



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

**BUSINESS MEETING AGENDA
TO COMMENCE AT 9:45 A.M., THURSDAY, NOVEMBER 29, 2012
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 October 4, 2012 Local Trust Committee Special Meeting (attached)	1	
5.1.2 Minutes of October 25, 2012 Local Trust Committee Business Meeting (attached)	6	
5.2 Public Hearing Records and Community Information Meeting Notes to be Received - none		
5.3 Section 26 Resolutions-without-meeting (attached)	15	
5.4 Advisory Planning Commission/Task Force to be received - none		
6. BUSINESS ARISING FROM THE MINUTES		10:05 am
6.1 Follow-up Action Report (attached)	16	
7. DELEGATIONS – none		
8. CORRESPONDENCE - none		
<i>[correspondence received concerning applications and/or projects is considered with the application]</i>		

9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	10:10 am
9.1	NP-DVP-2012.5 (Weibe/Aronowicz) (attached)	19
9.2	NP-DVP-2012.8 (Caza) (attached)	42
9.3	NP-DP-2012.3 (Block) (attached)	57
9.4	Proposed South Pender Bylaw No. 111 (LUB Amendment) Referral (attached)	69
9.5	Proposed Saturna Local Trust Committee Bylaw No. 110 (LUB Amendment) Referral (attached)	72
10.	LOCAL TRUST COMMITTEE PROJECTS	12:20 pm
10.1	NP-OCF and LUB.2011.1 (Sidney Island) (attached)	74
10.2	NP-6500-20 (Road Designation) (attached)	103
11.	REPORTS	1:10 pm
11.1	Work Program Reports – for information	
11.1.1	North Pender Island Local Trust Committee Work Program - Report dated November 2012 (attached)	109
11.2	Applications Report – for information	
11.2.1	North Pender Island Applications Report dated November, 2012 (attached)	112
11.3	Bylaw Enforcement - none	
11.4	Expense/Budget Reports	
11.4.1	Trustee and Local Expense Report (attached)	117
11.4.2	Local Trust Committee Budget 2012/2013 (attached)	118
11.5	Adopted Policies and Standing Resolutions (attached) – for information	119
11.6	North Pender LTC Web Page (attached) – for discussion	120
11.7	Chair's Report	1:25 pm
11.8	Trustee Report	
12.	OTHER BUSINESS	1:40 pm
12.1	Upcoming Meetings	
12.1.1	Business at 9:45 a.m., Thursday, January 31, 2013 at Pender Island Community Hall - Upstairs	
13.	TOWN HALL MEETING	

- | | | |
|------------|--|---------|
| 14. | MOTION TO CLOSE MEETING
THAT, pursuant to Section 90(1)(g) of the Community Charter, the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting Minutes of September 20, 2012; Local Trust Committee In Camera Meeting; and to consider bylaw enforcement litigation and ; and further that Islands Trust Staff and Recording Zorah Staar remain present.(distributed under separate cover) | 2:00 pm |
| 15. | RECALL TO ORDER
15.1 Rise and Report from Closed Meeting | 2:30 pm |
| 14. | ADJOURNMENT | 2:35 pm |

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE MEETING,
HELD ON THURSDAY, OCTOBER 4, 2012, AT 9:45 AM
AT THE COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

PRESENT:	Peter Luckham	North Pender Chair
	Gary Steeves	North Pender Trustee
	Ken Hancock	North Pender Trustee
		/ South Pender Chair
	Mike Jones	South Pender Trustee
	Elizabeth Montague	South Pender Trustee
	Andrea Pickard	Island Planner
	Robert Kojima	Regional Planning Manager
	Zorah Staar	Recording Secretary

REGRETS: none

There were three (3) members of the public in attendance, and also: Bowen Island Trustee, Andrew Stone and Thetis Island Trustee, Sue French; Islands Trust Staff, Laura Stringer and Sonya Sundberg; CRD/Southern Gulf Islands Electoral Area Director, David Howe; and Consultants Paul de Greeff, John Harper, and Brian Emmett.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:05 am, introducing those present, welcoming the South Pender Island Local Trust Committee and acknowledging that we were meeting in traditional Coast Salish Territory. Trustee Steeves noted this was the first time the North Pender and South Pender Local Trust Committees have met in a Local Trust Committee meeting.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- to add item 8. for Trustee Reports; and
- to add the issue of a Pender Area Farm Plan within Trustee Reports.

2.2 Questions from Public on Agenda Items

None

3. CRD DIRECTOR DAVID HOWE: Economic Development Commission

David Howe (CRD/Southern Gulf Islands Electoral Area Director) was present to speak about the new Southern Gulf Islands Economic Development Commission.

Director Howe described how he and former CRD Director, Ken Hancock had supported the creation of the Economic Development Commission, to help achieve resilient and sustainable local economies, support local businesses, and explore social enterprise and other new forms of economic development. This was based on a “triple-bottom-line” orientation (balancing social, environmental, and economic sustainability). The first four initiatives of the Southern Gulf Islands Economic Development Commission were: “Experience the Gulf Islands”, education, social capital, and broadband access. Howe emphasized working together with the Islands Trust on these issues, especially education (i.e. what our islands could teach others about resilient, sustainable communities, living in connection with the Earth like the First Nations have shown).

The Pender Trustees expressed strong support for bridging with the new Economic Development Commission, and how this could dovetail with a Pender Area Farm Plan and more local food growing. They also acknowledged Director Howe, for his inspiring work connecting many facets of our islands. Director Howe in turn acknowledged the various groups doing important work on community sustainability and resilience.

4. CORRESPONDENCE

4.1 October 1, 2012 Email from John Chapman re: Assistance with Further Fundraising for Brooks Point Regional Park

John Chapman was present on behalf of the Pender Islands Conservancy Association (PICA). He had emailed to ask the Pender Local Trust Committees to support a Mountain Equipment Co-op grant application. This was to facilitate retention by the Capital Regional District of the Brooks Point Phase III property.

Both Pender Island Trust Committees endorsed Trustee Hancock to draft a letter of support as requested, for the signature of each Committee’s Chair.

5. LOCAL TRUST COMMITTEE PROJECTS

5.1 Integrated Shoreline Mapping Project

Beginning a few years ago, the Islands Trust had arranged funding for a Thetis Island Shoreline Mapping Pilot Project, and then an Integrated Shoreline Mapping Project for the whole Trust area. Consultants for the latter project were present today, to present the resulting Pender shoreline mapping. This was for the purpose of the Pender Local Trust Committees considering whether this mapping could be useful for their own respective Shoreline Development/Protection Projects (involving education, stewardship, and potential regulation).

The consultants for the Integrated Shoreline Mapping Project were Paul de Greeff, Dr. John Harper, and Brian Emmett. Their presentation included their qualifications in geography, cartography, biology, data systems, etc.

They spoke of the complex dynamics of shoreline areas; how the data used for this Shoreline Mapping Project was originally gathered (through Parks Canada funding for aerial video filming, with commentary on biological, archaeological, and other features); how the resulting “ShoreZone” data had been simplified to show 6 basic shoreline types; how elements of the data which were considered the most significant were then represented on three maps for each of North and South Pender, entitled: “Distribution of Shoreline Types”, “Energy & Sediment Movement”, and “Shoreline Values & Vulnerability”; and how the Green Shores credit system could be used to promote low-impact, “soft” shore approaches, rather than shore “hardening” (by breakwaters and other means) which can be damaging to ecosystems, sensitive species, and also neighbouring properties.

The Trustees asked questions, resulting in more information from the consultants as follows: that the Integrated Shoreline Mapping was digital and could be refined, updated, or modified to emphasize alternative features (either by the consultants or by Islands Trust Mapping Staff); that the resolution of the mapping involved dividing the Pender Islands into approximately 560 units; that a whole unit was classified as a certain shoreline type, if any part of the unit was of that type; and that the foregoing resolution and method was useful for public education and encouraging stewardship, but was not sufficient in itself for regulation of shoreline uses by individual landowners.

Trustee Hancock commented that to be of use for education, stewardship, and potential regulation, shoreline mapping had to be easily understood by the community, and accurate enough not to cause controversy; that to encourage community members to care, “buy in”, and alter their behavior, the mapping also needed to focus not on geology but on the biology, i.e. “the creatures who live there”; that this Integrated Shoreline Mapping was educational, but did not appear to be sufficient in itself for the North Pender Shoreline Protection Project; that many local shoreline owners lived off-island, and Hancock didn’t think the Green Shores credit system would be a sufficient incentive for them to take positive steps; and that NAPTEP (the Natural Areas Protection Tax Exemption Program) applied to remediated or restored areas, and it had potential to motivate some shoreline owners.

Island Planner Pickard noted that the current geological-focused mapping (created in compliance with previous terms of reference from the Islands Trust) was only one aspect of the information being gathered to support the Pender Shoreline Development/Protection Projects. Environmental Development Permit Area mapping, new biological mapping (re: eelgrass), archaeological and other data were also now available and could all be brought together. In addition, there was some Islands Trust funding to support further work.

Trustee Jones said that to inform and motivate community members, it would also be useful to have photos of the different shoreline types and ecosystems, and also to make the shoreline mapping more interactive if possible.

Trustee Steeves said that the key was connecting what people valued (e.g. whale watching, salmon fishing) with how their treatment of the shoreline was affecting this.

For example, a lot of owners didn't know that hardening the shoreline hurt eelgrass beds, forage fish, and therefore salmon and whales. However, Trustee Steeves noted the need for some breakwaters, for example where this had been requested by First Nations to protect archaeological features and additional reports indicated that soft shore approaches were not sufficient.

Further regarding shoreline protection, Trustee Hancock noted there had been a Sandlance project involving First Nations; that on October 13 there was a Pender workshop called "Near-Shore Apocalypse", with Parks Canada and other experts speaking on critical shoreline ecosystem issues; and that meetings were ongoing about having a National Marine Conservation Area here, which would involve the Islands Trust surrendering some marine zoning.

Trustee Montague said that she herself was still on a "learning curve" with regard to shoreline issues, and she felt that the next step was to have materials which would allow us to speak with shoreline property owners in useful ways.

6. PRESENTATION OF COMMUNITY STEWARDSHIP AWARDS

There was a break in order to present one of this year's Islands Trust Community Stewardship Awards. Trustee Steeves introduced award recipient Margot Venton of Pender Island, who was being recognized for her incredibly diligent legal work to protect the Southern Resident Killer Whale population. Ms. Venton said that this was achieved through a 10-year legal action (by Eco-Justice) to establish that under the Endangered Species Act, the federal government was required to protect critical whale habitat. She added that seeing the whales off Pender had kept her going.

7. SHORELINE MAPPING (continued)

The Trustees asked additional questions of the consultants for the Integrated Shoreline Mapping Project (Paul de Greeff, John Harper, and Brian Emmett), which led to clarifications as follows: that the mapping units shown as "structurally altered" could simply be areas where a road passed through some part of the unit; that the current mapping data could not be altered to show such partial features as "dots" or symbols (i.e. remapping would be required for this); that the shoreline videos for the mapping were available on YouTube (search "Pender Island ShoreZone"), and on DVD's which the consultants could give to Islands Trust Staff, along with GIS data; that the watershed boundaries on one of the Shoreline maps were included to show key drainage patterns; that a main purpose of the project was to show differences in shoreline types between islands, rather than getting down to the individual lot scale, or differentiating sensitive ecosystems; and that the consultants were quite willing to do further work on the mapping (e.g. to pull out more biological or other useful data).

The Pender Trustees found some aspects of the Integrated Shoreline Mapping to be educational and valuable, and other aspects to be confusing or not as useful for their own Shoreline Development Projects (e.g. as a tool to inspire landowners to care about shoreline ecosystems and values, and as a basis for regulation if appropriate).

However, no final decisions were made about what to do with the current mapping, or whether the consultants should be asked to do further work on it. Both the North and South Pender Trustees asked Planner Pickard to come back to their upcoming respective meetings, with options for bringing together more data, public consultation, and other project aspects which could be accomplished within existing budgets.

In final comments, the Trustees thanked the consultants for an enlightening presentation, and the consultants expressed appreciation for the feedback received.

8. TRUSTEE REPORTS

Trustee Montague noted that the South Pender Island Local Trust Committee had made support for a Pender Area Farm Plan, as one of their Top Priorities. They intended to work with the North Pender Island Local Trust Committee and other Pender community groups on this. The Denman Island Farm Plan was a great model for this.

Trustee Jones suggested that a joint meeting between the two Pender Local Trust Committees become an annual event.

Trustee Steeves agreed that an annual meeting of Pender Trustees was a good idea. He also mentioned the October 23, 2012, HSBC community meeting (6 pm, Legion), regarding the planned December 31, 2012, closure of the Pender HSBC Bank. An alternative credit union or bank had not yet been confirmed. This was a critical issue for our island businesses and residents, and a solution needed to be found soon.

9. TOWN HALL SESSION

There were no public comments.

10. ADJOURNMENT

The meeting was adjourned by consensus at approximately 2:38 pm.

RECORDER

CHAIR

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, OCTOBER 25, 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 (RPM)
	Zorah Staar	Recording Secretary

REGRETS: **none**

There were five (5) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:46 am, acknowledging that he was thankful today to be meeting on traditional Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- to add item 8.3 for Shoreline Correspondence from Nicki Wright;
- to add item 12.2 for the 2013 Local Trust Committee Meeting Schedule;
- to add item 12.3 re: Economic Development Commission Information Sharing.

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 September 20, 2012 Local Trust Committee Business Meeting

The September 20, 2012 Local Trust Minutes were amended at page 9, 4th paragraph, 3rd line, to delete “roads” after “Pender Island.” The minutes were then approved by consensus, as amended.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

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 available Follow-up Action Report. For item 1 (NP-DVP-2010.3), Planner Pickard would send another email re: confirmation of the building permit. For item 7 (enforcement policy re: signage), RPM Kojima would follow up with Miles Drew. For item 14 (hazardous slope and tree cutting concerns), Trustee Hancock would follow-up with William Deverell.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Z. Staar Letter dated October 15, 2012 re: Pender Community Transition (PCT) Interim Funding Report & Request for Disbursement

Zorah Staar had submitted a report on behalf of the non-profit Pender Community Transition Society, about the first 3 PCT events organized in the current fiscal year (an Inter-Island Sustainability Gathering, a Climate Change Talk, and a Workshop on Seed Saving and Seed Banks).

Resolution NP-LTC-103-12

It was Moved and Seconded that the North Pender Island Local Trust Committee, having read the Pender Community Transition Report, authorize the disbursement of \$100 to Pender Community Transition.

CARRIED

8.2 September 9, 2012 Email from Jim Burrows, re: Timbers, North Pender

Trustees Steeves and Hancock noted the information received from Jim Burrows about the Timbers Resort seeking to restart their event and accommodation activities (contrary to existing zoning). There was also a petition circulating in support of short-term vacation rentals. The Trustees noted the general community feedback to them, to the effect that there were ongoing concerns about STVR's and no general support to move towards legalization.

8.3 October 20, 2012 Letter from Sara Steil re: Shoreline Event

Sara Steil had written to thank the Trustees for their support of the October 13, 2012 event on "Uplands and Near-Shore Apocalypse: How Climate Change, Plunging Fish Stocks, and Declining Orcas will affect all our Futures". The Trustees in turn thanked Ms. Steil and the Pender Islands Conservancy Organization (PICA) for organizing a phenomenal educational opportunity.

8.4 Shoreline Correspondence from Nicki Wright

Sara Steil further reported that shoreline expert Nicki Wright had written to PICA, offering to organize a Green Shores presentation on Pender in future.

9. APPLICATIONS, PERMITS, AND REFERRALS

None

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Draft Bylaw No. 187 (LUB Amendments) and Draft Bylaw No. 189 (OCP Amendments) re: Associated Islands

Planner Pickard reviewed the October 15, 2012 Staff Report and commented as follows: that based on Sidney Island community feedback (including a survey) and other considerations, there had been further revisions to the two draft bylaws to amend the Associated Islands Land Use Bylaw (LUB) and Official Community Plan (OCP); that Draft Bylaw No. 187 included 61 LUB amendments, 44 of which only revised numeric cross-references; that there were 12 more substantive LUB amendments (re: one second dwelling, the community hall, storage buildings, maximum floor area, recreational vehicles,

heritage orchard, etc.); and that Draft Bylaw 189 included amendments to the OCP re: development permit areas, and maximum dwelling size.

At the request of the Trustees, Planner Pickard went through all of the proposed Land Use Bylaw amendments pertaining to Sidney Island, providing explanations and answering questions. The survey conducted by the Sidney Strata Council was considered to be of limited usefulness (due to its method).

Vic Johnston was present as a Sidney Island Strata member and resident, and he remarked on the various opinions of the other owners and himself, many of whom supported regulation to protect the natural environment on the island.

Resolution NP-LTC-104-12

It was Moved and Seconded that North Pender Island Local Trust Committee Draft Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, be revised by deleting Plan No. 3 that would amend the zoning from ‘Community Services Two’ to “Conservation” for the area known as the Heritage Orchard.

CARRIED

Resolution NP-LTC-105-12

It was Moved and Seconded that North Pender Island Local Trust Committee Draft Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, be revised to include clauses 8, 10, 21, and 25 as presented in the staff report dated October 15, 2012.

CARRIED

Resolution NP-LTC-106-12

It was Moved and Seconded that North Pender Island Local Trust Committee Bylaw Draft No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, be revised by changing clause 8 to refer to 5.8 (2).

CARRIED

Resolution NP-LTC-107-12

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

CARRIED

Resolution NP-LTC-108-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to accompany Proposed Bylaw No. 187 with a consolidated version of Bylaw No. 148, and a Staff Report summarizing the substantive changes.

CARRIED

Planner Pickard reviewed and the Trustees discussed Draft Bylaw 189 and its proposed amendments to the Associated Islands Official Community Plan.

Resolution NP-LTC-109-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to amend Draft Bylaw No. 189, Schedule 4, subparagraph (7), to limit tree cutting in Area B, and to remove 7(g) re: construction of a fence within Area B.

CARRIED

Resolution NP-LTC-110-12

It was Moved and Seconded that North Pender Island Local Trust Committee Draft Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2003, Amendment No. 1, 2011”, be revised by deleting Schedule 8 that would amend the Land Use Designation from ‘Agricultural’ to ‘Resource Conservation’ for the area known as the Heritage Orchard.

CARRIED

Resolution NP-LTC-111-12

It was Moved and Seconded that North Pender Island Local Trust Committee Draft Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2003, Amendment No. 1, 2011”, be revised as presented in the staff report dated October 15, 2012 and to include an Area A and an Area B in the proposed Sidney Island Hazard Lands Development Permit Area.

CARRIED

Resolution NP-LTC-112-12

It was Moved and Seconded that North Pender Island Local Trust Committee Draft Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2003, Amendment No. 1, 2011”, be revised to include Schedule 1 as presented in the staff report dated October 15, 2012.

CARRIED

The Trustees noted that after further consideration of the above Bylaws No. 187 and 189 at their next meeting, a Community Information Meeting and Public Hearing could potentially be scheduled (for example, in Sidney in January).

10.2 NP-6500-20 Shoreline Review

Planner Pickard reviewed the October 18, 2012 Staff Report, and noted the October 4, 2012 North Pender Island Local Trust Committee Special Meeting, at which the existing Integrated Shoreline Mapping was discussed. The Planner said that one potential follow-up was to pull together this mapping and other available information (i.e. the eelgrass mapping to come) into a comprehensive web-based tool, with links to site-specific ecosystem information and also useful resources, and including hard copy materials that were printable or available (promoting education and stewardship of sensitive shoreline areas).

Trustee Hancock commented as follows: that instead of a web-based tool to access place-specific information, he supported beginning with a more general educational and stewardship approach; that the October 13 PICA workshop had inspired him towards distilling available information into key messages about our shoreline ecosystems; that regulation should come from community support, which required building understanding first; that this could start with the eelgrass mapping (soon to be received), and the distribution of simple, easy to understand brochures, similar to the Bamfield, CRD, and other materials like those of biologist Ramona De Graaf; that these materials could also be available on the Islands Trust website, but a lot of people were in “web overload”; and that new research suggested the best way to reach community members was to show up where they gather and provide information there.

Trustee Steeves commented as follows: that we needed a shoreline educational product which was online (e.g. in .pdf) and also in hard copy to give to people; that a lot of older people did not have computers or printers, and island folk appeared to be online less than city folk; that the Local Trust Committees who had Shoreline Review in their budgets could cooperate to support the creation of shoreline materials; that there should also be a Local Trust Committee policy requiring consideration of available mapping for applications involving the shoreline; that at the time of further Land Use Bylaw review work in future, there could be some zoning options to protect our shorelines (e.g. restricting docks in some areas); that the Integrated Shoreline Mapping reviewed on October 4 was not sufficient in itself to support additional shoreline development permit areas.

Chair Luckham did not disagree, but felt that it was important to have a web-based tool as well, for both the Local Trustees and also landowners who were interested to “drill down” to information for their particular property (if available).

Planner Pickard said that this kind of web tool could also be used to reach contractors, architects, etc., so they could educate landowners towards better choices when developing near shorelines. In addition, RMP Kojima suggested putting online the video samples from the Integrated Shoreline Mapping Project.

Trustee Hancock suggested considering the aluminum signs created by Ramona De Graaf and Nicki Wright, which had simple drawings and shoreline stewardship messages (e.g. to mark the presence of eelgrass).

Resolution NP-LTC-113-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to discuss with Ramona De Graaf the development and production of a Bamfield-like brochure on shoreline use and ecology, for use on North Pender Island.

CARRIED

Regarding the Integrated Shoreline Mapping previously obtained by the Islands Trust as a whole, Trustees Hancock and Steeves said that it was the role of Trust Council to develop and fund a way for this information to be integrated into Local Trust Committee decision-making, and into the MAP IT mapping tool if possible. Trustee Steeves said that he would draft a resolution in this regard.

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.

11.1.2 Islands Trust Council Strategic Plan 2011 to 2014

Chair Luckham noted that the new Strategic Plan was available.

11.2 Applications Report

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

11.3 Bylaw Enforcement

There was no Bylaw Enforcement report.

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report

In addition to the available Expenses Report, Trustee Steeves said that he was going to ask the Executive Council to remove from the North Pender allocation his expenses from attending a recent conference on the Executive's behalf.

11.4.2 Local Trust Committee Budget 2012/2013 – attached for information

11.5 Adopted Policies and Standing Resolutions Report – attached for information

11.6 North Pender LTC Web Page

Trustee Hancock said that the new Islands Trust Fund website had now been launched. The new Islands Trust website was similar and should be up by mid-November. There was agreement to remove some older items from the web page.

11.7 Chair's Report

Chair Luckham commented as follows: that the Islands Trust budget cycle had started; that the new Strategic Plan had been adopted; that there were ongoing Islands Trust concerns and advocacy about oil spills, and also derelict vessels; and that there was a National Marine Conservation Area meeting tomorrow.

11.8 Trustee Reports

Trustee Steeves reported that he had recently been involved with meetings or teleconferences relating to the Association of Vancouver Island Coastal Communities (AVICC), the local HSBC Bank, BC Hydro, and Parks Canada. A meeting with the Ministry of Transportation & Infrastructure was coming up.

Trustee Hancock commented as follows: that BC Hydro and BC Ferries usage for Pender was going up, which was attributed to more landowners now retiring to their properties; that BC Hydro needed to install a new submarine cable from Salt Spring Island to Port Washington on Pender, to rectify an ongoing problem with power “brown-outs” in that area; and that Hancock was going to Port Townsend on November 1 for a San Juan all-day oil spill response workshop.

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, November 29, 2012 (9:45 am, Community Hall Lounge).

12.2 2013 Local Trust Committee Meeting Schedule

Resolution NP-LTC-114-12

It was Moved and Seconded that the North Pender Island Local Trust Committee adopt the 2013 Local Trust Committee Meeting Schedule as presented.

CARRIED

12.3 Economic Development Commission Information Sharing.

The Trustees agreed by consensus to release some North Pender Island statistical and historical data to the new Southern Gulf Islands Economic Development Commission.

13. TOWN HALL MEETING

Sara Steil commented as follows: that she asked the Local Trust Committee to remember a particular Official Community Plan change on the Work Program, to support the proposed “Magic Ferry Route” bike route; and that regarding the recent response to Bill Deverell, the Islands Trust also needed to remember hazardous slope issues and regulation, since it was the only government body which had concerned itself with this issue.

Trustee Steeves responded that the hazardous slope issue was also on the Work Program, but it was really hard to get to everything in one term.

16. ADJOURNMENT

Resolution NP-LTC-115-12

It was Moved and Seconded that the meeting be adjourned at approximately 2:35 pm.

CARRIED

RECORDER

CHAIR



Islands Trust

RWM From: October 17, 2012 To: November 15, 2012

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2012-13	In Favour	THAT due to the invasion of the invasive American Bull Frog on North Pender Island and the need to eradicate the American Bull Frog from North Pender ecosystems, the North Pender Local Trust Committee supports the Pender Island Farmers Institute in their efforts to carry out the eradication and supports applications by the Institute to raise the necessary funds to successfully complete this important work.	Nov 08, 2012



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	Kathy Jones Andrea Pickard	Oct-24-2012	On Going

Sept 19/12 - Planner to contact applicant and/or building inspection to determine status (done)

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:	Andrea Pickard	Sep-22-2011	On Going

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

Mar-22-2012

No.	Activity	Responsibility	Target Date	Status
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- 3 Item 9.4 - NP-SUB-2008.3: advise the Approving Officer that the LTC supports the dedication of parkland as proposed is the layout noted as EPP16005

Andrea Pickard

Apr-26-2012

On Going

Apr-26-2012

No.	Activity	Responsibility	Target Date	Status
4	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	May-31-2012	On Going

May-31-2012

No.	Activity	Responsibility	Target Date	Status
5	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	Nancy Roggers	Jun-28-2012	On Going

Sep-20-2012

No.	Activity	Responsibility	Target Date	Status
6	Staff to prepare a draft OCP amending bylaw to designate Magic - Ferry route and report back for LTC consideration (project scoping report on Nov agenda)	Andrea Pickard	Oct-17-2012	Done

Oct-25-2012

No.	Activity	Responsibility	Target Date	Status
7	Item 5.1 minutes of Sep 20: adopt as amended	Sharon Lloyd-deRosario	Nov-29-2012	Done
8	Item 8.1 Report from PCT: authorize disbursement of \$100 to Pender Community Transition for the received report	Nancy Roggers	Nov-29-2012	On Going

9	Item 10.1 Associated Islands LUB and OCP: - revise the draft by: changing clause 8 to read 'subsection 5.8(2), delete plan 3 for the orchard, include new clauses 8, 10, 21, and 25 - give First Reading to the bylaw as amended	Kathy Jones Andrea Pickard	Nov-29-2012	Done
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10	Item 10.1 Associated Islands LUB and OCP: accompany proposed bylaw 187 with a clean, consolidated version of LUB #148 and a staff report noting the substantial amendments	Andrea Pickard	Nov-29-2012	Done
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11	Item 10.1 Associated Islands LUB and OCP: revise draft bylaw 189 to: • delete Schedule 8 for the orchard, • delete (7)g in Schedule 4 (fences), • revise (7) h in Schedule 4 to be trees of a specified size, • include Schedule 1 as presented in the staff report, and • include an Area A and B in Schedule 4 as presented in the staff report	Andrea Pickard	Nov-29-2012	Done
12	Item 10.2 Shoreline Project: staff discuss with Ramona de Graf developing a brochure for shoreline use Nov 2/12 - quote requested from consultant	Robert Kojima	Nov-29-2012	Done
13	Item 11.6 Webpage: delete the Nov 2011 information from Latest News and post the response from MOT regarding Hooson Road	Kathy Jones	Nov-29-2012	Done
14	Item 12.2 Proposed 2013 LTC schedule: adopt as drafted	Sharon Lloyd-deRosario	Nov-29-2012	Done

November 6, 2012

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

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

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Permit

Owner: Drora Aronowicz

Applicant: Harold Wiebe

Location: 1117 Walden Road, Lot 27, Section 23, Pender Island, Cowichan District,
Plan 27279

THE PROPOSAL:

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

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

1: The Single Family Dwelling:

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

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

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

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



Photograph 1: Looking West along Northern Side of Dwelling



Photograph 2: Looking North along Western Side of Dwelling

2: The Shed:

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



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

3: The North Stone Patio:

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



Photograph 4: Approaching the North Stone Patio



Photograph 5: Seaward Side of North Patio with Hand Rail

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

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



Photograph 6: The Main Stone Patio Looking North



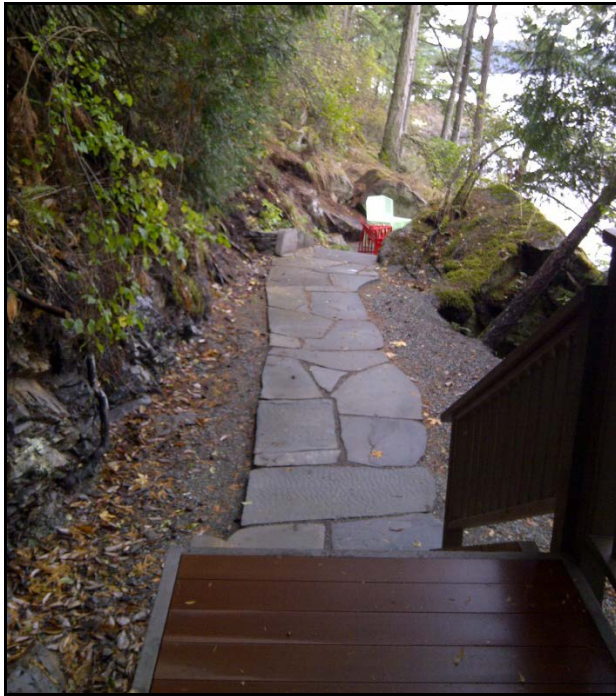
Photograph 7: The Main Patio with the Hot Tub Visible on the Left

6: The 'Stone Pathway and South Patio':

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



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



Photograph 9: Stone Pathway Leading to South Patio



Photograph 10: South Patio and Retaining Wall

7: The 'Foreshore Deck':

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

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

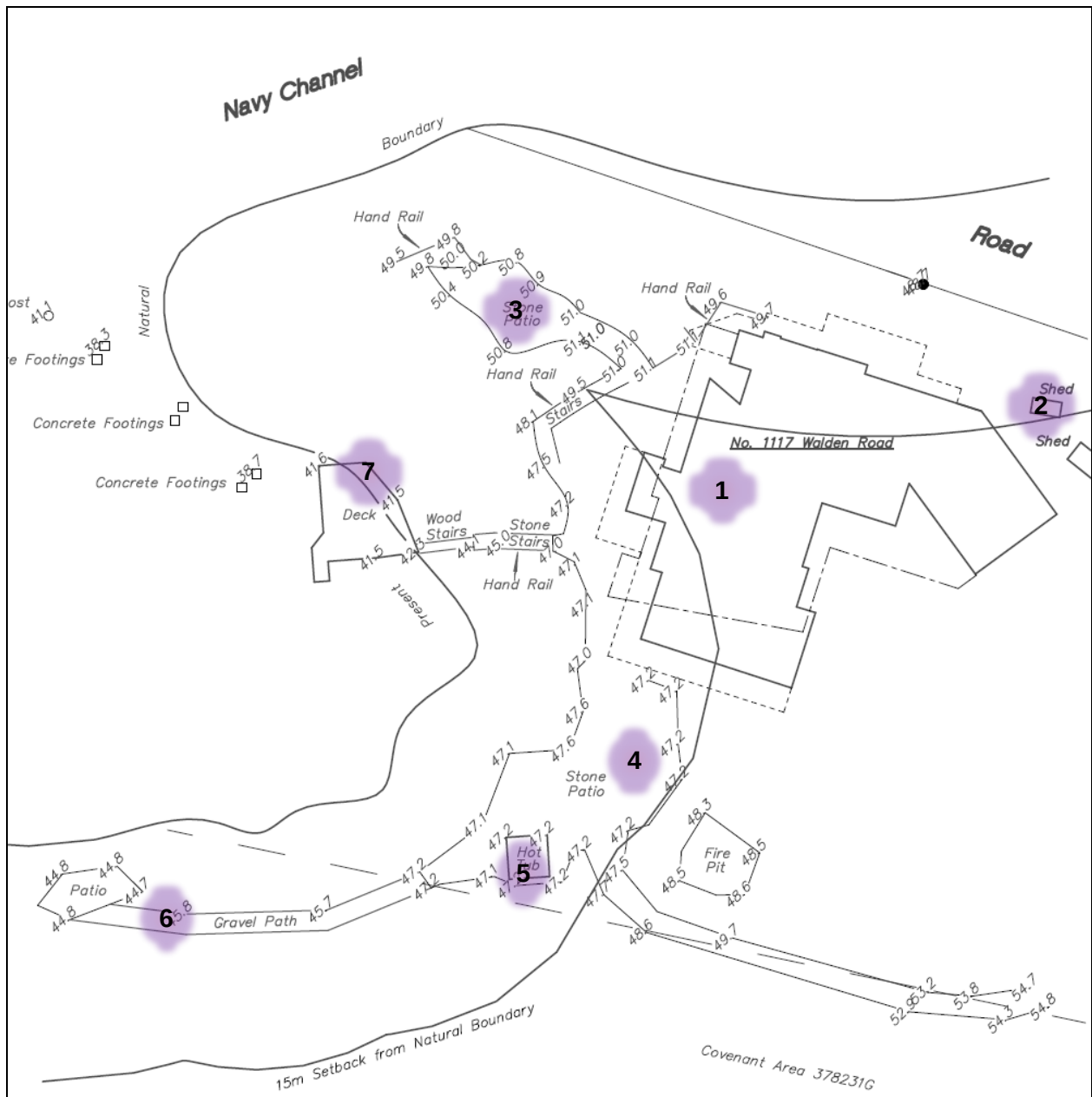
That portion of the deck below the natural boundary of the sea cannot be approved by variance since it is not a permitted use in the marine Water 1 (W1) zone, therefore it would require a separate application for a bylaw amendment (rezoning) to remain. Only that portion of the deck on the upland side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



Photograph 11: Foreshore Deck, straddles the Natural Boundary

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

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



SITE CONTEXT:

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

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

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

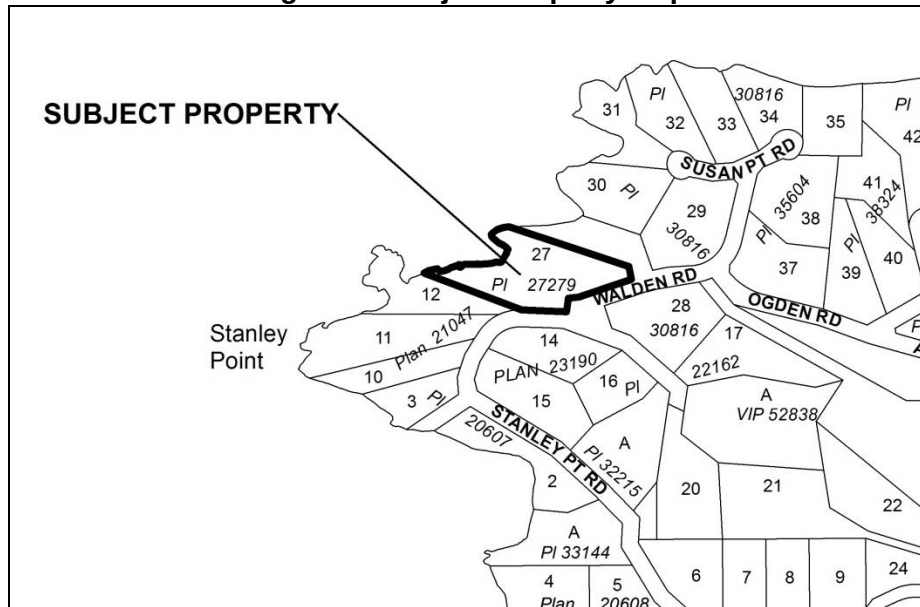


Figure 3: Development Permit Areas and Orthophoto



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

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

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

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

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

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

Figure 4: Survey with Raptor Nest Development Permit Area Overlay

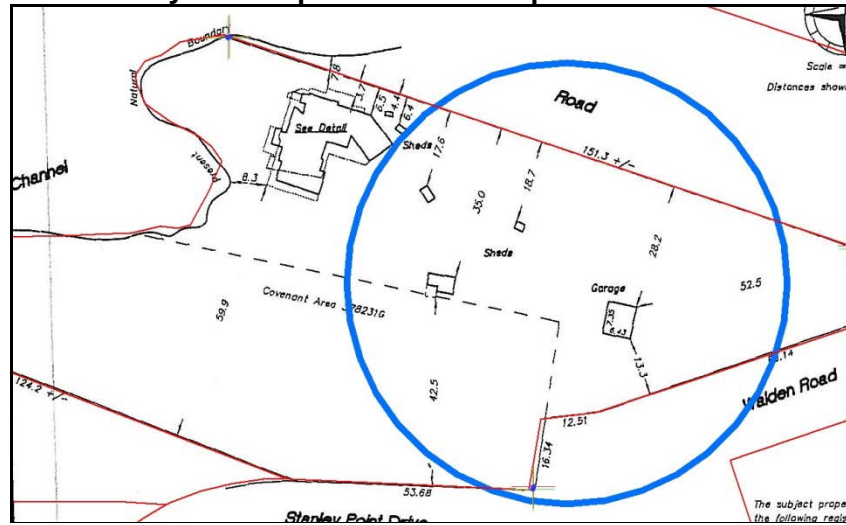
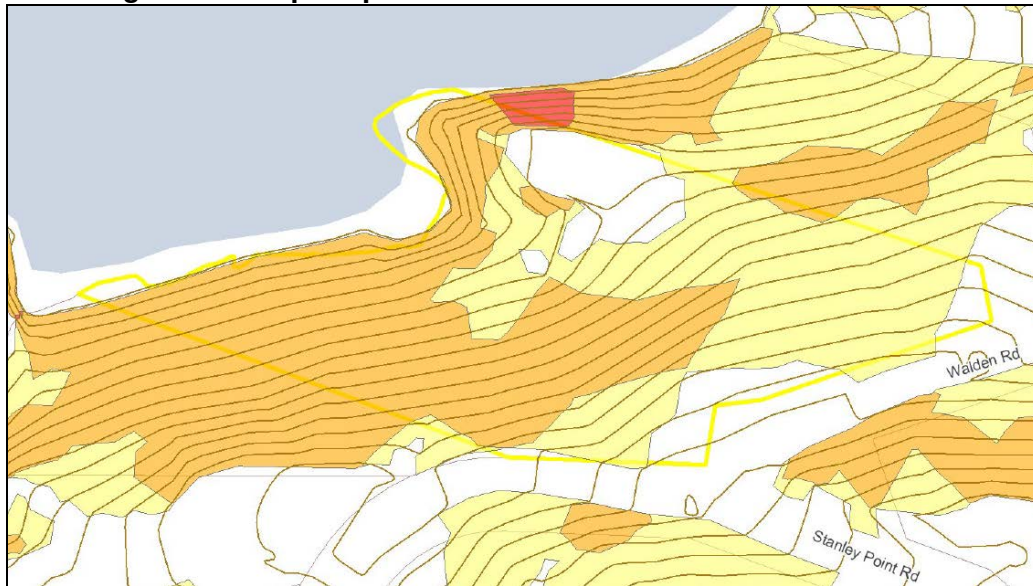


Figure 5: Steep Slope Hazard Areas and 2m Contour Intervals



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

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

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

Climate Change Mitigation and Adaptation

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

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

Other:

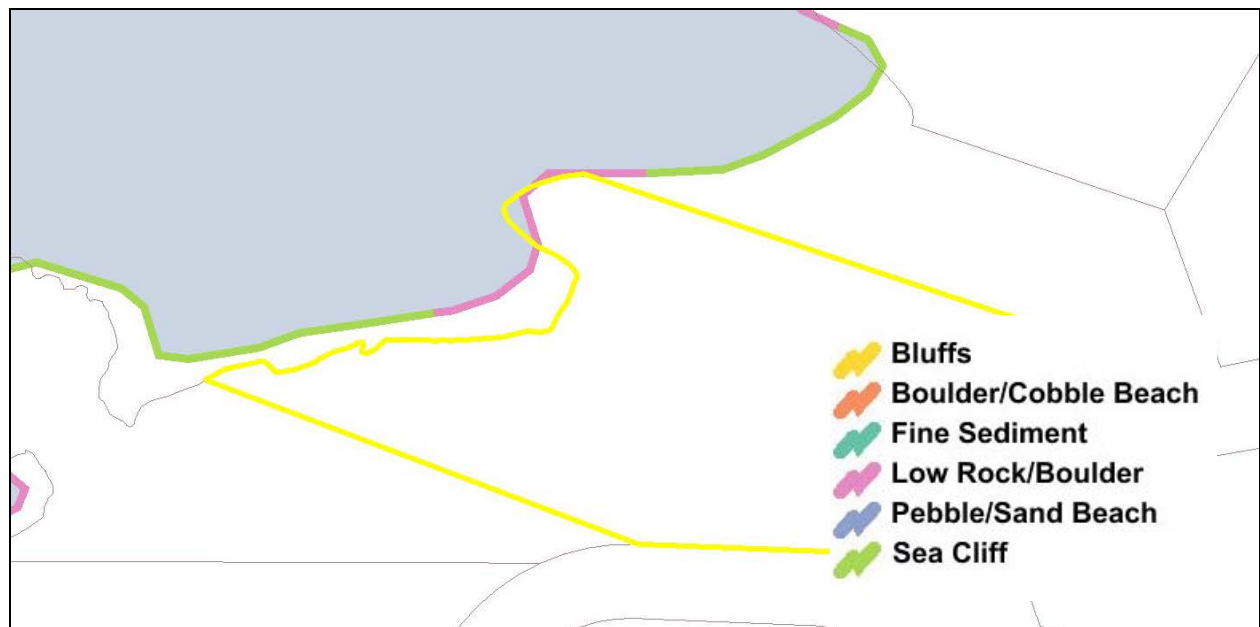
Shoreline:

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

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

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

Figure 6: Shoreline Type



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

RESULTS OF CIRCULATION:

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

ISSUES SUMMARY:

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

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

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

STAFF COMMENTS:

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

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

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

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

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

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

RECOMMENDATIONS:

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

Options:

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

Prepared and Submitted by:



November 6, 2012

Date

Concurred in by:

November 7, 2012

Date



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.

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.

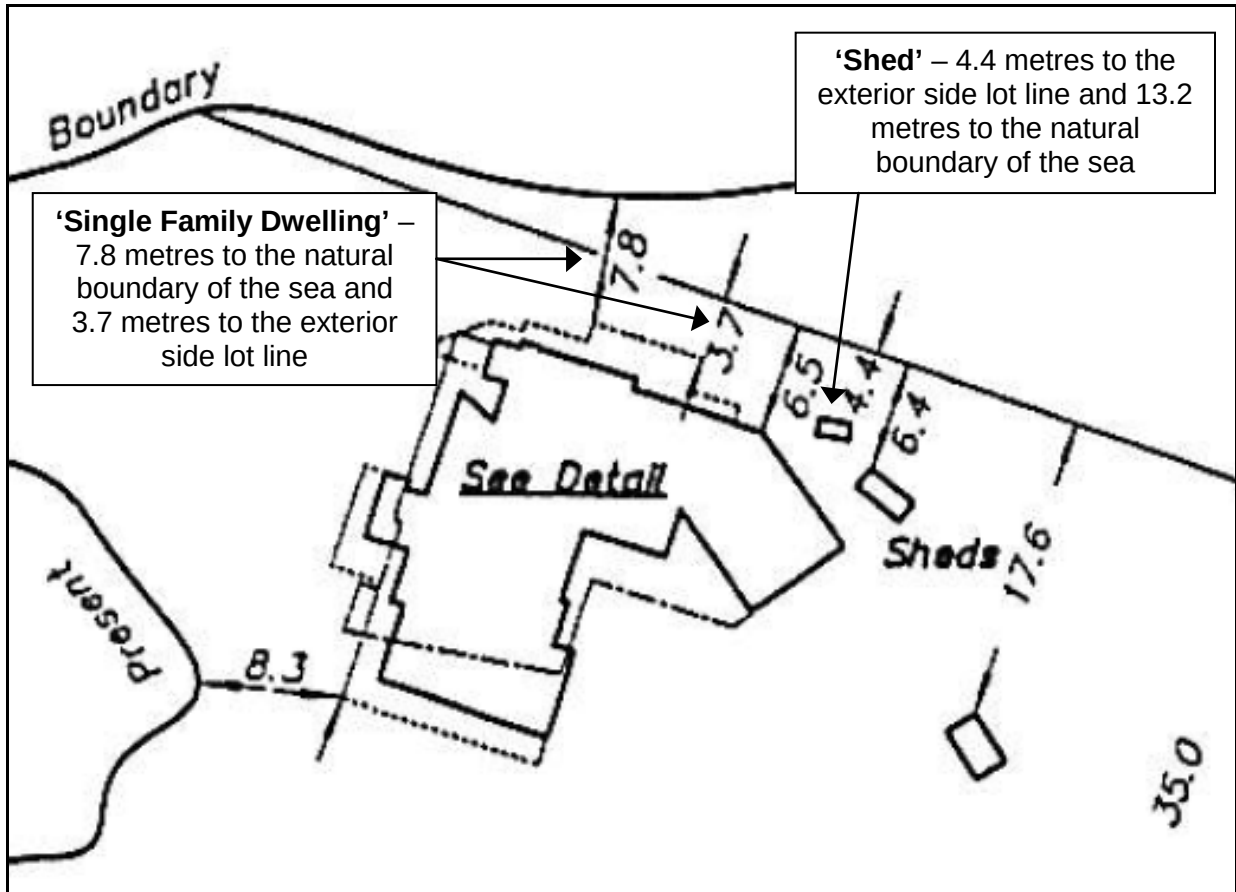
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

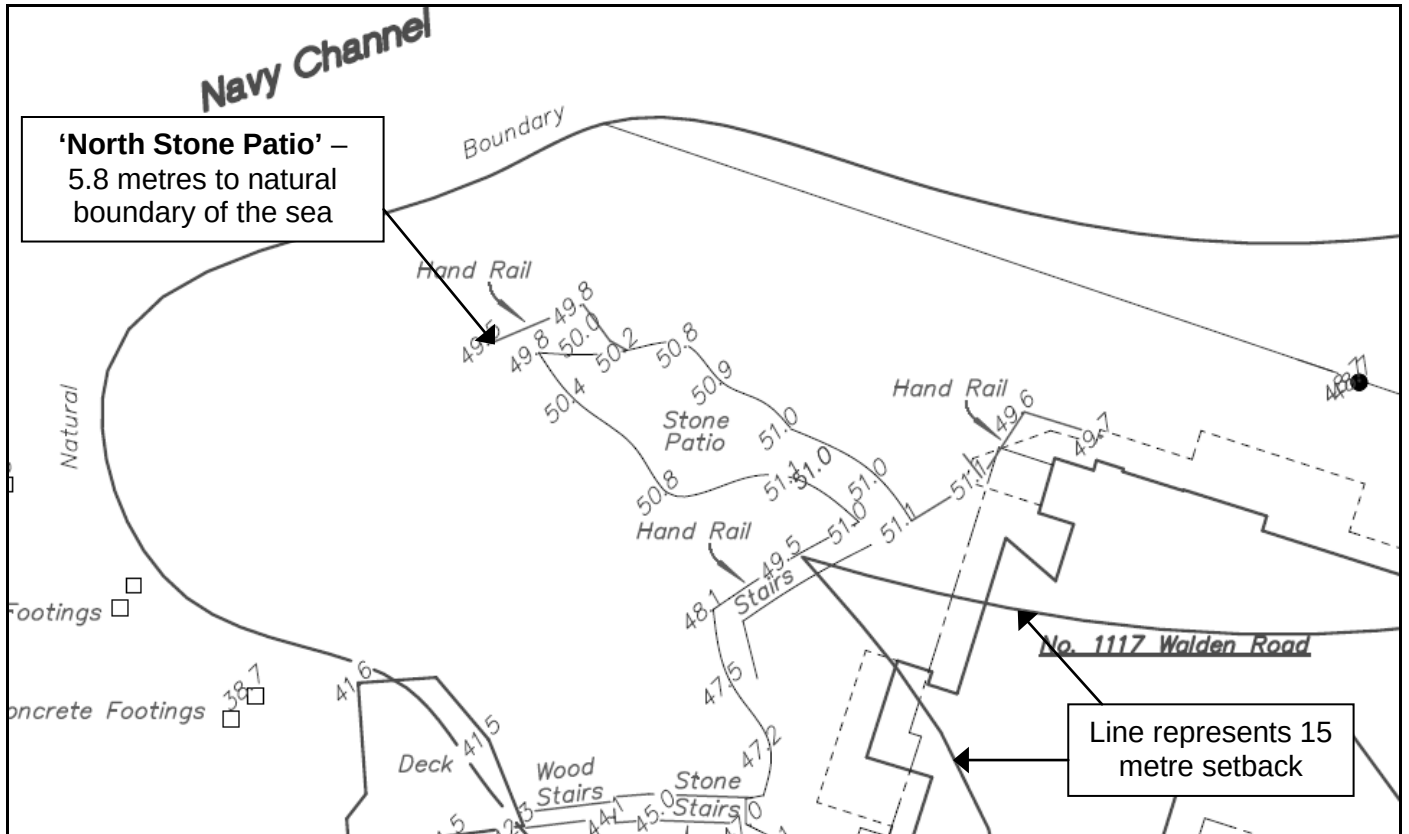
Date of Issuance

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

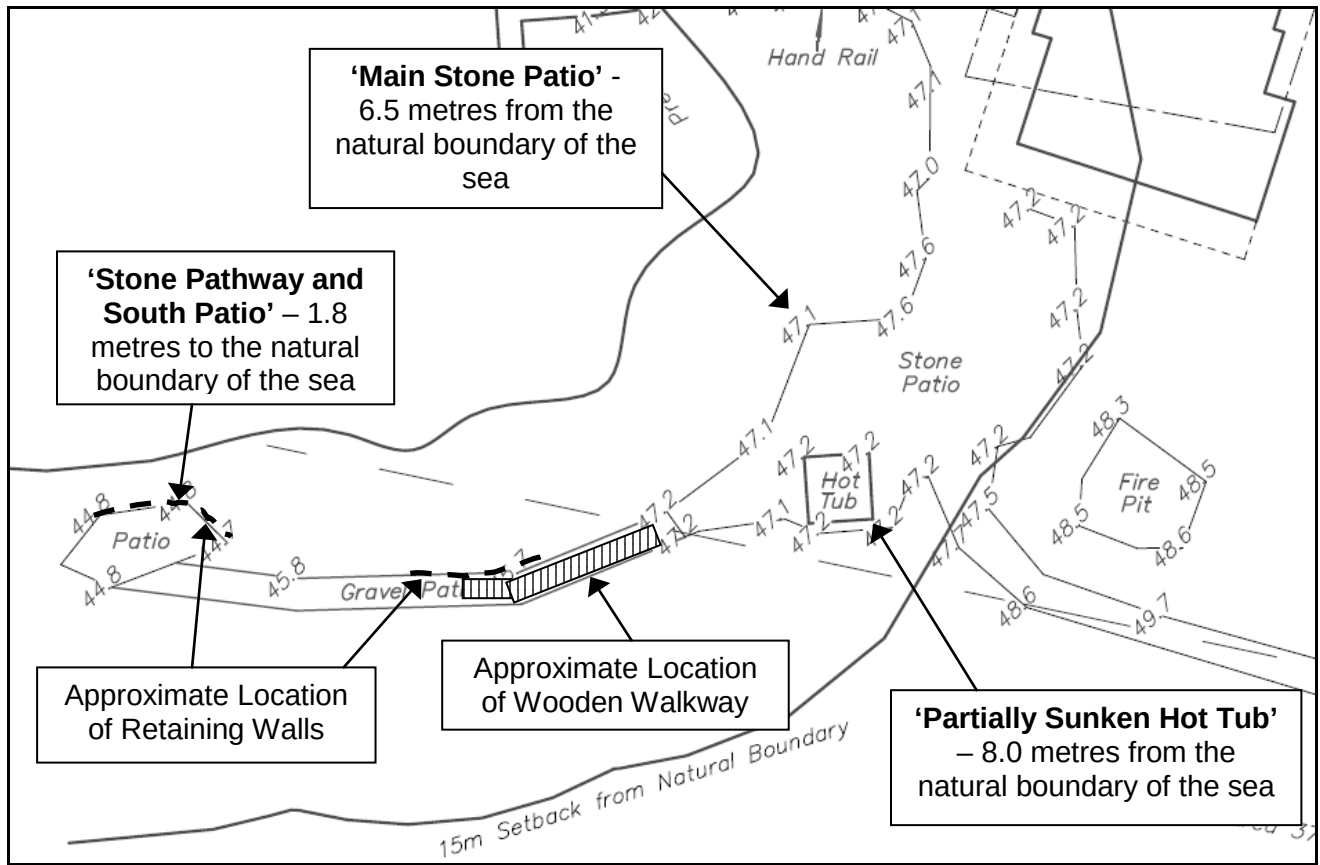
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.5
SCHEDULE 'A'



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.5
SCHEDULE 'B'



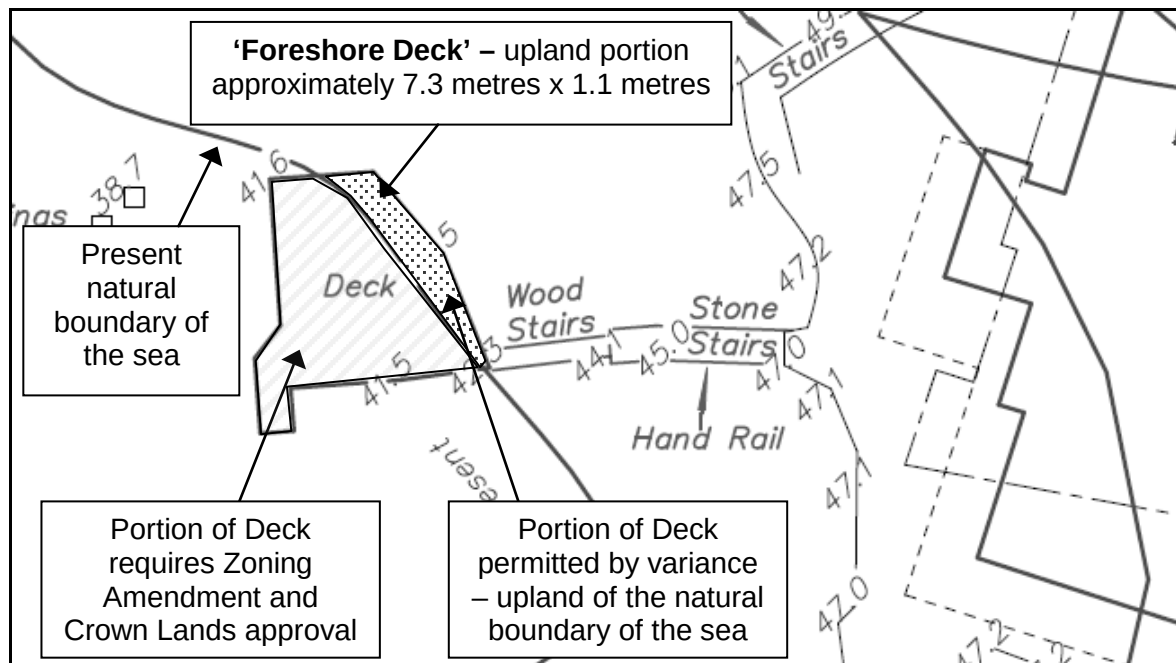
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.5
SCHEDULE 'C'



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2012.5

SCHEDULE 'D'



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

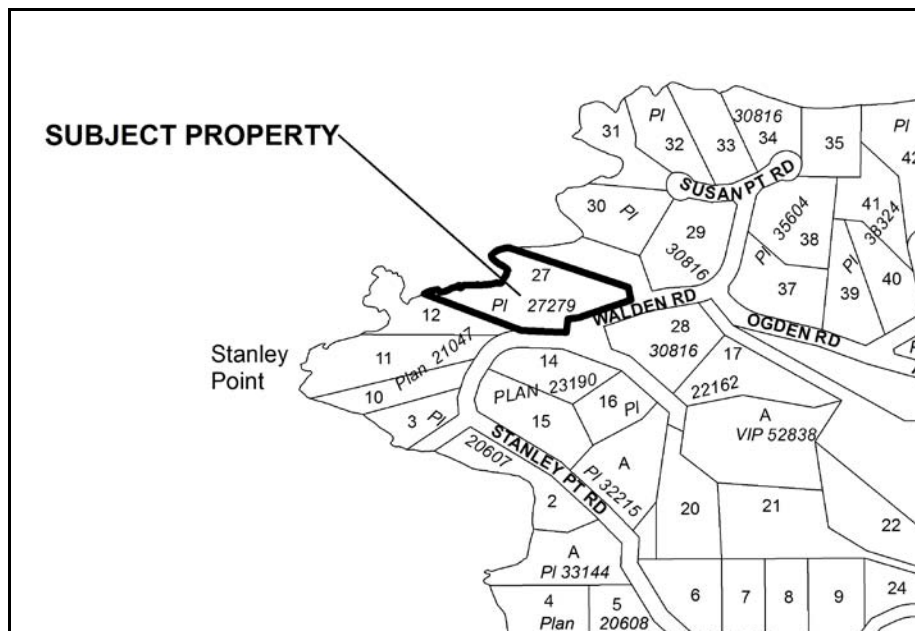
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw 103, 1996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

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

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

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

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



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

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

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

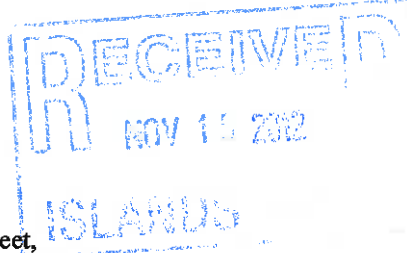
The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 9:45 a.m., November 29, 2012, at the Pender Island Community Hall on North Pender Island.

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

Kathy Jones
Deputy Secretary

Schedule C

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



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

Dear Andrea Pickard:

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

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

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

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

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

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

Yours truly,

A handwritten signature in blue ink that appears to read 'J. Howe'.

John Howe

A handwritten signature in blue ink that reads 'Rosemary Howe'.

Rosemary Howe

November 15, 2012

File No.: NP-DVP-2012.8(Caza)

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: Kirk and Rhonda Caza
Applicant: As above
Location: Sidney Island
 Strata Lot 129, Section 8, Sidney Island, Range 1E, North Saanich District,
 Strata Plan VIS5122 Together with an interest in the common property in
 proportion to the unit entitlement of the strata lot as shown on Form V.

THE PROPOSAL:

The purpose of the application is to vary the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB) regulations for the required setback to a lot line. The proposal is to vary the regulation generally for the lot lines forming a rectangular strip of Limited Common Property (LCP) extending into the centre of the subject property and therefore significantly reducing the available building envelope. The original intent of the LCP was for shared well sites but now each strata lot owner would provide their own source of potable water.

Staff were referred a building permit application for a single family dwelling in August 2011 when it was noted the location of an existing shed was sited too close to the property boundary of the (LCP). The owners pursued the option of consolidating the LCP into their strata lot; however, that process will take a considerable amount of time and may not be successful. Rather than applying only to legalize the shed staff has suggested reducing the required setback to the LCP as a more practical approach because the building envelope is significantly impacted and the setback provides little if any benefit. The required setback for all lot lines in the Sidney Island Comprehensive Zone is 10 metres, except for a 15 metre setback to the natural boundary of the sea. The subject property is also subject to the geotechnical covenant which would direct development away from the shoreline, which would be of a higher priority for protection than a setback to the LCP.

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

**Figure 1: Subject Property Showing Limited Common Property and 10 metre Setback
(Note: the correct setback to the sea is not reflected in this figure)**

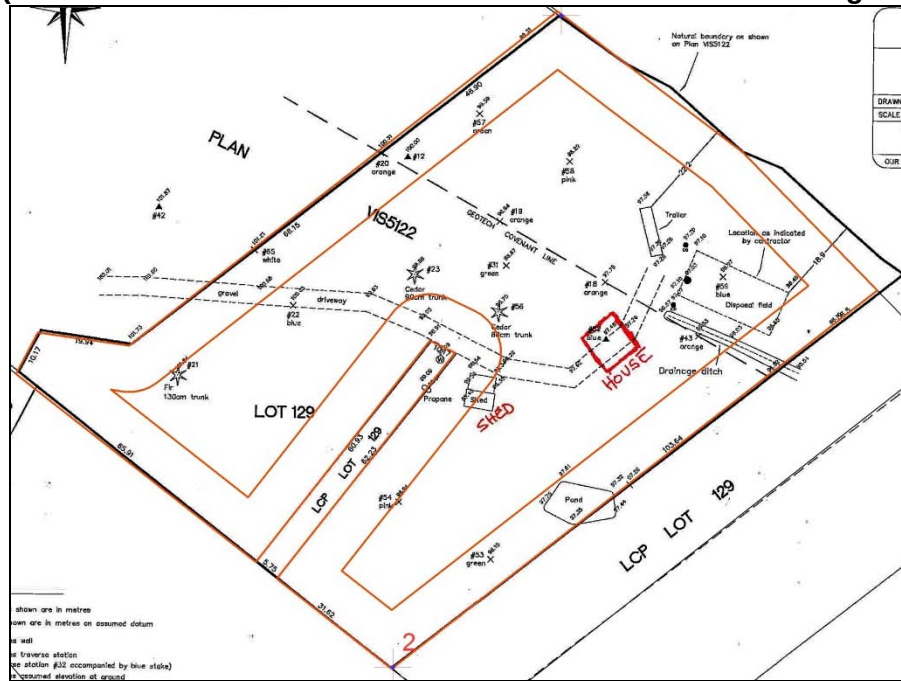
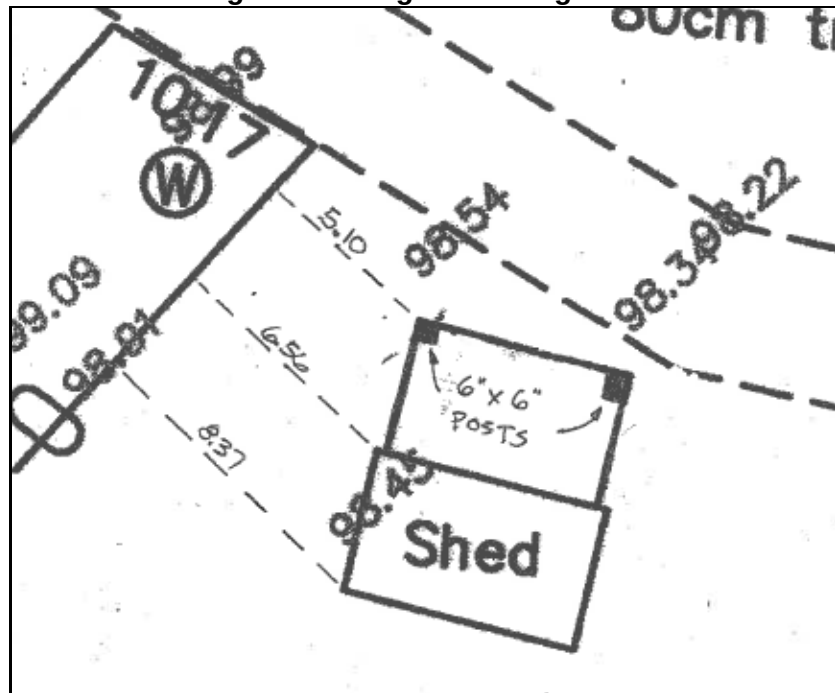


Figure 2: Siting of Existing Shed



SITE CONTEXT:

The subject property is a residential waterfront lot on the east side of Sidney Island facing Miners Channel. The property is 1.24 ha (3.07 ac) in size, similar to other Sidney Island properties.

Based on GIS data the property rises moderately to 12m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 18 m asl.

Figure 3: Subject Property Map

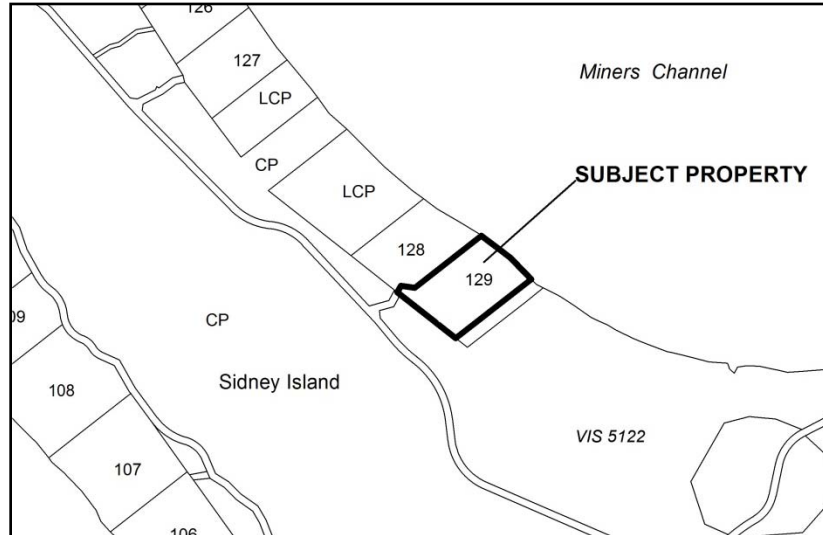


Figure 4: Orthophoto

**CURRENT PLANNING STATUS OF SUBJECT LANDS:**Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan:

There are no policies in the OCP directly relevant to this application.

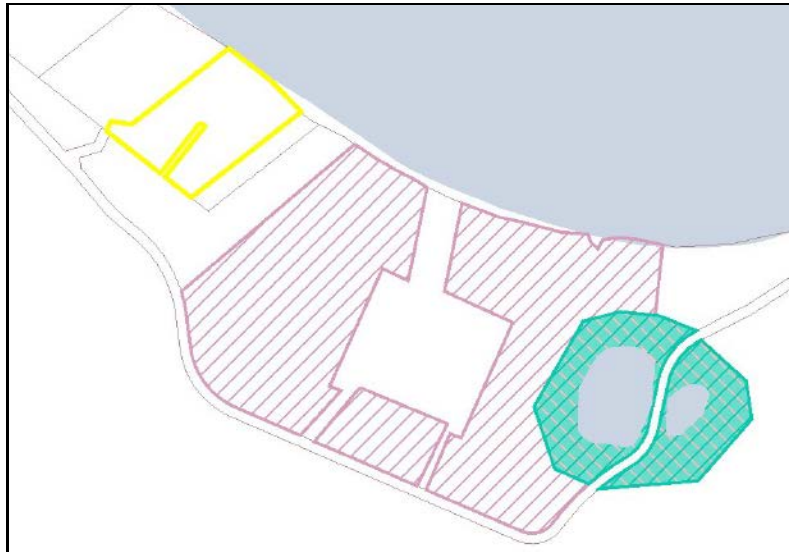
Land Use Bylaw:

The subject property is zoned Sidney Island Comprehensive Development Zone (CD2), as are all of the residential strata lots on Sidney Island. The adjacent strata lot to the north-west is also zone CD2. Surrounding common property is zoned Forestry One with adjoining Community Services One (S1) to the south-east. Marine waters to the north and east are zoned Marine Protection (W2), with the adjoining Marine Service (W3) zone to the east. The W3 zone is where the common dock is located.

Islands Trust Fund:

To the southeast of the subject property there is a LTC covenant area and a Trust Fund Board conservation covenant area by approximately 50 m and 350 m respectively. The application was referred to Trust Fund staff for their information. At the time of writing this report no comments or concerns have been raised.

Figure 5: Covenant Areas



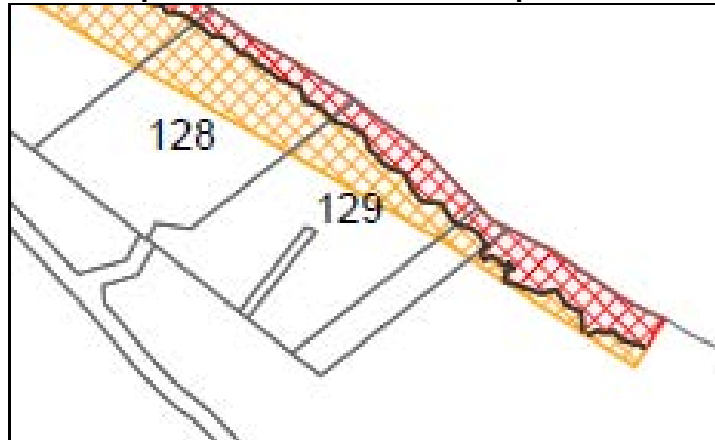
Sensitive Ecosystems and Hazard Areas:

The subject property is affected by the geotechnical covenant applicable to many Sidney Island properties. Based on the GIS contour data the slope would appear to be categorized as a moderate hazard. The slope angle increases in angle and height moving northward from the subject property. The draft Sidney Island Hazard Lands Development Permit Area with two areas delineating a relatively level upland area from the shoreline banks is shown below. The two areas reflect a 2 metre distance from the crest, or where a 10 degree or more slope continues to the base of the banks.

Figure 6: 2m Contour Intervals



Figure 7: Proposed Hazard Land Development Permit Area



Archaeological Sites: There is a registered archaeological site in the area and owners have previously been in contact with the Archaeology Branch at the time of their building permit.

Covenants: There are numerous registered covenants on the subject property which are either related to the geotechnical area, the conservation covenants, or a potable water requirement.

Climate Change Mitigation and Adaptation: The variance application would have little impact for climate change mitigation; however the reduced variance would increase the available building envelope and encourage any further developments to be located further away from the shoreline and geotechnical covenant boundary on the property. Since Sidney Island is not on the power grid all energy needs are provided by property owners, this may encourage the use of alternative, non-fossil fuel based energy sources.

RESULTS OF CIRCULATION:

Notice was circulated to the Strata Council and forwarded to all strata lot owners for comment through the Sidney Island owners' internal website. At the time of writing this report three

letters of support had been received and it is attached as Schedule C. If further comments are received they will be brought to the Local Trust Committee meeting.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The shed was inadvertently located too close to the property boundary. Being a non-resident they hired a builder to construct a shed in a suitable location for solar collection. The owners were not part of the process and they believe the builder made an error. There would be considerable cost to move the shed at this point. There is no impact to neighbours or other owners. The owners also own the only adjacent residential property. The shed also contains water cisterns making it more difficult to relocate.

The overall intent of the regulation being varied. The overall purpose of the setback regulations is to minimize impacts on adjacent property related to: building code requirements, aesthetic, and privacy concerns. Regulating setbacks also helps to provide a consistent pattern of development within a given zone.

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:

Setback regulations are intended to address a range of concerns that may arise when buildings or structures are placed too close together or to a lot line. In addition to privacy issues between adjacent neighbours, spatial separation of buildings as part of the building code, fire risk management, access for utility lines, and generally nuisance issues such as noise or light pollution can be addressed in part, through setback regulations. Setback requirements to a roadway can also impact the street scape at a human scale, vehicular access and parking, and expansion or future development within a road right-of-way. In this situation the setbacks to a property boundary encapsulated within the residential lot would have little benefit since there is no impacted neighbour and the setback to the front lot line would not be changed. The Limited Common Property (LCP) was intended for shared wells, although they are no longer anticipated for residential purposes. Even if wells on the LCP are utilized for emergency or firefighting purposes, maintaining the setback would not affect or limit an access to or through the LCP, which in this circumstance could be considered similar in effect to a statutory right-of-way.

Staff believes the setbacks provide no benefit, and in fact by reducing the available building envelope they may encourage developments to be moved closer to the shoreline banks and geotechnical covenant area. Although the single family dwelling is currently under construction away from the LCP, any additional accessory buildings or structures would benefit from more siting options with a reduced setback. Given the need for Sidney Island owners to provide their own services, there may be a need for more structures than would be anticipated on lots where public services are available.

An option could be to approve a variance for the shed only, however that would require the owner to apply for additional variances if any additional buildings or structures were proposed in the future within the setback to the LCP.

OPTIONS:

1. THAT Development Variance Permit NP-DVP-2012.8 (Caza) be amended to only authorize a variance for the existing shed as close as 5 metres to the lot line.
2. THAT Development Variance Permit NP-DVP-2012.8 (Caza) BE APPROVED AS AMENDED.

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2012.8 (Caza) BE APPROVED.

Prepared and Submitted by:



November 15, 2012

Date

Concurred in by:

November 16, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2012.8

To: Kirk and Rhonda Caza

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

Strata Lot 129, Section 8, Sidney Island, Range 1E, North Saanich District, Strata Plan VIS5122, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V. PID: 026-298-589.

2. North Pender Associated Islands Land Use Bylaw 148, 2003 is varied as follows:

a) Subsection 5.20(5) is varied to reduce the setback from 10 metres to 0 metres for the following lot lines:

- the three lot lines of the Limited Common Property located within the boundaries of Strata Lot 129 as shown on Schedule 'A', which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Associated Islands Land Use Bylaw No. 148, 2003" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

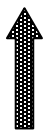
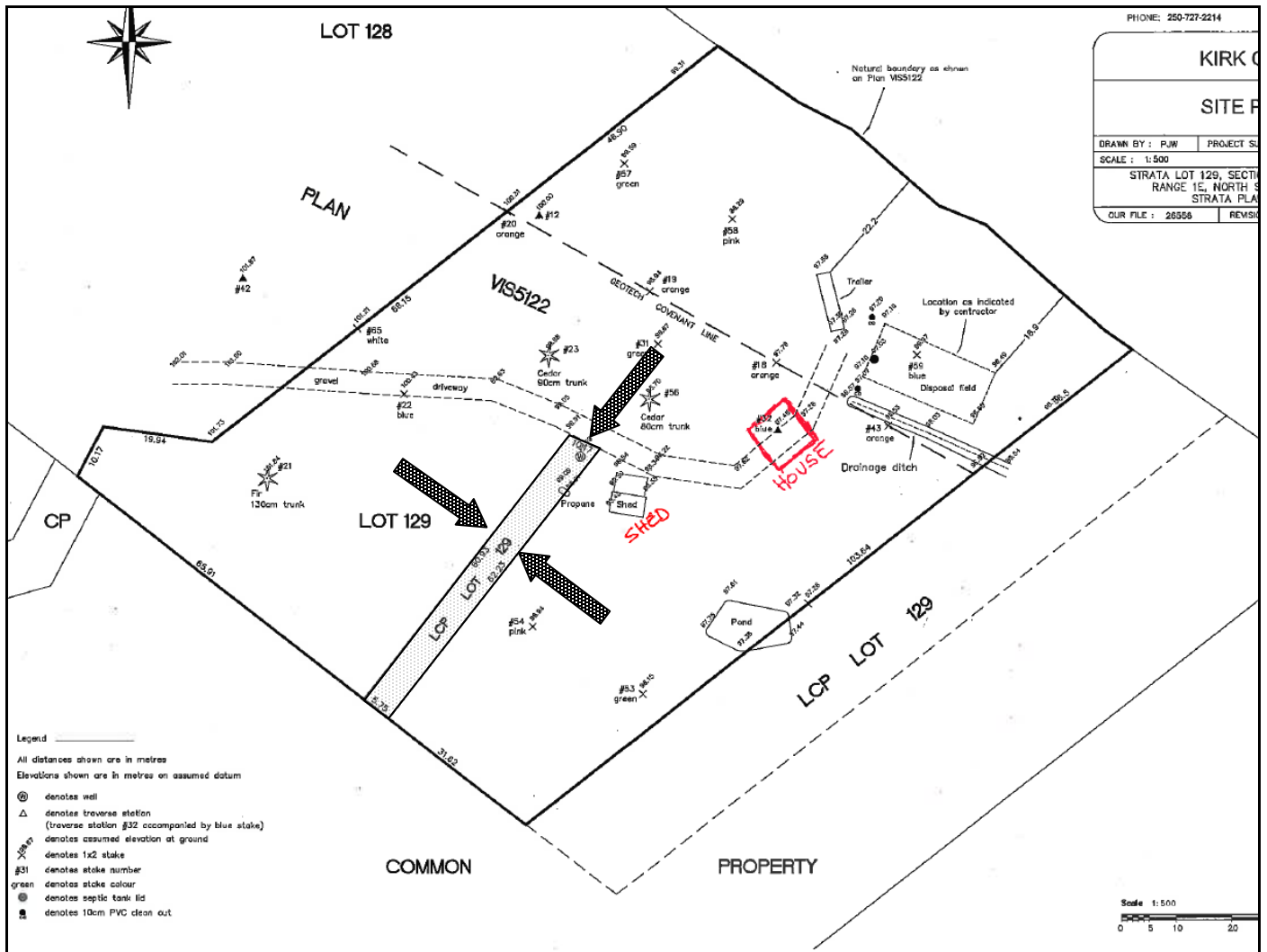
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2012.8
SCHEDULE 'A'



Indicates the affected lot lines of the Limited Common Property varied by this permit

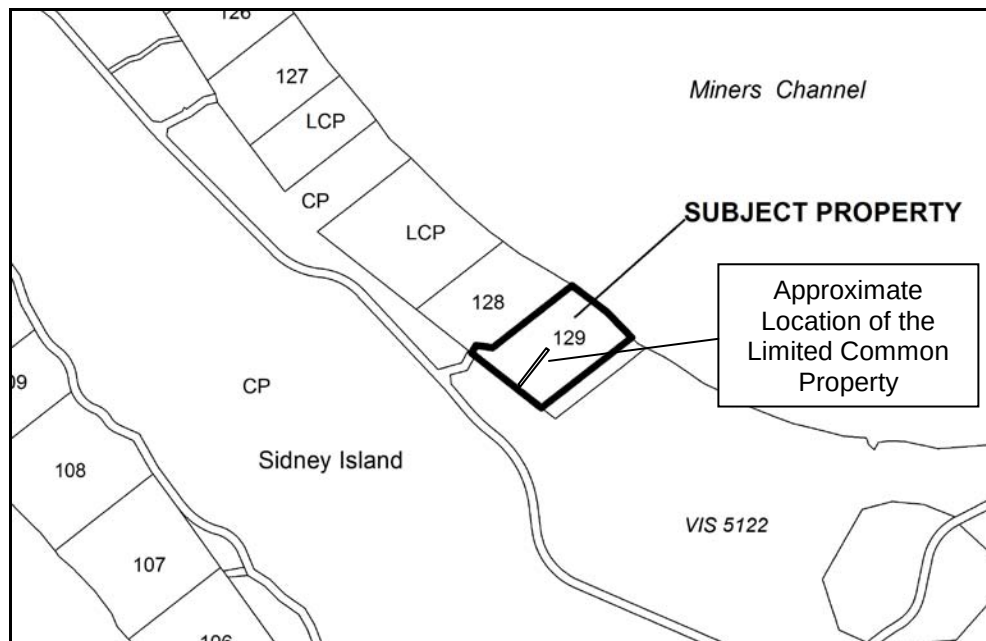
**NOTICE
NP-DVP-2012.8
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

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 Associated Islands Land Use Bylaw 148, 2003 by varying:

- a) Subsection 5.20(5) is varied to reduce the setback from 10 metres to 0 metres for the following lot lines:
 - the three lot lines of the Limited Common Property located within the boundaries of Strata Lot 129.

The property is located on Sidney Island and is legally described as, Strata Lot 129, Section 8, Sidney Island, North Saanich District, Strata Plan VIS5122, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on From V. PID: 026-298-589.

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

From: [information](#)
To: [Andrea Pickard](#)
Subject: FW: Request for variance, Sidney Island SL 129
Date: November-09-12 11:59:40 AM

From: Hilary Smith [mailto:hilary.smith@shaw.ca]
Sent: November-09-12 10:05 AM
To: information
Subject: Request for variance, Sidney Island SL 129

RE: NP-DVP-2012.8

We support the variance request of Kirk and Rhonda Caza to reduce the setback from 10 metres to 0 metres for the LCP shown on **Strata Lot 129**, Section 8, Sidney Island, Range 1E, Strata Plan VIS5122.

Regards,
Rob Milne & Hilary Smith
SL 54 & 55
Sidney Island

From: [Hedley](#)
To: [Andrea Pickard](#)
Subject: FW: variance application on Sidney
Date: November-21-12 9:48:48 AM

And a response from another owner.
Julia Hedley

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

From: Richard Hart [mailto:rw_hart@shaw.ca]
Sent: Monday, November 19, 2012 10:18 AM
To: Hedley
Cc: kcasa@hotmail.com
Subject: Re: variance application on Sidney

Thanks Julia
That explains it. I support Kirk's variance application.
Richard Hart Lot 85

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

From: "Hedley" <hedley@shaw.ca>
To: "Richard Hart" <rw_hart@shaw.ca>
Sent: Sunday, November 18, 2012 11:32:29 AM
Subject: RE: variance application on Sidney

Hello Richard:

I am forwarding an email from Kirk Casa. We had asked for an explanation of the request for variance on his property and this is his response:

As for the variance, my lot has a very odd feature with the finger of LCP sticking into the middle. It was done originally to provide public access to two wells at the end, which is an even odder thing. It apparently is a throwback to when there were 13 lots on the island and they needed access to another well. (The wells have been dry since I've owned the lot). After the subdivision the strip of common property was changed to limited common property so is no longer public.
I have pretty much ignored it but as it turns out, it is effectively a "boundary" even though it is internal and my shed was then built too close to a boundary. The variance is therefore permission to have my shed closer to the boundary than normally allowed. Since it is virtually the centre of my lot there should not be any impact to anyone else, just a housekeeping change for me that I'm not forced to move my shed a bit further away from the strip of LCP than where it currently sits. Islands Trust has actually been quite considerate over this. They could have held up my building permit but didn't and I have finally gotten around to applying for the variance. If that's not perfectly clear just let me know.

Regards,

Kirk Caza
Office/Mobile: 441-705-0990

I hope this helps.
Kirk's email is kcasa@hotmail.com. If you have more questions, I suggest you contact him directly.

Julia Hedley

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

From: Richard Hart [mailto:rw_hart@shaw.ca]
Sent: Friday, November 16, 2012 9:17 AM
To: Hedley

Subject: Re: variance application on Sidney

Hi Julia

Do you know what purpose there was for the narrow strip was on the property?

Richard

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

From: "Hedley" <hedley@shaw.ca>

To: "Hedley" <hedley@shaw.ca>

Sent: Thursday, November 8, 2012 8:04:05 PM

Subject: FW: variance application on Sidney

Hello owners:

Keith has asked me to forward this to you.

Julia Hedley

From: Keith Purchase [<mailto:keithpurchase@gmail.com>]

Sent: Thursday, November 08, 2012 3:59 PM

To: Julia Hedley

Subject: Fwd: variance application on Sidney

Julia,

Could you please circulate this variance to all owners. The owner of lot 129 also owns lot 128.

Keith

From: [Hedley](#)
To: [Andrea Pickard](#)
Subject: forwarded comments -FW: variance application on Sidney
Date: November-21-12 9:47:53 AM

Hi Andrea:
Here is response from Charles Draycott.
Julia Hedley

From: Charles Draycott [<mailto:charles@centuriongroupuk.com>]
Sent: Friday, November 09, 2012 4:16 AM
To: Hedley
Subject: RE: variance application on Sidney

I would like to support their application. Could you be kind enough to pass this on to where ever it needs passing?
Best regards,

Charles Draycott *BSc MRICS, MB. Eng*
Managing Director



T 01273 434 100
M 07539 007 007
F 01273 434 111

E charles@centuriongroupuk.com
W www.centuriongroupuk.com

Centurion House, 11 Prince Albert Street, Brighton, East Sussex BN1 1HE

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From: Hedley [<mailto:hedley@shaw.ca>]
Sent: 09 November 2012 03:04
To: 'Hedley'
Subject: FW: variance application on Sidney

November 19, 2012

File No.: NP-DP-2012.3 (Block)
X-reference NP-SUB-2012.2

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

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

**Re: Development Permit NP-DP-2012.3 (Block) for the purpose of a
Boundary Adjustment Subdivision**

Owner: Cyrus Block
Applicant: same
Location: 1201 Upper Terrace Rd and 1101 Stanley Point Drive
Lot 22, Plan 23051 and Lot A, Plan VIP52838, both of Section 23, Pender
Island, Cowichan District

THE PROPOSAL:

The development permit application is required due to a boundary adjustment subdivision of the subject properties that contain a sensitive woodland ecosystem development permit area (DPA). The proposed boundary adjustment would transfer 0.2 hectare (0.5 acres) between the two properties which are both owned by the applicant. The two properties have a total area of approximately 2.66 ha (6.58 ac) which is currently divided into two lots of 1.62 and 1.04 ha (4.0 and 2.58 ac). The boundary adjustment would alter that to be 1.82 and 0.84 ha (4.50 and 2.08 ac). One property has been developed with a larger residence and the boundary adjustment would add onto that property land which contains a chicken coop with enclosed run, a small shed-like play house and an upslope area that would be difficult to access from the lower, less developed lot. Presumably this would permit the owners, who reside on the upper lot, to eventually sell the lower property while maintaining the small accessory structures as part of their property.

Both properties involved with the proposed boundary adjustment have existing residential developments; however as noted above one has a more substantial residence than the other. A draft permit is attached as Schedule A.

As a condition of final subdivision a resolution of the North Pender Island Local Trust Committee (LTC) waiving the requirement for a minimum of 10% of the lot perimeter as road frontage in accordance with s. 944.2 of the *Local Government Act* is required. The lot frontage waiver is applicable for both proposed lots.

SITE CONTEXT:

Both of the subject properties are used for residential purposes and share their rear lot lines. Access for the south-eastern property is from Upper Terrace Road while the north-western property is accessed from Stanley Point Drive. Both properties also share a lot line with George Hill Community Park. The subject properties are similar in size to surrounding residential properties.

Based on GIS data the southern property rises gradually from 72 metres asl to 102 metres in a north-easterly direction. The northern property rises from 56 metres to 96 metres in west-east direction to a ridge extending through the adjacent park.

Figure 1: Subject Properties Map

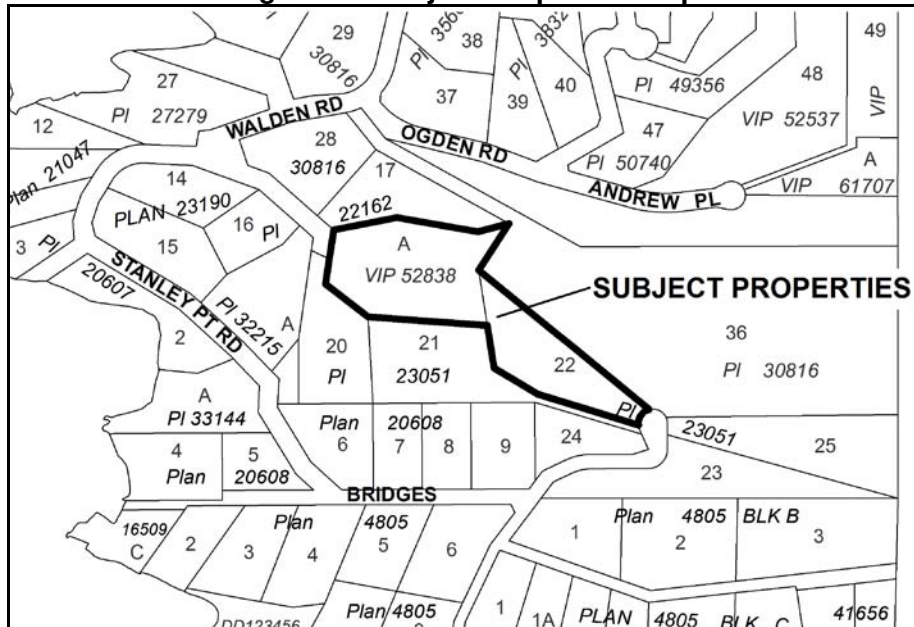
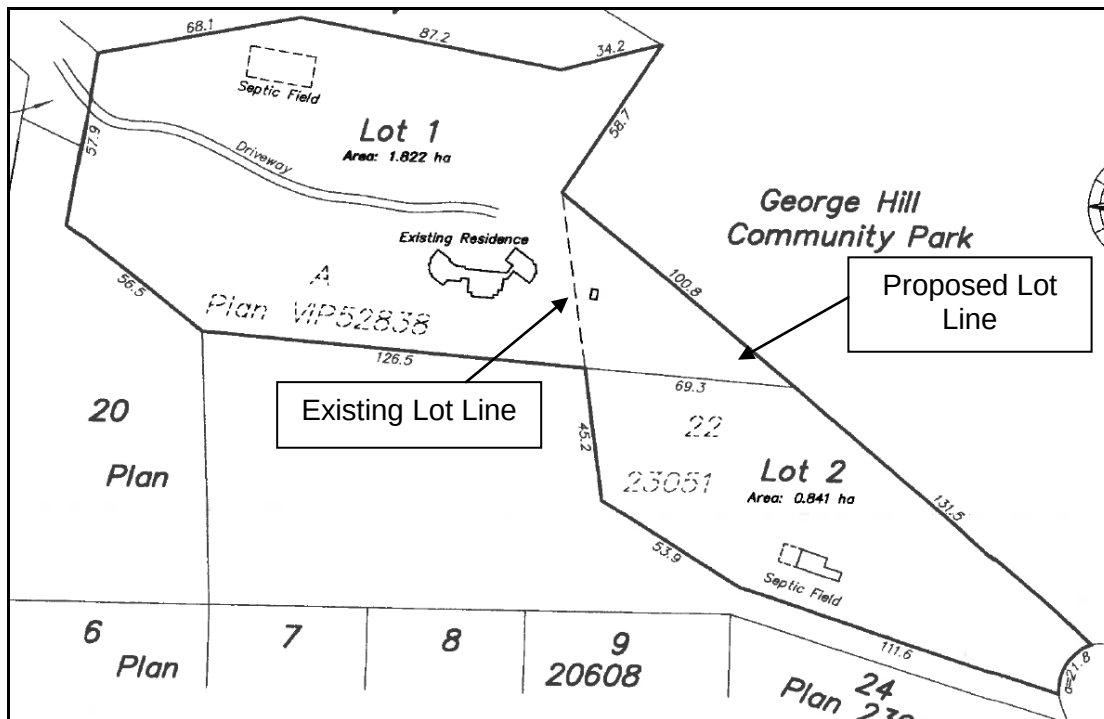


Figure 2: Subject Properties with Orthophoto



Figure 3: Proposed Subdivision Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Applicable directive policies in the Islands Trust Policy Statement include:

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

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

Official Community Plan: The subject properties are designated Rural Residential (RR) in the OCP.

Land Use Bylaw: The subject property is split zoned Rural Residential (RR) in the Land Use Bylaw (LUB). Neighbouring properties are zoned:

- North: Community Park 1 (George Hill Park) and Rural Residential
- East: Community Park 1 (George Hill Park)
- South and West: Rural Residential

Sensitive Ecosystems and Hazard Areas: The subject properties contain development permit areas (DPA) for a sensitive woodland ecosystem.

The steep slope mapping identifies areas of low and moderate hazard. The existing residential development is not within an area identified as steep slope hazards.

Figure 4: Sensitive Ecosystem Development Permit Areas

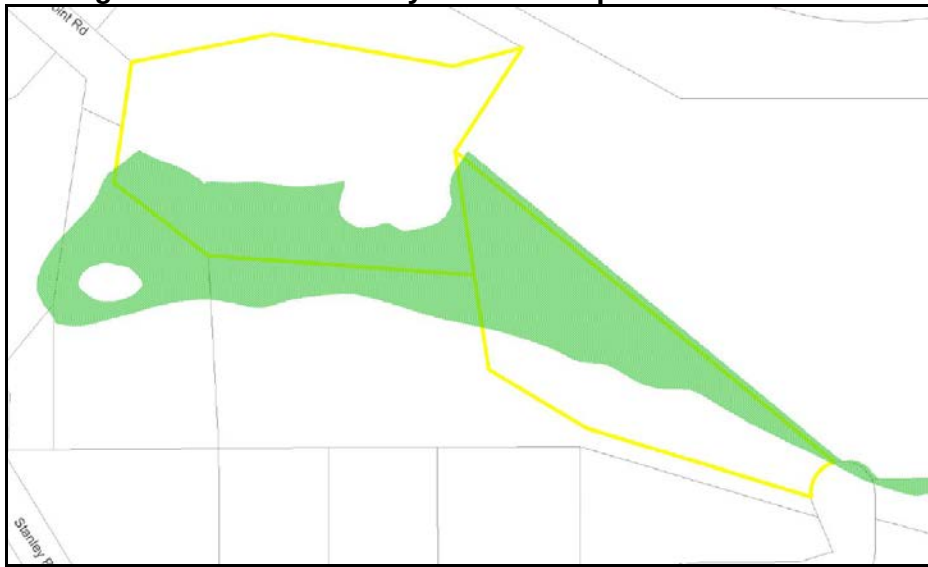
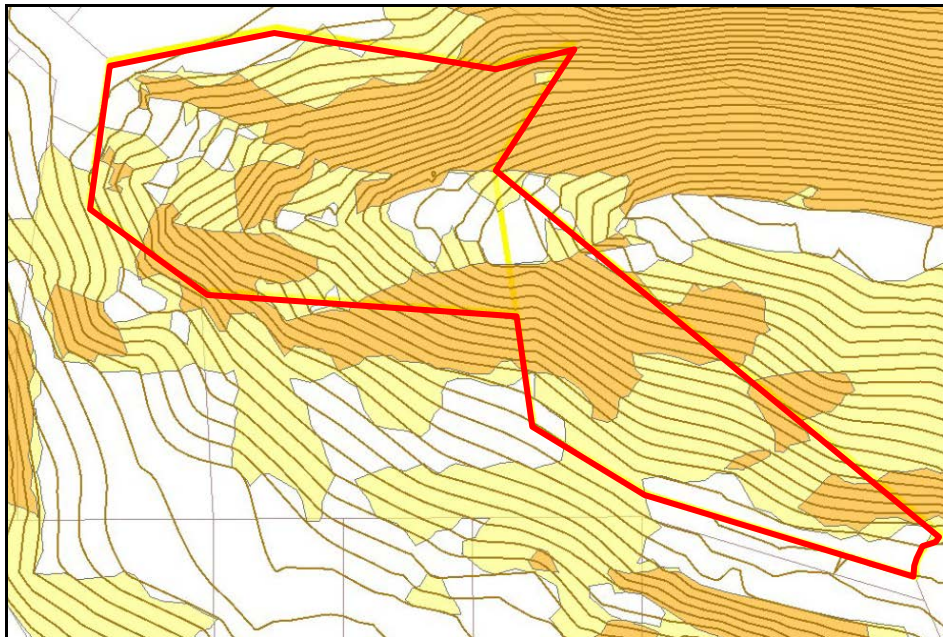


Figure 5: Two metre Contour Intervals and Steep Slope Hazard Areas



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

Covenants: There are restrictive covenants registered on both titles that replicate the conditions in a registered building scheme. The covenants restrict development of the property and are not affected by the proposed boundary adjustment.

There is also a section 219 covenant in held by the Ministry of Transportation and Infrastructure and CRD Building Inspection Services restricting the siting of buildings or structures due to geotechnical concerns. The proposed boundary adjustment does not affect the covenant area.

Trust Fund Board: There are conservation covenants registered on properties adjacent to the subject properties. The application was referred to Trust Fund staff for comment and at the time of submitting this report no comments or concerns have been received.

Figure 6: Conservation Covenants



Climate Change Adaptation and Mitigation: The property is currently developed and the proposed boundary adjustment would not be impacted by climate change.

Other:

Biologist's Report: A biologist's report was submitted which notes the woodland ecosystem present on the two lots would not be negatively impacted by the proposed boundary adjustment. The report is attached as Schedule B.

Guidelines Checklist: The DP guidelines checklist is attached as Schedule C. The checklist includes only the subdivision policies and not the overall or ecosystem specific guidelines. This is because there are no land alterations or developments proposed at this time and the other guidelines would not be applicable. Any future land alterations or development within the DPA's would require a separate permit.

STAFF COMMENTS:

Since both lots involved with the boundary adjustment are already developed with residential dwellings, septic fields, and driveways it is anticipated that there are minimal impacts to the land with new development. The biologist's report confirms that no negative impact to the woodland ecosystem DPA would occur.

Section 944 of the *Local Government Act* requires that the minimum frontage of a lot must be the greater of the minimum established by bylaw or 10% of the perimeter. This section also establishes that the local government can waive this latter requirement. The frontage of

proposed Lot 1 would be 5.6% and Lot 2 would be 4.6%. Both lots meet the 20 metre minimum road frontage required in the LUB and as no new road access is being created the owner has no options available to avoid this situation.

A site visit confirmed that due to the surrounding topography, the steep slope between the two parcels and the location of the existing developments the boundary adjustment appears to be quite appropriate and staff has identified no concerns.

RECOMMENDATIONS:

1. THAT Development Permit NP-DP-2012.3 (Block) BE APPROVED.
2. THAT the North Pender Island Local Trust Committee waives the requirement to meet the minimum of 10% lot frontage for proposed Lots 1 and 2 for subdivision NP-SUB-2012.3 (Block).

Prepared and Submitted by:



Andrea Pickard

November 19, 2012

Date

concurring in by:



Regional Planning Manager

November 20, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2012.3

To: Cyrus Block

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

Lot A, Section 23, Pender Island, Cowichan District, Plan VIP52838
PID: 017-453-003, and

Lot 22, Section 23, Pender Island, Cowichan District, Plan 23051
PID: 003-202-747

2. This Development Permit authorizes a boundary adjustment subdivision involving the above noted properties which contain sensitive woodland ecosystem development permit areas, subject to the following conditions:

(a) The boundary adjustment subdivision shall be substantially consistent with Schedule "A" attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ day of ____, 201__.

Deputy Secretary, Islands Trust

Date Issued

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

a Boundary Adjustment Of:
Plan VP52838, And
Plan 23051, Section 23,
Island, Cowichan District.

22162 17

Distances shown are in metres.
Scale = 1: 1500

George Hill Community Park

Existing Lot Line

Lot 1
Area: 1.822 ha

Septic Field

Driveway

Existing Residence

Lot 2
Area: 0.841 ha

Septic Field

New Lot Line

Rem. 21

Plan VP52838

Plan 23051

Plan 24

Plan 23051

Plan 20

Plan 23

Plan 19

Plan 6

Plan 7

Plan 8

Plan 9

Plan 20608

Plan 21

Plan 22

Plan 23

Plan 24

Plan 25

Plan 26

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Plan 404

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Plan 406</

August 11, 2012

Andrea Pickard
Island Planner
Islands Trust
200 - 1627 Fort St
Victoria, BC
V8R 1H8

Re: Subdivision Application Involving Development Permit Area (DPA) One (Woodland) on Block Properties, Lot A, Plan 52838, and Lot 22, Plan 23051, Section 23, Pender Island, Cowichan District

Dear Andrea,

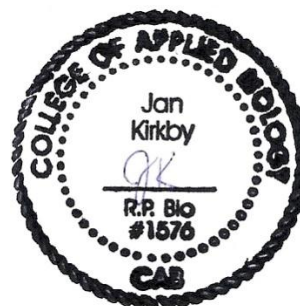
In July 2012, I viewed the area proposed for subdivision on the Block properties named above to evaluate potential impacts to a sensitive Woodland ecosystem from proposed property line adjustment. The purpose of the property boundary change subdivision is to slightly increase the amount of land associated with Lot A (labeled Lot 1 in Figure 1) by removing a small triangular piece of land from Lot 22 (labeled Lot 2 in Figure 1) in order to include within the boundary of Lot A an existing chicken house and run (see small square indicating location of chicken house within triangular piece in Figure 1) as well as a small playhouse.

The upslope area proposed to be added to Lot A is highly disturbed (see Photos 1,2,&3), with high cover values of Scotch broom and other invasive exotic plant species. No Garry oak trees are within the area proposed for inclusion in Lot A. I have reviewed the subdivision guidelines, and find that Lot 22 will be of sufficient size post-subdivision located to avoid alteration, fragmentation or degradation of the Woodland ecosystem (see Photo 2).

Because the purpose of the proposed subdivision is solely to alter property boundaries without further development in or around the DPAs, the alteration of property boundaries will not negatively impact the Woodland ecosystem on the two lots.

Please let me know if you have any questions on the information and findings above, or if you need more information.

Respectfully,



Jan Kirkby, M.Sc., R.P.Bio.
Principal, Linnaeus Environmental Consulting



Figure 1 Plan of Proposed Subdivision

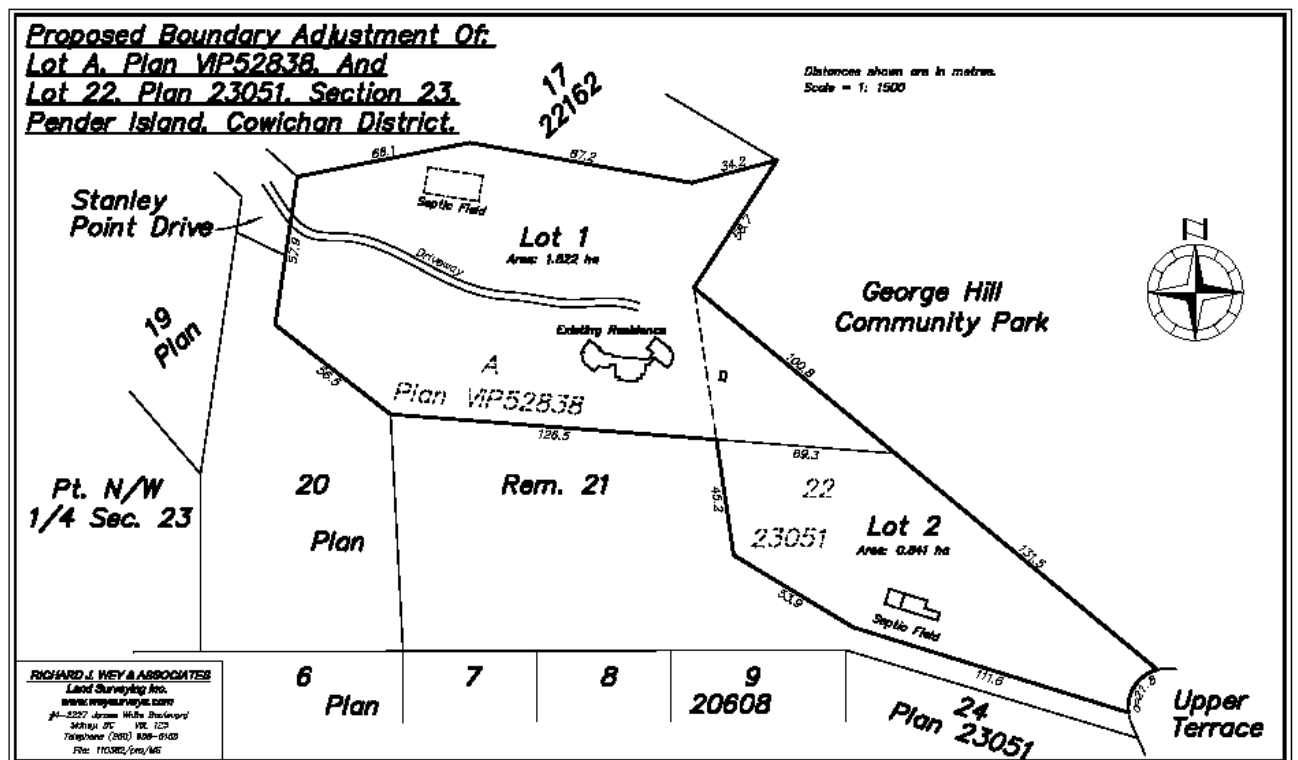


Photo 1 Disturbed area proposed for lot line alteration. Playhouse (visible on left) is located at southern edge of and within the triangular piece proposed for inclusion in Lot A.



Photo 2 Area below playhouse (visible at top right) that would remain in Lot 22

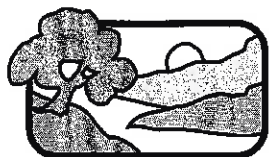


Photo 3 Additional photo of disturbed area proposed for inclusion in Lot A (existing fencing for chickens visible)



DPA Checklist: NP-DP-2012.3 (X-ref NP-SUB-2012.2) Boundary Adjustment Subdivision

Guidelines	Comments
<i>Subdivision DPA Guidelines</i>	
1. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.	No new lots to be created and both lots have existing development with access, services and dwellings.
2. Sensitive ecosystems and habitat should be protected from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.	No new development proposed.
3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.	None recommended
4. Lots should be configured to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.	Driveways currently in place and are outside of the DPA
5. A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	Existing wells in situ
6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.	Existing septic fields in situ
7. Storm water management systems, where needed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.	No new development proposed
8. Where applicable, lots should be configured to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.	n/a
9. Pre-designation of building sites may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	n/a
10. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a sensitive ecosystem or habitat.	None required.



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: South Pender Island Local Trust Area

Bylaw No.: 111

Date: September 20, 2012

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 following 30 days.

APPLICANTS NAME / ADDRESS:

LTC-initiated

PURPOSE OF BYLAW:

The South Pender Island Local Trust Committee is currently amending their Land Use Bylaw; the key amendments are summarized below.

- Floor area would be measured from the interior side of the outside walls rather than the exterior side: the objective is to remove a barrier for owners considering cob, straw bale or low energy building using double walled, R-40 design.
- Allowing ocean-based geoexchange (geothermal) systems in the marine zones, which would be limited to systems using only freshwater as the circulating heat transfer fluid.
- Permit and regulate storage buildings as a principal use in zones where a residential use is also permitted; this would allow one storage building to be legally constructed without a dwelling on the property.
- To change the required setback for pump/utility houses from 0 (currently exempt) to 3.0 metres to coincide with building code requirements.
- Reduce the setback for ground level solar collectors, less than 4.6 metres in height to 3.0 metres.
- Allow attached dwellings on those lots where two or more dwellings are permitted.
- Limit the maximum size of a single family dwelling to 375m² (4036ft²).
- Exempt above or below ground utility lines from the definition of structure, setbacks would then not apply.

GENERAL LOCATION:

South Pender Island Local Trust Area

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

The South Pender Island Land Use Bylaw is available for your reference on-line at:
<http://www.islandstrust.bc.ca/lc/sp/pdf/spbylbaselub0092.pdf>

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.

Keithy Jo
(Signature)

AP

Name: Andrea Pickard

Title: Island Planner

Telephone: 250-405-5189

Email: apickard@islandstrust.bc.ca

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada
Department of Fisheries & Oceans – Small Craft Harbour Branch

Provincial Agencies

Ministry of Transportation & Infrastructure – Saanich Area Office
Agricultural Land Commission
Ministry of Forest, Lands & Natural Resource Operations –
Ecosystems Protection
Ministry of Forest, Lands & Natural Resource Operations – Crown
Lands & Resource

Non-Agency Referrals

Islands Trust Fund
Islands Trust Bylaw Enforcement

Regional Agencies

Capital Regional District – Building Inspection
Vancouver Island Health Authority

Adjacent Local Trust Committees and Municipalities

Saturna Island Local Trust Committee
North Pender Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - Te'mexw Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

South Pender Island Trust Area

(Island)

111(South Pender)

(Bylaw Number)

(Name)

(Signature)

(Title)

(Agency – Please Print)

(Phone Number)

(Date)



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna **Bylaw No.:** 110 (LUB) **Date:** November 16, 2012

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 is anticipated to be held February 14, 2013.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

To amend the Saturna Island Land Use Bylaw to permit 'ocean loop geo-exchange systems' in the water zones and to include a definition.

GENERAL LOCATION:

Saturna Island

LEGAL DESCRIPTION:

N/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

NA

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

See staff report attached.

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

(Signature)

Name: Gary Richardson

Title: Island Planner
Phone: 250-405-5157

This referral has been sent to the following agencies:

Federal Agencies

Department of Fisheries and Oceans

Provincial Agencies

Ministry of Forests, Lands and Natural Resource Operations -
Crown Lands & Resource: Wallace, Bonita
Ministry of Environment : Barr, Brenda

Non-Agency Referrals

Regional Agencies

CRD Building Inspection

Adjacent Local Trust Committees and Municipalities

North Pender Local Trust Committee
South Pender Local Trust Committee
Mayne Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip
Tsawout
Tsawwassen First Nation
Tseycum First Nation

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

Saturna Island Trust Area

(Island)

110 (LUB)

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

November 20, 2012

File No.: NP-LUB-2011.1 and
NP-OCP-2011.1

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

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Amendments to North Pender Associated Islands Bylaws

PROJECT BACKGROUND:

The North Pender Island Local Trust Committee (LTC) has identified a technical review of the North Pender Associated Islands Bylaws as they pertain to Sidney Island as a top priority on the work program.

At the October LTC meeting draft bylaws were reviewed with First Reading given to the Land Use Bylaw (LUB) amending bylaw number 187 and revisions requested for the Official Community (OCP) amending bylaw number 189.

Bylaw 189 Amending the Official Community Plan

The revisions requested for Bylaw 189 (OCP amendments) were to remove the exemptions for fences and limit the extent of tree removal within proposed Area B that would be exempt from requiring a Development Permit (DP). Attached to this report as Schedule A is a revised version of Bylaw 189 using the mark-up function for consideration by the LTC. The version attached limits the removal of trees as follows:

- 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.

An alternative consideration of exempting fences with some limitations is also included as follows:

- 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.

Given the on-going deer population management problem on Sidney Island, the lack of retail or commercial food availability and that owners may want to protect garden areas, some form of limited fencing may be an appropriate consideration. It would seem consistent to allow fences provided no trees are removed.

Additionally an amended map schedule has been proposed which notes the basis on which Area A and B are differentiated within the development permit area.

Bylaw 187 Amending the Land Use Bylaw

Upon further review of the bylaw additional recommended amendments are being proposed by staff. Staff is recommending that the LTC consider giving Second Reading of Bylaw 187 to the amended version. The proposed amendments are shown using the mark-up function in Bylaw 187 attached to this report as Schedule B.

The new recommended amendments are:

- Clause 25 is recommended to be deleted since it was included by error. The Community Services Four zone applies to James Island and should not have been included with these amendments for Sidney Island only.
- Clause 60 and 61 are updates to the site specific zoning table to reflect the current legal descriptions, which changed after the subdivision was finalized, and to correct the numeric cross reference within the specific regulation.
- Clause 62 renumbers the site specific zones subsection 5.20(11) to 5.20(12) to allow for a new subsection 5.20(11).

COMMUNICATIONS:

Once the LTC directs staff to schedule a Public Hearing, official notice will be circulated to all property owners on Sidney Island through the property owners' internal website.

Owners of other Associated Islands will be sent a letter of information, noting that the amendments would not impact their property concurrently when notice of a Public Hearing is advertised.

STAFF COMMENTS:

The LTC must now give direction to staff on how to proceed.

The next steps in the process are:

- Provide staff direction on which amendments you want to proceed with and any revisions,
- Consider First Reading of draft Bylaw No. 189,
- Consider Second Reading of the amended version of Proposed Bylaw 187,
- Schedule a Community Information meeting (CIM) in conjunction with the Public Hearing (PH) for a weekend in the town of Sidney (target date of Saturday January 26th),
- Following the CIM and PH Consider any amendments to the proposed bylaws and proceed with Second and Third Readings,
- Forward to Executive Committee for approval,

- Refer to the Ministry of Community, Sport and Cultural Development (OCP only) for approval,
- Once approval is received, give Final Adoption to the bylaws.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee give First Reading to revised draft bylaw 189 cited as North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011.
2. THAT proposed bylaw 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.
3. THAT the North Pender Island Local Trust Committee give Second Reading to proposed bylaw 187 cited as North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011 as amended.
4. THAT the North Pender Island Local Trust Committee direct staff to Schedule a Community Information Meeting in conjunction with a Public Hearing for a weekend date to be held in the Town of Sidney.

Prepared and Submitted by:



Andrea Pickard

November 20, 2012

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

November 20, 2012

Date

DRAFT

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~~ ~~Schedule D – Land Use Policy Map, 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.

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.

PUBLIC HEARING HELD this day of 2011

READ A THIRD TIME this _____ day of _____ 2011

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT this
day of 2011

SECRETARY

Page No. 78

**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

SOFT



HARD

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.

g) Construction of a fence within Area B.

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.

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

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

~~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, asphaltting or similar surfacing.

l) Subdivision not involving land alteration.

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(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, asphaltting 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

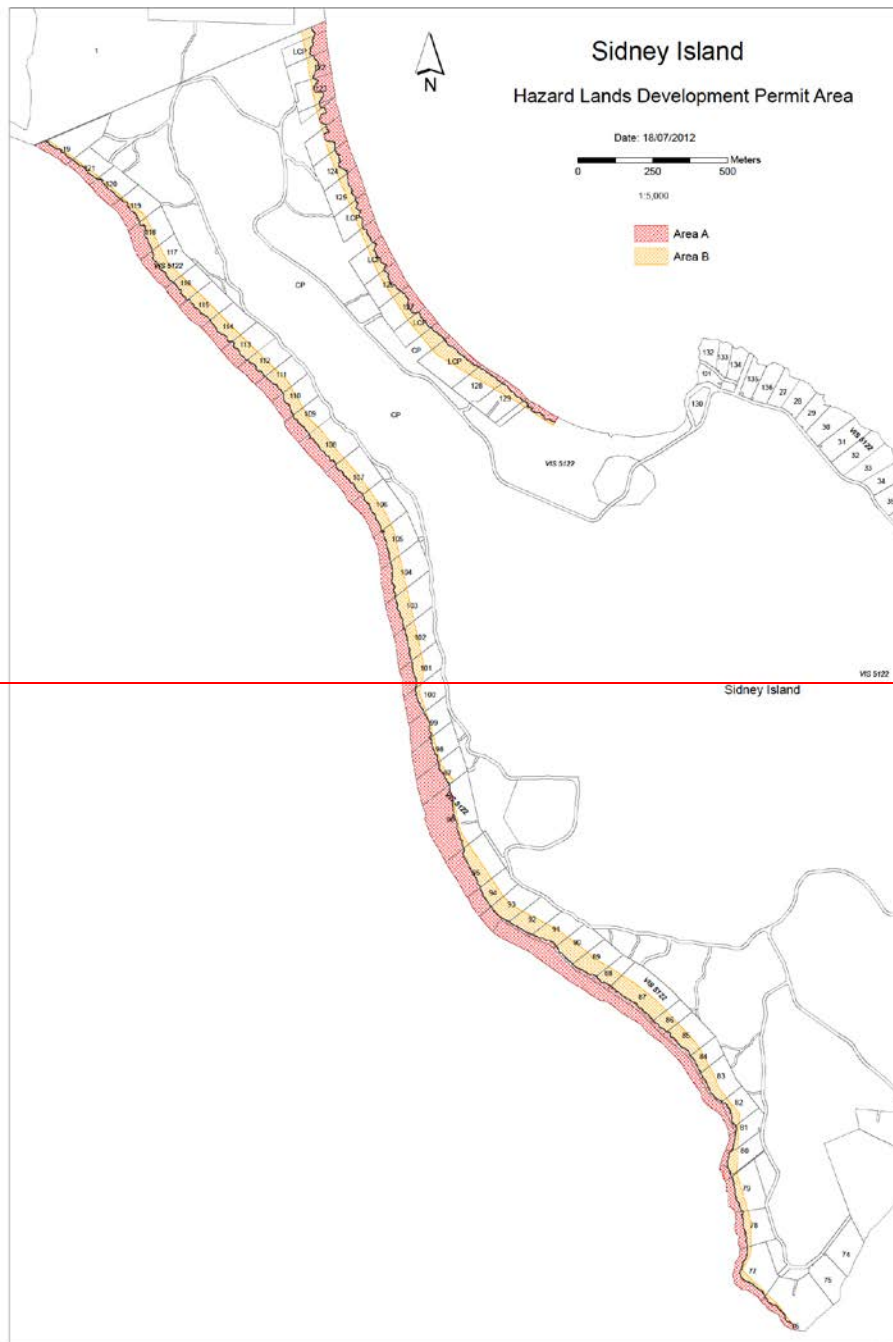
The intent of this development permit area is to ensure that development in the form of new buildings or structures, and land alterations, including vegetation and tree removal, meet the objectives described above. Work not requiring a permit is detailed in subsection (7) Development Permit Exemptions.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

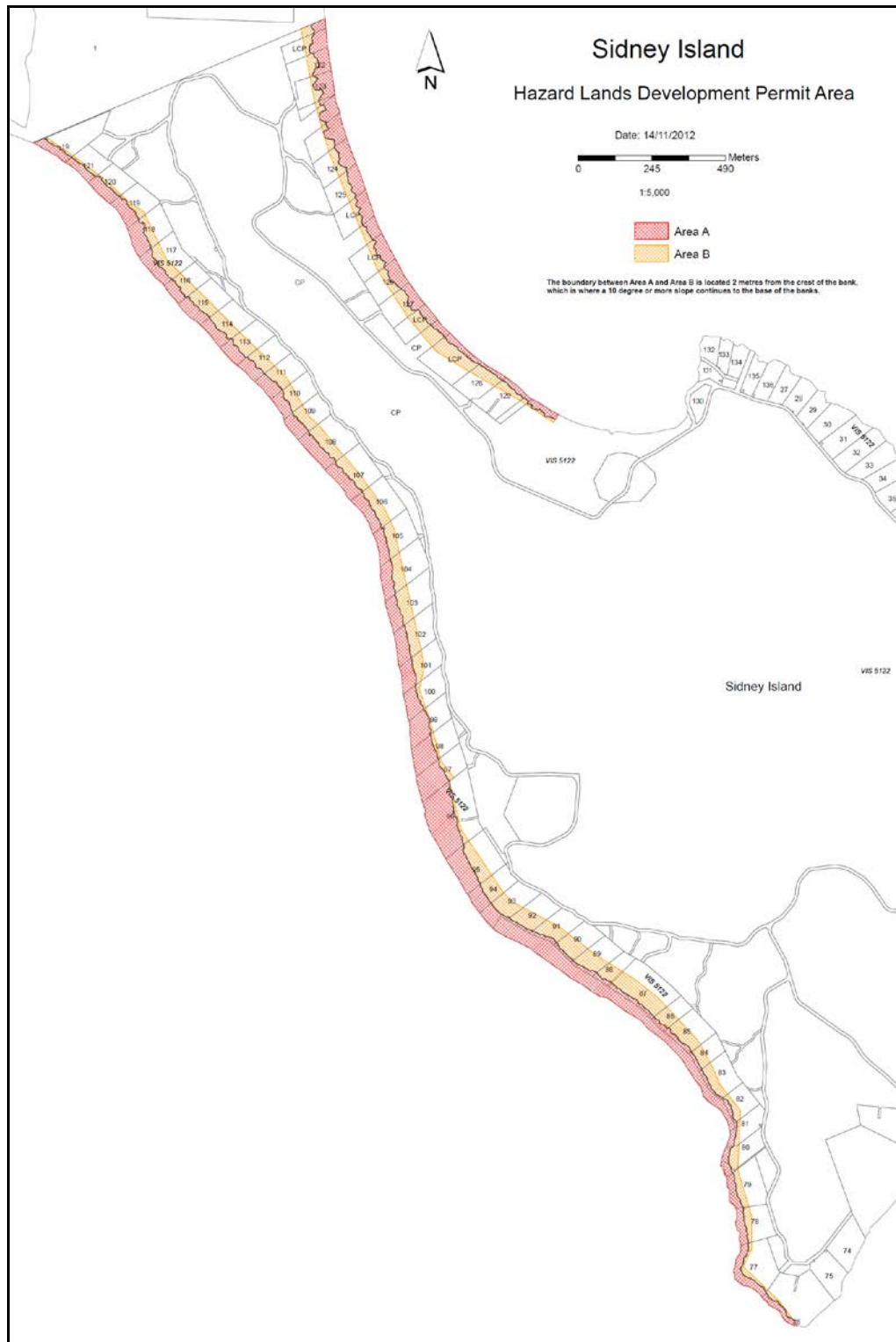
- Guideline 1 Land alteration or other development of the shoreline area should be limited and minimize the negative impacts on ecological function.
- Guideline 2 Land alteration or other development should not detract from the shoreline qualities that are derived from natural features, such as shore 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**

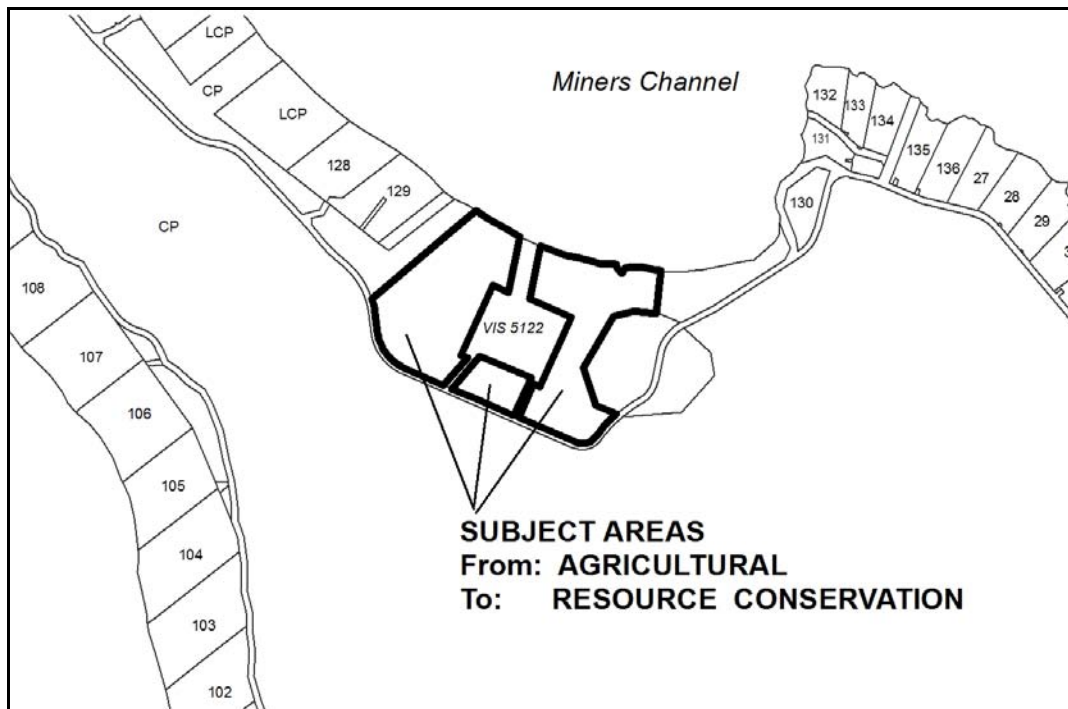
North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is amended by inserting as "Schedule E – Sidney Island Hazard Lands Development Permit Area" the following:





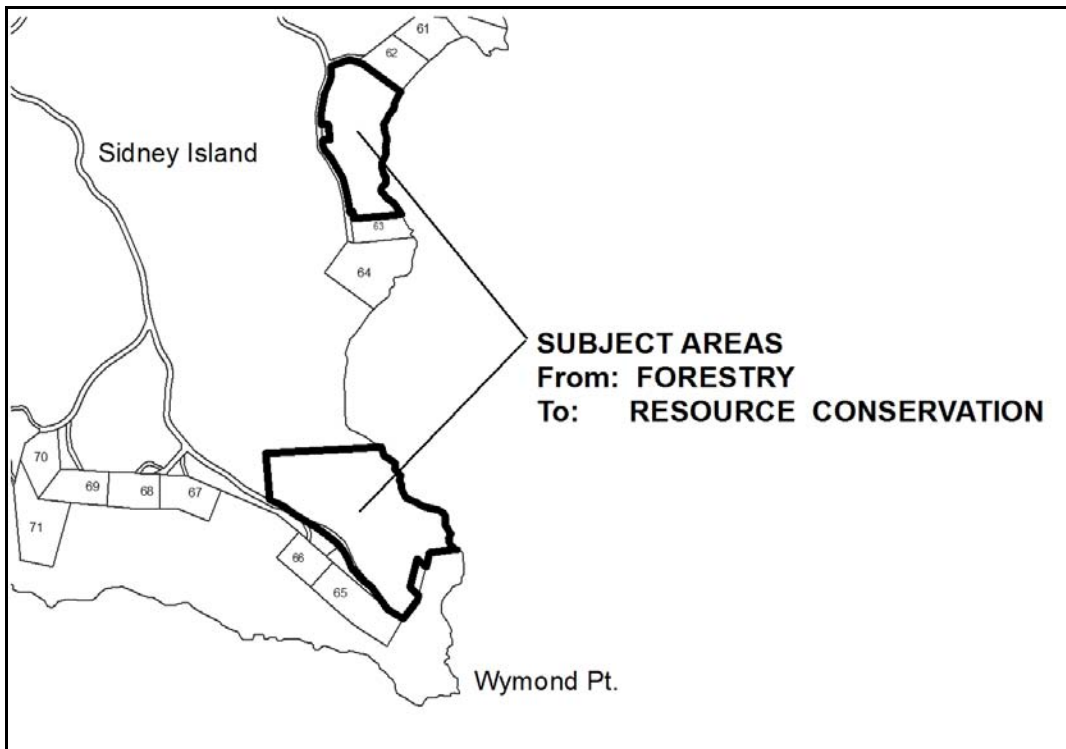
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 7**

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

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

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 it 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 200m² (2152ft²)."
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 5.12(2) is amended by adding at the end "of the area zoned Community Services Four (S4)" such that it reads "The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Services Four (S4)."

~~26.~~ 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."

~~27.~~ 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."

~~28.~~ 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."

~~29.~~ 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."

~~30.~~ 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."

~~31.~~ 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."

~~32.~~ 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."

~~33.~~ 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;"

~~34.~~ 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."

~~35.~~ 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."

~~36.~~ 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."

~~37.~~ 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."

~~38.~~ 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 feet²)."

- ~~39-38.~~ 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;"
- ~~40-39.~~ 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;"
- ~~41-40.~~ 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."
- ~~42-41.~~ 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)."
- ~~43-42.~~ 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."
- ~~44-43.~~ 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."
- ~~45-44.~~ 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."
- ~~46-45.~~ 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."
- ~~47-46.~~ 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."
- ~~48-47.~~ Subsection 5.20(1) is amended by inserting 5.20(1)(c) "Storage building; subject to subsection 5. 20(8)."
- ~~49-48.~~ 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."
- ~~50-49.~~ Subsection 5.20(3) is deleted in its entirety including Articles 5.20(3)(a) to (c).
- ~~51-50.~~ Subsection 5.20(4) is renumbered to 5.20(3).
- ~~52-51.~~ Subsection 5.20(5) is renumbered to 5.20(4).
- ~~53-52.~~ 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 it 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."

~~54-53.~~ Subsection 5.20(6) is renumbered to 5.20(5).

~~55-54.~~ 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 m² (4036ft²)."

~~56-55.~~ 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.

~~57-56.~~ 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."

~~58-57.~~ Subsection 5.20(8) is renumbered to 5.20(10).

~~59-58.~~ 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)

~~60.-~~

~~61-63.~~ 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 day of, 20__

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__

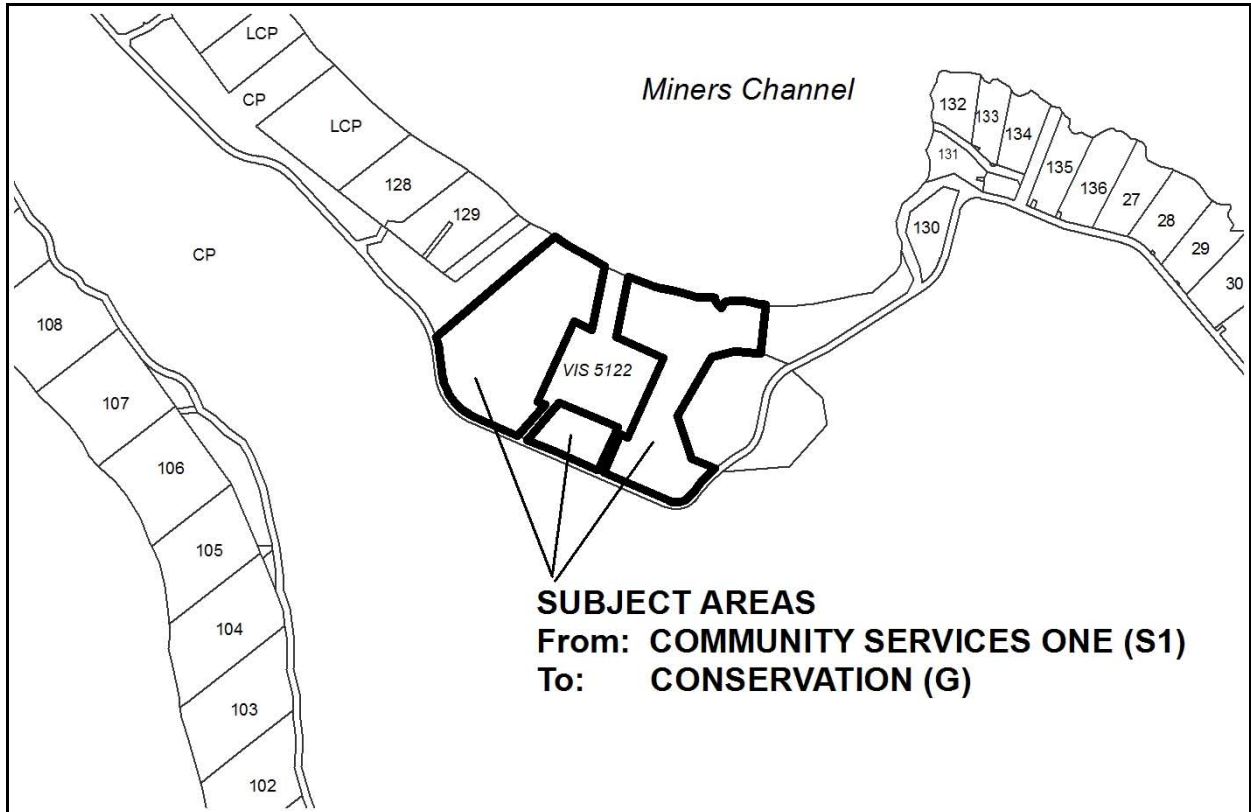
Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

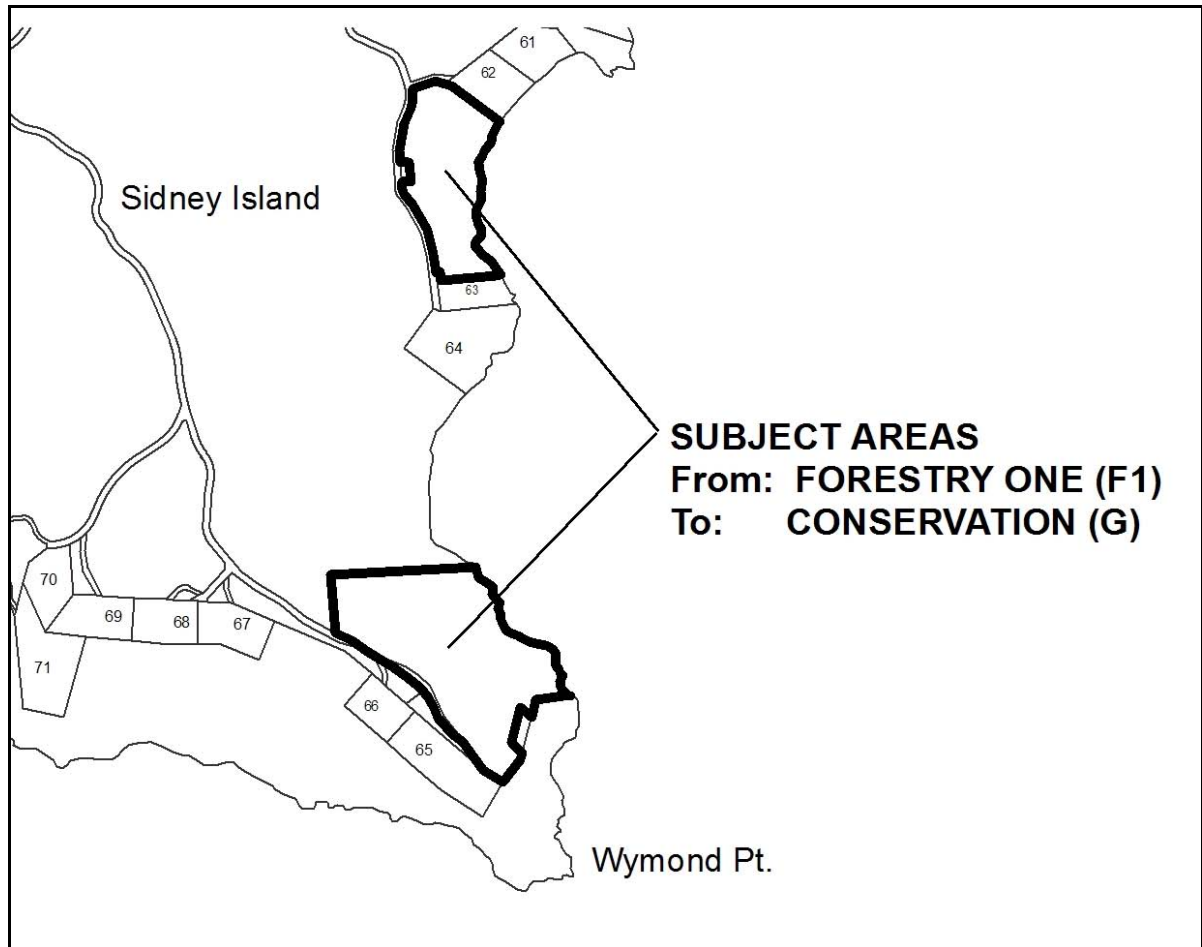
PLAN No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

PLAN No. 2



November 21, 2012

File No.: NP-6500-20
Road Designation

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: OCP Road Designation

Preliminary Report

The purpose of this report is to obtain direction from the North Pender Island Local Trust Committee (LTC) for a Road Designation Project.

Project Overview

At the September 20, 2012 meeting of the North Pender Island Local Trust Committee (LTC) the work program was changed to include amending the Official Community Plan (OCP) to designate the Magic-Ferry cycling route as a top priority. The route has been identified through the work of the local volunteer group Moving Around Pender Alternative Transportation Society (MAP) as part of the Pender Islands Transportation Plan.

In addition to the Magic-Ferry route there are two other recent initiatives for alternative transportation that staff recommends including within the scope of the project.

- In June 2012 both North and South Pender LTCs submitted a request to the Ministry of Transportation and Infrastructure (MoTI) to evaluate if all Pender Islands roadways can be designated for use by Neighbour Zero Emissions Vehicles (NZEV). This request would support the use of low-speed electric vehicles and owners would also require a permit to operate their specific NZEV on designated roadways. Dependent upon the outcome of MoTI's assessment, the approved roadways could also be designated on the OCP map schedule, OCP advocacy policies could be revised or introduced, and new regulatory amendments could be considered, such as plug-in parking requirements.
- The CRD has worked with interested private and public organizations to submit applications to the Community Charging Infrastructure Fund (CCIF) to support the development of a network of electric vehicle charging stations to be installed by March 31, 2013. These charging stations are for level 2 electric vehicles or high-speed vehicles such as the 100% electric Nissan Leaf or hybrid-electric vehicles such as the Chevrolet Volt. Three businesses on the Penders have applied to the program: Hope Bay and the Driftwood Centre on North Pender and Poets Cove on South Pender, and throughout the

region the CRD anticipates approximately 80 stations will be in place by next spring. The OCP map schedule could also identify the locations of the Level 2 Charging Stations, new OCP policies could be considered for both advocacy and regulatory options, and the regulatory bylaws could be amended to consider setback reductions and parking requirements.

Furthermore, the well-established Car Stop program implemented through MAPs could also be recognized by identifying the existing car stop locations on the OCP schedule.

It would appear logical to broaden the scope of the project to advance all forms of alternative transportation initiatives currently underway as part of the scope of this project. These initiatives would also dovetail with greenhouse gas reductions policies and advance existing transportation policies.

Project Objectives

Staff propose that the scope of the project be expanded to include the following objectives:

- Amend the Road Classification Schedule to the Official Community Plan (OCP) to designate the Magic-Ferry cycling route, designate the roadways approved by MoTI for NZEV's, identify locations where Level 2 stations are located, and identify the existing car stop locations.
- Review the existing OCP policies and consider new policies to support implementation of cycling route, NZEVs and charging stations.
- Review LUB regulations and identify potential amendment options, including but not limited to parking regulations for bike racks and plug-ins (NZEV), and reduced setbacks for charging stations.

Option:

Limit the project scope to the sole objective of amending the map schedule for the Magic-Ferry cycling route and not include the NZEV, Level 2 charging stations, car stops, a policy review, and the regulatory options. The advantage of a reduced scope would be that it would take considerable less time and be completed within this fiscal year.

Project Background

Staff recently met with a relatively new traffic engineer for the Saanich District Area MoTI office to address the Penders Transportation Plan and NZEV designation request and an update for both is provided below.

Alternative Transportation Plan and Cycle Route Designation:

In addition to the OCP cycling route designation, the Transportation Plan had been referred to MoTI for comment with a request to specifically comment on the identified hazard areas and if any future road upgrades may be considered. If roadway improvements were warranted, funding options for the concurrent development of cycling lanes could be pursued. MoTI staff hope to complete this review soon and a response is anticipated by the end of 2012 or in early 2013.

NZEV Designation:

Due to staffing shortages at MoTI, work on the NZEV assessment has not been initiated; however, it is anticipated that work will occur during the spring of 2013 with a response by mid-2013. The assessment would include some preliminary data review, followed by a field assessment that would include conducting a speed survey and involve an in-field assessment by MoTI engineering and safety assessment staff.

The assessment would identify if portions of roadways would not be considered suitable for NZEVs due to topographical or safety issues. Where portions of roadway are excluded options for including NZEVs as part of an alternative mode of transportation in any future development of bypass routes could be considered.

Level 2 Charging Stations:

The Province announced a program to accelerate electric vehicle adoption with an overall investment of \$2.7 million for Level 2 charging station infrastructure with a goal of installing 570 stations across BC by spring 2013. Level 2 stations provide a 240 volt circuit and typically recharge the battery of a 100% electric vehicle in 6-8 hours, or 3-4 hours for a hybrid-electric. The intent is that station would be strategically located for maximum efficiency and be accessible for public or fleet use.

Interested regional districts, municipalities, First Nations, public institutions, non-governmental organizations, and private businesses could apply to fund 75% of eligible costs of a station to a maximum of \$4000 per station. Although the deadline for application this year has been passed, it is hopeful the province may continue the program to future years. This year three charging stations have been approved for North Pender, one at Hope Bay and two at the Driftwood Centre. Poets Cove on South Pender has also applied although it has not been confirmed if they are applying for one or more than one station.

Additional commitments made by applicants include:

- purchasing and installing the equipment by March 31, 2013,
- being responsible for the remaining 25% of costs (including installation, operation and maintenance costs),
- keeping the station in operation for a minimum of 5 years,
- using standard signage provided by the province,
- tracking and share data on energy consumption (in part for GHG reduction tracking),
- making the station location available for specified maps or mobile applications (excluding fleet locations),
- sharing their experience for case study research,
- cooperating with any community or regional-wide planning process, and
- filing a final report with Fraser Basin Council.

Project Scope and Timeline

The following timeline is based on proceeding with all proposed aspects of the project. If the scope is limited the timeline would be reduced.

Key Step	Key Resource	Timeline
Direction to proceed with project as outlined or as revised	LTC	Nov 29 meeting
Data for car stop locations confirmed	GIS staff and MAPs	Dec-Jan
OCP schedule drafted to designate Magic-Ferry route and car stops	GIS staff	Dec-Jan
OCP Policy review and options identified	Planner	Dec-Jan
Related LUB amendment options identified	Planner	Dec-Jan
Confirmation of funding approved and installation of Level 2 charging station proceeds	Planner, CRD staff and local business owners	Jan
OCP schedule drafted to designate Level 2 charging locations	GIS staff	Jan
OCP and LUB amendments considered, direction to proceed with bylaw preparation as presented or as revised	Planner-LTC	Jan 31 meeting
Road hazard feedback from MoTI reviewed, additional policy options considered	MoTI staff and Planner	Feb
Draft bylaws referred to agencies and First Nations	Planner	Feb
Draft bylaws reviewed, First Reading and direction to schedule CIM and Public Hearing	LTC - Planner	Feb 28 meeting
Community Information Meeting (separate date or as part of LTC meeting)	LTC-Planner	March 28 LTC meeting
NVEZ assessment completed	MoTI staff	Feb-May
OCP schedule amended based on NZEV assessment	Planner, GIS staff	May-June
Public Hearing	Planner and LTC	June – July LTC meeting

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. Furthermore the LTC has a budget request of \$4000 for the 2013-14 fiscal year which, if approved, could cover any costs incurred after March of this year.

Estimated costs include:

Newsletter mail out in advance of a Community Information Meeting	\$500-600
Advertisement for a Community Information Meeting	\$500

Community Information Meeting as part of an LTC meeting	Minimal or \$300 as separate date
2013-14 Fiscal	
Public Hearing Notice	\$1000
Public Hearing as part of an LTC meeting	Minimal or \$500 as separate date

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. Due to the broad nature of the potential amendments the following table summarizes those identified as key stakeholders.

Since the amendments would be so broad in nature a targeted mail out to affected property owners would be not applicable. However, staff would recommend using a Trustee Newsletter or general mail out from staff to make them aware of the project and solicit further input from any interested property owners or residents.

Stakeholder	Represented by	Interests, expectations, concerns
Ministry of Transportation and Infrastructure	Engineering, Operational, and Development staff	Costs implications for construction and maintenance of new cycling lanes NZEV designation – policy and safety aspects Impacts on future development requirements
CRD	Building Inspection Services Environmental Sustainability	Impacts of regulatory options General consideration of policies directed at electric vehicle use and any new advocacy policies
Moving Around Pender	Local volunteers	Consideration of policy options and road designations specifically related to their initiatives General consideration of policies for electric vehicles
All community members generally	Any interested North Pender residents	Consideration of policy options to support alternative transportation options General concerns of public roadway usage by increasing diversity of transportation modes
Commercial and Industrial property owners	Property owners and developers	Impacts of potential regulatory amendments

Next Steps

The LTC should provide direction to staff, either endorsing the recommended project scope and timeline, or an alternative project scope. Staff will report back with a preliminary staff report at the next LTC meeting.

Options:

1. To endorse a project scope encompassing all current alternative transportation initiatives including the Magic-Ferry cycling route, NZEVs, Level 2 charging stations and car stops with consideration of both policy and regulatory options.
2. To endorse a project encompassing all current alternative transportation initiatives but limited to only the OCP policies and map designations.
3. To endorse a project that would be limited to only amending the OCP map schedule to designate the Magic-Ferry cycling route.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee direct staff to proceed with a Road Designation project encompassing the Magic-Ferry cycling route, Neighbour Zero Emission Vehicles, Level 2 Electric Vehicle Charging Stations and Car Stops that would include consideration of both policy and regulatory options.

Prepared and Submitted by:



November 21, 2012

Date

Concurred in by:

Robert Kojima
Regional Planning Manager

November 21, 2012

Date



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:		Jan-22-2009	On Going
	1. View corridor review			
	2. Parks and Conservation area review			
	3. Pedestrian and Cycle paths			
	4. Groundwater protection strategy			
	5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of			

personal watercraft)			
6	Agricultural Building Watercourse Setbacks	Jul-28-2011	On Going
7	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	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	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	On Going
11	LUB Amendments Related to Subdivision and Roads	• road classification and design standards review, including heritage roads and subdivision standards (s.4.15) and related OCP policies • subdivision servicing regulation review • stormwater management regulation review • review of marine zoning regulations in conjunction	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	On Going
		• subdivision servicing regulation review • stormwater management regulation review • review of marine zoning regulations in conjunction	



Islands Trust

Applications w / Status - North Pender Island Status: Open

Print Date: Nov-21-2012

Applications

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2012.3	Cyrus Block Planner: Andrea Pickard	Oct-24-2012	1101 STANLEY POINT DR Applied for a Subdivision

Planning Status

Status Date: Nov-20-2012
on Nov agenda
Status Date: Oct-24-2012
Sent letter of acknowldgment of receipt pf application

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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NP-DVP-2012.5

Droroa Aronowicz May-10-2012
c/o Harold Wiebe
Planner: Andrea Pickard

1117 WALDEN RD Vary a variety of lot line setbacks for existing shed,
deck, closed areas, art studio, shoreline

Planning Status

Status Date: Nov-20-2012

on Nov agenda

Status Date: Oct-24-2012

MOTI confirmed - no objection to request

Status Date: Aug-29-2012

revised survey rec'd

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.8	Kirk Caza	Oct-03-2012	Sidney Island Lot 129 To vary the required 10m setback to allow for the existing shed to stay.
Planner: Andrea Pickard			

Planning Status

Status Date: Nov-20-2012

on Nov agenda

Status Date: Oct-09-2012

Sent letter of Acknowledgment of receipt of fees and application to applicant. Created file, sent to LTC and forwarded to Planner.

Rezoning

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

Planning Status

Status Date: Nov-09-2012

Application sent to Local Trustees and Planner

Subdivision

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

Planning Status

Status Date: Nov-20-2012
 final letter of approval sent to MOTI
 Status Date: Nov-19-2012
 letter of undertaking confirmed
 Status Date: Jun-18-2012
 executed covenants sent to applicant

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

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
 Status Date: Feb-08-2012
 DP on Feb agenda

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

Status Date: 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	Sep-02-2011	application to subdivide Parcel K (DD50314-i) into two fee simple lots. Separated by the dedication of Clam Bay Road

Planner: Andrea Pickard

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: Andrea Pickard	Nov-09-2011	Boundary adjustment

Planning Status

Status Date: May-02-2012

PLA received

Status Date: Dec-06-2011

response sent to MOTI

Status Date: Nov-30-2011

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

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.2	Cyrus Block Planner: Andrea Pickard	May-03-2012	1101 STANLEY POINT DR / 1201 UPPER TERR Boundary Adjustment

Planning Status

Status Date: Nov-20-2012

DP and 10 percent waiver on Nov agenda

Status Date: Jul-12-2012

response to MOTI done

Status Date: May-30-2012

Initiating review of subdivision application

File Number	Applicant Name	Date Received	Purpose
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NP-SUB-2012.3	c/o RJ Wey & Associated Land Surveying Attn Lloyd Eakins Planner: Andrea Pickard	Jul-24-2012	Proposed 3 lot Strata Development
Planning Status			
Status Date: Oct-17-2012			
PLA issued			
Status Date: Sep-17-2012			
response sent to MOTI			
Status Date: Sep-06-2012			
File forwarded to Planner			

Kathy Jones

From: Nicole Ranger
Sent: October-25-12 11:16 AM
To: Andrea Pickard; Gary Steeves; Ken Hancock; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Subject: North Pender LTC Expenses - Oct 31/12

Islands Trust

LTC EXP SUMMARY REPORT F2012

Invoices posted to October 31, 2012

650 North Pender		Invoices posted to October 31, 2012	Budget	Spent	Balance
65000 650	LTC "Trustee Expenses"	1,500.00	1,453.80	46.20	
65200 650	LTC Local Exp LTC Meeting Expenses	3,600.00	1,742.56	1,857.44	
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	1,339.43	660.57	
65240 650	LTC Local Exp Miscellaneous	810.00	-	810.00	
TOTAL LTC Local Expense		9,400.00	3,345.26	6,054.74	
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

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North Pender Local Trust Committee
2012-13 Budget

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

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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



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Population (2011):

Approximately 2,035

Size:

2,709 hectares (6,694 acres)

Location:

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

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

North Pender Island Local Trust Committee

Latest News

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

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](#)
- [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 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

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](#)

- [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.

Proposed Seawall Application

- [Adopted Bylaw No. 190](#)

Staff Reports:

- [Staff Report - February 23, 2012](#)
- [Staff Report - March 12, 2012](#)
- [Staff Report - June 11, 2012](#)

Professional Reports:

- [Biologist 2007](#)
- [Biologist 2011](#)
- [Geotechnical Engineer 2007](#)
- [Geotechnical Engineer 2011](#)
- [Geotechnical Engineer 2012](#)
- [Hydraulic Engineer 2011](#)
- [Hydraulic Engineer 2012](#)
- [Enginner Comment 2012](#)
- [Landscaping Plan](#)

Proposed Ocean-Based Geothermal System Application

- [Adopted Bylaw No. 191](#)

Staff Reports:

- [Staff Report - March 14, 2012](#)
- [Staff Report - April 17, 2012](#)
- [Staff Report - June 12, 2012](#)

Professional Reports:

- [Department of Fisheries and Oceans Letter dated April 6, 2012](#)
- [Environmental Report - October 28, 2010](#)
- [Environmental Report - August 4, 2011](#)
- [Green House Gas Emissions](#)
- [Underwater Video](#)

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 \(LUB Amendment\)](#)
- [Draft Bylaw No. 189 \(OCP Amendment\)](#)
- [Proposed Hazard Land DPA Map](#)
- [Staff Report - July 12, 2011](#)
- [Staff Report - September 12, 2011](#)
- [North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002](#)
- [North Pender Associated Islands Land Use Bylaw No. 148, 2003](#)
- [Geotech Covenant](#)
- [Staff Report - January 9, 2012](#)
- [Staff Report - October 31, 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 you require more information

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