



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: January 28, 2021
Time: 9:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	9:00 AM - 9:00 PM	
2.	APPROVAL OF AGENDA	9:00 AM - 9:05 AM	
3.	TRUSTEE REPORT	9:05 AM - 9:15 AM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	9:15 AM - 9:30 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	9:30 AM - 9:45 AM	
8.1.	Local Trust Committee Minutes Dated November 26, 2020 (for Adoption)		4 - 10
8.2.	Section 26 Resolutions-without-meeting Report		
	None		
8.3.	Special Advisory Planning Commission Minutes Dated November 23 & 30, December 7, 14 & 30 (for Receipt)		11 - 25
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated January 2021		26 - 26
10.	DELEGATIONS		
	None		

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

9:45 AM - 10:45 AM

- 12.1. NP-DVP-2020.4 (Hsu) x-ref NP-DP-2020.2 - Staff Report (attached) 27 - 76
- 12.2. NP-TUP-2020.7 (Hepburn) - Staff Report (attached) 77 - 112
- 12.3. NP-RZ-2016.1 (Mainroad Contracting) - Staff Report (attached) 113 - 133
- 12.4. South Pender Local Trust Committee Bylaw Nos. 119 & 120 Referral (attached) 134 - 142

13. LOCAL TRUST COMMITTEE PROJECTS

10:45 AM - 11:30 AM

- 13.1. LUB Review Project - Staff Report (attached) 143 - 147
- 13.2. STVR Review Project - Staff Memo (attached) 148 - 158
- 13.3. Groundwater Sustainability Project - Staff Report (attached) 159 - 162

14. REPORTS

11:30 AM - 11:45 AM

- 14.1. Work Program Report (attached)
 - 14.1.1. Top Priorities Report Dated January 2021 163 - 163
 - 14.1.2. Projects List Report Dated January 2021 164 - 164
- 14.2. Applications Report Dated January 2021 (attached) 165 - 171
- 14.3. Trustee and Local Expense Report Dated October 2020 (attached) 172 - 172
- 14.4. Adopted Policies and Standing Resolutions (attached) 173 - 177
- 14.5. Local Trust Committee Webpage
- 14.6. Islands Trust Conservancy Report Dated November 24, 2020 (attached) 11:45 AM - 12:00 PM 178 - 180
- 14.7. ITC Forest Conservation Outreach Campaign - Briefing November 2020 (attached) 181 - 184

15. NEW BUSINESS

12:00 PM - 12:15 PM

- 15.1. Salt Spring Island STVR - Letter (attached) 185 - 185

16. UPCOMING MEETINGS

- 16.1. Next Regular Meeting Scheduled for February 25, 2021- Location: TBD

- | | | |
|-----|----------------|---------------------|
| 17. | TOWN HALL | 12:15 PM - 12:30 PM |
| 18. | CLOSED MEETING | |
| | None | |
| 19. | ADJOURNMENT | 12:30 PM - 12:30 PM |



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North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: November 26, 2020

Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Benjamin McConchie, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Phil Testemale, Island Planner

Shannon Brayford, Recorder
Maple Hung, Planning Assistant (Host)

Public: There are approximately ten (10) attendees in the Zoom Webinar.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Morrison provided remarks on recent work, including:

- Trust Programs Committee is meeting frequently regarding the Trust Policy Statement.
- Trust Council will be held next week and will include a delegation from a Pender Island community member.
- Thanked the community for continuing to observe the public health orders

Trustee McConchie provided remarks on recent work, including:

- Thanked staff for the extensive agenda package.
- Noted that he has been elected Chair of the Capital Regional District (CRD) Pender Islands Parks and Recreation Commission.

- Rain Coast Conservation Society's work on allocation of 13 acres with support of Islands Trust Conservancy on North Pender Island.
- Encouraged people to stay at home and not to visit or travel unnecessarily.

4. CHAIR'S REPORT

Chair Patrick noted that Trust Council will be held the following week and that the Delegation and Town Hall session will be held on December 1, 2020 from 7-9 pm.

5. TOWN HALL AND QUESTIONS

Michael Sketch noted that he submitted a written report prior to the meeting. He noted that his submission included information and references to consultant reports regarding the fill on the Burdett property. He encouraged the Local Trust Committee to rescind their decision to forward a proposal for an inclusion-exclusion exchange on the property to the Agricultural Land Commission.

The LTC requested and received information from planners regarding the methodologies used in the professional reports that have been received on the property.

Pauline O'Malley requested and received information on the Short Term Vacation Rental (STVR) project and the rationale for revising the bylaws.

Amanda Griesbach noted significance of the affordable housing crisis.

Mark Kroeker encouraged the LTC to reconsider making significant decisions during the pandemic because there is reduced ability for public participation.

The LTC reviewed the ways in which they and staff encourage public participation.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated October 24, October 29 & November 7 (for Adoption)

8.1.1 October 24, 2020 Community Information Meeting

By general consent the minutes were adopted as presented.

8.1.2 October 29, 2020 Regular Meeting Minutes

The following amendments to the minutes were presented for consideration:

- Under Item 4, Chair's Report, replace "Highlight the work of the Salish Sea Forum" with "Highlighted the potential of the Salish Sea Forum"

By general consent the minutes were adopted as amended.

8.1.3 November 7, 2020 Community Information Meeting

By general consent the minutes were adopted as presented.

8.2 Section 26 Resolutions-without-meeting Report Dated November 2020

Received for information.

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated November 2020

Received for information.

10. DELEGATIONS

None.

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2020.5 (Mill Bay Marine Group) - Staff Report

Planner Testemale provided an overview of the application and the associated staff report. He clarified the rationale for the application and provided an overview of associated professional reports.

Chair Patrick invited representative of the Mill Bay Marine Group to address the LTC.

The property owners provided a rationale for requesting the lot line adjustment.

A discussion was held including:

- The regulations applying to the application and the role of the LTC in this type of application including the LTC's interest in overseeing lot line adjustments through Development Permit Areas (DPAs).
- The future of the Sailing Club and its inclusion in the conveyance of the property.
- Development and plans for sewage management.

NP-2020-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.5 (Port Browning Marina Resort Ltd.)

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Land Use Bylaw (OCP Implementation) - Staff Report

North Pender Island Local Trust Committee

Electronic Special Meeting Minutes

November 26, 2020

DRAFT

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Planner Stockdill provided an overview of the staff report. She highlighted the items being considered and the opportunities for community participation that have been held previously and will be held in the future.

The LTC discussed the Staff Report including the following points:

- The value of the Community Information Meetings.
- Consideration of incentives for property owners to place covenants on their land instead of subdividing them for development.
- Protection of the contiguous nature of Coastal Douglas Fir zone.
- Benefits and challenges for applying Development Permit Areas (DPAs).
- Consideration of consultation with the Pender Islands Fire Department on the bylaws.
- Value of contacting neighbouring properties when consulting with property owners regarding the Industrial Regulation Review and the Tourist Commercial Regulation Review.
- Marine Shoreline Regulation opportunities and the policies in place in other jurisdictions.

NP-2020-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to refer the Minor and Technical Amendments and the Industrial Regulation Review to the North Pender Island Advisory Planning Commission for comment.

CARRIED

It was noted that the Advisory Planning Commission will have a deadline of February 11, 2021.

13.2 Short Term Vacation Rental Review (STVR) - Staff Report

Planner Stockdill provided an overview of the staff report and associated recommendations.

A discussion was held, including the following points:

- Relationship of Short Term Vacation Rentals (STVRs) and tourism to strain on local resources
- Role of land use bylaws in managing tourism volume.
- Rental of secondary suites as STVRs
- Process for making further amendments

NP-2020-054

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 222, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020".

CARRIED

Note: A break was held from 12:13 pm-12:18 pm

13.3 Groundwater Sustainability Project - Staff Report

Chair Patrick invited William Shulba to deliver his report.

William Shulba presented his report with the support of a slide show presentation including the methodology, timeline, and anticipated outcomes of the project. He also provided a demonstration of the dashboard of data and an overview of the benefits of this data for future planning.

The LTC requested and received information on the following points:

- The ongoing impact of this project's long timeline on the LTC's Top Priority list and alternative options.
- Recommendations for Phase III: Groundwater Sustainability Planning.
- Opportunities for community education and outreach, and future plans, including organizing the education component throughout the Trust Area.
- Opportunities for collaboration with other Trust Areas and the work of other organizations.
- Benefits of operating this project with in-house staff support.
- Data regarding water demand and options for future data collection including Citizen Data Collection Network, Groundwater monitoring projects in other Trust Areas, and Provincial Observation wells.

There was general consent the work shall continue as a Top Priority and that a project charter be provided to the LTC at the January 2021 regular business meeting.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated November 2020

The LTC requested and received information on the Trust Council policy regulating the number of Top Priorities.

14.1.2 Projects List Report Dated November 2020

Received for information.

14.2 Applications Report Dated November 2020

The LTC requested and received updates on current applications.

14.3 Trustee and Local Expense Report

None

14.4 Adopted Policies and Standing Resolutions

A discussion was held regarding the moratorium on Short Term Vacation Rental Temporary Use Permit applications.

There was general consensus that the moratorium would not apply to current STVR operators who had a previous TUP application.

14.5 Local Trust Committee Webpage

No comments heard.

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

15.1 First Nations Advisory Committee - Lisa Wilcox - Memo

Chair Patrick invited Lisa Wilcox to address the LTC.

Lisa Wilcox provided an overview of the staff report addressing the LTC's request to investigate the creation of a First Nations advisory committee, including rationale for the proposed project, challenges to overcome, and recommendations moving forward.

A discussion was held regarding opportunities for moving forward and recommendations for amalgamated groups across the Trust Area. It was noted that the Trust Programs Committee and Reconciliation Working Group could play a role.

NP-2020-055

It was Moved and Seconded,

that the North Pender Island Local Trust Committee send for review and discussion to the Trust Programs Committee, the briefing prepared by Lisa Wilcox regarding First Nations Advisory Committees.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for January 28, 2021 - Location: TBD

16.2 Electronic Meetings

NP-2020-055

It was Moved and Seconded,

that in order to meet the principles of openness, transparency, and accessibility, meetings of the North Pender Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

16.3 Special Meeting - Joint South / North Pender - November 28, 2020 at 10:00 AM

17. TOWN HALL

Chair Patrick invited members of the community to address the LTC.

No comments were heard.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:19 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Adopted

North Pender Island Special Agricultural Advisory Planning Commission Minutes of Regular Meeting

Date: November 23, 2020
Location: Electronic Meeting

Members Present: Barbara Johnstone (Chair), Barry Denluck, Kathy Heslop, Ann Stephenson, Ben Kadel, Matthew Vasilev, Richard Piskor, George Leroux, Martha McMahon
Regrets: Anne Burdette, Ann Stephenson

Staff Present: Shannon Brayford, Secretary

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 12:05 pm

2. APPROVAL OF AGENDA

By general consent the Agenda was approved as presented.

3. BUSINESS ITEMS

Chair Johnstone noted that George Leroux had circulated a document electronically and there was general consensus that the Commission consider proposed amendments using the document for reference.

A discussion of the impact of the Official Community Plan's (OCP) priority for addressing Climate Change on this review was held. Consensus on the relevance to this referral was not reached, but there was general consensus that Ben Kadel shall produce a review document of the matter to be considered at a future meeting.

a. Review and Update Definitions

A discussion of farm and non-farm use on Agricultural Land Reserve Land was held and there was general consensus that everyone shall review the definitions and return to a future discussion.

b. Changes for Secondary Dwellings in the ALR

Discussions were held regarding the recommended amendments related to secondary dwellings in the Agricultural Land Reserve (ALR).

NP-AAPC-001

It was moved and seconded,

That the North Pender Island Special Agricultural Advisory Planning Commission recommend that the regulations of the Agricultural Land Commission be applied in the North Pender Island Local Trust Area.

CARRIED

c. Prohibiting of Manufactured Homes

It was noted that manufactured homes are not prohibited in general on North Pender Island and there was general consensus that, as in resolution NP-AAPC-001, the North Pender Island regulations should reflect the ALC regulations.

d. Options for Farm Worker Accommodations

A discussion of farm worker accommodations as an allowable use was held. The following points were noted:

- Farm workers deserve suitable housing and it should not be limited to temporary measures which are often lower-standard of living options.
- Offering secure housing could be a means to encourage sustainable farming.
- A variety of allowable housing options will allow farmers to provide housing that is responsive to the economic conditions of farming.
- Caution that Temporary Use Permits or options that require costly studies are not economically viable for agricultural purposes.
- Encouragement to reduce rather than increase the Islands Trusts involvement in farm worker accommodations
- Encouragement to defer the options for farm worker accommodations to the Agricultural Land Commission and ensure that the LTC will not require a second approval from the LTC following the ALC's approval.
- It was noted that farm land not in the ALR shall be governed with regulations consistent with those of the ALC.
- That secondary dwellings on farm land that is not in the ALR shall be discussed at a future meeting.
- The value of being able to build a permanent structure that can be used for farm worker housing and also purposed for agri-tourism.

NP-AAPC-002

It was moved and seconded,

That the options for Farm Worker Accommodations on Agricultural Land Reserve Land be deferred to the Agricultural Land Commission regulations and that the Agricultural Land

Commission approval be the final requirement without further Local Trust Committee approval.

CARRIED

It was recommended that the AAPC should have a mission statement. There was general consensus that Barry Denluck shall return to a future meeting with recommendations.

e. Establish a Maximum Floor Area

A discussion was held regarding the history of the North Pender and South Pender Islands LTCs deliberations on regulating maximum floor area.

There was general consensus that limiting the number of regulations should be preferred and that, as in NP-AAPC-001, the regulations of the Agricultural Land Commission be applied in the North Pender Island Local Trust Area.

f. Agri-Tourism and Agri-Tourist Accommodations

A discussion of the value of Agri-Tourism and agri-tourist accommodations was held, including the potential for an expanded labour pool and opportunities to increase the economic viability of farms.

It was noted that the topic requires additional thought and reflection and there was general consensus that the matter shall be returned to at a future meeting.

4. Adjournment

By general consent the meeting was adjourned at 1:30 pm

Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder



Adopted

North Pender Island



Special Agricultural Advisory Planning Commission

Minutes of Regular Meeting

Date: November 30, 2020

Location: Electronic Meeting

Members Present: Barbara Johnstone (Chair), Barry Denluck, Kathy Heslop, Ann Stephenson, George Leroux, Matthew Vasilev, Richard Piskor, Anne Burdette, Ben Kadel, Martha McMahon

Regrets: None

Staff Present: Shannon Brayford, Secretary

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johstone called the meeting to order at 12

2. APPROVAL OF AGENDA

It was recommended that item 4.1 Mission Statement be added.

By general consensus, the agenda was approved by amended

3. ADOPTION OF MINUTES OF NOVEMBER 23, 2020

It was recommended that Richard Piskor's name be corrected in the attendance.

By general consensus, the minutes of November 23, 2020 were adopted as amended.

4. BUSINESS ITEMS

4.1 Mission Statement

It was noted that the mission statement was circulated electronically by Barry Denluck. The mission statement was revised and discussed with the final version reading:

"To assist the North Pender trustees in development and revision of bylaws within the Official Community Plan for the benefit of sustainable agriculture with the goal of reaching local food security.

At each stage of discussion we need to qualify our recommendation with the following points:

1. Productivity benefit to the farming community
2. Financial benefit to the farming community
3. Efficiency benefit to the farming community
4. Integration with the community at large
5. Maintaining the rights of individuals to freedom of expression under the Canadian 'Charter of Rights'
6. Food security for North Pender Island - resilience."

NP-AAPC-003

It was moved and seconded,

That the North Pender Islands Agricultural Advisory Planning Commission adopt the mission statement as read.

CARRIED

4.2 Climate Change

Ben Kadel provided an overview of the manner by which climate change is addressed in the Official Community Plan (OCP). There was general consensus that climate change adaptation remains consistently in the Commission's mind as they move forward with their decisions.

4.3 Review and Update Definitions

A discussion of farm stands and their treatment under Agricultural Land Reserve (ALR), Capital Regional District (CRD), and Islands Trust regulations was held. It was noted that strict regulations which limit sales to products produced on the specific site only should be reconsidered.

There was general consensus that members of the Commission shall research the types of regulations that apply farm stands and road-side stands including:

- Sign restrictions
- Definitions for "Farm Retail Sales", "Road-side stands",
- Restrictions that limit sale of items to those produced on site.
- Compare and contrast of agricultural vs horticultural.

There was general consensus that the following definitions shall be compared among those given by the ALR, CRD, and Islands Trust, and in some cases considered for creation where otherwise undefined:

- Accessory Agritourism (Bed and Breakfast, Café, Short Term Vacation Rental)
- Multiple Family Dwelling ("Bunkhouse" and "Temporary Farm Worker Accommodations")

4.4 Secondary Dwellings on Farm Land That is Not in the ALR

A discussion was held regarding the types of structures (accessory, residential, etc) that are currently allowed and the opportunities for housing farm workers that could be considered.

There was general consensus that the following definitions shall be compared among those given by the ALR, CRD, and Islands Trust, and in some cases considered for creation where otherwise undefined:

- Accessory Agritourism (Bed and Breakfast, Café, Short Term Vacation Rental)
- Multiple Family Dwelling (“Bunkhouse” and “Temporary Farm Worker Accommodations”)

There was general consensus that the matter shall be revisited at a future meeting.

There was general consensus that agriculture be generally accepted as a use on all land and excluded when there is a rationale to do so, rather than generally segregating it.

4.5 Agri-Tourism and Agri-Tourist Accommodation

It was noted that the list of allowable activities is too restrictive and that the regulation should be designed in order to facilitate finding a way to permit these activities.

A discussion of potential regulations was held and included the following points:

- Adopting regulations that promote thoughtful and sustainable backpacker accommodations
- Consider tying the location to farm status to ensure that the regulation is not abused.
- Consider a regulation that does not require extensive involvement and oversight by the Trust Committee.
- ALC regulations for Agri-Tourism and their potential use by the Islands Trust
- Challenges of the manner by which the ALC regulations deal with restaurants.

There was general consensus that in the interest of time that the remainder of the agenda shall be postponed to the next meeting.

4. Adjournment

By general consent the meeting was adjourned at 1:30 pm

Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder



Adopted

North Pender Island

Special Agricultural Advisory Planning Commission

Minutes of Regular Meeting

Date: December 7, 2020
Location: Electronic Meeting

Members Present: Barbara Johnstone (Chair), Barry Denluck, Kathy Heslop, Ann Stephenson, George Leroux, Matthew Vasilev, Richard Piskor, Anne Burdette, Ben Kadel, Martha McMahon

Regrets: None

Staff Present: Shannon Brayford, Secretary

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 12:06

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented

3. ADOPTION OF MINUTES OF NOVEMBER 30, 2020

By general consensus, the minutes of November 30, 2020 were adopted as presented.

4. BUSINESS ITEMS

4.1 Home Industry and Home Occupation

A discussion of agricultural processing was held, including the following points:

- Current bylaws
- On-site production requirements
- Different manners by which livestock and produce are handled within the bylaws.
- Implications of organizing as a cooperative
- Application of Section 3.5.4 of Land Use Bylaw (limiting number of employees) to agricultural land.
- Section 3.6.1 (Home Occupation) and its application to agricultural land

NP-AAPC-2020-003

It was moved and seconded that,

The North Pender Island Agricultural Advisory Planning Commission supports the defining of “animal slaughter” as a permitted use on agricultural land.

CARRIED

NP-AAPC-2020-004

It was moved and seconded that,

That the North Pender Island Agricultural Advisory Planning Commission encourage the Islands Trust Planners to review the Land Use Bylaws to specifically ensure that no bylaws inhibit the provisions of the Right to Farm

CARRIED

Note: North Pender Island Trustee Ben McConchie attended the meeting from 12:30-12:48 pm

4.2 Regulations of Cannabis Production

A discussion of regulations related to cannabis production was held, including the difference in regulations among different zonings.

A discussion of the “Rural Residential” zoning was held, including permitted uses and distinctions among different areas on the island.

NP-AAPC-2020-005

It was moved and seconded that,

The North Pender Island Agricultural Advisory Planning Commission recommend that agriculture be a permitted use within the Rural Residential Zone.

CARRIED

It was further noted that the committee recognized that “rural residential” zoning applies to a broad range of properties, and that rural residential properties outside of Magic Lake Estates are unique from those located within it.

4.3 Farm Retail Sales Provision in the Agricultural Zone

The distinction between farm retail sales and road-side stands was held. It was noted that the 50% rule seems to prohibit development of a co-operative sales model, which then excludes a sustainable model for both the farmers and the consumers that would like to shop locally.

A discussion of improving the regulations for Farm Retail Sales that will support co-operative ventures was held. There was general consensus that discussion be held to the next meeting and that George Leroux shall write and circulate some research on the matter.

4. Adjournment

By general consent the meeting was adjourned at 1:30 pm

Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder



Adopted

North Pender Island Special Agricultural Advisory Planning Commission Minutes of Regular Meeting

Date: December 14, 2020

Location: Electronic Meeting

Members Present: Barbara Johnstone (Chair), Barry Denluck, Kathy Heslop, Ann Stephenson, George Leroux, Richard Piskor, Anne Burdette, Martha McMahon, Matthew Vasilev,

Regrets: Ben Kadel

Staff Present: Shannon Brayford, Secretary

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 12:04

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented.

3. ADOPTION OF MINUTES OF DECEMBER 7, 2020

It was noted that Motion NP-AAPC-2020-004 requests that staff complete the same direction that this Commission was given in their Local Trust Committee (LTC) referral. No amendments were recommended.

The following amendments were recommended:

- That the numbering of the motions be corrected to remove duplication.
- That the last sentence under Item 4.2 be amended to read “that rural residential properties outside of Magic Lake Estates are unique from those located within it”

By general consensus, the minutes of December 7, 2020 were adopted as amended.

4. BUSINESS ITEMS

North Pender Island Special Agricultural Advisory Planning Commission

Electronic Regular Meeting Minutes

December 14, 2020

ADOPTED

1 of 2

4.1 Farm Retail Sales

The committee reviewed, discussed, and commented on a draft farm retail sales document.

There was general support of the content of the document and its recommendations, and general consensus that the contents of the document shall be part of a formal report to the Local Trust Committee that the Commission members shall draft.

4.2 MINOR AND TECHNICAL AMENDMENTS

A discussion of the Minor and Technical Amendments was held and the matter shall be returned to at the next meeting.

4.3 CONSIDERATION OF A FORMAL REPORT

There was general consensus that the discussion paper the committee has been working on could serve as a template for the structure of a final report.

5. Adjournment

By general consent the meeting was adjourned at 1:30 pm

Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder



Draft

North Pender Island Special Agricultural Advisory Planning Commission Minutes of Regular Meeting

Date: December 30, 2020
Electronic Meeting

Location:

Members Present: Barbara Johnstone (Chair), Barry Denluck, Kathy Heslop, Ann Stephenson, George Leroux, Richard Piskor, Anne Burdette, Martha McMahon, Matthew Vasilev, Ben Kadel

Regrets: (Ben Kadel, Richard Piskor, Barry Denluck absent for second half of meeting following power outage, 3pm on)

Staff Present: none

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 12:02

2. APPOINTMENT OF SECRETARY

George Leroux agreed to take minutes of the meeting.

2. APPROVAL OF AGENDA

By consensus, the agenda was approved as amended with review of Executive Summary first, followed by minor and technical amendments, and review of final report.

3. ADOPTION OF MINUTES OF DECEMBER 14, 2020

By consensus, the minutes of December 14, 2020 were adopted as presented. The scheduled meeting of December 21 was cancelled due to a power outage.

4. BUSINESS ITEMS

4.1 EXECUTIVE SUMMARY

The committee reviewed, discussed, and commented on the Executive Summary of the report. Each item of the first half of the Executive Summary (items 1-12) was approved by consensus prior to a power outage at 12:48.

Committee members were emailed/phoned to notify them of a continuation of the meeting at 3 pm.

4.2 CALL TO ORDER – RECONVENED MEETING

When the meeting reconvened, Richard, Barry and Ben were unable to join for the 2nd half of the meeting.

Chair Johnstone reconvened the meeting at 3 pm.

The committee continued to review, discuss and comment on the second half of the Executive Summary of the report (items 13-25). All items were approved by consensus.

4.3 MINOR AND TECHNICAL AMENDMENTS

Minor and Technical Amendments relevant to agriculture were reviewed, discussed and agreed to by consensus.

4.4 FORMAL REPORT PREPARATION

There was general support of the content of the document that the committee has been working on. Its recommendations were approved by consensus.

George agreed to prepare a revised draft and send it to all committee members by Friday, January 1. Committee members are requested to review the final draft and send suggested edits and comments to George and Barbara by Sunday, January 3.

A final report will be completed on Monday, January 4th for submission to the Islands Trust by end of day.

5. Adjournment

By general consent the meeting was adjourned at 4:00 pm.

Barbara Johnstone, Chair

Certified Correct:

George Leroux, AAPC Recorder

Follow Up Action Report

North Pender Island

26-Nov-2020

Activity	Responsibility	Dates	Status
1 8.1 The October 24, 2020 and November 7, 2020 minutes were approved as presented. The October 29, 2020 was approved as amended.	Maple Hung	Target: 24-Dec-2020	Completed
2 12.1 NP-DP-2020.5 (Mill Bay Marine Group) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up if required.	Maple Hung Phil Testemale	Target: 24-Dec-2020	Completed
3 13.1 Staff to send the Industrial Regulations Discussion Paper and the Minor/Technical Amendments to the North Pender Advisory Planning Committee to provide comments and recommendations with a response deadline of February 11, 2021.	Kim Stockdill Maple Hung	Target: 11-Dec-2020	Completed
4 13.2 Staff to schedule a combined CIM and Public Hearing for the Short Term Vacation Rental Project (proposed Bylaw No. 222).	Kim Stockdill Maple Hung	Target: 24-Dec-2020	Completed
5 13.3 Staff to prepare a Project Charter for Phase 3 of the Groundwater Sustainability Project.	Narrisa Chadwick Robert Kojima William Shulba	Target: 15-Jan-2021	Completed
6 15.1 Staff to send the briefing prepared by Lisa Wilcox regarding First Nations Advisory Committees to the Trust Programs Committee for review and discussion.	Kim Stockdill Robert Kojima	Target: 22-Jan-2021	Completed



File No.: NP-DP-2020.2,
NP-DVP-2020.4

DATE OF MEETING: January 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Combined Development Permit & Development Variance Permit Application
Applicant: Henry and Tina Hsu
Location: 4707 Buccaneers Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.2 (Hsu); and,
2. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.4 (Hsu).

REPORT SUMMARY

This report is to consider a combined Development Permit (DP) and Development Variance Permit (DVP) application.

The purpose of the DP application is for measures for the protection of the sensitive riparian and aquatic ecosystem and construction management for the proposed removal of the existing dwelling and sheds and construction of a new dwelling, shed and path and within **Development Permit Area Ten – Riparian and Aquatic (DPA)**.

In summary, the above recommendations for the DP proposal is supported as:

- the objectives and specific guidelines of the DPA have been met;
- all relevant recommendations of a professional environmental assessment report have been incorporated into the conditions of the proposed DP; and,
- implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive riparian and aquatic ecosystem.

The DVP application is to consider siting and size variances for an existing non-conforming dock structure (ramp and float) on the subject property. The variances would bring the property into conformity with the North Pender Island Land Use Bylaw.

The recommendations for the proposed variances are recommended as:

- The dock structure is existing and relocating to comply would likely be more impactful to the sensitive ecosystems than legalizing it in place;
- the potential impacts from granting the variances are relatively minor, particularly to the most impacted adjacent properties;
- notification to surrounding neighbours has been undertaken and to date staff have received one written responses that does not oppose these variances; and,
- the variances do not challenge the intent of the bylaw provisions.

BACKGROUND

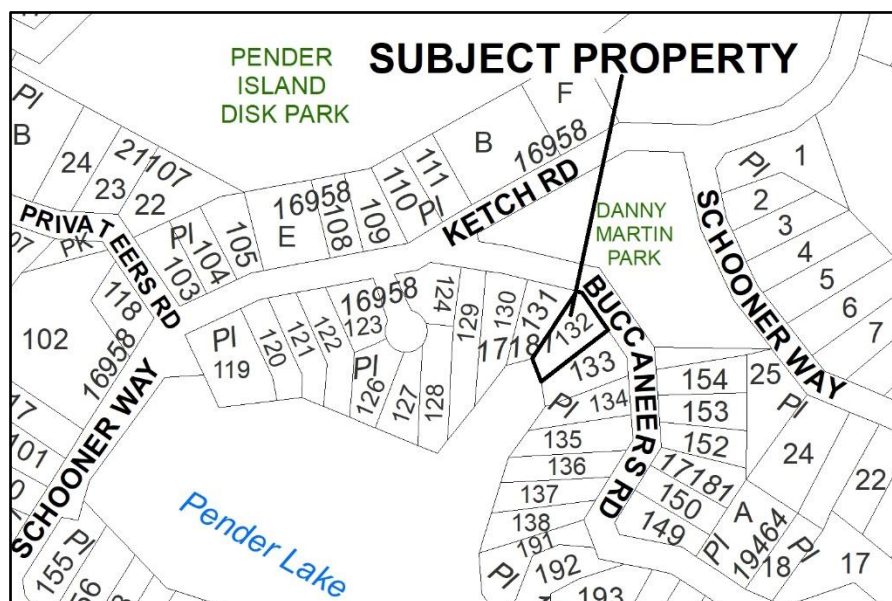
The combined DP-DVP application was submitted to the Islands Trust in advance of a Building Permit application to secure necessary approvals for the removal of existing buildings and the construction of a new dwelling and accessory building (shed). The owners purchased the property last year and proactively contacted the Islands Trust to ensure that all approvals were secured prior to undertaking any works.

Referring to Figure 2 and photos (Attachment 2.4), the front and northwest side of the property contain the existing dwelling mobile home (includes a deck and an open carport), the one remaining shed (to be removed) and a lawn with sparse trees. There is the existing dock structure over the lakeside riparian area and water. The lakeside riparian ecosystem is described as an open grassy area with some semi-aquatic grasses, sedges, rushes and alder. The streamside riparian area supports an ephemeral stream flowing southeast and feeding into Magic Lake. The stream bank on the subject property side is well vegetated and the bank is well protected with abundant grasses, sedges and shrubs, as well as alder and young cedar trees, though it also includes invasive blackberry, periwinkle, Daphne (spurge-laurel) and English ivy.

The proposal for development is as follows:

- Removal of two (2) of the existing sheds (already completed);
- Removal of 'shed to be removed' and the existing mobile home and attached deck;
- The existing dock structure is to remain in its current location.
- Construction of a new dwelling 80 m² (860 ft²) in area with a small deck 14 m² (150 ft²). Overall the building footprint will be smaller than the existing.
- Construction of a new 14 m² (ft²) shed (labelled as 'to be removed'). Alternatively, the remaining shed could be moved to this location depending on its condition.

Figure 1 – Subject Property



Development Permit Area

The specific objective of the designation of the DPA is:

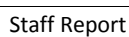
To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.

As DPA 10 is designated on the property, the applicants are required to comply with the DPA guidelines as well as provincial *Riparian Areas Protection Regulations (RAPR)*. Accordingly, the applicants hired Dan Baxter, R.P.Bio of Caurinus Environmental who prepared and submitted a RAPR Assessment Report to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD). Confirmation that it complied with the RAPR methodology was given on December 17, 2020. A more comprehensive 'Environmental Assessment' (October 22, 2020 – 'Biologist's Report') that contains all parts and recommendations of the RAPR Assessment Report is Attachment 4.

Although RAPR only applies to the upland portion, the DPA extends over the water of Magic Lake (the 'Aquatic' ecosystem) which is subject to the *Water Sustainability Act (WSA)*. There was some recent repair to the decking to replace rot which is exempt under the DPA and was done under Provincial notification by Caurinus. There is no new development proposed for that area as part of this application.

Copies of the DPA Checklist and proposed Development Permit NP-DP-2020.2 (Hsu) are Attachments 3 and 5.

Islands Trust



Development Variance Permit

Upon review of the submitted site survey (Attachment 2.3) the siting and length of the dock in addition all the three small sheds on the subject property were identified as not complying with the setback regulations in the Land Use Bylaw (LUB). Two of the sheds have since been removed as they were in disrepair.

The options for the dock structure are to either reconstruct or relocate the structure to conform to the LUB or apply for a variance. It was concluded by staff and Dan Baxter that the latter would be the least impactful to the sensitive aquatic ecosystem.

- a. Article 8.22B.5 (1) which states that no structure may be located within 3.0 metres of any side lot line, is varied to permit the siting of an existing structure (ramp) within 1.0 metres of an interior side lot line;
- b. Article 8.22B.5 (2) which states that where the structure cannot be constructed entirely within the property boundaries of the residential lot, no structure may be located within 3 metres of the projection of any side lot line of the abutting upland lot, is varied to permit the siting of an existing structure (ramp) within 1.0 metres of the projection of an interior side lot line; and,
- c. Article 8.22B.6 (4) which states that the maximum length of any ramp is 6 m, is varied to permit an existing ramp 19.5 m in length.

The size of dock structure is modest with a minimal width.

Staff visited the site on August 25, 2020.

Copies of proposed Development Variance Permit NP-DVP-2020.4 (Hsu) and Notice as circulated are Attachments 6 and 7.

ANALYSIS

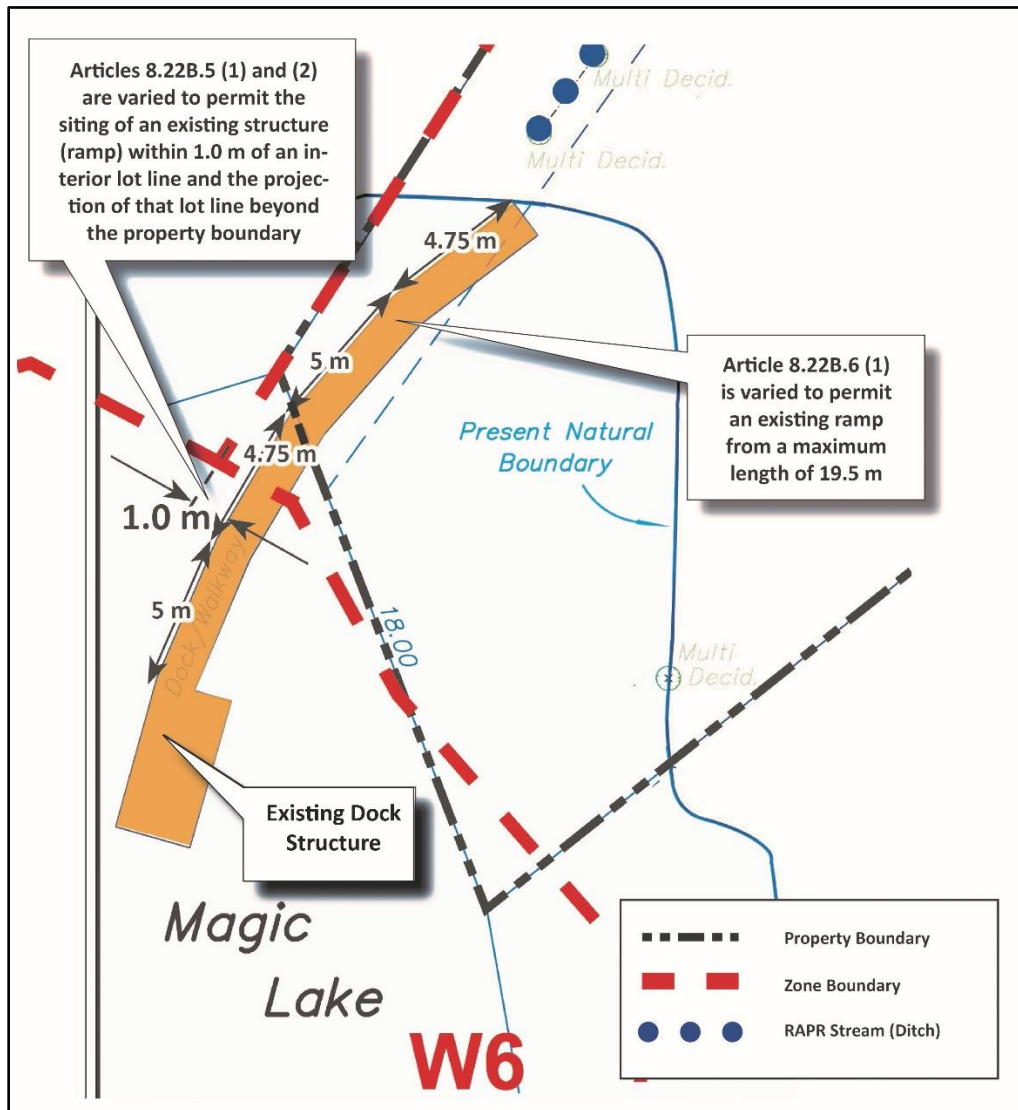
Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Figure 3 – Variance Details



Official Community Plan:

The subject property is designated as **Rural Residential - RR** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

Development Permit Area 10 (DPA) – Riparian and Aquatic is designated on the property as shown in Attachment 2.2

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** and **Water 6 (W6)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). With the exception of the dock structure that is the subject of the DVP, the proposed uses, density and siting meet the requirements of the LUB.

Issues and Opportunities

Development Permit

Biologist's Report

The required Biologist's Report (Attachment 4) undertook a detailed site inventory and documented the habitat conditions for Flora, Birds, Mammals, and Amphibians and Reptiles. No rare species, species at risk or hibernacula were found on the property. The report establishes three zones of sensitivity (ZOS) based on three riparian functions: Leaf Litter; Inputs of Large Woody Debris; and, Shading to control water temperature.

The Biologist's Report established the Streamside Protection and Enhancement Area (SPEA) on the property and measures for protection and enhancement of that area. This was assigned at 15 m perpendicular from the high water mark of the lake, and at 10 m perpendicular from the edge of the stream.

All new proposed development is entirely outside of the SPEA. The removal of the all sheds from the SPEA will facilitate habitat restoration along the stream. The removal of the existing dwelling will require some incursion into the DPA (30 m setback), however that activity will be well away from the SPEA. Under RAPR, access to the lake for recreation is permitted across the SPEA in the form of an earthen (foot) path to be developed under the supervision of the monitoring QEP. As above, there is no development proposed for the aquatic portion of the DPA (below) the HHM. The existing dock was repaired under notification to the province for WSA and is exempt from the DP.

Measures for the protection of the DP area and SPEA are recommended in the report for both demolition and new construction and have been incorporated in to the proposed DP. For the upland (riparian) area, these are under the categories of *General, Protection of Trees and Vegetation, Encroachment, Sediment and Erosion Control, Stormwater Management, Construction Management, and Monitoring*. Conditions for the aquatic portion, for maintenance of the existing dock are under categories of *Protection of the Aquatic Area and Dock and Ramp Maintenance and Repair*.

As above, a DP Guideline checklist completed by the QEP is attached to the assessment report. Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA and benefit of the property as a whole.

The report concluded that the property owners are committed to pursuing the project with as minimal impact as possible, and the new development will not adversely affect the riparian system.

Development Variance Permit

Rationale for the Variances

The rationale for the new construction variance is to legalize the dock structure in its current location and for the length of the ramp. As above, Dan Baxter has confirmed that moving it would be definitely more impactful than leaving it in its current location and enhanced protection of the aquatic ecosystem based on no further disturbance.

Impact on Neighbouring Properties

The location and size of the structure is minimally visible to adjacent properties. In addition, vegetation conceals much of the structure, and moving the structure to conform to setbacks would increase visibility from neighbours (Attachment 2.3).

With the possible exception of privacy, granting the variance would represent minimal impacts to the adjacent properties.

Intent of the Regulations being Varied

The overall purpose of the setback from the interior side lot regulations and their extension over the water are to minimize impacts on adjacent properties and the public realm related to:

- Limiting the visual impact of development on adjacent properties.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining privacy.
- Establishing a consistent development pattern within a local area.
- Public Access
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations. The proposed variances are supported by staff as they are minor in nature and do not challenge the intent of the bylaw regulations.

Potential Impacts of Granting the Variances

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

Consultation

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

DVP Notices were circulated to surrounding property owners and residents (Attachment 7). The notification period ends at 4:30 p.m. on January 20, 2021.

At the time of writing, staff has received no written submission in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DP and DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the

provincial Archaeological Branch guidelines on Heritage Act compliance have provided the Islands Trust directly to the applicants.

Rationale for Recommendation

In summary, the recommendations on page 1 for the DP proposal is supported as:

- the objectives and specific guidelines of the DPA have been met;
- all relevant recommendations of a professional environmental assessment report have been incorporated into the conditions of the proposed DP; and,
- implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive riparian and aquatic ecosystem.

The recommendations for the proposed variances on page 1 are recommended as:

- The dock structure is existing and relocating to comply would likely be more impactful to the sensitive ecosystems than legalizing it in place;
- the potential impacts from granting the variances are relatively minor, particularly to the most impacted adjacent properties;
- notification to surrounding neighbours has been undertaken and to date staff have received no written responses; and,
- the variances do not challenge the intent of the bylaw provisions.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

Development Permit:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. Note, if this alternative is selected, the decision MUST be accompanied by specifying which guideline(s) the application does not comply with. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2020.2 (Hsu) as it does not comply with guideline_____.

Development Variance Permit:

3. Amend the permit and approve the permit as amended

The LTC may opt to make amendments to the permit as circulated.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend NP-DVP-2020.4 by____; and, .

That the North Pender Island Local Trust Committee approve issuance of NP-DVP-2020.4 as amended.

4. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

5. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2020.4.

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	January 19, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 19, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guidelines Checklist
4. Biologist's EA Report (October 22, 2020)
5. Draft Development Permit NP-DP-2020.2
6. Draft Development Variance Permit NP-DVP-2020.4
7. Notice (DVP)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 132, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181
PID	000-026-301
Civic Address	4707 Buccaneers Rd.

LAND USE

Current Land Use	Rural Residential (RR)
Surrounding Land Use	Rural Residential (RR) and Community Park (CP)

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Development Permit Area Ten – Riparian and Aquatic Habitat designated as shown in Attachment 2.2
Land Use Bylaw	The subject property is zoned as Rural Residential in the North Pender Island Land Use Bylaw 103, 1996.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	QEP EA Report (Attachment 4) identified no species at risk or potential.
Sensitive Ecosystems	Riparian and aquatic (subject of current application)
Hazard Areas	
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. There is a no archeological potential mapped within 100 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology

	Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Protection and enhancement of SPEA through the RAR and DP process will benefit GHG emissions through tree and ground cover retention and lake temperature moderation. Increased GHG through demolition and new construction. Footprint of Development is reduced from current. Elevation would preclude many climate change induced hazards (i.e. sea level rise)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



2.2 DPA TEN AND EXISTING BUILDINGS



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Islands Trust



2.3 PHOTOGRAPHS

View of existing dwelling from driveway



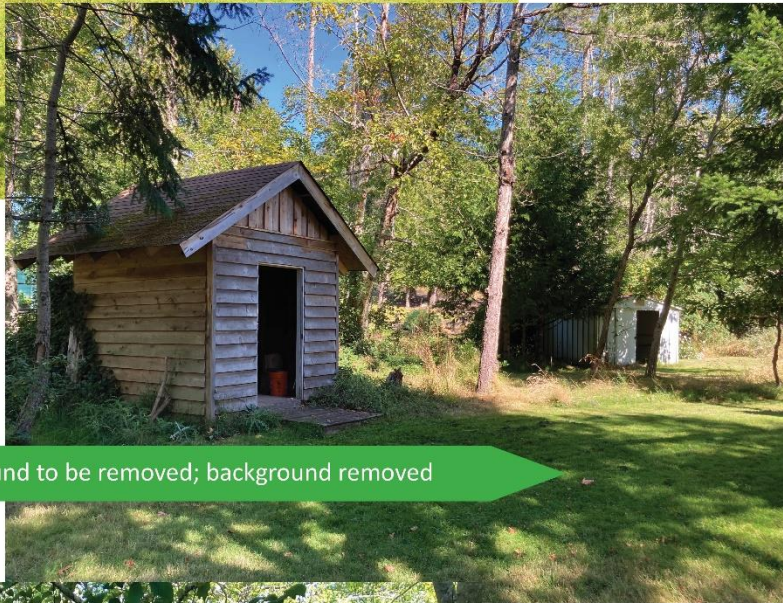
Existing dwelling from western edge of property



Rear of dwelling from south



View northeast toward Buccaneers Road



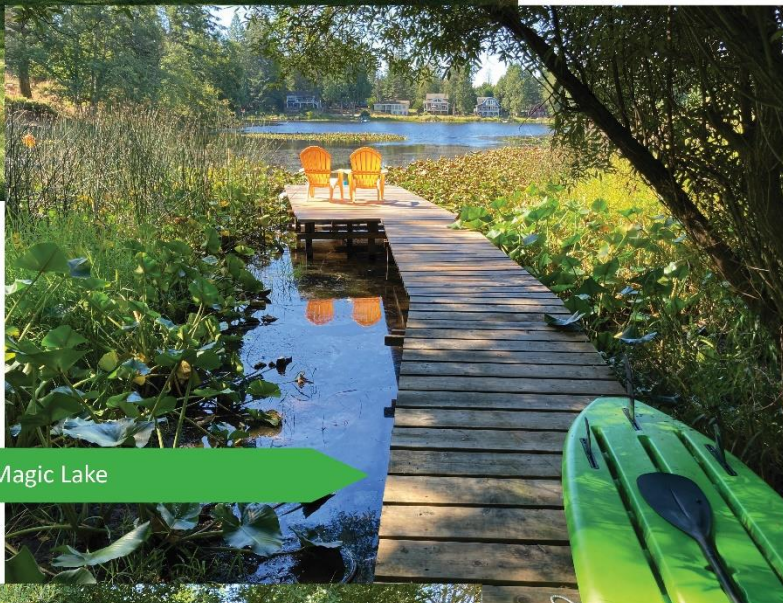
Existing Sheds (foreground to be removed; background removed)



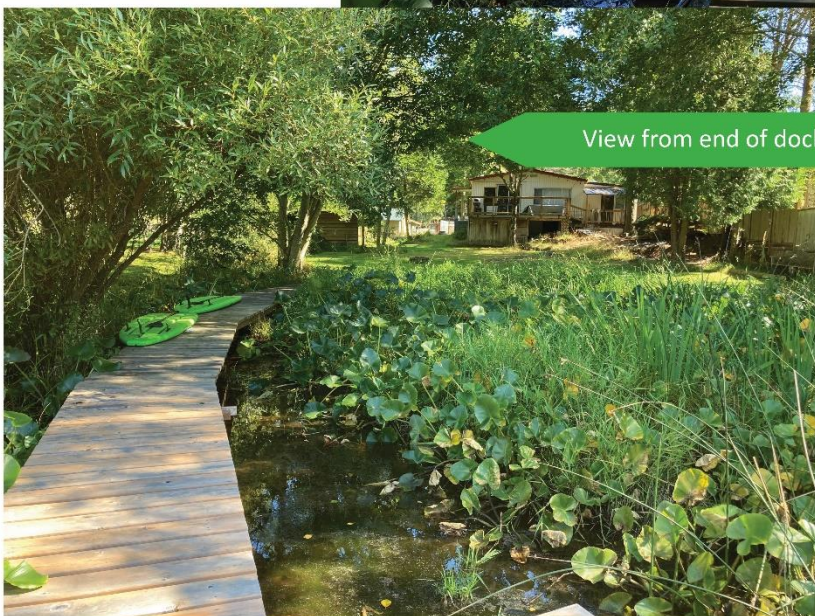
View along stream



View northwest from SPEA



View along ramp toward Magic Lake



View from end of dock structure (northeast)

ATTACHMENT 3 – DPA GUIDELINES CHECKLIST

Riparian and Aquatic DPA Checklist: NP-DP-2020.2 (Hsul) Demolition and New Dwelling

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Protection Regulation (RAPR)</i> Assessment Report was prepared by Dan Baxter, R.P.Bio of Caurinus Environmental and submitted to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD) on December 17 th , 2020. Conditions based on recommended measures in RAPR Assessment Report have been placed in draft Development Permit for: <i>General, Protection of Trees and Vegetation, Encroachment, Sediment and Erosion Control, Stormwater Management, Construction Management, and Monitoring</i>
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	Complies –no development in SPEA and conditions have been placed in the draft DP to require the property owner to take actions to protect the SPEA over the long term.
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	Conditions in draft DP.
4. The following guidelines are applicable to floats and associated structures within the development permit area:	Note: Existing raised dock structure. Conditions in Draft Permit.

Guidelines	Comments
i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	N/A
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	Cross reference to NP-DVP-2020.4

Attachment 4

Environmental Assessment of 4707 Buccaneers Road,
Pender Island, BC

Submitted To:

Henry and Tina Hsu

On

October 22, 2020

Prepared By:

Dan Baxter and Erin O'Brien



Caurinus Project No.: CE2020009

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1.0 Introduction

In January 2020, Caurinus Environmental was retained by Henry & Tina Hsu to complete an environmental inventory, condition and impact assessment with respect to construction of a primary residence within the footprint of the current dwelling and removal or relocation of 3 utility sheds within the designated riparian and aquatic ecosystem located on Pender Island at 4707 Buccaneers Road (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the proposed restoration activities in an environmentally responsible manner.



Figure 1. Pender Island; Gulf Islands (Google Earth 2020).

The subject area is located in the North Pender Island Local Trust Area, Capital Regional District (CRD), and is approximately 0.154 ha (0.38 acres) in size. The property is located on Buccaneers Road on the shore of Magic Lake (Figure 2). The legal property description for the parcel is:

- Lot 132 Plan, VIP17181, Section 8, Land District 16, Section 10, Portion Pender Island, Manufactured Home Reg.# 41873 (PID: 000-026-301)



Figure 2. 4707 Buccaneers Rd., Pender Island, BC (e-valueBC, BC Assessment 2020).

The proposed area is currently zoned RR2 (Rural Residential) in a strata lot with adjacent property to the north, east and west also designated as rural residential. The subject property falls under the jurisdiction of the North Pender Island Local Trust Area and consequently must conform to the North Pender Island Official Community Plan Bylaw No.171, 2007. Both phases of the environmental assessment are included in this report: Ecological Assessment Phase as well as Impact Assessment and Mitigation Phase. Other regulatory frameworks which also guide the assessments and strategies within this report include, but are not limited to:

1. Species at Risk Act (SARA) - Federal
2. Migratory Birds Convention Act – Federal
3. Wildlife Act – Provincial
4. Fisheries Act - Federal
5. Riparian Areas Protection Regulation – Provincial

2.0 Supporting Inventories

We reviewed current information pertaining to the subject property and surrounding areas using the following resources:

- Biogeoclimatic maps and online satellite imagery of the subject property
- BC Conservation Data Centre (CDC)
- Ecocat, Ecosystems Report Catalogue
- Water Licences database, Provincial database.
- Terrestrial Ecosystem Mapping

2.1 Physical Resources

Humid Temperate Ecodomain

In British Columbia, the ecosystems of the Gulf Islands originate from the most southerly extent of the Humid Temperate Ecodomain extending from the continental slope and shelf, all the coastal islands, adjacent mountains, the central interior plateau, and the southern interior mountains. The climate is characterized by strong seasonal cycles of temperature and precipitation with a distinct winter (CPAWS 2005; Demarchi 2011).

Humid Maritime & Highlands Ecodivision

This Ecodivision occurs along the coast from the western edge of the Continental Slope eastward to the effective height of land on the Coast Mountains, including the Nass Basin and Nass Ranges. This Ecodivision's climate is temperate, with abundant rainfall throughout the year, but with reduced precipitation in summer. Coniferous tree species that occur include Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*), Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), amabilis fir (*Abies amabilis*), and yellow-cedar (*Chamaecyparis nootkatensis*). In the extreme south of the province, where it is much drier, it contains arbutus (*Arbutus menzeisii*) and Garry oak communities (CPAWS 2005; Demarchi 2011).

Georgian Depression Ecoprovince (GED)

This ecoprovince lies between the Vancouver Island Mountains and Olympic Mountains to the west and the southern Coast Mountains and northern Cascade Ranges to the east. In British Columbia, the Georgia Depression Ecoprovince is a large basin that encompasses the southeastern Vancouver Island Mountains, the Nanaimo Lowlands, and the Gulf Islands in the west, the Strait of Georgia in the middle, and the Georgia Lowlands and Fraser Lowlands in the east (CPAWS 2005; Demarchi 2011).

SGI - Southern Gulf Islands Ecoregion

These islands occur from Newcastle and Gabriola islands south to Chatman, Discovery and Chain islands, including the inter-island channels and sounds that extend across the Strait of Georgia, and the San Juan Islands in Washington. The islands consist of folded and faulted shale and sandstone/conglomerate, with some volcanic stocks intermixed. This has resulted in the many linear valleys and island separations. The northwesterly aligned folded structure and the eroding power of southeasterly moving glacial ice have resulted in the prominent northwesterly-southeasterly alignment of the Gulf Islands. As the glaciers retreated, it resulted in very deep deposits of sediments on this lowland. Streams that originate here are short and often ephemeral, drying in the summer (CPAWS 2005; Demarchi 2011).

2.2 Topography

The bedrock geology plays a large role in the topography of the islands. North Pender bedrock is categorized as the Late Cretaceous Nanaimo Group with the strata consisting of alternating interbeds of sandstone, shale, siltstone, and conglomerate. This has led to the steep rugged topography following the trends of the major resistant bedrock units (sandstones and conglomerates), with the valleys being comprised of sandy or clay soils located over less resistant shale and along fault lines (Kenney *et al.* 1988; Kohut *et al.* 2001). Locally the surveyed property has been incised heavily and scraped down to the bedrock with large deposits of sediment throughout (Kohut *et al.* 2001). The subject area consists of a generally level slope beginning near the northeastern property boundary near Buccaneers Road and continuing towards Magic Lake on the southwestern side of the property.

2.3 Hydrology

Soils, climate, vegetation cover, and surface topography work together in a complementary manner. Soils directly influence the infiltration rate of rainfall, the rate of surface runoff, and ultimately the groundwater recharge/discharge as well as soil moisture content (Kenney *et al.* 1988). The subject property fronts Magic Lake

located on the western boundary and is composed of sandstone rock, conglomerate rock, and coarse textured, well-drained soil. Magic Lake is a man-made lake formed by raising the water level with earthen dams to provide drinking water to residents; these levels are managed from May 1 to September 30 annually. Magic Lake (watershed code 925-258000-88400; waterbody identifier 00052; FIDQ 2019) is located on North Pender Island, British Columbia and receives an average annual precipitation of 850 mm (Weather Network 2020). Magic Lake has a maximum depth of 4.3 m with a perimeter of 2.7 km and a surface area of 15 ha at an elevation of approximately 70 m (Atlas of Canada 2019).

2.4 Biological

2.4.1 Biogeoclimatic Ecosystem

In British Columbia, resource managers have advocated Terrestrial Ecosystem Mapping (TEM) as a means to establish natural resource baselines for planning and management purposes. Furthermore, these databases are to be used by stakeholders and resource planners to provide guidance for the private sector and all levels of government regarding conservation and management at a meaningful scale, such as community development plans, and to do so in a common language.

Climate, topography and surface geology influence the site hydrology, which in turn influences the biological resources on site. This ecological principle is fundamental to most Ecological Landscape Classifications. The vegetation assessment utilizes the Biogeoclimatic Ecosystem Classification (BEC) which is used extensively throughout British Columbia to report and describe terrestrial ecosystems. In the BEC system, climate is the most significant determinant of ecosystems, influencing soil characteristics which in turn influence the climax (old growth) vegetation, its composition and structure.

The subject property is located in the CDFmm - Moist Maritime Coastal Douglas-fir subzone occurring in the Southern Gulf Islands (Pojar and Mackinnin 1994). The Southern Gulf Islands ecosystems are heavily influenced by the rain shadow of the mountains on Vancouver Island and Washington's Olympic Peninsula. This results in warm, dry summers and mild, wet winters. The Southern Gulf Islands fall predominantly into the Coastal Douglas-Fir biogeoclimatic zone. The most common tree species found are Douglas-fir, Western redcedar and Garry oak (*Quercus garryana*). Other common species include salal (*Gaultheria shallon*) and Oregon grape (*Mahonia aquifolium*) in upland areas, prickly rose (*Rosa acicularis*), snowberry (*Symphoricarpos albus*) and oceanspray (*Holodiscus discolor*) in rocky outcrops, with bigleaf maple (*Acer macrophyllum*), sword fern (*Polystichum munitum*), and salmonberry (*Rubus spectabilis*) in moister regions (Meidinger and Pojar 1991; Demarchi 2011).

The following ecosystem was noted within the subject property (Ministry of Environment 2003; Figure 3):

- **CDFmm RR/00: Rural Residential**

The Rural Residential classification describes any area that has undergone modifications by which residences and other human developments have altered the natural habitat such that natural processes and functions have been hampered and native plant communities are not supported.

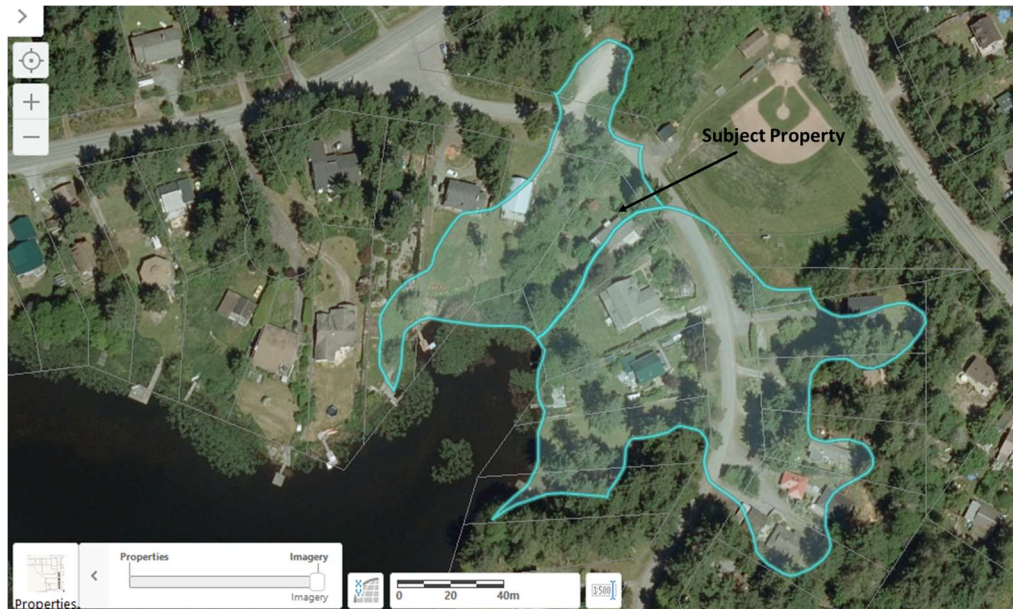


Figure 3. Property Ecosystems: 4942: 100% Rural Residential; 3307:100% Rural Residential (Islands Trust (MapIT) 2020)

Riparian Ecosystem DPA

Locally a portion of the property has been designated as a Riparian and Aquatic Ecosystem DPA by the Islands Trust. This designation includes the margins of streams, lakes and wetlands, the floodplains of these areas, and wet gullies. They are unique and diverse ecosystems that provide connectivity between water and land and play a key role in creating and maintaining fish habitat. Riparian ecosystems can be highly variable in their width and length and can range from a few metres to more than 100 m along large rivers. The Riparian and Aquatic Ecosystem DPA present along this property borders Magic Lake (Figure 4).



Figure 4. Riparian and Aquatic Ecosystem DPA. 4942: 100% Rural Residential; 3307:100% Rural Residential (Islands Trust (MapIT) 2020), Riparian (MapIT, Islands Trust 2019).

3.0 Site Inventory

Dan Baxter (B.Sc., R.P.Bio) and Erin O'Brien (Ph.D.) of Caurinus Environmental conducted a site visit and review of current information pertaining to the subject property and surrounding areas in September 2020. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM). The subject property is accessed on the south side of Buccaneers Road in the Magic Lake area (Figure 2). The property begins at the northeast corner and continues in a southwest direction towards Magic Lake. The existing dwelling site has been previously disturbed by historic land use and is composed of an open landscaped area with regenerating forest on the property edges. The property is bounded on its eastern edge by a stream that flows seasonally into Magic Lake.

3.1 Riparian Regulations Set-back

The Riparian Areas Protection Regulation (RAPR; British Columbia 2019) is invoked when a development activity is proposed within 30 m of the high-water mark (natural boundary) of a lake or stream, or the subject property is within 30 m of a lake or stream. The default setback for a defined Streamside Protection and Enhancement Area (SPEA) on most properties is 30 m. RAPR outlines an assessment methodology to determine the appropriate SPEA width and measures to maintain the integrity of the SPEA. Two assessment methodologies are available: simple and detailed. A detailed assessment methodology was undertaken for this project to provide a site-specific evaluation based on three riparian functions, or zones of sensitivity:

- Litter Fall and Insect Drop
- Inputs of Large Woody Debris
- Shading to modulate water temperature

Measures, or distances, for the Zones of Sensitivity (ZOS) are determined for each of the three categories. The SPEA is determined using the maximum of the three ZOS, with potential for additional measures.

Magic Lake

The High-Water mark (HWM) for Magic Lake was determined to be the annual average winter water levels. ZOS calculations for the subject property applied parameters for the site potential vegetation (SPVT) of treed (TR). The following distances of the three ZOS of Magic Lake for the subject property were then determined as:

- Litter Fall (LH): 15 m perpendicular to HWM
- Large Woody Debris (LWD): 15 m perpendicular to HWM
- Shade (SH): 30 m due south of the HWM

Stream

The stream located along the western edge of the property can be classified as a riffle-pool, with a narrow channel width and shallow slope. The High-Water mark (HWM) for the stream was determined as the annual average winter water level during highest flow, and we determined the channel width as the average of five measurements along its extent. Channel width varied from 2 – 3 m, with an average of 2.5 m; calculations for ZOS along the stream used this channel width and parameters for a site potential vegetation type (SPVT) of treed (TR). The three ZOS for the stream along the western side boundary of the subject property were therefore determined to be:

- Litter Fall (LH): 10 m perpendicular to HWM (3 x channel width, or minimum 10 m)
- Large Woody Debris (LWD): 15 m perpendicular to HWM (designation for TR SPVT)
- Shade (SH) 7.5 m due south of the HWM (3 x channel width)

The SPEA width for the stream and lake bordering the subject property is determined as the largest ZOS under RAPR guidelines. For the stream, LWD contributed the largest ZOS of 15 m. For Magic Lake, Litter Fall and Large Woody Debris were the largest of the three ZOS; since the Shade ZOS falls south of the HWM and the subject property is located on the north shore of the lake, the shade ZOS did not contribute to determining the SPEA (Riparian Areas Protection Regulation, British Columbia 2019, Section 3.6.4, Figure 3-13). Hence, based on the above ZOS, we assessed the SPEA setback for 4707 Buccaneers Road on Magic Lake and the stream along the western boundary to be 15 m (Appendix 1).

3.2 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of the Ministry of Environment and is the provincial coordinator of tracking rare and endangered species (native plants, animals, and natural plant communities) in British Columbia on provincial, national and international levels. Documented locations of sensitive and non-sensitive species were reviewed for the area using a 1 km search radius; no known sensitive or non-sensitive occurrences have been reported in the area (Data review: October 3, 2020).

3.3 Fisheries

Rainbow trout (*Oncorhynchus mykiss*) are present in Magic Lake and were last re-stocked in 2018 (Freshwater Fisheries Society of BC 2019). This species prefers cooler water temperatures with adequate shallows, as well as large woody debris and vegetation for foraging and cover. Rainbow trout primarily feed on insects such as midges, mayflies, dragonflies and damselflies, as well as leeches (British Columbia 1998).

3.4 Flora

The ecosystems on the property categorized by the Islands Trust (Figure 3) were as follows:

- 4942: 100% Rural Residential
- 3307: 100% Rural Residential

The following section summarizes the provincial Terrestrial Ecosystem Mapping TEM - ecosystems found on the subject property site. The following ecosystems were identified in a literature review and confirmed during the survey of the property:

Rural Residential - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm RR/00: Rural Residential**

The Rural Residential classification describes any area that has undergone modifications by which residences and other human developments have altered the natural habitat such that natural processes and functions have been hampered and native plant communities are not supported.

Habitat description

The subject property was assessed during the site visit for the possible occurrence of all provincially Red- and Blue-listed species as well as federal Species at Risk Act-scheduled species.

Site Inventory Description:

The survey area was restricted to the Riparian and Aquatic DPA (comprising most of the subject property; Figure 4), where some historical disturbance in the form of landscaping, tree removal, and invasive species establishment

has already occurred. Native species occur along the stream on the west side of the property and along the lake shore, with some ornamental tree species established in the centre of the property. All plant species detected during the site survey are presented in Table 1, including invasive Scotch broom, spurge laurel, English ivy, periwinkle, and Himalayan blackberry. No species at risk were detected; however, the timing of our site inventory (early autumn) would not preclude their potential occurrence at some other point during the growing season (this would apply to all plant species). Given the prior disturbance to the area, however, it is unlikely that rare species would be found on site at any time of year.

Table 1. Plant species detected at 4707 Buccaneers Rd., Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Slough Sedge	<i>Carex obnupta</i>	Native	S5	Yellow	Not Listed
Common Rush	<i>Juncus effusus</i>	Native	S5	Yellow	Not Listed
Red Alder	<i>Alnus rubra</i>	Native	S5	Yellow	Not Listed
Marsh Reed Grass	<i>Calamagrostis canadensis</i>	Native	S5	Yellow	Not Listed
Yellow Pond-lily	<i>Nuphar polysepalum</i>	Native	S5	Yellow	Not Listed
Pacific Willow	<i>Salix lasiandra</i>	Native	S5	Yellow	Not Listed
Cranesbill Geranium	<i>Geranium lucidum</i>	Exotic	SNA	Exotic	Not listed
Himalayan Blackberry	<i>Rubus armeniacus</i>	Exotic	SNA	Exotic	Not Listed
Cutleaf Blackberry	<i>Rubus laciniatus</i>	Exotic	SNA	Exotic	Not listed
Sulfur Cinquefoil	<i>Potentilla recta</i>	Exotic	SNA	Exotic	Not listed
Spurge-laurel	<i>Daphne laureola</i>	Exotic	SNA	Exotic	Not Listed
Common Periwinkle	<i>Vinca minor</i>	Exotic	SNA	Exotic	Not Listed
English Ivy	<i>Hedera helix</i>	Exotic	SNA	Exotic	Not Listed
Scotch Broom	<i>Cytisus scoparius</i>	Exotic	SNA	Exotic	Not Listed
Common Dandelion	<i>Taraxacum officinale</i>	Exotic	SNA	Exotic	Not Listed
Annual False Dandelion	<i>Agoseris heterophylla</i>	Native	S5	Yellow	Not Listed
Sword Fern	<i>Polystichum munitum</i>	Native	S5	Yellow	Not Listed
Stinging Nettle	<i>Urtica dioica</i>	Exotic	SNA	Exotic	Not Listed
Purple Toadflax	<i>Linaria purpurea</i>	Exotic	SNA	Exotic	Not Listed
Trailing Blackberry	<i>Rubus ursinus</i>	Native	S5	Yellow	Not Listed
Queen Anne's Lace	<i>Daucus carota</i>	Exotic	SNA	Exotic	Not Listed
Western Red Cedar	<i>Thuja plicata</i>	Native	S5	Yellow	Not Listed
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Northern Red Oak	<i>Quercus rubra</i>	Unlisted	Unlisted	Unlisted	Unlisted
Magnolia sp.	<i>Magnolia sp.</i>	Unlisted	Unlisted	Unlisted	Unlisted
Giant Sequoia	<i>Sequoiadendron giganteum</i>	Unlisted	Unlisted	Unlisted	Unlisted
Horse Chestnut	<i>Aesculus hippocastanum</i>	Exotic	SNA	Exotic	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/eflora/index.shtml>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

3.5 Fauna

During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act-scheduled species were assessed for possible occurrence on the subject property. This wildlife assessment only considers vertebrate animals. The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following 11 terrestrial and three aquatic bird species were observed on or adjacent to the property during the site visit, with no species at risk detected (Table 2). The birds detected on site are typical for the area in early autumn. No heron or raptor nests were detected during the site visit.

Table 2. List of bird species detected at 4707 Buccaneers Rd., Pender Island, BC.

Common Name	Scientific Name	Origin Status	BC Status ¹	BC List ²	COSEWIC ³
Ruby-crowned Kinglet	<i>Regulus calendula</i>	Native	S5	Yellow	Not Listed
Red-breasted Nuthatch	<i>Sitta canadensis</i>	Native	S5	Yellow	Not Listed
Golden-crowned Sparrow	<i>Zonotrichia atricapilla</i>	Native	S5B	Yellow	Not Listed
Anna's Hummingbird	<i>Calypte anna</i>	Native	S4S5	Yellow	Not Listed
Canada Goose	<i>Branta canadensis</i>	Native	S5	Yellow	Not Listed
American Coot	<i>Fulica americana</i>	Native	S4S5B	Yellow	NAR (1991)
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Native	S4	Yellow	Not Listed
Song Sparrow	<i>Melospiza melodia</i>	Native	S5	Yellow	Not Listed
Pacific Wren	<i>Troglodytes pacificus</i>	Native	S5	Yellow	Not Listed
Chestnut-backed Chickadee	<i>Poecile rufescens</i>	Native	S5	Yellow	Not Listed
House Finch	<i>Carpodacus mexicanus</i>	Native	S5	Yellow	Not Listed
Pine Siskin	<i>Spinus pinus</i>	Native	S5B	Yellow	Not Listed
Spotted Towhee	<i>Pipilo maculatus</i>	Native	S5	Yellow	Not Listed
Dark-eyed Junco	<i>Junco hyemalis</i>	Native	S5	Yellow	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
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³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Mammals

Two species of mammal were detected during our site visit (Table 3), and no species at risk were detected. We detected black-tailed deer in the form of pellets and a well-used trail crossing the stream. The river otter was observed in Magic Lake. Other mammals that may be on site but which were not directly surveyed include small rodents and bats. Suitable habitats for bat roosting and nursery sites include clefts in steep rock outcrops and standing dead trees with hollow interiors or flaking bark (Nagorsen and Brigham 1993); these features are present on the subject property and may support roosting or hibernating bats.

Table 3. List of mammal species detected at 4707 Buccaneers Rd., Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
River Otter	<i>Lontra canadensis</i>	Native	S5	Yellow	Not Listed
Black-tailed Deer	<i>Odocoileus hemionus columbianus</i>	Native	S5	Yellow	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
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⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Amphibians and Reptiles

One species of amphibian was detected during our site visit (Table 3), and no species at risk were detected. We detected a Pacific chorus frog by sound near the northern edge of the property. No hibernacula were found on the property.

Table 4. List of amphibian species detected at 4707 Buccaneers Rd., Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Northern Pacific Tree Frog	<i>Pseudacris regilla</i>	Native	S5	Yellow	Not Listed

¹BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
<https://explorer.natureserve.org/AboutTheData/Statuses>

²BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

³COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

3.6 On Site Land Use

The front and northwest side of the property contains the existing dwelling and a lawn with sparse trees (Plate 1). The lakeside riparian area consists of an open grassy area with some semi-aquatic grasses, sedges, rushes and alder (Plates 2,3), while the streamside riparian area supports an ephemeral stream flowing southeast and feeding into Magic Lake (Plate 4). The stream bank on the subject property side is well vegetated and the bank is well protected with abundant grasses, sedges and shrubs, as well as alder and young cedar trees, though it also includes invasive blackberry, periwinkle, Daphne (spurge-laurel) and English ivy (Plate 5).

There is an existing dwelling on the property that is located within the 30 m lakeside Riparian and Aquatic Ecosystem DPA, with the existing deck encroaching slightly into the SPEA. The owners propose to build a new dwelling in the same footprint, but with a smaller deck that will ensure the entire structure remains outside of the SPEA (Appendix 1). The three utility sheds to be removed are similarly located within the 30 m lakeside Riparian and Aquatic Ecosystem DPA, with two of the utility sheds inside the 15 m streamside SPEA (Plate 6). Shed 1 (shown in Plate 6) is proposed to be moved to the northeast edge of the property, outside of the SPEA (proposed location shown in Appendix 1), while Shed 2 (Plate 6) will be removed.



Plate 1. View of property at 4707 Buccaneers Rd., Pender Island BC, looking southwest.



Plate 2. View of grassy riparian area at 4707 Buccaneers Rd., Pender Island BC, looking northeast.



Plate 3. Near shore riparian habitat at 4707 Buccaneers Rd., Pender Island BC.



Plate 4. View of stream at 4707 Buccaneers Rd., Pender Island BC, looking southwest.



Plate 5. Vegetated stream bank at 4707 Buccaneers Rd., Pender Island BC.

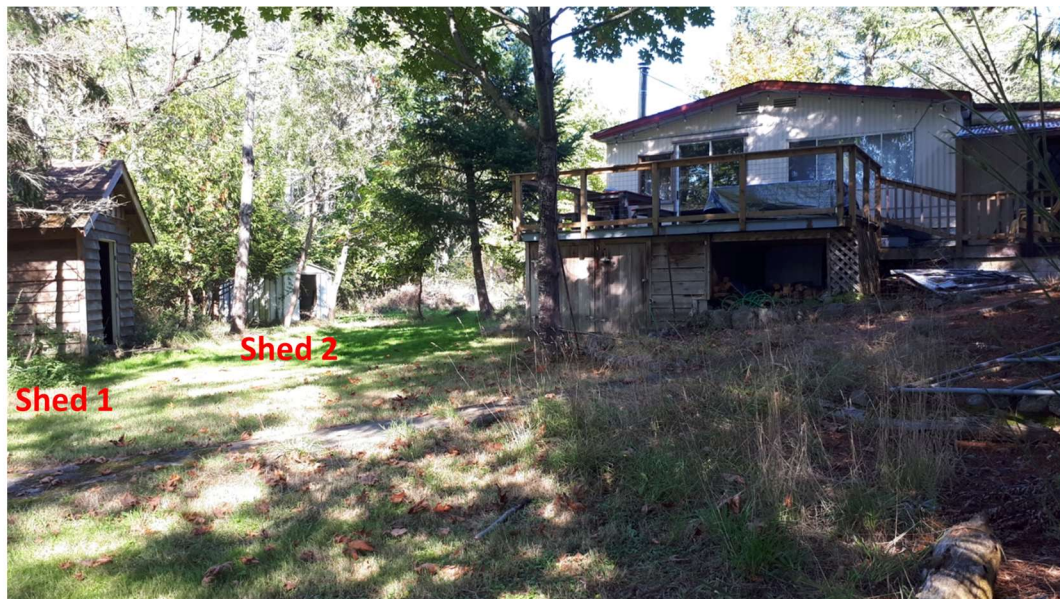


Plate 6. View of existing two sheds situated along the northwest streamside edge of the property at 4707 Buccaneers Rd., Pender Island BC, inside the 15 m streamside SPEA. Shed 1 will be relocated outside of the SPEA, while Shed 2 will be removed.

4.0 Impact Assessment

Magic Lake is documented under Fisheries Inventory Data Queries due to confirmed fish presence (FIDQ; 2019), and hence is protected by provincial RAPR regulations. Riparian vegetation around Magic Lake is generally limited as it is surrounded by residential developments and landscaping commonly present up to the water edge. Although the proposed primary residence on the subject property is located within the 30 m Riparian and Aquatic DPA, the new structure will be built entirely outside the designated 15 m SPEA and within the footprint of the current dwelling (Appendix 1). In fact, the proposed deck will be smaller in extent than the existing deck, and this ensures the entire structure will remain outside of the SPEA. In addition, removal of the two sheds that are located within the 15 m streamside SPEA (Plate 6) will facilitate restoration of the riparian habitat along the stream, since these structures are currently supporting the growth of English ivy and common periwinkle and inhibiting native plant growth.

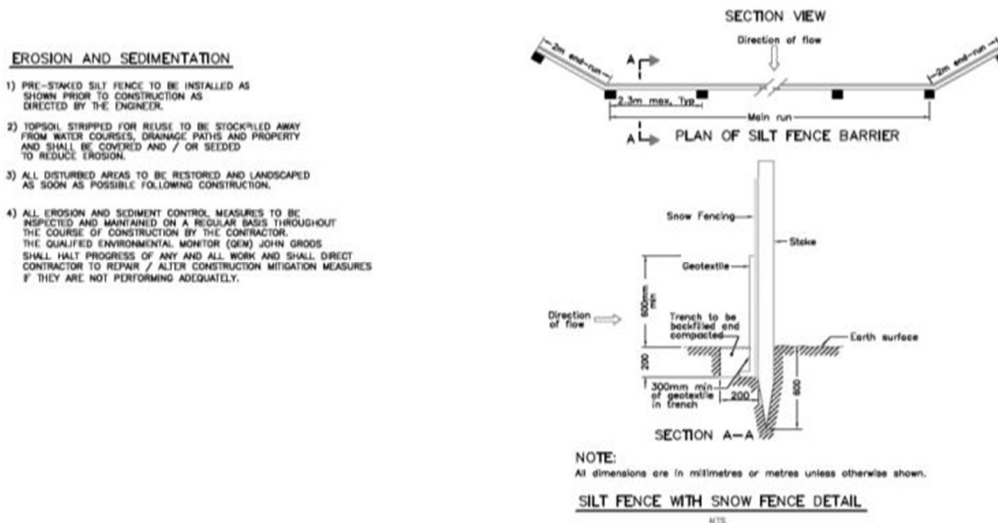
The proposed replacement of the existing dwelling will require demolition activities to slightly encroach on the SPEA for the existing deck to be removed, and has the potential for some ground disturbance to occur within the 30 m DPA (but outside of the SPEA), which could be associated with overland erosion of sediment into the SPEA. The existing structure is entirely above-ground, however, and so providing the below mitigation measures are followed regarding timing of activity, equipment size and silt fencing, these impacts can be avoided. Similarly, removal or relocation of the two sheds within the SPEA could result in some ground disturbance (although these structures are also entirely above-ground), leading to erosion and invasive species establishment within the riparian area. Limiting this activity to the dry season, ongoing removal of invasive plants, addition of native species, and manual demolition / dismantling of the sheds as outlined below will similarly eliminate any negative impacts to the riparian ecosystem. There is a substantial slope leading from the northwest side of the existing (and proposed) dwelling toward the stream (see Plate 1), with runoff tending to accumulate and saturate the soil in the depression between the dwelling and the stream. Vegetative ground cover has been retained in this area, which increases the water storage capacity of the soil; further revegetation with trees and shrubs in this region will further increase soil water uptake and minimize the potential for runoff to reach the stream bank and cause erosion.

The well-established invasive plants existing within the streamside riparian area are inhibiting the establishment and development of a healthy riparian plant community; the commitment of the property owners to the restoration of this system, and removal of the utility sheds from the stream bank, will ensure that the riparian system on the subject property is in fact enhanced following the proposed activities. With additional planting of native trees, shrubs and grasses throughout the SPEA, the water storage capacity of the soils on the site will be enhanced over time. This will further reduce the potential for erosion of the stream bank during the rainy season and reduce sedimentation in the stream and lake systems. No rare plant communities or rare species habitats occur within or adjacent to the proposed development, and no species at risk are likely to be affected. Following the below proposed remediation measures and with the commitment of the property owner to pursue the project with as minimal an impact as possible, the construction of the new dwelling and removal of the two utility sheds will not adversely affect the riparian system.

5.0 Mitigation and Recommendations

Considerations and recommendations are for the benefit of the entire property area. The property owners have committed to retaining as much as possible of the natural features and character of the property. The following measures will help retain or enhance ecological values while still allowing for construction of the dwelling and shed removals:

1. Prior to construction, areas outside the building footprint will be delineated with temporary fencing and erosion controls, as illustrated below, to prevent sediment in natural areas.



2. The removal of invasive species (i.e. Scotch broom, spurge-laurel, Common periwinkle, English ivy, Himalayan and cutleaf blackberry – See Table 1) is recommended throughout the entire property, including the Riparian and Aquatic Ecosystem DPA, to prevent their spread and improve the quality of natural areas. Plants within the SPEA should be removed with as little soil disturbance as possible (cut above-ground growth but do not pull plants growing along the stream bank), and should be immediately replaced with plantings of native species to ensure soil is sufficiently stabilized by plant roots and erosion is avoided. Continued removal of above-ground growth (over multiple growing seasons) will be required to eradicate the invasive plants that have established within the SPEA.
3. Minimize disturbance and maintain undeveloped riparian habitat in as natural state as possible. Retention of trees currently present in the Riparian and Aquatic DPA and on the property as a whole will help stimulate natural regeneration processes. This will be essential to control erosion and to ensure water drainage from the property. Retention of standing dead trees (snags) throughout the DPA will also provide essential wildlife habitat. Planting additional canopy trees such as red alder, bigleaf maple and Western redcedar, as well as shrubs such as red-flowering currant, oceanspray, and Indian plum, within the SPEA will assist with water uptake, prevent erosion into the stream and lake systems, and minimize soil saturation around the dwelling during the rainy season.
4. Removal of sheds must be completed in a manner that incurs no disturbance to the edge of the stream. No heavy machinery is to be used in the SPEA; dismantling the sheds by hand is highly recommended and should be completed during the dry season to minimize disturbance to the stream bank and ground cover within the SPEA.
5. Landscaping and restoration of the Riparian and Aquatic Ecosystem DPA should be conducted using only native plant species.
6. Temporary fencing shall be accompanied with silt fencing and erosion control measures.

7. Installation of a permanent feature such as a planted shrub line (using native plant species such as salal, oceanspray and red-flowering currant) to visually delineate the 15 m SPEA from any encroachment in the future is recommended.
8. No storage of building materials should occur within the 15 m riparian setback area.
9. Any hired contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds should be performed regularly.
10. A spill kit will be present on all equipment.
11. Any exposed soils for prolonged periods, *i.e.*, greater than 2 weeks, shall be covered. Covering may include tarping, or hydromulch (without seed mixture) and must be maintained.
12. All work should be completed during dry weather. Construction and landscaping works must not occur during rain deposition events.
13. As part of the construction of the new dwelling, runoff from eavestroughs should be diverted away from the SPEA as much as possible and should be accompanied by the installation of a rainwater capture system (*i.e.* rain barrels). Overland flow of runoff should be minimized to prevent siltation of the stream and lake; with the maintenance of well-vegetated lake and streamside areas, erosion and siltation due to runoff can be prevented.

6.0 Monitoring and Restoration

A follow-up site visit by a Qualified Environmental Professional (QEP) is recommended in the future, to assess the effectiveness of the proposed mitigation procedures. A restoration plan is not needed at this time, as the property owner has committed to having as minimal environmental impact as possible.

7.0 Conclusion

We have reviewed the plans and provided recommendations that will help guide an environmentally responsible development and ensure that potential detrimental impacts to the natural environment will be avoided and/or mitigated. If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

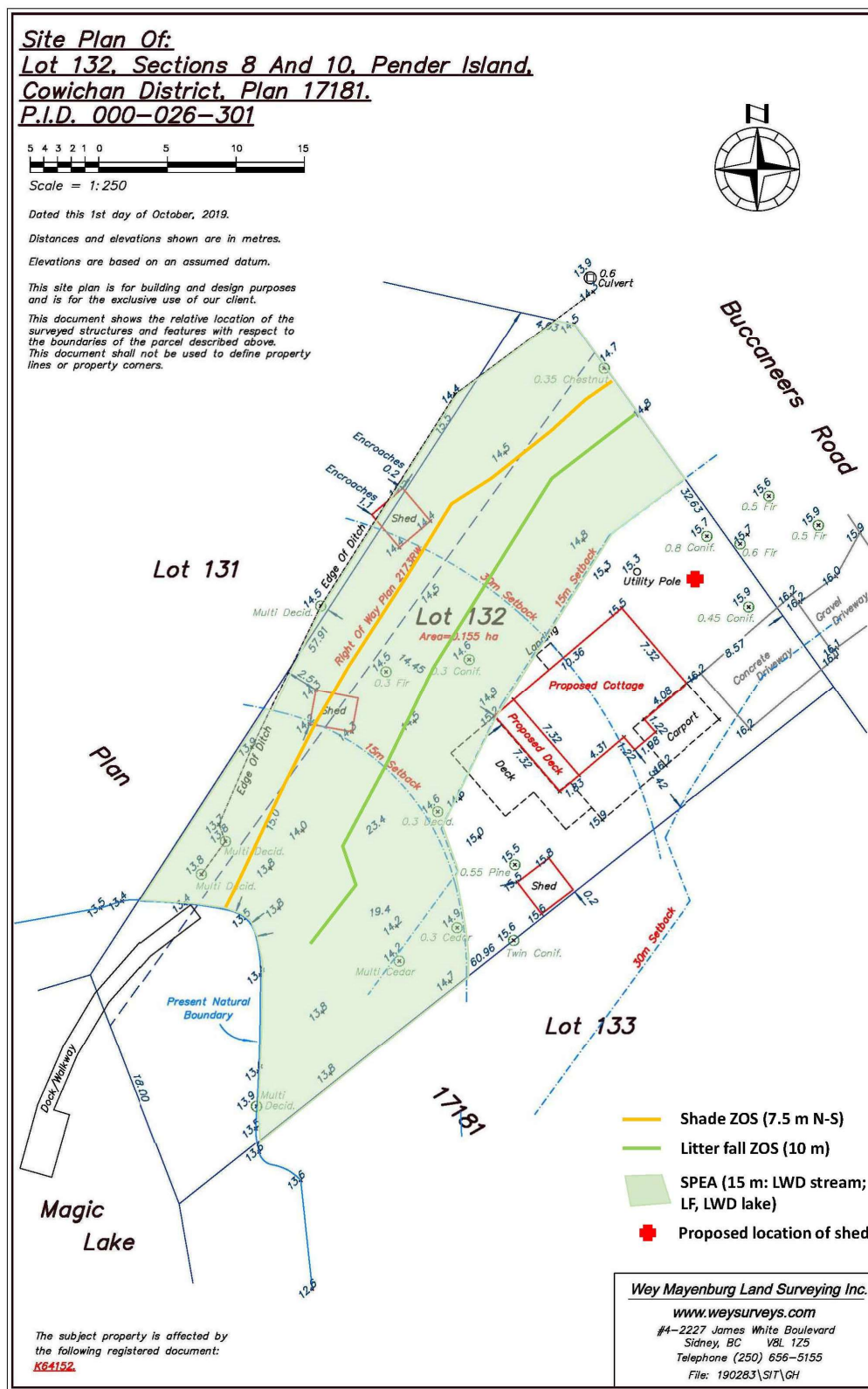
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APPENDIX I: Zones of Sensitivity and Streamside Protection and Enhancement Area for 4707 Buccaneers Rd.





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2020.2**

To: Henry Hsu and Christina Hsu

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

Lot 132, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181
(PID: 000-026-301)

2. This Development Permit NP-DP-2020.2 authorizes the removal of three (3) accessory buildings (sheds), the construction and maintenance of one (1) natural path, and the construction of one (1) single-family dwelling and one (1) accessory building (shed) within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

Riparian (Upland) Area

General

- a. All construction shall be substantively consistent with Schedules 'A', 'B' and 'C' attached to and forming part of this permit.
- b. One (1) natural (unpaved) footpath to a maximum width of 0.8 m. for access to the existing dock structure is permitted to be constructed and maintained across the Streamside Protection and Enhancement Area (SPEA) as delineated on Schedules 'A' & 'B', attached to and forming part of this permit.
- c. The footpath (2. b. – above) shall be constructed under the supervision of the monitoring Qualified Environmental Professional (QEP).
- d. No other construction or disturbance other than the footpath (2. b. – above) is permitted in the SPEA
- e. Shed removal is to be undertaken in manner that does not disturb the stream edge; shall not involve heavy machinery and be predominantly undertaken by hand; and, be undertaken during the dry season.

Protection of Trees and Vegetation

- f. All trees shall be retained and native plant species shall remain undisturbed within the SPEA.
- g. Any standing dead trees ("snags") shall be left in the SPEA to provide habitat.
- h. Any landscaping and/or restoration in the SPEA shall use native plant and tree species only.
- i. Any tree removal required for permitted construction in the DPA (outside the SPEA) shall not be undertaken during the annual peak bird breeding season between April 1st and July 31st.
- j. The removal of invasive plant species (i.e. Scotch broom, spurge-laurel Common periwinkle, English Ivy, Himalayan and cutleaf blackberry) in the SPEA and on the subject property as a whole is encouraged.

- k. In order to minimize soil disturbance, the removal of invasive plants within the SPEA should be undertaken in a manner that minimizes soil disturbance by cutting above-ground growth and not pulling plants along the stream bank. Above-ground growth should be removed on a continual basis over multiple growing seasons.
- l. Any removal of invasive plants should be replaced immediately by native species of trees and shrubs to encourage soil stability.
- m. Upon completion of construction, any unnecessary pruning of trees and shrubs in the SPEA is to be avoided, particularly those overhanging the water's edge to maintain maximum shading of aquatic habitat for fish.

Encroachment

- n. A permanent shrub line is to be planted to delineate the SPEA from the rest of the property.
- o. The shrub line is to be planted under the supervision of the monitoring QEP and shall use only native species such as salal, oceanspray and red-flowering current.

Sediment and Erosion Control

All necessary measures to protect the water quality and fish habitat must be used by the property owners and contractors through the construction process, specifically:

- p. Prior to commencing construction, the area between the proposed construction and the SPEA Boundary, temporary fencing and silt fencing shall be installed to as shown in Schedule 'A' and 'B' and in accordance with the specification in Schedule 'C' , attached to and forming part of this permit.
- q. Construction, restoration and landscaping should be undertaken during dry weather and not during periods of prolonged rainfall deposition.
- r. Any soils exposed or deposited for a period of greater than two (2) weeks shall covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).
- s. Within the SPEA, the standing trees and snags and natural vegetation shall not be removed to assist in preventing erosion into the stream and lake systems, and to encourage water uptake and drainage.
- t. Outside the SPEA, on the property as whole and within the aquatic environment, disturbance to the natural systems should be minimized and the retention of standing trees and snags and natural vegetation is encouraged to assist in preventing erosion into the stream and lake systems, and to encourage water uptake, drainage, and minimize soil saturation around the proposed dwelling.

Stormwater Management

- u. During construction and when construction is completed, storm water drainage and rain water collection from the dwelling should be directed away from the SPEA to the extent practical as determined by the monitoring QEP.
- v. To offset peak flows, overland flow and soil saturation, the dwelling should include the installation and maintenance of a non-potable rainwater collection system (barrels or cistern connected to the dwellings rainwater leaders).

Construction Management

- w. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- x. There must be no encroachment into the SPEA by heavy equipment or machinery, nor any contact with existing mature trees in the DPA in general.

- y. Prior to arrival, hired contractors should wash and inspect all vehicles and equipment should to ensure invasive plant seeds are not transported onto the subject property. Any weeds should be manually removed on a regular basis.
- z. Prior to leaving, hired contractors should inspect all vehicles and equipment to ensure invasive plant seeds are not transported off of the subject property
- aa. There shall be no storage of building materials or waste within 15 metres of the Natural Boundary of the Stream or Lake as delineated on Schedules 'A' & 'B'
- bb. There must be no deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.
- cc. A spill control kit shall remain on site for the entire construction period.

Water (Aquatic) Portion – existing dock maintenance and repair

Protection of Aquatic Area (Below High Water Mark – HWM)

- dd. The dock structure shall remain in its current location in accordance with Schedule 'A' and 'B'.
- ee. With the exception of footings for the ramp, neither the float and nor ramp structure shall rest on the lakebed or foreshore (SPEA).
- ff. There is to be no dredging or placement of fill below the HWM.
- gg. There shall be no removal of rocks, or woody debris such as stumps, logs and snags from the lakebed.

Dock and Ramp Maintenance and Repair

- hh. Any repair or replacement of the ramp and dock float shall be constructed using only untreated wood and encapsulated envirofloats or similar non-toxic and non-disintegrating material.

Monitoring

- ii. Monitoring and guidance is to be conducted by a registered professional biologist (R.P. Bio.) to ensure that all construction, construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.
 - jj. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for the lawful completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS
##TH DAY OF Month, 20##.

Secretary, Islands Trust

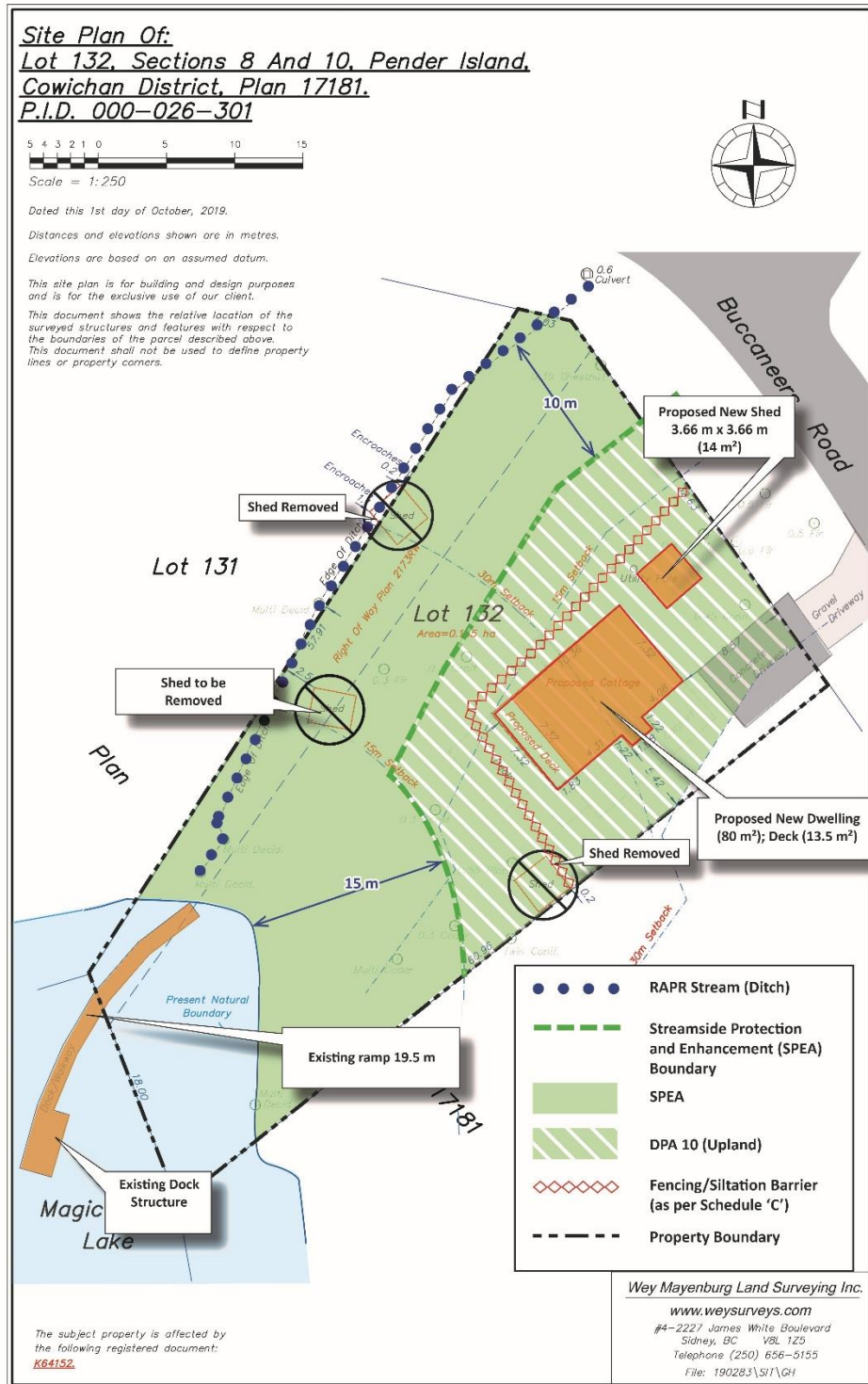
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##Th DAY OF MONTH, 20## THIS PERMIT
AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

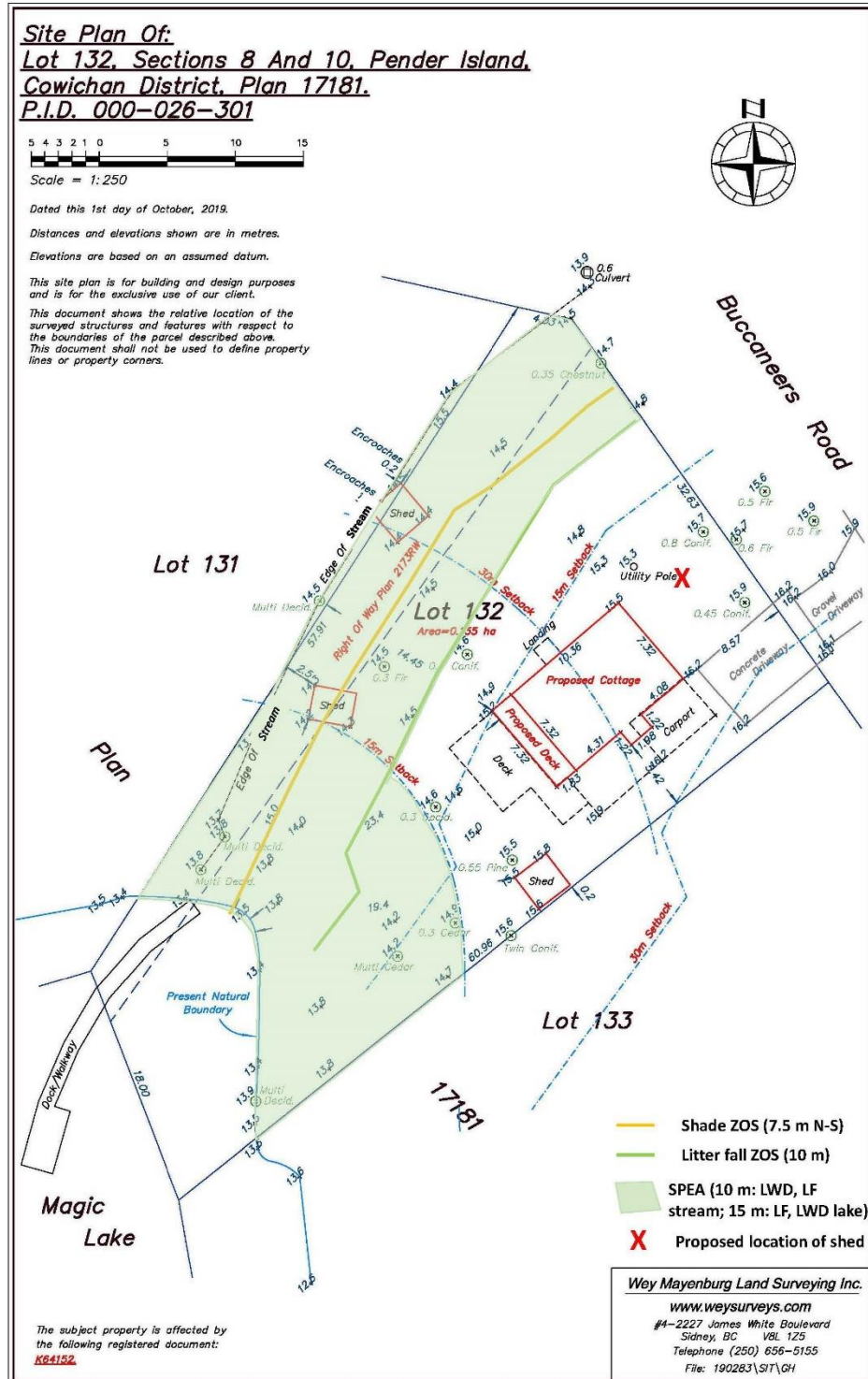
DEVELOPMENT PERMIT 2020.2

Schedule "A" (Site Plan)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2020.2 Schedule "B" (Biologist's RAR Map)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

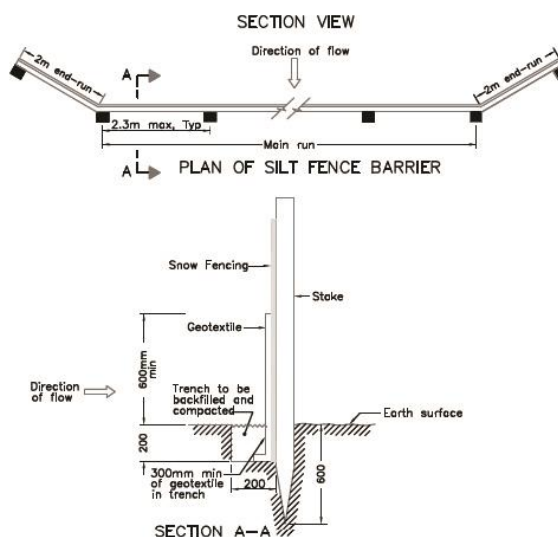
DEVELOPMENT PERMIT 2020.2

Schedule "C"

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



Proposed

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2020.4

To: Henry Hsu and Christina Hsu

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

Lot 132, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181
(PID: 000-026-301)

2. North Pender Island Land Use Bylaw 103, 1996 is varied to allow the siting of an existing dock structure (ramp and float) as follows:
- a. Article 8.22B.5 (1) which states that no structure may be located within 3.0 metres of any side lot line, is varied to permit the siting of an existing structure (ramp) within 1.0 metres of an interior side lot line;
 - b. Article 8.22B.5 (2) which states that where the structure cannot be constructed entirely within the property boundaries of the residential lot, no structure may be located within 3 metres of the projection of any side lot line of the abutting upland lot, is varied to permit the siting of an existing structure (ramp) within 1.0 metres of the projection of an interior side lot line; and,
 - c. Article 8.22B.6 (4) which states that the maximum length of any ramp is 6 m, is varied to permit an existing ramp 19.5 m in length.

The development shall be consistent with Schedules 'A', 'B', attached to, and forming part of this permit.

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

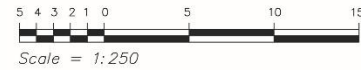
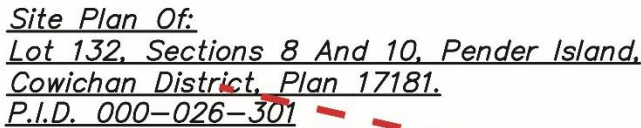
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 20##, THIS PERMIT AUTONOPTICALLY LAPSES.

NP-DVP-2020.4
SCHEDULE 'A'



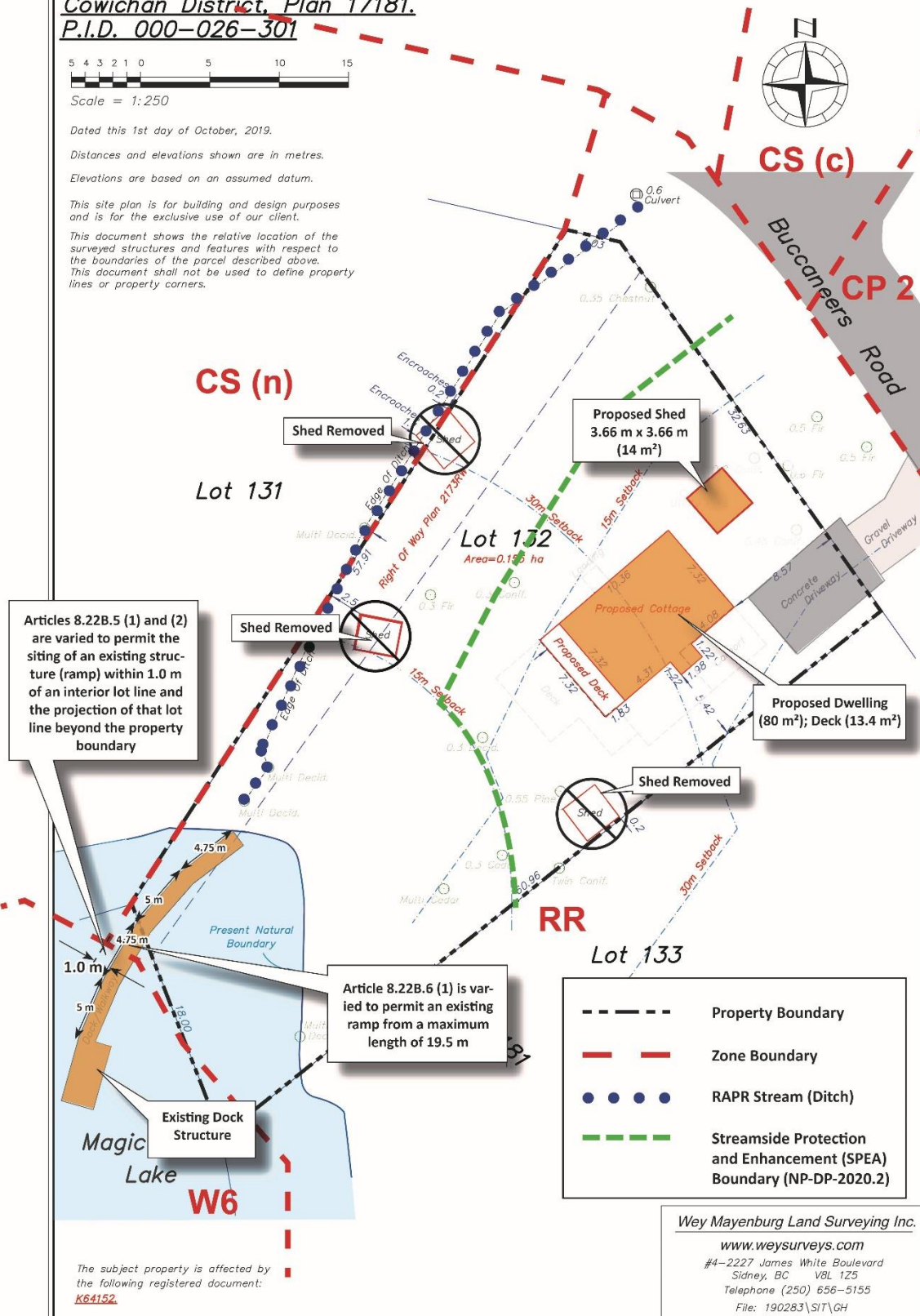
Dated this 1st day of October, 2019.

Distances and elevations shown are in metres.

Elevations are based on an assumed datum.

*This site plan is for building and design purposes
and is for the exclusive use of our client.*

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

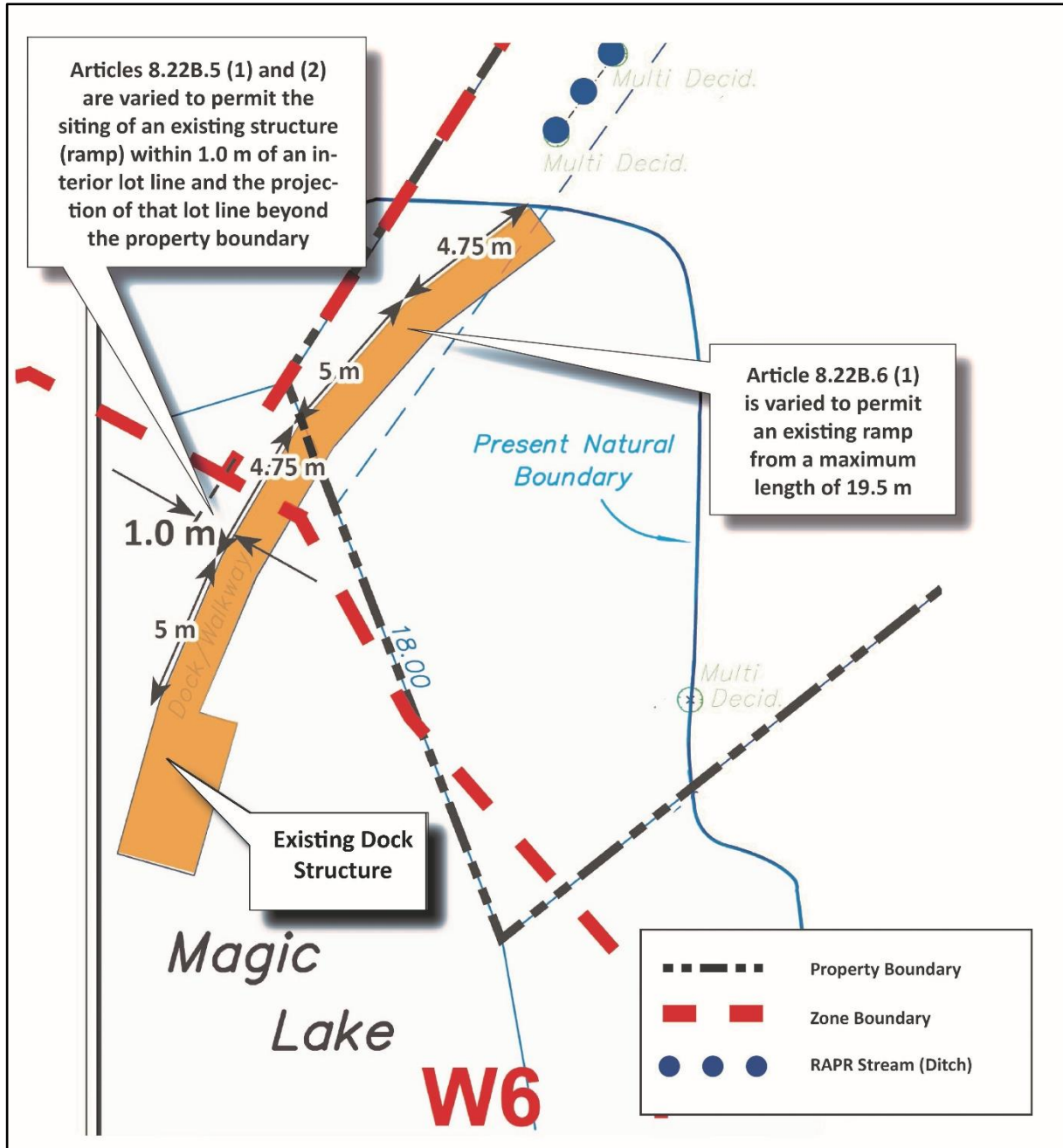


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2020.4

SCHEDULE 'B'

(Detail)



Attachment 7
NOTICE
NP-DVP-2020.4
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

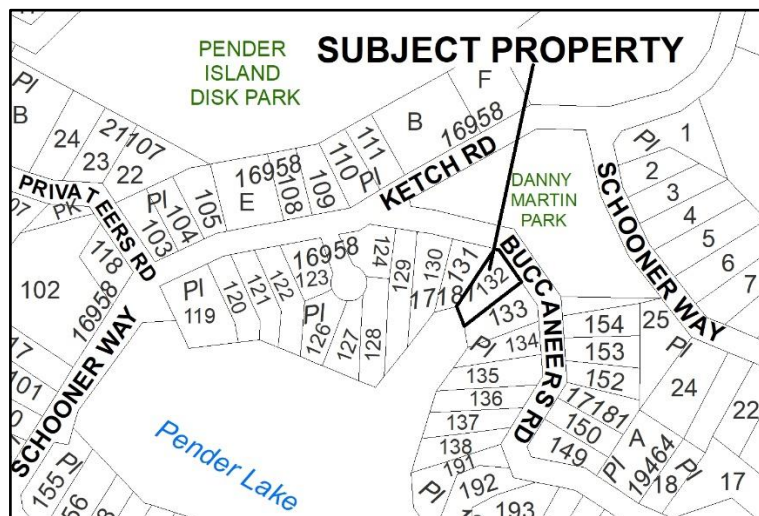
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No. 103, 1996 by:

- Reducing the minimum setback distance to a side lot line and the projection of the same lot line beyond the property boundary from 3.0 to 1.0 metres, and increasing the maximum length from 6.0 to 19.5 metres, both to permit an existing ramp for a dock.

The variance is to voluntarily legalize all buildings and structures on the property.

The property is located at **4707 Buccaneers Road** and is legally described as Lot 132, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181 (PID: 000-026-301)

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 8, 2021** and continuing up to and including **January 20, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 20, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **9:00 a.m., January 28, 2021**.

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

Maple Hung, Planning Team Assistant



DATE OF MEETING: January 28, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Temporary Use Permit for STVR
Applicant: Leslie Hepburn
Location: 1602 Schooner Way, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee amend proposed Temporary Use Permit NP-TUP-2020.7 (Hepburn) by inserting the following condition:
 - #. That the maximum number of guests is temporarily limited to five (5) for the duration that the Provincial Emergency Health Order for COVID 19 remains in effect.
2. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2020.7 (Hepburn) for a period of three (3) years as amended.

REPORT SUMMARY

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

In summary, the above recommendations for the issuance of the renewal is supported as:

- A three-year period is reasonable as TUP conditions largely conform to the current, proposed changes to the STVR OCP guidelines;
- There have been no complaints about the STVR since the original TUP was issued in 2018;
- The guest capacity is reasonable and meets proposed new guidelines;
- The application has considered and responded to both the current TUP guidelines and proposed amendments to the OCP;
- To date, there has been one response to notification objecting to the application; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

BACKGROUND

A TUP for the same STVR use was issued for property initially in 2018 (NP-TUP-2018.2) for one (1) year and renewed in 2019 (NP-TUP-2019.2), also for a year. The purpose of the TUP application is to allow for the STVR use on the property to continue in compliance with the Land Use Bylaw (LUB).

The proposed TUP has a maximum guest capacity is six (6)¹ in a single family dwelling, and they are proposing to limit rental in the summer months to sixty (60) days. Attachment 5 is part of the information the applicants currently provide to their guests upon check in. The applicant also discusses and provides information in a 'house binder' information on Development Permit One - Woodland Ecosystems - consistent with TUP conditions.

The property is located at the end of Schooner Way and there are two other permitted STVRs in close proximity (Figure 2). It is owned by the applicant, who does not live full-time on-island, but under the conditions of the previous TUP they provide a 24/7 on-island contact for guests. There is no new construction or land alteration associated with this application.

Upon request, the applicants have considered the proposed changes to STVR policy contained in Bylaw 222 and adjusted their application accordingly. Attachment 4 is an addendum to the application that responds to the existing and the current, proposed amendments to those guidelines for STVRs.

The proposed TUP has been drafted using the both existing OCP TUP guidelines and those additional draft guidelines proposed in Bylaw 220 (First Reading). It is currently drafted for a term of three (3) years which could be renewed for a further three (3) years by application.

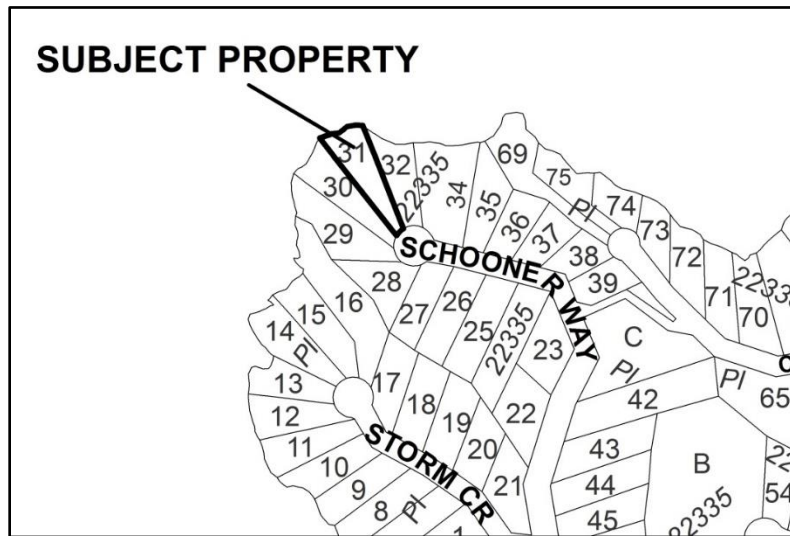
The foregoing topics are analyzed further in 'Issues and Opportunities' (below).

A copy of a completed TUP checklist and the proposed NP-TUP-2020.7 and are Attachments 6 and 7.

Staff have not visited the property since receiving the new application due to Provincial Health Orders for COVID 19.

¹ The condition in the proposed permit temporarily limits guest capacity to five (5) while the Provincial Emergency Health Order for COVID 19 remains in effect.

Figure 1 – Location of subject property



ANALYSIS

Policy/Regulatory

Official Community Plan:

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

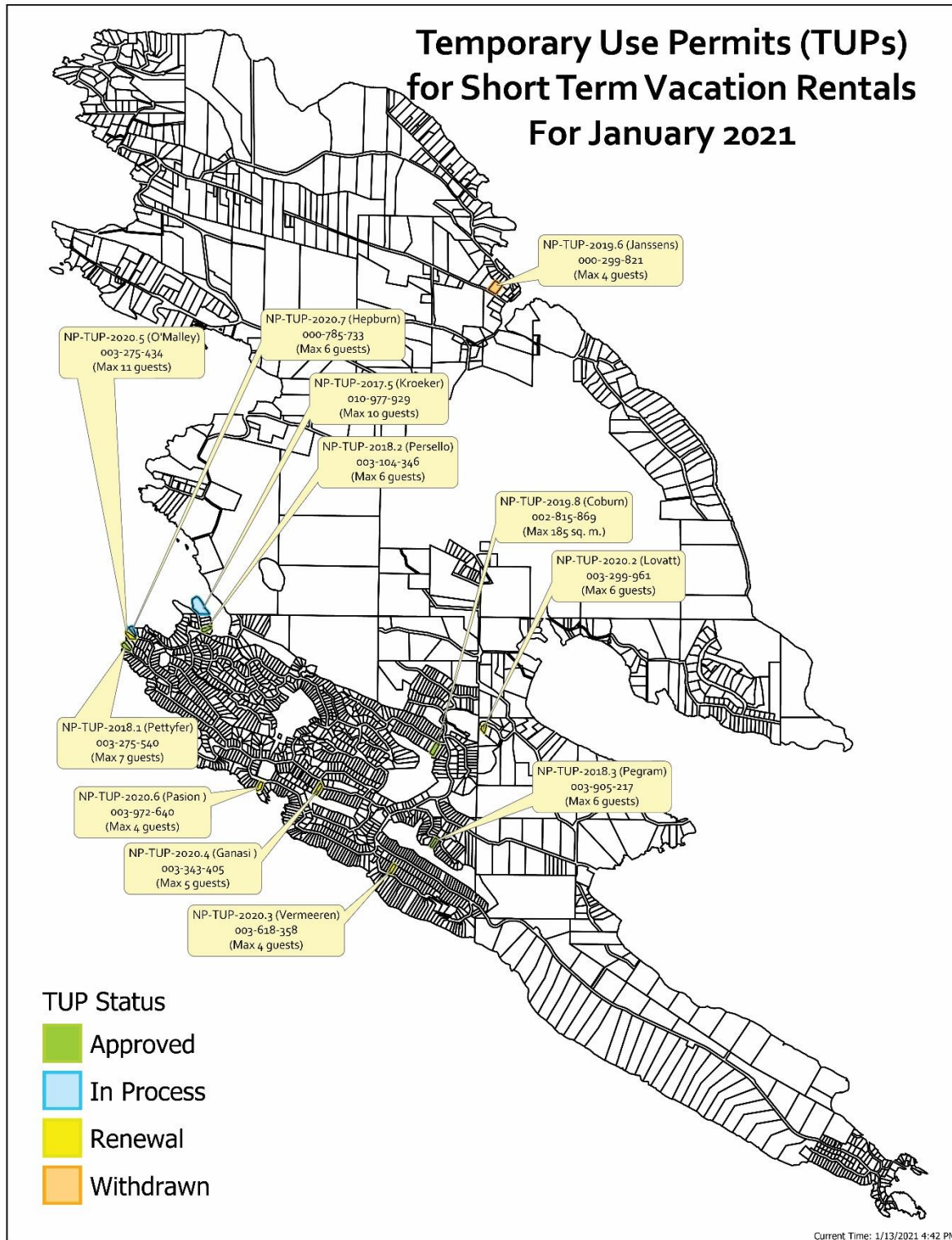
Bylaw 222, has been given First Reading and will be and will be the subject of a Community Information (CIM) and Public Hearing on January 28, 2021. The application has been analyzed with an expanded TUP Checklist that includes the proposed changes to guidelines as drafted (Attachment 3). The application is substantively consistent with the OCP guidelines.

A significant portion of the subject property is located in **Development Permit Area 1 (DPA 1) Woodland Sensitive Ecosystem** (Attachment 2.2). There is no development as part of this application, and therefore no Development Permit required. The condition from the previous TUP that requires information on the sensitive ecosystem to be provided to all guests is part of the proposed, new TUP.

Land Use Bylaw:

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

FIGURE 2 - STVR – TUP MAP (UPDATED JANUARY 2021)



Issues and Opportunities

Moratorium

The LTC has a standing resolution passed on November 28, 2019 states:

“that the NPILTC place a moratorium on new STVR TUP applications for a limited time while the LTC completes the STVR review project.”

Although this application is technically new, the LTC confirmed at their November 26, 2020 meeting that the moratorium was not intended to apply to situations such as this where the use was previously permitted by an issued permit (a renewal). New application was necessary for statutory reasons as a TUP can only be renewed once.

Compliance (previous TUP)

As the use has been previously permitted, staff contacted the applicants with the same questions for a renewal, specifically, asking for confirmation that:

- that you have complied fully with all conditions over the valid period of your TUP, and if not please indicate which condition you have not complied with and the reason;
- that all contacts are current and if they were updated that those have been supplied to neighbours; and,
- indicate any changes to the STVR use or use of your property in general that may be relevant to the TUP.

Additionally, the applicants were requested to confirm adherence to specific conditions in the prior TUPs:

- d) *the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem (Development Permit Area One) located on the property, and how to avoid or minimize impacting the sensitive feature;*
- n) *that an application for renewal include hydro and water metre readings for the term of the TUP.*
- o) *that water conservation signs be posted at all water sources.*

They have confirmed that they have adhered to all the foregoing.

Permit Conditions

As above, the LTC project and particularly the changes with Bylaw 222 have been considered and incorporated into the application, analysis and drafting of the proposed TUP. Staff requested that the applicants review the proposed guidelines in the Bylaw and respond to those as part of their application. Attachment 4 is their response.

Four (4) guidelines proposed in Bylaw 222 are highlighted for this application:

1. **Cumulative Impacts and Limit on Number of STVRs within 200 metres of another STVR (6.4.3 and 6.4.4):** This STVR is part of a cluster of three as shown on Figure 2. Potential cumulative impacts are broad in scope and include sense of community, frequency of use, traffic and parking, enforcement, number of guests and total number of STVRs on the island. Although, the application would not meet the new 200 metre guideline, the fact that this a previously permitted operation and that the intent of

the guideline is presumed to contemplate limitations on the amount of new operations, should be given consideration. Noting that some of these potential issues are addressed in conditions and the guest size of the proposed TUP, it is ultimately the LTC's discretion to determine the threshold and the application of the guidelines. There have been no enforcement complaints since the first TUP was issued in 2018 and there has been no response to statutory notification in the neighbourhood (see below).

2. **Limit number of guests in Magic Lake Estates Water System Area to 6 (6.4.15 [b])** – The maximum number of guests of previous TUPs, the current application and the drafted permit is six (6).
3. **Limit on days in Summer months (May 1 to September 30) to thirty days (6.4.15 [c])** - The applicant has requested and agreed to limiting that number to sixty (60) days with the rationale that this is a reasonable restriction which would allow the business to be sustainable during the time of highest demand.
4. **Regular occupancy by the property owners (6.4.18)** – The dwelling is confirmed to be used on a regular basis by the property owners.

The applicant has agreed to the terms of the proposed permit in principal.

Applicant's Rationale & Response to Proposed Bylaw Amendments

The rationale for the proposed temporary use is in order to supplement the use by the owners with a business that can offset some of the costs with property ownership and maintenance.

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper January 13, 2021 (see Attachment 8). Notice was also posted to the North Pender Island community bulletin boards. The notification period ended at 4:30 p.m. on January 20, 2018.

At the time of writing, staff has received one written submission in response to notification (Attachment 8). That response cites concerns about traffic and safety and the impact of two STVRs at the end of Schooner Way. Additionally a concern over water (usage) is mentioned. It does not cite any specific issues over the past two years that the STVRs have been operating.

Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Agencies

If NP-TUP-2020.7 is approved for issuance, staff will provide the permit to the CRD staff contact for the Magic Lake Water and Sewer System for information consistent with OCP policy 6.4.4.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants

with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance to the applicant.

Rationale for Recommendation

- A three-year period is reasonable as the TUP conditions largely conform to the current, proposed changes to the STVR OCP guidelines;
- There have been no complaints about the STVR since the original TUP was issued in 2018;
- The guest capacity is reasonable and meets proposed new guidelines;
- The application has considered and responded to both the current TUP guidelines and proposed amendments to the OCP;
- There has been one response to notification to the application on the primary concern of traffic and safety and water; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific application, the information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant for application NP-TUP-2020.7 submit to the Islands Trust the following _____.

2. Deny the application (s)

The LTC may deny any or all of the applications. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2020.7.

Submitted By:	Phil Testemale, Planner 2	January 19, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 19, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Guideline Checklist
4. Application addendum
5. Guest Information
6. Proposed NP-TUP-2020.7
7. Notice
8. Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

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

LAND USE

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

HISTORICAL ACTIVITY

File No.	Purpose
NP-BE-2017.8	Unlawful STVR use (closed)
NP-TUP-2018.2	STVR for One (1) Year
NP-TUP-2019.2	Renewal of 2018.2

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential - RR Subject property is located within Development Permit Area One – Woodland Sensitive Ecosystem . See condition in draft permit and Attachment 2.2.
Land Use Bylaw	Rural Residential – RR RR zoning permits a single-family dwelling and accessory uses
Other Regulations	
Covenants	
Bylaw Enforcement	NP-BE-2017.8 – Unlawful STVR use (closed)

SITE INFLUENCES

Islands Trust Conservancy	The subject property is not located near any properties owned or protected by the Islands Trust Fund.
Regional Conservation Strategy	The area of the subject property is of medium to low relative habitat composition value although 50-60% of the property is within a Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings.
Species at Risk	
Sensitive Ecosystems	Woodland Sensitive Ecosystem – see above
Hazard Areas	The shoreline of the subject property is of moderate slope hazard risk.

Z:\09 Current Planning\09 NP\3540 TUP\25 Applications (P)\2020\NP-TUP-2020.7 (Hepburn)\06 Staff Reports\Attachments\A 1 - NP-TUP-2020.7 - site context.docx

Archaeological Sites	Archeological potential exists along the subject property's natural boundary lot line, however no known sites exist on the property or within 100m.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will consume fossil fuels travelling from their points of origin. The property does not appear to be at immediate risk of climate change related hazards.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Islands Trust shoreline mapping does not indicate presence of eelgrass, forage fish or bull kelp in immediate vicinity of subject property.

ATTACHMENT #2 – MAPS, PHOTOGRAPHS

2.1 Zoning – Rural Residential (RR)



2.2 DPA 1 – WOODLAND SENSITIVE ECOSYSTEM



2.3 STEEP SLOPES



2.4 PHOTOGRAPHS: SUBJECT PROPERTY, 1602 SCHOONER WAY



Driveway entrance



Deck area facing North West



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



Hot tub on deck area

Attachment 3: TUP Checklist for Short Term Vacation Rental

File Name: NP-TUP-2020.7 (Hepburn)

Address: 1602 Schooner Way

Note: Guidelines and Conditions in red proposed with Bylaw 222 (First Reading)

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Inherent in the application.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior indication of STVR use. – see attachment 2, Maps Plans and Photographs
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Nearest permitted STVR is 2 lots (approx. 25 linear metres) away at 1603 Schooner Way file NP-TUP-2020.5
d) Limit on Number of STVRs in Local Area - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit	See report body for discussion on status of application.
e) Water and Septic - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.	The subject property is within the CRD Magic Lake Estates Community Water System.
f) A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	Per OCP Policy, if approved by the LTC the TUP application will be referred to the CRD for information.
g) If the property is serviced by a community water system, the application should be referred to the water system for information.	Sewage treatment on the property is septic field. At the time of this report, details as to the condition or capacity are known.

Attachment 3: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
h) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Site plan submitted by the applicant shows on-site parking for three automobiles. One outside/open in driveway next to house, two stalls in covered carport attached to house. Permit condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
i) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features	Approximately 50-60% of the property lies within the Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. No development is proposed to take place as a result of the TUP, however, applicant provides information regarding the ecosystem as part of check-in information package - Condition on permit and previous TUPs
j) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ²	No signage indicating STVR use proposed
k) Operator Contact I - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of proposed permit.
l) Operator Contact II - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition of proposed permit.
m) Guest Information - The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Condition of proposed permit. Applicant has provided a copy of the information they provide to guests (Attachment 5)

Attachment 3: TUP Checklist for Short Term Vacation Rental

n) Accessory Buildings – The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m2, and if the building has received an occupancy permit for residential use under the BC Building Code.	N/A
o) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included as permit condition
Permit Conditions	
p) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may: i. Limit the number of bedrooms that can be used for short term vacation rentals	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
ii. limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;	Complies
iii. limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;	Applicant has agreed to condition to limit rental the maximum number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of sixty (60) days
iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response
v. require the landowner/operator to post contact information and permit information at the entrance to the property	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
vi. prohibit camping or occupancy of RVs on the property	Included as a condition of draft permit.
vii. prohibit the rental or provision of motorized personal watercraft	Included as a condition of draft permit.
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake	Included as a condition of draft permit.
ix. prohibit outdoor fires	Included as a condition of draft permit.
x. establish the dates during which the use may occur	See: above

Attachment 3: TUP Checklist for Short Term Vacation Rental

Agriculture Land Reserve	
q) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
Further Conditions (Bylaw 222)	
r) A temporary use permit may be issued for a short term vacation rental within a secondary suite.	N/A
s) An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners	Complies

ADDENDUM – Reference Bylaw No. 222

In accordance with Section 6.4

6.4.1 – Agreed

6.4.2 – Agreed

6.4.3 – Agreed

6.4.4 - I believe there is 1 other TUP within approximately a 200 metre radius

6.4.5 – See attached support below

6.4.6 – N/A

6.4.7 – See attached support below

6.4.8 – N/A

6.4.9 – Agreed

6.4.10 – Agreed

6.4.11 – N/A

6.4.12 – Agreed

6.4.13 – Agreed

6.4.14 – Agreed (a,b,c,d)

6.4.15:

6.4.15 (a) – we currently have 4 bedrooms available

6.4.15 (b) – we currently have a limit of 6 guests

6.4.15 (c) – N/A

6.4.15 (d) – both neighbours have fenced in properties

6.4.15 (e) – we currently have this in place

6.4.15 (f) – we currently have this in place

6.4.15 (g) – we currently have this in place

6.4.15 (h) – we currently have this in place

6.4.15 (i) – we currently have this in place

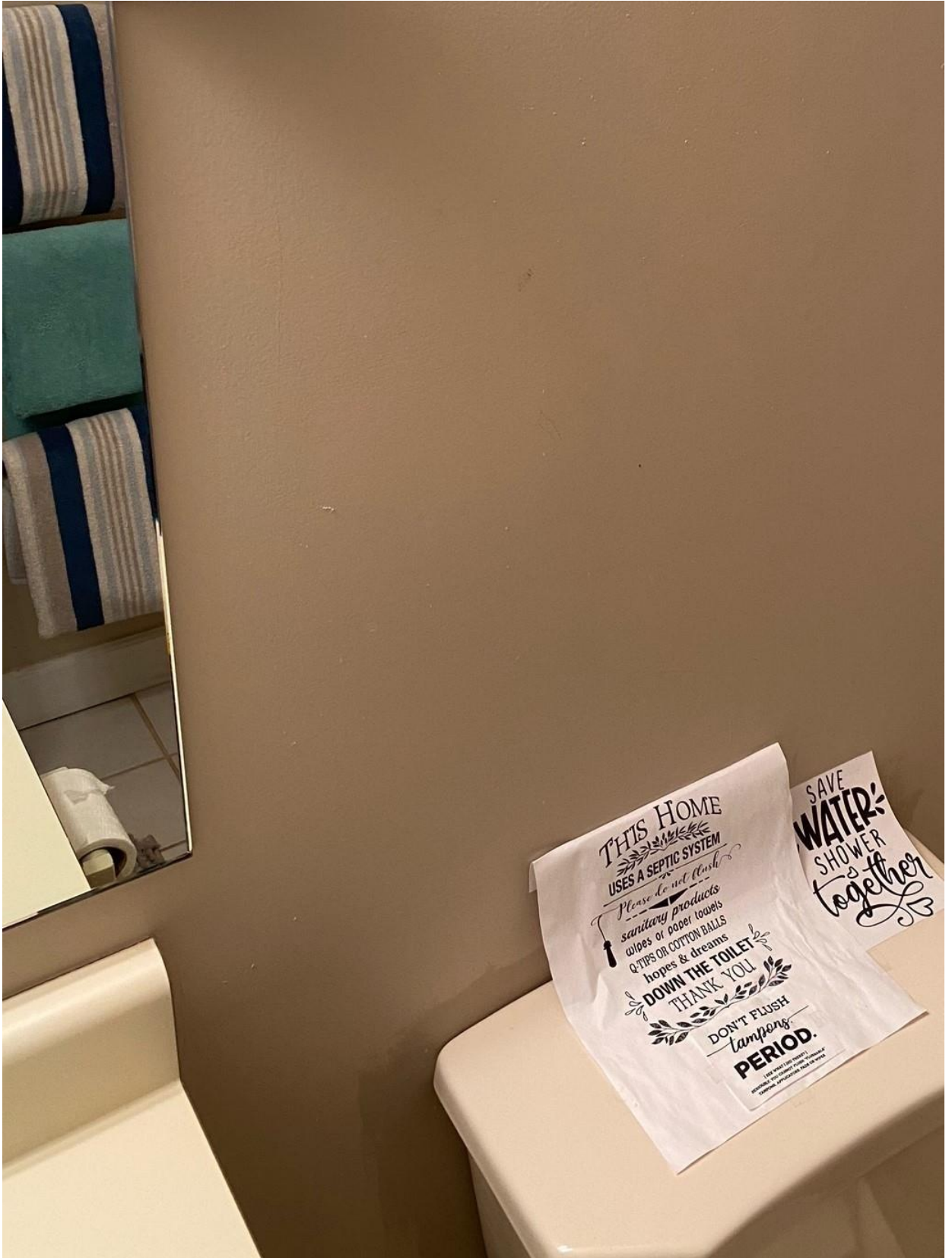
6.4.15 (j) – we currently have this in place

6.4.16 – Agreed

6.4.17 – N/A







Learn more about this report for residential or business customers

Link for residential: <http://www.bchydro.com/residentialconsumption>

Link for business: <http://www.bchydro.com/businessconsumption>

Account N Interval Start Date/Time Net Consu Demand (k Power Factor (%)

	12/1/2019 0:00	2117.71	N/A	N/A
	1/1/2020 0:00	2405.59	N/A	N/A
	2/1/2020 0:00	2052.9	N/A	N/A
	3/1/2020 0:00	3117.31	N/A	N/A
	4/1/2020 0:00	2554.48	N/A	N/A
	5/1/2020 0:00	1590.54	N/A	N/A
	6/1/2020 0:00	966.45	N/A	N/A
	7/1/2020 0:00	1121.69	N/A	N/A
	8/1/2020 0:00	1038.39	N/A	N/A
	9/1/2020 0:00	890.39	N/A	N/A
	10/1/2020 0:00	2243.13	N/A	N/A

RE: 1602 Schooner Way Pender Island

CRD Water Billing <[REDACTED]>

Tue 2020-11-17 3:03 PM

To: Leslie Hepburn <[REDACTED]>

86 cubic metres of water have been used at 1602 Schooner Way between Oct. 8, 2019 and Sept. 30, 2020.

Thank you,

Lynn

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

From: Leslie Hepburn [mailto:[REDACTED]]

Sent: Tuesday, November 17, 2020 12:44 PM

To: CRD Water Billing <waterbilling@crd.bc.ca>

Subject: Re: 1602 Schooner Way Pender Island

I need the meter usage

Sent from my iPhone

> On Nov 17, 2020, at 12:29 PM, CRD Water Billing <[REDACTED]> wrote:>

> Hello,

>

> A total of [REDACTED] has been billed for the period Oct. 8, 2019 up to September 30, 2020 as follows:

>

> Dec. 31/19 [REDACTED]

> Mar. 31/20 [REDACTED]

> June 30/20 [REDACTED]

> Sept. 30/20 [REDACTED]

>

> Thank you,

>

> Water billing

>

> -----Original Message-----

> From: Leslie Hepburn [mailto:[REDACTED]] >

[REDACTED]

Sent: Tuesday, November 17, 2020 11:51 AM

> To: CRD Water Billing <[REDACTED]>

> Subject: 1602 Schooner Way Pender Island

>

> Could you please send me water consumption billing period for the past year ..Nov 2019-Nov 2020
> please Thank you Regards Leslie Hepburn

>

> Sent from my iPhone

> This message is intended only for the use of the individual or entity named above, and may contain

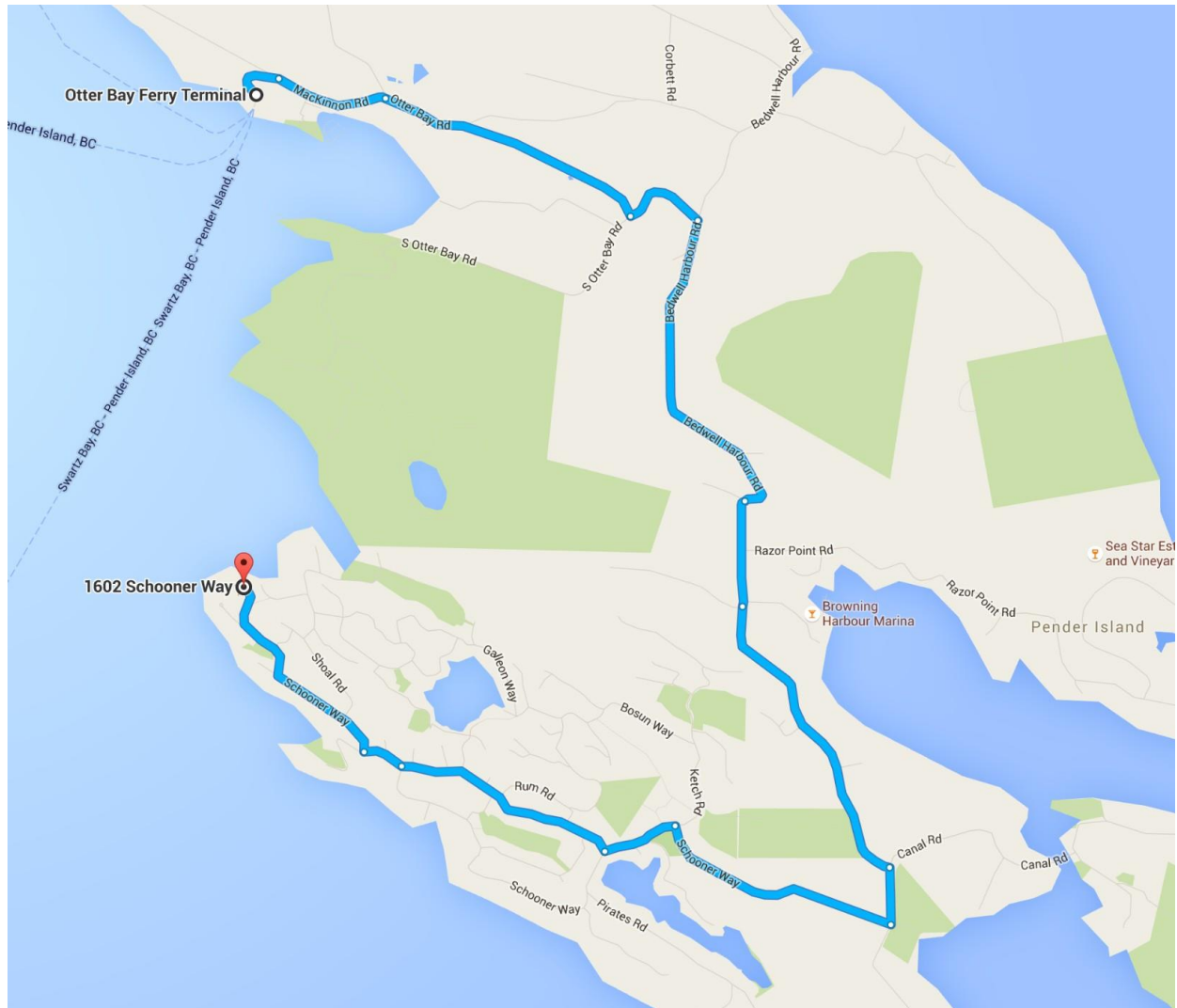
Attachment #5

PENDER ISLAND NOTES

2018

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

Map:



Directions:

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

1602 Schooner Way

Pender Island, BC V0N 2M2

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

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

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

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

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

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

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

16. Danger:

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

17. Contact Information:

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

Leslie (owner in Vancouver)	Cell	██████████
If you cannot reach Leslie,		
Frances (Housecleaner on Pender)	Home	██████████
Charmaine (Manager on Pender)	Cell	██████████

SHORT TERM RENTAL AGREEMENT

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

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

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

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

8. Rental Rate and Fees

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

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

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

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

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

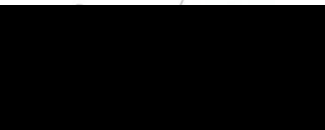
7 Day Rental =
VRBO Service Fee
Refundable Damage Deposit \$300.00

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

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

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

Homeowner



Name (print) Leslie Hepburn

Date: July 28, 2017

Phone # (during stay):



Guest:



Name (print): _____

Date: _____

Phone # (during stay):

Exhibit A

RENTAL RULES

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

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

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

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

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



Islands Trust

Proposed

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT NP-TUP-2020.7 (Hepburn)

1602 Schooner Way

To: Leslie Hepburn

1. This Permit applies to the land described below:

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

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

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

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
- b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
- c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
- d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem (Development Permit Area One) located on the property, and how to avoid or minimize impacting the sensitive feature;
- e) the maximum number of guests is limited to six (6);
- f) the maximum number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of sixty (60) days;
- g) camping and occupancy of recreational vehicles are prohibited;
- h) signs advertising the Short Term Vacation Rental are prohibited;
- i) the rental or provision of motorized personal watercraft is prohibited;
- j) all outdoor fires are prohibited;
- k) all parking for guests of, and visitors to, the Short Term Vacation Rental must be contained on the subject property;

- l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - m) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - n) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
 - o) that an application for renewal include hydro and water metre readings for the term of the TUP; and,
 - p) that water conservation signs be posted at all water sources.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a new permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY MONTH, 2021.

Deputy Secretary, Islands Trust

Date Issued

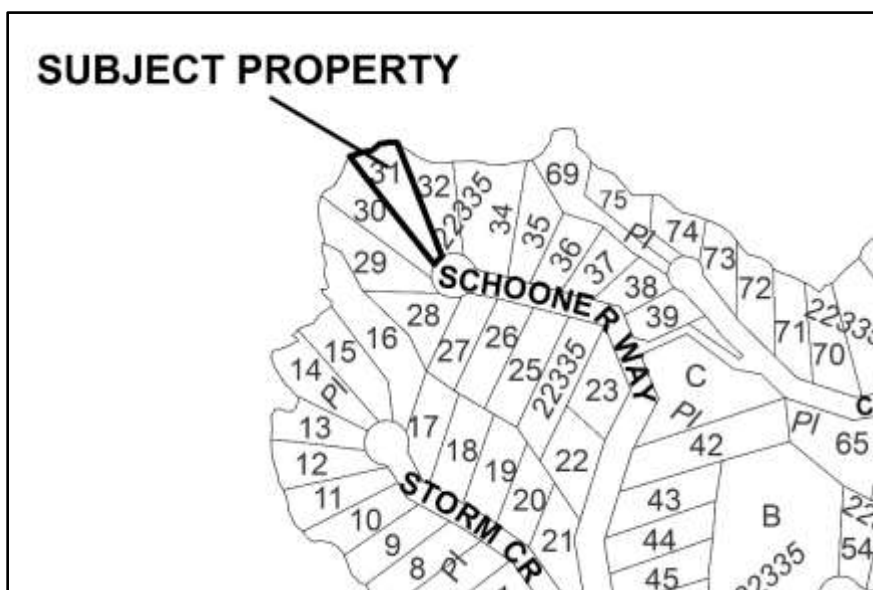
NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2020.7

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335 (PID: 000-785-733). This property is located at **1602 Schooner Way**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental within the Dwelling Unit** for a maximum occupancy of **six (6)** people.

The establishment of these uses would be subject to the conditions specified in the attached permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years. The use was previously permitted by NP-TUP-2018.2 and 2019.2 (Renewal)

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 8, 2021** and continuing up to and including **January 20, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 20, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **9:00 a.m., January 28, 2021**.

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

From: SouthInfo
Sent: Tuesday, January 19, 2021 5:17 PM
To: 'Nancy Westell' <[REDACTED]>
Subject: RE: Attn: Phil Testemale

Hello Bruce Alexander and Allan Waddell,

Thank you for your email. All correspondence, including email, addressed to the Planner of an application in North Pender Island, is circulated to the North Pender Local Trust Committee members. Please note that your correspondence will form part of a public record and, as such, may be posted to the Islands Trust website, with personal information redacted.

Regards,
Sheree

Sheree Rialp
Administrative Assistant
Local Planning Services
Islands Trust
srialp@islandstrust.bc.ca
Enquiry BC Toll-Free 1-800-663-7867
or from Lower Mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustconservancy.ca

Preserving Island communities, culture and environment since 1974



Please consider the environment before printing this email.

From: Nancy Westell <[REDACTED]>
Sent: Tuesday, January 19, 2021 3:16 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Attn: Phil Testemale

Regarding 1602 Schooner Way and the Renewal Application for an Airbnb short term rental.

We are opposed to a Temporary Use Permit for the property at 1602 Schooner Way on Pender Island for a Short Term Rental of up to 6 people.

We believe it should not be used as a short term rental because:

- It is a very narrow road attached to a cul-de-sac which has a blind corner approximately 200 yards up the road.
- There is another short term rental at Lot 29 on this same cul-de-sac, two doors down, which has permission for 11 people to stay. This would be 17 people in a very small area and many cars on this narrow road.
- Water is also a huge issue in the summer on Pender Island.

[REDACTED]

Bruce Alexander

[REDACTED]

[REDACTED]

W. Allan Waddell

[REDACTED]

STAFF REPORT

File No.: Np-RZ-2016.1 (Mainroad)
(Bylaw 202)

DATE OF MEETING: January 28, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale,
Planner 2
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Rezoning Application (Post Public Hearing)
Applicant: Mainroad Properties (Gulf Islands) Ltd. c/o Noel Mankey
Location: 3323 Port Washington Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owner of Lots 8 and 9, Section 18, Pender Island, Cowichan District, Plan 6294 that is Attachment 2 to this report, and designate the Chair of the Local Trust Committee to sign the covenant for NP-RZ-2016.1 (Mainroad).
2. That the North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016,” be read a third time.
3. That the North Pender Island Local Trust Committee proposed Bylaw No. 202 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
4. That upon confirmation of registration of the covenant with the Land Title Office, Executive Committee approval, and confirmation of completion of fire suppression upgrades the North Pender Island Local Trust Committee direct staff to report back to the Local Trust Committee for Final Adoption of Bylaw 202.

REPORT SUMMARY

The purpose of this report is to present a proposed Section 219 Covenant and to advance Bylaw 202 for consideration of Third Reading and referral to the Executive Committee of the Islands Trust.

The recommendations above are supported as:

- Accepting the proposed covenant addresses outstanding concerns that were cited at the Public Hearing and with the LTC’s subsequent direction to staff; and,
- Proceeding with the bylaw process will allow for the legalization of long-standing uses on the subject properties and provide certainty to the landowner.

- The registration of the s.219 covenant will provide restrictions of tree removal and protection to the steep slope in the southern portions of the lots.

The objective of the bylaw is to rezone portions of Lot 8 and Lot 9, Plan 6294 from **Rural (R)** to **Industrial 2 (a) (I2 [a])** to correspond to the Official Community Plan (OCP) designation for **Industrial – I** (Attachment 1). Further, proposed Bylaw 202 would limit use in the **I2 (a) Zone** to the current and historical uses of the two lots.

The proposal will legalize the uses on the property and is compatible with other uses in the area and is supported by the policies of the OCP.

BACKGROUND

Background to this application including four (4) previous staff reports and minutes from the Public Hearing held on October is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

The two subject properties are commonly known as the highways works yard located on Port Washington Road. The use on the properties has continued since the 1950's with the current owners, Mainroad Properties, taking ownership in 2006. The proposed rezoning will affect the current area of industrial use on the property, in addition to some of the upslope areas, which would be protected by a proposed s.219 Covenant preventing tree removal.

Specific File Activity:

The rezoning application has been reviewed previously by the Local Trust Committee of the day on April 5, 2016, May 25, July 27, and October 26, 2017. A Public Hearing for Bylaw 202 was held on October 26, 2017.

The following is a summary of key resolutions and file activity that have occurred for this application since the last report on October 27, 2017 to the Local Trust Committee:

- The LTC held a Public Hearing for Bylaw 202 on October 26, 2017. The minutes of that hearing have been made available to the LTC. In addition, they are posted on the [‘Current Applications’](#) page of the NPILTC website.
- The LTC passed the following resolution at its October 26, 2017 regular meeting:

NP-2017-096

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request staff to amend Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No.1, 2016” with the following elements: removal of crushing of gravel and adjustment of the zone boundary to follow the topography, and that there are assurances that measures have been made to ensure that upgrades to fire protection have been made with the local fire authority, and that the bylaw be brought back to the LTC for Third Reading.

CARRIED

- Subsequent to the Public Hearing, staff proposed that the applicants could more effectively satisfy the concerns in the above resolution through the granting a s.219 covenant. The applicants have opted to proceed with granting a covenant.
- The properties were considered as one of the top candidates in the LTC's Waste Management Review Process, and the application did not advance pending the outcome of that process for which the bylaws were ultimately not adopted.
- The application was placed in abeyance in March of 2018 at the request of the applicant pending the results of the bidding process for provincial highways contracts in the Gulf Islands. Mainroad was not successful in retaining the contract, but retained ownership of the properties and now leases to Emcon Services Inc.
- The application was reactivated in February of 2020. Staff have been in discussions since that time with Mainroad, but was delayed due to the retirement of key Mainroad staff.
- A Section 219 covenant has been prepared by legal counsel and also forwarded to the applicant for execution (Attachment 2). The proposed covenant is discussed further below.
- The recommendation of the Pender Island Fire Rescue that the water supply for fire protection be upgraded to address the distance to water supply for fire protection to the current standard has not been completed, however that is currently being expedited by the applicant, and would be completed prior to LTC consideration of final adoption.

Figure 1 – Subject Properties

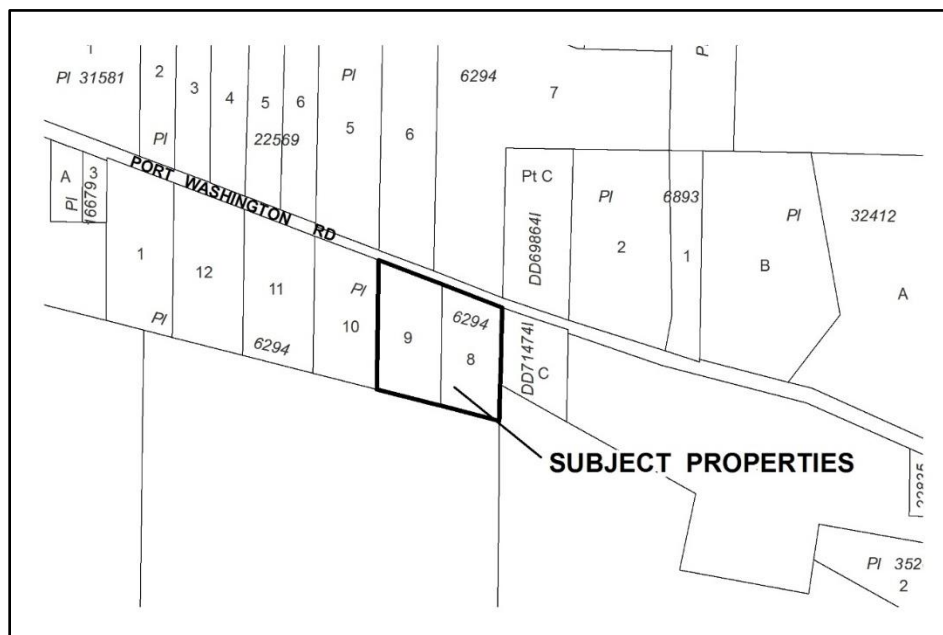
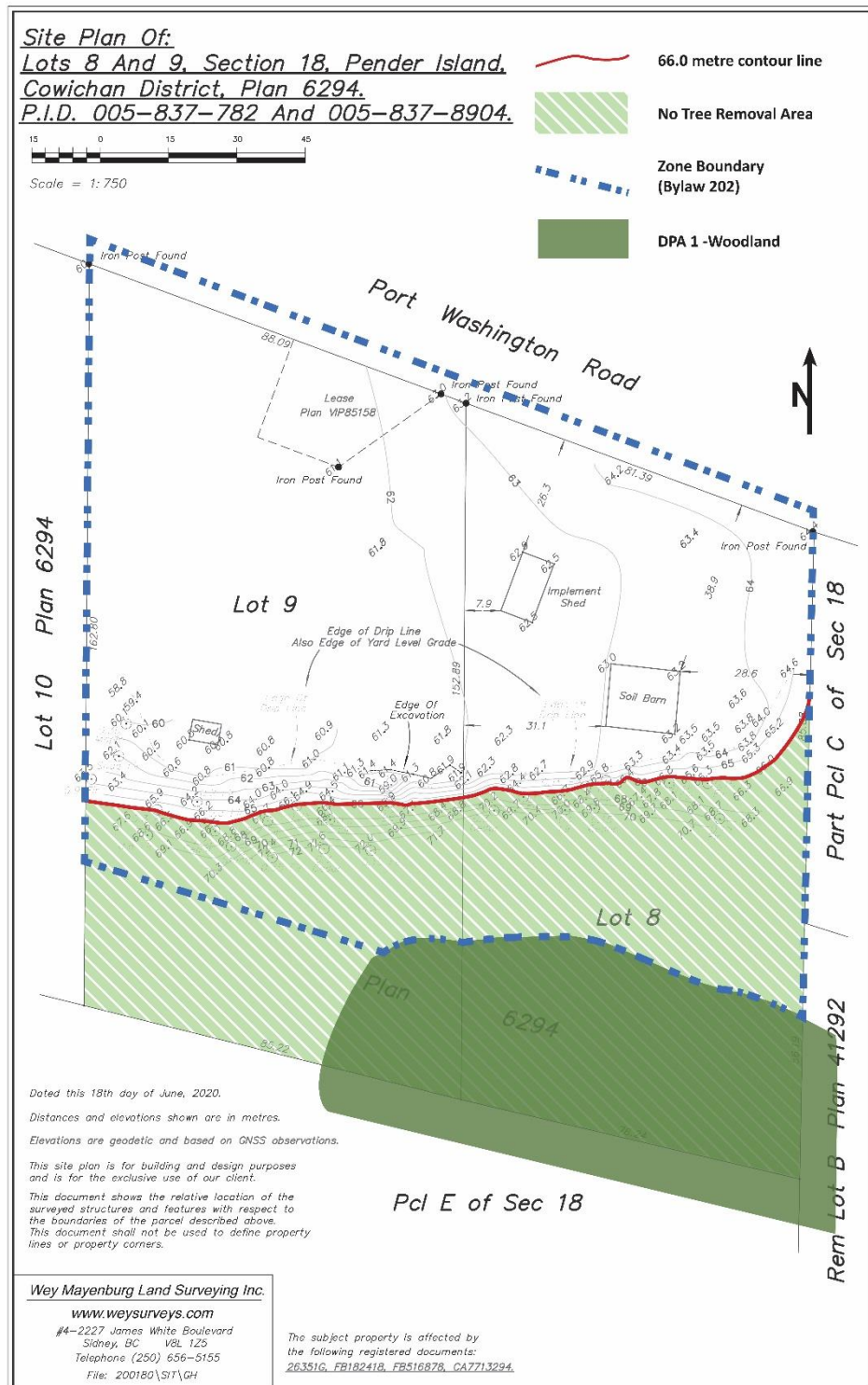


Figure 2 – Proposed Covenant Area



Section 219 Covenant

Staff is recommending a path of accepting a Section 219 covenant versus amending the bylaw as:

- It would allow the bylaw to proceed expeditiously as drafted.
- It places a blanket restriction in perpetuity on tree removal for the entire area of the two properties above the 66 metre elevation contour (Figure 2). That addresses the concerns over the environmental impacts due to tree removal that could affect the Development Permit Area (One – Woodland Sensitive) at the crest of the hill, as well as visual landscape impacts.
- The ability to undertake crushing very infrequently (once every four years for a maximum of three weeks and only between 7:00 a.m. and 4:00 p.m.) is viewed by the applicants as important to the operational needs of the use.

Alternatively, proceeding with, the direction given to staff by the resolution of the previous LTC, would have disadvantages:

1. It would necessitate rescinding Second Reading and holding a new Public Hearing with cost and time implications.
2. Moving the zoning boundary to align the topography (essentially where the covenant boundary is proposed – Figure 2) would maintain the upland area in the Rural (R) zone, however that would not afford any protection of the treed slope or the DPA.
3. It would removal any flexibility for the operators to undertake occasional crushing.

Fire Protection

The fire suppression measures that were required by the Pender Island Fire Chief of the day in their response to the Bylaw referral are as follows:

That a water supply for fire protection be designed and installed in accordance with NFPA 1142, 2012 edition and standards referenced therein.

As above, the applicant has confirmed that this has not been completed, but that they are expediting this. Staff is recommending that Final Adoption of the bylaw by the LTC pending confirmation that this work is complete.

Continuing Body

The LTC is recognized as a continuing body. Providing that the LTC has reviewed the Public Hearing Binder and the Record of the Public Hearing, and has not received any new information on the application subsequent to the Public Hearing, then the LTC can proceed without a further Public Hearing.

LUB Review Project

It is important to note that finalizing this rezoning would in no way preclude this property being included in amendments to the Land Use Bylaw as part of that project. The rezoning bylaw simply legalizes the uses that have been ongoing on the property.

Post Public Hearing

The Local Trust Committee is considering a bylaw to rezone portions of Lot 8 and 9, Plan 6294 to the site-specific Industrial 2 (a) Zone. A public hearing was held on October 26, 2017. 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.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Reconsideration and adoption.

As the hearing has been closed, 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.

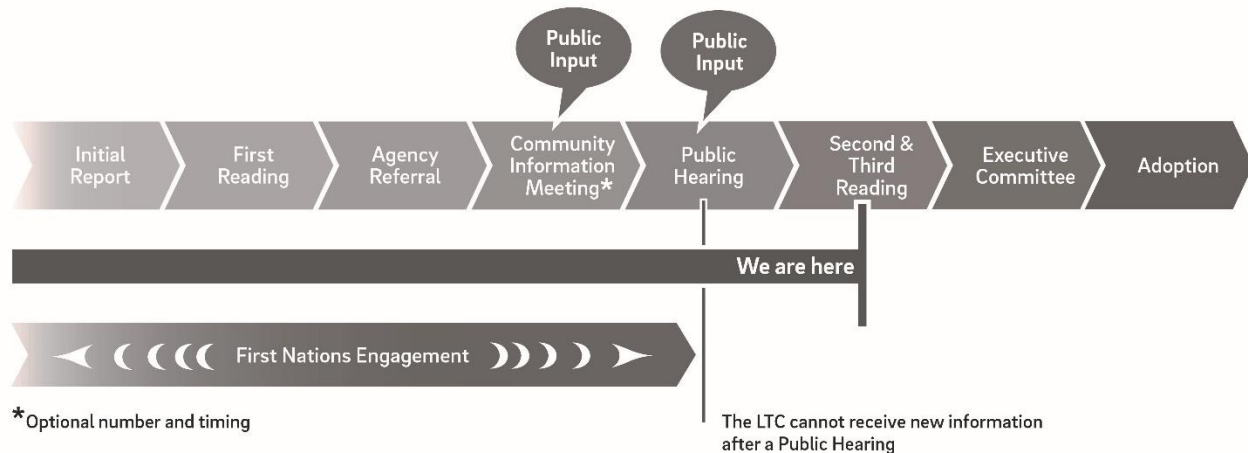
If the proposed covenant is registered and Executive Committee approves the bylaw, the next step for the LTC would be to adopt the bylaw.

First Nations

As this rezoning does not require an OCP amendment, First Nations referral was not required nor undertaken when the bylaw was referred in 2017.

The rezoning legalizes the existing uses on the property does not involve any new development. There is no additional development proposed outside the current footprint of the existing development with no proposed disturbance or impact to any possible archaeological sites. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance to the applicant

Timeline



Rationale for Recommendation

The recommendations above are supported as:

- Accepting the proposed covenant addresses outstanding concerns that were cited at the Public Hearing and highlighted in the LTC's direction to staff; and,
- Proceeding with the bylaw process will allow for the legalization of long-standing uses on the subject properties, provide certainty to the land owner and result in a covenant for protection of tree cover and steep slope.

ALTERNATIVES

1. Request further information

The LTC may request further information from staff prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request and should not constitute new information after the hearing. Recommended wording for the resolution is as follows:

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

2. Deny the Bylaw and Proceed No Further

The LTC may deny the application and proceed no further with the bylaw. Staff advise that the implications of this alternative are that the applicant would be forced to make a new application for rezoning or a TUP with implications of time delays and cost. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-RZ-2016.1 (Mainroad) and direct staff to proceed no further with Bylaw 202.

3. Amend the Bylaw

The LTC may opt to amend the bylaw, provided it does not alter use, and give Third Reading. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016,” by _____;

That the North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016 be read a third time as amended.

That the North Pender Island Local Trust Committee proposed Bylaw No. 202 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

4. Schedule a New Public Hearing

The LTC may opt to hold a new Public Hearing. Staff advise that the implications of this alternative are time delays, administrative time and the costs associated with a new hearing. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to schedule a new Public Hearing.

5. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, particularly the LTC’s OCP Implementation Project.

NEXT STEPS

- Staff will forward the Bylaw to the Executive Committee for approval;
- The proposed Covenant will be registered at Land Titles Office;
- The applicants will complete the fire protection upgrades; and
- The Bylaw will be returned to the LTC for Final Adoption.

Submitted By:	Phil Testemale, Planner 2	January 20, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2021

ATTACHMENTS

1. Proposed Bylaw 202 (Second Reading; Public Hearing)
2. Proposed Section 219 Covenant

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 202

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016”.

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

2.1 Schedule “1” – Zoning Map, is amended by changing the zoning classification of portions of Lot 8 and 9, Section 18, North Pender Island, Cowichan District, Plan 6294 from Rural (R) to Industrial 2 (a) (I2 [a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103, as are required to effect this change.

2.2 Section 8.9. – Industrial (I2) Zone, Subsection 8.9.8 is amended by deleting Row 1, Columns 2 and 3 in their entirety and inserting the following:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(a)	Portions of Lot 8 & 9, Plan 6294, Section 18	Despite article 8.9.2(1), the only uses permitted in this location are: (i) the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways; (ii) the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and, (iii) the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel.

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.

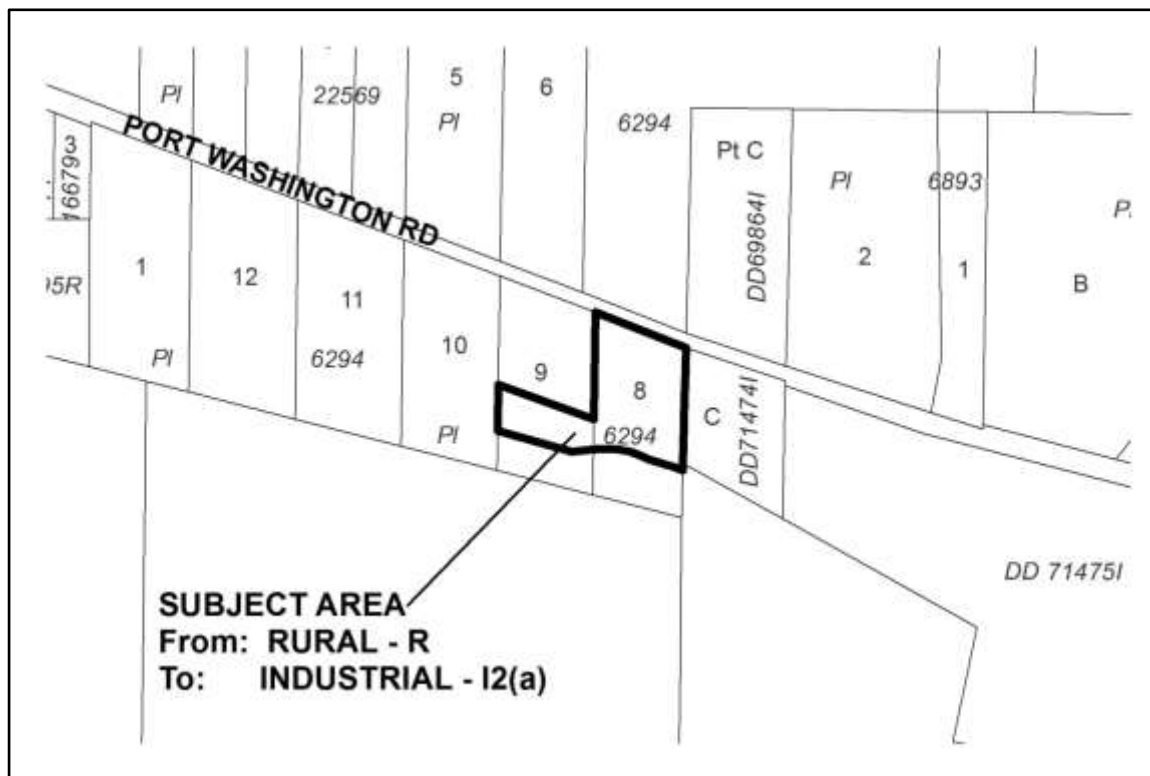
READ A FIRST TIME THIS	25 th	DAY OF	MAY	2017
READ A SECOND TIME THIS	27 th	DAY OF	JULY	2017
PUBLIC HEARING HELD THIS	26 th	DAY OF	OCTOBER	2017
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY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

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 202

Plan No. 1



1. Application

**Michael Moll
YOUNG ANDERSON
1616 808 Nelson Street
Vancouver BC V6Z 2H2
604-689-7400**

2. Description of Land

PID/Plan Number	Legal Description
005-837-782	LOT 8, SECTION 18, PENDER ISLAND, COWICHAN DISTRICT, PLAN 6294
005-837-804	LOT 9, SECTION 18, PENDER ISLAND, COWICHAN DISTRICT, PLAN 6294

3. Nature of Interest

Type	Number	Additional Information
COVENANT		
PRIORITY AGREEMENT		granting the Section 219 Covenant priority over Mortgage No. FA141621 as to PID 005-837-804
PRIORITY AGREEMENT		granting the Section 219 Covenant priority over Assignment of Rents No. FA141622 as to PID 005-837-804

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms.

5. Transferor(s)

MAINROAD PROPERTIES (GULF ISLANDS) LTD., NO.0704096, AS TO COVENANT
THE BANK OF NOVA SCOTIA, AS TO PRIORITY

6. Transferee(s)

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
SUITE 200
1627 FORT STREET
VICTORIA BC V8R 1H8

7. Additional or Modified Terms



8. Execution(s)

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

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**Mainroad Properties (Gulf Islands)
Ltd.**

By their Authorized Signatory

(as to both signatures)

Name:

Name:

Officer Certification

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

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**North Pender Island Local Trust
Committee**

By their Authorized Signatory

(as to both signatures)

Name:

Name:

Officer Certification

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



Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

The Bank of Nova Scotia
By their Authorized Signatory

(as to both signatures)

Name:

Name:

Officer Certification

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

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the 11 day of January, 2021, is

AMONG:

MAINROAD PROPERTIES (GULF ISLANDS) LTD.

17474 – 56 Avenue, Surrey, British Columbia, V3S 1C3

(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 those parcels of land located on Pender Island, British Columbia which are legally described as:

Lot 8, Pender Island, Cowichan District, Plan 6294, PID 005-837-782; and

Lot 9, Pender Island, Cowichan District, Plan 6294, PID: 005-837-804

(collectively the “Land”);

- B. The Owner has applied to the Local Trust Committee to amend the North Pender Island land use bylaw in respect of the Land so as to enable the Owner to carry on certain industrial uses of the Land and the Owner has agreed to restrict the development and industrial use of the Land as more particularly set out in this Agreement;
- C. 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;

- D. 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:

Tree Protection

1. In this Agreement:
 - a. "remove" means to fall a tree and includes cutting down, pulling up, pushing over, pulling over or otherwise causing the unnatural death of the tree;
 - b. "protected tree" means any tree with a trunk diameter greater than 20 centimetres;
 - c. "trunk diameter" means the diameter of the trunk of a tree 1.5 metres above the natural grade of the ground, measured from the base of the tree.
2. The Owner shall not remove or permit the removal of any tree that:
 - a. has a trunk diameter greater than 20 centimetres; and
 - b. is located on that portion of the Land that has a natural elevation higher than 66 metres above sea level as shown on Schedule "A" attached to this Agreement.
3. Section 2 of this Agreement does not prohibit the limbing of trees under the supervision of a Certified Arborist, or other person with proper tree maintenance qualifications.

Rock Crushing

4. The Owner shall not use, or permit the use of, the Land for any rock crushing other than rock crushing that is limited to once every four years for a period not exceeding three weeks per occurrence where rocks are only crushed between the hours of 7:00 am to 4:00 pm.

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.

No Liability in Tort

8. 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

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

Registration

10. 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

11. 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

12. 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

13. 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

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

Further Acts

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

Deed and Contract

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

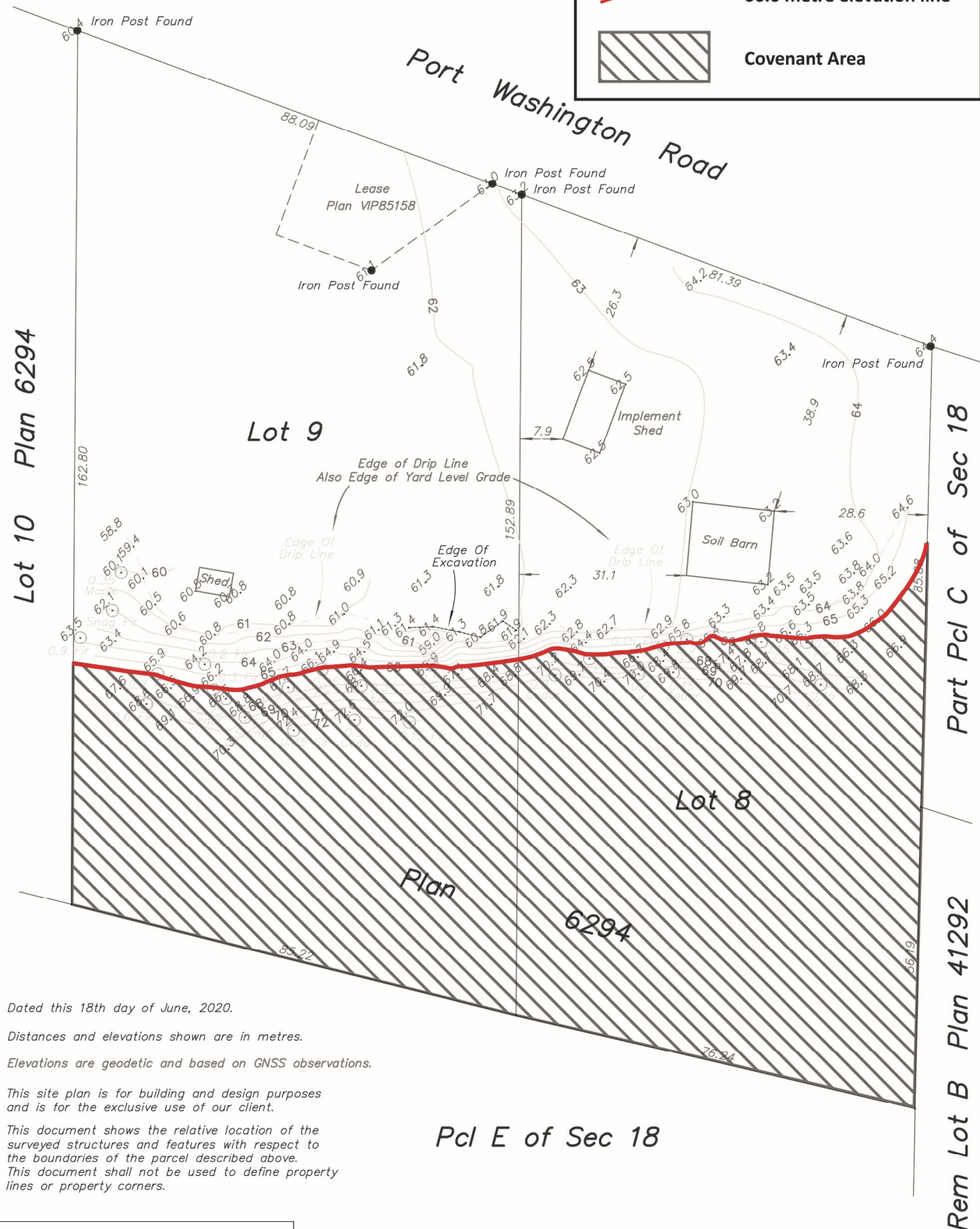
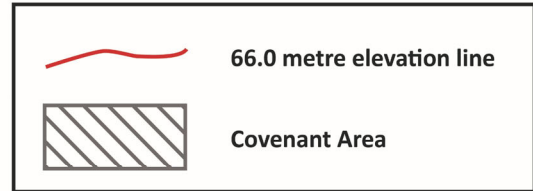
As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

Site Plan Of:
Lots 8 And 9, Section 18, Pender Island,
Cowichan District, Plan 6294.
P.I.D. 005-837-782 And 005-837-8904.

Schedule "A"
 Subject Property Site Plan and
 Protection Area



Scale = 1:750



Dated this 18th day of June, 2020.

Distances and elevations shown are in metres.

Elevations are geodetic and based on GNSS observations.

This site plan is for building and design purposes
 and is for the exclusive use of our client.

This document shows the relative location of the
 surveyed structures and features with respect to
 the boundaries of the parcel described above.
 This document shall not be used to define property
 lines or property corners.

Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

#4-2227 James White Boulevard
 Sidney, BC V8L 1Z5

Telephone (250) 656-5155

File: 200180\SIT\GH

The subject property is affected by
 the following registered documents:
26351G, FB182418, FB516878, CA7713294.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. Mainland Properties (Gulf Island) Ltd. [Name of land owner(s)] (the "Owner") is the registered owner of Lot 9, Pender Island, Cowichan District, Plan 6294, PID: 005-837-804 (the "Land");
- B. The Owner granted Bank of Nova Scotia (the "Prior Chargeholder") a mortgage and assignment of rents, which were registered against the title to the Land in the Victoria Land Title Office under numbers FA141621 and FA141622 respectively (the "Prior Charges");
- 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 _____ (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 Charges.

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.



BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: South Pender Island Local Trust Area **Bylaw No.:** 119 & 120 **Date:** January 14, 2021

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

APPLICANTS NAME / ADDRESS:

N/A

PURPOSE OF BYLAW:

The South Pender Island Local Trust Committee (LTC) is reviewing the South Pender Land Use Bylaw (LUB) No. 114 Short Term Vacation Rental (STVR) regulations and the Temporary Use Permit (TUP) guidelines for as part of the LTC's Top Priority Project. Draft Bylaw No. 119 would amend the TUP section in the South Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 in order to add new STVR TUP guidelines. Draft Bylaw No. 120 would remove STVRs has a home occupation use in the South Pender LUB.

Additional project background, including staff reports and results of community engagement, are available on the STVR review project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/stvr-review-project/>

GENERAL LOCATION:

South Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

(Signature)

Name: Kim Stockdill

Title: Island Planner
Contact Info: Tel: 250-405-5157
Email: kstockdill@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

n/a

Provincial Agencies

Ministry of Municipal Affairs & Housing
BC Assessment Authority

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Saturna Island Local Trust Committee
North Pender Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

South Pender Island Local Trust Area

(Island)

119 & 120

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

Proposed
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 107, 2011

The South Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”.

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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 MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Article 3.1.2 (e) (Background) is amended by deleting “Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”
3. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
4. By deleting Clause 3.1.2(e)(ii) “Short-term Rental of Single Family Dwellings” in its entirety.
5. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and”.
6. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;”.
7. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

- a) For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons.
- b) The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
- c) The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.

- d) The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- e) The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- f) If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or professional report may be required for the application or as a condition of the permit.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of four vehicles.
- h) If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m².
- j) The temporary use permit should require that the owner or other designated contact be available on South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- k) The temporary use permit should require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- l) The permit should require that the applicant post the following information for guests:
 - i. remind guests that the property is located in a residential area;
 - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,
 - iv. the applicant provide the name and contact information of the property owner or designated contact who is available on South Pender Island at all times when the short term vacation rental is in use.
- m) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
 - i. limit the number of bedrooms that can be used for short term vacation rentals;
 - ii. limit the number of guests who are 18 years of age or older to four;
 - iii. limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - v. require the landowner/operator to post contact information and permit information at the entrance to the property;
 - vi. prohibit camping or occupancy of RVs on the property;
 - vii. prohibit the rental or provision of motorized personal watercraft;
 - viii. prohibit outdoor fires; and
 - ix. establish the dates during which the use may occur.
- n) A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.
- o) An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners."

Proposed

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 120

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 (Definitions) is amended for “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”.

2.2 Subsection 3.6(1) is amended by deleting “short-term vacation rental of *cottages*,”.

2.3 By deleting Subsection 3.6(9) in its entirety.

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____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

DRAFT

DATE OF MEETING: January 28, 2021

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: NP LUB Review – Residential Floor Area and Agricultural Regulations Review

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to report back with the information regarding the Residential Floor Area Review outlined in the staff report dated January 28, 2021.
2. That the North Pender Island Local Trust Committee request staff to report back with a review of the recommendations made in the Special Agricultural Advisory Commission report dated January 4, 2021.

REPORT SUMMARY

The purpose of this report is to provide further information on the topic areas.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses seven topic areas:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

The North Pender Local Trust Committee held (5) electronic meetings for the Land Use Bylaw Review (Official Community Plan Implementation) Project in 2020; one in conjunction with the South Pender LTC. A second Community Information Meeting in conjunction with the South Pender LTC was held on January 15, 2021 to collect comments from the community regarding maximum floor area regulations. Staff also presented information regarding frequently asked questions (FAQ) regarding legal non-conforming. This FAQ can be found on the project webpage under “Discussion Papers & Background” (see link below).

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

<http://www.islandstrust.bc.ca/npender/ocp-implementation-project>

ANALYSIS

Residential floor area review:

The North Pender and South Pender LTCs held a Special meeting on January 15, 2020 to discuss residential maximum floor area. A number of community members expressed concern regarding the LTC establishing a maximum floor area that is less than the floor area of their home; more specifically, concerns regarding legal non-conforming status and their ability to rebuild to the prior floor area. An option the LTC can consider is to include a provision in bylaw that would ensure existing dwelling units could rebuild to their current floor area prior to the newly established maximum floor area. Staff would recommend legal advice if this provision is included in the bylaw (see below).

If the LTC wants to proceed with limiting floor area, staff recommend the LTC pursue the option of a gradual scale for maximum floor area based on lot size. The South Pender LUB was amended in 2016 to establish maximum floor area for dwellings located in rural residential zones depending on lot size (see table below). The South Pender LTC is in the early stages of discussion with the community to determine if the maximum residential floor area outlined below should be decreased further. The LTC may want to consider a gradual scale that is similar to the South Pender scale in terms of lot size groups: .39 ha and under, 0.4 ha to 0.79 ha, 0.8 ha to 1.59 ha, 1.6 ha to 3.9 ha, and 4.0 ha and greater.

Excerpt from South Pender LUB – Rural Residential Zones

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5)	Maximum Floor Area per lot:		✓	✓	✓
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:			
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)			
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)			
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)			
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)			
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)			

The following chart shows the number of Rural Residential or Rural zoned lots on North Pender that have Improvement Values of zero as per BC Assessment in 2021 (an indicator of vacant land). This demonstrates the number of lots that would be applicable if a maximum floor area regulation is established. Further analysis on the vacant lot numbers could be done by staff; including the percentage of vacant residential lots to total residential lots on North Pender. Staff can provide a verbal update on the percentages if available for the January 28, 2021 LTC meeting.

**Number of RR & R Zoned Lands on North Pender with Improvement Values of Zero
(Based on 2021 BC Assessment)**

Lot Area	Total "Vacant Lots"	RR Zoning	R Zoning
0.39 ha and under	222	216	6
0.4 ha to 0.79 ha	37	30	7
0.8 ha to 1.59 ha	22	17	5
1.6 ha to 3.9 ha	22	5	17
4.0 ha and greater	37	3	34
Total	340	271	69

Prior to the LTC deciding the maximum floor area for each group of lots sizes, staff can provide the LTC with the following information to help guide their decision:

- Further analysis on vacant lot numbers.
- Floor areas of dwelling units from the last 10 years (review Building Permits). This will summarize the average floor area of dwelling units built in the past decade.
- Legal opinion for including a provision in bylaw that would ensure existing dwelling units could rebuild to their current floor area prior.

Conservation subdivision review:

As mentioned in the Conservation Subdivision Review Discussion Paper, a project to consider a comprehensive approach to implementing conservation subdivision design for larger lots was undertaken in 2013-14 by the LTC of the day; however, that project did not proceed at the time. The intent of the current review is to consider implementing certain elements of the earlier initiative that are within the scope of this project.

The clearest existing support for conservation subdivision in the North Pender's LUB are minimum lot size and minimum average lot size regulations permitting lot clustering. North Pender's LUB currently contains regulations enabling lot clustering through minimum lot size and average lot size provisions in the Rural and Rural Residential zones. Although not an LUB regulation, Development Permit Areas (DPA) in the North Pender OCP also include subdivision guidelines that implement elements of the approach by requiring a DP for subdivisions that include land within a DPA. The current DPA main purpose is to protect sensitive ecosystems and includes guidelines specifically for subdivision applications. A new DPA is recommended with the primary purpose of achieving conservation subdivision principles and require implementation through permit conditions. This new DPA could also include guidelines for the protection of Coastal Douglas Fir. A new DPA is out of scope for this project.

The rezoning and designation of specific larger parcels to pre-zone areas for clustered lots and a separate zone for larger remainder lots would also help achieve conservation subdivision principles but is out of scope for this project. These would require OCP amendments, as well as detailed review of the potential lots and consultation with owners.

The main purpose of the LUB Review Project is to make LUB amendments; major OCP amendments are out of scope for this project. To fully adopt conservation subdivision principles, both LUB and OCP amendments should be considered. The LTC may want to consider removing this topic from the LUB Review and placing it on the Projects List.

Tourist Commercial regulation review:

Staff will report back at a subsequent LTC meeting to discuss the options presented in the Discussion Paper and to discuss comments received by property owners with property zoned Commercial 2 (C2) and Tourist Commercial operators. A letter will be sent at the end of January 2021 to property owners with C2 zoned land and operators and staff will forward their comments to the LTC by end of February 2021.

Marine shoreline regulations review:

This topic was discussed at the November 7th, 2020 CIM. The LTC expressed an interest for further information regarding vertical setback from the sea regulations and live-aboard regulations for marinas. Staff will report back with further information on these items at a subsequent LTC meeting.

Agricultural regulations amendments:

The Special Agricultural Advisory Committee (SAAPC) has provided an extensive referral report that includes comments and recommendations on the Agricultural Discussion Paper and the Minor & Technical Amendments list. The SAAPC report can be found on the NP LUB Review Project webpage under 'Agricultural Regulation Amendments': <http://www.islandstrust.bc.ca/media/350667/land-use-bylaw-review-north-pender-agricultural-advisory-planning-commission-jan-2021.pdf>

Staff recommend reviewing the report in detail and tabulating all recommendations in the report. Staff will then determine if the recommendation is within scope of the project (and should be included or not, with a rationale), out of scope but be addressed in the future, or not within the LTC's jurisdiction. Comments regarding the SAAPC's recommendations will be presented at the February 25, 2021 LTC meeting.

Industrial regulation review:

The North Pender Advisory Planning Committee (APC) is currently reviewing the Industrial regulation Discussion Paper. The LTC has asked the APC for their comments and recommendations by February 11, 2020. A letter was sent to property owners with Industrial zoned land asking for comments on the options the LTC is considering. Staff recommend property owners with Industrial zoned land and industrial operators forward their comments to the LTC by end of February 2021.

Minor and technical amendments:

The North Pender APC is currently reviewing the Minor and technical amendments. APC comments will be forwarded to the LTC when they are received.

Consultation

As shown in the attached Project Charter, the project is in the stage of early public consultation and referrals. The information gathered from the Special Meetings and correspondence will help determine how the LTC may wish to proceed with amendments to the LUB for each topic. The project timeline states that draft bylaws should be presented by mid-Spring and further consultation for the draft bylaws will commence in the summer (June to August 2021).

The LTC may want to consider scheduling a special meeting for those topics where the LTC may require more time to discuss that topic than a regular LTC meeting could provide. These Special Meetings main purpose would be for the North Pender Trustees and Chair to have enough time to discuss a topic(s) amongst themselves. For example, a Special Meeting to discuss the recommendations from the APC regarding the Industrial Discussion Paper and the Minor & Technical Amendments chart could be held in late February or early March. Again, the purpose would be for a lengthy discussion between Trustees rather than a Town Hall (although a portion of the meeting could also include a town hall session).

At the January 15, 2021 a number of community members expressed support for a full mail out to notify North Pender community members of the upcoming amendments to the bylaw. If the LTC wishes to do a mail out, staff recommend initiating this when there is a draft bylaw in order to encourage comments and suggestions from community members. The LTC should be aware that there is a significant cost associated with this (cost to mail) as well as the administrative time to organize a mail out. Alternatively, the LTC could consider using the North Pender email subscriber list more frequently by sending monthly email updates on the project.

Rationale for Recommendation

Staff have provided two recommendations for the LTC's consideration. These recommendations will provide further information to the LTC in order to help guide their decision for the residential maximum floor area and agricultural regulation review. Staff will also report back at the next LTC meeting.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Schedule additional Special Meetings

The LTC may wish to hold additional Special Meetings in order to gather further information on one or more of the topic areas. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss [insert topic area].

3. Refer additional Discussion Paper to the Advisory Planning Commission

The LTC may opt to refer additional Discussion Papers to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to proceed no further with the project.

NEXT STEPS

Staff will report back at the February 25, 2021 LTC meeting with further information on this project.

Submitted By:	Kim Stockdill, Island Planner	January 20, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2021



DATE OF MEETING: January 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Project - Update

PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with an update on the Short Term Vacation Rental (STVR) Project.

BACKGROUND

At the October 29, 2020 LTC meeting the LTC gave First Reading to proposed Bylaw No. 222 (bylaw attached) and determined that the proposed bylaw was not contrary or at variance with the Islands Trust Policy Statement. The LTC passed then following resolution at the November 29, 2020 LTC meeting:

NP-2020-054

that the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 222, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020".

Background information regarding the project and the updated Project Charter can be found on the North Pender Project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/np-stvr-review-project/>

ANALYSIS

Proposed Bylaw No. 222

Proposed Bylaw No. 222 amends the Temporary Use Permit (TUP) section of the North Pender Official Community Plan (OCP) for STVRs. The proposed bylaw includes, but not limited to, the following amendments to the TUP guidelines for STVRs:

- Restriction on the number of STVR TUPs (no more than one TUP STVR within a 200 metre buffer from another TUP STVR);
- Additional drinking water guidelines and restrictions;
- Amended notification requirements and additional contact information guidelines;
- Limit the number of guests to 6 within Magic Lake Estates Water System Area;
- Limit number of days a STVR may operate during the summer months to a total of 30 days; and
- A restriction on STVR TUP applications from absentee property owners.

Referrals

Referrals were sent out in November 2020 to the list of agencies and First Nations outlined in the October 29, 2020 staff report. To date, we have received a number of responses – see the attached Referral Report. Any further comments received will be circulated to the LTC and will be included in the Public Hearing binder.

The Capital Regional District (CRD) provided the following comments on the proposed bylaw:

Approval recommend subject to conditions:

CRD Integrated Water Services - *Currently, the Magic Lake Estates wastewater system is at its capacity (particularly during the winter months due to inflow and infiltration), but if the Short Term Vacation Rental (STVR) is not discharging more wastewater than what can be reasonably expected from a rural residential property, then the wastewater system should not see any overall increased demand. So, the TUP should require STVR's to confirm that the number of occupants and the volume of wastewater discharge shall not exceed what can be reasonably expected from an existing rural residential property use.*

CRD Planning & Protective Services - *Building Inspection Department: Approval recommended only for dwelling units, secondary suites, or cottages with Occupancy Permit approval.*

The proposed bylaw includes a guideline that limits the number of guests to six for properties located within Magic Lake Estates Water System. As all properties located within the wastewater service area are also located within the water service area, the restriction to limit the number of guests to 6 would currently apply to those properties located within the CRD wastewater system.

If the LTC agrees to address comments made by the CRD Building Inspection Department, the LTC could make an amendment to the proposed bylaw that would add a new TUP guideline as follows:

“6.4.19 A short term vacation rental temporary use permit should not be issued in a dwelling, cottage, or secondary suite that does not have Occupancy Permit approval.”

Adding this guideline would clearly demonstrate clear intent from the LTC that it would not support a STVR TUP in a building without proper CRD approvals. The applicant would then need to include the Occupancy Permit with the TUP application.

Alternatively, the North Pender [“Temporary Use Permit Applications for Short Term Vacation Rentals Development Approval Information \(DAI\) Checklist”](#) could be updated when the bylaw is adopted to add a requirement that the applicant must provide occupancy permit for the dwelling unit, suite, or cottage used as a STVR. This is a straightforward administrative action. This option would not require an amendment to the proposed bylaw, nor would it require a resolution from the LTC. It could result in an applicant still applying for a STVR TUP even if an Occupancy Permit was never received and therefore the LTC would have to decide to approve or not approve the TUP based on the application’s merits and rationale at a LTC meeting.

Bylaw Amendments

A bylaw may be altered after the public 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. The LTC stated at the November 26, 2020 meeting that it may make an amendment to the TUP guideline concerning summer rental limits, but would do so after the public hearing once they hear from the community. Staff will include a draft resolution to make amendments to the bylaw in the staff report presented at the next LTC meeting for the LTC’s consideration.

Public Hearing

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment. A Public Hearing for proposed Bylaw No. 222 is scheduled to be held at the regular LTC meeting on February 25, 2021. A Community Information Meeting will be held on the same date prior to the Public Hearing.

NEXT STEPS

A Community Information Meeting and Public Hearing will be scheduled for the February 25, 2021 LTC meeting.

Submitted By:	Kim Stockdill, Island Planner	January 18, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 18, 2021

ATTACHMENTS

1. Proposed Bylaw No. 222
2. Referral Report - dated January 21, 2021
3. CRD Referral Response

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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, 2020”.

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	29TH	DAY OF	OCTOBER,	2020
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 MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 222**

SCHEDULE 1

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

1. By deleting Part 6 Temporary Use Permits and replacing it with the following:

“PART 6 TEMPORARY USE PERMITS

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.

Temporary Use Permit Policies and Guidelines

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.
- 6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling, cottage, or secondary suite as temporary commercial accommodation for a period of less than a month at a time by persons other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
 - 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals.

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

- d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

- a) limit the number of bedrooms that can be used for short term vacation rentals;
- b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;
- c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;
- d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) require the landowner/operator to post contact information and permit information at the entrance to the property;
- f) prohibit camping or occupancy of RVs on the property;
- g) prohibit the rental or provision of motorized personal watercraft;
- h) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- i) prohibit outdoor fires; and
- j) establish the dates during which the use may occur.

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

6.4.17 A temporary use permit may be issued for a short term vacation rental within a secondary suite.

6.4.18 An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners.

Referrals: Bylaw NP-222

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	13-Nov-2020	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Christine Condron</i> <i>Comment: The CRD responded with 'Approval recommended for reasons outlined' * See attached response with additional comments under Planning & Projective Services & Integrated Water Services*</i>	13-Nov-2020	11-Dec-2020
Capital Regional District Planning & Protective Services <i>Building Inspection Division Headquarters: Robert Gutierrez</i> <i>Comment: M. Taylor Manager Chief Building Inspector responded with: particularly for suites, Building Permit and Occupancy approval from the CRD Building Inspection Dept. is required. There are a considerable amount of secondary suites, and cottages and houses that are without final occupancy approval for one reason or another. (Provided an attachment of more explanation re: Integrated Water Services & Planning & Protective Services.)</i>	13-Nov-2020	21-Jan-2021
Capital Regional District, Justine Starke, Manager, Southern Gulf Islands Service Delivery <i>Capital Regional District: Justine Starke</i>	13-Nov-2020	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: Cowichan Tribes responded to say they have no comments.</i>	13-Nov-2020	26-Nov-2020
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i>	13-Nov-2020	
Halalt First Nation <i>Chief and Council: Jack Smith</i> <i>Comment: Halalt FN - responded by saying "no comments".</i>	13-Nov-2020	18-Nov-2020
Islands Trust, Bylaw Enforcement <i>200 - 1627 Fort Street: Warren Dingman</i>	13-Nov-2020	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment:</i>	13-Nov-2020	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another local First Nation, Lyackson First Nation in no way surrenders its current rights and title claims.</i>	13-Nov-2020	08-Dec-2020

Referrals: Bylaw NP-222

Agency	Sent	Received
Magic Lake Estates Water & Sewer Local Services Committee <i>479 Island Highway: Ted Robbins</i>	13-Nov-2020	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment:</i>	13-Nov-2020	
Mayne Island Local Trust Committee <i>Islands Trust: Jas Chonk</i> <i>Comment: Interests Unaffected.</i>	13-Nov-2020	30-Nov-2020
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	13-Nov-2020	
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	13-Nov-2020	
Penelakut Tribe <i>Box 360: Denise James</i> <i>Comment: No Comment Received</i>	13-Nov-2020	
Razor Point Improvement District <i>6612A Harbour Hill Road: Lynda Challis</i>	13-Nov-2020	
Salt Spring Island Local Trust Committee <i>1 - 500 Lower Ganges Road: Peter Luckham</i> <i>Comment: Interests unaffected.</i>	13-Nov-2020	16-Dec-2020
Saturna Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i>	13-Nov-2020	
Semiahmoo First Nation <i>16049 Beach Rd: Chief & Council</i> <i>Comment:</i>	13-Nov-2020	
South Pender Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i>	13-Nov-2020	
Trincomali Improvement District <i>7903 Trincoma Place: Mel MacDonald</i>	13-Nov-2020	04-Dec-2020

Referrals: Bylaw NP-222

Agency	Sent	Received
<i>Comment:</i> TID responded with: "Approval Recommended" but could have, in the alternative, responded "Interests Unaffected" due to the inclusion of the exception for TID under Part 6.4.8. The TID highlights that the clause excluding Trincomali Improvement District from vacation rental use was the reason they find the bylaw acceptable.		
Tsartlip First Nation <i>PO Box 70: Karen Harry</i> <i>Comment:</i>	13-Nov-2020	
Tsawout First Nation <i>Box 121: Cathy Webster</i> <i>Comment:</i>	13-Nov-2020	
Tsawwassen First Nation <i>1926 Tsawwassen Drive: Victoria Williams</i> <i>Comment:</i>	13-Nov-2020	
Tseycum First Nation <i>1210 Totem Lane: Chief Tanya Jimmy</i> <i>Comment:</i>	13-Nov-2020	

CRD Staff Referral Response Form

Referral No.:

	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	☐	☐	☐	☐	
Finance & Technology	☐	☐	☐	☐	
Integrated Water Services	☐	☐	☒	☐	Currently, the Magic Lake Estates wastewater system is at its capacity (particularly during the winter months due to inflow and infiltration), but if the Short Term Vacation Rental (STVR) is not discharging more wastewater than what can be reasonably expected from a rural residential property, then the wastewater system should not see any overall increased demand. So, the TUP should require STVR’s to confirm that the number of occupants and the volume of wastewater discharge shall not exceed what can be reasonably expected from an existing rural residential property use.
Legislative Services	☐	☐	☐	☐	
Parks & Environmental Services	☐	☐	☐	☐	
Planning & Protective Services	☐	☐	☒	☐	Building Inspection Dept. Approval recommended only for dwelling units, secondary suites, or cottages with Occupancy Permit approval.

DATE OF MEETING: January 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, RPM
Southern Team
COPY: Narissa Chadwick, Island Planner
William Shulba, Senior Freshwater Specialist
SUBJECT: Groundwater Sustainability Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve the project charter for the implementation phase of the Groundwater Sustainability Project

REPORT SUMMARY

This report provides a draft project charter with scope, timeline and budget for the implementation phase of the Groundwater Sustainability project.

BACKGROUND

At the last meeting, the LTC received a report on the preliminary results of the mapping and data analysis phases of the [Groundwater Sustainability project](#). The final report is pending in the spring. At the meeting, the LTC also resolved to proceed to the next stage of the project: to consider potential policy and regulatory amendments to implement the initial phases of the project.

The project was started in 2019 as an initiative of the five southern Local Trust Committees, the initial phases of the project involved:

- Data and information inventory
- Groundwater recharge potential mapping
- Groundwater availability assessment

This work is substantially complete and a [summary report](#) was provided to the LTC at the last meeting. The use of the data and mapping will be integrated into development review procedures for all local trust areas as the final mapping data becomes available. For the LTC, the next step is to review the proposed timeline and scope for this project to consider policy and regulatory changes to implement the mapping and data analysis.

PROJECT OUTLINE

Project Scope

The project charter would include as in-scope:

Z:\12 Long Range Planning\09 NP\6500 LTC Work Program\20 Projects (P)\2021 Groundwater Implementation\Staff reports\NP-LTC_2021-01-28_Groundwater Project_Initiation staff report.docx

- Analysis and options for potential amendments
- Community education on the mapping products
- Community consultation on regulatory options
- First Nations consultation
- Bylaw amendments and associated process

Out-of-scope would be other unrelated OCP or LUB amendments.

Project Timeline

As a major project, the timeline anticipates bylaw amendments and the related process extending into 2022. The draft project charter proposes that in the initial stage staff:

- Review the final mapping and report to identify areas of concern
- Review existing regulations, e.g. subdivision servicing requirements related to potable water
- Identify of potential new policies and regulations, e.g. requirements for cisterns, zoning changes, development permit areas.
- Report to the LTC in the spring with options on potential amendments.

The proposed second phase of the project would be early consultation:

- Community education on the final mapping and groundwater issues in the form of a community workshop presentation
- Early First Nations consultation
- Community consultation following the identification of regulatory options

Following the consultation phase the project charter timeline proposes:

- The LTC provides direction on potential bylaw amendments
- Staff prepare amendments
- LTC reviews amendments
- Community comment on amendments
- First Nations and agency referrals
- Legislative process: bylaw readings, public hearing, executive committee approval, Ministerial approval
- Finally, an implementation phase to update administrative bylaws, prepare educational material, etc.

Project Resources and Budget

As this is a significant project, with Trust-wide implications, is consistent with strategic plan priorities, and is identified as a Top Priority project by at least one other LTC, the project is proposed to be managed by a planner assigned to the Regional Planning group. The Senior Freshwater Specialist would continue to provide professional support to the project. In terms of fixed costs, the charter proposes \$5000 be requested in fiscal year 21-22, principally for consultation related costs, with \$3000 in the subsequent fiscal year for costs associated with the legislative process.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

- 1. Make changes to the project charter**

The LTC may request changes to the scope or timeline of the project.

- 2. Request further information**

The LTC may request further information prior to making a decision on the project charter.

- 3. Reconsider the project**

The LTC may reconsider proceeding with the project, either entirely or could defer initiation to consider an alternative use of resources

- 4. Receive for information**

The LTC may receive the report for information and defer consideration to a future meeting

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Robert Kojima, Regional Planning Manager	January 12, 2021
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ATTACHMENTS

1. Project Charter

GROUNDWATER SUSTAINABILITY - IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 2021

Purpose: To implement results of Phases one and two of the Southern Gulf Islands Groundwater Sustainability Project through community engagement and education, policy, and changes to regulations.

Background: The Southern Gulf Islands Groundwater Sustainability project was initiated in early 2019 and consisted of data collection, mapping and analysis of groundwater regions in the southern gulf islands. The results of the first phases of the project will be incorporated into Islands Trust development review processes. The Local Trust Committee has identified further implementation of the results through public engagement and potential bylaw amendments as a Top Priority project.

Objectives

- Identify implementation options
- Analyze and assess options
- To update bylaws to provide to greater protection of groundwater resources

In Scope

- Analysis of options for bylaw amendments to implement groundwater protection measures based on earlier phases of the project
- Community engagement on phases I and II
- Community, First Nations, and agency consultation
- Recommendations on potential amendments
- Support for legislative process to amend bylaws

Out of Scope

- Unrelated regulatory amendments
- Unrelated amendments to the OCP

Workplan Overview

Deliverable/Milestone	Date
Preliminary report and review of Project Charter by LTC	January 2021
Staff report on implementation options, LTC direction	April 2021
Community Groundwater Workshop to present findings of Phases 1 and 2	June 2021
Early First Nations Consultation and Targeted Agency referrals	April – Sept 2021
LTC review of potential options	September 2021
Community consultation	October – Dec 2021
LTC direction to prepare draft bylaws	January 2022
LTC review of draft bylaws, First Nations referrals, agency referrals and First Reading	Feb – April 2022
Public Hearing	May 2022
Post-hearing legislative process	May – Sept 2022
Implementation: educational materials, DAI Bylaw amendments, BVN Bylaw amendments, procedure bylaw amendments, application processing procedures revised	June – Dec 2022

Project Team

Est.
Hours/
annum

Robert Kojima	<i>Project sponsor</i>	50
Narissa Chadwick	<i>Project planner</i>	200
William Shulba	<i>Professional advisor</i>	200
Maple Hung	<i>Admin support</i>	30
Jas Chonk	<i>Legislative Clerk</i>	10
Jackie O'Neill	<i>IS support</i>	10
		400
RPM Approval: Name of RPM Date: xxx	LTC Endorsement: Resolution #: Date: xxx	

Budget

Budget Sources:

Fiscal	Item	Cost
21-22	Community consultation	\$1000
21-22	Legal review contingency	\$2000
21-22	First Nations consultation	\$2000
22-23	Public Hearing	\$2000
22-23	Contingency	\$1000
	Total	\$8000

Top Priorities Report

North Pender Island

1. STVR Review Project

Bylaw No. 222 was given First Reading, referrals have been sent, and Public Hearing and Community Information Meeting scheduled for February 25, 2021.

Responsible

Kim Stockdill

Dates

Rec'd: 05-Sep-2019
Target: 01-Jul-2021

2. Groundwater Sustainability Project

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - Completing in spring 2021

Responsible

Narrisa Chadwick
William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 30-Sep-2022

Phase 3: Groundwater Mapping Implementation -
- Project Charter - January 2021

3. LUB Review Project

Project is in the community consultation phase. Recommendations for a draft bylaw will be considered by the LTC in early 2021.

Responsible

Kim Stockdill
Robert Kojima

Dates

Rec'd: 07-Nov-2019
Target: 01-Jan-2022

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit and mapping
- LPC to develop model bylaw in 2021-22

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	Application for development permit for a building in a form and character DPA

Planner: Phil Testemale

Planning Status

Status Date: 13-May-2020

Nu to Yu - File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3

Status Date: 06-Jun-2018

Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2020.2	Hsu, Henry	21-Jul-2020	4707 Buccaneers Road - application to remove existing manufactured home and demolish concrete pad. Replace with new concrete foundation and single detached house. Joint DP and DVP application.

Planner: Phil Testemale

Planning Status

Status Date: 20-Jan-2021

Application on January 28, 2021 Meeting for LTC consideration

Status Date: 22-Oct-2020

Rescheduled to November 26, 2020 LTC (QEP has submitted RAPR)

Status Date: 06-Aug-2020

E-mailed applicant for information on timing and other buildings and structures

**Applications****Development Permit**

File Number	Applicant Name	Date Received	Purpose
NP-DP-2020.3	HOYLAND & BROWN	14-Aug-2020	6604 Razor Point Rd. - Application for a development permit to request a variance for foreshore deck.

Planner: Phil Testemale**Planning Status****Status Date:** 20-Jan-2021

Biologist hired to complete DP - Feb 25, 2021 Agenda

Status Date: 09-Nov-2020

Site plan received. Require proposal from applicant, complete DP (biologist) and DP Fees

Status Date: 21-Oct-2020

Requested further update to survey.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.4	Hsu, Henry	21-Jul-2020	4707 Buccaneers Road - Development Variance Permit to remove existing manufactured home and demolish concrete pad. Replace with new concrete foundation and single detached house. Joint DP and DVP application.

Planner: Phil Testemale**Planning Status****Status Date:** 20-Jan-2021

On Jan 28, 2021 agenda for consideration by LTC

Status Date: 23-Dec-2020

DVP and Notice Drafted and forwarded to PTA for notification Jan 28, 2021 LTC

Status Date: 03-Nov-2020

Awaiting approval from RAPR for DP-2020.2 - Application postponed to January 26, 2021 Meeting

**Applications****Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.5	HOYLAND, Steve & BROWN, Jessie	16-Jul-2020	6604 Razor Point Rd. - Combined DVP and DP application for foreshore deck.
Planner: Phil Testemale			
Planning Status			
Status Date: 20-Jan-2021			
Applicant finalizing plans to reduce portions. Biologist hired for DP. Feb 25, 2021 Agenda.			
Status Date: 09-Nov-2020			
Site plan received. Require proposal from applicant, complete DP (biologist) and DP Fees			
Status Date: 03-Nov-2020			
Applicant called. Will finalize survey and give a proposal by 13-11-2020			

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD
To change from a TUP to permanent zoning for works yard.			
Planner: Phil Testemale			
Planning Status			
Status Date: 20-Jan-2021			
On January 28, 2020 for acceptance of S219 covenant and Third Reading of Bylaw 202			
Status Date: 12-Nov-2020			
Requested update on outstanding requirements.			
Status Date: 01-Oct-2020			
Applicants finalizing requirements			

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	Jl Properties Inc	21-Oct-2008	James Island - To create 83 lots

Planner: Phil Testemale

Planning Status

Status Date: 20-Jan-2021

Cash in Lieu amount and review of covenants pending. February 25, 2021 agenda for report to LTC

Status Date: 13-Jan-2021

Emailed fee payment acknowledgment letter and receipt to Applicant. - SR

Status Date: 12-Jan-2021

Received cheque for cost recovery from Applicant by post; entered in Finance receipt log and copied for e-files; gave cheque, receipt and copy of application to Finance; copied for physical files. - SR

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD: referral of a bare land strata subdivision application for 11 lots, including remainder

Planner: Kim Stockdill

Planning Status

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

Status Date: 13-Sep-2019

PLA Extension request rec'd. Reply with no objections.

Status Date: 17-May-2019

strata access route layout and standards approved by MoTI and PAO



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd: referral of a boundary adjustment subdivision application

Planner: Phil Testemale

Planning Status

Status Date: 18-Dec-2020

Existing Water confirmed - Final Plan outstanding

Status Date: 04-Dec-2020

Update e-mail to MoTI and applicants. Outstanding req's are confirmation of existing water and review of final sub plan.

Status Date: 01-Dec-2020

NP-DP-2020.5 approved and issued

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	Referral of a subdivision application for 2 lots

Planner: Phil Testemale

Planning Status

Status Date: 09-Sep-2020

Revised Drainage report -complies with sub regs. E-mail to applicant and cc'd to MoTI

Status Date: 05-Aug-2020

Drainage report submitted and reviewed. Request certification ref. sub regs (4.6.9)

Status Date: 03-Mar-2020

Potable water report compliant with bylaw requirements. Applicant working on remaining conditions precedent of subdivision



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment.

Planner: Phil Testemale

Planning Status

Status Date: 20-Jan-2021

Review of subdivision proceeding PT and Planner 2

Status Date: 01-Dec-2020

Received the proper plans and applicant paid fees.

Status Date: 21-Apr-2020

PTA was informed by applicant they are not going forward with application. Fees were not paid so the file will be closed.

Applicant was informed to re-apply if they wish to proceed again in future.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.2	Wey Mayenburg Land Surveying Inc.	31-Aug-2020	4242, 4246, 4250 Armadale Road - Referral of a subdivision application for proposed two lots.

Planner: Phil Testemale

Planning Status

Status Date: 28-Oct-2020

Review Response sent to MoTI.

Status Date: 27-Oct-2020

Revised Plan received

Status Date: 06-Oct-2020

Initial review completed. Awaiting clarification on non-conforming cottage(s)



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2020.7	HEPBURN, LESLIE	02-Nov-2020	STVR within dwelling unit

Planner: Phil Testemale

Planning Status

Status Date: 20-Jan-2021

New application - notification undertaken and January 28, 2021 agenda for consideration.

Status Date: 19-Jan-2021

Correspondence received by residents opposing TUP renewal; responded to sender, PDF in e-folder and copy sent to LTC & Planner. - SR

Status Date: 07-Jan-2021

Prepared TUP Notice and Draft Permit mailout and delivery packages, mailed to Minute-Taker. - SR

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2020.8	Kroeker, Mark	10-Dec-2020	Renewal of current TUP (NP-TUP-2017.5)

Planner: Phil Testemale

Planning Status

Status Date: 20-Jan-2021

February 25, 2021 agenda for consideration of renewal.

Status Date: 17-Dec-2020

Assigned to Phil. Sent file opening letter and receipt of payment to applicant

Status Date: 10-Dec-2020

PTA received payment and issued receipt, entered in Tapis, created file and sent to RPM

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending October 2020

650 North Pender	Invoices posted to Month ending October 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	755.00	0.00	755.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,703.00	1,204.50	1,498.50
65210-650	LTC - Local Exp - APC Meeting Expenses	258.00	57.14	200.86
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,505.00</u>	<u>1,261.64</u>	<u>2,243.36</u>
Projects				
73001-650-2006	North Pender OCP/LUB	4,000.00	319.70	3,680.30
73001-650-4108	North Pender Short Term Vacation Rental (STVR) Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>319.70</u>	<u>7,680.30</u>



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-026 (Standing)	Carried	21-May-2020
that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.		
2020-012 (Standing)	Carried	19-Jun-2020
That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.		
2020-011 (Standing)	Carried	04-Jun-2020
That given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing) that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	30-Jan-2020
2019-119 (Standing) that the North Pender Island Local Trust Committee place a moratorium on new Short Term Vacation Rental Temporary Use Permits for a limited time while the Local Trust Committee completes the Short Term Vacation Rental Review.	Carried	28-Nov-2019
2019-074 (Standing) that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.	Carried	04-Jul-2019



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	04-Jul-2019
2019-061 (Standing) that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.	Carried	30-May-2019
2019-030 (Standing) that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	28-Feb-2019



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) 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.	Carried	28-Apr-2011
2007-146 (Standing) 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.	Carried	30-Aug-2007

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing)	Carried	25-May-2006
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.		
2005-005 (Standing)	Carried	27-Jan-2005
The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 24, 2020

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board resolved to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings will be live streamed, and the public can participate by connecting to the link or the phone number provided in the meeting notice. The Board also directed staff to investigate the use of electronic meetings as a primary meeting format. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

A Board meeting schedule for 2021 was approved and will be posted to www.islandstrustconservancy.ca/about-us/meetings/.

ITC reviewed options for sustainable investing as guided by policies and guidelines in its 5-year plan. ITC staff will work with administrative staff to move investments into funds that are in alignment with the [United Nations Sustainable Development Goals](#).

The 2021/22 budget was reduced by \$3,600 to reflect anticipated cost savings in areas of Board training, staff training, and associated training travel. ITC travel budgets were not greatly reduced as they are required for property management and are not meeting related.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

ITC has signed a Contribution Agreement with Environment and Climate Change Canada for a new, three-year Species at Risk Program. Staff are working to launch the program and plan to develop a project charter for Board consideration.

Goal 2 – Strong relationships with First Nations

In October, ITC Board directed staff to create an ITC Reconciliation Action Plan that reflects prior directions in Goal 2 of the Regional Conservation Plan. Staff continue to work towards this plan and are also currently incorporating information from indigenous knowledge holders into land securement (acquisitions and covenants) and land management.

Goal 3 – Protection of core conservation areas

Two Natural Area Protection Tax Exemption Program (NAPTEP) proposals on Salt Spring Island were approved (See details below).

The ITC Board concluded its 2020 property monitoring program and reviewed and approved the 2020 Nature Reserve Monitoring Report and the 2020 NAPTEP Covenant Monitoring Report. Staff were directed to undertake actions identified in the reports.

The Covenant Management and Outreach Specialist outlined plans for outreach with NAPTEP landowners in 2021.

Goal 4 – A strong voice for nature conservation

The [Opportunity Fund](#), which is a funding program for island-based land conservation, has been very popular this year and is down to \$10,000. Through small grants (~\$5,000), the Fund supports hard to fundraise costs for island-based land conservation. ITC has done an appeal for fund donations through the Heron Newsletter mail-out, and via E-news. A Holiday Appeal letter from Chair Stamford will follow in December. Donations are tax receiptable and are greatly appreciated.

Visit www.islandstrustconservancy.ca/donate/ to donate.

The Board reviewed annual training opportunities and indicated a preference for training on the following topics:

- Fund Development and Speaking with Donors
- Cultural Sites and Property Management
- Species at Risk in the ITC Area

The Board received a briefing on completion of the 2020 forest outreach campaign, where over 400 letters and NAPTEP brochures were mailed to landowners to encourage conservation. Staff are following up with several landowners who have expressed an interest in formal land conservation. Conservation proposals have been received from landowners included in the outreach.

The recently released [Fall Heron Newsletter](#) reflects changes for greater readability and a more donor-centric approach.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Activities by Local Trust Area/Island Municipality

Bowen – Staff are working with the Bowen Island Conservancy on an invasive species management strategy for a conservation covenant, and monitoring of three ITC nature reserves and to complete the Opportunity Fund grant for the Bowen Island Conservancy.

Gabriola – Invasive species management and ecological restoration work has been completed for the year in one conservation covenant, and in Elder Cedar Nature Reserve. Staff are working on new signage for the Elder Cedar Nature Reserve.

Galiano – Forest restoration activities with Habitat Acquisition Trust at Trincomali Nature Sanctuary including removing invasive species and monitoring areas of past plantings, including maintaining fencing. Cormorant nest monitoring and reporting also took place.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, is pending.

Lasqueti – Staff reported that Visual Quality Objectives (VQO) for Lasqueti Island were being revised by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and the area adjacent to the ITC Mount Trematon Nature Reserve was proposed for removal from the VQO. Staff responded requesting that the area remain as part of the VQO.

Restoration activities were conducted at the pond in Salish View Nature Reserve to improve habitat for Species at Risk. With funding from Environment and Climate Change Canada, restoration activities included fence installation and planting of 841 native species. Work was completed with assistance of volunteers on Lasqueti and conservation covenant partners Lasqueti Island Nature Conservancy and Nanaimo & Area Land Trust. Provincial CoViD-19 safety guidelines were followed.

North Pender/Sidney Island – Staff are participating in the Steering Committee and working groups of a Parks Canada-led initiative to restore forest ecosystems on Sidney Island, where ITC holds eight conservation covenants. Staff have encouraged covenant landholders on North and South Pender to participate in The Pender Islands Big Tree Registry initiative.

Salt Spring – The ITC Board approved negotiation of two NAPTEP covenants: 45 ha near Burgoyne Bay Provincial Park and 5 ha of forest, bluff and wetland near Stowel Lake.

Invasive species management and ecological restoration has been completed for the year in two nature reserves and is under way in two NAPTEP covenants.

Planning has begun for species-at-risk habitat conservation and enhancement projects across a network of conservation covenants and nature reserves.

Staff participated in the annual meeting of the Special Management Area Resource Team for Mount Tuam Special Management Area, which includes an ITC conservation covenant and nature reserve.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



BRIEFING

To: Local Trust Committees and North Pender Island Municipality **For the Meeting of:** January 28, 2021

From: Islands Trust Conservancy **Date Prepared:** November 25, 2020

SUBJECT: 2020 Forest Conservation Outreach Campaign Completion

PURPOSE: To inform the Local Trust Committees and Bowen Island Municipality of the completion of Islands Trust Conservancy's 2020 forest conservation outreach campaign.

BACKGROUND: In January 2020 Islands Trust Conservancy staff initiated an outreach campaign to encourage voluntary forest conservation and stewardship on private lands in the Islands Trust Area. This campaign was a response to part of Trust Council Resolution 2019-24, which directed staff to:

- create a strong communications program that will support Islands Trust Conservancy conservation initiatives for Coastal Douglas-fir protection as well as support the land use planning process, with a special focus on communicating the role of Development Permit Areas as a tool for Coastal Douglas-fir protection that permits development; and
- bring recommendations for how the Natural Areas Property Tax Exemption Program (NAPTEP) can be tailored to highlight and prioritize contiguous tracks of the Coastal Douglas-fir zone in the outreach, communications, and approval of NAPTEP covenants by the Islands Trust Conservancy.

The campaign also helps to address objective 1.5 of the Islands Trust Conservancy Regional Conservation Plan, which is to seek opportunities to provide information to landholders to support voluntary conservation initiatives.

Forest conservation outreach packages were developed by ITC staff in consultation with Islands Trust Directors of Trust Area Services and Local Planning Services, and included the following:

1. Personalized cover letter from the Covenant Management & Outreach Specialist
2. Customized forest ecosystem information sheets: Coastal Douglas-fir forest information and mapping for Gulf Islands LTAs, and Coastal Western Hemlock forest information and mapping for Gambier LTA and Bowen Island Municipality
3. Forest Conservation Checklist
4. NAPTEP rack card

The 2020 forest conservation outreach campaign focused on landholders with over five hectares of old-growth or mature forest on their property. Mapping identified 348 properties as meeting this criteria, with over 400 associated landholders (households). The following is a breakdown of packages mailed, by local trust area/municipality:

Local Trust Area/ Municipality	Outreach Package Recipients
Ballenas-Winchelsea	0
Bowen	29

Denman	23
Gabriola	19
Galiano	11
Gambier	49
Hornby	5
Lasqueti	171
Mayne	11
North Pender	10
Salt Spring	44
Saturna	14
South Pender	4
Thetis	13
Total	403

Outreach packages were mailed to these landholders on August 13th and 18th. The immediate response from outreach package recipients has been positive, and to date has included at least two NAPTEP covenant inquiries and two forest stewardship conversations.

In addition to the mailout, a Forest Protection webpage on the Islands Trust website has been created as a platform for ongoing forest conservation outreach: <http://islandstrust.bc.ca/trust-council/projects/forest-protection/>. The forest ecosystem information sheets for each LTA are available at www.islandstrust.bc.ca/islands/island-ecosystems/.

ATTACHMENT(S):

1. Cover letter template
2. Sample Coastal Douglas-fir Forests information sheet
3. Sample Coastal Western Hemlock Forests information sheet
4. Forest Conservation Checklist

FOLLOW-UP: A small number of paper copies of the forest ecosystem information sheets will be distributed to each island in late November, either to the Islands Trust Office/Municipal Office, LTC office, where available, or to the local conservancy, as appropriate.

The Covenant Management & Outreach Specialist will track responses to the forest conservation outreach letter in Islands Trust Conservancy's contact management database, connect respondents with other ITC specialists as needed, and assess the overall response to the campaign to inform future outreach activities.

Prepared By: Jemma Green, Covenant Management & Outreach Specialist

Reviewed By/Date: Kate Emmings, A/Manager / November 26, 2020

Coastal Douglas-fir Forests

What are Coastal Douglas-fir Ecosystems?

The Coastal Douglas-fir (CDF) zone describes a unique set of ecosystems found only on southeast Vancouver Island, the Gulf Islands, and the southwest coast of BC. CDF ecosystems are rare and highly endangered. These ecosystems include Douglas-fir forests, as well as Garry oak woodlands, wetlands, estuaries, and other unique communities of plant, animal, and fungi found nowhere else in the world.

Why are CDF Ecosystems Important?

CDF ecosystems have:

- The highest diversity of plant species in BC
- The highest diversity of overwintering bird species in Canada
- The highest density of species at risk in BC, including 24 globally imperiled species

Yet 98% of the 45 ecological communities in the CDF zone are at risk of being lost.

In addition to supporting biodiversity, CDF forests benefit our communities by:

- Mitigating climate change by capturing and storing carbon from the atmosphere
- Supporting cultural and spiritual values of First Nations that have lived in the region since time immemorial
- Reducing pollution by removing dust, pollen, and smoke from the air
- Controlling and filtering stormwater runoff into lakes and streams, which protects drinking water and reduces flood risk
- Supporting resilient food systems by providing habitat for native pollinators
- Increasing property values
- Providing recreational opportunities and spaces for relaxation

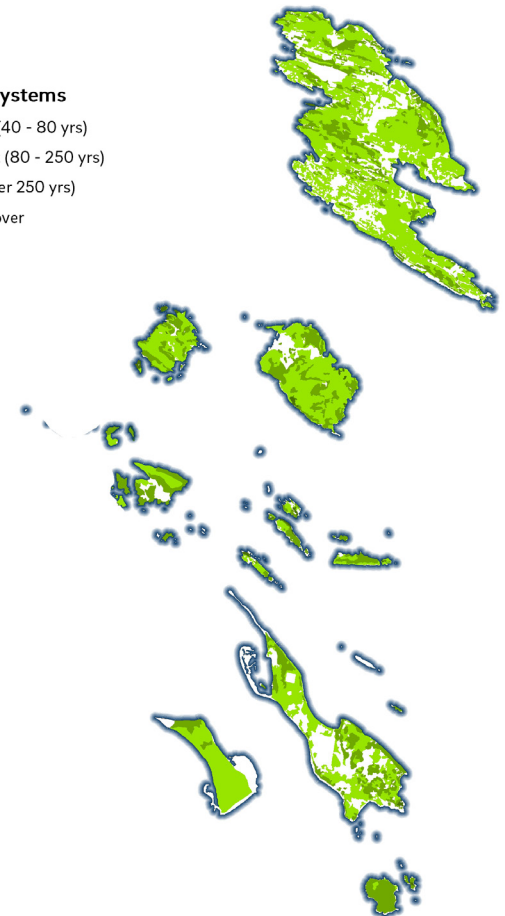
This resource was developed by:



LICHEN, PILEATED WOODPECKER

CDF Forest Ecosystems

- Young Forest (40 - 80 yrs)
- Mature Forest (80 - 250 yrs)
- Old Forest (over 250 yrs)
- Other Land Cover



Why are CDF Forests at Risk?

Since European settlement, almost half of the historically forested land in the CDF zone has been lost due to land uses such as forestry and development. Most old-growth forests have been replaced by second-growth forests that are not as biodiverse or resilient. Remaining CDF forests are in a hotspot of urban and rural development, and under increasing pressure from a growing population.

Climate change will have significant impacts on CDF forests as intensifying summer droughts stress trees. Islander observations indicate that climate change has already impacted western redcedar and other species. It is likely that drought is the primary cause of increased stress, but work needs to be done to understand these changes and adapt conservation of CDF habitats.

CDF forests and associated ecosystems are among the most endangered in Canada, yet only 11% of land in this zone is protected. Eighty percent of the land in the CDF zone is privately owned, highlighting the importance of voluntary conservation actions by individuals to protect what's left.



DOUGLAS-FIR CONES

Only 11% of land in the CDF zone is under some form of protection

What You Can Do

Become a land steward:

- ☐ Protect living trees
- ☐ Leave large patches of natural forest intact
- ☐ Leave standing dead trees (snags) and fallen trees to decay in place to provide shelter and food for wildlife
- ☐ Restrict vehicle and livestock access into forests
- ☐ Control invasive species, like ivy, holly, daphne, and broom
- ☐ Keep cats indoors as much as possible
- ☐ Garden with native species
- ☐ Keep forest health in mind while managing fire risk. Focus on fire-proofing your home and planting a buffer of fire-resistant native plants like salal and Oregon-grape. Help protect your community by protecting older forests: their high moisture-holding capacity makes them a natural fire break.
- ☐ Become a citizen scientist — add your observations to a growing global database using the iNaturalist app, or keep a nature journal

Consider how your community can protect forests through Environmental Development Permit Areas and conservation guidelines in your Official Community Plan and Land Use Bylaw.

Permanently protect your land with conservation covenant.

A covenant is a voluntary, legal agreement between you and a conservancy that protects your land from development — not just while you own and live on the land, but even after your property is sold or transferred to new owners. Covenants registered through the Islands Trust's **Natural Areas Protection Tax Exemption Program (NAPTEP)** are eligible for a 65% reduction in property taxes on the portion of land protected.

Create a nature reserve through a donation of land to a conservancy or parks agency. If you donate land with significant ecological value, you may be eligible for additional tax benefits through the federal [Ecological Gifts Program](#).

The Morrison Waxler Biodiversity Protection Legacy Fund offers grants to Pender Island landowners to help cover costs associated with protecting land. It can also help cover costs associated with protecting land. Contact Islands Trust Conservancy to learn more at 250-405-5186 or itcmail@islandstrust.bc.ca

Resources

For information on conservation covenants, land donations, and stewardship programs, contact:

Islands Trust Conservancy: visit islandstrustconservancy.ca, email itcmail@islandstrust.bc.ca, or phone 250-405-5186

Pender Island Conservancy Association: visit penderconservancy.org or email info@penderconservancy.org

For information on CDF ecosystems at risk, contact:

Coastal Douglas-fir Conservation Partnership: visit cdfcp.ca or email info@cdfcp.ca

For information about Raincoast Conservation Foundation's Gulf Islands Forest Project, visit: raincoast.org/gulf-islands



1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Telephone: **250-537-9114**

Fax: 250-537-9116

Toll Free via Enquiry BC in Vancouver: 604-660-2421

Elsewhere in British Columbia: **1-800-663-7867**

Email: ssiinfo@islandstrust.bc.ca

Website: www.islandstrust.bc.ca

December 21, 2020

via email: southinfo@islandstrust.bc.ca

North Pender Local Trust Committee
Islands Trust
1627 Fort Street
Victoria, BC V8R 1H8

Dear Members of the North Pender Local Trust Committee:

Re: Short Term Vacation Rental Communications and Strategies

On Tuesday, December 15, 2020, a resolution was passed by the Salt Spring Island Local Trust Committee (SSI LTC) to invite the Southern Gulf Island Local Trust Committee's to meet and discuss Short Term Vacation Rentals (STVR) communications and strategies:

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee reconfirm their direction to staff to work with staff from the Island Trust's Southern Region to set up a meeting between the Southern Gulf Island Trustees to discuss Short Term Vacation Rental (STVR) policies and regulations and communication strategies.

If you are interested in attending a zoom discussion in the New Year please provide feedback on your preferred meeting method:

- 1) Each Local Trust Committee (LTC) agrees to have a Joint Special Business or
- 2) The SSI LTC hosts a meeting and each Southern Gulf Island LTC appoints an attendee.

Please email ssiinfo@islandstrust.bc.ca to notify us of your desire to participate and the preferred method of meeting. Staff will reach out to you to arrange a date accordingly.

Thank you,

Chair Peter Luckham
Salt Spring Island Local Trust Committee
PL/sb