



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 9:45 A.M., THURSDAY, APRIL 25, 2013 AT THE PENDER ISLAND COMMUNITY HALL (LOUNGE), 4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, B.C.

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

	Page #	*Approx. Time*
1. CALL TO ORDER		9:45 am
2. APPROVAL OF AGENDA		9:45 am
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING - none		
4. PUBLIC HEARING - none		
5. PREVIOUS MEETINGS		
5.1 Adopted Local Trust Committee Minutes for Information	1	
5.1.1 Minutes of February 28, 2013 Local Trust Committee Business Meeting (attached)		
5.2 Public Hearing Records and Community Information Meeting Notes to be Received		
5.2.1 Notes of February 28, 2013 Community Information Meeting (attached)	11	
5.2.2 Record of February 28, 2013 Public Hearing (attached)	13	
5.3 Section 26 Resolutions-without-meeting (attached)	15	
5.4 Advisory Planning Commission/Task Force to be received - none		
6. BUSINESS ARISING FROM THE MINUTES		10:00 am
6.1 Follow-up Action Report (attached)	16	
7. DELEGATIONS – none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		
8.1	B. Pendergast, Pender Island Vacation Accommodation Association Letter Dated March 14, 2013 re: follow up to registered letters	19	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS		10:10 am
9.1	Solid Waste Management Plan - verbal		
10.	LOCAL TRUST COMMITTEE PROJECTS		10:30 am
10.1	North Pender Associated Island Bylaw No. 189 (OCP Amendment) Sidney Island for consideration of Adoption (attached)	20	
10.2	North Pender Associated Island Bylaw No. 187 (LUB Amendment) Sidney Island for consideration of Adoption (attached)	37	
10.3	North Pender Island Bylaw No. 192 (OCP Amendment) Road Designation for consideration of Adoption (attached)	44	
10.4	National Marine Conservation Area (RK) (attached)	46	
10.5	Shoreline Project (RK) (attached)	52	
11.	REPORTS		11:30 am
11.1	Work Program Reports – for information		
11.1.1	North Pender Island Local Trust Committee Work Program - Report dated April 2013 (attached)	53	
11.2	Applications Report – for information		
11.2.1	North Pender Island Applications Report dated April 2013 (attached)	56	
11.3	Bylaw Enforcement - none		
11.4	Expense/Budget Reports		
11.4.1	Trustee and Local Expense Report (attached)	61	
11.4.2	Local Trust Committee Budget 2012/2013 (attached)	62	
11.5	Adopted Policies and Standing Resolutions (attached) – for information	63	
11.6	North Pender LTC Web Page (attached) – for discussion	64	
11.7	Chair's Report		12:00 pm
11.8	Trustee Report		

12.	OTHER BUSINESS	12:45 pm
12.1	Upcoming Meetings	
	12.1.1 Business at 9:45 a.m., Thursday, May 30, 2013 at Pender Island Community Hall	
12.2	Renewable Energy Technologies in the Trust Area – Ocean Based Geo-Exchange Systems (attached)	67
12.3	North Pender Island Annual Report (attached)	76
12.4	BC Hydro Submarine Cable Installation Project Referral	
12.5	Mining Situation	
13.	TOWN HALL MEETING	1:30 pm
14.	ADJOURNMENT	1:45 pm

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, FEBRUARY 28, 2013, AT 9:45 AM
PENDER COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD,
NORTH PENDER ISLAND, B.C.**

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

There were twenty-two (22) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:47 am.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- to add a January 25, 2013, Memorandum to existing item 9.1 (the same document that was a late item to the January 31, 2013 meeting agenda); and
- to note that items 5.2.1 and 5.2.2 concerned January 26, 2013, meeting Notes and a Record that were already received at the January 31, 2013 meeting.

The agenda was then adopted by consensus.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

See separate Community Information Meeting Notes of the same date.

4. PUBLIC HEARINGS

See separate Public Hearing Record of the same date.

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of January 31, 2013 Local Trust Committee Business Meeting

The January 31, 2013, minutes were amended as follows: on page 3, item 8.1, first line – to correct the spelling of “Tanja Lonergan”; and on page 5, item 9.2, second last line – to read “notification to the community”. The amended minutes were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Notes of January 26, 2013 Community Information Meeting

These Notes were previously received, but Trustee Steeves noted that Islands Trust Fund was misspelled as “Islands trust Fund” on page 2.

5.2.2 Record of January 26, 2013 Public Hearing

Previously received

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the available Follow-up Action Report. Regarding item 23 on the National Marine Conservation Area, Regional Planning Manager (RPM) Kojima said that the Islands Trust was attempting to get better mapping, to determine how the exclusion areas would be designated.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 M. & L. Thompson Letter dated February 4, 2013 re: Short Term Vacation Rentals

Marian and Lindsay Thompson had sent a letter to oppose short term vacation rentals (STVR's), which Trustee Hancock said that he would acknowledge.

Trustee Steeves noted the petition in favour of STVR's presented to the Local Trust Committee at their January 31 meeting, and commented that such correspondence should be sent to the Planner, in order to be placed on the agenda; of the 551 scribbled signatures on the petition, only about 232 appeared to be adult North Pender Island residents; he had called some of these and determined that they signed the Petition not understanding what they had signed, and/or they had thought that STVR regulation was involved.

Chair Luckham recommended that in future, such petitions include the printed name and address of the signatories.

8.2 A. Pickard Letter dated February 13, 2013 re: Area Farm Plan for Pender Islands

Planner Pickard had written to confirm the desire of the South Pender Island Local Trust Committee to collaborate with the North Pender LTC on developing an Area Farm Plan for Pender Islands. The North Pender Trustees noted the significant limits on their resources, and the need for a body such as the Capital Regional District (CRD) or the South Pender Island Local Trust Committee (LTC) itself to take a lead role (e.g. by seeking the government funding available for local governments to hire consultants to work on area farm plans).

Resolution NP-LTC-22-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request Staff to respond to the February 13, 2013, correspondence from the South Pender Island Local Trust Committee regarding an Area Farm Plan as follows:

1. That the North Pender Island Local Trust Committee supports the idea of a regional area farm plan for the Southern Gulf Islands;
2. That we appreciate the CRD's willingness to consider taking a leadership role; and
3. That we look forward to receiving more information on the proposal.

CARRIED

8.3 Z. Staar Letter dated February 18, 2013, re: Pender Community Transition Report & Request for Disbursement

Planner Pickard confirmed that Pender Community Transition (PCT) had prepared another report on their activities to date, and therefore the agreed Local Trust Committee payment would be disbursed. Trustee Steeves thanked PCT for their great events, and said that the Local Trust Committee was happy to support them.

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-DVP-2012.5 (Aronowicz c/o Wiebe)

Planner Pickard noted the January 25, 2013, Memorandum re: application NP-DVP-2012.5 (Aronowicz c/o Wiebe), and commented that this application concerned 7 different variances for 1117 Walden Road; this was to allow structures including part of a dwelling, various stone patios, cement walls, a partially sunken hot tub, lighting, etc. within the 15 metre setback from the natural boundary of the sea (and in some cases the side setback) and that discussions to date had resulted in a revised draft Development Variance Permit.

The Applicant/Contractor Harold Wiebe was present, along with lawyer, Zach Ansley and Contractor, Alvin Michaelchuk. They made representations as to why more variances should be allowed, to permit the existing structures.

The Trustees commented that the foregoing structures had been constructed before any variance, and the current request was to legalize them after the fact; the work done had removed or radically altered many natural features in the required setback from the sea; a number of the structures were now being eroded by run-off and would likely not last; the largely impermeable surfaces created were making run-off worse; some of the requested variances would be allowed, and some denied, meaning that the owner would need to remove or alter some structures.

Resolution NP-LTC-23-13

It was Moved and Seconded that North Pender Island Local Trust Committee revised Development Variance Permit NP-DVP-2012.5 (Wiebe) attached to the Memorandum dated January 25, 2013; amend subsection 2 c) i) by deleting “2 metres” and substituting “1.2 metres”.

CARRIED

Resolution NP-LTC-24-13

It was Moved and Seconded that North Pender Island Local Trust Committee revised Development Variance Permit NP-DVP-2012.5 (Wiebe) attached to the Memorandum dated January 25, 2013; add a new subsection 2 d) as follows: “For certainty, this may include downcast safety lighting less than 0.6 metres in height along the walkway and patio area.”

CARRIED

Resolution NP-LTC-25-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2012.5 as included in the Memorandum dated January 25, 2013, as amended, be issued.

CARRIED
Trustee Steeves
opposed

9.2 NP-RZ-2013.1 (Henshaw)

Planner Pickard reviewed the February 19, 2013, Staff Report commenting that NP-RZ-2013.1 (Henshaw) was an application to rezone an Industrial Two – I2(c) zone (i.e. the Allan property beside the Recycling Centre); this was to legalize existing uses (waste transfer, storage and shipping, plus handling and wholesale of aggregates, soil, mulch), and also to permit the storage and wholesale of additional landscaping materials; Staff were seeking direction on whether further work should be done to support Trustee consideration of this application; in that case, additional reports would be requested regarding groundwater and geotechnical issues, and other steps would be required under the procedural Development Approval Information Bylaw.

Applicant Ron Henshaw, was present and commented he was no longer seeking a rezoning for in-vessel composting of organic waste. He had no intention of retailing landscaping materials to the public, but rather just storing and wholesaling; the proposed waste transfer operations involved vehicle-to-vehicle transfer into a sealed bin, which he did not believe should require a building; the waste sorting could involve construction materials; and there was no intention to receive household waste from the public.

The Trustees asked a variety of questions, and considering the proposed rezoning would require additional reports, obtaining an operational plan from the Applicant, community consultation, site visits, thinking about setbacks and best practices, consideration of larger waste issues on Pender including another waste transfer application that had been made. The LTC moved the following motions:

Resolution NP-LTC-26-13

It was Moved and Seconded that North Pender Island Local Trust Committee direct Staff to request from the Applicant for NP-RZ-2013.1 (Henshaw), an operational plan including volumes and types of materials that would be transferred, stored, and handled.

CARRIED

Resolution NP-LTC-27-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with application NP-RZ-2013.1 (Henshaw) and to prepare a draft bylaw to amend the Industrial 2(c) site-specific zone.

CARRIED

9.3 NP-RZ-2012.2 (Clam Bay)

RPM Kojima reviewed the February 19, 2013, Staff Report and commented that NP-RZ-2012.2 (Clam Bay Farm) was an application for a bylaw amendment to rezone a split zoned property, to shift density from the Agricultural to the Rural zone; that the rezoning would permit 3 dwelling units and 3 cottages, and also remove the agri-tourist accommodation use, allow farm-working/guest accommodation, and create a Conservation zone; Staff were seeking direction on whether further work should be done to support Trustee consideration of this complex application; and in that case, various steps would be required under the Development Approval Information Bylaw.

The caretakers of Clam Bay Farm and the Applicant Bo Helliwell were there representing the owner of the property. Mr. Helliwell stated that they are interested in turning the property into a sustainable working farm, and also a retreat for a large blended family.

The Trustees asked questions, and talked about additional information and outstanding issues to be addressed, in order for consideration of this rezoning application to proceed further.

Note: Recorder Zorah Staar then needed to leave the meeting, and Planner Pickard began taking notes.

The Trustees commented that if the application required an amendment to the Official Community Plan as well they would have more concerns, that more clarification was required regarding the number of farm workers versus other staff not related to farm operations, and they want to receive a farm plan when they revisit the application.

Resolution NP-LTC-28-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with application NP-RZ-2012.2 (Clam Bay) and to bring forward a supplemental Staff Report to the next Local Trust Committee meeting when outstanding issues have been clarified.

CARRIED

Resolution NP-LTC-29-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to request a hydrological report for the property and that the Agricultural Land Commission staff clarify the amount of farm worker accommodation permitted.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Road Designation Project – Proposed Bylaw No. 192 (OCP Amendment)

Planner Pickard reviewed the February 13, 2013 Memorandum, and commented as follows: that Proposed Bylaw No. 192 would amend the Official Community Plan map Schedule E, to designate the Magic-Ferry Bicycle-Walking Route and also the existing Car Stop locations; and that there had been a related Community Information Meeting and Public Hearing earlier in the meeting.

Resolution NP-LTC-30-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”) be given Second Reading.

CARRIED

Resolution NP-LTC-31-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”) be given Third Reading.

CARRIED

Resolution NP-LTC-32-13

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”, be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Resolution NP-LTC-33-13

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”, be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

The Work Program was discussed with the following outcome.

Resolution NP-LTC-34-13

It was Moved and Seconded that North Pender Island Local Trust Committee Projects List be amended by deleting items #1 (Affordable Housing) and #3 (Tourism Plan), and by adding a new project for Neighbourhood Zero Emission Vehicles and other roadway initiatives.

CARRIED

Resolution NP-LTC-35-13

It was Moved and Seconded that North Pender Island Local Trust Committee Top Priorities be amended as follows: item #11 (Land Use Bylaw Amendments Related to Subdivision and Roads) from the Projects List be moved to replace Priority #2 (Pedestrian/Cycling Route Designation) which is now complete.

CARRIED

11.2 Applications Report

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

11.3 Bylaw Enforcement Report

None

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report

Presented for information

11.4.2 Local Trust Committee Budget 2012/2013

Presented for information

11.5 Adopted Policies and Standing Resolutions Report

Presented for information

11.6 North Pender LTC Web Page

No changes to the web page were suggested.

11.7 Chair's Report

Chair Luckham reported that the upcoming meeting of Trust Council was to be held on Thetis Island and that both he and Trustee French, look forward to hosting; the main topic for Trust Council would be the 2013-14 Budget.

11.8 Trustee Reports

The Local Trustees had nothing to report.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, March 28, 2013, at 9:45 am, in the Community Hall Lounge.

13. TOWN HALL MEETING

Sara Steil commented that the Pender Islands Conservancy Association and Fisheries and Oceans Canada (DFO) have recently released 24,000 Chum salmon into Hope Bay Creek and that this was the 2nd of an 8 year program.

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-36-13

It was Moved and Seconded, pursuant to Section 90(1)(a) and (f) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting November 29, 2012 North Pender Island Local Trust Committee In Camera Minutes and to consider Advisory Planning Commission appointments, and further that Staff remain present.

CARRIED

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

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting (this was 4:10)

Resolution NP-LTC-40-13

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

CARRIED

It was reported that during the closed portion of the meeting, the Local Trust Committee had adopted previous In Camera minutes, and had also appointed the following persons to the North Pender Island Advisory Planning Commission, for the upcoming year: Valerie Butcher, Sharon Card, Bob Erho, Amanda Griesbach, Marika Kenwell, Julie Roper, Reg Smith and Marian Thomson.

16. ADJOURNMENT

The meeting was adjourned by consensus at approximately 4:12 pm.

RECORDER

CHAIR

**NOTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE COMMUNITY INFORMATION MEETING
REGARDING PROPOSED BYLAW NO. 192 (Road Designation)
HELD ON FEBRUARY 28, 2013 AT 9:51 AM
AT THE PENDER ISLAND COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, BC**

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

There were approximately twenty-two (22) members of the public in attendance.

Chair Luckham called the meeting to order at 9:51 am, noting that the purpose was to allow community members an opportunity ask questions or comment about Proposed Bylaw No. 192 (cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”).

Planner Pickard reviewed the Memorandum dated February 13, 2013 and commented that Proposed Bylaw No. 192, involved the replacement of map Schedule E – Road Classification, from the Official Community Plan; this followed up on the work of the Moving Around Pender Alternative Transportation Society; the new Schedule designated the Magic-Ferry Bicycle-Walking Route (from Magic Lake to the Ferry Terminal, with two spurs to the Library and the School), and also the existing Car Stop locations; Ryan Evanoff was present today on behalf of the Ministry of Transportation & Infrastructure (MOTI); having Official Community Plan designation of bicycle-walking routes could be useful by potentially affecting MOTI decision-making when they did road improvements on a road section.

Trustee Steeves added that local government designation of bicycle routes could also open up the possibility of infrastructure grant applications for related improvements.

Barb Grimmer noted the poor quality of the map attached to the Memorandum. She also asked if any fill was to be added to the roadside for the library spur, because there was not enough room there for bicycles, pedestrians, and trucks that parked.

Planner Pickard said that the map quality would improve once the new Schedule was made part of the online Official Community Plan. In addition, community members should alert MOTI if they had a safety concern about a road section.

Ryan Evanoff of MOTI said that he couldn’t comment about adding road fill to the library spur in particular and that as long as vehicles were not blocking the road itself, they were permitted to park at roadside locations for up to 72 hours.

Sharon Card said that she lived on the designated Magic-Ferry Bicycle-Walking Route (near the Recycling Depot), and that the road contractors already came close to her property, so she wasn't sure that there was room for a cycling path.

Trustees Hancock and Steeves said that there would likely be no short-term impact from the proposed road designation. If in future MOTI chose to make road improvements including a roadside bicycle-walking route, there would be a survey to confirm the road allowance, and also community and private landowner consultation.

Sharon Card also asked about a community comment at the January 31 Local Trust Committee meeting, about no horses being allowed on the proposed bicycle-walking route.

Planner Pickard, the Trustees, Ryan Evanoff of MOTI, and Barry Mathias of Moving Around Pender confirmed that the proposed route designation did not involve any intention or effect of restricting people from riding horses on the side of the road.

Trustee Hancock noted that the Local Trust Committee was very pleased to recognize Car Stops, which was an achievement for which Moving Around Pender and other assisting community members should be quite proud.

Amanda Griesbach asked if the Official Community Plan could designate additional roads as Heritage Roads, for example Clam Bay.

Trustee Steeves said that the protocol between MOTI and the Local Trust Committee provided for designation of a limited number of Heritage Roads, and that with North Pender already having three of them, it was unclear whether MOTI would contemplate any more.

Chair Luckham called for any further questions or comments about Proposed Bylaw No. 192; there being none, he declared the Community Information Meeting adjourned at 10:14 am.

RECORDER

DATE

**RECORD OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING
REGARDING PROPOSED BYLAW NO. 192 (Road Designation)
HELD ON THURSDAY, FEBRUARY 28, 2013, AT 10:14 AM
AT THE PENDER COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, B.C.**

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

There were twenty-two (22) members of the public in attendance.

Chair Luckham called this Public Hearing to order at 10:14 am, for the purpose of receiving public input regarding Proposed Bylaw No. 192 (cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”).

Chair Luckham then read out the procedures and rules for Public Hearings, pursuant to the *Local Government Act*.

Planner Pickard confirmed that Proposed Bylaw No. 192, would amend one of the Official Community Plan schedules, to designate the Magic-Ferry Bicycle-Walking Route and also the existing Car Stop locations. This Public Hearing had been advertised as required, and referrals had been sent to other agencies. In response, Ryan Evanoff was present on behalf of the Ministry of Transportation & Infrastructure; approval of Bylaw No. 192, was recommended by Parks Canada, Pender Islands Parks & Recreation, and the South Pender Island Local Trust Committee; Saturna Island Local Trust Committee commented their interests were unaffected, and other agencies had not responded.

Chair Luckham invited members of the public to comment.

Niall Parker commented that he was present on behalf of the Moving Around Pender Alternative Transportation Society, which had put together a Pender Transportation Survey and Transportation Plan; it was nice to see the Local Trust Committee moving towards the next phase of implementation for the Magic-Ferry Route; that MAP’s focus was making it safer and easier for walking and cycling; and that MAP had not expressed any concerns about horses on the Magic-Ferry Route.

Ryan Evanoff commented that the Ministry of Transportation & Infrastructure (MOTI) had staff considering the whole picture of the MAP proposed Transportation Plan, and how this fit with the protocol between MOTI and the Islands Trust; MOTI could now recommend approval of the Magic-Ferry Route designation, but this didn’t mean that fixing smaller sections of the road would automatically lead to creating a bike lane.

Mr. Evanoff added that MOTI looked forward to working on more possibilities with MAP, the Local Trust Committees, and the Pender community.

Barry Mathias asked if the Local Trust Committee could have communicated with the Agricultural Land Commission about the Magic-Ferry Route, because it passed through the Ross-Smith Farm.

Planner Pickard said that the Magic-Ferry Route was just on the existing roadway, so it did not affect the Agricultural Land Reserve.

Trustee Steeves thanked MOTI for agreeing to have a liaison with MAP, and he thanked MAP for all their thoughtful research and work on transportation issues.

Chair Luckham called three times for additional comments about Proposed Bylaw No. 192. There being none, he declared the Public Hearing closed at 10:28 am.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

RECORDER

DATE



RWM From: February 20, 2013 To: April 12,
2013

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2013-03	In Favour	THAT North Pender Island Local Trust Committee Meeting Minutes of February 28, 2013 be Adopted.	Apr 12, 2013
2013-02	In Favour	THAT North Pender Island Local Trust Committee Business Meeting scheduled for March 28, 2013 be cancelled.	Mar 13, 2013



Islands Trust

Follow Up Action Report w / Target Date

North Pender Island

Nov-25-2010

No.	Activity	Responsibility	Target Date	Status
1	Item 10.1 - NP-DVP-2010.3: approve amended permit in principle but issue after confirmation of building permit has been issued Sept 19/12 - Planner to contact applicant and/or building inspection to determine status (done 10/10/12 and 3/1/13)	Kathy Jones Andrea Pickard	Oct-24-2012	On Going

Jul-28-2011

No.	Activity	Responsibility	Target Date	Status
2	Item NP-DP-2010.4 (TWA): cross ref to NP-SUB-2008.5 - staff to: • when completed, provide supporting documents on the subdivision requirement to the LTC including the registered covenants • work with applicant to consolidate the existing covenants into one • discuss with applicant amending the terms of the consolidated covenant to: change the buffer areas from 'trees' to 'trees and native vegetation'; add a no buildings or structures within the DPAs clause; exempt danger trees; and add a penalty clause • report back regarding the PIPRC trail when completed • forward responses from the AO and Dam Safety Officer re: the Ryzuk Drainage report when received	Andrea Pickard	Sep-22-2011	On Going

May-31-2012

No.	Activity	Responsibility	Target Date	Status
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3	Item 8.1 - Correspondence from PCT: the LTC to purchase a series of reports from Pender Community Transition reporting on their activities, of up to \$400 for the 2012-13 budget year NP-LTC-67-12 - \$100 paid Nov/12 - NROGGERS NP-LTC-67-12(2) - \$300 paid Mar/13 - NROGGERS	Nancy Roggers	Jun-28-2012	Done
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Nov-29-2012

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

Jan-31-2013

No.	Activity	Responsibility	Target Date	Status
5	Item 12.3 - NMCA Memo: staff to prepare a report reviewing the relationship of the proposed boundary to the 3 marinas on NPI and recommendations for community consultation Feb 18/13 - GIS shapefiles of excluded areas to be obtained from Parks Canada, will be available in mid-March.	Robert Kojima Andrea Pickard	Mar-29-2013	Done

Feb-28-2013

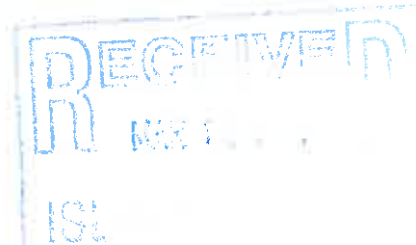
No.	Activity	Responsibility	Target Date	Status
6	Item 5.1 - Minutes of Jan 31: adopt as amended	Sharon Lloyd-deRosario	Mar-28-2013	Done
7	Item 5.2.1 - CIM notes: On page 2 of the notes the last bullet under 'Staff and Trustee noted' - Island Trust Fund should be capitalized	Sharon Lloyd-deRosario	Mar-28-2013	Done
8	Item 8.1 - Correspondence Thomson: Trustee Hancock to respond to the writer on behalf of the LTC	Ken Hancock	Mar-28-2013	Done
9	Item 8.2 - Letter from SPI: staff to respond outlining general interest with comments as discussed	Andrea Pickard	Mar-28-2013	Done
10	Item 9.1 - NP-DVP-2012.5 Aronowicz/Wiebe: amend the revised permit to address lighting and reduce the permitted pathway to 1.2 m	Andrea Pickard	Mar-28-2013	Done
11	Item 9.1 - NP-DVP-2012.5 Aronowicz/Wiebe: issued permit as amended	Kathy Jones	Mar-28-2013	Done

12	Item 9.2 - NP-RZ-2013.1 Henshaw: staff to request an operational plan for the waste management use including a summary of the anticipated volumes and types of materials to be handled	Andrea Pickard	Mar-28-2013	Done
13	Item 9.3 - NP-RZ-2012.2 Clam Bay: proceed with application and bring forward a supplemental staff report when outstanding issues are clarified	Kim Farris	Mar-28-2013	On Going
14	Item 9.3 - NP-RZ-2012.2 Clam Bay: staff to request a hydrological report for the property and that the ALC staff clarify the amount of farm worker accomodation permitted	Kim Farris	Mar-28-2013	Done
15	Item 10.1 - Road Designation Project: give 2nd and 3rd Reading to proposed bylaw 192	Kathy Jones	Mar-28-2013	Done
16	Item 10.1 Road Designation Project: forward the bylaw to EC for approval, and followed to the Ministry of C,S, and CD for approval	Kathy Jones	Mar-28-2013	Done
17	Item 11.1.1 - Work Program: Delete #1 and 3 from the project list, add a new project for NZEV and other roadway initiatives, and move #11 to the top priority list to replace #2	Andrea Pickard	Mar-28-2013	Done
18	Item 14 - In camera: adopt minutes of Nov 29 as drafted	Sharon Lloyd-deRosario	Mar-28-2013	Done
19	Item14 - APC appointments: appoint to the APC for the 2013/14 year: Val Butcher, Sharon Card, Bob Erho, Amanda Griesbach, Marika Kenwell, Julie Roper, Reg Smith and Marian Thomson. Thank other applicants for volunteering their time. (KJ)	Sharon Lloyd-deRosario	Mar-28-2013	Done



March 14, 2013

Young Anderson Barristers & Solicitors
 1616 - 808 Nelson St.
 Box 12147 Nelson Square
 Vancouver, BC V6Z 2H2
 Attention: Mr. Michael Moll



Dear Mr. Moll,

This is a follow up to our registered letters dated November 27th and December 12th, 2012 where we responded to your October 4th, 2012 letter to the Pender Islands Vacation Accommodations Association (PIVAA). To ensure that the significant concerns that we had with your letter could be discussed and perhaps explained by the Trust, we provided registered copies to Ms. Sheila Malcolmson, Chair of the Islands Trust and, as a courtesy, to the Pender Island Local Trust Committee and the Islands Trust Bylaw Enforcement officer. We note that, after more than three months, there has been no response of any nature from either you or Ms. Malcolmson.

In our letters, we detailed a substantial number of inconsistencies, discrepancies and misstatements in the Islands Trust position on Right of Entry and Vacation Rentals as it was stated in your letter. We also offered you or Ms. Malcolmson an opportunity to explain each of the inconsistencies, discrepancies and errors that we identified. As several months have passed with no reply, we have to assume that, the Islands Trust does not wish to explain or refute any of these issues in a factual manner.

Therefore, we repeat that we are confident that our understandings as they were stated in our letters of November 27th and December 12th are correct.

Sincerely,

A handwritten signature in black ink that appears to read "B. Pendergast". The signature is fluid and cursive.

Bruce Pendergast
 President - PIVAA
 On behalf of all PIVAA members

Cc: Ms. Sheila Malcolmson, Chair Islands Trust Council
 North Pender Island Local Trust Committee
 Mr. Miles Drew, Islands Trust Bylaw Enforcement

By Registered Mail

PIVAA 350 Benjamin Road, Victoria, BC V8Z 4W1
 March 15, 2013

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW No. 189

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

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

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

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

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

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

CITATION

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

SCHEDULES

1. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 1 attached to and forming part of this amending bylaw.
2. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 2 attached to and forming part of this amending bylaw.
3. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 3 attached to and forming part of this amending bylaw.
4. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 4 attached to and forming part of this amending bylaw.
5. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 is altered as shown on Schedule 5 attached to and forming part of this amending bylaw .
6. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 Schedule D – Land Use Policy Map, is altered as shown on Schedule 6 attached to and forming part of this amending bylaw.
7. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002 Schedule D – Land Use Policy Map, is altered as shown on Schedule 7 attached to and forming part of this amending bylaw.

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

Part 4 (Objectives and Policies for Land Use Designations) of Schedule B (Goals, Objectives and Policies) of North Pender Associated Islands Official Community Plan No. 147, 2002 is amended as follows:

1. Section 402 is amended by inserting a new Policy 11, "Maximum floor area regulations for dwellings and accessory buildings may be implemented as a method to ensure the scale of development and the related demands on the carry capacity of our islands occurs in an environmentally sustainable manner and is appropriate for the local island community. Development variance applications to increase a floor area regulation may be supported where the proposal is demonstrated to:
 1. utilize sustainable design principles,
 2. be sited to minimize impact on the environment and to adjacent properties,
 3. apply passive solar concepts in the building design,
 4. be energy efficient and use the best available technologies so that household energy consumption is well below average for this region,
 5. include rainwater collection,
 6. be considered acceptable to the community based on response to the variance request, and
 7. for Sidney Island properties, that the proposal would be in keeping with the Purpose of the Statutory Building Scheme particularly as it relates to the preservation of the natural environmental attributes and aesthetic values, and the visual impacts of development."

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

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

1. Section 604 is deleted and replaced with:

"604 Temporary Use Permit Guidelines

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

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

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

- | | |
|-------------|--|
| Guideline 1 | Temporary Use Permits may be issued for any area covered by this plan, except for areas designated Resource Conservation or lands within the Agricultural Land Reserve. |
| Guideline 2 | Temporary Use Permits should only be issued for activities that are of short and fixed duration. |
| Guideline 3 | An application for a Temporary Use Permit may only be considered if the proposal can be demonstrated to have minimal negative impact on the environment of the Associated Islands Area." |

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

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

1. Part 7 is amended by inserting the following as a second paragraph in that part: "Pursuant to section 920.01 of the *Local Government Act* (Designation of development approval information areas), the plan designates all development permit areas as areas for which, in specified circumstances, development approval information may be required under that section. Development approval information means information on the anticipated impact of the proposed activity of development on the community."
2. Subsection 701(1) is amended by deleting "This development permit area includes all non-crown land within 15 metres upland of the natural boundary of the sea." and inserting "This development permit area includes all non-crown land within 15 metres upland of the natural boundary of the sea on all North Pender Associated Islands except for Sidney Island."
3. A new Subsection 701(3) is inserted as follows:

“(3) Application Requirements

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

4. Subsection 701 (3) 'Justification' is renumbered to 701 (4).
5. Subsection 701 (4) 'Objectives' is renumbered to 701 (5).
6. Subsection 701 (5) 'Guidelines' is renumbered to 701 (6) and "Work not requiring a permit is detailed in subsection (6) below." is deleted and replaced with "Work not requiring a permit is detailed in subsection (7) below."
7. Subsection 701 (6) 'Work Not Requiring a Permit' is renumbered to 701(7)

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

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

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

“702 Sidney Island Geotechnical Development Permit Area

(1) Designation

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

(2) Authority

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

(3) Application Requirements

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

(4) Justification

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

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

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

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

The development permit area coincides with the area affected by a registered covenant to restrict development due to geotechnical concerns. The upland boundaries of the covenant area arise from the recommended building setbacks in the

geotechnical investigation report prepared at the time of subdivision for Sidney Island *"Report of Geotechnical Investigation For Sidney Island Residential Subdivision"* by Bruce McLeod of Levelton Engineering. The report identifies that the soil/sandbanks forming the westerly and north-easterly shorelines, which are not protected by bedrock, as being steeper than the long term stable slope angle due to on-going toe erosion. The on-going toe erosion and slope flattening processes are resulting in a landward regression of the crest of the slope. The report summarizes that building sites should be located beyond the recommended setbacks, and that disturbance to the shoreline banks by storm water drainage, land alterations, vegetation disturbance, or other means should be avoided. The building setback established in the geotechnical report is based on a 75 year design period with no stabilization techniques. The report forms the basis for the covenant registered on title of the affected properties as ES65752, which includes a copy of the report.

Within this development permit area there are two key components, the shoreline banks and relatively level upland areas above and beyond the crest of the shoreline banks. The shoreline banks are delineated as 'Area A' within the development permit area and 'Area B' represents the upland, relatively level area. The boundary between Area A and Area B is located 2 metres from the crest of the bank, which is where a 10 degree or more slope continues to the base of the banks. The purpose of identifying these two components is to recognize that impacts from disturbance to vegetation and land alteration would have different effects.

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

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

SOFT



HARD

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

(5) Objectives

The objectives of this development permit area are as follows:

- Objective 1 To protect the shoreline banks from development activities which exacerbate the natural erosion process;
- Objective 2 To limit development in hazardous areas susceptible to erosion; and
- Objective 3 To preserve the integrity of coastal processes and reduce cumulative impacts to the coastal shoreline.

(6) Applicability

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

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

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

(7) Development Permit Exemptions

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

- a) For certainty, development or alteration of land occurring outside of the development permit area.
- b) The placement of impermanent structures such as, benches, tables and garden ornaments.
- c) Forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*.
- d) Works undertaken by the Crown or an agent of the Crown.
- e) The maintenance of existing gardens or landscaped areas provided the general contours of the land are not altered.
- f) The removal of trees from within Area A that have been examined by an arborist and certified to pose an immediate threat to life or property, provided that stumps and root systems are not removed and the large woody debris remains on site.
- g) Selective limb removal or trimming of trees or vegetation, not including the topping of trees within Area A.
- h) Removal of trees with a trunk diameter less than 20 centimetres measured 1.5 metres above the ground and disturbance to vegetation within Area B.

- i) Habitat enhancement work including the planting of native trees or vegetation provided there is no automated irrigation system installed.
- j) The construction of a fence in Area B provided no trees with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground are removed, there is no alteration to the contours of the land, and the disturbance of vegetation is restricted to 0.5 metres on either side of the fence.
- k) The repair and maintenance of existing roads, driveways, paths or trails, provided there is no expansion of the width or length and no additional impervious surfacing, including paving, asphaltting or similar surfacing.
- l) Subdivision not involving land alteration.

(8) Guidelines

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

- Guideline 1 A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.
- Guideline 2 All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area a suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.
- Guideline 3 Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.
- Guideline 4 All on-site drainage should be directed away from the shoreline or crest of slope.
- Guideline 5 Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.

- Guideline 6 When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.
- Guideline 7 Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:
- a) The need for the proposed bank stabilization to protect existing structures, uses or features, including alternative measures available that would be feasible or sufficient.
 - b) An evaluation of on-site drainage and confirmation that the erosion is not caused or exacerbated by upland conditions such as drainage control or loss of vegetation.
 - c) How the stabilization measure would protect existing structures, uses or features .
 - d) If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed stabilization, including at sites on other properties or foreshore locations.
 - e) Potential impacts to the natural shoreline processes resulting from the proposed stabilization.
 - f) Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the stabilization.
 - g) Recommendations for conditions that should be incorporated into the development permit in order to achieve the objectives of this Development Permit Area.
- Guideline 8 The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.

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

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

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

“703 Sidney Island Shoreline

(1) Designation

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

(2) Authority

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

(3) Application Requirements

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

(4) Justification

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

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

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

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

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

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

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

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

(5) Objectives

The objectives of this development permit area are as follows:

- Objective 1 To preserve and protect the physical form and ecological function of the coastal ecosystems from the impacts of development;
- Objective 2 To minimise adverse impacts of land development practices on aquatic habitats; and
- Objective 3 To recognize and maintain the values of the natural shoreline of Sidney Island.

(6) Applicability

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

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

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

(7) Development Permit Exemptions

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

- a) For certainty, development or alteration of land occurring outside of the development permit area.
- b) The placement of impermanent structures such as, benches, tables and garden ornaments.
- c) Forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*.
- d) Works undertaken by the Crown or an agent of the Crown.
- e) The maintenance of existing gardens or landscaped areas provided the general contours of the land are not altered.
- f) The removal of dangerous tree posing an immediate threat to life or property provided that stumps and root systems are not removed and the large woody debris remains on site.
- g) Habitat enhancement work including the planting of native trees or vegetation.
- h) Selective limb removal or trimming of trees or vegetation, not including topping of trees.
- i) The repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation
- j) The repair and maintenance of existing roads, driveways, paths or trails, provided there is no expansion of the width or length and no additional impervious surfacing, including paving, asphaltting or similar surfacing.
- k) The installation of one trail per lot for pedestrian access only to the shoreline provided the trail does not exceed 1m in width and the trail surface remains permeable.
- l) Construction of a fence provided no trees are removed and the disturbance to native vegetation is limited to 0.5 metres on either side of the fence.
- m) Subdivision not involving land alteration.

(8) Guidelines

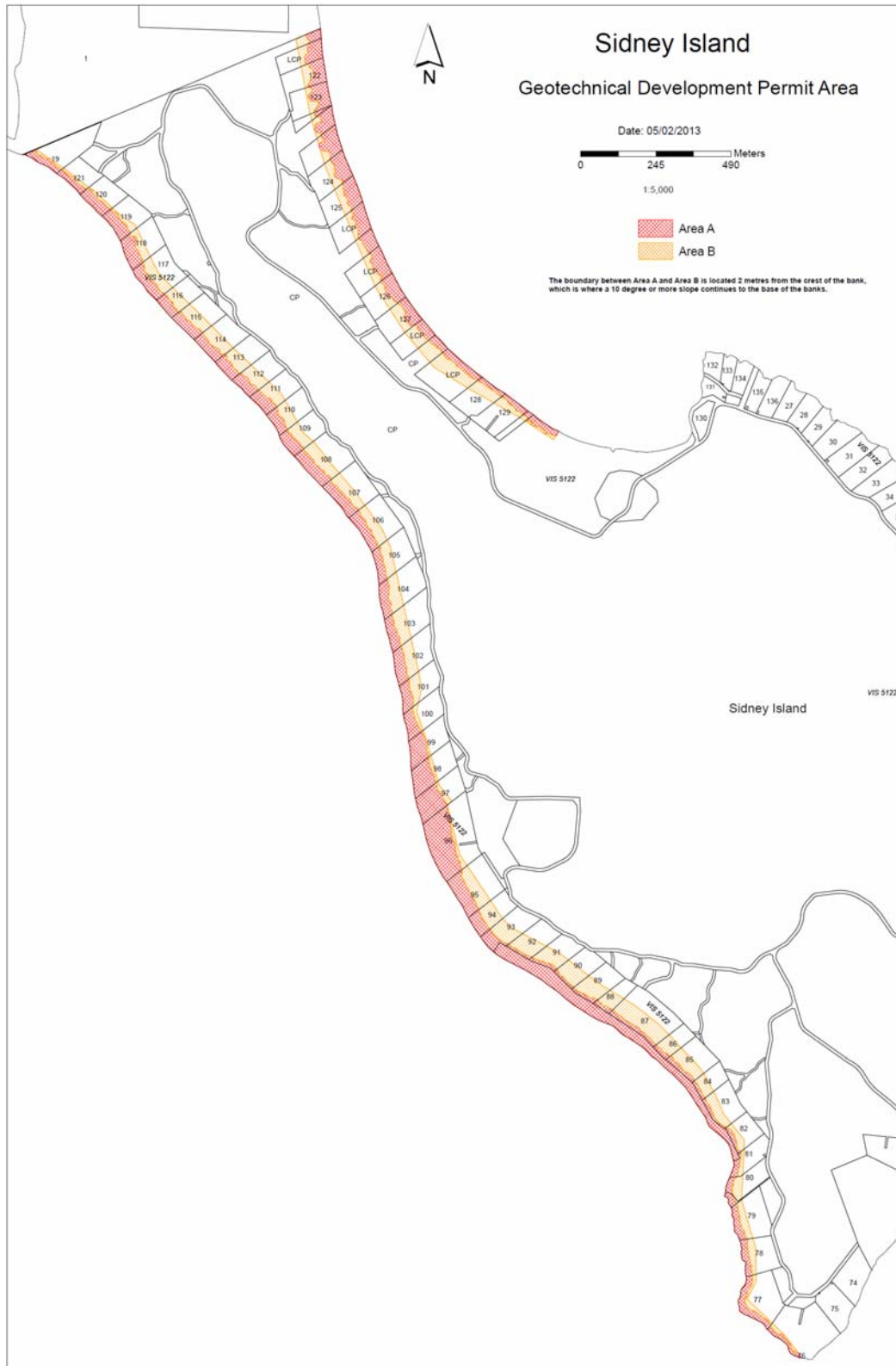
The intent of this development permit area is to ensure that development in the form of new buildings or structures, and land alterations, including vegetation and tree removal, meet the objectives described above. Work not requiring a permit is detailed in subsection (7) Development Permit Exemptions.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

- Guideline 1 Land alteration or other development of the shoreline area should be limited and minimize the negative impacts on ecological function.
- Guideline 2 Land alteration or other development should not detract from the shoreline qualities that are derived from natural features, such as shore types, natural vegetation, scenic vistas, and a wilderness-like shore.

- Guideline 3 Any area proposed to be cleared and disturbed should be minimized and landowners are encouraged to retain existing trees and vegetation.
- Guideline 4 New developments involving structures should be sited sufficiently inland from the crest of slope to ensure that stabilization measures will not become necessary during the life of the structure and the development would not be impacted from hazardous conditions.
- Guideline 5 Land alteration or other development should not occur in areas containing sensitive ecosystems or be sited or designed in any manner that may impact sensitive ecosystems in the vicinity. A report from a qualified professional should confirm that the area proposed for development does not contain a sensitive ecosystem. If a sensitive ecosystem is in the vicinity of the area proposed for development, the report should include recommendations for protecting these areas that can be included as conditions of the permit.
- Guideline 6 Any proposed structures required to access the shoreline should be located on common property or provide shared access by legal agreement as part of a comprehensive, community trail network.
- Guideline 7 Land alteration or other development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.
- Guideline 8 The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the shoreline

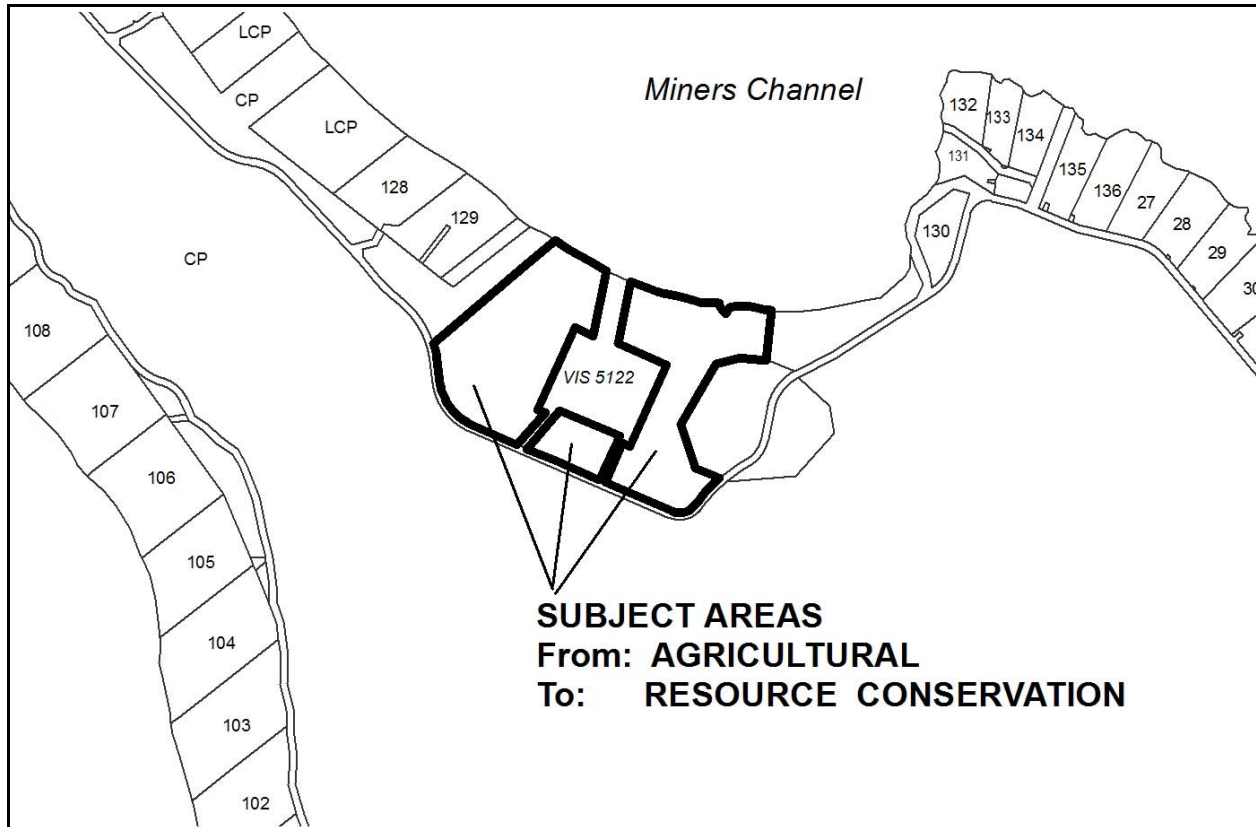
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 6**

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



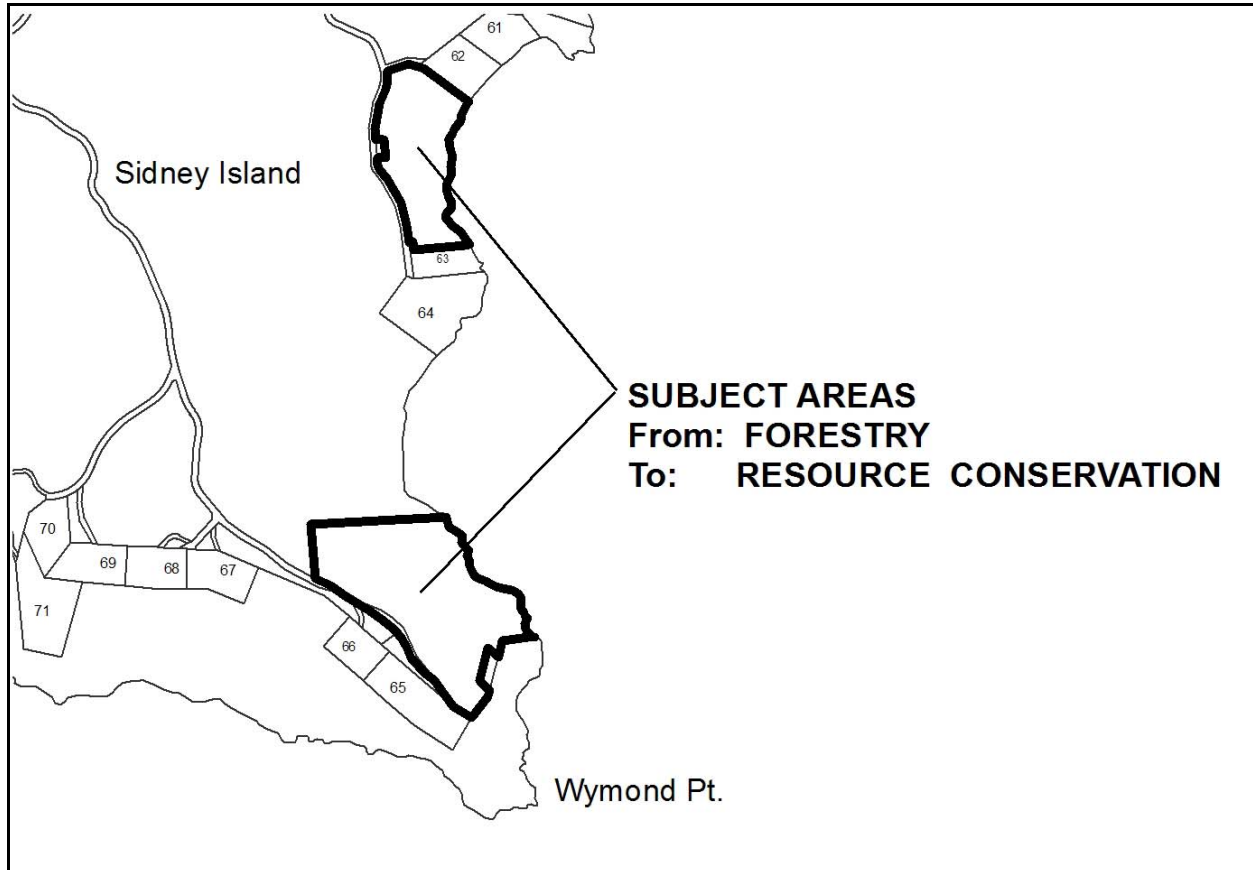
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 189
SCHEDULE 7**

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



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

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



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 187

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

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

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

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

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

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

1. Section 1.1 (Definitions) is amended by deleting 'an accessory' from the definition of "pump/utility house" such that it reads "pump/utility house means a building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment"
2. Subsection 3.3(3) is amended by deleting "under the provisions of subsection 701(6) of that bylaw" such that it reads "**Information Note:** Buildings or structures may not be sited within 15 metres (50 feet) of the natural boundary of the sea without first obtaining a development permit pursuant to Part 7 of the "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002", unless specifically exempted from a requirement for a permit. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for this purpose."
3. Subsection 5.5(3) is amended by deleting 5.4(1)(a) and inserting 5.5(1)(a) such that it reads "The number of food and beverage service establishments permitted in 5.5(1)(a) above is limited to one, with a maximum floor area of 200m² (2152ft²)."
4. Subsection 5.7(5) is amended by deleting 5.3(4) and inserting 5.7(4) such that it reads "Despite Subsection 5.7(4), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line."
5. Subsection 5.7(6) is amended by deleting 5.3(1)(g) and inserting 5.7(1)(g) such that it reads "The occupancy of the accessory dwelling unit permitted by article 5.7(1)(g) above is limited to providing residential accommodation to the household of the owner, operator or an employee of a permitted principal use."
6. Subsection 5.7(7) is amended by deleting 5.3(1)(c) and inserting 5.7(1)(c) such that it reads "All external storage areas associated with the uses permitted by Articles 5.7(1)(c), (d), (e) and (f) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening)."
7. Subsection 5.7(8) is amended by deleting 5.3(1)(a) and inserting 5.7(1)(a) such that it reads "Farm Uses permitted by Article 5.7(1)(a) above must comply with all regulations established in relation to that use in Section 3.14."
8. Subsection 5.8(2) is amended by adding at the end "of the area zoned Forestry One (F1)" such that it reads "The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Forestry One (F1)."

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9. Subsection 5.8(7) is amended by deleting 5.4(1)(a) and inserting 5.8(1)(a) such that it reads "Farm Uses permitted by Article 5.8(1)(a) above must comply with all regulations established in relation to that use in Section 3.14."
10. Subsection 5.9(2) is amended by adding at the end "of the area zoned Community Services One (S1)" such that it reads "The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Services One (S1)."
11. Subsection 5.9(3) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads "The number of community meeting halls permitted by article 5.9(1)(e) above shall not exceed one."
12. Subsection 5.9(4) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads "The number of community offices permitted by article 5.9(1)(e) above shall not exceed one."
13. Subsection 5.9(5) is amended by deleting 5.5(1)(f) and inserting 5.9(1)(f) such that it reads "The number of single family dwellings permitted by article 5.9(1)(f) above shall not exceed one."
14. Subsection 5.9(5) is amended by deleting "shall not exceed one" and inserting "shall not exceed two," and inserting "of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e)" such that it reads "The number of single family dwellings permitted by article 5.9(1)(f) above shall not exceed two, of which one dwelling may be attached to a building for community uses permitted under Article 5.9(1)(e)."
15. Subsection 5.9(6) is amended by deleting 5.5(1)(g) and inserting 5.9(1)(g) such that it reads "The number of sleeping cabins permitted by article 5.9(1)(g) above shall not exceed a total of four and the floor area of any one sleeping cabin may not exceed 80 square metres (861 square feet)."
16. Subsection 5.9(9) is amended by deleting 5.5(1)(e) and inserting 5.9(1)(e) such that it reads "The floor area of the community office building permitted in article 5.9(1)(e) above shall not exceed 200 square metres (2153 square feet)."
17. Subsection 5.9(10) is amended by deleting 5.5(1)(a) and inserting 5.9(1)(a) such that it reads "Farm uses permitted by article 5.9(1)(a) above must comply with all regulations established in relation to that use in Section 3.14."
18. Subsection 5.9(11) is amended by deleting 5.5(1)(h) and inserting 5.9(1)(h) such that it reads "The non-commercial short-term accommodation permitted by 5.9(1)(h) above is limited to the use of rooms within a permitted community meeting hall, provided the use does not exceed a maximum of 10 days at any one time, totalling no more than 90 days per calendar year."
19. Subsection 5.9(12) is amended by deleting 5.5(1)(i) and inserting 5.9(1)(i) such that it reads "The retail sales permitted by article 5.9(1)(i) above are limited to the sale of groceries and household effects within a permitted community meeting hall, provided the use is limited to a total floor area of 30 square metres (323 square feet) or less."
20. Subsection 5.10(1) is amended by adding 5.10(1)(e) "Community uses, consisting of emergency service buildings, community meeting hall, community office, maintenance uses and buildings, and vehicle and equipment storage uses and buildings."
21. Subsection 5.10(2) is amended by adding at the end "of the area zoned Community Services Two (S2)" such that it reads "The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Services Two (S2)."
22. Subsection 5.10(5) is amended by deleting 5.6(1)(a) and inserting 5.10(1)(a) such that it reads "Farm Uses permitted by article 5.10(1)(a) above must comply with all regulations established in relation to that use in Section 3.14."
23. Subsection 5.11(2) is amended by adding at the end "of the area zoned Community Service Three (S3)" such that it reads "The combined lot coverage of all buildings and structures shall not exceed 25 percent of the area zoned Community Service Three (S3)."
24. Subsection 5.11(5) is amended by deleting 5.7(1)(a) and inserting 5.11(1)(a) such that it reads "Farm Uses permitted by article 5.11(1)(a) above must comply with all regulations established in relation to that use in Section 3.14."

25. Subsection 5.15(4) is amended by deleting 5.8(1)(b) and inserting 5.15(1)(b) such that it reads "All mooring buoys permitted by 5.15(1)(b) above shall be located within 100 metres (328 feet) of the RR, A, CD1 or CD2 zones."
26. Subsection 5.15(5) is amended by deleting 5.8(4) and inserting 5.15(4) such that it reads "Despite Subsection 5.15(4) above, no mooring buoy shall be located within 100 metres (328 feet) of the NP zone."
27. Subsection 5.15(14) is amended by deleting 5.8(1)(b) and inserting 5.15(1)(b) such that it reads "Mooring buoys permitted by article 5.15(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot."
28. Subsection 5.15(15) is amended by deleting 5.8(1)(d) and inserting 5.15(1)(d) such that it reads "Docks permitted by article 5.15(1)(d) above shall be accessory to a residential or agricultural use of an upland lot, or lots, and shall provide access to that lot or lots for the residents of an upland lot."
29. Subsection 5.15(18) is amended by deleting 5.8(1)(e) and inserting 5.15(1)(e) such that it reads "Barge ramps and marine railways permitted by article 5.15(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island."
30. Subsection 5.15(19) is amended by deleting 5.8(1)(h) and 5.8(7) and inserting 5.15(1)(h) and 5.15(7) respectively such that it reads "Breakwaters and wave suppression devices permitted by article 5.15(1)(h) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.15(7) above."
31. Subsection 5.16(3) is amended by deleting 5.9(1)(b) and inserting 5.16(1)(b) such that it reads "Mooring buoys permitted by article 5.16(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot."
32. Article 5.17(1)(e) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads "Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in Articles 5.17(1)(c) and (d) above;"
33. Article 5.17(1)(f) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads "Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.17(1)(c) through (e) above or for the protection of an established use or feature."
34. Subsection 5.17(7) is amended by deleting 5.10(1)(b) and inserting 5.17(1)(b) such that it reads "Mooring buoys permitted by article 5.17(1)(b) above shall only be used for the purpose of mooring private vessels accessory to the residential use of an upland lot on the island abutting the water zone in which the marina is located."
35. Subsection 5.17(8) is amended by deleting 5.10(1)(c) and inserting 5.17(1)(c) such that it reads "Private marinas permitted by article 5.17(1)(c) above shall only provide docks, floats and piers for the mooring of private vessels accessory to a permitted use of an upland lot(s) on the island abutting the water area in which the marina is located."
36. Subsection 5.17(10) is amended by deleting 5.10(1)(d) and inserting 5.17(1)(d) such that it reads "Barge ramps and marine railways permitted by article 5.17(1)(d) above shall be accessory to a permitted use of an upland lot(s) on the island, and shall provide access to those lots for the residents of the upland lots."
37. Subsection 5.17(11) is amended by deleting 5.12(3), 5.12(5) and 5.12(6) and inserting 5.17(3), 5.17(5) and 5.17(6) respectively such that it reads "Despite Subsection 5.17(3), a maximum of two private marinas may be permitted." and "In addition to the siting and size regulations established in 5.17(5) and 5.17(6), the combined area of docks and marinas in the W3(a) zone shall not exceed 290 square metres (3122 feet²)."
38. Article 5.18(1)(f) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.18(1)(c) and (d) above;"

39. Article 5.18(1)(g) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.18(1)(c) through (e) above, or for the protection of another established use or feature;"
40. Subsection 5.18(3) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "The maximum area of all dock floats and piers adjacent to any one island permitted by article 5.18(1)(d) above may not exceed 93 square metres (1001 square feet), exclusive of ramps and walkways."
41. Subsection 5.18(7) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "Storage structures constructed on any part of a dock permitted by article 5.18(1)(d) above shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet)."
42. Subsection 5.18(10) is amended by deleting 5.11(1)(d) and inserting 5.18(1)(d) such that it reads "Docks permitted by Article 5.18(1)(d) above shall be accessory to an established residential use of an upland lot, or lots, and shall provide access to that lot or lots by the residents of an upland lot on the island abutting the water area in which the dock is located."
43. Subsection 5.18(11) is amended by deleting 5.11(1)(c) and inserting 5.18(1)(c) such that it reads "Wharves permitted by Article 5.18(1)(c) shall be used to provide access to land in the NP zone."
44. Subsection 5.18(14) is amended by deleting 5.11(1)(e) and inserting 5.18(1)(e) such that it reads "Barge ramps and marine railways permitted by article 5.18(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, or uses permitted in the NP zone, and shall provide access to that lot or lots."
45. Subsection 5.18(15) is amended by deleting 5.11(1)(g) and 5.11(3) and inserting 5.18(1)(g) and 5.18(3) respectively such that it reads "Breakwaters and wave suppression devices permitted by article 5.18(1)(g) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.18(3) above."
46. Subsection 5.19(5) is amended by deleting 5.14(4) and inserting 5.19(4) such that it reads "Despite Subsection 5.19(4), the minimum setback for any building, structure or enclosure housing animals and poultry shall be 7.6 metres (25 feet) from any lot line, except the natural boundary of the sea."
47. Subsection 5.20(1) is amended by inserting 5.20(1)(c) "Storage building; subject to subsection 5.20(8)."
48. Subsection 5.20(2) is amended by deleting "No more than 111 single family dwellings may be constructed in the CD2 zone" and replacing it with "There may not be more than one single family dwelling on any lot."
49. Subsection 5.20(3) is deleted in its entirety including Articles 5.20(3)(a) to (c).
50. Subsection 5.20(4) is renumbered to 5.20(3).
51. Subsection 5.20(5) is renumbered to 5.20(4).
52. Subsection 5.20(6) is amended by adding "Despite Subsection 3.3(2)" at the beginning, "Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection." at the end, and deleting "or a pump/utility house" such that it reads "Despite Subsection 3.3(2) the minimum setback for any building or structure, except a fence, shall be 15 metres (49 feet) from the natural boundary of the sea. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection."
53. Subsection 5.20(6) is renumbered to 5.20(5).
54. A new subsection 5.20(6) is inserted under the heading 'Siting and Size'

"The maximum floor area of a single family dwelling is limited to 465 m² (5,005 ft²)."

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

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

- (a) The use is limited to the storage of goods and materials for use on the lot,
- (b) Only one storage building is permitted on any lot,
- (c) The floor area is not to exceed 25 square metres (269 square feet),
- (d) The storage shed is not to be used for human habitation, and
- (e) For certainty, this does not limit accessory buildings permitted under Section 3.5.

56. A new subsection 5.20(9) is inserted under the heading 'Conditions of Use'

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

57. Subsection 5.20(8) is renumbered to 5.20(10).

58. Subsection 5.20(9) is renumbered to 5.20(11).

59. Subsection 5.20(10) is deleted in its entirety.

60. Subsection 5.20(11) Site Specific Regulations is amended by deleting "Portion of strata lots 6,7,8 and 19 Plan VIS5122" under the column Location Description and inserting "Strata Lots 19 and 65 to 71, Plan VIS5122"

61. Subsection 5.20(11) Site Specific Regulations is amended by deleting 5.15(5) under the column Site Specific Regulations and inserting 5.20(4) such that it reads "(1) Despite Subsection 5.20(4) above, the required interior side and rear lot line setbacks are 3 metres (10 feet), except where a lot line is contiguous with the NP zone, the setback from that lot line is 10 metres (33 feet)."

62. Subsection 5.20(11) Site Specific Regulations is renumbered to 5.20(12)

63. Schedule B (Zoning Map) is amended in accordance with the maps attached to and forming part of this bylaw as Plans 1 and 2.

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

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

READ A FIRST TIME this 25th day of October, 2012

PUBLIC HEARING HELD this 26th day of January, 2013

READ A SECOND TIME this 31st day of January, 2013.

READ A THIRD TIME this 31st day of January, 2013

APPROVED BY THE EXECUTIVE COMMITTEE this 19th day of February, 2013

ADOPTED this day of, 20__

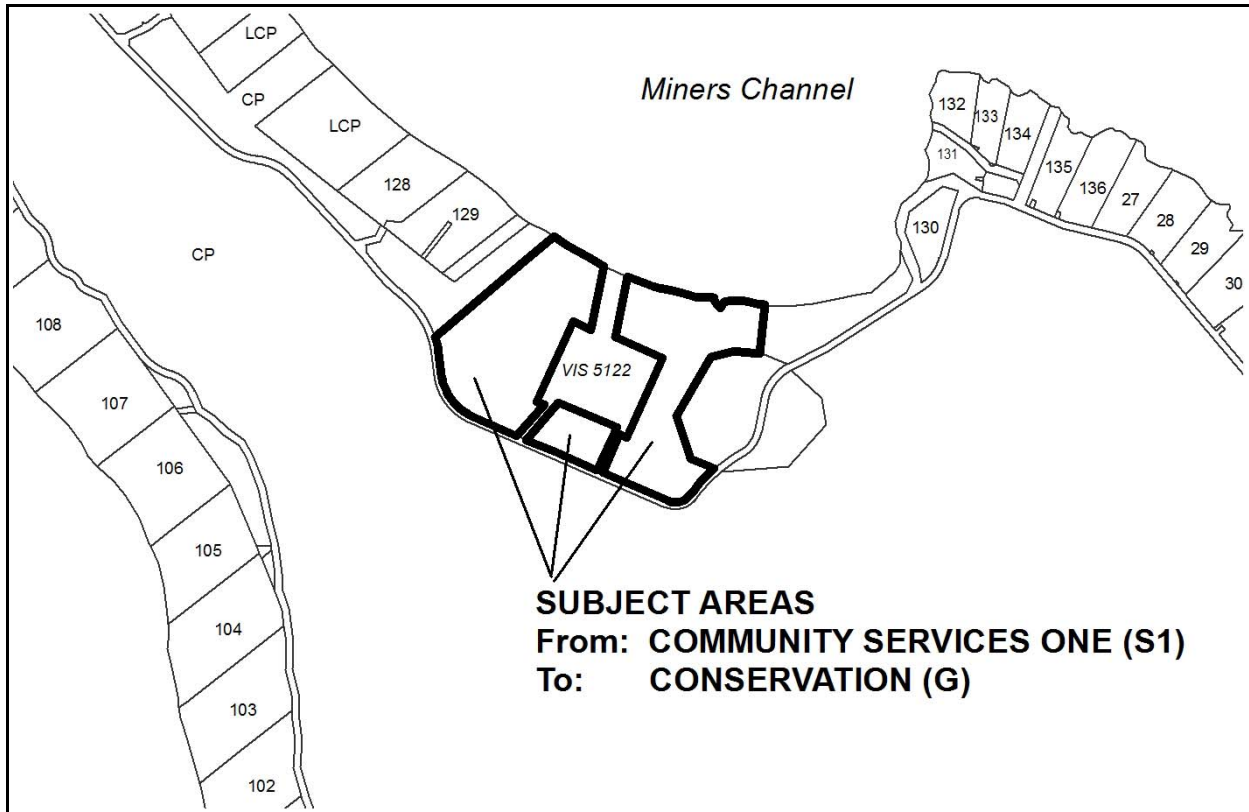
Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

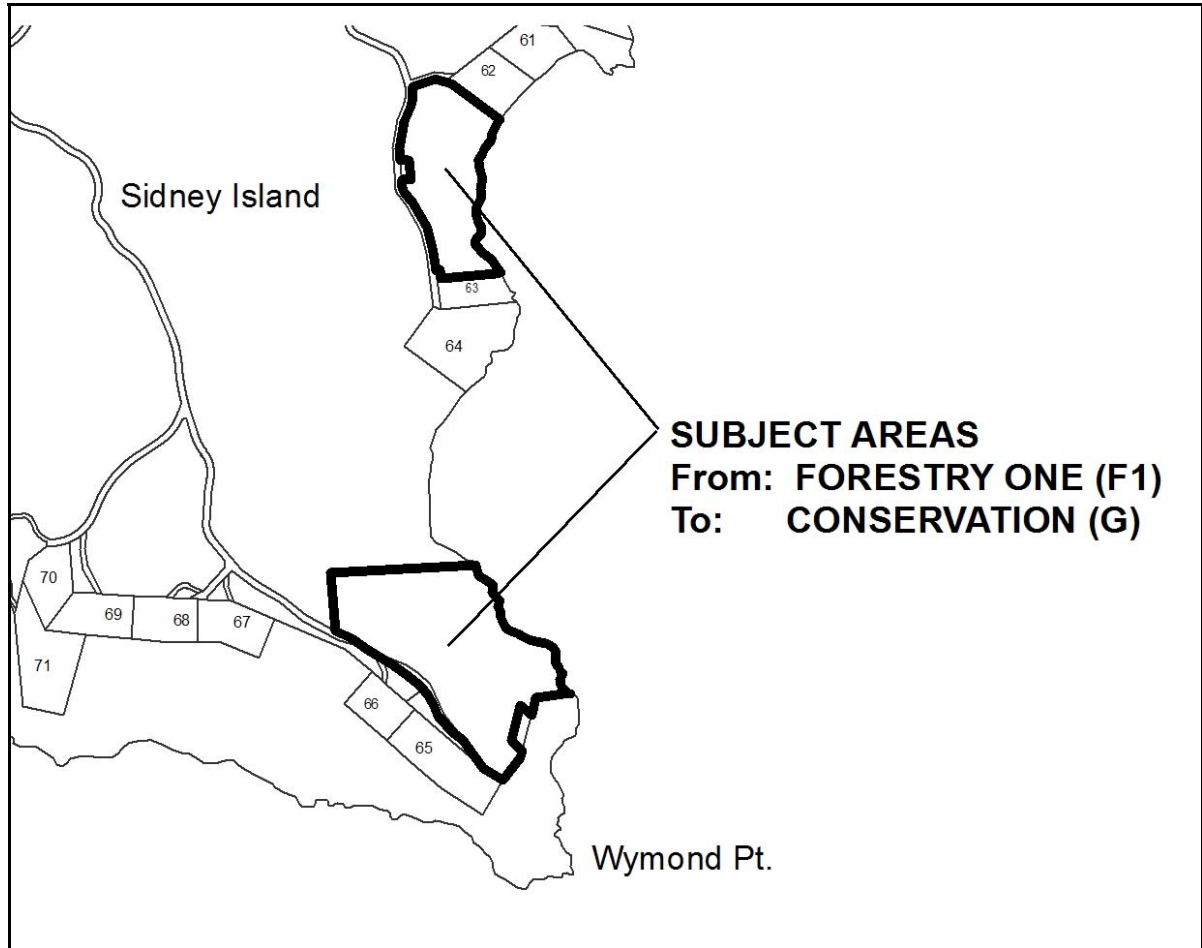
PLAN No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 187

PLAN No. 2

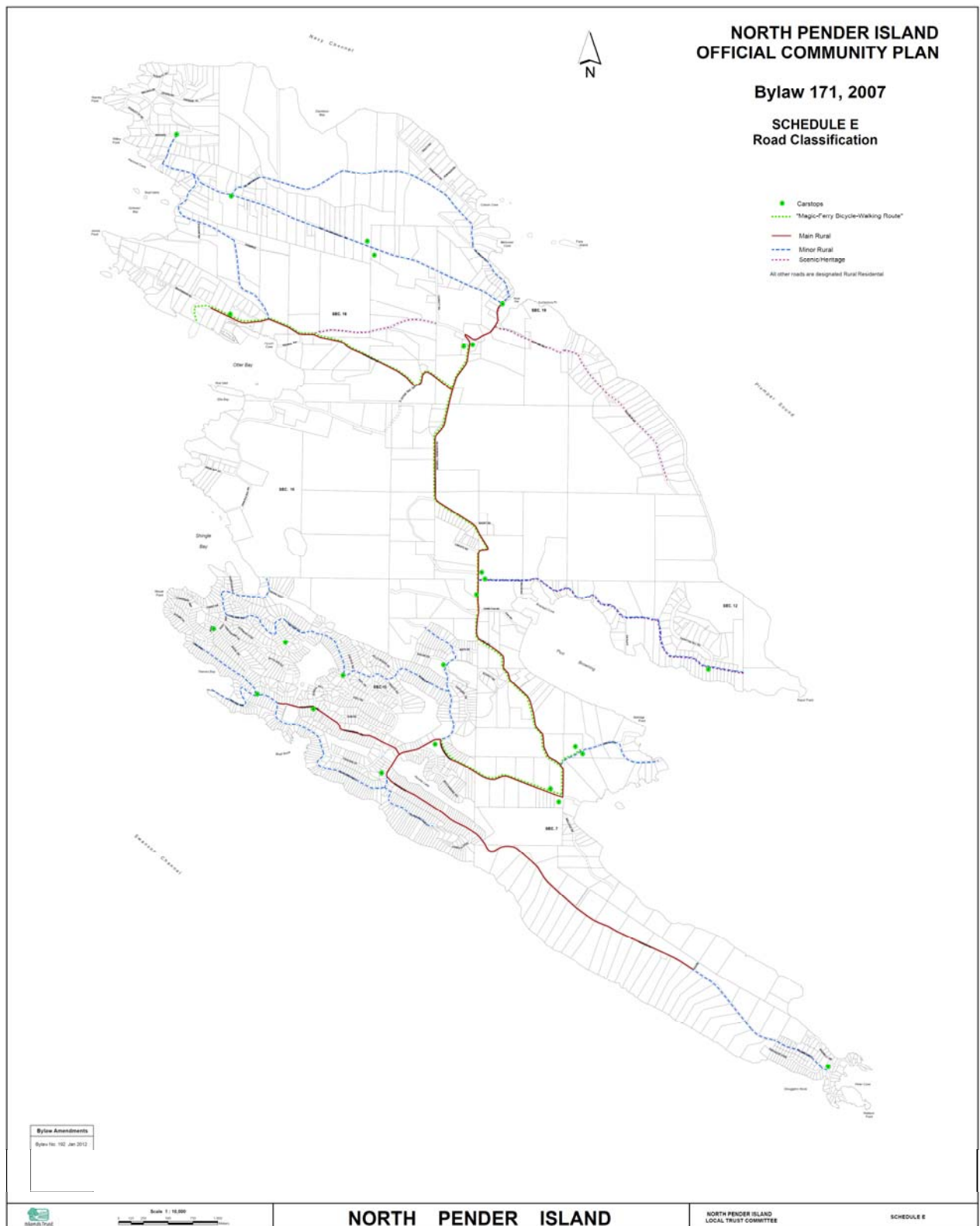


A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171,
2007

1
Page No. 44

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 192
SCHEDULE 1

North Pender Island Official Community Plan No. 171, 2007 Schedule E – Road Classification, is inserted as follows:





STAFF REPORT

April 16, 2013

File No: NP-6500-20
NMCA

To: North Pender Island Local Trust Committee
For the meeting of April 25, 2013

From: Robert Kojima
Regional Planning Manager
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: National Marine Conservation Area Reserve Exclusion Areas

The purpose of this report is to provide the LTC with a review of the marine areas proposed to be excluded from the National Marine Conservation Area Reserve (NMCAR) and to provide some options for public consultation.

BACKGROUND:

At an October 2012 workshop for local government, the Parks Canada superintendent suggested that it would be useful for local government to provide feedback on the NMCAR boundaries and proposed exclusions. At the December 2012 Trust Council, resolutions were adopted re-affirming: support for the establishment of the NMCAR, support for LTC zoning to be used to form basis of federal zoning, and Trust Council's inclusion in joint management. At the January LTC meeting, in response to a staff memo, the LTC requested a report reviewing the relationship of the proposed boundary to the 3 private marinas and provide recommendations for community consultation.

The proposed NMCAR would exclude certain marine areas, specifically areas of high tenure concentration, essentially harbours containing concentrations of commercial and industrial uses, as well as specific locations containing ferry terminals, marinas, sewer/effluent lines, and all commercial and industrial tenures except for shellfish aquaculture. A 200 metre buffer would also be established around each exclusion area to allow for possible future tenure expansion or changes in location.

The proposed exclusion areas for three private marinas adjacent to North Pender Island are shown on the attached schedules. There are also two exclusions for utility tenures for Magic Lake estates and the ferry terminal. These maps were obtained from Parks Canada.

ISSUES:

Exclusion areas:

The mapping provided by Parks Canada indicates that buffers of approximately 200 metres have been generated around the tenures for the three marinas (Otter Bay, Thieves Bay, and Browning Harbour). However these are inconsistent in some locations, extending further than 200 metres.

In addition to the issue of the consistency of the buffers, the proposed exclusion of private marinas raises the following issues:

- The appropriateness of excluding private marinas: marinas and the impacts of marina activities may not necessarily be incompatible with an NMCA.
- The proposed exclusion areas do not necessarily account for ecosystem values, for example mapped eelgrass beds and forage fish habitat occur inside proposed exclusion areas, some of which are shown on the attached maps
- Impacts of uses occurring at marinas may be similar to other tenures that are currently proposed to be included, and are thus presumably consistent with an NMCA:
 - o Public wharves are not proposed to be excluded (Port Washington, Hope Bay and Browning), which have significant boat traffic, mooring and float plane uses occurring
 - o No exclusions are shown in the associated islands area, however there are tenures and zoning in place for private docks providing access to James, Sidney and Coal islands that, as these islands develop further, could result in a level of activity similar to that currently occurring at private marinas.
- Exclusion of the buffer areas from a future NMCAR could exacerbate or concentrate existing issues which are currently outside the jurisdiction of local trust committees to address, namely derelict vessels and unregulated mooring buoys.
- Conversely, the LTC may consider it to be advantageous to retain authority over zoning and DP areas within private marina tenures and the surrounding exclusion areas. Local control would then be retained over use, density and siting, and other impacts that could be regulated by development permit.

Options:

The LTC has a number of options with respect to these exclusions and sending a submission to Parks Canada:

1. Recommend to Parks Canada that the private tenures not be excluded
2. Recommend that exclusions be consistent with tenure and/or zone boundaries for private marinas, in other words no buffers
3. Support the proposed exclusions
4. Recommend additional marine areas be excluded, e.g. public docks, tenures in the associated islands.
5. Do not send comments at this time, Parks Canada will be undertaking further consultation prior to proceeding with establishment of an NMCAR.

Community Consultation:

The LTC has requested that staff provide options for community consultation on the proposed exclusion areas. The following are the main options for LTC consideration:

1. LTC provides comments directly to Parks Canada concerning proposed exclusion areas. This would be appropriate if the LTC considers and supports a request to Parks Canada to make specific changes to the exclusion area and considers that formal community consultation is not required at this time.
2. LTC requests Parks Canada hold one or more public consultation opportunities on the North Pender. Given Parks Canada's staffing shortages and lack of recent activity on the NMCAR this may not be forthcoming in the near future.
3. LTC provides opportunity for public consultation directly. While this is something that the LTC is experienced in, and which staff can arrange, the lack of knowledge of relating to details of the NMCAR establishment process would hamper the effectiveness of this approach. The format of such consultation could include:

- Posting maps to website and asking community members to provide comments to staff, which are reported to the LTC at a future meeting
- Sending a mail-out asking for comments to be submitted
- Scheduling a community information meeting. Parks Canada staff could be invited to attend a meeting held by the LTC, which may be more feasible for Parks Canada.

4. Take no action currently, this does not preclude providing input or requesting further consultation at a later date.

Respectfully submitted by:

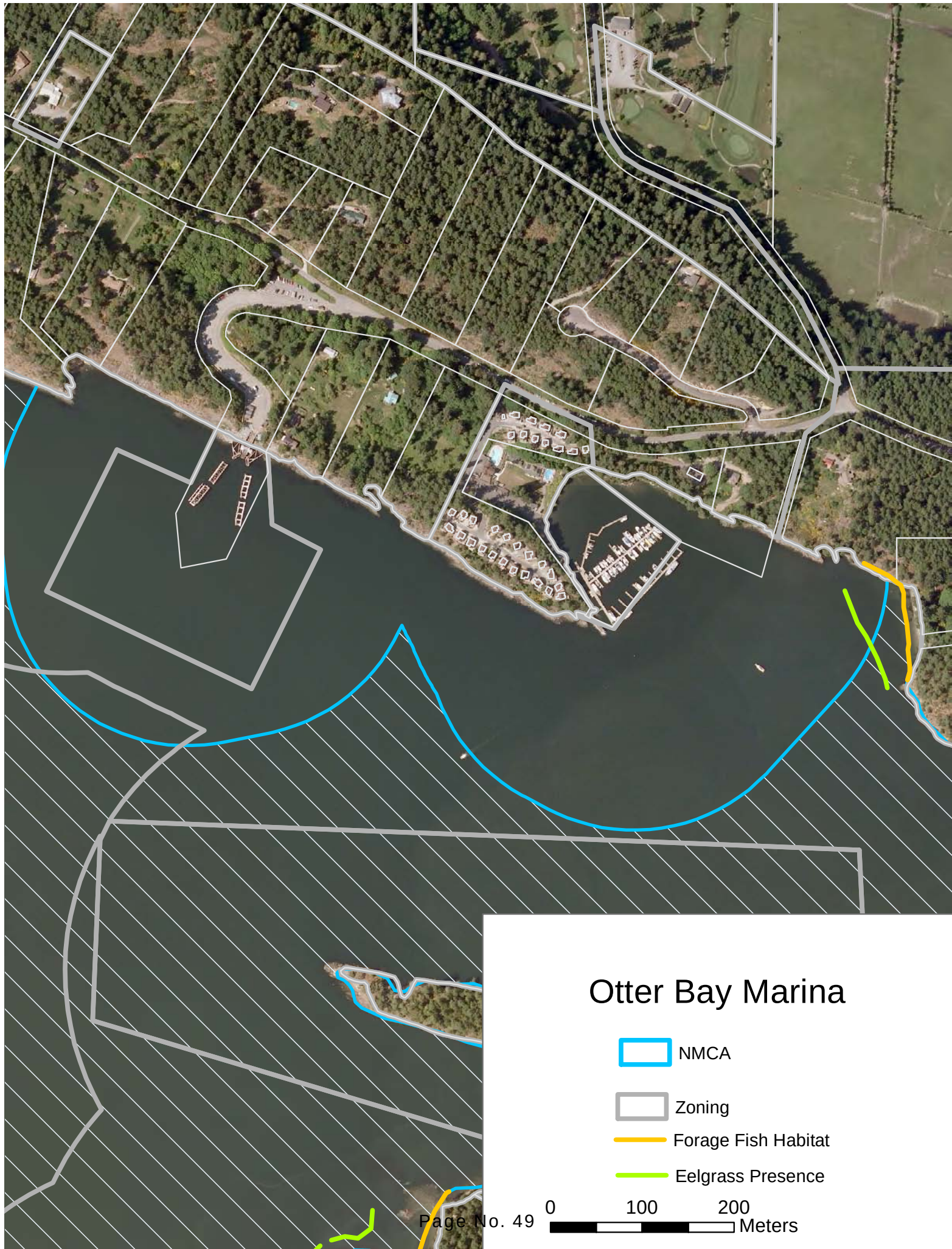


Robert Kojima,
Regional Planning Manager

April 26, 2013

Date

Attachments







Thieves Bay Marina

 NMCA

 Zoning

 Forage Fish Habitat

 Eelgrass Presence

0100200

Meters



Memorandum

Date	April 26, 2013	File Number
To	North Pender Island Local Trust Committee	
From	Robert Kojima Regional Planning Manager	
Re	Shoreline Education Booklet	

At the October 2012 LTC meeting, staff were requested to undertake, utilizing a contractor, the development and production of a brochure on shoreline use and ecology. A contract was entered into in late December 2012 with Ramona de Graff (Emerald Sea Biological) to produce a booklet style educational document. The project was funded from the LTC's 2012-13 Shoreline Review project budget.

The project was substantively completed in late March 2013, with delivery of a final draft. Final edits and layout were completed in early April. The final layout of the 'Sharing Our Shorelines' booklet has been distributed electronically to trustees. The booklet, either wholly or by individual page, will be posted on the LTC webpage. Printing was not included in the contract with Emerald Sea Biological, but would need to be funded from the 2013-14 budget. An LTC project budget is available in the amount of \$5000 for continuation of the Shoreline Review in 2013-14 fiscal year. Printing estimates have been obtained for the cost of printing 500 copies (\$1500) or 1000 copies (\$1800).

Before contracting for printing, staff are seeking input from the LTC on anticipated distribution of the hard copies.

pc Andrea Pickard, Island Planner



Islands Trust

Top Priorities

North Pender Island

No.	Description	Activity	Received / Initiated	Responsibility	Target Date	Status
1	Shoreline Development Review	Identify and assess issues and impacts associated with development on the foreshore and immediately upland of the natural boundary, including docks, stairs, seawalls, erosion, landslip, sea level rise and structures near the natural boundary. Consider options to address issues, including designation of a shoreline DPA	Sep-22-2011	Andrea Pickard		On Going
2	National Marine Conservation Area (NMCA)	Review proposed exclusion of the three public marina areas on NPI and report back with community consultation recommendations	Jan-31-2013	Andrea Pickard	Apr-25-2013	On Going
3	LUB amendments related to subdivision and roads	• road classification and design standards review, including heritage roads and subdivision standards (s. 4.15) and related OCP policies • subdivision servicing regulation review • stormwater management regulation review	Feb-28-2013			On Going



Projects

North Pender Island

No.	Description	Activity	Received / Initiated	Status
1	Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)		Jan-22-2009	On Going
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
6	LUB Amendments	• review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • ferry terminal zoning • review of commercial (C1) zoning • incorporate TUP's into zoning • landscape screening review • review of marine zoning regulations in conjunction with overall shoreline development review	Mar-22-2012	On Going

- amendments to permit renewable energy
- review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs
- height exemptions for agricultural or forestry buildings and boat sheds
- max floor area for principal dwellings

7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
9	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	• NZEV designation • Level 2 Charging Stations • Additional Car Stop Locations • Additional Bicycling-Walking Routes • Heritage Roads • Related policy and regulatory options	Sep-20-2012	On Going



Applications w / Status - North Pender Island

Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2012.1	Michael & Anne Burdett Planner: Andrea Pickard	Dec-21-2012	4606 RAZOR POINT RD Application by Owner in Non-Farm Use in the ALR

Planning Status

Status Date: Feb-01-2013

LTC resolution to forward to ALC

Status Date: Jan-22-2013

on Jan agenda

Status Date: Jan-07-2013

staff report completed

Development Permit

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

Planning Status

Status Date: Feb-28-2012

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

Status Date: Jan-26-2012

jan meeting cancelled, on Feb agenda

Status Date: Jan-10-2012

on Jan agenda, draft covenant and drainage rpt included

Rezoning

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

Planning Status

Status Date: Jan-09-2013

on hold until ALC application completed

Status Date: Nov-09-2012

Application sent to Local Trustees and Planner

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

Planning Status

Status Date: Feb-19-2013

staff report completed

Status Date: Jan-07-2013

site visit

Status Date: Nov-28-2012

Application forwarded to Planner and copies sent to Trustees.

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

Planner: Andrea Pickard

Planning Status

Status Date: Mar-08-2013

direction to proceed with more information requested from applicant

Status Date: Feb-13-2013

preliminary report for Feb agenda

Status Date: Jan-22-2013

Sent letter of acknowledgment of receipt of fees and application to applicant. Copy to trustees and forward to Planner

Subdivision

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

Planning Status

Status Date: Apr-02-2013

natural areas covenant registered - copy received

Status Date: Nov-20-2012

final letter of approval sent to MOTI

Status Date: Nov-19-2012

letter of undertaking confirmed

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.5	Richard Wey & Associates Planner: Andrea Pickard	Apr-15-2008	6621 HARBOUR HILL DR (TWA): To Create 15 lots

Planning Status

Status Date: Dec-20-2012

groundwater report rec'd

Status Date: Mar-30-2012

DFO confirmed file is closed

Status Date: Mar-12-2012

pending owner commenting on requested covenant amendments and Gardom Pond issues to be clarified

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.1	Richard Wey & Associates Land Surveying Inc Planner: Kim Farris	May-16-2011	4606 OAK RD & 4602 OAK RD Boundary adjustment

Planning Status

Status Date: Feb-27-2012

DP approved

Status Date: Jan-10-2012

DP application rec'd - xref NP-DP-2012.1

Status Date: Oct-06-2011

PLA issued

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.2	JM Wood Investment Ltd Planner: Kim Farris	Sep-02-2011	application to subdivide Parcel K (DD50314-i) into two fee simple lots. Separated by the dedication of Clam Bay Road

Planning Status

Status Date: Feb-07-2012

PLA issued

Status Date: Sep-28-2011

response sent to MOTI, copied to app/owner

Status Date: Sep-08-2011

Forwarded to Planner and Trustees

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.3	Strongitharm Consulting Ltd Planner: Kim Farris	Nov-09-2011	Boundary adjustment

Planning Status

Status Date: May-02-2012

PLA received

Status Date: Dec-06-2011

response sent to MOTI

Status Date: Nov-30-2011

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

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

Planner: Andrea Pickard

Planning Status

Status Date: Oct-17-2012

PLA issued

Status Date: Sep-17-2012

response sent to MOTI

Status Date: Sep-06-2012

File forwarded to Planner

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

Planning Status

Status Date: Apr-11-2013

PLA received from MOTI

Status Date: Feb-26-2013

fees received, SD review drafted

Status Date: Jan-07-2013

site visit

Kathy Jones

From: Nicole Ranger
Sent: March-26-13 11:52 AM
To: Andrea Pickard; Gary Steeves; Ken Hancock; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Nancy Roggers
Subject: North Pender Expense Report March 2013

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to March 31, 2013

650 North Pender	Invoices posted to March 31, 2013	Budget	Spent	Balance
65000 650	LTC "Trustee Expenses"	1,500.00	2,072.39	(572.39)
65200 650	LTC Local Exp LTC Meeting Expenses	3,600.00	3,086.24	513.76
65210 650	LTC Local Exp APC Meeting Expenses	1,840.00	688.95	1,151.05
65220 650	LTC Local Exp Communications	1,150.00	-	1,150.00
65230 650	LTC Local Exp Special Projects	2,000.00	1,739.43	260.57
65240 650	LTC Local Exp Miscellaneous	810.00	-	810.00
TOTAL LTC Local Expense		9,400.00	5,514.62	3,885.38
73001 650 2006	North Pender OCP/LUB	5,000.00	4,599.40	400.60
73001 650 4004	North Pender Shoreline Protection	5,000.00	583.53	4,416.47
TOTAL Project Expense		10,000.00	5,182.93	4,817.07

Nicole Ranger

Finance Clerk
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8
 Phone: (250) 405-5152
 Fax: (250) 405-5155

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North Pender Local Trust Committee
2012-13 Budget

LTC Meetings	3,600.00	
APC Meetings	1,840.00	
Communications	1,150.00	
Special Projects	2,000.00	
Miscellaneous	810.00	
TOTAL LTC LOCAL EXPENSES	9,400.00	

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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



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Population (2011):

Approximately 2,035

Size:

2,709 hectares (6,694 acres)

Location:

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

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
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North Pender Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the North Pender Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

February 2013

- [The Pender Wave - February 2013](#)
- [The Pender Island Conservancy Association Shoreline Event - March 2, 2013](#)

December 2012

- [Information on Mining Claims](#)

October 2012

- [Ministry of Transportation and Infrastructure Response re: Hoosen Road](#)

September 2012

- [North Pender Trustee Newsletter - September 2012](#)
- [James Island Rezoning Referral Process Memo - September 5, 2012](#)
- [Eagle Watch Report - August 20, 2012](#)
- [Pender Islands Transportation Survey Results - Residents](#)
- [Pender Islands Transportation Survey Results - Visitors](#)
- [Pender Island Transportation Management Plan](#)

[Pender Post Trustee Reports](#)

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Planner Office Hours on Pender Island

- [Planning Office Hours on Pender Island](#)

North Pender Island Local Trust Committee Projects

Local trust committee community planning projects are initiated and managed through their Work Programs. The Work Program Top Priorities are projects that have been prioritized by the LTC and for which resources are available or anticipated to be available shortly. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.

- [Work Program Top Priorities](#)

General

- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)

Committee Links

[Committee Home](#)
[Trustee Membership](#)
[Contact Trustees](#)
[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
[Meeting Agendas](#)
[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

- [An "Applying for a Variance" fact sheet](#)
- [Development Approval Information Bylaw No. 134](#) - outlines information required when submitting a Development Permit, Temporary Use Permit or Rezoning Application
- [Policies and Standing Resolutions - June 2009](#)
 - NP-LTC-05-05 - Advisory Planning Commission Appointments Policy
 - NP-LTC-80-06 - Communications Policy
 - NP-LTC-82-06 - Enforcement Policy - Short Term Vacation Rentals
 - NP-LTC-146-07 - Special Occasion License Policy
- [Buying Property on North Pender Island? What Every Potential Purchaser Should Know - May 2008 Update](#)
- [Who Lives Here? - North Pender Ecosystem, Habitat and Wildlife](#) Note that this presentation requires Quicktime to be loaded on your computer - this application can be obtained at no charge from <http://www.apple.com/quicktime/download/> - As well note that this presentation is 3 MB in size.
- **Transportation Plan**
- [Pender Island Transportation Management Plan](#)
- [Pender Islands Transportation Survey Results - Residents](#)
- [Pender Islands Transportation Survey Results - Visitors](#)

Rezoning Applications

NP-RZ-2012.1 /NP-ALR-2012.1 (Burdett) Waste Transfer Site

- [Staff Report - January 31, 2013](#)
- [Hydrology Impact Assessment](#)
- [Phase II Environmental Site Assessment](#)

NP-RZ-2012.2 (Clam Bay Farm)

- [Staff Report - February 28, 2013](#)

NP-RZ-2013.1 Henshaw - Otter Bay Industrial Site

- [Staff Report - February 28, 2013](#)
- [Geotechnical Summary Report](#)
- [Hydrogeological Summary Report](#)

Hooson Road Realignment

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

Sidney Island Bylaw Review

- [Draft Consolidation of Land Use Bylaw No. 148](#)
- [Proposed Bylaw No. 187 \(LUB Amendment\)](#)
- [Proposed Bylaw No. 189 \(OCP Amendment\)](#)
- [Proposed Hazard Land DPA Map](#)
- [North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002](#)
- [North Pender Associated Islands Land Use Bylaw No. 148, 2003](#)
- [Geotech Covenant](#)

Staff Reports:

- [Staff Report - July 12, 2011](#)
- [Staff Report - September 12, 2011](#)
- [Staff Report - January 9, 2012](#)
- [Staff Report - October 31, 2012](#)
- [Staff Report - November 20, 2012](#)
- [Staff Memo - December 13, 2012](#)
- [Staff Memo - January 29, 2013](#)

Climate Change Action

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

Geological Hazard Mapping

- [Steep Slopes Hazard Map](#)
- [C.N. Ryzuk and Associates Report - December 11, 2009](#)

Environmental Development Permit Areas (EDPAs)

- EDPA Information Sheets:
 - [Development Permit Area 1 \(Woodland Sensitive Ecosystem\)](#)
 - [Development Permit Area 2 \(Herbaceous Sensitive Ecosystem\)](#)
 - [Development Permit Area 3 \(Riparian Sensitive Ecosystem\)](#)
 - [Development Permit Area 4 \(Wetland Sensitive Ecosystem\)](#)
 - [Development Permit Area 5 \(Cliff Sensitive Ecosystem\)](#)
 - [Development Permit Area 6 \(Intertidal Sensitive Ecosystem\)](#)
 - [Development Permit Area 7 \(Raptor and Heron Nests Sensitive Ecosystem\)](#)
 - [Development Permit Area 10 \(Riparian and Aquatic\)](#)
- [OCP Part 5 "Preserving and Protecting Our Ecosystem"](#)
- [Development Permit Area Guide for North Pender Island](#)
- [Refer to North Pender Island OCP and Development Permit Area Schedules](#)

Ecosystem Mapping Webpage

Archived Postings

Note: this is a list of previously posted information and may not include all available documentation. Please contact staff if you require more information

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Memorandum

Date **February 25, 2013** **File Number** **FILE**

To **Local Trust Committees**

From **Local Planning Committee**

Re **Renewable Energy Technologies in the Trust Area – Ocean Based Geo-Exchange Systems**

At its meeting on February 7, 2012, the Local Planning Committee passed a resolution requesting that the attached report be circulated to all Local Trust Committees for information.

The report outlines the ocean loop geo-exchange technology and how it is being permitted currently within the Trust Area. It includes background information on ocean loop geo-exchange systems, the possible impacts and benefits of their use and briefly outlines what is currently being done or proposed on some of the Islands (i.e. North Pender, Saturna, Executive Islands, Galiano, Mayne, Salt Spring, South Pender and Thetis) in accommodating ocean loop geo-exchange systems.

Attachment: Renewable Energy Technologies in the Trust Area – Ocean Loop Geo-Exchange Systems Report

REQUEST FOR DECISION

To: Local Planning Committee

For the Meeting of: February 7, 2013

From: Kris Nichols, Island Planner

Date: January 31, 2013

SUBJECT: RENEWABLE ENERGY TECHNOLOGIES IN THE TRUST AREA - OCEAN LOOP GEO-EXCHANGE SYSTEMS

RECOMMENDATION:

That the Local Planning Committee circulate this report, *Renewable Energy Technologies in the Trust Area - Ocean Loop Geo-Exchange Systems*, dated January 31, 2013, to all Local Trust Committees and planning staff so that they are aware of the implementation options for ocean loop geo-exchange systems and their status in other Local Trust Areas.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Adoption of bylaws to accommodate the utilization of geo-exchange systems will enable owners to implement heating and cooling technology that reduces Greenhouse Gas Emissions and is therefore environmentally responsible.

FINANCIAL: Staff time would be required to develop and implement bylaws or amend existing bylaws to accommodate ocean loop geo-exchange systems.

POLICY: There are six (6) Trust Policy statements to be considered with the accommodation of ocean loop geo-exchange systems into Local Trust Area (LTA) bylaws. All LTA OCPs should contain targets, policies and actions to reduce greenhouse gas emissions (GHG) as a result of changes to the *Local Government Act* and the implementation of bylaws to permit ocean loop geo-exchange supports this.

IMPLEMENTATION/COMMUNICATIONS: The LTC and staff would work with clients to educate them on the options available to accommodate the use of geo-exchange systems within their Local Trust Area.

BACKGROUND

Description of Issue:

At the last Committee meeting a briefing report was reviewed outlining the ocean loop geo-exchange technology and how it is being permitted within the Trust Area currently. The Committee requested some further clarification on the use the ocean loop geo-exchange systems presenting a critical overview of the ocean based geo-exchange approaches being used.

This report will expand on the previous report considered at the November 7, 2012 meeting, presenting background information on ocean loop geo-exchange systems, the possible impacts

and benefits of their use and briefly outlining what is currently being done or proposed on some of the Islands (i.e. North Pender, Saturna, Executive Islands, Galiano, Mayne, Salt Spring, South Pender and Thetis) in accommodating ocean loop geo-exchange systems.

The report is not to be interpreted as an endorsement of this type of system versus the more conventional forms of heating and cooling that are being used based on climate change or any other environmental efficiency or cost saving. The fact is that these systems are becoming more frequent and will likely continue to be so in the future and Local Trust Committees will have to find a way to consider accommodating these new technologies within the current land use regulations. Many of the islands are already accommodating them as the systems are introduced or as bylaws are being updated.

REPORT:

Local Planning Committee has on its Work Program List: "1. Encouraging Green Technologies" with the intent that LPS staff will develop model policy and regulatory wording to address ocean based geo-exchange and draft an RFD for the LPC.

Changes to technology and an increasing demand for the use of this technology has resulted in an increase in proposals within the Islands Trust Area to install ocean based geo-exchange systems, typically for new construction. An ocean based geo-exchange system uses temperature gradients in the ocean to provide heating and cooling. The infrastructure typically consists of pipes containing a heat transfer fluid that are anchored to the seabed and connected to a structure (typically a house, but commercial properties may look at this as well) on the upland property.

Although geo-exchange heating, using latent heat from the ground, and heat pumps using heat from the air, is not new, these systems are typically located on the same lot as the building and thus have not been an issue with respect to zoning. These systems are infrastructure accessory to building (the principal use) and are permitted outright in all zones on the same lot as the principal use (in the same way a septic field would be accessory). Ocean-based loops, however, differ in that the foreshore is generally in a different zone and therefore, that portion of the system is not located on the same lot as the building and thus would not meet the definition of an accessory use. Being partially located on the ocean floor also requires a Crown lease as any dock would.

Technology

The terminology preferred by the industry for this type of installation is a geo-exchange system. The term 'geothermal' is now reserved for larger, higher temperature systems (e.g. neighbourhood heating). These systems are similar to air source heat pumps but geo-exchange systems extract heat from the ground or water and transfer it to the air within a building.

Types of systems include:

- Closed loop vs. open loop:
 - o Open loop uses a conventional well to extract water, which after the heat is extracted the water is then returned to a pond, stream or other well.
 - o Closed loops circulate a heat transfer fluid.
- Vertical vs. horizontal
 - o Horizontal systems typically bury pipes 1.8 to 2.4 metres either below ground or below the winter ice level in a water body or the low tide mark in the ocean
 - o Vertical systems use boreholes 45 to 60 metres. Boreholes for geothermal wells are regulated by the BC *Water Act* and must be constructed by a qualified well driller

Accreditation and Certification of the Technology

The Canadian Geo-exchange Coalition has an accreditation and certification program called the “CGC Global Quality Geo-exchange Program”. CGC ranges from training, to accreditation of an individual, company qualification, and certification of systems. To be accredited there is both the required training and have positive field experience confirmed by customers and manufacturers/distributors recommendations.

‘Certification of systems’ means the system has been designed by an accredited designer, installed by an accredited installer, and any borehole work has involved an accredited vertical loop installer. The system must also meet CSA standard C-448-02, use ISO/CSA approved equipment, and engage such best practices as providing ‘as-builts’, and proper labelling of all pipes and valves.

By meeting the standards established the installation would include meeting Department of Fisheries and Oceans (DFO) guidelines. DFO, typically, does not play a direct role in the approvals of these systems.

The Industry Training Authority (ITA) also provides a Domestic/Residential Certified Geothermal Technician program, which takes approximately 2 years to complete. The International Ground Source Heat Pump Association (IGSHPA) based in the US also provides training to be a ‘Certified Geo-exchange Designer’ (CGD). In addition to taking the required courses and passing an exam, to be eligible for certification one must be:

- An engineer or architect with 3 years of experience in commercial geothermal heat pump, or heating, ventilation and air conditioning (HVAC) experience
- Have a four year non-technical degree with 5 years of experience
- Have a two –year technical degree with 8 years of experience
- Have 10 or more years of experience

KEY ISSUES:

Potential Impacts

This technology is relatively new, but is becoming more popular as residents and businesses look for alternative heating and cooling systems that are less reliant on conventional methods with a desire to be more environmentally responsible.

There are a number of considerations in contemplating changes to regulations to permit ocean loop geo-exchange systems on the foreshore:

1. Use of geo-exchange systems results in reduced Greenhouse Gas (GHG) emissions, particularly as the ocean-based systems are often installed in conjunction with new construction of larger waterfront homes which would otherwise have significant conventional heating and/or cooling requirements. In addition, as passive systems they provide greater local resilience in the sense that owners are not dependant on off-island fuel sources (e.g. propane, oil). From the homeowners’ perspective, they can also provide cost savings over the long term, although usually require additional upfront costs.
2. Although the amount of work on the foreshore is usually minimal, disturbance of sensitive areas such as eelgrass beds or other habitat may be a concern. The Islands Trust has been improving its mapping of the foreshore areas and therefore disturbances become less likely. Guidelines established by DFO also have to be followed. Some islands have DPAs along the foreshore offering another level of protection.
3. Similarly, work required to bury lines immediately upland or in the intertidal area could also result in alteration of existing shorelines or use of materials such as concrete.

Installing systems in conjunction with existing or proposed docks would minimize these impacts.

4. On-going maintenance and concerns over leaks is an issue: the systems are complex and require regular inspection and maintenance by qualified professionals. The type of heat transfer fluid used is also sometimes raised as a concern. Some new systems use water only, as in the system recently approved on North Pender, or use an anti-freeze within the closed loop. The propylene glycol type of fluid sometimes used in these systems is the same as that used as moisturizer in medicines, cosmetics, food, toothpaste and mouthwash and has low toxicity, is highly soluble in water, and readily metabolized by microbes and marine life¹. Higher levels of toxicity have been found from propylene-based Airplane De-icing Fluids (ADF) as a result of additives used in those applications only.
5. Concerns over damage to systems by wave or tides. This is a concern. Proper instalment by a certified installer following established guidelines and procedures. There may be some areas (e.g. narrow channels) where it is impractical to lay a system on the ocean floor due to the flow and tide action.

Potential Benefits:

There is a great deal of research literature that explains the many benefits (e.g. cost, GHG reductions, flexibility, air quality, availability of grants, efficiency, environmentally responsible, etc.) of utilizing these types of systems instead of the conventional methods. If more buildings utilized this type of heating/cooling system the island's electrical system/supply could service a greater number of buildings without requiring costly upgrades. Also, there would be less propane, oil and wood deliveries required, which would reduce wear-and-tear on the road infrastructure. Fewer fuel delivery trucks also reduce transportation GHG emissions, noise and traffic. Two of the most common benefits are listed here:

1. Increased Efficiency and Cost Savings: It is stated through several sources (e.g. www.geoexchange.com , www.earthpointenergy.com , www.geo-exchange.ca) that with these systems two thirds of the energy supplied is from the solar energy stored in the earth/water and 1/3 of the energy is used for servicing the system generally the circulating pump. A large cost of energy supplied to residences is the expense of getting it there – electrical transmission lines, gas lines, oil pipelines, trucks, ferries. These have both direct and indirect costs associated with them. These costs are significantly reduced if not eliminated when using a geo-exchange system. This results in a 25%-50% lower utility bills than conventional systems.

The geo-exchange system used in the North Pender house is a type of water-source heat pump system. It was pointed out in the North Pender example by the engineer (Weir Design and Engineering) the efficiency of these systems as follows:

Heating Efficiency:

The efficiency of a heating system can be defined as the ratio of heat output to energy input. There are many types of heating systems that utilize different equipment with different energy sources. The following is a list of heating systems commonly used in residential applications and their estimated efficiency:

- Wood fireplace - 30 to 50%
- Oil furnace or boiler - 65 to 85%
- Natural gas furnace or boiler - 80 to 95%

¹ Canadian Council of Ministers of the Environment, 2007. Canadian Soil Quality Guidelines for Propylene Glycol: Environmental and Human Health. www.ccme.ca/assets/pdf/1394_pg_rationale_e.pdf
US Environmental Protection Agency Office of Pesticide Programs. Reregistration Eligibility Decision for Polypropylene Glycol. www.epa.gov/oppsrrd1/REDs/propylene_glycol_red.pdf

Propane furnace or boiler - 80 to 95%
Electric heaters or furnace - 100%
Air-source heat pump - 200 to 300%
Water-source heat pump - 300 to 400%

Cooling Efficiency:

This geo-exchange system (used in North Pender) has been designed with “free cooling” where by all cooling will be provided without the use of the heat pumps (the heat pumps only operate when heating is required). This is possible due to the temperature of the ocean during the summer, which sufficiently cools the heat transfer fluid without the use of heat pumps.

Similar to above, the efficiency of a cooling system (air conditioning system) can be defined as the ratio of cooling output to energy input. Cooling efficiency is typically not expressed as a percentage but rather in the form of an Energy Efficiency Ratio (EER). However, for the purpose of comparison within the context of this discussion, the estimated EER for some common residential cooling systems have been converted to percentage:

Air-source heat pump / air conditioner - 300 to 400%
Water-source heat pump (without free cooling) - 400 to 500%
Water-source heat pump (with free cooling) - 3000% or greater

2. Reduced CO2 Emissions: According to data supplied by the Natural resources Canada, a typical residential geo-exchange system produces an average of about one pound less CO2 per hour of use than a conventional system. To put it into perspective if just 100,000 homes converted to geo-exchange, Canada would reduce its CO2 emissions by 880,000,000 pounds.

Another example is for every 2.5 hours of use, a geo-exchange system produces one kilogram less CO2 than a conventional HVAC (heating, ventilation, and air conditioning) system.

RELEVANT POLICY:

Trust Policy Statement: Relevant Directive policies include:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.1.5 – address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area

OCP Policy: policies within the OCPs could be updated as part of the basis of the GHG reduction policies if not already accommodated through general wording in these sections. In addition some OCPs specifically mention using a DPA to manage energy conservation in commercial development. Designation of a DPA to regulate installation of the system could be considered both on the grounds of protection of the natural environment and energy conservation and therefore could be made applicable in a shoreline or foreshore DPA. By requiring a DP it would ensure safe and appropriate installation. As an example, the North Pender OCP contains a requirement that an environmental report be submitted to indicate that there is no impact to the foreshore.

Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008), which amended the Local Government Act, introduced changes that enable local governments to address climate action in their communities. Among the changes is a requirement for local governments to have targets, policies and actions to reduce GHG emissions. Therefore all OCPs must contain these targets and policies for GHG emission reduction. The Bill 27 also allows for development permit areas that promote energy and water conservation, and reduce greenhouse gases at the single family dwelling level.

Zoning options: amending zoning bylaws to permit ocean loop geo-exchange systems as a permitted use in one or more of the current marine zones or as some islands have permitted in all zones would be required. This would vary depending on the zoning. A recent amendment to the zoning on a site-specific basis in the North Pender LUB provided for both the use and a definition. This use and definition, with relevant modifications, would provide a good basis for a suitable amendment to a zoning bylaw. Currently, zoning is the main tool for regulating use.

Building Inspection: for those islands that have building inspection, ocean loop geo-exchange systems are not subject to building inspection. However, building inspection does currently require that an engineer certify the HVAC system where an ocean loop geo-exchange system provides heating and cooling.

Crown tenure: ocean loop geo-exchange systems are required to obtain approval from the province for tenure over the foreshore. The applications are referred to the Islands Trust for review of zoning compliance.

Climate Change Adaptation and Mitigation: use of renewable or other energy sources that are an alternative to fossil fuels is a recognized mitigation strategy. Ocean loop geo-exchange systems could, depending upon the type of conventional heating and size of the dwelling, provide significant emission reductions. See the previous discussion on potential benefits and CO₂ reductions.

CURRENT LOCAL TRUST AREA IMPLEMENTATION

Island Updates

Eight of the 13 Islands Trust Islands have begun or completed implementing changes to their land use bylaws to accommodate the use of ocean loop geo-exchange systems.

Mayne Island: Supports ocean loop geo-exchange through its OCP Policy dealing with Climate Change (4.7.9) which states: *"The LTC should consider amending zoning regulations to permit or facilitate small scale renewable energy production, such as solar collectors, wind turbines and geothermal heating."* The LUB permits ocean loop geothermal in all zones except the W1 zone.

North Pender Island: Has permitted a site specific rezoning for a water based ocean loop geo-exchange.

South Pender Island: Is considering permitting ocean loop geo-exchange in all zones. They are holding a CIM to discuss this and other land use bylaw amendments in February.

Saturna Island: The LTC has given reading to a bylaw that would amend the Land Use Bylaw to include a definition of ocean loop geo-exchange systems and to add ocean loop geo-exchange systems as a permitted use in the marine zones. It is scheduled for a public hearing in February.

Galiano Island: Staff have been directed to draft an OCP amendment to alter the existing DPA (Shoreline and Marine DPA) to provide for guidelines for ocean loop geo-exchange. As a complement staff have also been requested to review the zoning bylaw to permit the ocean loop geo-exchange structures within the Marine zones and the setback to the sea for private residential use.

Thetis Island: In June 2012, the APC was directed to consider a couple of options to add to the work program a review of OCP policies and LUB regulations and in the meantime that any requests for ocean loop geo-exchange be dealt with as a rezoning. Subsequently, the Thetis LTC has dropped this issue and it appears it may have been application driven and no application has been made.

Ballenas-Winchelseas: The draft OCP contains the wording to permit the use of geo-exchange for individual dwellings. Within the proposed Shoreline Development Permit Area there are guidelines for the installation of ocean loop geo-exchange systems:

Ocean-loop geo-exchange systems will only be considered if they are closed-loop systems using only freshwater as the circulating heat transfer fluid; if they meet or exceed the Canadian CSA design standards CAN/CSA-448-02; and if they are designed and installed by a Registered System Designer.

The draft LUB permits an ocean loop geo-exchange within the Residential zone and the Marine General zones and contains the definition:

"Ocean-loop geo-exchange" means a renewable geothermal heat exchange system that utilizes the naturally occurring temperature of the ocean for heating and cooling that:

- a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,*
- b. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and*
- c. is designed and installed by a Registered System Designer accredited by the Canadian Geo-exchange Coalition, or the International Ground Source Heat Pump Association.*

Salt Spring Island: In the LUB's Shoreline Zones geothermal heating equipment is permitted in tidal water only.

SUMMARY

Currently, eight (8) of the 13 Local Trust Committees either have regulations and policies or have them proposed to permit ocean loop geo-exchange systems. The proposals by the LTCs to accommodate geo-exchange loops are considered for the main islands and not for their associated islands currently. The approach enacted or proposed is varied and tailored to meet the needs for the Island or as a result of a specific application or the desire of the LTC to be proactive in anticipating the need. Most contain policies that permit the geo-exchange systems either in general in the OCP (GHG policies) or through specific DPA guidelines. Complementary to that would be changes to the LUB to permit the use within specific zones and to define the use.

In addressing their implementation, the two primary concerns are to ensure that the systems are installed professionally by a certified installer and that any impacts on sensitive shoreline or foreshore ecosystems are addressed.

Building Inspection has the authority to establish standards for installation of the systems and to carry out inspections or obtain certifications, but most have not included these systems in the scope of their building bylaws. This could change, as some jurisdictions are becoming involved in permitting and inspecting land based systems. Conventionally, Fisheries and Oceans Canada has reviewed all foreshore applications for impacts on habitat however, changes to staffing and to the legislation seem to be reducing that agency's role and ability to respond to referrals. They have established guidelines which all installers are to follow.

The use of a clear and specific definition for the use can address some of the concerns that the systems meet specified standards for example using fresh water within the closed loop system as is stated in the North Pender bylaw. Impacts on habitat could be addressed through the designation of a DPA; however, it would have to be general in many areas as there is not

currently mapping available that identifies sensitive shoreline and foreshore features such as eelgrass beds, although such mapping should be available in the future.

There are three basic ways for a Local Trust Committee to address the ability of residents to utilize this new technology:

1. Site specific rezoning (e.g. North Pender)
2. Permit their use but regulate (e.g. OCP through DPs)
3. Permit their use outright (e.g. Saturna, Salt Spring Island, Mayne)

DESIRED OUTCOME:

It is recommended that an Islands Trust model bylaw or policy not be established. Eight of the 13 Local Trust Committees already have amended bylaws or are contemplating regulations or policies related to ocean loop geo-exchange systems. Each LTC has a unique set of bylaws to which model provisions may or may not be applicable. For instance, some may not have DPAs currently and may want to address this issue through other forms regulation. Some may want to deal with amendments on a site specific basis thereby not contemplate any new regulations or policies. The current approach by LTCs appears to be working well based on demand and the desire of LTCs to add it to their work programs as a proactive measure. There are a range of options already developed at the LTC level and which are summarized in this report. It is recommended that this report be circulated to ensure that all LTCs and planners are aware of the issues and the options that are being used to address the potential use of these systems by a number of LTCs.

RESPONSE OPTIONS

Recommended:

That the Local Planning Committee circulate this report, *Renewable Energy Technologies in the Trust Area - Ocean Loop Geo-Exchange Systems*, dated January 31, 2013, to all Local Trust Committees and planning staff so that they are aware of the implementation options for ocean loop geo-exchange systems and their status in other Local Trust Areas

Alternative:

That the Local Planning Committee receive the report as information and take no further action.

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Reviewed By/Date: David Marlor, Director of Local Planning Services
February 1, 2013

Linda Adams, Chief Administrative Officer

North Pender Island Local Trust Committee

Over the reporting period, the North Pender Island Local Trust Committee (LTC) held twelve regular business meetings, three special meetings and three public hearings. The LTC received applications for two development permits, five development variance permits, two temporary use permits, and three rezoning applications. Two new subdivision applications were referred from the Ministry of Transportation and Infrastructure, one Agricultural Land Reserve application was received and forwarded to the ALC, as well responding to approximately 11 referrals for building permits and crown licences. The LTC also concluded several applications received in the previous period, including one development permit, two development variance permits, and two rezoning applications.

During 2012 the Local Trust Committee also advanced a number of LTC projects. Amendments to the Associated Islands Bylaws for Sidney Island were taken through public hearing and third reading. A joint workshop was held with South Pender on shoreline mapping and the LTC subsequently initiated work on an educational brochure on shoreline stewardship for waterfront owners and the community generally. A report on transportation issues was received from the Moving Around Pender advocacy group and the LTC prioritized an amendment to its OCP transportation schedule to designate a future pedestrian and bicycle route and car stops.