



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 9:45 A.M., THURSDAY, FEBRUARY 28, 2013 AT THE PENDER ISLAND COMMUNITY HALL (LOUNGE), 4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, B.C.

***Approximate** time is provided for the convenience of the public only and is subject change without notice.

	Page #	*Approx. Time*
1. CALL TO ORDER		9:45 am
2. APPROVAL OF AGENDA		9:45 am
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING		
3.1 Proposed Bylaw No. 192 (Road Designation)		
4. PUBLIC HEARING		
4.1 Proposed Bylaw No. 192 (Road Designation)		
5. PREVIOUS MEETINGS		11:00 am
5.1 Local Trust Committee Minutes for adoption		
5.1.1 Minutes of January 31, 2013 Local Trust Committee Business Meeting (attached)	1	
5.2 Public Hearing Records and Community Information Meeting Notes to be Received		
5.2.1 Notes of January 31, 2013 Community Information Meeting (attached)	12	
5.2.2 Record of January 31, 2013 Public Hearing (attached)	16	
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission/Task Force to be received - none		
6. BUSINESS ARISING FROM THE MINUTES		11:05 am
6.1 Follow-up Action Report (attached)	20	
7. DELEGATIONS – none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>	11:10 am
8.1	M & L Thomson letter dated February 4, 2013 re: Short Term Vacation Rentals	23
8.2	A. Pickard letter dated February 13, 2013 re: Area Farm Plan for Pender Islands	24
8.3	Z. Staar letter dated February 18, 2013 re: PCT – Final Funding Report & Request for Disbursement	25
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	11:20 am
9.1	NP-DVP-2012.5 (Aronowicz c/o Wiebe) (attached)	30
9.2	NP-RZ-2013.1 (Henshaw) (attached)	66
9.3	NP-RZ-2012.2 (Clam Bay Farm) (attached)	76
10.	LOCAL TRUST COMMITTEE PROJECTS	1:00 pm
10.1	Road Designation Project - Proposed Bylaw No. 192 (OCP Amendment) for further consideration (attached)	88
11.	REPORTS	1:10 pm
11.1	Work Program Reports – for information	
11.1.1	North Pender Island Local Trust Committee Work Program - Report dated February 2013 (attached)	92
11.2	Applications Report – for information	
11.2.1	North Pender Island Applications Report dated February 2013 (attached)	95
11.3	Bylaw Enforcement	
11.4	Expense/Budget Reports	
11.4.1	Trustee and Local Expense Report - none	
11.4.2	Local Trust Committee Budget 2012/2013 (attached)	100
11.5	Adopted Policies and Standing Resolutions (attached) – for information	101
11.6	North Pender LTC Web Page (attached) – for discussion	102
11.7	Chair’s Report	1:20 pm
11.8	Trustee Report	
12.	OTHER BUSINESS	
12.1	Upcoming Meetings	
12.1.1	Business at 9:45 a.m., Thursday, March 28, 2013 at Pender Island Community Hall - Upstairs	
13.	TOWN HALL MEETING	1:30 pm

- | | | |
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| 14. | MOTION TO CLOSE MEETING
THAT, pursuant to Section 90(a) and (f) of the Community Charter, the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting November 29, 2012 North Pender LTC In Camera Minutes and to consider Advisory Planning Commission appointments; and further that staff and Recording Secretary remain present.(distributed under separate cover) | 1:45 pm |
| 15. | RECALL TO ORDER
15.1. Rise and Report from Closed Meeting | 2:00 pm |
| 16. | ADJOURNMENT | 2:05 pm |

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, JANUARY 31, 2013, AT 9:45 AM
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

PRESENT:	Gary Steeves	Local Trustee
	Ken Hancock	Local Trustee
	Peter Luckham	Chair
	Andrea Pickard	Island Planner
	Zorah Staar	Recording Secretary

There were twenty-five (25) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:52 am, acknowledging that we were gathering on traditional Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- to add 5.1.2 for January 26, 2013 Local Trust Committee minutes;
- to add 5.2.1 for January 26, 2013 Community Information Meeting notes;
- to add 5.2.2 for a January 26, 2013 Public Hearing Record;
- to add new Staff Memorandums for existing items 9.3, 10.1, and 12.3;
- to add a January 30, 2013 letter re: mining (discussed under 6.1).

Trustee Steeves noted that the applicant for item 9.2 (NP-DVP-2012.5 – Wiebe) had requested a deferral to the next meeting; the Trustees agreed.

Resolution NP-LTC-01-13

It was Moved and Seconded that agenda item 9.3 (NP-DVP-2012.5, Wiebe) be removed from today's agenda, and that the matter be deferred until the February 28, 2013 Local Trust Committee Business Meeting agenda.

CARRIED

The amended agenda was adopted by consensus.

2.2 Questions from Public on Agenda Items

Some community members wanted to speak about item 9.2 (NP-ALR-2012.1, Burdett), before any decision. The Trustees and Planner Pickard described the preliminary nature of the referral decision on the agenda (see 9.2 below), and said that comments would be welcome during the Town Hall session (item 13.).

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of November 29, 2012 Local Trust Committee Business Meeting

The November 29, 2012 minutes were adopted by consensus.

5.1.2 Minutes of January 26, 2013 Local Trust Committee Special Meeting

The January 26, 2013 minutes were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Notes of January 26, 2013 Community Information Meeting

The January 26, 2013 Notes were amended on page 1, first paragraph, to change the meeting opening time to 11:05 am to 12:23 pm; and on page 4, Schedule 4 comments, second paragraph, to delete the final point (beginning with “and that the CRD...”).

Resolution NP-LTC-02-13

It was Moved and Seconded that the Community Information Meeting Notes of January 26, 2013 be adopted as amended.

CARRIED

5.2.2 Record of January 26, 2013 Public Hearing

The January 26, 2013 Public Hearing Record was received by consensus.

5.3 Section 26 Resolutions-without-meeting

There had been one Resolution-without-meeting, to request that the Executive Committee authorize a letter from the Chair re: mining (see 6.1 below).

5.4 Advisory Planning Commission/Task Force Minutes

5.4.1 Minutes of January 14, 2013 Advisory Planning Commission Meeting

The January 14, 2013 Advisory Planning Commission minutes were received for information, with appreciation to the Commission Members for their service during the term ending soon. Current APC Members and any other persons were encouraged to express interest in serving during the upcoming term.

Trustee Steeves also noted that he appreciated APC minutes with individual comments by Members.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the Follow-up Action Report. The Planner was asked to check again about the status of item 1 (NP-DVP-2010.3).

Regarding item 22, Trustee Steeves noted the January 30, 2013 letter from the Islands Trust Chair requesting that the province reserve the Islands Trust Area from the staking of mining claims. Trustee Steeves would now share this letter with media.

7. DELEGATIONS

Chair Luckham noted that community members who had an issue to bring before a monthly Local Trust Committee meeting could ask (at least 9 or 10 days in advance) to be added to the agenda as a Delegation. People could also go to the Islands Trust website and register to receive emails about upcoming meetings and other materials.

8. CORRESPONDENCE

8.1 Short Term Vacation Rental 2013 – Note from T. Lonergan and Islanders

Tania Lonergan had forwarded a petition signed by herself and other islanders, asking that the Local Trust Committee re-instate short term vacation rentals (STVR's) as an acceptable use, with a regulatory process.

Trustee Hancock noted that a number of the petition signatures appeared to be not local, illegible, from South Pender, or from people's children. The Trustees further confirmed that there was already a Temporary Use Permit process available for STVR owners who wanted to try to legalize this use of their property, and that such an application would bring the issue onto the Local Trust

Committee agenda. In the absence of this, the Work Program had many longstanding issues to be dealt with first. See also item 11.1 below.

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-TUP-2012.2 (Mainroad Properties Inc.)

Planner Pickard reviewed the January 16, 2013 Staff Report commenting that NP-TUP-2012.2 (Mainroad Properties Inc.) was an application by the highways contractor for a Temporary Use Permit; that this was to replace and upgrade their salt shed, and to allow other existing and proposed industrial uses; that there were no submissions or calls in response to the notice; and that the proposed permit addressed environmental and screening issues.

Resolution NP-LTC-03-13

It was Moved and Seconded that the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2012.2 as follows:

1. revise paragraphs 1, 3, 4 and 5.(a) to include Schedule B.;
2. revise clause 5.(f) to insert the words “planted and maintained” after the words “must be”; and
3. revise Schedule B to replace “Western Cedar” with “Leylandii Cypress”.

CARRIED

Resolution NP-LTC-04-13

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2012.2 (Mainroad) as amended, for a period of three years.

CARRIED

9.2 NP-ALR-2012.1 (Burdett)

Planner Pickard reviewed the January 7, 2013 Staff Report and commented that NP-ALC-2012.1 (Burdett) was an application for non-farm uses in the Agricultural Land Reserve (ALR); that such applications required approval by the Agricultural Land Commission (ALC), but were initially submitted to the Local Government, for referral to the ALC by resolution; that the requested non-farm uses in this case were a proposed waste transfer station and composting on an industrially-zoned portion of the property at 4606 Razor Point Road, and also a public trail along the property boundary with Hamilton and Bedwell Harbour Roads; and that the ALC process did not provide for public consultation, but people could write to them.

The Trustees commented as follows: that they had read all the submissions and heard other comments to date on this application, including opposition to any referral to the ALC; that the ALC, with their expertise, was the appropriate body

to decide if the proposed non-farm uses were appropriate for this property; that it was important and useful to find out the ALC's position, because a negative response would remove the need for a complex rezoning debate; that if the ALC did approve the non-farm uses, there would still have to be a future rezoning application to the Local Trust Committee which may or may not be approved; and that this rezoning application would involve notification of the community, and a Community Information Meeting and Public Hearing for public consultation.

Resolution NP-LTC-05-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to forward the non-farm use application NP-ALC-2012.1 (Burdett), to the Agricultural Land Commission for consideration of the following non-farm uses:

- The transfer, storage and shipping of discarded goods and materials;
- The in-vessel composting of organic waste; and
- Dedication of a 3 metre wide trail adjacent to Hamilton and Bedwell Harbour Roads.

CARRIED

9.3 NP-DVP-2012.5 (Aronowicz c/o Wiebe)

See 2.1 above re: deferral of this application to the February 28, 2013 meeting.

9.4 Salt Spring Island Bylaw No. 465 Referral

9.5 Salt Spring Island Bylaw No. 466 Referral

Planner Pickard reviewed the two Bylaw Referral Forms from the Salt Spring Island Local Trust Committee, regarding their Proposed Bylaws No. 465 and 466 (pertaining to amending a Land Use Contract and zoning for a particular property).

Resolution NP-LTC-06-13

It was Moved and Seconded that Staff be directed to inform the Salt Spring Island Local Trust Committee that the interests of the North Pender Island Local Trust Committee are unaffected by Proposed Bylaws No. 465 and 466.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 NP-OCP-2011.1 and NP-LUB-2011.1 (Sidney Island)

10.1.1 Proposed Bylaw No. 187 (LUB Amendment)

10.1.2 Proposed Bylaw No. 188 (OCP Amendment)

Planner Pickard reviewed the Staff Memorandum dated January 29, 2013 and commented that Proposed Bylaws No. 187 and 188 would amend the North Pender Associated Islands Land Use Bylaw and Official Community Plan, in relation to Sidney Island; that there had been a January 26, 2013 Community Information Meeting and Public Hearing in this regard; and that community members had made suggestions for further revisions to the Bylaws.

The Trustees discussed these suggestions, which included referring to the Sidney Island Statutory Building Scheme, increasing the proposed maximum dwelling size (to match James Island), and using a different name for sloped "Hazard Lands" (all supported), and also a suggestion to decrease the boundaries of the related Development Permit Area (not supported).

Resolution NP-LTC-07-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011", Schedule 1, be amended by adding a seventh point to the list, for Sidney Island Properties, that the proposal would be in keeping with the Purpose of the Statutory Building Scheme particularly as it relates to the preservation of the natural environmental attributes and aesthetic values, and the visual impacts of development.

CARRIED

Resolution NP-LTC-08-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011", Schedule 4 and Schedule 6, be amended by changing the name from Sidney Island Hazard Lands Development Permit Area to Sidney Island Geotechnical Development Permit Area.

CARRIED

Resolution NP-LTC-09-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as "North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011", be amended by replacing 375m² (4,036ft²) with 465 m² (5,005ft²) in clause 54 which restricts the maximum floor area of a single family dwelling.

CARRIED

Resolution NP-LTC-10-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, as amended be given Third Reading.

CARRIED

Resolution NP-LTC-11-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Resolution NP-LTC-12-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011”, as amended be given Second Reading.

CARRIED

Resolution NP-LTC-13-13

It was Moved and Seconded that the North Pender Island Local Trust Committee to proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011”, be given Third Reading.

CARRIED

Resolution NP-LTC-14-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011” be forward to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Resolution NP-LTC-15-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189 cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011” be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

10.2 NP-6500-20 (Road Designation)

Planner Pickard referred to the Staff Report dated January 8, 2013, and commented that this report attached a draft Bylaw No. 192 to amend the Official Community Plan Road Classification Schedule; this had been requested by the Moving Around Pender Alternative Transportation Society, to designate the Magic-Ferry bicycle-walking route, and show the existing Car Stop Network; and that 10 more car stop locations might be ready to add before the Bylaw approval process was completed (as described).

Resolution NP-LTC-16-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Draft Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012” be given First Reading.

CARRIED

Resolution NP-LTC-17-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting and a Public Hearing for Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”, as part of a regularly scheduled Local Trust Committee meeting.

CARRIED

Resolution NP-LTC-18-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to run an additional advertisement for the Community Information Meeting and Public Hearing in the local Pender Post newspaper.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

Further re: item 8.1 on Short-Term Vacation Rentals (STVR's), the Trustees commented about this being a neighbourhood issue, requiring the kind of neighbourhood approval and conditions which could be applied through the existing Temporary Use Permit process (if an STVR owner chose to apply for a TUP). There were various Land Use Bylaw changes on the Work Program that had been waiting years to be addressed. There were no changes to the Work Program.

11.2 Applications Report

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

11.3 Bylaw Enforcement

11.3.1 Signs Enforcement

Planner Pickard noted the Staff Report dated December 18, 2012, regarding Enforcement Options to Remove Illegally Located Signs.

Trustee Steeves said that he was meeting with the Ministry of Transportation & Infrastructure next week, whose staff were currently researching safety issues arising from roadside signs.

Resolution NP-LTC-19-13

It was Moved and Seconded that the recommendations in the sign enforcement Staff Report dated December 18, 2012, be held in abeyance until further notice from the Local Trust Committee.

CARRIED

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report

11.4.2 Local Trust Committee Budget 2012/2013

Trustee Hancock said that there would be more expenditures added for the fiscal year ending March 31, 2013 (e.g. Shoreline Protection Project).

11.5 Adopted Policies and Standing Resolutions Report

For information

11.6 North Pender LTC Web Page

Planner Pickard noted that materials regarding the Agricultural Land Reserve application NP-ALR-2012.1 (Burdett) were now on the Islands Trust website.

11.7 Chair's Report

Chair Luckham commented that the next Islands Trust Council meeting was on Thetis Island on March 4, 5 and 6, 2013. This would include discussion of the annual budget, which had been kept to an essential cost of living increase, and on which public input was invited.

11.8 Trustee Reports

Trustee Steeves commented that on March 2, 2013, there was a Pender Conservancy event about Pender shorelines; that the Nature Conservancy of Canada (NCC) was having upcoming work parties on James Island; that the NCC was also being asked to assist with preservation of the Hunt watershed property on Pender; and that the Ministry of Transportation & Infrastructure was supporting the Hooson Road speed limit reduction and corner restoration.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, February 28, 2013, (9:45 am, Community Hall Lounge).

12.2 Advisory Planning Commission – Expiration of Appointments

Resolution NP-LTC-20-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to pursue options 1 and 2 in the Staff Memorandum (regarding Advisory Planning Commission appointments).

CARRIED

12.3 National Marine Conservation Area – Exclusion Zones

Resolution NP-LTC-21-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request Staff to bring back a report on Parks Canada's proposed National Marine Conservation Area boundaries for North Pender Island (specifically the three marinas), along with any recommendations for community consultation.

CARRIED

12.4 Pender Island Conservancy – Shoreline Series

On March 2, 2013, the Pender Island Conservancy Association was organizing two field sessions about North Pender and South Pender shorelines, with a visiting expert.

13. TOWN HALL MEETING

Bill Gannon commented in opposition to application NP-ALR-2012.1 (Burdett), saying that the Official Community Plan provided that industrial uses with a deleterious effect on adjacent land uses would not be permitted.

Oliver Gannon said that the foregoing application would involve a waste transfer station 100 feet from the seashore.

The Trustees repeated that NP-ALR-2012.1 (Burdett) was simply a referral to the Agricultural Land Commission, which (if successful) would have to be followed by a rezoning application with full public consultation.

Linda Gannon asked about a buffer zone for smell, around a waste transfer station.

Trustee Steeves said that this would be considered during a rezoning application.

Ron Henshaw asked about the materials forwarded to the Agricultural Land Commission (ALC) for NP-ALR-2012.1 (Burdett), and said that he felt the Staff Report implied the land was more disturbed than it actually was, and also that the report should have been more neutral about composting.

The Planner and Trustees said that the ALC would be sent the Staff Report and other professional reports, but that they had their own records and expertise, and would be doing a site visit.

Sara Steil commented as follows: that it was good for the Magic-Ferry Trail to be for cyclists and walkers, and not to include horses or all-terrain vehicles (like the Trans-Canada Trail); and that regarding the National Marine Conservation Area, the negative environmental impacts of marinas extended far beyond their immediate area.

14. ADJOURNMENT

The meeting was adjourned by consensus at approximately 1:56 pm.

RECORDER

CHAIR

**NOTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON JANUARY 26, 2013 AT 11:00 AM
AT THE MARY WINSPEAR CULTURAL CENTRE AT SANSCHA,
ROOM 4, 2243 BEACON AVENUE, SIDNEY, BC**

PRESENT:	Peter Luckham	Chair
	Gary Steeves	Local Trustee
	Ken Hancock	Local Trustee
	Robert Kojima	Regional Planning Manager
	Andrea Pickard	Island Planner
	Kathy Gilbert	Recording Secretary

Chair Luckham opened the meeting at 11:05 am stating that the purpose of the Community Information Meeting was to have staff present a synopsis of the bylaws and answer questions of a technical nature from members of the public. He stated that the Community Information Meeting (CIM) would be followed by the formal Public Hearing.

Planner Pickard expressed staff's appreciation to the Strata Council for disseminating information to property owners.

Planner Pickard reviewed the legislative context for work that the Islands Trust does (eg – Official Community Plans (OCPs) and Land Use Bylaws (LUBs) vs. the Capital Regional District (CRD), which has responsibility for other local government functions, such as public works.

A brief explanation of who the elected officials are and elector rights followed.

Planner Pickard described the difference between an OCP and an LUB.

Bylaw 187 will amend the North Pender Associated islands Land Use Bylaw 148.
Bylaw 189 will amend the North Pender Associated Islands Official Community Plan Bylaw 147.

Planner Pickard outlined the timeline and general course followed for the amendments and noted the following:

- the process commenced in the spring of 2011;
- as a result of public input at the Sidney Island AGM changes to the proposed bylaws had been made;
- highlights included changes to the proposed Hazard Lands Development Permit Areas (DPAs) into two areas with different exemptions for vegetation removal and introduction of an OCP policy for regulating maximum size for single family dwellings and obtaining a variance,

Planner Pickard then outlined the principal changes contemplated by Bylaw 187 (the LUB amending bylaw):

- adding uses allowed in the Commercial Service 3 zone to legalize the community building on Sidney Island;
- clarifying the lot coverage for common property applies to the zoning boundary;
- increasing the maximum number of dwellings permitted on common property to two and that one could be attached to a community building ;
- allowing a storage building to be constructed prior to a single family dwelling with related regulations;
- limiting the maximum floor area for a single family dwelling;
- limiting the storage of recreational vehicles no longer being used as a dwelling prior to construction of a dwelling, consequential cross reference changes to the numbering of sections in the “parent” Bylaw Number 148;
- mapping changes include zoning the LTC covenant areas as a conservation zone to reflect present land uses and to better align with the registered covenant .

Chair Luckham opened the floor to questions about the proposed changes.

Members of the public asked for clarification on the status of the covenant if the amending bylaw is adopted.

Staff and Trustee Steeves noted:

- that the covenant will remain in place
- the boundaries of the covenant area are the same as reflected in the mapping changes to the LUB;
- that the language in the proposed LUB does not match the wording in the covenant because the two documents fall under different legislation (the covenant under the *Land Title Act* and the zoning amendment under *the Local Government Act*);
- that both the covenant and the amending bylaw will apply to the properties following adoption of the amending bylaw;
- that neither the Islands trust Fund nor the Local Trust Committee covenants will change following adoption of the amending bylaw.

Chair Luckham introduced Bylaw 189, a proposed amendment to the OCP and turned the floor over to Planner Pickard to provide a synopsis of the bylaw.

Planner Pickard summarized each schedule to the amending bylaw.

Schedule 1: will provide guidelines in the event an application is received to vary the maximum floor area that will be provided for in LUB amending Bylaw 187.

Schedule 2: Will update the Temporary Use Permit (TUP) language in the OCP to reflect legislative changes in the *Local Government Act*.

Schedule 3: Will remove Sidney Island from the existing development permit area (DPA) that applies to all of the Associated Islands, and replace that DPA with two new ones identified in Schedules 4 and 5.

Schedule 4: Will introduce a new Hazard Lands Development Permit Area and the earlier draft has been changed by dividing it into two sections to reflect the different topographic and geotechnical considerations between the steep area and the upland level areas. Specific guidelines are included, together with identification of where development may take place; and exemptions from the requirements for a DPA. The DPA boundary is based on the existing geotechnical covenant.

Schedule 5: Will update the DPA provisions for land located within 15 metres of the sea to address impacts to the natural environment only.

Schedules 6-8: Are map amendments to reflect the proposed Hazard Land DPA and also the same LTC covenant areas to amended in the Land Use Bylaw by designating them as Resource Conservation..

Chair Luckham opened the floor for technical questions on each schedule.

Schedule 1: A discussion took place regarding the origin and implications of the 375 m² (4036 ft²) floor area for a single family dwelling, proposed for introduction into the LUB. Points raised included:

- Islands Trust staff's examination of the Sidney Island strata bylaw maximum floor area, experience that most homes on Sidney Island have been more modest in size and a review of recent building permit applications to identify the range of single family dwelling sizes. It was noted that the proposed 375 m² maximum size for Sidney Island is one of the most restrictive sizes in the area. Owners commented that the strata bylaw allows for a much larger maximum floor area. No building recent permit applications showed a floor area of greater than 186 m² (2000 ft², with one exception.) Some residents provided additional examples of homes larger than 186 m².
- Maximum floor area provisions include the floor area of all indoor living space but excludes area used for cisterns.
- As more people make Sidney Island their permanent residence, house size will likely rise.
- The maximum floor area can be reviewed on an as-needed basis, not just as part of an overall review of the bylaws, typically done every 5-10 years.
- Most local governments regulate the size of single family dwellings by various means including through setback requirements, maximum floor space ratio, site coverage limits and maximum floor area.
- The CRD is responsible for issuing building permits; however applications are referred to the Islands Trust to examine compliance with LUB and OCP requirements.
- Consideration of the ecological footprint of buildings, use of resources, lack of infrastructure on Sidney Island and cultural preference toward smaller homes / cabins.

- That the development variance permit (DVP) process is available to vary the maximum size of a single family dwelling. The process was described, including the opportunity for neighbours to provide input on the requested variance.

Schedule 2: No comments

Schedule 3: No comments

Schedule 4: A discussion took place on whether the new policies and regulations will result in greater simplicity for property owners. Staff recommended that owners approach the Islands Trust early on in their construction planning process to identify Islands Trust requirements and direct owners to other agencies whose approval may be required. Staff stated that the new policies and regulations should provide for better coordination among agencies, and noted that all agencies' requirements must be satisfied in order for development to proceed.

Members of the public, staff and Trustees discussed the possibility of releasing the covenant once the DPA provisions are in place. It was noted that the Ministry of Transportation and Infrastructure, who required the covenant as part of the subdivision process, does not have the resources to enforce the covenant.

The Islands Trust Bylaw Enforcement staff were identified by staff present as the appropriate individuals who could respond to complaints of non-compliance with Islands Trust bylaws, including the provisions under consideration presently. Bylaw Enforcement staff work with the public to try to address non-compliance issues through means such as applying for a permit to address the non-compliant situation.

Staff reiterated that the boundaries of the proposed DPA match the covenant area. It was noted that the covenant is registered on title; that the DPA is part of a bylaw that owners should research when contemplating development; and that a notice is placed on the title when a development permit (DP) or DVP is issued.

Members of the public and staff discussed the term "hazard lands" as related to the proposed new DPAs adjacent to the sea. Concern was expressed that there may be a stigma attached to the term. Staff and Trustees noted that that term is used in the LGA, so is carried forward into local government bylaw language but that could be changed.

Schedule 5: No comment, although Planner Pickard clarified that Schedule 5 is similar to the existing Shoreline DPA applying to land 15 m upland from the shoreline.

Schedules 6-8: No comment or questions.

Chair Luckham solicited further input from the public; hearing none, he adjourned the meeting at 12:15 pm.

RECORDER

DATE

**RECORD OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING
REGARDING BYLAW NOS. 187 and 189
HELD ON JANUARY 26, 2013 AT 11:00 AM
AT THE MARY WINSPEAR CULTURAL CENTRE AT SANSCHA,
ROOM 4, 2243 BEACON AVENUE, SIDNEY, BC**

PRESENT:	Peter Luckham Gary Steeves Ken Hancock Robert Kojima Andrea Pickard Kathy Gilbert	Chair Local Trustee Local Trustee Regional Planning Manager Island Planner Recording Secretary
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There were approximately fourteen (14) members of the public in attendance.

Chair Luckham opened the meeting at 12:23 pm and advised those present of the purpose of the meeting.

A formal public statement was read by Chair Luckham, pursuant to the *Local Government Act*, regarding the rules of a Public Hearing.

Planner Pickard summarized the statutory requirements of a Public Hearing. She stated that notice was published in the Peninsula News Review as required and identified the agencies, local governments and First Nations to which the bylaws had been referred. Of the twenty-nine referrals, responses were received as follows:

Agricultural Land Commission	No objections
Capital Regional District Building Inspection	Approval Recommended
District of North Saanich	Interests Unaffected
Town of Sidney	No concerns
Tsawwassen First Nation	Interests Unaffected
Islands Trust, Bylaw Enforcement	Interests Unaffected
South Pender Island Local trust Committee	Interests Unaffected

Planner Pickard outlined the provisions of Bylaw No. 187, cited as "North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011," and Bylaw No. 189, cited as "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011."

Planner Pickard stated that one (1) letter had been received as a result of the notification process, expressing general displeasure around the governance structure, rather than providing specific comment on the amending bylaws.

Planner Pickard advised that the amending bylaws will be considered by the North Pender Island Local Trust Committee (LTC) on January 31, 2013, for consideration of Second and Third Readings. Following, the bylaws will be sent to the Islands Trust Executive Committee and Ministry of Community, Sport, and Cultural Development for approval, followed by returning to the North Pender Island LTC for adoption.

Chair Luckham then opened the floor for comments by the public.

Keith Purchase, President of the strata council, thanked staff and Trustees for the process followed to get the bylaws to this point. He noted that the strata council has jurisdiction over only the common property and identified the Islands Trust as having jurisdiction over land use matters related to each strata lot. He commented that the proposed maximum 375 m² (4036 ft²) for a single family dwelling is the most restrictive of those in the local areas.

Geri Van Gyn concurred with the statement made by the previous speaker regarding maximum floor area restrictions and expressed concern that the development variance permit (DVP) process could result in neighbour conflicts. She requested an increase in the allowable maximum to 5000 ft² (464 m²).

Dave Cochlan noted that the proposed 375 m² (4036 ft²) proposed maximum floor area is about half of what the strata bylaws permit, and recommended raising the number.

Fred Anderka agreed with previous comments regarding the maximum floor area. Clarification was provided that the proposed maximum floor area of 375 m² (4036 ft²) applies to only the single family dwelling on a lot, and does not include accessory buildings or structures.

Fred Anderka also commented that some of the lands identified as “hazard lands” are quite flat and stable. He also stated that some of the land disturbance was done by equipment operators, not the land owners, and that the new bylaws will make matters more complicated.

Michael Parfit expressed his appreciation for the bylaw process and stated that he is in favour of all changes except for use of the term “hazard lands,” proposing alternative terminology such as “ecologically sensitive.” He expressed hope that the new bylaws will simplify and clarify processes and will result in better bylaw enforcement.

Rod Dobell offered his appreciation for the work done by the Islands Trust through this process. Echoing previous speakers’ concerns about the language used concerning “hazard lands,” he suggested “vulnerable shoreline lands.” He stated that he agrees with the proposed maximum size of 375 m² (4036 ft²) for single family dwellings, keeping in mind the original vision and purpose stated in the strata bylaws, which contemplated an almost pristine island.

Rob Milne commented on the survey of owners noting that only one (1) respondent supported the proposed 375 m² (4036 ft²) maximum floor area, while seventeen (17) supported a maximum of 750 m² (8073 ft²) and eighteen (18) respondents supported a maximum of 550 m² (5920 ft²). He stated that there may be uncertainty for buyers who purchased property with a certain maximum size restriction, that the maximum might be reduced through the Land Use Bylaw (LUB) and expressed his concern about the message that lowering the maximum through the LUB might be sending.

Vic Johnston supported alternative wording to the term “hazard lands.”

Ross Hedley supported the 375 m² (4036 ft²) maximum floor area proposal, commenting on the recent building permits that have been issued, all but one being for homes smaller than the proposed maximum.

Chair Luckham noting that each person who wished to speak had been given an opportunity to do so; he called a second time for anyone who wished to speak again or for the first time.

Keith Purchase noted that the proposed maximum floor area in the LUB is about half of what is permitted in the strata bylaws.

Dave Cochlan requested removal of Lots 76-79 from the development permit area (DPA) and covenanted area; he stated that the Levelton report on which the covenant is based identified no erosion hazard for those lots.

Planner Pickard reiterated that the DPA boundaries are the same as those in the covenant, but noted that if further studies confirm that there is no hazard, the DPA and covenant can be amended.

Fred Anderka enquired as to the geographic limits of the covenanted area.

Planner Pickard explained that Areas A and B within the DPA pertain to the bank and upland areas respectively and match the covenanted area in aggregate.

Regional Planning Manager Kojima provided a list of the activities, restrictions and permitted exceptions that apply in the two (2) areas.

Mike Parfit noted that vulnerable lands may erode. He suggested using a different term from “hazard lands”, such as “sandbanks.” He further noted that owners and buyers may be negatively affected by the term “hazard lands.”

Staff stated that more detailed study may result in future adjustment of the DPA boundaries.

Trustee Steeves commented on the use of the term “hazard” contained in the *Local Government Act*, and the need to reflect that terminology in bylaws adopted by local government.

Dave Cochlan asked whether the Islands Trust conservation covenant was surveyed and whether it will remain in place following adoption of the amending bylaws.

Staff confirmed that no changes to the Islands Trust conservation covenant will result from these bylaws.

Ross Hedley expressed his support for removing Lots 76-79 from the DPA.

Patricia Angehrn stated that she lives on Lot 77 and it is stable.

Chair Luckham called a third time for submissions from the public. He thanked members of the public for attending and providing their input.

Hearing no further submissions, Chair Luckham declared the Public Hearing closed at 1:06 pm.

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

RECORDER

CHAIR



Islands Trust

Follow Up Action Report w / Target Date

North Pender Island Nov-25-2010

No.	Activity	Responsibility	Target Date	Status
1	Item 10.1 - NP-DVP-2010.3: approve amended permit in principle but issue after confirmation of building permit has been issued Sept 19/12 - Planner to contact applicant and/or building inspection to determine status (done 10/10/12 and 3/1/13)	Kathy Jones Andrea Pickard	Oct-24-2012	On Going

Jul-28-2011

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

May-31-2012

No.	Activity	Responsibility	Target Date	Status
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3	Item 8.1 - Correspondence from PCT: the LTC to purchase a series of reports from Pender Community Transition reporting on their activities, of up to \$400 for the 2012-13 budget year NP-LTC-67-12 - \$100 paid Nov/12 - NROGGERS	Nancy Roggers	Jun-28-2012	On Going
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Nov-29-2012

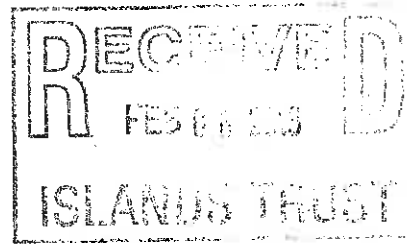
No.	Activity	Responsibility	Target Date	Status
4	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going

Jan-31-2013

No.	Activity	Responsibility	Target Date	Status
5	Item 5.1.1 - Minutes of Nov 29: adopt as drafted	Sharon Lloyd-deRosario	Feb-28-2013	Done
6	Item 5.1.1 - Minutes of Jan 26 - adopt as drafted	Sharon Lloyd-deRosario	Feb-28-2013	Done
7	Item 5.2.1 - CIM Notes of Jan 26: amend start time from 12:23 pm to 11:05 am, and delete comment on pg 4 - adopt as amended	Sharon Lloyd-deRosario	Feb-28-2013	Done
8	Item 5.2.2 - PH Notes of Jan 26: receive as drafted	Sharon Lloyd-deRosario	Feb-28-2013	Done
9	Item 9.1 - NP-TUP-2012.2: issue permit for 3 years as amended	Kathy Jones Andrea Pickard	Feb-28-2013	Done
10	Item 9.2 - NP-ALR-2012.1: forward non-farm application to the ALC for consideration	Andrea Pickard	Feb-28-2013	Done
11	Item 9.3 - NP-DVP-2012.5: application deferred to Feb 28 agenda	Kathy Jones Andrea Pickard	Feb-28-2013	Done
12	Items 9.4 and 9.5 - SSI proposed bylaws 465 and 466: NPILTC to respond their interests are unaffected	Kathy Jones	Feb-28-2013	Done
13	Item 10.1 - Proposed Bylaws 187 and 189: to be amended as proposed in staff memo dated Jan 29	Andrea Pickard	Feb-28-2013	Done
14	Item 10.1 - Proposed Bylaws 187 and 189: give 2nd and 3rd reading to the amended bylaws and forward to EC for approval	Kathy Jones Andrea Pickard	Feb-28-2013	Done
15	Item 10.1.2 - OCP amending bylaw: forward to Ministry of C,S and CD once EC approval is confirmed	Kathy Jones	Feb-28-2013	Done

16	Item 10.2 - Road Designation: give 1st Reading to Draft Bylaw 192	Kathy Jones	Feb-28-2013	Done
17	Item 10.2 - Proposed Bylaw 192: schedule a CIM and PH for the next LTC meeting	Kathy Jones	Feb-28-2013	Done
18	Item 10.2 - Proposed Bylaw 192: run additional advertisement in the Pender Post for the CIM and PH changed to Island Tides due to deadlines	Sharon Lloyd-deRosario	Feb-28-2013	Done
19	Item 11.3 - BEO Report: advise BEO staff to hold recommendations in the staff report dated Dec 18 in abeyance until further direction from the LTC	Geoff Kinnear Robert Kojima	Feb-28-2013	Done
20	Item 12.2 - APC Appointments: Proceed with Options 1 and 2 in the staff report dated Jan 3	Kathy Jones	Feb-28-2013	Done
21	Item 12.3 - NMCA Memo: staff to prepare a report reviewing the relationship of the proposed boundary to the 3 marinas on NPI and recommendations for community consultation Feb 18/13 - GIS shapefiles of excluded areas to be obtained from Parks Canada, will be available in mid-March.	Robert Kojima Andrea Pickard	Mar-21-2013	On Going
22	Item 12.4 - PICA Shoreline Event: Trustees to draft newsletter for distribution to include Shoreline Event notice on one side	Ken Hancock	Feb-28-2013	Done
23	Item 12.4 - PICA Shoreline Event: post the notice on the NP webpage	Kathy Jones	Feb-28-2013	Done

February 4th, 2013



To: Gary Steeves, North Pender Island Trustee
Ken Hancock, North Pender Island Trustee

Re: Short Term Vacation Rentals on Pender Island

We are writing regarding the article 'Demand to reconsider STVR prohibition delivered to Pender local Trust committee' in the February 1st, 2013 edition of The Islands Independent. We were unable to attend LTC meeting on the 31st of January so we are submitting this letter.

The newspaper article states that 550 signatures were gathered in favor of having STVRs on Pender and we are wondering if we know what percentage of those signatures are from Permanent Pender Island residents that declare their Pender home as their primary residence as defined in the BC Property Tax Act.

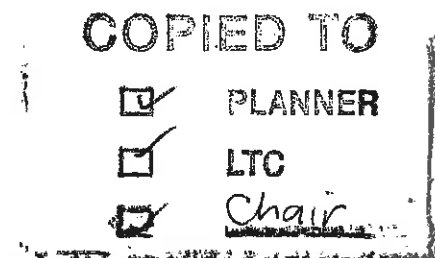
We are also wondering about the stated economic boon that STVRs would bring to the Island. How would they affect the existing operator hosted bed and breakfasts, or existing commercial accommodation facilities. Initially STVRs may seem quaint and a possible quick solution to a currently slow economy, but conversely they may simply turn the island into a 'good investment' for absentee owners while changing the current 'grass roots' residential base into a commercial enterprise.

We believe it would benefit local residents to see a complete proposal that outlines the parameters and economic benefits STVRs would bring to the community. If such a proposal could show that there would be strong benefits not only for the absentee property owner and their renters, but for the wellbeing of our community, then perhaps the issue could be voted on by residents who count their homes on Pender as their primary residence, as stated previously.

At this point we would vote against STVRs believing they could/would leave us living in transient neighbourhoods never really knowing who our neighbours are.

Marian and Lindsay Thomson

Hooson Rd, North Pender





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

File Number: n/a

February 13, 2013

North Pender Island Local Trust Committee and
 Electoral Area Director Howe and Alternate Director Masselink

Via email: npltc@islandstrust.bc.ca, directorsgi@crd.bc.ca, derek@masselinkdesign.com

Dear Sirs,

Re: Area Farm Plan for Pender Islands

The South Pender Island Local Trust Committee has identified the development of an Area Farm Plan as a potential work project for the 2013/14 fiscal year. Due to the close association of the North and South Pender communities, it seems most practical to develop one Area Farm Plan to serve the needs of both islands.

At this time they have directed staff to formally ask the North Pender Island Local Trust Committee and the CRD Electoral Area Director (and Alternate Director) to confirm your interest in collaborating on this project.

If your response is positive the next anticipated step would be to have a preliminary meeting with representatives from the three jurisdictions.

We kindly request you respond by April 3rd in order for the South Pender Island Local Trust Committee to discuss this potential project at their April meeting.

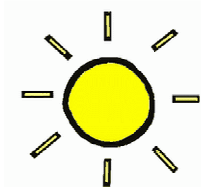
Sincerely

Andrea Pickard
 Island Planner

apickard@islandstrust.bc.ca
 250-405-5189

pc: South Pender Island Local Trust Committee (by email)

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PENDER COMMUNITY TRANSITION (PCT)

** a cooperative alliance for a brighter future **

www.pendercommunitytransition.ca

Coordinator: Zorah Staar, info@pendercommunitytransition.ca
6612 Harbour Hill Drive, Pender Island, BC, V0N 2M1

February 18, 2013 (by email)

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
(Trustees Gary Steeves, Ken Hancock, & Chair Peter Luckham) and
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
(Trustees Elizabeth Montague, Mike Jones, & Chair Ken Hancock)
c/o Island Planner Andrea Pickard (to apickard@islandstrust.bc.ca)

Dear Trustees and Planner:

RE: PENDER COMMUNITY TRANSITION (PCT) FINAL FUNDING REPORT & REQUEST FOR DISBURSEMENT

I am writing to provide a final report for this fiscal year, regarding the \$600 of Islands Trust support which was committed to Pender Community Transition (PCT) for the period ending March 31, 2013. This includes \$400 from the North Pender Island Local Trust Committee, and \$200 from the South Pender Island Local Trust Committee, of which \$100 has already been paid by each Committee (pursuant to our interim October 15, 2012 report).

PCT is a cooperative alliance of Pender people and groups, supporting our community to become more sustainable, while also becoming more locally resilient in the face of challenges like climate change, peak oil (the end of “easy” oil), and global economic instability and other resource challenges. Some key community issues for this are: **energy & emissions**; **local food growing**; and **economic relocation & sustainability**. We are very grateful for the efforts of the Islands Trust and Local Trust Committees on these very same issues!

With support from the Pender LTC’s as well as the CRD, Vancity, Greenangels, and other groups, here are the most recent PCT events organized this fiscal year:

*** November 17, 2012 second annual Pender Energy Action Day:** a chance for Penderites of all ages to hear visiting experts, see fun and informative displays, and explore energy conservation and energy transition, to low-carbon, renewable sources (see attached poster);

*** January 19, 2013 Poultry Raising Workshop:** an afternoon workshop and tour, to support more Penderites raising layer and meat chickens in sustainable ways, as well as heritage turkeys (see attached sample poultry handout from the workshop);

*** February 9, 2013 “Exploring Innovation & Social Enterprise” Event:** a workshop for Penderites to explore innovative paths to a more cooperative, sustainable, economically healthy and resilient community, including social enterprise and other forms of economic relocation (see attached notice, and go to www.pendercommunitytransition.ca/innovation-and-social-enterprise-event for **event notes**, which are a very interesting “temperature taking” of where our community wants to go in future);

* **March 9, 2013 “Nettlefest” Community Celebration & Dinner:** the final upcoming PCT event of the fiscal year, to celebrate the wonders of nettles, local food, and community!

In consideration of Pender Community Transition (PCT) providing this report, we ask that the Pender Local Trust Committees authorize the disbursement to us of the remaining \$400 of the agreed funding amount of \$600. This could include \$300 from the North Pender LTC and \$100 from the South Pender LTC. The cheque can be made payable to the Pender Community Transition Society (the incorporated non-profit Society through which PCT operates) and mailed to the address above.

Thank you once again for supporting Pender’s transition towards a more connected, resilient, low-carbon and Earth-friendly future!

Sincerely,

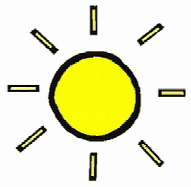
Zorah Staar

PCT Coordinator

PENDER COMMUNITY TRANSITION

(250) 629-3825 or info@pendercommunitytransition.ca

Website: www.pendercommunitytransition.ca



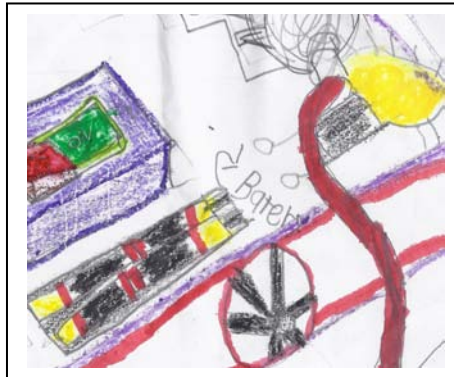
PENDER COMMUNITY TRANSITION (PCT)

** a cooperative alliance for a brighter future **

[*google "Pender" & "Transition" to find out more!](#)

2ND annual ENERGY ACTION DAY !

Contact Zorah
(629-3825)
about energy
stuff to share
or suggest



free event,
kid area,
let's have fun
and inspire
each other!

Saturday, November 17, 2012, 10 am to 3 pm
Pender Islands School Gym (5714 Canal Rd)

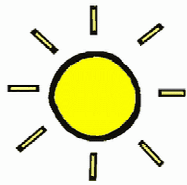
Fun & informative **displays** (including from our kids and various groups), expert & inspiring **speakers**, cool energy **videos**, and lively **networking**! It's about **ENERGY CONSERVATION** (i.e. many ways to need less energy), and **ENERGY TRANSITION** (shifting to resilient, renewable, low-carbon energy sources). Share what you know! Here's the schedule so far...

- 10:30 am** **Cooperative meeting** for any Pender folks/groups interested in energy issues, to give updates & discuss **mutual support**
- 11:30 am** **Doug Green** (www.advancedhomeenergy.ca), Independent Energy Advisor, speaking about **home energy evaluations**
- 12:00 pm** **J. Scott** (www.illuminatesolar.ca), focussing on solar PV & thermal, ductless heat pumps, & available **government grants**
- 12:30 pm** **John McQuaid** (www.waterwindsolar.com), **broad practical expertise** installing solar, heat pumps, wind turbines, etc.

*see **Energy references, tips & skills** at www.pendercommunitytransition.ca

*Thanks to our funders: Pender Local Trust Committees,





PENDER COMMUNITY TRANSITION (PCT)

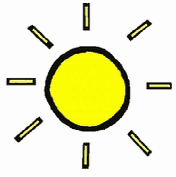
** a cooperative alliance for a brighter future **

* go to www.pendercommunitytransition.ca for more!

Poultry Raising Workshop – References (*subject to your own research*)

- PRESENTERS: Zorah Staar (629-3825, cmzs@shaw.ca); Tracy Calvert (**TOUR AT 9914 Spalding Rd, SP, 629-6930**), & Barb Grimmer/Fir Hill Farm (629-3817, 2310 Grimmer Rd)
- BOOKS: e.g. Storey's Guide to Raising Poultry very useful re: conventional methods; also **new suggestion**: The Small-Scale Poultry Flock by Harvey Ussery; plus you can google "raising poultry the natural way" for different approaches (e.g. chicken tractors, lactic fermenters)
- CHICKS (a few): various heritage varieties – call **Kenta Kikuchi** (629-6283, 2235 Port Wash); for a bigger but highly variable supply of chickens & chicks, try www.usedvictoria.com
- CHICKS (12 to 24): **Whitehouse Stables** (250-656-8701, 9774 West Saanich Rd) is a good supplier for standard dual purpose layers (e.g. Red Sussex Cross - \$3.75 each) or broilers/meat birds (Cornish Rock Giants - \$3.00 each?); plus they have heritage chicks (which cost more \$)
- CHICKS (24 or more ordered at a time): **Integrity Sales** (250-544-2072, 2180 Keating X Rd) or www.ansteyhatchery.ca (mail from Saskatchewan, recommended by Whitehouse); or www.rochesterhatchery.com (see catalogue of regular & heritage choices, reliability?)
- FEED & SUPPLIES: **new suggestion** because organic mash feed is expensive plus birds waste it, try non-GMO Top Shelf pellet feed, not mash (from a Duncan grower), available at Red Barn (250-479-8349, 5550 W. Saanich?); organic feed & other supplies available from **Integrity Sales** (544-2072, 2180 Keating X Rd); or **Buckerfields** (a little more expensive?); but all feed is expensive – we need to figure out how to need less of it (e.g. poultry tractors, growing oats to feed Pender chickens, plus cooked kitchen mash, like they used to do here)
- LOCAL EGGS & MEAT: local stands plus **Tracey Calvert** (629-6930, SP), **Fir Hill Farm** (Barb Grimmer - 629-3817, especially for turkey meat); and **Iona Certified Organic Farm** (Ellen Willingham, 629-6700, eggs & meat); Hope Bay Farm (eggs – 250-629-3770, 4316 Clam Bay)
- DUCKS: more susceptible to predators and they poo everywhere, plus you need pond; try Saanich 4-H duck experts Roxanna & Stephen Thompson (250-479-3245, t.family@shaw.ca)
- SOME KEY POINTS to remember re: **coop & pen building**: predators!; Land Use Bylaw re: permitted uses and required setbacks (Islands Trust, apickard@islandstrust.bc.ca); CRD Building Inspection re: building permit if over 10 x 10 feet or other conditions; crowding; two areas (for new birds coming in); rats & pests; flies; smell; compost, cleaning out, re-purposing
- SOME KEY POINTS to remember re: **chicks & poultry raising**: cleanliness, temperature, water, food, diseases; contamination; egg eating; cannibalism; broody hens & hatching

Pender Community Transition has organized this local food skill-building event, with the support of Vancity, the CRD, and our Local Trust Committees. PCT is a cooperative alliance, helping Pender to become more sustainable and locally resilient. Go to www.pendercommunitytransition.ca for more!



An invitation to all Pender people, families, existing businesses and community groups, and government representatives, including Coast Salish peoples and guests from away!

exploring innovation & social enterprise on Pender

What about some new paths to a more cooperative, sustainable, economically healthy, and resilient community?

key challenges:

- * supporting all residents (in particular young people and families), struggling businesses, and under-resourced community groups
- * responding to the worldwide impacts most likely to affect our community
- * creating, and choosing, local resources to meet our needs (i.e. economic re-localization)

Saturday, February 9, 2013

All welcome, between 10 am and 3 pm – or come when you can!

Pender Community Hall, 4418 Bedwell Harbour Rd

free event, register for a sandwich lunch for a fee (or bring your own)

key questions:

- * What new ways of connecting and cooperating do we need?
- * What innovations could benefit our community and our Earth?
- * What new social enterprises (google it) could also help us?

* **REGISTRATION REQUESTED** so we can plan & offer sandwiches (or come when you can & bring your own lunch!); info@pendercommunitytransition.ca, 250-629-3825 (Zorah Staar)

10 am to noon – opening & guest innovation experts: Colleen McCormick (a dynamic Director of Innovative Partnerships, BC government); Adam Olsen (Tsartlip First Nation, Saanich Councillor & innovative entrepreneur); Rupert Downing (Executive Director, Community Social Planning Council of Victoria), and Toby Joseph (Tsawout First Nation economic development)

12:30 to 3 pm – innovative conversations on the above 3 questions, and your ideas! Helped by fun & effective processes (e.g. Art of Hosting Meaningful Conversations, World Café)

* **hosted by:** Pender Community Transition Society (see www.pendercommunitytransition.ca to learn more), with support from Vancity, the CRD, Southern Gulf Islands Economic Development Commission, Islands Trust (Pender Local Trust Committees), and Greenangels!



Memorandum

Date January 9, 2013 File Number NP-DVP-2012.5
(Aronowicz c/o Wiebe)

To North Pender Island Local Trust Committee
For the meeting of January 31, 2013

From Andrea Pickard, Local Planning Services

Re Reconsideration of Development Variance Permit

At the November 29, 2012 meeting of the North Pender Island Local Trust Committee (LTC) an application for a development variance permit was considered. At that meeting a supplemental report was requested summarizing the chronology of the development, and that the application be referred to the Advisory Planning Commission (APC).

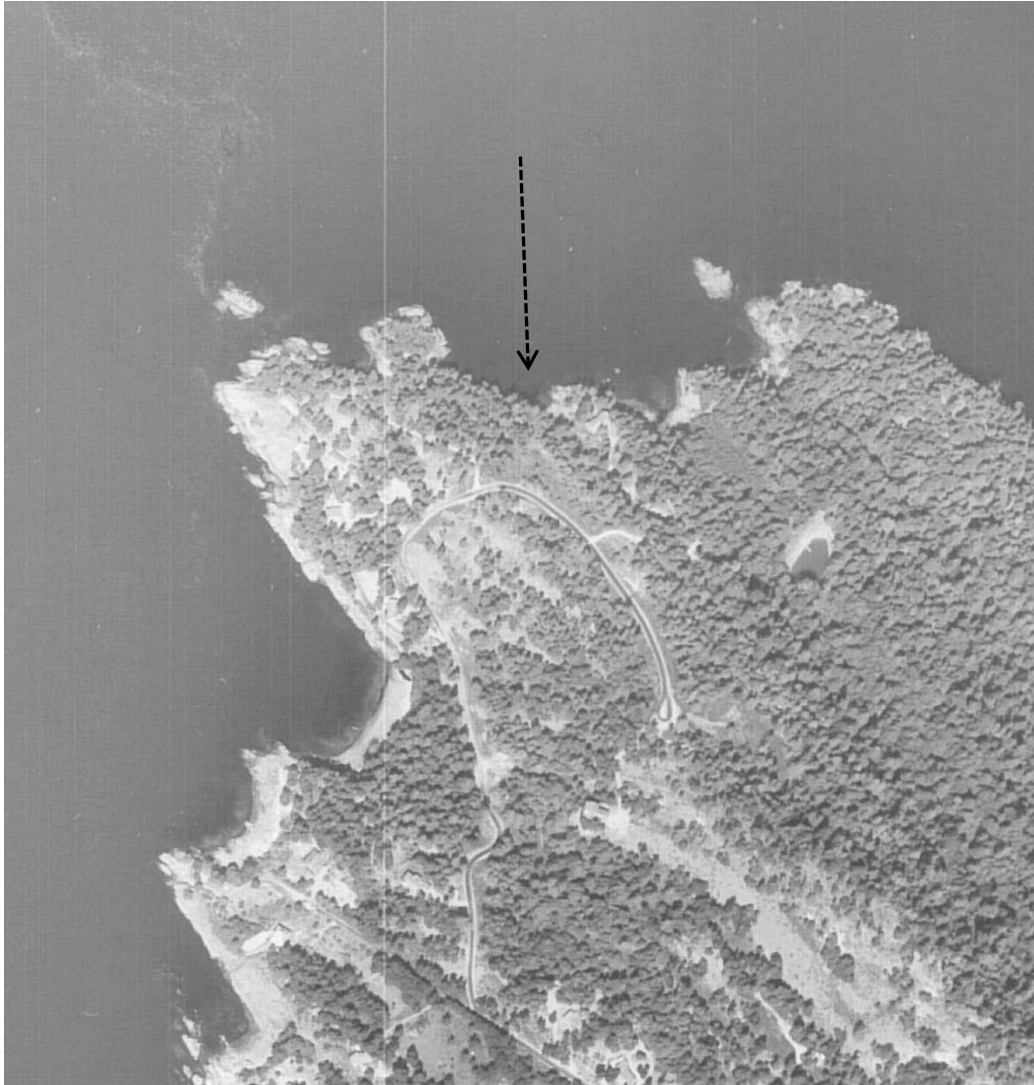
The APC will be meeting to review the proposed development variance on January 14th. Once the minutes from their meeting are received they will be forwarded as a separate item.

Attached to this memo is a copy of the supplemental report on the chronology of the development, the preliminary staff report from the November 29th LTC meeting, and copies of the public submissions that were not included in the staff report.

Although any portion of the deck below the foreshore cannot be considered as part of the variance because it is not a permitted use in the marine zone, this information is provided for your information only. The LTC is reminded that the applicant had provided some late information at the November meeting regarding the foreshore deck/ dock structure. Upon further review staff provided the following information to the applicant.

- *The first bylaws were adopted in 1972.*
- *As of 1972 there was a setback of 10 feet to the rear (the sea on this lot) and docks were permitted in the water zone.*
- *There is no record of a Crown Licence of Occupation prior to the one issued last year.*
- *I reviewed orthophotos we have in our office from July 1975 (scanned copy attached) and there is no evidence of a dock structure nor the foreshore deck. FYI docks are relatively easy to see due to lack of tree canopy.*
- *In order to be legal non-conforming you would need information that speaks to the deck's existence, its dimensions, and that it had been constructed before 1972 and continuously used since then (seasonal at least).*
- *While a lawful non-conforming structure can be maintained, it cannot be increased in any dimension unless approved through a different variance process.*

If you want to pursue this avenue you should explain in writing why you believe non-conforming status should apply and provide more evidence such as dated photos, previous plans, surveys, building permits etc. To be clear for a claim of legal non-conforming status the onus of proof is on the property owner, however we do review records available to us as well. In this case we have no supporting documents to assist you.



pc Robert Kojima, Regional Planning Manager (by email)



Memorandum

Date December 13, 2013 File Number NP-DVP-2012.5
(Aronowicz c/o Wiebe)

To North Pender Island Local Trust Committee
For the meeting of January 31, 2013

From Andrea Pickard, Local Planning Services

Re Supplemental Report related to Chronology of Development

At the November 29, 2012 meeting of the North Pender Island Local Trust Committee (LTC) an application for a development variance permit was considered. At that meeting a supplemental report was requested summarizing the chronology of the development, and that the application be referred to the Advisory Planning Commission.

The following summary does not include details regarding the historical construction of the foreshore deck as more information is still pending to address that specific aspect of the development.

Date/Timeline	Activity/Action	Comment
1971	Original building permit (BP) for approx 1600ft ² home issued – work completed in June 1971.	This date establishes pre-existing non-conforming protection for that building. First zoning bylaw was adopted in 1972
August 2011	CRD alerted to construction activity – current house floor area noted as 2-3 times larger than original BP.	Stop work order issued by CRD, BP application required. Inspector suspects the additions/renovations occurred during the late 1980's- early 90's.
August 2011	Building permit referred to Islands Trust 'to repair the single family dwelling and decks'.	Encroachments into setback area noted included: deck on north side of dwelling, deck on south-west corner of dwelling and a shed. Foreshore deck was not shown on the plan at that time. No building permit to be issued by the CRD until land use violations are resolved.
Sept 2011	Referral received for Crown Licence of Occupation application for the dock structure (walkway and float). No foreshore deck was noted or shown on plan.	No objections noted, the proposal appeared to comply with the Land Use Bylaw although setback and maximum width noted in response. No previous Licence of Occupated had been issued.

Date/Timeline	Activity/Action	Comment
May 2012	Development variance permit application received.	May site visit revealed ongoing upland work, applicant advised the survey needed to be revised to shown additional structures.
July 2012	CRD issued separate stop work order for concrete foundation and deck at the foreshore.	Owner advised to contact Islands Trust for necessary approvals.
July 2012	Bylaw enforcement file created.	July 2012 site visit noted stop work order on dock and additional work in setback.
Sept 2012	Adequate survey received.	Work on application continued, notices prepared for consideration at Nov LTC meeting.

pc Robert Kojima, Regional Planning Manager (by email)
North Pender Island Advisory Planning Commission

STAFF REPORT

November 6, 2012

File No.: NP-DVP-2012.5
(Wiebe)

To: North Pender Island Local Trust Committee
For the meeting of November 29, 2012

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Permit

Owner: Drora Aronowicz
Applicant: Harold Wiebe
Location: 1117 Walden Road, Lot 27, Section 23, Pender Island, Cowichan District,
Plan 27279

THE PROPOSAL:

The purpose of the application is to vary North Pender Island Land Use Bylaw No. 103, 1996 (LUB) regulations for the siting of structures within the required setback to the natural boundary of the sea and to an exterior side lot line. The structures to be considered by the North Pender Island Local Trust Committee (LTC) have been separated into various components, identified below and noted numerically on the site plan:

1. A single family dwelling,
2. A shed,
3. A 'north stone patio', which is located on a point located to the west of the dwelling,
4. A 'main stone patio', which is located immediately south of the dwelling,
5. A 'partially sunken hot tub' located on the main stone patio,,
6. A 'stone pathway and patio', which is located to the south and west of the main patio area and includes two wooden retaining walls and in part a wooden walkway, and
7. A portion of a 'foreshore deck' located upland of the natural boundary of the sea.

1: The Single Family Dwelling:

In August 2011 the CRD referred a building permit for the repair of a single family dwelling and decks. At that time it was noted the dwelling and a shed did not comply with the setback requirements for both an exterior side lot line and the natural boundary of the sea. The northern boundary of the lot abuts road dedication although there is no constructed roadway; a trail to access the foreshore is located on the road dedication.

Upon further investigation it was determined that the house was originally constructed in 1971, however subsequent additions to the house and deck were not issued a building permit and no records were available. In 1972 regulations for a 15 ft setback to an exterior side lot line were adopted and in 1978 a 50 ft setback to the sea was adopted. Due to the difficulty of confirming

what portions of the house would be deemed legal non-conforming or not, consideration of the all of the dwelling within the setback is more appropriate.

The Ministry of Transportation and Infrastructure has confirmed they have no objections or concerns related to the exterior side lot line setback.



Photograph 1: Looking West along Northern Side of Dwelling



Photograph 2: Looking North along Western Side of Dwelling

2: The Shed:

A small shed is located just within the required setback. The shed is approximately 1.1 m by 1.8 m in size and is used for housing a propane tank.



**Photograph 3: The Shed Containing a Propane Tank
(Shed in Distance complies with setback)**

3: The North Stone Patio:

An existing stone patio is located on a point immediately west of the dwelling. The seaward side is protected by a handrail that is 5.8 metres from the natural boundary of the sea. The 'north patio' is accessed by stone steps and sits approximately 3 metres in elevation above the lower, main patio area.



Photograph 4: Approaching the North Stone Patio



Photograph 5: Seaward Side of North Patio with Hand Rail

4: The 'Main Stone Patio' and
5: 'Partially Sunken Hot Tub':

The main patio is a newly installed or reconstructed patio that is located in front of the seaward side of the dwelling and widens out as it extends south from the dwelling. A set of stairs to access the beach connects to this patio, as does the main pathway from the parking area and another pathway headed further south and west addressed separately. There is also a partially sunken hot tub located within the main patio area.



Photograph 6: The Main Stone Patio Looking North



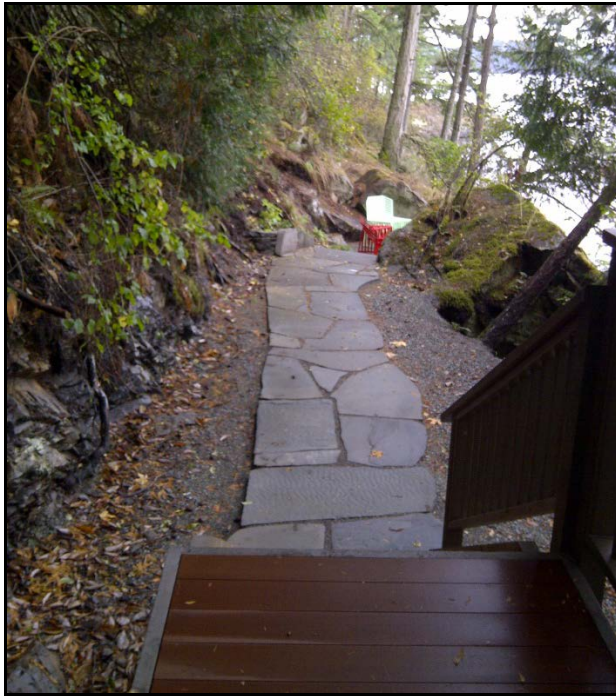
Photograph 7: The Main Patio with the Hot Tub Visible on the Left

6: The 'Stone Pathway and South Patio':

Just beyond the hot tub the patio narrows to become a pathway heading to the south and west roughly parallel to the shoreline. The eastern edge of the pathway includes a wooden walkway with steps down to a stone pathway that continues to the south stone patio. Two wooden retaining walls have been constructed; one adjacent to the wooden steps and pathway and one directly in front of the patio area.



Photograph 8: Wooden Walkway, Looking Westward toward the Main Patio



Photograph 9: Stone Pathway Leading to South Patio



Photograph 10: South Patio and Retaining Wall

7: The 'Foreshore Deck':

The owner applied for a Licence of Occupation of the Crown foreshore for the purpose of installing a dock structure for private moorage. Staff received a referral and had no objections

to the dock as it complied with the North Pender Island Land Use Bylaw (LUB). There has since been a deck constructed that straddles the natural boundary of the sea with the majority of it located on the foreshore. There is a walkway under construction on the left of the photograph below that leads to a ramp that would access the float

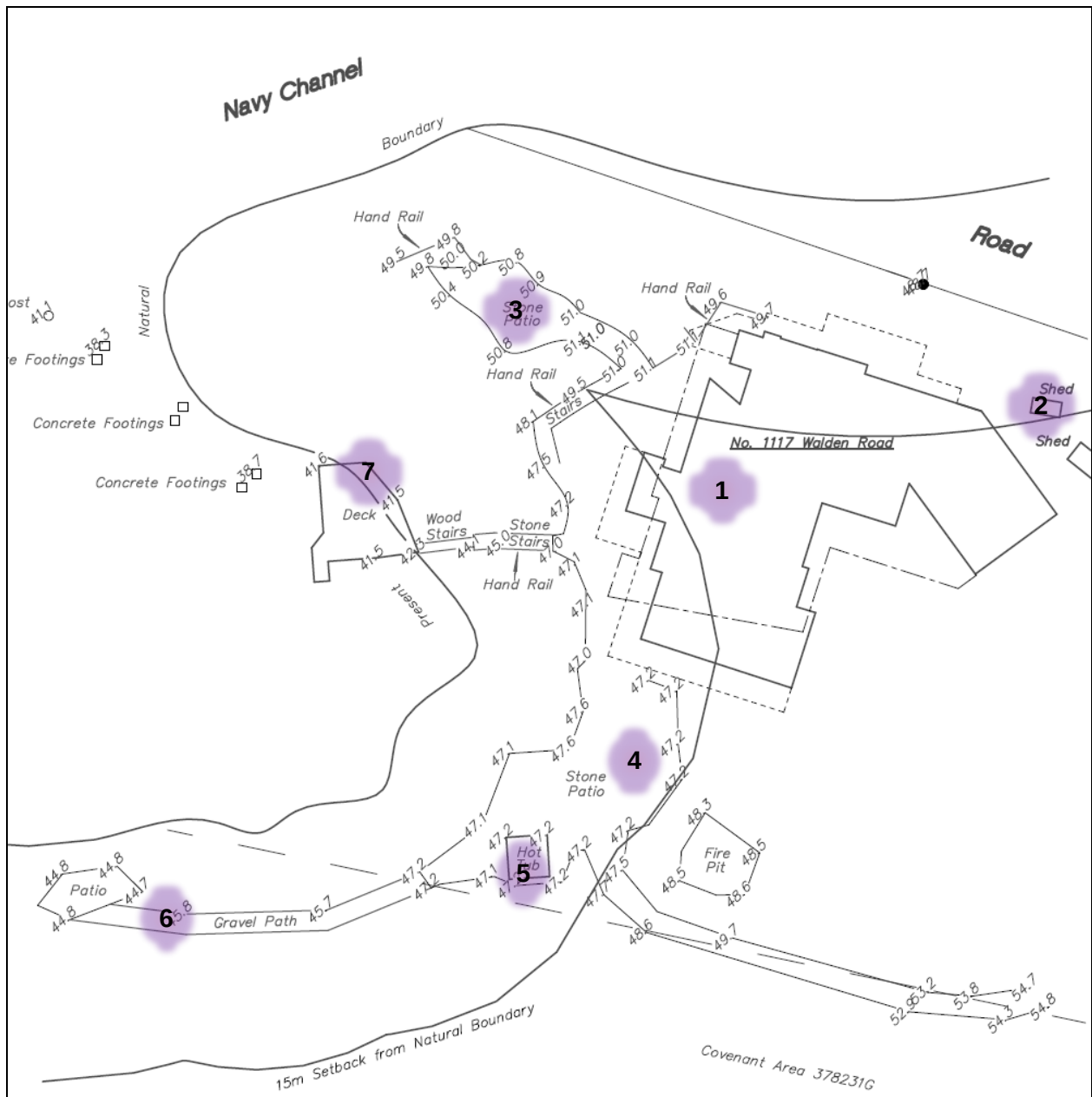
That portion of the deck below the natural boundary of the sea cannot be approved by variance since it is not a permitted use in the marine Water 1 (W1) zone, therefore it would require a separate application for a bylaw amendment (rezoning) to remain. Only that portion of the deck on the upland side of the natural boundary can be considered for a variance as part of this application.



Photograph 11: Foreshore Deck, straddles the Natural Boundary

A draft Development Variance Permit is attached as Schedule A which includes a series of attached schedules with more details on each of the various features. The site plan below shows all of the features requiring a variance.

Figure 1: Site Plan
Numbers Cross-Reference to Various Aspects Included for Consideration

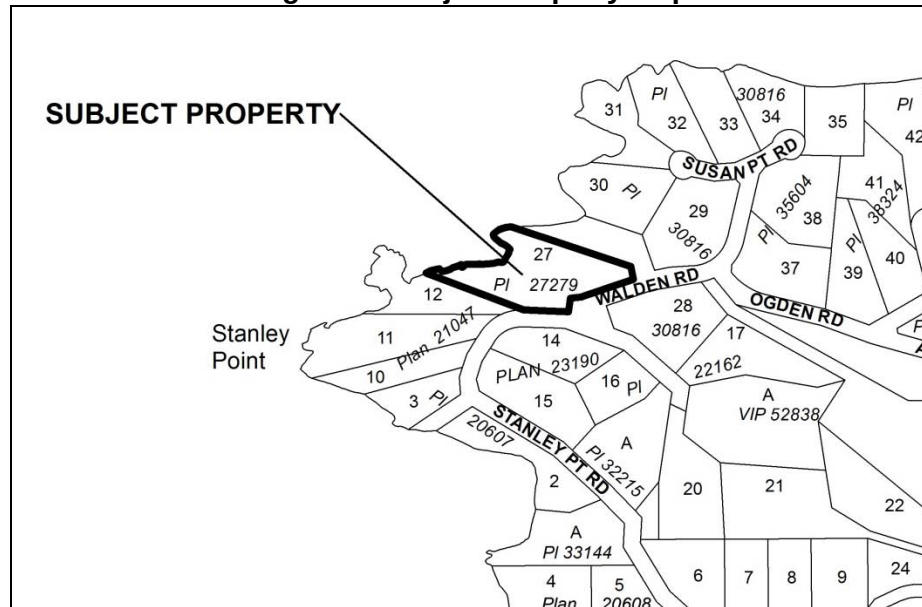


SITE CONTEXT:

The subject property is a residential waterfront lot on Walden Road in the Stanley Point area facing onto Swanson Channel. The property is 1.25 ha (3.10 ac) in size, which is slightly larger than most properties in the general area.

Based on GIS data the property rises steadily to 36m above sea level at Walden Road. Most of the property is identified as low or moderate steep slope hazard area with the house located primarily on no or low hazard area.

Figure 2: Subject Property Map



For a full and complete understanding of the implications of this study, the following official version of the report should be consulted:

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

Official Community Plan: Policies relevant to this application include:

Rural Residential Land Use

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

Coastal Areas

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

Land Use Bylaw: The subject property is a waterfront property zoned Rural Residential (RR) as are other surrounding properties.

Islands Trust Fund: There is a Trust Fund Board covenant on the adjacent property to the south as well as three adjoining properties less than 200 metres distant. The application was referred to Trust Fund staff for comment.

Sensitive Ecosystems and Hazard Areas: The adjacent marine waters in Nave Channel are designated as a Rock Fish Conservation Area, managed by Fisheries and Oceans Canada (DFO).

There is a raptor nest development permit area (DPA) on the eastern portion of the property; however there are no sensitive ecosystem DPAs on the property. The structures for consideration under this variance application are not within the DPA boundary.

The shoreline is identified as having areas of low, moderate and high steep slope hazards; the area of development is a combination of low and moderate slope hazard.

Figure 4: Survey with Raptor Nest Development Permit Area Overlay

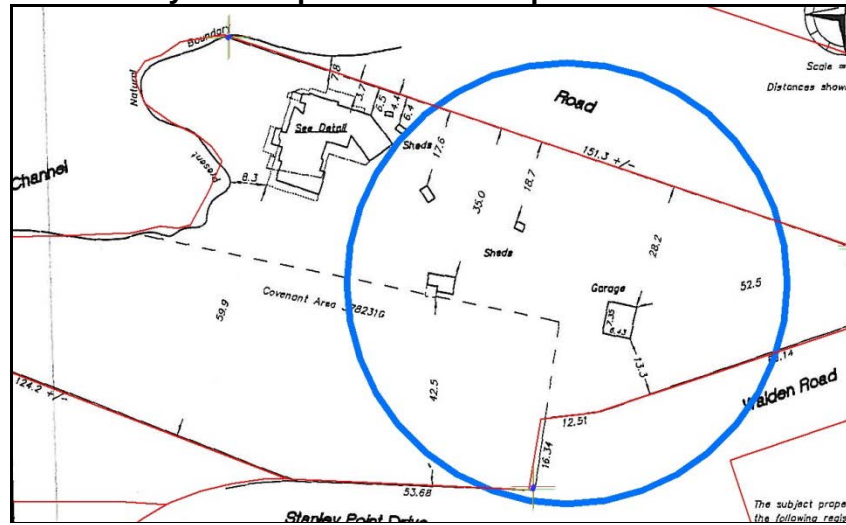
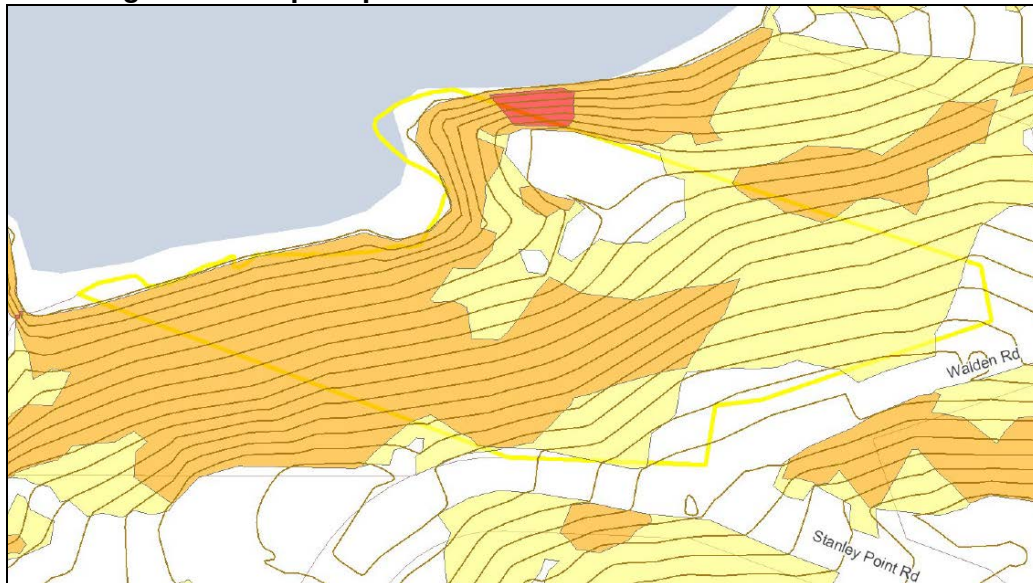


Figure 5: Steep Slope Hazard Areas and 2m Contour Intervals



Archaeological Sites: There are no registered archaeological sites on the subject property or in the vicinity.

Covenants: There is a restrictive covenant registered on title that impacts the southern portion of the property. The covenant is held by Stanley Point Estates Ltd and the development under consideration does not violate the terms of the covenant.

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

Climate Change Mitigation and Adaptation

With future changes in sea level, shoreline developments may become increasingly vulnerable. Land alterations and construction of structures adjacent to, and along the shoreline, may also

impact natural coastal processes, including the buffering capacity of a more natural landscape to extreme storms and high intensity surface run-off.

Other:

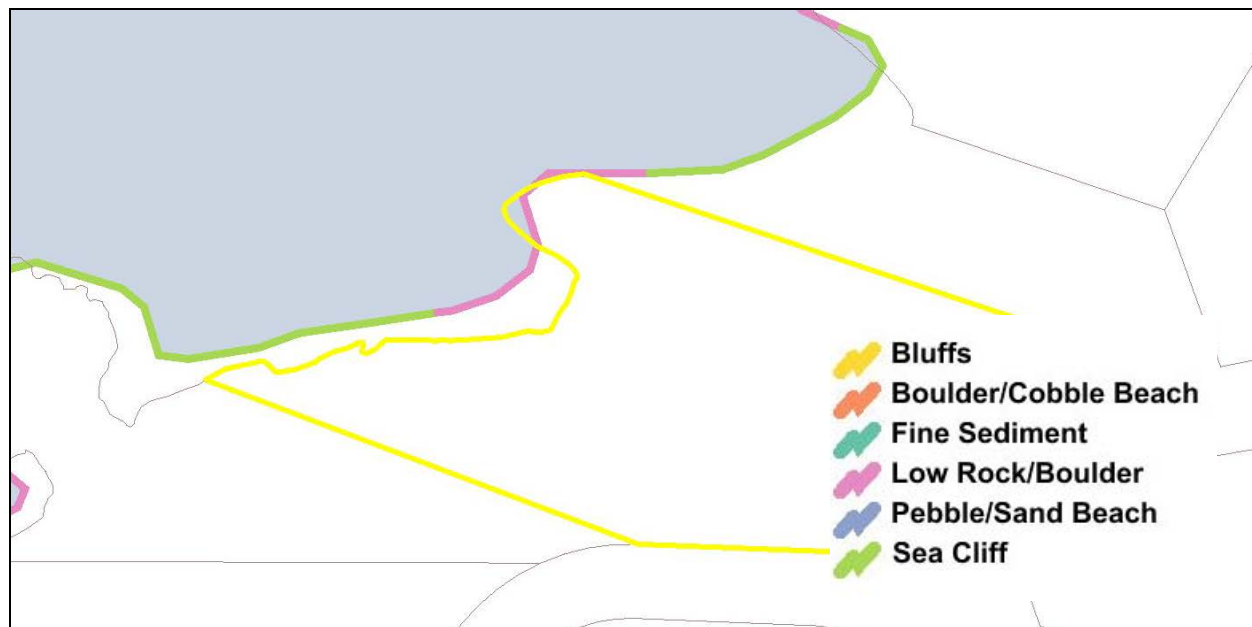
Shoreline:

Recent shoreline mapping completed for all the major islands in the Trust Area has divided the shoreline into segments based on morphology and substrate. There are six classifications of shoreline type identified for the Gulf Islands and the shoreline adjacent to the subject property is identified as low rock /boulder on the northern portion and sea cliff on the southern portion. Both of these shoretypes (sea cliff and low rock /boulder) have a rocky shoreline that would be generally stable in terms of erosion. Sea cliffs have a slope of 20 degrees (44%) or higher so they may also be susceptible to failure with rock fall hazard. Conversely low rock /boulder beaches may be more vulnerable to storm surges and sea level rise.

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

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

Figure 6: Shoreline Type



1: "Coastal Shore Stewardship: A Guide for Planners, Builders and Developers on Canada's Pacific Coast" (Stewardship Series) Province of British Columbia

RESULTS OF CIRCULATION:

A notice was circulated to neighbouring residents and owners for comment, a copy of which is attached as Schedule B. At the time of writing this report one written comment had been received which is attached to this report as Schedule C. If any additional comments are received they will be brought to the Local Trust Committee meeting.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The home was built in 1971 to the setbacks of the day and do not meet current bylaws.

The overall intent of the regulation being varied. The overall purpose of setback to the natural boundary of the sea is to protect the coastal environment from impacts arising from development, protect developments from impacts from the sea such as storm surges, and to preserve the aesthetic quality of the natural shoreline as viewed from the water. Setbacks also ensure a consistent development pattern and deter developments that would negatively impact the sensitive coastal environment.

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

STAFF COMMENTS:

Due to the age of construction the siting of the house has benefited from a reduced setback relative to current regulations. Although the age of the north patio is not clear, it appears to have been in existence for some time, and also is sited at a relatively higher elevation from the natural boundary. The siting of the house and related activities being closer to the western portion of the property would also reduce impacts on the raptor nest DPA by reducing disturbance to nesting pairs during the breeding season.

Although a large amount of existing and mature vegetation has been preserved, and new plantings have been incorporated into the new patio areas, the overall scale of the development is not consistent with the rural character of the island or the neighbourhood. The single family dwelling is a relatively large house with outdoor decks attached on multiple levels. There is a significant amount of outdoor living space developed both inside the setback and outside of it; located outside of the setback is a fire pit patio area and an upper patio area.

The foreshore deck could be reduced in size to be considered part of the walkway to access the ramp and I would not recommend the owner proceed with a bylaw amendment (rezoning) application for that portion below the natural boundary. In addition to a rezoning, a new license of occupation from Crown lands would also be required.

The potential of both negative environmental and aesthetic impacts to shoreline and the question of suitability of any coastal development in context of climate change are major concerns identified by staff.

Given the above, staff supports a variance for the dwelling, the shed, the north stone patio, and the main stone patio, noted as numbers 1, 2, 3 and 4 respectively on the site plan.

Staff does not support the hot tub, the stone pathway and south patio, and the upland portion of the foreshore deck, shown as numbers 5, 6 and 7 respectively on the site plan.

RECOMMENDATIONS:

1. THAT Development Variance Permit NP-DVP-2012.5 (Wiebe) be amended by deleting clauses:
 - 2 e) for the partially sunken hot tub,
 - 2 f) for the stone pathway and south patio, including the two retaining walls, and
 - 2 g) for the foreshore deck.
2. THAT Development Variance Permit NP-DVP-2012.5 (Wiebe) BE APPROVED AS AMENDED.

Options:

THAT Development Variance Permit NP-DVP-2012.5 (Wiebe) BE APPROVED.

Prepared and Submitted by:



November 6, 2012

Date

Concurred in by:



November 7, 2012

Date

PROPOSED



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2012.5

To: Drora Aronowicz

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

Lot 27, Section 23, Pender Island, Cowichan District, Plan 27279
PID: 002-485-753

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

a) For the single family dwelling (Shown on Schedule A):

- i) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 7.8 metres, and
- ii) Clause 8.1.5(1)(b) is varied to reduce the setback from an exterior side lot line from 4.5 metres to 3.7 metres.

b) For the accessory building (shed) (Shown on Schedule A):

- i) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 13.2 metres, and
- ii) Clause 8.1.5(1)(b) is varied to reduce the setback from an exterior side lot line from 4.5 metres to 4.4 metres.

c) For the 'north stone patio', including the hand rail (Shown on Schedule B):

- i) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 5.8 metres.

d) For the 'main stone patio' (Shown on Schedule C):

- i) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 6.5 metres for the patio surface.

e) For the 'partially sunken hot tub' (Shown on Schedule C):

- i) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 8.0 metres.

PROPOSED

f) For the 'stone pathway and south patio', including two retaining walls (Shown on Schedule C):

- i) Subsection 3.71 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 1.8 metres.

g) For the 'foreshore deck' (Shown on Schedule D):

- i) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to 0 metres for a portion of a deck, upland of the natural boundary of the sea.
3. For certainty this permit does not authorize that portion of the 'deck' located on the foreshore below the natural boundary of the sea and which is not a permitted use in the Water 1 Zone.
 4. The location of the structures shall be consistent with Schedules 'A', 'B', 'C' and 'D' which are attached to and form part of this permit.
 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date of Issuance

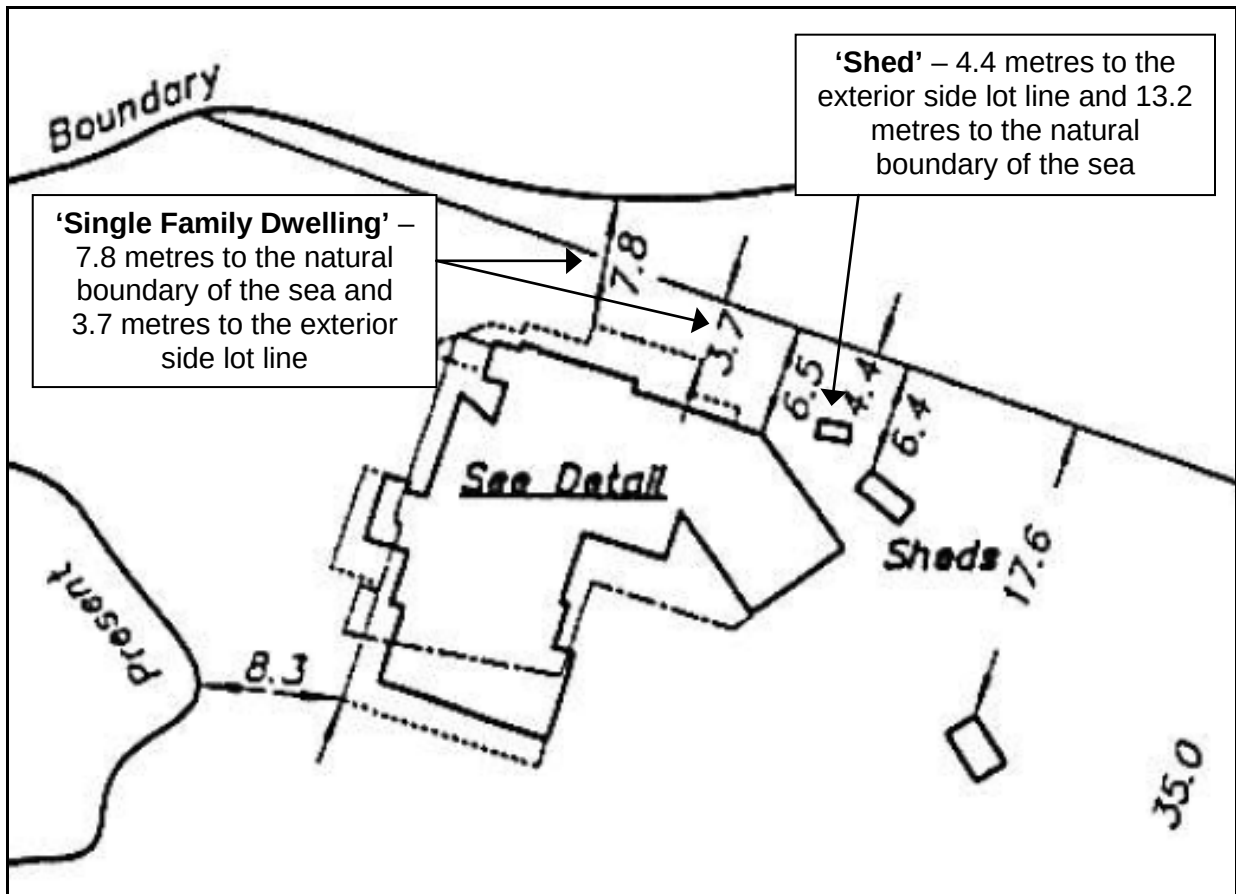
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE _____ DAY OF _____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2012.5

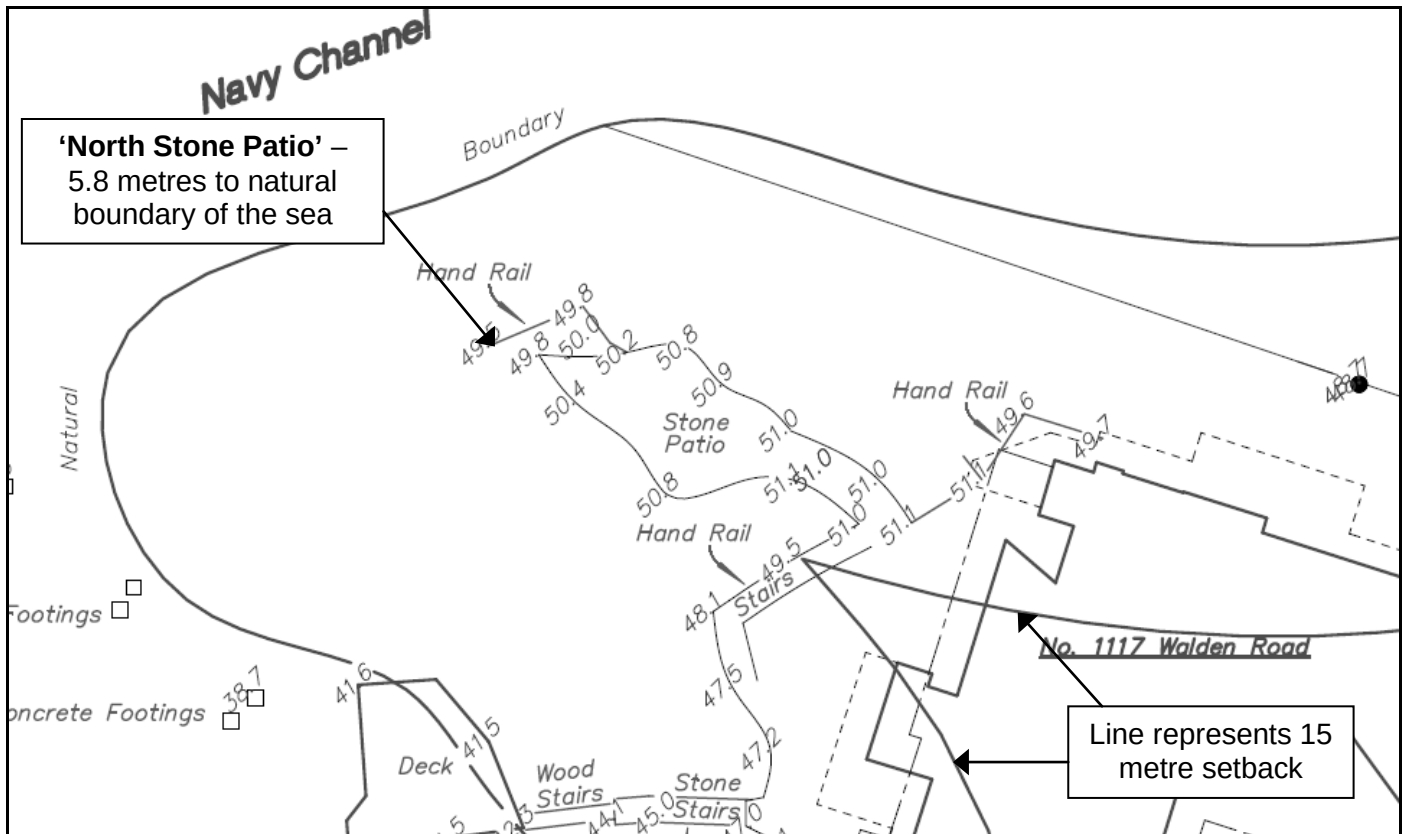
SCHEDULE 'A'



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.5

SCHEDULE 'B'

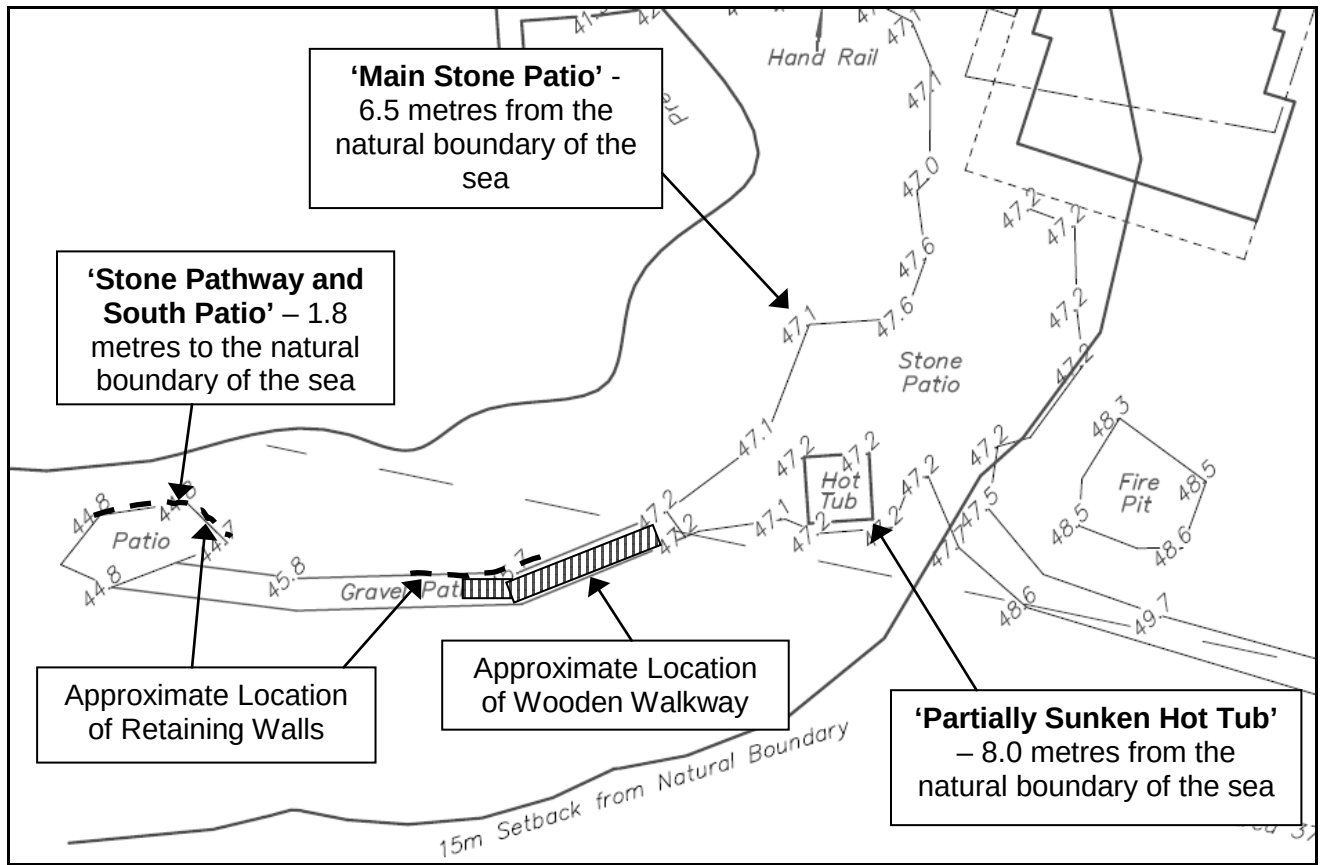


PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2012.5

SCHEDULE 'C'

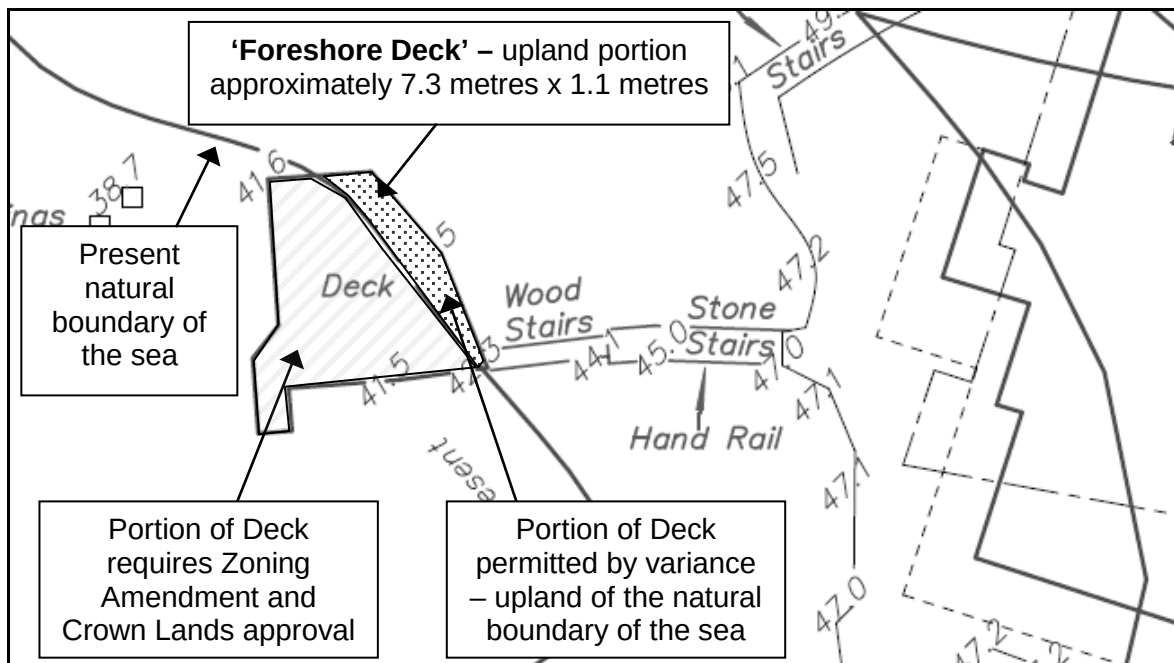


PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2012.5

SCHEDULE 'D'



NOTICE
NP-DVP-2012.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

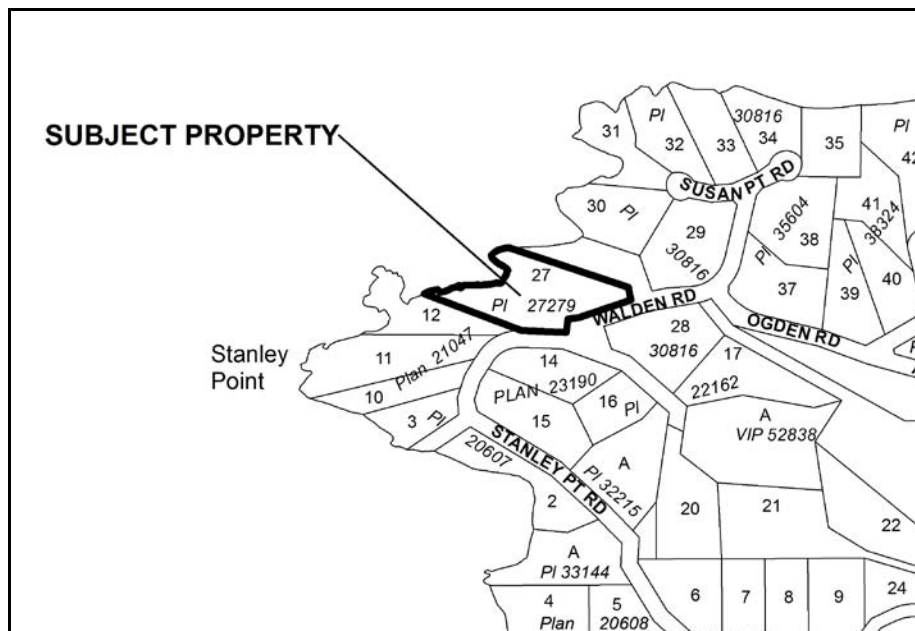
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw 103, 1996 by varying:

- a) Subsection 3.7.1 is varied to reduce the setback to the natural boundary of the sea from 15 metres to:
 - i) 7.8 metres for a single family dwelling,
 - ii) 13.2 metres for a shed,
 - iii) 1.8 metres for a stone patio,
 - iv) 8.0 metres for a partially sunken hot tub, and
 - v) 0 metres for a portion of a deck.

- b) Clause 8.1.5(1)(b) is varied to reduce the setback to an exterior side lot line from 4.5 metres to:
 - i) 3.7 metres for a single family dwelling, and
 - ii) 4.4 metres for a shed

The property is located at 1117 Walden Road and is legally described as, Lot 27, Section 23, Pender Island, Cowichan District, Plan 27279, PID: 002-485-753.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing November 14, 2012 and continuing up to and including November 26 2012.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing November 14, 2012. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner Andrea Pickard at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, November 26, 2012.

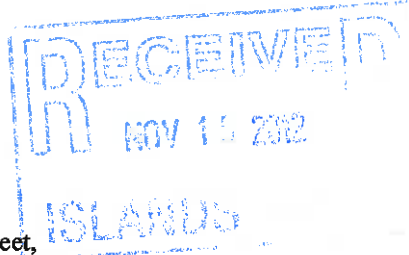
The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 9:45 a.m., November 29, 2012, at the Pender Island Community Hall on North Pender Island.

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

Kathy Jones
Deputy Secretary

Schedule C

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



14283 Park Avenue,
White Rock, B.C. V4B 3A5
November 12, 2012.

Dear Andrea Pickard:

Thank you for the information presented with your recent notice NP-DVP-2012.5 and for the opportunity to provide comment.

We have owned the property at 1115 Walden Road [Lot 29] for over 30 years and have been seasonal residents from that time. Our family [grandparents and children] have enjoyed the rural and rustic nature of this area. We sailed and rowed small craft around the shoreline. Now, our grandchildren are learning the same respect for the environment this setting provides.

This proposal would change the environment of the shoreline and impinge on the aesthetic elements dramatically. This is a creeping kind of change that spreads from property to property along the shoreline and threatens the integrity of the Islands. Surely, this is not something that the Islands Trust would support.

Please register our opposition to this major assault and the fragmentation of our beautiful shoreline and the marine environment. Our future use of the public foreshore and waters will be constrained by this development to the point of denying access.

This multiple infringement on setbacks illustrates total disrespect for the North Pender Island Land Use Bylaws and in our opinion exceeds any normal need for development of this property. One great concern we have is the over use of water for maintaining a hot tub and the subsequent use of chemicals. Where will the waste water and chemicals be disposed? Our well water supply is finite and we have a major concern with water conservation.

We realize that many of our concerns are not directly relevant to the requested variance but all are related. Please give our opposition to the issuance of a Development Variance Permit your utmost consideration.

Yours truly,

John Howe

Rosemary Howe

From: [arn berry](#)
To: [Andrea Pickard](#)
Subject: RE: variance
Date: November-29-12 9:06:06 AM

Hi Andrea
Thank you once again for providing the PIPRC with an opportunity to comment on a proposed variance. The PIPRC has no comments with respect to the Walden Road application.
Arn Berry

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

From: Andrea Pickard [<mailto:apickard@islandstrust.bc.ca>]
Sent: Tuesday, October 30, 2012 12:22 PM
To: arn berry (arnberry@shaw.ca); Chris Watson
Cc: Robert Gutierrez
Subject: variance

Hi Arn and Chris,

Attached is a notice for a variance application that will be considered at the Nov 29th North Pender LTC meeting. If you would like to provide any comments please do so by Nov 26th. If you have any questions feel free to call or email me.

Andrea Pickard
Local Planning Services
Islands Trust
Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

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Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 9.0.0.2308, Virus/Spyware Database: 6.20820)
<http://www.pctools.com/> =====

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<http://www.pctools.com/> =====

23 November 2012



Ms. Andrea Pickard
Island Planner
Island Trust
200 – 1627 Fort Street
Victoria, BC
V8R 1H8

**Subject: Development Variance Permit NP-DVP-2012.5, Property at 1117 Walden Rd, Lot 27,
Section 23, Pender Island, Plan 27279**

Ms. Pickard

We have a home at 1111 Susan Point Road, Lot 30, Section 23, Plan 30816, next door to Ms. Drora Aronowicz, Lot 23, who has made the application for a number of variance approvals. Here are our comments relating to the above mentioned Variance Permit application.

We have been watching the construction that is almost constantly underway at the above mentioned property for the last 3 to 4 years. Although much of the renovation and new construction that has been going on for which Ms. Aronowicz has now asked for variances are not directly visible from our property, they are visible when we are canoeing and boating by the above mentioned property. The new dock and the “foreshore deck” as shown in Schedule D of the proposed permit are clearly visible from our property.

While a property owner should be able to do necessary renovations and additions of new structures on the property to increase owner’s convenience and comfort, the changes should be done in accordance with the local bylaws and regulations in order to ensure that the environment, character and attributes of the neighbourhood and the island as a whole are preserved and protected for not only the owner but also for all the residents of the neighbourhood and the island. Pender Island, like other islands in the Southern and Northern Gulf Islands, is a unique land mass and its rural charm, unique characteristics, and unparalleled beauty draw people to come to visit and /or live on Pender Island. It is important that these attributes be maintained at any cost for our generation and generations after us to enjoy and cherish. In the above mentioned case the owner is not only asking for many variances but the owner has already gone ahead and completed or nearly completed many of the constructions

which do not conform to the local bylaws and regulations. The application is an afterthought made after a blatant violation, with disregard for the local bylaws and regulations and lack of sensitivity to the neighbourhood.

We understand the owner has employed contractors from the mainland and hence they didn't know that they had to apply for a permit before starting construction. Not knowing rules, local bylaws, and regulations is not an excuse no matter how small or large is the infraction. Secondly the owner and the contractor should have known that even on the mainland one must apply for permits and receive all necessary approvals before proceeding with any renovations and new constructions. It is a simple matter of common sense and lacking that it is a matter of a simple call to a neighbour or the CRD office on the island to find out whether permits are necessary. We believe there was a deliberate attempt to circumvent the local rules and regulations.

We would like to highlight Trust Directive that, *"Local trust committees and island municipalities shall, in their official community plans and regulatory bylaw:*

, "5.1.3...address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area." We would submit that most if not all of the new constructions on the above mentioned property have not respected the above objective

We would leave it to the LTC to decide which variances from section 2 a to f, if any, should approve with a view to causing the least damage to the neighbourhood, the surrounding ocean front, and the island and which variances should not be approved due to possible severe detrimental impact on the neighbourhood and the eco system of the island. However the LTC should keep in mind that through their decisions and actions a strong message must be given to the owner of the above mentioned property and to others on the island to discourage individuals from unilaterally renovating and constructing structures on their property without respecting local bylaws and regulations. This is a slippery slope and if a precedent is set property owners may think that they can go ahead and construct whatever they want and then ask for variances afterward.

We highly recommend that the subsection 3.7.1 be not varied (Section: 2 g in the Proposed Notice) for the proposed "foreshore deck" in order to maintain a clean and pristine shore line. The deck which of course has already been built without a permit could severely damage the marine and plant life around the bay. The bay is full of not only unique and precious flora (including possibly eel grass) and fauna but is also a feeding and play ground for families of river

otters, seals, sea lions, eagles, ducks and a variety of fish. Just on the south side of the above mentioned property there is another property (Plot 12) that Ms. King has purchased and graciously donated to the Conservancy in order to protect and preserve wild habitat and marine life around the area. The request to vary the Subsection 3.7.1 with the proposed foreshore deck totally negates the purpose and intention of creating the conservancy land in that area. The conservation of marine life, flora and fauna and the shoreline is non-negotiable.

Thank you for giving us an opportunity to provide input on the proposed variance application. We have the utmost confidence that the LTC will make the appropriate decisions with its mandate to protect and preserve the unique and precious neighbourhood and island that we have. It pains us to challenge our neighbour's development activities but we feel obligated to take a firm stand to preserve and protect the charm, character, environment and beauty that have attracted us all to move to this island in the first place.

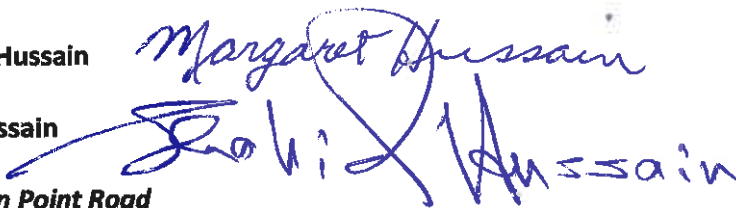
Yours truly;

**Margaret Hussain
&
Shahid Hussain**

**1111 Susan Point Road
North Pender Island
BC, V0N 2M1**

Lot 30, Section 23, PID 001-220-608,

**Tel: 250 629 6329 (Pender)
604 939 0642 (Vancouver)**

The block contains two handwritten signatures in blue ink. The top signature is 'Margaret Hussain' and the bottom signature is 'Shahid Hussain'. Both signatures are written in a cursive, flowing style.

From: [Jennifer Eliason](#)
To: [Andrea Pickard](#)
Subject: variance application lot 27, sec 23
Date: November-26-12 3:16:26 PM

Dear Andrea,

As you are aware, the Trust Fund Board holds a covenant over the entirety of Lot 12, Section 23, directly adjacent to the southwest of Lot 27, Section 23. This property was protected with a conservation covenant because of the significant ecological values that exist there.

From the baseline report:

Significance of the Land and Amenities

- 5.1 The covenant area includes Douglas-fir and Western redcedar forest and herbaceous-terrestrial rock outcrop ecosystems on a moderately sloping northwest slope.
- 5.2 Species of Flora and Fauna and Natural Plant Communities found in the covenant area and designated as red or blue listed by the Province's Conservation Data Centre (CDC) are:

Red Listed

Douglas-fir / Arbutus Natural Plant Community (*Pseudotsuga menziesii*/ *Arbutus menziesii*)

Douglas-fir/ Dull Oregon grape (*Pseudotsuga menziesii*/ *Mahonia nervosa*)

Garry oak/ Arbutus (*Quercus garryana*/ *Arbutus menziesii*)

Garry oak/ Ocean spray (*Quercus garryana*/ *Holodiscus discolor*)

Western redcedar/ Vanilla Leaf (*Thuja plicata*/ *Achlys triphylla*)

Western redcedar – Douglas fir/Oregon beaked moss (*Thuja plicata* – *Pseudotsuga menziesii*/ *Eurhynchium oreganum*)

Blue Listed

Great Blue Heron (*Ardea herodias fannini*)

The number of at-risk plant communities found on this property are indicative of the sensitivity of this coastal headland, and the southern Gulf Islands in general. The development that has occurred so close to the shoreline of Lot 27 could have a negative impact on both terrestrial and marine ecosystems. While it is outside of the jurisdiction of the Trust Fund Board to comment specifically on the application for variance on Lot 27, Section 23, the Islands Trust Fund does hope that the North Pender Local Trust Committee consider the fragility and uniqueness of the adjacent and nearby protected areas, as well as the sensitive marine ecosystems that may be affected.

Thank you for referring this matter to our attention.

Jennifer Eliason
Manager
Islands Trust Fund

tel: (250) 405-5191
www.islandstrustfund.bc.ca

From: Andrea Pickard
Sent: October-30-12 12:24 PM
To: Jennifer Eliason
Subject: variance application part 2

Hi Jen,
Further to my email yesterday attached is the notice for the variance application on North Pender.
If you have any questions feel free to call.

Andrea Pickard
Local Planning Services
Islands Trust
Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

Kathy Jones

From: Andrea Pickard
Sent: November-28-12 8:34 AM
To: Kathy Jones
Subject: FW: Development Variance Permit NP-DVP-2012.5

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

From: Marilynn King [<mailto:mjking@dccnet.com>]
Sent: November-26-12 12:32 PM
To: itfmail
Subject: Development Variance Permit NP-DVP-2012.5

Ms. Andrea Pickard
Islands Planner, Islands Trust
200 -1627 Fort Street
Victoria, B.C. V8R 1H8

Dear Ms. Pickard,

As the owner of the adjacent , covenanted land to the West , I'm concerned about the impact of these developments on the local animals and birds which frequent this habitat, especially the river otters, seals, deer, eagles, herons and songbirds.

It is my belief that if the variances are approved for this property, it could set a dangerous precedent and encourage other owners of island waterfront properties to expect the same consideration.

We need to protect the fragile ecosystems on the Gulf Islands for all creatures!

Respectfully submitted,

Marilynn King
25 Georgia Wynd
Delta, B.C. V4M 1A6
604-943-5275

Re: Development Variance Permit for 1117 Walden Road, Pender Island

In response to the area the Island Trust does not support.

1 - The partially sunken hot tub

The owners have enjoyed a hot tub in this location for many years as it is put out of the way up against a rock and has a great view point. When installing a new one, they wanted to recess it for ease of access. The hot tub was filled with rain water as there are collection tanks for up to 4000 gallons of water.

When water is changed it is pumped into a sand filter that drains it into a holding tank for irrigation of the new planting. The owners do have conservation in mind and have implemented as much as possible.

Aqua Finesse water conditioner is used which is a plant based solution and requires very little chemicals. We would very much like to leave the hot tub where it is.

2 – South patio and retaining walls

There was always a trail to a sitting area on the south west side of the property for it's serene location. The trail was eroding and trees had a build up of earth. The small bridge was built to protect the trees and provide a safe access along with the retaining walls to a pleasant sitting area where the owner likes to go to read, meditate and be one with nature. The owners have taken great lengths to keep the property natural, using mostly stone and had an artist make up the hand rails in keeping with an esthetic look that everyone can be proud of.

The retaining walls were built to stop erosion and to make the area safe. The owners have safety foremost on their mind after a serious accident suffered by their friend and neighbor Mike Harcourt.

The owner's friend Clayton Ruby, a board member of the Sierra Club, composed some very insightful articles for the Globe and Mail on that very spot and advised us on the danger of erosion and accident prevention. His wife Harriet Ruby Sachs, who is a Judge at Ontario Superior Court warned us on related liability issues.

3 – The Foreshore Deck

The foreshore deck was in place before 1974 as declared by Karl Stillgen (see affidavits). The deck was raised to conform with the current codes to access the floating dock by the walk way. When the stop work order was placed the owner sought legal opinion and were told that the deck should be finished and a temporary railing put up as it was nearly completed, as it was summer time it had to be safe for use.

The deck has the original concrete support that was there before 1974, it was raised to comply with current codes and is connected to the foreshore only at the walkway to the property.

Harold Wiebe
604-307-1101

CANADA
PROVINCE OF
BRITISH COLUMBIA

) IN THE MATTER OF 1117 WALDEN
) ROAD, PENDER ISLAND, BRITISH
) COLUMBIA

TO WIT:

I, Karl H. Stittgen, of 3326 Port Washington Road, Pender Island, British Columbia, do solemnly declare that:

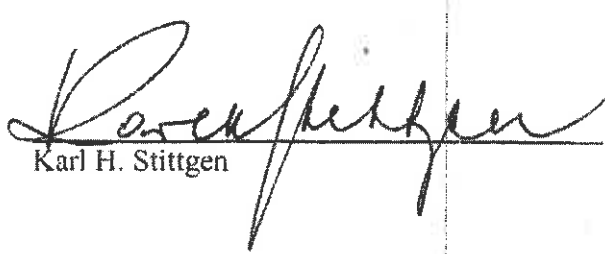
1. I am the former owner (with my late wife, Gabriele) of the waterfront property known as "Treetops" located at 1117 Walden Road, Pender Island, British Columbia.
2. The property was purchased in 1974 as our main residence. A complete docking facility was in place in the small bay.
3. The docking facility consisted of a deck, a walkway, and a floating dock connected by the walkway to the deck. The floating dock disappeared one night during a storm, in or about 1978.
4. We never replaced the facility, expecting that a future owner would replace it if needed.
5. We afterwards sold the property to Mr. and Mrs. Abraham and Derova Aronowicz.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the British Columbia *Evidence Act*.

DECLARED BEFORE ME at Pender,)
Island in the Province of British)
Columbia, this 28 day of July, 2012.)



A Commissioner for taking Affidavits for)
British Columbia)



Karl H. Stittgen

RICHARD BERROW
Barrister & Solicitor
Fasken Martineau DuMoulin LLP
2900 - 850 Burrard Street
Vancouver, BC V6C 0A3
604 691 3184



STAFF REPORT

February 19, 2013

File No.: NP-RZ-2013.1
(Henshaw)

To: North Pender Island Local Trust Committee
For the meeting of February 28, 2013

From: Andrea Pickard
Island Planner

cc Robert Kojima, Regional Planning Manager

Re: Bylaw Amendment Application

Owner: John Maxwell Allan and June Allan
Applicant: Ron Henshaw
Location: 4402 Otter Bay Road
Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District,
Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone the site specific Industrial Two - I2(c) zone to include a broader range of uses. The subject property is adjacent to the Recycling Centre and is currently zoned only for "the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment."

The permitted use is currently occurring, generally within the buildings located in the south-eastern portion of the property, as well as a range of other uses that do not comply with the North Pender Island Land Use Bylaw (LUB). The applicant wishes to legalize the existing uses and expand the permitted uses. The existing and proposed uses are described below using similar terminology as currently applied either in the LUB or in temporary uses permits:

- The transfer, storage, and shipping of discarded goods and materials (it would be recommended to explicitly exclude the storage of dangerous or hazardous materials by definition).
- In-vessel composting of organic waste.
- The storage, handling and wholesale of aggregates, soils and mulch (for this purpose handling would be defined as blending but does not include screening, sorting, crushing or washing).
- Storage and wholesale of landscaping materials (unless otherwise limited by definition this may be as broad as including hard landscaping materials such as dimensional and decorative stone, fences, trellises, arbours, decorative/ornamental features, wooden ties,

planting containers, water ponds, fountains etc.; and soft landscaping materials such as living trees, shrubs, ground cover, annual and perennial plant stock).

- Storage and maintenance of heavy equipment and trucks as an accessory use.

Because some of the proposed uses above are already occurring on the property it should be noted that the uses that would be newly located on the property are the storage and wholesaling of landscaping materials and in-vessel composting. The timing and extent of proposed in-vessel composting still requires further clarification, as does the proposed use for the finished product. Any proposed composting facility would also be regulated under the CRD Composting Facilities Bylaw, which also requires compliance with any applicable federal, provincial and local government regulations.

The applicant is also not intending to handle the complete list of 'landscaping materials' as noted above at this time, however future expansion could occur within the scope of 'storing and wholesaling of landscaping materials' generally.

Since many of the uses are already occurring on the property there should be minimal increase in impacts related to traffic, dust, noise, lighting and general activity on the property, some of which can be mitigated through adequate screening along the property boundaries. The key concerns identified by staff requiring professional assessment are geotechnical concerns and potential ground or surface water impacts.

The purpose of this report is to:

- provide the Local Trust Committee (LTC) with a preliminary overview of the proposal,
- identify key issues associated with the proposal,
- outline the professional reports received to date and identify outstanding requirements, and
- seek direction from the LTC to proceed with the application.

SITE CONTEXT:

The subject property is a remnant property with two separate parts which have a total area of approximately 19 ha (47 ac). The subject area relevant to this application is approximately 1.26 ha (3.1 ac). Except for the recycling centre property, most of neighbouring properties are larger (6-10 acres or larger).

Based on GIS data the property rises steadily from approximately 57 m above sea level (asl) in the southeast corner to 82 m asl in the northwest. Along the western property boundary and into the abutting property the topography rises quite steeply.

The subject property is generally separated into three areas by use and topography:

- an upper area where the waste transfer bins and recycling materials are located,
- a central area where the aggregates and soil are located, and
- the lower area where the existing buildings are located that are rented to various users.

Figure 1: Subject Property Map

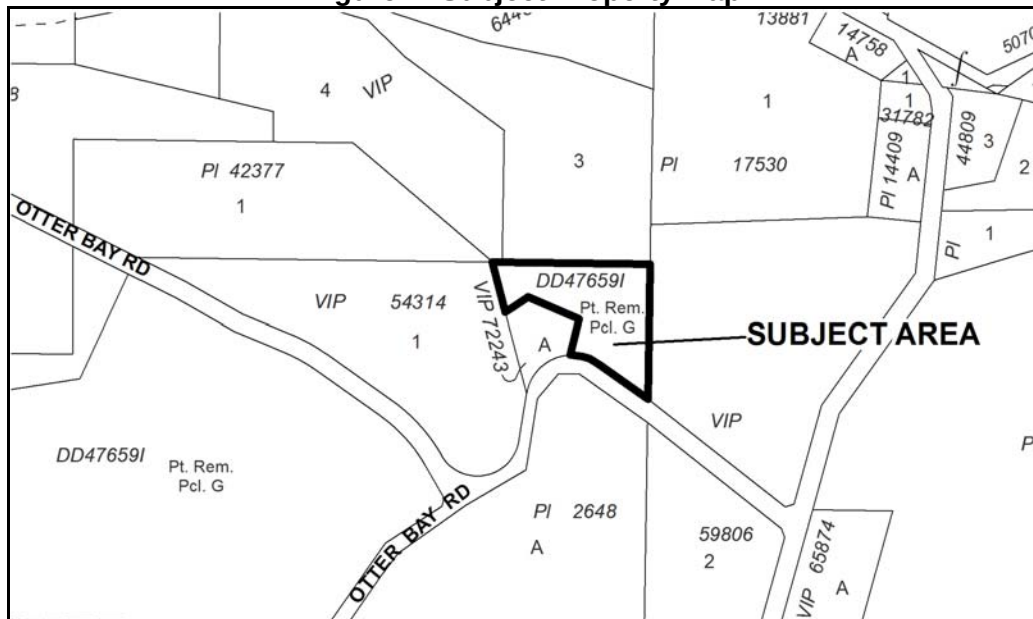
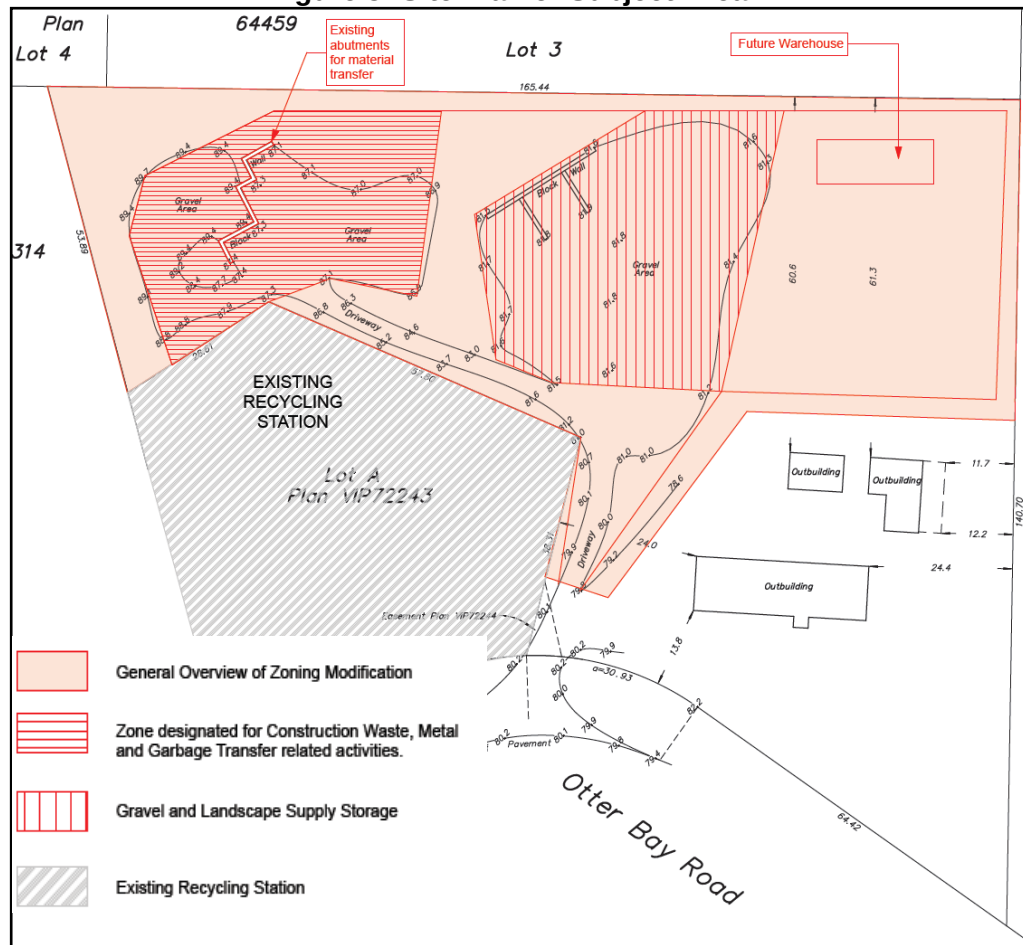


Figure 2: Orthophoto



Figure 3: Site Plan of Subject Area



Photograph 1: Upper Level - Waste Storage and Recycling Location



Photograph 2: Central Level - Aggregates Storage Location



Photograph 3: Lower Level – Various Rental Space

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 5.2.6 – the identification of areas hazardous to development, including areas subject to flooding, erosion or slope stability, and strategies to direct development away from such hazards.
- 5.4.4 – the identification of acceptable locations for the disposal of solid waste.

Official Community Plan:

The subject property is designated Industrial. OCP Policies relevant to this application include:

- 2.5.1 – Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.3 – Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- 2.5.4 – Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provisions for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.5 – Industrial activity, parking and storage areas should be screened.
- 3.3.2.1 – Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2 – The storage and disposal of hazardous and toxic wastes on North Pender Island shall be prohibited.
- 4.1.4 – Development which may contaminate or compromise the sustainability of surface or ground water resources shall not be permitted.

Land Use Bylaw:

The portion of the subject property related to this application has site-specific zoning of Industrial 2(c), the only uses permitted in this location are the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.

The only related definition for this use in the LUB is 'manufacturing', which means an industrial use involving the fabrication or assembly of articles or materials into new products.

Neighbouring parcels are zoned:

North – Rural

East – Rural

South – Rural, and more distantly Community Service for the community hall, police station and fire hall.

West – Recycling Facility, Rural, Industrial 2(b) (Location of Gulf Excavating)

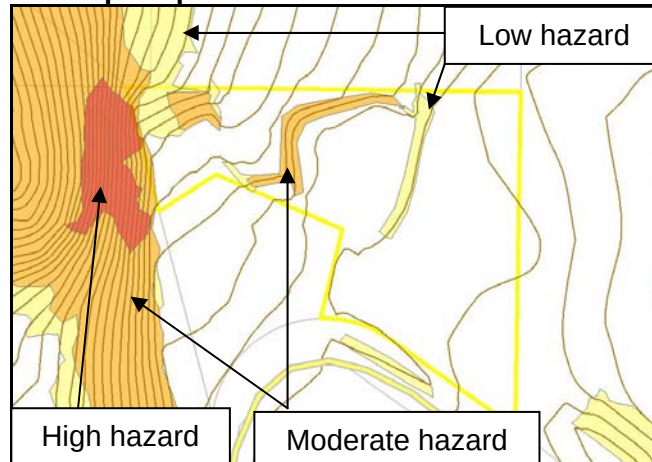
Islands Trust Fund:

There are no Trust Fund Board properties or covenants in the vicinity of the subject property.

Sensitive Ecosystems and Hazard Areas:

There is no ecosystem DPA's on the subject property; however, the form and character DPA would apply. There are some areas of low and moderate slope hazard areas on the property; although a much larger area of moderate and high hazard areas are identified along the western property boundary on the adjacent lands. There is a mixed young forest and woodland ecosystem identified along the west lot line in the steep slope area.

Figure 4: Steep Slope Hazard Areas and 2m Contour Intervals



Archaeological Sites:

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

Covenants:

There are two covenants registered on title, one pertains to limiting subdivision and the other pertains to a geotechnical and floodplain covenant required when a separate parcel was subdivided from the subject property. The proposed uses do not conflict with either covenant.

Climate Change Adaptation and Mitigation:

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

The area proposed for this use is already disturbed with various uses throughout the property.

Communications/Consultation:

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

- First Nations:
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Malahat (TE'Mexw Treaty Association)

- o Pauquachin
- o Penelakut
- o Semiahmoo
- o Stz'uminus
- o Tsartlip
- o Tsawout
- o Tsawwassen
- o Tseycum
- Ministry of Environment, Environmental Protection-Government and Compliance Section
- CRD, Environmental Sustainability
- CRD, Building Inspection Services
- Pender Island Fire Rescue
- CRD, Electoral Area Director
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee

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

Other:

Professional Reports:

The applicant provided summary reports from geotechnical and hydrogeological professionals, the conclusions of which are noted below. The complete documents will be posted online once the agenda is finalized. The summary reports are based on more thorough assessment reports that were completed the previous year for a separate client.

Hydrogeological: 'Based on the September 29, 2011 assessment, HHC considers it to be highly unlikely that any contamination of groundwater will occur at or beyond either of the Additions' (The Additions are the two areas currently used for waste management and does not include the gravel/soil storage area or existing buildings).

Geotechnical: 'We have determined that a potential rockfall hazard exists in the vicinity of the waste disposal area. We cannot comment on the risk tolerance that should be applied at the site, and such should be determined by the approving regulatory agencies on Pender Island. However, the land is used for industrial purposes and the estimated risk of death resulting from rockfall occurrence is lower than that considered acceptable for existing developments in other jurisdictions. Therefore, in our professional opinion, we believe the land may be safely used for the use intended, that being non-habitable industrial lands.'

Covenant:

The geotechnical report recognizes a hazardous area exists within the subject property. Based on the summary report, staff anticipate it will be recommended that a covenant be required to mitigate risk by restricting the siting of buildings or structures within an identified area. Staff will recommend that the professional report apply the level of risk previously determined for the development of the steep slope hazard mapping which was a probability in excess of 10% in 50 years as unacceptable.

Legal costs to draft, execute and register a covenant to the satisfaction of the LTC would be borne by the applicant either through hiring legal counsel directly or entering into a cost recovery agreement with the Islands Trust.

Permitting Options:

The LTC has two mechanisms for authorizing a non-permitted use, amending the Land Use Bylaw (rezoning) or issuance of a temporary use permit. Given the property is currently both zoned and designated for industrial use in the LUB and OCP respectively and that the use is intended to occur indefinitely staff recommend proceeding with a rezoning application.

Through the rezoning process a permitted use can be limited to some degree by including a concise definition for the use in the LUB, including some additional regulatory criteria in the LUB specifically applicable to the use or property, or requiring restrictive covenants as a precedent condition of rezoning.

The temporary use permitting process can more broadly include a number of conditions that could not be as effectively addressed in a LUB amendment process, such as requiring a security bond or restricting hours of operation.

If the LTC directs staff to proceed with the application and over the course of the consultation process there are aspects with significant concern identified, the LTC could advise staff and the applicant they would only consider the use by way of the temporary use permit process. Staff would suggest that following a community information meeting and/or based on early referral agency responses would be the appropriate time to consider such options. This would allow time for input on a proposed TUP to be considered in conjunction with a public hearing.

Options:

There are currently 3 properties on North Pender zoned I2 – all with a site-specific designation. The property located on Port Washington Road where Mainroad Properties is located, which was recently issued a temporary use permit for highway yard uses and is zoned I2(a) and another portion of the subject property where Gulf Excavating is located that is zoned I2(b). The application is to amend LUB to expand the uses permitted in the I2(c) zone only, alternately, the LTC could direct staff to draft a bylaw that would amend the I2 zone generally to be more representative of the current uses on I2 zoned lands.

A broader consideration of the I2 zone would result in increased costs from additional notification requirements and advertisement costs related to three subject properties instead of one. However there could be an overall benefit by reconsidering uses more appropriate to future industrial needs of the community generally as an LTC initiated future project.

STAFF COMMENTS:

For consideration of the additional information requirements a checklist based on the Development Approval Information Bylaw was utilised.

Staff has identified more comprehensive reports regarding potential impacts to ground or surface water and hazards from geotechnical issues as outstanding information requirements. Although the summary reports do not indicate a high level of concern, by themselves they do not provide adequate details on:

- the assessment methodology applied,
- the current baseline conditions and level of impacts from existing developments/ land use,

- the potential resulting from the proposed development/ changes in land use, and
- the mitigation options to minimize potential impacts.

Currently there is a portable 1000 gallon water tank is on-site, however the applicant will be requested to provide further information regarding potential water sources for fire protection, dust control, and health and safety purposes.

Staff has not recommended professional reports on the ecological values because this is an industrial zoned site, is already disturbed, there are no sensitive ecosystems identified on the property and the adjacent mixed ecosystem falls within an undevelopable steep slope area. Nor have professional reports regarding potential impacts from traffic, noise, light or air emissions been identified as most of the proposed uses are occurring on the site and minimal changes are anticipated.

The LTC should advise staff if they believe any further information should be requested at this time. Depending upon the outcome from the preliminary staff report, staff will revise the checklist and advise the applicant accordingly of the required information to proceed with the application.

Staff recommends proceeding with the application because the proposed uses would authorize more solid waste and recycling options for the community, the property is already zoned for industrial uses, it would legalize existing uses and the proposed new uses would be compatible with light industrial sites.

Options:

1. The LTC could direct staff to prepare a draft bylaw to amend the Industrial 2 zone generally including the uses proposed by the applicant for the I2(c) zone.
2. The LTC could direct staff to proceed no further with the application.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee direct staff to proceed with application NP-RZ-2013.1 (Henshaw) and to prepare a draft bylaw to amend the Industrial 2(c) site-specific zone.

Prepared and Submitted by:

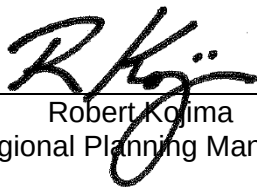


Andrea Pickard

Feb 19, 2013

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

February 19/13

Date



STAFF REPORT

February 19, 2013

File No.: NP-RZ-2012.2
(Clam Bay)

To: North Pender Island Local Trust Committee
For the meeting of February 28, 2013

From: Kim Farris
Planner 1

CC: Robert Kojima, Regional Planning Manager
Andrea Pickard, Island Planner

Re: Bylaw Amendment Application

Owner: Clam Bay Holdings Ltd.
Applicant: Bo Helliwell, Blue Sky Architecture Inc.
Location: 3202 Clam Bay Road, PID: 006-612-148
 That Part of Parcel K (DD 50314-I) of Sections 22 AND 23, Pender Island,
 Cowichan District, Lying Westerly of Plan 5063

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone the split zoned property to shift density from the Agriculture zoned portion of the property to a portion zoned Rural. The zoning amendment proposal has two priorities: to facilitate a change in use and to cluster density on the northern rural portion of the subject property. Although the subject property is one cohesive parcel, it can be split into three distinct portions: the site-specific Rural zoned portion to the north abutting Davidson Bay, the site-specific Agriculture portion where the majority of the farm operates, and an undeveloped, heavily vegetation portion to the south with site-specific Rural zoning.

The rezoning application includes the following amendments to the three site-specific zoned portions of the property:

1. To permit three (3) dwelling units and three (3) cottages on the Rural zoned parcel to the north. This will cluster density from other portions of the parcel to an amended site-specific Rural zone.
2. To remove agri-tourist accommodation use. This will reduce the number of accommodation units in the site-specific Agricultural zone.
3. Permit farm working/guest accommodation on the site-specific Agricultural zoned portion of the property.

4. Rezone the southern site-specific Rural zoned portion of the property a conservation zone and to grant a conservation covenant.

The previous property owners operated a farm retreat providing accommodation for a maximum of 25 guests in 7 separate buildings on the property. The site specific Agriculture – AG(c) zone currently allows agri-tourist accommodation as a permitted use. The new property owners are now proposing to convert Clam Bay Farm to a working farm, including worker accommodation, to provide residential dwellings for extended family and to cease agri-tourist accommodation.

The purpose of this report is to:

- provide the Local Trust Committee (LTC) with a preliminary overview of the proposal,
- identify key issues associated with the proposal,
- outline the professional reports received to date and identify outstanding requirements, and
- seek direction from the LTC to proceed with the application.

SITE CONTEXT:

The property is a large split zoned parcel approximately 42 ha (103.8 acres) in area. A majority of the parcel is zoned Agriculture – AG(c) and most of that land is located within the Agricultural Land Reserve. There are also two separate portions of the parcel zoned Rural – R(b) – a portion to the north abutting Davidson Bay and heavily forested portion to the south. Clam Bay Road bisects the southern Rural zoned portion of the parcel from the Agriculture zoned parcel. Although Clam Bay Road crosses the property, there is no formal road dedication on the property.

The property has been predominantly used for agricultural purposes. There are multiple buildings for agricultural, residential, commercial guest accommodation, and accessory uses scattered across the property ranging from usable to not usable conditions.

In 1997, property owners at that time applied to rezone the land to reflect its current use. This included allowing agri-tourist accommodation as a permitted use with a maximum density of 17 units. As part of the rezoning permitting agri-tourist accommodation units on the AG-zoned portion, the Rural zoned portions were site specifically zoned to increase the minimum average lot size to 6 ha, remove permitted cottage use and to remove bed and breakfast uses. Previous property owners also applied to subdivide the property to create a separate lot on the norther R-zoned portion. Currently there is an open subdivision application from a previous property owner to subdivide the property into two parcels. The new property owners and the applicant (Blue Sky Architecture Inc.) have indicated they do not intend to proceed with that subdivision application; staff are following up to confirm that the subdivision application will be closed.

Figure 1: Subject Property Map

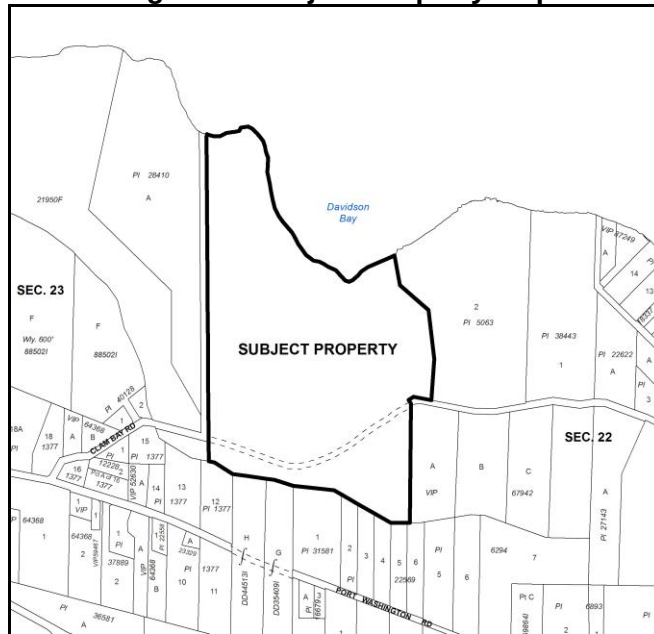


Figure 2: Orthophoto with 2 metre Contour Intervals



Rural zone portion where density will be shifted

Agricultural zoned portion of subject property (area indicated in pink)

Proposed Conservation Zone

SITE AREAS		POTENTIAL BUILDING SITES FOR DWELLINGS & COTTAGES	A. HOUSE
Total parcel area = 42 ha.			B. OFFICE
AG(c) Zone (Agriculture)= 25.9 ha.			C. CRAFT HOUSE
R(b) Zone in south part (Rural) = 9.56 ha.			D. GUEST HOUSE
R(b) Zone in north part (Rural) = 7.2 ha.			E. BARN
Note: Dimensions are in metres. Locations of improvements are approximate.			F. CARETAKER
			G. PUMPHOUSE
			H. GAZEBO
			I. HERITAGE HOUSE
			J. BOB ROOF CABIN
			K. BOAT HOUSE
			L. CISTERN
			M. PROPANE FUEL
			N. SAUNA
			O. PAINT, TRACTOR, & INCINERATOR
			P. LUMBER STORAGE
			Q. STORAGE
			R. ELECTRICAL
			S. GREENHOUSE
			T. DOCK

LEGEND:

- AG(c) ZONE
- R(b) ZONE
- HOUSING
- AGRICULTURE BUILDINGS
- ACCESSORY
- DOCK
- ARCHAEOLOGY SENSITIVE ZONE

NOTES:

- This set of drawings and the design as shown remain the property of Hellwell + Smith Blue Sky Architecture Inc. Contractor and all subcontractors shall verify all dimensions on site. Do not scale these drawings. Report any discrepancies to the owner - Hellwell + Smith Blue Sky Architecture Inc.
- Contractor shall be responsible for all conditions on the job and shall notify the client of any variations of the conditions immediately. All work completed on site to conform to the British Columbia Building Code 2006.

PROJECT INFORMATION:

PROJECT: CLAM BAY FARM
NORTH PENDER ISLAND B.C.

SHEET TITLE: COMPOSITE SITE PLAN

FIRST ISSUED: October 16 2012

DRAWN BY: ks, srh

CHECKED BY: ks, bh

SCALE: 1:2500 (scale on 54"x86" sheet)
1:12500 (scale on 11"x17" sheet)

HELLWELL + SMITH BLUE SKY ARCHITECTURE INC.

4000 BAYVIEW AVE. WEST VANCOUVER BRITISH COLUMBIA CANADA V6V 3K1
PHONE (604) 921-4846 FAX (604) 921-0795

SHEET NO.: A 101

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.2.2 – the protection of unfragmented forest ecosystems with their local planning areas from potentially adverse impacts of growth, development and land-use.
- 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.
- 4.1.4 - the identification and preservation of agricultural land for current and future use.
- 4.1.5 - the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.8 - land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
- 4.2.6 - to protect the ecological integrity on a scale of forest stands and landscapes.
- 4.2.8 - the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
- 4.4.2 - measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area.
- 5.2.3 - the aesthetic, environmental and social impacts of development.
- 5.2.4 - potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 – to achieve efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.6.2 - the identification, protection, preservation and enhancement of local heritage.
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
- 5.7.2 - economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The subject property is designated 'Rural' and 'Agriculture' in the North Pender Island Official Community Plan (OCP). The Rural policies relevant to this application include:

- 2.1.2.1 - The principal uses on lands in the Rural land use designation shall be residential and agricultural.
- 2.1.2.3 - The Rural designation shall have a 4 hectare (10 acre) average lot size and a density of one dwelling per lot, with provisions for one additional dwelling in the form of a

cottage on lots over 1.2 hectares (3 acres) in area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.

- 2.1.2.4 - Despite policy 2.1.2.3 above, the Local Trust Committee may give consideration to applications to rezone lots to permit a second dwelling for the purposes of encouraging clustering and retaining rural lots for agricultural and forestry uses. Any such application is subject to the following criteria:
 - a) The proposal is limited to one additional dwelling and one additional cottage, for a maximum density of two dwellings and two cottages.
 - b) The lot is at least 8 hectares (20 acres) in area.
 - c) The lot is rezoned to permit no subdivision.
 - d) Prior to approval, the Local Trust Committee should satisfy itself that any relevant land use issues are addressed, including, but not limited to, slope stability, potable water, septic disposal capability, appropriate clustering, environmental impacts, visual impacts, archaeological resources, climate change impacts and the cumulative impacts of such applications on the availability of future housing.
 - e) The Local Trust Committee may give consideration to permitting the dwellings to be attached where energy savings can result.
- 2.1.2.5 - The sustainable agricultural use of rural land should be encouraged and regulations should not restrict or inhibit sustainable farming.

The proposed zoning amendment does not appear to comply with the OCP policy 2.1.2.4 as the policy limits density to two (2) dwelling unit and two (2) cottages. The zoning amendment application must be revised to comply with the OCP or the applicant can apply for an OCP amendment to address the inconsistencies.

The Agriculture policies relevant to this application include:

- 2.2.2 - The average parcel size on land within the Agricultural designation shall be 16 hectares (40 acres) and density shall be limited to one dwelling and one cottage per parcel. Applications to the ALC for subdivision that are consistent with average parcel size may be supported.
- 2.2.5 - The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agrologist.
- 2.2.14 - The Local Trust Committee supports the preservation and maintenance of the island's agricultural land base and applications for exclusion of land from the ALR will not be considered.
- 2.2.16 - When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.
- 2.2.25 - Where there is a potential for conflict related to the regulation of agriculture and environmental protection, the Agricultural Land Commission and the Ministry of Agriculture and Lands and the Ministry of Environment shall be consulted.

Generally zoning amendment applications do not initiate Development Permit Areas. In this case, the removal of buildings as a condition of the zoning amendment application may require a Development Permit for Intertidal Ecosystem Protection.

Land Use Bylaw:

The subject property is split zoned Rural – R(b) and Agriculture – A(c). The Rural (b) is a site-specific zone which limits the permitted uses in this location to a dwelling and agriculture. Furthermore, no lot having an area less than 6 hectares may be created by subdivision in the portion of the property zoned Rural. The intent of increasing the minimum average lot size from 4 hectares (as stated in the Rural zone) to a site-specific requirement of 6 hectares was to limit the subdivision potential.

The Agriculture (c) site-specific zone includes the following permitted uses: agriculture, one dwelling per lot, and agri-tourist accommodation as an accessory use. The site-specific zone permitted the agri-tourist accommodation use to accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.

Neighbouring parcels are zoned Water 1 to the north, Rural to the east and south, and Rural Comprehensive 2 to the west.

Islands Trust Fund:

The Islands Trust Fund holds a conservation covenant on the adjacent eastern property which extends to the eastern property boundary. Although there are no anticipated impacts to the neighbouring conservation covenant, the application will be referred to Trust Fund staff for review and comment. The application also involves granting a covenant on the southern, Rural-zoned portion of the property; this may involve a covenant granted to the TFB.

Sensitive Ecosystems and Hazard Areas:

The Sensitive Ecosystem Mapping indicated Mature Forests on the property – Figure 4. There are also some areas of low, moderate, and high slope hazard areas identified – Figure 5.

Figure 4: Sensitive Ecosystem

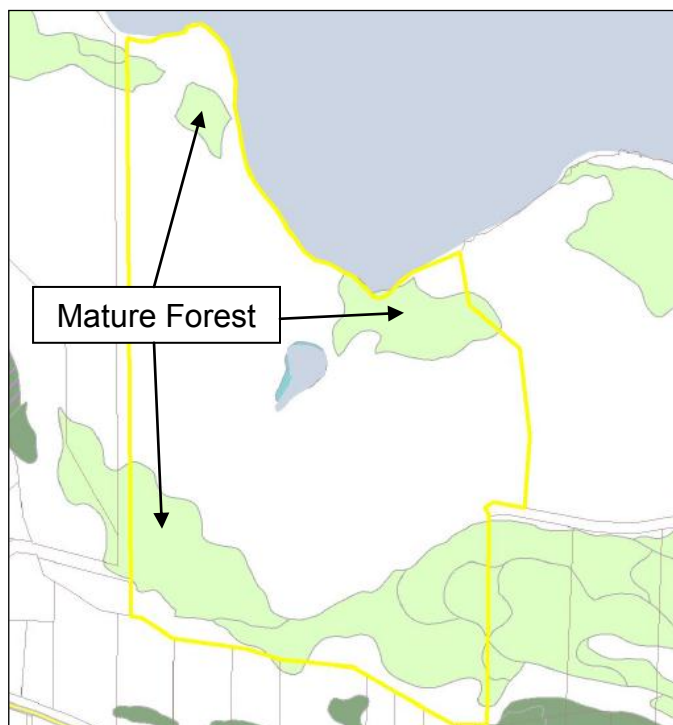
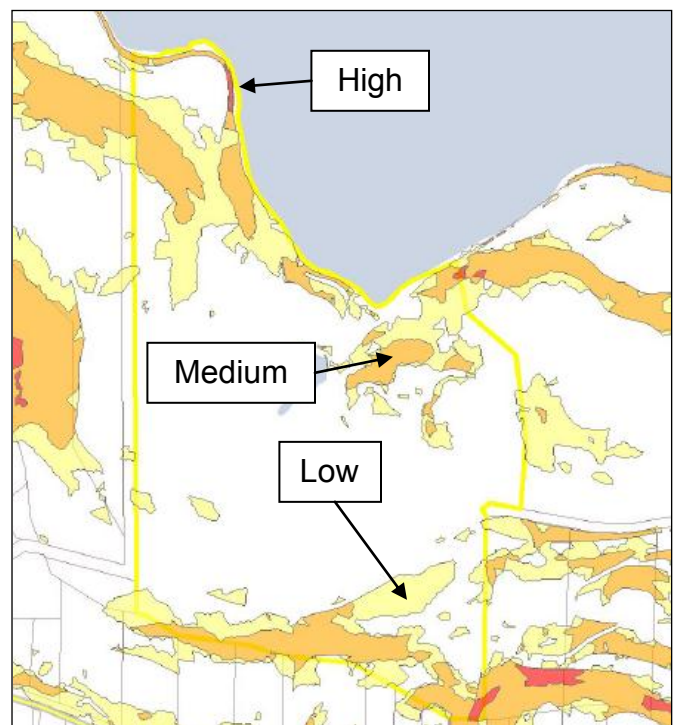


Figure 5: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site on the subject property. Recorded and unrecorded archaeological sites are protected under the *Heritage Conservation Act* and it is unlawful to alter any archaeological site without first obtaining a permit to do so from the provincial Archaeology Branch. Staff are recommending that an archaeological impact assessment be required as part of the application to address potential impacts of the development proposal and associated impacts with the removal of buildings and/or structures near or within the archaeological site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

The preservation of natural areas and forest ecosystems is an important factor to reduce greenhouse gas emissions. Forests act as an important carbon sink—absorbing and storing carbon that would otherwise be circulating in the atmosphere. A NAPTEP covenant and rezoning of the southern portion of the property to an Ecological Zone would help preserve and retain the large forested area. The application would be consistent with Policy 4.7.12 of the OCP to retain and restore natural areas and vegetation as a means of storing carbon.

Shifting the density to a specific portion of the property limits disturbance to sensitive ecosystems and viable agricultural land. Providing farm accommodation on site will reduce employee travel to work and therefore contributing to an overall reduction of carbon emissions.

Shoreline Type:

The shoreline for this property has multiple classifications: Low Rock/Boulder, Sea Cliff, and Pebble/Sand Beach Shorelines. There are no anticipated impacts to the shoreline associated with this application as all development would be setback at least the required distance from the natural boundary.

Communications/Consultations:

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

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo
 - Stz'uminus
 - Tsartlip
 - Tsawout
 - Tsawwassen
 - Tseycum
- Agricultural Land Commission

- Ministry of Agriculture
- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Ministry of Transportation and Infrastructure
- Islands Trust Fund, NAPTEP Program
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee

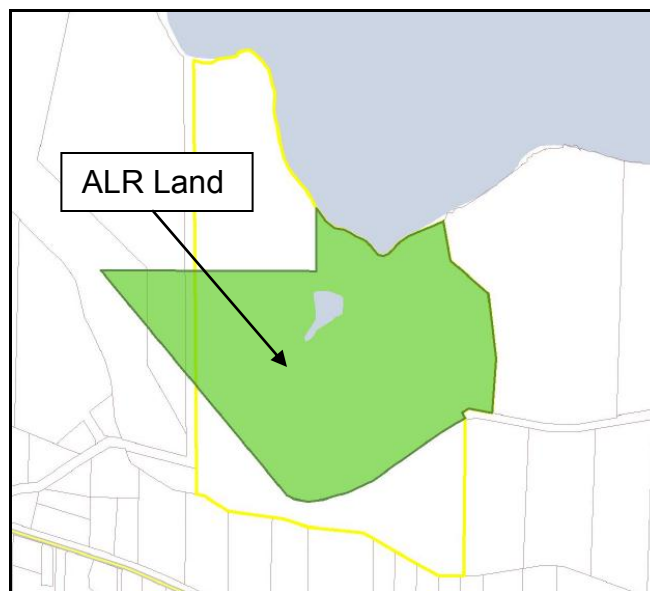
Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

Other:

Agricultural Land Reserve:

A large portion of the property is located within the Agricultural Land Reserve (ALR) – see Figure 6. As a referral agency, the Agricultural Land Commission (ALC) will have an opportunity to comment on the application; specifically advising if ALC approval is required and to comment on regulations concerning farm worker accommodation. To date, there has been no correspondence with the ALC regarding this application.

Figure 6: Agricultural Land Reserve



Professional Reports:

The applicant to date has not provided professional reports in support of the application. After reviewing the proposal, the following professional reports/plans were identified as development approval information required as part of the application:

1. Archaeological Impact Assessment: to address potential impacts of the development proposal on pertinent archaeological site(s) and to address associated impacts with the removal of buildings and/or structures near or within the archaeological site(s).
2. Environmental Assessment: to report on the current state of the proposed covenant area and its ecosystems, prepared by an approved Environmental Professional. While it is being recommended that this be a condition of rezoning, it is advisable that the applicant discuss requirements for the Environmental Assessment with the Islands Trust Fund staff in order to ensure that the information is consistent with requirements under the NAPTEP program.
3. Farm Plan: an outline of the farm objectives and plans which should include detailed information supporting the requirement for farm help accommodation on the subject property.

A Development Approval Information (DAI) checklist will be provided to the applicant to provide specific direction to the applicant regarding what professional reports or information will be required from them. Depending upon the outcome from the preliminary staff report, staff will advise the applicant accordingly of the required information to proceed with the application through the DAI checklist. All professional reports or plans noted above will be included in the checklist. The LTC should advise staff if they believe any further information or professional reports that should be requested.

NAPTEP Covenant:

The applicant has indicated that they are interested in pursuing the Islands Trust Fund's Natural Areas Protection Tax Exemption Program (NAPTEP) for the portion of land proposed to be rezoned Ecological. The NAPTEP program provides island landowners with the opportunity to receive a property tax exemption on the portion of their property protected through a NAPTEP covenant. The application will be referred to the Islands Trust Fund for review and comment.

STAFF COMMENTS:

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

- resolve to proceed no further with application,
- direct staff to proceed with the application and to prepare draft bylaws, or
- direct staff to proceed with the application and to clarify outstanding issues with the applicant and bring forward a supplemental staff report to the next applicable Local Trust Committee meeting.

This staff report has identified a number of issues and information that must be received prior to preparing to draft a bylaw. In addition, the zoning amendment proposal currently does not comply with the OCP policies. The application includes rezoning the northern site-specific Rural (b) zoned portion of the property to permit a maximum of 3 dwelling units and 3 cottages. This is not consistent with the OCP therefore the applicant must clarify if they intend to amend their proposal or simultaneously apply for an OCP amendment.

Staff have outlined the subject property's existing and proposed density below.

Building	Existing Use	Proposed Use	Existing Density	Proposed Density
A - House	-Staff Accommodation -Office	-Farm Headquarters -Agricultural Office -Food Processing Kitchen	4 Rooms	0
B – Office	-Office -Guest Suite	Office -Guest Suite	1 Suite	1 Suite
C – Craft House	-Staff Accommodation -Offices	-Staff Accommodation -Offices	6 Bedrooms	6 Bedrooms
D – Guest House (Chicken Coop)	-Guest Accommodation	-Guest Accommodation	2 Suites	2 Suites
F – Caretaker	-Caretaker Accommodation	-Caretaker Accommodation	1 House/Cottage	1 House/Cottage
G – Pumphouse	-Guest Accommodation	-Staff request building to be removed	1 Suite	0
I – Heritage House	-Guest Accommodation	- to be removed	1 House/Cottage	0
J – Sod Roof Cabin	-Guest Accommodation	-to be removed	1 Bedroom	0
K – Boat House	-Guest Accommodation	-to be removed	1 Bedroom	0

Staff will be requesting, as a condition of the zoning amendment application, removal of multiple buildings from the property to reduce density. The applicant has also stated that the Guest House and Office building will be retained for guest accommodation. As the application intends to remove agri-tourist accommodation from the Agriculture site-specific zone (to shift density to the Rural zoned portion of the land), non-farm use approval from the ALC may be required for the worker and guest accommodation use. Furthermore, clarification is required from the applicant if the guest accommodation is intended for guests or farm workers. Staff recommend reviewing ALC policies concerning farm worker regulations prior to bringing the application forward to the next LTC meeting.

Once the above mentioned information is received, a DAI checklist will be provided to the applicant to provide specific direction to the applicant regarding the professional reports (Archaeological Assessment, Environmental Assessment, and a Farm Plan) or other information that will be required from them.

Preliminary Timeline:

February: Staff directed to work with applicant to obtain the additional information noted above.

March: Supplemental staff report recommending draft bylaw(s) be prepared

April: Review draft bylaws, make any revisions, and staff to refer draft bylaw for agency comments. LTC may consider referral to APC.

May: Any preliminary agency responses received are considered, draft bylaws revised if necessary, draft bylaw given may be given First Reading and staff directed to schedule a community information meeting.

June: Community Information meeting, further reading and staff directed to schedule Public hearing

August Public hearing (at LTC meeting or separately) , remaining agency comments received, further revisions considered then proposed bylaw given Second and Third Reading and forwarded to Islands Trust Executive Committee for approval.

Sept: Proposed bylaw returns for adoption.

As further information and clarification is required and there are inconsistencies with the proposal and OCP policies, Staff recommend proceeding with the application and to bring forward a secondary staff report to a subsequent Local Trust Committee meeting.

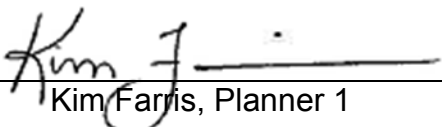
ALTERNATIVE OPTIONS:

1. THAT the North Pender Island Local Trust Committee resolve to proceed no further with application NP-RZ-2012.2 (Clam Bay).
2. THAT the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2012.2 (Clam Bay) and to prepare draft bylaws.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2012.2 (Clam Bay) and to bring forward a supplemental staff report to the next Local Trust Committee meeting when outstanding issues have been clarified.

Prepared and Submitted by:



Kim Farris, Planner 1

February 20, 2013

Date

Concurred in by:



Regional Planning Manager

February 20, 2013

Date



Memorandum

Date February 13, 2012 File Number NP-6500-20 Road Designation

To North Pender Island Local Trust Committee
For the meeting of February 28, 2013

From Andrea Pickard
Island Planner

Re **Post Public Hearing Procedures - Proposed Bylaw No. 192**

The Local Trust Committee (LTC) is considering a bylaw to amend the North Pender Island Official Community Plan by repealing and replacing map Schedule E – Road Classification. The objective is to designate the roadway between the BC Ferries terminal and the entrance to Magic Lake Estates as the 'Magic-Ferry Bicycle-Walking Route', and to identify the locations of the existing Car Stop network. A community information meeting and public hearing are scheduled as part of the regular LTC business meeting on Thursday, February 13, 2013. A public hearing is a quasi-judicial process and specific procedures must be followed within and following the hearing.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second and Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaws to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Attached to this memo is Bylaw 192 as it stands at First Reading. Consideration of any amendments to the proposed bylaw based on information or comments received can be discussed during the LTC meeting of the same date, after the close of the Public Hearing.

The LTC is reminded the Policy Statement Checklist was included with the staff report received at the January LTC meeting. The checklist is used when reviewing proposed bylaws for compliance with the directive policies in the Policy Statement and they form part of the referral package to Executive Committee. A copy can be provided to the LTC upon request.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee give Second Reading to Proposed Bylaw No. 192, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012".
2. THAT the North Pender Island Local Trust Committee give Third Reading to Proposed Bylaw No. 192, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012".
3. THAT the North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012" be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
4. THAT the North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012" be forwarded to the Minister of Community, Sport and Cultural Development for approval.

pc Robert Kojima, Regional Planning Manager

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW No. 192

**A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171,
2007**

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

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

NOW THEREFORE the North Pender Island Local Trust Committee enacts as follows:

CITATION

1. This Bylaw shall be cited as the "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012".

ORGANIZATION

2. North Pender Island Official Community Plan No. 171, 2007 is amended as follows: Schedule E – Road Classification is repealed and replaced with the following Schedule E-Road Classification shown on Schedule 1.

SEVERABILITY

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

READ A FIRST TIME this 31st day of January, 2013

PUBLIC HEARING HELD this day of , 20__

READ A SECOND TIME this day of 20__

READ A THIRD TIME this day of , 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20__

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT
this day of , 20__

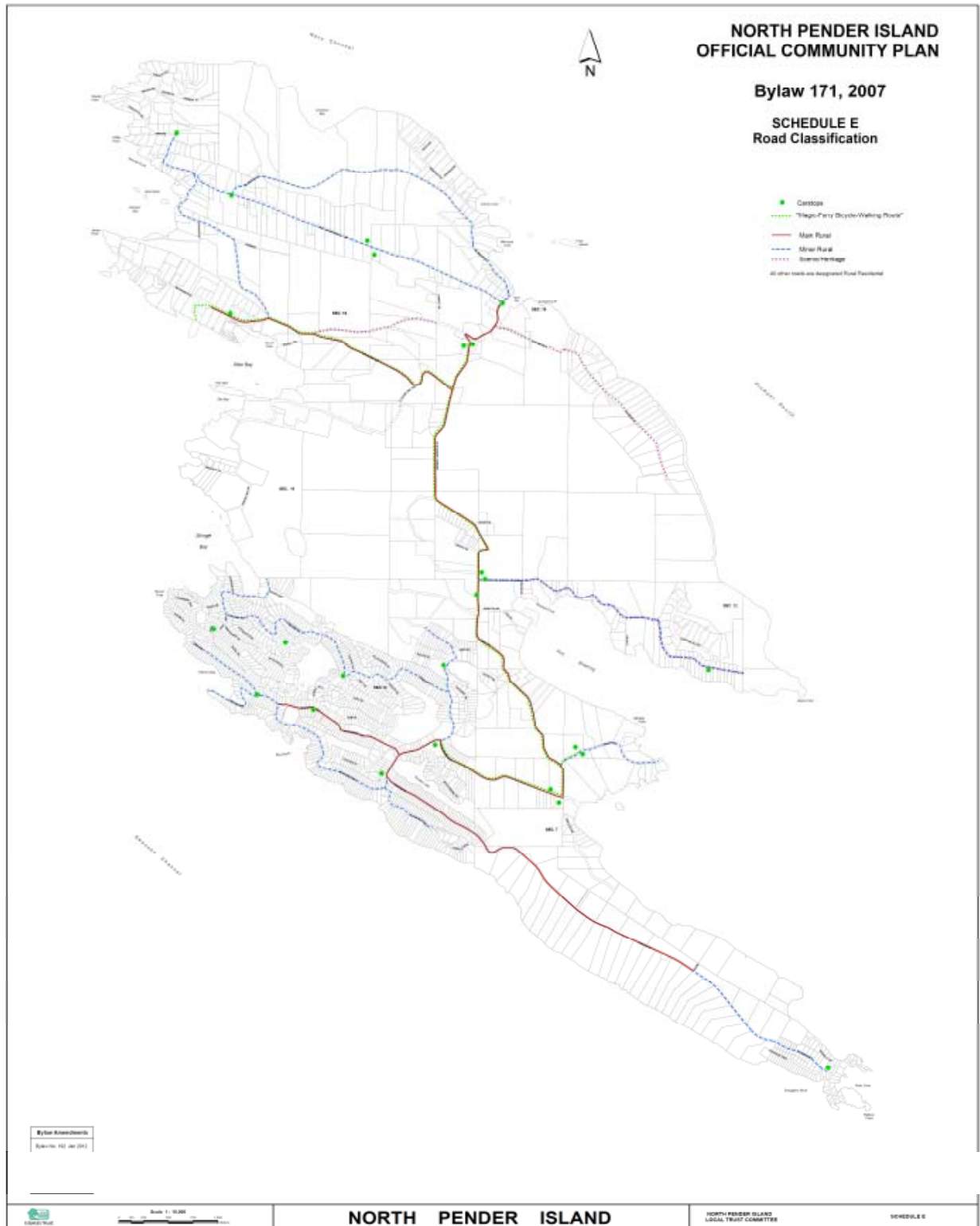
ADOPTED this day of , 20__

SECRETARY

CHAIRPERSON

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 192
SCHEDULE 1**

North Pender Island Official Community Plan No. 171, 2007 Schedule E – Road Classification, is inserted as follows:





Islands Trust

Top Priorities

North Pender Island

No.	Description	Activity	Received / Initiated	Responsibility	Target Date	Status
1	Shoreline Development Review	Identify and assess issues and impacts associated with development on the foreshore and immediately upland of the natural boundary, including docks, stairs, seawalls, erosion, landslip, sea level rise and structures near the natural boundary. Consider options to address issues, including designation of a shoreline DPA	Sep-22-2011	Andrea Pickard		On Going
2	Pedestrian/Bicycle route designation	Amend OCP to adopt schedule designating Magic Lake - Ferry route	Sep-20-2012	Andrea Pickard	Mar-31-2013	On Going
3	National Marine Conservation Area (NMCA)	Review proposed exclusion of the three public marina areas on NPI and report back with community consultation recommendations	Jan-31-2013	Andrea Pickard	Mar-28-2013	On Going



Projects

North Pender Island

No.	Description	Activity	Received / Initiated	Status
1	Affordable Housing Task Force	Circulate report to community groups, develop terms of reference, appoint task force as an APC, receive report, undertake community and stakeholder consultation, review options, consider bylaw amendments or other initiatives for implementation.	Jan-22-2009	On Going
2	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
3	Tourism Plan	Support efforts to develop a tourism plan	Jan-22-2009	On Going
4	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
5	Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of		Jan-22-2009	On Going

personal watercraft)

6	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
7	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
8	LUB Amendments	• review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • ferry terminal zoning • review of commercial (C1) zoning • incorporate TUP's into zoning • landscape screening review • review of marine zoning regulations in conjunction with overall shoreline development review • amendments to permit renewable energy • review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs • height exemptions for agricultural or forestry buildings and boat sheds • max floor area for principal dwellings	Mar-22-2012	On Going
9	Road Side Signs		Apr-26-2012	On Going
10	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
11	LUB Amendments Related to Subdivision and Roads	• road classification and design standards review, including heritage roads and subdivision standards (s.4.15) and related OCP policies • subdivision servicing regulation review • stormwater management regulation review • review of marine zoning regulations in conjunction	Sep-20-2012	On Going



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 Planner: Andrea Pickard	Dec-21-2012	4606 RAZOR POINT RD Application by Owner in Non-Farm Use in the ALR

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-2010.4	TWA Planner: Andrea Pickard	Apr-19-2010	RAZOR POINT RD of a 15 lot subdivision, request a variance for lots 8 (vary sec. 4.10.3 of LUB) and 13 & 14 (vary sec. 4.12.1 of LUB)

Planning Status

Status Date: Feb-28-2012

decision deferred until amending the consolidated covenant is investigated and the AO and DSO comment on the drainage rpt

Status Date: Jan-26-2012

jan meeting cancelled, on Feb agenda

Status Date: Jan-10-2012

on Jan agenda, draft covenant and drainage rpt included

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.5	Droroa Aronowicz c/o Harold Wiebe Planner: Andrea Pickard	May-10-2012	1117 WALDEN RD Vary a variety of lot line setbacks for existiing shed, deck, closed areas, art studio, shoreline

Planning Status

Status Date: Feb-01-2013

on jan agenda but deferred by applicant request to Feb agenda

Status Date: Jan-09-2013

APC to review Jan 14, application on Jan agenda

Status Date: Nov-29-2012

no decision made, supplemental report required and refer to APC

Rezoning

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

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 Planner: Kim Farris	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planning Status

Status Date: Jan-07-2013

site visit

Status Date: Nov-28-2012

Application forwarded to Planner and copies sent to Trustees.

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

Planner: Andrea Pickard

Planning Status

Status Date: Feb-13-2013

preliminary report for Feb agenda

Status Date: Jan-22-2013

Sent letter of acknowledgment of receipt of fees and application to applicant. Copy to trustees and forward to Planner

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.3	Wey	Mar-19-2008	5442 HOOSON RD : Creating 4 lots

Planner: Andrea Pickard

Planning Status

Status Date: Nov-20-2012

final letter of approval sent to MOTI

Status Date: Nov-19-2012

letter of undertaking confirmed

Status Date: Jun-18-2012

executed covenants sent to applicant

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: Dec-20-2012

groundwater report rec'd

Status Date: Mar-30-2012

DFO confirmed file is closed

Status Date: Mar-12-2012

pending owner commenting on requested covenant amendments and Gardom Pond issues to be clarified

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

Planning Status

Status Date: Feb-27-2012

DP approved

Status Date: Jan-10-2012

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

Status Date: Oct-06-2011

PLA issued

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.2	JM Wood Investment Ltd Planner: Kim Farris	Sep-02-2011	application to subdivide Parcel K (DD50314-i) into two fee simple lots. Separated by the dedication of Clam Bay Road

Planning Status

Status Date: Feb-07-2012

PLA issued

Status Date: Sep-28-2011

response sent to MOTI, copied to app/owner

Status Date: Sep-08-2011

Forwarded to Planner and Trustees

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.3	Strongitharm Consulting Ltd Planner: Kim Farris	Nov-09-2011	Boundary adjustment

Planning Status

Status Date: May-02-2012

PLA received

Status Date: Dec-06-2011

response sent to MOTI

Status Date: Nov-30-2011

Sent letter of acknowledgement of receipt of application and fees to applicant. Copied trustees and forwarded file to planner.

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: Jan-07-2013

site visit

Status Date: Jan-02-2013

response to MoTI on hold pending fees

Status Date: Dec-04-2012

Sent letter requesting fees and completion of application form.

North Pender Local Trust Committee
2012-13 Budget

LTC Meetings	3,600.00	
APC Meetings	1,840.00	
Communications	1,150.00	
Special Projects	2,000.00	
Miscellaneous	810.00	
 TOTAL LTC LOCAL EXPENSES	 9,400.00	

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.



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Population (2011):

Approximately 2,035

Size:

2,709 hectares (6,694 acres)

Location:

15 kilometres east of the Swartz Bay ferry terminal on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
[Related Links](#)

North Pender Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the North Pender Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

February 2013

- [North Pender Island Public Hearing - February 28, 2013 re: Road Designation](#)
- [The Pender Wave - February 2013](#)
- [The Pender Island Conservancy Association Shoreline Event - March 2, 2013](#)
- [North Pender Island Advisory Planning Commission Expression of Interest](#)

December 2012

- [Information on Mining Claims](#)

October 2012

- [Ministry of Transportation and Infrastructure Response re: Hoosen Road](#)

September 2012

- [North Pender Trustee Newsletter - September 2012](#)
- [James Island Rezoning Referral Process Memo - September 5, 2012](#)
- [Eagle Watch Report - August 20, 2012](#)
- [Pender Islands Transportation Survey Results - Residents](#)
- [Pender Islands Transportation Survey Results - Visitors](#)
- [Pender Island Transportation Management Plan](#)

Pender Post Trustee Reports

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Planner Office Hours on Pender Island

- [Planning Office Hours on Pender Island](#)

North Pender Island Local Trust Committee Projects

Local trust committee community planning projects are initiated and managed through their Work Programs. The Work Program Top Priorities are projects that have been prioritized by the LTC and for which resources are available or anticipated to be available shortly. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.

- [Work Program Top Priorities](#)

Committee Links

[Committee Home](#)
[Trustee Membership](#)
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[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
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[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

General

- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)
- [Development Approval Information Bylaw No. 134](#) - outlines information required when submitting a Development Permit, Temporary Use Permit or Rezoning Application
- [Policies and Standing Resolutions - June 2009](#)
 - NP-LTC-05-05 - Advisory Planning Commission Appointments Policy
 - NP-LTC-80-06 - Communications Policy
 - NP-LTC-82-06 - Enforcement Policy - Short Term Vacation Rentals
 - NP-LTC-146-07 - Special Occasion License Policy
- [Buying Property on North Pender Island? What Every Potential Purchaser Should Know - May 2008 Update](#)
- [Who Lives Here? - North Pender Ecosystem, Habitat and Wildlife](#) Note that this presentation requires Quicktime to be loaded on your computer - this application can be obtained at no charge from <http://www.apple.com/quicktime/download/> - As well note that this presentation is 3 MB in size.
- **Transportation Plan**
- [Pender Island Transportation Management Plan](#)
- [Pender Islands Transportation Survey Results - Residents](#)
- [Pender Islands Transportation Survey Results - Visitors](#)

Rezoning Applications

NP-RZ-2012.1 /NP-ALR-2012.1 (Burdett) Waste Transfer Site

- [Staff Report - January 31, 2013](#)
- [Hydrology Impact Assessment](#)
- [Phase II Environmental Site Assessment](#)

Hooson Road Realignment

- [Staff Report - November 16, 2011](#)
- [Engineering Drawing - Intersection](#)
- [Engineering Drawing - New Road](#)
- [Draft Minutes - Oct. 22 Hooson Road Workshop](#)
- [Staff Report - February 8, 2012](#)

Sidney Island Bylaw Review

- [Draft Consolidation of Land Use Bylaw No. 148](#)
- [Proposed Bylaw No. 187 \(LUB Amendment\)](#)
- [Proposed Bylaw No. 189 \(OCP Amendment\)](#)
- [Proposed Hazard Land DPA Map](#)
- [North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002](#)
- [North Pender Associated Islands Land Use Bylaw No. 148, 2003](#)
- [Geotech Covenant](#)

Staff Reports:

- [Staff Report - July 12, 2011](#)
- [Staff Report - September 12, 2011](#)
- [Staff Report - January 9, 2012](#)
- [Staff Report - October 31, 2012](#)
- [Staff Report - November 20, 2012](#)
- [Staff Memo - December 13, 2012](#)
- [Staff Memo - January 29, 2013](#)

Climate Change Action

- [Climate Wise Islands](#)
- [Adopted Bylaw No. 183](#)
- [Staff Report - May 17, 2010](#)

Geological Hazard Mapping

- [Steep Slopes Hazard Map](#)
- [C.N. Ryzuk and Associates Report - December 11, 2009](#)

Environmental Development Permit Areas (EDPAs)

- EDPA Information Sheets:
 - [Development Permit Area 1 \(Woodland Sensitive Ecosystem\)](#)
 - [Development Permit Area 2 \(Herbaceous Sensitive Ecosystem\)](#)
 - [Development Permit Area 3 \(Riparian Sensitive Ecosystem\)](#)
 - [Development Permit Area 4 \(Wetland Sensitive Ecosystem\)](#)
 - [Development Permit Area 5 \(Cliff Sensitive Ecosystem\)](#)
 - [Development Permit Area 6 \(Intertidal Sensitive Ecosystem\)](#)
 - [Development Permit Area 7 \(Raptor and Heron Nests Sensitive Ecosystem\)](#)
 - [Development Permit Area 10 \(Riparian and Aquatic\)](#)
- [OCP Part 5 "Preserving and Protecting Our Ecosystem"](#)
- [Development Permit Area Guide for North Pender Island](#)
- [Refer to North Pender Island OCP and Development Permit Area Schedules](#)

Ecosystem Mapping Webpage

Archived Postings

Note: this is a list of previously posted information and may not include all available documentation. Please contact staff if your require more information

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