



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: February 24, 2022
Time: 10:00 am
Location: Electronic Meeting

Pages

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|-------|---|---------------------|---------|
| 1. | CALL TO ORDER | 10:00 AM - 10:00 AM | |
| 2. | RISE AND REPORT - In-camera January 27, 2022 Meeting

By general consent the LTC agreed to rise and report at the next regular meeting that the LTC appointed Ann Stephenson, Anne Burdett, Barbara Johnstone, George Leroux, and Martha McMahon to the North Pender Island Agricultural Advisory Planning Commission, commencing immediately for a term ending July 30, 2022. | | |
| 3. | APPROVAL OF AGENDA | 10:00 AM - 10:05 AM | |
| 4. | TRUSTEE REPORT | 10:05 AM - 10:15 AM | |
| 5. | CHAIR'S REPORT | 10:15 AM - 10:20 AM | |
| 6. | TOWN HALL AND QUESTIONS | 10:20 AM - 10:35 AM | |
| 7. | COMMUNITY INFORMATION MEETING | | |
| | None | | |
| 8. | PUBLIC HEARING | | |
| | None | | |
| 9. | MINUTES | 10:35 AM - 10:45 AM | |
| 9.1. | Local Trust Committee Minutes Dated January 27, 2022 (for Adoption) | | 4 - 15 |
| 9.2. | Local Trust Committee Special Meeting Minutes Dated February 5, 2022 (for Adoption) | | 16 - 20 |
| 9.3. | Section 26 Resolutions-without-meeting Report - None | | |
| 9.4. | Advisory Planning Commission Minutes - None | | |
| 10. | BUSINESS ARISING FROM THE MINUTES | | |
| 10.1. | Follow-up Action List Dated Feb 2022 | | 21 - 26 |

11.	DELEGATIONS	
12.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
13.	APPLICATIONS AND REFERRALS	10:45 AM - 11:15 AM
13.1.	NP-TUP-2021.10 (White) - Staff Report (attached)	27 - 65
13.2.	NP-DP-2021.9 (Ooms) - Staff Report (attached)	66 - 93
14.	LOCAL TRUST COMMITTEE PROJECTS	11:15 AM - 1:00 PM
14.1.	LUB Review Project – Staff Report (attached)	94 - 115
14.2.	Groundwater Sustainability Implementation Project – Staff Report (attached)	116 - 133
15.	REPORTS	1:00 PM - 1:10 PM
15.1.	Work Program Report (attached)	
15.1.1.	<u>Top Priorities Report Dated Feb 2022</u>	134 - 134
15.1.2.	<u>Projects List Report Dated Feb 2022</u>	135 - 135
15.2.	Applications Report Dated Feb 2022 (attached)	136 - 141
15.3.	Trustee and Local Expense Report Dated Dec 2021 (attached)	142 - 142
15.4.	Adopted Policies and Standing Resolutions (attached)	143 - 147
15.5.	Local Trust Committee Webpage	
15.6.	Islands Trust Conservancy Report - None	
16.	NEW BUSINESS	1:10 PM - 1:30 PM
16.1.	Governance Study by the Magic Lake Property Owners' Society	
17.	UPCOMING MEETINGS	
17.1.	Next Regular Meeting Scheduled for March 24, 2022 at the Anglican Church Hall, Pender Island	
18.	TOWN HALL	1:30 PM - 1:45 PM
19.	CLOSED MEETING (Distributed Under Separate Cover)	

19.1. Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (a)(d) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated January 27, 2022*
- *Appointment of APC Members*

AND that the recorder and staff attend the meeting.

19.2. Recall to Order

19.3. Rise and Report

20. ADJOURNMENT

1:45 PM - 1:45 PM



Islands Trust

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: January 27, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Planner
Phil Testemale, Planner
Shannon Brayford, Recorder

There were 7 members of the public attending electronically and approximately 12 members of the public attending in person.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:06 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments were recommended for consideration:

- Item 13.1 Bylaw Number 226 be moved ahead to follow item 11.
- Item 15.5 Travel Trailer Enforcement be moved to follow items 11.

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee McConchie reported on his recent activities, including the following:

- Attended a Housing Coalition meeting in December 2021.
- Discussion with local fire department regarding safety protocols for short term vacation rentals.
- Trincomali Water district discussion regarding ecological protection.

- Magic Lake Property Owners Society (MLPOS) discussion regarding their request for a report exploring the incorporation of the Magic Lake Estates
- Opportunities to review the Islands Trust Act and recommendations for improving organizational efficiency and reducing costs.

Trustee Morrison provided a report on recent activities, included the following points:

- Trust Policy Committees meeting upcoming and encouragement for the community to provide feedback and attend the meeting virtually.
- Expressed concern with the permitting process, and opportunities to improve efficiency.
- Encouraged the community to be attentive and active in reviewing and giving feedback on Islands Trust policies that are coming up.

4. CHAIR'S REPORT

Chair Patrick provided a report on recent activities, including a reminder that the community feedback process for the Islands Trust budget is ongoing, including access to the online survey and upcoming webinars.

5. TOWN HALL AND QUESTIONS

Robert Fenton requested that the Local Trust Committee grant his clients, members of the community with an open bylaw case, the ability to continue to use their mobile home as a residence. He provided an overview of the circumstances of the property on which the mobile home is situated and the bylaw case itself.

Don Korbin addressed Bylaw 226 and Bylaw 227. He noted the following points:

- Encouraged the Islands Trust to address internal matters of efficiency and cost as have been formally identified before increasing revenue.
- Encouraged the Islands Trust to reconsider the required number of in person meetings and to hold all meetings in person, unless mandated by a state of emergency.
- Encouraged the LTC to approach the Trust Policy Statement with caution and prudence given the past year's pandemic landscape and the current LTC's status as acclaimed rather than elected officials.

A member of the community requested information on why meetings are scheduled during working hours.

The LTC requested that discussion of meeting dates and times be added to the next meeting agenda.

Liz Brown noted that herself and most of the attendees at the meeting were there to discuss the housing issue.

A member of the community requested and received information on the process moving forward for Item 15.5 Travel Trailer Enforcement.

Michael Sketch addressed Draft Bylaw 226 and provided recommended improvements to staff reports that could support the fee increases. He also encouraged the LTC to amend the bylaw to

consider situations where the 20% surcharge would not appropriate applicants who violated a bylaw out of necessity.

Suzanne Sterling addressed the staff report for item 15.5 Travel Trailer Enforcement. She encouraged the LTC to consider the real-life conditions of living in a trailer and noted that the writer of the report admitted that he is not aware of the specific conditions of living in a trailer on Pender.

Diane Logan provided a historic perspective of successful trailer living on Pender Island in the past.

Diane Logan encouraged careful consideration of the value and cost of Islands Trust services. She provided examples of jurisdictions with smaller budgets and outlined the services achieved.

Martha McMahon addressed item 15.1. She noted that the LTC has set aside other bylaws in the past and that the Agricultural Advisory Commission have also supported the use of trailers for housing.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated December 4, 2021 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Under Chair's report, amend to state that the budget was approved for consultation, not adoption.

By general consent the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report - None

8.3 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Jan 2022

Received for information.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

Erin O'Brien, Pender Island Conservancy, was invited to address her correspondence to the LTC regarding concerns with the raptor and heron nesting development permit areas (DPAs).

Erin O'Brien reported that the mapping used to inform those DPAs is out of date and that the Conservancy will be leading the collecting of current data through their work and their citizen scientists and will provide that information to the Islands Trust.

Trustee McConchie requested and received an update on the ground water project and the forthcoming feedback from the groundwater specialist on the Mackinnon Road projects.

Note: Item 13.1 North Pender Island Local Trust Committee Fees Bylaw No. 226 was discussed at this time.

RPM Kojima provided an overview of the proposed bylaw.

The Trustees provided comments on the proposed bylaw and noted that community concerns have been heard.

NP-2022-001

It was Moved and Seconded,

that the North Pender Islands Local Trust Committee move that first reading of North Pender Island Local Trust Committee Fees Bylaw No. 226 be tabled until after the governance review has been submitted to the public.

CARRIED

Note: Item 15.5 Travel Trailer Enforcement was addressed at this time.

Warren Dingman provided an overview of the staff report.

A discussion of the report was held, including the following points:

- Current and anticipated impact of the housing crisis on Pender Island;
- Limitations of bylaw enforcement's ability to assess the scope of the travel trailer matter; and
- Current and historic circumstances regarding unlawful housing.

NP-2022-002

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances:

- a. There are concerns regarding health and safety;
- b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
- c. There are concerns of possible contamination of wells or other drinking water sources;
- d. Unlawful dwellings are in environmentally sensitive areas;

e. There are non-permitted campgrounds; and

f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.

CARRIED

The LTC confirmed with Warren Dingman that passing this motion would not allow travel trailers to be used as vacation rentals.

12. APPLICATIONS AND REFERRALS

12.1 NP-SUB-2016.2 (Mill Bay Marine Group/Henshaw) – Request to release covenants – Staff Memo

RPM Kojima provided an overview of the staff memo.

The LTC requested and received additional information on the following points:

- Location of the covenants;
- Explanation of the request and the impact that the discharge will have on the property's use moving forward;
- Status of current bylaw enforcement on the property; and
- Challenges for LTC.

NP-2022-003

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accepts the discharge of Section 219 Covenant CA6746422, Covenant CA6746425 and Statutory Right of Way FB517088 over Lot 3, Section 11, Pender Island, Cowichan District, Plan VIP7982, except part in Plan 21227, 1772RW and EPP93836, and designates the Chair of the Local Trust Committee to sign the discharge of the covenants and Statutory Right of Way (4602 Oak Road).

CARRIED

Trustee Morrison requested that the record reflect that her understanding of the staff report is that the motion will apply to the south side of Oak Road on the Henshaw property.

Trustee McConchie requested that the record reflect that he felt compelled to pass the motion based on staff advice in order to avoid appearing obstructive when expressing his uncertainty of understanding the staff report.

12.2 NP-DP-2021.7 (Brodie) – Staff Report

Chair Patrick invited Shane Haxton, a representative for the applicant to address the LTC.

Shane Haxton addressed concern regarding tree removal and noted the circumstances in which tree removal would impact the geotechnical assessment.

The applicant addressed the application and removal of trees.

The LTC requested and received information on the following points:

- Engineering reports and information regarding the steep slope; and
- Information on the development permit area.

NP-2022-004

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP2021.7 (Brodie).

CARRIED

12.3 NP-DP-2021.8 (Clarke) – Staff Report

Kim Stockdill provided an overview of the staff report, including the details of the court order.

The applicant, Denver Clarke, was invited to speak. He requested and received information regarding the security deposit for the care and maintenance of the trees.

The applicant noted that the remediation work and additional cost of the security deposit could become financially prohibitive.

A discussion of the history of the matter was held. The LTC requested and received information on the circumstances that led to the tree removal.

The applicant requested and received information on the timeline expectation of the permit.

NP-2022-005

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP2021.8 (Clarke).

CARRIED

12.4 NP-TUP-2021.9 (Persello) – Staff Report

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

The applicant, Darryl Persello, was invited to speak and provided an overview of the information package for guests, recent use, and the owners' relationship with neighbours.

Trustee McConchie noted that representatives of Pender Island Fire Rescue have expressed concern over the safety of Short Term Vacation Rentals (STVRs).

Planner Stockdill provided an overview of the safety requirements included in the proposed STVR bylaw, Bylaw 222.

The LTC expressed interest in requiring Fire Department property inspections for STVRs.

NP-2022-006

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.9 (Persello) for a period of three (3) years.

CARRIED

12.5 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 521 (for response)

NP-2022-007

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 521 with interests unaffected.

CARRIED

12.6 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526 (for response)

Chair Patrick provided an overview of the referral.

NP-2022-008

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526 with interests unaffected.

CARRIED

12.7 South Pender Island Local Trust Committee Referral for Draft Bylaw No. 122 (for response)

Chair Patrick provided an overview of the referral.

NP-2022-009

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to South Pender Island Local Trust Committee Referral for Draft Bylaw No. 122 with interests unaffected.

CARRIED

12.8 South Pender Island Local Trust Committee Referral for Proposed Bylaw No. 123 (for response)

NP-2022-010

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to South Pender Island Local Trust Committee Referral for Proposed Bylaw No. 123 with interests unaffected.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 North Pender Island Local Trust Committee Fees Bylaw No. 226 (for consideration)

Note: This item was discussed following item 11.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated Jan 2022

The LTC requested an update on current staff resources and opportunities to add additional priorities.

Trustee McConchie requested and received staff input on adding a new project for updating the mapping of raptor and heron nest development permit areas.

The LTC requested and received updates on the top priorities.

14.1.2 Projects List Report Dated Jan 2022

NP-2022-011

It was Moved and Seconded,

that the North Pender Islands Local Trust Committee add Raptor Nesting Mapping updates to the projects list.

CARRIED

14.2 Applications Report Dated Jan 2022

The LTC requested and received information on a potential incoming application and the timeline that the applicant may face.

RPM Kojima provided an overview on the timelines for applicants and the current volume of applications being serviced. He recommended that the applicant consider applying to the Board of Variance.

A discussion was held regarding opportunities for improving efficiency in the application process and the progress being made by staff to standardize and simplify the process.

14.3 Trustee and Local Expense Report Dated Nov 2021

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

Received for information.

14.6 Islands Trust Conservancy Report Dated November 2021

Received for information.

15. NEW BUSINESS

15.1 Shoreline Protection Model Bylaw Report – Briefing

Received for information.

RPM Kojima provided an overview of the brief.

A discussion of the matter was held and the LTC noted additional mapping efforts that would support their work, including eel grass mapping and heritage mapping.

15.2 North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227 (for consideration)

RPM Kojima provided an overview of the bylaw, its rationale, and the amendments made by other LTCs.

NP-2022-012

It was Moved and Seconded,

that the North Pender Island Local Trust Committee revise North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227 to make a minimum of 50% of meetings in person.

CARRIED

NP-2022-013

It was Moved and Seconded,

that the North Pender Island Local Trust Committee revise North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227 to remove items 18-40.

CARRIED

NP-2022-014

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022”, be given first reading as amended.

CARRIED

NP-2022-015

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022”, be given second reading.

CARRIED

NP-2022-016

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022”, be given third reading.

CARRIED

NP-2022-017

It was Moved and Seconded,

that the North Pender Island Local Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedures Bylaw No. 227, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

15.3 Sidney Island Referral Process - Staff Memo

RPM Kojima provided an overview of the staff memo including the rationale for the LTC's request for creation of a referral process, including limitations the Strata Council may have in responding to such referrals.

NP-2022-018

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to refer the Sidney Island Referral Process report dated January 27, 2022 to the Sidney Island Strata Council for comment.

CARRIED

15.4 North Pender Island Board of Variance – Discussion

Trustee McConchie provided an overview of a report of concern that he received from a former member of the North Pender Island Board of Variance. He noted that the concerned member recommended that those associated with building not be permitted to hold a spot on the board.

RPM Kojima provided an overview of the role of the Board of Variance and the process by which they review applications.

15.5 Travel Trailer Enforcement - Staff Report

Note: This item was discussed following item 11.

16. UPCOMING MEETINGS

16.1 Special Electronic Community Information Meeting - February 5, 2022 at 10:00 am

For information.

16.2 Special Electronic Community Information Meeting - March 12, 2022 at 10:00 am (for consideration)

NP-2022-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a meeting for a special electronic community information meeting on March 12, 2022 at 10:00 am for the Land Use Bylaw Review Project.

CARRIED

16.3 Next Regular Meeting Scheduled for February 24, 2022 at the Anglican Church Hall, Pender Island

For Information.

16.4 North Pender LTC March 31, 2022 Meeting - Reschedule to March 24, 2022

NP-2022-020

It was Moved and Seconded,

that the North Pender Island Local Trust Committee's March 31, 2022 Regular Business Meeting be rescheduled to March 24, 2022.

CARRIED

17. TOWN HALL

Diane Logan addressed the draft Islands Trust Budget. For illustration of opportunities to improve efficiency she provided a hypothetical budget for an independently functioning North Pender Islands Trust which would include increased salaries for the Trustees and significant reduction in overall cost

Michael Sketch recommended that bylaw enforcement be amended to allow property owners to plead circumstances in which they had no reasonable alternative course of action.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close Meeting

At 2:14 pm Chair Patrick reported that the LTC would be entering a closed meeting and that the LTC would deliver a Rise and Report on matters discussed at the next regular business meeting.

NP-2022-021

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1)(a)(d)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated June 24, 2021 and December 4, 2021;
- Appointment of Agricultural APC Members;
- Bylaw Enforcement;

AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

At 2:40 pm Chair Patrick called the public meeting to order, noting that no members of the public were in attendance.

18.3 Rise and Report

Note: Rise and Report to be delivered at next regular meeting due to public no longer in attendance.

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:41 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: February 5, 2022
Location: Electronic Meeting

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Planner
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:21 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community Information Meeting – To discuss the North Pender Island Local Trust Committee’s Land Use Bylaw Review Project.

Planner Stockdill delivered a PowerPoint “Community Information Meeting: LUB Review Project” through a shared screen. She highlighted key topics in the Land Use Bylaw Review including:

- Project rationale;
- Proposed maximum floor area regulations;
- Proposed accessory structures on bare land;
- Proposed amendments to bylaws related to docks; and
- Next project steps moving forward.

Chair Patrick acknowledged that the South Pender Island trustees, Trustee Steve Wright and Trustee Cameron Thorn, were joining the meeting. They were invited to discuss South Pender Island’s process regarding house size regulation.

Trustees Thorn and Wright provided an overview of the current deliberations of the South Pender LTC on the matter and the current direction that the proposal for housing regulations and setbacks are taking.

A discussion was held regarding the Land Use Bylaw Reviews on North and South Pender, including the following points:

- Maximum floor areas currently allowed and proposed for both islands;
- Rationale for regulating maximum floor area on each island; and
- Regulation tools, including applications for variance, that will be available to future LTCs and community members as a result of the review.

Chair Patrick invited the public to speak.

Brian Evans addressed the proposed total number of buildings on a property and encouraged the LTC to not include small buildings in the count. He addressed the regulating of docks and the introduction of the W3 zoning, noting that this will increase the value of the W1 properties in a significant way.

Mick Collins requested clarification of the rationale for creating the W3 designation and noted that there are already dock regulations to protect the foreshore. He also addressed the amendments to Mackinnon Road and encouraged the LTC to reconsider the restrictions on commercial tourist accommodations when the role of LTC is to protect the islands for all British Columbians.

Murray Vasilev requested and received information on why interior floor area is being used instead of exterior floor area.

The North and South Pender Trustees discussed the questions and comments made by the public, including:

- Rationale for using interior floor space as the limiting square footage;
- Rationale for adding new regulations for dock construction;
- Pathways still available for building docks in W3 zone should the new zoning be adopted;
- Community-based concerns for commercial zoning on Mackinnon Road;
- Impact that tourism can have on a community and importance of addressing it thoughtfully; and
- Proposed regulations for accessory buildings and role of total lot coverage.

Jean Deschenes addressed house size limitations and requested a rationale for implementing the restriction. She also reiterated the concern that creation of a W3 zoning will impact housing values for those properties compared with those in W1 zoning.

Kathi (No last name identified) requested information regarding square footage restrictions and how they will be applied.

Sandra Tretick requested information on how properties with current dock applications in the provincial system would be considered under the zoning restriction from W1 to W3.

The North and South Pender Trustees discussed the questions and comments made by the public, including:

- Rationale for South Pender Island to consider increasing ridge height to encourage overall reduction on ground cover.
- Manner by which square footage is calculated, including basements, decks, and permeable surfaces.
- Rationale for each LTC to consider regulating lot size.

Planner Stockdill provided clarification on W3 zoning for properties that are currently in stream with their applications with the province. She noted that those properties would be zoned to W3 under this bylaw.

Mary Beth Rondeau recommended that the LTC focus their attention on the housing shortage. She questioned the LTC rationale for changing bylaws for Magic Lake and requested information on whether there was any support received from the community or the Magic Lake Property Owners Society (MLPOS). She encouraged the LTC to direct staff to return to the community and build consensus.

Mary Beth Rondeau recommended that ground water restrictions be held pending a completed study of ground water to ensure that restrictions are not placed unnecessarily in areas where there is not scarcity.

Diane Logan spoke in favour of the RR1 and RR2 distinction. She requested information on the navigation of the website and encouraged improvements to the logical flow of the information. She also requested clarification and information on the rationale for regulating docks and provided remarks on the value of secondary suites.

Note: South Pender Island Trustees departed the meeting at approximately 11:40 am.

Daphne ter Kuile requested information regarding her specific property on South Pender Island and the impact that set-back regulations will have on their property. She also requested information regarding regulation of derelict vehicles and expressed her concern.

The LTC provided information on how South Pender residents can contact staff regarding their specific property and also on the steps taken by the North Pender Island LTC to regulate and enforce bylaws related to derelict vehicles.

Peter Jones spoke in favour of amendments relating to dock zoning.

Jeff Green requested clarification on the rationale for selecting the specific limitations on structure size. He provided remarks to encourage thoughtful consideration of restrictions and ways in which ground water can be considered in regulations.

The North Pender Trustees discussed the questions and comments made by the public, including the relationship between Islands Trust and provincial dock regulations.

Kathi (no last name provided) encouraged the LTC to only calculate liveable space when calculating square footage.

The LTC requested that staff flag this matter for further consideration.

Alison Feargrieve noted that her business and other local businesses struggle with finding staff due to housing. She encouraged the LTC to consider allowing tiny homes as a solution with composting toilets and grey water systems in place for environmental conservation.

Mick Collins requested further clarification on the W1 and W3 zoning for docks and the rezoning process.

Jean Deschenes spoke against further regulations of docks and noted that boaters and other people do like docks and the look of them.

The North Pender Trustees discussed the questions and comments made by the public, including the following:

- Regulations for placing tiny homes on properties, the role that Islands Trust versus Capital Regional District have in regulation, and the manner by which other jurisdictions are regulating them; and
- Discussion for the rationale for reviewing dock regulations.

Anne Burdett encouraged the Islands Trust to leave the regulation of docks to the current process. She addressed the LTC's proposed benefit of this system providing community consultation and requested that they consider that the community consultation process can be costly, inefficient with time, and unfair to the applicants.

Anne Burdett provided recommendations for improving the website and also encouraged the LTC to allow participants to ask questions in the chat function during online sessions.

Jeff Green spoke in favour of measures of water permeability and groundwater recharge. He encouraged the LTC to carefully consider the definitions of permeable and impermeable surfaces.

Jeff Green requested information on whether the LTC could make allowances within the maximum square footage to encourage creation of secondary homes on their properties.

Alison Feargrieve expressed concern for excessive tree cutting and encouraged the LTC to consider options for regulations. She also requested information on whether municipalities have greater power than the LTC may.

The North Pender Trustees discussed the questions and comments made by the public, including the following:

- The legal requirements for recording and disclosing public feedback;
- Request to staff that the definitions of "permeable" and "impermeable" be considered; and
- Current options and opportunities/lack of opportunities to regulate tree cutting.

Sara Miles addressed some of the challenges that the community members and local businesses face when trying to engage with the Islands Trust and the Land Use Review. She encouraged

consideration of a more detailed agenda that will allow the community to attend meetings and manage their time constraints.

Sara Miles requested direction on fuel storage regulations and their siting in relation to domestic wells. She also noted challenges for well applications and concerns that the system will not be able to process the applications efficiently.

Planner Stockdill provided the regulation on fuel storage and distancing from domestic wells and other water sources.

Anne Burdett encouraged the LTC to recognize the impact that weather has on placing of docks and identified areas of the island that naturally deter boat storage and docks.

Jeff Green requested information on the rationale for the selection of 2500 square feet for floor area restrictions.

The LTC provided information on the rationale for selecting 2500 square feet and their hopes for community discussion around the house size restrictions.

Ann Stephenson requested information on when the Trustees' recommendations for amendments will be included in the written draft available online.

Planner Stockdill provided an overview of the process by which the online draft is updated and provided an anticipated release date of a new draft.

Diane Logan provided a recommendation for accommodating basements without livable space in the calculation of total square footage.

Sara Miles requested information on the process for releasing a revised draft bylaw and whether the draft being discussed at the meeting is still relevant.

Diane Logan provided recommendations for formalizing the commercial tourist accommodation process and moving it away from dense commercial zoning and integrating it into the community.

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:03 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

28-Jan-2021

Activity	Responsibility	Dates	Status
1 NP LTC requests direction from Director Clare Frater on how to advocate for best practices related to dock maintenance and ocean health.	Clare Frater	Target: 26-Feb-2021	In Progress

27-May-2021

Activity	Responsibility	Dates	Status
1 NP LTC to advocate to prohibit helicopter use in the Islands Trust area - Trust Area Services to follow up	Clare Frater Mike Richards	Target: 30-Jul-2021	In Progress

28-Oct-2021

Activity	Responsibility	Dates	Status
1 15.2 Staff to draft a letter to CRD Magic Lake Sewer and Water Committee and to electoral area director requesting a plan for water quality improvement on Magic Lake (for Chairs signature)	Kim Stockdill	Target: 26-Nov-2021	In Progress

04-Dec-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

North Pender Island

04-Dec-2021

Activity	Responsibility	Dates	Status
1 14.1 LUB Review Project 1. Staff to organize site visit with LTC to 1329/1333/1349 MacKinnon Road in early January. 2. Trustees to report back after discussions with property manager regarding rental housing zoning on Driftwood Centre properties. 3. Staff to report back with rainwater collection (and for fire suppression) regulations for rental housing zoning. 4. Staff to report back with options for total maximum floor area for all buildings and structures (based on 25 percent lot coverage). (Done) 5. Staff to amend draft LUB mapping (portion of Magic Lake to be RR1, Port Wash to remain C1(a), Medicine Beach drop off to remain C1(e), ensure zoning boundaries are correct for I(b), and RH on driftwood centre to be determined). (Done)	Kim Stockdill	Target: 21-Jan-2022	In Progress

27-Jan-2022

Activity	Responsibility	Dates	Status
1 8.1 NP LTC approved Dec 4, 2021 meeting minutes as amended.	Robin Ellchuk	Target: 11-Feb-2022	Completed
2 13.1 NP LTC to table Fee Bylaw No. 226 until the Governance Review is available to the public. Place draft Bylaw No. 226 on April 2022 NP LTC agenda.	Jas Chonk Robert Kojima	Target: 29-Apr-2022	In Progress



Follow Up Action Report

North Pender Island

27-Jan-2022

Activity	Responsibility	Dates	Status
3 15.5 Add the following to the NP Adopted Policies & Standing Resolutions: "1. That the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement."	Jas Chonk Robin Ellchuk	Target: 11-Feb-2022	Completed
4 12.1 NP LTC designates Chair to sign the discharge of the covenants and SROW for 4602 Oak Roads for the portion of land south of Oak Road.	Phil Testemale	Target: 25-Mar-2022	In Progress



Follow Up Action Report

North Pender Island

27-Jan-2022

Activity	Responsibility	Dates	Status
5 12.2 NP-DP-2021.7 (Brodie) approved. Staff to notify applicant, issue permit and close file.	Jas Chonk Phil Testemale Sylvia Oliver	Target: 25-Feb-2022	Completed
6 12.3 NP-DP-2021.8 (Clarke) approved. Staff to notify applicant, obtain security and issue permit upon provision of security, and close file.	Jas Chonk Phil Testemale Sylvia Oliver	Target: 25-Feb-2022	In Progress
7 12.4 NP-TUP-2021.9 (Persello) approved for three years. Staff to notify applicant, issue permit, add Monitoring/Notifications in TAPIS and close file.	Jas Chonk Phil Testemale Sylvia Oliver	Target: 25-Feb-2022	Completed
8 12.5 Salt Spring LTC Bylaw No. 521 - Interests Unaffected.	Jas Chonk	Target: 11-Feb-2022	Completed
9 12.6 Salt Spring LTC Bylaw No. 526 - Interests Unaffected.	Jas Chonk	Target: 11-Feb-2022	Completed
10 12.7 South Pender LTC Bylaw No. 122 - Interests Unaffected.	Jas Chonk	Target: 11-Feb-2022	Completed
11 12.8 South Pender LTC Bylaw No. 123 - Interests Unaffected.	Jas Chonk	Target: 11-Feb-2022	Completed



Follow Up Action Report

North Pender Island

27-Jan-2022

Activity	Responsibility	Dates	Status
12 14.1.1 Provide suggestions for on-site fire safety review prior to issuance of STVR TUPs. (Staff to provide options when Bylaw No. 222 is to be adopted).	Kim Stockdill Phil Testemale	Target: 25-Mar-2022	In Progress
13 14.1.2 Staff to add Raptors Nest Mapping Updates to Projects List.	Kim Stockdill	Target: 11-Feb-2022	Completed
14 15.2 Draft Bylaw 227 (Meeting Procedures Bylaw) 1. Staff to amend draft bylaw by changing that 50 percent of meetings must be in person, and to remove items 18-40 - DONE 2. Proposed Bylaw No. 227 given first, second, and third reading - DONE 3. Proposed Bylaw No. 227 be forwarded to EC for approval.	Jas Chonk Robert Kojima	Target: 11-Feb-2022	Completed
15 15.3 Staff to refer the Staff Report dated January 27, 2022 to the Sidney Island Strata for comment - DONE: Strata response: would be pleased to receive applications for information only, do not want to delay applications nor overstep mandate of the Strata Council.	Robert Kojima	Target: 25-Mar-2022	Completed
16 15.4 Staff to forward the BOV Orientation Package to the NP LTC.	Robert Kojima	Target: 11-Feb-2022	Completed

Follow Up Action Report

North Pender Island

27-Jan-2022

Activity	Responsibility	Dates	Status
17 16. Upcoming Meetings 1. LTC gave direction to schedule electronic Special Meeting for the NP LUB Review Project - Done 2. LTC to change the regular LTC meeting from March 31, 2022 to March 24, 2022 - Done 3. Add annual schedule to next agenda with alternative meeting times (in evenings).	Jas Chonk Robin Ellchuk	Target: 25-Feb-2022	Completed
18 18.7 In Camera Meeting 1. June 27, 2021 and December 4, 2021 minutes adopted as is. - done (re) 2. NP LTC appointed all five members to the AG APC. 3. Bylaw Enforcement to report back at the March 2022 meeting with enforcement update. 4. Rise and Report at February 25 meeting for appointing the AG APC members.	Jas Chonk Robin Ellchuk Warren Dingman	Target: 25-Mar-2022	In Progress

DATE OF MEETING: February 24, 2022
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Temporary Use Permit - STVR
Applicant: Jaime White
Location: 4617 Ketch Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2021.10 (White)

REPORT SUMMARY

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

BACKGROUND

The application is for an STVR use proposed within an existing, 37 m² (400 ft²), one (1) bedroom, one (1) bathroom home built in 2020 on the property which is located in Magic Lake Estates. The maximum number of guests proposed is **four (4)**.

The applicant's rationale is that the use: *"... would allow for some financial gains to our single-family income and give back to the island with a small increase to tourism which help and support local business while providing a place for one to relax which is needed more than ever, in these times."*

The applicant and her daughter reside in the house as their principal residence. She proposes to rent to two (2) to three (3) people, primarily targeting couples, families and friends with one (1) child. She is proposing to rent out less than twenty six (26) weeks of the year, and estimates that will likely be 1-2 rentals per month and mainly during the peak months. The draft TUP as circulated for notice would allow a maximum of sixty (60) days in the summer months, which is discussed further in 'Issues and Opportunities' (below).

The applicant has provided a 'letter of purpose' that includes the rationale for the use, a thorough description of the home and property and a marketing strategy (Attachment 3). A copy of the proposed guest information booklet is Attachments 4.

The property is 0.22 ha (0.54 ac) in size and with the dwelling located on the lower portion fronting Ketch Road (Attachment 2.1 and 2.5). The forecourt area between the dwelling and road has sufficient room for two (2) cars.

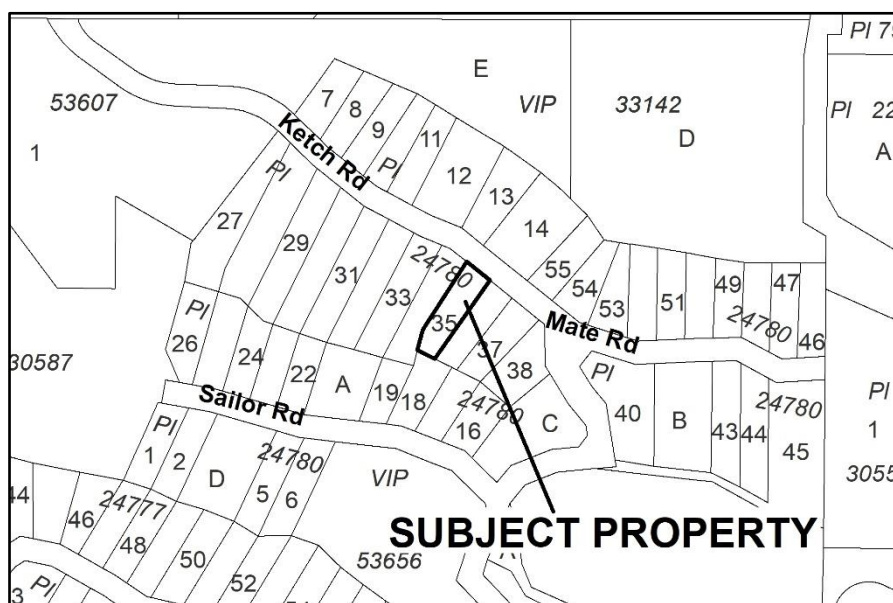
The property is a steep sloped, narrow lot that is well treed with the mature vegetation providing privacy and sound absorption to adjacent properties (Attachment 2.2 and 2.5). Most dwellings adjacent and across Ketch Road are sited close to the roadway, whereas most of the neighbouring dwellings east and west are situated on the top of the ridge along Sailor Easement. There is an engineered treehouse used as storage on the property that was the subject of a height variance granted in 2016 (NP-DVP-2015.5). The treehouse will not be accessible to guests and is not part of the use application.

There is no new development proposed with this application and the fallen trees shown in Attachment 2.5 were taken down as they were diseased and in danger of toppling.

A copy of the Notice is Attachment 8 and the proposed TUP is Attachment 9.

Staff visited the property on February 15, 2022 (Attachment 2.5).

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 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.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

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 STVR TUP applications are contained in the OCP.

A compliance checklist has been revised for the OCP's new STVR Guidelines that form Bylaw 222. A completed checklist for this proposal is Attachment 5. In summary, with the exception of the proposed increased limit on the number of days of rental in the summer months, the application conforms to the current and revised guidelines.

There are no **Development Permit Areas** designated on the property.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)**. RR zoning permits a single-family dwelling and accessory uses.

Issues and Opportunities

STVR Review Project and Moratorium

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

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

The adoption of the Bylaw 222, which amends the OCP guidelines for STVRs, has been delayed but is expected to be ready for adoption shortly.

The application is being brought to the LTC for consideration recognizing that the review project is substantially complete, and in order to avoid further delays to the applicant.

Cumulative Impacts, Proximity and Number of STVRs

Assessing cumulative impacts entails that the LTC's exercise its discretion to determine where the threshold for impacts lie for a local neighbourhood and the island as a whole on a case-by-case basis. Assessing compliance with new and existing policies for maximum guest capacity, a cap on STVRs numbers in Magic Lake Estates, distance to other STVRs, and other information provides guidance for that determination.

There are no other STVR permits in the immediate neighbourhood and the closest STVR permit is NP-TUP-2021.1 (Landale), which is 440 metres to the south on Bosun Way (Attachment 6).

Draft policy 6.4.18 limits the maximum number of permits to twenty (20). There are currently eleven (11) TUPs issued for STVRs, and all are in Magic Lake Estates.

Potential Impacts on Direct Neighbours and Neighbourhood

The potential impacts of an STVR use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

Given the size of the subject property, the location of the dwelling on the property, the very small dwelling size, the small limit on the number of guests, accommodation for required parking, the applicants attention to neighbour privacy and the proposed screening process, impacts on neighbours should be minimal.

TUP Conditions

The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP. The recommended term of three (3) years is the maximum permitted by legislation, and the owners would be eligible to apply to renew for a further three (3) years. The LTC may opt to reduce that timeframe if they judge that a shorter time to gauge any impacts and concerns prior to a renewal application is preferable.

The draft TUP circulated for notice would allow a maximum of sixty (60) days from May 1 to September 30 summer months versus the policy guideline of a of thirty (30) days. The applicant has requested this providing the rationale that she feels that the home is very small and that a maximum of 3 to 4 guests will have little negative impacts to the island, and that the use is an opportunity her and her daughter to gain some additional rental funds during peak season when there seems to be very limited rentals available.

The LTC may opt to amend that condition in the draft TUP to be consistent with the thirty (30) day policy.

Additional Conditions

There are other guidelines that have not been included in the draft TUP that the LTC may opt to include by amendment. These are as follows:

- *the property owner or operator shall **post contact information and permit information** at the entrance to the property;*
- *The following **mitigating measures** are required:*
 - *retention of existing screening and fencing; and/or,*
 - *the installation of addition screening; and*
- *the **dates** during which the use may occur are limited to _____.*

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, published in the *Driftwood* newspaper (Attachment 8) and posted on North Pender Island community bulletin boards. The notification period ended at 4:30 p.m. on February 15, 2022.

At the time of writing, staff has received one response to notification in favour of the application (Attachment 7). The applicant reports that she has proactively discussed the proposal with numerous neighbours and none have expressed concerns. Any further submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for recommendation

In summary, the recommendations on page 1 are supported as:

- The rationale for the use is reasonable;
- The size of dwelling, guest capacity of four (4) people and marketing strategy is reasonable and modest;
- The cumulative impacts of STVR use from approval of the TUP would be small given the neighbourhood and island context;
- Limiting the number of days in the summer months would further limit impacts and provide certainty to neighbours;
- Consultation through notification neighbours has generated one letter of support; and,
- The permit provides conditions consistent with OCP guidelines and would ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

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 _____.

2. Amend or Add conditions

The LTC may wish to further amend the TUP by placing further limits on the adding conditions such as reducing the maximum number of days in the summer, physical screening requirements, water conservation measures and/or changing the time period that the permit would be valid. If selecting this

alternative the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2021.10(White) be amended by the addition of the following condition(s): _____

3. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Temporary Use Permit application NP-TUP-2021.10 (White).

Submitted By:	Phil Testemale, Planner 2	February 16, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 16, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Addendum Letter of Purpose
4. Guest Information
5. Guideline Checklist
6. STVR Issued Permits Map
7. Correspondence
8. Notice
9. Draft TUP

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 35, Section 10, Pender Island, Cowichan District, Plan 24780
PID	000-787-485
Civic Address	4617 Ketch Road

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-DVP-2015.5	Height of Accessory Building (Treehouse)
NP-BP-2015.21	Accessory Building
NP-BP-2015.24	Dwelling

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR – Rural Residential designation and North Pender Island Official Community Plan No.171, 2007: There are no Development Permit Areas designated on the property.
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996:
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	

SITE INFLUENCES

Islands Trust Conservancy	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	None on TAPIS Mapping
Sensitive Ecosystems	Area of 'Important Ecosystem:' Mature Forest (Attachment 2.3)
Hazard Areas	Areas of Steep Slope Hazard are shown as Attachment 2.2
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites noted within the property however, there is an occurrence of high archaeological potential. As such, The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites. By copy of this report, the owners and applicant should be aware that there unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during

\\islandstrust.local\DFSMain\EDM\09 Current Planning\09 NP\3540 TUP\25 Applications (P)\2021\NP-TUP-2021.10 (White)\06 Staff Reports\A 1 Site Context_2022-02-24.docx

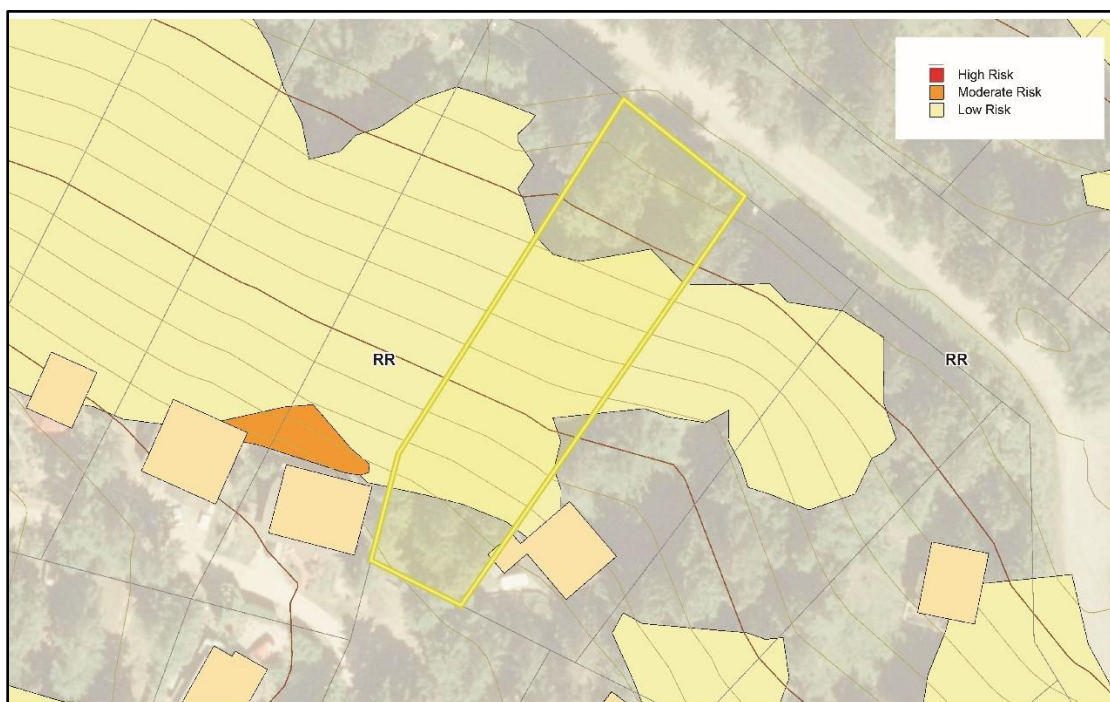
	development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites.
Climate Change Adaptation and Mitigation	There is no new development proposed with the application. Potential GHG emission changes resulting from approval and comment would be from transportation to and from, and on the island by guests. Additionally, the dwelling has been designed and built for energy efficiency. Impacts on proposed development from anticipated or possible climate change induced hazards are small given the location.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

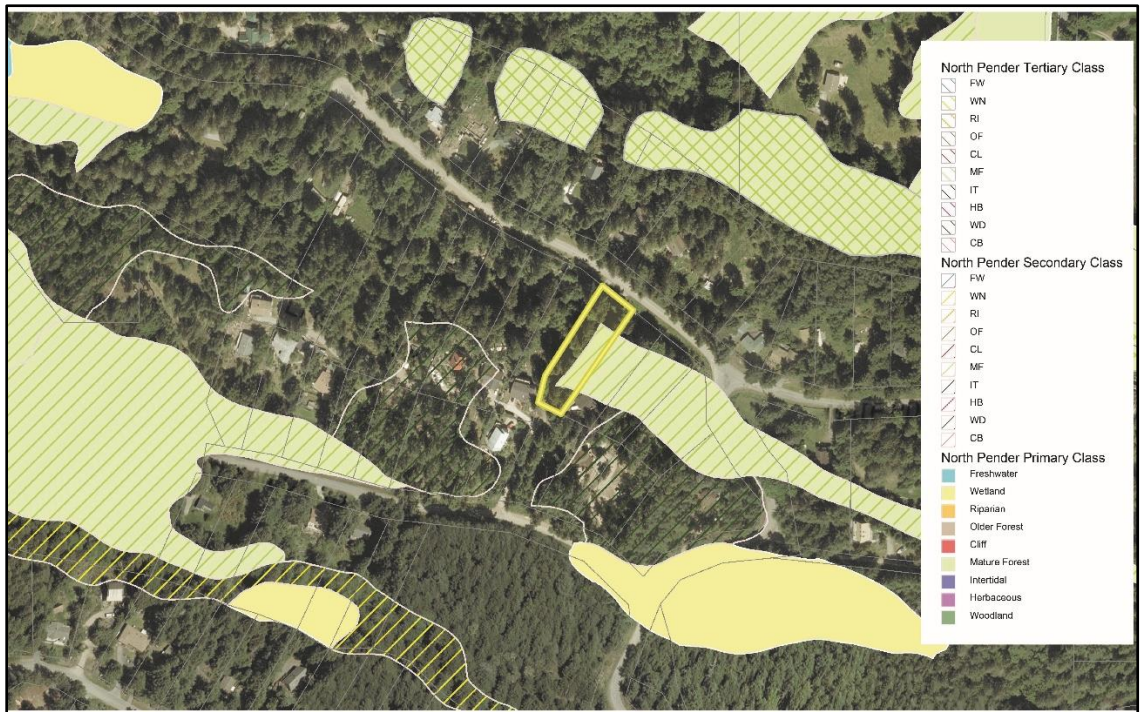
2.1 ORTHOPHOTO AND BUILDING FOOTPRINTS



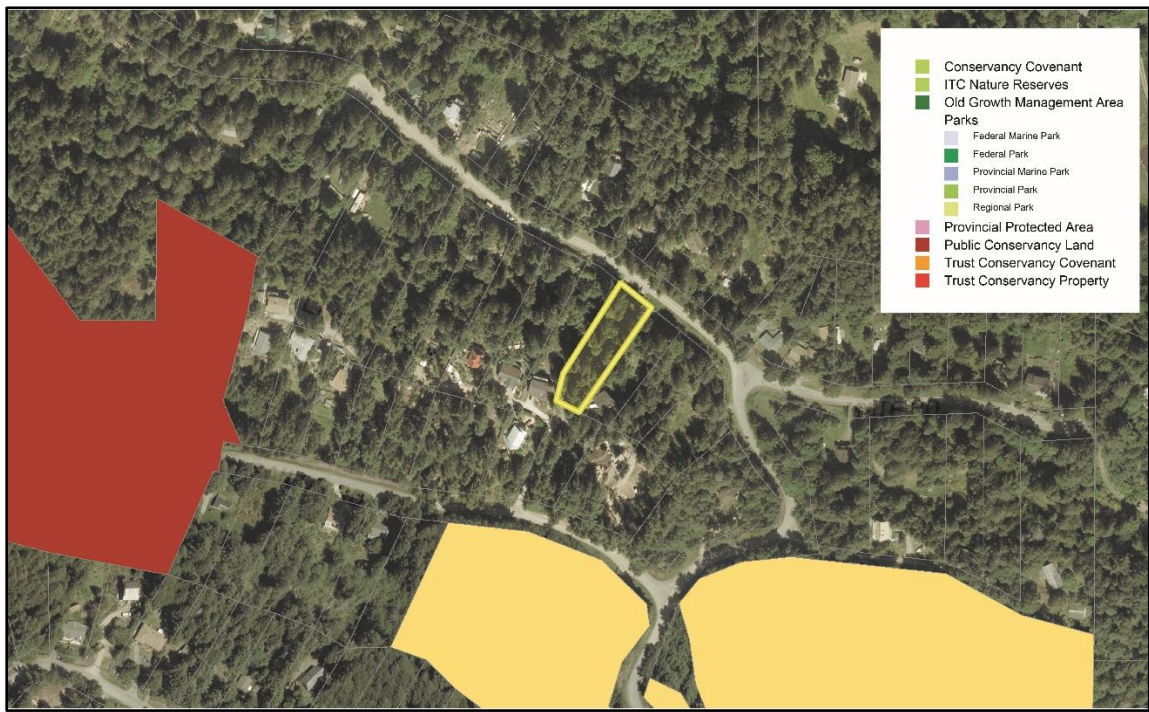
2.2 CONTOURS & STEEP SLOPE HAZARD MAPPING



2.3 SENSITIVE ECOSYSTEM MAPPING

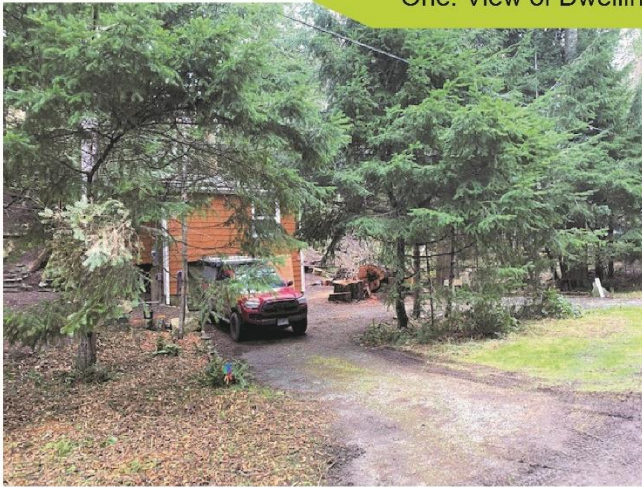


2.4 PROTECTED AREAS

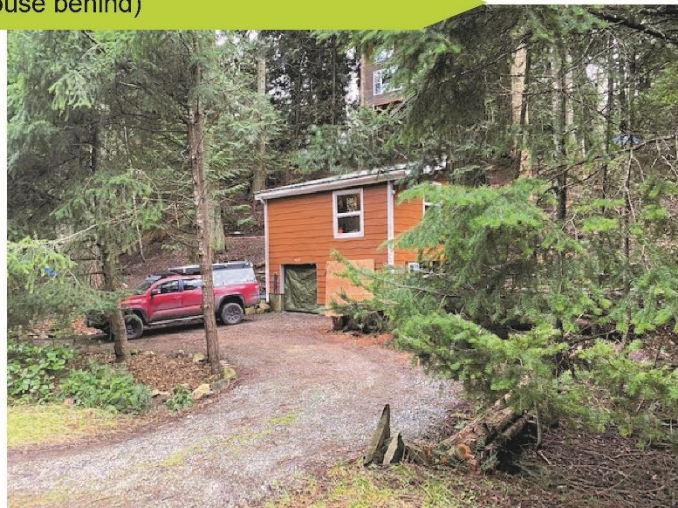


2.5 PHOTOGRAPHS

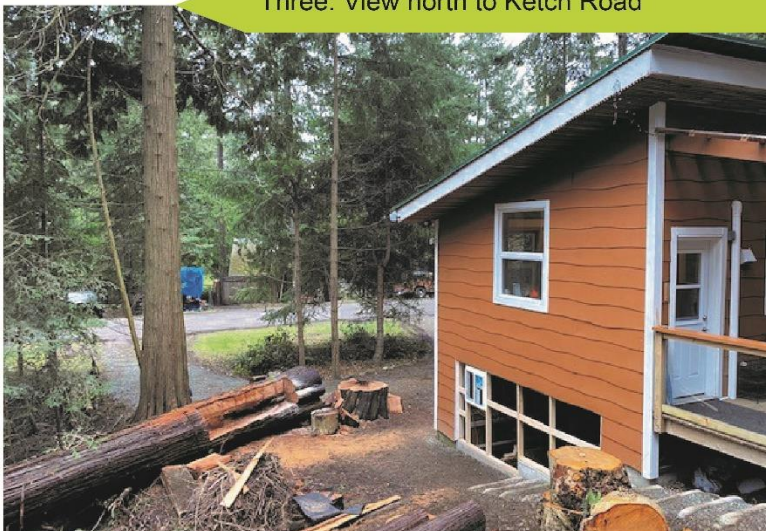
One: View of Dwelling and Parking from Ketch Road.



Two: View of dwelling and parking (treehouse behind)

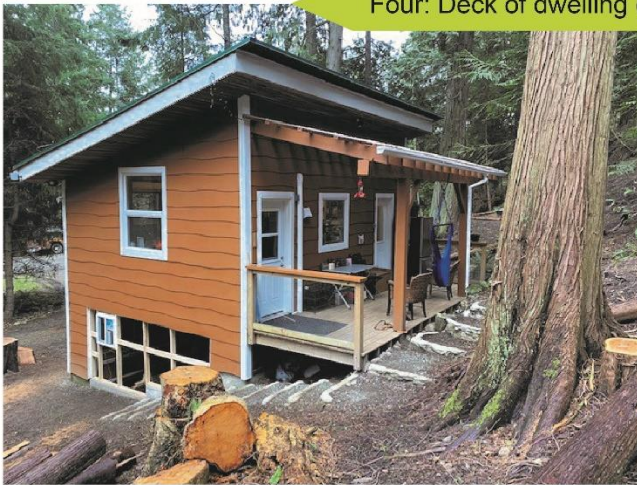


Three: View north to Ketch Road

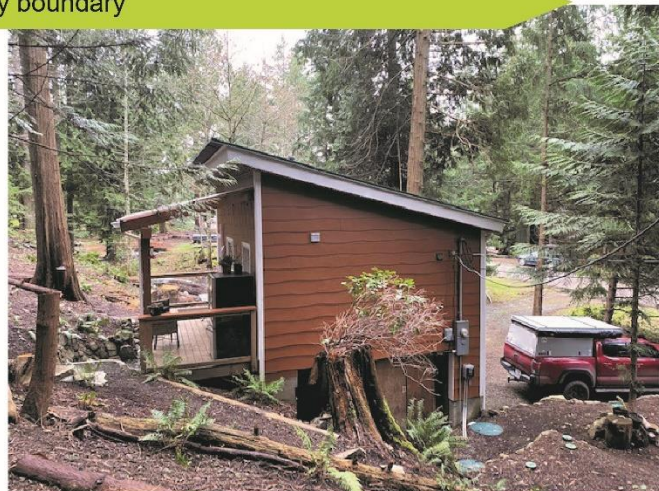


2.5 PHOTOGRAPHS (CONT'D)

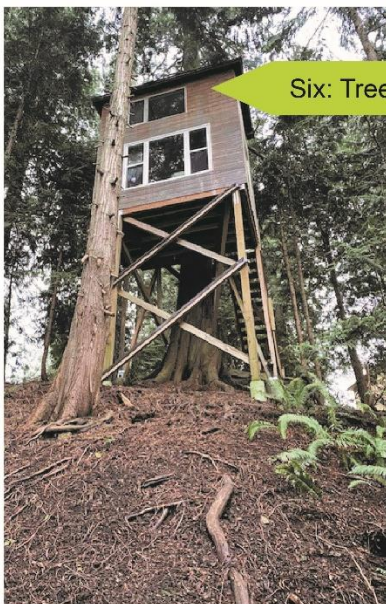
Four: Deck of dwelling (facing south)



Five: Dwelling from east property boundary



Six: Treehouse (storage/not part of proposed use)



Attachment 3

To:

Islands Trust
200-1627 Fort Street
Victoria, BC
V8R 1H8

From/Applicant:

Jaime Lynn White
4617 Ketch Road
Pender Island, BC
V0N 2M0

RE: Application Proposal for a TUP for Short Term Vacation Rental on Property 4617 Ketch Road, Pender Island BC

Date: December 5, 2021

To Islands Trust,

Please find attached the 2-part application for a TUP that was provided by your office on your company's website. In addition to this you will find further documentation attached where required regarding the property. Please kindly let me know if there is anything missing, or you require anything further.

The purpose of this letter is to provide an owner's statement of my property and to secondly explain why I'm seeking this permit and what I would be offering guests if granted a temporary use permit.

Part 1

Statement from the Owner regarding full property details & disclosure of all buildings and structures.

The builder of our home tried to be as authentic in embracing nature and surrounding oneself in it. The house has a warm feel with wood and natural stone esthetics. As Pender can be incredible quiet, the hope of combining nature + quiet would equal a nice place to relax by anyone visiting.

The house and property were designed to be as low maintenance as possible, in addition to more energy efficient than required. The roof is r36 and the bathroom walls are mainly insulated to not only reduce energy loss, but also reduce sound. It also has heat pumps for air and floor warming. The house is also designed to be space efficient as possible to try to maximize the build space.

This NE facing home is just under 400 square feet and was built in 2020. It is a 1 bedroom and 1 bathroom (shower only) and contains a washer and dryer. It has a small kitchen that is a part of an open floor plan that contains a moveable kitchen island that doubles as a seating for meals. There is a small, covered deck off the back side of the house (facing away from the road) that has additional seating. It also has under the house storage and a garbage, recycling, and compost system.

The home is on a new septic system installed in early 2020 and on Magic Lake municipal water. Septic drawings included.

Halfway up this sloping 0.54-acre property there is the only other existing structure, which is a professionally engineered treehouse. I will include its legal drawings and permit in this application. The treehouse serves the purpose of additional storage.

Part 2

My 10-year daughter and I moved to Pender Island in Sept 2020 and fell in love with the island and the community. We were so lucky to be able to purchase our first home in July 2021. The purpose of this permit would allow for some financial gains to our single-family income and give back to the island with a small increase to tourism which help and support local business while providing a place for one to relax which is needed more than ever, in these times.

We would be looking to rent out our home less than 26 weeks of the year if that. Realistically it would be 1-2 a month and mainly during the peak months.

The target market for this rental would be geared towards couples, friends, or families with 1 child. The setting speaks to the clientele of guest looking for a relaxing retreat away in the forest, to rejuvenate, de stress and recharge in the quiet of nature. Added little details will be found in the home promoting wellness to the guest.

This small energy efficient home would provide 2-3 guest a relaxing getaway on North Pender Island. The home is located on a dead-end road and is very private. The thru driveway off Ketch Road provides 2 off street vehicle parking spots and includes the ability to charge an electric vehicle.

A small walkway around the right side of the house leads guest to the main entrance of the home. A wall mounted lock box is provided for guests for easy, convenient self-check in. Upon entry the guest will walk into a warm and cozy, nature inspired home of soft wood colors and windows showcasing the forest outside. The vaulted ceilings and space efficient home planning + organizing will leave the guest feeling comfortable and cozy in their living space.

Guest will see a Welcome Booklet that will have a write up about house rules:

No smoking, vaping, drugs or partying and noise to be reduced from 9-9. No pets. Explanation on septic system and water conservancy. Where 2 fire extinguishers will be located and a basic first aid kit equipped with all emergency numbers.

Note-I will be personally screening guest and not allowing for “instant booking access” to attract only the desired guest to ensure the right fit.

Included in this booklet will have a map of the island and some of our top favorite island business such as restaurants and information about farmers markets, local events etc. We really want to “show off” our little island and support local businesses as much as possible!

My direct number for guest to call in case they need anything or have any questions will also be provided. (More below on this)

The main entry space allows for a place to hang up your jacket and shoes on a wood mounted hook system above and below. The tiled kitchen is off to your right and features a medium size stainless steel energy efficient fridge, a single sink where you can view the back deck, electric stove, microwave, and range fan. There is also a toaster, kettle, coffee maker and tea pot. Guest will be supplied with all basic cooking supplies and have access to herbs and spices, teas, and coffee. If guest book in for more than 3 nights a complementary snack basket will be offered featuring local, island made treats.

A natural stone backsplash that flows throughout the kitchen leads guest into the bathroom. Here you will find a shower (the shower head is set for water saving purposes on a low flow which cannot be altered by the guest) a sink and toilet. The guest will have access to the energy saving washer and dryer found here and be given 1-2 complimentary (depending on length of stay) environmentally safe laundry strips. In the bathroom is the second and final door to the home that opens onto the back deck.

Back in the main space is a queen size elevator bed allowing for added space, which is easily pushed up and away when not in use. Next to this is an open space closet for guest to put their things and writing desk + chair. A pull-out couch in the living area provides additional sleeping space for a child or adult guest. All bedding provided plus additional blankets for comfort.

Guest will have access to free WIFI and a retro small TV with classic VHS movies from the 80s and 90s. There is also 1 small Bluetooth speaker available, a collection of boardgames, puzzles and cards will be provided as well as books on wellness, nature, living tiny, and healthy recipes.

Bath+ beach+ hand towels, washcloths, and kitchen linens and cleaning aids will be available. COVID extra cleaning protocols will be in place between guests as well as an air purifier will be made available if the guest choose to use.

The outdoor back deck holds a hammock, table and chairs and a small BBQ (location of 2nd fire extinguisher). The guest access ends here (the small path and stairs leading to the rest of property will be blocked off by a sign stating, “Private or No access” and have a large, nice planter pot blocking this path.

During the guest stay we will be either staying on island at another location + be available if the guest requires anything. We also travel off island as we have family in town and if will have a secondary on island contact made available in the event the guest requires immediate assistance.

Signage throughout the property will be in place regarding water conservancy, noise and respecting our neighbours and wildlife, recycling, garbage and compost area, warning about septic, and private no access to upper area as well as designated parking.

I also have a small wellness business that I conduct from home (when there), onsite or virtually and would also like to extend these services to guest when available to enhance their stay if they so choose.

Please see additional photos of the property below. Professional photos and staging for a STVR if permit were granted would be taken prior, this at least gives the viewer an idea for now.









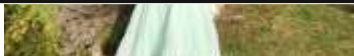
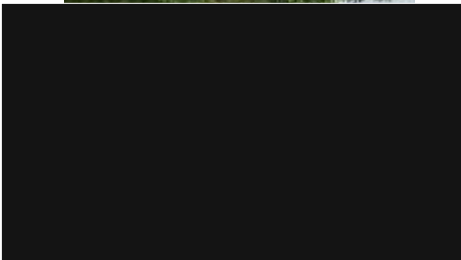


Thank you so much for taking the time to review our application. We appreciate your time and attend to this, and we look forward to hearing from you regarding next steps!

Please contact me if you have any questions or as it is a lengthy application, if I'm missing any required documentation.

Sincerely,

Jaime Lynn White & Sophie Lax (mom + daughter)



Proposed signage for guests to be posted at relevant area of home

Septic system, Only toilet paper allowed in
me please

We are on community water please be respectful of your
Usage

Garbage and Recycling storage is under house

We love our Neighbors Excessive noise levels not
permitted, respectable hours 9am to 9pm

Parking permitted in driveway, no vehicles left on side of
road overnight



HIGHLIGHTS

Location:

4617 Ketch Road
Pender Island, BC

of beds:

1 queen elevator bed
1 queen sofa bed

of bathrooms:

One, shower only

More:

Boho/Scanadavian inspired wellness haven! Washer + dryer, private quiet neighbourhood, full kitchen, BBQ & covered patio. Additonal Wellness Services available onsite & upon request.

Explore beautiful Pender Island & stay in a cozy 400 square foot tiny home.

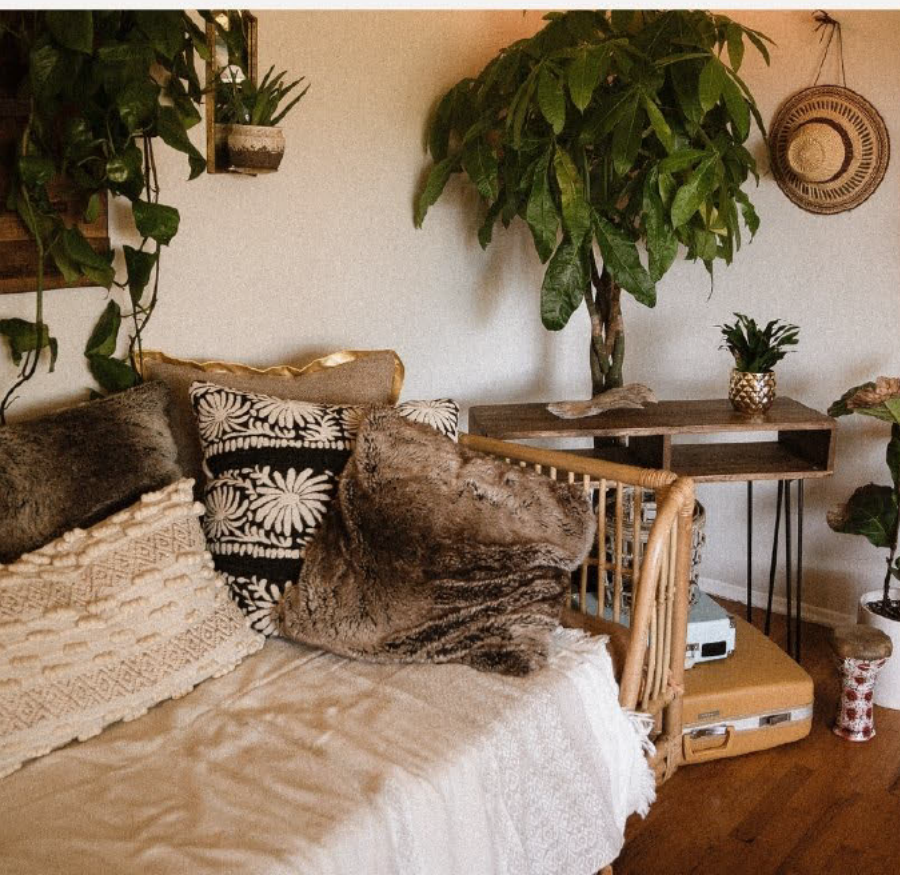
This cozy tiny home has a welcoming covered patio & views of the surrounding forest - perfect for relaxing, drinking a cup of coffee, tea or a glass of wine, and taking in the mature forest of the cedars, firs and pines. This west coast home, has & open floor plan & is furnished with a queen bed as well as a comfortable sofa-bed. Traditional amenities are included plus additional "wellness" touches to help you relax & reconnect with yourself and family. Within walking distance to the islands town centre and other local attractions.

About us

Brought up on the west coast of BC, I spent many days exploring the gulf islands & always felt at home and connected to the coast. In 2011 my daughter was born, we lived downtown Vancouver and I was working as a paramedic. After years of a fast paced city life, & a high-stress job, plus the challenges of a pandemic, I knew it was time to make a positive change for myself and daughter.

We moved to Pender in 2020 and fell in love with the islands natural beauty & it's warm & welcoming community. In 2021, we purchased our first tiny home & I changed careers & opened my small business based in health called, Wild Island Wellness.

We transformed our space into a part time airbnb so we could share what we love & offer it out for others, such as yourself to enjoy!



Primary contact info:

Phone:

Email: ja

Secondary (on island) info:

XOXOXOXOXO

Special thanks:

We love meeting people from different parts of the world & look forward to connecting with you as a host or traveler. We will do our best to make your stay as comfortable as possible!

Thanks so much for choosing us and we hope to welcome you back soon!



Jaime & Sophie

Our hope & intention during your stay is to slow down, unplug & reconnect with yourself, friends/family & with nature. To indulge in self-care, quality time and find that inner balance, joy and happiness that might've needed some nourishing & inspired your stay.

Check in

Welcome to beautiful Pender Island and to The Love Shack (*baby! & apologizes if this song gets into your head!*) On the day of your booking you will receive a personalize lock box code. This is located on the backside of the house, where you will find the entry, off the covered patio.

We have provided basic amenities including fresh towels and linens, soap & laundry detergent. You will also find throughout the house little "wellness" inspired items that you're welcome to use during your stay.

There's also an assortment of board games + puzzles, and books. There's no "modern" TV but have provided a nostalgic 80's TV/VHS combo plus some "classic" movies for you to enjoy!

Check-in Time: 4:00pm

Directions from Otter Bay Ferry Terminal (9.6KM):

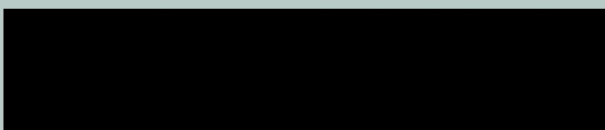
Head NW on Otter Bay Road towards McKinnon Road, slight Right onto McKinnon Road. Turn L (2.1 KM) to stay on Otter Bay Road. Turn R onto Bedwell Harbour Road (4.1KM). Turn R onto Schooner Way (1.3KM), Turn R onto Ketch Road (1.1KM), our house is located on the L hand side 4617 Ketch Road.

Please pull into the drive-way, which has room for 2 vehicles.

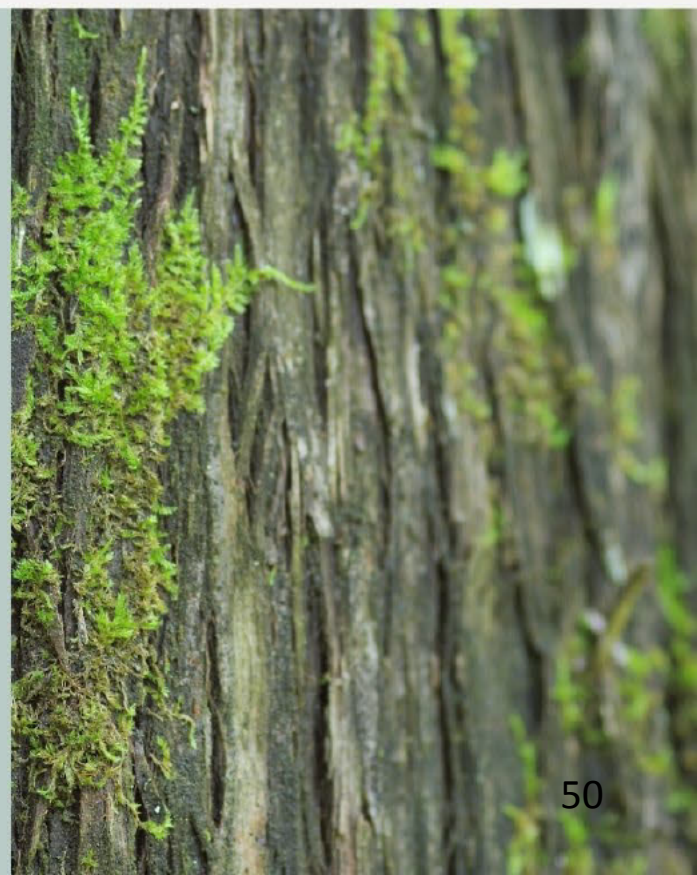
Please note: a security camera is installed on the front corner of the house & the drive-way is the only area visible.



WIFI:



There 's no WIFI in the forest, but you will find a better connection!





House Rules

To help us keep the house, property and neighbourhood happy, we ask you to keep a few things in mind during your stay:

As our house is located in a residential area, we ask that you respect our neighbours privacy and keep noise levels down.

Quiet time is from 10pm-8am.

We're a **smoke free property**, including back yard, front yard and driveway. There is often a full fire ban in effect during the warmer months, so extra caution is to be taken.

No parties & no outside guest/visitors without prior approval, including pets.

Do not leave any food out that will attract uninvited animals/pests.

No shoes in the house beyond entrance.

Water conservation is important on the island, especially during the dry summer months. Please keep showers short & avoid unnecessary use of water.

The tap water is safe to drink and comes from Buck Lake. There is also a Berkey Water filtration on the desk your welcome to use. To refill, just add tap water to the top container, just be careful not to overfill as it will leak overtime.

Our house is on a sensitive **septic system**. For this reason, please do not put anything down the toilet except for toilet paper. There is a waste bin next to the toilet for your convenience.

If you break or damage something, please let us know and arrange for its replacement or repair.

Food & Places to Eat



GROCERY STORES

Tru Value

Pender's largest grocery store, located at the Driftwood Center.

Southridge Natural Foods

Small local grocer specializing in healthy options. If you're searching for organic, vegan + GF this is your place!

PUBS

PORT BROWNING MARINA RESORT

The "locals" pub featuring great food & drinks and has an amazing patio overlooking the water.

Poets Cove Resort

Located on South Pender, also has a patio with water views.

Places to Eat

Jo's Place

Located in the Driftwood Centre. The burgers+ pizza's are great! Portions large. Some GF options available. Best place on the island for breakfast + has a patio!

The Vanilla Leaf Bakery

Located next to Jo's and has casual lunches with some breakfast options. Our favourites: Homemade muffins & pies, especially Peach Raspberry!

Woods on Pender

Specializes in cocktails and has a games room upstairs. Portions are small but tasty and there's always a GF option. Also has a "Coffee Kitchen" with yummy speciality coffees & morning treaties. Please check website for times & menus as they change throughout the seasons.





Syrens Bistro & Lounge + Aurora Restaurant

Both located on South Pender at Poets Cove, can be seasonal please check website. Aurora is fine dining.

Slow Coast Cafe

Located at Medicine Beach has amazing coffees & home made goodies. GF options.

Hub

An oceanfront mediterranean restaurant at Hope Bay. Often features live music & has a patio. Tapas & wine!

Food Trucks (seasonal)

Southridge Food Truck

Next to the grocery store & has picnic tables. GF & Vegetarian options. Home made yummy fries & burgers. Our favorite: The falafel pita wrap with hummus & spicy tzatziki.

Truss Farm Food Truck

Located close to Driftwood Center + has outside seating + is farm to table. Everything is good!



LIQUOR STORES

BC Liquor Store

Located at Driftwood.

Medicine Beach Liquor Store

Closest to home & has a good variety of local beer, wines & spirits.



Things to do

Saturday Farmer's Market at the Community Hall grounds. 9:30-1:00

Seastar Vineyards on Razor Point Road. They've won awards for their wines and host tastings & occasionally have a food truck, please visit their website for details.

Twin Island Cider off Razor Point Road. Host cider tastings by appointment please visit their website.

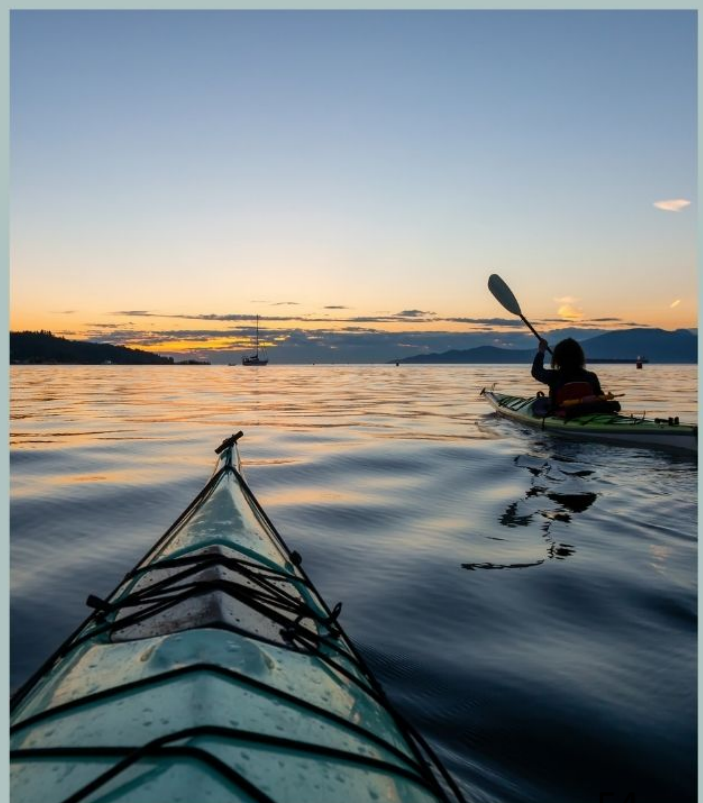
Nu-to-Yu community thrift store & carries everything from books to clothes to home goods. Low prices & good finds! Open only on Friday with occasional Saturdays.

Visit Hope Bay a collection of services are found here. Pender Chocolates (unbelievable good!), Red Tree Gallery, Real Estate Broker, Hub, Hope Bay Hair Salon and Power Heart & Hustle (massage & fitness).

Pender Island Kayak Adventures at Browning Harbour offering tours, lessons and rentals.

Dog Mermaid Eco-Excursions at Otter Bay Marina also offers the above plus yoga on paddle boards.

Talisman Books & Gallery at Driftwood Center. Excellent selection of new & used book, local crafts & art, quality toys for kid.



Island Girls Boutique at Driftwood Center. The owner Charlene, designs the charming, quirky clothing & has it made for her in Vietnam. A lot of natural fabrics & there's also jewelry.

Pender Island Golf Course a public course that locals & visitors enjoy that is open year round!

Magic Lake Beach swimming area & dock. Access off Pirates Road & has a couple picnic tables & is very warm in the summer!

Mortimer Spit is located on the other side of the one lane bridge on the south island. A great place for a swim or a picnic & enjoy the beautiful scenery.

Gowlland Point & Brooks Point is at the very end of the road on South Pender. Popular beach and views towards the San Juan's & Mount Baker.

Disc Golf-located at the Golf Course & the very popular one here in Magic Lake. A busy spot on a nice day!

Thieves Bay Marina is a common place for seals, orca & humpback whale sightings!

Please look to the hiking map/guide book for details on walks & hikes. These are some of our favourites:

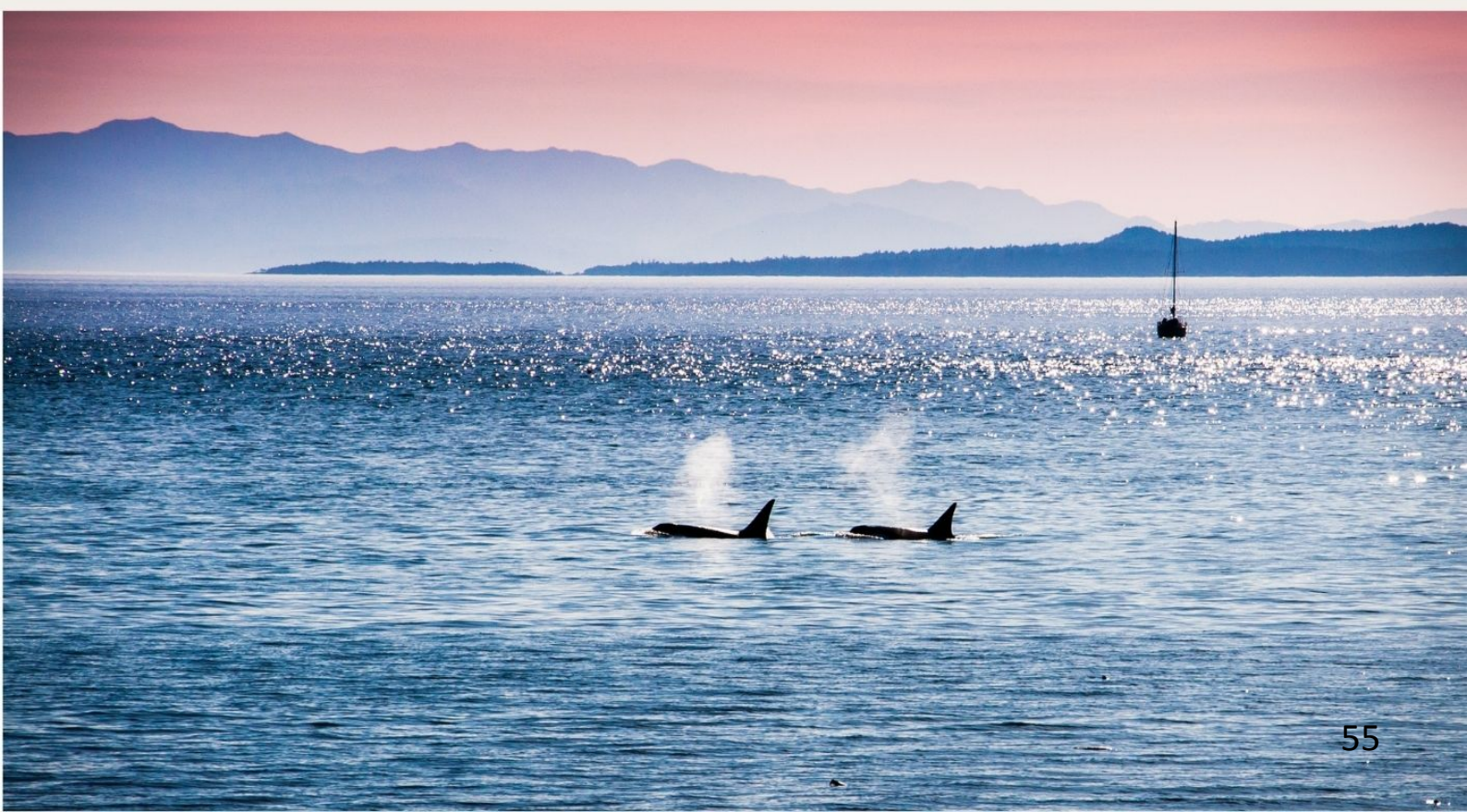
Mount Norman (good elevation with views)

Roe Lake/Shingle Bay (easy loop trail)

Oak Bluff's (a short walk with stunning views)

Lively Peak (which is just up the road + views)

Beaumont (my absolute fav! Ocean & forest)



Check out

We ask you to please do the following before checking out:

Take the **compost** to the green bin stored underneath the house.

If you can, please take your **garbage and recycling** off island with you. Pender Island residents have to manage these luxuries on our own & at an additional expense. Additionally, waste can be dropped off in the Slow Coast Coffee complex, for a disposal charge of \$8/bag. We appreciate your understanding here.

If you're unable to do so (you've biked over and can't carry it back), please put the tied up garbage bag(s) and recycling also under the house in the correct bins.

We ask that all **dishes** are cleaned.

Turn off all electronics, and thermostats -both base board heaters in living room & bathroom.

Winter time please leave the "Floor Heat" at 15 degrees.

Check-out Time: 11am

Close any **windows** you've opened during your stay and be sure to lock both **doors** and the **keys** can go back in the lock box.

Please leave this guest guide book on the kitchen island, along with the house copy brochures.

Don't forget to sign The Guest Book!

A special mention about BC Ferries:

Remember that if you have a ferry reservation leaving Otter Bay, you need to be at terminal at least 30 minutes before the scheduled sailing time. Allow at least 15-20 minutes for the drive from the house to the ferries.

Thank you again for staying with us.

We hope you enjoyed your stay and time on Pender.

Safe travels & we hope to see you again!





Emergency

In case of emergency (outside the house contact):

Police, Fire, Ambulance, coast guard, marine & aircraft distress **Call 911**

RCMP (non-emergency) **250-629-6171**

Pender Island Fire Rescue- **911**

Urgent Matters (duty officer 24/7) **250-792-0880**

Pender Island doctor on call for urgent care during weekend and after hours

Call **1-800-866-5602**

Nurses Line/Health Link call **811**

A full list of resources & phone numbers can be found in the Pender Island Phone Book located on the desk.

In case of emergency (inside the house):

First Aid Kit- In cupboard under bathroom sink

Fire Extinguisher- 1 x underneath kitchen sink

1 x next to BBQ on patio

Electrical Shut Off- Breaker box behind art work above desk (next to bed).

Power Outages- Do happen on Pender, especially during the fall/winter.

Emergency candles (real + battery operated) and flash lights are found throughout the house. Extra blankets are found in the open closet and we recommend using the BBQ if needed for hot meals. 57

Attachment 5: TUP Checklist for Short TERM Vacation Rental

NP-TUP-2021.10 (White)
4617 Ketch 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.	The proposed use meets the definition of STVR.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior changes proposed.
c) Cumulative Effects - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	The local neighbourhood The Island
d) Distance to Another STVR - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	Complies
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
i. Private Well - If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or 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.	N/A
ii. Community Water System (Magic Lake & Razor Point) - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Property is on Magic Lake Water. If approved, staff will refer the TUP to the CRD.
iii. Trincomali Improvement District - A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

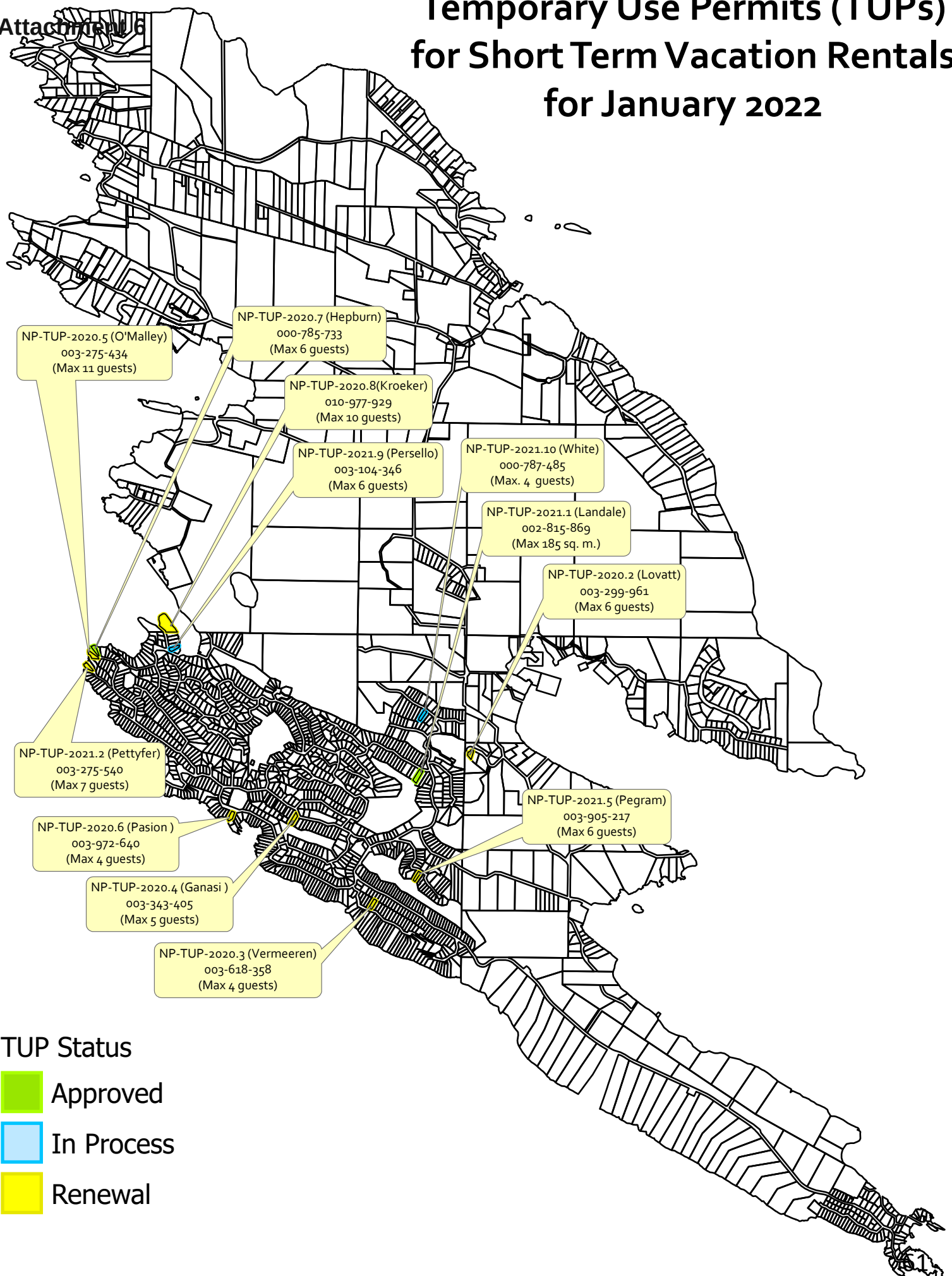
Attachment 5: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two (2) vehicles	Yes
g) 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.	None on property. Occurrence of Mature Forest noted as an 'important ecosystem' (Attachment 2.3)
h) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ² .	None proposed
i) Operator Contact - 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.	Yes – Condition in draft permit
j) Operator Contact & TUP to Neighbours - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes – Condition in draft permit
k) Guest Information - The permit should require the landowner post the following information for guests:	See: Attachment 4
i. remind guests that the property is located in a residential area;	Yes
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Yes
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Yes
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Yes
l) Permit 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 a condition of draft permit
ii. limit the number of guests to six (6) for properties located within the Magic Lake Estates Water System Area;	Yes – draft permit limits to four (4)
iii. limit the number of days the short term vacation rental may be in use from the period	No – applicant is requested that the number be a total of sixty (60) days for the period.

Attachment 5: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
of May 1 to September 30 in a calendar year to a total of thirty days;	
iv. require mitigating measures to address neighbours' concerns , such as retention of existing screening and fencing, or installation of additional screening;	Not a condition of draft permit
v. require the landowner/operator to post contact information and permit information at the entrance to the property;	Not a condition of draft permit
vi. prohibit camping or occupancy of RVs on the property;	Yes - Condition of draft permit
vii. prohibit the rental or provision of motorized personal watercraft;	Yes - Condition of draft permit
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Yes - Condition of draft permit
ix. prohibit outdoor fires; and	Yes - Condition of draft permit
x. establish the dates during which the use may occur.	
m) Agriculture Land Reserve - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) Owner Occupancy - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	Yes – owner's principal residence.
o) Maximum Number of STVRs - The Local Trust Committee must not approve more than twenty (20) temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	The total number of issued TUPs in Magic Lakes is eleven (11)
p) Occupancy Permit - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Proof of CRD Final Occupancy provided.
q) 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	Yes - Condition of draft permit

Temporary Use Permits (TUPs) for Short Term Vacation Rentals for January 2022



TUP Status

- Approved
- In Process
- Renewal

Attachment 7

From: Tony Boydell <[REDACTED]>
Sent: Friday, February 11, 2022 5:50 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Notice NP-TUP-2021.10

Regarding the proposed STVR on lot 35, as owners [REDACTED] we are fully supportive of the proposed rental, provided that the proponent applies all the required conditions of the permit.
Tony and Bernadette Boydell



NOTICE
NP-TUP-2021.10

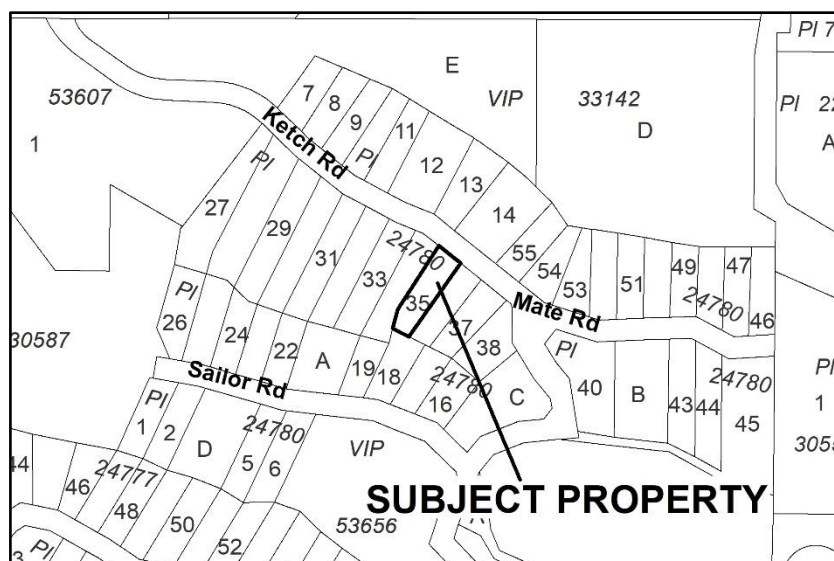
Attachment 8

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot 35, Section 10, Pender Island, Cowichan District, Plan 24780 (PID: 000-787-485). This property is located at **4617 Ketch Road**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for **three (3) years** and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 4, 2022** and continuing up to and including **February 15, 2022**.

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

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **February 15, 2022**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m., February 24, 2022.**

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

Jas Chonk, Deputy Secretary

Attachment 9



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT NP-TUP-2021.10 (White)

4617 Ketch Road

To: Jaime White

1. This Permit applies to the land described below:

Lot 35, Section 10, Pender Island, Cowichan District, Plan 24780
(PID: 000-787-485).

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) A **parking** area that will accommodate a minimum of **two (2)** vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
- b) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
- c) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
- d) the property owner must post within the dwelling the following **information for guests**:
 - i. remind guests that the property is located in a residential area;
 - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
 - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service;
 - iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use;
- e) the **maximum number of bedrooms** that can be used for the STVR use is limited to one (1);
- f) the **maximum number of guests** is limited to **four (4)**;
- g) from the period of May 1 to September 30 only, the STVR use is limited to a **sixty (60) days** in any calendar year;
- h) The following activities are **prohibited**:
 - i. camping and occupancy of recreational vehicles;
 - ii. the rental or provision of motorized personal watercraft;
 - iii. the use on Magic Lake or Buck Lake of watercraft brought from off island; and,
 - iv. outdoor fires;
- i) 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 STVR renter for the purpose of investigating a complaint;

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 ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: February 24, 2022
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Development Permit Application
Applicant: Peter Ooms
Location: 313 Evergreen Lane, Sidney Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.9 (Ooms)

REPORT SUMMARY

The purpose of this report is to consider a Development Permit (DP) application.

The application is to permit development and land alteration within the **Sidney Island Geotechnical Development Permit Area (DPA)** on the property for an existing septic disposal field and associated new infrastructure within the DPA.

BACKGROUND

The application is being made for the purpose of reusing an existing septic disposal field with one (1) additional tank for a proposed new dwelling on the property. Referencing Figure 2, the extent of the proposed development within the Development Permit Area 'B' is as follows:

- Reuse the existing septic in its current location (no increase in area);
- Upgrade the existing septic tank with additional 'risers' to avoid water infiltration (no increase in area);
- Install a new 1900 litre (500 US gal) septic tank upslope from the existing tank

Additionally, the proposal includes the demolition of the existing cottage which would not require a DP and construction of a new dwelling outside of the DPA (Attachment 2.5).

The upgraded septic system has been designed by a professional wastewater practitioner (Attachment 3). The system will require filing with Island Health. The existing septic field and tank were installed by a previous owner for an existing cottage without an Island Health permit and therefore the date of installation cannot be determined. The new septic tank will be sited as close to the existing one as possible.

The alternative to the proposal would be to place the dwelling approximately where the existing one is and site the septic field in the area upland of the current DPA boundary (approximately where the new dwelling is proposed). This would entail more land alteration and disturbance in the DPA, and would rely on an electrical lift system for the sewerage, noting that the island does not have an electrical utility. Also, the proposed reuse requires no tree removal.

The property is relatively flat with a moderate slope from the northeast boundary toward the crest of slope (Figure 2 and Attachment 2.3). From the crest the land first descends near vertical and then continues with localized flatter areas. The upper area is largely open grassland area with some mature trees, with denser mature tree cover increasing toward the back of the property.

A geological hazard assessment was submitted (Attachment 4) that it includes a guidelines checklist and a site plan. The report was originally drafted for a previous owner to allow for a dwelling within DPA Area 'B.' It has been amended to address the siting of the dwelling outside of the DPA and to assess the location of septic disposal system. In summary, the report and its recommendations complies with the DPA Guidelines.

The applicant purchased the property in the fall of 2021 and this application has been made in advance of a Building Permit application for a new 120 m² (1285 ft²) dwelling, with a rainwater harvesting system for potable and non-potable use.

Owing to the location and current Provincial Health Orders, staff have not visited the subject property.

The proposed Development Permit NP-DP-2021.9 (Ooms) is Attachment 5.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Applicable ITPS statements:

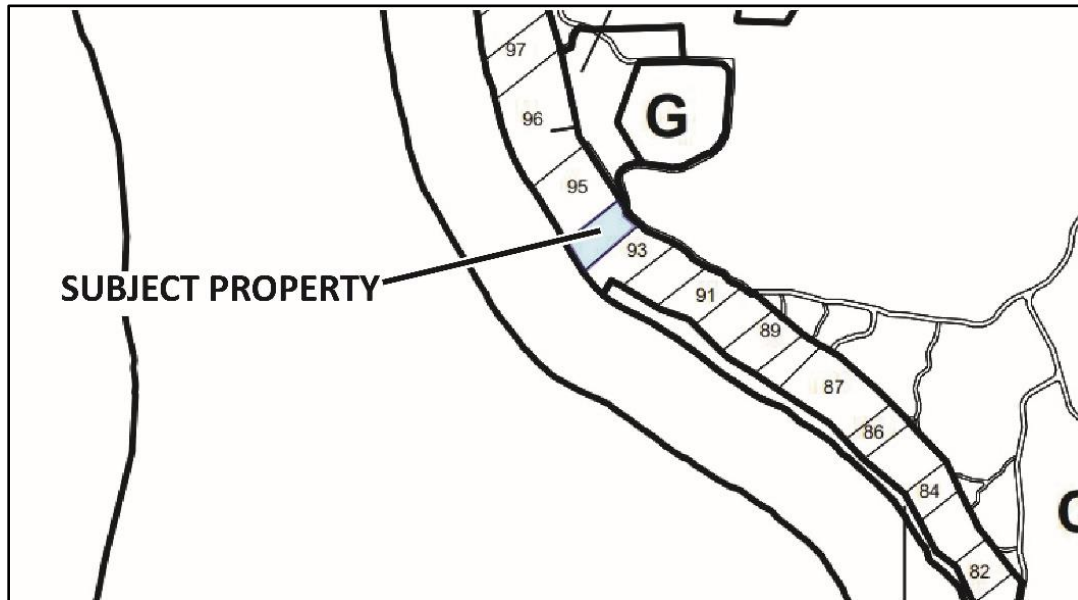
3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas

3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

5.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

The proposal is supported by the above ITPS policies.

Figure 1 – Subject Property



Official Community Plan:

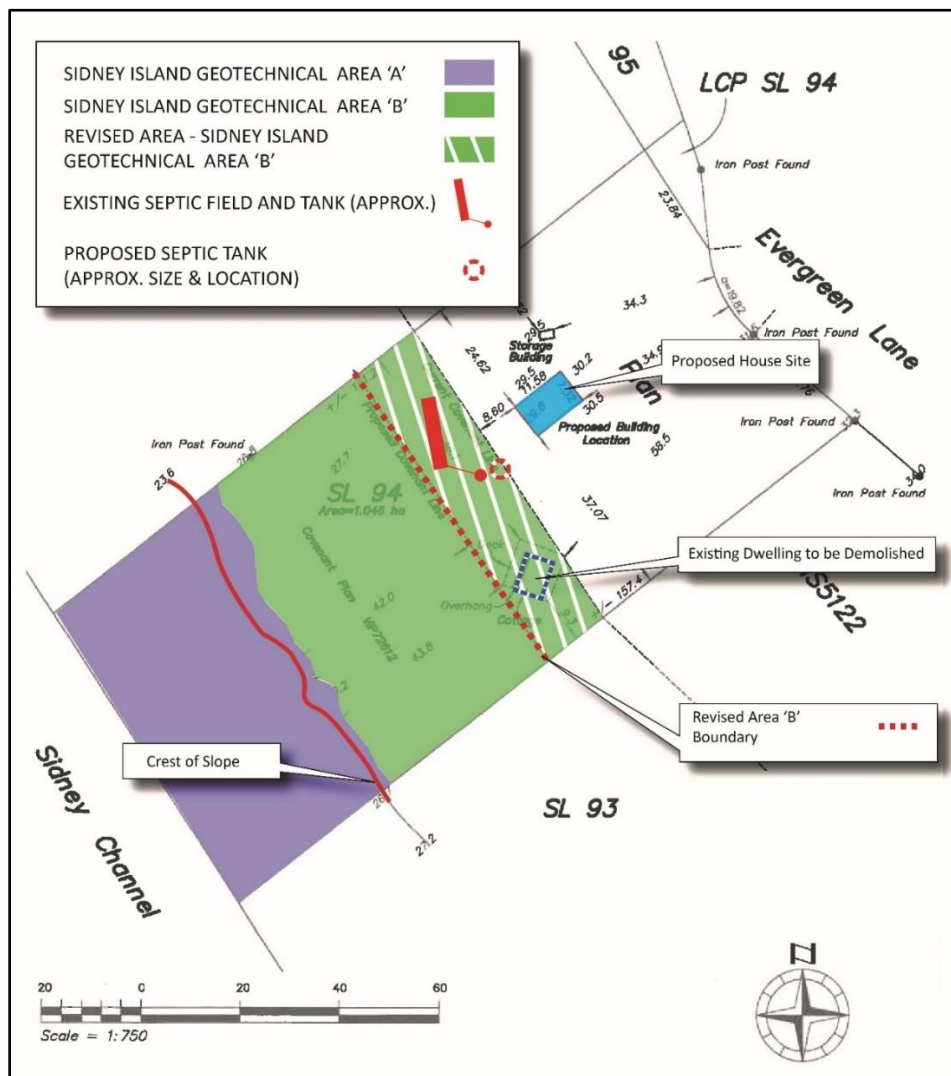
The property is designated **Residential - R** in the North Pender Associated Islands Official Community Plan No. 147, 2002.

The Sidney Island Geotechnical Development Permit Area (**Geotechnical DPA**) and the Sidney Island Shoreline Development Permit Area (**Shoreline DPA**) are designated on the subject property (see Attachment 2.2). The Shoreline DPA does not apply to this application.

Land Use Bylaw:

The property is zoned as **Sidney Island Comprehensive Development Zone 2 (CD2)** in the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB - see Attachment 2.1). The proposed siting of a septic field and infrastructure complies with the LUB

Figure 2 – Site Plan



Issues and Opportunities

Sidney Island Geotechnical DP- General

The Geotechnical DPA is designated for the protection of development from hazardous conditions. The DPA coincides with a covenant (ES65752) which was registered at the time of subdivision of the island based on a report by Levelton Engineering.

The DPA has two components, the shoreline banks ('Area A') and relatively level upland areas (Area 'B') above and beyond the crest of the shoreline banks (see Figure 2). The Exemptions and Guidelines for considering issuance of a DP are different for the two areas.

The applicants have submitted a Geotechnical Report to the Islands Trust. That report analyzes the Levelton report, the geological conditions (makeup and slope) of the subject property, and the proposed development, including tree removal and site drainage. The report concludes with the professional opinion that:

“that the current proposed location for the residence, and the associated septic field, will not be at risk of seismic or erosion based geohazards.” (p. 2).

Sidney Island Geotechnical DP- Guidelines

The Geotechnical Report attaches a checklist that assesses and certifies compliance for each of the applicable DP Guidelines for the proposed development. It also provides recommendations for any tree removal specifically the requirement for a certified Arborist, stump retention, as well as for minimizing disruption of existing vegetation and for storm drainage management. Although there is no tree removal proposed, conditions to allow for necessary tree removal in the revised DPA Area ‘B’, consistent with the Geotechnical Report have been included. All recommendations have been incorporated as conditions of the proposed DP. Based on the foregoing and attached, it is staff’s opinion that the application has met all of the applicable Guidelines for the DPA.

Consultation

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

First Nations

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

Rationale for Recommendation

The recommendation in support of approving issuance of the DP is based on the analysis of relevant policies and regulations, and, in particular DPA guidelines. In summary:

- the application is based on a professional geotechnical assessment and addendum which meets all of the relevant objectives and guidelines for the DPA; and
- all recommendations of that assessment have been incorporated into the proposed DPA

Further:

- the siting of the existing septic system and new tank is based on the recommendations of a professional onsite wastewater practitioner

ALTERNATIVES

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

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC SHOULD state the reasons for denial.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2021.9 (Ooms) as it is not consistent following guideline(s) _____.

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	February 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 17, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. 'Septic System Update' – Elliott Proctor, ROWP (February 15, 2022)
4. Geotechnical Assessment - Ryzuk Geotechnical (revised February 16, 2022)
5. Proposed Development Permit NP-DP-2021.9 (Ooms)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot 94, Section 5, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122
PID	026-298-201
Civic Address	313 Evergreen Lane, Sidney Island
Property Size	1.05 ha (2.59 acres)

LAND USE

Current Land Use	Small cabin (to be demolished) and outbuilding
Surrounding Land Use	Residential , Conservation (Common Property) and Forestry 1 (Common Property)

HISTORICAL ACTIVITY

File No.	Purpose
N/A	

POLICY/REGULATORY

Official Community Plan Designations	Designated as Residential – R in the North Pender Associated Islands Official Community Plan No.147, 2002 The following Development Permit Area (DPA)s are designated on the property (see Attachment 2.2): • Sidney Island Geotechnical and • Sidney Island Shoreline
Land Use Bylaw	Zoned as Sidney Island Comprehensive Development (CD2) in the North Pender Associated Islands Land Use Bylaw No.148, 2003
Other Regulations	The property is part of the Strata Plan VIS5122 Council
Covenants	None relevant to current application
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed.
Sensitive Ecosystems	There is no development proposed in or in proximity to the shoreline DPA (15 metres from the Natural Boundary of the Sea). Islands Trust Ecosystem Mapping database indicates Mature Forest on the portions of the property (Attachment 2.4).

Hazard Areas	The Sidney Island Geotechnical DPAs A and B are designated for the protection of development from hazardous conditions. See also Attachment 2.3 (Contours)
Archaeological Sites	See Report Body under 'First Nations'
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DPA. The reuse of the septic field and infrastructure will reduce land alteration and disruption. The submitted Geotechnical Report confirms that the development will be safeguarded from climate change induced hazards.
Shoreline Classification	Estuary/Tidal Flats (Attachment 2. 4)
Shoreline Data in TAPIS	Eel grass beds in Sidney Channel (100 metres offshore)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ZONING & ORTHOPHOTO



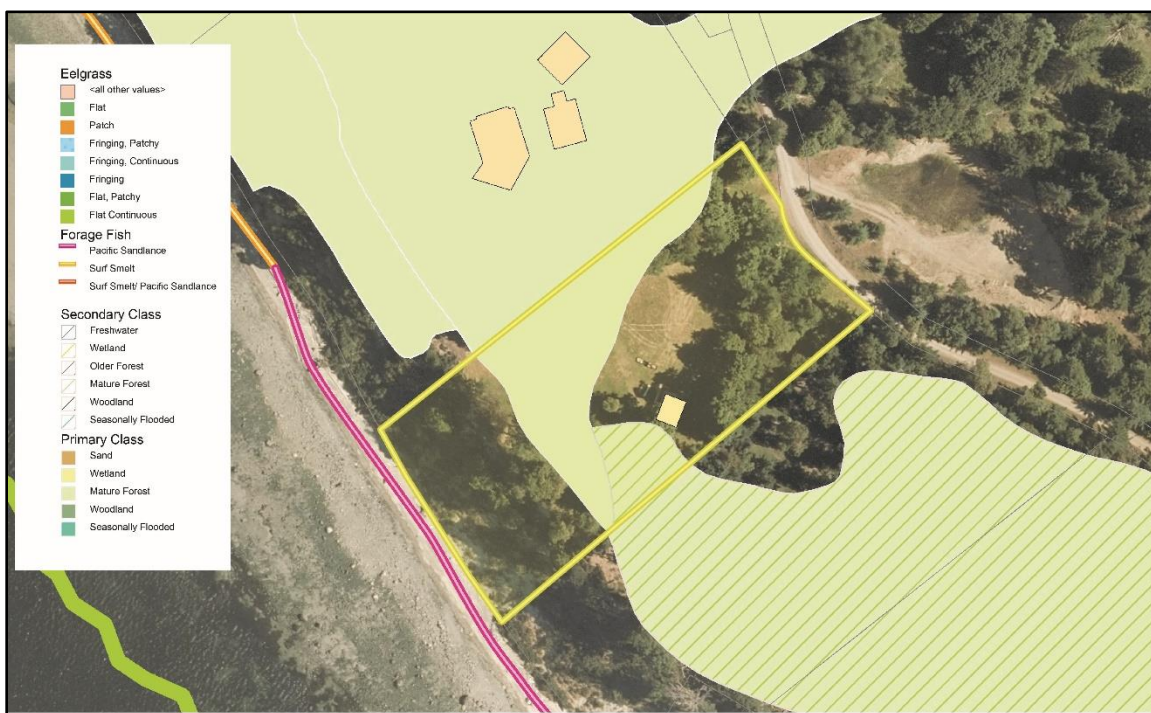
2.2 DPAs



2.3 CONTOURS



2.4 SENSITIVE ECOSYSTEMS (TERRESTRIAL AND MARINE)



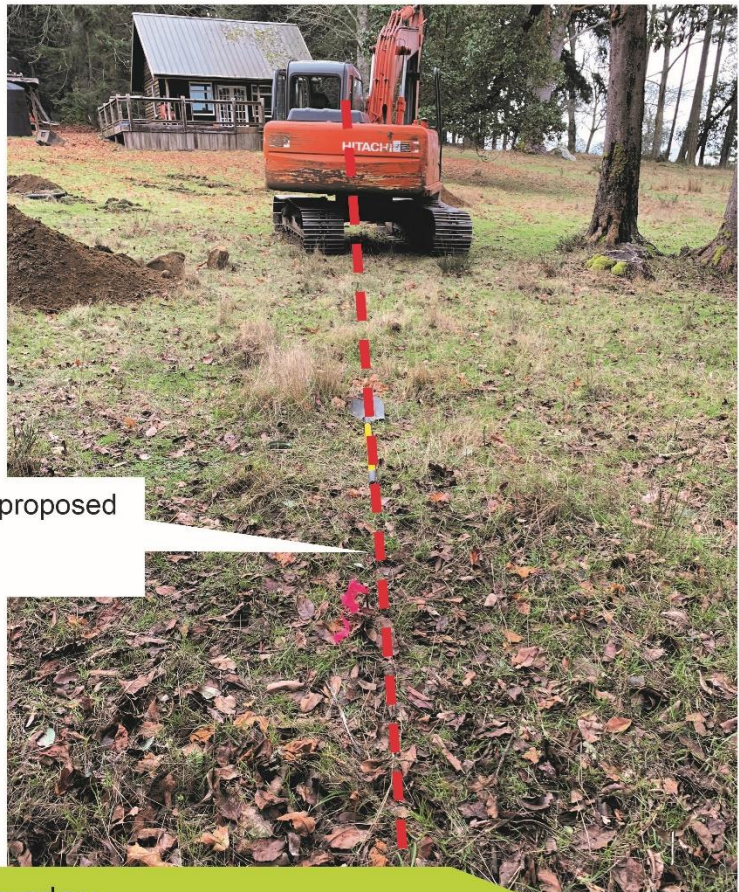
2.5 PHOTOGRAPHS

One: View north of new dwelling (white stakes) from old dwelling (to be removed)



Two: View south toward existing dwelling. Test pits for septic field

2.5 PHOTOGRAPHS (CONT'D)



Approx. Boundary of proposed
DPA Area 'B'

Three: View south along proposed DPA boundary



Elliott Proctor Water and Waste Services

1556 Gladstone Ave
Victoria BC
V8R 1S5

Peter Ooms
439 Obed Avenue
Victoria BC
V9A 1K6

February 15, 2022

Septic System update
313 Evergreen Lane – STRATA LOT 94, SECTION 5, RANGE 1W NORTH SAANICH LAND DISTRICT,
STRATA PLAN VIS 5122

Dear Peter/Shana, Eric/Darlene Ooms,

As requested, we attended the above-mentioned site to perform a site assessment as per the Sewerage System Standard Practice Manual Version 3. (2014, September 24).

During the investigation it was determined that the receiving soils do meet the requirements of a gravity system and with some modification, the existing septic system is capable of treating the expected volume of wastewater from your proposed building.

History of system – Although the existing septic system was installed prior to the current Standard Practice Manual it does meet the area of infiltrative surface required for the expected volume of effluent. The system condition shows signs of gentle use and has been used intermittently in the past.

Septic tank – The existing septic tank will require additional risers to prevent any possibility of water intrusion and an additional tank of approximately 1,900 Litres (500 US Gallons) would be required to meet the volume required. This additional tank would be installed upslope of the existing tank.

Dispersal field modifications- The existing field has an adequate infiltration area to meet the standard and does not require any additional laterals with the proposed design flow.

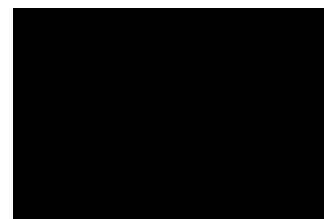
Please see attached drawing for the estimated location of the existing septic system for reference. A detailed construction drawing will accompany the Record of Sewerage System and Record of Design with Island Health.

Please contact me directly if you have any questions or concerns.

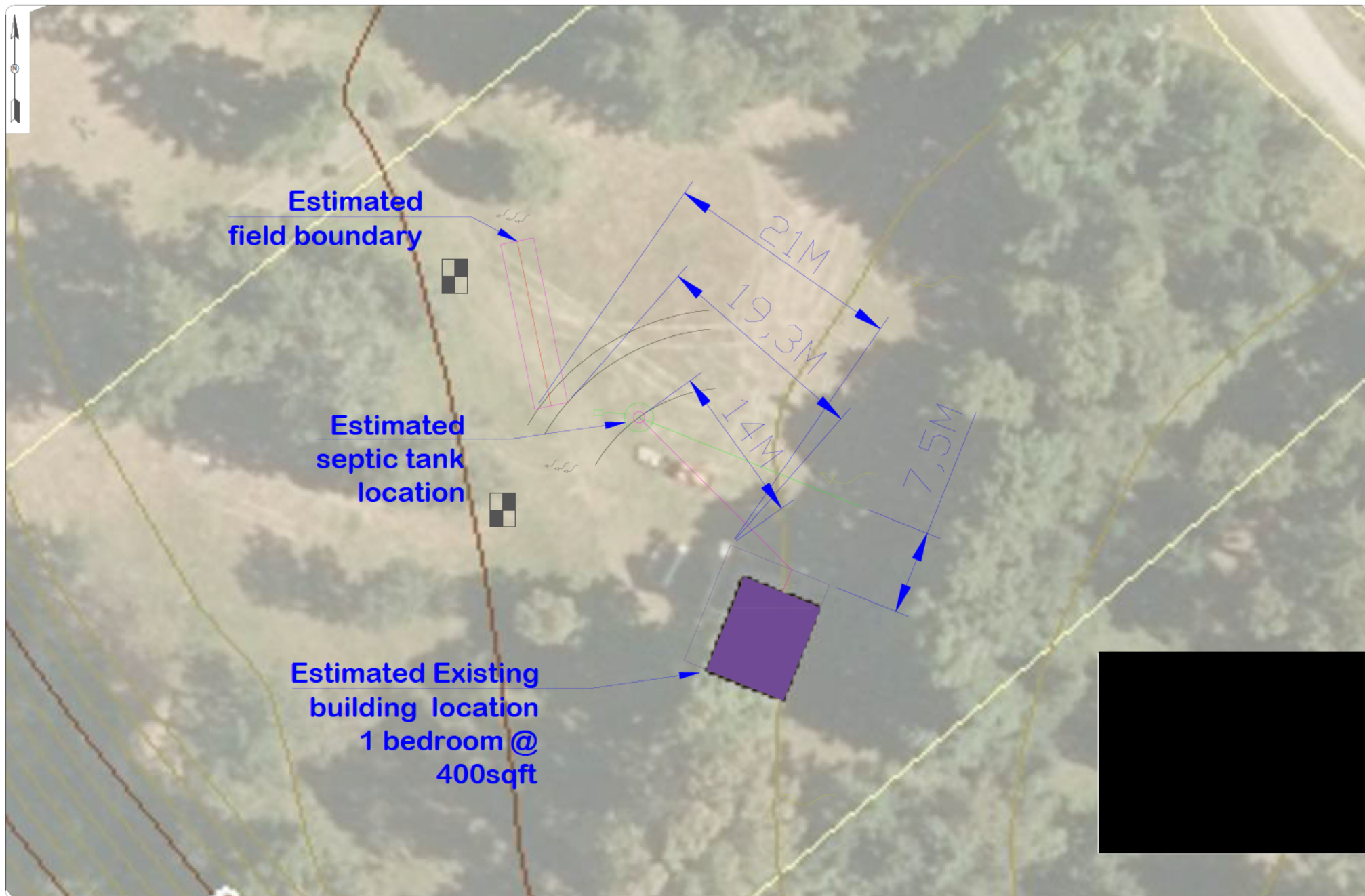
Kindest Regards,

Elliott Proctor

ROWP PL, IN



elliott_proctor@me.com | 778 239 6360



 Permeability testing
 Soils test pit
 Slope indication



Revisions / Issue				
1	Oct 16/21	Draft for review		EP
2	Feb 16/22	Added rough location of test pits and distribution box		EP

Project Number	
Date Drawn	Oct 16 2021
Scale	As Shown
Designed By	R. C. M. S. S.
Drawn By	R.
Checked By	

313 Evergreen Lane, Lot 94 Sidney Island, B.C.	
Onsite Wastewater Treatment System Location	
Sheet Title	DWG No.
OSWWT - Tank and Field Location	-01



RYZUK GEOTECHNICAL
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

February 16, 2022
File No: 10757-1

Geraldine Van Gyn
4264 Blenkinsop Road
Victoria, BC
V8X 2C4

Attn: Geraldine [REDACTED]

Re: Geotechnical Assessment
Strata Lot 94 – Sidney Island, BC

As requested, we have updated our original letter of September 21, 2021, to reflect the new location of the proposed residence and septic field. Previously we attended site to assess the existing conditions related to the potential development of a single family residence. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147. The initial site assessment reviewed potential geohazards related to the development of a single family residence, and possible tree removal within area 'B' (upland of the slope) of the noted DPA for the proposed residence; however, we understand that the current proposed residence location is outside of the DPA. Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our investigation included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., our observations from our site attendance, as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously accepted Terms of Engagement.

The site is rectangular, approximately 72 m wide by 155 m long, and is bounded by Sidney Channel to the southwest, similar strata lots to the northwest and southeast, and common property/Evergreen Lane to the northeast. There is currently a geotechnical covenant line on the property, which is located approximately 56 m northeast of the crest of the slope, that restricts building construction southwest of the line. We understand that the currently proposed single family residence will be constructed northeast of this existing covenant line, outside of the DPA area. However, the new septic field is to be located to the southwest of the existing covenant line within 15 m of the line. There is an existing cottage on site that is to be removed once the new residence is constructed.

Topography of the site slopes up steeply at approximately 45 degrees from the natural boundary at Sidney Channel over a horizontal distance of approximately 40 m, becoming near vertical near the crest of the slope, with several localized flatter and steeper areas. The total elevation difference from the toe of the slope to the crest is approximately 36 – 37 m. From the crest of the slope, the site is relatively flat sloping

at 2 – 5 degrees up from the southwest to the northeast to a relatively flat area in the center of the lot, and then slopes down at approximately 2 degrees to the northeast beyond this area. The site slopes down from the southeast property line at approximately 2 degrees. The southwestern half of the site has been cleared of low-lying brush, while the northeastern portion is moderately forested except for the gravel driveway, and there are numerous medium to large sized trees growing across the site. There is the existing cottage located on the southwestern half note above, and a small shed on the northeastern half near the north property line.

Soil conditions observed at the site and on the foreshore slope generally consisted of 2 – 3 m of compact to dense brown/grey sand with silty and trace gravel and clay atop dense Quadra Sands. The Quadra Sands comprised dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. The following evidence of erosion was noted on the slope:

- Fresh scarps near the crest and central areas of the slope leaving portions overhanging,
- Lack of vegetation on these steeper sections,
- Deposited material on the lower portions of the slope and at the base of the steepened areas,
- Toppled small trees,
- Rivulets from rainfall/surface water, and
- Freshly undercut areas up to 2 m tall near the toe of the slope, likely from wave action, with sediment evident in the water.

Because of the silt and clay present in the native site soils, we expect that perched water table conditions may be experienced during periods of heavy and/or prolonged rainfall.

Our review of file information for similar sites and Levelton Engineering Ltd's pre-subdivision assessment report entitled Sidney Island Residential Subdivision, dated February 28, 2000, indicates that the toe of the foreshore slope had regressed at a rate of approximately 0.25 m / year from 1976 to 2000. Based on our experience on similar lots, which included measurements of the regression of the crest of the slope, minimal regression has generally been experienced over the last 21 years. As such, we expect that the rate of regression noted previously is conservative and the actual rate of regression may be lower. The above noted rate of regression, assuming a typical design life of 75 years for the proposed residence, would suggest that the toe of the foreshore slope could recede up to 19 m.

To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope using RocScience Slide 2018 software (version 8.016) and limit equilibrium methodology. A design seismic event with a 2% probability of exceedance in 50 years, with a design Peak Ground Acceleration of 0.55 x g (the value of acceleration due to gravity), was used to conduct a pseudo-static seismic analysis of the slope. The results indicate that regression encountered during the design seismic event would extend 29 m from the crest of the slope. This analysis considered safety factors of 1.5 and 1.1 under static and seismic conditions, respectively, in accordance with Engineers and Geoscientists of British Columbia Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC.

While it is unlikely that the total erosional slope regression and seismically induced slope regression would occur simultaneously, there is a possibility that rate of erosion could increase in the future with the anticipated effects of climate change and sea level rise. It should be noted that the slope is expected to be subject to periodic surficial instability as a natural condition due to the inclination and soil conditions. Given this and our discussion above, we conclude that the current proposed location for the residence, and

the associated septic field, will not be at risk of seismic or erosion based geohazards. See attached site plan for the location of the existing geotechnical covenant line, which will need to be laid out by a surveyor prior to construction.

We expect the removal of select trees, if desired, within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist, ground disturbance is limited during removal, and the stump and root plates of trees outside of the proposed residence footprint are left in place. To help prevent additional increase in the rate of erosion on the slope, any surface water flow or stormwater should be directed away from the slope crest. It is recommended that any footings be installed a minimum of 0.45 m below the ground surface for frost protection. Provided that the proposed foundations bear on undisturbed native compact to dense brown sand, bearing resistances of 150 kPa (SLS) and 225 kPa (ULS) can be expected.

The current proposed location noted above for the proposed single family residence is considered sufficient to mitigate the geohazard risks from erosion based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

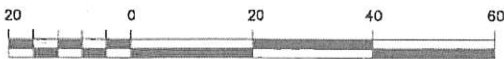
We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Sincerely,
Ryzuk Geotechnical
PN1001

Shane Haxton, P.Eng.
Intermediate Engineer

Attachments: - Wey Mayenburg Land Surveying Inc. Site Plan - Strata Lot 94, dated September 30, 2021
- Geotechnical Development Permit Area Checklist – Sidney Island

Site Plan Of:
Strata Lot 94, Section 5, Range 1 West, Sidney Island,
North Saanich District, Strata Plan VIS5122,
P.I.D. 026-298-201



Scale = 1:750

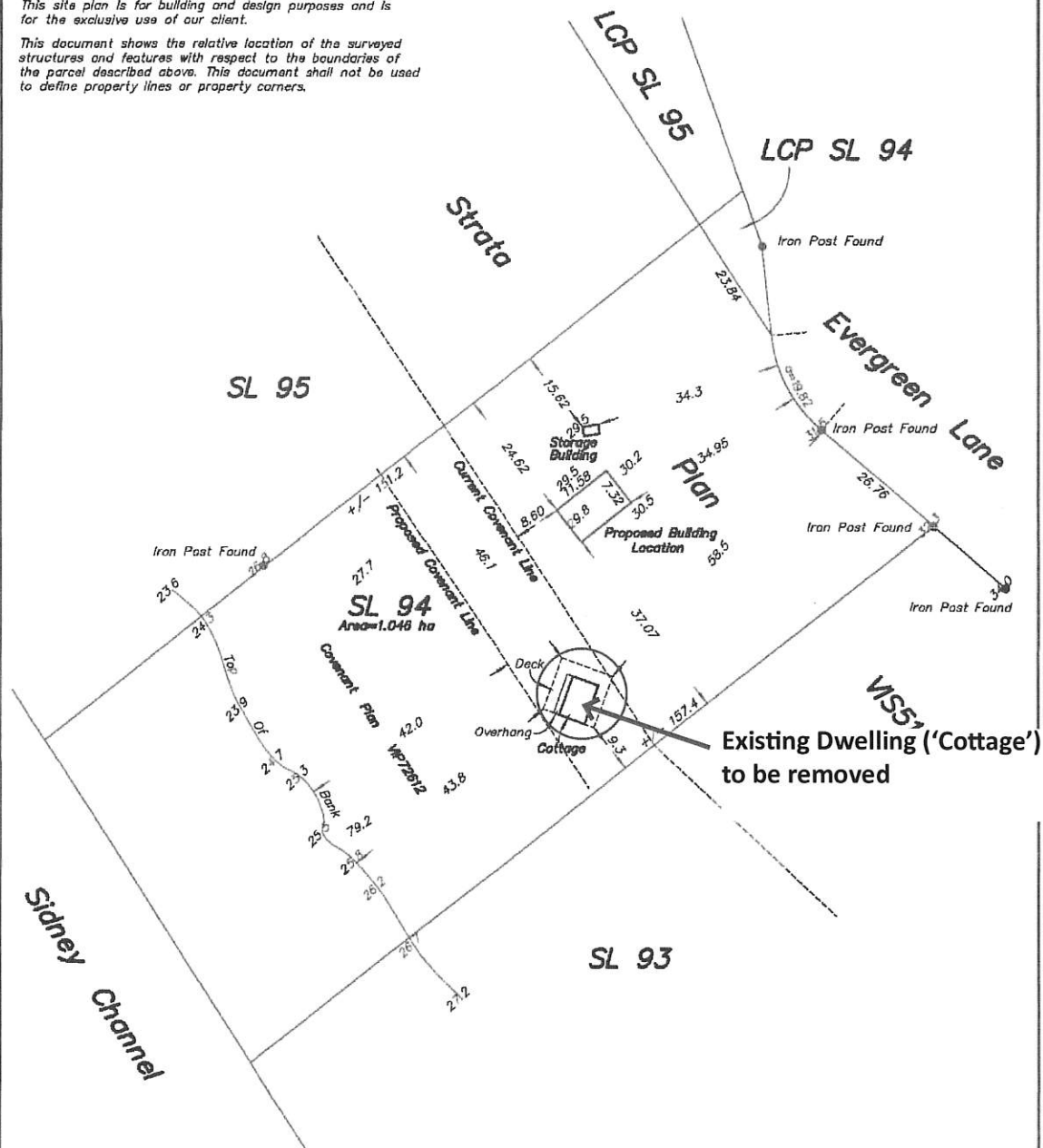
Dated this 30th day of September, 2021.

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.



The subject property is affected by the following registered documents:

ES85738, ES85740, ES85742, ES85744, ES85746, ES85748,
ES112477, ES85750, ES85752, ES85757, & EX80882.

Way Mayenburg Land Surveying Inc.

www.weysurveys.com

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

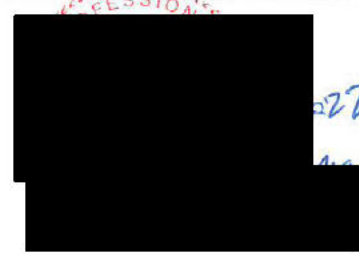
Telephone (250) 656-5155

File: 210337\SIT\GH

Geotechnical Development Permit Area Checklist – Sidney Island

Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	X			The proposed development / land alteration, including, but not limited to, the construction of a residence will be outside of the area within Lot 94 subject to a landslide or other geotechnical hazard with a probability of excess of 2 % in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	X			The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report</i> of February 16, 2022), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2 % in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.	X			We are not aware of any tree removal proposed at the site currently. For any tree removal done within Area 'B', we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence footprint are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.	X			We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.	X			We do not anticipate any significant run off into Sidney Channel and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.			X	
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:			X	
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.			X	

RECEIVED
CL 33104





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2021.9**

To: Shana and Peter Ooms,
Eric and Darlene Ooms

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

Strata Lot 94, Section 5, Sidney Island, Range 1W, North Saanich District, Strata Plan
VIS5122 (PID: 026-298-201)

2. This Development Permit NP-DP-2021.9 authorizes construction of a structure (a 'septic disposal system' to include an existing septic field and tank, a proposed septic tank and buried infrastructure) on the area of land identified on Schedule 'A' within Sidney Island Geotechnical Permit Area (DPA) as designated in the North Pender Associated Islands OCP Bylaw No. 147, 2002 ('OCP'), subject to the following requirements and conditions:

Permitted Siting and Land Alteration

- a) The siting of the septic disposal system shall be restricted to the area to the northeast of the 'Revised Area 'B' Boundary' as verified by a legal survey and shown on **Schedule 'A'**, attached to and forming a part of this permit.
- b) Any required tree removal within the Revised Area 'B' Area shall be undertaken under the supervision of a qualified professional Arborist, and shall minimize ground disturbance, with all trunks and root plates retained for soil stability.

Geological Hazard Assessment Report

- c) Construction of, alteration or addition to any structure, and any land alteration shall comply with the recommendations of the geological hazard assessment report entitled "Geotechnical Assessment, Strata Lot 94 - Sidney Island, BC" (Shane Haxton, P.Eng., Ryzuk Geotechnical, REV February 16, 2022) attached to and forming part of this permit as **Schedule 'B'**.

Construction and Storm Water Management

- f) Overall, permitted development, including the excavation and construction for the proposed septic disposal system, shall be undertaken with minimal ground disturbance.
- g) Any surface water flow shall be directed away from the slope crest and discharged away on the northeast portion of the property.
- h) During construction, and when construction is completed, all storm water drainage and rain water collection from any dwelling or building should be directed northeast away from the Development Permit Area into an adequate rock-pit or infiltration pit located a minimum of 25 metres from the Revised Area 'B' Boundary as shown on **Schedule 'A'**.

- i) All necessary measures are to be taken to protect the shoreline 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 excavation and construction of the septic field, and for the duration of construction, temporary fencing should be erected along or adjacent to the Revised Area 'B' Boundary 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 installed east of Revised Area 'B' Boundary as shown on **Schedule 'A'** extending for a distance from 10 metres southeast to 10 metres northwest of any excavation or clearing, all in accordance with the specification Erosion and Sedimentation Control Measures attached to and forming part of this permit as **Schedule 'C'**; and,
 - iv. Any soils exposed or deposited for a period of greater than two (2) weeks shall be covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).
- 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. 147, 2002 nor from acquiring required approvals from other agencies including, but not limited to, the Capital Regional District and the Ministry of Transportation and Infrastructure.

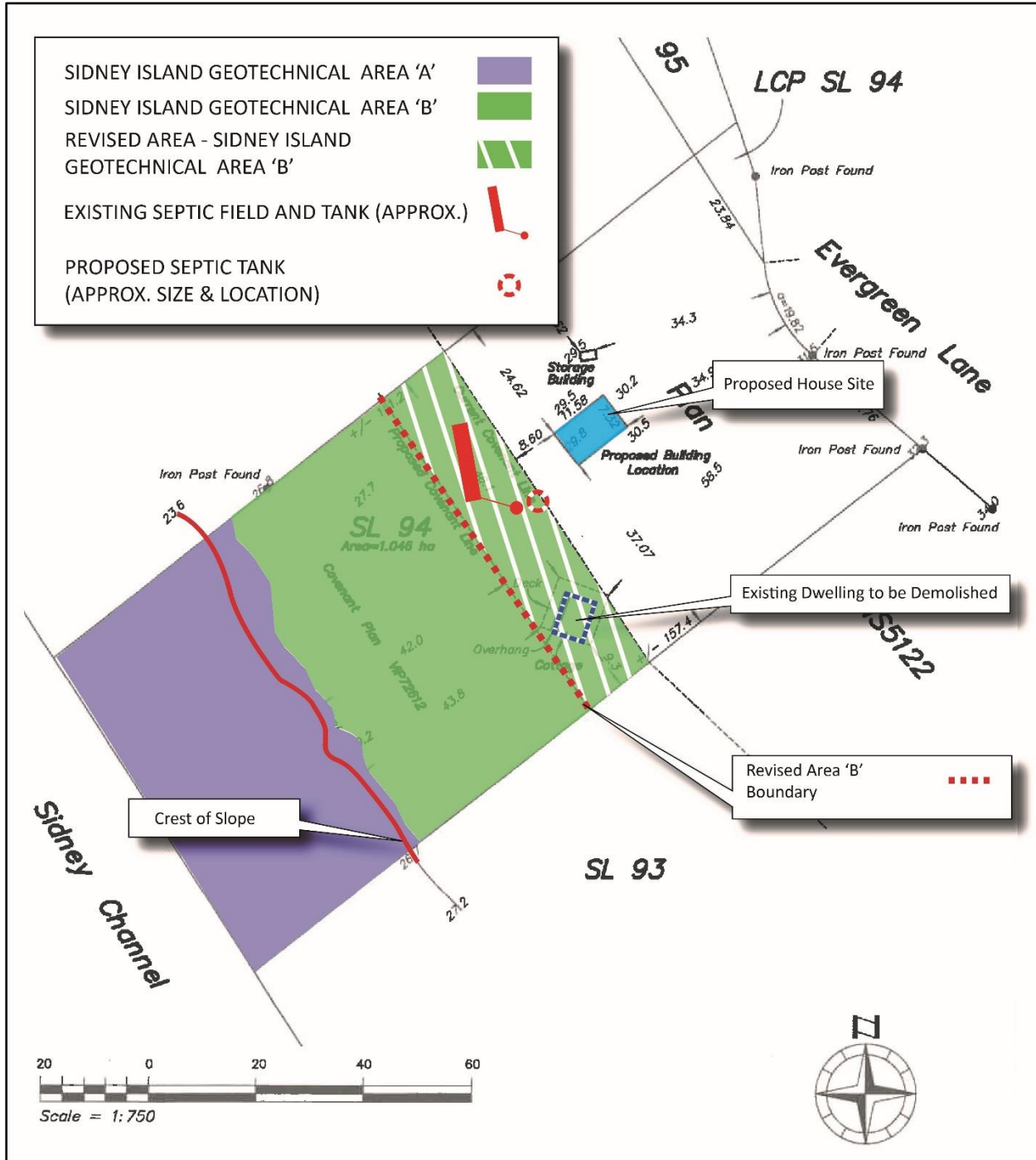
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS ##TH DAY OF MONTH, 2022.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 202# THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2021.9
Schedule 'A'
Site Plan



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2021.9
Schedule 'B'
Geological Assessment Report**



RYZUK GEOTECHNICAL
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

February 16, 2022
File No: 10757-1

Geraldine Van Gyn
4264 Blenkinsop Road
Victoria, BC
V8X 2C4

Attn: Geraldine [REDACTED]
Re: Geotechnical Assessment
Strata Lot 94 – Sidney Island, BC

As requested, we have updated our original letter of September 21, 2021, to reflect the new location of the proposed residence and septic field. Previously we attended site to assess the existing conditions related to the potential development of a single family residence. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147. The initial site assessment reviewed potential geohazards related to the development of a single family residence, and possible tree removal within area 'B' (upland of the slope) of the noted DPA for the proposed residence; however, we understand that the current proposed residence location is outside of the DPA. Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our investigation included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., our observations from our site attendance, as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously accepted Terms of Engagement.

The site is rectangular, approximately 72 m wide by 155 m long, and is bounded by Sidney Channel to the southwest, similar strata lots to the northwest and southeast, and common property/Evergreen Lane to the northeast. There is currently a geotechnical covenant line on the property, which is located approximately 56 m northeast of the crest of the slope, that restricts building construction southwest of the line. We understand that the currently proposed single family residence will be constructed northeast of this existing covenant line, outside of the DPA area. However, the new septic field is to be located to the southwest of the existing covenant line within 15 m of the line. There is an existing cottage on site that is to be removed once the new residence is constructed.

Topography of the site slopes up steeply at approximately 45 degrees from the natural boundary at Sidney Channel over a horizontal distance of approximately 40 m, becoming near vertical near the crest of the slope, with several localized flatter and steeper areas. The total elevation difference from the toe of the slope to the crest is approximately 36 – 37 m. From the crest of the slope, the site is relatively flat sloping

at 2 – 5 degrees up from the southwest to the northeast to a relatively flat area in the center of the lot, and then slopes down at approximately 2 degrees to the northeast beyond this area. The site slopes down from the southeast property line at approximately 2 degrees. The southwestern half of the site has been cleared of low-lying brush, while the northeastern portion is moderately forested except for the gravel driveway, and there are numerous medium to large sized trees growing across the site. There is the existing cottage located on the southwestern half note above, and a small shed on the northeastern half near the north property line.

Soil conditions observed at the site and on the foreshore slope generally consisted of 2 – 3 m of compact to dense brown/grey sand with silty and trace gravel and clay atop dense Quadra Sands. The Quadra Sands comprised dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. The following evidence of erosion was noted on the slope:

- Fresh scarps near the crest and central areas of the slope leaving portions overhanging,
- Lack of vegetation on these steeper sections,
- Deposited material on the lower portions of the slope and at the base of the steepened areas,
- Toppled small trees,
- Rivulets from rainfall/surface water, and
- Freshly undercut areas up to 2 m tall near the toe of the slope, likely from wave action, with sediment evident in the water.

Because of the silt and clay present in the native site soils, we expect that perched water table conditions may be experienced during periods of heavy and/or prolonged rainfall.

Our review of file information for similar sites and Levelton Engineering Ltd's pre-subdivision assessment report entitled Sidney Island Residential Subdivision, dated February 28, 2000, indicates that the toe of the foreshore slope had regressed at a rate of approximately 0.25 m / year from 1976 to 2000. Based on our experience on similar lots, which included measurements of the regression of the crest of the slope, minimal regression has generally been experienced over the last 21 years. As such, we expect that the rate of regression noted previously is conservative and the actual rate of regression may be lower. The above noted rate of regression, assuming a typical design life of 75 years for the proposed residence, would suggest that the toe of the foreshore slope could recede up to 19 m.

To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope using RocScience Slide 2018 software (version 8.016) and limit equilibrium methodology. A design seismic event with a 2% probability of exceedance in 50 years, with a design Peak Ground Acceleration of 0.55 x g (the value of acceleration due to gravity), was used to conduct a pseudo-static seismic analysis of the slope. The results indicate that regression encountered during the design seismic event would extend 29 m from the crest of the slope. This analysis considered safety factors of 1.5 and 1.1 under static and seismic conditions, respectively, in accordance with Engineers and Geoscientists of British Columbia Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC.

While it is unlikely that the total erosional slope regression and seismically induced slope regression would occur simultaneously, there is a possibility that rate of erosion could increase in the future with the anticipated effects of climate change and sea level rise. It should be noted that the slope is expected to be subject to periodic surficial instability as a natural condition due to the inclination and soil conditions. Given this and our discussion above, we conclude that the current proposed location for the residence, and

February 16, 2022

the associated septic field, will not be at risk of seismic or erosion based geohazards. See attached site plan for the location of the existing geotechnical covenant line, which will need to be laid out by a surveyor prior to construction.

We expect the removal of select trees, if desired, within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist, ground disturbance is limited during removal, and the stump and root plates of trees outside of the proposed residence footprint are left in place. To help prevent additional increase in the rate of erosion on the slope, any surface water flow or stormwater should be directed away from the slope crest. It is recommended that any footings be installed a minimum of 0.45 m below the ground surface for frost protection. Provided that the proposed foundations bear on undisturbed native compact to dense brown sand, bearing resistances of 150 kPa (SLS) and 225 kPa (ULS) can be expected.

The current proposed location noted above for the proposed single family residence is considered sufficient to mitigate the geohazard risks from erosion based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Sincerely,
Ryzuk Geotechnical
PN100



Shane Haxton, P.Eng.
Intermediate Engineer

Attachments: - Wey Mayenburg Land Surveying Inc. Site Plan - Strata Lot 94, dated September 30, 2021
- Geotechnical Development Permit Area Checklist – Sidney Island

Site Plan Of:
Strata Lot 94, Section 5, Range 1 West, Sidney Island,
North Saanich District, Strata Plan V155122,
P.I.D. 026-298-201



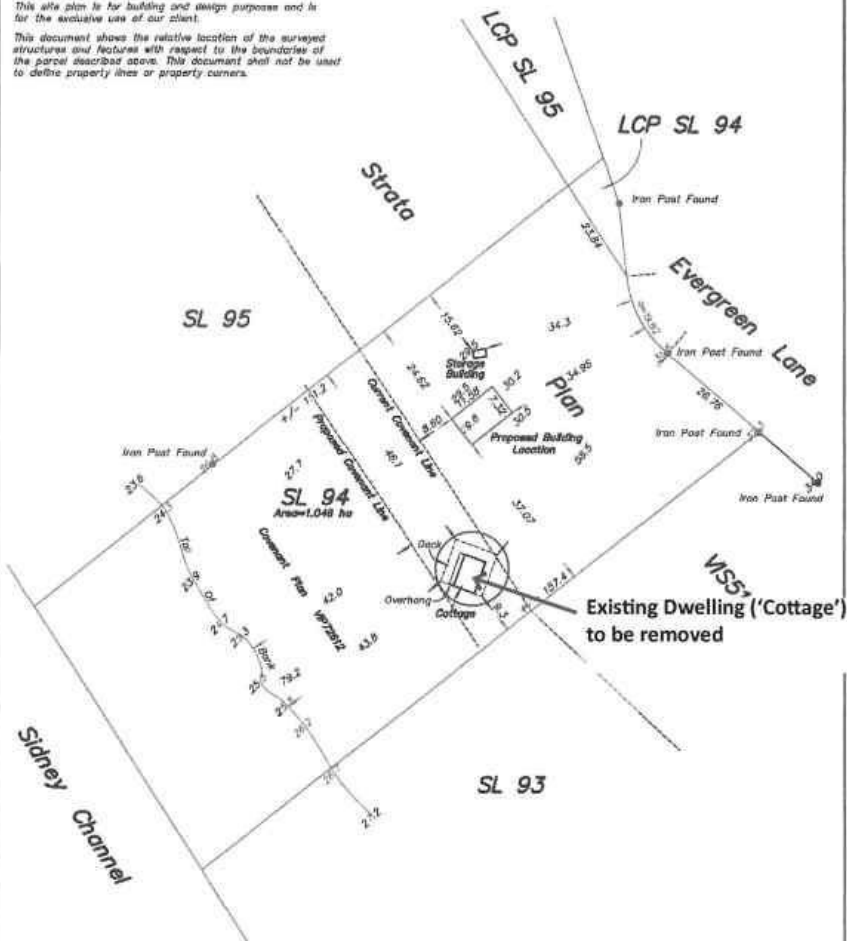
Dated this 30th day of September, 2021.

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.



The subject property is affected by the following registered documents:
ES04730, ES04740, ES05749, ES04744, ES05746, ES04748,
ES112477, ES04740, ES04749, ES04747, & ES04892

Way Mayenburg Land Surveying Inc.
www.waysurveys.com
 #4-2227 James White Boulevard
 Sidney, BC V8L 1Z5
 Telephone (250) 856-5155
 Fax: 250.337.5710

Geotechnical Development Permit Area Checklist – Sidney Island

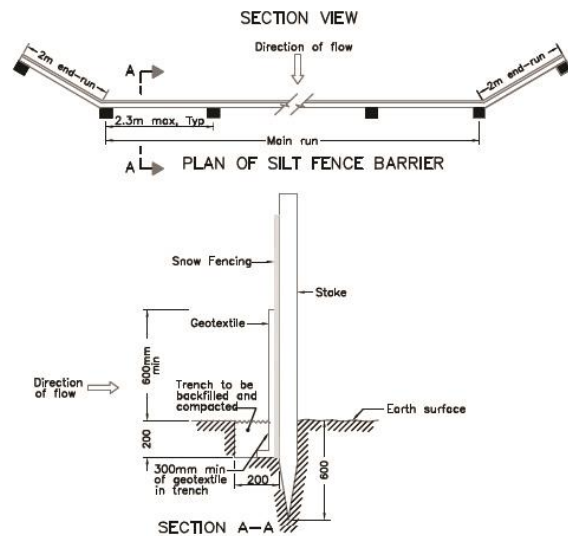
Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	X			The proposed development / land alteration, including, but not limited to, the construction of a residence will be outside of the area within Lot 94 subject to a landslide or other geotechnical hazard with a probability of excess of 2% in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	X			The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report</i> of February 16, 2022), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2% in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of this permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.	X			We are not aware of any tree removal proposed at the site currently. For any tree removal done within Area 'B', we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence footprint are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.	X			We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.	X			We do not anticipate any significant run off into Sidney Channel and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.			X	
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:			X	
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.			X	

RECEIVED
SIDNEY ISLAND
2022

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2021.9
Schedule 'C'
Erosion and Sedimentation Control Measures**

EROSION AND SEDIMENTATION

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



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

DATE OF MEETING: February 24, 2022
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee (LTC) to provide direction to make any revisions to the draft Land Use Bylaw.

REPORT SUMMARY

The purpose of this report is to introduce further amendments to the draft bylaw document and to outline next steps for the project.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender Land Use Bylaw (LUB). The project encompasses the following topic areas: residential floor area review, tourist Commercial regulation review, marine shoreline regulations review, agricultural regulations amendments, industrial regulation review, and minor and technical amendments.

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

<https://islandstrust.bc.ca/island-planning/north-pender/projects/>.

At the December 4, 2021 LTC regular meeting the LTC requested the following by general consent:

By general consent the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.

By general consent the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.

By general consent the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held. (*Staff note: this is in reference to the proposed rental housing zone on the Driftwood property*).

Staff have incorporated the items outlined in the NP LTC resolution chart (attachment no. 3) in a blacklined version of the draft bylaw. Due to the size of the draft bylaw, it will not be attached to the staff report but can be found on the [Project's webpage](#) under "LUB Review Project – 8. Draft Bylaws": Blackline Draft Bylaw. The blackline version of the draft bylaw will be updated on the website prior to each subsequent LTC meeting (if changes have been made). A draft OCP amendment Bylaw No. 223 is also attached.

ANLYSIS

Maximum Floor Area/Lot Coverage

At the December 4, 2021 the LTC requested staff to provide an additional column to the proposed maximum floor area regulations that would regulate floor area for all buildings and structures on a lot based on lot coverage. The intent for this request was to better communicate lot coverage and maximum floor area regulations in the bylaw, and also to potentially align regulations with the South Pender LUB. There are a number of challenges with this approach as discussed below.

The benefit of using lot coverage is that the lot coverage is correlated to the lot size; the smaller the lot, the smaller the maximum floor area, and the larger the lot, the higher the maximum floor area. However, lot coverage and floor area are indirectly correlated. The amendments to the LUB also include the addition of impermeable surfaces to the calculation of lot coverage. This alone will help reduce the massing of buildings as driveways, other paved surfaces and grouted pavers would now be included in the lot coverage calculation.

Figure 1 – Excerpt from draft LUB Amendment Bylaw – Rural Zoning

8.2.4 <u>Lot Coverage</u>	
(1) Lot coverage may not exceed 25 percent.	
8.2.5 <u>Maximum Floor Area</u>	
(1) Maximum floor area per lot:	
Lot Area	The floor area of a dwelling must not exceed:
Less than 0.4 ha (Less than 1 acre)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	279 m ² (3000 ft ²)
1.2 ha to < 4 ha (3 to 10 acres)	325 m ² (3500 ft ²)
4.0 ha or greater (10 acres) or greater	372 m ² (4000 ft ²)
For dwelling located within the Agricultural Land Reserve	500 m ² (5382 ft ²)
(2) The maximum floor area of a cottage must not exceed 56 m ² , except for a cottage located in the Agricultural Land Reserve is permitted to have a maximum floor area of 90 m ² .	
(3) Despite Article 8.2.5(1), on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on the lot at the time of the adoption of this bylaw.	

The LTC requested staff to add an additional column to the above chart to regulate the total floor area for all buildings based on lot coverage (25 percent). The main issue with this approach is that it would only be successful

if ‘total floor area for all buildings’ was replaced by lot coverage. In other words, lot coverage would be removed from the bylaw. This is how the South Pender LUB regulates building mass: the SP LUB does not regulate lot coverage, but rather regulates the maximum floor area for all buildings.

The other challenge with this approach is the LTC must determine what the appropriate total for floor area is within a range of lot sizes. Figure 2 below shows the possible range of maximum floor areas for all buildings derived from the lot coverage of the lowest, middle, and top of scale for lot size. For example, the lot area scale (shown as Scale No. 2) from 0.4 ha to 1.2 ha has the following possible ranges of total maximum floor areas as seen as 10,764 ft² to 32,292 ft² (Figure 3). There are challenges with trying to determine one exact maximum floor area for all buildings that would be appropriate for properties within the lot area scale from 0.4 ha to 1.2ha. If the LTC decides to establish a total maximum floor are based on the lower scale range (for example, 0.1 ha or 10,764 ft²) for all properties within the 0.4-1.2ha range, the larger properties are penalized.

Figure 2 – Proposed Additional Column to Maximum Floor Area

	Lot Area (Size of lot)	The total floor area of all buildings must not exceed: (Range in possible floor areas based on lot coverage)			The floor area of a dwelling must not exceed*:
		Lowest of Scale**	Middle Scale**	Top of Scale**	
1.	Less than 0.4 ha (Less than 1 acre)	N/A	0.05 (5,382 ft ²)	0.1 ha (10,764 ft ²)	232 m ² (2,500 ft ²)
2.	0.4 ha to < 1.2 ha (1 to 3 acres)	0.1 ha (10,764 ft ²)	0.2 ha (21,528 ft ²)	0.3 ha (32,292 ft ²)	279 m ² (3,000 ft ²)
3.	1.2 ha to <4 ha (3 to 10 acres)	0.3 ha (32,292 ft ²)	0.65 ha (69,965 ft ²)	1 ha (107,639 ft ²)	325 m ² (3,500 ft ²)
	4.0 ha or greater (10 acres) or greater	1 ha (107,639 ft ²)	N/A	N/A	372 m ² (4,000 ft ²)
*For dwelling located within the <i>Agricultural Land Reserve</i>					500 m ² (5,382 ft ²)

Figure 3 – Scale No. 2 (0.4 ha to 1.2 ha) of Possible Maximum Floor Areas

Scale No. 2	Lot Area (size of lot)	25 percent Lot Coverage	Total Maximum Floor Area for All Buildings
Lower Scale	0.4 ha (1 acre)	X 0.25	0.1 ha (10,764 ft²)
Middle Scale	0.8 ha (2 acres)	X 0.25	0.2 ha (21,528 ft²)
Higher Scale	1.2 ha (3 acres)	X 0.25	0.3 ha (32,292 ft²)

Based on the above staff, recommend retaining the current regulations for lot coverage in the LUB, continue to add impervious surfaces to the lot coverage calculation, and not include additional regulations for total maximum floor areas for all buildings.

Cottage Floor Area

At the December 4, 2021 and February 5, 2022 CIM there was discussion regarding increasing the size of cottages. The current LUB defines a cottage as a dwelling with a floor area of 56 m² or less. As the maximum floor area is within the definition section of the LUB, and definitions cannot be varied, a Development Variance Permit is not permitted to vary the maximum floor area of a cottage. The LUB amendment bylaw is proposing to remove the maximum floor area of a cottage from the definition, and locate the regulation within each zone. This would allow a property owner to apply to vary (increase) the maximum floor area of a cottage.

If the LTC wishes to increase the maximum floor area, then direction from the LTC is required. The South Pender LUB currently regulates cottages to have a maximum floor area of 70 m² (750 ft²).

Impermeable Material Definition

At the February 5, 2022 CIM a discussion was held regarding what would be considered impermeable material. The draft LUB bylaw includes adding impermeable material to the definition of lot coverage:

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and "structures" includes impermeable material.

The LTC may consider adding a definition of impermeable material to the LUB. The following are examples from other LUB and zoning bylaws:

City of Edmonton: *Impermeable Material means material that is impenetrable by water and includes building coverage, asphalt, concrete, and brick, stone, and wood that do not have permeable spacing. Impermeable Material does not include gravel, river rock, wood chips, bark mulch, permeable pavers, permeable concrete, permeable asphalt, soil pavement, wood decking with spaced boards, and other materials which have permeable characteristics when in place and are not placed on a layer of material that is impenetrable by water such as plastic sheeting.*

City of Delta: *Impermeable material means buildings, structures, asphalt, concrete, brick, stone, and wood, grouted pavers and other surfaces that prevent water from penetrating into the ground beneath.*

Staff recommend adding the following definition of 'impermeable material' to the draft LUB amendment bylaw:

"impermeable material" means buildings, structures, asphalt, concrete, brick, stone, and wood, grouted pavers and other surfaces that prevent water from penetrating into the ground beneath.

Commercial Tourist Accommodation (C2 Zoning)

C2 Zoned MacKinnon Road Properties

At the October 22, 2021 the LTC discussed options to regulate development while protecting groundwater resources for the Commercial 2 (C2) zoned parcels along MacKinnon Road. Direction was given to staff to contact the owners of 1329 and 1349 MacKinnon Road to discuss the willingness of the property owners to register a Section 219 covenant on the subject properties. The intent would be to retain the existing density (26 and 10

Guest Accommodation Units) but register a S. 219 that limits development. The purpose of the covenant would restrict any new development, beyond the densities currently built on the property, and any further construction of commercial guest units would be reliant on the property owner/operator providing a groundwater management plan and implementing the measures recommended in the plan. In addition, commercial operations are also required to apply to the Province for a groundwater licence by March 1, 2022. The property owners are aware of this option to register a S. 219 covenant. If the LTC would like to continue with this option, the following outlines the process:

1. The draft LUB by remains the same (permits 10 CGAUs on 1333, 1349 MacKinnon Rd and 26 on 1329 MacKinnon Rd).
2. Property owners agree to register a S.219 covenant on their property. The covenant would restrict any further development until a Groundwater Management Plan prepared by a Registered Engineer states there is sufficient quality and quantity of groundwater and provides recommendations. The Groundwater Management Plan can be prepared at a later date.
3. Property owners at their expense register the S. 219 covenant prior to the Public Hearing.
4. When the property owners are preparing to build new units, the property owners must hire a Professional Engineer to prepare the Groundwater Management Plan. Any new CGAUs (as permitted by zoning) is only allowed to be constructed if the Engineer determines there is sufficient quality and quantity of groundwater.

Next steps:

Staff recommend the LTC request from each property owner of 1329, 1333, 1349 MacKinnon Road to indicate in writing the following by March 7, 2022:

- Build out plan for each property;
- Current and proposed methods to protect groundwater (this has been provided by owners of 1329 & 1333 – see Attachment No. 3); and
- Confirmation they will work with staff to register a S. 219 covenant this spring.
- Direction to amend draft zoning for LTC consideration if the owners do not agree to a s.219 covenant.

Staff will be meeting with the Senior Freshwater Specialist on February 17, 2022 to provide further guidance on the C2 MacKinnon Road properties. The Senior Freshwater Specialist will also be attending the February 24, 2022 LTC meeting.

Figure 5 – MacKinnon Rd C2 zoned properties

Property	Zoning	Property Information	Comments
1325 MacKinnon Rd	C2(e) – permits 9 CGAUs.	-1 dwelling unit and 1 trailer 0.56 ha (1.4 acres) with the intent to eventually have one dwelling unit and 3 CGAUs on the property.	Draft LUB amendment reduces density to 3 CGAUs.
1329 MacKinnon Rd – The Tides	C2(d) – permits 26 CGAUs.	-Currently 6 CGAUs on the property with the intent to expand the commercial accommodation business.	The property owner has indicated a desire to retain the current

		-Property was recently purchased in Fall 2020. -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density. -1.2 ha	density as permitted in the zone (26 CGAUs).
1333 MacKinnon Rd	C2(b) – permits 10 CGAUs.	-1 Dwelling Unit -0.57 ha (1.4 acres) -Property for sale	Property is currently for sale.
1349 MacKinnon Rd – Otter Shores	C2(c) – permits 10 CGAUs	-5 CGAUs currently on property. -Property owner plans to construct 4 more CGAUs (fourplex building) -Property owners recently purchased property -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density. -0.75 ha	Property owner has indicated a desire to retain the current density as permitted in the zone (10 CGAUs).

Driftwood Centre

At the December 4, 2021 special meeting, the LTC stated that no decision will be made regarding the proposed rental housing zoning until each Trustee has met with the property's manager and report back at a subsequent LTC meeting. The Driftwood property manager has also provided a letter to the LTC which is attached to this staff report (Attachment No. 4).

The draft LUB amendment bylaw would rezone a portion of the Driftwood property to a new Rental Housing (RH) zone. Highlights of this new zone:

- Minimum lot size for subdivision will be 1.2 ha which could potentially allow this portion of the subject property to be subdivided off.
- Maximum number of residential rental dwelling units is 16 (current zoning permits 27 guest units with a maximum floor area of 56m²).
- Maximum floor area for residential rental dwelling units is 93 m² (1000 ft²).
- Rental zoning must be multi-family (two or more connected units) as per LGA Section 481.1.

Direction is required from the LTC on how to proceed with the Driftwood Centre property. Water catchment and fire suppression requirements will be added to the draft bylaw when the LTC provides direction on how to proceed with the Driftwood Centre property.

Instream Docks

At the October 22, 2021 Special Meeting, the LTC discussed options for in-stream dock applications with the Province. To date, the province has 11 applications for private moorage. Although there is currently a two year moratorium for new private moorage applications, the province has indicated that the in-stream applications will continue to be processed. The LTC then passed the following resolution:

NP-2021-086

It was MOVED and SECONDED

That the North Pender Island Local Trust Committee request staff to amend the zoning in the draft Land Use Bylaw of the foreshore to Water 3 for the eleven in-stream private moorage applications.

CARRIED

If the LTC would like to proceed with this resolution, no amendments are required at this time. The foreshore areas for those 11 application will then be rezoned from W1 (which permits private docks) to W3 (to restrict private docks). If their provincial private moorage application is approved, and the foreshore area is zoned W3, a rezoning application is required to rezone a portion of the foreshore area back to W1 to permit the private dock. Docks for which tenure has been approved and work has commenced prior to adoption of a new bylaw would be pre-existing non-conforming. The LTC still has the option to retain the W1 zoning for those 11 provincial applications (LTC resolution would be required).

CIM/Open House – February 5 & March 12, 2022

An electronic special meeting was held on February 5, 2022. The following summarizes some of the comments received from community members:

- Increased property value to foreshore areas that retain W1 zoning.
- Use of interior vs. exterior in definition of floor area.
- Rationale/concerns for proposed regulation for maximum floor area for dwellings.
- Rationale/concerns for provincial in-stream dock applications and rezoning to W3.
- Support for zoning/regulations to restricting docks on North Pender.
- Clarification on impermeable surfaces.
- Support for the new RR1 & RR2 zones.
- Consideration for tiny homes.
- Update project website for clarity and more information.

A second electronic special meeting is scheduled for [March 12, 2022](#).

Timeline

The following outlines a general timeline for the remainder of the project:

- LTC gives direction to staff for final amendments - March 24, 2022
- Staff presents final draft bylaws to LTC – April 24, 2022
- Consideration of First Reading – April/May 2022
- Formal referrals to First Nations and agencies after First Reading – May to July 2022
- Community Information Meeting and Public Hearing – Summer/September 2022
- Second & Third Reading – September 2022
- EC Approval – September/October 2022
- Minister Approval and Final Adoption – Early 2023

Rationale for Recommendation

The LTC may provide staff with direction on the above topics, if there are further revisions, staff will continue with drafting the bylaws, and will prepare for the CIM on March 12, 2022.

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 staff to provide further information on...

2. Schedule additional Special Meetings

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

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

3. Referral to the Advisory Planning Commission

The LTC may opt to refer an item or topic to the Advisory Planning Commission for comment. Recommended wording for the resolution is as follows:

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

4. Proceed no further

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

NEXT STEPS

Staff to continue with bylaw drafting and prepare for the Community Information Meeting in March 2022.

Submitted By:	Kim Stockdill, Island Planner	February 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 17, 2022

ATTACHMENTS

1. Draft OCP Amendment Bylaw No. 223
2. NP LTC Resolutions Chart
3. Letter from B. Kerfoot dated January 25, 2022
4. Letter from D. Murdoch dated February 5, 2022

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 223

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

The North Pender Island Local Trust Committee in open meeting assembled enacts 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, 2021”.

2. SCHEDULES

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

3. SEVERABILITY

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

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

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223**

SCHEDULE 1

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

1. By adding the following new policy to Section 2.1 Residential Land Uses:

“2.11 If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, the following should be incorporated into the building proposal where feasible:

 - a) The design and construction of a dwelling should incorporate energy efficient features.
 - b) Installation of a rainwater collection and storage system with a minimum cistern storage capacity of 18,000 litres.
 - c) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
 - d) Limit site coverage of impermeable surfaces.
 - e) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation and unnecessary removal of trees should be avoided.
 - f) Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
 - g) Maximize undisturbed areas and consider measures for protect sensitive ecosystems.
 - h) Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.”

2. By deleting Rural Residential Policy 2.1.1.1 and replacing it with:

“2.1.1.1 The principal use shall be residential. Agriculture is also a principal use on those Rural Residential lots not connected to a water system with the exception of those lots connected to the Razor Point Water System. Accessory uses shall not detract from the rural character of the island.”

3. (Placeholder for Rental Housing policy).

4. By adding the following new policy to Section 4.2 Coastal Area Policies:

“4.2.11 Existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule “B”. New applications for private moorage for docks may be considered by site-specific rezoning subject to:

 - a) the proposal demonstrating minimal impacts on the marine environment, including eelgrass, bull kelp, forage fish, or other important habitat;
 - b) the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
 - c) the proposal demonstrating no impacts on archaeological or cultural sites or resources;
 - d) structures being appropriately sited and of a scale to minimize visual impacts;
 - e) structures incorporating current best practices for dock construction;

- f) consideration being given to providing for shared or common moorage; and
- g) consideration being given to the cumulative impacts of private moorage.”

5. Schedule “B” – LAND USE MAP is amended as shown on Plan No. 1 attached to and forming part of this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223**

PLAN NO.1

(placeholder)

LTC Resolutions/Direction to Staff - NP LUB Amendment Project

Date	Topic	Resolution or Informal Direction	Motion/Direction	Staff Comments
January 28, 2021	Marine & Shoreline	Direction	LTC supports removing docks as a permitted use and to grandfather existing docks by zoning tenures.	-Staff will recommend LTC makes this a resolution at the next LTC meeting.
March 18/21	Max Floor Area	Resolution	NP-2021-030 It was Moved and Seconded, that the North Pender Islands Local Trust Committee direct staff to create a report reflecting the discussion on floor area review on March 18, 2021.	-comments regarding floor area definition (to internal side of external walls), lot coverage and impermeable surfaces, and South Pender maximum floor area.
March 18/21	Agriculture Regulations	Resolution	-Invite SAAPC to April 29 th NP LTC meeting to discussion the SAAPC recommendations.	-Give SAAPC a specific time of discussion (10am?) -Highlight question regarding RR zoning and potential Ag regs.
March 18/21	Industrial Regulations	Direction	LTC supports the removal of Industrial designations and and industrial zoning from steep slope areas, specifically Port Washington area and steep slope adjacent to recycling centre.	Chart 7 -Organize with mapping
		Direction	LTC supports amending OCP designation for 005-773-954 to Industrial (lot east of home hardware), level portion only	Chart 9 -Map amendment
		Direction	Amend the OCP and Zoning for portions of 3418 Otter Bay Rd currently zoned I2(b) and I2(c). New OCP designation – Community Service. New zoning for I2(b) would be Community Service that permits waste transfer and new LUB zoning for I2(c) would permit waste transfer, composting and recycling.	
		Resolution	NP-2021-032 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18. 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial	Chart 10

			zones into a single general industrial zone.	
		Direction	Review and update the industrial permitted uses and to allow basic, light industrial uses (including contractor yards and storage).	Chart 11
		Direction	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	Chart 13
		Decision on hold	Rezone 3338 Port Washington (Home Hardware) to commercial	Chart 14
		Direction	Keep site specific zoning for boat storage on Hamilton Road	Chart 15
		Resolution	NP-2021-033 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.	Chart 16 - Rezone 3323 Port Washington (Mainroad) to the general industrial zone.
		Direction	Rezone 3334Port Washington (TUP) to the general industrial zone.	Chart 17
April 29, 2021	AG	Resolution	NP-2021-042 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.	-Focus on scale of agriculture in terms of new RR zone (RR2) -RR2 to be all areas outside of Magic Lake and Trincomali water districts.
	AG	Resolution	It was Moved and Seconded, that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback	
May 12,2021	C2 zone	Resolution	Staff to contact four MacKinnon Rd owners/operators and notify them the LTC is considering reducing the permitted Commercial Guest Accommodation units for each property, and is considering rezoning the	-Staff to provide comments from each property owner in next staff report.

			properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses. NP-2021-050 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential. By general consent, the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.	-Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).
		Resolution	NP-2021-051 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property	Reduce the number of permitted Commercial Guest Accommodation Units to the existing density on each property.
		Direction	Add provision that requires employee accommodation for higher density developments.	
		Direction	Staff to provide options for requiring onsite operators 24/7.	
	Minor Amendments	Direction	By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use	Add generator use (restriction of) to campground regulations.
May 12, 2021	Marine/ Shoreline	Resolution	NP-2021-053 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.	Draft bylaws based on recommendations found in Table 1 attached to May 12, 2021 staff report.
		Resolution	NP-2021-052 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.	Stairs not to be exempt from the setback to the natural boundary of the sea.

May 12, 2021	Minor Amendments	Direction	Remove 'fencing' from option for Landscape Screening. Screening should be planning/vegetation only.	-“a” in Table of Minor & Tech Amendments
		Direction	Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection.	-“f” in Table of Minor & Tech Amendments.
		Direction	Add regulation to allow one accessory building/structure with a maximum floor area of 10m ² .	-“l” in Table of Minor & Tech Amendments
		Direction	Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.	-“m” in Table of Minor & Tech Amendments
		Resolution	NP-2021-054 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.	Add minor/technical amendments to draft bylaw.
May 27, 2021	Minor Amendments	Resolution	NP-2021-068 It was Moved and Seconded, that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.	-This item has been added to the technical amendment list.
June 24, 2021	Max Floor Area	Resolution	NP-2021-073 It was Moved and Seconded, that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.	-include options to regulation total maximum floor area for all buildings and structures.
		Resolution	NP-2021-074 It was Moved and Seconded,	

			that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.	
July 29, 2021	Agriculture	Resolution	NP-2021-081 It was Moved and Seconded that the North Pender Island Local Trust Committee request that staff refer farm worker accommodation and the new Agricultural Land Commission residential rules to the North Pender Island Agricultural Advisory Planning Commission.	
	C2 Zoning	Direction	-Defer decision on MacKinnon Road properties until after Groundwater Project presentation in September 2021 -Requirement for alternative methods/sources of groundwater other than from a well for existing uses and new density. -Water storage for fire also a requirement for existing uses and new density. -Add provision that requires employee housing where tourist accommodation units exceeds 20 units.	
	Marine/Shoreline	Direction	-Active private moorage applications with the province should receive conditional zoning (permitting the private dock) only if the application with the province is approved.	
	Community Engagement	Resolution	NP-2021-081 It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to schedule two Special Meetings in the Fall 2021 to present the draft bylaws for the Land Use Bylaw Review Project.	
Oct 22, 2021	Max Floor Area	Resolution	NP-2021-082 It was MOVED and SECONDED That the North Pender Island Local Trust Committee invite the South Pender Island Local Trust Committee Trustees to the December Special Meeting on Land Use Bylaw.	-South Pender Trustees invited to join the December 4, 2021 LTC meeting.

	C2 Zoning	Resolution	NP-2021-083 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to contact the owners of 1329 MacKinnon Road and 1349 MacKinnon Road to discuss the option of entering into a 219 Covenant.	-Property owners emailed.
	C2 Zoning	Resolution	NP-2021-084 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to change the zoning behind the Driftwood from C2 to rental residential.	
	Marine/Shoreline	Resolution	NP-2021-085 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to amend the zoning in the draft Land Use Bylaw of the foreshore to Water 3 for the eleven in-stream private moorage applications.	
	Meeting Scheduling	Resolution	NP-2021-086 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting in December 2021 to present the draft bylaws for the Land Use Bylaw Review Project to the Local Trust Committee for review and comment.	
Oct 28, 2021	Community Engagement	Resolution	NP-2021-098 It was Moved and Seconded, That the North Pender Island Local Trust Committee schedule a Community Information Meeting regarding the Land Use Bylaw Review on February 5, 2021 at 11:00 am.	-Meeting scheduled for Saturday, February 5, 2022
December 4, 2021	Meeting Scheduling	Direction	By general consent it was agreed that the South Pender Island Trustees be invited to the North Pender LTC February 5, 2022 meeting.	

	Max Floor Area	Direction	By general consent the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.	
	C2 Zoning	Direction	By general consent the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.	
	C2 Zoning	Direction	By general consent the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held.	-this is in reference to the proposed rental housing zone on the Driftwood property.

1329 & 1333 Land Use Review

Trustee's,

We would like to thank you, Ben and Deb, for taking the time to visit our site this week – 1329 and 1333 Mackinnon Road. Both of you requested that we put our plan in writing for your consideration at your January 27th meeting. We will be available for comment via Zoom at the meeting if necessary.

Water management has been identified as the major concern for us moving forward. Our number one commitment is to be the leader in water management and sustainability through the development of our historic resort properties.

I think it is important to understand what our current well situation and usage is. We operate two wells on the property. We have a deep well (375ft) and a dug well (16 ft). The deep well currently operates two cottages and laundry. The shallow well supplies 3 cottages with water. We have added 5000 gallons of storage this year. We went through our first summer with zero water issues at 100% occupancy. The one piece I would like to add is with regard to our shallow well. It has been there since the 40's and does not affect any neighbours as it is only 16 feet deep and produces all year. It does not affect their well supply.

We also educate our guests on water consumption and island life. We have found our guests to be keen to support our water management stance. We estimate each cottage is using 40-50 gallons a day at 100% occupancy.

Our Proposal:

- Current Water Storage is 5000 gallons. We are adding another 5500 gallons this year with this proposed plan going forward. 4000 gallon in well storage and 1500 gallon in rain catchment. This is a set in stone plan.
- Old cottages all need new roofs. On every new replacement we are adding metal roofs for rainwater catchment. Arbutus House(1920's old home) will be completed in January and have rainwater collection. With the new roofs we will be adding individual cisterns to every existing unit for storage and use in the cottages.
- New builds will also have the same system in place. Metal Roofs and individual cisterns(rainwater) for every unit.
- Our goal is to have little impact on the surrounding areas. Our current cottage consumption is low, so we are going way overboard to protect the summer water table through our storage plan.
- All tanks would be 100% filled after the winter freeze.
- This plan would allow water access from the fire department anywhere on property.

Our Commitment:

- For every unit on the property, we will have 1000 gallons of well storage on property for each unit.
- For every new unit we will add 1000 gallons of rainwater catchment for each unit. This will be used for the high use items (showers/toilet) Some units will have more storage based on location. The goal is to be able to catch 20,000+ gallons of rainwater in the future.
- For existing units, where metal roofs can be installed, we will add a minimum of 500 gallons of rainwater catchment storage.

We truly are looking to develop our properties sustainably and want to be the example in the resort field for eco tourism. We are committed to responsible water management.

As discussed, we are willing to enter an agreement with the Islands Trust that reflects this water management plan.

Budd & Leslee Kerfoot

Hardal Management Inc.

150 – 3751 Jacombs Road, Richmond, BC V6V 2R4

Tel: (604) 269-0030
Email: hardal@shaw.ca

5th February 2022

To North Pender Islands Trustees

Kim Stockdill Planner

The proposed changes to C2 zoning in the Land Use Bylaw Review Project for Driftwood Centre, are not acceptable to our plans for the property.

We are in the process of looking into designing a camp ground type facility for the property which is allowed under C2 zoning.

While a Rental Housing designation is a good idea, we strongly feel that this should be a permitted use added to C2 zoning rather than a change.

Hardal Management would also consider changing the Rural Residential zoning on the adjacent 10.5 acre property to include Rental Housing.

Also, for the Trustees consideration, Driftwood Centre's original building was designed to have a second storey, and small apartments could be added to the structure if the zoning allowed. Over the years we have tried numerous times to have the Trustees consider this, but it was always shot down.

Happy to discuss this further.

Dorothy Murdoch

Property Manager

driftwoodcentre@shaw.ca



File No.: Long Range Planning: 09-
6500-20-2021

DATE OF MEETING: February 24, 2022

TO: North Pender Island Local Trust Committee

FROM: Narissa Chadwick
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
William Shulba, Senior Freshwater Specialist

SUBJECT: Groundwater Sustainability Project: Options for Phase 3 Implementation

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to prepare a draft bylaw to amend the “North Pender Island Official Community Plan Bylaw No. 171, 2007” to include Critical Aquifer Recharge Development Permit Area guidelines, map updates and minor updates to relevant sections as identified in the February 24, 2022 staff report.
2. That the North Pender Island Local Trust Committee request staff to prepare a draft bylaw to amend the Land Use Bylaw to include updates to definitions, addition of cistern requirements for all new builds and updates to subdivision regulations related to potable water.
3. That the North Pender Island Local Trust Committee request staff to identify options for changes to zoning regulations informed by GW Solutions (2021) groundwater availability assessment data.
4. That the North Pender Island Local Trust Committee endorse the revised Project Charter for the Groundwater Sustainability Implementation Project.

REPORT SUMMARY

This report presents options for Official Community Plan (OCP) amendments and Land Use Bylaw (LUB) amendments related to the implementation of the groundwater sustainability project. OCP amendment options presented include: proposed guidelines for a Critical Aquifer Recharge Development Permit Area, minor updates to relevant sections, and mapping updates. LUB amendment options presented include: updates to definitions, addition of cistern requirements for all new builds, and updates to subdivision regulations related to proof of potable water.

BACKGROUND

At the February 25, 2021 meeting the LTC endorsed a project charter for the implementation phase (Phase 3) of the Groundwater Sustainability Science Program. At the April 29, 2021 meeting the LTC, after considering a number of options, agreed to continue with this phase.

Reports and mapping related to this research phases of the project can be found here: <https://islandstrust.bc.ca/programs/freshwater-sustainability/>. This information was shared with the North Pender community in a webinar held on September 7, 2021. The slides from the presentation can be found here: <https://islandstrust.bc.ca/document/groundwater-sustainability-presentation/>.

Options for OCP and LUB amendments identified in this report are informed by the outcomes from the aquifer conceptualization, groundwater recharge potential mapping and groundwater availability assessments which were outcomes of the research phases of the Groundwater Sustainability Science Program.

ANALYSIS

Proposed OCP Amendments

1. Creation of Critical Aquifer Recharge Development Permit Area

A groundwater protection DPA will help to minimize negative impact on the quality and quantity of subsurface water supplies in areas identified to be critical to groundwater recharge. The proposed Critical Aquifer Recharge Development Permit Area policy and guidelines (see Appendix 1) is modeled after the proposed Critical Aquifer Recharge Development Permit Area for Galiano Island which is an updated version of the existing Galiano Elevated Groundwater Catchment Development Permit Area which was developed in 2014 and involved a hydrogeology consultant. The update for Galiano, as with North Pender, is informed by the Groundwater Sustainability Science Program and the development of the Islands Trust Freshwater Sustainability Strategy.

Planning staff are working with the Senior Freshwater Specialist to identify appropriate Critical Aquifer Recharge DPA boundaries. These boundaries will be informed by the groundwater recharge potential mapping completed by GW Solutions in October 2021. This mapping is based on a methodology developed specifically to understand the conditions contributing to groundwater quantity and quality on the Islands. It identifies the potential of different areas to collect groundwater into aquifers. The groundwater recharge potential maps for North Pender and South Pender are contained in Appendix 2. The most critical recharge potential areas will define the proposed DPA.

At the March 25, 2021 LTC meeting the LTC requested that staff “*suggest an altered project charter for the Groundwater Sustainability project to include consideration of Coastal Douglas Fir (CDF) and associated ecosystems’ protection*”. Staff do not recommend this approach for the following reasons:

- **CDF protection areas may relate to critical aquifer recharge areas, however they are more aligned with Mature forest and sensitive ecosystems.** Guidelines that relate specifically to groundwater protection may have differing information and applicant needs compared to protection of CDF.
- **Considering guidelines for CDF protection should be part of a larger review, update and consolidation of existing DPAs for sensitive ecosystems.** North Pender currently has ten Development Permit Areas, six of which are related to sensitive ecosystems that were adopted in 2008 and based on mapping that is currently 20 years old. The North Pender Conservancy has indicated interest in updates to mapping

related to wetlands and raptors nests. These updates should be included in a broader review of these development permit areas. This could involve the consolidation and integrating information provided by the Coastal Douglas Fir ecosystem mapping in a single sensitive ecosystems DPA.

- **A parallel but separate Critical Aquifer Recharge DPA will provide emphasis on the importance of supporting groundwater sustainability.** This is of particular importance given the uncertainties related to climate change.
- **A process that attempts to integrate CDF with groundwater protection will take longer.** More detailed mapping work and the analysis of a variety of different options and approaches would be required. Also North Pender's groundwater implementation project currently being in step with that of Galiano provides for efficiency with respect to staff time. As such there is greater potential for this project to be considerably advanced by the end of the LTC's term than if its focus shifts.

For the reasons above, staff encourage the LTC to focus on developing a DPA for groundwater protection and consider adding a project to review all ecosystem DPAs to the project list for next term.

2. Minor updates to relevant sections:

Staff have reviewed the OCP in detail and identified the following minor updates:

- Support for the protection of groundwater resources in land use designation objectives
- Consideration of groundwater vulnerability with respect to policies supporting additional density.
- Requiring (as opposed to considering) the incorporation of water conservation measures, including freshwater catchment and storage.
- Updating subdivision policies for water use to be included in LUB.
- Acknowledging the indigenous traditional knowledge in "best available information".
- Recognition of and alignment with Islands Trust Freshwater Sustainability Strategy goals and objectives and advocacy policies.
- Updates to objectives for each land use designation where needed.
- Updates to definitions where needed.

If the LTC supports these minor updates, staff will proceed with drafting bylaw amendments.

3. Map Updates:

- **Removal of Schedule F – Water Systems and Water Licences:** This map serves limited purpose in the OCP and, given that the number of water licences is ever changing, it is currently and will continue to be frequently out of date. Up to date and relevant information can be found online in the provincially managed BC Water Resources Atlas.
- **Map of Critical Aquifer Recharge DPA boundaries** - Options will be presented at an upcoming LTC regular meeting.
- **Addition of new map of Groundwater Regions** – See Appendix 3.

Proposed LUB Amendments

1. Updated Definitions – see Appendix 4

Proposed definitions correspond with the update to the subdivision regulations and are consistent with what is being proposed for Salt Spring Island and Galiano Island.

2. Addition of Cistern Requirements –See Appendix 4

Cistern requirements correspond with what is being proposed for Galiano Island. They apply to the addition of secondary suites and all new residential buildings outside of water service areas. Staff have proposed this approach in light of increasing water challenges being experienced in the summer, the increase in fulltime residents and uncertainties related to climate change. Cisterns could be used for the collection and storage of rainwater or groundwater. The water would not be required to be potable. The use of this supply for gardens, toilets and other non potable water uses would help off set the use of potable water. Owners could use cisterns for potable water where treatment systems are installed. The minimum cistern capacity (single cistern of collection of smaller cisterns) would be 18,000 litres. This number is based on the potential for a household , in an emergency, to manage for one week. It also considers the size of cisterns that are commercially available. Staff will be encouraging consistency of cistern size requirements across the Trust Area.

3. Update to Subdivision Regulations related to Potable Water – Appendix 5

The proposed update to the proof of water subdivision regulations is based on a concurrent project for Salt Spring Island Local Trust Area under development by Island Planners in consultation with the Islands Trust’s Senior Freshwater Specialist, the Salt Spring Island Watershed Protection Alliance Technical Working Group, and provincial staff. Updates to proof of water bylaws incorporate existing subdivision regulations as well as align with new regulations in the *Water Sustainability Act Drinking Water Protection Act*, and other regulatory guidance documents. Volumes relating to proof of water for non-domestic agricultural, commercial, commercial guest accommodation, and industrial uses have been removed since this is adjudicated by provincial water authorizations staff. Domestic water volumes have been updated to align with deemed rights under the *Water Sustainability Act*.

4. Changes to zoning regulations in critical areas

Proposed changes to zoning regulations in stressed groundwater areas will be informed by the [Islands Trust Area Groundwater Availability Assessment](#) completed by GW Solutions in October 2021.

The GW Solutions (2021c) groundwater availability model estimates monthly potential evapotranspiration, soil moisture storage, actual evapotranspiration, soil moisture deficit, and soil moisture surplus (i.e., runoff and groundwater recharge). Using proxy data from a variety of sources, we also estimate surface and groundwater use across the Study Islands. Using the results from the water balance model, we estimate the percentage of groundwater use relative to aquifer recharge, per groundwater region. The results reveal the regional disparities in groundwater use across the Study Islands. Use in some areas on Mayne Island, North Pender Island and Galiano Island reaches over 10% of groundwater recharge. This likely creates stress on environmental needs and may result in water conflicts.

Based on mitigating potential groundwater sustainability risks, options to be explored include:

- Changes in zoning to reduce or transfer current density
- Changes that limit existing uses, place restrictions on size and siting
- Consideration of potable water requirements as a condition of certain uses and/or increases in density
- Further limiting impermeable surfaces

Staff are reviewing build out potential and other factors in those critical areas to determine options. These options will be presented to the LTC at a subsequent regular meeting.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. This may delay aspects of the project. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request additional information related to.....

2. Request that staff examine other options and/or aspects not identified in the staff report

The LTC may request that staff consider other types of options and/or aspects that are not covered in the staff report.

That the North Pender Island Local Trust Committee request that staff consider.....

NEXT STEPS

- Staff will present the LTC with options for DPA boundaries
- Staff will develop options for zoning regulation changes
- Staff will draft OCP amendments
- Staff will draft LUB amendments

Submitted By:	Narissa Chadwick, RPP	February 16, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 17, 2022
Concurrence:	William Shulba, Senior Freshwater Specialist	February 16, 2022

APPENDIX

1. Draft Development Permit Area Guidelines
2. GW Solutions Groundwater Recharge Potential Mapping
3. Groundwater Regions
4. Land Use Bylaw Definitions and Cistern Requirements
5. Subdivision Standards for Potable Water
6. Groundwater Availability Assessment Map
7. Revised Project Charter

APPENDIX 1 - Draft Development Permit Area Guidelines

DEVELOPMENT PERMIT AREA ELEVEN - CRITICAL AQUIFER RECHARGE DEVELOPMENT PERMIT AREA

5.2.12.1 Description of Area

Development Permit Area Eleven includes critical groundwater recharge areas identified on Schedule xx. Critical aquifer recharge areas contain hydrogeological conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Factors considered in the identification of critical aquifer recharge areas include topography, remote sensing, satellite multispectral analysis depth to water table, presence of highly permeable soils, land-cover analysis, structural geology, presence of flat terrain, and the presence of more permeable surficial geology.

5.2.12.2 Authority

The Critical Aquifer Recharge Development Permit Area is designated a development permit area pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 488(1)(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

5.2.12.3 Special Conditions and Objectives that Justify the Designation

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

It is Provincial legislation in Section 473(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

The Islands Trust Council has committed to identifying, protecting and, where possible, restoring or rehabilitating groundwater recharge areas in the Trust Area.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, and
- the quality and quantity of drinking water sources for current and future Trust Area residents is preserved and protected, and
- the overall health of watersheds and ground water in the Islands Trust Area is protected.

Mapping of recharge and water balance completed in 2021 for North Pender Island identifies that the island has a number of areas of critical concern with respect to groundwater vulnerability.

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development and climate change on groundwater supplies

5.2.12.4 Development Approval Information

The Critical Aquifer Recharge DPA is also designated an area for which development approval information (DAI) may be required according to Section 485(1) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

5.2.12.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

5.2.12.6 Development Permit Exemptions

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

- a) Impacts have been determined by the Islands Trust's Senior Freshwater Specialist or the Regional Planning Manager to be minor in nature.
- b) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities within the existing footprint, including those that are lawfully non-conforming (a building permit may still be required).
- c) Where the subdivision does not bisect the development permit area as indicated on Schedule X.
- d) Land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail,

and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.

- f) Removal of invasive species.
- g) Cutting and removal of up to 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- j) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m².
- m) Construction of trails or fences that does not alter contours of the land.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.
- p) Works authorized under a provincial statute.

5.2.12.7 Guidelines

The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area Eleven unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines.

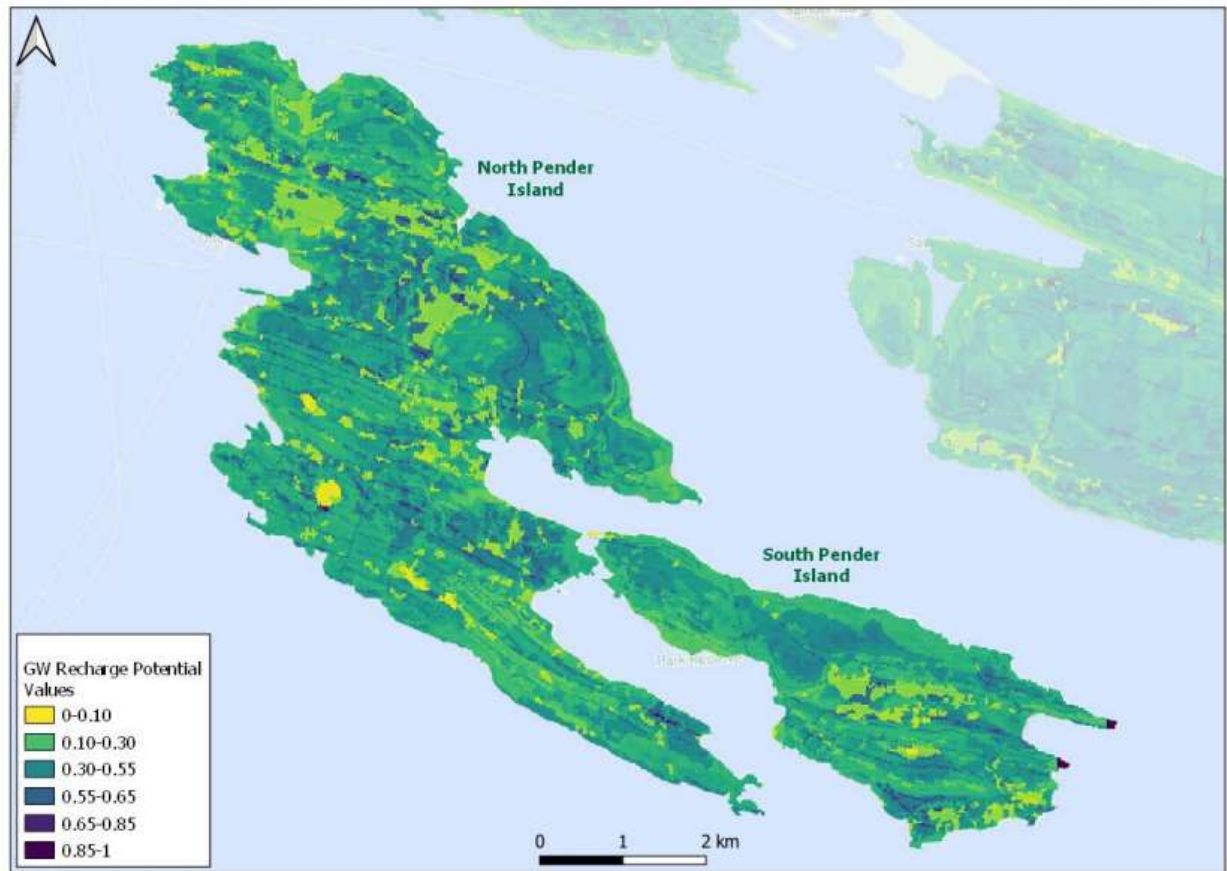
1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.

2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydrogeologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydrogeologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) minimize interference with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. Where freshwater collection cisterns are required as a condition of the construction of a building impervious surfaces should be minimized.
6. The use of impervious paved driveways shall be discouraged.
7. Where tree removal which is not exempt from the requirement for a permit:
 - a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.

- d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
 - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
8. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.
9. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
10. Permits may include minor variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2 – GW Solutions Groundwater Recharge Potential Mapping

<https://islandstrust.bc.ca/document/islands-trust-area-groundwater-recharge-potential-mapping-appendices-ver-2021/>



APPENDIX 3 - Groundwater Regions

<https://islandstrust.bc.ca/document/islands-trust-area-groundwater-recharge-potential-mapping-appendices-ver-2021/>



APPENDIX 4 - Land Use Bylaw Definitions and Cistern Requirements

Definitions

“potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.

“pumping test” means a flow test to determine the sustainable productivity of a well, conducted under supervision of a *hydrogeologist*, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Groundwater Protection Regulation Handbook, other guidance documents which may be issued, and applicable legislation, and consists of pumping groundwater from a well typically for 24 to 72 hours depending on aquifer characteristics.

“Hydrogeologist” means:

- a) an engineer or geoscientist licensed under the *Engineers and Geoscientists Act* or any legislation which may be enacted in substitution; and
- b) has competency in the field of hydrogeology.

“stream” means a stream as defined in the *Water Sustainability Act* or any legislation which may be enacted in substitution.

3.18 Secondary Suites

3.18.7 A building permit for a property outside a water service area shall not be issued for a secondary suite, nor shall a secondary suite be occupied, unless the building that is to contain the secondary suite is equipped with a freshwater catchment and storage system having a capacity of at least 18,000 litres .

3.19 Cistern Requirements

3.19.1 A building permit for a property outside a water service area shall not be issued for a new building to be used as a dwelling, including a cottage, unless the building is equipped with a cistern (or combination of cisterns) for the storage of freshwater having a capacity of at least 18,000 litres.

3.19.2 The floor area occupied by any cistern located in a building and the housing provided for such cistern is excluded from the calculation of the floor area of the building and the lot coverage of the lot on which it is located.

APPENDIX 5 -Subdivision Standards for Potable Water

SUBDIVISION REGULATIONS

4.4 POTABLE WATER

- 4.4.1 Where a subdivision is not proposed to be served by a community water system, each *lot* in a proposed subdivision must be proven to have a supply of *potable water* in accordance with the requirements of this section.
- 4.4.2 Each *lot* in a proposed *subdivision*, not proposed to be served by a community water system, must be supplied with a sufficient quantity of *potable water* to supply the uses permitted on the *lot* by this Bylaw according to the standards set out in Table 1.

TABLE 1 POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE Per Lot	VOLUME (litres per day)
One dwelling unit	2000
Each additional dwelling unit, including a cottage	2000
Other uses - TBD	

Information Note: If more than one dwelling unit is connected to the same source of water, the water system may be subject to the Drinking Water Protection Act, British Columbia Ministry of Health regulations of water supply systems, and may be subject to the Water Utility Act.

Information Note: Non-domestic uses serviced by groundwater or a stream may require a licence under the Water Sustainability Act.

- 4.4.4 Where *potable water* is to be supplied from a surface water source, the applicant for subdivision must provide proof of authorization (water licence) indicating the total volume of water granted to the licence holder.
- 4.4.5 Where non-domestic use exists on a lot proposed to be subdivided that requires a **licence** under the *Water Sustainability Act* the applicant must provide proof of authorization in the form of a water licence.
- 4.4.6 Where *potable water* is to be supplied by a drilled well, a *pumping test* shall be carried out on each well in a proposed subdivision by:
- pumping groundwater, at a constant rate, for a minimum period of 12 hours; and
 - withdrawing the daily required volume in accordance with Table 1 within a period of 24 hours; and
 - monitoring the recovery phase until at least 90 percent recovery has been achieved.

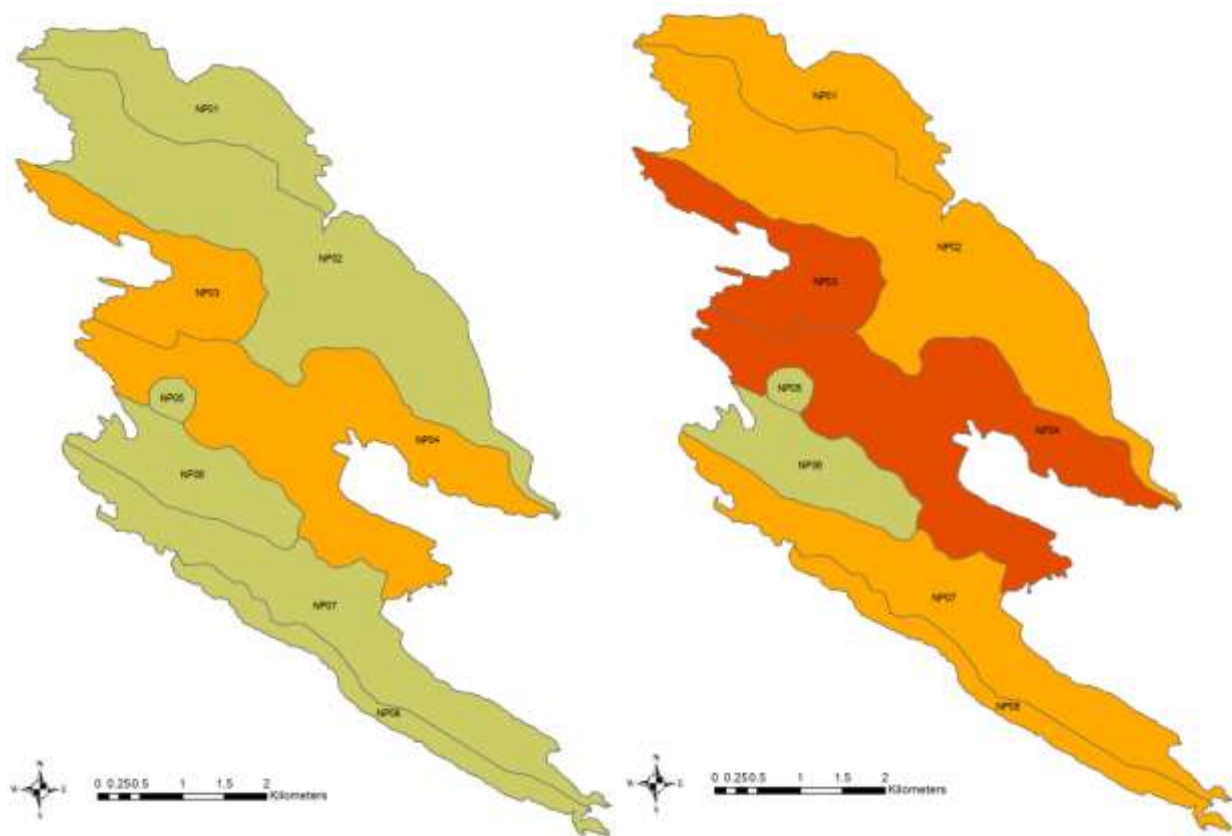
Commented [NC1]: Staff are reviewing authority related to this .

- 4.4.7 Where *potable* water is to be supplied by a drilled well a drop pipe or sounding tube and wellhead port must be installed for future water level monitoring.
- 4.4.8 Drilled wells used for the purposes of subsection 4.4.6 must not be located within 50 metres of the natural boundary of the sea.
- 4.4.9 Where *potable* water is to be supplied by a drilled well the applicant for subdivision must provide written certification under seal of a *hydrogeologist* that:
- a. Each well has been constructed in accordance with the *Groundwater Protection Regulation* or any legislation which may be enacted in substitution;
 - b. Each well has been constructed in accordance with Subsections 4.4.7 and 4.4.8;
 - c. Each well has sufficient available groundwater to provide the daily required volume of *potable* water for each lot in accordance with Table 1;
 - d. The pumping test carried out on each well was conducted in accordance with subsection 4.4.6; and
 - e. The extraction of groundwater is not likely to adversely affect the quantity or quality of any existing groundwater or streams.
- 4.4.10 If the daily required volume of *potable* water cannot be supplied in accordance with Subsections 4.2.2 or if the certification referred to in Article 4.2.9(c) cannot be made, the *Approving Officer* may nonetheless approve the *subdivision* if the applicant grants a covenant under the *Land Title Act* to the North Pender Island Local Trust Committee and the Capital Regional District that restricts the development of the subdivision to the uses for which there is a sufficient volume of water or commits the applicant to installing a water storage system capable of holding a volume equal to 30 days of the shortfall between the required and available volumes.
- 4.4.11 Where the *potable* water supply is provided through a drilled well or water licence, the applicant for subdivision must provide written certification under seal of a *hydrogeologist*:
- a. Results of a water quality analysis, completed by an accredited laboratory;
 - b. Certification, based on the accredited laboratory water quality analysis, that the proposed water supply source is *potable*, or can be made *potable*, with a treatment system that is customarily used in a *dwelling unit*;
 - c. Certification, based on the accredited laboratory water quality analysis of chloride concentrations, that each well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with Government of British Columbia guidance documents;

- d. A plan of the proposed *subdivision* indicating the location where each water sample was taken; and
 - e. A statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
- 4.4.12 If the water to be supplied is not *potable*, but can be made *potable* with a treatment system that is customarily used in a *dwelling unit*, the *Approving Officer* may nonetheless approve the *subdivision* if the applicant grants a covenant under the *Land Title Act* to the North Pender Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to ensure that it is *potable*.
- 4.4.13 Groundwater wells under, or at risk of, saline water intrusion are not permitted sources of potable water for the purposes of subdivision.
- 4.4.14 Alternative *potable* water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of *potable* water for the purposes of subdivision.
- 4.4.15 The requirements of Section 4.4 shall not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units provided that all lots in the subdivision are currently serviced by existing groundwater wells, community water system connection or water licence.

APPENDIX 6 - Groundwater Availability Assessment Map – Percentage of Use from Recharge

<https://islandstrust.bc.ca/document/southern-gulf-islands-groundwater-availability-assessment-report-ver-2021/>



Island	Groundwater Region ID	Groundwater Region Name	Groundwater Recharge-Normal (dam ³)	Groundwater Recharge-Driest (dam ³)	Groundwater Use (dam ³)	% of Use from Recharge-Normal	% of Use from Recharge-Driest	% of Use from Recharge (Normal-Driest)
North Pender Island	NP01	North Pender I	476	237	13	2.7%	5.4%	3-5%
	NP02	North Pender II	1486	726	44	3.0%	6.1%	3-6%
	NP03	North Pender III	481	240	41	8.5%	17.1%	9-17%
	NP04	North Pender IV	1171	575	67	5.7%	11.7%	6-12%
	NP05	North Pender V	41	21		0.0%	0.0%	0-0%
	NP06	North Pender VI	393	195	0.4	0.1%	0.2%	0.1-0.2%
	NP07	North Pender VII	769	375	24	3.1%	6.4%	3-6%
	NP08	North Pender VIII	256	128	7	2.7%	5.3%	3-5%

GROUNDWATER SUSTAINABILITY - IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 2021

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

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

Objectives

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

In Scope

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

Out of Scope

- Unrelated regulatory amendments
- Unrelated amendments to the OCP

Workplan Overview

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

Project Team

Est.
Hours/
annum

Robert Kojima	<i>Project sponsor</i>	50
Narissa Chadwick	<i>Project planner</i>	200
William Shulba	<i>Professional advisor</i>	200
Maple Hung	<i>Admin support</i>	30
Jas Chonk	<i>Legislative Clerk</i>	10
Jackie O'Neill	<i>IS support</i>	10
		400
RPM Approval: Name of RPM Date: Feb 25/21	LTC Endorsement: Resolution #: Date: Feb 25/21	

Budget

Budget Sources:

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

Top Priorities Report

North Pender Island

1. STVR Review Project

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

Responsible

Kim Stockdill

Dates

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

2. Groundwater Sustainability Project

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - COMPLETED

Phase 3: Groundwater Mapping Implementation - ON-GOING

Responsible

Narrisa Chadwick
William Shulba

Dates

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

3. LUB Review Project

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

Responsible

Kim Stockdill

Dates

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

4. Soil bylaw

To consider a soil deposit and removal bylaw

Responsible

Dates

Rec'd: 25-Mar-2021
Target: 29-Jul-2022

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

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

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020

3. *Raptors Nests*

Responsible

Date Received

To update the raptor nests mapping.

27-Jan-2022



Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2022.1	Elliott, Gordon Scott	04-Feb-2022	Requesting a variance for an existing front setback non-conformity Circa 1979. Addition in 1979 resulted in a front setback of 7.0M 1978 Bylaw (No. 5) allowable setback was 7.6M.

Planner: Phil Testemale

Planning Status

Status Date: 17-Feb-2022

Hearing date March 23, 2022

Status Date: 11-Feb-2022

Reviewed documents.

Status Date: 11-Feb-2022

Created an Agenda Package.

Development Permit

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

Planner: Phil Testemale

Planning Status

Status Date: 17-May-2021

Associated Subdivision (2017.3) is nearing completion. Applicants will be initiating work on form and character DP

Status Date: 13-May-2020

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

Status Date: 06-Jun-2018

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



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.8	Clarke, Denver	02-Nov-2021	Applicant is applying for a development permit, in order to plant native species trees in the Woodland DPA at 2634 Lighthouse Lane, North Pender Land.

Planner: Phil Testemale

Planning Status

Status Date: 17-Feb-2022

E-mail requesting security resent

Status Date: 31-Jan-2022

E-mail to applicant requiring security before issuance of permit

Status Date: 27-Jan-2022

Approved for issuance

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.9	Ooms, Peter	13-Dec-2021	Building a vacation cottage

Planner: Phil Testemale

Planning Status

Status Date: 16-Feb-2022

Sewer update and revised geotech rec'd

Status Date: 11-Feb-2022

February 24 Agenda for consideration.

Status Date: 10-Feb-2022

Received registered State of Title Certificate from lawyers' office (Mullin DeMeo Wirk)



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2022.1	Jollimore, Steven	25-Jan-2022	Development permit to develop property for residential dwelling.

Planner: Phil Testemale

Planning Status

Status Date: 17-Feb-2022

March 24 agenda for consideration

Status Date: 02-Feb-2022

Sent LTC package to North Pender LTC today by email.

Status Date: 02-Feb-2022

Robert Kojima assigned the file to Planner Phil Testemale.

Subdivision

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

Planner: Phil Testemale

Planning Status

Status Date: 21-Apr-2021

Correspondence from applicant's legal counsel on April 29, 2021 LTC agenda

Status Date: 17-Mar-2021

In camera meeting scheduled for March 26, 2021

Status Date: 18-Feb-2021

Feb 25, 2021 agenda for acceptance of covenants. Cash-in-lieu pending review and CRD Board approval



Subdivision

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

Planner: Kim Stockdill

Planning Status

Status Date: 04-May-2021

PLR request received. Extension for one year granted by MOTI.

Status Date: 08-Mar-2021

PLA extension request received. Replied with no objections.

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

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

Planner: Phil Testemale

Planning Status

Status Date: 20-May-2021

Awaiting easements (water) and final subdivision plan to compete.

Status Date: 09-Sep-2020

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

Status Date: 05-Aug-2020

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



Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549

Planner: Phil Testemale

Planning Status

Status Date: 02-Apr-2021

PLR from MoTI rec'd. Applicants reviewing options.

Status Date: 17-Mar-2021

Combined DVP/DP required.

Status Date: 05-Feb-2021

Review Response sent to MoTI.

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

Planner: Phil Testemale

Planning Status

Status Date: 18-Mar-2021

VIHA Letter rec'd - Condition 6 MoTI requiring verification of septic fields

Status Date: 17-Mar-2021

DVP req'd

Status Date: 09-Mar-2021

PLR rec'd



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.10	White, Jaime	28-Nov-2021	Seeking approval for temporary use permit for short-term rentals.

Planner: Phil Testemale

Planning Status

Status Date: 12-Jan-2022

February 24, 2022 agenda for consideration.

Status Date: 06-Dec-2021

Received fee for \$900.00; Accounts Receivable issued a receipt to Jaime White.

Status Date: 06-Dec-2021

File assigned to Phil Testemale.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.11	Janzen, Jesse	02-Dec-2021	Short-term rental property.

Planner: Phil Testemale

Planning Status

Status Date: 17-Feb-2022

Applicant requested that application be taken off February 24, 2022 agenda based on neighbour correspondence. Applicant will discuss with neighbours before proceeding further.

Status Date: 20-Jan-2022

February 24, 2022 Agenda for consideration.

Status Date: 07-Jan-2022

The applicant responded to Robert's email and confirmed that he has made changes to his rental guidelines. I have added this additional information to the applicant's application folder, in the Cabin Rules document, under Additional Information. Robert asked me to open the file and assign the file to Phil. - SO

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending December 2021

650 North Pender	Invoices posted to Month ending December 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	510.00	0.00	510.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,470.00	2,070.60	1,399.40
65210-650	LTC - Local Exp - APC Meeting Expenses	444.00	0.00	444.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,458.00</u>	<u>2,070.60</u>	<u>2,387.40</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	765.63	4,234.37
73001-650-4115	North Pender Groundwater Strategy Implementation	2,500.00	79.95	2,420.05
73001-650-4116	North Pender Soil Bylaw	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>11,500.00</u>	<u>845.58</u>	<u>10,654.42</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2022-002 (Standing) that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.	Carried	27-Jan-2022
2020-026 (Standing) that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.	Carried	21-May-2020
2020-012 (Standing) That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.	Carried	19-Jun-2020



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-011 (Standing) That given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.	Carried	04-Jun-2020
2020-010 (Standing) that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	30-Jan-2020

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-119 (Standing)	Carried	28-Nov-2019
that the North Pender Island Local Trust Committee place a moratorium on new Short Term Vacation Rental Temporary Use Permits for a limited time while the Local Trust Committee completes the Short Term Vacation Rental Review.		
2019-074 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.		
2019-072 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-061 (Standing)	Carried	30-May-2019
that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-030 (Standing) that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	28-Feb-2019
2019-016 (Standing) that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.	Carried	28-Apr-2011

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2007-146 (Standing) THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.	Carried	30-Aug-2007
2006-080 (Standing) 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.	Carried	25-May-2006
2005-005 (Standing) The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations	Carried	27-Jan-2005