



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 9:45 A.M., THURSDAY, MAY 31, 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 April 26, 2012 Local Trust Committee Business Meeting (attached)	1	9:50 am
5.2 Public Hearing Records and Community Information Meeting Notes to be Received - none		
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission/Task Force to be received - none		
6. BUSINESS ARISING FROM THE MINUTES		9:55 am
6.1 Follow-up Action Report (attached)	12	
7. DELEGATIONS		10:00 am
7.1 Peter Pare – Moving Around Pender		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		10:20 am
8.1	Z. Staar letter dated May 21, 2012 re: Pender Community Transition (PCT) Funding Request	16	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS		10:25 am
9.1	NP-DVP-2012.2 (Shantz) (attached)	18	
9.2.a	NP-SUB-2008.3 (Wey) (Potable Water) (attached)	32	
9.2.b	NP-SUB-2008.3 (Wey) (Natural Areas) (attached)	34	
9.3	NP-TUP-2012.1 (Henshaw c/o Burdett) (attached)	46	
9.4	Referral of Salt Spring Island Bylaw No. 460 (attached)	57	
9.5	Referral of Mayne Island Bylaw No. 157 (attached)	59	
10.	LOCAL TRUST COMMITTEE PROJECTS		12:25 pm
10.1	NP-LUB-2011.1 and NP-OCF-2011.1 (attached)	61	
10.2	Ministry of Transportation and Infrastructure Follow-up (attached)	63	
11.	REPORTS		1:00 pm
11.1	Work Program Reports – for information		
11.1.1	North Pender Island Local Trust Committee Work Program - Report dated May 2012 (attached)	65	
11.1.2	Shingle Creek Watershed - for discussion		
11.2	Applications Report – for information		
11.2.1	North Pender Island Applications Report dated May, 2012 (attached)	68	
11.3	Bylaw Enforcement		
11.4	Expense/Budget Reports		
11.4.1	Trustee and Local Expense Report (attached)	74	
11.4.2	Local Trust Committee Budget 2012/2013 (attached)	75	
11.5	Adopted Policies and Standing Resolutions (attached) – for information	76	
11.6	North Pender LTC Web Page (attached) – for discussion	77	1:40 pm
11.7	Chair's Report		
11.8	Trustee Report		1:45 pm

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|-------------|--|---------|
| 12. | OTHER BUSINESS | 2:00 pm |
| 12.1 | Upcoming Meetings | |
| 12.1.1 | Business at 9:45 a.m., Thursday, June 28,
2012 at Pender Island Community Hall | |
| 12.2 | Nature Conservancy of Canada – for discussion
(Tentatively for June 18, 2012 at 10:00 am, Islands
Trust Office) | |
| 14. | TOWN HALL MEETING | 2:05 pm |
| 15. | ADJOURNMENT | 2:30 pm |

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, APRIL 26, 2012, AT 9:45 AM**

PRESENT:	Peter Luckham	Chair
	Gary Steeves	Local Trustee
	Ken Hancock	Local Trustee
	Andrea Pickard	Island Planner
	Robert Kojima	Regional Planning Manager
	Miles Drew	Bylaw Enforcement Coordinator
	Zorah Staar	Recording Secretary

REGRETS: **none**

There were eight (8) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:48 am.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda items were amended as follows:

- to substitute a revised version of the Follow-Up Action List (6.1);
- to add supplementary Shoreline Development Review info (10.1);
- to note that some Moving Around Pender representatives were present (8.3);
- to note that a Chamber of Commerce representative was present (11.3.1).

The agenda as amended was approved 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 March 22, 2012 Local Trust Committee Business Meeting

The following amendment was made.

- Item 9 - page 4, second paragraph, last sentence before the motion, is to read as:

“There was also debate about whether to allow the requested rezoning to proceed on a site-specific basis (as suggested by Trustee Hancock), or to initiate a larger process to consult the community and consider general Land Use Bylaw amendments to allow various geoechange or geothermal structures (as suggested by Trustee Steeves).”

The North Pender Island Local Trust Committee meeting minutes of March 22, 2012, as amended were Adopted 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

None

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 noted that he had contacted the Ministry of Transportation and Infrastructure about having the road centre lines repainted, and about deer crossing signs.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Email from Sara Steil re: Green Shores/Marine Riparian Areas Protection Joint Initiative Proposal

The correspondence from Sara Steil was received and briefly discussed. See further discussion under item 10.1 – Shoreline Development Review.

8.2 April 3, 2012 Letter from Mayne Island Integrated Water Systems Society

It was noted that Local Improvement Districts, Community Water Systems, and Parks Commissions were now being added to the Islands Trust data base for agency referrals (where appropriate). In addition to the resolution below, Regional Planning Manager (RPM) Kojima was asked to inform the Mayne Island Integrated Water Systems Society of the limits of Local Trust Committee jurisdiction, and also to check if the 100-metre rule for notifying neighbours about certain applications was fixed or variable.

Resolution NP-LTC-40-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Regional Planning Manager Kojima to respond to the April 3, 2012, correspondence from Mayne Island Integrated Water Systems Society, informing them of the change to the referral policy.

CARRIED

8.3 Executive Summary of Transportation Plan (from Peter Pare of Moving Around Pender Alternative Transportation Society)

The Local Trust Committee acknowledged receipt of the Executive Summary of the “Pender Islands Transportation Management Plan” developed by Moving Around Pender Alternative Transportation Society (MAP). Dean Mills, Barry Mathias, and John Chapman of MAP engaged in a constructive discussion with the Trustees, who gave useful and complimentary feedback about the Plan’s suggestions to improve the safety, effectiveness, and environmental impact of transportation on Pender. There was general agreement that MAP would submit a revised version of the Plan two weeks before the next Local Trust Committee meeting, and then send a Delegation to that meeting for follow-up discussion. Islands Trust Staff could also assist by posting the MAP Plan and survey on the Islands Trust website, and bringing up some elements of the Plan at the upcoming meeting with Ministry of Transportation and Infrastructure staff.

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-RZ-2011.2 (Lockhart)

Planner Pickard reviewed the April 17, 2012, Staff Report re: NP-RZ-2011.2 (Lockhart) commenting this was an application to rezone a portion of the Water 1 zone to allow an ocean-based geoexchange system for residential heating.

She added that various biologist's and other professional reports had been provided in support of the application, and draft rezoning Bylaw No. 191 had been prepared for consideration as requested by the Local Trust Committee last month; and that the next steps could be First Reading of the draft Bylaw and a Community Information Meeting to seek public input.

Sandra MacPherson and Noel Hall, property owners, were present and they answered the Trustees' questions. They also apologized for missing some steps during the geoexchange construction by their contractor (Lockhart), including the required rezoning application. The owners said that they would like to help with community education about the new, improved geoexchange systems.

Resolution NP-LTC-41-12

It was Moved and Seconded that North Pender Island Local Trust Committee Bylaw No. 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012", be given First Reading.

CARRIED

Resolution NP-LTC-42-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to schedule a Community Information Meeting and a Public Hearing for application NP-RZ-2011.2 (Lockhart), to be held on Saturday, June 23, 2012, in conjunction with the Community Information Meeting and Public Hearing that was being scheduled for a proposed seawall application.

CARRIED

Resolution NP-LTC-43-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012", be referred to the North Pender Island Advisory Planning Commission for comment, and also to other agencies.

CARRIED

Note: Due to the arrival of Bylaw Enforcement Coordinator Miles Drew, the Local Trust Committee amended the agenda by advancing discussion of the bylaw enforcement items (see notes under 11.3 below).

9.2 NP-DVP-2012.3 (Thompson)

Planner Pickard reviewed the April 11, 2012, Staff Report drafted by new Planner Kris Nichols, stating that NP-DVP-2012.3 (Thompson) was an application to vary the front lot line setback, from the required 7.6 metres to 3.0 metres, in order to build a home on a level portion of the lot; and that there had been no objections from neighbours after the required notice of the application was circulated.

Resolution NP-LTC-44-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2012.3 (Thompson) be approved.

CARRIED

9.3 NP-SUB-2008.3 (Wey)

Planner Pickard reviewed the April 18, 2012, Staff Memorandum commenting NP-SUB-2008.3 (Wey) was the 4-lot Hooson Road subdivision application, which involved two covenants; regarding the potable water covenant, Capital Regional District (CRD) Building Inspection and CRD Finance/Risk Management staff were of different opinions about whether CRD should sign it; regarding the conservation covenant to be held jointly with Pender Islands Conservancy Association (PICA), they had agreed to the new wording that was required for legal reasons. Planner Pickard added that the subdivision owner had agreed to pay \$500 to PICA for the baseline assessment (to be matched by the Local Trust Committee).

Resolution NP-LTC-45-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to advise the applicant for subdivision on NP-SUB-2008.3 (Wey) that the LTC is unwilling at this time to sign the proposed potable water covenant until the Capital Regional District also signs as a grantee.

CARRIED

Resolution NP-LTC-46-12

It was Moved and Seconded that the North Pender Island Local Trust Committee agrees to be a co-holder for a conservation covenant 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

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Shoreline Development Review – Staff Report

Planner Pickard discussed the Shoreline Review Staff Report dated April 17, 2012, which included in summary, the relevant policies (Islands Trust Policy Statement, Strategic Plan, and North Pender Official Community Plan); regulatory framework (Land Use Bylaw, Development Permit Areas, covenants, various other tools for potential shoreline regulation.

She added the report included land use issues (setbacks, access, docks, seawalls, geothermal, shoreline sensitivity/hardening/hazards, mapping resources, etc.). Planner Pickard also commented, while no specific concerns about existing policies had been identified by Staff, there had been concerns expressed generally about shoreline development issues, most commonly about stairs to access the foreshore, seawalls, and docks. Various options were listed by Staff, including public consultation to assist the Local Trust Committee to decide about the scope of their intended Shoreline Development Review.

Trustee Hancock made comments about including mooring buoys and derelict vessel issues in a Shoreline Development Review (if possible); having a uniform shoreline setback around the whole island, or basing it on geology (rather than on mapping of environmental/biological features, which would have to be very accurate to be applied); education and good stewardship (e.g. Green Shores program) versus regulation; and engaging the community in discussion about protecting the most fragile shoreline sites.

Regional Planning Manager (RPM) Kojima said that there was potentially some remaining funding for additional shoreline mapping, for the Local Trust Areas that had this initiative on their Work Program (including North Pender).

Trustee Steeves said that many Penderites did not connect activities that they enjoyed (e.g. salmon fishing, Orca watching) with the importance of protecting shoreline forage fish habitat. North Pender could do some simple regulatory protections, but other key steps were public education and consultation.

Chair Luckham agreed, adding that there were fundamental connections which we all needed to understand better, between our island geology, seadrift, migration, eelgrass, forage fish, larger fish, people, Orcas, and more. A Shoreline Task Force could be part of this, and other steps.

Resolution NP-LTC-47-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to report back with a draft scope, timeline, budget, and workplan for advancing the Shoreline Review, based on three phases: information gathering; education and consultation; and implementation.

CARRIED

The Trustees further supported having this year's Pender Stewardship Day be focused on shoreline issues. This would be an Islands Trust project that Trustee Hancock was willing to organize in cooperation with community groups, for example on Saturday, October 12. It was noted that Sara Steil of the Pender Islands Conservancy Association had already arranged for some scientists to speak about shorelines issues at a Pender event on October 13, 2012.

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

See Resolution NP-LTC-50-12 below.

11.1.2 Strategic Plan (to be circulated quarterly for information)

11.2 Applications Report

11.2.1 North Pender Island Applications Report

The Applications Report was available for information.

11.3 Bylaw Enforcement

11.3.1 Application of Sign Regulations

Bylaw Enforcement Coordinator (BEC) Miles Drew reviewed his April 11, 2012, Briefing regarding Enforcement Options to Remove Unlawfully Located Signs. He commented that on a provincial road, local bylaws had concurrent jurisdiction; that in general, the North Pender Land Use Bylaw restricted commercial signs to one on the business premises and one within a specified distance from the business. BEC Drew added, therefore it was not permitted for a business to have roadside signage at a greater distance from their businesses; that neither did the Ministry of Transportation and Infrastructure (MoTI) allow signage on the road right-of-way, except with a permit; and that the options to require removal of all North Pender illegal roadway signage were reviewed.

Trustee Steeves commented on the very high number of complaints he had received from residents, about the proliferation of illegal “sandwich board” and other roadside signage that was both unsightly and unsafe (e.g. for the interaction of pedestrians, cyclists, and cars). He favoured developing a solution in cooperation with Pender businesses, involving a handful of agreed locations for joint business directional signage, in the form allowed by the MoTI.

Trustee Hancock agreed, and added that directional signage was useful, but blatant roadside advertising signage was not supported by the community, and also not generally allowed by the MoTI. In addition, it would be useful to have an information centre for visitors, that was more accessible than the Chamber of Commerce info kiosk at the Driftwood Centre.

Ina Timmer, President of the Pender Islands Chamber of Commerce, was present, and agreed that the signage issue needed to be cooperatively worked out. She personally favoured joint signage, but acknowledged that the Chamber members had various opinions.

Resolution NP-LTC-48-12

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

CARRIED

Resolution NP-LTC-49-12

It was Moved and Seconded that the North Pender Island Local Trust Committee resolves to work with community organizations to examine options for directional roadside signage.

CARRIED

Resolution NP-LTC-50-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to place the issue of roadside signs on the Local Trust Committee Projects List.

CARRIED

11.3.1 Bylaw Enforcement Overview

Bylaw Enforcement Coordinator Miles Drew had also prepared a Briefing about current Bylaw Enforcement Investigations for North Pender. There were 37 active files, about a third of which related to commercial operators of short term vacation rentals.

Note: At this point, Planner Pickard and Regional Planning Manager Kojima had to leave the meeting to catch a ferry.

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses

Presented for information.

11.4.2 Adopted Budget 2011/2012 - None

11.4.3 Email from Cindy Shelest re: 2012-2013 LTC Expense Budget

It was noted that Trustee Steeves was going to draft a detailed 2012-2013 Budget as requested.

11.5 Adopted Policies and Standing Resolutions Report

There were no changes to this report.

11.6 North Pender LTC Web Page

It was suggested that the latest Pender Post article be added to the webpage.

11.7 Chair's Report

Chair Luckham reported that at a recent gathering of the Association of Vancouver Island Coastal Communities (AVICC), Trustee Steeves was elected by a majority of 260 delegates, as a Director-at-Large to represent the Islands Trust.

11.8 Trustee Reports

Trustee Steeves said that also at the Association of Vancouver Island Coastal Communities (AVICC) gathering, Islands Trust Chair, Sheila Malcolmson, gave a very impactful workshop on lack of preparedness for oil spills. The gathering involved many important meetings between coastal community representatives.

Trustee Hancock reported that this past week on Pender, the Raincoast Foundation gave a strong scientific presentation about the extreme and long-lasting ecological impacts of oil spills, and about the risks involved with the Northern Gateway Pipeline. There would hopefully be further information sharing of this nature with the Islands Trust. The day after the Raincoast presentation, Pender had its annual Earth Day Beach Cleanup, which was very fun and successful.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, May 31, 2012, at 9:45 am, at the Community Hall Lounge.

12.2 Annual Report

Resolution NP-LTC-51-12

It was Moved and Seconded that the North Pender Island Local Trust Committee endorse the draft North Pender Island Local Trust Committee Annual Report for April 1, 2011, to March 31, 2012.

CARRIED

12.3 Requests for Eagle Report

Trustee Steeves reported about the eagle and raptor reporting done by David Manning at a recent Pender Islands/National Park Liaison Committee meeting.

Resolution NP-LTC-52-12

It was Moved and Seconded that the North Pender Island Local Trust Committee spend up to \$500 for the purchase of a report from David Manning of Project Eagle Watch, on eagle and raptor nesting patterns on the Pender Islands, comparing this year to the previous year, and that the report be posted on the North Pender Islands Local Trust Committee webpage and be used in support of assessing the effectiveness of our Raptor Nest Development Permit Areas.

CARRIED

13. TOWN HALL MEETING

Sara Steil commented that regarding the sign issue, it would be nice if the new signs were painted by local artists.

Trustee Steeves said that one of the forms of signage approved by the Ministry of Transportation and Infrastructure had a panel at the top for artwork.

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-53-12

It was Moved and Seconded, pursuant to Section 90(1)(c) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering Advisory Planning Commission appointments and Minutes of the November 24, 2011, Local Trust Committee In Camera Meeting, and further that Islands Trust Staff and Recorder Zorah Staar remain present.

CARRIED

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

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

Resolution NP-LTC-55-11

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

CARRIED

The Local Trust Committee reported that during the In Camera Meeting, they appointed the following persons to the North Pender Island Advisory Planning Commission: Sharon Card, Amanda Griesbach, Valerie Butcher, Marika Kenwell, Bob Erho, Rob Willingham, Julie Roper, and Reg Smith.

16. ADJOURNMENT

Resolution NP-LTC-56-11

It was Moved and Seconded that the meeting be adjourned at approximately 3:26 pm.

RECORDER

CHAIR



Islands Trust

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

Jan-27-2012

No.	Activity	Responsibility	Target Date	Status
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- 5 That Gary Steeves expenses to attend the AVICC be paid from the North Pender Trustee and Local Expense Budgets to a maximum of \$1500.
- Nancy Roggers
- Feb-23-2012
- On Going

Feb-23-2012

No.	Activity	Responsibility	Target Date	Status
6	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
7	Item 9.3 - NP-DP-2010.4(Twa): staff to discuss with the applicant amending the draft consolidated covenant to:	Andrea Pickard	Mar-22-2012	On Going

- 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

8	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
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Mar-22-2012

No.	Activity	Responsibility	Target Date	Status
9	item 9.3 NP-RZ-2011.1: staf to schedule a CIM and PH for a weekend date	Andrea Pickard	Apr-26-2012	Done
10	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
11	Item 11.5 - Standing Policies and Resolutions: staff to report back on a policy regarding including Improvement Districts as a referral agency for development applications	Robert Kojima Andrea Pickard	Apr-26-2012	Done
12	Item 11.8 - Trustee Rpt: Trustee Steeves to contact MOTI regarding painting of the road centre line	Gary Steeves	Apr-26-2012	Done

Apr-25-2012

No.	Activity	Responsibility	Target Date	Status
13	Item 5.5 - minutes: adopt as amended	Sharon Lloyd-deRosario	May-31-2012	Done

Apr-26-2012

No.	Activity	Responsibility	Target Date	Status
14	Item 8.2 - Correspondence MIWSS: RPM to respond to author	Robert Kojima	May-31-2012	Done

15	Item 8.3 - Correspondence P. Pares: add full transportation report to the website along with the survey link	Kathy Jones	May-31-2012	Done
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16	Item 9.1 - NP-DVP-2012.3: permit approved as drafted	Kathy Jones	May-31-2012	Done
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17	Item 9.2 NP-RZ-2011.2: Draft Bylaw 191 is given first reading	Kathy Jones	May-31-2012	Done
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18	Item 9.2 NP-RZ-2011.2: schedule CIM and PH for a June 23rd in conjunction with the proposed seawall application	Kathy Jones Sharon Lloyd-deRosario	May-31-2012	Done
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19	Item 9.2 NP-RZ-2011.2: refer application to the APC	Andrea Pickard	May-31-2012	Done
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20	Item 9.3 NP-SUB-2008.3: advise the applicant the LTC is unwilling at this time to sign the potable water covenant without the CRD being a Grantee	Andrea Pickard	May-31-2012	Done
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21	Item 9.3 NP-SUB-2008.3: the LTC agrees to be a co-holder and delegates the Chair to sign the natural areas covenant	Andrea Pickard	May-31-2012	On Going
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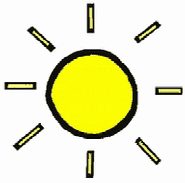
22	Item 10.1 Shoreline Review: staff to report back with a draft scope, timeline, budget and workplan based on 3 phases: information gathering, consultation/education, implementation	Andrea Pickard	May-31-2012	On Going
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23	Item 11.3.1 bylaw Report on 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
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24	Item 11.3.1 Bylaw Report on Signs: the LTC is to participate in working with community organizations to examine options for directional road signs	Ken Hancock Gary Steeves	May-31-2012	Done
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25	item 11.3.1 Bylaw Report on Signs: add road side signs to the projects list	Andrea Pickard	May-31-2012	Done
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26	Item 11.4.3 2012-13 Budget: not discussed - bring forward to the May agenda	Kathy Jones	May-31-2012	Done
27	Item 12.2 Annual Report: LTC endorses the annual report as drafted - forward to communications	Robert Kojima	May-31-2012	Done
28	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
29	Item 13 APC Appointments: LTC appoints all eight applicants to the APC	Sharon Lloyd-deRosario	May-31-2012	Done



PENDER COMMUNITY TRANSITION (PCT)

** a cooperative alliance for a brighter future **

www.pendercommunitytransition.ca

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

May 21, 2012 (by email)

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

Dear Trustees and Planner:

RE: PENDER COMMUNITY TRANSITION (PCT) REQUEST FOR 2012-2013 FUNDING SUPPORT FROM PENDER LTC'S

On March 12, 2012, Pender Community Transition provided our final report for the fiscal year ending March 31, 2012, regarding the \$600 of Local Trust Committee support provided for that period. Now we are writing again, to tell you about our plans for the fiscal year beginning April 1, 2012, and to ask if the Pender Local Trust Committees would once again support PCT by purchasing a series of reports on our activities throughout this upcoming period.

PCT recently submitted funding applications to the CRD and Vancity, to support the following upcoming projects on the key issues of energy, food growing, and economic relocation:

1. 2nd Energy Action Day & Campaign: This event planned for fall, 2012 and the lead-up community education campaign are all about energy conservation (i.e. many ways to need less energy), and energy transition (i.e. shifting to low-carbon, renewable, sustainable sources).

This project will involve cooperation with other interested community groups and members, including our kids! We had a first Energy Action Day in 2011 (with 150 participants despite a storm, power failure, and fire alarm), and now we'll have another day of fun and informative energy displays, expert and inspiring speakers, cool energy videos, and lively networking.

2. Solar Photovoltaic Demo Project: This project is intended to lead up to and be displayed at the November, 2012 Energy Action Day. It involves Pender kids learning about and constructing a small solar photovoltaic back-up system (for example using new or donated solar panels, a charge controller, deep-cell battery, LED lighting, etc.) Studies show that if you get a child or adult excited about and engaged in even one new energy project like the above, this translates into broader behaviour change such as more energy conservation activities and greater willingness to explore low-carbon energy sources.

3. Local Food Skill-Building Workshops: Increased local food growing is essential to each community's future food security, self-sufficiency, and resilience. Yet we have lost many of the skills that make this possible. This project will involve two days of food skill-

building workshops, arranged in cooperation with Pender food groups and growers. The first will be in fall of 2012 (likely on Seed Saving and/or Food Preservation & Storage). The second workshop day will be in spring, 2013 (likely on Poultry Raising, and/or Beekeeping, Mason Bees & Pollinator Support), or other topics of greatest usefulness, as funding permits.

4. Local Food Community Dinners: This is another project to develop awareness and cooperation in support of more local food growing on Pender. This includes community support for existing Pender growers, building connections, and inspiring more food growers! The plan is to work together with all interested community members and groups to organize two events - a Late-Harvest Local Food Community Dinner, and then a spring, 2013 "Nettlefest" Local Food Community Dinner. The focus of these dinners will be locally grown food, and also building community connection, resilience, and spirit!

5. Community Greenhouse: This project is to purchase and construct a small Community Greenhouse, in or near the garden of the Pender Islands School. This is a designated Community School with a number of facilities jointly funded by and shared with the community for use. The School Garden Club and School have raised money and constructed raised planting beds, a fence, and compost area, and now they need additional funding to more effectively grow heat-loving plants, and to support local food growing activity.

6. Pender Local Currency Pilot Project: Local currencies represent a wonderful opportunity to raise awareness about the importance of local sustainable buying and supporting our businesses, and to help build a strong, resilient, local economy and community. This project is to involve working in cooperation with the local Chamber of Commerce, businesses, and non-profit groups, towards the spring, 2013 issuance of a sample Pender currency (e.g. 2,000 - \$5 bills), with an expiry date after two summer tourist seasons (e.g. September, 2014). Then an assessment can be made about continuing the project.

7. Local Currency & Economic Relocalization Campaign: The above Local Currency Project is a very useful tool for creating public attention and excitement about "something new", which can inspire residents (and tourists) to learn about and have fun with local sustainable buying. The campaign would begin with an artwork/design contest for the Pender \$5 bill, and then engage all stakeholders to be part of the spring, 2013 issuance of the new currency (which could only be spent with Pender businesses or groups). This would naturally lead into a related aspect of the campaign – economic relocalization, i.e. demonstrating the need for more local sources (business or social enterprise) where Penderites can get their core needs met.

We respectfully ask that the Pender Local Trust Committees commit \$600 of funding for the purchase of ongoing reports on Pender Community Transition activities in the coming year (\$400 from North Pender and \$200 from South Pender). The projects we propose (subject to funding from other sources) are highly consistent with the Islands Trust mandates regarding climate change and creating resilient island communities. I invite you to contact me if you need more information. You can also see www.pendercommunitytransition.ca. Thanks!

Sincerely,

Zorah Staar

PCT Coordinator, Phone: (250) 629-3825

Email: info@pendercommunitytransition.ca



STAFF REPORT

May 16, 2012

File No.: NP-DVP-2012.2

To: North Pender Island Local Trust Committee
For May 31, 2012 LTC Meeting

From: Kris Nichols,
Planner 1

CC: Andrea Pickard
Island Planner

Re: Development Variance Application

Owner: Christine Shantz and Jane Hutcheson
Applicant: Duncan Shantz
Location: Lot 1, Section 19, Pender Island, Cowichan District, Plan 14358
5402 Wilson Road

THE PROPOSAL:

The subject property is developed with 5 buildings that according to the applicant have been in existence for over 20 years. Initially, as a result of a building permit application for internal renovations to an outbuilding, the owners were made aware that the outbuilding did not meet setback requirements. Subsequently, upon further investigation, it became apparent that two additional buildings should be included in the development variance permit as they did not meet setbacks as well. All the buildings have been in existence for over 20 years according to the owners. Therefore, the purpose of the application is to vary:

- a) Clause 8.1.5 (1)(a) to reduce the front lot line setback for the woodshed from 7.6 metres to 0.2 metres;
- b) Clause 8.1.5 (1) (a) to reduce the rear lot line for the one-storey outbuilding from 7.6 to 4.4 metres;
- c) Clause 8.1.5 (1) (b) to reduce the exterior lot line for the house from 4.5 to 3.3 metres; and
- d) Subsection 3.7.1 to reduce the siting setback from the sea for the house from 15 metres to 7.6 metres.

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

SITE CONTEXT:

The subject property is a 0.24 ha (0.6 acre) developed property on Wilson Road, which dead ends at the ocean. The property is the only property to have an address on Wilson Road. The other two properties along Wilson Road have Hooson Road addresses. Wilson Road is not constructed and currently acts as an access to the subject property.

Adjacent properties along Hooson Road are of a range of sizes and shapes from 0.23 ha (0.57) acres to 19 ha (48 acres). The property has a gentle slope from the shoreline up towards the entrance to the property (south end). The lot is a long narrow lot stretching approximately 116 metres along Wilson Road and is 15.17 m at its narrowest point. This lot configuration makes it difficult to meet setback requirements without requiring a variance.

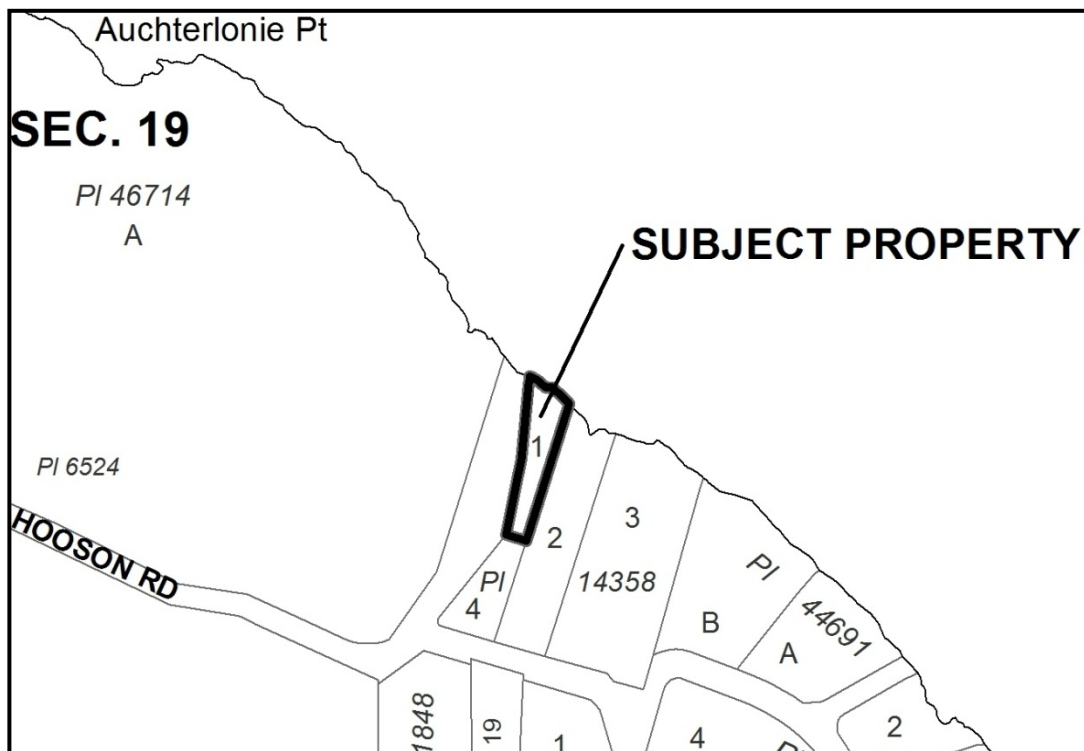


Figure 1: Subject Property Map

There are 5 buildings located on the property. One building, at the entrance to the property (south end), is not shown on the survey plan as it was previously granted a setback variance in 1993 (see Picture 2). Out of the 4 remaining buildings one is a pumphouse (see Picture 3) which is not subject to setback regulations. The Land Use Bylaw Section states that pumphouses used exclusively for housing an individual water system are exempt from setback provisions. The other three buildings (woodshed, outbuilding, and house) all require setbacks relaxations to legalize their siting (see Figure 3).

Wilson Road is a non-constructed road right-of-way and as a result the owner is required to obtain a permit from the Ministry of Transportation as the proposed house is within 4.5 metres of that right-of-way. The owner has requested, through an application, the required permit from the Ministry of Transportation.

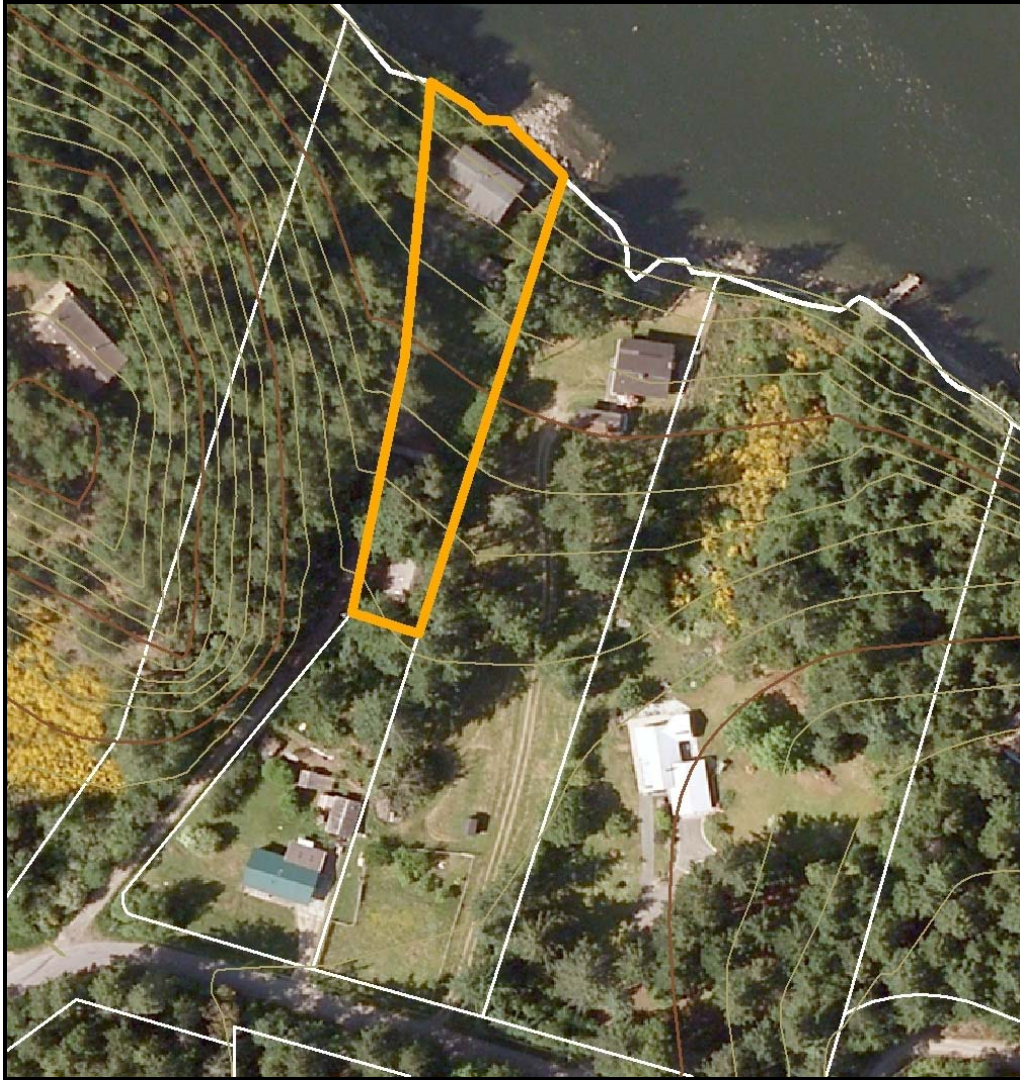
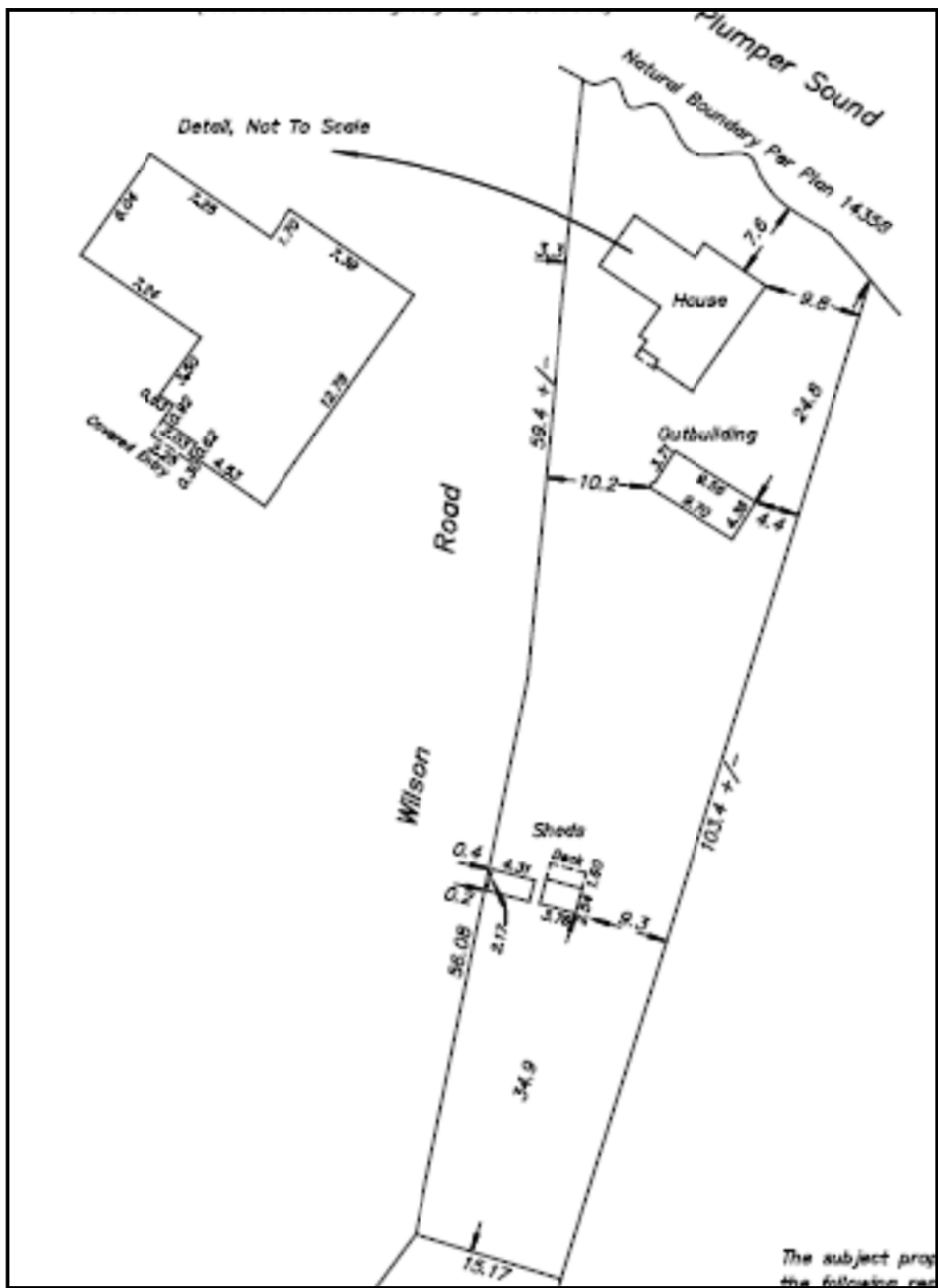


Figure 2: Orthophoto and 2 metre contours





Picture 1: Outbuilding Requiring Building Permit and Setback Variance



Picture 2: Accessory Building Near Entrance (Variance granted 1993)



Picture 3: Pumphouse and woodshed



Picture 4: Portion of house Facing Ocean



Picture 5 - House

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 Residential in the Official Community Plan (OCP); relevant policies include:

- 2.1.A – Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island.

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 low hazard along the shoreline of the property.

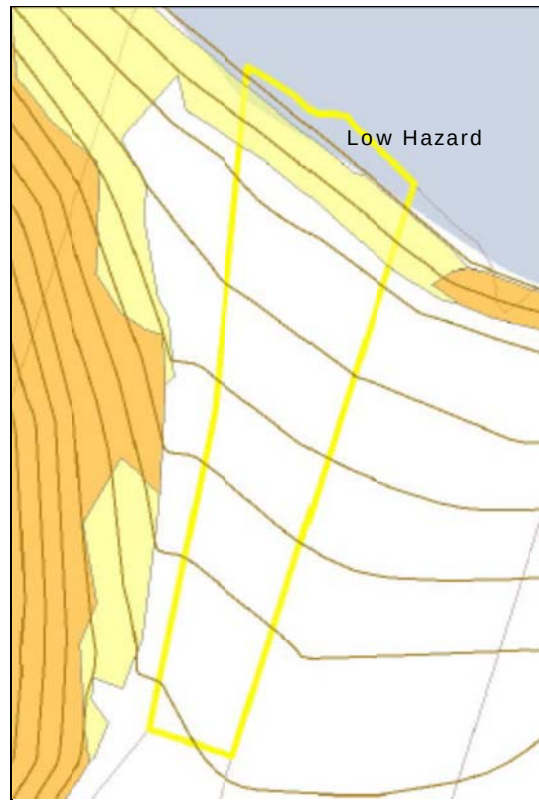


Figure 4: Steep Slope Hazard Areas

Archaeological Sites: There is a registered archaeological site in the vicinity of the property and the owners have been advised to contact the Archaeology Branch if they undertake any land disturbance in the future.

Covenants:

There are no registered covenants on title.

Climate Change Mitigation and Adaption

This application has no direct bearing on climate change mitigation and adaptation. However, given the location of the property, as with other ocean front properties, it could be impacted by storm surges. The subject property is developed.

Other: The owners have contacted the Ministry of Transportation and Infrastructure regarding a permit for a structure within 4.5 m of the road.

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 on May 31, 2012.

The applicants have submitted a letter from the adjacent neighbor closest to the outbuilding stating that they have no objection to the variance requested for that building. Initially, it was only that building that was the subject of the application, subsequently, the others buildings were included.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The applicant purchased the property in 2009 with all existing buildings. Since that time, the owners have over the years done cosmetic changes (paint, roofing, etc.) to the buildings/structures. When the owners decided to change the use of an outbuilding into an artist studio and to add a washroom, their proposed changes initiated a bylaw enforcement and requirement for a building permit. In doing so, it was recognized that the building was too close to the rear lot line and therefore a variance was required. Further evaluation of the property indicated that two other buildings were also constructed within the setbacks. These buildings are thought to have been constructed over 20 years ago. The owners decided that it would be best to apply for a DVP in order to legalize all the buildings that do not conform to the current setback regulations. The buildings involved in this application are the house, outbuilding and woodshed.

The overall intent of the regulation being varied. The overall purpose of the setback regulations is to minimize impacts on adjacent property related to: building code requirements, aesthetic, and privacy concerns. Regulating setbacks also helps to provide a consistent pattern of development within a given zone. Any alternative to a DVP would be costly and disruptive as it would involve significant work to relocate existing buildings. That being said, the existing buildings may be considered legal non-conforming and could remain where they are, but that has not been verified and the owner would prefer to ensure that all buildings on the property are legalized.

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:

Initially the applicants wished to renovate an existing outbuilding to create an artist studio. In applying for a building permit, it was brought to their attention that there was an unpermitted addition to the building. Based on the roofing the owners figure that the addition was done about 20 years ago. The owners had purchased the property in 2009 with all buildings located as they are today. They were notified that they would require a rear yard setback variance for the outbuilding.

The owners submitted a development variance permit application. After a site visit by staff it was noticed that other buildings appeared to be within the required setbacks. The applicant requested a new survey which indicated that the other buildings were within the required setbacks and would require a variance as well. The application was altered to include the three buildings. The variances requested are as follows:

- a) Clause 8.1.5 (1)(a) to reduce the front lot line setback for the woodshed from 7.6 metres to 0.2 metres;
- b) Clause 8.1.5 (1) (a) to reduce the rear lot line for the one-storey outbuilding from 7.6 to 4.4 metres;
- c) Clause 8.1.5 (1) (b) to reduce the exterior lot line for the house from 4.5 to 3.3 metres; and
- d) Subsection 3.7.1 to reduce the siting setback from the sea for the house from 15 metres to 7.6 metres.

The configuration of the property (long and narrow) presents challenges when attempting to meet the setbacks required. In addition to lot configuration, Wilson Road fronts approximately 116 metres of the property. Wilson Road remains unconstructed and unused except for access to the owner's property.

The closest adjacent neighbor has written a letter of support for the variance for the outbuilding as part of the initial application.

Based on the fact that the buildings have been in place for at least two decades, the lot configuration not presenting many building location options, that Wilson Road is unconstructed, staff is recommending approval of this development variance permit to legalize the house, outbuilding and wood shed as per Figure 3.

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2012.2 (Shantz) **BE APPROVED.**

Prepared and Submitted by:

Kris Nichols

Date

Concurred in by:


 Robert Kojima, Regional Planning
 Manager

May 17, 2012

Date

Schedules:

Schedule A: Notice of Development Variance Permit
 Schedule B: Proposed Development Variance Permit

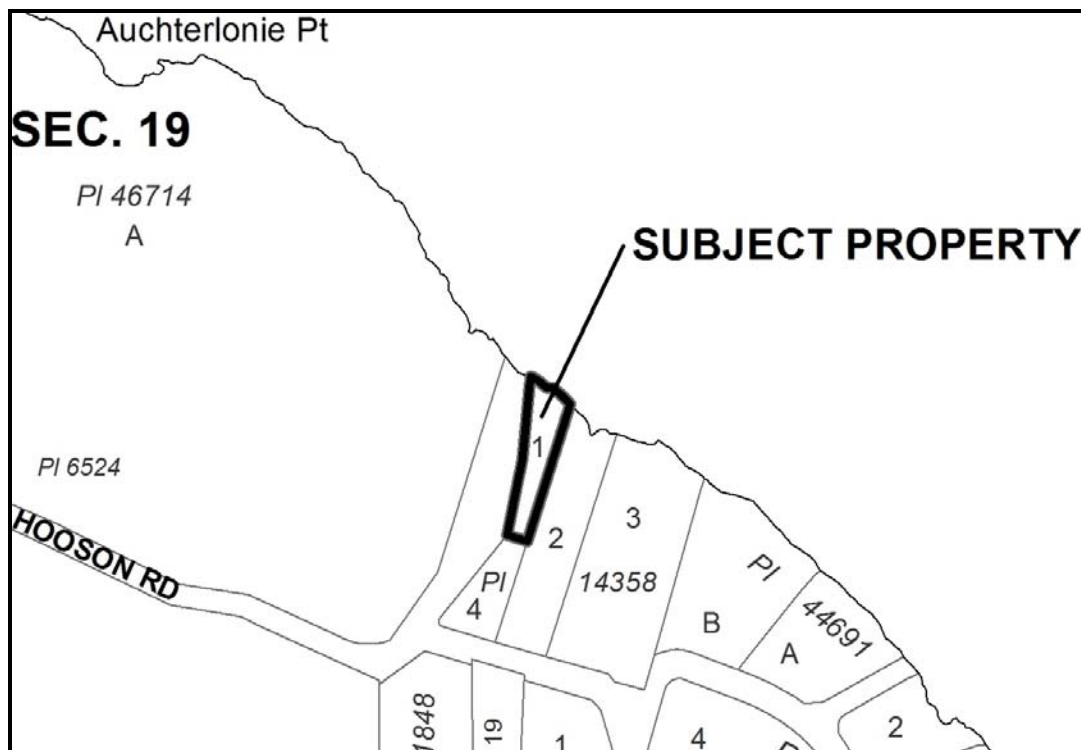
NOTICE
NP-DVP-2012.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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 regularize existing buildings by varying:

- a) Clause 8.1.5 (1)(a) to reduce the front lot line setback for the woodshed from 7.6 metres to 0.2 metres;
- b) Clause 8.1.5 (1) (a) to reduce the rear lot line for the one storey outbuilding from 7.6 to 4.4 metres;
- c) Clause 8.1.5 (1) (b) to reduce the exterior lot line for the house from 4.5 to 3.3 metres; and
- d) Subsection 3.7.1 to reduce the siting setback for the house from the sea from 15 metres to 7.6 metres.

The property is located at 5402 Wilson Road and is legally described as, Lot 1, Section 19, Pender Island, Cowichan District, Plan 14358, PID: 004-402-880

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 May 18, 2012 and continuing up to and including May 29, 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 May 18, 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, May 29, 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., May 31, 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

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2012.2

To: Duncan Shantz

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

Lot 1, Section 19, Pender Island, Cowichan District, Plan 14358, PID: 004-402-880

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows to legalize the existing buildings on the property by bringing them into conformity with the existing zoning bylaw through varying:
- a) Clause 8.1.5 (1)(a) to reduce the front lot line setback for the woodshed from 7.6 metres to 0.2 metres;
 - b) Clause 8.1.5 (1) (a) to reduce the rear lot line for the one-storey outbuilding from 7.6 to 4.4 metres;
 - c) Clause 8.1.5 (1) (b) to reduce the exterior lot line for the house from 4.5 to 3.3 metres; and
 - d) Subsection 3.7.1 to reduce the siting setback from the sea for the house from 15 metres to 7.6 metres.

The location of the existing buildings (i.e. house, woodshed and outbuilding) shall be consistent with Schedule 'A' which is attached to and form 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.

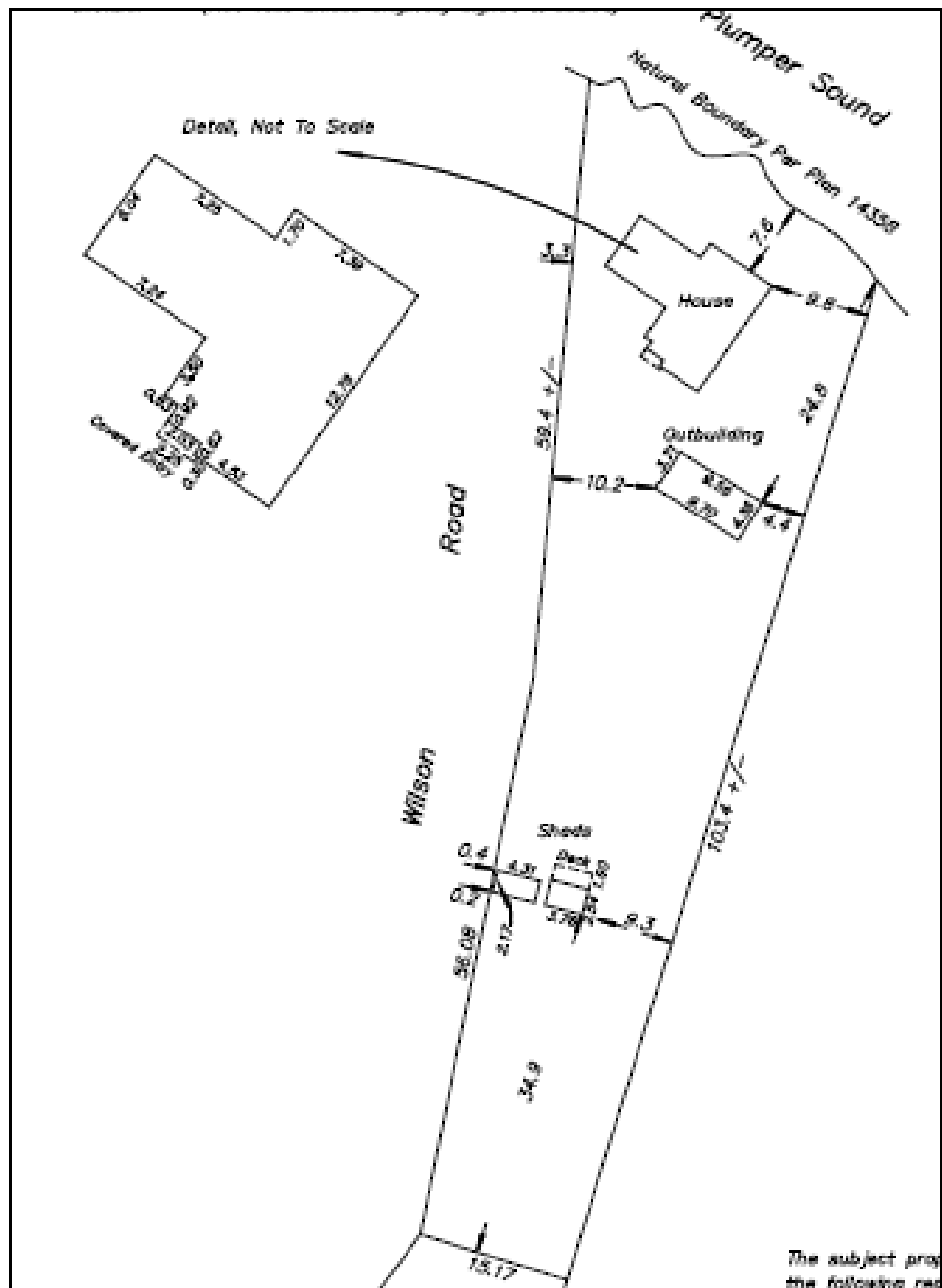
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS xxth DAY OF _____, 2012.

Deputy Secretary, Islands Trust

Date of Issuance

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

SCHEDULE 'A'





Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

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

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

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

Date May 22, 2012 File: NP-SUB-2008.3 (Wey)

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

From Andrea Pickard
Island Planner
Local Planning Services

Re Proposed 4-lot Subdivision at 5442 Hooson Road
The East ½ of the South West ¼ of Section 19, Pender Island, Cowichan District, Except Parts in
Plans 6524, 7273, 14358 and 21848

At the April meeting of the North Pender Island Local Trust Committee (LTC) the LTC discussed two covenants related to this subdivision file. One was a covenant that is required in order to ensure the provision of potable water for the proposed lots is met through installation of a water treatment system. The second was a natural areas covenant to protect two surface water bodies (ponds) through a modified conservation covenant. The purpose of this memo is to follow-up with the concerns raised regarding the potable water covenant and the status of the CRD agreeing to be identified as a signatory Grantee.

Mid-May management staff of Local Planning Services met with the CRD Director of Planning and Protective Services and the Manager of Real Estate Services. The CRD concerns with being a signed Grantee were discussed with the outcome being one of two proposed options.

1. CRD Real Estate Services will provide some language to insert in the recitals of the covenant that would protect the CRD building inspector from a situation where they perceive they cannot unreasonable withhold occupancy, which may be against the wishes of the Local Trust Committee. If the wording is acceptable, it will come back to the LTC for acceptance and designation of a signatory.
2. Barring mutually agreeable wording, we will unilaterally register the covenant, naming the CRD as a Grantee, but not requiring a signature. This is possible, subject to potential revisions of the covenant to ensure there is no positive obligation on the CRD as an unsigned Grantee.

At the time of submitting this memo the CRD has not provided additional wording to consider. For the May 31st LTC meeting, staff will verbally report on the selected option and bring copies of the revised covenant as a late item.

RECOMMENDATIONS:

Dependent upon further discussion with the CRD, the LTC may consider one of the resolutions below:

1. THAT the North Pender Island Local Trust Committee agrees to be the sole signatory as a covenant holder for a section 219 covenant requiring a water treatment 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.
2. 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 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.

pc Robert Kojima, Regional Planning Manager



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

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

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

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

Date May 23, 2012

File: NP-SUB-2008.3 (Wey)

To North Pender Island Local Trust Committee
For the meeting of May 31, 2012
From Andrea Pickard
Island Planner
Local Planning Services

Re Proposed 4-lot Subdivision at 5442 Hooson Road
The East ½ of the South West ¼ of Section 19, Pender Island, Cowichan District, Except Parts in
Plans 6524, 7273, 14358 and 21848

At the April meeting of the North Pender Island Local Trust Committee (LTC) it was resolved that the LTC would agree to be a co-holder for the conservation covenant pertaining to two surface water bodies located on the subject property.

The owner's lawyer has requested some revisions to the language in the covenant. Staff has suggested corrections are required to the plan reference numbers, but otherwise no significant concerns with the proposed revisions were identified and copies have been forwarded to the Pender Islands Conservancy Association to review. Attached is a marked-up version reflecting the proposed revisions as received on May 23rd.

In advance of the LTC meeting on May 31st, staff will further review and have the covenant formatted for execution. A copy of the final version will be provided at the LTC meeting as a late item.

The purpose of this memo is to inform the LTC of the revisions to the covenant and confirm the LTC remains agreeable to delegate the Chair sign the covenant.

RECOMMENDATIONS:

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.

pc Robert Kojima, Regional Planning Manager

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

And

Section 218 Statutory Right of Way

This Agreement dated for reference the ____ day of _____, ~~_____~~ 2012 is

AMONG:

**0734706 B.C. Ltd., Inc. No. 0734706, ~~2300—1055~~
~~Dunsmuir Street, Vancouver, British Columbia, V7X~~
~~1J1~~ [●Change address]**

(the “Owner”)

AND:

**PENDER ISLANDS CONSERVANCY ASSOCIATION, P.O.
Box 52, Pender Island, British Columbia, V0N 2M0M0**

(the “Pender Islands Conservancy Association”)

AND:

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, a
~~Corperation~~ corporation under the *Islands Trust Act*, R.S.B.C.
1996, c.239, with an office at Suite 200, 1627 Fort Street,
Victoria, British Columbia, V8R 1H8**

(the “Local Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on North Pender Island, British Columbia which is legally described as:

Parcel Identification Number: 009-684-816

Legal Description: The East ~~1/2~~ 1/2 of the South West ~~1/4~~ 1/4 of Section 19,
Pender Island, Cowichan District, Except Parts in Plans 6524, 7273,
14358 and 21848

(the “Land”);

- B. ~~AND WHEREAS the~~The Owner proposes to subdivide the Lands, according to a plan of subdivision completed and certified correct on the ____th day of _____, ____ by (surveyor), a copy of which is attached hereto as Schedule "A" (Plan EPP16007);
- C. ~~AND WHEREAS the plan of subdivision~~Plan EPP16007 includes two areas identified as "Covenant Plan EPP16007", which are referred to in this agreement (the "**Covenant Areas**");
- D. ~~B.~~ The Covenant Areas contain significant natural area values including surface water bodies, flora, fauna and natural features of importance to the Owner, the Covenant Holders and the public;
- E. ~~C.~~ The Owner intends to grant and the Local Trust Committee and the Pender Islands Conservancy Association wish to accept a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Covenant Areas in the interests of ensuring the preservation and protection of the natural state of the Covenant Areas;
- F. ~~D.~~ A statutory right of way pursuant to section 218 of the *Land Title Act* (British Columbia) in favour of the Covenant Holders is necessary for the operation and maintenance of the undertakings of the Covenant Holders;
- G. ~~E.~~ The North Pender Island Local Trust Committee is authorized to accept covenants under section 219 and statutory right of ways under section 218 of the *Land Title Act* (British Columbia);
- H. ~~F.~~ The Pender Islands Conservancy Association has been designated by the British Columbia Minister of Forests, Lands and Natural Resource Operations as a person authorized to accept covenants under section 219 of the *Land Title Act* (British Columbia) and as a person authorized to accept a statutory right of way under section 218 of the *Land Title Act* (British Columbia); and
- I. ~~G.~~ Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified feature on the land.

In consideration of the payment of two dollars (\$2.00) now paid by each of the Covenant Holders to the Owner, the receipt and sufficiency of which is hereby acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with sections 218 and 219 of the *Land Title Act* (British Columbia):

1. **Interpretation**

1.1 In this Agreement:

- (a) **“Covenant Area Lot”** means a lot derived from the Lands as shown on Plan EPP16007 within which a Covenant Area is located and Covenant Area Lot shall mean all such lots;
- (b) **“Covenant Area Owner”** means the registered owner of a subdivided lot derived from the Lands, as shown on Plan EPP16007 and includes the Owner of the unsubdivided Lands;
- (c) **“Covenant Areas”** has the meaning described in Recital C;
- (d) ~~a)~~ **“Covenant Holders”** means, unless the context otherwise requires, the Pender Islands Conservancy Association and the North Pender Island Local Trust Committee collectively, and **“Covenant Holder”** means either of them, as the context may require;
- (e) **“Land”** has the meaning described in Recital A;
- (f) **“Local Trust Committee”** means North Pender Island Local Trust Committee, a corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239;
- (g) ~~b)~~ **“Natural State”** means the state of the Covenant ~~Area~~Areas as described in the Report;
- (h) ~~c)~~ **“Notice of Breach”** means a notice of breach given under ~~section~~Section 7.2; and
- (i) **“Owner”** means 0734706 B.C. Ltd.;
- (j) **“Pender Islands Conservancy Association”** means Pender Islands Conservancy Association;
- (k) **“Plan EPP16007”** has the meaning described in Recital B;
- (l) ~~d)~~ **“Report”** means the baseline documentation report that describes the Covenant Area and the features in the form of text, maps, and other records of the Covenant Area as of the date of registration of this Agreement, a copy of which has been provided to all parties, and a condensed version of which is attached as Schedule “B”.

2. **Restriction on Use**

- 2.1 Except as expressly permitted in this Agreement, the Owner shall not do anything, or allow anything to be done, that does or could reasonably be

expected to destroy, impair, diminish, negatively affect, or alter the Covenant Areas from its natural state.

2.2 Without restricting the generality of Section 2.1, the Owner shall not, except with the prior written approval of the Covenant Holders cause or allow:

- (a) silts, leachates, fills or other deleterious substances to be released as a result of human activity into any watercourse on the Covenant Areas;
- (b) soil, gravel or rock to be disturbed, explored for minerals, moved or removed from or deposited in or on the Covenant Areas;
- (c) the alteration or interference with the hydrology of the Covenant Area as a result of human activity, including the diversion of natural drainage or flow of water in, on or through the Covenant Areas;
- (d) fill, rubbish, ashes, garbage, waste or other material foreign to the Covenant Areas to be deposited in, on or under the Covenant ~~Area~~Areas;
- (e) pesticides, herbicides, fungicides or insecticides to be applied to or introduced onto the Covenant Areas;
- (f) native plants, including trees and shrubs, to be cut down, destroyed, damaged, defoliated, or removed from the any part of the Covenant Areas;
- (g) the construction, building, or affixing of any buildings, structures, fixtures or improvements on the Covenant Areas;
- (h) fishing, hunting, gathering, or grazing domestic animals, to be carried out on the Covenant Areas;
- (i) the construction of any new roads or trails on the Covenant Areas; or
- (j) fires to be ignited in or on the Covenant Areas.

The Covenant Holders will not unreasonably withhold or delay any such prior written approval. In particular and without limiting the generality of the foregoing, if the Owner presents a plan intended to improve the health, ~~vigor~~vigour or regeneration of the Covenant Areas or to abate the hazard of fire, harmful insects or disease, the Covenant Holders will give due consideration to such plan and will not unreasonably withhold approval.

3. Baseline Documentation Report

3.1 The parties each agree that the Covenant Area and the features are described in the Report and that the Report provides a reasonably accurate description of the Covenant Area and its features as of the date of this Agreement.

- 3.2 The parties agree that the Report is intended to serve as an information baseline for this Agreement, for the purpose of monitoring compliance with the terms of this Agreement.
- 3.3 The Covenant Holders have provided a copy of the full Report to the Owner.
- 3.4 The parties each acknowledge that the flora and fauna on the Covenant Area will evolve through natural succession over time and, unless otherwise expressly stated, references to the Report are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

4. Covenant Area Owner's Reserved Rights

- 4.1 Subject to Part 2, the Covenant Area Owner reserves all of its rights with respect to the Covenant Areas, including the right to use, occupy and maintain the Covenant Areas in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 4.2 The Covenant Area Owner may trim, prune, cut down, or remove any non-native invasive plants from any part of the Covenant Areas.
- 4.3 Nothing in this Agreement restricts or affects the right of the Covenant Area Owner or any other party to do anything reasonably necessary to:
- (a) prevent potential injury or death to any individual; or
 - (b) prevent, abate or mitigate any damage or loss to any real personal property;

provided that the Covenant Area Owner shall send notice of such action to the Covenant Holders within 30 days after taking any such action.

5. Statutory Right of Way

- 5.1 The Owner grants, conveys and transfer to each Covenant Holder, including for clarity at any one time a reasonable number of its employees, agents, servants, worker and invitees, but for clarity, not the public generally, the full, free and uninterrupted right, license, liberty, privilege, easement and statutory right of way over the ~~Land~~Covenant Area Lots for the sole purpose of accessing the Covenant Areas permitting each Covenant Holder to do the following:
- (a) to access and inspect the Covenant Areas at all reasonable times upon prior written notice by a Covenant Holder to the Owner of at least 24 hours, unless, in the reasonable opinion of a Covenant Holder, there is an emergency or other circumstance which makes giving such notice impractical;

- (b) to enter upon the ~~Land~~[Covenant Area Lots](#) in order to monitor, implement or enforce this Agreement;
- (c) to take soil, water or other samples, and visual or audio recordings as necessary of the Covenant Areas to monitor compliance and enforce the terms of this Agreement;
- (d) to rehabilitate or restore the natural state of the Covenant Areas to as near the pre-existing natural state as is feasible, should an act of nature or any person destroy, diminish or alter the Covenant Areas from its natural state;
- (e) to carry out or evaluate any program agreed upon by the parties for the protection, preservation, conservation, maintenance, restoration or enhancement of all or any portion of the Covenant Areas; and
- (f) to place survey pins or other markings on the ~~Land~~[Covenant Area Lots](#) to clearly identify the Covenant Areas, or to increase visibility of existing survey pins or other markings.

5.2 The Covenant Holders may bring workers, contractors, employees, and vehicles, equipment and other personal property across the ~~Land~~[Covenant Area Lots](#) when exercising their rights under this Agreement. Under no circumstances shall the Covenant Holders be entitled to leave its vehicles or equipment ~~on the~~ ~~Land~~[or those of its workers, contractors or employees on the Covenant Area Lots](#), outside of the Covenant Areas, overnight without the prior consent of the [applicable Covenant](#) Owner.

5.3 Despite the scope of the statutory right of way granted, the Covenant Holders shall make reasonable attempts to inform the ~~Owners~~[applicable Covenant Area Owner](#) before entering onto the ~~Land~~[corresponding Covenant Area Lot](#), only use the portion of the ~~Land~~[Covenant Area Lot](#) outside of the Covenant Areas necessary for the purposes of accessing to and from the Covenant Areas, and shall use its best efforts to minimize its use of such land at all times.

6. No Effect On Laws or Powers

6.1 This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee or the Pender Islands Conservancy Association under any enactment or at common law, including in relation to the use or subdivision of the Land;
- (b) impose on the Local Trust Committee or the Pender Islands Conservancy Association any duty of care or other legal duty of any kind to the Owner or to anyone else; [or](#)

- (c) oblige the Local Trust Committee or the Pender Islands Conservancy Association to enforce this Agreement;^{7.5}

7. **Enforcement**

- 7.1 The Owner agrees that the public interest in the preservation and protection of the natural state of the Covenant Area favours an order for specific performance of the Owner's obligations in this Agreement, and that the damages are not an adequate remedy for the Covenant Holder in the event of any breach by the Owner.
- 7.2 If either Covenant Holder, in their sole discretion, believe that the Owner has neglected or refused to perform any of the obligations set out in this Agreement or is in breach of any term of this Agreement, that Covenant Holder may give a Notice of Breach to the Owner and the other Covenant Holder setting out particulars of the breach, including the Covenant Holder's estimated maximum costs of remedying the breach.
- 7.3 On receipt of a Notice of Breach, the Owner must:
- (a) immediately cease all activities giving rise to the breach; and
 - (b) within 60 days remedy the breach or make arrangements satisfactory to the Covenant Holder to remedy the breach, including with respect to the time within which the breach must be remedied.^{7.5}
- provided that the Owner will not be considered to be in default under Section 7.3(b) if the nature of the breach is one that cannot be readily remedied within the 60-day remedy period and the Owner is diligently working towards remedying the breach.
- 7.4 For clarity, the requirement in Section 7.3 to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any damage done to the Covenant Areas contrary to this Agreement, at the Owner's sole expense.
- 7.5 If the Owner does not comply with the requirements of the Section 7.3 within the time required or agreed upon, either Covenant Holder may enter upon the Land and take any required actions to cease any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in Section ~~7.3~~ 7.3. The Owner must reimburse that Covenant Holder for any reasonable expenses incurred in taking any action under this Section^{7.5}, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.
- 7.6 By this Section^{7.6}, each Covenant Holder appoints the other its agent for the purpose of recovering any debt owed by the Owner to the Covenant Holder who incurred expenses under this Article, including through legal proceedings, and

the Covenant Holder who recovers the debt holds it, less reasonable legal fees and disbursements and other reasonable expenses of recovery, as agent for the Covenant Holder that incurred the expenses.

8. Indemnity

The Owner hereby indemnifies and saves harmless the Local Trust Committee and the Pender Islands Conservancy Association, and their elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Covenant Holders may at any time suffer or incur arising out of or related to this Agreement or any breach of it, except to the extent that any such claim arises due to the negligence or breach of this agreement by an indemnified party.

9. ~~8.~~ Limitation on Obligations

9.1 ~~8.1~~—The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner specifically permits or allows, in respect of the Owner's particular lot or lots and such limitation applies to the Indemnity granted under Section 8 hereof. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

9.2 ~~8.2~~—The Owner is not liable for:

- (a) alterations to the Covenant Areas resulting from acts of nature, or causes beyond the Owner's reasonable control, including accidental fire, flood, or storm, and trespass and vandalism for which the Owner has taken reasonable actions to prevent;
- (b) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Covenant Areas resulting from acts of nature, including accidental fire, flood, or storm; or
- (c) injury or alteration to the Covenant Areas caused by the Covenant Holders.

9. ~~Indemnity~~

~~The Owner hereby indemnifies and saves harmless the Local Trust Committee and the Penders Island Conservancy Association, and their elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Owner may at any time suffer or incur arising out of or related to this Agreement or any breach of it.~~

10. No Liability in Tort

The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this Section [10](#) is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

11. Covenant Runs With the Land

Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

12. Registration

The Owner agrees to do everything [reasonably](#) necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the [Victoria](#) Land Title Office at the time of application for registration of this Agreement.

13. Waiver

An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Local Trust Committee and Pender Islands Conservancy Association of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

14. Severance

If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

15. No Other Agreements

This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

16. Binding of Successors

This Agreement binds the parties to it and their respective successors, [assigns](#), heirs, executors and administrators.

17. Further Acts

The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

18. Deed and Contract

By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

19. Execution Using Form C

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the *Land Title Office Act (British Columbia)* Form C which is attached hereto and which forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. 0734706 B.C. LTD. (the “**Owner**”) is the registered owner of The East ~~1/2~~1/2 of the South West ~~1/4~~1/4 of Section 19, Pender Island, Cowichan District, Except Parts in Plans 6524, 7273, 14358 and 21848 (the “**Land**”);
- B. The Owner granted HSBC BANK CANADA (the “**Prior Chargeholder**”) a mortgage, which was registered against the title to the Land in the Victoria Land Title Office under number EX154428 (the “**Prior Charge**”);
- C. The Owner granted to the North Pender Island Local Trust Committee and the Pender Islands Conservancy Association (the “**Subsequent Chargeholders**”) a Section 219 Covenant which is registered against the title to the Land under number _____ (the “**Subsequent Charge**”); and
- D. Section 207 of the Land Title Act permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder’s right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

END OF DOCUMENT



STAFF REPORT

May 22, 2012

File No.: NP-TUP-2012.1
(Henshaw c/o Burdett)
X-ref: NP-TUP-2009.3

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

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, RPM

Re: Temporary Use Permit Renewal (Cross Ref. NP-TUP-2009.3)

Owner: GRL Holdings Ltd.
Applicant: Mike Burdett
Location: That Part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695,
Lying east of a boundary parallel to and perpendicularly distant 260 feet
from the easterly boundary of said lot. PID: 002-885-182

5827 Schooner Way

THE PROPOSAL:

The applicants were issued a Temporary Use Permit (TUP) in May 2010 for a household waste collection at a site at the Medicine Beach Market, located in the south western corner of the subject property. The permit will soon expire and the applicants have submitted an application for a TUP renewal with no proposed changes to the site or land use.

Since the initial permit was issued no complaints or issues have been raised with Bylaw Enforcement staff with regards to land use of the property or operation of the waste collection site. Nor have any issues or concerns be raised by the Trust Fund Board related to their property at Medicine Beach Nature Sanctuary.

The constructed bin enclosure was modified to include a roof overhang above the section where the public would access the disposal hatches, this is now shown in the renewal permit. The proposed permit would also change the dates of the permit; otherwise the terms and conditions would remain the same. A draft permit that would expire in 3 years is attached as Schedule A for the LTC's consideration.

SITE CONTEXT:

The subject property is 0.7 ha (1.77 acres) and it is split zoned. The majority of the property has site specific zoning Commercial One, C1(e), which identifies the following permitted uses: retail sales, offices, including banks; restaurants; cafes; and bakeries as permitted uses. Along the southern boundary of the property an approximate 12 meter strip is zoned Rural (R). The building and collection bin are located on the commercial portion of the property, abutting the rural zone.

The subject property is generally level throughout the historically developed portion of the site, which is primarily on the western half of the property. The eastern half of the property is located on a lower bench approximately 4 – 6 m below the commercial development. The lower portion of the property was issued a separate TUP in February 2011 for construction of a new Shaw Cable building for the purpose of the placement of telecommunications and cable equipment.

Figure 1: Subject Property Map

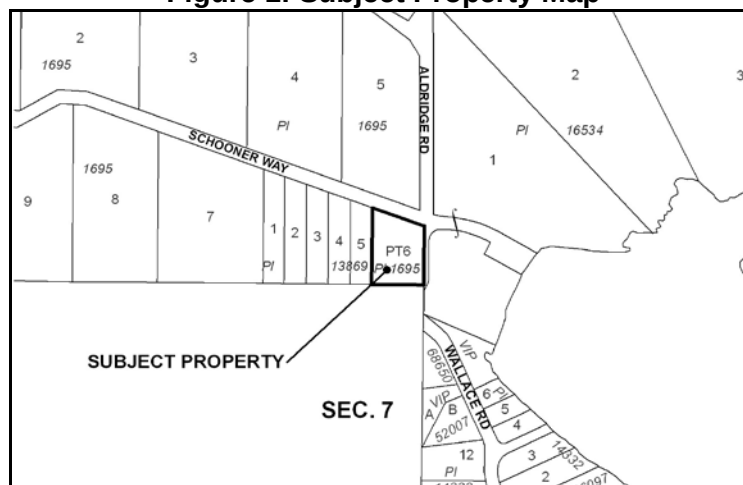
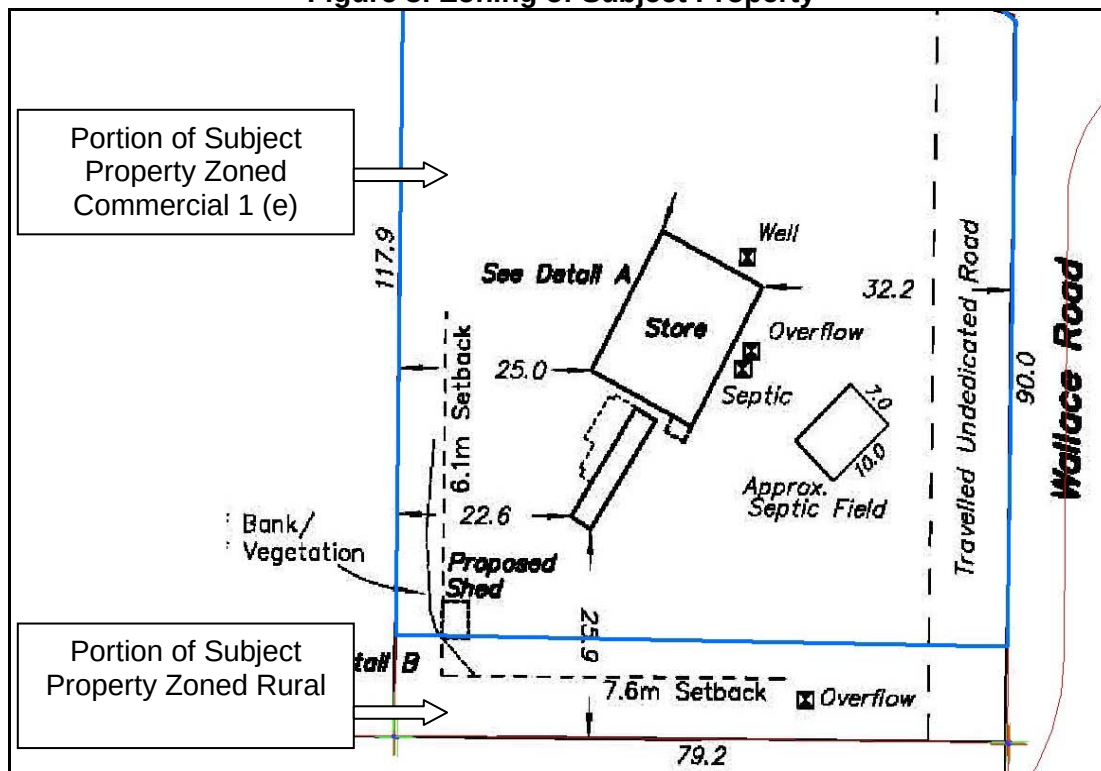


Figure 2: Orthophoto and 2m Contours of the Subject Property



Figure 3: Zoning of Subject Property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

The subject property is designated commercial in the Official Community Plan (OCP). Part 6 of the OCP authorizes the LTC to issue a TUP for any area covered in the plan and that they may specify conditions under which a temporary use be approved. A TUP may be issued for up to a three year period, with only one renewal permitted.

The general commercial policies of the OCP include:

- 2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.
- 2.4.2 Priority may be given to new or additional commercial ventures in the following locations:
 - b) by application to rezone the remainder of the commercially designated lot at Schooner Way and Wallace Road.
- 2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.
- 2.4.9 Parking and storage areas should be suitably screened to maintain the rural character of the area.

The industrial objectives of the OCP include:

- To encourage on-island industrial enterprises that do not adversely affect rural character and lifestyle.
- To limit industrial development to specific areas of the island.

- To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.

The industrial policies include similar statements to the commercial policies 2.4.5 and 2.4.9 above.

Land Use Bylaw:

The property has site specific zoning in the Commercial One zone (C1(e)) that restricts the permitted uses to: retail sales; offices, including banks; restaurants; cafes; and bakeries. However, the zone boundary does not correspond to the property boundary and a portion lying parallel to the southern boundary is zoned Rural (R).

Adjacent properties are zoned Ecological (ECO), Rural (R) and Rural Residential (RR).

Development Permit Areas:

There are no sensitive ecosystems development permit areas (DPA) identified on the subject property; however, the portion zoned commercial is subject to the commercial and industrial form and character DPA. When the initial TUP application was considered a Development Permit (DP) for the form and character of the proposed enclosure structure was also issued. As a TUP renewal application there are no proposed changes to the buildings or structures and therefore, an amendment to, or a new DP is not required.

Islands Trust Fund:

As the property owners of the Medicine Beach Nature Sanctuary the Islands Trust Fund received notification. The primary concerns of the Islands Trust Fund are with the protection of the marsh as it is considered to be very sensitive and ecologically fragile, and the risks associated from any effluent or garbage that could potentially migrate into the area. The Trust Fund Board responded to the initial notification that they had no objections based on the proposal to build an enclosure structure. Furthermore, staff has confirmed since the initial TUP was issued no new concerns have been raised.

Sensitive Ecosystems and Hazard Areas:

The property and surrounding area has been identified as having a high level of intrinsic groundwater susceptibility.

There are some areas of low and moderate steep slope hazards on the subject property; although the drop-off area may encroach slightly into a low hazard area, it is largely outside of an identified hazard area.

Archaeological Sites:

There are no registered archaeological sites identified in the provincial database on the subject property.

Covenants:

There are no covenants registered on the title.

Climate Change Adaptation and Mitigation:

There are no proposed changes to the structure or configuration of the drop-off area and it was sited within a previously developed or disturbed area. The structure containing the collection bin would be low-risk structure by nature since it is a non-inhabited structure.

COMMUNITY INFORMATION MEETING(S): A community information meeting is not typically recommended for a TUP renewal.

RESULTS OF CIRCULATION: There is no notification requirement with a TUP renewal.

STAFF COMMENTS:

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

The proposed use has been permitted by a previous TUP on this site. There are no proposed changes to the related buildings and structures, nor any proposed changes to the operation of the drop-off service; therefore, the terms of the proposed permit remain the same as the initial TUP.

RECOMMENDATIONS:

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.

Prepared and Submitted by:



May 22, 2012

Date

Concurred in by:



Regional Planning Manager

May 23, 2012

Date

PROPOSED



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY INDUSTRIAL USE PERMIT NP-TUP-2012.1 RENEWAL OF NP-TUP-2009.3 EXPIRING MAY 28, 2012

TO: GRL Holdings

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

That portion of the lot legally described as:

That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot

As indicated on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following industrial uses in the subject area:
 - a) "transfer, storage, and shipping of discarded goods and materials".
3. The uses may be carried on subject to the following conditions:
 - a) The use shall be limited to one steel waste collection bin, designed and constructed for that purpose with closing lids and located as specified on Schedule 'A'.
 - b) The collection bin shall be contained within a roofed enclosure and placed upon a concrete pad with a sump as specified on Schedule 'B' to a maximum size of 15 feet by 20 feet and maximum height of 11 feet.
 - c) The hours of operation for public disposal of discarded goods and materials shall be limited to those hours of operation of the retail store to a maximum of 10:00 am to 10:00 pm daily.
 - d) The hours of operation for the emptying of the collection bin shall be limited to between the hours of 8:00 am and noon Monday to Saturday.
 - e) The storage of all discarded goods and materials permitted by 2(a) above shall be bagged and contained within the waste collection bin described in 3(a).
 - f) The *transfer, storage and shipping of discarded goods and materials* permitted by 2(a) above shall not include any hazardous waste, including household hazardous waste as defined by Capital Regional District Environmental Services, bulk liquids and semi-solid sludges, including septage, black water, and sewage treatment sludge, biomedical waste, dead animals and slaughterhouse and farming wastes.
 - g) The *transfer, storage and shipping of discarded goods and materials* permitted by 2(a) above shall not include any demolition, construction or land clearing waste.

PROPOSED

- h) The processing of discarded goods and materials is prohibited.
 - i) The placement of signage denoting what is and is not accepted at the site and what is accepted at the recycling facility at a separate location, fees, and hours of operation. All other signage associated with the use is not permitted.
 - j) The area in around the site and the waste collection bin are to be maintained clear of litter and safe for general public.
 - k) The waste collection bin is to be emptied on a regular basis and the lids kept closed.
 - l) All existing vegetation is to be maintained along the south and west lot lines in the vicinity of the collection bin and related activities as shown on Schedule A.
 - m) The operations shall be consistent with the relevant Best Management Practices of the Capital Regional District.
 - n) If the use ceases to occur or after this permit expires the structure shall be removed within 30 days.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

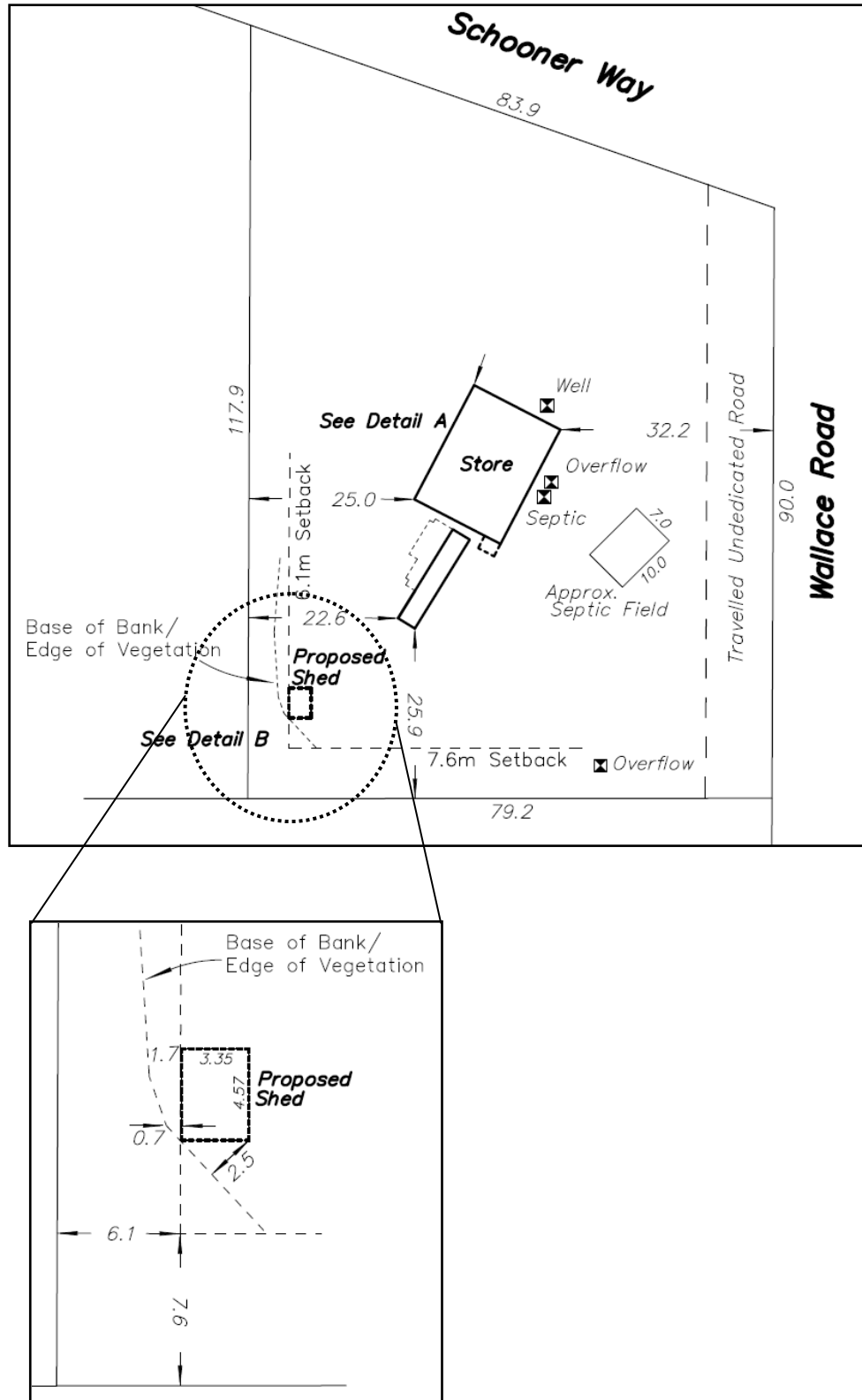
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY ____, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

PROPOSED

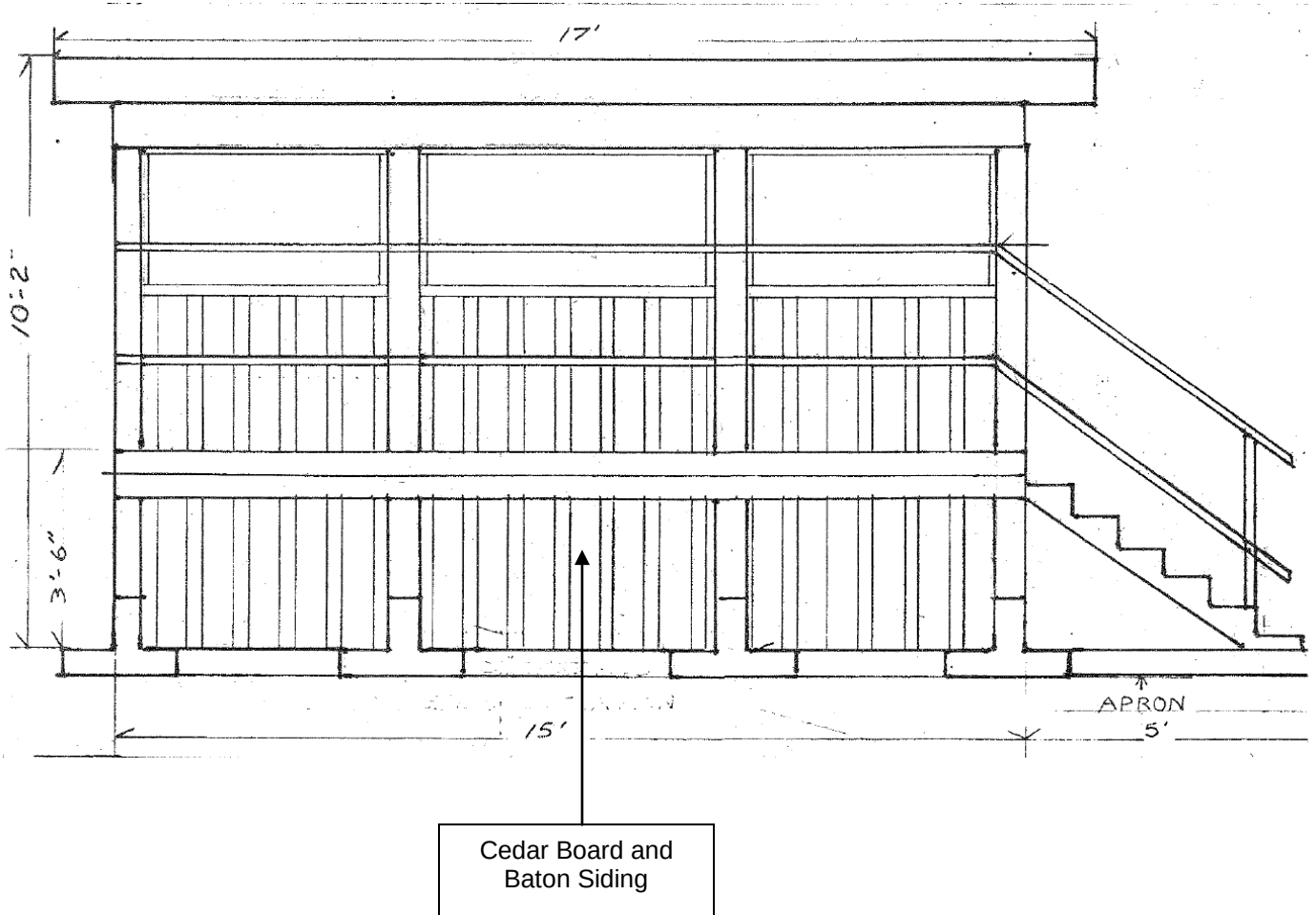
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE NP-TUP-2012.1 SCHEDULE 'A'



PROPOSED

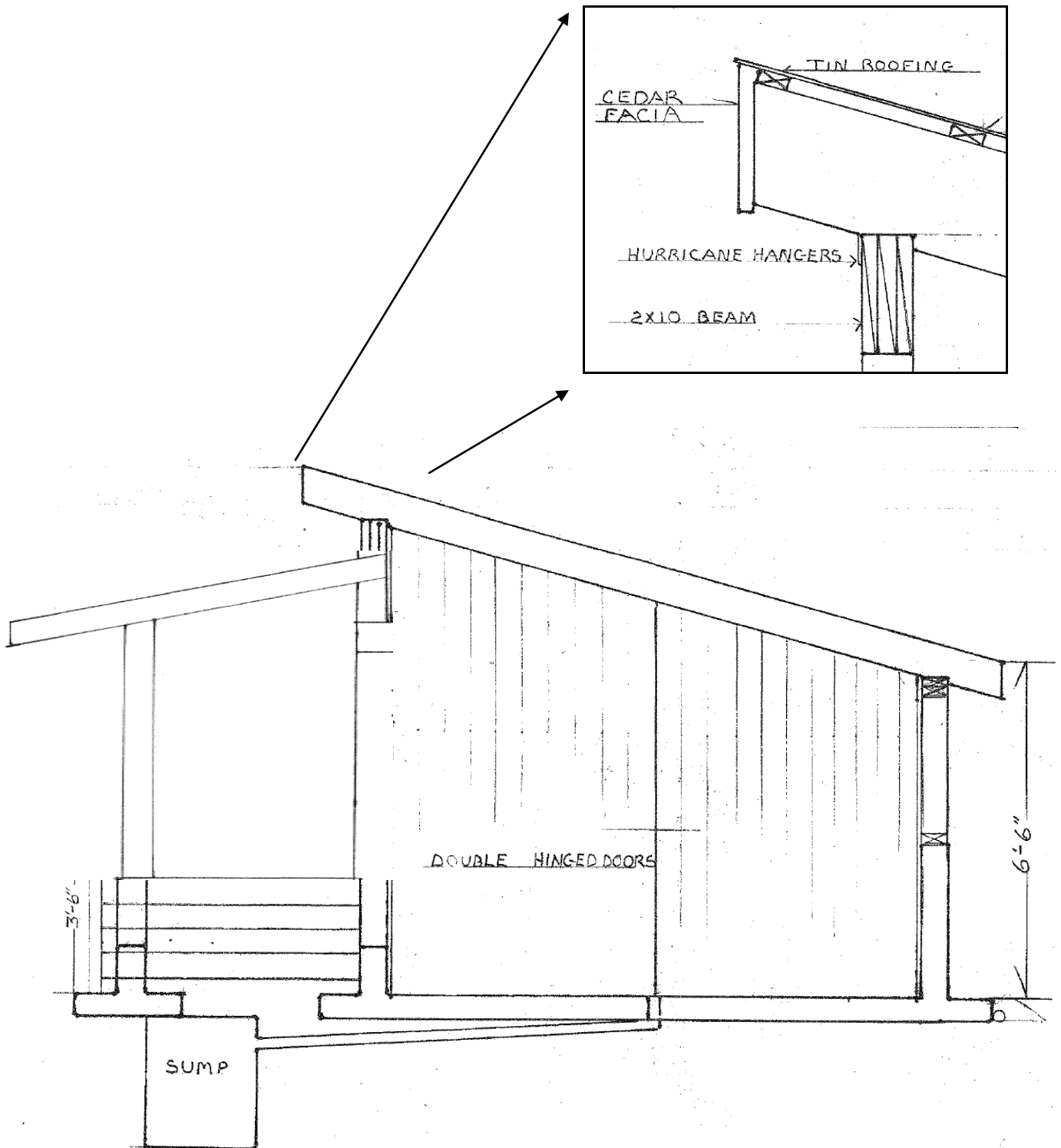
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2012.1
SCHEDULE 'B'

West (Front) Elevation



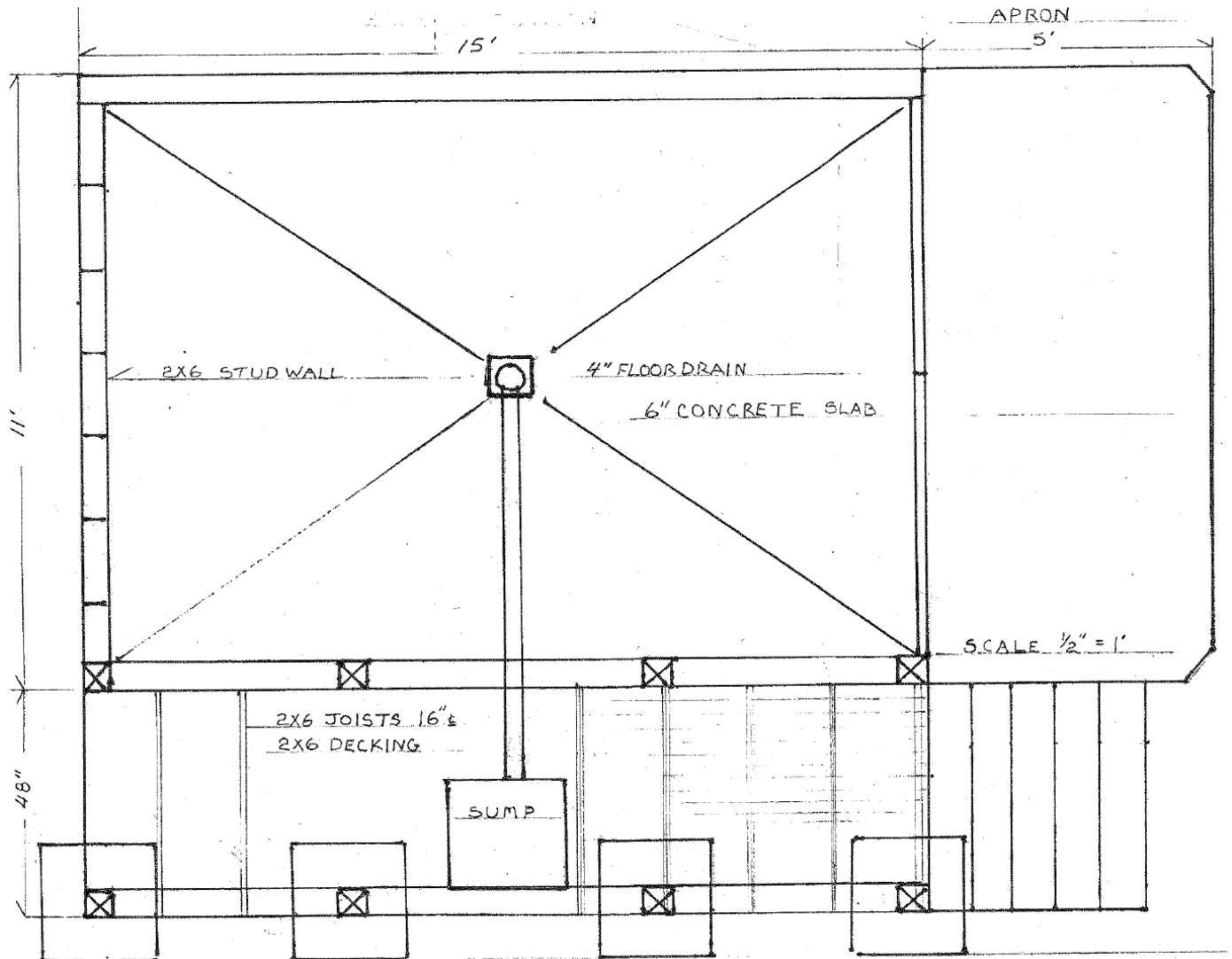
PROPOSED

South (Side) Elevation



PROPOSED

Floor Plan





BYLAW REFERRAL FORM

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

Island: Salt Spring Bylaw No. 460 Date: May 3, 2012

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

APPLICANT:

Karen and Gerald Tottman.

PURPOSE OF APPLICATION:

Proposed Bylaw 460 would amend Land Use Bylaw No. 355 to rezone a property in Ganges Village from Residential 6 (R6) to Commercial 4 Zone Variation (a) – C4(a). A small business currently operates on the property under a Temporary Use Permit.

PROPERTY LOCATION:

127 Rainbow Road, SSI (Ganges Village).

LEGAL DESCRIPTION:

Lot 9, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371.

SIZE OF PROPERTY AFFECTED:

0.08 hectares/ 0.2 acres

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Ganges Village – Core

OTHER INFORMATION:

See Staff Report dated April 19, 2012. The subject property is located in Development Permit Area 1 - Island Villages and Development Permit Area 4 – Lakes, Streams and Wetlands. No development permit is required as no construction or site development is proposed. The adjacent property to the east was rezoned in January 2012 from R6 to C4(a).

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

(Signature)

Name: Kristin Aasen

Title: Planner 1

Provincial Agencies

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

Regional Agencies

CRD Building Inspection
Vancouver Island Health Authority

Adjacent Local Trust Committees and Municipalities

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

Non-Agency Referrals

Islands Trust Bylaw Enforcement
BC Ambulance Service
Ganges Sewer Committee
North Salt Spring Waterworks District
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI PARC
SSI Transportation Commission

BYLAW REFERRAL FORM
RESPONSE SUMMARY

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

Salt Spring Island Local Trust Area
(Island)

(Name/ Signature)

(Date)

460
(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

9.5

Island: Mayne Island Local Trust Area **Bylaw No.:** 157 (LUB) **Date:** May 15, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held on ~~April 4, 2011~~.

APPLICANTS NAME / ADDRESS:

Don and Shanti McDougall, 568 Fernhill Road

PURPOSE OF BYLAW:

Bylaw No. 157: To amend the zoning on the subject property at 568 Fernhill Road by changing the zoning from Service Commercial to Settlement Commercial. The proposed new zoning will allow retail sales in a building having a floor area not exceeding 279 square metres, an accessory dwelling and other accessory buildings.

GENERAL LOCATION:

Next to the Fernhill Centre half way between the Miners Bay and Bennett Bay neighbourhoods.

LEGAL DESCRIPTION:

Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070.

SIZE OF PROPERTY AFFECTED:

0.348 ha

ALR STATUS:

No

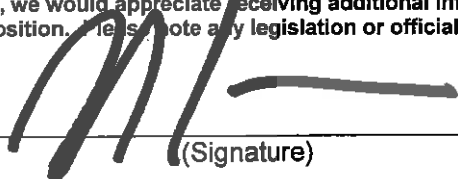
OFFICIAL COMMUNITY PLAN DESIGNATION:

General Commercial

OTHER INFORMATION:

Staff report dated January 19, 2012 attached.

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


(Signature)

Name: Gary Richardson

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Ministry of Transportation and Infrastructure

Non-Agency Referrals

Regional Agencies

Capital Regional District Environmental Services

Adjacent Local Trust Committees and Municipalities

Saturna Island LTC
North Pender Island LTC
Galiano Island LTC

First Nations

BYLAW REFERRAL FORM RESPONSE SUMMARY

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

Mayne Island Local Trust Area
(Island)

(Signature)

(Date)

157
(Bylaw Number)

(Name and Title) Please Print

(Agency)



Memorandum

Date May 22, 2012 File Number NP-LUB-2011.1 and NP-OCP-2011.2

To North Pender Island Local Trust Committee

From Andrea Pickard
Local Planning Services

Re Sidney Island Strata Annual General Meeting

At the February 2012 meeting of the North Pender Island Local Trust Committee (LTC) a staff report including draft bylaws to amend the North Pender Associated Islands Land Use Bylaw and Official Community Plan were considered by the LTC. The proposed amendments would be applicable to Sidney Island only and the draft bylaws were referred to the Sidney Island Strata for comments. Staff has been primarily communicating with residents through the strata council, who then distribute information through their website.

The strata also obtained the services of a lawyer to review the proposed amendments and provide a summary to strata members. At that time the strata requested the LTC defer any decisions with regards to the draft bylaws until after the strata's annual general meeting (AGM) in May so there would be an opportunity for the property owners to discuss it.

At the February meeting the LTC passed the following resolution:

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to defer Draft Bylaws No. 187 and 189 until a formal response from the Sidney Island Strata Council is received, but no later than August 2012.

The AGM was held on May 12th and Islands Trust staff were in attendance to review and discuss the proposed amendments. The legal review had identified four key changes that would be most significant for property owners:

1. The new development permit areas (DPA) would address land alterations in addition to new construction of buildings and structures,
2. Restricting the maximum floor area of the principal dwelling,
3. Zoning the LTC covenant areas as 'conservation', and
4. Zoning the heritage orchard identified in the Strata Bylaw as 'conservation'.

At the AGM the discussion and questions raised focused on the DPA changes and the conservation zoning for the orchard and covenant areas. Further to the discussion at the AGM staff recommends some revisions to the draft bylaws, particularly addressing the DPA guidelines and exemptions. Proposed revisions would include some additional exemptions related to vegetation removal that would bring the terms of the DPA in closer alignment with the Levelton report registered on title with the geotechnical covenant to address hazards to development.

A formal response from the strata has not yet been received; however, staff recognize that additional revisions may be recommended based on the feedback received.

At this time staff is requesting direction from the LTC to revise the draft bylaws based on input at the AGM and the written response, yet to be received, before bringing the draft bylaws back to the LTC for consideration.

RECOMMENDATION:

THAT the North Pender Island Local Trust Committee direct staff to revise draft bylaws 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.

pc Robert Kojima, Regional Planning Manager



Memorandum

Date May 18, 2012 File Number NP

To North Pender Island Local Trust Committee

From Robert Kojima
Regional Planning Manager
Local Planning Services

Re Ministry of Transportation and Infrastructure Meeting

At the last regular meeting, the LTC:

1. Received the Moving Around Pender (MAP) draft Transportation Plan and requested that planning staff discuss aspects of the plan with Ministry of Transportation and Infrastructure (MoTI) staff at an upcoming meeting.
2. Requested that staff develop a bylaw enforcement policy to address roadside signs.

On May 10th, planning staff from the southern team met with MoTI staff and, along with other regional issues, raised the two North Pender issues.

1. MAP Transportation Plan: Islands Trust staff will formally refer the plan to MoTI. MoTI staff can review it and respond; specifically the Area Roads Manager may assess locally identified areas of concern noted in the report, conduct site visits, and potentially involve the District Engineer in assessments. For bicycle routes, MoTI staff recommended that the LTC could consider amending the OCP to identify the routes on the schedule and include policies specifying the form future bike routes should take. While MoTI could then support construction, funding to construct bike paths would be unlikely to be available within the MoTI Area or District budgets. MoTI staff may provide specific comments as a result of the formal referral.
2. Highway Signs: MoTI has a process to issue permits for signs in the highway; however, as a practice, permits are typically only issued for such signs in limited circumstances, usually informational signs where a permit is applied for by a local government or a non-governmental organization. MoTI also specific standards that any individual sign would need to adhere to. The option raised at the last LTC meeting of the Chamber of Commerce constructing one or two informational signs, seems consistent with the type of signs that MoTI would permit. MoTI staff indicated that they do not have concerns with LTC enforcement, provided public or previously permitted signs are unaffected.

Staff also confirmed the process for authorizing Neighbourhood Zero Emission Vehicles (NZEV). For a one-time event: the optimal approach is for the owner/operators apply to MoTI for a special event permit which can be processed fairly quickly. More information and the application form can be found at: <http://www.th.gov.bc.ca/filming-events/index.htm>. In order to have some or all roads on the island designated

for NZEV, the LTC should apply to MoTI for a roads assessment to identify what roads would be approved, or not approved, for NZEV vehicles. This would involve a review of posted speed limits and a site visit by MoTI staff to determine if there are any portions of roads that would be inappropriate for NZEVs. Individual owners could then apply for a permit to operate a NZEV.

pc Andrea Pickard, Island Planner



Islands Trust

Print Date: May-23-2012

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

11.1.1.1



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	Consider baseline data consider policy and regulatory land use changes to help adapt to climate change impacts.	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
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
9	Road Side Signs		Apr-26-2012
			On Going



Islands Trust

Applications w / Status - North Pender Island Status: Open

Print Date: May-23-2012

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2010.4	Lloyd Eakins (For TWA) Planner: Andrea Pickard	Apr-19-2010	RAZOR POINT RD of a 15 lot subdivision, request a variance for lots 8 (vary sec. 4.10.3 of LUB) and 13 & 14 (vary sec. 4.12.1 of LUB)

Planning Status

Status Date: Feb-28-2012

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

Status Date: Jan-26-2012

jan meeting cancelled, on Feb agenda

Status Date: Jan-10-2012

on Jan agenda, draft covenant and drainage rpt included

File Number	Applicant Name	Date Received	Purpose
NP-DP-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

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.2	Duncan Shantz Planner: Kris Nichols	Feb-13-2012	To vary the rear property line from 4.4 m. to allow building to remain as is.

Planning Status

Status Date: May-22-2012

on May agenda

Status Date: May-11-2012

Notification sent out to affected property owners

Status Date: Apr-25-2012

E-mail received from applicant stating that new survey indicated other existing buildings are within setbacks. Will send survey and letter to alter DVP application.

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	Drroa 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

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2011.1	Natrikan Holdings LTC - Ralph Turner Planner: Andrea Pickard	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.

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-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

Status Date: Mar-26-2012

mar agenda LTC accept both park and covenant

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

Planning Status

Status Date: 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	May-16-2011	4606 OAK RD & 4602 OAK RD Boundary adjustment
Planner: Andrea Pickard			

Planning Status

Status Date: Feb-27-2012

DP approved

Status Date: Jan-10-2012

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

Status Date: Oct-06-2011

PLA issued

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

Planning Status

Status Date: Feb-07-2012

PLA issued

Status Date: Sep-28-2011

response sent to MOTI, copied to app/owner

Status Date: Sep-08-2011

Forwarded to Planner and Trustees

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.3	Strongitharm Consulting Ltd Planner: 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 Planner: Kris Nichols	Jan-13-2012	Boundary Adjustment

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-07-2012

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

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2012.1	Lou Henshaw c/o Mike Burdett	May-08-2012	5827 SCHOONER WAY Renewal of TUP-2009.3 for a garbage shed for public drop off of household waste.

Planner: Andrea Pickard

Planning Status

Status Date: May-10-2012

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

Kathy Jones

From: Nancy Rogers
Sent: April-26-12 1:36 PM
To: Andrea Pickard; Gary Steeves; Ken Hancock; Kris Nichols; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: North Pender Expense report - final year end to March 31/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to March 31, 2012

650 North Pender	Invoices posted to March 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,200.00	719.79	480.21
65200	LTC Local Exp LTC Meeting Expenses	3,600.00	3,564.65	35.35
65210	LTC Local Exp APC Meeting Expenses	1,840.00	802.88	1,037.12
65220	LTC Local Exp Communications	1,150.00	-	1,150.00
65230	LTC Local Exp Special Projects	2,000.00	717.46	1,282.54
65240	LTC Local Exp Miscellaneous	810.00	-	810.00
TOTAL LTC Local Expense		9,400.00	5,084.99	4,315.01
72300	Project OCP update	-	-	-

Thanks!

Nancy Rogers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving island communities, culture and environment

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North Pender Local Trust Committee
2012-13 Budget

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

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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



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Population (2011):

Approximately 2,035

Size:

2,709 hectares (6,694 acres)

Location:

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

[Land Use Planning](#)

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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.

May 2012

- [Draft Pender Islands Transportation Management Plan](#)
- [Moving Around Pender Transportation Survey](#)
- [Southern Board of Variance - Request for Expressions of Interest](#)

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](#)

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Committee Links

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[Resolutions-Without-Meeting](#)

[Associated Islands](#)

[Land Use Application Forms](#)

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 Communtiy 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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