



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 24, 2018
Time: 4:00 pm
Location: Royal Canadian Legion
1344 MacKinnon Road

			Pages
1.	CALL TO ORDER	4:00 PM - 4:15 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS		
4.	COMMUNITY INFORMATION MEETING		
	none		
5.	PUBLIC HEARING		
	none		
6.	MINUTES	4:15 PM - 4:30 PM	
6.1	Local Trust Committee Minutes Dated April 26, 2018 (for Adoption)		4 - 13
6.2	Section 26 Resolutions-without-meeting Report		
	none		
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1	Follow-up Action List Dated May 2018		14 - 15
8.	DELEGATIONS		
	none		

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

none

10. APPLICATIONS AND REFERRALS

4:30 PM - 5:00 PM

- | | | |
|------|---|-----------|
| 10.1 | NP-TUP-2018.2 (Hepburn) - Staff Report (attached) | 16 - 45 |
| 10.2 | NP-TUP-2018.3 (Pegram) - Staff Report (attached) | 46 - 67 |
| 10.3 | NP-DP-2018.2 (Murdoch) - Staff Report (attached) | 68 - 85 |
| 10.4 | NP-RZ-2016.2 (Port Browning) - Staff Report (attached) Bylaws 206 to 210
for further consideration | 86 - 104 |
| 10.5 | Salt Spring Island Local Trust Committee Bylaws No. 498 & 499 Referral (attached)
for response | 105 - 106 |

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

5:00 PM - 5:15 PM

- | | | |
|--------|--|-----------|
| 12.1 | Work Program Report (attached) | |
| 12.1.1 | <u>Top Priorities Report Dated May 2018</u> | 107 - 107 |
| 12.1.2 | <u>Projects List Report Dated May 2018</u> | 108 - 110 |
| 12.2 | Applications Report Dated May 2018 (attached) | 111 - 118 |
| 12.3 | Trustee and Local Expense Report Dated March 2018 (attached) | 119 - 119 |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | 120 - 120 |
| 12.5 | Local Trust Committee Webpage | |
| 12.6 | Chair's Report | |
| 12.7 | Trustee Report | |
| 12.8 | Trust Fund Board Report | |
| | none | |

13. NEW BUSINESS

5:15 PM - 5:30 PM

- | | | |
|------|---|-----------|
| 13.1 | Annual Report for LTC Endorsement - Staff Report (attached) | 121 - 123 |
|------|---|-----------|

14. UPCOMING MEETINGS

14.1 **Next Regular Meeting Scheduled for June 26, 2018 at 4:00 pm, at the Anglican Church Hall, Pender Island**

15. TOWN HALL **5:30 PM - 5:45 PM**

16. CLOSED MEETING

none

17. ADJOURNMENT **5:45 PM - 5:45 PM**

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: April 26, 2018
Location: Anglican Parish Hall
4703 Canal Road, RR 1, North Pender Island, BC

Members Present: George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present: Justine Starke, Island Planner
Shannon Brayford, Recorder

Public Present: There were 38 members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 10:00 AM. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Chair Grams noted that the meeting was being audio recorded and read a written statement regarding the use of the recording.

Donald Tota spoke against NP-TUP-2017.2. He outlined the concerns of a community group that has organized against the application and encouraged the use of transportable saw mill machines instead of localized zoning.

Gavin Londergan spoke in favour of NP-TUP-2017.2, noting that, as a direct property neighbour, he has not had any issues with the mill.

Peter Taylor spoke against the placing of industrial zones on the water table without careful planning.

Kathy Kronk spoke in favour of NP-TUP-2017.2 as a customer who has purchased fire wood and who plans to use the service for milling in the future.

Ben McConchie spoke in favour of NP-TUP-2017.2, encouraging the Trustees to question the staff report's reasons for recommending denying issuance and to consider working toward a collaborative solution for any concerns.

Steven Loft spoke against the use of the Razor Point Road site as a Waste Transfer Facility and encouraged the Trustees to support a motion to discontinue such use on that site.

Allen Wilmott spoke as the applicant of NP-TUP-2017.2, noting that the permit is not intended to lead to future rezoning. He noted the economic benefits of having his business on island and also raised several concerns with the accuracy of details in the staff report.

Annie Smith spoke in support of NP-TUP-2017.2. She encouraged the Trustees to carefully examine the facts.

Mark Luckham spoke in support of NP-TUP-2017.2, noting the importance of the service to the building industry on the island.

Jim Peacock spoke in support of NP-TUP-2017.2, commending the Wilmotts as good neighbours and contributors to the general community.

Julie Wilmott spoke as an applicant of NP-TUP-2017.2, noting that their mill is 1 of 20 on the island and 1 of 4 on Hooson Road.

Michael Sketch spoke to Bylaws 214 and 215, addressing the archeological site on MacDonald Farm and encouraging the Trustees to complete archeological surveys with thoroughness.

Michael Sketch also addressed Bylaws 214 and 215 in regards to the Browning Harbour site. He outlined concerns with the staff report and recommended eight actions to the Trustees, with rationale for each.

Braedon Bigem spoke as a service provider in favour of NP-TUP-2017.2, commending the Wilmott's business and customer service practices.

Mike Burdett addressed the comments made by Michael Sketch regarding the Browning Harbour Site. He noted that Pender Island Waste Management provides an essential service to the island and encouraged the Trustees to carefully consider the service impact of any decisions made.

Robin Pettyfer encouraged the Trustees to consider increasing the availability of chargers for electric vehicles.

4. COMMUNITY INFORMATION MEETING
None

5. PUBLIC HEARING
None

6. MINUTES

6.1 Local Trust Committee Minutes Dated February 22, 2018

By general consent the Local Trust committee meeting minutes of February 22, 2018 were adopted.

6.2 Section 26 Resolutions-without-meeting Report

None

6.3 Advisory Planning Commission Minutes Dated February 26, 2018

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated April 2018

Received for information.

8. DELEGATIONS

None

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

9.1 CRD Regional Parks - March 15 2018 Letter re: Gulf Island Regional Trails Plan

Received for information.

10. APPLICATIONS AND REFERRALS

10.1 NP-TUP-2017.2 (Wilmott) – Staff Report

Planner Starke provided an overview of the staff report, summarizing the rationale provided for the recommendation to deny issuance and also the alternative options available to the applicants.

Chair Grams invited the applicant to speak.

Allen Wilmott addressed the LTC and provided an outline of his concerns with the staff report. He also provided a list of modifications in operations that they have willingly implemented in response to neighbours' concerns.

A discussion was held in which the LTC asked questions of the applicant, including details of the project timeline.

Further discussion was held regarding modifications to the Temporary Use Permit (TUP) in terms of requirements for sound abatement and the length of the permit.

Chair Grams spoke in favour of the TUP, noting the ecological benefits of locally milled lumber. He recommended that the TUP include a letter on file noting that the LTC recommends that it not be renewed.

NP-2018-029

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2017.2 (Wilmott).

CARRIED

NP-2018-030

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to place a note on file associated with NP-TUP-2017.2, indicating that the Local Trust Committee recommends that any application for renewal of this Temporary Use Permit be denied and that any application for rezoning for industrial use also be denied.

CARRIED

10.2 NP-TUP-2018.1 (Pettyfer) – Staff Report

Planner Starke provided an overview of the staff report, including the responses of neighbours.

The LTC asked questions of the applicant and a discussion was held.

NP-2018-031

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2018.1 as shown in Appendix 1 of the staff report for the April 26, 2018 meeting.

CARRIED

10.3 Galiano Island Local Trust Committee Bylaws No. 265 & 266 Referral

NP-2018-032

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee respond to Galiano Island Local Trust Area Bylaws No. 265 and 266 with “Interests Unaffected by Bylaw”.

CARRIED

10.4 NP-DP-2018.1 (Driscoll)

Planner Starke provided an overview of the Staff Report.

Chair Grams invited the applicant to speak.

The applicant provided a rationale for the application.

NP-2018-033

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.1 (Driscoll).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Management – Staff Report

Planner Starke provided an overview of staff report regarding North Pender Island Local Trust Committee Bylaws 214 and 215. She outlined the staff recommendations and provided a rationale for each.

Chair Grams acknowledged a member of the community who indicated a desire to speak.

Sharon Card addressed the staff report, noting that the project does not appear to be responding to an application, a study to support demand for a change, or an LTC plan. She also addressed concerns with specific sites mentioned in the staff report, particularly MacDonald Farm.

Trustee Masselink and Chair Grams provided an overview of both the rationale for and history of the Waste Management Project.

Mike Burdett recommended that the Trustees carefully consider traffic issues of sites, specifically the site near the current Recycling Depot.

The LTC discussed the staff report in detail.

NP-2018-034

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 214, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017," be amended to replace Schedules 2 and 4, as shown in Appendix 2 of the staff report for the April 26, 2018 regular business meeting of the North Pender Island Local Trust Committee.

CARRIED

NP-2018-035

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 214, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017," be read a second time as amended.

CARRIED

NP-2018-036

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 215, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017," be amended to replace Plan 2 and make other amendments in accordance with Appendix 3 of the staff report for the April 26, 2018 regular business meeting of the North Pender Island Local Trust Committee.

CARRIED

NP-2018-037

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 215, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017," be read a second time as amended.

CARRIED

NP-2018-038

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to bring forward a covenant ensuring that an Archaeological Impact Assessment for Archaeological Site DeRT-55 is conducted prior to commencement of uses in the proposed 12(e) zone at 4415 Bedwell Harbour Road.

CARRIED

NP-2018-039

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to schedule a community information meeting as a special Local Trust Committee business meeting for Bylaws 214 and 215 .

CARRIED

NP-2018-040

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to schedule a public hearing for Bylaws 214 and 215.

CARRIED

NP-2018-041

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to draft amendments to Bylaws 215 to remove section 2.8 and to include a mapping amendment for Bylaws 214 and 215 that would rezone the portion of the Industrial 1(b) zone that is in the Agricultural Land Reserve from Industrial to 1(b) to "Agriculture".

DEFEATED

Prior to the calling the vote, Chair Grams invited discussion of the resolution.

Trustee Barber provided an overview for her rationale for proposing the resolution.

Planner Starke provided an overview of procedural process and the relevance of other applications in consideration of the motion.

Chair Grams invited the property owners impacted by NP-2018-041 to address the resolution.

Mike and Ann Burdett encouraged the LTC to postpone consideration of the motion until relevant assessments and studies related to the property are complete.

Chair Grams noted that he will not support the motion, but recommended that staff give consideration to aligning the property's zoning with the Agricultural Land Commission's rulings.

Chair Grams called for a vote and the motion was defeated.

11.2 Secondary Suites – Staff Report

Planner Starke provided an overview of the staff report regarding North Pender Island Local Trust Committee Bylaws 216 and 217. She summarized responses from agencies to whom the matter was referred.

NP-2018-042

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 216, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2018,” be read a second time.

CARRIED

NP-2018-043

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 217, cited as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018,” be amended as shown in Appendix 2 of the Staff report for the April 26, 2018 North Pender Island Local Trust Committee meeting.

CARRIED

NP-2018-044

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee Bylaw No. 217, cited as “North Pender Island Official Community Plan Bylaw No. 103, 2006, Amendment No. 1, 2018,” be read a second time as amended.

CARRIED

NP-2018-045

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee direct staff to schedule a community information meeting and public hearing for Bylaws 216 and 217.

CARRIED

A discussion was held regarding the timing of the Community Information Meetings for the Secondary Suite and Waste management Projects. It was generally agreed that the meetings should be scheduled to fall on the same day.

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated April 2018
Received for information.

Trustee Masselink requested that an update regarding First Nations engagement on North Pender Island be provided at a future meeting.

12.1.2 Projects List Report Dated April 2018

12.2 Applications Report Dated April 2018

Received for information.

12.3 Trustee and Local Expense Report Dated February 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No comments.

12.6 Chair's Report

Chair Grams reported that he attended the recent Trust Council meeting in March which focused on approving the 2018-2019 budget.

12.7 Trustee Report

Trustee Masselink reported that he has accepted a new position with the Provincial Government to run an innovation hub and facilitate cross-jurisdictional collaboration.

12.8 Trust Fund Board Report Dated April 2018

Trustee Masselink provided an overview of the report.

13. NEW BUSINESS

13.1 Briefing – Land-use Planning Implications of Fisheries and Oceans Canada

Intergraded Geoduck Management Framework March 2018

Received for information.

13.2 Memo from EC re: Approval Process for Community Water Systems on Salt Spring Island – Memo and Attachment

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 24, 2018, 4:00 PM, at the Royal Canadian Legion Hall, Pender Island.

15. TOWN HALL

Ann Burdett addressed the LTC's comments regarding the ALC decision on her property and noted ongoing correspondence with that agency.

Mike Burdett questioned the practicality of a specific proposal that would to create a Waste Transfer facility without building structure.

Michael Sketch addressed the industrial zoning on the Browning Harbour Property and noted that the ALC had prohibited the boat storage zoning that is currently permitted by the LTC.

Michael Sketch expressed concern with Trustee Masselink's participation in deliberations on the Browning Harbour Property and provided a rationale.

Chair Grams noted that Trustee Masselink has sought legal council regarding the matter and recommended that a practice of repeatedly raising the matter at meetings be reconsidered.

Mike Burdett and **Anne Burdett** addressed Michael Sketch's comments, noting that some statements made were false.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2018-046

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (a & d) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated January 30, 2018
- Appointment of APC Members

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Grams recalled the meeting to order at 1:42 pm

16.3 Rise and Report

Chair Grams read the following resolution:

It was moved, seconded, and carried, that the North Pender Island Local Trust Committee direct staff to wait until after the 2018 election to advertise for expression of interest for the North Pender Island Advisory Planning Commission, and to write letters of acceptance to Dorothy Murdoch and Andrew MacLean, and to advise Sarah Steil of her ineligibility due to her membership on the Board of Variance.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:44 PM.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

21-Sep-2017

Activity	Responsibility	Target Date	Status
Waste Management - Request Trust Council to amend DAI bylaw.	Sharon Lloyd-deRosario Justine Starke	14-Feb-2018	On Going

26-Oct-2017

Activity	Responsibility	Target Date	Status
NP-RZ-2016.1 (mainroad) - CIM and Public Hearing held. LTC deferred 3rd reading and directed staff to return with bylaw amendments: 1) reconfigure zone boundary to align with topography. 2) remove gravel crushing from permitted uses. Also, LTC wants assurance fire dept. concerns have been addressed. A new Public Hearing will be required.	Sharon Lloyd-deRosario Phil Testemale	10-Jan-2018	On Going

26-Apr-2018

Activity	Responsibility	Target Date	Status
Bylaws 214/215 - Waste Management. Bylaws amended, given 2nd reading; to be re-referred to select agencies; (Done) staff to schedule a CIM and PH. Covenant for AIA to be developed; Explore funding sources and conduct parallel process to get AIA.	Sharon Lloyd-deRosario Justine Starke	26-Jul-2018	On Going

Follow Up Action Report

Minutes of Feb 22 2018 adopted.	Lori Foster	16-May-2018	Done
NP-TUP-2017.2 (Wilmot) - Permit approved	Phil Testemale	16-May-2018	Done
NP-TUP-2018.1 (Pettyfer) - STVR Permit issued	Sharon Lloyd-deRosario Jason Youmans	16-May-2018	Done
Galiano Bylaws 265 and 266 - Interests unaffected	Sharon Lloyd-deRosario	09-May-2018	Done
NP-DP-2018.1 (Driscoll) - DP issued	Sharon Lloyd-deRosario Phil Testemale	09-May-2018	Done



File No.: NP-TUP-2018.2
Hepburn

DATE OF MEETING: May 24, 2018

TO: North Pender Island Local Trust Committee

FROM: Ian Cox, Planner 1
Northern Team

COPY: Justine Starke, Island Planner (North Pender)

SUBJECT: Temporary Use Permit (TUP) for Short Term Vacation Rental (STVR).
Applicant: Leslie Hepburn
Location: 1602 Schooner Way, North Pender Island
LOT 31, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 22335
PID:

RECOMMENDATION

1. That the North Pender Island Local Trust Committee amend the proposed Temporary Use Permit NP-TUP-2018.2 (Hepburn) to shorten its validity period from three (3) years to one (1) year.
2. That the North Pender Island Local Trust Committee amend the proposed Temporary Use Permit NP-TUP-2018.2 (Hepburn) by limiting the number of guests permitted during a single rental contract period to 6 persons.
3. That the North Pender Island Local Trust Committee approve issuance of the amended Temporary Use Permit NP-TUP-2018.2 (Hepburn) as amended.

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for the Short Term Vacation Rental (STVR) of an existing single family dwelling at 1602 Schooner Way, North Pender Island (see Attachment 4).

The recommendation to issue the TUP is supportable provided the applicant complies with the conditions of the permit as issued, including two recommended amendments to shorten the permit's validity period and limit the number of guests per stay. The application itself and the permit meet the specific guidelines of the OCP and incorporate conditions arising from correspondence received from neighbouring property owners. Should the STVR cause future concern to neighbours, permit compliance can be enforced, or the LTC can reject a renewal of the permit after its period of validity.

The proposed TUP that has been circulated is for a term of three (3) years which can be renewed for a further three (3) years by application. Staff recommends amending the permit to shorten this period, in effect granting a "trial run" in order to address neighbour's concerns (see Attachment 8 – Correspondence). Staff also

recommends limiting the number of guests per rental contract, in order to address concerns regarding increased traffic and noise.

BACKGROUND

The application is for a new TUP for Short Term Vacation Rental use within an existing single-family dwelling on the property (see figure 1). There is no record of any previous permit having been issued. Comment from neighbours indicates that the STVR use may have been occurring for some time and this application appears to arise directly from a recent bylaw enforcement file (NP-BE-2017.8).

The purpose of the TUP application is to bring the property into compliance with the Land Use Bylaw (LUB) and maintain the STVR use.

See attachment 7 for correspondence received from neighbouring property owners.

The subject property is owned by residents who do not live on-island, but will provide a 24/7 on-island contact for guests as is required by the OCP guidelines and permit conditions.

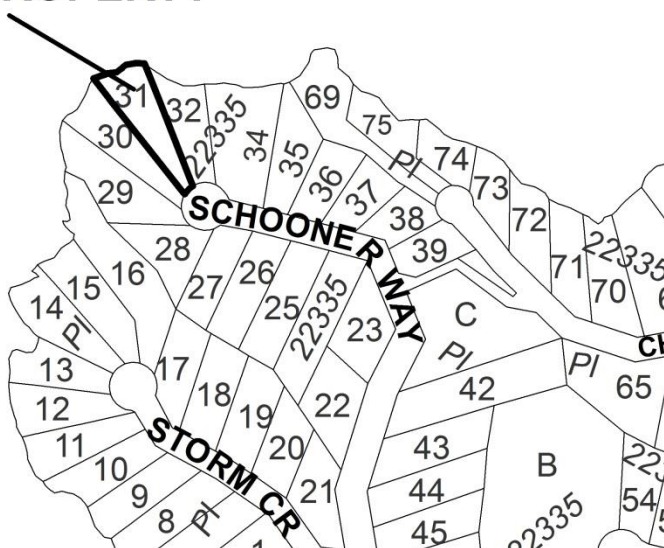
There is no new construction or land alteration associated with this application.

See Attachment 5 for the information the applicants currently provide to their guests upon check-in.

A copy of proposed permit NP-TUP-2018.2 and a completed TUP checklist are attached as attachments 3 and 8. Attachments 1, 2 and 4 provide information on the context of the subject property.

Figure 1 – Location of subject property

SUBJECT PROPERTY



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Guidelines for TUP applications for STVRs are contained in the OCP.

Bylaw 203, adopted by the North Pender Island Local Trust Committee in April 2017, introduced a number of guidelines concerning the issuance of TUPs for STVRs. This application is generally consistent with the OCP guidelines. See attachment 3 for a full review of guidelines.

50 to 60% of the subject property is located in Development Permit Area 1 (DPA 1) Woodland Sensitive Ecosystem to the Northeast and to the North where the property abuts the natural boundary of the sea. No development will take place as part of this application, and therefore no Development Permit required. See attachment 4 for DPA 1 mapping.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)**. **RR** zoning permits a single-family dwelling and accessory uses. The **RR** zone permits STVRs as a home occupation, but only when a TUP has been obtained.

Issues and Opportunities

STVR Location Map/Cumulative Impacts

It is the view of staff that the application itself meets the requirements, however, further consideration by the LTC may be in order to address the cumulative impacts on the neighbourhood as described in part 6 of the OCP:

6.4.3: The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.

The physical site at 1602 Schooner Way is fairly ideal for the STVR use in terms of natural vegetative screening from neighbours and its location on the end of a peninsula. Relative to other areas of the Island, these factors together make good rationale for approving the TUP. On the other hand, an approved TUP exists just one parcel to the west and is less than 25 linear metres from the subject property house.

See attachment 2 for a map of all TUPs for STVRs issued to date on North Pender Island.

Consultation

Response to Neighbour and Public Notification

At the time of writing, the LTC has received correspondence from two neighbouring property owners. One neighbour does not object to use of the subject property as an STVR in principal, but has raised concern over noise and trespassing over adjacent private water access points. These concerns have been incorporated as conditions in the proposed permit (Attachment 8).

Another formal written complaint is much more specific as to the reasons for opposition and suggests strongly that the LTC not issue a TUP for this property. See Attachment 7 for correspondence received to date.

Staff recognizes that the subject property is located in close proximity to the dwelling units on adjacent parcels, and as such, a poorly managed operation could be a cause of nuisance to neighbours.

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents and published in the Gulf Islands Driftwood newspaper May 16, 2018 (see Attachment 6). Notice was also posted to the North Pender Island community bulletin boards. The notification period will end at 4:30 p.m. on May 23, 2018.

At the time of this report, staff have received comment from two neighbouring property owners as mentioned above.

Permit Conditions

The proposed TUP incorporates conditions established in the OCP and additional points based on public concern. It allows for a maximum of eight (8) guests. The applicant has agreed to the terms of the proposed permit in principal. However, staff is recommending two additional conditions (see above) based on written response following public notice: Limit of 6 guests per single rental contract, and to shorten the TUP validity period from three (3) years to one (1) year as a “trial run”.

Any correspondence may be received before the notification cut-off at 4:30 on May 23, and will be forwarded to the LTC at the address below and reported at the meeting on May 24, 2018.

NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca.

Agencies

If NP-TUP-2018.2 is issued, staff will provide the permit to the CRD staff contact for the Magic Lake Water and Sewer System as per OCP policy 6.4.4. for information.

First Nations

TUP applications are not generally referred to First Nations unless development is proposed that would alter land - this is not the case for this proposal. No mapped archaeological sites are located on the property.

Rationale for Recommendation

See page 1 for formal recommendations to amend and issue the TUP.

- The application has been expressly opposed by at least one neighbouring property owner and further concern raised by another and therefore, additional conditions are recommended to be included in the permit that could mitigate the concerns..
- The permit meets the specific OCP guidelines and the applicant has provided staff with information for an on-Island contact, reportedly available 24/7.
- Because this application arises from bylaw enforcement measures, the LTC may wish to consider incorporating further restrictive measures.

- Should enforcement be necessary within a protracted permit period, the LTC would have the option not to issue any further permits after the TUP lapsed and neighbouring properties would not be subject to prolonged nuisance.

ALTERNATIVES

The LTC could consider the follow alternatives to the above recommendation:

1. Issue the permit as circulated

Resolution:

That the North Pender Island Local Trust Committee issue the permit as circulated by not moving on staff recommendations one (1) and two (2).

2. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed.

Resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

3. Deny the application

Resolution:

That the NORTH PENDER ISLAND local trust committee deny application NP-TUP-2018.2 (Hepburn).

NEXT STEPS

If the LTC resolves to issue the permit, it will be issued accordingly.

Submitted By:	Ian Cox, Planner 1 Northern Team	May 16, 2018
Concurrence:	Robert Kojima, Regional Planning Manager Southern Team	May 16, 2018

ATTACHMENTS

1. Site Context
2. North Pender STVR Map
3. TUP Checklist
4. Maps, plans, drawings, photographs
5. Guest Check-In information
6. Notice
7. Correspondence
8. Proposed Permit (as circulated)

Attachment 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
PID	000-785-733
Civic Address	160 Schooner Way, North Pender Island

LAND USE

Current Land Use	Residential (Waterfront)
Surrounding Land Use	Residential (Waterfront)

HISTORICAL ACTIVITY

File No.	Purpose
NP-BE-2017.8	Unlawful STVR use

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential - RR Subject property is not located within any development permit areas or heritage conservation areas.
Land Use Bylaw	Rural Residential – RR RR zoning permits a single-family dwelling and accessory uses
Other Regulations	
Covenants	None – Undersurface rights only
Bylaw Enforcement	NP-BE-2017.8 – Unlawful STVR use

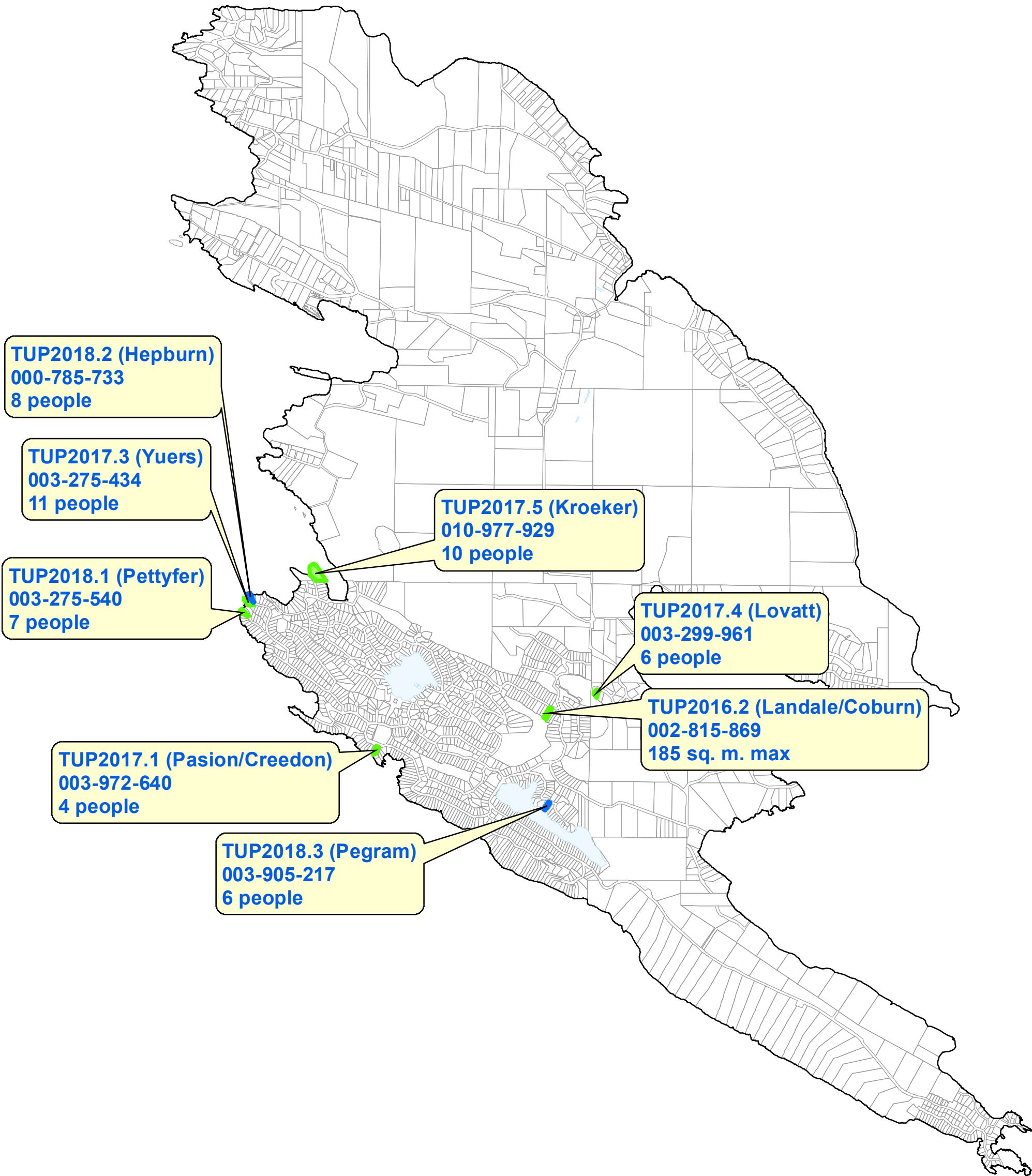
SITE INFLUENCES

Islands Trust Fund	The subject property is not located near any properties owned or protected by the Islands Trust Fund.
Regional Conservation Strategy	The area of the subject property is of medium to low relative habitat composition value although 50-60% of the property is within a Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings
Species at Risk	Further federal Species At Risk information is available for North Pender and

	mapped occurrences of an important Ecological Community occur on much of North Pender, with approximately 50% of the subject property lying within one such mapped area.
Sensitive Ecosystems	Woodland Sensitive Ecosystem – see above
Hazard Areas	The shoreline of the subject property is of moderate slope hazard risk.
Archaeological Sites	Archeological potential exists along the subject property's natural boundary lot line, however no known sites exist on the property or within 100m.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will consume fossil fuels travelling from their points of origin. The property does not appear to be at immediate risk of climate change related hazards.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Islands Trust shoreline mapping does not indicate presence of eelgrass, forage fish or bull kelp in immediate vicinity of subject property.

North Pender Island STVR Temporary Use Permits

Date: 5/9/2018



Attachment 3: TUP Checklist for Short Term Vacation Rental

NP-TUP-2018.2 (Hepburn)
1602 Schooner Way

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Inherent in the application. Months of operation could be made a condition of TUP if LTC determines it warranted.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior indication of STVR use. – see attachment 4, Maps Plans and Photographs
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Nearest permitted STVR is 2 lots (approx. 25 linear metres) away at 1603 Schooner Way file NP-TUP-2017.3 Should the application be approved it will be the 7th permitted STVR approved by TUP, in addition to others operating lawfully as home-based businesses.
d) Water and Septic - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	The subject property is within the CRD Magic Lake Estates Community Water System. Per OCP Policy, if approved by the LTC the TUP application will be referred to the CRD for information. Sewage treatment on the property is septic field. At the time of this report, few details as to the condition or capacity are known.

Attachment 2: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
e) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Site plan submitted by the applicant shows on-site parking for three automobiles. One outside/open in driveway next to house, two stalls in covered carport attached to house. Permit condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
f) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features	Approximately 50-60% of the property lies within the Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. No development is proposed to take place as a result of the TUP, however, applicant must provide information regarding the ecosystem as part of check-in information package - Condition on permit
g) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ²	No signage indicating STVR use (see attachment 4 – Maps, Plans and Photographs)
h) Operator Contact I - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of proposed permit.
i) Operator Contact II - The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition of proposed permit.
j) Guest Information - The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Condition of proposed permit. Applicant has provided a copy of the information they provide to guests (attachment 5)

Attachment 2: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
k) Accessory Buildings - The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m ² , and if the building has received an occupancy permit for residential use under the BC Building Code.	There is a carport on site and one shed behind it.
l) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included as permit condition
Permit Conditions	
m) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may: i. Limit the number of bedrooms that can be used for short term vacation rentals	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
ii. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response
iii. require the landowner/operator to post contact information and permit information at the entrance to the property	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
iv. prohibit camping or occupancy of RVs on the property	Included as a condition of draft permit.
v. prohibit the rental or provision of motorized personal watercraft	Included as a condition of draft permit.
vi. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake	Included as a condition of draft permit.
vii. prohibit outdoor fires	Included as a condition of draft permit.
viii. establish the dates during which the use may occur	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
Agriculture Land Reserve	
n) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

ATTACHMENT #4 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

4.1 DPA 1 – WOODLAND SENSITIVE ECOSYSTEM



4.2 STEEP SLOPES



4.3 Zoning – Rural Residential (RR)



4.4 PHOTOGRAPHS: SUBJECT PROPERTY, 1602 SCHOONER WAY



Driveway entrance



Deck area facing North West



Two parking spaces provided in covered carport – 3rd parking space in driveway not shown



Hot tub on deck area

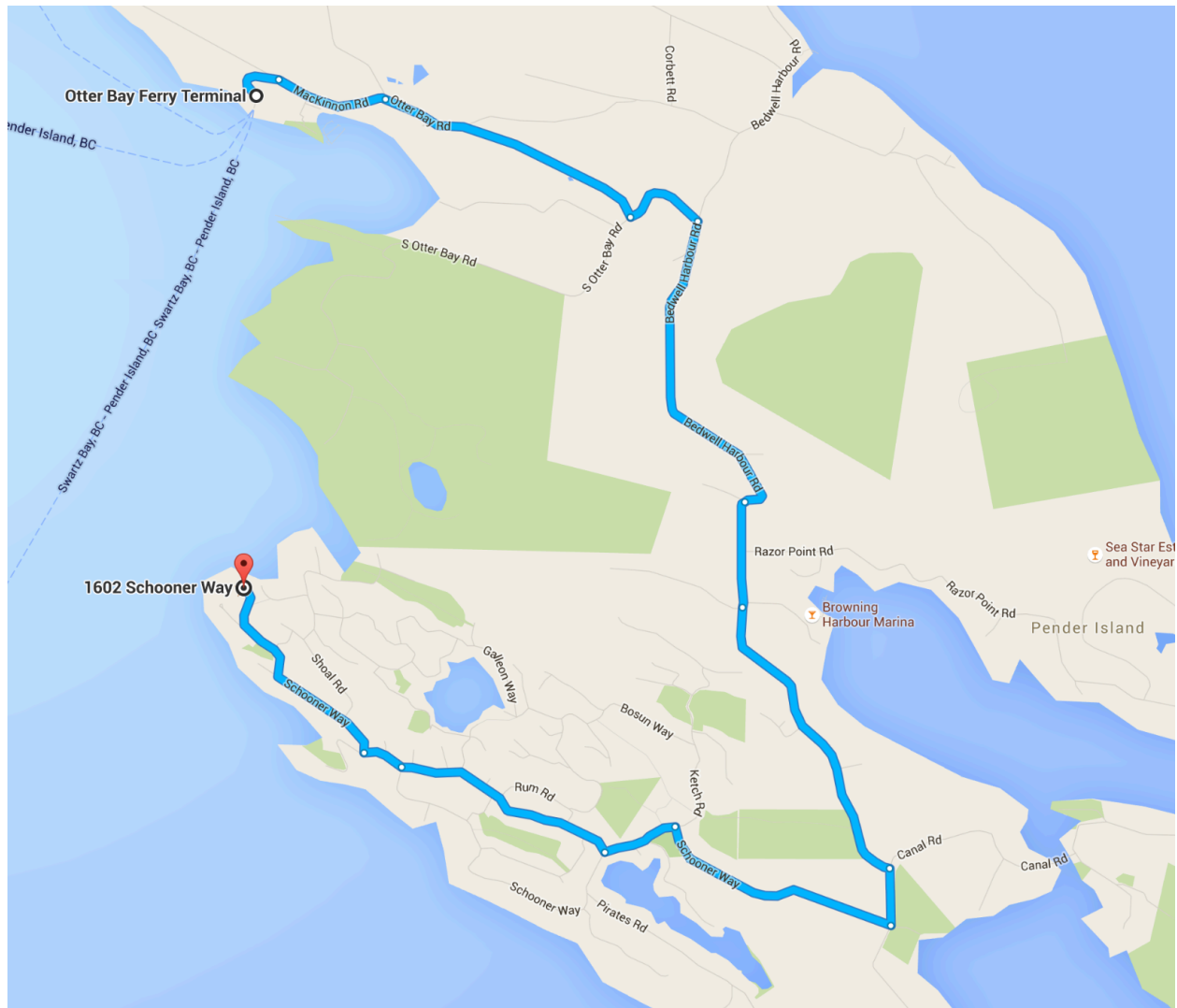
Attachment #5

PENDER ISLAND NOTES

2018

Welcome to our family home. We hope that you have a fabulous time and that you take a few moments to review the following notes.

Map:



Directions:

- ↑ 1. Head northwest on Otter Bay Ferry Terminal toward MacKinnon Rd
280 m
- ↗ 2. Slight right onto MacKinnon Rd
600 m
- ↑ 3. Continue onto Otter Bay Rd
1.5 km
- ↶ 4. Turn left to stay on Otter Bay Rd
450 m
- ↘ 5. Turn right onto Bedwell Harbour Rd
1.8 km
- ↑ 6. Continue onto Bedwell Harbour Road
550 m
- ↑ 7. Continue onto Canal Rd
1.7 km
- ↘ 8. Turn right onto Bedwell Harbour Road/Bridges Rd
300 m
- ↘ 9. Turn right onto Schooner Way
1.3 km
- ↶ 10. Turn left to stay on Schooner Way
400 m
- ↘ 11. Turn right onto Privateers Rd
1.2 km
- ↑ 12. Continue onto Schooner Way
220 m
- ↘ 13. Turn right to stay on Schooner Way
 Destination will be on the right
1.2 km

1602 Schooner Way

Pender Island, BC V0N 2M2

<https://goo.gl/maps/aJRca5ZQPs92>

1. **House Access:** Within 3-7 days prior to arrival, you will receive an email with details regarding house access.

2. **Smoking:** Smoking is allowed outside only (specifically, in the front carport and driveway). Please discard cigarette butts in a respectful manner so as to not leave a mess.
3. **Outdoor Furnishings:** Please keep the property and all furnishings in good order. Pender Island is known for windstorms to stir up without much notice. Please ensure all patio cushions are inside when you leave the property or when you retire in the evening. Cushions are beside the front leftmost sliding glass door.
4. **Fireplace:** Please enjoy the upstairs fireplace but always be sure to open the damper before starting any fire. If smoke is coming out of the front of the fireplace, put out the fire immediately and ventilate the house. There is firewood underneath the hot tub on the bottom deck that is available for your use. Do not overfill the fireplace and create a blazing fire that could cause damage to the firebox or cause a fire. Keep the fire to a respectable blaze at all times to prevent damage, particularly to the floor.
5. **Hot Tub:** [No children under the age of 5 permitted in hot tubs without adult supervision]. When using the hot tub, remember there is a certain health risk associated with this facility. Use at your own risk. Our housekeepers drain, sanitize, refill and replenish chemicals in all tubs prior to your arrival; therefore, it may not be warm until later that evening. [DO NOT STAND ON THE HOT TUB COVERS. Hot tub covers are for insulation purposes and are not designed to support a person or persons. They will break and you may be charged for replacement.] Remember when not using the hot tub, leave cover on so hot tub will stay warm.
6. **Towels:** We provide bath towel for our guests. These towels are not to be used as beach towels. Please bring your own beach towels.
7. **Bedding:** Linens will be provided based on the guest occupancy as per the reservation.
8. **Garbage:** There is no garbage pickup on the island. There are large garbage bags in the closet beside the washer and dryer. Please take your garbage with you when you leave. Please see garbage drop-off options in the house binder.
9. **Recycling:** There is also no recycling pickup on the island. Please leave your recycling items in the recycling bin in the carport.
10. **Green waste:** We have compost behind the carport. When we are staying at our family getaway, we typically put a large bowl on the counter for food scraps and empty it daily into the compost behind the carport/shed.
11. **Water:** House tap water is municipal and ok to drink, shower and brush your teeth with, as well as wash dishes. The left kitchen sink has a filtered waterspout, which you can also use for drinking water.

12. Septic System: Please, please, do not put anything other than toilet paper down the toilet. It is easy to break and expensive to fix. We have provided septic safe toilet paper for your use.

13. Music & Noise Level: Please respect the neighbors' tranquility by keeping the noise and music to a reasonable level, particularly after 11:00pm

14. Stairs to Ocean: Please do NOT use the stairs that access the ocean on the right of the house (when facing the ocean). These stairs are the neighbours and they will call the police and report you as trespassers.

15. BBQ: There is full can of propane and there should be a backup propane can in the garage shed. If you need to refill, it can be refilled at Otter Bay Marina.

16. Danger:

The house is on the bluffs. There is no fence at the edge of the property, just the cliffs and the ocean. For beach access, please look at the maps at the house (accessible via walking or driving).

17. Contact Information:

Have a great holiday and if you have any questions or concerns please call us at following numbers

Leslie (owner in Vancouver)

Cell



If you cannot reach Leslie,

Frances (Housecleaner on Pender)

Home



Charmaine (Manager on Pender)

Cell



SHORT TERM RENTAL AGREEMENT

This Short Term Rental Agreement (the “*Agreement*”) is made by and between Leslie Hepburn (“*Homeowner*”) and ***** (“*Guest*”) as of the date last set forth on the signature page of this Agreement. For good and valuable consideration, the sufficiency of which is acknowledged, the parties hereby agree as follows:

1. Property. The Property is located on Pender Island. The address will be received by the guest within one-month prior to date of arrival, as well as details regarding access to the Property and any additional information necessary.

The Property comes complete with a fully equipped kitchen including a refrigerator, freezer, oven and stove, microwave, dishwasher, toaster, coffee maker, blender, cookware, dishes, glasses, utensils, linens and towels. The Property also includes a full size washer and dryer, iron, and ironing board. While we try to provide each guest with everything they will need, there are some items that are not provided in the home. While bath and hand towels are provided, you may want to bring your own beach towels and washcloths, as these are not always supplied in the property. Vacation rental properties are “self catering” accommodations.

2. Rental Party: The Guest agrees to limit the occupancy of the overnight guests in the Property during this rental agreement to _ persons, including children.
3. Maximum Occupancy: The maximum number of guests is limited to 8 persons.
4. Term of the Rental. The rental begins at 4 p.m. on ***** (the “*Check-in Date*”) and ends at 10 a.m. on ***** (the “*Checkout Date*”). Check-in and check-out times may be adjusted upon request.
5. Minimum Stay: This property requires a 3 night minimum stay. Longer minimum stays (7 nights) are required during the summer season. If a rental is taken for less than 3 days, the guest will be charged an increased rate.
6. Rental Rules: Guest agrees to abide by the Rental Rules attached as Exhibit A at all times while at the property and shall cause all members of the rental party and anyone else Guest permits on the property to abide by the following rules at all times while at the property.
7. Access: Guest shall allow Homeowner access to the property for purposes of repair and inspection. Homeowner shall exercise this right of access in a reasonable manner.

8. Rental Rate and Fees

- a. Deposit: A deposit of \$300 is due 30 days prior to the Check-In Date.

The deposit is for security and shall be refunded within 7 days of the Check-out Date provided no deductions are made due to:

- i. damage to the property or furnishings;
- ii. dirt or other mess requiring excessive cleaning; or
- iii. any other cost incurred by Homeowner due to Guest's stay.

If the Property appears dirty or damaged upon Check-in, Guest shall inform Homeowner immediately.

- b. Rental Rate. Payment in full of the following fees shall be due within 30 days of the Check-in Date:

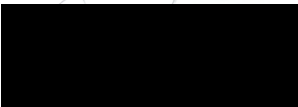
7 Day Rental =
VRBO Service Fee
Refundable Damage Deposit \$300.00

9. Cancellation Policy: If Guest wishes to cancel his/her reservation, the deposit will be refunded as follows:

100% if cancelled more than 30 days prior to the Check-in Date
50% if cancelled more than 14 days prior to the Check-in Date

The parties agree to the terms of this Short Term Rental Agreement, as evidenced by the signatures set forth below.

Homeowner



Name (print) Leslie Hepburn

Date: July 28, 2017

Phone # (during stay):



Guest:



Name (print): _____

Date: _____

Phone # (during stay):



Exhibit A

RENTAL RULES

1. Smoking is NOT PERMITTED anywhere inside the house or on the deck. If you smoke, please do so in the front on the driveway.
2. Guests are not allowed to exceed the occupancy limit agreed to above.
3. Guests should not create excessive noise at a level that disturbs neighbors; Code-enforced neighborhood quiet hours are from 11:00p.m. – 8:00a.m.

The Homeowners are not responsible for any accidents, injuries or illness that occurs while on the Property. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the Property or others whom they invite to use the Property.

4. Do NOT use the stairs that access the ocean to the right of the house. That is not our property and the neighbours will report it as trespassing.
5. Keep the property and all furnishings in good order
6. Only use appliances for their intended uses
7. PETS are not permitted.
8. Housekeeping: There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. We suggest you bring beach towels. We do not permit towels or linens to be taken from the house.
9. Garbage: Any garbage must be stowed in the proper garbage or recycling receptacles, located in the carport. Please take the garbage when you leave – see Rental Notes.
10. Hot Tub: [No children under the age of 5 permitted in hot tubs without adult supervision]. When using the hot tub, remember there is a certain health risk associated with this facility. Use at your own risk. Our housekeepers drain, sanitize, refill and replenish chemicals in all tubs prior to your arrival; therefore, it may not be warm until later that evening. [DO NOT STAND ON THE HOT TUB COVERS. Hot tub covers are for insulation purposes and are not designed to support a person or persons. They will break and you may be charged for replacement.] Remember when not using the hot tub, leave cover on so hot tub will stay warm.
11. Fireplace: The home you are renting is equipped with a wood-burning fireplace. Always be sure to open the damper before starting any fire. If smoke is coming out of the front of the fireplace, put out the fire immediately and ventilate the house. Do not use soft woods in fireplaces such as pine, fir, and redwood because they cause a coating in the flue, which can cause fires. Use woods such as oak, almond, walnut, etc. Do not overfill the fireplace and create a blazing fire that could cause damage to the firebox or cause a fire. Use a fireplace screen at all times when using the fireplace to prevent damage, particularly to the floor. Guest is required to adhere to any burn bans and is responsible for any fees or fines due to violations.

12. Water and Septic: The property is on well and septic systems. The mineral content in the water is high. There is a filtered water system in the kitchen for drinking use. The septic system is very effective; however, it will clog up if improper material is flushed. Do not put down any drain or toilet: cat litter, disposable diapers, paper towels, facial tissue, cigarette butts or filters, grease, coffee grounds, dental floss, colored tissue paper, tampons or sanitary napkins or any non-biodegradable item. DO NOT FLUSH anything other than toilet paper. No feminine products should be flushed at anytime. If it is found that feminine products have been flushed and clog the septic system, you could be charged damages of up to \$300.

13. Force Majeure: There may be circumstances beyond our control and contemplation, in which the property might not be available for your reservation. Examples of these, but are not limited to water, gas or sewer leaks, fire or any other damage to the property making it inhabitable or potentially inhabitable. In the event of Force Majeure, the Homeowner will do their best to make alternative arrangements for the guest whenever possible. If we are unable to do so or if the alternative arrangements are not acceptable to you, then we will refund all monies paid. This will be the full extent of our liability to you and we will not be responsible for any other costs connected with any such cancellation, howsoever arising. We accept no responsibility of liability for any loss or damage or alteration in the terms of your reservation caused by events beyond our control, including, but not restricted to war, terrorist activity, civil commotion, flight and/or ferry delays or cancellations, airport closure, adverse weather conditions, fire, flood or industrial dispute. There will be no credit given for shortened stays due to late arrival or early departure for any reason and no credit given for cancellation due to weather conditions.



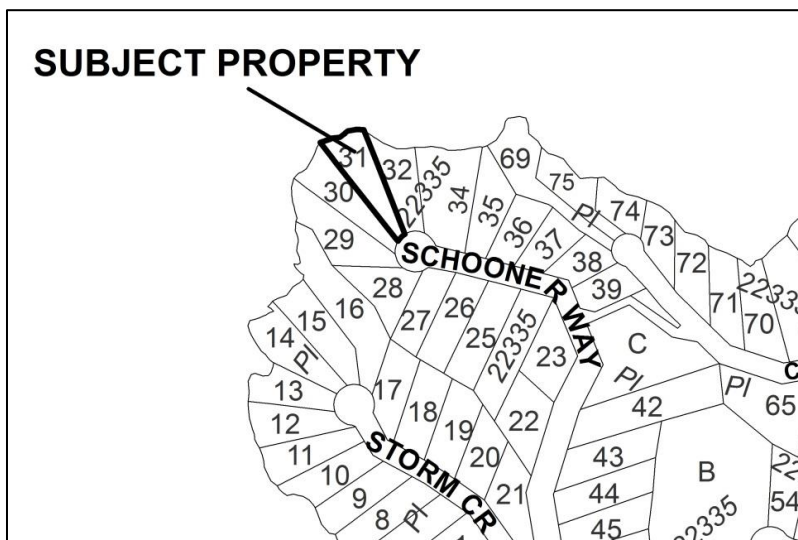
**NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.2 & NP-TUP-2018.3**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. Proposed Temporary Use Permits would apply to the following subject properties:

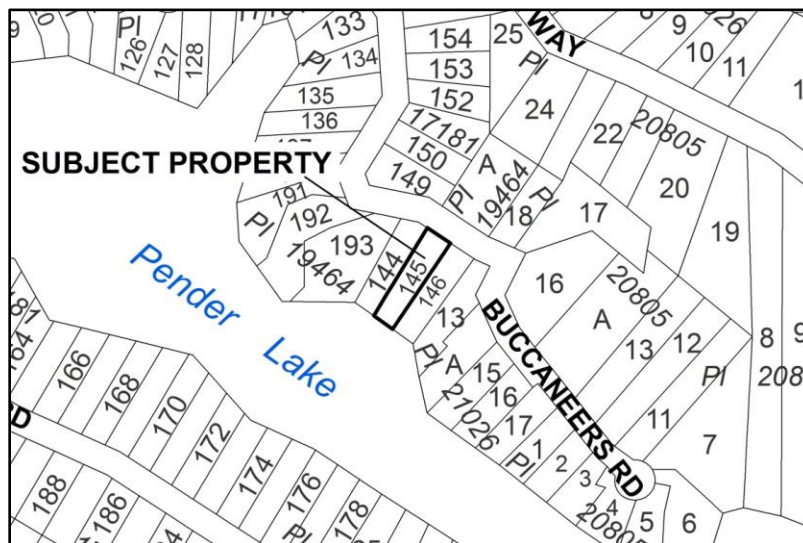
- Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335 (PID: 000-785-733), located at 1602 Schooner Way; and,
- Lot 145, Section 8, Pender Island, Cowichan District, Plan 17181 (PID: 003-905-217), located at 4729 Buccaneers Road.

The purpose of these temporary use permits would be to permit “Short Term Vacation Rental within the Dwelling Unit(s)” on the subject properties. The establishment of the temporary use would be subject to a number of conditions specified in the permits. The permits would be issued for up to three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property located at 1602 Schooner Way is shown in the following sketch:



The general location of the subject property located at 4729 Buccaneers Road is shown in the following sketch:



A copy of the proposed permits 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **May 11, 2018** and up to and including **May 23, 2018**.

For the convenience of the public only, and not to satisfy Section 494(1)(a) of the Local Government Act, additional copies of the proposed permits may be inspected at various Notice Boards on North Pender Island, B.C., commencing **May 11, 2018**.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., May 23, 2018**. 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 **4:00 p.m., May 24, 2018**, at the Royal Canadian Legion Hall, 1344 MacKinnon Road, North Pender Island, BC.

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

Lori Foster

From: ALISON HIGGINSON [REDACTED]
Sent: Tuesday, May 08, 2018 7:12 AM
To: information
Subject: NP-TUP-2018.2 - 1602 Schooner Way - Attention Phil Testemale

Good morning Mr. Testemale,

I am responding to the IT notice regarding the application for a TUP for a "Short Term Vacation Rental within the Dwelling Unit" at 1602 Schooner Way.

I believe that STVRs are a desirable addition to the continuum of vacation accommodation provided on Pender Island and know from personal experience how much "guests" at these kind of establishments can contribute to our local economy. My partner and I use vacation rentals extensively when we travel, especially for longer stays, and we have found them to be an excellent way of experiencing the community that we are visiting. Many of our "hosts" have contributed to fantastic experiences through their local knowledge and off-the-beaten-path recommendations that we might not have received if we had been staying at a busy hotel.

Having said that, I do have some concerns regarding the operation which has been running at 1602 Schooner Way, albeit only anecdotally from comments expressed by their more immediate neighbours. My partner and I are not directly affected as we are buffered by two intervening homes and a large embankment along our north property line. We are, however, personally familiar with several of the property owners at the end of the cul-de-sac on Schooner Way who are immediately affected. I am hoping that should this TUP be issued, that the requirement for an on-island 24/7 contact will help to address the concerns about noise that other neighbours have told me of.

Although the property in question is very high-bank and the water is not accessible, I would suggest that the TUP also contain a condition that the owner include information on privacy, trespassing and no use of adjacent owner's water access points in their Information Package to guests.

Thank you for your consideration of my comments.

Sincerely,
Alison Higginson

[REDACTED]
Sent from my iPad



Amy Corbin

To: Phil Testemale
Subject: RE: NP-TUP-2018.2 - letter of opposition



From: Martin Bonneville [REDACTED]
Sent: Sunday, May 13, 2018 9:00 PM
To: Phil Testemale
Subject: NP-TUP-2018.2 - letter of opposition



To the attention of the North Pender Island Local Trust Committee,

We received notification that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a TUP for short term vacation rental (STVR) at 1602 Schooner Way at the business meeting on May 24, 2018.

We have a home at 1606 Schooner Way (lot 34). There is only an one empty lot between us and 1602 Schooner Way (lot 31), so we are the immediate neighbours to this property.

We are writing to inform you of our opposition to this application based on the following reasons:

1) When we bought and built on North Pender Island 7 years ago, we were buying into a residential neighbourhood at the end of a quiet cul-de-sac, and we were told at the time that STVRs were not permitted. Despite this, we soon found out that several of the neighbouring homes were operating STVRs illegally, including 1602 Schooner Way. We have experienced previous problems with the renters of 1602 Schooner Way including:

- excessive noise from parties and events at the STVRs
- trespassing on our property to try to access the waterfront
- renters knocking at our door asking for various things up until 10 o'clock at night
- renters parking their cars at the end of the cul de sac, and even blocking our driveway at times

This is supposed to be a residential neighbourhood, yet every weekend we have different neighbours because of STVR rentals, and it has had a very negative impact on the "neighbourhood". At great personal expense, we have hired a contractor to build a fence and put gates up at our property because of all the traffic and strangers in the area from the STVRs.

2) There is already an approved TUP for STVR at 1603 Schooner Way. With the addition of another STVR at 1602 Schooner Way there will be excess traffic. Between these 2 STVRs, there could be up to **19 guests** (max 11 persons at approved TUP for 1603 Schooner Way, and max 8 persons at proposed TUP 1602 Schooner Way). The road is very narrow at the end of Schooner Way, and there are blind corners, with cars parked alongside, speeding, traffic noise, etc. We appreciate that the permit under consideration states that all parking for guests and visitors must be contained on the property, but the driveway of 1602 Schooner Way is very narrow and steep, and there is not much room to turn around at the bottom. This leads to the renters parking on the street, and we are not looking forward to the conflicts with renters that could arise given the difficult nature of the driveway at 1602 Schooner Way.

3) We have previously made formal complaints to the bylaw officer about the illegal STVR at 1602 Schooner Way in July 2017, and the owners were told by the bylaw officer to cease renting or they could be fined. They

were also told that they needed to comply with applying for TUP for STVR. Despite this warning, the owners kept advertising and renting the house, which tells us that they do not respect the rules, and we are concerned that they will not respect the rules of the TUP if it is granted, based on their past disrespect of rules.

4) The end of Schooner Way is an environmentally sensitive area with an active eagles' nest and lots of perch trees, including directly in front of 1602 Schooner Way. It does not seem to us that Islands Trust is following their mandate to protect ecologically sensitive areas by allowing up to 19 STVR renters at the end of this tiny point, that is already crowded with residential properties.

5) Finally, if the trust committee approves this TUP for STVR, we also feel that they will be failing to follow their own policies for STVRs as stated in Part 6 of the Official Community Plan. In particular: **6.4.3: The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.**

We are unable to attend the regular business meeting on Thursday May 24, 2018 due to having to work, so we expect our written concerns here will be taken in to account and discussed at the meeting.

Thank you for your attention to our written comments.

Mr Martin Bonneville and Dr Edward J Atkins MD
[REDACTED]

PROPOSED



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2018.2 (Hepburn)**

1602 Schooner Way

To: Leslie Hepburn and Ray Heffelfinger

1. This Permit applies to the land described below:

Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 000-785-733).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
 - b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
 - c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
 - d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem located on the property, and how to avoid or minimize impacting the sensitive feature;
 - e) the maximum number of guests is limited to eight (8);
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) signs advertising the Short Term Vacation Rental are prohibited;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) all parking for guests of, and visitors to, the Short Term Vacation Rental must be contained on the subject property;
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - l) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;

- m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
- 4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
- 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XXth DAY OF _____, 2017.

Deputy Secretary, Islands Trust

Date Issued

File No.: NP-TUP-2018.3 (Pegram)
(NP-BE-2018.1)

DATE OF MEETING: May 24, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Island Planner
Southern Team
COPY: Justine Starke, Island Planner
SUBJECT: Temporary Use Permit (TUP) – Short Term Vacation Rental
Applicant: Neil Pegram
Location: 4729 Buccaneers Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2018.3 (Pegram)

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as the applicant's rationale is reasonable, it meets the specific guidelines of the OCP and the guest capacity is small. To date, there has been no response to notification from neighbours or the public. In addition, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

BACKGROUND

The proposal is for a TUP for Short Term Vacation Rental use within an existing, smaller single-family dwelling on the property. The application is a result of bylaw enforcement action on unlawful short term vacation rentals on North Pender Island (NP-BE-2018.1). The purpose of the TUP application is to bring the property into compliance with the Land Use Bylaw (LUB) and maintain the STVR use.

The applicant's stated reason for the application is to rent the house out for periods of less than 30 days. Their hope is that the rental will assist in covering the cost of the mortgage and to provide great vacation/tourist accommodation on North Pender. Their desire is to host guests one or two weekends a month. The dwelling is used primarily as a family vacation cottage. They estimate the total rental for the year to be twelve (12) weeks.

The dwelling is a smaller 56.85 m² (612 ft²), three (3) bedroom home with decks on the north side of Magic Lake. The property also contains a small accessory building (a shed) and a dock on the lake.

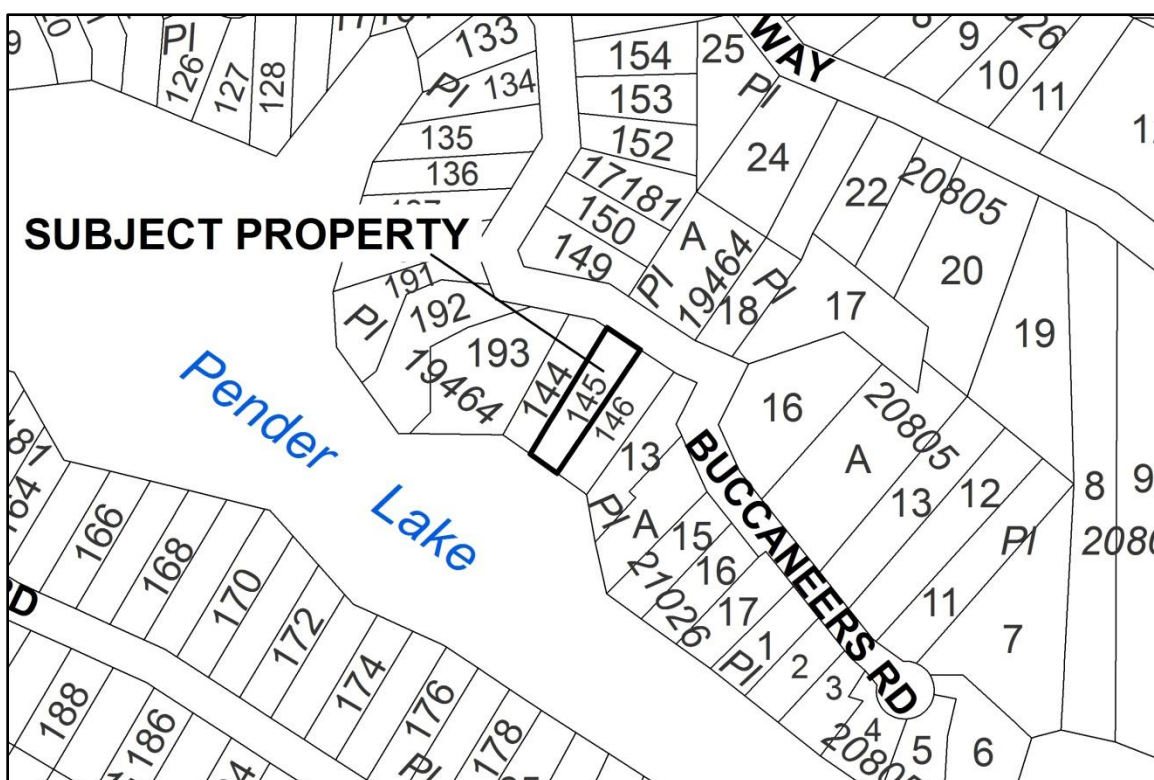
The maximum guest capacity is six (6) guests. The dwelling has non-invasive CCTV security cameras (stated for liability reasons), blinds on all neighbour facing windows and privacy screen on the deck (see Attachments 2.4 and 2.5). The driveway is able to facilitate four (4) cars. A copy of the 'Guest Information' provided to all visitors is Attachment 4.

The dwelling is connected to both the CRD Magic Lake water and Sewer systems.

A copy of the draft permit NP-TUP-2018.3 (Pegram) and the notice are Attachments 5 and 6.

Staff visited the property on May 8, 2018 (see Attachment 2.5).

FIGURE 1: SUBJECT PROPERTY



ANALYSIS

Islands Trust Policy Statement:

The following ITPS policies are relevant and support the proposal:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

Guidelines for TUP applications for STVRs are contained in the OCP. A completed analysis of all guidelines is Attachment 3. In summary, the proposal meets the applicable guidelines.

Development Permit Area 10 – Riparian and Aquatic is designated on the subject property (Attachment 2.2). No development activity requiring a DP is proposed. A condition for the owner to provide information to guests on the sensitive ecosystem has been included in the draft TUP.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw (LUB) No. 103, 1996 (LUB).

The TUP will bring the specific STVR use on property into compliance with the LUB

Issues and Opportunities

Water and Sewer

As stated above, the dwelling is connected to both the CRD Magic Lake water and Sewer systems. If approved, the TUP will be forwarded to the Magic Lake Water Committee for information.

Parking

The applicant has enough space for 4 cars in the on-site driveway. Permit condition requires that all STVR parking is accommodated on site and no camping is permitted on or off the property.

Property Size and Proximity to Neighbours

The size and configuration of the subject property and that of the neighbours are small (0.15 ha/0.38 ac) narrow and long (see Figure 1). This places dwellings in close proximity where a poorly managed operation could be a cause of nuisance to neighbours. This is mitigated to some extent with natural screening of mature vegetation and a purpose built screen on the deck (see Attachment 2.5). Further, the size of the dwelling and guest capacity is relatively small.

Notwithstanding, if issues arise, the conditions in the draft TUP provide recourse through enforcement and ultimately by denying an application for renewal.

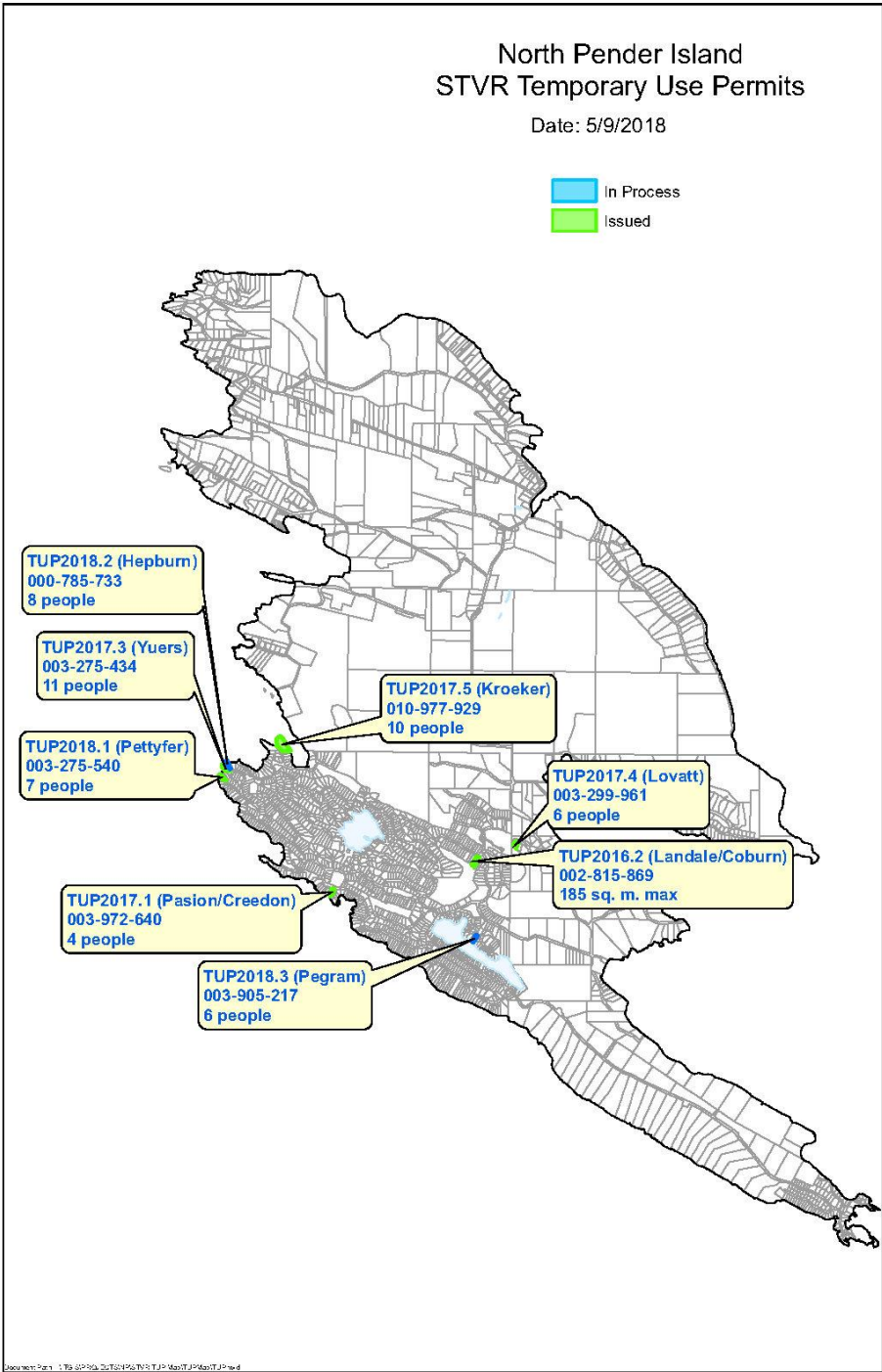
Cumulative Impacts - Mapping

Staff has provided the mapping in Figure 2 to inform the OCP Guideline for assessing cumulative impacts:

- 6.4 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.

The closest other TUP for a STVR is approximately 0.7 kilometres directly north, the second closest is approximately 1.4 kilometres west. There are no other STVR applications or TUPs issued around Magic Lake itself.

FIGURE 2: SUBJECT PROPERTY



Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP. It allows for a maximum of six (6) guests. The applicant has agreed to the terms of the proposed permit.

Consultation

Statutory Requirement - Notification

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on May 18, 2018. The notification period will end at 4:30 p.m. on May 23, 2018.

At the time of writing, staff has received no submissions.

Agencies

If NP-TUP-2018.3 is issued, staff will refer the permit to the CRD staff contact for the Magic Lake Water and Sewer System in accordance with OCP policy 6.4.4.

First Nations

Temporary Use Permit applications do not trigger a requirement for First Nations referral and no development is authorized by the draft TUP. No recorded archaeological sites are located within 100 metres of the subject property.

Rationale for Recommendation

The recommendation for the issuance of the TUP on page one is supported as:

- The applicant's rationale is reasonable,
- The proposed STVR it meets the specific guidelines of the OCP
- The dwelling and guest capacity are small.
- To date, there have been no concerns about the proposed use raised from neighbours or the public.
- Lastly, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust the following information:_____.

2. Amend the TUP and Approve Issuance as Amended

The LTC may opt to amend the proposed permit by adding further restrictions (conditions).

Recommended wording for the resolutions are as follows:

That the North Pender Island Local Trust Committee amend application NP-TUP-2018.3 (Pegram) by adding_____.

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2018.3 (Pegram) as amended.

3. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application Temporary Use Permit NP-TUP-2018.3 (Pegram).

NEXT STEPS

Submitted By:	Phil Testemale, A/Planner 2	May 14, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	May 15, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Checklist
4. Applicant 'Guest Information'
5. Notice
6. Draft TUP

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 145, Section 8, Pender Island, Cowichan District, Plan 17181
PID	003-905-217
Civic Address	4729 Buccaneers Road

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BE-2018.1	STVR

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island Official Community Plan No.171, 2007: • RR – Rural Residential designation and • Development Permit Area 10 – Riparian and Aquatic Habitat.
Land Use Bylaw	North Pender Island Land Use Bylaw No. 103, 1996: Rural Residential (RR) and Water 6 (W6) over Lake portion.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	Enforcement for STVR. Current application is for compliance.

SITE INFLUENCES

Islands Trust Fund	The proposal has no implications for the Island Trust Fund.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy.
Species at Risk	(N/A) No development associated with application
Sensitive Ecosystems	Condition in draft permit is for information to guests on Riparian and Aquatic Ecosystems.
Hazard Areas	N/A
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone

	tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No development associated with application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO & ZONING



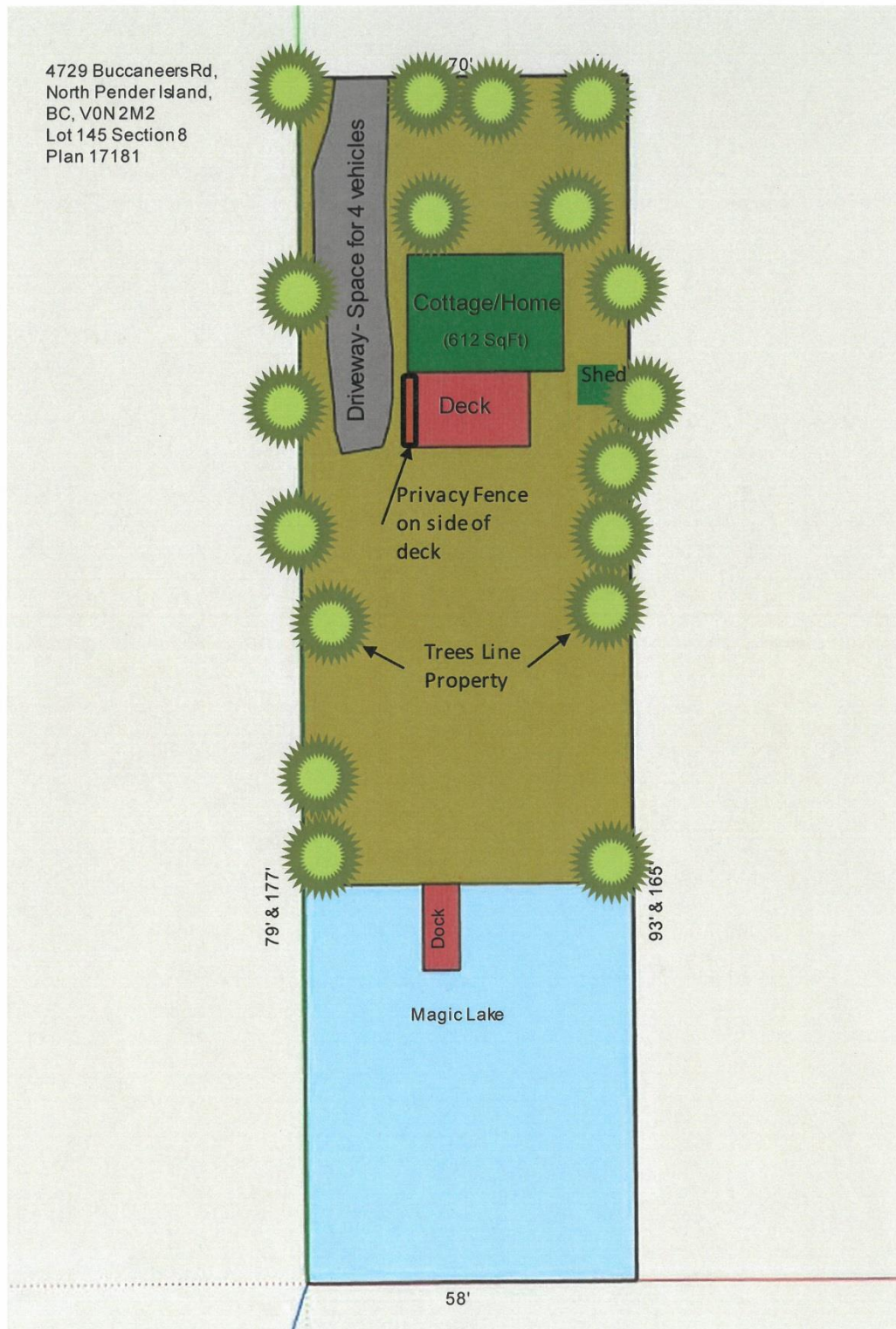
2.2 DPA Ten



2.3 STEEP SLOPE HAZARD & CONTOURS



2.4 APPLICANT'S SITE MAP



2.5 PHOTOGRAPHS



Photo One: View of south (lake facing) back of dwelling (with privacy screen)

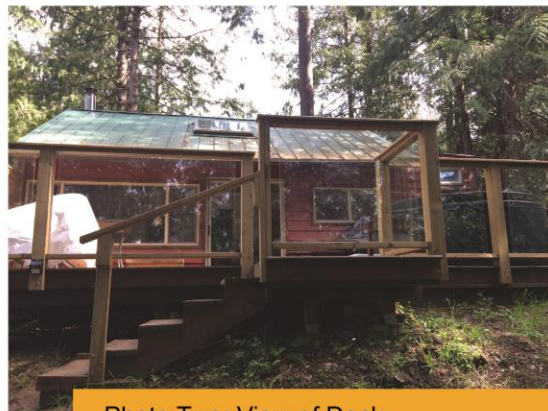


Photo Two: View of Deck

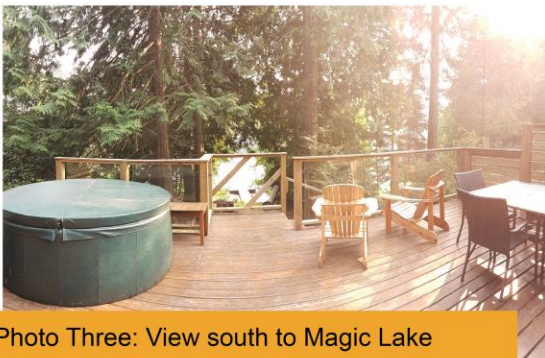


Photo Three: View south to Magic Lake



Photo Four: View to neighbouring property (east)

2.5 PHOTOGRAPHS (CONTINUED)



Photo Five: View to neighbouring property (west)

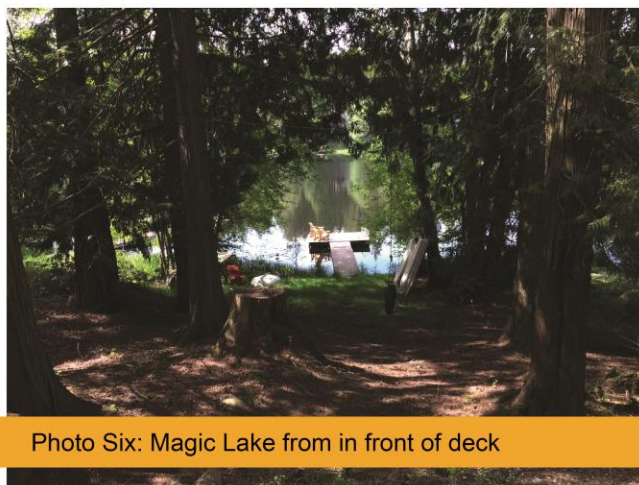


Photo Six: Magic Lake from in front of deck



Photo Seven: Rear of property and driveway(west)

ATTACHMENT 3 – TUP CHECKLIST FOR STVR

NP-TUP-2018.3 (Pegram)
4729 Buccaneers Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Application is for STVR No seasonal time frame as a permit condition or number of weeks. Applicants estimate 12 weeks of rental per year.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No alteration proposed.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	The closest other TUP for a STVR is approximately 0.7 kilometres directly north, the second closest is approximately 1.4 kilometres west. There are no other STVR applications or TUPs issued around Magic Lake itself.
d) Water and Septic - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	The subject property is within the CRD Magic Lake Estates Community Water System and Sewer System. Per OCP Policy 6.4.4, any issued permit will be referred to the CRD for information.
e) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Enough space for 4 cars indicated by applicant. Draft TUP condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
f) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the	DPA 10 (Riparian and Aquatic) sensitive ecosystem on the property (15 m from nat'l. boundary of lake – upland and over lake)

Guidelines	Comments
landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features	Condition for the owner to provide information to guests on the sensitive ecosystem has been included in the draft TUP.
g) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ²	No street signage proposed. Draft TUP limits signage to 0.6 m ²
h) Operator Contact I - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of draft TUP.
i) Operator Contact II - The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition of draft TUP.
j) Guest Information - The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Condition of draft TUP. Owner has provided a copy of "House Manual"/"Guest Information" (Attachment
k) Accessory Buildings - The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m ² , and if the building has received an occupancy permit for residential use under the BC Building Code.	N/A
l) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Condition of draft TUP
Permit Conditions	
m) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may: i. Limit the number of bedrooms that can be used for short term vacation rentals	Not included in draft TUP. However, LTC could consider such depending on neighbourhood notification response.

Guidelines	Comments
ii. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
iii. require the landowner/operator to post contact information and permit information at the entrance to the property	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
iv. prohibit camping or occupancy of RVs on the property	Condition of draft TUP.
v. prohibit the rental or provision of motorized personal watercraft	Condition of draft TUP
vi. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake	Condition of draft TUP
vii. prohibit outdoor fires	Condition of draft TUP
viii. establish the dates during which the use may occur	
Agriculture Land Reserve	
n) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

Attachment 4

Appendix to STVR permit application - 4729 Buccaneers Rd

Copy of "House Manual"/ "Guest Information"

WELCOME TO THE MAGIC LAKE COTTAGE!

- Key- the Slider Key is in a black lock box beside the door.
- The key Code is ###
- No Pets: Our family have allergies to both dogs and cats, so we are a pet-free cottage please.
- No Smoking inside: Guests can smoke on the deck, but the island has a high fire risk in the summer and may have a summer fire ban, so please dispose of cigarette butts properly. There are no outside fires allowed. Note 2 fire extinguishers are in the kitchen beside the fridge.
- Heat: There are baseboard heaters throughout the house. The wall thermostat only controls the heater behind the couch.
- Food that is in the cottage, is on an Honour System. If You Drink it or Eat it please just Replace It. Replacing it is best so it is there for other guests/family when we show up. If you don't have time to shop you can just let us know what you consumed at the end of the rental and we can add it on the bill.
- Water: the tap water is treated and fully drinkable, however fresh water is limited on the island. Please help conserve water by limiting your showers.
- Internet/Netflix: the Wi-fi code is on the fridge. There is no cable TV, however the RokuTV (small black controller) provides access to Netflix and YouTube and other online TV streams.
- Noise: Sound travels easily across the water. We have a No Noise outside after 11pm policy. The cottage is in a residential area and some of our neighbours live next door fulltime. If you have music on in the cottage after 11pm please ensure the neighbours can't hear it by closing the windows. Note that anything you say while sitting on the deck, or especially on the dock, can often be heard on the dock across the lake, even in a regular voice. Note there are fulltime RCMP/Police on the island and neighbours have been known to call them if they are being kept awake at night.
- Magic Lake: the lake is a natural body of water and a sensitive ecosystem that does not allow motored personal watercraft (no boats with engines). Magic Lake is open to the public for swimming and rowing/panelling. Please respect the natural waters edge/plant life and do not dispose of anything in the lake.

CHECKING OUT

- Bedding/Sheets/Towels: At the end of the rental it would be really helpful if you can wash & dry sheets/pillow cases/towels. If you don't have time, and there is a lot of laundry, the cleaner will do it but she might charge extra for excessive loads. If you can help by getting the laundry washed, and at least into the dryer, before the clear arrives, then she can put them back on the beds, and it would be great help. *Don't leave wet laundry in the washing machine – please get it into the dryer or just leave it*

-Garbage: There is no regular garbage pickup on the island. Take all garbage with you. You can drop the garbage off at the Medicine Beach Waste Management Bin. It is a dumpster bin that is in a shed beside the Liquor Store • Go to the Medicine Beach Liquor Store - 5827 Schooner Way (on the way back to the ferries) • Ask for the Key to the dumpster bin at the Liquor Store • Use the key to unlock the door to the bin and put your bag of garbage in the big dump bin • Return the key to the liquor store • They will charge you \$6 for a normal garbage bag and \$9 for a large one. • They are open 7 days a week 10am-10pm • Any garbage left behind on the property will be charged a higher rate by the cleaner.

-Compost/Organics: Take compost with you, or sadly it is garbage. We currently do not have a working composter.

-Recycling: We would appreciate if you took all recycling with you. If not we take it to the Pender Island Recycle Depot, however they are only open a few days a week so we understand if you can't. The recycling depo is at 4400 Otter Bay Road (just past the community hall on the way to the ferries). www.penderislandrecycling.com

-Empty Fridge/freezer - Do not leave perishable or frozen food behind

*Baseboard Heaters all OFF (there is one in each room)

*Thermostat to OFF -Bathroom door open so air moves through it

-Lock all Windows and the slider -Replace key in lock box – code is ## to re-lock it

Emergencies

– Please contact the owner Neil Pegram 24/7 – ###-#### or via e-mail

- If Neil is unavailable: contact the on-island property manager Tracy ###-#### (resides on Pender fulltime). Explain that you are a guest of “Neil’s cottage on Buccaneers” and she can assist you promptly.

- A complete first aid is provided in the bathroom

Wow, Thanks for reading all of that! The cottage is really a lovely home away and super relaxing. Don't be overwhelmed by this list, we just get lots of FAQs and want to give you all the info. We really hope you enjoy your stay!

NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.3

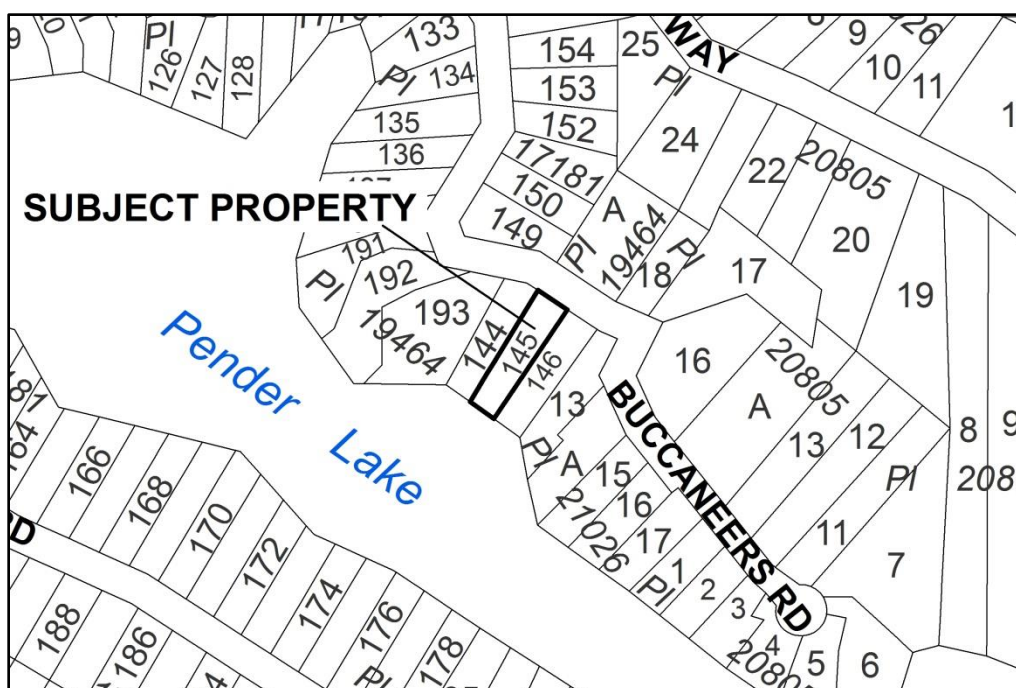
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 145, Section 8, Pender Island, Cowichan District, Plan 17181 (PID: 003-905-217). This property is located at 4729 Buccaneers Road.

The purpose of this temporary use permit would be to permit:

- a) A Short Term Vacation Rental within the Dwelling Unit.

The establishment of these uses would be subject to the conditions specified in the permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **May 11, 2018** and up to and including **May 23, 2018**.

Enquiries or comments should be directed to Planner Jason Youmans at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca , before 4:30 p.m., **May 23, 2018** . 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 **4:00 PM.**, Thursday, **May 24, 2018**, at the Royal Canadian Legion Hall, 1344 MacKinnon Road on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2018.3 (Pegram)**

4729 Buccaneers Road

To: Neil Pegram

1. This Permit applies to the land described below:

Lot 145, Section 8, Pender Island, Cowichan District, Plan 17181
(PID: 003-905-217).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
 - b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
 - c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
 - d) the property owner or Short Term Vacation Rental operator must provide guests with information on the Riparian and Aquatic Ecosystem designated on the subject property and adjacent water surface;
 - e) the maximum number of guests is limited to six (6).
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) signage advertising the Short Term Vacation Rental may not exceed 0.6 square metres;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) all parking for the Short Term Vacation Rental must be contained on the subject property;
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - l) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;

- m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XX^{xx} DAY OF XXXXXXXX, 2018.

Deputy Secretary, Islands Trust

Date Issued



File No.: NP-DP-2018.2
(Murdoch/Driftwood)
(NP-DP-2008.1 & 2016.6)

DATE OF MEETING: May 24, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
SUBJECT: Development Permit Application
Applicant: Dorothy Murdoch
Location: 4605 Bedwell Harbour Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.2 (Murdoch / Driftwood)

REPORT SUMMARY

This report is to consider a Development Permit (DP) application to amend an existing permit (NP-DP-2016.6) that approved plans to update the facades of the three (3) older retail buildings on the property.

The proposal is for the following construction and development to buildings at the Driftwood Mall:

- The addition of a tower feature as part of the exterior alterations to two (2) of the existing retail buildings.

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

The above resolution is supported as the proposal is compliant with the DPA guidelines and that the siting (height) conforms with the zoning in the LUB.

BACKGROUND

The renovation of the facades of the three (3) existing (original – ‘A’, ‘B’ and ‘C’) retail buildings was approved and issued with NP-DP-2016.6. That permit also amended the parking and landscaping plans for the whole Driftwood retail development. The objective of the renovation is to update the architecture of the facades of the buildings in order to unify them with the architecture of the newer buildings on the property.

Staff recently observed construction of the tower feature between Retail Buildings 'B' and 'C' (see Figure 2 and Attachment 2.6), which was not included in the approved plans. A stop work notice was posted by the CRD Building Inspector, and the applicant was notified of the requirement to make an application to amend the approved DP for the renovation (see Figure 3). There was some question as to the height of the tower, although submitted plans (Attachment 2.5) indicates that it conforms to the Land Use Bylaw (LUB) requirement (9.7 metres).

This application will replace the approved Elevation Plans (Schedule 'C') in NP-DP-2016.6 to include the tower, but will not alter the overall landscape plan or parking plan, nor any other conditions in that DP.

The addition of the tower is a solution that was arrived at by the architect and owner in response to structural issues with the existing façade connection when construction work was under way.

Further Background on DP and TUP

The overall development plan for the site consists of eight (8) existing retail buildings, a service station, two (2) future (unbuilt) retail buildings, one (1) retail building under construction, landscaped areas, parking and numerous accessory storage buildings (See: Figure Two – Site Plan).

The current, overall development was approved as NP-DP-2008.1 when new DP guidelines were adopted with the current OCP. This DP was amended in 2011 and more recently (as above) with NP-DP-2016.6. In addition, application NP-DP-2015.6 amended NP-DP-2008.1 for minor alterations to the 'Bistro' entrance, parking layout and outside storage at the 'garden centre.'

A Temporary Use Permit (NP-TUP-2016.1) accommodates the storage of landscaping aggregates and materials for the Driftwood on the adjacent **Rural (R)** property and was issued on June 1, 2016 and expires on June 1 of this year. An application to renew that TUP has recently been received by the Islands Trust.

On the same adjacent **Rural (R)** there is an application to rezone a 0.7 ha (1.6 ac) parcel (to be subdivided off) to **Community Service (CS)** for the construction of a new, NU to YU store (NP-RZ-2016.4 – PICSS).

Copies of the Development Permit Area Checklist and proposed Development Permit NP-DP-2018.2 (Murdoch/ Driftwood) are attached. (Attachment 3 & 4)

Staff has visited the site numerous times.

Figure 1 – Site Context

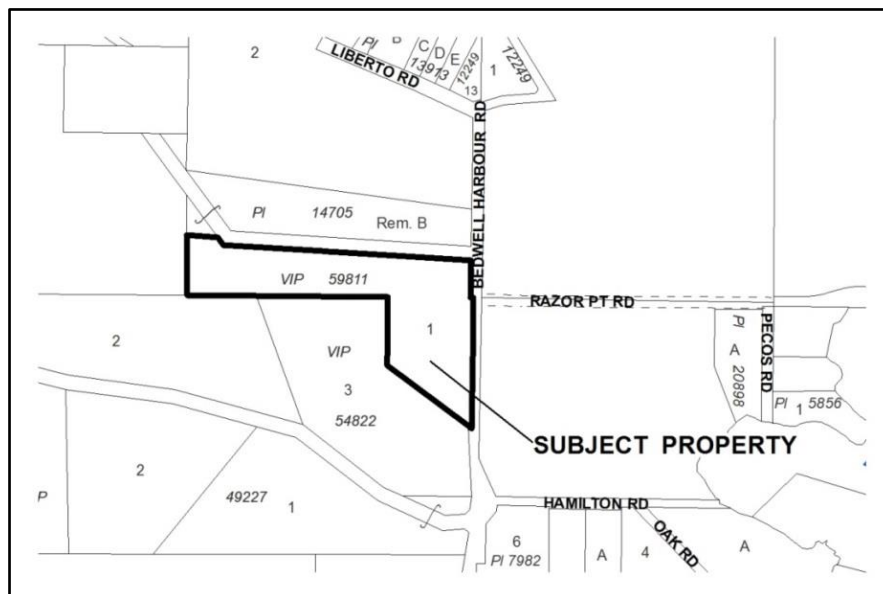


Figure 2 – Overall Site Plan

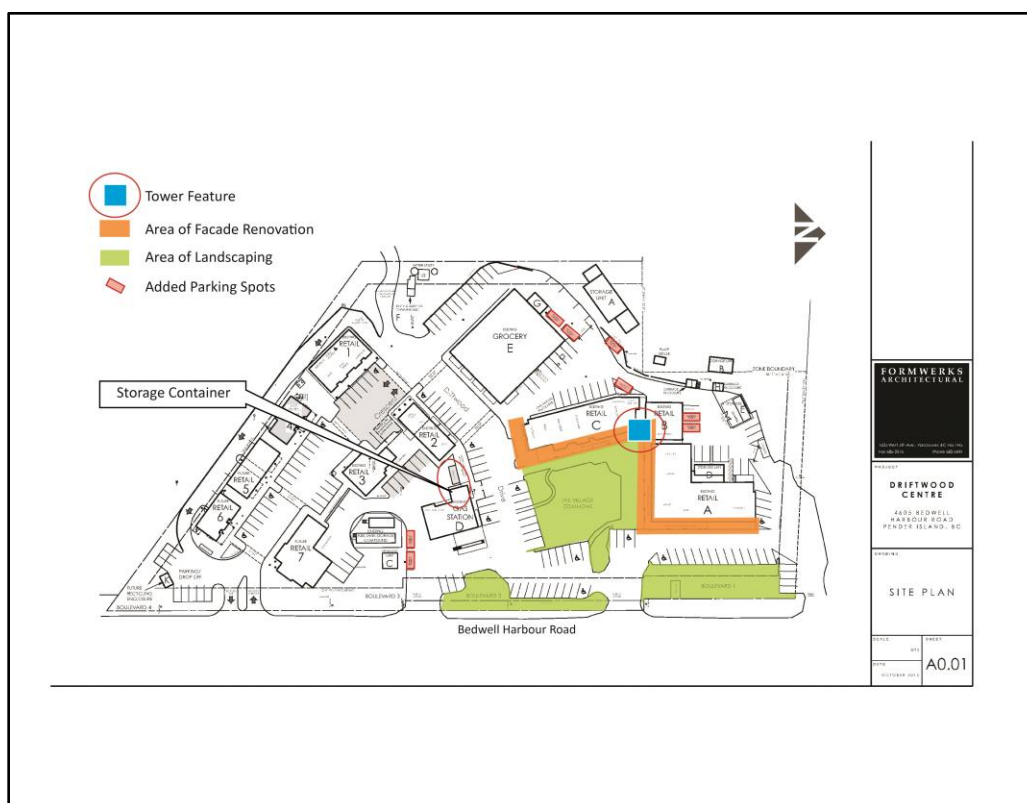
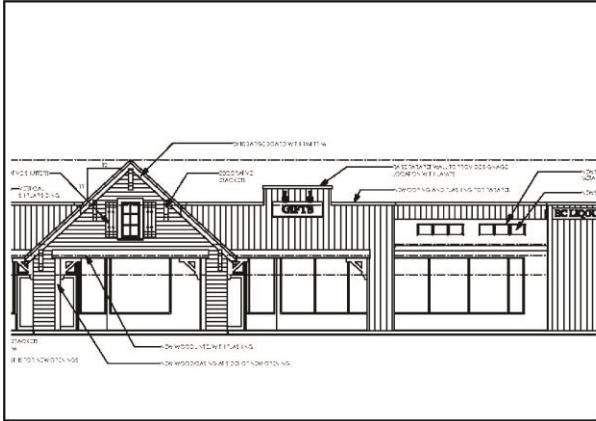
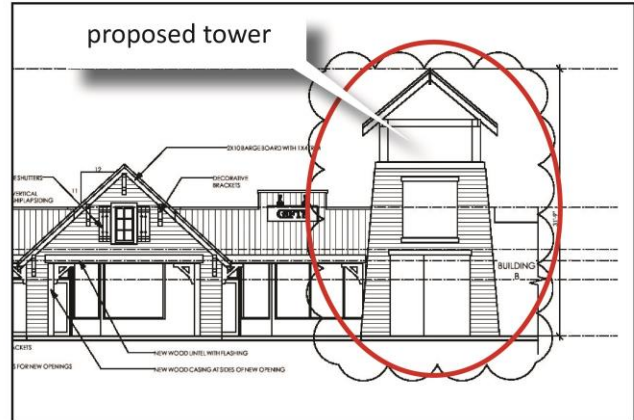


Figure 3 – Detail of Approved Facade and Proposed Tower

Detail Building 'B' & 'C'
Approved NP-DP-2016.6



Detail Building 'B' & 'C'
Proposed NP-DP-2018.2



ANALYSIS

POLICY/REGULATORY

Islands Trust Policy Statement:

The relevant policy to the proposed development is:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

The policy supports the proposal.

Official Community Plan:

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties. There are no DPAs for sensitive ecosystems designated on the property.

Analysis of the proposed tower's conformity to the objectives and guidelines is found in the Development Permit Area Checklist (Attachment 3) and below in 'Issues and Opportunities.' In summary the form and character of the proposed development proposal conforms to the DPA guidelines.

Land Use Bylaw:

The application complies with the siting, use and parking requirement provisions of the North Pender Island Land Use Bylaw No. 103, 1996. As stated above, the height of the tower (9.7 m/ 31' 9") conforms to the maximum for the zoning and will be confirmed by a legal survey as part of the Building Permit process.

Issues and Opportunities

Form and Character (Facades)

- The proposal is to alter the façade between Buildings 'B' and 'C' (Figure 2, 3 and Attachments 2.4 and 2.5).
- This will include 9.7 m (31'9") tower element that straddles the two buildings.
- The form and character of the tower is consistent with that of the exterior alterations approved for these two buildings and Building 'A' in the previous DP (NP-DP-2016.6).
- In summary, the architecture and design of the project to update the original Driftwood Centre buildings is intended to match that of more recent development on the site. This will give each of the store fronts a differentiated and identifiable look within the overall theme of the development. This improves the current uniform, undifferentiated and 'blocky' appearance of the facades, where signage is the only unique identifier for each business. The updates articulate the current facades with alternating roof lines and roof types, as well as other architectural elements and details. The tower addition is consistent with the design approach.
- The tower construction will not add any floor space to these buildings.

Consultation

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

Rationale for Recommendation

Based on the proposal's compliance with the DPA guidelines and that the siting (height) conforms with the zoning in the LUB, staff is recommending that the LTC approve issuance of Development Permit NP-DP-2018.2 (Murdoch) as per the resolution on Page 1.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the guideline(s) that has not been satisfied.

Recommended resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2018.2 (Murdoch) as the application does not comply with guideline _____ of the North Pender Island Official Community Plan.

Submitted By:	Phil Testemale, A/Planner 2	May 10, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	May 10, 2018

ATTACHMENTS

1. Site Context
2. Mappings, Plans and Photographs
3. DPA Guidelines Checklist
4. Proposed Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811
PID	018-948-413
Civic Address	4605 Bedwell Harbour Road
Property Size	4.08 hectare (10.8 ac)

LAND USE

Current Land Use	Commercial Retail – Driftwood Mall
Surrounding Land Use	The property is surrounded by properties of varying size zoned Rural, Agricultural, or National Park.

HISTORICAL ACTIVITY

File No.	Purpose
NP-DP-2008.1	Overall development plan
NP-DP-2015.3	Amendments to NP-DP-2008.1 for facades, landscaping and parking – expired
NP-DP-2015.6	Minor amendments for ‘Bistro’ entrance, outdoor garden store and parking.
NP-DP-2016.6	Amendments to alter facades of Buildings ‘A’, ‘B’ and ‘C’, landscaping and parking plan.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as Commercial (C), Community Service (CS) and Tourist Commercial (TC) in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (see: Attachment 2: OCP Designations). The proposed development is all within the Commercial (C) designation. Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the Commercial and Tourist Commercial portions of the property (Attachment).
Land Use Bylaw	The property is split-zoned Commercial 1 (C1) Service (SD) and Commercial 2 (C2f) in the North Pender Island Land Use Bylaw No. 103, 1996. The zoning is shown on Figure Fourteen (below). The area of proposed development is within the Commercial 1 (C1) portion. The use and siting of the proposed tower (current application) conform to the Land Use Bylaw.
Other Regulations	
Covenants	There are no LTC or other covenants registered on the property.
Bylaw Enforcement	There is an active enforcement file on the subject property (NP-BE-2013.5) This Enforcement was initiated for insufficient parking (resolved), dumping and burning of waste material and depositing a large pile of gravel. The file is

	open. Many of the issues have been mitigated with the TUP for the adjacent parcel.
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SITE INFLUENCES

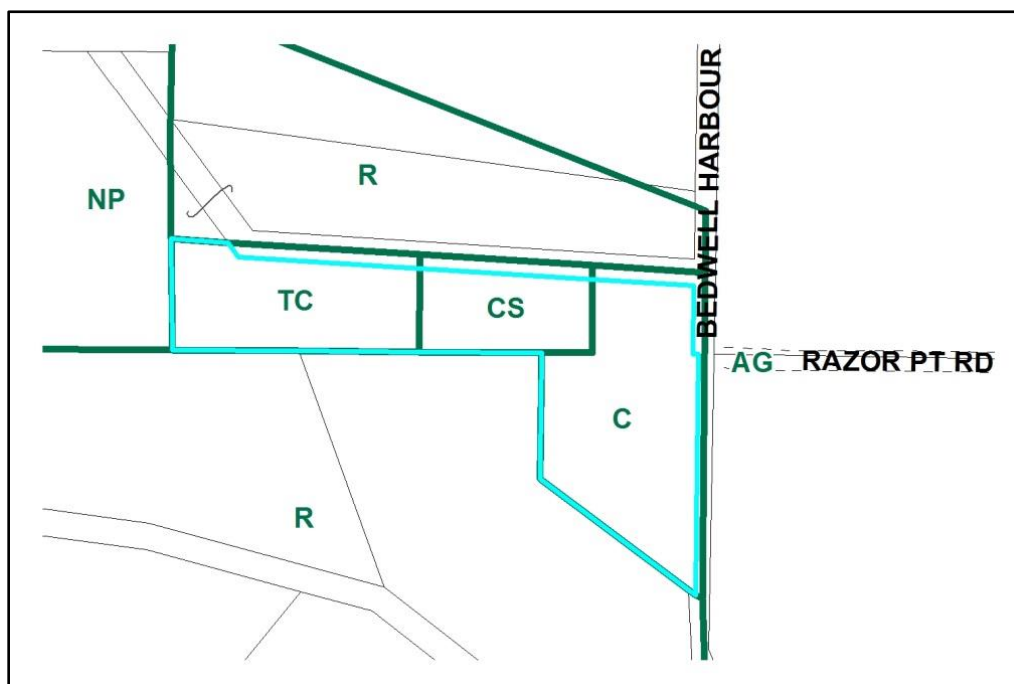
Islands Trust Fund	There are no Trust Fund Board covenants or properties in proximity to the proposed development.
Regional Conservation Strategy	The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	There is a small portion of the property that has mature forest sensitive ecosystem values. The area is on the western periphery of the Commercial 1 (C1) area and the current proposal does not affect this area. There are only small occurrences of low and medium slope hazard on the western periphery of the Commercial 1 (C1) area of the property. The current proposal is unaffected.
Hazard Areas	N/A
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	As the proposed construction does not substantially increase development density, the potential GHG emission changes resulting from approval are minimal. The proposed landscaping plan adds some ground cover that will have a positive impact on climate moderation. Given the location of the potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

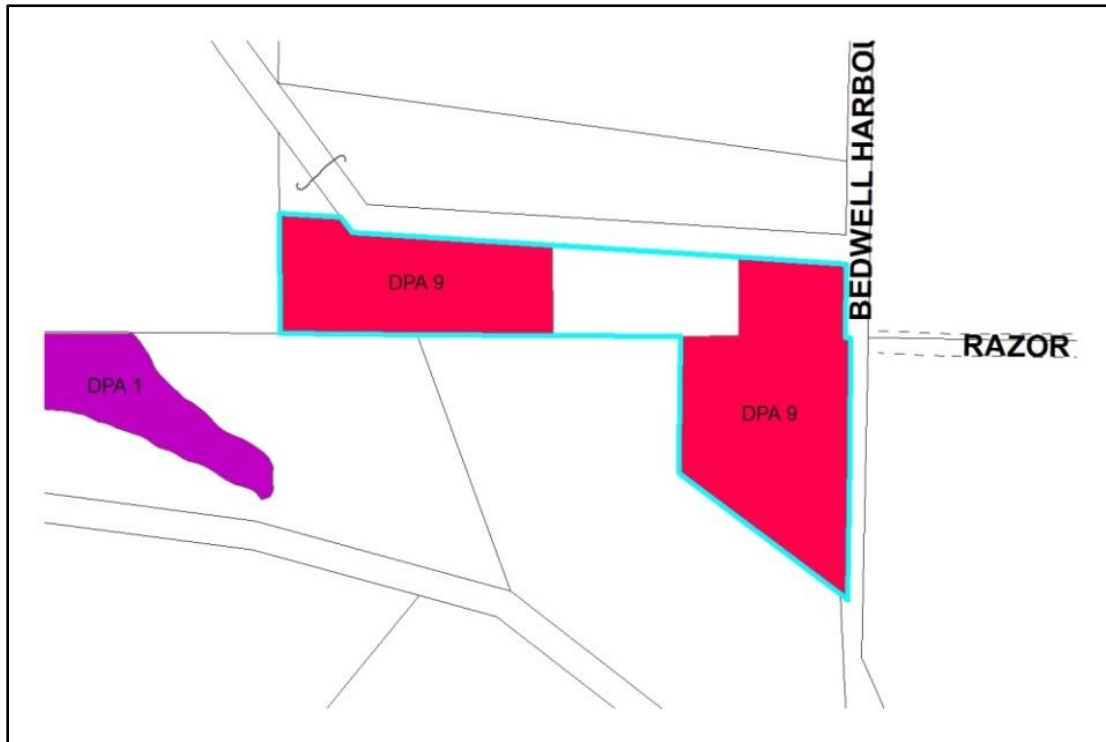
2.1 ORTHOPHOTO WITH ZONING



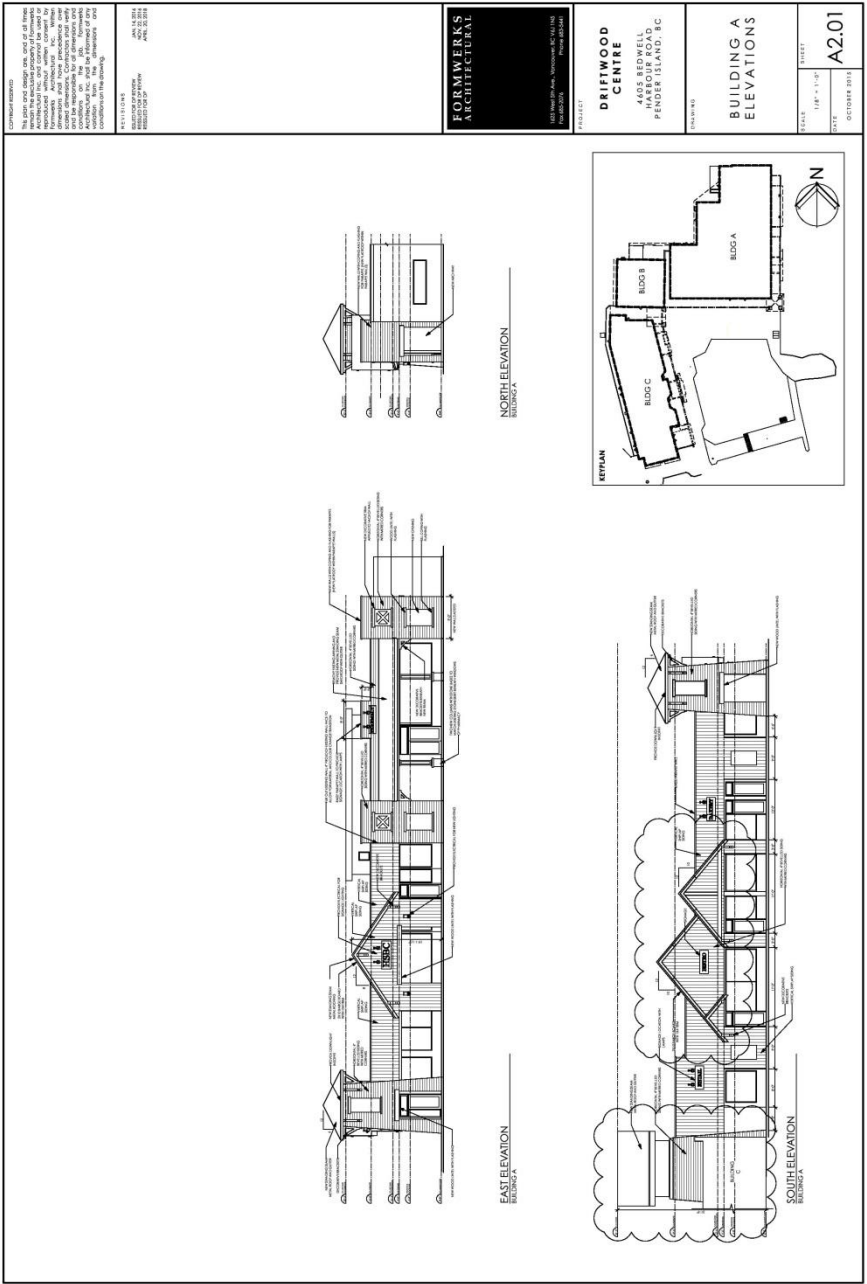
2.2 OCP DESIGNATIONS

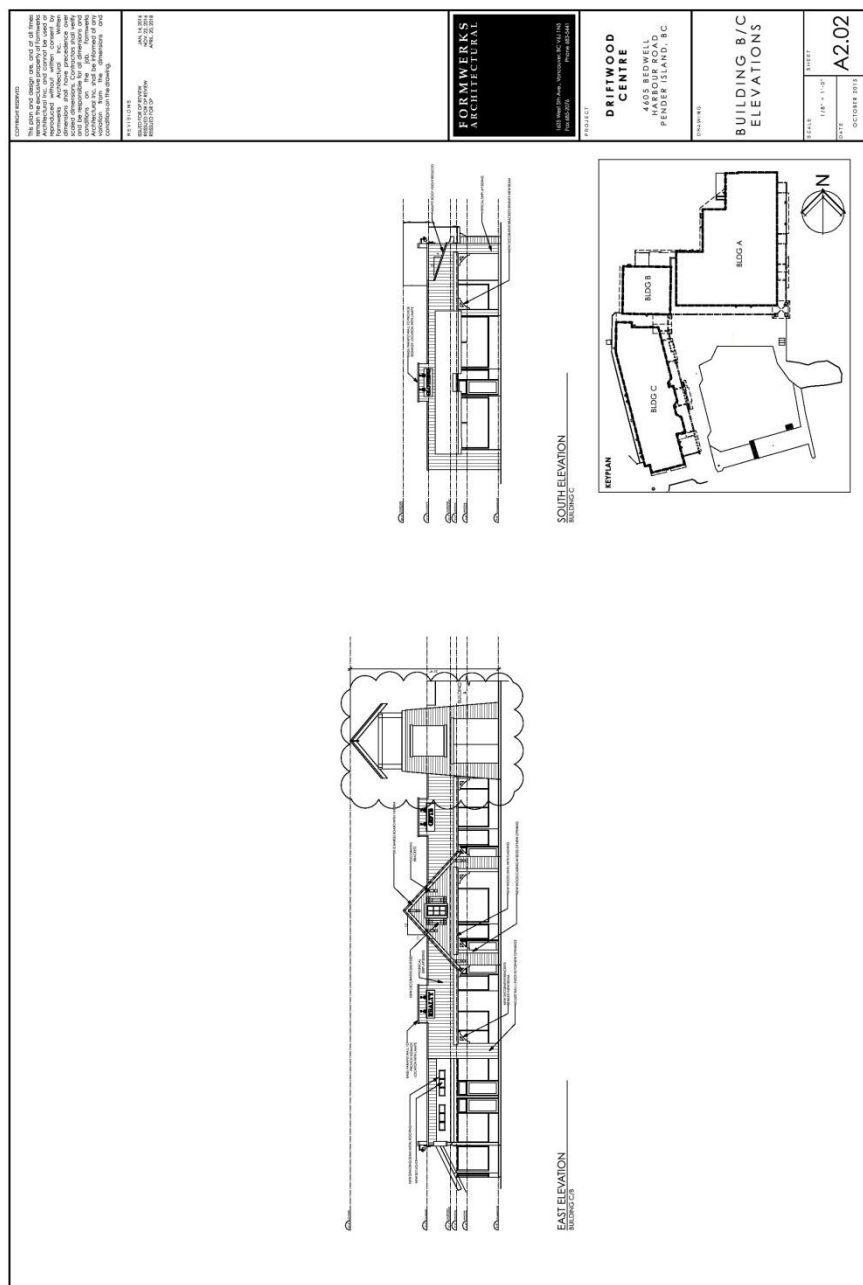


2.3 DEVELOPMENT PERMIT AREAS



2.4 ELEVATIONS OF BUILDING 'A'





2.6 PHOTOGRAPHS OF TOWER FEATURE UNDER CONSTRUCTION



Form and Character Development Permit Checklist

File No: NP-DP-2018.2 (Murdoch/Driftwood)

Proposed Development: Renovation to Facades (Tower Addition)

Guideline	Complies		Comments
	Yes	No	
1. For general commercial buildings or structures			
a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape	☐	☐	N/A
b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road	☐	☐	N/A
c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings	☒	☐	Roof line as well and wood siding are elements consistent with adjacent residential development
d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units	☒	☐	Building height conforms to maximum height in LUB. Size and height is consistent with a articulating roof lines and provides a visual anchor.
e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height	☒	☐	Tower further articulates consistent with other façade updates (NP-DP-2016.6)
f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design	☒	☐	
g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized	☒	☐	
h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered	☒	☐	
i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture	☒	☐	Wood siding, metal standing seam roofing, window trims are all materials commonly used in coastal architecture.
j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features	☒	☐	Tower is consistent with guideline and overall objective of the façade updates for the three buildings.
k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation	☐	☐	N/A

Guideline	Complies		Comments
	Yes	No	
l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design	☒	☐	
m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible	☒	☐	N/A
2. For tourist commercial buildings or structures			
			Section Removed – N/A
3. For industrial buildings or structures			
			Section Removed – N/A
4. Landscaping Guidelines – all applications			
			Section Removed – N/A
5. Parking Layout – all applications			
			Section Removed – N/A
6. Lighting – for all new buildings or site development			
			Section Removed – N/A
7. Signs			
			Section Removed – N/A
8. For marine structures over the water or the foreshore			
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section			
Are any variances proposed?	☐	☒	



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2018.2

To: Hardal Management Inc. (Davie Rae)
c/o Dorothy Murdoch

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

Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811 (PID: 018-948-413)
2. This Development Permit amends Development Permit NP-DP- 2016.6 by replacing Subsection 2.c) and authorizing the construction of additions to existing commercial retail units subject to the following requirements and conditions:
 - a) Construction shall be in substantially in accordance with the Elevations attached as Schedule 'A' and 'B' attached to and forming part of this permit.
3. All work will be substantially consistent with that shown on the Schedule attached to and forming part of this permit.
5. This permit authorizes Islands Trust staff to access the subject property without prior notification, for the purpose of verifying compliance with the conditions set out in this permit.
6. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
7. 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.

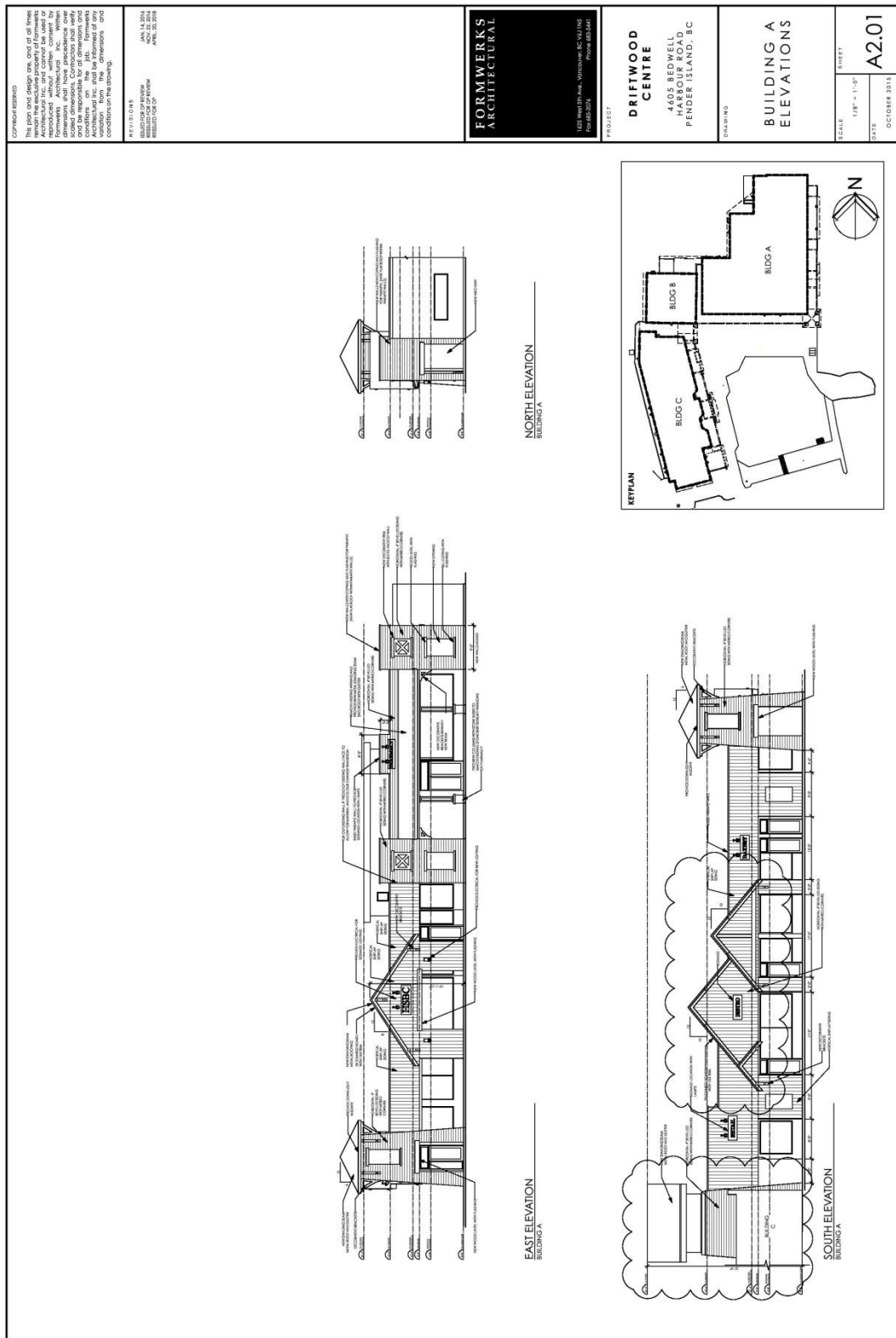
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
THIS ## DAY OF , 2018.

Deputy Secretary, Islands Trust

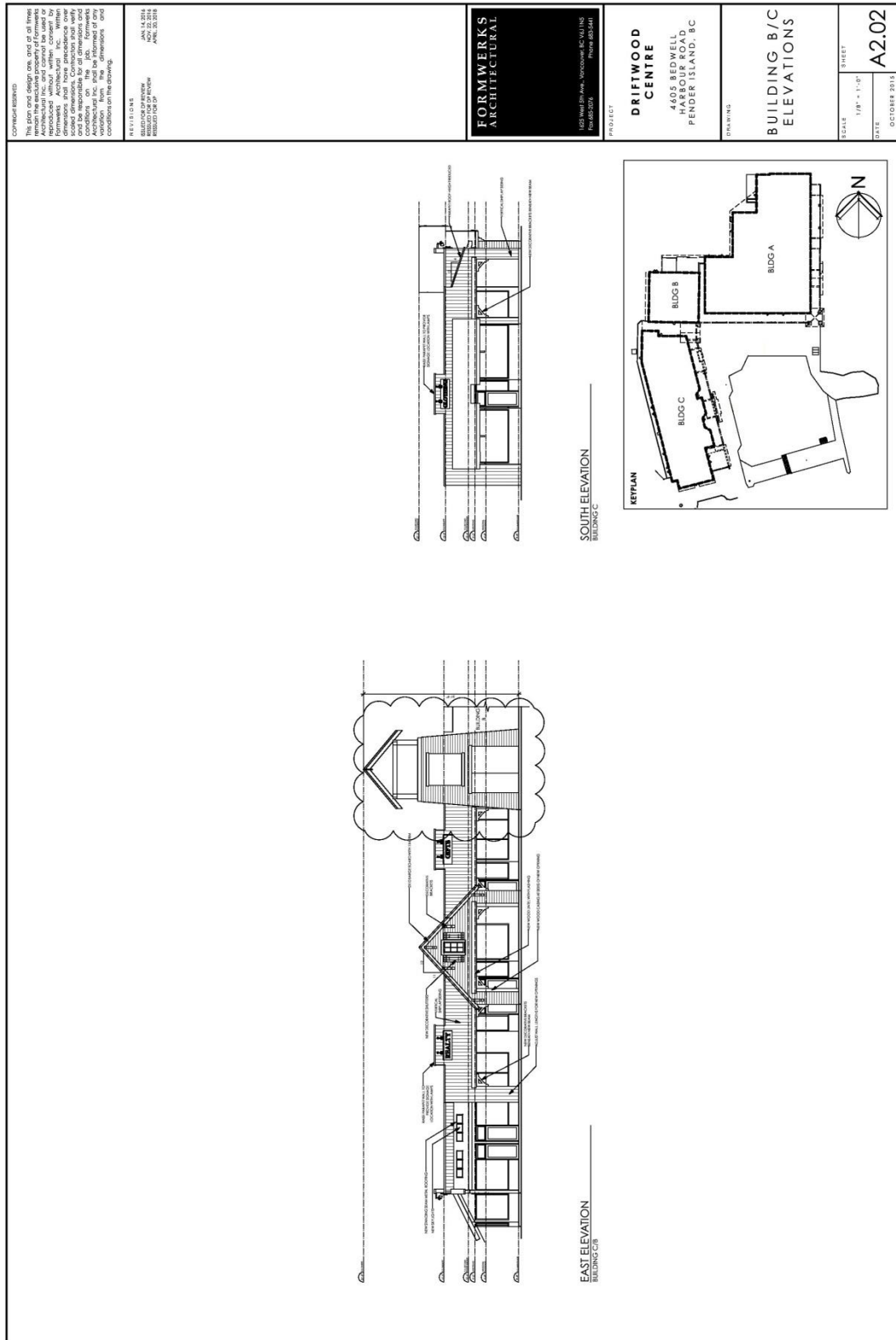
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ## DAY OF Month, 2017, THIS
PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2018.2
Schedule "A"
Building Elevations



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2018.2
Schedule "B"
Building Elevations





STAFF REPORT

File No.: NPI Bylaws 206, 207, 208,
209 & 210 (NP-RZ-2016.2
and NP-RZ-2016.3)

DATE OF MEETING: May 24, 2018

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Justine Starke, Island Planner

SUBJECT: Staff Report - Port Browning Marina OCP amendment and rezoning
Applicant: Mill Bay Marine Group and Gary Henshaw c/o Mill Bay Marine Group
Location: Surveyed Water Lot DL 107 and Unsurveyed Water Area, Port Browning
Harbour, Pender Island, Cowichan District adjacent to 4605 Oak; AND
LOT A (DD G54184) of Section 11, Pender Island, Cowichan District,
Plan 7982 (4605 Oak Road); AND

Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982 (4606 Oak
Road) ; AND

Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part
in Plan 21227 and 1772RW (4602 Oak Road)

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016", be adopted.
2. That the North Pender Island Local Trust Committee Bylaw No. 207, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016", be adopted.
3. That the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016," be adopted.
4. That the North Pender Island Local Trust Committee Bylaw No. 209, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016," be adopted.
5. That the North Pender Island Local Trust Committee Bylaw No. 210, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016," be adopted.

REPORT SUMMARY

The purpose of this report is to present Bylaws 206, 207, 208, 209 & 210 for consideration of Final Adoption.

The above recommendation is supported as all of the bylaws have received Executive Committee approval; Bylaws 207 and 209 have received approval from the Minister of Municipal Affairs and Housing; and, the two required Section 219 Covenants have been registered with the Land Title Office.

BACKGROUND

Background to these applications, including six (6) staff reports and with site context for each of the applications, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

Overall the objectives of the bylaws are as follows:

- Expand the area of marina use and allow for a sewage pump out ;
- Allow for a new floating breakwater (attenuator);
- Expand the area for commercial tourist accommodation;
- Increase lot coverage provisions for buildings;
- Reduce the number of commercial accommodation units (density);
- Increase the maximum floor area for any unit, while reducing overall floor area on site; and,
- Allow the relocation of sewer infrastructure for the resort and marina.

Specifically the Bylaws propose the following:

- **Bylaw 206** proposes to rezone DL 107 and an unsurveyed water area from **Water 1 (W1)** to **Water 2 (W2)** and **Water 2 (a) (W2[a])** and to make amendments to the **Water 2 (W2)** zone to permit sewage pump out facilities and limited accessory buildings and structures on docks;
- **Bylaws 207 and 208** propose to amend the OCP map and rezone a portion of 4602 Oak Road from **Rural (R)** to **Commercial 3 (C3)**, and include it in the Port Browning Resort (4605 Oak Road), which will be rezoned from **Commercial C3(a)** to **Commercial C3**.
- **Bylaws 209 and 210** propose to amend the OCP map and rezone 4602 and 4606 Oak Road to a site specific **Rural (R(d))** zone which removes the **SD** zone and allows for sewer infrastructure.

Specific File Activity:

The rezoning applications have been reviewed previously by the Local Trust Committee on June 30, July 28 and October 27, 2016; January 26, April 27, 2017, May 25, 2017; and, February 22, 2018.

The following is a summary of key resolutions and file activity that have occurred for this application since the last report on February 22, 2018 to the Local Trust Committee:

- The LTC passed the following resolution at its February 22, 2018 regular meeting:

NP-2018-019

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee accept two (2) covenants under section 219 of the *Land Title Act* from the registered owners of LOT A (DD G54184), Section 11, Pender Island, Cowichan District, Plan 7982 and Lot 4, Section 11, Pender Island, Cowichan District Plan 7982 and designate any member of the Local Trust Committee to sign the two (2) covenants for NP-RZ-2016.2 (4605 and 4606 Oak Road).

CARRIED

NP-2018-020

It was MOVED and SECONDED,

That upon confirmation of registration of the two (2) covenants with the Land Title Office, the North Pender Island Local Trust Committee direct staff to conduct a vote by Resolution Without Meeting to adopt North Pender Island Local Trust Committee Bylaw No. 206.

CARRIED

- Confirmation of Ministerial Approval on April 9, 2018 was received from Ministry staff via e-mail and subsequently with the delivery of approval certificates.
- Confirmation that the two (2) Section 219 Covenants have been registered with the Land Title Office was received on May 11, 2018.

Note: *the delay in registration of the Sec. 219 covenants has negated the need for approval of Bylaw 206 by a RWM.*

Rationale for Recommendation

The above recommendations on page 1 are supported as:

- All of the bylaws have received Executive Committee approval;
- Bylaws 207 and 209 have received approval from the Minister of Municipal Affairs and Housing; and,
- The two required Section 219 Covenants have been registered with the Land Title Office.

ALTERNATIVES

1. Proceed no further

The LTC may decide to proceed no further with Bylaw 206, 207, 208, 209 and 210.

Resolutions:

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016".

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 207, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016".

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016".

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 209, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016".

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 210, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016”.

NEXT STEPS

1. The applicants are in the process of preparing a DP application for the marina portion of the development.

Submitted By:	Phil Testemale, A/Planner 2	May 14, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	May 15, 2018

ATTACHMENTS

1. Bylaw No. 206 (Executive Committee Approval)
2. Bylaw No. 207 (Approval by Minister)
3. Bylaw No. 208 (Executive Committee Approval)
4. Bylaw No. 209 (Approval by Minister)
5. Bylaw No. 210 (Executive Committee Approval)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 206

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

The North Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Section 1.1 – Definitions, “marina” is amended by inserting a comma and the word “marine sewage pump-out stations”, after “walkways” and before “and”.

2.2 Clause 8.20.1 (1) (h) is amended by removing the word “and”.

2.3 Clause 8.20.1 (1) (i) is amended by removing the period after “buoys” and replacing it with a semi-colon and the word “and”.

2.4 Article 8.20.1 (1) is amended by inserting the following as clause 8.20.1 (1) (j):

“(j) accessory buildings on docks for which the maximum floor area of all accessory buildings on docks is not to exceed 37 m² within any one location in the W2 zone”.

2.5 Section 8.20 Water 2 (W2) is amended by the insertion of the following as Subsection 8.20.5:

“ 8.20.5 Site Specific Regulations

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

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
W2(a)	Part of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District.	Despite 8.20.1(1), the only use permitted in this area are floating wave attenuators.

2.6 Schedule “D” – Zoning Map, is amended by changing the zoning classification of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District, from Water 1 (W1) to Water 2 (W2) and Water 2 (a) (W2 [a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

3. 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.

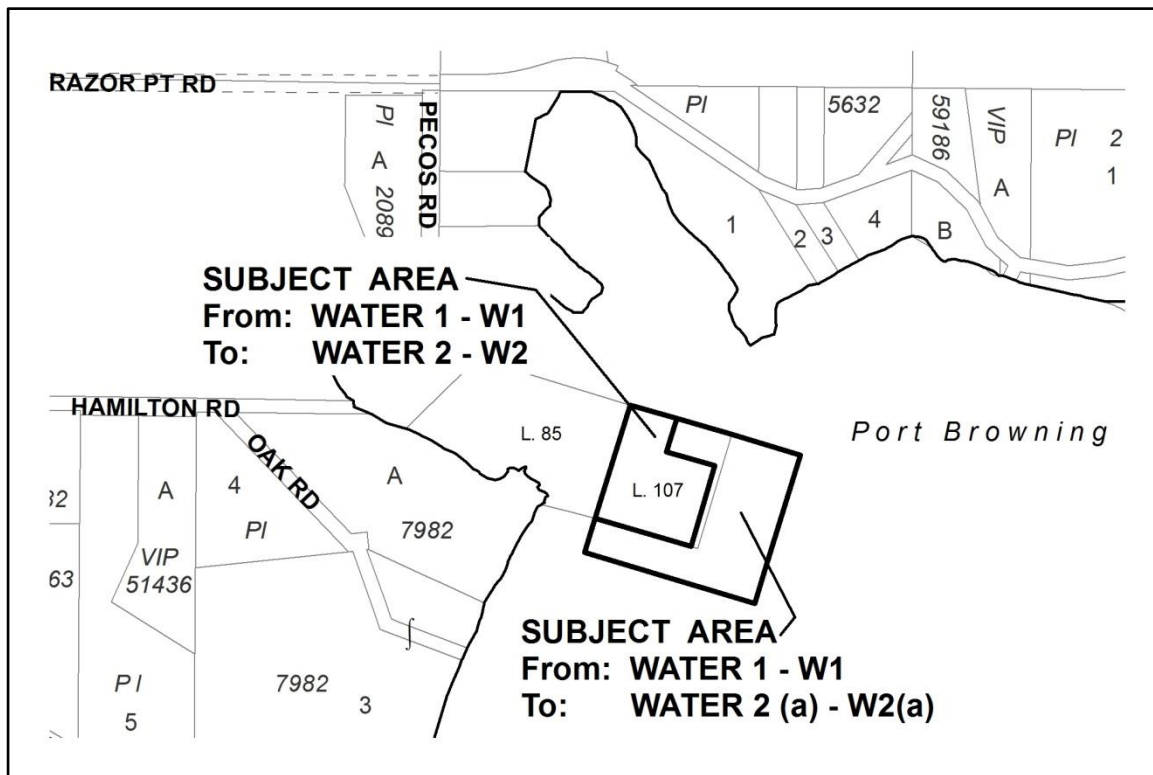
READ A FIRST TIME THIS	26 th	DAY OF	JANUARY	2017
READ A SECOND TIME THIS	27 th	DAY OF	APRIL	2017
PUBLIC HEARING HELD THIS	25 th	DAY OF	MAY	2017
READ A THIRD TIME THIS	25 th	DAY OF	MAY	2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	19 th	DAY OF	JULY	2017
ADOPTED THIS		DAY OF	_____	20__

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 206

Plan No. 1



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 207

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

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:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. 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	26 th	DAY OF	JANUARY	2017
READ A SECOND TIME THIS	27 th	DAY OF	APRIL	2017
PUBLIC HEARING HELD THIS	25 th	DAY OF	MAY	2017
READ A THIRD TIME THIS	25 th	DAY OF	MAY	2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	19 th	DAY OF	JULY	2017
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	9 th	DAY OF	APRIL	2018
ADOPTED THIS	_____	DAY OF	_____	20____

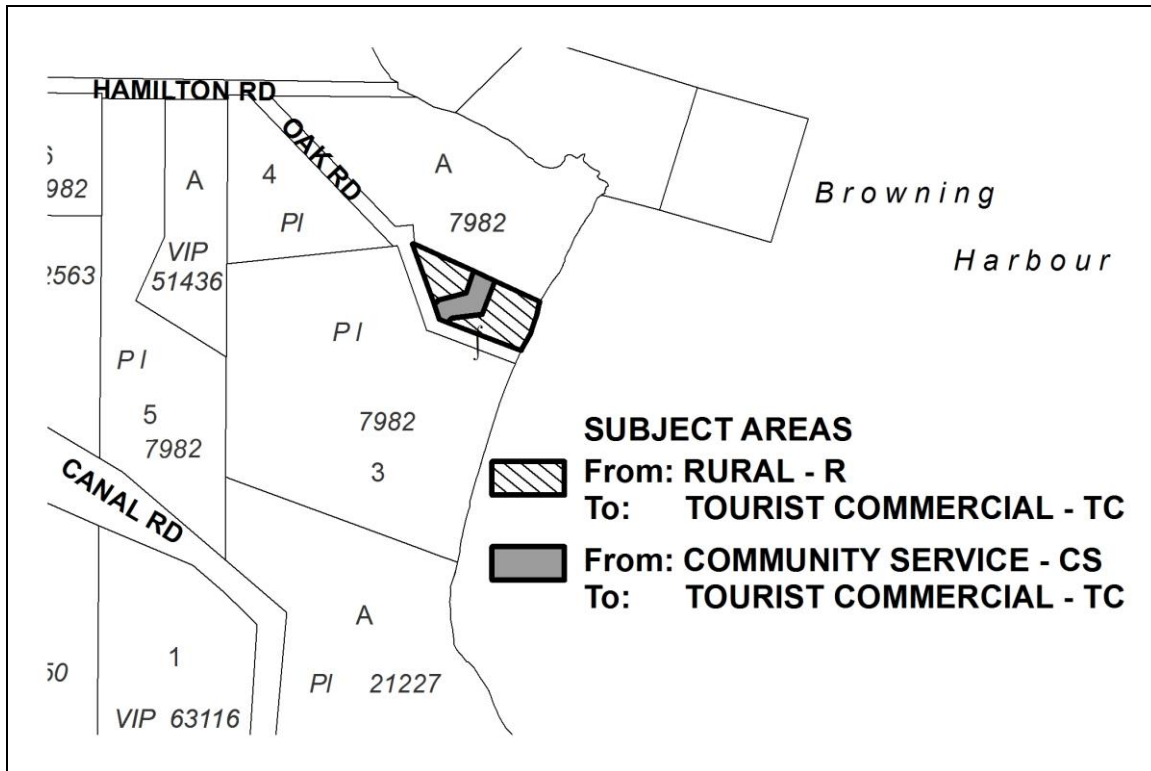
Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 207**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007 is amended as follows:



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 208

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

The North Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Article 8.6.3 (1) is amended by inserting a comma and the words “manager, operator or caretaker”, after “owners” and before “of”.

2.2 Subsection 8.6.3 is amended by inserting the following as article 8.6.3 (3):

“(3) The accessory dwelling for employees is to be located either within one (1) accessory dwelling unit or occupy a maximum floor area no greater than 140 m² within buildings used for commercial accommodation”.

2.3 Article 8.6.4 (2) is deleted and replaced with, “The maximum number of commercial accommodation units permitted in the Commercial 3 zone is 29.”

2.4 Subsection 8.6.4 is amended by adding a new article (3), which reads: “Despite the definition of *commercial guest accommodation unit*, the maximum floor area of a commercial guest accommodation unit is 121 square metres, with the total floor area of all commercial guest accommodation units in the Commercial 3 zone not exceeding 1876 square metres.”

2.5 Article 8.6.5 (1) is deleted and replaced with, “Lot coverage may not exceed 15%.”

2.6 Subsection 8.6.7 is amended by adding a new article (2), which reads: “Despite 8.6.7(1), the maximum height for a hotel is 10.7 metres.”

2.7 Subsection 8.6.9 -- “Site Specific Regulations,” is deleted.

2.8 Schedule “D” – Zoning Map, is amended by changing the zoning classification of a portion of the Lot 3, Section 11, Pender Island, Plan 7982 except Part in Plan 21227 and 1772RW from SD (a) (Service Zone (a)) and Rural (R), to Commercial 3 (C3), and by changing the zoning classification of Lot A (Dd G54184) Of Section 11, Pender Island, Cowichan District, Plan 7982 from Commercial 3 (a) to Commercial 3, as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “D” to Bylaw No. 103 as are required to effect this change.

3. 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.

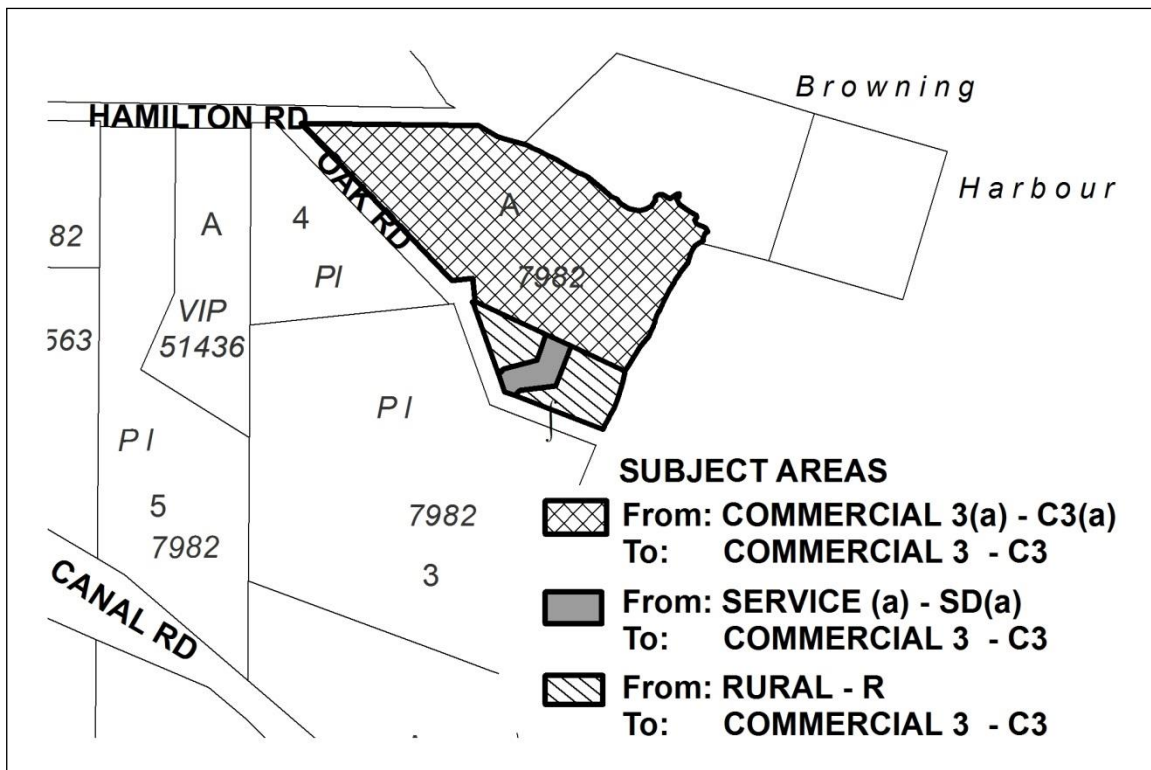
READ A FIRST TIME THIS	26 th	DAY OF	JANUARY	2017
READ A SECOND TIME THIS	27 th	DAY OF	APRIL	2017
PUBLIC HEARING HELD THIS	25 th	DAY OF	MAY	2017
READ A THIRD TIME THIS	25 th	DAY OF	MAY	2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	19 th	DAY OF	JULY	2017
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 208**

Plan No. 1



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 209

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

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:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 Schedule” B” – Land Use Map - is amended, as shown on Schedule 1, attached to and forming part of this bylaw.

3. 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	26 th	DAY OF	JANUARY	2017
READ A SECOND TIME THIS	27 th	DAY OF	APRIL	2017
PUBLIC HEARING HELD THIS	25 th	DAY OF	MAY	2017
READ A THIRD TIME THIS	25 th	DAY OF	MAY	2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	19 th	DAY OF	JULY	2017
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	9 th	DAY OF	APRIL	2018
ADOPTED THIS	_____	DAY OF	_____	20____

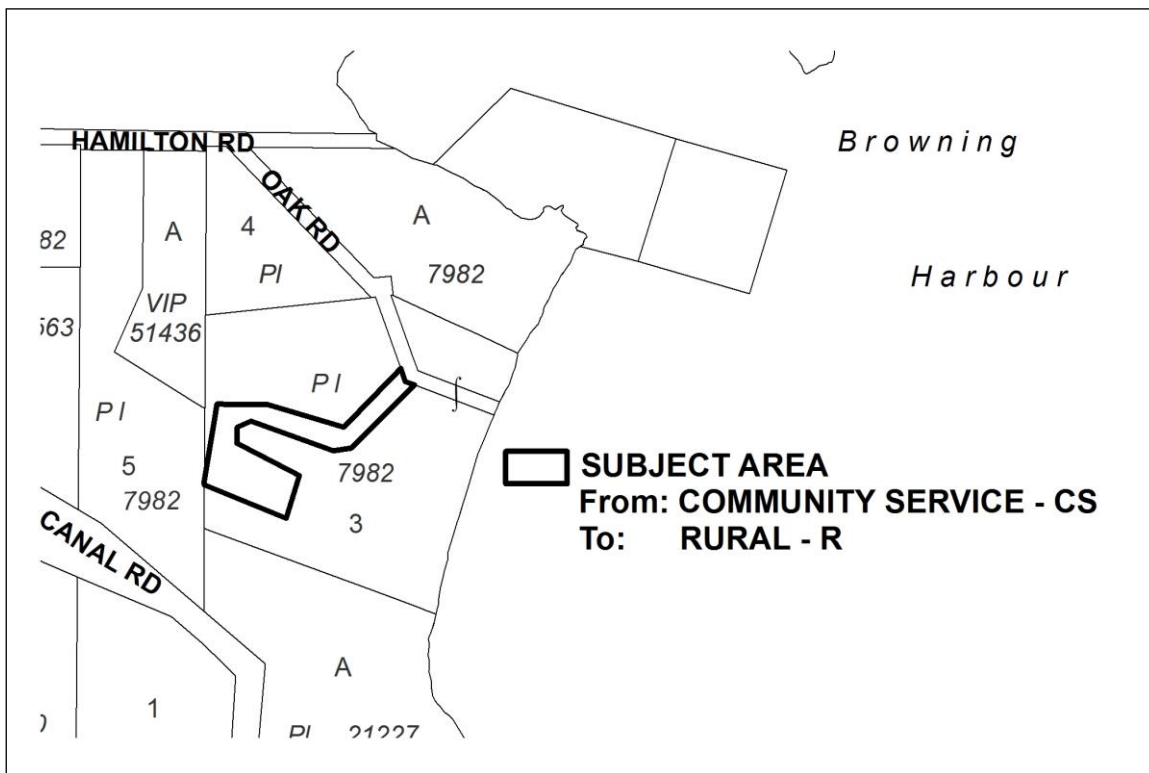
Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 209**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007 is amended as follows:



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 210

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

The North Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Subsection 8.2.8 – “Site Specific Regulations”, is amended by adding a new Site Specific Zone Reference R(d) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
R(d)	Lot 3, Section 11, Plan 7982 except Part in Plan 21227; and Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982.	(1) In addition to the uses permitted by 8.2.2 the following use is permitted: (a) the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982.

2.2 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Lot 3, Section 11, Plan 7982 except Part in Plan 21227 and 1772RW from SD (a) (Service Zone (a)) and Rural (R), to Rural (d) (R(d)), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

2.3 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982 from Rural (R) to Rural (d) (R(d)), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

2.4 And by making such consequential numbering alterations to effect this change.

3. 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.

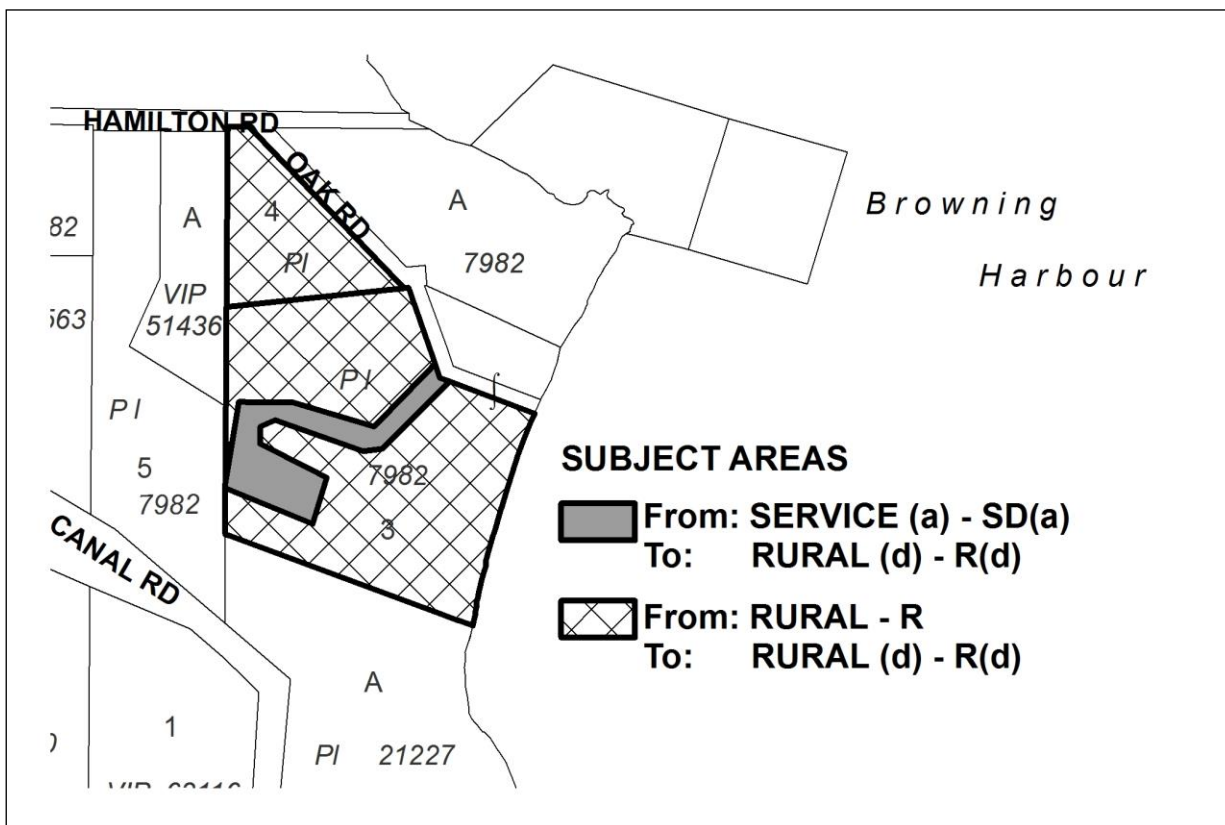
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PUBLIC HEARING HELD THIS	25 th	DAY OF	MAY	2017
READ A THIRD TIME THIS	25 th	DAY OF	MAY	2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	19 th	DAY OF	JULY	2017
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 210**

Plan No. 1



BYLAW REFERRAL FORM

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

Island: Salt Spring Island Local Trust Area Bylaw No.: 498 and 499 Date: March 12, 2018

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

APPLICANTS NAME / ADDRESS:

Gregory and Marianne Campbell / 347 Bridgman Road, Salt Spring Island V8K 1W7

PURPOSE OF BYLAW:

- **Bylaw 498:** To amend Salt Spring Island Official Community Plan Bylaw No. 434 to remove the subject property (3 legal lots) from Development Permit Area 2 – Non-Village Commercial and Industrial.
- **Bylaw No. 499:** To amend Salt Spring Island Land Use Bylaw No. 355 to rezone the subject property (3 legal lots) from Commercial Accommodation 2 (cottage resort zone) to a new Rural zone permitting a principal residence on each property as well as a total of 2 seasonal cottages.

GENERAL LOCATION:

347 Bridgman Road, Salt Spring Island, BC

LEGAL DESCRIPTION:

- **Lot B**, Section 54, South Salt Spring Island, Cowichan District, Plan 18629 (PID: 003-769-861)
- **Parcel F** (DD39041I) of Section 54, South Salt Spring Island, Cowichan District, Except That Part Lying to the West of the Easterly Boundary of Plan 18629 (PID: 009-743-952)
- **Lot 1**, Section 54, South Salt Spring Island, Cowichan District, Plan 11121, Except Part in Plan 18629 (PID: 005-126-185)

SIZE OF PROPERTY AFFECTED:

2.4 hectares/5.9 acres

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhoods (RL)

OTHER INFORMATION:

To review staff reports, please see our webpage under application **SS-RZ-2017.1**
<http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

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



(Signature)

Name: Seth Wright

Title: Planner 2

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region (Rockfish Conservation)

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation
Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection

Non-Agency Referrals

SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

Provincial Agencies

BC Assessment Authority
Ministry of Municipal Affairs and Housing
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural Development
– Front Counter BC

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

498 and 499
(Bylaw Number)

(Title)

(Agency)

Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke	
2	Housing	This is a broad scope project focused on housing; the first priority was consideration of vacation rentals in residential zones (COMPLETED). The LTC will now consider permitting secondary suites on North Pender.	03-Feb-2015	Justine Starke	
3	First Nations Interests	LTC to consider First Nations issues and interests affecting North Pender.	24-Nov-2016		

Projects

North Pender Island

Description	Activity	R/Initiated
Potable Water		29-Oct-2015
Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015
Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009
Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths - DONE 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) 6. Marine riparian areas		22-Jan-2009
Agricultural Building Watercourse Setbacks		28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

**Projects****North Pender Island**

Description	Activity	R/Initiated
LUB Amendments	·review of industrial zoning, including waste management ·tourist commercial zoning review ·home industry regulation ·review of commercial (C1) zoning ·incorporate TUP's into zoning ·landscape screening review ·review of marine zoning regulations in conjunction with overall shoreline development review ·amendments to permit renewable energy ·review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction ·height exemptions for agricultural or forestry buildings ·max floor area for principal dwellings	22-Mar-2012
Road Side Signs		26-Apr-2012
Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012
LUB/OCP Amendments Related to Roadway and Transportation Initiatives	·NZEV designation ·Level 2 Charging Stations ·Additional Car Stop Locations ·Additional Bicycling-Walking Routes ·Heritage Roads ·Road standards in subdivision servicing regulations ·Related policy and regulatory options	20-Sep-2012

Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.

Projects

North Pender Island

Description	Activity	R/Initiated
Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones	
Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	22-Jan-2009



Islands Trust

Print Date: May 17, 2018

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.3	Datawave Communications Inc. Inc. No. BC0287893 (Driessen) Planner: Phil Testemale	18-Aug-2017	Single Family Dwelling
Planning Status			
Status Date: 15-Nov-2017 Applicant obtaining geotechnical assessment report			
Status Date: 17-Oct-2017 Request for further information (geotechnical assessment) sent to applicant			
Status Date: 13-Sep-2017 Waiting for survey information to process file			
File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.2	DOROTHY S MURDOCH for Hardal Management Planner: Phil Testemale	25-Apr-2018	To amend NP-DP-2008.1 for new roofline
Planning Status			
Status Date: 10-May-2018 On agenda for May 24, 2018 LTC - consideration of issuance.			
Status Date: 03-May-2018 assigned to planner			
Status Date: 27-Apr-2018 opened file, passed to A/PTA to create paper copies and forward to RPM for assignment.			
File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.3	Christine Collinson	08-May-2018	Remedy completed work, if determined, in DPA area.

Applications

Planner: Ian Cox

Planning Status

Status Date: 10-May-2018

opened file, processed fee, notified LTC, await RPM planner assignment

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.4	DRORA ARONOWICZ	10-May-2018	impact of lampposts on eagles nest in driveway

Planner:

Planning Status

Status Date:

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.3	BRAD JOHNSON	13-Jun-2017	Variance required for access stairs to lower main deck of existing pathway, stairs and dock.

Planner: Phil Testemale

Planning Status

Status Date: 10-May-2018

Sent e-mail to owner requesting update.

Status Date: 22-Feb-2018

Site meeting with owner scheduled for March 5, 2018

Status Date: 09-Jan-2018

Sent reminder to applicant requesting status

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2018.1	ADRIENNE ATHERTON / CIVIC LEGAL LLP	09-Mar-2018	1117 Walden Road (Drora Aronowicz, owner) - improvements/upgrade to south patio and main stone patio of single-family dwelling

Planner: Phil Testemale

Applications

Planning Status

Status Date: 06-Apr-2018

Assembled full application package e-file and emailed to LTC.

Status Date: 05-Apr-2018

Emailed scanned receipt and cheque to Applicant, mailed original; created hard file, gave to Robert K to assign to Planner.

Status Date: 04-Apr-2018

Received application package from Warren D.; created e-folder in LAN. Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files.

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2018.2	Xueping Yuan	07-May-2018	To construct a over-height garage in DPA area.

Planner: Phil Testemale

Planning Status

Status Date: 10-May-2018

opened file, notified LTC, processed fee, passed to RPM to assign planner.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.2	PORT BROWNING MARINA RESORT LTD INC.NO. BC1037734	09-May-2016	4605 OAK RD Rezone the water lot adjacent to the current Marina

Planner: Phil Testemale

Planning Status

Status Date: 14-Feb-2018

Covenants on February 22, 2018 agenda for acceptance and signing authority. Bylaw 206 (marina)final approval pending register of covenants. Bylaw 207 and 208 awaiting Ministerial signature.

Status Date: 09-Jan-2018

Covenants drafted and revised. Applicants working on access agreements for Pool and Sailing Assn.

Applications

Status Date: 19-Jul-2017

Bylaws 206 through 210 approved by EC. 207 and 209 to be forwarded by PTA to Minister.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.3	MILL BAY MARINE GROUP c/o HENSHAW	20-May-2016	4602 and 4606 and 4605 Oak Road 005-636-639 Request that area zoned SD(a) passing through lots 3 and 4 be re-aligned to be adjacent to the westerly boundaries AND rezone the part of lot 3 that sits NE of Oak Rd to be C3(a).

Planner: Phil Testemale

Planning Status

Status Date: 19-Jul-2017

Bylaws approved by EC. 209 to Minister for Approval

Status Date: 15-Jun-2017

Bylaws 206 through 210 to July 19 EC for approval.

Status Date: 20-Apr-2017

Report to LTC for consideration of second reading.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.4	PENDER ISLAND COMMUNITY SERVICE SOCIETY PICSS c/o RAE	27-Oct-2016	4605 BEDWELL HARBOUR RD - OCP AND LUB Amendment from Rural to Community Service Zoning

Planner: Phil Testemale

Planning Status

Status Date: 23-Nov-2017

Bylaws receive further reading, forwarded to EC and Minister

Status Date: 15-Nov-2017

CIM and Public Hearing Scheduled for November 23 LTC

**Applications****Status Date:** 02-Oct-2017

Bylaws 211 and 212 drafted - First Reading given at September 21 LTC. Direction to schedule PH and refer bylaws.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.1	ADRIENNE ATHERTON / CIVIC LEGAL LLP	09-Mar-2018	1117 Walden Road (owner: Drora Aronowicz) - deck structure within 15m of shore boundary; deck structure within Water Zone 1
Planner: Phil Testemale			

Planning Status**Status Date:** 06-Apr-2018

Assembled full application package e-file and emailed to LTC.

Status Date: 05-Apr-2018

Emailed scanned receipt and cheque to Applicant, mailed original; created hard file, gave to Robert K to assign to Planner.

Status Date: 04-Apr-2018

Received application package from Warren D.; created e-folder in LAN. Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files.

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD To create 11 lots including remainder
Planner: Kim Stockdill			

Planning Status**Status Date:** 11-May-2018

Updated driveway access plan received.

Status Date: 09-Jan-2018

Awaiting information on driveway status

Status Date: 22-Jun-2017

Update meeting with applicant - today's date

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-SUB-2016.2 PORT BROWNING 06-Jun-2016 4605 and 4602 OAK Rd
MARINA RESORT
Boundary adjustment

Planner: Phil Testemale

Planning Status

Status Date: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC

Status Date: 19-Jul-2017

Bylaws approved by EC. 207 to Minister for Approval.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.1	DAVID G RICHARDSON EDNA M HEMSWORTH	16-Mar-2017	3210 ARMADALE RD - proposed subdivision to create 2 residential parcels
Planner: Phil Testemale			

Planning Status

Status Date: 14-Feb-2018

DVP approved (January 30, 2018). 10 percent waiver on February 22, 2018 agenda. Proof of potable water, septic and drainage required.

Status Date: 09-Jan-2018

PLA received. DVP on Jan 25, 2018 LTC for consideration.

Status Date: 13-Sep-2017

Waiting for PLA. Required DVP Application has been submitted.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	proposed 2 lot subdivision
Planner: Phil Testemale			

Planning Status

Status Date: 02-Feb-2018

Referral response sent to MoTI.

Applications

Status Date: 16-Jan-2018

fees received, LTC notified, file passed to planner.

Status Date: 22-Dec-2017

file received from MoTI, fee request sent to applicant.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.2	LESLIE A HEPBURN	26-Feb-2018	TUP for STVR

Planner: Ian Cox

Planning Status

Status Date: 09-May-2018

Ian Cox receive file - Victoria office

Status Date: 08-Mar-2018

File reviewed

Status Date: 28-Feb-2018

Open file, process fees, awaiting planner assignment

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.3	NEIL PEGRAM	27-Mar-2018	4729 Buccaneers Road - single detached home/cottage to be used as short-term vacation rental

Planner: Phil Testemale

Planning Status

Status Date: 04-Apr-2018

Hard file received from Robert, advised to assign to Phil; file left in Phil's office.

Status Date: 03-Apr-2018

Efile payment received from Applicant today; payment confirmed by Finance, added to file. Application package emailed to Trustees, hard file given to Robert to assign to Planner.

Status Date: 27-Mar-2018

Printed out and created application file; applicant will pay through Interac, also needs to submit full State of Title Certificate.



Islands Trust

Print Date: May 17, 2018

Applications

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.4	HARDAL MANAGEMENT INC Planner: Phil Testemale	15-May-2018	
Planning Status			
<u>Status Date:</u> 16-May-2018			
PTA opened file, processed eft transfer, given to RPM			

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending March 2018

650 North Pender	Invoices posted to Month ending March 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	31.80	1,468.20
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	3,899.66	100.34
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	415.20	184.80
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>4,314.86</u>	<u>1,285.14</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	0.00	5,000.00
73001-650-4054	North Pender Waste Management Review	7,000.00	6,484.37	515.63
73001-650-4086	North Pender Secondary Suites Review	5,000.00	345.89	4,654.11
73001-650-4087	North Pender Housing Needs Assessment	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>19,000.00</u>	<u>6,830.26</u>	<u>12,169.74</u>

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.	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.
4.	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.
5.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.



DATE OF MEETING: May 24, 2018
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Management
Southern Team
COPY: David Marlor, DLPS
SUBJECT: **2017-2018 annual report – approval of North Pender Island Local Trust Committee section**

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

PURPOSE: Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2018 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). The Executive Committee approved the format and outline of the 2017-2018 Annual Report at its meeting on April 9, 2018.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 19-21 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee on June 6 and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about activities with First Nations may be included within committee reports.

OTHER: N/A

RELEVANT POLICY(S): Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

ATTACHMENT(S): Local Trust Committee input to Annual Report (draft)

ALTERNATIVES

1. That the North Pender Island Local Trust Committee approves the attached text (as amended) for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Submitted By:	Robert Kojima, Regional Planning Manager	May 9, 2018
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ATTACHMENTS

1. North Pender Island Local Trust Committee input to Annual Report (draft)

North Pender Island Local Trust Committee

The North Pender Island Local Trust Committee held 9 regular business meetings in the 2017–2018 fiscal year, as well as 4 Community Information Meetings, 2 special meetings and 3 public hearings.

Work for this period focused on advancing the Local Trust Committee (LTC) priorities to address short term vacation rental regulations, waste management land use, and secondary suite regulations.

The North Pender Island Local Trust Committee received and considered applications for 3 rezonings, 5 development variance permits, 2 development permits and 4 temporary use permits.

Another initiative of the North Pender Island LTC for this period was relationship building with First Nations through planning for a community workshop.