NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA
TO COMMENCE AT 9:45 A.M., THURSDAY, JANUARY 31, 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** - none		
4.	**PUBLIC HEARING** - none		
5.	**PREVIOUS MEETINGS**		9:50 am
	5.1 Local Trust Committee Minutes for adoption		
	5.1.1 Minutes of November 29, 2012 Local Trust Committee Business Meeting (attached)	**1**	
	5.2 Public Hearing Records and Community Information Meeting Notes to be Received - none		
	5.3 Section 26 Resolutions-without-meeting (attached)	**11**	
	5.4 Advisory Planning Commission/Task Force to be received		
	5.4.1 Minutes of January 14, 2013 Advisory Planning Commission Meeting (attached)	**12**	
6.	**BUSINESS ARISING FROM THE MINUTES**		10:00 am
	6.1 Follow-up Action Report (attached)	**18**	
7.	**DELEGATIONS** – none		
8.	**CORRESPONDENCE**		10:05 am
	[*correspondence received concerning applications and/or projects is considered with the application*]		
	8.1 Short Term Vacation Rental 2013 – note from T. Lonergan and the islanders (provided as a separate document)		

9.	**APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**		10:15 am
9.1	**NP-TUP-2012.2 (Mainroad)** (attached)	**21**	
9.2	**NP-ALR-2012.1 (Burdett)** (attached)	**37**	
9.3	**NP-DVP-2012.5 (Aronowiez c/o Wiebe)** (attached)	**64**	
9.4	**Salt Spring Island Bylaw No. 465 Referral** (attached)	**100**	
9.5	**Salt Spring Island Bylaw No. 466 Referral** (attached)	**102**	
10.	**LOCAL TRUST COMMITTEE PROJECTS**	**104**	12:05 pm
10.1	**NP-OCP and LUB.2011.1 (Sidney Island)** (attached)		
	10.1.1 Proposed Bylaw No. 187 (LUB Amendment) for further consideration		
	10.1.2 Proposed Bylaw No. 189 (OCP Amendment) for further consideration		
10.2	**NP-6500-20 (Road Designation)** (attached)	**140**	
11.	**REPORTS**		1:15 pm
11.1	**Work Program Reports** – for information		
	11.1.1 North Pender Island Local Trust Committee Work Program - Report dated January 2013 (attached)	**151**	
11.2	**Applications Report** – for information		
	11.2.1 North Pender Island Applications Report dated January 2013 (attached)	**154**	
11.3	**Bylaw Enforcement**		
	11.3.1 Signs Enforcement (attached)	**159**	
11.4	**Expense/Budget Reports**		
	11.4.1 Trustee and Local Expense Report (attached)	**163**	
	11.4.2 Local Trust Committee Budget 2012/2013 (attached)	**164**	
11.5	**Adopted Policies and Standing Resolutions** (attached) – for information	**155**	
11.6	**North Pender LTC Web Page** (attached) – for discussion	**166**	
11.7	**Chair's Report**		1:45 pm
11.8	**Trustee Report**		

12. OTHER BUSINESS 2:00 pm

12.1 Upcoming Meetings

12.1.1 Business at 9:45 a.m., Thursday, February 28, 2013 at Pender Island Community Hall - Upstairs

12.2 Advisory Planning Commission – Expired Memberships (attached) **169**

12.3 Natural Marine Conservation Area Exclusion Zones (pending)

12.4 PICA Shoreline Series Event 2 (attached) **170**

13. TOWN HALL MEETING 2:15 pm

14. ADJOURNMENT 2:35 pm

MINUTES OF THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON THURSDAY, NOVEMBER 29, 2012, 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**
	Robert Kojima	**Regional Planning Manager**
	Miles Drew	**Bylaw Enforcement Coordinator**
	Zorah Staar	**Recording Secretary**

REGRETS: **none**

There were twelve (12) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:48 am, acknowledging that we were gathering on traditional Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended by adding:

- item 8.1 - letter from Moving Around Pender;
- addendum materials to existing item 9.1 (NP-DVP-2012.5);
- item 12.2 - Mineral Claim Issues.

The amended agenda was adopted by consensus.

2.2 Questions from Public on Agenda Items

None

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 October 4, 2012 Local Trust Committee Special Meeting

The October 4, 2012 Minutes were amended at page 4, 3rd line, to change “breakwaters” to “sea walls”.

The amended minutes were adopted by consensus.

5.1.2 Minutes of October 25, 2012 Local Trust Committee Business Meeting

The October 25, 2012 Minutes were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

There had been one Resolution-without-meeting, to confirm Local Trust Committee support for the Farmers’ Institute project to reduce invasive bullfrogs.

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the Follow-up Action Report.

Regarding item 5, the Trustees confirmed that they would still like to receive a draft enforcement policy on roadside signage, to help them decide how to resolve current safety and other concerns.

Bylaw Enforcement Coordinator Miles Drew noted that the Local Trust Committee had concurrent jurisdiction over third party signage (not permitted by the Land Use Bylaw), together with the Ministry of Transportation & Infrastructure (MOTI). At any time, MOTI could choose to remove any non-permitted signage on the road allowance.

Trustee Steeves said that the Local Trust Committee was hoping for a “made-on-Pender” solution, for example involving rezoning and MOTI approval for directional signage at key community locations.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Letter from Moving Around Pender dated November 25, 2012

The letter just received from Moving Around Pender was about how the current Magic Lake waterworks changes could present an opportunity for new roadside transportation pathways.

Resolution NP-LTC-116-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to report to the January 31, 2013 LTC meeting re: options and recommendations resulting from the November 25 Moving Around Pender correspondence.

CARRIED

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-DVP-2012.5 (Wiebe)

Planner Pickard reviewed the November 6, 2012 Staff Report and commented that NP-DVP-2012.5 (Wiebe) was an application for 7 different setback variances at 1117 Walden Road, for an existing dwelling, a shed, various stone patios and pathways, a hot tub, and part of a foreshore deck; the foregoing structures were in violation of the required 15 metre setback from the natural boundary of the sea and/or the exterior side setback; the dwelling itself pre-dated the ocean setback, but most of the other work did not, and further work had still been occurring; the foreshore deck was also partly below the natural boundary of the sea, and would require a separate rezoning application; and the file involved Bylaw Enforcement, addendum submissions just received from neighbours and the Applicant, and other complexities.

The Applicant/Contractor Harold Wiebe, was present on behalf of the owner (Drora Aronowicz), and he was questioned by the Trustees about their many, significant concerns. This included how such a huge amount of work could be done in violation of setback provisions, with no attempt by professional contractors to check the applicable Land Use Bylaw, and also leaving virtually no natural area between the house and the foreshore. Additional work within setback areas had been ongoing despite a stop work order, but Wiebe said that it would now be halted. The Trustees also noted their authority to not approve variances and to require removal of all structures within setbacks.

Resolution NP-LTC-117-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to create a supplemental report for variance application NP-DVP-2012.5 (Wiebe), including a chronology and any new information received.

CARRIED

Resolution NP-LTC-118-12

It was Moved and Seconded that the North Pender Island Local Trust Committee refer variance application NP-DVP-2012.5 (Wiebe) to the North Pender Island Advisory Planning Commission, and request comments in time for the February 28, 2013 Local Trust Committee meeting.

CARRIED

To accommodate Mr. Block's timeline, item 9.3 was addressed before item 9.2.

9.3 NP-DP-2-2012.3 (Block)

Planner Pickard reviewed the November 19, 2012 Staff Report and commented that NP-DP-2012.3 (Block) was an application for a development permit, as required for a boundary adjustment subdivision involving a sensitive woodland development permit area; the adjustment was to transfer 0.2 hectares between two lots, for practical reasons; a biologist's report confirmed there was no negative ecosystem impacts; and that a minimum frontage waiver was also required, for historic reasons that were acceptable.

Resolution NP-LTC-119-12

It was Moved and Seconded that North Pender Island Local Trust Committee Development Permit NP-DP-2012.3 (Block) be approved.

CARRIED

Resolution NP-LTC-120-12

It was Moved and Seconded that North Pender Island Local Trust Committee waive the requirement to meet the minimum 10% lot frontage for proposed Lots 1 and 2 for subdivision NP-SUB-2012.3 (Block).

CARRIED

Note: The Local Trust Committee then agreed by consensus to amend the agenda to advance Item 14. – Motion to Close Meeting, and Item 15. - Recall to Order, and the remaining Applications would then follow afterwards.

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-121-12

It was Moved and Seconded, pursuant to Section 90(1)(g) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting minutes of the September 20, 2012 Local Trust Committee In Camera Meeting; to consider bylaw enforcement and litigation matters; and further that Islands Trust Staff and Recorder Zorah Staar remain present.

CARRIED

Note: See separate In Camera Meeting Minutes of the same date.

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

Resolution NP-LTC-124-12

It was Moved and Seconded that the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

It was reported that during the closed portion of the meeting, the Local Trust Committee had approved the In Camera Minutes of September 20, 2012.

9. APPLICATIONS, PERMITS, AND REFERRALS (continued)

9.2 NP-DVP-2012.8 (Caza)

Planner Pickard referred to the November 15, 2012 Staff Report and commented that NP-DVP-2012.8 (Caza) was an application for a setback variance for a Sidney Island property (under the North Pender Associated Islands Land Use Bylaw); the proposal was to vary the regulation generally for the lot lines forming a rectangular strip of Limited Common Property (LCP) which significantly reduced the available building envelope; that this LCP was originally for two shared wells,; and that the variance would legalize an existing shed

Resolution NP-LTC-125-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2012.8 (Caza) be approved.

CARRIED

9.4 Referral of Proposed South Pender Island Bylaw No. 111 (LUB Amendment)

Planner Pickard referred to the Bylaw Referral Form received in respect of a bylaw to amend the South Pender Island Land Use Bylaw in various ways.

Resolution NP-LTC-126-12

It was Moved and Seconded that the North Pender Island Local Trust Committee advise the South Pender Island Local Trust Committee that our interests are unaffected by Proposed Bylaw No. 111.

CARRIED

9.5 Referral of Proposed Saturna Island Local Trust Committee No. 110 (LUB Amendment)

Planner Pickard referred to the Referral Form received for a bylaw to amend the Saturna Island Land Use Bylaw to permit ocean geo-exchange systems.

Resolution NP-LTC-127-12

It was Moved and Seconded that the North Pender Island Local Trust Committee advise the Saturna Island Local Trust Committee that our interests are unaffected by Proposed Bylaw No. 110.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

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

Planner Pickard referred to the Staff Report dated November 20, 2012, and commented as requested, there had now been further revisions to the bylaws to amend the North Pender Associated Islands Official Community Plan (Draft Bylaw No. 189) and Land Use Bylaw (Proposed Bylaw No. 187); these amendments related to Sidney Island; that some additional re-ordering and map clarifications had also occurred; a consolidated version of the Land Use Bylaw had been prepared; and that assuming further approvals today, a Public Hearing could occur in January in Sidney (e.g. on January 26, 2013).

Resolution NP-LTC-128-12

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

CARRIED

Resolution NP-LTC-129-12

It was Moved and Seconded that Proposed Bylaw No. 187, cited as "North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011", be amended as presented in the Staff Report dated November 20, 2012.

CARRIED

Resolution NP-LTC-130-12

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 Second Reading.

CARRIED

Resolution NP-LTC-131-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to schedule a Community Information Meeting in conjunction with a Public Hearing for Proposed Bylaws No. 189 and 187, for a weekend date to be held in the town of Sidney.

CARRIED

10.2 NP-6500-20 (Road Designation)

Planner Pickard referred to the Staff Report dated November 21, 2012, commenting that the Local Trust Committee had previously decided to amend the Official Community Plan to designate the Magic-Ferry cycling route (from Otter Bay to Magic Lake Estates); another Moving Around Pender initiative (the Car Stops stations) could also potentially be designated on the OCP mapping; that in addition, the North and South Pender Local Trust Committees had submitted a request to the Ministry of Transportation & Infrastructure to designate Pender roads for Neighbourhood Zero Emission Vehicles (NZEV's); that meanwhile the Capital Regional District was working on arranging Level 2 electric car charging systems on Pender; and that Staff now asked for direction on whether to include all of the foregoing alternative transportation initiatives in potential Official Community Plan amendments.

Trustee Hancock expressed the Trustees' ongoing support for alternative transportation initiatives, but concern about other longstanding Work Program items (e.g. Land Use Bylaw amendments) which needed to be worked on first.

Resolution NP-LTC-132-12

It was Moved and Seconded that the North Pender Island Local Trust Committee endorse a project that would be limited to only amending the Official Community Plan map schedule to designate the Magic-Ferry cycling route and the Car Stops network.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

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. She noted an application had just been received for a rezoning to allow a Waste Transfer and Commercial Recycling station, within Agricultural Land Reserve land located over from the Driftwood Centre towards Browning Harbour.

The Trustees said that they were interested in hearing whether the Agricultural Land Commission would allow this.

Regarding the Hooson Road subdivision, Trustee Steeves said that the road contractors had done some further clean-up and work. Planner Pickard was asked to contact the Ministry of Transportation & Infrastructure to follow through on lowering the speed limit.

Trustee Steeves said that he was going to tell the Advisory Planning Commission Chair about some significant land use applications coming up, a few of which could be referred to the APC.

11.3 Bylaw Enforcement

The Bylaw Enforcement Report was In Camera (see separate minutes).

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report

Received for information

11.4.2 Local Trust Committee Budget 2012/2013

Received for information

11.5 Adopted Policies and Standing Resolutions

Received for information

11.6 North Pender LTC Web Page

There were suggestions to add the latest Pender Post report and Sidney Island materials to the web page, and to remove other items.

Trustee Hancock said that he planned to update the guide about “Buying Property on Pender Island”.

11.7 Chair’s Report

Chair Luckham commented that the next Islands Trust Council meeting was on Salt Spring Island on December 4, 5 and 6.

11.8 Trustee Reports

Trustee Steeves commented that a dock had broken up on Medicine Beach and caused huge amounts of styrofoam to spread into this sensitive ecosystem; the Pender Islands Conservancy Association, Trustee Steeves, and others had been working on this problem; and that there was no federal emergency response (despite their jurisdiction) and few provincial government resources to help. In addition, Steeves and Robert Kojima (separately) had recently met with new Ministry of Transportation & Infrastructure representatives for our area, who seemed to be more progressive and active than in the past.

Trustee Hancock reported he had attended a Port Townsend oil spill response exercise, which was amazingly informative (including about the limits of our abilities to respond effectively); he was no longer the CRD’s Alternate Electoral Area Director for the Southern Gulf Islands, Derek Masselink having taken over this position to assist David Howe; and that he had been spending time on Mineral Claim Issues (see below).

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, January 31, 2013 (9:45 am, Community Hall Lounge).

12.2 Mineral Claim Issues

Trustees Hancock and Steeves described how two Pender Island individuals had recently caused significant consternation by buying up mineral rights for a large part of the island, and then making inaccurate statements about the impact of this.

CRD and Islands Trust Staff had begun responding, and initial inquiries and research suggested that the CRD had not in fact been halted in their Water & Sewer project work for Magic Lake Estates; that private landowners in general owned the sand, gravel, soil, and oil rights for their properties, but the mineral rights could be separately owned; there were limits on the ability of mineral rights owners to go onto someone else's private property, for example if there was a dwelling, orchard, or cultivated land there; and that for mineral exploration to occur on private land, the landowner had to own the mineral rights as well, or the mineral rights owner had to reach an agreement with the owner involving a minimum payment to them. The Trustees supported a media release and an advertisement, to share accurate information.

Resolution NP-LTC-133-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request senior Staff to research issues related to mineral claims, to confer with Ministry of Mines and other appropriate agencies, and to prepare a media release.

CARRIED

13. TOWN HALL MEETING

It was stated that there were always new owners and contractors coming to Pender, many of whom might have no idea about the required 15 metre setback from the natural boundary of the sea. Perhaps this information could be highlighted in the new sensitive shoreline brochures being developed, and also in the "Buying Property on Pender" guide that was about to be updated.

Robert Kojima added that information about the ocean setback could also be placed in the environmentally-friendly building guide, and incorporated in the Islands Trust Map It system.

16. ADJOURNMENT

Resolution NP-LTC-134-12

It was Moved and Seconded that the meeting be adjourned at approximately 2:23 pm.

CARRIED

_____ _____

RECORDER **CHAIR**

RWM From: November 22, 2012 To: January 22, 2013

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2013-01	In Favour	THAT the North Pender Local Trust Committee request the Executive Committee to authorise a letter from the Chair to the Minister of Energy and Mines asking for the creation of regulations under the Mineral Tenure Act that reserves land in the Trust Area from the staking of mineral claims and restricts the exercise of free miner's rights under existing claims and that a copy be sent to MLA Murray Coell	Jan 10, 2013

Note – Draft Minutes distributed to Islands Trust prior to being vetted by the APC Chair

DRAFT

RECEIVED
JAN 23 2013
ISLANDS TRUST
VICTORIA BC

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

COPIED TO
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☑ LTC
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PRESENT:	Marika Kenwell	Chair
	Julie Roper	Deputy Chair
	Bob Erho	Member
	Sharon Card	Member
	Valerie Butcher	Member
	Amanda Griesbach	Member
	Reg Smith	Member
	Zorah Staar	APC Secretary
	Robert Kojima	Regional Planning Manager
	Gary Steeves	Local Trustee
REGRETS:	Rob Willingham	Member
	Andrea Pickard	Islands Planner

PUBLIC: There were no members of the public present.

1. CALL TO ORDER

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

2. AGENDA

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

CARRIED

3. MINUTES

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

CARRIED

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

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

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

4. PUBLIC COMMENTS

There were no members of the public present.

5. NEW BUSINESS

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

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

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

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

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

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

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

- also noted that because 1117 Walden was in a pocket cove, it had been harder for the community to notice the huge amount of work being done to alter the natural shoreline and the land above it, unless you entered the cove (as one APC Member had done with a kayak), or were permitted to enter the property;

- re: variance component 2. (propane shed), it was beside a steep drop, which was of concern if the tank shifted and fell (e.g. due to a tremor or failure of the supports); felt by all APC Members that the shed could be moved, so it should be moved, outside of the ocean setback (i.e. there was no reason to have it there);

- re: variance component 3 (north stone patio), it was allegedly built as an expansion of a previous older patio (possibly of cement and possibly pre-dating the 15-metre ocean setback established in 1978?), so there was some lack of agreement among APC Members about whether a variance should be granted for this new stone, cement, and artificially-lit structure; see Motion 3. below, re: majority view that this patio should have the stone and cement removed, and be remediated back to a porous surface such as gravel and a more natural state;

- re: variance component 4 (main stone patio), APC Members did not support a variance to allow this stone and cement structure to continue in its current size, but they did accept the idea of allowing it to be as big as a pathway only (no clear consensus re: surfacing), to permit the owners to access a part of the property that would otherwise be difficult to reach;

- re: variance component 5 (partially sunken hot tub), it was noted that the owner already had a similar hot tub on the property, so there was no apparent reason to allow another one within a setback, and this variance was strongly opposed;

- re: variance component 6 (stone pathway and patio, to south and west), these structures were directly observed by three APC Members to be washing out from beneath and dangerous, as well as being yet another unnecessary violation of the ocean setback, so this variance was not supported by any APC Members;

- re: variance component 7 (portion of foreshore deck), APC Members were strongly opposed to a variance for this upland portion of the deck within the setback, and also opposed to the related request to permit the majority of the deck which was actually below the ocean setback (i.e. below the natural boundary of the sea); APC Members were not convinced that the deck was just a rebuilding of an earlier deck (constructed prior to the 15-metre ocean setback);

- re: variance component 1 (single family dwelling): this variance was discussed last, with difficulty because the additions which had increased the dwelling's

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

- overall, 6 of 7 APC Members were significantly disturbed not only by the extreme alterations of the natural landscape within the setbacks for 1117 Walden, but also by the actions of the owner, applicant, and contractors, in failing so severely either to check Land Use Bylaw requirements, and/or to blatantly ignore them, even when official stop work orders had been issued by CRD Building Inspection;

- some APC Members also expressed strong concerns about the precedent that it could set for the neighbourhood and for North Pender, to allow variances for such a significant number and degree of structures within the ocean setback (potentially even more significant with sea level rises due to climate change);

- most APC Members wished that there was a way to make the 1117 Walden owner, applicant, and contractors aware of the foregoing, and to impose fines for so blatantly ignoring our local bylaws and customs, and also ignoring the beauty of the natural features within the ocean setback which had been destroyed;

- APC Members also commented on the great need for remediation to occur here, i.e. for the setback areas where structures were required to be removed, to minimize the damage of such removal, and to return those areas to a more natural state, as much as possible);

- finally, APC Members also stressed the need for more education and other new tools, to prevent something like this from happening again.

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

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

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

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

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

   CARRIED (6 in favour, Amanda Griesbach opposed)

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

   CARRIED (all in favour)

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

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

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

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

   CARRIED (6 in favour, Amanda Griesbach opposed)

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

   CARRIED (all in favour)

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

   CARRIED (all in favour)

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

CARRIED (all in favour)

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

6. INTEREST FOR 2013 ADVISORY PLANNING COMMISSION APPOINTMENTS

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

7. ADJOURNMENT

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

Chair **Date adopted**

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 exisitng 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 Saftey Officer re: the Ryzuk Drainage report when received	Andrea Pickard	Sep-22-2011	On Going

Apr-26-2012

No.	Activity	Responsibility	Target Date	Status

3	Item 11.3.1 bylaw Report on Sign Regulations: as BEC to prepare a draft enforcement policy on road side signs and report back	Miles Drew Stephanie Somers	Jan-22-2013	Done

May-31-2012

No.	Activity	Responsibility	Target Date	Status
4	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

Oct-25-2012

No.	Activity	Responsibility	Target Date	Status
5	Item 8.1 Report from PCT: authorize disbursement of $100 to Pender Community Transition for the received report	Nancy Roggers	Nov-29-2012	Done

Nov-29-2012

No.	Activity	Responsibility	Target Date	Status
6	Item 5.1.1 Oct 4 Minutes: adopt as amended	Sharon Lloyd-deRosario	Jan-31-2013	Done
7	Item 5.1.2 Minutes of Oct 25: adopt as drafted	Sharon Lloyd-deRosario	Jan-31-2013	Done
8	Item 8.1 Late Item Correspondence: staff to report back to LTC regarding options and recommendation resulting from the Nov 25 MAPs correspondence	Andrea Pickard	Jan-31-2013	Done
9	Item 9.1 NP-DVP-2012.5 (Wiebe/Aronowicz): staff to provide a supplemental report including a chronology and any new information received	Andrea Pickard	Jan-31-2013	Done
10	Item 9.1: refer NP-DVP-2012.5 to the APC and request a comment for the Feb 28 LTC meeting	Andrea Pickard	Jan-31-2013	Done
11	Item 9.3 NP-DP-2012.3 (Block): DP be approved as drafted and the 10% lot frontage requirement be waived	Kathy Jones Andrea Pickard	Jan-31-2013	Done
12	Item 14.2.1 In camera minutes: adopt as circulated	Sharon Lloyd-deRosario	Jan-31-2013	Done
13	Item 9.2 NP-DVP-2012.8 (Caza): DVP approved as drafted	Kathy Jones	Jan-31-2013	Done

14	Item 9.4 SPI Bylaw 111 Referral: Respond that the NPILTC interests are unaffected	Kathy Jones	Jan-31-2013	Done
15	Item 9.5 SAI Bylaw 110: Respond to SAILTC that NPILTC interests are unaffected	Kathy Jones	Jan-31-2013	Done
16	Item 10.1 NP-OCP and LUB-2011.1 (Sidney Island): give First Reading to revised draft of Bylaw 189, and amend Bylaw 187 as presented, give 2nd reading to the amended bylaw 187	Kathy Jones Andrea Pickard	Jan-31-2013	Done
17	Item 10.1: staff to schedule a Community Information Meeting and Public Hearing for a Jan weekend	Sharon Lloyd-deRosario Andrea Pickard	Jan-31-2013	Done
18	Item 10.2 Road Designation: proceed with a project to amend the OCP map schedule to designate the Magic-Ferry route and the car stop network	Andrea Pickard	Jan-31-2013	Done
19	Item 11.2 Applications: contact MotI Engineer re: the question of Hooson Rd speed limit	Andrea Pickard	Jan-31-2013	Done
20	Item 11.6 Webpage: move the Proposed Seawall and Ocean-based application information to the Archived Postings	Kathy Jones	Jan-31-2013	Done
21	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going
22	Senior staff requested to research Mineral claims issue and Mines Act, confer with Ministry of Mines staff and other relevent agencies, and prepare a media release. The LTC may also purchase advertising in local media.	Lisa Gordon David Marlor	Dec-07-2012	On Going

STAFF REPORT

January 16, 2013 **File No.:** NP-TUP-2012.2 (Mainroad Properties Ltd)

To: North Pender Island Local Trust Committee
For the meeting of January 31, 2012

From: Kim Farris
Planner 1
Local Planning Services

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

Re: Application for Temporary Use Permit

Owner: Mainroad Properties Ltd.
Applicant: Mainroad Holdings Ltd. c/o David Turenne
Location: 3323 Port Washington Road
Lot 8, Section 18, Pender Island, Cowichan District, Plan 6294

THE PROPOSAL:

This application is for a Temporary Use Permit (TUP) to permit existing and proposed industrial uses on the rural zoned subject property. The subject property (Lot 8) and neighbouring property to the west (Lot 9) are currently owned and operated by Mainroad Properties Ltd. The owner would like to construct a new salt shed to improve the current storage facilities and to cluster the maintenance facilities on the northern portion of the Lot 8. An existing salt shed located on Lot 9 used by Mainroad Properties will be removed once the new shed is completed.

Due to time sensitivities the owner prefers to apply for a TUP with the intention of applying for a zoning amendment in the near future. The TUP would permit a highway works yard within the subject area on a rural zoned lot to address the existing and proposed industrial uses. The highway works yard would consist of vehicle and equipment storage and maintenance, accessory office, and the storage of salt, sand, gravel and road patching materials. An office and maintenance building, a few sheds and pump station, and a well shed are currently located on the property and will be included in the TUP. The proposed salt shed that will be used for storing of salt, sand and road patching materials includes the following components:

- a salt shed with a maximum floor area of 162 m² in area and a maximum building height of 10.4 metres;
- a sloped asphalt pad extending approximately 10 metres in front of the shed that would drain into a sump system that includes an oil separator;
- an evapotranspiration bowl to capture wash water or other salt laden water from the building; and
- a cistern or catchment pond for the storage of rain water.

A draft permit is attached as Schedule A for the LTC's consideration.

Figure 1: Subject Property Map

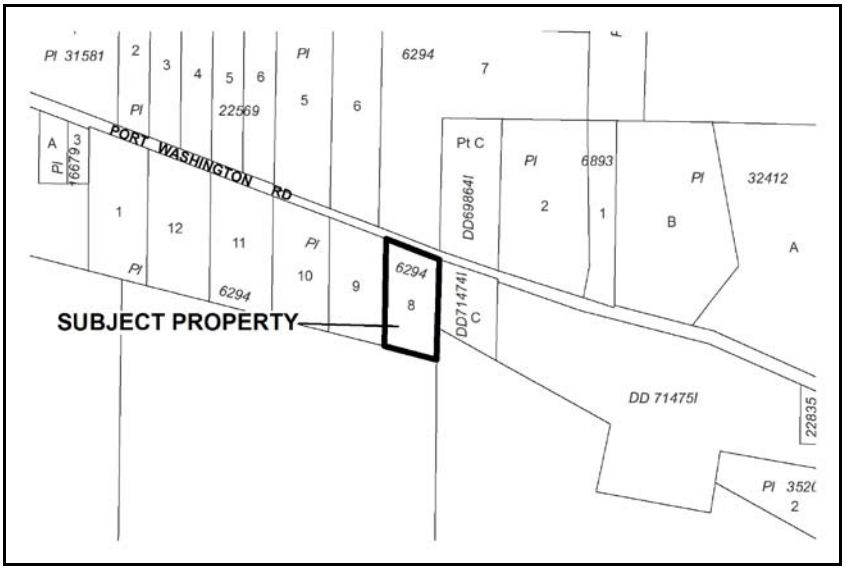


Figure 2: Subject Area Map

SITE CONTEXT:

The subject property is 2.40 ha (5.94 acres) in area and is zoned Rural (R). The property size is comparable to the surrounding properties fronting Port Washington Road with some ranging from 1 ha to 6 ha in area. Larger properties are located to the south of the subject property. Most of the surrounding properties are zoned rural but there are other industrial and commercial uses in the vicinity. The surrounding industrial and commercial uses include a small retail

store/cafe on the adjacent property to the east and a building centre and storage of aggregate, soils and mulch (previous TUP) both located across Port Washington Road (see Figure 3).

The front portion of the property is fairly level, however the rear wooded portion rises steeply by 24 metres to a high point located near the southern boundary of the subject property. The existing vegetation buffers the northern and eastern boundaries of the subject property. The vegetation will be retained as a condition of the TUP and additional landscaping will be planted to ensure the industrial use is screened from neighbouring properties.

Although ownership has changed multiple times, the property has been historical used as a gravel storage yard for highway maintenance. The lot was previously owned by the Crown therefore the industrial use at that time was not required to conform to the Rural zoning. The existing uses on the subject property include an office, gravel storage and the storage of highways vehicles and equipment that are located on the northern portion of the lot. These uses are now non-conforming as the property is owned by a private owner. Mainroad Properties Ltd also owns Lot 9 to the west of the subject property where the existing salt shed is located. BC Hydro leases an area on Lot 9 for an equipment storage building.

Figure 2: Proposed Site Layout
(North portion of subject property)

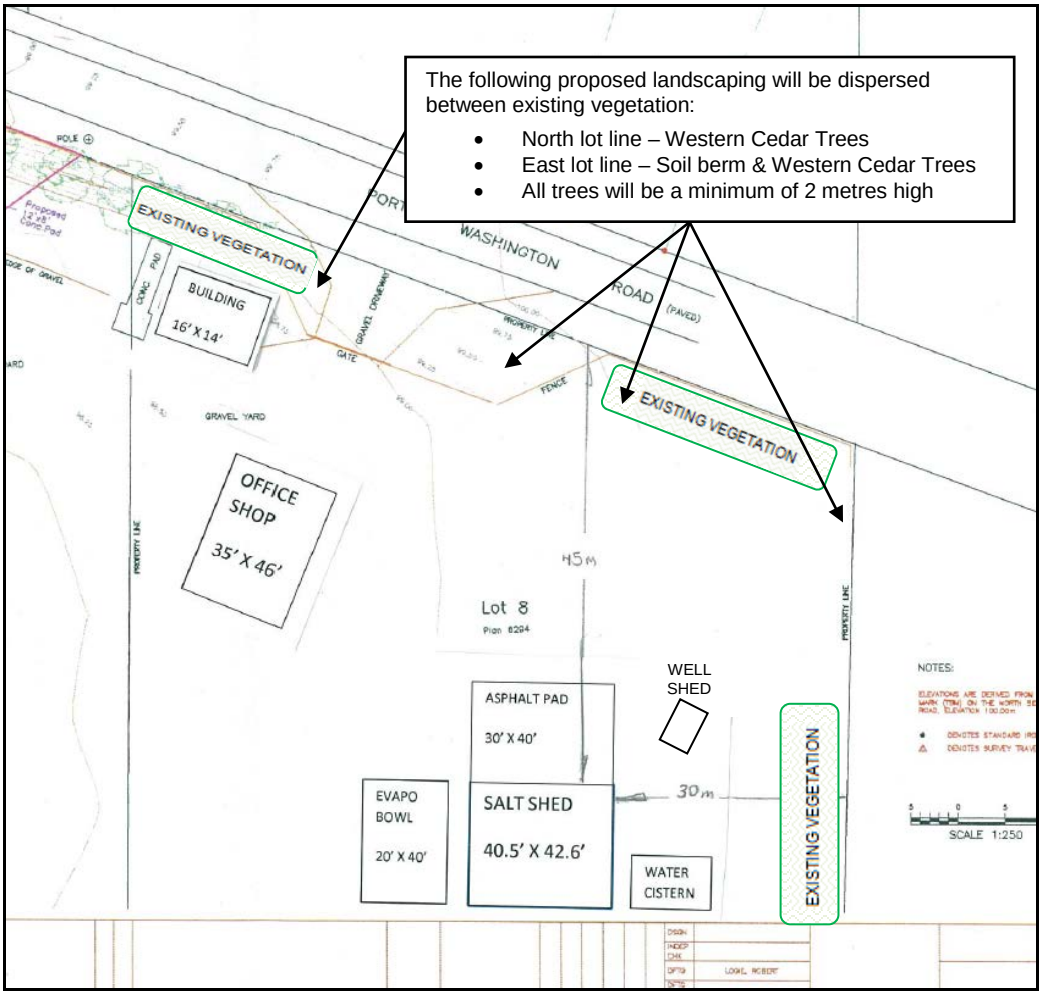


Figure 3: Orthophoto and Zoning of Subject Property

Photograph 1 – Looking south towards the proposed salt shed building area

Photograph 2 – Looking northwest to the main entry (northern property line)

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

There are no directive policies in the policy statement directly relevant to this application.

Official Community Plan:

The North Pender Island Official Community Plan (OCP) designates the majority of the property as Industrial, with Rural along the rear of the property; however the zoning is not aligned with the Land Use Designation.

Relevant OCP policies include:

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

2.5.2 Priority may be given to the following locations for new or additional industrial development:

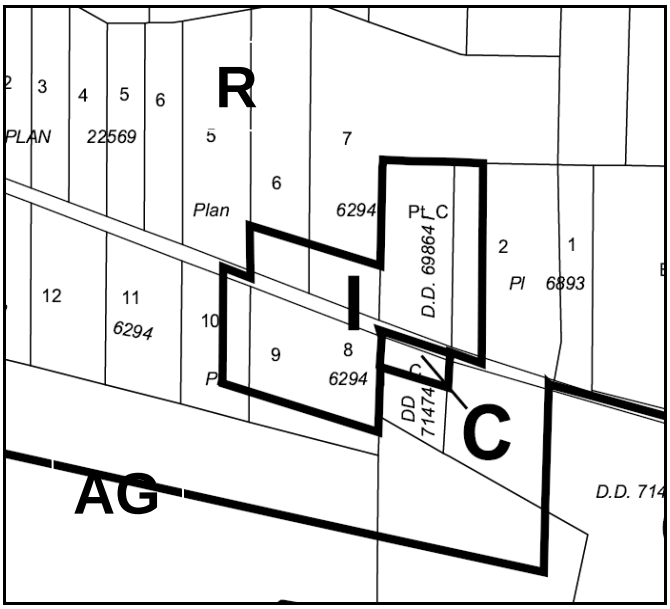
a) by application to rezone the industrially designated land on Port Washington Road;

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

2.5.5 Strip development of industrial businesses shall be prohibited through the implementation of appropriate development permit area guidelines.

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

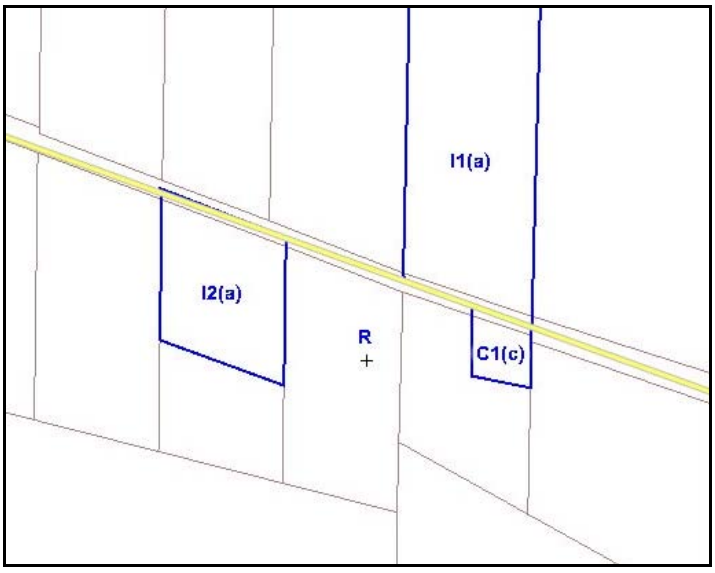
Figure 4: Land Use Designation in the Official Community Plan



Land Use Bylaw:

The subject property is zoned Rural and Lot 9 is split zoned Industrial 2 (I2(a)) and Rural (R). Most of the properties fronting onto Port Washington Road are zoned Rural, although there is one nearby property zoned Industrial One (I1(a)) and a portion of the adjacent lot is zoned Commercial One (C1(c)).

Figure 5: Zoning



Islands Trust Fund:

There are no Trust Fund covenants or properties in the surrounding area.

Sensitive Ecosystems and Hazard Areas:

A portion of the property along the southern (rear) boundary is subject to the Woodland Sensitive Ecosystem Development Permit Area (DPA). The woodland DPA extends approximately 45 metres into the property; however the proposed development is approximately 30 metres away from the DPA boundary (Figure 6).

The steep slope mapping identifies the hillside located on the southern portion of the subject property as having low, moderate and high hazard hazards (Figure 7). The proposed use is not located in an identified hazard area.

Figure 6: Subject Property with Development Permit Areas

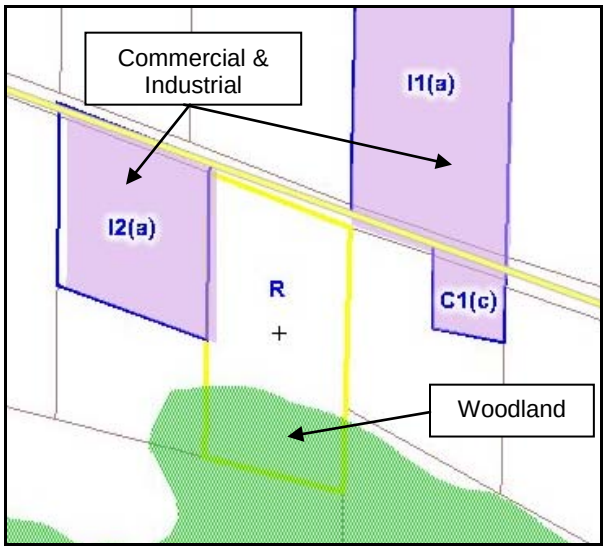
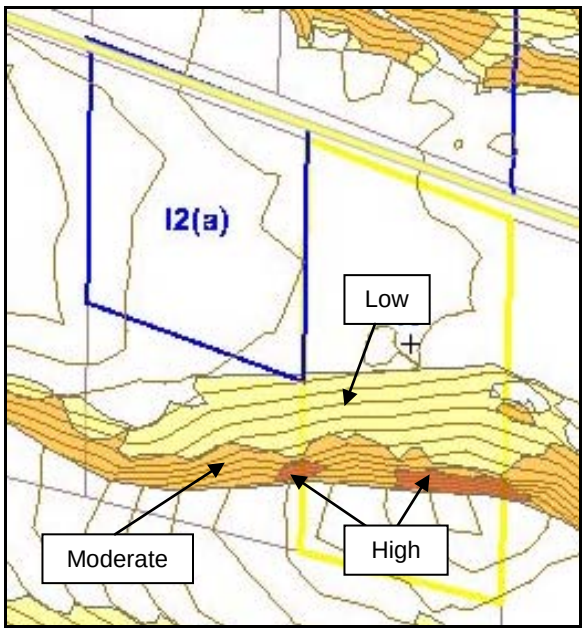


Figure 7: Steep Slope Hazard Mapping and 2m Contour Intervals



Archaeological Sites:

There are no archaeological sites registered in the provincial database on the subject property or surrounding properties.

Covenants:

There are no covenants registered on the title. The applicant is aware of the Natural Area Protection Tax Exemption Program (NAPTEP) and is considering registering a conservation covenant on the woodland portion of the property as part of the pending rezoning application.

Climate Change Adaptation and Mitigation:

There are no anticipated changes to the property from climate change impacts as the area proposed for the TUP is an existing disturbed area. The proposed salt shed will include measures that will mitigate water contamination and improve water conservation.

Other:

Screening/Landscaping: The subject property has a natural vegetated buffer along the eastern property line and a few established plants buffering the northern (front) property line. The applicant will plant western cedars along the front lot line and along a section of the side lot line in between existing vegetation as a condition of the permit to provide a complete and permanent visual screen from neighbouring properties. The landscaping at maturity must be 2 metres high and must be maintained continuously to ensure adaquate screening.

Nuisance from Dust and Odours: The proposed storage of salt, sand, gravel and road patching materials has the potential to create a minimal increase to noise, dust and odours. These impacts will be minimized by screening the industrial uses along the northern and eastern property boundaries. Further, relocating the salt shed from the western edge of Lot 9 to similar uses on Lot 8 will confine industrial activities related to highways works to one area on the subject property. As the property is designation industrial in the OCP, there is an expectation that some intensive activity would be occurring, which is balanced by regulating this in a manner that provides a fair expectation for anyone residing or working in the area to the degree of potential impacts.

Traffic Impacts: It is anticipated that there will be no net increase to traffic accessing the site as part of the operations. As the salt shed located on Lot 9 is accessed through Lot 8, moving the salt shed from one property to the other would not increase traffic.

Potential Contamination: The proposed salt shed will include measures that will mitigate water contamination and improve water conservation. The evapotranspiration bowl to the west of the salt shed will collect salt laden water from the salt shed and asphalt pad and will prevent contaminated water from infiltrating into the ground water. The sloped asphalt pad extending approximately 10 metres in front of the shed will drain water into a sump system that would separate oil from the water reducing contamination. A rainwater collection system will also be installed to wash highways vehicles and equipment with the collected rainwater.

RESULTS OF CIRCULATION:

A notification of the TUP to owners and tenants of property within 100 meters of the subject property was mailed on January 10, 2012. A publication of the notice was also placed in the January 23, 2012 edition of the Driftwood newspaper. A copy of the notice is attached as Schedule B. At the time of writing this report no submissions have been received.

STAFF COMMENTS:

Typically, a TUP is used in two circumstances: (1) where a use is truly temporary (e.g. a temporary processing operation) or (2) where the local government is willing to permit a use to commence prior to rezoning. The latter situation can be in the interest of both the owner (they wish to undertake a particular use on a trial basis) or be in the interest of the local government (the local government wants the option of having the use cease if the impacts prove to be deleterious). A TUP can also be used in a situation where timing is an issue: the proposed use is consistent with the intent of the community plan and/or zoning and there is a willingness to allow the use to commence prior to completing a rezoning process. Finally, a TUP may be preferable because conditions may be included in a TUP that cannot be included in zoning (such as hours of operation, or requirements for restoration).

The subject area is a disturbed site, which has been used as a highways works yard for many years. The TUP will only apply to the subject area where the industrial uses exist. The remaining portion of the subject property will retain the permitted uses in the Rural zone. As a portion of the subject property is designated industrial in the OCP it is expected that the area would be used for some form of industrial use. However, prior to considering a zoning amendment the impacts of the proposed use can be assessed over time through the mechanism of a TUP.

In addition to adherence with the attached site plans, the conditions of the draft TUP include:

- The development shall be substantially consistent with Schedule A.
- Salt, sand and road patching materials must be wholly contained within the salt shed and on the asphalt pad.
- The oil separator and sump system must be installed as part of the salt shed.
- An evapotranspiration bowl must be installed as part of the salt shed.
- No native trees or vegetation are to be removed for the purpose of site preparation for new construction.
- New drought tolerant evergreen plants to fill in gaps along the front and side lot lines must be at least 2 metres in height at maturity to provide a visual screen, except for one access that shall not exceed 6 metres in width as shown on Schedule B.
- Existing vegetation adjacent to the front lot line and extending to the eastern side lot line to be retained as shown on Schedule B.
- All construction permitted by Section 4 is to be removed from the site by the date of the expiry of this permit unless a complete application for an extension to this permit or for a bylaw amendment have been received at the Islands Trust Office.

If approved, the permit is valid for three years, after which the owner may apply for a three year renewal, for a rezoning, or cease the use.

Staff recommends issuance of the TUP as the existing and proposed uses are consistent with the North Pender OCP and the uses will have minimal impacts to the surrounding properties and sensitive ecosystems.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2012.2 (Mainroad) for a period of three years.

Prepared and Submitted by:

Planner 1 — January 16, 2013 Date

Concurrent in by:

Regional Planning Manager — January 16, 2013 Date

PROPOSED

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2012.2

TO: Mainroad Properties Ltd

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

   That portion of:

   Lot 8, Section 18, Pender Island, Cowichan District, Plan 6294
   PID: 005-837-782

   indicated on Schedule 'A' as the Subject Area attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following industrial uses in the Subject Area:

   a) Highways works yard, consisting of:

      i) Vehicle and equipment storage and maintenance.
      ii) Accessory office.
      iii) Storage of salt, sand, gravel and road patching materials.

3. This permit allows the following existing buildings and structures as shown on Schedule A:

   a) An office and maintenance building.

   b) A fuel shed and pump station.

   c) A well shed.

4. The construction of the following additional buildings and structures are permitted as shown on Schedule A:

   a) A salt shed with a maximum floor area of 162 m^2 in area and a maximum building height of 10.4 metres.

   b) A sloped asphalt pad extending approximately 10 metres in front of the shed that would drain into a sump system that includes an oil separator.

   c) An evapotranspiration bowl to capture wash water or other salt laden water from the building.

   d) A cistern or catchment pond for the storage of rain water.

PROPOSED

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

   a) The development shall be substantially consistent with Schedule A.

   b) Salt, sand and road patching materials must be wholly contained within the salt shed and on the asphalt pad.

   c) The oil separator and sump system must be installed as part of the salt shed.

   d) An evapotranspiration bowl must be installed as part of the salt shed.

   e) No native trees or vegetation are to be removed for the purpose of site preparation for new construction.

   f) New drought tolerant evergreen plants to fill in gaps along the front and side lot lines must be at least 2 metres in height at maturity to provide a visual screen, except for one access that shall not exceed 6 metres in width as shown on Schedule B.

   g) Existing vegetation adjacent to the front lot line and extending to the eastern side lot line to be retained as shown on Schedule B.

   h) All construction permitted by Section 4 is to be removed from the site by the date of the expiry of this permit unless a complete application for an extension to this permit or for a bylaw amendment have been received at the Islands Trust Office.

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

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

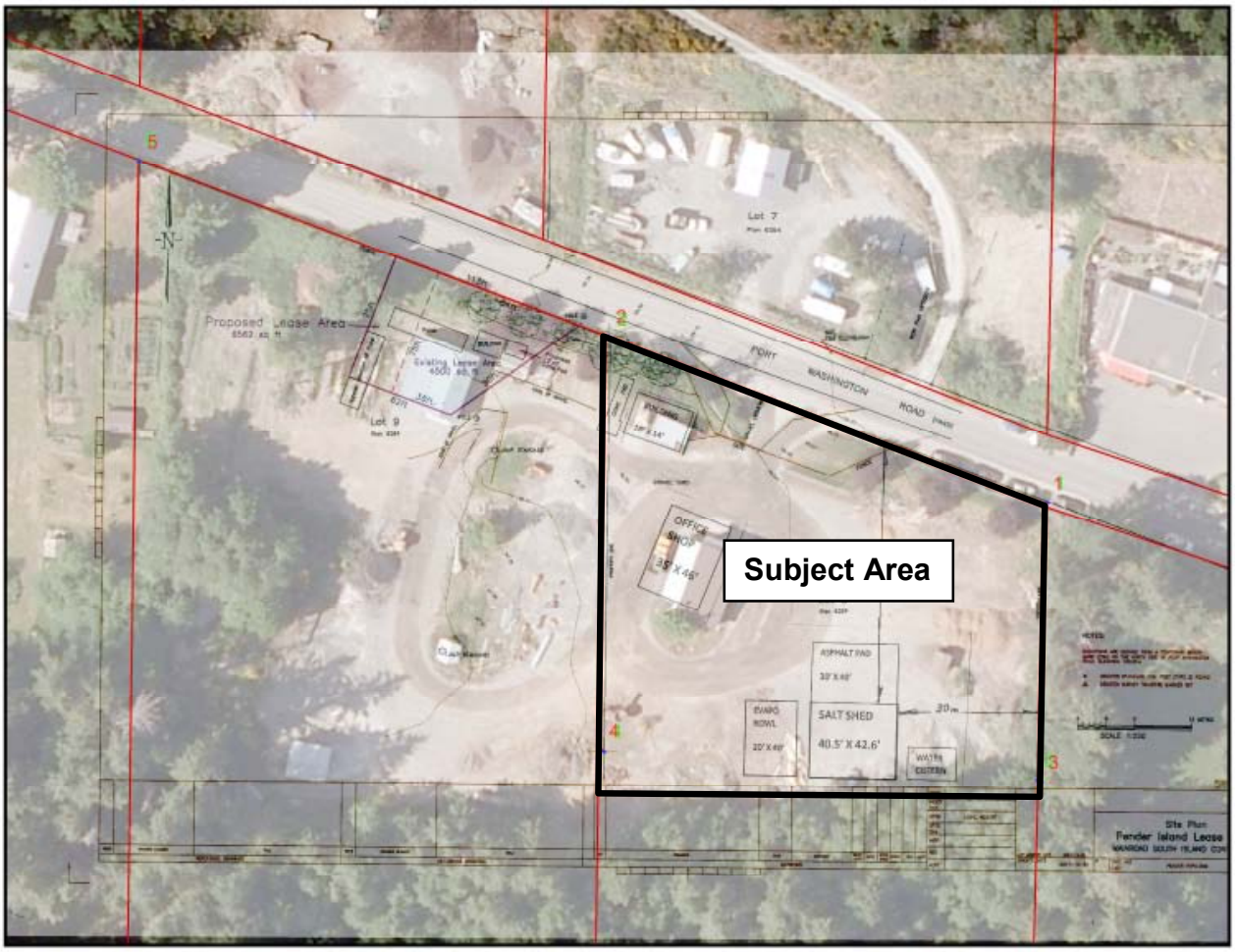
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 20__.

_____
Deputy Secretary, Islands Trust

_____
Date of Issuance

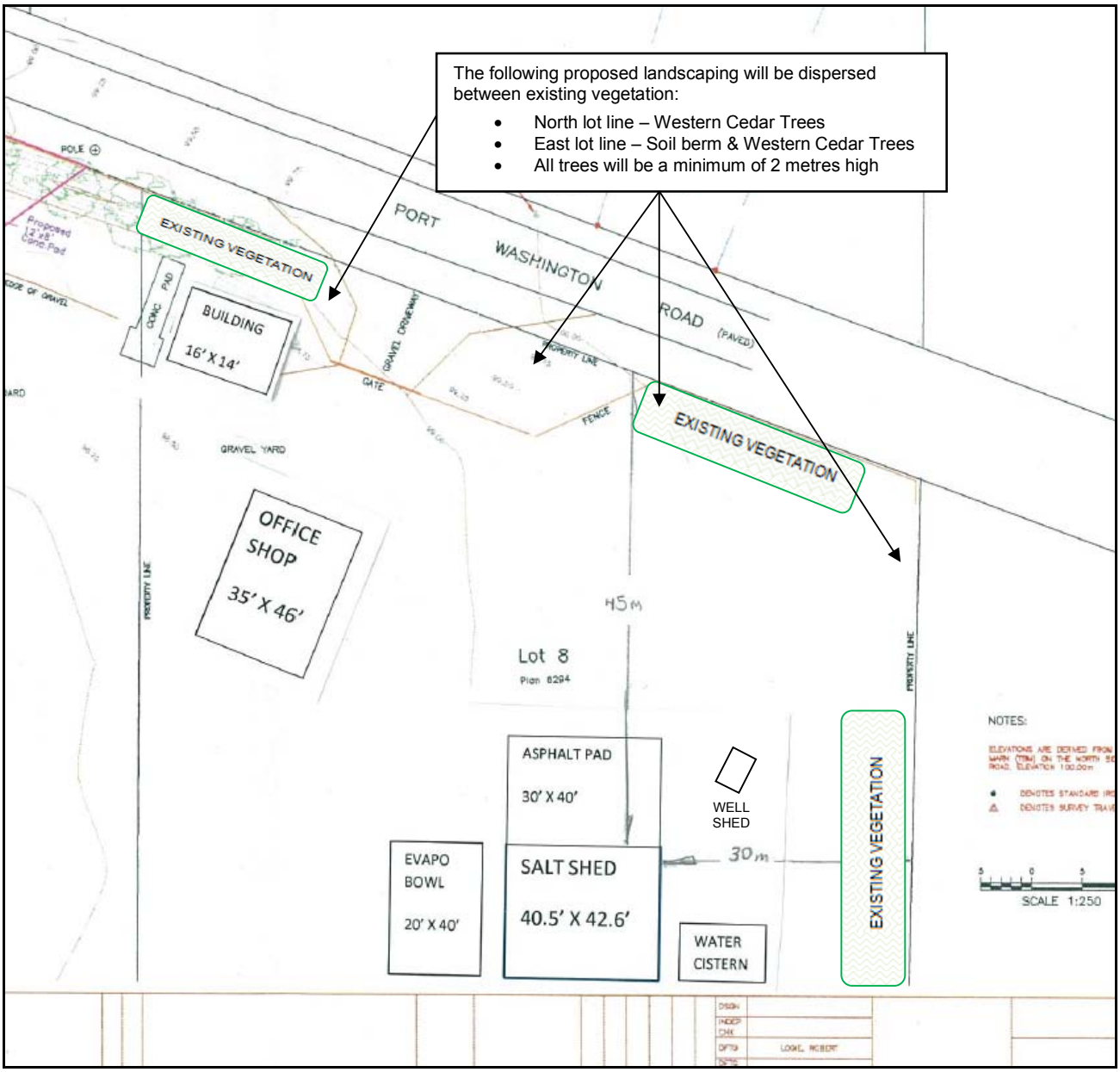
PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2012.2
SCHEDULE 'A'



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2012.2
SCHEDULE 'B'



NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2012.2

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 921 of the *Local Government Act*. The proposed permit would apply to a portion of Lot 8, Section 18, Pender Island, Cowichan District, Plan 6294. This property is located at 3323 Port Washington Road.

The purpose of this temporary use permit would be to permit the following existing and proposed industrial uses:

1. Highways works yard, consisting of:
    a. Vehicle and equipment storage and maintenance.
    b. Accessory office.
    c. Storage of salt, sand, gravel and road patching materials.

The temporary use permit would allow the existing buildings and structures:

1. An office and maintenance building.
2. A fuel shed and pump station.
3. A well shed.

The temporary use permit would also include the construction of the following additional buildings and structures:

1. A salt shed measuring with a maximum floor area of 162 m² in area and a maximum building height of 10.4 metres.
2. A sloped asphalt pad extending approximately 10 metres in front of the shed that would drain into a sump system that includes an oil separator.
3. An evapotranspiration bowl to capture wash water or other salt laden water from the building.
4. A cistern or catchment pond for the storage of rain water.

The establishment of these uses would be subject to the conditions specified in the permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, January 17, 2013 and up to and including January 29, 2013.

Enquiries or comments should be directed to Planner 1, Kim Farris at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before 4:30 p.m., January 29, 2013. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 9:45 a.m., Thursday, January 31, 2013 at the Pender Island Community Hall (Lounge) 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

STAFF REPORT

January 7, 2013 **File No.:** NP-ALR-2012.1 (Burdett)

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

From: Andrea Pickard, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Non-Farm Use in the Agricultural Land Reserve

Owner: Michael and Anne Burdett
Applicant: same
Location: 4606 Razor Point Road,
The Fractional North West ¼ of Section 11, Pender Island, Cowichan District, Except the South 26.364 Chains, and Except Parcel A (DD143808I), and Except those parts shown outlined in red on Plans 5632 and 262R, and Except those parts in Plans 5856, 7982 and 20898.

THE PROPOSAL:

The application is for non-farm uses in the Agricultural Land Reserve (ALR). On lands within the ALR any non-farm uses not permitted under the *Agricultural Land Commission Act* require application to, and approval from the Agricultural Land Commission (ALC). Applications to the ALC are submitted to the applicable Local Government, in this case the North Pender Island Local Trust Committee (LTC), and they are forwarded onto the ALC for the consideration if the LTC passes a resolution to do so. If the application is forwarded to the ALC and the non-farm uses are approved, the LTC would then need to subsequently consider a related rezoning application.

The purpose of this report will for the LTC to decide if it wishes to forward the non-farm use application to the ALC for consideration, with or without additional comments or recommendations for the ALC to take into consideration.

The subject property is primarily zoned for agriculture, with areas of rural and industrial zoning as well. The subject area where the non-farm use application would apply is the portion zoned industrial. The Agricultural Land Reserve (ALR) boundary does not coincide with the zone boundaries so portions of both the rural and industrial zones also appear to be within the ALR. The subject property is a waterfront property facing onto Hamilton Cove at the western end of Port Browning. See Figures 1, 3 and 5 below.

The applicants currently own Pender Island Waste Management which operates a bin service for the collection of commercial waste and recycling, construction site waste and recycling, and the household waste drop-off site at Medicine Beach Market. They also have a residential pick

up service for household waste. Currently they are operating at the industrial site adjacent to the Recycling Centre on Otter Bay Road. The applicants' objective is to relocate the waste transfer site to the industrial portion of the subject property. The applicants have included a letter to the ALC summarizing their proposal which is attached as Schedule A to this report.

The proposal is to continue with the permitted boat storage, remove most, if not all of the existing fuel tanks, and construct a building for the waste/recycling storage bins. The building would also contain two bailers for compacting paper products and be constructed with a concrete slab with a catchment system.

Figure 1: Subject Property

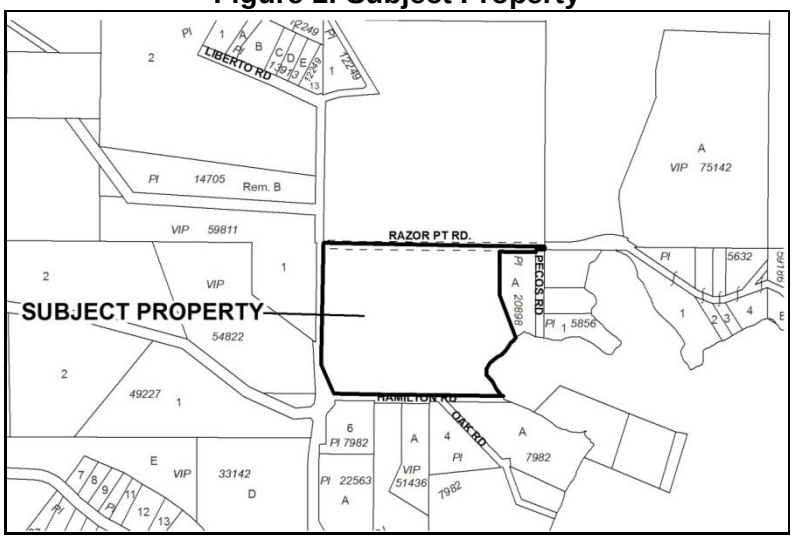
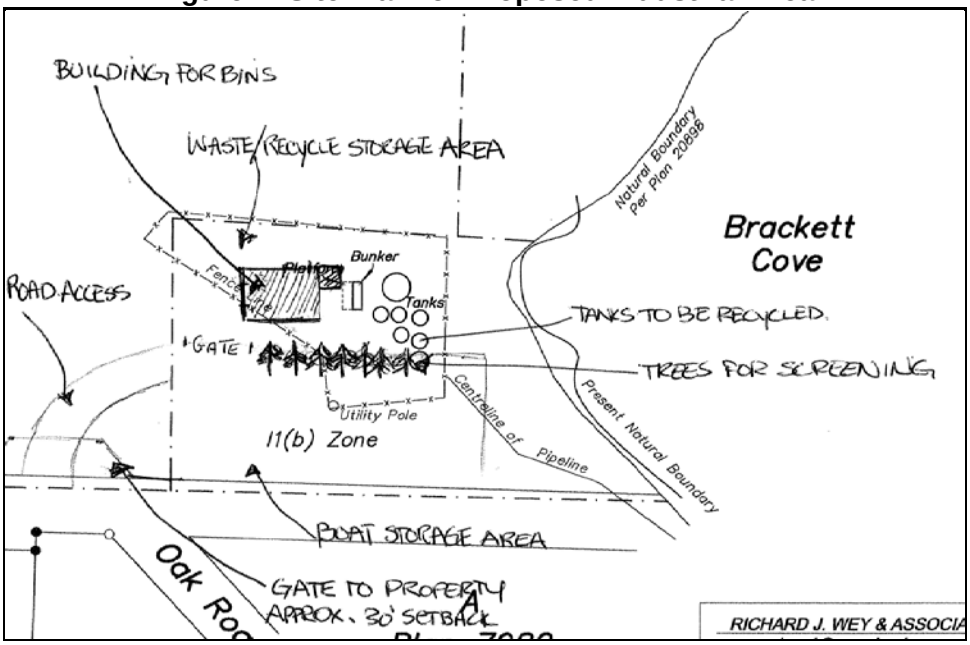


Figure 2: Site Plan for Proposed Industrial Area



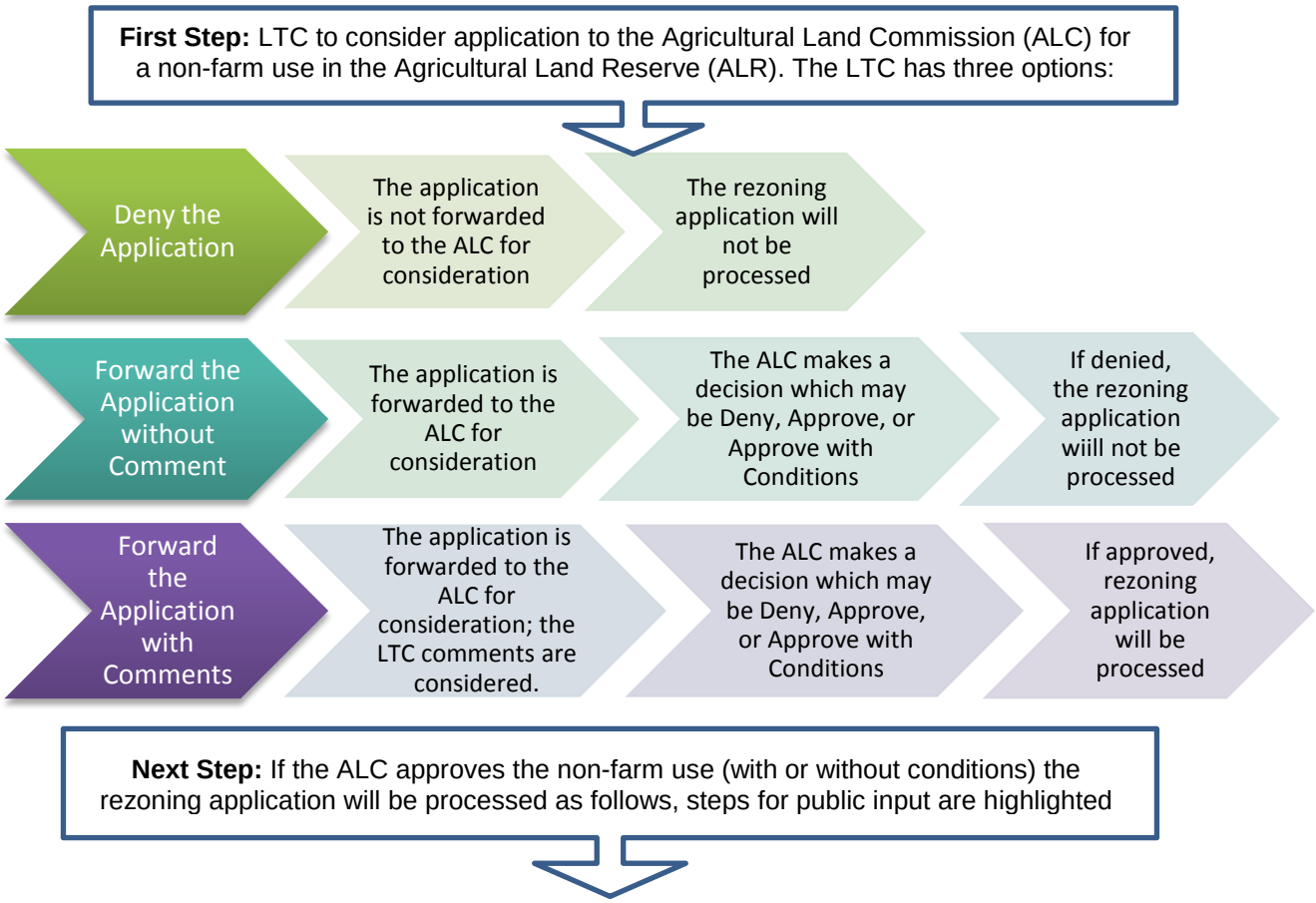
The applicants also want to expand their operation with the addition of an in-vessel composting system for the collection of commercial organic waste. More details on this aspect are provided below.

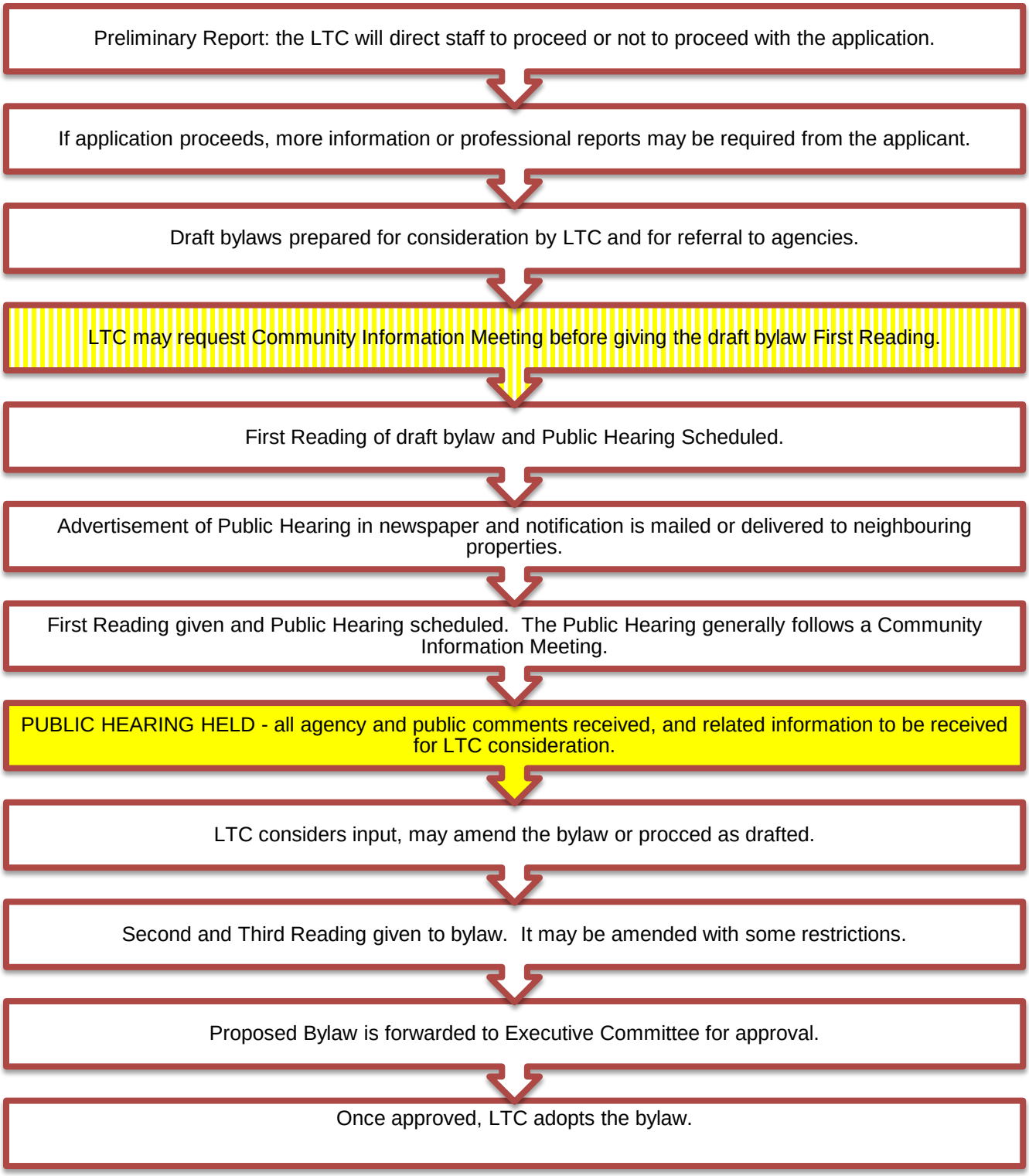
Although the applicants do not have specific plans for long-term development of the farm at this time, they are anticipating in the short-term leasing the pasture land for grazing sheep and horses, restoring and utilizing a chicken coop, greenhouses and orchards, and establishing a raised garden bed for farm stand sales.

The North Pender Island Land Use Bylaw does not identify the 'transfer, storage and shipping of discarded goods and materials' as a permitted use in any of the zones; this use has been permitted by way of temporary use permits issued at various locations over different time periods. In order to legalize the business operations, an application for a temporary use permit or bylaw amendment (rezoning) is required regardless of location. The applicants have submitted a rezoning application, however because the proposed use would in part, be located on ALR land staff have recommended that the ALC application proceed first since the outcome of that decision would impact the rezoning application.

The industrial zone on the subject property currently permits boat storage, and the site has been used for bulk fuel storage since the mid-1970s although it has not remained operational the entire time.

Process: Given the level of public interest on this application a flow chart is provided to outline the process generally and also to clarify the role of the LTC.





Final Step: If the rezoning is approved, a form and character Development Permit would be required before a building permit would be issued.

Trail Opportunity: Staff are recommending that the ALC application also include a new trail within the ALR. If the ALC approves the application it would be a staff recommendation to obtain a 3 metre wide right-of-way along the southern property boundary with Hamilton Road and the western boundary along Bedwell Harbour Road as a required condition if the LTC is to approve the rezoning application. The right-of-way would be used for the development of the trail system and providing off-road pedestrian pathways to link the beach and marina at Port Browning to the Driftwood Centre and along that portion of Bedwell Harbour Road to nearby car stop locations.

SITE CONTEXT:

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

Based on BC Assessment data the property is 8.32ha (20.55ac) although using the GIS measuring tools is appears to be slightly larger at approximately 8.93ha (22ac) with approximately 7.32ha (18.1 ac) zoned AG, 1.15ha (2.8ac) zoned R, and 0.46ha (1.1ac) zoned I1(b). Discrepancies such as this are not uncommon particularly with larger parcels that have not been resurveyed and are remainder fractions of the original ¼ Sections, and also those with a coastal property boundary.

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

The subject property also has a watercourse that generally bisects it diagonally as shown in Figure 6 below. This is not a provincially identified stream or a watercourse subject to the Riparian Areas Regulation but is a watercourse that is recognized to be part of the drainage basin for two small surface waterbodies adjacent to the airstrip, which is located approximately 1km upstream from Port Browning. The existing vegetation between the industrial portion and the watercourse would be maintained.

Historical Zoning:
The industrial portion of the subject property has been zoned for industrial use since the first Zoning Bylaw was adopted by the CRD in 1972. At that time the zoning permitted: boat building and repairs; marinas for the accommodation, maintenance and servicing of boats, including refueling; and bulk fuel storage tanks.

The Agricultural Land Reserve (ALR) was established between 1974 and 1976.

In 1978 when the first North Pender Zoning Bylaw was adopted the applicable Industrial zone permitted: warehouses; storage yards, including explosives; work's yards and marine ways; contractor's workshops; contractor's yards; building materials and supplies sales; freight service; bulk fuel storage tanks; sawmills; mechanical repairs; processing, crushing and storing

of gravel; and one self-contained dwelling unit for the accommodation of the owner, operator or an employee of the principal use permitted.

Since 1999 when the current Land Use Bylaw 103 was adopted the site has been zoned for 'boat storage' only.

Figure 3: Orthophoto Subject Property

Figure 4: Orthophoto, Industrial Portion

Figure 5: Zoning and Agricultural Land Reserve

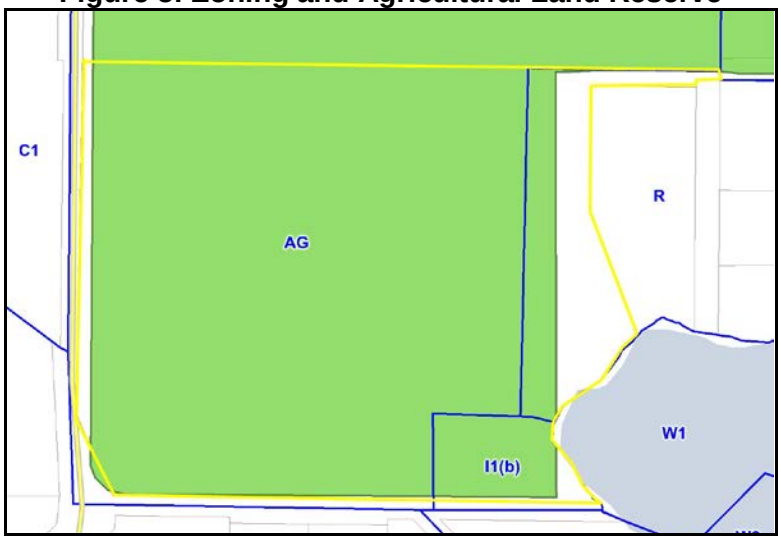
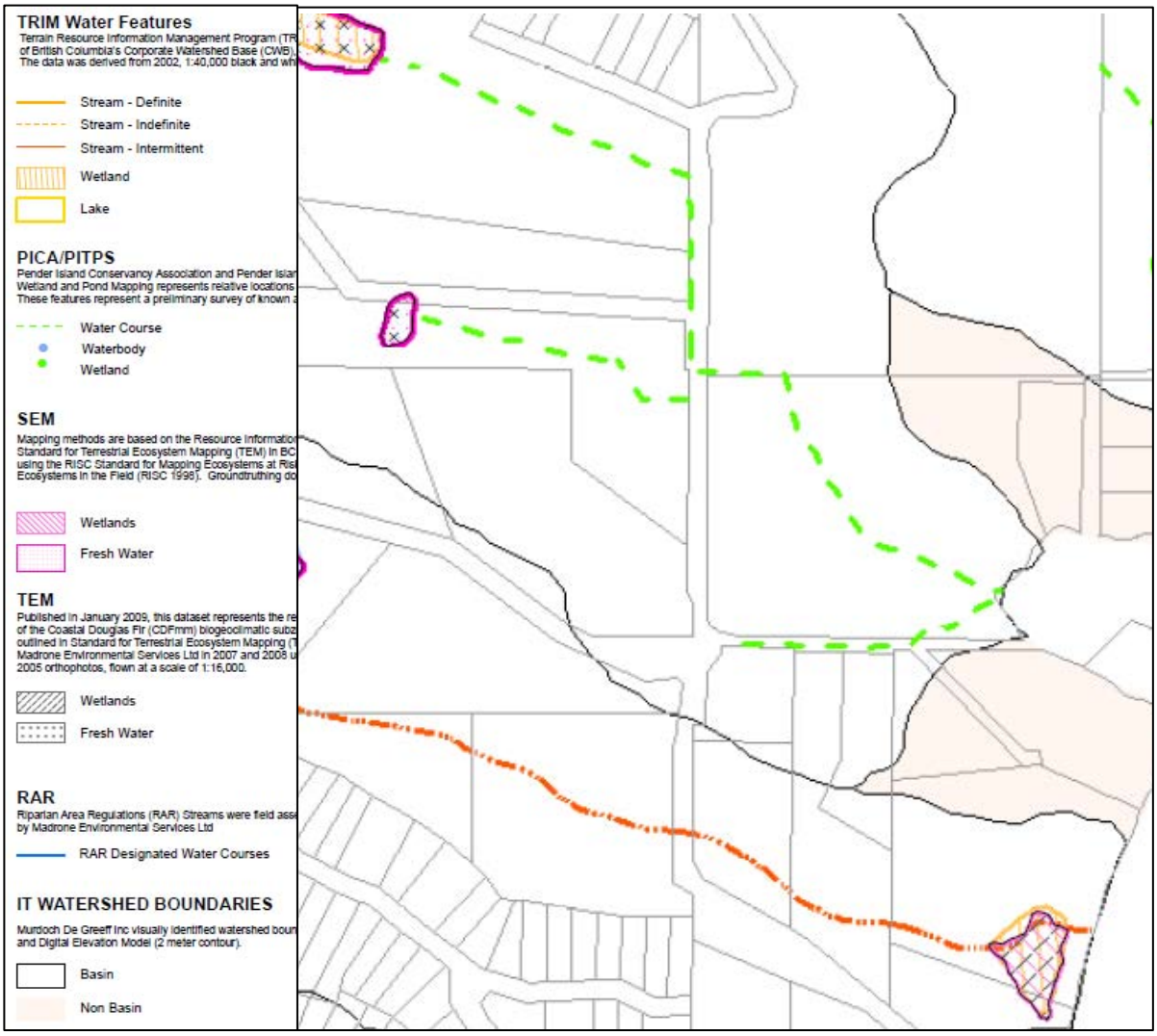


Figure 6: Water Compilation Mapping



Soils:

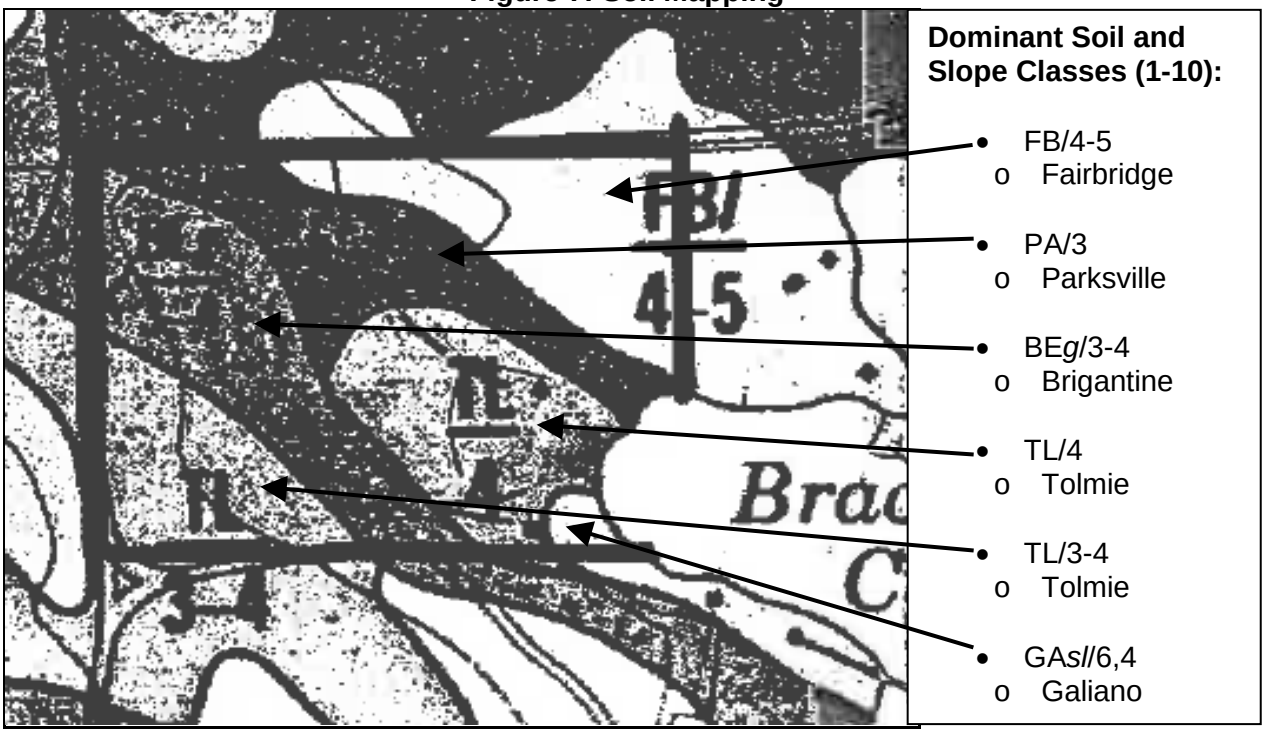
A 1988 report by Agriculture Canada titled the 'Soils of the Gulf Islands of British Columbia' included soils classes that identify, describe, and delineate repetitive patterns of the landscape into mapping units as shown in Figure 7 below. The mapping units identify the dominant, subdominant, and minor soils and describe each soil in terms of drainage, depth, texture, origin of the materials and coarse fragments. Lower case symbols represent soil phases or variants; variants are subdivision of soils having properties believed to be sufficiently different from other known soils to justify a new soil but limited in geographical areas.

It would not be anticipated that the LTC or staff are in a position to fully interpret the affect the soils classes would have on the agricultural capability of the land, however this information is included for the benefit of the ALC if the application is forwarded for their consideration. The subject property includes the following dominant soil classes with the related characteristics:

- Fairbridge: silt loam to loam over silty clay loam to clay loam marine deposits more than 100 cm deep.
  - Fairbridge are moderately fine to fine textured marine materials – Gleyed Eluviated Dystric Brunisol.
  - Imperfect drainage, on undulating topography with Cowichan soils in lowest landscape positions.
  - Imperfect drainage means soils are wet and saturated with water to approximately 60cm from the surface during the winter months. The subsoil remains in a moist condition during the rest of the year. Surface soil may be dry or even droughty during prolonged dry periods in the summer.
- Parksville: sandy loam to loamy sand marine or fluvial deposits 30-100 cm thick, over silty clay loam to silty clay marine deposits more than 100 cm deep.
  - Parksville are coarse to moderately coarse textured marine or fluvial materials over moderately fine to fine textured marine materials – Orthic Humic Gleysol.
  - Poor drainage, in depressions, swales, and drainage ways on level to undulating terrain. Brigantine soils occupy the higher landscape positions.
  - Poor drainage means soils are very wet and saturated, with water tables close to the surface for most of the year. During winter, water tables may be at the surface, but dropping to below 60 cm during the summer, allowing the surface to become dry.
- Brigantine: sandy loam to loamy sand marine or fluvial deposits 30-100 cm thick, over silty clay loam to clay loam marine deposits more than 100 cm deep.
  - Brigantine are coarse to moderately coarse textured marine or fluvial materials over moderately fine to fine textured marine materials – Gleyed Dystric Brunisol.
  - Imperfect drainage, in narrow, sloping areas often surrounding depressional basins and draws that are occupied by small, unmappable areas of Parksville soil.
  - '*g*' is a gravelly variant.
  - Imperfect drainage is described above.
- Tolmie: loam to silty clay marine deposits more than 100 cm deep, often with sandy loam materials in pockets or thin layers.
  - Tolmie are moderately fine to fine textured marine materials – Orthic Humic Gleysol.
  - Poor drainage, in depressions, basins, swales and drainage ways. Cowichan soils occur at random.
  - Poor drainage is described above.
- Galiano: shaley loam colluvial, residual, and glacial drift materials less than 100 cm deep over shale or siltstone bedrock.
  - Galiano are moderately coarse to medium textured shallow colluvial and glacial drift materials over bedrock – Orthic Dystric Brunisol.

- Well drained, in subdued and hummocky, often rocky terrain on upper and midslope landscape positions, usually as long and narrow delineations. Bedrock exposures at random.
- '*sl*' is a very shallow lithic variant (<50 cm to bedrock)
- Well drained means soils are moist during the winter months but quickly becoming droughty in dry periods during the summer. Water tables below 100 cm throughout the year.

Figure 7: Soil Mapping



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:

Ecosystems

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

Coastal and Marine Ecosystems

- 3.4.4…the protection of sensitive coastal areas.
- 3.4.5…the planning for and regulation of development in coastal regions to protect natural coastal processes.

Agricultural Land

- 4.1.4…the identification and preservation of agricultural land for current and future use.
- 4.1.5…the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6…the use of adjacent properties to minimize any adverse affects on agricultural land.

- 4.1.8…land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land.
  Growth and Development
- 5.2.3…policies related to the aesthetic, environmental and social impacts of development.
  Disposal of Waste
- 5.4.4…the identification of acceptable locations for the disposal of solid waste.

Official Community Plan

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

Relevant policies in the OCP include:

Agriculture Policies

- 2.2.1-The 'right to farm' shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.
- 2.2.1-The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.
- 2.2.15-When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.
- 2.2.16-When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.

Industrial Policies

- 2.5.1-Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.3-Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- 2.5.4-Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.6-Industrial activity, parking and storage areas should be screened.

Solid Waste Policies

- 3.3.2.1-Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2-The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.

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

Coastal Areas

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

Climate Change Policies

- 4.7.6-The Local Trust Committee may consider amending zoning in the Industrial or Community Services designations to provide community wood chipping and community composting services.

Land Use Bylaw:

The subject property is split zoned Agriculture (AG), Rural (R), and Industrial One (I1(b)). As noted the subject property is split zoned with approximately 82% AG, 13% R, and 5% I1(b). Permitted uses in the I1(b) zoning is limited to boat storage.
Neighbouring properties are zoned:

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

Islands Trust Fund:

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

Sensitive Ecosystems and Hazard Areas:

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

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

Figure 8: Development Permit Areas

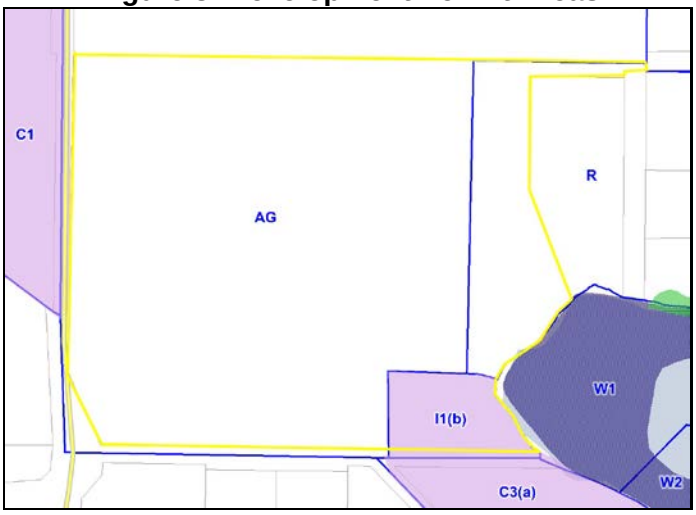
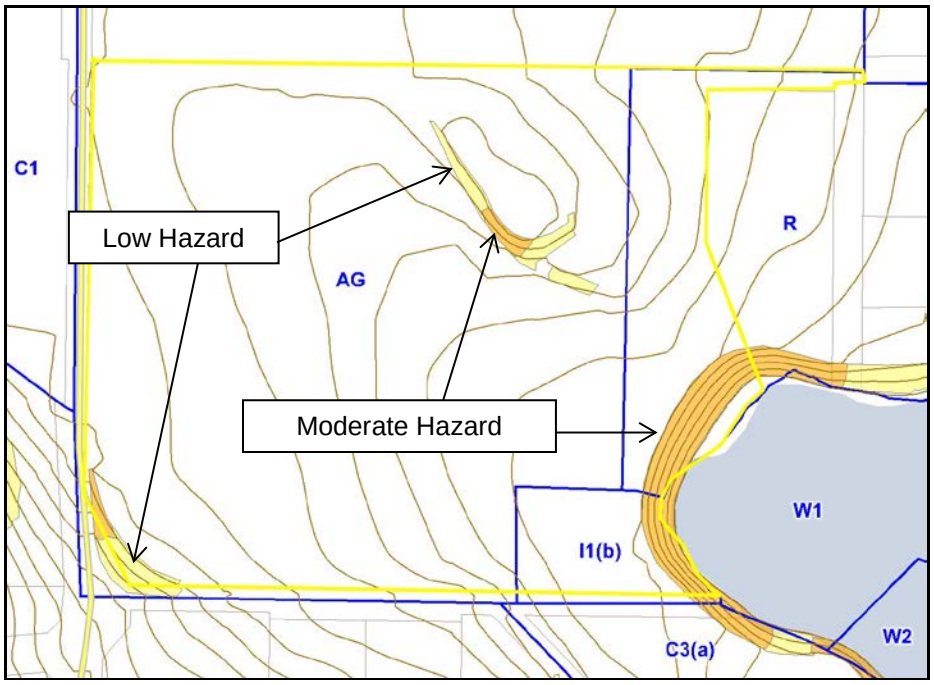


Figure 9: Steep Slope Mapping and 2m Contour Intervals



Archaeological Sites:

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

Covenants:

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

Climate Change Mitigation and Adaptation:

Generally any improvements to the waste management and diversion options available to the community further reduces the risk that residents may choose to burn or bury waste. The property is centrally located on the island and may result in reduced vehicle distance travelled when servicing the community needs. Diverting the commercial organic waste from landfilling would also support emission reduction and provide an alternative for when the CRD ban at Hartland landfill takes effect and advance the OCP policy.

The area proposed for this use is an existing disturbed area. The proposal would not increase development towards the shoreline and therefore the existing natural vegetation within the 15 metre setback could be maintained to retain the natural buffering ability to protect the shoreline from climate change impacts such as increased storm frequency and intensity. The LTC could require a restrictive covenant at the time of rezoning to ensure the shoreline vegetation is preserved.

Shoreline Type:

Recent shoreline mapping completed for all the major islands in the Trust Area has divided the shoreline into segments based on morphology and substrate. There are six classifications of shoreline type identified for the Gulf Islands and the shoreline adjacent to the subject property is identified as pebble/sand. This shoretype is a soft shoreline that may be a source of sediment and could be vulnerable to erosion particularly when sediment supply is interrupted. It would be

anticipated that the related biological features would be dominated by burrowing invertebrates such as worms and clams, which can also attract concentrations of birds.

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

The consultants who developed the Islands Trust shoreline mapping project used, in part, the provincial shorezone data. Based on that database, there are: herring spawning grounds throughout Browning Harbour, localized areas of clam beds, and a kelp bed closer to the entrance to Browning Harbour.

Biiobanding in the shorezone database also identified barnacles, green algae and eelgrass in Hamilton Cove. The species captured within the Barnacles and Green Algae categories are considered to be generally widespread throughout BC and are not considered indicator species for wave exposure or habitat type. Eelgrass presence generally indicates physical conditions that are sediment dominant and lower wave exposure.

Information from the provincial dataset may be helpful to provide a general overview and to identify the relative locations of marine habitat in the area generally; however, staff cannot speak to the scale of the mapping or methodology used.

Figure 10: Shoreline Type (Islands Trust Mapping)

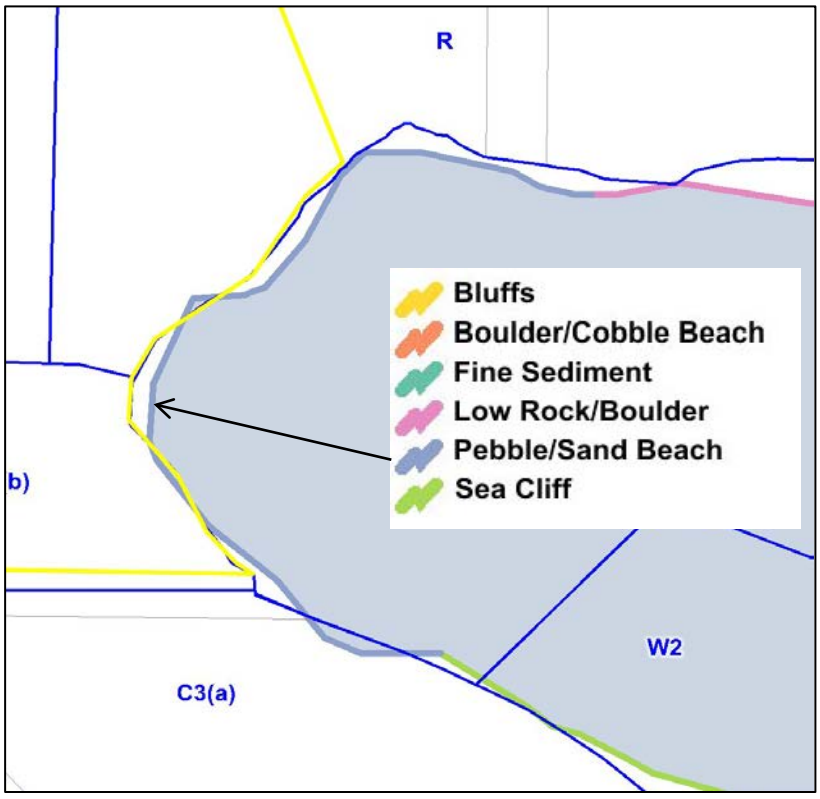
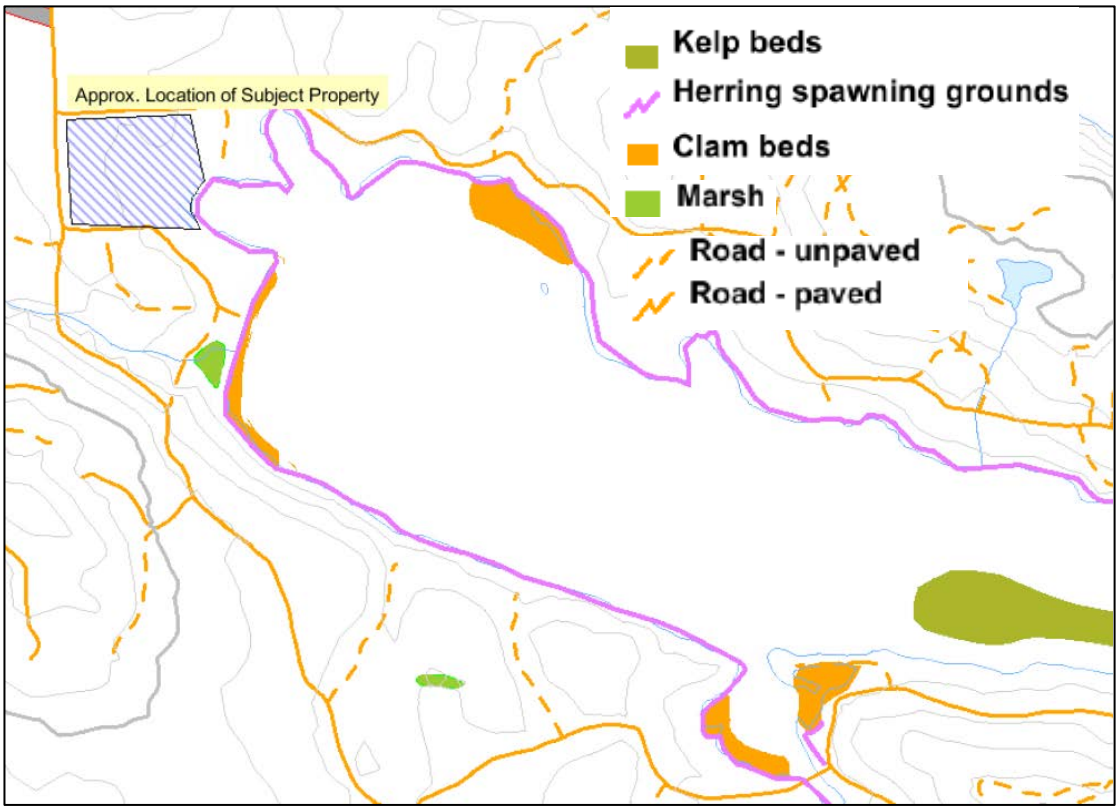


Figure 11: Port Browning
(Provincial Coastal Resource Information System)



Other:

Rather than attaching the submitted professional reports to this staff report they have been posted on line at http://www.islandstrust.bc.ca/ltc/np/default.cfm. Please advise staff if you would like a hard copy to be provided.

Hydrological Impact Assessment:

The applicants have provided a report which had the following conclusions:

- Potential surface water contamination – as long as the discarded goods and materials are not stored directly on the ground (consisting of a broken shale base) there should be no concern. If the goods and materials are stored directly on the ground some contaminants could infiltrate and potentially impact the water of Browning Harbour.
- Potential groundwater contamination – the proposed operation would not impact the groundwater in any manner.

The report also notes that additional water testing would be done in the wet season. Once available any new information will be provided in a subsequent report.

Environmental Site Assessment:

A site assessment was done by the previous owners in Dec 2011 to address an 'area of potential environmental concern', which was the industrial portion of the property and the above ground storage tanks and associated infrastructure. The assessment included soil and groundwater testing, including soil vapour and sediment sampling. The report concluded that all

soil, soil vapour, and groundwater testing reported trace or non-detectable values for all parameters, which were below the Contaminated Site Regulations criteria. The report also concluded that no further environmental assessment work was recommended.

Sources Materials:

The current sources and amounts of material for recycling or disposal by Pender Island Waste Management are outlined in the table below. These are estimated volumes based on the level of existing services and would be subject to change. At this time the intent is to continue servicing the drop-off site at the Magic Lake Market for the collection of household waste.

Source	Material	Estimate Volume*
Poets Cove	Garbage, Cardboard, Recycling	2 small bins per week 52 tons garbage annually
Browning Harbour Marina/Pub	Garbage, Cardboard, Recycling	2 small bins per week 25 tons garbage annually
Driftwood Centre	Garbage	1-3 small bins per week
Hope Bay Centre	Garbage and Recycling	Weekly collection - bags
Medicine Beach Market Drop-off	Garbage	3-4 small bins per week
Otter Bay Marina	Garbage only	1 small bin per week
Currents	Garbage only	1 small bin per week
Construction Sites	Construction waste and recycling	Varies – 7 medium sized bins available for service
Various	Metal recycling	1 large bin monthly
Weekly pick up service	Garbage	5-6 tons monthly

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

Organic Collection:

Hartland landfill, operated by the Capital Regional District (CRD) will no longer be accepting kitchen waste as of Jan 1, 2015; this ban would apply to residential, commercial and institutional organic waste. If the collection and composting of organic waste is approved by the ALC and LTC then as an operator the applicants would also be regulated under the CRD Composting Facilities Bylaw. The proposal is to purchase a small scale, in-vessel composter called an 'Earth Tub', which is designed to meet the needs of institutional sized producers such as universities/schools, commercial food processors, hospitals, and multi-family residential developments. The Earth Tub can process a maximum of 150 pounds per day (~70 kg) and

they include a bio-filter for odours. More details on the technology are attached as Schedule C to this report.

Diversion of the organic waste is estimated at 20 tons annually from just Poets Cove and Port Browning Pub and Marina. The applicants have included a letter from the General Manager at Poets Cove in support of the proposed organic collection, which has been attached as Schedule B to this report.

Traffic Impacts:

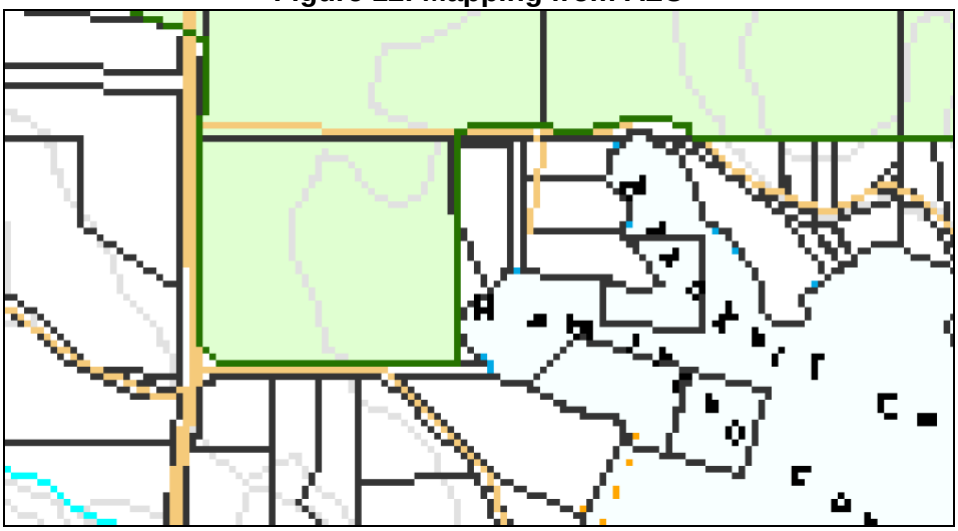
It would be anticipated that with the volumes collected the traffic impacts delivering to the site during the summer season would be up to 4 trucks per day and 2 trucks per day in the winter, excluding Sundays. Transporting materials to Hartland landfill are estimated at 2 trucks per week during the summer season.

They propose to have one day a week (Saturday) when the site would be open for public drop-off and also by request for residents or contractors if required.

Mapping Technology:

One of the challenges with ALR lands is the scale of the mapping for the boundaries, which did not necessarily coincide with other boundaries such as property lines, section lines, or zoning. The ALC has also not yet digitized their mapping to current GIS technology, which can make a precise determination of the ALR boundary difficult as shown below.

Figure 12: Mapping from ALC



COMMUNITY INFORMATION MEETING(S):

Community information meetings (CIM) are generally not recommended with ALC applications. If the ALC approves the proposed uses and the rezoning application proceeds, a CIM would be recommended at that time.

STAFF COMMENTS:

As noted above the LTC has generally three options at this time:

- Direct staff not to forward the application to the ALC; the rezoning application would then be cancelled.
- Direct staff to forward the application to the ALC.
- Direct staff to forward the application to the ALC and include comments or recommendations that you would like taken under consideration

At this stage the application should be considered against the OCP policies to ensure there is no direct collisions that could not be negated through mitigation measures. If the application proceeds to the rezoning process then the OCP polices would be reviewed in greater detail with specific mitigation measures identified through that process. The relevant OCP polices are outlined below including comments regarding what mitigation measures could be required.

Agriculture Policies

2.2.1-The 'right to farm' shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.	Property is bordered by road dedication or marine waters on all sides providing additional buffer. Increased setback requirement in the LUB would not be triggered for adjacent lots.
2.2.1-The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.	The proposed uses for the industrial portion of the property would support the development of farm uses on the agricultural portion of the property through diversification and broadening their income with minimal impact to the farming capability of the land or by removing active farmland from production. Potential impacts would also be considered by the ALC.
2.2.15-When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.	Hydrological Assessment stated groundwater would not be impacted. Proposed uses are not water consumptive and no surface water extraction is proposed. If rezoning proceeds the application would be referred to the Regional Agrologist at that time. Proposed use is also sited downstream of surrounding wells.
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.	If the ALC approves the non-farm use an additional report for impacts and mitigation to farming may be required as part of the rezoning process.

Industrial Policies

2.5.1-Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.	If the ALC approves the non-farm use, mitigation measures to ensure there is no impact on adjacent lands can be considered. Development permit conditions could also address some aspects such as screening.
2.5.3-Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.	The ALC will be considering suitability of land for agriculture. Area of proposed development not sensitive or hazardous, and additional mitigation measures may be required as part of rezoning (i.e.: covenant to provide additional protection of land and vegetation within 15 m setback to sea).
2.5.4-Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.	Professional reports address water and environmental contamination/remediation. Proposal will provide improved waste management.
2.5.6-Industrial activity, parking and storage areas should be screened.	Any mitigation measures in additional to LUB screening requirements can be identified as a condition for rezoning and as a condition of the development permit.

Solid Waste Policies

3.3.2.1-Regulations shall permit the continued operation of an island location where waste can be taken for recycling.	Proposal would support policy.
3.3.2.2-The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.	Proposal would support policy, no hazardous or toxic wastes to be handled.
3.3.2.3-Regulations shall prohibit the use of land on North Pender Island as a landfill.	Landfill is not proposed, proposal supports improved solid waste management for island residents.

Coastal Areas

4.2.1-Regulations should protect natural coastal processes from the impacts of development.	Proposal would not increase disturbance in proximity to shoreline. Removal of abandoned fuel tanks can reduce risks of pollution into shoreline and additional mitigation measures can be required as part of rezoning application.

Climate Change Policies

4.7.6-The Local Trust Committee may consider amending zoning in the Industrial or Community Services designations to provide community wood chipping and community composting services.	Proposal would support policy.

Given the history of industrial use and zoning on the site, that the site is not farmed, that the business could help support agriculture on the rest of the property, and there is the potential to mitigate any negative impacts, staff recommends forwarding the application to the ALC. Staff believes that the ALC is the appropriate authority to determine if the non-farm use would be appropriate for the subject property.

The LTC is reminded that any mitigation requirements to minimize impacts can be addressed at the rezoning process, or as a condition of the development permit.

The ALC may respond by denying the proposed non-farm uses, approving the uses, or approving them with conditions. If the ALC approves the proposed non-farm uses, with or without conditions, staff will include that information as part of a preliminary staff report for the rezoning application to be brought forward as soon as possible following the ALC decision. If the ALC denies the proposed non-farm uses, staff will review any options the applicants may have and advise the LTC as part of the regular updates on the Applications Report.

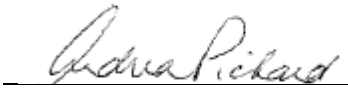
The LTC could decide to include comments or recommendations for the ALC to take into consideration.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee direct staff to forward the non-farm use application NP-ALC-2012.1 (Burdett) to the Agricultural Land Commission for consideration for 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.

Prepared and Submitted by:



January 7, 2013

Date

Concurred in by:

January 8, 2013

Robert Kojima, RPM

Date

MICHAEL & ANNE BURDETT
4606 RAZOR POINT RD
PENDER ISLAND, BC
V0N 2M1

December 20, 2012

Dear Sir/Madam

We are writing to you for a Non-Farm Use in the ALR.

In September of 2011 we purchased a 21 acre property on Pender Island which has three zones, approximately 3 acres which is rural, 17 acres agricultural, and 1 acre of Industrial.

We are applying for a non-farm use of Agricultural land that lies within the Industrial portion of the property. Until the early 1990's this portion of the property was operated as a Petroleum tank farm that serviced the residents & commercial customers of North & South Pender Island.

Recently, the 6 single walled tanks, have been pumped of residual fuel, professionally cleaned, and ground sampling carried out which gave the area a clean bill of health. We have constructed a driveway into the Industrial Site for the purpose of removing the tanks and for future access from the boat ramp at Hamilton Beach. The Industrial portion currently has site specific zoning for boat storage.

We have applied to our Local Trust Committee to use the Industrial zoned land to operate a waste transfer station and in-vessel composter for diversion of commercial organic waste to the landfill, all of which would be contained within a building on a concrete pad with leachate catchment system.

We currently service North & South Pender Island's 2300 residents with a weekly residential pickup route, commercial waste & recycle & construction bin service.

We hope this meets with your favourable consideration.

If you have questions please call 250-629-9922 or email maburdett@shaw.ca

Sincerely yours,

Michael & Anne Burdett

Poets Cove
RESORT & SPA

December 6, 2012

Re: Vessel Composting

Dear Mike

I appreciate your alert to the new composting option very much. Although, we currently compost vegetable and fruit matters on resort ground it does attract rodents and scavengers despite being wire-fenced and covered.

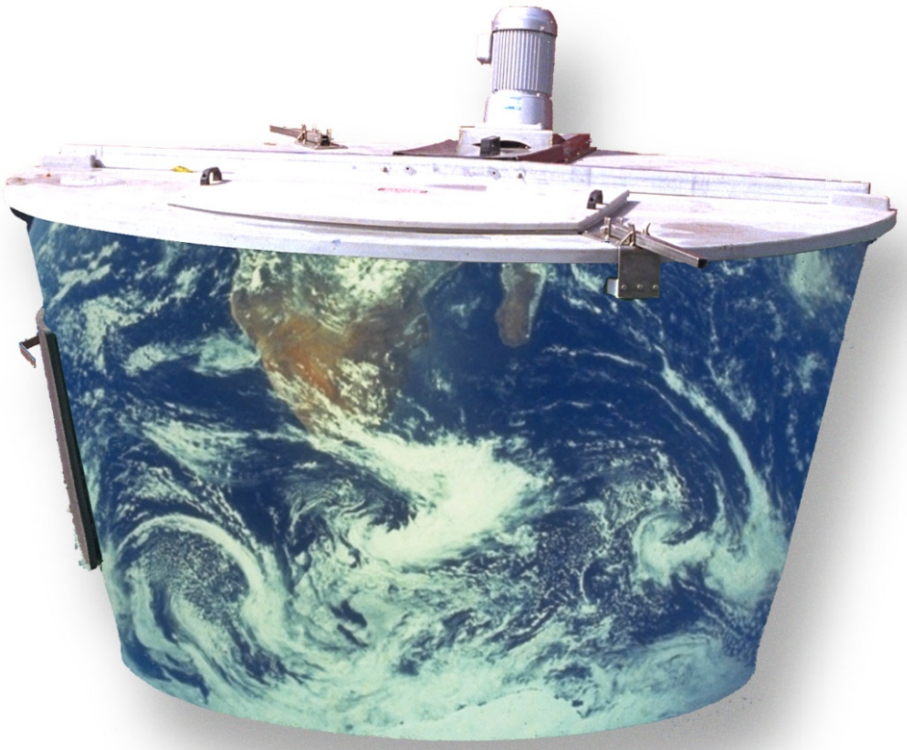
Our two kitchens and banqueting do produce a lot of food scraps, filling the conventional garbage bins. I would very much welcome a safe procedure such as you suggested to dispose of the resort's discarded food items.

Mike, you can count on our support and I look forward to get started!

Best regards,

Walter Kohli
General Manager

9801 Spalding Road South Pender Island BC Canada V0N 2M3 Phone: 250-629-2100 Fax: 250-629-2105 1-888-512-POET (7638)



The Earth Tub ™

Commercial-duty compost system

Earth Tub Specifications

Tub Vessel Height	48”
Overall Diameter	90”
Vessel Insulation	R-12
Shipping Weight	846 lbs
Volume	3 Cubic Yards
Mixing Auger	12” Diameter Stainless Steel
Auger Motor	3 Phase 2 hp 230/460V
Power Usage	~1080 KWH per year
Processing Capacity	40-150lbs per day

Green Mountain Technologies

U.S. Patents Issued & Pending
© Green Mountain Technologies, Inc.

The Earth Tub Process

The Earth Tub is a fully enclosed composting vessel featuring power mixing, compost aeration and filtration of all process air. This self-contained unit is ideal for food waste composting at schools, universities, restaurants, hospitals and supermarkets.

Loading

Organic materials such as food scraps, manure or yard waste are loaded through the large hatchway in the cover. Periodically, dry materials such as wood chips, shredded paper or shavings can be added to insure that porosity and moisture levels are ideal for composting.

Mixing

Turn on the auger and rotate the lid twice to shred and mix the new organic material into the hot compost. The auger will shred and mix a ton or more of food compost in 10 to 15 minutes.

Waste reduction!

Heat generated in the Earth Tub rapidly breaks down the waste. The volume reduction is typically 70% or higher. After three to four weeks of active composting, remove the compost through the discharge door and cure for 30 to 60 days.

The Earth Tub™ Frequently Asked Questions

What is the Earth Tub? - The Earth Tub is a small scale, in-vessel composting system for recycling organic waste materials at the site where they are generated. Complete with a bio-filter for odor processing and control, this system provides a neighborhood friendly efficient composting technology. The Earth Tub has been developed specifically to meet the composting needs of universities/schools, restaurants/cafeterias, commercial food processors, hospitals, multi-unit residential dwellings, camps and other institutional organic waste generators.

What is unique about the Earth Tub? - The Earth Tub offers the sophistication of large in-vessel composting systems to the small institutional generator at an affordable price.

What are the key features of the Earth Tub?

- Modular and expandable design allows flexibility in application
- Bio-filter processes odors and accelerates the compost process
- High rate composting reduces volume and stabilizes material quickly
- Powered auger is thoroughly effective for mixing and shredding most foods
- Insulated design allows for operation under winter conditions
- Durable, heavy duty plastic construction (double walled rotomolded polyethylene)
- Finished potting soil mixes can be blended within the Earth Tub by adding peat moss etc to compost

How much organic waste should be generated to use the Earth Tub? - For on-site composting, the Earth Tub is capable of processing as little as 40 lbs (20 kg) per day or as much as 150 lbs (75 kg) per day. The modular design of the system allows it to be adapted to a wide variety of applications and configurations.

How long will it take to fill the Earth Tub? - Assuming a 5-6 day per week operation, it will take 13 weeks to fill an Earth Tub at 40 pounds per day, 10.5 weeks to fill at 50 pounds per day, and 3.5 weeks to fill at 150 pounds per day. Each unit has a total of 3200 lbs (1500 kg) biomass capacity when full. This data was collected at University of North Carolina, Charlotte installation.

What if your organic waste stream increases? - Expansion capability is one of the key features of the Earth Tub System. By virtue of its modular design, the system is ideally suited to incremental capacity increases. This system is a perfect application for gradually introducing composting to the institutional organic waste generators.

Contact:
Tel (802)368-7291
Fax (802)368-7313
sales@compostingtechnology.com

Green Mountain Technologies
5350 McDonald Ave NE
Bainbridge Island, WA 98110

How cold can it be and still maintain compost temperatures in the Earth Tub? - The Earth Tub has been installed in some very cold locations. It may need supplemental heat if the temperature remains below 10F for more than 7 days. The aeration system should be shut down during cold weather.

What are acceptable Materials for Composting? - The system is designed to process Kitchen prep waste and plate scrapings. Green garden waste and manures will easily compost in the system. Meats, cheese, and other fatty foods should be kept below 10% of total waste input. Avoid adding large pieces of meat, fats or oils to the system.

Do I need two Earth Tubs to compost? - If you are composting less than 50 pounds of food per day, a single Earth Tub will provide continuous composting by adding food on one side and removing compost from the opposite side when the unit is full.

What are the operational needs of the Earth Tub? – The estimated daily operational time is about 20 minutes. This does not include material collection time, which varies from site to site.

What is the power usage for operating the Earth Tub? – Operating conservatively at 10-20 minutes a day you use a total of 2-3 kWh a day.

Contact:
Tel (802)368-7291
Fax (802)368-7313
sales@compostingtechnology.com

Green Mountain Technologies
5350 McDonald Ave NE
Bainbridge Island, WA 98110

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).

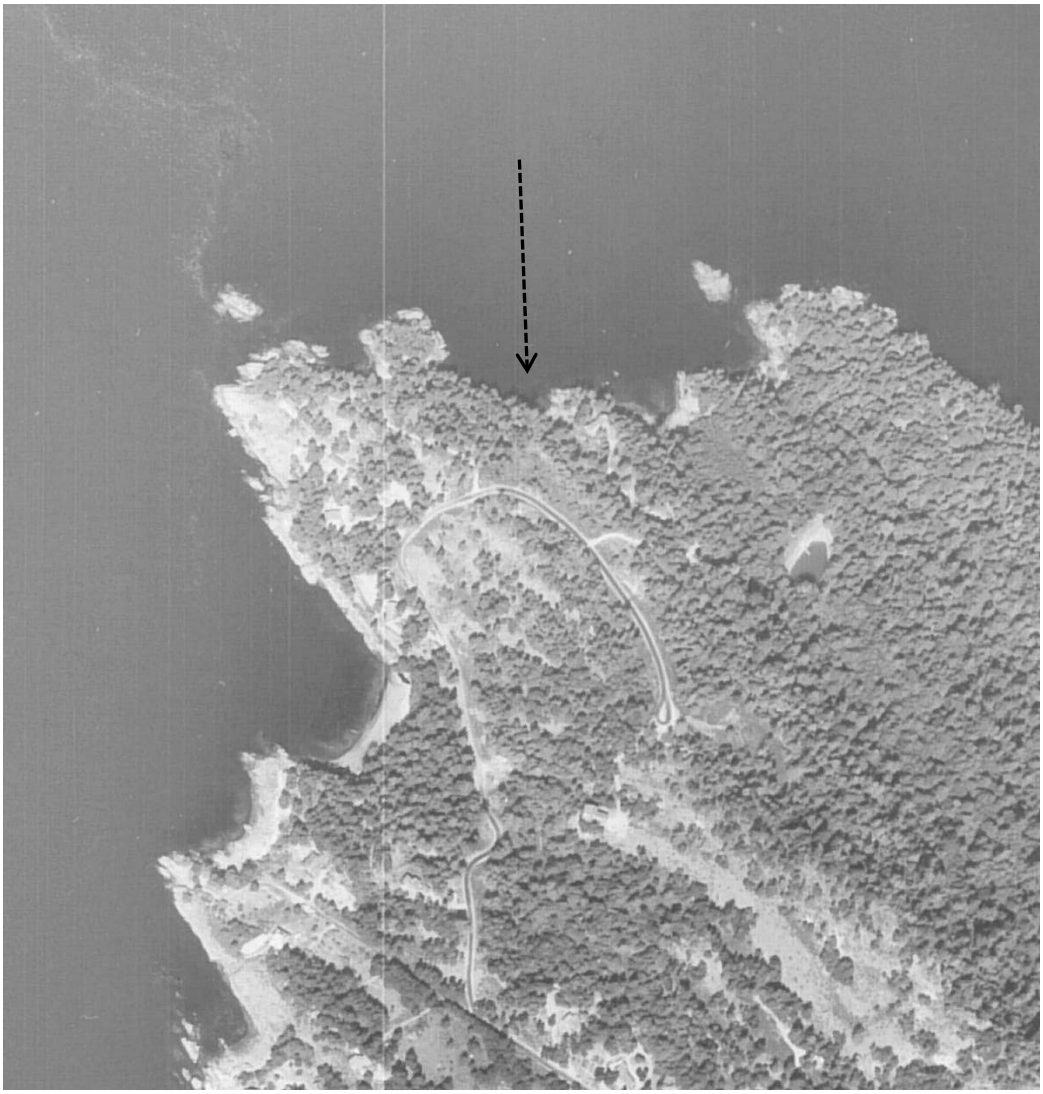
The APC will be meeting to review the proposed development variance on January 14th. Once the minutes from their meeting are received they will be forwarded as a separate item.

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 approx1600ft^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

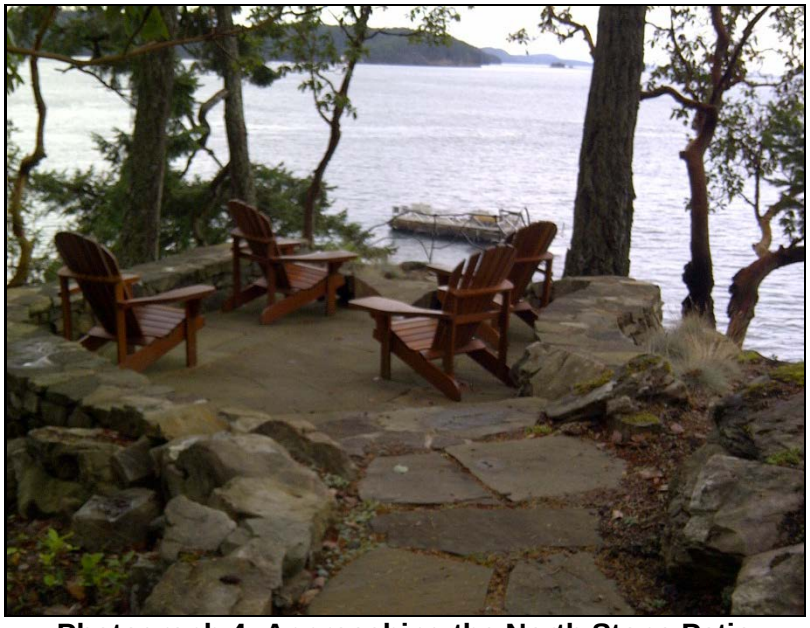
2: The Shed:

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':

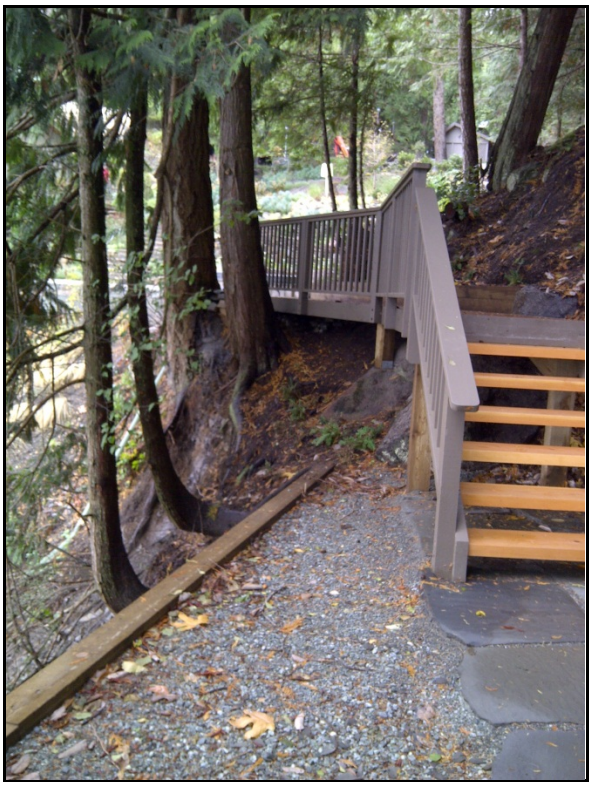
The main patio is a newly installed or reconstructed patio that is located in front of the seaward side of the dwelling and widens out as it extends south from the dwelling. A set of stairs to access the beach connects to this patio, as does the main pathway from the parking area and another pathway 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

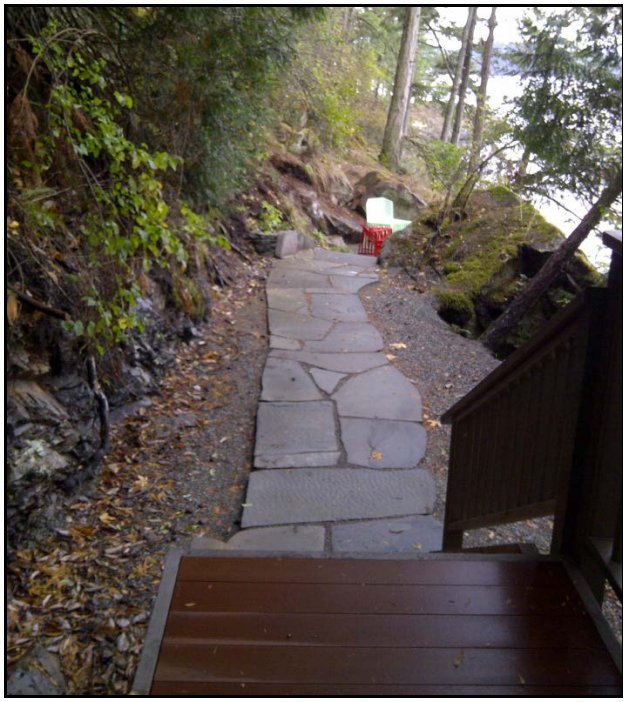
Photograph 7: The Main Patio with the Hot Tub Visible on the Left

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

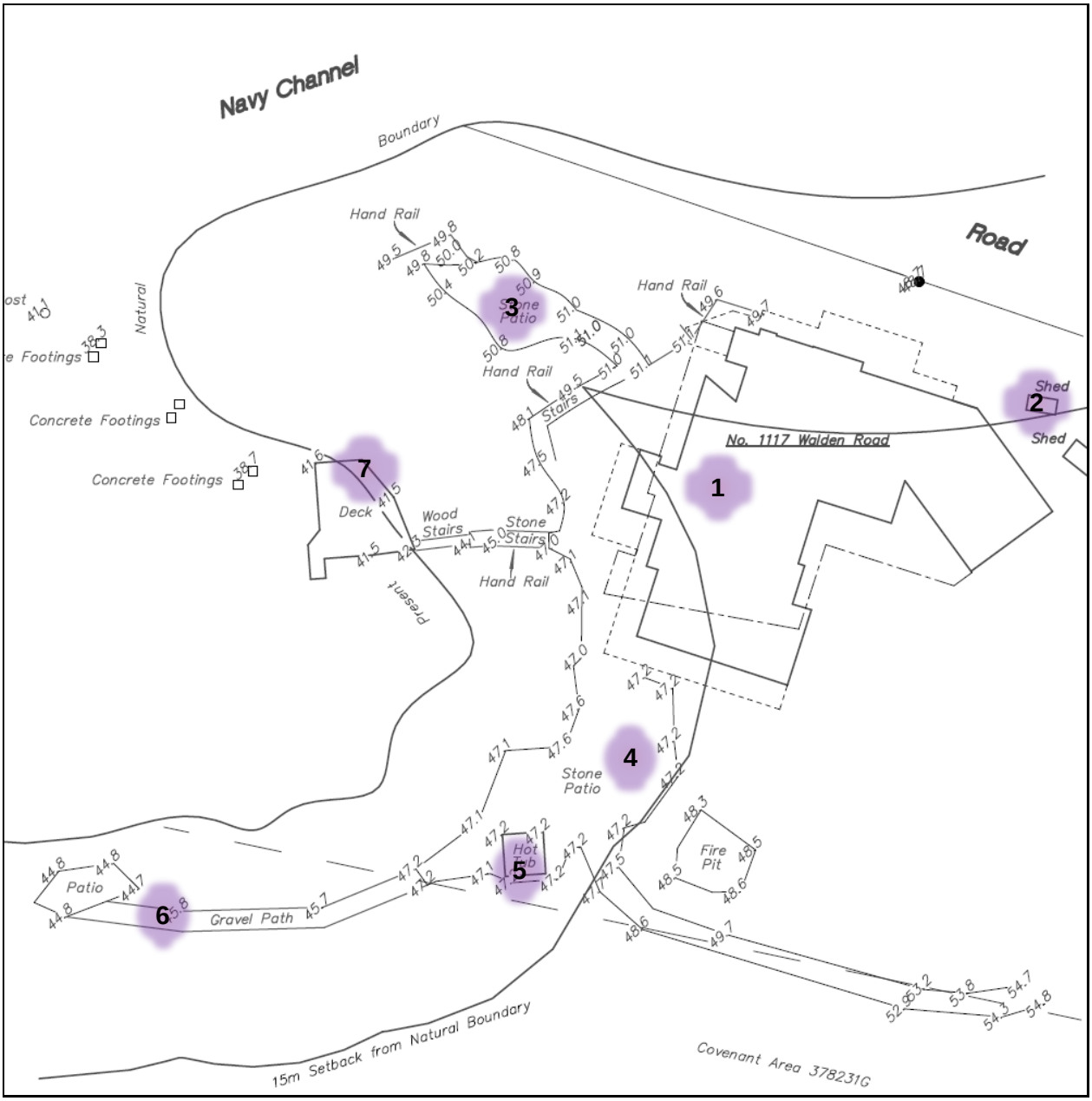
to the dock as it complied with the North Pender Island Land Use Bylaw (LUB). There has since been a deck constructed that straddles the natural boundary of the sea with the majority of it located on the foreshore. There is a walkway under construction on the left of the photograph below that leads to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

There is a raptor nest development permit area (DPA) on the property; however the development under consideration is outside of the DPA boundary.

Figure 2: Subject Property Map

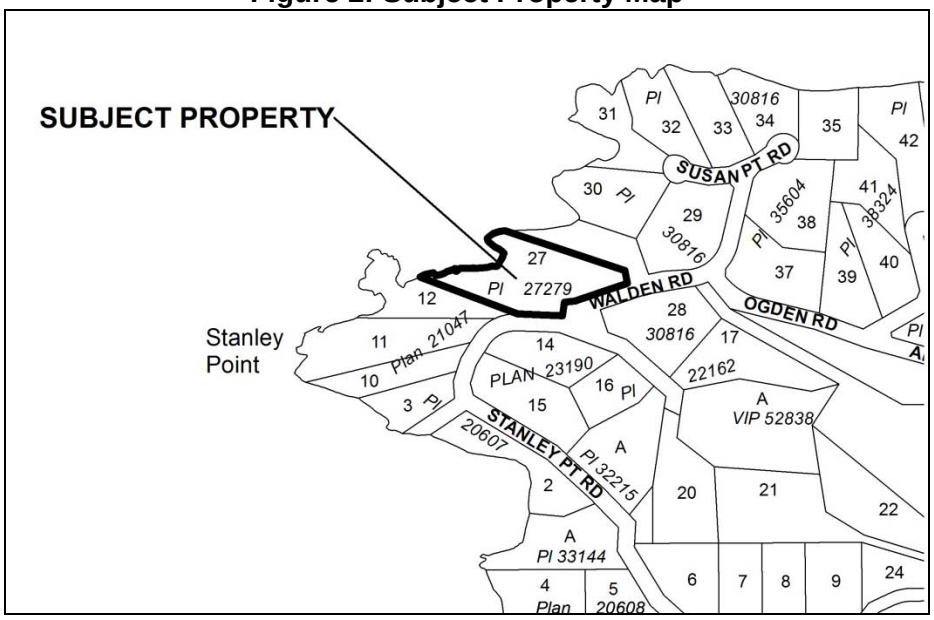


Figure 3: Development Permit Areas and Orthophoto

CURRENT PLANNING STATUS OF SUBJECT LANDS:

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

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

- 3.1.5…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:
    - Ensuring that any use of the foreshore does not result in permanent damage to natural features;
    - Encouraging use of community docks or multi-user docks; and
    - Ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.10 No structures, including boat houses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

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

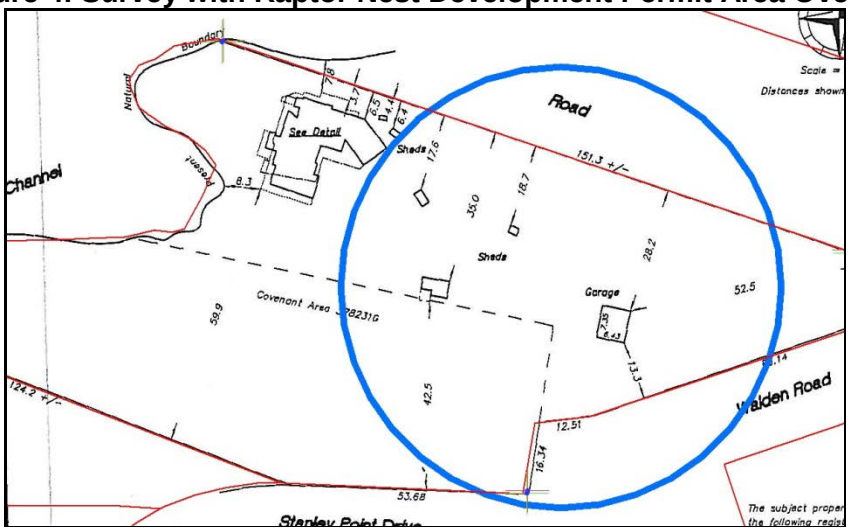
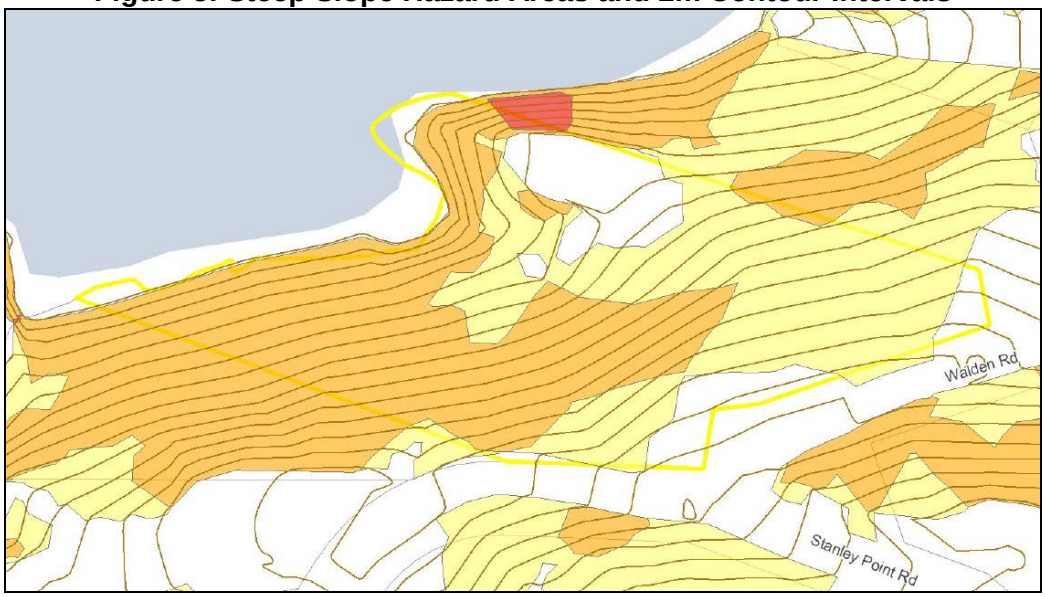


Figure 5: Steep Slope Hazard Areas and 2m Contour Intervals



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.

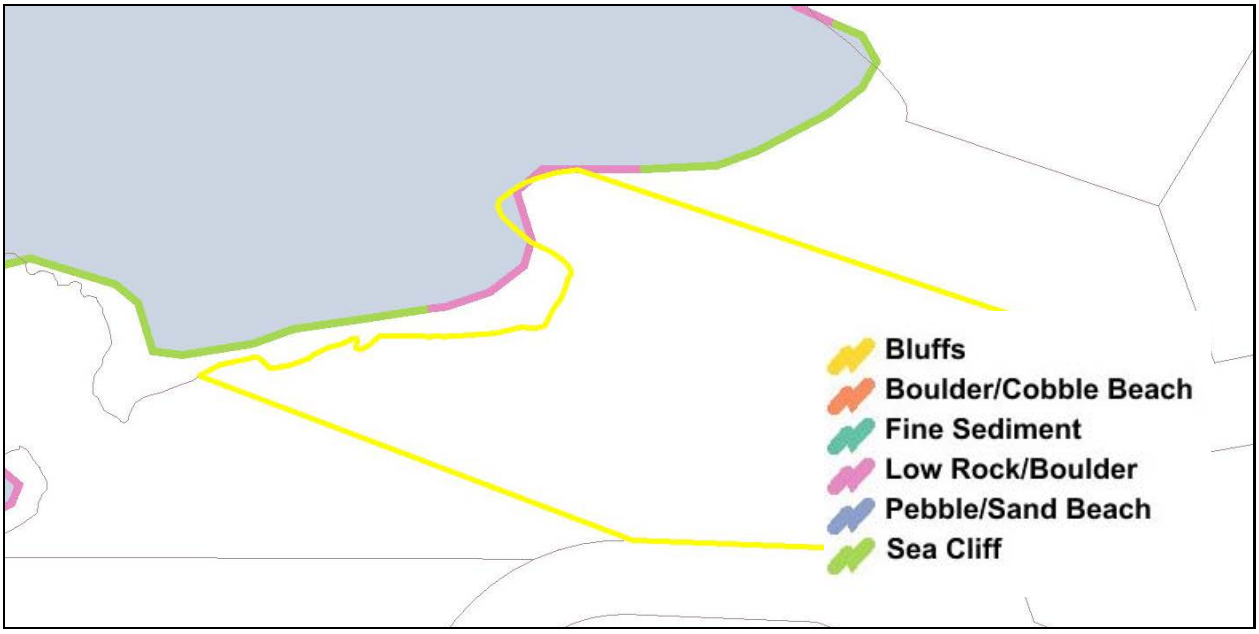
Other:

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 Guillemot[1].

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

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

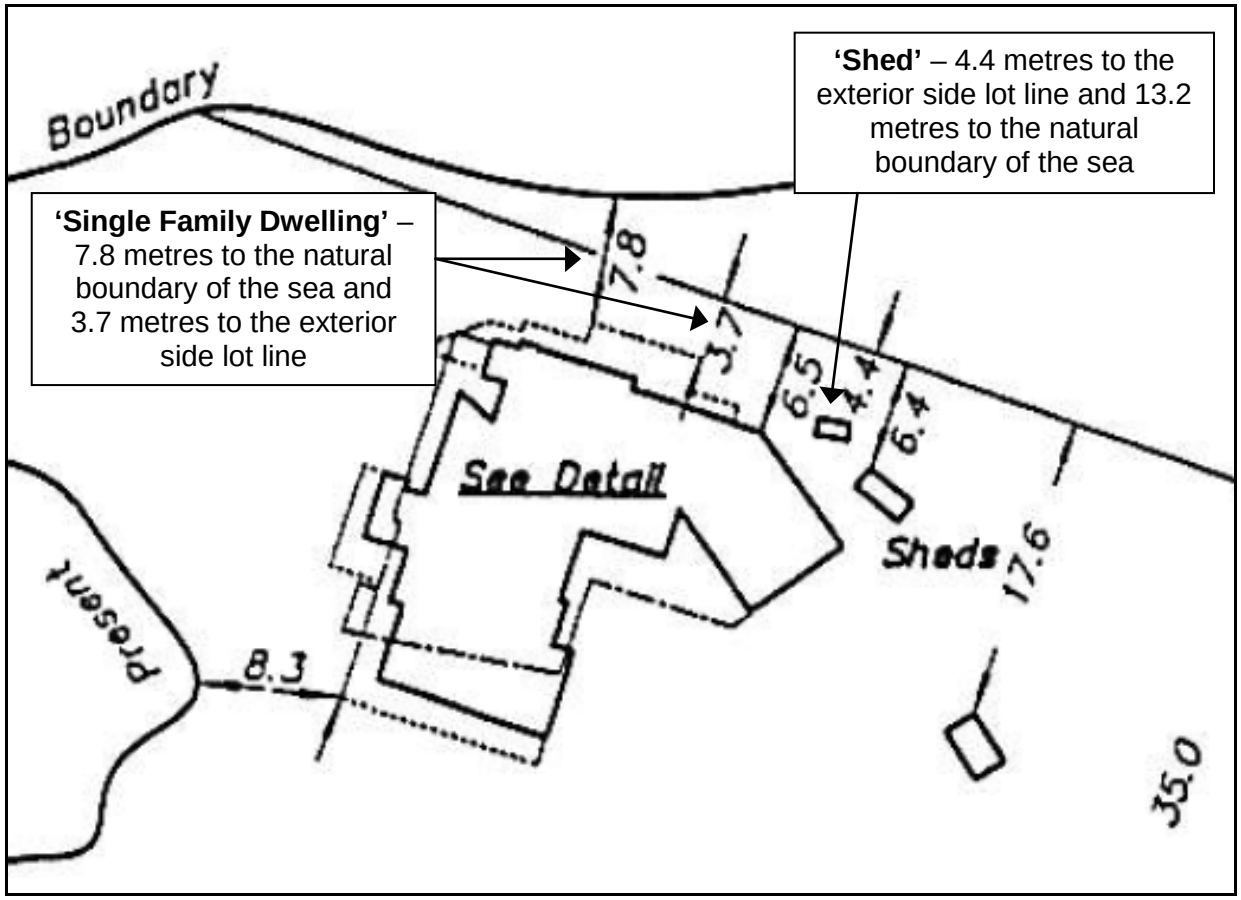
_____
Date of Issuance

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

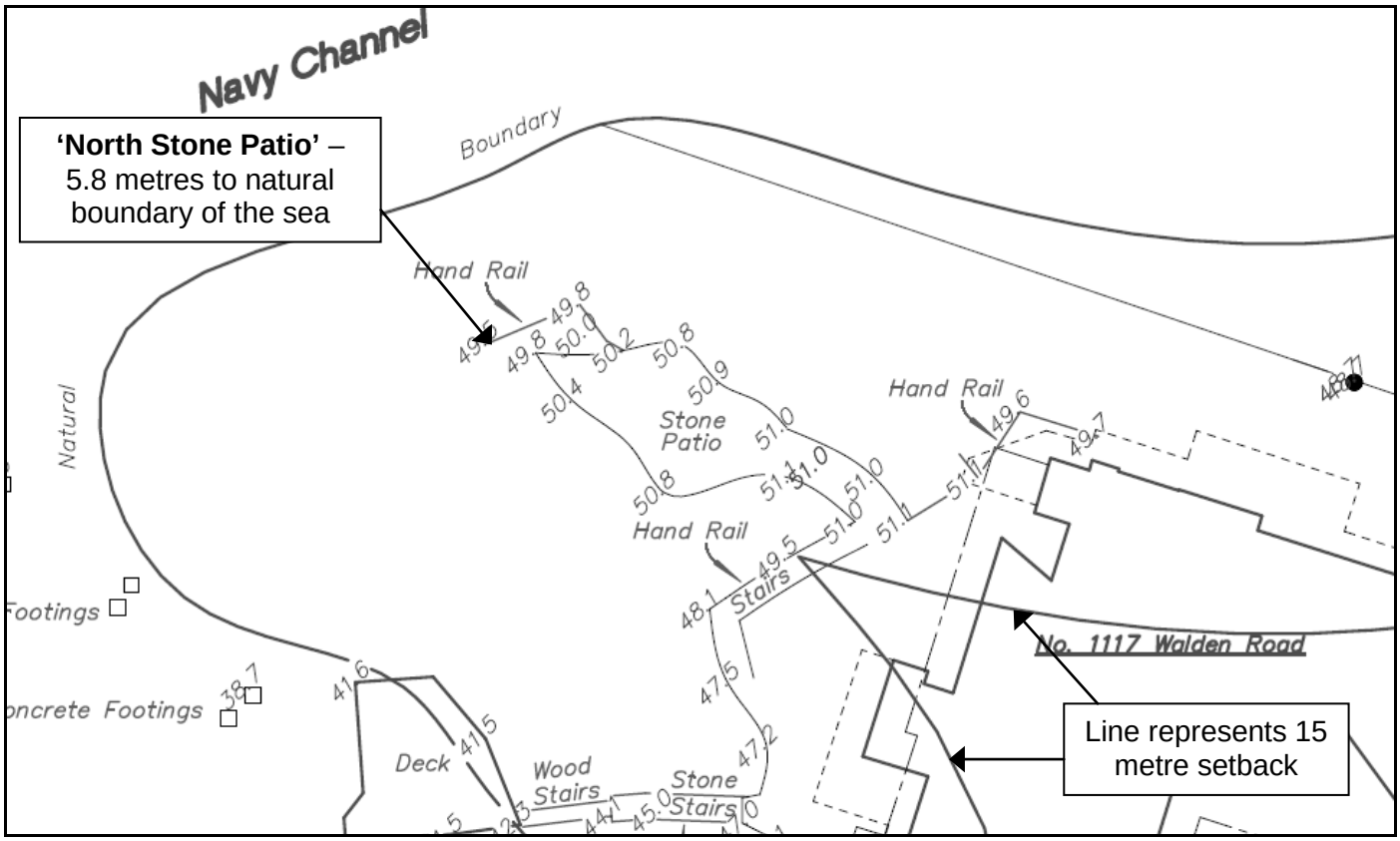
SCHEDULE 'A'



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.5

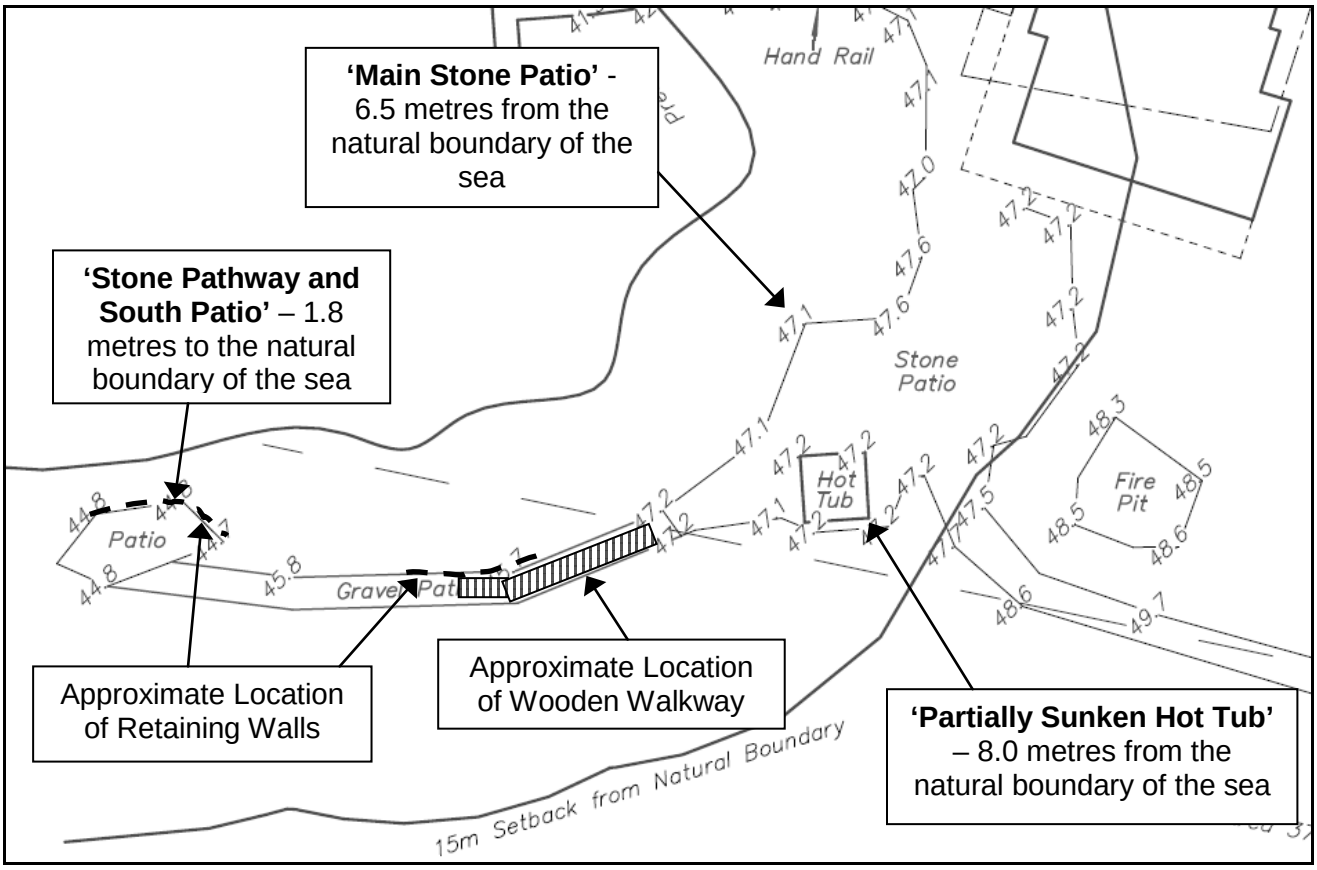
SCHEDULE 'B'



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.5

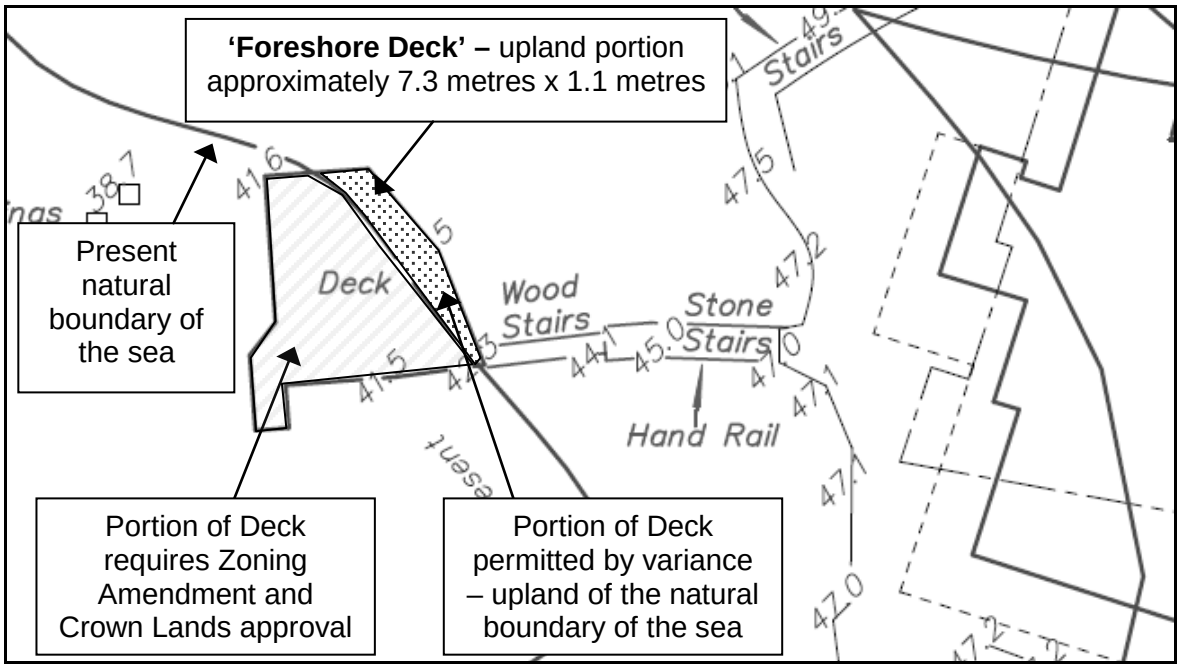
SCHEDULE 'C'



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.

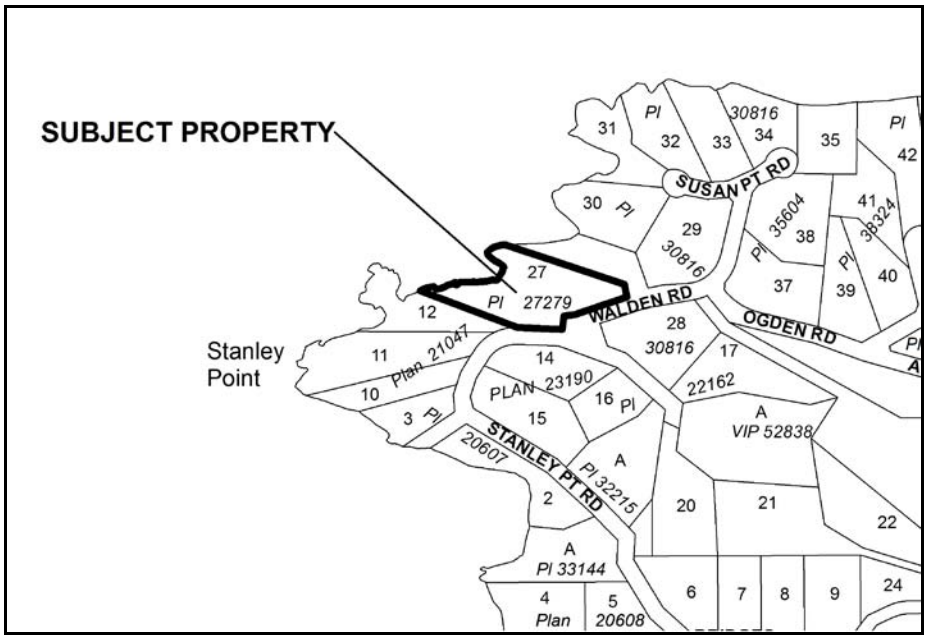
b) Clause 8.1.5(1)(b) is varied to reduce the setback to an exterior side lot line from 4.5 metres to:

   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

RECEIVED
NOV 15 2012
ISLANDS

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

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

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

S Rosemary Howe

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

=======
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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Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 9.0.0.2308, Virus/Spyware Database: 6.20870)
http://www.pctools.com/
=======

RECEIVED
NOV 28 2012
ISLANDS TRUST

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 3to 4 years. Although much of the renovation and new construction that has been going on for which Ms. Aoronowivz 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 unparallel 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 competed 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 know 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 Conversancy 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)

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 serine 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 were 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 there 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 - 550 Burrard Street
Vancouver, BC V6C 0A3
604 631 3164

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

BYLAW REFERRAL FORM

Islands Trust

Island: Salt Spring Island Trust Area **Bylaw No.:** 465 **Date:** January 22, 2013

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

APPLICANTS NAME / ADDRESS:
Salt Spring Island Conservancy.

PURPOSE OF BYLAW:
To amend Land Use Contract Bylaw No. 12 to discharge it from the subject property.

GENERAL LOCATION:
Blackburn Road, Salt Spring Island.

LEGAL DESCRIPTION:
Lot 1, Section 86, South Salt Spring Island, Cowichan District, Plan 17652.

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
13.19 ha (32.58 acres)	Yes	Watershed – Agriculture (WA)

OTHER INFORMATION:
See attached staff report.

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

(Signature)

Name: Caitlin Brownrigg

Title: Planner 1

This referral has been sent to the following agencies:

Provincial Agencies
Agricultural Land Commission
Ministry of Agriculture
Ministry of Environment
Ministry of Transportation & Infrastructure

Regional Agencies
CRD Building Inspection
CRD Regional Parks
Vancouver Island Health Authority

Non-Agency Referrals
BC Ambulance Service
North Salt Spring Waterworks District
SSI Fire-Rescue
CRD Transportation Commission (Kees Ruurs)
CRD Engineering Services (Kees Ruurs)

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee for Kuper Island

PLEASE TURN OVER →

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Local Trust Area	465
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 466 **Date:** January 22, 2013

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

APPLICANTS NAME / ADDRESS:
Salt Spring Island Conservancy.

PURPOSE OF BYLAW:
To amend Land Use Bylaw No. 355 to rezone the subject property from Agriculture 2 (A2) to Agriculture 2 Zone Variation (b) – A2(b) to permit administrative and education uses for conservation purposes.

GENERAL LOCATION:
Blackburn Road, Salt Spring Island.

LEGAL DESCRIPTION:
Lot 1, Section 86, South Salt Spring Island, Cowichan District, Plan 17652.

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
13.19 ha (32.58 acres)	Yes	Watershed – Agriculture (WA)

OTHER INFORMATION:
See attached staff report.

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

(Signature)

Name: Caitlin Brownrigg

Title: Planner 1

This referral has been sent to the following agencies:

Provincial Agencies
Agricultural Land Commission
Ministry of Agriculture
Ministry of Environment
Ministry of Transportation & Infrastructure

Regional Agencies
CRD Building Inspection
CRD Regional Parks
Vancouver Island Health Authority

Non-Agency Referrals
BC Ambulance Service
North Salt Spring Waterworks District
SSI Fire-Rescue
CRD Transportation Commission (Kees Ruurs)
CRD Engineering Services (Kees Ruurs)

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee for Kuper Island

PLEASE TURN OVER →

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Local Trust Area	466
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

Islands Trust | Memorandum

Date December 13, 2012

File Number NP-OCP-2011.1 and NP-LUB-2011.1

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

From Andrea Pickard
Island Planner

Re **Post Public Hearing Procedures - Proposed Bylaws No. 187 and 189**

The Local Trust Committee is considering two bylaws to amend the North Pender Associated Islands Land Use Bylaw and Official Community Plan. A public hearing is scheduled for Saturday January 26, 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 187 (LUB) as it stands at Second Reading and Bylaw 189 (OCP) as it stands at First Reading. Consideration of any amendments to the proposed bylaws based on information or comments received at the Public Hearing can be discussed at the January 31st LTC meeting.

Also attached are two Policy Statement Checklists, one for each proposed bylaw. These checklists are used when reviewing proposed bylaws for compliance with the directive policies in the Policy Statement and would form part of the referral package to Executive Committee.

RECOMMENDATIONS:

1. THAT 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 read a Third time.

2. THAT 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 read a Second time.

3. THAT 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 read a Third time.

4. THAT the North Pender Island Local Trust Committee proposed Bylaw No. 187 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

5. THAT the North Pender Island Local Trust Committee proposed Bylaw No. 189 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

6. THAT the North Pender Island Local Trust Committee proposed Bylaw 189 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. 189

****

A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN BYLAW NO. 147, 2002

****

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 Associated Islands Official Community Plan Bylaw No. 147, 2002;

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

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

CITATION

This Bylaw may be cited for all purposes as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011.”

SCHEDULES

1. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 1 attached to and forming part of this amending bylaw.

2. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 2 attached to and forming part of this amending bylaw.

3. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 3 attached to and forming part of this amending bylaw.

4. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 4 attached to and forming part of this amending bylaw.

5. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 5 attached to and forming part of this amending bylaw .

6. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 Schedule D – Land Use Policy Map, is altered as shown on Schedule 6 attached to and forming part of this amending bylaw.

7. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 Schedule D – Land Use Policy Map, is altered as shown on Schedule 7 attached to and forming part of this amending bylaw.

8. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 Schedule D – Land Use Policy Map, is altered as shown on Schedule 8 attached to and forming part of this amending bylaw

SEVERABILITY

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 29th day of November 2012

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 AND RURAL DEVELOPMENT this day of 20__

ADOPTED this day of 20__

SECRETARY **CHAIRPERSON**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 1

Part 4 (Objectives and Policies for Land Use Designations) of Schedule B (Goals, Objectives and Policies) of North Pender Associated Islands Official Community Plan No. 147, 2002 is amended as follows:

1. Section 402 is amended by inserting a new Policy 11, “Maximum floor area regulations for dwellings and accessory buildings may be implemented as a method to ensure the scale of development and the related demands on the carry capacity of our islands occurs in an environmentally sustainable manner and is appropriate for the local island community. Development variance applications to increase a floor area regulation may be supported where the proposal is demonstrated to:
    1. utilize sustainable design principles,
    2. be sited to minimize impact on the environment and to adjacent properties,
    3. apply passive solar concepts in the building design,
    4. be energy efficient and use the best available technologies so that household energy consumption is well below average for this region,
    5. include rainwater collection, and
    6. be considered acceptable to the community based on response to the variance request.”

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 2

Part 6 (Temporary Commercial and Industrial Use Permit Guidelines) of Schedule B (Goals, Objectives and Policies) of North Pender Associated Islands Official Community Plan No. 147, 2002 is amended as follows:

1. Section 604 is deleted and replaced with:

"**604 Temporary Use Permit Guidelines**

An Official Community Plan may designate areas where a temporary use may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a use, permit the construction or use of buildings or structures to accommodate persons who work at the use for which the permit is issued, and specify conditions under which a temporary use may be carried on. A permit may be issued for a period of up to three years and may be renewed only once.

Pursuant to section 920.01 of the *Local Government Act* (Designation of development approval information areas), the plan designates any area of this plan subject to application for a Temporary Use Permit as a circumstance for which development approval information may be required under that section. Development approval information means information on the anticipated impact of the proposed activity of development on the community.

The issuance of a temporary use permit should be conditional on compliance with the following guidelines:

Guideline 1 Temporary Use Permits may be issued for any area covered by this plan, except for areas designated Resource Conservation or lands within the Agricultural Land Reserve.

Guideline 2 Temporary Use Permits should only be issued for activities that are of short and fixed duration.

Guideline 3 An application for a Temporary Use Permit may only be considered if the proposal can be demonstrated to have minimal negative impact on the environment of the Associated Islands Area."

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 3

Part 7 (Development Permit Areas) of Schedule B (Goals, Objectives and Policies) of North Pender Associated Islands Official Community Plan No. 147, 2002 is amended as follows:

1. Part 7 is amended by inserting the following as a second paragraph in that part: "Pursuant to section 920.01 of the *Local Government Act* (Designation of development approval information areas), the plan designates all development permit areas as areas for which, in specified circumstances, development approval information may be required under that section. Development approval information means information on the anticipated impact of the proposed activity of development on the community."

2. Subsection 701(1) is amended by deleting "This development permit area includes all non-crown land within 15 metres upland of the natural boundary of the sea." and inserting "This development permit area includes all non-crown land within 15 metres upland of the natural boundary of the sea on all North Pender Associated Islands except for Sidney Island."

3. A new Subsection 701(3) is inserted as follows:

   "(3) Application Requirements

   All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee."

4. Subsection 701 (3) 'Justification' is renumbered to 701 (4).

5. Subsection 701 (4) 'Objectives' is renumbered to 701 (5).

6. Subsection 701 (5) 'Guidelines' is renumbered to 701 (6) and "Work not requiring a permit is detailed in subsection (6) below." is deleted and replaced with "Work not requiring a permit is detailed in subsection (7) below."

7. Subsection 701 (6) 'Work Not Requiring a Permit' is renumbered to 701(7)

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 4

Part 7 (Development Permit Areas) of Schedule B (Goals, Objectives and Policies) of North Pender Associated Islands Official Community Plan No. 147, 2002 is amended as follows:

1. The following is inserted as a new Section 702:

"**702 Sidney Island Hazard Lands**

(1) Designation

This development permit area (DPA) is shown in a generalized area on Schedule E. The definitive designation and delineation of the development permit area consists of a digital record based on the survey plans associated with registered covenant ES065752, stored and maintained in a Geographical Information System (GIS) at the offices of the Islands Trust.

(2) Authority

The development permit area is established pursuant to Section 919.1(1)(b) of the *Local Government Act,* specifically for the protection of development from hazardous conditions.

(3) Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

(4) Justification

It is the Object of the Islands Trust to "preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

It is policy of the Islands Trust Council that local trust committees and island municipalities shall, in their official community plans and regulatory bylaws address:

- the planning for and regulation of development in coastal regions to protect natural coastal processes, and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

Furthermore, Section 877(1)(d) of the provincial *Local Government Act* requires that an Official Community Plan include restrictions on the use of land that is subject to hazardous conditions or is environmentally sensitive to development.

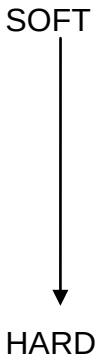
The development permit area coincides with the area affected by a registered covenant to restrict development due to geotechnical concerns. The upland boundaries of the covenant area arise from the recommended building setbacks in the

geotechnical investigation report prepared at the time of subdivision for Sidney Island *"Report of Geotechnical Investigation For Sidney Island Residential Subdivision"* by Bruce McLeod of Levelton Engineering. The report identifies that the soil/sandbanks forming the westerly and north-easterly shorelines, which are not protected by bedrock, as being steeper than the long term stable slope angle due to on-going toe erosion. The on-going toe erosion and slope flattening processes are resulting in a landward regression of the crest of the slope. The report summarizes that building sites should be located beyond the recommended setbacks, and that disturbance to the shoreline banks by storm water drainage, land alterations, vegetation disturbance, or other means should be avoided. The building setback established in the geotechnical report is based on a 75 year design period with no stabilization techniques. The report forms the basis for the covenant registered on title of the affected properties as ES65752, which includes a copy of the report.

Within this development permit area there are two key components, the shoreline banks and relatively level upland areas above and beyond the crest of the shoreline banks. The shoreline banks are delineated as 'Area A' within the development permit area and 'Area B' represents the upland, relatively level area. The boundary between Area A and Area B is located 2 metres from the crest of the bank, which is where a 10 degree or more slope continues to the base of the banks. The purpose of identifying these two components is to recognize that impacts from disturbance to vegetation and land alteration would have different effects.

When required, bank stabilization measures should apply the 'softest' possible measure and be limited in number and extent to the minimum necessary. Protection measures are often referred to as 'soft' to 'hard', where 'soft' measures utilize less rigid materials such as vegetation, while 'hard' measure refer to those with solid, hard surfaces such as concrete walls. In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. There is a range of measures that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete or rock groins
- Retaining walls or bulkheads (concrete, lock blocks, etc.)
- Seawalls



This development permit area is important to protect the shoreline banks, which are sensitive features vulnerable to erosion, from development activities that may exacerbate the hazardous condition, and to protect any land improvements or development from hazardous conditions that may result from the erosional processes.

(5) Objectives

The objectives of this development permit area are as follows:

Objective 1 To protect the shoreline banks from development activities which exacerbate the natural erosion process;

Objective 2 To limit development in hazardous areas susceptible to erosion; and

Objective 3 To preserve the integrity of coastal processes and reduce cumulative impacts to the coastal shoreline.

(6) Applicability

The following activities shall require a development permit wherever they occur within the DPA unless specifically exempted below:

a) Subdivision of land.
b) Construction of, addition to or alteration of a building or other structure.
c) Alteration of land.

Information Note: Any proposed building or structure within 15m of the natural boundary of the sea will also require a variance to the required setbacks prior to issuance of a development permit. For this purposes, structures includes septic disposal systems, concrete or asphalt paving or similar surfacing, and retaining structures.

(7) Development Permit Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a) For certainty, development or alteration of land occurring outside of the development permit area.

b) The placement of impermanent structures such as, benches, tables and garden ornaments.

c) Forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act.*

d) Works undertaken by the Crown or an agent of the Crown.

e) The maintenance of existing gardens or landscaped areas provided the general contours of the land are not altered.

f) The removal of trees from within Area A that have been examined by an arborist and certified to pose an immediate threat to life or property, provided that stumps and root systems are not removed and the large woody debris remains on site.

g) Selective limb removal or trimming of trees or vegetation, not including the topping of trees within Area A.

h) Removal of trees with a trunk diameter less than 20 centimetres measured 1.5 metres above the ground and disturbance to vegetation within Area B.

i) Habitat enhancement work including the planting of native trees or vegetation provided there is no automated irrigation system installed.

j) The construction of a fence in Area B provided no trees with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground are removed, there is no alteration to the contours of the land, and the disturbance of vegetation is restricted to 0.5 metres on either side of the fence.

k) The repair and maintenance of existing roads, driveways, paths or trails, provided there is no expansion of the width or length and no additional impervious surfacing, including paving, asphalting or similar surfacing.

l) Subdivision not involving land alteration.

(8) Guidelines

The intent of this development permit area is to ensure that development in the form of new structures and land alterations, including vegetation and tree removal, meet the objectives described above. Work not requiring a permit is detailed in subsection (7) Development Permit Exemptions. In considering the issuance of a development permit, the following guidelines should be met where applicable

Guideline 1 A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.

Guideline 2 All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area a suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.

Guideline 3 Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.

Guideline 4 All on-site drainage should be directed away from the shoreline or crest of slope.

Guideline 5 Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.

Guideline 6 When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.

Guideline 7 Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:

a) The need for the proposed bank stabilization to protect existing structures, uses or features, including alternative measures available that would be feasible or sufficient.
b) An evaluation of on-site drainage and confirmation that the erosion is not caused or exacerbated by upland conditions such as drainage control or loss of vegetation.
c) How the stabilization measure would protect existing structures, uses or features .
d) If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed stabilization, including at sites on other properties or foreshore locations.
e) Potential impacts to the natural shoreline processes resulting from the proposed stabilization.
f) Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the stabilization.
g) Recommendations for conditions that should be incorporated into the development permit in order to achieve the objectives of this Development Permit Area.

Guideline 8 The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 5

Part 7 (Development Permit Areas) of Schedule B (Goals, Objectives and Policies) of North Pender Associated Islands Official Community Plan No. 147, 2002 is amended as follows:

1. The following is inserted as a new Section 703:

"**703 Sidney Island Shoreline**

(1) Designation

This development permit are (DPA) includes all non-crown land on Plan VIS5122 (Sidney Island) within 15 metres upland of the natural boundary of the sea. Buildings or structures and land alteration within 15 metres of the natural boundary of the sea, as determined by a professional surveyor, must be approved by development permit, with the exception of that work specifically exempted in subsection (7) of this section.

(2) Authority

The development permit area is established pursuant to Section 919.1(1)(a) of the *Local Government Act,* specifically for the protection of the natural environment, its ecosystems and biological diversity.

(3) Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

(4) Justification

It is the Object of the Islands Trust to "preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

It is policy of the Islands Trust Council that local trust committees and island municipalities shall, in their official community plans and regulatory bylaws address:

- the identification and protection of environmentally sensitive areas and significant natural sites, features and landforms in their planning areas,
- the protection of sensitive coastal areas, and
- the planning for and regulation of development in coastal regions to protect natural coastal processes.

Furthermore, Section 877(1)(d) of the provincial *Local Government Act* requires that an Official Community Plan include restrictions on the use of land that is subject to hazardous conditions or is environmentally sensitive to development.

This development permit area covers all land 15 metres upland from the natural boundary of the sea on Sidney Island (Plan VIS5122) to capture the coastal ecosystem, and the natural form and function of the shoreline processes.

Generally, the southern portion of Sidney Island is comprised of bedrock or sandstone with relatively shallow overburden. This area is more resistant to erosion and is exposed to the prevailing winds and currents. The northern portion of the island is comprised of finer sedimentary materials with overlying deposits of glacial till creating the sand bank shorelines that are highly vulnerable to erosion. On-going erosion of the sandbanks provides the source materials that get transported northward by longshore drift, and eventually they are deposited as sandy sediments creating Sidney Spit on the north end of the island.

Shorelines are complex, dynamic features responding to external forces such as wind, waves, tides, and increasingly, impacts of climate change. The physical nature of the shoreline with variations in slopes, substrates, exposure, salinity and tide elevations influence the biological communities that can exist there and creates different types of shore types. Each shore type has a different ability to accommodate disturbance with some being stable and robust while others are fragile and highly sensitive.

This development permit area is important for protection the coastal shoreline, a significant natural feature of Sidney Island that has remained relatively free of development.

(5) Objectives

The objectives of this development permit area are as follows:

Objective 1 To preserve and protect the physical form and ecological function of the coastal ecosystems from the impacts of development;

Objective 2 To minimise adverse impacts of land development practices on aquatic habitats; and

Objective 3 To recognize and maintain the values of the natural shoreline of Sidney Island.

(6) Applicability

The following activities shall require a development permit wherever they occur within the DPA unless specifically exempted below:

a) Subdivision of land.
b) Construction of, addition to or alteration of a building or other structure.
c) Alteration of land.

Information Note: Any proposed building or structure within 15m of the natural boundary of the sea will also require a variance to the required setbacks prior to issuance of a development permit. For this purposes, structures includes septic disposal systems, concrete or asphalt paving or similar surfacing, and retaining structures.

(7) Development Permit Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a) For certainty, development or alteration of land occurring outside of the development permit area.

b) The placement of impermanent structures such as, benches, tables and garden ornaments.

c) Forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act.*

d) Works undertaken by the Crown or an agent of the Crown.

e) The maintenance of existing gardens or landscaped areas provided the general contours of the land are not altered.

f) The removal of dangerous tree posing an immediate threat to life or property provided that stumps and root systems are not removed and the large woody debris remains on site.

g) Habitat enhancement work including the planting of native trees or vegetation.

h) Selective limb removal or trimming of trees or vegetation, not including topping of trees.

i) The repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation

j) The repair and maintenance of existing roads, driveways, paths or trails, provided there is no expansion of the width or length and no additional impervious surfacing, including paving, asphalting or similar surfacing.

k) The installation of one trail per lot for pedestrian access only to the shoreline provided the trail does not exceed 1m in width and the trail surface remains permeable.

l) Construction of a fence provided no trees are removed and the disturbance to native vegetation is limited to 0.5 metres on either side of the fence.

m) Subdivision not involving land alteration.

(8) Guidelines

The intent of this development permit area is to ensure that development in the form of new buildings or structures, and land alterations, including vegetation and tree removal, meet the objectives described above. Work not requiring a permit is detailed in subsection (7) Development Permit Exemptions. In considering the issuance of a development permit, the following guidelines should be met where applicable.

Guideline 1 Land alteration or other development of the shoreline area should be limited and minimize the negative impacts on ecological function.

Guideline 2 Land alteration or other development should not detract from the shoreline qualities that are derived from natural features, such as shore types, natural vegetation, scenic vistas, and a wilderness-like shore.

Guideline 3 Any area proposed to be cleared and disturbed should be minimized and landowners are encouraged to retain existing trees and vegetation.

Guideline 4 New developments involving structures should be sited sufficiently inland from the crest of slope to ensure that stabilization measures will not become necessary during the life of the structure and the development would not be impacted from hazardous conditions.

Guideline 5 Land alteration or other development should not occur in areas containing sensitive ecosystems or be sited or designed in any manner that may impact sensitive ecosystems in the vicinity. A report from a qualified professional should confirm that the area proposed for development does not contain a sensitive ecosystem. If a sensitive ecosystem is in the vicinity of the area proposed for development, the report should include recommendations for protecting these areas that can be included as conditions of the permit.

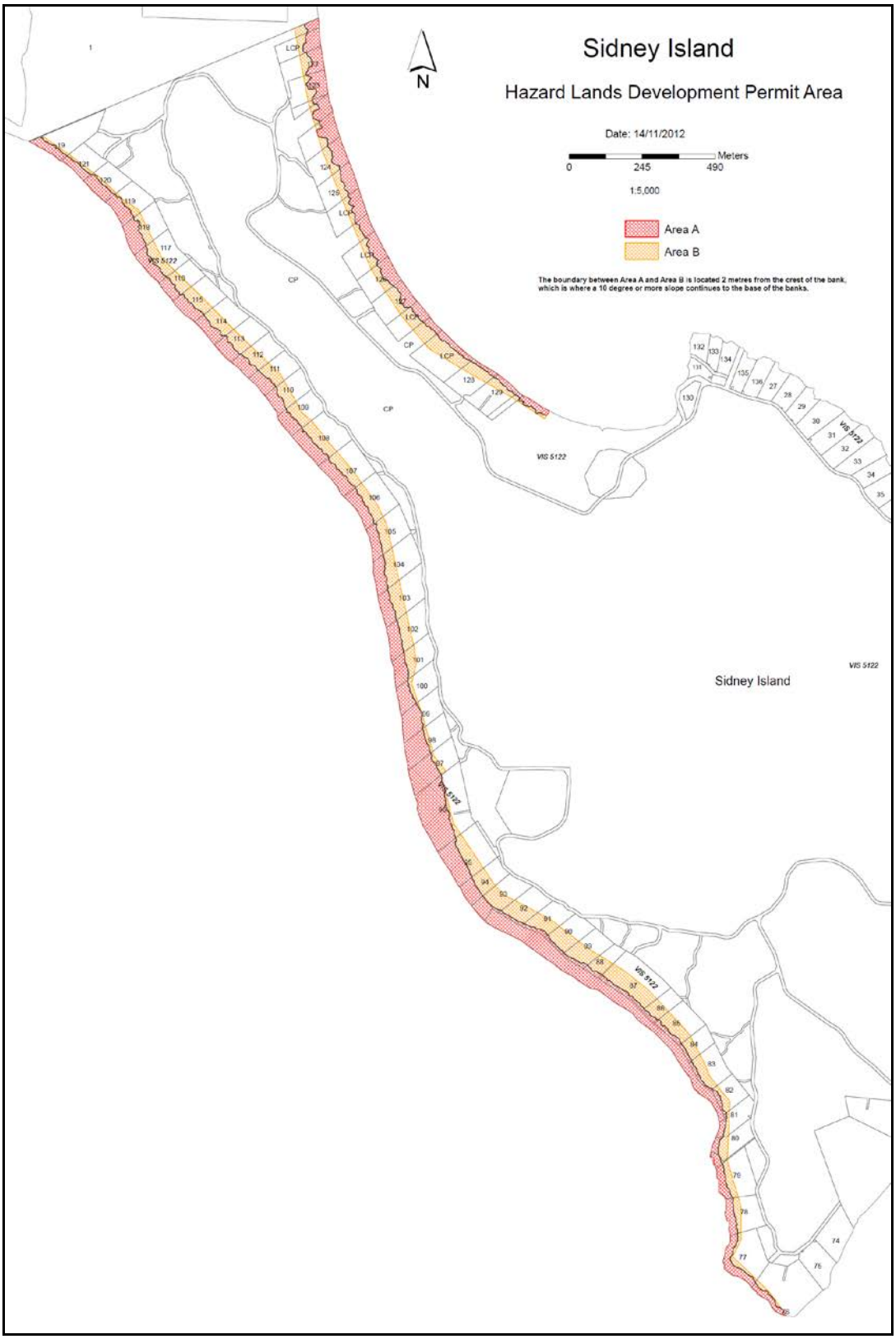
Guideline 6 Any proposed structures required to access the shoreline should be located on common property or provide shared access by legal agreement as part of a comprehensive, community trail network.

Guideline 7 Land alteration or other development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.

Guideline 8 The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the shoreline

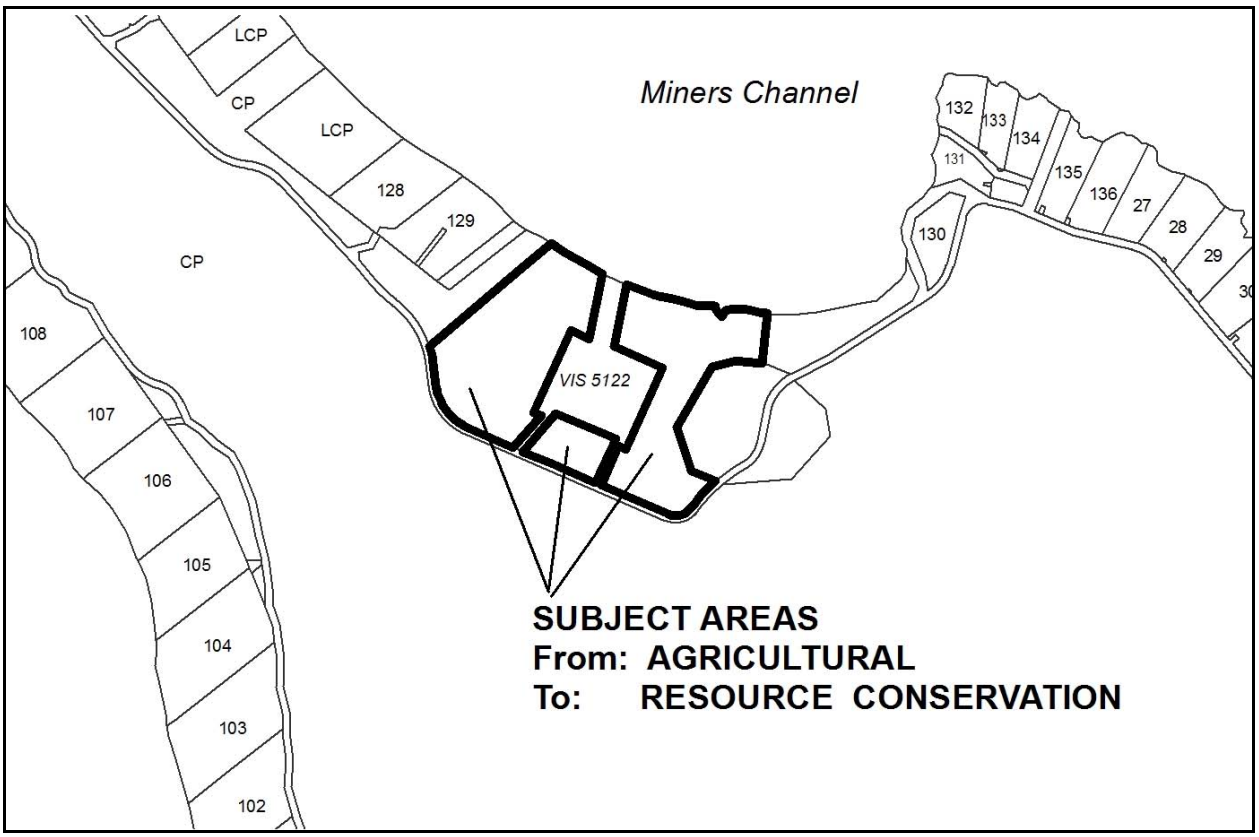
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 6

North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is amended by inserting as "Schedule E – Sidney Island Hazard Lands Development Permit Area" the following:



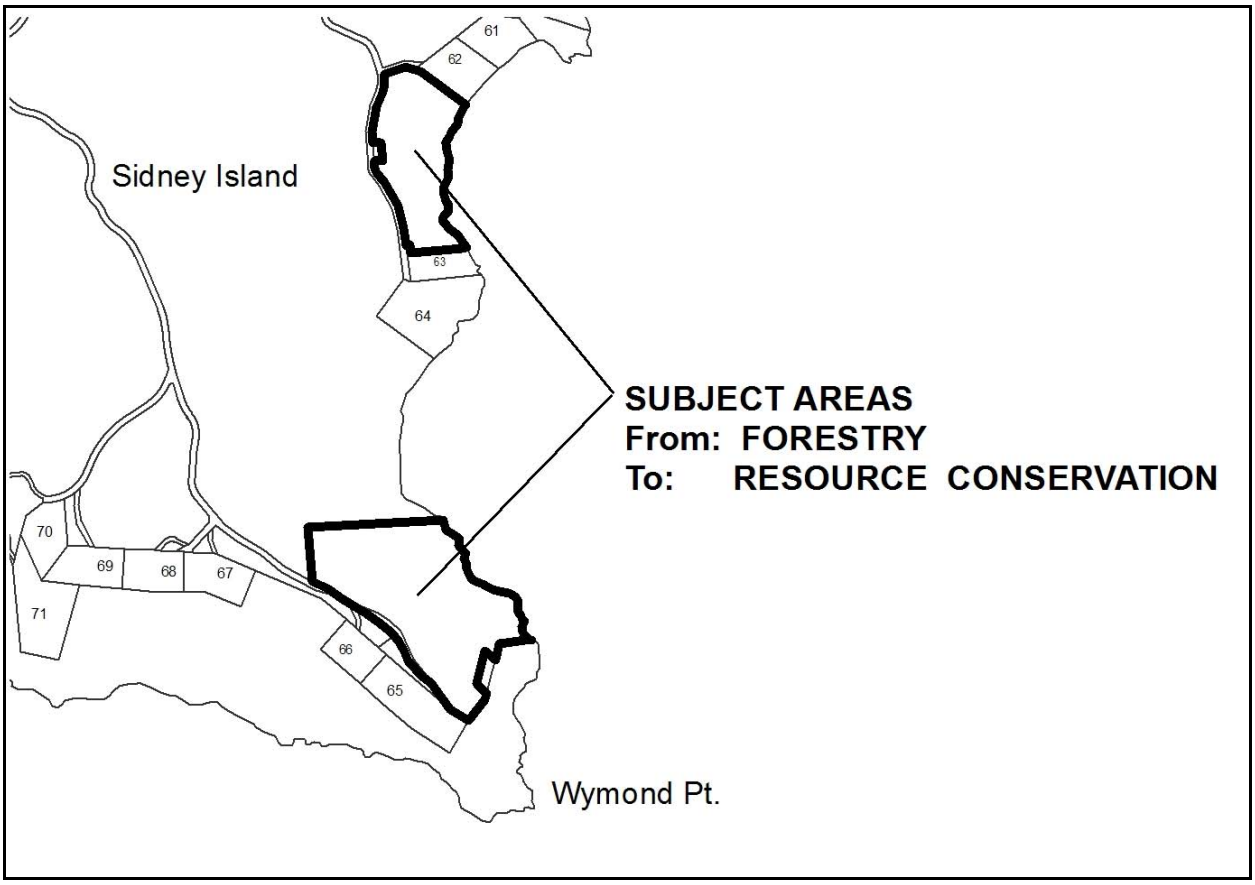
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 7

North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Schedule D-Land Use Policy Map is amended as follows:



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 8

North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Schedule D-Land Use Policy Map is amended as follows:



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

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A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW NO. 148, 2003

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 148, 2003;

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

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

A. Bylaw No. 148, cited as "North Pender Associated Islands Land Use Bylaw 148, 2003" is amended as follows:

1. Section 1.1 (Definitions) is amended by deleting 'an accessory' from the definition of "pump/utility house" such that is reads "pump/utility house means a building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment"
2. Subsection 3.3(3) is amended by deleting "under the provisions of subsection 701(6) of that bylaw" such that it reads "**Information Note**: Buildings or structures may not be sited within 15 metres (50 feet) of the natural boundary of the sea without first obtaining a development permit pursuant to Part 7 of the "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002", unless specifically exempted from a requirement for a permit. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for this purpose."
3. Subsection 5.5(3) is amended by deleting 5.4(1)(a) and inserting 5.5(1)(a) such that it reads "The number of food and beverage service establishments permitted in 5.5(1)(a) above is limited to one, with a maximum floor area of 200m^2 (2152ft^2)."
4. Subsection 5.7(5) is amended by deleting 5.3(4) and inserting 5.7(4) such that it reads "Despite Subsection 5.7(4), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line."
5. Subsection 5.7(6) is amended by deleting 5.3(1)(g) and inserting 5.7(1)(g) such that it reads "The occupancy of the accessory dwelling unit permitted by article 5.7(1)(g) above is limited to providing residential accommodation to the household of the owner, operator or an employee of a permitted principal use."
6. Subsection 5.7(7) is amended by deleting 5.3(1)(c) and inserting 5.7(1)(c) such that it reads "All external storage areas associated with the uses permitted by Articles 5.7(1)(c), (d), (e) and (f) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening)."
7. Subsection 5.7(8) is amended by deleting 5.3(1)(a) and inserting 5.7(1)(a) such that it reads "Farm Uses permitted by Article 5.7(1)(a) above must comply with all regulations established in relation to that use in Section 3.14."
8. Subsection 5.8(2) is amended by adding at the end "of the area zoned Forestry One (F1)" such that it reads "The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Forestry One (F1)."

9. Subsection 5.8(7) is amended by deleting 5.4(1)(a) and inserting 5.8(1)(a) such that it reads “Farm Uses permitted by Article 5.8(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”

10. Subsection 5.9(2) is amended by adding at the end “of the area zoned Community Services One (S1)” such that it reads “The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Services One (S1).”

11. Subsection 5.9(3) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads “The number of community meeting halls permitted by article 5.9(1)(e) above shall not exceed one.”

12. Subsection 5.9(4) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads “The number of community offices permitted by article 5.9(1)(e) above shall not exceed one.”

13. Subsection 5.9(5) is amended by deleting 5.5(1)(f) and inserting 5.9(1)(f) such that it reads “The number of single family dwellings permitted by article 5.9(1)(f) above shall not exceed one.”

14. Subsection 5.9(5) is amended by deleting “shall not exceed one” and inserting “shall not exceed two,” and inserting “of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e)” such that it reads “The number of single family dwellings permitted by article 5.9(1)(f) above shall not exceed two, of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e).”

15. Subsection 5.9(6) is amended by deleting 5.5(1)(g) and inserting 5.9(1)(g) such that it reads “The number of sleeping cabins permitted by article 5.9(1)(g) above shall not exceed a total of four and the floor area of any one sleeping cabin may not exceed 80 square metres (861 square feet).”

16. Subsection 5.9(9) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads “The floor area of the community office building permitted in article 5.9(1)(e) above shall not exceed 200 square metres (2153 square feet).”

17. Subsection 5.9(10) is amended by deleting 5.5(1)(a) and inserting 5.9(1)(a) such that it reads “Farm uses permitted by article 5.9(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”

18. Subsection 5.9(11) is amended by deleting 5.5(1)(h) and inserting 5.9(1)(h) such that it reads “The non-commercial short-term accommodation permitted by 5.9(1)(h) above is limited to the use of rooms within a permitted community meeting hall, provided the use does not exceed a maximum of 10 days at any one time, totalling no more than 90 days per calendar year.”

19. Subsection 5.9(12) is amended by deleting 5.5(1)(i) and inserting 5.9(1)(i) such that it reads “The retail sales permitted by article 5.9(1)(i) above are limited to the sale of groceries and household effects within a permitted community meeting hall, provided the use is limited to a total floor area of 30 square metres (323 square feet) or less.”

20. Subsection 5.10(1) is amended by adding 5.10(1)(e) “Community uses, consisting of emergency service buildings, community meeting hall, community office, maintenance uses and buildings, and vehicle and equipment storage uses and buildings.”

21. Subsection 5.10(2) is amended by adding at the end “of the area zoned Community Services Two (S2)” such that it reads “The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Services Two (S2).”

22. Subsection 5.10(5) is amended by deleting 5.6(1)(a) and inserting 5.10(1)(a) such that it reads “Farm Uses permitted by article 5.10(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”

23. Subsection 5.11(2) is amended by adding at the end “of the area zoned Community Service Three (S3)” such that it reads “The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Service Three (S3).”

24. Subsection 5.11(5) is amended by deleting 5.7(1)(a) and inserting 5.11(1)(a) such that it reads “Farm Uses permitted by article 5.11(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”

25. Subsection 5.15(4) is amended by deleting 5.8(1)(b) and inserting 5.15(1)(b) such that it reads “All mooring buoys permitted by 5.15(1)(b) above shall be located within 100 metres (328 feet) of the RR, A, CD1 or CD2 zones.”

26. Subsection 5.15(5) is amended by deleting 5.8(4) and inserting 5.15(4) such that it reads “Despite Subsection 5.15(4) above, no mooring buoy shall be located within 100 metres (328 feet) of the NP zone.”

27. Subsection 5.15(14) is amended by deleting 5.8(1)(b) and inserting 5.15(1)(b) such that it reads “Mooring buoys permitted by article 5.15(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.”

28. Subsection 5.15(15) is amended by deleting 5.8(1)(d) and inserting 5.15(1)(d) such that it reads “Docks permitted by article 5.15(1)(d) above shall be accessory to a residential or agricultural use of an upland lot, or lots, and shall provide access to that lot or lots for the residents of an upland lot.”

29. Subsection 5.15(18) is amended by deleting 5.8(1)(e) and inserting 5.15(1)(e) such that it reads “Barge ramps and marine railways permitted by article 5.15(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island.”

30. Subsection 5.15(19) is amended by deleting 5.8(1)(h) and 5.8(7) and inserting 5.15(1)(h) and 5.15(7) respectively such that it reads “Breakwaters and wave suppression devices permitted by article 5.15(1)(h) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.15(7) above.”

31. Subsection 5.16(3) is amended by deleting 5.9(1)(b) and inserting 5.16(1)(b) such that it reads “Mooring buoys permitted by article 5.16(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.”

32. Article 5.17(1)(e) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads “Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in Articles 5.17(1)(c) and (d) above;”

33. Article 5.17(1)(f) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads “Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.17(1)(c) through (e) above or for the protection of an established use or feature.”

34. Subsection 5.17(7) is amended by deleting 5.10(1)(b) and inserting 5.17(1)(b) such that it reads “Mooring buoys permitted by article 5.17(1)(b) above shall only be used for the purpose of mooring private vessels accessory to the residential use of an upland lot on the island abutting the water zone in which the marina is located.”

35. Subsection 5.17(8) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads “Private marinas permitted by article 5.17(1)(c) above shall only provide docks, floats and piers for the mooring of private vessels accessory to a permitted use of an upland lot(s) on the island abutting the water area in which the marina is located.”

36. Subsection 5.17(10) is amended by deleting 5.10(1)(d) and inserting 5.17(1)(d) such that it reads “Barge ramps and marine railways permitted by article 5.17(1)(d) above shall be accessory to a permitted use of an upland lot(s) on the island, and shall provide access to those lots for the residents of the upland lots.”

37. Subsection 5.17(11) is amended by deleting 5.12(3), 5.12(5) and 5.12(6) and inserting 5.17(3), 5.17(5) and 5.17(6) respectively such that it reads “Despite Subsection 5.17(3), a maximum of two private marinas may be permitted.” and “In addition to the siting and size regulations established in 5.17(5) and 5.17(6), the combined area of docks and marinas in the W3(a) zone shall not exceed 290 square metres (3122 feet^2).”

38. Article 5.18(1)(f) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads “Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.18(1)(c) and (d) above;”

39. Article 5.18(1)(g) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.18(1)(c) through (e) above, or for the protection of another established use or feature;"

40. Subsection 5.18(3) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "The maximum area of all dock floats and piers adjacent to any one island permitted by article 5.18(1)(d) above may not exceed 93 square metres (1001 square feet), exclusive of ramps and walkways."

41. Subsection 5.18(7) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "Storage structures constructed on any part of a dock permitted by article 5.18(1)(d) above shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet)."

42. Subsection 5.18(10) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "Docks permitted by Article 5.18(1)(d) above shall be accessory to an established residential use of an upland lot, or lots, and shall provide access to that lot or lots by the residents of an upland lot on the island abutting the water area in which the dock is located."

43. Subsection 5.18(11) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Wharves permitted by Article 5.18(1)(c) shall be used to provide access to land in the NP zone."

44. Subsection 5.18(14) is amended by deleting 5.11(1)(e) and inserting 5.18(1)(e) such that it reads "Barge ramps and marine railways permitted by article 5.18(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, or uses permitted in the NP zone, and shall provide access to that lot or lots."

45. Subsection 5.18(15) is amended by deleting 5.11(1)(g) and 5.11(3) and inserting 5.18(1)(g) and 5.18(3) respectively such that it reads "Breakwaters and wave suppression devices permitted by article 5.18(1)(g) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.18(3) above."

46. Subsection 5.19(5) is amended by deleting 5.14(4) and inserting 5.19(4) such that it reads "Despite Subsection 5.19(4), the minimum setback for any building, structure or enclosure housing animals and poultry shall be 7.6 metres (25 feet) from any lot line, except the natural boundary of the sea."

47. Subsection 5.20(1) is amended by inserting 5.20(1)(c) "Storage building; subject to subsection 5. 20(8)."

48. Subsection 5.20(2) is amended by deleting "No more than 111 single family dwellings may be constructed in the CD2 zone" and replacing it with "There may not be more than one single family dwelling on any lot."

49. Subsection 5.20(3) is deleted in its entirety including Articles 5.20(3)(a) to (c).

50. Subsection 5.20(4) is renumbered to 5.20(3).

51. Subsection 5.20(5) is renumbered to 5.20(4).

52. Subsection 5.20(6) is amended by adding "Despite Subsection 3.3(2)" at the beginning, "Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection." at the end, and deleting "or a pump/utility house" such that is reads "Despite Subsection 3.3(2) the minimum setback for any building or structure, except a fence, shall be 15 metres (49 feet) from the natural boundary of the sea. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection."

53. Subsection 5.20(6) is renumbered to 5.20(5).

54. A new subsection 5.20(6) is inserted under the heading 'Siting and Size'

    "The maximum floor area of a single family dwelling is limited to 375 m^2 (4036ft^2)."

55. A new subsection 5.20(8) is inserted under the heading ‘Conditions of Use’

    “The storage building permitted under 5.20(1)(c) may be constructed prior to a single family dwelling subject to:

    (a) The use is limited to the storage of goods and materials for use on the lot,

    (b) Only one storage building is permitted on any lot,

    (c) The floor area is not to exceed 25 square metres (269 square feet),

    (d) The storage shed is not to be used for human habitation, and

    (e) For certainty, this does not limit accessory buildings permitted under Section 3.5.

56. A new subsection 5.20(9) is inserted under the heading ‘Conditions of Use”

    “Despite Subsection 3.10 the storage of recreational vehicles that are not being used as a temporary residence under that section is not permitted.”

57. Subsection 5.20(8) is renumbered to 5.20(10).

58. Subsection 5.20(9) is renumbered to 5.20(11).

59. Subsection 5.20(10) is deleted in its entirety.

60. Subsection 5.20(11) Site Specific Regulations is amended by deleting “Portion of strata lots 6,7,8 and 19 Plan VIS5122” under the column Location Description and inserting “Strata Lots 19 and 65 to 71, Plan VIS5122”

61. Subsection 5.20(11) Site Specific Regulations is amended by deleting 5.15(5) under the column Site Specific Regulations and inserting 5.20(4) such that it reads “(1) Despite Subsection 5.20(4) above, the required interior side and rear lot line setbacks are 3 metres (10 feet), except where a lot line is contiguous with the NP zone, the setback from that lot line is 10 metres (33 feet).”

62. Subsection 5.20(11) Site Specific Regulations is renumbered to 5.20(12)

63. Schedule B (Zoning Map) is amended in accordance with the maps attached to and forming part of this bylaw as Plans 1 and 2.

B. This Bylaw may be cited as "North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011".

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

READ A FIRST TIME this 25th day of October , 2012

READ A SECOND TIME this 29th day of November , 2012.

PUBLIC HEARING HELD this day of , 20__

READ A THIRD TIME this day of , 20__

APPROVED BY THE EXECUTIVE COMMITTEE this day of , 20__

ADOPTED this day of , 20__

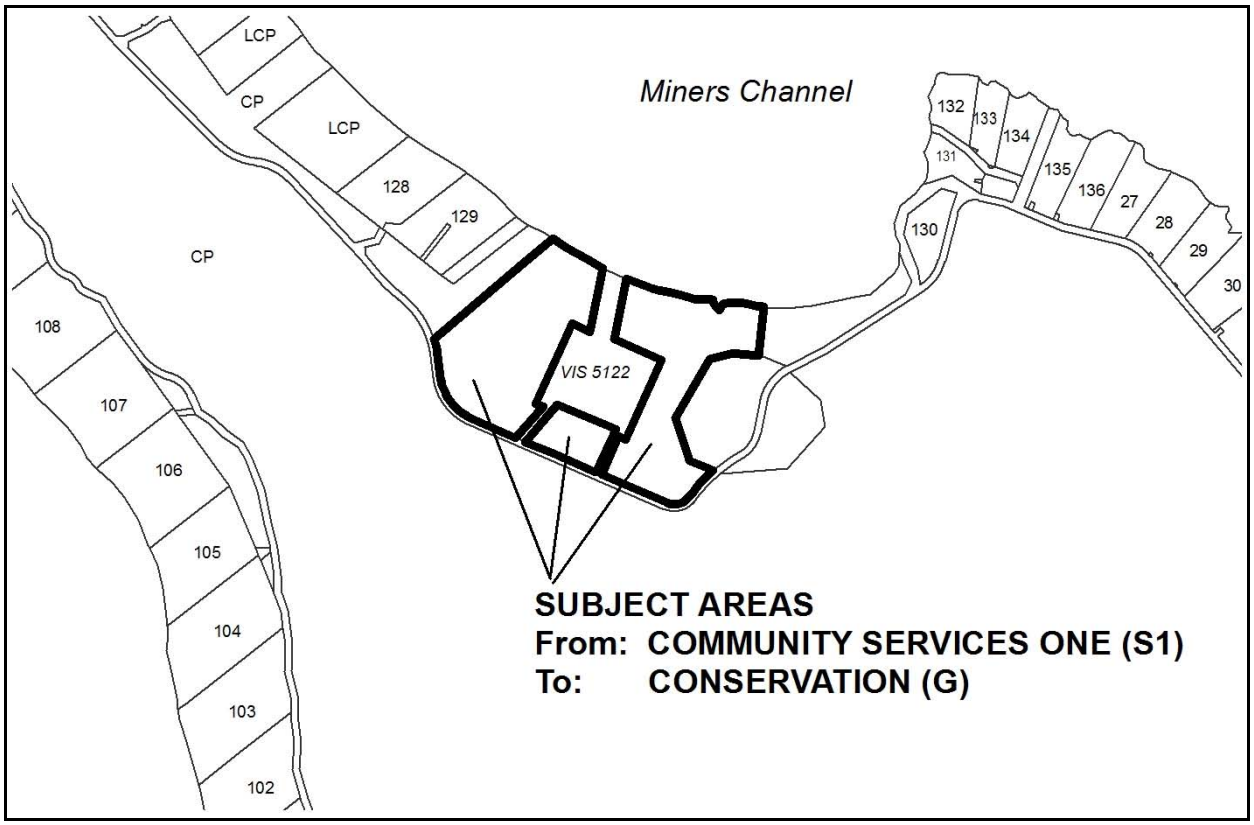
_____ _____

Chair Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

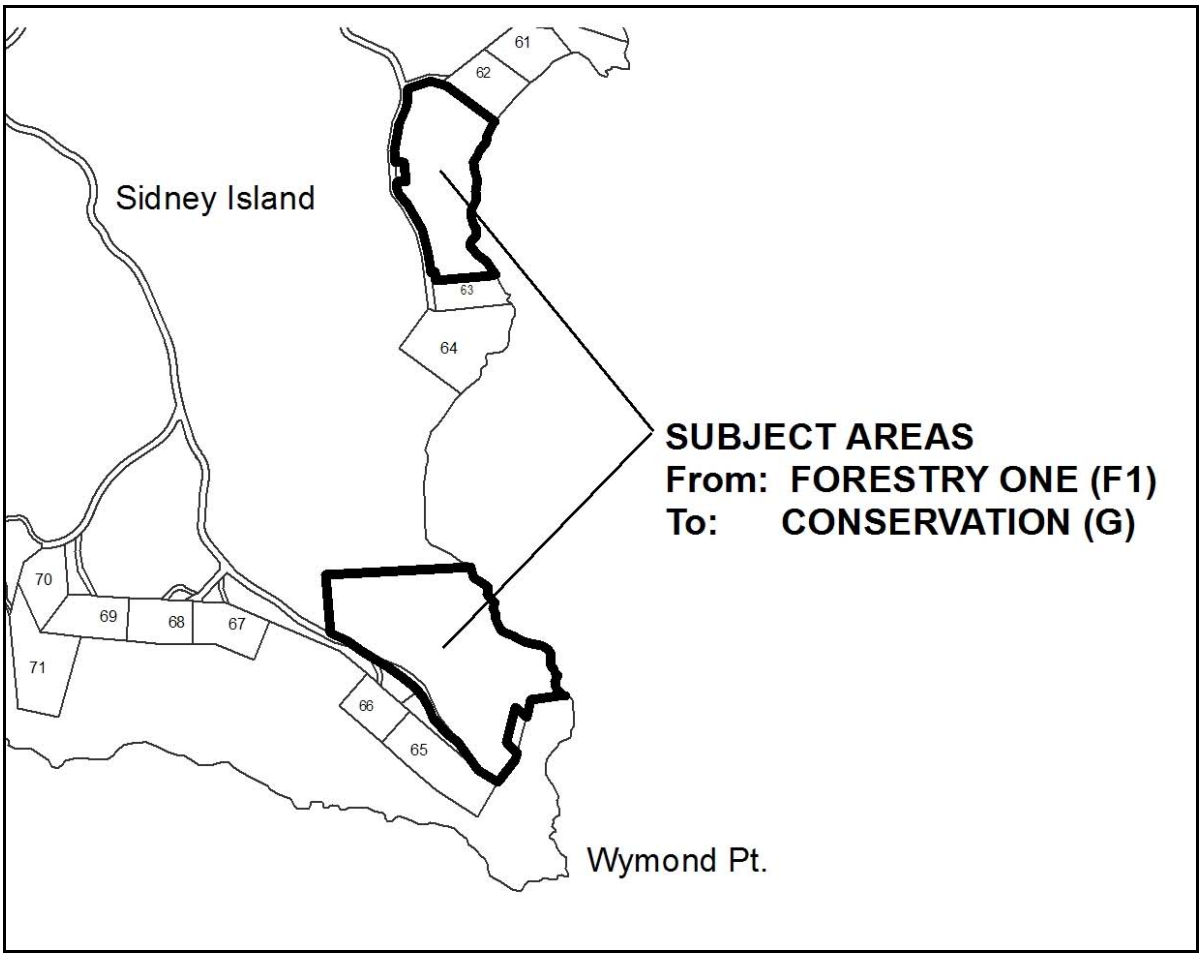
PLAN No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

PLAN No. 2



POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: #189 – NP-OCP-2011.1

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
✓	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
✓	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
n/a	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
✓	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

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

		protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
✓	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
✓	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
n/a	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
n/a	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
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n/a	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
n/a	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY

	5.5	**Recreation**
n/a	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
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n/a	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
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	5.8	**Health and Well-being**
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POLICY STATEMENT COMPLIANCE	
✓	**COMPLIANCE WITH TRUST POLICY**
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: #187 – NP-LUB-2011.1

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
✓	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
✓	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
n/a	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
n/a	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

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

		protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
n/a	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
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	5.4	**Disposal of Waste**
n/a	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY

	5.5	**Recreation**
n/a	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
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POLICY STATEMENT COMPLIANCE	
✓	**COMPLIANCE WITH TRUST POLICY**
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

G:\LPS\Policy Statement\Policy Statement Directives Only Checklist Form.doc

STAFF REPORT

January 8, 2013 **File No.:** NP-6500-20 Road Designation

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

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: OCP Amendment to Road Classification Schedule

Project Overview

The North Pender Island Local Trust Committee (LTC) received a preliminary report at the November 29, 2012 meeting with options for amending the Official Community Plan (OCP) for various alternative transportation initiatives. The LTC directed staff to prepare a draft bylaw to amend the OCP Road Classification Schedule to designate the Magic-Ferry cycling route and show the existing Car Stop network. Draft Bylaw 192 is attached as Schedule A for the LTC's consideration. Attached as Schedule B is a map showing the amendments only as they are reflected on the consolidated OCP Schedule.

Following the LTC meeting staff has also been advised that Moving Around Pender Alternative Transportation Society (MAPs) is hoping to add ten additional car stop locations in the new year. If these are confirmed with sufficient time they may be included with this proposed amendment. If timing does not permit, then the LTC could ensure the additional car stops are captured when the bylaws are reviewed following a decision from the Ministry of Transportation and Infrastructure (MoTI) on the road designation for Neighbour Zero Emissions Vehicles (NZEV), and locations for the proposed Level 2 Electric Vehicle Charging Stations are completed.

The purpose of this report is to review the draft bylaw and present a revised project outline.

Project Scope and Timeline

The following timeline has been revised to address the decided scope of project.

Key Step	Key Resource	Timeline	Status
Scope of project decided – draft bylaw to be prepared	LTC	Nov 29 meeting	Done
Data for car stop locations confirmed	GIS staff and MAPs	Dec	Done

OCP schedule drafted to designate Magic-Ferry route and car stops	GIS staff	Dec	Done
Draft bylaw prepared for review	Planner	Dec	Done
Draft bylaws referred to agencies and First Nations	Planner	Jan	Done
Draft bylaws reviewed, First Reading and direction to schedule CIM and Public Hearing	LTC - Planner	Jan 31 meeting	
Community Information Meeting (part of LTC meeting)	LTC-Planner	Feb 28 LTC meeting	
Public Hearing	Planner and LTC	Feb 28 LTC meeting	
Second and Third Reading	LTC	Feb 28 meeting unless issues arise	
Forward to Executive for Approval	Planner	Mar meeting	
Forward to Ministry for Approval	Planner	Mar	
Return to LTC for adoption	Planner	As possible	

Project Budget

The LTC currently has a budget of $5000 that has not been spent. The public hearing and community information meeting costs for the Sidney Island bylaws remains to be the only anticipated costs from this budget so any costs incurred for the Road Designation project in this fiscal year should be adequately covered.
Estimated costs include:

Combined Public Hearing and Community Information Meeting Notice (Driftwood newspaper)	$1000
Public Hearing and Community Information Meeting as part of an LTC meeting	Minimal
Additional advertisement (Pender Post)	$60

Project Communications

As with all LTC projects amending the OCP, First Nations with asserted aboriginal rights in the North Pender Local Trust Area will be included in the referral process. Since the amendments would be so broad in nature a targeted mail out to affected property owners would be not applicable. MAPs was also informally consulted during preparation of the draft bylaw.
The draft bylaw was forwarded to the following agencies for comment:

- Parks Canada
- Ministry of Transportation and Infrastructure
- BC Hydro
- CRD Environmental Sustainability
- Pender Islands Park and Recreation Commission
- South Pender Island Local South Pender Island Local Trust Committee
- Salt Spring Island Local Trust Committee

- Saturna Island Local Trust Committee
- Mayne Island Local Trust Committee

STAFF COMMENTS:

Attached to this report as Schedule C is the Policy Statement Checklist. The checklist is used when reviewing proposed bylaws for compliance with the directive policies in the Policy Statement and would form part of the referral package to Executive Committee.

The LTC should now consider giving the draft bylaw First Reading and directing staff to schedule a public hearing.

Options to consider:

1. Whether the public hearing is a separate meeting or as part of a regularly scheduled LTC meeting (anticipated Feb 28th).
2. Clarify that a Community Information Meeting is also scheduled in advance of the public hearing.
3. Running an additional advertisement in the Pender Post.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee gives First Reading to Draft 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 directs staff to schedule a Community Information Meeting and 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 meeting.

3. THAT the North Pender Island Local Trust Committee directs staff to run additional advertisement for the Community Information Meeting and Public Hearing in the local Pender Post newspaper.

Prepared and Submitted by:

January 8, 2013

Date

Concurred in by:

Robert Kojima, RPM

January 8, 2013

Date

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 day of , 20__

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__

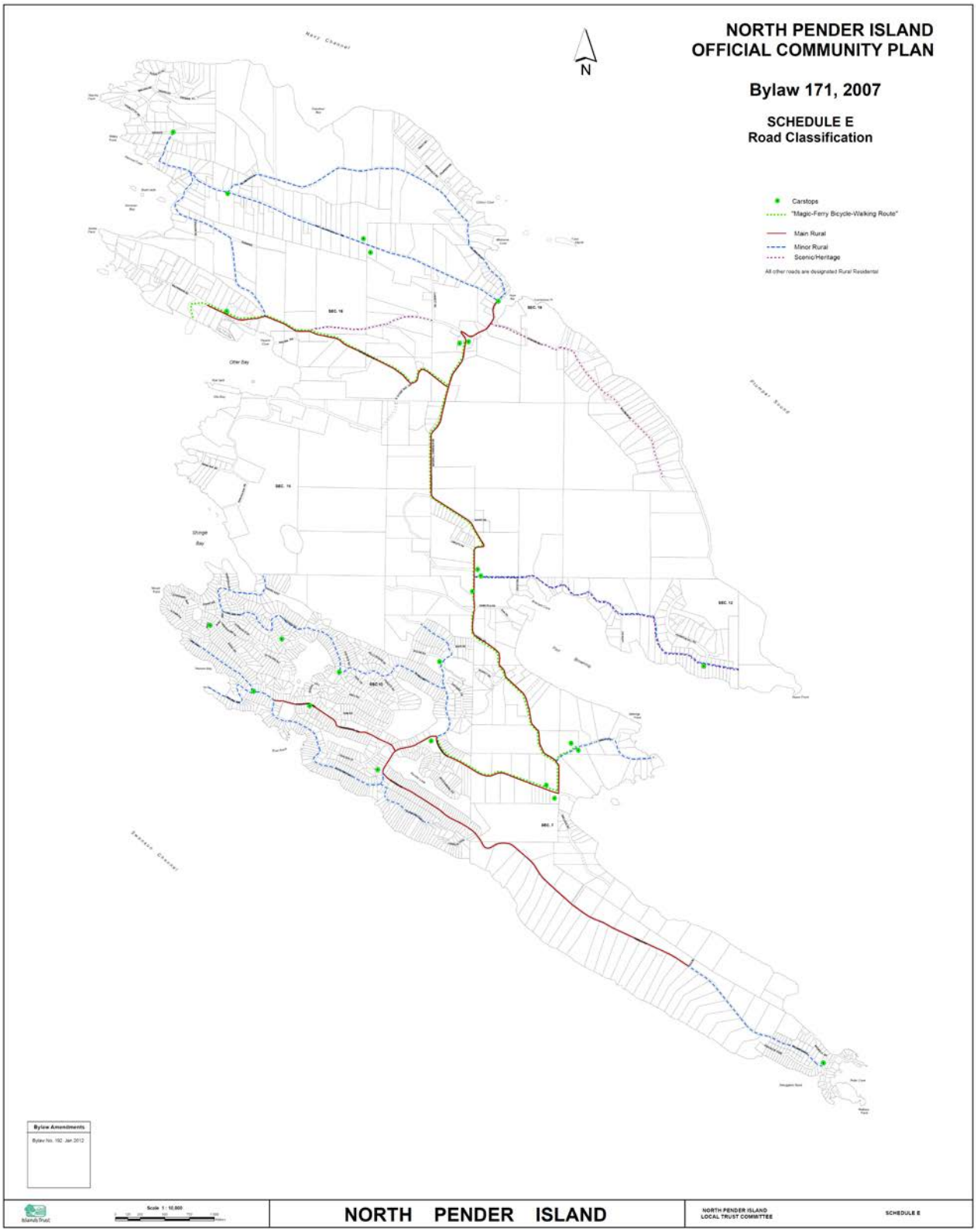
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this day of , 20__

ADOPTED this day of , 20__

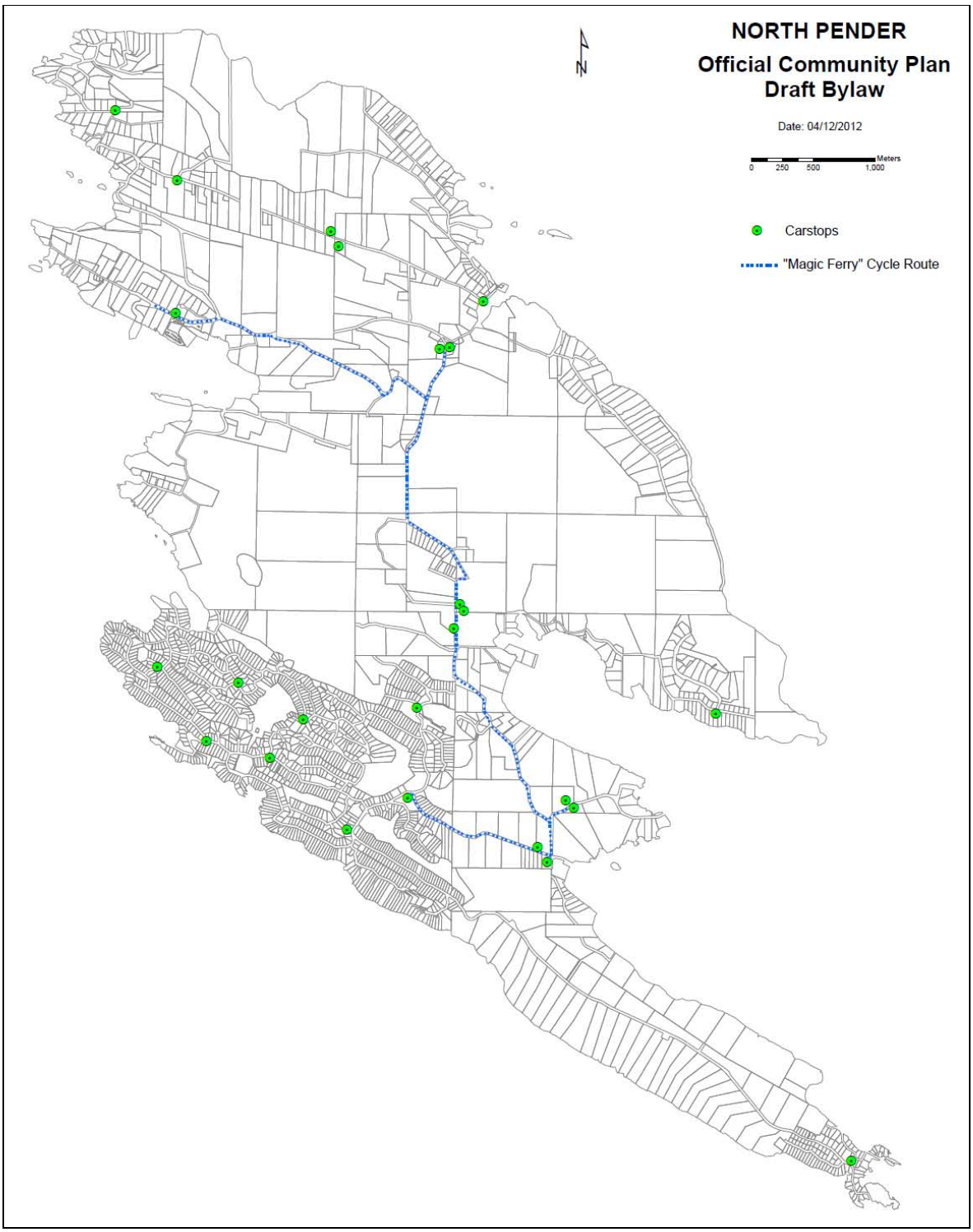
SECRETARY **CHAIRPERSON**

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:



Schedule B


NORTH PENDER
Official Community Plan
Draft Bylaw
Date: 04/12/2012
Meters
0 250 500 1,000
Carstops
"Magic Ferry" Cycle Route

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

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PART IV: Policies for the Stewardship of Resources

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n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
n/a	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
n/a	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
n/a	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
n/a	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
✓	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
n/a	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY

	5.5	**Recreation**
n/a	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
n/a	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
n/a	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
n/a	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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

Islands Trust

Top Priorities

North Pender Island

No.	Description	Activity	Received / Initiated	Responsibility	Target Date	Status
1	Associated Islands Bylaws	Undertake LUB and OCP review regarding Sidney Island	Mar-31-2011	Andrea Pickard		On Going
2	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
3	Pedestrian/Bicycle route designation	Amend OCP to adopt schedule designating Magic Lake - Ferry route	Sep-20-2012	Andrea Pickard	Mar-31-2013	On Going

Islands Trust

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 Buildling 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 managment regulation review • review of marine zoning regulations in conjunction	Sep-20-2012	On Going
12	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 managment regulation review • review of marine zoning regulations in conjunction	Sep-20-2012	On Going

Islands Trust

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: Jan-07-2013

staff report completed

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2010.4	Lloyd Eakins (For 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: 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

Status Date: Nov-20-2012

on Nov agenda

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:** Andrea Pickard	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 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: 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	Richard Wey **Planner:** Andrea Pickard	Mar-19-2008	5442 HOOSON RD : Creating 4 lots

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 **Planner:** Andrea Pickard	Apr-15-2008	6621 HARBOUR HILL DR (TWA): To Create 15 lots

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 acknowlegement of receipt of applicantion and fees to applicant. Copied trustees and forwarded file to planner.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	c/o RJ Wey & Associated Land Surveying Attn Lloyd Eakins	Jul-24-2012	Proposed 3 lot Strata Development

Planner: Andrea Pickard

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.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2012.2	Mainroad Holdings c/o David Turenne **Planner:** Kim Farris	Dec-18-2012	3323 PORT WASHINGTON RD Lot 8 - road maintenance yard, gravel and salt storage Lot 9 - BC Hydro Pole and gravel storage

Planning Status

Status Date: Jan-16-2013

Staff Report completed

Status Date: Jan-09-2013

Notice and Permit drafted.

Status Date: Dec-19-2012

sent letter of acknowledgement of receipt of fees and application to applicant. Copied to trustees and forwarded to Planner.

STAFF REPORT

Date: December 18, 2012 **File No.:** Bylaw No. 116, 2011

To: North Pender Island Local Trust Committee

Meeting of January 31, 2013

From: Miles Drew
Bylaw Enforcement Manager

Re: Enforcement Options to Remove Unlawfully Located Signs

THE PROPOSAL:

At its April 26, 2012 meeting the North Pender Island Local Trust Committee passed the following resolution regarding roadside signs:

Resolution NP-LTC-48-12
It was Moved and Seconded that the North Pender Island Local Trust Committee request Bylaw Enforcement Coordinator Miles Drew to produce a draft enforcement policy on roadside signs, and report back to the Local Trust Committee.

Staff will review the options and provide the LTC with a bylaw enforcement policy recommendation.

DESCRIPTION OF ISSUE:

The North Pender Island Local Trust Committee has requested recommendations for an enforcement policy on unlawful signs on roadways.

BACKGROUND:

North Pender Island Land Use Bylaw No. 103 section 5 identifies the type, size and locations for legal signs. All others are unlawful.

5.1 Rural Residential (RR) and Rural (R) Zones

5.1.1 In any Rural Residential (RR) Zone or Rural (R) Zone, no sign may be erected on any premises or affixed to the outside of any structure except a single sign in respect of any home business or home industry or combination of them, and a single sign pertaining to the lease, sale, name of owner or property or use of a lot or building on which they are placed, and none may exceed a total area of 0.6 m2

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5.2 Commercial and Industrial Zones

5.2.1 In any Commercial, Agricultural, Institutional or Industrial zones, no signs of any kind or nature may be erected on any premises or affixed to the outside

of any structure, except for one sign not exceeding a total area of 1.1 m2 within 7.5 metres of the front or side lot line and one such sign on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal product or service sold, and one sign not exceeding the area specified in Subsection 5.1.1 in respect of any accessory dwelling permitted on the lot. For the purpose of this subsection, two identical signs, back to back and facing opposite directions, are considered to be one sign.

5.3 Prohibited Signs

5.3.1 Any sign that is internally illuminated; any sign with moving parts; and any noise-making sign is prohibited.

5.4 Lighting of Signs

5.4.1 Any light illuminating a sign must be controlled so as not to cast light onto neighbouring property or into the eyes of oncoming motorists.

5.5 Obsolete Signs

5.5.1 Any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the sign becomes obsolete.

5.6 Public Service Signs

5.6.1 Nothing in this Bylaw prohibits the erection of a sign by an agency of government for purposes of public health or safety, or by a candidate in a municipal, provincial or federal election during the period prior to the election.

Violations of the above bylaw sections may be subject to a $150.00 fine under the new Bylaw Enforcement Notice Bylaw. This fine is reduced by 75% if the violator negotiates and completes a compliance agreement.

COMMENT:

The effect of Sections 5.1.1 and 5.2.1 is that all signs must be on the lot where the business related to the sign exists. Signs cannot be placed on strategically located properties or the highway dedication where there is high visibility to high traffic volumes which advertise businesses located on a different lot. As signs must be placed on a lot and because a roadway is not a lot signs placed on the roadway are also unlawful. The sign regulations apply to the roadway even though it is Provincial land, because the zone boundaries go to the centre of the road. The only signs that are exempt from the Land Use Bylaw are signs that are erected with the permission of the Ministry of Transportation and Infrastructure. The Ministry of Transportation and Infrastructure does not issue permits for signs advertising businesses that violate local bylaws and will remove signs from roadways if requested to do so by local authorities.

Currently bylaw enforcement officers only enforce the sign regulations in the Land Use Bylaw if there is a specific complaint. As there are few complaints unlawful signs have tended to proliferate and to remain. This probably has created a belief that they are "okay" if not lawful. Additionally, as more signs are posted the need to match the advertising efforts of competing businesses drives the need to post more unlawful signs.

Most unlawful signs on the roadway advertise nearby businesses but some advertise service organizations such as Lions Clubs or the Canadian Legion. Unfortunately, the service club signs are also unlawful and would be subject to removal unless they have a permit from the Ministry of Transportation and Infrastructure.

New Sign Regulations

The North Pender Island Local Trust committee may wish to consider revising its sign regulations to permit group business and service club information signs. However, in doing so it should consider where they can safely be located and how they will be maintained. Site specific zoning may be required for such a sign(s). If the LTC wishes to consider amending its sign regulations it should consider putting the project on its top priorities list.

Proactive Bylaw Enforcement Policy for unlawful roadway signs.

If the LTC wishes to end the proliferation of unlawful roadway signs, the Local Trust Committee should consider adopting an enforcement policy instructing bylaw enforcement officers to do the following whenever an unlawful sign is observed on the the verges of the roadway:

1. The bylaw enforcement officer is authorized to take immediate enforcement action without complaint whenever an unlawful business sign on road right-of-ways is found.
2. The enforcement action for a first offence may be a warning notice giving five days to comply with the provisions of the land use bylaw. For a second offence a Bylaw Enforcement Notice may be issued.
3. The bylaw enforcement officer may also contact the Provincial Ministry of Transportation and Infrastructure maintenance contractor and request that the sign be removed as per Ministry of Transportation and Infrastructure policies.

This enforcement policy limits proactive enforcement to business signs only however; if a complaint is received on any type of unlawful sign it would be subject to enforcement.

OPTIONS:

1. Do not adopt the policy and continue to use complaint-based enforcement on unlawful signs.

RECOMMENDATION:

That the North Pender Island Local Trust Committee pass the following resolution:

The North Pender Island Local Trust Committee adopt the following bylaw enforcement policy for unlawful signs on the road right-of-ways:

1. The bylaw enforcement officer is authorized to take immediate enforcement action without complaint whenever an unlawful business signs on road rights-of-way is found.

2. The enforcement action for a first offence may be a warning notice giving five days to comply with the provisions of the land use bylaw. For a second offence a bylaw enforcement notice may be issued.
3. The bylaw enforcement officer may also contact the Provincial Ministry of Transportation and Infrastructure maintenance contractor and request that the sign be removed as per Department of Highway's policies.

Prepared and Submitted by:

Miles Drew
Bylaw Enforcement Manager

December 18, 2012
Date

Kathy Jones

From: Nicole Ranger
Sent: January-07-13 12:15 PM
To: Andrea Pickard; Gary Steeves; Ken Hancock; Peter Luckham; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Cc: Nancy Roggers
Subject: North Pender Expense Report Dec 2012

Islands Trust

LTC EXP SUMMARY REPORT F2012

Invoices posted to December 31, 2012

650 North Pender	Invoices posted to December 31, 2012	Budget	Spent	Balance
65000 650	LTC "Trustee Expenses"	1,500.00	1,965.27	(465.27)
65200 650	LTC Local Exp LTC Meeting Expenses	3,600.00	2,429.66	1,170.34
65210 650	LTC Local Exp APC Meeting Expenses	1,840.00	263.27	1,576.73
65220 650	LTC Local Exp Communications	1,150.00	-	1,150.00
65230 650	LTC Local Exp Special Projects	2,000.00	1,439.43	560.57
65240 650	LTC Local Exp Miscellaneous	810.00	-	810.00
TOTAL LTC Local Expense		9,400.00	4,132.36	5,267.64
73001 650 2006	North Pender OCP/LUB	5,000.00	-	5,000.00
73001 650 4004	North Pender Shoreline Protection	5,000.00	583.53	4,416.47
TOTAL Project Expense		10,000.00	583.53	9,416.47

Nicole Ranger
Finance Clerk
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155

Preserving Island communities, culture and environment

Please consider the environment before printing this email

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

Updated: May 10, 2011

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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

Islands Trust
Preserving island communities, culture and environment.

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.

January 2013

- Sidney Island Public Hearing - January 26, 2013

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

^ top

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

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

Committee Links

Committee Home
Trustee Membership
Contact Trustees
Contact Planning Staff
Planning Bylaws
Administrative Bylaws
Meetings Schedule
Meeting Agendas
Meeting Minutes
Resolutions-Without-Meeting
Associated Islands
Land Use Application Forms

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

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

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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Memorandum

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Date January 3, 2013 File Number NP 3050-20-05 (APC)

To North Pender Island Local Trust Committee

From Kathy Jones
Planning Clerk
Local Planning

Re North Pender Island Advisory Planning Commission Terms

This memo is to inform you that Valerie Butcher, Sharon Card, Bob Erho, Amanda Griesbach, Marika Kenwell, Julie Roper, Reg Smith and Rob Willingham's appointments expire on March 1, 2013.

Your options for appointing APC members are:

1. Re-appoint members

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

2. Advertise an Expression of Interest for APC Members

   Advertise an Expression of Interest.

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

Excerpt from APC Bylaw:

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

I look forward to your direction on this matter.

pc Andrea Pickard, Planner

The Pender Islands Conservancy Association Uplands and Near-shore Apocalypse Follow-up Series:
"What We Must Know About Our Shorelines"
Theme – "*How climate change, plunging fish stocks & declining Orcas will affect all our futures*"

Bricky Bay – January 2013

"Coastal Engineer John Readshaw" – Saturday, March 2, 2013

By popular demand, PICA has requested the return of Coastal Engineer John Readshaw to provide a further opportunity to Pender Islanders to address concerns expressed by many with regards to shorelines and the ramifications of climate change.
Now is the time to ask your questions and find the answers to: -

'What We Must Know About Our Shorelines'

Many shoreline property owners will have the opportunity of an 'on site' coastal engineer for those with properties facing Boundary Pass for South Pender Island, and those with properties on North Pender Island facing Plumper Sound.
Please note, all Pender Islanders are welcome at either venue or field session locations.

John Readshaw will be providing overviews and then 'on site shoreline field sessions' at the following locations: -

South Pender Island – Overview 9:45 am at the South Pender Fire Hall #3 with the field session commencing at 10:45 am at the shoreline between Higgs Road beach access and Brooks Point (parking limited at field location).

North Pender Island – Overview 1:45 pm at the Hope Bay meeting room with the field session commencing at 2:45 pm at the shoreline of Bricky Bay (Clam Bay Road / Coast Shale Road with beach access down Armadale Road – Parking on Armadale or Coast Shale only).

Mark your calendars and take advantage of this opportunity!

The Pender Islands Conservancy Association Uplands and Near-shore Apocalypse Follow-up Series:
"What We Must Know About Our Shorelines"
Theme – "*How climate change, plunging fish stocks & declining Orcas will affect all our futures*"