



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 9:45 A.M., THURSDAY, MARCH 22, 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 February 23, 2012 Local Trust Committee Business Meeting (attached)	1	
5.2 Public Hearing Records and Community Information Meeting Notes to be Received - none		
5.3 Section 26 Resolutions-without-meeting -none		
5.4 Advisory Planning Commission/Task Force to be received - none		
6. BUSINESS ARISING FROM THE MINUTES		10:00 am
6.1 Follow-up Action Report (attached)	11	
7. DELEGATIONS - none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		
8.1	S. Nievaart email dated March 7 2012 re: Oil Tanker Plan	15	
8.2	Z. Staar letter dated March 12 2012 re: PCT – Final Funding Report & Request for Disbursement	17	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS		10:10 am
9.1	NP-RZ-2011.2 (Lockhart) (attached)	27	
9.2	NP-DVP-2112.1 (Coffey) (attached)	35	
9.3	NP-RZ-2011.1 / NP-DP-2011.9 (Turner) (attached)	42	
9.4	NP-SUB-2008.3 (Wey) (attached)	69	
10.	LOCAL TRUST COMMITTEE PROJECTS - none		
11.	REPORTS		12:10 pm
11.1	Work Program Reports – for information		
11.1.1	North Pender Island Local Trust Committee Work Program - Report dated March, 2012 (attached)	83	
11.2	Applications Report – for information		
11.2.1	North Pender Island Applications Report dated March, 2012 (attached)	87	
11.3	Bylaw Enforcement		
11.3.1	Application of Sign Regulations - discussion		
11.4	Expense/Budget Reports		
11.4.1	Trustee and Local Expense Report (attached)	93	
11.4.2	Adopted Budget 2011/2012 - none		
11.5	Adopted Policies and Standing Resolutions (attached) – for information	94	
11.6	North Pender LTC Web Page (attached) – for discussion	95	1:05 pm
11.7	Chair’s Report		
11.8	Trustee Report		

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Business at 9:45 a.m., Thursday, April 26,
2012 at Pender Island Community Hall

**12.2 A Strategic Approach to Islands Trust
Communications (attached)**

97

13. TOWN HALL MEETING

1:50 pm

14. ADJOURNMENT

2:05 pm

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, FEBRUARY 23, 2012, AT 9:45 AM
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

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

REGRETS: **none**

There were nine (9) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at approximately 9:45 am. He also noted that both attempts to have Local Trust Committee Meetings in January had led to cancellations, due to snow and power outages.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was adopted by consensus.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of November 24, 2011

Chair Luckham noted that the November 24, 2011 Minutes had already been approved (by Resolution-without-meeting).

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

Planner Pickard reviewed the Resolutions-without-meeting, most of which were due to the cancelled January meetings. Regarding the 2012 meeting schedule, Trustee Steeves asked Planner Pickard to follow up with the Pender Post.

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.

Resolution NP-LTC-01-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Miles Drew to present a report on the follow-up action item re: violations of the setback to the sea, at the earliest opportunity.

CARRIED

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Ministry of Transportation & Infrastructure Letter re: Hooson Road Realignment

Planner Pickard noted that the above letter was already on the Islands Trust website, for the information of local residents.

8.2 J. Johnston letter dated January 17, 2012 re: Gulf Islands Learning Centre

Trustee Steeves thanked Julie Johnston and Greg Lucas for the above initiative, and said that he planned to forward their correspondence to David Howe.

8.3 J. Rowlandson email dated February 6, 2012 re: Support for Rural Cycling

Resolution NP-LTC-02-12

It was Moved and Seconded that the North Pender Island Local Trust Committee urges the Province of British Columbia to invest in cycling infrastructure in rural communities, in order to accelerate the availability and broaden the range of cycling opportunities for commuter, recreational and competitive cyclists living in and visiting rural and urban areas.

CARRIED

- 8.4 C. Stewart email dated February 13, 2012 re: Pender Islands-Parks Canada Liaison Committee

Resolution NP-LTC-03-12

It was Moved and Seconded that the North Pender Island Local Trust Committee nominate Gary Steeves as their representative to the Pender Islands-Parks Canada Liaison Committee.

CARRIED

- 8.5 P. Pare email dated February 11, 2012 re: Draft MAP Surveys

Resolution NP-LTC-04-12

It was Moved and Seconded that the North Pender Island Local Trust Committee endorse the conducting of a survey by Moving Around Pender, and that Staff be directed to contact Peter Pare re: placing a link to survey on the Islands Trust website.

CARRIED

9. APPLICATIONS, PERMITS AND REFERRALS

- 9.1 NP-SUB-2008.3 (Wey)

Planner Pickard reviewed the January 9, 2012 Staff Report re: NP-SUB-2008.3 (Wey) and commented as follows: that this subdivision application (referred for comment by the Approving Officer) concerned a 4-lot subdivision on Hooson Road; that the Local Trust Committee was being asked to waive the provincial requirement for 10% frontage on 2 lots, and to delegate signing authority for a covenant to fulfill potable water requirements through a water treatment system; and that the "natural state" covenants on the subdivision plans were voluntary.

Resolution NP-LTC-05-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Staff to inquire with the Applicant for NP-SUB-2008.3 (Wey) as to the status of the natural state covenants depicted on the subdivision plan, and who the planned covenants would be in favour of.

CARRIED

Lloyd Eakins was present and answered some questions on behalf of the Applicant (Richard Wey & Associates), but he did not have full information about the proposed covenants for areas to be left in their natural state.

Trustee Steeves expressed various concerns about application NP-SUB-2008.3, stating that it appeared the owner could fulfill the 10% frontage requirement by extending the proposed public road further into an already disturbed area; that the hydrology report indicated water problems; that the actions of the owner (a numbered company) and their agents had already created a huge mess in the neighbourhood (e.g. the road re-alignment situation); and that the owner's contractors had previously been observed impacting the pond "natural state" area with heavy equipment.

There was further discussion. Trustee Hancock felt that the property's water issues were sufficiently addressed by the water treatment covenant.

Resolution NP-LTC-06-12

It was Moved and Seconded that the North Pender Island Local Trust Committee defer a decision on the 10% frontage waiver request for lots 2 and 4 of application NP-SUB-2008.3, until the information requested in the previous Resolution NP-LTC-05-12 is received.

CARRIED

Resolution NP-LTC-07-12

It was Moved and Seconded that the North Pender Island Local Trust Committee delegate the Chair to sign a section 219 covenant requiring a water treatment system for potable water as a condition of subdivision for NP-SUB-2008.3 (Wey).

CARRIED

Resolution NP-LTC-08-12

It was Moved and Seconded that the North Pender Island Local Trust Committee requests the applicant on NP-SUB-2008.3 to provide technical information as to the pros and cons of extending the existing road so as to remove the need for a 10% frontage waiver.

CARRIED

9.2 NP-DP-2011.10 (Roper/Winterbourne)

Planner Pickard reviewed the January 9, 2012 Staff Report, and that NP-DP-2011.10 (Roper/Winterbourne) was an application to construct a greenhouse as an accessory residential building, within a Sensitive Herbaceous Ecosystem Development Permit Area; that the proposed area had been cleared 20 years ago with the intent of future food growing; that there was a biologist's report in support.

Planner Pickard added that a second-storey storage area was proposed for the greenhouse, which required a height variance; that the draft Development Permit included restoration and other conditions to minimize impact.

Trustee Hancock expressed concern about the proposed 10-foot height variance. It was noted that this was so the applicants could grow citrus trees, and that the Local Trust Committee had included agricultural accessory buildings for further discussion during the forthcoming Land Use Bylaw Review.

Resolution NP-LTC-09-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Permit NP-DP-2011.10 (Roper/Winterbourne).

CARRIED

9.3 NP-DP-2010.4 (Twa)

Planner Pickard reviewed the January 10, 2012 Staff Report, and commented that NP-DP-2010.4 (Twa) was an application for a development permit required as part of a 15-lot subdivision (the final phase of Harbour Hill); that the property included three sensitive ecosystem development areas (wetland, riparian/aquatic, and raptor nest); that the Staff Report included a draft Development Permit, a draft covenant consolidating the provisions of existing protective covenants, and an engineer's Drainage Study; that the Development Permit was only for the subdivision layout, and future owners would need to apply again if they wanted to develop within the specific Development Permit Areas; that the consolidated covenant referenced these areas, and also included the previously-agreed general location for the required parks trail; and that the precise location to be determined with the approval of the Pender Parks & Recreation Commission, who were still waiting to meet with the owner.

Lloyd Eakins of Wey & Associates was present on behalf of the owner, N-Twa Equipment Ltd. (Norman Twa), who had agreed to the consolidated covenant.

Trustees Hancock and Steeves expressed a number of concerns, commenting that the Qualified Environmental Professional Report (which was apparently accepted by the owner) suggested further ecosystem protection using additional covenant provisions; that the drainage study indicated that development within the new subdivision would increase flow into Gardom Pond, and thus affect the high-consequence Gardom Dam; that limiting ecosystem impact (e.g. clearing of natural vegetation) was also important in order to limit drainage impacts; that it was of concern that the owner had still not accepted the proposed park trail location; and that it was also of concern that the Department of Fisheries & Oceans had still not responded to the Planner's repeated requests to confirm the absence of foreshore/enforcement concerns.

Planner Pickard confirmed that the Drainage Report had been forwarded to the Provincial Dam Safety Officer and the Subdivision Approving Officer of the Ministry of Transportation & Infrastructure, and that the Local Trust Committee would have a future opportunity to consider the subdivision referral as a whole.

Resolution NP-LTC-10-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct the Planner as follows (re: NP-DP-2010.4):

1. To discuss with the applicant/owner whether they would consider amending the draft consolidated covenant to provide for:
 - (a) No building or structures within the Development Permit Areas;
 - (b) Expanding the property line buffer provisions to include trees and native vegetation;
 - (c) Adding an exemption for dangerous trees; and
 - (d) Adding a penalty clause;
2. To report back to the Local Trust Committee when the above issues and also the Department of Fisheries & Oceans and the Parks trail have been resolved.

CARRIED

Resolution NP-LTC-11-12

It was Moved and Seconded that the North Pender Island Local Trust Committee ask the Planner to report back to them with regard to the Subdivision Approving Officer, the Dam Safety Officer, and the Drainage Report dated December 7, 2011.

CARRIED

9.4 NP-RZ-2011.1 (Turner)

Planner Pickard reviewed the January 25, 2012 Staff Report, and commented that NP-RZ-2011.1 (Turner) was an application for a bylaw amendment to rezone a portion of the Water 1 (W1) zone abutting the property at 1215 Otter Bay Road and an adjacent lot; that this was to allow a concrete seawall, up to 4.5 metres in height and approximately 30 metres in length (to be attached to a seawall previously approved and constructed); that the purpose of the seawall was to prevent further significant erosion, including to a First Nations archaeological site; that the Staff Report summarized the various biologist, engineering, and archaeological reports provided in support of the application; and that the Planner sought direction from the Local Trust Committee as to whether to proceed further with the rezoning application.

Archaeologist Jim Stafford was present, and talked about the First Nations site on the property and the need for its protection. Applicant Ralph Turner (on behalf of owner Natrikan Holdings) was also present to answer questions.

Trustee Steeves said that usually no structures were permitted below the natural boundary of the sea, but this could be an exception due the First Nations issues, in particular the high probability of additional human remains.

Chair Luckham talked about the importance of engaging in a respectful way with the First Nations involved, beginning prior to the official bylaw referral process.

Resolution NP-LTC-12-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with the application NP-RZ-2011.1 (Turner), and to prepare a draft bylaw and commence preparation for a Community Information Meeting.

CARRIED

Resolution NP-LTC-13-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to send an early referral letter re: application NP-RZ-2011.1 to the eleven First Nations listed in the January 25, 2012 Staff Report, in advance of the formal bylaw referral.

CARRIED

9.5 NP-DP-2012.1 (Eakins)

Planner Pickard reviewed the February 9, 2012 Staff Report and commented that NP-DP-2012.1 (Eakins) was an application for a Development Permit, required for a boundary adjustment subdivision reducing the size of the property at 4602 Oak Road; that the property contained sensitive herbaceous and wetland ecosystem development permit areas; that the proposed Development Permit could support development and use of the property without necessary encroachment into the sensitive development permit areas; and that the Islands Trust would not sign off on the boundary adjustment subdivision until the enforcement issues affecting the property were resolved.

Resolution NP-LTC-14-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Permit NP-DP-2012.1 (Eakins).

CARRIED

Resolution NP-LTC-15-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Bylaw Enforcement to investigate the garbage as depicted in the photos included in the Linnaeus Environmental Consulting Report dated January 8, 2012.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

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

Planner Pickard referred to the Staff Report dated January 9, 2012, regarding Draft Bylaws No. 187 and 189 to amend the Associated Islands Official Community Plan and Land Use Bylaw, as they related to Sidney Island.

Resolution NP-LTC-16-12

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.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

Resolution NP-LTC-17-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to move item 3. on the Top Priorities List (Geological Hazard Mapping) to item 6 on the Projects List.

CARRIED

There was also a suggestion about adding ocean-based geothermal systems to the Land Use Bylaw Review (see also 11.2.1 below).

11.1.2 Strategic Plan (to be circulated quarterly for information)

11.2 Applications Reports

11.2.1 North Pender Island Applications Report

Planner Pickard briefly reviewed the Applications Report, which included rezoning for a geo-exchange loop (ocean-based geothermal) that had been installed in contravention of the Water zone. Further discussion about this was to occur at the next meeting.

11.3 Bylaw Enforcement Notification Bylaw No. 188

Planner Pickard referred to the Staff Report from Miles Drew dated January 27, 2012, relating to the Screening Officers for the new Bylaw Enforcement Notification Bylaw.

Resolution NP-LTC-18-12

It was Moved and Seconded that the North Pender Island Local Trust Committee appoint the Bylaw Enforcement Assistant, the Bylaw Enforcement Coordinator and the Regional Planning Manager as Screening Officers pursuant to North Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 188, 2011.

CARRIED

Resolution NP-LTC-19-12

It was Moved and Seconded that the North Pender Island Local Trust Committee adopt the Bylaw Enforcement Notification Bylaw Screening Officers' Powers and Duties Policy attached to the Staff Report dated January 27, 2012.

CARRIED

Resolution NP-LTC-20-12

It was Moved and Seconded that the North Pender Island Local Trust Committee stipulates that the Bylaw Violation Notice attached to the Staff Report dated January 27, 2012 is the form of violation notice to be used pursuant to the Bylaw Enforcement Notification Bylaw.

CARRIED

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses

Presented for information.

11.4.1 Adopted Budget 2011/12

None

11.5 Adopted Policies and Standing Resolutions Report

This Report was unchanged.

11.6 North Pender LTC Web Page

The Sidney Island materials and Advisory Planning Commission request for expressions of interest were to be added to the website.

11.7 Chair's Report

Chair Luckham reported that the upcoming Trust Council Meeting was next month on Gabriola Island; that Council would be discussing the new budget, and the issue of a Policy Statement review; and that Luckham was a member of the Islands Trust First Nations Task Force.

11.8 Trustee Reports

Trustee Steeves commented that the Health Care Society was concerned to maintain the emergency helipad, even though the property containing it was for sale; that if a covenant was placed on this property, perhaps the Local Trust Committee could hold it; and that Steeves had received some emails objecting to the Islands Trust using the grant money it had been offered for a policy review.

Trustee Hancock said it was great to be back as part of the North Pender Island Local Trust Committee, and that he was also on the Executive Committee taking over Trustee Steeves' former Chairing schedule.

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, March 22, 2012 (9:45 am, Community Hall Lounge).

12.2 Information Item for Proposed NAPTEP Covenant on Nowak/Reher Property

The Chair noted the Staff Memorandum about the proposed NAPTEP (Natural Area Protection Tax Exemption Program) covenant on the Nowak/Reher property on Pirates Road in the package. It was also noted that North Pender had most of the NAPTEP covenants in all of the trust area to date.

13. TOWN HALL MEETING

Sara Steil asked which form of ecosystem protection would last in perpetuity – a development permit or a covenant.

Trustee Steeves said that neither a development permit nor a covenant would last forever, if either the Local Trust Committee of the day or the parties to a covenant agreed to a change.

14. ADJOURNMENT

Resolution NP-LTC-21-12

It was Moved and Seconded that the meeting be adjourned at approximately 3:52 pm.

CARRIED

RECORDER

CHAIR



Islands Trust

Print Date: Mar-13-2012

Follow Up Action Report w/ Target Date

North Pender Island May-27-2010

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

Nov-25-2010

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

Apr-28-2011

No.	Activity	Responsibility	Target Date	Status
3	Item 8.1 PCT Correspondence: allocate \$400 from the LTC budget for a series of reports from PCT regarding the events and activities during the 2011/12 fiscal year	Nancy Roggers	May-26-2011	On Going

Jul-28-2011

No.	Activity	Responsibility	Target Date	Status
4	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
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6.1

5	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
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Jan-27-2012

No.	Activity	Responsibility	Target Date	Status
6	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
7	Item 5.3 - contact Pender Post to ensure they have the 2012 LTC meeting schedule	Sharon Lloyd-deRosario	Mar-22-2012	On Going
8	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
9	Item 8.2 - Johnston Correspondence: Trustee Steeves to forward to the CRD Director	Gary Steeves	Mar-22-2012	Done
10	Item 8.3 - Rowlandson Correspondence: write the author and inform him that the LTC pass a resolution 'that the NPILTC urges the province of BC to invest in cycling infrastructure in rural communities, in order to accelerate the availability and broaden the range of cycling opportunities for commuter, recreational and competitive cyclists living in and visiting rural and urban areas'.	Andrea Pickard	Mar-22-2012	Done
11	Item 8.4 - Parks Canada Correspondence: inform the author that the LTC appointed Trustee Steeves as their representative to the Liaison Committee	Andrea Pickard	Mar-22-2012	Done
12	Item 8.5 - Pare Correspondence: inform the author the LTC endorses MAPS conducting a transportation survey and that we could provide a link to their survey on the website	Andrea Pickard	Mar-22-2012	Done
13	Item 9.1 - NP-SUB-2008.3(Wey): staff request the applicant about the status of the natural area covenants depicted on the plan and who the covenant would be in favour of	Andrea Pickard	Mar-22-2012	Done

14	Item 9.1 - NP-SUB-2008.3 (Wey): the LTC defers the decision on the 10% lot frontage to another meeting until the information requested (natural areas covenant) is recieved	Andrea Pickard	Mar-22-2012	Done
15	Item 9.1 - NP-SUB-2008.3(Wey): request the applicant provide technical information regarding the pros and cons of extending the road and the rationale for requiring the frontage waiver	Andrea Pickard	Mar-22-2012	Done
16	Item 9.1 - NP-SUB-2008.3 (Wey): the LTC delegates the Chair to sign a s.219 covenant for potable water system as a condition of subdivision	Peter Luckham Andrea Pickard	Mar-22-2012	Done
17	Item 9.2 - NP-DP-2011.10(Roper): the DP to be issued as drafted	Kathy Jones	Mar-22-2012	Done
18	Item 9.3 - NP-DP-2010.4(Twa): staff to discuss with the applicant amending the draft consolidated covenant to: • change the buffer areas to protect trees and native vegetation • adding a no building or structures clause in the plan areas representing the DPAs • adding a clause to exempt danger trees • adding a penalty fee for violations and report back to the LTC regarding the DFO file and the Parks Commission trail	Andrea Pickard	Mar-22-2012	On Going
19	Item 9.3 - NP-DP-2010.4(Twa): staff request the Approving Officer and Dam Safety Officer to comment on the Ryzuk Drainage report and their response, and report back to the LTC	Andrea Pickard	Mar-22-2012	On Going
20	Item 9.4 - NP-RZ-2011.1(Turner): staff to send an early referral letter to the First Nations in advance of the formal bylaw process	Andrea Pickard	Mar-22-2012	Done
21	Item 9.4 - NP-RZ-2011.1(Turner): staff to proceed with the application and to prepare draft bylaws, and to commence preparation of materials for a CIM	Andrea Pickard	Mar-22-2012	Done
22	Item 9.5 - NP-DP-2012.1(Eakins): the DP to be issued as drafted	Kathy Jones	Mar-22-2012	Done

23	Item 9.5 - NP-DP-2012.1(Eakins): request Bylaw Enforcement to investigate the garbage accumulating on the property as shown in the photos included with the Linneaus report	Miles Drew Andrea Pickard	Mar-22-2012	Done
24	Item 10.1 - NP-LUB and OCP-2011.1(SidneyIs): the LTC defer the draft bylaws until a formal response from the Sidney Strata is received, but no later than August 2012	Andrea Pickard	Mar-22-2012	Done
25	Item 11.1 - Work Program: move the Geological Hazard Mapping to the projects list	Andrea Pickard	Mar-22-2012	Done
26	Item 11.3 - Bylaw Enforcement: the LTC • appoints the Bylaw Assistant, BECoordintor, and RPM as Screening Officers • adopts the Screening Officers' Powers and Duties Policy, and • stipulates the attached notice is the form of the violation notices to be used	Miles Drew	Mar-22-2012	Done

Kathy Jones

From: Andrea Pickard
Sent: March-09-12 10:53 AM
To: Kathy Jones
Subject: FW: Oil tanker plan

Hi Kathy,
 Please add the email below to the NPI agenda.
 thx

From: Gary Steeves
Sent: March-09-12 10:51 AM
To: Suzanne Nievaart; Ken Hancock; Andrea Pickard
Subject: Re: Oil tanker plan

Dear Suzanne
 Thank you for the e-mail. By way of this reply, I am asking our staff to place this correspondence on the next LTC agenda for consideration.
 The next meeting of the Trust on North Pender is March 22nd, 9:45 Am at the Community Hall
 Thanks again.
 Gary

From: [Suzanne Nievaart](#)
Sent: Wednesday, March 07, 2012 10:49 PM
To: [Ken Hancock](#) ; [Gary Steeves](#)
Subject: Oil tanker plan

Dear Trustees,

My name is Suzanne Nievaart
 I live on Pender Island.

I'm opposed to Kinder Morgan and Enbridge's oil tanker plans because I want to decrease the possibility of the Salish Sea becoming an oil spill site rather than increase that chance by increased oil tanker traffic. Despite all promises of safety, accidents still happen. The lives of countless species in marine ecosystems are at stake, as are our recreational and commercial fisheries, beaches and waterline properties. All efforts possible must be made in order to find alternatives to this plan.

I am contacting you because I respectfully request that my local government pass a motion that does three things:

- (1) Recognizes the Coastal First Nations and Save the Fraser declarations, which prohibit oil tanker expansions through B.C.'s coast;
- (2) Expresses unequivocal opposition to projects by Kinder Morgan, Enbridge, or any other entity that would lead to the expansion of oil tanker traffic through B.C.'s coastal waters;
- (3) Urges the provincial government to use whatever means are available to stop the expansion of oil tanker traffic on our coast.

Thank you so much for any actions you may have taken in the past on this issue. However, I strongly feel that now is the time for a new and fresh motion that does the three things above.

Thank you for your time, and I look forward to hearing about progress on such a motion.

Sincerely,

Suzanne Nievaart

PS - Dogwood Initiative's No Tankers campaign, an initiative I support, is suggesting the following language for motions in the region:

WHEREAS projects by Kinder Morgan Energy Partners and Enbridge Inc. will result in increased crude oil tanker traffic and risk of accidental oil spills in southern and northern coastal waters in British Columbia;

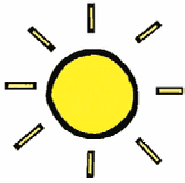
AND WHEREAS a crude oil spill could have devastating and long lasting effects on British Columbia's unique and diverse coast, which provide critical marine habitat and marine resources that sustain the social, cultural, environmental and economic health of coastal communities, including First Nations communities;

RECOGNIZING the decisions made by Coastal First Nations and Fraser Watershed First Nations against the expansion of oil pipelines and oil tanker traffic through their traditional territories, as expressed in the Coastal First Nations declaration and Save the Fraser declaration;

THEREFORE BE IT RESOLVED that [Council] be opposed to projects by Kinder Morgan, Enbridge, or any other entity that would lead to the expansion of oil tanker traffic through B.C.'s coastal waters.

BE IT FURTHER RESOLVED that Council urge the Premier of British Columbia, the Leader of the Opposition and local Members of the Legislative Assembly whose electoral districts overlap with the [City] to use whatever means are available to stop the expansion of oil tanker traffic through B.C.'s coastal waters.

BE IT FURTHER RESOLVED that [Council] urge other municipalities in the Capital Region to adopt a similar motion.



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

March 12, 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) FINAL FUNDING REPORT & REQUEST FOR DISBURSEMENT

I am writing to provide a final report regarding the \$600 of Islands Trust support committed to Pender Community Transition (PCT) for the fiscal year ending March 31, 2012. The amount of \$400 was already provided after our Sept/11 report (\$200 from the South Pender Island Local Trust Committee and \$200 from the North Pender Island Local Trust Committee), for which PCT was very grateful! Now we request disbursement of the remaining \$200 from the North Pender LTC, and have also forwarded this report to South Pender for their information.

PCT has continued to focus on the 3 key issues for community transition: **energy, food growing, and economic relocation**. Since our September 13, 2011 report, the following gatherings and projects have been supported by Local Trust Committee and other funding:

- * **November 12, 2011 Energy Action Day:** see attached summary;
- * **Solar Water Heating Public Education Project:** see attached November 22 minutes;
- * **February 28 & 29 School Nut Tree Planting:** see attached summary;
- * **January 31, 2012 "Open Pender Organization Conversation":** see attached minutes;
- * **March 10, 2012 Meeting re: Organizational Cooperation, Economic Relocalization, and a Community Seed Bank:** see attached notice, for the meeting which just occurred.

For your information, the remaining project that PCT is working on for this fiscal year is our **Youth & Elder Film: "Old & New Wisdom, for a Brighter Future!"** This film/DVD is expected to be completed by the end of April, and involves Pender kids and older folk talking together about how our community can once again become more connected, self-sufficient, and locally resilient on issues such as food growing, energy use, and trade.

In consideration of PCT providing the above report, we ask that the North Pender Local Trust Committee authorize disbursement to us of the remaining \$200 of the agreed funding amount of \$600. The cheque can be payable to the **Pender Community Transition Society** (the incorporated non-profit Society through which we operate) and mailed to the address above.

PCT is one of many island organizations contributing towards a stronger Pender community. In fact, part of work is to support greater cooperation between all of those organizations. Just as a reminder, our official mission is to serve as a cooperative alliance, helping the North and South Pender Islands to reduce oil dependency, carbon emissions, and other damage to our Earth, and to transition with resilience and self-sufficiency through peak oil, climate change, and other worldwide resource and financial challenges.

Pender Local Trust Committee moral and financial support for PCT has been extremely important for our activities during the past year. In addition, we believe that these activities continue to support the Islands Trust goals to decrease carbon emissions, increase food security, and build stronger local economies in all our island communities.

Pender Community Transition plans to submit another modest funding request for the fiscal year beginning April 1, 2012, once we have a better sense of upcoming PCT projects. In the interim, we welcome your feedback and suggestions about further connection and cooperation between us!

Sincerely,

Zorah Staar

PCT Coordinator

PENDER COMMUNITY TRANSITION

Phone: (250) 629-3825

Email: info@pendercommunitytransition.ca

Website: www.pendercommunitytransition.ca

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ENERGY ACTION DAY (Saturday, November 12, 2012, 10:00 am to 3:00 pm, Pender Islands School Gym):

So there was a power failure, setting up a dark gym with headlamps, multiple competing events, and finally an evacuation! Despite all this, Pender's first ENERGY ACTION DAY on November 12, 2012 was very well-attended and went amazingly well. About 150 Penderites and kids came through, and I'm sure the Kikuchi's deliciously-sustainable food was part of why a bunch of them stuck around for a while.

After professional guest speakers about do-it-yourself energy conservation projects, home energy evaluations, and solar water heating options, Guy Dauncey blew our minds with compelling roadmaps to a more sustainable and resilient future. Just as Guy had completed the main part of his talk and showed how we need to "sound the alarm" and change how we live, the fire alarm did in fact go off, so the conversation had to continue outside in the rain. This was while the fire trucks rolled up and eventually verified a sprinkler electricity malfunction. Now Guy Dauncey has suggested using Skype for additional ideas specifically about our island, so stay tuned for when Pender Community Transition might arrange this.

My favourite part of the Energy Action Day was the kids playing their way through the "energy question stations", inspiring us with their visionary alternative energy pictures, and watching with big eyes as the grown-up energy "keeners" demonstrated their cool gizmos. Thanks so much to all the people and groups who helped and participated, and to the Pender LTC's, Eco-Homes Network, CRD, and Vancity for helping fund this event! As a follow-up, we're having a SOLAR WATER HEATING INFO MEETING on November 22 (go to Current Events at www.pendercommunitytransition.ca to see what's up).

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SOLAR WATER HEATING INFORMATION MEETING (Tuesday, November 22, 2011, 7:00 pm, Pender Community Hall Lounge):

As a follow-up to the November 12, 2011 Energy Action Day, PCT scheduled this **Solar Water Heating Information Meeting**. Anyone was welcome to come receive and share info, including the 16 Pender homeowners at that time considering installations by Certified Installer James Smyth of Pacific Solar Smart (**before the announced March 31, 2012 federal rebate deadline for all work to be completed and evaluated**).

The November 22, 2012 meeting was also for those exploring various other options (e.g. do-it-yourself). I forwarded additional info from James Smyth about flat plate systems (just before the meeting). Also, some new Thermomax vacuum tube info was provided. The Penderites who came out on November 22 had a very frank and useful discussion about various installers and options for solar water heating, including prices (e.g. rebate-eligible, solar water heating installations by certified installers potentially costing net \$6,000 or more, after the \$1,750 federal and provincial rebates). However, there are less-expensive, non-rebate-eligible, plumber-installed systems available, plus do-it-yourself options **subject to many cautions**. See the Solar Water Heating references at www.pendercommunitytransition.ca/energy-references-tips-and-skills for more.

Ultimately, it did not look like we would have the minimum 10 systems installed by one certified professional to get the bulk-buying discount that we'd negotiated. Part of this was cost, and also because of the evaluations that interested people had done, verifying that their treed island lots did not have enough sun for solar water heating. However, some Penderites were benefitting from a bulk-buying travel discount on **professional home energy evaluations** (because the Energy Action Day had led them to book these at the same time). Home energy evaluations are still a great way to learn about various energy-saving options, even if you don't have major rebate-eligible work done!

PCT intends to do a more detailed report about our Solar Water Heating Public Education & Bulk Buying Project ASAP (with more about what we learned, and the potential for future networking to support do-it-yourself and other energy projects). In the meantime, anyone who hadn't completed their rebate-eligible solar water heating installation by a certified installer as of January, 2012 was out-of-luck, because that was when the federal government cancelled their related energy rebates (2 months before the announced deadline). Note that the provincial LiveSmart BC energy rebates are supposed to continue until March 31, 2013, including the one that makes a professional home energy evaluation \$150 cheaper (e.g. about \$175 instead of over \$300, plus travel).

Please check out www.pendercommunitytransition.ca/energy-references-tips-and-skills for more info. Thanks to all the Penderites who really tried and are continuing to try to explore solar water heating and other energy-saving possibilities, especially the do-it-yourselfers who will likely be sharing information and cooperating on this in future!

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SCHOOL NUT TREE PLANTING (February 28 & 29, 2012, Pender Islands School):

On the sunny, snowy, leap-year days of February, 2012, eleven young hazelnut trees were welcomed into the Earth at the Pender Islands School! This is a Pender Community Transition (PCT) local food growing project that requires patience – a gift for a brighter future. Here's what we did, with the help of some great Pender kids and grown-ups.

The day before (February 28) we had school and community volunteers busy with hole digging, soil moving and mounding, planting, and then fencing of the first 8 hazelnut trees. My favourite image from this sunny day was about 10 young Pender home schoolers and another 10 Grade 8 students, swarming with shovels over a 7-yard pile of good garden soil. We needed this soil to fill some major holes that we dug, to give our community nut trees a good start at the edges of a school playing field dominated by clay.

Then on February 29, we organized a ceremony to plant the remaining 3 trees, and to honour everyone who supported this project. We were accompanied by snow and rain, and lots of laughs from the kids as they got wet and dirty and tried to climb under the circles of wire fencing that we had ready (to protect the young trees from deer).

Here are the wonderful Pender people (over 40 of them!) and supporting groups to whom PCT is so grateful, for making this School Nut Tree Project possible:

- * the Pender School, Principal Lyall Ruelhen, Teachers Julie Johnston, Bryce Woolcombe, Colleen Fitz-Gerald, and their Grade 8 students and Spring Leaves Home Learners (especially Arthur and Sanae Kikuchi and their 5 kids, who came early and stayed late);
- * volunteer tree planting experts and labourers Colin McLarty, Mike Jones, Roz Kempe, Jean Moore, Jennifer Gee, Tania Honan, Margot Venton, Sandor Csepregi, Gary Gee, with initial help from Landscape Architect Derek Masselink;
- * the Pender Community Farmland Project, Nu-To-Yu, and Local Trust Committees (Gary Steeves), as well as our local Home Hardware, Braedon's Big Digem, and GreenAngels (David Howe and Ina Timmer);
- * the Capital Regional District (Ken Hancock) for a CRD Grant-in-Aid, and Vancity Credit Union for a Community Grant;
- * Gayle and Ray Meade of Mission Hill Farms (near Courtenay), for supplying us with the 11 young hazelnut trees we've planted, and also 2 walnut trees still looking for a community home (contact Gayle at 250-338-4077 or cuttripe@yahoo.com if you'd like nut trees too!).

We plant these first community hazelnut trees as an affirmation and a fun positive step towards more local food growing on Pender, in particular the proteins that we need each day just as much as our fruits and veggies. The future is brighter when we come together on projects like this, to create a community that is more connected, resilient, and Earth-friendly!

- * go to www.pendercommunitytransition.ca/school-nut-tree-planting-pictures for photos!

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OPEN PENDER ORGANIZATION CONVERSATION
Tuesday, January 31, 2012 (7:00 pm, Community Hall Lounge)

PRESENT (45): Zorah Staar, Lisa Baile, Peter Pare, Julie Johnston, John Chapman, Mike Barnes, Gary Gee, Jean Moore, Harold Siebert, Pat Smith, Ina Timmer, David Howe, Herb Klassen, Maureen Klassen, Eleanor Brownlee, Niall Parker, Mike Jones, Devon Jones, Sanae Kikuchi, Arthur Kikuchi (plus their children Kenta, Yoko, Shinta, and Koto), Yvonne MacKenzie, Lester Quitzau, Mae Moore, Don Harrison, Dianne Allison, Jeannette Campbell, Andy Nowak, Colin Watson, Wendy Jarvis, Matilda Te Hennepe, Jude Farmer, Tracey Calvert, Barry Mathias, Jim Peacock, Joanne Peacock, Monica Petrie, Ellen Willingham, David Rippner, Jill Ilsley, Roz Kempe, and Don Peden

INCLUDING MEMBERS FROM 20 GROUPS: Pender Community Transition, Moving Around Pender, Community Farmland Acquisition, Restorative Justice, Recycling Centre, GreenAngels, Eco Homes Network, Ptarmigan Music & Theatre, plus Pender's poets, Lantern Festival, School, Conservancy Association/PICA, Mental Wellness, Farmers' Institute, organic growers, Community Hall/PIRAHA, Chamber of Commerce, Artisan's Co-op, 7 South "Penderlings", and the South Pender LTC

1. OPENING COMMENTS

Zorah Staar welcomed everyone (especially the kids!) and said that this was an **"Open Pender Organization Conversation"** hosted by Pender Community Transition (PCT), because recently members from the first 5 groups listed above had wanted to talk about new forms of cooperation between Pender organizations. This might include: more joint projects; joint funding requests; maybe some form of "umbrella society" having some centralized administration and possibly one Board/AGM/financial statements; potential social enterprises for funding; and whatever other cooperative possibilities we could envision together! The invitation for this January 31 meeting was for any person or group who cares about our Pender community becoming more **connected, Earth-friendly, relocalized, and resilient to worldwide impacts** (i.e. sustainably and self-sufficiently meeting core needs more locally).

In their opening comments, those present mentioned which Pender organizations they were associated with (clarifying that they didn't necessarily speak on behalf of their whole group), and said more about what they thought it was important for this group to talk about:

- celebrating unity, the synergy of our many gifts, and finding common ground;
- healing the planet and creating a future for children (the children of all species);
- sustainable local food growing, food security, and acquiring community farmland ASAP;
- protecting our islands and all biodiversity from tankers and other environmental threats;
- supporting alternative/green forms of transportation, building, energy conservation, etc.
- having our cooperative efforts together be positive, practical, light-hearted, and fun.

2. COMMUNITY CONNECTION & PROCESS

Various people said more about the importance of our process as we try to cooperate more, for example: how community members and groups establish strong connections, gather at meetings, communicate with each other, deal both with past grievances and current challenging issues, make decisions when we don't all agree, etc.

Jim Peacock said that Pender Restorative Justice was in transition, talking about using restorative practices, non-violent communication, and other models to assist not only victims and offenders, but also our whole community (e.g. when we gathered in circles/forums, or had conflicts or difficulties to resolve). Those interested could contact Jim at japeacock@shaw.ca.

Colin Watson described two cooperative organizations of which he'd formerly been a long-term member (Windsong intentional housing, and Glenvalley Farm?). These groups had models for meeting together that started from a place of openness, but used some specific tools for respectfully and efficiently building consensus and resolving differences (e.g. people holding up green, yellow, or red cards to quickly indicate where they were at, who needed to talk more, which way the discussion should go next, and what people were committed to).

Zorah Staar said that the Restorative Justice people and other Penderites like the above were a very welcome and valuable resource, for helping (when they were able to) with the process at Pender Community Transition meetings and other community gatherings where challenging discussions were occurring.

Then Zorah proposed that the rest of this Organizational Cooperation Meeting be for brainstorming and discussion of three topics: COMMUNITY VISIONS; BIG COOPERATIVE GOALS & POSSIBILITIES; and USEFUL STEPS TO TAKE NEXT. The group supported this approach.

3. COMMUNITY VISIONS FOR PENDER

The vision question was: what do we want our community to be like or have more of, in other words the future we want to create, what the point of community cooperation is for us and our organizations. The answers that people suggested were written on a flip chart paper, without seeking a formal consensus on them at this time. **We want to cooperate to create a Pender community that involves...**

- acceptance, trust, belonging, and love between us;
- connection, cooperation, and support for each other;
- awareness of common goals and being united behind them, and also awareness of various individual or group needs;
- child honouring (and family friendly), Elder honouring, and Earth-honouring;
- a resilient, self-sufficient, and relocalized community (meeting more core needs here);
- inclusive, integrated, and inter-generational;
- ways of gathering, ethics, values, and action that support all of the above.

4. BIG COOPERATIVE GOALS & POSSIBILITIES

The next and more specific question was: what are some **big, important goals and possibilities requiring major cooperation between Pender organizations** (i.e. that no one group can achieve alone). The answers suggested by those present were as follows:

- Community Farmland: Farmland Acquisition Project Society representatives reported on where they were at, i.e. still looking for a suitable piece of farmland that they could manage to acquire, developing a plan for what they would do with it, raising funds and also awareness about community farmland being essential for future food security (email Matilda Te Hennepe at matildath@hotmail.com for more, especially to help with grant research/applications and anything other volunteer work);
- Transportation Plan: Moving Around Pender Alternative Transportation Society representatives said that this plan would involve less driving and more alternatives such as car stops, new cycling/ pedestrian shortcuts and roadside paths, etc. (email Niall Parker at niall@ve7hex.ampr.org and also peter.pare@hil.uba.ca about a draft transportation survey that MAP was developing to inform their next steps);
- Umbrella or “Hub” Non-profit Society: suggested by various Pender people and groups, strongly supported at this meeting to help volunteers from Societies with compatible purposes (e.g. Farmland and MAP), by having some centralized administration, joint projects, joint grant applications/grant writer, a clearinghouse for volunteers, and potentially amalgamating to have 1 Board, AGM, financial statements, website, office equipment, etc. (email Zorah Staar at info@pendercommunitytransition.ca for more);
- Other Food Growing/Food Security Projects: in addition to great existing activities, there are other ways Pender could support local food (like the Galiano Food Program), starting with raising awareness about GMO foods, why we need to grow food locally, “urban agriculture” within Magic Lake, etc. (contact rozkempe@shaw.ca for more);
- Renewable Energy Demonstration Project at the School: suggested by teacher Julie Johnston (greenhearted@shaw.ca) as a project that requires cooperation and significant resources, and also involves our Pender Community School being a centre of innovative educational activities and projects that benefit the whole community;
- New Social Enterprises to create a Green Economy & Community Resources: this can be about existing non-profits increasing their capacity to create and sell something that helps fund them, and also about creating new Pender social enterprises and “hybrid corporations” that use profits for social/community purposes (see next page for more);

The first 5 of the above “big cooperative goals” required money to accomplish, whereas the 6th (social enterprise) could be one way to create this money. This was part of the economic relocalization that could enable Pender to meet more of our core needs on-island. In addition, many grant sources had less money available these days due to economic conditions, and also they would give money for specific community projects, but not for the operating costs of an organization. Therefore, to create a Pender umbrella society to handle central admin for more than one group, we would need to create new funding for this.

To provide more background about social enterprise and hybrid corporations, David Howe of Pender's GreenAngels (dhowe@greenangels.com) commented as follows: that GreenAngels was a social enterprise where volunteers chopped wood, which was then sold to create money to donate to various Pender groups (and which could potentially provide some funding to a Pender umbrella society); that Howe himself came from a "triple bottom line" orientation, combining social, environmental, and economic sustainability; that hybrid corporations who sold something to fund a social purpose were like a cross between a regular corporation and a non-profit society; that they were called B Corporations in the US, Community Interest Corporations in England, and were now becoming possible in BC as well; that they removed the obligation of the corporation to seek every opportunity to earn profit for its shareholders, and stipulated how money was to be earned and used in socially-responsible ways (with a limited return to investors); that another way to create money for social/community purposes was values-based investing, e.g. through a Social Investment Organization; that people were experiencing donor fatigue, and might be more willing to fund a community project if they knew they would get their principal back at some point, with a modest return.

It was both exciting and daunting to open our minds to some new social enterprise possibilities for funding, besides just applying for more grants (which was also important). People started expressing related ideas, e.g. investors in community farmland getting their return back in-kind (in the form of food that was grown on the farmland), or establishing a food co-operative here in order to fund the proposed Pender umbrella non-profit society.

5. USEFUL STEPS TO TAKE NEXT

With the evening passing, there was group support for having another Organizational Cooperation Meeting like this in future, to continue with more focussed small group discussion on some of the big cooperative ideas suggested above (**especially having a Pender umbrella non-profit society, and developing new social enterprises**). Zorah Staar then invited people to make closing comments, which were as follows (in brief):

- Enbridge Pipeline Meeting the following week (contact greenhearted@shaw.ca);
- we need to buy Hastings Farm for community farmland (\$700,000) before it's sold;
- people could be asked to make pledges in case community farmland was bought;
- we need more awareness about negative impact of GMO foods on our food systems;
- a person was in urgent need of a piano (subsequently provided after the meeting);
- people were concerned about the loss of democracy in our political systems;
- also concern about CETA (Comprehensive Economic & Trade Agreement), which would really hurt local economies (contact Ellen Willingham at iona2@shaw.ca);
- PICA was working hard on getting remaining funding for Shingle Creek Watershed;
- developing big important projects required our patience, and looking to the long-term;
- we could learn from other empowering developments, like labour & Occupy movements;
- suggested that umbrella society tap the considerable volunteer skills of new Penderites;
- some people who'd just moved here were amazed at our community connection and what we were accomplishing, so we should acknowledge and celebrate that too!

We adjourned at 8:55, with thanks for everyone's contributions! [Note: follow-up meeting now on Saturday, March 10, 6:30-7:30, Community Hall, before 90-minute "Growthbusters" film]

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2nd ORGANIZATIONAL COOPERATION MEETING & FILM (Saturday, March 10, 2012, Pender Community Hall):

Following up on the January 31 “Open Pender Organization Conversation”, now you’re invited to another chance for Pender organizational reps and other interested folk to talk about some big cooperative projects (including the Community Seed Bank initiative).

PCT is hosting this **2nd ORGANIZATIONAL COOPERATION MEETING on Saturday, March 10, 2012 (6:30 to 7:30 pm, Community Hall)**. That’s the same night we’re showing the entertaining “**Growthbusters**” film at 7:30 pm (about busting out of our culture’s obsession with endless economic growth – see www.growthbusters.org). All are invited to come earlier for **small-group and/or full group conversations on these cooperative initiatives:**

a. an “umbrella” non-profit society – more specific discussion about how we create and fund this “umbrella” to help some existing Pender non-profits with similar purposes, e.g. with some centralized administration, more joint projects, joint grant applications, and possibly one Board, AGM, financial statements, website, etc. (note: this is being talked about between groups like Pender Community Transition, Community Farmland Acquisition, Moving Around Pender, Restorative Justice, Recycling, Ptarmigan, and others).

b. economic relocalization & new social enterprises – follow-up discussion about Pender non-profit organizations becoming more enterprising, and/or Pender creating new hybrid corporations, cooperatives, local credit, or other ways to fund Pender community purposes and also meet more of our core needs on-island (that’s economic relocalization for you!). Note: This discussion may combine with the umbrella/hub above, because we need to fund it somehow. Also, existing business organizations and people are especially welcome to come talk about these new enterprising possibilities with us. There can be plenty of business around here, as Penderites start buying more of what they need locally (see www.pendercommunitytransition.ca/get-what-we-need-on-pender for more). Social enterprise can be part of developing the capacity that needs to go hand-in-hand with that.

c. seed sharing & garden sharing – Following up on Seedy Saturday, March 10 is another chance before this growing season to share seed-saving info (including some Dan Jason books we have to lend), talk about organizing a year-round Pender Community Seed Bank, and hand out seeds that you could grow for Pender this season! (go to www.pendercommunitytransition.ca/pender-community-seed-bank). Besides seed sharing, PCT would also really like to encourage more Penderites to engage in garden or compost sharing (see www.pendercommunitytransition.ca/garden-or-compost-sharing for more).

If you can’t attend, please contact Zorah Staar at 250-629-3825 with any suggestions relating to the **March 10 Organizational Cooperation Meeting & Film**.

The future is brighter when our wonderful Pender organizations cooperate with each other! (google “Pender” and “transition” for more about how).



STAFF REPORT

March 14, 2012

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

To: North Pender Island Local Trust Committee
For the meeting of March 22, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

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

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone a portion of the Water 1(W1) zone abutting the subject property to permit an ocean based geothermal system to be sited in the marine waters to provide domestic heating and cooling for the upland residential property. The application was initiated following Bylaw Enforcement since the system was installed during house construction. Installation of the system components within the foreshore, intertidal and ocean is completed, while some components at the residential end are still waiting to be finalized until house construction is completed. The ocean based portion of the geothermal system is located in the vicinity of an existing dock.

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

The purpose of this report is to provide the Local Trust Committee (LTC) with a preliminary overview of the proposal, identify key issues associated with the proposal, and to seek direction from the LTC to proceed with the application.

The industry association is GeoExchange BC. The preferred terminology for this type of system is geoexchange system, with geothermal being preferred for higher temperature systems. The term geoexchange will be used for this application.

This particular installation is a closed loop system using only freshwater as the heat transfer fluid. The system uses six, titanium heat transfer plates that are located in approximately 30

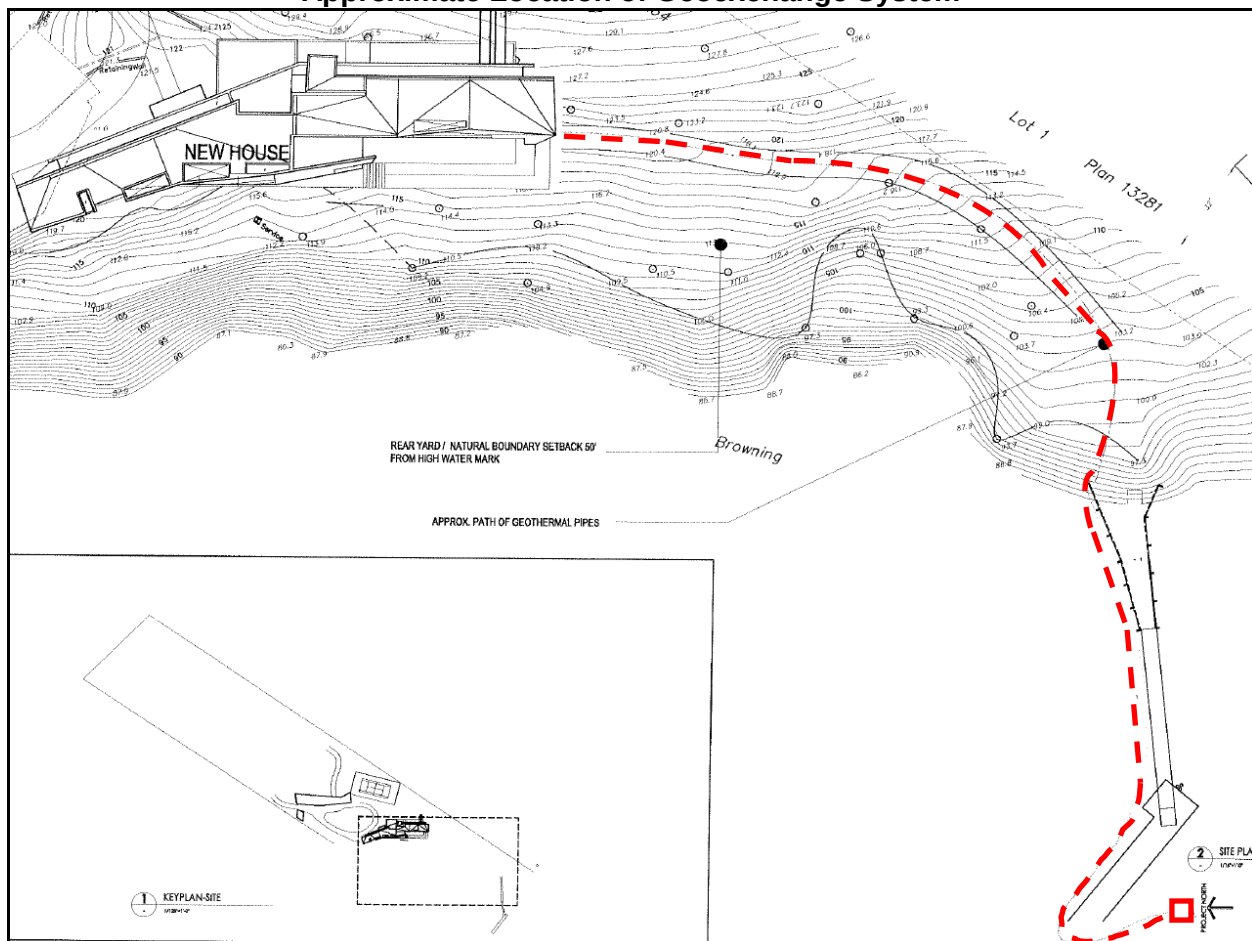
feet of water at low tide. The plates measure 1.2 m wide, 2.6 m long and 1.5 cm thick, and are supported horizontally slightly above the seabed.

The installation includes six, 2" high-density polyethylene pipes that connect to the heat transfer plates; these are weighted down to hold them in place using heavy chains. The intertidal portion is sealed with concrete for approximately 10 metres in length.

The upland portion of the lines are buried below ground and located under a wooden walkway that runs from the house to the dock. There are no visible above ground structures as all related equipment is located within a mechanical room in the house or otherwise buried.

The owners have scheduled maintenance on a quarterly basis with the installer. The control system includes a monitoring system that includes a pressure test to detect leaks. If there was a significant leak detected by the system it would shut down the system and an alarm would be relayed from the control system to the owners, the installer and the controls contractor.

Figure 1: Site Plan of Subject Property Shoreline with Approximate Location of Georexchange System



SITE CONTEXT:

The subject property is a residential waterfront lot on Razor Point Road fronting onto Pollard Cove. The property is 2.7 ha (6.68 ac) in size. Properties in the area are quite varied in size with some as small as 0.6 ha (1.5 ac) to over 5.7 ha (14 ac).

Based on GIS data the property rises moderately to 12m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 38 m asl.

Figure 2: Subject Property Map

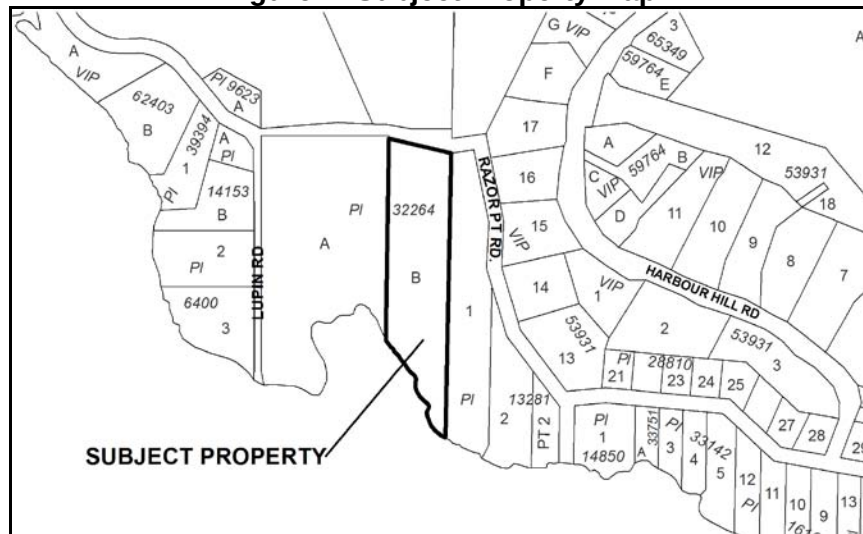


Figure 3: Orthophotos



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

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

Official Community Plan:

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

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes
- 4.7.8 – The Local Trust Committee should consider potential climate change impacts and GHG emissions in reviewing any application.
- 4.7.10 – The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

Land Use Bylaw:

The upland portion of the property is zoned Agriculture (AG) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned:

North – Agriculture and Rural

East – Agriculture and Rural Residential

West – Agriculture, Rural Residential and Rural

Surrounding marine waters are zoned W1. Further west in Port Browning there is a portion of water zoned Water 4 (W4) for the public dock and Water 2 (W2) for the Port Browning Marina.

Islands Trust Fund:

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

Sensitive Ecosystems and Hazard Areas:

The adjacent marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property.

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

Figure 4: Development Permit Areas

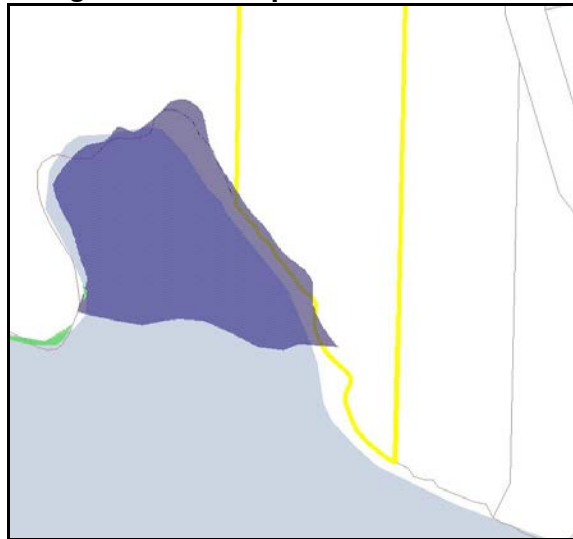
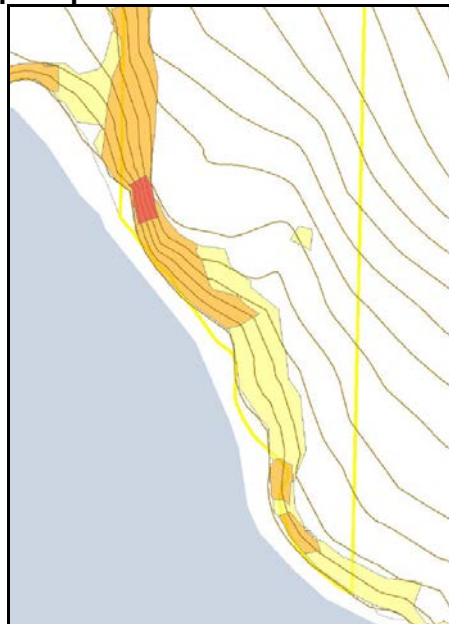


Figure 5: Steep Slope Hazard Areas and 2m Contour Intervals



Archaeological Sites:

There is a registered archaeological site in the area and owners had obtained the necessary archaeology reports and permits from the Archaeology Branch. The archaeological work consisted to two main components; upland there is a service trench measuring approximately 15 metre long and 0.5 wide that runs through a shell midden, and the geoexchange lines located in the intertidal zone. The service trench was excavated by the archaeologist and two First Nations monitors from the Pauquachin and Tsawout First Nations between April 19th and 30th, 2010. A monitor was also on-site during installation of the geoexchange lines on July 11 and 13, 2011.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Consideration of alternative, renewable energy sources to fossil fuels is a recognized mitigation strategy. The applicants have provided a calculation of the estimated emissions reduction with the geoexchange system for this home.

The annual GHG emissions for this particular home, using an ocean loop geoexchange system are estimated to be 2.2 tons CO²e.

The same home using electric baseboards would be 9.8 tons, a high efficiency propane boiler would be 54 tons, or a ground based geoexchange loop would be 3.3 tons.

Communications:

The draft bylaws would be forwarded to the following referral agencies for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - o Chemainus
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Pauquachin
 - o Penelakut
 - o Tsartlip
 - o Tsawout
 - o Tsawwassen
 - o Tseycum
- Fisheries and Oceans Canada (DFO)
- Parks Canada
- Ministry of Forest, Lands and Natural Resource Operation (MFLNRO) – Aquaculture Branch
- MFLNRO – Ecosystems Protection Branch
- MFLNRO – Archaeology Branch
- MFLNRO – Crown Lands and Resource
- CRD, Building Inpsection Services
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee

- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Islands Trust Fund
- Islands Trust, Bylaw Enforcement

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

Other:

The applicants included various professional reports with the application that are summarized in the table below. If the application proceeds copies of the reports will be submitted with the next report.

Table 1: Summary of Professional Reports

Date	Professional	Key Comments
Dec 2011	Coast Interior Archaeology	Archaeological Impact Assessment completed and site alteration permit obtained, site includes shell midden and scattered lithic findings. Service trench on the upland for geoexchange lines dug by archaeologist and two First Nations monitors, installation of the intertidal line also overseen by monitor.
Oct 2010	Madrone Environmental	Bio-Assessment – no sensitive habitat identified and no adverse impacts to fish or fish habitat anticipated. Concrete work to be during very low tide and use skinning agent
Aug 2011	Madrone Environmental	On-site during intertidal work, complied with DFO timing windows. Concrete in intertidal/subtidal area had a skinning agent which prevented mixing with seawater. No noted impacts to marine biota, anticipated concrete will become quickly colonized
Apr 2011	Fisheries and Oceans Canada Letter	Recommended mitigation steps and concluded if the steps are taken then no likely impact to fish or fish habitat (concrete work when site is not wetted; minimize jetting; minimize foreshore excavation; maintain spill kit on site and machinery in good order; minimize release of sediment)
Nov 2011	Weir Design and Engineering	Calculation of GHG emissions. For the ocean geoexchange system – 2.2 tones CO ² e annually. Vertical ground geoexchange system – 3.3 tons This house with electric baseboards – 9.8 tons This house with high efficiency propane boiler – 54 tons Typical home(3000ft ²) on Pender with electric baseboard – 5 tons

STAFF COMMENTS:

Although a new boardwalk to access the foreshore has been constructed in the upland area, there remain numerous mature trees with many new plantings throughout. The walkway appears to have been constructed in a manner to minimize impacts and the geoexchange lines connecting the house to the ocean loop are located below the walkway.

The upland section of the dock/ramp does not comply with the Land Use Bylaw since it would exceed the 1.2 metre width that is exempt under subsection 3.7.2. This has been brought to the owners' attention and a separate variance application will be required.

The owners are also aware that an application to the Ministry of Forests, Lands and Natural Resource Operations for a Crown land license of occupation is required. The Ministry requires a separate license for geoexchange systems from a new or existing dock license, although the area of license may overlap. An accurate survey of the location of the lines will be required, a copy of which to be provided to the Islands Trust.

Except for the accurate location of the geoexchange system, staff has not identified any additional professional reports to be required from the applicant. The proposal is consistent with policies in the Policy Statement and OCP; therefore an amendment to the OCP is not required. Although this was installed in advance of a rezoning application, the owner's had undertaken efforts to ensure the installation had minimal impacts and did not adversely impact the marine and foreshore environments.

Options:

The LTC has identified a shoreline review on the top priority work program. That review could include amending the Land Use Bylaw generally to allow ocean based geoexchange systems, or alternatively may consider a broader Shoreline Development Permit Area that could include guidelines and criteria for geoexchange installations. If that shoreline work is to proceed in the next few months and specifically include geoexchange systems, then work on this application could be deferred. However, in order for the owners to have certainty with regard to approval of their system in a timely manner, then the LTC would be advised to direct staff to proceed with this application, particularly if it is anticipated that the shoreline review will be more extensive and take a number of months to conclude.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2011.2 (Lockhart) and to prepare a draft bylaw.

Prepared and Submitted by:



Andrea Pickard

March 12, 2012

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

March 14, 2012

Date



STAFF REPORT

March 1, 2012

File No.: NP-DVP-2012.1

To: North Pender Island Local Trust Committee
For the meeting of March 22, 2012

From: Kris Nichols,
Planner 1

CC: Andrea Pickard
Island Planner

Re: Development Variance Application

Owner: Allyson Coffey
Applicant: Tim Coffey
Location: Lot 5, Section 19, Pender Island, Cowichan District, Plan 38353
4339 Clam Bay Road

THE PROPOSAL:

The purpose of the application is to vary Clause 8.1.5 (1) (a) and (b) of the North Pender Island Land Use Bylaw 103, 1996 for the construction of a sauna building and deck and to legalize an existing accessory (ancillary) building. The subject property is currently developed with an existing single family dwelling, an ancillary building, a tool shed and a temporary wood shed. The proposal is to vary the required setback from the rear lot line from 7.6 metres to 4.2 metres (as shown in Figure 1 – Sauna Site Plan) for the proposed sauna and to vary the required side lot line from 3.0 metres to 2.8 metres. The application states that the variance is required in order to meet the setback requirement from the existing septic field.

A draft Development Variance Permit is attached as Schedule A which includes the building setbacks. The proposed sauna is at an angle to the rear lot line and therefore the setback will range from 5.39 metres (17.67 ft) to 4.17 metres (13.67 ft).

In discussions with the applicant, their rationale for the site selection was further expanded upon. They own two of the adjoining lots (lot 6 and 14). The lot that they will be impacting by reducing the rear lot line setback is lot 14 which they own. There is a substantial grade difference and it is heavily forested between where the sauna is proposed to be built and lot 14 and therefore cannot be seen from lot 14. The owners have spoken with the other adjacent property owners (lot 4) and according to the applicants have no objection with the proposed location of the sauna building.

The applicant also has a subdivision application to adjust the boundary (side lot line) between the subject property (lot 5) and lot 6 which they also own. The subdivision application is to permit the construction of a deck on the west side of their house without encroaching into the required side lot line setback.

Photographs from a site visit conducted on February 20, 2012 are included below.

SITE CONTEXT:

The subject property is a 0.26 ha (0.64 acre) property on Clam Bay Road. Adjacent properties along Clam Bay Road are of a similar size and shape. The properties bordering the back (southeast) of the property are larger in size. The property directly behind the subject property which fronts on Port Washington Road contains a small cabin, but is generally a forested 2+ acre site. The subject property rises steeply from the Clam Bay Road to a relatively level area where the house and accessory buildings are located. This is also the site where the sauna is proposed, although some minor rock removal and placement has occurred to accommodate the building siting.

The existing accessory building (see photograph 3) has been in that location for approximately 30 years according to the applicant. In discussions regarding this application the applicant agreed that it would be beneficial to ensure that existing buildings are legalized according to bylaw setback requirements. The building is currently used for storage, but it planned to be used as a studio in the future. The building appears to be very structurally sound and in good repair and therefore should last for a number of years.

There is a temporary woodshed on the property that currently straddles the property line between lot 5 and 6. The applicant has stated that this will be moved to conform to bylaw requirements. The woodshed is constructed in a way, elevated on cement blocks, that would permit easy movement.

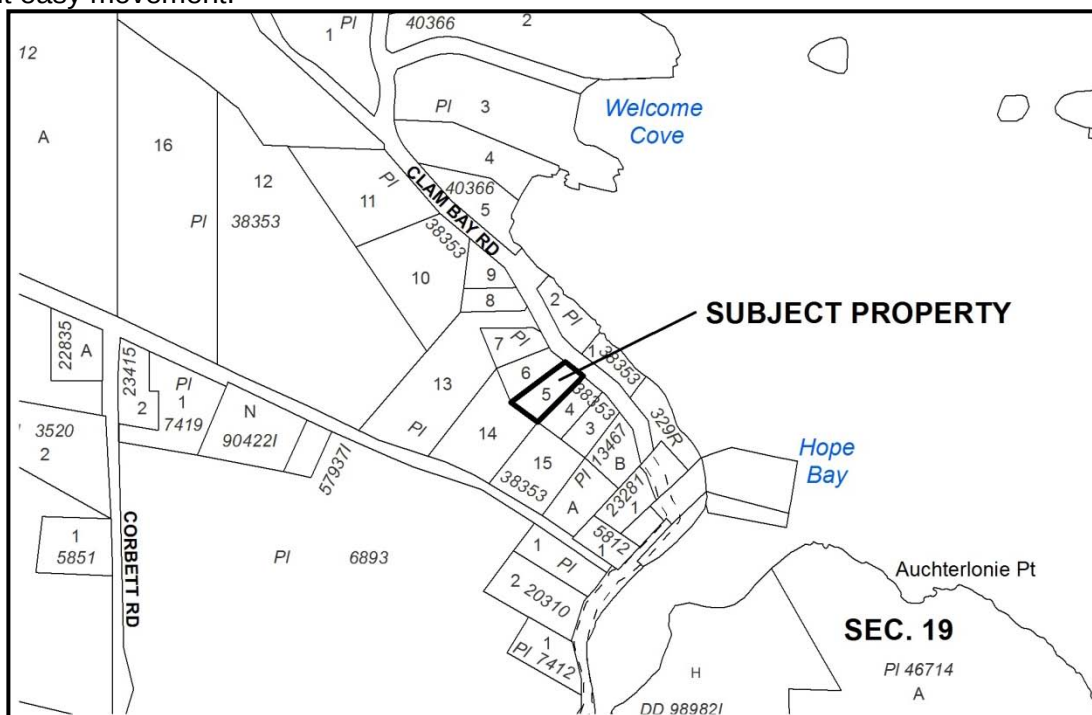


Figure 1 – Subject Property Map

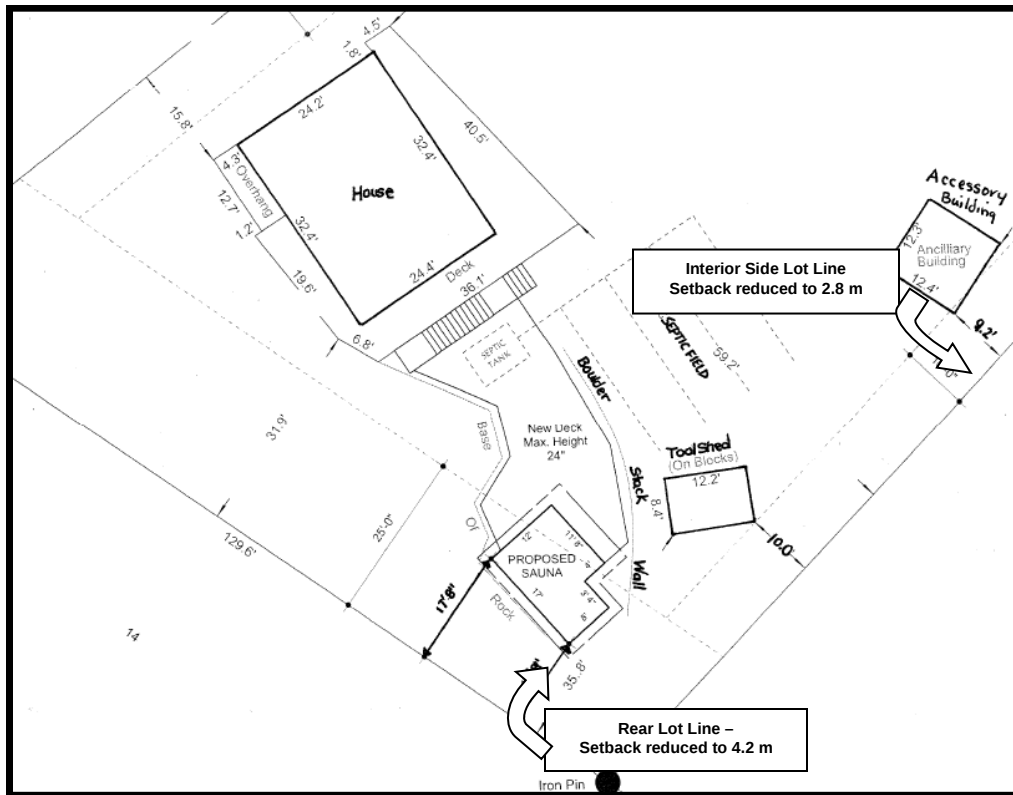


Figure 2: Site Plan



Figure 3: Subject Property with orthophoto and 2 metre contour intervals



Photograph 1: Location for proposed sauna and existing accessory building.



Photograph 2: Sauna site location and dwelling



Photograph 3: Existing accessory building as part of variance to legalize siting

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

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 majority of the property according to the Trust's Sensitive Ecosystem Mapping is located within an area indicated as a Mature Forest. Much of the subject property has been developed with driveway access, accessory buildings, and the

house. The proposed sauna site does not include any further removal of trees. There are no development permit areas associated with the subject property.

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

Covenants: There are no registered covenants on title.

Bylaw Enforcement: There is no enforcement files associated with the property. The applicant has told staff that the buildings and structures will meet the requirements of the bylaw for setbacks either through this variance or through moving a structure (e.g. woodshed).

Climate Change Mitigation and Adaptation: The subject property is developed.

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 the notices had not been sent. If any comments are received they will be brought to the Local Trust Committee meeting on March 22, 2012.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. Their rationale is that they wanted to place the sauna in close proximity to the house, in a relatively flat location and in a location that does not interfere with the septic field. This requires a relaxation to the rear lot line setback. They own the lot directly behind them that is impacted by this requested variance. In discussions with the applicant they agreed to incorporate any additional buildings that currently do not meet setback regulations. Along with the sauna, they are requesting an interior side lot line variance for the existing accessory building (see photograph 3) currently used for storage.

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 moving the location for the sauna to a location further from the house where additional landscaping (i.e. excavation, tree removal) would be required due to the topography of the site.

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

STAFF COMMENTS:

The request for a variance is due to the owners wanting to construct a sauna building without impacting an existing septic field, requiring extensive vegetation removal or excavating for a relatively flat site on a predominantly sloping property. In applying for the variance application the applicant was advised by staff to ensure that if there were other buildings that did not meet the required setbacks that they should include them in this application. As such, they have included an accessory building that does not meet the required interior lot line setbacks in an effort to legalize the siting of the building. The accessory building has been there for approximately 30 years according to the applicant.

The owner of the subject property owns two of the adjacent lots (lot 6 and lot 14). Lot 14 is the lot that would be directly impacted by the sauna building rear lot line setback variance. There is a steep incline at the back of the property which lessens any impact the variance may have from lot 14. Staff went onto lot 14 to see what impact it may have and it is negligible given the change in topography and existing dense vegetation. The applicant has stated that the owner of lot 4 has no objection to the variance application.

Staff is recommending approval of this variance application based on the following rationale:

- that the variance will encroach into the rear lot line setback area adjacent to a property that the owners of the subject property own;
- that due to topography and dense vegetation the proposed site cannot be seen from that adjacent property; and
- that the adjacent property owner of lot 4 has expressed to the applicant that they have no objections to the requested variance.

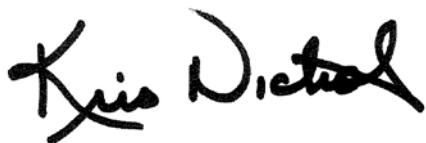
The North Pender LTC has the following options with regard to this variance permit.

1. Issue the permit as presented (Attachment 1)
2. Deny the permit

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2012.1(Coffey) **BE APPROVED.**

Prepared and Submitted by:



Kris Nichols

March 8, 2012

Date

Concurred in by:



Robert Kojima

March 8, 2012

Date



STAFF REPORT

March, 12, 2012

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

To: North Pender Island Local Trust Committee
For the meeting of March 22, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

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

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

THE PROPOSAL:

The application is for development within the Sensitive Intertidal Ecosystem Development Permit Area (DPA) for the purpose of constructing a seawall below the natural boundary of the sea. The subject property was issued a Development Variance Permit in 2008 to construct a seawall on the northern portion of the property, which was located upland to the natural boundary. Due to continued erosion along the southern portion of the property and the vulnerability of a registered archaeological site, the applicant proposes to construct an extension to the existing seawall. The proposed seawall would be a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop located approximately 5 metres beyond the southern boundary of the subject property.

The proposed seawall extension requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. At the February 23rd meeting the North Pender Island Local Trust Committee (LTC) received a preliminary report for the bylaw amendment and directed staff to prepare draft bylaws and to send an early referral letter to the First Nations with an interest in the area.

There have been a number of professional reports submitted related to this proposal. Rather than attach them all to this report and creating a very large agenda package, staff will provide hard copies to the Trustees and post them on the website to be available to the public.

A draft development permit is attached as Schedule A and draft amending bylaw is attached as Schedule B.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

Based on GIS data the property rises moderately to 8m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 18 m asl.

Figure 1: Subject Property Map

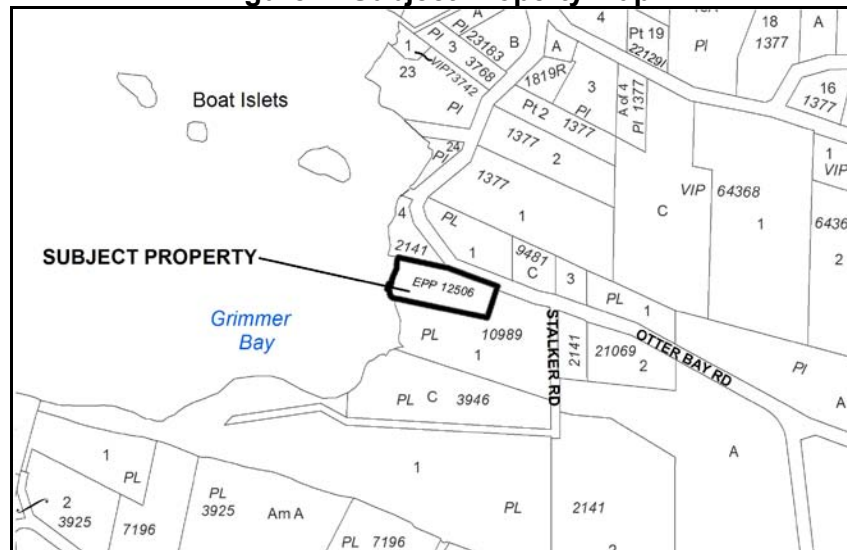


Figure 2: Orthophoto with 2 metre Contour Intervals



Figure 3: Site Plan of Subject Property Shoreline

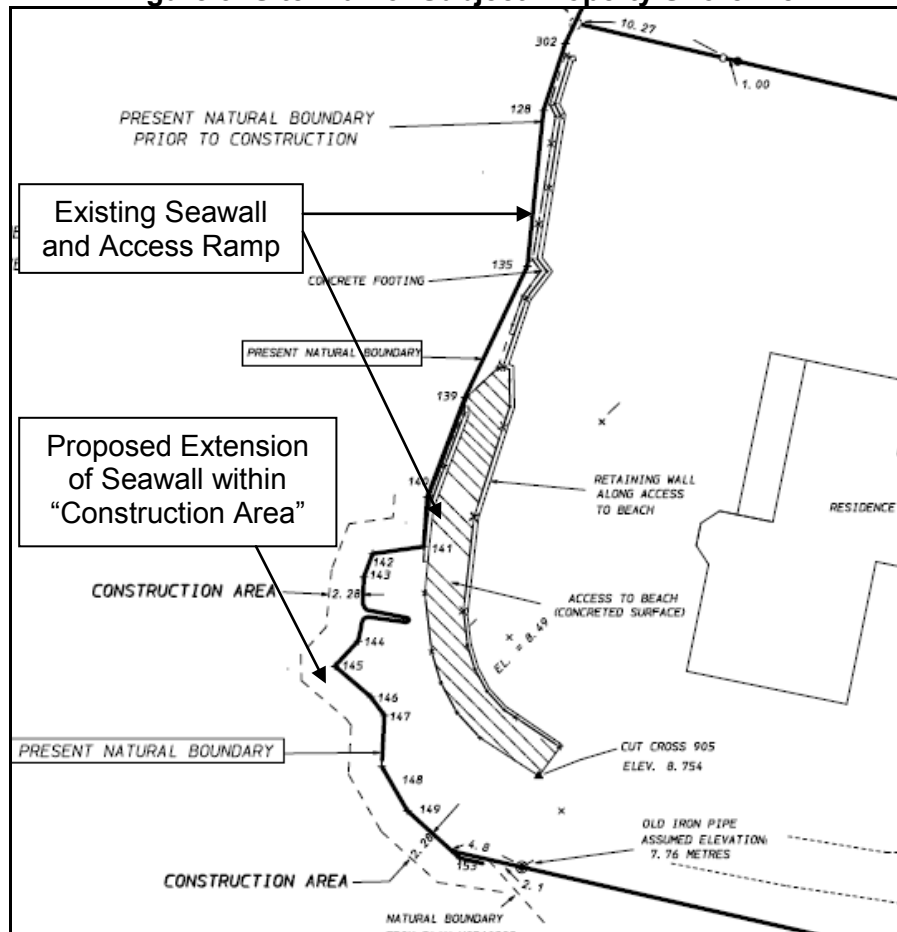


Figure 4: Site Plan of Area for Proposed Seawall

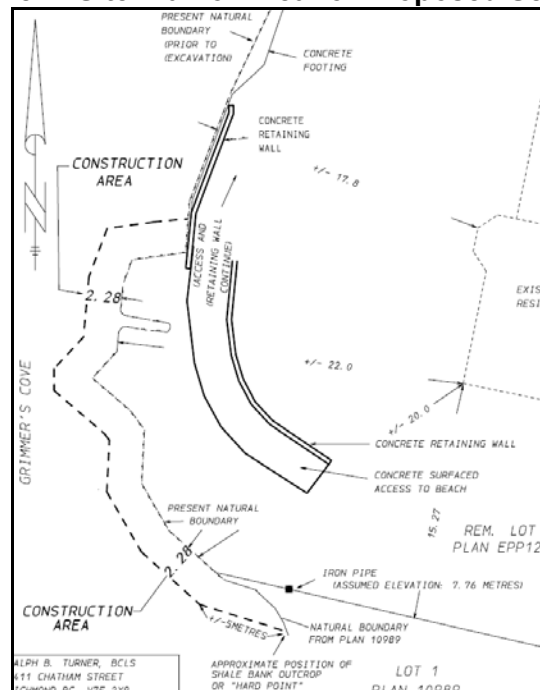
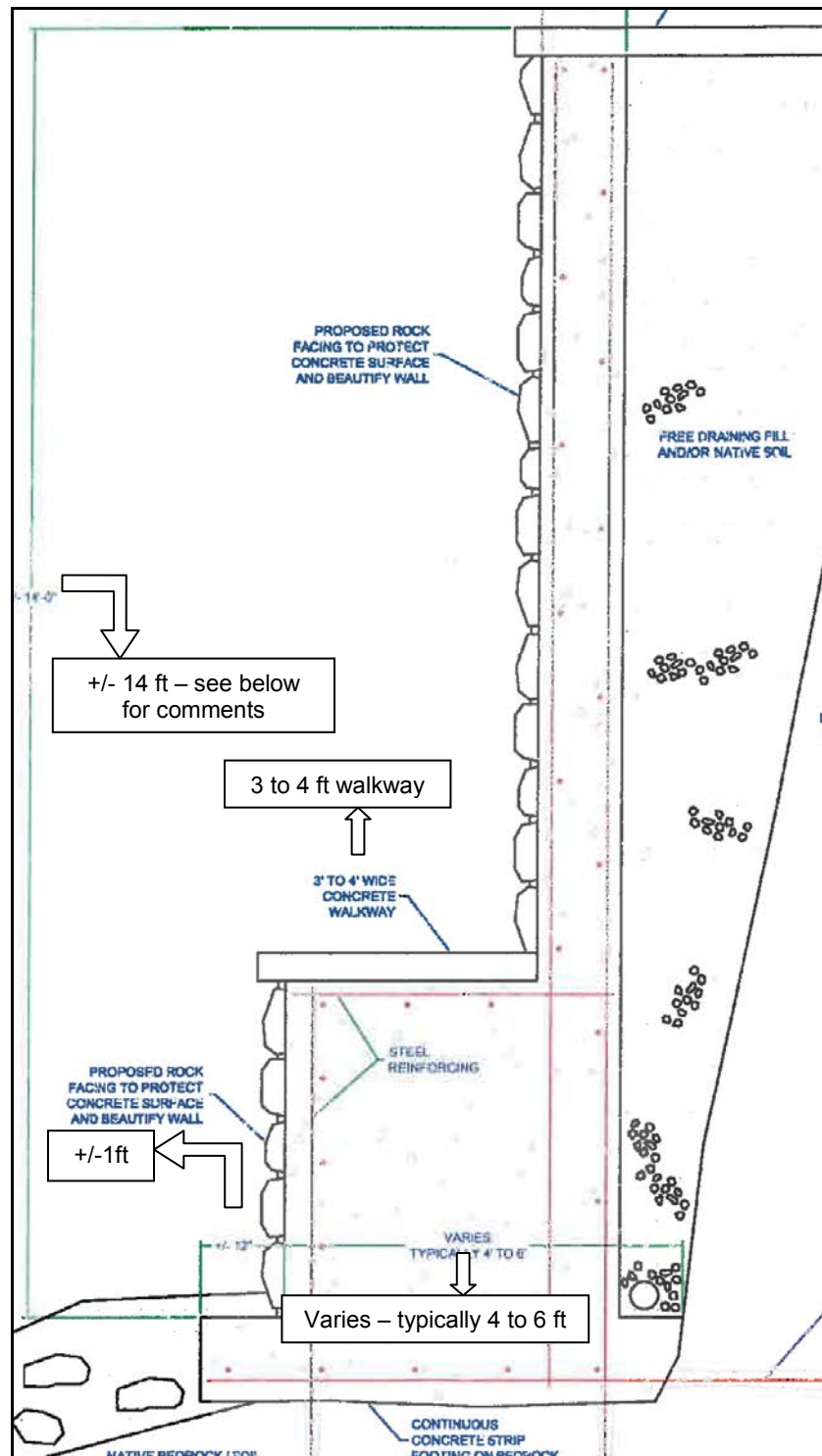


Figure 5: Vertical Profile of Proposed Seawall



Although the profile above has indicated a height of +/- 14 ft (4.3m) the draft bylaws have used a maximum height of 5.5m (18ft). This is to accommodate for undulations in the shale bed the base is constructed on. The intent is to step the top of the seawall in such a manner to follow the natural contours, however some localized sections may exceed a limit of 4.3m. It should be noted the draft bylaw may specify a maximum of 5.5 m, however the actual seawall authorized

is also regulated by the development permit. The proposed development permit includes a photograph rendered to represent how the maximum height will be designed to match the existing elevation.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

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

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

Official Community Plan:

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

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

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment and they have no concerns.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

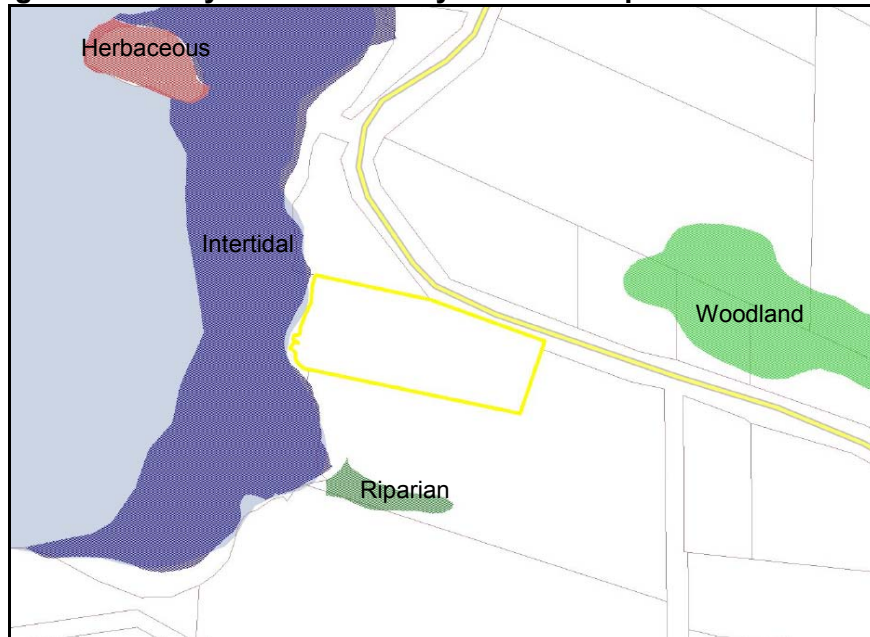
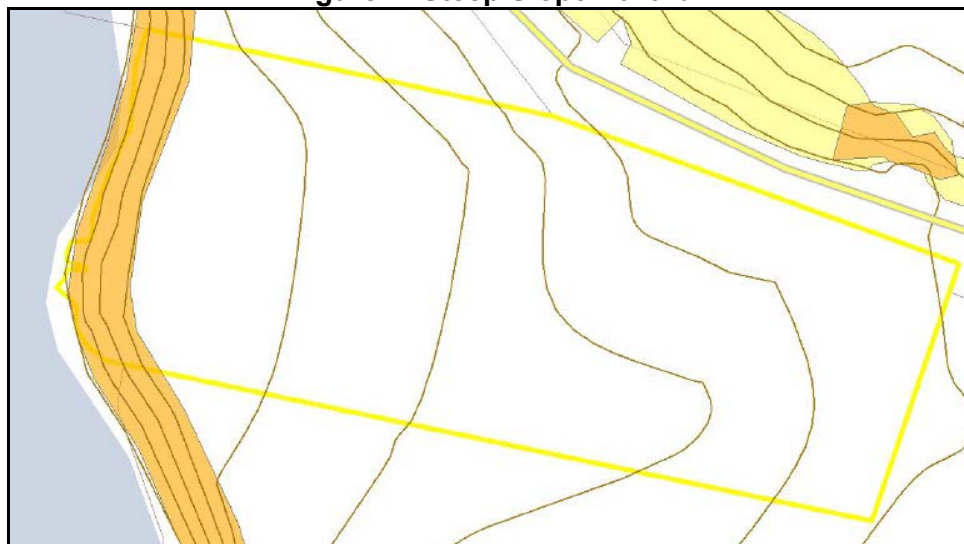


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sediments that often are the source of beach sediments deposited further along the shorelines in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points then that transfer of energy resulting in new erosion areas would be minimal. They also note that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replanting of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Other:

Biologist's Report: A biologist's report was submitted for the original seawall in 2007 with a supplemental report for the proposed extension. The 2007 report concluded "that construction of a seawall above the high tide line, in order to stabilize the bank in front of the building would not have a negative impact on the eel grasses and the clam beds in the bay." In a supplemental report on the seawall extension the report notes that extension should be constructed in such a way that new erosional areas would not be created (anchoring to bedrock and the shale outcrop). The biologist also agrees with the recommendation in the Northwest Hydraulic Consultants report that monitoring of the site after the seawall is constructed should be undertaken, particularly after storm events.

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

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

Guidelines Checklist: The DP guideline checklist is attached as Schedule D.

STAFF COMMENTS:

Erosion protection has historically utilized hard armouring of the shoreline with concrete or rip rap walls. Although these methods are relatively inexpensive and have low maintenance requirements, they have proved to produce negative environmental impacts to shorelines by:

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

In high energy wave environments hard surfaces can also result in the energy forces being transferred upland, rather than being dissipated and this can impact upland structures.

There has been a shift in recent years to alternative approaches that have less environmental and visual impacts. Protection measures are often referred to as a spectrum from 'soft' to 'hard', where 'soft' measures utilize less rigid materials such as vegetation, while 'hard' measures refer to those with solid, hard surfaces such as concrete walls. In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. There is a range of measures that include:

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

SOFT



HARD

Professional reports have commented on the upland drainage. It was identified that the broader area generally consists of poorly draining, wet soils extending well beyond the subject property to beyond the Golf Course. The existing septic field is also identified as a possible source of seepage in the area, however it was considered to be to a minor contributor and well below the volume of naturally occurring ground water seepage.

Professional reports have also commented on the possibility of softer approaches. The site is restricted by the need to avoid further disturbance to the upland soils so as not to impact the archaeological site, and it is a high energy environment. Other design options may require a larger overall footprint, more excavation, or more heavy equipment access to the site. Softer approaches are not feasible at this location since they are not considered suitable for high energy coastal environments such as this.

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

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

Conditions included in the draft permit include:

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

The next steps are:

- Make any revisions to the draft bylaw (March LTC)
- Refer the draft bylaw to referral agencies for comment
- Optional scheduling of a Community Information Meeting as part of the April LTC agenda or for a weekend
- Give the draft bylaw First Reading and direct staff to schedule a Public Hearing (April)
- Hold Public Hearing at part of the May LTC agenda or a separate date
- Consideration of input and possible amendments to the proposed bylaw
- Given Second and Third Reading (May)
- Refer the Proposed Bylaw to Executive
- Adopt the Proposed Bylaw and issue the Development Permit

Staff recognize the above timeline is fairly ambitious, and if there is a considerable amount of input the timeline would need to be extended. Ongoing workload may also be a factor, and if the Community Information Meeting and Public Hearing are held separately from the LTC meeting dates.

RECOMMENDATION:

THAT the North Pender Island Local Trust Committee direct staff to refer Draft Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012” to referral agencies for comment.

That the North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting for NP-RZ-2011.1(Turner) for the April Local Trust Committee meeting.

THAT Development Permit NP-DP-2011.9 (Turner) BE APPROVED but NOT ISSUED until the related bylaw amendment for NP-RZ-2011.1 is adopted.

Prepared and Submitted by:



Andrea Pickard

March 12, 2012

Date

concurring in by:



Regional Planning Manager

March 12, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2011.9

To: Natrikan Holdings Limited (A Cyprus Corporation)

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

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

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

PROPOSED

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

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

Deputy Secretary, Islands Trust

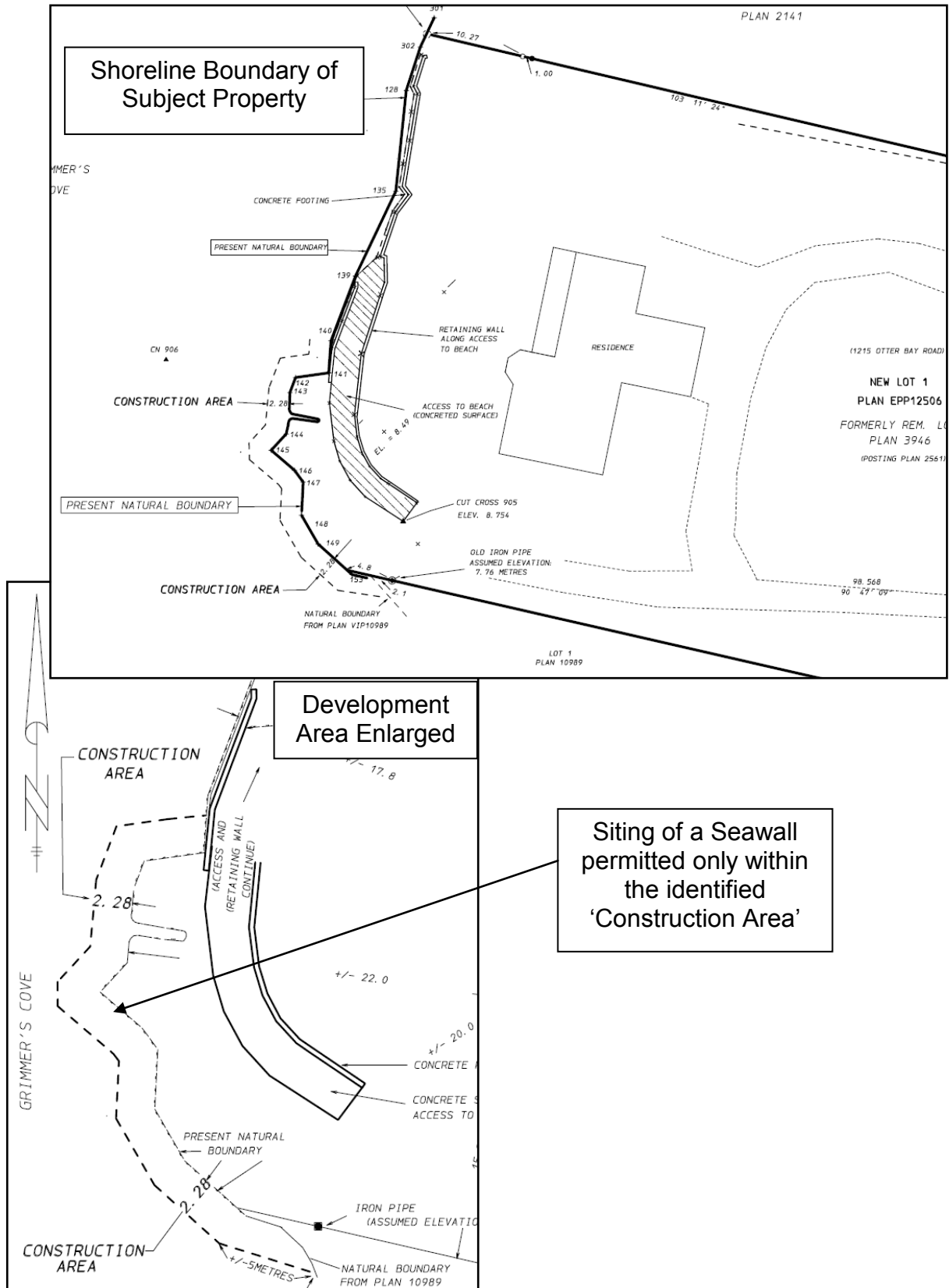
Date Issued

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

PROPOSED

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

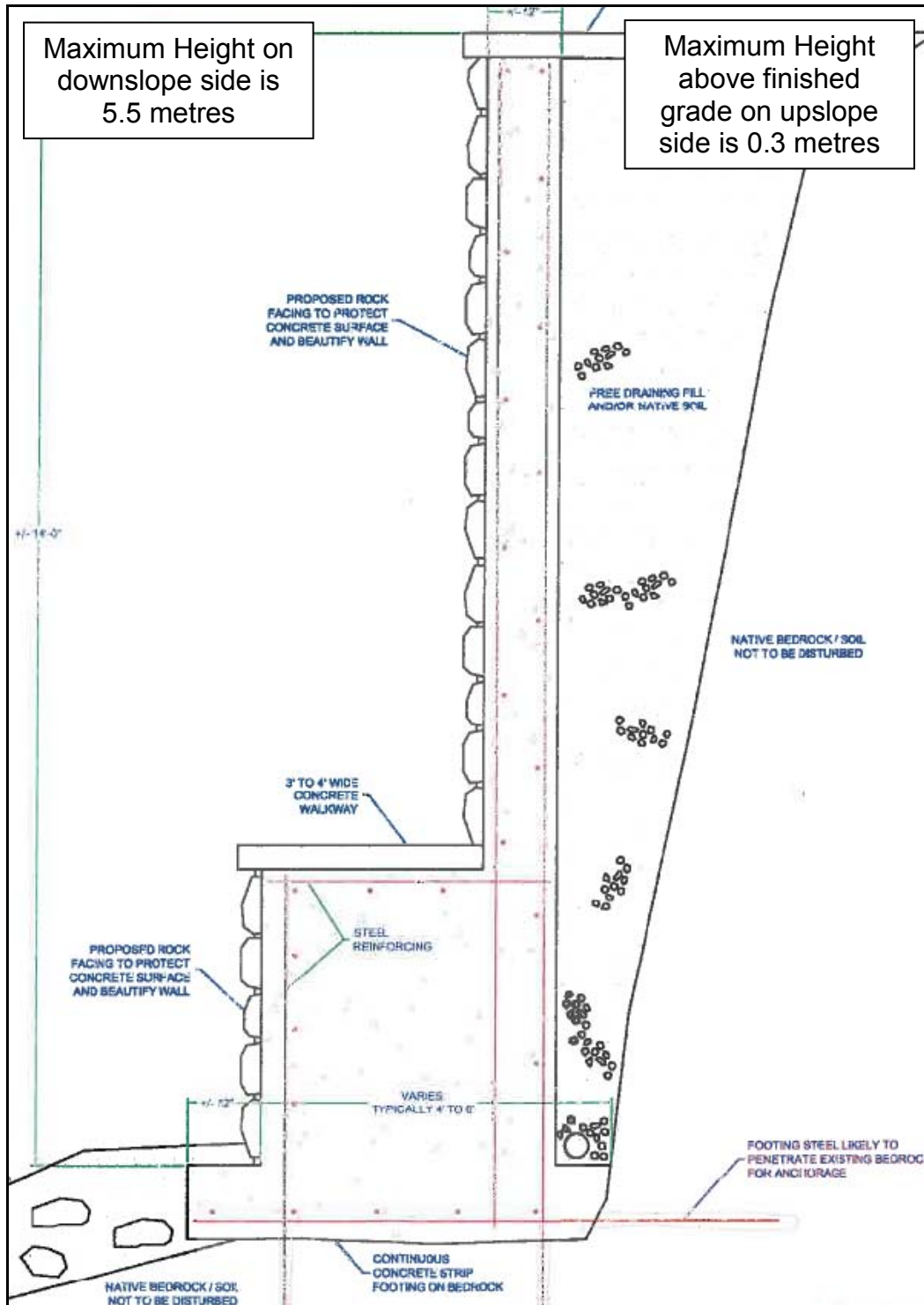
Site Plans



PROPOSED

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

Seawall Side Profile



PROPOSED

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

Finished Height of Seawall



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



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

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

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

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

8.19.7 Site Specific Regulations

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

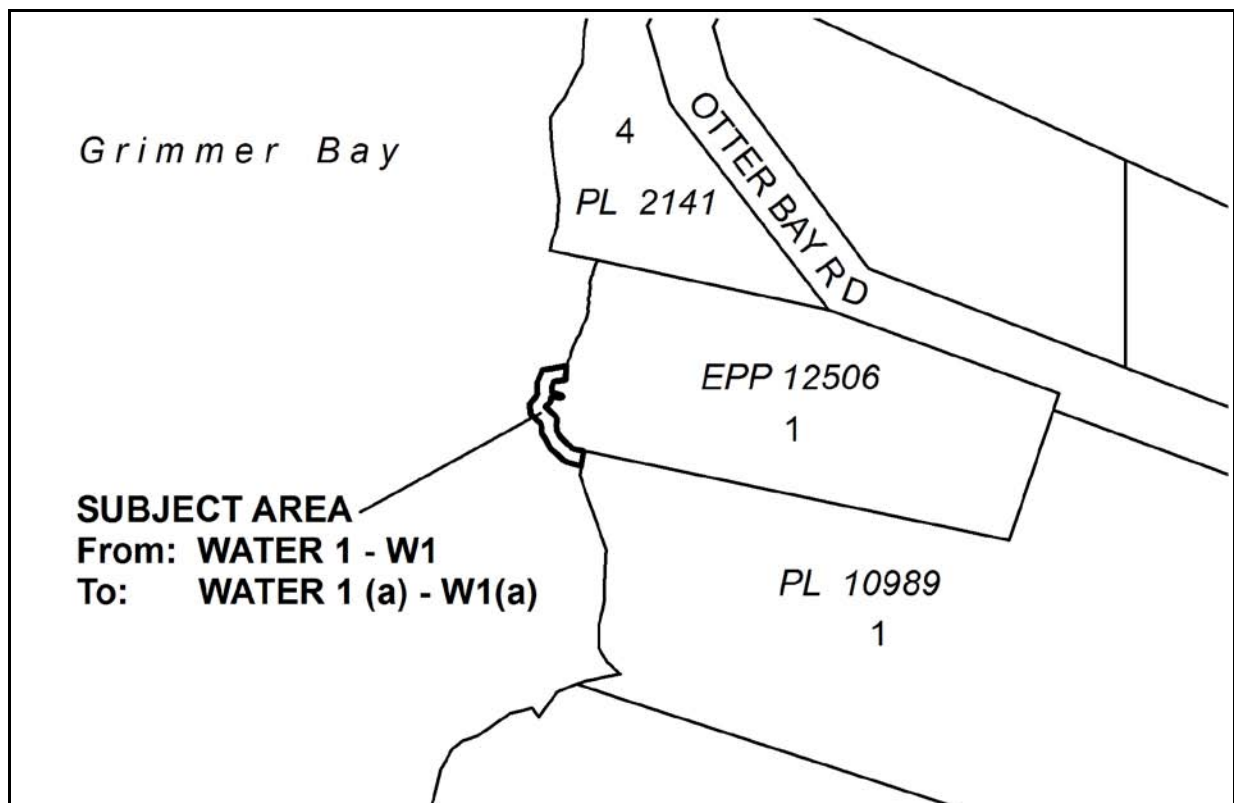
<i>Column 1</i> Site- Specific Zone Reference	<i>Column 2</i> Legal Description	<i>Column 3</i> Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

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



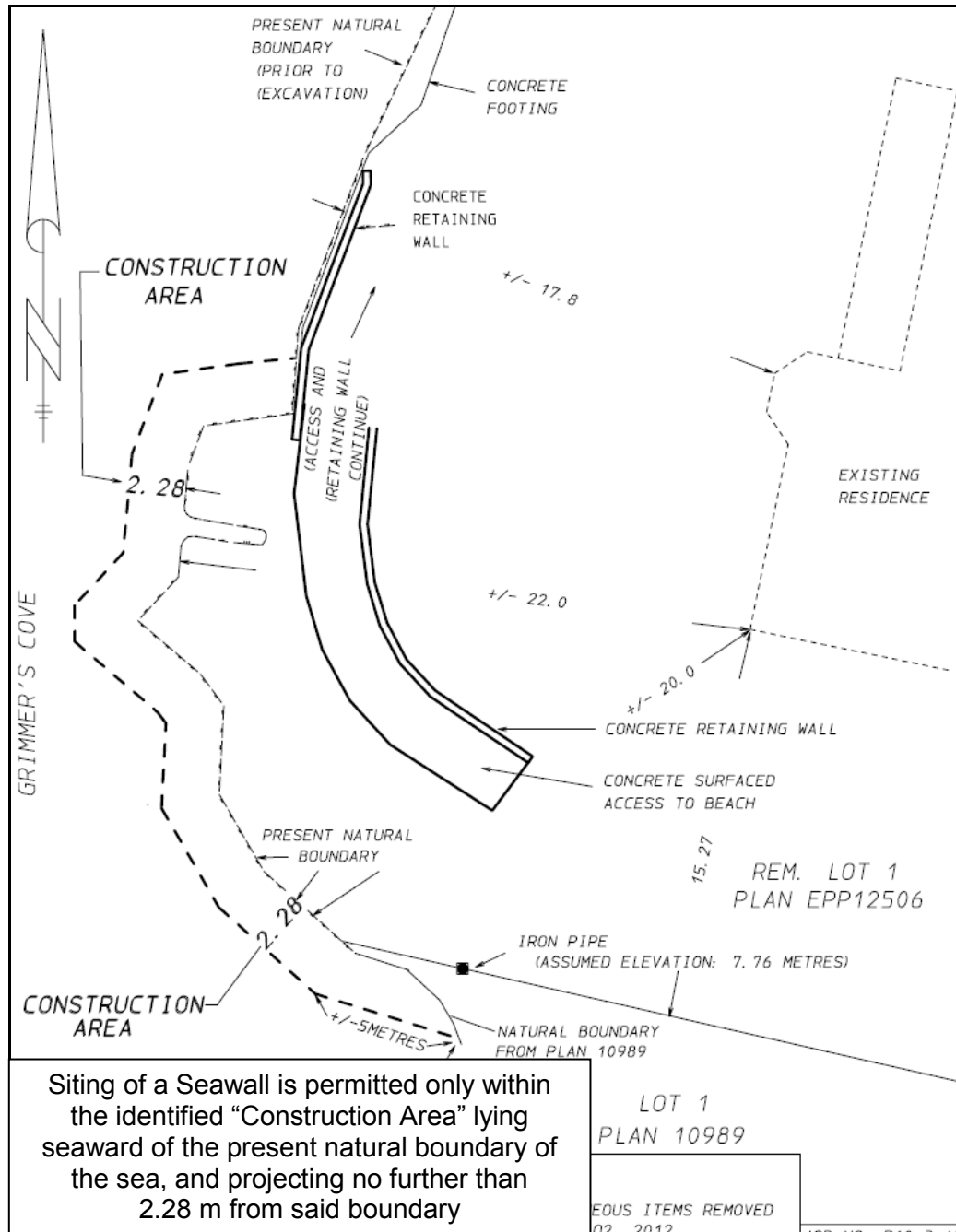
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

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

"W1(a) Seawall Plan"



DPA Checklist: NP-DP-2011.9 (Turner)
Seawall

Guidelines	Comments
Overall DPA Guidelines	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Lot is not subdividable
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Proposed location is determined by existing archaeological site and natural boundary of the sea
3. The area cleared and disturbed for development should be minimized.	Limited to identified construction area and within 2.28m permitted by Ministry of Forests, Lands and Natural Resource Operations
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Disturbance will be adjacent to natural boundary only, with a maximum projection of 2.28 meter seaward
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	One identified Yew tree on the bank will be retained, no impact on root system expected. Surrounding area to have additional soil and plantings to help replenish previously eroded area
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Surrounding areas already developed, backfilled areas to be replanted
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, pits and dunes should be protected.	Design of wall will follow topography as much as possible, and siting will parallel natural boundary of the sea
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	n/a sensitive features have limited migration ie: eel grasses, clams, oyster bed
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Landscaping plan includes range of native species

Guidelines	Comments
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No native materials to be removed from, nor fill introduced into the foreshore area as a condition of permit
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Professional reports provide recommendations regarding appropriate drainage materials and design
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	n/a
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	n/a
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	To be permitted as site specific zoning to protect heritage/cultural feature
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	Softer approaches considered but not suitable to this location
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	Objective, in part, is to protect archaeological site
17. The permit conditions may include:	
a) the construction of permanent or temporary fencing around sensitive features;	Not recommended
b) fencing, flagging and posting of notices during construction;	Not recommended
c) limits on blasting in sensitive areas;	No blasting required
d) limits on construction timing;	DFO timing windows as condition of permit
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Not recommended

Guidelines	Comments
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Area behind seawall to be replanted post construction
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	No required – addressed in site specific zoning
<i>Intertidal Ecosystem Guidelines</i>	
19. Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	Access to foreshore exists on northern portion of seawall
20. Docks should be sited to avoid impacts on sensitive ecosystems such as eel grass beds, fish habitat and natural processes such as currents and littoral drift.	n/a
21. Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.	n/a
22. Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.	n/a
23. Piers on pilings and floating docks are preferred over solid-core piers.	n/a
24. Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.	n/a
25. Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.	n/a



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

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

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

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

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

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



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 March 12, 2012 File: NP-SUB-2008.3 (Wey)

To North Pender Island Local Trust Committee

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 February 23rd meeting the North Pender Island Local Trust Committee (LTC) considered waiving the requirement for minimum road frontage of 10% lot perimeter in accordance with s. 944 of the *Local Government Act*. At that time the LTC requested further information from the applicant with regards to the technical reasons the 10% requirement could not be met.

The applicants have since revised the layout plan so the 10% lot waiver is no longer required. A draft version of the revised layout is attached for your reference.

The LTC also requested clarification on the Natural Area Covenants as depicted on the proposed layout plan. Following the meeting staff has confirmed that there was no decision on the details of the covenant made by the owners. Staff has worked with Pender Islands Conservancy Association (PICA) and the applicant to draft a covenant that would be agreeable to both parties. PICA has also agreed to conduct a baseline study that would be provided to all parties within one year of the covenant registration date. Staff has proposed that the LTC also be included as a covenant holder to ensure the covenant could not be discharged without your agreement, long term protection of the covenant areas in the event that PICA was ever disbanded, and to assist with enforcement action for any breaches of the covenant if needed.

The proposed covenants are not required as a condition of subdivision and they are being offered voluntarily by the owner. If the LTC agrees to be a covenant holder there would be an administrative role for the Islands Trust and in the event of a breach, there could be potential cost implications if enforcement action was required.

The draft covenant is attached for your reference. The purpose of this memo is for the LTC to decide if they agree to be covenant holder, and to delegate the Chair signing authority.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee delegate the Chair to sign a section 219 covenant pertaining to conservation of the two Natural Areas shown on the proposed layout plan for subdivision file NP-SUB-2008.3(Wey).

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 _____, _____ is

AMONG:

0734706 B.C. Ltd., Inc. No. 0734706, 2300 – 1055 Dunsmuir
Street, Vancouver, British Columbia, V7X 1J1

(the “**Owner**”)

AND:

PENDER ISLANDS CONSERVANCY ASSOCIATION, P.O. Box
52, Pender Island, British Columbia, V0N 2M0

(the “**Pender Islands Conservancy Association**”)

AND:

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, a
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 ½ of the South West ¼ of Section 19, Pender Island, Cowichan District, Except Parts in Plans 6524, 7273, 14358 and 21848

(the “**Land**”);

AND WHEREAS 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"

AND WHEREAS the plan of subdivision includes two areas identified as "Natural State Covenant", which are referred to in this agreement

(the "Covenant Areas").

- B. The Covenant Areas contain significant natural area values and amenities including surface water bodies, flora, fauna and natural features of great importance to the Owner, the Covenant Holders and the public.
- C. The Owner wishes 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 Land in the interests of ensuring the preservation and protection of the natural state of the Covenant Areas.
- D. A statutory right of way pursuant to section 218 of the *Land Title Act* in favour of the Covenant Holders is necessary for the operation and maintenance of the undertakings of the Covenant Holders.
- 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*.
- F. The Co-covenant Holder 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* and as a person authorized to accept a statutory right of way under section 218 of the *Land Title Act*; and
- 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 amenity 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):

Restriction on Use

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. Without restricting the generality of Section 1, the Owner shall not, except with the prior written approval of the Covenant Holders, in the sole discretion of each of them, cause or allow:
 - (a) silts, leachates, fills or other deleterious substances to be released 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, 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;
 - (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 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 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.

Baseline Documentation Report

3. The parties each agree that the Covenant Areas will be documented in a Report to provide an accurate description of the Covenant Area, and the report will be completed within one year of the date of registration of this Agreement and a copy provided to all parties.
4. The parties agree that the Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement, and the report has to be acceptable to all parties as being an accurate representation of the Covenant Areas.
5. The parties agree that the Report will be completed by the Pender Islands Conservancy Association, at a nominal fee of _____ dollars to be paid by the Owner, unless the Owner otherwise provides a Report prepared by a qualified Registered Professional Biologist, which is sufficient in detail and acceptable to the Covenant Holders.

Owner's Reserved Rights

6. Subject to Sections 1 and 2, the 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.
7. Without limiting the generality of Section 3, the Owner may trim, prune, cut down, or remove any non-native invasive plants from any part of the Covenant Areas.
8. Nothing in this Agreement restricts or affects the right of the 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 Owner shall send notice of such action to the Covenant Holders within 30 days after taking such action.

Statutory Right of Way

9. The Owner grants, conveys and transfer to each Covenant Holder, together with 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 to access the Covenant Areas permitting each Covenant Holder to do the following:
 - (a) to enter upon the Land 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 opinion of a Covenant Holder, there is an emergency or other circumstance which makes giving such notice impractical;
 - (b) to enter upon the Land for any purposes necessary 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 enter upon the Land and 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 to clearly identify the Covenant Areas, or to increase visibility of existing survey pins or other markings.
10. The Covenant Holders may bring workers, contractors, employees, and vehicles, equipment and other personal property onto the Land 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, outside of the Covenant Areas, overnight without the prior consent of the Owner, which shall not be unreasonably withheld.
11. Despite the scope of the statutory right of way granted, the Covenant Holders shall only use the portion of the Land 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.

No Effect On Laws or Powers

12. 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;
- (c) oblige the Local Trust Committee or the Pender Islands Conservancy Association to enforce this Agreement;

Enforcement

- 13. 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.
- 14. 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.
- 15. For clarity, the requirement in Section 14(b) 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.
- 16. If the Owner does not comply with the requirements of the Section 14 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 14. The Owner must reimburse that Covenant Holder for any expenses incurred in taking any action under this Section, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.
- 17. The Owner is liable to the Covenant Holders, in the amount of ten thousand dollars (\$10,000), for any breach of this Agreement as a result of the intention or negligence of the Owner, or which the Owner permits or

allows. The Owner is also liable to the Covenant Holders for legal fees and disbursements incurred in enforcing this Agreement.

18. By this Section, 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.

Limitation on Obligations

19. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner permits or allows, in respect of the Owner's particular lot or lots. 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.
20. 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.

Indemnity

21. 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.

No Liability in Tort

22. 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 is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

23. 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.

Registration

24. The Owner agrees to do everything 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 Land Title Office at the time of application for registration of this Agreement.

Waiver

25. 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.

Severance

26. 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.

No Other Agreements

27. 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.

Binding of Successors

28. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

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

Deed and Contract

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

Execution Using Form C

31. As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office 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 ½ of the South West ¼ 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

DRAFT



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
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3	LUB Amendments	- road classification and design standards review, including heritage roads and subdivision standards (s.4.15) and related OCP policies - subdivision servicing regulation review - 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	Sep-22-2011			On Going
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zoning

- landscape screening review
- stormwater management regulation 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



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	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: 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)		Jan-22-2009	On Going

6	Agricultural Building Watercourse Setbacks	Jul-28-2011	On Going
7	Geological Hazard Mapping	Feb-22-2012	On Going



Islands Trust

Print Date: Mar-13-2012

Applications w/ Status - North Pender Island Status: Open

Applications

Development Permit

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

Planning Status

Status Date: Feb-28-2012

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

Status Date: Jan-26-2012

jan meeting cancelled, on Feb agenda

Status Date: Jan-10-2012

on Jan agenda, draft covenant and drainage rpt included

File Number	Applicant Name	Date Received	Purpose
NP-DP-2011.9	Nagrikan Holdings Ltd - Ralph Turner Planner: Andrea Pickard	Nov-10-2011	1215 OTTER BAY RD To allow for a construction of a sea wall to protect an archaeological site from eroding.

Planning Status

Status Date: Mar-12-2012

on Mar agenda

Status Date: Feb-07-2012

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

Status Date: Dec-14-2011

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

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2012.1	Tim Coffey	Jan-25-2012	To vary the rear lotline setback. To install a sauna and deck in compliance with the setback requirement for the septic field.

Planner: Kris Nichols**Planning Status****Status Date:** Mar-01-2012

Report drafted for March meeting

Status Date: Feb-20-2012

Site visit conducted

Status Date: Feb-14-2012

Initiated review of application

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

Planner: Kris Nichols**Planning Status****Status Date:** Mar-02-2012

Spoke with applicant wished to hold application until the April meeting to check on other building locations.

Status Date: Feb-29-2012

Initiating review of application/notice and permit

Status Date: Feb-23-2012

Site inspection

Rezoning

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

Planner: Andrea Pickard**Planning Status**

Status Date: Mar-12-2012

on Mar agenda - draft bylaw and DP

Status Date: Feb-27-2012

direction to proceed with application

Status Date: Feb-08-2012

preliminary stf rpt on Feb agenda

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2011.2	Lockhart Industries - Doug Lockhart	Dec-09-2011	6640 RAZOR POINT RD To include geoechange (geothermal) ocean loops for domestic heat pumps in the W1 zone.
Planner: Andrea Pickard			

Planning Status

Status Date: Mar-12-2012

preliminary report on Mar agenda

Status Date: Dec-15-2011

Sent letter of acknowledgement of application and fees to applicant. Copied to turstees and forwarded file to Planner.

Subdivision

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

Planning Status

Status Date: Mar-12-2012

working with PICA for natural areas covenant, layout revised so no waiver required

Status Date: Feb-27-2012

covenant agreed to; 10 percent waiver deferred until more info received. Applicant informed by email

Status Date: Feb-08-2012

Jan meeting cancelled, stf rpt on Feb agenda. MOTI letter for roadworks also on agenda

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-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

Status Date: Jul-29-2011

DVP and 10per cent lot waiver approved. DP tabled until next agenda

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	JJ Properties Inc	Oct-21-2008	James Island - To create 83 lots CONTACT PERSON - SHELLY O'CALLAGHAN (604) 641-4801 lawyer's office - Bull Houser & Tupper
Planner: Andrea Pickard			

Planning Status

Status Date: Jul-07-2009

PLA received from MoTI

Status Date: Nov-20-2008

Referral response sent to MoTI

Status Date: Nov-17-2008

Revised plan received and reviewed

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2010.1	Keith Watt	Sep-09-2010	Boundary Adjustment
Planner: Andrea Pickard			

Planning Status

Status Date: Feb-07-2012

letter sent to close file by march 15 if fees not paid

Status Date: Feb-07-2011

application with MOTI is on hold pending completion of adjacent SUB-2008.5 (Twa) to provide road access to this property

Status Date: Sep-13-2010

Sent letter to applicant requesting application fees and completion of the application form.

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	Nov-09-2011	Boundary adjustment
Planner: Kris Nichols			

Planning Status

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.

Status Date: Nov-14-2011

Sent application form to applicant to complete and letter requesting fees.

File Number	Applicant Name	Date Received	Purpose
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Planning Status

Status Date: Mar-01-2012

Sent referral response to hways

Status Date: Feb-20-2012

site visit conducted

Status Date: Feb-09-2012Initiated Referral Response

Kathy Jones

From: Nancy Roggers
Sent: February-23-12 1:42 PM
To: North Pender Island Local Trust Committee; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: North Pender expense report - Feb/12

		Budget	Spent	Balance
Invoices posted to FEB 23, 2012				
650 North Pender	65000 Trustee Expense	1,200.00	386.60	813.40
650 North Pender	65200 LTC Meetings	3,600.00	2,790.49	809.51
	65210 APC Meetings	1,840.00		1,840.00
	65220 Communications	1,150.00		1,150.00
	65230 Special Projects	2,000.00	403.50	1,596.50
	65240 Miscellaneous	810.00		810.00
	TOTAL LTC Local Expense	9,400.00	3,193.99	6,206.01
650 North Pender	72300 OCP/LUB Expense	-		-

Thanks!

Nancy Roggers
 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

Please consider the environment before printing this email.

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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


Islands Trust

 Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 2,035

Size:

2,709 hectares (6,694 acres)

Location:

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

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

March 2012

- [Expression of Interest for the Southern Local Trust Areas Board of Variance](#)

February 2012

- [North Pender Island Advisory Planning Commission Expression of Interest Notice and Application Form](#)

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.

Hooson Road Realignment

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

Sidney Island Bylaw Review

- [Draft Bylaw No. 187 \(LUB Amendment\)](#)
- [Draft Bylaw No. 189 \(OCP Amendment\)](#)
- [Proposed Hazard Land DPA Map](#)
- [Staff Report - July 12, 2011](#)
- [Staff Report - September 12, 2011](#)
- [North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002](#)
- [North Pender Associated Islands Land Use Bylaw No. 148, 2003](#)
- [Geotech Covenant](#)
- [Staff Report - January 9, 2012](#)

Climate Change Action

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

Geological Hazard Mapping

- [Staff Report - October 18, 2010](#)
- [Staff Report - June 2010](#)
- [Draft Development Permit Area Map](#)
- [Geological Hazard Mapping - January 19, 2010](#)
- [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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Memorandum

Date February 21, 2012

To Local Trustees

From David Marlor
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor
Director of Local Planning Services

pc Executive Committee
Linda Adams, CAO
Lisa Gordon, DTAS
Regional Planning Managers



GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

Communications strategy framework - six standard questions to answer for all LTC projects

1. Goals: Define the project's communications goals and objectives.

- Goals are broad, general statements about what you need to address
- Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
- Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

2. Audience: Who do you want to reach?

- Target audiences
- Internal (Trustees, senior staff, front line staff)
- Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
- External (e.g. voters, seniors, media, community organizations and leaders)
- What do you know about the audience? What do they think of your program or service?

3. Messages: What do you want to say to each audience?

- What motivates your audience – Benefits – what's in it for me?
- What stops your audience - Barriers?
- Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
 - Crafting your messages
 - o Make it easy to remember in easy, simple terms
 - o Use captivating information – vivid and personal
 - o Use stories and metaphors to engage your audience
 - o Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

SAMPLE Communication Action Plan

Project: _____

Launch Date: _____

Methods	Person responsible	Cost	Content Focus / Key message	Audience	Due Date (e.g. for approval)	Publication Date
E-mail						
Direct mail						
News release						
Paid ad (Paper / TV / Radio)						
Letter to editor / editorial						
Web page						
Article for newsletter						
Brochure						
Social media						
Poster / bulletin board						
Annual report						
Public meeting						