North Pender Island Local Trust Committee
Regular Meeting Agenda

Date: November 29, 2018
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Pages

1. CALL TO ORDER 10:00 AM - 10:20 AM

Please note times on Agenda are estimates only.

2. APPROVAL OF AGENDA

3. TOWN HALL AND QUESTIONS

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES 10:20 AM - 10:40 AM

6.1 Local Trust Committee Minutes Dated October 25, 2018 for information (attached) 4 - 11

6.2 Section 26 Resolutions-without-meeting Report November 2018 12 - 12

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated November 2018 (attached) 13 - 14

8. DELEGATIONS

none

9. CORRESPONDENCE

9.1 Pender Island Trust Protection Society Letter Re: Watersheds, Groundwater & Ramifications of Climate Change (attached) 15 - 16

10. APPLICATIONS AND REFERRALS 10:40 AM - 12:00 PM

10.1 NP-DVP-2017.3 (Cooke/Taylor) - Staff Report (attached) 17 - 119

10.2 NP-DVP-2018.4 (Murdoch) - Staff Report (attached) 120 - 136

10.3 NP-TUP-2018.6 (Persello) - Staff Report (attached) 137 - 162

Deferred from October 25th meeting

10.4 NP-RZ-2018.2 (GRL Holdings / Shaw Communications) - Staff Report (attached) 163 - 204

11. LOCAL TRUST COMMITTEE PROJECTS 12:00 PM - 12:30 PM

11.1 Bylaw No.216 (OCP) & Bylaw No. 217 (LUB) Secondary Suites Amendments for consideration of adoption - Staff Report (attached) 205 - 214

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated November 2018 215 - 215

12.1.2 Projects List Report Dated November 2018 216 - 217

12.2 Applications Report Dated November 2018 (attached) 218 - 225

12.3 Trustee and Local Expense Report September 2018 (attached) 226 - 226

12.4 Adopted Policies and Standing Resolutions (attached) 227 - 227

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Electoral Area Director's Report

12.9 Islands Trust Conservation Report Dated

none

13. NEW BUSINESS

13.1 Islands Trust Conservancy - Medicine Beach Nature Sanctuary Letter (attached) 228 - 229

14. UPCOMING MEETINGS

14.1 2019 LTC Annual Meeting Schedule for adoption (attached) 230 - 230

That the North Pender Island Local Trust Commitee 2019 meeting schedule, as presented, be Adopted

14.2 Scheduling of December 9, 2018 Special Meeting

15. TOWN HALL 12:30 PM - 12:45 PM

16. CLOSED MEETING

none

17. ADJOURNMENT 12:45 PM - 1:00 PM

Adopted

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: October 25, 2018
Location: Royal Canadian Legion
1344 MacKinnon Road

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

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

It was recommended that the following items be added under new business:

- Adoption of Bylaws 211 and 212
- Referral of Bylaw 515, Salt Spring Local Trust Committee

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Gary Steeves provided a rationale for the current Local Trust Committee (LTC) to have postponed business to the next meeting for consideration of the incoming Trustees and requested information on why the LTC did not elect to cancel their final meeting.

Dale Henning addressed the Waste Transfer project, including the following points:

- He spoke against the past hiring of the facilitator for the Waste Transfer project.
- He requested that the LTC's letter to the Agricultural Land Commission (ALC) address bias within the composition of the Waste Transfer Committee.
- He spoke against the decision to consider rezoning properties without cost to the land owners.
- He requested information on the status of Bylaws 214 & 215.

Regional Planning Manager (RPM) Kojima addressed the questions raised regarding the rezoning process and status of the Bylaws.

Michael Sketch addressed the proposed draft letter from the LTC to the ALC. He provided a rationale for the LTC to decline sending the letter, noting that the appropriate process is not being followed. He also provided a rationale for protecting agricultural land.

RPM Kojima reported that the ALC has been consulted on the matter of the letter and have advised that the proposed letter does not contravene any policies.

Gary Steeves noted that there is a protocol agreement between the LTC and ALC that would require communication between the two agencies.

Jim Petrie provided a rationale for including the warning of potential increased property taxes in the mail-out distributed by him and Dale Henning.

Deb Morrison introduced herself as one of the incoming Trustees. She requested that the Trustees avoid making decisions at the current meeting and leave those decisions to the incoming LTC.

Ann Burdett requested information about the Browning application including the rationale for including three buildings in on the docks, whether there will be booms, and if parking and garbage will be allowed in the set-back area.

Gary Steeves addressed Bylaws 214 & 215. He cautioned against an LTC proceeding with a project that requires rezoning on a property where the property owner does not agree with the rezoning. He noted that this increases the controversial nature of the application and that the process could be misused by an LTC.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated September 6, 2018

By general consent the Local Trust committee meeting minutes of September 6, 2018 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated October 2018

Received for information.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaws No. 510 & 511 Referral

Planner Starke provided an overview of the referral, including the rationale for the application and the details of the developments that would be permitted.

NP-2018-078
It was Moved and Seconded,
that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaws No. 510 & 511 with "Interests Unaffected".

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaws No. 512 Referral

Chair Grams provided an overview of the referral.

NP-2018-079
It was Moved and Seconded,
that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaws No. 512 with "Interests Unaffected".

CARRIED

10.3 NP-TUP-2018.6 (Persello) - Staff Report

Planner Starke provided an overview of the application and related staff report, including communication received from the public.

Trustee Masselink noted that there is increased density of Short Term Vacation Rentals in this area and recommended that the incoming LTC be given the opportunity to consider the matter.

NP-2018-080
It was Moved and Seconded,
that the North Pender Island Local Trust Committee table the issuance of NP-TUP-2018.6 (Persello) until the next LTC meeting.

CARRIED

10.4 NP-DP-2018.6 (Port Browning Marine Resort) - Staff Report

Planner Starke provided an overview of the application and related staff report. She outlined the developments that would be allowed under the application.

Chair Grams invited the applicant, Duane Shaw, to speak.

Duane Shaw provided an overview of the application and its rationale. He also addressed the questions raised in the town hall.

Trustee Masselink requested information on the overall project

NP-2018-081
It was Moved and Seconded,
that the North Pender Island Local Trust Committee approve issuance of application NP-DP-2018.6 (Port Browning Marine Resort).

CARRIED

10.5 NP-DP-2018.7 (Shaw & Cassels) - Staff Report

Planner Starke provided an overview of the application and related staff report. She outlined the rationale for the recommended approval of the application.

NP-2018-082
It was Moved and Seconded,
that the North Pender Island Local Trust Committee approve issuance of application NP-DP-2018.7 (Shaw & Cassels).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Transfer - Staff Report

Planner Starke provided an overview of the history of the matter, noting that the letter was drafted at the request of the LTC.

NP-2018-083
It was Moved and Seconded,
that the North Pender Island Local Trust Committee authorize the Chair to sign the attached letter to the Agricultural Land Commission dated October 25, 2018.

CARRIED

11.2 North Pender Island Local Trust Committee Bylaw 219 - Fees Amendment - Staff Report

RPM Kojima provided an overview of the staff report and the rationale for the proposed amendment.

NP-2018-084
It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 219, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018", be read a first time.

CARRIED

NP-LTC-085
It was Moved and Seconded,
that the North Pender Island Local Trust Committee Bylaw No. 219, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018", be read a second time.

CARRIED

NP-LTC-086
It was Moved and Seconded,
that the North Pender Island Local Trust Committee Bylaw No. 219, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018", be read a third time.

CARRIED

NP-LTC-087
It was Moved and Seconded,
that the North Pender Island Local Trust Committee Bylaw No. 219, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated October 2018

Received for information.

12.1.2 Projects List Report Dated October 2018

Received for information.

12.2 Applications Report Dated October 2018

Received for information.

12.3 Trustee and Local Expense Report Dated July 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No comments made.

12.6 Chair's Report

Chair Grams welcomed the new Trustees and thanked them for stepping forward for public service.

He thanked the staff for their service.

12.7 Trustee Report

Trustee Masselink provided a report including a reflection on the successes and challenges of the past four-year term. He welcomed the new Trustees and wished them the best.

Trustee Barber noted the enjoyment and challenges of the past term. She wished the new Trustees the best.

Trustee Masselink thanked Chair Grams and the staff.

12.8 Islands Trust Conservancy Report Dated September 2018

Received for information.

13. NEW BUSINESS

13.1 NP-RZ-2016.4 (PICSS) - Staff Report

Planner Starke provided an overview of the application and the recommendation.

NP-2018-088
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 adopted.

CARRIED

NP-2018-089
It was Moved and Seconded,
that the North Pender Island Local Trust Committee Bylaw No. 212, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2017, be adopted.

CARRIED

Jim Petrie spoke on behalf of the PICSS and thanked the LTC and staff for their decision and support.

13.2 Salt Spring Island Local Trust Committee Bylaws No. 515 Referral

Chair Grams provided an overview of the referral.

NP-2018-090
It was Moved and Seconded,
that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaws No. 515 with "Interests Unaffected".

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for November 29, 2018 at the Anglican Church Hall, Pender Island

RPM Kojima noted that the date is tentative and the incoming chair will approve the date.

15. TOWN HALL

Dale Henning thanked the LTC for their work and noted that political issues should not impact friendship. He also thanked the staff.

Ben McConchie thanked the LTC for their service and noted the progress that was made.

Jim Petrie requested information on consideration of later meeting dates.

Neville Avison addressed the Trustee report in the recent Pender Post, noting that MacDonald farm was referred to as being non-viable for agriculture. He provided a rationale for refuting this claim.

Michael Sketch addressed the letter to the ALC and the subject project. He provided recommendations for future matters for consideration of the new Trustees.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 11:40 pm.

_____

George Grams, Chair

Certified Correct:

_____

Shannon Brayford, Recorder

Print Date: November 16, 2018

Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Desciption	Resolution Date
2018-03	In Favour	THAT North Pender Island Local Trust Committee Adopt their October 25, 2018, Local Trust Committee meeting Draft minutes as presented.	02-Nov-2018

Islands Trust

Print Date: November 21, 2018

Follow Up Action Report

North Pender Island

25-Oct-2018

Activity	Responsibility	Target Date	Status
Minutes of Sept 6 - adopted.	Sharon Lloyd-deRosario Maple Hung	27-Nov-2018	Done
Referrals SSI LTC BL 510, 511 SSI LTC BL 515 SSI LTC BL 512 NPI LTC Interests Unaffected	Sharon Lloyd-deRosario	27-Nov-2018	Done
NP-TUP-2018.6 (Persello) - Resolution to defer consideration.	Sharon Lloyd-deRosario Phil Testemale	27-Nov-2018	On Going
NP-DP-2018.6 (Port Browning Marina Resort) - Permit approved from issuance subject to receipt of security for landscaping before issuance.	Sharon Lloyd-deRosario Phil Testemale	27-Nov-2018	On Going
NP- 2018.7 (Shaw & Cassels) - Permit approved for issuance.	Sharon Lloyd-deRosario Phil Testemale	27-Nov-2018	Done
Waste Transfer - LTC resolution to send letter to ALC.	Justine Starke	27-Nov-2018	Done
NPI LTC BL 211/212 - adopted.	Sharon Lloyd-deRosario Phil Testemale	27-Nov-2018	On Going

Follow Up Action Report

Fees BL 219 - Bylaws give three readings and referred to EC. - going to Nov. 28/18 mtg.	Sharon Lloyd-deRosario Robert Kojima	27-Nov-2018	Done

The Pender Islands Trust Protection Society

6604 Harbour Hill Road, Pender Island, B.C. V0N 2M1

To: North Pender Island Local Trust Committee November 5, 2018

Dear Trustees: Ben McConchie; Deb Morrison

The Pender Islands Trust Protection Society and the Pender Islands Conservancy Association have joined forces to bring forth an urgently needed conversation by all residents & property owners on the serious on-going issue of Watersheds, Groundwater, & the Ramifications of Climate Change - the whole picture – What does the Future Hold for the Pender Islands, and the Southern Gulf Islands generally (April, 2019).

Yes, we have all had this conversation, in part, before in the area of 'fresh water supplies' but to date there has been minimal positive and meaningful action taken place. Often when putting on groundwater educational seminars or even providing informational literature the whole picture is not shown of the need of watershed, the quality & quantity of groundwater & source, plus what are the ramifications we are experiencing from climate change affecting this diminishing resource, and the big question of what we as individuals and community as a whole can do to help alleviate these ramifications.

For this community service event, we are bringing in the scientists and experts to assist us in this serious dilemma of what does the future hold for the Southern Gulf Islands, the Pender Islands in particular. (informational pamphlet attached)

So, we are bringing forth a 'panel of scientists & experts' to show the "Whole Picture" as watersheds, fresh water supplies and ramifications of climate change are linked. We've done the studies & monitoring and it is now past the time for action. This is the opportunity to take steps to learn what we, as individuals & communities of the Southern Gulf Islands, can do to protect the remaining resources of watersheds, which includes groundwater and fresh water bodies, for both have the same basic recharge mechanism – **Putting it all Together - You, Me & the Ecology** for we too are linked, and make sure 'appropriate action' is taken.

With the Islands Trust mandate (in part) of *"The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area -------'* the need has become urgent to take action for that very statement, and the ultimate well being of us all.

We ask you to fully support this seminar with assistance in sending notification of encouragement to all islanders in your Local Trust Committee area via any means at your disposal to assure all residents & property owners have been given the opportunity to attend.
Looking forward to your reply -

Please feel free to contact the unsigned if further information is required. Thank you for your support.

Yours truly

Sara J. Steil – Director & Coordinator
The Pender Islands Trust Protection Society

c.c. Robert Kojima - Regional Planning Manager

Contact – steils@shaw.ca ph: 250-629-6885 and/or Rhondda Porter - RhonddaPorter@shaw.ca ph: 250-629-6806

Sponsored by: -

The Pender Islands Trust Protection Society & the Pender Islands Conservancy Association

Community Service Event

What does the Future hold for the Pender Islands?

The Southern Gulf Islands and the Islands Trust Area generally?

What resources do we need to protect?
What actions should our local government do to facilitate these urgent 'needs for protection' of these resources*?*

What Makes Sense?

Watersheds - Do trees as a living resource matter?
How do forests provide for our well-being?
Let's make a list!

AND THEN THERE IS -
Groundwater - aquifers - How do they recharge? When do they recharge? What happens if they get too low? How much water is in your well? Do you keep a log to show holding or declining water levels?

Watersheds, Groundwater, and Climate Change Seminar

Featuring: Ecologist/Forester Andy MacKinnon, and Canadian Forest Service – Pacific Region Werner Kurz; William Shulba Geoscientist (P.Geo) - Freshwater Specialist with the Islands Trust; Climate Change & Conservation Nina Morrell

2019: - Saturday, April 13th, 9:30 to 1:00 and Sunday, April 14th 1:00 to 4:00

At the Pender Island Community Hall

Subject to change re times and addition content

Putting it all Together - You, Me & the Ecology

Looking forward to more community groups joining us in support or willing to co-sponsor – as a community we have to participate and work together

Co-sponsored by the Pender Islands Farmer's Institute – 'Awareness in the Farming Community & beyond'; Co-sponsor The Pender Islands Health Care Society – 'Community Awareness'

Supported by The Magic Lake Property Owners Association; the Magic Lake Water & Sewer Commission; Buck Lake Property Owners Association; Pender Islands Field Naturalists

We are working towards bring more organizations on board including both North & South Local Trust Committees, invitations to other Southern Gulf Islands of Galiano, Mayne, Saturna & Salt Spring; and the Capital Regional District.

Sara J. Steil – event Co-ordinator

Pender Islands Trust Protection Society – Director / Email: steils@shaw.ca / Ph: 250-629-6885

STAFF REPORT

File No.: NP-DVP-2017.3 (Cooke)
NP-DP-2018.9 (Cooke)

DATE OF MEETING:	November 29, 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 and Development Permit Applications Applicant: Bob Cooke and Janet Cooke Location: 6624 Razor Point Road

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee amend proposed Development Variance Permit NP-DVP-2017.3 (Cooke) by deleting Section 2. b);**

2. **That the North Pender Island Local Trust Committee approve issuance of proposed Development Variance Permit NP-DVP-2017.3 (Cooke) as amended; and,**

3. **That the North Pender Island Local Trust Committee approve issuance of proposed Development Permit NP-DP-2018.9 (Cooke).**

REPORT SUMMARY

The purpose of this report is to consider both a Development Variance Permit (DVP) and a Development Permit (DP) application for the subject area and adjacent water. The DVP application proposes variances for the width of walkways within the 15 metre setback from the Natural Boundary of the Sea as well as for the maximum area of floats in the Water 1 Zone. The DP application would retroactively permit the construction of walkways and landings undertaken in Development Permit Area One – Woodland Sensitive Ecosystem (DPA) without a DP as well as remediation work.

The above recommendations for the variances are supported as they are relatively minor in nature, provide a balanced compromise to the benefit of the natural environment, practical site considerations and do not challenge the intent of the bylaw. The variance for float size is not supported as it is without any sound rationale and was constructed with knowing disregard for the regulation by the contractor. Further, that variance is not supported by ITPS and OCP policies. To date notification for the variances has generated no responses.

The above recommendations for the DP are supported as: all guidelines of the DPA have been met and all recommendations of the Biologist's report have been incorporated into the proposed DPA.

BACKGROUND

The applications are the result of an original DVP application for a walkway width associated with the construction of a new single family dwelling on the property. That application included a survey plan (Attachment 2.5) which revealed numerous LUB and OCP bylaw infractions that were confirmed by a site inspection. In turn the DVP application has been revised and a DP application subsequently submitted. (See chronology – below).

The current applications are intended to bring those numerous siting and size infractions for *existing* structures into compliance with the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) through variances and alteration of structures, and to retroactively permit development within the DPA as per the North Pender Island Official Community Plan No. 171, 2007. The two are summarized individually as follows:

DVP Application

The DVP application is to vary the siting provisions in the general regulations of the LUB, more specifically Subsection 3.7.2, which states that walkways and stairways not exceeding 1 metre (3.3 feet) in height and a width of 1.2 meters are exempt from Subsection 3.7.1., that being the 15 metres (50 feet) siting setback from the Natural Boundary of the Sea. The individual variances are as follows with reference to Figure 2:

i) Alteration of an existing 3.9 m x 3.8 m deck to a walkway not exceeding a width of 1.5 metres (4.9 feet) shown as 'A'
ii) Permit an existing walkway with a width of 1.5 metres (4.9 feet) shown as 'B'
iii) Permit an existing walkway with a width of 2.0 metres (6.6 feet) shown as 'C'
iv) Permit an existing walkway with a width of 2.3 metres (7.5 feet) shown as 'D'

Further, the application is to vary Article 8.19.6 (1) of the LUB which states the maximum area that may be covered by floats and wharves is 37 m² (398 ft²) to permit an existing 55.7 m² (600 ft²) float as shown as 'E' on Figure 2.

The applicant rationale for the variances is that since the start of the dock permission process and throughout that they have tried to be proactive and comply with all known requirements to the best of their ability based on the information provided (Attachment 3, p.2). There is no specific rationale for the float size cited (See 'Issues and Opportunities' - below).

The proposal also includes the alteration of an existing 4.5m x 4.9 m 'lower deck' to a walkway with a width of 1.5 metres (4.9 feet) as shown on Figure 2. This will conform to the LUB regulation and therefore does not require a variance.

DP Application

The purpose of the **DP** is to retroactively consider work undertaken in a Development Permit Area (DPA) without a permit. The objective of the DPA is to *preserve and protect remaining sensitive woodland ecosystems*.

The scope of the work is limited to those portions of the existing deck, walkways and stairways that were constructed within the DPA (See: Figure 2 and Attachment 2.7 – 2.9). It also includes remediation by removal of invasive plants and replanting to enhance the ecosystem.

A report from Kathy Reimer, RP Bio (dated September 6, 2018 – Attachment 8) was submitted in support of the DP. All recommendations of the report as they apply to the DPA have been incorporated into the draft DP. This is discussed further in 'Issues and Opportunities' below.

Timeline

The following is a background timeline based on file history and a chronology provided by the applicant (Attachment 3):

- November 2009 – Applicants contracted Island Marine Construction Services Ltd (IMCS) to prepare and obtain required permissions and to build and install the dock, ramps and abutments. The specifications for the docks and float sizes were "worked out" (in the words of the owner) and are diagrammed as Attachment 5. Those clearly indicate a float size of 3.7 m x 15 m (55.5 m^2) to facilitate an 18 m vessel as well as 4.9 m x 4.6 m (22.5 m^2) deck over the foreshore.

- December 2009/January 2010 – Application was made by IMCS to the Integrated Land Management Branch (ILMB – 'Crown Lands') and was referred to Islands Trust staff for conformity with bylaws and regulations. The relevant portions of that referral are Attachment 6. The 'Management Plan' and drawings clearly specify a 3.5 m x 10 m float, omit any landing features (abutments and/or decks), and indicates the use is for a 10 metre boat.

- January 26, 2010 - Referral response sent to ILMB from Islands Trust staff which recommended *Approval Be Supported Subject to Conditions* (Attachment 6). The letter identified that setbacks and the size of access ramps or walkways could not be accurately determined and specified the appropriate regulation in addition to attaching the Water 1 zone in full.

- November 15, 2010 – Specific Permission for private moorage issued by ILMB (Attachment 7)

- May/June 2011 - Construction/installation of dock structures by IMCS with apparent knowing disregard of LUB regulations and the conditions of the Specific Permission.

- July 2011 – Walkways, Decks (2) and Stairs from top of bank to dock structures construction complete. Some portions of the construction do not meet LUB regulations and those that are within DPA 1 – Woodland were constructed without a required DP. The applicant specifically enquired of contractor (unidentified in application) if permissions were required and was assured they were not.

- June 2017 – DVP Application received for pathway from new dwelling under construction to walkway and stairs to dock. The pathway was never constructed and is not part of the current DVP application.

- Late September, 2017 – The applicant and their agent at the time were informed of numerous violations indicated on survey with walkways and, dock and float. A site visit was conducted by staff (Planner and Bylaw Enforcement Officer) on October 5, 2017. Information on violations were subsequently itemized and forwarded to applicant with options for compliance.

- March 5, 2018 – Bob Cooke (owner) replaced Johnson (agent) as applicant. A second site visit conducted by the staff to review violations and explanation of violations and pathways for compliance. The latter was summarized in an e-mail to Mr. Cooke

- March to June 2018 – Staff made numerous requests for an amended DVP application from the applicant over a 3 or 4 month period.

- June/July 2018 – A biologist was hired (Kathy Reimer, RP Bio.) by the applicant to assess the marine environment and works in the DPA in partial fulfilment of the required DP Permit. Her report (dated September 10, 2018) is Attachment 8.

- October 18, 2018 - Revised (current) DVP application received (Attachment 4).

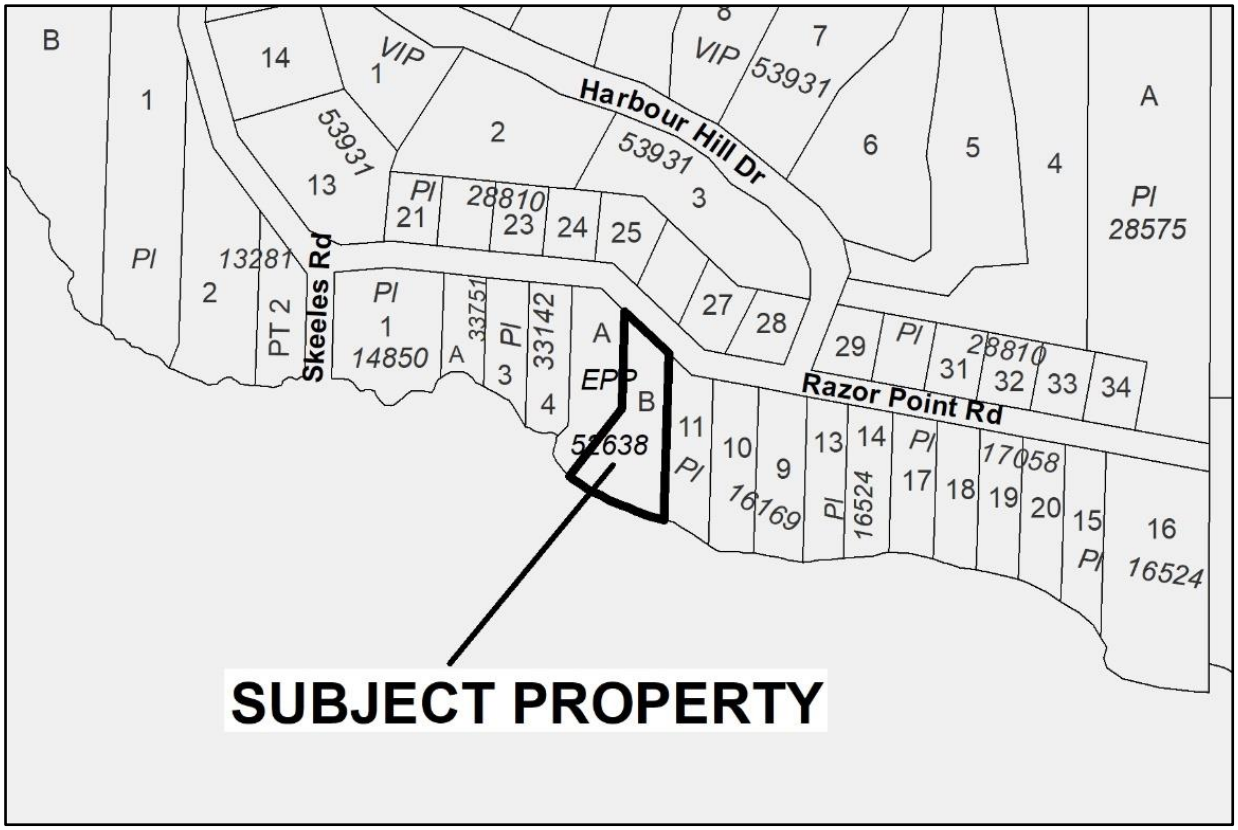
- November 6, 2018 – Development Permit Application NP-DP-2018.9 received.

A copy of the Notice and proposed Development Variance Permit NP-DVP-2017.3 (Cooke) are Attachments 10 and 11.

A copy of the Development Permit Area Checklist for DPA 1 and the proposed Development Permit NP-DP-2018.3 (Cooke) are Attachments 12 and 13.

Staff visited the property in October of 2017 and March 2018.

Figure 1 – Subject Property:



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The relevant ITPS policy statement is:

> *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.*
>
> *4.5.10 (") 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.*
>
> *5.1.3 (") address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area*

The proposal for the float size variance is not supported by the latter two (2) policies. The variances recommended by staff and the DP are otherwise supported by these policies.

Official Community Plan:

The subject property is designated as **RR- Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007. The water area is designated as **M- Marine**. Applicable OCP policies are as follows:

> *4.2.1 Ocean vistas may be protected by regulation.*
>
> *4.2.2 Use of the foreshore, and the surface of marine waters within the North Pender Island Local Trust Area shall be regulated by zoning.*

The proposal for the float size variance is not supported by the two (2) OCP policies (see; 'Issues and Opportunities' – below).

As above, the subject property located within a designated **Development Permit Area One – Woodland Sensitive Ecosystem** (Attachment 2.2 and Figure 2). The DP is discussed further in the 'Issues and Opportunities' section below. The DPA checklist has been completed and is Attachment 12. In summary all guidelines in the DPA have been met.

Land Use Bylaw:

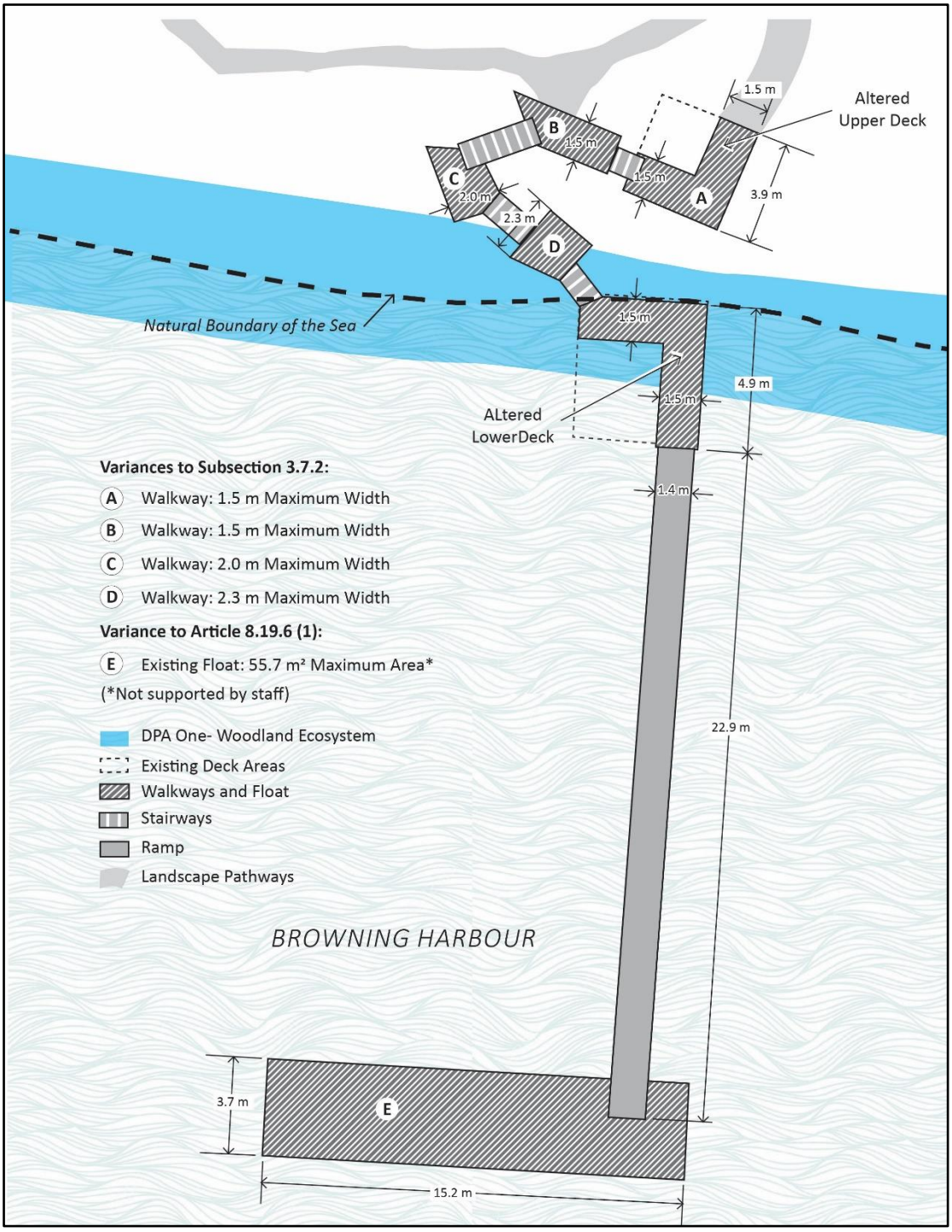
The subject property is zoned as **Rural Residential (RR)** and the adjacent water area is zoned as **Water 1 (W1)** in the North Pender Island Land Use Bylaw No. 103, 1996. As above, the purpose of the DVP application is for variances to bring the subject property and water area into conformity with the siting provisions of the LUB.

The existing residential use complies with use and density provisions of the zone on the property.

Specific Permission

The owners have issued a 'Specific Permission' for private moorage in late 2010 (Attachment 7) as granted by the IMLB (Provincial Crown Lands) as it was then called.

Figure 2 – Site Plan:



Issues and Opportunities

Development Variance Permit (DVP)

Impact on Neighbouring Properties

The variances that are supported by staff are regarded as minor variances which consider the practicalities of the site and environmental impacts of altering the decks and walkways to comply. The granting of those variances would reduce the size of some of the existing structures and thereby improve privacy and visual impacts for neighbouring properties.

The variance for the float size presents different impacts as it is situated in the public realm (Crown Land) under a limited permission granted by the province. Larger docks and larger vessel moorage are impactful not only to adjacent neighbours but also to the wider public who have the right to access and to enjoyment of the natural environment without the imposition of a private use that exceeds both prescribed regulations and permissions.

Environmental impacts

Altering the existing landings (shown as items B, C and D on Figure 2) to conform to the bylaw standard would likely cause more damage than to leave them as built given the sensitive ecosystem and the steep terrain. The impacts with altering the upper and lower deck would be positive as the alterations would use existing piers and supports and return areas some area to a natural state.

There would be minimal environmental impact with replacing, or removing, altering and reinstalling the float to conform. This would be done offsite and, in either case, reuse the existing anchoring system.

The biological assessment from Kathy Reimer (Attachment 8) assessed the foreshore environment and concluded that there is no sensitive marine habitat (including eelgrass and kelp beds) near the dock structure, and no evidence of impact to natural coastal processes. This, however, is not consistent with the Islands Trust mapping for eelgrass (Attachment 2.3). The report does provide any substantive recommendations or alternatives for the variance applications for the lower deck or float size.

The Overall Intent of the Regulation being Varied

The overall purpose of the interior side lot regulation is to minimize impacts on adjacent properties 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.
- Protection of the Trust Area from a proliferation of large private docks (and by extension boats) and the impacts on the visual quality of the Trust Area.
- Public enjoyment of the public foreshore and nearshore.
- Establishing certainty with respect to residential development by maintaining consistent siting and size regulations.

The proposed variances supported by staff do not challenge the intent of the bylaw regulations. Conversely, it is staff's opinion that the requested variance for the dock is counter to the intent of the regulation, particularly limiting private docks to a reasonable size to reduce impacts on neighbours and the public realm.

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.

Rationale for Variances

As above, the applicant's rationale for all variances is that throughout the process they have tried to be proactive and comply with all known requirements to the best of their ability based on the information provided (Attachment 3, p.2). The applicant has provided no explicit rationale for the float size other than the size of their vessel that was specified to the applicant's contractor and the assumption that their dock contractor would obtain all required permits and permissions and follow bylaw regulations (See next).

Further, they describe an 'offset' of remediation of the DPA One in support of the variances (Item 5) of Attachment 4. This is problematic mainly because legally a DVP cannot have any conditions attached to the permit, and also the remediation work recommended by the Biologist's report is properly the subject of the proposed DPA not the DVP. Therefore that work should not be considered in the LTC's decision making process for the DVP itself.

Dock Contractor

The documentation and chronology indicate that the applicant (owner) gave direction to the contractor Dave McKerrell of Island Marine Construction Services Ltd. which specified the current float size (55.7 m^2) to facilitate the owner's vessel which is 18 m (60 feet) long (Attachment 5). The contractor, however submitted to Crown Lands, either with or without the knowledge of the owner, plans that indicated a float size (37 m^2) and with no indicated foreshore works. Those plans were referred to the Islands Trust and staff's response explicitly addressed the regulations. The 'Specific Permission' that was granted which approves a dock structure and float consistent with all the foregoing (Attachment 7). The dock was subsequently constructed by IMCS with apparent knowing disregard for the LUB regulation and the Specific Permission.

The statement by the owners in the 'Chronology' that they and their contractor never saw the Islands Trust response (see paragraph 4 - Attachment 3) is relevant only to the deck structure that was omitted in the applicant's submission to ILMB. Regardless, the contractor was familiar with the bylaw regulations and the responsibility to comply with bylaws ultimately rests with the owner and/or their assigned agents.

The contractor has acted as agent and constructed numerous private docks in the Gulf Islands over a long period of time. He is known to staff and he is familiar with Islands Trust regulations as evidenced through enquiries, conversations with staff and the specifics of his applications to Crown Lands. On North Pender alone he has been responsible for several private dock constructions.

Reasonable Compromise

Staff have approached the DVP application with understanding of the practical and environmental impacts associated with full compliance. Staff have consistently stated to the applicant that they could support the above recommendations, but would not support maintaining the existing float size as it represents disregard for the intent of the regulations and is without compelling rationale. The impacts of complying with the latter are almost exclusively financial and it is would be up the owner to seek compensation for that work from the contractor if that variance is not granted. Alternatives exist for the safe moorage of the vessel including buoy moorage and moorage at the Port Browning Marina which is currently being redeveloped partially to facilitate larger vessels. The latter is an option that was not necessarily one when the dock was originally specified in 2009. Use of public marina facilities and/or community docks is supported by numerous OCP policies.

Development Permit

DPA Guideline

The DPA guidelines are analyzed in Attachment 12 and, in summary, the application meets those guidelines.

Scope of Work

The proposed scope of work within the DPA would include: alterations to the walkway structures as described above; the removal of invasive species; and restoration of disturbed areas with appropriate (woodland specific) plantings. It is noted that the 'ground truthing' of the DPA location by the biologist revealed a discrepancy in the DPA designation highlighted in Figure 2. This is a result of the reconnaissance level (scale) mapping that established the DPA.

In the areas between the newly developed dwelling (setback 15 metres from the Natural Boundary of the Sea) and the Woodland DPA, the applicant proposes to transition from formal plantings (non-invasive) closer to the house transitioning to prescribed woodland species at, and within, the DPA.

Biologist Report

Part B of the Biologist's report was submitted in support of the DPA application and includes a DPA Checklist for professionals (Attachment 8). It inventoried the extent of the sensitive ecosystem, the current conditions, and proposed development (both existing construction and deck alterations) and makes recommendations which include removal of invasive species and restoration of the woodland ecosystem, creating a planting plan, a limit on having no unnatural (surfaced) pathways and not increasing the size and extent of boulder placement in the DPA.

The Biologist has supplied a Planting Plan (including species selection) and Cost Estimate (Attachment 14).

The report recommends extending the DPA to within 10 metres of the Natural Boundary of the Sea to correspond to the identified current extent of the ecosystem (above). However, would require a bylaw amendment to alter the DPA mapping boundary in the OCP. Any recommended works outside of the DPA would therefore be voluntary on behalf of the owner.

Conditions in Permit.

All recommendations of the report, barring the proposed enlarging the DPA, have been incorporated into the Draft DP (Attachment 12). They are under the headings of ***Siting, Drainage and Construction Management, Invasive Species Removal, Restorative Planting, Security*** and ***Monitoring***. The condition for a security has been included to ensure the proposed works are completed, and in based on the Biologist's cost estimate (submitted November 20, 2018 – Attachment 14).

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on November 28, 2018.

At the time of writing, staff have received no written submissions or phone calls. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

There is no public or agency consultation associate with Development Permits.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The variances recommended by staff are relatively minor in nature and provide a balanced compromise to the benefit of the natural environment, practical site considerations and do not challenging the intent of the bylaw.
- The variance for float size is not supported as it is without sound rationale and was constructed with apparent disregard for the regulation by the contractor. Further, that variance challenges the intent of the regulation and is not supported by ITPS and OCP policies.
- To date notification has generated no responses for the variances.
- All guidelines of the DPA have been met and all recommendations of the Biologist's report have been incorporated into the proposed DPA.

ALTERNATIVES

The LTC has numerous alternatives to the recommendations on page 1 for the **DVP**:

1. **Issue DVP as Drafted**

   The LTC may decide to issue the DVP as it has been drafted without any amendments.

   Recommended wording for the resolution is as follows:

   That the North Pender Island Local Trust Committee approve issuance of proposed Development Variance Permit NP-DVP-2017.3 (Cooke).

2. **Further Amend and Approve the DVP**

   The LTC may decide to further amend the DVP by issuing some specific variances but not others.

   Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend proposed Development Variance Permit NP-DVP-2017.3 (Cooke) by deleting/inserting Section#.#; and,

That the North Pender Island Local Trust Committee approve issuance of proposed Development Variance Permit NP-DVP-2017.3 (Cooke) as amended.

3. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC are 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…

4. Deny the DVP 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-2017.3 (Cooke).

The LTC has fewer alternatives to the recommendations on page 1 for the **DP**:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should are 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 DP application

The LTC may deny the application. If this alternative is selected, the LTC are advised to cite the DPA guideline it does not comply with.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2018.9 (Cooke) for the following reasons….

Submitted By:	Phil Testemale, A/Planner 2	November 16, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	November 16, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Dock and Stair Chronology (Bob Cooke – November 3, 2018)
4. Revised NP-DVP-2017.3 submission (Bob Cooke)
5. Dock Specifications agreed between applicant and IMCS (Dave Mckerrell)
6. Referral from ILMB (Crown Lands) with Islands Trust's response
7. Specific Permission issued to Applicants from ILMB
8. Biologist's Report (Kathy Reimer, September 10, 2018)
9. Revised DVP Application (April 2018)
10. Notice
11. Draft DVP-2017.3 (Cooke)
12. DPA Checklist
13. Draft Development Permit NP-DP-2018.9
14. Biologist's Cost Estimate and Planting List.

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot B, Section 12, Pender Island, Cowichan District, Plan EPP52638
PID	029-762-022
Civic Address	6624 Razor Point Road
Property Size	0.6 ha (1.47 acres)

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-BP-2016.21 to 23	Building Permit Referrals for Dwelling and Accessory Buildings (2)
NP-DP-2015.1	DP for boundary adjustment subdivision and septic field (refer to NP-SUB-2014.4)
NP-DVP-2015.2	DVP for depth to width for 6626 Razor Point Road (refer to NP-SUB-2014.4)
NP-SUB-2014.4	Boundary adjustment subdivision between 6624 and 6626 Razor Point Rd. to enlarge 6624.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as **RR- Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007. The water area is designated as **M- Marine**. **Development Permit Area One – Woodland Sensitive Ecosystem** (Attachment 2.)
Land Use Bylaw	The subject property is zoned as **Rural Residential (RR)** and the adjacent water area is zoned as **Water 1 (W1)** in the North Pender Island Land Use Bylaw No. 103, 1996
Other Regulations	Specific Permission for private moorage (dock) granted by the Integrated Land Management Branch (ILMB- 'Crown Lands') in November 2010 (Attachment 6)
Covenants	CA4821238 – In favour of Ministry of Transportation and Infrastructure for Setback from Natural Boundary of Sea (15m) and Building Elevation (1.5 m above Floodplain)
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The proposal has no implications for the Island Trust Conservancy.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy

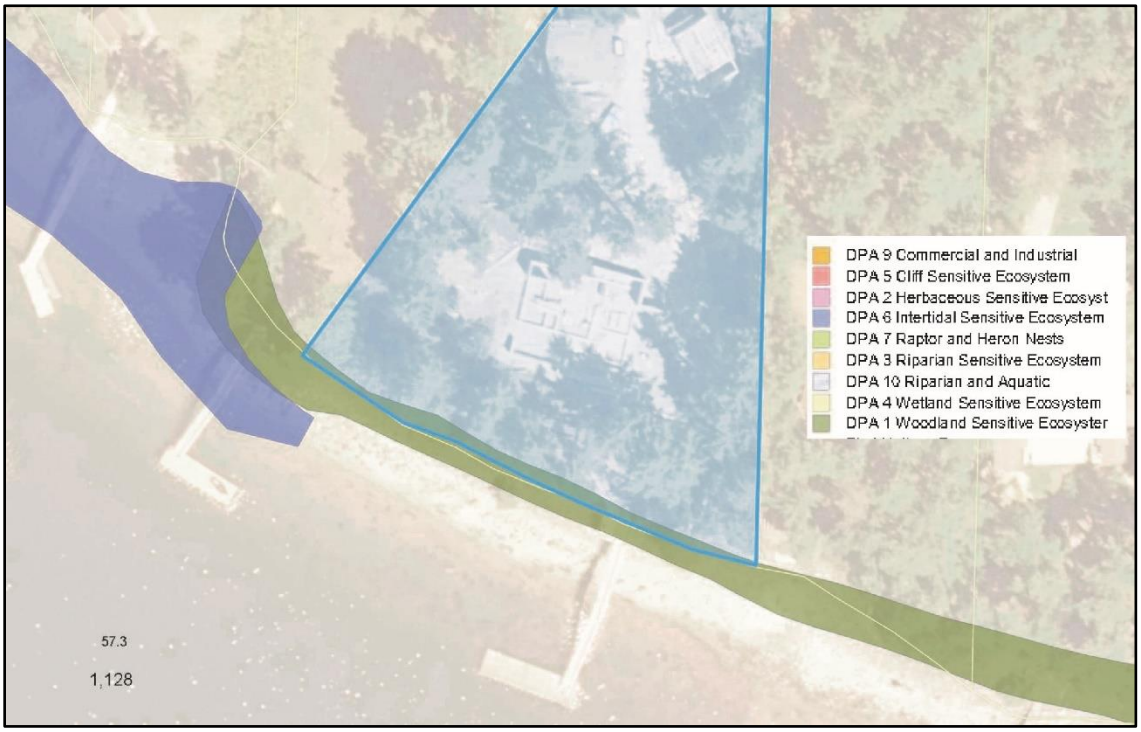
Species at Risk	None listed on IT mapping and supported Biological Report by Kathy Reimer (Attachment 7). Exception is Critical Habitat for Southern Resident Orca.
Sensitive Ecosystems	**Terrestrial:** Woodland Ecosystem (see DPA – above and report). **Marine**: see Shoreline (Eelgrass -below)
Hazard Areas	Areas of **Medium** and **High Steep Slope Hazard** (Attachment 2.#).
Archaeological Sites	The Remote Access to Archaeological Data (RAAD) information and indicates an archaeological sites extending from the south west corner of the property westward. The applicant has indicated that they were required to hire an archaeologist as a requirement of their Specific Permission for the dock with IMLB – Crown Lands. Staff has not received copy of that information. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that with any of the proposed alterations there may be previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	As the proposed development is alterations, any potential GHG emission changes resulting from approval would be limited to waste and relatively small by volume. The existing structures including docks are highly vulnerable to anticipated or possible climate change induced hazards (eg. sea level rise), however none of the proposed work is for inhabited buildings.
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	Eel grass mapping (Attachment 2.) indicates continuous fringing continuous eelgrass and other values. However, the Biological Report by Kathy Reimer (Attachment 7) does not identify the eelgrass habitat.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ZONING AND ORTHOPHOTO



2.2 DEVELOPMENT PERMIT AREAS



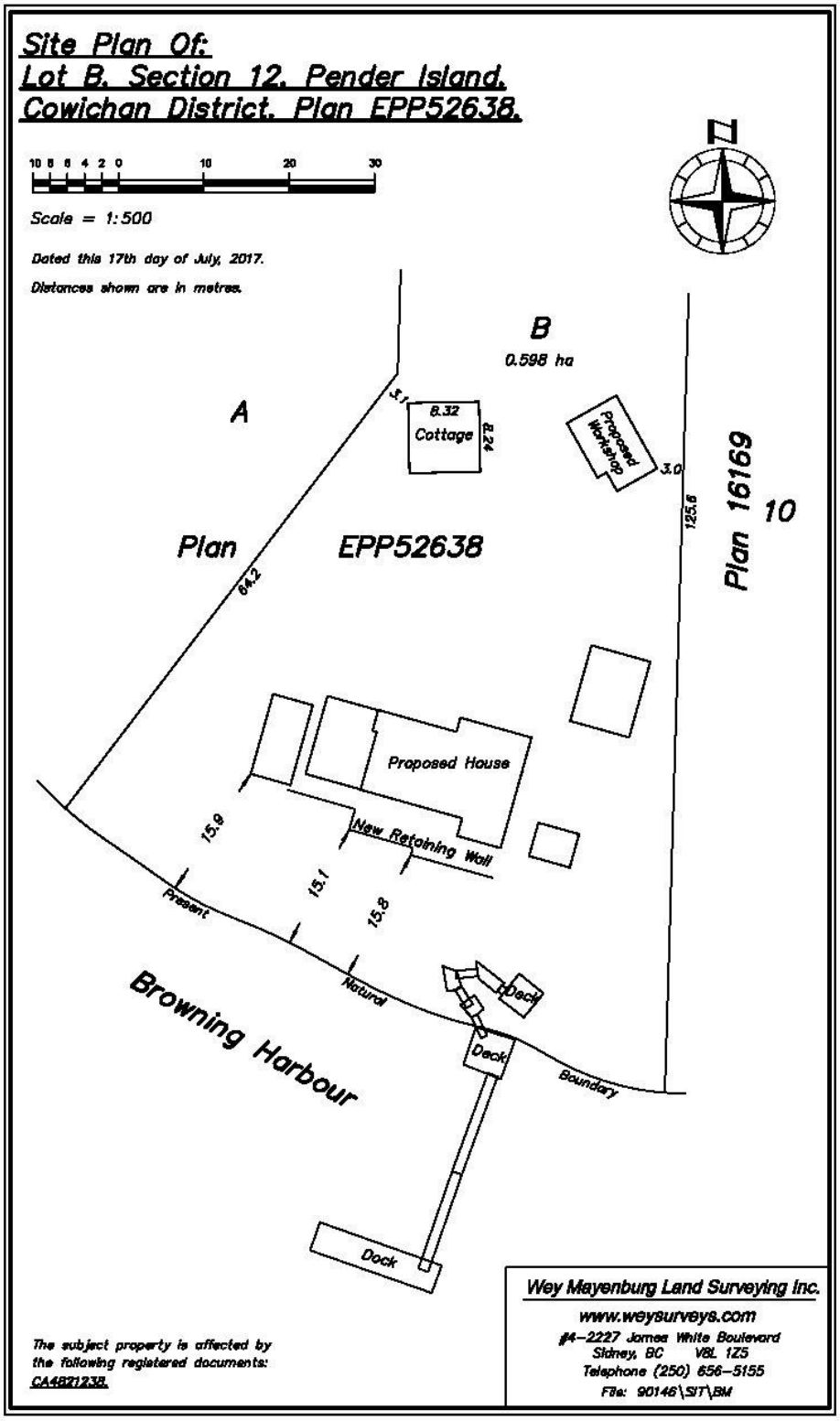
2.3 Marine Ecosystems - Eelgrass



2.4 Steep Slope Hazard Mapping



2.5 SURVEY PLAN



2.6 Upper Deck (to be altered to Walkway)



2.7 Access Stairs and Landings (No alteration – Variances for Landings)



2.8 LOWER DECK (TO BE ALTERED TO WALKWAY)



2.9 LOWER DECK (TO BE ALTERED TO WALKWAY)



2.10 Access Stairs to Foreshore



2.11 Ramp and Float Structures



2.12 FLOAT STRUCTURE (55.7 M²)



Dock & Stair Access Chronology

6624 Razor Point Road
North Pender Island, B.C.

Prepared by: Robert Cooke
November 3, 2018

Dock

We purchased our property at 6624 Razor Point Road in June 2009. It had been our intention when purchasing the property to apply for permission for a dock & in the fall of 2009 I began investigating the application process.

It soon became apparent to me that the dock permission process was quite complex & would take a considerable amount of time, there being several ministries or authorities that approval was required from. As I was also enquiring with marine contractors for dock budgets, I found Island Marine Construction Services Ltd. In Ganges would prepare & obtain the required permission as well as build & install the dock, ramps & wharf. In November of 2009 I retained Island Marine Construction to obtain the necessary permits & undertake this project. The specifications for our dock were worked out as per the attached drawing based on the size & weight of our boat.

Over the course of 2010 they worked on our permit application & on November 15, 2010 we received our specific permission for private moorage from Her Majesty the Queen in Right of the Province of British Columbia.

It should be noted that we have recently been provided in March 2018 with a copy of a letter (attached) dated January 26, 2010 from the Islands Trust to the Integrated Land Management Bureau outlining the Islands Trust's further regulatory requirements. <u>This letter was never forward to us or our agent at the time in 2010.</u>

Despite not receiving the January 26, 2010 letter specifically, we were asked to provide an Archaeology report for the site as well as details of the stairs & landings to access the dock. These were provided in May 2010.

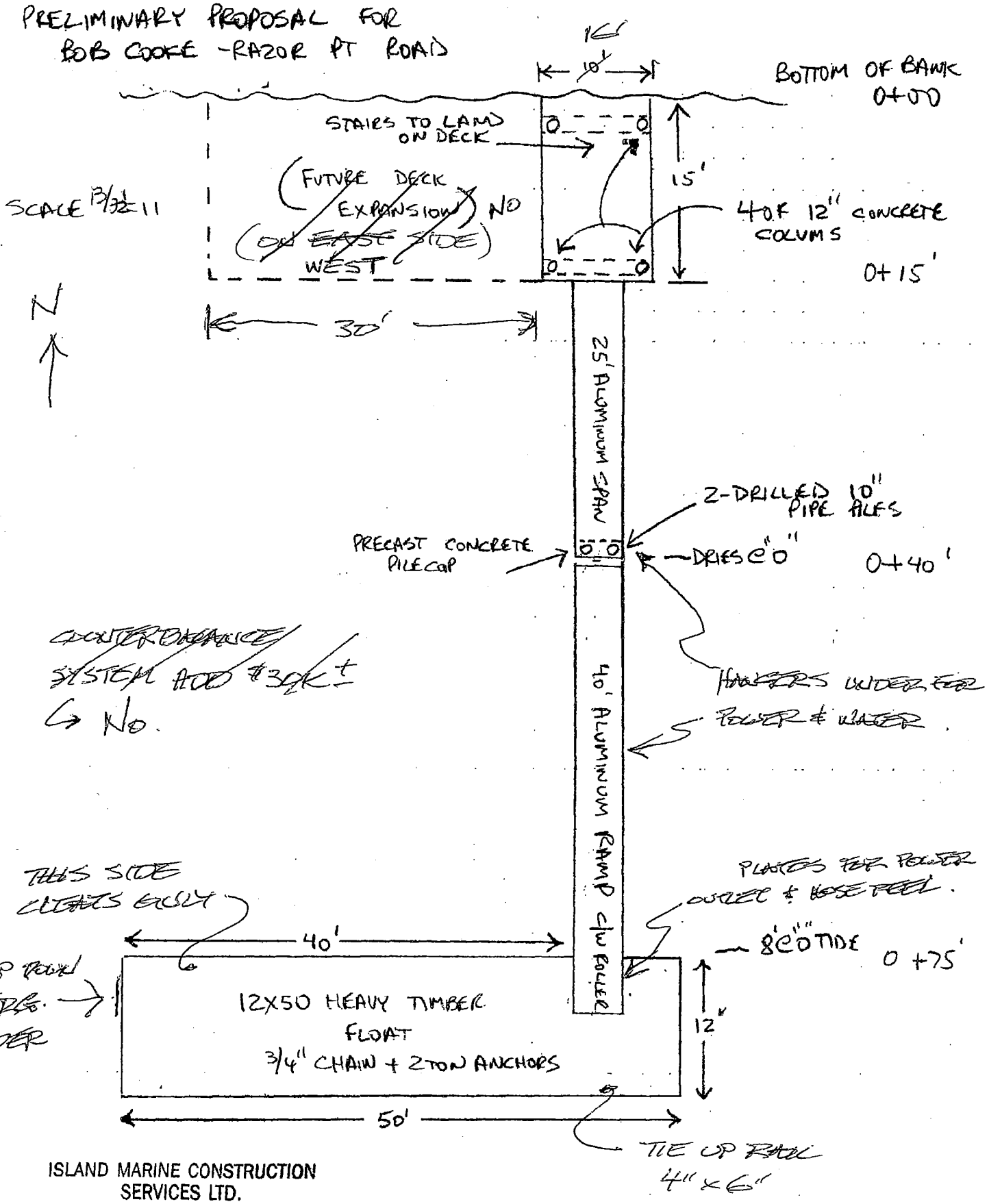
After our specific permission was received in November 2010, Island Marine Construction proceeded with the fabrication of our dock & ramps. In May & June of 2011 they constructed the wharf and installed the float & ramps.

ACCESS STAIRS & LANDINGS

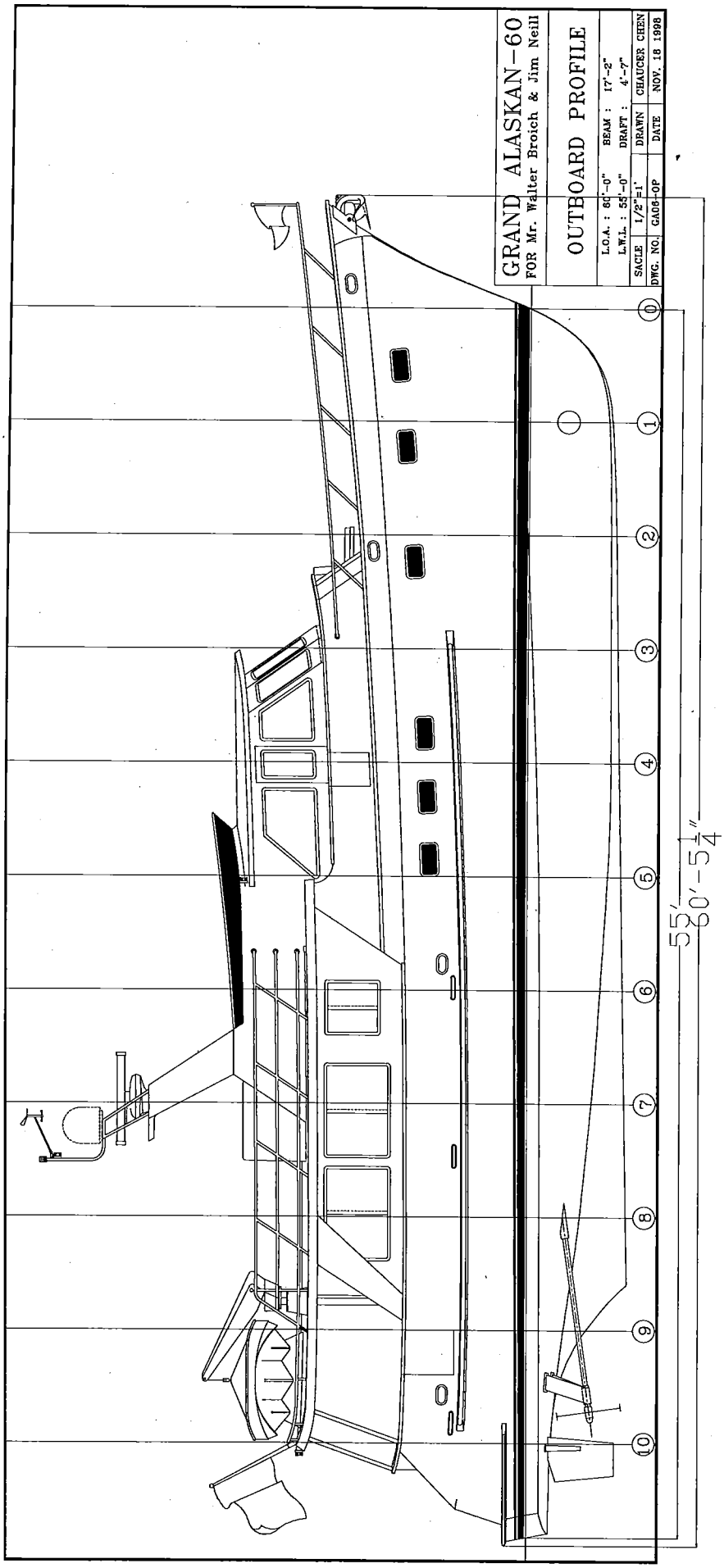
Upon completion of the dock construction I retained a local carpenter to build the stairs & landings to access the dock. During the interview process I specifically asked if further permits were required & was assured that he had checked with the local building inspector and that they were not. This coincided with my understanding of what our specific permission for private moorage encompassed, in that we had provided information on the proposed access as requested and had subsequently received our specific permission. Based on this information I authorized our carpenter to build the access to the dock which was completed in July 2011.

CONCLUSION

It has been our intention since the start of this dock permission process to be proactive & comply with all known requirements. We have tried to do this to the best of our ability & based on the information we received back I thought we had achieved that.



ISLAND MARINE CONSTRUCTION
SERVICES LTD.
#2 - 156 ALDERS AVENUE
SALT SPRING ISLAND B.C.
V8K 2K5 PH 250-537-9710


GRAND ALASKAN-60
FOR Mr. Walter Broich & Jim Neill
OUTBOARD PROFILE
L.O.A. : 60'-0" BEAM : 17'-2"
L.W.L. : 55'-0" DRAFT : 4'-7"
SACLE 1/2"=1' DRAWN CHAUCER CHEN
DWG. NO. GA06-OP DATE NOV. 18 1998
55'
60'-5 1/4"

Transport Canada / Transports Canada

CERTIFICATE OF REGISTRY
CERTIFICAT D'IMMATRICULATION

Vessel name - Nom du bâtiment :	Official number - N° matricule:	Port of registry- Port d'immatriculation:	IMO - OMI #:
PURA VIDA III	835183	VANCOUVER	

Gross tonnage - Jauge brute:	62.80	Length - Longueur:	18.34 m
Net/Register tonnage - Jauge nette/registre:	47.10	Breadth - Largeur:	5.21 m
		Depth - Creux:	2.07 m

All up weight (Air cushion vehicles) - Poids total admissible (Véhicules à coussin d'air) : KG	Model designation (Air cushion vehicles) - Désignation du modèle (Véhicules à coussin d'air):

Hull material - Matériel de la coque:	Propulsion:	Brake power - Unité de puissance:
FABRIC/GRP	SELF-PROPELLED	649 KW

Builder's name and place of build - Nom du constructeur et lieu de construction:	Build - Construction:	Vessel descriptor – Descripteur de bâtiment:
TANIA YACHT CO. LTD. KAOHSIUNG, TAIWAN	1999/00 yyyy-mm - aaaa-mm	PLEASURE CRAFT

Owner(s) name and address - Propriétaire(s) nom et adresse:

ROBERT DAVID COOKE
12779 20TH AVE.
SURREY, BC
CANADA V4A 5Z8

Name and address of authorized representative Nom et adresse du représentant autorisé:	Date of first registry (at current port) Date de la première immatriculation (au port courant):
ROBERT DAVID COOKE 12779 20TH AVE. SURREY, BC CANADA V4A 5Z8	JANUARY 11, 2011

Remarks/Remarques:

THIS CERTIFICATE IS NOT VALID IF ALTERED. THE CERTIFICATE OF REGISTRY MUST BE KEPT ON BOARD WHILE THE VESSEL IS IN OPERATION. FAILURE TO REPORT ANY CHANGES, INCLUDING A CHANGE OF ADDRESS TO THE PORT OF REGISTRY, MAY RESULT IN THE SUSPENSION/CANCELLATION OF THE REGISTRATION.

SI MODIFIÉ, CE CERTIFICAT N'EST PAS VALIDE. DURANT L'EXPLOITATION DU BÂTIMENT, LE CERTIFICAT D'IMMATRICULATION DOIT TOUJOURS RESTER À BORD. À DÉFAUT DE RAPPORTER DES CHANGEMENTS, Y COMPRIS UN CHANGEMENT D'ADRESSE AU PORT D'IMMATRICULATION, IL PEUT Y AVOIR COMME CONSÉQUENCE LA SUSPENSION/RÉVOCATION DE L'IMMATRICULATION.

Issue date - Date d'émission:	This certificate expires at the end of - Ce certificat expire à la fin de:
DECEMBER 02, 2013	JANUARY, 2017

Issued at - Émis à:	Signature
Vessel Registration/Immatriculation des bâtiments **Marine Safety/Sécurité maritime** **Transport Canada/Transports Canada** Ottawa	(Chief Registrar - Registraire en chef) (CSA 2001 - LMMC 2001 s.42)

84-0169 (0711-04)

Canada

Islands Trust

200–1627 Fort Street Victoria BC V8R 1H8
Telephone **250.405.5151** Fax 250.405.5155
Toll Free via Enquiry BC In Vancouver 660-2421. Elsewhere In BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

January 26, 2010

File Number: NP-CL-01-10
Your File: 1413823

Bonita Wallace
Integrated Land Management Bureau
142 – 2080 Labieux Road
Nanaimo, BC V9T 6J9

Dear Bonita Wallace:

Re: Application for Licence of Occupation – Unsurveyed Crown foreshore or land covered by water being part of the bed of Browning Harbour, Cowichan District

ILMB has referred this application to Islands Trust for comment. We are recommending that *Approval Be Supported Subject to Conditions.* The area is zoned Water 1 (W1) which includes as a permitted use: "private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea, and providing access to that lot or those lots".

The W1 regulations include:

- setback regulations that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot; and,
- the width of any ramp or walkway, including handrails, used to access any float or wharf permitted shall not exceed 1.5 metres.

The above regulations could not be accurately determined from the information submitted. If the above conditions are met, the application is in compliance with the North Pender Island Land Use Bylaw. A copy of the W1 zone regulations is attached for your reference.

There is a woodland sensitive ecosystem development permit area in the vicinity of the property; however, the proposed development is exempt from requiring a development permit.

There is a registered archaeological site to the west of the property. Property owners are advised to contact the Archaeology Branch at the Ministry of Tourism, Culture and the Arts for more information. A map is attached for your reference.

Please do not hesitate to contact myself at 405-5189 if you have any questions or concerns.

Sincerely,

Andrea Pickard
Local Planning Services
apickard@islandstrust.bc.ca

Attachments: NPILUB Water 1 Zone Regulations, map
ILMB Referral Request

NP-CL-0110

Andrea Pickard

From: West Coast Land Referrals ILMB:EX [WestCoast.LandReferrals@gov.bc.ca]
Sent: Wednesday, January 27, 2010 3:07 PM
To: Andrea Pickard
Subject: RE: File 1413823

Thank you for your response to File 1413823. Your email and attachments have been received and placed on file for review.

Integrated Land Management Bureau

From: Andrea Pickard [mailto:apickard@islandstrust.bc.ca]
Sent: Tuesday, January 26, 2010 12:39 PM
To: West Coast Land Referrals ILMB:EX
Subject: File 1413823

Please find attached our response to the above noted file (4 attachments).

As our network has been having problems with emails the last few days, can you please confirm this email and the attachments have been received?

thank you

Andrea Pickard
Island Planner
Islands Trust
200-1627 Fort Street Victoria, BC V8R 1H8
Phone: (250) 405-5189 Fax: (250) 405-5155
Toll Free via Enquiry BC
1-800-663-7867
In Vancouver: 604-660-2421
Email: apickard@islandstrust.bc.ca
Website: www.islandstrust.bc.ca

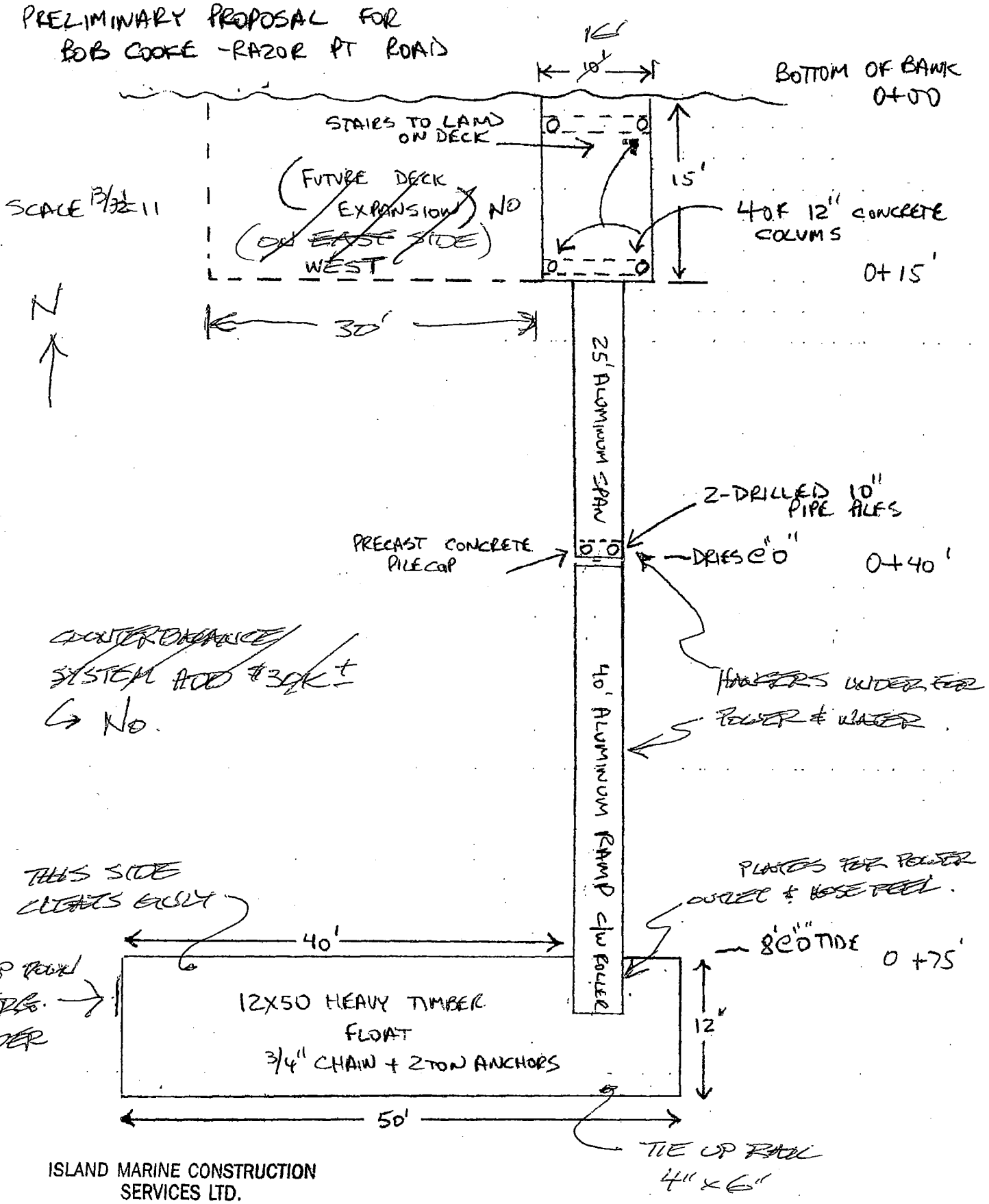
Preserving Island communities, culture and environment

1/27/2010

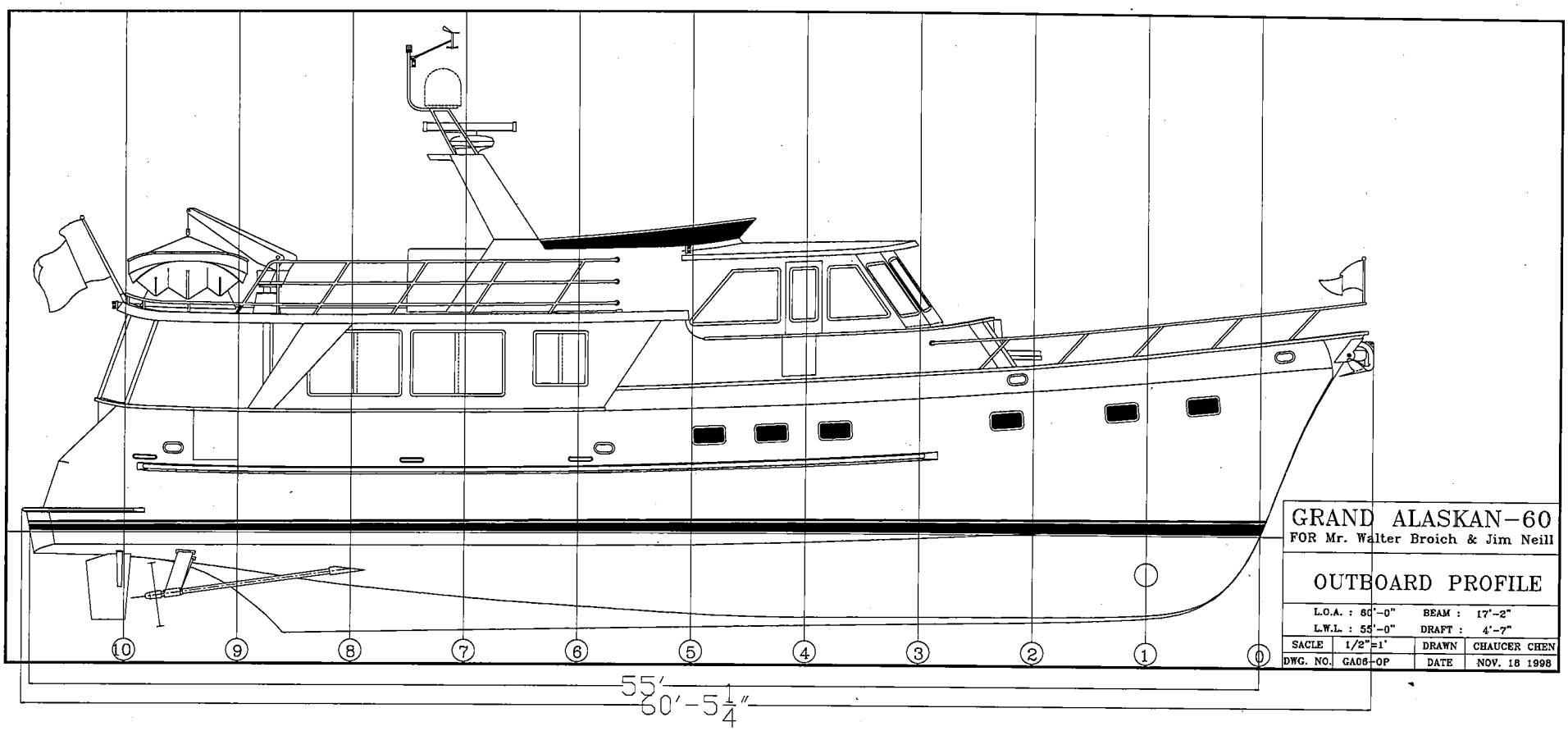
Cooke Variance Application

VARIANCE SUMMARY OF ITEMS

1) Modify the existing deck at the top of the stairs that lead down to the dock to comply with DPA 1 requirements. Deck is currently 3.66m x 3.66m. Reduce to 1.5 meters width in an L shape as per submitted plan.
2) Retain the existing stairs down to the dock. Landings exceed the 1.2-meter width however are a safety feature to allow resting and passing points & permit safe access to the hillside for control of broom plants. We are requesting this as part of the variance.
3) The existing wharf at the bottom of the stairs is 23.8 square meters. We propose to modify this by reducing the decking to 1.5 meters in width in an L shape from the bottom of the stairs to the head of the ramp.
4) We are requesting a variance for the existing float which is 55.78 square meters and thus exceeds the 37 square meter maximum water area coverage that is permitted. Please see the attached Biologists report which indicates no environmental impact apparent or expected from this float.
5) As an offset to allowing the above variances we are proposing to rehabilitate the DPA 1 woodland area by removing invasive species, planting native species and including more of our property in the DPA 1 woodland area as described in the attached Biologist's report.
6) All items listed above will be completed within six months of notification of approval of the DVP.



ISLAND MARINE CONSTRUCTION
SERVICES LTD.
#2 - 156 ALDERS AVENUE
SALT SPRING ISLAND B.C.
V8K 2K5 PH 250-537-9710



GRAND ALASKAN-60

FOR Mr. Walter Broich & Jim Neill

OUTBOARD PROFILE

L.O.A. : 60'-0"		BEAM :	17'-2"
L.W.L. : 55'-0"		DRAFT :	4'-7"
SACLE	1/2"=1'	DRAWN	CHAUCER CHEN
DWG. NO.	GA06-OP	DATE	NOV. 18 1998

Transport Canada / Transports Canada

CERTIFICATE OF REGISTRY
CERTIFICAT D'IMMATRICULATION

Vessel name - Nom du bâtiment :	Official number - N° matricule:	Port of registry- Port d'immatriculation:	IMO - OMI #:
PURA VIDA III	835183	VANCOUVER	

Gross tonnage - Jauge brute:	62.80	Length - Longueur:	18.34 m
Net/Register tonnage - Jauge nette/registre:	47.10	Breadth - Largeur:	5.21 m
		Depth - Creux:	2.07 m

All up weight (Air cushion vehicles) - Poids total admissible (Véhicules à coussin d'air) : KG	Model designation (Air cushion vehicles) - Désignation du modèle (Véhicules à coussin d'air):

Hull material - Matériel de la coque:	Propulsion:	Brake power - Unité de puissance:
FABRIC/GRP	SELF-PROPELLED	649 KW

Builder's name and place of build - Nom du constructeur et lieu de construction:	Build - Construction:	Vessel descriptor – Descripteur de bâtiment:
TANIA YACHT CO. LTD. KAOHSIUNG, TAIWAN	1999/00 yyyy-mm - aaaa-mm	PLEASURE CRAFT

Owner(s) name and address - Propriétaire(s) nom et adresse:

ROBERT DAVID COOKE
12779 20TH AVE.
SURREY, BC
CANADA V4A 5Z8

Name and address of authorized representative Nom et adresse du représentant autorisé:	Date of first registry (at current port) Date de la première immatriculation (au port courant):
ROBERT DAVID COOKE 12779 20TH AVE. SURREY, BC CANADA V4A 5Z8	JANUARY 11, 2011

Remarks/Remarques:

THIS CERTIFICATE IS NOT VALID IF ALTERED. THE CERTIFICATE OF REGISTRY MUST BE KEPT ON BOARD WHILE THE VESSEL IS IN OPERATION. FAILURE TO REPORT ANY CHANGES, INCLUDING A CHANGE OF ADDRESS TO THE PORT OF REGISTRY, MAY RESULT IN THE SUSPENSION/CANCELLATION OF THE REGISTRATION.

SI MODIFIÉ, CE CERTIFICAT N'EST PAS VALIDE. DURANT L'EXPLOITATION DU BÂTIMENT, LE CERTIFICAT D'IMMATRICULATION DOIT TOUJOURS RESTER À BORD. À DÉFAUT DE RAPPORTER DES CHANGEMENTS, Y COMPRIS UN CHANGEMENT D'ADRESSE AU PORT D'IMMATRICULATION, IL PEUT Y AVOIR COMME CONSÉQUENCE LA SUSPENSION/RÉVOCATION DE L'IMMATRICULATION.

Issue date - Date d'émission:	This certificate expires at the end of - Ce certificat expire à la fin de:
DECEMBER 02, 2013	JANUARY, 2017

Issued at - Émis à:	Signature
Vessel Registration/Immatriculation des bâtiments **Marine Safety/Sécurité maritime** **Transport Canada/Transports Canada** Ottawa	(Chief Registrar - Registraire en chef) (CSA 2001 - LMMC 2001 s.42)

84-0169 (0711-04)

Canada

NP-CL-0110

Andrea Pickard

From: West Coast Land Referrals ILMB:EX [WestCoast.LandReferrals@gov.bc.ca]
Sent: Wednesday, January 27, 2010 3:07 PM
To: Andrea Pickard
Subject: RE: File 1413823

Thank you for your response to File 1413823. Your email and attachments have been received and placed on file for review.

Integrated Land Management Bureau

From: Andrea Pickard [mailto:apickard@islandstrust.bc.ca]
Sent: Tuesday, January 26, 2010 12:39 PM
To: West Coast Land Referrals ILMB:EX
Subject: File 1413823

Please find attached our response to the above noted file (4 attachments).

As our network has been having problems with emails the last few days, can you please confirm this email and the attachments have been received?

thank you

Andrea Pickard
Island Planner
Islands Trust
200-1627 Fort Street Victoria, BC V8R 1H8
Phone: (250) 405-5189 Fax: (250) 405-5155
Toll Free via Enquiry BC
1-800-663-7867
in Vancouver: 604-660-2421
Email: apickard@islandstrust.bc.ca
Website: www.islandstrust.bc.ca

Preserving Island communities, culture and environment

1/27/2010

Islands Trust

200–1627 Fort Street Victoria BC V8R 1H8
Telephone **250.405.5151** Fax 250.405.5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

January 26, 2010

File Number: NP-CL-01-10
Your File: 1413823

Bonita Wallace
Integrated Land Management Bureau
142 – 2080 Labieux Road
Nanaimo, BC V9T 6J9

Dear Bonita Wallace:

Re: Application for Licence of Occupation – Unsurveyed Crown foreshore or land covered by water being part of the bed of Browning Harbour, Cowichan District

ILMB has referred this application to Islands Trust for comment. We are recommending that *Approval Be Supported Subject to Conditions.* The area is zoned Water 1 (W1) which includes as a permitted use: "private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea, and providing access to that lot or those lots".

The W1 regulations include:

- setback regulations that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot; and,
- the width of any ramp or walkway, including handrails, used to access any float or wharf permitted shall not exceed 1.5 metres.

The above regulations could not be accurately determined from the information submitted. If the above conditions are met, the application is in compliance with the North Pender Island Land Use Bylaw. A copy of the W1 zone regulations is attached for your reference.

There is a woodland sensitive ecosystem development permit area in the vicinity of the property; however, the proposed development is exempt from requiring a development permit.

There is a registered archaeological site to the west of the property. Property owners are advised to contact the Archaeology Branch at the Ministry of Tourism, Culture and the Arts for more information. A map is attached for your reference.

Please do not hesitate to contact myself at 405-5189 if you have any questions or concerns.

Sincerely,

Andrea Pickard
Local Planning Services
apickard@islandstrust.bc.ca

Attachments: NPILUB Water 1 Zone Regulations, map
ILMB Referral Request

Lot 12, Plan 16169



Map center: 48° 46' 20.0" N, 123° 15' 11.1" W

Legend

- LTA Boundaries
- Road Names
- Major Roads
- TRIM Streams
- Rivers, Streams and Rapids
- Archaeological Sites
- DPA 1: Woodland
- DPA 2: Herbaceous
- DPA 3: Riparian
- DPA 4: Wetland
- DPA 5:Cliff
- DPA 6: Intertidal
- DPA 7: Raptor Nests
- North Pender Island
- TRIM Wetland
- TRIM Reservoir
- TRIM Lake
- Lot Boundaries (IT ICF)
- Southern Islands 2005

Scale: 1:2,000

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

BRITISH COLUMBIA
The Best Place on Earth

RECEIVED
JAN 14 2010
ISLANDS TRUST
VICTORIA BC

egrated Land Management Bureau
142 – 2080 Labieux Road
Nanaimo BC V9T 6J9
Phone: 751-7220
Fax: 751-7224

Referral Request

NP-CL-01-10

TO:	Application: New ☒ Amendment ☐
Fisheries & Oceans Canada - South Coast **Parks Canada - Marine Park** **Transport Canada - Navigable Waters** **Islands Trust - Vancouver Island Office** **Capital Regional District**	You are invited to comment on the following: Application for Crown land tenure. Copy of the application is attached. **Referral responses must be received by this office 30 calendar days from date sent.** If we do not hear from you by that date, we will move forward with the adjudication process. If you require additional information on the proposal(s), please contact the applicant.

APPLICANT

APPLICANT NAME	PHONE NUMBER	DATE REFERRAL SENT
Robert Cooke and Janet Taylor c/o Island Marine Construction Ltd.	**250 537-9710 ext 3**	**January 14, 2010**
ADDRESS **2 - 156 Alders Avenue, Saltspring Island BC V8K 2K5**	EMAIL ADDRESS **dave@islandmarine.ca**	

LAND

LAND CONTACT	CONTACT PHONE NUMBER	LAND FILE NUMBER
Bonita Wallace	**(250) 751-7266**	**1413823**
LOCATION OF CROWN LAND **In the vicinity of Razor Point**	REF MAP No. **92B.074**	PARCEL SIZE **0.163 ha**

LEGAL DESCRIPTION
Unsurveyed Crown foreshore or land covered by water being part of the bed of Browning Harbour, Cowichan District

INTENDED LAND USE	NOTES
Private Moorage	

LAND PROPOSED TENURE TYPE	LAND PROPOSED TERM	LAND PURPOSE
Specific Permission	**Indefinite**	**Private Moorage**

RESPONSE COMMENTS:
Please forward a copy of any concerns/requirements directly to the applicant

1. Does either proposal relate to your agency's legislated responsibilities?
   Land Application: ☐ Yes ☐ No **Water Application**: ☒ Yes ☐ No
   If yes, please identify the relevant legislation (including section). North Pender Island Land Use Bylaw 103, 1996 Section 8.19 Water 1 (W1) Zone

2. If the proposal proceeds, will the proponent require approval or a permit from your agency?
   Land Application: ☐ Yes ☐ No **Water Application**: ☐ Yes ☒ No

3. Will compliance monitoring be required by your agency if these proposals go ahead?
   Land Application: ☐ Yes ☒ No **Water Application**: ☐ Yes ☒ No

4. If the Land application proposal is implemented, in your opinion, would public use of the area be impacted? Explain.

For Municipal/Regional Government Use Only: Is the area for the Land application zoned for the proposed purpose? If no, what is the current zoning? Yes

What is the estimated time required for a decision on an application to re-zone the area should the applicant wish to pursue this option?

☐ Approval Supported
☒ Approval Supported Subject To Conditions Outlined On Reverse – see attached letter
☐ Approval Not Supported For Reasons Outlined On Reverse
(Indicate what mitigation measures, if any, would address your concerns)
☐ Interests Unaffected

Signed By: Andrea Pickard Please Print: Andrea Pickard	Date: Jan 26/2010	Phone No.: 250-405-5189

Please indicate which agency you are responding on behalf of:
Islands Trust

BRITISH COLUMBIA

Applying for a Crown Land Tenure

All applications must include completed application form, general location map, local detail map, appropriate fees and attachments as indicated below.

INFORMATION REGARDING APPLYING FOR CROWN LAND AVAILABLE AT
www.al.gov.bc.ca/clad/land_prog_services/programs.html

PART 1: NAME(S) AND MAILING ADDRESS

Applicant Name:
FULL LEGAL NAME of Individual(s), Company or Society, Ministry or Government Agency Your File: _____

Contact Name for Company or Ministry Applicants:

Applicant Mailing Address:
Robert David Cooke & Janet Elizabeth Taylor
12779 20th Avenue
Surrey BC postal code V4A 5Z8

Applicant Contact Numbers: Phone: 604-538-9231
Daytime Phone: ___N/A____ Fax: 250 537 1725
Applicant Email Address:
bcooke@div15mechanical.com

Are you an Agent submitting this application on behalf of your client?
☒ Yes ☐ No
Letter of Agency attached ☒ Yes ☐ No

Agent Name & Mailing Address:
David McKerrell / Island Marine Construction Ltd
#2-156 Alders Ave
Saltspring Island, BC postal code V8K 2K5

Agent Contact Numbers:
Phone:250 537 9710 ext3 Fax:250 537 1725
Agent Email Address: dave@islandmarine.ca

BC Inc. #, BC Registration # or Society #:	**GST Registration #:**
Age: 19 or over ☒ Yes ☐ No	**Canadian Citizen or Permanent Resident** ☒ Yes ☐ No
Do you hold another Crown land tenure? ☐ Yes ☐ No If yes, provide File Number:	

Period of Projected Use:
☐ Two years or less ☐ Two to five years ☐ Five to ten years ☒ Ten to thirty years ☐ More than thirty years

Application Type: ☒ new application ☐ replacement application – file number _____
☐ investigative permit application ☐ amendment application – file number _____

Proposed Use/Tenure Type: (e.g. powerline right of way, gravel quarry licence): **Private Moorage**

FOR OFFICE USE ONLY

(date/time received)

RECEIVED
DEC 23 2009
Integrated Land Management Bureau
Coast Region

File Number: 1413823	**Project Number:** 356604
Disposition ID: 882064	**Client Number:** 219521

PART 2 (continued)

General Location of Crown land (i.e. distance from nearest community, Indian Reserve or significant geographic location such as a lake or mountain; location on a named road; etc.):

_____

Please provide a shape file if available.

Area in Hectares:__.163 ~_ **OR** length (km/m): _____ width (km/m): _____

PART 3: LEGAL DESCRIPTION OR BOUNDARY DESCRIPTION

If surveyed, give legal description: as provided by the local Land Title Office (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). A legal description is found in the Certificate of Title (CofT). A copy of the CofT must be attached to the application. A copy of your Registered Survey Plan, if available, will confirm the dimensions of the place of use.

_____

_____

_____

If unsurveyed: enter description of unsurveyed Crown land and description of boundaries.
From an old iron pin on the southeast corner of Lot 12, a line extends seaward 10 meters @181° to the Point of Commencement, then 42.9meters @181°, Then 33.9meters @ 271°, Then 53.6 meters @ 001°, then along the natural boundary of the sea to close the polygon.

Instructions to Describe Unsurveyed Crown Land

- The point of commencement, for unsurveyed parcels, should be described in terms of an existing survey post (e.g., 18 metres west of the S.E. corner of the parcel) or a readily identifiable geographic feature (e.g., a prominent point of land or intersection
of two roads) to enable accurate location of the parcel.
- Boundary lines of the area must be, as much as possible, astronomically true north, south, east and west so that a rectangular lot is formed.

- Where the topographic features of the area do not allow for rectangular boundary lines running true north, south, east and west, then boundaries will be permitted in other directions as long as they do not interfere with the orderly survey of other surrounding land.

- The side lines of small parcels fronting on lakes, rivers, tidal waters and on certain surveyed highways shall, where possible, be parallel to each other and perpendicular to the general trend of the features on which the small parcel fronts.

- The sidelines for unsurveyed foreshore shall, as a general rule, be laid out at right angles to the general trend of the shore. This may be varied to suit special conditions, but encroachment on the foreshore fronting adjoining lands shall be avoided. The outside or waterward boundary shall be a straight line or series of straight lines joining the outer ends of the side boundaries. On narrow bodies of water the outside boundary shall not normally extend beyond the near edge of the navigable channel.

1 hectare = 2.471 acres
1 metre = 3.281 feet
100 metres x 100 metres = 10,000 square metres or 1 hectare

PART 4: APPLICATION CERTIFICATION

All applications must be complete. Incomplete applications will be returned to applicant.
Please refer to the specific program requirements (e.g., Aggregates, Commercial, Residential) for information that must be submitted with this application.

All of the following **must** be attached to or enclosed with this application form:

☒ **Fees** (in the amount indicated in Part 2) to **Minister of Finance** (cheque or credit card authorization form attached or pay in person with debit card or cash)

☒ **General Location Map(s)** at a scale of 1:50,000 to 1:250,000 indicating general location of the area under application and the location of access roads, watercourses and other major landmarks.

☒ **Detailed Site Map(s)** outlining in detail the area under application, showing the exact perimeter boundaries of the application area including the dimensions (in metre) and area (ha), including watercourses, district lots etc.

☒ **Program Specific Requirements** (i.e. communication site, agriculture, industrial). Program specific requirements can be confirmed at http://www.al.gov.bc.ca/clad/land_prog_services/programs.html

PLEASE NOTE: **Additional items may be required (e.g. Advertising, Security Deposit, Proof Of Insurance, Letter Of Consent) Please consult Program Policies or contact FrontCounter BC for further information. Some items may have additional associated costs or require additional processing time.**

Applicant or Agent signature(s):	**Date:** 12/21/09

PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS

NOTE: The information you provide will be subject to the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the treatment of your personal information, please contact the Manager, Privacy, Information Access and Records Management.

The submission of this form does not in any manner convey any rights to use or occupy Crown land.

FRONTCOUNTER BC OFFICE LOCATIONS
www.frontcounterbc.gov.bc.ca OR Call Toll-Free 1-877-855-3222

Cranbrook 1902 Theatre Road Cranbrook BC V1C 7G1	**Fort St. John** Ste 100, 10003 110th Avenue Fort St John BC V1J 6M7	**Kamloops** Ste 210, 301 Victoria Street Kamloops BC V2C 2A3
Nanaimo Ste 142, 2080 Labieux Road Nanaimo BC V9T 6J9	**Prince George** Ste 200, 1488 Fourth Avenue Prince George BC V2L 4Y2	**Smithers** 1st Floor, 3726 Alfred Avenue Smithers BC V0J 2N0
Surrey Ste 200, 10428 – 153rd Street Surrey BC V3R 1E1	**Victoria** Ste G7, 1001 Douglas Street Victoria BC V8W 2C5	**Williams Lake** Ste 201, 172 North 2nd Avenue Williams Lake BC V2G 1Z6

FILED VIVIP16169 RCVD:1998-01-29 RQST:2009-12-21-12.32.02.096

Plan 16169

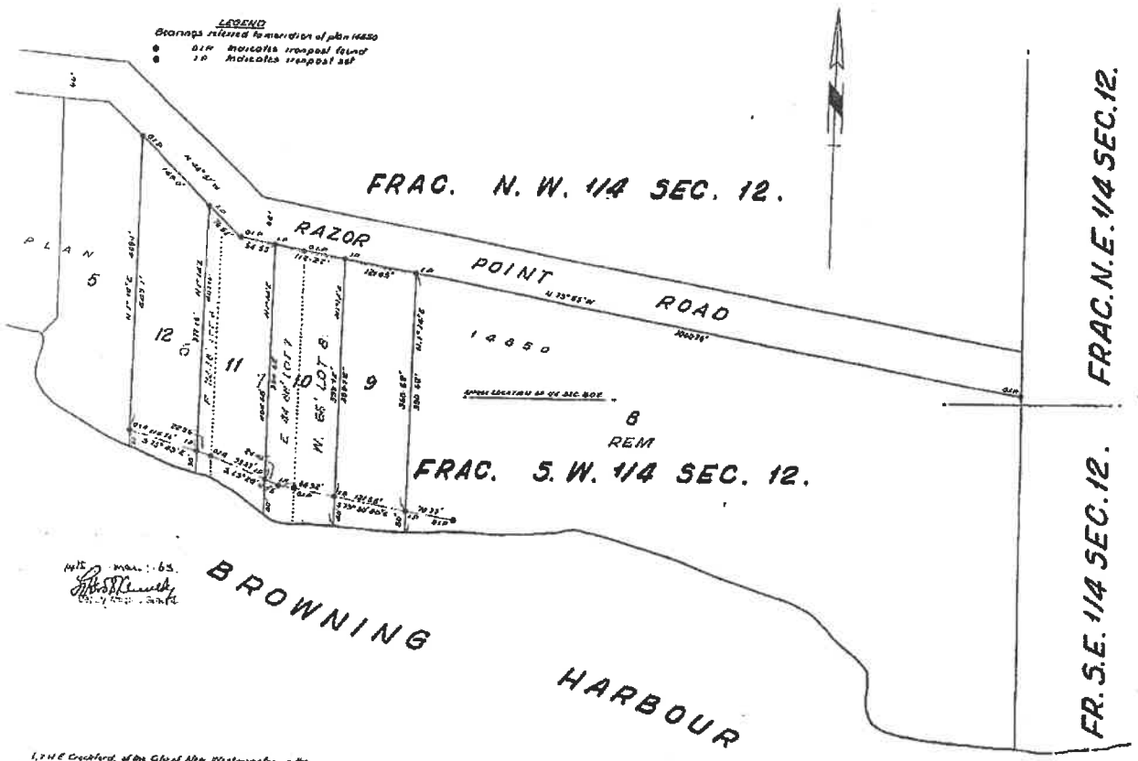
SUBDIVISION PLAN OF LOTS 6 AND 7 AND PORTION OF LOT 8, PLAN 14650. OF PARTS OF FRACTIONAL NORTH WEST 1/4 AND FRACTIONAL SOUTH WEST 1/4 SECTION 12. PENDER ISLAND. COWICHAN DISTRICT.

Deposited in the Land Registry Office at Victoria B.C. This 26th day of June 1968

REGISTRAR

SCALE - 1 INCH = 100 FEET

LEGEND
Bearings referred to meridian of plan 14650
● B.I.P. indicates iron post found
● I.P. indicates iron post set



I, P.H.E. Crockford, of the City of New Westminster, in the Province of British Columbia, a British Columbia Land Surveyor, make oath and say that I was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct. The said survey was completed on the 1 st. day of March 1968

Sworn before me this 6th day of March 1968

A Notary Public in and for the Province of British Columbia

HUNTER, DOUGLASS & CROCKFORD
SURVEYORS & ENGINEERS
NEW WESTMINSTER, B.C.

Relief from compliance with Section 86 of the Land Registry Act This day of 196

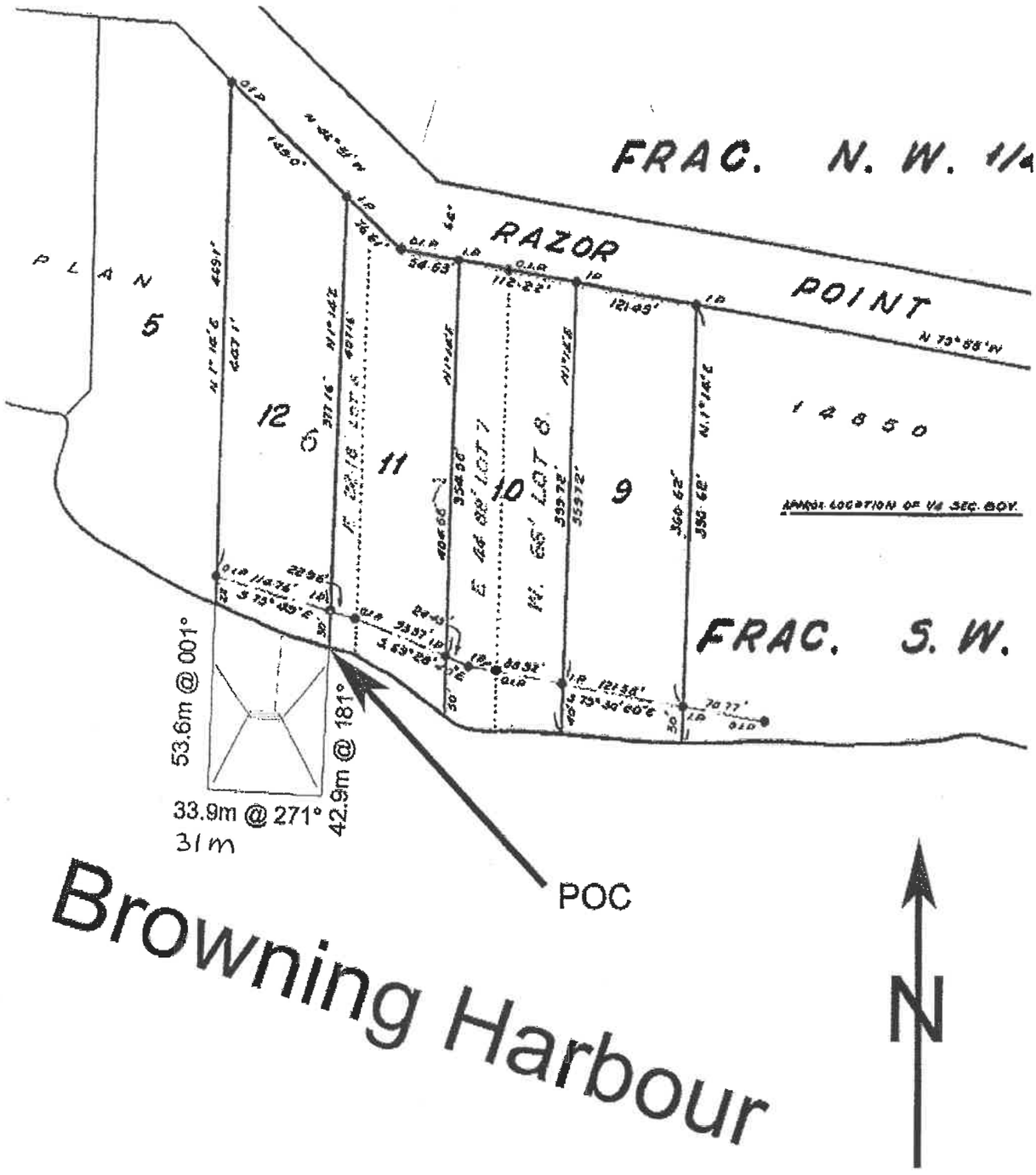
DEPUTY ATTORNEY GENERAL

Approved under the Land Registry Act Dated this 8 day of March 1968

APPROVING OFFICER, DEPT. OF HIGHWAYS, VICTORIA B.C.

OWNER -

WITNESS -


FRAC. N. W. 1/4
RAZOR
POINT
PLAN
5
12
11
10
9
LOT 8
LOT 7
14850
APPROX. LOCATION OF 1/4 SEC. BDY.
FRAC. S. W.
53.6m @ 001°
33.9m @ 271°
31m
42.9m @ 181°
POC
Browning Harbour
N

Management Plan

For
Robert David Cooke & Janet Elizabeth Taylor
Residential Moorage Proposal
In the Vicinity of
Razor Point, Pender Island, BC
December 15, 2009

- There are no structures currently on the foreshore.
- From the high water mark we proposed to extend a 12.1 meter Aluminum span. This span will be founded at the high water mark on a concrete pad. The offshore end of this span will rest on a concrete pile cap supported by two 275mm steel pilings driven into the seabed.
- From this location a 12.1 meter aluminum ramp will be hinged, with its offshore end resting on a 3.5meter by 10m heavy timber float.
- The float will be constructed from number one or better coastal Douglas Fir and treated as per "Best Management Practices Standards" the industry standard in British Columbia
- The float will be anchored with heavy Hot Dipped Galvanized chain, precast concrete anchors and rock pins on the inshore side.
- Public access is maintained with a minimum 2.5-metre clearance under the aluminum spans.
- The proposed moorage is for private seasonal use for a 10-metre boat.
- There are no other docks within the twenty five-metre specification as is evidenced by the photos included with this application.

David McKerrell

For
Robert David Cooke & Janet Elizabeth Taylor

RICHARD J. WEY & ASSOCIATES
LAND SURVEYING INC.

www.weysurveys.com

#4–2227 James White Boulevard
Sidney, B.C. V8L 1Z5
Telephone (250) 656 – 5155

BC Land Surveyor's Building Location Certificate On:

Lot 12, Section 12, Pender Island,
Cowichan District, Plan 16169.
(P.I.D. No. 004–017–668)

Civic Address: 6624 Razor Point Road

This document was prepared for mortgage and municipal purposes and is for the exclusive use of our client, Bob Cooke.

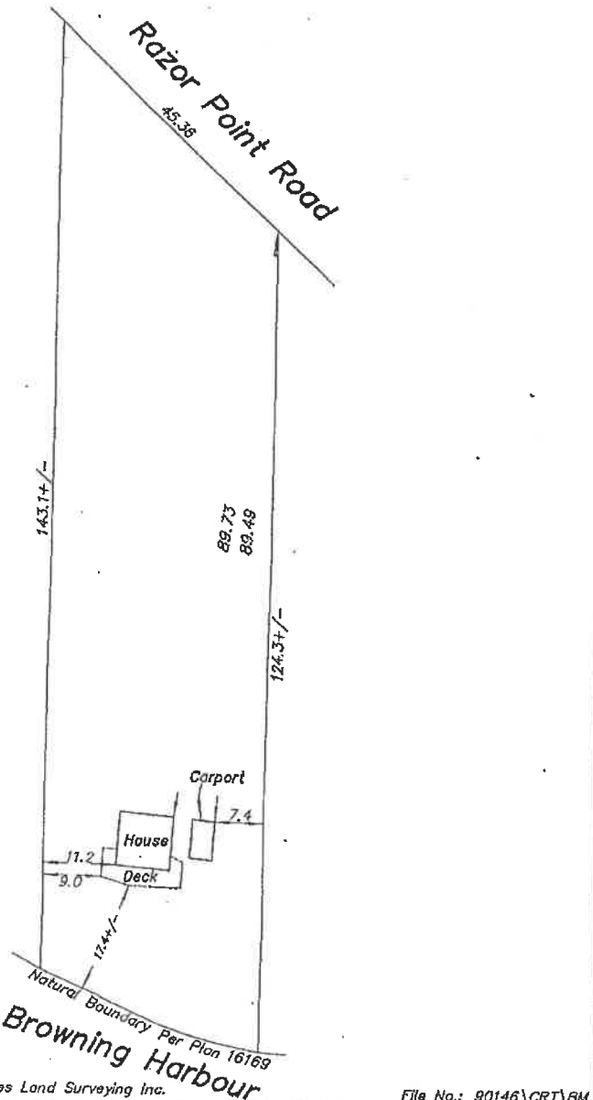
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Certified Correct this 22nd day of May, 2009.

B.C.L.S. (Not valid unless originally signed & sealed)

Scale = 1:750

Distances shown are in metres.



ALL RIGHTS RESERVED
© Copyright by Richard J. Wey & Associates Land Surveying Inc.

File No.: 90146\CRT\BM

Integrated Land Management Bureau
Letter of Appointment

Date: November 9, 2009

Integrated Land Management Bureau
142-2080 Labieux Road
Nanaimo, B.C.
V9T 6J9

To whom it may concern:

Please be advised that I have appointed Mr. David McKerrell of:

Island Marine Construction Services Ltd.
#2-156 Alders Ave.
Saltspring Island, B.C.
V8K 2K5

To act as my agent

The purpose of the Appointment is to "Obtain A Crown Land Tenure" in the vicinity of Port Browning, North Pender Island, British Columbia for private residential moorage.

Term of Appointment is November 9, 2009 to November 9, 2010

Yours Truly,

Signed Jan Taylor

Dated Nov. 9/09

Janet Elizabeth Taylor

Signed

Dated Nov. 9, 2009

Robert David Cooke

12779 20th Avenue, Surrey, BC
V4A 5Z8

Date: 09-Nov-2009 TITLE SEARCH PRINT Time: 11:00:38
Requestor: (PB79339) ISLAND MARINE CONSTRUCTION SERVICES Page 001 of 001
Folio: TITLE - CA1171098

VICTORIA LAND TITLE OFFICE TITLE NO: CA1171098
FROM TITLE NO: CA330472

APPLICATION FOR REGISTRATION RECEIVED ON: 30 JUNE, 2009
ENTERED: 08 JULY, 2009

REGISTERED OWNER IN FEE SIMPLE:
ROBERT DAVID COOKE, ENGINEERING TECHNICIAN
JANET ELIZABETH TAYLOR, REGISTERED NURSE
12779 20TH AVENUE
SURREY, BC
V4A 5Z8
AS JOINT TENANTS

TAXATION AUTHORITY:
CAPITAL ASSESSMENT AREA
RAZOR POINT IMPROVEMENT DISTRICT

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 004-017-668
LOT 12, SECTION 12, PENDER ISLAND, COWICHAN DISTRICT, PLAN 16169

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

MORTGAGE
CA1171099 2009-06-30 13:48
REGISTERED OWNER OF CHARGE:
DIVISION 15 MECHANICAL LTD.
INCORPORATION NO. BC0704159
CA1171099

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

LAND TITLE ACT

STATE OF TITLE CERTIFICATE

000041

MORIN LAW CORPORATION (R. MORIN)
BARRISTER & SOLICITOR
15245 18TH AVENUE
SURREY BC V4A 1W9

YOUR FILE NUMBER:
R10701/COOKE

LAND TITLE DISTRICT: VICTORIA, BRITISH COLUMBIA

CERTIFICATE NO: STSR0051310 TITLE NO: CA1171098

THIS IS TO CERTIFY THAT AT 06:34 ON 30 OCTOBER, 2009, THE STATE OF THE TITLE TO THE LAND DESCRIBED HEREIN IS AS STATED AND IS SUBJECT TO THE NOTATIONS APPEARING BELOW. THIS CERTIFICATE IS TO BE READ SUBJECT TO THE PROVISIONS OF SECTION 23(2) OF THE LAND TITLE ACT (R.S.B.C. 1996 CHAPTER 250) AND MAY BE AFFECTED BY SECTIONS 50 AND 55-58 OF THE LAND ACT (R.S.B.C. 1996 CHAPTER 245).

REGISTRAR

LAND TITLE & SURVEY AUTHORITY OF BRITISH COLUMBIA · THE LAND TITLE OFFICE · VICTORIA · bc Land Title & Survey

APPLICATION FOR REGISTRATION RECEIVED ON: 30 JUNE, 2009
ENTERED: 08 JULY, 2009

REGISTERED OWNER IN FEE SIMPLE:
ROBERT DAVID COOKE, ENGINEERING TECHNICIAN
JANET ELIZABETH TAYLOR, REGISTERED NURSE
12779 20TH AVENUE
SURREY, BC
V4A 5Z8
AS JOINT TENANTS

TAXATION AUTHORITY:
CAPITAL ASSESSMENT AREA
RAZOR POINT IMPROVEMENT DISTRICT

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 004-017-668
LOT 12, SECTION 12, PENDER ISLAND, COWICHAN DISTRICT, PLAN 16169

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

MORTGAGE
CA1171099 2009-06-30 13:48
REGISTERED OWNER OF CHARGE
DIVISION 15 MECHANICAL LTD.
INCORPORATION NO. BC0704159
CA1171099

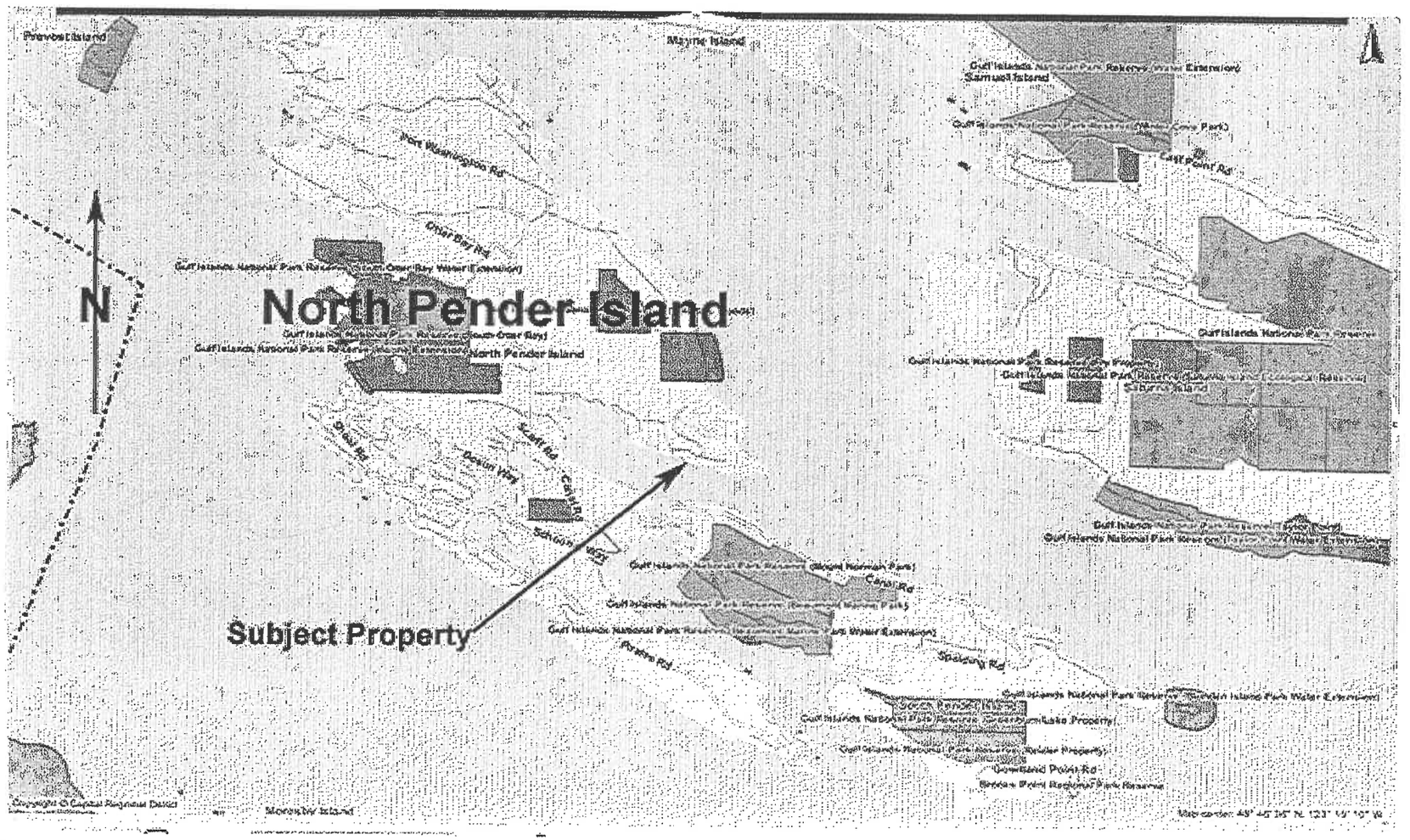
DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

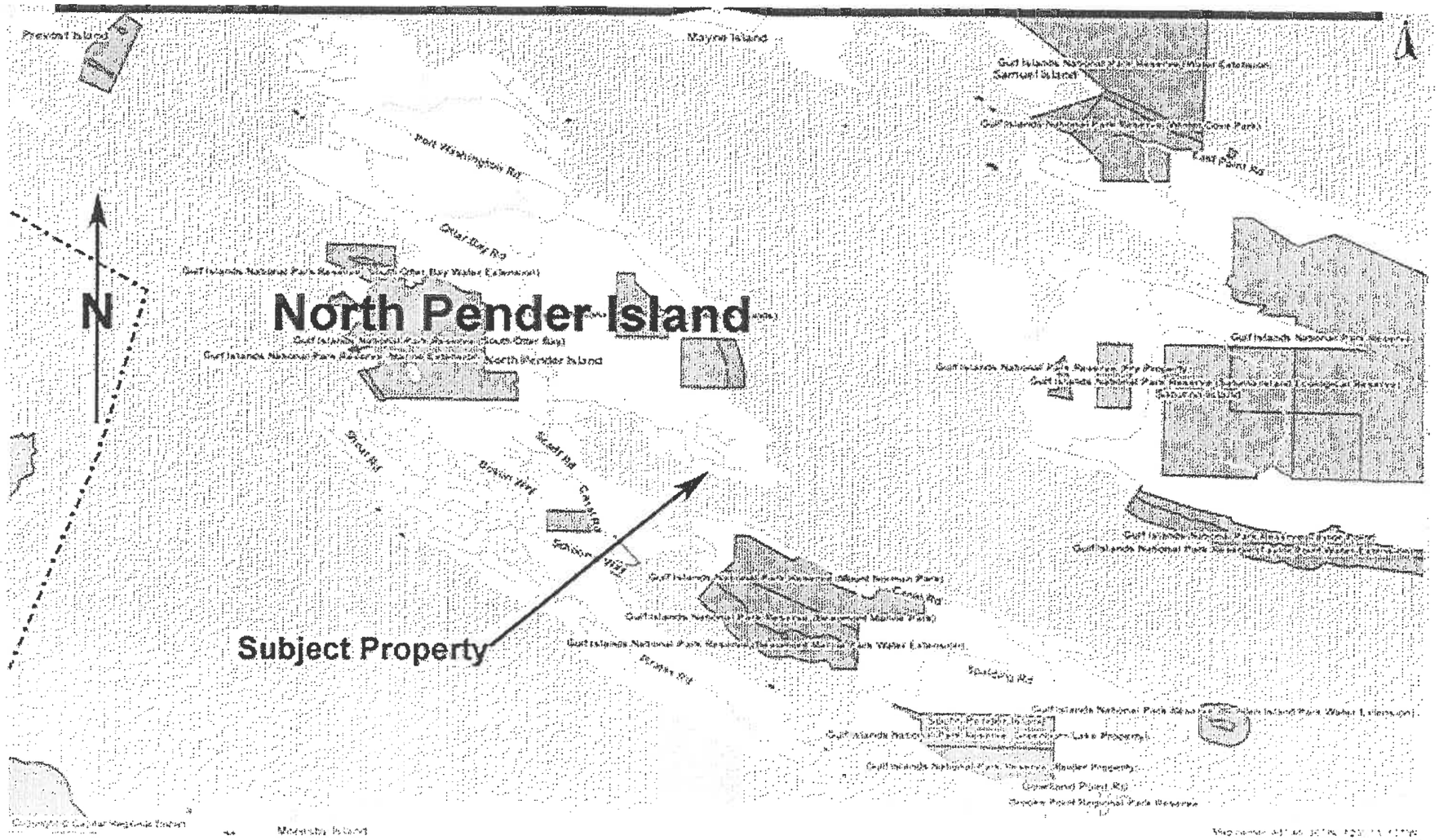
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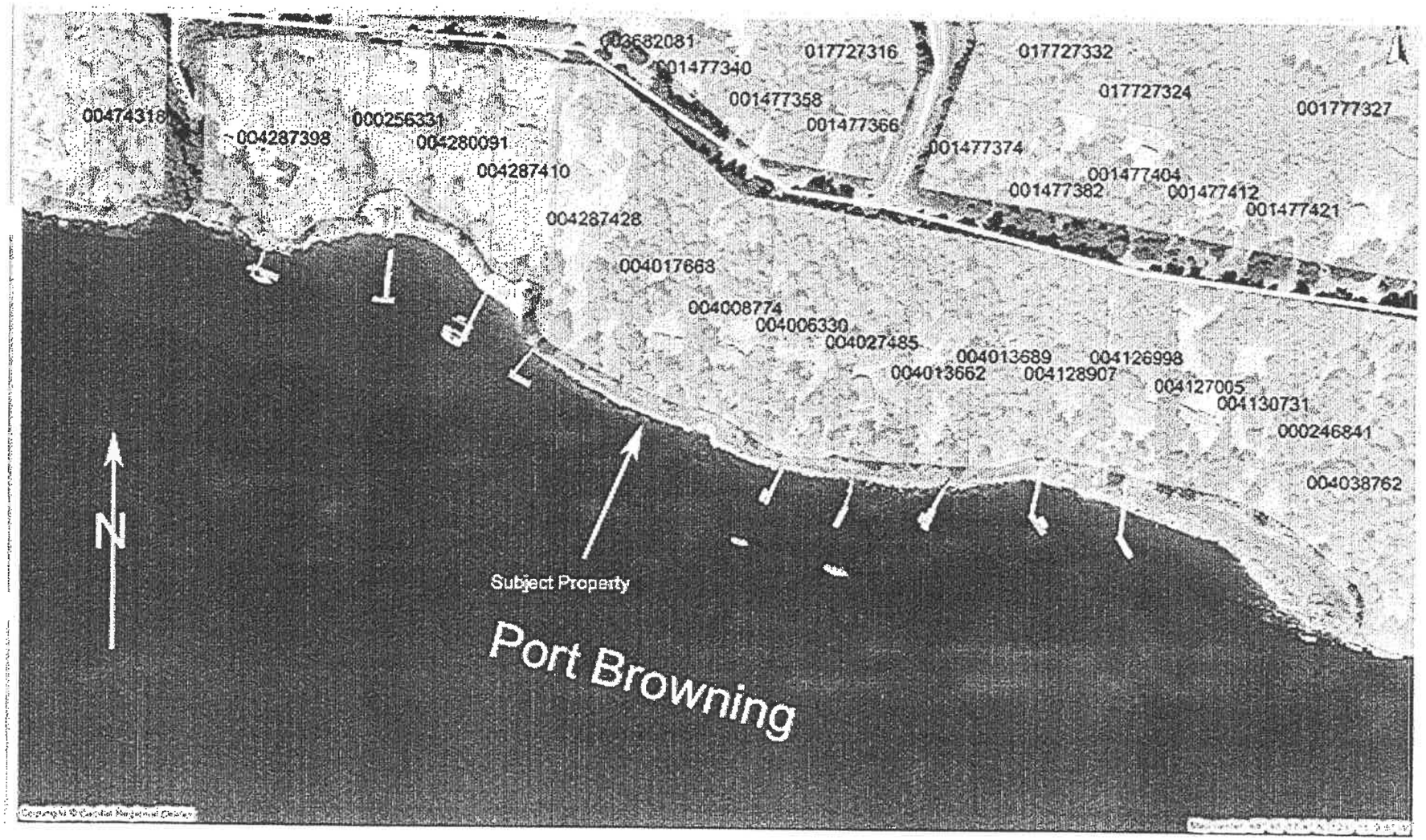
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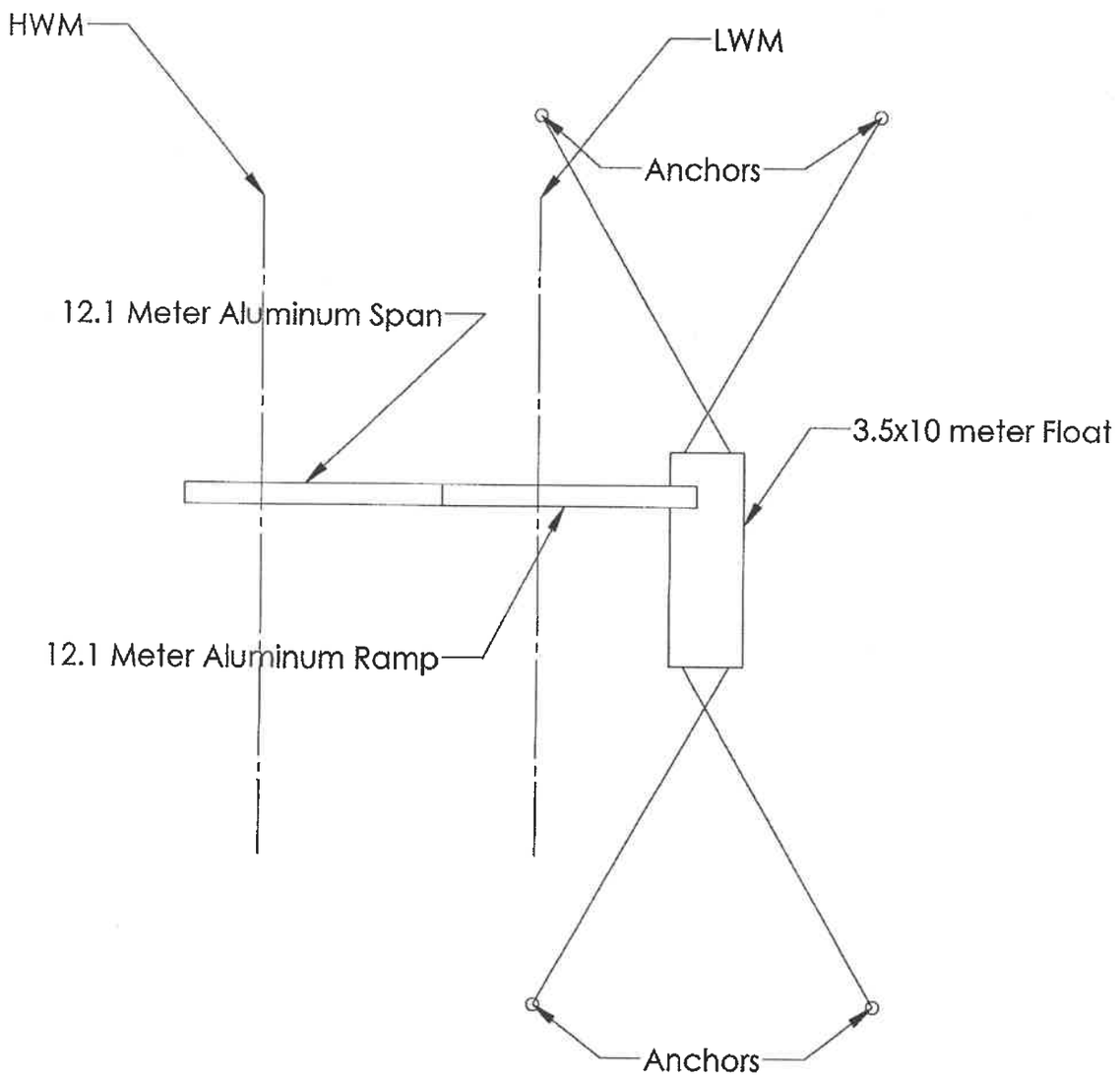
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Samuel Island
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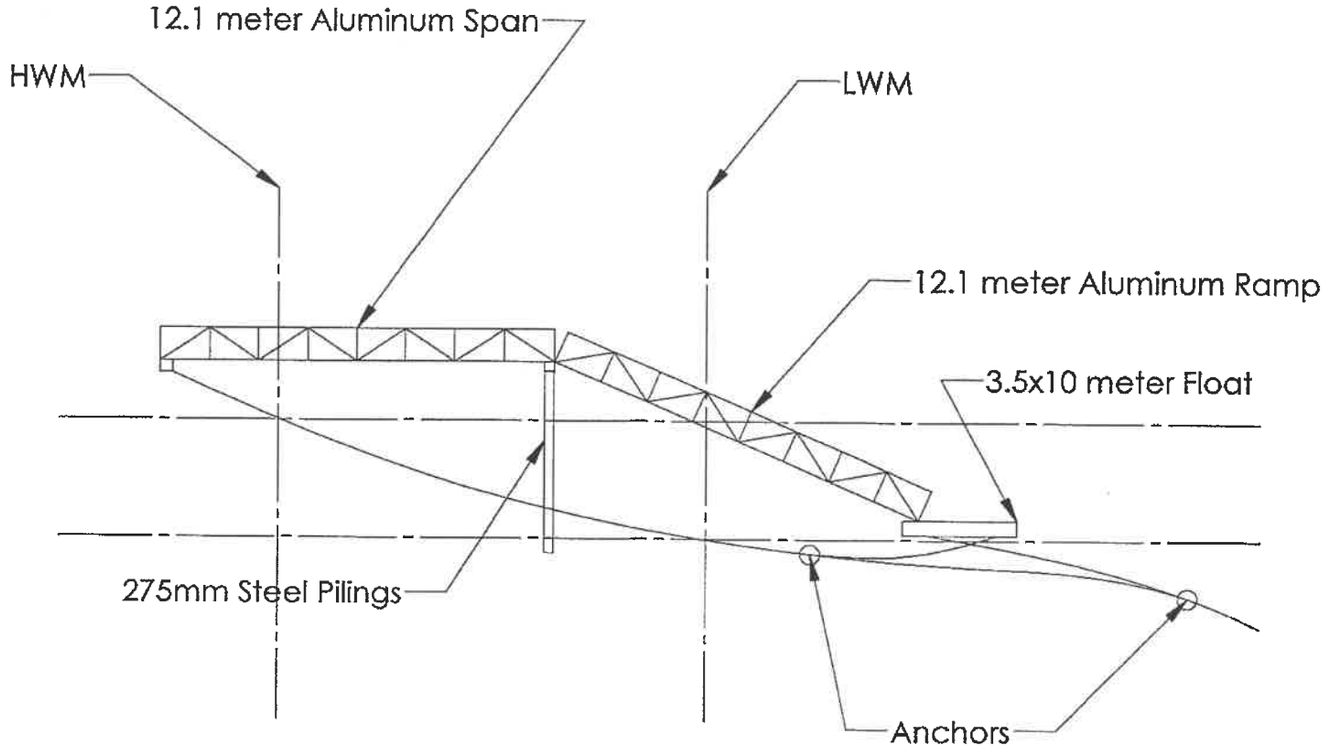
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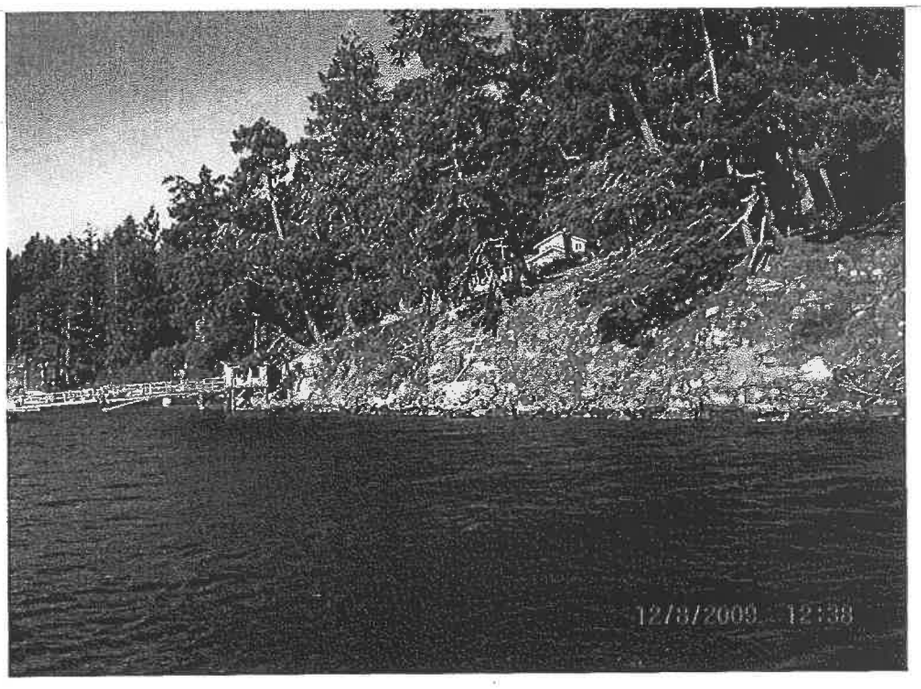


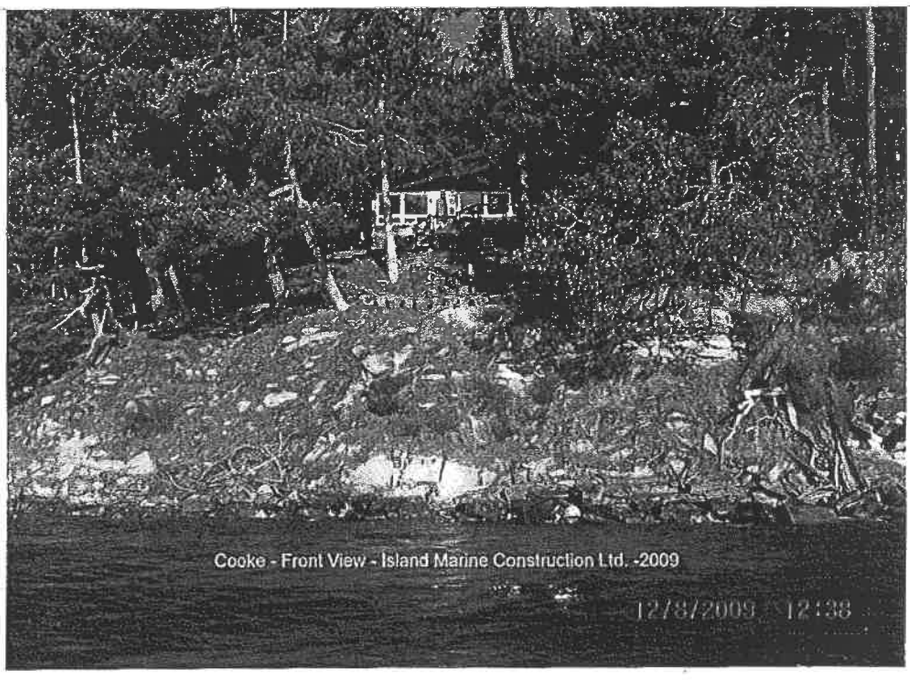
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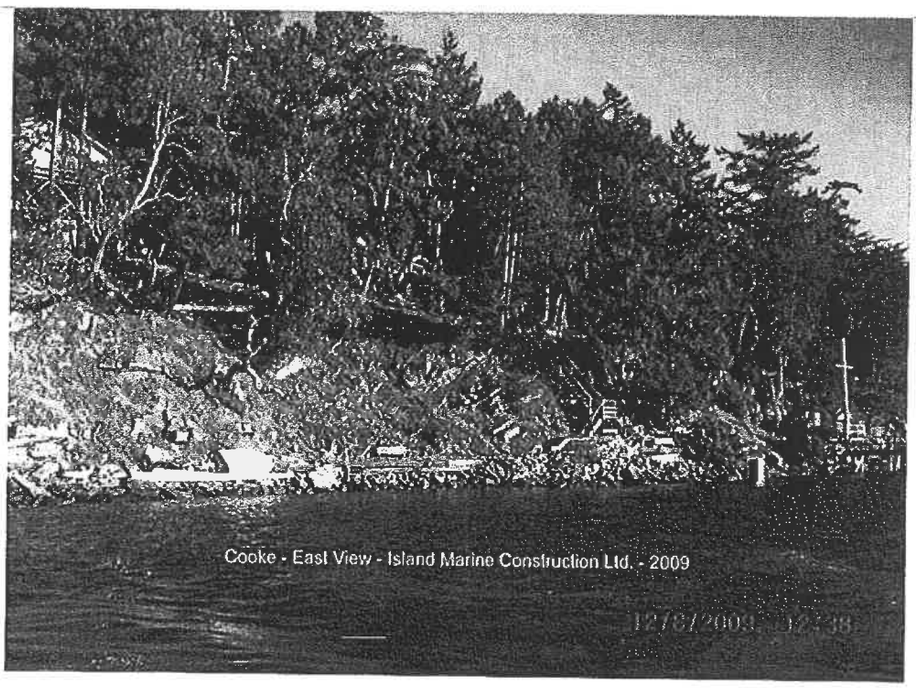
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12/8/2009 12:38


Cooke - Front View - Island Marine Construction Ltd. -2009
12/8/2009 12:38


Cooke - East View - Island Marine Construction Ltd. - 2009

Sharon Lloyd-deRosario

From: West Coast Land Referrals ILMB:EX [WestCoast.LandReferrals@gov.bc.ca]
Sent: January-14-10 3:18 PM
To: Alain.Magnan@dfo-mpo.gc.ca; bob.gowe@tc.gc.ca; Sharon Lloyd-deRosario; Kathy Jones; rlapham@crd.bc.ca; ttaylor@crd.bc.ca
Subject: Referral Request for lands file 1413823 - Private Moorage
Attachments: 1413823 Referral.doc; 1413823 App Pkg.pdf

On behalf of the Integrated Land Management Bureau, please find the attached referral request for lands file 1413823 – Specific Permission.

Please send your responses to: WestCoast.LandReferrals@gov.bc.ca.

Should you have any questions regarding this application, please contact Land Officer, Bonita Wallace at 250 751-7266.

Thank you.

<<1413823 Referral.doc>> <<1413823 App Pkg.pdf>>

Integrated Land Management Bureau

Suite 142 - 2080 Labieux Road

Nanaimo BC V9T 6J9

Phone: 250.751.7220

Fax: 250.751.7224

Email: WestCoast.LandReferrals@gov.bc.ca

"Delivering Corporate Solutions Through Collaboration"

Customer Comments: http://csd.cogix.com/ViewsFlash/servlet/viewsflash?cmd=page&pollid=FCBC_surveys!CSAT

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14/01/2010

BRITISH COLUMBIA

SPECIFIC PERMISSION FOR PRIVATE MOORAGE

Permission No.:

File No.: 1413823

Disposition No.: 882064

THIS PERMISSION is dated for reference November 15, 2010 and is made under the *Land Act.*

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the "Province")

AND:

ROBERT DAVID COOKE
JANET ELIZABETH TAYLOR
12779 20th Ave
Surrey BC V4A 5Z8
As Joint Tenants

(the "Owner")

WHEREAS:

A. The Province has responsibility for the management of Crown land, including foreshore land and most submerged land;

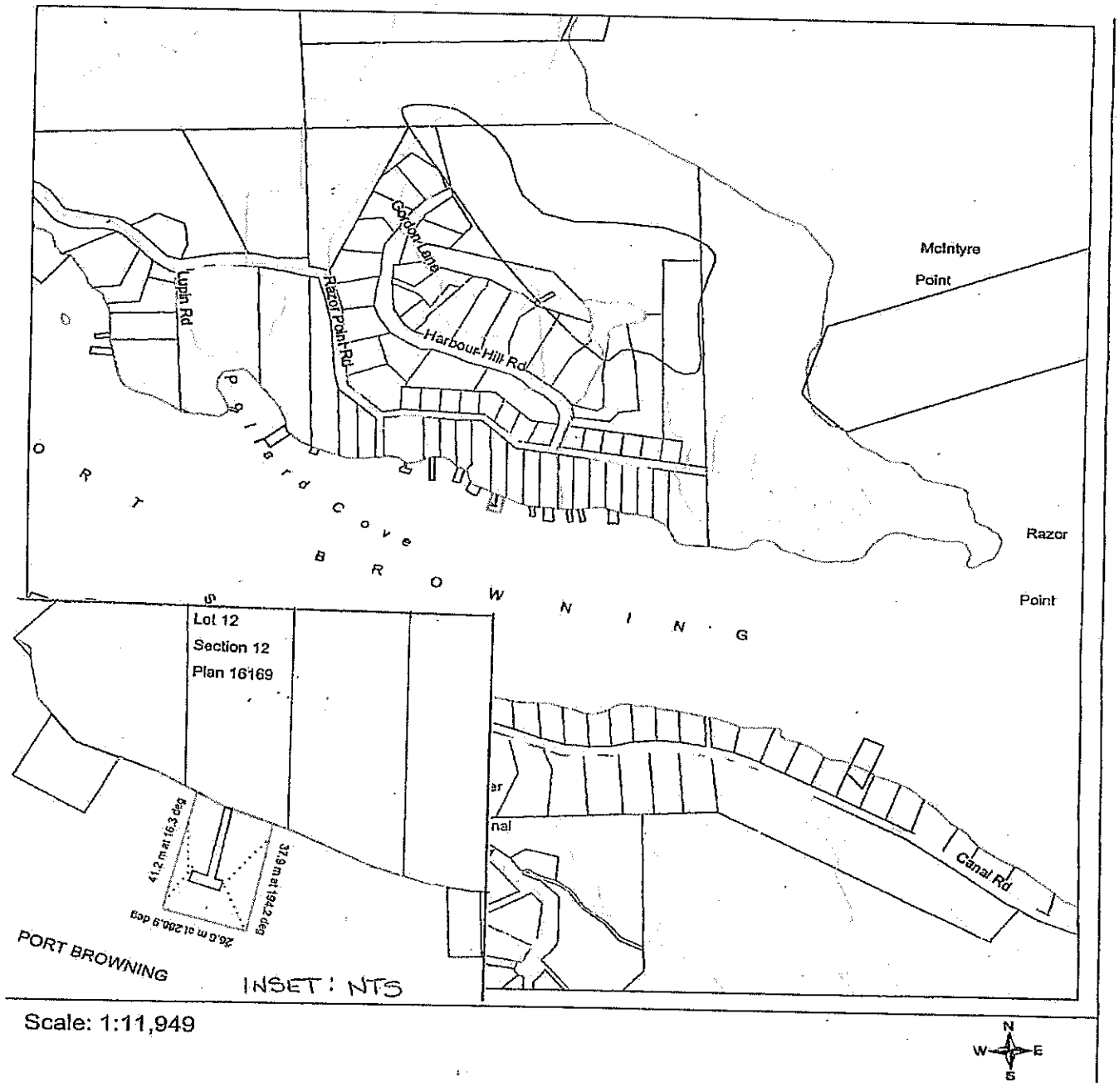
B. The Minister has the authority under section 11 of the *Land Act* to authorize the use of Crown land on terms and conditions which the Minister considers appropriate;

C. The Minister wishes to provide a specific permission for the use of Crown land covered by water in British Columbia for Private Moorage Facility (as herein defined) purposes.

ACCORDINGLY, the Minister grants and the Owner accepts a specific permission for the construction and use of a Private Moorage Facility (as herein defined) on the following terms and conditions.

LEGAL DESCRIPTION SCHEDULE

Unsurveyed Crown foreshore or land covered by water being part of the bed of Browning Harbour, Cowichan District, shown outlined on sketch below, containing 0.105 hectares, more or less.



Management Plan

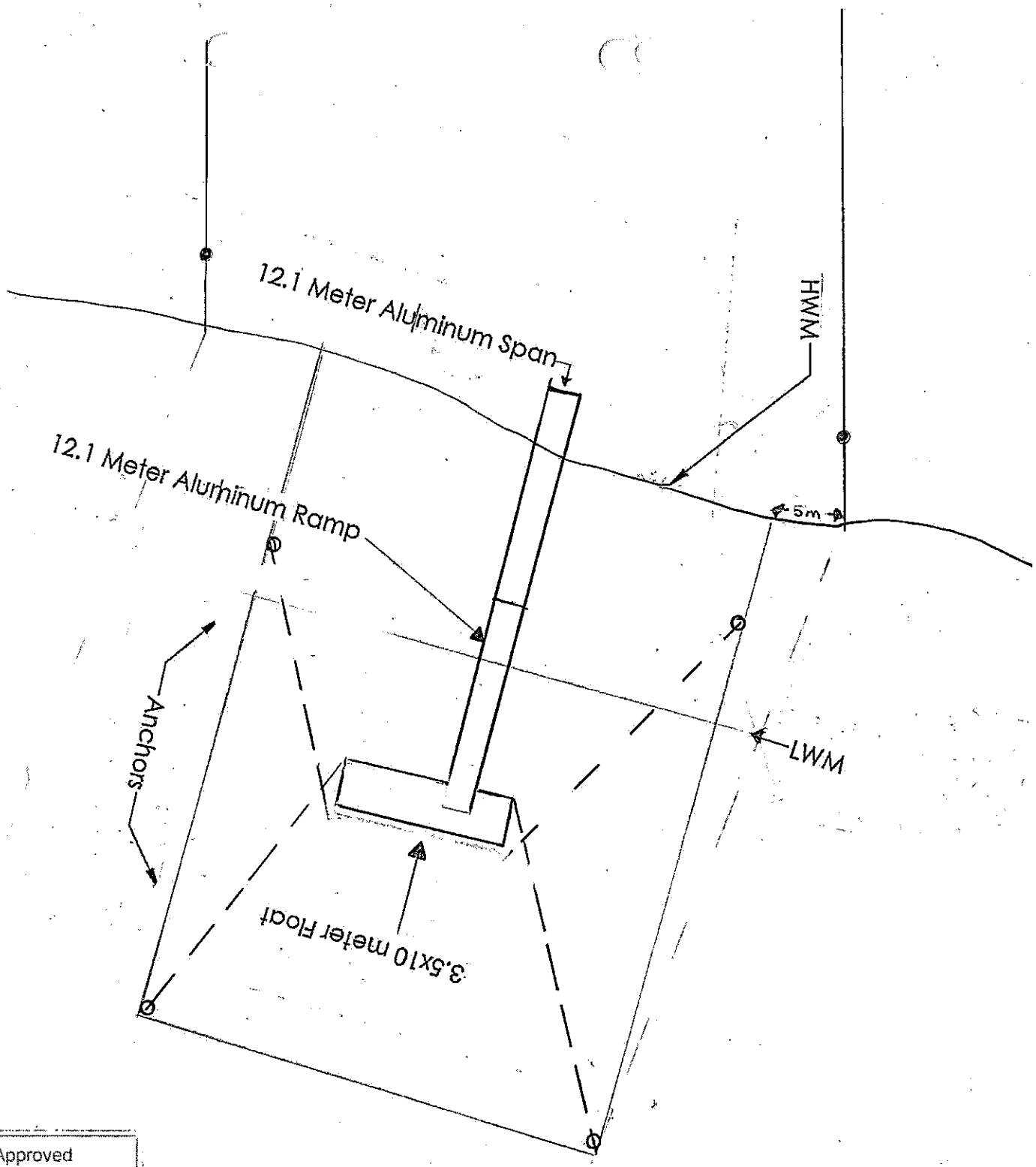
For
Robert David Cooke & Janet Elizabeth Taylor
Residential Moorage Proposal
In the Vicinity of
Razor Point, Pender Island, BC
December 15, 2009

- There are no structures currently on the foreshore.
- From the high water mark we proposed to extend a 12.1 meter Aluminum span. This span will be founded at the high water mark on a concrete pad. The offshore end of this span will rest on a concrete pile cap supported by two 275mm steel pilings driven into the seabed.
- From this location a 12.1 meter aluminum ramp will be hinged, with its offshore end resting on a 3.5meter by 10m heavy timber float.
- The float will be constructed from number one or better coastal Douglas Fir and treated as per "Best Management Practices Standards" the industry standard in British Columbia
- The float will be anchored with heavy Hot Dipped Galvanized chain, precast concrete anchors and rock pins on the inshore side.
- Public access is maintained with a minimum 2.5-metre clearance under the aluminum spans.
- The proposed moorage is for private seasonal use for a 10-metre boat.
- There are no other docks within the twenty five-metre specification as is evidenced by the photos included with this application.

Approved
Development Plan
25 October 2010
Approved by
Date
Replaced by
Date

David McKerrell

For
Robert David Cooke & Janet Elizabeth Taylor



Approved
Development Plan
3 Nov 2010
Approved by
Date
Replaced by
Date

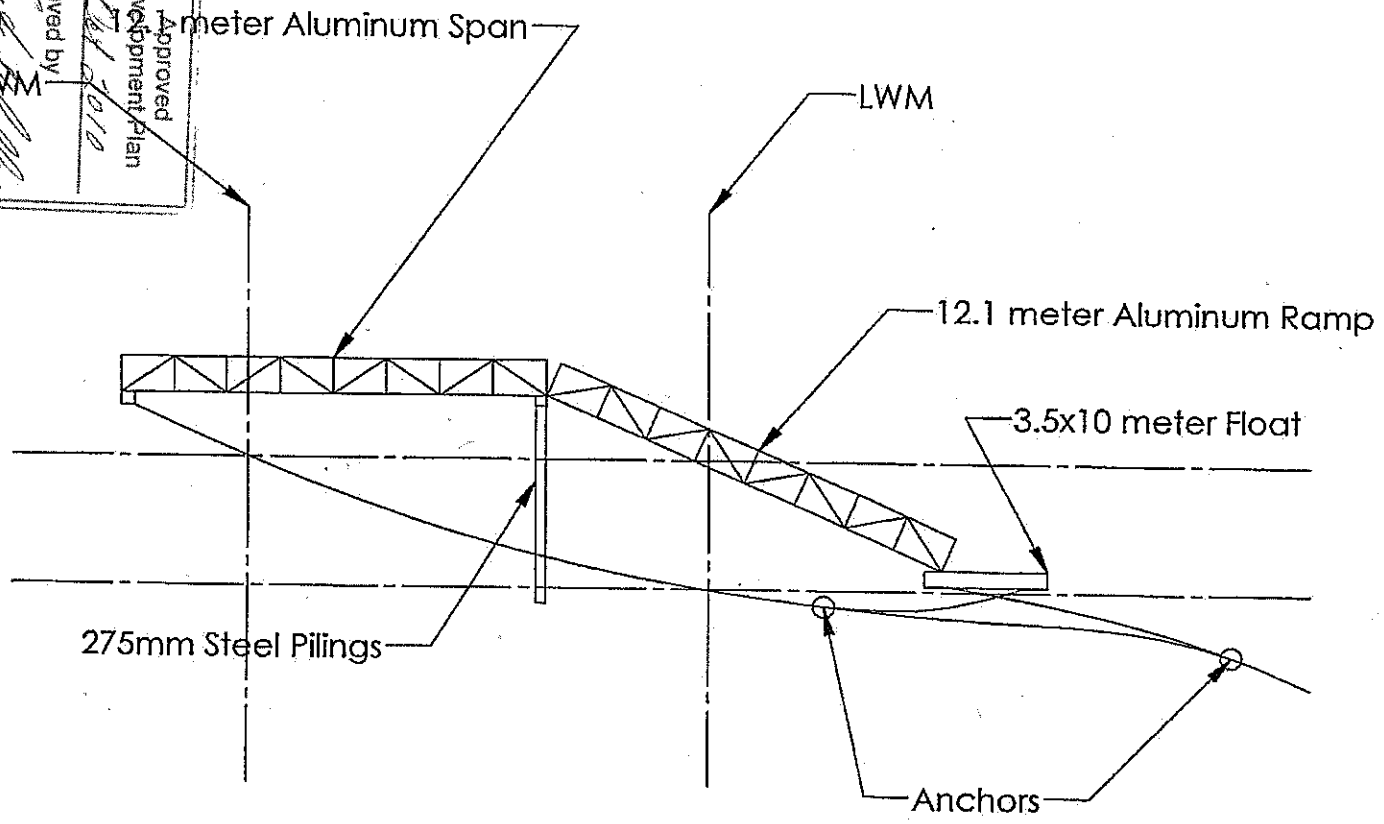
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Replaced by

Date

Approved by

Development Plan Approved



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Island Marine Construction Ltd

TITLE:

Profile Cooke

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SHEET 1 OF 1

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e-mail
salmonkathy@gmail.com

Kathleen Reimer MSc., RPBiologist
Box 289, Ganges P.O.
Salt Spring Island, B.C. V8K 2V9

September 6, 2018

To: The Islands Trust
North Pender Island, B.C.
Attn. Phil Testamale, Planner

Regarding: 6624 Razor Point Road, IT file NP-DVP-2017.3

We have twice visited the subject site on the north side of Browning Harbour. (June 15 and August 29, 2018). The property owners have a B.C. Crown Lands foreshore lease for their existing recreational dock. There is a staircase, wharf, ramp and float already in place (Maps 1,2,4). They are now applying for an Islands Trust variance for the stairs and for the existing float which is approximately 5 meters longer than presently permitted.

The landowners are also requesting a permit to modify the deck, located at the start of the staircase that leads to the foreshore and for the wharf in order to comply with DPA-1 requirements.

The backshore of the property, from the highwater mark to the top of the bank has been identified as an Environmentally Sensitive Ecosystem and is protected as a development permit area. The Islands Trust has required a Biologist Report to support the application and to address the impact of the development on the Woodland Ecosystem.

This report will provide the results of the environmental assessment survey in two sections. Section A will describe the intertidal and marine environment and the dock structures, and Section B deals with the present condition of the Woodland ecosystem and the recommendations for restoration.

Map 1. CRD atlas showing subject site, foreshore lease and photograph locations



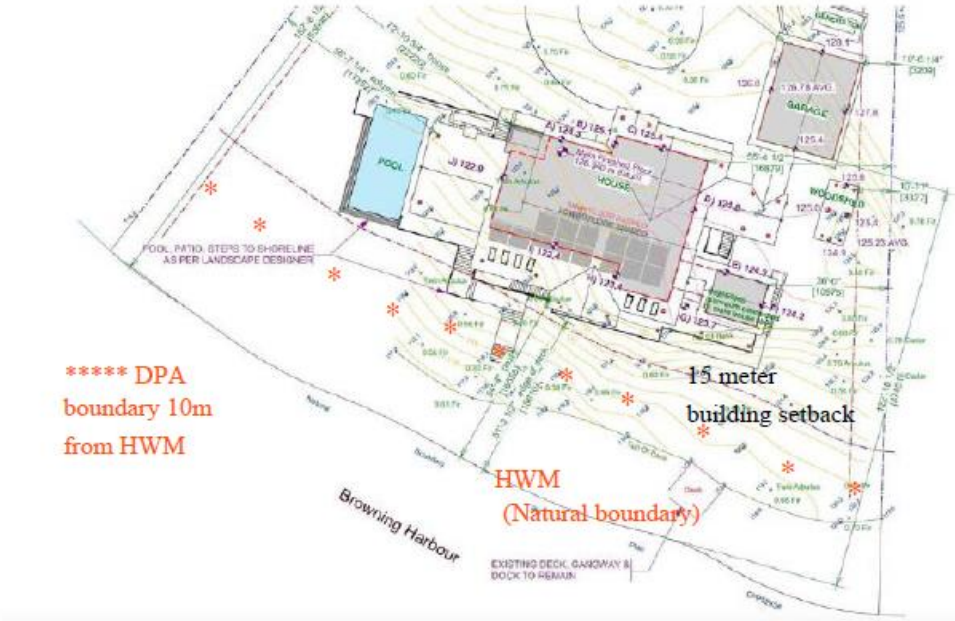
K. Reimer Msc. RPBiologist
Island Stream and Salmon Enhancement Society
salmonkathy@gmail.com

Map 2. Close up view of subject site showing house, rock work and dock



K. Reimer Msc. RPBiologist
Island Stream and Salmon Enhancement Society
salmonkathy@gmail.com

Map 3. Shows house plans, 15m setback from Natural Boundary, contours and existing trees



Photograph 1. View of the house and staircase from the float. The DPA 1 extends 10m. horizontally from the natural boundary of the sea.



Photograph 2. Looking west from the float, shows the steep backshore, the staircase, broom plants, and the neighbors dock to the west



.

Photograph 3. View of the dock from the staircase. *Sargassam* seaweed is seen in the water near the ramp footings



Photograph 4. shows the intertidal area under the wharf. The sealife is mainly small barnacles. In the lower tidal area there were small purple shore crabs *(Hemigrapsus sp.)*



A. Subject site intertidal foreshore assessment

The foreshore is best described as a described as a sandstone bedrock platform with a veneer of boulders. (Photographs 1-4). There were small barnacles *(Balanus sp.)* and rockweeds on the higher tidal boulders. There were purple shore crabs among the boulders at lower tide. The green sea lettuce *(Ulva sp.)* was seen in the intertidal areas *(Fucus sp.)* and the brown seaweed *(Sargassam)* was growing in deeper water.

Photograph 5. Close-up of marine life on the rocks at the dock site shows small barnacles, rock weed and green sea lettuce



There is no sensitive marine habitat near the existing dock and float. There are no harvestable clam beds present. The Islands Trust Fund map shows that there are eelgrass beds to the west and smaller ones to the east from the subject property (Map 4). There was no eelgrass beds or bull kelp *(Nereocystis leutkeana)* found at or near the dock site.
There has been no apparent damage to the foreshore and inter-tidal environment from the construction of the staircase and dock components. There is no evidence of disruption to natural coastal processes as mentioned in section 4.2.10 of the NP Community plan coastal bylaw.

A-1 Foreshore recommendations

The property owner intends to apply for a DVP (variance permit) to allow for the stairs and the size of the float. The deck structure at the top of the staircase (Photo 12) will be modified to comply with Islands Trust Bylaws. The deck is also discussed in Section B of this report.
A checklist must be prepared to provide details of this proposal as the deck is inside DPA-1.

K. Reimer Msc. RPBiologist
Island Stream and Salmon Enhancement Society
salmonkathy@gmail.com

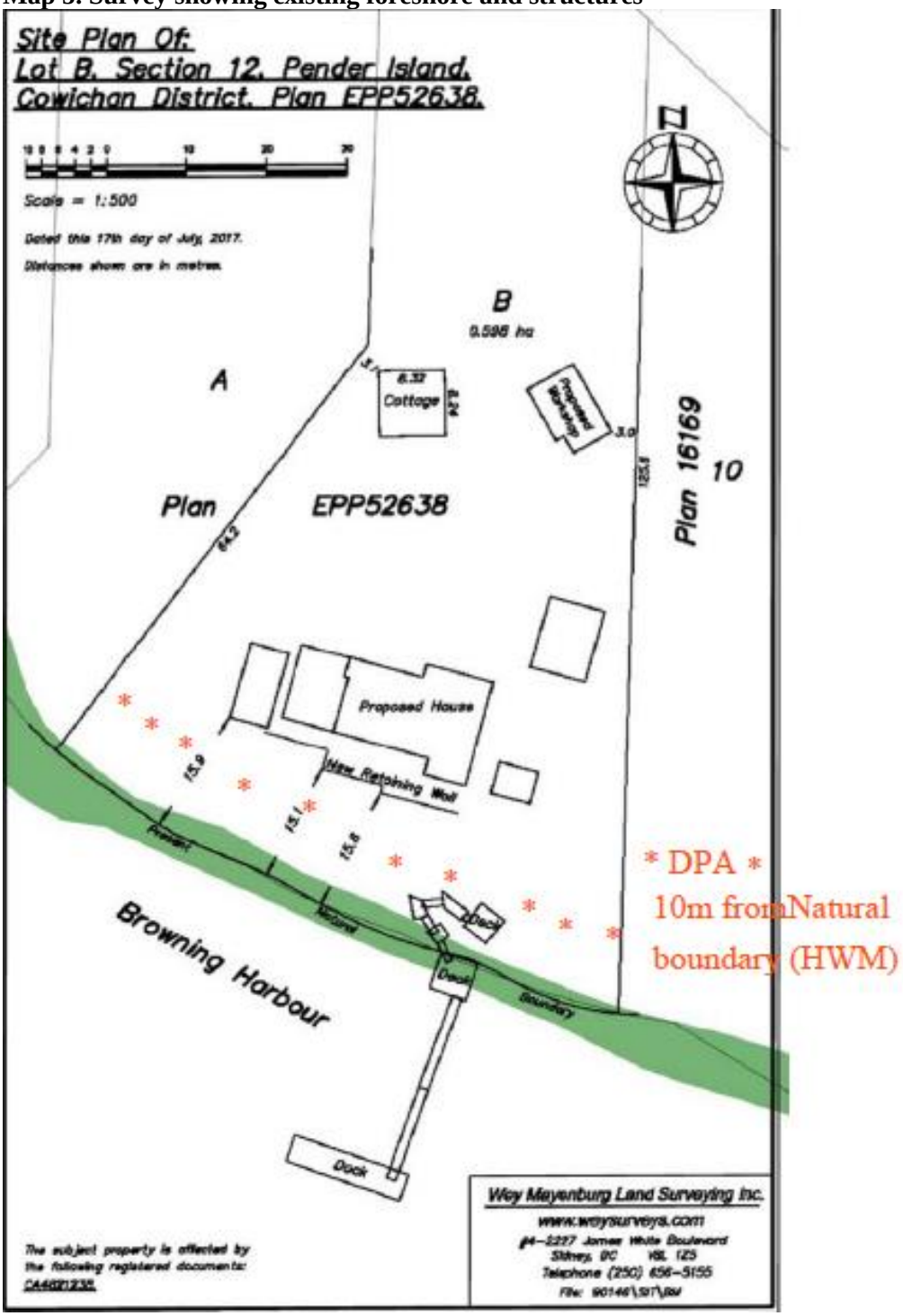
Map 4. North Pender eelgrass bed locations



Photograph 6. Taken at a 2 ft. tide, shows the foreshore, the wharf and ramp.



Map 5. Survey showing existing foreshore and structures



B. Development Permit Area 1. Woodland Ecosystem

B-1 Present condition of the ecosystem

Although Map 5 shows the DPA as a narrow green line, ground proofing has determined that the woodland vegetation extends approximately 10 meters inland from the Highwater Mark (HWM). (Photograph 7-11) The vegetation includes many of the typical woodland species, including Garry Oak, arbutus, tall Oregon grape, hairy honeysuckle and old growth Douglas fir. There is also a natural forest along the east property boundary with salal and mature cedar trees (photos 12-14).

There are large numbers of invasive broom and gorse plants growing along the top of the bank and down the steep backshore.

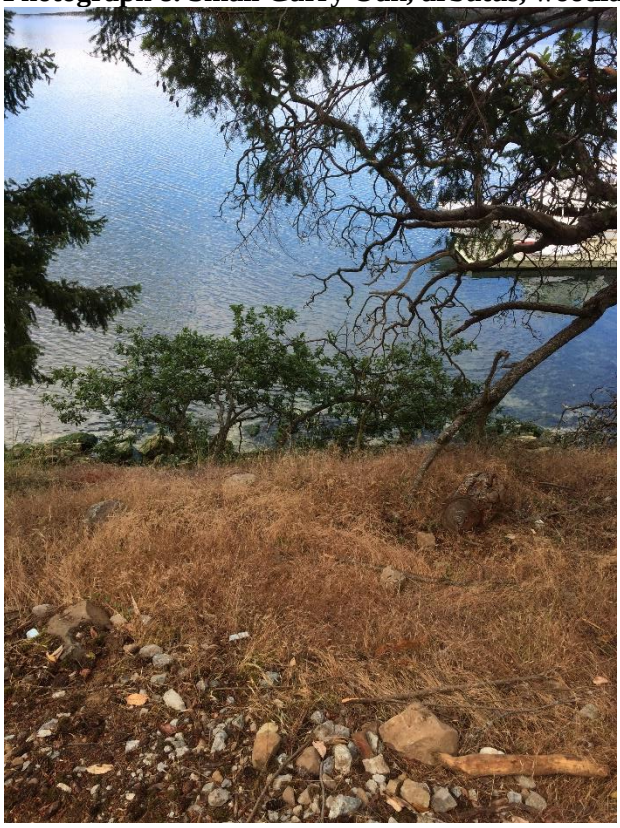
The new residence is setback 15 meters from the HWM and approximately 5m between the house and the DPA has been partially landscaped with large boulders (Map 2).

The property owner wishes to obtain a DPA permit remove the invasive plants and restore the disturbed areas with the appropriate woodland plants. The more formal area outside the DPA near the house would be planted with non-invasive species that provide a transition into the natural woodland ecosystem.

Photograph 7. Shows Arbutus and Douglas Fir trees near west property line, also many invasive broom plants



Photograph 8. Small Garry Oak, arbutus, woodland grasses



Photograph 9. Rock work near the house--proposed restoration area in the foreground



Photograph 10. Proposed Restoration site along west property boundary.



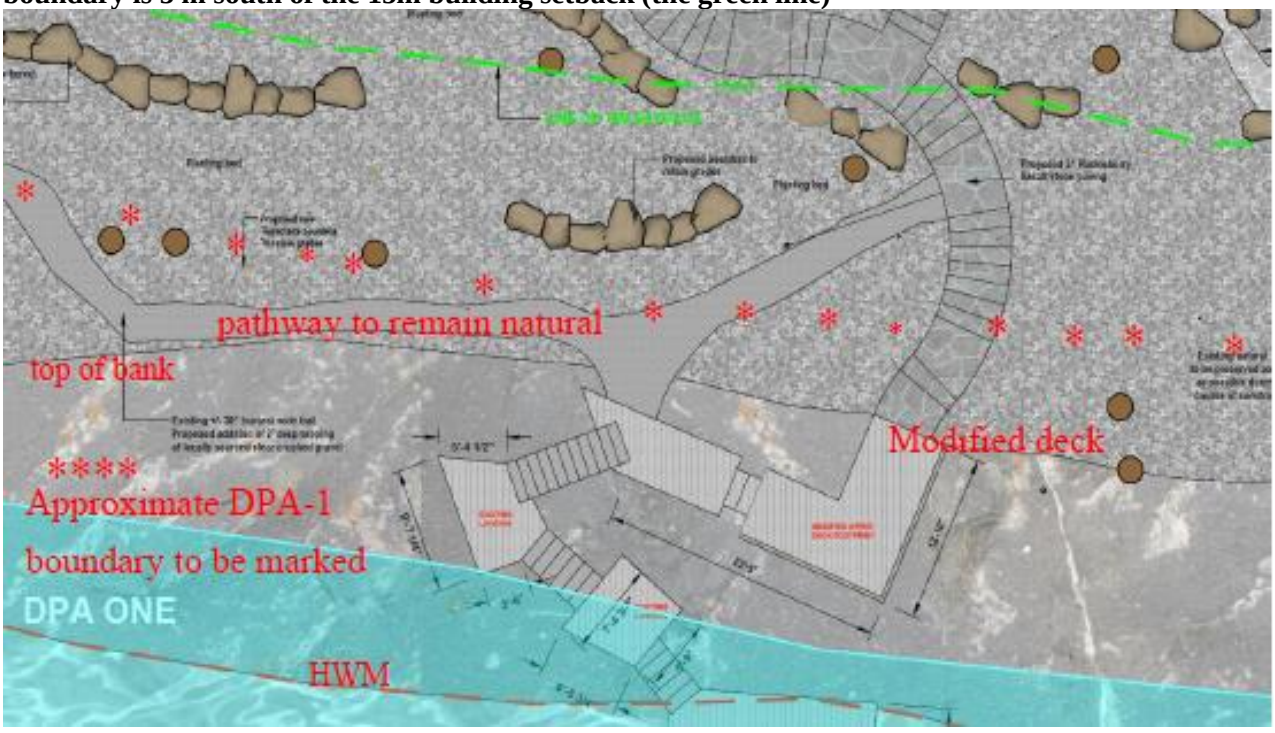
Photograph 11. Woodland DPA near staircase. There are many broom and gorse plants growing along the backshore



Photograph 12. The deck at the top of bank will be modified in size to comply with Island Trust regulations. A natural woodland is seen on the right of the photo see also photo #12



Map 6. Close-up of landscape plan near proposed modified deck. The 10m above the HWM DPA boundary is 5 m south of the 15m building setback (the green line)



Photograph 13. The natural woodland area is located on the subject property between the deck at the top of the staircase and the east property boundary



Photograph 14. View of the DPA from the dock. The natural woodland area is shown on the right



B-2 Woodland DPA Recommendations

The property owners propose to modify the deck structure at the top of the staircase and to restore and protect the natural areas along the backshore. The removal of the invasive plants and restoration of the woodland vegetation in front of the house would be a substantial improvement over the existing condition. There will be a planting plan developed once the restoration project is approved.

There should be no unnatural pathways constructed within the DPA and the ongoing boulder placement for landscaping should not be increased in size that could impact the woodland area. (See Appendixes 1-3)

I also recommend that the whole remaining natural woodland strip along the east property boundary (The cedar-salal grove) be considered part of the Endangered Ecosystem DPA even though it extends past the 10m width from the natural boundary.

Attached to this letter are the Endangered Ecosystem Conservation Guidelines (Appendix 1-3) and the Islands Trust DPA check list information.

The DPA completed checklist includes all the requirements for obtaining the permits and outlines how these conditions will be met.

If all the conditions of the checklist are met there will be minimal environmental impact from the proposed Development Variance Permit activities.

Please let me know if you need more information.

Sincerely,
Kathleen Reimer MSc., RP Biologist

List of references

McFee, Ward P., Kirkby J., et al 1997. Sensitive Ecosystems Inventory. Vol 2. Conservation manual. Canadian Wildlife Service publication.

North Pender Island Community Plan and DPA guidelines

Pojar, Jim and Andy MacKinnon. 1994. Plants of Coastal British Columbia. Lone Pine Publishing, Vancouver B.C.

APPENDIX 1 Management of Woodland Ecosystems-excerpts from Sensitive Ecosystem Conservation Manual

Woodland Ecosystems

Develop Carefully

Where development is allowed in woodland ecosystems, the general development guidelines described in Chapter 4 (page 32) should be followed, namely:

- **Require an ecological inventory conducted by a qualified professional.**
- **Plan, design and implement all land development activities** (including recreational facilities such as trails and access roads, and vegetation management such as danger tree removal and appropriate park maintenance) **in a manner that will minimise impacts to**:
  - The root systems of trees, tree density, tree canopy, tree health, or stand age structure.
  - Shrub, herb, grass, moss, and lichen understorey species.
  - Standing dead and dying trees, fallen trees, snags and downed logs, fallen limbs, leaf litter, and other natural detritus.
  - Soil conditions.
  - Ground or surface water drainage regimes.
  - Nesting and denning sites—development activities should be phased or timed to avoid the spring nesting and breeding season for coastal wildlife.
- **Locate infrastructure away from these ecosystems and their root masses.** For example, generally staying back a distance equal to the height of a tree from its base or 15 metres, whichever is greater, will achieve this.
- **Protect any endangered, threatened, or vulnerable species and natural plant communities (and uncommon plant species) and habitat features associated with woodland ecosystems identified during the planning and inventory**



Cooper's Hawk (BC Gov't)

Most native plant associations in woodland ecosystems could be considered threatened or

APPENDIX 1 Cont'd. Species List included

Woodland Ecosystems

Arbutus—Douglas-fir Woodlands

Arbutus—Douglas-fir woodlands are common on dry sites such as south facing slopes with rocky, nutrient-poor soils. This community exhibits a large variation in composition but it is typically comprised of arbutus with lesser components of Garry oak and Douglas-fir. Pure stands of arbutus sometimes arise after cutting of Douglas-fir and burning. These fire-created stands were not identified as sensitive ecosystems due to their disturbance history.

Understorey species diversity and productivity is typically lower than in Garry oak woodlands due to reduced nutrient levels. Low growth of salal and dull Oregon grape is common in many sites. Invasive species are less common in arbutus—Douglas-fir woodlands than in oak woodlands.

Rare natural plant communities of arbutus—Douglas-fir woodlands

Garry oak/arbutus (R) *(Quercus garryana/Arbutus menziesii)*
Douglas-fir/arbutus (B) *(Pseudotsuga menziesii/Arbutus menziesii)*
Douglas-fir/shore pine/arbutus (B) *(Pseudotsuga menziesii/Pinus contorta* var. *contorta/Arbutus menziesii)*

Plants of arbutus—Douglas-fir woodland ecosystems

Trees	arbutus (*Arbutus menziesii*)
	Douglas-fir (*Pseudotsuga menziesii*)
	Garry oak (*Quercus garryana*), occasionally
Shrubs	oceanspray (*Holodiscus discolor*)
	tall Oregon grape (*Mahonia aquifolium*)
	baldhip rose (*Rosa gymnocarpa*)
	trailing blackberry (*Rubus ursinus*)
	snowberry (*Symphoricarpos albus*)
	salal (*Gaultheria shallon*)
	hairy honeysuckle (*Lonicera hispidula*)
	falsebox (*Paxistima myrsinites*)
Herbs	blue wildrye (*Elymus glaucus*)
	Alaska oniongrass (*Melica subulata*)
	California brome (*Bromus carinatus*)
	Scouler's hairbell (*Campanula scouleri*)
	purple peavine (*Lathyrus nevadensis*)
	yerba buena (*Satureja douglasii*)
	Pacific sanicle (*Sanicula crassicaulis*)
Mosses	electrified cat's tail moss (*Rhytidiadelphus triquetrus*)
	Oregon beaked moss (*Kindbergia oregana*)
	broom moss (*Dicranum scoparium*)

100 Sensitive Ecosystems Inventory Conservation Manual

APPENDIX 2. Islands Trust Woodland Ecosystem DPA guidelines

ADOPTED

5.2.2 DEVELOPMENT PERMIT AREA ONE – WOODLAND ECOSYSTEMS

5.2.2.1 Designation

Development Permit Area One is shown in a generalized representation on Schedule I. The definitive designation and delineation of Development Permit Area One consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

5.2.2.2 Special Conditions or Objectives that Justify the Designation

Woodland Ecosystems are one of the most threatened ecosystems in the region and are nationally, provincially, and regionally rare. Woodland Ecosystems are open deciduous forests, composed of pure or mixed stands of Garry oak or mixed stand of arbutus and Douglas- fir. Mature big-leaf maple can also be found in sites designated as woodland. Woodlands may include non-forested openings, often with shallow soils and bedrock outcroppings. The diverse physical structure of woodland stands (snags, rotten limbs, and logs) increases the range of habitat niches available to different species. A rich assemblage of plants, insects, reptiles and birds are drawn to these ecosystems due to the food sources, habitat and proximity to the ocean.

Garry oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia and have been particularly affected by urban and rural development, fragmentation, and invasive species. It has been estimated that only 5% of historic Garry oak woodlands remain.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive woodland ecosystems.

5.2.2.3 Development Permit Exemptions

In addition to the exemptions listed in 5.2.1.4, the following activities are exempt from any requirement for a development permit in DPA One:

a) the removal of trees, other than Garry Oak, Arbutus, Pacific Yew or Pacific Dogwood, with a trunk diameter of less than 20 centimeter (measured 1.5 metres above the ground), provided that stumps and root systems are not removed.

5.2.2.4 Woodland Ecosystem Guidelines

In addition to the Overall Guidelines and Subdivision Guidelines, the following specific guidelines are applicable to Development Permit Area One (Woodland ecosystems):

1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.

K. Reimer Msc. RPBiologist
Island Stream and Salmon Enhancement Society
salmonkathy@gmail.com

APPENDIX 2 Cont'd

ADOPTED

2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.

3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.

4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.

5. Denning and nesting sites of rare, threatened or endangered species should be protected.

6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.

APPENDIX 3. Woodland Ecosystem information for property owners

WOODLAND ECOSYSTEMS

NORTH PENDER ISLAND DEVELOPMENT PERMIT AREA

What Are They?

Woodland ecosystems are open deciduous, and mixed deciduous-coniferous forests. They are found on North Pender Island in areas where conditions have prevented the establishment of dense coniferous forests.

Woodland ecosystems generally are restricted to rocky knolls, south-facing slopes and ridges where soils are shallow and extremely dry in summer. They are found along the coast of southern British Columbia, Washington, Oregon and California, and exist here because of the warm, dry climate and fire history of this area.

Two woodland ecosystem types are found on North Pender island:

Garry Oak Woodlands
These are biologically rich areas, that support an incredible diversity of plants, including close to 100 species considered to be at risk. In areas with deeper soils, Garry oak woodlands include stunning and diverse wildflower meadows.

Arbutus/Douglas-fir Woodlands
These areas are found on dry south facing slopes with rocky, nutrient-poor soils. They support only a few understorey species such as dull Oregon grape and hairy honeysuckle.

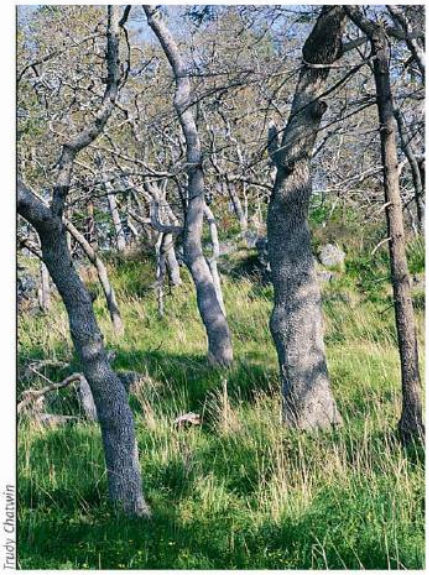


Neil K. Dawe

Why They Are Important

Woodland ecosystems are the most threatened ecosystem type found within the Islands Trust area. They are officially designated as nationally, provincially and regionally rare.

Garry oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia. They have been particularly impacted by development.



Trudy Chatwin

Woodland ecosystems make up only 4.6% of North Pender Island

Their Purpose

The purpose of the Woodland Ecosystems Development Permit Area (DPA) is to offer protection to the remaining woodland ecosystems on North Pender Island by guiding any new development that might occur within them. The areas covered by the Woodland Ecosystems DPA are indicated in Schedule I of the North Pender Island Official Community Plan (OCP).

What Does This Mean?

If you have a property that is wholly or partially located within a Woodland Ecosystems DPA you will need to obtain a development permit from the Islands Trust before undertaking certain new land-altering activities identified in the North Pender Island OCP.

The regular maintenance of existing buildings and landscaping, as well as any development that takes place outside of the DPA does not require a Development Permit.

Islands Trust

APPENDIX 3 Cont'd

Extent of Woodland Ecosystems DPA Areas on North Pender Island



How You Can Protect This Ecosystem

Establish a Surrounding Buffer
A protective vegetated buffer around a woodland area will help protect it from potentially harmful outside influences and disturbance.

Control Invasive Species
The open nature of woodlands and their increasing proximity to new developments makes them particularly vulnerable to the intrusion of non-native species such as Scotch broom and gorse.

Limit Access
Any form of human and domestic animal access may severely affect the understorey vegetation, soil, tree health, or stand age structure in these sensitive and very dry ecosystems.

Maintain the Existing Hydrologic Regime
Surface or groundwater drainage patterns can be easily and detrimentally altered by the construction of roads, trails, houses and gardens. Any changes to these patterns can seriously affect the health of these dry ecosystems.

Consider Establishing a Protective Covenant
Properties with woodland ecosystems may qualify for the Natural Area Protection Tax Exemption Program. This program provides landowners who permanently protect natural features of their land with the opportunity to receive a 65% exemption in property taxes on the protected portion of their land. **www.islandstrustfund.bc.ca/naptep.cfm**



Mark Kaarremaa

Associated Species

Animals
Alligator lizards, garter snakes, songbirds, bats, butterflies

Plants
Garry Oak, arbutus, Douglas-fir, oceanspray, hairy honeysuckle, false box, purple peavine, white fawn lily, common camas, electrified cat's tail moss

Rare Species
Sharp-tailed snake, Propertius duskywing butterfly, Western Screech Owl, apple moss

Ecosystem DPAs guide development in identified ecologically sensitive areas

For More Information

To determine if your land has a Woodland Ecosystems DPA on it consult the North Pender Island Official Community Plan (OCP). Copies of the OCP are available from Islands Trust offices in Victoria and Pender Island, and on-line at:

www.islandstrust.bc.ca/ltc/np

If you have any questions about DPAs please contact Islands Trust staff by phone by dialing 1.800.663.7867 and requesting 250.405.5151 or by email at npi@islandstrust.bc.ca.

DESIGN BY: MASSELINK ENVIRONMENTAL DESIGN

APPENDIX 4.

NORTH PENDER ECOSYSTEMS DEVELOPMENT PERMIT AREA Check List.

DPA 1. Woodland Ecosystem

	Information and Documentation Required		**Comments**
Site Plan	Landscape and dock plan		Submitted separately
Site inventory	Assessment report completed		Assessment report attached
	Site background analysis		Wodland DPA determined to extend 10m from the Natural Boundary
			The building site is 5m from the DPA boundary
			There were no raptor nests or fish bearing watercourses found.
	Rare species none found		Native bulbs and herbs could regenerate once the invasive broom and gorse are removed
	Environmentally valuable resources found on site		The old growth fir trees and the small Garry Oak are important species. It is important to protect the natural cedar/salal grove along the east property boundary behind the fence Photo# 13.
Development Proposal	All the development activities are described in the environmental assessment report		The deck inside the DPA is to be modified (reduced in size) to comply with Islands Trust regulations.
Impact Assessment	The DPA on the top of the bank has been disturbed to build the pathway down to the staircase		Limited stairs and walkways through a sensitive ecosystem are permitted but limited to permit access There should be no formal pathway developed through the entire DPA.
	Site hydrology		There is one stormwater channel along the east boundary of the DPA No other drainage should be directed into the DPA

Measures	Recommended actions		Clearly mark DPA boundary so workers do not disturb the natural areas. Refrain from any formal trail construction
Monitoring	Monitor restored site for regrowth		Develop planting plan for suitable restoration sites
Restoration	Adaptive management necessary		As there may be natural regrowth, new planting should be restricted to bare sites such as that shown in Photo #10 of the assessment report Suitable Native Plants are listed in APPENDIX 1 and 3.

Islands Trust
Preserving Island communities, culture and environment

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Telephone: 250.405.5151
Fax: 250.405.5155
information@islandstrust.bc.ca
North Pender, South Pender, Galiano, Mayne, Saturna, Executive

Salt Spring Office
1 - 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Telephone: 250.537.9144
Fax: 250.537.9145
salt@islandstrust.bc.ca
Salt Spring

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
Telephone: 250.247.2063
Fax: 250.247.7514
northinfo@islandstrust.bc.ca
Denman, Gabriola, Gambier, Hornby, Lasqueti, Thetis

www.islandstrust.bc.ca Toll Free via Enquiry BC in Vancouver 660-2421 Elsewhere in BC 1.800.663.7867

RECEIVED
JUN 13 2017
ISLANDS TRUST

DVP

~~Board of Variance~~ Application Form

Print Form

Office Use Only

Fee Paid: $715.00 Receipt No.: 3626 File No.: NP-DVP-2017.3

REVISED OCT. 9, 2018

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel B Plan EPP52638 Block _____ District Lot/Section 12

Range _____ Other Description Pender Cowichan District

Street Address or General Location 6624 Razor Point Road

Jurisdiction and Folio Number _____ (From Property Assessment/Tax Notice)

Parcel Identifier (PID) 029 762 022 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information

Robert David Cooke
Name
12779 20th Ave
Street Address
City Surrey Region BC
Postal/Zip Code V4A 5Z8
Telephone _____
Fax _____
E-mail bcooke@divismechanical

Second Owner Information

Janet Elizabeth Taylor
Name
12779 20th Ave
Street Address
City Surrey Region BC
Postal/Zip Code V4A 5Z8
Telephone _____
Fax _____
E-mail belmonttobc@gmail.com

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name ~~Brad Johnson~~ Street Address ~~6393 Bella Vista Drive~~

City ~~Victoria~~ Region ~~B.C~~ Postal/Zip Code ~~V8Z 7G6~~

Telephone ~~250 727-1413~~ Fax _____ E-mail ~~brad@coastalconstruction.ca~~

RE: GT

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Describe the current uses of the land and buildings on the property.

New single family dwelling and detached garage currently under construction

SECTION 5: Provide one full-scale, and three (3) reduced (11 x 17) copies of a detailed site plan and other drawings that must include the following:

- ☐ existing and proposed uses on parcel
- ☐ existing bylaw requirements and proposed variance with accurate dimensions
- ☐ uses of existing and proposed buildings
- N/A ☐ dimensions and/or floor areas of existing and any proposed buildings
- N/A ☐ height of existing and proposed buildings/additions
- ☐ setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- ☐ setback of existing and proposed septic field to natural boundary of the sea and watercourses (where applicable)
- ☐ parking areas including numbered parking stalls, aisle widths, stall dimensions (where applicable)
- ☐ all wetlands, sewage disposal field(s), septic tanks, wells, drainage areas, ponds and topography
- ☐ landscaping showing existing and proposed landscaping. Also, include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required.
- ☐ evaluation plan

SECTION 6: Describe the proposed variances to the bylaw requirements that are needed for the proposed development of the property. On your site plan, show the existing bylaw requirement and your proposed variance with accurate dimensions.

Variance required for an access stair from main lower deck area to connect to an existing pathway and stair to the lower deck and ramp to dock

AS PER ATTACHED VARIANCE SUMMARY OF ITEMS

R.C. GT

SECTION 7: Describe the reasons for the proposed variance and why the current bylaw requirements cannot be met in the proposed development.

The lower deck on the house sits right on the edge of the allowable building area making location of this natural staircase push into set back SEE SUMMARY OF ITEMS

R.C. GT

SECTION 8: Describe how the property and the surrounding lands may be affected by the proposed variance, show any of the affected features on your site plan, and describe how you propose to mitigate.

No surrounding lands should be affected and variance has no negative affects on this property

SECTION 9: Describe any consultation you have done with your neighbours.

closest property to this variance is owned by the applicants

SECTION 10: APPLICATION COMPLETION CHECKLIST

- ☐ I have completed all sections of this application form
- ☐ I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- ☐ I have included recent State of Title Certificate (not more than 30 days old)
- ☐ I have included copies of all covenants registered against this title
- ☐ All owners listed on the title have signed the application
- ☐ I have included the correct fee (Contact Islands Trust staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 11: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization

[redacted]
Consent and Authorization Signature

JUNE 13, 2017
Date

Second Consent and Authorization

J. Taylor
Consent and Authorization Signature

JUNE 13, 2017
Date

Print Form

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.

Cooke Variance Application

VARIANCE SUMMARY OF ITEMS

1) Modify the existing deck at the top of the stairs that lead down to the dock to comply with DPA 1 requirements. Deck is currently 3.66m x 3.66m. Reduce to 1.5 meters width in an L shape as per submitted plan.
2) Retain the existing stairs down to the dock. Landings exceed the 1.2-meter width however are a safety feature to allow resting and passing points & permit safe access to the hillside for control of broom plants. We are requesting this as part of the variance.
3) The existing wharf at the bottom of the stairs is 23.8 square meters. We propose to modify this by reducing the decking to 1.5 meters in width in an L shape from the bottom of the stairs to the head of the ramp.
4) We are requesting a variance for the existing float which is 55.78 square meters and thus exceeds the 37 square meter maximum water area coverage that is permitted. Please see the attached Biologists report which indicates no environmental impact apparent or expected from this float.
5) As an offset to allowing the above variances we are proposing to rehabilitate the DPA 1 woodland area by removing invasive species, planting native species and including more of our property in the DPA 1 woodland area as described in the attached Biologist's report.
6) All items listed above will be completed within six months of notification of approval of the DVP.

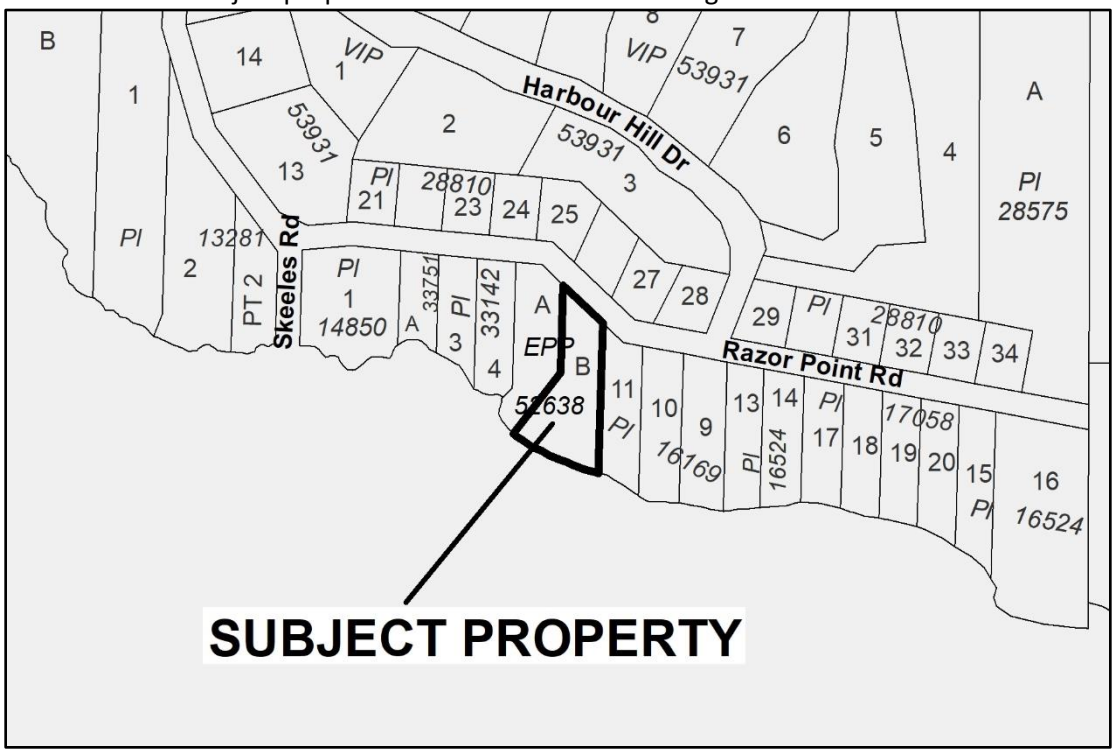
NOTICE
NP-DVP-2017.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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:

a) Subsection 3.7.2 which, in part, limits the width of walkways and stairways to 1.2 metres (3.9 feet) within the setback area of 15 metres (50 feet) from the Natural Boundary of the Sea, to permit numerous walkway elements ranging in width from 1.5 metres (4.9 feet) to 2.3 metres (7.5 feet); and,
b) Article 8.19.6 (1) which states the maximum area that may covered by floats and wharves is 37 m² (398 ft²) to permit an existing float 55.8 m² (600 ft²) in area.

The property is located at **6624 Razor Point Road** - Lot B, Section 12, Pender Island, Cowichan District, Plan EPP52638 (PID: 029-762-022)

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 **November 16, 2018** and continuing up to and including **November 28, 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 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 28 , 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 a.m., November 29, 2018**, at the **Anglican Church Hall**, on North Pender Island.
All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Sharon Lloyd-deRosario, Deputy Secretary

PROPOSED

NORTH PENDER LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2017.3

To: Robert Cooke and Janet Taylor

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

   Lot B, Section 12, Pender Island, Cowichan District, Plan EPP52638
   (PID: 029-762-022)

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

   a) Subsection 3.7.2 which states that walkways and stairways not exceeding 1 metre (3.3 feet) in height and a width of 1.2 meters are exempt from Subsection 3.7.1, that being the 15 metres (50 feet) siting setback from the Natural Boundary of the Sea, is varied to permit:
      (i) a walkway not exceeding a width of 1.5 metres (4.9 feet) shown as 'A' on Schedule 'A' attached to and forming part of this permit;
      (ii) a walkway not exceeding a width of 1.5 metres (4.9 feet) shown as 'B' on Schedule 'A' attached to and forming part of this permit
      (iii) a walkway not exceeding a width of 2.0 metres (6.6 feet) shown as 'C' on Schedule 'A' attached to and forming part of this permit; and,
      (iv) a walkway not exceeding a width of 2.3 metres (7.5 feet) shown as 'D' on Schedule 'A' attached to and forming part of this permit.

   b) Article 8.19.6 (1) which states the maximum area that may covered by floats and wharves is 37 m^2 (398 ft^2) is varied to permit a float 55.8 m^2 (600 ft^2) in area shown as 'E' on Schedule 'A' attached to and forming part of this permit.

   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.

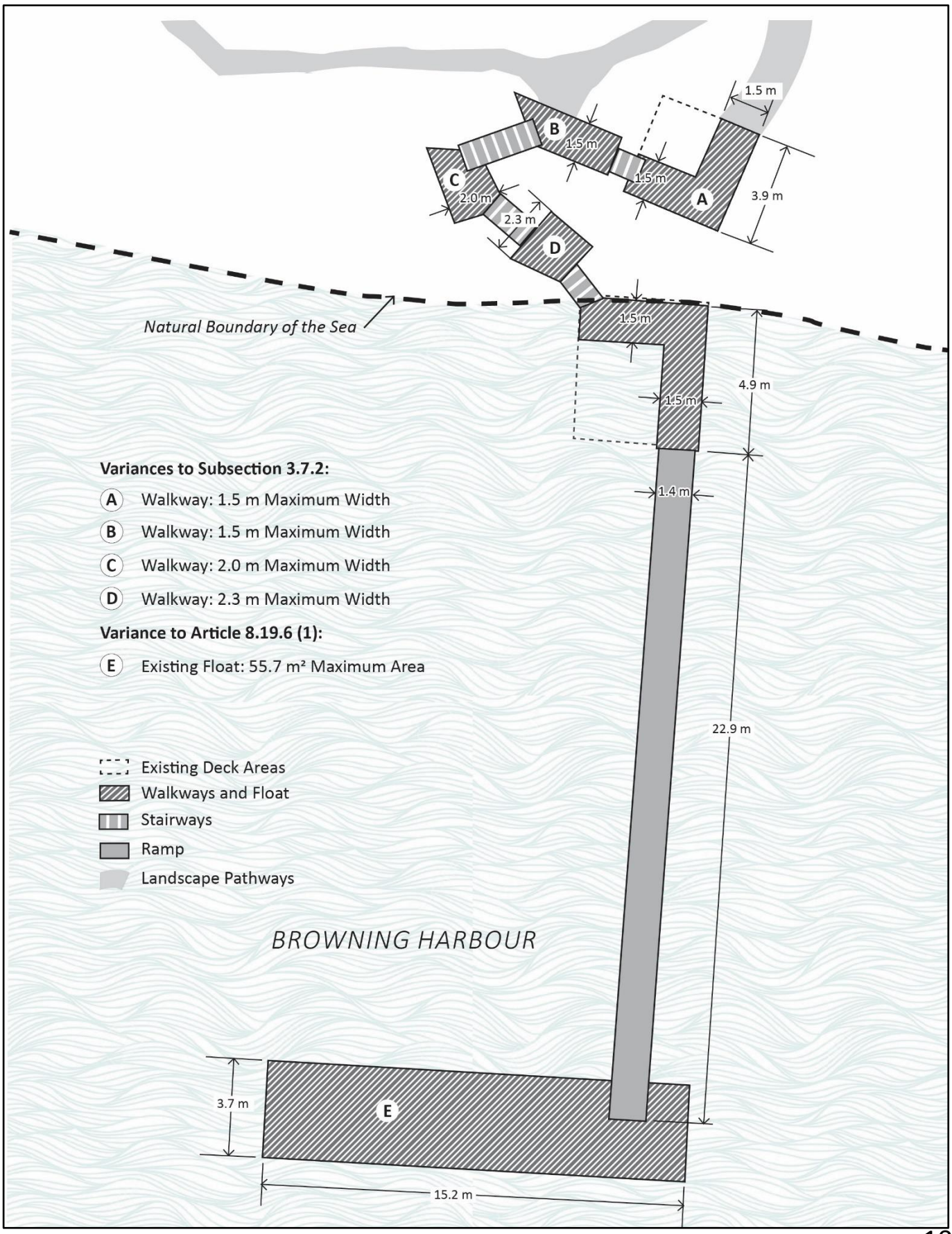
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

_____
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.

SCHEDULE 'A'


1.5 m
B
1.5 m
1.5 m
A
3.9 m
C
2.0 m
2.3 m
D
Natural Boundary of the Sea
1.5 m
4.9 m
1.5 m
1.4 m
22.9 m
Variances to Subsection 3.7.2:
A Walkway: 1.5 m Maximum Width
B Walkway: 1.5 m Maximum Width
C Walkway: 2.0 m Maximum Width
D Walkway: 2.3 m Maximum Width
Variance to Article 8.19.6 (1):
E Existing Float: 55.7 m² Maximum Area
Existing Deck Areas
Walkways and Float
Stairways
Ramp
Landscape Pathways
BROWNING HARBOUR
3.7 m
E
15.2 m

Attachment 11- DPA Checklist: NP-DP-2018.9 (Cooke)
Retroactive Construction in DPA

Guidelines		Comments
	Overall DPA Guidelines	
1.	Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	N/A
2.	Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Structures already in place.
3.	The area cleared and disturbed for development should be minimized.	No further disturbance of ecosystem proposed.
4.	Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	(“)
5.	Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	(“)
6.	Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Recommendations of Biologist and conditions in DPA.
7.	Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	No further disturbance of ecosystem proposed.
8.	Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Remediation/enhancement recommendations of Biologist will improve ecosystem and habitat.
9.	Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Yes. Conditions in DP

Guidelines		Comments
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No further disturbance of ecosystem proposed.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Recommendations of Biologist and conditions in DPA.
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	N/A
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	Recommendations of Biologist and conditions in DPA.
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	Yes
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	Reduction in size of shoreline structures part of proposal.
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	N/A
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	
	b) fencing, flagging and posting of notices during construction;	
	c) limits on blasting in sensitive areas;	N/A
	d) limits on construction timing;	N/A
	e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	

Guidelines		Comments
	f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Recommendation of Biologist and condition in DPA.
18.	The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	Variance under separate application (NP-DVP-2017.3)
	Woodland Ecosystem Guidelines	
1.	Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.	No further disturbance of ecosystem proposed.
2.	Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	Condition in DPA.
3.	Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	Condition in DPA.
4.	Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	N/A
5.	Denning and nesting sites or rare, threatened or endangered species should be protected.	N/A
6.	Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow existing contours of the site, utilize small concrete pilings and have gaps between boards.	Yes – see report body

Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2018.9

To: Robert Cooke and Janet Taylor.

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

   Lot B, Section 12, Pender Island, Cowichan District, Plan EPP52638
   (PID: 029-762-022)

2. This Development Permit NP-DP-2018.9 authorizes the construction or alteration of structures (walkways), invasive species removal and restorative planting as identified on Schedule 'A' within Development Permit One – Woodland Sensitive Ecosystem (DPA) as designated in the North Pender Islands OCP Bylaw No. 171, 2007 ('OCP'), subject to the following requirements and conditions:

Siting

a) The siting and size of structures shall be as shown on the Development Permit Area Plan attached to and forming part of this permit as **Schedule 'A'.**
b) Any new path construction shall be comprised only of natural, permeable materials.

Drainage and Construction Management

c) There is to be no further clearing and tree removal within the DPA with the exception of invasive species.
d) All permanent and temporary stormwater drainage shall be directed away from the DPA with the exception of the one, existing channel as identified by the monitoring Qualified Environmental Professional (QEP) Kathy Reimer, RPBio.
e) All necessary measures are to be taken to protect the DPA area from sedimentation, specifically:
   i. Construction and landscaping should be undertaken during dry weather and not during periods of prolonged rainfall;
   ii. Prior to commencing construction, and for the duration of construction, temporary fencing should be erected along the upland boundary of the DPA as shown on **Schedule 'A'** for the width of the property;
   iii. Prior to commencing construction, and for the duration of construction, silt fencing shall be upland of the DPA as shown on **Schedule 'A'** for the width of the property, all in accordance with the specification Erosion and Sedimentation Control Measures attached to and forming part of this permit as **Schedule 'B'**; and,

iv. Any soils exposed or deposited for a period of greater than two (2) weeks shall covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).

Invasive Species Removal

f) All invasive species, such as Scotch broom and spurge-laurel should be removed with caution as per the 'Woodland DPA Restoration Plan and Estimation of Costs' attached to and forming part of this permit as **Schedule 'C'.**

Restorative Planting

g) All new plantings shall include only native species and in accordance with the 'Woodland DPA Restoration Plan and Estimation of Costs' attached to and forming part of this permit as **Schedule 'C'.**

h) All new plantings shall be restricted to bare sites within the DPA to allow for natural regrowth to occur.

i) The planting cited in g) and h) (above) shall take place in the wet winter months (November to March) to allow plant establishment, and shall be done under the supervision of the monitoring Qualified Environmental Professional (QEP).

j) All plants shall be watered regularly for the first year after planting, and shall be protected from animal foraging by protective fencing or caging.

Security

k) Pursuant to Section 502 of the Local Government Act, the Local Trust requires security to ensure that any conditions respecting invasive plant species removal and restorative planting in the DPA are satisfied:

i. Where the Local Trust Committee considers that a condition in the permit invasive plant species removal and restorative planting in the DPA has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the restoration condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.

ii. Any interest earned on the security provided under Condition 2.k.iii shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

iii. The security provided by the permit holder shall be in the form of:

a. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;

b. Payable to the Islands Trust; And,

c. In the amount of 125% of the quoted landscaping cost totalling $1831.25 based upon the cost estimate provided by Kathy Reimer, RPBio. received November 20, 2018.

iv. Where the development authorized by this permit has been completed or the permit has lapsed prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 2.k.i of this permit, provided that the conditions have been met.

Monitoring

l) The QEP shall monitor the preparation and replanting of the DPA.

m) The monitoring QEP shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions within this permit as issued within one (1) month of the development work being completed.

3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

4. The area described herein shall be developed substantively 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.

5. This permit does not relieve the applicant from complying with the provisions of the North Pender Associated Islands Land Use Bylaw No. 148, 2003 nor from acquiring required approvals from other agencies including, but not limited to, the Capital Regional District and the Ministry of Transportation and Infrastructure.

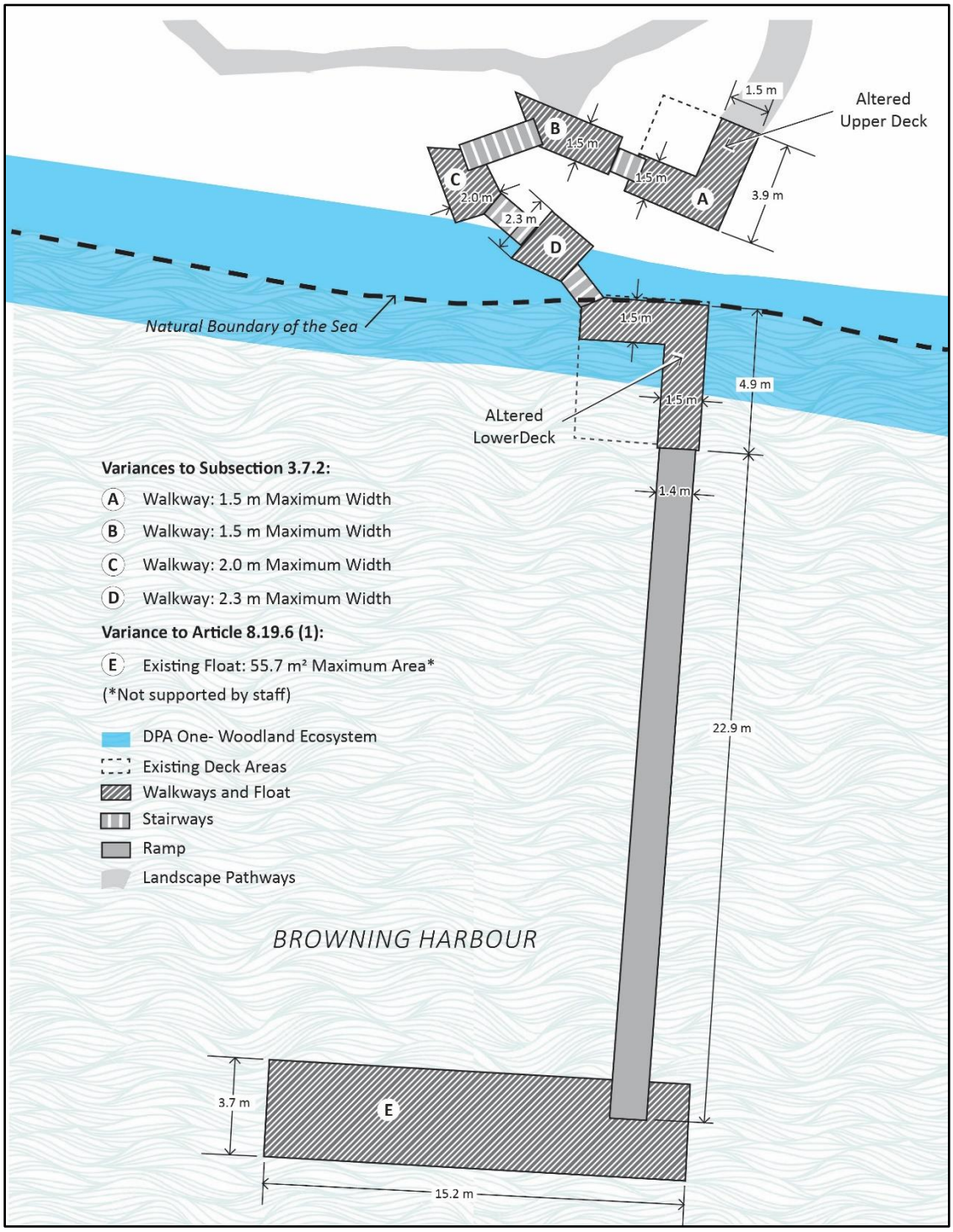
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS rd DAY OF , 2018.

_____ ___, 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 2018.9
Schedule 'A'
Site Plan



NNORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2018.9
Schedule 'B'
Erosion and Sedimentation Control Measures

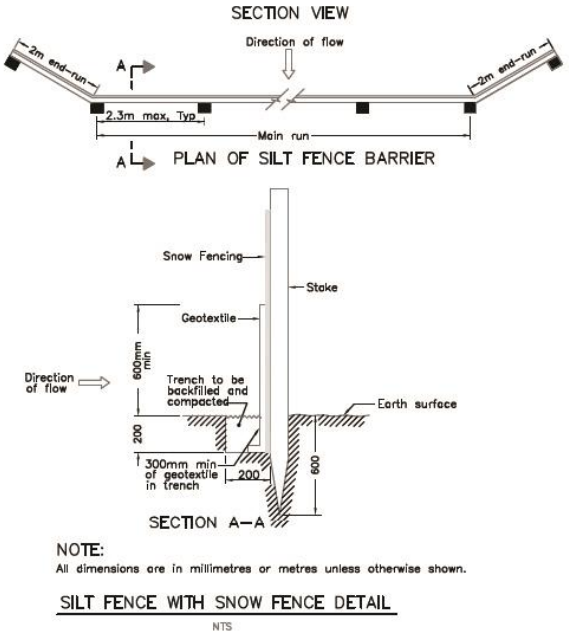
EROSION AND SEDIMENTATION

1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.

2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.

3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.

4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:
All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL
NTS

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2018.9
Schedule 'C'
Biologist Planting Plan and Cost Estimate

Woodland DPA restoration plan and estimation of costs

Browning Harbor foreshore, North Pender Island --Cooke Property
by Kathleen Reimer MSc. RPBiologist. November 20, 2018

1. Recommended restoration

The area of the DPA to be restored is approximately 300 sq. meters. There are many existing trees and some shrubs present. All the remaining natural vegetation should be left undisturbed

The invasive broom and gorse plants should be carefully removed. These are growing along the steep slope of the foreshore and can be replaced with native species that are found in similar dry areas such as Ocean Spray, Sedum and the prickly cactus. See the plant list below.

There should be a construction fence placed along the DPA boundary to prevent intrusion into the restoration area.

There should be a QEP site visit before and during the restoration activities, and a final QEP report to the Islands Trust when the project is complete.

Planting should occur between November and March to ensure greater survival.

2. Suggested Plant list (available locally from Saanich Native plants and Fraser Thimble Farms)

Species	Occurrence On the Gulf Islands	Size of plant pot	Cost each	Number of plants	Total cost
Baldhip Rose *Rosa gymnocarpa*		1 gal	$10	10	100
Seaside juniper *Juniperous maritina*	rare	Limited availability		2	
Ocean Spray *Holodiscus sp.*	common	1-2 gal	$11	10	110
Oregon grape *Mahonia aqu folium*	common	1-2 gal	$10	10	100
Prickly cactus *Cptunua fragilis*	rare	Small pot 10cm	$5.50	10	55
Sea Blush *Plectritis congesta*	common	10cm	$3.50	10	35
Snowberry *Symphoricarpos albus*	common	1 gal	$11	10	110
Stonecrop (broad leafed) *Sedum divergens*	common		$5.50	10	55
Estimated total plant cost					**$565**

3. Estimated Restoration Budget

Site preparation and invasive plant removal	$ 300
Planting Labour cost (est)	$ 400
Cost of plants	$ 565
Fencing	$200
Total budget	**$1465**

4. Monitoring

There should be a QEP site visit when the area is ready to be planted and later when the planting is in progress. There is also a requirement for a final completion report for the Islands Trust.

List of references

McFee, Ward P., Kirkby J., et al 1997. Sensitive Ecosystems Inventory. Vol 2. Conservation manual. Canadian Wildlife Service publication.

North Pender Island Community Plan and DPA guidelines

Pojar, Jim and Andy MacKinnon. 1994. Plants of Coastal British Columbia. Lone Pine Publishing, Vancouver B.C.

Reimer, Kathleen. RPBiologist. September 10, 2018. Cooke Environmental Assessment Report. for: 6624 Razor Point Road. Shoreline and Woodland DPA requirements

Woodland DPA restoration plan and estimation of costs

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Reimer, Kathleen. RPBiologist. September 10, 2018. Cooke Environmental Assessment Report. for: 6624 Razor Point Road. Shoreline and Woodland DPA requirements

STAFF REPORT

File No.: NP-DVP-2018.4 (Murdoch)
(NP-BE-2013.5)

DATE OF MEETING:	November 29, 2018
TO:	North Pender Island Local Trust Committee
FROM:	Phil Testemale, A/Planner 2 Southern Team
COPY:	Justine Starke, Island Planner
	Warren Dingman, Bylaw Enforcement Officer
SUBJECT:	Development Variance Permit
	Applicant: Dorothy Murdoch Owner: Hardel Management Ltd (Driftwood Centre) Location: 4605 Bedwell Harbour Road

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2018.4 (Murdoch).**

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the setback regulations for an existing accessory building (storage) on the subject property.

The above recommendation is supported as: the impacts from approval are minimal for safety and to neighbouring properties; to date notification has not generated any responses; and, the variance does not challenge the intent of the bylaw provision.

BACKGROUND

The proposal is to vary the setback regulations for the subject property in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB). Specifically:

a. Clause 8.13.3 (1) (b) which states that no building or structure may be located within 6.1 metres of any side lot line is varied to permit the siting of a storage building within 0.2 metres of a side lot line.

Approval would vary an exterior side lot line setback for an existing 60 m² (645 ft² - approximate) storage building at 4605 Bedwell Harbour Road (the Driftwood Mall property). The application is the result of an enforcement action (NP-BE-2013.5) which, in part, identified the illegal siting of the building. Granting of the variance will bring the subject property into conformity with the Land Use Bylaw (LUB).

The applicant has stated that the subject storage building was constructed in the 1980s, and that the incinerator was constructed by the previous owner in the 1970s (see Figures 2 and 3 and Attachment 2.5 & 2.6). For clarity, the incinerator is no longer used and does not require a variance as it meets the minimum setback. The subject building is used for storage of items for the operation and ongoing construction of the Driftwood Centre.

The rationale given by the applicant in support of the variance is that the building has been there since the 1980's and that it would be very time consuming to move; that it does not affect neighbouring properties; and, the presence of a stream limits the ability to use that portion of the property for septic disposal (for which it is zoned).

The property is split zoned and the subject building is sited within the **Service (SD)** zone (see 'Land Use Bylaw' below and Attachments 2.1 & 2.2).

The building abuts a dedicated, undeveloped road allowance that is currently used only as a driveway by the owners. Currently the roadway is not readily accessible or frequently used by the public.

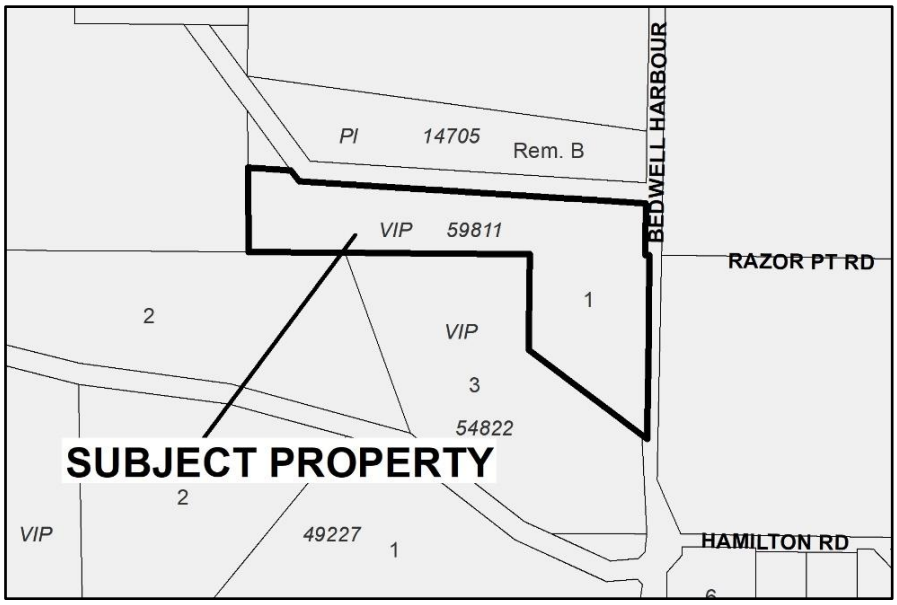
The property is primarily occupied by the Driftwood Centre commercial and office development. The specific (SD zoned) area of the property has a septic field and accessory storage buildings for the Driftwood Centre. The applicant has identified that there is a stream on that portion of the property, but this does not appear on Islands Trust mapping.

The applicants are required to obtain approvals from the Ministry of Transportation and Infrastructure (MoTI) for the siting of a building or structure within 4.5 metres of a public roadway. In addition, this obligation is stated on the draft DVP.

A copy of the notice and draft NP-DVP-2018.4 are Attachment 3 and 4.

Staff visited the site on November 7, 2018.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The subject property is designated as **Commercial (C), Community Service (CS)** and **Tourist Commercial (TC)** in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (Attachment 2.3). The storage shed is designated within **Community Service (CS)**.

Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the commercial and tourist commercial portions of the property (Attachment 2.4). There are no DPAs for sensitive ecosystems designated on the subject property.

Land Use Bylaw:

The property is split-zoned **Commercial 1 (C1), Service (SD)** and **Commercial 2 (C2f)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB - Attachment 2.1). The storage building is within the **Service (SD)** zone (Attachment 2.2).

The use of the accessory building conforms to the LUB. For clarity, although the accessory building is not an allowable use listed in the SD zone, Article 3.1.1 (1) of the LUB ('Uses Permitted in Any Zone') states the following:

> *uses, buildings and structures, which are accessory to a principal permitted use, building or structure **on the same lot**, including accessory horticulture. (bold added).*

Islands Trust Conservancy:

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

Figure 2 – Site Plan (overall)

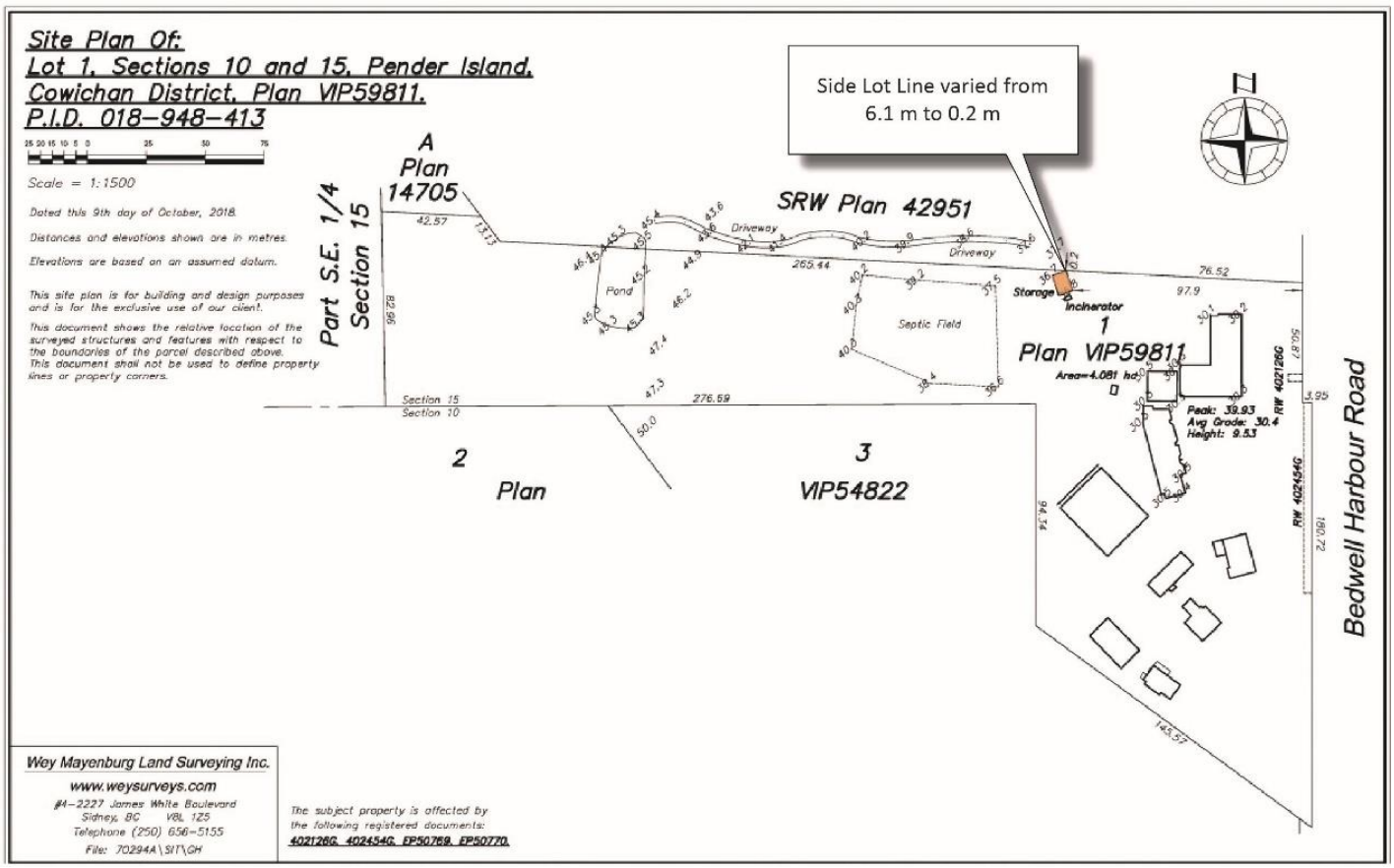
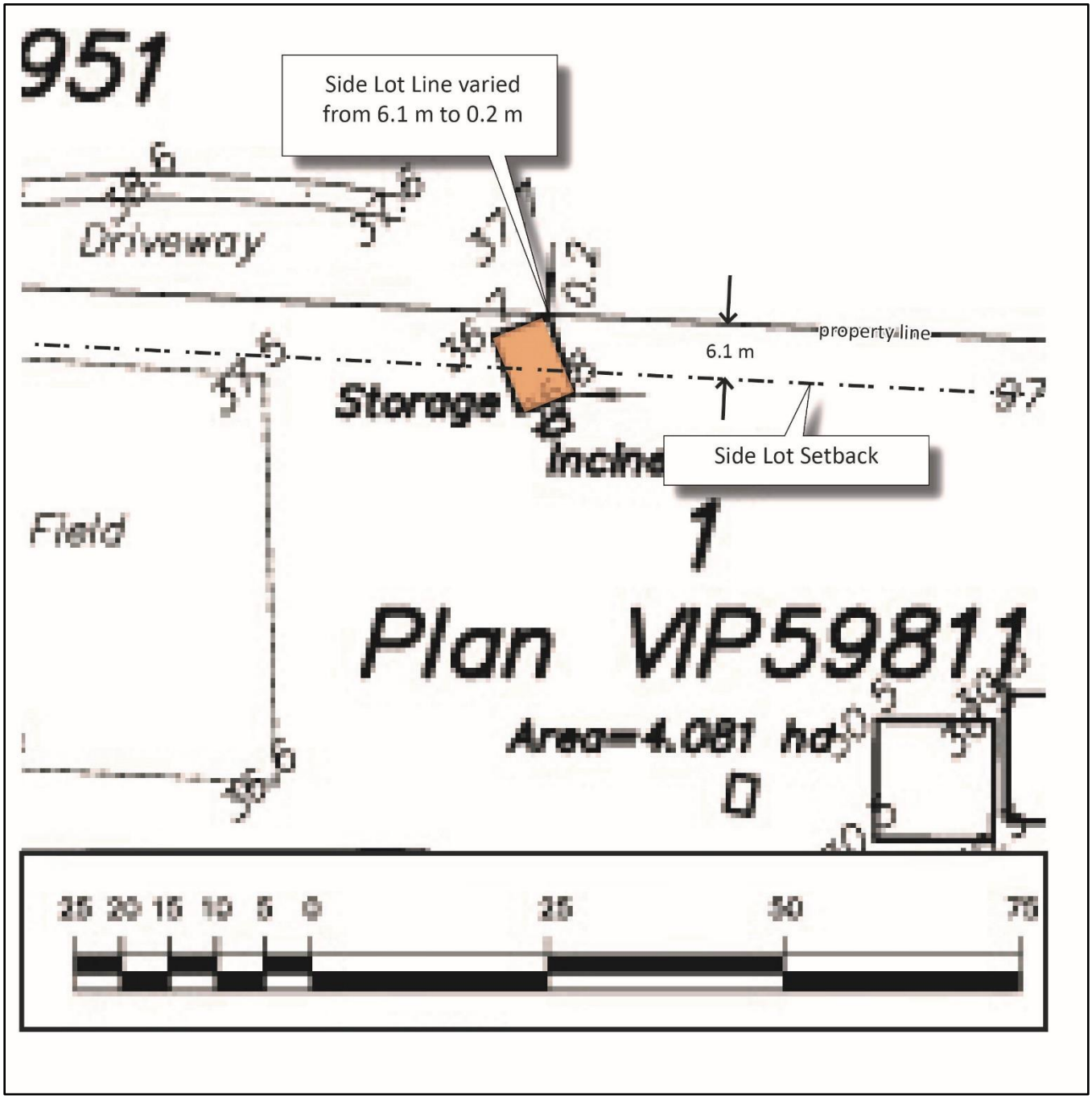


Figure 3 – Site Plan (Detail)



Issues and Opportunities

Rationale for the Variance

The rationale for the setback variance that the applicant has provided is as follows:

The reason for the proposed variance is that these buildings have been there since the 1980's. It would be very time consuming to move, and they do not affect anyone or anything. There is also a stream that runs between the SD and C1 (zones) section, and therefore it could not be used for septic.

Impact on Public Roadway & Neighbouring Properties

The requested variance is significant as it reduces the setback from 6.1 metres to 0.2 metres. Notwithstanding, given that the road access is currently undeveloped, not accessible or frequently used by the public and the building is not for human habitation, safety risks are minimal. As stated above, the owner is required to obtain approvals from the Ministry of Transportation and Infrastructure (MoTI) for the siting of a building or structure within 4.5 metres of a public roadway**.** That permitting process primarily specifically addresses safety related to public roadways.

The only impacted neighbour across the road dedication and to the north. The applicant has reported that they have consulted with that neighbour and they have no objections.

Some consideration should be given to potential future impacts in the case where the road is developed to access to the Tourist Commercial (TC) zoned portion of the property and/or the national park lands and trails to the west. With the former scenario, and given the construction methods and condition of the building, it is reasonable to assume that it would be in the interest of the owner to remove or improve the building. If the variance is granted, the latter scenario would place a legal building that is less than aesthetically pleasing abutting the roadway which could challenge the intent of 'overall visual quality and scenic value of the Trust area (see next). However, it remains uncertain if and when the roadway will be developed.

The Overall Intent of the Regulation being Varied

The overall purpose of the side yard setback regulation is to minimize impacts on the 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 variance 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.

Bylaw Enforcement

There is an active enforcement file on the subject property (NP-BE-2013.5) and the siting of the subject storage building is one of the main outstanding issues. This enforcement was initiated for insufficient parking (resolved),

dumping and burning of waste material and depositing a large pile of gravel (resolved). The file is open and Bylaw Enforcement will review the status of the file pending the outcome of this application.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on November 28, 2018.

At the time of writing, staff has not received any written submissions or phone calls. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The potential impacts with granting the variance are minimal when measured versus the intent of the bylaw.
- As the building is not used for habitation and the roadway is undeveloped, there are minimal safety risks associated with the siting.
- Notification to date has generated no responses.
- The variance does not impact the intent of the bylaw regulation.

ALTERNATIVES

- **Request further information**

  The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should are 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…

- **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-2018.4 (Murdoch).

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

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft NP-DVP-2018.4

ATTACHMENT 1 – SITE CONTEXT

LOCATION

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

LAND USE

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

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-DP-2008.1	Overall development plan
NP-DP-2015.3	Amendments to NP-DP-2008.1 for facades, landscaping and parking – expired
NP-DP-2015.6	Minor amendments for 'Bistro' entrance, outdoor garden store and parking.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as **Commercial (C), Community Service (CS)** and **Tourist Commercial (TC)** in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (Attachment 2.3). The storage shed is designated within **Community Service (CS)**. **Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character** is designated on the Commercial and Tourist Commercial portions of the property (Attachment 2.4).
Land Use Bylaw	The property is split-zoned **Commercial 1 (C1), Service (SD)** and **Commercial 2 (C2f)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). The storage building is within the **Service (SD)** zone (Attachment 2.2).
Other Regulations	N/A
Covenants	There are no LTC or other covenants registered on the property.
Bylaw Enforcement	NP-BE-2013.5 (see report body)

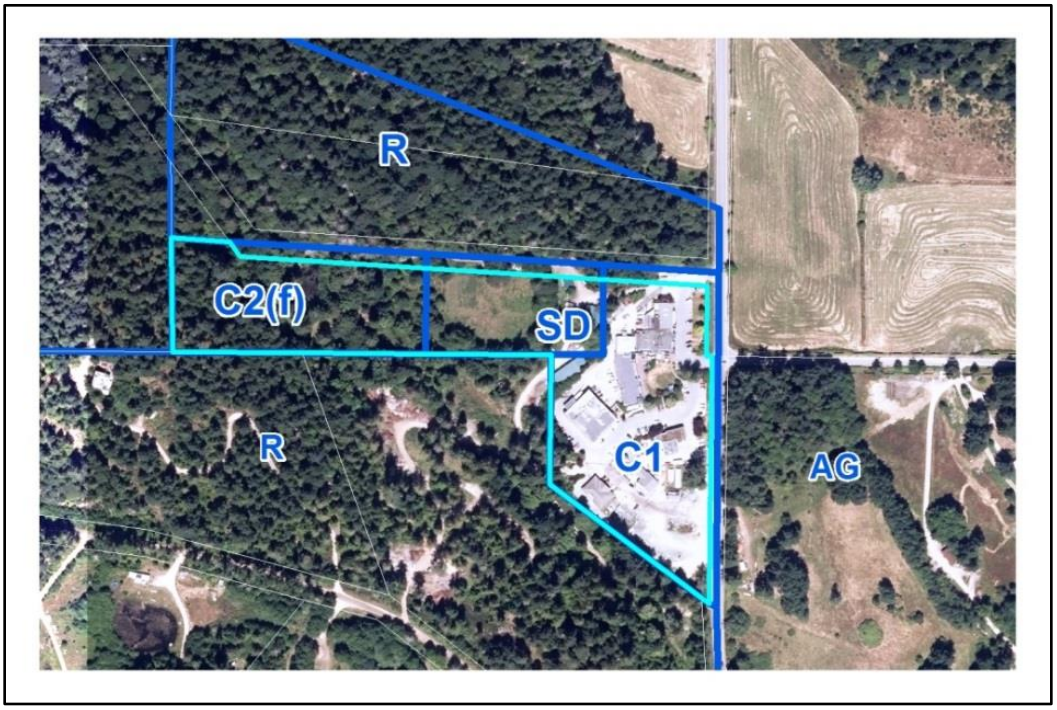
SITE INFLUENCES

Islands Trust Conservancy	There are no Island Trust Conservancy covenants or properties in proximity to the proposed development.

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

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

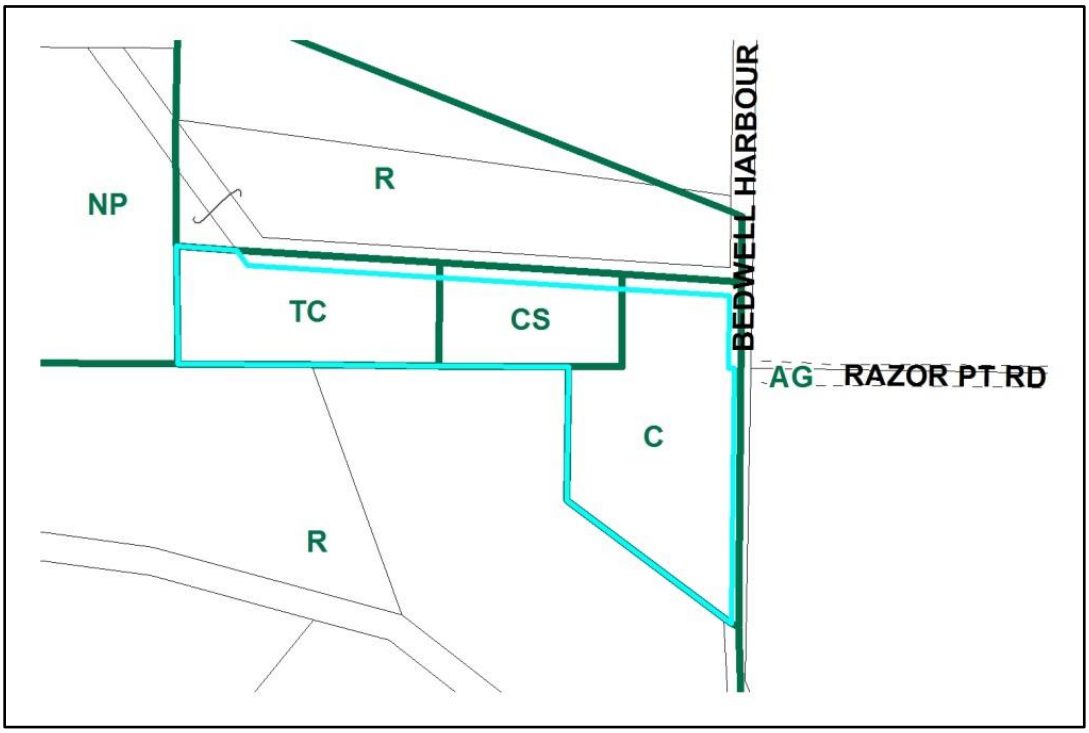
2.1 ORTHOPHOTO AND ZONING



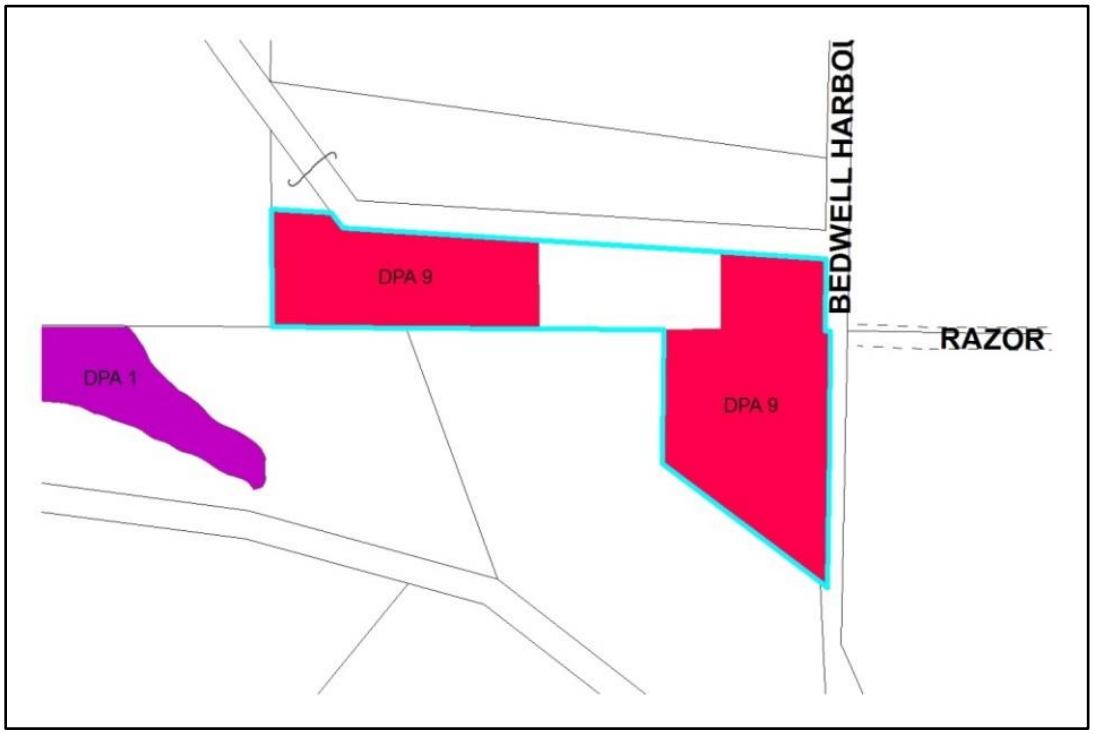
2.2 DETAIL ORTHOPHOTO AND ZONING



2.3 OCP Designations



2.4 Development Permit Areas



2.5 STORAGE BUIDLING FROM SOUTH EAST



2.6 STORAGE BUIDLING FROM EAST



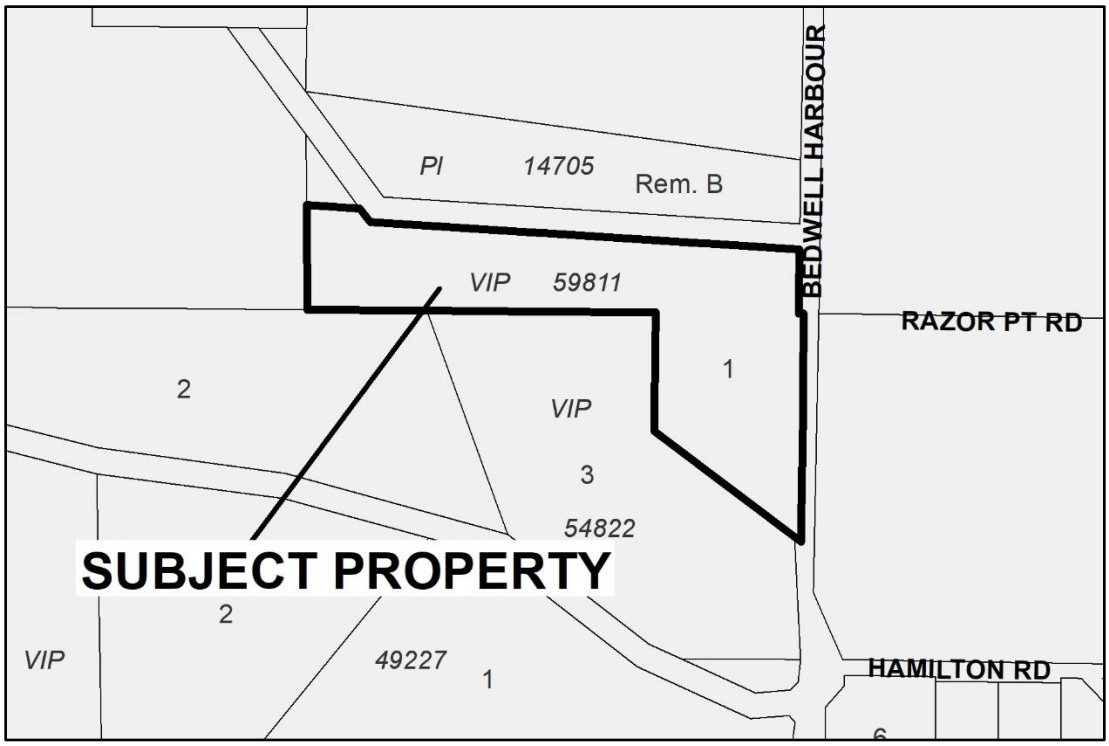
NOTICE
NP-DVP-2018.4
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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:

3. Clause 8.13.3 (1) (b) which states that no building or structure may be located within 6.1 metres of any side lot line is varied to permit the siting of a storage building within 0.2 metres of a side lot line.

The property is located at **4605 Bedwell Harbour Road -** Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP59811 (PID: 018-948-413)

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 **November 16, 2018** and continuing up to and including **November 28, 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 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 28 , 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 a.m., November 29, 2018**, at the **Anglican Church Hall**, on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary

PROPOSED

NORTH PENDER LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2018.4

To: Hardal Management Inc., Inc. No. BC1147178
c/o Dorothy Murdoch

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

   Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP59811
   (PID: 018-948-413)

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

   a. Clause 8.13.3 (1) (b) which states that no building or structure may be located within 6.1 metres of any side lot line is varied to permit the siting of a storage building within 0.2 metres of a side lot line.

   The development shall be consistent with Schedules 'A' and 'B' 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 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.

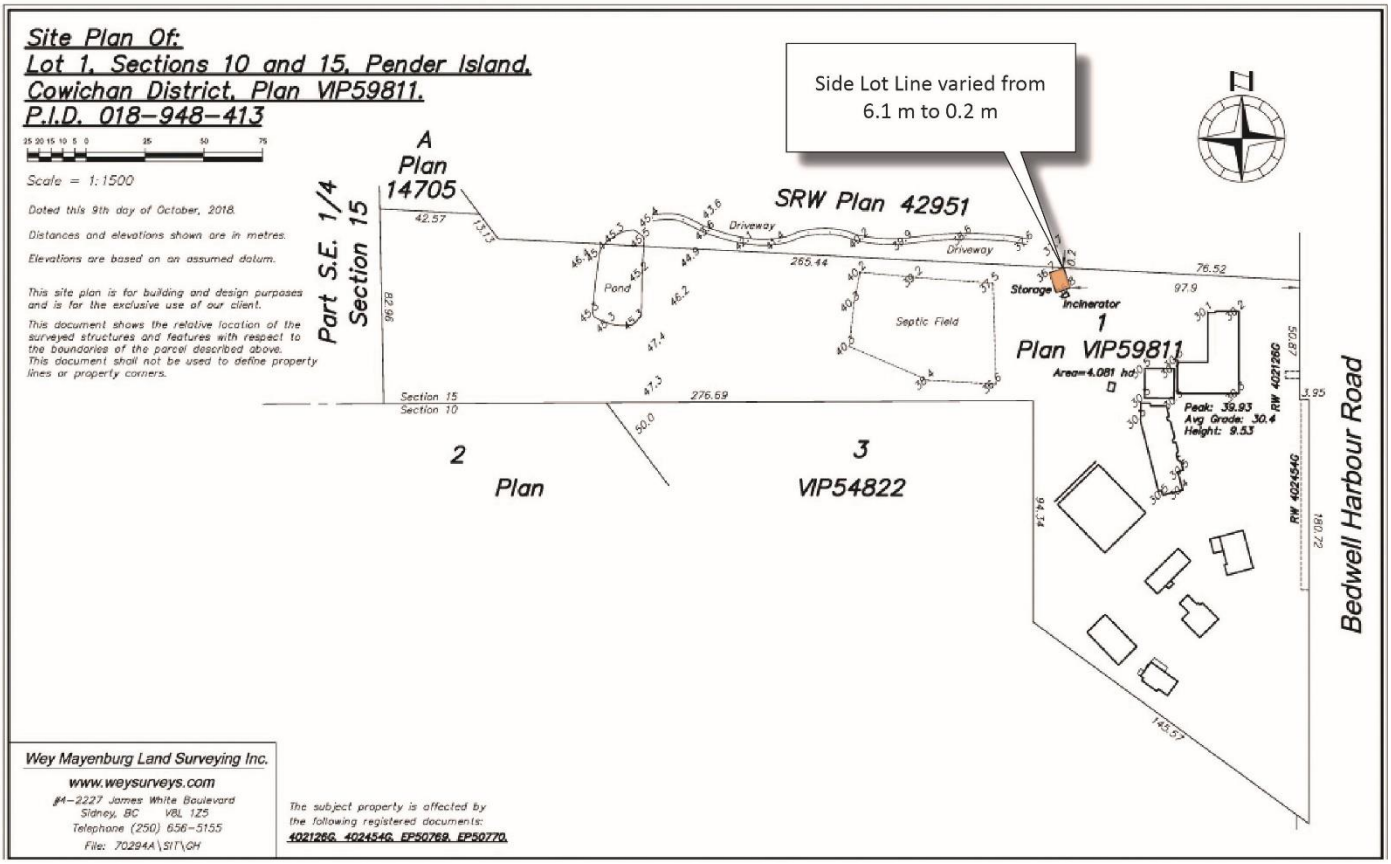
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

_____
Deputy Secretary, Islands Trust

_____
Date of Issuance

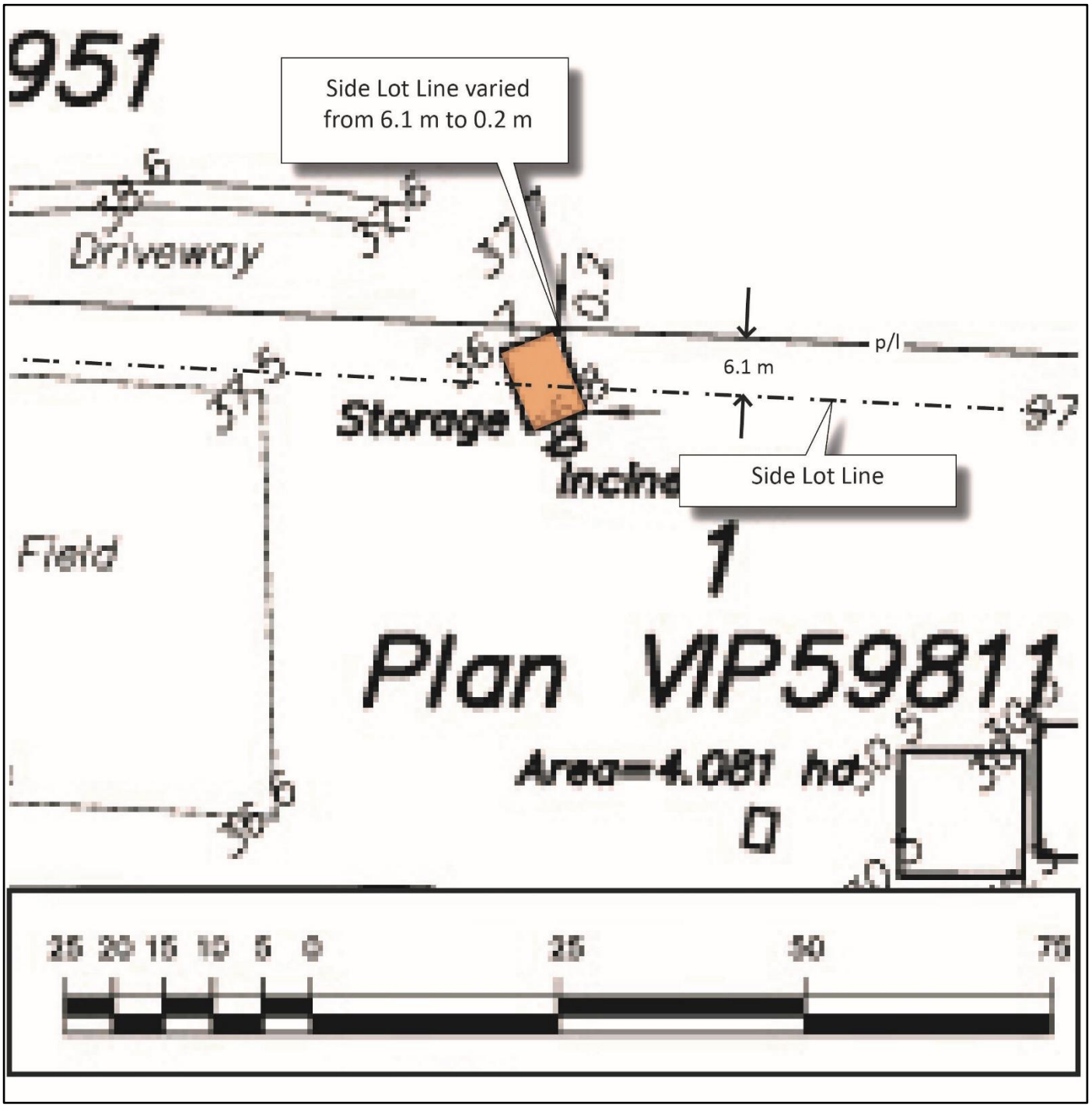
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'


Site Plan Of:
Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP59811.
P.I.D. 018-948-413
Scale = 1:1500
Dated this 9th day of October, 2018.
Distances and elevations shown are in metres.
Elevations are based on an assumed datum.
This site plan is for building and design purposes and is for the exclusive use of our client.
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.
Side Lot Line varied from 6.1 m to 0.2 m
A Plan 14705
Part S.E. 1/4 Section 15
SRW Plan 42951
Driveway
Pond
Septic Field
Storage
Incinerator
1 Plan VIP59811
Area=4.081 ha
Peak: 39.93
Avg Grade: 30.4
Height: 9.53
RW 402126G
RW 402454G
Section 15
Section 10
2 Plan
3 VIP54822
Bedwell Harbour Road
Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 70294A\SIT\GH
The subject property is affected by the following registered documents:
402126G, 402454G, EP50769, EP50770.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2018.4

SCHEDULE 'B' (Detail Plan)



STAFF REPORT

File No.: NP-TUP-2018.6 (Persello)
(NP-BE-2018.1)

DATE OF MEETING:	November 29, 2018
TO:	North Pender Island Local Trust Committee
FROM:	Phil Testemale, A/Island Planner Southern Team
COPY:	Justine Starke, Island Planner
SUBJECT:	Temporary Use Permit (TUP) – Short Term Vacation Rental Applicant: Darryl Persello and Suman Lee Location: 2612 Harpoon Road

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2018.6 (Persello)**

REPORT SUMMARY

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

In summary, the above recommendation for the issuance of the TUP is supported as the applicant's rationale is reasonable, it meets the specific guidelines of the OCP and the guest capacity is small. To date, one written response from a neighbour expressing support has been received, and one respecting concerns about an existing STVR. The cumulative impacts on the immediate neighbourhood are small. In addition, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

BACKGROUND

This application was originally presented to the Local Trust Committee (LTC) of the day at their October 25, 2018 Regular Meeting at which time the following resolution was passed:

> **NP-2018-080**
> **It was Moved and Seconded,**
> that the North Pender Island Local Trust Committee table the issuance of NP-TUP-2018.6 (Persello) until the next LTC meeting.
>
> **CARRIED**

The proposal is for a TUP for Short Term Vacation Rental use within an existing, smaller single-family dwelling on the property. The purpose of the TUP application is to ensure the property is in compliance with the Land Use Bylaw (LUB) prior to initiating the STVR use.

The applicant's stated reason for the application is to help offset costs such as property tax, wi-fi, utilities, etc. The owners propose to rent the house out for approximately 30 to 60 days per annum to friends and family and through booking sites such as Airbnb, VRBO, etc.

The property is 0.19 ha (0.46 ac) in size and located on the corner of Galleon Way and Chart Drive fronting onto the west side of Shingle Bay (see Figure One). The property is relatively open and slopes downward from the intersection toward shingle bay. The shoreline is high bank and is currently fenced to bar access (see Attachment 2.5).

The only building on the property is the small 61 m² (656 ft²), two (2) bedroom manufactured home. (see Attachment 2.5).

The location of the dwellings on the two adjacent properties are indicated in Attachment 2.4.

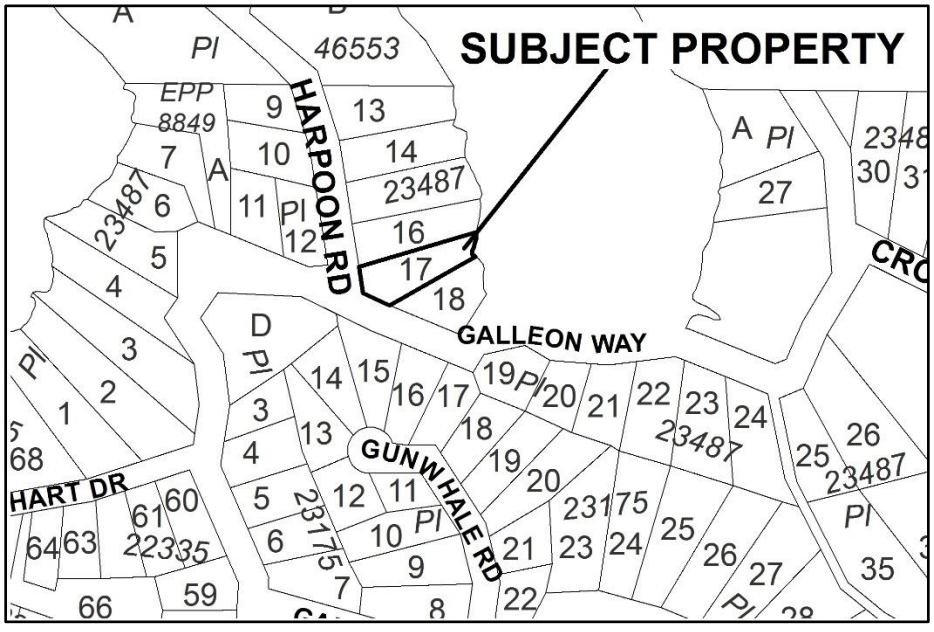
The maximum proposed guest capacity would be six (6) guests. The driveway is able to facilitate four (4) cars. A copy of the 'Guest Information' provided to all visitors is Attachment 4.

The dwelling is connected to the CRD Magic Lake water. The sewer is septic and was installed in 2015 and under an Island Health permit.

A copy of the draft permit NP-TUP-2018.6 (Persello) and the notice are Attachments 5 and 6.

Staff visited the property on October 4, 2018 (see Attachment 2.6).

FIGURE 1: SUBJECT PROPERTY



ANALYSIS

Islands Trust Policy Statement:

The following ITPS policies are relevant and support the proposal:

> 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
>
> 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
>
> 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

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

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

There are no **Development Permit Areas (DPAs)** on the subject property, however, **DPA 6 – Intertidal Sensitive Ecosystem** is designated on the water area in front of the subject property (Attachment 2.2). No development activity requiring a DP is proposed. A condition for the owner to provide information to guests on sensitive ecosystems has been included in the draft TUP.

Land Use Bylaw:

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

The TUP will allow the specific STVR use on property in compliance with the LUB.

Issues and Opportunities

Water and Sewer

As stated above, the dwelling is connected to both the CRD Magic Lake Estates water and has a (2015) septic system. If approved, the TUP will be forwarded to the Magic Lake Estates Sewer and Water Committee for information.

Parking

The applicant has enough space for the minimum of two (2) cars in the on-site driveway (See Attachment 2.6). A permit condition would require that all STVR parking is accommodated on site and no camping is permitted on or off the property.

Property Size and Proximity to Neighbours

The size and configuration of the subject property and that of the neighbours' are small and narrow, and in the case of the neighbour to the north narrow and long (see Figure 1). Both the dwellings north and south are in close proximity where a poorly managed operation could be a cause of nuisance to neighbours (see Attachment 2.4, 2.5 and 2.6 – Photos). This is mitigated to some extent in both cases by natural screening of mature vegetation and topography also conceals the dwelling to the north. The owners have also erected lattice type screening on the southern boundary of the property in proximity to the dwelling. Lastly, the size of the dwelling and guest capacity is relatively small.

The owners have provided a copy of the 'Guest Information' sheet that is provided to all visitors (Attachment 4). That includes the on-island contact (Laurie Rupert) as per condition of the proposed TUP.

One direct neighbour has submitted written support for the application (see below and Attachment 7). Notwithstanding, if issues arise, the conditions in the draft TUP provide recourse through enforcement and ultimately by denying an application for renewal.

Cumulative Impacts - Mapping

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

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

Cumulative impacts that should be considered include:

- Sense of community - The majority of homes in residential zones should be occupied by residents rather than visitors. Consideration should be given to the density of STVRs in an identifiable residential node or local neighbourhood relative to the number of homes occupied by residents.
- Frequency of Use –uses where the owners are the primary occupants and the STVR is a secondary use will have different impacts than where the use of the home is primarily or exclusively as an STVR.
- Traffic and parking – may be increased in neighbourhoods with a higher density of STVRs.
- Bylaw Enforcement – neighbourhoods where the existing STVRs have been the subject of Bylaw Enforcement may be less tolerant of additional STVRs due to on-going impacts.
- Size and number of guests – the current application is for a maximum of 6 people. The closest other TUP for a STVR is approximately 150 metres away at the end of Harpoon Road (Kroeker – 10 people) the next closest is approximately 500 metres to the west on Schooner Way (Yuers – 11 people). Both previous applications did generate some concern from neighbours about potential impacts on the local neighbourhood.
- Overall number of STVRs on the island - impacts on residential housing stock, both rental and owner occupied, including issued TUPs, pending TUPs (see: Figure 2), outright permitted and unlawfully operating ones. Consideration should be given to striking an appropriate balance between housing needs and vacation rental accommodation.

Permit Conditions

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

Consultation

Statutory Requirement - Notification

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on October 17, 2018. The notification period ended at 4:30 p.m. on October 23, 2018. Procedurally, there is no requirement for further notification when consideration has been deferred (as is the case here) unless the substance of the proposed permit changes from that originally circulated.

Staff received two responses: one in favour from the direct neighbour to the south (Lot 18); and, a second from another neighbour Kathi Allinson (Attachment 7). The latter expressed general concerns about past issues with STVRs, and particularly the one at 2602 Harpoon (NP-TUP-2017.5 (Kroeker)). The primary issue that she cited was that the owner had not circulated on-island contacts and the issued TUP to neighbours. This is a condition of all TUP permits and it has now been satisfied by that owner. It does not appear there have been other issues with the other STVR since the TUP was issued.

Any further submissions will be submitted to the LTC and reported at the LTC Regular Meeting.

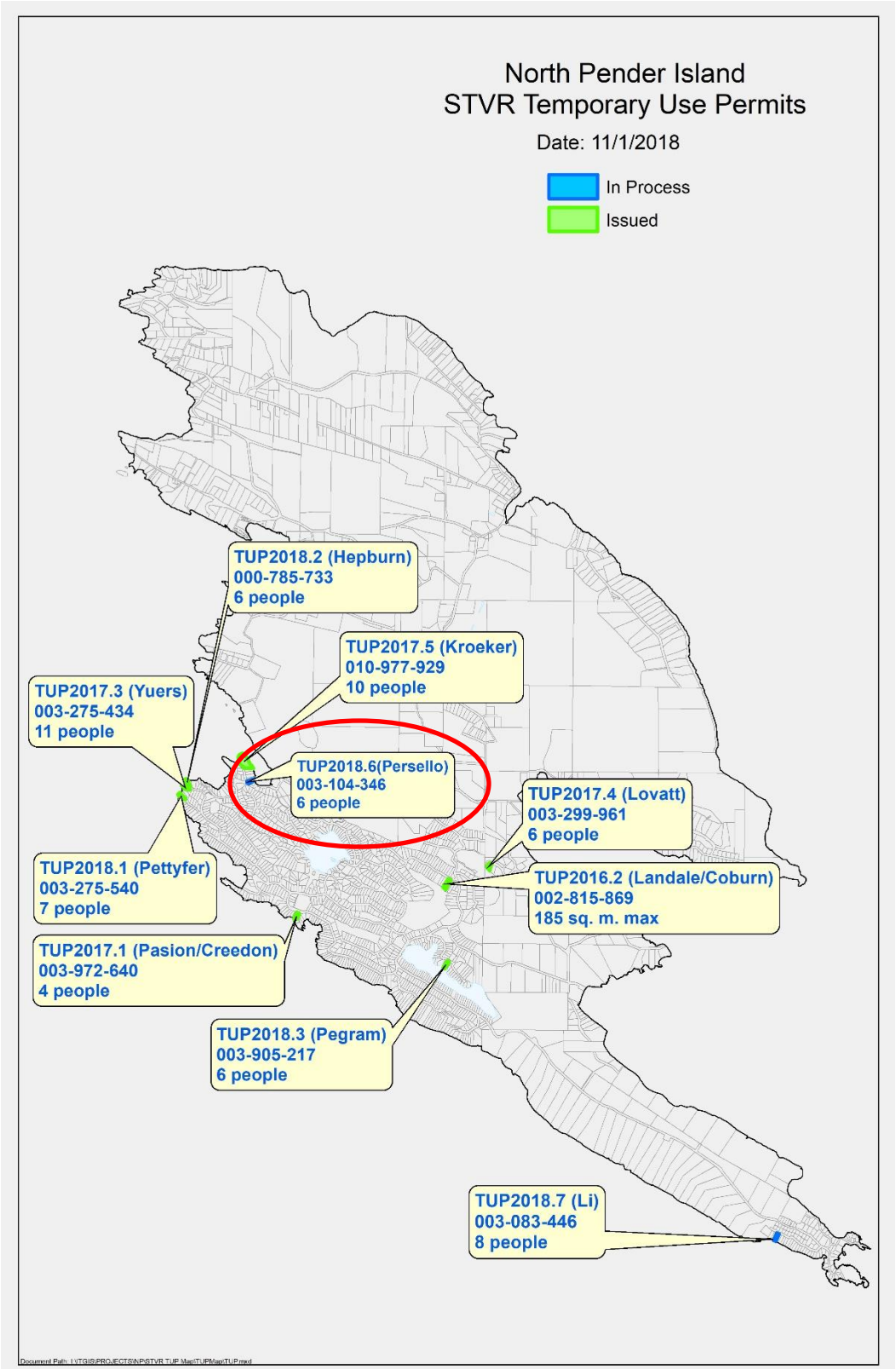
Agencies

If NP-TUP-2018.6 is issued, staff will refer the permit to the CRD staff contact for the Magic Lake Sewer and Water System in accordance with OCP policy 6.4.4.

First Nations

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

FIGURE 2: STVR/TUP MAP FOR ISLAND



Rationale for Recommendation

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

- The applicant's rationale is reasonable.
- The proposed STVR it meets the specific guidelines of the OCP.
- The dwelling and guest capacity are both small.
- The cumulative impacts in the immediate neighbourhood are small as there is currently only the one other STVR.
- To date, one response to notification has been favourable. The second was mainly concerned about adherence to conditions of issued TUPs.
- Lastly, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

ALTERNATIVES

1. **Request further information**

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

   Recommended wording for the resolution is as follows:

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

2. **Amend the TUP and Approve Issuance as Amended**

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

   Recommended wording for the resolutions are as follows:

   That the North Pender Island Local Trust Committee amend application NP-TUP-2018.6 (Persello) by adding_____.

   That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2018.6 (Persello) as amended.

3. **Deny the application**

   The LTC may deny the application.

   Recommended wording for the resolution is as follows:

   That the North Pender Island Local Trust Committee deny application Temporary Use Permit NP-TUP-2018.6 (Persello).

Submitted By:	Phil Testemale, A/Planner 2	November 20, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	November 20, 2018

ATTACHMENTS

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

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 17, Section 9, Cowichan District, Pender Island, Plan 23487
PID	003-104-346
Civic Address	2612 Harpoon Road

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-BP-2017.12	For construction of dwelling.

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island Official Community Plan No.171, 2007: • **RR – Rural Residential** designation and • **Development Permit Area 6 – Intertidal Sensitive Ecosystem** is designated on the water adjacent to the subject property**.**
Land Use Bylaw	North Pender Island Land Use Bylaw No. 103, 1996: **Rural Residential (RR).**
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	Enforcement for STVR. Current application is for compliance.

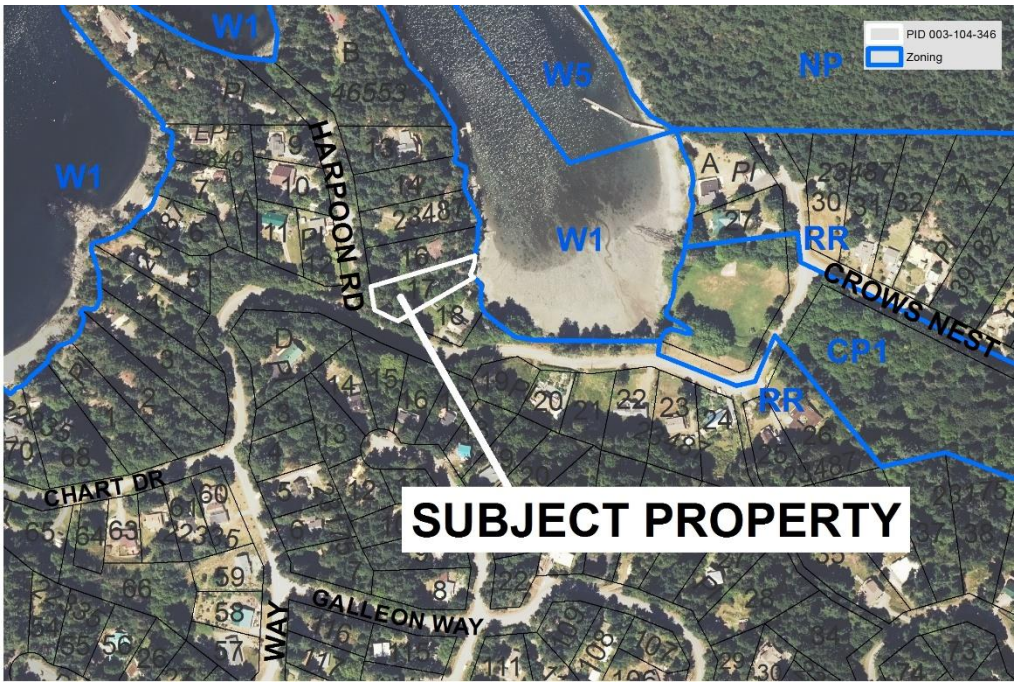
SITE INFLUENCES

Islands Trust Fund	The proposal has no implications for the Island Trust Fund.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy.
Species at Risk	(N/A) No development associated with application
Sensitive Ecosystems	Condition in draft permit is for information to guests on **Development Permit Area 6 – Intertidal Sensitive Ecosystem**.
Hazard Areas	There are areas of **Low** and **Medium Steep Slope Hazard** mapped on the subject property (see Attachment 2.3)
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts

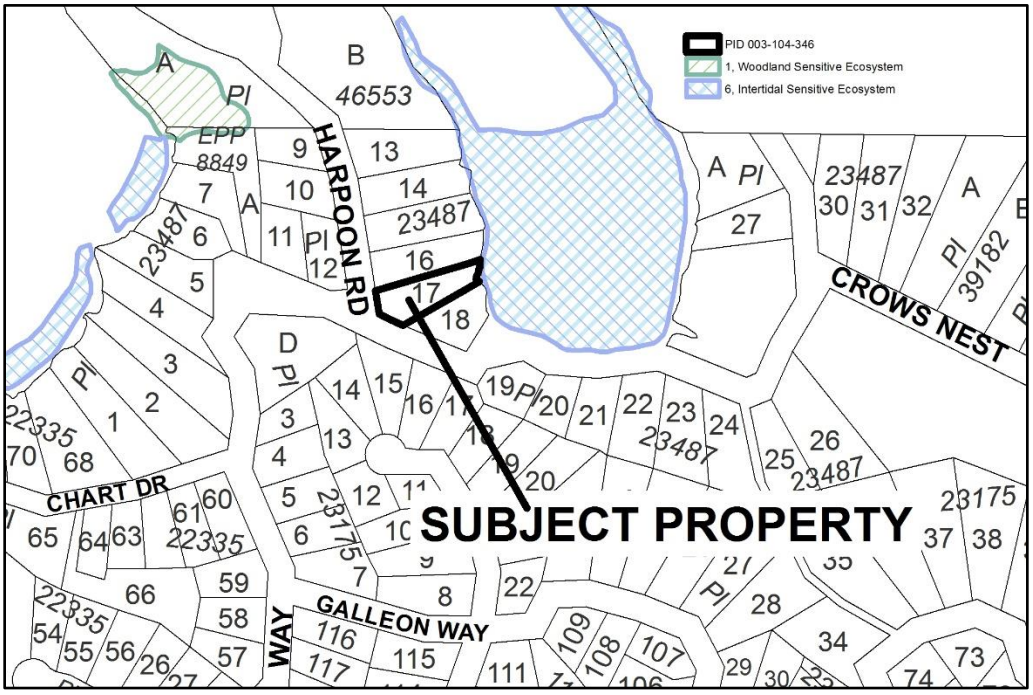
	of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No development associated with application.
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	Mapping does not indicate eelgrass, forage fish or bull kelp ecosystems.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

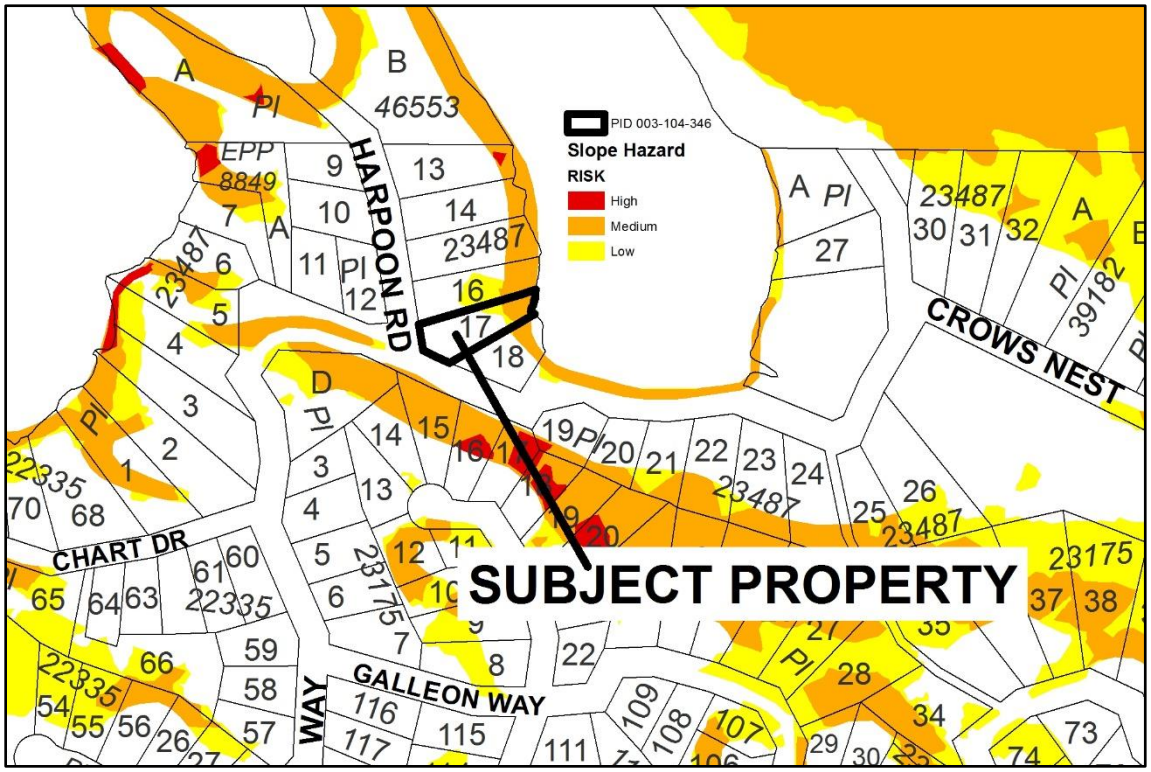
2.1 ORTHOPHOTO & ZONING



2.2 DPA SIX



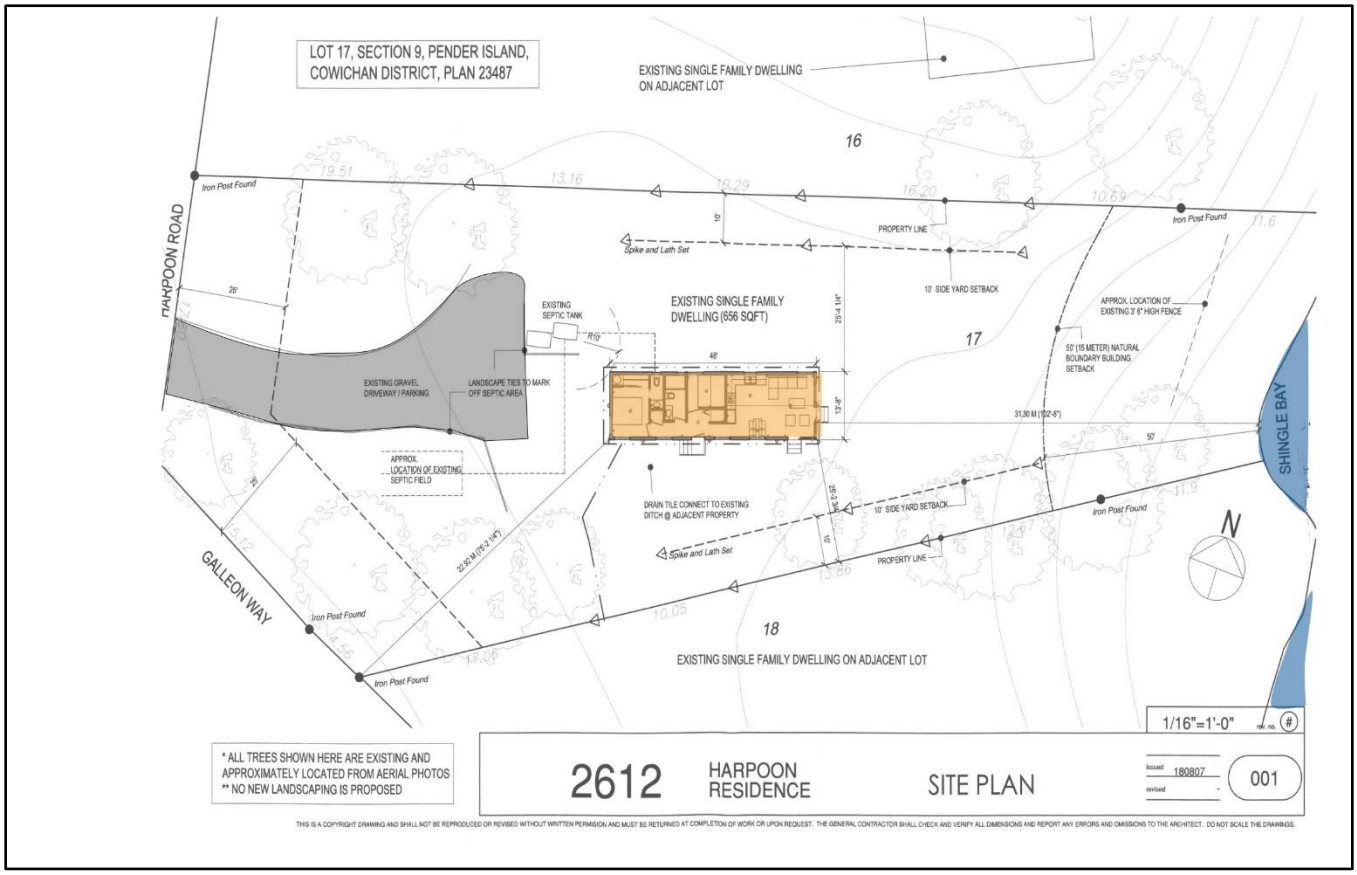
2.3 Steep Slope Hazard & Contours



2.4 Building Footprints



2.5 SITE MAP


LOT 17, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 23487
EXISTING SINGLE FAMILY DWELLING ON ADJACENT LOT
16
HARPOON ROAD
Iron Post Found
Spike and Lath Set
PROPERTY LINE
10' SIDE YARD SETBACK
EXISTING SEPTIC TANK
EXISTING SINGLE FAMILY DWELLING (656 SQFT)
17
APPROX. LOCATION OF EXISTING 3' 6" HIGH FENCE
50' (15 METER) NATURAL BOUNDARY BUILDING SETBACK
EXISTING GRAVEL DRIVEWAY / PARKING
LANDSCAPE TIES TO MARK OFF SEPTIC AREA
APPROX. LOCATION OF EXISTING SEPTIC FIELD
DRAIN TILE CONNECT TO EXISTING DITCH @ ADJACENT PROPERTY
SHINGLE BAY
GALLEON WAY
18
EXISTING SINGLE FAMILY DWELLING ON ADJACENT LOT
N
1/16"=1'-0"
* ALL TREES SHOWN HERE ARE EXISTING AND APPROXIMATELY LOCATED FROM AERIAL PHOTOS
** NO NEW LANDSCAPING IS PROPOSED
2612
HARPOON RESIDENCE
SITE PLAN
Issued 180807
revised -
001
THIS IS A COPYRIGHT DRAWING AND SHALL NOT BE REPRODUCED OR REVISED WITHOUT WRITTEN PERMISION AND MUST BE RETURNED AT COMPLETION OF WORK OR UPON REQUEST. THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ARCHITECT. DO NOT SCALE THE DRAWINGS.

2.6 PHOTOGRAPHS

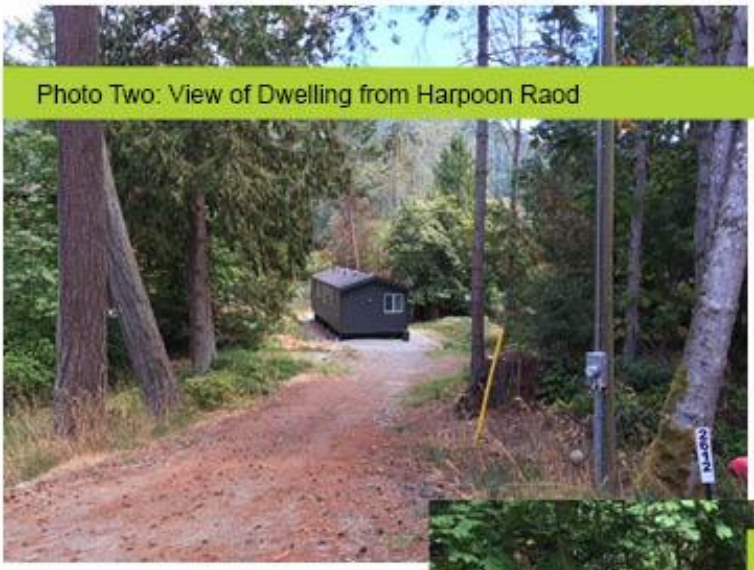


Photo Two: View of Dwelling from Harpoon Raod



Photo Two: Parking Area



Photo Three: View of West Side of Dwelling

2.6 PHOTOGRAPHS (CONTINUED)



Photo Four: View West from Fence above Foreshore



Photo Five: Looking East over Shingle Bay



Photo SIx: Screening along South Property Line

Attachment 3: TUP Checklist for Short TERM Vacation Rental

NP-TUP-2018.6 (Persello)
2612 Harpoon Road

Guidelines	Comments
Overall TUP Guidelines	
a) **Time Period** - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Application is for STVR No seasonal time frame as a permit condition or number of weeks. Applicants estimate 30 – 60 days of rental per year.
b) **Residential Appearance** - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No alteration proposed.
c) **Cumulative Effects** - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Reference Figure 2 in the Staff Report body. The closest other TUP for a STVR is approximately 150 metres on the end of Harpoon Road which was issued a permit in February of this tyear for 10 people (NP-TUP-2017.5 – Kroeker). There were concerns raised by neighbours about impacts at the LTC meeting The second closest is approximately 500 metres west. It is the LTC's discretion where the threshold for cumulative impacts lies.
d) **Water and Septic** - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	The lot is serviced by the Capital Regional District's Magic Lake Community Water System. Staff will refer the TUP to the Magic Lake Water System for information if approved. The septic system is new (2015) and installed under Island Health Permitting.

Guidelines	Comments
e) **Parking** - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Site visit confirms there is adequate space for at least two (2) off-street parking spaces (see Attachment 2.6). Draft TUP condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
f) **Sensitive Ecosystems** - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features	Condition for the owner to provide information to guests on the sensitive ecosystem (DPA 6 – Intertidal – adjacent water area of Shingle Bay) has been included in the draft TUP.
g) **Signage** - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m2	No street signage proposed. Draft TUP limits signage to 0.6 m²
h) **Operator Contact I** - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of draft TUP.
i) **Operator Contact II** - The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition of draft TUP.
j) **Guest Information** - The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Condition of draft TUP. Owner has provided a copy of "House Manual'/"Guest Information" (Attachment
k) **Accessory Buildings** - The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m2, and if the building has received an occupancy permit for residential use under the BC Building Code.	N/A
l) **Bylaw Enforcement** - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Condition of draft TUP

Attachment 3: TUP Checklist for Short TERM Vacation Rental

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

Welcome to CASITA SUDUGO, Pender Island

We are so happy to have you here and hope that your stay would be a fun one on this great island. We are fully equipped with all the comforts of home. Feel free to use (and enjoy) everything we have (at your own risk of course).

ADDRESS:

2612 Harpoon RD, Pender Island

Look for a couple of **pink flamingos** that are eager to welcome you.

DOOR LOCK:

The door code is [redacted]. Unfortunately the front door sticks a bit, so pull the door tight while the deadbolt unlocks automatically. There is a key is in the lock box (next to the front door)- code: [redacted] in case you have trouble with the lock. Don't forget to put the door key back in the box using the same code. You can lock the door by pressing the lock button on the keypad. Pull the door tight while the deadbolt locks. Please check that it is locked when you leave.

PARKING:

You can park any where on the driveway or the two spots near the house. Please do not park on areas beyond the garden ties. We have septic tanks and the septic field there!

VENTILATION FAN:

By the front door, there is a switch to turn on the ventilation fan. This essentially turns on the main bathroom fan all the time. Please keep the switch on during the day and you can switch it off at night when you go to bed. When you leave. Please don't forget to turn it off. THANKS

THERMOSTAT:

We generally keep the house at 50 °F (during the fall/ winter) when we leave. Feel free to adjust the thermostat while you are here if it is cold.

But don't forget to set the thermostat at **50 ° F** when you leave.

WIFI:

network name: **7 4 3 4 C A**

password: **2 4 0 9 3 8 1 0 6**

TOWELS & SHEETS:

We got plenty of towels in the bedroom closet and extra set of sheets under the beds.

BEDS:

You can pull out the bed in the second bedroom to make it a king size bed. The couch also folds down into a bed to accommodate one person.

TV:

use the ROKU remote. It takes few second for it to turn on. You can watch Netflix. We have few episodes of Golden Girls, Seinfeld (and for the grown-ups, Sex and the City) on memory sticks. They are in the top drawer of the dining table.

MUSIC:

Our little Amazon Alexa speaker is connected to our Spotify account. You can press the speaker button (or say 'Alexa') then say 'play (your favorite music or musician)' . It is portable, so you can bring it outside if you want. Just put it back on its base when you are done. You can also connect it to your phone through bluetooth or just use AUX cable. It is by the paper lantern. Our favorite playlist is 'Coffee house playlist'

BBQ:

We have a small BBQ in the brown deck box. Feel free to use it. It sits on top of the deck box. Please use the 'copper' coloured reusable BBQ mats for easy cleaning which are stored in the stove drawer. Once cooled down, please store it back in the box. We got extra cans of propane underneath the ensuite bathroom sink. There is also a portable butane stove there in case the power goes off. * Power outage happens frequently on this island. *

DINING TABLE & CHAIRS:

The table folds out. We have two extra folding chairs in the closet by the bathroom.

GOLF CLUBS:

We have two sets of golf clubs you can use if you choose to go golfing at the Pender Island golf course. Clubs might be little too short. You can also rent them at the golf course.

KAYAKS:

We have two sit-on-top kayaks. They are beginner friendly and pretty stable (Max. weight 275 lbs). However they are NOT ocean kayaks. **You can use them at your own risk.** Lock code is **1215.** PFDs (life vests) are in the deck box. Our favorite spot to kayak is Magic Lake about 5 min drive from the house. Please rinse off the kayaks and PFDs after use.

GAMES:

There are some games (next to the stove) and puzzles under the bed in the master.

GARBAGE AND RECYCLING:

Please take all your garbage and recycling with you when you leave. There is no residential garbage and recycling pickup here. There is a garbage drop-off at Medicine beach (open 10am to 10pm daily). They charge $$ by the bag or you can take your garbage home. There is also a recycling depot on the way to the ferry (closed Sundays and Mondays).

CACTUS & RHODIES:

Please do us a favor by watering our little cactus. He is kept behind the blinds so that he can sunbathe while we are away. While you are here, he likes to hang on the table by the rocking chair. Please also water the rhododendruns by the door during the summer. They get thirsty. Hose bib is on the backside of the house.

BABIES & CHILDREN:

This house is NOT baby-proofed, but your little ones are welcome. Please be aware that there is a steep drop-off on the ocean side hence the fence.

DOGS:

If you bring a dog with you, please keep him/her off the bed or the couch. We have blankets and an extra sheet in the grey ottoman. There is a hose bib to wash him/her down in case they go in the ocean. Your pup will get MUDDY in Shingle Bay. Dog towels are in the master bedroom closet.

SMOKING IN AND OUT:

No smoking inside please.

Be careful where you butt out oustide. There is a fire ban on the island during the summer which means no campfires

Please be respectful of thy neighbor and bring your party indoors if after 11pm.

DEER:

They come visit us often. Do NOT feed them and be respectful by keeping your distance. Your chances of seeing them in action is high super early in the morning or in the evening.

****Our Casita sits on beautiful Shingle Bay which is an Intertidal Ecosystem rich with sensitive flora and fauna. Please do you best to respect and not disturb the shoreline.**

*****NO SHOES INDOORS PLEASE******

WHEN YOU LEAVE:

LOCK UP ALL DOORS + WINDOWS,
TURN ALL THE TAPS OFF (NO RUNNING WATER),
CLOSE THE BLINDS,
TAKE YOUR GARBAGE + RECYCLING
DON'T FORGET TO LEAVE THE KEY IN THE LOCK BOX !

oh and DON'T FORGET TO HAVE AN AMAZING TIME !

Any questions?

Call **Darryl (604-306-1340) or Suman (604-837-7511) or our Island Contact Laurie Rupert 778-549-0611**

NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.6

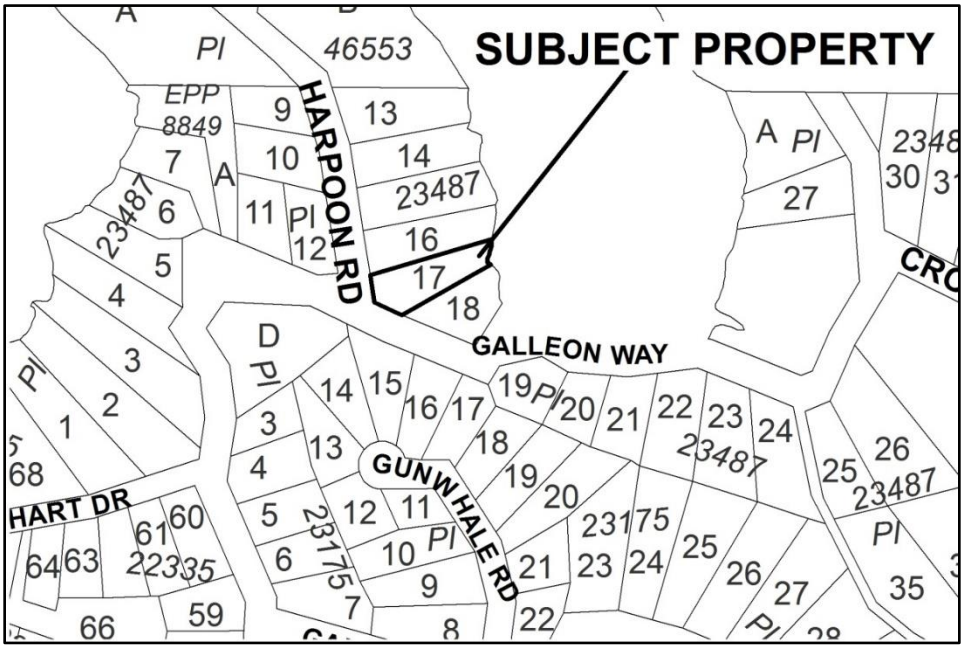
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 17, Section 9, Pender Island, Cowichan District, Plan 23487 (PID: 003-104-346). This property is located at 2612 Harpoon Road.

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

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

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **October 12, 2018** and up to and including **October 24, 2018**.

Enquiries or comments should be directed to Planner Phil Testemale 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., **October 24, 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.,** Thursday, **October 25, 2018,** at the Royal Canadian Legion Hall, 1344 MacKinnon Road on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2018.6 (Persello)

2612 Harpoon Road

To: Darryl Persello & Suman Lee

1. This Permit applies to the land described below:

   Lot 17, Section 9, Pender Island, Cowichan District, Plan 23487
   (PID: 003-104-346).

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

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

3. and is subject to the following conditions:

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

m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house.

4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

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

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

_____
Deputy Secretary, Islands Trust

_____
Date Issued



From: Mick Collins [redacted]
Sent: Friday, October 12, 2018 7:33 AM
To: information
Subject: for P. Testemale comments on NP-TUP-2018.6

Hi Mr. Testemale:

We are the owners of the adjacent property lot 18. We support the application for a Temporary Use Permit for a Short Term Vacation Rental from the owners of Lot 17. They are good friends and neighbours and we are confident that any vacation rentals at that location will be well managed and we do not anticipate any problems.

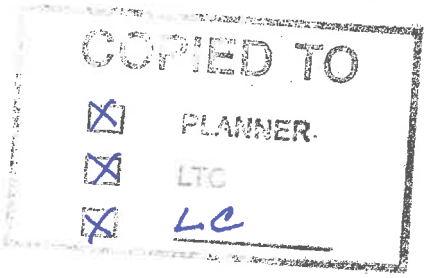
Mick Collins and Marg Palmer

[redacted]

From: Kathi Allinson <kdallinson2@hotmail.com>
Date: October 21, 2018 at 8:12:23 PM PDT
To: "information@islandstrust.bc.ca" <information@islandstrust.bc.ca>, "northpenderplanner@islandstrust.bc.ca" <northpenderplanner@islandstrust.bc.ca>
Subject: STVR application for 2612 Harpoon Rd

First I must say that I am not opposed to the idea of STVR's, however, I need to have some concerns addressed before another STVR is approved on our street. Our street is a dead end with ten homes. Another home at 2602 Harpoon Rd, was recently approved and I attended the Trust meeting. The 2602 property is approved for ten people. Our street is often very busy with sometimes three and four cars visiting this property. In the past neighbours complained of loud parties and fast cars, and at another short term rental on the street there were dogs running loose. At the last meeting I attended and in the paperwork we received, it was stated that there were rules to be followed. With the current approved STVR on our street no one has given me contact numbers in case of a concern or a complaint, and I don't feel I should have to run over there. So if this property at 2612 is approved, will I have the same problem? If there is no follow up that the rules are being adhered to with proper contact information given out to neighbors then I certainly wouldn't want any STVR's on our street. Please address this concern. I cannot attend the meeting, as I will be off island.

Sincerely,
Kathi Allinson



STAFF REPORT

File No.: NP-RZ-2018.2 (GRL Holdings) (NP-TUP-2014.3 & NP-DP-2014.3)

DATE OF MEETING: November 29, 2018

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

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

SUBJECT: Rezoning Application – Preliminary Report
Applicant: Shaw Communications c/o Westbrook Consulting Ltd.
Location: 5827 Schooner Way

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2018.2 (GRL Holdings/Shaw Communications Ltd.) and to prepare a draft bylaw.**

REPORT SUMMARY

The purpose of this preliminary report is to provide background on the proposed bylaw amendment and seek direction from the North Pender Local Trust Committee (LTC) to proceed, or not proceed, with application NP-RZ-2018.2.

The application would amend the North Pender Island Land Use Bylaw no. 103, 1996 (LUB) by rezoning a specific portion of the subject property from **Commercial One (f) (C1 (f))** to a site-specific **Community Service (o) (CS (o))** zone. That zone would allow the following uses only:

> *"The housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses."*

The amendment will bring the uses on the property into conformity with the LUB that have been permitted with a Temporary Use Permit (TUP) since 2011 in this location.

The above recommendation is supported as:

- The use has been ongoing for 7 (seven) years without significant issues reported;
- The use provides an essential community service in a suitable, central location;
- The use has minimal impacts on neighbouring properties and is largely compatible with surrounding land use;
- The application is supported by an environmental assessment;
- Proceeding with a draft bylaw will facilitate public and agency consultation and identify any outstanding issues or concerns with the uses being permanently established on the subject property.

BACKGROUND

The application by Shaw Communications Ltd will permit the use to permanently continue on the specific area (see Figure 2) of the property and thereby give certainty to the applicant. The uses are required to provide internet, telephone and telecommunications service to the community. The size and extent of the additional use will be further regulated by size limitations on associated buildings, structures and outside storage.

The Shaw facility use was previously located at the Pender Island Fire Hall on Bedwell Harbour Road from 2005 to 2011. The current site has been used by Shaw Communications since 2011.

A Temporary Use Permit (TUP) was initially issued in 2011 (NP-TUP-2010.2) which was further renewed in 2014 with NP-TUP-2014.3 (Attachment 3). The intent of the TUP is to permit the use to commence prior to rezoning and give the LTC the ability to monitor the suitability of the use and maintain the option to cease the use if the impacts prove to be deleterious. The TUP contained numerous conditions including conformity with a site plan, drainage measures, sediment control and landscaping.

A Development Permit (DP) for the Form and Character of Commercial and Industrial Development was issued in 2011 (NP-DP-2010.9). Minor amendments were made to the permit to accommodate 'as built' changes and issued as NP-DP-2014.3 (Attachment 4). That DP addresses the form and character of the building and landscaping and includes a minor parking variance.

The subject area is located on the southeast part of the property has been used since 2011 by Shaw Communications Ltd is shown in Figure 3 – Site Plan, is 0.074 ha (0.18 acres) in area and contains the following :

- Access driveway from Wallace Road.
- Unpaved, gravel parking area for three (3) vehicles.
- Approximately 107m^2 prefabricated steel Shaw building (Attachments 2.6 & 2.11).
- Two satellite dishes on a concrete base, with protective bollards (Attachment 2.12).
- An emergency generator on a concrete base (Attachment 2.11).
- Approximately 3m high retaining wall, with chain link fencing on top (Attachments 2.13 & 2.14).

The buildings and area are for service use and are only used by Shaw employees or contractors who are on-site intermittently and does not include any retail or office use where the public would require access. Although the majority of equipment is contained within the building or attached shed, some materials are currently stored outside (see Attachments 2.9 to 2.14). For clarity, there is no new development proposed with this application.

As part of the application, an environmental assessment report by a Qualified Environmental Professional (QEP – Lenna Malmkviskt, RPBio of Swell Environmental Consulting, August 3, 2017) was submitted (Attachment 5). The report verifies site conditions and makes recommendations for drainage, downstream impacts and landscaping and is discussed further in 'Issues and Opportunities' (below).

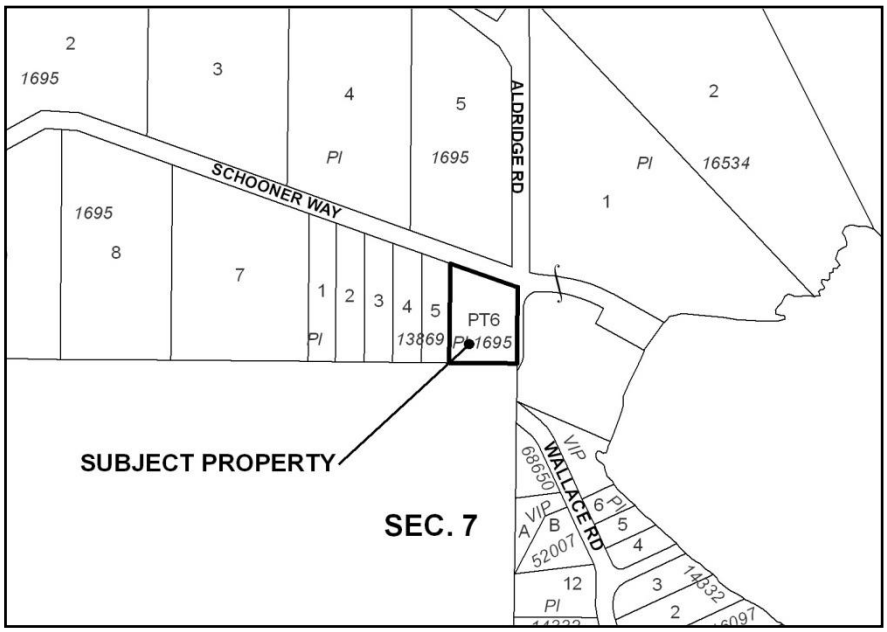
Other uses on the remainder of the property that is not part of this rezoning application include:

- a commercial building for the Medicine Beach Market,
- a liquor store,
- a café,

- realtor offices, and
- two separate smaller structures for a household waste drop off site and retail of local art.

Staff visited the site on October 24, 2018.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

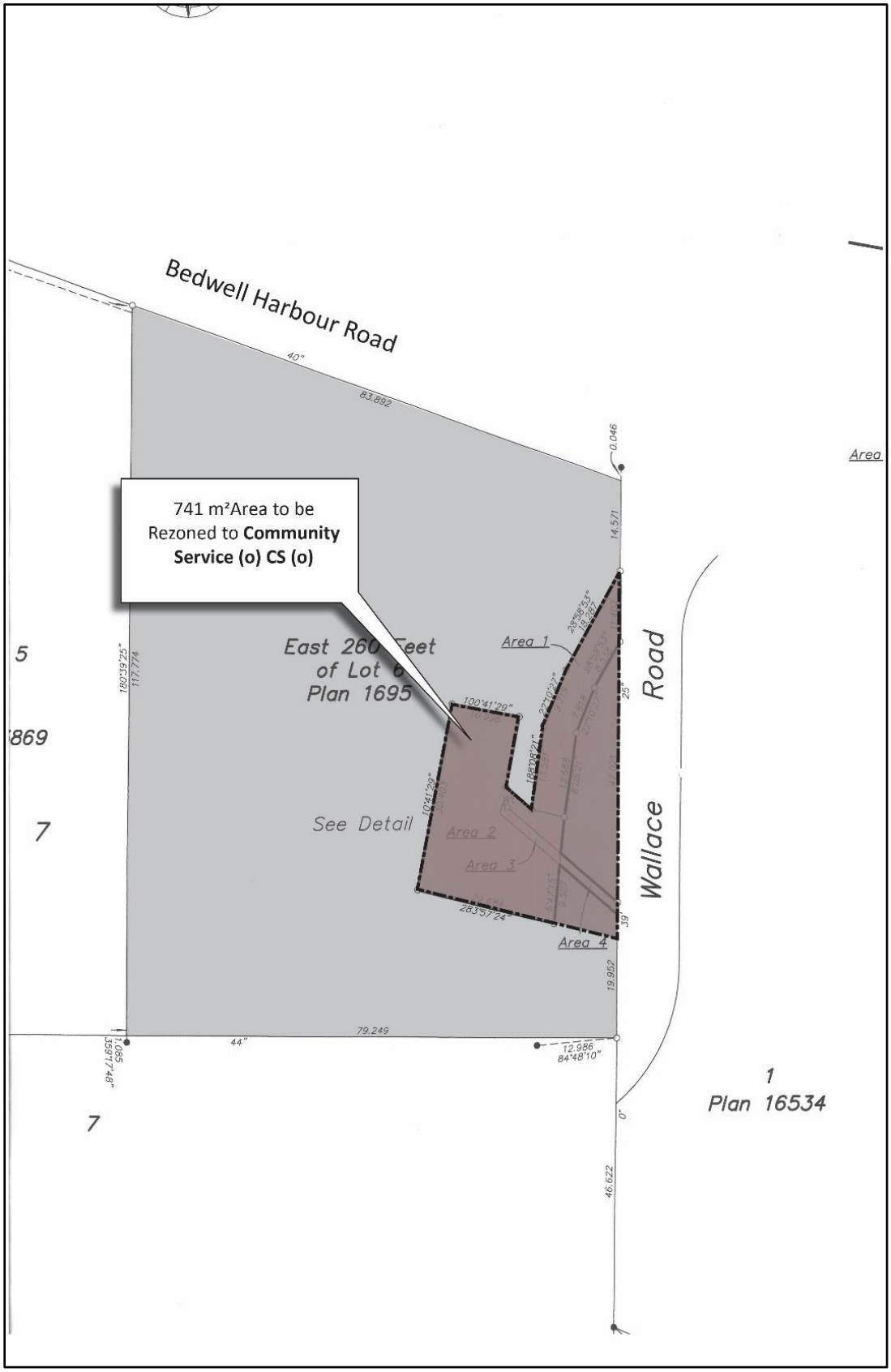
Islands Trust Policy Statement:

The relevant policies of the Islands Trust Policy Statement (ITPS) are as follows:

> **5.1 Aesthetic Qualities**
> **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** (") address policies related to the aesthetic, environmental and social impacts of development.
>
> **5.7 Economic Opportunities**
> **5.7.2 (")** address economic opportunities that are compatible with conservation of resources and protection of community character.
>
> **5.8 Health and Well-being**
> **5.8.6** (") 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.

In summary, the proposal is supported by the ITPS policies.

Figure 2 – Proposed Rezoning Area



Official Community Plan:

The subject property is designated **C- Commercial** in the OCP (Attachment 2.2). General **Commercial** policies include:

- 2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.
- 2.4.2 Priority may be given to new or additional commercial ventures in the following locations:
    - b) by application to rezone the remainder of the commercially designated lot at Schooner Way and Wallace Rd.
- 2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.
- 2.4.9 Parking and storage areas should be suitably screened to maintain the rural character of the area.
- 2.4.10 In order to manage stormwater and drainage on-site, parking areas should utilize porous or permeable surfaces and impervious surfaces should be minimized. Swales and open ditches should be used rather than curb and gutter.

Community Service Policy:

- 2.3.3 Land acquired or dedicated for public service use may be zoned for public use within any land use designation except the Agricultural designation or zone.

This latter policy anticipates applications such as this, where services will require land which in size, location and specific use cannot always be predicted and accommodated with land use designation in the OCP drafting process. Further, the policy allows the application to proceed without an amendment to the OCP.

In summary, the proposal is in compliance with the objectives and policies of the OCP.

Development Permit Areas

As the property has commercial zoning, **Development Permit Area Nine – Commercial and Industrial Form and Character** is automatically designated. As stated above, NP-DP-2010.9 was issued concurrently with the original TUP and updated with NP-DP-2014.3. This established siting, building design, site drainage and landscaping conditions, and includes a minor parking variance (4 spaces to 3). An extensive Landscape and Drainage Plan is part of the DP the plans for which are Attachments 2.7 and 2.8. The conditions of the DP remain in effect. There is no new development proposed at this time, and any future development on the property would require a new DP.

Land Use Bylaw:

The majority of the property has site specific zoning **Commercial One (f) - C1 (f)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1) . Along the southern boundary of the property an approximate 12-13 metre strip is zoned **Rural (R)**. The **C1 (f)** zone identifies the following permitted uses:

- retails sales,
- offices, including banks
- restaurants
- cafes and bakeries

Issues and Opportunities

Established Use

Shaw Communications has now been using the subject area for almost eight years. Consistent with the intent of TUPs this has permitted a reasonable time period to monitor and analyse the suitability of the use prior to rezoning – a trial zoning in effect. As stated above, the current DP was issued with minor amendments to bring the site and landscaping plans into conformity with as-built specifications concurrently with the TUP in 2014. With renewals and conditions there has been periodic monitoring and site inspections both by staff and professionals. During that time frame there have been no complaints about the use or the site condition, nor have any downstream impacts on the nature reserve been observed or reported.

Zoning

The current proposal is to rezone a portion of the subject property to Commercial Service (CS). The area is 0.074 ha (0.18 ac) in size and corresponds to the area leased by Shaw Communications from the owner (GRL Holding Ltd). Creating a site-specific zone has the benefit of delineating specific uses on a particular portion of a property. This approach also ensures that the location and extent of uses are limited to a suitable area of any given property. The one disadvantage of site specific zoning is that it further 'split zones' a property that already has two zones and effectively adds to an inventory of multiple zones in the LUB which, in the aggregate, can make the LUB more cumbersome.

Site-specific zoning is more prescriptive and limiting to the land owner than the alternative of adding the uses to the existing zone (Commercial One (f) C1 (f)), where the use could occur anywhere on the property with potentially more impacts. Notwithstanding, the applicant has requested site specific zoning and staff is of the opinion that this is the suitable approach. If the alternative is chosen by the LTC, staff would recommend a Section 219 Covenant to restrict the uses and building size to the identified area and the size of buildings and structures.

Site Drainage and Environmental Review

Several TUP requirements specified drainage management measures which have been completed. The as-built drainage plan is shown as Attachment 2.8 and are summarized as follows:

- The site drainage design largely maintains the natural drainage pattern of the site.
- The retaining wall back-filled with free draining material with a perimeter drain at the base and a swale adjacent to the top to manage site drainage.
- The access and parking area are surfaced with gravel or other permeable surfacing.
- Erosion control ensures sediments are not directed off site and in no sheet, rill or gulley erosion is permitted.

As stated above, the applicants submitted an environmental assessment report by a Qualified Environmental Professional (QEP – Lenna Malmkviskt, RPBio of Swell Environmental Consulting, August 3, 2017 – Attachment 5). The report is a follow-up assessment that was a specific condition of the renewal TUP to submit a report from a qualified environmental professional commenting on the effectiveness of site drainage control and any downstream impacts on the creek and adjacent Ecological Zone, including any mitigation recommendations. Further, it addressed the landscaping, particularly management of invasive species (see next).

The conclusion of the report is:

> The rainwater management on the site appears to have been effective over the past 5 years, and is sufficient to protect the creek and downstream aquatic ecosystems. It does not appear that there are any areas actively eroding and directing sediment into the channel. (pp. 1 & 2)

At this time, staff is not recommending that any further professional reporting be provided by the applicant, however, referral to the Islands Trust Conservancy, agencies or public consultation may identify unforeseen issues where staff or the LTC may at their discretion request further reporting through the Development Approval Information (DAI) Bylaw.

Landscaping

A landscaping plan (Attachment 2.7) by LADR Landscape Architects was submitted as part of the 2011 TUP application, and was included with both Temporary Use and Development Permits. The completed landscaping that was certified as installed by a BCSLA qualified professional in July 2013 and includes planting of native species for the purposes of screening and slope stabilization; the retention of existing vegetation; the removal of invasive species; and chemical-free landscape maintenance until the new plantings had been established.

The Swell Environmental monitoring report and a previous report from 2012, commented that there are a few locations where there were some non-native species present on site, and recommended removal and maintenance to prevent re-establishment. Based on this and a recent site visit, staff have communicated with the applicant that ongoing landscaping maintenance (watering, invasive species removal, weeding) and invasive species control should be addressed through this application. It is noted that the DP is current and that this remains an alternate mechanism to ensure all conditions (here landscaping) are met.

Exterior Materials Storage:

Conditions of the TUP concerned materials storage (no exterior storage of hazardous materials, and no storage of any materials or equipment outside of the fenced area). Previous site visits for the TUP and DP and a more recent one did not note any obvious exterior storage of hazardous materials. The perimeter fence in the original (2010) application, was unnecessary, as a small shed structure was built adjacent and attached to the primary building. The recent visit revealed that spools of cable and two small tow-behind trailers were being stored around the unenclosed parking area (Attachment 2.12). Despite being limited amount of materials and reasonably well organize, staff has communicated to the applicant that, as part of the rezoning process, a long term solution of either an additional storage structure or screening would address any visual impacts and potential safety concerns.

Islands Trust Conservancy Property – Medicine Beach

There are no Islands Trust Conservancy (ITC) covenants on the subject property, however the ITC does own the adjacent Medicine Beach Nature Sanctuary (see: Attachment 2.5). The significance of the nature reserve is as follows:

> A sandy beach containing a significant archeological midden encloses a brackish marsh at Medicine Beach Nature Sanctuary. Exceptionally rare in the Gulf Islands, the marsh - a mix of fresh water runoff from forested uplands and salt water from incoming tides - supports a unique collection of plants. Great Blue Heron, Western Grebe and Belted Kingfisher are just some of the bird species visitors see in the marsh. The site has become a sanctuary for migrating and breeding populations. (ITC Website)

The ITC (then the Trust Fund Board) supported the original TUP in 2011 and the 2014 renewal. As part of the consultation process (below), the draft bylaw will be referred to the Islands Trust Conservancy (ITC) for comment which will subsequently be reported to the LTC. This is consistent with Islands Trust Policy 3.3.ii where all applications that directly affects a property adjacent to a Conservancy property.

Building Requirements

The applicants have requested that the maximum size of the building be set at 150 m² and that they be permitted 3 satellite dishes. The existing building is 107 m² and there are two (2) satellite dishes. The 150 m² would equate approximately to the CS zone maximum site coverage of 25% if the subject area was to be considered a separate lot. The limited area of the portion to be rezoned itself is a major constraint in addition to existing setbacks and parking regulations.

As above, staff have communicated with the applicant recommending that the outside storage of materials be addressed with wither an additional storage building or screening.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. In this circumstance, staff is recommending scheduling a CIM in conjunction with the Public Hearing. This will be scheduled after draft bylaws are complete, reviewed and have received First Reading.

The public hearing notice would be posted as per statutory and bylaw requirements in advance of the public hearing.

Agencies

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the Advisory Planning Commission.

- Islands Trust Conservancy
- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- North 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

First Nations

This application does not require an Official Community Plan amendment and therefore there is no First Nation consultation requirement. Given the nature of the application staff are not recommending consultation.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- The use has been ongoing for 7 (seven) years without significant issues reported;
- The use provides an essential community service in a suitable, central location;
- The use has minimal impacts on neighbouring properties and is largely compatible with surrounding land uses;
- The application is supported by an environmental assessment that addresses landscaping, site drainage and downstream impacts.
- Proceeding with a draft bylaw will facilitate public and agency consultation and identify any outstanding issues or concerns with the uses being permanently established on the subject property.

ALTERNATIVES

1. **Request further information**

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

   Resolution:

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

2. **Amend Site Specific Commercial Zoning**

   The LTC may choose to apply the specific uses to the **Commercial One (f) C1 (f)** zoned area only.

   Resolution:

   That the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2018.2 (GRL Holdings/Shaw Communications Ltd.) and to prepare a draft bylaw to add the proposed uses to the ***Commercial One (f) C1(f)*** *zone.*

3. **Deny the application**

   The LTC may deny the application.

   Resolution:

   *That the North Pender Island Local Trust Committee deny application NP-RZ-2018.2 (GRL Holdings/Shaw Communications Ltd.) for the follows reasons:*_____

4. **Hold the application in abeyance**

   The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

   Resolution:

That the North Pender Island Local Trust Committee hold application NP-RZ-2018.2 (GRL Holdings/Shaw Communications Ltd.) in abeyance for the following reasons:_____

NEXT STEPS

With direction from the LTC, Staff will:

- Draft the amendment bylaw, and
- Report back to the LTC with a recommendation for First Reading
- Seek direction to schedule a CIM and Public Hearing

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

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. NP-TUP-2014.3
4. NP-DP-2014.3
5. Swell Environmental QEP Assessment Report

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying East of a Boundary Parallel to and Perpendicularly Distant 260 Feet from the Easterly Boundary of Said Lot.
PID	002-885-182
Civic Address	5827 Schooner Way
Property Size	0.7 ha (1.77 acres)

LAND USE

Current Land Use	Commercial and
Surrounding Land Use	• North – Rural and Ecological • South – Rural and Rural Residential • East – Ecological • West – Rural

HISTORICAL ACTIVITY

File No.	**Purpose**
NP-TUP-2014.3	Renewal TUP to permit continued uses (consistent with current application) by Shaw Communications. Expired September 2017 (Attachment 3).
NP-DP-2014.3	Form and Character of Development including landscaping, parking and site drainage (Attachment 4).

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as **C - Commercial** in the North Pender Island OCP No 171, 2007 (Attachment 2.2) **Development Permit Area Nine – Commercial and Industrial Form and Character** is designated on the area of the property zoned Commercial in the LUB
Land Use Bylaw	The property is split zoned **Commercial One – C1(e)** and **Rural (R)** in the North Pender Island Land Use Bylaw 103, 1996. (Attachment 2.1)
Other Regulations	N/A
Covenants	There are no covenants registered on the Title
Bylaw Enforcement	NP-BE-2008.6. This was a violation (waste transfer) associated with the other portion of the property – no affect.

SITE INFLUENCES

Islands Trust Conservancy	See report body re: adjacent *Medicine Beach Sanctuary* and referral to the ITC (Policy 3.3.ii) (see also Attachment 2.5)
Regional Conservation Strategy	North Pender Island has been identified as an area for moderate conservation

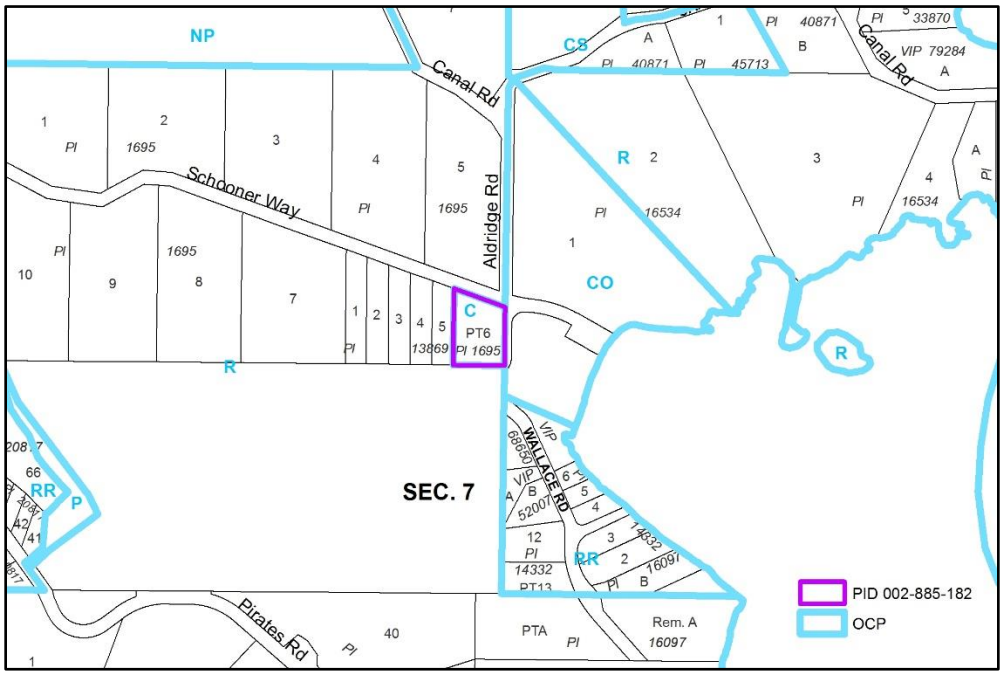
	focus. The use of the property is consistent with the RCP goal to "Promote community participation in conservation within the Islands Trust Area through *effective stewardship and management of private lands*…" (emphasis added). The proposal does not conflict with biodiversity priorities, and has addressed biodiversity concerns with its landscaping, drainage, and sediment control measures currently in place.
Species at Risk	No species at risk occurrences and critical habitat are identified for the property.
Sensitive Ecosystems	There are no sensitive ecosystems on the property. The property is adjacent to Medicine Beach Sanctuary, an ecological zone. A watercourse roughly parallels the southern boundary of the lot; however, it has been confirmed that the provincial Riparian Areas Regulation do not apply.
Hazard Areas	The steep slope hazard mapping shows areas of low and moderate hazard areas on the property as shown below (Attachment 2.4). The area of rezoning is in low and medium hazard. There is no new development proposed with the application.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites are noted 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 *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* 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	Based on GIS data, the eastern boundary of the subject property is 8 metres above sea level at the southern corner, rising to 14m above sea level at the northern corner. Being adjacent to the conservation area Medicine Beach may provide a natural buffer for storm events and storm surges for the subject property. The proposal is not expected to generate any new vehicle trips.
Shoreline Classification	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

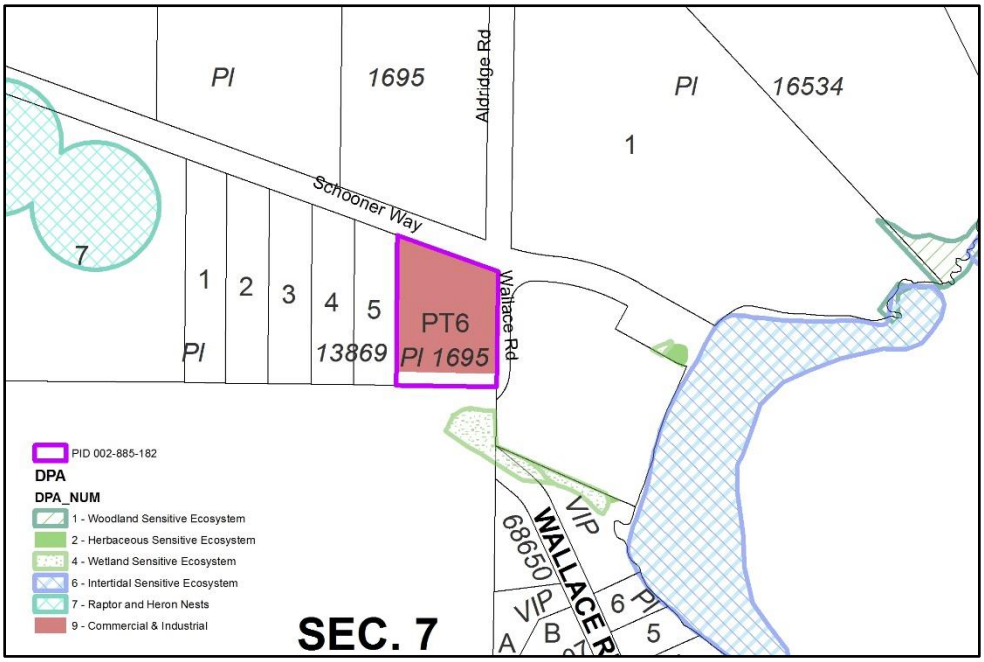
2.1 ZONING & ORTHOPHOTO



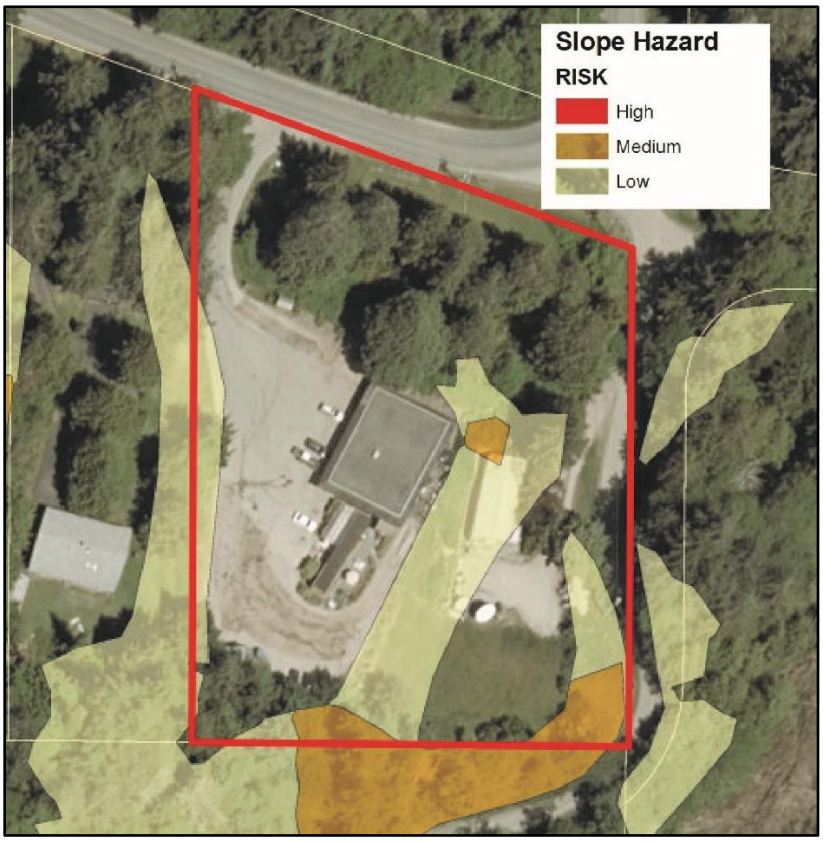
2.2 OCP DESIGNATIONS



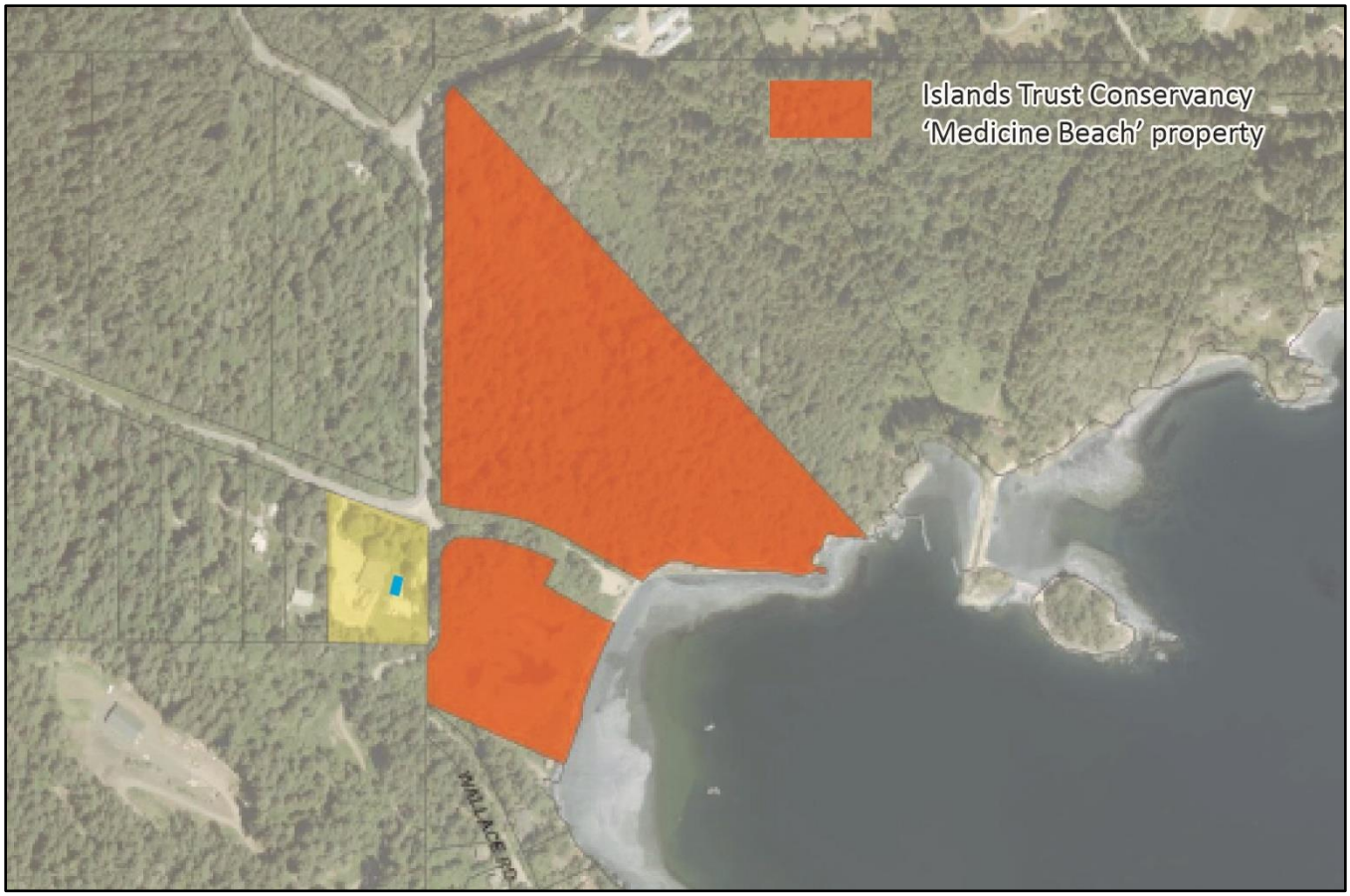
2.3 DPAs



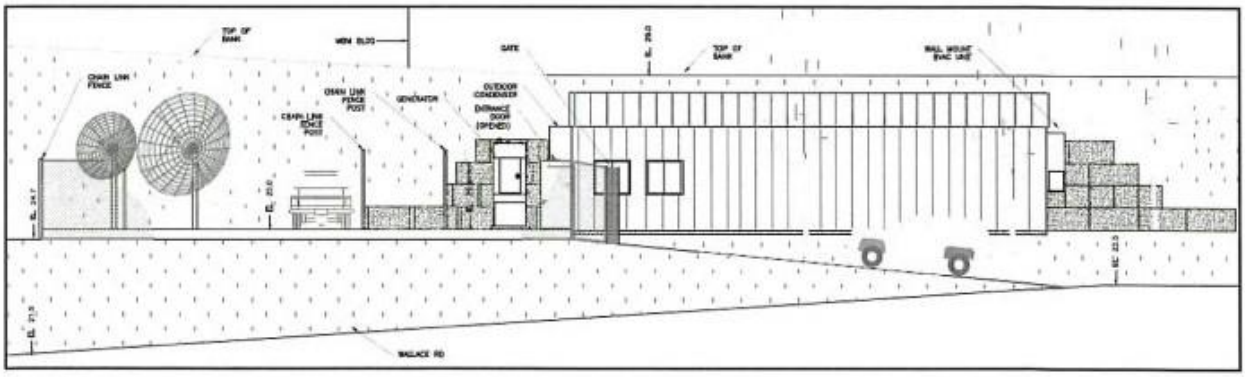
2.4 Map Title

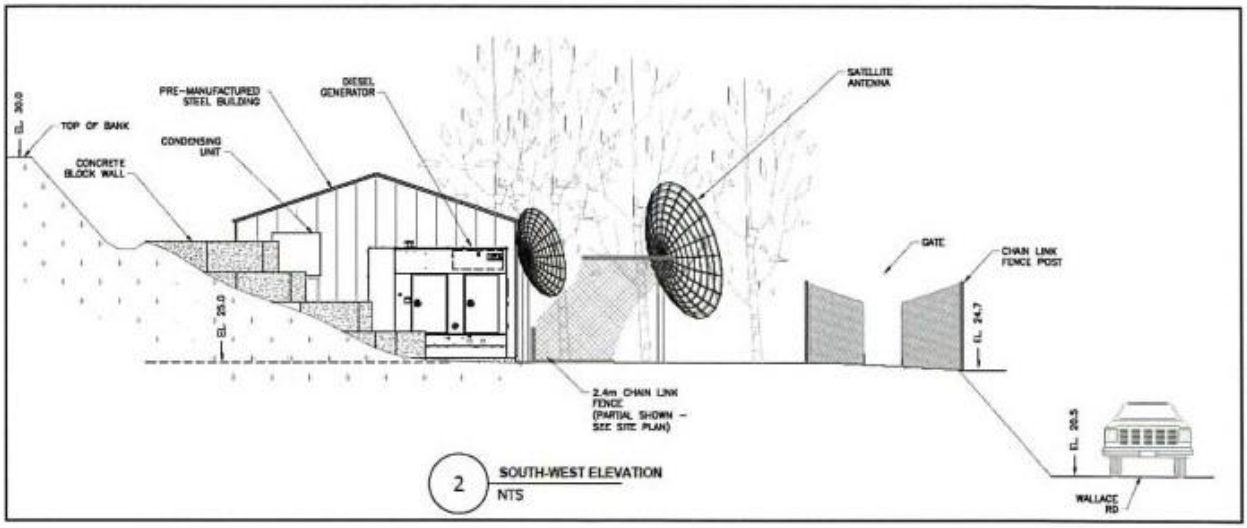


2.5 ISLANDS TRUST CONSERVANCY PROPERTY

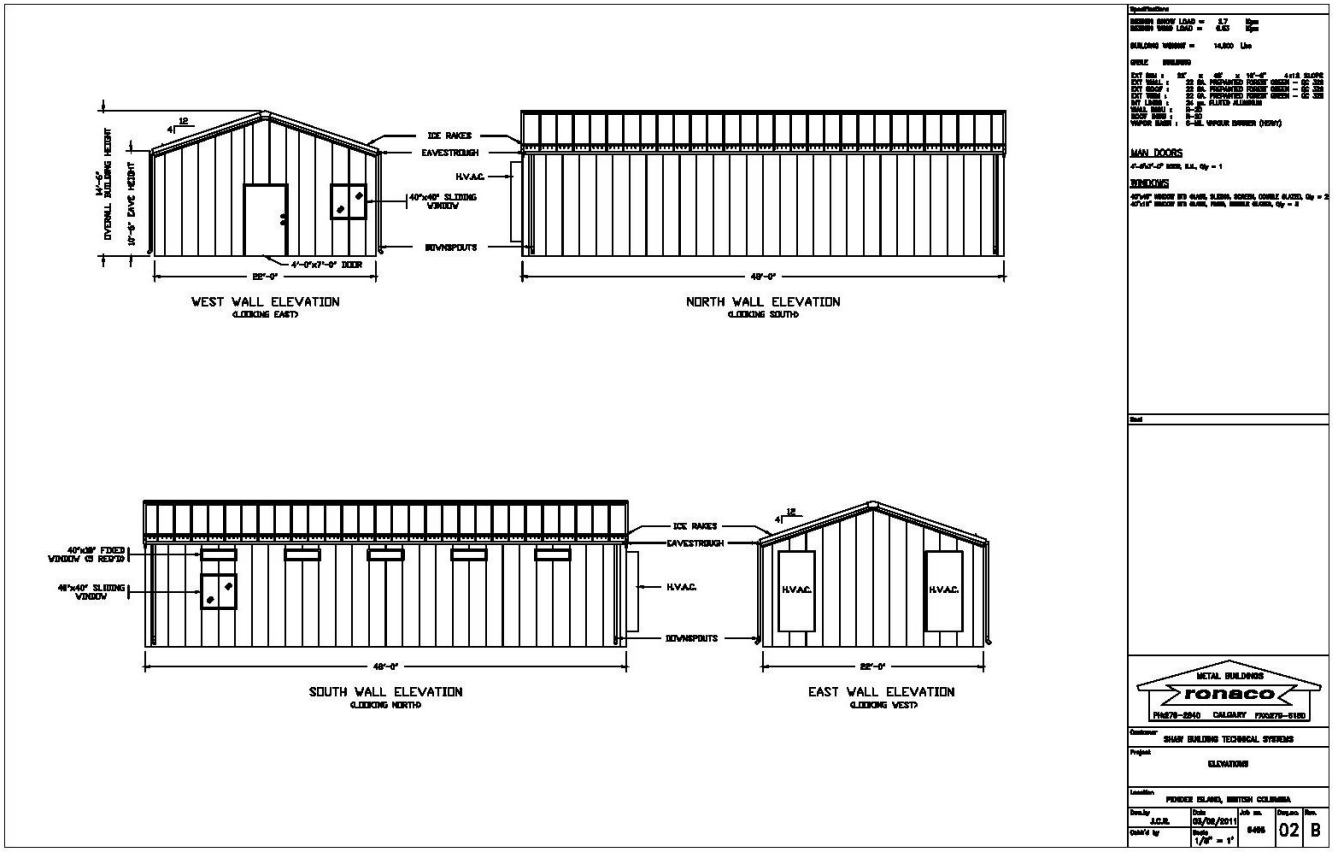


2.6 BUILDING ELEVATIONS

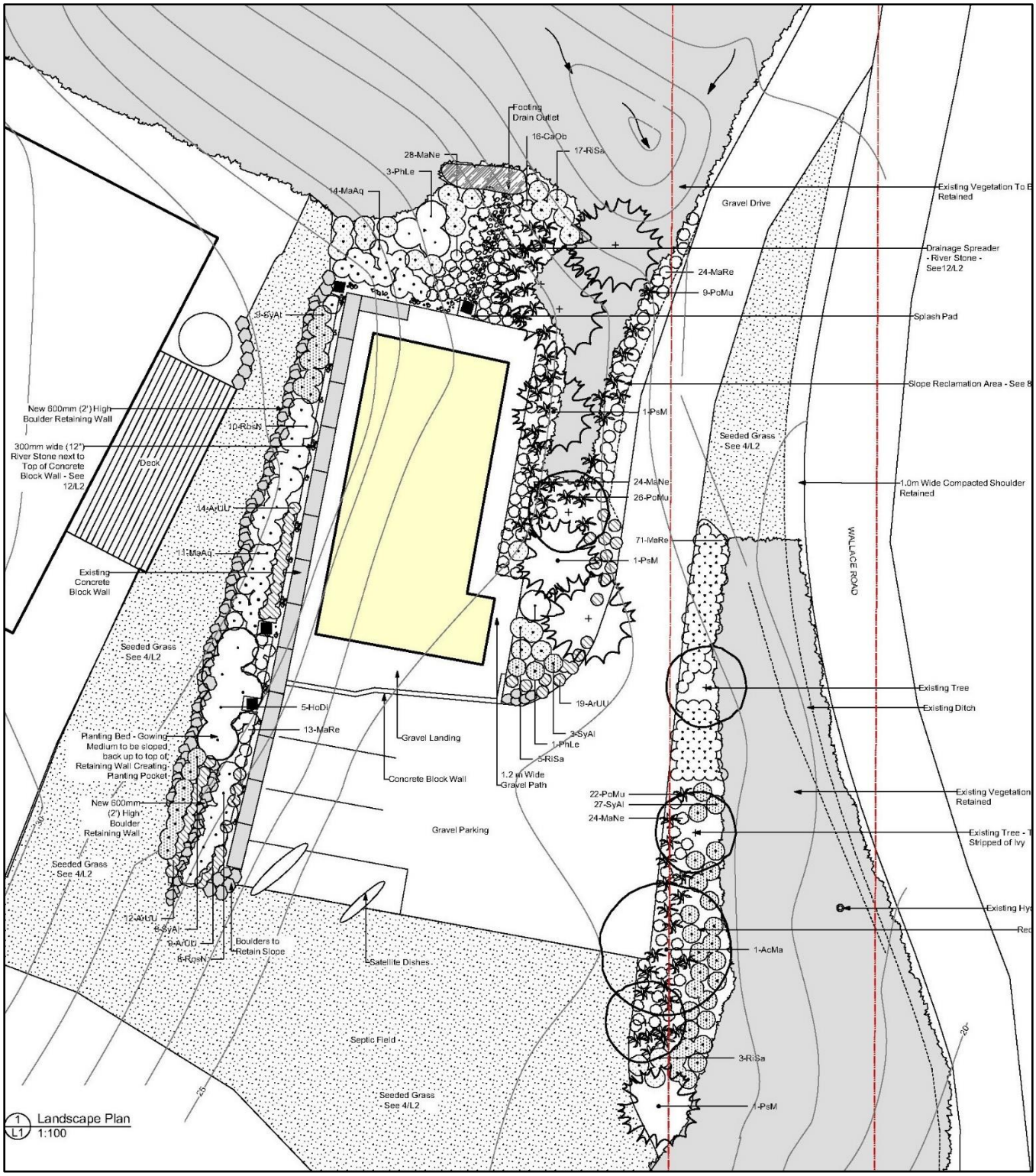




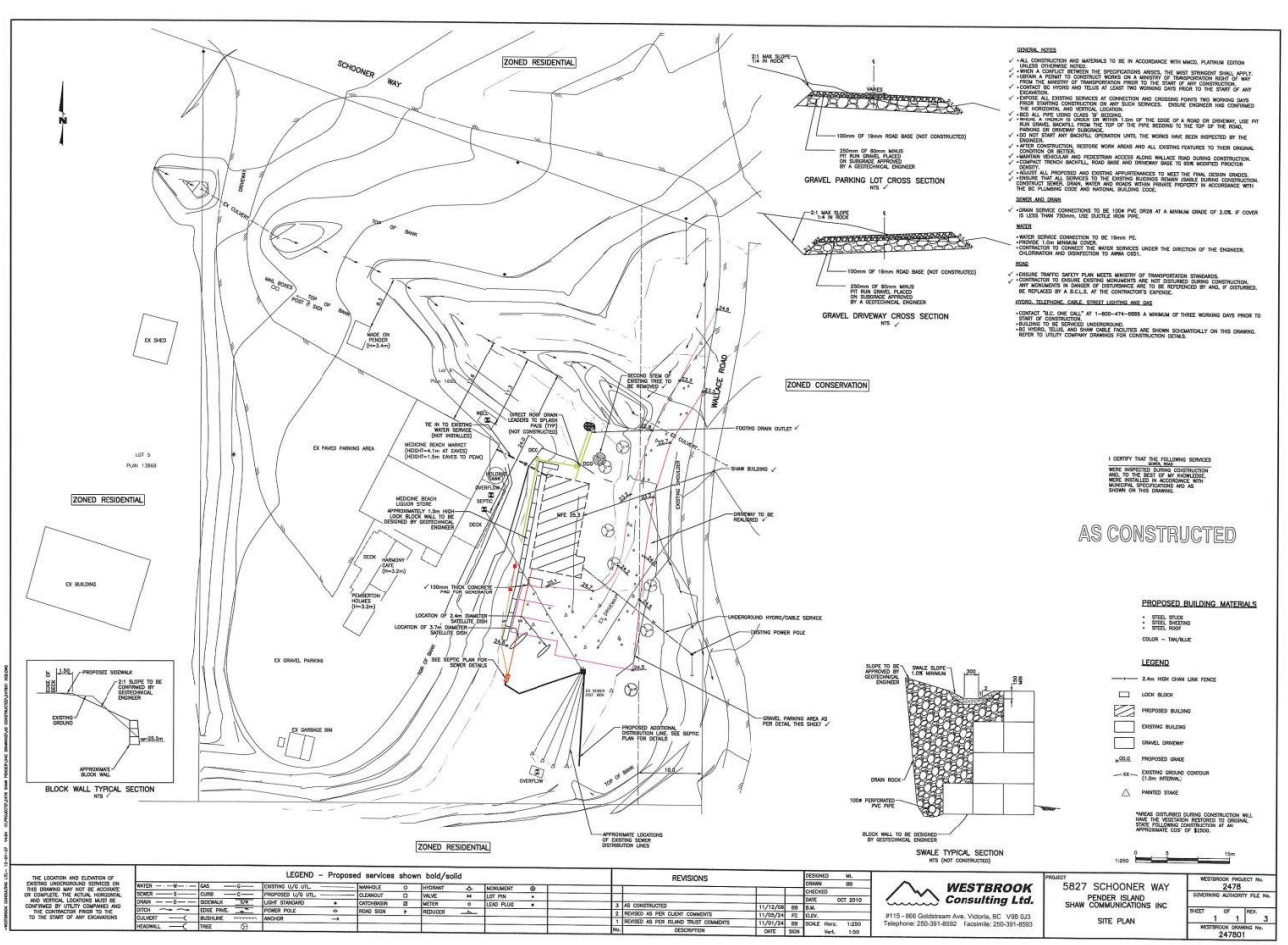
2.6 BUILDING ELEVATIONS (CONT'D)



2.7 LANDSCAPE PLAN (NP-TUP-2014.3 AND NP-DP-2014.3)



2.8 DRAINAGE PLAN



2.9 Entrance from Wallace Road (Looking South)



2.10 Parking and Turnaround above Wallace Road (looking Northeast)



2.11 Existing Building (from Southeast)



2.12 South portion of Area (Parking and Exterior Storage)



2.13 Outside Storage (Looking South along West Boundary of Subject Area)



2.14 Rear of Service Building (Looking North)



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2014.3

TO: GRL Holdings Ltd.

1. This Temporary Industrial Use Permit applies to the land described below:

   That portion of the lot legally described as:

   > That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot

   As indicated on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

   a) "the placement of equipment for the supply and distribution of telecommunication and cable services as a regulated service utility, but not including retail or office services."

3. The uses may be carried on subject to the following conditions:

   a) The use permitted in 2(a) shall be limited to the development area and building as attached in Schedules 'A', and 'B'.

   b) The site drainage design shall be in accordance with the site plan labeled as Westbrook Drawing 247801 dated December 5, 2011 and attached as Schedule 'A' and shall ensure there is no significant alteration of the natural drainage pattern.

   c) The retaining wall shall be back filled with free draining material with a perimeter drain at the base and a swale adjacent to the top to manage site drainage as shown in Schedule 'A'.

   d) The access and parking area shall be surfaced with gravel or other permeable surfacing as shown in Schedule 'A'.

   e) During the site preparation and construction phase effective sediment controls in compliance with the provincial *Land Development Guidelines for the Protection of Aquatic Habitat* shall be in place such that there is no increase in sedimentation of the receiving waters.

   f) Post construction erosion control shall ensure sediments are not directed off site and in no circumstance shall sheet, rill or gulley erosion be permitted.

   g) Sediment controls shall be in place before land disturbance is initiated.

h) Any soil or fill stockpiled for more than 7 days shall be protected with temporary coverings or totally contained by silt fencing.

i) Any bare slopes exposed shall have sediment control measures implemented immediately on completion of any work.

j) The generator shall be at minimum have a dual walled fuel tank with secondary containment and leak detection.

k) Post construction there shall be no exterior storage of any hazardous materials.

l) Post construction there shall be no exterior storage of any materials or equipment outside of the fenced area.

m) Landscaping shall be in accordance with the plan by LADR Landscape Architects dated November 21, 2012 as attached in Schedule 'C'.

n) All debris and waste materials currently on site as of the date of issuance of this permit shall be removed and properly disposed of. No waste materials shall be buried on site.

o) At 18 months from issuance of this permit and prior to consideration of a renewal to this permit, a report from a qualified environmental professional commenting on the effectiveness of site drainage control and any impacts on the adjacent Ecological Zone, including any mitigation recommendations, shall be provided.

p) Nothing in this permit prohibits deer fencing to protect implementation of the landscaping plan.

q) No fungicides, pesticides or herbicides shall be used in the development area.

4. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.

5. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 15th DAY of SEPTEMBER, 2014

S. L. deRosario

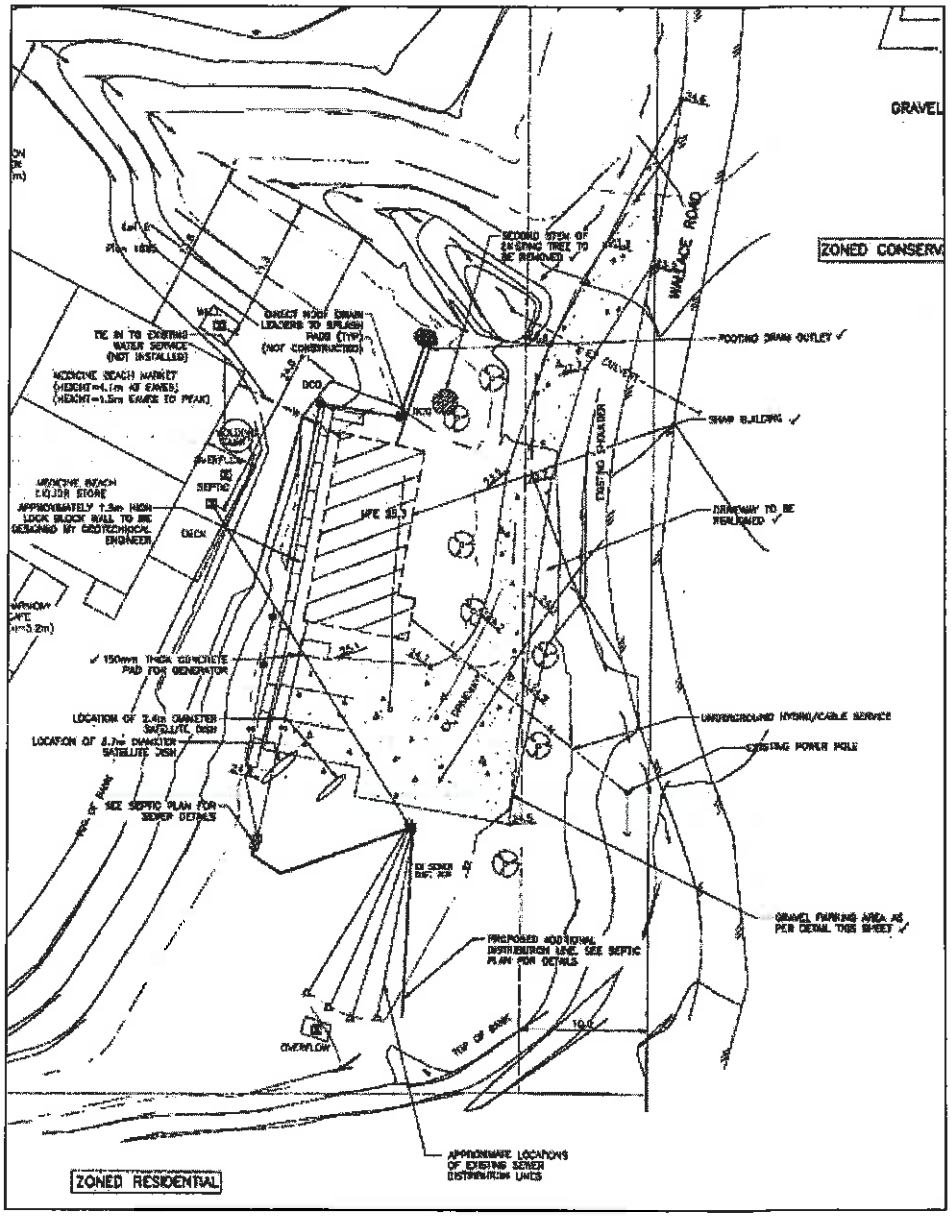
Deputy Secretary, Islands Trust

September 16, 2014

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2014.3
SCHEDULE 'A'

General Site Plan



I hereby certify this to be Schedule 'A' which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2014.3.

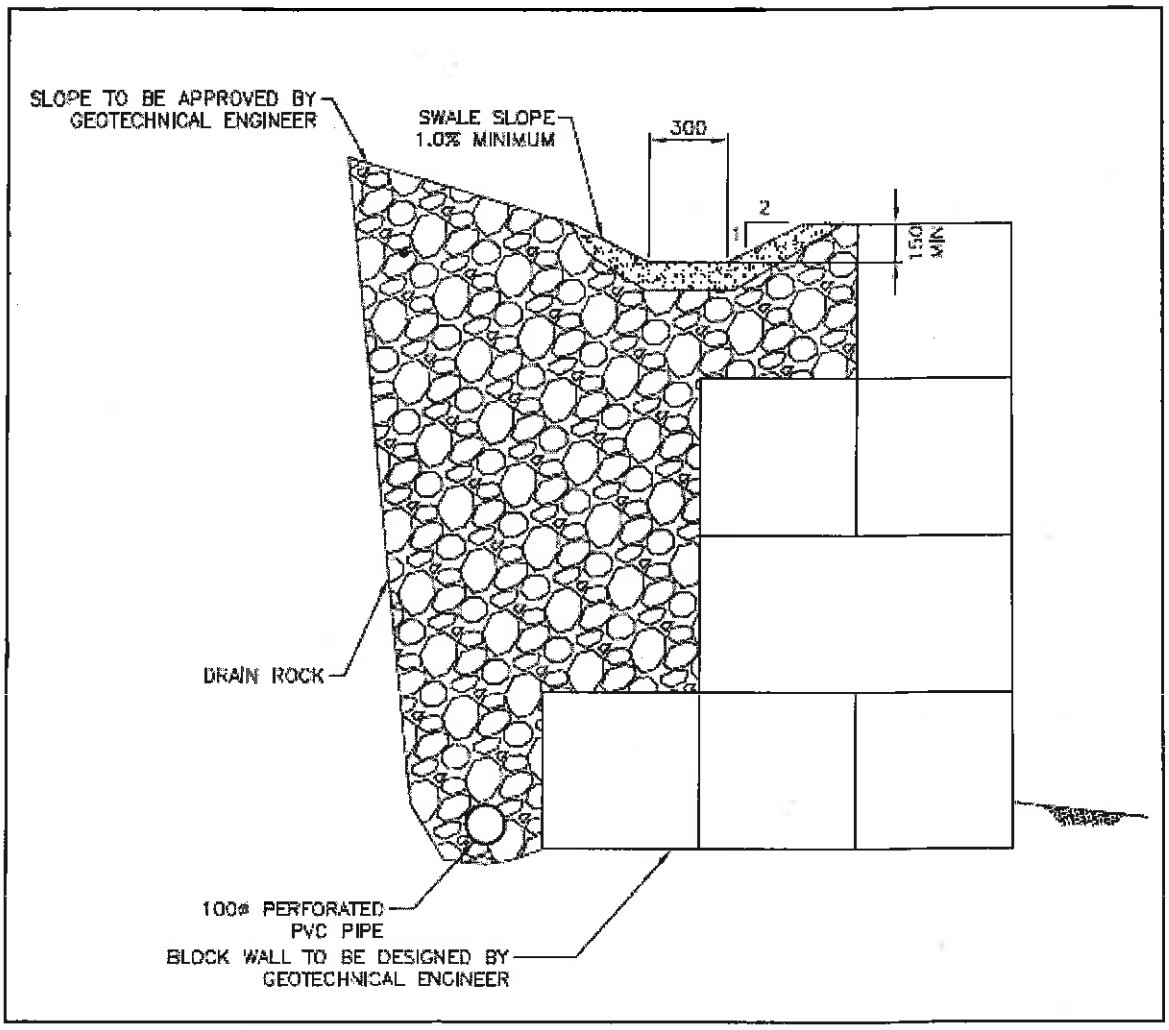
S. L. deRosenroll

Signature of Islands Trust Official

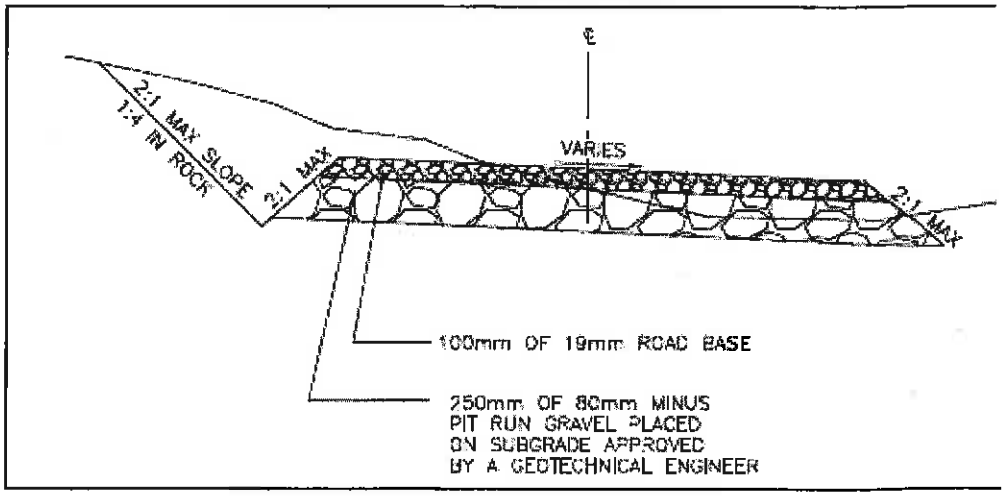
September 16, 2014

Date of Issuance

Retaining Wall Swale Detail



Access Detail



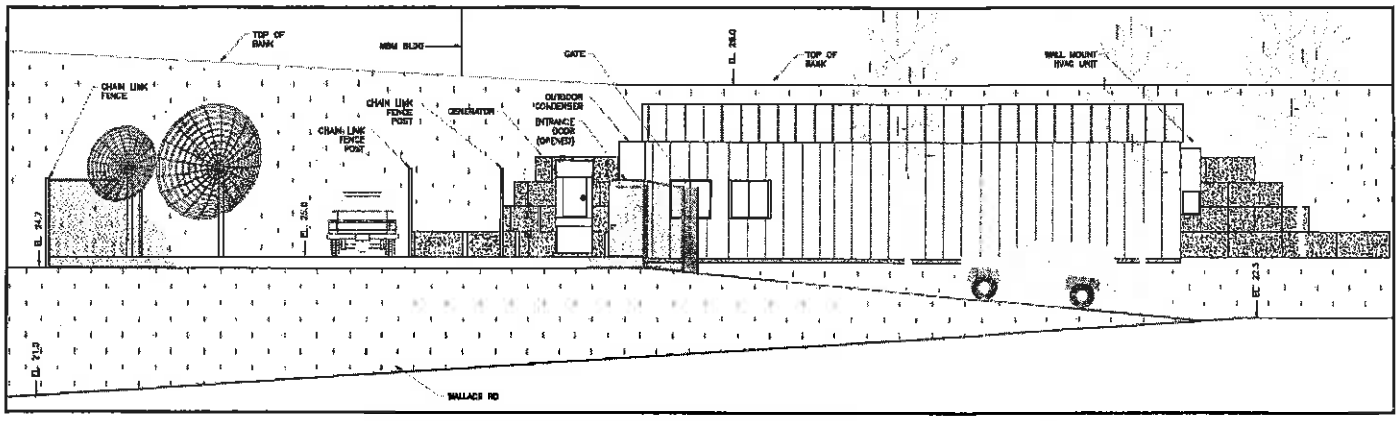
I hereby certify this to be Schedule 'A' which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2014.3.

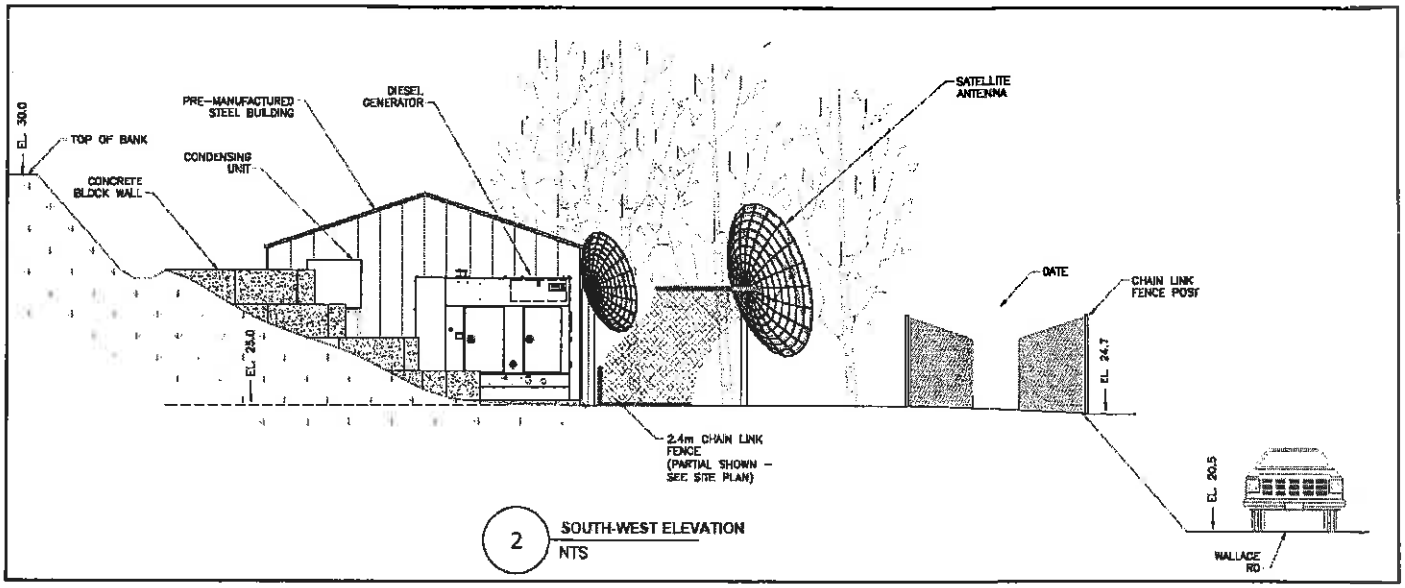
Signature of Islands Trust Official

September 16, 2014
Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'B'

Building elevation





I hereby certify this to be Schedule 'B' which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2014.3.

S. L. deRosario

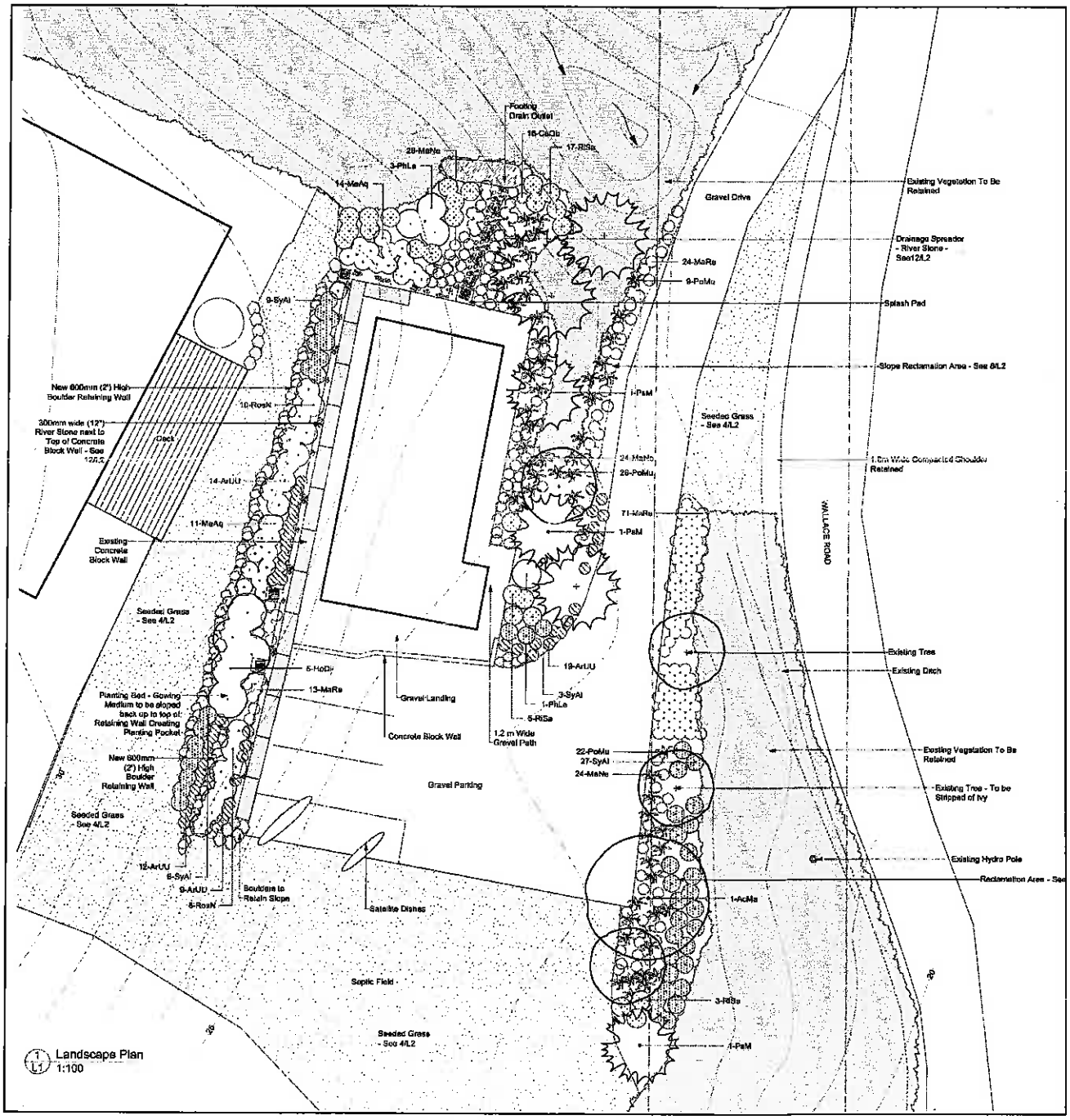
Signature of Islands Trust Official

September 16, 2014

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2010.2
SCHEDULE 'C'

Landscape plan



I hereby certify this to be Schedule 'C' which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2014.3.

S. L. deRosario

Signature of Islands Trust Official

September 16, 2014

Date of Issuance

Required Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name
AcMa	2	Acer macrophyllum	Big Leaf Maple
AlRu	14	Alnus Rubra	Red Alder

Large Shrubs

ID	Quantity	Botanical Name	Common Name
HoDi	9	Holodiscus discolor	Oceanspray
PhLe	21	Philadelphus lewisii	Wild Mock Orange

Medium Shrubs

ID	Quantity	Botanical Name	Common Name
CoSt	21	Cornus Stolonifera	Redtwig Dogwood
MaAq	29	Mahonia aquifolium	Tall Oregon Grape
RiSa	64	Ribes sanguineum	Red Flowering Currant
SyAl	21	Symphoricarpos albus	Snowberry

Small Shrubs

ID	Quantity	Botanical Name	Common Name
GaSh	43	Gaultheria shallon	Salal
MaNe	114	Mahonia nervosa	Low Oregon Grape

Groundcovers

ID	Quantity	Botanical Name	Common Name
ArUU	79	Arctostaphylos uva ursi 'Vancouver Jade'	Vancouver Jade Kinnickinnick

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name
CaOb	22	Carex obnupta	Slough sedge
JuEf	27	Juncus effusus	Common rush
PoMu	27	Polystichum munitum	Sword Fern

I hereby certify this to be Schedule 'C' which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2014.3.

S. L. deRosario

Signature of Islands Trust Official

September 16, 2014

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2010.9

TO: GRL Holdings

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

   That part of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, lying of the east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot.

2. This Development Permit authorizes the construction of a 107m^2 building, a soil retaining wall, parking area and a second access from Wallace Road , exterior placement of two satellite dishes on a solid base, exterior placement of a generator on a 3m^2 base with at minimum 2 concrete bollards, a paved 8m by 1m pathway, and fencing subject to the following requirements and conditions:

   a) Siting and layout related to the development shall be in accordance with the site plan labelled as Westbrook Drawing 247801 and attached as Schedule 'A'.

   b) The form and character of the new building shall be in accordance with that shown on Schedule 'B'.

   c) Landscaping within the development area shall be consistent with the number and types of species recommended, and the planting be substantially consistent with the general locations identified in the landscaping plan prepared by LADR Landscape Architects dated January 28, 2011 as shown on Schedule 'C'.

   d) No existing native vegetation outside the development area on Schedule 'C' shall be removed.

   e) Landscaping shall be completed within 12 months of an occupancy permit being issued by the Capital Regional District and in accordance with the specifications provided by LADR Landscape Architects.

   f) Nothing in this permit prohibits deer fencing to protect implementation of the landscaping plan.

   g) No fungicides, pesticides or herbicides shall be used in the development area.

3. Pursuant to Section 925 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any conditions respecting landscaping are satisfied:

   a) Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.

b) Any interest earned on the security provided under Condition 3 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

c) The security provided by the permit holder is:

i. An irrevocable letter of credit with a clause for automatic renewal,
ii. Payable to the Islands Trust,
iii. In the amount of 125% of the quoted landscaping cost, or $ 25,743.66 based upon the cost estimate provided by LADR Landscape Architects dated January 28, 2011.

d) Where the development authorized by this permit has been completed or the permit has lapsed prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 2c) of this permit, provided that the conditions have been met.

4. North Pender Island Land Use Bylaw No. 103, 1996 is varied as follows:

a) Article 6.1.2(n) which requires 1 parking space per $35m^2$ of floor area is being varied to permit:

i. 1 parking space per $36m^2$ of floor area, requiring a minimum of 3 parking spaces for the development authorized by this permit.

5. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.

6. 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 Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS 24th DAY OF February, 2011.

Deputy Secretary, Islands Trust

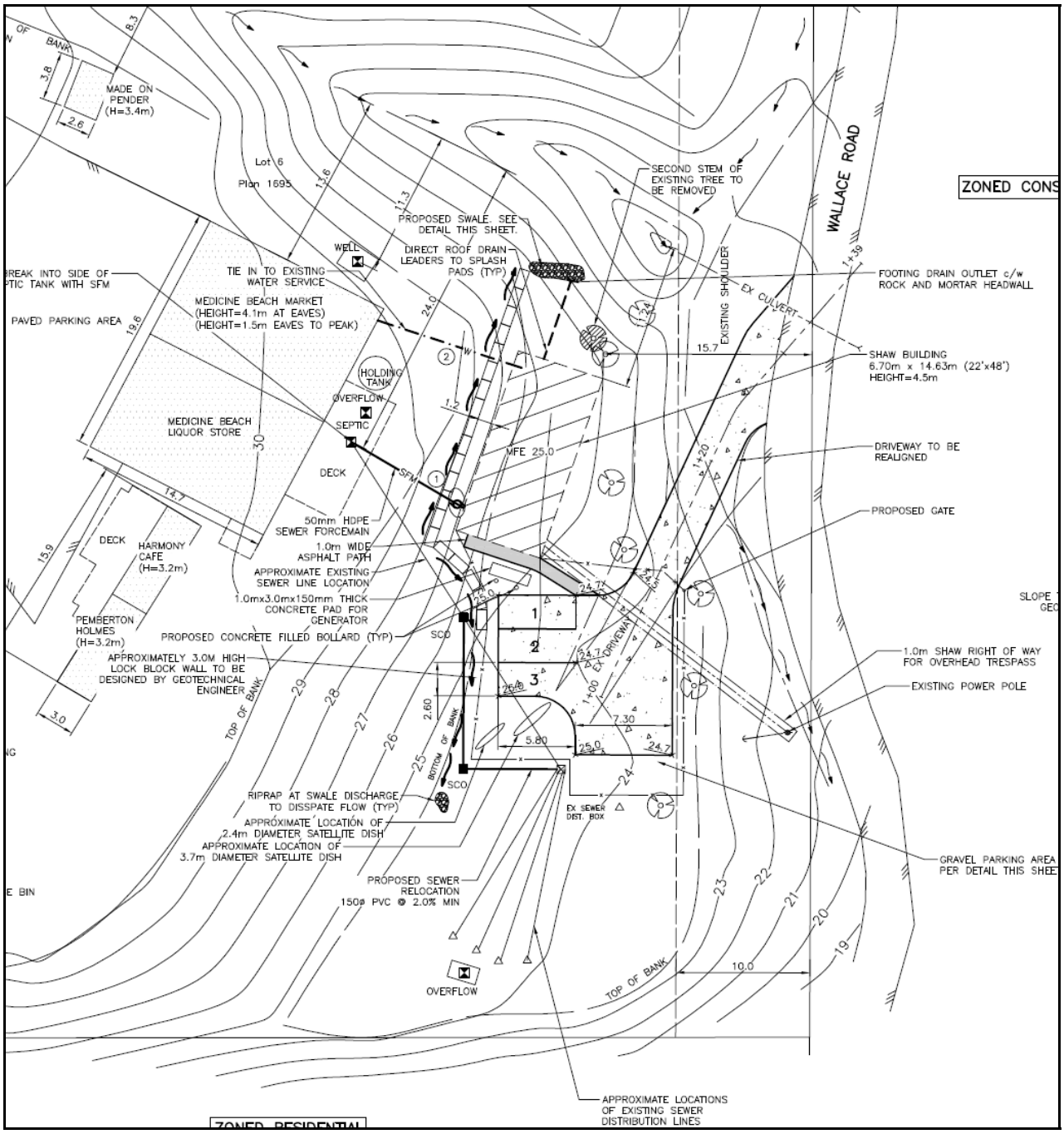
February 25, 2011

Date of Issuance

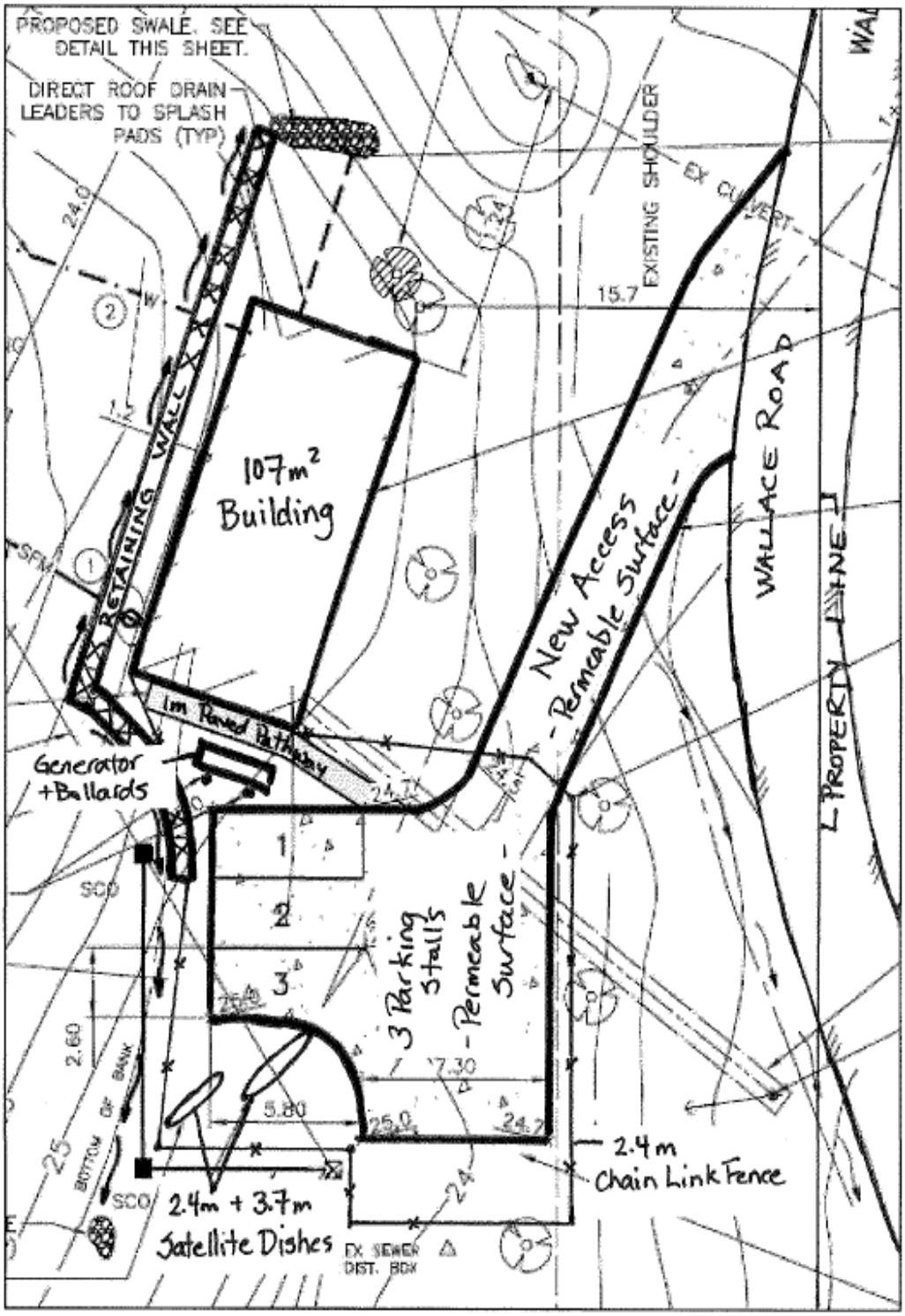
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 25th DAY OF February, 2013, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2010.9
SCHEDULE 'A'

General Site Plan

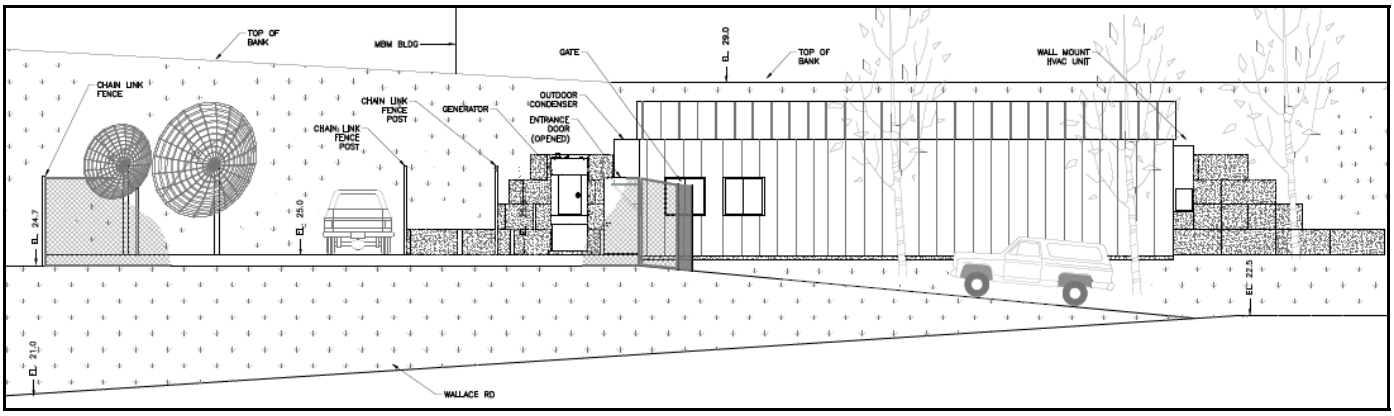


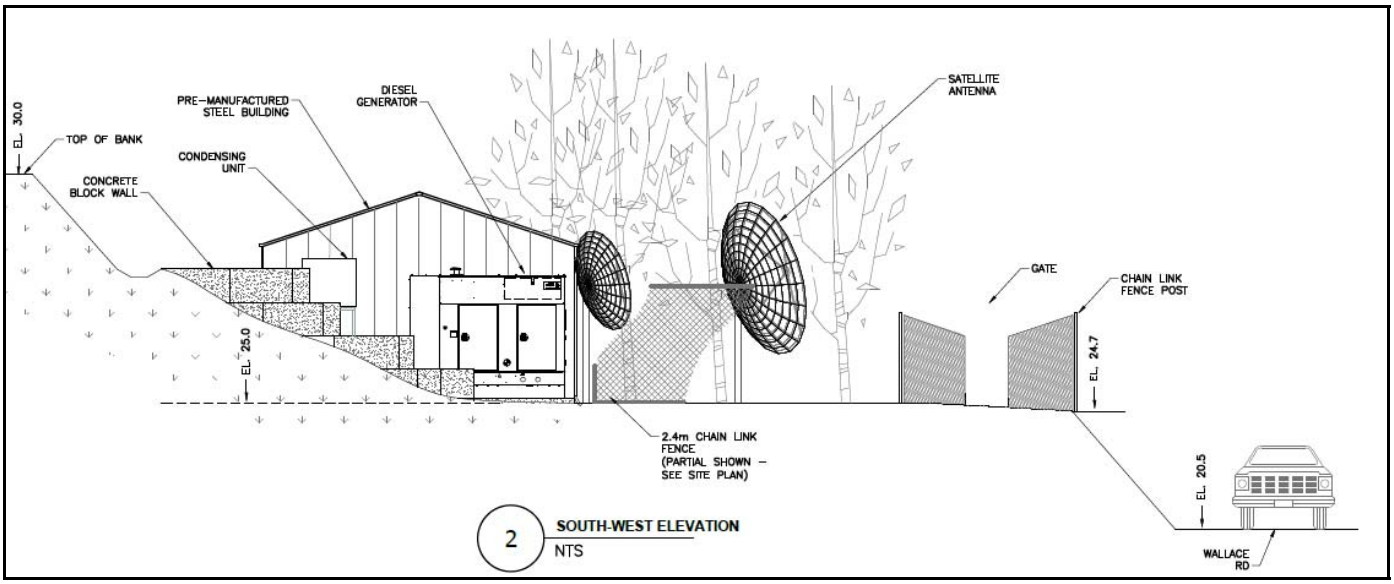
Development Area



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2010.9
SCHEDULE 'B'

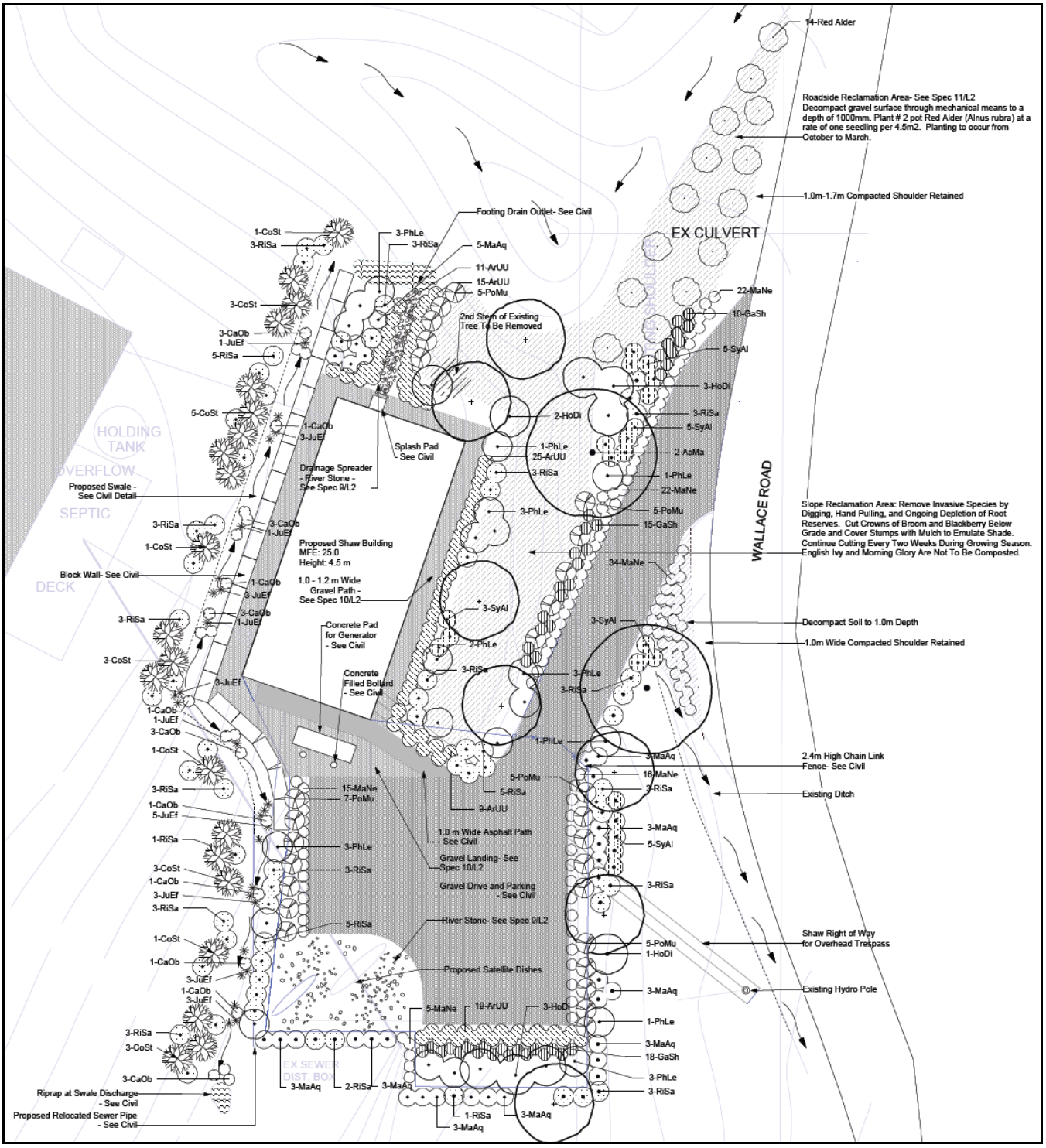
Building elevation





NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2010.9
SCHEDULE 'C'

Landscaping plan



Required Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name
AcMa	2	Acer macrophyllum	Big Leaf Maple
AlRu	14	Alnus Rubra	Red Alder

Large Shrubs

ID	Quantity	Botanical Name	Common Name
HoDi	9	Holodiscus discolor	Oceanspray
PhLe	21	Philadelphus lewisii	Wild Mock Orange

Medium Shrubs

ID	Quantity	Botanical Name	Common Name
CoSt	21	Cornus Stolonifera	Redtwig Dogwood
MaAq	29	Mahonia aquifolium	Tall Oregon Grape
RiSa	64	Ribes sanguineum	Red Flowering Currant
SyAl	21	Symphoricarpos albus	Snowberry

Small Shrubs

ID	Quantity	Botanical Name	Common Name
GaSh	43	Gaultheria shallon	Salal
MaNe	114	Mahonia nervosa	Low Oregon Grape

Groundcovers

ID	Quantity	Botanical Name	Common Name
ArUU	79	Arctostaphylos uva ursi 'Vancouver Jade'	Vancouver Jade Kinnickinnick

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name
CaOb	22	Carex obnupta	Slough sedge
JuEf	27	Juncus effusus	Common rush
PoMu	27	Polystichum munitum	Sword Fern

swell
ENVIRONMENTAL
CONSULTING

Shaw Communications Inc.
2728 Hopewell Place NE
Calgary, AB T1Y7J7
Attn: Raffaele Ardolino

August 3, 2017

RE: QEP Review of Shaw Communications Hub Site at Wallace Road and Schooner Way, North Pender Island

On July 26, 2017, I visited the Shaw Communications Hub Site at Wallace Road and Schooner Way, North Pender Island to review the site conditions and recommendations from my report from August 13, 2012. I visited the site to review the drainage works that were constructed with the Shaw building to ensure that the adjacent creek and downstream ecosystems are protected.

DRAINAGE

The drainage is in the same condition as it was in 2012, with the only impervious surface area on the lot is the small building, the roof drainage flows via downspouts onto a gravel pathway surrounding the building. It appears as if the water infiltrates into the ground (potentially into the perimeter drain if there is substantial roof runoff). There was no evidence of excessive runoff (e.g. erosion) around the building.

The parking area and driveway are gravel, and it appears as if most rainfall infiltrates into the gravel, and any surface runoff flows via sheet flow into the vegetated areas surrounding the parking lot and along the driveway. There does not appear to be any concentration of flows (e.g. small channels) or erosion adjacent to the parking lot or driveway.

The outlet for the perimeter drain for the building is a riprapped area approximately 5 metres from the creek channel on the north side of the building. Any drainage from this outlet flows through a vegetated strip prior to reaching the creek. The roof drainage is not anticipated to contain sediments and the riprap and vegetated strip appear to dissipate the flow from the outlet, delivering clean water to the creek. There was no evidence of erosion around the outlet area.

The rainwater management on the site appears to have been effective over the past 5 years, and is sufficient to protect the creek and downstream aquatic ecosystems. It does not appear that there are any areas actively eroding and directing sediment into the channel.

INVASIVE SPECIES

The invasive species recommendations from the 2012 report appear to have been successfully implemented on most of the site. There are still a few locations where invasive thistles (both *Circsium* sp. and milk thistle (*Silybum marianum*) are established:

- Sporadically on the disposal field, in addition a few Himalayan blackberry plants (*Rubus armeniacus*)
- Inside the deer fencing between the road and the disposal field
- Inside the deer fencing between the creek and building

Removal of the thistles should be done prior to going to seed. The thistles should be carefully collected (especially the flowers or seed heads), bagged and disposed of where they will not spread (e.g. covered landfill or carefully burned).

Additionally, in areas with older, established vegetation there are other invasive, non-native species interspersed with native species on the site including Himalayan blackberry (*Rubus armeniacus*) (immediately adjacent to the creek), English ivy (*Hedra helix*) (in some of the trees along the east side of the site), Scotch broom (*Cytisus scoparius*), laurel-leaved daphne (*Daphne laureola*), and fox glove (*Digitalis purpurea*).

Manual removal of the invasive species should continue with diligent maintenance. The shrubby invasive species should be removed manually prior to developing seeds and ensuring that the roots are removed.

As was recommended in 2012, the Himalayan blackberry patch is immediately adjacent to the creek channel and should only be removed if a full riparian area restoration will be completed and maintained, otherwise an erosion risk and sediment source may be created and the blackberries will reestablish without regular maintenance to control them.

Summary

The rainwater management on the site appears to be sufficient to protect the creek on the north side of the property and downstream aquatic ecosystems.

Invasive, non-native species have been controlled on most of the site, however, there are still a few locations where non-native invasive species are established. In particular, thistles patches should be controlled, their seeds are very mobile (wind distribution) and will spread quickly to any exposed soils on the site, and far beyond, if not managed effectively. The shrubby invasive species should be managed by manual removal, with the exception of the Himalayan blackberry patch adjacent to the creek, which should only be removed if an extensive riparian restoration plan is implemented for the creek area.

Areas cleared of invasive species should be revegetated with native vegetation, and mulch may also help prevent the reestablishment of these undesirable species. As with any type of landscaping, irrigation is required to establish new plants, and invasive species control (weeding) will be require on going maintenance to prevent reestablishment.

Sincerely,



Lehna Malmkvist, MSc, RPBio (#1613)
Principal, Swell Environmental Consulting Ltd.

CC:
Bruce Crawshaw, PEng. Westbook Consulting Ltd.



Photo 1. Downspout from roof, drains onto gravel pathway and infiltrates, in heavy rainfall runoff may flow through the vegetation to the right.



Photo 2. Outlet from the perimeter drains, approximately 5 metres south of the creek channel. Any flows are dissipated by the riprap and flow through a vegetated strip before reaching the creek.



Photo 3. Thistles in deer fenced area between parking area/disposal field and the road.



Photo 4. Thistles in deer fenced area between the building and the creek.



Photo 5. Disposal field with sporadic thistles and Himalayan blackberry.



Photo 6. East of the building between driveway and building, the north end has well established native vegetation interspersed with invasive, non-native species such as laurel-leaved daphne.

STAFF REPORT

File No.: NPI Bylaw 216/217
6500-20 Secondary Suites

DATE OF MEETING: November 29, 2018

TO: North Pender Island Local Trust Committee

FROM: Justine Starke, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Final Report – Secondary Suites on North Pender Island
Applicant: N/A
Location: N/A

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 adopted.
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 adopted.

REPORT SUMMARY

The purpose of this report is to present Bylaws 216 and 217 for consideration of adoption. Bylaw 216 and Bylaw 217 are provided in Appendix 1 and 2. The bylaws would permit and regulate secondary suites as accessory dwellings within primary dwellings on North Pender Island. The overall objective of this project has been to consider options to improve the stock, availability, and impacts of affordable housing on North Pender Island.

BACKGROUND

The North Pender Island Local Trust Committee (LTC) made housing a top priority in 2015. The first phase was the development of a regulatory solution to short term vacation rentals that supported housing objectives. This program was successful, and Official Community Plan amendment Bylaw 203 and Land Use amendment Bylaw 204 were adopted on April 06, 2017. On November 24 2016 the LTC added Secondary Suites as a focus under its Top Priority work program. The Local Trust Committee endorsed a project charter to manage the work program for this policy priority.

Project Rationale

One of the major conclusions of the 2018 Southern Gulf Islands Housing Needs Assessment (commissioned by the CRD) is the urgently short supply of rental housing on the North Pender Island. Secondary suites (and cottages) are easiest way to increase the stock of affordable and rental housing within the existing settlement pattern of our island communities.

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. Existing unlawful suites would no longer face the possibility of enforcement for non-compliance with zoning but could be subject to enforcement under the BC Building Code by the Capital Regional District.

What is a Secondary Suite?

A secondary suite is an accessory dwelling unit located within the principal residential building. The BC Building Code limits the maximum size of a secondary suite to 40% of the floor area of the principal dwelling unit - to a maximum floor area of 90 m^2 (969 sq ft). Secondary suites are typically affordable, ground oriented and market based. Given the number of single family residences on North Pender Island, and its aging and growing population, legalized secondary suites could assist the community in addressing housing diversity and affordability issues.

Affordable Housing

The affordability of suites is not something that is realistic to regulate with a housing agreement, which is the main tool LTCs can use to control rental rates or resale values. The administrative burden of housing agreements is not practical to impose on individual suites across the islands (housing agreements are better used for higher density, multi-family affordable housing projects). Therefore, the cost of rent for suites on North Pender will be primarily market driven. However, compared with other affordable housing opportunities, secondary suites can be more readily available because they are developed within existing residences. Suites can be created without public expenditures or the involvement of community organizations.

Rental Housing

Normalizing secondary suites provides tenants with rental housing that is safe, legal, and affordable. This means security and stability for renters, as well as an opportunity to move out of what may be inadequate living situations. Suites also offer the potential for car sharing and neighbourly living.

Homeowners

Secondary suites offer mortgage helpers that make home ownership more attainable. They also offer options for people to age in place, security for those with a disability, and opportunities for family support to adult children or elderly relatives.

Community

Secondary suites maintain community character while enabling families and individuals from diverse economic backgrounds to live in the same area. They provide a stock of low-cost housing without government subsidies and without added density. Secondary suites also support the economy by providing accommodation for employees; for agriculture by offering a place to house farm workers; and for non-resident property owners by offering security and caretaking of a property.

Bylaw 216 and 217

Bylaw 217 is a land use bylaw amendment that will allow secondary suites in residential zones across North Pender Island. Bylaw 217 excludes secondary suites from being permitted within the Trincomali Water District by designating the district as a special zone variation (RRb).

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.

Community Consultation

On October 21, 2017, the North Pender Island Local Trust Committee hosted a community information workshop to discuss secondary suites prior to the bylaws being drafted. 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. On June 26, 2018, once the bylaws were drafted and given second reading, the LTC held another community information meeting prior to the public hearing. The LTC again heard no objections to the bylaws.

Statutory Process

A public hearing was held on June 26, 2018. A public hearing is a quasi-judicial process within which specific procedures must be followed. Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new relevant information is considered by the LTC, all other interested parties have a right to consider the new material and to make further representations to the LTC.

The information reviewed by the previous Local Trust Committee is available for the newly elected LTC to review. The public hearing binder is available in hard copy at the Islands Trust office and is available to trustees via the internal file sharing folders (webdav). Staff Reports and background information can be found on the Projects page of the North Pender Local Trust Area webpage under "Housing": http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/housing/.

The Executive Committee of Islands Trust approved both bylaws on August 15, 2018. Because Bylaw 216 amends the Official Community Plan, it required approval by the Minister of Municipal Affairs and Housing; the Minister approved the bylaw on November 5, 2018. The last step in the statutory process for bylaw approval is for the LTC to adopt the bylaw.

Agency Referrals

The bylaws were also subject to agency referrals. The results of this consultation are documented on the website and in the staff report dated April 26, 2018.

Servicing

The Trincomali Improvement District (TID) requested exclusion from the bylaws. The TID has groundwater supply limits that cannot be easily addressed with infrastructure upgrades. TID is not a Capital Regional District Service Area; it does not have administrative staff and the board meets infrequently. A referral relationship between the CRD and TID for building permit applications cannot be confirmed or relied upon. Bylaw 217 therefore excludes the TID from secondary suites being permitted.

The Magic Lake Water and Sewer Commission also requested to be excluded from the secondary suites bylaws. The LTC considered this, but decided to include the Magic Lake Sewer System anyhow because the CRD confirmed that until the sewer system is upgraded, the CRD will not issue building permits for secondary suites. Zoning for secondary suites is planning for the future; zoning has a longer term horizon than the shorter term need for upgrades of the sewer infrastructure. Full analysis and discussion is provided in staff report dated April 26, 2018.

Implementation

Once the LTC adopts Bylaw 216 and 217, staff will engage communications to let the community know about the changes:

- Put a "news update," on the website
- Send an email to the Islands Trust subscription list.
- Put a note in the Pender Post
- The LTC may decide to issue a media release to general media outlets announcing the changes. A resolution is required to initiate this process.

Rationale for Recommendation:

The proposed amendments reflect the results of the referral and consultation process with the community. There are not further changes recommended prior to consideration of adoption.

ALTERNATIVES

1. **Issue a Media Release**

   Suggested Resolution: THAT the North Pender Island Local Trust Committee direct staff to draft and issue a media release announcing bylaw changes that allow secondary suites on North Pender Island.

2. **Make other amendments to the bylaw(s)**
   The LTC may make minor amendments the bylaw(s) provided, the amendments would not alter use or increase density. However as the bylaws have been approved by Islands Trust Executive Committee, amendments may trigger a new EC approval.

3. **Proceed no further**
   The LTC may decide to proceed no further with Bylaws 216 and 217.

NEXT STEPS

1. Staff consolidate the bylaws
2. Bylaw implementation to include communications.

Submitted By:	Justine Starke, Island Planner	November 14, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	November 15, 2018

ATTACHMENTS

1. Proposed Bylaw 216
2. Proposed Bylaw 217

PROPOSED

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	30th	DAY OF	JANUARY	2018
READ A SECOND TIME THIS	26th	DAY OF	APRIL	2018
PUBLIC HEARING HELD THIS	26th	DAY OF	JUNE	2018
READ A THIRD TIME THIS	26th	DAY OF	JUNE	2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	15TH	DAY OF	AUGUST	2018
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	5th	DAY OF	NOVEMBER	2018
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."

PROPOSED

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 unit.

   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 90m^2 (968 ft^2) 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 unit.

   3.18.5 A secondary suite must not be subdivided from the principal dwelling unit 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 Subsection 8.1.8 – Site Specific Regulations, is amended by adding a new Site Specific RR(b) as follows:

Column 1	*Column 2*	*Column 3*
Site-Specific Zone Reference	**Legal Description**	**Site Specific Regulations**
RR(b)	Trincomali Improvement District	Despite 8.1.2(1)(f) secondary suites are not permitted.

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

"(e) secondary suite"

2.9 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."

2.10 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) .

2.11 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).

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

"(f) secondary suite"

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

2.14 Schedule "D" – Zoning Map, is amended by changing the zoning classification of the Trincomali Improvement District, 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.

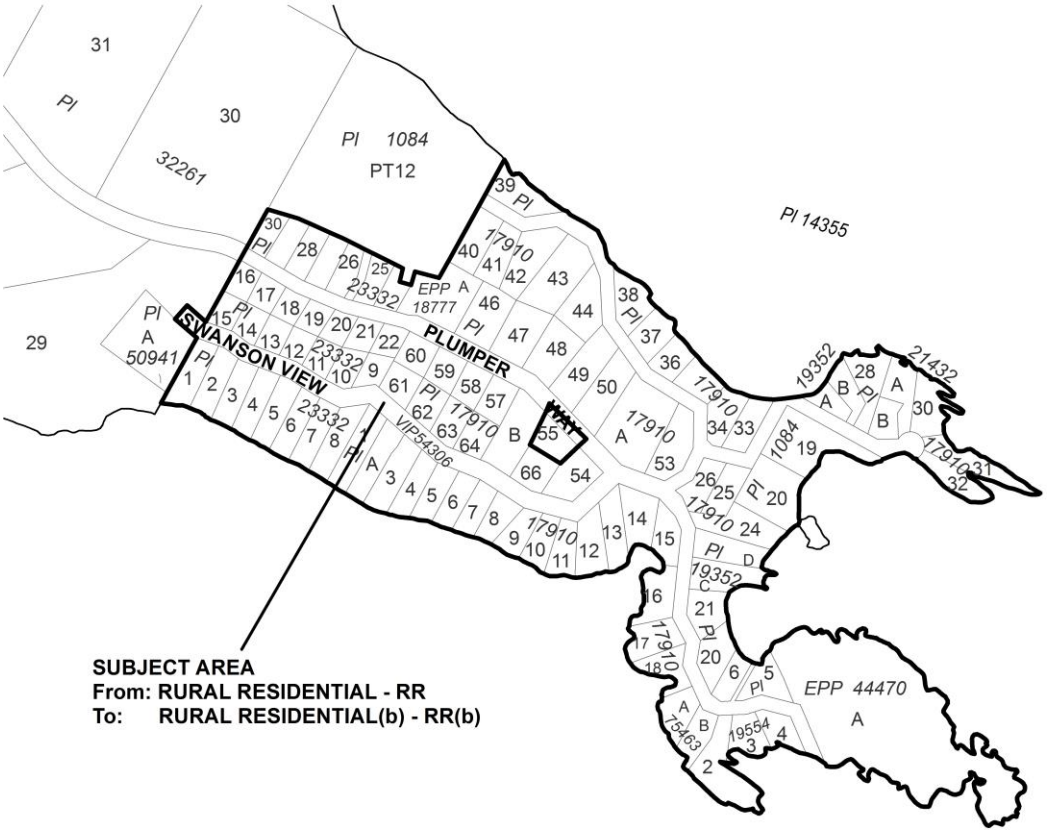
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READ A THIRD TIME THIS	26th	DAY OF	JUNE	2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	15th	DAY OF	AUGUST	2018
ADOPTED THIS	_____	DAY OF	_____	20____

_____ _____

Chair **Secretary**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 217

Plan No. 1



Islands Trust

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 then conducted a process to consider permitting secondary suites on North Pender. Bylaws 216 and 217 are currently awaiting approval by the Minister of Municipal Affairs and Housing.	03-Feb-2015	Justine Starke	
3	First Nations Interests	LTC to consider First Nations issues and interests affecting North Pender.	24-Nov-2016		

Islands Trust

Projects

North Pender Island

Description	Activity	R/Initiated
Freshwater sustainability	Implement Official Community Plan policies on potable water and groundwater resources, especially policies in OCP 4.1.1.	29-Oct-2015
Cannabis retail referral fees	Amend fees bylaw to add $4000 fee for cannabis retail referral	06-Sep-2018
Conservation Subdivisions	Continue 2013-2014 work to reduce environmental impacts of subdivision through conservation subdivisions regulations. Consult with community on recommendations for LUB and OCP amendments drafted in 2014.	03-Feb-2015
Official Community Plan Reviews: ·View corridor review ·Parks and Conservation area review ·Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) ·Marine riparian areas ·Regulations to address roadside sign placement. ·Designate locations for Level 2 Charging Stations ·Designate locations for additional Car Stop Locations ·Designate locations for additional Bicycling-Walking Routes ·Review of heritage Roads		22-Jan-2009
Agricultural Buildling Watercourse Setbacks	Implement Ministry of Agricultural Standards for Building Setbacks from Watercourses in Farming Areas.	28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

Islands Trust

Projects

North Pender Island

Description	Activity	R/Initiated
Land Use Bylaw Amendments/OCP Implementation: ·review of industrial zoning ·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 ·Agricultural policies, including an Area Farm Plan. ·Regulations to address roadside sign placement. ·Road standards in subdivision servicing regulations		22-Mar-2012
Shoreline Project Implementation	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

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.3	Datawave Communications Inc. (Driessen) **Planner:** Phil Testemale	18-Aug-2017	Single Family Dwelling

Planning Status

Status Date: 19-Nov-2018
Request sent to applicant for schedule to submit outstanding information (numerous technical items)

Status Date: 15-Nov-2017
Applicant obtaining geotechnical assessment report

Status Date: 17-Oct-2017
Request for further information (geotechnical assessment) sent to applicant

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.3	Christine Collinson **Planner:** Phil Testemale	08-May-2018	Remedy completed work, if determined, in DPA area.

Planning Status

Status Date: 31-Oct-2018
Biologist's report submitted. Numerous deficiencies. Requested amended report from Biologist.

Status Date: 10-Aug-2018
Enquiry from potential buyer - property is listed for sale.

Status Date: 13-Jun-2018
Applicant advised that Trust will require a Biologist report in form of letter with recommendation as permit condition. Awaiting report as of June 13, 2018

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

Planning Status

Status Date: 19-Nov-2018

January 31, 2019 Agenda for consideration.

Status Date: 02-Nov-2018

Biologists Report on Impact of Raptor Nests submitted.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC **Planner:** Phil Testemale	23-May-2018	Construct new building for store operated by Pender Island Community Services Society.

Planning Status

Status Date: 19-Nov-2018

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

Status Date: 06-Jun-2018

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

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.6	PORT BROWNING MARINA RESORT LTD **Planner:** Phil Testemale	11-Sep-2018	form and character development permit

Planning Status

Status Date: 19-Nov-2018

Awaiting receipt of security

Status Date: 25-Oct-2018

DP approved subject to receipt of landscaping security

Status Date: 15-Oct-2018

Draft DP finalized with applicant and on October 25, 2018 agenda for consideration.

Applications

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.8	EDWARD L MONTAGUE DEBORAH K MONTAGUE **Planner:** Phil Testemale	17-Sep-2018	DPA was requested, new planting in area where trees were removed, replace two old sheds

Planning Status

Status Date: 19-Nov-2018

RAR report submitted. Cannot meet methodology as retroactive (removal of trees). Revised report requested with input from K Reimer (working on CRD rehabilitation for sewer on same property and others)

Status Date: 19-Sep-2018

created application, processing fee received, copied to LTC, and forwarded to planner

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.9	COOKE **Planner:** Phil Testemale	02-Nov-2018	The application will be for works (decks and stairs) constructed in Development Permit Area 1 â€“ Woodland Ecosystem

Planning Status

Status Date: 19-Nov-2018

November 29, 2018 agenda for consideration (x-ref to NP-DVP-2017.3). Require estimate and security.

Status Date: 06-Nov-2018

created file, fees processed, sent file to Planner

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.3	COOKE **Planner:** Phil Testemale	13-Jun-2017	Variance required for access stairs to lower main deck of existing pathway, stairs and dock.

Planning Status

Status Date: 19-Nov-2018
On November 29, 2018 for recommended amendment and approval. (x-ref NP-DP-2018.9)

Status Date: 10-Aug-2018
Owner meeting with Biologist next week. Will update on next steps

Status Date: 10-May-2018
Sent e-mail to owner requesting update.

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2018.4	Murdoch (Driftwood Properties) **Planner:** Phil Testemale	18-Oct-2018	Variance to permit permit use of existing storage buildings

Planning Status

Status Date: 15-Nov-2018
Notifications sent. On November 29, 2018 LTC agenda for consideration of issuance.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.2	Shaw Communications (GRL Holdings) **Planner:** Phil Testemale	28-Jun-2018	Move from TUP to permanent use with rezoning.

Planning Status

Status Date: 19-Nov-2018
Preliminary report on November 29, 2018 agenda.

Status Date: 21-Aug-2018
Payment Rec'd, Issued receipt, notified LTC, corporate docs received.

Status Date: 28-Jun-2018
Opened file, requested fee and company docs from applicant.

File Number	Applicant Name	Date Received	Purpose

Applications

NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION **Planner:** Phil Testemale	05-Jul-2018	Danny Martin Park, 4710 Buccaneers Road - NPI OCP & LUB bylaws change from 'Community Service' to 'Community Park'; site will be used as a bowling green and continue as community park

Planning Status

Status Date: 19-Nov-2018
Awaiting further direction for file in consultation with applicants and CRD.

Status Date: 15-Oct-2018
Spoke with J. Chapman. Remove from Oct 25 agenda pending DA information on RAR creek. Likely to proceed with TUP for Disc Park structure as funding is in place.

Status Date: 11-Sep-2018
DAI Letter sent to applicants and cc'd to CRD Real Estate.

Subdivision

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

Planning Status

Status Date: 29-Aug-2018
Updated PLA received from MOTI

Status Date: 11-May-2018
Updated driveway access plan received.

Status Date: 09-Jan-2018
Awaiting information on driveway status

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: 19-Nov-2018
Conditions on PLA outstanding (particularly removal of illegal dwelling)

Status Date: 09-Jan-2018
Awaiting Ministerial signature

Status Date: 19-Jul-2017
Bylaws approved by EC

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

Planning Status

Status Date: 19-Nov-2018
PLA extension approved. Waiting for Hydrogeologist report for proof of water.

Status Date: 14-Feb-2018
DVP approved (January 30, 2018). 10 percent waiver on February 22, 2018 agenda. Proof of potable water, septic and drainage required.

Status Date: 09-Jan-2018
PLA received. DVP on Jan 25, 2018 LTC for consideration.

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

Planning Status

Status Date: 19-Nov-2018
Water requirement and licencing of existing well being pursued by applicants and Driftwood. Hydrologist to be retained by applicant.

Status Date: 02-Feb-2018
Referral response sent to MoTI.

Status Date: 16-Jan-2018
fees received, LTC notified, file passed to planner.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.5	AARON GRIMMER **Planner:** Justine Starke	26-Jul-2018	aggregate storage, concrete batch plant, trucks and equipment, etc.

Planning Status

Status Date: 07-Aug-2018
file assigned to planner

Status Date: 01-Aug-2018
fees received, notified LTC, gave to RPM for planner assignment

Status Date: 26-Jul-2018
Received application forwarded by Planner from Applicant; created electronic and hard files, gave folder to Lori.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.6	DARRYL G PERSELLO SUMAN LEE **Planner:** Phil Testemale	16-Aug-2018	TUP for STVR.

Planning Status

Status Date: 19-Nov-2018
November 29, 2019 LTC agenda for consideration.

Status Date: 25-Oct-2018
Consideration deferred to new LTC by resolution.

Status Date: 11-Sep-2018
TUP and Notice drafted. Oct. 25 LTC agenda

Applications

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.7	Baoxian Li, Yuhao Li **Planner:** Phil Testemale	31-Aug-2018	use property as a short term rental

Planning Status

Status Date: 15-Nov-2018

Notification & Newspaper sent for Nov 29, 2018 LTC. Referral sent to Tricomali Improvement District (Water). Deferred application to January to await response TID.

Status Date: 18-Sep-2018

E-mail to applicants requesting Checklist be completed.

Status Date: 06-Sep-2018

created application, processing fee, copied LTC and forwarded to the planner

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.8	Pender Islands Parks and Recreation Commission **Planner:** Phil Testemale	13-Nov-2018	have disc golf park temporary shelters placed and build 2 sheds

Planning Status

Status Date: 19-Nov-2018

Application not received in time for statutory notifications for November 29, 2018. January 2019 agenda.

Islands Trust

LTC EXP SUMMARY REPORT F2019

Invoices posted to Month ending September 2018

650 North Pender	Invoices posted to Month ending September 2018	Budget	Spent	Balance
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	1,444.17	2,555.83
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	45.00	555.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		5,350.00	1,489.17	3,860.83
Projects				
73001-650-4054	North Pender Waste Management Review	16,000.00	13,932.36	2,067.64
73001-650-4055	North Pender Housing Review	2,000.00	1,144.90	855.10
TOTAL Project Expenses		18,000.00	15,077.26	2,922.74

Updated: July 17/17

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.

ISLANDS TRUST CONSERVANCY
Protecting Canada's Islands in the Salish Sea

November 13, 2018

North Pender Island Land Trust Committee
Sent by email: northpenderplanner@islandstrust.bc.ca

Dear North Pender Island Local Trust Committee Members,

At its May 2018 meeting, the Islands Trust Conservancy suggested that staff provide the Medicine Beach Nature Sanctuary Management Plan to North Pender Local Trust Committee with a letter noting the importance of land use planning for areas upstream of the Nature Reserve. The Medicine Beach Nature Reserve Management Plan is available on the Islands Trust Conservancy website at http://www.islandstrustconservancy.ca/about-us/our-publications/#mp. We welcome any questions that you may have about the plan and look forward to working with you to maintain and increase the health of this natural area.

The Medicine Beach Nature Sanctuary, known as E,HO, to the W̱SÁNEĆ First Nations, is 8.44 ha (20.12 acres) in size and includes a 2 ha (5 acre) brackish marsh which is extremely rare on the Gulf Islands. Located at the head of Bedwell Harbour, the property includes 201 metres of beach front with spectacular views. The ocean frontage north of the Schooner Road is a bluff 23 m high and 76 m long whereas the ocean frontage south of the road is a low bank berm 115 m long that separates the marsh from the ocean. The remainder of the lot includes maturing Douglas-fir and Arbutus and Western Redcedar trees. The beach front is one of the largest undeveloped beaches remaining on North Pender Island and has been used for many years by residents and visitors for recreational purposes.

The Islands Trust Conservancy (ITC) has managed the protected area since 1995. The original management plan was completed in 1997, with a revision in 2006, making this the second revision of the management plan. ITC will continue to take into consideration new findings in species and management techniques over the course of the lifetime of the plan.

Pender Islands Conservancy Association is a key management partner and a conservation covenant was registered on the property in 2000 in favour of the Nature Conservancy of Canada and Habitat Acquisition Trust as an additional layer of protection. The 2018 Management Plan has received input from and been approved by all three partners. Public engagement was sought through a questionnaire, which accompanied information letters sent to adjacent neighbours and a public open house.

Letters were also sent to 14 First Nations. This plan is a living document that will guide the management activities on the nature sanctuary for the next ten years.

Planning decisions for the properties around Medicine Beach Nature Reserve, especially upstream, have the potential to have a huge impact on the Nature Reserve. For example, uphill clearing could increase pollution, erosion, siltation and nutrient loading to the marsh. The sensitivity of the shoreline habitats also requires careful planning for this area.

If you would like any further information on the management plan please contact me using the details below.

Yours truly,



Kate Emmings
A/ Islands Trust Conservancy Manager
250-405-5191
kemmings@islandstrust.bc.ca

ec. Pender Islands Conservancy Association, info@penderconservancy.org

Updated: Nov 21 2018

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE OF 2019 BUSINESS MEETINGS

THE LTC HAS _____ THE FOLLOWING DATES FOR ITS 2019 MEETING SCHEDULE. MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE NORTH PENDER LTC WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION. THE LTC WILL MEET ON THE LAST THURSDAY OF EACH MONTH @ 10:00 A.M. UNLESS OTHERWISE NOTED*

January 31, 2019	**Time:** **Location:**
February 28,2019	**Time:** **Location:**
March 28, 2019	**Time:** **Location:**
April 25, 2019	**Time:** **Location:**
May 30, 2019	**Time:** **Location:**
June TBD	**Time:** **Location:**
July 25, 2019	**Time:** **Location:**
1st Thursday - September 5, 2019*	**Time:** **Location:**
1st Thursday - November 7, 2019*	**Time:** **Location:**
November 28, 2019	**Time:** **Location:**

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ALL MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/npender
Email: information@islandstrust.bc.ca
Phone: 250-405-5151