



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 30, 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 - 10:00 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**
 - 5.1 **Local Trust Committee Minutes**
none
 - 5.2 **Public Hearing Records and Community Information Meeting Notes to be Received**
none
 - 5.3 **Section 26 Resolutions-without-meeting** 4 - 4
RWM Report dated January 2014 (attached)
 - 5.4 **Advisory Planning Commission/Task Force to be received**
none
6. **Business Arising from the Minutes** 10:00 AM - 10:10 AM
 - 6.1 **Follow-up Action List** 5 - 7

7. Delegations		
none		
8. Correspondence	10:10 AM - 10:20 AM	
8.1 Experience the Gulf Islands - Einar's Hill Bypass (attached)		8 - 14
9. Applications, Permits, Bylaws and Referrals	10:20 AM - 12:30 PM	
9.1 NP-DP-2014.1 (Rempel) - Staff Report (attached)		15 - 45
9.2 NP-TUP-2014.1 (Colliers International) - Staff Report (attached)		46 - 60
9.3 Mayne Island LTC Bylaw Referrals for Bylaws 159 (OCP) & 160 (LUB) (attached)		61 - 64
9.4 Salt Spring Island Bylaw Referrals for Bylaws 472, 474 (OCP) & 475 (LUB)		65 - 70
10. Local Trust Committee Projects	12:30 PM - 1:30 PM	
10.1 Land Use Bylaw Technical Amendments - Staff Report (attached)		71 - 90
10.2 Conservation Subdivision Review (attached)		91 - 120
11. Reports	1:30 PM - 1:45 PM	
11.1 Work Program Report		121 - 123
Work Program Report dated January 2014 (attached)		
11.2 Applications Report		124 - 128
Applications Report dated January 2014 (attached)		
11.3 Bylaw Enforcement		
none		
11.4 Expense/Budget Reports		129 - 129
Expense Budget Reports dated December 2013 (attached)		
11.5 Adopted Policies and Standing Resolutions (attached)		130 - 130
11.6 North Pender LTC Web Page		
North Pender Island Local Trust Committee Home Web Page can be found at:		
www.islandstrust.bc.ca/islands/local-trust-		

- | | | |
|------|---|-------------------|
| 11.7 | Chair's Report | 1:45 PM - 2:00 PM |
| 11.8 | Trustee Report | |
| 12. | Other Business | 2:00 PM - 2:30 PM |
| 12.1 | Upcoming Meetings | |
| | The next meeting of the North Pender Island Local Trust Committee will be held Thursday, February 27, 2014, 9:45 am, at the Pender Island Community Hall, Lounge. | |
| 12.2 | Email dated Jan. 7/14 from C. Frater re: Grant Notification (attached) | 131 - 132 |
| | - Healthy Communities Capacity Building Grants | |
| 12.3 | Advisory Planning Commission Membership Terms - memo (attached) | 133 - 133 |
| 13. | Town Hall Meeting | |
| 14. | Adjournment | 2:30 PM - 2:30 PM |



Islands Trust

Print Date: Jan-21-2014

RWM From: November 28, 2013 To: January 21, 2014

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2013-06	In Favour	THAT the North Pender Island Local Trust Committee Community Information Meeting notes of November 23, 2013, be Received.	Dec 23, 2013
2013-05	In Favour	THAT the North Pender Island Local Trust Committee November 28, 2013 Community Information Notes and the Regular Meeting Minutes of the same date be Received and Adopted.	Dec 21, 2013
2013-04	In Favour	THAT the North Pender Island Local Trust Committee request Trustee Steeves to write on behalf of the local trust committee objecting to route 620 Tsawwassen/Bridgeport schedule changes and send the letter to: Richard Walton, Chair Translink Board; Honourable Todd Stone, Minister of Transportation and Infrastructure; George Heyman, Opposition Critic for Translink; and Gary Holman MLA Saanich and the Islands.	Dec 11, 2013



Islands Trust

Print Date: Jan-22-2014

Follow Up Action Report w/ Target Date

North Pender Island Jul-28-2011

No.	Activity	Responsibility	Target Date	Status
1	Item NP-DP-2010.4 (TWA): cross ref to NP-SUB-2008.5 - staff to:	Andrea Pickard	Sep-22-2011	On Going

- when completed, provide supporting documents on the subdivision requirement to the LTC including the registered covenants
- work with applicant to consolidate the existing covenants into one
- discuss with applicant amending the terms of the consolidated covenant to: change the buffer areas from 'trees' to 'trees and native vegetation'; add a no buildings or structures within the DPAs clause; exempt danger trees; and add a penalty clause
- report back regarding the PIPRC trail when completed
- forward responses from the AO and Dam Safety Officer re: the Ryzuk Drainage report when received

Nov-28-2012

No.	Activity	Responsibility	Target Date	Status
15	Item 14 - In camera: adopt Oct 31 minutes as amended	Lori Foster	Jan-30-2014	Done

Nov-29-2012

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

May-30-2013

No.	Activity	Responsibility	Target Date	Status
3	Item 8.2 Correspondence: the LTC allocates up to \$400 for the purchase of a series of reports from Pender Community Transition regarding climate change adaptation and community resilience	Nancy Rogers	Jun-27-2013	On Going

Aug-29-2013

No.	Activity	Responsibility	Target Date	Status
4	Item 9.1- NP-RZ-2013.2: staff to allocate up to \$2000 from the special projects budget for expenses related to preparation of legal documents	Nancy Rogers	Sep-23-2013	On Going

Oct-31-2013

No.	Activity	Responsibility	Target Date	Status
5	Item 12.2 - CRD Sea Bus Initiative: request the CRD Harbours Commission to refer any proposed bylaws to the NPILTC as per the CRD/IT protocol agreement	Andrea Pickard	Nov-28-2013	Done

Nov-28-2013

No.	Activity	Responsibility	Target Date	Status
6	Item 5.1.1 Minutes Oct 31: adopt as amended	Lori Foster	Jan-30-2014	Done
7	Item 9.1- SSI Proposed Bylaw 470: Respond 'Approval Not Recommended' with the reason 'that the siting of the dock in relation to the sensitive eelgrass beds may adversely impact the health of marine ecosystems in proximity to the North Pender Local Trust Area'	Sharon Lloyd-deRosario	Jan-30-2014	Done
8	Item 9.2 - SSI Proposed Bylaw 471: respond that the NPILTC interests are unaffected	Sharon Lloyd-deRosario	Jan-30-2014	Done
9	Item 9.3 - NP-LCB-2013.1: staff to respond to LCLB with the resolution and include the notes of the CIM	Andrea Pickard	Jan-30-2014	Done

10	Item 9.4 - NP-RZ-2012.2: Inform TFB staff the conservation covenant is a requirement of the rezoning application, and the covenant must include the entire Rural zoned area in the southern portion of the property, and to request the assessment for driveway impacts to the veteran tree as outlined in the staff report	Kim Farris	Jan-30-2014	Done
11	Item 10.1 - Conservation Subdivision: LTC endorses next steps as outlined in the Nov 27 Memo, including to report back regarding public and stakeholder input and policy and regulatory options	Andrea Pickard	Jan-30-2014	Done
12	Item 10.2 - Shoreline Review: release the right to the Sharing our Shoreline content to Forage Fish BC for use by NGOs and Local Governments on the condition the NPILTC role is recognized	Robert Kojima	Jan-30-2014	Done
13	Item 10.2 - Shoreline Review: Cost estimates and information content for shoreline QR to be determined for implementation in the 2014 fiscal year	Ken Hancock	Jan-30-2014	On Going
14	Item 11.2 - Applications: staff to follow up with CRD staff regarding the status of the SWMP review and the NPILTC request for inclusion	Andrea Pickard	Jan-30-2014	Done

Proposal for a multi-modal bypass trail of Einar's Hill.

An Experience the Gulf Islands

Trail Project

Project Description and Background: The Einar's Hill by-pass route will avoid the dangerous steep, tightly curved, narrow and partially blind public road route north of the Driftwood Centre. The proposed by-pass follows an historic Ministry of Highways right of way (Alice - Church) which skirts around the west end of the airstrip adjacent to Liberto Rd, and crosses a corner of Parks Canada land. This route will provide a safe alternative route around Einar's Hill for pedestrians and cyclists.

The trail starts at the northern edge of the Driftwood and follows a hardcore road established by Driftwood Properties over the right-of-way before turning north into forest along a former logging trail flanked by mature trees. The trail will then cross a short section of the GINPR [Gulf Islands National Parks Reserve] and skirt the far end of the existing airfield before a short climb through some forest into cleared space to join the established hard core road following the right-of-way back to the main road.

The Experience the Gulf Islands' (ETGI) Team on Pender, working in close collaboration with Moving Around Pender Alternative Transportation Society (MAP), has selected the Einar's Hill Bypass section of the proposed ETGI spine trail on Pender as their highest priority project. The reasons for this choice are:

- The bypass is part of the Pender ETGI trail identified in the Phase1 plan developed by Valhalla Trails Inc (See appendix 1)
- The bypass is part of the "Magic Ferry Route" which has been identified by MAP as the most important thoroughfare on Pender (See Appendix 2 – Transportation Plan). This route, which will ultimately link the Otter Bay Ferry Terminal with the major commercial center on the Penders (The Driftwood Center) and with the major population concentration (Magic Lake Estates), has been approved for development of a multimodal trail by the North Pender Local Trust Council and is now incorporated as a goal in the Official Community Plan (Appendix 3).
- Einar's Hill has been identified as a very hazardous section of the proposed Magic Ferry route. (See Appendix 4). As an example a fully loaded cement truck recently left the road at Einar's Hill and resulted in serious injury (Figure 1). Pedestrians or cyclists using the road could have been injured or killed in the incident.
- The Magic Ferry route was suggested as a high priority for development of a safe pedestrian/cyclist trail in a Pender Island Residents survey (Appendix 5)
- There is a statutory right of way (SRW) from before the top of Einar's Hill, passing behind the Hastings air strip, across a small section of National Park, onto the SRW again and finishing at the Driftwood Centre. (See Figures 2 – 7). This would make an ideal route for pedestrians and for bicyclists that would remove them from the road at Einar's Hill.
- The project has broad community support. This includes MAP, the Pender Island Parks and Recreation Commission (PIPRC) and ETGI.

- In February 2013 members of MAP held a teleconference with MOTI. It was confirmed that Einar's Hill was a "danger spot" on the Magic Ferry Route. MOTI is supportive of granting a license of occupation (LOO) for a multi-modal trail in the right of way
- The proposed trail can be almost entirely located on existing MOTI right of way other than a very short section of the route which crosses the Gulf Islands National Park Reserve. GINPR have indicated a willingness to grant a license of occupation to the Parks Commission for construction of a trail
- The proposed trail is on fairly level ground and in fact much of the route has been graded.
- The trail connects to an important commercial hub/centre; the Driftwood Centre.

Project Sponsor (organization(s)): Experience the Gulf Islands' Team on Pender Island in conjunction with Moving Around Pender (MAP) Alternative Transportation Society

Project Leader(s): ETGI team members- John Chapman, Peter Paré, Rob Fenton, Michael Plumb, Tim Frick, Amanda Griesbach and MAP members: Dean Mills, Barry Mathias, Niall Parker and Lisa Baile

Partners: ETGI, MAP, ??

Required Approvals/Permissions: (will a permit/license be required and from which agencies?)

For the complete route a license of occupation (LOO) for a ~70 metre section of the route will be required from the Gulf Island National Park Reserve (GINPR). In multiple meetings with GINPR personnel they have expressed support for the License of Occupation. They have indicated that they will not issue a LOO until completion of their management plan.

Estimated Costs:

A detailed cost estimate for construction of the trail is contained in the attached quote from Valhalla Trails Inc. (Appendix 6). The total cost of \$80,000 (???) includes survey and trail construction to CRD standards. In the event of partial funding the project has been broken into 2 potentially independent projects which would be completed sequentially. The first would be to construct the portion of the trail from the Driftwood to the National Park Reserve along the border with the proposed Evergreen Senior's home. This by itself would allow access to a scenic portion of the route surrounded by old growth trees and could provide access to the Driftwood Center for seniors in the proposed Evergreen Center.

The second portion of the trail would be to complete it by linking this portion to the Eastern section.

Proposed Timeline following receipt of funding:

Aim	2 months	2 months	8 months
Trail design			
Tender			
Construction			

Figure 1



Cement truck which left the road at Einar's Hill.

Figure 2 Project over view

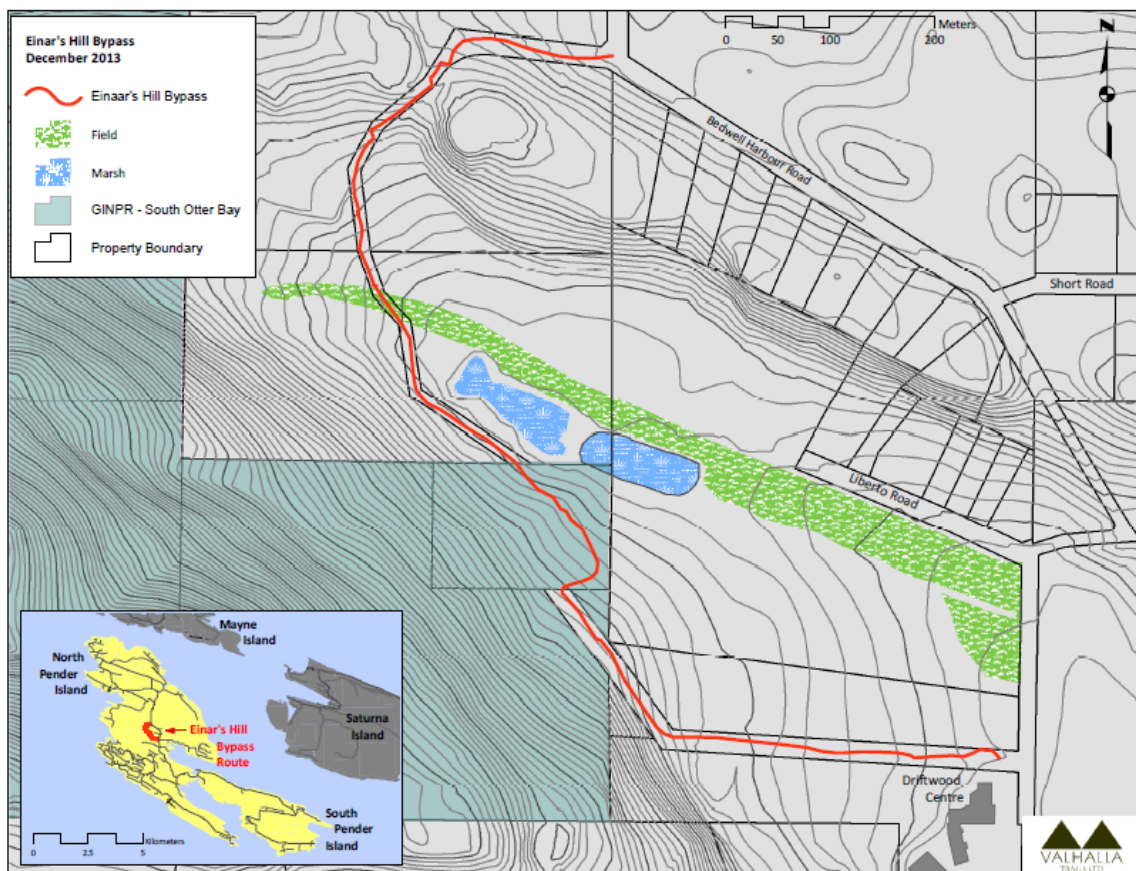


Figure 3
Key to maps

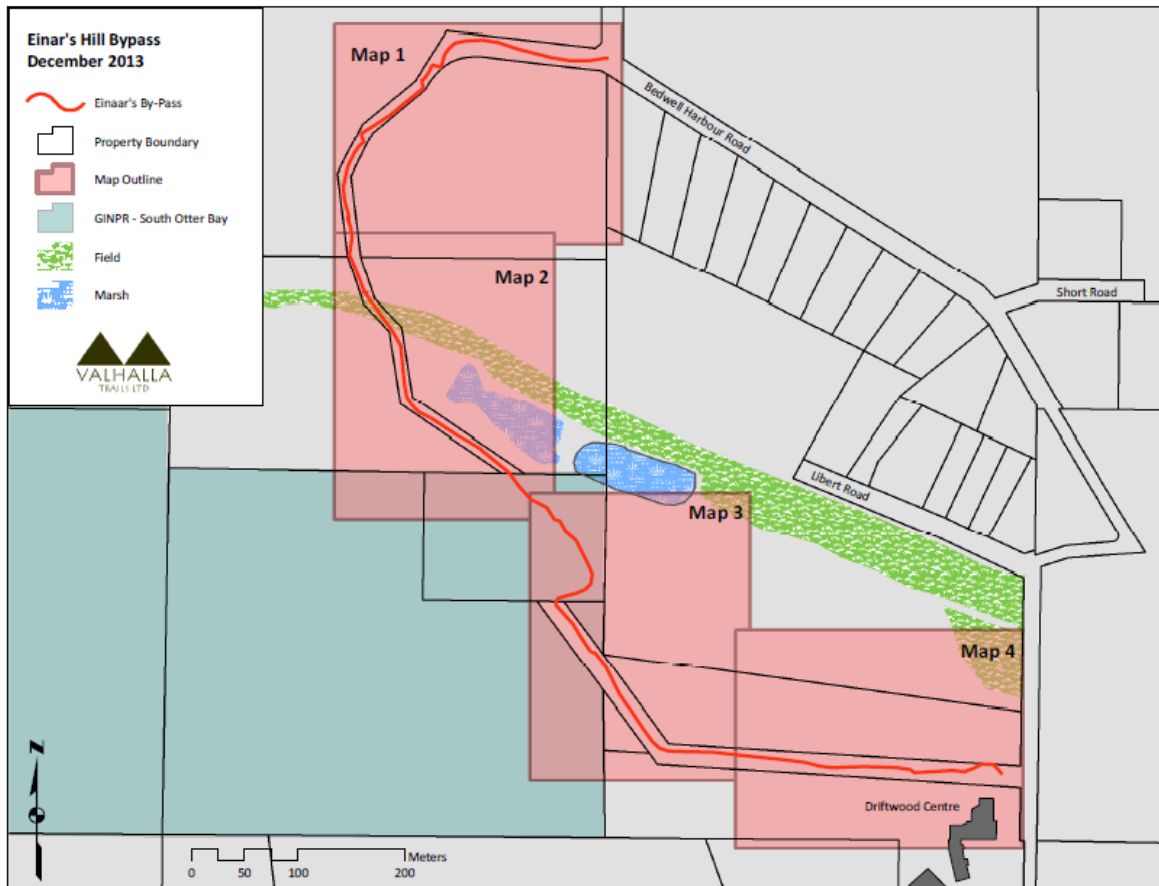


Figure 4 – Map 1.

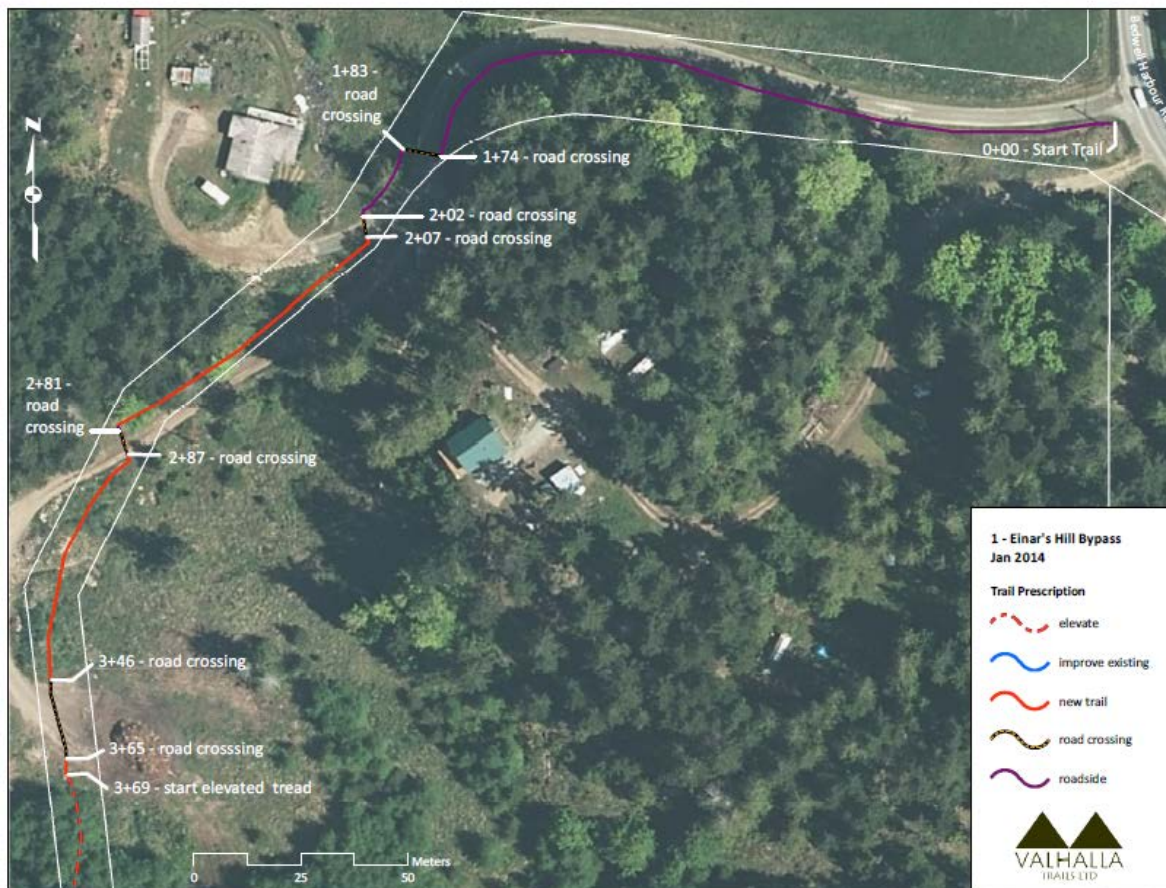


Figure 5 – Map 2

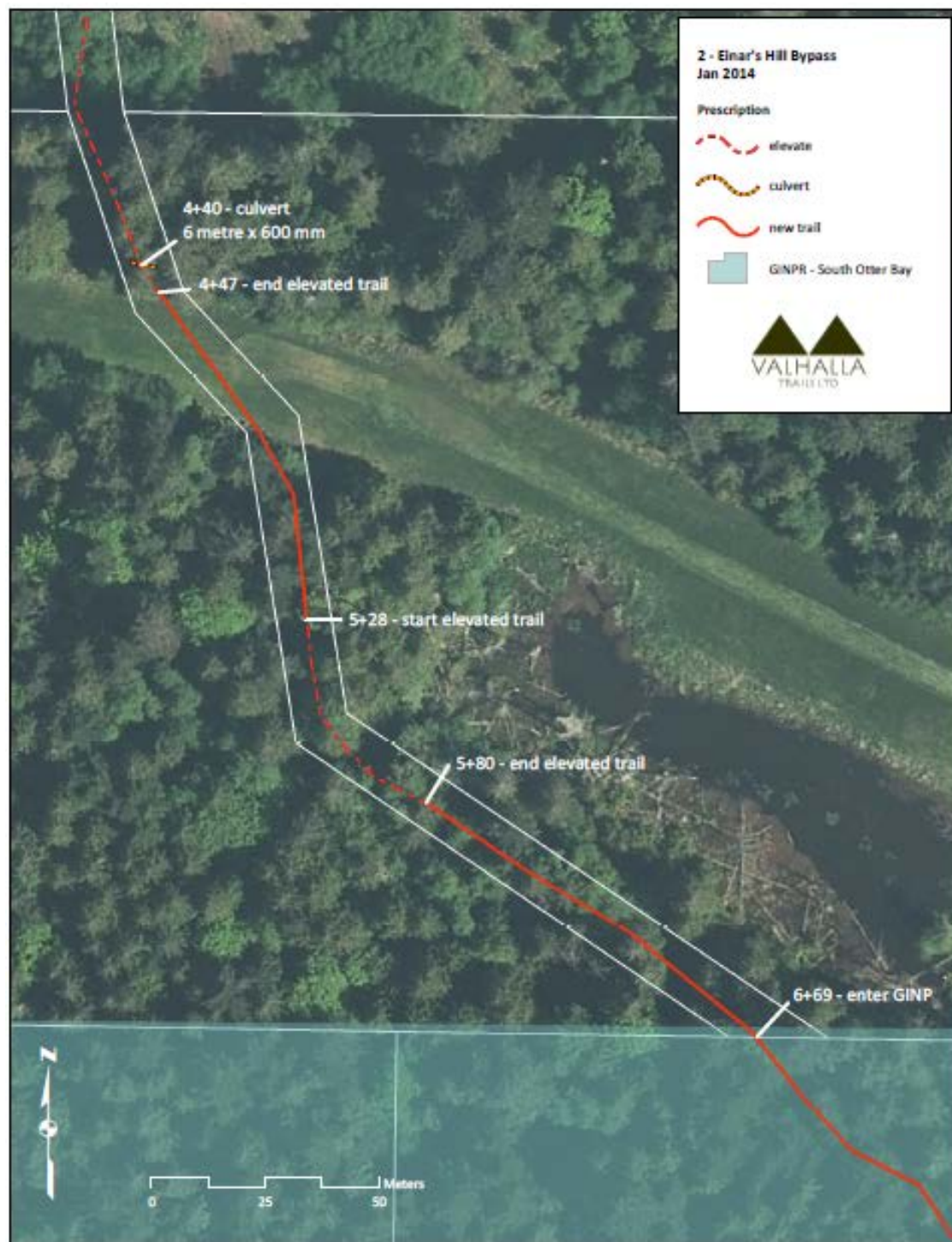


Figure 6 – Map 3

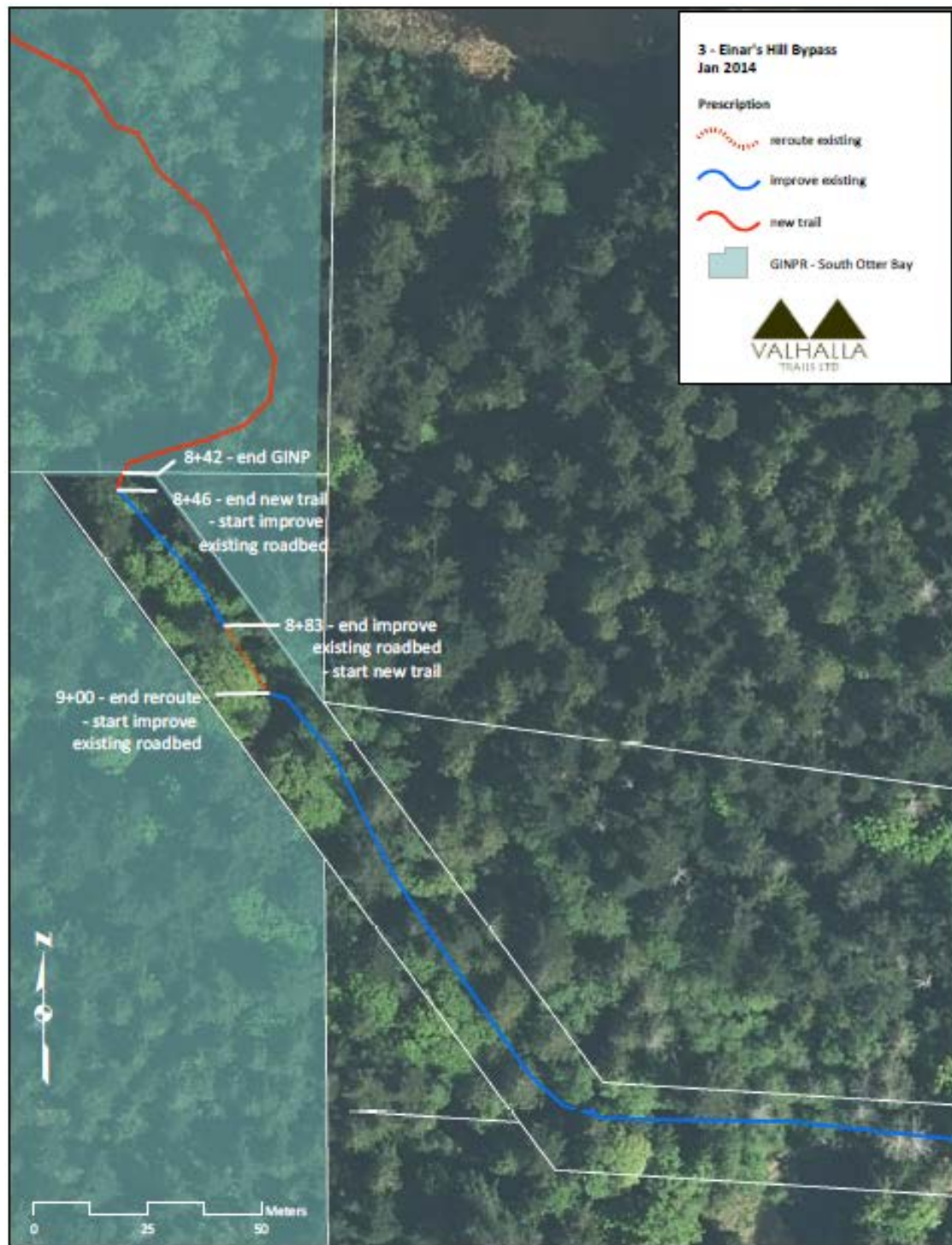
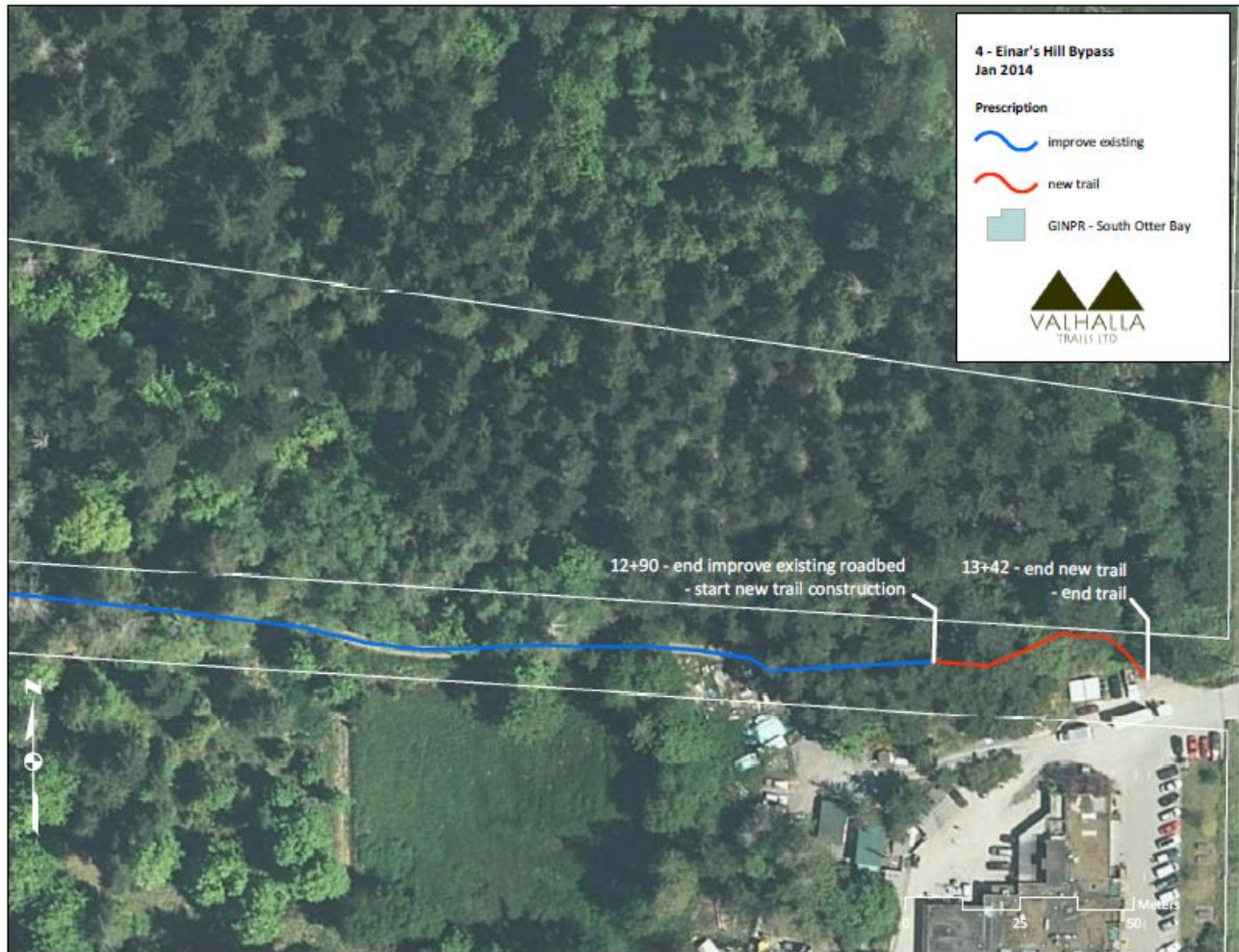


Figure 7 – Map 4



STAFF REPORT

January 16, 2014

File NP-DP-2014.1 (Rempel)
No.:

To: North Pender Island Local Trust Committee
For the meeting of January 30, 2014

From: Andrea Pickard, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Development Permit Application

Owner: Lesley Joy, Steve Sipos and Mary Anne Pare.

Applicant: Ken Rempel

Location: 6909 Pirates Road, Lot 18, Sections 6 and 24, Pender Island, Cowichan District, Plan 32261, PID: 001-080-849

THE PROPOSAL:

BACKGROUND:

The purpose of the application is to authorize construction of a new single-family dwelling within a sensitive ecosystem development permit area (DPA), including the demolition of an existing cabin, installation of a new septic system, and improvements to the site access.

The subject property is located in the Oak Bluffs neighbourhood, which has fairly extensive sensitive ecosystems running along the south-west facing slopes. The subject property includes DPAs for sensitive woodland, cliff, and herbaceous ecosystems, as well as a raptor nest. The proposed development would be within the sensitive woodland ecosystem.

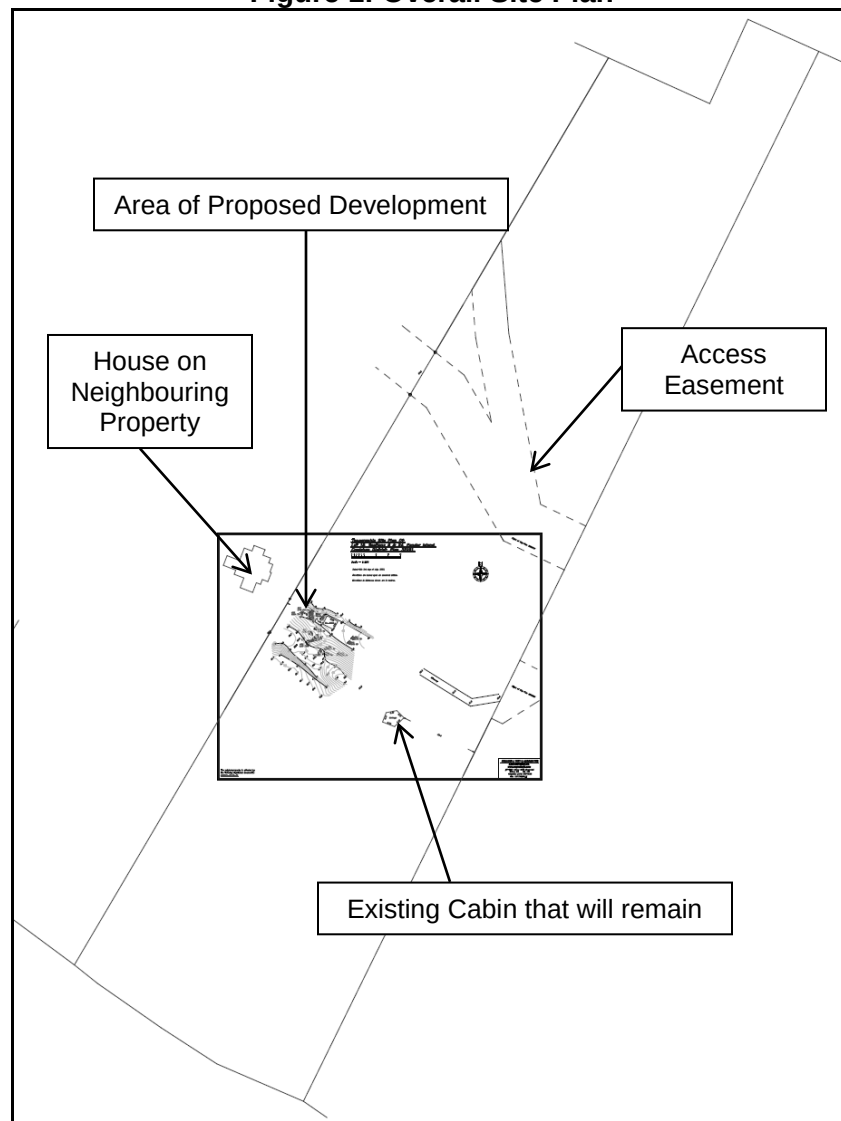
The proposed house is approximately 109m² (1170ft²) with an attached 52m² (560ft²) partially covered patio; it will also require installation of a new septic system and improvements to the existing driveway to provide access. The proposed septic tank would be sited where an existing cabin is to be removed, with the septic field sited between nearby existing trees. Blasting of a conglomerated rocky knoll will be required to provide space for a vehicle turnaround; the blasted materials will be reused on site as fill. Approximately 17m³ (20yard³) of fill will need to be imported to the site to cover the septic tank/system and create a level entry area and ramp at the lower entry level.

The natural topography in the area is quite undulating with numerous small ridges and gullies, resulting in limited areas that are naturally flat and easy to develop. The proposed house site will be sited such that the waterfront side would be located on a ridge, with a portion of the house extended inland above a gully. Access to the house would be located at a lower level in the existing gully by way of exterior stairs or an elevator tower. The photographs below attempt

to depict terrain in the area of development. The siting of the house on the property is similar to neighbouring properties. Siting of the development would strive for ocean views, being relatively close to existing access, and utilizing naturally open areas to improve sun exposure where possible.

A draft development permit is attached for your consideration.

Figure 1: Overall Site Plan



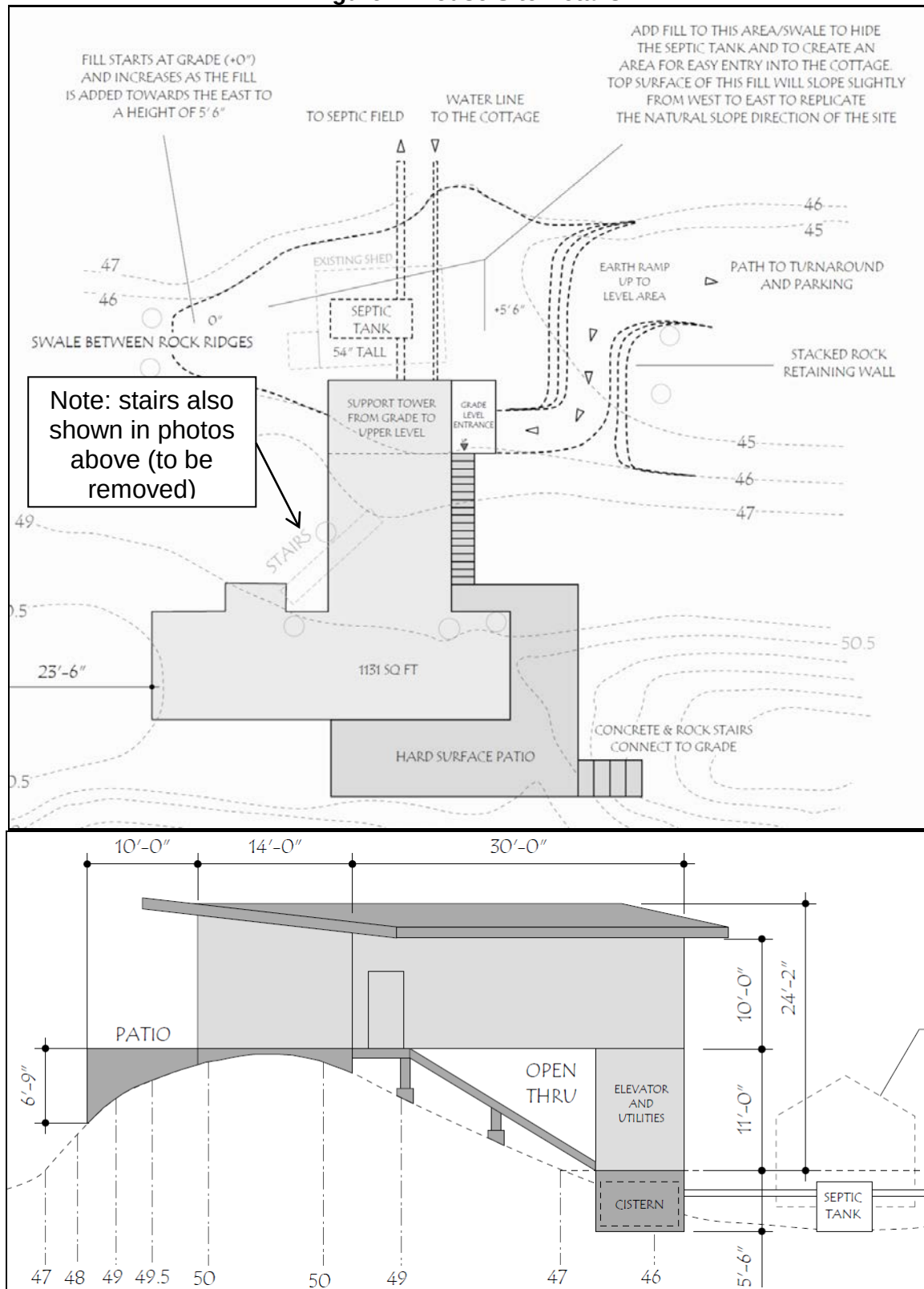


**Photograph 1: Top of Ridge, waterfront portion of house site
(Note: incorrect date stamp on photo)**



**Photograph 2: Gully Area – Access to House
Septic tank to be sited where cabin is located – cabin to be demolished
(Note: incorrect date stamp on photo)**

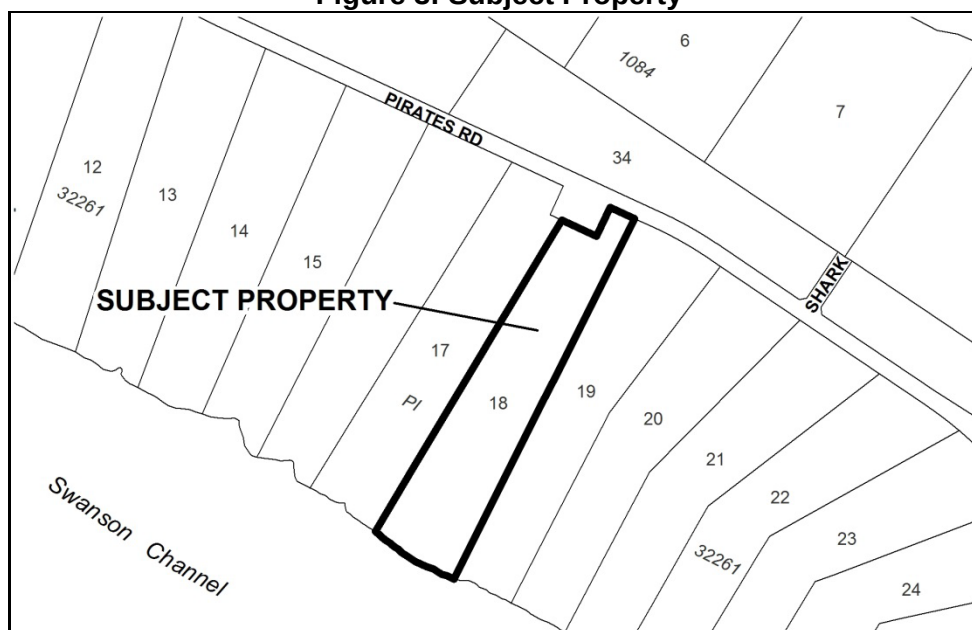
Figure 2: House Site Details



SITE CONTEXT:

The subject property is 4.2 ha (10.4 ac) in area and zoned Rural. Based on GIS data the waterfront property rises steeply to approximately 118 metres above sea level to a ridge running through the Oak Bluffs neighbourhood, before descending to approximately 44 m asl near Pirates Road.

Figure 3: Subject Property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Applicable directive policies in the Islands Trust Policy Statement include:

3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.

Official Community Plan

The subject property is designated Rural in the OCP, as are surrounding properties. A checklist of the development permit area guidelines is attached for your information.

Land Use Bylaw

The property is zoned Rural (R), as are the surrounding properties.

Sensitive Ecosystems and Hazard Areas:

The subject property contains four different development permit areas (DPAs): woodland, cliff and herbaceous ecosystems, and a raptor nest. The DPA's are abutting each other thereby creating a contiguous band adjacent to the shoreline that is approximately 200m wide on this property.

Steep slope mapping identifies area of high and moderate hazard adjacent to the shoreline and Pirates Rd., albeit the one adjacent to the shoreline is significantly larger. Areas of low hazard also run through the mid-section of the property. The proposed house site appears to be immediately adjacent to the moderate hazard area. The applicant has obtained a geotech report that concluded: the building site is safe for the intended use, the proposed development will not require any unique geotechnical design detail, and the bedrock at the site was generally intact with no signs of instability.

Figure 4: Development Permit Areas

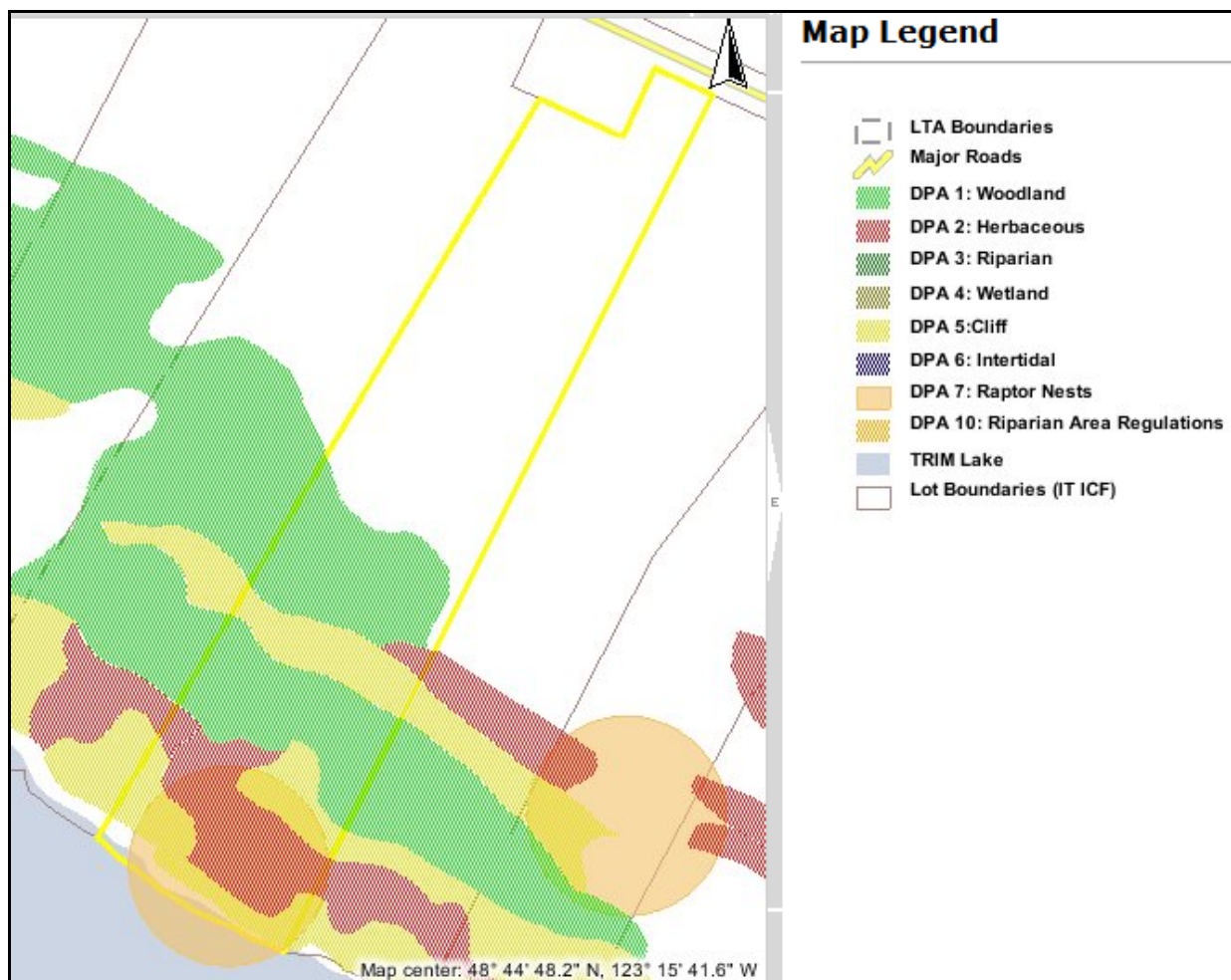
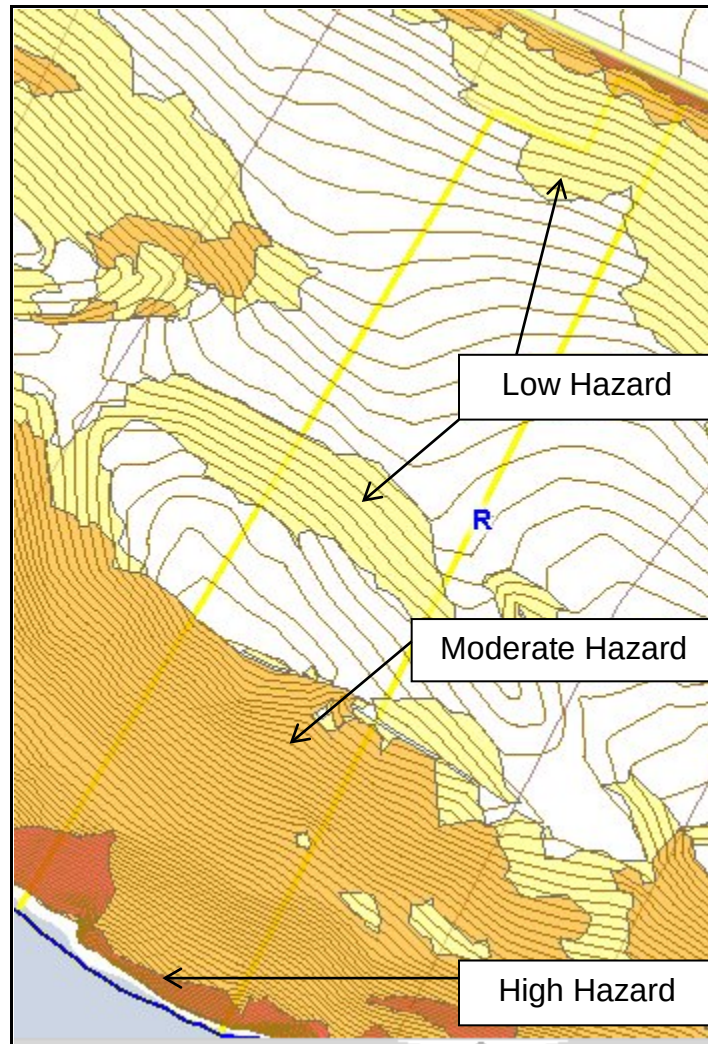


Figure 5: Steep Slope Hazard Mapping and 2m Contour Intervals



Archaeological Sites:

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

Covenants:

There are no covenants registered on title.

Climate Change Mitigation and Adaption

Due to the topography and distance from the shoreline the proposed house site would not be exposed to storm surges or sea level rise; however, with increasing storm intensity it would be vulnerable to high winds.

The house is being designed not to be connected to the power grid. A combination of photo-voltaic panels and propane would be used for energy sources.

Shoreline

The shoreline adjacent to the waterfront property is classified as sea cliff. Sea cliff is the dominant shoreline in this area, running approximately 2.5km along the south-west facing ridge. The energy exposure in this area, from Wallace Point to Thieves Bay, is considered medium exposure and this area of North Pender Island experiences the highest associated fetch due to the dominant southerly winds travelling along the length of Haro Strait.

Sea cliffs are hard, mostly bedrock shores with slopes steeper than 20%. Backshore soils tend to be shallow and rocky, making them prone to drought. 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 may also have associated rock fall hazards.

No eelgrass beds or forage fish habitat has been identified along this shoreline.

As the proposed development is approximately 125-150 m distant from the shoreline, which is inaccessible due to the topography, impacts to the coastal environment would be negligible.

Other:

Biologist's report: A biologist's report was provided and is attached to this report. In summary the report noted:

"In general, the proposed development is reasonable. The scale of the design is sensitive to both the Woodland and Woodland/cliff ecosystems and will have limited impact on the integrity of these protected areas. The application of the suggested mitigation strategies would further limit the impact of the proposed development. It is important to note that the Garry Oak Woodland, Cliff and Herbaceous ecosystems of the southwest slope will be unaffected by the development."

STAFF COMMENTS:

Although the Oak Bluff properties are relatively large, the development pattern has been largely determined by the shared access easement that bisects the properties roughly mid-section, and selecting house sites that provide for ocean views and sun exposure. The nature of the topography has benefited the areas by naturally limiting access to, and disturbance along, the south-facing slope thereby maintaining intact ecosystems. The scale of the development is in keeping with the rural nature of the land and the proposed siting and design minimizes impacts.

A number of the recommendations in the biologist's report relate to how the property owners could continue to minimize impacts through the day-to-day activity on the site and, where suitable, the recommended mitigation strategies have been captured as a condition in the proposed permit.

Given the nature of the site, the scale of the area to be disturbed, and the information provided in the biologist's report, staff recommends issuance of a development permit for the proposed development.

Conditions included in the draft permit include:

- removal of nine trees and one veteran stump (1 Arbutus and 8 Douglas-fir),
- removed trees (>20cm) to be left on site as large woody debris,
- diffused discharge for storm water,
- restricting irrigation systems within the DPA,

- requiring the use of blast mats to contain materials when blasting,
- limiting the extent of the area where fill is deposited,
- ensuring all imported fill is clean of debris and noxious weed seed,
- the driveway surfacing to remain permeable,
- following construction, the disturbed area surrounding the dwelling to be restored to natural conditions and maintained free from invasive species, and
- any new plantings to be drought-tolerant, native species.

RECOMMENDATIONS:

THAT the North Pender Island Development Permit NP-DP-2014.1 (Rempel) BE APPROVED.

Prepared and Submitted by:



January 16, 2014

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 17, 2014

Date

Attachments:

PROPOSED



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2014.1

To: Mary Anne Pare, Lesley Ann Joy, and Steve Sipos.

1. This Development Permit Amendment applies to the lands described below:

Lot 18, Sections 6 and 24, Pender Island, Cowichan District, Plan 32261
PID: 001-080-849

2. This Development Permit authorizes the construction of a single family dwelling within a sensitive woodland ecosystem development permit area. In addition to single family dwelling, the development will include: demolition of a cabin, relocation of an accessory structure (canoe and kayak shed), the placement of fill, the removal of rock, expansion and resurfacing of the driveway area, and installation of a septic disposal system. The development of the site is subject to the following conditions:

- (a) Development shall be substantially consistent with Schedules 'A' and 'B', attached to and forming part of this permit.
- (b) For certainty, the permit authorizes the removal of five Douglas-fir trees, including the stump and root system, for the house site.
- (c) For certainty, the permit authorizes the removal of three Douglas-fir trees, one Arbutus (diseased), and one veteran tree stump in the area to be used to improve for the driveway.
- (d) For those trees that are removed, the trunks and large limbs from removed trees shall be left on the site as large woody debris (branches and small limbs with a diameter less than 20 cm may be removed to reduce fire fuel loads).
- (e) Design of storm water discharge from all new development within the development permit area shall ensure diffused discharge in a manner to avoid impacting thin soils and sensitive plant communities.
- (f) No irrigation systems shall be placed within the development permit area.
- (g) Rock to be removed by blasting in the turnaround area (approximately 10 m³) shall be reused on-site.
- (h) All blasting shall include the use of blast mats to contain materials.
- (i) Fill shall be deposited only within the identified areas.

PROPOSED

- (j) All fill imported to the site shall be free of debris and contaminants, and not contain any seed or vegetative materials from invasive or noxious species.
 - (k) The driveway and turnaround area shall be surfaced with permeable materials only.
 - (l) Once construction is completed, the disturbed land within the development permit area shall be maintained free of invasive species, particularly Scotch Broom, and be restored with native species representative of the woodland ecosystem.
 - (m) Any new plantings within the development permit area must be drought-tolerant, native vegetation species.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

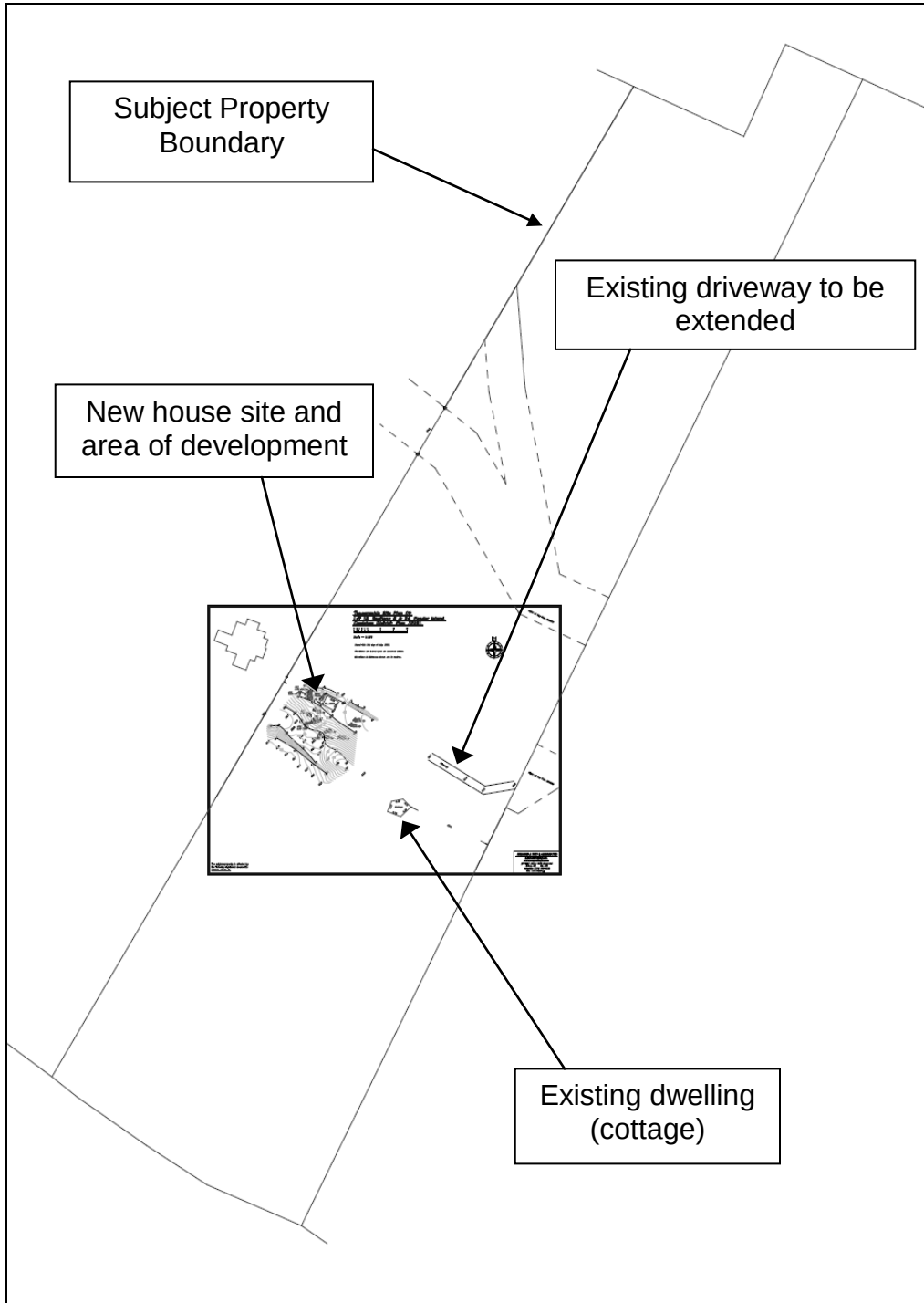
Date Issued

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

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2014.1
Schedule "A"

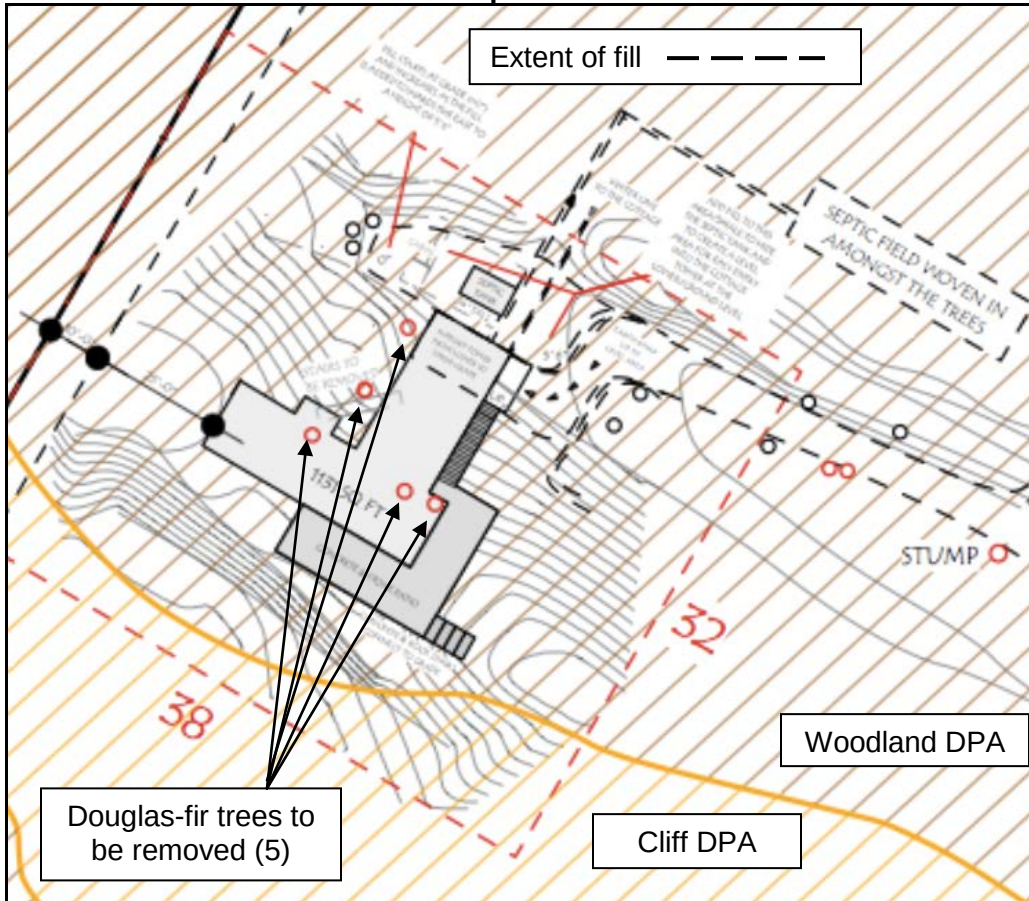
Property Site Plan



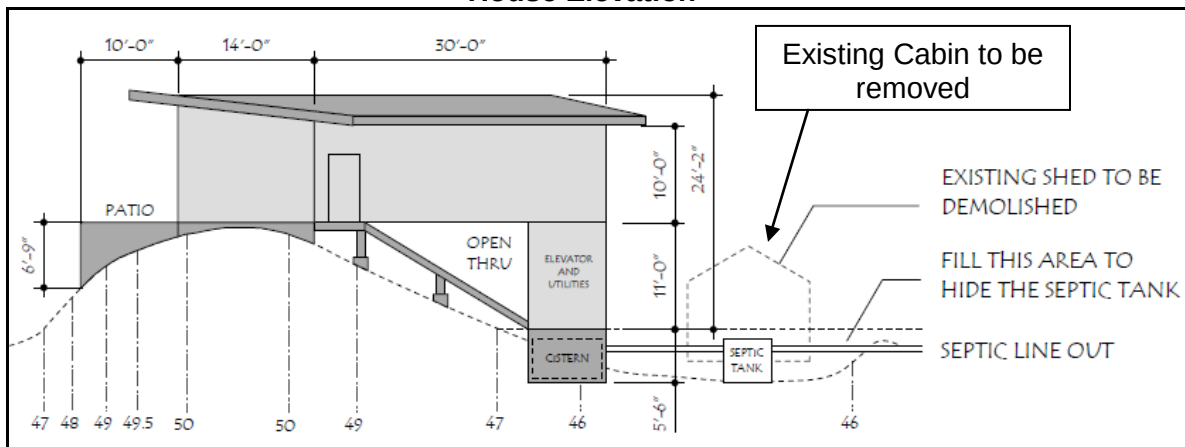
PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2014.1 Schedule "B"

Area of Development – House Site



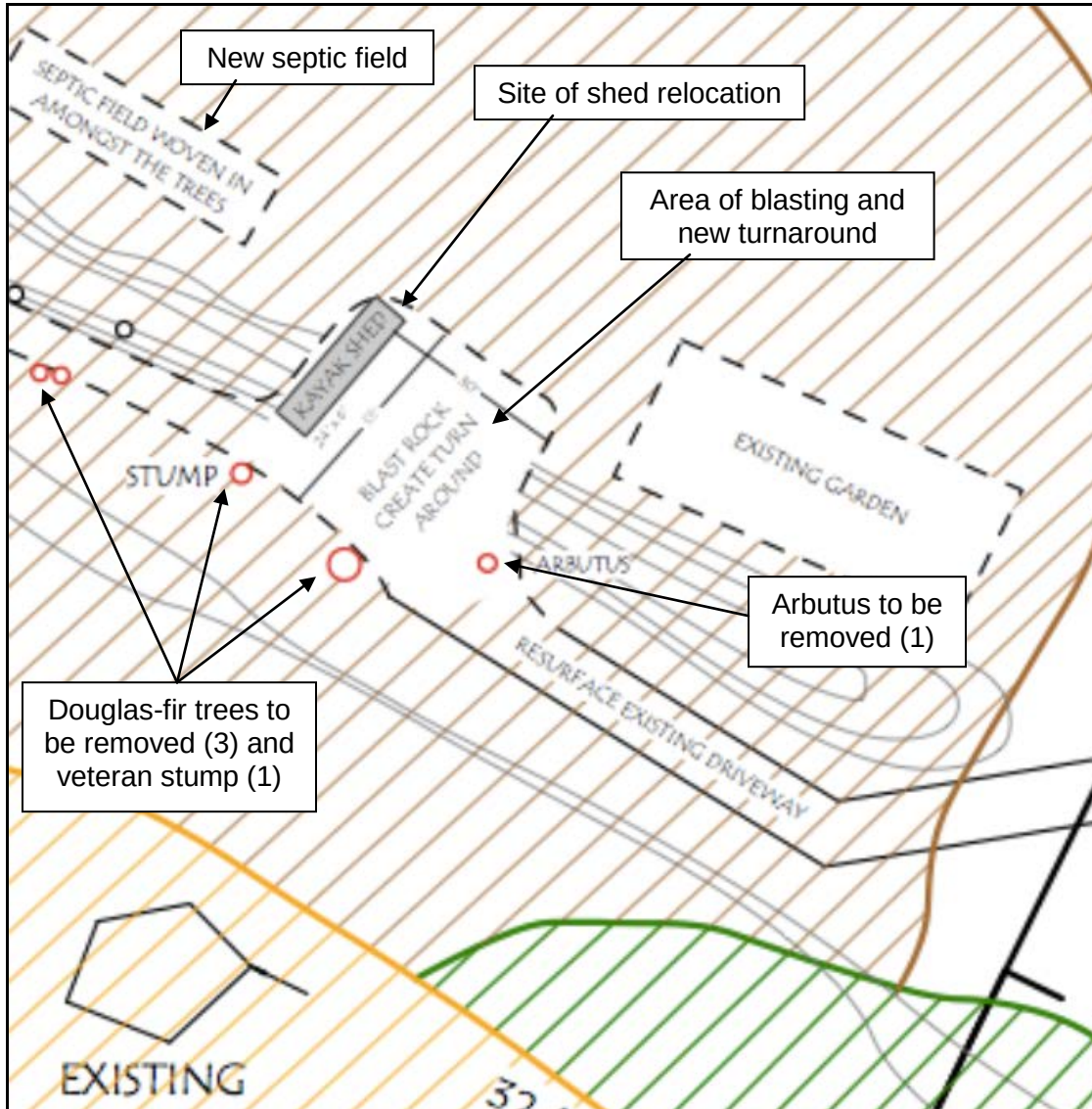
House Elevation



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2014.1 Schedule "C"

Area of Development - Driveway



DPA Checklist: NP-DP-2014.1 (Rempel)
Construction of new single family dwelling and supporting infrastructure.

Guidelines		Comments
<i>Overall DPA Guidelines</i>		
1.	Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	No subdivision potential. Lot has significant DPA coverage with woodland, cliff, and herbaceous ecosystems, as well as a raptor nest.
2.	Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Location avoids impacts to sensitive ecosystems and raptor nest areas that remain largely intact along the south facing slope, particularly the Garry Oak woodland. Development is within DPA but no rare species or habitats were identified in the area of development.
3.	The area cleared and disturbed for development should be minimized.	Development is relatively small scale, in part utilizes disturbed areas.
4.	Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Most of the property would remain undeveloped. Similar to other Oak Bluff properties the development has been centered on the waterside of the easement road.
5.	Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	No significant trees were identified in the development area, the arbutus to be removed is diseased.
6.	Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Most of the sensitive DP areas are located on the south-facing slope and would remain undisturbed; access to these areas would be very limited due to topography.
7.	Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	No natural features were noted for protection. The house is designed to accommodate the site topography.
8.	Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Significant portions of the DPA's along the slopes form a contiguous band and will remain undisturbed.

Guidelines		Comments
9.	Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Included as a permit condition.
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No rock or soil would be removed from the site. Blasted rock will be used on the site, extra fill will be required.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	The hydraulic regime would be altered locally. Permit conditions include diffuse drainage from all development and prohibiting irrigation systems.
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	Septic tank will be on disturbed site and drainage field incorporated among existing trees.
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	Existing driveway to be extended to reach the site. A permit condition includes the driveway to be permeable.
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	n/a
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	n/a
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	n/a
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	None recommended
	b) fencing, flagging and posting of notices during construction;	None recommended

Guidelines		Comments
c)	limits on blasting in sensitive areas;	Permit conditions require blasting mats to contain materials
d)	limits on construction timing;	None recommended
e)	provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	None recommended
f)	restoration or enhancement of disturbed sensitive ecosystems and habitat	None recommended; site has been managed for invasive Scotch broom.
18.	The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	None required
Woodland Ecosystem Guidelines		
1.	Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.	No significant mature trees identified.
2.	Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	Disturbance site relatively small and limited on the property. Trees to be removed shall be left on-site as LWD as a permit condition.
3.	Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	None recommended
4.	Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	No danger trees identified
5.	Denning and nesting sites or rare, threatened or endangered species should be protected.	No sites identified. Existing raptor nest DPA will remain undisturbed.
6.	Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow existing contours of the site, utilize small concrete pilings and have gaps between boards.	n/a



Sensitive Ecosystem Report - 6909 Pirates Rd. North Pender Island

Prepared by Michelle Masselink, Masselink Environmental Design
December 19, 2013

Project Overview

Lot 18, 6909 Pirates Rd. is co-owned by two parties. One of the parties is proposing to build a cottage and amend the driveway with a turn-around area for vehicles. Sensitive Ecosystem (SE) mapping indicates that a large portion of the property is designated as Woodland, Cliff and Herbaceous Sensitive Ecosystems. SE mapping also identifies Raptor Nesting habitat on the property.

The purpose of this report is to assess the potential effects of the proposed development on the sensitive ecosystems that exist on the property and to recommend alternative actions or strategies that will minimize damage. In the preparation of this report I have reviewed the proposed plans, met with the property owners and viewed the property and proposed development area (October 4, and November 25, 2013).

Site Analysis

The property is long and narrow and straddles a steep ridge known as Oak Bluffs. It extends from the shoreline up and over the ridge to Pirates Road (Figure 1). There are two small cabins situated near the top of the ridge. The original cabin, built in 1991, sits just back of the ridge in a gully near the northwest property line. A woodshed, kayak shelter and outhouse are associated with this cabin (Figure 2). The second cabin, built in 1999, is on the southwest-facing slope near the centre of the property. A ramp and set of stairs are used to access this cabin (Figure 3 a and b). Neighbouring properties are of similar size and shape and straddle the ridge in the same manner. Residential buildings on these properties are also located at or near the top of the ridge.

A shared gravel driveway bisects the property at its midpoint and a narrower dirt track then comes into the property from the southeast side just below the top of the ridge and the cabin sites. The existing terminus has no defined turn around area. Three cisterns and a fenced vegetable garden (roughly 18 x 23 m) with potting shed are located just north of a rock outcrop that runs parallel to the last portion of the driveway (Figure 4).

The property contains Woodland, Cliff and Herbaceous ecosystems and Development Permit Areas (DPAs) as well as a Raptor Nest DPA.



Figure 1. Aerial photograph showing the location of the property on the Oak Bluff ridge that faces southwest, overlooking Tricomali Channel.



Figure 2. Cabin 1 (built in 1991) looking northwest.



Figure 3a and 3b. Cabin 2 (built in 1999) looking southeast, and the stairs and ramp used for access.



Figure 4. The vegetable garden situated between two long narrow rock outcrops in the Douglas-fir/Arbutus Woodland at the top of the ridge.

Woodland, Cliff and Herbaceous Ecosystems

Approximately half of the property is covered in Woodland, Cliff and Herbaceous Ecosystems or various combinations there of, as indicated on the 2004 North Pender Island Sensitive Ecosystem map (Figure 5). Islands Trust mapping also indicates a Raptor Nest location on the lower portion of the southwest slope.

Woodland ecosystems are dry, open forests characterized by a mix of deciduous and coniferous tree species. Due to development they are one of the most threatened ecosystems. Arbutus (*Arbutus menziesii*), Douglas-fir (*Pseudotsuga menziesii*) and Garry oak (*Quercus garryana*) dominated woodlands are among the most sensitive and biologically diverse woodland ecosystems in the Trust Area. On this property the woodland ecosystem extends down both sides of the ridge. On the steep southwest slope Garry Oak is the dominant tree species while on the northeast slope there is a mix of Douglas-fir and Arbutus (Figure 6 and 7). The Arbutus are of substantial size ranging from 50-90 cm DBH, but some have dead limbs indicative of canker or fungal infection. Most of the Douglas-fir have a DBH of 30-50 cm, although one specimen was 120 cm and is likely >200 years old. The veteran Douglas-fir were logged in the early to mid 1900's. A living Douglas-fir stump connected to a much larger stump was found near the vegetable garden. Flowering species usually associated with woodland ecosystems were not evident at the time of the site visit.

Cliff ecosystems comprise only 0.8% of the North Pender landscape, most of which is located along the Oak Bluff ridge area. These ecosystems are often found in combination with woodland or herbaceous ecosystems. Generally they are located on the island's steep, vertical or overhanging rock faces where vegetation is restricted to cracks and crevices. They can provide important sheltering and nesting sites for birds, bats, snakes and lizards. On this property exposed conglomerate rock or cliff areas exist in two large bands that span the width of the property- one along the ridge and an inaccessible band along the southwest portion of the property extending up from the water's edge. A wide variety of moss species were observed in the upper cliff area (Figure 8). The lower cliff area was not surveyed. Scotch Broom (*Cytisus scoparius*) has been successfully managed on this property.



Figure 5. The aerial photograph on the right indicates the property boundary and contours. The image on the left indicates the location of the sensitive ecosystems present on the property (as per the 2004 North Pender Island Sensitive Ecosystem mapping). They include: Woodland (green), Woodland/herbaceous (purple), Woodland/cliff (brown), Cliff (orange) and Herbaceous (pink).

Herbaceous ecosystems are found in small patches and consist of grasslands, wildflower meadows or grassy hilltops. Moss covered rock outcrops are a common feature as well. Due to thin soils these areas quickly dry out in the summer and are susceptible to disturbance and damage. Also, because rocky hilltops often provide the best views much of the herbaceous ecosystems have been lost to development here on the Gulf Islands. Of the portion of this property with sensitive ecosystems, herbaceous ecosystems comprise roughly one third. A large portion lies in conjunction with the cliff ecosystem along the lower southwest slope of the property. A small portion lies at the top of the ridge and may extend further than mapping indicates (Figure 9). Flowering species usually associated with herbaceous ecosystems were not evident at the time of

the site visit. A small patch of prickly-pear cactus (*Opuntia fragilis*) was noted upslope of the second cabin.



Figure 6. The Garry Oak Woodland ecosystem located on the steep southwest slope of the property.



Figure 7. The Douglas-fir/Arbutus Woodland at the top of ridge.



Figure 8. The Cliff ecosystem on the southwest slope of property.



Figure 9. Herbaceous ecosystem at the top of the ridge.

Proposed Development

The proposed plan sites the new cottage at the top of the Oak Bluff ridge on the northwest side of the property (Figure 10). It has an area of 103 m² including access stairs and an elevator on its northwest wing. The plan also includes a patio (approximately 63 m²) that will wrap around the cottage's south side and a ramp leading to the base of the outside stairs and ground floor entrance located in the "support tower" at the north end of the building (Figure 11). A path will connect the driveway and cottage. The septic tank will be located in what is currently the site of the original cabin. The required septic field is to be located back from the ridge in a level forested area (Figure 12). The plan also includes resurfacing the driveway and creating a turnaround area at its terminus. The removal of rock is required to accommodate the turnaround area. The resulting rock will be used to make the ramp.



Figure 10. The proposed development plan for 6909 Pirates Rd.

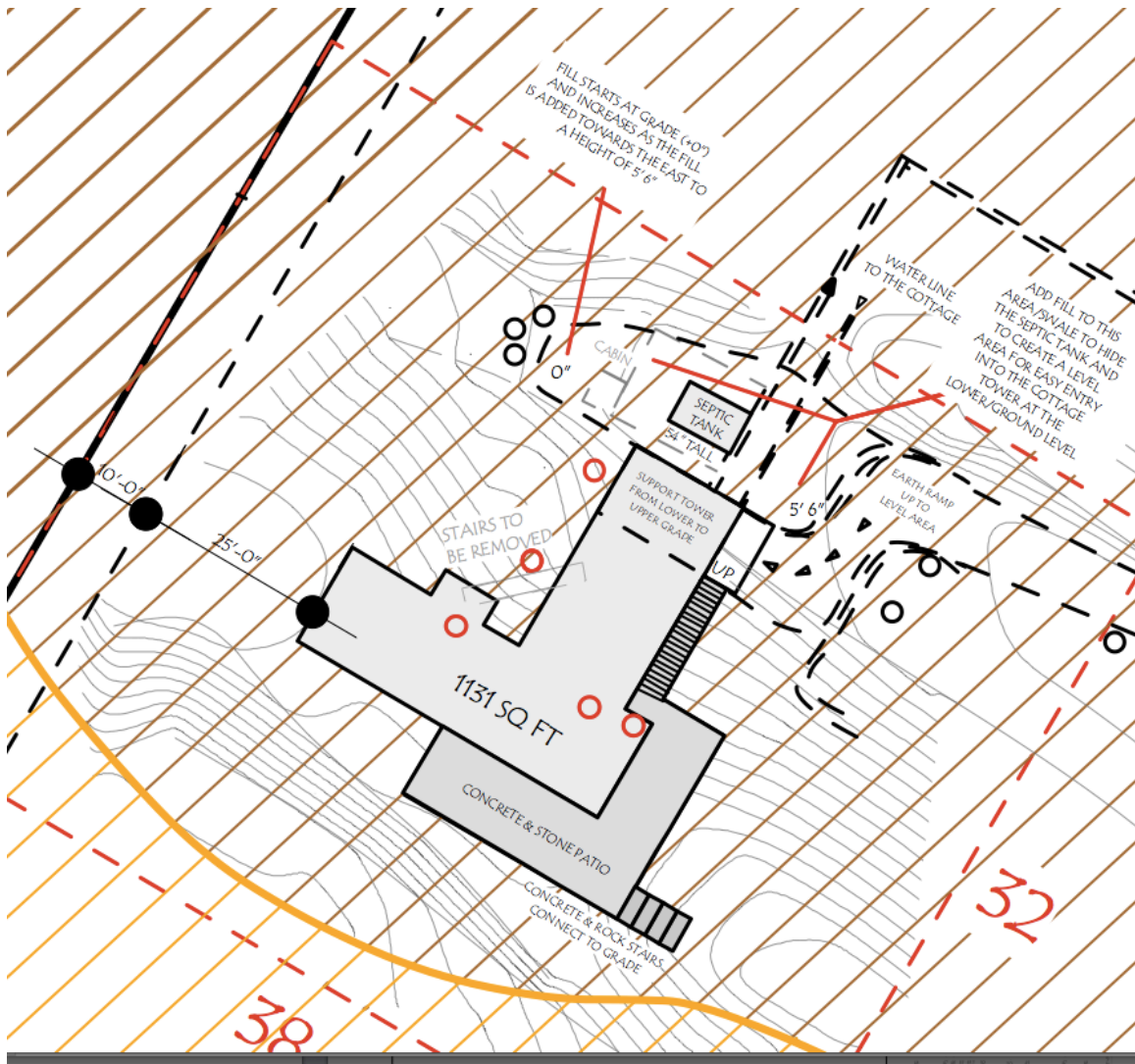


Figure 11. Detail of cottage, patio and fill footprint. Red circles indicate Douglas-fir trees that would be removed.

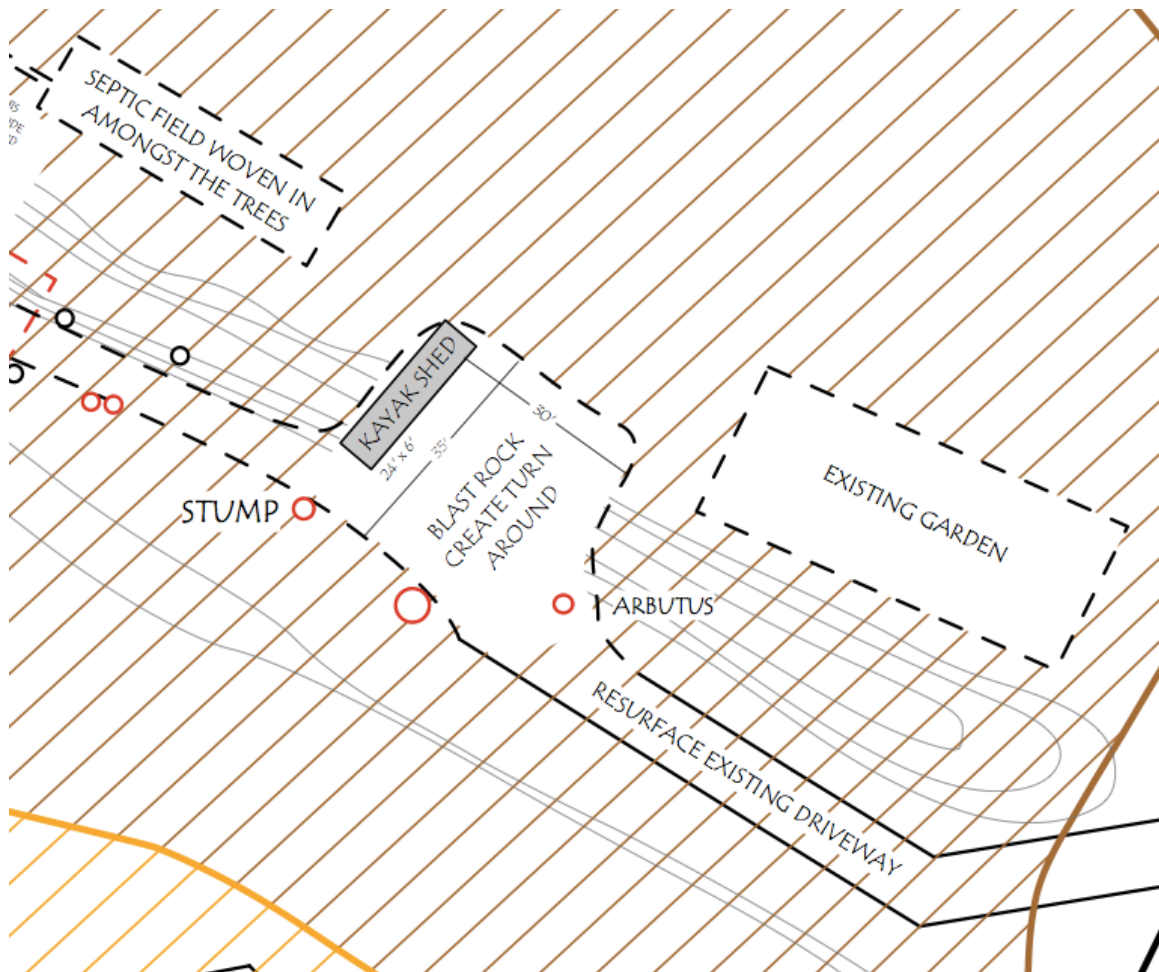


Figure 12. Detail of driveway improvements and location of septic field. Red circles indicate trees to be removed.

Assessment

The southwest slope of the ridge that is comprised of Garry Oak Woodland, Cliff, and Herbaceous ecosystems as well as a Raptor Nest site is completely untouched by the proposed development. The Woodland/Cliff ecosystem at the top of the ridge is largely untouched by the development as well. The proposed project will impact the Douglas-fir/Arbutus Woodland ecosystem at the top and northeast slope of the ridge given that the development is almost entirely in this area.

The cottage has been sited to take advantage of the views from the top of the ridge but with sensitivity to the surrounding ecosystem. There is no other location that meets both of these requirements. The cottage also has a relatively small footprint. However the proposed cottage, patio, entry ramp and fill area will result in a reduction in area of the Woodland ecosystem at the top of the ridge. Four Douglas-fir trees (30-50 cm DBH) need to be removed in order to accommodate the cottage footprint (Figure 11 and 13). The topography around the cottage will be altered with the construction of the proposed patio (Figure 14). These changes will affect the way water moves across the rock face, which may impact the herb layer located adjacent to these areas.

The driveway, currently a dirt track, is devoid of vegetation. Resurfacing of the driveway will help confine traffic to an already impacted area and limit damage to the adjacent forest floor, especially during the construction phase. The driveway is very narrow and the proposed turnaround area is necessary but it will result in a further reduction in area of the Woodland ecosystem. It will require the removal and redistribution of a 10 m² section of conglomerate rock (Figure 12 and 15). This in turn will alter the topography and may lead to some impact to the hydrology and drainage of the surrounding area. An Arbutus tree (already diseased, Figure 16), a Douglas-fir (>20 cm) and the stump of a veteran fir will also need to be removed.

The septic field will have short and long term impacts on the woodland ecosystem in this area. In the short term there will be substantial disturbance of the forest floor and damage to tree roots when the pipes are laid. Access for machinery will further increase the area impacted. Over the long term the septic field will alter the nutrient regime of the soils in its vicinity and may promote the growth of invasive plant species.

Although the Oak Bluffs area has seen an increase in development over the last two decades, overall, the habitat value of this ridge remains high in large part because of the Garry Oak Woodland on its southwest slope. Most of the development has taken place along the top of the ridge in the Douglas-fir/Arbutus Woodland and Woodland/Cliff ecosystem. However, even with this development pressure the native vegetation is largely intact in these ecosystems. Focus should be placed on maintaining the contiguity of this sensitive ecosystem across properties along the ridge. I propose the following mitigation strategies to help protect and improve the property's habitat value and ecosystem integrity.



Figure 13. The cottage's footprint at the top of ridge. Trees marked with flagging tape are to be removed.



Figure 14. Location of the north wing of the cottage and earth ramp (back-side or northeast side of ridge).



Figure 15. Location of the proposed turnaround. Siting of the turnaround in this location requires the removal of the large conglomerate mound (centre, behind kayak shed) as well as the arbutus tree in the foreground.



Figure 16. Close-up of the diseased Arbutus that will be removed for the turnaround.



Figure 17. Proposed location of septic field in Douglas-fir/Arbutus woodland, looking east.

Recommended Mitigation Strategies

Cottage site:

- Limit the extent of the proposed fill area at the north end of the cottage to avoid potential damage to root systems of the remaining grove of three Douglas fir trees and to limit impact within the Woodland DPA.
- Continue program of invasive species removal.
- Use clearly defined paths and limit access to rocky knolls and cliff areas so as not to disturb fragile soils and plants, particularly toward the south end of the building site, below the proposed house site and deck area.

Driveway and turnaround:

- Take precautions not to introduce invasive species through the introduction and application of additional fill, gravel, garden soil, etc.
- Implement measures that gently distribute any captured rainwater draining off of the driveway in a manner that doesn't negatively impact the thin soils and plant communities of these sensitive ecosystems.
- Be careful with the use of automotive or ice-removal agents or materials (oils, cleaners, salt, etc.) that could impact or compromise the health of the adjacent sensitive ecosystems.

Septic field:

- Consider a less ecologically impactful location for the septic field. The area currently used as a vegetable garden may provide an alternative location as it has no trees and is easily accessed directly from the driveway thereby minimizing impact to the Woodland ecosystem.
- Re-establish native tree and plant species.
- Where safe to do so, leave decaying or dying trees in place as they provide valuable habitat for cavity nesters.

Additional Recommendation

It is recommended that a Natural Areas Protection Tax Exemption Program (NAPTEP) covenant be established over the area below and outside of the proposed development site that contains significant and relatively untouched Woodland, Woodland/cliff, Cliff and Herbaceous ecosystems and a Raptor Nest site. This would provide some property tax relief while ensuring the protection of the significant and fragile ecosystems found within this area. The owners discussed this possibility with members of Pender Islands Conservation Association in 2008. If protected, this would be the only conservation covenant in the Oak Bluff area.

Conclusion

In general, the proposed development is reasonable. The scale of the design is sensitive to both the Woodland and Woodland/cliff ecosystems and will have limited impact on the integrity of these protected areas. The application of the suggested mitigation strategies would further limit the impact of the proposed development. It is important to note that the Garry Oak Woodland, Cliff and Herbaceous ecosystems of the southwest slope will be unaffected by the development.

STAFF REPORT

January 14, 2014

File No.: NP-TUP-2014.1(Colliers International)

To: North Pender Island Local Trust Committee
For the meeting of January 30, 2014

From: Andrea Pickard, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Temporary Use Permit

Owner: Robert Conconi

Applicant: Colliers International Consulting c/o Justen Harcourt

Location: Lot 9, Section 6, Pender Island, Cowichan District, Plan 1084,
PID: 008-045-372
6901 Shark Road

THE PROPOSAL:

BACKGROUND:

The purpose of this temporary use permit (TUP) application is to permit commercial rental of the property, specifically including guest accommodation in five dwellings and use of the accessory structures and outdoor areas for hosting of events at the property known as 'the Timbers'.

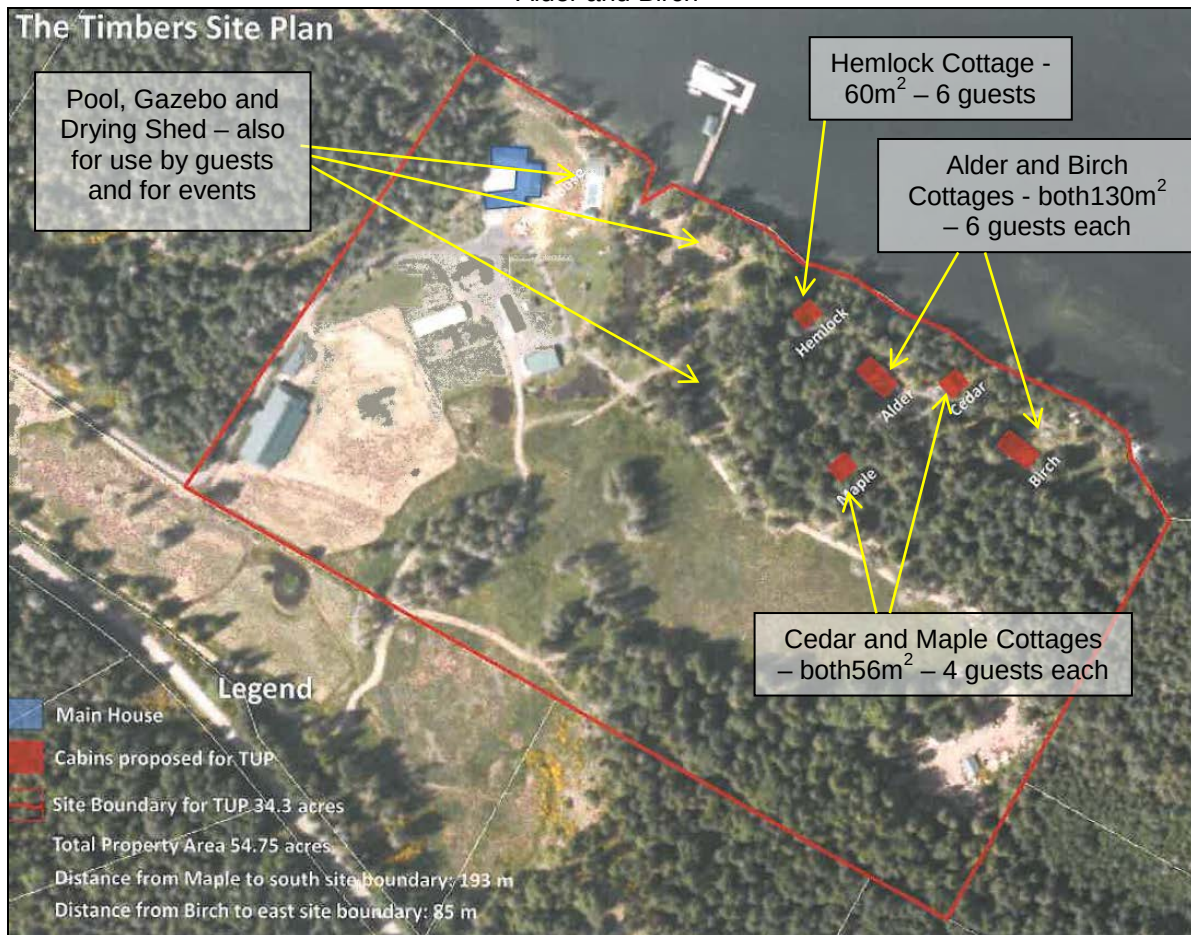
The property is permitted to have three single-family dwellings and three cottages; all dwellings have been constructed and exist on the property. One single-family dwelling is the 'main house' and is used by the owner's family. The remaining five dwellings (two dwellings and three cottages) are sited approximately 200-300m distant from the main house and are clustered within a forested portion of the property adjacent to the shoreline. For the purpose of this report the five buildings will be referred to as 'the cottages', although the North Pender Island Land Use Bylaw (LUB) would identify two as single-family dwellings based on floor area. The five cottages have a total capacity of 26 persons as outlined below (see Figure 1). Two of the cottages are 130m² (1400ft²), one is 60m² (650ft²), and two are 56m² (600ft²). In addition to the cottages, the guests would also be using: the pool, the gazebo, and the 'drying shed'. The 'drying shed' would be the proposed location for gatherings and events.

The requested use had previously occurred on the property in contravention of the LUB resulting in bylaw enforcement and litigation; however, at this time there are no open bylaw enforcement files relating to the use. Recognizing there may be heightened sensitivity on the property, the owners are requesting the North Pender Island Local Trust Committee (LTC) consider authorizing a temporary use permit to allow the use since it would be limited in duration, would include conditions that could mitigate negative impacts, and if issues arose during TUP period then the LTC could deny any renewal, or change the conditions of the permit.

The owner perceives that the cottages are under-utilized, the additional income generated would be used to support the farm operations on the property, and allowing the use would be a positive contribution to the North Pender economy. A summary of the reasons provided with the application is attached to this report.

The purpose of this preliminary report is to forward the application to the LTC and request direction on how to proceed. If the LTC directs staff to proceed with the application, a draft permit would be brought forward to a future meeting for your consideration, and for the notification process requesting public input. If at this time the LTC concludes you would not support the application regardless of receiving new information or additional public input, the LTC could direct staff not to proceed any further and the file would be closed.

Figure 1: Site Plan of Proposed Guest Accommodations
Alder and Birch



SITE CONTEXT:

The subject property is located off of Pirates Road approximately 0.5 km north of the Trincomali neighbourhood, it is a waterfront property facing Bedwell Harbour. The property is 13.86 ha (34.25 ac) in size and based on GIS data rises from sea level to approximately 28 m above sea level in the southern portion of the property. The property is larger than the surrounding properties which tend to be 10-15 acres in size, except for the smaller lots located in the Trincomali neighbourhood.

Figure 2: Subject Property Map

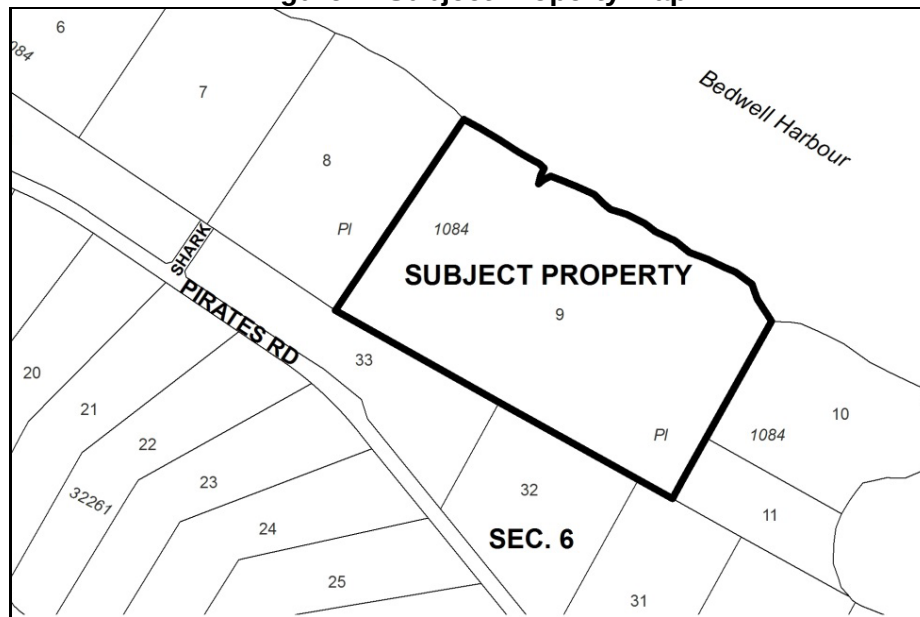


Figure 3: Orthophoto of Subject Property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.4.4 - the protection of sensitive coastal areas.
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.4.2 – measures that ensure:
 - o neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
 - o water quality is maintained, and
 - o existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.3.7 – the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
- 5.7.2 – economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan

The property is designated Rural and Rural Land Use policies directly relevant to this application include:

- 2.1.2.1 – The principal uses on the lands in the Rural land use designation shall be residential and agricultural.
- 2.1.2.2 – Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

As the proposed use is for a commercial use, Commercial land use policies relevant to this application include:

- 2.4.1 – Commercial development shall be small scale, low density business enterprise designated to meet the needs of residents and visitors.
- 2.4.5 – Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.

Additionally, there is a subsection of the Commercial policies specifically addressing Tourist Commercial land use, which are:

- 2.4.14 – Tourist oriented or commercial recreational activity shall not be permitted as a principal use on lands suitable for agriculture or in hazardous or environmentally sensitive areas.
- 2.4.15 – Commercial campgrounds for the temporary accommodation of island visitors shall be permitted provided they reflect the rural character of the island.
- 2.4.16 – The Local Trust Commercial will support efforts to develop a tourism plan that provides for mutual benefits for the community and for visitors, promotes an economically diverse community and that is compatible with the conservation of resources and the protection of community character and values.
- 2.4.17 – No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.

- 2.4.18 – The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.
- 2.4.19 – Regulations should limit the residential use of commercial guest accommodation units.
- 2.4.20 – Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments.

Furthermore, because the subject property contains areas on the property identified as Mature Forests in the Sensitive Ecosystem mapping, the additional policy would be relevant:

- 5.1.4. – Owners of land identified on Schedule C (Sensitive Ecosystems) as containing Mature Forest ecosystems are encouraged to limit tree removal and forestry activities within this important ecosystem. Mature Forest ecosystems are considered important because of high biodiversity values, which increase with the age of the forest, landscape connectivity and the provision of buffers for adjacent sensitive ecosystems.

Land Use Bylaw: The property is zoned Rural (R) as are the surrounding properties.

Islands Trust Fund: There are no Trust Fund properties or covenants in close proximity to the subject property.

Sensitive Ecosystems and Hazard Areas:

There is a small area on the southern property line that would be subject to the sensitive wetland development permit area. There is a sensitive intertidal development permit area adjacent to the small bay on the property. The waters of Bedwell Harbour are identified as a federal Rock Fish Conservation Area. There are also a number of areas identified in the Sensitive Ecosystem Mapping as Mature Forest, Freshwater, and Young Forest.

Figure 4: Development Permit Areas and Protected Areas

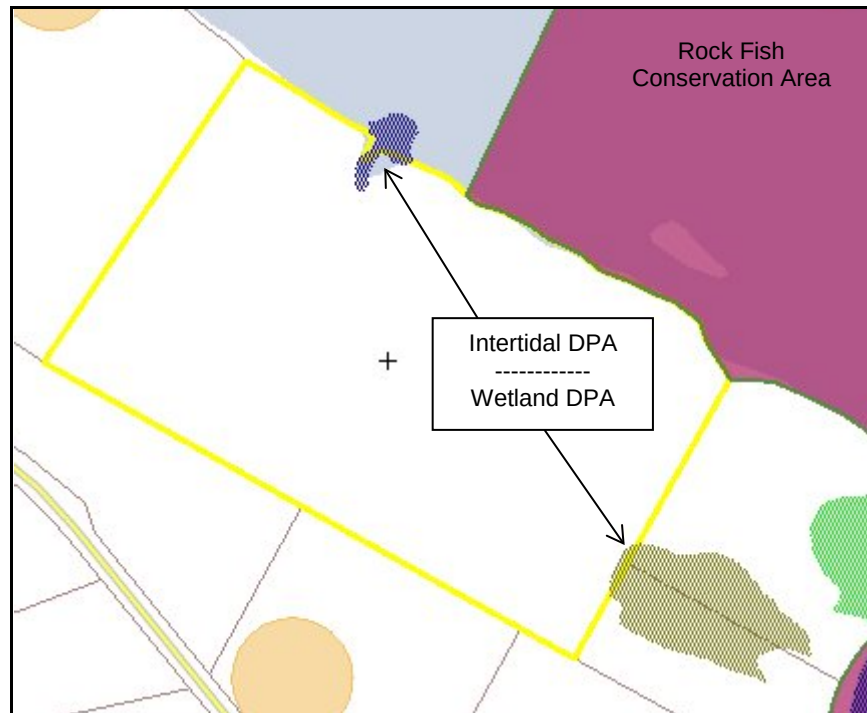
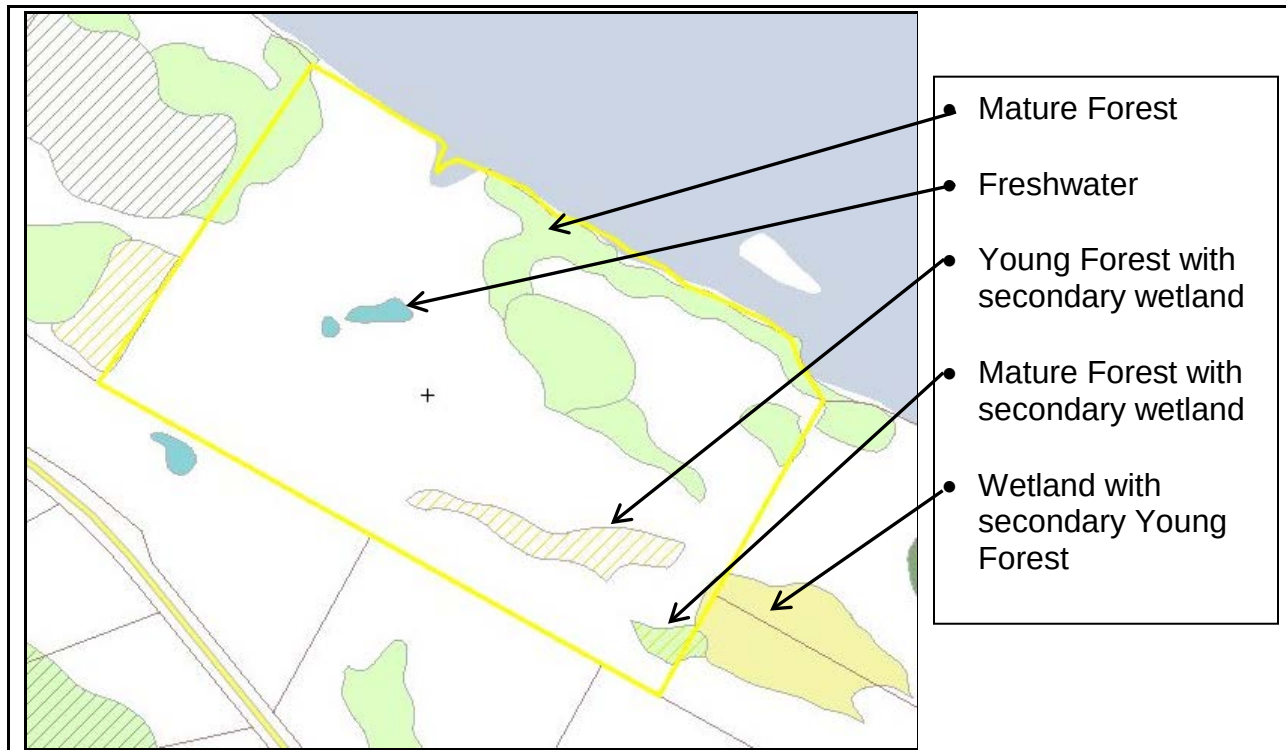
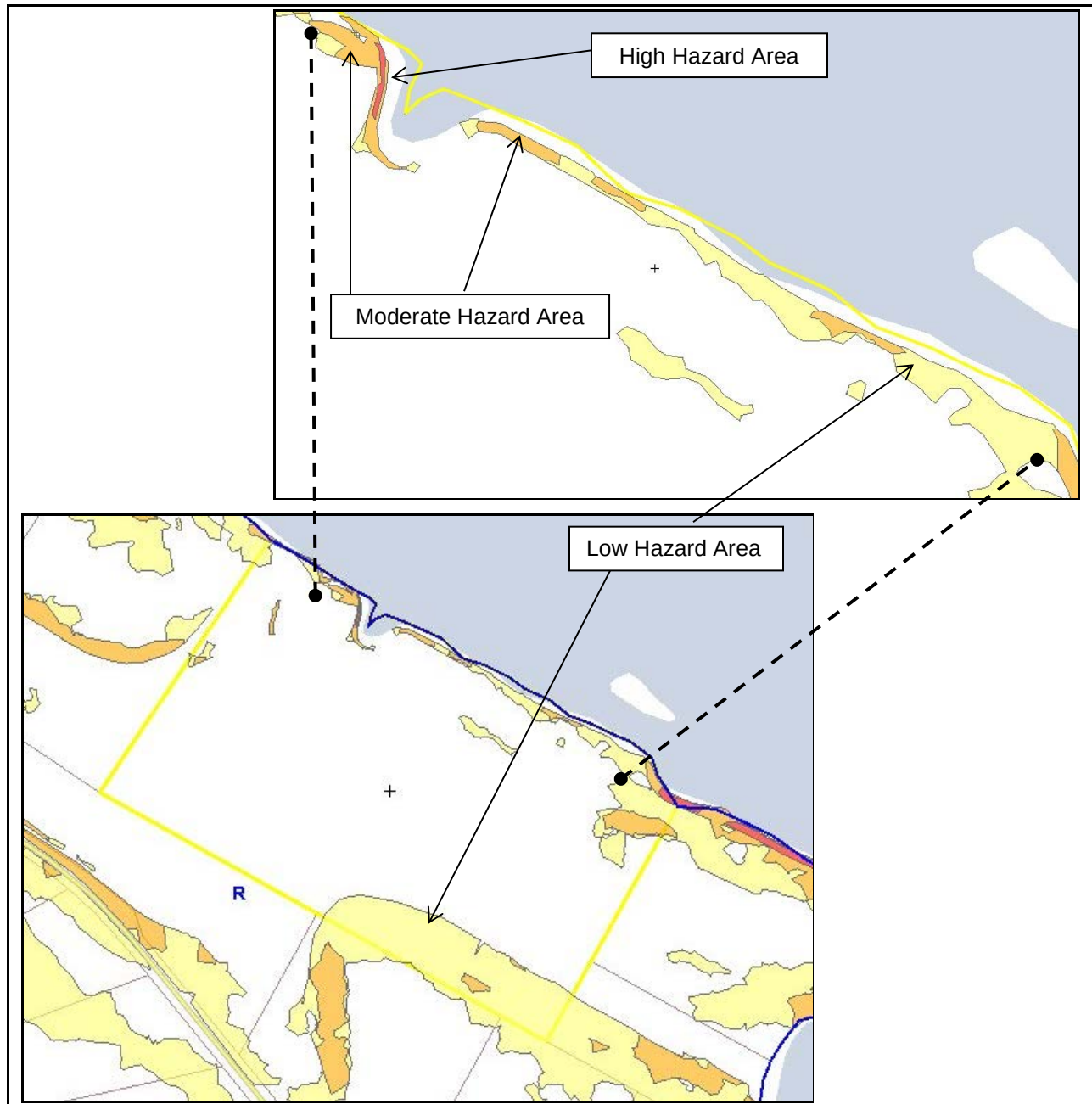


Figure 5: Sensitive Ecosystem Mapping



Most of the property is not identified as having steep slope hazard areas. A relatively large area is located in the southern portion of the property as low hazard, with smaller areas of low, moderate and high hazard abutting the shoreline. The cabins and accessory buildings are located outside of any identified hazard areas.

Figure 6: Steep Slope Hazard Areas
(Upper Map is of Shoreline Area only)



Archaeological Sites:

There is a significant registered archaeological site on the property. As no new development is proposed no disturbance to the site should be incurred due to this proposal. The owner has been advised to contact the Archaeology Branch before undertaking any new construction or land alterations on the property.

Covenants:

There is a registered covenant on title in favour of the North Pender Island LTC that specifies a total of three one-family dwellings and three guest cabins are permitted on the property.

Bylaw Enforcement:

In 2001 a bylaw enforcement file was initiated for the property for operating commercial guest accommodations; the enforcement file resulted in litigation that was concluded in 2009 in favour of the Local Trust Committee. There had been no active bylaw enforcement files for the property until very recently when a complaint regarding the dock was received. At the time of submitting this report the investigation process has not been completed.

Climate Change Mitigation and Adaption

As there is no new development proposed opportunities for mitigation or adaptation measures related to the construction are limited. The proposed use however would potentially increase greenhouse gas emissions related to increased travel by automobile for both visitors and staff; this is exacerbated by the relatively distant site location from the BC Ferries terminal and other island services. While it would be difficult to control how visitors travel to the island, the LTC could consider opportunities to address how visitors travel while on-island, such as requiring the owner provide non-motorized or electric vehicle options for their guest for local travel.

Shoreline

The majority of the shoreline adjacent to the property is low rock /boulder. The southern end of the property is sea cliff. Approximately 275m of the shoreline is also identified as forage fish habitat (Pacific Sand lance).

The low rock/boulder shores are a mixture of sediment and rock, and are moderately resistant to erosion. They tend to have a limited sediment supply and be stable over a human time scale.

The biodiversity at low rock/boulder shore types depends on the wave exposure and sediment mobility. This shoreline is a low energy exposure site that would be expected to be more stable and can have lush attached communities, including many invertebrate species which live in microhabitats under boulders.

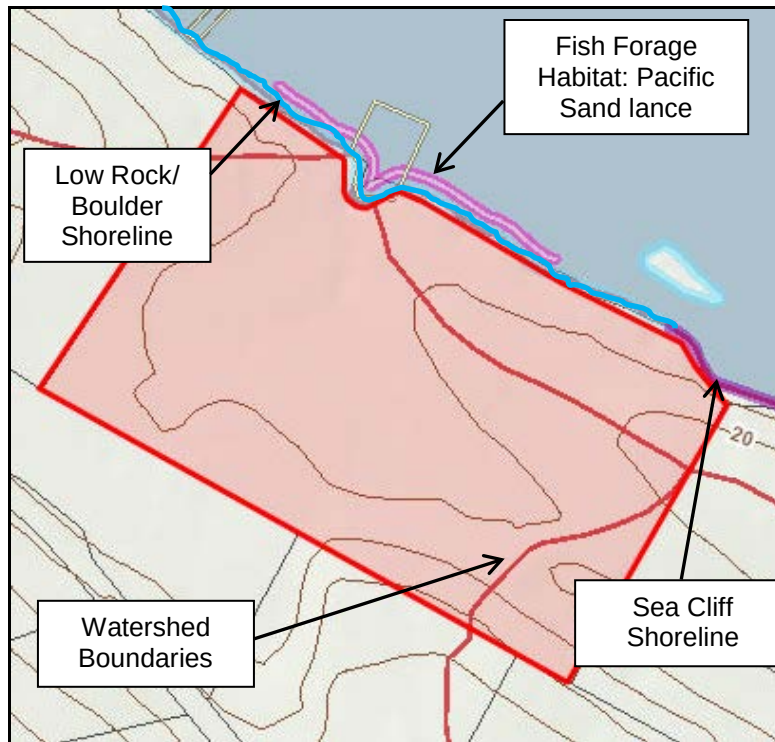
Like sea cliffs, the common upper intertidal zone community includes barnacles, rockweed and blue mussels on stable substrates. Common species include benthic kelps, several species of red algae, and numerous invertebrates such as sea stars, crabs, anemones and others. Bull kelp often is found on immobile substrates.

Backshore and riparian vegetation can be a major contributor to slope stability along the high water line, where established root mats help to reduce soil erosion.

Shallow nearshore areas of these shallow sloped rock/boulder shores are important foraging areas for overwinter sea ducks and other waterfowl.

The subject property has portions of four different drainage basins on the property. Drainage from most of the property is directed towards a small bay which is the discharge point of a water basin. A smaller area drainage to the south towards Tincomali, the other two areas are non-concentrated drainage basins with overland flow directed toward the shoreline.

Figure 7: Water Drainage Basins, Forage Fish Habitat and Shoreline Classification



There is no new developments proposed that may alter the shoreline, and the low bank, relatively level shoreline area appears suitable for low impact recreational uses. The shoreline area surrounding the dock is shown in the photograph below.



**Photograph 1: Portion of Subject Property Shoreline
Taken from Aerial Shoreline Survey Flight Path 2004**

Other:

It would be anticipated that the following issues would be raised regarding the proposed use:

- Noise (music, guests, boats, vehicles),
- Traffic (road and water),
- Ensuring the appropriate health and safety standards of the buildings to be used,
- Impacts to groundwater and neighbouring wells, particularly with summer demands, and
- Oversize dock with structure.

These will be discussed in further detail below.

COMMUNITY INFORMATION MEETING(S):

Typically a CIM is not required for considering a temporary use permit and the application fee would not factor in costs for a CIM outside of a regular LTC meeting. Due to the community sensitivity around previous commercial uses of the property the owner has undertaken community consultation over the past year or so before submitting an application. The LTC could consider the following options:

- Request the owner provide a written summary of the consultation that was undertaken and include copies of any and all correspondence they received from the public,
- Require the owner to conduct a CIM in accordance with the standard LTC procedures (advertisement, posted notices, record of meeting, public location etc) to be held on a Saturday when the LTC would be available to attend as observers only, or
- The LTC could conduct your own CIM and require the owner to enter into a cost recovery agreement to cover all costs.

RESULTS OF CIRCULATION:

If the LTC directs staff to proceed with the application then advertisement in the paper, notices on local bulletin boards and notification to neighbouring properties would be required before consideration of a draft TUP. Any submissions or correspondence received would be forwarded to the LTC at that time.

STAFF COMMENTS:

A temporary use permit could include a number of terms and conditions to mitigate or prevent impacts on the community. The following comments are provided to assist with LTC discussions when considering how to proceed.

Size and Scale of the proposed use:

The applicant has requested a three year TUP to allow commercial rental of the five cottages, generally in conjunction with events such as weddings, retreats and conferences. The LTC could, at this time or at a future meeting, limit the extent of what could be included in a draft permit, such as:

- Timeframe: the permit itself could be issued for less than three years, or the proposed use could be limited within the calendar year ie: number of weekends/year, or only permitted from May 15 to Sept 15.
- Number of guests: the LTC could limit the total number of guest allowed to either stay in the commercial guest accommodation units or attending an on-site event.
- Frequency of events: due to the size of the site and that there are five cottages to be rented, it is recommended the LTC specifically consider impacts related to any events accessory to the commercial guest accommodation rental. This could include limiting the total number of guest to an event (both on-site and off-site guests), or by restricting the total number of events permitted, or the frequency with which events could be held.

Noise

The proposed use may generate excessive noise from a number of sources, and the sources may not equally be able to address them.

- Music – could be addressed by TUP conditions around amplified music, limiting outdoor music, specifying the hours of events, and requiring on-site signage regarding ‘Good Neighbour’ policies (general courtesy tips).
- Traffic/ travel on road – require extra signage on the site for ‘drive slowly on Pender roads’, or by providing on-island transportation.
- Boats and activity around the dock – by generally increasing the number of people and activity along the shoreline and dock has the potential to result in noise that travels further across water. Limiting the number of boats or access to the dock for commercial purposes could reduce this potential.
- Outdoor events (organized) – limiting the location and extent of outdoor events could reduce this potential.
- Generally loud guests and impromptu parties – ensuring guests are informed of any site regulations, including late hours or noise limits, and that on-site management is available 24 hours/day when guests are present to address any concerns immediately.

Traffic

Although the proposed use would be expected to increase traffic from either staff or contractors working for the operator, and also by the arrival and departure of guests, it should have minimal impact to the road system. However, all this traffic moves along the lengthy driveway there could be more immediate impacts to adjacent properties. Pedestrians or cyclists along Pirate’s Road may also notice the increase travel, particularly if driving styles are not suitably adapted to the North Pender environment. Signage could be required as part of a TUP, however encouraging the owner to ensure all guest or staff are respectful of the peaceful, rural environment could establish an accepted norm for the site.

Infrastructure

- Buildings and Structures: If the property was zoned for commercial uses the standards applied from the BC Building and Fire Codes would be different for those applied for

residential uses at the time of construction. Since the proposed use would be serving the general public, staff is recommending that confirmation from a building or fire professional be provided to confirm the BC Building and Fire Codes standards are met. Any such confirmation should specifically confirm:

- o Which buildings or structures intended for the proposed use are constructed to meet the appropriate standards; including the identification of those buildings and structures that do not meet the standards,
 - o Any kitchen area used for the preparation and/or serving of food and drink meets health and safety standards as a commercial kitchen; this would not be expected to include any cooking areas within the cottages,
 - o Access and egress to and within the site is sufficient for the proposed use as confirmed by local Fire and Emergency Responders,
 - o A Fire and Safety Plan, in accordance with the BC Fire Code, is established for the site, and
 - o Where any BC Building or Fire Code standards are not met, that recommended improvements or restrictions on the use of the buildings or structure are identified.
- Roads: In addition to the emergency response aspect of access on the site, staff recommends referring the application to the Ministry of Transportation and Infrastructure to confirm that they have no objections.
- Dock: As a waterfront property it could be expected that some visitors may arrive by boat, or be engaged with marine activities. The adjacent marine waters are zoned Water 1 (W1) and dock structures are permitted accessory to the upland residential use. The size of the float portion of the dock is limited to 37m² (398ft²) and no building may be construction or erected on any float. As noted above a recent bylaw enforcement file has been created pertaining to the dock and that will be investigated. However, other related nuisance issues may arise if there is more boat traffic in the immediate areas or if an increased use of the dock results in related noise complaints. Furthermore, any uses or users that are seen as being 'detrimental to the coastal environment' may result in complaints.

It would be expected that some guests would be interested in travelling by boat to the property and the dock structure would be used as part of the commercial operation; therefore, the TUP should explicitly address commercial use of the dock. Any proposed permit could mitigate impacts by including conditions that would:

- o Limit the number of vessels (motorized and/or non-motorized) that can be moored at any given time,
- o Ensure the use, sale or rental of any personal watercraft (jet skis) are prohibited,
- o Limit the 'hours of operation' for use of the dock by visitors (ie: 8am to 8pm, with a possible exemption for the early morning departure of vessels), and
- o Prohibit any event or activities from being planned on the dock.

Water

Previous concerns about a commercial guest accommodation use on the property included impacts to groundwater and nearby wells. Verbal communications have indicated that the owner had obtained a hydrologist report for the site, which will be provided to the LTC at a future meeting. If the report is insufficient the LTC could require additional information.

Consultation

Typically a TUP is not circulated to referral agencies for comment and input is obtained through the notification process; however, with this application a referral to the CRD Building Inspection and Pender Island Fire and Emergency would be recommended. In addition to the consideration of a CIM as noted above, the LTC could also consider referring the proposal to the Advisory Planning Commission for comment.

General

The five cottages are clustered within a forested portion of the property, adjacent to the shoreline and approximately 80m from the south-eastern property line. Activity at or immediately adjacent to the cottages would be further buffered by location and existing vegetation. However, the events around the accessory buildings or on the grounds of the property may be intensified due to the open landscape and sloping topography. The LTC could require a TUP condition to maintain the remaining forest cover and vegetation surrounding the cottages (approximately 3.5 - 4 ha area) and along all property boundaries. Furthermore, as with any commercial operation the impacts are often prevented by stringent on-site management that prioritizes 'good neighbour' policies to ensure community concerns are responded to. Requiring on-site management and that contact information posted could be required conditions in a TUP.

Pending Information

If the LTC directs staff to proceed with the application the following information has been requested from the applicant and will be addressed in a future report.

- More clarification regarding the current and proposed use of all buildings and structures on the property, including the total number of beds, and visitor capacity for the five cottages.
- Providing a report from a professional hydrogeologist or engineer with experience in groundwater hydrology that: confirms there is an available supply of potable water in a sufficient quantity for a commercial use, that the water supply meets or exceeds the Guidelines for Canadian Drinking Water Quality, and identifies any potential impacts to nearby wells.

Next Steps:

At this time staff is seeking direction from the LTC on how you would like to proceed. Options include:

- Direct staff not to proceed, this would be appropriate if the LTC realized at this stage of the process they would never support the proposed use.
- Direct staff to proceed with the application but also direct staff to proceed with a reduced scale than requested and/or with specific conditions to be included.
- Direct staff to proceed with the application as presented.

RECOMMENDATIONS:

Resolutions are provided below for your consideration, with italics used for some example conditions the LTC could specifically address in your direction for staff.

1. THAT the North Pender Island Local Trust Committee direct staff to proceed with the application NP-TUP-2014.1 (Colliers International).
2. THAT the North Pender Island Local Trust Committee refer application NP-TUP-2014.1 (Colliers International) to the North Pender Island Advisory Planning Commission.
3. THAT the North Pender Island Local Trust Committee require the applicant for NP-TUP-2014.1 (Colliers International) to provide a written summary of the consultation that was undertaken and include copies of any and all correspondence received from the public.
4. THAT the North Pender Island Local Trust Committee require the applicant for NP-TUP-2014.1 (Colliers International) to provide confirmation from a building or fire professional that all of the buildings and structures to be for the proposed use meet the BC Building and Fire Codes as outlined in the staff report dated January 14, 2014.
5. THAT the North Pender Island Local Trust Committee require the applicant for NP-TUP-2014.1 (Colliers International) to provide a report from a professional hydrogeologist or engineer with experience in groundwater hydrology that: confirms there is an available supply of potable water in a sufficient quantity for a commercial use, that the water supply meets or exceeds the Guidelines for Canadian Drinking Water Quality, and identifies any potential impacts to nearby wells.
6. THAT the North Pender Island Local Trust Committee direct staff to prepare a draft temporary use permit for NP-TUP-2014.1 (Colliers International) that would:
 - a. *be valid for (1, 2 or 3 years),*
 - b. *limit the use to between May 15 to September 15,*
 - c. *limit the use to a maximum of ## events per year (any planned wedding, retreat, conference etc.)*
 - d. *limit the total capacity for events to ##*
 - e. *limit the total of commercial guests accommodation to five cottages and ## visitors at any one time*

Prepared and Submitted by:



January 14, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

January 14, 2014

Date

SECTION 9:

Describe the reasons for the proposed temporary use.

1. The existing 5 cabins at 6901 Shark Road ("the Timbers") are currently under-utilized due to changes in The Islands Trust Land Use Bylaws in 1999. The facilities were permitted and built between 1994 and 2000 and were intended to provide summer rental accommodation.
2. The TUP for the 6901 Shark Road property would allow for rental accommodation for periods of less than 30 days for a 3-year trial period with the intent of providing some supplemental income for its farm operations. What drives the Owners is their desire to share their love of the Gulf Islands with other families, including families who have returned to the property year after year.
3. The Timbers activities support the local economy by providing much needed local employment opportunities and bringing in visitors who support the local economy with spending in restaurants, grocery stores, shops and artisan galleries. This type of accommodation also provides employment in the community including house cleaning, landscaping services, property maintenance and the trades maintaining the properties.
4. Under current regulations, the property can be rented for a minimum of 30 days year round. However, under the proposed use the property would be utilized less than full-time, with lower occupancy levels. While renting the property for periods of less than 30 days will have greater economic benefits to the community, the environmental and other impacts on the community would be less than full-time occupancy, including impacts on water consumption, traffic and noise. The Owner wishes to allow for overnight accommodation with the intent of a much more limited utilization of the property than currently allowed for.
 - a. Current regulations do not take into consideration the proposed use and the uniqueness of the Timbers that minimize potential impacts on the community (including impacts on water, noise, and traffic). Compared to other areas on Pender Island like Trincomali and Magic Lake, the secluded setting and low density of the Timbers limits any potential environmental impacts associated with vacation usage of the cabin while the setting significantly reduces any noise transmission from the property.

Should any problems arise from the proposed use, renewal of the permit remains at the discretion of the Islands Trust.



Islands Trust

BYLAW REFERRAL FORM

Island: Mayne Island

Bylaw No.: 159 (OCP) and 160
(LUB)

Date: December 4, 2013

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

APPLICANTS NAME / ADDRESS:

Mayne Island Local Trust Committee

PURPOSE OF BYLAW:

The purpose of Proposed Bylaw 159 is to amend the Mayne Island Official Community Plan in order to establish policy that would permit secondary suites within the Mayne Island Local Trust area.
The purpose of Proposed Bylaw 160 is to amend the Mayne Island Land Use Bylaw to allow secondary suites, having a floor area of 60 square metres or less to be permitted in the Settlement Residential, Rural, Upland and Agricultural zones. All subdivisions on community water systems have been excluded.

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

NA

SIZE OF PROPERTY AFFECTED:

NA

ALR STATUS:

Yes

OFFICIAL COMMUNITY PLAN DESIGNATION:

OTHER INFORMATION:

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

(Signature)

Name: Gary Richardson

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Ministry of Transportation and Infrastructure
Agricultural Land Commission

Non-Agency Referrals

Mayne Island Fire Department
Mayne Island Improvement District
Mayne Island Integrated Water System Society
Baker View Holdings Ltd
Bennet Bay Waterworks District
Dinner Point Water Systems
Georgina Waterworks & sewage District
Laura Point Water Society
Lighthouse Point Waterworks District

Regional Agencies

Capital Regional District- Planning & Protective Services (Robert Gutierrez)
Capital Regional District - Environmental Services (Tim Tanton)
Vancouver Island Health Authority (Rory Beise)

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'umimnus First Nation
Tsartlip First Nation

PLEASE TURN OVER →

Non-Agency Referrals Cont'

Mount Parks Waterworks District
Skana Water Services Area
Village Point Waterworks & Sewage District
Campbell-Bennett Bay Waterworks District

First Nations Cont'

Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

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

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Mayne Island
(Island)

No. 159 (OCP)
(Bylaw Number)

(Signature)

(Name and Title) Please Print

(Date)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Mayne Island

(Island)

No. 160 (LUB)

(Bylaw Number)

(Signature)

(Name and Title) Please Print

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 472 **Date:** January 7, 2013

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

APPLICANTS NAME / ADDRESS:

Ian MacAlpine

PURPOSE OF BYLAW:

To amend Land Use Bylaw No. 355 to rezone a portion of the waters fronting Lot 5, Sections 33 And 37, South Salt Spring Island, Cowichan District, Plan 1812 from Shoreline 6 – S6 to Shoreline 6(b) – S6(b) to permit a floating breakwater and dock with an oversize float associated with upland residential use.

GENERAL LOCATION:

1351 Mountain Road, South Salt Spring Island

LEGAL DESCRIPTION:

Lot 5, Sections 33 And 37, South Salt Spring Island, Cowichan District, Plan 1812

SIZE OF PROPERTY AFFECTED:

27.176 ha

ALR STATUS:

No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Marine Other

OTHER INFORMATION:

See attached staff report and biologist assessment report.

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

(Signature)

Name: Leah Hartley

Title: Regional Planning Manager

This referral has been sent to the following agencies:

Agencies

Fisheries and Oceans Canada
Coast Guard
Ministry of Environment
Ministry of Forests, Lands and Natural Resource Operations

First Nations

Hul'qumi'num Treaty Group
Malahat First Nation
Tseycum First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Stzuminus First Nation
Lyackson First Nation
Lake Cowichan First Nation
Penelakut Tribe
Halalt First Nation
Cowichan Tribes

Regional Agencies

CRD Building Inspection
CRD Parks and Recreation Commission
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

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

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Local Trust Area

(Island)

472

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Islands Trust

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

BYLAW REFERRAL FORM

Island: Salt Spring Island Local Trust Area **Bylaw:** 474 **Date:** January 9, 2014

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

APPLICANTS NAME / ADDRESS:

Dave McKerrell for Island Marine Construction Services Ltd.

PURPOSE OF BYLAW:

To amend Official Community Plan Bylaw No. 434 – Maps 1 and 16 - by changing the designation of the subject area from Marine Other (MO) to Shoreline Development (SD), and to add the subject area to Development Permit Area 1.

GENERAL LOCATION:

2850 Fulford-Ganges Road, Salt Spring Island.

LEGAL DESCRIPTION:

Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248.

SIZE OF PROPERTY AFFECTED:

0.897 hectares

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Shoreline Development (SD) and Marine Other (MO)

OTHER INFORMATION:

Please see accompanying Staff Report, together with the registered plan and plan of existing water lots.

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

(Signature)

Name: Justine Starke

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Transport Canada

Regional Agencies

Vancouver Island Health Authority

Provincial Agencies

Ministry of Forests, Lands & Natural Resource Operations (Crown Lands Branch)

Local Trust Committees

Mayne Island
Galiano Island
North Pender Island
Thetis Island

Non-Agency Referrals

Fulford Water System (CRD)
SSI Harbour Authority
SSI PARC (CRD)
SSI Transportation Commission (CRD)

PLEASE TURN OVER 67

BYLAW REFERRAL FORM

RESPONSE SUMMARY

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

Salt Spring Island Local Trust Area
(Island)

(Signature)

(Date)

474
(Bylaw Number)

(Title)

(Agency)



Islands Trust

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

BYLAW REFERRAL FORM

Island: Salt Spring Island Local Trust Area **Bylaw:** 475 **Date:** January 9, 2014

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

APPLICANTS NAME / ADDRESS:

Dave McKerrell for Island Marine Construction Services Ltd.

PURPOSE OF BYLAW:

To amend Land Use Bylaw No. 355 by adding a new Zone Variation Shoreline 2(a) – S2(a) – and by rezoning the water area to the south of District Lot 426, adjacent to the subject property, from Shoreline 3 and Shoreline 6 to Shoreline S2(a) to permit temporary wharfage for transient boats.

GENERAL LOCATION:

2850 Fulford-Ganges Road, Salt Spring Island.

LEGAL DESCRIPTION:

Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248.

SIZE OF PROPERTY AFFECTED:

0.897 hectares

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Shoreline Development (SD) and Marine Other (MO)

OTHER INFORMATION:

Please see accompanying Staff Report, together with the registered plan and plan of existing water lots.

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

(Signature)

Name: Justine Starke

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Transport Canada

Regional Agencies

Vancouver Island Health Authority

Provincial Agencies

Ministry of Forests, Lands & Natural Resource Operations (Crown Lands Branch)

Local Trust Committees

Mayne Island
Galiano Island
North Pender Island
Thetis Island

Non-Agency Referrals

Fulford Water System (CRD)
SSI Harbour Authority
SSI PARC (CRD)
SSI Transportation Commission (CRD)

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Local Trust Area

(Island)

475

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

Date: January 10, 2014

File No.: 6500-20-LUB Technical Amendments

To: North Pender Island Local Trust Committee
For the meeting of January 30, 2014

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Land Use Bylaw Technical Amendments

Preliminary Report

At the October 31 meeting of the North Pender Island Local Trust Committee (LTC) the work program was amended to include 'identified technical corrections in the Land Use Bylaw' as a top priority. The purpose of this report is to provide an overview of recommended amendments for consideration by the LTC.

Project Objectives

The object of the project is to amend the LUB for technical corrections, such as erroneous cross-references, typographical errors, or outdated regulatory references. A list of identified Land Use Bylaw (LUB) amendments are outlined in Table 1 below, which also notes the reason for possible amendments.

Project Background

The project was recommended by staff to address identified errors or points of confusion in the LUB. It was also suggested as a possible project with the expectation the amendments would be relatively straight forward and could be completed well in advance of local elections in November 2014.

Relevant Policy and Land Use Considerations

There are no policies relevant to this project in the Trust Council Strategic Plan, the Islands Trust Policy Statement, or the Official Community Plan. Nor would it affect the Islands Trust Fund, climate change mitigation and adaptations, sensitive ecosystems, hazardous areas or archaeological resources.

Bylaw Enforcement:

Proposed amendments related to the General Provisions were reviewed with the Bylaw Enforcement Manager. Furthermore any draft bylaw would be referred to Bylaw Enforcement staff to provide comment and also ensure the Bylaw Enforcement Notification Bylaw or other related regulations are appropriately updated if required.

Analysis

The LTC should decide which of the proposed amendments you want to proceed with and identify if any additional amendments should be included. Bolded text in column C indicates the added or amended text. Following the table there is additional information pertaining to some of the specific amendments proposed.

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
1	General Provisions Application	2.1.1 The provisions of this Bylaw apply to North Pender Island and those portions of the North Pender Island Local Trust Area shown on Schedule "A", which forms part of this Bylaw.	2.1.1 The provisions of this Bylaw apply to North Pender Island and those portions of the North Pender Island Local Trust Area shown on Schedule "A", which forms part of this Bylaw. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.	Provide clarity
2	General Provisions Administration and Enforcement	2.4.1 The Islands Trust Bylaw Investigation Officer or any other person designated by the North Pender Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.	2.4.1 The Islands Trust Bylaw Enforcement Officer or any other person designated by the North Pender Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.	Correct title reference See below for further comments
3		2.4.2 No person may obstruct the Bylaw Investigation Officer or any other designated person engaged in the administration or enforcement of this Bylaw.	Delete in its entirety	This is ultra vires to the criminal code and not required

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
4	General Provisions Penalty	2.5.1 Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty not exceeding \$5,000 and the costs of prosecution.	2.5.1 Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the <i>Offense Act</i> and the costs of prosecution.	The <i>Offense Act</i> sets the maximum fine amounts which may be amended from time to time.
5	General Regulations: Uses permitted in any zone- 3.1	(6) the use of land in the Forest Land Reserve for forest management activities related to timber production or harvesting; and	(6) the use of land under the Private Managed Forest Land Act for forest management activities related to timber production or harvesting; and	Updated regulatory reference
6	General Regulations: Accessory Building -3.4.4	An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a boat house, which may not exceed 5.4 metres in height and one storey, a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.	An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a boat house, which may not exceed 5.4 metres in height and one storey, a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.	Remove reference to boat house. Boat houses accessory to a residential use adjacent to, or over water are not permitted without a variance. Boat houses in the water 2 zone (marinas etc) are limited to 4.5 m in height. This regulation has been misinterpreted in the past.
7		The above regulation could also be amended to clarify overheight farm or forestry buildings – see below for further discussion.		

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
8	General Regulations Siting - 3.7.2	3.7.2 Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.	3.7.2 Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp , and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw. Insert Information Note following 3.7.2: <i>Walkways and stairs to access a dock or the foreshore are not exempt from interior or exterior side lot line setbacks or requirements for a development permit where applicable.</i>	Allow for limited extension of dock structures into the upland setback above the natural boundary and add an information note for clarity.
9	General Regulations Campground Regulations	Subsection 3.16.1 regarding campground permits	Delete in its entirety	See below for more information

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
10	Subdivision Regulation 4.2	4.2.1 The Approving Officer must not approve a boundary adjustment, which would increase the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment.	4.2.1 The Approving Officer must not approve a boundary adjustment, which would increase the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot.	Allows for boundary adjustments without increasing subdivision potential.
11	Subdivision Regulation 4.6.3	No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between water recharge areas identified in Schedule "D" of the North Pender Island Official Community Plan.	No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between watershed basins.	Schedule D of the OCP is not relevant to this regulation (Future Park Map), nor do any of the OCP schedules show watershed boundaries. See below for more information.
12	Part 7 – Establishment of Zones	7.2.3 The Water C (WC) Zone established by this Bylaw extends to the boundary of the North Pender Island Local Trust Area, except as shown on Schedule "A".	7.2.3 The Water 3 (W3) Zone established by this Bylaw extends to the boundary of the North Pender Island Local Trust Area, except as shown on Schedule "A".	WC zone no longer exists, W3 is comparable current zone.
13	Schedule A	Area indicated as WC above	Amend to W3	As above

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
14	Zone Regulation 8.2.8 – site specific table	R(b) That Part of Parcel K, (DD503141), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone (2) Despite article 8.2.2(1), the only permitted uses are in this location are the uses permitted by 8.2.2(1) (a), (b), and (f).	R(b) That Part of Parcel K, (DD50314- I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone (2) Despite article 8.2.2(1), the only permitted uses are in this location are the uses permitted by 8.2.2(1) (a), (b), and (c) .	Correct typo in legal description And Amending bylaw 180 reordered the list of permitted uses and the site specific table was not concurrently amended. Agriculture was moved from (f) to (b). See below for more information
15		R(c) (2) Despite 8.2.2, the only permitted uses in this location are the uses permitted by 8.2.2(1)(a), (c), (d), (e) and (f) and 8.2.2(2).	R(c) (2) Despite 8.2.2, the only permitted uses in this location are the uses permitted by 8.2.2(1)(a), (b) , (d) and 8.2.2(2).	As above, 'agriculture' was moved upward in the list of permitted uses. See below for more information
16	Zone Regulation 8.2A.3(1)	Residential Density There may not be more than one dwelling and one cottage on any lot, subject to 8.2A.2(1)(b).	Residential Density There may not be more than one dwelling and one cottage on any lot, subject to 8.2A.2(1) (c) .	As above, 'agriculture' was moved upward in the list of permitted uses.
17	Zone Regulation 8.2A.5(2)	Setback If a lot line adjoins the Agricultural (AG) Zone or the Forest Land Reserve, the setbacks in respect of that lot line required by clauses 8.2A.5(1)(a) and (b) must be increased by 3 metres.	Setback If a lot line adjoins the Agricultural (AG) Zone or the Forest Land Reserve , the setbacks in respect of that lot line required by clauses 8.2A.5(1)(a) and (b) must be increased by 3 metres.	The Forest Land Reserve no longer exists
18	Zone Regulation 8.2A.7	Environmental Protection On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Section 3.13.	Environmental Protection On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Section 3.13. 2 .	Consistency with other zones and cross reference to specific regulation.

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
19	Zone Regulation 8.3.2(1)(c)	Permitted Uses on lots 1.2 ha in area and larger, one cottage;	Permitted Uses on lots 1.2 ha in area and larger, one cottage; <i>Information Note: residential use of a cottage in the Agricultural Land Reserve is permitted by a member of the owner's immediate family as defined in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, or where the cottage is deemed necessary for farm use by the North Pender Island Local Trust Committee, or where permitted as a non-farm use by the Agricultural Land Commission</i>	Insert information note for clarity that additional residences in the ALR are regulated
20	Zone Regulation 8.3.2(1)(e)	Permitted Uses (e) agri-tourist accommodation as an accessory use, subject to subsection 8.3.6, and as permitted by the Land Reserve Commission	Permitted Uses (e) agri-tourist accommodation as an accessory use, subject to subsection 8.3.7, and as permitted by the Agricultural Land Commission	Amending bylaw 180 inserted a new 8.3.4, subsequent cross reference needs to be updated
21	Zone Regulation 8.3.5(3)	Setback (3) The provisions of articles 8.3.4(1) and (2) in respect of front lot lines do not apply to temporary roadside stands for the sale of agricultural products.	Setback (3) The provisions of articles 8.3.5(1) and (2) in respect of front lot lines do not apply to temporary roadside stands for the sale of agricultural products.	Amending bylaw 180 inserted a new 8.3.4, and the setback provisions became 8.3.5 – the cross reference is to setbacks in 8.3.5.

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
22	Zone Regulation 8.3.8 – site specific table	AG(c) Despite 8.3.2(1), the only permitted uses in this location are those uses permitted by 8.3.2(1)(a), 8.3.2(1)(b) and 8.3.2(1)(e). Despite 8.3.6(3) and 8.3.6(5), the agri-tourist accommodation use may accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.	AG(c) Despite 8.3.2(1), the only permitted uses in this location are those uses permitted by 8.3.2(1)(a), 8.3.2(1)(b) and 8.3.2(1)(e). Despite 8.3.7(3) and 8.3.7(5), the agri-tourist accommodation use may accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.	Update cross reference – this property is currently being considered as a site-specific zoning application, if the application proceeds this proposed amendment can be severed
23	Zone Regulation 8.5.9 – site specific table	C2(c) Lot 2, Plan 4750, Section 17	C2(c) Lot B, Section 17, Plan VIP87395	Legal description has changed due to boundary adjustment subdivision with adjacent lot
24		C2(d) Lot 5 (DD86146I), Plan 2111 Section 17	C2(d) Lot A, Section 17, Plan VIP87395	As above
25	Zone Regulation 8.18.3 – site specific table	ECO(a) Lot 1, Plan 15769, Section 16 (1) Despite 8.18.2(2), one accessory dwelling unit (for a caretaker) is a permitted use in this location. (2) The gross floor area of the accessory dwelling unit may not exceed 140 m2	Repeal	Property is now National Park site specific NP(a) zone, which has same regulations in place as ECO(a) (Roes Land)
26	Zoning Regulation 8.19	Water 1 Zone	Insert new 8.19.7 Density (1) A maximum of one private float, wharf, ramps and walkway is permitted per abutting upland lot. (2) A maximum of one boat launching ramp is permitted per abutting upland lot.	Provide certainty that only one dock structure and boat ramp is permitted for each upland property. See below for more information

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
27	Zone Regulation 8.22B.1(1)	Permitted Uses (b) private floats and ramps accessory to the residential use of an abutting upland lot; (c) pilings necessary for the establishment or maintenance of uses permitted by clause 8.22B.1(c); and	Permitted Uses (b) private floats and ramps accessory to the residential use of an abutting upland lot; (c) pilings necessary for the establishment or maintenance of uses permitted by clause 8.22B.1 (b) ; and	Correct cross reference
28	Zone Regulation 8.23.9(1)	Parking Despite Subsection 6.1.2 (Off-street Parking), the minimum number of parking spaces required in the CD1 zone for the accessory dwelling unit permitted in 8.23.2(1)(l) above is one.	Parking Despite Subsection 6.1.2 (Off-street Parking), the minimum number of parking spaces required in the CD1 zone for the accessory dwelling unit permitted in 8.23.2(1) (i) above is one.	Typographical correction, accessory dwelling units are permitted under 8.23.2(i) not l
29	Schedule C Zoning maps for particular locations See below for more information	Map B x-ref: c.8.4.2(3)(a) Portion of Part C, DD698642I, Section 18, lying to the south of the main highway from Hope Bay to Port Washington	Map B x-ref: 8.4.8(1) – C1(c) Portion of Part C, DD698642I, Section 18, lying to the south of the main highway from Hope Bay to Port Washington	Updated cross reference to site specific table
30		Map C x-ref: c.8.4.2(3)(b) Portion of Lot B, Plan 23183, Section 23	Map C x-ref: 8.4.8(1) – C1(d) Portion of Lot B, Plan 23183, Section 23	Updated cross reference to site specific table
31		Map D x-ref: c.8.4.2(3)(c) & c.8.5.4(4)(a) Portion of Lot 1, Plan VIP59811, Sections 10 & 15	Map D x-ref: 8.5.9(1) – C2(f) Portion of Lot 1, Plan VIP59811, Sections 10 & 15 as shown with diagonal line hatching	Update cross reference to site specific, and clarify it is the western shaded area
32		Map E x-ref: c.8.4.2(3)(d) A portion of Lot 6, Plan 1695, Section 7 lying east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot.	Map E x-ref: 8.4.8(1) – C1(e) A portion of Lot 6, Plan 1695, Section 7 lying east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot.	Updated cross reference to site specific table

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
33		Map F x-ref: c.8.5.4(4)(b) Parcel C, DD82824I, Section 17 and a portion of Lot A, VIP52864, Section 17	Map F x-ref: 8.5.9(1) – C2(g) Parcel C, DD82824I, Section 17 and a portion of Lot A, VIP52864, Section 17	Updated cross reference to site specific table
34		Map G x-ref: c.8.8.2 (3)(a) Portion of the NW ¼ of Section 11, except the south 26.364 chains and except Parcel A (DD143808) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898.	Map G x-ref: 8.8.8(1) – I1(b) Portion of the NW ¼ of Section 11, except the south 26.364 chains and except Parcel A (DD143808) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898.	Updated cross reference to site specific table
35		Map H x-ref: c.8.9.2 (2)(a) Portion of Lot 9, Plan 6294, Section 18	Map H x-ref: 8.9.8(1) – I2(a) Portion of Lot 9, Plan 6294, Section 18	Updated cross reference to site specific table
36		Map I x-ref: c.8.9.2 (2)(b) Westerly portion of Parcel G, DD47659I, excluding Plans 2648, 9912, 37908 and VIP 54314	Map I x-ref: 8.9.8(1) – I2(b) Westerly portion of Parcel G, DD47659I, excluding Plans 2648, 9912, 37908 and VIP 54314	Updated cross reference to site specific table
37		Map J x-ref: a.8.9.2 (2)(c) Easterly portion of Parcel G, DD47659I, excluding Plans 2648, 9912, 37908 and VIP 54314	Map J x-ref: 8.9.8(1) – I2(c) Easterly portion of Parcel G, DD47659I, excluding Plans 2648, 9912, 37908 and VIP 54314	Updated cross reference to site specific table
38		Map K x-ref: c.8.2.2(3)(1)	Map K x-ref: 8.2.8(1) – R(a) A Portion of Lot 2, Sections 18 and 19, Pender Island, Cowichan District, Plan 14577 except that part in Plan VIP65874	Updated cross reference to site specific table and addition of legal description for consistency

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
39		Map L x-ref: c.8.3.2(3)(c)	Map L x-ref: 8.3.8(1) – AG(c) That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Agricultural (AG) Zone	Updated cross reference to site specific table and addition of legal description for consistency
40		Map M x-ref: c.8.2.2(4)(a)	Map M x-ref: 8.2.8(1) – R(b) That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone	Updated cross reference to site specific table and addition of legal description for consistency
41		Map N x-ref: c.8.3.1(2)(a)	Map N x-ref: 8.3	Updated cross reference to AG zone – not a site specific property
42		Map O x-ref: c.8.2.2(4)(b)	Map O x-ref: 8.2.8(1) – R(c) That part of the South West ¼ of Section 11, Pender Island, Cowichan District, lying to the west of the westerly limit of Canal Road as said road was gazetted 22nd June, 1955; except parts in plans 11907, 13416, 22618, 23566 and 27405. PID 009-674-292	Updated cross reference to site specific table and addition of legal description for consistency
43		Map P x-ref: 8.3.7 The East 1/2 of the SW 1/4, Section 14	Map P x-ref: 8.3.7 Deleted by Bylaw 179 (and delete map)	Site specific zone repealed – redundant regulation

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
44		Map Q x-ref: 8.1.8	Map Q x-ref: 8.1.8(1) – RR(a) That Part of Amended Lot 7 (DD 90604-I) of Section 17, Pender Island, Cowichan District, Plan 2111, lying to the South East of a boundary extending South 24 degrees West from a point on the North East boundary of said amended lot, distant 7.242 chains along the said north east boundary from the most easterly corner of said amended lot, except that part in Plan 20481. PID: 006-646-981	Updated cross reference to site specific table and addition of legal description for consistency
45		Map R x-ref: 8.4.8	Map R x-ref: 8.23	Cross reference to CD1 zone – not a site specific zone
46	Schedule D Zoning Map	W4 – Hope Bay Zone boundary does not align with Crown lease area	Amend zone boundary to include entire lease area	See below for more information
47		W4 – Port Washington Zone boundary does not align with Crown lease areas	Amend zone boundary to include entire lease area See below for more information	See below for more information
48		AG - Parcel H (DD 98982I) Section 19, Pender Island, Cowichan District (4335 Hooson Rd)	Remove Rural zone on property to align with ALR boundary See below for more information	Area subject to change was included in ALR by application in 2010

	A: LUB Section	B: Current Regulation	C: Proposed Amendment	D: Comment
49	Interpretations	Home Business means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and cottage uses and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.	Home Business means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and cottage uses and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use."	Irrelevant to interpretation and could create confusion. i.e.: B&B regs (3.5.8(5)) requires it be within the principal dwelling.
50		Natural boundary means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.	Natural boundary means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark in vegetation, as well as in the nature of the soil itself	Insert last phrase to more closely align with definition in the <i>Land Act</i> and remove the phrase to clarify present natural boundary would supersede a survey high water mark. Surveyed high water mark reference creates confusion in the definition.
51		Lot means any parcel, block or other area in which land is held or into which it is subdivided whether under the <i>Land Title Act</i> or the <i>Condominium Act</i> .	Lot means any parcel, block or other area in which land is held or into which it is subdivided whether under the <i>Land Title Act</i> or the <i>Strata Property Act</i> .	Updated regulatory reference

'See Below More Information' Notes: The information below pertains to specific amendments in the table above where 'see below for more information' was used.

Proposed Amendment 2 – General Provisions Administration and Enforcement

The Bylaw Enforcement Officer Manager has identified that in addition to this regulation addressing enforcement powers there is also the Bylaw Infraction Investigations Bylaw No. 54, 1990 in affect. His recommendation would be for the LTC to maintain LUB regulation and amend Bylaw 54 for clarity.

Staff recommends the LTC request a report from the Bylaw Enforcement Manager addressing this matter and a draft resolution has been included for your consideration.

Proposed Amendment 7 – Accessory Buildings for Farm or Forestry Purposes

The current wording of this regulation is and its objective is not explicitly clear. The main questions arising are:

- What defines a farm or forestry purpose?
- If they can be 10 m in height is the intent to also permit a second storey?
- Could these be allowed in any zone?
- How would a mixed-use building be addressed? Such as part barn and part hobby shop.

Additionally, the LTC may also consider requiring an increased setback for such buildings to mitigate impact on neighbouring properties, not only from the larger building mass but also due to nuisance issues that may arise due to the type of use; ie: excess noise from heavy equipment or concerns of animal odours or waste.

Options the LTC could consider include:

- Adding a separate regulation to address Agricultural and Forestry buildings or include an additional amendment to the current regulation to be more explicit (ie 10m and two storeys).
- Limit the zones on which they would be permitted, ie to Rural or Agricultural zones only.
- Require an increased setback for over-height accessory buildings compared to accessory residential buildings.
- Require conditions similar to South Pender Island to be considered an Agricultural buildings such as being located within the Agricultural Land Reserve or having Farm Status under the BC Assessment Act.

Proposed Amendment 8 - Campground Regulations 3.16

The subsection relating to campground permits is recommended for deletion for the following reasons:

- Unlike development variance permits, development permits or temporary use permits, the authority to issue 'campground permits' is not a permit under Part 26 of the Local Government Act.
- The ability to regulate 'the construction and layout of trailer courts, manufactured home parks and camping grounds and require that those courts, parks and grounds provide facilities specified in the bylaw' is a regional district building regulations delegated to local trust committees in the Islands Trust Act (s. 694(1)(j)) although a separate permitting regime has never been established for campgrounds.
- The reference to 'Executive Director' is outdated.
- The subsequent subsections regarding 'campground standards – zoning' and 'campground building standards' would remain in effect.

- Campgrounds are only permitted in the C2 and C3 zone so they could be regulated and require a development permit under the form and character development permit area. The LTC may want to identify on the projects list for future consideration a review the regulations for campgrounds including the LUB campground regulations and the OCP development permit guidelines.

Proposed Amendment 11 – Subdivision Regulation

This regulation refers to an OCP map Schedule that does not contain the related information; the LTC could amend or add a new map schedule related to watershed boundaries but that would require an amendment to the OCP in addition to the LUB amendments. However, because the LTC is also considering amending the subdivision regulations and policies as part of the concurrent conservation subdivision project it may be more appropriate address this regulation as part of that process.

Proposed Amendment 14 and 15 – Site Specific Table

8.2.2 Permitted uses were:

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural (R) Zone:
 - (a) Dwelling;
 - (b) On lots 1.2 hectares (3 acres) in area and larger, one cottage;
 - (c) Accessory home business, subject to Section 3.5, and on lots greater than 2 hectares (5 acres) in area accessory home industry, subject to Section 3.6;
 - (d) On lots that do not abut a lake or reservoir used as a source of potable water supply, accessory rabbit and poultry raising;
 - (e) on lots 1.2 hectares (3 acres) in area and larger that do not abut a lake or reservoir used as a source of potable water supply or a wetland, the keeping of horses and other equine animals, cattle, goats and sheep as an accessory use; and
 - (f) Agriculture.
- (2) Pig farming, dog breeding and boarding kennels are not permitted as agricultural or accessory uses on lots less than 1.2 hectares (3 acres) in area.

8.2.2 Current permitted uses are:

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural (R) Zone:
 - (a) Dwelling;
 - (b) Agriculture;
 - (c) On lots 1.2 hectares in area and larger, one cottage; and

- (d) Accessory home business, subject to Section 3.5, and on lots greater than 2 hectares in area accessory home industry, subject to Section 3.6.
- (2) Pig farming, dog breeding and boarding kennels are not permitted as agricultural or accessory uses on lots less than 1.2 hectares in area.

Proposed Amendment 26 – Water Zone Density

It should be noted that the dock structures in the Water 1 zone can be practically sited to connect with an upland trail or walkway, which is permitted in LUB under subsection 3.7.2. The LUB allows for boat ramps in the water zone, but not the upland lot. Any hard surfacing within the required setback to the sea would be considered a structure and require a variance. If a Crown tenure application for a boat ramp only sited on the foreshore was received it would be permitted.

This raises a broader policy decision about allowing boat ramps generally and use of the shoreline. The LTC may want to ensure this is clarified when/if a project to review of marine zoning regulations in conjunction with overall shoreline development, which is already identified on the Projects List.

Proposed Amendments 29 to 45 – Schedule C: Zoning Maps for particular locations

As an alternative to amending the cross references the LTC could consider deleting these maps in their entirety because they are redundant. The properties are all identified in site-specific zoning regulations and are identified on the zoning map.

Proposed Amendment 46 and 47 – Water 4 Mapping Hope Bay and Port Washington

The zoning boundary for the W4 zone in the Port Washington and Hope Bay area do not align with the lease areas or the dock structures based on the orthophotos, the zoning boundary could be aligned with the lease area. These two examples seem to be the only examples where the lease area is quite divergent from the zone boundary. Although similar examples (Razor Point Public Dock) the zone boundary may coincide with the lease area, but based on orthophotos the actual dock structures may not entirely within the zone/lease boundary.

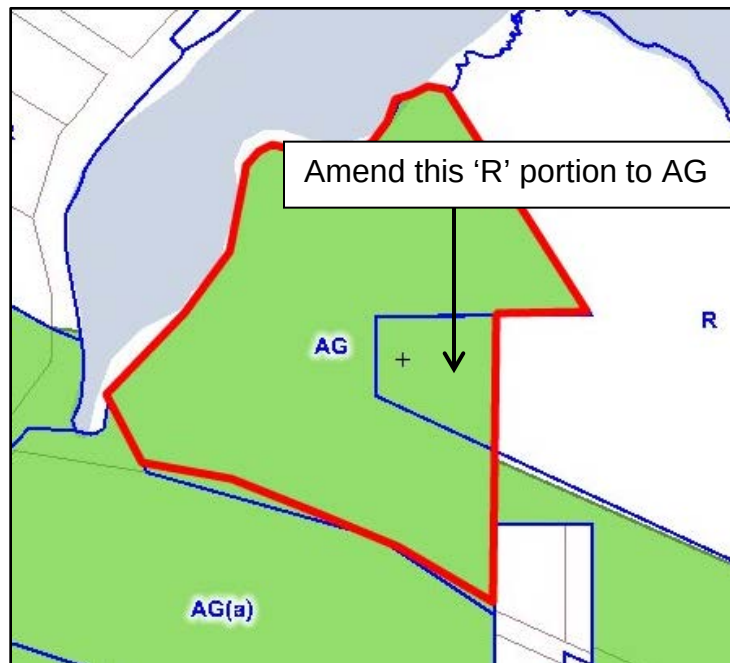
Alternatively the LTC could consider addressing these areas as part of a future project because these amendments may require further exploration and discussion than what is anticipated as part of this project. These amendments may be more suitable to a shoreline review or a review of public docks and marina boundaries as they relate to the proposed National Marine Conservation Area.





Proposed Amendment 48 – Agricultural Inclusion

This amendment is to follow up with an ALC inclusion application that was completed in 2010.



Project Scope and Timeline

The scope of the project would be limited to the amendments the LTC directs staff to proceed with; however, based on public or referral agency input it would be anticipated that proposed amendments may be or deleted or revised and additional amendments may be added. If the scope is limited to technical corrections or amendments providing clarity the project timeline and budget would not be significantly impacted.

Project Timeline

Key Step	Timeline
Proposed amendments reviewed, scope of project determined	Jan LTC
Draft bylaw prepared and sent to referral agencies	Feb -Mar
Draft bylaw reviewed by LTC – any early referral comments received, first reading considered and direction to proceed to Public Hearing	Mar LTC
Option 1: CIM and PH as part of LTC meeting	April LTC
Option 2: CIM and PH on a separate weekend date	Early May
Second and Third Reading considered	May LTC
Forward to Executive Committee for Approval	Early June (June 17 meeting possibly)
Return to LTC for adoption	June LTC

Resources and Roles

There is no allocated budget for this project within the 2013-14 fiscal year; with \$3000 currently requested for 2014-15. However preparing a draft bylaw for the LTC to review and undertaking the referral process would not incur financial costs. The bylaw preparation and referrals could occur through the spring of 2014, with the public hearing and community information meetings scheduled for April 1 or later so they occur within the 2014-15 fiscal year. In addition to staff time, no additional resources would be required until the bylaw is given first reading and advertising costs and meeting expenses (community information meeting and public hearing) are incurred.

Project Budget

Based on the assumption that any community information meetings and public hearings would occur within a regularly scheduled LTC meeting, the project expenses are estimated at \$2500 to 3000 based on:

Community Information Meeting - within an LTC meeting (Pender Post advertisement, additional minutes)	\$500
Public hearing (legal advertisements, mail out, additional minutes)	\$1,500
Newsletter or special mail-out	\$500
Contingency	\$500
Total	\$3000

Communications

Since this project does not include amendments to the Official Community Plan referral to First Nations is not required. Furthermore, since none of the proposed amendments are substantive enough to affect First Nations interests they have not been identified as a referral agency. Staff has identified the following agencies to be included in the referral process:

- Agricultural Land Commission
- Ministry of Transportation and Infrastructure
- CRD Building Inspection

- CRD Harbours Commission (if the W4 zone boundaries are included)
- Adjacent Local Trust Areas (South Pender, Salt Spring, Mayne, Saturna)
- Bylaw Enforcement Manager

The LTC may specify additional agencies not identified above.

Information about the project would be posted on the website and the LTC could refer to the project in the Pender Post Trustee Reports or a newsletter.

Project Charter

Due to the limited scope of this review a preparation of a separate project charter is not recommended. As with any proposed bylaw some revisions, deletions and additions would be anticipated without needing to revise the project scope, timeline or budget. However, if the LTC decides to include a broader range of amendments or have more extensive consultation than proposed, a project charter may be recommended.

Next Steps

The LTC should direct staff on which amendments to proceed with and give direction to prepare a draft bylaw.

Summary of Planning Recommendations

Staff requests the LTC to give particular consideration to the option to delete all map references in Schedule C of the LUB pertaining to site specific zoning. As all affected properties are identified in the site specific tables and are identified on the zoning map they are redundant. The retention of these reference maps in the bylaw increases the scope for uncertainty creeping into the bylaw through error, resulting from a missed cross-reference, an out-of-date legal description, or by a reference plan being superseded by a subsequent zoning map amendment.

Similarly staff request the LTC consider options to include or defer the two amendments related to the W4 boundary or defer them to be included as part of a future project.

Finally, staff request direction on if, or how, the LTC would like to clarify over height buildings used for agricultural or forestry purposes.

RECOMMENDATIONS:

Resolutions for your consideration are below, with specifics where staff is asking for direction shown in italics.

1. THAT the North Pender Island Local Trust Committee requests the Bylaw Enforcement Manager provide a report regarding the applicability of the “North Pender Island Trust Committee Bylaw Infraction Investigations Bylaw No. 54, 1990” including recommended amendments.

2. THAT the North Pender Island Local Trust Committee directs staff to prepare a draft bylaw to amend the North Pender Island Land Use Bylaw including proposed amendments Nos.1 to 51 as outlined in the staff report dated January 10, 2014, *(except for Nos.:*
 - a. 11 related to subdivision regulations,*
 - b. 29 to 45 related to Schedule C maps, and*
 - c. 46 and 47, related to Water 4 zone mapping at Hope Bay and Port Washington)*
3. THAT the North Pender Island Local Trust Committee directs staff to include an amendment to delete the Zoning Maps for Particular Locations in Schedule C.
4. THAT the North Pender Island Local Trust Committee directs staff to include an amendment to address Agricultural and Forestry buildings as a separate regulation that would clarify:
 - a. they *(are or are not)* permitted to have two storeys,
 - b. they must be sited within the Agriculture or Rural zones,
 - c. the setback for over height buildings is increased to 8 metres.

Prepared and Submitted by:



Name, Title

January 10, 2014

Date

Concurred in by:



Name, Title

January 10, 2014

Date

Attachments:

STAFF REPORT

January 22, 2014

File No.: Conservation
Subdivision Review

To: North Pender Island Local Trust Committee
For the meeting of January 30, 2014

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Conservation Subdivision Review

The North Pender Island Local Trust Committee (LTC) has initiated a conservation subdivision review as a work project and held the first community information meeting (CIM) on Saturday November 23rd.

The purpose of this report is to provide results of the on-line survey to the LTC, summarize input from targeted stakeholders, and present options on how the LTC could proceed.

Survey

A summary of the survey results is attached to this report. Response highlights include:

- In total there were 18 respondents, eight which were large lot owners or were attending on large lot owners behalf.
- All respondents who attended the CIM indicated they are 'very' or 'quite' interested in the project.
- Five owners of large lots indicated they are interested in participating in the LTC project, as it relates to their own property either specifically or generally.
- Of the values or features identified in the survey the overall ranking of importance was as follows:
 1. Sensitive ecosystems, habitat and biodiversity
 2. Wetlands and surface water bodies
 3. Environmental services, such as natural buffer areas or water catchment areas
 4. Preserving working landscapes for uses such as forestry, agriculture, and natural product foraging
 5. Connectivity to adjacent lands
 6. Archaeological and historic sites
 7. Viewscapes
 8. Other
- All of the open ended questions received a number of responses, many quite specific and detailed.
- Most respondents were generally positive and supportive of the approach, although some respondents felt it unnecessary.

Targeted Stakeholders

Staff reviewed the project with Ministry of Transportation and Infrastructure staff, surveyors from Richard Wey & Associates, and planning staff at the Cowichan Valley Regional District.

Ministry of Transportation and Infrastructure (MOTI) staff had no concerns and was generally supportive of the approach. They commented that increasingly subdivision applications are for bare land stratas, which would be quite suitable for using the common lands for conservation or working landscapes.

The surveyors were also supportive of the approach. They commented that throughout the region generally it is increasingly standard practice that an environmental assessment to some level is required during the subdivision process. At Richard Wey & Associates they work with a contractor to complete the environmental assessments as required.

Cowichan Valley Regional District (CVRD) staff was contacted since the Elkington Forest subdivision is within their jurisdiction. They commented that the zoning and OCP amendments necessary for the Elkington project were successful largely due to the developer's knowledge and understanding of the concepts, the commitment to sustainable forestry operations, and their ability to provide the up-front investment needed for the fairly extensive service requirements. The Elkington project will also serve as a 'pilot project' for the CVRD for any similar proposals in the future, particularly comparing established urban containment boundaries that would separate residential from forestry uses to a mixed residential and forestry development. Other property owners wanting to undertake a similar subdivision process would be required to amend the OCP and zoning bylaws. Although the outcome appears to be as anticipated technically, the impacts to the CVRD in terms of legal costs and staff resources were higher than expected. The final outcome will not be fully understood until the lots are sold, developed and the hamlets become established communities.

Additional Information

Fairly recent research papers reviewing conservation subdivisions were reviewed, including the barriers to implementation. In summary they note that the key barriers included:

- A lack of incentives for developers,
- A perception that homes in a conservation subdivision cost more to build, and
- A lack of interest from elected officials to amend bylaws to allow conservation subdivisions.

A comparison of different jurisdictions also notes that:

- Allowing for density bonuses, flexibility in lot sizes and an expedited review process were commonly used tools, and
- Density bonuses were used when the required 'open space' was exceeded.

How the 'open space' was managed in the long-term was also a common concern, particularly when the responsibility became that of a home owners association.

Although results showed that lots in conservation subdivisions sell faster, they are less expensive to build, and they sell for a higher value, developers believed that the overall costs were higher and that homeowners are not interested or willing to buy homes in conservation

subdivisions. Incentives for developers were identified as the key tool used to overcome these barriers.

The studies also reported that the most important step for conservation subdivisions is amending the bylaws to explicitly allow for conservation developments, rather than requiring a developer to undertake a lengthy and potentially costly process.

Another study assessing the effectiveness of protecting the environment was reviewed. It concluded that conservation subdivision design appears to be more environmentally sustainable; however, in order to meet the objectives the following planning recommendations were noted:

- There should be clear guidelines on natural resource protection and discouraging leapfrog developments,
- Improved land use regulations to enforce smaller footprints and prevent subdividing environmentally or ecologically sensitive areas, and
- A permitting process that facilitates alternative neighbourhoods based on ecological values.

Complete copies of the studies noted above are posted on-line under the conservation subdivision projects page.

Options

Staff generally sees two options for proceeding with the project:

1. Review regulations to identify any obstacles to landowners voluntarily implementing conservation subdivision design layouts, and recommending any changes. This could include amendments to zoning regulations, subdivision regulations or DPA guidelines.
2. Provide options on amending the OCP and LUB to require a conservation design approach to subdivisions beyond the current provisions for lot clustering. This option could either still allow for conventional subdivisions, or be drafted so that it must be the approach used in certain situations (ie based on lot size, lot numbers, or lot features and values). Options could also consider incentives, such as a density bonus, which has been shown to be effective in other jurisdictions. This option could include amendments to zoning (e.g. a new zone, split zoning properties), changes to subdivision regulations, and consideration of a new development permit area (DPA) for a selection of subdividable properties. A new DPA would include the entire parent parcel and be focused on either a lot layout as part of a subdivision; as well as, consider an option to allow 'dwellings equivalent to lots' when clustered in a co-operative ownership structure or for a family held property.
3. Undertake a pilot project involving 1 or 2 properties where landowners are willing. This would consist of creating a broad 'concept plan' to identify the 'residential' vs 'natural resources' vs 'no-development' areas, and amend the LUB to incorporate the general subdivision layout. This would be contingent upon identifying landowners willing to participate. Given the extent of existing mapping available, a broad overview of a future neighbourhood would be reasonable.
4. A final option would be some combination of 2 and 3 above, such as creating one example concept plan in conjunction with overarching policy and regulatory amendments.

The LTC could also limit the amendments to general OCP policies supporting a conservation design and rely on interested property owners to submit an application to rezone or vary the regulations as required. However, this approach alone is not recommended as the literature indicates that where landowners are required to undertake a rezoning process to implement conservation subdivision layouts, it acts as a disincentive. In the Trust Area this is borne out in the Mayne Island LTA where the LTC has had voluntary conservation subdivision guidelines in its OCP for over 10 years, although the approach has not been applied by a property owner. Although the North Pender Island LUB currently includes provisions for lot clustering, this may not be sufficient by itself since lot clustering may not be applied with the same objectives as a conservation design approach would, and other subdivisions requirements may still pose significant barriers, such as park land dedication or lot configuration.

Once the LTC provides direction, staff will also report back on any implications or changes to the timeline and budget.

Next Steps

The LTC should provide direction to staff on which option is preferred. Staff will report back with more specific comments regarding possible OCP and/or LUB amendments based upon the LTC's preference.

It would also be recommended that once the LTC determines how it wants to proceed, further community consultation on more specific amendments.

RECOMMENDATIONS:

Wording for a possible resolution is provided for your convenience.

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

- Identifies a range of general OCP and LUB amendments with the objective to remove barriers for a conservation subdivisions (option 1)....*and/or*
- Identifies a range of OCP and LUB amendments with the objective of requiring a conservation design for new subdivisions, (*including/not including*) a new development permit area (option 2)....*and/or*
- Identifies properties where owners are willing to engage with the Local Trust Committee in the development of a concept plan for a subdivision (option 3).

Prepared and Submitted by:



January 22, 2014

Date

Concurred in by:



Robert Kejima
Regional Planning Manager

January 22, 2014

Date

North Pender Island Conservation Subdivision Feedback



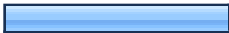
1. How did you hear about the community information meeting on Nov 23? (select all that apply)

		Response Percent	Response Count
Pender Post		14.3%	2
Trustee Newsletter		28.6%	4
Received a letter		50.0%	7
Notice on a bulletin board		7.1%	1
Email		28.6%	4
Website		7.1%	1
Other (please specify)			5
answered question			14
skipped question			4

2. Did you attend the November 23 Community Information Meeting?

		Response Percent	Response Count
Yes - I attended the full meeting		83.3%	15
Yes - I only attended a portion of the meeting		5.6%	1
No		11.1%	2
answered question			18
skipped question			0

3. Are you one of the identified 'large lot' owners? ('large lots' are those identified properties that have potential to create at least 3 additional lots)

		Response Percent	Response Count
Yes		33.3%	6
No		55.6%	10
No but I attended on behalf of an owner		11.1%	2
answered question			18
skipped question			0

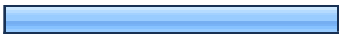
4. After attending the Nov 23 meeting, how interested are you in this project?

		Response Percent	Response Count
Not interested at all, I would not follow what happens next with this project		0.0%	0
Somewhat interested, I would be curious but not follow the project very closely		0.0%	0
Quite interested, how much I follow the project would depend upon what happens next		22.2%	4
Very interested, I would like to follow this project		66.7%	12
I did not attend the meeting but I am interested		11.1%	2
answered question			18
skipped question			0

5. If you are a large lot owner, would you be interested in participating in the LTC project?

		Response Percent	Response Count
Yes, specifically as it relates to my property		11.8%	2
Yes, but only in general terms and not specific to my property		17.6%	3
No		5.9%	1
Possibly		5.9%	1
n/a - I am not a large lot owner		58.8%	10
answered question			17
skipped question			1

6. If you are not a large lot owner would you be interested in participating in the LTC project?

		Response Percent	Response Count
Yes		50.0%	8
No		6.3%	1
Maybe		25.0%	4
n/a - I am a large lot owner		18.8%	3
answered question			16
skipped question			2

7. Did you find the presenter Doug Makaroff helpful/informative?

Response
Count

16

answered question

16

skipped question

2

8. Did you find the presenter Ann Mortiffee helpful/informative?

Response
Count

16

answered question

16

skipped question

2

9. Did you find the presenter Barry Gates helpful/informative?

Response
Count

16

answered question

16

skipped question

2

10. What do you like about using a conservation approach to subdivisions?

Response
Count

17

answered question

17

skipped question

1

11. What don't you like about using a conservation approach to subdivision?

	Response Count
	16
answered question	16
skipped question	2

12. What values or features on North Pender Island do you believe need to be protected most and how it relates to this project? Rank them in the order of importance with 1 as the most important; the top 5 answers will automatically reorder themselves on the right hand side of the number box.

	1	2	3	4	5	6	7	8	Rating Average	Response Count
Sensitive ecosystems, habitat and biodiversity	44.4% (8)	22.2% (4)	11.1% (2)	0.0% (0)	11.1% (2)	5.6% (1)	5.6% (1)	0.0% (0)	2.50	
Wetlands and surface water bodies	16.7% (3)	33.3% (6)	16.7% (3)	22.2% (4)	5.6% (1)	5.6% (1)	0.0% (0)	0.0% (0)	2.83	
Archaeological and historic sites	5.6% (1)	0.0% (0)	11.1% (2)	16.7% (3)	22.2% (4)	27.8% (5)	16.7% (3)	0.0% (0)	5.00	
Views	0.0% (0)	5.6% (1)	0.0% (0)	11.1% (2)	16.7% (3)	16.7% (3)	44.4% (8)	5.6% (1)	5.94	
Environmental services such as natural buffer areas, water catchment areas	16.7% (3)	11.1% (2)	44.4% (8)	11.1% (2)	11.1% (2)	0.0% (0)	5.6% (1)	0.0% (0)	3.11	
Connectivity to adjacent lands	5.6% (1)	11.1% (2)	5.6% (1)	11.1% (2)	22.2% (4)	27.8% (5)	16.7% (3)	0.0% (0)	4.83	
Preserving working landscapes for uses such as forestry, agriculture, and natural product foraging	5.6% (1)	16.7% (3)	11.1% (2)	27.8% (5)	11.1% (2)	16.7% (3)	11.1% (2)	0.0% (0)	4.17	
Other	5.6% (1)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	94.4% (17)	7.61	
answered question										
skipped question										

13. What areas on North Pender Island do you believe would benefit the most from a conservation approach to subdivision?

**Response
Count**

14

answered question

14

skipped question

4

14. Do you have any recommendations for how the LTC should proceed?

**Response
Count**

15

answered question

15

skipped question

3

15. Thank you for completing this survey, please provide any additional comments here.

**Response
Count**

11

answered question

11

skipped question

7

Q1. How did you hear about the community information meeting on Nov 23? (select all that apply)

1	from owner large lot	Nov 30, 2013 8:50 AM
2	from the owner of a large lot	Nov 30, 2013 8:42 AM
3	reminder phone call from trustee	Nov 26, 2013 11:42 AM
4	LTC Meeting Minutes	Nov 25, 2013 6:43 PM
5	Island Tides	Nov 25, 2013 3:59 PM

Q7. Did you find the presenter Doug Makaroff helpful/informative?

1	Not present	Jan 1, 2014 3:23 PM
2	Yes	Dec 13, 2013 1:51 PM
3	no. nothing he said really applied to North Pender	Dec 4, 2013 6:15 PM
4	Ok as far as he went, but I got the impression that there are a lot more details involved in conservation subdivision.	Dec 3, 2013 12:05 PM
5	yes	Dec 3, 2013 8:52 AM
6	yes	Nov 30, 2013 8:50 AM
7	yes	Nov 30, 2013 8:42 AM
8	Yes. Doug's presentation of the Elkington Forest project illustrated what can be done to respect, conserve and live in harmony with nature. However, in my opinion this can only be accomplished if everyone buys into it from the beginning and is committed to the concept.	Nov 27, 2013 9:51 PM
9	YES	Nov 27, 2013 2:51 PM
10	Extremely so. Very comprehensive and inspiring presenter. His thoroughgoing familiarity with all aspects of the responsible implementation of an appropriate development ethic was very informative and convincing. Established a high level of trust with the audience.	Nov 26, 2013 11:42 AM
11	very interesting	Nov 26, 2013 12:32 AM
12	Yes	Nov 25, 2013 9:18 PM
13	Presentation a long sales pitch which did not address the land use bylaw/OCP amendments contemplated for N Pender - until the "N Pender model" was presented after the overdue break. Then it became a sales pitch for density transfer under the hat of conservation. Just how the conserved lands were to be protected against future development was not addressed. Mr. Makaroff seemed evasive in clearly answering the questions: 1)"Who owns the large parcel which is intended for conservation?" Eventual answer: the strata council. 2) Is there a secure three or preferably four party covenant in place which explicitly prohibits human built development on the large conserved parcel? The answer turned to horses pulling single logs from sustainable forest operations and that there were five components to the protection of the conserved land. Difficult to be sure, but I think his one word answer would have been "No". Mr. Makaroff, an urban planner with a current interest in selling subdivisions in rural areas, twice said that if NPender wanted his services, he would give advice - and if N Pender paid the mortgage, he would do the development.	Nov 25, 2013 6:43 PM
14	Yes, both helpful and informative. I feel he may have potential for a conflict of interest as his back ground as a real estate developer could influence his decisions.	Nov 25, 2013 4:20 PM
15	Yes	Nov 25, 2013 3:59 PM
16	yes	Nov 25, 2013 3:55 PM

Q8. Did you find the presenter Ann Mortifee helpful/informative?

1	Yes	Jan 1, 2014 3:23 PM
2	Yes - more helpful than Doug M.	Dec 13, 2013 1:51 PM
3	no	Dec 4, 2013 6:15 PM
4	Fanciful, idealistic.	Dec 3, 2013 12:05 PM
5	helpful, informative and inspiring	Dec 3, 2013 8:52 AM
6	yes	Nov 30, 2013 8:50 AM
7	yes	Nov 30, 2013 8:42 AM
8	Yes. Ann presented some of the pitfalls that her group faced in getting the project off the ground. As mentioned in the above comments re Doug's presentation such a project requires commitment from everyone from the start for it to be successful.	Nov 27, 2013 9:51 PM
9	YES	Nov 27, 2013 2:51 PM
10	Yes very much so. She personalized how to overcome the inevitable complexities of the process and identified how the benefits to ecology and people are integrated in this approach to community. She too was inspiring.	Nov 26, 2013 11:42 AM
11	great ideas !	Nov 26, 2013 12:32 AM
12	She presents with such enthusiasm! Her emphasis on the five ways of locking up the conserved forest is very important, since many people see this type of approach merely as a way to keep land over the long term, with low taxes, for future development, or development by future generations.	Nov 25, 2013 9:18 PM
13	Heartfelt appeal for healthy community - but the issues at hand are amendments to the N Pender OCP and LUB. This was the wrong venue for her presentation - would be a real contribution at Zorah Starr's PCT meetings.	Nov 25, 2013 6:43 PM
14	Yes. Very interesting comments and seemed very organized.	Nov 25, 2013 4:20 PM
15	Yes	Nov 25, 2013 3:59 PM
16	yes	Nov 25, 2013 3:55 PM

Q9. Did you find the presenter Barry Gates helpful/informative?

1	I understand Barry Gates was not present. I also understand that although he was portrayed as a professional forester, he is not registered in BC.	Jan 10, 2014 11:26 AM
2	Yes	Jan 1, 2014 3:23 PM
3	Yes.	Dec 13, 2013 1:51 PM
4	no	Dec 4, 2013 6:15 PM
5	Not at meeting	Dec 3, 2013 12:05 PM
6	didn't speak	Dec 3, 2013 8:52 AM
7	n/a	Nov 30, 2013 8:50 AM
8	n/a	Nov 30, 2013 8:42 AM
9	N/A	Nov 27, 2013 2:51 PM
10	In the vicarious representation provided by Mr. Makaroff in his unavoidable absence, yes.	Nov 26, 2013 11:42 AM
11	great ideas !	Nov 26, 2013 12:32 AM
12	Yes	Nov 25, 2013 9:18 PM
13	He did not attend. The Islands Trust "Conservation Subdivision" brochure said he is a "professional forester". Is Mr. Gates in fact a registered professional forester?	Nov 25, 2013 6:43 PM
14	he did not attend.	Nov 25, 2013 4:20 PM
15	Not there	Nov 25, 2013 3:59 PM
16	yes	Nov 25, 2013 3:55 PM

Q10. What do you like about using a conservation approach to subdivisions?

1	It theoretically allows for protection of land, less expense in developing.	Jan 10, 2014 11:26 AM
2	Flexible and balanced	Jan 1, 2014 3:23 PM
3	The "conservation approach" saves a large portion of the area/lots from "clear cut logging" and is better for wildlife flora, fauna, the Islands habitat, neighbours, First Nations' sensitive areas. More appeal to conservation-minded buyers and over the long term.	Dec 13, 2013 1:51 PM
4	not very much and probably unnecessary on Pender. At best it could be an option for a landowner.	Dec 4, 2013 6:15 PM
5	Forest preservation	Dec 3, 2013 12:05 PM
6	much less damage to the environment, more economical	Dec 3, 2013 8:52 AM
7	a fresh idea suitable on some properties	Nov 30, 2013 8:50 AM
8	it provides an opportunity to possibly be more eco sensitive	Nov 30, 2013 8:42 AM
9	The conservation approach is great if one purchases a piece of property with the consevation approach in mind. The Islands have an unique quality that is very much worth saving.	Nov 27, 2013 9:51 PM
10	"Win-Win" potential; can address multiple community interests if structured thoughtfully.	Nov 27, 2013 2:51 PM
11	If there must be further development, even though the planet can't afford it, then this approach minimizes its environmental impact and if done well reintroduces a healthy form of community that can be knowledgeable about and be integrated more closely with at least some elements of its natural support systems.	Nov 26, 2013 11:42 AM
12	it creates community and reduces waste. It is wonderful to go for a walk through a large forest close to home !	Nov 26, 2013 12:32 AM
13	It's a 'nature comes first' approach. Given the objectives of the Islands Trust, the Trust should be supporting it strongly.	Nov 25, 2013 9:18 PM
14	Application of the current N Pender environmental DPAs ensure a conservation approach to subdivision development.	Nov 25, 2013 6:43 PM
15	It makes sense and seems to keep everybody on track and in a friendly mood.	Nov 25, 2013 4:20 PM
16	Yes	Nov 25, 2013 3:59 PM
17	less impact on the enviroment from all aspects.	Nov 25, 2013 3:55 PM

Q11. What don't you like about using a conservation approach to subdivision?

1	It is costly, other forms of zoning such as what was previously allowed on North Pender would be just as effective.	Jan 10, 2014 11:26 AM
2	Loss of conservation protection from other future land uses leading to ecological fragmentation, habitat loss, environmental degradation (incl. surface and groundwater, loss of air quality and air/noise pollution, soil erosion, etc.).	Jan 1, 2014 3:23 PM
3	I liked the pre-2007 zoning on North Pender allowing for clustering of residences such as the Max Allan/ Wein properties with sustainable forests, homes set away from each other, privacy and peace, and the Edgewood Estates over by former premier Mike Harcourt's property. Why can we not go back to the earlier pre-2007 model that was discarded. The onus is on the seller/realtor/ property owner in the new "Conservation Subdivision" model to "do the right thing" and develop the land in such a way that MAY COST MORE and which those individuals may not choose to or be able to afford to "accept" .Will something that works on Galiano in a large setting be able to be adapted/modified for a Pender setting? I DO NOT like smaller lot subdivisions a.k.a. Magic Lake,... where RURAL SPRAWL occurs on a substantial amount of property. The NEW MODEL would have high density development on approximately 15% of the property. It is important to prevent another ecological/ clear cut development "disaster" that took place on Hoosan Road over by Port Washington. Conserve the farmland on the Penders!	Dec 13, 2013 1:51 PM
4	Clustering will often create problems of water supply and sewage disposal. We already have clustering of housing on Pender in Magic Lakes Estates. It is tampering with the rights of property owners. It is unnecessary	Dec 4, 2013 6:15 PM
5	May not be suitable on all properties	Dec 3, 2013 12:05 PM
6	can't see any negative	Dec 3, 2013 8:52 AM
7	unknowns eg: partners, resale & contract issues on common property	Nov 30, 2013 8:50 AM
8	the fact that it could lead to a network of paths leading all over pender island. Some people like that idea. It is a bad one trust me I lived at the top of Mountain Highway in North Vancouver and the mountain bikers destroy the forest floor. Bikers or hikers never stay to the path. Paths are a menace to the forest ecosystem. Pender island has many existing paths and beach access. If a conservation approach is used it should be a dedicated portion for conservation and no trespassing.	Nov 30, 2013 8:42 AM
9	If such a concept comes to fruition then I fear that pressure from neighbouring owners and the general public will come to bear on owners of subdividable property to follow this course. The concept of what is mine is mine and what is yours is also mine in the sense that because you have a 30 or 40 acre piece of land that is beautifully treed it should be enjoyed by all and the owner should not be able to preclude the use of it by those who want to enjoy it.	Nov 27, 2013 9:51 PM
10	May still be inefficient form of growth (better than the status quo, but still potentially still 'low' on the spectrum)	Nov 27, 2013 2:51 PM
11	I don't like subdivision period, especially where conservation of eco-variants is under-represented, but if it's inevitable and provided the zoning is	Nov 26, 2013 11:42 AM

Q11. What don't you like about using a conservation approach to subdivision?

perpetualizable (!) there is nothing about this approach that I don't like more than all less conscientious approaches.

12	nothing. I used to own a 0.8 ac piece of land in Magic Lake, I donated it to the local Parks Commission, now CRD. People love it !	Nov 26, 2013 12:32 AM
13	I think it is the right approach. It obviously takes a lot of planning (biological, water, septic, etc. because it is meant to be PERMANENT.	Nov 25, 2013 9:18 PM
14	Bias-loaded question. Please distinguish between "a conservation approach to subdivision" and the current "Conservation Subdivision" project. The LUB and OCP implementation of this LTC "Conservation Subdivision" initiative appear to require small lots in one part of a large parcel. The disadvantages of a much higher local area density than allowed by current zoning on water, sewage and traffic and reduced socio-diversity (N Pender has already clustered small lots in Magic Lake) are avoided in this proposal.	Nov 25, 2013 6:43 PM
15	Nothing.	Nov 25, 2013 4:20 PM
16	Nothing	Nov 25, 2013 3:59 PM

Q13. What areas on North Pender Island do you believe would benefit the most from a conservation approach to subdivision?

1	Razor Point Road, old Ross-Smith farm, Port Washington area, Mackinnon Road area	Jan 1, 2014 3:23 PM
2	Larger parcels of land such as that Proposed Subdivision over by Clam Bay near Lot Parcels 7, 8 on the Subdivision Potential Computer print-out, #3, 5 and Parcel with Current Subdivision application near #1..	Dec 13, 2013 1:51 PM
3	none - the present restrictions and bylaws are already sufficient and most of the theoretically possible subdivisions will never take place.	Dec 4, 2013 6:15 PM
4	All areas, site specific.	Dec 3, 2013 12:05 PM
5	perhaps areas close to other amenities, helps cut down on vehicle	Dec 3, 2013 8:52 AM
6	1.Areas within the Magic Lake Estates watershed 2. Other areas on North Pender Island of watershed significance. 3. Those areas already bordering designated parkland for wildlife corridors.	Dec 2, 2013 12:11 PM
7	rural and farmland combination	Nov 30, 2013 8:50 AM
8	Areas that could provide more direct connections between different parts of the island, reducing sprawl and the need to drive/disrupt (i.e. # 4, 2, and 5 on the map). Also, protecting the Magic Lake watershed is critical for a range of reasons (#4).	Nov 27, 2013 2:51 PM
9	Hunt property	Nov 26, 2013 11:42 AM
10	(all of them)	Nov 26, 2013 12:32 AM
11	Explore possibilities of applying it to small areas, even parts of Magic Lake!	Nov 25, 2013 9:18 PM
12	The entire island, by DPA.	Nov 25, 2013 6:43 PM
13	Areas that are in or could potentially be in watershed areas.	Nov 25, 2013 4:20 PM
14	We already have lot clustering so we have done all we can except make developers aware of that option.	Nov 25, 2013 3:59 PM

Q14. Do you have any recommendations for how the LTC should proceed?

1	They should review the previous zoning that allowed for one house, one cottage per ten acres without creating a rezoning or subdivision, following the established DPA;s to guide any development. That is why we set up DPAs.	Jan 10, 2014 11:26 AM
2	Cautiously, see my above comments. Preserve and protect the land esp. farm and (forest) land.	Dec 13, 2013 1:51 PM
3	Cancel the whole idea. It is a waste of a lot of money which will achieve very little.	Dec 4, 2013 6:15 PM
4	More thorough study.	Dec 3, 2013 12:05 PM
5	Keep all discussions very open as this topic has the potential to become confrontational. Educate the community as a whole on the significance of the proposal for security of water supply and involve partners such as PICA to support aspects of conservation.	Dec 2, 2013 12:11 PM
6	go for it	Nov 30, 2013 8:50 AM
7	proceed with caution	Nov 30, 2013 8:42 AM
8	Very cautiously. As more and more stringent zoning comes into effect, especially where the public gets involved in rezoning issues, land owners' rights are becoming more and more restricted and/or expropriated without compensation. The LTC has much power and with that power should come responsibility to both the public and especially the land owner.	Nov 27, 2013 9:51 PM
9	Begin "strategically"; i.e. what have the residents been asking for? This is a new concept, and buy-in may be greater if locals (and land owners, conceivably) have an immediate idea of what value this approach stands to add. So, if watershed protection, for instance, has been frequently cited, begin there. If intra-island connectivity is a priority, or local (sustainable) jobs or services, start there. Find a constructive way to frame the dialogue, so that any productive trade-offs don't get drowned out later by the inevitable voices of resistance. If we're encouraging this, we must be doing it for a reason.	Nov 27, 2013 2:51 PM
10	with informed alacrity	Nov 26, 2013 11:42 AM
11	no	Nov 26, 2013 12:32 AM
12	Discuss confidentially with large landowners, identify who might be amenable to hosting a pilot project.	Nov 25, 2013 9:18 PM
13	1) Disclose to the public interest at the outset (long past) the proposed amendments to the LUB and OCP in order to implement this project. 2) Do not proceed with intentions to amend the OCP and permit use of "density transfer". The objections to this tool in the 2005 (and on) OCP review were not primarily based on the lack of pre-determined sending and receiving areas. A core objection is that density transfer would probably facilitate the development of parcels for which development is not practical under current zoning. A second is that lot owners who have no intention of subdividing their own land might be attracted by a free market (buy-sell) in development potential - again facilitating land development which would not otherwise be done. 3) For any and all lands	Nov 25, 2013 6:43 PM

Q14. Do you have any recommendations for how the LTC should proceed?

which are to be protected against future human built development, require by bylaw a four party covenant between landowner, LTC, Islands Trust Fund and the Habitat Acquisition Trust to protect said lands in perpetuity.

- | | | |
|----|--|----------------------|
| 14 | continue with the same format as this meeting however have some recommendations that could be raised for a vote to accept or reject. | Nov 25, 2013 4:20 PM |
| 15 | Not much North Pender can do without density transfer (in our dreams). It make me want to move somewhere more exciting. | Nov 25, 2013 3:59 PM |

Q15. Thank you for completing this survey, please provide any additional comments here.

1	I understand that the presentation was given by a developer who was interested in seeing development happen at less cost to him. I will watch the video and get back to you when I am more fully informed.	Jan 10, 2014 11:26 AM
2	I am interested in following this program more and hope to learn more about it, wrt our property and other areas that may be developed.	Jan 1, 2014 3:23 PM
3	Pender Island is a jewel to care for and cherish for all time. Once squandered and/or mismanaged, the value is lost forever. My grandparents came up here in 1919 and farmed as this is a special place forever in my heart. Elizabeth Preston {Symes family) stelljay@telus.net	Dec 13, 2013 1:51 PM
4	This appears to be an idea developed by the planners at the Islands Trust in order to justify their existence by proposing schemes that produce lots of work for them without actually achieving very much. The present bylaws are already so restrictive that there is little chance that more than half the theoretical subdivision potential density will be achieved and in fact many parcels will never be subdivided.	Dec 4, 2013 6:15 PM
5	No two properties are the same. Each should be looked at on it's individual merits. John Foote	Dec 3, 2013 12:05 PM
6	We think this type of approach makes sense for the island. People have other people living nearby and services can be combined. It creates a sense of support and cooperation and would probably be a cost effective and less destructive way of developing a 'subdivision'.	Dec 3, 2013 8:52 AM
7	well done Jim Allan, Pender Island	Nov 30, 2013 8:50 AM
8	My wife and I sincerely thank you all for taking this initiative. To the extent that this form of development can be applied to all existing potential, the island will be better off, provided there is adequate protection against future variation hat might lead to currently un contemplated overall density increase.	Nov 26, 2013 11:42 AM
9	I am glad I attended the meeting and I liked the ideas presented.	Nov 26, 2013 12:32 AM
10	Need to identify legal mechanisms available in the Trust Area to 'lock up' conservation areas. Many people don't believe this can be done, and will oppose this kind of proposal because they think someone is going to make a large illegitimate profit from this.	Nov 25, 2013 9:18 PM
11	Reference - Crowder, et al v. Spokane County, Final Decision and Order, 24Aug2010; in part: "If a county chooses to allow Rural Cluster Development, the county must do so in a manner that is consistent with rural character and provide appropriate rural densities that are not characterized by urban growth. The rural cluster can create smaller individual lots than would normally be allowed in a Rural Area, but only so long as there is a significant area of compensating open space that is "permanently" protected or protected "in perpetuity". I don't believe this is contemplated for North Pender under "Conservation Subdivisions". In the short debate prior to the LTC approving a lot clustering amendment to the LUB, the LTC of the day said there was no question of requiring an "at arms length" third party covenant holder to guarantee the larger lot would not be developed in the future - because it was too onerous on	Nov 25, 2013 6:43 PM

Q15. Thank you for completing this survey, please provide any additional comments here.

the developer! To be blunt, in years to come, the larger lot would be adjacent small lots and there would be the political precedent in place for the land owner and LTC of the day to scrap the covenant. The conserved land of today is tomorrow's development potential. The impact of greatly increased local area density on the serving aquifer is felt in the longer term - long after a registered professional has declared a successful test for adequate potable water and after the houses are built. But then the zoning is in place and it's too late. I submit that the current Regional Planning Manager / N Pender LTC Conservation Subdivision initiative with density transfer and lot clustering could be better described as facilitating current development while preserving and protecting development potential in the long term. All of this will benefit from current and future improved environmental DPA protections and so can be said to be under the hat of "conservation". At the heart of this debate is an intrinsic conflict of interest between i) the preserve and protect Trust object and ii) the need for planning staff and "legacy project driven" elected officials to have development potential available. "Build Out" is an unthinkable brick wall if the presumption is growth. How can the planner plan in there is no growth, if there is no accessible development potential? And so nature's interest and the public interest see ever more creative land use planning schemes to develop the Trust Area more densely, one island at a time. Michael Sketch 3305 Port Washington Rd. North Pender Island



Islands Trust

Print Date: Jan-22-2014

Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Shoreline Review	- develop school/community workshop - ON_GOING - develop tri-fold brochure - ON-GOING - develop powerpoint from materials - DONE - develop compiled map of shore features - DONE - investigate incorporating shoreline information into new Gulf Islands app and using QR code for smart phones	Sep-22-2011	Andrea Pickard	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		May-01-2014	On Going
3	LUB Amendments	limited to technical corrections	Oct-31-2013	Andrea Pickard		On Going



Islands Trust

Print Date: Jan-22-2014

Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects:		Jan-22-2009	On Going
	1. View corridor review			
	2. Parks and Conservation area review			
	3. Pedestrian and Cycle paths			
	4. Groundwater protection strategy			
	5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)			
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
6	LUB Amendments	• review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • review of commercial (C1) zoning	Mar-22-2012	On Going

- incorporate TUP's into zoning
- landscape screening review
- review of marine zoning regulations in conjunction with overall shoreline development review
- amendments to permit renewable energy
- review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs
- height exemptions for agricultural or forestry buildings and boat sheds
- 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	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 • Related policy and regulatory options	On Going



Islands Trust

Print Date: Jan-22-2014

Applications w/ Status - North Pender Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2012.1	Michael & Anne Burdett	Dec-21-2012	4606 RAZOR POINT RD Application by Owner in Non-Farm Use in the ALR
Planner: Andrea Pickard			

Planning Status

Status Date: Feb-01-2013

LTC resolution to forward to ALC

Status Date: Jan-22-2013

on Jan agenda

Status Date: Jan-07-2013

staff report completed

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2014.1	Ken Rempel	Jan-07-2014	6909 PIRATES RD To build an "off the grid" green single family home
Planner: Andrea Pickard			

Planning Status

Status Date: Jan-20-2014

on Jan agenda

Status Date: Jan-07-2014

opened file, processed fee, sent to LTC, gave to planner

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

NP-DP-2014.2

Stewart Ross
Millett

Jan-09-2014

4833 BUCCANEERS RD
Anchoring of a swimming float and connecting floating walkway.

Planner: Kim Farris

Planning Status

Status Date: Jan-17-2014

processed application, sent receipt via email and snail mail. Emailed app. pkg. to LTC.

Status Date: Jan-10-2014

signed application and title received

Status Date: Jan-08-2014

incomplete application emailed 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: Andrea Pickard			

Planning Status

Status Date: Jan-09-2013

on hold until ALC application completed

Status Date: Nov-09-2012

Application sent to Local Trustees and Planner

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: Dec-18-2013

Site visit schedule with Regional Agrologist

Status Date: Oct-23-2013

staff report prepared for October agenda

Status Date: Sep-09-2013

Farm Plan Received

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 debris, and sorting & recycling & transfer of materials & garbage).

Planner: Andrea Pickard

Planning Status

Status Date: Jul-08-2013

geotech report rec'd

Status Date: May-01-2013

hydrologist report rec'd

Status Date: Mar-08-2013

direction to proceed with more information requested from applicant

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

Planner: Andrea Pickard

Planning Status

Status Date: Sep-17-2013

letter sent to applicant regarding information required

Status Date: Sep-03-2013

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

Status Date: Aug-14-2013

Preliminary report prepared for August LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.5	Richard Wey & Associates	Apr-15-2008	6621 HARBOUR HILL DR (TWA): To Create 15 lots

Planner: Andrea Pickard

Planning Status

Status Date: Jan-06-2014

PLA extension requested

Status Date: Dec-20-2012

groundwater report rec'd

Status Date: Mar-30-2012

DFO confirmed file is closed

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.1	Richard Wey & Associates Land Surveying Inc Planner: Andrea Pickard	May-16-2011	4606 OAK RD & 4602 OAK RD Boundary adjustment

Planning Status

Status Date: Oct-23-2013

file closure letter sent - to close Nov 29

Status Date: Feb-27-2012

DP approved

Status Date: Jan-10-2012

DP application rec'd - xref NP-DP-2012.1

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

Planning Status

Status Date: Oct-17-2012

PLA issued

Status Date: Sep-17-2012

response sent to MOTI

Status Date: Sep-06-2012

File forwarded to Planner

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

Planning Status

Status Date: May-29-2013

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

Status Date: Apr-11-2013

PLA received from MOTI

Status Date: Feb-26-2013

fees received, SD review drafted

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2014.1	Colliers Internation Consulting	Jan-02-2014	6901 SHARK RD To operate cabin rentals for less than 30 days and host events.
Planner: Andrea Pickard			

Planning Status

Status Date: Jan-20-2014

preliminary report on Jan agenda

Status Date: Jan-02-2014

Opened file, processed fees, sent to LTC, requested mailing list from mapping.

Islands Trust
 LTC EXP SUMMARY REPORT F2014
 Invoices posted to Month ending December 2013

650 North Pender	Invoices posted to Month ending December 2013	Budget	Spent	Balance
65000-650	LTC "Trustee Expenses"	1,500.00	1,299.84	200.16
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	2,510.92	1,489.08
65210-650	LTC - Local Exp - APC Meeting Expenses	1,000.00	60.54	939.46
65220-650	LTC - Local Exp - Communications	500.00	102.86	397.14
65230-650	LTC - Local Exp - Special Projects	2,000.00	1,300.00	700.00
65240-650	LTC - Local Exp - Miscellaneous	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>8,000.00</u>	<u>3,974.32</u>	<u>4,025.68</u>
Projects				
73001-650-4004	North Pender Shoreline Protection	5,000.00	1,915.21	3,084.79
73001-650-4018	North Pender Subdivision Review	4,000.00	3,097.99	902.01
TOTAL Project Expenses		<u>9,000.00</u>	<u>5,013.20</u>	<u>3,986.80</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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

From: Clare Frater
Sent: Tuesday, January 07, 2014 11:41 AM
To: Trustees; Staff
Subject: Grant Notification: Healthy Communities Capacity Building Grants

Dear Trustees and Staff,

BC Healthy Communities has announced two Capacity Building grants for local governments. (Deadline for Applications: March 14, 2014. Projects must be completed by March 31, 2015.)

The overarching goal of the Healthy Communities Capacity Building Grant is to support local governments to create the conditions that enable the health and well-being of B.C. citizens and communities. The grants support local government learning about the community context for health and well-being, partnership development between sectors, collaborative priority setting for health and well-being in local planning and policy, and innovative action to influence local health outcomes.

Funded activities should address one or more of the following focus areas:

- Leadership for health and well-being in community planning and policies
- Multi-sector partnership development for health and well-being
- Increasing health and well-being of local priority populations
- Increasing physical activity
- Increasing healthy eating and food security
- Planning for a healthy built environment (e.g. healthy transportation networks, neighbourhood design, healthy housing)

Two streams of funding are available:

Stream One: Learn and Connect

Grants (up to \$5,000) are available for local governments to engage in the development of healthy community partnerships across sectors, to learn about conditions that support health and well-being, to identify and plan for local health and well-being priorities, and to develop opportunities and leadership for action.

The list of projects funded last year may provide ideas: <http://planh.ca/training-support/funding> (scroll down). Last year they received 148 applications and funded 66.

Eligible Expenses: Hosting costs for healthy community events (e.g. travel expenses, catering, venue, facilitation), travel expenses related to attending healthy community partnership meetings/ events, and facilitation/coordination of learning or planning processes

The Grants Administration Policy does not apply as the amount is \$5000 and under. Multiple applications may be submitted.

Stream Two: Innovate

Grants (up to \$20,000) are available to support local governments in the undertaking of leading-edge, collaborative action to address local conditions that influence health and wellbeing. Applications must demonstrate shared leadership across more than one sector (e.g. local government, health authority, school district, community organizations) as well as

the potential for advancing solutions by expanding reach and impact over time, and generating insights that can be shared across communities. Applicant communities must have already undertaken some capacity building activities (e.g. partnership development, learning, priority setting, or initial planning) to develop shared leadership for health and well-being.

The Grants Administration Policy does apply as the amount is over \$5000 and only one application may be received from Islands Trust. Accordingly, expressions of interest are due to me by January 14.

Eligible Expenses: Staff cost, consultant fees, project / process materials and expenses (e.g. supplies, catering, venue, etc.), communications materials

Website: <http://planh.ca/training-support/funding>

Application Guide: http://planh.ca/sites/default/files/hccb_grant_application_guide.pdf

Please contact your island planner or regional planning manager to discuss potential projects. Until a new Grants Manager is in place, I will assist with liaison with the funder. If a grant is awarded, the financial administration of the grant will be handled through Administrative Services.

Happy New Year!

Clare Frater
Policy Analyst
Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Phone: (250) 405-5192
Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

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

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

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

Date January 9, 2014 File Number NP 3050-20-05 (APC)

To North Pender Island Local Trust Committee

From Sharon Lloyd-deRosario
Legislative Clerk
Local Planning

Re North Pender Island Advisory Planning Commission Terms

This memo is to inform you that Valerie Butcher, Sharon Card, Bob Erho, Amanda Griesbach, Marika Kenwell, Julie Roper, Reg Smith and Marion Thomson's appointments expire on February 28, 2014.

Your options for appointing APC members are:

1. Re-appoint members

Staff sends a letter to the present APC members asking if they would be interested in to serving another term.

2. Advertise an Expression of Interest for APC Members

Advertise an Expression of Interest.

The LTC may also direct staff to send a letter thanking the current members and invite them to re-apply.

Excerpt from APC Bylaw:

- (c) The Local Trust Committee shall by resolution appoint members to serve up to a one year term commencing March 1.

I look forward to your direction on this matter.

pc Andrea Pickard, Planner