



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: January 30, 2018
Time: 10:00 am
Location: Royal Canadian Legion
1344 MacKinnon Road

	Pages
1. CALL TO ORDER	10:00 AM - 10:45 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	10:45 AM - 11:00 AM
6.1 Local Trust Committee Minutes Dated November 23, 2017 (for Adoption)	4 - 14
6.1.1 <u>North Pender Island Local Trust Committee Public Hearing Record Dated November 23, 2017 (for Receipt)</u>	15 - 17
6.2 Section 26 Resolutions-without-meeting Report Dated January 2018	18 - 18
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated January 2018	19 - 20
8. DELEGATIONS	
none	

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

11:00 AM - 12:00 PM

- | | | |
|------|--|---------|
| 10.1 | NP-DP-2017.4 (Mansley) - Staff Report (attached) | 21 - 33 |
| 10.2 | NP-DVP-2017.2 (Richardson/Hemsworth) - Staff Report (attached) | 34 - 48 |
| 10.3 | NP-RZ-2017.1 (PIPRC) - Staff Memo / Bylaw 213 (attached)
(for further consideration) | 49 - 53 |
| 10.4 | NP-DVP-2017.4 (Glen Johnson) - Staff Report (Pending) | 54 - 83 |
| 10.5 | Salt Spring Island Local Trust Committee Bylaw No. 509 Referral (attached)
(for response) | 84 - 85 |
| 10.6 | Mayne Island Local Trust Committee Bylaw No. 172 Referral (Attached)
(for response) | 86 - 88 |

11. LOCAL TRUST COMMITTEE PROJECTS

12:00 PM - 12:30 PM

- | | | |
|------|--|-----------|
| 11.1 | Secondary Suites - Staff Report (attached) | 89 - 103 |
| 11.2 | Waste Management - Staff Report (attached) | 104 - 126 |

12. REPORTS

12:30 PM - 1:00 PM

- | | | |
|--------|---|-----------|
| 12.1 | Work Program Report (attached) | |
| 12.1.1 | <u>Top Priorities Report Dated January 2018</u> | 127 - 127 |
| 12.1.2 | <u>Projects List Report Dated January 2018</u> | 128 - 130 |
| 12.2 | Applications Report Dated January 2018 (attached) | 131 - 138 |
| 12.3 | Trustee and Local Expense Report Dated November 2017 (attached) | 139 - 139 |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | 140 - 140 |
| 12.5 | Local Trust Committee Webpage | |
| 12.6 | Chair's Report | |
| 12.7 | Trustee Report | |
| 12.8 | Trust Fund Board Report Dated November 2017 | 141 - 142 |

13. NEW BUSINESS
- 13.1 Briefing re: Housing Agreement Administration (attached) 143 - 145
14. UPCOMING MEETINGS
- 14.1 Next Regular Meeting Scheduled for 10:00 am, February 22, 2018, at the Anglican Church Hall, Pender Island
15. TOWN HALL 1:00 PM - 1:15 PM
16. CLOSED MEETING (Distributed Under Separate Cover) 1:15 PM - 1:30 PM
- 16.1 Motion to Close Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) [a, d] for the purpose of considering:*
- *Adoption of In-Camera Meeting Minutes Dated November 23, 2017*
 - *APC Membership Terms*
- AND that the recorder and staff attend the meeting.*
- 16.2 Recall to Order
- 16.3 Rise and Report
17. ADJOURNMENT 1:30 PM - 1:30 PM

DRAFT



North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: November 23, 2017
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Public Present: There were approximately 26 members of the public in attendance.

1. CALL TO ORDER

Chair Grams called the meeting to order at 10:03 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

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

3. TOWN HALL AND QUESTIONS

Dale Henning addressed item 8, a delegation from M. Sketch. He spoke in favour placing a waste management facility at Razor Point Road and outlined the benefits of that location. He further requested that the Trustees carefully consider approving that application.

Ron Miller spoke in favour of the statements made by Dale Henning.

Maureen Thompson addressed NP-DVP-2017.4. She spoke against the application, noting that twenty-one neighbours have written against this permit and outlined the negative impact that the building's non-compliance has had on the nearby lots.

Michael Sketch addressed the Advisory Planning Commission (APC) Minutes of October 25, 2017. He recommended that the APC be referred Bylaws 214 and 215 after they are revised.

Allen Waddle spoke against NP-TUP-2017.3 noting the volume of people who rent the residence and the negative impact it has on the neighbourhood. He also spoke to the negative impact that short term rentals have on the community in general.

Nancy Boydell spoke against NP-DVP-2017.4, noting health and safety concerns.

Ron Miller requested information on NP-DVP-2017.4.

Regional Planning Manager (RPM) Kojima provided a brief overview of the application.

A member of the community expressed concern with future compliance regarding NP-DVP-2017.4 noting - he believes - that further acts of non-compliance will follow.

4. COMMUNITY INFORMATION MEETING

4.1 North Pender Island Local Trust Committee Bylaws No. 211 & 212

Planner Starke provided an overview of the application and the role of the Community Information Meeting.

Jim Petrie spoke on behalf of Pender Island Community Services, providing a history of the application and the rationale for relocating the Nu to Yu store.

Ron Miller requested information regarding the cost of the construction and the source of the funds.

Jim Petrie provided an overview of the donations received to date.

Michael Sketch noted that adequate potable water is unknown on the subdivision and recommended that proof of potable water be required as a condition of approval.

Planner Starke provided an overview of the process, noting the stages during which adequate supplies of potable water are to be demonstrated.

A member of the community expressed concern with parking at the proposed site and also concern with the future of the current store location.

The applicant responded that twenty-three parking spots are provided in the current plan, but should that not be adequate additional spots could be accommodated.

RPM Kojima provided an overview of required parking spaces and also the role of the development permit process which would be a subsequent step.

5. PUBLIC HEARING

5.1 Recess for Public Hearings

5.1.1 North Pender Island Local Trust Committee Bylaws No. 211 & 212

See Public Hearing record dated November 23, 2017.

5.1.2 North Pender Island Local Trust Committee Bylaw No. 213

See Public Hearing record dated November 23, 2017.

5.2 Recall to Order

Chair Grams recalled the meeting to order at 11:37 am.

Note: A break was held from 11:37 to 11:51 am

6. MINUTES

6.1 Local Trust Committee Minutes Dated October 21 & 26, 2017

By general consent the Local Trust committee meeting minutes of October 21, 2017 and October 26, 2017 were adopted as presented.

6.1.1 Local Trust Committee Public Hearing Record Dated October 26, 2017

The Public Hearing Record dated October 26, 2017 was approved as presented.

6.2 Section 26 Resolutions-without-meeting Report
none

6.3 Advisory Planning Commission Minutes Dated June 27 & October 25, 2017

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated November 2017

Received for information.

8. DELEGATIONS

8.1 M. Sketch re: ALR a Unique Amenity for the Islands Trust or a Land Resource?

Michael Sketch spoke against the proposal that a waste transfer facility be permitted on Browning Harbour Agricultural Land Reserve (ALR) land. He supported his argument with a history of the site, an overview of the role of the Agricultural Land Commission and their relevant decisions, and support for alternative site locations.

Michael Sketch noted missed opportunities for enforcement in the past and encouraged Chair Grams to take a request for a change in planning process to Trust Executive and to the Chief Administrative Officer.

9. CORRESPONDENCE
none

10. APPLICATIONS AND REFERRALS

10.1 NP-RZ-2016.4 (PICSS) - Staff Memo Bylaws No. 211 & 212

Planner Starke provided an overview of the application and related bylaw.

NP-2017-104

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 211, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2017", be read a Second time.

CARRIED

NP-2017-105

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 211, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2017", be read a Third time.

CARRIED

NP-2017-106

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 212, cited as "North Pender Island Official Community Plan Bylaw No. 103, 1996, Amendment No. 1, 2017", be read a Second time.

CARRIED

NP-2017-107

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 212, cited as "North Pender Island Official Community Plan Bylaw No. 103, 1996, Amendment No. 1, 2017", be read a Third time.

CARRIED

NP-2017-108

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaws No. 211 and 212 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

NP-2017-109

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 211 be forwarded to the Minister of Municipal Affairs and Housing for approval.

CARRIED

Jim Petrie expressed his appreciation of the public's support and thanked the LTC and staff for their assistance.

10.2 NP-RZ-2017.1 (PIPRC) - Staff Memo Bylaw No. 213

Planner Starke provided an overview of the application and related memo.

A discussion was held by the LTC in which the concerns of the public during the public hearing were noted.

NP-2017-110

It was MOVED and SECONDED,

That the North Pender Island Bylaw No 213, cited as "North Pender Island Land Use Bylaw 103, 1996, amendment no 2, 2017 be read a Third time.

CARRIED

NP-2017-111

It was MOVED and SECONDED,

That the North Pender Island proposed Bylaw No 213, be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

10.3 NP-TUP-2017.1 (Pasion) - Staff Report

Planner Starke provided an overview of the application and the related staff report.

NP-2017-112

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2017.1 (Pasion).

CARRIED

10.4 NP-TUP-2017.3 (Yuers) - Staff Report

Planner Starke provided an overview of the application and the related staff report. She noted that a letter of concern had been received and as a result staff recommended the following amendment:

“That all parking must be contained on the subject property and that the LTC consider limiting the number of guests.”

Pauline O'Malley, one of the applicants, addressed the LTC and noted that the home is their principal residence and that they screen the house users personally.

A discussion of the proposed amendments as held and it was noted that enforcement is very difficult.

NP-2017-113

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee amend condition (j) of the Temporary Use Permit NP-TUP-2017.3 to state that all parking for guests of, and visitors to, the Short Term Vacation Rental must be contained on the subject property.

CARRIED

NP-2017-114

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP- 2017.3 as amended.

CARRIED

10.5 NP-TUP-2017.4 (Lovatt) - Staff Report

Planner Starke provided an overview of the application and the related Staff Report.

NP-2017-115

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2017.4

CARRIED

10.6 NP-DVP-2017.4 (Johnson) - Staff Report

Planner Starke provided an overview of the application and the related Staff Report. She noted the historical events that have led to the application.

Glen Johnson, the applicant, read a written statement noting his understanding of the concerns of his neighbours and providing a rationale for the application.

A discussion was held by the LTC regarding the impact that not approving the application would have, including the possibilities of demolition, partial demolition, or moving of the portion of the building currently not in compliance.

RPM Kojima provided an overview of the process that would result should the DVP not be approved.

Trustee Masselink recommended that the applicant consider alternatives including relocating a portion of the house.

Planner Starke provided an explanation to distinguish the roles of the LTC and the roles of the CRD in regulating projects of this nature.

Trustee Masselink recommended that the LTC take this application as information and that the applicant explore other options.

There was general consensus that consideration of this application shall be deferred to the next meeting.

10.7 NP-DVP-2017.5 (O'Brien) - Staff Report

Planner Starke provided an overview of the Staff Report.

NP-2017-116

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2017.5 (O'Brien).

CARRIED

10.8 NP-DVP-2017.1 (Barrett) - Staff Report

Planner Starke provided an overview of the application and related staff report. She noted that the applicants are available by phone.

NP-2017-117

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Development Variance Permit NP-DVP-2017.1

CARRIED

10.9 Briefing from Executive Committee - Japanese Canadian Historic Places Project

Received for information.

10.10 Salt Spring Island Local Trust Committee Bylaw No. 507 Referral

NP-2017-118

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with "interests unaffected" to Salt Spring Island Local Trust Committee Bylaw No. 507.

CARRIED

10.11 Salt Spring Island Local Trust Committee Bylaws No. 504 & 505 Referral

NP-2017-119

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with “interests unaffected” to Salt Spring Island Local Trust Committee Bylaw No. 504 and 505.

CARRIED

10.12 Salt Spring Island Local Trust Committee Bylaw 508 Referral

NP-2017-120

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with “interests unaffected” to Salt Spring Island Local Trust Committee Bylaw No. 508.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Secondary Suites - Staff Report

Planner Starke provided an overview of the Staff Report.

NP-2017-121

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to draft regulatory amendments that would permit secondary suites on North Pender Island.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated November 2017

Received for information.

12.1.2 Projects List Report Dated November 2017

A discussion was held regarding a project to examine “Potable Water”. No recommendations were made.

12.2 Applications Report Dated November 2017

Received for information.

12.3 Trustee and Local Expense Report Dated September 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

No comments were made.

12.6 Chair's Report

Chair Grams reported that the Executive Committee is preparing for Trust Council and is looking forward to having First Nations representation at the meeting.

Chair Grams also noted that the meeting will include a staff report with an overview of the recommended areas of consideration for the project to amend the *Islands Trust Act*.

12.7 Trustee Report

Trustee Masselink addressed the concerns of the community regarding the management plan proposed for Greenburn Lake and the beavers that reside there. He noted that the community can become frustrated that the LTC does not have the ability to influence the decisions of other agencies.

He also reported that the National Parks are reviewing their plans for governance and are acknowledging that the current model is not adequately serving the interests of the local communities and the First Nations.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 Bylaw Enforcement Short Term Vacation Rentals (STVR) - Staff Report

Planner Starke provided an overview of the report, noting that it does indicate the likelihood that additional TUPs will be sought for STVRs.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for 2018, Pender Island – January 25, 2017 10:00 am Pender Island Community Hall

14.2 Draft 2018 LTC Meeting Schedule - Memo

A discussion was held regarding the meeting location, and there was general agreement that the Anglican Church and the Community Hall are both suitable locations.

NP-2017-122

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee 2018 meeting schedule, as presented, be adopted.

CARRIED

15. TOWN HALL

Dale Henning spoke to NP-DVP-2017.4 (Johnson). He requested information on which of the Staff and Trustees have visited the site in person. He expressed his disappointment that a decision was not reached during the meeting.

RPM Kojima provided information on the role of the LTC applications and the relevant jurisdiction of other agencies.

Jim Petrie requested information regarding secondary suites and how existing suites will be regulated.

RPM Kojima noted property owners would be responsible for obtaining an occupancy permit from the Capital Regional District.

Jim Petrie expressed his concern that homeowners will create suites that are not built to code and not built safely.

A member of the community addressed NP-DVP-2017.4 and questioned how it would impact future sales. She also noted that if the building requires tear down or relocation anyway, the permit may not be necessary.

RPM Kojima noted that the applicant has received a list of required improvements from the building inspector.

Michael Sketch requested information on Trust Council and the process of amending the *Islands Trust Act*.

Chair Grams clarified that a staff report will be provided and the Trustees will evaluate the recommended areas of consideration provided.

Michael Sketch asked if there is a staff report in the Trust Council agenda package.

Chair Grams noted that the agenda package has not been released yet for that meeting.

Diane Cuthbert requested information on the role of staff and the considerations taken when making a recommendation to the LTC.

RPM Kojima provided an overview of the process.

Robert Pasion spoke to NP-DVP-2017.4 (Johnson), expressing support for moving the project forward for the sake of the applicant and the community.

Jim Petrie requested information on whether DVPs are time limited.

RPM Kojima provided an explanation, including the rationale for the not including a time limit.

A general discussion was held regarding the application NP-DVP-2017.4 (Johnson),

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2017-123

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (d & f) for the purpose of considering:
Adoption of In-Camera Meeting Minutes Dated October 26, 2017
Bylaw Enforcement Information
AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

At 1:49 pm, Chair Grams recalled the public meeting to order.

16.3 Rise and Report

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:49 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder

North Pender Island Local Trust Committee Record of a Public Hearing Proposed Bylaw No. 213

Date: November 23, 2017
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
Shannon Brayford, Recorder

Public Present: Approximately 26 members of the public present.

5.1.2 North Pender Island Local Trust Committee Bylaw No. 213

Chair Grams recessed the Regular Meeting at 10:56 a.m. to hold the Public Hearing. He read a prepared statement outlining the content, purpose, and process of the Public Hearing.

Planner Starke provided a summary of the Public Hearing notice and the agency referrals that were received.

Chair Grams invited comments from the public.

Ron Miller expressed concern with traffic volume, traffic compliance and illegal behaviour ongoing at the park. He noted that Thieves Bay is the docking location for the water ambulance. He also expressed concern that the site will then be sought as a campsite.

Eleanor Heslop spoke against the application outlining several concerns with the negative impact the structure will have on the park and the neighbouring property owners.

Kathy Heslop expressed concern with tax money being spent on this project, and outlined projects on which the funds could alternatively be spent. She also listed examples of potential issues the structure could create for residents and neighbours.

Peter Ralph spoke against the application noting that the infrastructure of the park would not support the development.

Allen Waddell spoke against the application, noting that the park is currently used to its fullest by families and a covered structure would not enhance the use, but would attract illicit behaviour.

Rick Mudie spoke against the size and location of the current application, but expressed support of small covers over one or two tables that would provide shelter from the sun or rain.

Dale Henning spoke against the application, noting that people could bring their own portable shelters.

Majorie Levien spoke against the application and asked whether the application is truly being sought to enhance whale watching. She also wondered if the road and breakwater are private roads and therefore not a legal access for anyone except those who use the marina.

Rob Burnett spoke on behalf of the application as the Vice Chair of the Pender Islands Parks and Recreation Commission. He addressed the following points:

- the intended source of the funding;
- additional concurrent improvements to the park currently being undertaken;
- support of the Magic Lake Properties Owners Association;
- revisions made to the proposal following prior feedback;

Loralee Gaur noted that she did not receive a notice of the application.

Eleanor Brownlee spoke against the development of the park in this manner.

Ron Miller requested that a traffic study and environmental impact report be conducted, and that Fish and Wildlife be involved. He also requested information on whether the relevant First Nations groups were notified.

Eleanor Heslop recommended that the picnic tables be provided with umbrella holes as an alternative. She also noted that irrespective of the source, the funding would still be tax money.

Gordon Resvick spoke against the application..

Allen Waddell asked for information on what inspired the project to build the structure.

Ron Miller noted that the park is reservable and that the picnic shelter could become a place that excludes residents. He argued that this is not consistent with the culture of the park and the community and he encouraged the Trustees to protect that culture.

Rob Burnett noted that the idea for the shelter came from Pender Island Park and Recreation survey responses at the Fall Fair over the past two years.

Loralee Guar requested clarification on the Fall Fair responses.

Ron Miller requested, should the bylaw be approved, that it specifically limits the construction to a single structure.

Chair Grams made three calls for further oral or written submissions from the public.

No further submissions were made.

Chair Grams closed the public hearing at 11:37 am

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

RECORDER

DATE



Islands Trust

Print Date: January 22, 2018

Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2018-01	In Favour	THAT North Pender Island Local Trust Committee reschedule the regularly scheduled January, 25, 2018 Local Trust Committee meeting to January 30, 2018.	10-Jan-2018

Follow Up Action Report

North Pender Island

21-Sep-2017

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

26-Oct-2017

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

23-Nov-2017

Activity	Responsibility	Target Date	Status
NP -RZ-2016.4 (PICSS) BL 211&212 - Bylaws given 2nd and 3rd reading - DONE - Forward to executive committee and Ministry	Sharon Lloyd-deRosario Phil Testemale	13-Dec-2017	Done
NP-RZ-2107.1 (PIPRC) Bylaw 213 Bylaw given 3rd reading (Done) and forward to EC (Jan. 17 EC mtg.)	Sharon Lloyd-deRosario Phil Testemale	13-Dec-2017	Done

Follow Up Action Report

NP-TUP-2017.1 (Pasion) - Permit approved	Sharon Lloyd-deRosario Phil Testemale	13-Dec-2017	Done
NP-TUP-2017.3 (Yuers) - Permit approved as amended to state all parking for guests and visitors to be on-site.	Sharon Lloyd-deRosario Jason Youmans	13-Dec-2017	Done
NP-DVP-2017.4 (Johnson). Deferred consideration. Applicant is requested to provide more information on the feasibility of options to comply with bylaws.	Phil Testemale	13-Dec-2017	Done
NP-DVP-2017.5 (O'Brien) - permit approved.	Sharon Lloyd-deRosario Phil Testemale	13-Dec-2017	Done
NP-2017.1 (Barrett) - DVP approved.	Sharon Lloyd-deRosario Jason Youmans	13-Dec-2017	Done
SSI Bylaws 507; 504/505; 508 - NPI LTC interests unaffected.	Sharon Lloyd-deRosario	13-Dec-2017	Done
Secondary Suites - Direction to draft bylaws.	Justine Starke	10-Jan-2018	Done
NPI 2018 Meeting Schedule Endorsed. Location discussed: alternate Legion and Parish Hall.	Lori Foster	13-Dec-2017	Done
NP-TUP-2017.4 (Lovatt) - Permit approved	Sharon Lloyd-deRosario Jason Youmans	13-Dec-2017	Done

File No.: NP-DP-2017.4
NP-SUB-2017.2

DATE OF MEETING: January 25, 2018
TO: North Pender Island Local Trust Committee
FROM: Jason Youmans, Island Planner
Southern Team
COPY: Justine Starke, Island Planner
SUBJECT: Development Permit for Boundary Adjustment Development Permit Area 2
Applicant: Jess Mansley
Location: 2321 and 2325 MacKinnon Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of development permit NP-DP-2017.4.

REPORT SUMMARY

The subject application concerns a boundary adjustment subdivision within Development Permit Area 2 (Herbaceous Ecosystems). Staff recommend that the LTC issue the permit, as the proposed building sites, septic fields, and driveways are outside of the development permit area. See Appendix 1 for proposed permit.

BACKGROUND

The applicants are undertaking a boundary adjustment to create more practical building sites on each lot. See Appendix 4 for configuration of proposed boundary lines. Portions of both of the subject lots are within Development Permit Area 2 (DPA2) for the protection of herbaceous ecosystems. See Appendix 3 for relative location of Development Permit Area 2 on the subject lots. OCP Section 5.2.1.3 (a) states that subdivision within a development permit area triggers the requirement for a development permit. Boundary adjustments are not specifically exempted from the requirement for a permit.

Planning staff provided a subdivision referral response to the Ministry of Transportation and Infrastructure (MOTI) in October of 2017 indicating that the subject boundary adjustment requires a development permit from the North Pender Island Local Trust Committee. Staff did not identify any further conditions of Islands Trust boundary adjustment subdivision approval.



Image 1: Island location of 2321 and 2325 MacKinnon Road, current lot configuration.

ANALYSIS

Policy/Regulatory

Official Community Plan:

See Appendix 2 for OCP DPA guideline assessment.

Essentially, the site plan provided by the applicant indicates that no work will be undertaken within the development permit area. As such, few conditions are required. Future works that require incursion into Development Permit Area 2 may require a permit amendment or a new development permit.

Land Use Bylaw:

The subject properties are zoned Rural Residential (RR) under North Pender Island Land Use Bylaw No. 103.

Permitted uses in the RR zone are single-family dwellings and accessory uses.

Both lots under the proposed boundary adjustment will satisfy both the minimum (0.4 ha), and minimum average (0.6 ha) lot size requirements in the RR zone.

Issues and Opportunities

Staff are unaware of any additional issues beyond those discussed in the DPA2 guideline assessment and subsequently incorporated into draft development permit NP-DP-2017.4.

Consultation

Statutory Requirements

Development permit applications are assessed relative to the applicable guidelines of the subject development permit area. No community consultation is required.

Protocols

N/A

Agencies

Development permit applications do not require agency referral.

First Nations

Development permit applications do not require First Nations referral.

Rationale for Recommendation

The site plan submitted by the applicant demonstrates that all work associated with the proposed boundary adjustment – development of building sites, driveways, and sewage disposal fields – will take place outside of DPA2. The proposed boundary adjustment does not appear to create any additional impacts on the herbaceous ecosystem. The draft permit attached as Appendix 1 requires that temporary fencing be installed along the DPA boundary for the duration of land works associated with property development.

See page 1 for staff recommendation to approve permit issuance.

ALTERNATIVES

Staff do not have any alternative recommendations at the present time.

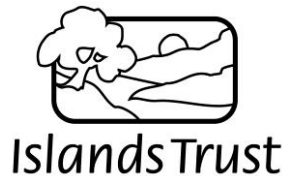
NEXT STEPS

If the LTC resolves to issue the permit, it will be issued accordingly and staff will inform the Ministry of Transportation and Infrastructure that Islands Trusts' outstanding condition of boundary adjustment subdivision approval has been satisfied.

Submitted By:	Jason Youmans, Island Planner	December 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	December 19, 2017

ATTACHMENTS

1. NP-DP-2017.4 – Draft Permit
2. DPA 2 Guideline Assessment
3. Location of DPA 2 on subject properties
4. Proposed plan of boundary adjustment subdivision
5. Site Context
6. Maps, Plans, Photographs



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2017.4

To: Jess Mansley

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

Strata Lot 6, Section 17, Pender Island, Cowichan District, Strata Plan VIS6328,
Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V.

Strata Lot 7, Section 17, Pender Island, Cowichan District, Strata Plan VIS6328,
Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V.

2. This Development Permit No. NP-DP-2017.4 authorizes a boundary adjustment subdivision within Development Permit Area 2 – Herbaceous Ecosystems ("DPA"), subject to the following requirements and conditions:

Works within the DPA

- a. This permit does not authorize soil deposit, soil removal, vegetation removal, or any other land alteration within the DPA.

Building Sites and Driveways

- b. Building sites and driveways for Lots 6 and 7 shall be located entirely outside of the DPA as shown on Schedule A.

Septic and Drainage

- c. Septic fields for Lots 6 and 7 shall be located entirely outside of the DPA as shown on Schedule A.
- d. All stormwater from impervious surfaces, roof drainage and drain tiles shall be directed away from the DPA.

Construction Management

- e. A professional surveyor shall flag the northern boundary of the DPA on both subject lots prior to any land works following permit issuance.
- f. Temporary, high-visibility fencing shall be installed along the flagged DPA boundary prior to site preparation, building construction, and/or septic field installation.
- g. All contractors and construction personnel are to be notified of the DPA location and the conditions of this Development Permit.

- h. All contractor vehicles and equipment should be washed prior to entering the property, and should be checked periodically to avoid transporting invasive plant species on or off the property.
3. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
 4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

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

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

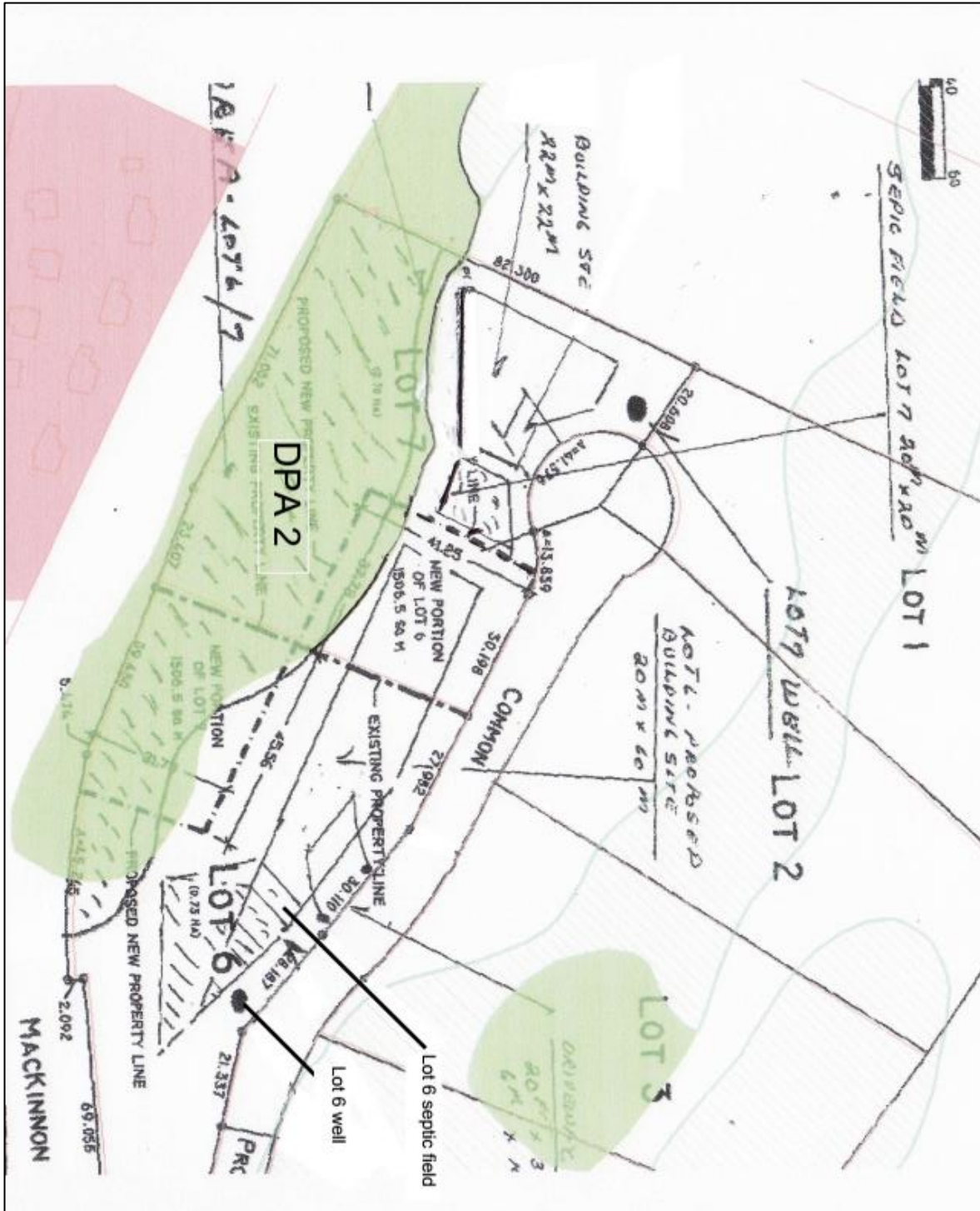
_____, 2018
Deputy Secretary, Islands Trust Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 201# THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2017.4
Schedule "A"

Site Plan



APPENDIX 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DEVELOPMENT PERMIT AREA 2 (HERBACEOUS ECOSYSTEMS)

Guideline	Complies	Planner Comments
5.2.1.6 – Subdivision Guidelines		
1. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.	Yes	Proposed subdivision plan shows building sites, driveways and septic fields to be located outside of Development Permit Area.
2. Sensitive ecosystems and habitat should be protected from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.	Yes	Proposed subdivision plan shows building sites, driveways and septic fields to be located outside of Development Permit Area. Permit conditions 2 (b) and (c) require that they are built where shown. Additionally, permit condition 2(e). requires that the boundary of Development Permit Area 2 be fenced during the land development and construction phases.
3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.	Yes	As all proposed works are outside of Development Permit Area 2, a biologist has not been engaged to provide advice. Permit includes condition to survey DPA boundary and install temporary fencing to prevent incursion into the DPA.
4. Lots should be configured to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.	Yes	Driveways on both subject lots are outside of Development Permit Area 2. Permit condition 2 (b) requires they be built as shown.
5. A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	Yes	Both wells are located outside of Development Permit Area 2.
6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.	Yes	Proposed septic disposal sites on both lots are outside of Development Permit Area 2. Permit condition 2 (c) requires they be built as shown.
7. Storm water management systems, where needed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.	Yes	Permit condition 2 (d) requires that impervious surface drainage, roof drainage and drain tiles be directed away from the DPA.
8. Where applicable, lots should be configured to allow the siting of docks and	N/A	

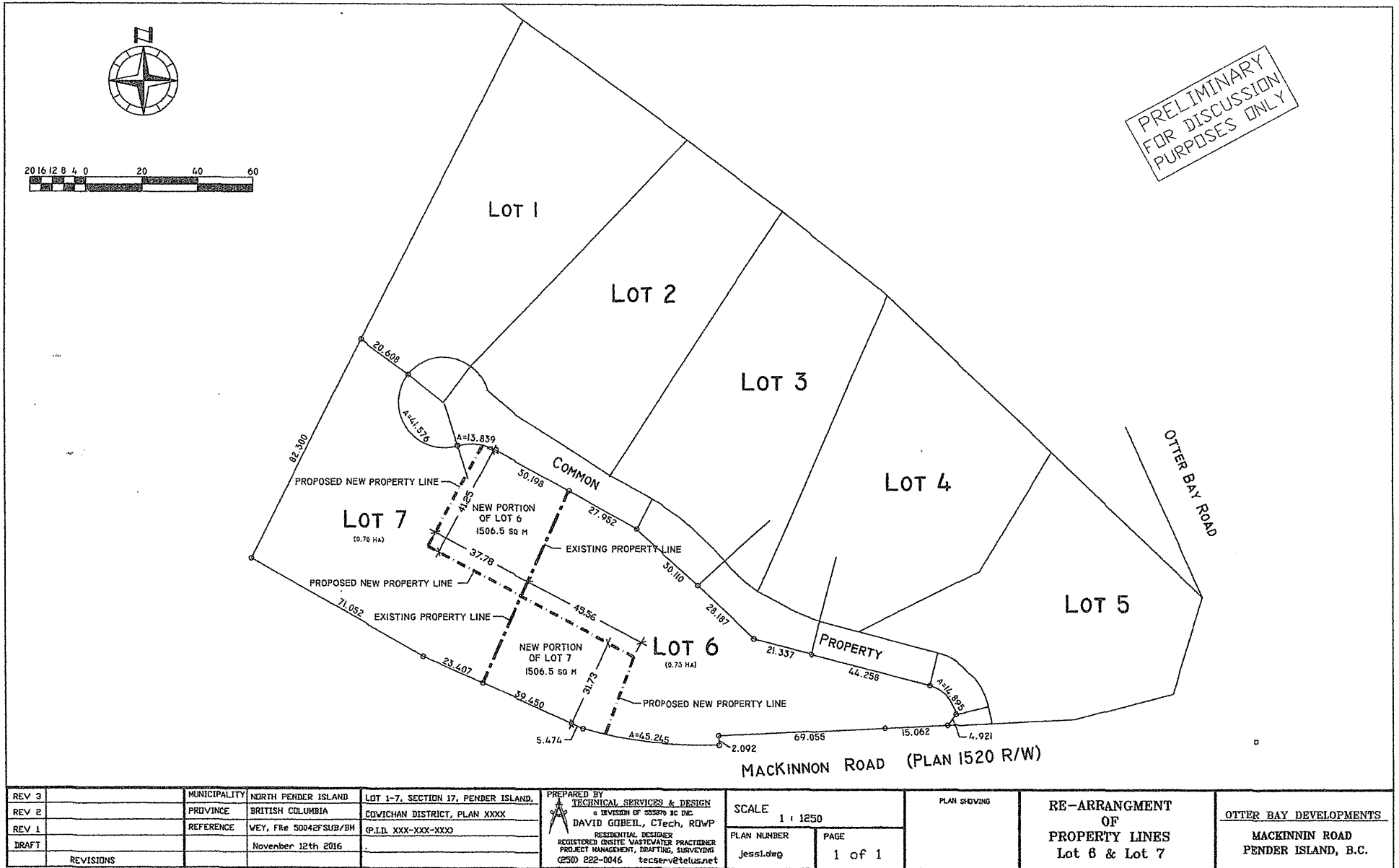
stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.		
9. Pre-designation of building sites may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	Yes	Building sites must be substantially in accordance with those shown on Schedule A of development permit NP-DP-2017.4.
10. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a sensitive ecosystem or habitat.	N/A	



Development Permit Area 2 (DPA2) over existing configuration of lots 6 and 7.



Development Permit Area 2 (DPA2) over proposed configuration of lots 6 and 7.



APPENDIX 5 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot 6, Section 17, Pender Island, Cowichan District, Strata Plan VIS6328, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V. Strata Lot 7, Section 17, Pender Island, Cowichan District, Strata Plan VIS6328, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V.
PID	027-210-316 and 027-210-324
Civic Address	2321 and 2325 MacKinnon Road

LAND USE

Current Land Use	Bare land, building sites roughed in
Surrounding Land Use	Rural residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-2017.2	Boundary adjustment

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential (RR) Development Permit Area 2 (DPA2) – Herbaceous Ecosystems
Land Use Bylaw	Rural Residential (RR) Permitted uses are single-family dwellings and accessory uses. Proposed boundary adjustment satisfies both minimum, and minimum average, lots size requirements for the zone.
Other Regulations	Staff are unaware of any relevant regulatory issues
Covenants	- Section 219 no-build, no-subdivide covenant on Strata common property - Section 219 no-build geotech covenant with CRD and MOTI - Section 219 covenant (MOTI) + easement for driveway access through northwest corner of Lot 7. - SRW BC Hydro and Telus None of the above-noted covenants impact the proposed boundary adjustment and vice-versa.
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	Islands Trust Fund has no known interests in the vicinity of the subject properties.
Regional Conservation Strategy	The Islands Trust Fund Regional Conservation Plan shows the subject properties to be of medium to high relative habitat composition value.
Species at Risk	The eastern portion of the property falls within an area known to support the at-risk Rana Aurora (red-legged frog). The building site proposed under this development permit is largely outside the at-risk species area. See Rana Aurora Federal Recovery Strategy here: https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/mp_northern_red-legged_frog_e_proposed.pdf Both subject properties contain the at-risk Pseudotsuga Menziesii/Mahonia Nervosa (Coast Douglas Fir/Oregon Grape) ecological community.
Sensitive Ecosystems	Islands Trust mapping shows the subject properties to contain both the herbaceous and woodland sensitive ecosystems.
Hazard Areas	Both subject properties contain areas of moderate slope stability risk. However, these areas are roughly co-terminus with DPA2, and as such are not slated for any sort of development under the proposed permit. The area of proposed building sites are of low slope stability hazard.
Archaeological Sites	Both properties are known areas of archaeological potential according to Islands Trust mapping. By copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Staff do not anticipate that the proposed boundary adjustment subdivision or development permit will impact/be impacted by climate change beyond any effects that would have been felt prior to boundary adjustment.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

APPENDIX 6 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS



Image 4: View of cleared building site on Lot 7.



Image 5: View of herbaceous ecosystem from Lot 7.



Image 6: View of cleared building site on proposed Lot 6.



Image 7: View of herbaceous ecosystem from proposed Lot 6.



File No.: NP-DVP-2017.2 (Richardson & Hemsworth)
(Cross Ref. No. NP-SUB-2017.1)

DATE OF MEETING: January 30, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Justine Starke, Island Planner
SUBJECT: Development Variance Permit
Applicant: Dave Richardson and Noreen Hemsworth
Location: 3210 Armadale Road, North Pender Island

RECOMMENDATION

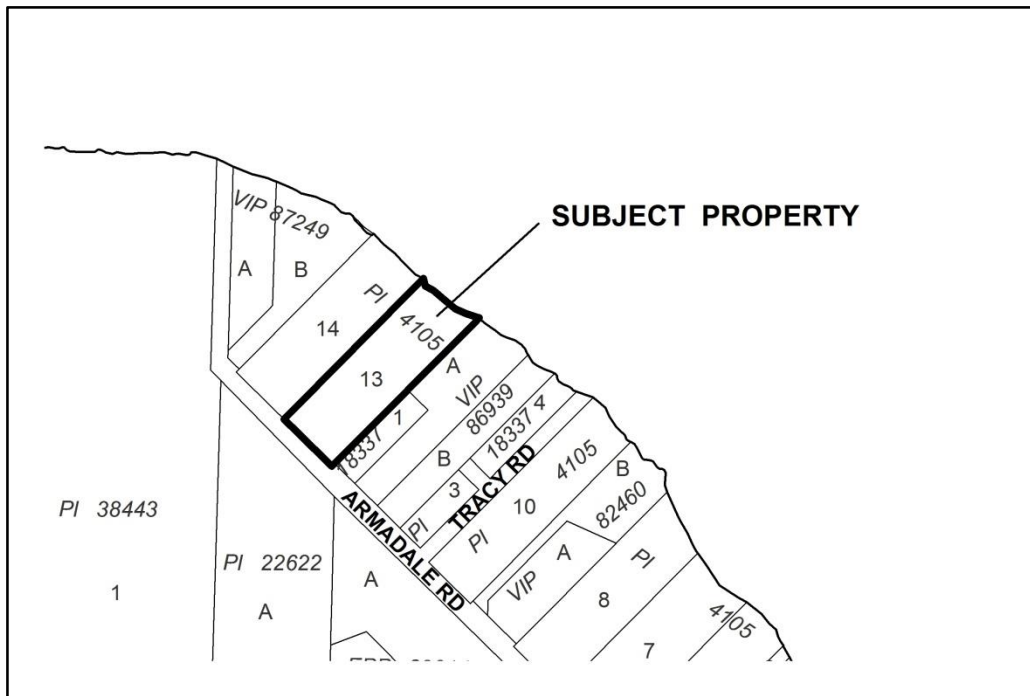
1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2017.2 (Richardson and Hemsworth)

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) to permit a two lot subdivision with a lot that has a length greater than three times its width.

In summary, the above recommendation for the issuance of the DVP is supported as: the shape of the existing parcel requires a variance as a condition of a Preliminary Layout Approval (PLA) for subdivision; the applicant's rationale for the variance is reasonable; impacts to surrounding properties will be minimal; neighbours have been consulted and, to date, no responses to the notification have been received; the proposed subdivision complies with the density and use provisions in the Land Use Bylaw; and, the configuration of the lot does not defeat the intent of the specific bylaw provision, and there is no further subdivision potential

Figure 1 – Subject Property



BACKGROUND

The proposal is to vary the provision in the Part 4 'Subdivision Regulations' of the North Pender Island Land Use Bylaw No. 1034, 1996 (LUB) that regulates the depth to width ratio of lot design (shape) for the subject property located at **3210 Armadale Road**. The variance will allow for a two lot subdivision that is the subject of a subdivision referral from the Ministry of Transportation and Infrastructure (MoTI - NP-SUB-2017.1). The proposed lot layout plan is shown in Figure 2.

Specifically, the proposed variance will allow for the following:

- Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width is varied to permit the creation of lot Rem. 13 with an average depth 3.5 times its average width.

The 1.25 ha (3.08 ac) property size meets the requirements for a two lot subdivision in the **Rural Residential (RR)** zone which allows a minimum lot size of 0.4 hectares and a minimum average lot size of 0.6 ha. Upon the successful subdivision of the property, there would be no further subdivision potential for the resulting lots.

In order to provide road frontage and access for both lots, they would need to be either long and narrow (side by side), or one of them would have a panhandle access strip. The former layout design was initially proposed in the subdivision application to MoTI in order to allow two waterfront properties. However, this was subsequently revised to the current proposal which results in a regular shaped 0.4 ha parcel on Armadale and a panhandle remainder of 0.85 ha.(Figure 2).

It is noted that given the configuration of the property and limited road frontage any subdivision scenario would require a variance.

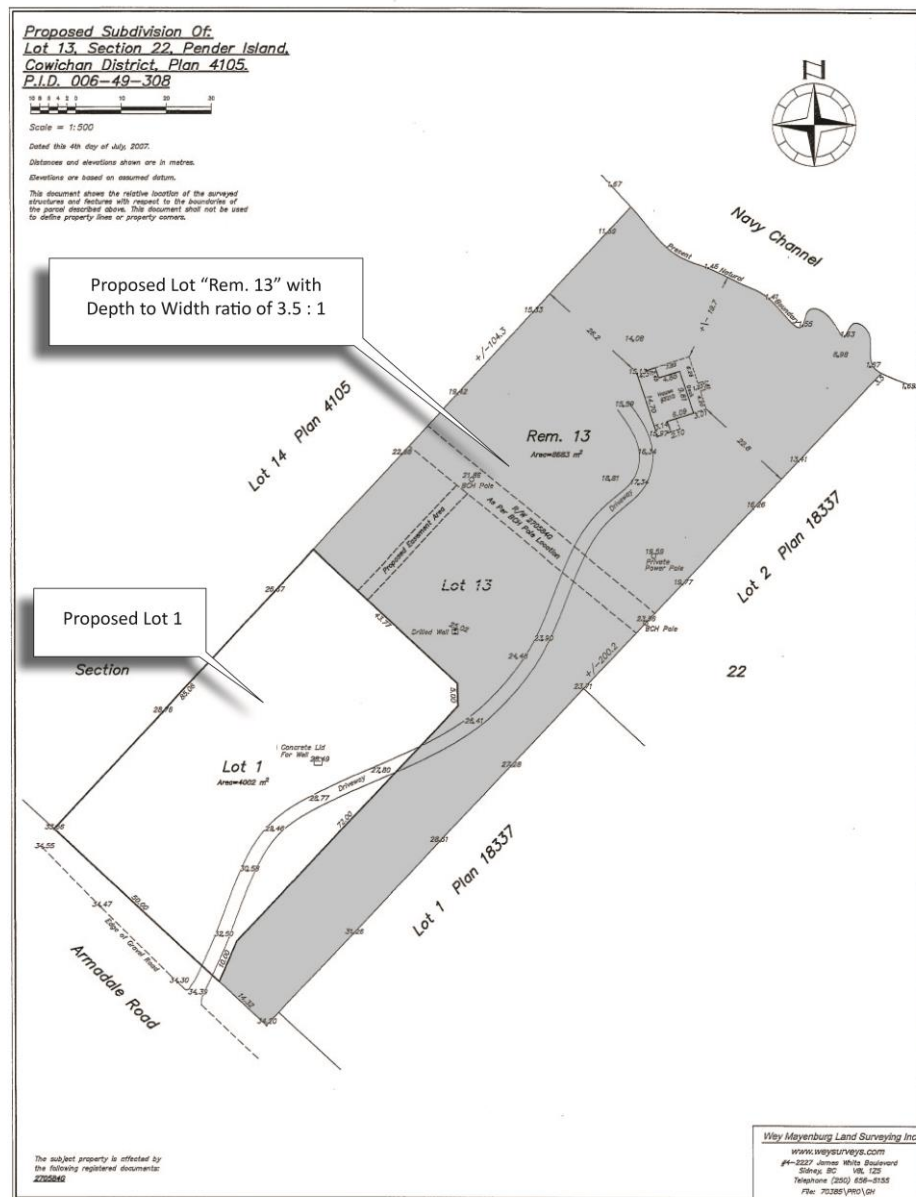
Numerous similar sized properties along Armadale Road have been subdivided in a similar manner, including the adjacent one to the Southeast.

There is currently a single-family dwelling on the property (see: Attachments 2.5 to 2.8).

A copy of the Notice is Attachment 3 and the Proposed NP-DVP-2017.2 Permit is Attachment 4

Staff visited the property on April 8, 2017.

Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

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

Land Use Bylaw:

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

The proposed subdivision complies with use and density provisions of the zone on the property.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities

Rationale for the Variance

The applicant has provided the following rationale for the variance:

- *Due to the relatively long lengths of the 3 acre plus lots in the original subdivision along Armadale Road, further subdivision that strictly meets the 3 to 1 ratio is challenging. On the stretch of Armadale Road from Tracy Road to the end at 3202 Armadale Road, it appears that the subsequently subdivided lots all have depth to width ratios greater than 3 to 1.*
- *The proposed subdivision will allow continuation of the existing privacy between the current neighbouring waterfront houses, and will allow us to save/protect as many of the large cedars and other tree species (towards the Armadale end of property in particular).*

The applicant has also submitted the following comments on how the variance could potentially impact surrounding lands if granted:

- *There will be no discernable affect to surrounding lands.*
- *The current "privacy screens" of trees/vegetation between existing cottage and neighbouring homes will remain, and be unaffected.*
- *The "street view" along Armadale will remain very similar to existing; we propose to save and protect as many of the large trees as possible at the Armadale end of the property in particular. The only minor change will be the addition of one driveway access.*
- *All work done to create this subdivision will be done in a manner respectful to our neighbours' properties and privacy and to natural features.*
- *With proposed lot sizes of 1 acre and 2 acres, these lots remain sizeable; plenty of room for retained vegetation and space. (Note: In comparison, 3214 Armadale is only 0.67 acre.)*

The Overall Intent of the Regulation (s) being Varied

The overall purpose of the regulations which restricting the creation lots that are long and narrow in shape is to minimize impacts on the subject property and adjacent ones as follows:

- Prevent lots that are more difficult to develop as due to reduced buildable areas, areas for locating septic fields, wells and road access, particularly where topography is challenging.
- Minimize issues with neighbours resulting from reduced proximity with dwellings and accessory uses.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area as the proliferation of narrow lots can “crowd” residential development creating the impression of higher density particularly along the waterfront.
- Maintaining a rural character.

Potential Impacts of Granting the Variance

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

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on January 29, 2018.

Staff has received no submission to date. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

The applicant has consulted with direct neighbours at 3206 Armadale (Northwest) and that dialogue was a partial reason to change the configuration to the current plan. They have also contacted other surrounding neighbours and received either no reply or no objections.

Rationale for Recommendation

Staff is recommending that the variance be supported for the following reasons:

- The reasonableness of the applicant’s rationale particularly as the shape of the ‘parent’ parcel could not facilitate a subdivision that can comply both with the depth to width ratio and the required road frontage.
- The impacts on neighbouring properties are minimal, and generally is in keeping with the surrounding pattern of development.
- Neighbours have been consulted by the applicant and have had concerns addressed or have expressed no objections, nor have any submissions been received at the time of writing.

- The proposed subdivision meets the density and use provisions of the LUB, and there is no further subdivision potential.
- The variance does not impact the intent of the bylaws.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2017.2 (Richardson and Hemsworth).

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Phil Testemale, A/Planner 2	January 11, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	January 12, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Proposed NP-DVP-2017.2 (Richardson & Hemsworth)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 13, Section 22, Pender Island, Cowichan District, Plan 4105
PID	006-149-308
Civic Address	3210 Armadale Road, North Pender Island
Property Size	1.25 ha (3.08 ac)

LAND USE

Current Land Use	Rural residential
Surrounding Land Use	Rural residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-2017.1	Subdivision proposal requiring subject variance

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR- Rural Residential (RR) in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007. There are no development permit areas designated on the subject property.
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Species and ecosystem at risk mapping indicates no occurrences of either with the exception on the Critical Habitat for Southern Resident Orcas.
Sensitive Ecosystems	N/A
Hazard Areas	Steep slope hazard mapping indicates areas of medium and high risk slope hazard corresponding to the steep cliff area adjacent to the foreshore (Attachment 2.2). Implications are minimal as these are within the zoning setback and access to the foreshore already exists.
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres.

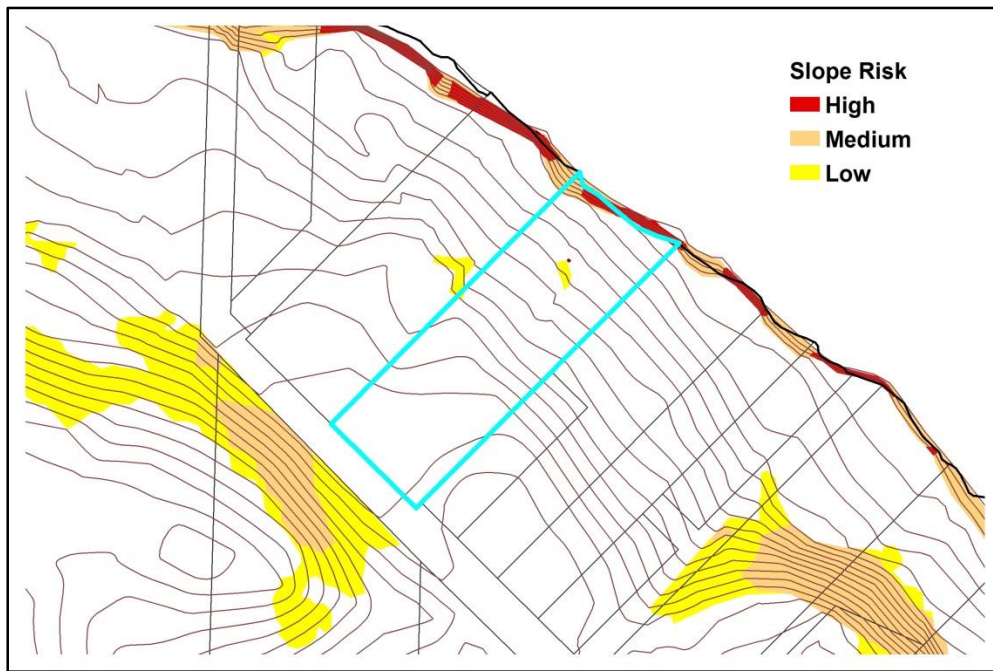
	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	none
Shoreline Classification	Rock Shoreline - Low Rock/Boulder (Attachment 2.
Shoreline Data in TAPIS	Eel grass occurrence is indicated on Attachment 2.4

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

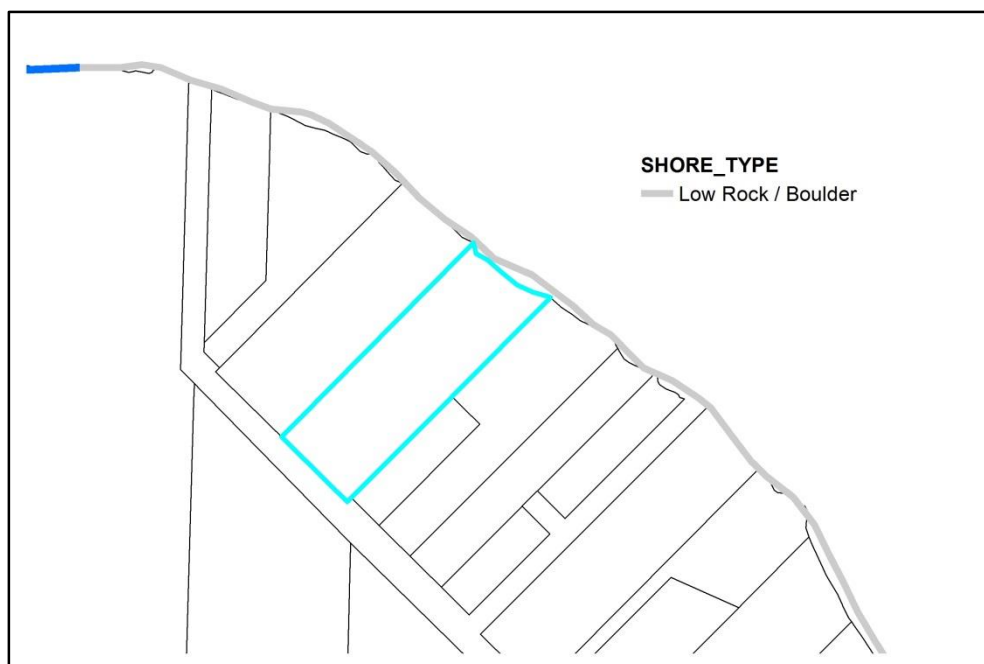
2.1 ORTHOPHOTO WITH ZONING



2.2 STEEP SLOPE HAZARD MAPPING



2.3 SHORELINE TYPES



2.4 EELGRASS MAPPING



2.5 VIEW NORTHEAST FROM ARMADALE ROAD



2.6 VIEW SOUTHWEST TOWARD ARMADALE ROAD



2.7 VIEW SOUTHWEST FROM DWELLING



2.8 DWELLING LOOKING NORTH





Islands Trust

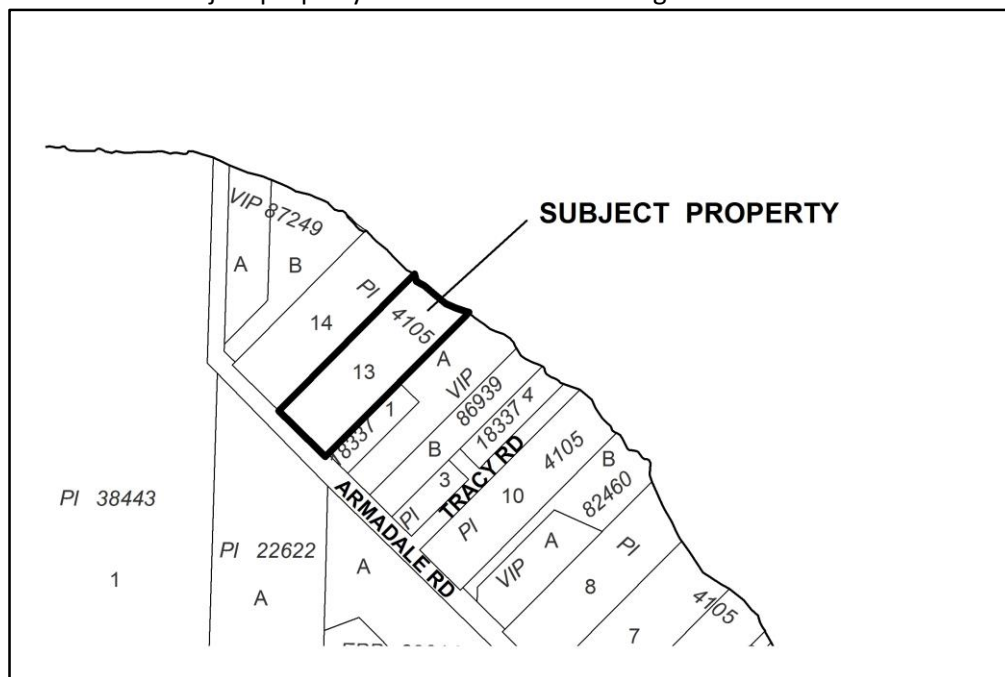
NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2017.2

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

Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width is varied to permit the creation of lot Rem. 13 with an average depth 3.5 times its average width.

The property is located at 3210 Armadale Road and is legally described as Lot 13, Section 22, North Pender Island, Cowichan District, Plan 4105. PID: 006-149-308

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **January 18, 2018** and up to and including **January 29, 2018**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island, B.C., commencing **January 18, 2018**.

Enquiries or comments should be directed to Phil Testemale, A/ Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., January 29, 2018**. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 am, January 30, 2018**, at the Royal Canadian Legion, 1344 MacKinnon Road, North Pender Island, BC.

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

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

NORTH PENDER LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2017.2

To: David Richardson and Noreen Hemsworth

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

Lot 13, Section 22, Pender Island, Cowichan District, Plan 4105
(PID: 006-149-308)

2. North Pender Island Land Use Bylaw 103, 1996 is varied to allow for a two lot subdivision as follows:

- a) Subsection 4.10.3 which states that no lot shall have an average depth greater than three times its average width is varied to permit the creation of lot Rem. 13 with an average depth of 3.5 times its average width.

The development shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

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

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

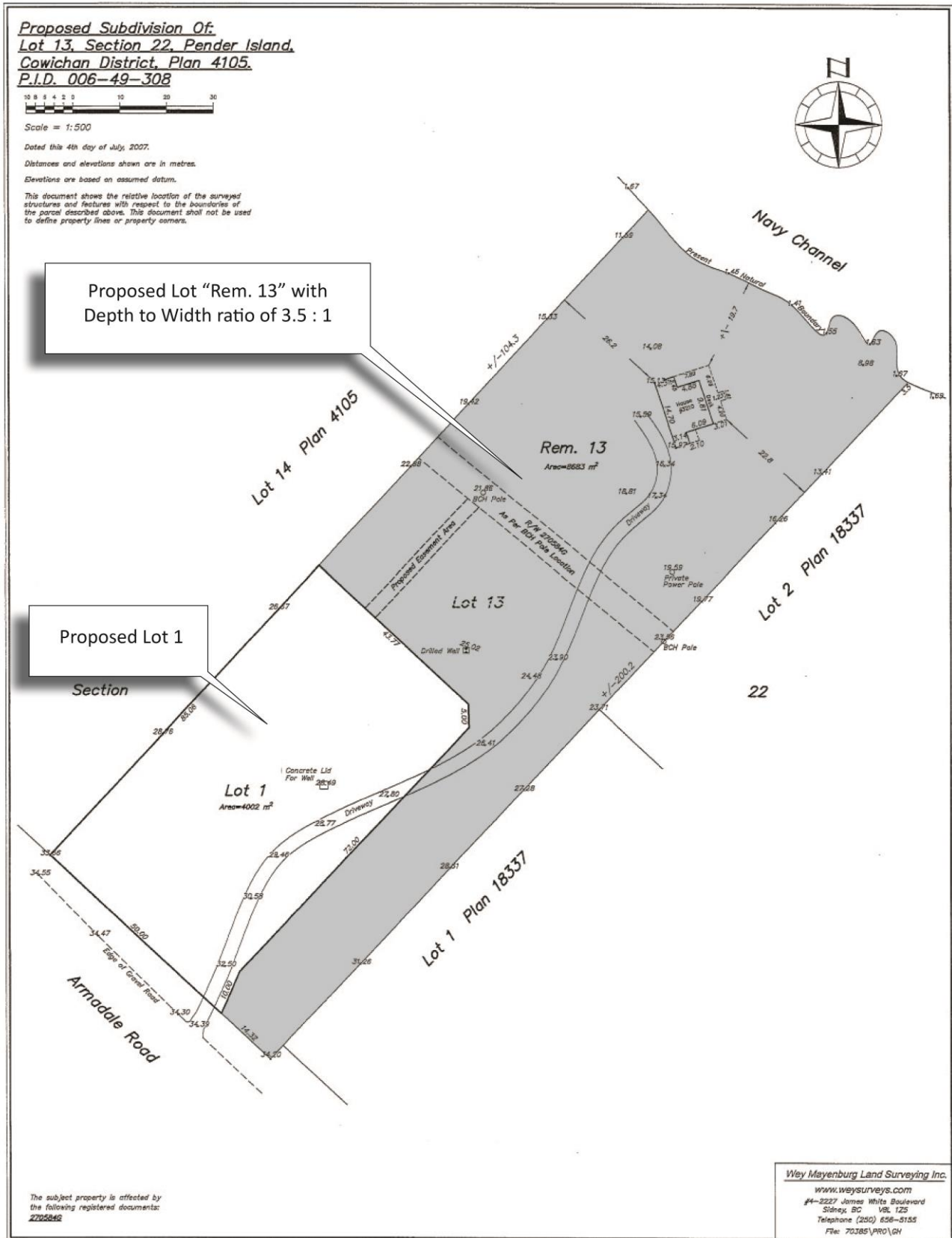
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2017.2

SCHEDULE 'A'





File No.: NP-RZ-2017.1 (PIPRC)

Bylaw No. 213

DATE OF MEETING: January 30, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Victoria Office
SUBJECT: Final Adoption – Pender Island Parks and Recreation Commission
Applicant: Pender Island Parks and Recreation Commission (PIPRC/CRD)

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017”, be adopted.

REPORT SUMMARY

The purpose of this report is to present Bylaw 213 for consideration of Adoption.

The above recommendation is supported as the bylaw has received Executive Committee approval. The zoning change will facilitate construction of a picnic shelter at Thieves Bay Community Park to the benefit of the community at large.

BACKGROUND

The objective of the bylaw is as follows:

- Allow for the construction of a **picnic shelter** at Thieves Bay Park.

Specifically the **Bylaw 213** proposes to create a site specific **Community Park 1 (a) (CP1 [a]) Zone** that will:

- Allow **‘picnic shelter’** as an allowable use and structure;
- Establish a maximum **size** of 80.2 m² (864 ft² - measure by roof area) for a picnic shelter;
- Establish a maximum **height** of 4.6 m (15 ft.) for buildings and structures; and,
- Establish **setbacks** for buildings and structures.

Subsequent to the last report to the LTC on November 23, 2017 the following file activity has occurred:

- A Public Hearing was held on November 23, 2017
- The LTC passed the following resolutions at its regular meeting on November 23, 2017:

NP-2017-110

It was MOVED and SECONDED,

That the North Pender Island Bylaw No 213, cited as “North Pender Island Land Use Bylaw 103, 1996, amendment no 2, 2017 be read a Third time.

CARRIED

NP-2017-111

It was MOVED and SECONDED,

That the North Pender Island proposed Bylaw No 213, be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

- The Executive Committee passed the following resolution at its regular meeting on January 17, 2018:

THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017” in accordance with Section 27 of the *Islands Trust Act*.

ALTERNATIVES

1. Proceed no further

The LTC may decide to proceed no further with Bylaw 213.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with Bylaw 213.

Submitted By:	Phil Testemale, A/Planner 2	January 18, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	January 18, 2018

ATTACHMENTS

1. Bylaw No. 213 (EC Approval)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 213

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

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

(1) Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 2, 2017”.

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

2.1 Section 8.16 Community Park 1 (CP [1]) is amended by the insertion of the following as Subsection 8.16.4:

“ 8.16.4 Site Specific Regulations

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

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
CP 1 (a)	The WEST 1/2 of Section 10, Pender Island, Cowichan District, Except Parts in Plans 16459, 16958, 21107, 21811, 2149, 22273, 22424, 22932, 23175, 23433, 23487, 24776, 30587, 30589 And 31146 (Thieves Bay Community Park)	1) In addition to the buildings and structures permitted in 8.16.2(2), the following are permitted: (a) picnic shelter 2) The maximum size of a picnic shelter is 80.2 m² measured to the drip line of the roof in accordance with “lot coverage”. 3) Despite Subsection 3.7.8, no building or structure, with the exception of playing field fences and picnic tables, may be located: (a) within 7.6 metres of any front or rear lot line measured to the drip line of the roof; or (b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line measured to the drip line of the roof. 4) No building or structure, with the exception of playing field fences, may exceed 4.6 metres in height.

- 2.2 Schedule "1" – Zoning Map, is amended by changing the zoning classification of THE WEST 1/2 OF Section 10, Pender Island, Cowichan District, Except Parts in Plans 16459, 16958, 21107, 21811, 22149, 22273, 22424, 22932, 23175, 23433, 23487, 24776, 30587, 30589 AND 31146 from to Community Park 1 (CP1) to Community Park 1 (a) (CP1[a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "1" to Bylaw No. 103, as are required to effect this change.

(3) SEVERABILITY

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

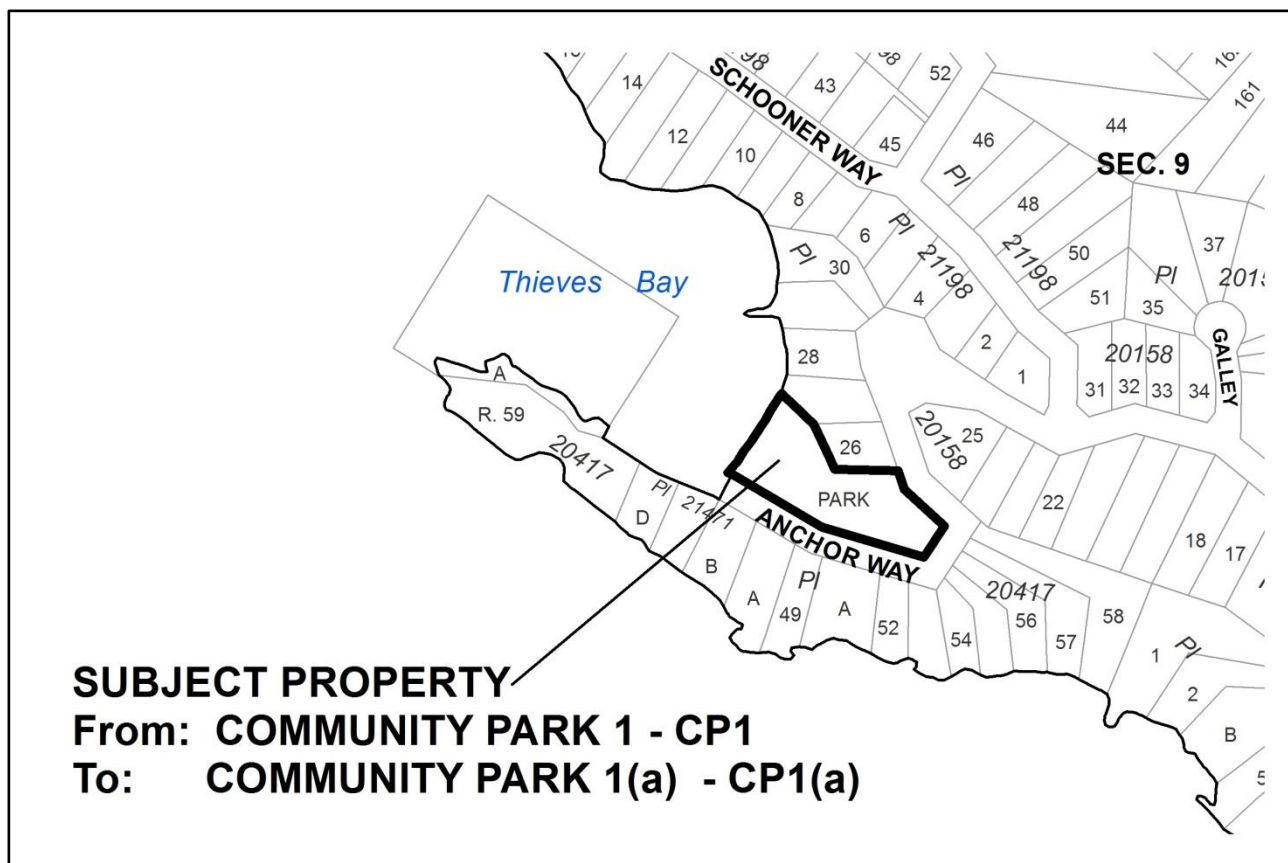
READ A FIRST TIME THIS	27 th	DAY OF	APRIL	2017
READ A SECOND TIME THIS	26 th	DAY OF	OCTOBER	2017
PUBLIC HEARING HELD THIS	23 rd	DAY OF	NOVEMBER	2017
READ A THIRD TIME THIS	23 rd	DAY OF	NOVEMBER	2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	17 th	DAY OF	JANUARY	20 <u>18</u>
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 213

Plan No. 1





File No.: NP-DVP-2017.4 (G. Johnson)
(NP-BP-2017.14)

DATE OF MEETING: January 30, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Justine Starke, Island Planner
Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit application
Applicant: Glen Johnson
Location: 2745 Shoal Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2017.4 (G. Johnson)

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for an existing dwelling that was sited in error.

At its regular meeting on November 23, 2017, the Local Trust Committee (LTC) requested further information from the applicant on alternatives to altering and/or relocating the house to conform to the setbacks.

The above recommendation is supported as the variances are for an unintended siting error for a dwelling constructed without a survey. The variances are minor in nature. The applicant has supplied cost estimates to alter or relocate the dwelling all of which are substantially higher than completing the dwelling as configured in its current location. Concerns of neighbours have been reported to the LTC and heard at the November 23, 2017 meeting. These focus largely on the state of disrepair and long-term vacancy of the dwelling as well as neighbourhood context and character. Granting the variance would allow the applicant to complete and occupy the dwelling, thereby improving that situation without incurring unnecessarily large costs of otherwise complying. The variance does not challenge the intent of the bylaw provision.

BACKGROUND

As stated above, the application was reviewed by the LTC on November 23, 2017. The staff report and attached background information are available here: http://www.islandstrust.bc.ca/media/344822/np-2017-11-23_agd-pkg.pdf

In response to the request by the LTC noted above, the applicant has provided the following:

1. An e-mail from the CRD Building Inspector with requirements to reactivate the Building Permit for the dwelling (Attachment 1);
2. An estimate for completion of the dwelling to obtain a Final Occupancy Permit either where situated or in a new location. (Attachment 2).
3. An estimate to alter the dwelling to conform to setbacks (reduce size) and complete the building to Final Occupancy (Attachment 3) and building plans showing the resulting size and configuration of dwelling (Attachment 4).
4. Estimates from two (2) contractors and two (2) house moving companies for additional costs to alter the dwelling (removing existing foundations, constructing new foundations, drainage etc.), move the building and attach to new foundations (Attachment 5).

The forgoing estimates are discussed in more detail in 'Issues and Opportunities' – below.

The proposal is to vary the front and interior side yard setbacks of the North Pender Land Use Bylaw No. 103, 1996 (LUB) for an existing dwelling located at 2745 Shoal Road. The variance will permit the applicant to undertake repairs and obtain a Final Occupancy permit from the CRD for the 50.7 m² (546 ft²) dwelling with a 31.4 m² (338 ft²) deck (see Figure 2). Specifically, the proposed variance will allow for the following:

Clause 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front or rear lot line is varied to permit the **construction of a dwelling** within **4.95 metres** of a front lot line; And,

Clause 8.1.5 (1) (b) which states that no building or structure may be located within 3.0 metres of any interior side lot line is varied to permit the **construction of a dwelling** within **1.4 metres** of an interior side lot line.

The application is the result of a Building Permit (BP) referral from the CRD (NP-BP-2017. 14). The BP application is a reactivation of a lapsed BP that was originally issued in 1998.

The applicant has indicated that his intention is to renew the building permit and complete the project.

Currently the building is vacant and there are no other buildings or structures on the property. Distance from the front of the dwelling to the road surface is approximately 15 m. and from the closest point of the dwelling to the most immediate neighbour to the west is approximately 22 m. (Figure 2)

A copy of the notice and draft NP-DVP-2017.4 are Attachment 8 and 9.

Staff visited the site on October 5, 2017.

Figure 1 – Subject Property

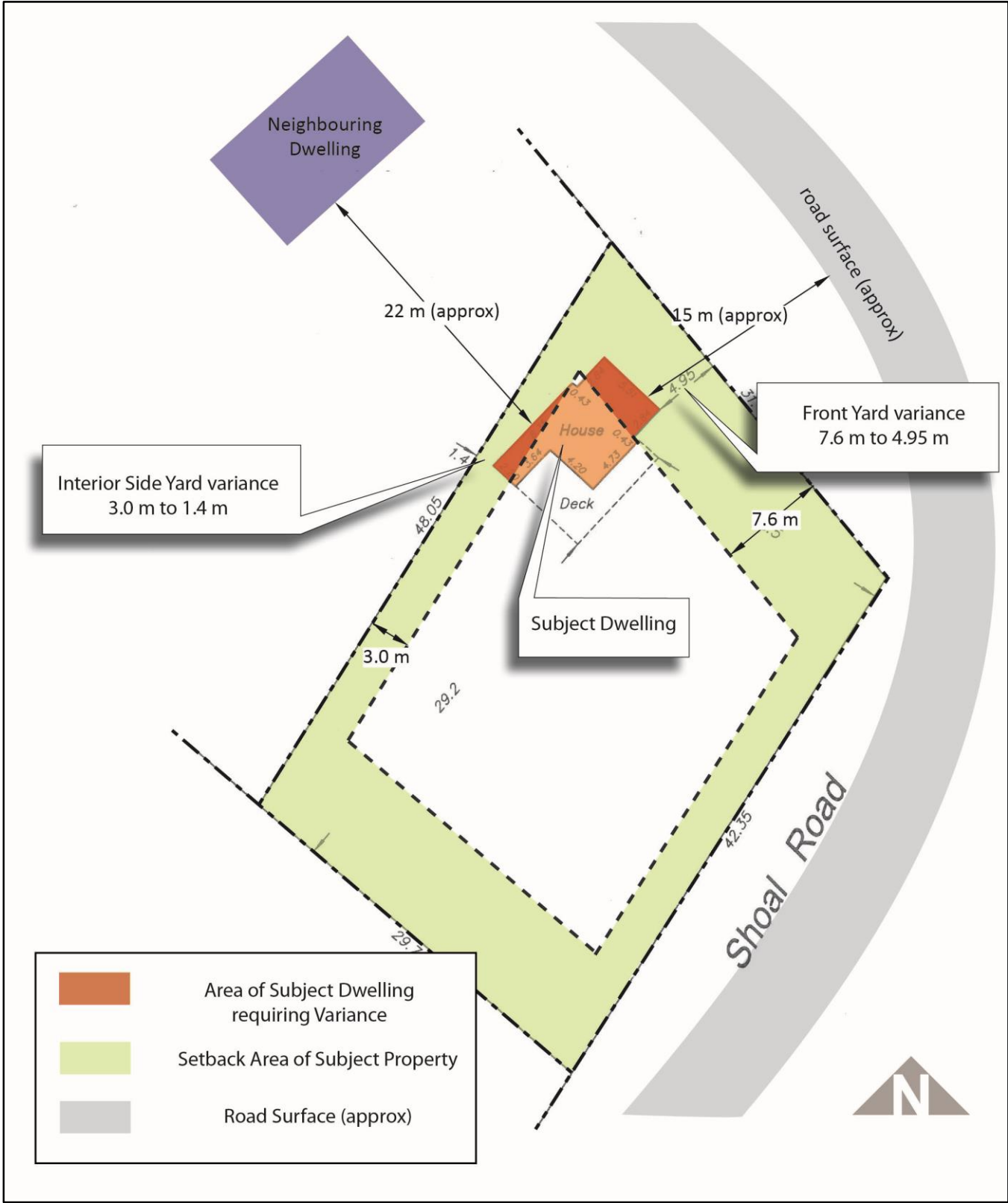


ANALYSIS

Policy/Regulatory

Refer to Previous Staff Report

Figure 2 – Site Plan



Issues and Opportunities

Alternative Scenarios for Applicant

As reported previously the applicant has three (3) other options for addressing the siting error. In summary these are:

1. Alter the building where it is currently sited to conform to the setbacks.
2. Relocate the building on the property.
3. Apply for a Board of Variance Order.

The LTC requested that the applicant provide further information on cost estimates for alternatives. These estimates are attached in full as Attachments 2 to 5. With the exception of a Board of Variance alternative, the following table summarizes and compares these estimates:

Scenario	Building Alterations to Final Occupancy	Add'l Building Alterations for Move (Foundation, Drainage, etc.)	House Moving	Total Cost	Additional Cost (over completion with current siting)
Completion of Dwelling as sited	\$61,910	n/a	n/a	\$61,910	n/a
Alter (reduce) Dwelling to conform to setbacks	\$94,290 ¹	n/a	n/a	\$94,290 ²	\$32,380 ²
Relocate and Complete Dwelling	\$61,910	\$62,653.50 to \$99,670 ³	\$23,625 to \$30,000	\$148,188.50 To \$191,360	\$86,278.50 to \$129,450

¹ Only one estimate (BCF Constructors)

² This figure **does not** account for the reduced valuation that would result. Alteration would be a 49% size reduction in the size of the dwelling (Attachment 4). The current assessed value is \$129,000. BC Assessment uses multiple factors such as size, age, shape, quality, condition, location...permitted uses, etc.

³ Two estimates (Estimate from Hamson Const. = range from \$62,653.50 to \$99,670; BCF Constructors = \$99,587)

In summary, the costs (over and above the \$61,910 completion estimate) to alter or relocate the building are substantial. It is noted (above and here) that the \$32,380 additional to alter the building in place does not account for the lost valuation as a result of halving the size of an already small dwelling. In addition, the functional liveability of such a dwelling would be reduced.

Given the costs, as well as the minor nature of the variances and the minimal impacts to neighbours due to its siting, staff is of the opinion that denying the application would cause the applicant to incur unnecessary costs.

Rationale for the Variance

The applicant's rationale for the variance is that there was an error in siting the side and road setback which he recently discovered (May of 2017). He was intending to keep the structure on the drier and better draining upper portion of the property. Further, he has stated that he takes full personal responsibility for the situation as it currently stands, and that he intends to renew his building permit and complete the project.

The Overall Intent of the Regulation (s) being Varied

The overall purpose of the setback regulations (Front and Interior Side Yard) is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

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

Nature of Variance and Neighbour Concerns, Screening and Building Condition

Neighbour concerns are addressed in the next section. Other issues and concerns were analysed in the previous Staff Report.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on November 22, 2017. There has been no further notice as the application remains unchanged.

Staff received one submission signed by 21 neighbours in response to the notification for November 23, 2017 (Attachment 6). The concerns cited in the letter are itemized using the criteria outlined above (*"Overall Intent of Regulation..."*).

The applicant has consulted with direct neighbour to the northwest. Additionally issues and concerns were presented by neighbours at the November 23, 2017 LTC Regular meeting

To summarize and respond to neighbour concerns: these largely focus on the state of the dwelling and its long-term vacancy which the applicant is now seeking to resolve by completing the building. The petition variously asserts that the siting is not in keeping with the rural / "island" feel of Magic Lake Estates and that the proximity

is “urban” in nature. This is inaccurate as the distance of 20 metres between the dwelling and the closest neighbour is typically larger than the average and well over the 6 metre separation if dwellings on both properties were sited to minimum siting regulations. Attachment 7 is a map of neighbourhood building footprints (existing) that shows the surrounding pattern and distances and demonstrates that the siting distances are not at odds with the norm. Questions of the applicant’s original intentions when siting the building are speculative. The fact that there was no requirement for surveys by the CRD at the time, the neighbouring property (west) was undeveloped and siting errors were common is relevant.

At the time of writing staff has not received any further submissions, but has had one request for further CRD information and processes, specifically on the Board of Variance.

Any further correspondence received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The siting was unintended and despite obtaining a BP, no survey was required by the CRD at that time.
- The variances are minor in nature.
- The applicant has responded to the LTC’s request for further information on costs to alter or move the dwelling. These are substantially higher than those to complete the dwelling as configured and as currently sited.
- Notification to date resulted in the written submission from neighbours which focuses primarily on the current building condition and vacant state of the dwelling. They also addressed privacy and the approvals process.
- Granting the variance will allow the applicant to complete the dwelling which will improve the appearance of the building and allow it to be occupied.
- The variance does not impact the intent of the bylaw regulation.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2017.4 (Johnson).

Submitted By:	Phil Testemale, A/Planner 2	January 18, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	January 18, 2018

ATTACHMENTS

1. E-mail from CRD Building Inspector to Applicant.
2. Cost Estimate for completing dwelling and obtaining Final Occupancy.
3. Cost Estimate for altering (reducing) dwelling, completing and obtaining Final Occupancy
4. Plans for Altered Dwelling
5. Cost estimates (2) foundation and drainage work and estimates (2) to move (relocate) dwelling.
6. Petition letter from neighbours (Rec'd November 15, 2017)
7. Map of Neighbourhood existing building and structures.
8. Draft Variance Permit NP-DVP-2017.4
9. Notice

Phil Testemale

From: Chris Watson <cwatson@crd.bc.ca>
Sent: Wednesday, November 29, 2017 4:06 PM
To: gwj70@hotmail.com
Cc: Phil Testemale
Subject: FW: 2745 Shoal road
Attachments: 020.jpg; 016.jpg; 014.jpg; 009.jpg

Hi Glen; here is the e mail again.



Making a difference...together
PLANNING AND PROTECTIVE SERVICES
Chris Watson, Building Inspector
T 250 360 3230 cwatson@crd.bc.ca

From: Chris Watson
Sent: Friday, June 02, 2017 2:31 PM
To: 'gwj70@hotmail.com' <gwj70@hotmail.com>
Cc: Lyne Moyes <lmoyes@crd.bc.ca>; Robert Gutierrez (rgutierrez@crd.bc.ca) <rgutierrez@crd.bc.ca>
Subject: 2745 Shoal road

Thank you for your application to complete converting an accessory building to a single family Dwelling.
Due to the time frame the plywood has been exposed to the weather.
No consideration of re activation will happen until:

- 1) Registered structural Engineers review of the ply wood for structural integrity and approval has been received along with mould removal, mitigation and reports times two to our office.
- 2) Embossed BC land survey with distances to property lines is received.
- 3) Curtain drainage ditch with appropriate drain rock and perforated pipe as per the septic final requirements.is installed and approved by septic installer.

Due to the standing water next to the footings and lack of perimeter drainage. Your Notice on title will remain in Perpetuity.

There will be more items required for final inspection once the permits are issued.

Cheers



Making a difference...together
PLANNING AND PROTECTIVE SERVICES
Chris Watson, Building Inspector
T 250 360 3230 cwatson@crd.bc.ca

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

BCF Constructors Ltd
2635 Gunwhale Road
Pender Island, B.C.
V0N 2V2
250 629-3084 Office
250 629-3085 Fax
250 744-9160 Cell
Email bcfconstructors@shaw.ca

January 18, 2018

Proposal 417

Glen Johnson
 2745 Shoal Road
 Lot 52 Section 9 Plan 21198 Cowichan Land District
 Pender Island BC

Proposal to facilitate completion of Single family dwelling to obtain occupancy certification

Scope of work:

- Survey existing structure to establish location – present to CRD for verification (Registered Professional Certification) Cost of Survey not included in this proposal - Budget \$1,400.00
- Replace deteriorated exterior plywood as required based on visual inspection and destructive investigation - **Allowance \$1,000.00** Cost of Building Envelope Engineer report not included in this proposal – Budget \$1,500.00 (Registered Professional Certification)
- Supply and install window and door flashings as required by building code
- Supply and install appropriate building paper and mid grade vinyl siding
- Repair / replace miscellaneous fascia boards, paint as required
- Install gutters and rain water leaders
- *Hand excavate areas around foundation – evaluate foundation bearing capacity – report to Building Inspection department, proposal does not include geotechnical report if required. Foundation remedial work not included in this proposal – Budget \$5,000.00
- Foundation damp proofing / floor system / foundation insulation to be evaluated and priced once foundation remedial work completed Cost of remedial work not included in this proposal - Budget \$3,000.00
- Concrete slurry ground seal in crawl area under house - cost to be evaluated upon completion of foundation remedial work Cost of slurry ground seal not included in this proposal - Budget \$3,500.00
- Install underground rain water leaders maximum ten feet from base of foundation – evaluate off drainage to road side trench
- Install pressure treated wood frame vinyl siding clad skirting as required around perimeter of structure
- Install fresh air make up vent exterior to interior penetration (code compliant)
- Provide plumbing / electrical service connections for laundry in suitable interior location
- Provide miscellaneous interior trims / baseboards as required
- Coordinate Inspections and all disciplines / CRD Building Inspection Department

End of Scope

*The site appears to be somewhat boggy. A geotechnical inspection and report revealing soil conditions will most likely be required in order to establish proper footing for the dwelling's future foundation. These conditions will determine the overall cost of the foundation remedial work. Geotechnical survey (Not included in this proposal) Additional costs to alleviate drainage issues for rain water leader connection and other site drainage issues – protect septic field and neighboring properties from flood damage (Not included in this proposal) - Budget \$4,000.00

ALL PERMITS BY OTHERS - Budget \$800.00

<u>\$38,800.00 + GST \$1,900.00 =</u>	<u>\$40,700.00</u>
<u>Total budget and allowance items listed above: \$20,200.00 + GST \$1,010.00</u>	<u>\$21,210.00</u>
<u>Grand total</u>	<u>\$61,910.00</u>

Respectfully Submitted,

Bob Funk
 BCF Constructors Ltd.

11
BGF Constructors Ltd
2635 Gunwhale Road
Pender Island, B.C.
VON 2M2
250 629-3084 Office
250 629-3085 Fax
250 744-9160 Cell
Email bfcconstructors@shaw.ca

January 18, 2018

Proposal 417

Glen Johnson
2745 Shoal Road
Lot 52 Section 9 Plan 21198 Cowichan Land District
Pender Island BC

Proposal to facilitate side and front yard setback requirements - partial demolition / reconstruction of Single family dwelling
Obtain occupancy certification

Scope of work:

- Survey existing structure to establish locations / mark building to facilitate demolition and modifications (see attached Drawing) Present to CRD for verification (Registered Professional Certification) Cost of Survey not included in this proposal - Budget \$1,400.00
- Demolish existing office and bedroom north side portion of dwelling parallel to front yard setback, demolish portion of kitchen bathroom space West side portion of dwelling parallel to side yard setback (see attached drawings)
- *Evaluate foundation soil bearing capacity conditions under modified footprint, excavate accordingly, construct maximum 3' high foundation, install drain tile, damp-proof (areas affected by demolition)
- Reconstruct new wood frame walls in affected areas where old existing walls removed, relocate windows as required
- Repair – make good roof structure and metal roofing
- Re-wire electrical components to code
- Modify plumbing rough in to facilitate new bathroom and laundry facilities in new location – fixtures and finishes by others
- Insulate / drywall new walls, roof assembly, paint not included
- Replace deteriorated exterior plywood as required based on visual inspection and destructive investigation - **Allowance \$1,000.00** Cost of Building Envelope Engineer report not included in this proposal – **Budget \$1,500.00** (Registered Professional Certification)
- Supply and install window and door flashings as required by building code
- Supply and install appropriate building paper and mid grade vinyl siding
- Repair / replace miscellaneous fascia boards, paint as required
- Install gutters and rain water leaders
- *Hand excavate areas around old existing foundation – evaluate foundation bearing capacity – report to Building Inspection department, proposal does not include geotechnical report if required. Foundation remedial work not included in this proposal – Budget \$4,000.00
- Foundation damp proofing / floor system / foundation insulation to be evaluated and priced once existing remaining old existing foundation remedial work completed Cost of remedial work not included in this proposal - Budget \$2,000.00
- Concrete slurry ground seal in crawl area under house - cost to be evaluated upon completion of existing foundation remedial work Cost of slurry ground seal not included in this proposal - Budget \$2,500.00
- Install underground rain water leaders maximum ten feet from base of foundation – evaluate off drainage to road side trench
- Install pressure treated wood frame vinyl siding clad skirting as required around perimeter of structure
- Install fresh air make up vent exterior to interior penetration (code compliant)
- Provide plumbing / electrical service connections for laundry in suitable interior location
- Provide miscellaneous interior trims / baseboards as required
- Coordinate Inspections and all disciplines / CRD Building Inspection Department

End of Scope

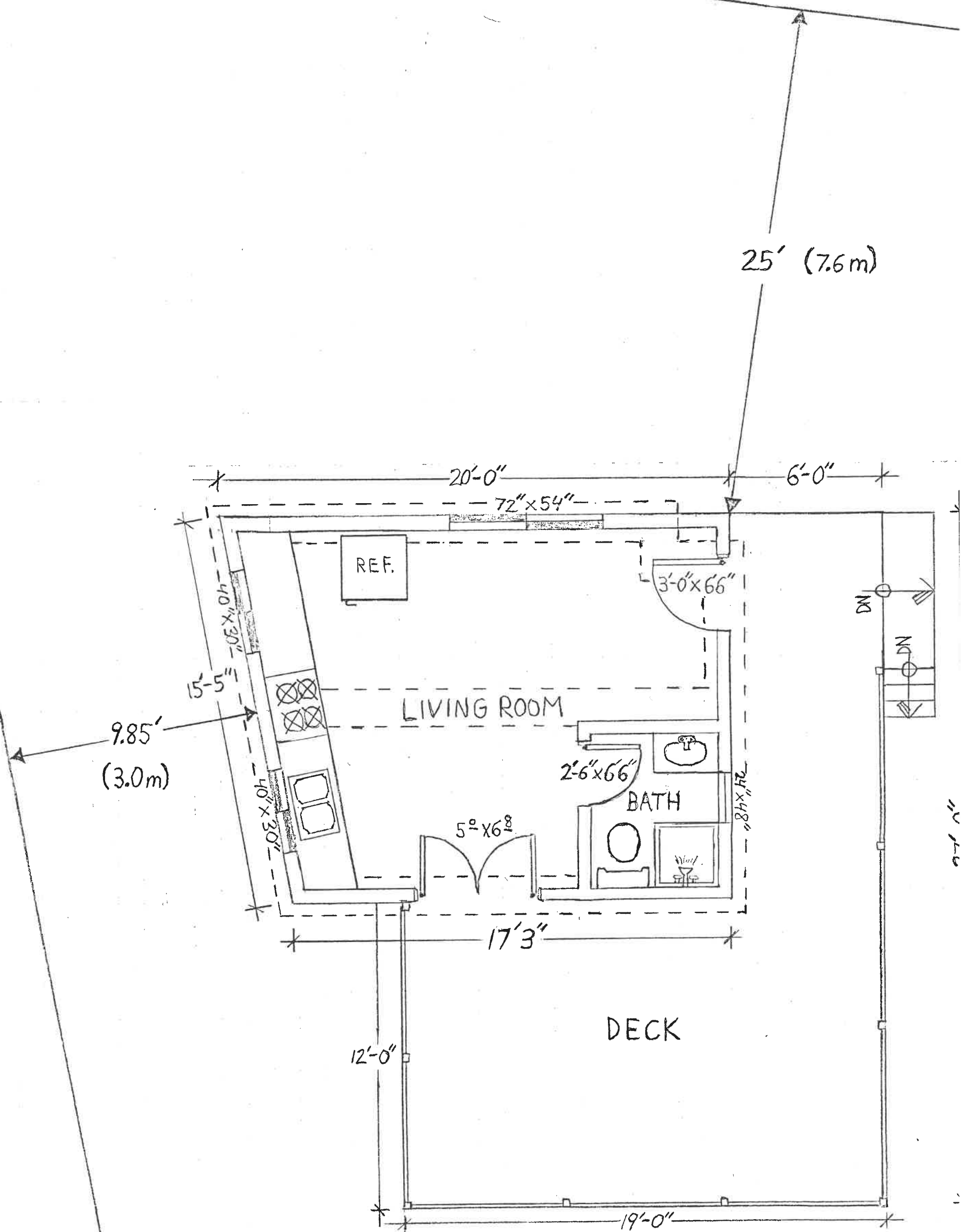
*The site appears to be somewhat boggy. A geotechnical inspection and report revealing soil conditions will most likely be required in order to establish proper footing for the dwelling's future foundation. These conditions will determine the overall cost of the foundation remedial work. Geotechnical survey (Not included in this proposal) Additional costs to alleviate drainage issues for rain water leader connection and other site drainage issues – protect septic field and neighboring properties from flood damage (Not included in this proposal) - Budget \$4,000.00

ALL PERMITS BY OTHERS - Budget \$800.00

\$72,600.00 + GST \$3,630.00 =	\$76,230.00
Total budget and allowance items listed above: \$17,200.00 + GST \$860.00 =	\$18,060.00
Grand total	\$94,290.00

Respectfully Submitted,

Bob Funk
BCF Constructors Ltd.



2745 Shoal Rd.
 Structure Alteration Proposal
 Foundation/Main Floor Plan
 scale: $\frac{1}{4}" = 1'-0"$

BCF Constructors Ltd
2635 Gunwhale Road
Pender Island, B.C.
V0N 2M2
250 629-3084 Office
250 629-3085 Fax
250 744-9160 Cell
Email bcfconstructors@shaw.ca

January 18, 2018

Proposal 413

Glen Johnson
2745 Shoal Road
Pender Island BC

Proposal to facilitate existing house move in conjunction with (Nickel Brothers House movers paid by others)

Scope of work:

- Site survey within building envelope to relocate structure
- Establish lot services underground locations (water and sewer, electrical lines) and expose
- Disconnect Hydro service connection **by others**
- Deconstruct existing wood deck
- *Excavate area of new building location to facilitate house moving equipment
- Prepare structure for house moving contractor as per their requirements / specifications
- Disconnect sewer and water connections
- Re route sewer and water lines within new foundation footprint
- Call for CRD building inspection on sewer and water service relocation
- Liaise with house move contractor to move structure over new footprint location
- *Construct new perimeter foundation under moved structure, 3' maximum height – code compliant
- Call for CRD Inspection and pour / strip foundation concrete walls
- Site survey to confirm new foundation, certify location is within building envelope
- Insulate foundation with approved foam board insulation - code compliant
- Pour concrete ground seal – code compliant
- Liaise with house move contractor to lower structure
- Fasten structure to new foundation – code compliant
- Install weeping tiles and drain rock – code compliant
- Install roof rain water leaders – code compliant
- Re connect sewer and water service
- Back fill and rough grade
- Reconstruct wood deck NOT INCLUDED **by others** – code compliant
- Reconnect hydro service **by others**
- Call for CRD Building inspection

End of Scope

*The site appears to be somewhat boggy. A geotechnical report revealing soil conditions will most likely be required in order to establish proper footing for the dwellings future foundation. These conditions will determine the overall cost of the excavation costs, house move and the foundation height. This proposal is limited to a 2' excavation depth and a 3' high perimeter foundation wall. **ALL PERMITS BY OTHERS**

Total estimated budget:

94,845.00 + GST 4,742.25 = 99,587.25

Respectfully Submitted,

Bob Funk
BCF Constructors Ltd.

Hamson Construction
paulhamsonconstruction@hotmail.com
250-538-8331

December 28, 2017

Proposal to move house to bring into compliance with CRD & Island Trust for :
Glen Johnson
2745 Shoal Road
Pender Island, BC V0N 2M2

This proposal is only to attach the existing house, as is, to a new foundation to meet set back requirements only.

PRE-MOVE PREP

- pre site surveys
- find all underground services (water, sewer and hydro)
- disconnect all services from structures – By Others
- remove all wood deck and stairs
- excavate new site
- prep transport area for move
- allow prep for 4000 psf requirements as per Nickel Bros requirements
- prep structure for move as per Nickel Bros requirement
- coordinate and supervise move
- coordinate site inspections for CRD

HOUSE MOVE PREP

- Form and pour all footings and foundation to code (note that due to poor soil conditions a geotek may be needed to determine conditions).
- insulate interior foundation walls, ground seal and ground cover
- all perimeter drains, rain leaders, curtain drains
- *EXTRA* - If excavation needs to be over 2 feet in depth and an interior foundation drain or sump is needed this would be an extra cost
- coordinate and supervise lowering house onto foundation
- attach house to foundation
- reattach all services – By Others
- coordinate CRD inspections
- back fill new foundation
- restore old site and move debris from house move
- *EXTRA* - deck foundations and replacement of deck and stairs will be dealt with as an extra cost once new structure elevations are set.
- new site survey

All "By Other" costs are covered but the responsibility is outside of the scope of Hamson Construction.

All *EXTRAS* are NOT included in this budget proposal

All geotechnical, structural engineering, and results of beyond code compliance part 9 are outside of this proposal and will be dealt with as extras.

Known Budget Proposal Estimate = \$59,670 + \$2,983.50 GST = \$62,653.50

Possible *EXTRA* Projections = \$35,000

Total Possible Budget = \$94,670 (Excluding permit and fees and Nickle Bros moving costs)

Kind Regards,
Paul Hamson

To: Glen Johnson
Email: gwj70@hotmail.com
Attention: Glen

Date: December 4, 2017

NICKEL BROS.

- ❖ Is the West Coast's largest and most experienced land and marine structural mover.
- ❖ **Operates** 3 regional offices in British Columbia and Washington State to provide our clients with prompt, professional service throughout the Pacific Northwest.
- ❖ **Maintains** the industry's finest Health and Safety Program, safely moving more than 300 structures per year.
- ❖ **Provides** engineering, design, and equipment solutions for any structural moving challenge, including Unified Jacking Systems, Hillman Rollers, and hydraulically controlled Transporters with up to 1000 ton capacity.
- ❖ **Protects** clients from building/structure repair or replacement costs resulting from minor damage to complete loss, with the industry's most comprehensive **Cargo Damage Insurance Policy**. **Cargo Insurance Policy for up to \$250,000 with the option to increase.**

Nickel Bros. Insurance:

- ➔ \$10,000,000 CND of General Liability Insurance
- ➔ \$2,000,000 CND of Cargo Insurance (this covers marine and land transportation)
- ➔ \$1,000,000 CND of Cargo Legal Liability Insurance

Our budget quote to move on site the structure located on **Pender Island** approximately **8 feet diagonally** is **\$30,000.00**. This price is valid for 60 days and does not include applicable taxes.

Nickel Bros. will provide all equipment, material and labour to complete this project in accordance with all applicable Health and Safety regulations and BCSMA standards for the raising and moving of structures. The building/structure will be raised on multiple hydraulic jacks and beams to allow the installation of a hydraulic Transporter. All jacking of the structure will be done using a Unified Hydraulic System to ensure minimal cracking, and eliminate distortion resulting in structural damage. The building will be moved to its new site where the excavation has been completed and ramped to allow rolling access into its final location. The structure will be lowered onto a pre-build foundation.

Customer Responsibilities:

- ❖ All building, land use, and sidewalk permits required by your local building authority for NB to perform the work.
- ❖ All building preparation including but not limited to: Hazardous material removal in workspace, service disconnections, unfastening building anchors, removal of porches/stairs, removal chimney/fireplace, removal of furnace/duct work/hot water heating pipes where steel beams are placed, clearing crawl space/basement, holes through walls for NB beams at required locations.
- ❖ All site preparation including but not limited to: Providing access for NB equipment, ensuring ground conditions will hold 4000 psf, removal of obstacles as required, preparing adequate roadways to NB satisfaction.
- ❖ All new construction including but not limited to: Building the new foundation/walls and/or required supports to a minimum 4 feet to facilitate the lowering of the building on pre-built foundation and removal of NB equipment to NB specifications.

Thank you for considering our proposal. Please call if you have any further questions.

Respectfully,

Allan Nickel
Owner / General Manager
Vancouver Island Division



BELTON BROTHERS. STRUCTURAL MOVERS 2006 LTD.

63-1751 Northgate Rd.
Cobble Hill, B.C. V0R1L6
Business Ph. # 250-748-7756 Fax # 250-929-7382
Cell Ph. # 250-710-2155
Email: cory_belton@hotmail.ca



CONTRACT PROPOSAL

GST 842132326RT000

January 9, 2018

Glen Johnson

2745 Shoal Rd. Pender Island, BC

(p) 250-580-5858 (e) gwj70@hotmail.com

Raise house at 2745 Shoal Rd, and roll sideways approximately 30 feet over customers excavated site . Once house has been rolled, raise house 6 feet on blocking and steel, for customers new foundation. Once new foundation is complete, Belton Brothers will lower house on new foundation.

Customer will be responsible for disconnection of hydro and sewer to accommodate this raise.

Any extra work done by Belton Bros above and beyond this contract proposal will be done on a cost plus basis of \$400/hour, plus travel time.

Any excavating, telephone, hydro or cablevision work needed to be done for the house relocation is the customer's responsibility. There will be a rental charge of \$50.00 per day for equipment after 30 days.

All of the above work to be completed in a good and workmanlike manner for the sum:

Price \$ 22,500.00

GST \$ 1125.00

Total \$ 23,625.00

Payment to be made as follows:

\$ 9,500.00 at contract signing

\$ 13,000.00 when house is raised

\$ 1125.00 Balance owing when house is lowered on new foundation or 30 days, whichever comes first. Any changes in the work and the price to be charged for it shall be made in writing. This proposal is made on the basis of current material and labor costs. A delay in acceptance of more than 30 days will require a review of the proposal and re-dating before the agreement becomes binding. Respectfully submitted;

Contractor _____

ACCEPTANCE

You are hereby authorized to furnish all materials and labor to complete the work mentioned in the above proposal, for which the Undersigned agrees to pay the amount mentioned in said proposal, and according to terms thereof.

Date _____ Signature _____

2745 Shoal Road, Lot 52, Section 9, Pender Island, Cowichan District, Plan 21198. PID: 001-578-481

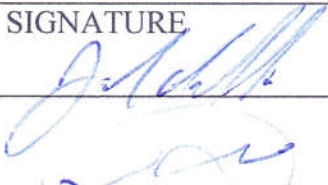
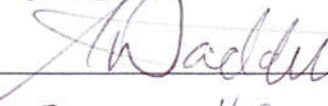
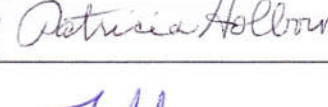
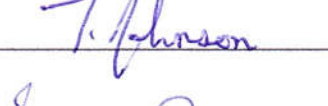
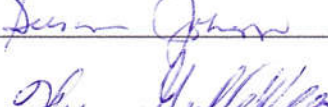
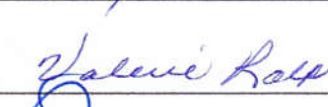
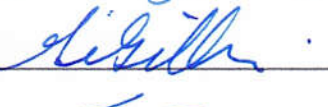
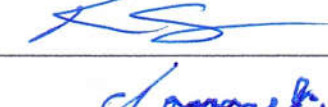
Neighbouring residents wish to provide feedback regarding an application for variance approval relative to two construction violations (front and side lot lines) at 2745 Shoal Road, North Pender Island.

The following criteria have been reviewed and we, as affected neighbours, provide comment on their impact to the community.

Criteria	Notes	Feedback
The rationale provided by applicant.	Applicant has stated he made a mistake. Rather than siting the house as originally permitted, a CHOICE was made by the owner to IGNORE SETBACK REQUIREMENTS and build too close to the side AND front lot lines.	Yes, this is a mistake that has not been corrected in 20 years. The derelict structure has been left, unfinished, to deteriorate and continue as an eye-sore in the neighbourhood.
Limiting the visual impact of development on adjacent properties	This building has been an unfinished state for 20 years.	Pender Island is a beautiful, rural community. Eye sore properties like this property diminish the quality of life for other residents and lower neighbourhood property values.
Establishing a consistent development pattern within a local area	Important for community development, aesthetics and rural lifestyle. Also essential for fairness to other builders and owners who are being required to adhere to building by-laws.	Approving variances of this nature has long term detrimental effects that include • Urban proximity in our rural community • Inappropriate siting of houses in relation to each other
Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.	Lot sizes in Magic Lake Estates are designed to give an "island" community feel	Run-down and abandoned buildings deter from the unique Pender Island community feel. Houses that are inappropriately sited in relation to each other in a rural subdivision ruin the spacious visual quality and prevent neighbours their quiet enjoyment and privacy.
Maintaining a rural character	This structure is sited far too close to its neighbouring house to maintain a rural character. It is out of place and not consistent with other properties on Shoal Road.	Houses, such as this structure, sited less than 5 feet or (1.5) meters from property lines diminish the rural character of our community. Fencing, hedges etc cannot fix the problem in this instance.
Establishing certainty with respect to residential development by maintaining consistent siting regulations.	Certainty and fairness are important to everyone who has built and continues to construct homes and outbuildings on their properties	Approving this variance flies in the face of certainty of residential development or fairness to all owners and residents. Others incur

		substantial costs to comply with local zoning and by-law regulations. Approving this variance would be seen by neighbours or other potential builders as either utterly unfair or a carte blanche to do whatever they want and beg forgiveness later.
Potential impacts of granting the variance	Negative to the community and others who are in the process of building in the local area	1. Permanent location too close to neighbouring property 2. Potential for an addition to be made to this structure that would be completely monstrous with no recourse available to neighbouring residents. 3. Act as an encouragement for others to build outside the rules and destroy the rural character of the community 4. Approval provides no guarantee that the house would be finished properly or that the water issues relative to this lot would be addressed. 6. An approval may not require or guarantee the installation of appropriate fill and drainage systems to help stem surface and sub-terrain run-off from Buck Lake
Input from neighbours on foregoing and other concerns or comments	This house has been unfinished for 20 years, although it has been rented for periods of time. There are potential issues related to the septic system plus locally known water run-off that originates at Buck Lake.	1. Current location infraction is not minor in nature. 2. Approval encourages non-compliance by others in the future 3. House is a neighbourhood eye sore. 4. The house has been left vacant and unheated for at least 5 years. There is potential for mould and presents a prime location for rodent infestation. 5. Water problems with the lot and potential septic issues 6. Create unfair situation for those who are complying with building regulations 7. Only relocation or destruction will return the neighbourhood to a proper rural island condition.

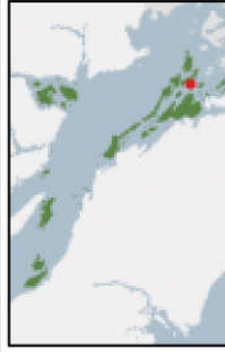
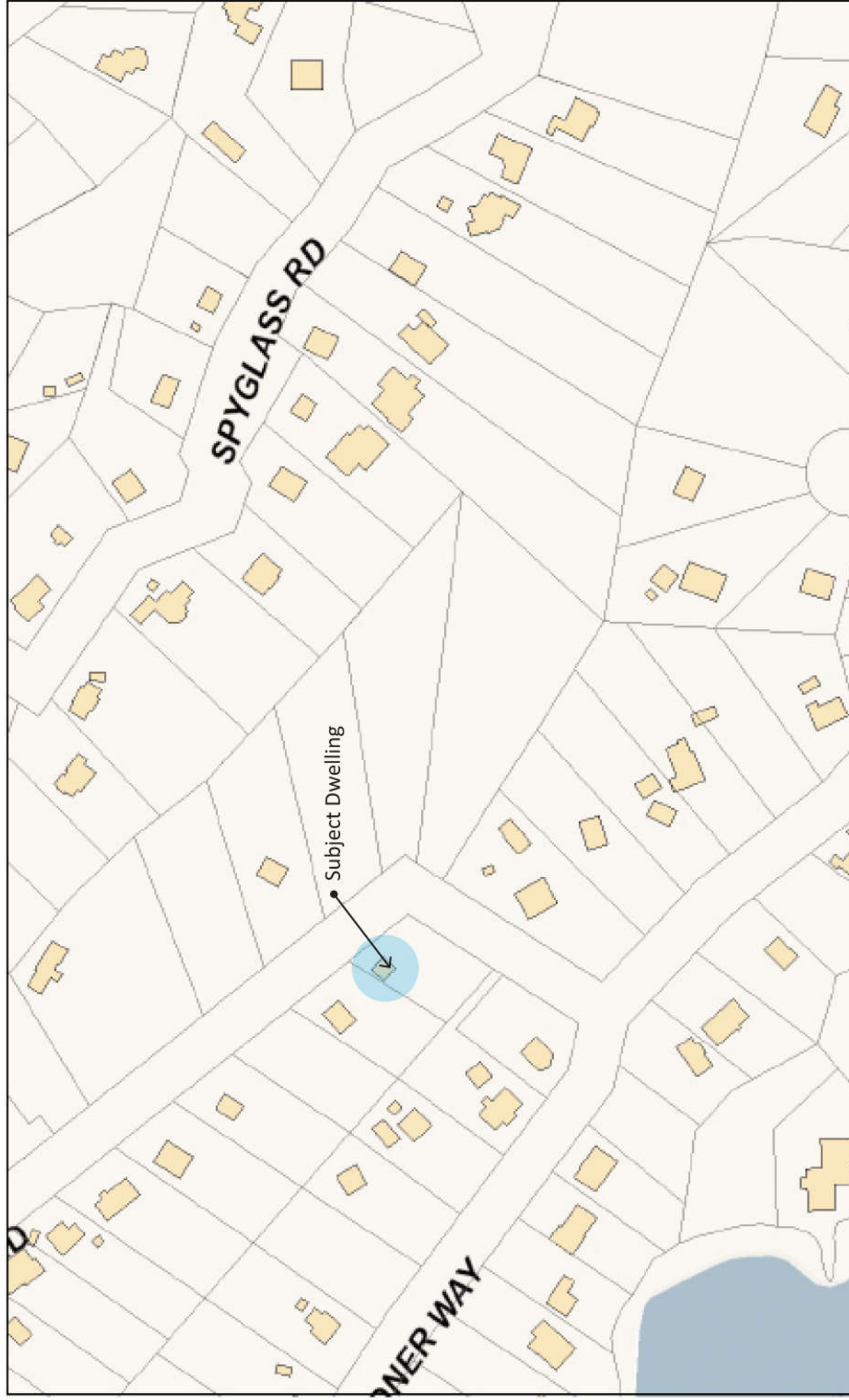
Neighbours who have signed this feedback DO NOT support approval for the Development Variance Permit for this property, and request that the Islands Trust and CRD require that it be moved to an appropriate location on the lot or destroyed.

NAME	ADDRESS	SIGNATURE	DATE
778 999 9520 JOEL DA SILVA	2627 SHOAL ROAD		NOV 5/2017
Karl Mathew 250 222 6243	1601 Shoal Rd		Nov 5/2017
MORENE TOMLINSON 250-419-2953	2643 SHOAL RD		Nov 5/2017
Nancy Westell 250-629-3863	1612 Schooner Way		✓
Al Waddell 250-629-3863	1612 Schooner Way		Nov 5 2017
Pat Holborn 604-345-0260	1620 Schooner Way		Nov. 5, 2017
Trent Johnson 250 665-4503	2747 Shoal Rd		Nov. 6, 2017
Susan Johnson 250.999.4580	2747 Shoal Rd		Nov. 6, 2017
Theresa Gullikson 250 629 3380	2750 Shoal Rd		Nov 6 2017
TARA FOLK 1602 Cherry Dr. ←	250-629-3246		"
PETER KALAM 250-629-3578	2629 Shoal Rd		Nov 6, 2017
Valerie Ralph 250-629-3578	2629 Shoal Rd.		Nov. 6, 2017
ART CURTIS 250.886.2631	2631 SHOAL RD.		NOV. 7, 2017
GARY GILLIS 250-629-0052.	2635 Shoal RD		Nov 7/2017
KATHALYN CHAPMAN 250 629-3629	2633 Shoal Rd		Nov 7/2017
C. Tonnellier 629-3491	2623 Shoal Rd		" "
L. Tonnellier 629-3491	2623 Shoal Rd.		" "
P. Boydell 629-9905	2636 Shoal Rd.		" "

[illegible]



Building Location NP-DVP-2017.4



DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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© Islands Trust

January 17, 2018

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Islands Trust

PROPOSED

**NORTH PENDER LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP- DVP-2017.4**

To: Glen W. Johnson

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

Lot 52, Section 9, Pender Island, Cowichan District, Plan 21198
(PID: 001-578-481)

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

- a) Clause 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front or rear lot line is varied to permit the construction of a dwelling within 4.95 metres of a front lot line;
And,
- b) Clause 8.1.5 (1) (b) which states that no building or structure may be located within 3.0 metres of any interior side lot line is varied to permit the construction of a dwelling within 1.4 metres of an interior lot line.

The development shall be consistent with Schedules 'A', 'B' and 'C' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw 103,1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

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

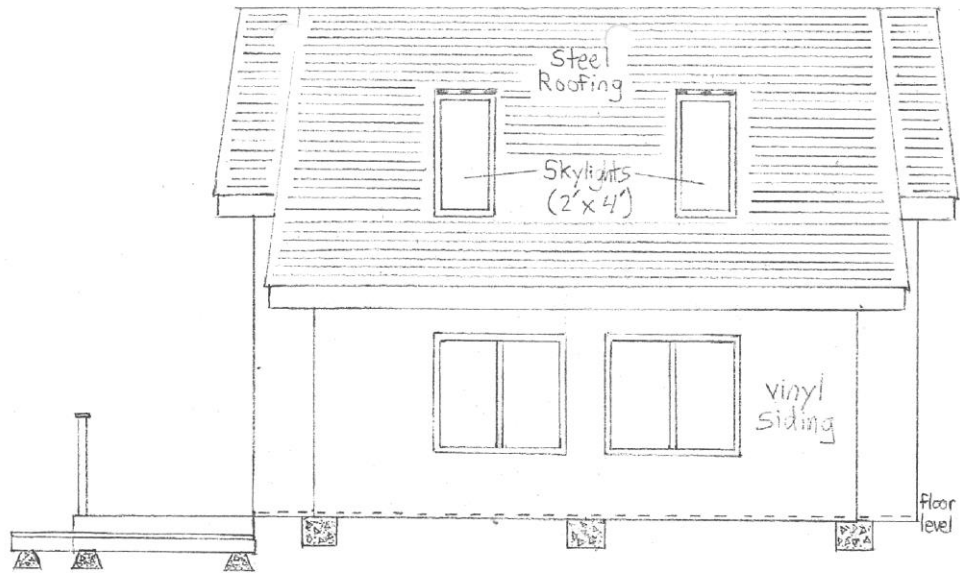
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR
, THIS PERMIT AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2017.4

SCHEDULE 'B'



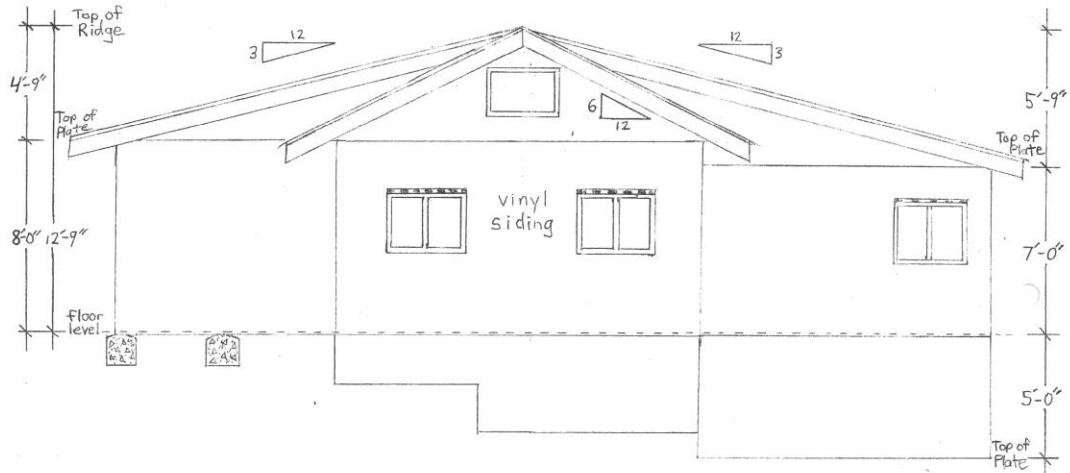
North (Front) Elevation



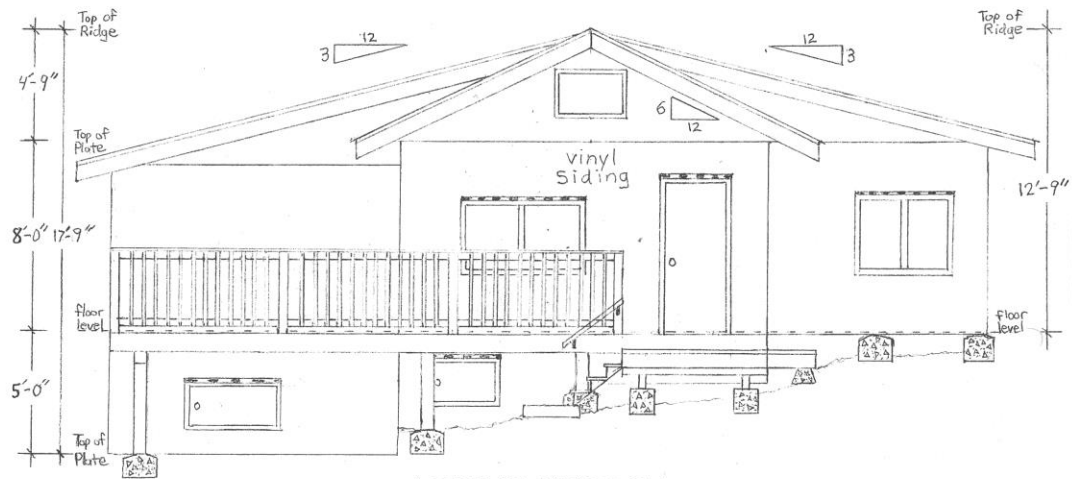
South (Rear) Elevation

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2017.4

SCHEDULE 'B' (Cont'd)



West (Side) Elevation



East (Side) Elevation

**NOTICE
NP-DVP-2017.4
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

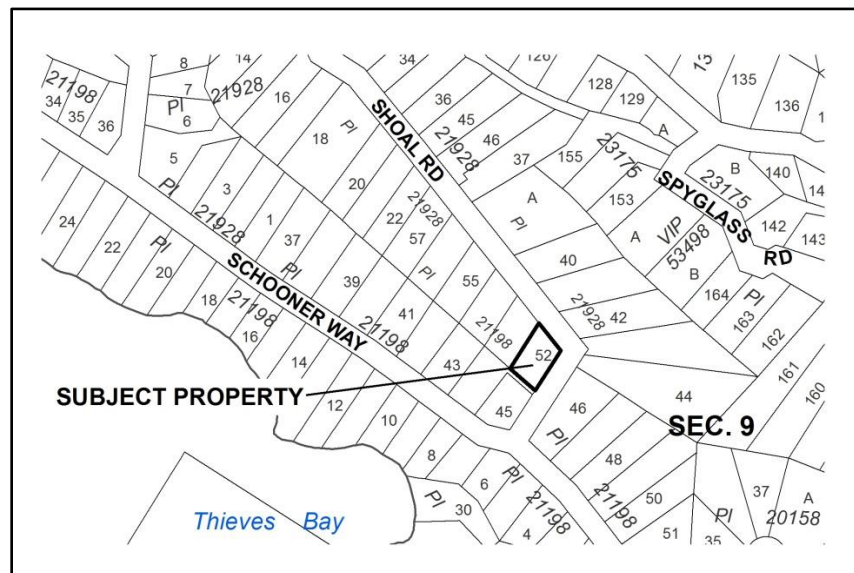
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996,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

Clause 8.1.5 (1) (a) which states that no building or structure may be located within 7.6 metres of any front or rear lot line is varied to permit the **construction of a dwelling** within **4.95 metres** of a front lot line; And,

Clause 8.1.5 (1) (b) which states that no building or structure may be located within 3.0 metres of any interior side lot line is varied to permit the **construction of a dwelling** within **1.4 metres** of an interior side lot line.

The property is located at 2745 Shoal Road and is legally described Lot 52, Section 9, Pender Island, Cowichan District, Plan 21198. PID: 001-578-481

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 26, 2017** and continuing up to and including **November 22, 2017**.

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

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **November 22, 2017**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m., November 23, 2017**, at the Pender Community Hall, 4418 Bedwell Harbour Road, on North Pender Island.

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



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area Bylaw No.: 509 Date: November 28, 2017

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response by January 10, 2018. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mrs. Mafalda Hoogerdyk, Salt Spring Tennis Association

PURPOSE OF BYLAW:

To rezone the subject property to permit a second indoor tennis court and outdoor tennis courts in the PR3(a) zone

GENERAL LOCATION:

805 Lower Ganges Road, Salt Spring Island, BC V8K

LEGAL DESCRIPTION:

PID 009-600-426 SECTION 6, RANGE 2 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, EXCEPT THE EASTERLY 6.75 CHAINS THEREOF; EXCEPT PARCEL B (DD 770361), AND EXCEPT PART IN PLAN 14185

SIZE OF PROPERTY AFFECTED:

16.27 ha (40.21 acres)

ALR STATUS:

Yes

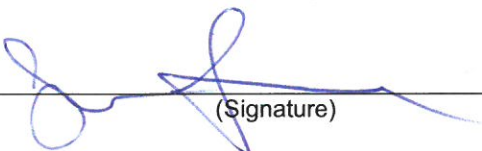
OFFICIAL COMMUNITY PLAN DESIGNATION:

Parks and Recreation

OTHER INFORMATION:

ALR non-farm use permission granted – Decision # 281/2017

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


(Signature)

Name: Jason Youmans

Title: Island Planner

This referral has been sent to the following agencies:

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Transportation & Infrastructure

Regional Agencies

CRD – All Referrals & K. Campbell
CRD – SSI Parks and Recreation
Vancouver Island Health Authority

Non-Agency Referrals

North Salt Spring Waterworks District
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

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

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

509
(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area Bylaw No.: 172 Date: January 8, 2018

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

APPLICANTS NAME / ADDRESS:

Reef Bay Holdings Ltd
536 Bayview Drive
Mayne Island BC, V0N2J0

PURPOSE OF BYLAW:

The subject property is currently zoned C1(a) Settlement Commercial. C1(a) limits the commercial uses on this specific lot to professional businesses and offices. Draft Bylaw 172 is the result of a bylaw amendment application by the property owner requesting to allow all of the uses permitted in the C1 Settlement Commercial zone on the subject lot. The permitted uses in the C1 zone include: Restaurants, Retail Sales, Offices, Personal Services, Medical and Dental Clinics, Printers and Publishers, Appliance Repair and Servicing, Clubs and Halls, Freight Depots, Studio, Apartment Residential, and Accessory Dwelling. Draft Bylaw 172 also proposes to limit the lot coverage of buildings and structures on the subject lot to a maximum of 20%.

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

Lot 36, Section 6, Mayne Island, Cowichan District, Plan 22057

SIZE OF PROPERTY AFFECTED:

0.23 hectares

ALR STATUS:

n/a.

OFFICIAL COMMUNITY PLAN DESIGNATION:

OTHER INFORMATION:

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

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

Name: Gary Richardson

(Signature)

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

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Transportation & Infrastructure

Non-Agency Referrals

Village Point Improvement District

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

172

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

File No.: 6500-20 - North Pender
Housing (Secondary Suites)

DATE OF MEETING: January 30, 2018
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner, Local Planning Services
SUBJECT: **Bylaws 216 and 217 : Secondary Suites**

RECOMMENDATION

1. THAT the North Pender Island Local Trust Committee Bylaw No. 216, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2018,” be read a first time.
2. THAT the North Pender Island Local Trust Committee Bylaw No. 217, cited as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018,” be read a first time.
3. THAT the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 216, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2018,” and Bylaw 217 cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2018,” are not contrary to or at variance with the Islands Trust Policy Statement.
4. THAT the North Pender Island Local Trust Committee refer Bylaws 216 and 217 to the Advisory Planning Commission for feedback.

REPORT SUMMARY

The purpose of this report is to present bylaws 216 and 217 to the North Pender Island Local Trust Committee for consideration of first reading. Bylaws 216 and 217 would permit and regulate secondary suites as accessory dwellings permitted within primary dwellings on North Pender Island.

BACKGROUND

The North Pender Island Local Trust Committee (LTC) made housing a top priority in 2015 and on November 24, 2016 added Secondary Suites as a focus under its Top Priority work program. The Local Trust Committee has endorsed a [project charter](#) to manage the work program for this policy priority.

On November 23, 2017, the LTC passed the following resolution:

It was MOVED and SECONDED, That the North Pender Island Local Trust Committee directs staff to draft regulatory amendments that would permit secondary suites on North Pender Island.

On October 21, 2017, the North Pender Island Local Trust Committee hosted a community information workshop to discuss secondary suites. The majority of input was very supportive of secondary suites and the concerns people had were more related to secondary suites not being allowed or the process moving too slowly.

The results of this community meeting are documented in the staff report received by the NPILTC on [November 23, 2017](#).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Support for housing in the Islands Trust Policy Statement can be found in *Part V: Sustainable Communities*.

The goal of this part is “to sustain island character and healthy communities.”

The Policy Statement defines sustainable communities as “human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.” Other relevant policies include:

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Staff have reviewed the Islands Trust Policy Statement and found that Bylaws 216 and 217 are not contrary to or at variance with the Policy Statement. The Islands Trust Policy Statement checklist is attached to this report.

Official Community Plan:

Pender Island Official Community Plan

Rural Residential Policies

2.1.1.1 The principal use shall be residential. Accessory uses shall not detract from the rural character of the island.

- Secondary suites are considered to fit within the rural settlement pattern of the island.

Rural Policies

2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural.

- Secondary suites are accessory residential uses.

Affordable Housing Policies

2.3.21 Any additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable housing.

- The purpose of the secondary suites bylaws are to enable rental housing within the residential densities that already exist on the island. Rental housing in secondary suites is often also affordable housing although prices can vary depending on the size and condition of the suite. New policies supporting secondary suites are also proposed.

2.3.23 Zoning should regulate the density, size and siting of units in order to maintain rural residential character.

- The proposed land use bylaw amendment 217 regulates the number of suites, limits the floor area, and requires the suite be located within the footprint of the main dwelling.

2.3.25 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.

- Staff are working with the Capital Regional District to consider what water efficiency incentives can be incorporated into the secondary suites implementation program.

Proposed Bylaws 216 and 217

Proposed Bylaws 216 and 217 will permit and regulate secondary suites on North Pender Island.

Bylaw 216 is an amendment to the Official Community plan to enable and make specific reference to secondary suites. It proposes a new general residential policy: "Accessory housing options such as secondary suites may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island," and includes various other policies to implement this.

Bylaw 216 also proposes to amend the Temporary Use Permit guidelines to discourage secondary suites from being used as short term vacation rentals.

Bylaw 217 is a Land Use Bylaw amendment that has been drafted for consistency with the approaches taken on Mayne Island, Galiano Island, and Salt Spring Island. The proposed regulations will ensure that:

- Secondary suites are permitted as accessory uses in the Rural, Rural Residential, and Agriculture zones.
- Secondary suites are defined as, "an accessory, self-contained dwelling unit, located within the principal dwelling on a lot and having a lesser floor area than the principal dwelling."
- Only one suite is permitted per lot.
- There is a maximum floor area of 90 m² (968 ft²) and the suite may not occupy more than 40% of the floor area of the main dwelling
- The entrance to a secondary suite is separate from the entrance to the principal dwelling.
- The secondary suite may not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.
- Secondary suites are not used for short term vacation rental or bed and breakfast home business.
- One additional parking space is required on the lot.

Rationale for Recommendation

The LTC is conducting this work under its broader priority of housing. Secondary suites are a trusted way of increasing the stock of rental housing in island communities without changing the rural settlement pattern or

impacting the sense of place that exists. The LTC has received positive feedback from the community on the idea of allowing secondary suites on North Pender Island. The suggested regulatory amendments are consistent with those in the recently adopted on others islands in the Islands Trust Area. Should the LTC give First Reading to Bylaws 216 and 217, referrals will be sent to agencies, the Advisory Planning Commission, and more specific public engagement can be conducted.

Legalizing secondary suites is the easiest way to increase the rental housing stock without negatively impacting the rural sense of place or the carrying capacity of the island. Suites offer mortgage helpers and make home ownership more attainable while also offering opportunities for people to age in place, offering security for those with a disability, or family support to adult children or elderly relatives. Based on the experience of legalizing secondary suites on other islands in the Islands Trust Area, the expectation is that there will be limited numbers of suites built as a result of these bylaws. While some new construction can be expected to incorporate suites and there may be some new suites put into existing houses, the rate of uptake tends to be slow. However, existing unlawful suites would no longer face the possibility of enforcement for non-compliance with zoning.

Alternatives

- 1. Direct staff to amend the draft bylaws prior to returning for consideration of First Reading.**
- 2. Direct staff to proceed no further with this project.**

NEXT STEPS

The next steps include:

- 1) Referral to Advisory Planning Commission
- 2) Referral to Agencies
- 3) First Nations Referrals
- 4) Community Information Meeting #2
- 5) Consideration of any amendments and consideration of Second Reading
- 6) Public Hearing
- 7) Consideration of Third Reading
- 8) Review by Islands Trust Executive Committee
- 9) Consideration of adoption

Submitted By:	Justine Starke, Island Planner	January 18, 2018
Concurrence:	Robert Kojima	January 22, 2018

Attachments:

Appendix 1: Bylaw 216

Appendix 2: Bylaw 217

Appendix 3: Islands Trust Policy Statement Checklist

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 216**

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

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2018”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20_____

APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS
_____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 216**

SCHEDULE 1

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

1. Inserting a new policy Residential 2.1.H:

“2.1.H Accessory housing options such as secondary suites may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island.”

2. Inserting a new Rural Residential land use policy 2.1.1.10:

“2.1.1.10: Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.”

3. Inserting a new Rural land use policy 2.1.2.9:

“2.1.2.9: Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.”

4. Inserting a new Agricultural land use policy 2.2.26 and renumbering subsequent policies accordingly:

“2.2.26: Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.”

5. Removing the title of Part 6: Temporary Commercial and Industrial Use Permits and replacing it with “Temporary Use Permits.”

6. Removing the subtitle of Part 6: Temporary Commercial and Industrial Use Permit Policies” and replacing it with “Temporary Use Permit Policies.”

7. Adding a new policy 6.4.14:

“6.4.14 A temporary use permit may not be issued for a short term vacation rental within a secondary suite.”

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 217**

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018”.

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

2.1 Section 1.1 – Definitions, is amended by adding the following:

“Secondary suite” means an accessory, self-contained dwelling unit, located within the principal dwelling on a lot and having a lesser floor area than the principal dwelling.

2.2 Part 3 – General Regulations is amended by adding a new Section 3.18 as follows:

“3.18 Secondary Suites

3.18.1 There is a maximum of one secondary suite permitted per lot.

3.18.2 A secondary suite shall be entirely located within the building that contains the principal dwelling.

3.18.3 The maximum floor area for a secondary suite is 90m² (968 ft²) and it must not exceed 40 per cent of the floor area of the principal dwelling.

3.18.4 The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal dwelling.

3.18.5 A secondary suite must not be subdivided from the principal dwelling under the *Land Title Act* or the *Strata Property Act*.”

3.18.6 A secondary suite may not be used as a short term vacation rental or a bed and breakfast home business.

2.3 Subsection 6.1.2 – Off Street Parking, is amended by adding a new row (b) to Table 2, as follows, and re-alphabetizing accordingly:

TABLE 2: Off-Street Parking Requirements Continued		
	Use	Minimum Number of Parking Spaces Required
(b)	Secondary Suite	1 Space

- 2.4 Section 8.1 (Rural Residential (RR) Zone) is amended by inserting a new clause 8.1.2(1)(f) as follows:

“(f) secondary suite”

- 2.5 Article 8.1.3(1) is amended by adding “, one secondary suite” so that it reads, “There may not be more than one dwelling, one secondary suite and one cottage on any lot.”

- 2.6 Subsection 8.1.8 - Site Specific Regulations, is amended by adding “(f)” to item (1) of Column 3 of the Site Specific Zone Reference RR(a).

- 2.7 Section 8.2 (Rural (R) Zone) is amended by inserting a new clause 8.2.2(1)(e) as follows:

“(e) secondary suite”

- 2.8 Article 8.2.3(1) is amended by adding “, one secondary suite” so that it reads, “There may not be more than one dwelling, one secondary suite and one cottage on any lot.”

- 2.9 Subsection 8.2.8 - Site Specific Regulations, is amended by adding “one secondary suite” to item (2) in Column 3 of the Site Specific Zone Reference R(b) .

- 2.10 Subsection 8.2.8 - Site Specific Regulations, is amended by adding “(f)” to item (2) of Column 3 of the Site Specific Zone Reference R(c).

- 2.11 Section 8.3 (Agricultural (AG) Zone) is amended by inserting a new clause 8.3.2(1)(f) as follows:

“(f) secondary suite”

- 2.12 Subsection 8.3.8 - Site Specific Regulations, is amended by adding “and (f)” to Column 3 of the Site Specific Zone Reference AG(a).

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20_____

ADOPTED THIS

_____ DAY OF _____ 20_____

Chair

Secretary

DRAFT



POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaws No. 216 (OCP) & 217 (LUB):

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, 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.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		use of adjacent properties to minimize any adverse affects on agricultural land.
	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address 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.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address 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.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

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DATE OF MEETING: January 30, 2018
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
SUBJECT: Waste Transfer - Bylaws 214 & 215

RECOMMENDATIONS

1. THAT the North Pender Island Local Trust Committee Bylaw No. 214, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017,” be amended in accordance with Appendix 1 of the staff report for the January 30, 2018 regular business meeting of the North Pender Island Local Trust Committee.
2. THAT the North Pender Island Local Trust Committee Bylaw No. 214, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017,” be read a second time as amended.
3. THAT the North Pender Island Local Trust Committee Bylaw No. 215, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017,” be amended in accordance with Appendix 1 of the staff report for the January 30, 2018 regular business meeting of the North Pender Island Local Trust Committee.
4. THAT the North Pender Island Local Trust Committee Bylaw No. 215, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017,” be read a second time as amended.
5. THAT the North Pender Island Local Trust Committee request staff to commission one or more archaeological assessments on the subject properties of North Pender Island Local Trust Committee Bylaw No. 215.

REPORT SUMMARY

The purpose of this report is to present Draft amendments to Bylaw 214 (Official Community Plan amendment) and Bylaw 215 (Land Use Bylaw amendment), recommended as a result of feedback from the agency referral process. Bylaws 214 and 215 are attached as appendices 1 and 2, respectively.

BACKGROUND

Draft Bylaw 214 proposes new Official Community Plan policies to enable and guide land use bylaw regulations for waste transfer uses. Bylaw 214 also creates a new Development Permit Area (DPA): Development Permit Area 11 – Waste Transfer Development Permit Area. Under the DPA requirements, a development permit would be required before land could be altered or buildings/structures could be constructed for waste transfer uses.

Draft Bylaw 215 proposes to amend the North Pender Island Land Use Bylaw 103 to introduce land use regulations for a range of waste transfer uses on North Pender Island. It introduces a number of new definitions, general regulations, parking requirements, and considers a number of consequential amendments required to ensure compatibility between existing and proposed.

The North Pender Island Local Trust Committee (LTC) gave First Reading to Bylaws 214 and 215 on September 21, 2017.

For further background, see previous staff reports, especially the staff report received by the North Pender Island Local Trust Committee on [April 27, 2017](#) and [September 21, 2017](#).

ANALYSIS

Policy/Regulatory

See previous staff reports, especially the [staff report](#) received by the North Pender Island Local Trust Committee on September 21, 2017.

Agency Referrals

Bylaws 214 and 215 were referred the following agencies on October 4, 2017. Please see Table 1 for a summary of agency responses. The full responses have been posted on the [website](#).

- Ministry of Transportation and Infrastructure
- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Ministry of Environment and Climate Change Strategy
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- CRD, Environmental Resource Management Division
- Agricultural Land Commission
- Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

Table 1: Summary of Agency Responses

Agency	Response	Conditions/Comments	Addressed?
Salt Spring LTC	Interests Unaffected	N/A	N/A
South Pender LTC	Declined to respond	N/A	N/A
Saturna LTC	Interests Unaffected	N/A	N/A
Galiano LTC	Interests Unaffected	N/A	N/A
Ministry of Agriculture	Approval subject to conditions	Remove consideration of I1(b) from allowing waste transfer as it is in the ALR and does not have authorization for a non-farm use.	Yes, BL 215 amended as suggested.
Ministry of Forests, Lands and Natural	Interests Unaffected	N/A	N/A

Resources			
Ministry of Transportation and Infrastructure	Approval subject to conditions	Commercial (waste transfer) facilities require commercial access permits from MoTI	N/A
Archaeology Branch	Approval subject to conditions	One property has registered archaeological site; boundaries are known to be approximate. A permit may be required under the Heritage Conservation Act.	Ongoing
CRD - Environment and Resources Management	Approval subject to conditions	Detailed amendments suggested to improve clarity and consistency with CRD regulations and the Environmental Management Act.	Yes, BL 215 amended as suggested.

North Pender Island Advisory Planning Commission

The North Pender Island Advisory Planning Commission reviewed Bylaws 214 and 215 on October 25, 2017. Islands Trust planning staff was in attendance at the meeting and had the opportunity to explain the background rationale and process that has preceded proposed bylaws 215/215. There was a wide ranging discussion about the need to zone land for waste transfer on North Pender Island. The APC did not discuss the content of the bylaws themselves, but were more focussed on the overall project as a top priority of the Local Trust Committee.

The [draft minutes](#) have been posted to the website. The APC passed the following resolution:

It was moved by Ron Underhill, and Seconded by Barbara Johnston Grimmer,

THAT the process to approve draft bylaws related to Waste Transfer, compost, and commercial recycling be halted until planning staff and North Pender Island Trustees provide a clear written public statement of the community needs for these expanded facilities, an analysis of alternative solutions, and an explanation of why and how the proposed bylaws best suit the needs.

CARRIED
Ben McConchie opposed

Agricultural Land Commission

Since the NPI LTC last reviewed this project and considered First Reading of the proposed bylaws, the Agricultural Land Commission (ALC) has issued an interpretation of ALC reconsideration decision #386/2016. In a letter dated [October 11, 2017](#), the ALC informed Islands Trust that the conditional non-farm use for waste transfer uses at 4606 Razor Pt. Road had expired. The referral response from the Ministry of Agriculture has also recommended removing this property from consideration for waste management. Recommended amendments to Bylaws 214 and 215 no longer propose allowing limited waste transfer in the In1(b) zone at 4606 Razor Pt. road. The bylaw still proposes to add agriculture as a permitted use (considered a historical omission) as well as retaining the boat storage use. An information note has been added to clarify that non-farm use approval from the ALC is required to conduct the boat storage use.

First Nations

The following First Nations were notified of the bylaw amendments:

- Cowichan Tribes

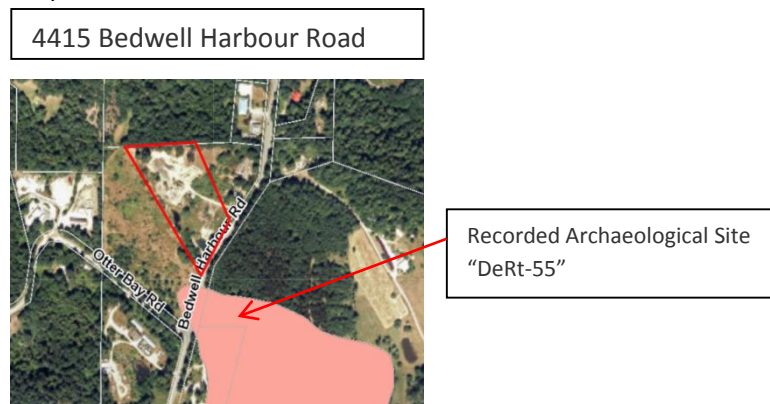
- Halalt
- Lake Cowichan
- Lyackson
- Malahat (TE'Mexw Treaty Association)
- Pauquachin
- Penelakut
- Semiahmoo
- Stz'uminus
- Tsartlip
- Tsawwassen
- Tseycum

First Nation	Response	Conditions/Comments
Cowichan Tribes	Request for more information	More information was provided. No further comment from Cowichan Tribes has been received.
Malahat Nation	Request for information regarding archaeological potential.	Requesting Archaeological Overview Assessments of each property under consideration. Request the LTC refrain from making decisions on proposed bylaws until they have reviewed requested information.

Archaeology

Through the structured decision making process that led to site selection, a review of archaeological sites was conducted and sites were evaluated for the presence of recorded archaeological sites. The only site that has an identified archaeological site is McDonald Farm. The proposed zone boundary has been drawn to exclude the archaeological site. However, the referral response from the Archaeology Branch notes that:

"The location identified as a Portion of L 1 SEC 18 PENDER IS COWICHAN DISTRICT PL VIP59806 may overlap with archaeology site DeRt-55 in the south east corner (see screenshot below). DeRt-55 is protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch. Given the subsurface nature of archaeological deposits, boundaries of archaeological sites are difficult to determine without extensive subsurface testing. Therefore, any mapped boundaries are considered to be approximate and it is possible that the site is more or less extensive than currently mapped" (Diana Cooper, email dated October 18, 2017).



Consultation with Malahat nation has resulted in recommendation for Archaeological Overview Assessments be conducted for all the subject properties. An Archaeological Overview Assessment would determine the need for detailed archaeological studies or archaeological impact assessments. Staff are continuing to consult with Malahat Nation and have an upcoming meeting scheduled.

Further discussion with staff at the Archaeology Branch clarified that an Archaeological Impact Assessment is recommended to understand and define the extent of DeRt-55 on the McDonald Farm property. The LTC could consider the following options:

1. Islands Trust can initiate a contract with an archaeologist to conduct an Archaeological Impact Assessment with a permit under the Heritage Act. Staff are exploring the time and budget required to conduct one or more Archaeological Assessments.
2. An alternative approach would be for the LTC to accept a covenant that obligates the owners to undertake an archaeological assessment prior to initiating the use. However, this is not a preferred option because once the results of the assessment are known the zone boundaries established by bylaw 215 may not be ideally drawn in relation to the archaeological site.

Bylaws 214 and 215:

The North Pender Island Local Trust Committee (LTC) gave First Reading to Bylaws 214 and 215 on September 21, 2017 and requested the bylaws be referred to agencies that may have an interest in the bylaw changes. The following table summarizes a result of the referral process. Not that the response from Pender Island Recycling Society has been included in this table although they did not receive a formal referral package.

Proposed Amendments to BL 215

Table of changes – Land Use Bylaw Amendment No. 215:	
Amendment Proposed	Rationale
1. 2.1 – Definitions: “collecting” replaced with “receiving.”	To bring consistency with CRD BL 2810 and the Salt Spring Island Transfer Station Regulation Bylaw.
2. 2.1 – Definitions: Replaced definition of solid waste.	To bring consistency with the BC Environmental Management Act Part 3, Section 23.
3. 2.1 – Definitions: Removed “controlled” from definition of “commercial composting.”	Advice from Islands Trust Bylaw Enforcement team.
4. 2.7 – I1(b) zone- limited waste transfer use removed from bylaw amendment. An Information note included to make clear boat storage is only permitted with approval by the Agricultural Land Commission	Agricultural Land Commission letter of October 11, 2017 confirming expiration of non-farm use approval for waste transfer uses at this site. The referral response from the Ministry of Agricultural recommends removing this property from consideration for waste management.
5. Plan 2 – Proposed I2(e) zone boundaries amended.	At request of property owner. Avoids pond and arable field.
6. Definition of “Recycling Facility” amended to rename the use “recycling and reuse facility,” to reference the provincial recycling regulation, and to clarify public drop off of recyclable materials is permitted.	Feedback from Pender Island Recycling Society. See the correspondence posted on the website.

Proposed Amendments to BL 214:

Table of changes – Official Community Plan Bylaw Amendment No. 214:	
Amendment Proposed	Rationale
1. Schedule 1 – Section 1.2– added “and resource recovery” to the new goal.	Recommendation from CRD to make consistent with regional Integrated Waste and Resource Management Planning program.
2. Schedule 3 – Section 5.2.12.7 (Guideline 14) - Removed requirement for only one access to waste transfer sites from the highway.	CRD suggestion to give operators more flexibility for design of traffic circulation.
3. Schedule 2 and 4 amended to make consistent with proposed new zone boundaries for I2(e).	To mirror zone boundaries proposed by BL 215.

Rationale for Recommendation

Amendments to Bylaw 214 (Official Community Plan amendment) and Bylaw 215 (Land Use Bylaw amendment) have been recommended as a result of feedback from the agency referral process. Substantive recommended amendments include removing limited waste transfer as a permitted use proposed for the I1(b) zone at 4606 Razor Point Road, refining the definition of recycling facility, and changing the boundaries of the proposed I2(e) zone on MacDonald Farm. These amendments will ensure the bylaw complies with provincial and regional regulations, increase clarity and readability, and improve compatibility with other agency requirements.

Archaeological studies are recommended prior to the bylaws proceeding to public hearing or further community consultation. The results of such archaeological studies will improve the accuracy of proposed zone boundaries and ensure the proposed uses do not encroach on an archaeological site. Any amendments to zone boundaries that are recommended as a result of archaeological work can be implemented by amendment to the bylaws at Third Reading.

Next Steps

1. Consideration of second reading (current status)
2. Archaeological studies
3. Community Information Meeting
4. Public Hearing
5. Consideration of third reading
6. Referral to Executive Committee of Islands Trust
7. Referral of OCP amendment bylaw to the Ministry of Municipal Affairs and Housing
8. Consideration of Bylaw Adoption

Alternatives:

1. THAT the North Pender Island Local Trust Committee defers consideration of amendments to bylaws 214 and 215 until the results of archaeological studies have been received.

2. THAT the North Pender Island request the property owner(s) to enter into a covenant to ensure an Archaeological Impact Assessment is conducted prior to development of the site.
3. THAT the North Pender Island Local Trust Committee directs staff to proceed no further with this project.

Submitted By:	Justine Starke, Island Planner	January 22, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	January 22, 2018

ATTACHMENTS

Appendix 1: Proposed Amendments - Bylaw 214

Appendix 2: Proposed Amendments - Bylaw 215

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 214

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

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017”.

2. SCHEDULES

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

2.2 North Pender Island Official Community Plan No. 171, 2007 Schedule “B” – Land Use Map - is amended, as shown on Schedule 2, attached to and forming part of this bylaw.

2.3 North Pender Island Official Community Plan No. 171, 2007 Schedule “A” is further amended as shown on Schedule 3 attached to and forming part of this bylaw.

2.4 North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 4 attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	21 st	DAY OF	SEPTEMBER	2017
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 1

The NORTH PENDER Island Official Community Plan No. 171, 2007 Schedule “A”, is amended as follows:

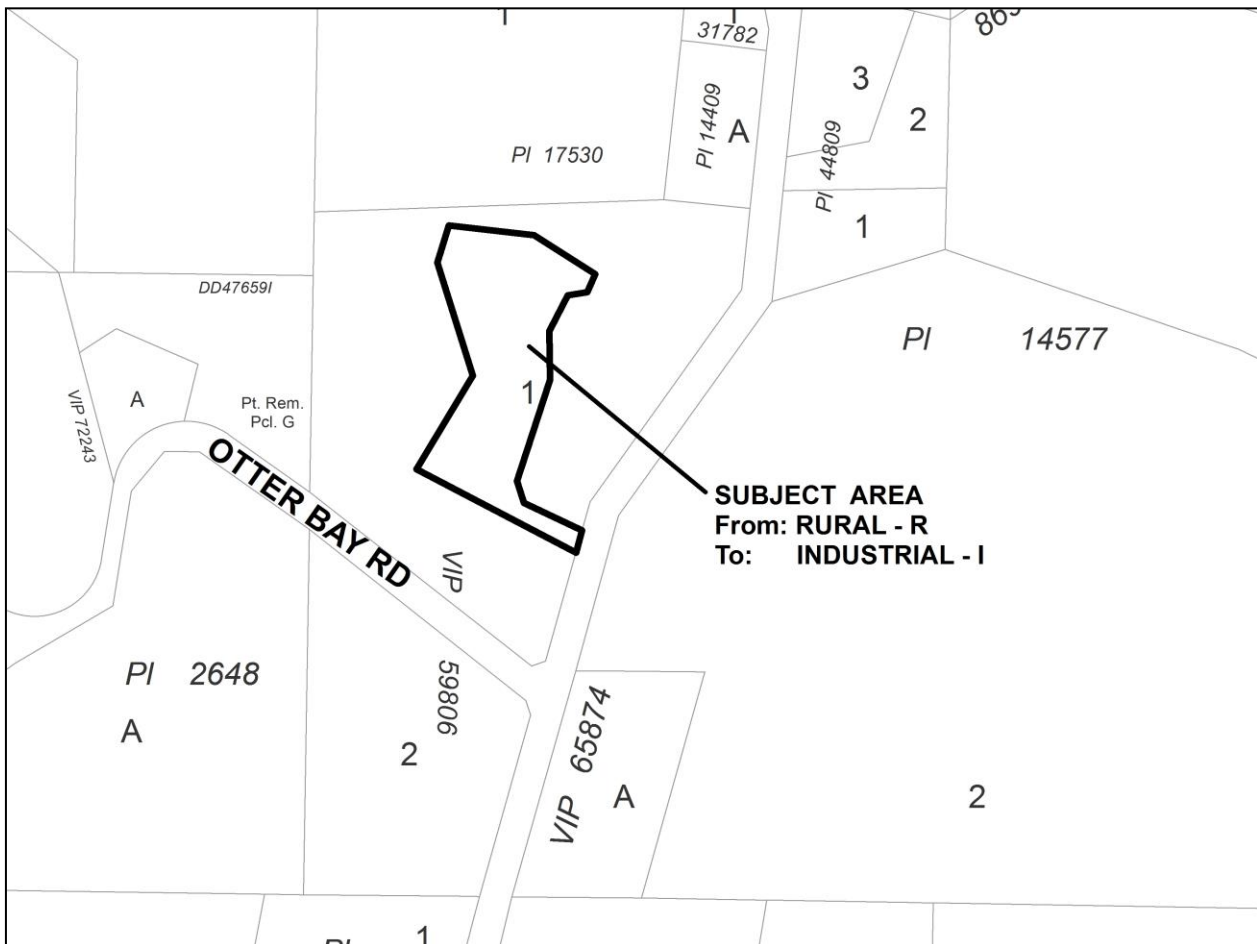
1. Section 1.2 (Goals), is amended by adding a new goal as follows:
 - 19) To minimize waste and maximize recycling and resource recovery in the management of solid waste and discarded materials.
2. Section 3.3.2 (Solid Waste Disposal) is amended by adding new objectives under Solid Waste Objectives as follows:
 - 3) To support the reduction, recycling, and reuse of solid waste and discarded materials.
 - 4) To accommodate the facilities and services that provide North Pender Island with necessary collection, storage, processing, and transfer of solid waste and recyclable materials, while minimizing the impacts on neighbourhoods, community health and the island's environment.
 - 5) To protect the island's environment from contamination by solid waste and recyclable materials.
3. Section 3.3.2 (Solid Waste Disposal) is amended by adding new policies under Solid Waste Policies and re-numbering the Advocacy Policies accordingly:
 - 3.3.2.4 The Local Trust Committee may permit and regulate the appropriate development of sites to provide the community with a range of service options for the storage and transfer of solid waste and recycling.
 - 3.3.2.5 Waste transfer uses should be protected from hazardous conditions and should not adversely affect the rural and residential character of the community, the natural environment, or farming.
 - 3.3.2.6 The Local Trust Committee may regulate waste transfer uses and designate Development Permit Areas to ensure waste transfer uses:
 - a) are screened by vegetation to limit visual impacts;
 - b) are located outside community water system supply watersheds, areas with high groundwater vulnerability, and environmentally sensitive areas;
 - c) are designed to avoid leachate from entering the natural environment;
 - d) are designed to minimize traffic impacts on adjacent neighbourhoods;
 - e) are not located on naturally productive agricultural soils;
 - f) are designed to minimize fire risk.
 - 3.3.2.7 The Local Trust Committee may support both publicly and privately-operated solid waste transfer sites.
4. Section 3.3.2 (Solid Waste Disposal) is amended by adding a new policy under Advocacy Policies:
 - 3.3.2.12 The Local Trust Committee encourages the Capital Regional District to regulate waste transfer operations on North Pender Island.

5. The Table of Contents and list of schedules is updated to reflect the changes made by this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 2

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule B, Land Use Map is amended as follows:



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 3

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule A is amended as follows:

Section 5.2 (Development Permit Areas), is amended by adding a new Development Permit Area following Development Permit Area Ten as follows:

5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – WASTE TRANSFER DEVELOPMENT PERMIT AREA

5.2.12.1 Authority

This development permit area is established pursuant to the following sections of the *Local Government Act*:

488 (1) (a) protection of the natural environment, its ecosystems and biological diversity;
488 (1) (b) protection of development from hazardous conditions;
488 (1) (c) protection of farming;
488 (1) (f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;

5.2.12.2 Special Conditions or Objectives that Justify the Designation

Development Permit Area Eleven encompasses all lands shown on Schedule “Q” which may be zoned by the North Pender Island Local Trust Committee to permit the operations of waste transfer uses, including commercial recycling, and commercial composting. The North Pender Island Local Trust Committee recognizes that if not well designed and carefully managed, these uses can have negative impacts on both surrounding neighbourhoods and the natural environment. Waste transfer uses should be protected from hazards and should not adversely affect the rural and residential character of the community and the natural environment, or farming. Development Permit Area Eleven is implemented to help guide the land use planning of waste transfer uses, including commercial recycling and commercial composting to minimize the potential for negative impacts. Its specific objectives are as follows:

- a. To ensure that the waste transfer uses, including commercial recycling and commercial composting, as permitted on North Pender Island, can develop with the least impact on the natural environment.
- b. To ensure that the waste transfer uses, including commercial recycling and commercial composting, as permitted on North Pender Island, can develop with the least impact on neighbouring properties.
- c. To avoid a level of design regulation that could affect the viability of waste transfer uses, including commercial recycling and commercial composting.

- d. To buffer agricultural land from impacts associated with waste transfer uses, including commercial recycling and commercial composting.

5.2.12.3 General Applicability

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

- a. Construction of, addition to, or alteration of buildings and structures for waste transfer uses including commercial recycling and commercial composting.
- b. Alteration of land.

5.2.12.4 Designation

This development permit area is shown on Schedule “Q.”

5.2.12.5 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 or Islands Trust Council.

5.2.12.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a. Subdivision of land;
- b. Maintenance of existing landscaping;
- c. Repair and maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or floor area, no exterior alterations requiring a building permit, and no change in the use of external materials that would result in the alteration of the form and character of the building or structure;
- d. Internal renovations or alterations;
- e. Repair and maintenance of existing roads, parking areas, paths and trails.

5.2.12.7 Guidelines

The intent of this development permit area is to ensure that development related to waste transfer uses, including commercial recycling and commercial composting, meets the special conditions and objectives described in 5.2.12.2. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

GUIDELINES FOR THE PROTECTION OF THE NATURAL ENVIRONMENT

General Guidelines for Environmental Protection

- 1) All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from waste transfer uses, including commercial recycling and commercial composting, into the environment.

- 2) All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for waste transfer uses, including commercial recycling and commercial composting, and as necessary to establish fire separation buffers.

Guidelines for Water Protection

- 3) All development associated with waste transfer uses, including commercial recycling and commercial composting, should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.
- 4) All development associated with waste transfer uses, including commercial recycling and commercial composting, should avoid negative impacts on fish habitat and marine ecosystems.
- 5) Waste transfer uses, including commercial recycling and commercial composting, should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6) Waste transfer uses, including commercial recycling and commercial composting, should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.

GUIDELINES FOR THE PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

Guidelines for the Protection of Development from Wildfire Hazard

- 7) All waste transfer uses, including commercial recycling and commercial composting, should be designed to protect such uses from wildfire hazards.
- 8) A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 9) Water supply for fire protection should be provided.
- 10) Emergency vehicles should be able to readily reach all parts of the development.

Guidelines for the Protection of Development from Flood Risk

- 11) Where a property contains a surface water body it should be demonstrated that the waste transfer use, including commercial recycling and commercial composting, is not at risk from flooding.

Guidelines for the Protection of Development from Slope Hazard Risk

- 12) Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the waste transfer use, including commercial recycling and commercial composting, is not at risk of geotechnical hazard.

GUIDELINES FOR THE PROTECTION OF FARMING

General Guidelines for the Protection of Farming

- 13) Where a waste transfer use, including commercial recycling and commercial composting, is adjacent to farm land, the waste transfer uses should be sited and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.

GUIDELINES FOR THE FORM AND CHARACTER OF INDUSTRIAL DEVELOPMENT

Guidelines for General Site Design, Building Location and Access

- 14) Site access to waste transfer uses, including commercial recycling and commercial composting, should maintain the general character of the surrounding neighbourhoods as much as possible.
- 15) All waste transfer uses, including commercial recycling and commercial composting, should be sited to allow vehicles to maneuver without having to block or back onto adjacent streets.
- 16) All waste transfer uses, including commercial recycling and commercial composting, should be sited and designed for traffic circulation that meets anticipated service levels.
- 17) All waste transfer uses, including commercial recycling and commercial composting, should be sited and designed to minimize visual impacts on neighbouring properties and public areas. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual impacts are minimal.
- 18) Storage of waste should be sited as far from adjacent residential and commercial uses as possible.
- 19) Buildings and other structures should utilize existing topography and vegetation and be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

GUIDELINES FOR THE FORM AND CHARACTER OF BUILDINGS AND STRUCTURES

General Guidelines for the Form and Character of Buildings and Structures

- 27) Building mass shall be scaled to complement surrounding residential development and be softened by the use of small-scale elements.
- 28) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas.

Guidelines for Lighting

- 31) Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's nighttime atmosphere.
- 32) Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.
- 33) Light fixtures should focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas.

Guidelines for Signage

- 34) Signs should not be sited more than 5 m above the ground.

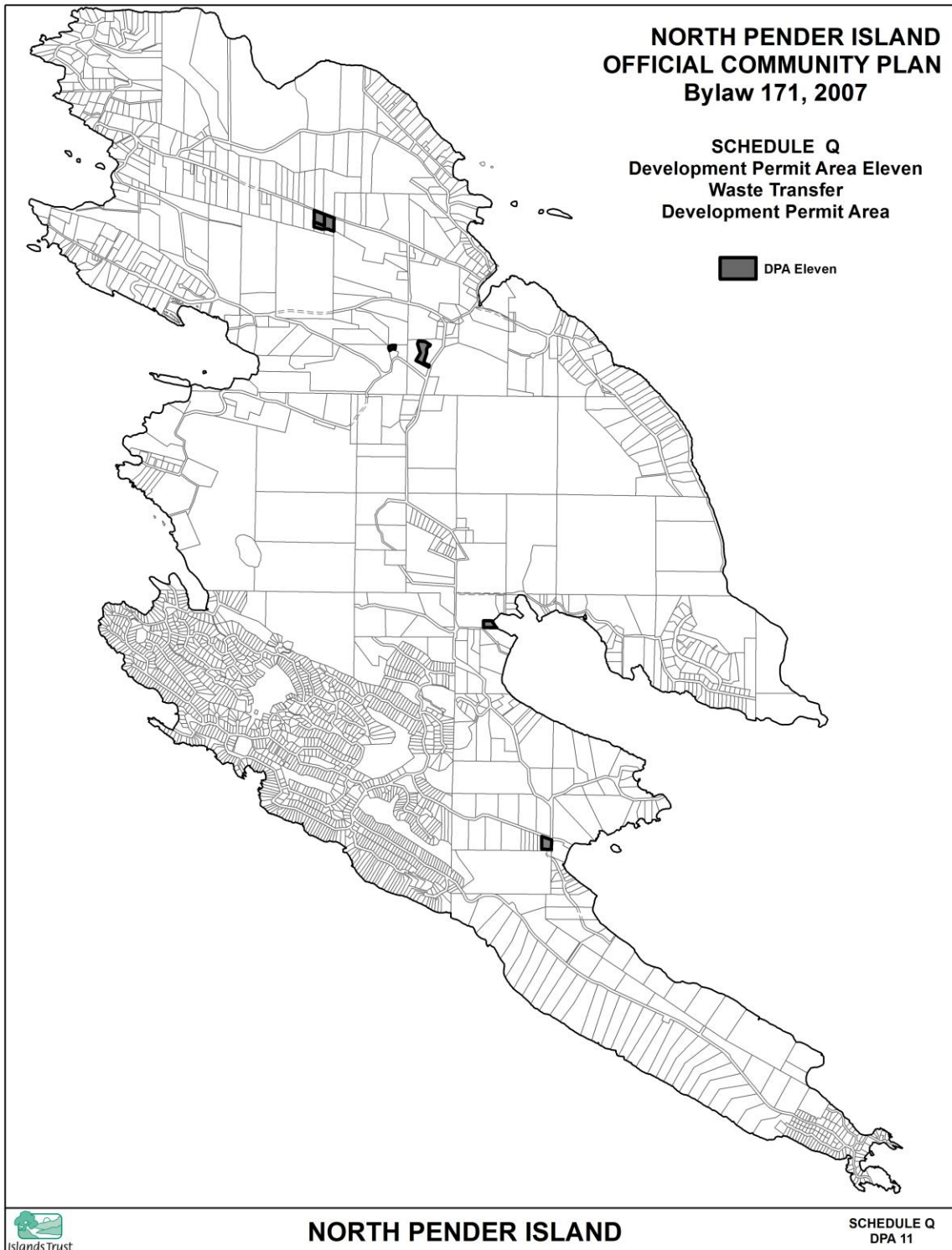
VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

- 39) The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines of this section.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 4

The NORTH PENDER Island Official Community Plan No. 171, 2007 is amended by adding a new schedule "Q" Development Permit Area 11 as follows:



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 215

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 103, 1996

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

(1) Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017”.

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

2.1. Section 1.1 – Definitions, is amended to add the following:

“commercial composting” means the use of land, buildings or structures for commercially processing organic matter through the biological decomposition of organic materials in accordance with the *Environmental Management Act and Public Health Act* and associated Organic Matter Recycling Regulation, and the Capital Regional District Composting Facilities Regulation Bylaw.”

“commercial recycling,” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from commercial, institutional, demolition or construction sources, but not from household residential sources.

“full service waste transfer” means the use of land, buildings or structures for:

- (1) receiving, storing, sorting, compacting and transferring solid waste;
- (2) commercial recycling;
- (3) commercial composting; and
- (4) public drop off waste transfer.

“hazardous waste” means hazardous waste as defined in the Hazardous Waste Regulation under the *Environmental Management Act*.

“limited waste transfer” means the use of land, buildings or structures for receiving, storing, sorting and transferring solid waste and commercial recycling, and excludes commercial composting, public drop off waste transfer, or public drop off of recycling.

“public drop off waste transfer” means the drop off of solid waste and organic materials by the general public.

“solid waste” means refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “recycling facilities” and replacing it, as follows:

“recycling and reuse facility” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

2.3 Article 3.2.1(2) is amended by deleting “or the Waste Management Act,” after Sewage Disposal Regulation.

2.4 Part 3 – General Regulations is amended by adding a new Section 3.19 as follows:

“Waste Transfer Regulations

3.19.1 The following regulations apply to waste transfer uses:

- (1) All solid waste, recyclable materials and compost materials must be located on impervious surfaces designed with a drainage control system to prevent any release of any contaminants from the materials into the environment.
- (2) All solid waste, recyclable materials, and compost materials must be contained and located within buildings.
- (3) Hazardous waste must not be received, collected, stored, or transferred.
- (4) Asbestos must not be received, collected, stored, or transferred.
- (5) All waste transfer uses must be screened from view along non-industrial zone boundaries and along highways, in accordance with subsection 3.13.1(2).

3.19.2 Setbacks:

- (1) No building or structure, or external storage of materials or equipment used for any waste transfer use may be sited within 30 metres of a well, the natural boundary of any lake, wetland, stream or sea.
- (2) No building or structure, or external storage of materials or equipment used for a full service waste transfer use may be sited within 30 metres of any front, rear, interior side, or exterior side lot line.
- (3) No building or structure, or external storage of materials or equipment used for a limited waste transfer use or public drop off of waste transfer may be sited within 15 metres of any front, rear, interior side, or exterior side lot line.

3.19.3 A maximum of one building with a maximum floor area not exceeding 150 square metres is permitted for a limited waste transfer use.

3.19.4 A maximum of one building with a maximum floor area not exceeding 35 square metres, and a maximum height of five metres, is permitted for public drop off of waste transfer.

3.19.5 The regulations in Section 3.18 do not apply to a recycling and reuse facility.

Information Note: Commercial composting facilities must also comply with other regulations including the provincial Organic Matter Recycling Regulation (OMRR), the BC Agriculture Waste Control Regulation, WorkSafeBC and other applicable regulations. The BC Farm Industry Review Board is set up to address issues arising from farm activities including odour.”

2.5 Subsection 6.1.2 - Off-Street Parking, is amended by adding new rows to Table 2, as follows:

TABLE 2: Off-Street Parking Requirements Continued		
	Use	Minimum Number of Parking Spaces Required
(u)	Full service waste transfer	10 spaces
(v)	Public drop off waste transfer Limited waste transfer	3 spaces

2.6 Subsection 8.4.8 – Site Specific Regulations, is amended by adding the following in Column 3 of the Site Specific Zone Reference C1(e), following (h): “and public drop off waste transfer”.

2.7 Subsection 8.8.8 – Site Specific Regulations, is amended by replacing the Site Specific Zone Reference I1(b) as follows:

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite 8.8.2(1), the only permitted uses are boat storage and agriculture. . <i>Information Note: Boat storage is only permitted within the Agricultural Land Reserve if approved as a non-farm use by the Agricultural Land Commission.</i>

2.8 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone I2(d) as follows:

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(d)	Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243	Despite 8.9.2(1), the only uses permitted in this location are: limited waste transfer, storage of aggregate, and the fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.

2.9 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone Reference I2(e) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(e)	Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806	Despite 8.9.2(1), the only use permitted in this location is agriculture and full service waste transfer.

- 2.10 Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and full service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(a).
- 2.11 Subsection 8.12.2(1)(a) is deleted and replaced with “recycling and reuse facility.”
- 2.12 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243 from I2 (c) to I2(d), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.
- 2.13 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 from Rural to I2(e), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

3. SEVERABILITY

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

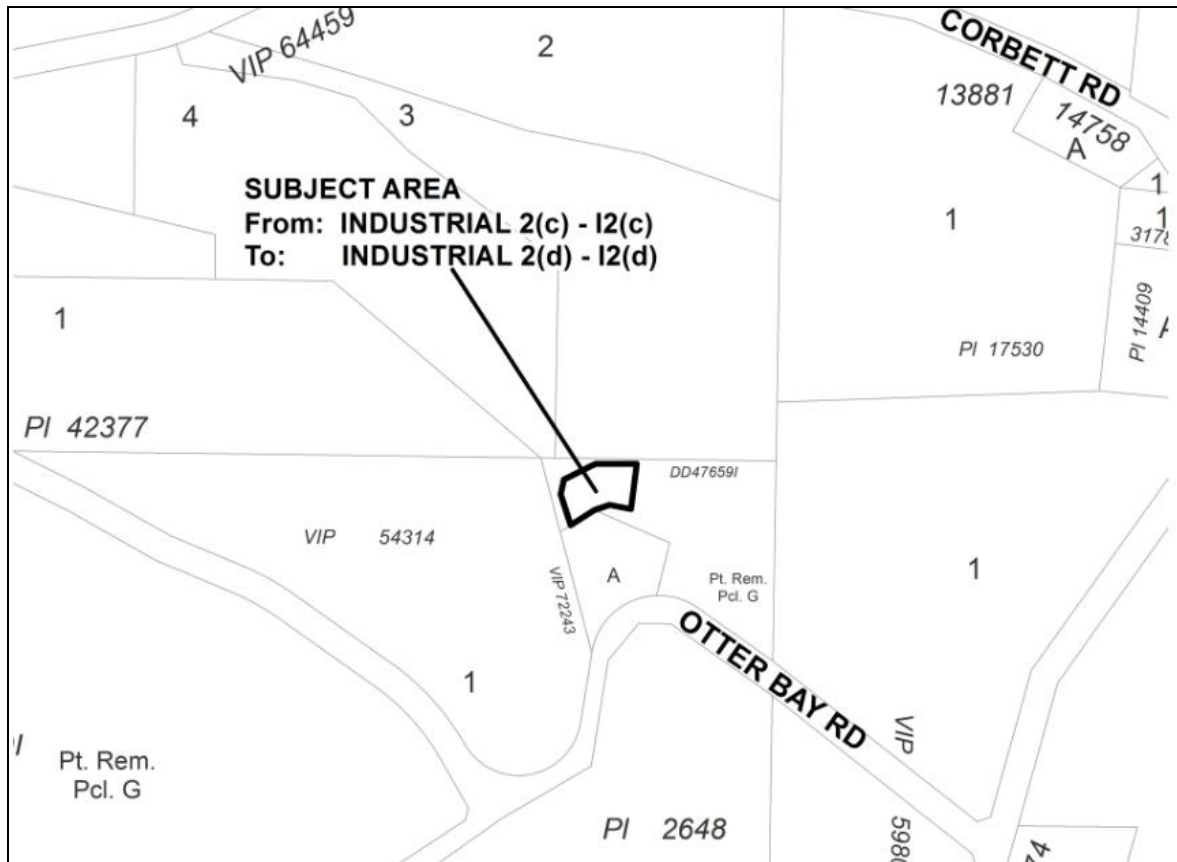
READ A FIRST TIME THIS	21 st	DAY OF	SEPTEMBER	2017
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

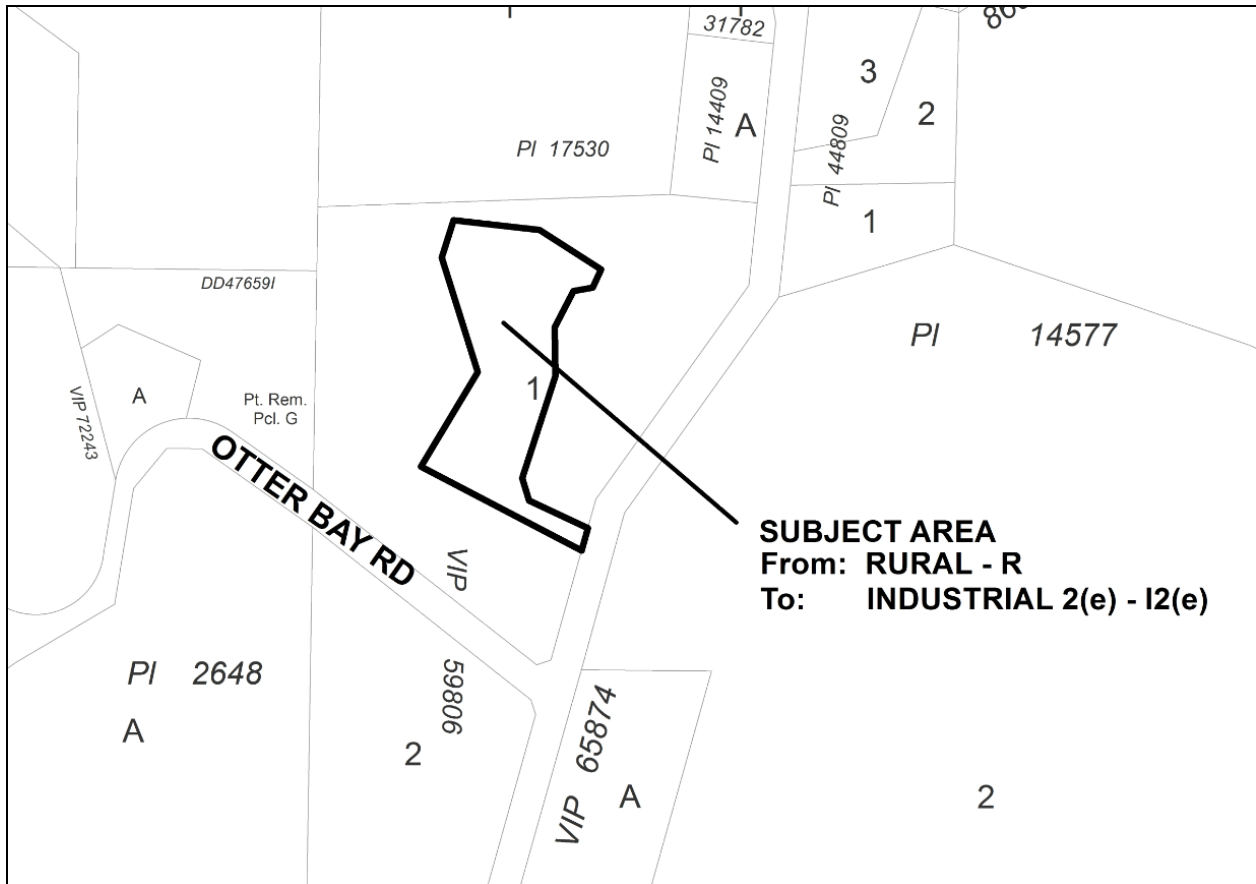
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 2



Top Priorities

North Pender Island

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

Projects

North Pender Island

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

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

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

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

Projects

North Pender Island

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



Islands Trust

Print Date: January 23, 2018

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.3	Datawave Communications Inc. Inc. No. BC0287893 Planner: Phil Testemale	18-Aug-2017	Single Family Dwelling
Planning Status			
Status Date: 15-Nov-2017 Applicant obtaining geotechnical assessment report			
Status Date: 17-Oct-2017 Request for further information (geotechnical assessment) sent to applicant			
Status Date: 13-Sep-2017 Waiting for survey information to process file			

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.4	Jess Mansley Planner: Jason Youmans	10-Oct-2017	NP-SUB-2017.2 needs a DP to proceed
Planning Status			
Status Date: 23-Jan-2018 Scheduled for January 30 LTC			
Status Date: 16-Nov-2017 Bumped from November 23 LTC agenda (too full)			
Status Date: 17-Oct-2017 Applicant provides site plan, at planners request.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-DVP-2017.2 DAVID G 15-May-2017 3210 ARMADALE RD - Variance for depth to width ratio for subdivision

RICHARDSON EDNA

M HEMSWORTH

Planner: Phil Testemale

Planning Status

Status Date: 09-Jan-2018

PLA received and DVP and notification sent out. On January 25, 2018 agenda

Status Date: 18-Oct-2017

Waiting for PLA (x-ref NP-SUB-2017.1) prior to drafting DVP and sending notification

Status Date: 19-May-2017

Created file folder in LAN, scanned application package for e-file. Scanned cheque and pink copy of receipt for files (original receipt handed directly to applicant on day of submission); cheque forwarded to Finance Clerk. Package emailed to LTC and Planner, hard file forwarded to RPM per his advice.

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

Planner: Phil Testemale

Planning Status

Status Date: 09-Jan-2018

Sent reminder to applicant requesting status

Status Date: 15-Nov-2017

Applicant consulting owner about how to proceed.

Status Date: 05-Oct-2017

Site visit conducted. Numerous illegal structures in setback confirmed. Applicant sent information on requirements to conform

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.4	GLEN W JOHNSON	13-Sep-2017	Seeks variance for existing unfinished SFD to obtain final occupancy

Planner: Phil Testemale

Planning Status

Applications

Status Date: 23-Jan-2018

Applicant exploring cost of alternatives for moving or altering the dwelling to conform. January 30, 2018 LTC agenda (tentative) for further consideration.

Status Date: 23-Nov-2017

LTC requests applicant provide information on alternatives to variance

Status Date: 15-Nov-2017

Staff Report on Nov 23 agenda for consideration

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD

To change from a TUP to permanent zoning for works yard.

Planner: Phil Testemale

Planning Status

Status Date: 09-Jan-2018

Consulting with applicant about uses and rezoning boundary as outcome from PH.

Status Date: 18-Oct-2017

Notification published/sent out for Oct 26 CIM and PH. Post Public Hearing report with recommendations on LTC agenda

Status Date: 30-Aug-2017

CIM and PH scheduled for October 26 LTC

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

Planner: Phil Testemale

Planning Status

Applications

Status Date: 09-Jan-2018

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

Status Date: 19-Jul-2017

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

Status Date: 19-Jul-2017

Bylaw 206 Final Approval pending registration of covenants (2)

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

Planner: Justine Starke

Planning Status

Status Date: 19-Jul-2017

Bylaws approved by EC. 209 to Minister for Approval

Status Date: 15-Jun-2017

Bylaws 206 through 210 to July 19 EC for approval.

Status Date: 20-Apr-2017

Report to LTC for consideration of second reading.

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

Planner: Phil Testemale

Planning Status

Applications

Status Date: 23-Nov-2017

Bylaws receive further reading, forwarded to EC and Minister

Status Date: 15-Nov-2017

CIM and Public Hearing Scheduled for November 23 LTC

Status Date: 02-Oct-2017

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

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2017.1	PENDER ISLAND PARKS AND RECREATION COMMISSION (CRD)	24-Jan-2017	PIPRC - AMEND LUB TO ADD PICNIC SELTER AS A PERMITTED USE AND STRUCTURE
Planner: Phil Testemale			

Planning Status

Status Date: 09-Jan-2018

On January 25, 2018 agenda for Final Approval

Status Date: 23-Nov-2017

Bylaws receive further reading and forwarded to EC for approval

Status Date: 15-Nov-2017

New PH notice sent and scheduled for Nov 23

Subdivision

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

Planning Status

Status Date: 09-Jan-2018

Awaiting information on driveway status

Applications

Status Date: 22-Jun-2017

Update meeting with applicant - today's date

Status Date: 21-Mar-2017

PLA extension requested by applicant. Staff comments sent to MOTI stating no amendments to Island Trust conditions in PLA are required.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd Boundary adjustment
Planner: Phil Testemale			

Planning Status

Status Date: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC

Status Date: 19-Jul-2017

Bylaws approved by EC. 207 to Minister for Approval.

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

Planning Status

Status Date: 09-Jan-2018

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

Status Date: 13-Sep-2017

Waiting for PLA. Required DVP Application has been submitted.

Status Date: 04-Apr-2017

Subdivision Referral Review sent to MoTI.

File Number	Applicant Name	Date Received	Purpose
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**Applications**

NP-SUB-2017.3 Jim Petrie 19-Dec-2017 proposed 2 lot subdivision

Planner: Phil Testemale

Planning Status

Status Date: 16-Jan-2018

fees received, LTC notified, file passed to planner.

Status Date: 22-Dec-2017

file received from MoTI, fee request sent to applicant.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.2	WILMOTT	13-Jun-2017	Hooson Road - TUP for milling lumber.

Planner: Phil Testemale

Planning Status

Status Date: 23-Jan-2018

Applicant out of country for Jan meeting. Applicant's son has requested be at meeting. Notice to be sent posted in paper for March 22 LTC

Status Date: 18-Oct-2017

Site visit conducted October 5. Further information requested. Notice (tentative) to be sent for November 23 LTC

Status Date: 18-Jul-2017

E-mail to applicant requesting more detailed information

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.5	Mark Kroeker	05-Dec-2017	TUP for STVR

Planner: Jason Youmans

Planning Status

Status Date: 24-Jan-2018

Site Visit

Status Date: 23-Jan-2018

Anticipate February 22 LTC



Status Date: 22-Jan-2018
Draft permit to applicant for review

Print Date: January 23, 2018

Applications

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending November 2017

650 North Pender	Invoices posted to Month ending November 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	0.00	1,500.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	2,720.97	1,279.03
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	193.35	406.65
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>2,914.32</u>	<u>2,685.68</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	0.00	5,000.00
73001-650-4054	North Pender Waste Management Review	7,000.00	6,415.12	584.88
73001-650-4086	North Pender Secondary Suites Review	5,000.00	345.89	4,654.11
73001-650-4087	North Pender Housing Needs Assessment	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>19,000.00</u>	<u>6,761.01</u>	<u>12,238.99</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.
5.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality November 2017



TFB 2018 Meeting Dates

The Trust Fund Board finalized the 2018 TFB meeting dates. The dates are: January 30, April 3, May 29, July 17 (Annual meeting with the Executive Committee), September 25, and November 27.

Regional Conservation Plan (RCP)

The Trust Fund Board (TFB) reviewed a three-year work plan that builds on the approved draft Regional Conservation Plan (RCP) for 2018-2027. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. The three-year work plans will be used by staff and board members to guide their work and measure progress towards achieving the larger goals of the ten-year RCP. The Board has referred the RCP to local trust committees and Bowen Island Municipality for review. (It has also been referred to partner agencies and First Nations and will be posted on the Islands Trust Fund (ITF) website with a mechanism to enable public feedback). The Board is expecting to consider final approval of the Regional Conservation Plan in January 2018.

Land Trust Alliance of BC National Land Summit

Trust Fund Board members and staff shared key lessons learned from their participation and attendance at the Land Trust Alliance of BC National Land Summit (Nov. 15-17). Staff presented at the conference on Conservation Planning.

Board Retreat

The Trust Fund Board discussed possible follow-up actions emerging from the October 2, 2017 retreat. Staff provided the board with summaries of key information about ITF for members to use in developing personalized messages for outreach and fundraising, as discussed at the retreat.

Property Monitoring

The Board has received detailed reports on the results of this year's monitoring of our 27 nature reserves, the 24 NAPTEP covenanted areas and the 51 other covenants we hold. A number of management issues have been identified which are now being addressed (see below for highlights by island). All follow-up correspondence related to 2017 monitoring has been provided to land holders and co-covenant holders. This year, covenant outreach communications were included with the monitoring letters.

Summary of Current Island-by-Island Activities

Denman

Invasive species removal, restoration, planting and monitoring continues on all three TFB nature reserves (Inner Islands Nature Reserve, Lindsay Dickson Nature Reserve, and Morrison Marsh Nature Reserve). Management plan revisions and species at risk surveys are being completed for Morrison March Nature Reserve. In addition, public consultation planning - including a questionnaire and open

house, are in progress for a revised management plan for Morrison Marsh Nature Reserve to be completed by April 2018.

Gabriola

The Trust Fund Board approved a request from a NAPTEP landholder to remove limbs from several trees to maintain a viewscape with the conditions that the work is carried out by a professional arborist, the work is done outside of nesting season for birds and the woody debris is left on site to decompose naturally.

The Elder Cedar Nature Reserve continues to suffer from the impacts of unpermitted mountain bikes and horses. ITF is working with GaLTT to address these and other issues. Construction is set to begin on a boardwalk around the large western red cedar tree in late November. A boardwalk is also being built over a wet area on one section of the existing trail.

Galiano

The TFB accepted an updated conservation proposal from the Crystal Mountain Society, agreeing to accept the transfer of approximately 18.3 hectares of land on Galiano Island, provided specified conditions are met. The proposed nature reserve will be further protected by a conservation covenant held by the Land Conservancy of BC. Invasive species removal and trail clearing is in progress on the Laughlin Lake and Vanilla Leaf Nature Reserves.

Lasqueti

Riparian restoration and nesting box maintenance is in progress at the John Osland Nature Reserve.

North Pender

Public consultation planning - including a questionnaire and open house, are in progress for a revised management plan for the Medicine Beach Nature Sanctuary to be completed by April 2018.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

To: North Pender Island Local Trust Committee **For the Meeting of:** January 25, 2018
From: David Marlor, DLPS **Date Prepared:** December 4, 2017
SUBJECT: Housing Agreement Administration

PURPOSE:

This briefing is intended to inform the local trust committees of existing housing agreements in the Trust Area and the progress of work on a new program to hold and administer housing agreements.

BACKGROUND

At the September 2016 Trust Council meeting the following resolution was passed:

TC-2016-083 that the Islands Trust Council allocate \$15,000 in the 2017-2018 fiscal budget to allocate one staff day (based on Grid 24/Step 2) per week to explore and if feasible, design and implement a program to hold and administer housing agreements on behalf of local trust committees.

A Housing Agreement is a tool for local trust committees to encourage and enforce affordable housing developments. Housing agreements are covenants that are adopted by local trust committee bylaw; they may set the rates at which a housing unit can be rented or sold, and may stipulate the income threshold and types of the occupant(s). A housing agreement may be required for the owner to receive certain grants and funding.

1. Provisions to hold Housing Agreements

Section 483 of the *Local Government Act* authorizes local trust committees to enter into a housing agreement, which defines “terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions respecting one or more of the following:

- (a) the form of tenure of the housing units;
- (b) the availability of the housing units to classes of persons identified in the agreement or the bylaw under subsection (1) for the agreement;
- (c) the administration and management of the housing units, including the manner in which the housing units will be made available to persons within a class referred to in paragraph (b);
- (d) rents and lease, sale or share prices that may be charged, and the rates at which these may be

increased over time, as specified in the agreement or as determined in accordance with a formula specified in the agreement.”

2. Current Housing Agreements

There are currently seven housing agreements in the Islands Trust Area that are considered active (units are built and rented, or the housing agreement was recently finalized). These are located on Salt Spring Island (4), Denman Island (1) and Galiano Island (2).

All housing agreements have a clause whereby the Islands Trust can monitor the property to ensure compliance, through the completion of schedules submitted annually or upon request. Staff completed monitoring for 2017 in October.

3. Managing and Administering Housing Agreements

In creating a Trust-wide program to hold and administer housing agreements the following points were considered,

- a. Housing agreements to date have been handled on an individual basis by the planner assigned to the island/application;
- b. Extensive revision and legal review is required for each housing agreement;
- c. Active monitoring was not undertaken on any agreements until October 2017, with the exception of the property on Denman Island;
- d. Planning and administrative staff with already full workloads need a system that does not add a lot of extra work;
- e. Enforcement issues have not been thoroughly planned for or addressed;
- f. Applicants for Housing Agreements are usually not-for-profit societies with limited budgets.

Based on these factors, the following changes to the way housing agreements are administered have been proposed:

a. Templates

Templates have been drafted for the various different types of housing agreements, in an effort to decrease planner time and the need for multiple legal reviews. These templates combine legal advice and formats from recently established housing agreements to create a base draft. These templates are standard agreements, and owners/developers will be expected to keep changes and edits to a minimum.

b. New Staff Procedures

New procedures are currently under review for staff to use when developing housing agreements to streamline the process and avoid errors and omissions. In particular, these procedures will ensure that housing agreements are monitored, and that files and communications are kept up to date. Procedures are also prepared regarding the monitoring and management of adopted housing agreements.

c. Information Brochure for Owners/Societies/Developers

Staff will create an information brochure to outline the steps involved in creating a housing agreement, as well as specifying the limited edits that can be made to a template. This information, designed for those interested in entering into a housing agreement, will also be provided to Trustees for information.

Prepared By: Emily Kozak, Housing Agreement Project Coordinator

Reviewed By/Date: David Marlor, DLPS/December 4, 2017