



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 9:45 A.M., THURSDAY, JUNE 28, 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		
5.1 Local Trust Committee Minutes– for Adoption		
5.1.1 Minutes of May 31, 2012 Local Trust Committee Business Meeting (attached)	Pg. 1	9:50 am
5.1.2 Minutes of June 23, 2012 Local Trust Committee Special Meeting (tentative)		
5.2 Public Hearing Records and Community Information Meeting Notes to be Received		
5.2.1 Notes of June 23, 2012 Local Trust Committee Community Information Meeting (tentative)		
5.2.1 Record of June 23, 2012 Local Trust Committee Public Hearing (tentative)		
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission/Task Force to be received	Pg. 11	10:00 am
5.4.1 Minutes of June 6, 2012 Advisory Planning Commission meeting (attached)		

- 6. BUSINESS ARISING FROM THE MINUTES**
- 6.1 Follow-up Action Report** (attached) **Pg. 17** 10:05 am
- 7. DELEGATIONS** - none
- 8. CORRESPONDENCE** - none
[correspondence received concerning applications and/or projects is considered with the application]
- 9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS** 10:10 am
- 9.1 NP-RZ-2011.1 & NP-DP-2011.9 (Turner)** for further consideration (attached) **Pg. 21**
- 9.2 NP-RZ-2011.2 (Lockhart)** for further consideration (attached) **Pg. 35**
- 9.3 NP-DVP-2012.6 (Rideout)** (attached) **Pg. 47**
- 9.4 NP-DVP-2012.7 and NP-DP-2012.2 (Graham)** (attached) **Pg. 57**
- 10. LOCAL TRUST COMMITTEE PROJECTS** **Pg. 89** 12:30 pm
- 10.1 Shoreline Review** (attached)
- 11. REPORTS** 12:50 pm
- 11.1 Work Program Reports** – for information
- 11.1.1 North Pender Island Local Trust Committee Work Program - Report dated June 2012** (attached) **Pg. 93**
- 11.2 Applications Report** – for information
- 11.2.1 North Pender Island Applications Report** dated June, 2012 (attached) **Pg. 97**
- 11.3 Bylaw Enforcement** – verbal update
- 11.4 Expense/Budget Reports**
- 11.4.1 Trustee and Local Expense Report** - none
- 11.4.2 Local Trust Committee Budget 2012/2013** (attached) **Pg. 103**
- 11.5 Adopted Policies and Standing Resolutions** (attached) – for information **Pg. 105**
- 11.6 North Pender LTC Web Page** (attached) – for discussion **Pg. 107**
- 11.7 Chair's Report**
- 11.8 Trustee Report** 1:00 pm

- 12. OTHER BUSINESS** 1:10 pm
- 12.1 Upcoming Meetings**
12.1.1 Business at 9:45 a.m., Thursday, August 30, 2012 at Pender Island Community Hall
- 13. TOWN HALL MEETING** 1:25 pm
- 14. MOTION TO CLOSE MEETING**
THAT, pursuant to Section 90(1)(a) 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 April 26, 2012 Local Trust Committee In Camera Meeting; to consider Board of Variance Appointments and ; and further that Islands Trust Staff and Recording Zorah Staar remain present.(distributed under separate cover)
- 15. RECALL TO ORDER** 1:40 pm
15.1 Rise and Report from Closed Meeting
- 16. ADJOURNMENT** 1:45 pm

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

DRAFT

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, MAY 31, 2012, AT 9:45 AM**

PRESENT:	Gary Steeves	Local Trustee
	Ken Hancock	Local Trustee
	Peter Luckham	Chair
	Andrea Pickard	Island Planner
	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 9:50 am.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda items were amended as follows:

- to add two covenant documents to existing items 9.2.a and 9.2.b;
- to add an updated Expense Report to existing item 11.4.1; and
- to discuss a proposed community event during the Town Hall session.

The amended agenda was then adopted by consensus.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of April 26, 2012 Local Trust Committee Business Meeting

The April 26, 2012 Minutes were amended as follows:

- page 6, third line from the bottom, to read "October 13";
- page 7, second line from the bottom, to add the words "more accessible to non-profits and community organizations"; and
- page 9, item 11.7, final line, delete "to represent the Islands Trust".

The April 26, 2012, Minutes as amended, were approved by consensus.

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

It was confirmed that the Advisory Planning Commission would be meeting on Wednesday, June 6, 2012, to discuss the geoexchange rezoning application.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the available Follow-up Action Report, regarding completed or ongoing work items.

Trustee Steeves said that North Pender was on the Ministry of Transportation & Infrastructure's list for repainting of road centre lines, when weather permitted.

7. DELEGATIONS

7.1 Peter Pare – Moving Around Pender

Trustee Steeves said that Moving Around Pender (MAP) planned to attend as a delegation in future, after having an upcoming meeting with him, and gathering more information. In the interim, MAP was receiving a lot of support for their draft alternative Transportation Plan.

8. CORRESPONDENCE

8.1 May 21, 2012 Request from Pender Community Transition

The Trustees agreed to discuss the Pender Community Transition request under item 11.4.2 below (Local Trust Committee Budget).

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-DVP-2012.2 (Shantz)

Planner Pickard reviewed the May 16, 2012 Staff Report and commented that NP-DVP-2012.2 (Shantz) was an application for 4 setback variances, for a house and outbuildings built by previous owners over 20 years ago; the property was very narrow, beside a large road right-of-way that also presented challenges, and that there were no objections to the application.

Resolution NP-LTC-57-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Variance Permit NP-DVP-2012.2 (Shantz).

CARRIED

9.2.a NP-SUB-2008.3 (Wey – Potable Water Covenant)

Planner Pickard reviewed the May 22, 2012 Memorandum and commented that subdivision NP-SUB-2008.3 (Wey) involved a potable water covenant which the CRD had agreed to sign if reworded; Islands Trust Staff had worked out related issues; the revised covenant had been added to today's agenda, but still needed a few typographical errors corrected.

Resolution NP-LTC-58-12

It was Moved and Seconded that the North Pender Island Local Trust Committee agrees to be a co-holder with the CRD for a section 219 covenant requiring a water treatment and storage system for potable water as a condition of subdivision for NP-SUB-2008.3 (Wey), and it delegates the Chair to sign the revised covenant.

CARRIED

9.2.b NP-SUB-2008.3 (Wey – Natural Areas Covenant)

Planner Pickard reviewed the May 23, 2012 Memorandum and commented that subdivision NP-SUB-2008.3 (Wey) also involved a natural areas conservation covenant; the owner's lawyer had requested some minor amendments; the revised covenant had been added to today's agenda.

Resolution NP-LTC-59-12

It was Moved and Seconded that the North Pender Island Local Trust Committee agrees to be a co-holder for a conservation covenant, as revised, for the two water bodies identified on the proposed subdivision plan for NP-SUB-2008.3 (Wey), and that it delegates the Chair to sign the covenant.

CARRIED

9.3 NP-TUP-2012.1 (Henshaw c/o Burdett)

Planner Pickard reviewed the May 22, 2012 Staff Report and commented that NP-TUP-2012.1 (Henshaw c/o Burdett) was an application to renew a Temporary Use Permit for the garbage drop-off site at the Medicine Beach Market parking lot; the drop-off involved a closed building, with various permit conditions controlling how it was managed; there had not been any issues or concerns expressed by the public.

Mike Burdett was present to answer questions, and confirmed that occasionally people had left some garbage outside the building, but there was surveillance and follow-up to control this.

Resolution NP-LTC-60-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve the renewal of Temporary Use Permit NP-TUP-2009.3, valid until May 28, 2012, as NP-TUP-2012.1 (Henshaw c/o Burdett) to be valid until May 31, 2015.

CARRIED

9.4 Referral of Salt Spring Island Bylaw No. 460

Planner Pickard reviewed the May 3, 2012, Bylaw Referral Form for Salt Spring Island Proposed Bylaw No. 460, which related to a rezoning in downtown Ganges from residential to commercial.

Resolution NP-LTC-61-12

It was Moved and Seconded that the North Pender Island Local Trust Committee resolve that its interests are unaffected by Salt Spring Island Proposed Bylaw No. 460.

CARRIED

9.5 Referral of Mayne Island Bylaw No. 157

Planner Pickard reviewed the May 15, 2012, Bylaw Referral Form for Mayne Island Proposed Bylaw No. 157, which related to a rezoning from Service Commercial to Settlement Commercial (to permit local food sales). The Planner also noted that the Islands Trust was trying to be more consistent in following a policy to include neighbouring Local Trust Committees in agency referrals.

Resolution NP-LTC-62-12

It was Moved and Seconded that the North Pender Island Local Trust Committee recommends approval for Mayne Island Proposed Bylaw No. 157, because the proposal supports food security in the Southern Gulf Islands.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 NP-LUB-2011.1 and NP-OCP-2011.1

Planner Pickard reviewed the Staff Report dated May 22, 2012, commenting that NP-LUB-2011.1 and NP-OCP-2011.1 related to draft bylaws to amend the Official Community Plan and Land Use Bylaw for Sidney Island (one of the North Pender Associated Islands); the Sidney Island Strata's Annual General Meeting and their legal review led to four suggestions for revision of the draft bylaws; Staff were waiting for further written input from the Strata.

Resolution NP-LTC-63-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to revise Draft Bylaws No. 187 and 189, Bylaws to amend the North Pender Associated Islands Official Community Plan and Land Use Bylaw, based on the input received at the Strata Annual General Meeting and the written submission anticipated from the Strata Council.

CARRIED

10.2 Ministry of Transportation & Infrastructure Follow-Up

Planner Pickard reviewed the Staff Memorandum dated May 18, 2012, commenting that on May 10, Islands Trust Planning Staff met with Ministry of Transportation & Infrastructure (MOTI) Staff; the Moving Around Pender draft Transportation Plan would now be formally referred to MOTI; MOTI could assess the Plan's input on hazardous road areas and potentially make road changes to address this; regarding proposed bicycle routes, MOTI recommended putting more specifics in the Official Community Plan; they could support such routes but likely not fund them; regarding roadside signage, MOTI's permit process could potentially allow the joint informational signage which the Local Trust Committee was discussing with the Chamber of Commerce; regarding Neighbourhood Zero Emission Vehicles (NZEV), the Local Trust Committee should apply to MOTI for a roads assessment.

Trustee Hancock said that Gas Tax funding could be requested to support the construction of bicycle routes on North Pender.

Trustee Steeves said that there would be a June 1st meeting with the Executive of the Chamber of Commerce, hopefully leading to an agreement to develop a sign strategy involving aggregate "way-finding" (i.e. directional) signage at a few key locations. Further re: Neighbourhood Zero Emission Vehicles (NZEV), these were being used at the upcoming Trust Council meeting on Pender.

Resolution NP-LTC-64-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to prepare an application for a Ministry of Transportation & Infrastructure road assessment for Neighbourhood Zero Emission Vehicles to be used on the whole of North Pender Island.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

Planner Pickard suggested that since item 7, on the Projects list - Geological Hazard Mapping and Development Permits, was not funded at this time, the draft bylaw should be designated as “proceed no further” until the Local Trust Committee was ready to take action on it in future.

Resolution NP-LTC-65-12

It was Moved and Seconded that the North Pender Island Local Trust Committee proceed no further with Draft Bylaw No. 185 regarding Geological Hazards.

CARRIED

The Local Trust Committee also agreed by consensus to amend item 2, of the Projects List - Climate Change Adaptation and Community Resilience, to have the Activity details match the Description.

11.1.2 Shingle Creek Watershed

Trustee Steeves reported that Parks Canada was potentially interested in participating in the purchase of the Shingle Creek Watershed, which was very good news for the protection of this property essential to future water supply for Magic Lake Estates. Discussions were occurring involving Elizabeth May, a federal Minister, and Parks Canada representatives. The purchase had to be concluded this year in order to use the \$500,000 grant offered by the Nature Conservancy of Canada. If agreement with the landowner was not reached, Trustee Steeves said that it might be advisable to downzone the property, to prevent a pattern of development that was harmful to community water supplies.

Planner Pickard was asked to provide an initial assessment in this regard.

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

Planner Pickard had provided an updated Expense Report in summary form. In response to a question, the Planner said that she would ask financial Staff to send a more detailed Expense Report to the Trustees.

11.4.2 Local Trust Committee Budget 2012/2013

Trustee Steeves had drafted a Local Trust Committee Expense Budget for the fiscal year 2012-2013.

Resolution NP-LTC-66-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Budget for 2012/2013, be Adopted.

CARRIED

The Trustees returned to consideration of item 8.1 above.

Resolution NP-LTC-67-12

It was Moved and Seconded that the North Pender Island Local Trust Committee purchase a series of reports from Pender Community Transition for the sum of \$400, about their activities in the coming year and for posting on the Islands Trust website.

CARRIED

Zorah Staar, PCT Coordinator, thanked the Trustees for supporting Pender Community Transition activities to help develop community resilience and self-sufficiency in the face of worldwide challenges and made reference to the Pender Community Transition web site.

11.5 Adopted Policies and Standing Resolutions Report

There were no changes to this report.

11.6 North Pender LTC Web Page

The new Islands Trust website was expected to be completed soon.

11.7 Chair's Report

Chair Luckham reported that he and Trustee Hancock had recently attended a consultation with local, provincial and federal government representatives, to discuss how to move forward with the proposed National Marine Conservation Area for our region. The current plan involved consultation, development of a management plan, and then completing the process by 2014. Chair Luckham also noted that the next quarterly meeting of Trust Council was on Pender Island on June 12, 13 and 14, at the Community Hall, with the public welcome to attend.

11.8 Trustee Reports

Trustee Steeves reported that the Magic Lake Property Owners Society had contacted him about unauthorized parking at Thieves Bay Marina, blocking emergency vehicle access; two new Ministry of Transportation & Infrastructure signs seemed advisable (Planner Pickard to follow up); there had been community feedback about clarifying the parameters for the Islands Trust Community Stewardship Awards, which he planned to bring up with the Trust Area Services Committee.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting is scheduled for Thursday, June 28, 2012, at 9:45 am, Community Hall Lounge.

Prior to that, there will be a Community Information Meeting at 10:00 am and Public Hearing at noon, scheduled on Saturday, June 23, 2012, at the Anglican Parish Hall, regarding the seawall and geothermal applications.

12.2 Nature Conservancy of Canada

Trustee Steeves was going to meet with Nature Conservancy of Canada representatives about James Island, on June 18 in the Islands Trust Office.

13. TOWN HALL MEETING

Sara Steil handed out a summary of the Green Shore/Marine Riparian Initiative community event planned for Saturday, October 13, 2012, which was being organized by the Pender Islands Conservancy Association (PICA) together with staff assistance from Parks Canada. This event included presentations, questions, field trips and more, on subjects like rockfish, bivalves, plant communities, tidal forces, etc. The goal was to help Penderites learn more about the shoreline and marine environment, so that they could make better decisions to protect and not harm it.

Trustees Steeves and Hancock expressed strong support for the above event and how it could complement and yet be different from Local Trust Committee initiatives. This included the Pender Stewardship Day (planned for the fall) and the Pender and Islands Trust Shoreline Reviews (with Planners, Trustees, and community members hopefully cooperating on voluntary stewardship, appropriate future regulation, and other tools to protect our shorelines.

Gerry Roy, regarding the signage issue, said that he liked some of the “charming” sandwich board signs found on Pender. He also asked if the Islands Trust could advocate about the new BC Hydro two-tier pricing changes, which were affecting rural communities more because we didn’t have natural gas for heat.

Trustee Steeves said that the Islands Trust had supported past Union of BC Municipalities (UBCM) resolutions about Hydro pricing, without receiving any indication that this had any impact on the provincial government.

Zorah Staar, regarding the Pender Trust Council meeting on June 12, 13 and 14, described the film that Pender Community Transition had just completed, called “Youth & Elders: wisdom for a brighter future”. She offered it to be shown at Trust Council if useful, as a journey through the Pender Islands’ fascinating past, inspiring present, and challenges ahead. Ms. Staar referenced the Pender Community Transition web site, for more information.

Trustees Hancock and Steeves said that this was a possibility, to be discussed further after they themselves had viewed DVD’s of the Youth & Elders film.

14. ADJOURNMENT

Resolution NP-LTC-68-11

It was Moved and Seconded that the meeting be adjourned at approximately 1:20 pm.

RECORDER

CHAIR

RECEIVED
JUN 18 2012

ISLANDS TRUST
VICTORIA BC

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, JUNE 6, 2012 (10:15 AM)
ISLANDS TRUST OFFICE, HOPE BAY CENTRE
NORTH PENDER ISLAND**

COPIED TO

☒ PLANNER
☒ LTC
☒ KJ

PRESENT:

Marika Kenwell	Chair
Julie Roper	Deputy Chair
Bob Erho	Member
Rob Willingham	Member
Sharon Card	Member
Valerie Butcher	Member
Amanda Griesbach	Member
Reg Smith	Member
Zorah Staar	APC Secretary
Andrea Pickard	Islands Trust Planner

REGRETS: None

PUBLIC: There were no members of the public present.

1. CALL TO ORDER

Because this was the first meeting of a new Advisory Planning Commission (APC) and no Chair had yet been elected, APC Secretary Zorah Staar called the meeting to order at approximately 10:20 am.

2. AGENDA

The proposed agenda involved APC orientation, and then discussion of a Land Use Bylaw amendment application to allow an ocean-based geoechange/geothermal system (NP-RZ-2011.2 – Lockhart). The agenda was accepted by consensus, with agreement to elect a Chair and Deputy Chair after the orientation session.

3. MINUTES

Because only 2 of the current APC Members (Rob Willingham and Marika Kenwell) had been involved with the most recent past APC meeting on November 15, 2010, there was general agreement to allow those minutes to be signed by one of the APC Members who had attended that meeting.

4. PUBLIC COMMENTS

There were no members of the public present.

5. NEW BUSINESS

A. APC Orientation

New Advisory Planning Commission (APC) Members had received an orientation package from the Islands Trust. Planner Andrea Pickard highlighted some key points, commenting as follows: that the APC was a voluntary body of community members, appointed by the Local Trust Committee (LTC) to provide feedback which the LTC may or may not choose to follow; that the North Pender Island APC only met when the LTC had referred a matter for discussion and recommendations; that each Local Trust Committee had their own APC Bylaw, governing how the local APC was to function; that the North Pender Island APC also followed Roberts Rules of Order and the provincial Community Charter; that this meant all meetings had to have a notice posted in advance, and be open to the public (unless there were grounds to go In Camera); and that APC Members should not generally discuss a referred matter with each other except at a duly-constituted APC meeting (especially if a 50% quorum happened to be present).

After a referral had been made by the LTC, the APC Secretary was responsible for working with the APC Chair to set up a meeting date and time. The Chair was to draft an agenda, chair the meeting, and then vet the minutes prepared by the Secretary (to catch obvious errors before the draft minutes were circulated to other APC Members). The Deputy Chair fulfilled the role of Chair when necessary. The Chair of a meeting could make motions or vote on them. Where possible, the APC should try to make a motion for a joint recommendation on an LTC referral, but this was not required, and APC comments (as summarized in the minutes) were still useful regardless. This was because the APC was intended to represent a cross-section of community opinions.

Zorah Staar called for nominations for the role of **APC Chair**. Amanda Griesbach nominated Marika Kenwell. There were no other nominations so Kenwell was acclaimed. Zorah Staar called for nominations for the role of **APC Deputy Chair**. Rob Willingham nominated Julie Roper. There were no other nominations so Roper was acclaimed.

It was further noted that Wednesday morning at 10:00 am was generally a good time for the current APC Members to meet, when an LTC referral had occurred. There were reasons why all of the other days of the week were problematic.

B. Referral of Geoexchange Rezoning Application (NP-RZ-2011.2 – Lockhart)

New APC Chair Marika Kenwell noted that the APC had received a referral from the Local Trust Committee, to discuss a Land Use Bylaw amendment application for a rezoning. This was to allow an ocean-based geoexchange heating and cooling system for the residence at 6640 Razor Point Road (application NP-RZ-2011.2 – Lockhart). "Geothermal" was now generally used to refer to high-heat systems (e.g. hot springs), whereas "geoexchange" was the more appropriate term for the system involved here.

In addition to the Planner's Staff Report, some APC Members had used the Islands Trust website to read the biologist's and other professional reports relating to the geoexchange rezoning application. Others had experienced difficulty using the website for this. Planner Andrea Pickard invited any APC Member who wanted a hard copy of any further written material to request this by contacting APC Chair Marika Kenwell at marikakenwell@shaw.ca (because other APC Members might want the same thing).

Secretary Zorah Staar was asked to circulate the APC Contact List with these minutes, so that APC Members could contact each other as necessary.

Then Chair Kenwell invited the group to go around the table, with each APC Member expressing their views about the referred application.

Rob Willingham said that he was disturbed about the applicant contractor (Lockhart) having installed the geoexchange system, and then seeking the required rezoning after the fact. However, the system appeared to be acceptable in environmental terms.

Julie Roper also expressed concern about the "ethics" of the applicant proceeding with construction, without applying to or even checking with the local government.

Planner Pickard noted that the contractor and then the property owners had attended Local Trust Committee meetings, to explain the misunderstanding which led to the lack of a rezoning application, and to offer what appeared to be genuine apologies. The applicants had in fact applied for the required federal Department of Fisheries & Oceans (DFO) approval and the provincial water lease, but there was not yet a process for the local government also to be automatically notified about an ocean-based geoexchange system. In response to a question, Planner Pickard confirmed that the Islands Trust could initiate bylaw enforcement in such a case, but there was no provision for a fine.

Reg Smith asked about the circulating fluid in the present geoexchange system. It was described as fresh water, but was it possible that a chemical lubricant was added?

Planner Pickard said that in this case the heat transfer fluid was described as strictly fresh water, with a monitor that would shut down the system in case of a leak. It was theoretically possible to switch to a different fluid in future, but contractor Doug Lockhart said that the only other fluid component he used now was ethyl alcohol (i.e. drinking alcohol). Planner Pickard said that she intended to ask the Local Trustees about amending the bylaw with a specific definition of the permitted system. She also said that she would check about there being a backup battery for the monitoring system.

Sharon Card commented as follows: that she had seen the DFO report including recommendations on how to build and maintain the geoexchange system; that assuming these recommendations were followed, the system was not likely to harm fish or the environment; that the reduction in greenhouse gas emissions was a good thing; that the two Madrone reports indicated no sensitive habitats were found in the area and

no adverse effects on fish habitat were expected; that Card wondered why it mattered if there was leakage of the fresh water heat exchange fluid; and that Card did have a concern about setting a precedent for other geoeexchange systems.

Bob Erho said that he hadn't had as much time as he would have liked to review all the materials, but he had seen systems of this type twice before through his work. He believed that geothermal or geoeexchange systems could be a good thing.

Val Butcher said that she'd spoken with a professor who was familiar with geoeexchange systems, which he supported. She didn't see any reason not to go ahead with the proposed system in this case.

Amanda Griesbach commented as follows: that she'd spoken with some experts (including Peter Carter), who'd said geoeexchange was the best system to heat our buildings right now, albeit with expensive start-up costs; that the owners in this case should have to certify that they'll only use fresh water and how they'll deal with power outages; that Griesbach did have a concern about a system going into the marine environment before we'd completed the upcoming shoreline mapping process for the North Pender; that the applicant and owners' apologies were nice, but Griesbach would support a fine in cases such as this, with the money being used towards educational efforts; that she had a separate concern about the size of the house involved here, and a suggestion that the Land Use Bylaw be amended to limit maximum square footage.

In response to a question, Planner Pickard confirmed that the present geoeexchange system was now mostly not under the dock, and that it had lines and heat transfer plates extending 30 feet beyond the dock (with buoys to alert boaters).

Julie Roper said that she had heard fabulous things about geothermal/geoeexchange systems, but she was concerned that there should be a more specific definition of the permitted system, in the bylaw for this rezoning application.

Reg Smith was concerned that there not be a blanket approval for geoeexchange systems, and he wondered if a large system in a small bay could affect the ocean temperature there. There was also a question about potential earthquake impacts.

Planner Pickard said that although a geoeexchange system extracted heat from the ocean, the contractor in this case said that this would be countered by the heat from boat motors. The June 23 Community Information Meeting for this application would be a good opportunity to ask the contractor about various potential impacts such as this.

Marika Kenwell commented as follows: that she had some concerns about potential geoeexchange impacts, but the professional reports in support of this application didn't seem to see any problems with environmental impacts; that other geoeexchange systems in the past had used glycol, but that was not being used here; that land and ocean-based geoeexchange systems were very common in Europe and were becoming

likewise in the US; and that one concern she had about the present application was potential impact on public access to the foreshore.

Planner Pickard said that the geoexchange lines were underwater and then went into a crevice and underground, so they did not appear to affect public access to the foreshore. The current dock was more of an obstruction, and the attached walkway was somewhat wider than allowed, so a separate variance application was required for it.

Rob Willingham said it should be reiterated that any concrete structure on the foreshore required a provincial water license or lease and also local government approval.

Reg Smith wondered if there could be a problem in future with derelict geoexchange structures on the foreshore. Sharon Card said that to remove such systems when no longer in use could cause even more environmental damage.

There was discussion about the possibility of the North Pender Island Local Trust Committee not only allowing the current rezoning, but (in future) also generally amending the Land Use Bylaw to allow certain forms of geoexchange systems. This was not necessarily opposed by APC Members, but some of them said that there should be clear definitions and controls on what was being allowed.

Planner Pickard said that land-based geoexchange systems were already allowed under the North Pender Island Land Use Bylaw (based on its general wording), but that the foreshore was more tightly controlled.

Amanda Griesbach said that she'd been told it would be a really good thing for the earth to convert a lot of the current oil drillers to geothermal pipe drilling.

Zorah Staar said that according to some local research, residential land-based geoexchange system using hundreds of feet of fluid-transfer pipe in the ground could cost \$30,000, and (in our climate) still require an alternative heating system. Our mild temperature ranges were apparently not particularly conducive to such systems. However, air-source heat pumps was cheaper and could be more effective here.

Moved by Amanda Griesbach, seconded by Reg Smith, that the Advisory Planning Commission supports the referred Land Use Bylaw amendment application NP-RZ-2011.2 (Lockhart), for an ocean-based geoexchange system for this specific site, subject to including a system definition in the draft rezoning bylaw, and subject to the kinds of general concerns expressed in these minutes.
CARRIED

Moved by Rob Willingham, seconded by Amanda Griesbach, that the Advisory Planning Commission recommends that the Local Trust Committee look at options for addressing situations where construction work has occurred without the required prior application or approval by the local government.
CARRIED

Regarding the second motion above, one APC Member noted that she had supported it not necessarily with a view to punitive measures, but rather for better communication between agencies (with regard to required permits).

6. NEXT MEETING

There was no new Local Trust Committee referral at this time. However, it was noted again that application NP-RZ-2011.2 (Lockhart) would be discussed at a June 23, 2012 Community Information Meeting (10:00 am) and Public Hearing (noon) to occur at the Community Hall. Advisory Planning Commission Members were encouraged to attend on June 23 if they choose, and they could feel free to speak as individuals about the application.

7. ADJOURNMENT

Moved by Rob Willingham, that the meeting be adjourned at 12:06 pm.
CARRIED

Chair

Date adopted



Islands Trust

Print Date: Jun-19-2012

Follow Up Action Report w/ Target Date

North Pender Island May-27-2010

No.	Activity	Responsibility	Target Date	Status
1	Item 13.3 - Violations of Setback to Sea: staff to proceed with the first 3 options in the Staff Memo dated May 11	Miles Drew	Jun-24-2010	On Going

Nov-25-2010

No.	Activity	Responsibility	Target Date	Status
2	Item 10.1 - NP-DVP-2010.3: approve amended permit in principle but issue after confirmation of building permit has been issued	Kathy Jones	Jan-27-2011	On Going

Jul-28-2011

No.	Activity	Responsibility	Target Date	Status
3	Item NP-DP-2010.4: cross ref to NP-SUB-2008.5 - prior to staff providing written confirmation to MOTI that all conditions of the subdivision have been met, provide supporting documents to the LTC including the requirements of the registered covenants	Andrea Pickard	Sep-22-2011	On Going

Oct-27-2011

No.	Activity	Responsibility	Target Date	Status
4	NP-DP-2010.4 (TWA) - staff to work with applicant to develop a consolidated covenant to replace existing covenants and applicant to provide a report addressing the impact of the proposed lots and the permitted uses within the gardom pond catchment area on Gardom Pond dam.	Andrea Pickard	Nov-11-2011	On Going

Feb-23-2012

No.	Activity	Responsibility	Target Date	Status
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6.1

5	Item 6.1 - FUAL: Miles Drew to present a report to the LTC regarding the Violations to the Seaback to the Sea at the earliest opportunity	Miles Drew	Mar-22-2012	On Going
6	Item 9.3 - NP-DP-2010.4(Twa): staff to discuss with the applicant amending the draft consolidated covenant to: - change the buffer areas to protect trees and native vegetation - adding a no building or structures clause in the plan areas representing the DPAs - adding a clause to exempt danger trees - adding a penalty fee for violations and report back to the LTC regarding the DFO file and the Parks Commission trail	Andrea Pickard	Mar-22-2012	On Going
7	Item 9.3 - NP-DP-2010.4(Twa): staff request the Approving Officer and Dam Safety Officer to comment on the Ryzuk Drainge report and their response, and report back to the LTC	Andrea Pickard	Mar-22-2012	On Going
Mar-22-2012				
No.	Activity	Responsibility	Target Date	Status
8	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
9	Item 10.1 Shoreline Review: staff to report back with a draft scope, timeline, budget and workplan based on 3 phases: information gathering, consultation/education, implementation	Andrea Pickard	May-31-2012	On Going
10	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
11	Item 12.3 Request for Eagle Report: LTC to pay \$500 for a report from Eagle Watch regarding the nesting patterns on the Pender Islands comparing this year to previous and assessing the efficiency of the DPA's	Nancy Roggers	May-31-2012	On Going
May-31-2012				
No.	Activity	Responsibility	Target Date	Status

12	Item 5.1 - Minutes of Apr 26th: adopt as amended	Sharon Lloyd-deRosario	Jun-28-2012	Done
13	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 Rogers	Jun-28-2012	On Going
14	Item 9.1 - NP-DVP-2012.2 (Shantz): DVP approved as drafted	Kathy Jones	Jun-28-2012	Done
15	Item 9.2a - NP-SUB-2008.3(Wey): the LTC agrees to sign the revised covenant for a potable water treatment and storage system with the CRD a co-holder and delegates the Chair to sign	Andrea Pickard	Jun-28-2012	On Going
16	Item 9.2b - NP-SUB-2008.3: the LTC agrees to the revised conservation covenant and delegates the Chair to sign	Andrea Pickard	Jun-28-2012	On Going
17	Item 9.3 - NP-TUP-2012.1 (Burdett): TUP renewal to be issued as drafted	Kathy Jones	Jun-28-2012	Done
18	Item 9.4 - Referral of SSI Bylaw 460: the LTC to respond their interests are unaffected	Andrea Pickard	Jun-28-2012	Done
19	Item 9.5 - Referral of MI Bylaw 157: the LTC to respond they recommend approval because the proposal supports food security in the Southern Gulf Islands	Andrea Pickard	Jun-28-2012	Done
20	Item 10.1 - NP-LUB and OCP -2011.1: staff to revise the draft bylaws based on the Sidney Strata input	Andrea Pickard	Jun-28-2012	On Going
21	Item 10.2 - Ministry of Transportation Follow up: staff to prepare an application for a Roads Assessment for NZEV for the whole of North Pender Island	Andrea Pickard	Jun-28-2012	On Going
22	Item 11.1.1 - Work Program: Draft Bylaw 185 to proceed no further (Steep Slope DPA)	Kathy Jones	Jun-28-2012	Done
23	Item 11.4.2 - Proposed LTC Budget: the draft budget was approved as drafted, forward to Finance for their reference	Andrea Pickard	Jun-28-2012	Done
24	Item 12.2 - Meeting with NCC: staff to proceed with the NCC meeting with only Trustee Steeves in attendance on the proposed date and time - Scheduled for June 25	Robert Kojima	Jun-28-2012	Done



STAFF REPORT

June 11, 2012

File No.: NP-DP-2011.9 and
NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of June 28, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Zoning Amendment NP-RZ-2011.1 (Turner) and Development Permit
NP-DP-2011.9

Owner: Natrikan Holdings Limited (A Cyprus Corporation)
Applicant: Ralph Turner
Location: 1215 Otter Bay Road
Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan
EPP12506, PID: 028-656-725

THE PROPOSAL:

The North Pender Island Local Trust Committee (LTC) has given First Reading to proposed bylaw No. 190 at the March meeting; the proposed bylaw would amend the Land Use Bylaw for a site-specific zoning amendment to the Water 1 zone. The purpose of the application is to permit the construction of a seawall below the present natural boundary of the sea. If the application to amend the Land Use Bylaw is approved, the proposal also requires issuance of a development permit (DP) since the adjacent marine waters are subject to the sensitive intertidal development permit area. A draft DP was reviewed by the LTC at the March meeting; no revisions were requested at that time.

A Community Information Meeting and Public Hearing are scheduled for Saturday June 23rd, in advance of the next regularly scheduled LTC meeting when this report will be considered.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC.

After the public hearing, an LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided

that the amendments do not alter use or increase density, or decrease density without a landowner's consent. Generally, the procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading. *Note: second reading may occur before or after a public hearing, in this case second reading has occurred.*
2. Consideration of Third Reading.
3. Forwarding of the proposed bylaw to Executive Committee for approval.
4. Reconsideration and adoption of the proposed bylaw.

The purpose of this report is:

- to review the proposed bylaw and draft development permit,
- give direction for any revisions to either the proposed bylaw or draft development permit,
- give Second and Third Reading to the proposed bylaw, and
- direct staff to forward the bylaw to Executive Committee for approval.

After the proposed bylaw is returned from Executive Committee, if it is approved, both adoption of the bylaw and approval of the DP could be done by resolution-without-meeting since the next scheduled LTC meeting is not until August 30.

A draft development permit is attached as Schedule A and proposed Bylaw No. 190 is attached as Schedule B.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Local Trust Committee bylaws also have to be approved by the Executive Committee before being adopted. As part of their review a checklist is used to review the proposed bylaw against the Islands Trust Policy Statement; the checklist was received by the LTC as part of the March staff report.

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Other:

Landscaping: A landscaping plan has been submitted for the upland portion that would be backfilled between the seawall and existing bank. The landscaping plan consists of only native species.

Security Bond: In order to ensure the planting is undertaken as proposed, staff recommend the owner provide security in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost. The security should be received before an amending bylaw is given final adoption. The cost estimate provided is \$7452.10, resulting in a security amount of \$9315.13.

First Nations Monitor: At the March meeting of the LTC the issue of requiring a First Nations Monitor present during any site preparation was discussed. Although the site alteration permit requires that the Archaeologist be on site, the applicant was agreeable to ensure a First Nations Monitor was also on site to ensure any unexpected disturbance is handled respectfully and in accordance with cultural practices. The owner agreed to provide a letter of commitment for this purpose.

STAFF COMMENTS:

Generally the practice of armouring the shoreline with concrete or rip rap walls is discouraged due to the potential for negative environmental impacts to shorelines by:

- transferring erosion to adjacent locations;
- interfering with natural coastal process, particularly cutting off the source of beach materials; and
- the loss of habitat and vegetation.

Furthermore, in high energy wave environments hard surfaces can also result in the energy forces being transferred upland, rather than being dissipated and this can impact upland structures. There has been a shift in recent years to alternative approaches that have less environmental and visual impacts. The range of protection measures are often referred to as being on a spectrum from '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. The applicants were requested to provide professional reports commenting on use of alternative options. Given the characteristics of this particular location the use of hard materials with a minimal footprint were recommended.

A key consideration for supporting any form of erosion protection structure at this location is the preservation of a significant archaeological site. The Archaeologist's report identifies it as a large prehistoric habitation site of high scientific significance. The site has been impacted by past development and erosion.

For the proposed seawall to proceed it also requires a development permit, which can include conditions under which the site is developed. Conditions included in the draft permit include:

- Maximum height to follow natural terrain as much as possible,
- Construction to occur during Fisheries and Oceans Canada Best Management Practices (for 2012 July 1 to Oct 1 and Dec 1 to Feb 15),
- All upland work to occur between Jun 1 and Oct 1 (DFO – Best Management Practices),
- No sediments to be released into the foreshore areas, mitigation measures to be undertaken – i.e.: landscaping and mulching,
- No beach materials to be removed from, nor fill introduced into the foreshore,
- A spill kit to be on site when motorized equipment is present,
- A report to be submitted post construction to confirm recommendations have been followed, and
- A monitoring report to be submitted 5 year post construction to review effectiveness and structural integrity of the seawall.

At the time of writing this report a number of agency responses have been received. Responses will be summarized by the planner at the Public Hearing and be available for public review. At this time one objection has been received from the Ecosystems Branch of the Ministry of Forests, Lands and Natural Resource Operations stating that they do not support the proposal as they feel there are 'soft options' which would be more suitable. They also note that there may be more short-term impact during construction but would have less impact to the natural processes over time.

RECOMMENDATION:

Subject to consideration of additional input at the Public Hearing and consideration of the agency submissions, staff recommendations are:

1. THAT the North Pender Island Local Trust Committee directs staff to amend Proposed Bylaw No. 190, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012" by.....
2. THAT the North Pender Island Local Trust Committee gives Second Reading to Proposed Bylaw 190, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012".
3. THAT the North Pender Island Local Trust Committee give Third Reading to Proposed Bylaw 190, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012".
4. THAT the North Pender Island Local Trust Committee directs staff to forward Proposed Bylaw No. 190, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012", to the Secretary of the Islands Trust for Executive Committee approval.
5. THAT the North Pender Island Local Trust Committee approves the terms and conditions of proposed Development Permit NP-DP-2011.9 (Turner) but that the permit not be issued until the related bylaw amendment for NP-RZ-2011.1 is adopted.

6. THAT the North Pender Island Local Trust Committee requires, prior to adoption of Proposed Bylaw 190, the applicant to provide a letter of commitment to have a First Nations Monitor on site during any site preparation for the proposed seawall.
7. THAT the North Pender Island Local Trust Committee requires, prior to adoption of Proposed Bylaw 190, the applicant provide security for the proposed landscaping in the form of an irrevocable letter of credit with a clause for automatic renewal, that is payable to the Islands Trust, and is in the amount of \$ 9,315.13 or 125% of the quoted landscaping cost estimate provided by Kristin Taggart of Islandscapes dated March 10, 2012.

Prepared and Submitted by:



Andrea Pickard

June 11, 2012

Date

concurring in by:



Regional Planning Manager

June 11, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2011.9

To: Natrikan Holdings Limited (A Cyprus Corporation)

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

Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506
PID: 028-656-725

2. This Development Permit authorizes the construction of a seawall within a sensitive intertidal ecosystem development permit area subject to the following conditions:
 - (a) Siting of a seawall shall be consistent with Schedule "A" attached to and forming part of this permit.
 - (b) Construction of a seawall shall be substantially consistent with Schedule "B" attached to and forming part of this permit.
 - (c) Maximum height of the seawall shall be constructed in a manner that follows the natural terrain as reflected in Schedule "C" attached to and forming part of this permit.
 - (d) Construction of the seawall shall occur during the marine timing windows established by Fisheries and Oceans Canada Best Management Practices; those currently being July 1 to October 1 and December 1 to February 15.
 - (e) All related upland work above the present natural boundary shall occur between June 1 and February 15 in accordance with Fisheries and Oceans Canada Best Management Practices.
 - (f) Development must be conducted in a manner that prevents the release of sediment or sediment-laden water to the marine environment. Mitigation measures, such as landscaping and mulching, shall be undertaken after backfilling of the upland slope behind the seawall such that there is no migration of sediments into the foreshore area.
 - (g) No native beach materials shall be removed from, nor any fill introduced into the foreshore area.
 - (h) A spill kit must be kept on-site at all times motorized equipment is present.
 - (i) A post construction report, prepared by a qualified professional, shall be submitted by March 31, 2014 to confirm that recommendations in the professional reports have been followed.

PROPOSED

- (j) A monitoring report, prepared by a qualified professional, shall be submitted by December 31, 2017 to review the effectiveness and structural integrity of the seawall approximately 5 years post-construction.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ day of ____, 20__

Deputy Secretary, Islands Trust

Date Issued

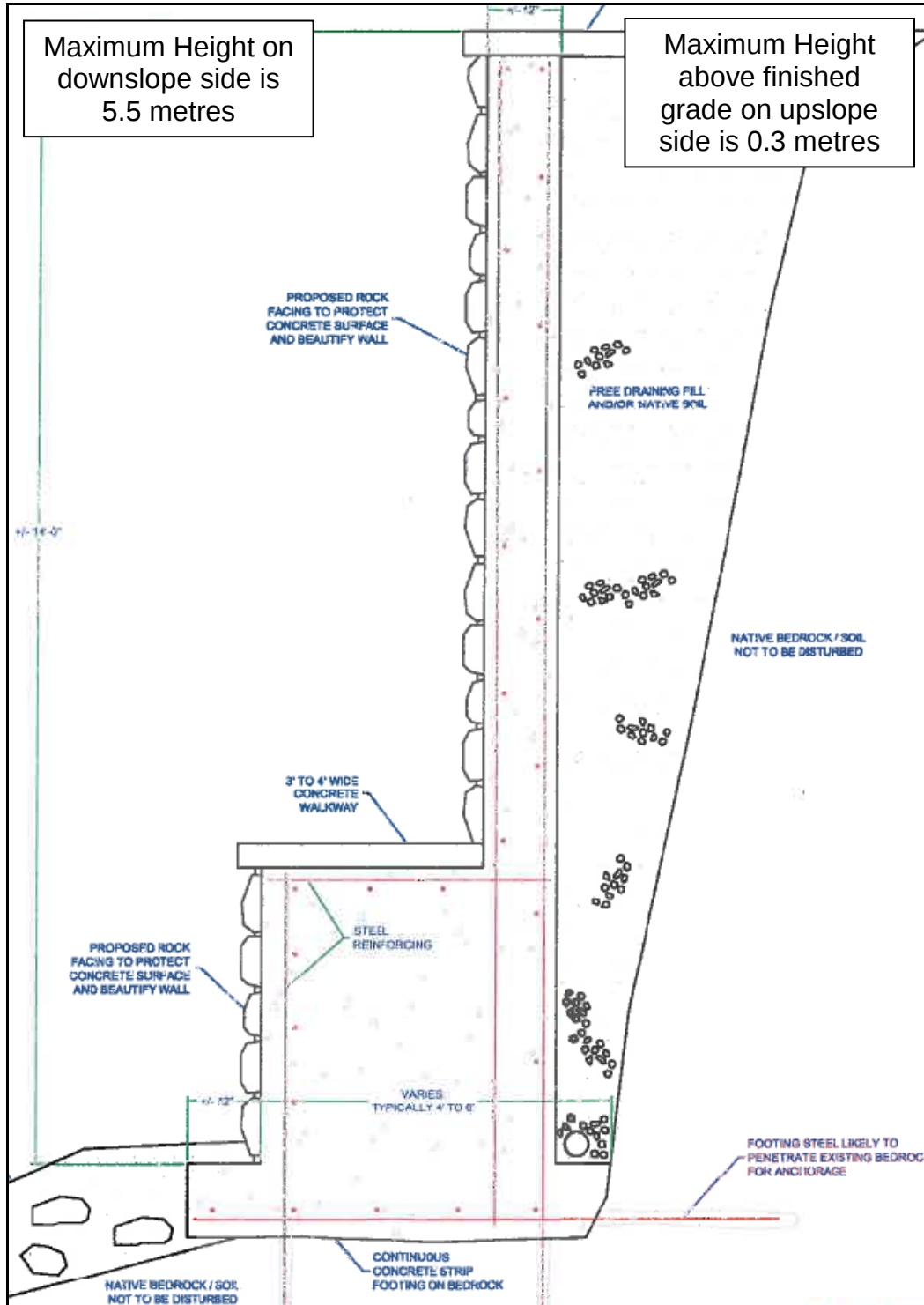
IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 20__ THIS PERMIT AUTOMATICALLY LAPSES.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "A"**

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2011.9 Schedule "B"

Seawall Side Profile



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2011.9 Schedule "C"

Finished Height of Seawall



Finished height of the seawall shall follow the natural terrain as closely as possible as represented by the line



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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 103, 1996;

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. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the uses permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

- | | | | | |
|--|------|--------|-------|--------|
| READ A FIRST TIME this | 22nd | day of | March | , 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__ |

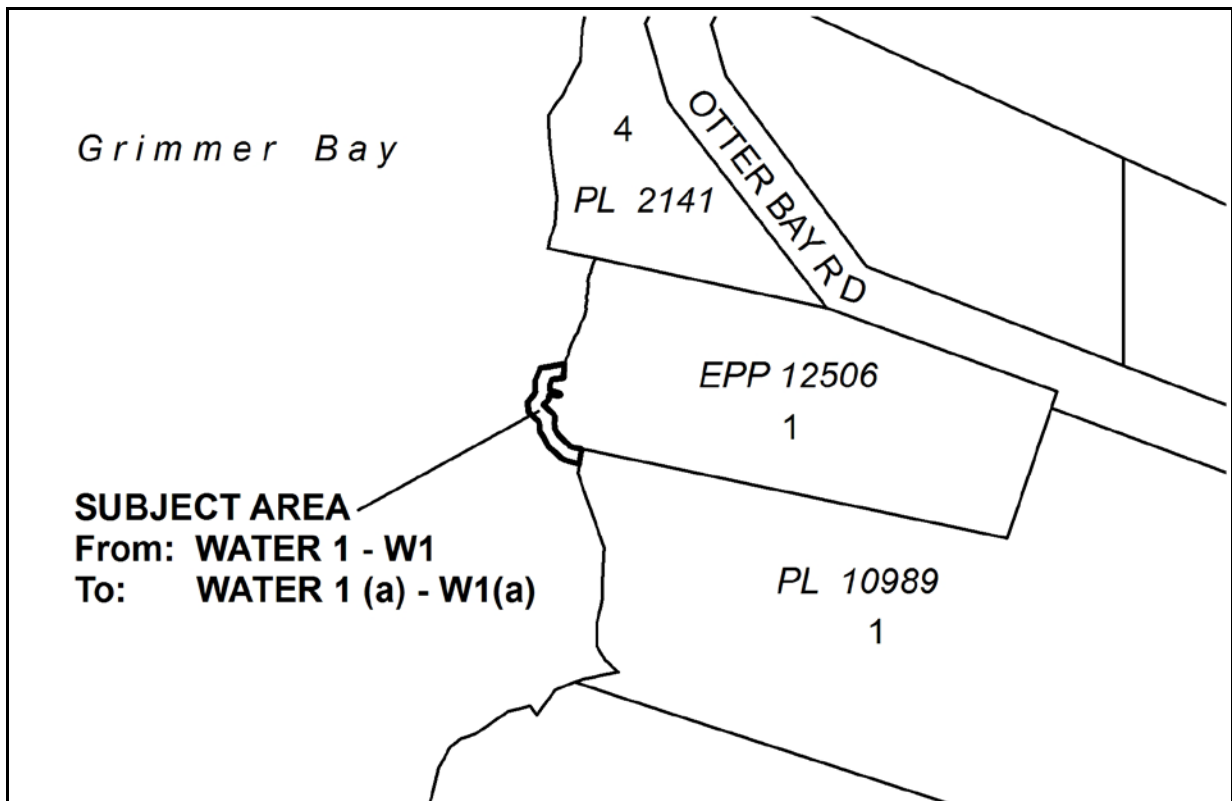
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



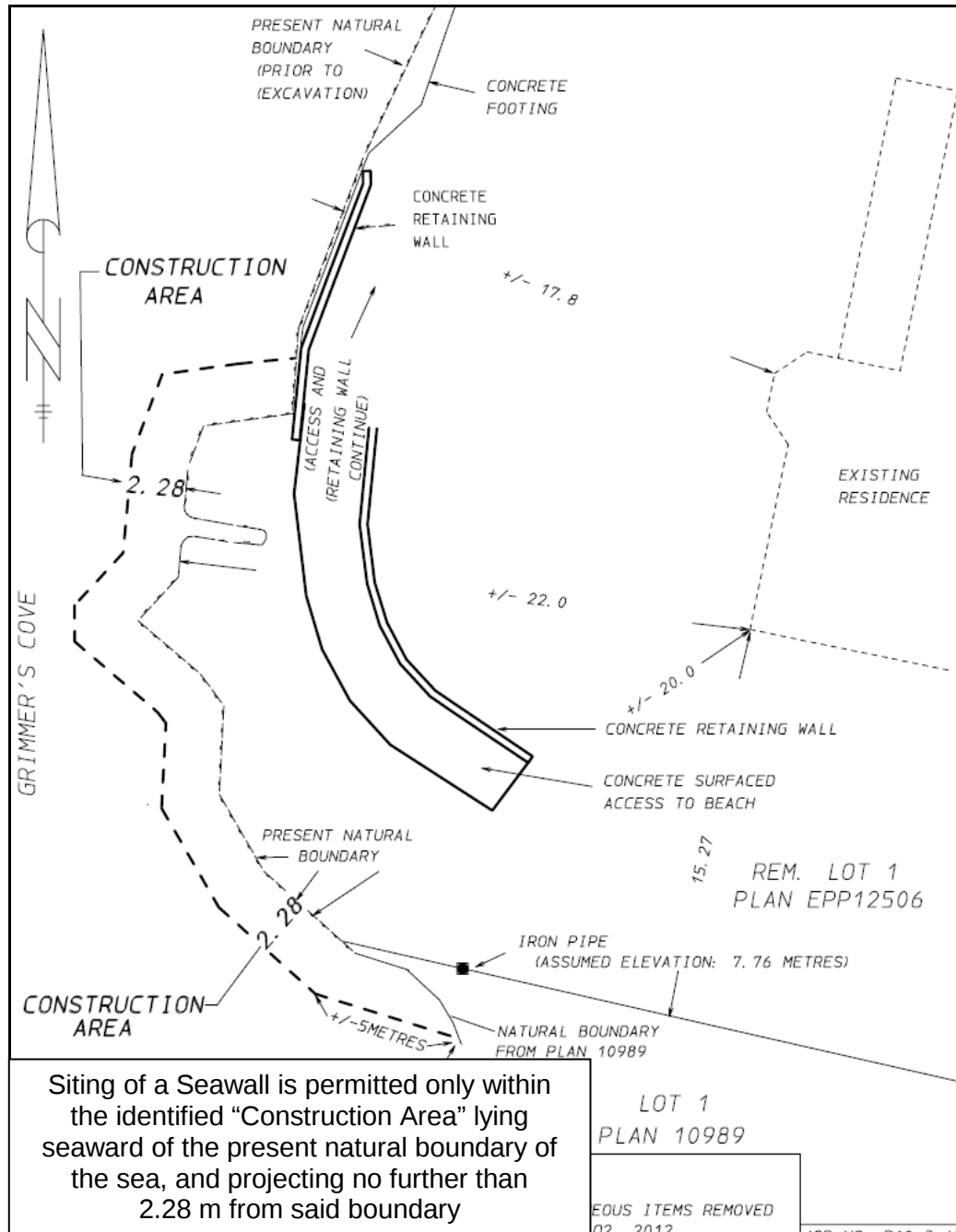
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "F" Detailed Plans" is amended by adding the following:

"W1(a) Seawall Plan"





STAFF REPORT

June 12, 2012

File No.: NP-RZ-2011.12
(Lockhart)

To: North Pender Island Local Trust Committee
For the meeting of June 28, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

Owner: Sandra MacPherson and Noel Hall
Applicant: Lockhart Industries c/o Doug Lockhart
Location: 6640 Razor Point Road
Lot B, Section 11, Pender Island, Cowichan District, Plan 32264 Except
Part in Plan VIP68515

THE PROPOSAL:

The North Pender Island Local Trust Committee (LTC) has given First Reading to proposed bylaw No. 191 at the April meeting; the proposed bylaw would amend the Land Use Bylaw for a site-specific zoning amendment to the Water 1 zone. The purpose of the application is to permit the placement of an ocean-based geoexchange (geothermal heat exchange) system to provide domestic heating and cooling for the upland residential property.

A Community Information Meeting and Public Hearing are scheduled for Saturday June 23rd, in advance of the next regularly scheduled LTC meeting when this report will be considered.

At the April LTC meeting the application was also referred to the Advisory Planning Commission for comment; the draft minutes are expected to be received in advance of the Public Hearing for the LTC's consideration.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC.

After the public hearing, an LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided the amendments do not alter use or increase density, or decrease density without a landowner's consent. Generally, the procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading. *Note: second reading may occur before or after a public hearing, in this case second reading has occurred.*
2. Consideration of Third Reading.
3. Forwarding of the proposed bylaw to Executive Committee for approval.
4. Reconsideration and adoption of the proposed bylaw.

The purpose of this report is:

- to review the proposed bylaw,
- consider any revisions to the proposed bylaw,
- consider Second and Third Reading for the proposed bylaw, and
- direct staff to forward the bylaw to Executive Committee for approval.

After the proposed bylaw is returned from Executive Committee, if it is approved, adoption of the bylaw could be done by resolution-without-meeting since the next scheduled LTC meeting is not until August 30. Proposed Bylaw No. 191 is attached as Schedule A.

The adjacent marine waters are also designated as a sensitive intertidal development permit area, however the installation is not within the DPA so a development permit is not required.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area

Local Trust Committee bylaws also have to be approved by the Executive Committee before being adopted. As part of their review a checklist is used to review the proposed bylaw against the Islands Trust Policy Statement. The checklist is attached as Schedule B.

Official Community Plan:

The subject property is designated Agriculture and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited

- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes
- 4.7.8 – The Local Trust Committee should consider potential climate change impacts and GHG emissions in reviewing any application.
- 4.7.10 – The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

STAFF COMMENTS:

Staff recommends amendment of the bylaw to include a definition for ocean-based geoexchange systems and a proposed definition is shown in the proposed bylaw using the mark-up tool. The proposed definition is:

““ocean- based geoexchange system” means a renewable energy system utilizing the natural occurring temperature of the ocean for the purpose of supplying energy to the abutting upland lot, that:

- a. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
- b. is designed and installed by a Residential System Designer accredited by the Canadian Geoexchange Coalition, or the International Ground Source Heat Pump Association.”

Staff also recommends that after the definition the following information be added: *Information Note: Installation of ocean-based geoexchange systems are also required to obtain the necessary permits or approvals from provincial and federal agencies.*

Staff also recommends inserting the term 'geoexchange' into the site specific table for consistency.

Although the draft minutes of the APC meeting were not received prior to writing this report, staff can comment that some specific questions about the system were raised that we have since obtained answers, specifically:

1. What would happen if there is a power outage?
 - a. There is a backup generator for the property that would automatically start up.
2. What would happen if there is an earthquake?
 - a. Specific requirements for seismic activity were not addressed; however the backup generator should allow the system to operate including the monitoring system that would shut the system down if leaks were detected.
3. Is there another source of home heating?
 - a. No.

At the time of writing this report a number of agency responses have been received and none have objected to the proposal. Responses will be summarized by the planner at the Public Hearing and be available for public review.

RECOMMENDATIONS:

Subject to consideration of additional input at the Public Hearing and consideration of the agency submissions, staff recommendations are:

1. THAT the North Pender Island Local Trust Committee directs staff to amend Proposed Bylaw No. 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012" by inserting 'geoexchange' into the site-specific table and a definition for ocean-based geoexchange systems as outlined in the staff report dated June 12, 2012.
2. THAT the North Pender Island Local Trust Committee give Second Reading to Proposed Bylaw 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012".
3. THAT the North Pender Island Local Trust Committee give Third Reading to Proposed Bylaw 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012".
4. THAT the North Pender Island Local Trust Committee directs staff to forward Proposed Bylaw No. 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012", to the Secretary of the Islands Trust for Executive Committee approval.

Prepared and Submitted by:



Andrea Pickard

June 12, 2012

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

June 12, 2012

Date

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 191

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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 103, 1996;

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. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(b)	The land covered with water fronting Lot B, Section 11, Pender Island, Cowichan District, Plan 32264, Except part in Plan VIP68515.	(1) In addition to the uses permitted in 8.19.1 the following is permitted: (a) Placement of a closed-loop, ocean-based <u>geoexchange</u> (geothermal heat exchange) system for the purpose of domestic heating and cooling accessory to the upland residential property

2. Section 1.1 – Definitions is amended by inserting in the correct alphabetical location ““ocean- based geoexchange system” means a renewable energy system utilizing the natural occurring temperature of the ocean for the purpose of supplying energy to the abutting upland lot, that:
 - a. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
 - b. is designed and installed by a Residential System Designer accredited by the Canadian Geoexchange Coalition, or the International Ground Source Heat Pump Association.”

Following the definition the following be added: Information Note: Installation of ocean-based geoexchange systems are also required to obtain the necessary permits or approvals from provincial and federal agencies

2-3. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

- B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012".
- 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 26th day of April , 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

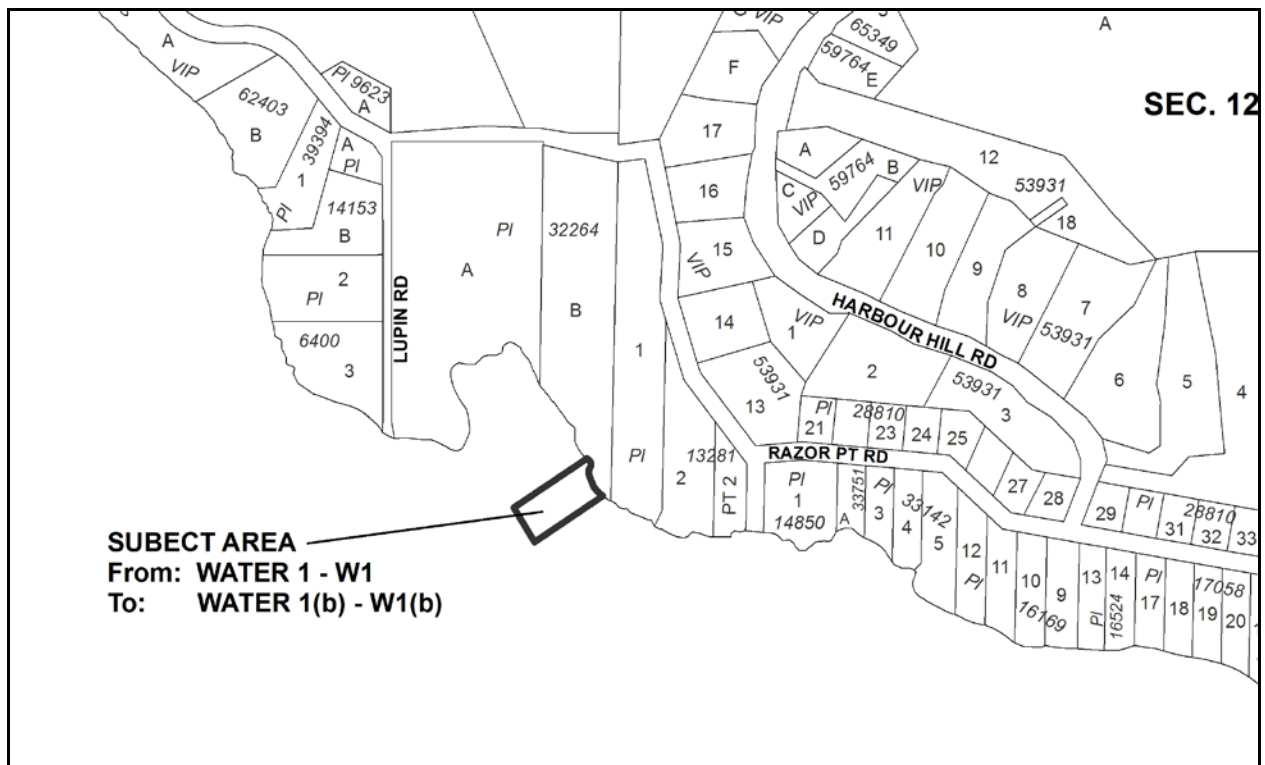
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 191

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:





Islands Trust

Schedule B

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**Bylaw and File No:****PURPOSE**

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

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

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
n/a	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
n/a	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
n/a	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
n/a	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
n/a	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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

STAFF REPORT

June 18, 2012

File No.: NP-DVP-2012.6

To: North Pender Island Local Trust Committee
For the meeting of June 28, 2012

From: Kris Nichols,
Planner 1

CC: Andrea Pickard
Island Planner

Re: Development Variance Application

Owner: Elliot and Betty Rideout
Applicant: Same as above
Location: Lot A, Section 11, Pender Island, Cowichan District, Plan 20898
4602 Pecos Road

THE PROPOSAL:

The purpose of the application is to vary Subsection 3.7.1 of the North Pender Island Land Use Bylaw 103, 1996 to reduce the setback to the natural boundary of the sea from 15 metres to 11.2 metres. The current owners were made aware after purchasing the property that the deck attached to the house does not meet setback requirements, being too close to the sea. The owners wish to legalize the deck through requesting a variance.

A draft Development Variance Permit is attached as Schedule A which includes the building setback. A copy of the notice sent to adjacent neighbours is also attached as Schedule B.

SITE CONTEXT:

The subject property is a 0.89 ha (2.2 acre) developed property on Pecos Road. Adjacent properties along Pecos are of a smaller size. The properties to the north and east are much larger in size and are located in the Agricultural Land Reserve. The property is heavily treed and slopes up from the sea and flattens out as it nears Razor Point Road. The grade is steeper directly adjacent to the sea. Pecos Road is not constructed and currently provides access to 4 properties including the subject property. Pecos Road also contains a park operated access trail to the shoreline.

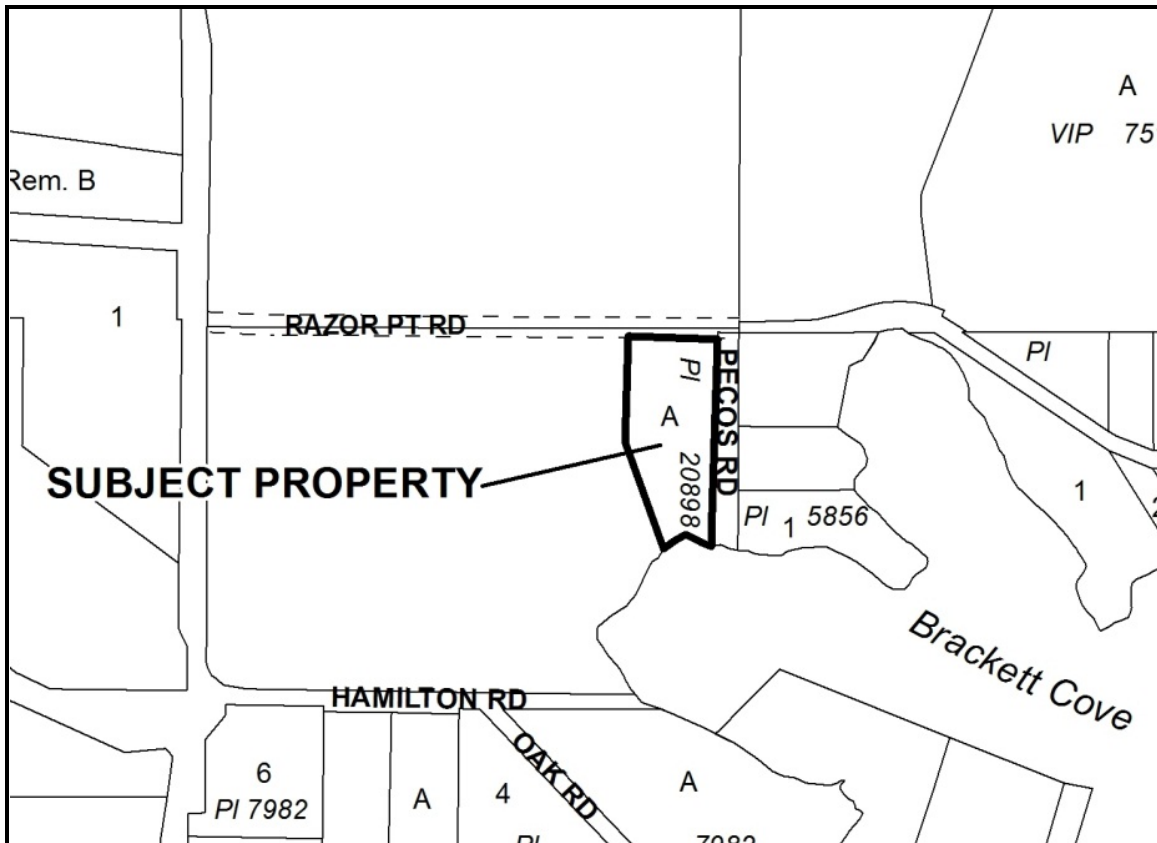


Figure 1: Subject Property Map



Figure 2: Orthophoto and 2 metre contours



Picture 1: Deck



Picture 2: Slope adjacent to shoreline and house looking northeast



Picture 3: Slope toward Port Browning Harbour East side of Building

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan

The subject property is designated Rural in the Official Community Plan (OCP); relevant objectives include:

- 2.1.2 3) To preserve the opportunity for a rural lifestyle.
- 2.1.2 4) To preserve natural features and environmentally sensitive areas.

There are no development permit areas located on this property.

Land Use Bylaw:

The subject property is zoned Rural Residential (RR) in the Land Use Bylaw as are other properties in the area.

Islands Trust Fund:

There are no Trust Fund Board covenants on the property.

Sensitive Ecosystems and Hazard Areas:

The steep slope hazard mapping shows medium hazard in the south portion of the property where the slope is the steepest along the shoreline.

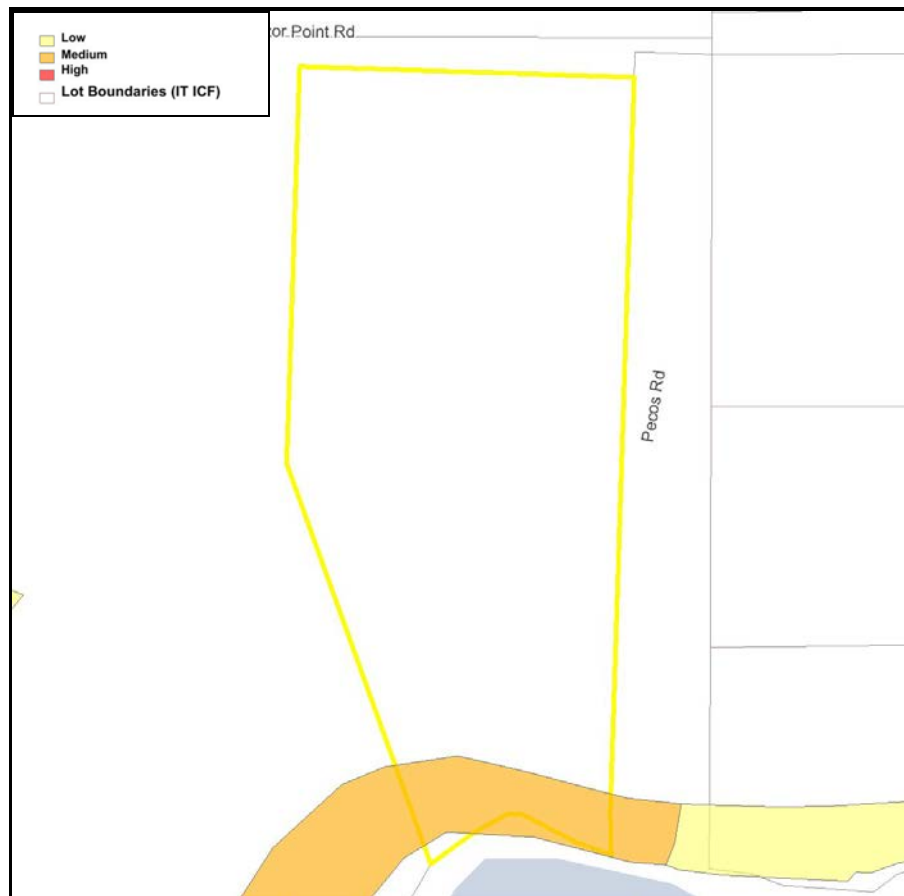


Figure 4: Steep Slope Hazard Areas

Archaeological Sites:

There are no registered archaeological sites on the property or in close proximity.

Covenants:

There are no registered covenants on title.

Climate Change Mitigation and Adaption

The subject property is developed and currently well treed. The variance will not require any tree removal as the deck is already in place. This application has no direct bearing on climate change mitigation and adaptation. However, given its ocean frontage, it could be impacted by storm surges.

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached as Schedule B. At the time of writing this report no comments have been received. If any comments are received they will be brought to the Local Trust Committee meeting.

The applicant has stated that the two adjacent neighbours have no objection to the deck.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The applicant has stated that they were unaware of the fact that their deck did not meet the required setback from the sea of 15 m. They believe it has been in that location for over 25 years. They became aware of the setback issue when they spoke to CRD building about doing upgrades to the building. Subsequently, they decided to attempt to legalize the deck through a setback variance.

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. In specific to setbacks from the sea, the intent is to protect buildings and structures from hazard, protect the foreshore and to minimize visual intrusion on the shoreline. Regulating setbacks also helps to provide a consistent pattern of development within a given zone. Any alternative to a DVP would be costly and require the applicants to remove approximately 3.8 m (12.5 ft.) of the deck so that it conforms to the required setback which would be the majority of the deck.

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:

The need for the variance is due to the applicant wishing to legalize an existing deck that has been in place for over 25 years. The applicant became aware of the fact that the deck was not constructed to meet setback requirements from the sea after discussions with CRD Building. Upon learning of this, they decided to legalize the deck through applying for a development variance permit. The applicants have spoken with the immediately adjacent neighbours who have stated that they have no objection the deck remaining in its current location.

Based on the fact that the deck has been in existence for about 25 years in that location and has had negligible impact on the surrounding properties due to its location and being on a fairly heavily treed site, staff is recommending approval of this development variance permit.

The North Pender LTC has the following options with regard to this variance permit.

1. Issue the permit as presented (Schedule A)
2. Deny the permit

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2012.6 (Rideout) **BE APPROVED.**

Prepared and Submitted by:



Kris Nichols

June 18, 2012

Date

Concurred in by:



Robert Kojima, Regional Planning
Manager

June 19, 2012

Date

Schedules:

Schedule A: Proposed Development Variance Permit

Schedule B: Notice of Development Variance Permit

PROPOSED



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2012.6

To: Elliot and Betty Rideout

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

Lot A, Section 11, Pender Island, Cowichan District, Plan 20898.

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows to legalize the existing building and attached deck by bringing it into conformity with the existing zoning bylaw through varying:

- a) Subsection 3.7.1 to reduce the siting setback to the natural boundary of the sea for the house from 15 metres to 11.2 metres.

The location of the house and attached deck shall be consistent with 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 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 XXth DAY OF JUNE, 2012.

Deputy Secretary, Islands Trust

Date of Issuance

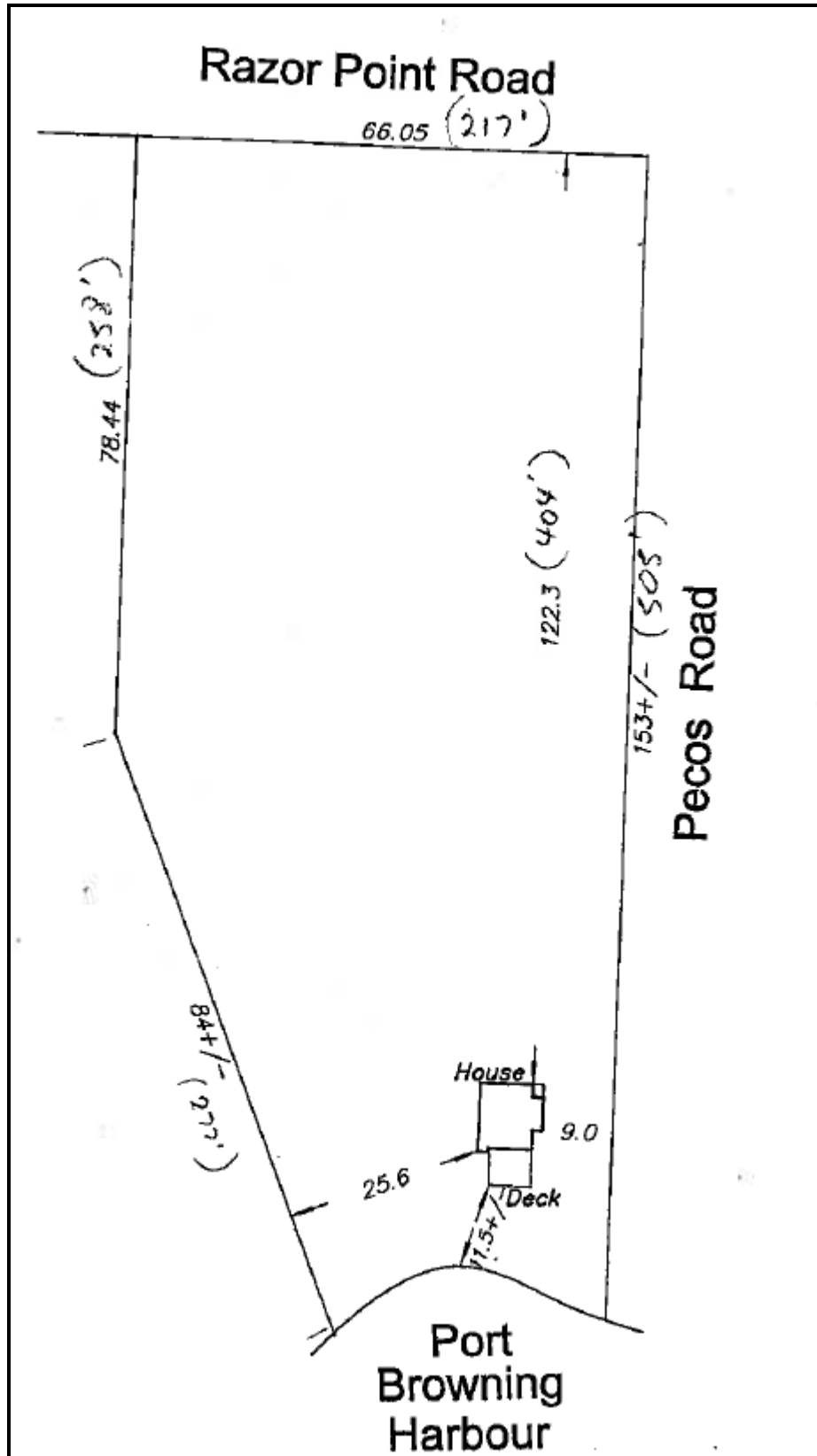
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXth DAY OF JUNE, 2014, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2012.6

SCHEDULE 'A'

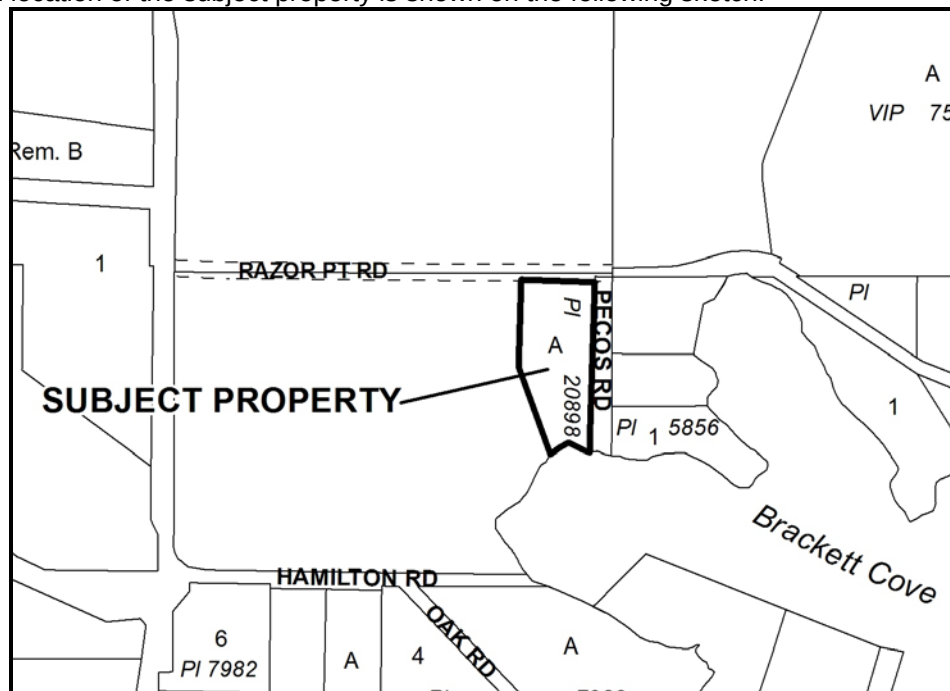


**NOTICE
NP-DVP-2012.6
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

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 to legalize an existing dwelling and attached deck by varying Subsection 3.7.1 to reduce the setback to the natural boundary of the sea from 15 metres to 11.2 metres

The property is located at 4602 Pecos Road and is legally described as, Lot A, Section 11, Pender Island, Cowichan District, Plan 20898.

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 June 15, 2012, and continuing up to and including June 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 June 15, 2012. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner Kris Nichols at (250) 405-5170, 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 for 4:30 pm, June 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., June 28, 2012 at the Pender Island Community Hall (Lounge) on North Pender Island.

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

STAFF REPORT

June 14, 2012

File NP-DVP- 2012.7
Nos.: NP-DP-2012.2
(Graham)

To: North Pender Island Local Trust Committee
For meeting of June 28th, 2012

From: Kris Nichols
Planner

CC: Andrea Pickard
Island Planner

Re: Development Variance Permit and Development Permit Application

Owner: Bruce and Judith Graham
Applicant: Same as above
Location: Lot A, Section 6, Pender Island, Cowichan District, Plan EPP18777
7916 Plumper Way

THE PROPOSAL:

This report is to consider two separate development applications. A development variance permit to permit the construction of an over height two storey accessory building (garage/workshop) by varying Subsection 3.4.4 of the North Pender Island Land Use Bylaw 103, 1996 for the construction of a 7.3 m (23.95 ft) two storey accessory building (garage/workshop). A development permit for this construction and additions to an existing single family residence within a woodland sensitive ecosystem development permit area (DPA). The proposed development would involve: demolition and additions to the existing a two storey single family dwelling, new construction of decks, stairs and a two storey accessory building (garage/workshop), a new parking area and driveway (see Figure 2)

The owners propose to build onto their existing residence which they originally constructed in 1980. The plan is to cluster the development in an area close to the dwelling and in areas that were previously disturbed (i.e. presently developed, logged, or cleared) leaving the majority of the property undeveloped. With the proposed construction of the garage/workshop three mature Douglas-fir trees and two mature second growth western red cedar trees will be removed prior to construction. The parking area is predominantly outside of the development permit area and no trees will be removed within the DPA to accommodate it.

The rationale for a separate Development Variance Permit was that the requested variance did not sufficiently relate to the DPA guidelines so a separate variance application was requested and notification done as part of the variance permit process.

A draft Development Variance Permit for the over height accessory building is attached as Schedule 'A' and a draft Development Permit is attached as Schedule 'C' for the LTC's consideration. The applicant submitted a biologist's report to accompany the development permit as required, which is attached as Schedule 'E'.

SITE CONTEXT:

The subject property is located at 7916 Plumper Way. The lot is approximately 0.408 hectares (1.01 acres) in size and is the result of a recent lot consolidation. The properties to the east are mostly in the 0.28 hectare (0.7 acre) size range and the ones to west are generally half that size (0.14 hectare) with the largest property being to the northwest at 3.6 hectare (9 acres).

The property contains a two storey single family residence, 3 accessory buildings used for storage and a canopy structure for their boat. The existing septic field will be replaced within the same footprint to accommodate the expansion to the residence and the washroom to be constructed in the garage/workshop. There are two accesses from Plumper Way to the property, one is the original and there is a new one for access to the garage/workshop and parking area.

Staff met with the applicants on site on May 28, 2012 and took the pictures included in this report.

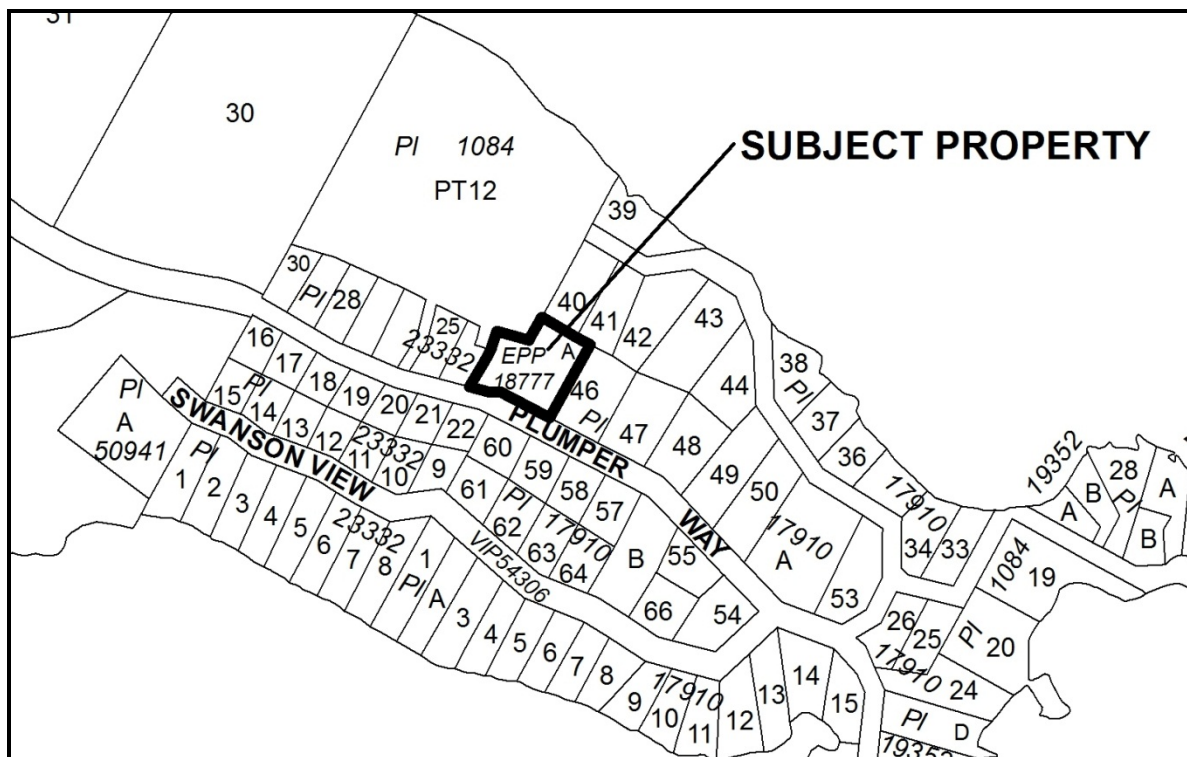


Figure 1 – Subject Property Map

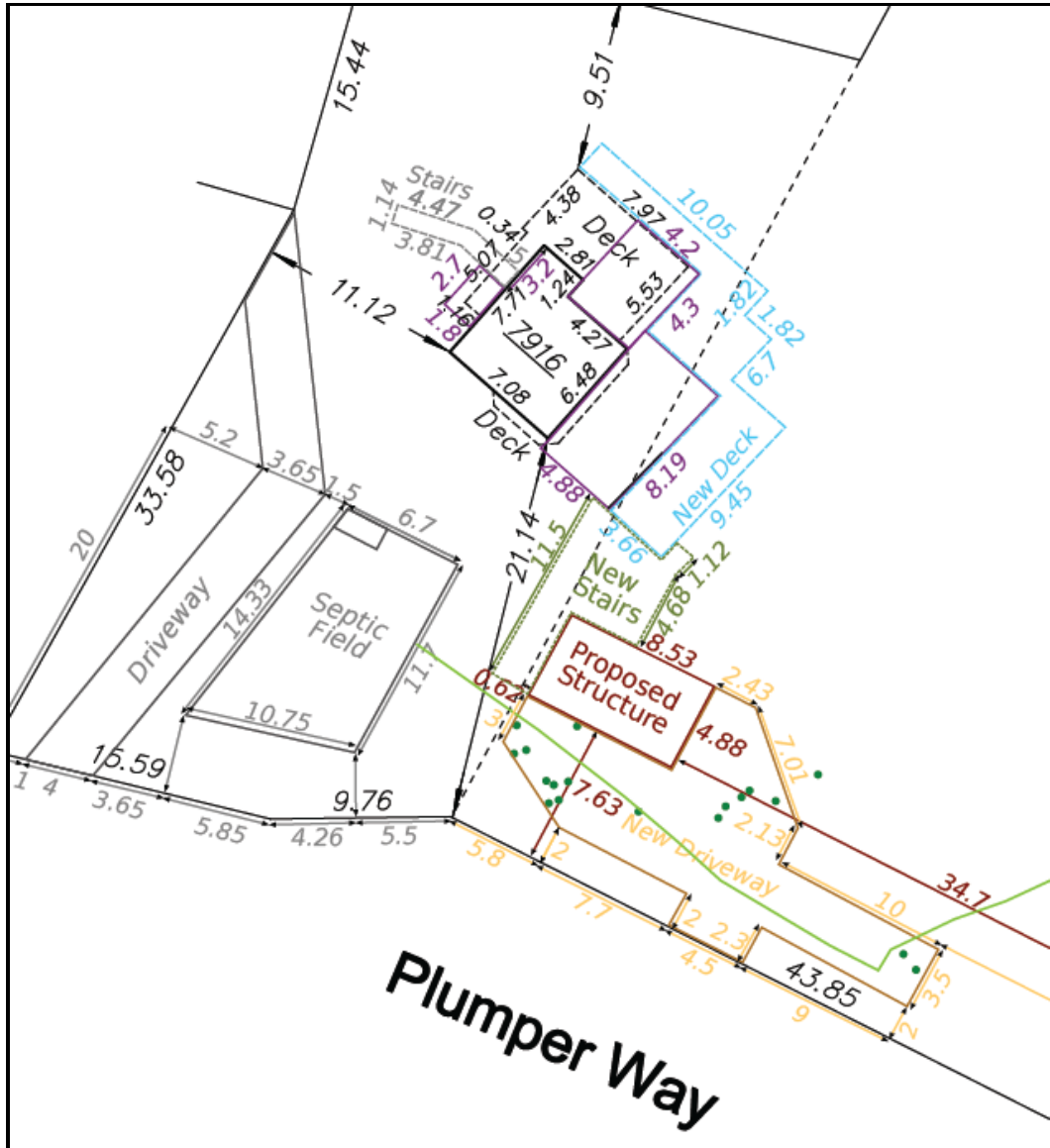


Figure 2 – Proposed new construction

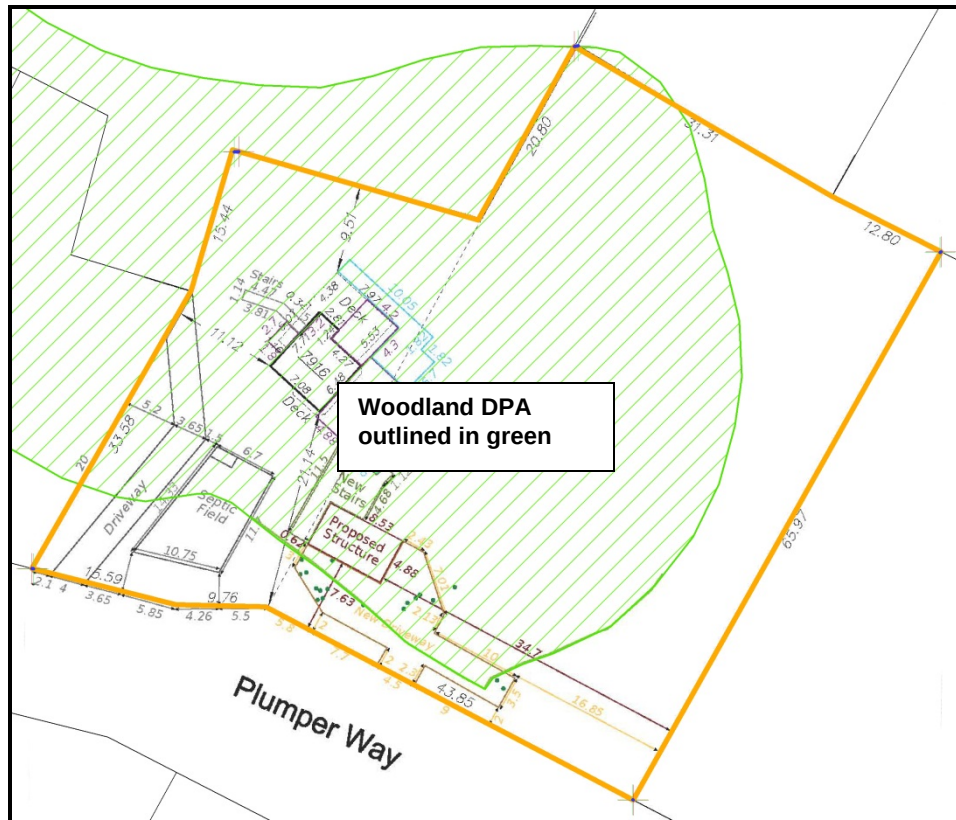


Figure 3 - Shaded Woodland DPA

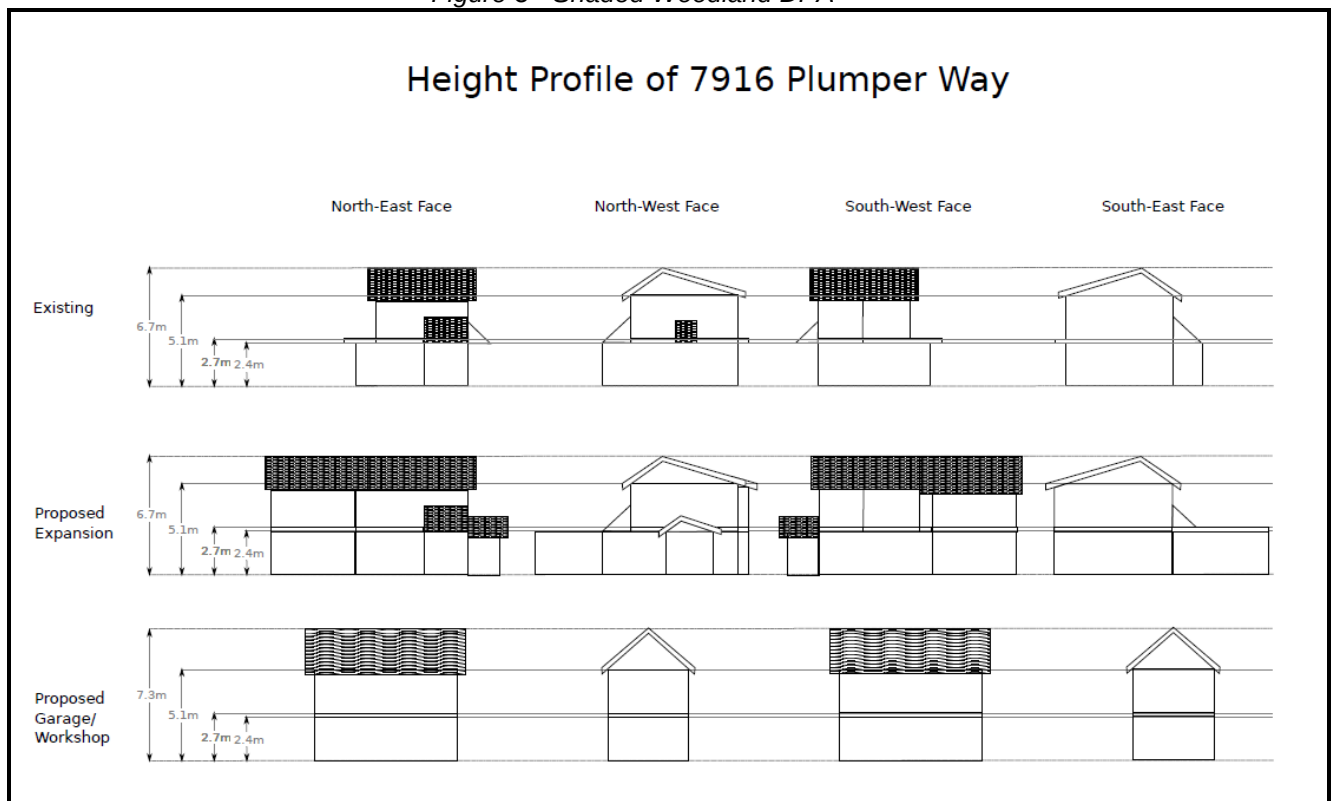


Figure 4 – Building Elevations for additions to residence and proposed garage/workshop



Picture 1 - Mature Arbutus at corner of proposed new deck



Picture 2 – Proposed location of accessory building (garage/workshop)



Picture 3 – Proposed new driveway to accessory building location



Picture 4 – Proposed area for addition to building and deck (east side)



Picture 5 – Existing driveway and residence.



Picture 6 – Proposed kitchen and bedroom upstairs addition area

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement: Applicable policies in the Islands Trust Policy Statement include:

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

Official Community Plan: The subject property is designated Rural Residential (RR). The property is partially located within the Woodland DPA. See Figure 3.

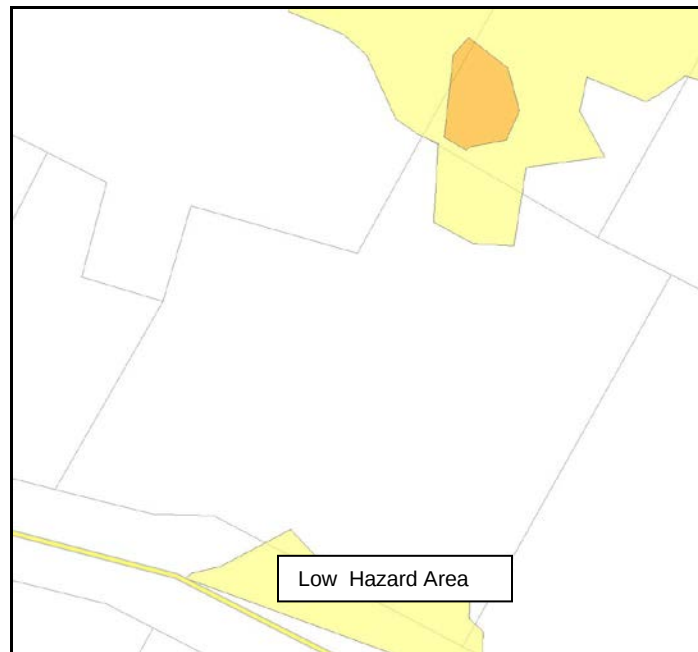
Land Use Bylaw: The subject property is zoned Rural Residential (RR). The majority of the properties in the area are zoned similar, except for the large property to the northwest which is zoned Rural (R). The permitted height for accessory buildings is 4.6 m (15 ft.) and one storey; the applicants propose to build a 7.3 m (23.95 ft.) high, two storey building.

Islands Trust Fund:

There are no Trust Fund covenants or properties on or near the subject property.

Sensitive Ecosystems and Hazard Areas:

Beyond the Woodland DPA, there are no sensitive ecosystems identified on the property. There is a low slope hazard in the southeast and northwest of the property.



Archaeological Sites:

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

Covenants:

There are no restrictive or conservation covenants on the subject property.

Bylaw Enforcement:

The applicant has been requested to clarify the location of the three accessory buildings on the property to ensure that they meet the required setbacks. The applicant responded to state that 2 of the accessory buildings are within the required setbacks. At this time, the applicant was undecided on how to remedy the situation. The issue has become a bylaw enforcement file for follow up.

Climate Change Mitigation and Adaptation

The subject property is already developed with the area proposed for new construction having been historically disturbed. Where possible the applicants are preserving existing vegetation as it is with a development permit area. The applicants have planted new cedar and fir trees on the property.

Other:

A report by a Registered Professional Biologist (Linneaus Consulting) evaluating the proposed development within the Woodland DPA is attached as Schedule 'E'. The report outlines the ecological values of the Woodland DPA, evaluates the environmental impacts of the proposed development and makes recommendations for mitigation of impacts from development. It recommends such actions as the removal of non-native invasive species (i.e. Scotch Broom) through the implementation of a long-term invasive species removal plan for the property along with the replanting of native species. Also that drainage system construction should not negatively impact the Woodland ecosystem by concentrated runoff. The report specifically singles out the arbutus tree (see Picture 1) for protection from construction and that deck footings not impact the root system. A checklist for the Woodland DPA guidelines has been attached as Schedule C.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application or the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

Notice for the development variance permit was circulated to neighbouring residents and owners for comment and is attached as Schedule 'B'. At the time of writing this report no comments have been received. If any comments are received they will be brought to the Local Trust Committee meeting. The applicant has spoken with 3 adjacent neighbours who have indicated to them that they have no concerns with the proposed development.

No circulation is required for a development permit application.

ISSUES SUMMARY – DEVELOPMENT VARIANCE PERMIT:

Applicant's stated rationale for the variance. The applicant has stated that their lot is very challenging from a building perspective for the construction of an accessory building. It has a

relatively small building site that is constrained by a large natural rock wall to the northeast, the exterior side lot line setbacks and the fact it is in a development permit area. The height will also permit the applicants to have adequate space (and height) for such activities as woodworking and storage of materials. Due to existing and planting vegetation the accessory building will not be that visible from the road. The biologist noted in their report, the general idea of building upward is to reduce the footprint which can reduce impacts on the development permit area by limiting the amount of land alteration and disturbance.

The overall intent of the regulation being varied. The overall purpose of height regulations is to minimize impacts on adjacent property related to: shading, aesthetic, and privacy concerns. Regulating lower height for accessory buildings also ensures that principal buildings remain dominant in size and scale relative to accessory uses. Regulating height also helps to provide a consistent pattern of development within a given zone. Limiting accessory buildings to one storey serves a similar purpose to height restrictions. In this case, due to the topography, the single family residence having been constructed at a higher elevation will not be impacted by this variance proposal. An alternative option for the applicants would be to create a larger footprint single storey building with a maximum height of 4.6 m (15 ft) that would be no closer than 4.5 m (14.76ft) to the road due to a portion of the property line fronting Plumper Way would be considered an exterior lot line, thereby not requiring a variance. The area adjacent to the proposed building is to be constructed as driveway and therefore building on that site may not be any more of an impact on the development permit area than is currently planned. A single storey building could through design possibly accommodate their needs in a single storey.

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:

Development Variance Permit:

The need for a variance is to permit the preferred location of a second storey accessory building in a location that is constrained due to a large rock face, exterior side yard setback and the location of development permit area. The ability of a second storey in the accessory building permits the applicants to have the necessary height for such activities as woodworking where large pieces of wood are utilized and storage for other artisan tools and equipment.

The proposed accessory building has negligible impact as it is hidden from the road by vegetation and from the existing residence due to a steep rock wall which is about the height of the proposed building.

Options:

1. To approve the development variance application as presented to permit the construction of a 7.3 m two storey accessory building; or
2. To not approve the requested height variance which would result in the applicants possibly building a larger single storey building that may not require a variance. This would require an amendment to the proposed development permit as presented currently.

Development Permit:

The proposed development (building expansion, deck, stairs, two storey accessory building, and driveway/parking area) is predominantly located in areas that have been historically disturbed and therefore is not representative of an intact Woodland ecosystem as noted in the biologist report. Most of the Woodland DPA on the property is remaining untouched by the proposed development. The applicants will work to lessen the developments impact on the Woodland DPA by such measures as cantilevering the deck when it is adjacent to a mature arbutus tree.

In addition to any land alteration and tree removal authorized through a Development Permit, the guidelines exempt:

- the removal of dangerous trees posing an immediate threat to life or property,
- the removal of invasive, non-indigenous trees or vegetation,
- the removal of trees, other than Gary Oak, Arbutus, Pacific Yew or Pacific Dogwood, with a trunk diameter of less than 20 centimeters provided that stumps and root systems are not removed.

Conditions in the proposed permit include:

- the removal of two Douglas Fir trees (one is damaged) in the footprint of the proposed extension of the dwelling.
- the removal of three Douglas Fir trees (one is a hazard) in the area proposed for the garage
- the removal of two older second growth western red cedar trees and seven (7) very small saplings
- the retention of snags and wildlife trees
- trunks and large limbs from removed trees to be left within the development permit area as large woody debris (branches and small limbs with a diameter less than 20 cm may be removed to reduce fire fuel loads),
- the protection of the arbutus tree adjacent to the proposed deck, by cantilevering the structure so to not impact the tree or its root system (see Picture 1),
- the protection of the arbutus trees and their root systems during construction with temporary fencing,
- the surface of the deck attached to the dwelling shall be constructed with sufficient spacing or materials to be permeable to water,
- the surface of the driveway and the connecting pathway to be of permeable surfacing,
- storm water discharge from any structures or surface to ensure diffused discharge (semi-natural manner),
- no irrigation systems shall be placed within the development permit area,
- restoration of the construction disturbed areas and adjacent Woodland areas with drought-tolerant, native species.
- post-construction the disturbed area to be restored to as near the pre-existing natural condition as is feasible,
- post-construction the disturbed area shall be maintained free of invasive species, particularly Scotch Broom,
- soil, gravel or rock is only to be removed or deposited, as minimally necessary, within that area for the proposed dwelling additions, driveway, parking area, stairway, deck or accessory building.
- all construction materials and equipment to be located only within that area for the proposed dwelling additions, driveway, parking area, stairway, deck or accessory building.
- In the driveway and parking areas, pervious surfaces should be encouraged
- the area cleared and disturbed for development should be minimized.

- if blasting is required (not anticipated), the use of blast mats is required

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2012.7 (Graham) and Development Permit NP-DP-2012.2 (Graham) **BE APPROVED.**

Prepared and Submitted by:



Kris Nichols

June 14, 2012

Date

Concurred in by:



Regional Planning Manager

June 15 , 2012

Date

PROPOSED



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2012.7

To: Bruce and Judith Graham

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

Lot A, Section 6, Pender Island, Cowichan District, Plan EPP18777.

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows to allow for the construction of a two storey accessory building (garage/workshop):

- a) Subsection 3.4.4 is varied to increase the height of the accessory building from 4.6 m to 7.3 m and to allow a second storey.

The accessory building location and height shall be consistent with 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 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 XXth DAY OF JUNE, 2012.

Deputy Secretary, Islands Trust

Date of Issuance

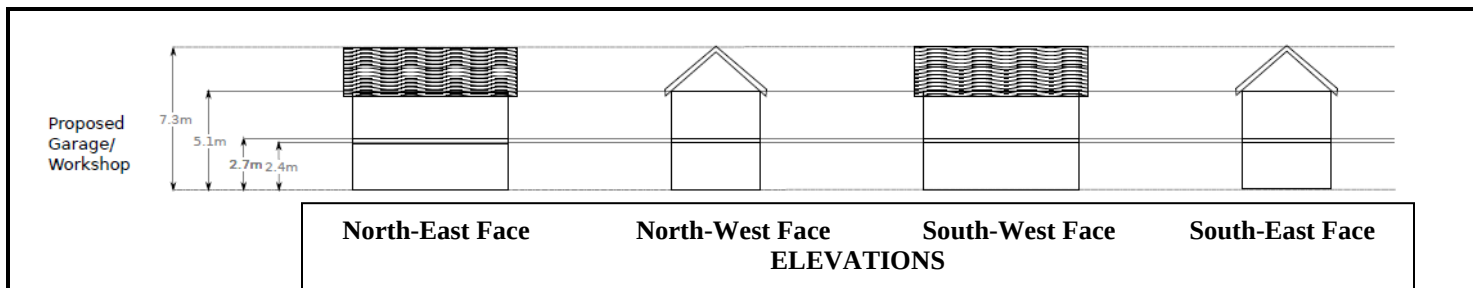
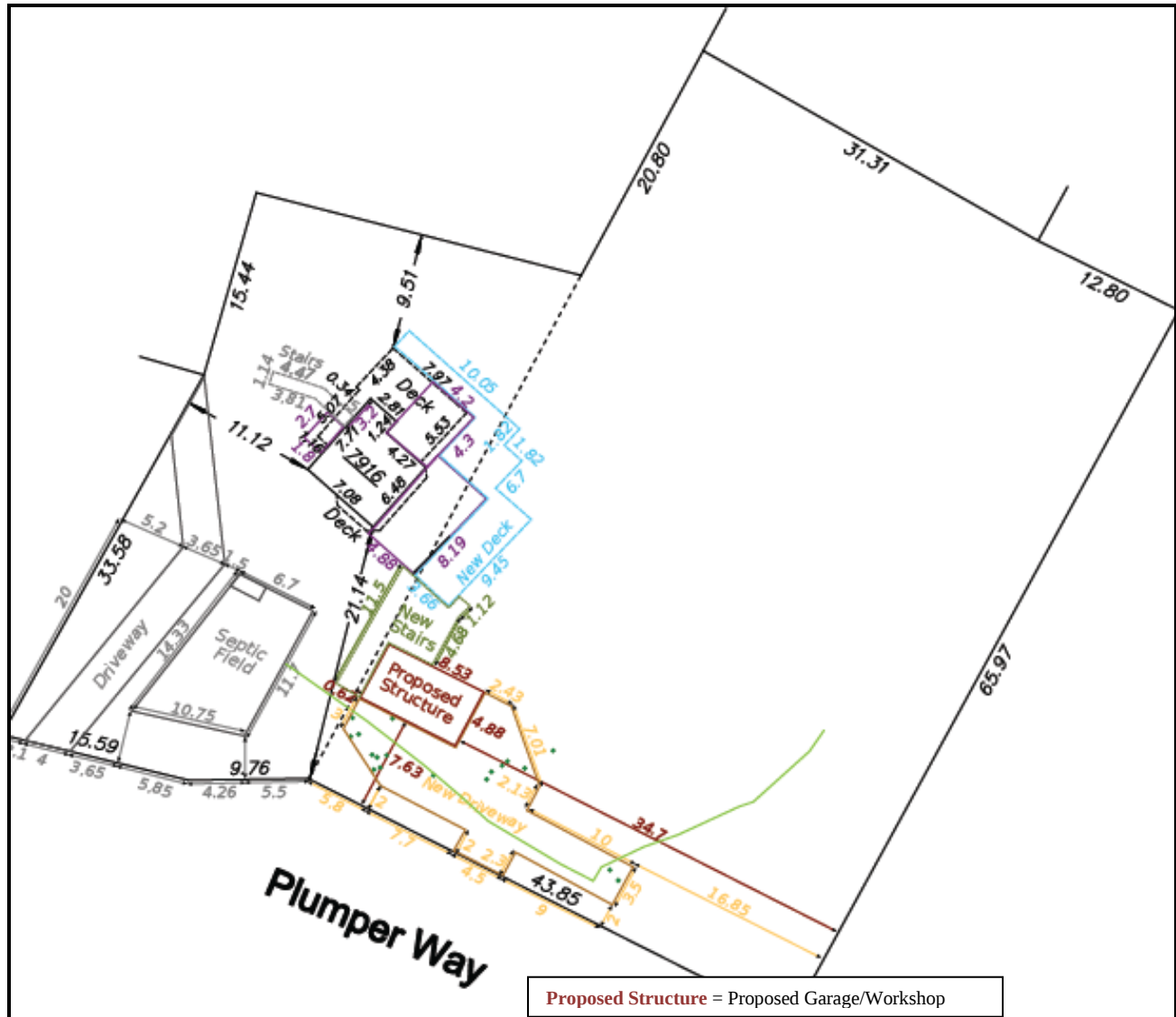
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXth DAY OF JUNE, 2014, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2012.7

SCHEDULE 'A'

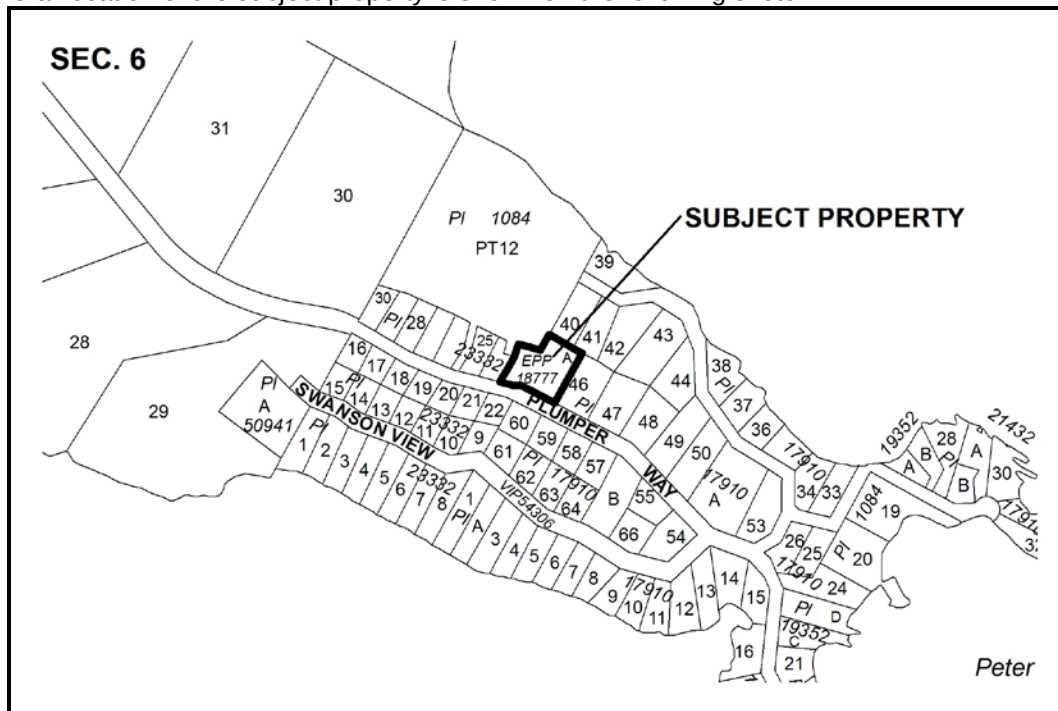


**NOTICE
NP-DVP-2012.7
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

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 Subsection 3.4.4 for the construction of a two storey accessory building.

The property is located at 7916 Plumper Way and is legally described as, Lot A, Section 6, Pender Island, Cowichan District, Plan EPP18777.

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 June 15, 2012, 2012 and continuing up to and including June 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 June 15, 2012. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner Kris Nichols at (250) 405-5170, 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 for 4:30 pm, June 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., June 28, 2012 at the Pender Island Community Hall (Lounge) on North Pender Island.

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

Kathy Jones
Deputy Secretary

DPA Checklist: NP-DP-2012.2 (Graham)
Single Family Addition Dwelling and Accessory Building Construction

Guidelines	Comments
<i>Overall DPA Guidelines</i>	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Subject property is the result of a recent 2-lot consolidation.
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	The location for additions to the dwelling have been heavily disturbed and the area where the parking and garage are proposed has been previously logged and cleared and therefore of fair to poor condition.
3. The area cleared and disturbed for development should be minimized.	Proposed development to occur in already disturbed and/or cleared areas.
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Development centered in one location around existing building development.
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	Proposal is to protect significant trees (i.e. arbutus) by cantilevering deck area. Trees being removed are not considered significant.
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Majority of lot to remain undisturbed.
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	Single family additions and garage have been designed to lessen impact on the Woodland habitat.
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Majority of lot will remain undisturbed.
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Condition of permit for restoration in the construction disturbed areas and adjacent Woodland areas with drought-tolerant, native species.

Guidelines		Comments
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	Condition of permit to limit soil deposition.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Condition of permit to limit alteration of natural drainage patterns.
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	Already in place prior to permit
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	Proposal is for an additional access point/driveway for the garage. Condition of permit to limit impervious surfaces. The second access is quite short due to proximity to the roadway.
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	n/a
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	n/a
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	n/a
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	Condition of permit
	b) fencing, flagging and posting of notices during construction;	Not recommended
	c) limits on blasting in sensitive areas;	Not anticipated, if necessary then blasting mats required.
	d) limits on construction timing;	None recommended
	e) provision of works to maintain or restore the quantity or quality of water reaching	n/a

Guidelines	Comments
environmentally sensitive areas or habitat;	
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Condition of permit for those areas that may be disturbed as a result of construction
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	None recommended – variance application being considered in addition to, but separate from, the DP
Woodland Ecosystem Guidelines	
1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated understorey vegetation should be protected.	Large arbutus near deck line to be protected by cantilevering deck over root system as well as the use of temporary fencing.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	For trees to be removed, woody debris to remain on site as condition of permit.
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	Condition of permit to use temporary fencing to protect area outside of construction area.
4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	n/a
5. Denning and nesting sites or rare, threatened or endangered species should be protected.	None identified
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow existing contours of the site, utilize small concrete pilings and have gaps between boards.	n/a

PROPOSED



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2012.2

To: Bruce and Judith Graham

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

Lot A, Section 6, Pender Island, Cowichan District, Plan EPP18777
2. This Development Permit authorizes the construction of additions to a single family dwelling (mud room, living room, kitchen, bedroom and decks), construction of a two storey accessory building (garage/workshop) and construction of a stairway, driveway and parking area within the development permit area, subject to the following requirements and conditions:
 - (a) Two Douglas fir trees in the footprint of the proposed extension of the dwelling may be removed including root system.
 - (b) Three Douglas fir trees in the area proposed for the garage may be removed including root system.
 - (c) Two older second growth western red cedar trees and seven (7) very small saplings may be removed in the area of the parking/driveway.
 - (d) The retention of snags and wildlife trees where feasible.
 - (e) For those trees that must be removed , the trunks and large limbs from removed trees to be left within the development permit area as large woody debris (branches and small limbs with a diameter less than 20 cm may be removed to reduce fire fuel loads),
 - (f) Protection of the arbutus tree adjacent to the proposed deck, by cantilevering the deck structure so to minimize impact the arbutus tree or its root system,
 - (g) To protect arbutus trees and their root systems during construction by installing temporary fencing at a maximum distance of 2.0 m from the trunk,
 - (h) That the surface of the deck attached to the dwelling and stairs shall be constructed with sufficient spacing or materials to be permeable to water,

PROPOSED

- (i) The surface of the driveway and parking area within the DPA to be of permeable surfacing,
 - (j) Design of storm water discharge from any structures or surface within the development permit area shall ensure diffused discharge(semi-natural manner),
 - (k) No irrigation systems shall be placed within the development permit area,
 - (l) Restoration of the construction disturbed areas and adjacent Woodland areas with drought-tolerant, native species.
 - (m) Once construction is completed, the disturbed land within the development permit area shall be maintained free of invasive species, particularly Scotch Broom.
 - (n) Within the development permit area soil, gravel or rock is only to be removed or deposited, as minimally necessary, within that area for the proposed dwelling additions, driveway, parking area, stairway, deck or accessory building,
 - (o) During construction, all construction materials and equipment to be located only within that area for the proposed dwelling additions, driveway, parking area, stairway, deck or accessory building,
 - (p) Minimize the area cleared and disturbed for development ,
 - (q) Once construction is completed, the disturbed land within the development permit area shall be restored to as near the pre-existing natural condition of the woodland ecosystem as is feasible.
 - (r) Blasting of rock is not anticipated; however, should it be deemed necessary during construction, any rock removed shall not be deposited within the development permit area. Mitigation shall include the use of blast mats to contain materials.
 - (s) No irrigation systems are to be placed within the development permit area.
 - (t) Temporary fencing should be constructed around the building sites to limit intrusion into DPA during construction.
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.

PROPOSED

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS xxth day of June, 2012.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE x DAY OF xxxx, 2014 THIS PERMIT AUTOMATICALLY LAPSES.

June 2, 2012

Evaluation of Proposed Development within Development Permit Area One (Woodland) on Graham Property, Lot A, Section 6, 7916 Plumper Way, N. Pender Island

Site visits were made in April and May 2012 to evaluate potential impacts from proposed construction of additions to an existing house including decks, as well as stairs, garage, and parking area partially located within a sensitive Woodland ecosystem located at 7916 Plumper Way on North Pender Island. The property owners recently acquired a larger adjacent undeveloped lot to the east and have amalgamated the two lots. The term 'property' in the report refers to the consolidated lot unless otherwise specified.

Ecological Values of Development Permit Area (DPA) One (Woodland) on Graham Property

Portions of the Development Permit Area identified on the subject property (see Figure 1) are examples of a Woodland ecosystem, once well-represented on North Pender Island, but now considered to be the most threatened ecosystem on the island and remaining only in fragmented patches.

The property as a whole is comprised of a remnant Woodland ecosystem dominated by Douglas-fir and arbutus with numerous rock outcrops. However, the area containing the house and outbuildings on the original lot at 7916 Plumper Way (before amalgamation) mapped as part of the Woodland DPA is heavily disturbed, with portions completely converted to other uses. These heavily disturbed areas do not constitute viable representations of a Woodland ecosystem (see Photo 1). The Woodland DPA where the garage and parking area construction are proposed shows evidence of past logging and clearing, and is in fair to poor condition also due to its proximity to the road and edge effects.

The recently acquired undeveloped lot to the east retains the natural values of an intact Woodland ecosystem (see Photo 6). This area represents the provincially rare (red-listed) Douglas-fir-arbutus ecological community, and contains some mature Douglas-fir and arbutus trees. This community type can also include Garry oak, although there are no Garry oak trees on the subject property. There are no records of provincially or federally at-risk species on the property. No raptor or heron nests were seen within property boundaries.

Evaluation of Environmental Impacts from Proposed Development

As can be seen in Figure 2, construction of an entrance/mudroom (west side), living room (north side), kitchen/bedroom (east side), and decks is proposed adjacent to the current house, with stairs connecting a deck on the east side to a garage (labeled 'Proposed Structure' on the survey plan) in the lower portion of the property near the road. A parking area is proposed to the east of a garage at the road, part of which is outside of the Woodland DPA (see Figure 2). No blasting of rock will be done, and a permeable surface for the driveway is planned.

The proposed development concentrates development in areas that are non-sensitive (entrance/mudroom area on west side, living room/deck on north side), in poor condition (deck and kitchen/bedroom on east side and stair area), and in previously disturbed areas (garage and parking area).

- ecosystem-based site inventory and evaluation • environmental impact assessment • management plans •



House Additions and Decks

Figure 2 and photos noted show the locations of the three areas of proposed additions and decks: 1) entrance/mudroom and deck area on the previously disturbed west side of the house (see Photo 2); 2) proposed living room and extension of existing deck on the north side of the house (see Photo 3), and 3) kitchen down/bedroom up addition and deck on the east side (see Photos 4&5). These additions and deck construction will result only in the loss of the two Douglas-fir trees (one is damaged) now located in the middle of the existing deck on the north side (see Photo 3), and minimal encroachment into the intact Woodland ecosystem on the east side (see Photo 5), an area of poor condition with high cover values of exotic grasses due to previous disturbance and proximity to the house.

Stairs

Stair construction is proposed to connect the deck on the east side of the house to the garage (see Figure 2 and Photo 7). The stairs will be zigzagged (with landings) down a steep bank and rock outcrop (see Photo 8). This is a fairly disturbed area (see Photos 7& 9), and although the garage and stairs will shade the rocky area, no blasting will be done and sensitive ecosystem loss will be minimal.

Garage

The proposed garage will be constructed in a previously disturbed (logged, cleared) area near the southern boundary of the property close to the road, near an existing small shed that can be seen in Photo 7. A two-story structure is planned, which would occupy a smaller footprint than if developed as a larger, one-story structure.

A total of three mature Douglas-fir trees will be removed prior to construction in the area proposed for the garage, one of which is leaning and poses a safety hazard. Two older second-growth western red cedar trees will be removed, as will seven very small saplings. Some of these trees are visible in Photo 9, marked with orange flagging tape. Snags and wildlife trees will be retained.

Parking Area

The area proposed for parking is adjacent to the garage area and has been similarly disturbed by logging and clearing. Much of the parking area is outside of the DPA (see Photo 10), and no trees within the DPA will be removed to establish the small parking area.

Recommendations for Mitigation of Impacts from Development

Although the area proposed for deck and garage construction was previously disturbed, the further disturbance caused by construction may result in increased colonization of this area and beyond by invasive alien plant species, including Scotch Broom. Removal of non-native invasive plant species is an important follow-up activity after site disturbance, especially in open-canopied ecosystems such as Woodlands. It is important to maintain, and where possible, improve the quality and condition of these rare ecosystems, and therefore development and implementation of a long-term invasive species removal plan for the property is recommended.

Drainage systems should be constructed in such a way as to avoid negatively impacting the hydrology of the Woodland ecosystem by concentrated runoff. Distribution of runoff in a semi-natural manner is important in naturally dry Woodland ecosystems.

Both the areas disturbed by construction and the adjacent Woodland areas offer a good opportunity for restoration activity. In addition to ongoing Scotch broom removal, replanting the area with native species would be highly recommended. Naturescape BC offers booklets with information on species appropriate to the Woodland ecosystem found at this site, as does the *Garry Oak Gardener's Handbook*, available from the Garry Oak Ecosystem Recovery Team in Victoria.

Care should be taken during clearing and construction to avoid impacting arbutus trees, especially the arbutus tree adjacent to the proposed deck. Arbutus trees are particularly sensitive to injury, and open wounds encourage the introduction of pathogenic fungi that can lead to the death of the tree. When using fill in treed areas, care should be taken to avoid damaging or burying trunks of existing trees. Deck footings should be constructed so as to avoid impacts to the root system of the arbutus.

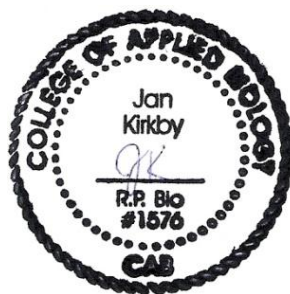
Conclusion

The proposed plan makes maximum use of existing disturbed areas of the property and leaves intact the most sensitive portions of the property. In addition, much of the area proposed for development (in particular the area proposed for deck construction) is not representative of an intact Woodland ecosystem. The better condition DPA area in the north and east sections of the property will not be affected by the proposed development, and no further development of any kind is planned within the larger Woodland ecosystem.

The owners have been diligent in removing Scotch broom from the property, and ongoing Scotch broom removal may result in an overall improvement in the health and condition of the remnant sensitive ecosystems at this location.

The amalgamation of two lots results in significant environmental benefits at this site, where the proposed development approach leads to minimal encroachment on a fairly large intact Woodland ecosystem. Concentration of development away from the sensitive areas of the property combined with the good stewardship currently being applied in the sensitive Woodland ecosystem make the development plan an ecologically sound one.

Respectfully submitted,

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

Figure 1 Graham property (2 lots) Survey Plan with Woodland DPA area noted (green line)
See Figure 2 for updated plan showing proposed construction

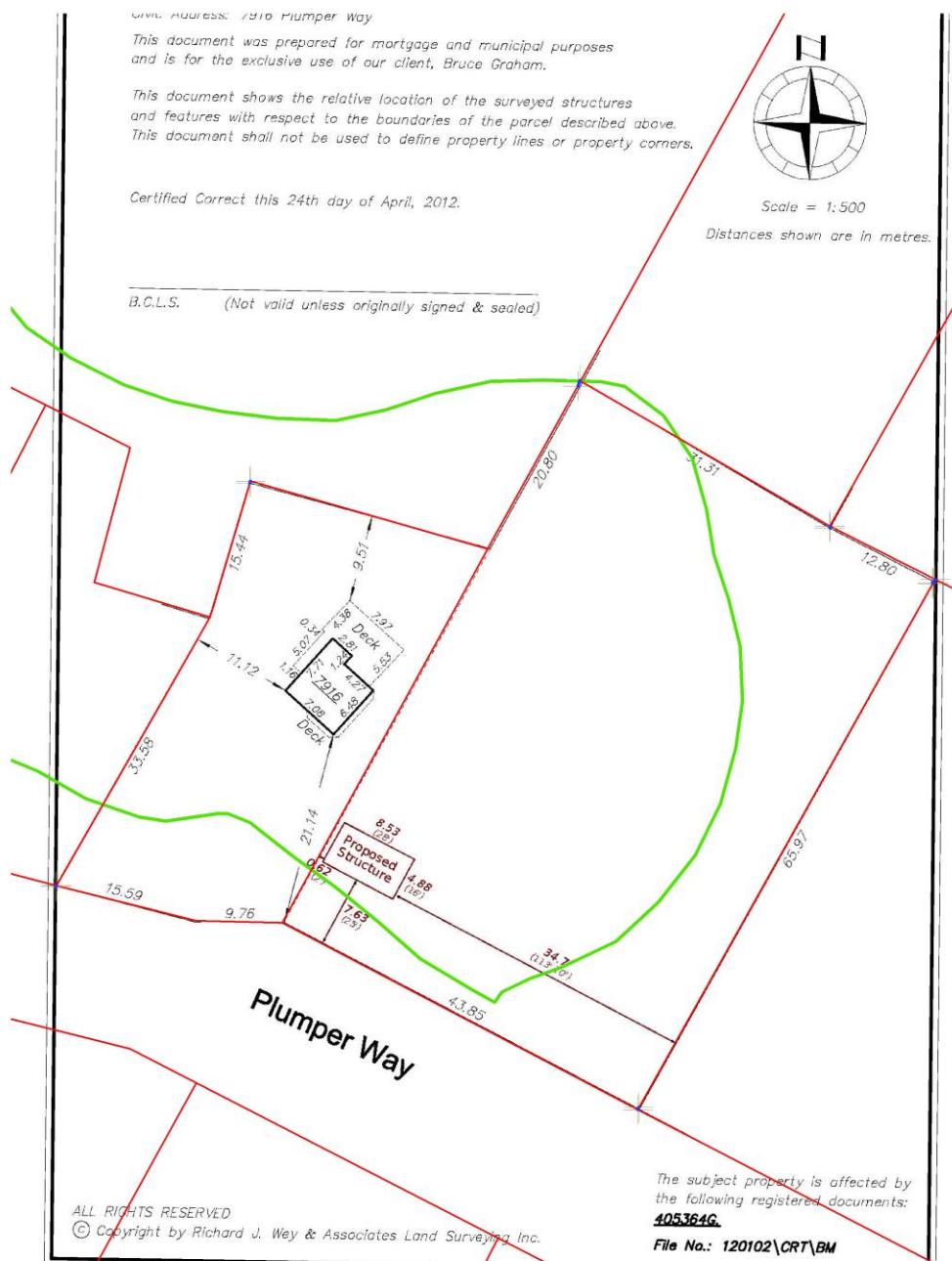


Figure 2 Survey Plan showing details of proposed development (deck, stairs, garage, parking area)—faint green line is DPA boundary

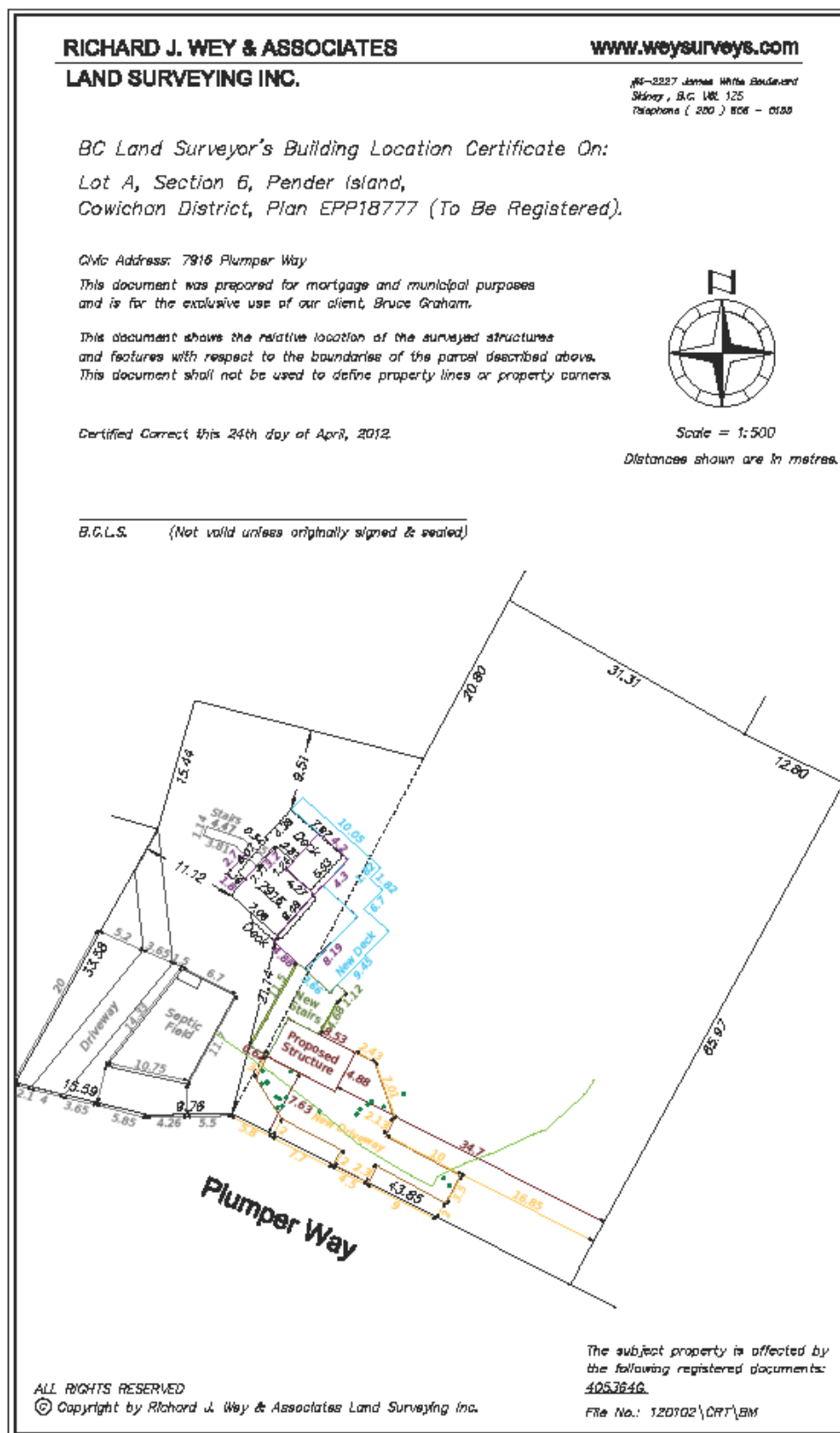


Photo 1 Heavily disturbed area on west side of house within mapped Woodland DPA



Photo 2 Non-sensitive area proposed for entrance/mudroom and deck construction (west side)



Photo 3 Two mature Douglas-fir trees in middle of existing deck on north side (to be removed) in area proposed for living room addition and deck



Photo 4 Area proposed for kitchen down/bedroom up addition (plus deck) on east side



Photo 5 View facing SW from proposed addition and deck area on east side of house shown in Photo 4



Photo 6 Intact Woodland ecosystem on recently acquired lot



Photo 7 Area proposed for stair construction from deck to garage (see rock outcrop detail below in Photo 8)



Photo 8 Rock outcrop in area of stair construction



Photo 9 Area proposed for garage development (pink tape shows DPA boundary, orange marks trees to be removed)



Photo 10 Proposed parking area east of garage (yellow tape on right shows parking area section outside of pink DPA area)





STAFF REPORT

June 12, 2012

File No: NP-6500-20
Shoreline Review

To: North Pender Island Local Trust Committee
For the meeting of June 28, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Shoreline Review

BACKGROUND:

At the April meeting of the North Pender Island Local Trust Committee (LTC) the LTC requested staff to report back with a draft scope, timeline, budget, and work plan for advancing the Shoreline Review, based on three phases: information gathering; education and consultation; and implementation.

At the June Trust Council meeting a request for decision will be presented regarding a proposed approach to the integrated watershed and shoreline mapping project. The proposal is to create a Shoreline Mapping Working Group for the Islands Trust with representation from the northern, southern, and Salt Spring offices. The intent is to bring various efforts that have been initiated together and have the Working Group review and compile this information into a comprehensive package, to develop a strategy for public outreach and also consider how to integrate the information into our day-to-day operations.

At Trust Council it will also be noted that under the existing contracts some level of public outreach would be included within the 2012 calendar year; staff have recommended that public outreach activities focus on the Local Trust Areas where shoreline review is a top priority. The timing of the phases identified for the LTC project should also work well with the establishment of a Shoreline Working Group and targeting public outreach in the autumn 2012.

The combined South and North Pender Islands meeting could be an opportunity to focus primarily on shoreline issues and be the best opportunity to arrange for speakers as part of the public outreach component. That would not preclude other topics of common interest to be addressed at the same meeting, but if the LTC's are agreeable, most of the meeting could be dedicated to shoreline issues.

SCOPE:

There are two aspects to the scope of the project: determining information and data that is available and identifying if the LTC would need to secure further funding to resolve information gaps. The second aspect is the range of issues that the LTC may want to consider addressing as part of the education/consultation and implementation phases.

The following are some of the issues that have been identified in relation to shoreline development and were previously discussed by the LTC. Staff would recommend at a minimum, these issues are included within the scope of work for the implementation phase.

- Setbacks for buildings or structures
- Stairs/structures for foreshore access on private land
- Docks
- Erosion Protection Measures
- Ocean-based geothermal systems
- Hazards areas (steep slope and flood or storm surge)
- Visual and noise impacts
- Archaeological sites
- Existing development permit areas
- Connecting identified shoreline type to ecosystem or biodiversity features

The shoreline has been mapped for geomorphological characteristics as part of the existing contract and is essentially ready for review. Additional opportunities for mapping of biological features (eelgrass and shore spawning habitat) are currently being explored by the Trust Fund Board.

TIMELINE:

The following table outlines the key activities over the three phases of information gathering, public consultation and education, and implementation.

	Activities	July-Aug 2012	Sep-Oct 2012	Nov-Jan 2012/13	Feb-Mar 2013	Apr-Jun 2013	July-Sep 2013	Oct forward
Information Gathering	Working group established	X						
	Existing information reviewed, gaps identified	X	X					
	Information compiled for LTC use – if more data required funding options considered		X					
	Materials for preliminary public consultation prepared		XX					
Public Consultation/Education	Public outreach with existing consultants*		X					
	Additional community information meeting for input			XX	XX			
	Information materials revised based on additional data and public input				XX	X		
Implementation	Implementation options considered					X	X	
	Stewardship information mail out						X	X
	Draft DPA (new shoreline or revisions to existing)							X
	Draft amendments to the Land Use Bylaw							X
		2012/13 Fiscal				Next Fiscal Budget		

* - note the public outreach with the consultants is part of the existing contract and could be arranged as part of the combined Penders meeting, part of stewardship day or a separate event

xx – indicates costs involved as part of the 2012/13 shoreline review budget

BUDGET:

The 2012/13 LTC budget for shoreline protection is \$5,000. Staff have identified three key areas where the LTC Shoreline budget could augment the existing funding for the Islands Trust shoreline mapping project.

1. Any community information meetings held in addition to one with the consultants who conducted the shoreline mapping,
2. Mail-outs and advertising, and
3. Review and tailoring of a materials and printing costs. The expectation is that the Shoreline Working Group may develop a generic brochure template that could be then be tailored for each Local Trust Area.

Activity	Cost Estimate
Communications (mail-outs, advertisements)	\$2,000
Community Information Meeting(s)	\$1,000
Brochure – review, finishing, printing	\$2,000
Total:	\$5,000

Next Steps:

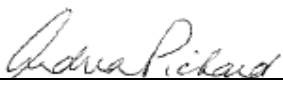
If Trust Council approves the establishment of a working group then the LTC should determine their preferred forum for the public outreach to be completed under the current contract and funding within this calendar year. Options include:

- Using a combined Penders meeting, which could be scheduled for a Saturday,
- Combining it with the education day being organized by Pender Islands Conservancy Association, or
- Establish a separate event with a recommendation that the public outreach event be in advance of the combined Penders meeting.

RECOMMENDATION:

THAT the North Pender Island Local Trust Committee direct Staff to schedule a public workshop with the consultants currently on contract for the shoreline mapping project

Respectfully submitted by:



Andrea Pickard

June 13, 2012

Date

Concurred in by:



Robert Kojima,
Regional Planning Manager

June 13, 2012

Date



Islands Trust

Print Date: Jun-13-2012

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	LUB Amendments Related to Subdivision and Roads	- road classification and design standards review, including heritage roads and subdivision standards (s.4.15) and related OCP policies - subdivision servicing regulation review - stormwater management regulation review - review of marine zoning regulations in conjunction	Sep-22-2011			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	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	Feb-22-2012	On Going
8	LUB Amendments	• review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • ferry terminal zoning • review of commercial (C1) zoning • incorporate TUP's into zoning • landscape screening review • review of marine zoning regulations in conjunction with overall shoreline development review • amendments to permit renewable energy • review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs • height exemptions for agricultural or forestry buildings and boat sheds • max floor area for principal dwellings	Mar-22-2012	On Going
9	Road Side Signs		Apr-26-2012	On Going



Islands Trust

Applications w/ Status - North Pender Island Status: Open

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-2011.9	Nagrikan Holdings Ltd - Ralph Turner Planner: Andrea Pickard	Nov-10-2011	1215 OTTER BAY RD To allow for a construction of a sea wall to protect an archaeological site from eroding.

Planning Status

Status Date: Mar-26-2012

Permit reviewed, approved in principle but will reconsider after related rezoning is complete

Status Date: Mar-12-2012

on Mar agenda

Status Date: Feb-07-2012

x-ref to NP-RZ-2011.1, preliminary staf rpt on Feb agenda

File Number	Applicant Name	Date Received	Purpose
NP-DP-2012.2	Bruce & Judith Graham Planner: Kris Nichols	May-22-2012	7916 PLUMPER WAY To expanding cottage to a permanent house.

Planning Status

Status Date: Jun-12-2012
on June agenda

Status Date: May-28-2012

Sent letter of acknowledgment of receipt of fees and application to applicant. Copied to trustees and forwarded to Planner.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.4	Noel Hall & Sandra MacPherson Planner: Andrea Pickard	Apr-25-2012	6640 RAZOR POINT RD To widen the dock landing area to prevent further erosion of midden.

Planning Status

Status Date: May-15-2012
more information pending

Status Date: Apr-26-2012

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

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

Planning Status

Status Date: May-17-2012

Planner initiated review of application and sent an e-mail to applicant requesting clarification.

Status Date: May-10-2012

Sent letter of acknowledgment of receipt of application and fees to applicant. Copied to trustees and forwarded to Planner

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.6	Christopher & Betty Rideout	May-25-2012	4602 PECOS RD To vary bylaw required setbacks to allow for existing deck.

Planner: Kris Nichols

Planning Status

Status Date: Jun-12-2012

on June agenda

Status Date: Jun-08-2012

Notice

Status Date: Jun-07-2012

Being reviewed by planner

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.7	Bruce & Judith Graham	Jun-05-2012	7916 PLUMPER WAY To vary the height requirement by adding 2.7 m. to a 2 storey garage/workshop
Planner: Kris Nichols			

Planning Status

Status Date: Jun-12-2012

on June agenda

Status Date: Jun-08-2012

Notice

Status Date: Jun-06-2012

Sent letter of acknowledgment of receipt of application and fee to applicant. Copied to trustees and forwarded file to planner.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2011.1	Natrikan Holdings LTC - Ralph Turner	Dec-13-2011	1215 OTTER BAY RD To amend a portion of W1 zone to allow for a construction of a sea wall to protect an archaeological site.
Planner: Andrea Pickard			

Planning Status

Status Date: May-03-2012

CIM and PH scheduled for June 23

Status Date: Mar-26-2012

Given First Reading at March meeting, schedule CIM and PH for a weekend date

Status Date: Mar-12-2012

on Mar agenda - draft bylaw and DP

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2011.2	Lockhart Industries - Doug Lockhart Planner: Andrea Pickard	Dec-09-2011	6640 RAZOR POINT RD To include geoechange (geothermal) ocean loops for domestic heat pumps in the W1 zone.
Planning Status			
Status Date: May-03-2012			
CIM and PH scheduled for June 23			
Status Date: Apr-18-2012			
on Apr agenda with draft bylaw 191			
Status Date: Mar-26-2012			
direct to proceed with draft bylaws			

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.3	Richard Wey Planner: Andrea Pickard	Mar-19-2008	5442 HOOSON RD : Creating 4 lots
Planning Status			
Status Date: May-31-2012			
both revised covenants approved for execution			
Status Date: May-22-2012			
on May agenda to discuss CRD signature or not			
Status Date: Apr-18-2012			
On Apr for revised potable water and conservation covenant			

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

Status Date: Feb-07-2012

PLA issued

Status Date: Sep-28-2011

response sent to MOTI, copied to app/owner

Status Date: Sep-08-2011

Forwarded to Planner and Trustees

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.3	Strongitharm Consulting Ltd Planner: Kris Nichols	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-2012.1	Allison Coffey c/o Richard Wey & Associates	Jan-13-2012	Boundary Adjustment
Planner: Kris Nichols			

Planning Status

Status Date: May-16-2012

PLA issued

Status Date: Mar-01-2012

Sent referral response to hways

Status Date: Feb-20-2012

site visit conducted

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

Planning Status

Status Date: May-30-2012

Initiating review of subdivision application

Status Date: May-07-2012

Sent letter to applicant requesting Sub Referral form be complete and submitted with application fee.

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](#)

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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.

June 2012

- [Public Hearing to be held June 23, 2012 re: Proposed Bylaw No. 190 \(Seawall\) and Bylaw No. 191 \(Geothermal\)](#)

May 2012

- [Draft Pender Islands Transportation Management Plan](#)
- [Moving Around Pender Transportation Survey](#)

November 2011

Hooson Road Realignment

- [Staff Report - November 16, 2011](#)
- [Engineering Drawing - Intersection](#)
- [Engineering Drawing - New Road](#)
- [Adopted Minutes - October 22, 2011 Hooson Road Workshop](#)

[Pender Post Trustee Reports](#)

Committee Links

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Planner Office Hours on Pender Island

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

North Pender Island Local Trust Committee Projects

General

- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)
- [Development Approval Information Bylaw No. 134](#) - outlines information required when submitting a Development Permit, Temporary Use Permit or Rezoning Application
- [Policies and Standing Resolutions - June 2009](#)
 - NP-LTC-05-05 - Advisory Planning Commission Appointments Policy
 - NP-LTC-80-06 - Communications Policy
 - NP-LTC-82-06 - Enforcement Policy - Short Term Vacation Rentals
 - NP-LTC-146-07 - Special Occasion License Policy

- [Buying Property on North Pender Island? What Every Potential Purchaser Should Know - May 2008 Update](#)
- [Who Lives Here? - North Pender Ecosystem, Habitat and Wildlife](#)
Note that this presentation requires Quicktime to be loaded on your computer - this application can be obtained at no charge from <http://www.apple.com/quicktime/download/> - As well note that this presentation is 3 MB in size.

Proposed Seawall Application

- [Proposed Bylaw No. 190](#)

Staff Reports:

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

- [Proposed Bylaw No. 191](#)

Staff Reports:

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

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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