



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: April 24, 2014
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road
North Pender Island, BC

Pages

- | | | | |
|-------|---|---------------------|---------|
| 1. | Call to Order | 9:45 AM - 10:00 AM | |
| 2. | Approval of Agenda | | |
| 2.1 | Additions/Deletions | | |
| 2.2 | Questions from the public on Agenda Items | | |
| 3. | Community Information Meeting | 10:00 AM - 10:20 AM | |
| 3.1 | North Pender Island Local Trust Committee Bylaw No. 194 | | |
| 4. | Public Hearing | 10:20 AM - 10:40 AM | |
| 4.1 | North Pender Island Local Trust Committee Bylaw No. 194 | | |
| 5. | Previous Meetings | 10:40 AM - 10:50 AM | |
| 5.1 | Local Trust Committee Minutes | | |
| 5.1.1 | North Pender Island Local Trust Committee Meeting Minutes Dated March 27, 2014 (attached) | | 4 - 13 |
| | For consideration to Adopt | | |
| 5.2 | Public Hearing Records and Community Information Meeting Notes to be Received | | |
| | none | | |
| 5.3 | Section 26 Resolutions-without-meeting (attached) | | 14 - 14 |
| | RWM Report dated April 2014 | | |
| 5.4 | Advisory Planning Commission/Task Force to be received | | |
| | none | | |

6.	Business Arising from the Minutes	10:50 AM - 11:00 AM	
6.1	Follow-up Action List (attached)		15 - 17
	FUAL Report dated April 2014		
7.	Delegations		
	none		
8.	Correspondence		
	<i>[correspondence received concerning applications and/or projects is considered with the applications/projects]</i>		
	none		
9.	Applications, Permits, Bylaws and Referrals	11:00 AM - 12:30 PM	
9.1	Wallace Point NAPTEP Application - April 2014 Updates (attached)		18 - 21
	For information		
9.2	NP-TUP-2014.1 (Collier) Memo & Correspondence (attached)		22 - 94
9.3	NP-RZ-2012.2 (Clam Bay) Staff Report (attached)		95 - 162
10.	Local Trust Committee Projects	12:30 PM - 12:45 PM	
10.1	Bylaw No. 194 - Memo (attached)		163 - 174
11.	Reports	12:45 PM - 1:15 PM	
11.1	Work Program Report		175 - 177
	Work Program Report dated April 2014 (attached)		
11.2	Applications Report (attached)		178 - 181
	Application Report dated April 2014		
11.3	Bylaw Enforcement		
	none		
11.4	Expense/Budget Reports (attached)		182 - 182
	LTC Expense Report dated March 2014		
11.5	Adopted Policies and Standing Resolutions (attached)		183 - 183
11.6	North Pender LTC Web Page		
	The North Pender Island Local Trust Committee web page can be found at:		

11.7 Chair's Report

11.8 Trustee Report

12. Other Business 1:15 PM - 1:45 PM

12.1 Upcoming Meetings

The next meeting of the North Pender Island Local Trust Committee will be held Thursday, May 29, 2014, at 9:45 am, at the North Pender Island Community Hall.

12.2 2013 - 2014 Annual Report Submission (attached) 184 - 186

12.3 Einar's Hill

Discussion

13. Town Hall Meeting 1:45 PM - 2:00 PM

14. In-Camera Meeting 2:00 PM - 2:20 PM

THAT, pursuant to Section 90 (d), (f) and (g) of the Community Charter, the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting the November 28, 2013, In-Camera Meeting Minutes and to consider membership appointments to the Advisory Planning Commission; and that staff and Recording Secretary remain persent.
(distributed under seperate cover)

15. Recall to Order 2:20 PM - 2:30 PM

15.1 Rise and Report from In-Camera Meeting

16. Adjournment 2:30 PM - 2:30 PM

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, MARCH 27, 2014, AT 9:45 AM
PENDER COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD,
NORTH PENDER ISLAND, B.C.**

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

REGRETS: None

There were fourteen (14) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:47 am and made introductions. He also acknowledged that we were meeting on traditional Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The agenda was amended to add the following:

new item 12.3 Letter to Realtors

The amended agenda was adopted by consensus.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 North Pender Island Local Trust Committee Draft Meeting Minutes of February 27, 2014

The February 27, 2014, minutes were amended as follows:

- page 1, item 1 – delete the phrase after “Coast Salish territory”; and
- page 7, item 11.7 – delete the phrase after “0% tax increase”.

The February 27, 2014, minutes as amended, were Adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the March, 2014, Follow-up Action Report.

7. DELEGATIONS

None

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-DP-2014.2 (Millett) / NP-DVP-2014.1 (Millett)

Planner Pickard reviewed the Staff Report dated March 19, 2014. Application NP-DP-2014.2 / NP-DVP-2014.1 (Millett) involved a request to develop a private float and dock within the Magic Lake Riparian and Aquatic Development Permit Area. Variances were requested to reduce the required side lot line setback and to increase the maximum length of the float in order to reach beyond the lily pads. There was a supporting professional report, including planting recommendations.

Trustees Hancock and Steeves noted the steps to minimize impact, e.g. contained flotation and the required planting to maintain the health of the lake.

NP-2014-031

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee Development Permit NP-DP-2014.2 (Millett) be Approved.

CARRIED

NP-2014-032

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2014.1 (Millett) be Approved.

CARRIED

9.2 NP-RZ-2012.1 (Burdett)

Chair Luckham noted that application NP-RZ-2012.1 (Burdett) was being given preliminary consideration today, regarding whether to proceed to require more information from the applicant and to make referrals to other agencies. There would be various opportunities for public comment during the Town Hall at the end of this meeting and, at future meetings during the process, after which the Local Trust Committee would decide whether or not to grant a rezoning.

Planner Pickard reviewed the Staff Report dated March 19, 2014. The application NP-RZ-2012.1 involved a request to rezone an Industrial-zoned portion of property at 4606 Razor Point Road which was also waterfront facing onto Hamilton Cove/Port Browning. This would accommodate a solid waste transfer facility and in-vessel composting. The Agricultural Land Commission had now approved the foregoing non-farm uses but not the requested boat storage or public trail. The applicants had provided previous Hydrological and Environmental Assessments and if the Local Trust Committee decided to rezone this property, the Capital Regional District (CRD) could have a regulatory role. Planner Pickard had prepared a suggested list of additional information to require from the applicants. A referral of the application to other appropriate agencies for comment required a draft rezoning bylaw.

The Trustees expressed various concerns, and asked questions of Planner Pickard and also applicants Michael and Anne Burdett. Attending members of the public were invited to comment during the Town Hall (see item 13. below).

The additional information which staff suggested be provided by the applicants involved buffering, a survey, the Agricultural Land Reserve boundary, a fencing plan, proposed mitigation strategies (for odours, leachate, noise, vectors, litter, dust), a more detailed site plan, an updated estimation of vehicle traffic, and more. The agencies to which a draft bylaw could be referred included the Regional Agrologist, CRD Solid Waste Management, CRD Building Inspection, the Ministry of Environment, and the Ministry of Transportation & Infrastructure.

NP-2014-033

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2012.1 (Burdett) and to prepare a draft bylaw.

CARRIED

NP-2014-034

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee directs staff to advise the applicant for NP-RZ-2012.1 (Burdett) to provide the information requested as identified in the Staff Report dated March 19, 2014.

CARRIED

9.3 Saturna Island Local Trust Committee Bylaws No. 112, 113, 114 & 115

There was consideration of four Bylaw Referral Forms from the Saturna Island Local Trust Committee.

NP-2014-035

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee advise the Saturna Island Local Trust Committee that with respect to Proposed Bylaw No. 112, its interests are unaffected.

CARRIED

NP-2014-036

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee advise the Saturna Island Local Trust Committee that with respect to Proposed Bylaws No. 113 and No. 114, its interests are unaffected.

CARRIED

NP-2014-037

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee advise the Saturna Island Local Trust Committee that with respect to Proposed Bylaw No. 115, its interests are unaffected.

CARRIED

Note - There was a break, during which the Trustees recognized that this was the last North Pender meeting for Planner Andrea Pickard, who was taking a new position. There was heartfelt acknowledgement of Planner Pickard's five years of outstanding work on behalf of the Pender Local Trust Committees and the Pender community.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Conservation Subdivision

Planner Pickard reviewed the March 18, 2014, Staff Report. The requested follow-up to previous community and Local Trust Committee meetings were presented. Staff had prepared a revised Project Charter (to be amended further to remove Pickard's name) and they were organizing an April or May workshop to further engage property owners. As requested, Staff had prepared detailed lists and options about potential Official Community Plan and Land Use Bylaw amendments to support a Conservation Subdivision approach. One option was based on existing development permit areas whereas another involved creating a new development permit area.

There was discussion of Conservation Subdivision issues such as developable areas, lot clustering, minimum and average lot sizes, road standards, and balancing ecosystem protection with sustainable resource management.

Trustee Hancock said that it was premature to develop potential development permit area provisions, or other potential language for Official Community Plan or Land Use Bylaw amendments. First we needed to continue engaging landowners, to discuss their objectives and also community objectives, and to keep explaining the benefits and challenges of a Conservation Subdivision approach.

Trustee Steeves noted that there had been a lot of positive feedback since the November 23, 2014, community information meeting to introduce this project.

NP-2014-038

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee endorses the revised project charter, as amended and referred to as Version 2, updated March 27, 2014, for the Conservation Subdivision Project.

CARRIED

10.2 Land Use Bylaw Technical Amendments

Planner Andrea Pickard reviewed the March 19, 2014, Staff Report. Proposed Bylaw No. 194 would amend the Land Use Bylaw for technical corrections such as erroneous cross-references, typographical errors, outdated regulatory references and, improve clarity. After First Reading and agency referrals, discussions with the CRD Ports Manager had suggested the need for a revised water zone boundary for the public dock in Browning Harbour and that a Public Hearing for Proposed Bylaw No. 194 was scheduled to occur during the April 24, 2014, Local Trust Committee Meeting.

NP-2014-039

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee amend Proposed Bylaw No. 194, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014,” by including a map amendment to the Water 4 zone boundary for the Browning Public Dock as indicated in the staff report dated March 19, 2014.

CARRIED

NP-2014-040

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee Proposed Bylaw No. 194, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014,” be given Second Reading.

CARRIED

10.3 Shoreline Project – Verbal Update

Planner Pickard noted that staff were waiting to see the consultant’s final version of the tri-fold brochure for the Shoreline Project.

11. REPORTS

11.1 Work Program Report

There were no changes to the Work Program.

11.2 Applications Report

Planner Pickard reviewed the Applications Report dated March, 2014.

11.3 Bylaw Enforcement Report

None

11.4 Expense/Budget Reports

A Local Trust Committee Expense Report had been emailed to the Trustees.

11.5 Adopted Policies and Standing Resolutions

For information

11.6 North Pender LTC Web Page

Regional Planning Manager Kojima noted that staff were working on a new search tool, so people could find older documents on the Islands Trust website.

11.7 Chair's Report

Chair Luckham reported as follows: that there had been a really successful Trust Council meeting on Hornby Island; that the budget for the coming fiscal year had been approved at the meeting; that there had also been a Treaty Negotiations presentation; and that there was ongoing Islands Trust advocacy on marine issues such as aquaculture and tankers.

11.8 Trustee Reports

Trustee Steeves reported that the approved Islands Trust budget for the coming year involved a 0% tax increase, with a slight increase in expenditures that was covered from accumulated surplus funds. He said, he had been dealing mainly with research on agenda items and that there was (as always) a myriad of telephone calls to deal with on various issues.

Trustee Hancock reported that there had been further progress on preparations for the Community Stewardship Day set for Saturday, April 19, 2014. The morning involved collaboration in support of the annual Beach Clean-Up followed by a free lunch for volunteers (call Amanda Griesbach to volunteer). A description of the afternoon program was going to be mailed out and Sara Steil was now assisting with a Parks Canada display about the National Marine Conservation Area. Trustee Mike Jones, South Pender Island, would be on-hand showing people how to use the new Islands Trust website application, MapIT, to view shorelines.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next regular meeting of the Local Trust Committee was scheduled for Thursday, April 24, 2014, (9:45 am, Community Hall Upstairs).

12.2 Groundwater Toolkit & Memo

Trustee Hancock noted the March 19, 2014, memo and the attached, “Gulf Islands Groundwater Protection – Regulatory Toolkit”. This document would be useful to Local Trust Committees when making decisions that involved groundwater.

12.3 Letter to Realtors

Trustee Steeves described recent conversations with Pender realtors regarding directional road signage for listed properties.

NP-2014-041

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee authorize Trustee Steeves to write to island realtors regarding their signs on roadsides.

CARRIED

13. TOWN HALL MEETING

Michael Symons asked why a Staff Report had referred to requiring a Conservation Subdivision design for large parcels; meanwhile Symons had the impression from the previous community information meeting that this would be optional.

Trustee Steeves said that this was why the Local Trust Committee did not pass a proposed resolution today about Staff developing Development Permit provisions for the Conservation Subdivision approach – because the next step was to engage further with landowners about what their objectives were for this approach.

Michael Symons also spoke in opposition to application NP-RZ-2012.1 (Burdett) re: rezoning for solid waste transfer and composting. He commented that there was already an industrial area suitable for this use beside the Recycling Centre and it did not make sense to put this use in an area surrounded by agricultural land, the foreshore, and a resort. Once the Trustees started requesting additional reports, making referrals, etc., an application like this could take on a life of its own.

Ron Henshaw made comments as follows re: Conservation Subdivision: that he worked on the land in a rural setting, and was concerned that the above approach might project values from elsewhere, and create little gated communities here; that despite some negative public references to “rural sprawl”, there were various people living on Pender in a quiet, natural way already; and that the Conservation Subdivision approach could be wonderful idea, but it shouldn’t necessarily be a requirement, and there should be more community consultation about it.

Ron Henshaw (applicant on a different rezoning application involving solid waste) read out a letter in opposition to NP-RZ-2012.1 (Burdett), stating that he believed the proposed waste transfer and composting was far from the original intent of the 1976 industrial rezoning of a small portion of this land; that the proposed use would have a huge impact on the adjacent farmland and waterfront; that he was concerned about uses which he believed were already occurring on the site; and that the neighbours should be consulted first, and also the larger community.

Trustee Steeves said that the Local Trust Committee had not yet made any decisions about adopting a rezoning bylaw for this property, and was just gathering information.

Oliver Gannon (4608 Hamilton Road) stated he was totally against rezoning application NP-RZ-2012.1, for the reasons cited by Michael Symons, and additional concerns. He lived on a beautiful lawn area right across from the proposed rezoning, and was very concerned about potential smell and noise; and that this was also less than 200 feet from Browning Harbour and its regular boating visitors.

Peter Gannon (4610 Canal Road) spoke in opposition to application NP-RZ-2012.1 saying that he also lived close to the site. The applicants had not yet explained how they planned to mitigate the smell of waste and that information like this should be provided before a bylaw was drafted and referred out. He was concerned about land alterations and activities which he believed the applicants were already doing onsite (tree removal, fill dumping, seeing garbage trucks come and go, dumping waste into containers, etc.) and that the Staff Report should address this.

Planner Pickard said that there were no North Pender bylaws against moving fill or clearing trees on one's own property, unless it was a development permit area. However, staff could ask the applicant for NP-RZ-2012.1 about the alleged uses. Regional Planning Manager (RPM) Kojima added that there had already been an Islands Trust Bylaw Enforcement complaint about the site. This was a separate process from the rezoning application.

Sara Steil thanked departing Planner Andrea Pickard for her five years of fabulous work on behalf of the Islands Trust and our community.

Ben McConchie asked about the source of the comment in the NP-RZ-2012.1 Staff Report, to the effect that there had been "unstable" waste services on North Pender. Was there community consultation leading to this remark?

Planner Pickard said this just meant that waste services had been moving around sites on Pender, and temporary use permits had been obtained and then lapsed. RPM Kojima added that Planning staff gathered information from site visits, professional reports, applicable policies, and other sources, and that there was a separate process for community consultation to occur and be directed to the Trustees.

Ben McConchie commented that for young island families like his, handling garbage was expensive and unaffordable, and it often involved ferry trips, so he wondered if the current rezoning proposal would help.

RPM Kojima said that these were useful comments, and he invited McConchie and others to submit their comments in writing to the Local Trust Committee.

Oliver Gannon noted that the Agricultural Land Commission approval re: NP-RZ-2012.1 had supported a 5-year period to begin with. Gannon asked if the Trustees would approve a temporary permit like this, before significant consideration.

RPM Kojima said that it was simply an option mentioned by Planner Pickard, for the Local Trust Committee to consider supporting a 3-year temporary use permit rather than a longer-term rezoning as requested.

Trustee Steeves added that a temporary use permit was not on the table in this case, because the applicants had not requested it, and there had been no Trustee direction to pursue it. Right now the Trustees had just begun to consider rezoning application NP-RZ-2012.1 (Burdett).

14. ADJOURNMENT

The meeting was adjourned by consensus at approximately 1:06 pm.

RECORDER

CHAIR



Islands Trust

Print Date: Apr-15-2014

RWM From: March 27, 2014 To: April 15, 2014

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2014-02	In Favour	THAT the North Pender Island Local Trust Committee request that application, NP-TUP 2014.1 (Colliers), be added to the April 24, 2014 Business Meeting Agenda and that all correspondence received to date be attached.	Apr 04, 2014
2014-01	In Favour	THAT North Pender Island Local Trust Committee Business Meeting May 29, 2014, be rescheduled to May 22, 2014.	Apr 03, 2014



Follow Up Action Report w/ Target Date

North Pender Island Nov-29-2012

No.	Activity	Responsibility	Target Date	Status
1	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going

Nov-28-2013

No.	Activity	Responsibility	Target Date	Status
2	Item 10.2 - Shoreline Review: Cost estimates and information content for shoreline QR to be determined for implementation in the 2014 fiscal year	Ken Hancock Gary Steeves	Jan-30-2014	On Going

Jan-30-2014

No.	Activity	Responsibility	Target Date	Status
3	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.	Miles Drew	Mar-27-2014	On Going
4	Item 10.2 conservation subdivision review 1. report back on options for range of OCP or LUB amendments that would require a conservation subdivision approach for new subdivisions - DONE 2. arrange a workshop/charrette to further engage interested property owners, explain options, produce rough concept layouts and identify issues and concern - ON-GOING 3. staff to report back with a revised project charter - DONE	Robert Kojima	Mar-27-2014	On Going

Feb-27-2014

No.	Activity	Responsibility	Target Date	Status
5	9.1 Clam Bay Farm rezoning 1. staff to work with applicant to formulate a plan to mitigate impacts of heavy equipment on driveway adjacent to the veteran tree. 2. staff to prepare draft bylaw consistent with staff report and ltc discussion at meeting of Feb 27. Include floor area limits as proposed by applicant and home sites in zoning. Refer bylaws for comment 3. staff to work with applicant on 2 draft covenants (one permanent, one for construction) 4. include in covenants: protection of yew tree, construction recommendations, requirement for highway dedication (pending MoTI referral), specific restrictions on manager's residence farm use, identification and timing of buildings to be removed, implementation of groundwater report and requirement that any new wells provide a similar report to the satisfaction of the LTC, and implementation of relevant energy efficiency requirements.	Kim Farris	Mar-27-2014	Done

Mar-27-2014

No.	Activity	Responsibility	Target Date	Status
7	Item 9.1 NP-DP-2014.2 and NP-DVP-2014.1: permits approved as drafted	Sharon Lloyd-deRosario	Apr-24-2014	Done
8	Item 9.2 NP-RZ-2012.1: staff to proceed with application and prepare a draft bylaw, and staff to advise applicant of information requested as identified in the staff report - DONE	Robert Kojima	May-14-2014	On Going
9	Item 9.3 SAI Bylaw Referrals: staff to advise SAILTC that their interests are unaffected by bylaws 112, 113,114 and 115	Sharon Lloyd-deRosario	Apr-24-2014	Done
10	Item 10.2 LUB Technical Amendments: Proposed Bylaw 194 to be amended by including a map amendment for the Browning Public Dock and be given Second Reading	Sharon Lloyd-deRosario Andrea Pickard	Apr-24-2014	Done
11	Item 10.3 Shoreline Project: arrange a mail drop (unaddressed) for the Stewardship Day Brochures	Lori Foster	Apr-24-2014	Done

12	Item 12.3 Letter to Realtors: Trustee Steeves to write a letter to the local realtors regarding their road side signs	Gary Steeves	Apr-24-2014	On Going
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Memorandum

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itfmail@islandstrust.bc.ca www.islandstrustfund.bc.ca

Date	April 1, 2014	File Number	NP-NAP-2014.1
To	North Pender Island Local Trust Committee		
From	Kate Emmings		
Re	NAPTEP information items		

Background Information

The Islands Trust Fund has received a Natural Area Protection Tax Exemption Program (NAPTEP) application from Michael Philpot to covenant approximately 1.9 ha (4.69 acres) of land (see Maps 1, 2 & 3), including Wallace Point on North Pender Island. As per NAPTEP policy, the North Pender Island Local Trust Committee is being advised of this application as an information item.

The Trust Fund Board agreed to hold the covenant on this property at its March 24, 2014 meeting. The application will be presented to Trust Council at its June 2014 meeting so that it can consider whether or not to award a Natural Area Exemption Certificate (to exempt a portion of the property tax). Approval will be subject to a conservation covenant being registered on the land title and a baseline report that is satisfactory to the Trust Fund Board.

The Trust Fund Board currently holds 8 NAPTEP covenants in the North Pender Island Local Trust Area. Further information on the NAPTEP program can be obtained from the Islands Trust website at www.islandstrust.bc.ca or from the Islands Trust Fund website at www.islandstrustfund.bc.ca.

Property Information

Property Description: PID 008-045-453, Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except Part in Plan 19554.

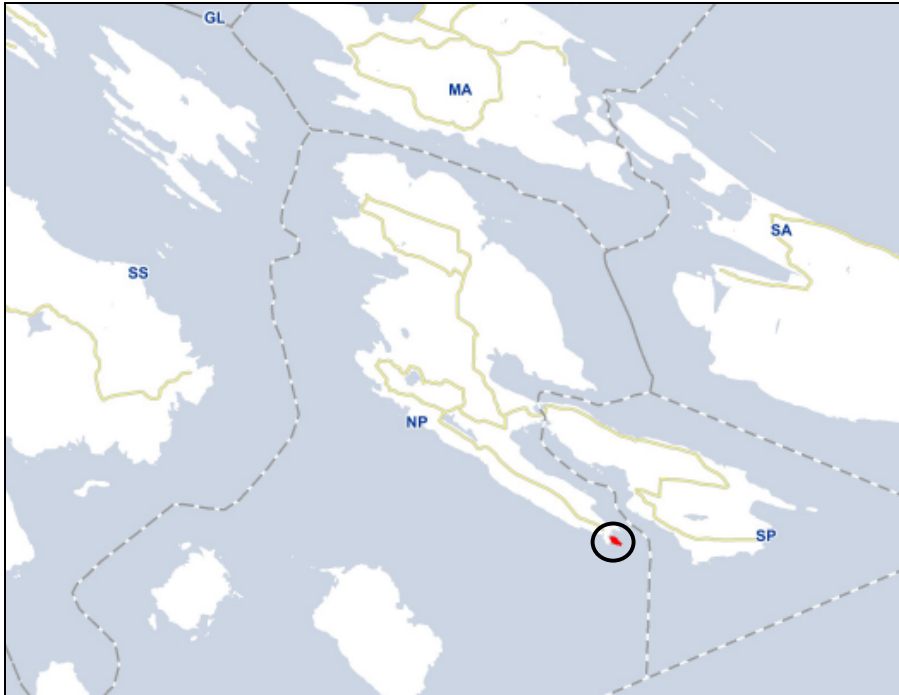
Property size: 2.86 ha (7.06 acres) (according to BC Assessment)

Proposed covenant size: 1.9 ha (4.69 acres)

Property notes:

The proposed covenant area is rich in sensitive ecosystems (see Map 4) and contains Environmental Development Permit Areas (see Map 5). A site visit on October 16, 2013, indicated the presence of mature woodland ecosystems (both Douglas-fir / Arbutus woodland and a small Garry oak woodland) and a herbaceous ecosystem (coastal bluff ecosystem). Coastal juniper (blue listed) was present in a small patch and the bluffs had prickly pear cactus, which is not rare, but is particular to dry rocky sites in the islands. Camas and Death camas were also noted in the NAPTEP proposal. There are two mapped eagle nest trees within the proposed covenant area and there is extensive evidence of River Otter use. There are dense Bull Kelp beds off of the point which are good fish and invertebrate habitat. Other rare plants may be present, but the site was not visited at the appropriate time for observation. The land is a point and is largely surrounded by ocean. It is also adjacent to the Plumper Sound beach access and is one property removed from the Peter's

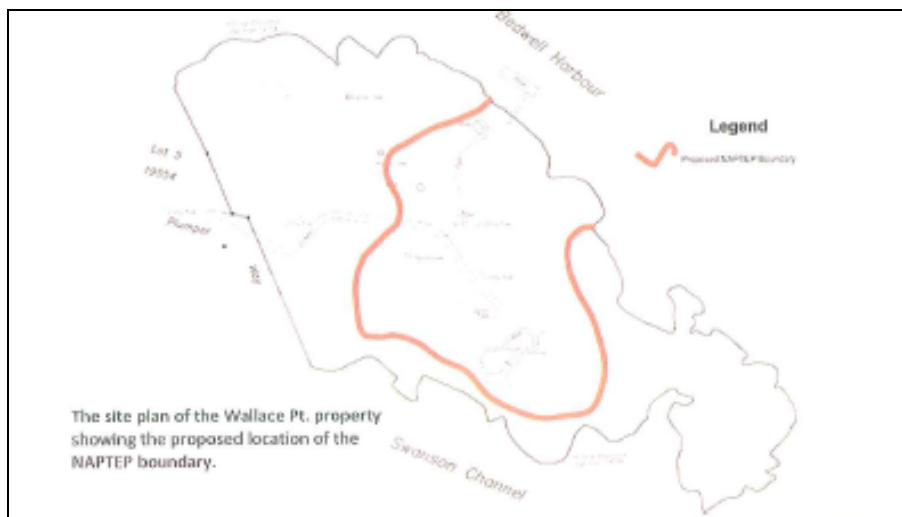
Cove beach access, both of which are managed by the Pender Island Parks and Recreation Commission. Otherwise, it is not near to any other protected areas and is in a fairly densely developed neighbourhood (0.3 acre to 1 acre lots).



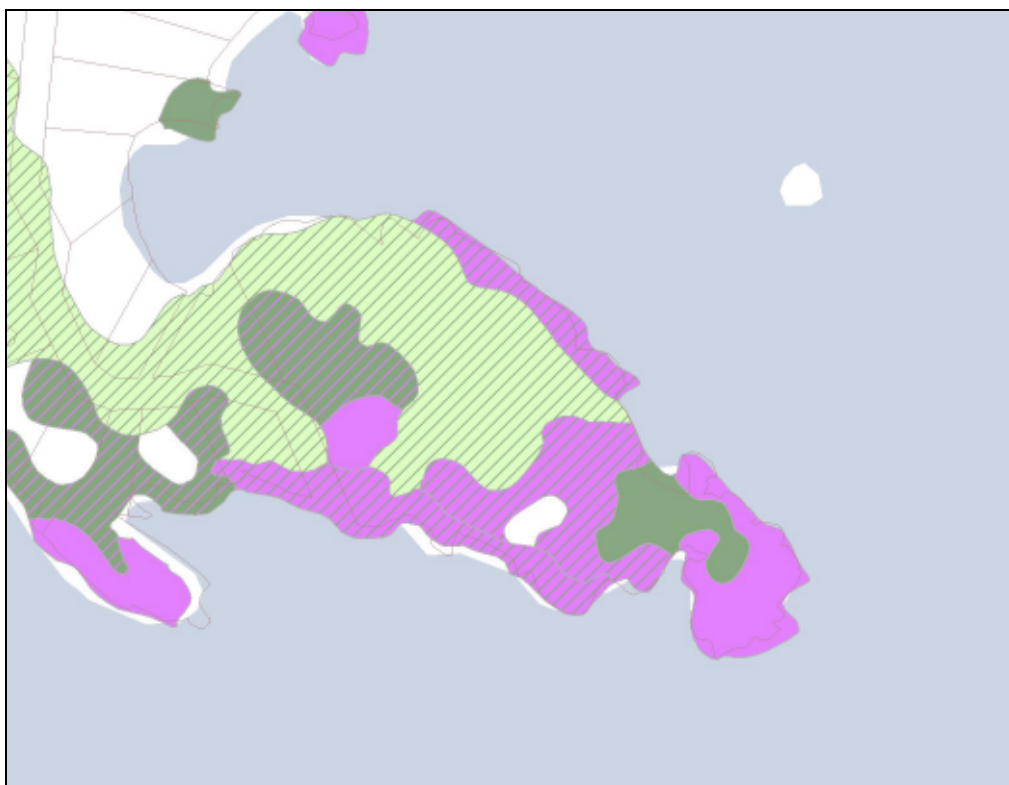
Map 1. Property Location



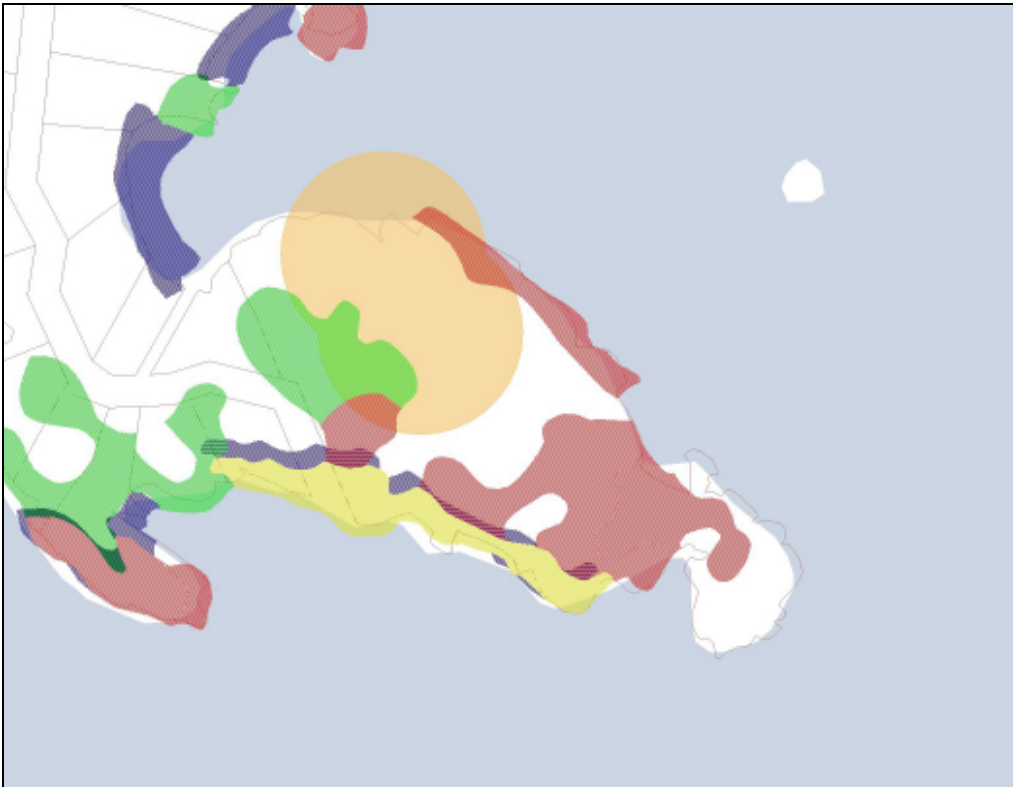
Map 2. 2009 Air photo.



Map 3. Proposed Covenant Boundary (note the proposed protected area includes the point and the majority of the property's shoreline)



Map 4. Sensitive Ecosystems (Islands Trust Fund)



Map 5. North Pender Island Development Permit Areas

NAPTEP Natural Values & Amenities

The natural values of the proposed covenant area, according to the NAPTEP Regulations, are listed below. Values were determined by evaluating the application submitted by the property owner and through a site visit conducted October 16, 2013.

1. Coastal bluff ecosystems (NAPTEP Regulation Section 2(a)):

The proposed covenant area includes Wallace Point which is a coastal bluff ecosystem.

2. Herbaceous ecosystems (NAPTEP Regulation Section 2 (a)):

There are patches of herbaceous ecosystems within the woodland ecosystems and along the coastline in the less “coastal bluff” areas.

3. Woodland Ecosystem (NAPTEP Regulation Section 2(a)):

Both Douglas-fir – Arbutus and Garry oak / Oceanspray ecological communities are present.

4. Areas that are relatively undisturbed by human activity and are key habitat for rare native plant species or plant communities (NAPTEP Regulation Section 2(b)):

The blue-listed Seaside juniper (*Juniperus maritima*) was observed. Additionally, the following rare plant communities were observed and have been mapped in the Terrestrial Ecosystem Mapping project for the Coastal Douglas-fir zone (2009):

- Douglas-fir – Arbutus Ecological Community (Red listed, observed)
- Garry oak / Oceanspray (Red listed, observed)
- Wallace’s selaginella / reindeer lichens (Blue listed) (mapped, likely)
- Douglas-fir / Alaska oniongrass (Red listed) (mapped, potential)

Other

The Islands Trust Fund is aware of an open subdivision application, a potential Development Permit application and a bylaw enforcement issue on the property. The applicant has indicated and Island Trust staff have confirmed that the NAPTEP proposal is unrelated to these files.

Date April 16, 2014 File Number NP-TUP-2014.1 (Colliers)

To North Pender Island Local Trust Committee

From Robert Kojima
Regional Planning Manager

Re Temporary Use Permit Application NP-TUP-2014.1 (Colliers)

This memo will provide an update on the status of this application and attaches all correspondence received to date, as requested by the LTC.

The application is for a temporary use permit that would permit commercial guest accommodation uses at the property known as the Timbers. Background on the application can be found in the January 14th staff report posted on the LTC webpage ([Current Applications](#)).

The application was received in January 2014. A preliminary staff report was prepared and considered by the LTC at the meeting of January 30th. At that meeting the LTC passed resolutions requesting the following:

1. clarification regarding the current and proposed use of all buildings and structures on the property, including the total number of beds, and visitor capacity for the five cottages
2. a written summary of the consultation that was undertaken and include copies of any and all correspondence received from the public
3. confirmation from a building or fire professional that all of the buildings and structures for the proposed use meet the BC Building and Fire Codes and Health standards for water
4. a report from a professional Hydrogeologist with experience in groundwater hydrology that confirms that there is an available supply of potable water in a sufficient quantity for commercial use as outlined in the applicant's proposal, that the water supply meets or exceeds the Guidelines for Canadian Drinking Water Quality, and that identifies any potential impacts to nearby wells

On March 11, the applicant provided documentation consisting of the following:

1. A site plan with a description of each building and the floor area of the cottages
2. A summary of the applicant's consultation, attaching copies of sign-in sheet from Open House (September 2013) and copies of correspondence received by applicant
3. A letter from CFT Engineering stating that building permits and occupancy certificates were issued for each cottage.
4. A letter from Arden Consulting Engineers reviewing the potential water consumption under different uses and an analysis of water samples collected in February.

On March 18th, Islands Trust staff wrote to the applicant providing comments on the submitted information. Staff comments included the following:

1. That the site plan and list of buildings did not address the seventh dwelling, specifically a suite in one of the accessory buildings. The applicant was requested to clarify this.
2. That the Hydrology report should address
 - a. Demand from uses and buildings other than the cottages
 - b. Well production quantity, including a pump test, draw down, and the location of existing wells
 - c. Storage capacity that is available or recommended
 - d. Availability of pond for firefighting
 - e. Proximity of other wells (i.e. potential well interference).
 - f. Whether or not it would constitute a community water system and what requirements would be associated with that.
3. Fire and Building Codes letter should address
 - a. CFT comments only on cottages (no reference to Drying Shed)
 - b. No site inspection to confirm if there have been alterations or renovations
 - c. Incorporate comments from 2012 Fire Inspection
 - d. VIHA requirements for commercial kitchens

On April 15th, the applicant provided the following:

1. A supplemental letter from Arden Consulting Engineers commenting on
 - a. Water quantity, stating that in the engineer's opinion commercial uses would be equal to or less than than residential consumption and that a flow test is not contemplated
 - b. Storage capacity, referring to 16,000L capacity in 3 reservoirs
 - c. That the 'drying shed' is understood to be serviced by the same well as the cabins.
 - d. Confirmation that the property would be considered a water system under the relevant legislation.
2. A completed Fire Department 'Rental Property, Guest House, Bed and Breakfast Fire Safety Assessment' checklist. In addition, staff were also copied on on-going email correspondence between the applicant and the Deputy Fire Chief concerning requirements under the Fire Code related to change in use.

Copies of all the documentation from professionals received to date from the applicant is distributed under separate cover and posted on the webpage.

Given the agenda deadline (April 16th), staff are not able to provide a detailed review of the applicant's most recent submissions as of the writing of this memo. The next steps would be for staff to review the information provided by the applicant and provide any further feedback to the applicant. Once staff are of the opinion that the information provided meets the LTC's January resolution, or once the applicant feels they have provided the information requested, staff would bring it back to a future LTC meeting, seeking direction on whether or not to draft a TUP and circulate a notice. The LTC would have the option of scheduling a separate community information meeting. The LTC also has the option of deciding to proceed no further with the application at any point.

Attached is all public correspondence received to date as requested by the LTC. At the request of the LTC, the applicant has provided public input that has been received by the applicant; this is attached and consists of an open house sign-in sheet (26 names), open house comments (7), and 13 letters (from 12 individuals). Also attached is an additional total of 21 pieces of correspondence from 17 individuals, households or organizations that has been received directly by the Islands Trust. None of correspondence has been provided in response to a public notice.

attachments Applicants public consultation package
Public Correspondence

ATTENTION

Approximately 26 signatures were collected at an Open House on September 8, 2012, held by the applicants of the Collier TUP (documents enclosed), the Islands Trust is not entitled to publicize anyone's personal information pursuant to Section 32 of the *Freedom of Information and Protection of Privacy Act*; therefore personal information has been severed.

**Timbers - Temporary Use Permit Application
Additional Public Consultation Summary**

To gain insight into the public's opinion, an open house was hosted at the Pender Island Community Hall on Saturday, September 8th, 2012. The event was advertised on the Island Independent, and invitations were made through phone calls to the members of the Islands Trust Council, Local Planning Services, and the Timbers' neighbours. There were a total of two dozen attendees at the event. A copy of the sign in sheet, as well as a copy of the comments and feedbacks provided by the open house attendees are attached to this letter as Appendix I.

Further to the public open house, the proponent in December and early January 2014 mailed the following letter to notify

(a) neighbouring property owners on Pirates Road, Shark Road – see addresses below,

(b) officials of the Trincomali Improvement District and Trincomali Residents Association, and
(c) Open House registrants who had provided addresses.

Copies of correspondence received are attached to this letter as Appendix II.

Alex Conconi
PO Box 12103- Suite 1780-555 West Hastings St.
Vancouver, BC
V6B 4N6

DATE

Recipient Name

Recipient Address

Dear _____,

You likely already know that my family owns the Timbers property located at 6901 Shark Road. We purchased the property as a family farm and retreat nearly 20 years ago, and today it includes a main residence and five cabins.

I would like to let you know that we have retained Colliers International Consulting (CIC) to submit, on behalf of my family, an application for a Temporary Use Permit (TUP) for our property. If approved, the TUP would allow us to rent the cabins for periods of less than 30 days on a 3-year trial basis. We would also like to host small-scale weddings, retreats, and conferences, which would all add economic and employment activity to the island.

I hope this letter will answer some of the questions that may arise from the submission of this application and it is my intention to keep all neighbours and community members informed and up-to-date with our plans.

I would also like to clarify some misconceptions regarding the Timbers. With respect to the permitted density, all of our buildings are legally constructed, sized and located. We entered into a Restrictive Covenant in favour of the Islands Trust under which it was agreed that up to one one-family dwelling and one guest cabin per 10 acres would be allowable on the 35-acre property. The Capital Regional District then issued building permits for three one-family dwellings and three guest cabins on the property.

Regarding the cost of the Court of Appeal case between my father, Robert Conconi, and the North Pender Island Local Trust, he subsequently paid all of the Islands Trust costs that the British Columbia Supreme Court of Appeal required.

Furthermore, although the Timbers location is very secluded and our meeting locations are a long way from both the road and adjacent properties, I appreciate that, in the past, occasional noise complaints were received in connection with events held on the property. To avoid this issue going forward, outdoor amplified sound would not be permitted at the Timbers. Water usage would also be lower by occasional visitors than it would be if the cabins were rented full time as permitted today.

Finally, the TUP would not allow us to operate without paying the applicable commercial taxes. BC Assessment has indicated that the portion of the Timbers used as a retreat and generating rental income would be taxed based on these commercial uses, not as farm or residential property.

In making this application, our family is driven by a love of the Gulf Islands and a desire to share our property with other families, including those who in the past returned to the Timbers year after year. Our sense of community is strong and in recent years we have contributed more than \$150,000 towards important Island initiatives including donations to Pender Island Health Care Society in 2007, Pender Island Charity Pro Amateur Golf in 2008 & 2009 and Pender Island Public Library in 2012. Should you have any questions or comments on our submission, please do not hesitate to contact me at your convenience.

Sincerely,

Alex Conconi
604-568-4063

Appendix I



TIME: 10:00 AM – 12:30 PM

[illegible]

COMMENT

NAME: _____ CONTACT: _____
(Phone and/or Email)

COMMENT: I'D APPRECIATE BEING INFORMED.

COMMENT

NAME: _____ CONTACT: _____
(Phone and/or Email)

COMMENT: INTERESTING! PLEASE KEEP ME
INFORMED.

COMMENT

NAME _____ CONTACT: _____
(Phone and/or Email)

COMMENT: Great idea go for it, do whatever is necessary to make Timber development legal - as necessary, also make it legal to have short term vacation rentals again - we need to encourage people to come to the island - we need tourists!!
Ed. [Signature]

COMMENT

NAME: L. _____ CONTACT: _____
(Phone and/or Email)

COMMENT: Very encouraging that this issue is being addressed. One of the reasons our community is struggling with economic sustainability is the noticable drop in visitors to our island. Now (as an offshoot) owners cannot sell their properties because buyers are not able to rent short term. Let's resolve the Timber issue and move on to resolving the short term vacation rental issue.

COMMENT

NAME: _____

CONTACT: _____

(Phone and/or Email)

COMMENT: _____

I definitely believe we should allow short term rentals, as long as the owner of the property is resident on the same property

COMMENT

NAME: _____

CONTACT: _____

(Phone and/or Email)

COMMENT: _____

Pro STR

COMMENT

NAME

CONTACT:

(Phone and/or Email)

COMMENT:

I would like to be kept informed going forward.

There would need to be a "come to Jesus meeting" +
Mr. Coccori would need to make nice with Island Trust.

A conciliatory approach would be preferred - no more legal
challenges.

Appendix II

Pender Island, BC V0N
January 23, 2014

Dear Trustees:

I am writing to offer my position on the Temporary Use Permit application by Timbers that is under consideration.

I live across from the Timbers property. I do not know the Conconi family, and to my knowledge, I have never spoken with any of the family members about this issue. I know that there are Pender Island residents that are opposed to Timbers receiving a TUP, but I am not among them. With the seasonal closure of Poet's Cove, I understand that many working people here on Pender have had their incomes diminished, and that many businesses here on the island have experienced a trickle-down effect from the closure. I would like to see Timbers in operation so that some of the on-going employment that would result could benefit Pender residents. Further, I understand that the cottages on Timbers would provide accommodation for visitors and their families, permitting them to visit this beautiful place. I don't want Pender to be only for an elite few who can afford to purchase a home or stay in hotels, and frankly, B&Bs are not suitable for many families who may need to prepare their own meals to keep costs down.

I love where I live and I find the island intensely beautiful. I do find it rather disconcerting however to live in a community where for much of the year the housing stock is probably 75% vacant. Even in the summer, we have houses sitting unused for long periods of time. The small up-tick in visitors that a TUP would allow would not be that significant in my view. Despite my property being situated across the road from Timbers, I am quite unaffected by the sound of traffic or people and find the thick fringe of trees between myself and Pirates Road to be a sufficient buffer. Even if some noise were to reach me on a summer evening, I do not think it would be bothersome, and indeed might be rather pleasant.

Kind regards,

Mary Lottridge

It has been recently brought to my attention that the Conconi Family is making an application to the North Pender Island Trust for a Temporary Use Permit for their Timbers property on Shark Road to enable them to rent the cabins on the property for short periods. My wife and I would like to let you know that we are fully supportive of this application and hope that the North Pender Island Trustees will consider it favourably. We are fairly close neighbours to the Timbers and have never experienced any problems with noise or anything else from that location in the 21 years of residence here on Oak Bluffs. I have known Mr. Bob Conconi for over 20 years and have always held him in the highest regard and I know that any development in which he was involved would be carried out tastefully and with respect for the environment and community.

As you are no doubt aware our Island economy is in a miserable state at present and any development such as that proposed for the Timbers must certainly help.

Thank you for your consideration.

Edward Taylor

Pender Island

2018-01-01

Gentlemen

With reference to my phone conversation with Gary re The Timbers:

In the past I have neither commented nor been asked to comment on the commercial activities at The Timbers.

I have recently been made aware of an application for a TUP on the property

I understand that the application includes an offer to pay commercial taxes (C2) on the portion of the property being used commercially. If that is the case I would have no objection to the application.

The weddings in particular that have been held there in the past have had a positive impact on our island economy.

As such I fully support this application.

Dave Dryer

Pender Island

Dear Trustees and Islands Trust staff;

I would like to be acknowledged as being in full support of The Timbers request to be permitted to have their cottages at 6901 Shark Road allowed to operate under the Temporary Use Permit.

It is an exceptionally beautiful property and immaculately maintained, and for these reasons it was the first place I stayed when I was looking for a property to purchase on Pender Island several years ago. It took me a few years to make the decision to buy but we are now loving life on Pender Island.

It is my firm opinion that there is a limited supply of accommodation on Pender Island and I can attest to the fact that this is an issue because I own the Winery on Pender (Sea Star Vineyards at 6621 Harbour Hill Drive) and on several occasions have had interested wedding parties looking to choose our venue for their wedding, only to make the decision to choose another Island simply because of the lack of options for places to stay on Pender. The existing B&B's are not enough to accommodate large wedding parties in combination with regular summer tourists. The added economic - and therefore community - threat to Pender is whether or not Poet's Cove is going to open for business again this year. Without them many individual's businesses will suffer a heavy hit, but it makes matters worse for us not to try to stimulate rental properties rather than discourage them, or not allow them.

The Timbers is the perfect location for a Temporary Use Permit to be granted. It is a very large property that is secluded with no immediate neighbours. It has a dock and easy access to Poet's amenities should they in fact survive their financial challenges, so I encourage you to consider this as a bonus to the community on Pender which will benefit many local businesses including my own.

Finally I'd also like to add that the owner of The Timbers, Bob Conconi has been extraordinarily financially supportive to several community needs such as the Health Care Society and the Library among others and this has benefited the Pender community at large which I think deserves our respect and appreciation.

Thank you for considering my letter of support.

Sincerely,
David Goudge

Hi Gary:

I am pleased to hear that you are finally going to discuss the "Temporary Use Permit" for The Timbers. I have been a resident of Pender Island for the last 34 years and it would be a benefit for all residents . Timbers employs many people that are in the service industrycaterers - gardeners- house cleaners --and many others to many to mention. The community benefits from the money spent on food at Tru Value- alcohol at the liquor store-gas & fishing supplies at the gas station.Clothes at the small outlets at the Driftwood plaza . Their are family outing to eat at the local food establishments...Port Browning..The Stand..Hope Bay..Poets Cove to name a few establishments that benefit from Timbers bringing in people to Pender Island during the year. Please consider all the people that this business helps on Pender Island . The employment alone will help people earn a living .

So lets help the people of Pender!!!! Sincerely Jan Letts

DRIFTWOOD PROPERTIES LTD

Unit 2 8431 Granville Street
Vancouver, BC V6P 4Z9
604 269 0030

28th January, 2014

Island Trust
1627 Fort St,
Victoria, BC V8R 1H8

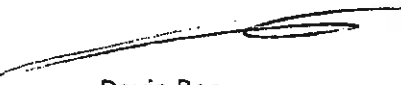
To Garry Steeves, Ken Hancock and Peter Luckham,

RE: The Timbers application for a temporary use permit

I would like to express my support for this application. I have been a homeowner for over 30 years on Pender, and have owned Driftwood Centre for the past 15 years. On behalf of the businesses located at Driftwood Centre, we support and urge you to approve this application.

Functions and weddings held at the Timbers can only benefit the Island. Guest not only stay at the Timbers, but all types of accommodation on the Island. All business directly and indirectly will benefit if the Timbers is allowed to operate again.

Sincerely



Davie Rae
Owner

PENDER ISLAND BAKERY LTD

Box 54
4605 Bedwell Harbour Road,
Pender Island, BC V0N 2M0
250 629 6453

28th January, 2014

Island Trust
1627 Fort St,
Victoria, BC V8R 1H8

To Garry Steeves, Ken Hancock and Peter Luckham

RE: The Timbers application for a temporary use permit

I would like to express my support for this application. Since the Timbers closed, I have lost 50% of my catering business. Without the Timbers I employ less people. The Timbers is a fabulous venue for weddings and celebrations. Not only do these weddings bring business to the Bakery but all the guests staying for 2 to 3 days need Bed and Breakfasts, hotels and support many of our local commercial and home based businesses.

The economic benefits to Pender will greatly be felt and appreciated if the Timbers is allowed to operate once more.

Sincerely



Dorothy Murdoch
Owner

RAEVIN EQUIPMENT LTD

Box 118

4605 Bedwell Harbour Road,

Pender Island, BC V0N 2M0

250 629 3002

28th January, 2014

Island Trust
1627 Fort St,
Victoria, BC V8R 1H8

To Garry Steeves,
Ken Hancock
Peter Luckham

RE: The Timbers application for a temporary use permit

Raevin Equipment Ltd. operates Driftwood Auto & Marine Centre and also Raevin Tool Rentals. I would like to express support for this application on behalf of these two businesses. Without the tourists visiting Pender it would be hard for the gas station to survive. The Timbers plays a vital role in bringing these tourists to Pender.

The economic benefits to Pender will greatly be felt and appreciated if the Timbers is allowed to operate once more.

Sincerely



Dorothy Murdoch
Manager

Samantha Smith

Jan 29, 2014

Re: The Timbers

Dear Trustees of North Island Trust,

I have been visiting the Timbers for many years and I have always appreciated my time there. The Timbers is a beautiful place because they fit right into the landscape of Pender Island. Bob and his family took great to maintain the natural beauty of the property and because of this it is an amazing place to visit. I have always enjoyed my time at the Timbers, relaxing in the hot tub and taking in my surroundings. I have even contemplated that it would be an excellent place to get married in the future.

It is extremely disappointing that the current by-laws of the North Pender Island Trust that families are no longer able to visit the Timbers. The by-laws are depriving families from enjoying the amazing experience of staying at the Timbers. Many families are not able to take a long vacation in the summer, so it is not possible for them to visit the Timbers for more than a few days. By not allowing families to come for week-long visits, it may prevent them from visiting Pender Island at all.

I am very pleased to hear about the temporary permit application. This application will benefit both families and Pender Island. I hope that you will grant this application and allow families to have the same experience that I have had.

Yours Truly,

Samantha Smith

Donna Letourneau

Jan 27, 2014

RE: The Timbers

To Trustees North Island Trust,

I have been coming to Pender Island for years and have always enjoyed my time at The Timbers located at 6901 Shark Rd. The Timbers is a piece of heaven with its beautiful cabins that melt directly into the landscape of the property. I love sitting in the hot tub and watching the birds, otters and occasionally the deer pass by.

It has been very disappointing due to the current by-laws of the North Pender Island Trust that my family and I can no longer visit The Timbers and Pender Island. I feel it is a shame that these beautiful cabins are made to sit empty when many people would welcome a week stay here. Bob and his family went above and beyond when this property was developed not to disturb the natural beauty of the property and to have it not be used is a disgrace. These cabins are so built into the natural surroundings they are hard to pick out when looking across the water from Poet's Cove.

I was very excited when I heard about this Temporary Use Permit application. I am hoping you will grant this application and I will be able to visit again in the future. I can be reached at 250-754-3486 if you need to speak to me further.

Regards,

Donna Letourneau

Re: Temporary Use Permit (TUP) for The Timbers on North Pender Island

My family owned recreational property in Magic Lake Estates for almost two decades - first near the end of Schooner Road and later on Lighthouse Lane - so I have many fond memories of weekends and school holidays spent on North Pender Island. I also have extended family that made their year round homes on the island for many years and we would have regular visits with them. When my parents eventually moved their year round home to Vancouver Island they regretfully sold their recreational property and thereby terminated our regular trips to North Pender Island. My relatives also left as their health needs required them to move closer to hospitals and other services. For a number of years I was no longer able to be a regular visitor to one of my favourite places.

Thus it was a great thrill when I first learned about The Timbers and had an opportunity to stay there for a weekend with a group of friends. It was lovely to re-experience all that North Pender had to offer - from the Farmer's Market on Saturday morning, to long walks on familiar roads and trails to Buck Lake, Thieves Bay and other familiar haunts. It was great to reconnect with happy childhood memories while staying in such a restful location. I thankfully had the opportunity to have a number of stays before bylaw issues prevented us from staying at The Timbers again.

It is my understanding that the North Island Trust is now considering issuing The Timbers a Temporary Use Permit to allow visitors like myself to once again return to this property as a guest. I hope that you approve this as there must be many people such as myself that very much enjoy the beauty and tranquility of this location and wish to return for repeat visits. The Gulf Islands are very special and while many of us wish that we could afford to own recreational property there, most can only experience this area of our beautiful province as holiday travelers. When affordable attractive accommodation choices like The Timbers are eliminated from the rental pool, visitors like myself are virtually prevented from visiting this locale.

I urge you to approve the Temporary Use Permit for The Timbers so that both British Columbia residents and visitors from around the globe, once again have the opportunity to create wonderful North Pender Island memories there.

Sincerely,

Inge Wilson

Island Trust
To Whom It May Concern

January 28, 2014

I have had the pleasure of visiting Pender Island and staying at The Timbers. Pender is a complete escape from my everyday life, I love the shops, the quiet, the long walks, and the Saturday morning farm market. The quaint island feel. When I have visited Pender I have done so with my long time best friends and we have always had such a fabulous time.

I was very disappointed when the by-law no longer permitted us to rent at the Timbers, as this spot was the ultimate place for relaxation, so far from others, and situated in the most picturesque location being right on the bay.

I would love to be able to go to The Timbers again as would my group of friends, so we are very hopeful and happy to hear that the temporary use permit may allow us to be able to do so in the future.

Sincerely Marilyn J Nicholson

Kelly Talmey

January 28, 2014

RE: North Pender Timbers TUP

Dear Trustees,

We are writing in support of the Timbers Temporary Use application for the purpose of renting their cabins for week long rentals to guests such as my family.

Pender Island is a beautiful place. My family and I have visited the island many times over the years. Though, I do not own a property on Pender Island, the island has become a special part of our lives thanks to the friendly residents and local businesses. We remember fondly the waves of residents driving past as we walk our dogs out of Oaks Bluff park.

Unfortunately, visiting Pender Island has become difficult for my family since the Timbers stopped renting their cabins a few years ago. While visiting the island we never received any complaints from any locals. We only remember welcoming smiles and waves. The Timbers week-long rentals were the perfect length for us to settle in – a home away from home. A week is just enough time to relax, buy groceries, discover the island's hidden roads and trails, and explore the farmers market.

Frankly, we don't want to stay in a hotel, and we can't afford a cabin to ourselves. Even if we could, it seems like it would be a waste. The Timbers seemed to us to be a very uniquely efficient use of space, and offered a private experience that is, to my knowledge, not paralleled on Pender or any other island.

Please allow the Timbers a TUP, if only as an experiment, so we may visit the island again, and add to our memories. I know enough of the history of the injunction on the Timbers to know that there may be complicated feelings surrounding this issue, but to withhold the Timbers from the public would be a waste. Pender Island, and the Timbers Specifically, are beautiful, and it is a shame that beauty is not shared with others.

Sincerely

Kelly Talmey

PUBLIC CORRESPONDENCE

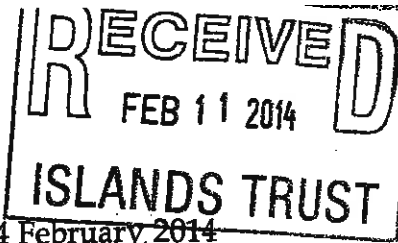
The following correspondence has been received by the Islands Trust and/or the Local Trustees.

COPIED TO

☒ PLANNER

☒ LTC

☐ _____



North Pender Island Local Trust Committee
Attn: Trustees Peter Luckham, Ken Hancock, Gary Steeves
c/o Islands Trust
1627 Fort St, Victoria, BC V8R 1H8

Dear North Pender Trustees: I am sending this letter to follow up on remarks that I made at your meeting on 30 January 2014, regarding The Timbers Temporary Use Permit Application: NP-TUP 2014.1 (Colliers International). I own, and live on, a property immediately adjacent to The Timbers.

While there are numerous assertions in the application that are erroneous or otherwise subject to challenge I will not address them in this letter. I recommend the Trustees review the prior court decisions in this matter and compare the findings of fact in those cases with statements made in the application. At the very least, you should be skeptical of claims that the applicants are interested in supporting agricultural activities on the subject property or maintaining any forested areas.

As I stated at the meeting, it would be fair and reasonable to simply decline to proceed any further with the application. Although the Trust is not a court of law, the principle of res judicata, (the thing has been decided) has relevance here. Res judicata is followed in order to avoid endlessly trying and re-trying the same issues. The applicants have had more than a fair hearing on the subject of their use of the property, they have had their day in court, over and over.

Administrative fairness must mean fairness not just for the applicant, but for their neighbours and the rest of the community as well. It is simply unreasonable to make us argue this matter again and again. As is pointed out in the staff report, this has been an ongoing problem for nearly fifteen years. After years of litigation wherein the Islands Trust successfully defended the land use bylaw, up to and including the British Columbia Court of Appeal, granting this permit would make a mockery of the judicial process.

Next, the problems associated with the unlawful use of the property in the past, such as noise, traffic, etc. were primarily related to the same activities the applicants seek to conduct under the temporary use, i.e. large scale events such as weddings and conferences. One issue which I did not hear raised at the meeting was that of sewage for large groups, e.g. the 200-300 which they had in the past.

The application sets forth a number of conditions and restrictions which are represented as mitigating the potential problems associated with the requested uses. Given the track record of this property and these owners, there is good reason to believe that they may not comply with these conditions. As was stated at the meeting, by Trustee Hancock I believe, the Trust lacks the resources to effectively police and enforce such conditions and restrictions. That being the case, the problems associated with the requested uses, as may be reasonably

anticipated based on past history, and inability of the Trust to mitigate them require that the application be denied.

Lastly, other than the claimed economic benefit to the islands, no reason is given for granting the application other than the wishes of the applicant. The applicant is under no constraint on the use of their property due to the current land use bylaw that is any different from the constraints placed on the other property owners in the area. The applicant will not suffer any detriment from denial of the application. There is no compelling reason for carving out an exception to the area's land use scheme. If the Penders suffer from a deficit of commercially zoned land then that should be addressed in the next review of the OCP, not by piecemeal, case by case, changes to land use such as are being requested in this case.

My notes indicate that one of the additional pieces of information requested by the Trustees was a report from the applicant detailing all public feedback and input the applicant has received regarding their intent to conduct commercial activities on the property. To the extent that these materials are derived from the so-called "Community Open House" staged by the applicant in September of 2012 they should be viewed with skepticism. Neither I nor any other immediate, or nearby, neighbour received prior notice of that meeting nor attended, at least insofar as I have been able to determine, and I have spoken with all the immediate neighbours. I received no communication or notice regarding this application until someone posted a warning notice about it near our community mailbox last month. Subsequent to that I did receive a letter and telephone call from Colliers International promoting the application, but only immediately before the last North Pender Trust meeting.

The applicant should be encouraged to find some usage that conforms to the land use bylaw for the area and needs of the neighbourhood. Of course, they are already free to use it for a "family retreat" as was put forth as their primary interest at the meeting. If the applicant is keen on operating a commercial resort, there is a nice one for sale right across the harbour from the subject property.

Thank you for your time and attention. I am available and happy to discuss any aspect of this matter with you or the Islands Trust staff.

Regards,



Michael Symons

Pender Island BC V0N 2M2

Andrea Pickard

From: information
Sent: Friday, January 24, 2014 9:49 AM
To: Andrea Pickard
Subject: FW: NorthPender TUP

From: Mary Lottridge [mailto:rr
Sent: January-23-14 7:27 PM
To: Gary Steeves; Ken Hancock; pluccckham@islandstrust.bc.ca; information
Subject: NorthPender TUP

Pender Island, BC V0N
January 23, 2014

Dear Trustees:

I am writing to offer my position on the Temporary Use Permit application by Timbers that is under consideration.

I live across from the Timbers property. I do not know the Conconi family, and to my knowledge, I have never spoken with any of the family members about this issue. I know that there are Pender Island residents that are opposed to Timbers receiving a TUP, but I am not among them. With the seasonal closure of Poet's Cove, I understand that many working people here on Pender have had their incomes diminished, and that many businesses here on the island have experienced a trickle-down effect from the closure. I would like to see Timbers in operation so that some of the on-going employment that would result could benefit Pender residents. Further, I understand that the cottages on Timbers would provide accommodation for visitors and their families, permitting them to visit this beautiful place. I don't want Pender to be only for an elite few who can afford to purchase a home or stay in hotels, and frankly, B&Bs are not suitable for many families who may need to prepare their own meals to keep costs down.

I love where I live and I find the island intensely beautiful. I do find it rather disconcerting however to live in a community where for much of the year the housing stock is probably 75% vacant. Even in the summer, we have houses sitting unused for long periods of time. The small up-tick in visitors that a TUP would allow would not be that significant in my view. Despite my property being situated across the road from Timbers, I am quite unaffected by the sound of traffic or people and find the thick fringe of trees between myself and Pirates Road to be a sufficient buffer. Even if some noise were to reach me on a summer evening, I do not think it would be bothersome, and indeed might be rather pleasant.

Kind regards,

Mary Loftridg

1

Andrea Pickard

From: Andrea Pickard
Sent: Monday, January 20, 2014 9:38 AM
To: 'Steve Sipos & Lesley Joy'
Subject: RE: the Timbers application comment

Hi Steve and Lesley,

Thanks for your input, your comments will be forwarded to the LTC for their consideration.

A preliminary staff report will be on the Jan 30th agenda for the LTC, but at this time no draft temporary use permit has been prepared. Because of the history with this particular property the objective of the preliminary report will be to see if the LTC wants to proceed with the application or deny the application at this stage. If they decide to proceed with the application then a draft permit would be prepared, there would be notification to neighbours, an advertisement in the newspaper and notices posted on local bulletin boards to advise the public a permit will be considered and asking for comments.

Also, your application will be on the Jan agenda as well. Once the agenda is finalized later this week our administrative staff will send you an email with more information.

Regards,
andrea

-----Original Message-----

From: Steve Sipos & Lesley Joy [<mailto:>]
Sent: Thursday, January 16, 2014 5:29 PM
To: Andrea Pickard
Subject: the Timbers application comment

It has come to our attention that The Timbers is applying for a Temporary Use Permit. It is a little ironic that my wife Lesley Joy and I are making application for a building permit possibly at the same meeting.

Our efforts over the last 23 years have been to treasure, nurture, and enjoy the natural beauty of that part of the Island. We have worked to make as small a footprint as possible, and live respectfully within the natural environment.

In contrast, we have watched The Timbers property development transform the land into a bare, unnatural, noisy and intrusive commercial enterprise. We have been concerned and shocked by the extensive and negative impact on their piece of property, and have resented the expenditure of Trust resources trying to legally contain that enterprise.

For the record, we strongly object to any application for variance that would suggest further use of that, or any other, piece of property for such large scale commercial enterprise that has no common, collective benefit; especially given the historical insensitivity and intent shown on that particular property.

Despite the many hurdles we are in the process of having to cover in our own development efforts, we know that those rules, regulations and expectations have been developed in an effort by the Trust to be responsible stewards of the land. Because of that noble effort, we gladly strive to comply, but expect others to do the same. Please accept our gratitude for your efforts, and our encouragement to keep Pender safe from the selfish pursuit of profit.

Steve Sipos & Lesley Joy

Pender Island

Gary Steeves

From:
Date: January-14-14 9:51 PM
To: "Gary Steeves" <gsteeves@islandstrust.bc.ca>
Subject: Re: Timber Use Permit Application

Hi Gary: Thank you for your prompt reply. Perhaps I misunderstand the process, as I was not suggesting that the Trust deviate from the norm. I was under the impression that the Trustees could decide after receiving the staff report at the next meeting whether to allow the application to go forward or not, my feeling obviously being that it should not.

Regards,
Michael

On 1/14/2014 3:09 PM, Gary Steeves wrote:

Hi Michael

By law a person has a right to make an application and we (the Local Trust Committee) must turn its mind to it and say yes or no. I think we must use the same process in dealing with an application from the Conconi family as we would from any other property owner. If we deviate from the normal process we would likely cause more problems than not, particularly legal ones.

Thanks for your views on this Michael.

Regards

Gary

Gary Steeves

North Pender Island Trustee

From:
Sent: Tuesday, January 14, 2014 12:30 PM
To: Gary Steeves
Subject: Timber Use Permit Application

Hi Gary: I realize it is early on in the process, but frankly I don't think the Trust should burden itself or staff any further with the Timbers application for a commercial use permit. It would make a mockery of the thousands of hours and dollars spent litigating on this very type of activity. Please do not take any further action on this spurious application.

Regards,
Michael Symons

Pender Island

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3392 / Virus Database: 3658/7003 - Release Date: 01/14/14

Andrea Pickard

From: Gary Steeves
Sent: Friday, January 24, 2014 11:05 AM
To: Andrea Pickard
Subject: Fw: Timbers Temporary Usage Permit Application

For your file

-----Original Message-----

From: Margaret Berringer
Sent: Thursday, January 23, 2014 5:25 PM
To: Ken Hancock ; Gary Steeves ; Peter Luckham
Subject: Timbers Temporary Usage Permit Application

Dear Mr. Hancock, Mr. Steeves and Mr. Luckham,

It has come to my attention that an application has been submitted for a Temporary Usage Permit for the Timbers to allow rentals and events on the property. I hope that you will grant their application.

My business, Pender Event Rentals, is open year round, but most of my income is derived from summer time weddings and other family reunions. The majority of weddings I supply are for the children or grandchildren of permanent residents of Pender or for people who have had vacation properties here for many years. I like to think I provide a great service for the people of North and South Pender. I hope I can continue my business for many years in the future.

In recent years, since the Timbers has been unavailable and visitor accommodations have become harder to arrange on North Pender, the success of my business has been hampered. In my first years in business on Pender I had good cash flow and required a part time person to help me, but over the last 2 years I have seen the wedding portion of my business drop off significantly and I am rarely able hire help.

Other businesses; caterers, florists, cake makers, restaurants, musicians, B&B owners, vintners & transportation providers have also been impacted by the closing of the Timbers and the resulting drop in event business. The artists, craftspeople and food market vendors all reap the benefits from weddings and family reunions held here on the island. Poet's Cove too is more viable when all of Pender is able to participate in an economy.

I hope you agree that employment opportunities on Pender need to be encouraged. I understand that all commercial ventures are going to happen in someone's back yard, but a mixed use approach outside of Magic Lake estates seems to be a reasonable solution. The Timbers is a wonderful tourism resource and should not be wasted. It stands on a significantly large piece of property that under most circumstances would protect the neighboring homes from noise or nuisance of any kind. The Timbers is well maintained and will likely provide more employment on site if allowed to operate. It does not accommodate events as large as those held at the community hall or at Poet's Cove, but is more of the size of Sea Star Estates Winery, which is able to host events in a comparable land use situation.

Thank you for considering my thoughts in this matter.

Margie Berringer

Andrea Pickard

From: Jim Burrows
Sent: Saturday, January 11, 2014 10:18 AM
To: Andrea Pickard
Cc: North Pender Island Local Trust Committee
Subject: Re: inquiry re: Timbers

Many thanks, Andrea

Unfortunately I am going to be off-island for the next LTC meeting, but I would appreciate you passing on my objection to this application to the Trustees.

We are probably not directly in the notification area but are significantly effected by the Timbers operations. We have experienced the fast driving down Pirates Road, the garbage in the ditches, the strangers walking through and exploring our property, the parties and the noise. On every count I can think of, we object to this latest attempt to flout our zoning regulations and to ignore the well-being of their neighbours. In addition, and perhaps worse, I fear an approval of this permit will open the door for others to similarly circumvent zoning regulations in the future.

I respectfully ask the Trustees to decline this application on behalf of the majority of Pender residents and on behalf of neighbours to The Timbers.

Many thanks

Jim Burrows

Pender Island, BC

On Jan 8, 2014, at 1:49 PM, Andrea Pickard <apickard@islandstrust.bc.ca> wrote:

Hi Jim,

Thanks for your inquiry regarding a proposed temporary use permit at the Timbers. An application has been received and at this time I anticipate a preliminary report will be on the agenda for the Jan 30th meeting of the Local Trust Committee (LTC).

When the LTC receives the preliminary report in January I will be asking for direction on how they wish to proceed. If they decide to proceed with the application then any draft permit that will be considered by the LTC at a future meeting will be advertised in the paper, posted on local bulletin boards, and notices will be delivered to neighbouring properties within 100 m asking for public input. I am not sure if your property would be captured in the notification area or not, but input from anyone is welcome. Any correspondence received in advance the formal notification process would also be included with any additional public submissions and provided to the LTC for their consideration.

I have copied the LTC on this email so they are aware of your email, and feel free to contact me if you have additional questions.

Regards,

Andrea Pickard
Local Planning Services
Islands Trust
Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

Robert Kojima

From: Jim Burrows
At: April-14-14 2:15 PM
To: Gary Steeves; Ken Hancock
Cc: Robert Kojima;

Subject: The Timbers

Follow Up Flag: Flag for follow up
Flag Status: Completed

Hi Ken, Gary

I understand that the Timbers is once again on your agenda for next week.

While I know you are aware of my opposition to this TUP application, I want to articulate some of my reasons.

- First, **The Timbers was found to be an illegal operation by the Supreme Court following a 9 year battle through the courts** (funded by you and I). why on earth are the Trustees re-thinking it now? STVR's are illegal on N. Pender. The Supreme Court has ruled that The Timbers operation in this residential area is illegal. Your OCP says that Commercial Operations should not be located in this area. What more do you need? Just say NO!
- Second, The manner in which The Timbers have ignored every rule in the book to get to this point is shameless, and shows **a complete disregard for the community and the rights of their neighbours**. By approving this application, the Trustees would be placing the desire of one individual to make money, over the rights of this entire community and showing others who may want to do something similar, how to circumvent every rule in the book to get what they want.
- Third, this application **makes a complete sham of the extensive Land Use Planning process and OCP** that determined where on Pender one can locate Commercial Enterprises while protecting residential neighbourhoods.
- Fourth, **Short Term Vacation Rentals are not legal on North Pender**.
- Fifth, the increased traffic, speeding, increased roadside garbage, increased tourists wandering through our properties, all of which are symptoms of a large scale commercial operation, will **seriously effect quality of life in our peaceful, residential neighbourhood**.
- Sixth, **Our property values will be adversely effected**.
- Seventh, When I moved here I checked with the Trustees and the Planning Department to ensure I did not buy property in an area where Commercial Activities would take place. I am certain that the owners of the Timbers did the same thing. **Why should they be allowed to change the OCP for their own gain at my expense**.
- Eighth, It's pretty obvious, with all the legal and planning resources that the Timbers are bringing to the party, that their ambitions go much further than a few cottages and weddings. One only has to look at the fact that Colliers has been hired and all of the costs that are being incurred by The Timbers to realize that these few STVR's will not provide anything close to a payback. Could it be that the next step after a TUP would be to apply for rezoning and subsequently develop the property to its full potential.... a Poet's Cove in our midst I'd bet!
- Ninth, **Our Trustees are accountable to the community and should uphold their Provincially granted mandate to 'Preserve and Protect' our island**. That is why we have an OCP and why it designates specific areas in which Commercial Operations can locate. Furthermore, Section 884 of the Local Government Act does not give Trustees the power to enact any by-law or undertake any action that is contrary to the OCP (see section .6 of your own OCP).

Thanks for listening, I urge you to deny this TUP application.

Respectfully

Jim Burrows

Robert Kojima

From: Mel MacDonald <
it: March-31-14 11:50 AM
to: 'Alex Conconi'
Cc: 'Harcourt, Justen'; 'Soltani, Kiavash'; 'Robert L Conconi'; Trinco - Bruce; Trinco - Marian; Trinco - Mike; Trinco - Rick; Trinco - Ina; Andrea Pickard; Kim Farris; Robert Kojima
Subject: RE: Timbers Hydrological report, NP-TUP-2014.1 (Colliers International)

Hello Alex,

I have now had an opportunity to review your hydrologist's report with our Trincomali Improvement District Directors and thank you for the invitation to comment. Following are some thoughts:

1. we are disappointed that the well stress test could not be completed as this may have given us some indication of the potential direct impact The Timbers water use would have on the TID wells;
2. the report provides two different theoretical calculations for estimated water consumption by The Timbers, acknowledges that there are no actual measurements of past water consumption, and concludes, using unverified previous occupancy levels, that because there hasn't been a problem in the past, everything should be fine;
3. the report says The Timbers management has not experienced any summer water production problems in the past. This is at odds with your agreement with me during our original discussion that during summer months, at times, water has been in short supply;
4. the conclusion makes no recommendations for additional water storage during the dry season;
5. we are pleased with the recommendations for water monitoring and the use of low flow water saving equipment.

Based upon our own experience of managing water flows in the Trincomali Improvement District, we know there is less water available in the wells during the summer period, particularly so over the past year or two, and have had to aggressively employ restrictive water management practices together with building adequate water storage capacity. By not having adequate water storage facilities at The Timbers, to meet your proposed summer visitor water demand, you will need to aggressively work your wells during the dryer summer season. This has the potential of negatively impacting well production on all of the neighboring wells, not just Trincomali's.

In our view, as stated from the outset, actual water use should be recorded and resulting well production monitored before any definitive impact on the water table might be determined. Adequate water storage is a necessary requirement not only to ensure sufficient supply is available for the heavier summer demand, but also to alleviate overworking of wells that could potentially damage the surrounding water table or perhaps collapse The Timbers well.

Thank you again for the opportunity to comment.

Sincerely,

Mel MacDonald,
Chairman,
Trincomali Improvement District,
Board of Trustees

From: Alex Conconi [mailto:
Sent: March 12, 2014 6:58 PM

To: Mel MacDonald
Cc: Harcourt, Justen; Soltani, Kiavash; Robert L Conconi
Subject: Re: Timbers Hydrological report

Not a problem, thanks Mel. Appreciate the update.

Safe travels,

ALEX CONCONI
604-568-4063 office
888-519-2539 fax

On Mar 12, 2014, at 6:40 PM, Mel MacDonald <mmacd@shaw.ca> wrote:

Hello Alex,

Sorry for the delay in replying but I have been travelling in the US for the past two weeks and will return to Pender during the last week of March. Once I have had a chance to review the report with others I will then be able to reply.

Talk to you soon,

Mel

On Mar 8, 2014, at 6:46 PM, Alex Conconi <alex@conconi.ca> wrote:

Hi Mel,

Apologies I wasn't able to respond sooner as I've been in Nicaragua on a volunteer mission, and without consistent internet. What are your thoughts on the report?

In addition to Justen's comments below, I would also add that we sincerely do not believe the Timbers has ever or will ever impact the Trincomali water system, but are more than willing to add monitors to our wells as you previously suggested so that in the case that you do believe your water supply has been impacted, there will at least be some data regarding the Timbers' use of water to put things into perspective. It was a great suggestion, and we're going to go ahead with that 100%!

I'll be back in the office Monday. It would be great to know what you thought of the report. Would you be available to jump on a quick call sometime Tuesday - Friday? We'll also be on the island next weekend, and it would be great to give you a tour.

--

Alex Conconi
Office: 604-568-4063 ext 226
Mobile: 604-354-1354

On Mar 3, 2014, at 5:23 PM, "Harcourt, Justen" <Justen.Harcourt@colliers.com> wrote:

Hi Mel,

I hope you're well!

Thank you again for your insight and feedback regarding the water consumption questions related to the Timbers Temporary Use Permit Application.

I've attached Rob Arden's analysis of the water consumption at Timbers. Using two different metrics, we get two different modelled outcomes and so your earlier point about actual consumption data is well taken! Rob makes this recommendation as well in his report. We are likely to move forward soon with the pricing & design of the flow metering so as to better understand actual consumption moving forward.

In response to your question regarding the well monitoring to understand whether or not the wells are geologically connected, we have reviewed this as well. I've attached a map of adjacent wells in close proximity to Timbers and given that there is such a high number of them potentially impacting the accuracy of the measurements/ methodology, we are not confident that the well monitoring test is the right approach at this time. At this point, we want to understand actual consumption through ongoing monitoring and applying best practices in use (ie. Low flow fixtures) with the intent of providing open book data supporting ongoing dialogue with you and your group.

Please let me know if you have any questions regarding the attached.

Best,

Justen Harcourt MSc
Senior Consultant
Dir +1 604 692 1494 | Mob +1 604 787 5699
Main +1 604 681 4111 | Fax +1 604 661 0849
Justen.Harcourt@colliers.com

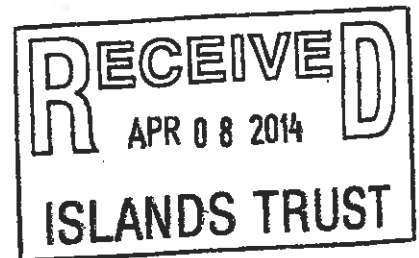
Colliers International Consulting

Colliers International
200 Granville Street, 19th Floor | Vancouver, BC V6C 2R6 | Canada
<image002.png>

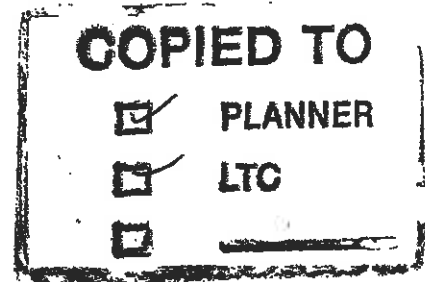
View the current issue of *Knowledge Leader*.

<Report.pdf>

<Timbers Neighbouring Wells.pdf>



North Pender Island Trustees
Gary Steeves
Ken Hancock
c/o Island Trust
200-1627 Fort Street
Victoria, British Columbia
V8R 1H8



April 8, 2014

Dear Sirs, Re: The Temporary Use Permit Application for the Timbers,
North Pender Island

As a land owner residing near the proposed "Commercial Operation" at the Timbers, I wish to express my opposition to the proposed Temporary Use Permit being granted.

After careful consideration of the Timbers proposal, I have concluded there to be little benefit to this small area of the Island. However, I can see significant negative effects in this area which is designated *Rural*. As this Temporary Use Permit (if granted) will not likely be overturned in the future and therefore is likely to become a permanent feature in the Neptune and Tricomali area, I wish to express my opposition to the application now.

Sincerely,

Gordon Hanson

Pender Island
VON 2M2



Robert Kojima

From: Barbra Edwards <
To: April-14-14 2:59 PM
Cc: Gary Steeves; khancock@islandstrust.ca
Subject: Robert Kojima
Urgent - The Timbers application

Follow Up Flag: Flag for follow up
Flag Status: Completed

Hello Gary and Ken,

I am extremely concerned about the application by The Timbers for commercial status in our neighbourhood. I am strongly against this application, now or in the future.

We bought property here on Pirates Road almost nine years ago. The main reason we bought in this area was because of it's sense of sanctuary and that it was protectively zoned residential.

I do not understand after the years of work and money that the Trust has spent on the island's behalf, why this issue is being allowed to surface yet again for review. From documents I have read there should be absolutely no reason to allow this process to continue with someone quite obviously looking at his property as a major business opportunity. The application most likely shows us only the 'tip of the iceberg' in terms of what The Timbers has planned for the future. I wonder if people on our island realize this could be the first step in re-zoning our precious neighbourhood which would be entirely wrong.

We are counting on you to enforce what has been in place for years and not allow this to move forward. The law has already passed it's decision and this application should go no further. Please document my opposition to this application. A genuine thank you for your efforts.

sincerely,

Barbra Edwards

Andrea Pickard

From: Andrea Pickard
Sent: Wednesday, January 08, 2014 3:51 PM
To: North Pender Island Local Trust Committee
Subject: FW: Contact Form Submission

From: [\[mailto:npitcwebmail@npitcwebmail.com\]](#)
Sent: January-07-14 7:52 PM
To: npitcwebmail
Subject: Contact Form Submission

Contact: North Pender Island Local Trust Committee

Name: Jim Burrows

Email:

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message: Gentlemen, I understand that The Timbers is planning to apply for a Temporary Use Permit to allow the operation of an event facility and short term vacation rentals. Being a neighbour and homeowner of property in the area zoned as Rural/Residential, I would object to such a permit. Can you advise the mechanism for me to submit my objection for consideration. Many thanks Jim Burrows

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message: Gentlemen, I understand that The Timbers is planning to apply for a Temporary Use Permit to allow the operation of an event facility and short term vacation rentals. Being a neighbour and homeowner of property in the area zoned as Rural/Residential, I would object to such a permit. Can you advise the mechanism for me to submit my objection for consideration. Many thanks Jim Burrows

Andrea Pickard

From: Gary Steeves
Sent: Friday, February 21, 2014 2:34 PM
To: Jim Burrows
Cc: North Pender Island Local Trust Committee; Andrea Pickard
Subject: Re: inquiry re: Timbers

Hi Jim

The LTC has made no decision on the Conconi TUP application and is following the process it uses for all applications.

Under the law a property owner has the right make an application whether or not anyone believes the use should be permitted or not. They just have the right to pay a fee and apply and a local government cannot prevent them from doing so. Mr Conconi's son has applied and he and a consultant are representing the Conconi family.

The LTC must make a decision using a fact based decision-making methodology. That requires getting all the technical and documentary facts on the table and giving neighbours and the community fair opportunity to make their opinions know to the LTC. This is the methodology we have used in the past and I think we need to be consistent with any other applicant. The answer to your last question is that seeking additional information meets the legal obligation of procedural fairness.

So we have asked for the information we would normally ask for making a decision. We asked for all their documents on previous community consultations, a hydrology study and reports from fire and building safety authorities on whether the buildings meet the commercial standards applied for (as opposed to residential) and the fire regulations for commercial as opposed to residential use. And we have encouraged anyone with something to say to submit their comments to us.

When we have all the information necessary, the LTC will make a decision.

Hope you understand the process and appreciate the necessity of the numerous steps involved. If you have further questions, let me know or contact our Planner Andrea Pickard. We will be happy to help.

Regards

Gary

From: Jim Burrows
Sent: Thursday, February 20, 2014 4:39 PM
To: Gary Steeves
Cc: North Pender Island Local Trust Committee
Subject: Re: inquiry re: Timbers

Hi Gary,

I'm just back on the Island. I understand that the Trustees have asked the Timbers for more information regarding their application for a temporary use permit.

Can you fill me in a bit on why this would be the course of action chosen by the Trustees.

It seems to me that The Timbers has declared they once again want to engage in short term rentals and wedding activities. This is exactly the same operation as was considered and rejected in the Superior Court ruling against Conconi wherein the operation of short term vacation rentals was declared in breach of our by-laws and, the undertaking of commercial activities in a residential zone was declared not legal.

Surely the answer to this renewed application should be to uphold and abide by the hard-fought legal ruling from the Superior Court and not allow STVR's or Commercial activities in a residential zone? What difference would 'more information' make?

Thanks for keeping me in the loop.
All the best
Jim

On Jan 11, 2014, at 1:14 PM, Gary Steeves <gsteeves@islandstrust.bc.ca> wrote:

Hi Jim
All views on this matter will be carefully considered. It is unlikely a decision will be made in January as large issues like this require broad consultation.
Regards
Gary Steeves
North Pender Trustee

From: Jim Burrows
Sent: Saturday, January 11, 2014 10:17 AM
To: Andrea Pickard
Cc: North Pender Island Local Trust Committee
Subject: Re: inquiry re: Timbers

Many thanks, Andrea

Unfortunately I am going to be off-island for the next LTC meeting, but I would appreciate you passing on my objection to this application to the Trustees.

We are probably not directly in the notification area but are significantly effected by the Timbers operations. We have experienced the fast driving down Pirates Road, the garbage in the ditches, the strangers walking through and exploring our property, the parties and the noise. On every count I can think of, we object to this latest attempt to flout our zoning regulations and to ignore the well-being of their neighbours. In addition, and perhaps worse, I fear an approval of this permit will open the door for others to similarly circumvent zoning regulations in the future.

I respectfully ask the Trustees to decline this application on behalf of the majority of Pender residents and on behalf of neighbours to The Timbers.

Many thanks

Jim Burrows

Pender Island, BC

On Jan 8, 2014, at 1:49 PM, Andrea Pickard <apickard@islandstrust.bc.ca> wrote:

Hi Jim,

Thanks for your inquiry regarding a proposed temporary use permit at the Timbers. An application has been received and at this time I anticipate a preliminary report will be on the agenda for the Jan 30th meeting of the Local Trust Committee (LTC).

When the LTC receives the preliminary report in January I will be asking for direction on how they wish to proceed. If they decide to proceed with the application then any draft permit that will be considered by the LTC at a future meeting will be advertised in the paper, posted on local bulletin boards, and notices will be delivered to neighbouring properties within 100 m asking for public input. I am not sure if your property would be captured in the notification area or not, but input from anyone is welcome. Any correspondence received in advance the formal notification process would also be included with any additional public submissions and provided to the LTC for their consideration.

I have copied the LTC on this email so they are aware of your email, and feel free to contact me if you have additional questions.

Regards,

Andrea Pickard
Local Planning Services
Islands Trust
Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

Andrea Pickard

From: Gary Steeves
Sent: Friday, February 28, 2014 10:15 AM
To: Andrea Pickard
Subject: Fw: TUP application

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Wendy Macintyre
Sent: Monday, February 24, 2014 10:28 AM
To: Ken Hancock
Cc: Gary Steeves
Subject: TUP application

Dear Mr. Hancock:

Re: Application for Temporary Use Permit for the property known as the "Timbers" –
6901 Shark Rd., North Pender Island.

We are not in favour of this application for TUP for 3 years on a trial basis

Mr. Conconi states that there would be less water used on this short term basis rather than a full time rental. The experience in Trincomali would seem to be the opposite. People renting on a short term basis don't necessarily care about water usage.

Trincomali relies on ground water to fill its wells. We don't know where the aquifers are, how far they extend and how much water is in them. Distances between Trincomali and Mr. Conconi's property are not that great.

As you know, Trincomali has water restrictions from May to October for all residents. On a dry summer, we can become very close to using all our supply.

If this application is allowed for less than thirty day rentals, we think that then you will be obligated to open the rest of the island to the same opportunity. In other words, you would be setting a precedent.

We think it is totally irrelevant to the application that the Conconi family has donated to various organizations on the island. We also think that it is totally irrelevant to the application that the Conconi family paid all the court costs between the Islands Trust and themselves (didn't the court stipulate that?)

Yours sincerely,
(Mr & Mrs.) Roderick Macintyre

Andrea Pickard

From: Jim Burrows <.....>
Sent: Sunday, March 09, 2014 1:44 PM
To: Gary Steeves; Ken Hancock
Cc: Andrea Pickard; Clare Frater; Executive Admin; Peter Luckham
Subject: The Timbers

Hi Gary, Ken,

Some of the Residents of North Pender are getting mixed messages about the Timbers TUP Application. Some have articulated the situation as follows:

"In 2009, after a 10 year court battle, the Supreme Court of BC ruled that The Timbers operation of a Commercial Resort in a Rural zone on Pender Island was illegal. This protracted battle was won after thousands of hours and many thousands of taxpayer dollars were spent by the Islands Trust in their quest to Preserve and Protect our Islands through the courts. Island Residents applauded their tenacity and resolve to Protect our Island.

Three short years later, it appears a lot has happened. The Timbers is back! They have applied to our Trustees for a Temporary Use Permit to allow them to re-start their commercial operations in the same form as was declared illegal by the Supreme Court in 2009. And, contrary to their previous position, it now appears the Trustees are poised to allow a Commercial Operation and Short-Term Vacation Rentals in a Rural Zone!

Our Trustees have requested further information from The Timbers and it appears The Island Trust Planning Department have submitted a recommendation to approve the Temporary Use Permit. This doesn't sound like the actions we would expect!

So much for the Supreme Court! So much for the Official Community Plan! And so much for all the time and money spent fighting this incursion of Commercial Activity in a Rural neighbourhood!

Does this mean our Trustees set themselves above the Supreme Court? When and why did our Trustees change their mind? Who's interests the Trustees are trying to protect? The Islands' precious environment, the local residents and neighbours, or the Commercial Interests of The Timbers?"

Before we assume approval of the application is imminent, set off all the alarm bells and set wheels in motion, can you comment further and provide the Trustees views on this please?

In addition, is it even legal for The Islands Trust to approve a TUP for an operation that has been found illegal by the Supreme Court?

Many thanks for your input

respectfully

Jim Burrows

Andrea Pickard

From: Ken Hancock
Sent: Thursday, March 20, 2014 3:11 PM
To: Andrea Pickard
Subject: FW: Timbers application for temporary use permit

Ken Hancock
Local Trustee, North Pender LTA
Vice Chair, Islands Trust Executive Committee Email. khancock@islandstrust.bc.ca Tel. 250-629-6610 Islands Trust Web Page <http://www.islandstrust.bc.ca/> North Pender Web Page <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender.aspx>

From: JOHN ALLAN
Sent: March 18, 2014 1:28 PM
To: gsteves@islandstrust.bc.ca
Cc: Ken Hancock
Subject: Timbers application for temporary use permit

Hi Gary and Ken: I have lived at [redacted] on a parttime basis for 22yrs-we live off the grid with a solar panel,a gravity fed watering system for our vegetable garden. We spent alot of time looking for land to buy that was zoned rural-residential. We did not and do not want to live in a commercial zone-even one with a temporary use permit. There are plenty of other areas on Pender for commercial buildings, activities, etc. Please take this as a strong NO for the Timbers application. Sincerely John Allan ps Didn't the Supreme Court come down with a ruling on this issue?

Andrea Pickard

From: Lori Foster
Sent: Friday, March 21, 2014 12:37 PM
To:
Subject: CORRESPONDENCE : NP LTC Webmail Submission 2014-03-21

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Kate Braid:

Thank you for your submission, show below.
I have forwarded your email to Island Planner, Andrea Pickard, for attention.

Regards,

Lori Foster
Planning Team Assistant
Islands Trust
200-1627 Fort Street, Victoria, BC V8R 1H8
phone: 250-405-5163 fax: 250-405-5155

"Preserving Island Communities, Culture, and Environment"

 Please consider the environment before printing this email

From: ailto
Sent: 21-Mar-14 11:43 AM
To: npitcwebmail
Subject: Contact Form Submission

Contact: North Pender Island Local Trust Committee
Name: Kate Braid
Email: _____

If you would like to be contacted using a different method than E-mail, please enter the details:
Write your message: I'm very concerned about the renewed possibility of granting a Temporary Use permit to the Timbers. My husband and I recently bought a retirement house on Pender Island precisely because of its quiet rural character. I strongly object to allowing any consideration of the Timbers application. Thank you.
Kate Braid

Trincomali Improvement District,

Pender Island, BC, V0N 2M2

February 25, 2014

North Pender Island Islands Trust Trustees,

Re: NP-TUP-2014.1 (Colliers International)

Regarding the referenced TUP application, the Trincomali Improvement District (TID) has some concern related to the impact on drinking and fire protection water resources.

The Trincomali community consists of 103 properties located on the southeast side of the Timbers development and relies on well water that may be sourced from the same flow of underground water that is used by the Timbers. During the winter and spring months, we are of the view that there is more than enough water available to adequately meet the needs of both the Timbers and Trincomali residents. However, during the drier summer and early fall period, water supply from our wells is severely impacted and strict water consumption practices must be followed. Over the forty years of existence of the Trincomali community, water conservation habits have been developed and strict control over water usage and storage is practiced including the building of a 500,000 gallon storage capacity that stores water from winter flows to be used in the drier summer season.

On a monthly basis the TID records individual house water meters as well as well water flow into the system which provides a very accurate understanding of water usage. We estimate that the average overall consumption of water per household with the 30 highest Trincomali water users over the busiest August period is around 360 litres per day. With at least two persons per household (and the average is most likely higher than that), the per person consumption is less than 180 litres per day. As the Timbers documentation points out, the average per person water consumption in BC is about 490 litres per day. Should an increase in summer visitors to the Timbers use water at this rate, water availability may become problematic for the entire southern area of the peninsula.

However, until actual water consumption and resulting impact on the surrounding community can be recorded, no definitive assessment on water impacts can be determined. The TID has been approached by The Timbers in order to discuss water usage and it would appear from early discussions that The Timbers is mindful of potential water shortages and wants to mitigate any problems before they arise relative to water usage. They have suggested some testing be done by a professional hydrologist to try and determine if stressing The Timber's wells has any recordable impact on TID wells. This we welcome. However, until we actually go through a summer season, it is impossible to know overall impacts during this drier period.

It would be the Trincomali Improvement District's recommendation that should a TUP be approved for the Timbers, 1: a commitment be required for the Timbers to install an adequate water storage facility for the collection of drinking water from the higher winter water flow for use during the summer period and, 2: meters be installed to accurately record the actual monthly and annual water consumption rates. At the same time, the TID would continue to record water usage in Trincomali. Before a subsequent extension of the TUP or a change to the bylaws is undertaken, a more thorough analysis could be made of the results. Should this analysis find that water supply to the TID or other households in the community has been placed in peril, further TUP extensions or bylaw changes will be denied.

Sincerely,

Mel MacDonald,
Chairman,
Trincomali Improvement District Board of Trustees.

February 8th, 2014

Dear Trustee Hancock and Trustee Steeves,

We are writing to express our concerns regarding proposal NP-TUP-2014.1 regarding "The Timbers". We are in complete opposition to this proposal and will outline our reasons as follows.

The Loophole - a land use designation is a land use designation

I am going to begin by calling a "spade a spade". Let's call this proposal for what it is. This application for a temporary land use permit (TUP) is simply a loophole to get the equivalent of commercial zoning for a resort on a lot that is zoned rural. This is a loophole. The fact that three years is considered "temporary" is insulting.

I cannot express in words how strongly opposed I am to this proposal. It does not take much imagination to see where the owner is going with this proposal. The owner is trying to run a full on commercial resort by getting the TUP. A commercial venture. Now let's look past the three year mark if this goes through. Barring someone phoning on a bylaw infraction every seven seconds for the next three years this owner is going to say "See, no problem having this resort in the community, I want proper commercial or tourist commercial zoning." This is what this is all angling for. If we do not have a strong local government at the time guess what we are going to get....all the worst trappings a resort can bring. We can probably look forward to a bar or pub, more accommodations (as many as they can squeeze in!), a marina, a convenience store, of course a liquor store as Pender has a shortage of those, and then we might get really lucky and get a casino and a strip club...just to keep the guests happy. Acres and acres of all the best the Gulf Islands has to offer. I am not even joking. We have just gone through a battle regarding development on our lake here in Alberta and you would not believe what destruction to environment, landscape, life-style and human population these business-people feel is "an improvement to the community" or will "add value to a community". This is a disaster if the TUP is approved.

A commercial venture needs to be located in an area zoned appropriately. This location is situated centrally among properties designated as "rural" and "rural residential". It is a quiet and peaceful area. A rural retreat. Land use bylaws exist for a reason. They exist to create liveable areas. They exist to create fairness. They exist to protect investment. They exist to protect environment. They exist because it just simply makes sense.

When this owner acquired the property they knew full well what the zoning was. Zoning must be honored. A land use designation is a land use designation. Just because someone has a waterfront lot and wants to make a fast buck it should not mean zoning can be changed.....even temporarily. Just because a landowner has deep pockets it should not mean that zoning should be changed.....even temporarily. This owner knew what the zoning was when they acquired the property, just like every other property owner in the area. Property designation does not only affect the owner of the property, but it also affects everyone else in the community, perhaps more so as we aren't the ones reaping in the wads of cash trying to use a TUP to run a commercial operation, but we are the ones being victimized by a diminished quality of life and our area being destroyed by a commercial venture.

Would we have bought in an area with a commercial operation? NO. Gosh, no way. We have kids. Who in their right mind would buy near a commercial operation with a transient population (tourists) with children? No one.

A land use designation is a land use designation. A TUP should not be granted. Being zoned "R" isn't just about the owner, it is about every single property around it for miles, and their way of life needs to be protected. Even a situation being "temporary" is not an option.

Fairness

Let's examine fairness.

Prior to buying on Pender we did A LOT of research. One of the hot button topics that came up over and over again online was the topic of "short term rentals". My take on this is if you have a house you simply cannot rent it out for a term shorter than 30 days. Period. Section 2.1.2.2 as outlined in the proposal states the same for rurally designated land. Everything I have read or heard has pretty much said that short term rentals are not allowed.

Nowhere have I seen any indication of this being negotiable. This is so "non-negotiable" that when we called to find out the rules BEFORE buying on Pender, that my husband was told on the phone by office staff that "a relative couldn't even be allowed to stay in our house" if we bought on the island. That my retired parents could not come and stay in their daughter's home for a week in the winter. Trust me, this sparked a lot of lively discussion.

Let's take this a little bit further. We have friends in Alberta who once a summer use a former colleague's home in Magic Lakes. In the summer of 2012 they had a knock on the door, were interrogated about who they were and were informed that rentals were illegal. This is now what this couple talks about when they talk about their Pender experience. This is a couple that spend their days on Pender sitting on the deck reading books, have lunch at the bakery or the Cafe at Hope Bay, and are in bed by 8pm. This is a couple where the most radical thing they have done in the past year is change the angle of their lawn chairs in front of their home. These are the people being targeted, yet a TUP for a RESORT is possible. Unbelievable.

How is it fair to ban short term rentals in private homes but allow a TUP where by a resort would be run "temporarily" on a piece of land that the zoning actually bans short term rentals. This is bizarre. A person with a private home would provide a short term rental to someone they trust because quite simply their house is a pretty big investment and they don't want it trashed; they would be particular about just who they rent to. A private home would also rent to 2-4 people for the most part based on the current size of most families today. This resort, however, will not be screening who they rent to because it is just a commercial venture, they won't care who they bring into the neighborhood as long as the guest's credit card is good. Short term rentals in this commercial application is far more damaging to a neighborhood than a neighbor or two renting out their house the odd week in the summer. An actual home owner will vet who they rent to, meanwhile the guest will feel a responsibility to the owner

because it is their "home". The resort will bring whoever they can into the neighborhood as long as the "holiday maker" shows them some cold hard cash....that's all that matters....MONEY.

How is this fair?

If this TUP is granted to the Timbers, every single household owner on North Pender should equally be granted a TUP. That is the only way this would be remotely fair. EVERY SINGLE HOUSEHOLD.

Now let's take this a step further. Let's talk about the businesses on the island that are actually LEGAL commercial ventures. How is this TUP fair to them? These are businesses that went about things the RIGHT way, the LEGAL way. Legitimate ventures aimed at providing accommodation in areas zoned appropriately. If this TUP is approved the first thing it says is "PENDER DOESN'T PLAY FAIR". This means that all of a sudden a TUP means they have added competition in a market that is already facing challenges. Just look at Poet's Cove, closed for months. Grant enough TUP's to ventures with inappropriate zoning and you can quite easily see the legit businesses going under. Grant this TUP to the Timbers, it shows again an unlevel playing field, what are the chances of a business like the Inn on Pender actually ever selling. No one will invest if they think there are irregularities in how the zoning in the community is operating. Approval of this TUP is the beginning of the end for every single legal tourist accommodation on the island. This will kill businesses and kill future investment.

Approval of this TUP will be very unfair to every single property owner on Pender.

Precedent

Approval of this TUP will set a precedent of disastrous proportions. I took a look at the map of the area in question on line. Along Pirates Road, between where magic lakes ends and Trincomali begins, I counted 53 (ish - the map wouldn't print so I counted onscreen) parcels of land. 53 sizeable parcels of land all zoned "R". 53 parcels that have equal rights as the Timbers to be given a TUP for whatever they wish to do with their land. Every single one, if the Timber's TUP is approved for a resort, have equal rights to also operate a resort. How can any of them possibly be denied a TUP in the future if this one is awarded to the Timbers? Imagine the potential of that whole strip of land, several kilometers long being resort after resort after resort. Let's do the numbers for fun based on the Timber's estimate of 26 guests..... $53 \text{ properties} \times 26 \text{ guests} = 1378 \text{ transients (sorry tourists)}$ in our neighborhood on a daily basis. If this TUP is approved it sets a precedent. If the precedent is set every single one of these properties will be entitled to have the same opportunity that was granted to the Timbers. Setting this precedent will be a disaster.

Assumption to be Given Approval

I have to admit I wasn't exactly surprised to find out about the Timbers applying for a TUP. My husband and I figured something was up a couple of months ago when we noticed that the Timbers was back on the map. Literally. We ride the ferries a lot, the kids always pick up the tourist brochures to look at the picture of the whale, and the Timbers was back on the map as a place of accommodation. No kidding. A place that legally cannot (if you read the zoning) have short term tourist accommodation on the property

is actually actively advertising their short-term tourist accommodation. The Timbers has assumed they will be given approval. What arrogance. The Timbers figures that since they have deep pockets that they will get what they want. The Timbers assumes this is a "done deal". Or the Timbers knows "due process" won't be served. For the sake of every "average Joe homeowner" I truly hope it is the Timbers being very premature and arrogant rather than a case of due process not being carried out.

Inability to Follow the Rules in the Past

It isn't urban myth that this property owner can not follow the rules. Now we did not own on the island when the Timbers previously operated their resort on the island, but my goodness we have read about it. The internet provides a lot of insight. To get to the point, this owner is unable to follow rules. Period. Rules are for other people. To get to the point, no matter what rules or regulations go along with the TUP if it is approved, the owner will simply do what they want. They will do what they want and beg forgiveness later. If they had any intention of being good neighbors they would simply accept their zoning and the limitations and not apply for a TUP. This owner has no intention of honoring rules and knows that Pender does not have the resources to constantly enforce any restrictions indicated if the TUP is approved. Let's learn from the past, rules will not be followed, approving the TUP would be a very bad idea.

Using Farming as a Sham to Operate a Commercial Operation

In the paperwork provided (reasons for the proposed temporary use) in "Section 9" and item number "2" it is stated **"The TUP for the 6901 Shark Road property would allow for rental accommodation for periods of less than 30 days for a 3 - year trial period with the intent of providing some supplemental income for its farm operations."**

Let's examine a critical part of that statement: **"supplemental income for its farm operations"**. Farm operations. We have actually been watching this property with interest since we bought. Between the reputation of the place from what we had read online to the strange **inactivity** of the property it made us watch it very closely. Now coming from Alberta, and owning in rural Alberta, the one skill we do tend to have is the ability to recognize a farming operation. The whole time we have owned on Pender we have never once seen a piece of farm machinery on the property, let alone working. We have never seen a crop in the field even though they have a huge lovely flat green expanse of lawn with a sunny exposure that just begs to be grown on. We have never seen a vineyard. They have a derelict roadside vegetable stand stashed to the side that has never ever had a single vegetable, or anything else on it, in the two years we have frequented this part of the island. There are no farming smells. There are no farming noises. The closest this place has ever come to looking like a "farming operation" is every once in a while they have about a half dozen sheep out to mow the lawn. A handful of sheep is not a herd. A handful of sheep is not a farming operation. A handful of sheep represents how much wool I knit up in the span of a couple of months. This simply IS NOT A FARMING OPERATION.

It was the complete lack of activity on the property that really made us start watching it. People who are actually farming are always out and about doing some "project" Farmers are putterers. They are always

building something, Or tweaking something. Or simply finding a reason to play with a piece of their machinery. This property is not actively farming.

This isn't a difference between Alberta and BC farmers either. We drive 1142 km to get to Pender. We drive through the prairies, the Okanagan , the Fraser Valley and the farmlands on Pender. The one thing these places all have in common is activity. Even a few hundred meters down the road you see one property where they have been in the process of digging potatoes, you see farm stands with actual produce for sale, there is a property growing beautiful apple trees, and there is the couple that I swear never go inside with their terraced plantings on the hillside (they were rebuilding the garden stone walls in January too!). These are the honest people actually embracing agriculture and actually growing. These are people with real agricultural activity happening on their properties; real agricultural activity is not happening at the Timbers.

Using "farming" as a sham to operate a commercial operation really bothers me. That is exactly what this owner is doing. It is again another "loophole" to run their commercial venture. To run their resort.

Let's look at that statement one more time: **"the intent of providing some supplemental income for its farm operations."** Just what is considered **"supplemental"**? What percentage of income can they earn legally from accommodation compared to what they earn from ACTUAL FARMING? What is supplemental? 1%, 2%? Supplemental certainly isn't 30% or 60% or 99%. If we base their main income on the wool from 6 sheep, what "supplemental income" should they really be allowed to gain from accommodationin my non-expert and very cynical opinion, it means the supplemental income should be the equivalent to what one paying guest would pay for having a nap.

What is supplemental? Who will police it? What are the penalties? This needs to have real specifics.

We all know this is a sham. A true farmer wouldn't have spent all that money on lawyers , as we read about in the past, and lawyers don't come cheap. A real farmer wouldn't have "Colliers International Consulting" prep the application, that costs serious money. Have you ever met a farmer? They are cheap. They are "do-it-your-selves". The joke on my grandparent's farm is that everything was held together with binder twine. A true farmer would never PAY a suit to prepare a proposal.

This applicant thinks that the neighborhood is full of old people ready to die who just won't fight the proposal. I'm sorry, but I'm not about to be planted 6 feet under and I will fight it. I am also beyond insulted when they use farming as a sham to push through a commercial venture. They insult me. They insult every person who reads this proposal. They insult any person who has ever bothered to pop a seed in the ground and grow a freaking carrot.

This letter, that had been sent to the TID, was forwarded to us. Please read it as it has important information regarding my next comments.:

Hewlett-Packard Company
Attn: 12103- Suite 11701-555 West Hastings St.
Vancouver, BC
V6N 1C6

Mr. McDonald and Mrs. Timmer
Island Improvement District and Residents Association
Island, BC

Mr. McDonald and Mrs. Timmer:

First, I would like to state that our family owns the Timbers property located at 6000 Stark Road. We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings.

We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings. We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings. We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings.

This letter will answer some of the questions that may arise from the submission of this petition and it is my intention to keep all neighbours and community members informed and up-to-date on our plans.

I would also like to clarify some misconceptions regarding the Timbers. With respect to the permitted use, all of our buildings are legally constructed, sized and located. We have applied for a rezoning to change the use of the property from residential to commercial and we are currently in the process of completing the necessary paperwork and fees. We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings.

We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings. We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings. We are a family of 10 and we have lived on the property for nearly 20 years ago, and today it includes a main house and two outbuildings.

from both the road and off-center properties, I appreciate that, in the past, occasional noise complaints were received in connection with events held on the property. To avoid this issue going forward, outdoor amplified sound would not be permitted at the Timbers. Water usage would also be lower by occasional visitors than if the cabins were rented full time as permitted today.

Finally, the Tax Board has indicated that the property is not paying the applicable commercial taxes. BC Assessment has indicated that the property is not a farm and generating rental income would be taxed accordingly. The property is not used, not as farm or residential property.

In making this application, we are not in love of the Gulf Islands and a desire to share the property with other families, including those who in the past returned to the Timbers year after year. Our sense of community is strong and in recent years we have contributed more than \$150,000 towards important Island initiatives including donations to Pender Island Health Care Society in 2007, Pender Island Charity Pro Amateur Golf in 2008 & 2009 and Pender Island Public Library in 2012.

Should you have any questions or comments on our submission, please do not hesitate to contact me at your convenience.

Sincerely,

Alex Conconi

604-752-4065

A farm that can donate \$150 K does not need to operate guest accommodation to make ends meet

Let's look at the telling statement: "Our sense of community is strong and in recent years we have contributed more than \$150,000 towards important Island initiatives including donations to Pender Island Health Care Society in 2007, Pender Island Charity Pro Amateur Golf in 2008 & 2009 and Pender Island Public Library in 2012. "

Could anyone tell me what FARMER makes enough money to GIVE AWAY \$150,000? We are talking about a farmer. A farmer that only has 35 acres. That isn't even a quarter section. There is only one type of crop that can make that sort of coin in such a small area and I am not even going to go there.

Secondly, if you can GIVE AWAY \$150,000, why do you need a "supplemental income"? I'm sorry but if you can give away \$150,000 you do not need a "supplemental income" and you most certainly are not eating Kraft dinner acquired at the food bank.

If anything indicates just how many lies are being told here, there is your evidence. Clearly they do not need a "supplemental income" and clearly they are not farming. I will repeat myself again as the words "SHAM" and "LOOPHOLE" are screaming in my ears.

Campground

In the proposal there is an entry on page 4 under the section titled "Official Community Plan", section 2.4.15. This states "**Commercial campgrounds for the temporary accommodation of island visitors shall be permitted provided they reflect the rural character of the island.**" So I decided to look into this because campgrounds are bad news. Period. Trust me, there are reasons we no longer camp with our children. But back to the research. In section 3.16.2 of the bylaws it states :

" 2) Camping spaces must not cover more than 22 percent of the lot and no campground may have more than 50 camping spaces"

"no campground may have more than 50 camping spaces". 50 camping spaces. Wow. This is a possibility of this proposal. But it gets better:

"8) Camping spaces for recreational vehicles or tents may be occupied by only one recreational vehicle and up to two tents, and camping spaces for tents only may be occupied by up to two tents"

Let's do the density math on this one as this is actually part of the proposal. We will base this on tents. We will base this on a group of college students out for a good (read drinking weekend) on the Gulf Islands. here is the math:

50 camping spaces x 2 tents x 4 people per tent = 400 **transient people** living in a tent city in our neighborhood.

Campers think they have the right to their "campfire" (and no pesky bylaw about fires is going to risk their fun). So we can either have 50 campfires burning every night, or the campground bans it and they take to our beaches. They'll burn every bit of driftwood they can on the beach and then start tearing branches off the trees. We've seen it. Go to Tofino and see the fires on the beach. Is this what we want? Drunken campers roaming Trincomali wandering down to the beach to light fires? This is what will happen.

While we are at it let's talk about garbage. Garbage on the beaches. Hamilton Beach in the summer will tell you all you need to know. It is disgusting. This is what will happen to Starvation Bay, Peter Cove North and Peter Cove South if a campground is ever allowed. The beaches will be destroyed.

And of course there is water usage for an additional 400 people.

And the loss of security of our population and homes as they wander or drive back to the Timbers in their drunken stupor.

We've discovered in the past year, with fighting a development in Alberta, that developers that have a campground as a possibility are the equivalent of slumlords. These people get their chunk of land, they start with lofty ideas of either high end housing developments or resorts, when this falls through they resort to the "campground model". They bring in the bulldozer, rip up trees, and flatten the sites to either plop tents or RVs on a site. They don't care about environmental setbacks, or the trees blocking

the view of the water, they are more than happy to chop down the trees and install either a tent city or a tin can parking lot just to make a fast buck.

This is clearly an option this owner/ developer/farmer has in mind in case running the resort is either too costly or not making enough money. This is such a bad possibility.

Weddings

In the proposal weddings were listed as one of the functions that this resort would like to focus on. Having been a photographer involved in the wedding business for the last 20 years I cannot stress enough what a bad idea it is to bring this sort of event into an area anywhere near a residential community. Weddings bring noise. Weddings bring drunks, which in turn become drunk drivers. Weddings in the past five years or so have expanded their repertoire into some pretty significant drug use, a way to "celebrate the special day". Weddings spawn boredom which means the guests start to roam, the guests have no respect for private property and will go where they want. If you want to see groomsmen relieving themselves in your flowerbeds, bring weddings into a community, it is shocking what you will see. The bride and groom think they have the right to take pictures anywhere. I have had couples argue with me when I wouldn't take their picture in a stranger's yard or even worse drive their car through parkland to get "a good shot", or even better could not understand why we couldn't just stop traffic to take their picture. It is insane. This is the last industry you want anywhere near where people live. The guests get out of control, the drugs and booze flows, everyone thinks they are entitled to do whatever they want because it is their "special day". Having weddings in this area is possibly the worst idea ever and there is absolutely no way to control the behavior at all.

Reduced Quality of Life - traffic, noise, loss of privacy, littered beaches, damage and lack of respect to personal property

Need I say more than the title indicates? Even the proposal sees the potential problems. There will be more traffic; unavoidable and unenforceable with more people. There will be more noise; unavoidable and unenforceable with more people. There will be a loss of privacy; unavoidable and unenforceable with more people (people are snoopy). Tourists don't care about private property, they have the "Disney mentality" where everything simply exists for their entertainment. They will park wherever they want to go to the beach. They won't honor private property that runs along beaches and beach accesses. They won't clean up after themselves once they have been on a beach. If you don't believe me go visit Hamilton Beach during tourist season when all the campers are there. The litter on the beach is disgusting. The campers don't care. We will not even take our children on that beach in the summer as it is disgusting and depressing at the same time. It is impossible to police tourists. There is no way to reduce traffic, reduce noise, ensure privacy, ensure security and keep our beaches pristine. The only way to effectively insure our quality of life is to reject the TUP.

One other concern with traffic is walkability. Our roads do not have sidewalks. If traffic increases it simply will not be safe to walk on our roads.

Traffic isn't just neighborhood specific in this situation. Due to the nature of the island and its road systems, additional traffic affects every landowner from the ferry, along Bedwell Harbour Road, through the bottom of Magic Lakes and up Pirates Road. We have no amenities in our neighborhood or end of the island. Traffic will be constant. We don't have "activities" in our part of the island, so these "guests" will be constantly travelling up and down our roads to find something to do.

I am also going to take a moment to address "vacationer traffic" on Pender in its current state. have you ever noticed the really bad drivers, the ones who speed, the ones that overtake you in really dangerous locations, the ones who are aggressive? We started saying "who are these people?" , and so we started to follow them. (We aren't weird, we usually end up with a child napping in the car and have a half hour to kill or risk waking a grumpy child!) Guess where these cars go? Poet's Cove. EVERY. SINGLE. TIME. "Holiday makers", "guests", "transient population".....it doesn't matter.....what does matter is they just don't care and they just don't respect. This is what we will be bringing into our neighborhoods if this TUP is approved.

We bought on Pender , to be quite honest, because we wanted to be part of a community. We dislike vacationing, we do not have the tourist mentality, we cannot stand being around tourists and the way they show no respect for the area they are visiting. We bought on Pender to NOT be tourists. We did not buy here to lounge on a beach and swig beer. We bought here to revive a garden, plant new trees, enjoy pristine beaches and get to know our neighbours.

Environment & Archeology

In the proposal it is indicated that on the property there are areas of both environmental and archeological importance. These issues are clearly important however they are merely glossed over in this proposal and obviously more detail is needed.

Everyone knows that any additional movement, density, noise or strain does affect both habitat and migration patterns. One thing that stood out under the section titled "Shoreline" was the fact that sea stars frequent the area. Sea stars have been in the news recently regarding diminishing numbers. Obviously any additional activity is not going to be favorable for their survival. I believe that this situation is being studied at Vancouver Aquarium according to a CBC news report a few weeks ago. This should be investigated along with the status of every other species native and migrating in the area.

If the archeology in question is of an aboriginal nature, it too should be taken seriously. If this proposal is accepted it will only be a matter of time before there is more construction or alteration to the landscape. I worry as the section titled "Archaeological Sites" is filled with such minimal information that this property , if they choose to expand or "improve" could take the stance of "do what we want and ask forgiveness later".

Water

We first heard of this proposal via the Trincomali Improvement District (TID), and when I think of the TID I think of water. Water in our area is scarce in the summer, so scarce that things like "navy showers" are recommended, not flushing the toilet more than needed and no outside watering. We even have a "wall of shame" showing just how much water properties are using. Water is an issue.

Bringing in a transient population creates a whole new dimension to a water shortage problem. "Holiday Makers" really don't care about how they use resources; they have the "I paid for my holiday I'll do what I want." mentality. They have no personal investment in the area or the resources. They will flush as much as they want, and no one is going to stop them from taking a half hour shower. A "holiday maker's" water usage is uncontrollable and I highly doubt some college student working at this resort for the summer is going to tackle a guest on water usage.

The proposal also mentioned holding functions and weddings on the property. This very fact means that they cannot give accurate numbers on usage. This property is not going to say you can only have a specific number of guests at a wedding, they will take as many guests as possible because that means more cold hard cash. Maybe the "accommodation" only sleeps 26, but a wedding, from my experience as a wedding photographer for the past 20 years, could be anywhere from 50 to 400 people. Let's compound the situation, 5 minutes after they say "I do," the booze starts rolling and then they are running to use the toilet every 15 minutes. Imagine the usage. Imagine how much of that valuable scarce water is being flushed down the toilet by people who really don't care about just how scarce that water is. I did a quick Google search and came up with a water efficient toilet using 6 litres of water per flush; if an average wedding of 200 people had each person go the toilet three times during the event (a very conservative number) 3600 litres of water is simply flushed away...in an area of already scarce water.

The next question is "What is enough water?" In Trincomali the recommended water usage is 272-318 litres per day for a two person household, with a recommendation of 500-590 per day for a four person household; so the high average of usage per person is 159 litres per day. So if you have a guest who takes a 10 minute shower in the morning (70 litres) and a relaxing bath in the evening (80 litres) it doesn't leave a whole lot of water left over for flushing, teeth brushing, drinking water, laundry, dishes, etc.. In fact it leaves 9 litres for all those other functions if this resort was to conform to the standards that Trincomali aims for in water usage. There is no way this resort will not be a strain on water in the area.

It really doesn't seem fair that I will be just up the hill from this resort bathing four children in the tub at the same time to save water and following the "if it's yellow let it mellow rule" while down at the bottom of the hill water is being thrown away left, right and center because they are "on vacation" or "having a wedding".

Water conservation takes time to both learn and appreciate. At our cabin in rural Alberta we went to a hauled water system a few years back. Previously we had been on a well but it was a disaster and when there was over use of water in the area we would end up with sand coming through the taps and into

the toilet. To solve the situation we went to a 1250 gallon tank much like the ones used on Pender for collection of water for gardens. We have now trained our children well enough that 1250 gallons lasts us the whole season, May to October, for weekend use for a family of seven. You cannot teach this type of conservative water use to a tourist, they are water wasters and the rest of the community will suffer because of it.

Devalued Property

If this TUP is approved everyone along Pirates Road and in Trincomali will surely face a devaluation in their property. Who will want to buy near a resort? If we all liked resorts so much we would have invested in condo resorts in Mexico or Hawaii, not Pender. Anyone who buys on Pender does so for a reason and they are certainly not buying on Pender to have more noise, more traffic, water shortages, dirty beaches and transients roaming our neighborhood. Properties are already being sold off way below tax assessment value. I know, we bought one. This TUP will devalue the properties in the area and make them impossible to sell.

One thing to remember is that if someone currently not living on Pender is looking for a house there, chances are they are shopping for houses across all the Gulf Islands. I know we did. The scope of islands was anything between Vancouver and Victoria. Pender isn't the only game in town. Bad decisions in granting TUP's or changing zoning, bad decisions on what industry is placed nearby a residential area, and these potential new buyers will simply go find a better island.

I will be honest. We learned about the proposal on Saturday Feb 1st, by Sunday afternoon on February 2nd we had already discussed with our children what was going on and my husband was on MLS to get a feel for what other islands had to offer in their current housing markets.

We should not have to face having our investments devalued because of this resort. We will not stick around and face the fall out if the TUP is granted. The "For Sale" sign will go up, and with it the tale of how we came to no longer own on Pender. No one will buy on the island if they feel their neighborhood could be next.

Lies

In the proposal on page 10 under the topic "Community Information Meeting(s)" it is stated that **"Due to the community sensitivity around previous commercial uses of the property the owner has undertaken community consultation over the past year or so before submitting an application."** LIES. We have owned our home in Trincomali since July of 2012 and have NEVER EVER EVER EVER been consulted. This is insulting that they would lie about consulting us. This is one of those little games developers play, they say they consult the community and either "consult the community" in some absurd way (like a freebee community newspaper that can only be picked up at one or two locations) or they simply don't consult and say they did. The freebee community newspaper situation is an actual situation that happened with a developer by our cabin in Alberta. For the record we have NEVER been consulted and we ARE in the community.

Give Us Time To Sell Up

If this TUP is approved I have one request. Give us time to sell up. Give us time to get the investment out of our properties. It is not fair that we will lose our investment due to a poorly made decision to grant a TUP and an owner's greed. I request that all the residents are given 3 years advance warning before the TUP comes into effect. This is only fair. The housing market is not swift at the moment. Houses really only sell vigorously from May to August, four months of the year. Houses are not going to sell quickly as there is such a surplus on the market in main season. There are not the number of recreational property buyers as many people are "house poor" with their main residences. Our generation, people with pre-schoolers and school aged children, are not buying extra properties, it's not a financial possibility. Three years notice will give us 12 months of prime selling season to try and sell our house and hope to break even. The current community surely deserves to be give a fair chance to "get out of Dodge" without losing their shirts.

It will be sad to leave Pender if it comes to that. Families like ours are great for a community. Not only do we bring youth to the island with our five children, but we also help out the economy. We make a point to buy local every time we are on the island, we don't bring everything out from Alberta, and a family of seven are great consumers. Go ask at the Tru-Value deli counter how our children ate their entire stock of sausage rolls, including the veggie ones, last time we were out. We are putting a lot of money into the pockets of Pender businesses every time we are on the island because we realize how important it is to keep them going. We do not believe in "use and abuse", we believe in supporting the community. If we support the community we expect the same in return. If the TUP is approved we , we as the property owner will have been "used and abused". We will not be treated that way. We will leave.

Summary

Just to make myself clear, in case there is any confusion at all, we **do not support the granting of this TUP in any way or any variation.**

Debra & Mark Hunter

Mailing Address:

Phone:

email:

Gary Steeves

From: "Sherrie Boyte" <sboyte@islandstrust.bc.ca>
Date: January-30-14 11:44 AM
To: "Gary Steeves" <gsteeves@islandstrust.bc.ca>; "Ken Hancock" <khancock@islandstrust.bc.ca>
Subject: Timbers TUP

Greetings all,

I have no problem with the Timbers resuming its former operations as a low-key provider of retreat, wedding, and conference type weekend accommodation, and hopefully promoting family vacations. I think it is an important addition to the Island economy, especially with little impact on neighbouring residents. Since Roesland Resort closed many years ago, there has been nothing to replace the unique experience that families came for there.

Kind Regards,

Sherrie Boyte

BRADLEY C. SMITH

Jan 27, 2014

RE: The Timbers

To the Trustees of North Pender Island Trust,

In the past, by the generosity of Mr. Robert Conconi, my wife and I have had the chance to visit your beautiful Pender Island, and especially "The Timbers" located at 6901 Shark Rd.

While on your Island, we would frequent your stores and restaurants. My wife would even get her hair done. We have often felt that if "The Timbers" were open to others that the whole Island would benefit from the business.

My wife and I are _____ and have valued the sanctuary of "The Timbers". The natural, unspoiled surroundings of "The Timbers" is very evident, and provides a wonderful setting to enjoy the outdoors and find a piece of heaven.

It has been very disappointing due to the current by-laws of the North Pender Island Trust that Mr. Conconi cannot make this oasis available to others. Even though he has not been allowed to rent out the units, he has continued to maintain them and the whole complex to a very high standard, which shows his good-will to the community and Pender Island.

I understand that this is under review and a Temporary Use Permit has been applied for. Please consider granting this application and give others a chance to enjoy your beautiful Island.

Kind regards,



Brad Smith.

Val Forman

Jan 27, 2014

North Pender Island Trust:

I am writing this letter in support of the Temporary Use Permit for The Timbers located at 6901 Shark Road. I have personally known Robert Conconi for 25 years and have been visiting The Timbers for the past 15 years as his guest. Bob has given a great amount of support to the various community events on the Island since 1999. He has supported the Medical Clinic as well as the Pender Island Library and many other causes related to Pender Island.

The Timbers is a piece of paradise on Pender Island where one can go to relax and rejuvenate. It is a peaceful place where you feel like you are in the middle of nowhere. Even when all the cabins are full you do not seem to notice others around the property itself. It is tranquil. In all my visits to The Timbers I have never been bothered by any noise of any kind or noticed excessive traffic in the area. I have, however, noticed the noise coming from Poet's Cove across the water to the cabin while sitting outside on many occasions.

Over the years I have spoken to many business owners that have suffered due to the decision to not allow short term rentals on the Island and more directly at The Timbers. They have said their business is down by as much as 30% since the closure of the property for short term rentals. I do not understand what future these business will have without tourism being encouraged to bring business to the community. People come to the islands for the Timbers experience. In my opinion, the Timbers is uniquely able to offer this experience, with a very large rural buffer between it any neighbours who may be impacted.

Thank you for reading my letter. I hope you will think of us visitors to your island when you contemplate the future of your island. I can be reached at
you have any questions.

Regards,

Val Forman

Robert Kojima

From: Bob Kerr
Sent: January-28-14 7:35 PM.
To: information
Subject: Tup

Follow Up Flag: Follow up
Flag Status: Flagged

As a property owner on Pender island, I am in favour of issuing a permit to The Timbers. Over the years they have been very willing supporters of many community projects that benefit island residents. With the base population of Pender Island declining over the last 10 years, the Trust needs to explore ways to expand the economic base of Pender. Recently a petition was presented to the Trust reflecting true concerns of the working class of the island. These should be addressed. Other businesses on Pender are suffering from the stagnant economy and every effort should be made to encourage growth.

Sincerely Robert Kerr Sent from my iPad

STAFF REPORT

Date: April 15, 2014

File No.: NP-RZ-2012.2

To: North Pender Island Local Trust Committee
For the April 24, 2014 Meeting

From: Kim Farris, Planner 1

CC: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

Re: **Clam Bay Farm Rezoning**

Owner: Clam Bay Holdings Ltd.

Applicant: Bo Helliwell, Blue Sky Architecture Inc.

Location: 3202 Clam Bay Road, PID: 006-612-148
That Part of Parcel K (DD 50314-I) of Sections 22 AND 23, Pender Island,
Cowichan District, Lying Westerly of Plan 5063

BACKGROUND

This staff report includes an update on the application, draft Bylaws No. 195 (LUB) and No. 197 (OCP) for LTC consideration, two draft covenants for LTC consideration, as well as options for next steps and further direction. Background information on the property, the proposal and the earlier professional reports are provided in previous staff reports (these are available in past agendas and on the LTC webpage: [Current Applications](#))

The rezoning application includes the following proposed changes to the three site-specific zoned portions of the property:

1. To permit two (2) dwelling units and two (2) cottages on the Rural(b) zoned portion in the north. This will cluster development potential from the other Rural portion of the parcel to an amended site-specific Rural zone.
2. To remove agri-tourist accommodation use.
3. To permit temporary farm worker accommodation (now managers only) on the site-specific Agricultural zoned portion of the property.
4. To rezone the southern site-specific Rural zoned portion of the property to Ecological (ECO). Additionally the owners are proposing granting a voluntary conservation covenant to the Trust Fund Board for this portion of the property.

A supplemental report was presented at the North Pender Island Local Trust Committee (LTC) regular meeting on February 27, 2014. The following are resolutions from that meeting:

NP-2014-021

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to work with the Applicant for NP-RZ-2012.2 (Clam Bay Farm) to formulate a plan to mitigate construction-related impacts on the access road adjacent to the veteran tree.

NP-2014-022

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2012.2 (Clam Bay Farm) and to prepare a draft bylaw for referral as outlined in the staff report of February 18, 2014. As discussed at today's meeting, that staff work with the applicants to prepare a draft covenant as outlined in the staff report of February 18, 2014 and that a conservation covenant and endowment, acceptable to the Trust Fund Board, be registered prior to consideration of final adoption.

The applicant has supplied a mitigation plan for any potential construction related impacts to the veteran tree (attached). The plan recommends the use of the veteran tree access road for construction traffic in relation to alternative routes. However, in order mitigate any impacts on the veteran tree from construction traffic, the Civil Engineer, when preparing the final roadway details and drawings, will provide a maximum weight limit for construction vehicles. This maximum weight limit will be posted on signage restricting road access to overweight vehicles. The temporary covenant will restrict the use of the veteran tree access road to non-construction related traffic until the engineer has provided a maximum weight limit and signage is posted.

The applicant has also provided an update to the Farm Plan (attached). An update to the farm plan was only required if the applicant was requesting an increase to the number of temporary farm worker accommodation units. At the time of writing this report, there has been no request to increase the number of temporary farm worker accommodation units therefore staff have attached the updated Farm Plan for reference only.

DRAFT BYLAWS

Draft Bylaws No. 195 and 197 are attached to this report for information and consideration. Draft bylaw 197 is a consequential OCP map amendment that would re-designate the southern Rural-designated portion of the property to Conservation (this related to the rezoning of this portion of the property to the ECO zone). Draft Bylaw No. 195 would amend the LUB and reflects the direction given at the February 27, 2014 LTC meeting:

1. Amending the site-specific R(b) zone to permit a maximum of two dwellings and two cottages within that zone:
 - Regulations are proposed in the R(b) site-specific zone to restrict density to two dwellings and two cottages on the portion of land zoned R(b).
2. Size of dwellings may be limited to a maximum floor area:
 - Regulations added to the R(b) zone to restrict the floor area to 700m² for one dwelling unit and 300m² for the other dwelling unit on the portion of land zoned R(b). Maximum floor area regulation was not included for a cottage as this is regulated through the LUB Interpretation – definition of a cottage (cottages means a dwelling with a floor area of 56 m² or less).

3. Regulations could permit the cottages to be attached.
 - Regulation added to the R(b) zone to permit the two cottages to be attached.
4. 1 dwelling unit (the caretaker's residence) permitted in the AG zone. The old farm house would be converted to a non-residential accessory use (kitchen, offices, storage).
 - Regulations amended in the AG(c) site-specific zone to limit density to one dwelling on the portion of land zoned AG(c).
5. Rezoning of the southern from Rural(b) zone to ECO zone:
 - Amendment to the Zoning Map to reflect the change in zoning from Rural(b) to the ECO zone. An amendment to the OCP should also be made to support this; draft Bylaw no. 197 includes an amendment to the land use designation map to redesignate a portion of the subject property from Rural (R) to Conservation (CO).
6. Amending the minimum lot areas to preclude subdivision:
 - New minimum lot areas would be included in both the R(b) zone and the AG(c) site-specific zones large enough to preclude future subdivision of any portion of the lot.
7. No commercial guest accommodation permitted, existing accommodation would be removed or converted to accessory buildings:
 - Commercial guest accommodation removed from permitted uses in the AG(c) zone. The temporary covenant addresses the removal or conversion of the existing units.
8. Temporary accommodation permitted in the AG zone in the managers' suite, limited in floor area and to occasional use (specific restrictions may be included in a covenant). Additional temporary farmworker accommodation can be provided through application by temporary use permit:
 - The use of a 'Manager's Suite' consisting of sleeping, cooking, and sanitary facilities would be added to the AG(c) site-specific zone and a maximum floor area for the Manager's Suite of 55 m² would be established. Restricting the length of time of the use (per calendar year) has been included in the permanent covenant.

DRAFT COVENANTS

Staff have drafted two covenants for the LTC's consideration. One covenant is temporary and would be discharged from the property title once the construction activities have completed (as stated in Paragraph 22 of Temporary Covenant). The second covenant is permanent and would remain on the property title. The covenants address the following:

1. Protection of the yew tree at Observatory Point:
 - a. Yew tree protection measures have been included in the permanent covenant.
2. Implementation of other relevant recommendations of the environmental assessment report relating to construction and development:
 - a. Requirement for shoreline temporary fencing at Observatory Point, recommendations for road widening between Davidson Bay (forest site) and

Observatory Point, and restrictions on tree removal at Davidson Bay (forest site) during construction are included in the temporary covenant.

3. Attaching the plan delineating home sites in the R(b) zone and limiting floor area (if not restricted through zoning):
 - a. This would be addressed in draft Bylaw no. 195 by attaching a site plan delineating the proposed locations of the two dwelling units and cottages and requiring the units to be sited in accordance with that plan. Restricting the dwelling units' floor area is also included in the draft LUB bylaw.
4. Requiring highway dedication of Clam Bay Road:
 - a. A provision is included in the temporary covenant requiring dedication prior to occupancy of the dwellings.
5. Specific restrictions on temporary farmworker accommodation related to the use of the managers' suite, prohibition of use of the vineyard suites and craft house for accommodation except through a temporary use permit:
 - a. The use of a Manager's Suite would be permitted in the draft Rural(b) zone. The permanent covenant further restricts the use to no more than a total of 178 days per calendar year and restricts it to the existing unit with a floor area of 55 m². The zoning amendment removes all guest accommodation uses and the temporary covenant requires that these buildings be converted to accessory buildings prior to occupancy of any building or structure in the Rural(b) zone. Prohibition of use of the vineyard suite and craft house for accommodation is not expressly prohibited in the permanent covenant, as these may be subject to temporary use permit applications to allow temporary farmworker accommodation in the future.
6. Prohibition of commercial guest accommodation:
 - a. The bylaw amendment would remove the use from the AG(c) zone. The use has currently ceased for several years and the covenant requires that the buildings be removed or converted to accessory uses.
7. Identification of buildings to be removed and the timing of deconstruction or conversion of buildings to accessory use:
 - a. List of buildings to be removed or converted to an accessory building are included in the temporary covenant.
8. Implementation of relevant recommendations of the groundwater assessment, specifically that the tested well be the water source for all new development and that treatment recommendations be implemented:
 - a. Specific recommendations are included in the temporary covenant. A provision is included in the covenant that if a new well is to provide potable water for new development then a comparable report must be provided and any recommendations of the report implemented.
9. Implementation of relevant energy efficiency and water saving features in new construction.
 - a. Specific recommendations are incorporated into the temporary covenant.

Restricting the use of the veteran tree access road to non-construction related traffic has been included in the temporary covenant. Use of the veteran tree access road for construction vehicles can be permitted when a maximum weight limit for construction vehicles is provided. The maximum weight limit must also be posted on a visible sign at the access road entrance.

The reference plans attached to covenants as schedules will be required to meet the BC Land Title Office requirements for the instruments to be registerable. The applicant may be required by the LTO to provide survey or reference plans prepared by a BC Land Surveyor for the covenants.

AGENCY REFERRALS

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. The LTC should identify any additional consultation options, and specifically consider a resolution if it wishes to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Malahat (TE'Mexw Treaty Association)
 - o Pauquachin
 - o Penelakut
 - o Semiahmoo
 - o Stz'uminus
 - o Tsartlip
 - o Tsawout
 - o Tsawwassen
 - o Tseycum
- Agricultural Land Commission
- Ministry of Agriculture – Regional Agrologist
- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services & Electoral Area Director
- Pender Island Fire Rescue
- Islands Trust Fund
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee

COMMUNITY CONSULTATION

No formal community consultation for this application has taken place at this time. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the application and for any changes to be incorporated in the proposed bylaws. The LTC may wish to consider scheduling a CIM prior to the public hearing.

There is a notification period prior to the public hearing during which time surrounding neighbours will be contacted and advertisements placed in a newspaper. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

STAFF COMMENTS:

Staff have prepared the attached draft bylaws and covenants for consideration of the LTC. Staff are of the opinion that these drafts address the direction of the LTC and would permit the application to proceed.

Options for LTC Consideration:

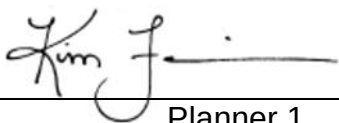
- Direct staff to revise the draft bylaws and present them at a subsequent meeting for further consideration;
- Direct staff to revise the draft covenants and present them at a subsequent meeting for further consideration;
- Give First Reading to draft bylaw no. 195 and draft bylaw no. 197;
- Direct staff to refer the bylaws to the North Pender Advisory Planning Commission;
- Direct staff to schedule a community information meeting prior to the public hearing; and/or
- Proceed no further with this application.

Staff recommend giving First Reading to both draft bylaws and to schedule a Community Information Meeting for the May North Pender LTC meeting. Amendments, if required, to the bylaws may be made prior to Second Reading. A Public Hearing can be scheduled following the agency referral period.

RECOMMENDATIONS:

1. **THAT** the North Pender Island Local Trust Committee give First Reading to Draft Bylaw No. 195, cited as ""North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014".
2. **THAT** the North Pender Island Local Trust Committee give First Reading to Draft Bylaw No. 197, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014".
3. **THAT** the North Pender Island Local Trust Committee direct staff to schedule a community information meeting for NP-RZ-2012.2 (Clam Bay) for the May 2014 Local Trust Committee meeting.

Prepared and Submitted by:



Planner 1

April 15, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

April 16, 2014

Date

Attachments:

- 1 – Draft LUB Amendment no. 195
- 2 – Draft OCP Amendment no. 197
- 3 – Temporary Covenant
- 4 – Permanent Covenant
- 5 – Veteran Tree Mitigation Plan
- 5 – Updated Farm Plan

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 195

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

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

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

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

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

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

1. Article 8.2.8(1) is amended by deleting the R(b) site-specific regulations in the table and replacing them with the following:

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
R(b)	That Part of Parcel K, (DD503141), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone.	(1) Despite Subsection 8.2.1, no lot having an area less than 8 hectares may be created by subdivision on the portion of the property zoned Rural (R)(b). (2) Despite Article 8.2.2(1), the only permitted uses in this location are dwellings, cottages and agriculture. (3) Despite 8.2.3(1), a maximum of two dwellings and two cottages are permitted in the portion of the property zoned Rural (R)(b). (4) The maximum permitted floor area for one dwelling is 700 m² on the portion of the property zoned Rural (R)(b). (5) The maximum permitted floor area for one dwelling is 300 m² on the portion of the property zoned Rural (R)(b). (6) The two dwellings and two cottages permitted in the portion of the property zoned Rural (R)(b) must be sited in accordance with "R(b) Siting Plan" attached as Schedule G. (7) Two cottages on the lot may be attached and if two cottages are attached, they are deemed to be two separate structures for the purposes of density and floor area.

Chair

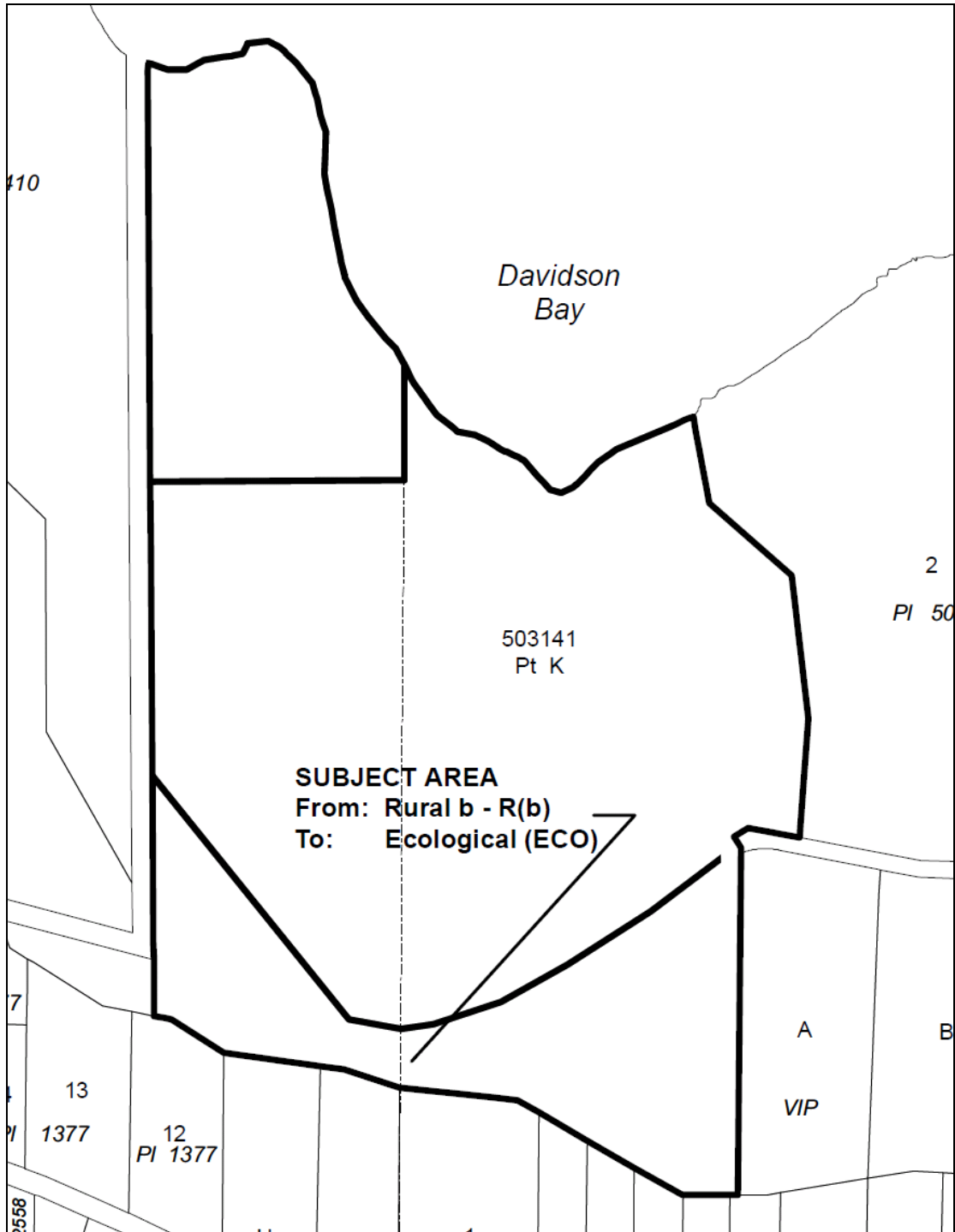
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 195

PLAN No. 1

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



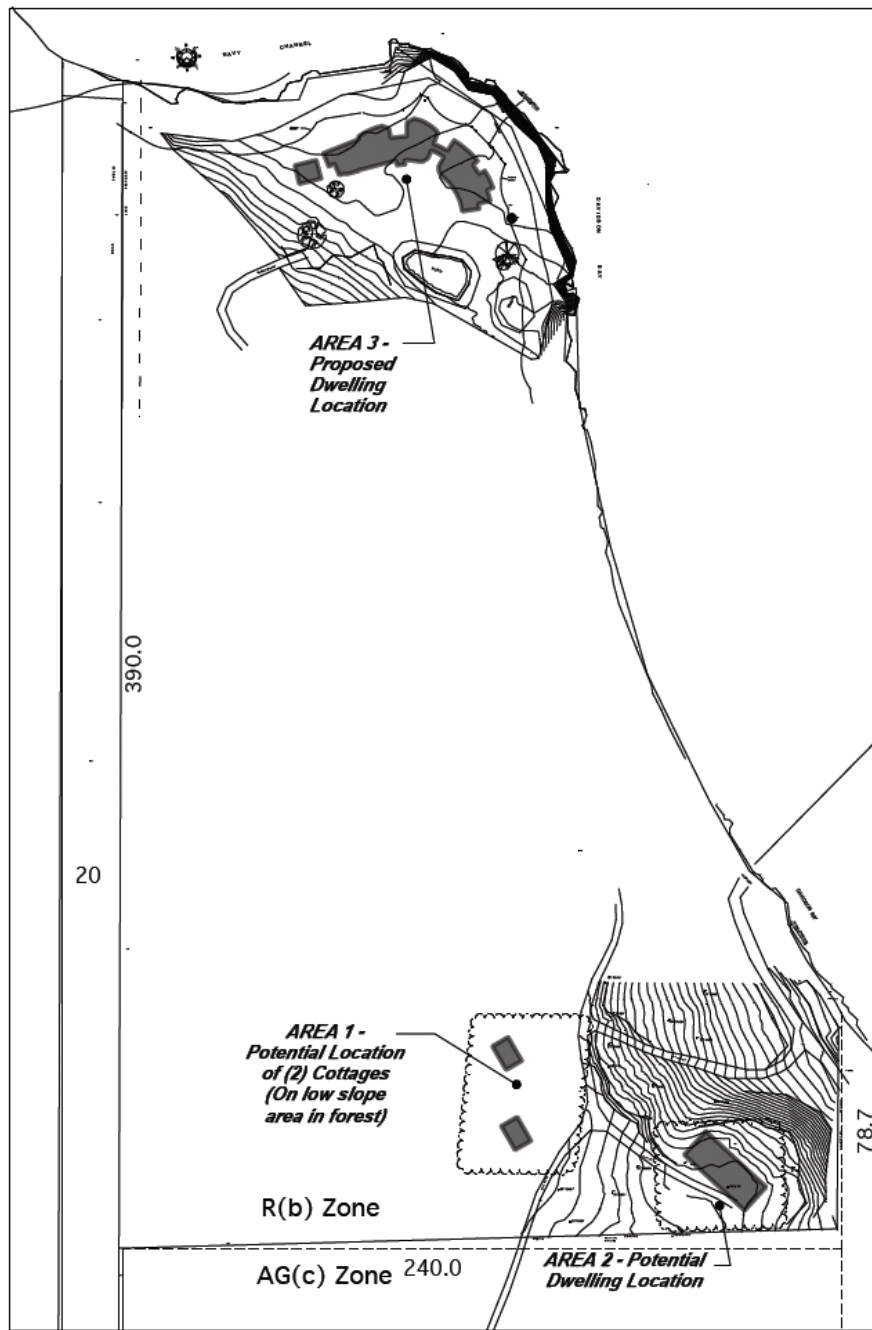
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 195

PLAN No. 2

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

"R(b) Siting Plan"



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DRAFT

BYLAW NO. 197

**A BYLAW TO AMEND THE 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 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender 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. 1, 2014”.

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 _____ day of _____, 20. _____

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this _____ day of _____, 20____.

READ A THIRD TIME this _____ day of _____, 20. _____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this _____ day of _____, 20____.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this _____ day of _____, 20__.

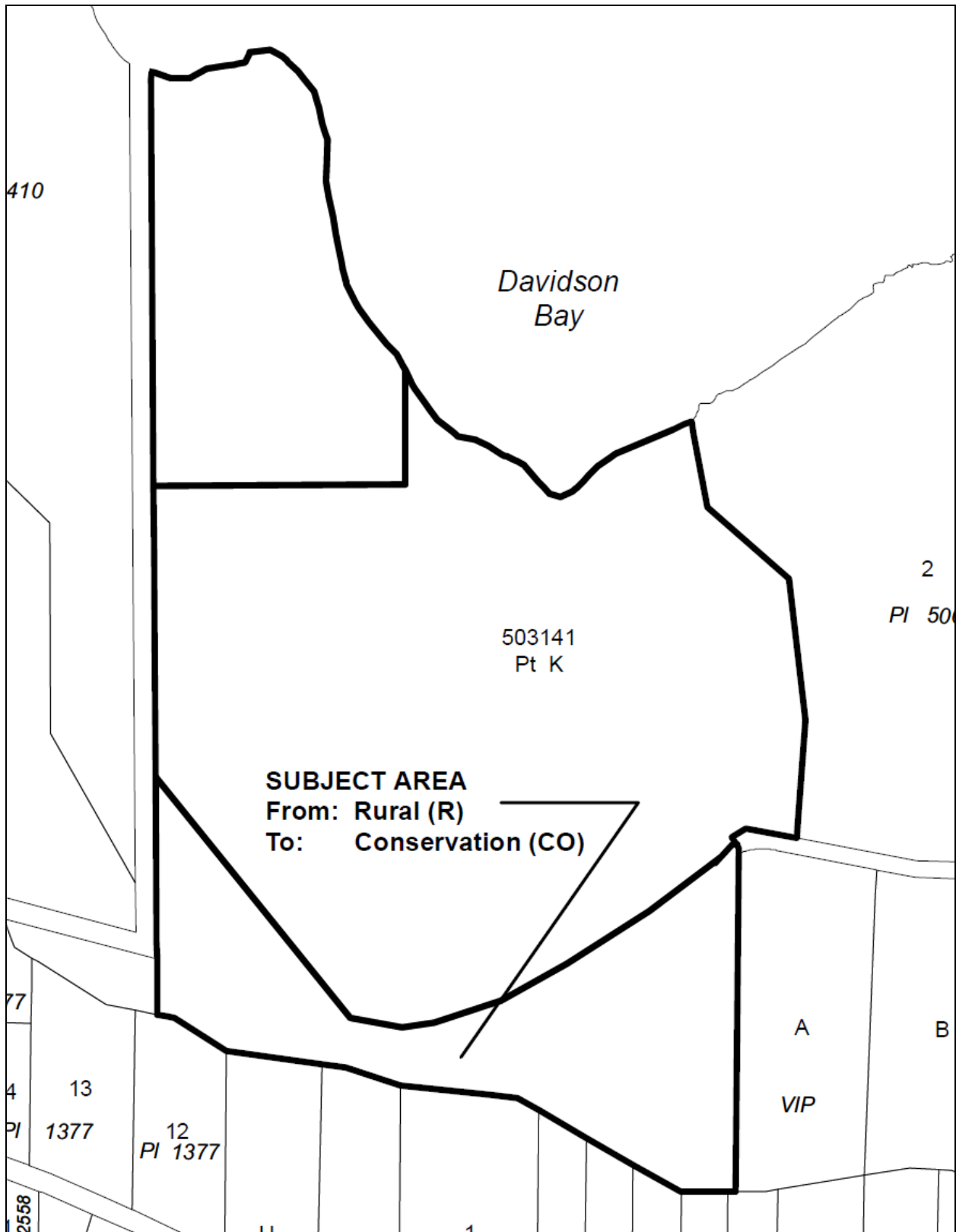
ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 197
SCHEDULE 1**

1. Schedule B (Land Use Designation) is amended for the lands as depicted in the map below.



PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

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

AMONG:

[INSERT NAME AND ADDRESS OF OWNER]

(the "Owner")

AND:

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

(the "Trust Committee")

GIVEN THAT:

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

Parcel Identification Number:

Legal Description:

(the "Land");

- B. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;
- C. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to

the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Restrictions on Use

Access Road

1. The use of the veteran tree access road is restricted to non-construction vehicles until such time as the Owner provides a statement from a qualified professional certifying a maximum vehicular weight limit that can safely use the access road without compromising or otherwise negatively impacting the veteran tree. The maximum weight limit shall be posted on a visible sign on the Land at the entrance of the veteran tree access road.

Highway Dedication

2. No building on the Land within the Rural(b) zone may be occupied until such time as dedication of Clam Bay Road is provided to the satisfaction of the Ministry of Transportation and Infrastructure.

Buildings

3. The following buildings and/or structures as shown on Schedule 'A' must be removed from the Land prior to occupancy of any building or structure in Rural(b) zone:
 - a. Heritage House; and
 - b. Sod Roof Cabin.
4. The following buildings and/or structures as shown on Schedule 'A' must be converted to accessory buildings by removing all cooking and sleeping facilities located within said buildings prior to occupancy of any building or structure in Rural(b) zone:
 - a. House (Farm House);
 - b. Craft House;
 - c. Guest House (Vineyard Suites);
 - d. Pumphouse; and
 - e. Boathouses (Boat House, Oar House, and Bathhouse).

Notwithstanding, the Trust Committee may authorize temporary farmworker accommodation in the Craft House or the Guest House (Vineyard Suites) by the mechanism of a Temporary Use Permit.

Groundwater

5. Water sampling of well WID 16407 must be taken prior to designing a water treatment system for the well. Water sampling must meet Recommendation no. 2 found on Page 21 of 33 in the Groundwater Assessment prepared by Hy-Geo Consulting dated September 19, 2013 attached as Schedule 'B'.
6. Point-of-use treatment systems must be installed in all new dwelling units and cottages. Design of all water treatment systems must meet Recommendation no. 2 and 3 found on Page 21 and 22 of 33 in the Groundwater Assessment prepared by Hy-Geo Consulting dated September 19, 2013 attached as Schedule 'B'.
7. The water from well WID 16407 must be treated with a point-of-entry ultraviolet irradiation treatment system. Design of the water treatment systems must meet Recommendation no. 2 and 3 found on Page 21 and 22 of 33 in the Groundwater Assessment prepared by Hy-Geo Consulting dated September 19, 2013 attached as Schedule 'B'.
8. The Owner shall provide a report from a qualified Hydrogeological Professional to the satisfaction of the Trust Committee if a new well is drilled for the purpose of providing potable water to the dwelling units or cottages on the Land. The report must address the quality and quantity of available groundwater resources for all uses intending to use the well and identify any potential risks to ground or surface water and the Owner agrees to implement any recommendations.

Energy Efficiency

9. The design and construction of all dwelling units on the Land within the Rural(b) zone shall incorporate:
 - a. Large overhangs to provide solar shading;
 - b. Operable clerestory windows to provide natural light to interior spaces as well as natural ventilation through convection;
 - c. High energy efficient appliances;
 - d. Installation of water saving appliances including dishwashers and washing machines;
 - e. All windows and doors be Energy Star labeled or equivalent;
 - f. High density and R-Value wall and roof insulation;
 - g. High efficiency heating appliances; and
 - h. Drought resistant landscaping.

Construction and Development

10. Widening the access road between Davidson Bay (forest site) and Observatory Point must be done from the upslope side of the access road. Resulting fill must not be placed on the down-slope side of the access

road. References to 'Davidson Bay (forest site)' and 'Observatory Point' can be found in the Environmental Assessment Report prepared by Masselink Environmental Design dated July 25, 2013 attached as Schedule 'C'.

11. The removal of trees at the Davidson Bay (forest site) during the construction stage must be consistent with the recommendations made in Section 1 – Davidson Bay (forest site) found in the Environmental Assessment Report prepared by Masselink Environmental Design dated July 25, 2013 attached as Schedule 'C'.
12. Owner shall install temporary fencing 10.0 metres from the natural boundary of the sea at Observation Point in order to protect the bank and shoreline. The temporary fencing may be removed once construction activities are complete.
13. Owner shall install temporary fencing to surround the perimeter of the Yew Tree located at Observation Point to a distance equal to the drip line of the tree or root area, whichever is greater, during the construction of the principal dwelling.

No Effect On Laws or Powers

14. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

15. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any

enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

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

No Liability in Tort

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

Covenant Runs With the Land

18. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated, save and except for the provisions of paragraph 22 of this Agreement.

Registration

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

Waiver

20. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust

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

Severance

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

No Other Agreements

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

Binding of Successors

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

Further Acts

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

Deed and Contract

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

Discharge of Covenant

26. The Owner shall be entitled to a discharge of this Agreement in its entirety from the title to the Land once the construction of two dwelling units and two cottages on the Land is complete and occupancy is granted.

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

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

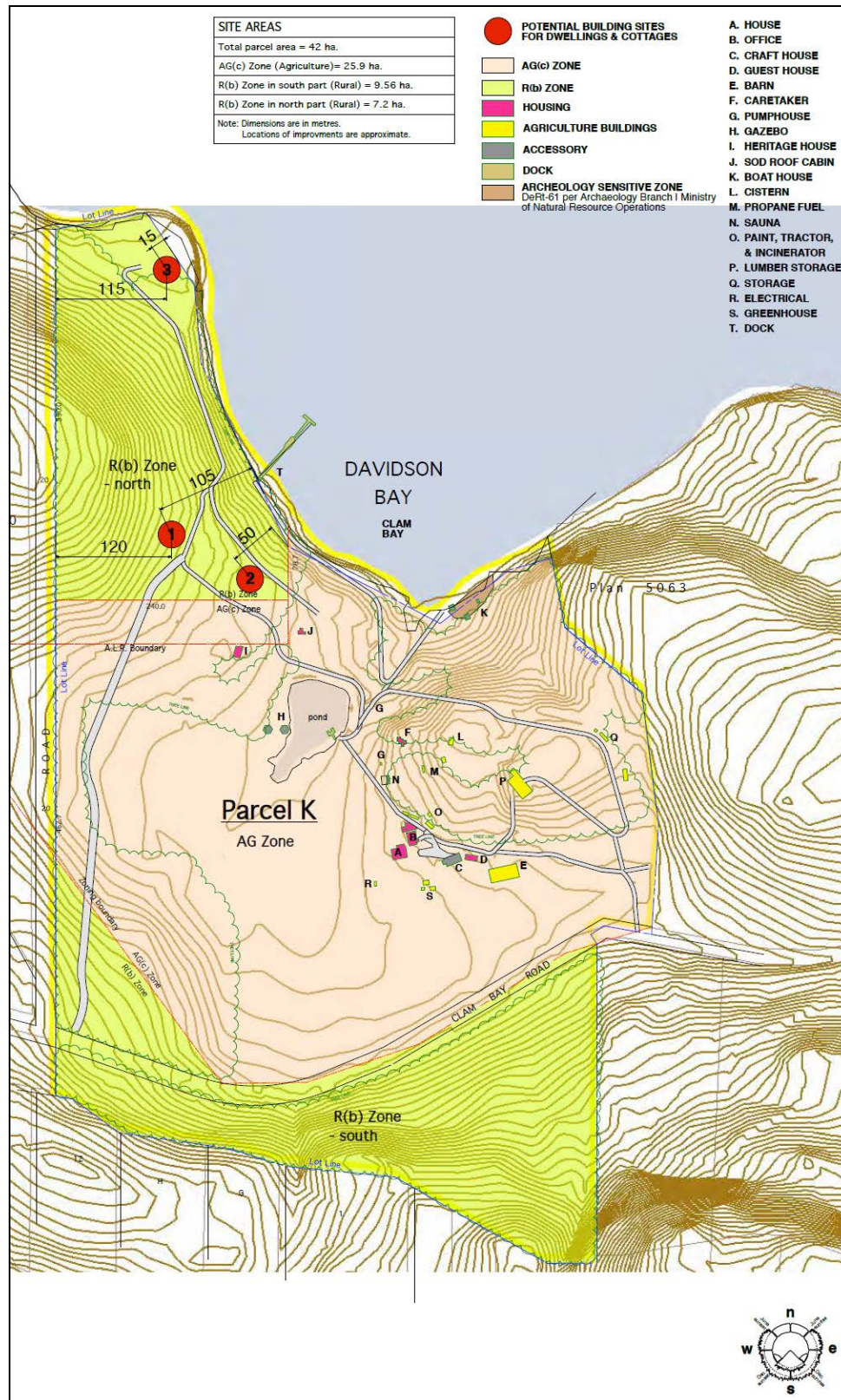
- A. [Name of land owner(s)] (the "Owner") is the registered owner of [insert full legal description] (the "Land");
- B. The Owner granted [Name of chargeholder] (the "Prior Chargeholder") a [identify mortgage or other charge], which was registered against the title to the Land in the Victoria Land Title Office under number [insert registration number] (the "Prior Charge");
- C. The Owner granted to the Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land under number [insert registration number] (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

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

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

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

Schedule 'A'



Schedule 'B'
Groundwater Assessment
(to be attached in final draft)

Schedule 'C'
Environmental Assessment Report
(to be attached in final draft)

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

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

AMONG:

[INSERT NAME AND ADDRESS OF OWNER]

(the "Owner")

AND:

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

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This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to

the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Restriction on Use

1. Use of the 'Manager's Suite' is restricted to a unit not exceeding 55m² in floor area located on the second storey of the building labelled 'Office' on the attached Schedule "A" – Subject Property Site Plan. The 'Manager's Suite' may be occupied for a total of not more than 178 days per calendar year.

Protection of Yew Tree

2. The Owner shall not do or permit to be done any alteration, removal, or disturbance of the Yew Tree shown on the attached Schedule "B" – Yew Tree Site Plan - without the Trust Committee's written approval and receipt of a hazardous tree declaration and replacement plan by a Certified Arborist or Landscape Architect with proper tree assessment qualifications.
3. The Owner shall not do or permit to be done any alteration, removal, disturbance or deposit of soil within the drip line and root area, whichever is greater, of the Yew Tree shown on the attached Schedule "B" – Yew Tree Site Plan - including without limitation construction, installation, placement or erection of any buildings, structures, driveways, roads, parking areas, and will not bury any other pipes, conduits or utility service without the prior written approval of the Trust Committee.
4. Owner shall not do or permit to be done any limbing or modification of the Yew Tree in any way except by a Certified Arborist, or other person with proper tree maintenance qualifications, for purposes that are limited only to reasons of safety, disease or the general health of the Yew Tree.

No Effect On Laws or Powers

5. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;

- (d) affect or limit any enactment relating to the use or subdivision of the Land;
- (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

6. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

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

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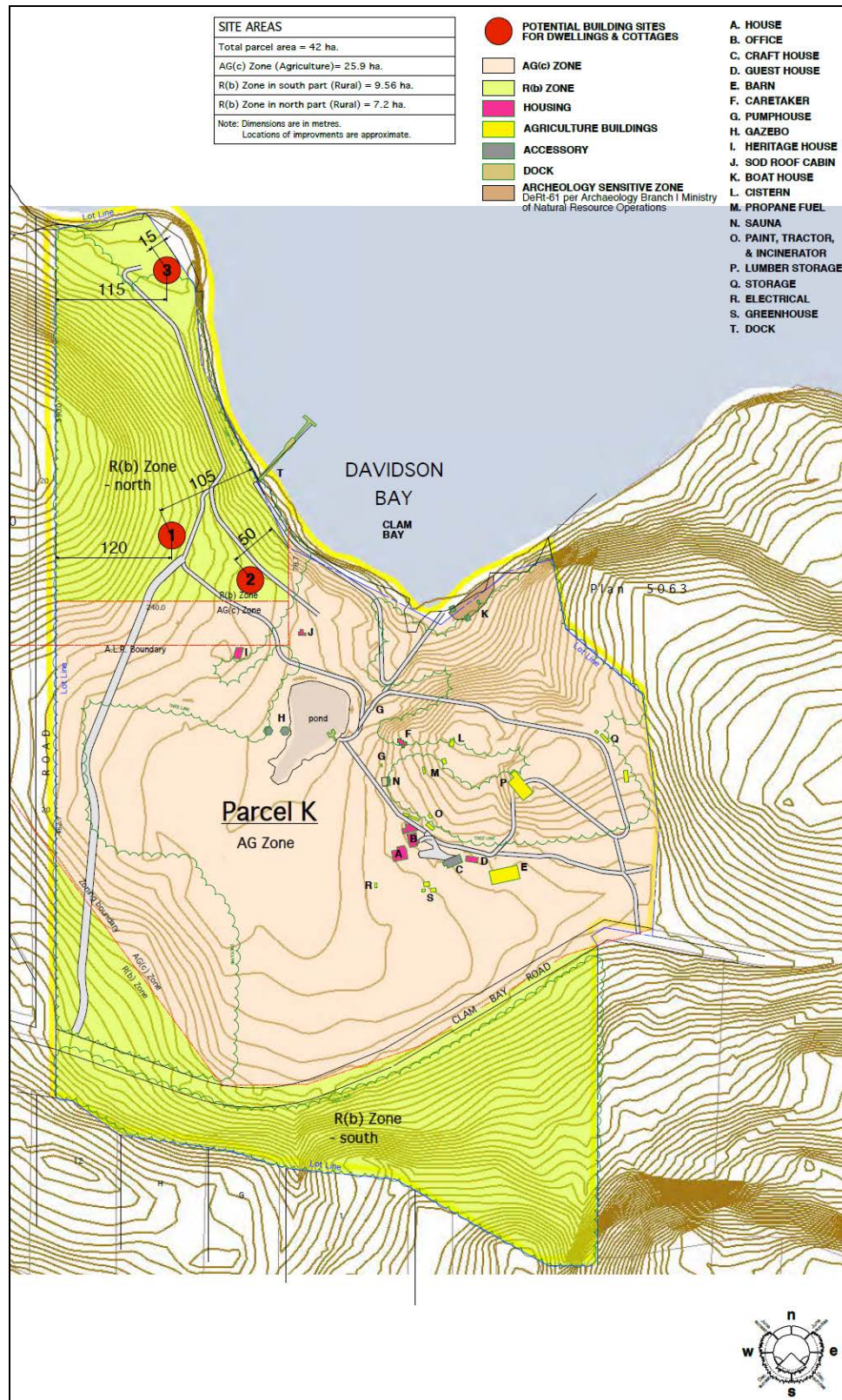
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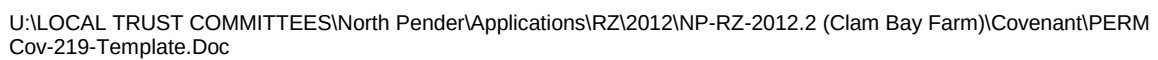
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- 2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.

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

Schedule "A" Subject Property Site Plan





Memo

Project: **Clam Bay Farm**
3202 Clam Bay Road, North Pender, BC

Date: **April 15, 2014**

RE: **Plan to Mitigate Construction-Related Impacts on Access Road Adjacent to the Veteran Tree.**

This memo seeks to outline a plan to mitigate construction-related impacts on the access road adjacent to the veteran tree. The plan's details are drawn directly from the previously submitted Arborist report, provided by Gye + Associates, dated February 11, 2014 and the Civil Engineering report, provided by Gary Carrothers Consulting, dated February 11, 2014 and input from the Clam Bay Farm managers. This memo is intended to satisfy motion NP-2014-021, requiring the applicant to "formulate a plan to mitigate construction-related impacts on the access road adjacent to the veteran tree."

CONSTRUCTION MITIGATION PLAN

The submitted professional reports acknowledge the "road would also be used during construction and provide fire fighting access to the dwelling sites post construction."¹ The arborist report continues, "The current access road will need to be widened and upgraded to support heavy trucks and equipment that may be needed for the site preparation and construction of the proposed cottages."² Below is a consolidation of the professional recommendations made in the reports as well as additional discussions to mitigate the potential construction-related impacts on the access road:

1. The upgraded roadway, within 30m radius of the veteran fir tree ("the radial extent of the root system is estimated to be approximately 30m"³), will be a "floating" type road, as described in the Arborist and Civil Engineer reports.
2. Final roadway details and drawings, within 30m radius of the veteran fir tree, are to be produced by a civil engineer and are to be approved by an arborist.
3. Civil Engineer, when preparing the final roadway details and drawings, will provide comments on the maximum weight limit for construction vehicles. Maximum weight limit to be included on signage restricting road access to overweight vehicles.

¹ Gye + Associates, *Clam Bay Farm – Veteran Tree Assessment* (February 11, 2014), P. 1

² Gye + Associates, *Clam Bay Farm – Veteran Tree Assessment* (February 11, 2014), P. 4

³ Gye + Associates, *Clam Bay Farm – Veteran Tree Assessment* (February 11, 2014), P. 3

4. Roadway work carried out within 30m radius of the veteran fir tree is to be supervised by an arborist, per the submitted Arborist and Civil Engineer reports.
5. Edge of future road to be no less than 3 metres from the veteran fir tree.
6. Construction fencing will be required around the veteran fir tree.
7. Install traffic-calming device within the vicinity of the veteran fir tree with appropriate notification signage.
8. Install signage within the vicinity of the veteran fir tree, notifying drivers to proceed with caution due to the sensitive nature of the veteran fir tree.

ALTERNATIVE ROUTES

It has been suggested that construction traffic could be diverted through the agricultural portion of the property. However, this is not a viable option for a number of reasons.

The Clam Bay Farm managers have serious concerns about utilizing this road for non-farm related activities, as it will divert “non-farm use” traffic through the heart of the farming operations. Although the upgraded roadway will still take traffic within the ALR Boundary, it is well away from any of the current and proposed farming activities, unlike the discussed alternative route. Concerns include:

- Dust from construction traffic may have an adverse effect on crops.
- Traffic within the ALR during farming operations puts personal safety of farm workers and animals at risk.
- Potential damage to buildings along this farm access route.
- Potential damage to infrastructure along this farm access route, including the drainage culvert and pond weir. This damage could result in lost crops, property damage and worker safety.

CONCLUSION

We feel confident that the utilization of the above outlined mitigation plan as well as continued involvement from the Arborist and Civil Engineer during the planning and construction phases of the roadway upgrades will provide both safety and longevity for both the Veteran Fir Tree as well as the Farm and its operations.

Clam Bay Farm 5 year Business Plan Outline 2014

*Prepared by: Dan & Tara Hodgins,
Managers, Clam Bay Farm*

Owner: Clam Bay Holdings Ltd.

Location: 3202 Clam Bay Road
That Part of Parcel K (DD-50314-I) of Sections 22 and 23, Pender Island,
Cowichan District, Lying Westerly of Plan 5063

Area: Whole: 43.3 ha (107 acres)
ALR Zone: 25.5 ha (63.2 acres)

Contact: Dan & Tara Hodgins
Farm Managers
Dan Hodgins dan@13d.com, 250-360-6219
Tara Hodgins tara@13d.com, 250-360-6393

Mailing address:
3202 Clam Bay Road
Pender Island, BC
V0N 2M1
Office: 250-629-6367

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Executive Summary

Over the course of the next 5 to 10 years, Clam Bay Farm will develop many aspects of the organic farming operation from maximizing the yields in the current vineyard to adding new opportunities such as (but not limited to); vegetables, berries and livestock. The basis of the plan over the next five years is provided in this document along with a summary of anticipated required labour. As each farm is different in many aspects, the labour stated here may increase even more as new projects come on line.

With each new enterprise at Clam Bay Farm, a data base with accurate records will be kept to ensure that steps forward are made by understanding previous steps taken. For example, vegetables are being catalogued in terms of successful growth, disease resistance, overall productivity, time to market, potential markets and income realized. Each new goal at CBF will require additional labour in order to care for and maintain plants and animals on the farm. The data base will include all the pertinent information required for running a successful farm business operation. Specific data will include; understanding all of the various markets for Clam Bay Farm products, unique advantages, financial highlights, management strengths and labour options.

These steps will allow Clam Bay Farm to move forward in a positive direction with the best information possible.

Goals

The long term vision for Clam Bay Farm is to create a self-sustaining bio-dynamic farming operation. Through the use of organic farming principles and low carbon foot-printing, farming operations will focus on producing high quality farming products while simultaneously improving the quality of the land, water and air.

Clam Bay Farm will also produce a variety of crops including market vegetables, eggs, meats, nutraceutical berries, nutraceutical herbs, wine grapes and tree fruits.

- Produce clean, nutritious, organic foods and sell them locally
- Sell at a fair price to the community and other producers while providing adequate income
- Sell in a manner to be a good neighbour and fulfill products that are in demand
- Improve the quality of the soil
- Clean air, clean water, healthy plants and healthy animals
- Enjoy diverse and meaningful work

Purpose

The purpose of this document is to detail the steps and procedures required to successfully expand the current existing farming operations. In addition, Clam Bay Farm must satisfy the Local North Pender Trust Committees request for a detailed 5 year farm plan specifically outlining the need for labour thus temporary workers accommodations due to the increased work load the farm will experience as the farm operations develop.

Business Description

Clam Bay Farm's current primary business is as a producer of wine grapes, a small scale Chanteclar Chicken (Canadian Heritage bird) laying operation, (33 birds), firewood and vegetables sales. The farm's 2012 grape harvest was 9 tons and the 2013 grape harvest was 18 tons. The 2013 grape crop was purchased by Sea Star Estate Farm & Winery, a local Pender Island company that is now partnering with Clam Bay Farm.

Business History

In 1981 Clam Bay Farm was purchased by Peter Speck. Over the next 25 years, Mr. Speck developed a bio-dynamic farming operation. He used no chemical or pesticide sprays during that time. He also initiated the agro-tourism business within the ALR that Clam Bay Farm is currently zoned for. In 2006 Mr. Speck sold the farm to Jed Wood. Mr. Wood's background was from the oil and gas industry in Alberta. Mr. Wood continued to run the agro-tourism operation as well as develop the 5.5 acre vineyard. During his ownership Mr. Wood planned and started to build a golf course on the cleared fields of Clam Bay Farm. This golf course development was stopped immediately by the current owner upon purchase due to environmental reasons and the assumption that the type of nitrogen fertilizers used in golf courses would ultimately destroy the marine life in Davidson Bay (Clam Bay) and be further dispersed via Navy Channel. Significant funds were used to reverse the work done by Jed Wood on the golf course.

Clam Bay Holdings Ltd now owns Clam Bay Farm. It is a privately held company that purchased Clam Bay Farm in 2011.

Machinery

Clam Bay Farm has a modest fleet of farming machinery. Many of these older and neglected machines are being diligently repaired for extended use. New purchases include a Bobcat S220 and the John Deere 5083EN. Below is a schedule of the current equipment:

- Bobcat S220
- John Deere Gator x 3
- Kawasaki Mule x 2
- Backhoe
- John Deere Tractor 5083EN
- Leyland Tractor
- John Deere Tractor JD950
- John Deere Attachments
- Mobile Dimensions Lumber Mill
- Eger Beaver Wood Chipper
- Generator
- John Deere Lawnmower 430
- Log splitter 10hp
- Various PTO drive attachments

Water

Clam Bay Farm has two irrigation ponds. Due to the property location, the ponds collect much runoff from the high ridge to the south via Margaret Brook as well as other springs and culverts. Approximate volumes are:

Large Pond = 19,605,000 litres

Small Pond = 9,542,000 litres

There is a well located near the water treatment building. It is 380 feet/116 meters deep and has a flow rate of 25 GPM/95 LPM.

Management

Clam Bay Farm is managed by the team of Dan and Tara Hodgins, Pender residents for the past 11 years. Dan and Tara have been involved in a number of successful management positions over the past 20 years. They have held positions as both managers and owners in a variety of service and hospitality companies in both Canada, and internationally in both Cuba and the Cayman Islands. Additionally Clam Bay Farm has two full-time employees and one part-time employee/caretaker. The two full-time employees have a combined 10 years of experience on Clam Bay Farm and provide an extensive experience level and skill set specific to Clam Bay Farm. Consultants, contractors and additional employees will be retained as required.

Dan and Tara have taken on complimentary roles of responsibility for all the different aspects of running Clam Bay Farm.

- Administration
 - Budgeting
 - Research
 - Project coordination
 - Purchasing
 - Payroll
 - Hiring/termination
 - Payables/receivables
 - Petty Cash
 - Communications and reporting
 - Scheduling
 - Computer systems maintenance
- Daily operations
- Vineyard
- Market garden
 - Vegetables
 - Herbs
 - Greenhouses
- Machinery
- Maintenance

- Buildings
- Fences
- Fixtures
- Machinery
- Infrastructure
- Animal husbandry
 - Chickens
 - Bees
 - Research and obtain future livestock
- Cleaning
- Security
- Emergency Preparedness
- Develop all aspects of future farming

Consultants

- Bo Helliwell and Kim Smith – Principal Architects at Blue Sky Architecture
- Robert Kline - Regional Agrologist, BC Ministry of Agriculture
- Jeremy Gye - Arborist, Gye and Associates, Urban Forestry Consultants
- Gary Carrothers - Engineer, Gary Carrothers Consulting
- Gary Rolston – Professional Agrologist with a degree in Agricultural Economics
- Dr. R.E. (Bob) Maxwell – Soil Scientist
- Jim Stafford & Tina Christensen - Archaeological Assessment
- Alan Kohut - Hydrogeological Assessment
- Steve Inglis – GPS Turf Drainage Specialist
- Kevin Luterbach – Iritex Irrigation Specialist
- Derek Masselink - Ecologist and Landscape Architect
- Michelle Masselink – Environmental Biologist

Strategic plan

Clam Bay Farm's strategic plan is to build a fully operational self-sustainable organic farm and to be good community member and neighbour. The farm will produce of clean, nutritious, organic foods to sell fair prices providing adequate income while selling in a manner to be a good neighbour and fulfill products that are in demand. CBF will help Pender Island towards food self-sufficiency by providing the local Pender community and other farmers with additional equipment to assist with processing farm products. Clam Bay Farm will continue to pursue all aspects of organic farming and always work to improve the quality of the air, water and soil.

Strengths

Clam Bay Farm Employees

1. Experienced, professional, motivated and capable of moving the long term goals of the farm forward.
2. Varied skill sets
 - a. Farming
 - i. Vegetable gardening
 - ii. Animal husbandry
 - iii. Bee Keeping
 - b. Viticulture
 - c. Carpentry
 - d. Plumbing
 - e. Machinery operation and maintenance

Farm Land Quantity

Soil tests and a detailed soil report have been created by Dr. Bob Maxwell, who reported that the soils on Clam Bay Farm contain very good attributes. The report outlined the specific qualities; soil composition, ph etc.. the report also detailed what crops would be suitable for the different locations around the farm. Even though much of the land is fallow it is very good quality land. However it will require a substantial amount of remediation with organic inputs and cover crops.

Head Office Support

Clam Bay Holdings Ltd. and the head office bring both professional and financial support for the development of the farm. All farm proposals and business plans are first written by the managers of Clam Bay Farm and then submitted to the head office. Once completed the proposals go through a vetting process by Clam Bay Holdings Ltd head office. This process ensures that all future approved projects have the best opportunity for success. Clam Bay Holdings Ltd is also responsible for the financial support of farm. Clam Bay Holdings Ltd is very supportive of Clam Bay Farm and its future development. examples:

- a. Keeping four fulltime employees employed year round.
- b. Purchasing new equipment for farming operations
 - i. New John Deer tractor
 - ii. Bobcat
 - iii. New heavy duty Dodge 3500 truck
 - iv. Hydraulic grape hoe mechanism for organic vineyard weeding
 - v. New mobile chicken coops for organic laying hens, and fertilizer production and soil remediation
 - vi. Capital infrastructure investment

Weaknesses

Additional Labour

a. Cost

- The highest annual cost to Clam Bay Farm is the cost of labour. Labour overhead makes many farming projects initially look undesirable and unprofitable. Low profitability makes moving forward with many farming projects challenging. Data collection and the production of a Clam Bay Farm data base will assist in more organization and the ability to find efficiencies in operations and production. Running organized and efficient farming operations is critical to becoming cost efficient. In turn this will lead to costs savings and greater profitability potential.

b. Labour pool

- The size of the labour pool on Pender Island is small. Many of the population are retirees and are not interested in the strenuous work required on a farm. Many of the available younger work force on Pender possess an entitlement attitude and exhibit poor work ethics.

c. Seasonality

- Much of the labour intensive farming operations are seasonal and varied. This requires a larger work force at specific times during the year for shorter periods of time. It creates difficulties in organizing a qualified work force in the required time frame. Because of these sporadic working conditions Clam Bay Farm has a difficult time retaining individuals that exhibit desired capabilities and personality traits for productive work on the farm.

Established farm enterprises

Vineyard - based on its size (5.5ac) the vineyard presents a profitability challenge. Labour, machinery, maintenance, fuel, organic growing systems, and inputs all currently amount to a higher cost compared to the revenue received from the yearly sale of the grapes. Finding efficiencies in operational costs are a priority. Wwoofers and temporary foreign workers will help to bring costs and overhead down in the vineyard and farm hopefully someday resulting in a break even financial position.

Farm has been in "non-agricultural" use for ten years plus.

Fallow soils and golf course

- There has been a decade of non-agricultural land use on Clam Bay Farm in addition there was a partial development of a golf course on the cleared fields on the farm. This has resulted in soil that requires remediation and land that required heavy machines to clear and re-level berm's intended for the golf course. Plans are to use cover crops such as Crimson Clover and Buckwheat that are capable of reintroducing organic nitrogen and other critical nutrients back into the ground preparing the soil for crops.

Older equipment

- Many of the critical pieces of equipment required for efficient farm operations are older and require much greater financial and labour input. Many of the older machines are

critical and must be operational for specific times in order to avoid significant problems and crop losses.

Water drainage

- Clam Bay Farm is located in a low lying basin with a significant amount of water run-off. The water is focused down onto the farm from the East, South and West sides. Much of the runoff that drains onto Clam Bay farm does not originate on Clam Bay Farm. In order to prepare and consistently farm the land for the proposed agriculture purposes the current drainage system will require extensive repairs, upgrades and expansion.

Cost of Operating on Pender Island

- Simply put production costs for farming on Pender Island are higher in comparison to farming on Vancouver Island and Vancouver and therefore potential profit margins are lower.

Examples:

- Labour - Wwoofers and Temporary Foreign Workers can relieve this pressure
- Fuel - no relief
- Parts - no relief
- Repairs - focus on in house repairs vs. outside contractors however off-island assistance is required at times.
- Maintenance - focus on in house maintenance vs outside contractors however off-island assistance is required at times.
- Organic inputs – rather than purchase and shipping, create organic inputs on CBF and purchase local manures from Pender farmers
- Consultants - work with local consultants whenever possible

Threats

1. Plant disease
2. Plant pests and predators
3. Changes in local weather patterns
4. GMO seeds vs heirloom
 - a. Companies such as Monsanto taking over global seed production which limits farms ability to grow organic heirloom crops.
5. Climate change
 - a. Water
 - i. Drought
 - ii. Non-organic use of pesticides by adjacent land owners
 - iii. Non-organic use of herbicides by adjacent land owners
 - b. Flooding
 - i. Loss of topsoil
 - ii. Destruction of crops
 - iii. Introduction of pests and disease
6. Fires
7. Global political and economic instabilities

Opportunities

1. Medicinal berries - Haskap
 - Culinary (e.g. fresh fruit and processed food/drink products such as jam, ice cream, juice and wine). Medicinal (e.g. fruit and leaves are high in antioxidants, can be used in the treatment of fever, abdominal pains and many other ailments).
 - Haskap bushes are a hearty plant with all the endurance and pest resistance of other honeysuckle plants and are easily reproduced from seed or cutting. Haskap is now rivalling other berries grown in North America in flavour and outrivalling many of them in nutrition and health benefits.
 - Haskap has long been known by the ancient Japanese as, “The fruit of Life longevity and Fruit of vision”. The fruit is high in Vitamin C and A along with high fibre and potassium.
2. Medicinal herb sales
 - Agricultural and horticultural extension agents are faced with challenges of coming up with viable cash crops for small scale farmers. Fresh herbs are high value crops. There is a good potential for small scale farmers to generate a substantial amount of income from limited acreage by growing culinary herbs. Fresh culinary herbs are one of the best candidates. They are in very high demand since healthy eating and cooking are becoming more and more important.
 - Top 12 herbs that chefs anticipated purchasing were parsley, basil, mints, dill, chives, Rosemary, thyme, French tarragon, oregano, sage, sweet marjoram, and French sorrel. Several chefs indicated they would also buy cilantro.
3. Abattoir
 - Currently there is an existing room in the barn on Clam Bay Farm that in the past was used as an abattoir. Clam Bay Farm has been approached by the Pender Islands Farmers institute to look at the feasibility of having the room re-certified for commercial use by local farmers. This room would be a very good asset for all of the local farming operations who currently are required to send their animals off island to be produced.
4. Commercial kitchen and retail space for sales
 - Within the ALR Clam Bay Farm is permitted to have a retail area with 500sqft of retail space providing that 50% of the retail products are produced off the farm. As the farm expands to include additional crops and animals there will be more opportunity for providing products for a retail sales i.e.:
 - i. Preserves from berries and fruit
 - ii. Pies and other baked goods
 - iii. Treats
 - iv. Vegetables can be canned and made into sauces
 - v. Specialty cheeses
 - vi. Local artists and other farmers food related products
5. Bee hives for honey production and pollination
 - Currently there is one bee hive located on Clam Bay Farm. The proposed idea is to eventually have 20-25 hives (dependent on the farms plant and flower capacity to host healthy hives).
6. Greenhouse
 - Market garden propagation
 - Nursery Plant sales
 - Local flower sales
 - Fruit tree propagation
 - Fruit tree sales

- Vine stock propagation for vineyard expansion and retail sales
7. Fruit tree orchard
 - Currently there are 20 fruit trees on Clam Bay Farm. The proposal is to plant up to 100 various fruit trees focusing on new growing techniques in specific areas creating an efficiently operated fruit tree orchard. New techniques in orchard design using espaliated pruning and tree training will be incorporated.
 8. Specialty Hops production and sales for Vancouver Island craft breweries
 - Hops have a huge potential market, as interest in organic brewing grows exponentially along with the rest of the organic market. Microbreweries of all sorts, organic and not, are springing up all over British Columbia, indeed, all over Canada. Public interest in the source of food (which includes beverages) has meant a real growth in small-scale agriculture marketing direct to the consumer right across Canada. Both wineries and breweries have been taking advantage of this market niche alongside organic and other small-scale hop growers.
 9. Local food initiative - Pender Island Diet and local Pender Island food security development
 - Based on the 100 mile diet and the interest that a large amount of the local community desires local foods, Clam Bay Farm is proposing to develop a food initiative based on supplying the island with as many local foods as can be produced from local farms; a co-op food production system organized and efficiently run to reduce waste and repetition.
 10. Non GMO seed farm and sales
 - With more and more people becoming concerned that large conglomerate companies like Monsanto are attempting to corner the seed market creating a monopoly, and that much of their seed is heavily genetically modified, Clam Bay Farm proposes to sell heirloom organic seeds from our crop production. British Columbia does not even meet 1% of its own need for vegetable seeds.
 11. Production of ethno-cultural vegetables for the Victoria Chinese and East Indian communities
 - Producing specialty crops based on specific contracts with grocery stores and restaurants.
 12. Organic compost
 - Retail sales for organic compost produced on Clam Bay Farm reducing the need for Penderites to go off island and transport inputs on the ferry.
 13. Agroforestry
 - Agroforestry is an industry defined by the *production systems* used. Agroforestry does not convert agricultural land to forests or forested lands to agriculture. Rather, it is an approach to land management that spans the breadth of the industries of each, integrating current land management practices to produce both familiar and novel crops.
 - i. Christmas tree growers;
 - ii. traditional and specialty woodlot managers;
 - iii. livestock producers (dairy and beef cattle, sheep, goats and others);
 - iv. landscape, ornamental and nursery plant producers;
 - v. berry, nut, grape and tree fruit producers;
 - vi. vegetable, grain and other field crop farmers;
 - vii. producers of herbs, medicinal and aromatic plants;
 - viii. forest farmers producing bark, syrup, mushrooms, floral and greenery products, as well as other specialty crops.

Mission

Over the past two growing seasons Clam Bay Farm has focused on farming 5.5 acres of wine grapes. The vineyard is equally divided into three varieties: Siegerrebe, Ortega and Pinot Noir. The 2012 grape harvest yielded 9 tons of grapes compared with the 2013 grape harvest which yielded 18 tons. There are also two flocks of Chantecler chickens housed in mobile chicken coops. Chantecler chickens are the only breed of Canadian Heritage chickens and are sought after for their specific traits:

1. disease resistant
2. dual purpose - layer and meat bird
3. well suited to Canada's climate and production needs

Clam Bay Farm also sells firewood to Pender Island residents, eggs and vegetables to local restaurant; Hope Bay Cafe and the local grocery store, South Ridge Farm.

Human Resources

Human resource challenges facing Clam Bay Farm currently are:

1. Lack of competent willing local labour pool
 - a. Un-motivated younger work force on Pender
 - b. Older worker force retired or not able to keep up with strenuous farm work
2. Varied times of year require substantial increase in workers, but only for short periods
 - a. Summer and fall times compared to winter times in vineyard
 - b. Certain tasks such as harvest, leaf thinning, tucking, spring pruning, pulling and burning of canes.

Clam Bay Farm will need to utilize programs such as the Temporary Foreign Workers program and Wwoofers allowing the operation to have the proper number of capable workers on site when required.

As new farm enterprises move forward, farm labour requirements will continue to increase. Clam Bay Farm will need to house temporary workers each season. We estimate 2 to 7 additional seasonal staff at a time, dependent upon required tasks to fill positions in the vineyard and within other areas of operation during peak periods.

Other areas that currently require staff attention are:

1. Administration
2. Local Trust rezoning application
3. Grounds maintenance
4. Building maintenance
5. Equipment maintenance
6. Wood
 - a. firewood
 - b. saw mill

5 Year Vision

Years 2014 – 2018

Clam Bay Farm in 2018:

- The 5.5 acre vineyard producing approximately 28 - 30 tons of high quality grapes for sale to Sea Star Estate Farm and Winery on Pender Island. (Up from 9 tons in 2012 and 18 tons in 2013)
- A flock of 60 - 100 Chantecler laying hens, 50 - 100 Chantecler meat birds, 30 to 40 bird 'chick' flocks and fertile eggs for retail sales, in addition to edible egg sales
- A market garden producing foods for the farm, local restaurants and Pender residents.
- A 5 acre Haskap orchard producing 30,000lbs of berries per year
- 20 - 25 pigs per year that will be utilized for meat and manure production
- A flock of 20-30 Katahdin sheep for lamb meat production
- 2 dairy cows and 2 steers per year for beef
- The abattoir currently located in the barn will be certified and in operation for both the CBF use as well as for other local Pender and Gulf Islands farming operations.
- A large greenhouse where crops, flowers and vine root stock will be propagated year round, summer and winter vegetables for commercial sales.
- A commercial kitchen and retail sales operation. The kitchen and sales area will feature produce from the farm as well as other local farms produce and local artist's works.

Years 2019 – 2023

In years 6 – 10 the Clam Bay Farm vision is:

1. Bee hives for commercial honey production sales
2. Non GMO seed farming and sales
3. Hops for local craft breweries
4. Organic compost for both CBF farm use and retail sales
5. Plant nursery for both CBF farm use and retail sales
6. Fruit tree orchard
7. Agro forestry
8. Managed woodlot

Vision Development and Labour Requirements 2014 to 2018

Summary of Projected Labour 2014 - 2018

	2014	2015	2016	2017	2018
Vineyard	3500	3500	3500	3500	3500
Chickens	900	890	890	1590	1130
Market Garden	1010	1220	1220	1705	2475
Haskap	439	1670	1170	2086	2323
Pigs		950	810	860	860
Sheep			605	667	667
Cattle				970	1125
Abattoir*					
Greenhouse			1040	2080	2080
Commercial Kitchen				5200	5200
Administration	1500	1750	2080	2080	2080
Maintenance	900	950	1000	1000	1000
Wood	400	400	400	400	400
Groundskeeping	1000	1000	1000	1000	1000
Total Hours	9649	12330	13715	23138	23840
Full Time Employees	4.64	5.93	6.59	11.12	11.46

*Abattoir hours will be determined by usage.

Vineyard

Continue to focus on developing the vineyard by:

1. Optimizing grape quality, higher yields and organic disease controls
 - a. Through a pruning process called "cane pruning" 90% of the one year old vine growth is removed as well as the Cordon. Two, one year old canes are kept and tied down to be used as primary canes for the coming year's growth of new shoots. One additional cane is also kept and is used as the renewal spur for the following years renewal canes. Specific measurements of the new cordon cane length are considered during this process, if the canes are too long the quality of the grapes can be affected. If the canes are too short the volume of the harvest yield can be affected. There must also be consideration put towards the different pruning techniques for the three different varieties.
 - i. Pinot Noir - pruned to length so that the cordon canes from individual vines just touch end to end along fruiting wire.
 - ii. Ortega - pruned to length so that the cordon canes from individual vines overlap 4-6" on each other.
 - iii. Siegerrebe - pruned to length so that the cordon canes from individual vines overlap with canes measuring 6-8" away from opposing vines crown.
 - b. Canopy management

- i. Accomplished through the techniques of; leaf removal, shoot thinning, cluster thinning
- ii. Managing the canopy microclimate -which is the climate within the canopy. Factors include; solar radiation, temperature, wind speed, humidity and evaporation rates.
- iii. Canopy management is done through leaf removal controlling the number of leaves and their spatial arrangements within a defined area.
- iv. Goals of canopy management; maintain shape for uniformity of growth and fruit production, produce optimum fruit quality, control crop load, produce continuous fruitful buds, limit cold damage, control disease.
- v. Proper leaf removal, shoot thinning for canopy management will dramatically increase fruit quality and will decrease the vines susceptibility to diseases.

2. Increased efficiencies in labour management for cost savings

- a. Wwoofers
- b. Improve worker training for efficiencies
- c. Evaluate mechanization for specific jobs

3. Education development for better vineyard practices

- a. Continue to look for training courses in viticulture

Vineyard goals:

- Improve quality and quantity of grapes.
- Find efficiencies for cost savings.

Production targets for 2014 grape harvest are 20-22 tons.

2015 = 22-24 tons

2016 = 24-26 tons

2017 = 26-28 tons

2018 = 28-30 tons

Staff requirement for vineyard:

Vineyard 2014

Spring

5 fulltime employees - minimum 8hrs/day 5 days a week

1. Jobs include:

- a. Pruning
- b. Cutting of old wood
- c. Ripping out old wood from prior year's growth
- d. Picking up, collecting and burning of old wood
- e. Tying down 2014 cordons and trimming
- f. Irrigation repairs and maintenance
- g. Wire and post repairs and maintenance
- h. Rock picking
- i. Soil testing
- j. Grape hoeing
- k. Grass mowing
- l. Organic spraying

Summer

5 fulltime employees, 5 part-time employees

1. Jobs include

- a. De-budding
- b. Shoot thinning
- c. Suckering
- d. Tucking
- e. Leaf removal
- f. Mowing
- g. Organic spraying
- h. Grape hoeing
- i. Fruit thinning
- j. Hedging
- k. Irrigation
- l. Fertigation
- m. Crown thinning

Fall

5 fulltime 19 part-time

1. Jobs include

- a. Fruit thinning
- b. Leaf removal
- c. Suckering
- d. Mowing
- e. Grape hoeing
- f. Hedging
- g. Organic spraying
- h. Irrigation
- i. Netting install
- j. Harvest
- k. Netting removal

Post-harvest; fall and winter

4 fulltime 1 part-time

1. Jobs include

- a. Irrigation system maintenance
- b. Machinery servicing and maintenance
- c. 2014 growing season review
- d. 2015 growing season planning

Chickens

Incubate new flocks of Chantecler chicks beginning Spring 2014 for flock development in order to maximize current flock to capacity of coops and runs. Each run can support a total of 30 chickens and there are currently two mobile coop/run combinations. CBF currently has the ability to hatch and raise chicks with an incubator, brooder and area to mature young birds before moving into outdoor runs.

As the flocks grow along with the demand for local eggs, CBF will consider building a third mobile or stationary chicken coop for an additional 30+ laying hens.

As 50% of the hatch will turn out male birds, CBF will begin to build mobile meat bird tractors for young male birds to grow as pastured meat bird flocks.

Chicken goals:

60 - 100 Chantecler laying hens

1 x 40 Chantecler chick flock for retail sales

2 x 50 - 100 Chantecler meat birds

Fertile egg sales

Edible egg sales

In addition to the 'edible' products CBF will also offer fertile eggs and day old chicks for sale to other farming operations.

Staff Requirement for Chickens:

2014

Care for current chicken flocks, 60 hours per month = 720 hours

(Includes, feeding, watering, cleaning, moving coops and fence panels, gathering eggs, out in morning, in at night)

Incubate, care for new chicks and integrate into flocks = 20 to 30 hours

Build chicken tractors to separate birds, raise meat birds = 80 hours

Additional care hours per month (May through Dec) for larger flock, 10 hours = 70 hours

Total hours = 900

2015

Care for 60 laying hens in 2 mobile coops, 70 hours per month = 840 hours

(Includes, feeding, watering, cleaning, moving coops and fence panels, gathering eggs, out in morning, in at night)

Incubate new chick flocks for sale, meat, add to hens as needed = 50 hours

Total hours = 890 hours

2016

Care for 60 laying hens in 2 mobile coops, 70 hours per month = 840 hours

(Includes, feeding, watering, cleaning, moving coops and fence panels, gathering eggs, out in morning, in at night)

Incubate new chick flocks for sale, meat, add to hens as needed = 50 hours

Total hours = 890 hours

2017

Build third chicken coop and run to house more layers = 650 hours

Care for 60 laying hens in 2 mobile coops, 70 hours per month = 840 hours

(Includes, feeding, watering, cleaning, moving coops and fence panels, gathering eggs, out in morning, in at night)

Incubate new chick flocks for sale, meat, add to hens as needed and fill new coop = 100 hours

Total hours = 1590 hours

2018

Care for 100 laying hens in 2 mobile coops, meat birds in tractors and hens in one stationary coop 90 hours per month = 1080 hours

(Includes, feeding, watering, cleaning, moving coops and fence panels, gathering eggs, out in morning, in at night)

Incubate new chick flocks for sale, meat, add to hens as needed = 50 hours

Total hours = 1130 hours

Market Garden

In 2013, Clam Bay Farm grew an organic vegetable garden in the 18 raised beds and utilized a portion of the 1/3 acre ploughed area on the West side of the vineyard. The following vegetables were grown, several of these included different varieties and many were grown in different areas to determine the viability of crops and assist in the decision making process as to the commitment level that CBF would give to each crop in the future.

- | | |
|---------------|------------|
| • Tomatoes | • Cabbage |
| • Swiss Chard | • Broccoli |
| • Carrots | • Potatoes |
| • Lettuce | • Onions |
| • Beans | • Shallots |
| • Celery | • Leeks |
| • Peppers | • Peas |
| • Cauliflower | • Corn |
| • Cucumbers | • Squashes |

Herbs were also grown on a small 'test' scale and will be further integrated in future seasons.

In terms of sales for 2013, CBF attended a number of Farmers Markets to sell produce locally and also sold items through our local store, Southridge Farms.

During the 2014 growing season we will utilize the raised beds once again as well as portion of the 1/3 acre area as was done during 2013. Tomatoes and peppers will be grown in the greenhouse and the following will be grown outdoors:

- | | |
|------------|--------------------|
| • Peas | • Brussels Sprouts |
| • Celery | • Sweet Potatoes |
| • Edamame | • Beans |
| • Cabbage | • Carrots Radishes |
| • Broccoli | • Spinach |
| • Cucumber | • Leeks |
| • Garlic | • Lettuce |
| • Shallots | • Squashes |
| • Potatoes | • Tomatoes |
| • Onions | • Swiss Chard |
| • Beets | |

Herbs, chosen for their culinary and medicinal properties as well as their ability to attract beneficial insects to the farm, will be plotted in the garden in 2014 and into future seasons to become a part of the Market Garden.

As we move through each season, crop varieties are selected based upon several factors determined by the success of the previous season. Clam Bay will continue this process choosing crops which are delicious, hardy, disease resistant, good producers and are sought after by the local market.

Ultimately, we will have the full 1/3 acre plus the raised bed garden being intensively farmed for crops. This will produce foods for the farm, local restaurants and Pender residents. Produce will be sold by a farm gate stand, restaurant delivery, Saturday farmers market, Community Supported Agriculture (CSA) boxes for pick up and/or delivery and in the CBF retail area.

2014

Propagate, plant and care for greenhouses, 18 raised beds and a portion of the 1/3 acre east market garden patch. Prepare soils, plough, disc, rototill, add soil amendments, prepare rows etc. for planting. Set out transplants, direct seed, weed, mow, manage pests, irrigate, harvest and clean up post-harvest. Average 90 hours per month February through October. 810 hours

Propagate, plant, weed and care for small winter garden both in greenhouses and under small hoop houses in a portion of the raised beds. Average 30 hours per month June through December = 180 hours

Evaluate successes and challenges and catalogue for 2015 planning=20 hours

Total hours = 1010

2015

Propagate, plant and care for greenhouses, 18 raised beds and a larger portion of the 1/3 acre east market garden patch. Prepare soils, plough, disc, rototill, add soil amendments, prepare rows etc. for planting. Set out transplants, direct seed, weed, mow, manage pests, irrigate, harvest and clean up post-harvest. Garden will be based upon data collected from 2013 and 2014 season. Average 110 hours per month February through October. 990 hours

Propagate plant, and care for (as listed above) small winter garden both in greenhouses and under small hoop houses in a portion of the raised beds. Average 30 hours per month January and June through December = 210 hours

Evaluate successes and challenges and catalogue for 2016 planning= 20 hours

Total hours = 1220

2016

Propagate, plant and care for greenhouses, 18 raised beds and a larger portion of the 1/3 acre east market garden patch. Prepare soils, plough, disc, rototill, add soil amendments, prepare rows etc. for planting. Set

out transplants, direct seed, weed, mow, manage pests, irrigate, harvest and clean up post-harvest. Garden will be based upon data collected from 2015 and previous seasons. Average 110 hours per month February through October. 990 hours

Propagate, plant and care for (as listed above) small winter garden both in greenhouses and under small hoop houses in part of the raised beds. Average 30 hours per month January and June through December = 210 hours

Evaluate successes and challenges and catalogue for 2016 planning= 20 hours

Total hours = 1220

2017

Propagate, plant and care for greenhouses, 18 raised beds and the full 1/3 acre east market garden patch. Prepare soils, plough, disc, rototill, add soil amendments, prepare rows etc. for planting. Set out transplants, direct seed, weed, mow, manage pests, irrigate, harvest and clean up post-harvest. Garden will be based upon data collected from 2016 and previous seasons. Average 180 hours per month February through October = 1260 hours

Propagate, plant and care for (as listed above) medium winter garden both in greenhouses and under small hoop houses in all the raised beds. Average 60 hours per month January and June through December = 420 hours

Evaluate successes and challenges and catalogue for 2016 planning= 25 hours

Total hours = 1705

2018

Propagate, plant and care for greenhouses, 18 raised beds and the full 1/3 acre east market garden patch intensively. Prepare soils, plough, disc, rototill, add soil amendments, prepare rows etc. for planting. Set out transplants, direct seed, weed, mow, manage pests, irrigate, harvest and clean up post-harvest. Garden will be based upon data collected from 2016 and previous seasons. Average 225 hours per month February through October. 2025 hours

Propagate, plant and care (as listed above) for medium winter garden both in greenhouses and under small hoop houses in all the raised beds. Average 60 hours per month January and June through December = 420 hours

Evaluate successes and challenges and catalogue for 2016 planning= 30 hours

Total hours = 2475

5 Acre Haskap Orchard

The goal of the Haskap orchard is to produce a high quality and a high quantity of berries while working within organic growing principles to improve the soil.

Clam Bay will install a Haskap orchard test plot in 2014 to determine the viability of a larger orchard. This orchard would be approximately .65 acre and include about 400 plants.

Based upon the success of the test plot a 5 acre plot will be installed. This plot would include approximately 3000 plants which should begin to bear fruit in their second or third year and come into full production in 5 years. The goal is to have each plant produce 9 to 10 pounds per plant once mature for a goal of 30000 pounds per season.

A large portion of these berries will be sold fresh and in addition once the commercial kitchen is certified for use some will be kept for the production of

- | | |
|------------------|----------------|
| 1. juices | 7. dried fruit |
| 2. jams | 8. pastries |
| 3. jellies | 9. ice cream |
| 4. teas | 10. yogurt |
| 5. wines | 11. sauces |
| 6. dessert wines | 12. candies |

Haskap staff requirements:

2014

Install test plot = 200 hours (manual installation)

Maintain test plot

- a) Mowing 1 hour every two weeks for 26 weeks= 13 hours
- b) Weeding 4 hours per week for 26 weeks = 104 hours
- c) Pruning 1 hour per week for 26 weeks=26 hours
- d) Bees 7 hours per month for 12 months= 84 hours
- e) Disease control – organic sprays 12 hours per season

Total annual hourly requirement = 439 hours

2015

Year one 5 acres (1000 plants), year two test plot (400 plants)

Install 5 acre orchard = 500 hours (mechanical installation)

Maintain 5 acre orchard and original plot (total 3400 plants):

- f) Mowing 7 hours every two weeks for 26 weeks= 91 hours
- g) Weeding 28 hours per week for 26 weeks = 728 hours
- h) Pruning 7 hours per week for 26 weeks= 182 hours
- i) Bees 7 hours per month for 12 months= 84 hours
- j) Disease control – organic sprays 85 hours per season

Total annual hourly requirement = 1670 hours

2016

Year two 5 acres (1000 plants), year three test plot (400 plants)

Maintain 5 acre orchard and original plot (total 3400 plants):

- a) Mowing 7 hours every two weeks for 26 weeks = 91 hours
- b) Weeding 28 hours per week for 26 weeks = 728 hours
- c) Pruning 7 hours per week for 26 weeks = 182 hours
- d) Bees 7 hours per month for 12 months = 84 hours
- e) Disease control – organic sprays 85 hours per season

Total annual hourly requirement = 1170 hours

2017

Year three 5 acres (1000 plants), year four test plot (400 plants)

Maintain 5 acre orchard and original plot (total 3400 plants):

- a) Mowing 7 hours every two weeks for 26 weeks = 91 hours
- b) Weeding 28 hours per week for 26 weeks = 728 hours
- c) Pruning 140 hours during fall season
- d) Bees 7 hours per month for 12 months = 84 hours
- e) Bird netting, 7 people 7 days = 392 hours
- f) Harvest Labour 3400 plants taking 10 min per plant = 566 hours
- g) Disease control – organic sprays 85 hours per season

Total annual hourly requirement = 2086 hours

2018

Year four 5 acres (1000 plants), year five test plot (400 plants)

Maintain 5 acre orchard and original plot (total 3400 plants):

- a) Mowing 7 hours every two weeks for 26 weeks = 91 hours
- b) Weeding 28 hours per week for 26 weeks = 728 hours
- c) Pruning 235 hours during fall season
- d) Bees 7 hours per month for 12 months = 84 hours
- e) Bird netting, 7 people 7 days = 392 hours
- f) Harvest Labour 3400 plants taking 12.5 min per plant = 708 hours
- g) Disease control – organic sprays 85 hours per season

Total annual hourly requirement = 2323 hours

Pigs

The term Large Black Pig is not just a description – it is the registered name of a specific breed of endangered Old World English hog that was once very common. The Large Black is an orchard pig developed from the black pigs of Devon and Cornwall and the European pigs found in East Anglia. This hardy breed was developed by our ancestors to be raised outdoors, preferring to graze on a variety of grasses and vegetation in open pastures. The Large Black is ideally suited to small farms and sustainable agriculture operations – this is a pig that can produce a quality product for an ever increasing niche market. Thanks to micro-marbling of intramuscular fat, the Large Black is extremely moist, juicy and flavourful.

The Large Black Pig is recognized as a critically endangered species, not only here but worldwide. When pork production became industrialized in the 1950s, this slow-growing foraging breed was not suitable for the close confinement of factory farms. In spite of its docile temperament and exquisite taste, its numbers have dropped to about 200 registered hogs in Canada today.

2015

Purchase piglets and raise a pig herd of 6-8 animals. Feed pigs as much as possible using pasture and surplus farm produce. Grow a patch of corn specifically for pig feed. Pigs will produce meat for retail sale and manure for use on the farm. 2015 season - evaluate successes and challenges, adjust strategy accordingly.

Build shelter and multiple pasture spaces for pigs to rotate through = 2 people 10 days = 160 hours
Daily care and maintenance = average 2 hour per day = 730 hours per year
Cultivate corn crop for feed (sow, hill, weed, harvest) = 60 hours
Total hours = 950

2016

Purchase a larger number of piglets to expand herd to 12-16 animals again working towards animals eating primarily forage and excess or unusable farm produce. Evaluate successes and challenges.

Daily care and maintenance = average 2 hour per day = 730 hours per year
Cultivate corn crop for feed (sow, hill, weed, harvest) = 80 hours
Total hours = 810

2017

Purchase a sow to have our own piglets each season. A sow can have 2 litters per year of 8 to 12 piglets. Evaluate successes and challenges.

Daily care and maintenance = average 2 hour per day = 730 hours per year
Breeding, birth, health = 30 hours
Cultivate corn crop for feed (sow, hill, weed, harvest) = 100 hours
Total hours = 860

2018

Continue to breed and harvest pigs for meat. Evaluate overall successes and challenges and determine if CBF will add another sow for production purposes.

Daily care and maintenance = average 2 hour per day = 730 hours per year
Breeding, birth, health = 30 hours
Cultivate corn crop for feed (sow, hill, weed, harvest) = 100 hours
Total hours = 860

Sheep

Katahdin sheep

The farm is considering the Katahdin breed of sheep as an animal addition. Katahdin is a hardy breed that adapts well to various pasture situations. The sheep are non-selective grazers and will readily feed on "nuisance plants". Katahdins are very prolific offering a quick return on initial investments. Ewes are capable of breeding at seven months. The gestation period is just five months. With controlled management ewes may produce three lamb crops in two years. The shedding coat of the Katahdin does not require shearing nor does the tail require docking. Katahdin sheep have many outstanding qualities including a high level of reproduction, natural resistance to internal parasites and other pests, and greater tolerance for heat and humidity.

Sheep manure is sought after by organic gardeners. The product can be used without aging, and contains higher nitrogen, phosphorus and potassium content than that of cows or horses.

2016

Obtain one ram and 5 to 10 ewes to begin a flock to utilize for meat and manure. These will be young animals and will be raised to appropriate age (7 months) prior to breeding for the first flock of lambs.

Build shelter and multiple adjacent pasture spaces for sheep to rotate through = 2 people 10 days = 160 hours

Daily care and maintenance = average 1 hour per day = 365 hours per year

Breeding, lambing, additional care = 80 hours

Total = 605

2017

Work to schedule two to three lamb crops per season. Presuming successful breeding and meat sales, expand the flock up to 20 ewes.

Daily care and maintenance = average 1.5 hour per day = 547 hours per year

Breeding, lambing, additional care = 120 hours

Total = 667 hours

2018

Continue to breed up to 20 ewes producing 40 to 60 lambs for meat each season.

Daily care and maintenance = average 1.5 hour per day = 547 hours per year

Breeding, lambing, additional care = 120 hours

Total = 667 hours

Cattle

Probably the oldest of the dairy breeds, Brown Swiss are descended from cattle used in the valleys and mountain slopes of Switzerland since before historic records began. It was here that the transmitting ability of certain breed characteristics became so firmly established that they mark it to this day. The first Brown Swiss in Canada were imported to the Eastern townships of Quebec from the United States in 1888. Considered a dual-purpose breed (dairy and beef) in Europe, Brown Swiss are now found throughout Canada.

The original characteristics including size, ruggedness, strong sound feet and legs that wear, quality udders that last, and thriftiness and gain-ability have been maintained and improved. These quiet, docile tempered cows are ideally suited for either the family-sized farm or the large commercial operation in any climate. Brown Swiss, being hardy and rugged, perform very well in all climates and at all altitudes.

Brown Swiss are found throughout Canada presently and many Canadian animals are sold to foreign buyers. The beef aspect of the big brown cow was developed in the late 1960s and early 1970s during the "exotic" beef rush.

2017

Clam Bay Farm will purchase 2 dairy cows for breeding and to provide milk for sale and to make cheese in the commercial kitchen. In additions, Clam Bay Farm will purchase 2 steers for meat the first season.

Build shelter and fence paddocks for cattle = 2 people 15 days = 240 hours

Daily care and maintenance average 2 hours per day for first season = 730 hours

Total = 970 hours

2018

Clam Bay Farm obtains semen and impregnates both cows. Calves (assuming they are male) will be raised as pastured steer for meat and cows will provide milk to make cheese. Female calves could be retained to grow herd or sold.

Daily care and maintenance average 2 hours per day = 730 hours

Breeding, calving and additional care = 30 hours

Milking & clean-up, 1 hour per day = 365 hours

Total hours = 1125

Abattoir

Located in the barn at Clam Bay Farm is an abattoir that was used for some time in the past to slaughter and process animals grown on site. Clam Bay Farm is in the process of examining the steps required to certify this facility not only for its own use but also for other Pender Island and Gulf Islands Farming operations.

Working within the framework of the Provincial Health Services Authority and the BC Centre for Disease Control, we will work through the application and certification process:

- Submit application for Slaughter Assessment
- Review assessment with inspector
- Site visit with Inspector
- Determine deficiencies/requirements to certify
- Prepare plans and review with Inspector
- Inspector reviews plans and provides checklist
- Confirm or revise plans as required
- Submit final plans and license application to BCCDC for approval
- BCCDC Reviews plan and decides whether to grant or refuse approval

- Prior to expected commencement of operations, provide CFIA with work schedule
- Upon completion of construction, request a final inspection by inspector
- Commence work as a licensed and inspected establishment

This process is likely to take some time to complete but only makes sense once Clam Bay Farm begins to raise animals for meat.

We have also been approached by the Farmers Institute asking if CBF has any intention of certifying the abattoir – it seems that this facility would be of great benefit to the Pender farming community and allow farmers to ensure the least stress and most humane methods for animals raised here.

In terms of staff requirements we will hire one certified person to handle each slaughter and prepare and package meat after appropriate aging. Farm staff will be on hand to assist. Number of hours will vary with each type and number of animal to be processed.

Greenhouse

The farm is exploring greenhouse options and will ensure that the right greenhouse is identified at the outset. As there are two small greenhouses already on the property and both in use, a larger one will be specified and constructed for crops to be propagated and grown year round. This will allow summer and winter vegetable crops for commercial sales as well as seedlings for retail sales and testing other crops not currently being produced on Pender Island during winter months. There are a variety of frame construction options as well as covering options from which to choose based upon many factors. The farm is also exploring options for an energy neutral structure and will explore innovative solutions in this regard. Location, sun direction and length of light throughout the year, access to water for irrigation and several other factors must be considered prior to choosing a site and finalizing materials and features.

2016/2017

Specify and order greenhouse for construction during the winter of 2016/2017. Current size speculation is 1500 square feet.

We anticipate the equivalent of one full time employee caring for the greenhouse including:

- | | |
|--|------------------------------|
| • Seed acquisition | • Shading |
| • Seed saving | • Pest control |
| • Propagation | • Cataloguing/administration |
| • Watering | • R&D |
| • Fertilizing | • Harvest |
| • Pruning | • Sales |
| • Staking | • Preparation and pricing |
| • Choosing growth mediums and organic inputs | • Clean up |
| • Ventilation | • Maintenance |

Total per year = 2080 hours

2018

Move forward into propagation of more nursery plants for sale, propagation of vines for sale, exotic fruits such as pineapple and specialty citrus fruits. In addition to the above we anticipate 1.5 full time employees per year for a total of 3120 hours per year.

Commercial Kitchen and Retail Sales

As the farm progresses to include expanded successful crops and animals, we will be able to utilize a commercial kitchen facility to add value to the raw products on the farm. Berries and fruits can be made into preserves, pies and other food. Vegetables can be canned either for sale or for storage. Milk can be made into cheese. If the farm is to sell any of these items it will need to have the kitchen in the Farm House certified as a commercial kitchen. The current kitchen setup is a very good start. We will require minor changes as well as permit fees, health law reviews, and staff training.

In addition, as a part of the ALR we will be able to have a small retail area adjacent to the commercial kitchen for farm sales. We must have 50% of the product sold from Clam Bay Farm and can also feature other farms' products and local artists work.

Steps to certify the kitchen include:

- Application for a Food Facility
- A set of floor plans and equipment specifications;
- A copy of the FOODSAFE Certificate or equivalent for the operator;
- food safety plan and sanitation plan
- Permit fee.

Once ready to open, the Environmental Health Officer will conduct a pre-opening inspection and, upon compliance with the Food Premises Regulation, approval will be issued.

The timing for this will be dependent upon the build of the new residence as the commercial kitchen resides in the current Farm House. CBF will be unable to utilize the kitchen space or create retail space until the new residence is complete.

Staff – we anticipate the equivalent of 2.5 people annually for an approximate total of 5200 hours annually once this area is fully prepared and in operation.

Current Key Performance Indicators

Vineyard Yields and Fruit Quality

- 2012 harvest yield 9 tons
- 2013 harvest yield 18 tons

All other endeavours are new just entering the second season. We have proposed a database to catalogue all aspects of the farming operation and provide information on which to base future decisions. Information is currently being recorded in logbooks.

Industry and Market Analysis

- Number of vineyards in BC
Over 864 on more than 9,800 acres of land (wineries and independent growers)
- 80+ varietals produced
- Harvest and Estimated Production:

Year	Harvest (short tons – 2,000 lbs)	Production (litres, est.)
2012	27,257	17,717,200
2011	22,722	14,769,300
2010	17,778	11,555,700
2009	19,879	12,921,350
2008	22,275	15,046,763
2007	19,777	13,394,757
2006	20,369	13,802,563
2005	14,084	8,450,400
2004	16,642	9,985,200
2003	16,897	10,138,200
2002	15,523	9,313,800
2001	14,137	8,482,200
2000	10,022	6,013,200
1999	10,957	6,574,200
1998	10,188	6,112,800
1997	6,603	2,961,800
1996	6,102	3,661,200
1995	8,108	4,864,800

Grape Acreage

2011	9,866
2008	9,100
2006	6,632
2004	5,462
1999	4,200
1994	2,149
1990	1,476

Growth in BC VQA Sales

Year	Dollar Value	Litres	Dollar Increase in %	Litre Increase in %	\$/Litre	\$/750ml *
2012/13	203,895,991	8,493,936	2.7	2.8	24.00	18.00
2011/12	198,520,410	8,266,209	1.9	-1.0	24.02	18.01
2010/11	194,733,472	8,351,947	6	6.4	23.32	17.49
2009/10	183,754,152	7,846,642	12.5	16.5	23.42	17.56
2008/09	163,331,858	6,733,048	2.6	0.7	24.61	18.46
2007/08	156,730,109	6,594,213	3.6	-2.8	24.24	18.18
2006/07	151,220,894	6,783,234	7	5	22.29	16.72
2005/06	141,390,804	6,472,816	23	16	21.84	16.38
2004/05	114,891,745	5,571,100	25	18	20.62	15.47
2003/04	91,998,375	4,728,612	11	12	19.46	14.59
2002/03	83,051,239	4,233,458	18	14	19.62	14.71
2001/02	70,418,708	3,717,452	22	24	18.94	14.21
2000/01	57,638,465	2,999,807	18	16	19.21	14.41
1999/00	48,740,017	2,585,217	16	7	18.86	14.16
1998/99	42,143,199	2,420,599	6	6	17.41	13.05
1997/98	39,758,907	2,324,068	22	11	17.11	12.83
1996/97	32,397,296	2,093,324	3	3	15.48	11.61
1995/96	31,321,592	2,035,877	22	15	15.38	11.54
1994/95	23,666,799	1,775,580	57	38	13.33	10.00
1993/94	15,306,430	1,289,672	45	32	11.87	8.90
1992/93	10,559,586	977,030	54	31	10.81	8.11
1991/92	6,846,183	748,196	-	-	9.15	6.86

*source BC VQA website and BC Wine Institute from BCLDB

Critical Success Factors

Wine growing industry associations

1. Central coordinating organization
2. Produce a unified long-term strategy
3. Develop a common vision
4. Market research
5. Create a regional brand and reputation
6. Government pricing
 - a. Successful industries are typically fostered by favorable government policies that foster positive relationships between industry, researchers, universities and government

Vineyard Maximum Yields

1. 2010 California Grape Acreage Report, published by the U.S. Department of Agriculture. The overall average yield was 7.69 tons per acre in 2010—slightly higher for white wine grapes (8.44) and slightly lower for red wine grapes (6.95).
 - a. For Clam Bay Farm we would calculate:
 - i. Pinot Noir $1.65\text{ac} \times 6.95 = 11.46\text{tons}$
 - ii. Ortega $1.65\text{ac} \times 8.44 = 13.92\text{tons}$
 - iii. Siegerrebe $1.65\text{ac} \times 8.44 = 13.92\text{tons}$

total max yield = 39.31tons
 2. Another possibly more realistic way to look at maximum yields for Clam Bay farm would be to look at an average yield per vine. Clam Bay Farm has 7600 vines in production. Estimates for maximum yields are around 9lbs per vines.
 - i. $7600 \times 9 = 68400\text{lbs} = 34.2\text{tons}$
 - b. Maximum yield for the pacific North west is estimated to be somewhere around 7.5lbs/vine
 - i. $7600 \times 7.5 = 57000\text{lbs} = 28.5\text{tons}$

*Note: Clam Bay Farm is located on the Pacific Northwest coast which is not an ideal wine grape growing region. Realistically the maximum yield numbers could be lower however work continues towards achieving maximum yield.

Everyday activities at Clam Bay Farm are very dependent on the time of the year. Specific to the vineyard below is the 2014 schedule of work. These times may change slightly based on spring, summer and fall daily, weekly and monthly growing temperatures - growing degree days

Vineyard Activity Timeline Guide 2014

Vineyard Activity

Description

Timing

soil testing	collect soil samples and get analysis done	February
pruning vines	making selective cuts to determine renewal canes	Jan/Feb/March
pull cuttings	removing cuttings from catch wires	Jan/Feb/March
tying down	taping canes to fruit wire	Jan/Feb/March
flail mow cuttings/chip	flail mow or chip using exsisting chipper	March/April
dormant spray	vines have to be coated just before bud burst	Late April
soil amendmets	as per soil tests	March
De-budding	2 - 3 applications	June/July/August
shoot thinning	select next year renewal canes and thin shoots	June
grape hoe tilling	vegetation control	May - August
ripping/discing	not recommended 2014	
catch wires	adjust	March/April
hedging	trimming the tops of vines to minimize shading	August
flail mow or mow vineyard	to control vegetation 10 X a season depending on weather	May/June/July/Aug/Sept
foliar/fruit spraying	for powdery mildew/botrytis	Late May to end August
foliar spraying	micro nutrients	June - end July
irrigation and fertilization		June/July/August/Sept

shoot positioning	promote vertical growth	June - September
Canopy Mgmt leaf removal	allow light and air penetration improves spray application	June/July
fruit thinning	improve fruit quality and enhance ripening if required	September
netting up	place, hang, button and staple.	September
netting down	remove, collect and store.	November
electric fence installation	not applicable on Pender Island - set traps instead to control	September after nets up
harvesting	determine times ,test fruit, and arrange pickers	end Sept to end October
equipment maintenance	winterize irrigation, sprayers and equipment	November
maintain records	records and reporting.	February - October
irrigation	set up and manage and winterize	late June/November

Production targets for 2014 grape harvest are 20-22 tons.

2015 = 22-24 tons

2016 = 24-26 tons

2017 = 26 28 tons

2018 = 28- 30 tons

Environmental

In today's world there are forces threatening the industrial food system such as energy issues, global climate change, political and economic instabilities in governments all around the world. There is an increase in the need for communities to reclaim the responsibilities for food production at a local level. Clam Bay Farm is operating a sustainable farm that creates healthy, ethically produced organic agricultural products for the local community. It also is a steward with focus on environmentally sensitive farm practices; improving the quality of the land, water and air on Pender Island.

Farming and operation practices:

Build and enhance relationships with local, provincial and federal government agencies

1. Agriculture and Agri-Food Canada
2. Environment Canada
3. Agriculture BC
4. Environment BC
5. Forest, Lands and Natural Resource Operations

Composting

1. All organic inputs from the farm as well as on site accommodation is composted in three bins on the farm to produce organic compost for the farms soil remediation as well as future compost sales
 - a. lawn cuttings
 - b. excess vegetable waste
 - c. Chicken bedding with chicken waste fertilizer

The wood chipper is used to take excess branches and other suitable waste wood to create organic mulch for the garden, trees and berries

Recycling - the farm has adopted a "minimal-waste" recycling program

2. Plastic
3. Metal
4. Paper/cardboard

5. Glass

Climate change mitigation

1. New JD tractor has a low emissions engine resulting in a reduction of CO2 emissions to the atmosphere

Buying and selling locally

Planting additional trees as part of land stewardship and agroforestry managed woodlot program

Energy conservation

1. Purchasing energy smart appliances – energy efficient fridges etc.
2. Lead staff by example on energy savings
 - a. Lower thermostat settings
 - b. Shut off all lights when not in use
 - c. Install in staff a sense of responsibility to save energy
 - d. Use more human powered tools
 - e. Permaculture farming techniques
3. Energy monitoring and controls – collecting data from BC Hydro on daily energy usage, the farm purchased energy smart thermostats for the greenhouses which monitor and minimize energy usage for heaters and cooling fans
4. Create a culture within the farm staff to reduce energy usage – simple procedures like turning off lights when leaving rooms, turning off heaters in areas that do not require it year round

Water management planning

1. Maintenance and improvement of current farm drainage system to prevent surface run off and soil/nutrient erosion
2. Water quality – regular testing of water supplies
3. Protection of existing water wells from surface contamination

Soil quality

1. Yearly soil tests and reports
2. Yearly soil remediation with organic inputs
3. Cover cropping
4. Livestock rotation programs for removal of pests and nitrogen inputs
5. Crop rotation
6. Protection of riparian areas

Hiring professional consultants to assist in:

1. Creating an environmental assessments to understand the specific sensitive ecosystems on Clam Bay Farm
2. Identify rare or threatened species
3. Identify all mitigations and restorations that are required
4. Planting of adaptable, hardy, permanent native species of grasses, trees and shrubs
5. Improving the response to environmental incidents
 - a. contingency planning

Improved on-farm storage and handling of agricultural and petroleum products

1. Fertilizer storage
2. Fuel storage
3. Fuel spill response

Risk Management

Crop loss

1. Educate farm staff on "best farming practices" for each crop grow on Clam Bay Farm to ensure the crops have the best opportunity to prosper avoiding potential crop loss due to misinformation or poor farming techniques
2. Crop insurance for uncontrollable circumstances
 - a. Hail
 - b. Disease and pest infestation
 - i. Practice constant crop observation and insect capture procedures to ensure that any disease or pest infestation is identified early
 - ii. Have organic controls and plans onsite ready to implement to fight disease and pest infestations

Degradation of Soil

1. Re-design and re-build culverts and drains over the entire farm
2. Use cover crops to assist in retaining soil root systems and aid in soil build up
3. Add organic inputs i.e.: manures, to assist in soil remediation

Degradation of Water

1. Re-design and re-build culverts and drains over the entire farm
2. Annual water testing from both pond and well to ensure water quality

Solutions

1. Education
 - a. Keep up-to-date on new low impact farming technologies and techniques
 - b. Continue to take courses in organic, sustainable, permaculture farming techniques and pass this information on to all farm staff.
 - c. Attend farming forums to learn new and alternative techniques
 - d. Join local farming and gardening groups to help support and receive support from other local farming and gardening operations
2. Organic controls
 - a. Work with suppliers to purchase organic control agents for disease and pest infestations
3. Plant crops and flowers to attract beneficial insects limiting the effect of detrimental insects to crops
4. Environmental analysis
 - a. Creation of the Clam Bay Farm data base with inputs from the various environmental areas of the farm. This allows for an ongoing year to year comparison of the environmental impacts the farming operation is having on the environment based on specific criteria
 - i. Water tests
 - ii. Soil test
 - iii. Crop harvest volumes
 - iv. Bee hive health
 - v. Petiole tests

Conclusions

The success of Clam Bay's farming operation is heavily reliant on the effective use of labour. Efficiencies must be utilized to bring costs in line with revenue allowing the farm to operate in a financially responsible manner. As the farm plan takes shape animals and plants require daily care and some crops will need intensive work over shorter periods of time to fulfill certain specific needs during development and the growing season. Wwoofers, temporary foreign workers, interns and seasonal/part time workers will assist in operating the farm proficiently as the larger farm plan unfolds.

Database records will be kept to ensure that steps forward are made by understanding previous steps taken. Each new goal at CBF will require additional labour in order to care for and maintain new enterprises on the farm. The database will include all the pertinent information required for running a successful farm business operation; understanding markets, unique advantages, financial highlights, management strengths and labour options.



Memorandum

Date April 10, 2014 File Number LUB Updates

To North Pender Island Local Trust Committee
For the meeting of April 24, 2014

From Robert Kojima
Regional Planning Manager

Re **Proposed Bylaw No. 194 (LUB Amendments) – Post Public Hearing Procedures**

The Local Trust Committee is considering Bylaw 194 which would make a series of technical amendments to the Land Use Bylaw. A public hearing is scheduled for April 24th. A public hearing is a quasi-judicial process within and following which specific procedures must be followed

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaw to Executive Committee for approval.
3. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee approves the bylaw, the next step for the LTC would be to adopt the bylaw.

RECOMMENDATIONS:

1. THAT North Pender Island Local Trust Committee proposed Bylaw No. 194, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No.1 2014" be read a Third time.
2. THAT North Pender Island Local Trust Committee proposed Bylaw No. 194, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No.1 2014" be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 194

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

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

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

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

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

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

1. Part 1, Interpretation, Section 1.1, the definition of 'home business' is amended by deleting "and cottage uses" such that it reads: ' "home business" means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.'
2. Part 1, Interpretation, Section 1.1, the definition of 'natural boundary' is amended by deleting "and in the case of a lot having a surveyed high water mark means the high water mark" and inserting "in vegetation, as well as in the nature of the soil itself" such that it reads: ' "natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, in vegetation, as well as in the nature of the soil itself.'
3. Part 1, Interpretation, Section 1.1, the definition of 'lot' is amended by deleting "*Condominium Act*" and inserting "*Strata Property Act*" such that it reads: ' "lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.'
4. Part 2, General Provisions, Subsection 2.1.1 is amended by inserting "Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces." at the end such that it reads: 'The provisions of this Bylaw apply to North Pender Island and those portions of the North Pender Island Local Trust Area shown on Schedule "A", which forms part of this Bylaw. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.'
5. Part 2, General Provisions, Subsection 2.4.1 is amended by deleting "Investigation" and inserting "Enforcement" such that it reads: 'The Islands Trust Bylaw Enforcement Officer or any other person designated by the North Pender Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.'
6. Part 2, General Provisions, Subsection 2.4.2 is deleted in its entirety
7. Part 2, General Provisions, Subsection 2.5.1 is amended by deleting "not exceeding \$5,000" and inserting "as provided in the *Offense Act*" such that it reads: 'Every person who commits an offence against this Bylaw is

liable, upon summary conviction, to a fine and penalty as provided in the *Offense Act* and the costs of prosecution.'

8. Part 3, General Regulations, Article 3.1.1(6) is amended by deleting "in the Forest Land Reserve" and inserting "under the Private Managed Forest Land Act" such that it reads: 'the use of land under the Private Managed Forest Land Act for forest management activities related to timber production or harvesting; and'
9. Part 3, General Regulations, Subsection 3.4.4 is amended by deleting "a boat house, which may not exceed 5.4 metres in height and one storey," such that it reads: 'An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.'
10. Part 3, General Regulations, Article 3.5.8(5) is amended by inserting "or cottage" at the end such that it reads: 'a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.'
11. Part 3, General Regulations, Subsection 3.7.2 is amended by inserting "anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp," such that it reads: 'Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.'
12. Part 3, General Regulations, the following Information Note be inserted after Subsection 3.7.2 "Walkways and stairs to access a dock or the foreshore are not exempt from interior or exterior side lot line setbacks or requirements for a development permit where applicable."
13. Part 3, General Regulations, Subsection 3.16.1 is deleted in its entirety
14. Part 4, Subdivision Regulations, Subsection 4.2.1 is amended by inserting at the end "unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot." such that it reads: 'The Approving Officer must not approve a boundary adjustment, which would increase the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot.'
15. Part 4, Subdivision Regulations, Subsection 4.6.3 is amended by deleting "water recharge areas identified in Schedule "D" of the North Pender Island Official Community Plan" and inserting "watershed basins" such that it reads: 'No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between watershed basins.'
16. Part 7, Establishment of Zones, Subsection 7.2.3 is amended by deleting "Water C (WC)" and inserting "Water 3 (W3)" such that it reads: 'The Water 3 (W3) Zone established by this Bylaw extends to the boundary of the North Pender Island Local Trust Area, except as shown on Schedule "A".'
17. Part 8, Zone Regulations, Subsection 8.2.8, the table of site specific regulations is amended for the R(b) zone reference by:
 - a. deleting "(DD503141)" and inserting "(DD50314-I)" in the Legal Description column such that it reads: 'That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone', and

- b. deleting “(f)” at the end and inserting “(c)” in the Site Specific Regulations column such that it reads: ‘Despite article 8.2.2(1), the only permitted uses are in this location are the uses permitted by 8.2.2(1) (a), (b), and (c).’
18. Part 8, Zone Regulations, Subsection 8.2.8, the table of site specific regulations is amended for the R(c) zone reference by deleting “8.2.2(1)(a), (c), (d), (e) and (f) and 8.2.2(2).” and inserting “8.2.2(1)(a), (b), (d) and 8.2.2(2).” in the Site Specific Regulations Column such that it reads: ‘Despite 8.2.2, the only permitted uses in this location are the uses permitted by 8.2.2(1)(a), (b), (d) and 8.2.2(2).’
19. Part 8, Zone Regulations, Article 8.2A.3(1) is amended by deleting “(b)” and inserting “(c)” such that it reads: ‘There may not be more than one dwelling and one cottage on any lot, subject to 8.2A.2(1)(c).’
20. Part 8, Zone Regulations, Article 8.2A.5(2) is amended by deleting “or the Forest Land Reserve,” such that it reads: ‘If a lot line adjoins the Agricultural (AG) Zone the setbacks in respect of that lot line required by clauses 8.2A.5(1)(a) and (b) must be increased by 3 metres.’
21. Part 8, Zone Regulations, Article 8.2A.7(1) is amended by deleting “3.13” and inserting “3.13.2” such that it reads: ‘On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Section 3.13.2.’
22. Part 8, Zone Regulations, the following information note be inserted after Clause 8.3.2(1)(c) “Residential use of a cottage in the Agricultural Land Reserve is permitted by a member of the owner’s immediate family as defined in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, or where the cottage is deemed necessary for farm use by the North Pender Island Local Trust Committee, or where permitted as a non-farm use by the Agricultural Land Commission.”
23. Part 8, Zone Regulations, Clause 8.3.2(1)(e) is amended by deleting “8.3.6” and “Land Reserve Commission” and inserting “8.3.7” and “Agricultural Land Commission” respectively such that it reads: ‘agri-tourist accommodation as an accessory use, subject to subsection 8.3.7, and as permitted by the Agricultural Land Commission.’
24. Part 8, Zone Regulations, Article 8.3.5(3) is amended by deleting “8.3.4” and inserting “8.3.5” such that it reads: ‘The provisions of articles 8.3.5(1) and (2) in respect of front lot lines do not apply to temporary roadside stands for the sale of agricultural products.’
25. Part 8, Zone Regulations, Subsection 8.3.8, the table of site specific regulations is amended for the AG(c) zone reference by deleting “8.3.6” in both locations and inserting “8.3.7” such that it reads: ‘Despite 8.3.7(3) and 8.3.7(5), the agri-tourist accommodation use may accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.’
26. Part 8, Zone Regulations, Subsection 8.5.9, the table of site specific regulations is amended for the C2(c) zone reference by deleting the Legal Description and inserting “Lot B, Section 17, Plan VIP87395”
27. Part 8, Zone Regulations, Subsection 8.5.9, the table of site specific regulations is amended for the C2(d) zone reference by deleting the Legal Description and inserting “Lot A, Section 17, Plan VIP87395”
28. Part 8, Zone Regulations, Subsection 8.18.3, the table of site specific regulations is amended by deleting the ECO(a) zone reference in its entirety
29. Part 8, Zone Regulations, Section 8.19 is amended by inserting a new subsection 8.19.7 as follows:

“Density
(1) A maximum of one private float, wharf, ramps and walkway is permitted per abutting upland lot.
(2) A maximum of one boat launching ramp is permitted per abutting upland lot.”

30. Part 8, Zone Regulations, Subsection 8.19.7 Site Specific Regulations is renumbered to 8.19.8
 31. Part 8, Zone Regulations, Clause 8.22B.1(1)(c) is amended by deleting "(c)" and inserting "(b)" such that it reads: 'pavings necessary for the establishment or maintenance of uses permitted by clause 8.22B.1(b); and'
 32. Part 8, Zone Regulations, Article 8.23.9(1) is amended by deleting "8.23.2(1)(l)" and inserting "8.23.2(1)(i)" such that it reads: 'Despite Subsection 6.1.2 (Off-street Parking), the minimum number of parking spaces required in the CD1 zone for the accessory dwelling unit permitted in 8.23.2(1)(i) above is one.'
 33. Schedule A, Area Covered by Land Use Bylaw No. 103, 1996 is amended in accordance with the map attached to and forming part of this bylaw as Plan 1
 34. Schedule C, Zoning Maps for Particular Locations is deleted in its entirety
 35. Schedule D, Zoning Map for North Pender Island is amended in accordance with the maps attached to and forming part of this bylaw as Plans 2, 3, 4, 5 and 6.
- B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014".
- C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this	27 th	day of	February	, 2014
READ A SECOND TIME this	27 th	day of	March	, 2014
PUBLIC HEARING HELD this		day of		, 20
READ A THIRD TIME this		day of		, 20
APPROVED BY THE EXECUTIVE COMMITTEE this		day of		, 20
ADOPTED this		day of		, 20

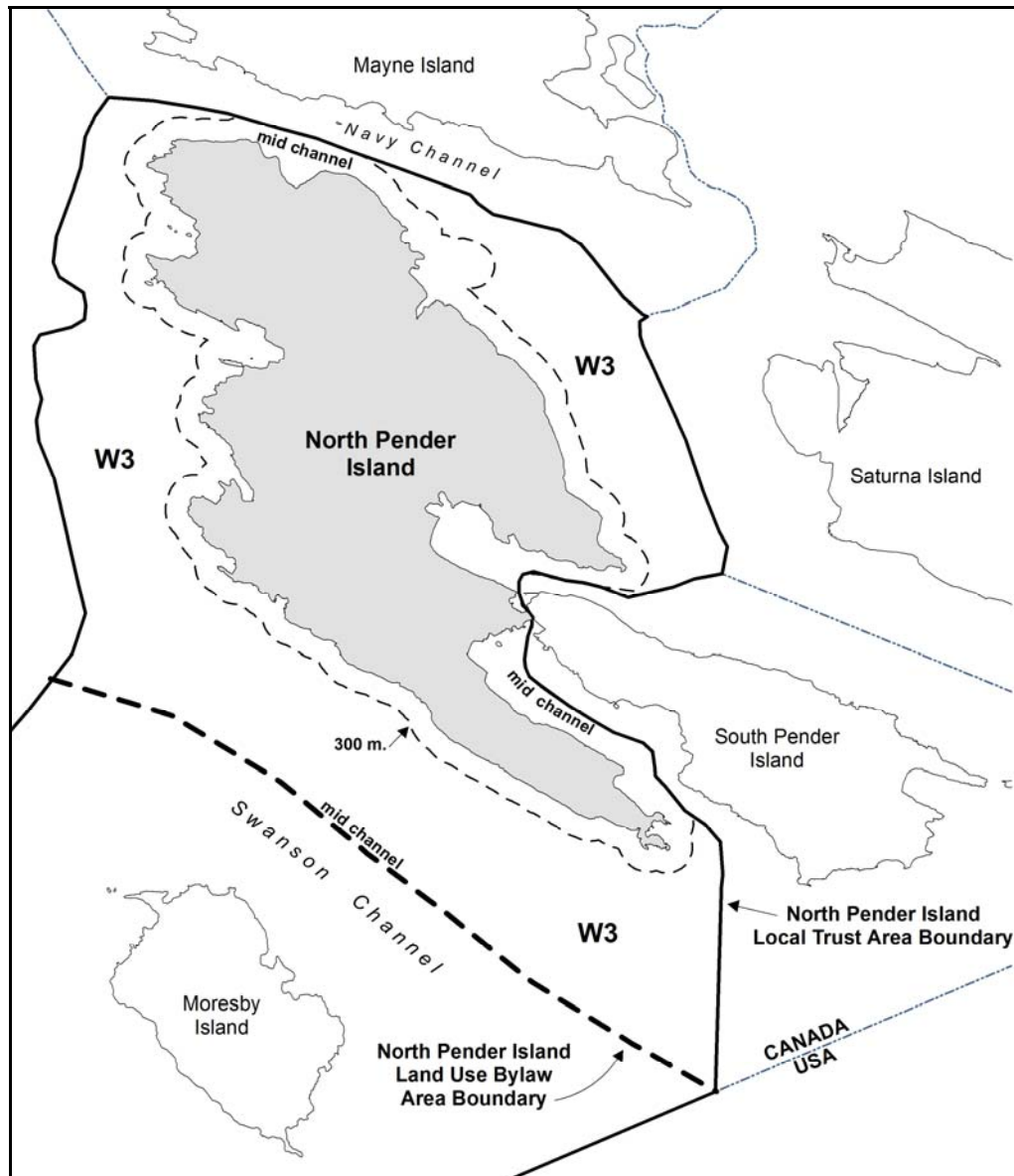
Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

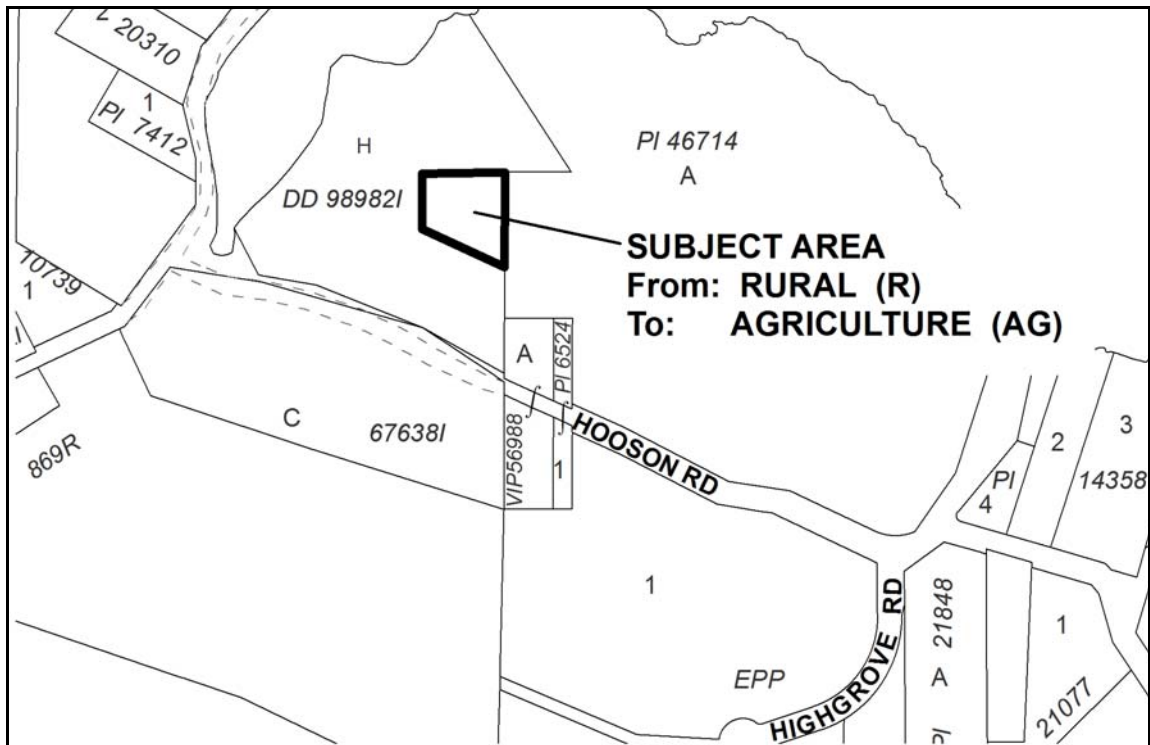
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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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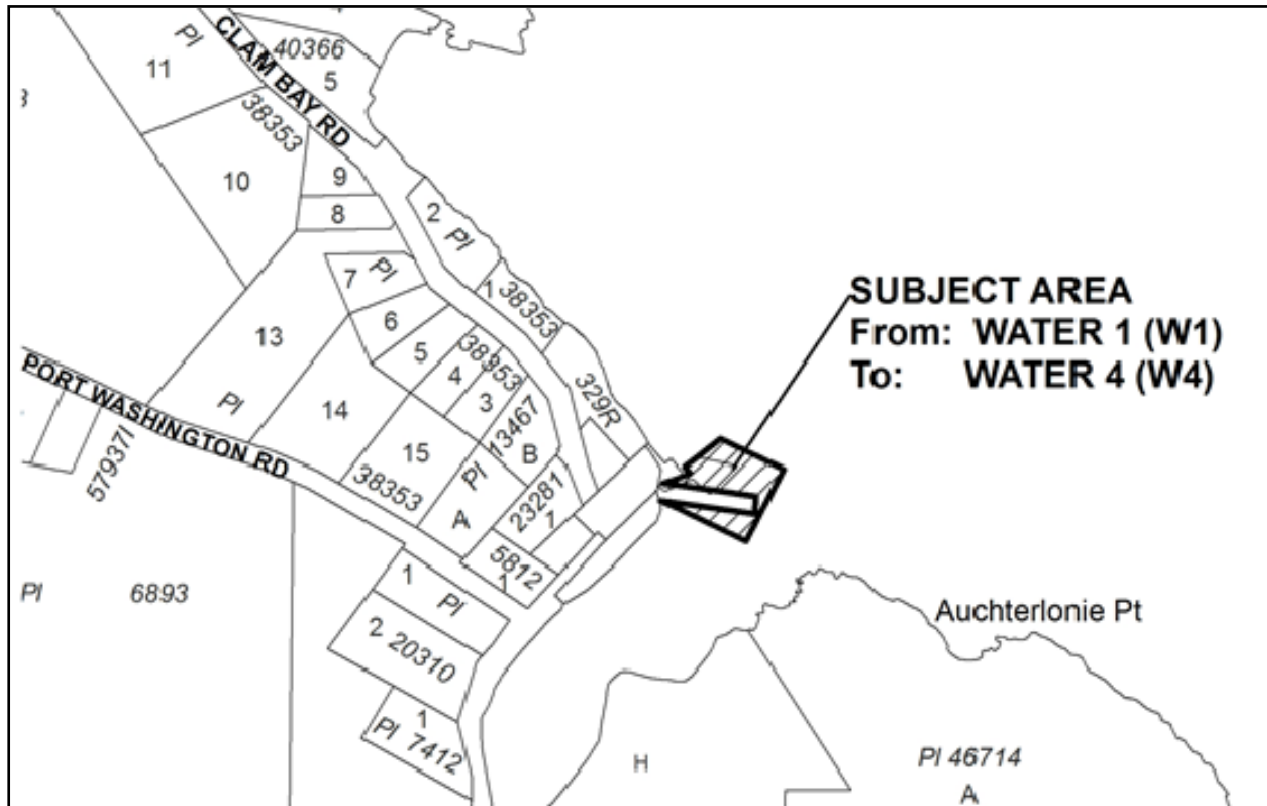
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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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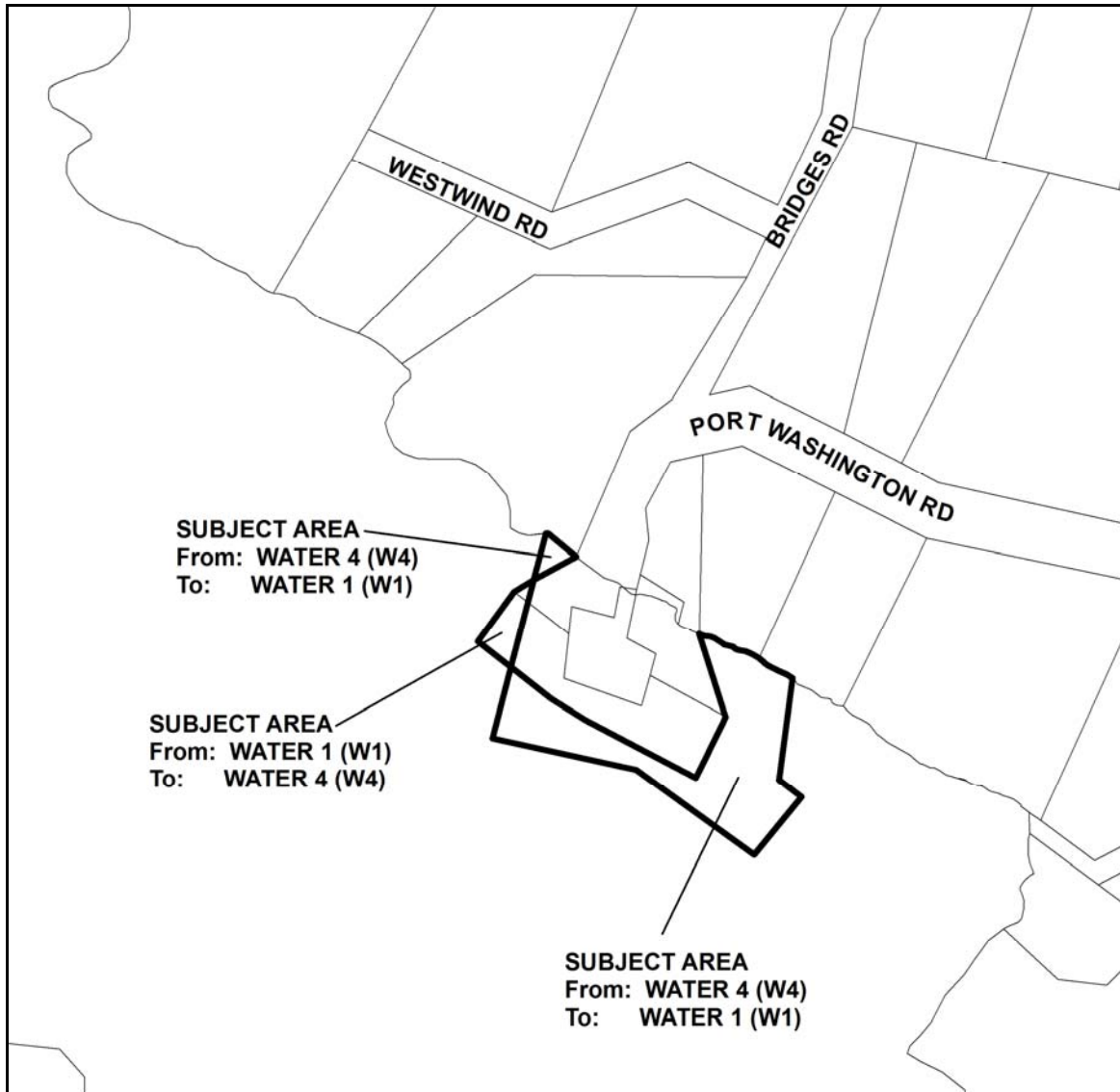
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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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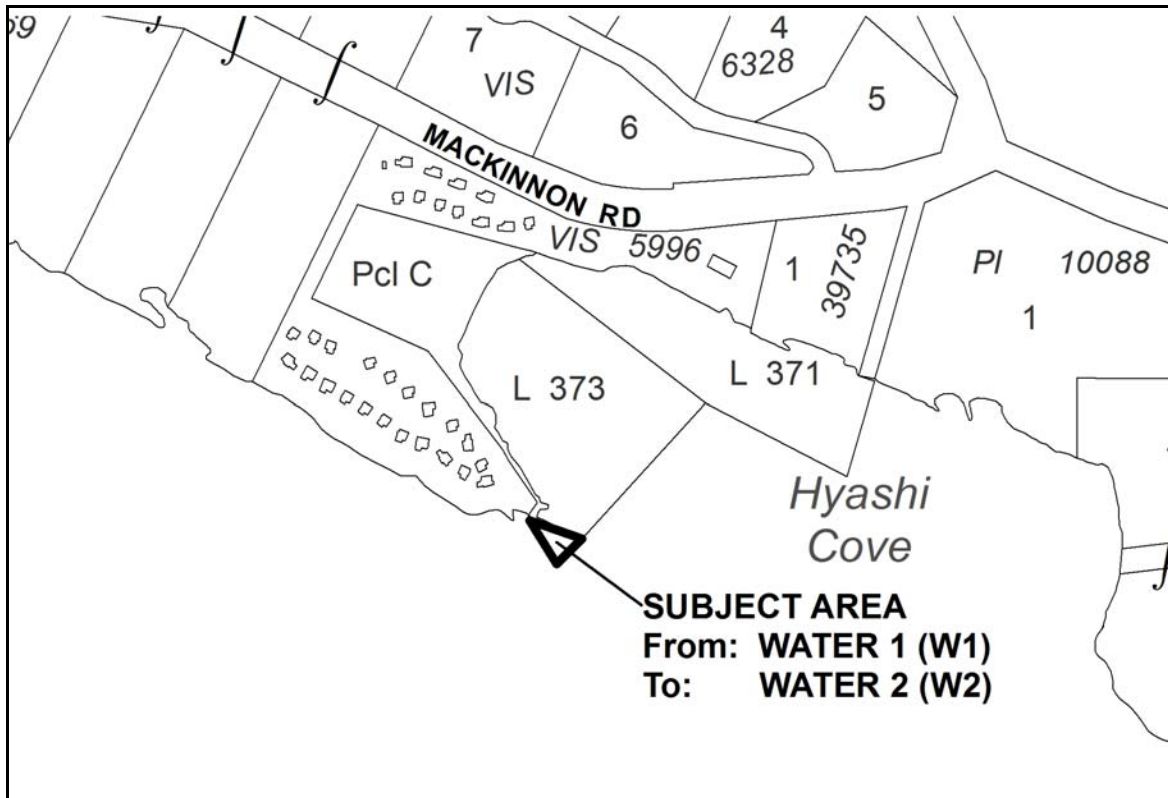
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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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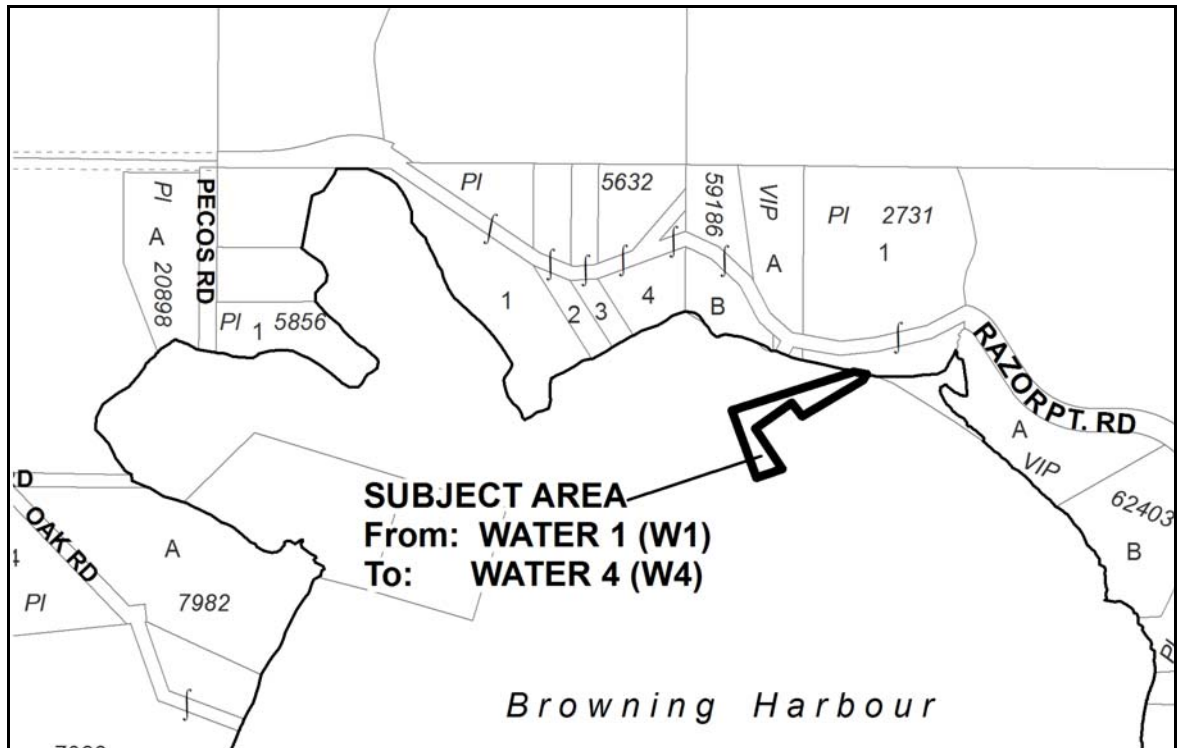
Plan No. 5



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

Plan No. 6





Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Shoreline Review	• develop school/community workshop - ON_GOING • develop tri-fold brochure - DONE • develop powerpoint from materials - DONE • develop compiled map of shore features - DONE • investigate incorporating shoreline information into new Gulf Islands app and using QR code for smart phones - ON-GOING	Sep-22-2011	Robert Kojima	Sep-01-2014	On Going
2	Conservation Subdivision Review	• identify natural and cultural features to be prioritized for protection • community engagement • engage key stakeholders, including property owners of larger lots • review options to implement in LUB and OCP	Feb-28-2013	Robert Kojima	Oct-01-2014	On Going
3	LUB Amendments	limited to technical corrections	Oct-31-2013	Robert Kojima		On Going

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

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)		Jan-22-2009	On Going
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
6	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	Mar-22-2012	On Going

- 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 and boat sheds
- max floor area for principal dwellings

7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
9	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 • Related policy and regulatory options	Sep-20-2012	On Going

Applications w/ Status - North Pender Island

Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett Planner: Robert Kojima	Nov-09-2012	Waste transfer/sorting facility with commercial recycle & composting

Planning Status

Status Date: Mar-28-2014

applicants requested to provide additional information

Status Date: Mar-27-2014

LTC direction to request additional information from applicants and to prepare a draft bylaw

Status Date: Mar-19-2014

preliminary report on March agenda

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.2	Clam Bay Holdings Ltd Planner: Kim Farris	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planning Status

Status Date: Apr-14-2014

Draft bylaws and covenants to be reviewed at April LTC

Status Date: Mar-19-2014

drafting bylaw and covenant(s)

Status Date: Feb-18-2014

agrologists comments received, supplemental staff report prepared by Feb agenda

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	Jan-18-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debri, and sorting & recycling & transfer of materials & garbage).

Planner: Robert Kojima

Planning Status

Status Date: Mar-07-2014

draft operations plan received. Reviewed by staff, suggested revisions and information still pending identified - returned to applicant for consideration

Status Date: Jul-08-2013

geotech report rec'd

Status Date: May-01-2013

hydrologist report rec'd

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.2	JC Cosh & JF Wood c/o Karl Hamson for the Elder Project	Jul-08-2013	4601 BEDWELL HARBOUR RD To amend the LUB to rezone the rural portion of the lot to allow for a 24 unit seniors housing complex plus necessary support structures and facilities

Planner: Robert Kojima

Planning Status

Status Date: Sep-17-2013

letter sent to applicant regardin information required

Status Date: Sep-03-2013

proceed working on application as sr's and special needs housing

Status Date: Aug-14-2013

Preliminary report prepared for August LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	cRJ Wey & Associated Land Surveying (Philpot)	Jul-24-2012	Proposed 3 lot Strata Development

Planner: Kim Farris

Planning Status

Status Date: Oct-17-2012

PLA issued

Status Date: Sep-17-2012

response sent to MOTI

Status Date: Sep-06-2012

File forwarded to Planner

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

Planning Status

Status Date: May-29-2013

Applicant to determine location of strata road access prior to initiating the required DP

Status Date: Apr-11-2013

PLA received from MOTI

Status Date: Feb-26-2013

fees received, SD review drafted

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.1	Lloyd Eakins		000-295-655 3214 CLAM BAY RD 018-313-647 3209 ARMADALE RD To adjust the property lines between the two subject properties.

Planner: Kim Farris

Planning Status

Status Date: Mar-14-2014

received fee, processed, gave to Planner

Status Date: Feb-25-2014

sent fee request and application to applicant

Status Date: Feb-20-2014

received referral from MoTI

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
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NP-TUP-2014.1

Colliers
Internation
Consulting

Jan-02-2014

6901 SHARK RD

To operate cabin rentals for less than 30 days and host events.

Planner: Robert Kojima

Planning Status

Status Date: Apr-04-2014

LTC RWM requesting that application and associated correspondence be placed on the April agenda

Status Date: Mar-18-2014

information received, reviewed with issues requiring further clarification sent to applicant

Status Date: Jan-30-2014

LTC resolution requesting further information from applicant

Islands Trust
LTC EXP SUMMARY REPORT F2014
Invoices posted to Month ending March 2014

650 North Pender	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-650	LTC "Trustee Expenses"	1,500.00	1,370.56	129.44
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	3,676.71	323.29
65210-650	LTC - Local Exp - APC Meeting Expenses	1,000.00	60.54	939.46
65220-650	LTC - Local Exp - Communications	500.00	102.86	397.14
65230-650	LTC - Local Exp - Special Projects	2,000.00	800.00	1,200.00
65240-650	LTC - Local Exp - Miscellaneous	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>8,000.00</u>	<u>4,640.11</u>	<u>3,359.89</u>
Projects				
73001-650-4004	North Pender Shoreline Protection	5,000.00	1,915.21	3,084.79
73001-650-4018	North Pender Subdivision Review	4,000.00	4,217.99	-217.99
TOTAL Project Expenses		<u>9,000.00</u>	<u>6,133.20</u>	<u>2,866.80</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.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. 2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;
4.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
5.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.

REQUEST FOR DECISION

To: All Trust Council Committees, Local Trust Committees and Trust Fund Board

For the Meeting of: April 24, 2014

From: Lisa Gordon, Trust Area Services Director

Date Prepared: March 19, 2014

File No.:

SUBJECT: 2013-2014 ANNUAL REPORT – APPROVAL OF COMMITTEE SECTION

RECOMMENDATION: That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2013-2014 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Committee reports:	Reports to be approved on the following dates
TPC	May 12
LPC	May 15
FPC	June 2
TFB	May 5
EC	April 15 / May 6
Denman	April 1 / May 2
Gambier	April 10
Gabriola	April 17
Galiano	April 7
Hornby	April 25
Lasqueti	May 1
Mayne	April 23
North Pender	April 24
Salt Spring Island	April 10
Saturna	April 17
South Pender	April 8
Thetis	April 16
Bellenas-Winchelsea Executive Islands	May 2

FINANCIAL: None

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: All LTCs and Council committees will review and approve their sections at regular meetings listed above. Executive Committee requires all

contributors to report on accomplishments in terms of how they achieve goals in the strategic plan or in the Islands Trust Policy Statement. LTC and Council Committee Chairs will ensure that the text for their sections meets the new standards.

OTHER:

BACKGROUND

On March 4 and 18, 2014 the Executive Committee provided the following direction for changes in the way staff draft the annual report sections:

- Make the annual report more of a status report on the policy statement and the strategic plan – how are our activities contributing to achieving the higher goals?
- LTC reports should refer only to LTC projects and agenda items, not staff workload.
- Do not report building permits or referrals unless they were on an LTC or TFB agenda and reported in the minutes.
- Report only bylaw enforcement action (proactive or legal) initiated by the LTC.
- Identify grant-funded projects within Local Trust Committee and Trust Council Committee reports, rather than a separate section

REPORT/DOCUMENT: see attached draft Annual Report wording.

KEY ISSUE(S)/CONCEPT(S): Consistent reporting from each committee following new standards and committee approval of its section in the Annual Report

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10](#)

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2014 without further editing from staff or trustees.

RESPONSE OPTIONS

Recommended: As above

Alternative: None

Prepared By: Lisa Gordon, Director, Trust Area Services

Reviewed By/Date: David Marlor, Director, Local Planning Services

The North Pender Island Local Trust Committee held ten regular business meetings, one special meeting and two community information meetings. The Local Trust Committee received and considered applications or referrals for three rezonings, three development permits, three development variance permits, one temporary use permit and one license licence referral.

Projects initiated, underway or completed during this period included continuation of the shoreline conservation initiative, a project to implement conservation subdivision design principles (*Islands Trust Policy Statement policies 3.1.3, 3.1.4, 3.2.2 and 3.3.2*), and a series of technical amendments to the Land Use Bylaw.