Islands Trust

NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA
TO COMMENCE AT 9:45 A.M., THURSDAY, JANUARY 19, 2012
AT THE PENDER ISLAND COMMUNITY HALL (UPSTAIRS),
4418 BEDWELL HARBOUR ROAD,
NORTH PENDER ISLAND, B.C.

***Approximate** time is provided for the convenience of the public only and is subject change without notice.

		Page #	*Approx. Time*
1.	**CALL TO ORDER**		9:45 am
2.	**APPROVAL OF AGENDA**		9:45 am
	2.1 Additions/Deletions		
	2.2 Questions from public on Agenda Items		
3.	**COMMUNITY INFORMATION MEETING** - none		
4.	**PUBLIC HEARING** - none		
5.	**PREVIOUS MEETINGS**		9:50 am
	5.1 Local Trust Committee Minutes for Adoption		
	5.1.1 Minutes of November 24, 2011 Local Trust Committee Business Meeting (attached)	**1**	
	5.2 Public Hearing Records and Community Information Meeting Notes to be Received - none		
	5.3 Section 26 Resolutions-without-meeting (attached)	**9**	
	5.4 Advisory Planning Commission/Task Force to be received - none		
6.	**BUSINESS ARISING FROM THE MINUTES**		9:55 am
	6.1 Follow-up Action Report (attached)	**10**	
7.	**DELEGATIONS** - none		

8.	**CORRESPONDENCE** - none [*correspondence received concerning applications and/or projects is considered with the application*]		10:00 am
8.1	**Ministry of Transportation and Infrastructure re: Hoosen Rd. Realignment** (pending)		
9.	**APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**		10:10 am
9.1	**NP-DVP-2011.8 (Henderson)** (attached)	**12**	
9.2	**NP-SUB-2008.3 (Wey)** (attached)	**23**	
9.3	**NP-DP-2011.10 (Roper/Winterbourne)** (attached)	**54**	
9.4	**NP-DP-2010.4 (Twa)** (attached)	**79**	
10.	**LOCAL TRUST COMMITTEE PROJECTS**		12:30 pm
10.1	**NP-LUB-2011.1 and NP-OCP-2011.1 (Sidney Island)** (attached)	**116**	
11.	**REPORTS**		
11.1	**Work Program Reports** – for information		1:00 pm
	11.1.1 North Pender Island Local Trust Committee Work Program - Report dated January, 2012 (attached)	**215**	
	11.1.2 2008-2011 Trust Council Strategic Plan (will only be circulated quarterly, following Trust Council) – none		
11.2	**Applications Report** – for information		1:45 pm
	11.2.1 North Pender Island Applications Report dated January, 2012 (attached)	**219**	
11.3	**Bylaw Enforcement** - none		
11.4	**Expense/Budget Reports**		
	11.4.1 Trustee and Local Expense Report (attached)	**224**	
	11.4.2 Adopted Budget 2011/2012 - none		
11.5	**Adopted Policies and Standing Resolutions** (attached) – for information	**225**	
11.6	**North Pender LTC Web Page** (attached) – for discussion	**226**	2:15 pm
11.7	**Chair's Report**		2:20 pm
11.8	**Trustee Report**		

12. OTHER BUSINESS 2:30 pm

12.1 Upcoming Meetings

12.1.1 Business at 9:45 a.m., Thursday, February 23, 2012 at Pender Island Community Hall

12.2 Advisory Planning Commission Appointments **228**

(attached)

13. TOWN HALL MEETING 2:45 pm

14. ADJOURNMENT 2:55 pm

MINUTES OF THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON THURSDAY, NOVEMBER 24, 2011, AT 9:45 AM COMMUNITY HALL, NORTH PENDER ISLAND, B.C.

PRESENT:	**Derek Masselink**	**Local Trustee / Acting Chair**
	Gary Steeves	**Local Trustee**
	Andrea Pickard	**Island Planner**
	Zorah Staar	**Recording Secretary**
REGRETS:	**Peter Luckham**	**Chair**

There were seven (7) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham was absent due to rough weather; Trustee Masselink was elected Acting Chair and called the meeting to order at 9:48 am. Trustee Steeves said that Luckham really appreciated how the people of Pender, the Local Trustees, and Islands Trust Staff had made his first term coming here such a pleasure. Appreciation was also expressed for Luckham's fine work chairing meetings over the past three years.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

It was proposed to amend the agenda to add time for a brief presentation (after item 5.) The amended agenda was then adopted by consensus.

2.2 Questions from Public on Agenda Items

Regarding the October 27, 2011 Local Trust Committee Minutes, Ken Hancock noted that Gardom Pond involved a "high-consequence" dam (see 5.1.2 below).

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of October 22, 2011 Local Trust Committee Special Meeting

With regard to page 1, item 3.1 (line 8) of the October 22 Minutes, Trustee Steeves noted that the “contractor” who began the Hooson Road re-alignment was from Salt Spring Island (not Pender). The Local Trust Committee agreed by consensus to adopt the October 22, 2011 Special Meeting Minutes.

5.1.2 Minutes of October 27, 2011 Local Trust Committee Business Meeting

The October 27, 2011 Minutes were amended at page 3, item 7.1, line 7, to change the words “high-risk dam” to “high-consequence dam”. The Local Trust Committee agreed by consensus to adopt the October 27, 2011 Business Meeting Minutes, as amended.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission/Task Force Minutes

None

Note: At this point, a cake and cookies were presented to Trustees Steeves, Trustee Masselink, and Planner Andrea Pickard, in appreciation for their hard work and very fine service over the past three years.

Trustee Steeves thanked community members for all the meaningful dialogue and support during that time, and gave credit to fellow Trustee Masselink for being a good partner in what they had accomplished together.

Trustee Masselink commented that he appreciated his term as Trustee being very quiet, people being very kind, and Trust Council being so interesting; that the North Pender acclamations (of Trustee Steeves and former Trustee Hancock) meant less recent debate, but also an indication that people were generally happy; and that he had huge respect for the great experience and hard work of Trustee Steeves, and also the calm and respectful chairing by Trustee Luckham.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the available Follow-up Action Report stating that regarding the Harbour Hill subdivision file, she intended to have some work on consolidation of the covenants ready for January or February.

Trustee Steeves said that incorporating the best of the Development Permit Areas provisions should also be part of this work, along with the groundwater study.

7. DELEGATIONS

7.1 Southern Gulf Islands Electoral Area Director

Departing CRD Director, Ken Hancock thanked the Trustees and Islands Trust Staff for all the work done in cooperation with them during his term, and said that he felt there had been an improvement in the relationship between the CRD and the Trust.

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS AND REFERRALS

9.1 NP-SUB-2008.3 (Hooson Road Realignment)

Planner Pickard reviewed the November 16, 2011 Staff Report on NP-SUB-2008.3 (Hooson Road) and commented that road re-alignment at the new intersection into this 4-lot subdivision was initially required by the Ministry of Transportation & Infrastructure (MOTI), because the curves had insufficient sight lines to meet safety standards; that since the October 22 community discussion of various options, 3 additional submissions had supported no further shift in the road, whereas 1 had supported finishing the re-alignment; that the Staff Report included drawings and a chart comparing the impacts of both options, and also potential recommendations for the Local Trust Committee to make to MOTI.

Trustee Steeves commented that he had noted at least 5 other Pender “S” curves with speed reductions to 30 km/hr (not 35), which is what could be required at the Hooson curve; that the sight lines there were already improved due to the work done (without a proper permit) by the Salt Spring contractor; that based on the foregoing factors, the community input received, and the importance of Hooson Road maintaining its character as a designated heritage road, Steeves did not support further road re-alignment there.

Trustee Masselink agreed, and also commented that community members wanted Hooson Road restored in a good way, as soon as possible; that useful realizations had come from the October 22 community meeting (e.g. about lower speed limits reducing the required sight lines); that our community would like conversations like this with Ministry of Transportation & Infrastructure staff in advance of any significant road work, as well as consideration of different standards for rural heritage roads; and that this should be confirmed in the renegotiation of the agreement between the Ministry and the Islands Trust.

Resolution NP-LTC-100-11

It was Moved and Seconded that Staff be directed to send a letter to the Ministry of Transportation & Infrastructure summarizing the North Pender Island Local Trust Committee recommendations for the road alterations on Hooson Road, including:

1. That the preferred location for the road surface is to remain in the existing location;
2. That the current location for the intersection is preferred rather than giving any consideration to impacting the abutting Agricultural Land Reserve;
3. That there is no increase in the final width of the road surface from existing, with a maximum width of 5.5 m as identified as the narrowest of Island Road Standards in the Letter of Agreement.
4. That the North Pender Island Local Trust Committee and community would support a decision of the Approving Officer to have a reduced standard for sightlines in combination with a reduced speed limit to preserve the rural character of the roadway;
5. That there is no further blasting within the road right-of-way.
6. That the final surface of the road is chip seal, or other similar surfacing of a lower standard than asphalt paving;
7. That the maximum speed limit be reduced to 30 km/hr along the portion of the roadway affected by the curves, consistent with similar locations on North Pender;
8. That signage be posted for both a lower speed limit and a curves advisory;
9. That no further existing vegetation be removed from the south side of the roadway;
10. That the preferred location for a pedestrian pathway adjacent to the roadway is the north shoulder;
11. That the pedestrian path would be a minimum width of 1 m and be of gravel surface;
12. That the community will consider the design of a “North Pender Heritage Road” information sign to propose for future installation around the island; and
13. That the Ministry of Transportation & Infrastructure Permit includes restoration of the abutting lands in the road right-of-way to a natural state with a range of native vegetation, and mitigation measures to prevent the establishment of invasive species.

CARRIED

Resolution NP-LTC-101-11

It was Moved and Seconded that Staff be directed to include reference in the Hooson Road response letter to the Ministry of Transportation & Infrastructure (MOTI) that the North Pender Island Local Trust Committee has identified a review of the North Pender Island Official Community Plan road policies and subdivision standards, and desires that MOTI be engaged in that process.

CARRIED

9.2 NP-DP-2011.8 (Ferguson)

Planner Pickard reviewed the November 14, 2011 Staff Report, and commented as follows: that NP-DP-2011.8 (Ferguson) was an application to amend a Commercial Form & Character Development Permit granted earlier this year; that the applicant was requesting changes to the dimensions of the previously-approved guest accommodation unit; and that the unit was now to be above a 2-car garage, involving less land disturbance and provided for more space between the building and the property line.

In response to a question from applicant John Ferguson about density, Trustee Steeves said that this was a separate issue, potentially to be looked at in future (e.g. at the time of the next Land Use Bylaw review).

Resolution NP-LTC-102-11

It was Moved and Seconded that the North Pender Local Trust Committee Development Permit NP-DP-2011.8 (Ferguson) be approved.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

None

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

The Local Trust Committee agreed by consensus to amend item 4. of the Top Priorities list (“LUB Amendments”) to add “review of maximum floor area for single family dwellings”, and also to add any LUB matters from the Projects list that were not yet in Priorities. There was further consensus to delete item 6 - “LUB Amendments”, from the Projects list.

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.

11.3 Bylaw Enforcement Notification Bylaw No. 188

Trustee Steeves noted that Bylaw Enforcement Coordinator, Miles Drew had made a presentation to the Executive Committee about the widespread problem of derelict dwellings, and also shoreline waterfront protection structures (i.e. seawalls). Community members were being referred to the Green Shores program, for information about effective natural ways to protect their properties, without hardening the shoreline and thereby causing damage to adjacent lands.

Trustee Masselink noted that the Green Shores approach (e.g. using sand, and vegetation) was often cheaper and better for landowners and the environment.

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

Staff were asked to delete some items from the Latest News on the website, and to add the newest Pender Post report by the Trustees.

11.7 Chair's Report

Chair Luckham was not able to be present.

11.8 Trustee Reports

Trustee Steeves commented that the newly-elected Trustees would be sworn in at the December 7, 8 and 9, Trust Council Meeting in Victoria; there would be various sessions to orient the new Trustees, including a "big picture" presentation by the Linda Adams.

He added that at another future date (to be determined), the federal government planned to make a presentation to the Islands Trust (and interested public) about tanker and spill issues.

Trustee Masselink commented that Trust Council was a fairly collaborative, collegial group, and he had really enjoyed it and learned a lot; that being a Trustee was really a full-time job, which working people with young families (like himself) could not give as much attention to as they would like; that to move forward in a good way, our community needed to have some difficult conversations involving people of different opinions (e.g. about our economy); that we needed to practice empathy in hearing each other; and that Masselink planned to keep contributing however he could, as a member of the community.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting would be in January, 2012 (date to be posted).

13. TOWN HALL MEETING

Sara Steil commented that she supported the ongoing advocacy by the Islands Trust about tanker and oil spill issues; that she was saddened about Bowen Island municipality turning down the opportunity to have a National Park there; and that she wondered about the status of the Camelot by the Sea breakwater.

Regarding Bowen Island, Ken Hancock commented that the true costs of voting to become a municipality were now being experienced.

Regarding the Camelot property, Trustee Steeves said that a variance had previously been granted to allow a particular breakwater, for protection of both the property and a First Nations midden.

Planner Pickard said that no related complaint had yet been received, but people who had concerns about any violations could make a complaint.

Ken Hancock said that Parks Canada was now providing for First Nations hunting, foraging, and people playing a larger role in the Gulf Islands National Park Reserve.

Trustee Steeves added that on South Pender, some landowners next to the canal were applying for breakwaters which were not necessarily being allowed for ecological and other reasons, but that Parks Canada was taking some steps to protect the nearby midden for heritage and archeological reasons.

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-103-11

It was Moved and Seconded, pursuant to Sections 90(1)(f) and 90(1)(g) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purposes of adopting In Camera Local Trust Committee Minutes of May 26, 2011 and September 22, 2011, and further that Islands Trust Staff and Recording Secretary, Zorah Staar remain present.

CARRIED

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

Resolution NP-LTC-104-11

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

CARRIED

15. RECALL TO ORDER

The meeting was re-opened to the public at 12:32 pm, after approval of two sets of previous In Camera minutes.

16. ADJOURNMENT

Resolution NP-LTC-105-11

It was Moved and Seconded that the meeting be adjourned at approximately 12:35 pm.

CARRIED

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RECORDER **CHAIR**

Islands Trust

RWM From: November 16, 2011 To: January 05, 2012

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2011-08	In Favour	THAT the regular meetings of the North Pender Island Local Trust Committee for 2012, be scheduled at 9:45 a.m., January 19th , February 23rd, March 22nd ,.April 26th , May 31st , June 28th , August 30th , October 25th , and November 29th .	Dec 22, 2011
2011-07	In Favour	THAT that the North Pender Island Local Trust Committee agrees to enter into a cost recovery agreement with the applicants of NP-SUB-2008.3 (Wey) to prepare, review and register a covenant related to the supply of potable water required for subdivision.	Nov 25, 2011

5.3

Islands Trust

Follow Up Action Report w/ Target Date

North Pender Island

May-27-2010

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

Nov-25-2010

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

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 requirments of the registered covenants	Andrea Pickard	Sep-22-2011	On Going

Oct-27-2011

No.	Activity	Responsibility	Target Date	Status

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

Nov-24-2011

No.	Activity	Responsibility	Target Date	Status
6	Item 5.1.1 - Minutes of Oct 22 SM- approved as circulated	Sharon Lloyd-deRosario	Jan-19-2012	Done
7	Item 5.1.2 Minutes of Oct 27 - approved as amended	Sharon Lloyd-deRosario	Jan-19-2012	Done
8	Item 9.1 Hooson Rd - staff to provide a response to MOTI with recommendations as discussed for the roadworks, and also include a reference to future review of OCP road policies and subdivision standards and wishes that MOTI staff can be engaged in the process	Andrea Pickard	Jan-19-2012	Done
9	Item 9.2 NP-DP-2011.8 (Ferguson) - permit approved as drafted	Kathy Jones	Jan-19-2012	Done
10	Item 11.1 Work Program - add maximum floor area for principal dwellings to LUB amendments list, and combine LUB amendments from project list into the top priority list	Andrea Pickard	Jan-19-2012	Done
11	Item 11.6 Webpage - remove the Aug, July and April links from Latest News	Kathy Jones	Jan-19-2012	Done
12	Item 14 In Camera Minutes - adopt as drafted	Sharon Lloyd-deRosario	Jan-19-2012	Done

Nov-25-2011

No.	Activity	Responsibility	Target Date	Status
1	(RWM) North Pender Island Local Trust Committee agrees to enter into a cost recovery agreement with the applicants of NP-SUB-2008.3 (Wey) to prepare, review and register a covenant related to the supply of potable water required for subdivision.	Nancy Roggers	Dec-02-2011	On Going

STAFF REPORT

January 3, 2012 **File No.:** NP-DVP-2011.8 (Henderson)

To: North Pender Island Local Trust Committee
For the meeting of January 19, 2012

From: Andrea Pickard, Island Planner

Re: **Development Variance Application**

Owner: Glenn and Susan Henderson
Applicant: Same as above
Location: Lot 9, Section 9, Pender Island, Cowichan District, Plan 21198
2777 Schooner Way

THE PROPOSAL:

The purpose of this application is to vary the required setbacks in the North Pender Island Land Use Bylaw 103, 1996 for the front and interior side lot lines. The objective is to legalize two existing storage sheds and allow them to remain as buildings accessory to the residential use of the property. The proposed permit would vary Clause 8.1.5(1)(a) to reduce the front lot line setback from 7.6 to 3.35 metres and Clause 8.1.5(1)(b) to reduce the interior side lot line setback from 3 to 2.64 metres.

The current owners purchased the property in 2007 with the sheds already constructed. The sheds are currently used for storage space and the owners would like to legalize them. Due to the topography the sheds are sited below the level of the roadway and the neighbouring front yard.

A draft Development Variance Permit is attached as Schedule A. Photographs from a site visit are included below.

SITE CONTEXT:

The subject property is a 0.14 ha (0.34 acre) in Magic Lake Estates on Schooner Way, similar in size to other properties in the surrounding area. The waterfront property overlooks Thieves Bay and based on GIS data it rises 22 metres from the shoreline to the roadway.

Figure 1: Site Plan

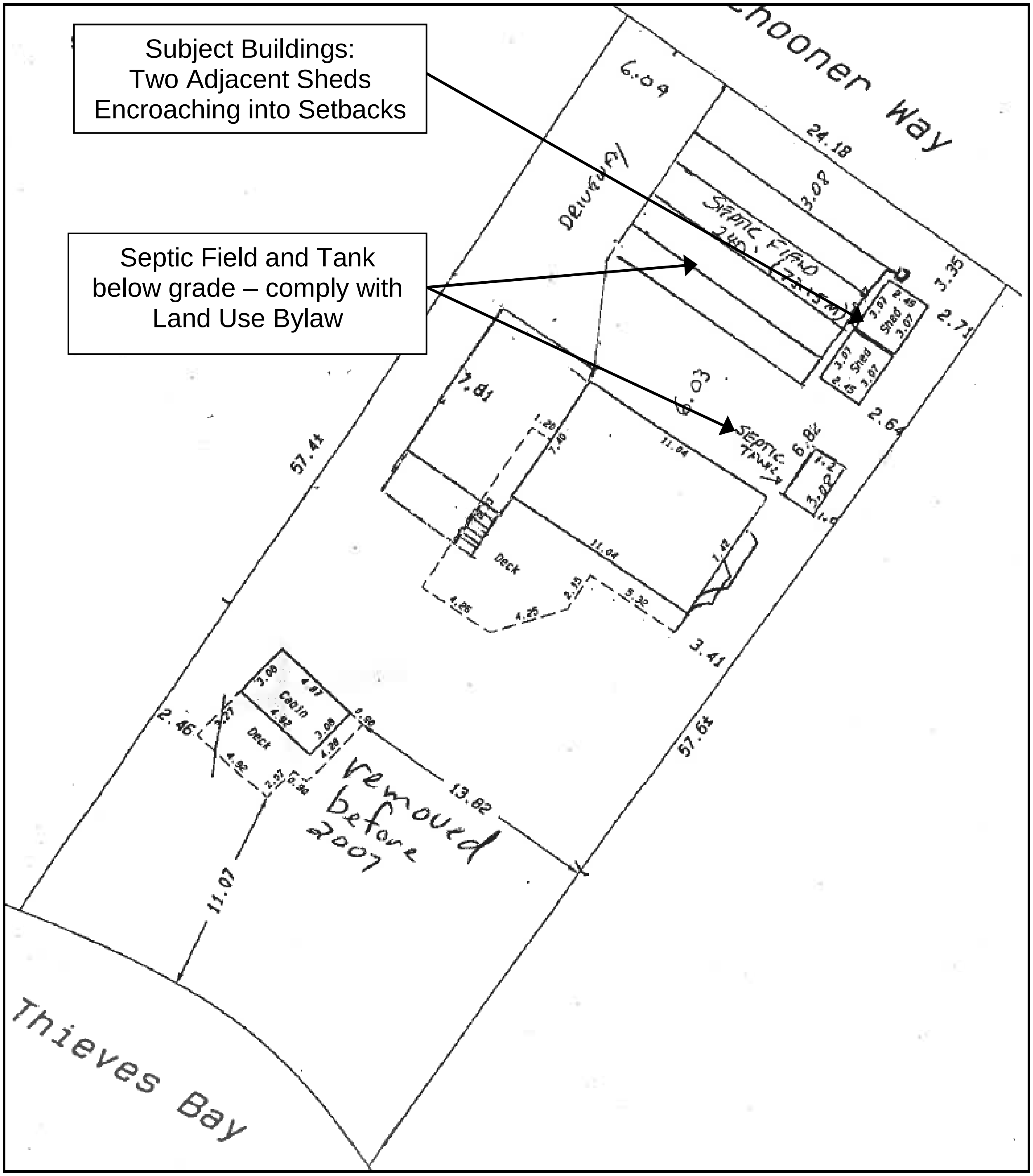


Figure 2: Subject Property

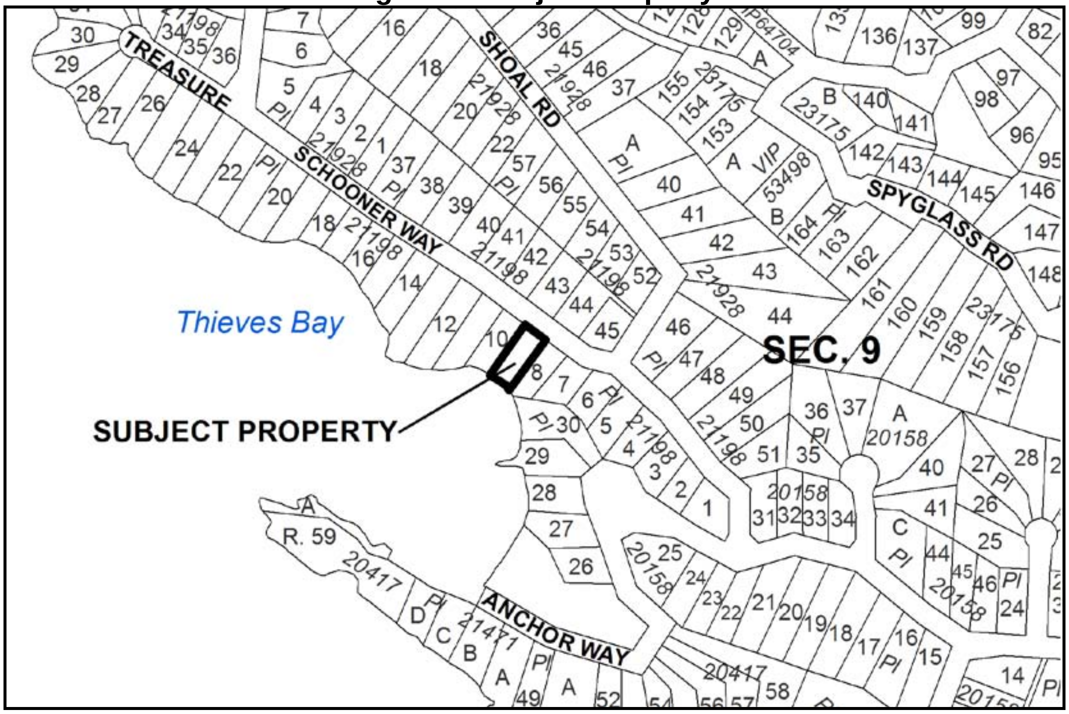
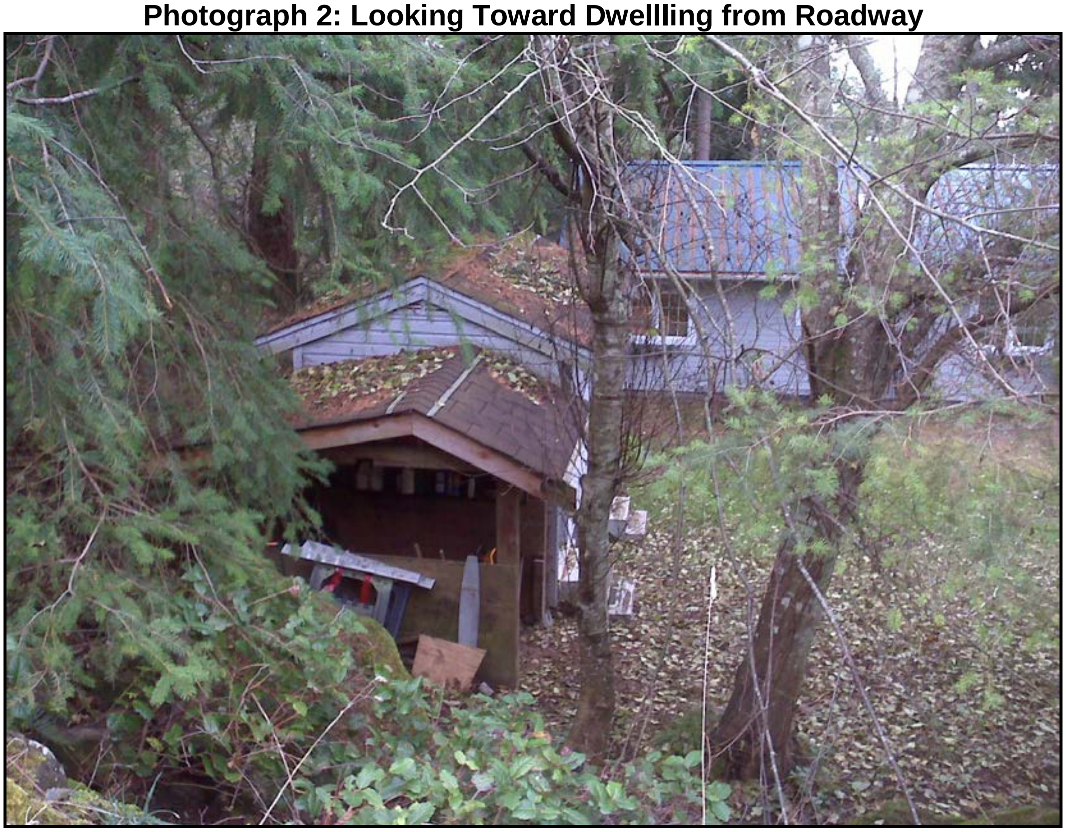


Figure 3: Subject Property with Orthophoto

Photograph 1: Looking Towards Neighbouring Property

Photograph 2: Looking Toward Dwellling from Roadway



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.

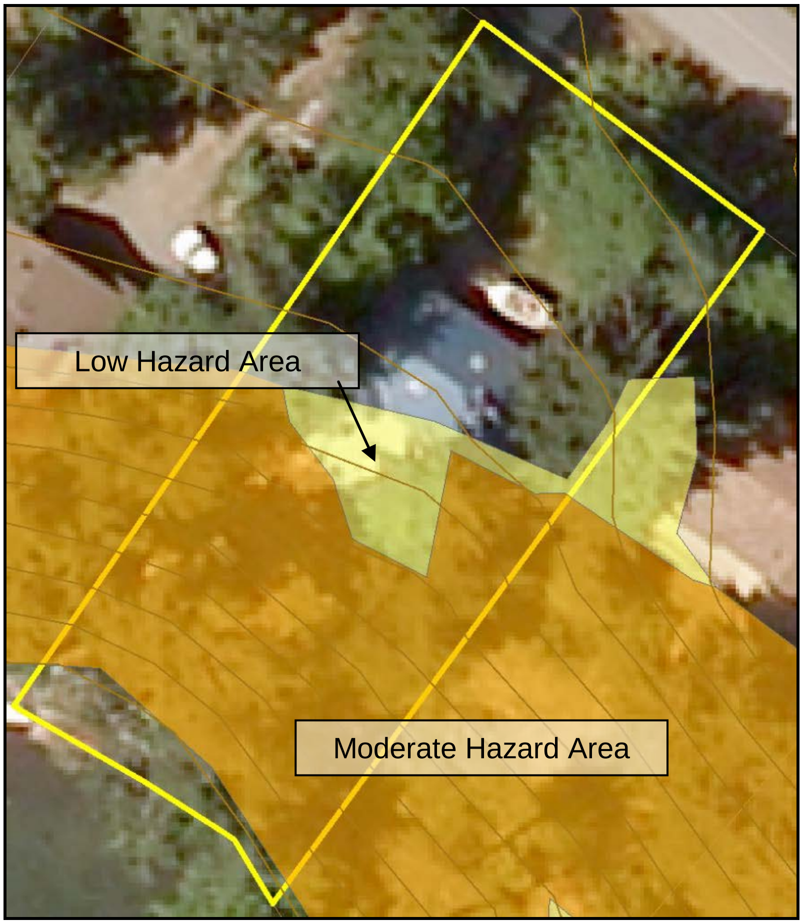
Islands Trust Fund: There are no Trust Fund Board covenants on the property.

Sensitive Ecosystems and Hazard Areas: There is a sensitive woodland ecosystem development permit area on the property; however, it is located adjacent to the shoreline and the sheds are located approximately 20 metres beyond the DPA. The adjacent marine waters are also identified as a sensitive intertidal development permit area.

The steep slope hazard mapping shows low and moderate steep slope hazard areas on the rear portion of the property toward the shoreline. The sheds are not located within the hazard area; however they are located against a fairly steep rise towards the road and neighbouring property.

Figure 4: Sensitive Woodland Development Permit Area

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



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

Covenants: There are no registered covenants on title.

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

Other: The owners have also contacted the Ministry of Transportation and Infrastructure regarding a permit for a structure within 4.5 m of the road. The Ministry has confirmed they have no objections to the variance.

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached as Schedule B. In response to the notification staff have received one phone call from a neighbour who fully supported the application. If any other comments are received they will be brought to the Local Trust Committee meeting.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. Their rationale is that when the applicant's purchased the property in 2007, the sheds were already in the current location. The owners would like to keep the sheds as they provide much needed storage space. The sheds are also obscured from view due to the topography and existing vegetation.

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. Setbacks from the roadway also ensure safe sight lines for owners accessing or exiting their property.

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 variance is required to legalize existing structures. As accessory structures the sheds are relatively small and are in keeping with the size and scale of development in the neighbourhood. The location of the sheds greatly reduces any potential impacts due to both the topography and existing vegetation as they are largely hidden from view.

The encroachment into the side lot line setback is relatively minor with the front yard encroachment of 4.25 m having more potential impact. Given the sheds are largely below the grade of the roadway the safety and aesthetic impacts are minimal.

Maintaining the sheds and the related activity in the current location may also reduce potential impacts on the more sensitive areas of the property. The rear portion of the property contains both sensitive woodland and shoreline environments; as well as, being steeper with more vulnerability to geotechnical issues.

Given the consideration noted above, staff supports this variance.

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2011.8 (Henderson) BE APPROVED.

Prepared and Submitted by:

Andrea Pickard	January 3, 2012
Andrea Pickard, Island Planner	Date

Concurred in by:

R Koj	January 3, 2012
Robert Kojima, Regional Planning Manager	Date

Schedu le A

PROPOSED

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2011.8

To: Glenn and Susan Henderson

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

   Lot 9, Section 9, Pender Island, Cowichan District, Plan 21198, PID: 000-128-279

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows to allow two existing storage sheds accessory to residential use of the property to remain:

   a) Clause 8.1.5 (1)(a) is varied to reduce the front lot line setback from 7.6 metres to 3.35 metres, and

   b) Clause 8.1.5(1)(b) is varied to reduce the interior side lot line setback from 3.0 metres to 2.64 metres.

   The location of the storage sheds shall be consistent with Schedule ‘A’ which is attached to and form part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ___ DAY OF ____ 201__.

____
Deputy Secretary, Islands Trust

____
Date of Issuance

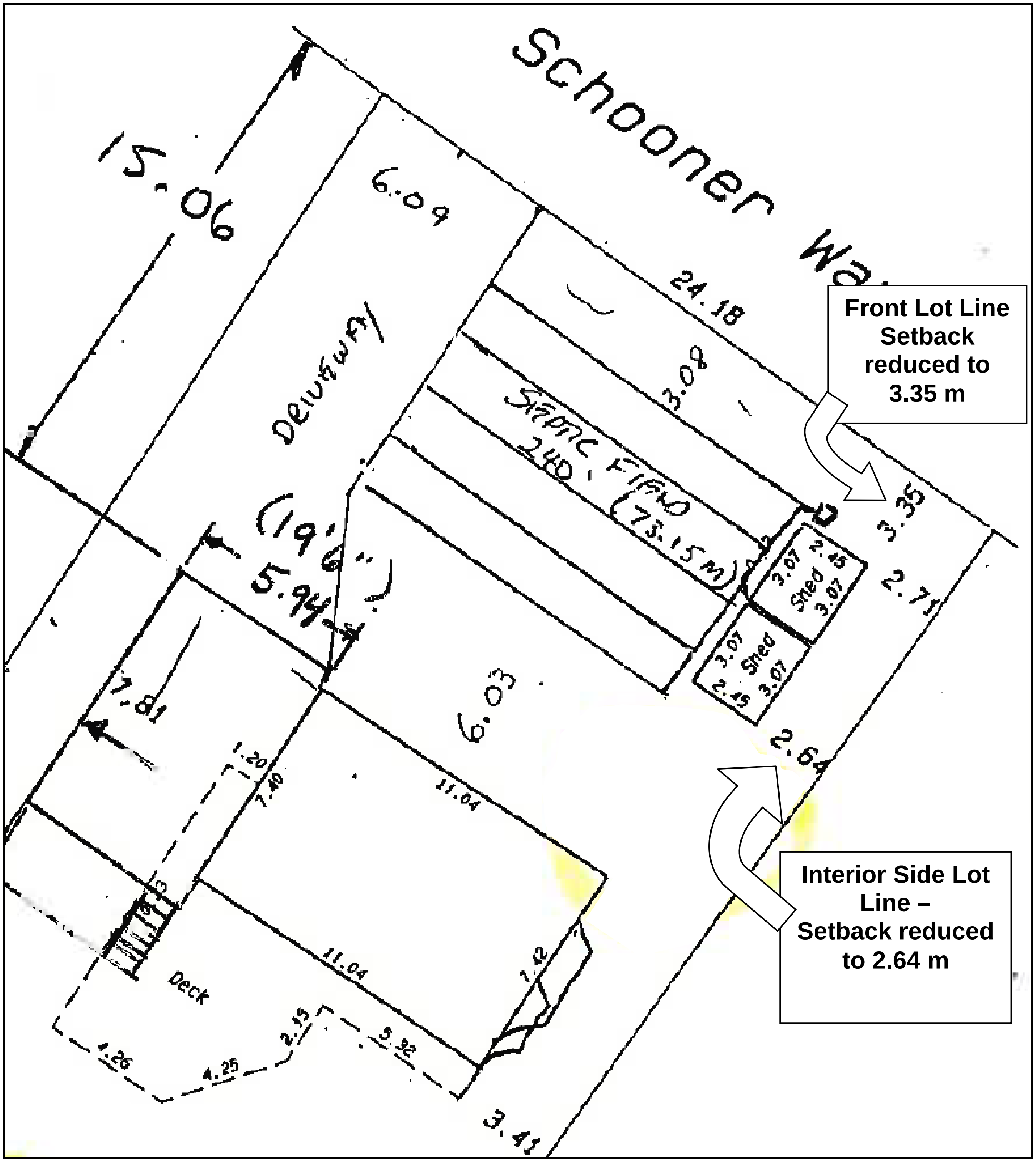
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF ___, 201__, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2011.8

SCHEDULE 'A'



Schedule B

Islands Trust

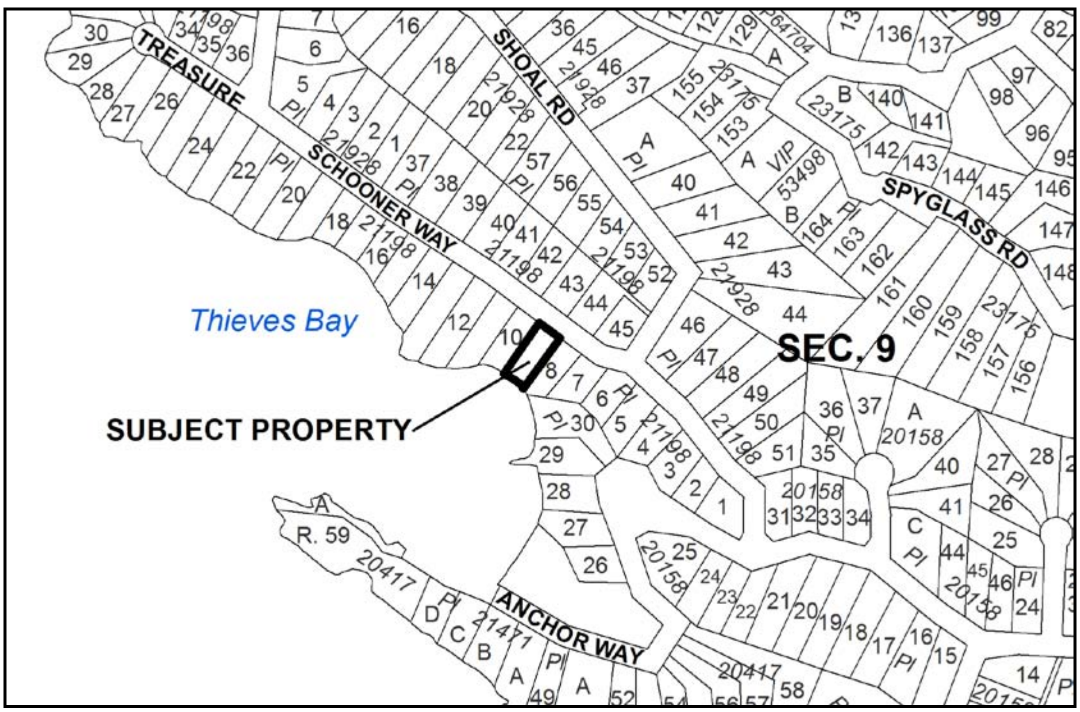
NOTICE
NP-DVP-2011.8
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The objective of the proposed permit is to allow two existing storage sheds accessory to residential use of the property to remain, and the permit would vary the North Pender Island Land Use Bylaw 103, 1996 as follows:

Clause 8.1.5(1)(a) to reduce the front lot line setback from 7.6 to 3.35 metres, and
Clause 8.1.5(1)(b) to reduce the interior side lot line setback from 3.0 to 2.64 meters.

The property is located at 2777 Schooner Way and is legally described as, Lot 9, Section 9, Pender Island, Cowichan District, Plan 21198, PID: 000-128-279.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing January 6, 2012 and continuing up to and including January 17, 2012.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing January 6, 2012. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner Andrea Pickard at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before for 4:30 pm, January 17, 2012.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 9:45 a.m., January 19, 2012 at the Pender Island Community Hall (Lounge) on North Pender Island.

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

Kathy Jones
Deputy Secretary

STAFF REPORT

January 9, 2012 **File No.:** NP-SUB-2008.3 (Wey)

To: North Pender Island Local Trust Committee
For the meeting of January 19, 2012

From: Andrea Pickard, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: **Hooson Road Subdivision**

Owner: 0734706 B.C. Ltd, Inc. No. 0734706
Applicant: Richard Wey and Associates
Location: The East ½ of the South West ¼ of Section 19, Pender Island, Cowichan District, Except Parts in Plans 6524, 7273, 14358 and 21848
Pid: 009-684-816

THE PROPOSAL:

In 2008 the Ministry of Transportation and Infrastructure issued a preliminary layout approval (PLA) for a four lot subdivision of the subject property. As a condition of final subdivision a resolution of the North Pender Island Local Trust Committee (LTC) waiving the requirement for a minimum of 10% of the lot perimeter as road frontage is required in accordance with s. 944.2 of the *Local Government Act*. The lot frontage waiver is required for proposed lots 2 and 4.

Furthermore, the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) subdivision regulations require proof of potable water for each proposed new lot. The applicants have obtained two reports from a hydrogeologist which outlines certain requirements and recommendations in order for the drilled wells to meet the Canadian Drinking Water Quality standards required in the Land Use Bylaw. Staff has worked with the applicant to prepare a covenant agreeable to both the applicant and Islands Trust to ensure adequate measures are taken by future property owners to ensure a safe supply of domestic water that meets the LUB requirments.

The purpose of this report is for the LTC to consider a resolution waiving the lot frontage requirements and delegate a signatory for the proposed covenant. The proposed covenant is attached to this report and includes the hydrodologist reports. If the LTC wishes to obtain copies of the report appendices and/or the report in a separate document, staff can forward that upon request.

SITE CONTEXT:

The subject property is located at 5442 Hooson Road. The property 19.6 ha (48.4 ac) in size which is larger than most properties in the area. Based on GIS data, the property rises

approximately 78 meters from the roadway to a ridge that bisects the property before declining southward.
The subject property is being subdivided into four lots ranging from 4.10 ha (10.1 ac) to 5.33 ha (13.2 ac) as shown below.

The realignment of Hooson Road related to the new intersection has been a topic of recent discussions between the Ministry of Transportation and Infrastructure and the community. Any further information on the roadworks are not addressed in this report and rather, will be brought forward separately from the subdivision file related to private lands.

Figure 1: Subject Property Map

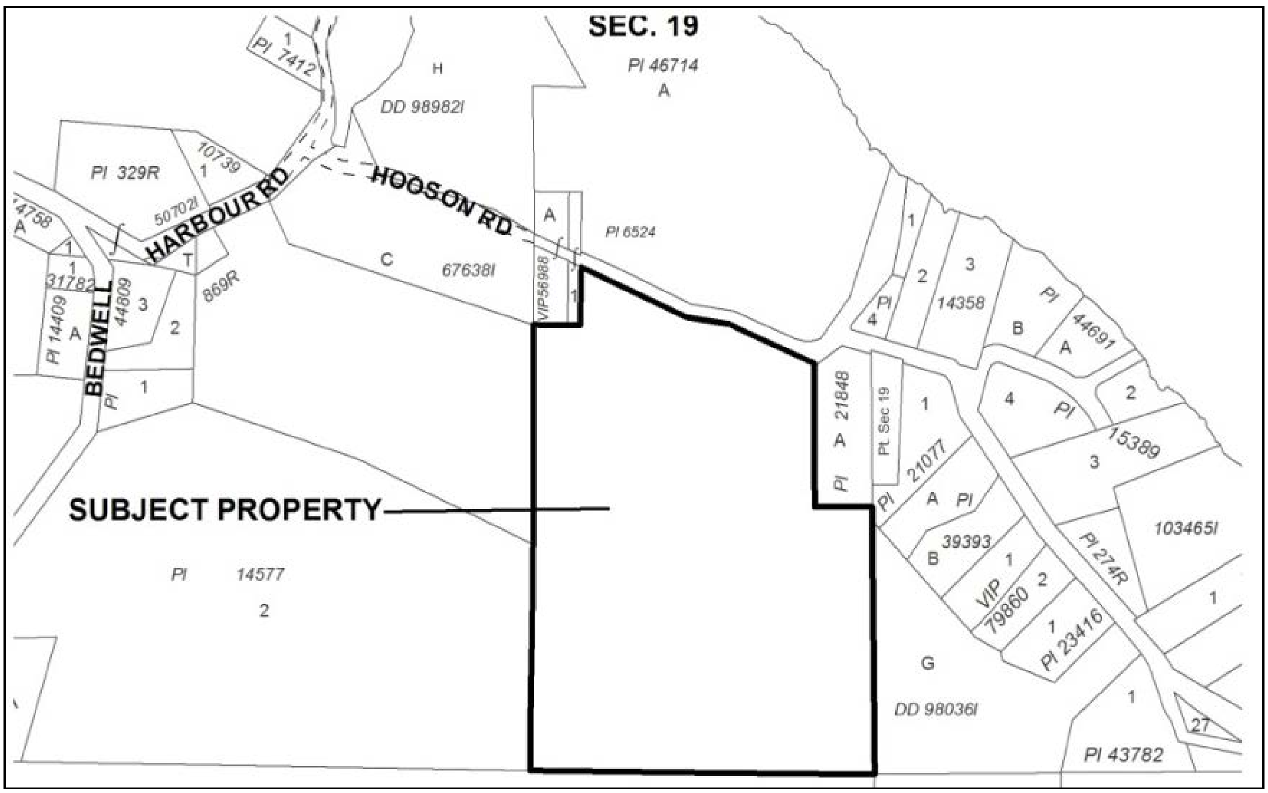
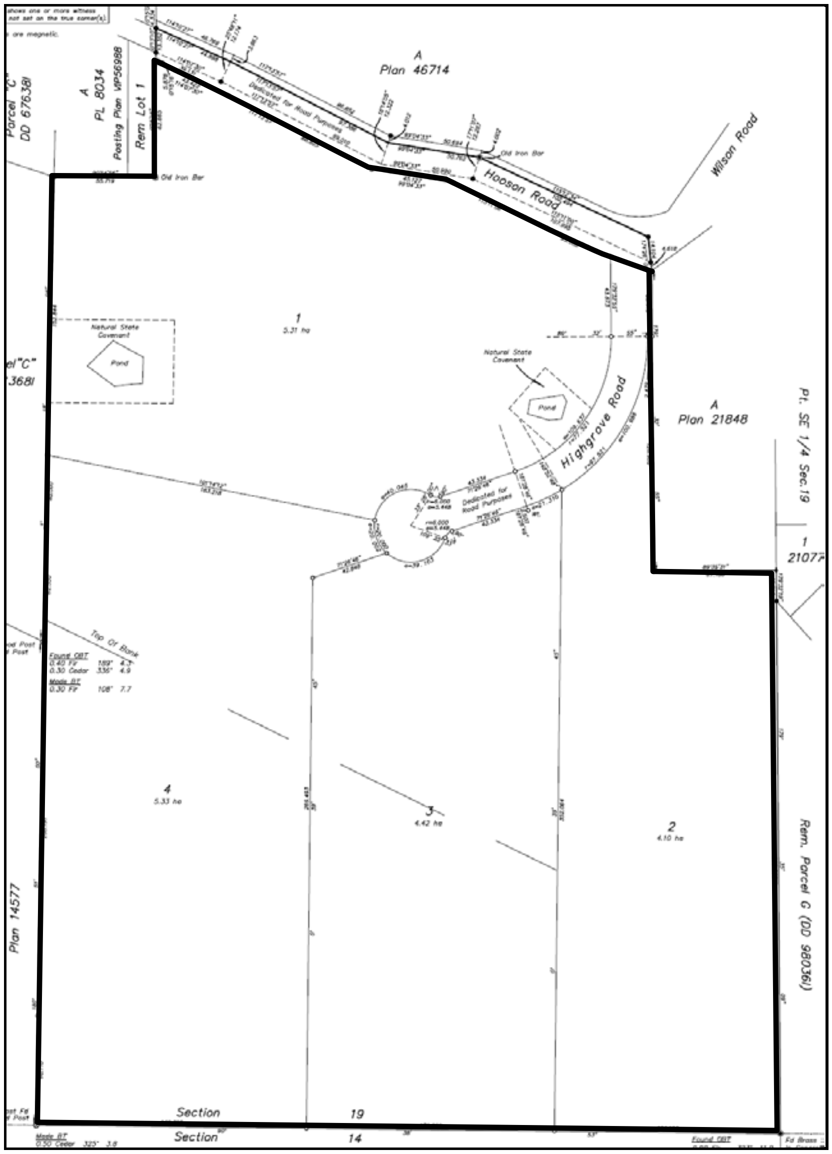


Figure 2: Subdivision Layout Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

- 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 of 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, aniticipated and seasonal demands for water are considered and allowed for.

Official Community Plan

The subject property is designated Rural and Agriculture in the OCP corresponding with the zone boundaries. There are no development permit areas applicable to the property.

Land Use Bylaw

The property is primarily zoned Rural (R) with two smaller areas of Agriculture zoning in the Northwest and Southwest portions of the property. The portions zoned Agriculture are also within the Agricultural Land Reserve.

Neighbouring properties are zoned:

- North – Rural, Agriculture and Commercial
- East – Rural Residential and Rural
- South – National Park, Rural and Agriculture
- West – Agriculture and Rural

Islands Trust Fund:

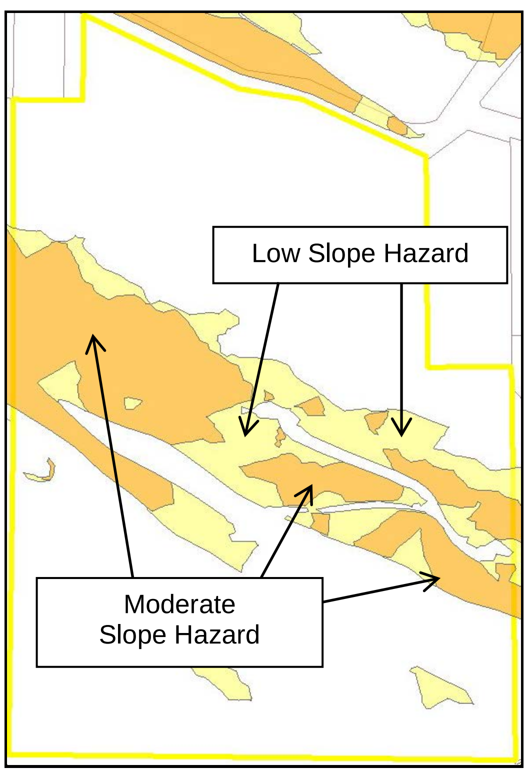
There are no Trust Fund covenants or properties in the vicinity.

Sensitive Ecosystems and Hazard Areas:

Sensitive Ecosystem mapping identifies the small fresh water area adjacent to the western boundary of the property that would correspond to the areas identified for a natural state covenant on the subdivision layout plan.

Throughout the centre portion of the property identified low and moderate steep slope hazard areas corresponding with the ridge that bisects the property.

Figure 3: Steep Slope Hazard Areas



Archaeological Sites:

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

Covenants:

There are no covenants registered on title.

Lot Frontage

Section 944 of the *Local Government Act* requires that the minimum frontage of a lot must be the greater of the minimum established by bylaw or 10% of the perimeter. This section also establishes that the local government can waive this latter requirement. With the configuration of the proposed subdivision layout a waiver for required for Lots 2 and 4. Lot 4 only has road frontage from the end of the cul-de-sac, and Lot 2 has frontage along the new road before the cul-de-sac. All proposed lots meet the 20 metre minimum road frontage required in the LUB.

STAFF COMMENTS:

Lot Frontage: There are only the four proposed lots requiring access to the new roadway, there are good sight lines along the new roadway, and there are no apparent safety issues in the reduced frontage. Proposed Lot 4 has the least amount of road frontage as it only has frontage at the cul-de-sac. If the plans had to be revised to meet the 10% requirement, it is expected that the roadway may be further extended into the property, resulting in more roadway and reducing the lot sizes. That option would potentially impact Lot 1 also, which does contain some ALR lands along the northern boundary Lot 2 could potentially meet the 10% requirement if the western lot boundary was moved further westward; however, that would potentiall impact frontage for Lot 3. Neither of these measures would result in a significantly improved layout; therefore, there are no apparent reasons to refuse the waiver.

Registered Covenant: The subdivision regulations in the LUB require any proposed lots be demonstrated to have a source of potable water that meets or exceeds the Canadian Drinking Water Guidelines for quality and quantity. The applicants have provided a report from Hodge Hydrology Consulting dated November 18, 2008 with a supplementary report dated September 23, 2011. If the proposed wells are installed and treated as recommended in the reports, then the LUB regulations requireing a source of potable water of sufficient quantity can be met.
The Reports indicate that water in the amounts required by the Land Use Bylaw is potentially available on each proposed lot; that the water does not meet the Drinking Water Protection Regulation standards for coliform bacteria, or the Guidelines for Canadian Drinking Water Quality standards for coliform and non-coliform bacteria, arsenic, sodium, iron, manganese, pH or turbidity; and that the water would meet or exceed these standards if properly treated.

It is preferred for the water treatment systems to be installed simultaneously with residential development of the property rather than as a stand only system on undeveloped land. Staff are requesting a section 219 covenant as the legal mechanism to ensure that no occupancy would be permitted until an adequate system is installed; this has the added benefit of ensuring that any future owners are aware of the hydrogologist's recommendations and the previous test data for the four proposed wells.

Therefore, staff has requested a section 219 covenant that would:

- require appropriate water treatment systems be installed,

- that prior to final occupancy permits being issued documentation is provided showing the water treatment system is effective in meeting the water quality guidelines, and
- include copies of the hydrological reports.

The applicant entered into a cost recovery agreement for preparation and registration of the covenant; staff recommend the covenant be registered as soon as possible rather than simultaneously with the final subdivision plans with a clause that if the final subdivision is not registered the covenant agreement would become null and void. This approach would not require a letter of undertaking since it will be registered by the Islands Trust legal firm prior to the final subdivision plans being submitted.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee waive the requirement to meet the minimum of 10% lot frontage for proposed Lots 2 and 4 for subdivision NP-SUB-2008.3 (Wey).

2. 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).

Prepared and Submitted by:

Andrea Pickard

January 9, 2012

Date

Concurred in by:

Robert Kojima, RPM

January 9, 2012

Date

LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

William Buholzer
YOUNG ANDERSON
1616 – 808 Nelson Street
Vancouver, BC V6Z 2H2
Phone: (604) 689-7400

Signature of Agent for Applicant

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
009-684-816	The East ½ of the South West ¼ of Section 19, Pender Island, Cowichan District, Except Parts in Plans 6524, 7273, 14358 and 21848

3. NATURE OF INTEREST:*

Description	Document Reference (page and paragraph)	Person Entitled to Interest
s.219 Covenant	Entire Instrument	Transferee
Priority Agreement	Page 10	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)	Filed Standard Charge Terms	___	D.F. No.
(b)	Express Charge Terms	X	Annexed as Part 2
(c)	Release	___	There is no Part 2 of this Instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

0734706 B.C. LTD., Inc. No. 0734706 [as to Covenant]
HSBC BANK CANADA [as to Priority]

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

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

CAPITAL REGIONAL DISTRICT, having an office at 625 Fisgard Street, Victoria, British Columbia, V8W 2S6

LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia

GENERAL INSTRUMENT-PART 1

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature	Execution Date Y M D	Party(ies) Signature
______________________________ (as to both signatures)	2012 ___ ___	**0734706 B.C. LTD** by its authorized signatory(ies): ______________________ Name: ______________________ Name:
		Transferee Signature
______________________________ (as to both signatures)	2012 ___ ___	**HSBC BANK CANADA** by its authorized signatory(ies): ______________________ Name: ______________________ Name::

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

Officer Signature	Execution Date Y M D	Party(ies) Signature(s)
____________________	2012 ___ ___	**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE** by its authorized signatory(ies):
		____________________ Mayor:
(as to all signatures)		____________________ Chief Administrative Officer:
____________________	2012 ___ ___	**CAPITAL REGIONAL DISTRICT** by its authorized signatory(ies):
		____________________ Mayor:
(as to all signatures)		____________________ Chief Administrative Officer:

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _________, ______ is

AMONG:

0734706 B.C. Ltd., Inc. No. 0734706, 50 Fitzgeorge Avenue, London W140SW United Kingdom

(the "**Owner**")

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**")

AND:

CAPITAL REGIONAL DISTRICT, having an office at 625 Fisgard Street, Victoria, British Columbia, V8W 2S6

(the "**Capital Regional District**")

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 Land, according to a plan of subdivision completed and certified correct on the 26th day of October, 2011 by Lloyd R.P. Eakins, B.C.L.S., a copy of which is attached hereto as Schedule "A", into Lots 1, 2, 3 and 4 as indicated on Schedule "A", which Lots are referred to as such in this Agreement.

B. The Local Trust Committee's Land Use Bylaw No. 103, 1996 (the "Land Use Bylaw") requires each lot created by subdivision to have a source of potable water.

C. The Land will not be connected to a community water system and instead, water will be supplied by a private well provided on each of Lots 1, 2, 3 and 4 (the "Wells").

D. The Owner has had a report dated November 18, 2008 prepared by Hodge Hydrogeology Consulting, and a supplementary report dated September 23, 2011 by the same consultant (the "Reports") copies of which are attached hereto as Schedule "B".

E. The Reports indicate that water in the amounts required by the Land Use Bylaw is potentially available on each of Lots 1, 2, 3 and 4; that the water does not meet the Drinking Water Protection Regulation (*Drinking Water Protection Act*) standards for coliform bacteria, or the Guidelines for Canadian Drinking Water Quality standards for coliform and non-coliform bacteria, arsenic, sodium, iron, manganese, pH or turbidity, all as indicated in Schedule "B"; and that the water would meet or exceed these standards if properly treated.

F. 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.

G. The Owner wishes to grant and the Local Trust Committee and the Capital Regional District 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 confirming that groundwater management and treatment methods will be implemented by the Owner and all future owners, tenants, and other occupiers of Lots 1, 2, 3 and 4 in the manner specified in the Reports.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars ($2.00) by the Local Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Restriction on Use

1. The Owner shall not use the Land including any lots into which the Land may be subdivided, nor occupy any building or structure located on the Land, for any residential or domestic purpose, nor make application for an occupancy permit for any residential or domestic occupancy unless the Owner is in full compliance with the terms of this Agreement.

Water Treatment System

2. The Owner shall, in respect of each of Lots 1, 2, 3 and 4:

   (a) install and operate in accordance with the manufacturer's and installer's instructions a water treatment system (the "Water Treatment System") which is effective to make the water from the Well on that lot potable in terms of the health and aesthetic criteria set out in the Land Use Bylaw from time to time, the Drinking Water Protection Regulation under the *Drinking Water Protection Act* and the Guidelines for Canadian Drinking Water Quality (collectively, the "Applicable Standards").

   (b) provide documentation to the Local Trust Committee and the Capital Regional District that the Water Treatment System on the lot produces water that is safe to drink and suitable for domestic purposes, and at a minimum specifically treats to the required level those water quality parameters that did not meet the Applicable Standards as identified in the Reports, as a condition to obtaining an occupancy permit for the Land.

   (c) ensure that all water pumped from the Well on the lot flows into an storage tank located on the lot with a minimum capacity of 4546 litres (1000 gallons) prior to any home distribution, and the storage tank shall be installed and operational as a condition to obtaining an occupancy permit for the Land.

   (d) ensure that the Well on the lot is equipped with a flow meter and totalizer that accurately reads the rate at which water is pumped from the Well, and pump water from the Well on the lot at rates not exceeding 0.38, 0.93, 0.43 and 0.32 Imperial gallons per minute respectively for Lots 1, 2, 3 and 4.

   (e) ensure that the water levels in the Well on the lot are monitored at least once per month to ensure that the water level does not fall below the pump. Such monitoring may be accomplished through installation of a polyvinyl chloride monitor pipe on the Well as noted in the Reports.

(f) be solely responsible for all aspects of the Water Treatment System, including its installation, monitoring and effectiveness.

3. The Owner shall, in respect of Lot 4, set the submersible pump for the Well at 180 metres or 590 feet.

4. In circumstances where the Owner in respect of any of Lots 1, 2, 3 or 4 is not the tenant or occupier of the Lot, the Owner shall ensure that the tenant or occupier is taking all reasonable measures required to ensure that the Owner's obligations under this Agreement are fully performed.

5. In the event that the Land is subdivided into parcels whose boundaries do not correspond precisely to those described in Schedule "A", references in this Agreement to Lots 1, 2, 3 and 4 shall be interpreted as references to lots created by the subdivision whose location and area approximate the location and area of Lots 1, 2, 3 and 4 shown on Schedule "A".

No Effect On Laws or Powers

6. This Agreement does not

(a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee or the Capital Regional District 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 Capital Regional District any duty of care or other legal duty of any kind to the Owner or to anyone else;

(c) oblige the Local Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Local Trust Committee;

(d) affect or limit any enactment relating to the use or subdivision of the Land;

(e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

7. 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 the covenants and obligations contained in this Agreement and 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.

Indemnity

8. The Owner hereby indemnifies and saves harmless the Local Trust Committee and the Capital Regional District, 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

9. 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

10. 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

11. 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.

12. The Owner shall be entitled to a discharge of this Agreement, upon presentation of a registrable discharge document for execution by the Local Trust Committee and the Capital Regional District, in the event that the Owner's application to subdivide the Land in the manner described in Schedule "A" has been refused in writing by the approving officer having jurisdiction and the Owner has provided a copy of the refusal letter to the Local Trust Committee and the Capital Regional District, or the Owner has

withdrawn the application and the approving officer has confirmed the withdrawal in writing to the Local Trust Committee and the Capital Regional District.

Waiver

13. 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 of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

14. 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

15. 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

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

Further Acts

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

Deed and Contract

18. 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

19. 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 (the “Subsequent Chargeholder”) a Section 219 Covenant which is registered against the title to the Land under number ________________________ (the “Subsequent Charge”); and

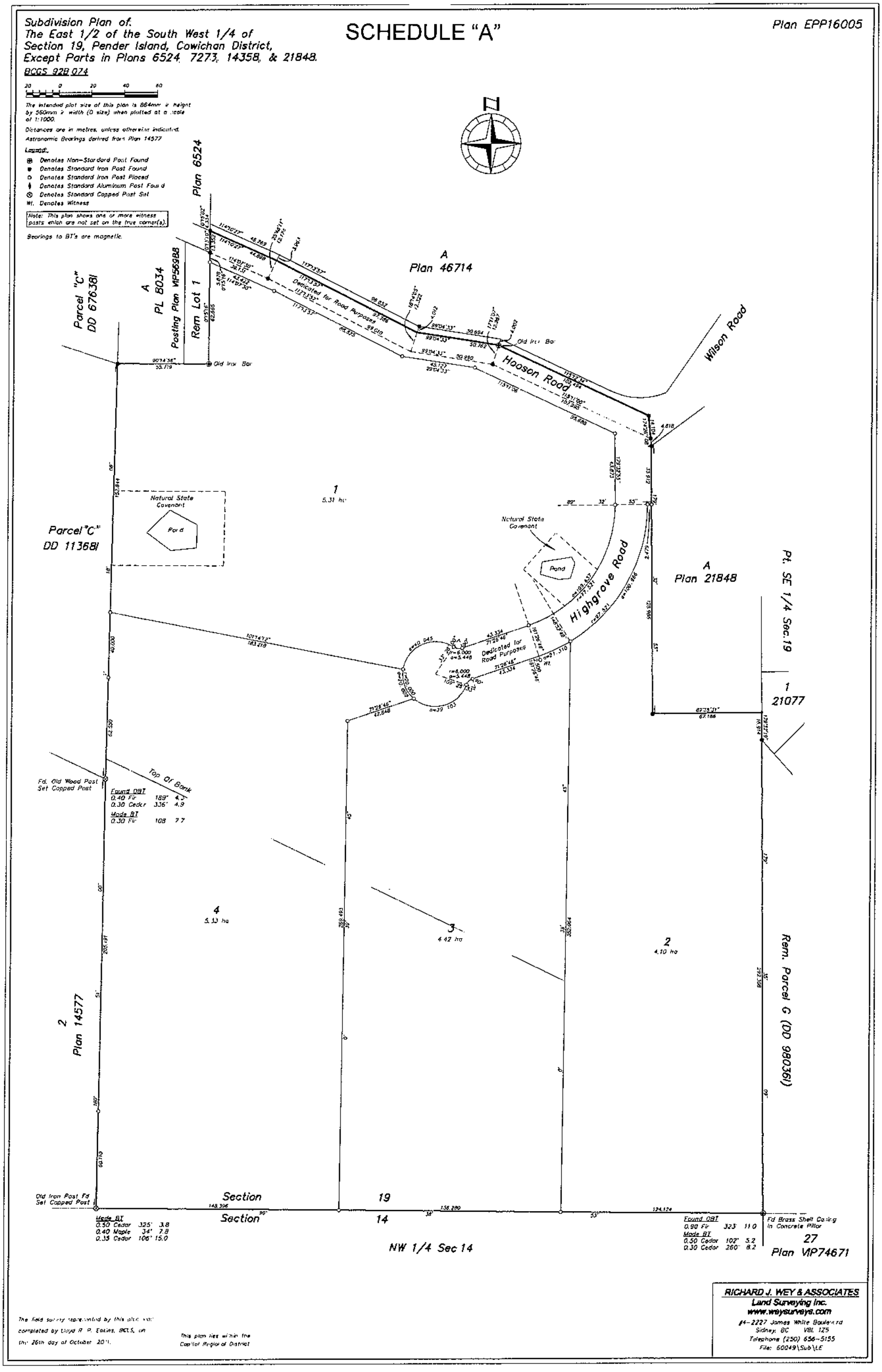
D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

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.



Subdivision Plan of
The East 1/2 of the South West 1/4 of
Section 19, Pender Island, Cowichan District,
Except Parts in Plans 6524, 7273, 14358, & 21848.
BCGS 92B.074
SCHEDULE "A"
Plan EPP16005
Distances are in metres, unless otherwise indicated.
Astronomic Bearings derived from Plan 14577
Legend:
Denotes Non-Standard Post Found
Denotes Standard Iron Post Found
Denotes Standard Iron Post Placed
Denotes Standard Aluminum Post Found
Denotes Standard Capped Post Set
Wt. Denotes Witness
Note: This plan shows one or more witness posts which are not set on the true corner(s).
Bearings to BT's are magnetic.
Plan 6524
A
Plan 46714
Parcel "C" DD 67638I
A PL 8034
Posting Plan VIP56988
Rem Lot 1
Dedicated for Road Purposes
Hooson Road
Wilson Road
Old Iron Bar
Natural State Covenant
Pond
Parcel "C" DD 11368I
1
5.31 ha
Highgrove Road
A
Plan 21848
Pt. SE 1/4 Sec.19
1
21077
Top Of Bank
Fd. Old Wood Post Set Capped Post
4
5.33 ha
3
4.42 ha
2
4.10 ha
2
Plan 14577
Rem. Parcel G (DD 98036I)
Old Iron Post Fd Set Capped Post
Section 19
Section 14
NW 1/4 Sec 14
Fd Brass Shell Casing in Concrete Pillar
27
Plan VIP74671
RICHARD J. WEY & ASSOCIATES
Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 60049\Sub\LE
This plan lies within the Capital Regional District

SCHEDULE "B"

HODGE HYDROGEOLOGY CONSULTING
1-10121 Fifth Street, Sidney, BC, V8L-2X8 Telephone (250) 656-6022

Date: September 23, 2011
File: 11-040

Dave Wolstenholme
346 East 8th Street
North Vancouver, BC
V8L-2X8

Testing of Deepened Well on Lot 4 - Hooson Road on east ½ of the SW ¼ of District Lot 964811, North Pender Island, BC

On September 14, 2011, Wellmaster Pumps and Water Systems Ltd tested the deepened well on Lot 4. Bill Hodge of Hodge Hydrogeology Consulting (HHC) was on site September 13th to supervise installation of the test pump and on September 14th to collect, prepare and take water samples to MB Laboratories Ltd. in Sidney, BC

As recommended by Hodge (2008), the subject well was deepened to 183 m or 600 ft from the original well depth of 103 6 m or 340 ft. The deepened well record has been shown in Appendix A.

The purpose of this well test was to determine if the subject well would now provide a quantity of water not less than 2275 litres per day (0 35 Igpm) as required by Islands Trust

The deepened well on Lot 4 should now meet this criteria because of the following and providing the following steps are taken:

- The constant rate pumping test was carried out at a near ideal time of year (September).
- The constant rate pumping test was successfully carried out for 12 hours
- The dedicated submersible pump is to be set at 180 m or 590 feet.
- It is apparent that by deepening the well at least one additional small water-bearing fracture was encountered
- Less than 60 percent (58 percent) of available drawdown at the time of testing was utilized during the pumping test.
- A storage tank is provided prior to home distribution A 4546 litre (1000 gallon) minimum size is recommended
- The groundwater is less turbid than in October, 2008.

This letter report also presents laboratory certificates from MB Laboratories Ltd. The groundwater does not meet the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act for *total non-coliform bacteria. As total non-coliform bacteria exceeds 200 CFU/100 and is 268 CFU / 100 ml the subject well may require treatment (Section 6 and 7).*

Iron and manganese were also elevated at the time of sampling and do not meet the Guidelines for Canadian Drinking Water Quality and the BC Health Act. Iron and manganese are generally aesthetic and may reduce with extended pumping. Groundwater with a high concentration of iron and manganese may, however, cause the staining of plumbing fixtures or laundry (Section 6 and 7).

Turbidity was also noted at the time of sampling. Elevated turbidity is usually associated with *newer* wells and the groundwater may clear up with increased pumping.

All other parameters tested comply with the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act at the time of sampling (September 14). The subject well was tested for 37 parameters

2. BACKGROUND INFORMATION

The 152 mm (6-inch) diameter well was initially constructed to a depth of 103.6 m or 340 ft on Lot 4 by D.A. Smithson and Sons of Victoria, BC on September 22, 2008. As requested by HHC, the subject well was deepened to a depth of 182.9 m or 600 ft by Tri-K Drilling Ltd. in June 2010 Ltd, Victoria, BC.

The subject well was initially tested by Wellmaster Pumps and Water Systems Ltd in October, 2008. Test results indicated the subject well would not sustain 2275 Litres per day (0.35 Igpm) as required by Islands Trust (Hodge, 2008).

3. PUMPING TEST DISCUSSION

The pumping test of the deepened well on Lot 4 was carried out on September 14^{th}, 2011 by Wellmaster Pumps and Water Systems Ltd. All drawdown and recovery measurements have been shown in Appendix B. A submersible test pump was utilized to test the subject well. Water level measurements were taken at specific intervals using an electric well sounder with stainless steel probe. A 1-inch diameter pvc pipe was also installed in the subject well to monitor pumping water levels. Groundwater was discharged 60 m (196.8 ft) west and downslope of the subject well. The pumping rate was measured at least every 2 hours.

The subject well had an available drawdown at the time of testing of 161.48 m (529.79 ft) and a theoretical specific capacity of 0.00022 L/s/m (0.00087 Igpm/ft). The long-term estimated well capacity for the well on Lot 4 would be 0.024 L/s (0.32 Igpm). This calculation does not take water quality into consideration.

For example Q (yield) = Available drawdown at the time of testing x long-term specific capacity x 70 percent safety factor

*Q (yield) = 529.79 x 0.00087 x 0.70 = <u>*0.32 Igpm or 0.024 L/s</u>

Available drawdown has been determined as the distance *between* the static water level of 6.159 m (20.21 ft) at the time of testing and the *test pump setting* at 167.64 m (550.0 ft).

At this time of year (September) a 70 percent safety factor is applied to the test data.

*If however, the dedicated pump is set at 180 m or 590 ft, the subject well should meet the Islands Trust Subdivision Requirements of **2275 L/d or 0.35 Igpm**

As the lot is zoned for one residence and is required to have a proven source of water of not less than 2275 L/d or 0.35 Igpm, the deepened well on Lot 4 should meet this criteria (Islands Trust Subdivision Requirements).

Although water level recovery after pumping was slow, the time of year (September) must be considered. The recovery plot also suggests that complete recovery should occur in time, especially since the subject well will be pumped at less than the test rate

4. INTERFERENCE DRAWDOWN

Based on the pumping rate and pumping duration, pumping interference drawdown between wells is considered negligible. Pumping interference was measured in nearby drilled wells by Wellmaster Pumps and Water Systems Ltd using an electric well sounder with stainless steel probe. Water levels were measured once every three hours

Interference drawdown of 4.982 m or 16.34 ft was measured in the drilled well (WIN 30801) approximately 13.0 m or 42.6 ft southeast of the subject well. This drilled well is however quite close to the subject well and will not be utilized for a water supply. Interference drawdown of 0.003 m or 0.010 ft was measured in the drilled well located on Lot 2 (WIN 26591). This amount of interference drawdown is considered negligible.

5. WATER QUALITY DISCUSSION

Hydrogen sulphide odour was not detected during testing of the subject well and the water was odour free during the entire pumping test. Near the end of testing, water samples were collected and taken by Bill Hodge of Hodge Hydrogeology Consulting to MB Laboratories Ltd. in Sidney, BC for limited metals and bacteriological analyses. The Laboratory analyses has been shown in Appendix C. Periodic specific conductivity (michromos/cm) using a Beckman Conductivity meter was taken in the field by Bill Hodge. Groundwater temperature was also taken. Results have been shown on the drawdown data in Appendix B.

This letter report also presents laboratory certificates from MB Laboratories Ltd. The groundwater does not meet the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act for *total non-coliform bacteria. As total non-coliform bacteria exceeds 200 CFU/100 and is 268 CFU / 100 ml the subject well may require treatment*

Iron and manganese were elevated at the time of sampling (September 14) and do not meet the Guidelines for Canadian Drinking Water Quality and BC Health Act. Iron and manganese are generally aesthetic and may reduce with extended pumping. Groundwater with a high concentration of iron and manganese may, however, cause the staining of plumbing fixtures or laundry. The subject well may therefore require treatment (Section 6, 7).

Excellent treatment methods are available. Fact sheets from the Well Stewardship Information Series on total and fecal coliform bacteria and Iron and Manganese in groundwater have been shown in Appendix C and discuss the various treatment methods that are available.

Elevated turbidity is usually associated with *newer* wells and the groundwater may clear up with increased pumping

6. CONCLUSIONS AND RECOMMENDATIONS

- The subject well is 152 mm (6-inch) diameter. The well was initially completed in September 2008 to a depth of 103.6 m or 340 ft by D.A. Smithson and Sons Ltd. The subject well was deepened to a depth of 182.9 m or 600 ft by Tri-K Drilling Ltd. On both occasions the air-rotary method of drilling was carried out. The subject well is completed in fractured bedrock (sedimentary shale and / or sandstone). The bedrock geology is further described as the Upper Cretaceous, Nanaimo Group (Northumberland or De Courcy Formations).

- ***As the lot is zoned for one residence and is required to have a proven source of water of not less than 2275 L/d or 0.35 Igpm, the deepened well on Lot 4 should now meet this criteria (Islands Trust Subdivision Requirements).***

- Although water level recovery after pumping was slow, the time of year (September) must be considered. The recovery plot also suggests that complete recovery should occur especially since the subject well will be pumped at less than the test rate.

- As a precaution, it is recommended that the *water levels* in the subject well be monitored regularly (i.e. once or twice per month) to ensure that any induced or regional decline in water level does not result in the drawdown in the subject well falling below the level of the pump. Small diameter (2.54 cm or 1.0 in) pvc pipes are inexpensive and can easily be installed in the well in order to safely and effectively monitor water levels.

- Because the subject well is considered *low capacity*, water must be pumped to a storage tank prior to home distribution to allow the water level in the well to recover between pumping periods. A 4546 litre (1000 gallon) miniumum size is recommended.

- The subject well should be equipped with a flow meter with a totalizer.

- Rainwater catchment from rooftops for fire protection is highly recommended

- This letter report also presents laboratory certificates from MB Laboratories Ltd. The groundwater does not meet the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act for *total non-coliform bacteria. As total non-coliform bacteria exceeds 200 CFU/100 and is 268 CFU / 100 ml the subject well may require treatment.*

- *Iron and manganese were elevated at the time of sampling (September 14) and do not meet the Guidelines for Canadian Drinking Water Quality and BC Health Act. Iron and manganese are generally aesthetic and may reduce with extended pumping. Groundwater with a high concentration of iron and manganese may, however, cause the staining of plumbing fixtures or laundry. The subject well may therefore require treatment.*

- Excellent treatment methods are available. Fact sheets from the Well Stewardship Information Series on total and fecal coliform bacteria and Iron and Manganese in groundwater have been shown in Appendix C and discuss the various treatment methods that are available.

- Turbidity was noted at the time of sampling. Elevated turbidity is usually associated with *newer* wells and may clear up with increased pumping.

- All other parameters tested comply with the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act at the time of sampling (September 14, 2011). The subject well was tested for 37 parameters

- Water quality should be monitored for bacteriological analyses at least once a year, preferably during the late summer or early fall when aquifer recharge would be minimal. As the well may be *idle* for a considerable time, the well must be sampled for chemical and bacteriological analyses immediately prior to home distribution

7. REFERENCES

Hodge, W.S , 2008. Letter Report entitled *Testing of Drilled Wells on Lots 1,2, 3 and 4 off Hoosen Road on east ½ of the SW ¼ of District Lot 964811, North Pender Island,* BC Report pepared by W.S. Hodge for Chris Waters. File 08-054.

8. CLOSURE

This report has been prepared in accordance with generally accepted groundwater engineering practices. The opinions expressed herein are considered valid at the time of writing. Changes in site conditions can occur, however, whether due to natural events (i.e earthquakes or global warming) or to human activities on these or adjacent properties (i.e blasting or recharge area modification) which can in turn impact well capacity and water quality. In addition, changes in regulations, and standards may occur, whether they result from legislation or the broadening of knowledge. This report is therefore subject to review and revision as changed conditions are identified. In formulating our analyses, conclusions and recommendations, we have relied on information supplied by others; well drilling contractors, pumping test contractors and a certified water testing laboratory. The information provided by ohers is believed to be accurate, but cannot be guaranteed by Hodge Hydrogeology Consulting (HHC). HHC was not involved with the location of the subject well.

Furthermore, if the recommendations in this report are not implemented, Hodge Hydrogeology Consulting assumes no responsibility for any adverse consequences that may result

Yours sincerely,

W.S. Hodge

PROFESSIONAL
PROVINCE OF
W.S. HODGE
BRITISH COLUMBIA
GEOSCIENTIST

W.S. Hodge, P. Geo.
HODGE HYDROGEOLOGY CONSULTING

HODGE HYDROGEOLOGY CONSULTING
4132 St Catherine Road, Cobble Hill, BC, V0R-1L0 Telephone: (250) 743-6024

Date: November 18, 2008
File: 08-054

Chris Waters
c/o WatersCM Holdings Ltd.
205-5704 Balsam Street
Vancouver, BC
V8M 4B9

Testing of Drilled Wells on Lots 1, 2, 3 and 4 off Hooson Road on east ½ of the SW ¼ of District Lot 964811, North Pender Island, BC

Between October 10th and November 5th, 2008, Wellmaster Pumps and Water Systems Ltd. completed testing of the four drilled wells on the property described as above. The purpose of the well tests was to determine if the subject wells would each provide a quantity of water not less than 2275 litres per day (0.35 Igpm). Wells on Lots 1, 2 and 3 *should meet this criteria*.

The well on Lot 4 does not meet this criteria. It is recommended that this well be deepened to a depth of approximately 183 m (600 ft) in an effort to increase the capacity. Once this well has been deepened, it should be re-tested and re-sampled. The well on Lot 3 is also considered *borderline* but with careful management, should provide a quantity of water not less than 2275 litres per day (0.35 Igpm). Figure 1 shows the approximate location of each well.

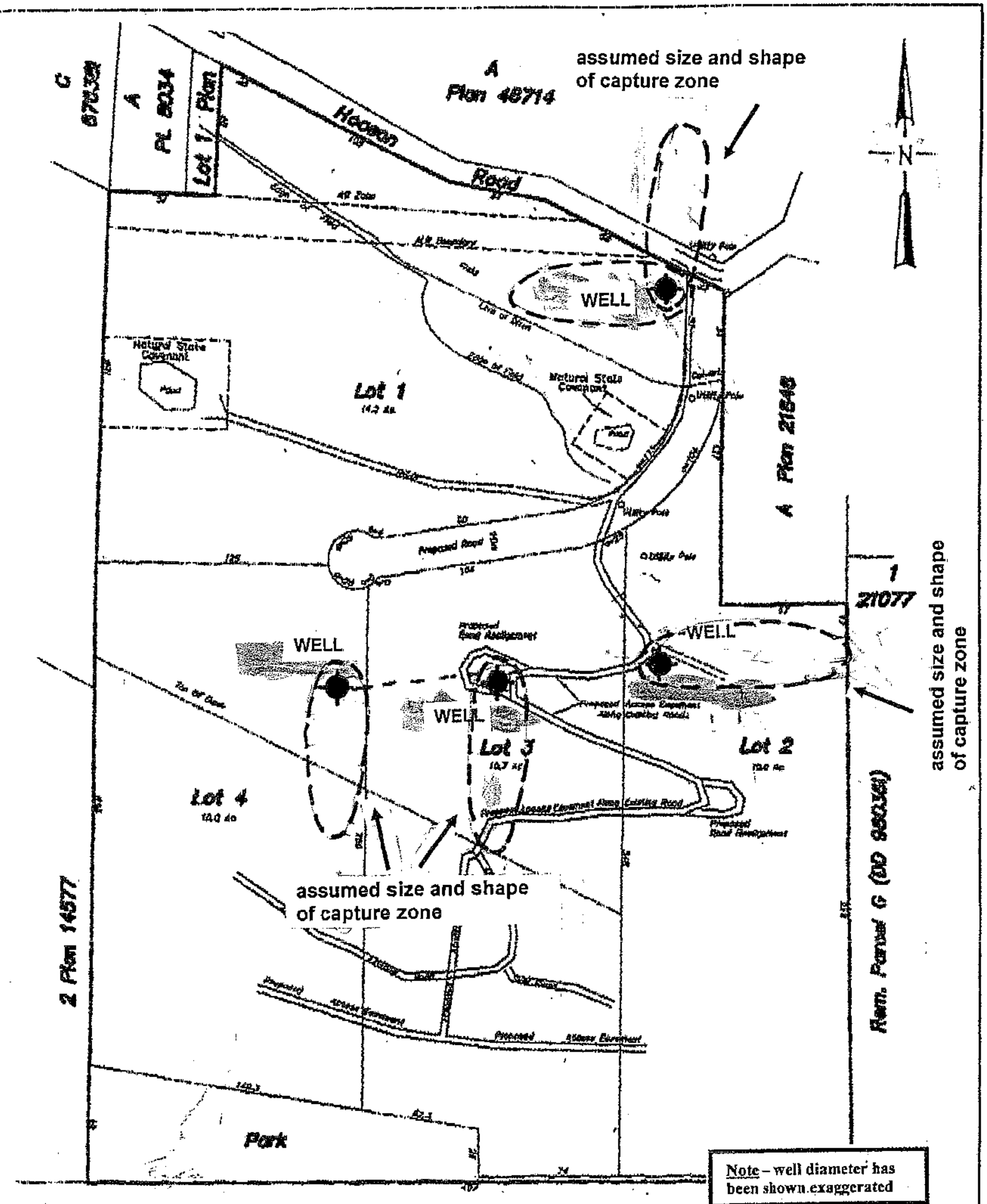
This letter report also presents laboratory certificates from MB Laboratories Ltd. The groundwater does not meet the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act for *total coliform, fecal coliform and arsenic (well on Lot 4), non-coliform bacteria (wells on Lots 3 and 4), turbidity (all wells), sodium (well on Lot 1), pH (wells on Lots 1 and 4), iron and manganese (all wells)*. These parameters and recommended treatment methods have been discussed in detail in Section 6.

All other parameters tested comply with the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act. The subject wells were each tested for approximately 46 parameters.

1. CLIMATE AND VEGETATION

The climate of North Pender Island is characterized by cool dry summers and humid mild winters. The average annual precipitation (rainfall) for North Pender Island is 791 mm or 31.1 inches (Atmospheric Environment Service, 1982). July, August, and September are the warmest and driest months while the average air temperature between July and September is 17°C. Less than 5 percent of the mean annual precipitation occurs during July and August. The wettest period on North Pender Island is between October and April when 80-85 percent of the annual precipitation occurs.

North Pender Island is forested primarily with second growth coast Douglas fir, Garry oak, western red cedar, red alder, big leaf maple and black cottonwood. The subject property has been cleared but some 2nd growth red cedar trees with occasional old fir, alder and maple trees remain. The subject property is steeply sloping in some areas.



(after Richard J. Wey
and Associates – Land
Surveying Inc.)

NW 1/4 Sec.14

LOCATION MAP

TO ACCOMPANY REPORT ON

Testing of Drilled Wells on Lots 1, 2, 3 and 4 off Hooson Road on east ½ of the SW ¼ of District Lot 964811, North Pender Island, BC

HODGE HYDROGEOLOGY CONSULTING	File: 08-054	Sept 30, 2008
	Scale: NTS	Figure 1

2. WELL CONSTRUCTION

The 152 mm (6-inch) diameter wells were constructed on the subject property between September 12th and September 22nd, 2008 by D.A. Smithson and Sons Ltd, Victoria, BC using the air-rotary method of drilling (Table 1). Well records have been shown in Appendix A.

Table 1 – Well Construction Details

Well and ID Plate No.	Well Depth (ft) / Yield Estimate (Igpm)	Water Well Driller	Date Drilled (m/d/yr)	Bedrock Type	Major wb fracture location (ft)	Comments (based on pumping test results)
1 - 26589	440 / 0.60	D.A. Smithson and Sons Ltd.	9/12/2008	Sedimentary (sandstone and / or shale)	55, 60, 375	Acceptable
2 - 26590	340 / 1.0	D.A. Smithson and Sons Ltd.	9/16/2008	Sedimentary (sandstone and / or shale)	35, 260	Acceptable
3 - 26591	340 / 0.60	D.A. Smithson and Sons Ltd.	9/18/2008	Sedimentary (sandstone and / or shale)	55, 145	*Acceptable but borderline capacity
4 - 26546	340 / 0.60	D.A. Smithson and Sons Ltd.	9/22/2008	Sedimentary (sandstone and / or shale)	36	Deepen well to approx. 600 ft in an effort to increase capacity

3. PUMPING TEST DISCUSSION

Pumping tests were carried out between October 10th and November 5th by Wellmaster Pumps and Water Systems Ltd (Table 2). All drawdown and recovery measurements have been shown in Appendix B. Submersible test pumps were utilized to test each well. Water level measurements were taken at specific intervals using an electric well sounder with stainless steel probe. A ¾ diameter pvc pipe was also installed in each well to monitor pumping water levels.

Table 2 – Pumping Test Details

Well / ID Plate No.	Date Drilled (m/d/yr)	Pumping Test (m/d/yr)	Pumping rate (Igpm)	Major wb fracture location (ft)	Start water level (m)	End water level (m)	Available Drawdown (m)	Estimated 100 day drawdown (m)	Estimated Long-term well yield (Igpm)
1 - 26589	9/12/2008	11/3/2008	1.0	55, 60, 375	1.110	22.022	113.19	47.00	*0.50
2 - 26590	9/16/2008	11/5/2008	1.0-1.5	35, 260	5.375	7.225	5.294	4.70	0.93
3 - 26591	9/18/2008	11/4/2008	1.0	55, 145	3.950	10.574	40.246	65.00	0.43
4 - 26546	9/22/2008	10/10/2008	1.5	36	4.505	91.295	6.468	500.00	0.13

As shown in Table 2, well 1 on Lot 1 had an available drawdown at the time of testing of 113.19 m (371.36 ft) and a theoretical specific capacity of 0.0016 L/s/m (0.0065 Igpm/ft) after 100 days of continuous pumping. The long-term estimated well capacity for well 1 would be 0.13 L/s (1.69 Igpm). This calculation does not take water quality into consideration. *This well should not be pumped at greater than 0.038 L/s or 0.50 Igpm. Note Sections 6 and 7.

For example Q (yield) = Available drawdown at the time of testing x long-term specific capacity x 70 percent safety factor.

Q (yield) = 371 36 x 0 0065 x 0 70 = 1.69 Igpm or 0.13 L/s

Available drawdown has been determined as the distance *between* the static water level of 1.110 m (3.64 ft) at the time of testing and the *main* water-bearing fracture located at approximately 114.30 m (375.0 ft).

At this time of year (late October / early November) a 70 percent safety factor is applied to the test data.

The estimated long-term well yields for wells on Lots 2, 3, and 4 as shown in Table 2 have been determined in the same manner as above.

As the lots are zoned for one residence each and are required to each have a proven source of water of not less than 2275 L/day or 0.35 Igpm, wells on Lots 1,2 and 3 should meet this criteria (North Pender Island Subdivision Requirements).

Water level recovery is very important and was acceptable for wells on Lot 1 (84.8 percent complete in 3 hours), Lot 2 (100 percent complete in 3 hours), and Lot 3 (65.2 percent complete in 3 hours). Water level recovery was not acceptable for the well on Lot 4 (20.2 percent complete in 3 hours)

Aquifer dewatering was evident for the well on Lot 4 and is likely evidence of the bedrock aquifer being of limited extent. Some aquifer dewatering is also evident for the well on Lot 3 and although this well meets the criteria of 2275 L/day (0.35 Igpm), this well must be carefully managed (note Section 7).

4. INTERFERENCE DRAWDOWN

As shown in Table 3, based on the pumping rates and pumping duration, pumping interference drawdown between wells is considered negligible. During the independent testing of each well, pumping interference was routinely measured in the other 3 wells once every 3 hours by Wellmaster Pumps and Water Systems Ltd. Pumping interference was measured using an electric well sounder with stainless steel probe.

Table 3 – Interference Drawdown

Well and ID Plate No.	Pumping Test m/d/yr	Pumping Duration	Pumping rate (Igpm)	Observation Well	Observation Well	Observation Well	Comments
1 - 26589	11/3/2008	12 hours	1.0	Well on Lot 2 = 0	Well on Lot 3 = 0	Well on Lot 4 = 0	Intermittent and light rain during pumping test
2 - 26590	11/5/2008	12 hours	1.0-1.5	Well on Lot 1 = 0	Well on Lot 3 = 0	Well on Lot 4 = 0	No rain during pumping test
3 - 26591	11/4/2008	12 hours	1.0	Well on Lot 1 = 0	Well on Lot 2 = 0	Well on Lot 4 = 0.067 m	No rain during pumping test
4 - 26546	10/10/2008	9 hours	1.5	Well on Lot 1 = 0	Well on Lot 2 = 0.01 m	Well on Lot 3 = 0	No rain during pumping test – Well dry after 9 hours of pumping

5. SURFACE WATER / GROUNDWATER INTERACTION

The well on Lot 1 is likely recharged from both the northeast (across Hooson Road) and the area directly to the west. The area directly to the west is a large grassland / wetland and likely contributes some recharge to this well. Although the Water Well Driller has indicated that 3.0 m (10.0 ft) of bentonite was used to seal the well and prevent surface water from entering at ground surface, surface water could be entering the well below the casing and helping to recharge this well. As the depth to bedrock is 4.6 m (15.0 ft), at least 1.5 m (5.0 ft) of unconsolidated material (till, clay) exists between the bottom of the bentonite seal and the top of the bedrock. If this scenario does exist, care should be taken by property owners and residents / visitors to ensure that the grassland / wetland are not contaminated. Contamination of this area could eventually contaminate the groundwater (i.e. well water).

The wells on Lots 2, 3 and 4 are likely recharged only from groundwater in bedrock storage. There are no surface water bodies near these wells.

The approximate location, assumed size and shape of the approximate recharge areas (capture zones) for the subject wells have been shown in Figure 1.

6. WATER QUALITY DISCUSSION

Hydrogen sulphide odour was not detected during testing of the subject wells and the water was odour free during the entire pumping tests. Near the end of testing, water samples were collected and taken by Wellmaster Pumps and Water Systems Ltd. to MB Laboratories Ltd. in Sidney, BC for chemical and bacteriological analyses. The Laboratory analyses have been shown summarized in Table 4 and in Appendix C.

The groundwater does not meet the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act for *total coliform, fecal coliform, non-coliform bacteria and arsenic(well on Lot 4), non-coliform bacteria (well on Lot 3), sodum (well on Lot 1), turbidity (all wells), pH (wells on Lots 1 and 4), iron and manganese (all wells)*. Parameters have been listed in Table 4 and those parameters elevated have been shown *bolded*.

Excellent treatment methods are distillation by ultraviolet light (UV) or reverse osmosis. A fact sheet from the Well Stewardship Information Series on total and fecal coliform bacteria

Table 1 – Water Quality Results Summary

Drilled wells on Lots 1,2,3 and 4 / Hooson Road / East ½ of the SW ¼ Of District Lot 964811 / North Pender Island, BC							October / November 2008
Parameter Tested	Units	Laboratory Testing Results Well Water – MB Laboratories Ltd.					Maximum Concentrations GCDWQ*
		Well on Lot 1	Well on Lot 2	Well on Lot 3	Well on Lot 4	-	
Bacteria:							
Total Coliform	CFU / 100mL	0	0	0	144		0
Fecal Coliform	CFU/ 100 mL	0	0	0	4		0
E-Coli	CFU/mL	0	0	0	0		0
Non-Coliform	CFU / 100 mL	18	10	226	1400		200
General Quality:							
Alkalinity, total	mg/L	275	150	120	115		500
Chloride	mg/L	57.9	27.9	19.0	25.4		≤250
Flouride	mg/L	0.007	0.002	0.001	0.008		1.5
Nitrate N	mg/L	0.002	0.004	0.008	0.006		10
Nitrite N	mg/L				0.002		3.0
Sulphate	mg/L	48.8	33.4	25.4	26.6		≤500
Total Dissolved Solids	mg/L	498	275	204	228		≤500
Conductivity	µs/cm	854	469	347	388		-
Colour, True	TCU						≤15
Turbidity	NTU	232	6.92	30.5	137		1
Hardness	mg/L	48.8	141	106	54		500
pH	pH units	8.89	7.58	7.40	8.92		6.5 to 8.5
Metals:							
Aluminium	mg/L	11.3	0.534	1.19	6.39		-
Antimony	µg/L	<0.500	<0.500	<0.500	<0.500		6
Arsenic	µg/L	2.17	<0.500	<0.500	41.4		10
Barium	mg/L	0.128	0.169	0.130	0.213		1
Beryllium	mg/L	<0.003	<0.003	<0.003	<0.003		-
Boron	mg/L	2.16	0.651	0.600	0.381		5
Cadmium	ug/L	1.59	4.25	0.300	<0.100		5
Calcium	mg/L	6.99	42.0	29.6	12.1		200
Chromium	mg/L	0.021	<0.010	<0.010	0.026		0.05
Copper	mg/L	0.131	0.016	0.011	0.028		1.0
Iron	mg/L	20.6	1.28	5.30	17.2		0.3
Lead	µg/L	4.09	5.87	7.47	6.45		10
Magnesium	mg/L	7.61	8.75	7.74	5.75		50
Manganese	mg/L	0.378	0.125	0.108	0.263		0.05
Nickel	mg/L	<0.050	<0.050	<0.050	<0.050		-
Phosphorus	mg/L	0.432	<0.065	0.093	0.288		-
Potassium	mg/L	4.41	1.83	1.82	3.60		-
Silicon	mg/L	14.3	7.26	8.02	8.06		-
Silver	mg/L	<0.010	<0.010	<0.010	<0.010		0.05
Sodium	mg/L	332	69.4	53.5	81.4		200
Tungsten	mg/L	<0.050	<0.050	<0.050	<0.050		-
Vanadium	mg/L	0.028	<0.010	<0.010	0.022		-
Zinc	mg/L	1.41	3.22	3.02	0.166		5

* *Guidelines for Canadian Drinking Water Quality (2004)*
A dash mark in this column indicates that no maximum concentration limit has been set.
Several of the concentrations noted are set as "Aesthetic Objectives" only and are not Health issues
Note: Shaded boxes indicate maximum drinking water concentration is exceeded or result outside acceptable range

in groundwater has been shown in Appendix C and discusses the various treatment methods that are available

Fact sheets on *Iron and Manganese* in groundwater have also been included in Appendix C. The fact sheets include discussions on known sources of iron and manganese and methods for removal of iron and manganese from drinking water supplies. Although concentrations of iron and manganese below the aesthetic objectives are not considered a health risk, *high* concentrations of iron and manganese may cause the staining of plumbing fixtures. Iron and manganese levels could also decrease with pumping,

Although elevated turbidity is usually associated with *new* wells and the water normally *clears up* with increased pumping, the water samples collected and submitted to the laboratory was *exceptionally* turbid and are of concern. Turbidity may reduce if the permanent pump setting is established higher up in the wells and the wells are not pumped at rates greater than the required 2275 Litres per day (0.35 Igpm)

Elevated sodium is associated with the well on Lot 1. This is of concern and could result from seawater intrusion. This well should not be pumped greater than 0.038 L/s (0.50 Igpm). When the water quality is not considered, the yield is greater, however water quality must be taken into consideration when determining the long term well capacity of this well. A Fact Sheet on sodium has also been included.

For information on protecting a well water source from contamination introduced at ground surface, the *Well Protection Toolkit* is available from the Ministry of Water, Land and Air Protection on the Internet.

7. CONCLUSIONS AND RECOMMENDATIONS

- All wells are 152 mm (6-inch) diameter and completed in September 2008 by D.A. Smithson and Sons Ltd. using the air-rotary method of drilling. The wells are completed in fractured bedrock (sedimentary shale and / or sandstone). The bedrock geology is further described as the Upper Cretaceous, Nanaimo Group (Northumberland or De Courcy Formations)

- Wells on Lots 1, 2 and 3 should meet the required criteria of providing not less than 2275 litres per day (0.35 Igpm) of water. The well on Lot 4 does not meet this criteria. In an effort to increase the yield of this well, it is recommended that it be deepened to approximately 183 m (600 ft). Once this well is deepened it should be re-tested and re-sampled. It should also be noted that there are no guarantees that deepening the well will result in increased capacity or quality. The well on Lot 3 is also considered to have a borderline capacity and careful management of this well is recommended. Enhanced water level monitoring (i.e. once per week, monitoring and recording of pumping and non-pumping water levels) are part of careful management.

- Wells on Lots 1, 2 and 3 should at no time be pumped at rates greater than the estimated long-term well yields as shown on Table 2.

- Elevated sodium is associated with the well on Lot 1. This is of concern and could result from *salt water intrusion*. This well should not be pumped greater than 0.038 L/s (0.50 Igpm). When the water quality is not considered, the yield is greater, however water quality must be taken into consideration when determining the long term well capacity of this well.

- Water level recovery was acceptable for wells on Lot 1, 2 and 3. Water level recovery was not acceptable for the well on Lot 4. Aquifer dewatering was evident for the well on Lot 4 and is likely evidence of the bedrock aquifer being of limited extent. Aquifer dewatering is also evident for the well on Lot 3 and although this well meets the criteria of 2275 L/day (0 35 Igpm), this well must be carefully managed as previously mentioned.

- It is recommended that the *water levels* in the subject wells be monitored regularly (i.e. once or twice per month) to ensure that any induced or regional decline in water level does not result in the drawdown in the wells falling below the level of the pumps. Small diameter (19 cm or 0.75 in) pvc pipes are inexpensive and can easily be installed in the wells in order to safely and effectively monitor water levels. The *wetted tape method* can be used.

- Because all wells are considered *low capacity*, water must be pumped to individual storage tanks prior to home distribution to allow the water levels in the wells to recover between pumping periods. A 4546 litre (1000 gallon) size is recommended for each Lot

- The well on Lot 1 may receive recharge from both groundwater in bedrock storage and surface water (i.e. grassland / wetland directly to the west). This well may therefore be subject to contamination from contaminants introduced at ground surface Care should be taken by property owners and residents / visitors to ensure that this grassland / wetland are not contaminated. Wells on Lots 2, 3 and 4 likely receive recharge only from groundwater in bedrock storage. There are no surface water bodies near these wells.

- All wells should be equipped with flow meters with totalizers

- Rainwater catchment from rooftops for fire protection is highly recommended.

- The groundwater does not meet the Guidelines for Canadian Drinking Water Quality and / or the BC Health Act for *Non-coliform (wells on Lots 3 and 4), fecal coliform (well on Lot 4), arsenic (well on Lot 4), sodium (well on Lot 1), turbidity (all wells), pH (wells on Lots 1 and 4, iron and manganese (all wells)*. The groundwater should however, meet or exceed the Guidelines for Canadian Drinking Water Quality and / or BC Health Act if specific treatments and recommendations are taken. As the well on Lot 4 will be deepened, re-tested and re-sampled, the water quality will be addressed at that time

- Excellent methods available and recommended for treatment of elevated total coliform, fecal coliform and non-coliform bacteria are distillation by ultraviolet light (UV) or reverse osmosis.

- Treatment for arsenic (if necessary), sodium, turbidity, iron and manganese removal are also recommended. In-home treatment systems are affordable and readily available to address the water quality issues identified.

- As all wells appear to have a significant amount of available drawdown, it is probable that the permanent submersible pumps can be installed at a *shallower* depth than the pumping test settings to take advantage of the *fresher* groundwater higher up in the wells.

- It may be prudent to pump the subject wells for a few hours and re-sample the wells to establish if those parameters that are elevated can be reduced by setting the pumps at a higher level in the wells and reducing the pumping rates.

- Water quality should be monitored for chemical and bacteriological analyses once a year, preferably during the late summer or early fall when aquifer recharge would be minimal. Water Quality sampling for chemical and bacteriological analyses must also be carried out *immediately* after commissioning each well.

8. CLOSURE

This report has been prepared in accordance with generally accepted groundwater engineering practices. The opinions expressed herein are considered valid at the time of writing. Changes in site conditions can occur, however, whether due to natural events (i.e earthquakes or global warming) or to human activities on these or adjacent properties (i.e. blasting or recharge area modification) which can in turn impact well capacity and water quality. In addition, changes in regulations, and standards may occur, whether they result from legislation or the broadening of knowledge. This report is therefore subject to review and revision as changed conditions are identified. In formulating our analyses, conclusions and recommendations, we have relied on information supplied by others; well drilling contractors, pumping test contractors and a certified water testing laboratory. The information provided by ohers is believed to be accurate, but cannot be guaranteed by Hodge Hydrogeology Consulting (HHC). Furthermore, if the recommendations in this report are not implemented, Hodge Hydrogeology Consulting assumes no responsibility for any adverse consequences that may result.

Yours sincerely,

W.S Hodge

W.S. Hodge, P. Geo.
HODGE HYDROGEOLOGY CONSULTING

END OF DOCUMENT

Islands Trust

STAFF REPORT

January 9, 2012

File No.: NP-DP-2011.10 (Roper.Winterbourne)

To: North Pender Island Local Trust Committee
For the meeting of January 19, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Development Permit NP-DP-2011.10 (Roper.Winterbourne)

Owner:
Applicant:
Location:

THE PROPOSAL:

The application is for development within the Sensitive Herbaceous Ecosystem Development Permit Area (DPA) to construct a greenhouse as an accessory residential building. The property has three development permit areas on the property: herbaceous, woodland and cliff, located immediately adjacent to each other. The proposed greenhouse is solely within the herbaceous DPA.

The applicants have owned the property for many years and the area proposed for development was cleared of trees over 20 years ago with the long term intent of creating space for food production.

The proposed greenhouse is 155 m^2 (1670ft^2), including a 27m^2 (295ft^2) storage loft area which is 18% of the total floor area. The applicants are proposing a closed loop water system and using organic farming practices; therefore, no water, pesticides or chemicals would be introduced into the surrounding development permit area.

The proposed development permit also includes a variance to the North Pender Island Land Use Bylaw (LUB) to allow a second storey storage loft, and to increase the maximum allowable height. In addition to the storage loft, the additional height is requested due to the applicants' intent to grow citrus trees.

A draft permit is attached as Schedule A.

SITE CONTEXT:

The subject property is waterfront lot located at 6935 Pirate's Road in the Oak Bluff Estates. The property is 4.1 hectares (10.1 acres) in size, similar to surrounding properties. The property is currently developed with an existing dwelling, septic field, driveway and parking area, which are all located outside of the DPA. Although the property has road frontage on Pirate's Road access to the property is by way of a shared easement which bisects the property near the centre of the property.

Based on GIS data, the property rises steeply from sealevel to 70 metres, it then continues to rise more gradually to a maximum height of 90m near the centre of the property before declining steadily towards Pirates Road at 34 m.

Figure 1: Subject Property Map

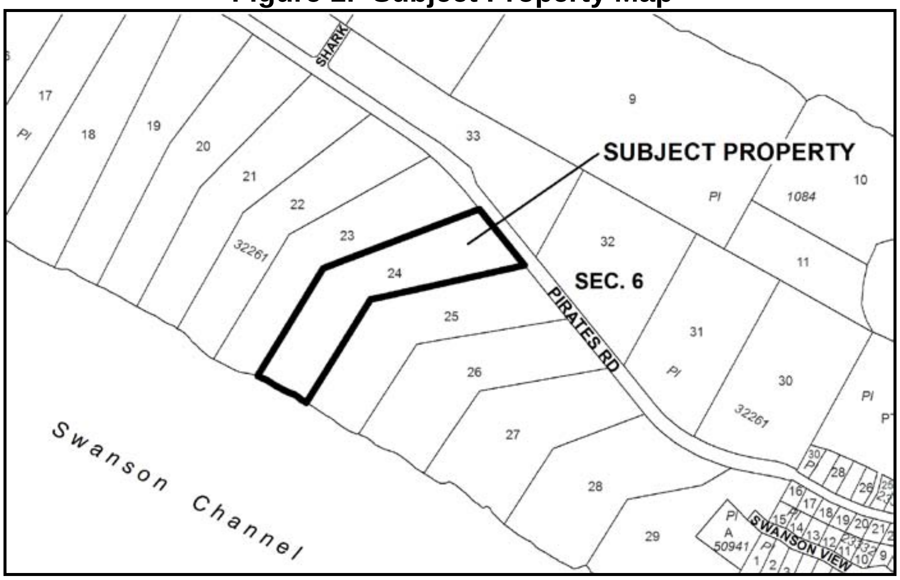


Figure 2: Subject Property with Orthophoto and 2m Contour Intervals

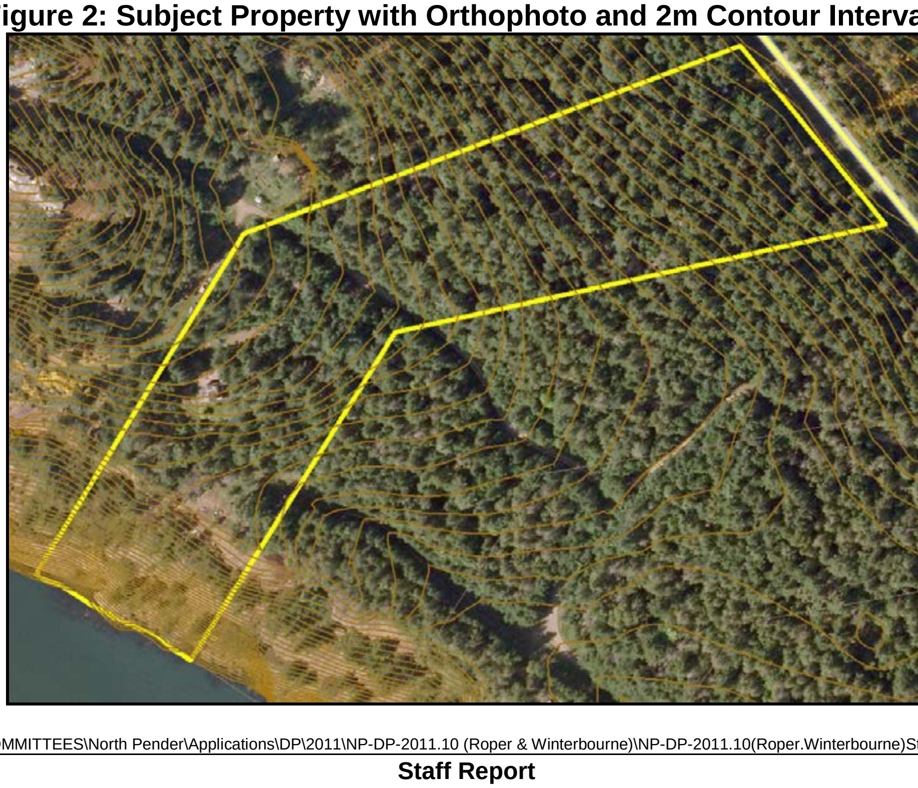


Figure 3: Orthophoto and 2m Contours Intervals on Developed Area of Property

Figure 4: Site Plan
(Note: the actual building footprint is larger than shown below and is reflected in the proposed permit)

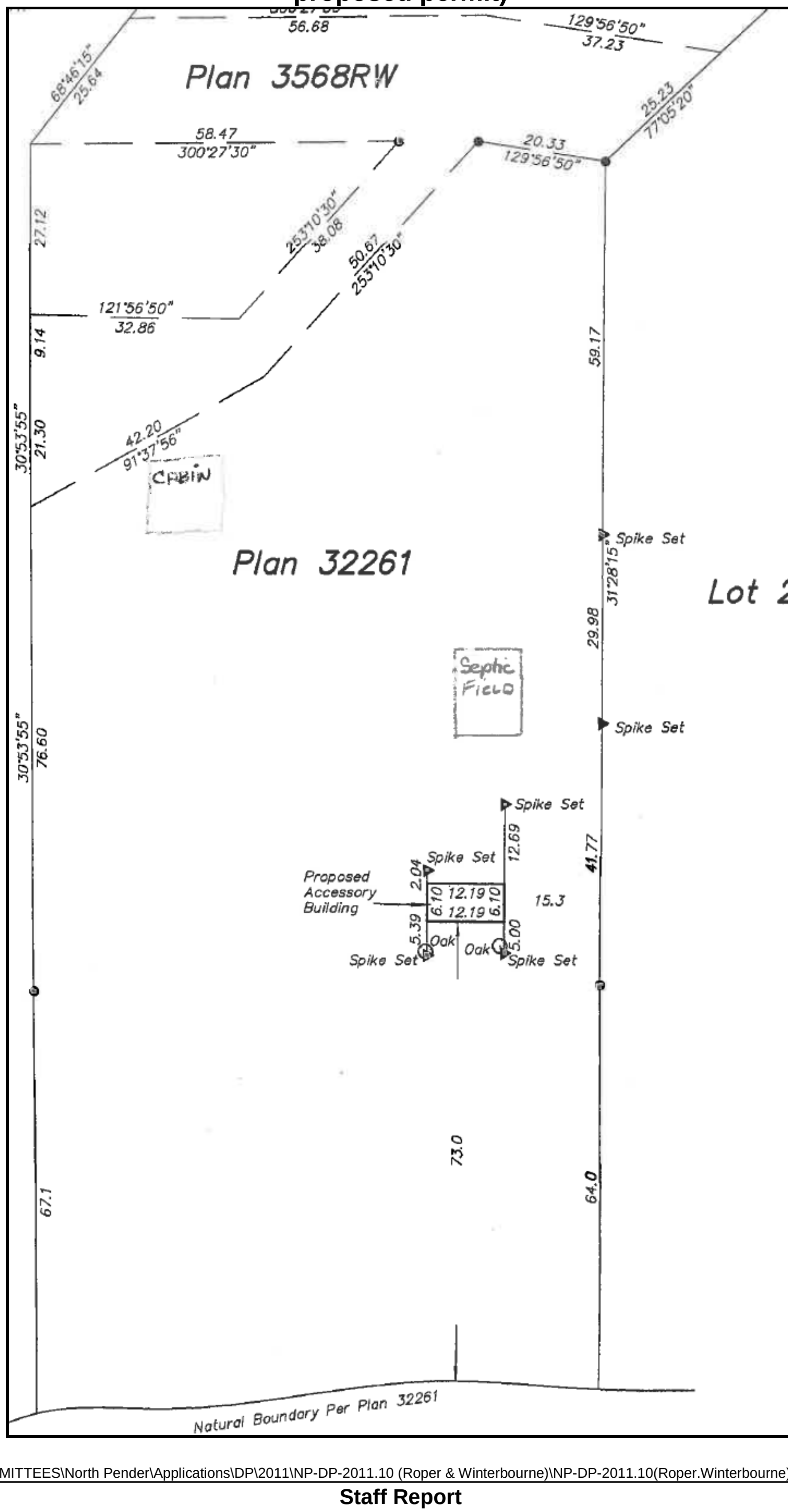


Figure 5: Building Elevations

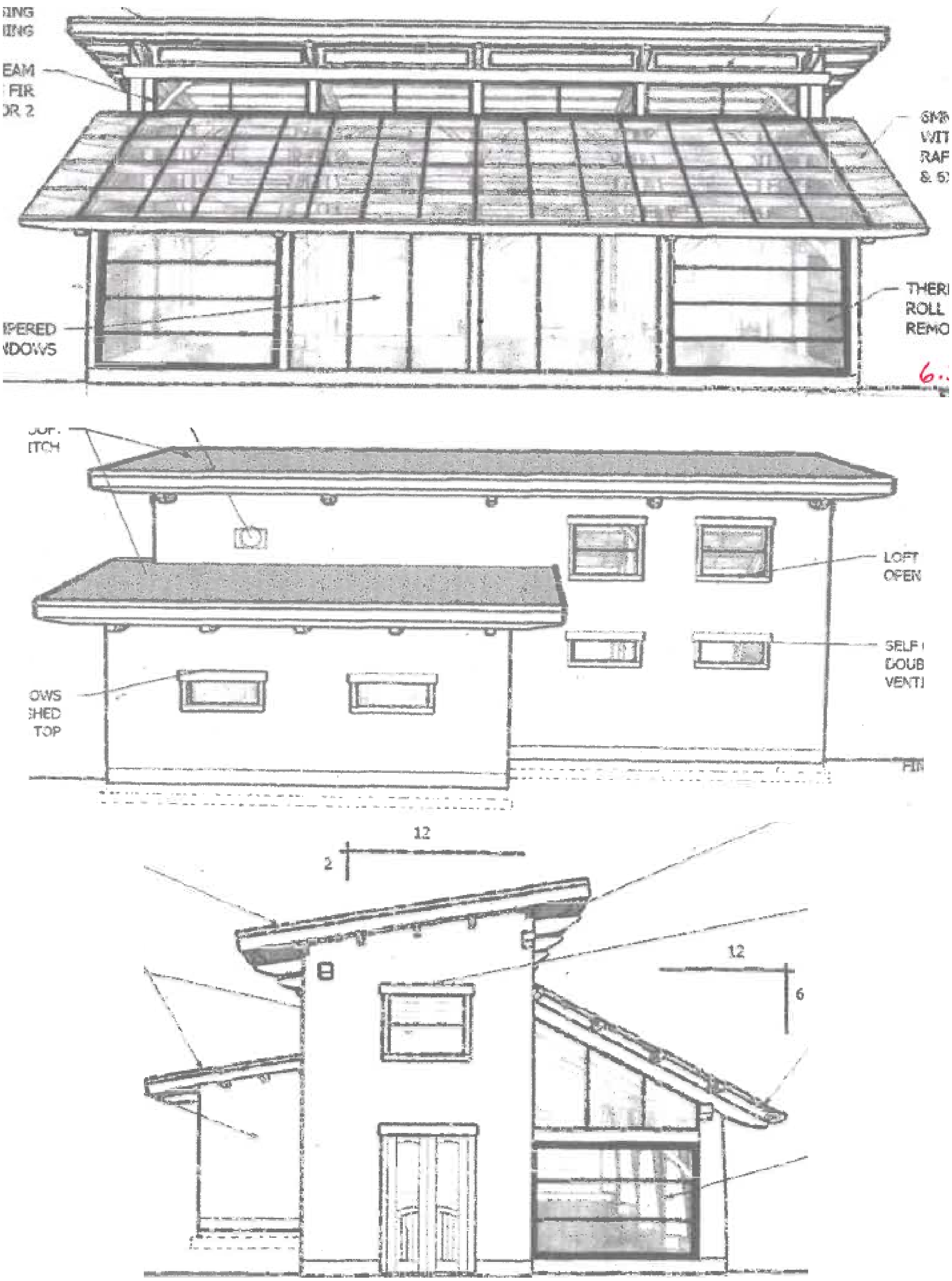
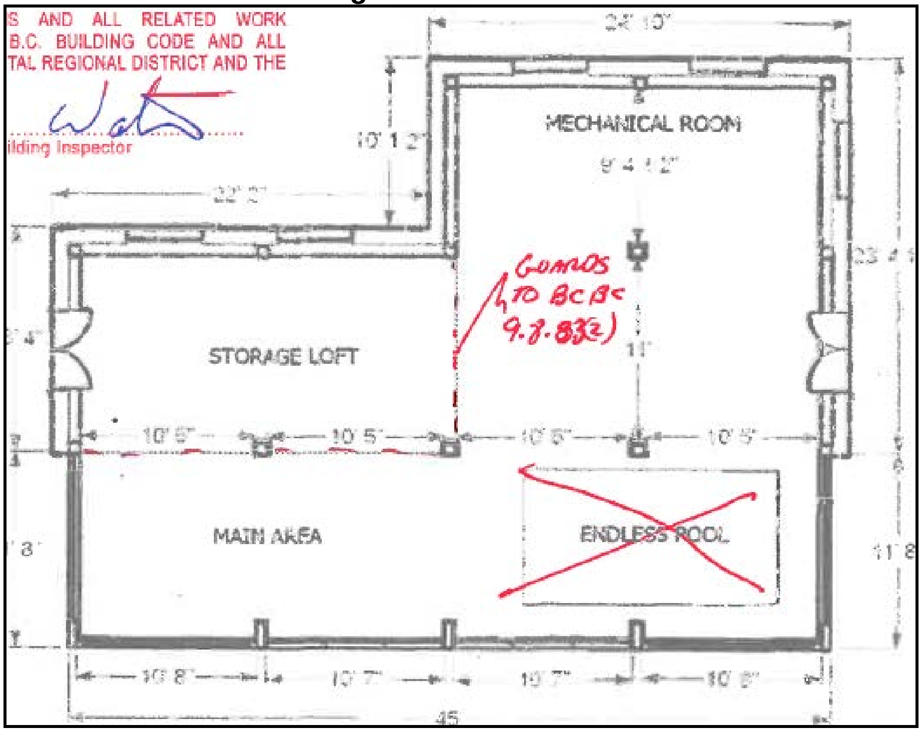
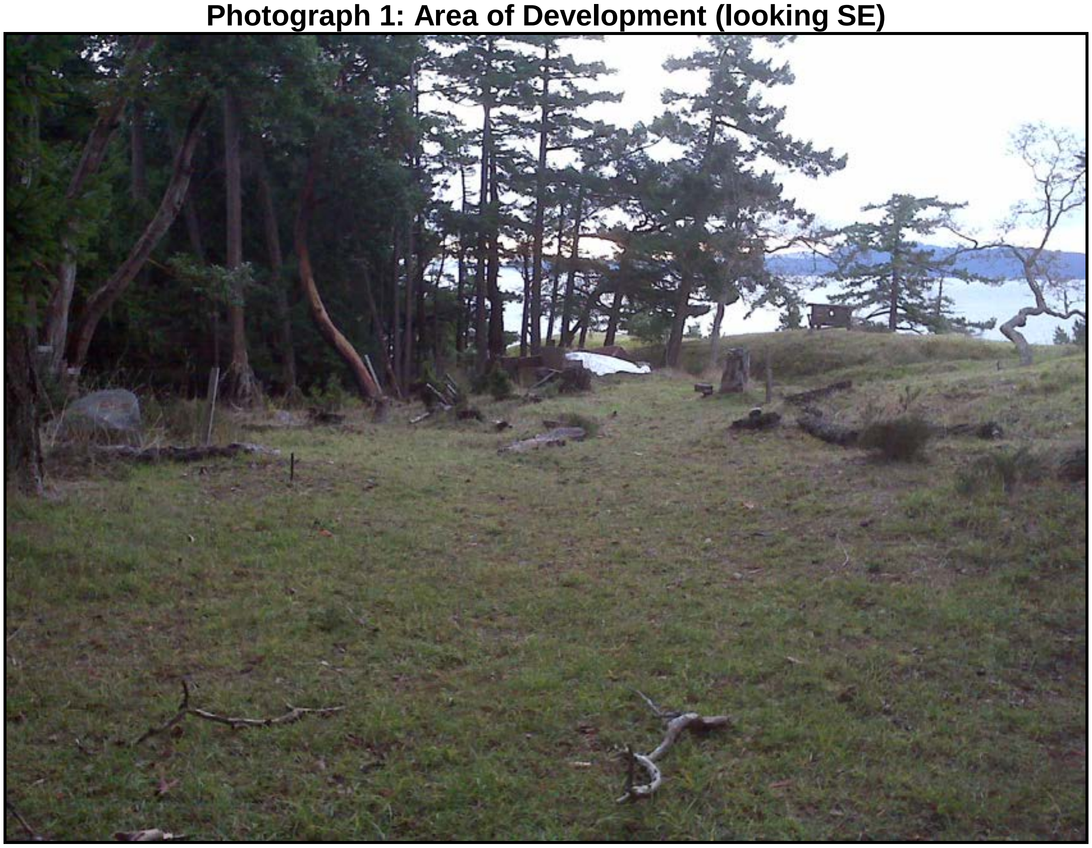


Figure 6: Floor Plan



Photograph 1: Area of Development (looking SE)



Photograph 2: Area of Development (looking SW)

Photograph 3: Garden Area and Garry Oaks

CURRENT PLANNING STATUS OF SUBJECT LANDS:

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

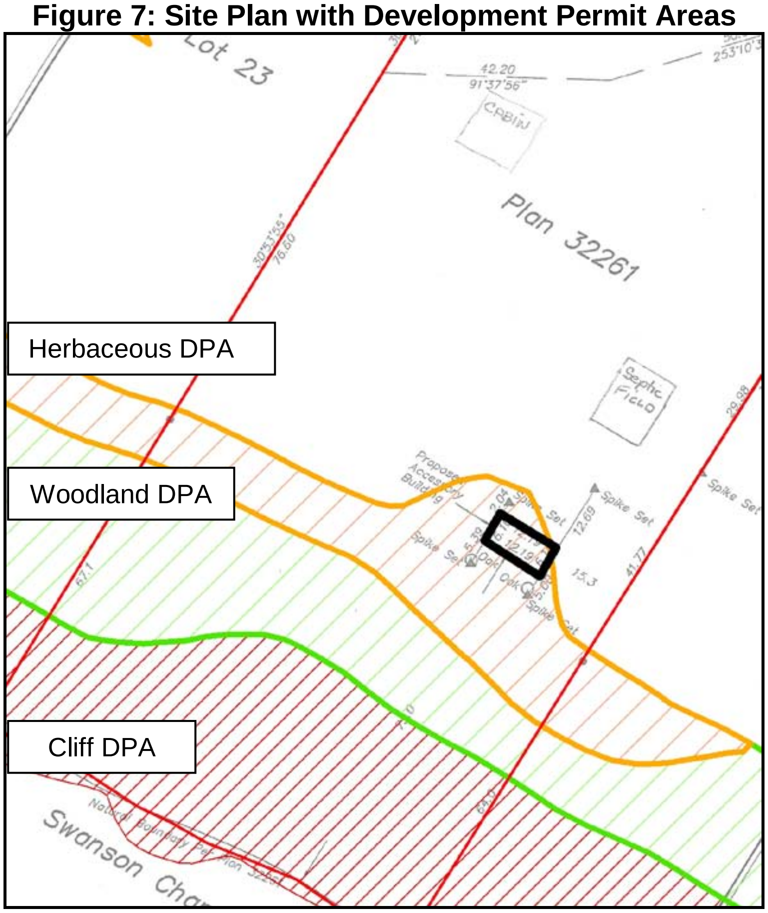
> 3.1.2 Local trust committees and island municipalities shall, in their official plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Official Community Plan: The subject property is designated Rural (R) in the OCP.

Land Use Bylaw: The subject property is zoned Rural (R) in the Land Use Bylaw (LUB), as are neighbouring properties.

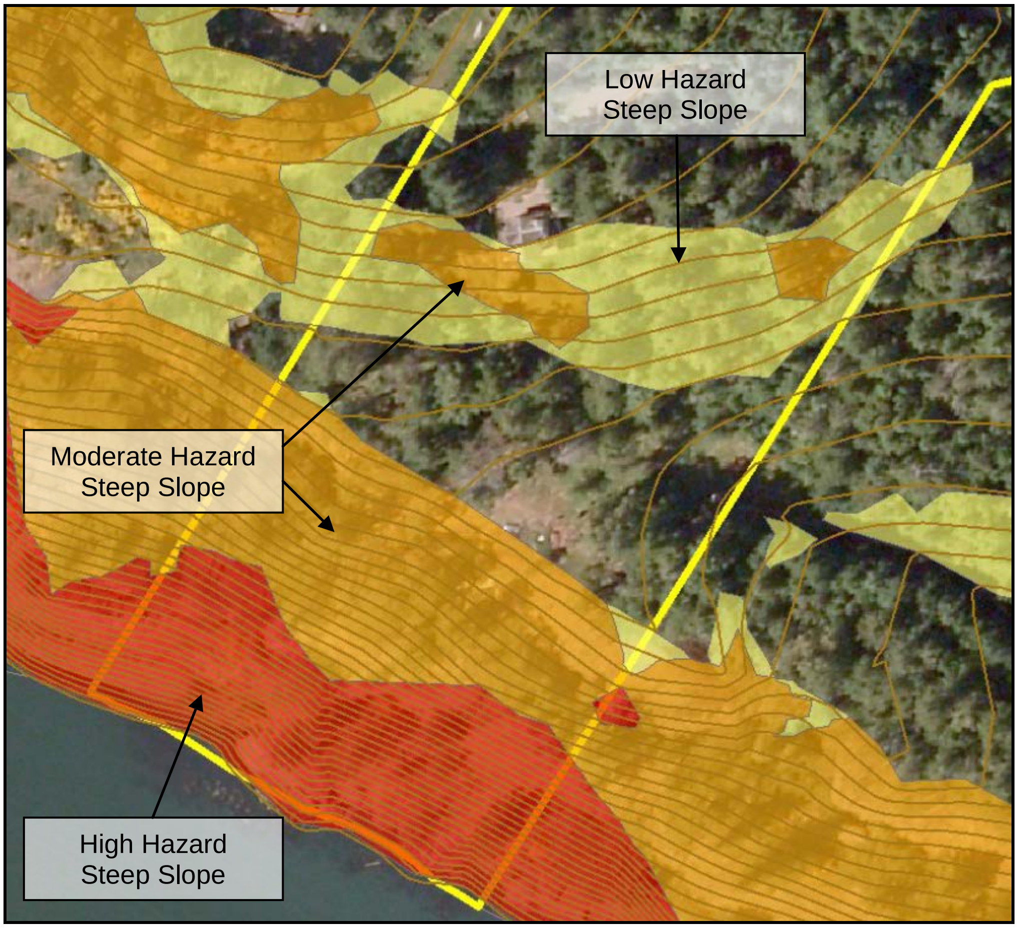
Sensitive Ecosystems and Hazard Areas: The subject property contains three development permit areas (DPA) for the sensitive herbaceous, woodland and cliff ecosystems. The lowest portion of the slope contains the cliff ecosystem which is the largest DPA in this area; it extends approximately 3km through the Oak Bluffs properties along the coastal bluff. Further up the slope there is woodland ecosystem extending across six properties. Nearing the top of the slope the herbaceous ecosystem, this extends across three properties. The area proposed for development is located at the northern edge of the DPA.

Figure 7: Site Plan with Development Permit Areas



The subject property contains areas of high, moderate and low steep slope area which is reflective of the topography. The area proposed for development is located outside of the identified steep slope areas.

Figure 8: Two metre Contour Intervals and Steep Slope Hazard Areas



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

Covenants: There are no restrictive covenants on the subject property.

Trust Fund Board: There are no Trust Fund Board covenants on or in the vicinity of the property.

Climate Change Adaptation and Mitigation: The property is currently developed and the proposed greenhouse is accessory to the residential use. The location selected for the greenhouse may expose it to high winds; however it would provide adequate sunlight exposure for growing. Growing within the greenhouse would largely protect the food production from increasing storm events that may otherwise affect outdoor gardens.

Other:
Biologist's Report: A biologist's report was submitted for the proposed development which is attached as Schedule B. The report notes that the area proposed for the greenhouse is in poor condition and is not representative of a herbaceous ecosystem due to previous disturbance.

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

STAFF COMMENTS:

The owners had intended to construct a greenhouse on the property in 1990 in this general location; however those plans never came to fruition at that time. Site preparation for the selected location had been initiated with tree clearing and soil removal, resulting in the the level of disturbance noted in the biologists' report. Although the land in the proposed location for development has been previously disturbed, the remainder of the DPA lying southward (downslope) remains relatively intact and representative of the herbaceous ecosystem.

The relatively large property contains contains Valued Ecosystem Components located both in and outside of the DPA. The northern end of the property remains free from development.

The proposed location for the greenhouse was selected as the most suitable location due to its proximity to the existing dwelling and access route, sun exposure, and being relatively level.

The owners have also expressed the intent to restore the area surrounding the proposed greenhouse by replenishment of soils and planting of more Garry Oaks and associated plant species.

Conditions included in the draft permit include:

- temporary fencing no further than 1.5 metres from the Garry Oaks during construction,
- restricting any exterior impervious surfaces,
- as minimally necessary soil, gravel or rock to be removed or deposited only within that area for the proposed dwelling or water line within the DPA,
- new plantings to be drought-tolerant, native species,
- following construction, the disturbed area surrounding the dwelling to be restored to natural conditions and maintained free from invasive species,
- restricting irrigation systems within the DPA,
- diffused discharge for storm water, and
- restoration of the previously disturbed area adjacent to the proposed building.

RECOMMENDATION:

THAT Development Permit NP-DP-2011.10 (Roper/Winterbourne) BE APPROVED.

Prepared and Submitted by:

Andrea Pickard	January 9, 2012
Andrea Pickard	Date

concurred in by:

	January 9, 2012
Regional Planning Manager	Date

PROPOSED

Schedule A

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2011.10

To: Christopher Roper and Robyn Winterbourne

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

   Lot 24, Section 6, Pender Island, Cowichan District, Plan 32261,
   PID: 000-045-161

2. This Development Permit authorizes the construction of an accessory building and restoration of formerly disturbed land within the herbaceous sensitive ecosystem development permit area subject to the following conditions:

   (a) Construction and land alterations related to the accessory building shall be consistent with Schedule “A” attached to and forming part of this permit.

   (b) Temporary fencing shall be installed as shown on Schedule A, no less than 1.5 metres from the Garry Oak trees, until all exterior construction work within the development permit area is completed.

   (c) Within the development permit area, there shall be no impervious surface outside of the accessory building.

   (d) Design of storm water discharge from the accessory building shall ensure diffused discharge directed away from the development permit area.

   (e) Restoration work shall occur within the area of former disturbance approximately identified on Schedule A by replacing previously removed soils and planting of native species associated with the herbaceous ecosystem. The existing garden area (approximately 5.6m^2) shall be included within the restoration work.

   (f) Any new plantings within the development permit area must be drought-tolerant, native species.

   (g) Once construction is completed, the disturbed land within the development permit area shall be restored to as near the pre-existing natural conditions as is feasible.

   (h) Once construction is completed, the disturbed land within the development permit area shall be maintained free of invasive species, particularly Scotch broom.

   (i) Soil, gravel or rock is permitted to be removed or deposited, as minimally as necessary, only within that area for the proposed accessory building within the development permit area.

(j) No irrigation systems are to be placed within the development permit area except those contained entirely within the greenhouse.

3. The North Pender Island Land Use Bylaw No. 103, 1996 is varied as follows:

- Subsection 3.4.4 is varied to allow a second storey (storage loft) in an accessory building, and to increase the permitted height of an accessory building from 4.6 metres to 7 metres as shown on Schedule “B” attached to and forming part of this permit.

4. 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.

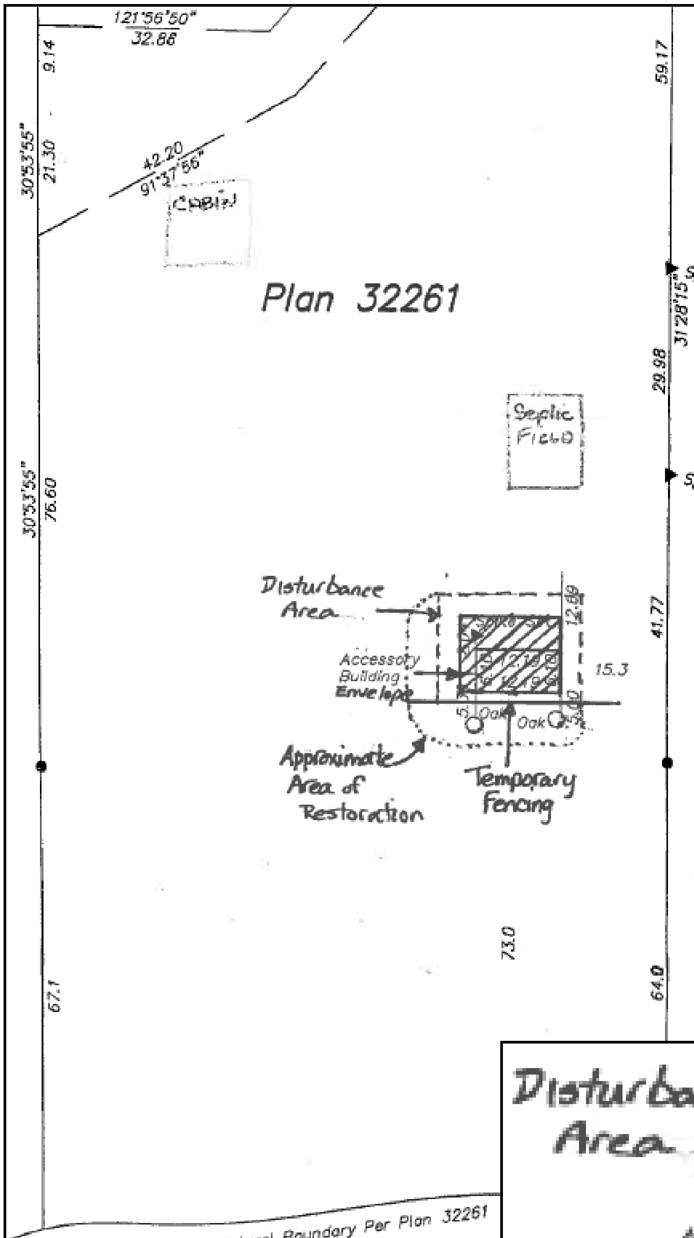
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ___ day of ____, 20__.

______________________________ ____________________
Deputy Secretary, Islands Trust Date Issued

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

PROPOSED

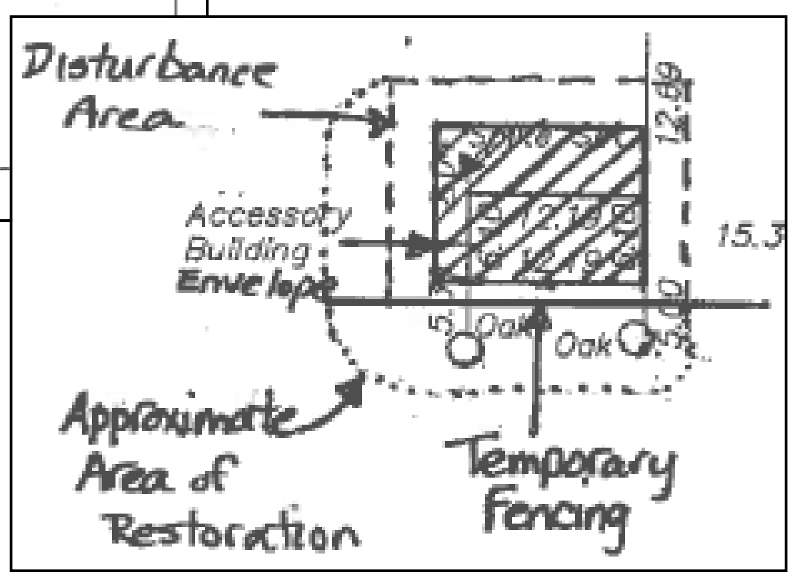
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.10
Schedule "A"



Building Envelope:
11 x 14 m

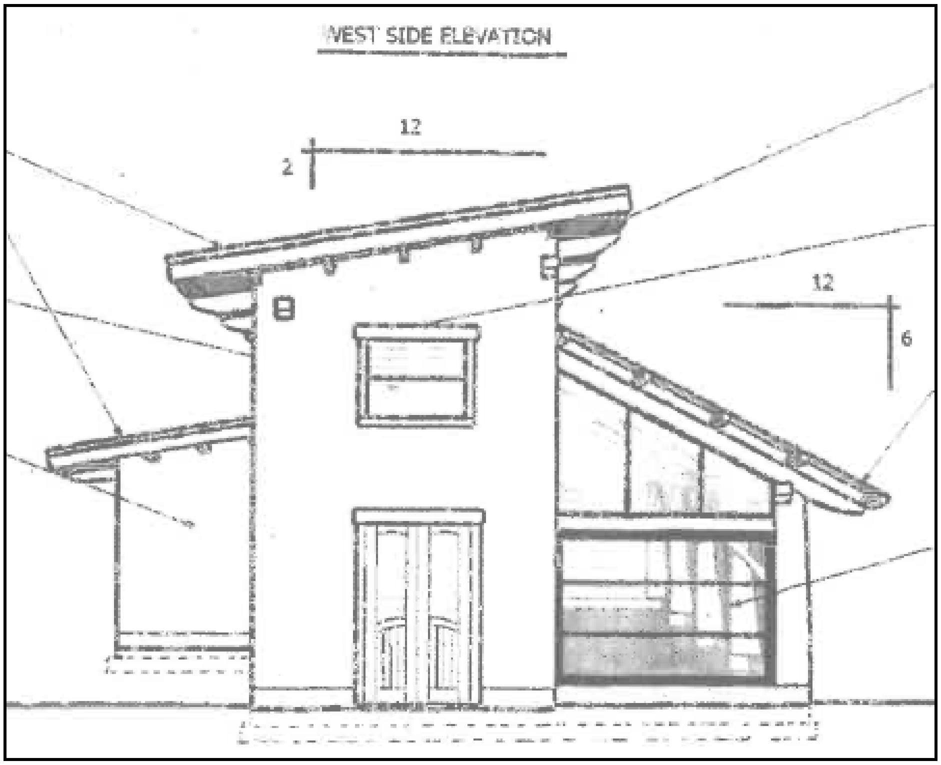
Disturbance Area:
3m from building envelope
(South side limited to 1.5 m)

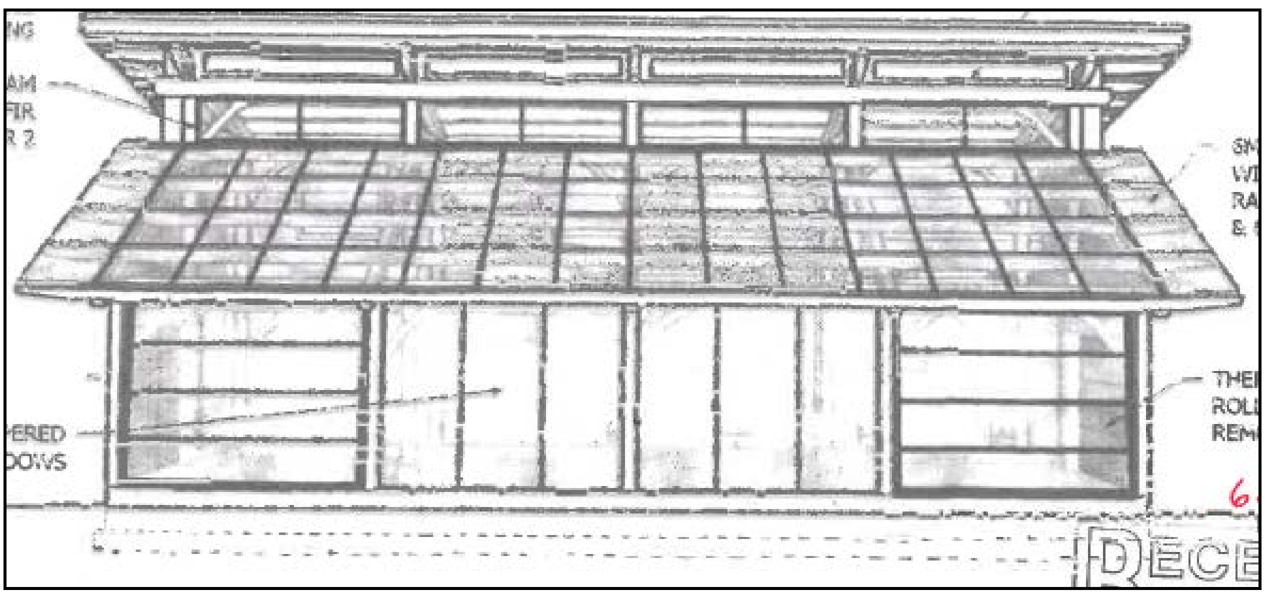
Temporary Fencing:
Minimum 1.5 m from Oaks



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.10
Schedule "B"





Schedule B

Linnaeus Environmental Consulting

4547 Bedwell Harbour Rd.
Pender Island, B.C.
V0N 2M1
Phone: 250.629.3381
Fax: 250.629.9956
Email:linnaeus@shaw.ca

September 18, 2011

Evaluation of Environmental Impacts from Proposed Development within Development Permit Area Two (Herbaceous) on Roper Property Lot 24, Neptune Estates 6935 Pirates Road, North Pender Island

Site visits were made on August 6 and September 17, 2011 to evaluate potential impacts on an Herbaceous sensitive ecosystem from proposed construction of a 1,000 sq. ft. greenhouse in the southeast portion of a 10-acre lot at 6935 Pirates Road.

General Site Description

The property is located on Oak Bluffs, a southwest-facing coastal bluff that extends approximately 4 kilometres to the SE tip of North Pender Island, and is comprised of a mixed coniferous/deciduous open forest dominated by Douglas-fir and arbutus, with Garry oak and associated plant species occurring both in the deeper soil pockets along the bluff and woodland as well as on the predominately shallow-soil cliff portions of Oak Bluffs.

The subject property includes Herbaceous, Woodland, and Cliff ecosystems, and represents particularly fine examples of the critically imperiled Douglas-fir/Arbutus/Garry oak and coastal grassland ecosystems. Garry oak is well represented in both the Herbaceous and Woodland portions of the property, as are grass and moss-dominated bluffs and knolls. There are a series of grassy benches in the Woodland and Cliff portions of the site.

Both DPA and non-DPA portions of the property contain several Valued Ecosystem Components such as large veteran Douglas-fir trees and large Arbutus. The current owners have practiced good stewardship of the land, and have retained several large snags and wildlife trees. The good condition of the Garry oak ecosystem at the site is in part due to the efforts of the owners to remove Scotch Broom.

Although the BC Conservation Data Centre has no records of at-risk species for this particular property, Oak Bluffs is known to provide habitat for a number of provincially at-risk species. For example, the provincially red-listed plant Erect Pygmyweed (*Crassula connata* var. *connata*) is known to occur along the lower end of the cliff portion of much of Oak Bluffs, including the subject property area. No raptor nests were observed on the property.

The proposed construction as well as proposed restoration work will take place solely within the Herbaceous ecosystem (see Figure 1); the Woodland and Cliff ecosystems will not be impacted by the proposed development or restoration activity.

Ecological Values of Development Permit Area Two (Herbaceous) on Roper Property

The Herbaceous ecosystem in the subject area is comprised of grass- and moss-dominated rock outcrops and knolls in the southern portions of the DPA (see Photo 1), with some Garry oak and deeper soil pockets (see Figure 1 for notation of two Garry oak trees occurring just south of the proposed greenhouse). Plant species present in the southern half of the herbaceous DPA are a mix of introduced and native grass species, mosses such as rock moss, and lichens such as coastal reindeer lichen. Cover values of exotic invasive species such as Scotch Broom are fairly low in the Herbaceous portion of the property. The southern portion of the Herbaceous DPA is a fair-condition example of the red-listed Garry oak-brome ecological community.

The portion of the Herbaceous DPA proposed for development (the area outlined in black north of the Garry oak trees noted on Figure 1) was logged and cleared more than thirty years ago (see Photo 2), and soil was removed from a deeper soil area immediately north of the Garry oak trees in Figure 1 (see Photo 3) for use in an adjacent small garden area (see Photo 4). Due to this high level of disturbance, the area within the mapped Herbaceous DPA proposed for construction of a greenhouse is not representative of an intact natural Herbaceous ecosystem.

Evaluation of Environmental Impacts from Proposed Greenhouse Construction and Operation

As stated above, the proposed greenhouse is located within the Herbaceous DPA but in an area previously disturbed and no longer a viable example of an Herbaceous ecosystem. Road construction and access to the construction site will be through the non-DPA area to the north; however, the proximity of the intact Garry oak and rock outcrops to the construction area (see Photo 5) makes these features vulnerable to impacts from construction activity.

Although the area proposed for construction was previously logged and mostly cleared, construction of the greenhouse would result in the loss of one leaning Arbutus tree that poses a safety hazard (see Photo 6). An area 40 ft. long and 10-15 ft. wide outside of and immediately south of the greenhouse is proposed for growing artichokes. This area is within the previously disturbed and degraded portion of the Herbaceous DPA.

There is potential for greenhouse operation to result in changes to hydrology of the surrounding sensitive ecosystems due to runoff of water, both from plant cultivation and roof drainage. Dry coastal Herbaceous ecosystems are especially sensitive to changes in hydrology, which can result in degradation to the natural ecosystem through alteration of plant species composition. A rain catchment system for the greenhouse has been proposed, as well as recycling of water used in greenhouse operations.

Alternate locations outside of the DPA were considered. All other possible locations would have resulted in the loss of many more trees; the proposed site has already been cleared. That factor, as well as the need for a sunny, south-facing location for the greenhouse, resulted in the choice of the proposed site.

Recommendations for Impact Mitigation in Areas Impacted by Greenhouse Construction and Operation

Temporary light fencing of the Garry oak area (see Photo 5) adjacent to the construction area is suggested to avoid excessive trampling or unintentional damage to the Garry oak trees and immediate area.

The use of impervious surfaces under and around the greenhouse should be avoided. Drainage systems (including roof drainage) should be constructed in such a way as to avoid negatively impacting the hydrology of the surrounding intact ecosystems by concentrated runoff, which is especially important in dry Herbaceous ecosystems. Runoff should be distributed in a semi-natural manner.

In all areas to be disturbed during construction of the greenhouse, removal of invasive non-native species is an important and highly recommended follow-up activity after site disturbance, especially in open habitats such as Herbaceous ecosystems. This is especially important at this site, as the adjacent intact Herbaceous ecosystem is currently in fairly good condition. Efforts to remove the Scotch broom that occurs both inside and outside of the DPA will improve the condition of the Herbaceous and adjacent Woodland ecosystems and reduce the encroachment of Scotch broom into the DPA.

The landowner has expressed a desire to restore the area immediately north of the Garry oaks pictured in Photo 3, and to replace the soil that was removed many years ago. In addition, the landowner proposes to plant several Garry oak trees and associated plant species in the same area. The landowner is also looking into the possibility of protecting the bluff and cliff portion of the property through conservation covenant.

It is recommended that the area now occupied by the small garden (see Photo 4) be included as part of the restoration area due to its proximity to the Garry oaks and location within the intact Herbaceous ecosystem.

Conclusion

The property contains one of the best remaining examples of Garry oak/Douglas-fir/Arbutus ecosystems on Oaks Bluff. However, the area proposed for the greenhouse, although within the mapped Herbaceous DPA, has been disturbed and degraded in the past and is not a viable example of a Herbaceous ecosystem.

The proposed greenhouse construction will not, therefore, result in the loss of Herbaceous ecosystem. However, its proximity to an intact Herbaceous ecosystem is reason to construct the building with care and to ensure that greenhouse-related activities do not encroach upon the intact Herbaceous ecosystem.

The proposed site is favorable due to the fact that it is close to the northern edge of the DPA boundary; parking, delivery, maintenance, and storage areas will all be outside of the DPA. Potential impacts to the Herbaceous ecosystem will be offset by the mitigation and restoration measures proposed by the landowner, namely:

- Restoration of soil in disturbed area adjacent to Garry oaks;

- Planting Garry oaks and associated plant species in disturbed area;
- Long-term plan for removal of Scotch Broom, and
- Possible long-term protection of natural values of the bluff and cliff through conservation covenant.

Such measures may result in an overall improvement to the quality and condition of the Herbaceous ecosystem and of the larger property's very high conservation values.

Respectfully submitted,

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

Figure 1 Lot 24 showing proposed greenhouse location (black outline) within Herbaceous DPA (orange); Woodland DPA (green) and Cliff DPA (red) are to the south

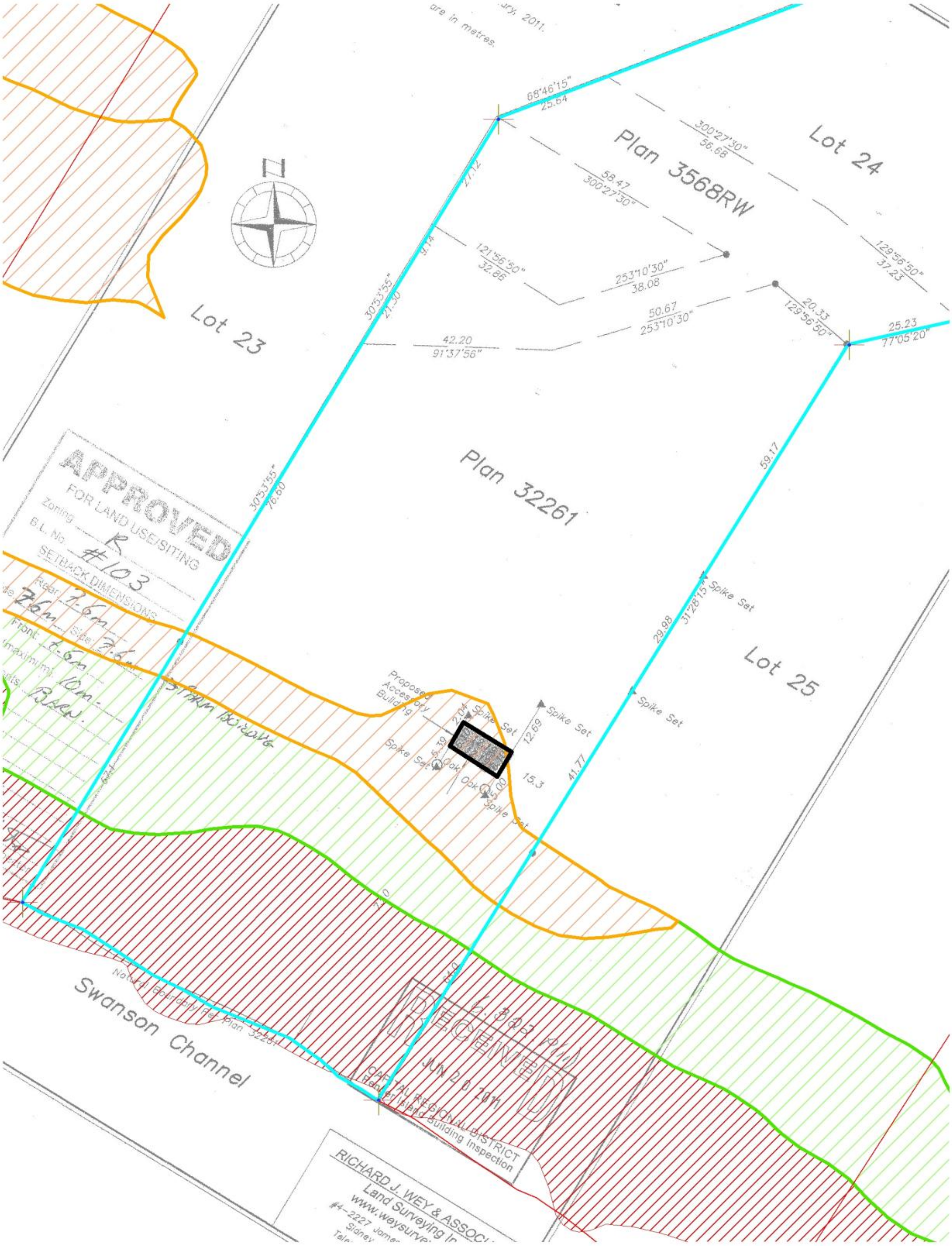


Photo 1 Herbaceous ecosystem (Woodland ecosystem in lower section)

Photo 2 Proposed greenhouse site within mapped Herbaceous DPA

Photo 3 Disturbed area showing soil removal

Photo 4 Existing small garden area within DPA

Photo 5 View of Garry oaks to south from proposed development site (SW corner marker of proposed greenhouse visible in foreground)

Photo 6 Leaning Arbutus near NE corner of proposed greenhouse to be removed (centre of photo)

Schedule C

DPA Checklist: NP-DP-2010.10 (Roper/Winterbourne)
Accessory Building (greenhouse)

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.	Area of development previously disturbed.
3.	The area cleared and disturbed for development should be minimized.	Area of development open and historically disturbed
4.	Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Location is relatively close to existing dwelling and access, much of lot area remains undeveloped.
5.	Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	Two Garry Oaks are close to building, temporary fencing and minimum spacing distance required as permit condition
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.	No other features in development area identified except Garry Oaks noted above.
7.	Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	No features in area of development
8.	Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Area of development is on the edge of DPA extending across bluffs, lower portion of bluffs remain undisturbed
9.	Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Included as a permit condition

Guidelines		Comments
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	Included as a permit condition
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Storm drainage from building to remain diffused and directed away from DPA, and impervious areas limited as a permit condition
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.	n/a
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	n/a
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	n/a
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	Included
	b) fencing, flagging and posting of notices during construction;	Not recommended
	c) limits on blasting in sensitive areas;	No blasting anticipated
	d) limits on construction timing;	None recommended
	e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	None recommended

Guidelines	Comments
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Included as a condition of permit
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	Increased height and second storey to reduce footprint
Herbaceous Ecosystem Guidelines	
19. Denning and nesting sites of rare, threatened or endangered species should be protected.	None identified in area of development
20. Native grasses, rare plants, and wildflower ecosystems and associated soils should be preserved.	None identified in area of development
21. Removal of mature and old trees, dead and declining trees and the root systems of trees should be avoided.	One trunk of adjacent 2-stemmed Arbutus to be removed (not within DPA). Removal of old stumps and small saplings within building envelope. Most mature trees are not within the area of development
22. Consideration should be given to including conditions requiring the restoration of native vegetation where it has been disturbed.	Area of former disturbance to be restored
23. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	n/a

Islands Trust

STAFF REPORT

	January 10, 2012	**File No.:**	NP-DP-2010.4(Twa) X-ref NP-SUB-2008.5
To:	North Pender Island Local Trust Committee For the meeting of January 19, 2012		
From:	Andrea Pickard Island Planner Local Planning Services		

Re: **Development Permit Application**

Owner: N-Twa Equipment Ltd.
Applicant: Lloyd Eakins c/o Richard Wey & Associates
Location: Lot A,, Section 12, Pender Island, Cowichan District, Plan 38342 Except Plans VIP53931, VIP59764 and VIP65349. PID:000-102-474

THE PROPOSAL:

This is the third report related to this application for a development permit, which is required as part of a 15 lot subdivision that is the fifth and final phase of the Harbour Hill subdivision. The general layout of the subdivision was agreed to as part of a registered covenant in 1991, and the necessary variances and waiver for lot frontage was approved at the July Local Trust Committee meeting.

A development permit is required due to the presence of sensitive wetland ecosystem, sensitive riparian and aquatic ecosystem, and raptor nest development permit areas (DPA). The adjacent marine waters of Plumper Sound are also designated as a sensitive intertidal DPA. Reports prepared by a registered biologist were submitted for the sensitive ecosystem DPAs and a Qualified Environmental Professional assessment under the provincial Riparian Areas Regulation.

In addition to the requirements for subdivision specified in the North Pender Island Official Community Plan (Development Permits) and the Land Use Bylaw (subdivision regulations), the property also has a number of registered covenants that must be satisfied before staff would provide confirmation to the Ministry of Transportation and Infrastructure that the conditions for subdivision have been met. Outstanding conditions include: proof of potable water, proof of storm drainage requirements, proof of roadway standards, and confirmation of compliance with the registered covenants.

The Local Trust Committee is reminded that at the July business meeting a resolution was passed requiring staff to provide supporting documentation to the LTC regarding the covenant and subdivision requirements prior to providing confirmation to the Ministry of Transportation and Infrastructure that Islands Trust subdivision requirements have been satisfied.

Subsequently the LTC directed staff to draft a consolidated covenant for the Harbour Hill subdivision that would include Covenants 127432 and 147887, and reference the Development Permit Areas. The LTC also requested the applicant provide a report addressing the potential impact of the proposed subdivision, and the permitted uses within the catchment area of the Gardom Pond Dam, on the Gardom Pond dam.

Upon further review two additional covenants held by the LTC could also be consolidated with the proposed covenant. Covenant EH121698 only addresses the total number of lots permitted through the different phases of the development; this would be addressed with the 'no further subdivision' condition. Covenant EF5709 has a number of clauses that apply to the earlier phases of the subdivision, or will need to be completed prior to final registration of the subdivision. Only one condition related to septic field size requirements prior to a building permit would remain in effect, this requirement has been incorporated into the consolidated covenant.

A report from Ryzuk Geotechnical regarding development of the proposed lots on the north side of Gardom Pond has been received and is attached to this report. The report identifies four separate drainage areas on the subject property. One drainage area, Zone B that contains Lots 8 to 10 has a direct influence on the pond. The adjacent drainage area, Zone C that contains Lots 5 to 7, has an indirect influence on the pond and has the same recommendations as Zone B. The remaining discharge areas (Zones A and D) would not affect the hydraulic regime of the pond. Mitigative measures to consider include: upgrade of the spillway or requiring infiltration ponds for each lot in Zone B, and maintaining tree cover within Zone B and C as much as possible to limit runoff. The report was forwarded to the Ministry of Transportation and Infrastucture and the Dam Safety Review Officer for their consideration. It would be within the purview of the Approving Officer to withhold the subdivision unitl potential adverse effects on the health and safety of adjacent lands are adequately addressed. The Approving Offier has the authority to deny approval of a subdivision plan if he determines that it is against public interest.

The purpose of this report is to:

- Consider issuance of the proposed development permit,
- provide the LTC an opportunity to review and comment on the consolidated covenant,
- receive the drainage study regarding development of the proposed lots on the Gardom Pond dam, and
- delegate a signatory on behalf of the LTC for executing the consolidated covenant and discharging the existing covenants.

Copies of related professional reports and the existing covenants have been included with previous staff reports and have not been attached to this report. If the LTC wishes to obtain copies of the previously received professional reports and/or copies of the existing covenants in a separate document, staff can forward that information upon request.

Attached to this report is:

- Schedule A - the draft development permit,
- Schedule B – the draft covenant, and
- Schedule C - the drainage study from Ryzuk Geotechnical.

Figure 1: Subject Property with Development Permit Area Boundaries

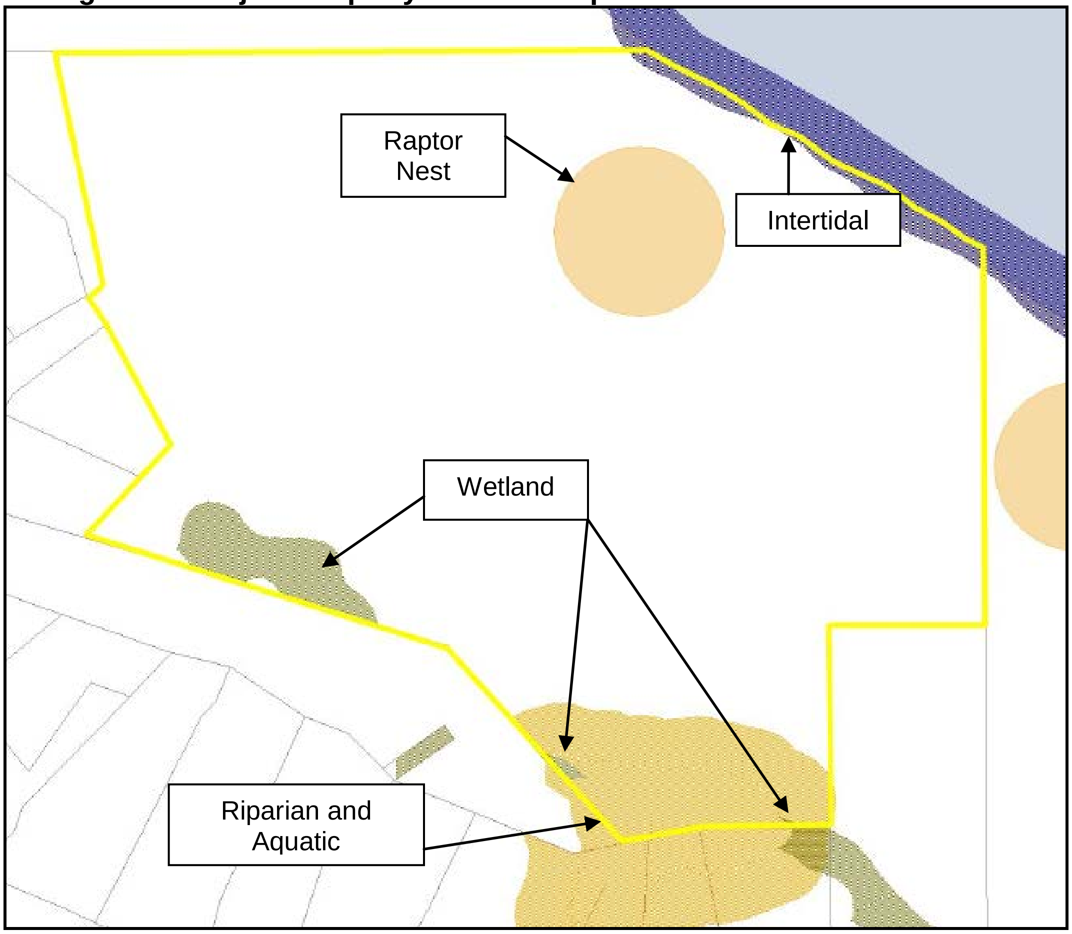
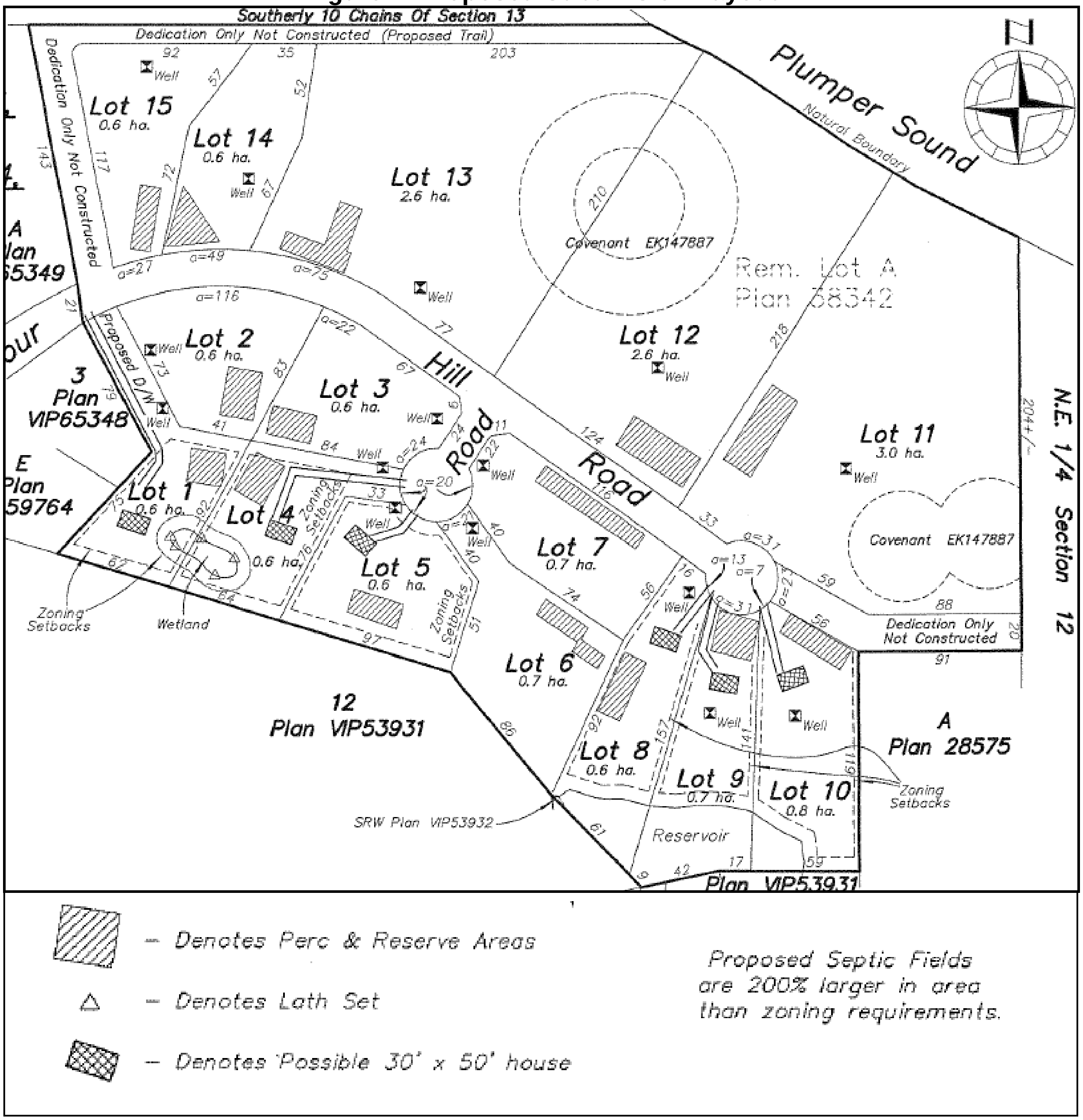


Figure 2: Proposed Subdivision Layout



SITE CONTEXT:

The subject property is located in the Razor Point area and is accessed at the north end of Harbour Hill Road. The property is 18.1 ha (44.7ac) in size and proposed to be subdivided into 15 lots ranging from 0.6 to 3.0 ha (1.5 – 7.4 ac), which is consistent with lot sizes created during the earlier phases of the subdivision. Based on GIS data the waterfront property rises to approximately 102 metres from the sea with a moderate to highly steep bank that extends approximately a third of the distance into the property, and aligns parallel to the coastline. Except for the roadways, the property primarily contains mature vegetation.

Figure 3: Subject Property

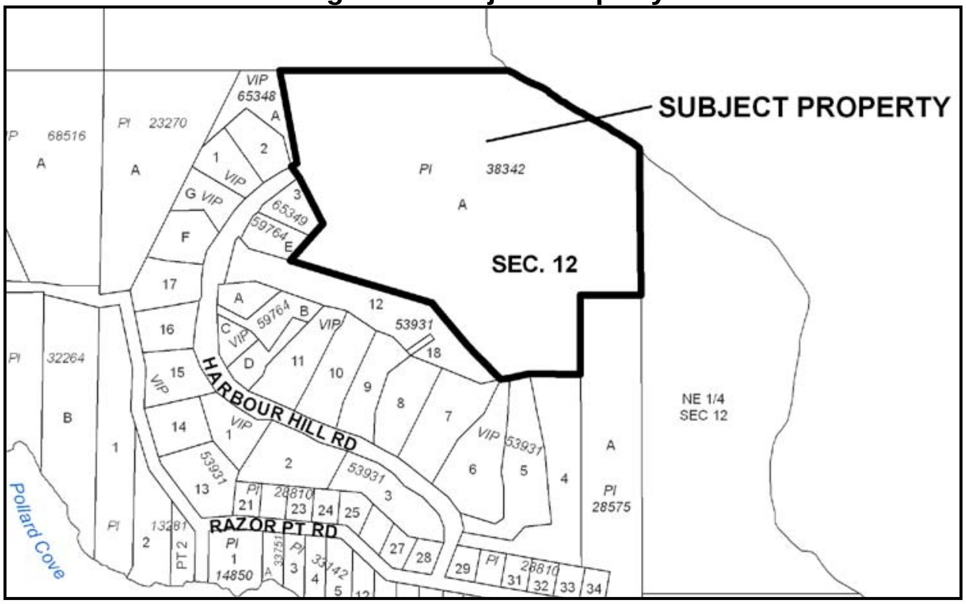
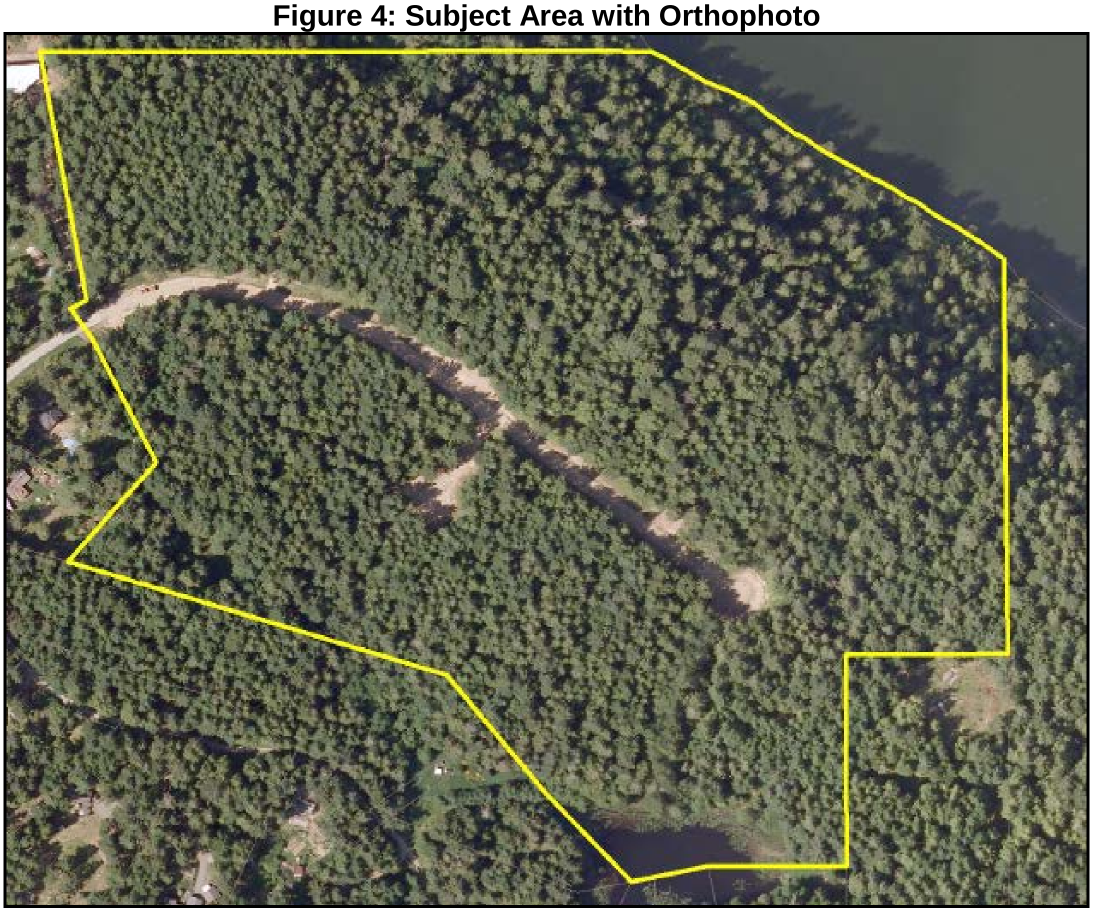


Figure 4: Subject Area with Orthophoto



CURRENT PLANNING STATUS OF SUBJECT LANDS:

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

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

- 3.1.3 – the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area,
- 3.3.2 – means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones to protect aquatic wildlife,
- 3.4.4 – the protection of sensitive coastal areas,
- 5.2.5 – means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans,
- 5.2.6 – the identification of areas hazardous to development, including areas subject to flooding, erosion or slope stability, and strategies to direct development away from such hazards,
- 5.5.5 – the identification of sites providing safe public access to beaches…, and
- 5.5.7 – the planning for bicycle, pedestrian and equestrian trail system.

Official Community Plan: The subject property is designated Rural Residential in the OCP. Policies relevant to this application include:

- 4.1.2 – Siting regulations and appropriate buffer areas will be established to ensure the protection of wetlands and watercourses.
- 4.1.3 – Watersheds, wetlands, creeks and groundwater recharge areas shall be protected through the regulation of land use. Vegetation removal in and adjacent to such features may be limited through the implementation of development permit areas.
- 4.1.4 – Development which may contaminate or compromise the sustainability of surface or ground water resources shall not be permitted.
- 4.2.7 – Maintenance of public areas and the right to recreational use of the foreshore shall be protected.

Land Use Bylaw: The subject property is zoned Rural Residential. Neighbouring properties are zoned:

- North – Rural and Agricultural
- East – Rural
- South – Rural Residential and Community Park
- West – Rural Residential and Agricultural

Islands Trust Fund: There are no Trust Fund covenants on the property; however, there is an adjacent property with a Trust Fund conservation covenant (Natural Areas Protection Tax Exemption Program). The application was referred to Trust Fund staff who stated they have no concerns. They would also remind the LTC and future property owners that on those proposed lots affected by the wetland covenants the owners could consider a future NAPTEP covenant to realize tax benefits.

Sensitive Ecosystems and Hazard Areas: The subject property contains Development Permit Areas (DPA) for sensitive wetland ecosystems, riparian and aquatic ecosystems, and raptor nests.

The proposed subdivision layout would result in:

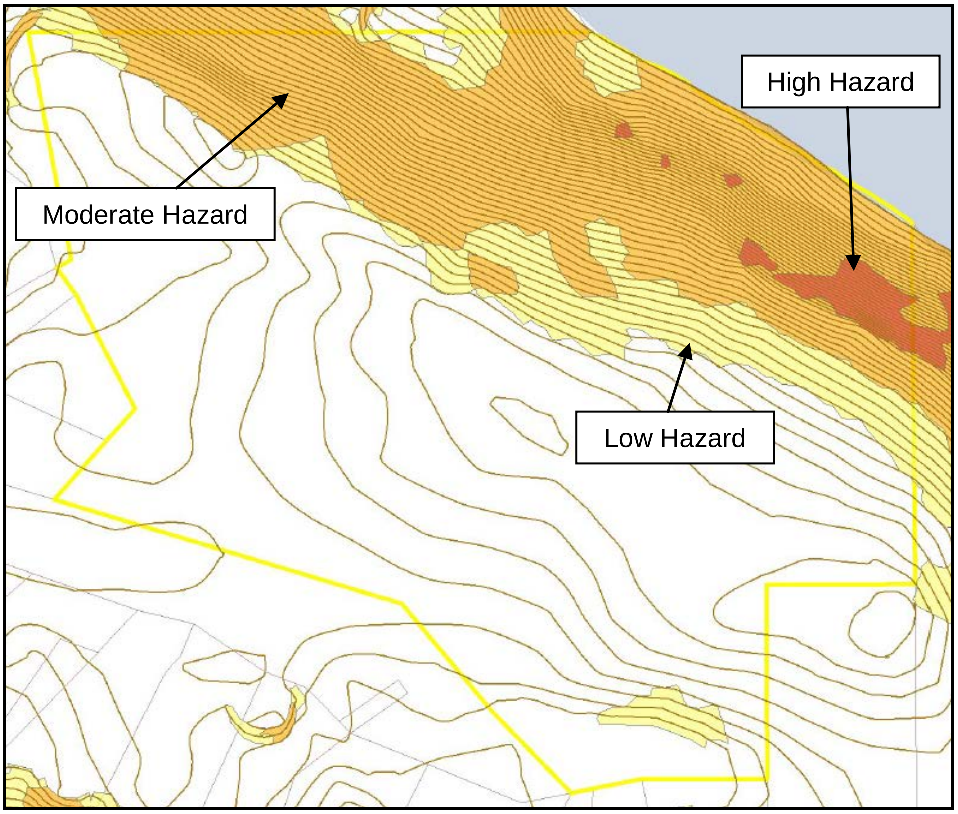
- approximately 80% (by diameter) of the raptor nest DPA would be within one proposed lot,

- the wetland DPA would affect three proposed lots, and
- the riparian and aquatic DPA (Gardom Pond) would affect four proposed lots.

Since this development permit is addressing the lot layout only, any future land alterations or development within the DPA's of the affected lots would require a separate development permit.

The steep slope hazard mapping shows areas of low, moderate and high hazard.

Figure 5: Steep Slope Hazards and 2 m Contour Intervals



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

Covenants: There are four restrictive covenants on the property in favour of the LTC or Islands Trust, which were attached to the previous staff report.

Subdivision requirements for confirmation of drainage, roadway standards and potable water remain outstanding and will need to be satisfied prior to registration of the final subdivision plan. These requirements noted in the covenant are also in the subdivision regulations of the Land Use Bylaw.

The walking trail requirement specified within a covenant was referred to the Pender Islands Park and Recreation Commission (PIPRC). The exact location of the trail is yet to be protectecd by statutory rights-of-way. The covenant precludes registration of the subdivision plan until a statutory right-of-way for the trail has been agreed and registered.

Consolidated Covenant:

The terms of the proposed consolidated covenant are noted below with a notation on the originating source covenant.

General Restrictions	***Source/Comments***
1. For the purpose of this covenant all distances shall be measured horizontally.	*EK147887 – clause3* *EK127432 – clause 12*
2. For the purpose of this covenant the term "tree" shall be defined as a tree with a diameter of 10 centimetres and larger, measured at breast height.	*EK147887 – clause 2* *EK127432 – clause 11*
3. The Owner covenants and agrees that it will not alter the land from its natural state, or construct or alter any building or structure, in contravention of this agreement without first having obtained approval, by way of a resolution, from the North Pender Island Local Trust Committee.	*new*
Restriction on Subdivision	
4. The Owner covenants and agrees to subdivide the Lands into not more than 15 Lots as substantially shown on Schedule "A" as to size and shape of Lots, and that no Lot may be further subdivided. Consolidation of adjacent Lots is exempt from this restriction.	*EK127432 – clause 7* *EF5709 – clause 1a and c* *Covenant EH121698 could also be discharged as it only related to permitted density of lots by subdivision*
Restriction on Tree Removal along Property Boundaries	
5. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any tree within 5 metres of all Lot boundaries of Lots 8 to 13 inclusive as shown on Schedule "A", except for that clearing reasonably necessary to provide one single lane access constructed no wider than the Ministry of Transportation and Infrastructure standard 6 metre driveway width.	*EK127432 – clause2 with driveway standard clarification added*
6. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any tree within 3 metres of all Lot boundaries of Lots 1 to 7 inclusive, and Lots 14 and 15 as shown on Schedule "A", except for that clearing reasonably necessary to provide one single lane access constructed no wider than the Ministry of Transportation and Infrastructure standard 6 metre driveway width.	*EK127432 – clause3 with driveway standard clarification added*
Restriction on Land Alterations and Development near Gardom Pond	
7. The Owner shall ensure that prior to any land alteration or starting the construction of, or alteration to, any building or structure, located within the Riparian and Aquatic Development Permit Area, the Owner has applied for and obtained a	*New clause, added for Riparian and Aquatic DPA clarification* ***See enlargement below for*

Development Permit in accordance with the North Pender Island Official Community Plan as it may be amended from time to time. The development permit area corresponds to Areas 6 to 19 as shown on Schedule "A", and is applicable to Lots 6, 8, 9, and 10.	*reference to Areas*
8. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any trees on Lots 8, 9 and 10 within a distance of 20 metres from Gardom Pond, which corresponds to Areas 9, 10, 13, 14, 17 and 18 on Schedule "A". Tree removal may specifically be authorized under a Development Permit for the Riparian and Aquatic Ecosystem and by written consent in accordance with this agreement.	*EK127432 – clause4 with DPA reference added for clarification* ***See enlargement below for reference to Areas*
9. The Owner covenants and agrees not to construct or place or permit any building or structure within 15.24 metres of Gardom Pond, which corresponds to Areas 7, 10, 14,and 18 on Schedule "A" and is applicable to Lots 6, 8, 9, and 10.	*EK127432 – clause8* ***See enlargement below for reference to Areas*
<u>Restriction on Tree Removal from Waterfront Lots 11 to 13</u>	
10. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any trees on Lots 11, 12 and 13 except for the cutting and removal of those trees the removal of which is reasonably necessary to provide buildings sites on the said Lots, and as minimally necessary to provide views from those Lots toward Plumper Sound.	*EK127432 – clause5*
11. The Owner covenants and agrees not to remove, cut or damage or permit the removal, cutting or damaging of trees within the areas described as Areas "A" and "B" on Reference Plan VIP64611 dated the 10th of December, 1996, of which a copy is attached as Schedule "B".	*EK147887 – clause 1*
12. The Owner covenants and agrees not to remove or permit the removal of any vegetation whatsoever in Area "C" on Reference Plan VIP64611 dated the 10th of December, 1996, of which a copy is attached as Schedule "B".	*EK147887 - clause1*
13. The Owner covenants and agrees not to remove or permit the removal of any vegetation within Area "D" on Reference Plan VIP64611 dated the 10th of December, 1996, of which a copy is attached as Schedule "B" without written permission of the Ministry of Environment.	*EK147887 - clause1*
14. The Owner shall ensure that prior to any land alteration or starting the construction of, or alteration to, any building or structure, located within the Raptor Nest Development Permit Area, the Owner has applied for and obtained a Development Permit in accordance with the North Pender Island Official Community Plan as it may be amended from time to time, in addition to written consent in accordance with this agreement.	*New clause, added for Raptor Nest DPA clarification* ***See enlargement below for reference to Areas*

The development permit area corresponds to Areas 4 and 5 as shown on Schedule "A" and is applicable to Lots 12 and 13.

Restriction on Land Alterations and Development near Wetland

15. The Owner shall ensure that prior to any land alteration or starting the construction of, or alteration to, any building or structure, located within the Wetland Development Permit Area, the Owner has applied for and obtained a Development Permit in accordance with the North Pender Island Official Community Plan as it may be amended from time to time, in addition to written consent in accordance with this agreement. The development permit area corresponds to Areas 1, 2 and 3 as shown on Schedule "A" and is applicable to Lots 1, 4 and 5.

New clause, added for Wetland DPA clarification

***See enlargement below for reference to Areas*

Requirement for Public Walking Trail

16. The Owner covenants and agrees to dedicate a walking trail over the lands, to Plumper Sound, in the approximate location as shown on Schedule "A", the exact location of which will be determined in cooperation with the Pender Islands Parks and Recreation Commission, the dedication to be made by Statutory Right of Way to the Capital Regional District, such Statutory Right of Way to be deposited and registered in the Land Title Office immediately following the registration of the subdivision plan.

EK127432 – clause 9

If registration of the SRW is completed beforehand, this condition would be removed

Requirement for Building Permit

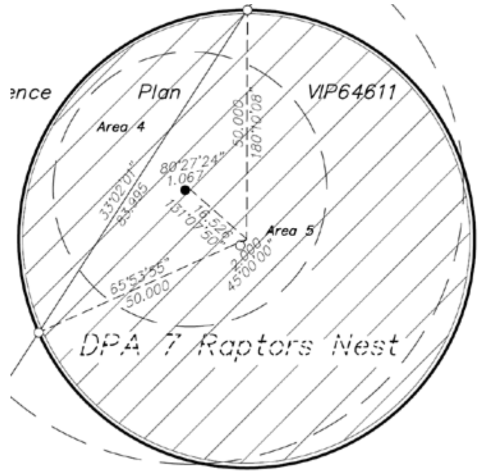
From EF5709

17. The Owner covenants and agrees that the lands shall not be built upon and no building permit shall be issued for construction of any building or permanent structure on the lands unless the area of a septic field constructed and installed under the *Health Act* or a bylaw of the Capital Regional District is 25% greater than the standard required under the Act, regulation or bylaw.

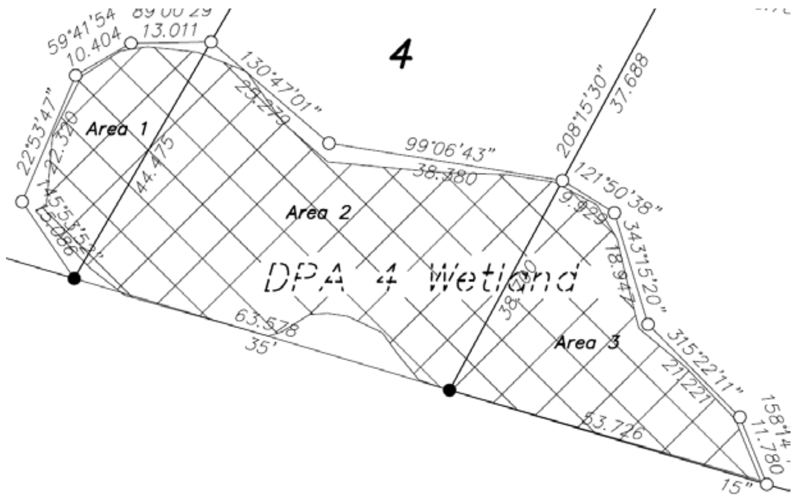
Covenant EF5709 could also be discharged as most clauses are not applicable to the newly created parcels of the final phase except this condition, 2(b)

To ensure the covenant is acceptable to the Land Title Office for registration, the extent of the development permit areas have been identified using multiple 'Areas' identified on the plan. Exerpts from the plan showing each DPA is shown below for ease of legibility.

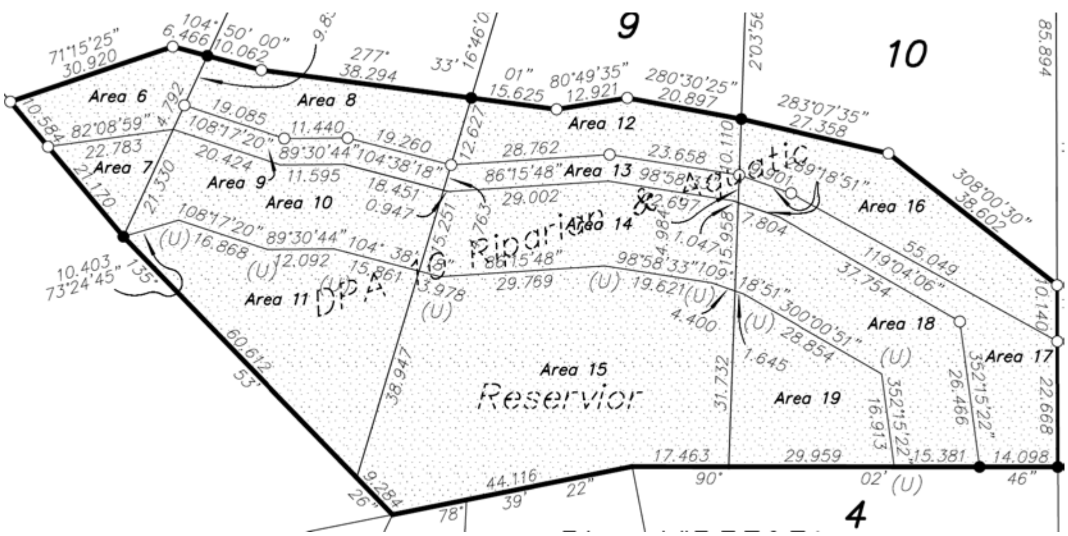
Raptor Nest DPA:



Wetland DPA:



Riparian and Aquatic DPA:



Conditions related to land use and development within the existing covenants not recommended to include in the consolidated covenant are noted below with the rationale to exclude them. Legal and administrative terms and conditions are also not included in this summary.

EK127432 has eleven conditions; nine are incorporated into the consolidated covenant.

EK147887 has three conditions: all are incorporated into the consolidated covenant.

EF5709 has fourteen conditions: three are incorporated into the consolidated covenant.

EH121698 has one condition related to lots permitted: incorporated into the consolidated covenant.

EK127432 – condition 6: no cottage on lots less than 1.214 ha	Redundant, this is not permitted under current zoning regulations in the LUB
EK127432 – condition 10: fire hydrant to be installed at Razor Point Rd	Has been completed, nothing long term related to the condition ie: maintenance
EF5709 – condition 1b: park land dedication	Completed during earlier phase
EF5709 – condition 1d: easement for water supply (Improvement district)	Completed during earlier phase
EF5709 – condition 1e: Approving Officer to receive an Engineer's report for roadway construction	Will be required to complete final subdivision and is addressed in LUB subdivision regulations, nothing long term related to condition
EF5709 – condition 2a: construction of restricted road access to park land	Completed during earlier phase
EF5709 – condition 2c: professional report required prior to BP (geotech)	Applies to properties in earlier phase – does not affect remainder parcel
EF5709 – condition 2d: potable water requirements	Condition required to complete final subdivision and is addressed in LUB subdivision regulations, nothing long term related to condition
EF5709 – condition 3a: one dwelling per lot less than 1.214 ha	Redundant, this is not permitted under current zoning regulations in the LUB
EF5709 – condition 3b: 3a to become null and void condition at time of LUB amendment	Completed and currently has no legal effect
EF5709 – condition 3c: access to lots 4 and 5 of earlier phase	Completed during earlier phase
EF5709 – condition 4a: no tree removal	Applies to properties in earlier phase – does not affect remainder parcel
EF5709 – condition 4b: damages for violation of 4a	Applies to properties in earlier phase – does not affect remainder parcel

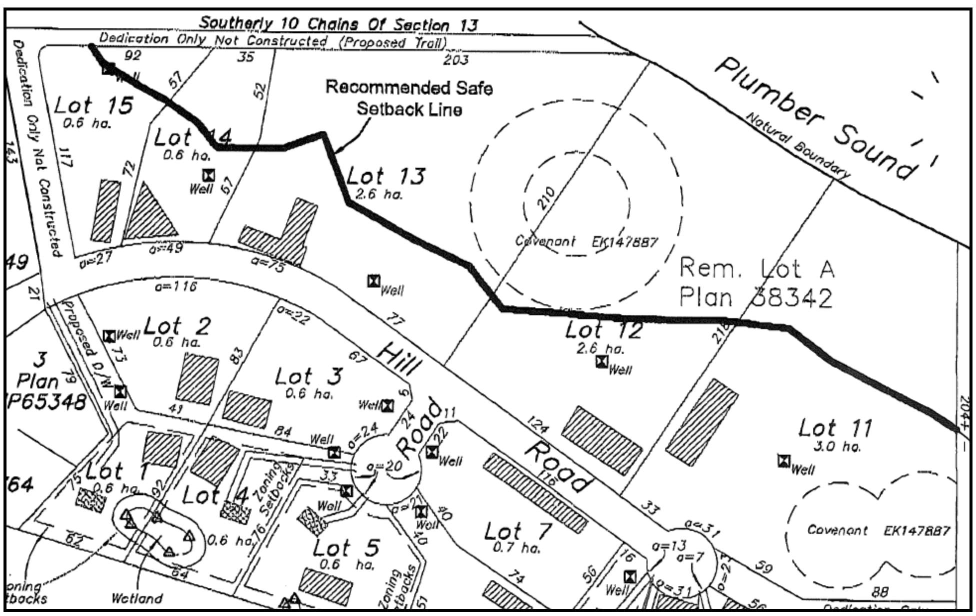
Climate Change Adaptation and Mitigation: As the final phase in a long-term subdivision there are no substantive opportunities for adaptation and mitigation. The general lot layout for the overall subdivision is restricted by covenants. The application of lot clustering to reduce road length would require renegotiating the registered covenant and would result in minimal improvements; reducing impacts through lot clustering may have resulted in benefits if implemented during the earliest phase of subdivision.

Other:

Fisheries and Oceans Canada: The subject property was also subject to an enforcement file by Fisheries and Oceans Canada (DFO) in September 2009. Remedial work to the upland bank of the foreshore was required at that time; DFO has been requested to confirm if they have closed the enforcement file. At the time of writing this report, a response has not been received.

Geotechnical: As a condition of the subdivision preliminary layout approval (PLA) the Ministry of Transportation and Infrastructure is requiring a registered covenant based on a report prepared by Ryzuk Geotechnical. The report recommends a building setback that is 3 metres from the crest of the slope as shown on the plan below.

Figure 6: Recommended Geotechnical Setback



Layout Plans: The subdivision layout plans submitted to the Land Title and Survey Authority (formerly Land Title Office) must comply with their requirements. A series of plans with an increasing level of information is shown below for information only.

1. The proposed subdivision layout – legal boundaries of the parent property, proposed lot lines and existing registered right-of-way or covenant plans.
2. The site plan – as above with the inclusion of covenant restrictions, development permit area boundaries and natural features. Covenant restrictions include building setbacks, no tree removal buffers, and walking trail.
3. The concept plan – as above with the addition of septic field sites, some house and well sites to represent development of the proposed lots without encroachment into the development permit areas.

Figure 7: Proposed Subdivision Layout

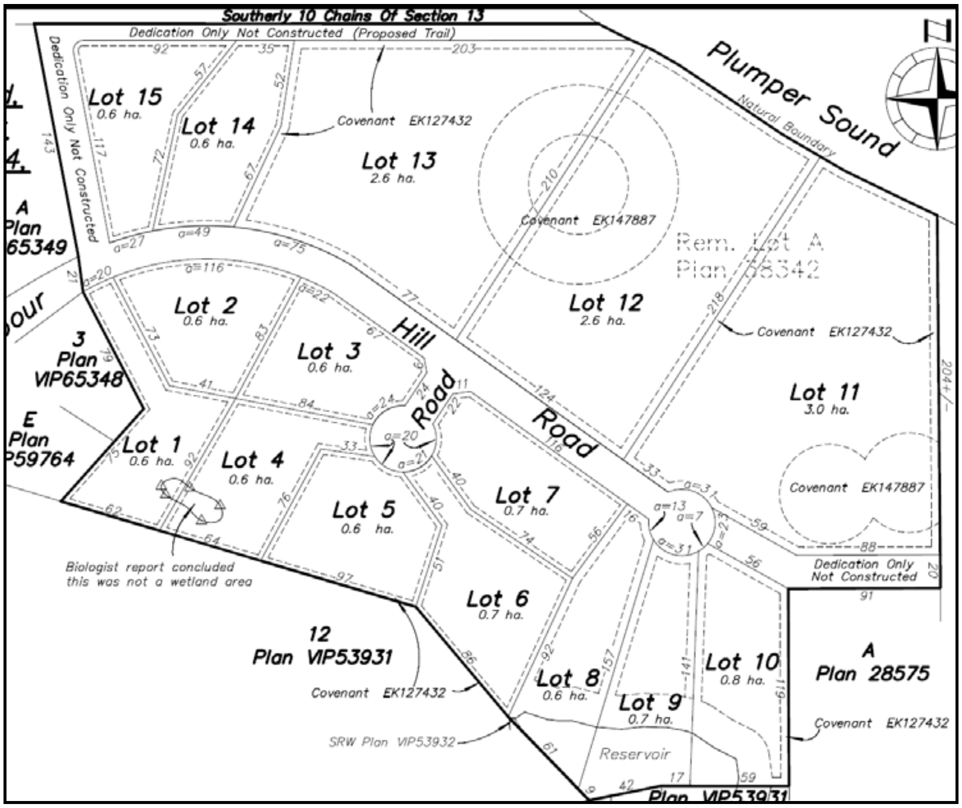


Figure 8: Site Plan

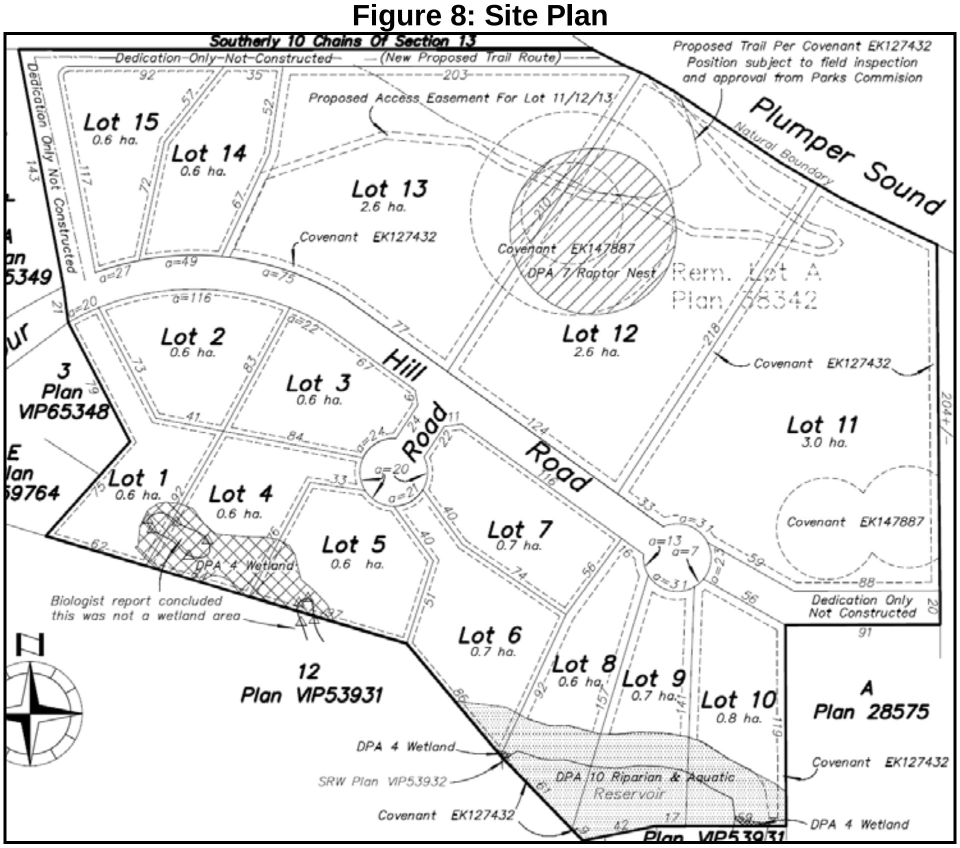


Figure 9: Concept Plan

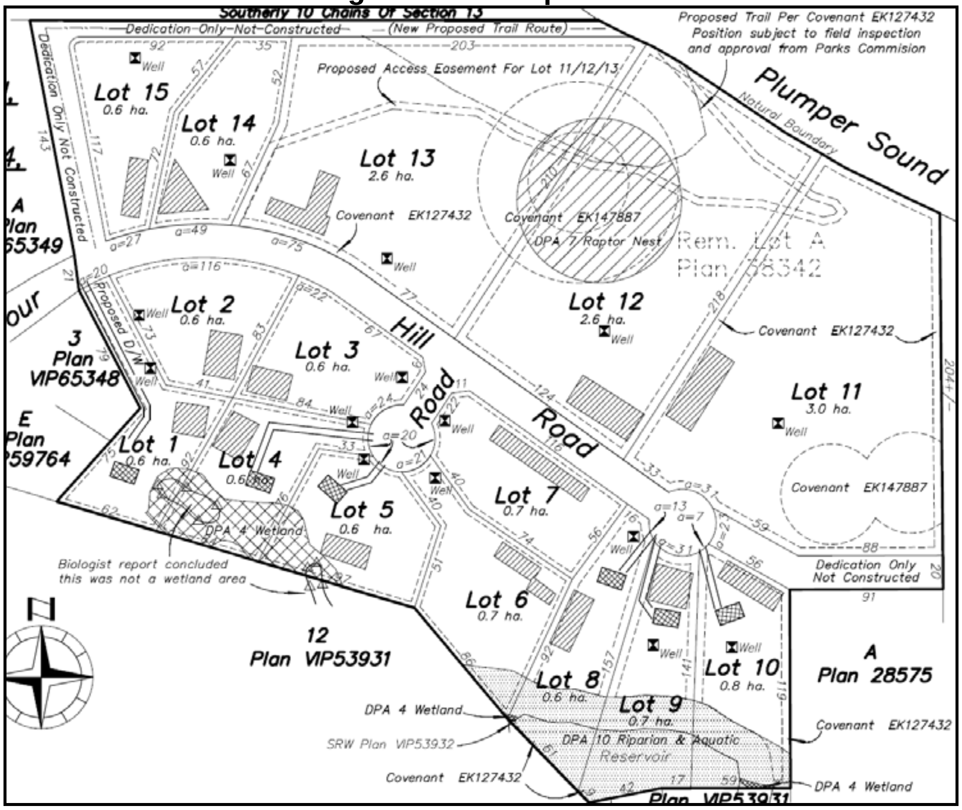
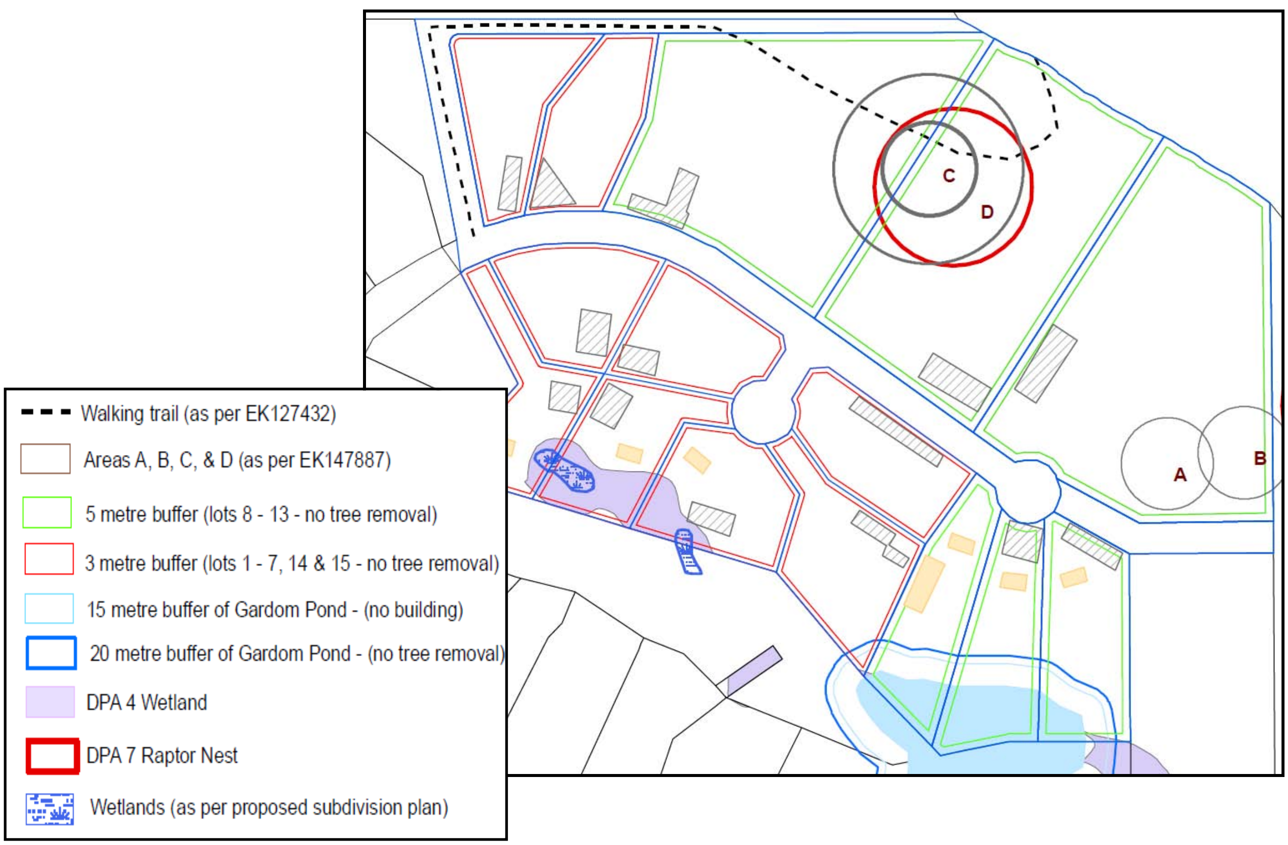


Figure 10: Composite Site Plan



ISSUES SUMMARY:

The LTC is reminded the purpose of this report is to consider issuance of the development permit. The subdivision application remains ongoing with other related issues yet to be resolved including: the walking trail, proof of potable water, proof of compliance with storm drainage regulations, and proof of compliance with roadway standards.

The related issue of the Gardom Pond dam is fairly complex and does not fall directly under the jurisdiction of the LTC, although land use in the surrounding catchment area is the LTC's jurisdiction. The matter has been forwarded to the Ministry of Transportation and Infrastructure for the Approving Officer's consideration. At the time of writing this report no comments had yet been provided, staff will follow up with Ministry staff and verbally report on any new information received.

Next Steps:

The following outlines the remaining steps to complete the subdivision; it does not include any activities related to the Gardom Pond dam.

Key Steps	Responsible for Follow Up
1. Issuance of a development permit for the subidivision layout	LTC (staff to issue)
2. Submit documentation regarding confirmation of: potable water, roadways standards and storm drainage	Applicant to staff
3. Trail location secured through a registered Statutory Right-of-Way	Applicant and PIPRC (CRD)
4. Documentation confirming compliance with (2) and (3) forwarded to LTC	Planner
5. Letter to MOTI confirming Islands Trust conditions have been satisfied	Planner
6. Discharge of existing and registration of consolidated covenant on parent property	Planner / Islands Trust lawyers
7. Other related conditions fulfilled (eg: geotech covenant)	MoTI
8. Approval of subdivision plan	Approving Officer
9. Registration of the final subdivision plan	Applicant

STAFF COMMENTS:

The development of the subject property is the final phase of subdivision initiated approximately 20 years ago.

The general layout of the subdivision was agreed to by covenant in 1992. As a measure to limit impacts, comments in the biologist's report recommended covenants on Gardom Pond;

however, with the development permit area now in place the same objectives are achieved. Another recommendation is for a 10 m buffer on the small wetland. The wetland areas are contained within a larger development permit area providing a buffer, therefore having a similar outcome. Other comments relate to activities outside the DPA's (e.g. adjacent trees or development on other portions of the lot) and it would not be within the authority of development permits to put conditions on activities outside of the DPA boundary.

Conditions in the proposed permit include:

- identification of the raptor nest tree and the DP boundary (50m radius) by staking or flagging in the field to clearly delineate where there is no land alteration without permit,
- that during land alteration and development of the proposed lots, the use of silt fencing or hay bales to prevent any sedimentation be transported into the wetland or Gardom Pond as needed, and
- location of the walking trail as required by covenant is permitted, subject to construction occurring between August 16^{th} and January 14^{th}.

This development permit would approve the layout of the lots only. Any future land alterations and development within the DPA's, including the installation of docks on Gardom Pond, would require their own assessment and issuance of an additional development permit

The current configuration of the subdivision layout is consistent with the objective of the DPA guidelines and there is sufficient area within each proposed lot to establish a dwelling and various accessory uses without encroaching into the DPA.

Staff supports issuance of the development permit since:

- the proposed lot configuration of the subdivision complies with the covenant and the required variances and lot frontage waiver were approved,
- any future land alterations or development on the lots within the development permit areas will require issuance of additional permtis, and
- the other outstanding issues related to the subdivision still need to be fulfilled prior to Islands Trust advising the Ministry of Transportation and Infrastructure that we do not object to registration of the final subdivision plan.

RECOMMENDATIONS:

THAT Development Permit NP-DP-2010.4 (Twa) BE APPROVED.

Prepared and Submitted by:

Andrea Pickard

Andrea Pickard	January 10, 2012
	Date

Concurred in by:

Regional Planning Manager	January 11/12
	Date

Schedule A

PROPOSED

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2010.4
Cross Reference NP-SUB-2008.5

To: N-Twa Equipment Ltd., Inc. No. 125,896

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

   Lot A, Section 12, Pender Island, Cowichan District, Plan 38342, Except Plans VIP53931, VIP59764, VIP65348, and VIP65349

2. This Development Permit authorizes the lot layout for the subdivision of land containing sensitive wetland ecosystem, sensitive riparian and aquatic ecosystem and raptor nest development permit areas subject to the following requirements and conditions.

   (a) The subdivision layout shall be substantially consistent with Schedule “A” attached to and forming part of this permit.

   (b) The raptor nest tree shall be clearly identified and the development permit boundary (50 metre radius from the tree) shall be staked or clearly flagged such that it is clear where no land alteration or construction is authorized without a permit.

   (c) During any land alteration and development of the proposed lots, the wetland and Gardom Pond shall be protected from sedimentation by surface run-off through the use of silt fencing or hay bales as needed.

   (d) Location of a recreational walking trail within the raptor nest development permit area, in the general location as shown on Schedule “B”, is permitted for the purpose of satisfying the terms of registered covenant EK127432 subject to construction of the trail occurring between August 16th and January 14th.

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__.

PROPOSED

____
Deputy Secretary, Islands Trust

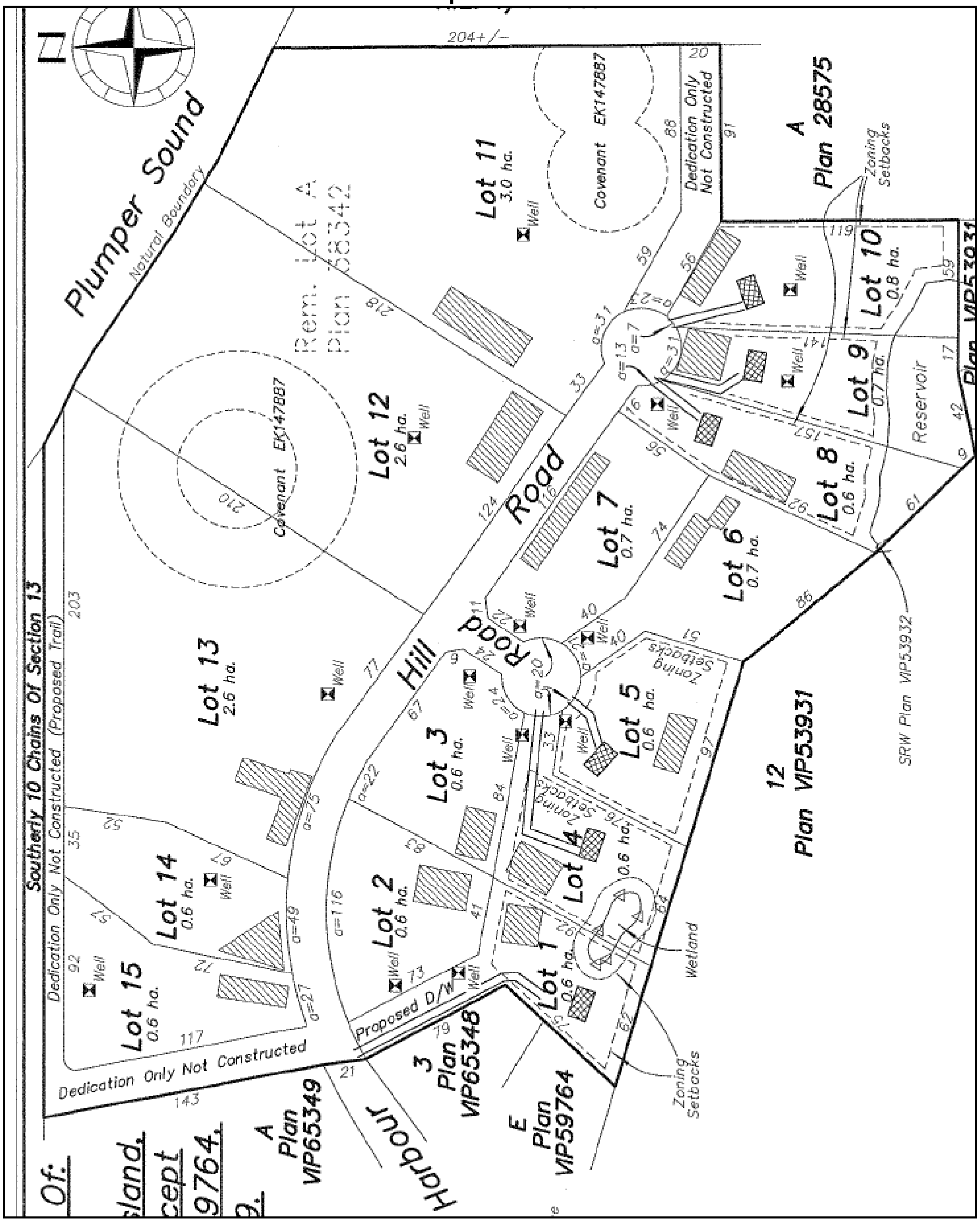
____
Date Issued

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

PROPOSED

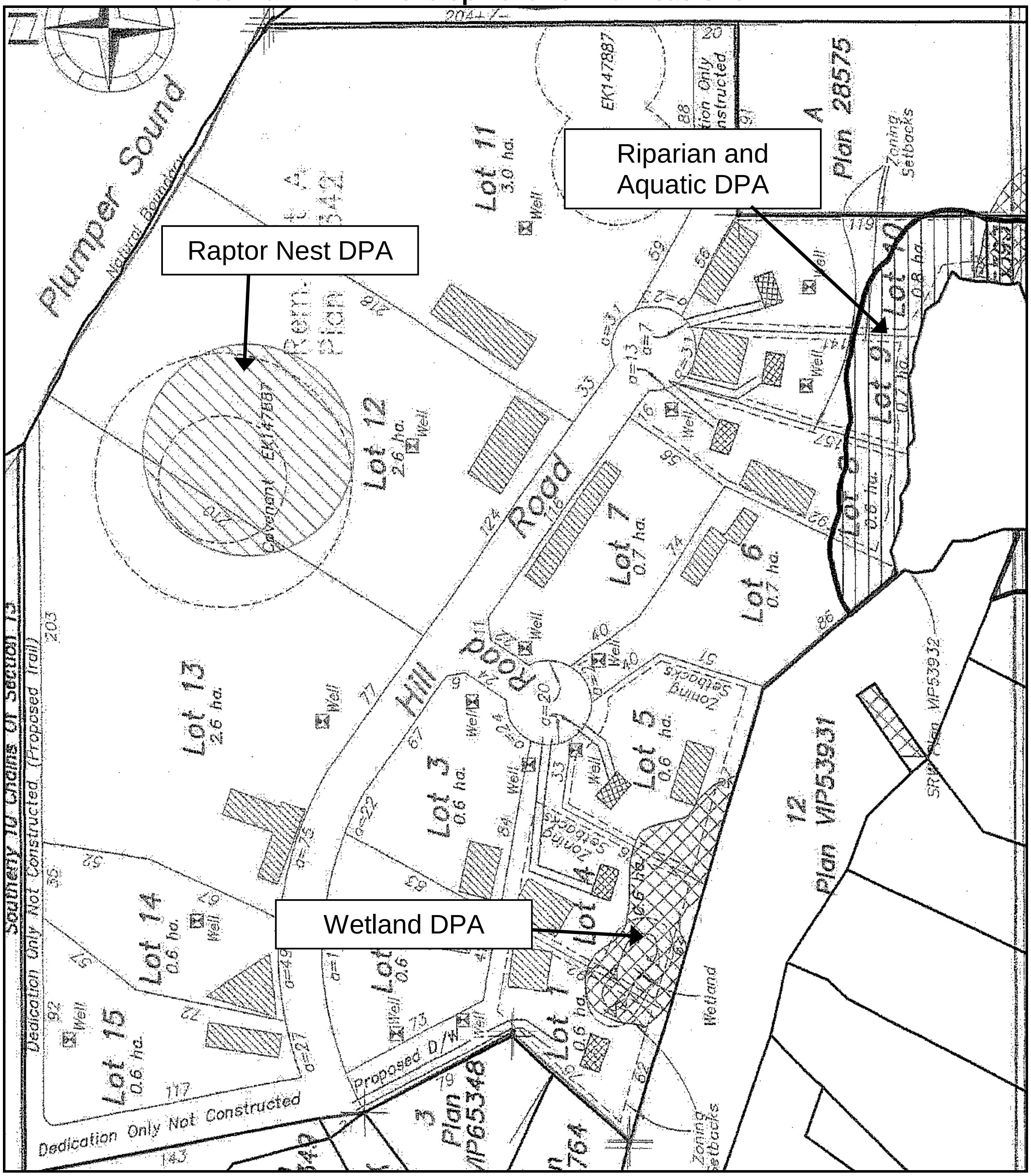
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.5
Schedule "A"

Site Plan –Without Development Permit Areas Shown



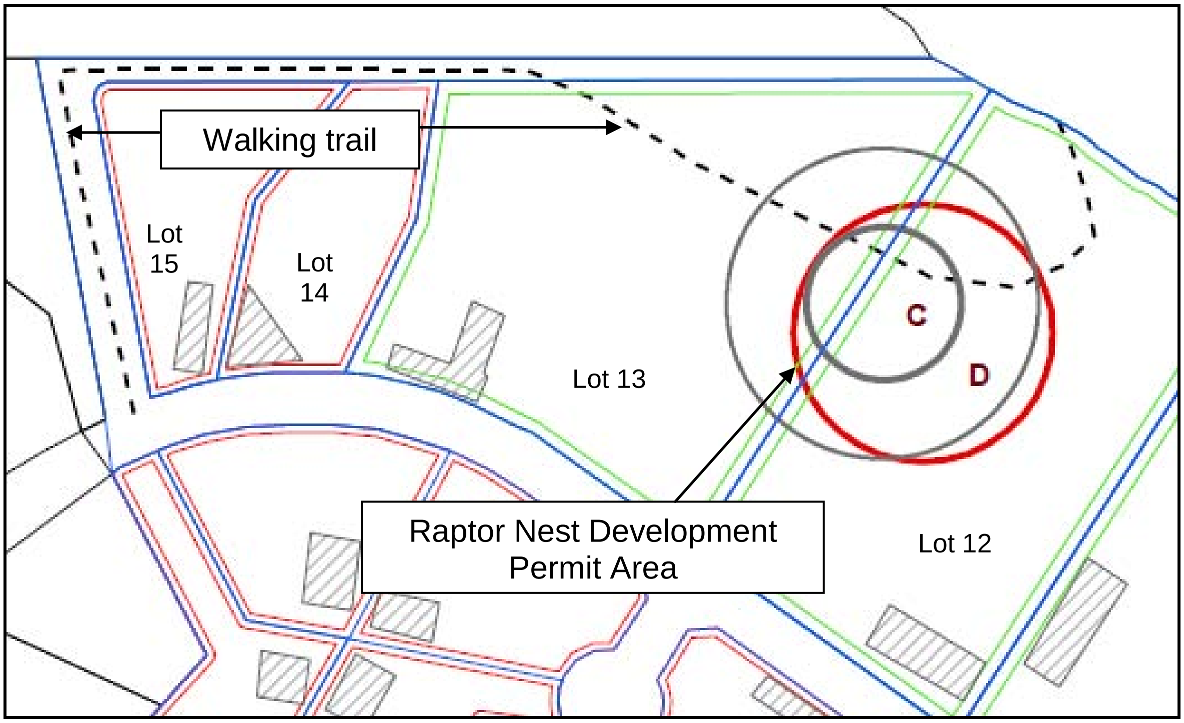
PROPOSED

Site Plan – With Development Permit Areas Shown



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.5
Schedule "B"



PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _________, ______ is

AMONG:

N-Twa Equipment Ltd., Inc. No. 125, 896, 570 Blackburn Road, Salt Spring Island, British Columbia, V8K 2W1

(the "**Owner**")

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: 000-102-474

Legal Description: Lot A, Section 12, Pender Island, Cowichan District, Plan 38342, Except Plans VIP53931, VIP59764, VIP65348 and VIP65349

(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", into Lots 1 to 15.

B. 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.

C. The Land has four Section 215 covenants granted to the Local Trust Committee registered on title as EK127432, EK147887, EF5709 and EH121698, which the Local Trust Committee agrees to discharge following registration of this agreement on title for the Land.

D. The Land is subject to Development Permit Areas for the protection of the natural environment, its ecosystems and biological diversity in the North Pender Island Official Community Plan, specifically for sensitive wetland ecosystems, riparian and aquatic ecosystems, and raptor nests.

E. The Owner wishes to grant and the Local Trust Committee wishes 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 confirming the limitations on the use of the land and in identifying those areas contained within the Lands with specific restrictions.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars ($2.00) by the Local Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

<u>General Restrictions</u>

1. For the purpose of this covenant all distances shall be measured horizontally.

2. For the purpose of this covenant the term “tree” shall be defined as a tree with a diameter of 10 centimetres and larger, measured at breast height.

3. The Owner covenants and agrees that it will not alter the land from its natural state, or construct or alter any building or structure, in contravention of this agreement without first having obtained approval, by way of a resolution, from the North Pender Island Local Trust Committee.

<u>Restriction on Subdivision</u>

4. The Owner covenants and agrees to subdivide the Lands into not more than 15 Lots as substantially shown on Schedule “A” as to size and shape of Lots, and that no Lot may be further subdivided. Consolidation of adjacent Lots is exempt from this restriction.

<u>Restriction on Tree Removal along Property Boundaries</u>

5. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any tree within 5 metres of all Lot boundaries of Lots 8 to 13 inclusive as shown on Schedule "A", except for that clearing reasonably necessary to provide one single lane access constructed no wider than the Ministry of Transportation and Infrastructure standard 6 metre driveway width.

6. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any tree within 3 metres of all Lot boundaries of Lots 1 to 7 inclusive, and Lots 14 and 15 as shown on Schedule "A", except for that clearing reasonably necessary to provide one single lane access constructed no wider than the Ministry of Transportation and Infrastructure standard 6 metre driveway width.

Restriction on Land Alterations and Development near Gardom Pond

7. The Owner shall ensure that prior to any land alteration or starting the construction of, or alteration to, any building or structure, located within the Riparian and Aquatic Development Permit Area, the Owner has applied for and obtained a Development Permit in accordance with the North Pender Island Official Community Plan as it may be amended from time to time. The development permit area corresponds to Areas 6 to 19 as shown on Schedule "A", and is applicable to Lots 6, 8, 9, and 10.

8. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any trees on Lots 8, 9 and 10 within a distance of 20 metres from Gardom Pond, which corresponds to Areas 9, 10, 13, 14, 17 and 18 on Schedule "A". Tree removal may specifically be authorized under a Development Permit for the Riparian and Aquatic Ecosystem and by written consent in accordance with this agreement.

9. The Owner covenants and agrees not to construct or place or permit any building or structure within 15.24 metres of Gardom Pond, which corresponds to Areas 7, 10, 14,and 18 on Schedule "A" and is applicable to Lots 6, 8, 9, and 10.

Restriction on Tree Removal from Waterfront Lots 11 to 13

10. The Owner covenants and agrees that it will not cut or remove or permit the cutting or removal of any trees on Lots 11, 12 and 13 except for the cutting and removal of those trees the removal of which is reasonably necessary to provide buildings sites on the said Lots, and as minimally necessary to provide views from those Lots toward Plumper Sound.

11. The Owner covenants and agrees not to remove, cut or damage or permit the removal, cutting or damaging of trees within the areas described as

Areas “A” and “B” on Reference Plan VIP64611 dated the 10th of December, 1996, of which a copy is attached as Schedule “B”.

12. The Owner covenants and agrees not to remove or permit the removal of any vegetation whatsoever in Area “C” on Reference Plan VIP64611 dated the 10th of December, 1996, of which a copy is attached as Schedule “B”.”.

13. The Owner covenants and agrees not to remove or permit the removal of any vegetation without written permission of the Ministry of Environment within Area “D” on Reference Plan VIP64611 dated the 10th of December, 1996, of which a copy is attached as Schedule “B”.

14. The Owner shall ensure that prior to any land alteration or starting the construction of, or alteration to, any building or structure, located within the Raptor Nest Development Permit Area, the Owner has applied for and obtained a Development Permit in accordance with the North Pender Island Official Community Plan as it may be amended from time to time, in addition to written consent in accordance with this agreement. The development permit area corresponds to Areas 4 and 5 as shown on Schedule “A” and is applicable to Lots 12 and 13.

<u>Restriction on Land Alterations and Development near Wetland</u>

15. The Owner shall ensure that prior to any land alteration or starting the construction of, or alteration to, any building or structure, located within the Wetland Development Permit Area, the Owner has applied for and obtained a Development Permit in accordance with the North Pender Island Official Community Plan as it may be amended from time to time, in addition to written consent in accordance with this agreement. The development permit area corresponds to Areas 1, 2 and 3 as shown on Schedule “A” and is applicable to Lots 1, 4 and 5.

<u>Requirement for Public Walking Trail</u>

16. The Owner covenants and agrees to dedicate a walking trail over the lands, to Plumper Sound, in the approximate location as shown on Schedule “A”, the exact location of which will be determined in cooperation with the Pender Islands Parks and Recreation Commission, the dedication to be made by Statutory Right of Way to the Capital Regional District, such Statutory Right of Way to be deposited and registered in the Land Title Office immediately following the registration of the subdivision plan.

<u>Requirement for Building Permit</u>

17. The Owner covenants and agrees that the lands shall not be built upon and no building permit shall be issued for construction of any building or

permanent structure on the lands unless the area of a septic field constructed and installed under the *Health Act* or a bylaw of the Capital Regional District is 25% greater than the standard required under the Act, regulation or bylaw.

No Effect On Laws or Powers

18. This Agreement does not

(a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee or the Capital Regional District 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 Capital Regional District any duty of care or other legal duty of any kind to the Owner or to anyone else;

(c) oblige the Local Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Local Trust Committee;

(d) affect or limit any enactment relating to the use or subdivision of the Land;

(e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

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. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. 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.

Indemnity

20. The Owner hereby indemnifies and saves harmless the Local Trust Committee and the Capital Regional District, 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

21. 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

22. 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

23. 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

24. 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 of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

25. 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

26. 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

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

Further Acts

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

Deed and Contract

29. 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

30. 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. [Name of land owner(s)] (the “Owner”) is the registered owner of [insert full legal description] (the “Land");

B. The Owner granted [Name of chargeholder] (the “Prior Chargeholder”) a [identify mortgage or other charge], which was registered against the title to the Land in the Victoria Land Title Office under number [insert registration number] (the “Prior Charge”);

C. The Owner granted to the North Pender Island Local Trust Committee (the “Subsequent Chargeholder”) a Section 219 Covenant which is registered against the title to the Land under number [insert registration 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.

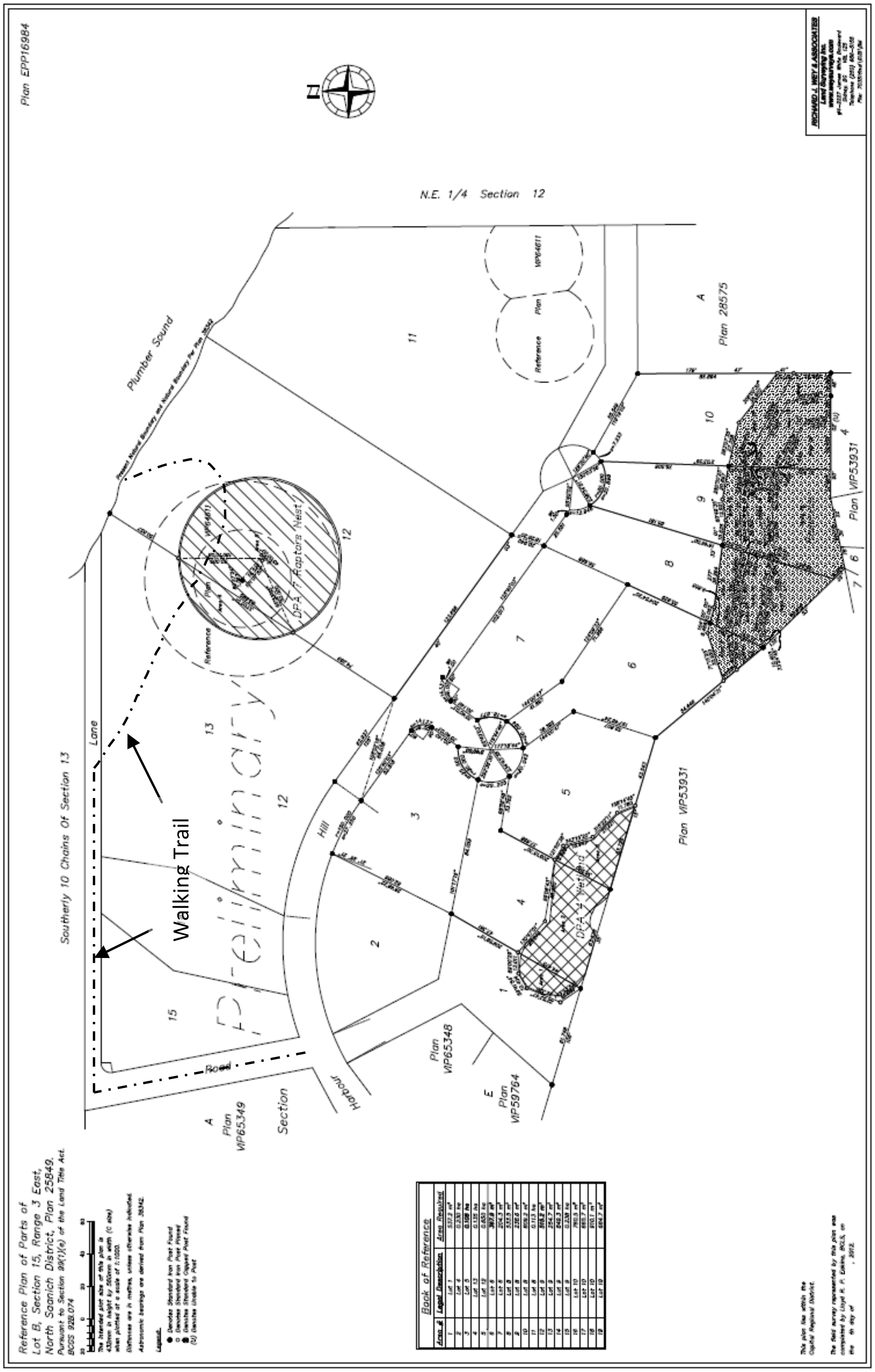
THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF $1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

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.

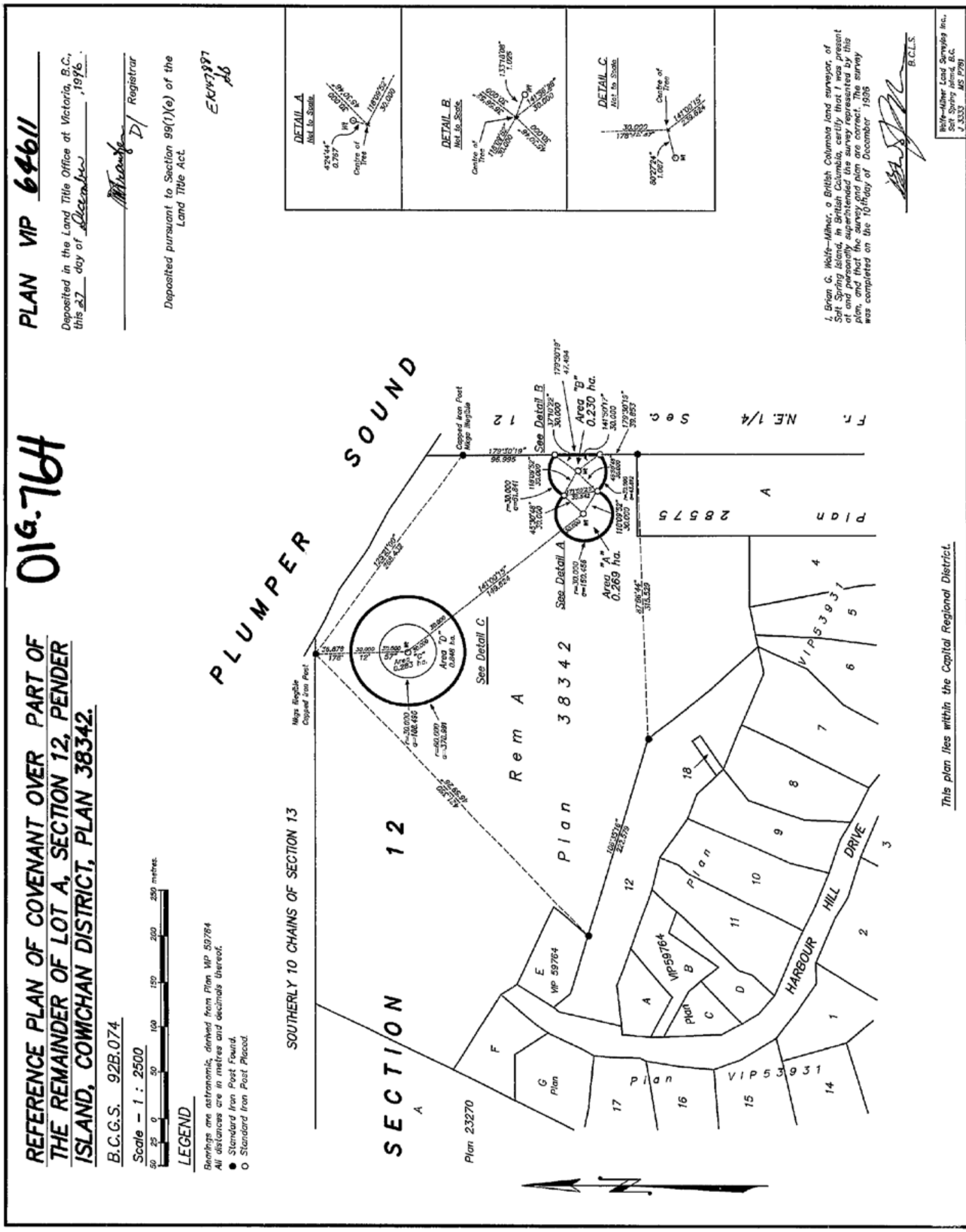
2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder’s right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to 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.

Schedule "A"
DRAFT – not final version



Schedule "B"


REFERENCE PLAN OF COVENANT OVER PART OF THE REMAINDER OF LOT A, SECTION 12, PENDER ISLAND, COWICHAN DISTRICT, PLAN 38342.
B.C.G.S. 92B.074
Scale – 1 : 2500
LEGEND
Bearings are astronomic, derived from Plan VIP 59764
All distances are in metres and decimals thereof.
Standard Iron Post Found.
Standard Iron Post Placed.
016.764
PLAN VIP 64611
Deposited in the Land Title Office at Victoria, B.C., this 27 day of December, 1996.
Registrar
Deposited pursuant to Section 99(1)(e) of the Land Title Act.
DETAIL A
Not to Scale
DETAIL B
Not to Scale
DETAIL C
Not to Scale
PLUMPER SOUND
SOUTHERLY 10 CHAINS OF SECTION 13
SECTION 12
Rem A
Plan 38342
Plan 23270
Plan 28575
HARBOUR HILL DRIVE
VIP 53931
VIP59764
See Detail A
See Detail B
See Detail C
Area "A" 0.269 ha.
Area "B" 0.230 ha.
Area "D" 0.848 ha.
N.E. 1/4
This plan lies within the Capital Regional District.
B.C.L.S.

Schedule C

E-MAILED 11-Od 7851

RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

December 7, 2011
File No: 8-5202-1

N-Twa Equipment Ltd.
970 Blackburn Road
Salt Spring Island, BC
V8K 2H2

Attn: Mr. Norman Twa

Dear Sir,

Re: Drainage Study
6600 Blk Harbour Road – North Pender Island, BC

As requested, we attended the referenced site to visually assess the existing drainage conditions pertaining to the proposed subdivision development. We understand that North Pender Island Local Trust Committee requested that a report addressing the potential impact of the proposed subdivision and the permitted uses within the catchment area of the Gardom Pond Dam be provided. Our work involved the review of the site conditions and a previous drainage study undertaken by Mr. Philip Grange, P. Eng. in 1991. We subsequently attended the site to undertake a detailed visual assessment of the drainage conditions of the portion of the subdivision that will directly affect the dam catchment area. Our comments and recommendations are summarized below. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The site is located at the end of Harbour Hill Road and is bounded to the north by the active intertidal area of Navy Channel, to the south by Gardom Pond Park and Dam, and to the east and west by similar undeveloped properties. The subdivision is divided by Harbour Hill Road, with proposed lots 1 to 10 to the south facing Gardom Pond Park and lots 11 to 15 to the north, facing the shoreline. Presently, the site is an undeveloped acreage with large mature and immature coniferous trees, with only Harbour Hill Road and two future turn arounds that are deforested. The existing topography consists of a relatively level upland area near Harbour Hill Road followed by gentle slopes inclined down toward the southwest and south for the proposed Lots 1 to10, and gentle to steep slopes inclined down towards the north through lots 11 to 15.

Based on the topography and drainage catchment areas we classified the proposed subdivision into 4 drainage zones, as indicated in the attached drawing 8-5202-1-3. The first zone (A) comprises lots 11 to 15, the second zone (B) comprises lots 8 to 10, the third zone (C) comprises lots 5 to 7 and zone (D) comprises lots 1 to 4. We used the rational method to calculate the flow volume of each zone. We calculated the flow volume at its present stage, considering the lots to be entirely covered with trees and we subsequently calculated the flow volume that would result after the subdivision development. The post-development runoff coefficient obtained was a composite of that for the residence, driveway, and septic field areas that are proposed to be developed on each lot, in addition to the remaining treed area.

Zone A is characterized by a north easterly slope down towards the foreshore, with surface water runoff following this course. This zone will have no effect on the dam catchment area. Based on the rational method we have determined that the runoff flow following development will be in the order of 0.065 m^3/s and 0.014 m^3/s respectively for a 1 hour and 24 hour duration storm event with a 25 year return period. The calculation was undertaken considering a runoff coefficient of 0.13. Based on the results, the area and the location of the lots, we do not expect the increase in runoff will be significant enough to create adverse conditions to the hydraulic regime of the property or adjacent properties. We recommend maintaining the hydraulic regime as natural as possible for these lots by avoiding concentration of surface runoff, and therefore we recommend that water accumulated from hard surfaces, such as the driveway, roofs, deck, etc. be directed and discharged to ground. In a case where a new building is going to be situated close to the foreshore slope, we recommend to collect stormwater runoff in a tight pipe and direct this to the toe of the slope and discharge on a splash pad to minimize the erosion at the discharge.

Zone B is the area that will most directly influence the catchment area of the pond and dam, as the three lots are located upslope of the dam with the topography inclined down towards the south. We have undertaken a detailed analysis for a 25 year storm event considering a drainage basin of 1.6 ha. The results indicate that for a duration of 1 hour and 24 hours, the associated flow volume after the development of the 3 lots will be 0.02 m^3/s and 0.003 m^3/s respectively using the rational method and a runoff coefficient of 0.18. This represents an increase of volume of 118 m^3, which spread over the pond area represents a rise of 2 cm in height of the water level during a 24 hour storm event after development of the proposed lots compared to its predevelopment conditions. Given the additional volume of runoff water associated with the development of these three lots, we consider that the development of these lots will affect the hydraulic regime of the pond and dam. We expect that discussion between yourself and the Dam Stakeholders will be necessary to assess how to best accommodate such an increase in the flow volume and water level, although upgrade of the spillway may be an option. An alternative would be to collect water from all hard surfaces (roof, driveway, etc.) on each lot and store the water in a storage/infiltration pit designed to retain a 24 hour storm event, thereby delaying the time of concentration of the water draining to the pond and dam. Such system would have to be designed based on the final residence and driveway area, but for preliminary purposes we expect that they would have a maximal size of 3.4m by 3.4 m by 3.4 m for each storage/infiltration pit for each lot. We also considered the additional volume of water that will be added to the regime via the septic tanks. Based on the BC Sewerage System Standard Practice Manual the minimal daily design flow rate for residences with a 4 bedrooms is 1700 litres, which represents a flow volume of only 2×10^{-5} m^3/s. Based on the above, the low inflow of water generated by a typical 4 bedroom unit can be discarded from the hydraulic regime contribution.

Zone C is located to the northwest of the pond and is considered to have indirect influence on the pond and dam hydraulic regime. The site conditions were similar to Zone B and as such we expect that the flow volume will be in the same order, with flow volume of 0.02 m^3/s and 0.003 m^3/s respectively for 1 hour and 24 hour storm events. The runoff water from lot 5 to 7 is expected not to discharge directly into the pond, but instead be redirected to the west of the pond in the spillway area. As per Zone B, discussion would have to be engaged with the Dam Stakeholders to ascertain that the spillway is sufficient to convey the additional volume of water associated with the development of these 3 lots. In the eventuality that such is not feasible, it will be necessary as mentioned above to either reconsider upgrading the spillway or considering a storage/infiltration pit that could store the volume of water associatcd with a 24 hour rain storm event on every lot of zone C.

Zone D is located to the far west side of the subdivision, where the contours change direction and the general topography is now inclined towards the northwest and west. We do not consider that zone D will affect the catchment area of the pond and dam. Based on the rational method we calculated that the flow volume will be in the order of 0.05 m^3/s and 0.01 m^3/s respectively for a 1 hour and 24 hour duration storm event with a 25 year return period. The calculation was undertaken considering a runoff coefficient of 0.42. Based on the results, area and the location of the lots we do not expect the increase in runoff will be significant enough to change the hydraulic regime of the property or adjacent properties. As for zone A, we recommend maintaining the hydraulic regime as natural as possible for these lots by avoiding concentration of surface runoff, as such we recommend that water accumulated from hard surfaces (driveway, roofs, deck, etc.) be directed and discharged to ground.

In summary, we do not expect that Zone A and D would affect the pond and dam hydraulic regime. Zone B and indirectly C are locally affecting pond, dam and/or spillway areas, and such will require additional mitigative measures to ensure that the rise in the flow volume will not negatively affect the pond, dam and spillway. Upgrading of the spillway and/or storage/infiltration pits should be designed for each lot such as to act as a buffer to delay the discharge of water into the pond and spillway. We are aware that there is a covenant surrounding the pond that restricts removal of groundcover within a distance of 20 m. In addition to this we would recommend to maintain tree cover on the proposed lots contained within zones B and C as much as possible in order to limit increases in runoff.

We have reviewed the drainage study provided by Mr. Philip Grange, P. Eng. for the general area of the proposed subdivision in addition to previous subdivision phases. The calculations were based on a 10 year return period, however, conservative runoff coefficients were used to predict the culvert capacities surrounding the site. Only the post-development flow volume of Zone D would directly affect the culverts surrounding this area (culverts C6 to C9). Provided that the recommendations contained in the drainage study prepared by Mr. Philip Grange, P. Eng.

were implemented for the culvert in these areas and given that they appear to have satisfactory factors of safety, we would expect that the existing culverts should be sufficient to accommodate the additional flow volume associated with the development of this subdivision.

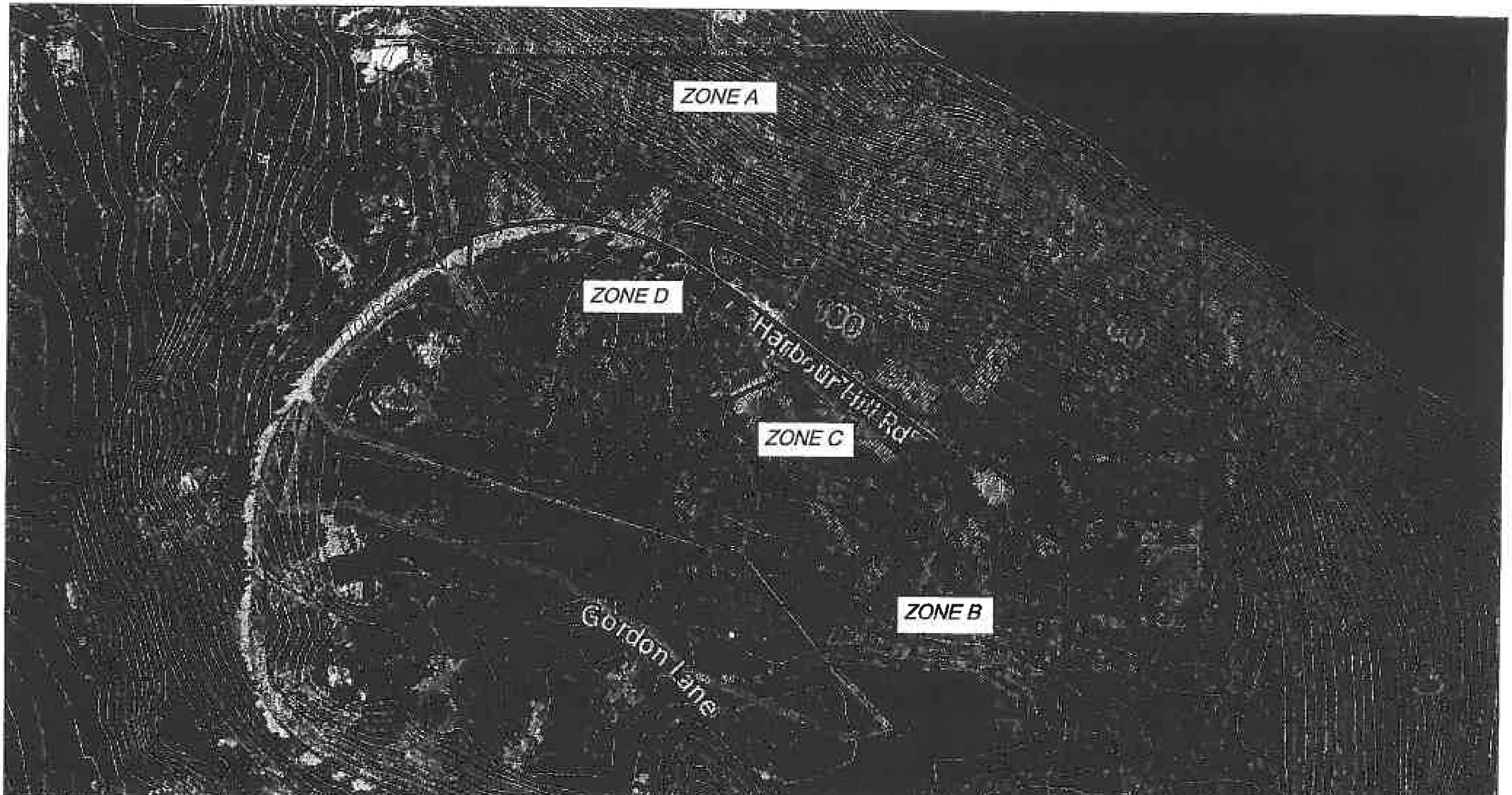
We hope the preceding is suitable for your purposes at present. However, if you have any questions with respect to the above, please contact us.

Yours very truly,
Ryzuk Geotechnical

Isabelle Maltais, EIT
Project Engineer

S. W. Moore, P.Geo.
Geoscientist

Attachment – Statement of Terms of Engagement
– Drainage Zones, dwg 8-5202-1-3



Notes:

1. Base plan taken from Richard Wey & Associates drawing dated November 2008 and CRD Regional Community Atlas.

N-Twa Equipment Ltd.

DRAINAGE ZONES

Proposed Subdivision

6600 Blk Harbour Hill Road — North Pender Island, B.C.

RYZUK GEOTECHNICAL — **Engineering & Materials Testing**

DRAWN	AAN
DATE	November 2011
APPROVED	
SCALE	1:2500
DRAWING No.	8-5202-1-3

STAFF REPORT

January 9, 2012

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

To: North Pender Island Local Trust Committee
For the meeting of January 19, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Amendments to North Pender Associated Islands Bylaws

PROJECT BACKGROUND:

The North Pender Island Local Trust Committee (LTC) has identified a technical review of the North Pender Associated Islands Bylaws as they pertain to Sidney Island as a top priority on the work program. At the July meeting the LTC gave direction to staff to draft bylaws based on a preliminary table of possible amendments guided by feedback from the Sidney Island Strata Council.

Staff held a drop-in open house on Sidney Island in August, a time when many of the property owners were on the island. Based on the discussions the initial list of amendments for consideration reviewed by the LTC has been revised, with a notation in the "proceed" column of the table below. Additions to the list resulting from input from Sidney Island residents are to include:

1. Provisions to restrict the storage of recreational vehciles once their use as a temporary residence ceases, and
2. Adding a second permitted residence for an assistant caretaker that could possibly be located within a future Fire Hall/Community Building.

When drafting the LUB amending bylaw it was noted in many sections throughout the bylaw cross-references to subsection numbers had not been updated when additional zones were previously added to the bylaw. Updating these cross-references resulted in forty-four amendments in addition to ten substantive amendments to the text and four plans amending Schedule B, the zoning map.

The proposed amendments to the Official Community Plan to create two separate development permit areas (DPA) applicable to for Sidney Island has not changed. Amendments to the 'Temporary Use Permits' section has also been included to reflect legislative changes.

At the September LTC meeting staff was given direction proceed with referral of the draft bylaws, but to defer First Reading and scheduling of a Community Information Meeting or Public Hearing until after local government elections.

At the time of writing this report five responses have been received, with none raising objections or concerns. The Sidney Island Strata Council has retained a lawyer to assist with review of the bylaws. Through their lawyer, the Strata Council has requested the First Reading of the draft bylaws be postponed until after their Annual General Meeting (AGM) held in May; the request is attached to this report as Schedule A. It should be noted this response was received immediately prior to the agenda deadline for submitting this report and the options have not been discussed with their lawyer or Strata Council, nor fully addressed in this report. The objective of this request was to accommodate the opportunity at their AGM for a more thorough discussion of the draft bylaws by all the Strata owners generally, with the Strata Council intent of providing a formal response to the Islands Trust by the end of June 2012.

The purpose of this report is to provide an update on the bylaws for the LTC, consideration of First Reading to the bylaws and direct staff to schedule a Community Information Meeting and Public Hearing.

The draft bylaws are attached as Schedules B and C to this report; as well, a copy of the the current Land Use Bylaw with the proposed amendments shown using the strikethrough tool for deletions and additions shown in bold is attached as Schedule D.

COMMUNICATONS:

Communications to all property owners on Sidney Island will occur through the Sidney Island Strata which maintains an email list for all owners, and provides opportunity for internal discussions through their strata website.

Owners of other Associated Islands will be sent a letter of information, noting that the amendments would not impact their property.

Referral of the draft bylaw included, those in italics indicate a response received:

- First Nations
    - Chemainus First Nation
    - Cowichan Tribes
    - Halalt First Nation
    - Lake Cowichan First Nation
    - Lyackson First Nation
    - Pauquachin First Nation
    - Penelakut Tribe
    - Tsartlip First Nation
    - Tsawout First Nation
    - *Tsawwassen First Nation*
    - Tseycum First Nation
- Parks Canada
- Fisheries and Oceans Canada
- Agricultural Land Commission
- Ministry of Agriculture
- Ministry of Community, Sport and Cultural Development
- Ministry of Environment

- Ministry of Forest, Lands & Natural Resource Operations, Ecosystem Protection
- Ministry of Transportation
- Capital Regional District, Area Director and *Building Inspection Services*
- Adjacent local governments: Central Saanich, *North Saanich*, Saanich, *Sidney*
- Adjacent Local Trust Areas: South Pender Island LTC and Salt Spring Island LTC
- Island Trust Fund
- Islands Trust Bylaw Enforcement

NEXT STEPS:

The next steps in the process are:

- Consider First Reading of the draft bylaws,
- Schedule a Community Information meeting, possibly on a weekend in Sidney either separately or in conjuction with the Public Hearing,
- Consider any amendments to the proposed bylaw at Second or Third Reading,
- Forward to Executive Committee,
- Refer to the Ministry of Community, Sport and Cultural Development (OCP only),
- Final adoption.

Options:

The LTC may choose to hold a Community Information Meeting and Public Hearing on two separate dates, or sequentially on the same day. When proposed bylaws are controversial or are very complex two separate meetings are typically preferred if possible. At the time of writing this report no objections or concerns have been raised, however a response from the Sidney Island Strata Council remains pending.

Given the comments received from the Strata's lawyer, the LTC could choose to table the draft bylaws until the Strata Council comments are received. That would result in the LTC reconsidering the bylaws at either the June 28th or August 30th meeting.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee give First Reading to draft bylaw 187 cited as North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011.

2. THAT the North Pender Island Local Trust Committee give First Reading to draft bylaw 189 cited as North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011.

3. THAT the North Pender Island Local Trust Committee direct staff to Schedule a Community Information Meeting for a weekend date to be held in the Town of Sidney.

4. THAT the North Pender Island Local Trust Committee direct staff to Schedule a Public Hearing for a weekend date to be held in the Town of Sidney on a different date following the Community Information Meeting.

Option:

5. THAT the North Pender Island Local Trust Committee direct staff to Schedule a Community Information Meeting to be immediately followed by a Public Hearing for a weekend date to be held in the Town of Sidney.

6. THAT the North Pender Island Local Trust Committee direct staff to table the draft bylaws until a formal response from the Sidney Island Strata Council is received, but no later than August 2012.

Prepared and Submitted by:

Andrea Pickard	January 9, 2012
Andrea Pickard	Date

Concurred in by:

R Koji	January 9, 2012
Robert Kojima Regional Planning Manager	Date

Schedule A

From:	Christine Elliott
To:	Andrea Pickard
Subject:	FW: SID28366 Sidney Island Strata Corporation to Proposed Bylaw and OCP Amendments Proposed by Islands Trust SECOND DRAFT EMAIL
Date:	January-11-12 9:41:01 AM
Attachments:	image001.png

Dear Andrea,

I have now obtained instructions from the committee charged with reviewing the proposed Bylaw/OCP amendments on behalf of the Sidney Island strata owners.

General Comments of Committee:

In general, the proposed changes are seen by this committee as being quite helpful.

Proposed Delay in Public Hearing to Consider the Foregoing until July, 2012:

For the reasons set out below, I would like to propose a delay for Islands Trust's first public hearing.

Background of Review of Amendments by the Sidney Strata Owners

You advise that a number of comments were made to you by those strata owners present at the August/11 annual picnic on Sidney Island. As well, you advise that you were copied on email correspondence which circulated between some strata owners, I presume dealing with construction of the large house on Sidney Island.

The committee thinks those strata owners, in making comments, are unlikely to have considered that their comments might result in generation of Island Trust's proposed BL/OCP amendments. Many strata owners have yet to express their views. The very technical nature of the proposed amendments is an obstacle to review by many strata owners. This tendency is the more so with Sidney Island strata where the practice has developed of having the strata council and its subcommittees review material to present in summary form, with explanatory comments. Generally the committees report to the strata owners at the Annual General Meeting of Sidney Island strata held in May of each year. The AGM's have been found to present the best opportunity for informed discussion by strata owners. These factors have contributed to delay a reasoned response to the proposed amendments by Sidney Island Strata owners generally.

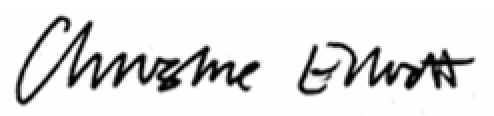
Now that I have reviewed with this committee the difference between status quo and the effect of the proposed amendments, some of the amendments are seen as having ramifications which likely would not have been considered by all strata owners. An example would be the proposed restriction on maximum size of building footprint, which is a very significant reduction on the maximum footprint in the present Bylaw.

May, 2012 Annual General Meeting of Sidney Island Strata:

Because a few of the changes would have a significant impact on strata owners and given that the only practical way of canvassing views properly is at the Annual General Meeting, the committee thinks that holding of a public meeting now (you had said January 29, 2012) to consider these amendments is premature. The difficulty of holding an early public meeting is that it may well lead to an unhappy perception among strata owners that matters are further advanced than they are. Once attention is focused, the strata owners are generally a vocal group. The committee would therefore like an opportunity to have an informed discussion by owners on the proposed changes, as now summarized, at the May, 2012 AGM. The committee thinks this would be the most expeditious manner for all in working through these proposed amendments. Following the discussion at the AGM, the committee would then be able to provide you with a clearer expression of the Sidney Island strata owners response to the proposed amendments. The committee expects to be able to do this by the **end of June, 2012**.

I shall call you shortly to discuss the foregoing.

Kind regards,



Christine Elliott
Solicitor
Suite No. 102
280 Nelson Street
Vancouver, BC V6B 2E2

Tel: (604) 802-4460
Fax: (604) 677-5720
e-mail: celliott@vancitylaw.com
www.vancitylaw.com

Schedule B

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 187

****

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

****

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

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

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

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

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

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

9. Subsection 5.9(3) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads “The number of community meeting halls permitted by article 5.9(1)(e) above shall not exceed one.”
10. Subsection 5.9(4) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads “The number of community offices permitted by article 5.9(1)(e) above shall not exceed one.”
11. Subsection 5.9(5) is amended by deleting 5.5(1)(f) and inserting 5.9(1)(f) such that it reads “The number of single family dwellings permitted by article 5.9(1)(f) above shall not exceed one.”
12. Subsection 5.9(5) is amended by deleting “shall not exceed one” and inserting “shall not exceed two,” and inserting “of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e)” such that it reads “The number of single family dwellings permitted by article 5.9(1)(f) above shall not exceed two, of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e).”
13. Subsection 5.9(6) is amended by deleting 5.5(1)(g) and inserting 5.9(1)(g) such that it reads “The number of sleeping cabins permitted by article 5.9(1)(g) above shall not exceed a total of four and the floor area of any one sleeping cabin may not exceed 80 square metres (861 square feet).”
14. Subsection 5.9(9) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads “The floor area of the community office building permitted in article 5.9(1)(e) above shall not exceed 200 square metres (2153 square feet).”
15. Subsection 5.9(10) is amended by deleting 5.5(1)(a) and inserting 5.9(1)(a) such that it reads “Farm uses permitted by article 5.9(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”
16. Subsection 5.9(11) is amended by deleting 5.5(1)(h) and inserting 5.9(1)(h) such that it reads “The non-commercial short-term accommodation permitted by 5.9(1)(h) above is limited to the use of rooms within a permitted community meeting hall, provided the use does not exceed a maximum of 10 days at any one time, totalling no more than 90 days per calendar year.”
17. Subsection 5.9(12) is amended by deleting 5.5(1)(i) and inserting 5.9(1)(i) such that it reads “The retail sales permitted by article 5.9(1)(i) above are limited to the sale of groceries and household effects within a permitted community meeting hall, provided the use is limited to a total floor area of 30 square metres (323 square feet) or less.”
18. Subsection 5.10(1) is amended by adding 5.10(1)(e) “Community uses, consisting of emergency service buildings, community meeting hall, community office, maintenance uses and buildings, and vehicle and equipment storage uses and buildings.”
19. Subsection 5.10(5) is amended by deleting 5.6(1)(a) and inserting 5.10(1)(a) such that it reads “Farm Uses permitted by article 5.10(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”
20. Subsection 5.11(2) is amended by adding at the end “of the area zoned Community Service Three (S3)” such that it reads “The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Service Three (S3).”
21. Subsection 5.11(5) is amended by deleting 5.7(1)(a) and inserting 5.11(1)(a) such that it reads “Farm Uses permitted by article 5.11(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.”
22. Subsection 5.15(4) is amended by deleting 5.8(1)(b) and inserting 5.15(1)(b) such that it reads “All mooring buoys permitted by 5.15(1)(b) above shall be located within 100 metres (328 feet) of the RR, A, CD1 or CD2 zones.”
23. Subsection 5.15(5) is amended by deleting 5.8(4) and inserting 5.15(4) such that it reads “Despite Subsection 5.15(4) above, no mooring buoy shall be located within 100 metres (328 feet) of the NP zone.”
24. Subsection 5.15(14) is amended by deleting 5.8(1)(b) and inserting 5.15(1)(b) such that it reads “Mooring buoys permitted by article 5.15(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.”
25. Subsection 5.15(15) is amended by deleting 5.8(1)(d) and inserting 5.15(1)(d) such that it reads “Docks permitted by article 5.15(1)(d) above shall be accessory to a residential or agricultural use

of an upland lot, or lots, and shall provide access to that lot or lots for the residents of an upland lot."

26. Subsection 5.15(18) is amended by deleting 5.8(1)(e) and inserting 5.15(1)(e) such that it reads "Barge ramps and marine railways permitted by article 5.15(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island."
27. Subsection 5.15(19) is amended by deleting 5.8(1)(h) and 5.8(7) and inserting 5.15(1)(h) and 5.15(7) respectively such that it reads "Breakwaters and wave suppression devices permitted by article 5.15(1)(h) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.15(7) above."
28. Subsection 5.16(3) is amended by deleting 5.9(1)(b) and inserting 5.16(1)(b) such that it reads "Mooring buoys permitted by article 5.16(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot."
29. Article 5.17(1)(e) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads "Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in Articles 5.17(1)(c) and (d) above;"
30. Article 5.17(1)(f) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads "Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.17(1)(c) through (e) above or for the protection of an established use or feature."
31. Subsection 5.17(7) is amended by deleting 5.10(1)(b) and inserting 5.17(1)(b) such that it reads "Mooring buoys permitted by article 5.17(1)(b) above shall only be used for the purpose of mooring private vessels accessory to the residential use of an upland lot on the island abutting the water zone in which the marina is located."
32. Subsection 5.17(8) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads "Private marinas permitted by article 5.17(1)(c) above shall only provide docks, floats and piers for the mooring of private vessels accessory to a permitted use of an upland lot(s) on the island abutting the water area in which the marina is located."
33. Subsection 5.17(10) is amended by deleting 5.10(1)(d) and inserting 5.17(1)(d) such that it reads "Barge ramps and marine railways permitted by article 5.17(1)(d) above shall be accessory to a permitted use of an upland lot(s) on the island, and shall provide access to those lots for the residents of the upland lots."
34. Subsection 5.17(11) is amended by deleting 5.12(3), 5.12(5) and 5.12(6) and inserting 5.17(3), 5.17(5) and 5.17(6) respectively such that it reads "Despite Subsection 5.17(3), a maximum of two private marinas may be permitted." and "In addition to the siting and size regulations established in 5.17(5) and 5.17(6), the combined area of docks and marinas in the W3(a) zone shall not exceed 290 square metres (3122 feet^2)."
35. Article 5.18(1)(f) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.18(1)(c) and (d) above;"
36. Article 5.18(1)(g) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.18(1)(c) through (e) above, or for the protection of another established use or feature;"
37. Subsection 5.18(3) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "The maximum area of all dock floats and piers adjacent to any one island permitted by article 5.18(1)(d) above may not exceed 93 square metres (1001 square feet), exclusive of ramps and walkways."
38. Subsection 5.18(7) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "Storage structures constructed on any part of a dock permitted by article 5.18(1)(d) above shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet)."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52. A new subsection 5.20(8) is inserted under the heading 'Conditions of Use'

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

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

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

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

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

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

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

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

54. Subsection 5.20(8) is renumbered to 5.20(10).
55. Subsection 5.20(9) is renumbered to 5.20(11).
56. Subsection 5.20(10) is deleted in its entirety.
57. Schedule B (Zoning Map) is amended in accordance with the maps attached to and forming part of this bylaw as Plans 1, 2 and 3.

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

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

READ A FIRST TIME this day of , 200_

READ A SECOND TIME this day of , 200_

PUBLIC HEARING HELD this day of , 200_

READ A THIRD TIME this day of , 200_

APPROVED BY THE EXECUTIVE COMMITTEE this day of , 200_

ADOPTED this day of , 200_

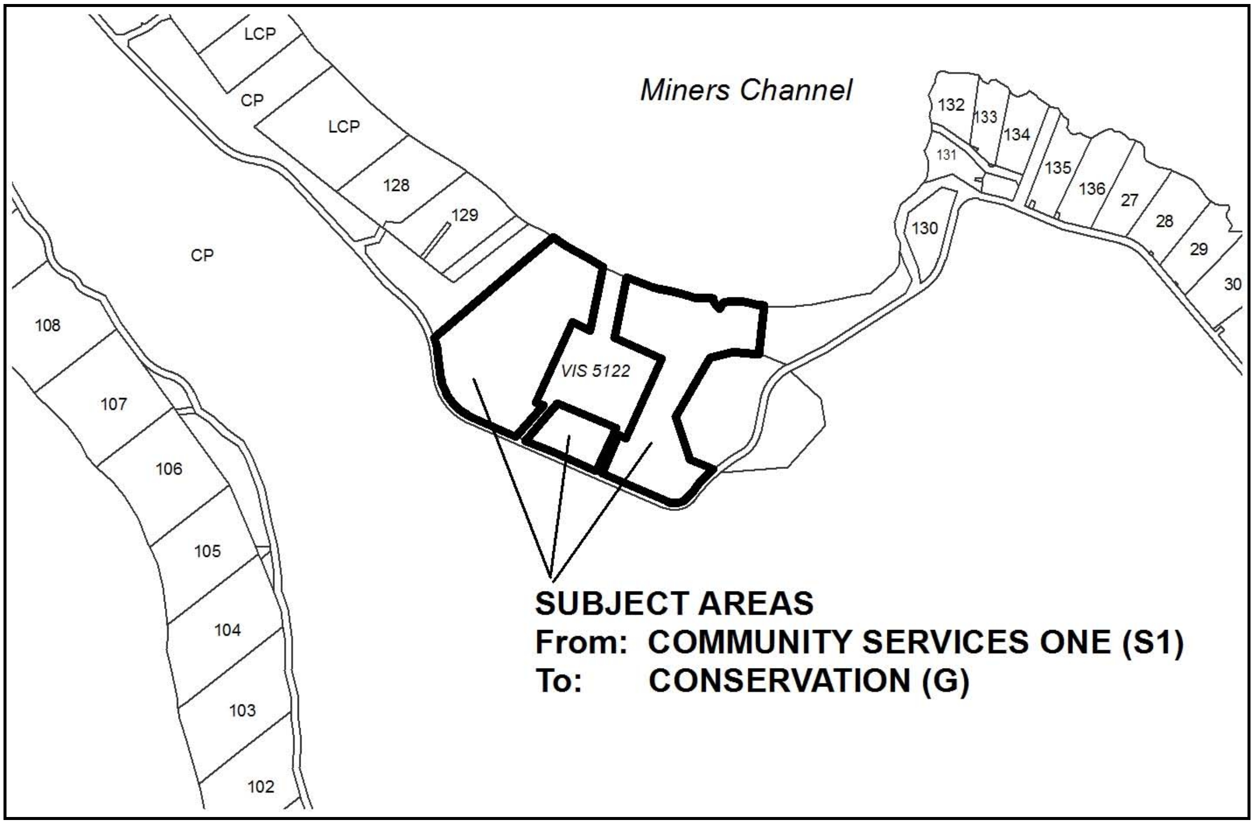
Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

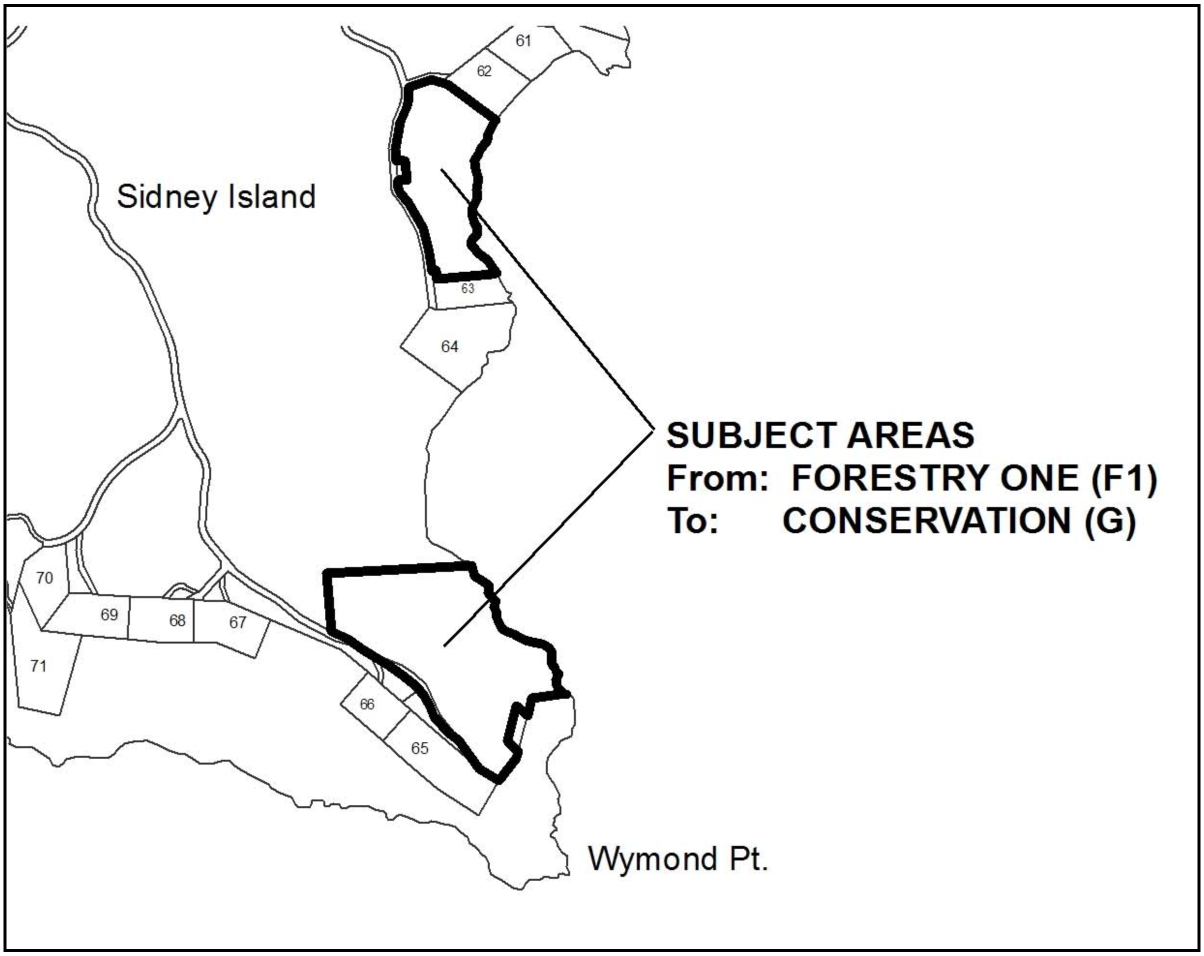
PLAN No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

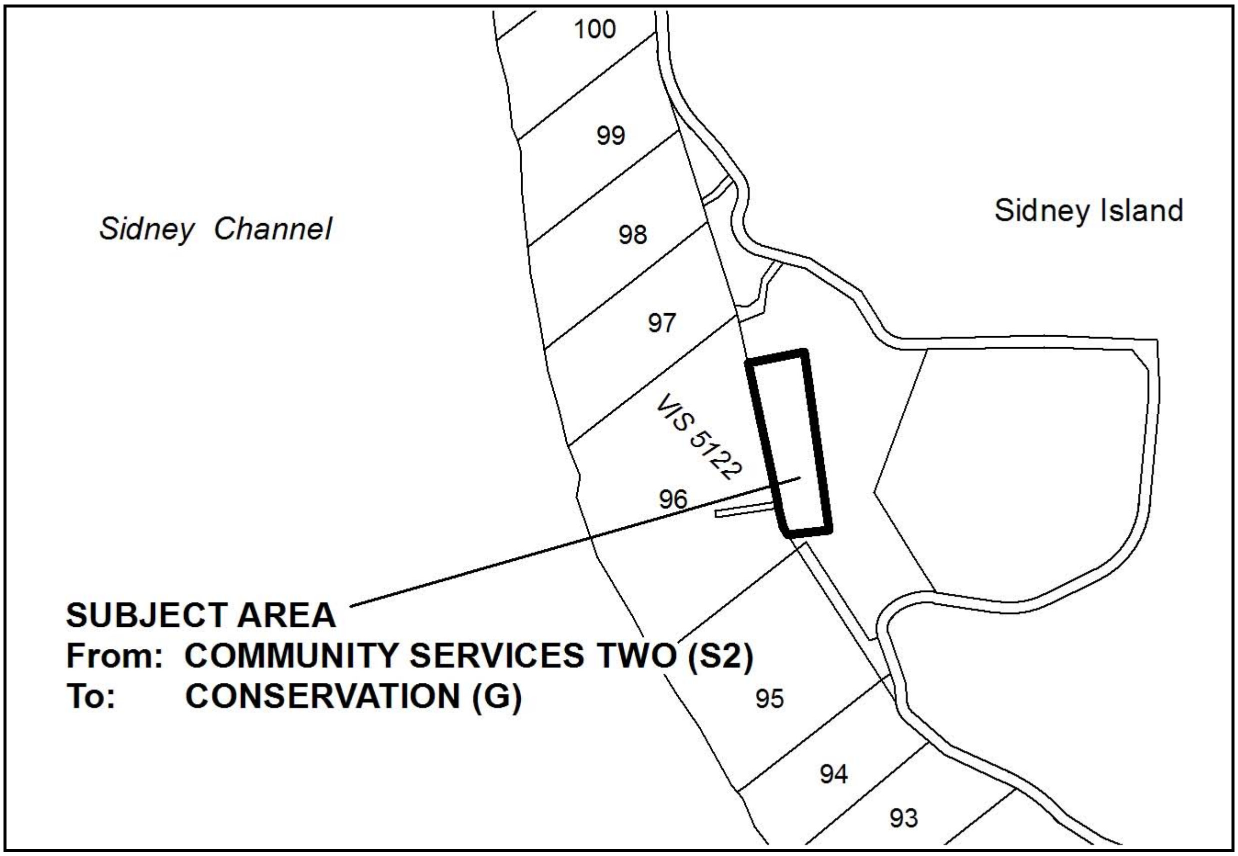
PLAN No. 2



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

PLAN No. 3



DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189

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

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002;

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

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

CITATION

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

SCHEDULES

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

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

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

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

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

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

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

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

SEVERABILITY

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

READ A FIRST TIME this	day of	2011
PUBLIC HEARING HELD this	day of	2011
READ A SECOND TIME this	day of	2011
READ A THIRD TIME this	day of	2011

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of 2011

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

ADOPTED this day of 2011

SECRETARY **CHAIRPERSON**

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

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

1. Section 604 is deleted and replaced with:

“**604 Temporary Use Permit Guidelines**

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

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

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

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

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

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

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

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

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

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

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

   "(3) Application Requirements

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

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

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

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

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

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

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

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

“**702 Sidney Island Hazard Lands**

(1) Designation

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

(2) Authority

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

(3) Application Requirements

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

(4) Justification

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

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

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

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

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

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

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

SOFT

↓

HARD

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

(5) Objectives

The objectives of this development permit area are as follows:

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

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

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

(6) Applicability

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

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

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

(7) Development Permit Exemptions

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

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

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

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

d) Works undertaken by an agent of the Crown.

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

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

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

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

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

(8) Guidelines

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

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

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

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

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

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

Guideline 6 When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied but increasingly 'harder' measures are required.

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

a) The need for the proposed bank stabilization to protect existing structures, uses or features, including alternative measures available that would be feasible or sufficient.
b) An evaluation of on-site drainage and confirmation that the erosion is not caused or exacerbated by upland conditions such as drainage control or loss of vegetation.
c) How the stabilization measure would protect existing or proposed structures, and the locations on the property where structures could be built and not require bank stabilization.
d) If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed stabilization, including at sites on other properties or foreshore locations.
e) Potential impacts to the natural shoreline processes resulting from the proposed stabilization.

f) Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the stabilization.
g) Recommendations for conditions that should be incorporated into the development permit in order to achieve the objectives of this Development Permit Area.

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

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

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

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

"**703 Sidney Island Shoreline**

(1) Designation

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

(2) Authority

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

(3) Application Requirements

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

(4) Justification

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

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

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

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

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

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

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

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

(5) Objectives

The objectives of this development permit area are as follows:

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

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

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

(6) Applicability

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

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

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

(7) Development Permit Exemptions

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

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

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

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

d) Works undertaken by an agent of the Crown.

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

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

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

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

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

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

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

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

(8) Guidelines

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

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

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

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

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

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

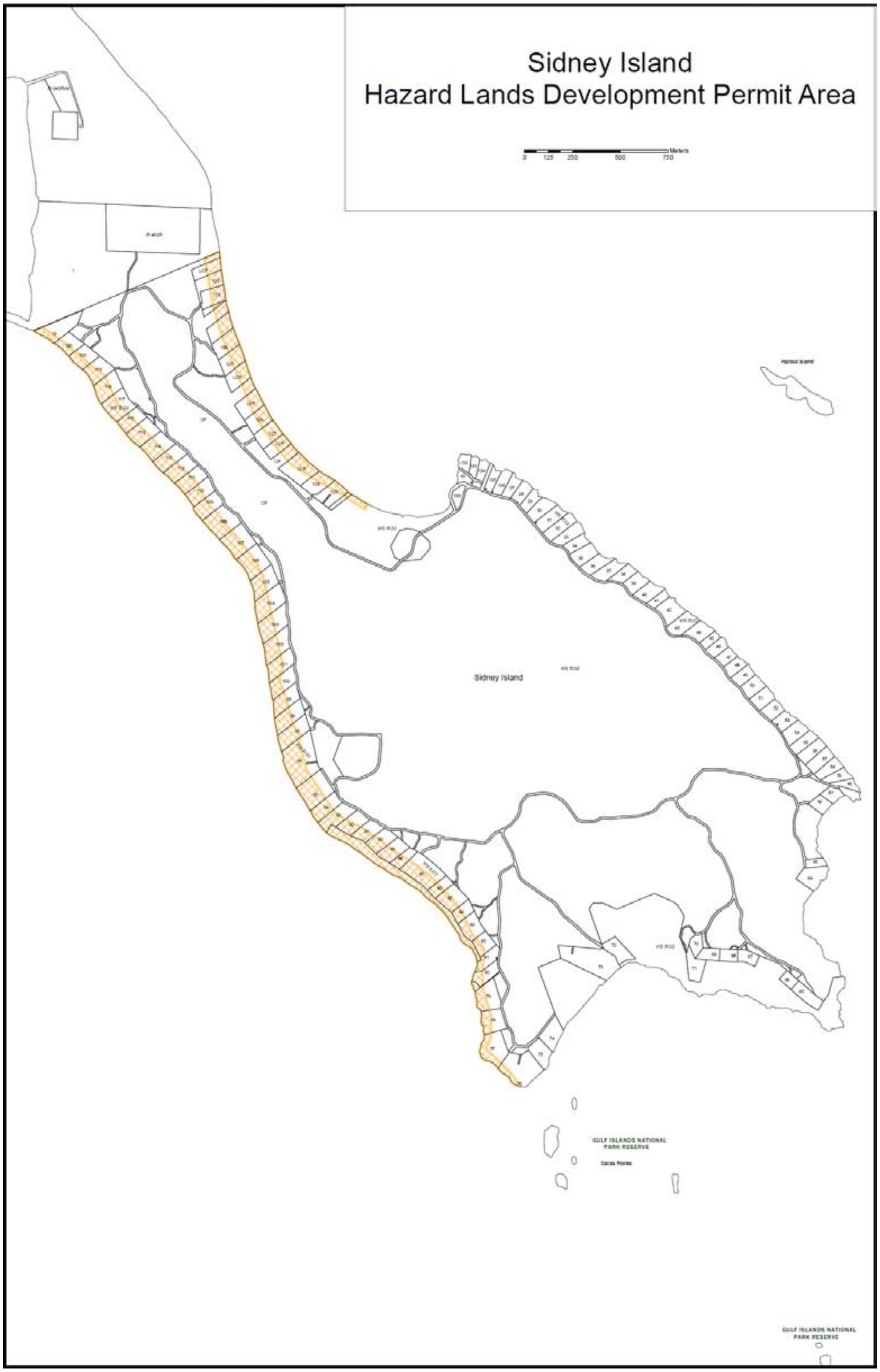
Guideline 6 Any proposed structures required to access the shoreline should be located on common property or provide shared access by legal agreement as part of a comprehensive, community trail network.

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

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

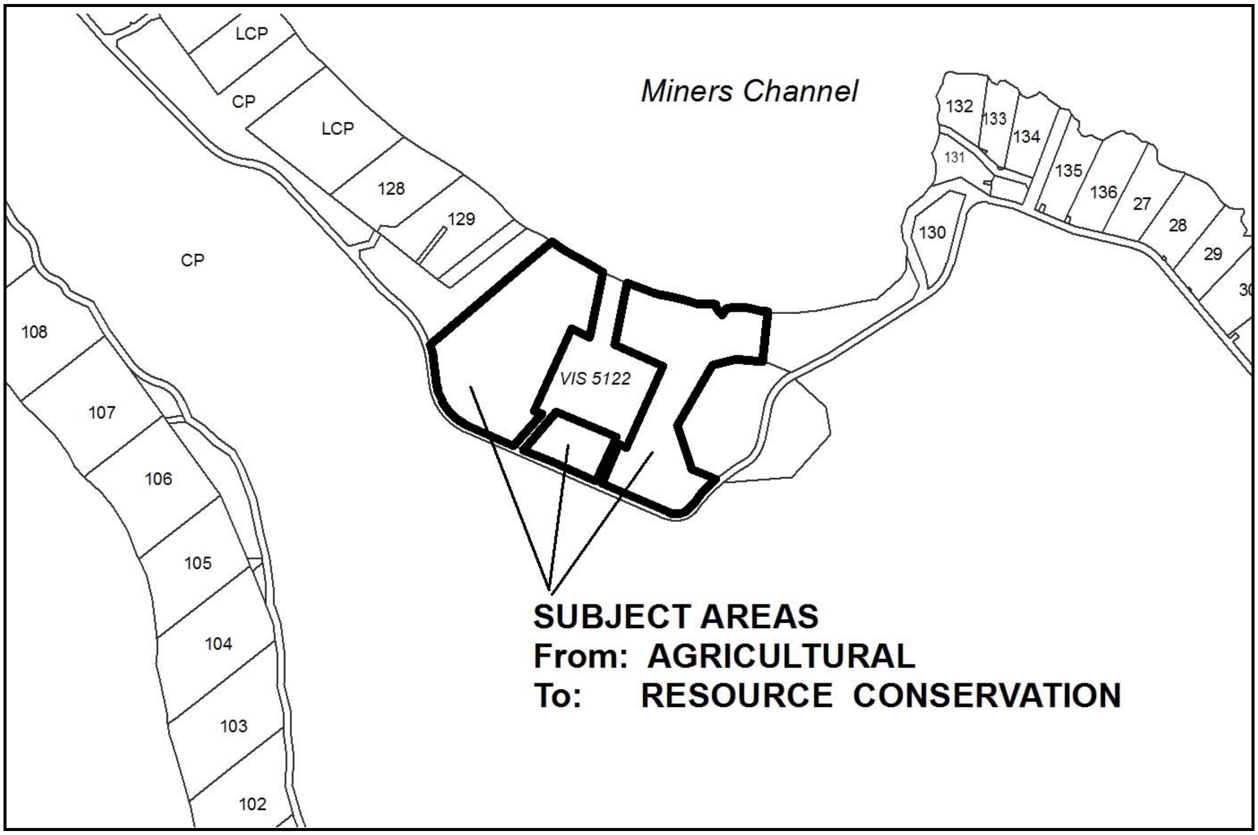
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 5

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



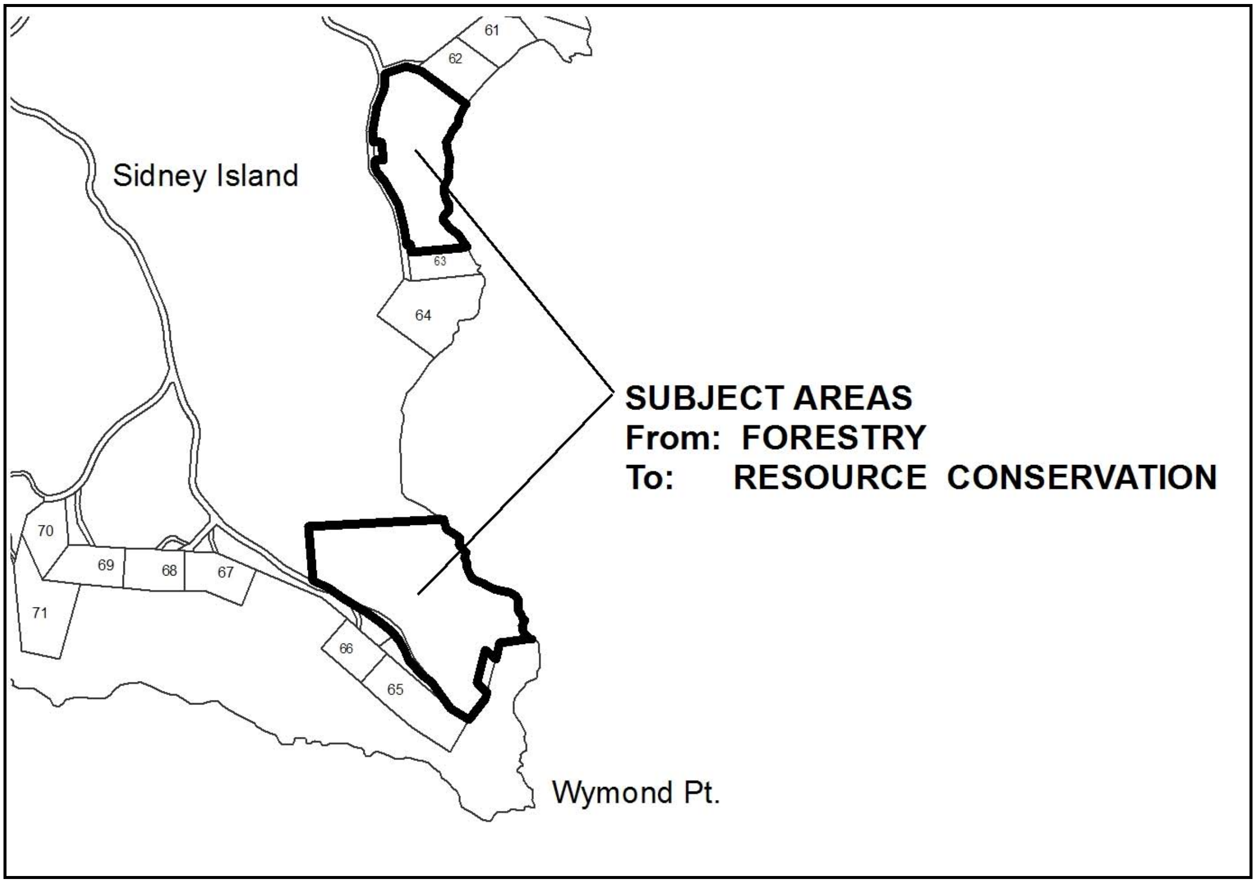
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 6

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



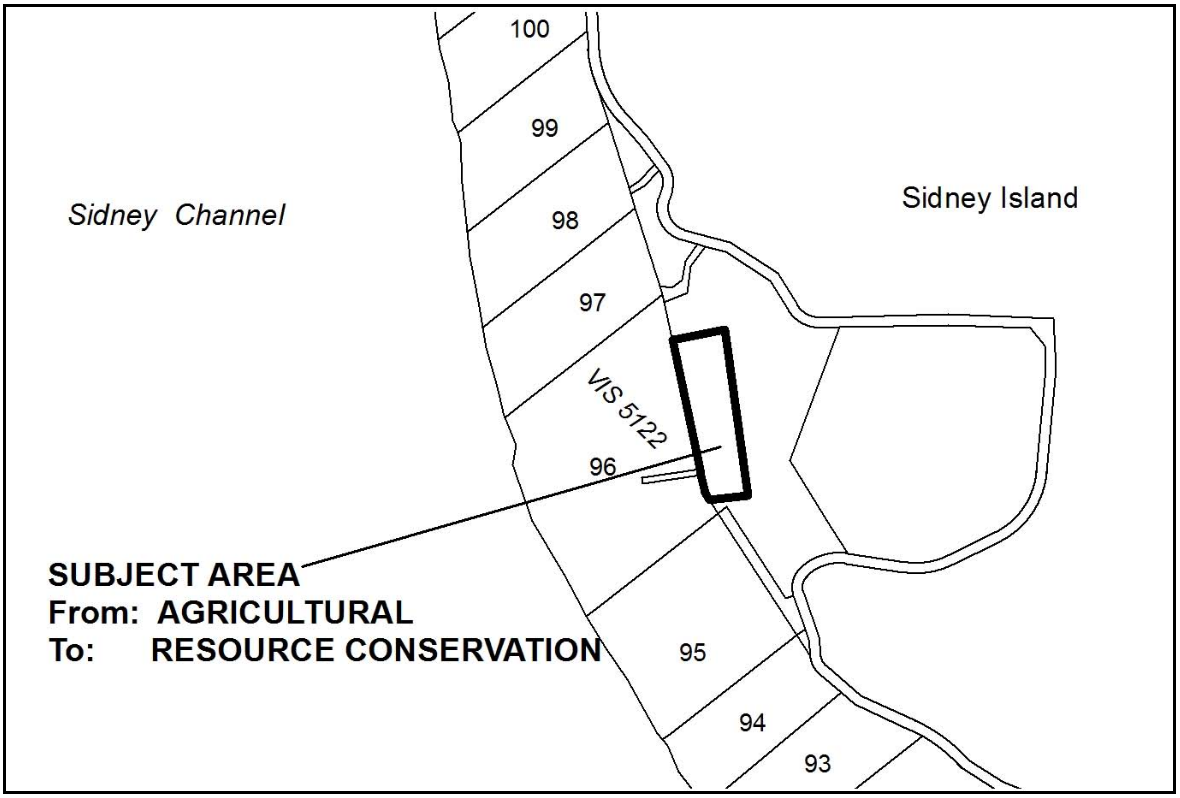
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 7

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



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

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



Schedule D

MARK UP VERSION – SHOWING PROPOSED BYLAW 187 AMENDMENTS

NORTH PENDER ASSOCIATED ISLANDS
LAND USE BYLAW No. 148, 2003

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW(S): 170

MARK UP COPY FOR PROPOSED BYLAW 187
VERSION 1 – Dec 2011

~~Strikethrough~~ text shows deletions
Additions are shown in Bold text

SCHEDULE A

TABLE OF CONTENTS

PART 1 INTERPRETATION

1.1 Definitions

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

BL#170 “accessory dwelling unit” means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, containing cooking, eating, sleeping and sanitary facilities and used exclusively as a residence by the household of an owner, operator or an employee of a permitted principal use on the same lot or in the same zone or an employee or operator engaged in providing operations or management services on the same island.

"agriculture" means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals but does not include aquaculture, intensive livestock operations, fur farming or mushroom farming.

"Approving Officer" means the Approving Officer for the North Pender Associated Islands Area appointed pursuant to the *Land Title Act*.

“aquaculture” means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water.

“aquaculture, beach” means the culture of shellfish in or on the beach in the inter-tidal area between the low and high tide.

“aquaculture, land-based” means aquaculture conducted in a contained facility built on the upland.

“aquaculture, off-bottom” means the culture of shellfish such as oysters and scallops below the low tide using floating structures such as rafts and longlines.

“aquaculture, sub-tidal” means the culture of shellfish in areas below low tide where the culture is along the bottom and involves no rafts or surface structures other than marker buoys.

“Associated Islands Area” means that portion of the North Pender Island Local Trust Area shown on Schedule C of this Bylaw

“barge ramp” means a structure placed on the foreshore for the purpose of loading and unloading barges, launching boats, and permitting the removal of boats from the water.

“breakwater” means a protective structure, bottom-founded and extending below the foreshore, designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water and/or deposition of materials.

"building" means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.

BL#170 "clubhouse and meeting facilities" means buildings, structures and land used for recreational, social, cultural and meeting activities and functions by individuals who are owners or residents of the island community or are guests of an owner or resident.

BL#170 " community recreational uses" means non-commercial leisure activities, performed either singly or collectively, through forms of play, amusement, or relaxation, and may include uses such as picnic areas, children's play areas, sports activities, community art studios and structures such as picnic benches, shelters, pavilion, trails, storage buildings, washroom facilities, children's play equipment and playing fields and courts.

"community water system" means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a Regional District, or a water utility.

"cottage" means a dwelling with a limited floor area used as a residence for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating and includes a mobile home.

"dock" means a structure or set of structures, generally consisting of a pier, ramp(s), and float(s), constructed on or over the water that is connected to the shore and that is used as a landing or mooring place for private marine transport or for private recreational purposes. For this purpose, a dock is accessory to the residential or agricultural use of an upland lot.

"dwelling, single family" means a building used as a residence by a single household, containing sleeping and living areas plus a single set of facilities for food preparation and eating, and includes a mobile home.

"ecological reserve" means an area of land (or water) established as an ecological reserve under *Ecological Reserves Act*.

BL#170 "emergency services" means buildings, structures and land used for the provision of fire fighting, medical and security services to the community and may include emergency vehicle and equipment storage and maintenance.

"farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the *Provincial Agricultural Land Commission Act* or its regulations and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and may include a gate, screen or freestanding wall.

"float" means a floating non-roofed structure that is used as a landing or moorage place for marine transport or for recreational purposes and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor.

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.5 metres (5 feet) apart.

BL#170 “food and beverage services” means premises used for the preparation, serving and consumption of food and drink, which may be consumed within the establishment or served for consumption elsewhere, and may include the serving and consumption of alcoholic beverages on the premises.

BL#170 “freight services” means premises used in the transhipment of goods for others, and may involve transferring goods from one mode of transportation to another.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

BL#170 “golf course” means land laid out in at least nine holes, used for playing golf, and improved with tees, greens, fairways and hazards. It may also include maintenance, storage and administration uses and structures, putting greens and a driving range.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of buildings and structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure.

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home occupation" means a commercial use that is accessory to a permitted principal residential use on the same lot.

“horticulture” means the use of land for the rearing of plants.

“island” means land surrounded by water, and includes islets and rocks exposed above the natural boundary of the sea.

“landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Condominium Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof. The common property of a bare land strata plan is considered a lot for this purpose.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, and

> "front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

“edge lot line” means a lot line separating a lot in the ALR from a lot that is not within the ALR.

BL#170 "marina, private" means the use of a water area for the temporary storage of boats accessory to any use permitted on the island abutting the water zone in which the marina is located, and includes the installation of floats, piers, wharves, breakwaters, ramps and walkways. This specifically excludes the provision of moorage or other commercial services to the boating public, the storage, rental or sale of personal water craft, the use of boats and vessels as live-aboards, private clubs, and roofed structures used or intended for use in sheltering or storing boats or vessels.

“mobile home” means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

“moorage” means the tying or securing of a vessel to a fixed structure or mooring buoy.

"natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.

“natural watercourse” means a naturally formed place that perennially or periodically contains surface water, including a lake, river, creek, spring, ravine, swamp, salt water marsh, and bog, but does not include a constructed ditch or surface drain.

BL#170 “office uses” means the use of a room, group of rooms or a building for conducting the affairs of a business, profession, service or organization and may include desks, tables, files, computers and communication equipment.

"panhandle lot" means a lot that fronts on a highway by means of a strip of land that is narrower than the main portion of the lot.

“park” means a publicly owned lot which is used or intended to be used for conservation or the recreation and enjoyment of the public and which may be developed with recreational facilities.

BL#170 "personal service" means a commercial use in which services are provided to the body, goods or apparel of a person.

"personal watercraft" means a vessel less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

“pier” means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

"pump/utility house" means ~~an accessory~~ **a** building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

“residence” means a home, abode or place where a household is actually living at a specific point in time.

“retail sales” means the selling of goods or merchandise to the general public for personal or household consumption, but excludes the sale of liquor.

“seawall” means a structure erected parallel to and near the natural boundary of the sea for the purpose of protecting the adjacent bank or uplands from the action of waves or currents, and for this purpose includes revetments and bulkheads.

"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

"sign" means any device or medium, including its supporting structure visible from the sea, any highway or lot other than the one on which it is located and which is used to attract attention for advertising, information or identification purposes.

“short-term vacation accommodation” means the commercial use or provision of a single family dwelling or cottage as temporary accommodation, for periods of less than one month at a time, for households who maintain a permanent residence elsewhere.

“sleeping cabin” means a building used for non-commercial overnight accommodation and includes only sleeping quarters and washroom facilities and does not contain a kitchen or any elements of a kitchen.

BL#170 “storage and warehousing” means the storage of goods and materials, either by the owner of the goods or operated for a specific establishment, organization or group of establishments, but does not include storage of goods for the general public operated for a fee.

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height.

"third party sign" means a sign conveying information not pertaining to the lot on which it is located.

“use” means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities established or licensed by a government, or government agency, (excluding private radio or television towers) and includes navigation aids.

“wave suppression device” means a floating breakwater, boom or other structure which does not rest on the sea floor and is designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water and/or deposition of materials.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.

“wharf” means a structure, usually consisting of a pier, ramp(s), and float(s), which is connected to an upland lot by a ramp or walkway. For this purpose, it is accessory to the public or park use of an upland lot.

"zone" means a zone established by Part 5 of this Bylaw.

1.2 Referencing

(1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part:	1
Section:	1.1
Subsection:	1.1(1)
Article:	1.1(1)(a)
Clause	1.1(1)(a)(i)

1.3 Units of Measure

(1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses, are approximate, are provided for convenience only, and do not form part of this Bylaw.

1.4 Information Notes

(1) Where a paragraph or sentence in this Bylaw is preceded by the words "Information Note", the contents of the paragraph or sentence are provided only to assist in understanding of the bylaw and do not form a part of it.

PART 2 ADMINISTRATION

2.1 Application

(1) This Bylaw shall apply to the Associated Islands Area, being that part of the North Pender Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

2.2 Conformity

(1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw. No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw. Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures. The use of land, buildings or structures that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, may be considered as "lawful non-conforming", and continued subject to the provisions of Section 911 of the *Local Government Act*.

(2) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.

(3) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

(1) Pursuant to Section 268 of the *Local Government Act,* the Islands Trust Bylaw Enforcement Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

2.4 Violation

(1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

2.5 Penalty

(1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*. Each day during

which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

(1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

2.7 Owner's Cost

(1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs.

2.8 Enforcement of Siting Regulations

(1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures or sewage absorption fields comply with the siting requirements of this or any other Bylaw.

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone, except where noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

(1) Conservation areas, including ecological reserves, conservation covenants and other habitat reserves, and parks, but excluding playgrounds and playing fields.

(2) Water supply facilities, for an individual lot or as a community service, in any land zone for the purposes of supplying potable water on an individual island, including reservoirs, lines, treatment facilities, storage facilities and pumping and intake structures.

(3) Buried or submerged electricity and telecommunication lines for the distribution of service within the Associated Islands Area in any zone and above-ground lines in any land zone.

(4) Electrical or telecommunications substations for the purposes of supplying service on an individual island.

(5) Telecommunication towers, relays or antennas.

(6) Solar collectors in any land zone for the purposes of supplying power to the island on which the structure is located.

(7) Wind generators in any land zone for the purposes of supplying power to the island on which the structure is located.

(8) Air and marine navigational aids.

(9) Private helipads and unpaved airstrips in any zone except the Conservation zone, for the purpose of providing access to residential lots by aircraft flying unscheduled flights.

(10) Farm retail sales in any zone if:

(a) the product offered for sale is produced on the farm where the retail sales are taking place; or

(b) the farm is located within the Agricultural Land Reserve.

(11) Fences in any land zone, subject to regulations established in Section 3.8.

(12) Hiking, equestrian and bicycle trails.

(13) Signs, subject to regulations established in Part 6.

(14) Pump/utility houses.

(15) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*.

(16) Seawalls.

(17) Horticulture.

(18) Buildings or structures used for an office or shelter for construction or maintenance crews, or for storage of materials to be used for the erection, construction or maintenance of any building, structure or public utility installation for which a valid building permit has been obtained, provided that such a temporary structure or building is removed within 30 days of completion of the public utility, building or structure.

3.2 Prohibited in All Zones

Only the uses, buildings and structures expressly permitted in Section 3.1 and Part 5 of this Bylaw are permitted in the relevant zones. Without limiting the generality of the foregoing and for purposes of clarity, the following uses, buildings and structures are prohibited in all zones:

(1) Junkyards, auto-wrecking and the storage of derelict vehicles outside of a permitted and enclosed structure.

(2) The disposal and storage of hazardous or toxic waste.

(3) The rental, sale or storage of personal watercraft.

(4) The use of a vessel anchored, moored, or secured as a permanent residence.

(5) Fin fish aquaculture in any water zone.

(6) Bridges, causeways or tunnels connecting any one island to another island or the mainland.

(7) Water utility lines connecting any one island to another island or the mainland.

(8) Marina, the use of which is restricted to members of a private club.

(9) Wind generators in any water zone or wind generators intended to provide power to an island other than the island on which the structures are located.

(10) Dog breeding and boarding kennels except where permitted by the regulations in Part 5 of this Bylaw.

3.3 Siting and Setback Regulations

(1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.

(2) Buildings or structures, except a fence, utility line, navigational aid, driveway or path, or pump/utility house, are not to be sited within the setback areas established in the regulations in Part 5 of this Bylaw.

(3) **Information Note**: Buildings or structures may not be sited within 15 metres (50 feet) of the natural boundary of the sea without first obtaining a development permit pursuant to Part 7 of the "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002", unless specifically exempted from a requirement for a permit. ~~under the provisions of subsection 701(6) of that bylaw~~. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for this purpose.

(4) Buildings or structures, except a fence or pump/utility house, are not to be sited within 15 metres (50 feet) of the natural boundary of any natural watercourse, wetland or lake. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

(5) No agricultural waste storage area may be sited within 15 metres (50 feet) of any lot line or the natural boundary of any natural watercourse, wetland or lake.

(6) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre (3 feet) into the required setback area.

3.4 Height Regulations

Except as otherwise provided for in this Part, or Part 5, the following regulations apply:

(1) No single family dwelling or cottage may exceed 9.7 metres (32 feet) in height.

(2) No accessory building or structure may exceed 6.0 metres (20 feet) in height.

(3) The height regulations for buildings and structures specified in Subsection 3.4(1) and (2) and elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, solar collectors, wind generators, farm silos and grain bins and water storage tanks.

(4) All height measurements to determine compliance with this bylaw shall be taken from the average of the natural grade levels at the midpoints of all walls (or sides) of the building or structure in question, to the highest point of the building or structure.

3.5 Accessory Uses, Buildings and Structures

(1) A building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.5(3) or as permitted by the zoning regulations in Part 5.

(2) An accessory building may be constructed or placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot, provided that a valid building permit has been issued for any principal building on the same lot.

(3) An accessory building may be constructed or placed on a lot prior to the construction of a single family dwelling or cottage on the same lot and occupied as a temporary dwelling prior to the construction of a permitted single family dwelling or a cottage on the same lot, subject to:

(a) issuance of a building permit for the temporary dwelling;

(b) the issuance and maintenance of a building permit for a principal dwelling or cottage on the same lot;

(c) the provision of sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*;

(d) the provision of a domestic water supply;

(e) compliance with the use, density and siting requirements of this Bylaw for accessory buildings; and

(f) the residential occupancy of accessory building ceases prior to the occupancy of the principal dwelling on the property and all facilities for food preparation and eating are removed.

(4) Unless a building or structure, excluding an attached deck and patio, is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

3.6 Home Occupations

(1) Permitted accessory home occupations include any home craft, repairing of goods, professional practice, service to a client, or creation of a product, but do not include the rental of visitor accommodation (including, but not limited to, bed and breakfasts, short-term vacation accommodation and commercial campgrounds), rentals or charters, food service or the retail or wholesale sale of goods or products unless the goods or products are produced, processed or repaired as part of the home business.

(2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where there is a permitted principal residential use.

(3) The combined floor area used in all home occupations on a lot must not exceed 65 square metres (700 square feet).

(4) The owner or at least one of the employees of a home occupation must reside on the property.

(5) Not more than four persons per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.

(6) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.

(7) One sign, consistent with the regulations established in Part 6, is permitted in conjunction with all home occupations on each lot.

(8) No noise resulting from any home occupation may be heard at a lot line or the natural boundary of the sea.

3.7 Agricultural Uses, Buildings and Structures

(1) An accessory building or structure used for agricultural purposes may exceed 6 metres (20 feet) in height where the following apply:

(a) the building or structure used for agricultural purposes is located in the Agricultural Land Reserve; or

(b) the property has farm status under the BC Assessment Act; and

(c) the building or structure used for agricultural purposes is sited a minimum of 7.6 metres (25 feet) from all lot lines; and

(d) in no case may a building or structure used for agricultural purposes exceed 9.2 metres (30 feet) in height.

3.8 Fences

(1) The height of fences shall not exceed 3 metres (10 feet) in any required setback.

(2) The provision of protective netting or wire to control animal nuisances, or a landscape screen, is exempt from the provisions of Subsection 3.8(1).

3.9 Screening and Landscaping

(1) Where vegetative landscape screening is required by this Bylaw, it is to be provided in the form of:

(a) the retention of existing vegetation that is of a sufficient height to provide a visual screen between the uses being separated. The landscape screen shall at no point be less than 10 metres (33 feet) in width; or

(b) where existing vegetation is not of a sufficient height to provide a visual screen, planted and maintained indigenous, drought-tolerant evergreen vegetation that will attain a height sufficient to provide a visual screen between the uses being separated. The landscape screen shall at no point be less than 10 metres (33 feet) in width, and,

that is continuous, except for points of vehicular or pedestrian entrance and exit.

(2) Where a non-vegetative screen is required by this bylaw, it is to be provided in the form of either a solid or latticed wooden fence, or a brick or stone wall with a minimum height of 2.5 metres, which is continuous, except for points of vehicular or pedestrian entrance and exit.

3.10 Temporary Use of Recreational Vehicles

(1) A recreational vehicle may only be used as a temporary residence prior to the construction of a permitted single family dwelling or a cottage on the same lot, subject to:

(a) the issuance and maintenance of a building permit for a principal dwelling or cottage on the same lot;

(b) the connection of the recreational vehicle to sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*;

(c) the provision of a domestic water supply;

(d) compliance with the use, density and siting requirements of this Bylaw for dwellings or cottages; and

(e) the occupancy of the recreational vehicles ceases prior to the occupancy of the principal dwelling on the property.

Nothing in this Section prohibits the non-residential storage of recreational vehicles on a lot.

3.11 Derelict Vehicle Storage

(1) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, stripped, non-functional or abandoned vehicles or vessels, unless the vehicles or vessels are completely enclosed within a permitted permanent building.

(2) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, stripped, non-functional, or abandoned trailers or campers unless the trailers or campers are completely enclosed within a permitted permanent building.

(3) Except where permitted by the regulations in Part 5, no land shall be used for the storage of partially disassembled, stripped or detached parts of motor vehicles or vessels, unless the parts are completely enclosed in a permitted permanent building.

3.12 Lots Divided by a Zone Boundary

(1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and the dwellings and cottages may only be constructed on any portion of the lot if, and to the extent that, the density regulations for that portion are complied with.

(2) Despite Subsection 3.12(1), if one of the portions of the lot is in the Agricultural (A) Zone, the dwelling or cottage permitted in respect of that portion of the lot may be sited on another portion of the lot.

3.13 Use of Common Property

(1) Land comprising the common property in a strata plan is not a lot for the purposes of the density regulations but, where the strata lots and common property are in the same zone, may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

3.14 Agricultural Land Reserve Farm Use Regulations

(1) Pursuant to Section 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (BC Reg. 171/2002), and any subsequent amendments or revisions to those regulations, the regulations in this Section apply to uses designated as Farm Uses which may be regulated but must not be prohibited by any local government bylaw.

(2) For purposes of clarity, any building, structure, driveway, ancillary service or utility necessary for a farm use must comply with the siting and size regulations established in Parts 3 and 5.

(3) In addition to the regulations established in Parts 3 and 5, a licensed winery or cidery and ancillary uses must comply with the following regulations:

- (a) all retail sales shall be within an enclosed and permitted building;
- (b) the total combined area used for retail sales may not exceed 20 square metres (215 square feet) in area;
- (c) all buildings used for retail sales and all outdoor service areas must be setback 30 metres from any edge lot line;
- (d) all outdoor service areas shall be screened from view from all lot lines and the sea with landscaping or fencing complying with the provisions of Section 3.9 (Landscape Screening);

(e) all tours shall be limited to the ALR portion of the property, with the exception of providing access to and from the property.

(4) In addition to the regulations established in Parts 3 and 5, the storage, packing, product preparation or processing of farm products shall:

(a) have a minimum setback of 7.5 metres (25 feet) from any edge lot line.

(5) In addition to the regulations established in Parts 3 and 5, all agri-tourism activities shall be conducted solely on the ALR portion of the property, with the exception of providing access to and from the property.

(6) In addition to the regulations established in Parts 3 and 5, all intensive livestock operations, mushroom production and land-based aquaculture facilities shall:

(a) have a minimum setback of 30 metres from any edge lot line or the natural boundary of the sea or any lake, natural watercourse or wetland.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

(1) The North Pender Associated Islands Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw:

	Zone Name	Zone Abbreviation
	Rural Residential	RR
	Agriculture	A
BL#170	Agriculture Two	A2
BL#170	Commercial One	C1
BL#170	Commercial Two	C2
BL#170	Commercial Three	C3
	Industrial One	I1
	Forestry One	F1
	Community Services One	S1
	Community Services Two	S2
	Community Services Three	S3
BL#170	Community Services Four	S4
	National Park	NP
	Conservation	G
	Marine General	W1
	Marine Protection	W2
	Marine Service	W3
	Marine Park	W4
	Comprehensive Development:	
	Forrest Island	CD1
	Sidney Island	CD2

4.2 Zone Boundaries

(1) Where zone boundaries on Schedule "B" coincide with lot lines, the zone boundaries are the lot lines.

(2) Where a zone boundary is shown on Schedule "B" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.

(3) Where land based and water based zone boundaries shown on Schedule "B" coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.

(4) Where a zone boundary shown on Schedule "B" does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule "B" and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

PART 5 ZONE REGULATIONS

5.1 Rural Residential (RR)

Permitted Uses

(1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Single family dwelling;

(b) Cottage;

(c) Agriculture;

(d) Accessory uses, buildings and structures.

Density

(2) On a lot less than 0.6 hectares (1.5 acres), one (1) single family dwelling is permitted.

(3) On a lot 0.6 hectares (1.5 acres) or greater, one (1) single family dwelling and one (1) cottage are permitted.

(4) The lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

(5) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.

(6) Despite Subsection 5.1(5), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line.

(7) The maximum floor area of a cottage shall be 70 square metres (754 square feet) on a lot 1.2 hectares (3 acres) or less in area.

(8) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Conditions of Use

(9) Any building, for which a valid building permit was issued after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision Lot Size Requirements

(10) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the RR Zone.

(11) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 4 hectares (10 acres).

Site – Specific Regulations

(12) The following table denotes locations where, despite or in addition to the regulations in this section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.1		
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
RR(a)	Pym Island: Section 103, Victoria District Parcel Identifier: 006-297-561	1. Despite Subsections 5.1(3) and 5.1(8), one (1) single family dwelling and five (5) cottages are permitted in this location, with four cottages having a combined floor area of not more than 232 square metres (2497 square feet) and one cottage not exceeding 93 square metres (1001 square feet).

5.2 Agriculture (A)

Permitted Uses

(1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Single family dwelling;

(b) Cottage;

(c) Farm Uses;

(d) Accessory uses, buildings and structures.

Density

(2) On a parcel less than 0.6 hectares (1.5 acres), one (1) single family dwelling is permitted.

(3) On a parcel 0.6 hectares (1.5 acres) or greater, one (1) single family dwelling and one (1) cottage are permitted.

(4) The lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

(5) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.

(6) Despite Subsection 5.2(5), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line.

(7) The maximum floor area of a cottage shall be 56 square metres (603 square feet) on a lot 1.2 hectares (3 acres) or less in area.

(8) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Conditions of Use

(9) Farm Uses permitted by Article 5.2(1)(c) above must comply with all regulations established in relation to that use in Section 3.14.

(10) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision Lot Size Requirements

(11) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the A Zone.

(12) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 8 hectares (20 acres).

5.3 Agriculture Two (A2)

Permitted Uses

(1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Farm Uses;

(b) Golf Course;

(c) Winery;

(d) Trails, stairs and walkways;

(e) Accessory uses, buildings and structures.

Density

(2) One (1) Golf Course is permitted in the A2 zone.

(3) The lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

(4) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.

(5) Despite Subsection 5.3(4), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line.

(6) The maximum height for all buildings and structures is 9.2 metres (30 feet) in height.

Conditions of Use

(7) Farm Uses permitted by article 5.3(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision Lot Size Requirements

(8) No subdivision plan shall be approved in this zone, except where the land is within the common property of a bare land strata plan, unless the lots created by the subdivision have an average and minimum lot area of at least 100 hectares (248 acres), or except where, pursuant to article 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.4 Commercial One (C1)

BL#170

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Food and beverage services, including restaurants, cafes and lounges;

(b) Retail sales, including the sale of liquour;

(c) Personal services;

(d) Community recreational uses;

(e) Administrative offices;

(f) Clubhouse and meeting facilities;

(g) Emergency services;

(h) Storage and warehousing;

(i) Freight services;

(j) Vehicle, golf cart, and equipment storage uses and facilities;

(k) Accessory dwelling units;

(l) Accessory uses, buildings and structures.

Density

(2) The total combined floor area of all uses in the C1, C2, and C3, zones shall not exceed 3252 m^2 (35,000 ft^2).

(3) The number of accessory dwelling units in the C1 zone is limited to thirteen and the maximum combined floor area of all accessory dwelling units in the zone is 905 m^2 (9741 ft^2)

Siting and Size

(4) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.

(5) The maximum height for all buildings and structures is 9.7 metres (32 feet).

Conditions of Use

(6) The occupancy of an accessory dwelling unit permitted by article 5.4(1)(k) above is limited to providing residential accommodation to the household of an owner, operator or an employee of a permitted principal use in the C1, C2, C3 or S4 zones on James Island or an employee otherwise engaged in management or operations on James Island.

(7) All external storage areas associated with the uses permitted by Articles 5.4(1)(h) and (i) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

Subdivision

(8) No lot may be created having an area less than 3716 square metres (40,000 square feet), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 3716 square metres (40,000 square feet) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 3716 square metres (40,000 square feet).

5.5 Commercial Two (C2)

BL#170

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- (a) Food and beverage services, including restaurants, cafes and lounges;
- (b) Community recreational uses;
- (c) Administrative offices;
- (d) Storage and warehousing;
- (e) Freight services;
- (f) Barge ramp and marine railway;
- (g) Vehicle, float plane and equipment storage facilities;
- (h) Accessory uses, buildings and structures.

Density

(2) The total combined floor area of all uses in the C1, C2 and C3 zones shall not exceed 3252 m^2 (35,000 ft^2).

(3) The number of food and beverage service establishments permitted in ~~5.4(1)(a)~~ **5.5(1)(a**) above is limited to one, with a maximum floor area of 200 m^2 (2152 ft^2).

Siting and Size

(4) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.

(5) The maximum height for all buildings and structures is 7 metres (23 feet).

Conditions of Use

(6) All external storage areas and equipment associated with the uses permitted by Articles 5.5(1)(d) and (e) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

Subdivision

(7) No lot may be created having an area less than 3716 square metres (40,000 square feet), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 3716 square metres (40,000 square feet) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 3716 square metres (40,000 square feet).

Site Specific Regulations

(8) 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.

Table 5.2		
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
C2(a)	Portion of the water adjacent to Section 3, James Island, Cowichan District	1. Despite Subsection 3.3(4) and 5.5(3) the siting, size and dimensions of all buildings in this location shall be as shown on Plan 1 of Schedule D. 2. In addition to the uses permitted in Subsection 5.5(1), a dock and associated ramps, walkways, footings and pilings are permitted in this location. 3. In addition to the uses permitted in Subsection 5.5(1), meeting facilities are permitted in this location.

5.6 Commercial Three (C3)

BL#170

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Food and beverage services, limited to café;

(b) Retail sales, including the sale of liquor;

(c) Community recreational uses;

(d) Administrative offices;

(e) Storage and warehousing;

(f) Freight services;

(g) Barge ramp and marine railway;

(h) Vehicle, float plane, boat and equipment storage facilities;

(i) Accessory dwelling units;

(j) Accessory uses, buildings and structures.

Density

(2) The total combined floor area of all uses in the C1, C2 and C3 zones shall not exceed 3252 m^2 (35,000 ft^2).

(3) The number of food and beverage service establishments permitted in 5.6(1)(a) above is limited to one, with a maximum floor area of 55 m^2 (600 ft^2).

(4) The maximum floor area used for retail sales, including the sale of liquor, permitted by 5.6(1)(b) above is limited to 100 m^2 (1076 ft^2).

(5) The number of accessory dwelling units in the C3 zone is limited to two (2) and the maximum combined floor area of all accessory dwelling units in the zone is 190 m^2 (2045 ft^2).

Siting and Size

(6) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.

(7) The maximum height for all buildings and structures is 7 metres (23 feet).

Conditions of Use

(8) All external storage areas and equipment associated with the uses permitted by Articles 5.6(1)(e) and (f) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

(9) The occupancy of an accessory dwelling unit permitted by article 5.6(1)(i) above is limited to providing residential accommodation to the household of an owner, operator or an employee of a permitted principal use in the C1, C2, C3 or S4 zones on James Island or an employee otherwise engaged in management or operations on James Island.

Subdivision

(10) No lot may be created having an area less than 3716 square metres (40,000 square feet), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 3716 square metres (40,000 square feet) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 3716 square metres (40,000 square feet).

5.7 Industrial One (1)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Farm uses;

(b) Timber production, harvesting, processing, storage, silviculture and forest protection;

(c) Storage and warehousing;

(d) Contractor's yards and workshops;

(e) Freight services;

(f) Vehicle, machinery and equipment repair, sales and maintenance;

(g) Accessory dwelling unit;

(h) Accessory uses, buildings and structures.

Density

(2) The number of accessory dwelling units in the zone is limited to one.

(3) The combined lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

(4) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.

(5) Despite Subsection ~~5.3(4)~~ **5.7(4)**, the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line.

Conditions of Use

(6) The occupancy of the accessory dwelling unit permitted by article ~~5.3(1)(g)~~ **5.7(1)(g)** above is limited to providing residential accommodation to the household of the owner, operator or an employee of a permitted principal use.

(7) All external storage areas associated with the uses permitted by Articles ~~5.3(1)(c)~~ **5.7(1)(c),** (d), (e) and (f) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

(8) Farm Uses permitted by Article ~~5.3(1)(a)~~ **5.7(1)(a)** above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision

(9) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the I1 Zone.

(10) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 8 hectares (20 acres).

5.8 Forestry One (F1)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Farm uses;

(b) Timber production, harvesting, processing, storage, silviculture and forest protection;

(c) Forestry, maintenance and storage buildings and structures;

(d) Accessory uses, buildings and structures.

Density

(2) The combined lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

(5) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.

(6) The minimum setback for any building, structure or enclosure housing animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Conditions of Use

(7) Farm Uses permitted by Article ~~5.4(1)(a)~~ **5.8(1)(a)** above must comply with all regulations established in relation to that use in Section 3.14.

(8) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision

(9) No subdivision plan shall be approved in the F1 zones unless the lots created by the subdivision have an average and minimum lot area of at least 500 hectares (1235 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.9 Community Services One (S1)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Farm uses;

(b) Community recreational uses;

(c) Timber production, harvesting, processing, storage, silviculture and forest protection;

(d) Forestry, maintenance and storage buildings and structures;

(e) Community uses, consisting of emergency services buildings, community meeting hall, community office, maintenance uses and buildings, and vehicle and equipment storage uses and buildings;

(f) Single family dwelling;

(g) Sleeping cabins;

(h) Non-commercial short-term accommodation;

(i) Retail sales.

Density

(2) The combined lot coverage of all buildings and structures shall not exceed 25 percent.

(3) The number of community meeting halls permitted by article ~~5.5(1)(e)~~ **5.9(1)(e)** above shall not exceed one.

(4) The number of community offices permitted by article ~~5.5(1)(e)~~ **5.9(1)(e)** above shall not exceed one.

(5) The number of single family dwellings permitted by ~~5.5(1)(f)~~ **5.9(1)(f)** above shall not exceed ~~one.~~ **two, of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e).**

(6) The number of sleeping cabins permitted in Article ~~5.5(1)(g)~~ **5.9(1)(g)** above shall not exceed a total of four and the floor area of any one sleeping cabin may not exceed 80 square metres (861 square feet).

Siting and Size

(7) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.

(8) The minimum setback for any building, structure or enclosure housing animals and poultry shall be 15 metres (50 feet) from any edge lot line.

(9) The floor area of the community office building permitted in Article ~~5.5(1)(e)~~ **5.9(1)(e)** above shall not exceed 200 square metres (2153 square feet).

Conditions of Use

(10) Farm Uses permitted by article ~~5.5(1)(a)~~ **5.9(1)(a**) above must comply with all regulations established in relation to that use in Section 3.14.

(11) The non-commercial short-term accommodation permitted by article ~~5.5(1)(h)~~ **5.9(1)(h)** above is limited to the use of rooms within a permitted community meeting hall, provided the use does not exceed a maximum of 10 days at any one time, totalling no more than 90 days per calendar year.

(12) The retail sales permitted by article ~~5.5(1)(i)~~ **5.9(1)(i)** above are limited to the sale of groceries and household effects within a permitted community meeting hall, provided the use is limited to a total floor area of 30 square metres (323 square feet) or less.

Subdivision

(13) No subdivision plan shall be approved in the S1 zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.10 Community Services Two (S2)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Farm uses;

(b) Timber production, harvesting, processing, storage, silviculture and forest protection;

(c) Forestry, maintenance and storage buildings and structures;

(d) Community recreational uses;

(e) Community uses, consisting of emergency service buildings, community meeting hall, community office, maintenance uses and buildings, and vehicle and equipment storage uses and buildings.

Density

(2) The combined lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

(3) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.

(4) The minimum setback for any building, structure or enclosure housing animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Conditions of Use

(5) Farm Uses permitted by article ~~5.6(1)(a)~~ **5.10(1)(a)** above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision

(6) No subdivision plan shall be approved in the S2 zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown

5.11 Community Service Three (S3)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- (a) Farm uses;
- (b) Timber production, harvesting, processing, storage, silviculture and forest protection;
- (c) Forestry, maintenance and storage buildings and structures;
- (d) Community recreational uses;
- (e) Maintenance uses and buildings; and vehicle, aircraft and equipment storage uses and buildings;

Density

(2) The combined lot coverage of all buildings and structures shall not exceed 25 percent **of the area zoned Community Service Three (S3)**.

Siting and Size

(3) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.

(4) The minimum setback for any building, structure or enclosure housing farm animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Conditions of Use

(5) Farm Uses permitted by article ~~5.7(1)(a)~~ **5.11(1)(a)** above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision

(6) No subdivision plan shall be approved in the S3 zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.12 Community Services Four (S4)

BL#170

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Storage and warehousing;

(b) Administrative offices;

(c) Emergency services;

(d) Maintenance and repair uses and facilities;

(e) Vehicle, aircraft and equipment storage uses and facilities;

(f) Timber processing and storage, silviculture, and forest protection uses;

(g) Golf course storage and maintenance uses and facilities;

(h) Accessory dwelling units;

(i) Accessory uses, buildings and structures.

Density

(2) The combined lot coverage of all buildings and structures shall not exceed 25 percent.

(3) The number of accessory dwelling units in the S4 zone is limited to fifteen and the maximum combined floor area of all accessory dwelling units in the zone is 1050 m^2 (11,302 ft^2).

Siting and Size

(4) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.

(5) The maximum height for all buildings and structures is 9.7 metres (32 feet) in height.

Conditions of Use

(6) The occupancy of an accessory dwelling unit permitted by article 5.12(1)(i) above is limited to providing residential accommodation to the household of an owner, operator or an employee of a permitted principal use in C1**,** C2, C3 or S4 zones on James Island or an employee engaged in management or operations on James Island.

(7) All external storage areas associated with the uses permitted by articles 5.12(1)(a), (b), (c), (d) and (e) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

Subdivision

(8) No subdivision plan shall be approved in this zone, except where the land is within the common property of a bare land strata plan, unless the lots created by the subdivision have an average and minimum lot area of at least 100 hectares (248 acres), and except where, pursuant to article 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

Site – Specific Regulations

(9) The following table denotes locations where, despite or in addition to the regulations in this section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.3

Site-Specific Zone	Location Description	Site Specific Regulations
S4(a)	Portion of Section 2, James Island, Cowichan District	Despite 5.12(1)(h) above, accessory dwelling units are not permitted in this location.

5.13 National Park (NP)

Information Note: Land held by the Federal Crown is immune from local government regulations, including zoning.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Trails, stairs and walkways;

(b) Informational signs and interpretive structures;

(c) Wilderness camping;

(d) Accessory uses, buildings and structures;

(e) Other uses consistent with the *Canada National Parks Act*.

Subdivision Lot Size Requirements

(2) No subdivision plan shall be approved in the NP zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown

5.14 Conservation (G)

Permitted Uses

(1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:

BL#170 (a) Trails, stairs, walkways, and structured or floating walkways;

(b) Informational signs and interpretive structures;

Subdivision

BL#170 (2) No subdivision plan shall be approved in the G zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.15 Marine General (W1)

Permitted Uses

(1) The following uses and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Mooring buoys;

(c) Buoys delineating aquaculture tenure boundaries;

(d) Docks;

(e) Barge ramps and marine railways;

(f) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.8(1)(d) and (e) above;

(g) Sub-tidal and beach shellfish aquaculture;

(h) Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.8(1)(d) through (f) above, or for the protection of another established use or feature.

(2) **Information Note**: for certainty, the following uses are prohibited in the W1 zone:

(a) Industrial uses;

(b) Commercial uses;

(c) Marina, the use of which is restricted to members of a private club;

(d) Off-bottom aquaculture.

Siting and Size

(3) No structure shall be located within 3 metres (10 feet) of the seaward projection of any side lot line of an abutting upland lot.

(4) All mooring buoys permitted by ~~5.8(1)(b)~~ **5.15(1)(b)**above shall be located within 100 metres (328 feet) of the RR, A, CD1 or CD2 zones.

(5) Despite Subsection ~~5.8(4)~~ **5.15(4)** above, no mooring buoy shall be located within 100 metres (328 feet) of the NP zone.

(6) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.

(7) The maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island may not exceed 93 square metres (1001 square feet) and an additional 47 square metres (506 square feet) for each additional 4 hectares (10 acres) of land area on the upland island greater than 4 hectares (10 acres). In no instance shall the maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island exceed 465 square metres (5005 square feet).

(8) The total linear extent of all breakwaters and wave suppression devices adjacent to any one island shall not exceed 50 metres (164 feet).

(9) The maximum height of any breakwater shall not exceed 2 metres (6 feet) above high-high tide.

(10) No breakwaters and wave suppression device shall connect any one island to another island.

(11) Storage structures constructed on any part of a dock shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet).

(12) The total linear extent of all seawalls, permitted in Section 3.1 adjacent to any one island shall not exceed 50 metres (164 feet).

(13) The maximum height of any seawall shall not exceed 2 metres (6 feet) above high-high tide.

Conditions of Use

(14) Mooring buoys permitted by article ~~5.8(1)(b)~~ **5.15(1)(b)** above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.

(15) Docks permitted by article ~~5.8(1)(d)~~ **5.15(1)(d)** above shall be accessory to a residential or agricultural use of an upland lot, or lots, and shall provide access to that lot or lots for the residents of an upland lot.

(16) No building or structure shall be sited, placed or erected on any float, dock, pier or breakwater in the W1 zone except:

(a) storage structures;

(b) lift cranes;

(c) railings;

(d) lights.

(17) No dock shall use foam floatation devices that are not completely encapsulated in concrete or an equivalent material.

(18) Barge ramps and marine railways permitted by article ~~5.8(1)(e)~~ **5.15(1)(e)** above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island.

(19) Breakwaters and wave suppression devices permitted by article ~~5.8(1)(h)~~ **5.15(1)(h)** above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection ~~5.8(7)~~ **5.15(7)** above.

5.16 Marine Protection (W2)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Mooring buoys;

(c) Sub-tidal and beach shellfish aquaculture;

(d) Buoys delineating aquaculture tenure boundaries.

(2) **Information Note**: for certainty, the following uses are prohibited in the W2 zone:

(a) Industrial uses;

(b) Commercial uses;

(c) Marinas and docks;

(d) Off-bottom aquaculture.

Conditions of Use

(3) Mooring buoys permitted by article ~~5.9(1)(b)~~ **5.16(1)(b)** above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.

5.17 Marine Service (W3)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Mooring buoys;

(c) Private marina;

(d) Barge ramp and marine railway;

(e) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in Articles ~~5.10(1)(c)~~ **5.17(1)(c)** and (d) above;

(f) Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles ~~5.10(1)(c)~~ **5.17(1)(c)** through (e) above or for the protection of an established use or feature.

(2) **Information Note**: for certainty, the following uses are prohibited in the W3 zone:

(a) Industrial uses;

(b) Commercial uses;

(c) Marina, the use of which is restricted to members of a private club;

(d) Off-bottom aquaculture.

Density

(3) A maximum of one private marina and associated docks, piers, floats, ramps and breakwaters is permitted per island.

(4) A maximum of one barge ramp and one marine railway and associated structures are permitted per island.

Siting and Size

(5) No structure may be sited outside of a water licence or lease area.

(6) Storage structures shall have a maximum height of 3 metres (10 feet) and a maximum floor area of 10 square metres (107 square feet).

Conditions of Use

(7) Mooring buoys permitted by article ~~5.10(1)(b)~~ **5.17(1)(b)** above shall only be used for the purpose of mooring private vessels accessory to the residential use of an upland lot on the island abutting the water zone in which the marina is located.

(8) Private marinas permitted by article ~~5.10(1)(c)~~ **5.17(1)(c)** above shall only provide docks, floats and piers for the mooring of private vessels accessory to a permitted use of an upland lot(s) on the island abutting the water area in which the marina is located.

(9) No building or structure may be sited, placed or erected on any float, dock, pier or breakwater in the W3 zone except:

(a) storage structures;

(b) lift cranes;

(c) railings;

(d) lights.

(10) Barge ramps and marine railways permitted by article ~~5.10(1)(d)~~ **5.17(1)(d)** above shall be accessory to a permitted use of an upland lot(s) on the island, and shall provide access to those lots for the residents of the upland lots.

BL#170 **Site – Specific Regulations**

(11) The following table denotes locations where, despite or in addition to the regulations in this section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.4		
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
W3(a)	Two portions of the water off James Island	1. Despite Subsection ~~5.12(3)~~ **5.17(3)**, a maximum of two private marinas may be permitted. 2. In addition to the siting and size regulations established in ~~5.12(5)~~ **5.17(5)** and ~~5.12(6)~~ **5.17(6),** the combined area of docks and marinas in the W3(a) zone shall not exceed 290 square metres (3122 feet^2).

5.18 Marine Park (W4)

Information Note: Land, including submerged land, held by the Federal Crown is immune from local government regulations, including zoning.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Mooring buoys;

(c) Wharves;

(d) Docks;

(e) Barge ramps and marine railways;

(f) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article ~~5.11(1)(c)~~ **5.18(1)(c)** and (d) above;

(g) Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles ~~5.11(1)(c)~~ **5.18(1)(c)** through (e) above, or for the protection of another established use or feature;

(h) Other uses consistent with the *Canada National Parks Act*.

Siting and Size

(2) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.

(3) The maximum area of all dock floats and piers adjacent to any one island permitted by article ~~5.11(1)(d)~~ **5.18(1)(d)** above may not exceed 93 square metres (1001 square feet), exclusive of ramps and walkways.

(4) The total linear extent of all breakwaters and wave suppression devices adjacent to any one island may not exceed 50 metres (164 feet).

(5) The maximum height of any breakwater shall not exceed 1 metre (3 feet) above high-high tide.

(6) No breakwaters and wave suppression device shall connect any one island to another island.

(7) Storage structures constructed on any part of a dock permitted by article ~~5.11(1)(d)~~ **5.18(1)(d)** above shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet).

(8) The total linear extent of all seawalls permitted in Section 3.1 adjacent to any one island may not exceed 50 metres (164 feet).

(9) The maximum height of any seawall shall not exceed 1 metre (3 feet) above high-high tide.

Conditions of Use

(10) Docks permitted by Article ~~5.11(1)(d)~~ **5.18(1)(d)** above shall be accessory to an established residential use of an upland lot, or lots, and shall provide access to that lot or lots by the residents of an upland lot on the island abutting the water area in which the dock is located.

(11) Wharves permitted by Article ~~5.11(1)(c)~~ **5.18(1)(c)** shall be used to provide access to land in the NP zone.

(12) No building or structure may be sited, placed or erected on any wharf, dock or breakwater in the W4 zone except:

(a) storage structures;

(b) lift cranes;

(c) railings;

(d) lights.

(13) No dock or wharf shall use foam floatation devices that are not completely encapsulated in concrete or similar materials.

(14) Barge ramps and marine railways permitted by article ~~5.11(1)(e)~~ **5.18(1)(e)** above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, or uses permitted in the NP zone, and shall provide access to that lot or lots.

(15) Breakwaters and wave suppression devices permitted by article ~~5.11(1)(g)~~ **5.18(1)(g)** above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.11(3) above.

5.19 Forrest Island Comprehensive Development Zone (CD 1)

Permitted Uses

(1) The following buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other buildings and structures are prohibited:

(a) Single family dwellings;

(b) Cottages;

(c) Agriculture;

(d) Accessory uses, buildings and structures.

Density

(2) No more than 3 single family dwellings and 3 cottages may be constructed in the CD1 zone.

(3) The lot coverage of all buildings and structures may not exceed 25 percent.

Siting and Size

(4) The minimum setback for any building or structure shall be 6 metres (20 feet) from all lot lines.

(5) Despite Subsection ~~5.14(4)~~ **5.19(4),** the minimum setback for any building, structure or enclosure housing animals and poultry shall be 7.6 metres (25 feet) from any lot line, except the natural boundary of the sea.

(6) The maximum floor area of a cottage shall be 70 square metres (754 square feet) on a lot between 0.17 hectares (0.4 acres) and 1.2 hectares (3 acres) in area.

(7) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Subdivision Lot Size Requirements

(8) No lot having an area less than 0.17 hectares (0.4 acres) may be created by subdivision in the CD1 Zone.

(9) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 6 hectares (15 acres).

(10) No more than 3 lots may be created in the CD1 zone.

5.20 Sidney Island Comprehensive Development Zone (CD 2)

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Single family dwellings;

(b) Accessory uses, buildings and structures;

(c) Storage building; subject to subsection 5.20(8).

Density

(2) ~~No more than 111 single family dwellings may be constructed in the CD2 zone~~. **There may not be more than one single family dwelling on any lot.**

(3) ~~For the land legally described as Strata lots 1 through 24 inclusive in Strata Plan VIS5122, the following densities apply:~~

~~Table 5.2~~	
~~Strata Lot #~~	~~Permitted Number of single family dwellings~~
~~1~~	~~6~~
~~2~~	~~6~~
~~3~~	~~5~~
~~4~~	~~6~~
~~5~~	~~5~~
~~6~~	~~8~~
~~7~~	~~9~~
~~8~~	~~8~~
~~9~~	~~5~~
~~10~~	~~4~~
~~11~~	~~5~~
~~12~~	~~4~~
~~13~~	~~5~~
~~14~~	~~4~~
~~15~~	~~3~~
~~16~~	~~4~~
~~17~~	~~4~~
~~18~~	~~3~~
~~19~~	~~2~~
~~20~~	~~2~~
~~21~~	~~2~~
~~22~~	~~2~~
~~23~~	~~2~~
~~24~~	~~7~~
~~Total~~	~~111~~

~~provided that in the event of:~~

~~(a) the addition of a part of strata lot 1 to strata lot 24, the permitted number of single family dwellings on expanded strata lot 24 shall be seven and the permitted number of single family dwellings on the remainder of strata lot 1 shall be six;~~

~~(b) the consolidation of strata lot 1 and strata lot 24, the permitted number of single family dwellings on the consolidated strata lot shall be 13;~~

~~(c) any division of any or all of the above 24 strata lots, including those resulting under (a) or (b) above, no more than one single family dwelling may be constructed on each lot resulting from any such division.~~

~~(4)~~**(3)** The combined lot coverage of all buildings and structures may not exceed 25 percent.

Siting and Size

~~(5)~~**(4)** The minimum setback for any building or structure, except a fence or pump/utility house, shall be 10 metres (33 feet) from any lot line.

~~(6)~~**(5)** **Despite Subsection 3.3(2)** the minimum setback for any building or structure, except a fence ~~or a pump/utility house~~, shall be 15 metres (49 feet) from the natural boundary of the sea. **Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.**

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

Conditions of Use

(7) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

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

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

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

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

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

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

Subdivision Lot Size Requirements

(9) **Despite Subsection 3.10 the storage of recreational vehicles that are not being used a a temporary residence under that section is not permitted.**

~~(8)~~**(10)** No more than 111 lots may be created in the CD2 zone.

~~(9)~~**(11)** No lot may be created having an area less than 1 hectare (2.5 acres), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 1 hectares (2.5 acres) so long as the total area of land in the amended strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 1 hectares (2.5 acres).

~~(10) No lot referred to in Subsection 5.13(3) above may be subdivided into more lots than the maximum number of one-family dwellings permitted on the respective lot referred to in Subsection 5.13(3).~~

Site Specific Regulations

(11) 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.

Table 5.3		
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
CD2(a)	Portion of strata lots 6, 7, 8 and 19 Plan VIS5122.	(1) Despite Subsection 5.15(5) above, the required interior side and rear lot line setbacks are 3 metres (10 feet), except where a lot line is contiguous with the NP zone, the setback from that lot line is 10 metres (33 feet).

5.21 James Island Comprehensive Development Zone (CD 3)

BL#170

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Single family dwellings;
(b) Cottages;
(c) Agriculture;
(d) Community recreational uses;
(e) Accessory uses, buildings and structures.

Density

(2) No more than one single family dwelling and one cottage may be constructed on any lot.

(3) No more than 80 lots may be created by subdivision in the CD3 zone

(4) The combined lot coverage of all buildings and structures shall not exceed 25 percent, except in the instance where a lot has been created pursuant to the *Bare Land Strata Regulations* and the area of a lot is 465 m^2 (5000 ft^2 or less, in which instance the combined lot coverage of all buildings and structures shall not exceed 75%.

Siting and Size

(5) The minimum setback for any building or structure, except a fence or pump/utility house, shall be 3 metres (10 feet) from any lot line.

(6) The minimum setback for any building or structure, except a fence or a pump/utility house, shall be 15 metres (49 feet) from the natural boundary of the sea.

(7) The maximum floor area of a single family dwelling shall be 465 square metres (5005 square feet).

(8) The maximum floor area of a cottage shall be 70 square metres (754 square feet) on a lot 1.2 hectares (3 acres) or less in area.

(9) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Subdivision Lot Size Requirements

(10) No lot may be created having an area less than 1.25 hectare (3.1 acres), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 1.25 hectares (3.1 acres) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 1.25 hectares (3.1 acres).

Site Specific Regulations

(11) 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.

Table 5.6		
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
CD3(a)	Portion of Section 4, James Island, Cowichan District.	The minimum setback for any building or structure shall be 50 metres (164 feet) from the natural boundary of the sea.

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

(1) All types of signs, except those prohibited in Section 6.2 are permitted

6.2 Prohibited Signs

(1) The following signs are prohibited:

(a) Any sign that is internally illuminated;

(b) Any sign with moving parts;

(c) Any sign hung from, or in any way affixed to, any other sign;

(d) Any noise-making sign;

(e) Third party signs.

6.3 Exempt Signs

The following signs are exempt from the regulations in this part:

(1) Directional, traffic control, safety, interpretive, address and navigational signs.

(2) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 14 days of the date of election.

(3) Signs pertaining to the lease, sale, name of owner or property, or the use or status of a lot or building are permitted, provided no one sign exceeds a total area of 1.2 square metres (13 square feet).

(4) Signs erected and maintained by a public agency.

6.4 Siting and Height

(1) No signs permitted by this Part may be sited within a setback area and no sign may be sited within 15 metres (49 feet) upland of the natural boundary of the sea without first obtaining a development permit pursuant to Part 7 of the “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002”.

(2) The maximum height for any sign is 6 metres (20 feet).

6.5 Obsolete Signs

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

6.6 Sign Number and Area

Table 6.1: Sign Number and Area		
Zone/Use	**Number of Signs Permitted for each Lot, Premise or Use**	**Maximum Total Sign Area Permitted for Each Lot, Premise or Use**
All zones	1 per lot	1.2 square metres (13 square feet) in area

PART 7 PARKING REGULATIONS

7.1 Location

(1) All required off-road parking spaces shall be located on the lot on which the use, building or structure being served is located and in the same zone. Parking spaces located on a highway may not be taken into account in determining compliance with the standards in this part.

(2) In the case of a parking space for the disabled, it shall be located in the closest point as is practical to the main entrance to any building containing the use for which the disabled parking space is required.

(3) A parking space may not be located within a required setback area

7.2 Design Standards

(1) Each parking space shall be accessible to a highway via a driveway or manoeuvring aisle not less than 6 metres (20 feet) in width at the junction with the highway.

(2) Each parking space shall be at least 2.75 metres (9 feet) in width and 6.25 metres (21 feet) in length, exclusive of manoeuvring aisles or driveways, and have unobstructed vertical clearance of at least 2 metres (6.6 feet).

(3) A required parking space may be open or enclosed, and may be outside, under, or within a building.

7.3 Calculation

(1) In the calculation of parking required spaces, one additional space shall be provided in respect of any fractional floor area, number of seats or berths or other unit of measurement and the requirements for sites on which more than one use occurs are cumulative.

(2) Where a particular use is not listed in Table 1, the number required for the most similar listed use applies.

7.4 Number of Off-street Parking Spaces

(1) Every owner or occupier of land which is accessed via a highway shall provide and maintain off-street parking stalls in conformity with the standards set out in Table 7.1 in respect of the use or occupancy that is applicable to the owner's land:

Table 7.1 : Off-Street Parking Requirements

Use of Building or Lot	Minimum Number of Parking Spaces Required
Residential	Two per single family dwelling and one per cottage
Home Occupation	One per business

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

(1) Subdivisions shall comply with the minimum and average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.

(2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average lot area regulations set out in Part 5, be included in the total area of lots being created, and the park or parks are deemed not to be lots.

(3) If a lot proposed to be subdivided is divided by a zone boundary, a separate calculation of the number of lots permitted shall be made for each portion, and no lot is to be created in respect of any fractional area resulting from such a calculation.

8.2 Exemptions from Minimum and Average Lot Area Requirements

(1) The average and minimum lot sizes specified in Part 5 do not apply if:

(a) the lot being created is to be used solely for unattended equipment necessary for the operation of facilities referred to in Section 3.1, a community sewer or water system, electrical and telecommunication utilities, telephone receiving antenna, radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation, and the owner grants to the Local Trust Committee a Section 219 covenant under the *Land Title Act* restricting the use of the lot to one of these uses;

(b) the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown;

(c) the lot being created results from the consolidation of two or more lots, provided the area of the consolidated lot could not be subdivided into more lots than would be permitted under this bylaw without the consolidation; or

(d) to the adjustment of boundaries between lots, provided the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment.

8.3 Covenants Prohibiting Further Subdivision and Development

(1) If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 5, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the

applicable zone’s permitted number of single family dwellings and, if a cottage is a permitted use of the lot, more than that zone’s permitted number of such cottages.

(2) If a subdivision is proposed that is to yield fewer than the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw, and:

(a) one or more of the lots being created has an area equal to or greater than twice the applicable average lot size; and

(b) one or more of the lots being created has an area less than the applicable average lot size the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every lot prohibiting:

(i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw; and

(ii) the construction, erection, or occupancy on the lot of single family dwellings and, if permitted by this bylaw, cottages so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this bylaw.

(3) If the approval of a bare land strata plan would create common property in the same zone as the strata lots, and this bylaw would permit the construction of a dwelling or cottage on the common property if it were a lot, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit or cottage on the common property, and the disposition of the common property separately from the strata lots.

8.4 Boundary Adjustment Subdivisions

(1) A boundary adjustment subdivision that would result in the increase of the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment is prohibited.

(2) A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited, except where the lots being subdivided are located in two or more zones.

8.5 Section 946 subdivisions (Residence for a Relative)

(1) No lot having an area less than 8 hectares (20 acres) may be subdivided under Section 946 of the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

8.6 Lot Frontage and Lot Shape

(1) The frontage of any lot in a proposed subdivision must not be less than 20 metres (66 feet). Section 944 of the *Local Government Act* establishes that the minimum frontage on a highway must be the greater of 10% of the perimeter of the lot and the minimum frontage established by bylaw; however, the requirement for 10% lot frontage may be exempted by resolution of the Local Trust Committee.

(2) No lot in a proposed subdivision may have a depth greater than three times its width, exclusive of any panhandle access strip.

(3) If a proposed panhandle lot is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 10 metres (33 feet).

(4) If a proposed panhandle lot is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 20 metres (66 feet).

8.7 Split Zoned Lots

(1) Subject to Subsection 8.4(2), a subdivision resulting in the creation of a new lot lying in two or more zones is prohibited.

8.8 Split or Hooked Lots

(1) No lot which is divided into two or more portions by a highway or another lot may be created by subdivision.

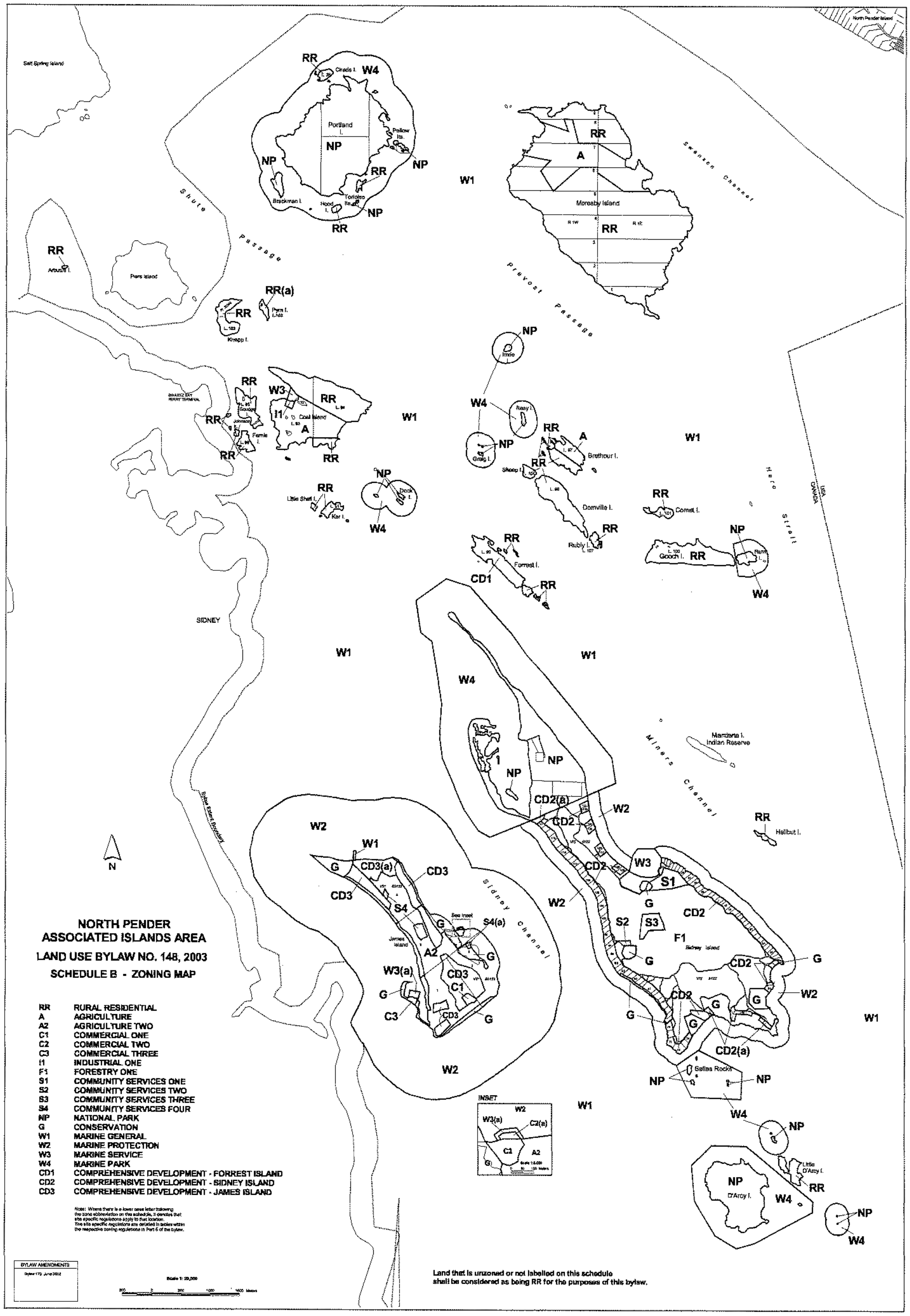
8.9 Double Frontage Lots

(1) No lot having frontage on more than one highway other than a corner lot may be created by subdivision.

8.10 Highway Standards

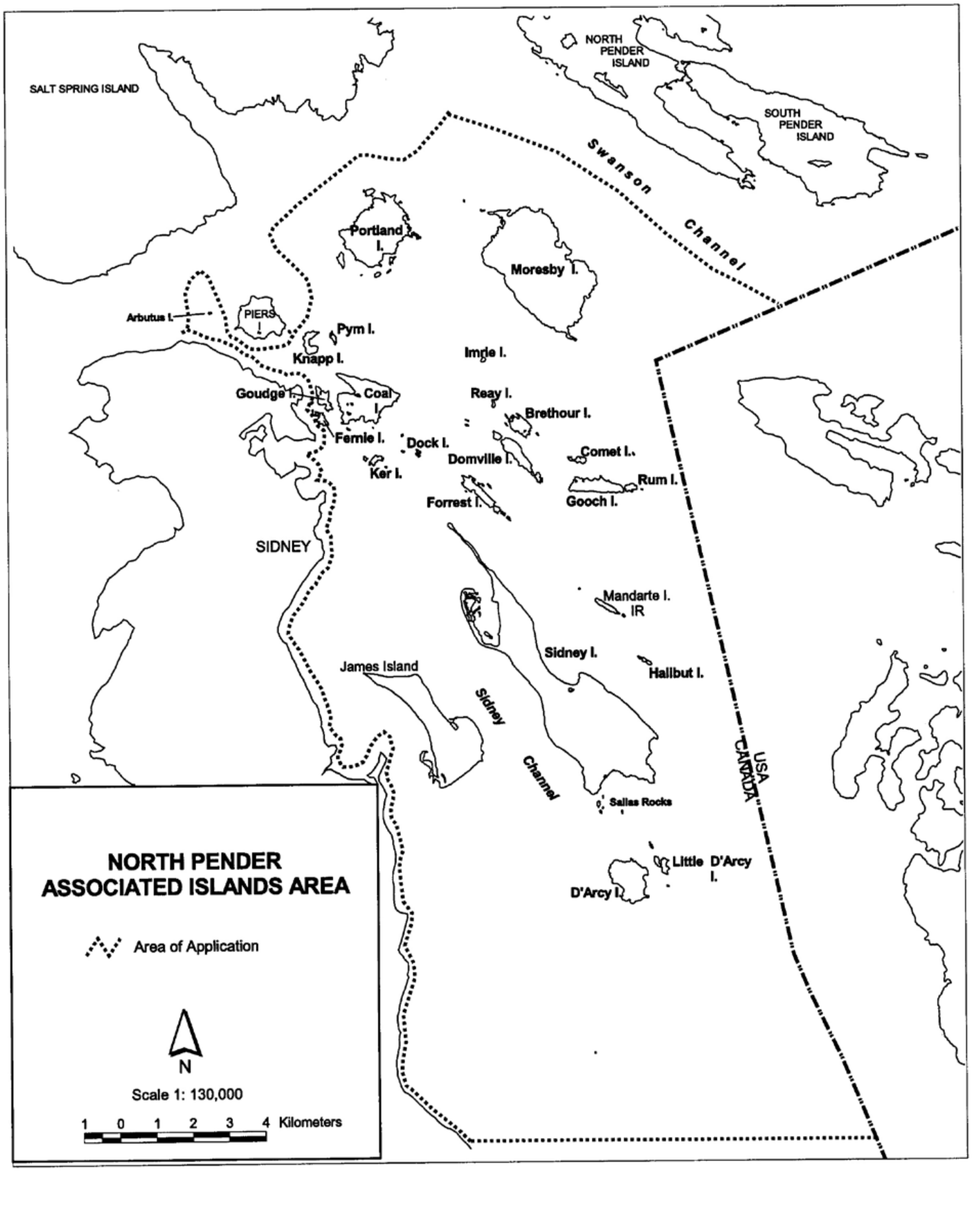
Information Note: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996, and as may be subsequently amended.

SCHEDULE B (ZONING MAP)

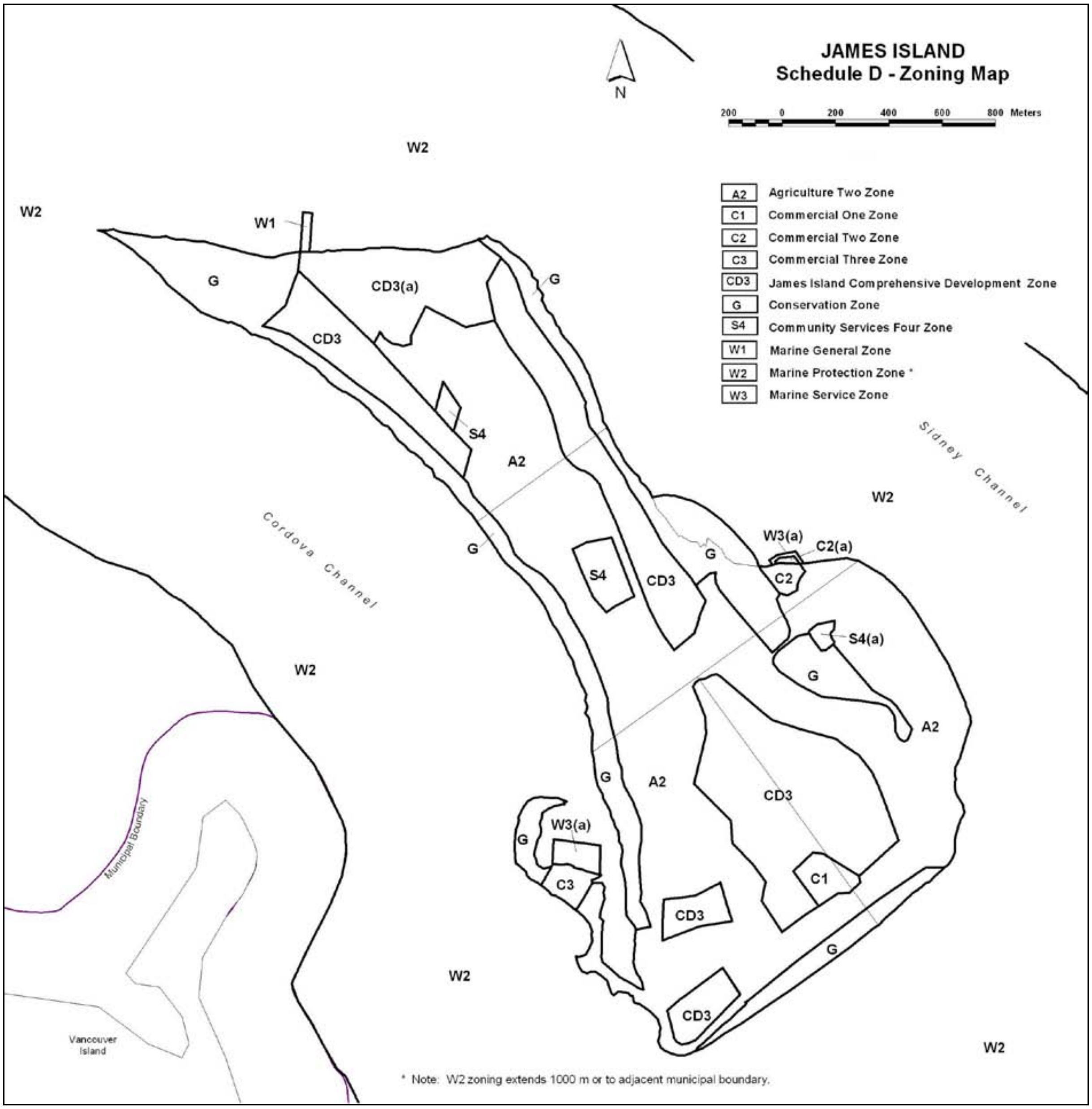


SCHEDULE C (BYLAW AREA MAP)

BL 170



SCHEDULE D (SITE PLANS)



Islands Trust

Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Associated Islands Bylaws	Undertake LUB and OCP review regarding Sidney Island	Mar-31-2011	Andrea Pickard		On Going
2	Shoreline Development Review	Identify and assess issues and impacts associated with development on the foreshore and immediately upland of the natural boundary, including docks, stairs, seawalls, erosion, landslip, sea level rise and structures near the natural boundary. Consider options to address issues, including designation of a shoreline DPA	Sep-22-2011	Andrea Pickard		On Going
3	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Sep-22-2011	Andrea Pickard		On Going
4	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	Sep-22-2011			On Going

11.1.1

- review of commercial (C1) zoning
- incorporate TUP's into zoning
- landscape screening review
- stormwater managment 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 Buildling Watercourse Setbacks	Jul-28-2011	On Going

Islands Trust

Applications w/ Status - North Pender Island
Status: Open

Applications

Development Permit

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

Planning Status

Status Date: Jan-10-2012

on Jan agenda, draft covenant and drainage rpt included

Status Date: Oct-28-2011

At Oct agenda, consolidated covenant and drainage study requested - DP tabled

Status Date: Jul-29-2011

table until next agenda with more information

File Number	Applicant Name	Date Received	Purpose
NP-DP-2011.10	Christopher Roper & Robyn S Winterbourne **Planner:** Andrea Pickard	Dec-07-2011	6935 PIRATES RD To construct a green house

Planning Status

Status Date: Jan-09-2012

report prepared on jan agenda

Status Date: Dec-15-2011

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

11.2.1

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: Dec-14-2011

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2012.1	Lloyd Eakins **Planner:** Andrea Pickard	Jan-03-2012	To address proposed boundary adjustment

Planning Status

Status Date: Jan-04-2012

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

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2011.8	Glenn & Susan Henderson **Planner:** Andrea Pickard		2777 SCHOONER WAY To vary the side lot set backs to allow for 2 sheds to stay in existing location

Planning Status

Status Date: Jan-03-2012

notices sent, report prepared, on Jan agenda

Status Date: Dec-14-2011

Sent acknowledgment letter for reciept of fees and application to applicant. Copied to trustees and forwarded fo planner.

Rezoning

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

Planning Status

Status Date: Dec-14-2011

Sent a letter of acknowlegdment of reciept of application and fees to applicant. Copied to trustees and forwarded to Planner.

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

Planner: Andrea Pickard

Planning Status

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: Jan-04-2012

Stf Rpt for covenant for potable water and 10percent frontage waiver on Jan agenda

Status Date: Oct-22-2011

Hooson Rd realignement, consultation workshop for heritage rd

Status Date: Oct-07-2011

supplementary well report rec'd, quality still not adequate, letter sent

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: Jul-29-2011

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

Status Date: Jul-13-2011

DP and DVP on July agenda

Status Date: Jan-10-2011

MOTI requested for extension to PLA

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	JI 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: Robert Kojima

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-07-2011

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: Jan-10-2012

DP application rec'd - xref NP-DP-22012.1

Status Date: Oct-06-2011

PLA issued

Status Date: Jul-06-2011

response to MOTI

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: 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: Andrea Pickard

Planning Status

Status Date: Dec-06-2011

response sent to MOTI

Status Date: Nov-30-2011

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

Status Date: Nov-14-2011

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

Kathy Jones

From: Nancy Roggers
Sent: December-22-11 2:44 PM
To: Andrea Pickard; Gary Steeves; Ken Hancock; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Craig Elder
Subject: North Pender Expense Report - December/11

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Trustees,

This is a summary only for the Agenda Package. Please be advised that the details of expenditures to date will be sent to you by email in January/12.

		Budget	Spent	Balance
Invoices posted to DEC 21, 2011				
650 North Pender	65000 Trustee Expense	1,200.00	386.60	813.40
650 North Pender	65200 LTC Meetings	3,600.00	2,561.99	1,038.01
	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**	**2,965.49**	**6,434.51**
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

Updated: May 10, 2011

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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

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Islands Trust
Preserving island communities, culture and environment.

Meeting Agendas | Contact | Secure Login | Home

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- Local Trust Committees
- Trust Council
- Islands Trust Fund
- Island Municipalities
- About Us
- Employment
- News and Subscriber Services

Population:
Approximately 1,996

Size:
2,709 hectares (6,694 acres)

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

Land Use Planning
Related Planning Services
Related Resources
Trust Area Mapping
Related Links

North Pender Island Local Trust Committee

Latest News

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

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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North Pender Island Local Trust Committee Projects

Planner Office Hours on Pender Island

- Planning Office Hours on Pender Island - 2011

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

Committee Links

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

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 Communty Plan Bylaw No. 147, 2002
- North Pender Associated Islands Land Use Bylaw No. 148, 2003
- Geotech Covenant

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 your require more information

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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	January 5, 2012	File Number	NP/02
To	North Pender Island Local Trust Committee		
From	Kathy Jones Planning Clerk Local Planning		
Re	North Pender Island Advisory Planning Commission (APC) – Expired Terms		

This memo is to inform you that Rob Willingham, Marika Kenwell and David Howe appointment's expire on March 1, 2012.

The North Pender APC Bylaw states that the APC consist of not more than eight members.

Advertising for APC Member is done by:
1. Publising an Expression of Interest (EOI) in the Pender Post (if deadline can be met) and the Island Tides;
2. Posting the EOI on island notice boards; and
3. Posting the notice on the North Pender LTC web page and send out to subcribers of the webpage.

In the past, when advertising for APC members, we send a letter thanking the current members and invite them to re-apply, if they are interested in serving another term.

The previous LTC drafted an application form to be completed and provided with a resume. Other LTC's only request a resume. Does this LTC want to continue using the application form?

Excerpt from APC Bylaw:
2(c) The Local Trust Committee shall by resolution appoint members to serve up to a one year term commencing March 1st.

pc