Locations derived from data available on Islands Trust Website.



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

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

August 12, 2014

Islands Trust file number: NP-CL-2014.1
FLNRO file number 1414204 (Navy Channel)
Project no. 137864

Ministry of Forests, Lands, and Natural Resource Operations
VIA E-referrals

Re: Referral for installation of submarine cable in Navy Channel

Summary: *Errors in Section 8.0 "Cable Engineering Considerations" make it unclear whether the proposed installation complies with local land use regulations. Assuming the installation is consistent with that in Active Pass (see File Number 1414203), the proposed installation complies with land use regulations (i.e. zoning) in both Mayne Island Local Trust Area and North Pender Island Local Trust Area. We are unable to accurately evaluate the effect on public use of the area. Should the application proceed, Islands Trust requests that an accurate explanation of activities be provided.*

1) Does this application impact your agency's legislated responsibility? If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts.

The application impacts the legislated responsibility over zoning and land use that is exercised by both the Mayne Island and the North Pender Island Local Trust Committees (LTCs). For both agencies, this responsibility derives from Part 26 of the *Local Government Act* and the *Islands Trust Act.*

Additional legislation governing zoning and land use under the Mayne Island LTC includes the Mayne Island Official Community Plan, Bylaw No. 144 2007; and the Mayne Island Land Use Bylaw No. 146, 2008. The North Pender Island Official Community Plan, Bylaw No. 171, 2007 and the North Pender Island Land Use Bylaw No. 103, 1996 similarly govern the responsibility of the North Pender Island LTC.

Each LTC has jurisdiction over the zoning of land and water within areas outlined in their respective OCPs and LUBs.

The proposed use consists of the installation of a surface laid submarine fiber optic cable across unsurveyed Crown foreshore in Navy Channel between Mayne Island and North Pender Island.

The proposed use is subject to the zoning bylaw in each of the local trust jurisdictions. Section 8.0 "Cable Engineering Considerations" describes the proposed installation and the scope of work. Numerous errors and inconsistencies within this section make it difficult to evaluate whether the proposed installation may impact local zoning and land use regulations.

Assuming the installation in consistent with that in Active Pass (see File Number 1414203), cables of the type proposed in the current application are permitted in the applicable zones of the Mayne Island Local Trust Area, where setback restrictions applicable to the relevant zones do not apply to such installations.

The portion of Navy Channel subject to the application, and falling within the North Pender Island Local Trust Area, is zoned Water 1 (W1) by Land Use Bylaw 103. The use is interpreted to be the same as an electrical or telephone wire, as permitted in all zones by Section 3.1.

Please note, if amendments to the application or proposal are made, Islands Trust staff will be required to re-evaluate if the proposal is in compliance with the bylaws.

2) If the proposal proceeds, will the applicant require approval or a permit from your agency?

Assuming the installation is consistent with that in Active Pass, the applicant will not require approval or a permit.

3) Will on-going compliance monitoring be required by your agency as a result of your legislated responsibilities?

Ongoing compliance monitoring will not be required.

4) Will this application affect public use of this area?

Assuming the design and installation of the cable are similar in nature to the activities described in the Crown Land application for Active Pass (see file no. 1414203), public use of the foreshores on both North Pender Island and Mayne Island, and commercial and recreational use of Navy Channel, will be affected during installation. However, the current application contains material referencing other projects that makes unclear the actual activities proposed for Navy Channel. Should the application proceed, Islands Trust requests that an accurate explanation of activities – in particular, accurate Cable Engineering Considerations – be provided.

5) Is the application area zoned for the proposed purpose? If no, please provide current zoning. In the event the applicant wishes to apply for a re-zoning, please provide the estimated time required for this decision.

As above, cables of the type proposed in the current application are permitted in the applicable zones of the Mayne Island Local Trust Area. Per the Mayne Island Land Use Bylaw 144 (where the proposed cable crosses the Water Moorage and Settlement Residential zones),

"3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone, except where noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

(1) ***Utility lines*** *and poles…"* [emphasis added]

The installation is also permitted in the applicable zones of the North Pender Island Local Trust Area. Per the North Pender Island Land Use Bylaw 103 (where the proposed cable crosses the Rural Residential and Water 1 zones),

"3.1 Uses Permitted in Any Zone

3.1.1 Except where specifically prohibited, the following uses, building and structures are permitted in any zone except the Ecological (ECO) Zone:

(5) electricity and telephone lines for the distribution of service to North or South Pender Island, and water and sewer service lines…"

where the clear intent of the Bylaw is to allow for utility lines in any zone except the ECO Zone; and

"3.7 Siting

3.7.1 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… and for this purpose paved areas of asphalt, concrete or similar material are "structures".

where utility lines cannot reasonably be defined as "structures".

The applicant should be aware that changes made to the proposal or future developments may require zoning approval.

Sincerely,



Kerry Thompson
Co-op Planner 1, Islands Trust
Phone: (250) 405-5190
Email: kthompson@islandstrust.bc.ca

pc: Ministry of Forests, Lands and Natural Resource Operations
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee

Robert Kojima, Regional Planning Manager
Todd Roper, Agent for Applicant, by email: todd.roper@ledcor.com

Memorandum

Date August 19, 2014 File Number

To Southern Local Trust Committees

From Robert Kojima
Regional Planning Manager

Re Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan

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Islands Trust has received a referral of the draft Experience the Gulf Islands (EGI) Cycling and Pedestrian Trail Plan for the Southern Gulf Islands from the CRD. A copy is attached and can also be viewed here: http://www.crd.bc.ca/docs/default-source/parks-pdf/crd-draft-sgi-trail-plan.pdf?sfvrsn=2

It is described as a vision for a trail system that will link people and places on each island and to Vancouver Island and the mainland, with this document providing the first high-level overview of a proposed regional trail system. Islands Trust was initially requested to respond to CRD by August 29th; I have contacted CRD staff and requested an extension until later in September in order to provide an opportunity for each local trust committee to provide comments, if any, on the plan. CRD staff and EGI volunteers have been independantly obtaining community comment. Community comments and agency responses will be brought back to the CRD Electoral Area Services Committee in November.

In responding to the referral, staff will be providing the following comments to CRD staff based on existing OCP policies, legislative requirements, and zoning:

- OCPs currently include policies advocating for or supporting development of trails and linear parks
- OCPs also currently include policies supporting walking and cycling trails linking services and populations in order to mitigate GHG emissions.
- Several OCPs include policies supporting creation of linear parks at time of subdivision, trails as potential amenities at time of rezoning, and/or the establishment of trails through voluntarily by landowners.
- All OCPs include policies advocating that MOTI construct or permit trails in the highway right of way where feasible and as opportunities permit.
- Several OCPs include policies allowing LTCs to consider implementing regulations for cash-in-lieu of parking to be provided for trails.
- Four OCPs include Schedules identifying at least some future trails or cycling routes. Consistency between these maps and the EGI plan should be encouraged, either by revising the EGI plan, or by LTCs considering future amendments to the OCP schedules where appropriate. Identifying future trails in the OCP would be important in order to support establishment of trails in the highway right-of-way, as park dedication at time of subdivision, or as a community amenity at time of rezoning.
- The plan should avoid identifying future trails in locations that are unlikely to result in rights-of-way being acquired across private land. Although linear parks could be acquired at time of subdivision as

mandatory parkland dedication (Islands Trust could assist in identifying lands with future subdivision potential) the timing and initiation of subdivisions are at the discretion of landowners.
- Siting of future trails should avoid sensitive or hazardous lands, including sensitive ecosystems and rock fall hazard areas; Islands Trust could assist by providing existing mapping.
- EGI should exercise caution in proposing to locate future trails in areas which could conflict with existing or zoned land uses, including agricultural land, active forestry or other resource lands, or industrial areas. Islands Trust could assist by providing land use and zoning maps.

The extension of the referral period was obtained in order to provide an opportunity for LTC's to request any specific comments to be included in the response to the CRD. LTC comments are not required, but if there are, they should be provided by resolution. The following resolution wording is suggested:

THAT the _____Island Local Trust Committee request that staff provide the following comments to the Capital Regional District concerning the draft Cycling and Pedestrian Trail Plan:

1.

pc Island Planners

Attachment: Draft Cycling and Pedestrian Trail Plan



EXPERIENCE THE SOUTHERN GULF ISLANDS

cycling and pedestrian draft trail plan

Making a difference...together

CAPITAL REGIONAL DISTRICT | MAY 2014

Executive Summary

The draft Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan presents a path forward for a trail system that will link people and places on each island and to Vancouver Island and the mainland. As a key component of the Experience the Southern Gulf Islands Initiative of the Southern Gulf Islands and Salt Spring Island Economic Development Commissions, the trail system will also be a catalyst for community and economic development.

The trail system will provide a way for people to get around the islands by foot, bicycle or horseback although not all trails will be developed for all of these uses. The proposed system for each island has a regional route which will form part of the CRD regional pedestrian and cycling trail system, with connecting community trails. The regional route will provide the backbone and connect the ferry terminals to key national, provincial and regional parks and community commercial areas. The community trails will provide the linkages from community parks to the regional route, a network of trails for the community and additional opportunities for recreation and alternative transportation. These trails will also need to be developed to be sustainable; last for decades, be designed and constructed to have minimal environmental impact, be safe and have low maintenance costs.

The development of the trail system will take many decades and follow four steps: acquiring tenure, undertaking detailed planning, constructing the trail and operating and maintaining the trail. Approval of this trail plan does not constitute approval of funding for any of the above work. Future funding will require that projects are considered through the CRD's business planning process, annual budgeting, capital budget plans and annual work plans. In addition, the CRD and the community will need to seek out funding from partners to leverage regional and local investment.

Upon approval of the draft plan by the Regional Parks Committee a public participation process will be undertaken to provide an opportunity for the public to offer feedback on the plan. The CRD will also seek feedback from Parks Canada, Islands Trust and First Nations. This feedback will be recorded and reported to the Regional Parks Committee and considered in preparing the final plan.

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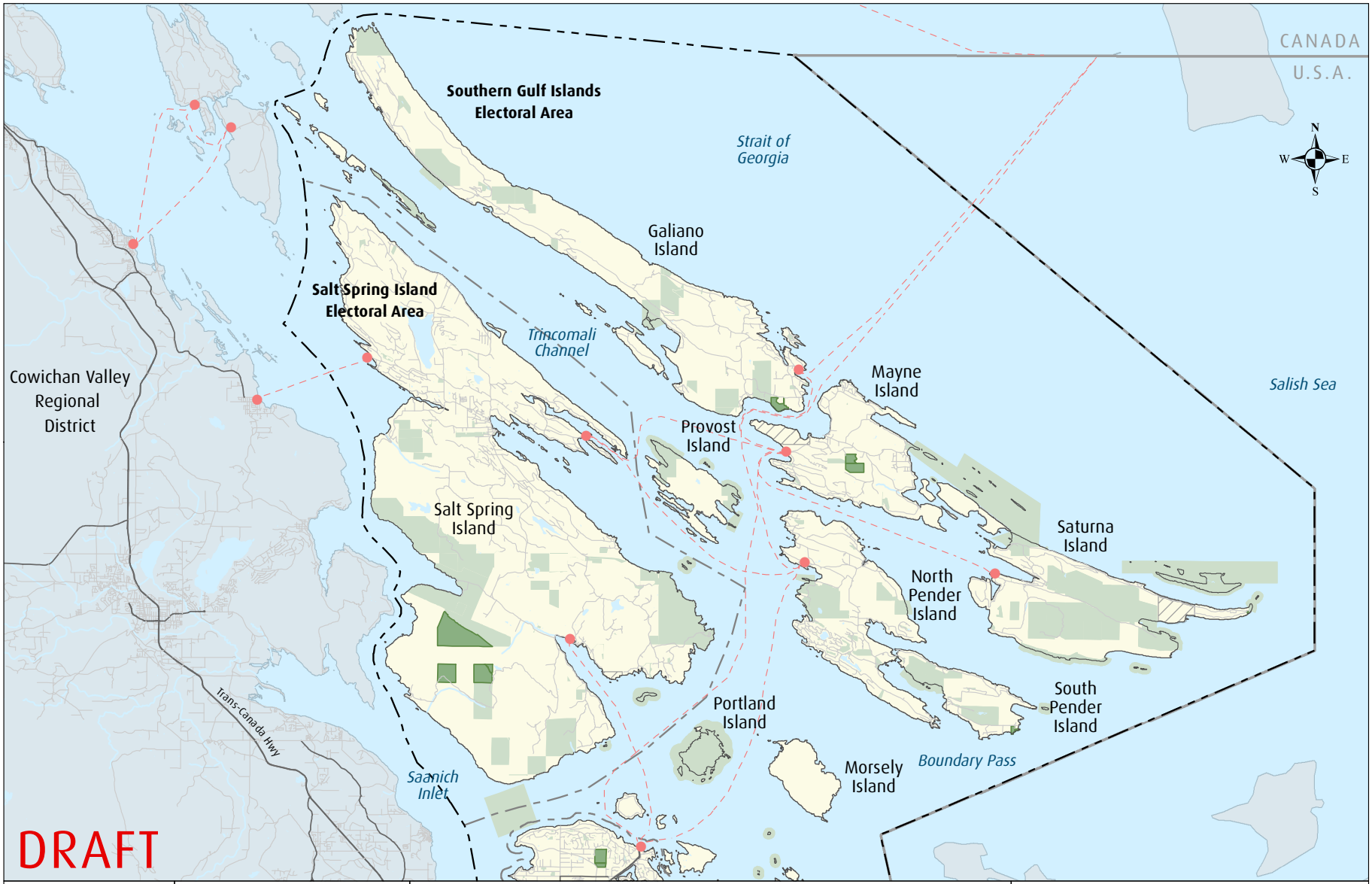
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Front and back cover photos: Danica Rice

Map 1: CRD Southern Gulf Islands



Important This map is for general information purposes only. The Capital Regional District (**CRD**) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. **This map is not for navigation.** The CRD **will not be liable** for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Introduction

In December 2012 the Capital Regional District (CRD) Board authorized the development of a cycling and pedestrian trail plan for the Southern Gulf Islands. This project is a key component of the Experience the Gulf Islands initiative (ETGI). ETGI is a program of the Southern Gulf Islands and Salt Spring Island Economic Development Commissions. It is a unifying theme that embodies first hand experiences with landscapes, people and history, offered and packaged as outdoor recreation, tourism and educational opportunities that generate health, economic and community benefits, to enrich the lives of residents and visitors.

Developing and providing the support system for enriched experiences will be a catalyst for community and economic development.

A key building block of ETGI will be the development of a system of major trails and water routes interconnecting communities, events, amenities and supporting businesses throughout the islands. A major spine trail across and interconnecting each of the Southern Gulf Islands (SGI) and Salt Spring Island is proposed to be developed as part of the CRD regional trail system and would form a destination loop on the Trans Canada Trail ("Islands in the Salish Sea Loop").

The cycling and pedestrian trail planning project is being managed through CRD Regional Parks. The *Regional Parks Strategic Plan* (2012) provides direction for the preparation of the trail plan. The *Strategic Plan* provides:

1. a vision for regional trails throughout the CRD,
2. the purpose of regional trails, and
3. a strategic action that states, "In partnership with other public agencies, local government and private landowners, [it will] initiate planning for the regional trails system on Salt Spring Island and Southern Gulf Islands.

For more information on Experience the Gulf Islands initiative visit:

sustainableislands.ca

Project Purpose

The purpose of the project is to produce a trail plan that identifies at a general level the proposed regional and community trail routes for recreation, transportation and tourism purposes as part of the ETGI.

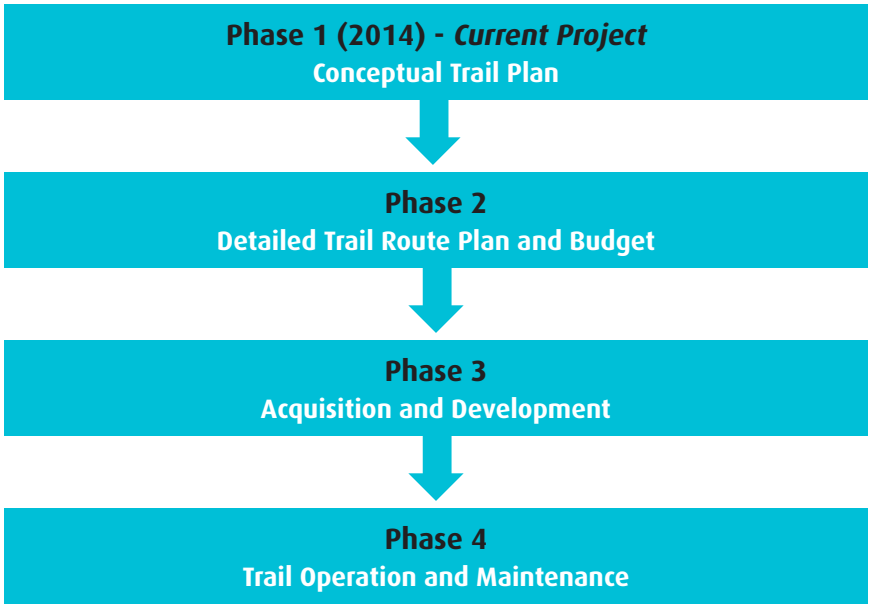
The regional trail will provide the backbone and connect the ferry terminals to key national, provincial and regional parks and community commercial areas.

The community trails will provide the linkages from the community parks to the regional trail, a network of trails for the community and additional opportunities for recreation and alternative transportation.

Some of these trails may be located in the Southern Gulf Islands National Park Reserve.

The completion of a system of cycling and pedestrian trails on the Southern Gulf Islands will take many years to achieve and will occur through four phases as outlined in Figure 1.

Figure 1: Timeline for Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan



Community Consultation

The Pedestrian and Cycling Trail Plan process began in the spring of 2013 and included a comprehensive community consultation process that included face to face meetings with ETGI team leaders, members of the public, community open houses, mapping exercises as well as field visits.

With this draft plan, two of the three stages of the engagement process have been completed. The draft plan is now being circulated for public comment and review.

Figure 2: Community Engagement Process



The wide range of information collected from the open houses and general ETGI meetings helped to identify key community interests. The feedback received included a number of suggestions and needs as illustrated in Figure 4. From these interests, a vision was drafted to assist with the long term planning and implementation of the project.

Figure 3: Community-Based Ideas Gathering



The key findings from the public engagement session included a wide range of information primarily associated with the following themes:

- *Sustainable Trails* - trails need to be in good condition, protecting the environment and resources, sustainable structures and construction techniques
- *Accessibility* - trails need to be multiuse and for all ages and abilities
- *Communication* - digital communication, marketing and provide signs
- *Community Benefit* - these trails celebrate place, culture, health and lifestyle
- *User Safety* - need to address signs and codes of conduct
- *Economic Development* - the trails will provide a variety of great tourism experiences, amazing destinations and amenities
- *Alternative Transportation* - there is a need to provide opportunities for alternative modes of transportation to the motorized vehicle
- *Education* - community and visitor stewardship and interpretive opportunities



Photo: Danica Rice

Figure 4: Community Interests



First Nations

The Southern Gulf Islands are within the traditional territory of 22 Coast Salish First Nations. There are five bands from the WAANEC (Saanich) Nation that have land-based interests in the Southern Gulf Islands: Tsawout, Tsartlip, Tseycum, Malahat and Pauquachin. The Penelakut Tribe has land on Galiano Island. The CRD will engage these First Nations in a dialogue about trail planning with the intent to understand their interests, locate possible trail routes on First Nation land and other land in their traditional territory within the Southern Gulf Islands and identify ways to work together on the Experience the Southern Gulf Islands Initiative.



Photo: Danica Rice

Trail Planning

Trails on the Southern Gulf Islands

Each of the ETGI has a number of parks, trails and unique outdoor experiences owned and managed by a variety of land agencies and conservation groups or societies. Some of the trail experiences include early farm trails, historic logging routes, low traffic paved roads, as well as animal trails that have become "social trail" routes. *Social trails* are formed by repeated use of a particular route by people or animals. Often, they are trails that have been worn into the ground from users taking the path of least resistance to a particular destination.

In spite of advanced planning in some cases or little planning in others, many of the trails in the Gulf Islands are not legal or formalized. Some trails follow paths that were previously created by wild animals and do not meet basic layout standards that require maximum conformation to grades and slope. As a result, sections of existing trails are not sustainable. Evidence exists in the parks, trail corridors and open spaces as the trails have become degraded from soil loss and erosion resulting in damage to local vegetation and habitat.

Without meeting sustainable grades or construction standards the trail system will erode with increased use. It will eventually become dangerous and may need significant maintenance over the long term. This said, trails in the Gulf Islands pass through some of western Canada's most fragile ecosystems and therefore need to be sustainable through good design. By respecting local landscapes and ecosystems, trails can be used to help to conserve sensitive lands and not contribute to overuse and environmental degradation.

Sustainable Trail Planning and Development

Sustainable trails are designed and constructed to minimize erosion and environmental degradation and last a long time without major repairs. They are safe and pose minimal liability risk to land managers. Sustainable trails can range from easy to difficult depending on the steepness of grades, the width of the trail and the alignment chosen. They can be challenging and winding or breathtaking and open. Sustainable trails can be designed to accommodate all users including mountain bikers and equestrians, however they do require routine maintenance and monitoring to preserve their longevity and function.

By requiring sustainable layout and construction standards early in the process minimal erosion and environmental degradation will result, as well as low maintenance costs.

Existing Conditions

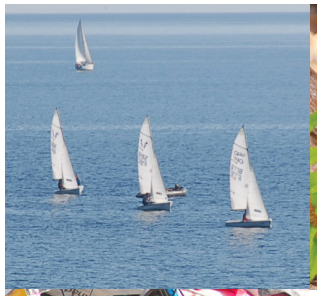
While the Southern Gulf Islands have a host of great amenities and destinations to explore, a few barriers exist that must be overcome as far as trail planning and trail use is concerned. Some of the existing conditions on each of the islands include the following:

1. Steep hill climbs
2. Suburban layout – distant from amenities
3. Lack of pedestrian safety in commercial zones
4. Dangerous road sides
5. Distance between commercial zones and ferry terminal
6. Residents reliant upon car for amenities
7. Must be very fit to cycle the roads
8. Eroded, fall-line and steep trails
9. Exposed cliffs and rock wall barriers
10. Reliance on ferry

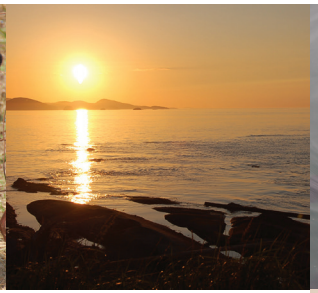


The Draft Trail Plan

Figure 5: Vision









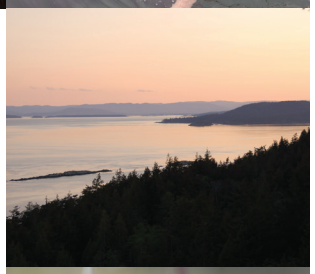
A vision ...

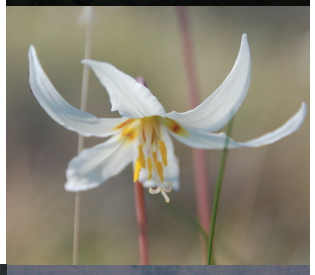
A necklace jewelled together by unique destinations. From wild coasts and beaches, pastoral farmlands, spectacular bluffs, and quaint villages to cool and shady forests, glacially-striated and sandstone-pocketed rock formations. Our trail is a priceless experience in the Salish Sea. We invite BC residents and guests to visit, recreate, celebrate and relax.

Our trail system is respectful of land owner interests, sustainable in design and a part of the daily routine for local people in the Gulf Islands. Open to multipe users, visitors will experience cultural and education opportunites based on partnerships that tell stories of past peoples, the evolution of land uses and of continued protection for future generations.

Through a range of organized alternative transportation options, effective signage, and strong digital and ground-based communications, residents and visitors have the ability to explore historic and culturally significant destinations and the significant distinctions on each of the islands.

An array of visitor services and amenities are available for cyclists, backpackers, families, the elderly and those with more decadent tastes.





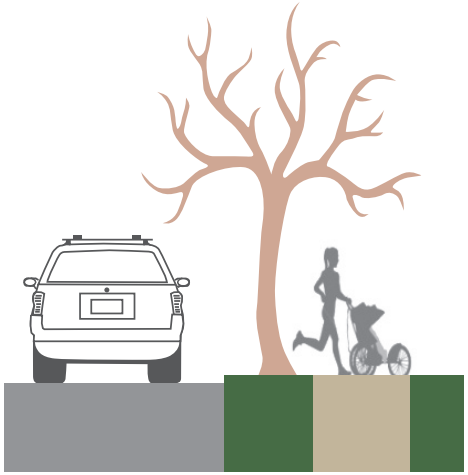




Proposed Trail Design

The ETGI trail system is based on the vision and feedback received from the public open houses, community survey, mapping exercises, preliminary field reconnaissance and meetings with ETGI team leaders and members of the public. Based on this feedback and the project scope, the following conceptual trail standard types will form the basis for many of the trails within the vision trail system.

Figure 7: Conceptual Rural Pedestrian and Cycling Trail Guideline



"COMMUNITY TRAIL"

trail tread width: .75-2 m
trail corridor width: 2-3 m
surface: natural / crushed fines
slope: maximum 15 percent

WILL ACCOMMODATE:

walking
hiking
mountain biking
horseback riding
all-mountain strollers
all-terrain wheelchairs
dogs on leash

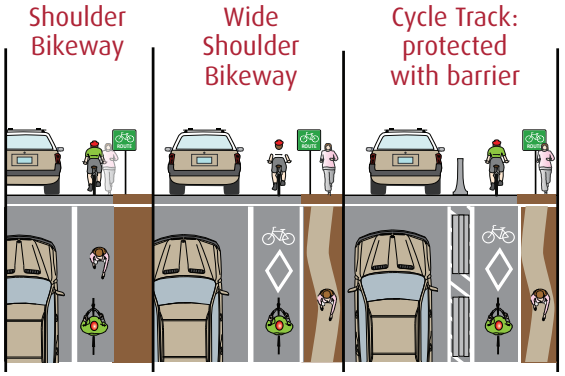


"RURAL MULTI-USE TRAIL"

trail tread width: 1.5-2.5 m
trail corridor width: 2-4 m
surface: natural / crushed fines
slope: maximum 8 percent

WILL ACCOMMODATE:

walking
hiking
cycling
horseback riding
strollers
wheelchairs
electric scooters
dogs on leash



"ROADSIDE CYCLE TRAIL"

trail tread width: .75-2 m
trail corridor width: 2-3 m
surface: natural / crushed fines / pavement
slope: paved maximum 15 percent
crushed fines maximum 8 percent

WILL ACCOMMODATE:

walking*
cyclists*
horseback riding*
strollers*
wheelchairs*
dogs on leash*

CRD Cycling Trail Standard
Minimum standard should be "Shoulder Bikeway" and where possible strive for separated grade trail and cycle track with protective barrier mechanisms

Proposed Trail System

The proposed trail system is shown on maps 2 through 6. This is a conceptual view of the system. More detailed planning is required to outline the exact location. Some of this detailed work has begun. The following sequence of actions are proposed to develop the trail system:

1. Completing the conceptual trail plan
2. Undertaking detailed trail planning which could include surveying and engineering design work
3. Obtaining tenure for the land where the trail will be located
4. Budgeting for trail development, operation and maintenance
5. Undertaking trail development
6. Managing ongoing trail operation and maintenance

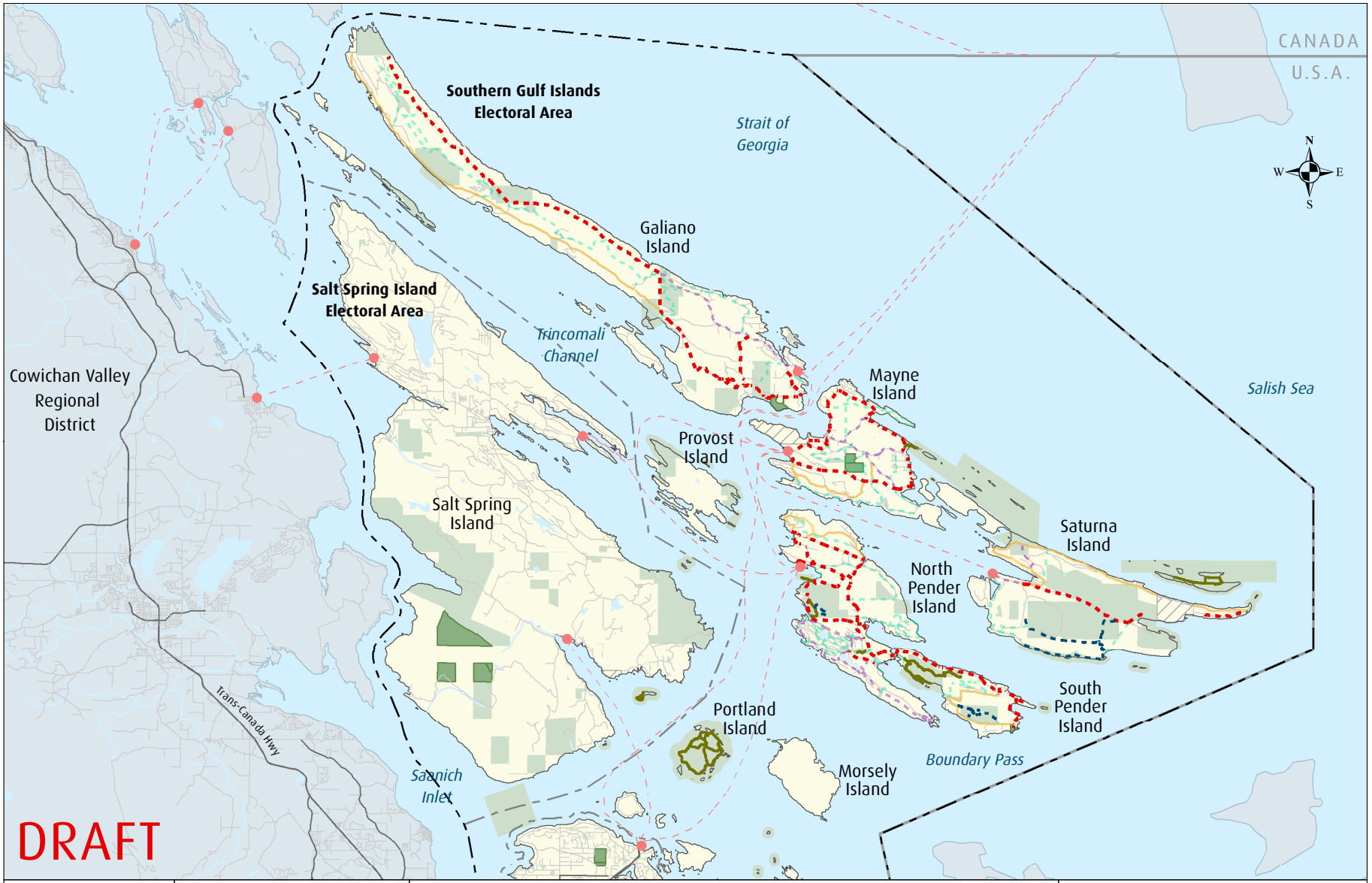
Developing the trail system will take many decades and the focus in the next few years will be to develop some of the priority locations.

Funding to Implement the Draft Trail Plan

The draft Southern Gulf Islands Cycling and Pedestrian Plan provides the first high-level overview of a proposed trail system on the Southern Gulf Islands. It will take many decades for the entire trial system to become a reality. The development of the individual parts of the trail system will need to follow four steps; (1) acquiring tenure to build a trail, (2) undertaking detailed planning which could include the preparation of engineering plans, (3) constructing a trail, and (4) operating and maintaining a trail. All of this will require funding.

Approval of the Southern Gulf Islands Cycling and Pedestrian Plan does not constitute approval for funding for acquisition, detailed planning, development or operation and maintenance of the proposed regional trail route system. The CRD budget process will be adhered to. Future funding will require that projects are considered through the CRD business planning process, annual budgeting, capital budget plans and annual work plans. Implementation of the plan will be contingent on available financial and staff resources and considered alongside management priorities of other regional parks and trails and Regional Parks' strategic priorities identified in the Regional Parks Strategic Plan and community park and trail initiatives on the Southern Gulf Islands through the park commission on each island.

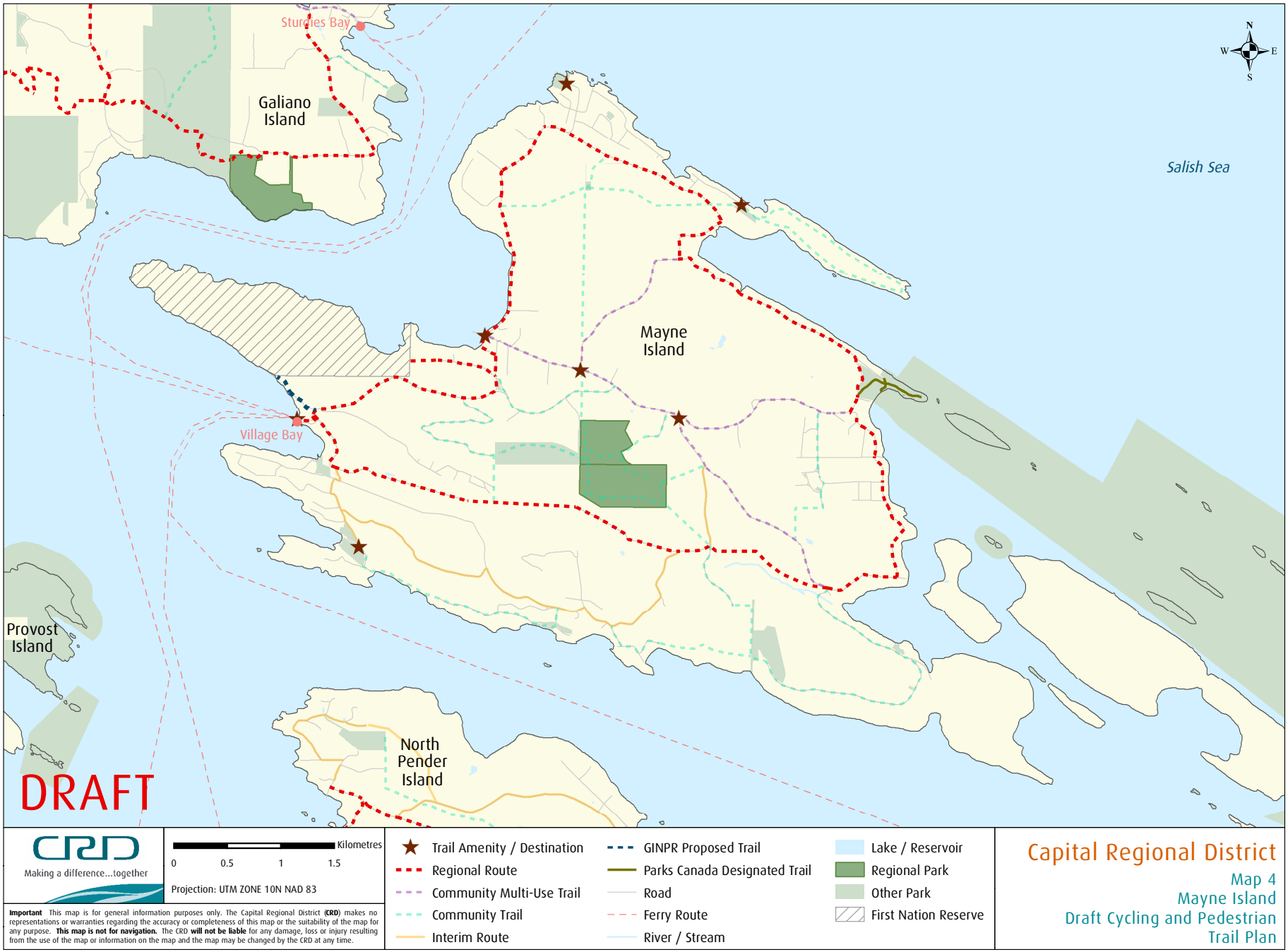
Map 2: Proposed Regional Trail Vision



Map 3: Proposed Pender Islands Trail Vision



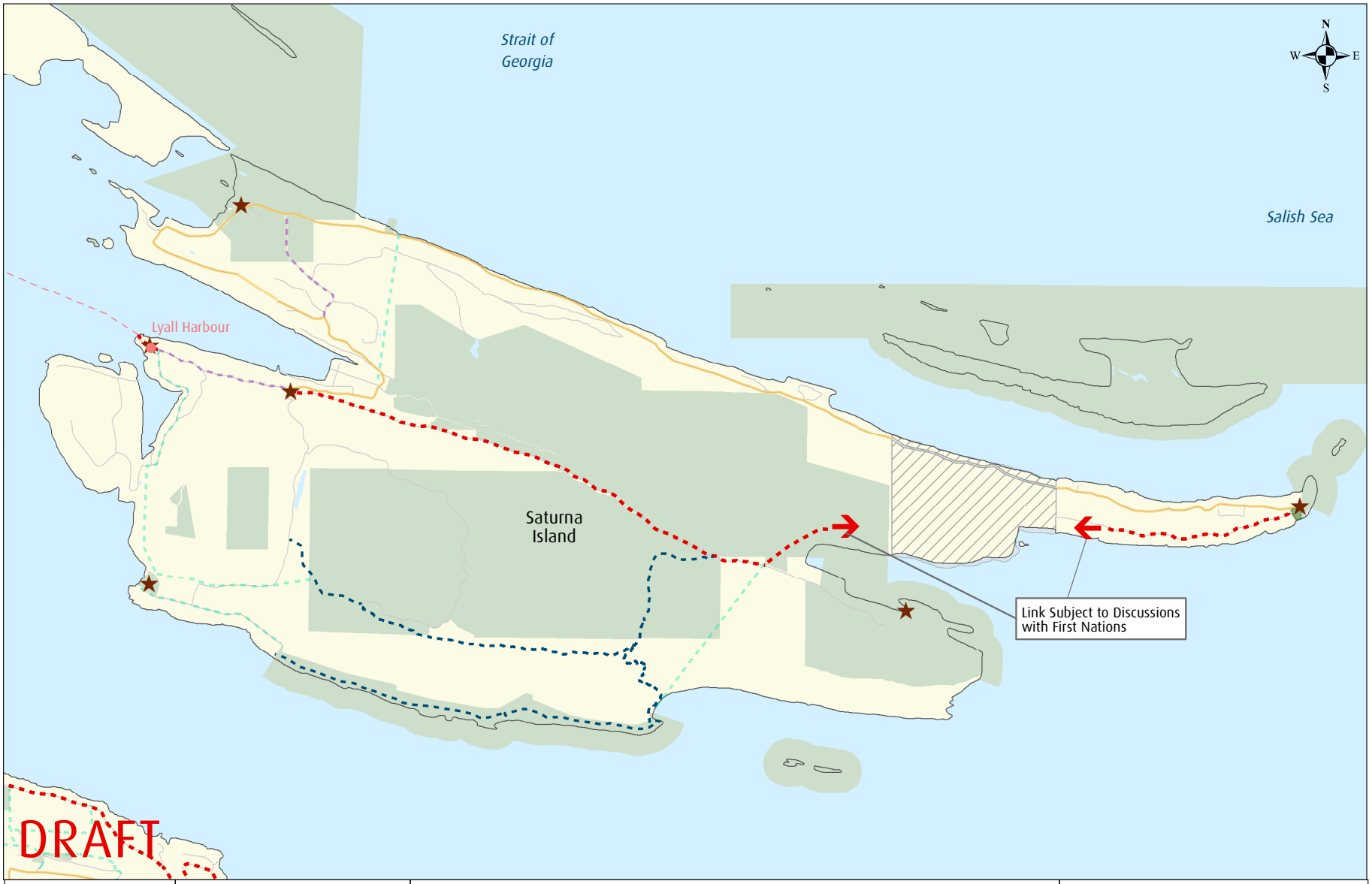
Map 4: Proposed Mayne Island Trail Vision



Map 5: Proposed Galiano Island Trail Vision



Map 6: Proposed Saturna Islands Trail Vision



Next Steps

The draft Southern Gulf Islands Cycling and Pedestrian Plan is a proposal. It is now time to hear from everyone whom the plan might affect or who have an interest in the outcome of the plan. The CRD will provide opportunities for residents of the Southern Gulf Islands, the Southern Gulf Islands Economic Development Commission, all levels of government, and First Nations to provide comments. These comments will be recorded and considered in preparing the final plan. A report on the outcome of the engagement process will be prepared and made available. The final plan will presented to the CRD Regional Parks Committee and subsequently the CRD Board for approval.

Planning Process From Here

The following flowchart illustrates the process for the next stages of the trail planning process.





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STAFF REPORT

August 15, 2014 **File No.:** Conservation Subdivision Review

To: North Pender Island Local Trust Committee
For the meeting of August 28, 2014

From: Justine Starke, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Conservation Subdivision Review

PURPOSE

The North Pender Island Local Trust Committee (LTC) has initiated a Conservation Subdivision Review Project with the objective of considering amendments to the Land Use Bylaw (LUB) or Official Community Plan (OCP) that would encourage property owners to apply a conservation approach for the design and layout of future subdivisions and minimize adverse impacts from development. A conservation approach to subdivision is one where a major portion of a property to be subdivided is set aside for conservation and/or a working landscape (agriculture, forestry) – with housing clustered on the remaining portion. The houses are built on lots smaller than usual, allowing the density of the development to be equal to the maximum allowed by zoning.

BACKGROUND

At the LTC meeting of January 30, 2014, the NPILTC directed staff to

1. to arrange a workshop or design charrette to further engage interested property owners, and
2. Identify a range of Official Community Plan and Land Use Bylaw amendments with the objective of requiring a conservation design for new subdivisions, including a new development permit area.

At the LTC meeting of March 27, 2014, a staff report summarized a range of Official Community Plan and Land Use Bylaw amendments applicable to implementing a conservation design for new subdivisions, including a new development permit area. At that time, members of the NPILTC indicated an interest in conducting further consultation before considering the suggested options.

On June 14th 2014, staff held a workshop with ten North Pender Island property owners to introduce and discuss the conservation subdivision approach. Two properties were used as examples and were overlayed with acetate layers showing different attributes (sensitive ecosystems, contours, aerial photo, groundwater vulnerability, etc.). Hypothetical options for a conservation subdivision design were discussed and explored for each example. Technical insights were offered by a BC Land Surveyor who participated in the presentation. A summary memo of this workshop was received by the LTC at the June 26, 2014 LTC meeting.

The current report expands on the previous regulatory review. Some current regulatory requirements may force layout decisions that contradict principles of conservation subdivision

design, for example parkland dedication, road standards, minimum area requirements, lot dimensions, and frontage requirements. This review has sought to address current regulations that could be considered obstacles to implementing a conservation subdivision design. As a result of further analysis, technical insights, and of engaging with property owners, the OCP and the Land Use Bylaw analysis previously received has been expanded for further review prior to considering next steps.

Official Community Plan Policies:
Within the Official Community Plan (OCP) there are a number of existing policies that currently support a conservation approach to subdivision and the use of lot clustering to mitigate impacts; however there are some sections of the OCP where the LTC could add new policies or amend existing policies. Much of the table below has been presented to the NPILTC previously (although there are a few new additions, identified in **bold)**. It should be noted the wording below is only reflective of the general intent and specific policy language would still require drafting and review within the overall context of the bylaw.

Table 1: OCP Policies Related to Subdivision

	OCP Section	Current Policy	Additional Policy Options
1	**Part 1 – Broad Community Goals**	To encourage a more compact, complete and connected community, in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.	Add a new policy or amend current policy to reference the application of a conservation approach at the time of subdivision
	Part 2 – Planning for Sustainable Communities		
2	2.1 Residential Land Uses		Insert objective to encourage lot clustering at the time of subdivision to mitigate environmental impacts, increase the range of lot sizes being created at the time of subdivision and allow for the sharing of services
3		The Local Trust Committee should review residential development potential and may consider changes to policies and regulations where the changes could limit or reduce greenhouse gas emissions.	Amend the existing policy or add similar policy to reference a conservation approach at the time of subdivision
4	2.1 Residential Policies		**Add new policy to support a density bonus provision for conservation subdivisions (similar to 2.1.F).**

5	2.1.1 Rural Residential Land Use	Regulations governing the location and size of lots in Rural Residential Areas shall be established with respect to: a) the size, density and character of neighbouring parcels of land; b) accessibility to proposed parcels and availability of a sustainable water supply; c) sewage disposal capability of the parcels to be created; d) the need: i) for a range of rural land use activities in association with a residential land use; ii) to create a sense of community and of neighbourhood; iii) to cluster development to avoid environmentally sensitive areas and areas of scenic or natural resource value; iv) to preserve scenic, aesthetic, and natural values; v) to protect areas common to a strata development.	**This section could be amended to give explicit support for a conservation subdivision density bonus or other mechanism to incentivize the conservation subdivision approach.**
6	**2.1.1.7**	**2.1.1.7 Land in the Rural Residential designation shall have a 0.6 hectare (1.5 acre) average lot size and a density of one dwelling per lot, with provisions for one additional dwelling in the form of a cottage on lots over 1.2 hectares (3 acres) in area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.**	**Amend to make provision for density bonus under conditions of conservation subdivision objectives being fulfilled.**

7		Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the natural landscape should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.	No change is recommended.
8	2.1.2 Rural Land Use	To support and promote the working landscape for sustainable agriculture and woodlot management.	**This section could be amended to give explicit support for a conservation subdivision density bonus or other mechanism to incentivize the conservation subdivision approach.**
8		Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the environmentally sensitive areas should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.	No change is recommended.
9	2.2 Agricultural Land Uses	Subdivision regulations should prohibit severance of agricultural land by linear developments, such as roads and utility corridors. *(Note: at least 2 of the large lots are affected by this policy)*	Add new policy referencing subdivision on split zone properties and using a conservation approach to protect agricultural activities and the working landscape.
10	2.6 Conservation Areas, National Parks, Community Recreation and Future Parks	Preservation of land as open space, ecological reserves or natural areas will be supported through land use regulation, lot clustering, development permit area designation, the granting of covenants and by public acquisition through land dedication or conveyance to appropriate conservation agencies	No change is recommended.

	2.6.6	**Dedication of land, rather than cash-in-lieu, shall be required on lands identified on Schedule "D" of this plan where parkland dedication is required at the time of subdivision, as authorized by the Local Government Act.**	**Add clause stipulating that where land is to be protected by a conservation covenant through a conservation subdivision, park dedication less than 5% may be supported.**
	Part 3 – Services		
11	3.1 Transportation Services	The Local Trust Committee will request that the Ministry of Transportation ensure that construction of new roads conforms to the natural contours of the land.	Add new policy or amend existing policy to reference new roads at the time of subdivision should be kept to a minimum, and applying the minimum road standards as outlined in the Letter of Agreement between MOTI and Islands Trust **Add new policy indicating that the LTC will consider amending land use bylaw regulations regarding frontage and lot shape to address the possibility of alternative lot access scenarios, and irregular lot shapes that may result from a conservation approach to subdivision.** **When considering requests to waive the frontage requirements of s.941 of the local government act, the LTC will favour those proposals that have used a conservation approach to subdivision.**
	Part 4 – Stewardship of Resources		
12	Groundwater Resources	Watersheds, wetlands, creeks and groundwater recharge areas shall be protected through regulation of land use. Vegetation removal in and adjacent to such features may be limited through the implementation of development permit areas.	No change is recommended.

13		The Local Trust Committee may consider rezoning large lots with subdivision potential and sensitive watershed areas in order to limit development in sensitive areas and to cluster development in other parts of the lot, with no net change in density.	**Consider options for enabling this without requiring the land to be rezoned, or for encouraging the LTC to work with landowners for an LTC initiated rezoning.**
14	Hazardous Areas	Areas identified as potentially hazardous to development should be designated as development permit areas for the protection of development from hazardous conditions, and may include adoption of a development approval information bylaw.	Include new policy to recognize hazard lands at the time of subdivision should be identified as non-developable areas, and lot clustering with a conservation approach to subdivision should direct building sites away from hazard lands
15	Forestry Resources	To encourage the retention of large land holdings and parcels for sustainable forestry use.	Add new policy to promote using a conservation approach to protect intact forest stands suitable for sustainable forestry and the working landscape.
16	Heritage Resources		Add new policy to reference using a conservation approach to identify and protect heritage areas of archaeological, historic, or cultural significance.
17	Climate Change Mitigation and Adaptation	The Local Trust Committee may consider the creation and implementation of development permit areas to effectively manage lot layout in new subdivisions, to limit or regulate large-scale tree removal, and to implement energy conservation features in new construction in order to limit or reduce greenhouse gas emissions.	No change is recommended.
18		The Local Trust Committee should support and encourage review of the community's development pattern and consideration of changes to policies and regulations that would result in a more sustainable development pattern.	No change is recommended.

19	**Part 5 – Preserving and Protecting Our Ecosystem**	The Local Trust Committee may consider rezoning large lots with subdivision potential and environmentally sensitive areas in order to limit development in environmentally sensitive areas and to cluster development in other parts of the lot, with no net change in density.	**Consider options for enabling this without requiring the land to be rezoned or for encouraging the LTC to work with landowners for an LTC initiated rezoning.**
20	**New Conservation Subdivision Schedule**		**Considering adding a new schedule describing the principles of a conservation subdivision approach (for example, an updated version of Schedule G of the Mayne Island OCP). Note this would not be necessary if a Conservation Subdivision Development Permit Area was implemented.**
21	**New Development Permit Area 11: Conservation Subdivision**		**Consider creating a new Development Permit Area with guidelines for designing conservation subdivisions.**

Park Dedication Requirements

For subdivisions that create more than three additional lots, where the smallest lot is under 5 acres (2ha) in area, Section 941 of the Local Government Act requires up to 5% of the area of the property (pre-subdivision) be dedicated as park, or up to 5% of the value of the property be given as cash-in-lieu, at the discretion of the local government. This is another factor influencing the creation of larger lots and land intensive layouts, as developers often try to avoid this often expensive contribution to parks.

On North Pender Island, it is the Local Trust Committee that has the statutory authority to require park land or cash-in-lieu dedicated at time of subdivision. Through the protocol agreement between North Pender Island Local Trust Committee and the Pender Island Parks and Recreation Commission of the Capital Regional District, this process involves cooperating with CRD PIPRC to facilitate the acquisition of park land (or cash in lieu) through a referral process.

The Local Trust Committee could consider amending the OCP to recommend less park land be required when a conservation subdivision is being pursued and land is otherwise being conserved for ecological or habitat values. This would be a policy trade-off: less community park in exchange for better subdivision layouts designed to conserve and enhance the natural landscape and protection of land in another form. The applicable policies have been identified in the table above.

Development Permit Areas

The Official Community Plan also currently has Development Permit Area requirements when the parent property is subject to a development permit area. In the sensitive ecosystem DPAs,

a development permit authorizing the subdivision layout would be required in accordance with the guidelines. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.

If the parent property contains a 'riparian and aquatic' DPA, which is related to the *BC Fish Protection Act – Riparian Areas Regulation,* there are no specific subdivision guidelines and the terms of a development permit would depend upon the recommendations in the Qualified Environmental Professional's report.

It is not recommended that the Sensitive Ecosystem DPAs be relied on to achieve all the values of a conservation subdivision. The current guidelines primarily focus on the land within the DPA boundary rather than on the entire lot. They also are limited to guidelines for the protection of ecosystems only and would not address related issues such as connectivity to adjacent lands, avoiding hazardous lands, or maintaining land of sufficient area to maintain working landscapes. This is not sufficient to achieve a full range of conservation subdivision objectives.

Creating a Conservation Subdivision DPA

An alternative approach is to consider a new Conservation Subdivision DPA applicable only to the identified large lots or a subset of them. The Development Permit Area guidelines could apply the conservation subdivision principles and require implementation through permit provisions. The *Local Government Act* authorizes a local government to designate DPA for one or more of the following purposes:

1. protection of the natural environment, its ecosystems and biological diversity;
2. protection of development from hazardous conditions;
3. protection of farming;
4. revitalization of an area in which a commercial use is permitted;
5. establishment of objectives for the form and character of intensive residential development;
6. establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
7. in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
8. establishment of objectives to promote energy conservation;
9. establishment of objectives to promote water conservation;
10. Establishment of objectives to promote the reduction of greenhouse gas emissions.

A new DPA could be adopted under the combined authority for 1, 2, 3, 8, 9 and 10 above with guidelines focusing only on the layout of new subdivisions and identification of developable areas. If this approach is applied, it would be recommended to undertake a concurrent amendment to the Development Approval Information Bylaw to specify the information required.

Discussion of Land Use Bylaw Regulations:

Current zoning regulations already enable lot clustering through minimum and minimum average lot size provisions in the Rural and Rural Residential zones. This is a basic way to encourage smaller lots be clustered and the balance be left intact as common property, park

land, or conservation land. These current regulations are compatible with a conservation approach to subdivision.

There are however, other areas of the bylaw that could benefit from a fresh perspective in order to be more supportive of a conservation approach. Some current regulations may be considered obstacles to implementing smaller parcel lot clustering or designing a conservation subdivision layout. While it is true that some land use bylaw regulations can be varied, the Development Variance Permit process may be enough of an obstacle to cause a return to the status quo subdivision design.

Additionally, the Land Use Bylaw can support and incentivize conservation subdivisions is by creating a new zone using the density bonus provisions of the Local Government Act. This is described in more detail below.

Lot Shape and Frontage Requirements:
Regulations that direct the shape and configuration of lots do so without acknowledgement of the relief and topography of individual landscapes, in essence forcing rectangular lot shapes. While there are rationalist explanations for this convention that can be found in the history of urban planning (predominantly the ability to create geometrically regular lots and maximize lot yields), the inflexibility of the grid is not supportive of ecological communities, sensitive ecosystems, and riparian setbacks. When designing to maximize habitat values, round patches generally offer better interior habitat considered critical for species such as native birds that depend on forest interiors for nesting feeding and/or protection from predators.

~Point of Interest~

In the westward development of the United States, the use of the grid plan was nearly universal in the construction of new communities, such as in Salt Lake City (1870), Dodge City (1872) and Oklahoma City (1890). One of the main advantages of the adoption of the grid plan was that it allowed the rapid subdivision and auction of a large parcel of land. Apart from the speed of surveying advantage, the rationale at the time of the grid's adoption in this and other cities remains obscure. The 20th century urbanist Lewis Mumford critiqued: "With a T-square and a triangle, finally, the municipal engineer could, without the slightest training as either an architect or a sociologist, 'plan' a metropolis, with its standard lots, its standard blocks, its standard street widths, in short, with its standardized comparable, and replaceable parts. The new gridiron plans were spectacular in their inefficiency and waste.. . . as for its contribution to the permanent social functions of the city, the anonymous gridiron plan proved empty."

Source: Mumford, Lewis. 1961. The City in History: Its Origins, Its Transformation, and its Prospects. New York, New York: Harcourt Brace Jovanovich. P. 425.

North Pender Regulations and Possible Amendments:

1) **Road Frontage**

NPI LUB 103 S. 4.3: Lot Frontage

4.3.1The frontage of any lot in a proposed subdivision must be at least 10 percent of its perimeter, provided that in no case may the frontage be less than 20 metres.

NPI LUB 103 S. 4.13 Water Access Subdivision

4.13.1 Highway access must be provided to every lot created by subdivision on North Pender Island.

Background Discussion

Frontage requirements are dominant factors shaping subdivision layout designs and extending road networks. Section 944 of the Local Government Act requires 10% of the perimeter of lots being created by subdivision to front on the highway. S.944 (2) gives local governments the discretion to exempt parcels from this requirement.

Bare land Strata subdivisions are more flexible by requiring lots to have frontage on the common property access, as long as the common property has the required frontage connection with the public road. However, as a form of tenure, the bare land strata model is not attractive to every land owner because it limits the market of potential purchasers; from a community perspective it is not attractive because it limits access by creating private roads.

On another note, it is important to understand that the requirement for road frontage has been a de-facto limit to growth because it is an obstacle to the subdivision of those lands with inadequate road access. However, as a limit to growth, this is not considered to be a strong form of protection– it is only a matter of time before roads are able to be developed to reach land locked parcels. If there is a desire to limit subdivision in undeveloped areas of the island, the NPILTC could consider downzoning or creating a DPA to help control how such land is developed.

Potential Amendment:
The NPILTC could amend or remove the frontage requirements to not require 20 metres of land to front on a highway. While the Ministry of Transportation and Infrastructure will still implement S. 944 of the Local Government Act and require 10% of the perimeter of the lot front on a highway, the LTC could consider a policy to waive this requirement when the lot design favours a conservation subdivision approach.

2) **Lot Shape**

S. 4.10 Lot Shape

4.10.1 If a panhandle lot is not capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 10 metres.

4.10.2 If a panhandle lot is capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 20 metres.

4.10.3 No lot shall have an average depth greater than three times its average width, except where otherwise specified in the zone regulations.

Background

Example of a panhandle lot:



Panhandle lots are predominately a design response to road frontage requirements; local government regulations usually require adequate driveway width for property access.

Lot depth: width ratios are also intended to prevent irregular shaped lots. However, if a subdivision proposes irregular lots in order to achieve conservation objectives and ecological design principles, the lot shape provision could become an obstacle.

Potential Amendment:

The NPILTC could consider varying the lot shape requirements when conservation subdivision objectives are being achieved, or make special provision in a new zone for the large lots previously identified.

3. Minimum Area Required for a Cottage

In addition to principal dwellings, cottages are permitted in the Rural Residential zone, Rural, Rural Comprehensive 1 zone, and the Agriculture zone (although this requires permission from the ALC in the ALR) – when the size of the lot is 1.2 ha (3 acres) in area at minimum.

This regulation can be a driver influencing the minimum parcel size. Developers that may otherwise be interested in creating smaller lots, and preserving the remainder as common property or conservation land, may choose not to because they do not want to lose the ability to have both a dwelling and a cottage.

Potential Amendment:
The NPILTC could consider removing the Land Use Bylaw requirement of a minimum of 1.2 ha (3 acres) for cottages on new lots created after 2014. Another way to achieve this (while avoiding an unintentional proliferation of cottages on existing small lots) is to create a new class of Rural Residential and Rural zones targeted for conservation subdivisions where the regulations would allow cottages on smaller lots. This would be an accompaniment to the density bonus idea discussed below and the subdivision regulation exceptions above.

4. S. 4.15 Road Standards

The subsection regarding 'roadway standards' could be amended to reference the Ministry of Transportation and Infrastructure and Islands Trust Letter of Agreement regarding roadway standards with specific reference to construction standards (maximum width) and protecting heritage roads. This approach may include multiple amendments within this subsection.

5. Section 904 Density Bonus:

Evidence has shown that property owners do not typically implement conservation subdivision approaches on a voluntary basis. For example, the Mayne Island OCP *Schedule G: Open Space Subdivisions,* is essentially a guide for designing a conservation subdivision but this approach has not been implemented on Mayne Island.

Potential Amendment:

The North Pender Island LTC could consider creating new Rural Residential and Rural zones for the identified properties and use Section 904 of the Local Government to award an extra density when a conservation subdivision approach is implemented.

As an example, a density bonus scheme could set the same minimum and minimum average lot sizes in the new RR and R zones as currently exist, but offer a density bonus when:

- at least 50% of the lot subject to a subdivision is donated to a conservancy, farmers group, or sustainable forestry association; and
- a covenant is granted to the LTC restricting all uses of the amenity lot except conservation, farming, or sustainable forestry.

This could also be used in conjunction with a new DPA to regulate layout, for example, all subdivisions except those proposing a density bonus are exempt. This would ensure community interests in achieving conservation layout are achieved, while the owners get an incentive because costs associated with the DP process are off-set by the extra lot.

STAFF COMMENTS:
While often unintended, subdivision can be the most destructive activity that occurs on the landscape. Subdivisions fragment landscapes and habitat and facilitate road access to land beyond. If not done carefully, land can become eroded and filled with invasive species. The impacts of subdivisions are sometimes compounded by a confluence of regulations from different jurisdictions which combine to create requirements for over built infrastructure and prescriptive layout designs that are insensitive to local landscapes, ecological contexts, and socio-economic impacts.

The NPI Local Trust Committee has an opportunity to amend its policy and regulatory framework to enable and encourage property owners to apply the principles of a conservation subdivision in their development plans. Major portions of private land might then be set aside for conservation and/or a working landscape (agriculture, forestry) – with housing clustered on the remaining portions.

Advantages to this approach for a property owner include:

- Ability to create unique, quality residential lots that have a marketing advantage because they have been sensitively designed and create a sense of place, or a sense of community.
- Ability to reduce development costs related to infrastructure and services for the lots.
- Flexibility to avoid development in difficult and challenging areas.
- Ability to retain large enough land area to maintain a working landscape.

Advantages to this approach for the community include:

- Reduced impact to the environment and a reduced development footprint.
- Ability to retain significant ecological or local features.
- Opportunity to work with property owners to address site features and functions valued by the community.
- New lots have better connectivity to the surrounding landscape and neighbourhoods.
- Working landscapes can be maintained or enhanced supporting local economy and sustainability principles.

Staff believe that the suggested technical bylaw amendments and incentives such as density bonusing, combined with a new comprehensive DPA, would create the necessary tradeoffs to ensure conservation subdivision designs be implemented by property owners. Below is a summary of the suggested technical LUB amendments:

1. S. 4.3: Lot Frontage and S. 4.13 Water Access Subdivision
    - Amend or remove the frontage requirements to not require 20 metres of land to front on a highway.
2. S. 4.10 Lot Shape
    - Consider case by case variances to the lot shape requirements when conservation subdivision objectives are being achieved, or make special provision in a new zone for the large lots previously identified.
    -
3. Minimum Area Required for a Cottage
    - Consider removing the Land Use Bylaw requirement of a minimum of 1.2 ha (3 acres) for cottages on new lots created after 2014; or
    - create a new class of Rural Residential and Rural zones targeted for conservation subdivisions where the regulations would allow cottages on smaller lots.
4. S. 4.15 Road Standards
    - The subsection regarding 'roadway standards' could be amended to reference the Ministry of Transportation and Infrastructure and Islands Trust Letter of Agreement regarding roadway standards with specific reference to construction standards (maximum width) and protecting heritage roads.
5. Section 904 Density Bonus
    - Consider creating new Rural Residential and Rural zones for the identified properties and use Section 904 of the Local Government to award an extra density when a conservation subdivision approach is implemented.

Next Steps

The LTC could consider requesting staff to proceed with draft wording for any or all of the above noted:

1) OCP policies noted in Table 1, including s.904 density bonus provisions;
2) LUB subdivision regulations noted above (1- 5); and
3) Drafting a new DPA for implementing a conservation approach to subdivision.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee direct staff to prepare a report for the conservation subdivision project that:

    a) includes specific policy language for the proposed Official Community Plan amendments outlined in Table 1 of the staff report dated August 14, 2014,

    b) includes specific language for proposed amendments to the Land Use Bylaw regulations identified in no. 1-5 of the staff reported dated August 14, 2014.

    c) Includes draft development permit area guidelines that would apply to subdivision of the large lots identified in the conservation subdivision project.

    d) Includes specific recommendation language authorizing a s. 904 density bonus.

Prepared and Submitted by:

Justine Starke, Island Planner | August 15, 2014

Date

Concurred in by:



August 15, 2014

Robert Kojima
Regional Planning Manager

Date

STAFF REPORT

Date: August 7, 2014

File No.: 6500-20- Age and Disability Friendly Community Planning

To: North Pender Island Local Trust Committee
For the meeting of August 28, 2014

From: Justine Starke, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Age and Disability Friendly Community Planning

Preliminary Report

The North Pender Island Local Trust Committee (LTC) has identified Age and Disability Friendly Community Planning as a top priority on the work program. The purpose of this report is to provide some background on the subject matter, and to introduce a process and recommend a scope of work. A draft project charter that establishes the objectives, scope, and timeline of the project has been prepared and is attached to this report.

Project Objectives

The objective of this project is to consider how the North Pender Island Local Trust Committee can improve accessibility and inclusion for aging and mobility challenged community members and people with disabilities.

Project Background

People with Disabilities

UN *Convention on the Rights of Persons with Disabilities* was adopted on December 13, 2006. The *UN Convention* is built on the recognition that the inherent dignity, worth and equal human rights of all people are a basic foundation for freedom[i]. The *UN Convention* recognizes that "disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others."[ii] It calls for state bodies to ensure persons with disabilities

"have access to a range of in-home residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation and segregation from the community."[iii]

The Province of BC has supported Canada's ratification of the *UN Convention on the Rights of Persons with Disabilities* through commitments made in "Accessibility 2024: Making BC the most progressive province in Canada for people with disabilities by 2024." One of BC's goals is to have "the most accessible building code and the most declared accessible communities in Canada by 2024." The province will measure its success by "the number of BC communities incorporating accessibility strategies in their Official Community Plans and by the percentage of publicly owned and leased facilities that are accessible."[iv]

Canada's Aging Seniors

The seniors' population in Canada is comprised of three age groups (65-74, 75-84, and 85+). Among these, those aged 85 and older are considered the "very old;" this cohort will increase in the coming few decades and will be followed by the oldest of the baby boom cohorts (those born 1946-55) who, by the year 2031, will begin to reach age 85. According to Gerald Hodge, in the *Geography of Aging: Preparing Communities for the Surge in Seniors* (2008):

> The baby boom bulge will increase the absolute and relative number of older people at all geographic levels in Canada. The increase will happen gradually and will occur along with the continued aging of earlier cohorts. . .There are two essential questions to ask in response to this phenomenon: *What difference will this increase in seniors' numbers make to the communities in which they live and to their functioning*? And *will communities be prepared to offer environments that enable seniors to achieve independence?*[v]

The physical environment is critical to enabling the independence of seniors and people with disabilities and determines the extent to which people can enjoy autonomy throughout their day. The "form, content, and functioning of a community environment"[vi] can either support people in meeting daily needs or present such obstacles that many of these needs go unfulfilled. Access to affordable housing, transportation, and community services are pivotal to enabling independence and a supportive environment.

Island environments and the small rural communities of the Gulf Islands may not be equipped with the level of infrastructure and services that can provide mobility challenged seniors and people with disabilities with options for independent living. Nevertheless, seniors on Pender may be gradually facing more challenges in participating in community life and enjoying independent living.

While there are cautions against using census data for populations as small as the southern Gulf Islands, the 2011 census data for North Pender Island Local Trust Area, finds that in 2011 there were:

- 400 seniors in the 65-74 age group
- 190 people in the 75-84 age group; and
- 55 people aged 85 years and older.
- The "baby boomers" (using data for those aged 60-69) have a population of 520.[vii]

On North Pender Island, ensuring an accessible built environment and enabling the ability for people to age in place or have at home care may be the most important and attainable goals within the Local Trust Committee's authority. The goal of this project is to understand the degree to which North Pender Island can become a more supportive and inclusive community for aging seniors and people with disabilities.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

This project supports the 2011-2014 Islands Trust Council Strategic Plan: "Goal C – Sustain Island Character and Healthy Communities." Specifically, Goal C.4:

The Islands Trust will work to enhance the economic sustainability and security of island communities by:

- Creating linkages between islanders and regional districts to share effective economic development models ;
- Continuing to advocate for sustainable, affordable and appropriate ferry Services;
- Using land use planning tools and decisions to positively affect housing, food security, farmland protection, and socio-economic diversity.

Islands Trust Policy Statement

This project is consistent with the Islands Trust Policy Statement *Part V: Sustainable Communities, with specific relevance to Directive Policy 5.8.6:*

> *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.*

Official Community Plan

> *North Pender is well served by facilities for health care, education, public protection, and community and social services. Most facilities are provided through the voluntary initiatives of members of the community. Residents value maintaining a diverse community able to accommodate people of varying ages, income and abilities. In order to achieve this, the community may need to explore options for ensuring housing for working people, young families, seniors and those who have special needs. Currently, seniors housing is provided at Plumtree Court, which is owned and operated by the non- profit Pender Islands Seniors Housing Society (NPI S. 2.3 Background).*

The goals, objectives and policies of the OCP that are relevant to age and disability friendly planning are:

2.1.F
Subject to policies in Subsection 2.3 of this plan (Seniors and Affordable Housing policies) consideration may be given to applications to rezone land within the Rural Residential and Rural designations to a higher density where the additional density takes the form of seniors and affordable housing.

CommunityServiceObjectives (sic)

2. *To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.*
3. *To facilitate community services that meet the social and physical needs of the community.*
4. *To support community facilities through efforts of community members.*
5. *To ensure that all community service facilities are accessible to all members of the community.*
6. *To permit a range of housing options without detracting from the rural character of North Pender Island.*

CommunityServicePolicies

2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations.

2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities.

2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.

CommunityServiceAdvocacyPolicies

2.3.4 Development of recreational and cultural facilities to serve the needs of all groups within the island community, including people with special needs, is encouraged.

2.3.5 Public service facilities shall be for the Pender Islands only.

2.3.6 The North Pender Island Local Trust Committee should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel.

Seniors Housing Policies

2.3.7 The LTC will support efforts by organizations or agencies to conduct a seniors housing needs assessment within the community.

2.3.8 Applications for rezoning to a higher density than permitted by current zoning may be considered within the Rural Residential and Rural land use designations, subject to the other policies in this plan, where the application would result in the provision of seniors housing.

2.3.9 Any additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy by seniors.

2.3.10 Any application should include an assessment demonstrating the need for the proposed type and number of seniors housing units in the community.

2.3.11 The number of units should not exceed the number identified as needed for the community by a seniors housing needs assessment.

2.3.12 Any application should result in units being located on land suitable for development, including in areas with modified ecosystems, accessible to existing services and on reasonably level terrain.

2.3.13 Developments should be encouraged to incorporate water conservation measures and energy efficient building design elements.

2.3.14 Applications may take the form of any of a range of housing options from fully independent units to supportive care.

2.3.15 Applications may involve units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing.

2.3.16 Applications may include the provision of units through, public agencies or not-for-profit organizations.

2.3.17 Applications shall include provision of a housing agreement limiting occupancy of the dwellings to seniors. Such a housing agreement may also include provisions limiting rental, lease, sale or share prices of the units.

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

SeniorsHousingAdvocacyPolicies:

2.3.19 The Local Trust Committee will encourage agencies, organizations and ministries to support or undertake efforts that would allow seniors to remain in their own homes as long as possible.

Land Use Bylaw

The North Pender Island Land Use Bylaw 103 requires:

6.5 Parking for Disabled Persons

6.5.1 If a use requires more than 30 parking spaces, one additional parking space for persons with physical disabilities and one space for a pick up/drop off area must be provided.

6.5.2 Each parking space provided under Subsection 6.5.1 must have a width of at least 3.7 metres; be clearly identified for use only by disabled persons; and be located so as to provide the most convenient access to an accessible building entrance or, if the parking area serves several premises, so as to provide equally convenient access to all such premises.

Analysis

The publication, "Planning for the Future: Age-friendly and Disability-friendly Official Community Plans," offers guidelines for local governments in British Columbia to improve accessibility in their communities when updating Official Community Plans[viii].

Age-friendly, Disability-friendly Guidelines

Guideline #1: Include a commitment to accessibility and inclusion in the overall vision or mission section of the OCP.

- NPI OCP doesn't currently have such a commitment in its Broad community Goals or Statement of Principles.

Guideline #2: Actively invite the participation of people with disabilities and older people in the development or revision of the OCP as well as in all other local government public participation processes. Include disability and senior-serving organizations, individuals, family members and other related groups and individuals.

- This is a good rule of thumb for all engagement strategies.
- Outreach can be targeted to disability and senior-serving organizations, individuals, family members and other related groups and individuals.
- Consider how to plan and organize accessible public events. It may also be helpful to organize a range of meetings at different times of day to allow as many people as possible to attend.
- When designing websites, surveys, questionnaires or other public written communications it is important to use plain language and try using alternative formats such as Braille and large text so that a wide range of people are able to participate.

Guideline #3: Include goal statements in the OCP on key topics that have been shown to positively influence the quality of life of people with disabilities and older people, and to contribute to the development of healthy communities for everyone.

- Including policies that relate to the well being of people throughout the OCP foster a sense of community and influence the health and accessibility of new developments.
- While the NPI OCP has a thorough section on “Seniors” and “Affordable Housing,” policies to ensure accessibility can be integrated into existing sections of the OCP. (For example in the “Statement of Principles,” “Planning for Sustainable Communities,” “Transportation Services,” and “Community Recreation/Future Parks.”
- The guidelines for Development Permit Area 9 (Commercial and Industrial) (form and character) can be amended to include designing the build environment to enable accessibility.
- UBCM has resources to inform such a process, for example a publication “Age-Friendly Rural and Remote Communities: A Guide.”[ix]

Guideline #4: Complete an age-friendly and disability-friendly assessment of your community to discover what already works around accessibility and inclusion and what needs improvement.

- This is an area of research that would benefit from the LTC initiating a survey or audit of people’s experience with the accessibility of North Pender Island.
- It is recommended to focus on one or two areas such as assessing the built environment and the location of services.
- Any recommendations from such a process should be incorporated in the OCP and/or the LUB.

Guideline #5: In the OCP commit to having a local government committee that can continue to provide feedback and direction to elected officials and staff on aging and disability issues.

- On North Pender Island it would be helpful if such a committee had representation from different community and other government agencies such as Island Health, CRD, and perhaps MoTI.
- Alternatively, the NPI LTC could consider liaising with existing organizations.

Project Scope and Timeline

Please see the attached Project Charter for the Project Scope and Timeline. The objectives of the project are proposed to include:

- An age-friendly and disability-friendly assessment of North Pender Island using online and paper questionnaires or surveys.
- Consideration of amendments to the OCP to ensure the built environment, transportation, housing, and services are accessible for seniors and people with disabilities.
- Consideration of amendments to the Land Use Bylaw that may improve the

standards of accessibly required in the built environment, especially in commercial zones.

Resources and Roles

The LTC has an approved budget of $2500 for “road and transportation” amendments which is not currently a top priority, and is unlikely to incur any expenditures this fiscal year even if initiated early next term. If the LTC endorses the project charter, this budget could be re-allocated to support the “Age and Disability Friendly Community Planning” project. Reallocation within an LTC is at management discretion and no resolution is required (Budget Control and Adjustment Authority Policy (6.5.ii)). An update to the Financial Planning Committee will be required.

Please see the attached Project Charter for more detail on roles and in-kind resources.

Communications

Communications for this project are to draw on best practices recommended for consulting with seniors and people with disabilities. A key strategy is to go to where the community already gathers and take advantage of any already scheduled meetings that the seniors or people with disabilities might attend. Outreach can be targeted to disability and senior-serving organizations, individuals, family members and other related groups and individuals. It may also be helpful to organize a range of meetings at different times of day to allow as many people as possible to attend.

The age-friendly and disability-friendly assessment of North Pender Island will involve volunteer surveys or questionnaires offered in both paper and on-line. All communications materials will use large text to enable a wide range of people to participate. Questionnaires will be handed out at key community gathering places and service areas around the island.

Subject to available budget, the engagement process will be advertised in the local newspapers.

Consultation with other agencies such as Island Health, the Capital Regional District and relevant Provincial Ministries may be recommended as the process unfolds.

Project Charter

The attached Project Charter establishes the objectives, scope, and timeline of the project. (Note that this is a new format for the project charter developed by staff for use next term. It is still being revised, comments or feedback on the template are invited.)

Next Steps

Next steps include:

- Designing an age-friendly and disability-friendly assessment of North Pender Island in the way of an online survey and paper questionnaires

- Distributing the survey at strategic community locations and through key community groups
- Planning 1-2 public meetings for the fall
- Project manager to attend any meetings of senior or disability serving organizations as opportunities arise

Summary of Planning Recommendations

The goal of this project is to understand the degree to which changes to land use planning policies and regulations can result in North Pender Island in becoming a more supportive and inclusive community for aging seniors and people with disabilities. The objectives of the project are proposed to include:

- An age-friendly and disability-friendly assessment of North Pender Island using online and paper questionnaires or surveys.
- Consideration of amendments to the OCP to include policies supportive of a built environment, transportation, housing, and services that are accessible for seniors and people with disabilities.
- Consideration of amendments to the Land Use Bylaw that may improve the standards of accessibly required in the built environment, especially in commercial zones.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee endorses the project charter for the Age and Disability Friendly Community Planning project.
2. THAT the North Pender Island Local Trust Committee request staff to prepare an age-friendly and disability-friendly assessment for North Pender Island using online and paper questionnaires or surveys.
3. THAT the North Pender Island Local Trust Committee request staff to schedule 1-2 community meetings to get input from seniors and people with disabilities on how land use planning policies and regulations can be improved to make North Pender Island a more accessible community.

Prepared and Submitted by:

Justine Starke, Island Planner	August 7, 2014
Name, Title	Date

Concurred in by:

Robert Kojima	August 15, 2014
	Date

Regional Planning Manager

References:

[i] "What would it take to make British Columbia the most progressive jurisdiction for people living with disabilities?" Submission of the Disability Without Poverty Network, March 2014.
[ii] The Convention on the Rights of Persons with Disabilities, 2006**.**
http://www.un.org/disabilities/convention/conventionfull.shtml
[iii] ibid
[iv] "Accessibility 2024: Making BC the most progressive province in Canada for people with disabilities by 2024." Province of British Columbia,
http://engage.gov.bc.ca/disabilitywhitepaper/files/2014/06/Accessibility-Summit-LargeType_Accessible.pdf
[v] Hodge, Gerald, *Geography of Aging: Preparing Communities for the Surge in Seniors,* McGill –Queen's University Press, 2008, *p. 91)*.
[vi] ibid, p. 25.
[vii] Statistics Canada, Custom Tabulations, 1991-2006 Census, and Semi-custom Profile, 2011 Census. Reproduced and distributed on an "as is" basis with the permission of Statistics Canada.
[viii] Mahaffey, Rebecca in collaboration with Alice Miro et al; "Planning for the Future: Age-friendly and Disability-friendly Official Community Plans," (2010).
[ix] Age-Friendly Rural and Remote Communities: A Guide.
http://www.ubcm.ca/assets/Funding~Programs/LGPS/Current~LGPS~Programs/SHSI/LGPS_AgeFriendly_Guide_AFRRC.pdf

Age and Disability Friendly Community Planning - **Project** Charter v1

North Pender Island Local Trust Committee

Purpose

The purpose of this project is to consider how the North Pender Island Local Trust Committee can improve accessibility and inclusion for aging and mobility challenged community members and people with disabilities.

Background

The physical environment is critical to enabling the independence of seniors and people with disabilities and determines the extent to which people can enjoy autonomy throughout their day. Access to affordable housing, transportation, and community services are pivotal to enabling independence and a supportive environment. The goal of this project is to understand the degree to which changes to land use planning policies and regulations can improve North Pender Island in becoming a more supportive and inclusive community for aging seniors and people with disabilities.

Objectives

- Complete an age-friendly and disability-friendly assessment of North Pender Island
- Update OCP policies to support a built environment, transportation, housing, and services that are accessible for seniors and people with disabilities.
- Update Land Use Bylaw to improve standards of accessibly required in the built environment.

In Scope

- OCP review includes objectives, policies, and advocacy policies review of DPA 9.
- The age-friendly and disability-friendly assessment will only focus on those aspects of community life that are within the land use planning authority of the Local Trust Committee
- Assessment methods to include voluntary on-line and paper surveys and 1-2 community meeting(s).

Out of Scope

- Survey or engagement of those residing outside of the NPLTA
- Assessment of health services, employment assistance, income support or other factors that may be pivotal to the lives of seniors or those with disabilities but is outside of the Local Trust Committee's authority.
- Statistically accurate survey methodology.

Workplan Overview

Deliverable/Milestone	Date
Creation, advertising, distribution and compilation of an age-friendly and disability-friendly assessment of North Pender Island.	September—October, 2014
Presentation of Results at 1-2 community meeting(s)	Early November 2014
Gathering input on policy recommendations.	November 2014
Recommendations for OCP and LUB amendments.	November 27 2014
Formal bylaw amendment process.	TBD—new term of office

Project Team

Justine Starke, Island Planner	Project Manager
TBD	Survey Support
Lori Foster	Admin support

RPM Approval:

Robert Kojima

Date: August 15/14

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source: LTC Project Budget 4029

Fiscal	Item	Cost
2014-15	Advertising mtgs/survey	$1000
2014-15	Public Meeting 1	$500
2014-15	Public Meeting 2	$500
2014-15	Contingency	$500
	Total	$2500
2015-16	Bylaw amendments	$2500

MEMORANDUM

File No.: NPLTC Projects List

Date: June 17, 2014 for the meeting of August 28, 2014

To: North Pender Island Local Trust Committee

From: Justine Starke, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Projects List Update

Purpose:
The purpose of this memo is to provide the North Pender Island Local Trust Committee (NPILTC) with comment and context for refining its "long list" of project priorities.

The NPILTC reviewed its work program on May 22, 2014 and confirmed the following Work Program Top Priorities:

1. Shoreline Review
2. Conservation Subdivision Review
3. Age and Disability Friendly Communities

The NPILTC also requested review of its long list of project priorities identified for future work as an LTC Top Priority.

Project Long List:
Appendix 1 lists the current project priorities and provides background and comment on the relevance of these work items. An updated and consolidated project list is attached as Appendix 2 for consideration by the NPILTC.

The NPILTC could also consider adding the following projects to this list:

1. Affordable Housing
    - Consider affordable housing as a tool to maintaining an age diverse community representing a range of socio-economic backgrounds.
    - Review OCP and LUB for opportunities to implement the 2008 North Pender Affordable Housing Task Force.
    - Consider Secondary Suites.
    - Work with Capital Regional District to establish a partnership on the administration of Housing Agreements

2. Review the North Pender Land Use Bylaw 103 (LUB) to consider encouraging Rainwater Catchment provisions.

- Other Local Trust Areas in the Sothern Gulf Islands have regulations that address water supply via rainwater catchment. (East Point, Saturna Island, Galiano Island Water Management Areas).

3. Review water supply provisions in North Pender Land Use Bylaw 103 (LUB) subdivision servicing regulations
    - Water supply standards (Table) should be reviewed for comparison with latest understanding of aquifer capacities and for consistency with the requirements of other agencies
    - Review sources of water supply that must be guaranteed at time of subdivision.

4. Review drainage provisions in the North Pender Land Use Bylaw 103 (LUB) subdivision servicing regulations
    - The current drainage regulations in the LUB are written as guidelines and could be strengthened. Other Local Trust Areas could be reviewed for consistency in approach.

    - Should be reviewed in conjunction with Ministry of Transportation and Infrastructure requirements to identify gaps in impact mitigation that may be more relevant to North Pender Island.

5. Campground regulations in North Pender Land Use Bylaw 103 (LUB)
    - As written, the current regulations could result in over built campgrounds that are out of character with North Pender Island.

6. Review Development Permit fees set by the North Pender Island Fees Bylaw
    - Sensitive ecosystem Development Permits are currently set at $200 which does not recoup administrative costs of processing a Development Permit.

7. Farm Worker Housing

    - Consider Land Use Bylaw amendments to enable farm worker housing

8. Audit of Development Permits impacts and effectiveness
    - A review or audit would look at whether Development Permits and their associated guidelines are adequate and have had the intended result they were developed for.

9. Geo-duck harvesting in Associated Islands Land Use Bylaws
    - Current regulations allow this use which was envisioned as passive harvesting. Recent experiences of industrial scale geo-duck harvesting in other Local Trust Areas have indicated this as an area of potential review.

10. Marijuana for Medical Purposes Regulation
    - Please refer to the staff report under this title on the current NPILTC agenda.

Recommendations:

1. THAT the North Pender Island Local Trust Committee amend the Project Long List by replacing it with the Project List attached as Appendix 2 to the staff report dated June 17, 2014.

Priority	Description	Activity	Date Rec'd	Comments
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	Consider revising to address pending changes to Provincial 'Flood Hazard Area Land Use Management Guidelines' and incorporating CRD Coastal Sea Level Rise Risk Assessment mapping project
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	Revise to include consideration of any recommendations arising from Food and Agriculture Strategy as well as implementing OCP policies, and Agricultural Building Watercourse setbacks.
3	Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths - 4. Groundwater protection strategy 5. Include advocacy policies for		Jan-22-2009	1. LTC should consider removing – specific issue is unclear 2. Not clear what this was for, consider removing 3. This could be reworded to address future amendments stemming from

	ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) 6. Marine riparian areas			southern gulf islands cycling and pedestrian plan 4. Could specify implementing model DPA 5. Could re-consider 6. Consolidate this with #1 on projects list above
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	Include in #2 on projects list above
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	Mapping and professional report complete. DPA provisions in place in another LTA.
6	LUB Amendments	1. review of industrial zoning, including waste management 2. tourist commercial zoning review 3. home industry regulation 4. review of commercial (C1) zoning 5. incorporate TUP's into zoning 6. landscape screening review 7. review of marine zoning regulations in conjunction with overall shoreline development review 8. amendments to permit renewable energy 9. review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction 10. height exemptions for agricultural or forestry buildings	Mar-22-2012	Budget for this in 2015/16 proposed to be $2000. 1. Potential priority to address TUPs 2. Would be to address development potential of cluster of C2 zoned properties on McKinnon Road 3. Could be linked to review of industrial zoning 4. Specific issue was site-specific nature of C1

		11. max floor area for principal dwellings		zoning outside of the Driftwood 5. Could be a quick priority in the new term 7. Consolidate this with #1 above 8. For example height exemptions 9. Measuring floor area to exterior walls 10. Consider making regulations more objective and permitting forestry buildings in rural and ag zones 11. OCP policy suggests LTC should consider floor area max for sfds
7	Road Side Signs		Apr-26-2012	Specifics would include consideration of permitting 'group' signage, permitting but regulating sandwich board signs
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	This could be combined with 10 as a review of administrative procedures
9	LUB/OCP Amendments Related to Roadway and Transportation	1. NZEV designation 2. Level 2 Charging Stations	Sep-20-2012	Budget for this in 2014/15 ($2500)

	Initiatives	3. Additional Car Stop Locations 4. Additional Bicycling-Walking Routes 5. Heritage Roads 6. Road standards in subdivision servicing regulations 7. Related policy and regulatory options		# 5 &6 could be a separate project: to amend the subdivision regs as opposed to policy or OCP map amendments
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.			Remove specific reference to Bylaw Enforcement Manager, as well as reference to recommending amendments.
11	Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		Trustee initiative if feasible

Appendix 2

Priority	Description	Activity	Date Rec'd
1	Climate Change Adaptation and Community Resilience	• Review available baseline data and consider policy and regulatory changes to address climate change adaption and community resilience in land use • Review of pending changes to Provincial 'Flood Hazard Area Land Use Management Guidelines' • Incorporate the CRD Coastal Sea Level Rise Risk Assessment mapping project • Review of marine zoning regulations in conjunction with overall shoreline development review	Jan-22-2009
2	Agricultural Projects	Consider implementing agricultural initiatives identified in the OCP, including an Area Farm Plan and any recommendations arising from Food and Agriculture Strategy. Review the Land Use Bylaw's setbacks from water courses for agricultural buildings.	Jan-22-2009
3	Other OCP projects: 1. Groundwater protection strategy 2. Include advocacy policies to replace the *ultra vires* that were regulations removed from the Land Use Bylaw (commercial airstrips, private marinas, use of personal watercraft) 3. Pedestrian and Cycle paths	1. consider implementing a model Development Permit Area 3. Future amendments may stem from Southern Gulf Islands Cycling and Pedestrian Plan	Jan-22-2009
4	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012
5	LUB Amendments	1. Review of industrial zoning: remove redundancies and consider simplifying; consider waste management zones; review home based business regulations; consider incorporating TUPs into zoning. 2. Tourist commercial zoning: review development potential of (C2) zoned properties on McKinnon Road 3. Review of commercial (C1) zoning, focussing on the site-specific nature of (C1) zoning outside of the Driftwood	Mar-22-2012

		4. Landscape screening review 5. Consider height exemptions to permit renewable energy 6. Review the height exemptions for agricultural or forestry buildings; consider making regulations more objective and permitting forestry buildings in rural and agricultural zones 7. Review floor area calculations of cottages in support of alternative, energy efficient building designs, and review maximum floor area restrictions, specifically measuring floor area to exterior walls 8. Consider a maximum floor area for principal dwellings	
6	Road Side Signs	Consideration of permitting 'group' signage, and regulating sandwich board signs	Apr-26-2012
7	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	1. Net Zero Emission Vehicle designation 2. Level 2 Charging Stations 3. Additional Car Stop Locations 4. Additional Bicycling-Walking Routes 5. Heritage Roads	Sep-20-2012
8	Review the applicability of the NPILTC Bylaw Infraction Investigations of Bylaw No. 54, 1990.	Also address situations where construction work has occurred without the required permits or approvals, and come in as applications after the fact.	
9	Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands "app" and using QR code (Quick Response Code) for smart phones to easily upload detailed information.	
10	Road standards in subdivision servicing regulations	Consider related policy and regulatory options for new road dedication and construction.	

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Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Shoreline Review	• develop school/community workshop - ON_GOING • develop and distribute tri-fold brochure - DONE • develop powerpoint from materials - DONE • develop compiled map of shore features - DONE	Sep-22-2011	Robert Kojima Justine Starke	Sep-01-2014	On Going
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

Islands Trust

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: 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		Jan-22-2009	On Going
4	Agricultural Buildling 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 regulatoy 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 Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2014.3	Shaw Cablesystems LTD	Aug-14-2014	5827 SCHOONER WAY DPA to account for changes to the site and landscaping plan.

Planner: Kerry Thompson

Planning Status

Status Date: Aug-14-2014

received application, processed fees and gave to Planner

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: Jun-26-2014

application to be referred to APC once additional information rec'd from applicant

Status Date: Jun-05-2014

Bylaw drafted for consideration by LTC on June 26

Status Date: May-29-2014

Communications with Applicant to confirm proposed uses and operational managment strategies

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: Aug-05-2014

Draft covenants sent to applicant for review

Status Date: Jun-10-2014

CIM/PH scheduled for June 26th LTC meeting

Status Date: Jun-05-2014

CIM/PH notification sent

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: Jun-25-2014

Discussed next steps with applicant, re-sent outstanding requirements.

Status Date: Jun-04-2014

Contacted applicant to check in. Left message.

Status Date: Mar-07-2014

draft operations plan received. Reviewed by staff, suggested revisions and information still pending identified - returned to applicant for consideration

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 necesssary support structures and facilities

Planner: Justine Starke

Planning Status

Status Date: Jun-05-2014

Application on hold while applicant addresses water requirements

Status Date: Sep-17-2013

letter sent to applicant regardin information required

Status Date: Sep-03-2013

proceed working on application as sr's and special needs housing

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

Planner: Justine Starke

Planning Status

Status Date: Aug-18-2014

Staff report prepared for Aug 28 2014 LTC

Status Date: Jul-24-2014

Site Visit with applicant

Status Date: Jul-24-2014

Site Visit with applicant

Subdivision

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

Planning Status

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

Status Date: Oct-17-2012

PLA issued

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2014.3	Shaw Communicatin Inc.	Jun-06-2014	5827 SCHOONER WAY TUP Renewal

Planner: Kerry Thompson

Planning Status

Status Date: Jul-15-2014

emailed applicant - DP amenment application and fee required

Status Date: Jun-09-2014

Opened file, processed fee, gave to Planner

Islands Trust

LTC EXP SUMMARY REPORT F2015

Invoices posted to Month ending June 2014

650 North Pender	Invoices posted to Month ending June 2014	Budget	Spent	Balance
65000-650	LTC "Trustee Expenses"	700.00	371.79	328.21
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	840.75	1,909.25
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	51.43	698.57
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	412.86	337.14
TOTAL LTC Local Expense		4,550.00	1,305.04	3,244.96
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	3,095.96	-95.96
73001-650-4018	North Pender Subdivision Review	0.00	589.16	-589.16
73001-650-4028	North Pender Conservation Subdivision /Shoreline Review	2,000.00	554.67	1,445.33
73001-650-4029	North Pender Road/Transportation Amendments	2,500.00	0.00	2,500.00
TOTAL Project Expenses		7,500.00	4,239.79	3,260.21

Islands Trust

LTC EXP SUMMARY REPORT F2015

Invoices posted to Month ending July 2014

650 North Pender	Invoices posted to Month ending July 2014	Budget	Spent	Balance
65000-650	LTC "Trustee Expenses"	700.00	602.03	97.97
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	1,187.01	1,562.99
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	51.43	698.57
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	412.86	337.14
TOTAL LTC Local Expense		4,550.00	1,651.30	2,898.70
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	3,095.96	-95.96
73001-650-4018	North Pender Subdivision Review	0.00	589.16	-589.16
73001-650-4028	North Pender Conservation Subdivision/Shoreline Review	2,000.00	1,000.17	999.83
73001-650-4029	North Pender Road/Transportation Amendments	2,500.00	0.00	2,500.00
TOTAL Project Expenses		7,500.00	4,685.29	2,814.71

STAFF REPORT

Date: August 6, 2014 **File No.:**

To: North Pender Island Local Trust Committee
For the meeting of August 28, 2014

From: Robert Kojima
Regional Planning Manager

CC: Justine Starke
Island Planner

Re: 2015-2016 Budget Requests

Purpose
Local trust committees have been requested to submit project budget requests for the next fiscal year (2015-16).

Local Trust Committee Expense Budgets:
A budget for the Local Expense Account has been developed based on the current budget (2014/15) – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account ($750 for the NPILTC). This funding is intended to support minor local planning initiatives at the discretion of the Local Trust Committee and consistent with Islands Trust policy (a resolution is required to use these funds).

LTC Projects Budgets:
The Local Trust Committee will need to make funding requests to support anticipated project work. When considering new work items for the 2015/16 fiscal year, the LTC is asked to consider the following:

- A new local trust committee will be sworn-in in December 2014; therefore, priorities could potentially change after the new LTC sets its priorities. Essentially, the existing LTC will be responsible for ensuring that the incoming LTC has sufficient funds to undertake work program items.
- The new LTC will have an opportunity to amend these requests after being sworn-in in December and prior to the Financial Planning Committee meeting in February 2015.

- Projects planned for the current fiscal (2014/15) which are not completed should be considered as a new project for the 2015/16 fiscal year with resources allocated to support that work.

Budget Request Timeline:

July - Aug	Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
Aug to Sept	Local Trust Committees review and approve budget requests at LTC meetings
Sept 22	2014 Budget requests submitted to the Director of Local Planning Services
Oct 14	Management finalizes budget recommendations to FPC
Oct 21	Draft Budget and Program List submitted to FPC
Oct 29	FPC reviews and discusses first draft of the Budget
Nov 12	FPC approves a draft Budget and principles to be submitted to December Trust Council
Dec 3	Trust Council debates and endorses budget principles and preliminary budget

LTC Budget Requests

I have prepared a draft LTC project budget using the following approach:

- On-going Top Priority projects that are currently not anticipated to be completed in the current fiscal year with an estimated amount sufficient to complete the projects;
- Other projects from the Projects list that could become Top Priorities in next fiscal year have been identified in a general way, with an amount sufficient to commence the project.

The LTC should review the draft budget requests and:

1. identify any projects included in the draft budget it does not consider important and delete from the budget request
2. identify any other projects it currently considers important for the next term and add them to the budget request (and the work program if necessary),
3. identify any additional expenses associated with the projects.

Resolution Wording

1. 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; or

2. THAT the North Pender Island Local Trust Committee revise the draft 2015-16 LTC Project Budget Request by including (deleting) _____with a budget of $____and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



Robert Kojima
Regional Planning Manager

August 7, 2014
Date

Attachments:

1. Draft 2015-16 LTC expense budget
2. Summary table of LTC project budget requests

2015/16 LTC EXPENSE BUDGET

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	LPC	Total 2015/16
population	*1095*	*4050*	*1258*	*313*	*1074*	*359*	*1112*	*1996*	*9780*	*359*	*236*	*372*			*22004*
	5%	*18%*	*6%*	*1%*	*5%*	*2%*	*5%*	*9%*	*44%*	*2%*	*1%*	*2%*			
LTC EXPENSES **															
LTC Meeting Expenses	2,500	4,250	2,500	2,500	2,500	500	1,500	2,750	8,000	1,000	1,000	1,000			30,000
APC Meeting Expenses	750	750	500	750	750	500	750	750	2,000	500	500	500			9,000
Communications	300	750	300	300	300	300	300	300	1,250	300	300	300			5,000
Special Projects	750	2,250	750	750	750	750	750	750	4,500	750	750	750	750		15,000
Miscellaneous															0
SUB-TOTAL EXPENSES	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750		59,000
Program	0	0	7,500	0	0	0	6,500	9,000	0	6,500	5,000	0	0	0	34,500
TOTAL	**4,300**	**8,000**	**11,550**	**4,300**	**4,300**	**2,050**	**9,800**	**13,550**	**15,750**	**9,050**	**7,550**	**2,550**	**750**	**0**	**93,500**
	5%	*9%*	*12%*	*5%*	*5%*	*2%*	*10%*	*14%*	*17%*	*10%*	*8%*	*3%*			

DRAFT NPILTC PROJECT BUDGET REQUEST

N. PENDER	Project	Budget	Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB	Newly Adopted Policy in OCP	Notes
Project #1	Conservation Subdivision Review (Completion)	$ 2,500.00		x	x		completion of project, community consultation and public hearing
Project #2	Age and Disability friendly community planning (Completion)	$ 2,500.00		x	x		completion of project, community consultation and public hearing
Project # 3	OCP amendments	$ 2,000.00					To commence projects from projects list
Project #4	LUB amendments	$ 2,000.00				x	To commence LUB amendments to implement OCP policies
	TOTAL PROJECTS	$ 9,000.00					

Updated: May 10, 2011

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.