



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: March 25, 2021
Time: 9:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	9:00 AM - 9:00 AM	
2.	APPROVAL OF AGENDA	9:00 AM - 9:05 AM	
3.	TRUSTEE REPORT	9:05 AM - 9:15 AM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	9:15 AM - 9:30 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	9:30 AM - 9:40 AM	
8.1.	Local Trust Committee Minutes Dated February 25, 2021 (for Adoption)		4 - 10
8.2.	Local Trust Committee Bylaw No. 222 Public Hearing Record Dated February 25, 2021 (For Receipt)		11 - 13
8.3.	Section 26 Resolutions-without-meeting Report - None		
8.4.	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated March 2021		14 - 15
10.	DELEGATIONS		

11.	CORRESPONDENCE	9:40 AM - 9:50 AM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
11.1.	Michael Sketch re Feb 25 LTC Meeting		16 - 16
11.2.	Andy Nowak re Heli-pad		17 - 17
12.	APPLICATIONS AND REFERRALS	9:50 AM - 10:50 AM	
12.1.	NP-DP-2020.3 and DVP-2020.5 (Hoyland and Brown) – Staff Report (attached)		18 - 62
12.2.	NP-DVP-2021.1 (MacDonald) - Staff Report (attached)		63 - 82
12.3.	NP-TUP-2020.8 (Kroeker) Renewal – Staff Report (attached)		83 - 91
13.	LOCAL TRUST COMMITTEE PROJECTS	10:50 AM - 11:20 AM	
13.1.	STVR Review Project – Staff Report (attached)		92 - 99
14.	REPORTS	11:20 AM - 11:30 AM	
14.1.	Work Program Report (attached)		
14.1.1.	<u>Top Priorities Report Dated March 2021</u>		100 - 100
14.1.2.	<u>Projects List Report Dated March 2021</u>		101 - 101
14.2.	Applications Report Dated March 2021 (attached)		102 - 110
14.3.	Trustee and Local Expense Report - None		
14.4.	Adopted Policies and Standing Resolutions (attached)		111 - 115
14.5.	Local Trust Committee Webpage		
14.6.	Islands Trust Conservancy Report Dated January 2021		116 - 118
15.	NEW BUSINESS	11:30 AM - 12:30 PM	
15.1.	Southern Gulf Islands Schedule Enhancement (attached)		119 - 119
15.2.	Communication Strategies - Discussion		
15.3.	Aeronautics Regulation – Transport Canada - Discussion		
16.	UPCOMING MEETINGS	12:30 PM - 12:40 PM	
16.1.	Meeting Length and Frequency - Discussion		
16.2.	Next Regular Meeting Scheduled for April 29, 2021, Location: TBD		

- | | | |
|-----|----------------|---------------------|
| 17. | TOWN HALL | 12:40 PM - 12:55 PM |
| 18. | CLOSED MEETING | |
| | None | |
| 19. | ADJOURNMENT | 12:55 PM - 12:55 PM |



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 25, 2021
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Phil Testemale, Island Planner 2
William Shulba, Freshwater Specialist
Shannon Brayford, Recorder
Maple Hung, Planning Assistant, Host

Public: There were approximately (22) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:01 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended that item 12.2 and 12.1 be switched in order.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee McConchie reported that he has been focused on James Island and reviewing the history of staff reports.

Trustee Morrison thanked the community and visitors who have been respecting the public health orders. She reported that work has been completed on both the Management Review and the Trust Policy Statement, noting that there will be an open house regarding the Trust Policy Statement on March 3, 2021.

4. CHAIR'S REPORT

Chair Patrick provided an overview of upcoming meetings, including:

- March 9-11, 2021 Trust Council

- March 9, 2021 Delegations and Town Hall session for Trust Council will be held in the evening
- March 3, 2021 Open House for the Trust Policy Statement, which requires prior registration through the Islands Trust Website.

5. TOWN HALL AND QUESTIONS

Michael Sketch noted that a written submission was sent electronically. He provided an overview of concerns with NP-SUB-2008.9 (James Island Properties) and a history of the properties.

George Leroux requested and received information on the Management Review project, the overall cost of that project, and the process through which that project is being approved. He provided a rationale for the Islands Trust to move forward with a comprehensive review.

6. COMMUNITY INFORMATION MEETING

6.1 North Pender Island Local Trust Committee Proposed Bylaw No. 222 (OCP Amendment) - STVR Project

Planner Stockdill provided an overview of the proposed bylaw and amendments made at the previous LTC meeting.

Jade Ganasi requested and received information on the fire ban and the use of propane fires by the property owner.

Robin Pettyfer requested and received information on item 6.4.4 and the restriction of permitting additional Temporary Use Permits (TUPs) within 200 meters of a current one.

Neil Pegram requested and received information on the rationale for the guidelines for banning fires.

Darryl Persello requested and received information on the application of these bylaws to future renewals of current TUPs.

Amanda Griesbach requested and received information on monitoring of water restrictions and also on the practical application of item 6.4.4 (limitation of TUPS within 200 meters)

7. PUBLIC HEARING

7.1 North Pender Island Local Trust Committee Proposed Bylaw No. 222 (OCP Amendment) - STVR Project

At 9:50 a.m., Chair Patrick opened the Public Hearing which was recorded under separate cover.

Chair Patrick re-opened the public meeting at 10:46 a.m.

Note: A break was held from 10:46 a.m. – 11:00 a.m.

8. MINUTES

8.1 Local Trust Committee Special Meeting Minutes Dated January 15, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of January 15, 2021 were adopted as presented.

8.2 Local Trust Committee Regular Minutes Dated January 28, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of January 28, 2021 were adopted.

8.3 Section 26 Resolutions-without-meeting Report

None.

8.4 Advisory Planning Commission Minutes Dated January 18 and February 4, 2021

Received for information.

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated February 2021

Received for information.

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

Note: As approved in the amended agenda, Item 12.2 was addressed prior to Item 12.1

12.2 NP-DP-2020.6 (Daykin) – Staff Report

Planner Testemale provided an overview of the staff report including the results of the required professional reports. He further outlined the recommendation of the staff report and the rationale.

Chair Patrick acknowledged the applicants and invited them to address the LTC.

Bruce Daykin provided an overview of their property, the rationale for their application, and the survey of the trees proposed for removal.

The LTC requested and received information on the following points:

- Classification requirements for identifying a tree as “mature”.
- Opportunities to remove branches only for those trees being removed for the purpose of improving the view.
- Role and limitations of the LTC in approving a technical Development Permit application.

NP-2021-022

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.6 (Daykin)

CARRIED

12.1 NP-SUB-2008.9 (James Island Properties) – Staff Report

Planner Testemale provided an overview of the staff report including its rationale and the role of the LTC in their review and consideration of approval. He reviewed all proposed motions within the staff report and the rationale for each.

Chair Patrick invited the applicants, Brett Rasinski and Greg Atkins to address the LTC.

Brett Rasinski provided a history of the property and thanked the LTC and staff for their work on the application.

A discussion of the application was held including the following points:

- The history of LTC decisions regarding this land.
- The process by which cash in lieu is accepted instead of park land dedication.
- Progress of First Nations consultation.
- Legal obligations and limitations on the LTC's discretion regarding the acceptance of cash in lieu of park land dedication.
- Scope of the education covenant and inclusion of all ages.

A discussion was held regarding options moving forward and the Trustees rationales for hesitating to accept the recommendations within the staff report.

NP-2021-023

It was Moved and seconded,

That the North Pender Island Local Trust Committee direct staff to request that the Crown provide to the North Pender Island Local Trust Committee proof of consultation with the Tsawout Chief and Council.

CARRIED

NP-2021-024

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accept two (2) covenants under section 219 of the Land Title Act to satisfy the requirements of registered section 219 covenant FB180725 (Subdivision Control Covenant) from the registered owner of Lots 1, 2, 3, 4, & 5, Section 1, James Island, Cowichan District, Plan VIP85132 that are Attachment 5 (Raptor Nesting Tree) and Attachment 6 (Wildlife Trees) to this report, for NP-SUB-2008.9 (James Island).

CARRIED

NP-2021-025

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accept two (2) covenants under section 219 of the Land Title Act to satisfy the provisions of Subsections 8.3 (1) and 8.3 (3) of the North Pender Associated Islands Land Use Bylaw No. 148, 2003 from the registered owner of Lots 1, 2, 3, 4, & 5, Section 1, James Island, Cowichan District, Plan VIP85132 that are Attachment 7 (Subdivision and Density Control for Proposed Strata Lots 51 and 70), and Attachment 8 (Subdivision and Use Control for Common Property - partial) to this report, for NP-SUB-2008.9 (James Island).

CARRIED

NP-2021-026

It was Moved and Seconded,

That the North Pender Island Local Trust Committee direct staff to schedule an In Camera discussion regarding NP-SUB-2008.9 (James Island) to receive legal advice and information about First Nations consultations before proceeding with the application.

CARRIED

NP-2021-027

It was Moved and Seconded,

that the North Pender Island Local Trust Committee designate the Chair of the Local Trust Committee to sign section 219 covenants cited in the foregoing resolutions upon written confirmation from the Provincial Approving Officer that the consultation process between the Ministry of Transportation and Infrastructure and affected First Nations (Tsawout First Nation) has been finalized, and upon acceptance of a cash-in-lieu amount by resolution of the North Pender Island Local Trust Committee.

CARRIED

The applicant requested and received information on the process of this application moving forward.

12.3 South Pender Island Local Trust Committee Bylaw No. 121 Referral (for response) (attached)

Note: By general consensus Item 12.3 was deferred to follow item 13.1.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Groundwater Sustainability Project - Staff Report

William Shulba provided a brief update on the project.

The LTC requested and received information on the timeline for the project and concerns that the project will span beyond the current LTC term.

A discussion of the project benchmarks moving forward was held.

NP-2021-028

It was Moved and Seconded,

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

CARRIED

Note: Trustee Morrison departed the meeting at 1:31 p.m.

Note: The LTC returned to item 12.3 South Pender Island Local Trust Committee Bylaw No. 121 Referral

NP-2021-029

It was Moved and Seconded,

that the NP LTC respond to referral South Pender Island Local Trust Committee Bylaw No. 121 with “interests unaffected”

CARRIED

13.2 STVR Review Project – Staff Report

By general consent this matter was deferred to the next meeting

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated February 2021

Received for Information.

14.1.2 Projects List Report Dated February 2021

Received for Information.

14.2 Applications Report Dated February 2021

Received for Information.

14.3 Trustee and Local Expense Report Dated December 2020

Received for Information.

14.4 Adopted Policies and Standing Resolutions

Received for Information.

14.5 Local Trust Committee Webpage

No comments.

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

15.1 Communication Strategies – Discussion

By general consent this matter was deferred to the next meeting.

16. UPCOMING MEETINGS

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

It was noted that there is an additional meeting for the Land Use Bylaw Review on March 18, 2021

17. TOWN HALL

Dale Henning noted that there is a property on Otter Bay Road that has been granted a Temporary Use Permit for industrial use. He outlined rationale for concerns with this TUP in regards to tree removal, risks from run off, and increased traffic.

Dale Henning noted that he received a response from Trustee McConchie in the past that indicated a prior communication was slanderous and that Trustee McConchie was sending the communication for legal review. Dale Henning noted that he is still awaiting a response and the results of the legal review.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:42 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



**North Pender Island Local Trust Committee
Record of a Public Hearing
Proposed Bylaw No. 222 (STVR)**

Date: February 25, 2021

Location: Zoom Webinar

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

Staff Present: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager
Phil Testemale, Island Planner 2
Shannon Brayford, Recorder
Maple Hung, Planning Assistant, Host

Public Present: Approximately twenty two 22 attendees in the Zoom Webinar.

7.1 North Pender Island Local Trust Committee Proposed Bylaw No. 222 (OCP Amendment) - STVR Project

Chair Patrick recessed the Regular Meeting at 9:59 a.m. to hold the Public Hearing. She read a prepared statement outlining the content, purpose, and process of the Public Hearing.

Planner Stockdill provided an overview of the proposed bylaw, its rationale, and the bylaws history of public notification and consultation.

Chair Patrick invited members of the public to speak.

Jade Ganasi spoke against item 6.1.15 c, which restricts the number of days that a Short- Term Vacation Rental (STVR) can be rented. She noted the value of the employment that STVRs provide, the variety of rentals that are provided for community benefit including housing of Hydro workers, and the challenges of regulating stays.

Mark Kroeker noted that STVRs are a business and that operators who do not do it well will not remain in business. He questioned the necessity of regulating the number of guests, noting that multigenerational families who use STVRs for holidays will be excluded. He also questioned the necessity of regulating the number of days of use, noting the importance of STVRs within the tourist industry.

Michael Cowan spoke against item 6.4.4 which restricts additional Temporary Use Permits (TUPs) within 200 meters. He provided a rationale for recommending that the item be deleted and recommended consideration of an overall limit on the number of TUPs within Magic Lake instead.

Dale Henning noted that the words “may” and “should” appear frequently in the bylaw and provided a rationale for replacing those terms with “shall”, “will” or “must” to give greater strength to the bylaw.

Robyn Pettyfer noted the importance of good communication between the STVR owner and the neighbours. He further noted that regardless of formal restriction, it is not in the property owner’s interest to damage their asset by renting out their property excessively.

Neil Pegram spoke in support of regulations, but encouraged the LTC to carefully consider how the regulations address the problem that they are attempting to solve. He further noted that whether STVRs are being used by paid guests or the home owner there is not an increased demand on the infrastructure.

Neil Pegram spoke against limiting the second STVRs within 200 meters, limiting the number of bedrooms, and limiting the number of rentable days in a calendar year. He acknowledged the importance of the rationales behind the regulations, but encouraged the LTC to consider other options that could still meet the objectives, but also be more flexible for the property owners.

Chair Patrick acknowledged Michael Sketch to speak.

Trustee McConchie requested that as Michael Sketch used a derogatory term against him during the town hall portion earlier in the meeting, he not be acknowledged as a speaker on the grounds of the Islands Trust being intolerant of abuse in the work place.

A brief discussion was held among the members of the LTC regarding the application of the policy to this situation.

The Chair requested that Michael Sketch send a written email of his intended comments prior to the close of the hearing.

Doug Regehr noted that he is a neighbour to an STVR and provided an overview of the challenges of living next to an STVR. He offered recommendations for strengthening the bylaw including screening between properties, consideration of proximity to neighbours, and policies for ensuring compliance. He also spoke in favour of restricting the number of days that STVRs can be in use.

Neil Pegram noted vacation renters use can be falsely identified as an issue for neighbours when the behaviours in question are actually being committed by the property owners or their non-paying guests.

Chair Patrick made three calls for additional submissions.

Maple Hung noted that three additional public submissions were made and the LTC acknowledged receipt of the submissions.

Chair Patrick closed the public hearing at 10:46 a.m.

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

RECORDER

DATE

Follow Up Action Report

North Pender Island

28-Jan-2021

Activity	Responsibility	Dates	Status
1 13.1 LUB Review Project 1. Staff to report back with further information regarding maximum floor area (Building Permit review, legal opinion, vacant lot analysis, guidance on evaluating variance applications). Done 2. Staff to report back with comments regarding SAAPC recommendations. Done 3. Staff to schedule a Special Meeting in early March to provide an opportunity for the LTC to discuss the review topics in detail. (Meeting scheduled - Done) 4. The LTC supports implementing rezoning for new docks.	Kim Stockdill Maple Hung	Target: 26-Feb-2021	Completed
2 NP LTC requests direction from Director Clare Frater on how to advocate for best practices related to dock maintenance and ocean health.	Clare Frater Kim Stockdill Robert Kojima	Target: 26-Feb-2021	In Progress

25-Feb-2021

Activity	Responsibility	Dates	Status
1 8.1 NP LTC SM January 15, 2021 minutes approved as is.	Maple Hung	Target: 12-Mar-2021	Completed
2 8.2 NP LTC meeting for January 28, 2021 minutes approved as is.	Maple Hung	Target: 12-Mar-2021	Completed

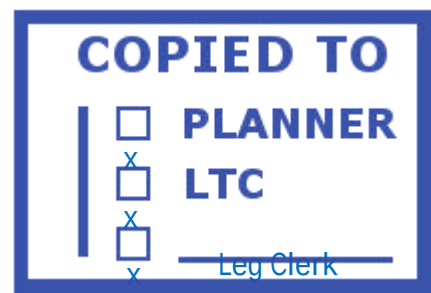


Follow Up Action Report

North Pender Island

25-Feb-2021

Activity	Responsibility	Dates	Status
3 12.2 NP-DP-2020.6 (Daykin) approved. 1. Notify applicant. Set up monitoring in Tapis if necessary. 2. Process permit. 3. Close application.	Jas Chonk Maple Hung Phil Testemale	Target: 26-Mar-2021	Completed
4 12.1 NP-SUB-2008.9 1. Staff to request from MOTI proof of the consultation process with the Tsawout FN Chief and Council in regards to NP-SUB-2008.9. Staff to forward this information to the NP LTC when available. 2. Staff to schedule a special meeting for an In Camera discussion regarding NP-SUB-2008.9 (James Island) to receive legal advice on outstanding land title documents and information about First Nations consultations before proceeding with the application.	Phil Testemale Robert Kojima	Target: 28-May-2021	Completed
5 12.3 SP LTC Bylaw No. 121 - Interests Unaffected.	Jas Chonk Maple Hung	Target: 05-Mar-2021	Completed
6 13.2 Defer STVR Review Project until March 25, 2021 LTC meeting.	Jas Chonk Kim Stockdill	Target: 19-Mar-2021	Completed
7 15.1 Defer Communication Strategies - Discussion to March 25, 2021 LTC meeting.	Jas Chonk	Target: 19-Mar-2021	Completed
8 13.1 Update Groundwater Sustainability Project charter to indicate LTC endorsement date (Feb 25, 2021) and resolution number.	Narrisa Chadwick William Shulba	Target: 19-Mar-2021	In Progress



From: Deb Morrison <dmorrison@islandstrust.bc.ca>

Sent: Tuesday, March 9, 2021 8:10 PM

To: MICHAEL SKETCH <[REDACTED]>

Cc: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; mgmsketch <[REDACTED]>;

Laura Patrick <lpatrik@islandstrust.bc.ca>; North Pender Island Local Trust Committee

<NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>

Subject: Re: My rudeness to you at the 25Feb2021 LTC meeting

Michael,

Thank you for this apology.

Maple, please include this as correspondence for the next LTC meeting. Thank you.

d

On Feb 25, 2021, at 10:45 PM, MICHAEL SKETCH <[REDACTED]> wrote:

Ben - I sincerely apologize for my rudeness to you at this morning's LTC meeting.

It unnecessarily disrupted your business meeting.

This morning you pointed out 'whatever our differences', it's my responsibility not to be disruptive.

The land use business of the trust relies on LTC decision makers.

I remember that some years ago, a trustee attended a volunteer planning commission meeting

and reminded us all that we met at the pleasure of the LTC.

Michael Sketch

From: "Andy Nowak" <[REDACTED]>
Subject: heli-pad
Date: March 11, 2021 at 7:42:10 AM PST
To: <dmorrison@islandtrust.bc.ca>, <bemcconchie@islandtrust.bc.ca>, <lpatrik@islandtrust.bc.ca>

Good Morning Deb, Ben and Laura,

I'd like to add my voice in opposition to the operation of a heli-pad at 6931 Pirates Rd..

It's a wholly incompatible use of land in a rural-residential area. It adds to the already significant noise pollution arising from commercial air traffic in this neighborhood – not desirable or necessary. Operating a helicopter from his home may be of great benefit to the owner but comes at a huge cost to the neighbours and the wildlife. In a declared climate emergency the use of a helicopter for personal transportation is, in my opinion, irresponsible and should not be encouraged.

I would support the drafting of a bylaw that prohibits the operation of private heli-pads on North Pender Island.

Thanks,

Andy Nowak
[REDACTED]

File No.: NP-DP-2020.3,
NP-DVP-2020.5
NP-BE-2019.35

DATE OF MEETING: March 25, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Combined Development Permit & Development Variance Permit Application
Applicant: Steve Hoyland and Jessie Brown
Location: 6404 Razor Point Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.3 (Hoyland & Brown); and,
2. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.5 (Hoyland & Brown).

REPORT SUMMARY

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

The purpose of the DP application is for retroactive measures for the protection of the sensitive ecosystem and construction management for the proposed removal of a portion of the existing deck adjacent to the foreshore within **Development Permit Area One – Woodland (DPA)**.

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

BACKGROUND

The combined DP-DVP application has resulted from a Bylaw Enforcement file and was submitted to the Islands Trust to retroactively obtain approval for an access stairway that was constructed without a development permit.

The extent of proposed development and retroactive development are as follows:

- Reduce ('deconstruct') the size of a 'lower deck' by 5.0 m² to site that stairway entirely on the subject property and to conform to the maximum permitted width in the LUB regulation
- Retroactively permit the stairway construction within the DPA
- Undertake prescribed restoration of the sensitive ecosystem.

According to the owner, the subject stairway was constructed in 2016 to replace an existing one that had been in place for decades, but had deteriorated and had become unsafe. The reconstruction was undertaken by a contractor and follows generally the previous route with some variation to improve stair grades. The stairs currently terminate on a 5.0 m² lower deck that abuts the NBS and encroaches on the neighbouring property to the west by 1.23 m. The owner relied on the contractor to obtain all necessary permits, however, a development permit was not applied for before initiating construction.

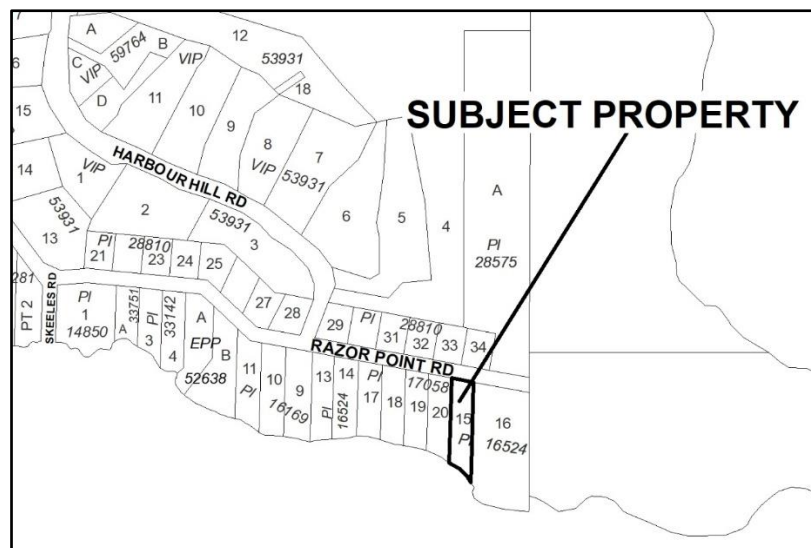
The property is 0.38 hectares in size and faces southwest above Browning Harbour. The grade descends moderately to very steeply from Razor Point Road south to an area that has been levelled for the development of a dwelling at approximately 2/3 of the property length (Attachments 2.3 and 2.5). From this point the slope increases very steeply toward the toe of slope at the foreshore. (See also Attachment 2.6).

In addition to the subject stairs, there is a studio (accessory building) under construction that will be used for a temporary dwelling while the main dwelling is under construction. As a condition of Final Occupancy for the dwelling, the studio is required to be rendered uninhabitable.

The schedule for deconstruction and restoration if approved is late spring to early summer and the applicant has already planting twelve Douglas-fir seedlings.

Staff visited the site on July 24, 2020.

Figure 1 – Subject Property



Development Permit Area

The specific objective of the designation of the DPA is:

To preserve and protect remaining sensitive woodland ecosystems.

DPA 1 is designated on the property as shown in Figure 2 and Attachment 2.2, and development requires that a DP be obtained by complying with the DPA guidelines. The applicants hired Keith Erikson, R.P.Bio who prepared an 'Development Permit Area Assessment Report' (January 6, 2021 – 'Biologist's Report' – Attachment 4) which includes a ground level assessment of the sensitive ecosystem, an assessment of the impacts of the stairway construction, deck deconstruction and makes recommendations for minimizing further disruption including ecosystem restoration. The report is discussed in further in 'Issues and Opportunities' (below) and includes the required DP checklist.

Copies of the DPA Checklist and proposed Development Permit NP-DP-2020.3 (Hoyland & Brown) are Attachments 3 and 5.

Development Variance Permit

Walkways and stairs to access a dock or the foreshore are permitted within the 15 metre setback from the Natural Boundary of the Sea (NBS - Subsections 3.7.1 and 3.7.2 ['General Regulations'] in LUB). They are, however, are limited to a height of 1 metre and 1.2 metres in width. They are also required to meet interior side lot setbacks (3.0 metres) and to obtain a development permit where applicable.

Staff requested a survey to include the siting location of the stairways and lower deck to include the present NBS (Attachment 2.4). That revealed the following non-conformities:

- Setbacks: portions of the stairs are within the 3.0 m interior side yard setback.
- Width of stair landings: five (5) of the landing exceed 1.2 m in width.
- Deck size and encroachment: the lower deck is over 1.2 m in width and built partially on the neighbouring property up to 1.23 m.

To comply, the applicant was provided with following options:

- Setbacks and width size of five (5) of the landings: obtain a variance or comply by relocating and resizing the landings.
- Size and encroachment of the lower deck: obtain a portion of the neighbouring property through a boundary adjustment and apply for a variance for the size and setbacks; or remove a portion of the deck so that it is entirely on the subject property, conforms to the maximum width for a stairway, and obtain a variance for setbacks.

It was concluded by the owner, neighbour and staff and that the reduction in the size of the lower deck and variances would be the least costly, and least impactful to the sensitive ecosystem and slope stability. This is supported by the Biologist's Report for the DP.

The specific variances requested are:

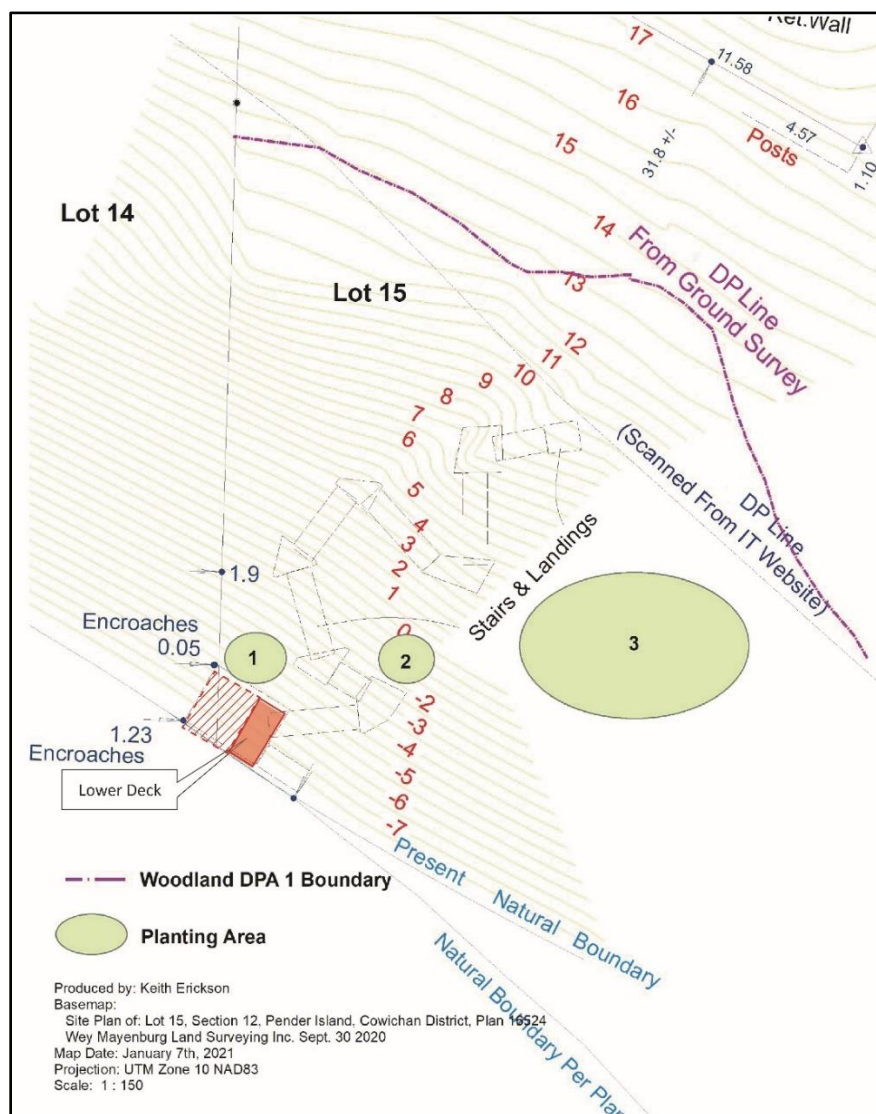
- a) Subsection 3.7.2 which states that walkways and stairs to access a dock or foreshore are not to exceed a width of 1.2 metres is varied to permit five (5) stair landings up to 1.75 metres in width; and,

- b) Clause 8.1.5 (1) (b) which states that no building or structure may be sited within 3.0 metres of any interior side lot line is varied to permit the siting of a stairway structure within 0.5 metres of an interior side lot line.

The side yard setback will actually be a minimum of 0.88 m (at the altered deck), however, the proposed permit is for 0.5 m to account for possible error. If either or both variances are not granted, the applicant would have the ability to apply to obtain a Board of Variance Order

Copies of proposed Development Variance Permit NP-DVP-2020.5 (Hoyland & Brown) and Notice as circulated are Attachments 7 and 8.

Figure 2 – Site/Biologist's Plan



ANALYSIS

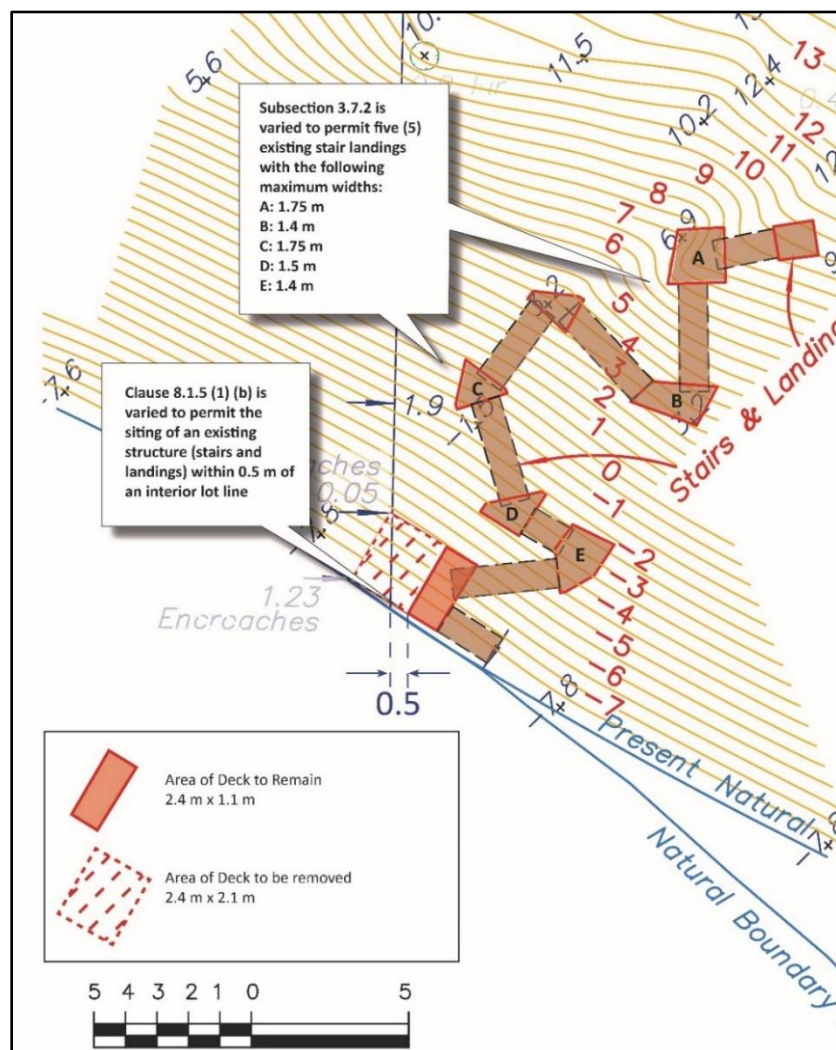
Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

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

Figure 3 – Variance Details



Official Community Plan:

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

Development Permit Area 1 (DPA) – Woodland Sensitive Ecosystem is designated on the property as shown in Figure 2 and Attachment 2.2.

Land Use Bylaw:

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

Issues and Opportunities**Development Permit****Biologist's Report**

The Biologist's Report (Attachment 4) undertook a detailed site inventory and described the terrestrial ecosystem, assessed sensitive and at-risk species and ecosystems, assessed erosion and slope stability, hydrology and evaluated conservation and adjacent land uses. It makes recommendations for construction management, restoration and monitoring. A DP Guideline checklist completed by the Biologist is attached to the report.

A single ecological community (EC 01) was identified in the report that is consistent with the woodland ecosystem and was 'ground truthed' to also occur upland and outside of the DPA designation (Figure 2). EC01 is described as a mature Douglas-fir – Alaska oniongrass woodland ecosystem growing on a very steep, southwest facing slope above Browning Harbour (p.8). The ecosystem is considered endangered and should be considered as an "environmentally valuable resource" (p.12).

The impact assessment in the report concluded the following:

The replacement of the original stairs (in 2016) does not appear to have contributed significantly to soil erosion or caused additional damage to the ecology of the Woodland DPA...(and that) Most of the stairs and landing are constructed several feet above the ground surface, allowing adequate light for herbaceous and low shrub plant growth." (p. 12 - 13)

Measures for the protection of the DP area are recommended for construction management, restoration and monitoring. All recommendations have been incorporated into the draft DP. Some voluntary conditions for management of upland development and invasive species removal have been inserted to encourage reduced impacts on the DPA.

Adherence to the conditions of the DP including restoration and monitoring will mitigate impacts from the development and benefit the ecology of the property as a whole.

Note: *By copy of this report, and given the precipitous and potentially unstable slope condition over portions of the DPA, the applicant and any contractor is encouraged to undertake any restoration work with the upmost caution. If the prescribed planting areas cannot be safely accessed, the owners should consult with the monitoring QEP to find alternate, suitable planting sights.*

Development Variance Permit

Rationale for the Variances

The rationale for the variances is to bring the stairway structure into compliance with the LUB. As above, Keith Erikson, R.P. Bio. recommends that the variances be granted as reconstructing or altering would be more disruptive to the ecosystem and impactful to slope stability in the DPA (Attachment 4, p.13).

Impact on Neighbouring Properties

The stairway location makes the structure most impactful to the neighbouring property to the west. That owner was consulted when the encroachment was revealed and has explored options with the applicant and staff. They have expressed their full support the variances for the existing stairway and deconstruction of the lower deck. (See 'Consultation' below, and Attachment 6).

Intent of the Regulations being Varied

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

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

Potential Impacts of Granting the Variances

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

Consultation

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

DVP Notices were circulated to surrounding property owners and residents (Attachment 7). The notification period ended at 4:30 p.m. on February 17, 2021. Note: this application was originally scheduled for consideration as part of the February 25, 2021 LTC agenda.

At the time of writing, staff has received one written submission in response to notification from the immediate neighbour to the west that fully supports the variances (Attachment 6). Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

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

Rationale for Recommendation

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

- The objectives and specific guidelines of the DPA have been met;
- all relevant recommendations of a Biologist's Report have been incorporated into the conditions of the proposed DP; and,
- implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive woodland ecosystem.

The recommendations for the proposed variances are recommended as:

- The applicant has agreed to reducing the lower deck structure to address the encroachment on the neighbouring property and its size;
- granting the variances is supported by the Biologist's Report that asserts relocating the stairway to comply with setbacks and landing sizes would be more damaging than leaving them in place.
- the potential impacts from granting the variances are relatively minor, particularly to the most impacted adjacent property to the west;
- notification to surrounding neighbours has been undertaken and to date staff have received one written response in support; and,
- the variances do not challenge the intent of the bylaw provisions.

ALTERNATIVES

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

Development Permit:

1. Request further information

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

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

2. Deny the application

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

That the North Pender Island Local Trust Committee deny application NP-DP-2020.3 (Hoyland & Brown) as it does not comply with guideline_____.

Development Variance Permit:

3. Amend the permit and approve the permit as amended

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

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend NP-DVP-2020.5 by____; and,

That the North Pender Island Local Trust Committee approve issuance of NP-DVP-2020.5 as amended.

4. Request further information

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

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

5. Deny the application

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

That the North Pender Island Local Trust Committee deny application NP-DVP-2020.5.

Submitted By:	Phil Testemale, Planner 2	March 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	March 16, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guidelines Checklist
4. Biologist's Report (October 22, 2020)
5. Draft Development Permit NP-DP-2020.3
6. Correspondence
7. Draft Development Variance Permit NP-DVP-2020.5
8. Notice (DVP)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 15, Plan VIP16524, Section 12, Cowichan Land District, Pender Island
PID	000-246-841
Civic Address	6604 Razor Point Road

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2019.30	For carport (accessory) - removed
NP-BP-2020.14	Temporary Dwelling /Studio
NP-BP-2020.16	SF Dwelling

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as RR- Rural Residential in the North Pender Island Official Community Plan No. 171, 2007. Development Permit Area One – Woodland Sensitive Ecosystem (Attachment 2.)
Land Use Bylaw	The subject property is zoned as Rural Residential (RR) and the adjacent water area is zoned as Water 1 (W1) in the North Pender Island Land Use Bylaw No. 103, 1996
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	NP-BE-2019.35 Unlawful Dwelling (RV) – subsequently removed and file closed.

SITE INFLUENCES

Islands Trust Conservancy	The proposal has no implications for the Island Trust Conservancy.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy
Species at Risk	See: Biologist's Report (Attachment 4)
Sensitive Ecosystems	Terrestrial: Woodland Ecosystem (see DPA – above and Biologist's Report).
Hazard Areas	Areas of Medium and High Steep Slope Hazard (Attachment 2.3).
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not indicate any archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is

Z:\09 Current Planning\09 NP\3190 DVP\25 Applications (P)\2020\NP-DVP-2020.5 (Hoyland & Brown) x-ref NP-DP-2020.3\06 Staff Reports\Attachments\A 1 Site Context.docx

	encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Minimal (deconstruction) with proposal. Primarily for stairs already constructed. Lower portions of walkway are susceptible anticipated or possible climate change induced hazards (i.e. sea level rise).
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	Attachment 2.3

ATTACHMENT 2 – MAPS & PLANS

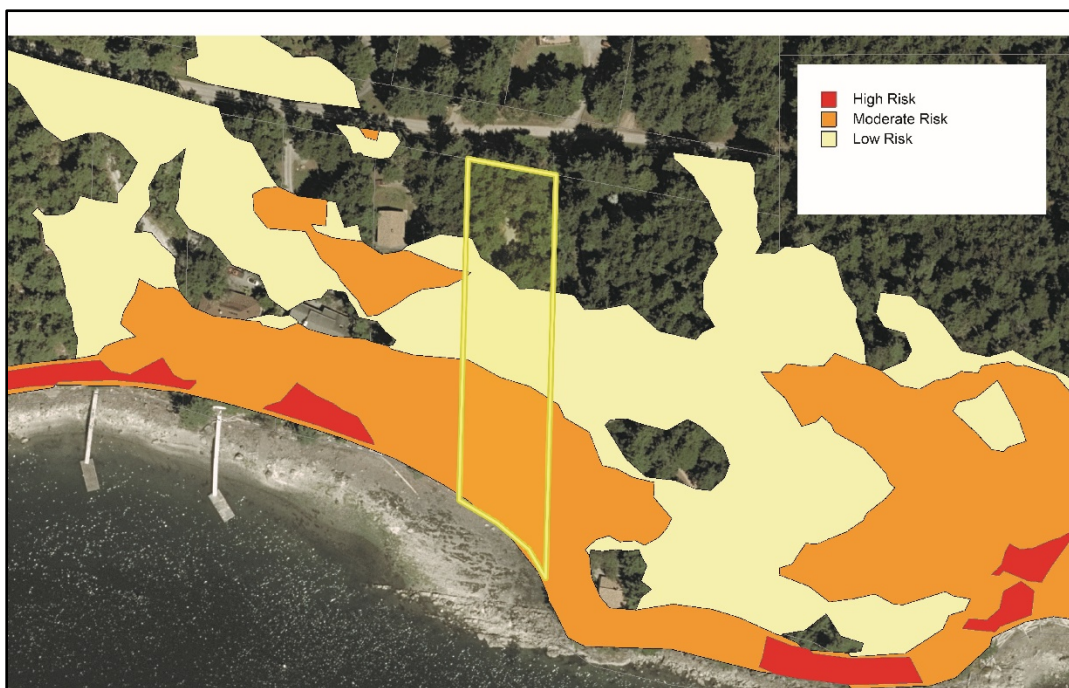
2.1 ORTHOPHOTO WITH ZONING



2.2 DPAs



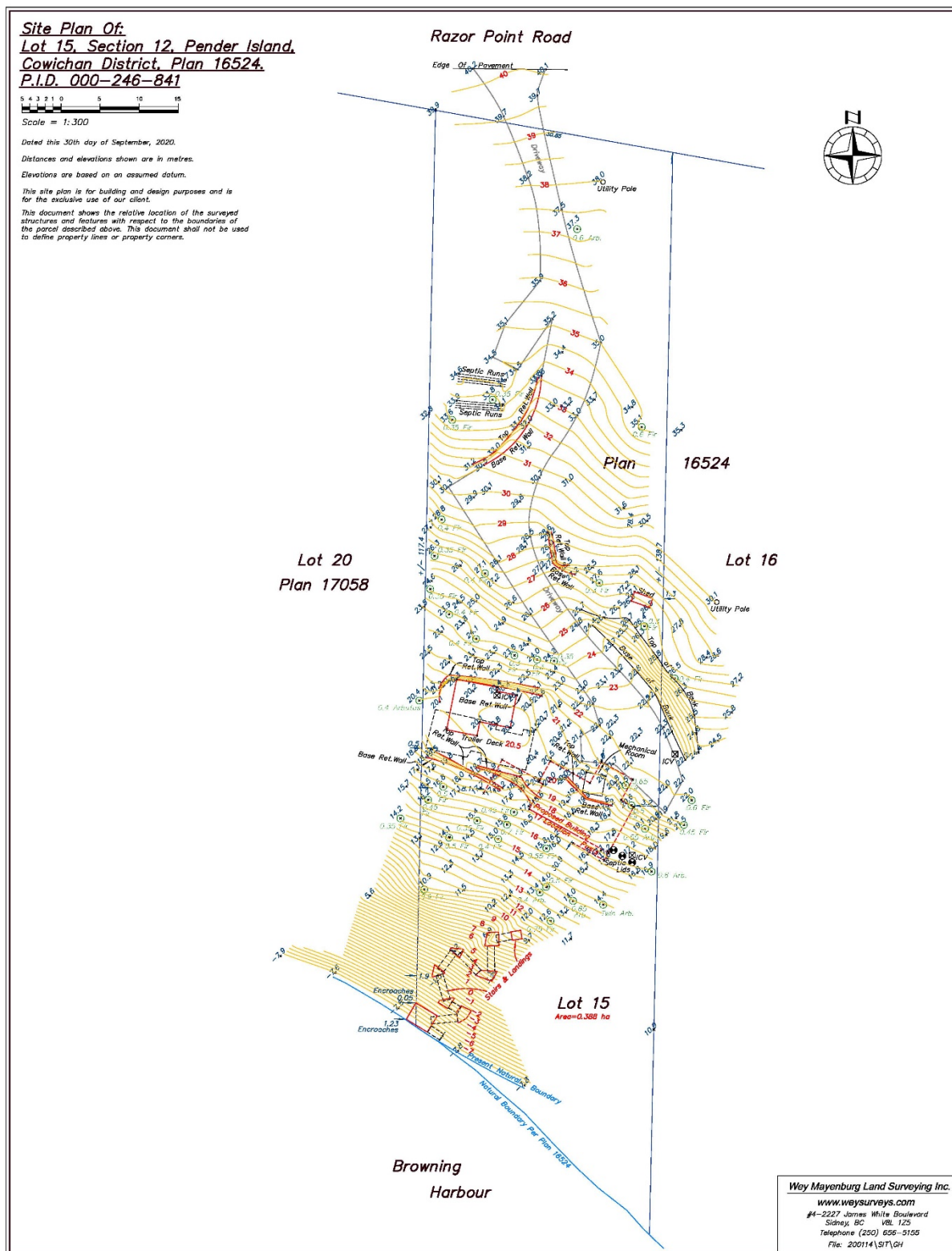
2.3 STEEP SLOPE MAPPING



2.4 SHORELINE AND MARINE ECOSYSTEMS



2. 5 SURVEY PLAN

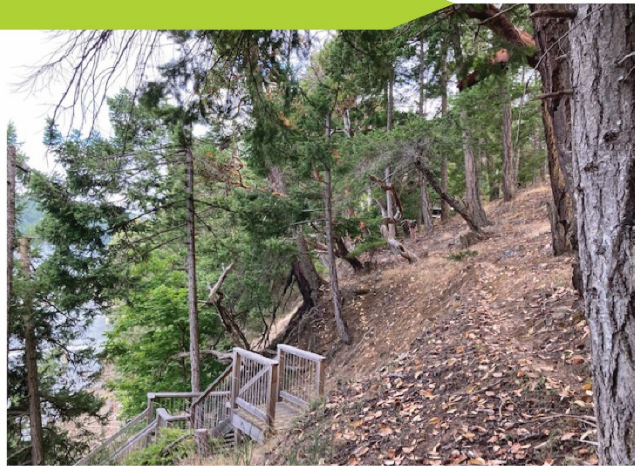


2.6 PHOTOGRAPHS

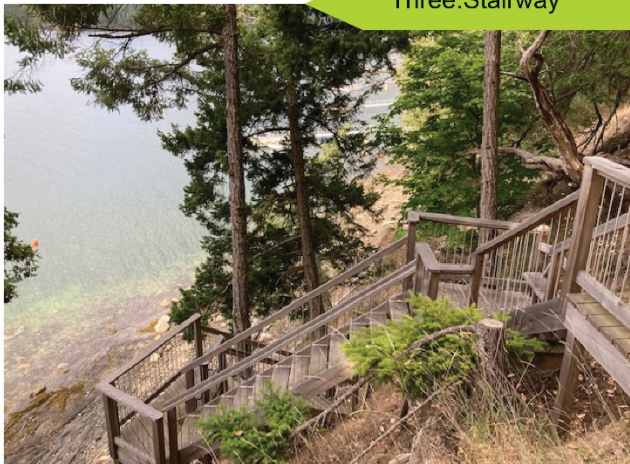
One: Woodland DPA on Property



Two: Top of Stairway Structure



Three: Stairway

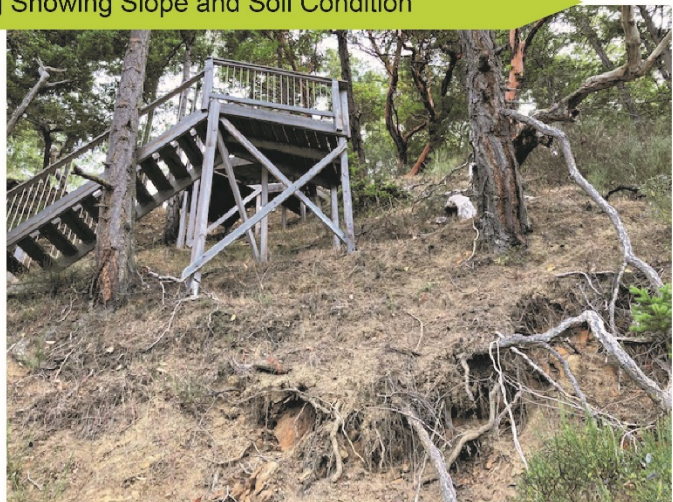


2.6 PHOTOGRAPHS (CONT'D)

Four: Landing to be Partially Deconstructed



Five: View Upward from Landing Showing Slope and Soil Condition



Six: Landing from Foreshore Area



DPA Checklist: NP-DP-2020.3 (Hoyland & Brown)
Access Stairway (retroactive); Deconstruction (partial) and Restoration

Guidelines	Comments
<i>Overall DPA Guidelines</i>	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Yes
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	The DPA is designated across the width of the property. The current location is the only feasible route to locate access stairs given topography. The stairs generally followed previous route of stairs.
3. The area cleared and disturbed for development should be minimized.	Yes. The stairs generally followed previous route of stair.
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Yes.
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	Yes.
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Yes
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	Yes
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Yes.

Guidelines	Comments
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Condition to use native plants in draft DP.
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	Condition in draft DP.
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Condition in draft DP.
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	N/A
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	N/A
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	Yes. Deconstruction condition in draft DP.
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	Yes
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	N/A
17. The permit conditions may include:	
a) the construction of permanent or temporary fencing around sensitive features;	No
b) fencing, flagging and posting of notices during construction;	Yes condition in draft DP.

Guidelines		Comments
c) limits on blasting in sensitive areas;		N/A
d) limits on construction timing;		Yes, condition in draft DP.
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;		
f) restoration or enhancement of disturbed sensitive ecosystems and habitat		Yes, conditions in draft DP.
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.		N/A
<i>Woodland Ecosystem Guidelines</i>		
1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated understorey vegetation should be protected.		Yes, condition in draft DP.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.		Yes, condition in draft DP.
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.		Not a condition in draft DP.
4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.		Yes, condition in draft DP.
5. Denning and nesting sites or rare, threatened or endangered species should be protected.		N/A
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow existing contours of the site, utilize small concrete pilings and have gaps between boards.		Yes



DEVELOPMENT PERMIT AREA ASSESSMENT REPORT

Lot 15, Section 12, Plan 16524, Pender Island
6604 Razor Point Rd, Pender Island, BC
PID: 000-246-841

January 6th, 2021

Prepared For

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Victoria, BC
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Summary

This report has been prepared for Lot 15, Section 12, Plan 16524, Pender Island. The report provides an assessment of the impacts from the construction of a set of stairs that provide access to the foreshore on a sensitive woodland ecosystem designated under Sensitive Ecosystems Development Permit Area 1: Woodland Ecosystems of the North Pender Island Official Community Plan (Bylaw 171, 2007). The report provides an ecological description of the site, defines the location of the sensitive ecosystems based on ground level assessment, provides a description of the existing and potential development, and makes recommendations for minimizing disturbance to ecological values. The report includes the checklist for DPA 1.

The development includes the de-construction of a portion of a small landing at the base of the staircase that extends onto the adjacent property to the west.

Recommendations were made to minimize further disturbance to the sensitive woodland ecosystem and to complete minor restoration planting to help promote slope stability and the health of the rare woodland vegetation community.

Site Plan Of:
Lot 15, Section 12, Pender Island,
Cowichan District, Plan 16524,
P.I.D. 000-246-841

scale = 1.300

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

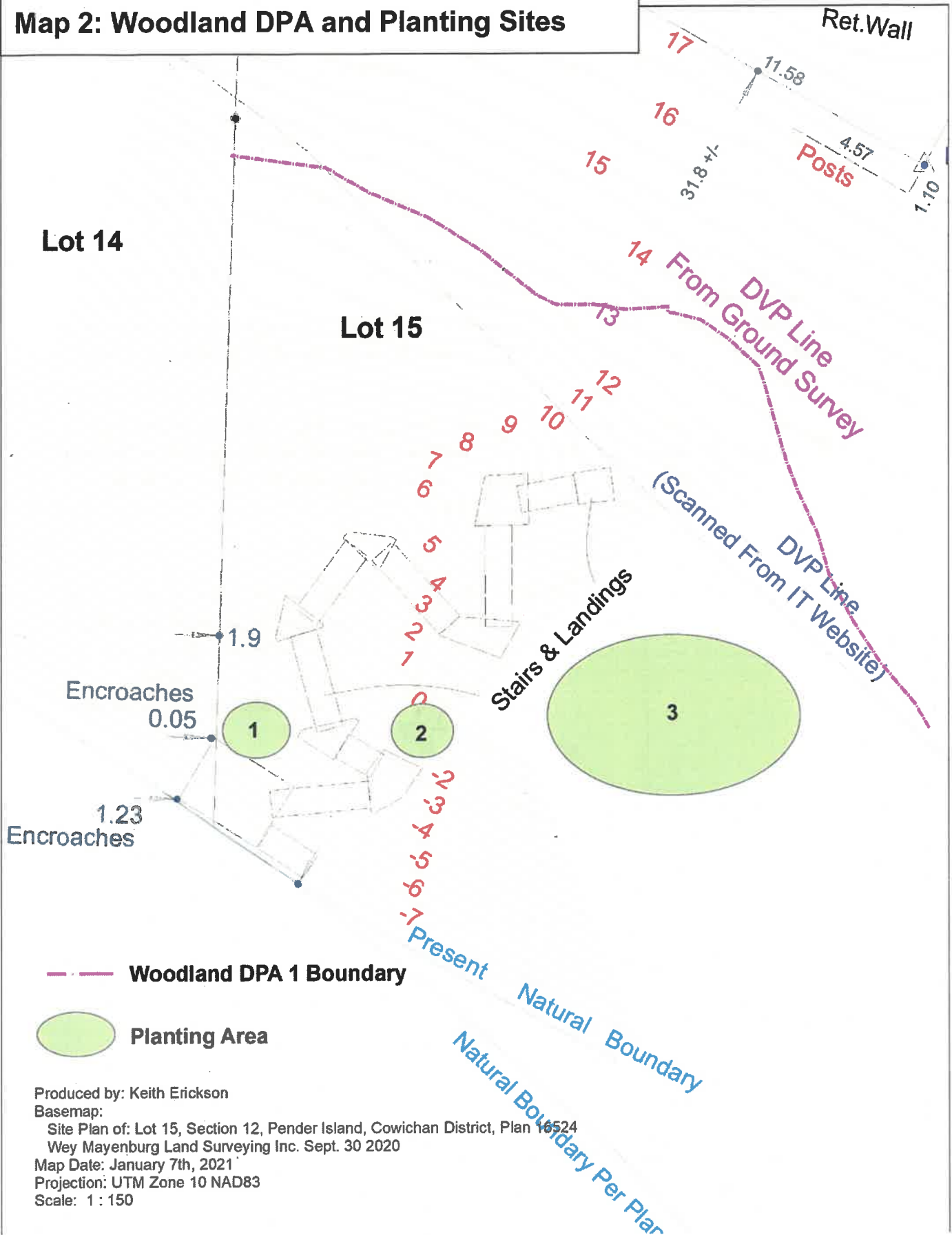
1998 2. Fahren



Lot 15
Area=0.368 ha

Wey Mayenburg Land Surveying Inc
www.weysurveys.com
at 1200 Avenue White Road, 1000
Surrey BC V4L 1Z8
Telephone (604) 666-9360
Fax 604-666-9364

Map 2: Woodland DPA and Planting Sites



Description of Land Alteration / Development

Stairs accessing the foreshore from the building site have existed for decades. In December 2016, the original, then deteriorating set of stairs was replaced with a new construction. No development permit was obtained at the time of the new construction. The location of the current stairs and landings are shown below in Figure 1. While constructed in the same, general location, the new stairs did not follow the precise route of the originals, and established a number of new (more secure) footings. A

The landowner proposes to reduce the size of the lowest landing by 83" (2.11M) in order to remove any portion that crosses the property line (see Figure 1). The current landing is 126" wide x 96" deep and this will reduce the width to 43". It is not practical to reduce the depth as it would require pouring an additional footing to support the structure. Also proposed is the removal of all old cement footings from the beach.

The stairs and landings currently encroach on the neighboring property by 1.23M and the proposed reduction will put them 0.88m from the property line at the most southerly point and 2.1m at the most northerly point. The landowner is requesting a variance for the area of stairs/landings that remain encroaching on the property line setback.

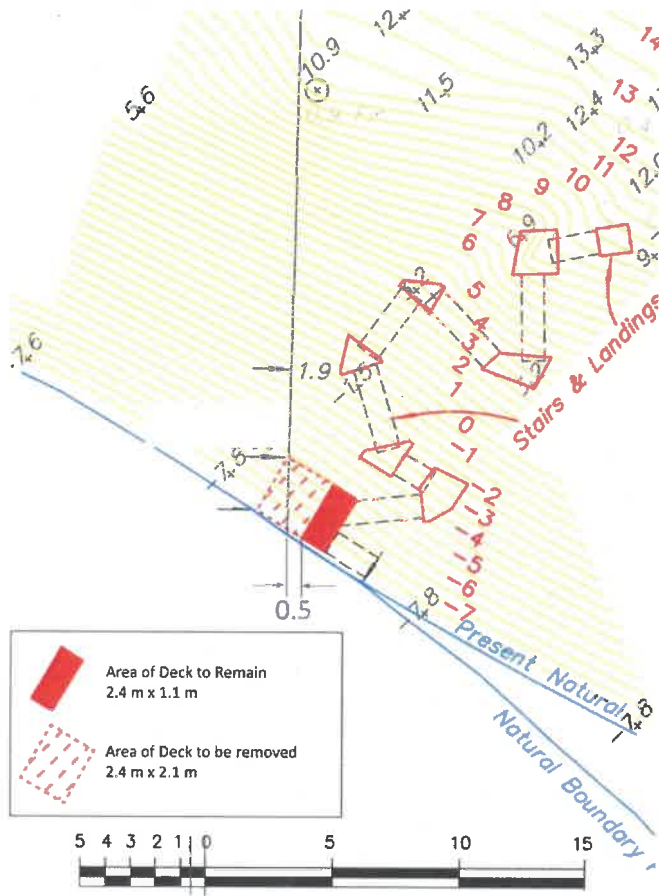




Photo 1 (left): Looking along the western property boundary from the beach. The boundary runs through the pink foam on the back-left corner of the deck, up the slope just to the left of the Douglas-fir tree. The alteration will remove the left footing and roughly 2/3rds of the deck. The new footing will be located roughly below the red cloth at the bottom of the photo.

Photo 2 (below left): Footings from old lower deck on beach.

Photo 3 (below): Shows old, compromised footings (circled) in relation to current deck location.



Site Inventory

Terrestrial Ecosystem Description

The assessment area is characterized by a single ecological community according to slope position, soils, and observed vegetation. The description below is based on observations from a site visit conducted on January 6th, 2021. The boundary of the ecological community is shown on Map 2. A ground-based inventory was conducted for the area extending from the shoreline to the slope break where the grade becomes less severe and the sensitive woodland ecosystem transitions to a forest ecosystem with a more contiguous tree canopy. The site inventory is not a comprehensive assessment of the entire property. The site inventory of the woodland ecosystem was limited due to extreme slope - a significant portion of the area could not be accessed directly for safety reasons; and, by the time of year – many plants are not readily identifiable or present during winter months.

The format for the description of ecosystem types has been adapted from the Field Manual for Describing Terrestrial Ecosystems - Site and Vegetation forms (Land Management Handbook #25 2nd Edition, BC Ministry of Environment, Lands, and Parks / BC Ministry of Forests, 2008. Percent cover estimates for vegetation provide a general sense of the relative abundance of species. Site series were determined from an examination of soils and vegetation and are based on the Field Guide to Site Identification and Interpretation for the Vancouver Forest Region (Land Management Handbook #28, BC Ministry of Forests Research Branch, 1994). Site Series were also referenced with data from the 'Terrestrial Ecosystem Mapping of the Coastal Douglas-fir Biogeoclimatic Zone' (2008, Madrone Environmental Services).

General Site Description:

The site rises out of Browning Harbour on a very steep, south-southwest facing slope with shallow soils characterized by sparse, mature Douglas-fir and arbutus trees with a grass and Scotch broom dominated ground cover along with significant areas of soil erosion and exposed bedrock. At roughly 20m above sea level the slope becomes more gradual, and the tree canopy becomes more dense shifting from a CDFmm/03 Douglas-fir – oniongrass woodland ecosystem to a CDFmm/01 Douglas-fir - salal forest ecosystem. The stairs are located entirely within the open woodland ecosystem.

Further up slope, roughly 10m from the boundary of the woodland ecosystem, the proposed house site has been cleared and excavated in preparation for construction.

Ecological Community 01 (EC 01)

This is a mature Douglas-fir (*Pseudotsuga menziesii*) – Alaska oniongrass (*Melica subulata*) woodland ecosystem growing on a very steep, southwest facing slope along the shoreline of Browning Harbour. The Douglas-fir canopy covers roughly 10% of the site and is comprised mostly of old-growth trees. There are a few scattered arbutus (*Arbutus menziesii*) trees comprising roughly 2% cover. Dominant understory vegetation in this community includes Scotch broom (25% cover) and hairy honeysuckle (*Lonicera hispidula*) (5% cover) in the shrub layer and a variety of grasses (35% cover) including Alaska oniongrass, blue wildrye (*Elymus glaucus*) and some invasive agronomic species. Vegetation is patchy and concentrated in areas where soil is stable. Soil erosion is significant with large bare patches (50%

cover) where the surface is either sloughing or the entire soil layer has slid to the bottom of the slope, exposing the bedrock beneath.

Soil is comprised of a thin veneer of rich, sandy loam with a high coarse fragment content, over top of shale bedrock with sandstone seems. Soil depth is variable, mostly less than 30cm with a few scattered deeper pockets.



Other vegetation species observed include: bigleaf maple (*Acer macrophyllum*), oceanspray (*Holodiscus discolor*), falsebox (*Pachistima myrsinites*), stonecrop (*Sedum spathulifolium*), cleavers (*Galium aparine*), vetch (*Vicia sp.*), Pacific sanicle (*Sanicula crassicaulis*), hairy cat's ear (*Hypochaeris radica*), tarweed (*Madia sp.*), big-leaved sandwort (*Moehringia macrophylla*).

Slope: steep (100%)
Aspect: South-Southwest
Site Series: CDFmm/03
Tree: 12%
Shrub: 25%
Herb: 35%
Moss: 3%
Exposed Soil / Bedrock: 50%

Photo 4: Shows the ecological community with a more stable, Scotch broom and grass dominated area on the upper left and an area of erosion and less stability in the lower half of the photo (note exposed Douglas-fir roots where soil has slid downslope).



Photo 5: Looking up from the beach – shows area of erosion and exposed bedrock on right in relation to stairs on left. Note sparse vegetation established on erosion area indicating some stability, at least in the short-term.



Photo 6: Looking down from the top of the slope - shows more stable soils with established Scotch broom and grass dominated understory.



Photo 7: Looking from east property line across the slope where the woodland ecosystem transitions into the CDFmm/01 forest ecosystem. Note the old-growth Douglas-fir trees. Top of the stairs is circled.

Sensitive or At-Risk Species and Ecosystems

Observed Ecosystems-at-risk:

Scientific Name:	<i>Pseudotsuga menziesii</i> / <i>Melica subulata</i>
English Name:	Douglas-fir / Alaska oniongrass
Global Status:	G1
Provincial Status:	S1 (Feb 2018)
BC List:	Red

Observed Species-at-risk:

Scientific Name:	<i>Ardea herodias fannini</i> Chapman, 1901
English Name:	Great Blue Heron, <i>fannini</i> subspecies
Global Status:	G5T4 (Apr 2016)
Provincial Status:	S2S3B, S4N (Feb 2018)
BC List:	Blue
COSEWIC Status:	Special Concern (Mar 2008)

No other species-at-risk were observed during the site visit (seasonally appropriate, targeted surveys were not completed).

No BC Conservation Data Centre species-at-risk records or critical habitat for Federally listed species-at-risk (Environment Canada) were identified to occur on or nearby the property (iMapBC, Jan 7, 2021).

No raptor or heron nests were observed.

Erosion and Slope Stability

Natural erosion processes are active within the steeply sloped, woodland ecosystem. Tree cover and related root systems clearly provide slope stability. However, if a tree is uprooted due to wind, the resulting slope stability is drastically affected with related 'slides' and bedrock exposures observed on the subject property as well as on adjacent properties.

Shrub and herbaceous cover is also limited in steeper areas where soil is subject to more erosion and sloughing.

Soil stability is sensitive to disturbance, whether from naturally occurring windthrow or human foot traffic.

Hydrology

There was no water course or channeled surface water flow directly observed or evidence of such surface water flow observed on the slope. Minor seepage was observed at the base of the slope, within a meter of the beach, underneath the lower deck that is proposed for alteration.

Conservation Evaluation

Ecological Community 01 includes old-growth trees and is characterized by an endangered woodland ecosystem and should be considered as an "environmentally valuable resource" (in accordance with 'Develop With Care - Environmental Guidelines for Urban and Rural Land Development in British Columbia', Section 4 Environmentally Valuable Resources, 2014). However, the area has been heavily impacted from the small lot residential subdivision and resulting human development and use (houses, stairs, landscaping, recreation etc.) and the related spread of invasive exotic species.

Adjacent Land Uses

The property is part of a residential neighbourhood. Adjacent properties are developed with residences and related accessory buildings. Residences on the two adjacent properties are also located along the same ridgeline. All adjacent properties also appear to have private staircases to access the shoreline.

Impact Assessment

Replacement of the original stairs in 2016:

The replacement of the original stairs does not appear to have contributed significantly to soil erosion or caused additional damage to the ecology of the Woodland DPA. Evidence of minor soil disturbance was limited to the areas immediately surrounding newly established footings and the portion of the lower landing that butts into the slope.

Most of the stairs and landings are constructed several feet above the ground surface, allowing adequate light for herbaceous and low shrub plant growth.

Footings of the original stairs that were not used for the new construction appear to have been left in place and do not pose a threat to the health of the ecological community.

Removal of a portion of the lower landing to adjust for property boundary:

The proposed removal should not cause any significant impacts to the Woodland DPA provided recommendations from this report are incorporated into the construction process.

Recommendations

Construction Management

1. Minimize disturbance to the site. It is recommended that property boundary setbacks are varied rather than requiring the construction of additional new footings, sections of stairs or landings.
2. Leave old footings in place – removal will decrease slope stability.
3. Remove old footings piled on the beach.
4. Use the existing stairs for construction access.
5. Do not step on, or store materials anywhere on the DPA slope. Restrict access, work areas and material / tool storage to the existing stairs and landings, and the beach.
6. When removing the portion of the deck that butts into the slope, take care not to disturb soils above the joist – use landscape fabric to secure soil and vegetation temporarily while working.
7. Deconstruction should occur during dry weather and not during periods of prolonged rainfall.
8. All contractors and construction personnel are to be notified of the location of the DPA and the conditions of this permit by providing copies to the contractor.



Photo 8: Area directly above deck is susceptible to soil disturbance and erosion.

Restoration

9. Slope stability appears to be linked with vegetation and tree rooting zones. Areas where trees are growing appear less prone to erosion and support more significant shrub and herbaceous cover. Helping to establish a few additional Douglas-fir trees on the site could help to promote slope stability and the health of the understory vegetation community. Planting areas are shown on Map 2 and in the photos below.
 - 1) Establish 2 x Douglas-fir seedlings behind the Scotch broom located directly above the portion of the lower landing being removed.
 - 2) Establish 4 x Douglas-fir seedlings above second landing from the bottom.
 - 3) Establish 6 x Douglas-fir seedlings in Scotch broom dominated area above exposed bedrock.
10. Seed area directly above the portion of the lower landing being removed with a native grass mix that includes Alaska oniongrass and blue wildrye.



Photo 9: Taken from the beach looking up the slope – shows planting area ‘3’ in red.



Photo 10: Taken from the stairs looking down to the beach – shows planting area '2' in red and '1' in orange.

Monitoring

11. The authoring QEP will be retained as project environmental monitor by the landowner. The environmental monitor will be available to provide guidance in fulfilling the requirements of this report. Monitoring will be carried out to ensure:
 - Restoration is complete.
12. The authoring QEP will verify the points above through a site visit or through photos provided by the landowner. If required they can provide a signed letter of confirmation, or, a letter outlining further mitigation measures that must be taken to address any insufficiencies.

File No: _____

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
Site Plan	Information and Documentation Required	✓	
	a legal survey, containing the following:	✓	
	▪ The proposed development and associated features	✓	
	▪ The development permit area boundary	✓	
	▪ Existing buildings and structures	✓	
	▪ Roads and driveways	✓	
	▪ Topographic features	✓	
	▪ Significant features identified in the site inventory	✓	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	*	
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: ▪ existing plant communities ▪ marine, aquatic and terrestrial habitats ▪ sensitive ecosystems ▪ nesting trees ▪ the presence of rare species and rare plant communities ▪ current on-site and adjacent land uses ▪ slope stability ▪ erosional processes ▪ hydrology and flood potential ▪ topography	✓	
	Site background analysis that includes the following known information: ▪ A check for observed species and ecosystems at risk ▪ A description of the context of the site including the use of adjacent lands and proximity to protected areas ▪ A check for the presence of raptor and heron nests ▪ A check for the presence of fish-bearing water courses	✓	
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard	✓	
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	✓	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following:		
	▪ Sensitive ecosystems	✓	
	▪ Rare plant communities	✓	
	▪ Rare species habitat	✓	

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	▪ Site hydrology	✓	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area	✓	
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features	✓	
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.	✓	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance	✓	
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development	✓	

*Site profiles and cross-sections were not required by Planner P. Testemale.



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
NP-DP-2020.3**

To: Steve Hoyland and Jessie Brown

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

Lot 15, Section 12, Pender Island, Cowichan District, Plan 16524
(PID: 000-246-841)

2. This Development Permit NP-DP-2020.3 authorizes the retroactive construction of a stairway structure, the partial deconstruction of the 'lower deck' of that structure, and restoration planting within Development Permit Area ("DPA") 1 – Woodland Sensitive Ecosystems Development Permit Area, subject to the following requirements and conditions:

Riparian (Upland) Area

General

- a. All construction shall be substantively consistent with Schedules 'A' & 'B', attached to and forming part of this permit.
- b. No other construction or disturbance other than the deconstruction of a of 5 m² portion of the lower deck and removal of existing footings on the beach is permitted in the DPA.

Construction Management

Note: Given the precipitous and potentially unstable slope condition over portions of the DPA, the applicant and any contractor is encouraged to undertake any restoration work with the upmost caution. If the prescribed planting areas cannot be safely accessed, the owners should consult with the monitoring QEP to find alternate, suitable planting sights.

- c. All contractors and construction personnel are to be notified of the DPA location and the conditions of this development permit by providing copies to all contractors.
- d. The deconstruction of a portion of the lower deck is to be undertaken predominately by hand and in manner that does not disturb the sensitive woodland ecosystem or the marine foreshore environment.
- e. Old footings piled on the beach should be removed.
- f. Old footings on the upslope area shall remain in place.
- g. Access for construction shall use the existing stairway exclusively.
- h. There shall be no pedestrian or machine access to the DPA other than via the established pathway and stairway, nor any contact with existing mature trees in the DPA in general.
- i. There shall be no storage of construction materials, waste, or tools for the deconstruction other than on the existing stairway, landings or the beach.
- j. Deconstruction should be undertaken only during dry weather and not during times of prolonged rainfall.
- k. There must be no deposition into the DPA of any materials from the construction process such as rock, soil or vegetation.
- l. A spill control kit shall remain on site for the entire deconstruction period.

Slope Erosion Control

All necessary measures to protect the integrity of the steep slope must be used by the property owners and contractors throughout and after the construction process, specifically:

- m. Old footings on the upland portion of the site shall remain in place.
- n. Care should be taken when removing the portion of the lower deck that butts into the slope, ensuring that soils above the joist are not disturbed by using landscape fabric to secure soil and vegetation temporarily while working.
- o. Within the DPA, standing trees and standing dead trees ('snags') and natural vegetation shall not be removed to assist in preventing erosion of the steep slope, and to encourage water uptake.
- p. In order to minimize soil disturbance, the removal of invasive plants within the DPA should be undertaken in a manner that minimizes soil disturbance by cutting above-ground growth, which should be removed on a continual basis, over multiple growing seasons.
- q. On the upland portion of the property upland and outside of the DPA, the retention of standing trees and snags and natural vegetation is encouraged to assist in preventing erosion of the steep slope from overland runoff, and to encourage water uptake and minimize soil saturation.
- r. Storm water drainage and rain water collection for any upland development on the property should be directed away from the DPA to the extent practical.
- s. To offset peak flows, overland flow and soil saturation, the installation and maintenance of a non-potable rainwater collection system (barrels or cistern connected to residential and accessory building rainwater leaders) is encouraged.

Protection of Existing Trees and Vegetation

- t. All trees shall be retained and native plant species shall remain undisturbed within the DPA.
- u. Snags shall be left in the DPA to provide habitat.
- v. The removal of invasive plant species (i.e. Scotch broom, spurge-laurel Common periwinkle, English Ivy, Himalayan and cutleaf blackberry) in the DPA and on the subject property as a whole is encouraged.
- w. Any removal of invasive plants should be replaced immediately by native species of trees and shrubs to encourage ecosystem restoration and soil stability.

Restoration Planting

Slope stability appears to be linked with vegetation and tree rooting zones. Areas of the site where trees are growing appear less prone to erosion and support more significant shrub and herbaceous cover. Helping to establish a few additional Douglas-fir trees on the site could help to promote slope stability and the health of the understory vegetation community.

- x. In Planting Area 1 as shown in Schedule 'B':
 - i. Two (2) x Douglas-fir seedlings should be established behind the Scotch broom located directly above the portion of the lower landing being removed.
 - ii. The area should be seeded with a native grass mix that includes Alaska oniongrass and blue wildrye.

- y. In Planting Area 2 as shown in Schedule 'A' four (4) x Douglas-fir seedlings should be established above second landing from the bottom.
- z. In Planting Area 3 as shown in Schedule 'A' six (6) x Douglas-fir seedlings should be established in Scotch broom dominated area above exposed bedrock.
- aa. All replanting should be maintained by the property owner including necessary irrigation for a period of 2 (two) years from the date of completion of the planting, or until they have reached a suitable 'free to grow' stage of 1.5 metres, to ensure survival. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season.
- bb. All replacement trees shall be protected from foraging by wildlife by the use of cages and/or netting (chicken wire, mesh etc.) until the trees are established.

Monitoring

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

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

Deputy Secretary, Islands Trust

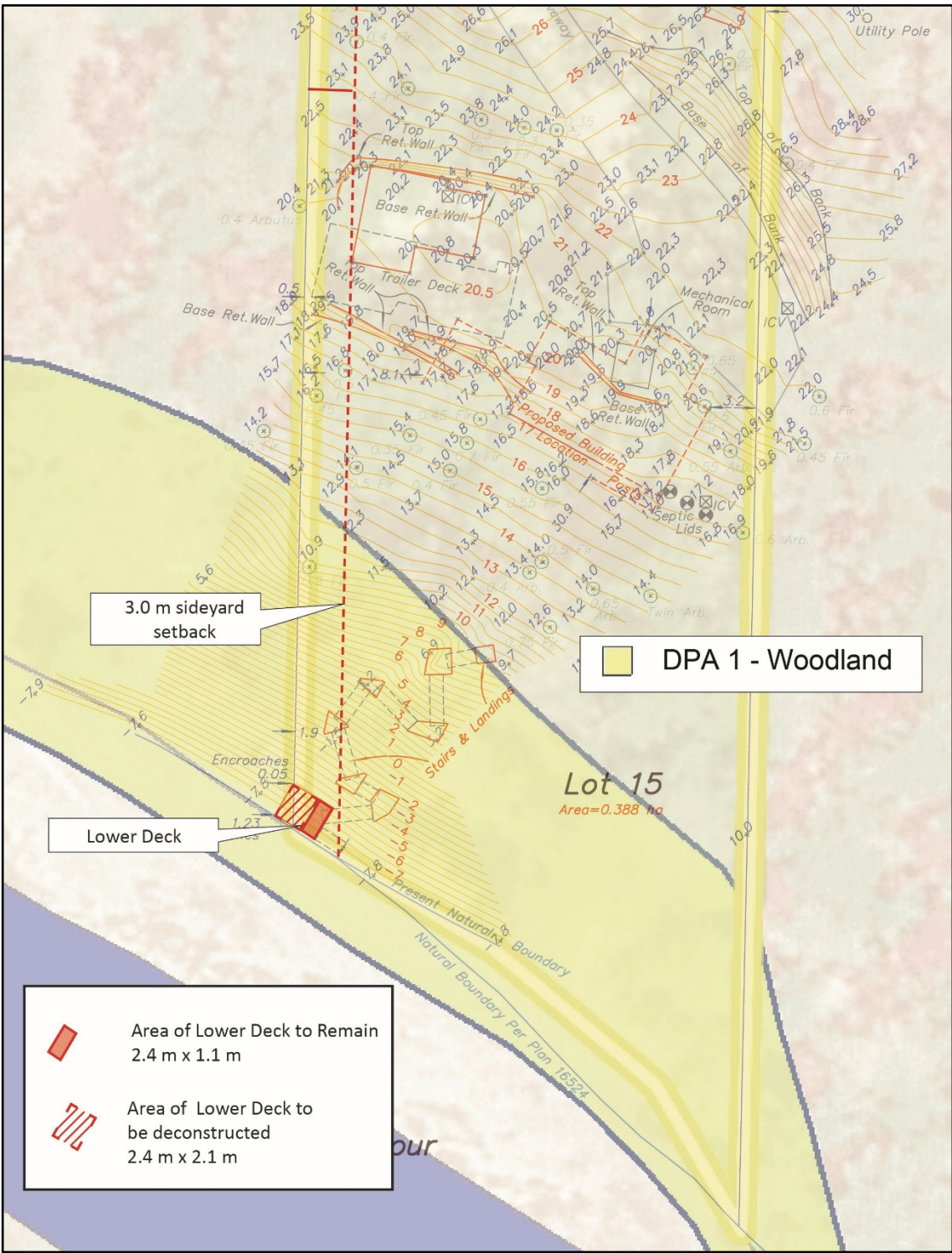
Month #, 2021
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE #rd DAY OF MONTH, 2023, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

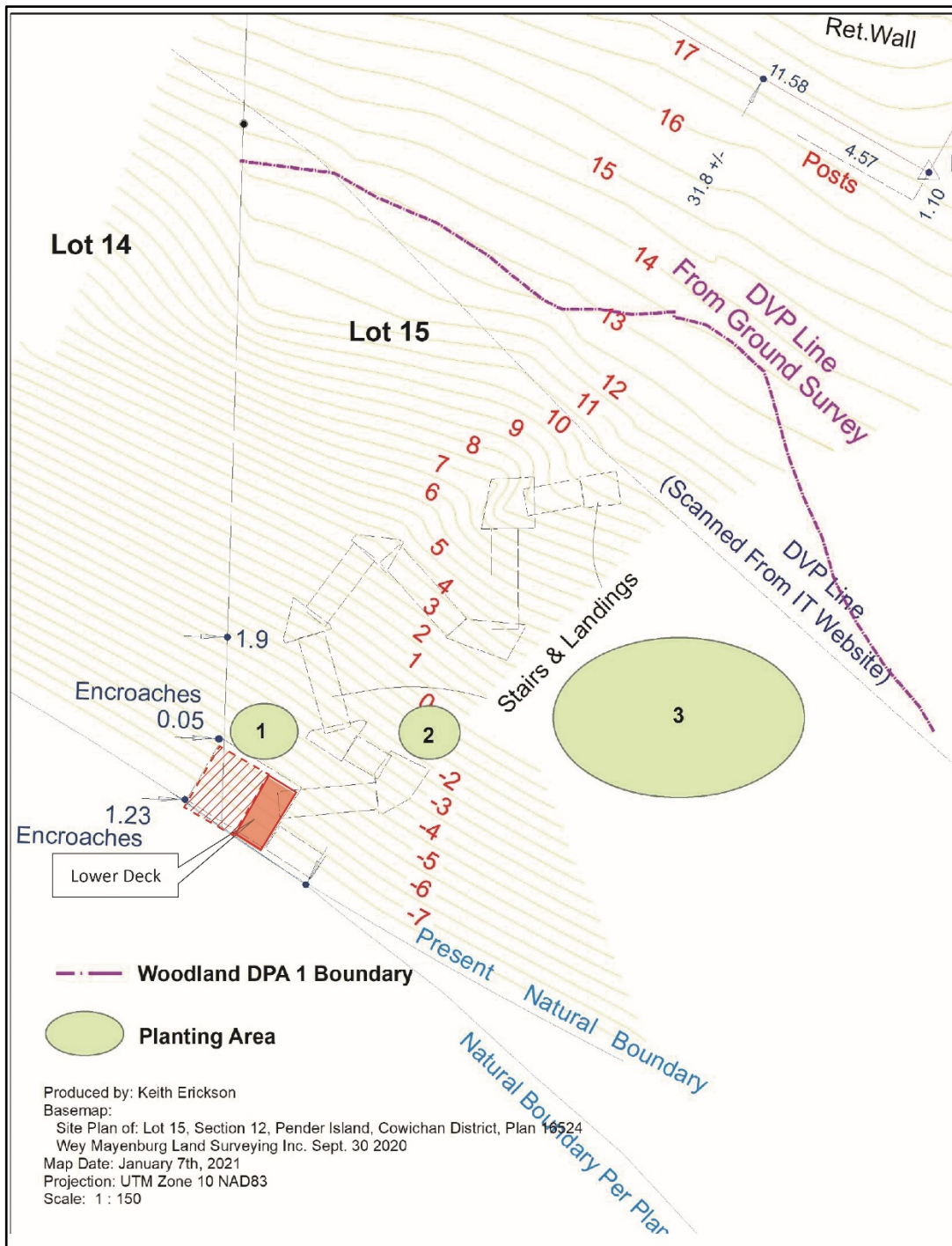
DEVELOPMENT PERMIT 2020.3

Schedule "A" (Site Plan)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2020.3
Schedule "B" (Biologist's Map)



6606 Razor Point Road
PENDER ISLAND, BC, V0N 2M1



250.880.9919
E-MAIL: RBOTTERELL@TELUS.NET

Via E-mail

March 11th, 2021

North Pender Island
Local Trust Committee
British Columbia, Canada

Attention: Benjamin McConchie and Deb Morrison

Dear Benjamin and Deb,

Re: Proposed Development Variance Permit for 6604 Razor Point Road which is legally described Lot 15, Section 12, Pender Island, Cowichan District, Plan 16524 (PID: 000-246-841) – NP-DVP-2020.5

I am writing to express our support for the 6604 Razor Point Road development variance permit application (Notice Attached).

As owners of the adjacent property we have reviewed and discussed this application with the owners of 6604 Razor Point Road. We have no hesitation in supporting the approval of this application by the Local Trust Committee.

If you have any questions, please do not hesitate to contact me at [REDACTED]

Yours truly,

[REDACTED]
ROBERT H. BOTTERELL

[REDACTED]
INGA M. NYKWIST

Cc: Steve Hoyland and Jessie Brown



Proposed

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2020.5**

To: Steve Hoyland and Jessie Brown

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

Lot 15, Section 12, Pender Island, Cowichan District, Plan 16524
(PID: 000-246-841)

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

- a) Subsection 3.7.2 which states that walkways and stairs to access a dock or foreshore are not to exceed a width of 1.2 metres is varied to permit five (5) stair landings up to 1.75 metres in width; and,
- b) Clause 8.1.5 (1) (b) which states that no building or structure may be sited within 3.0 metres of any interior side lot line is varied to permit the siting of a stairway structure within 0.5 metres of an interior side lot line.

The development shall be consistent with Schedule 'A', attached to and form part of this permit.

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

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

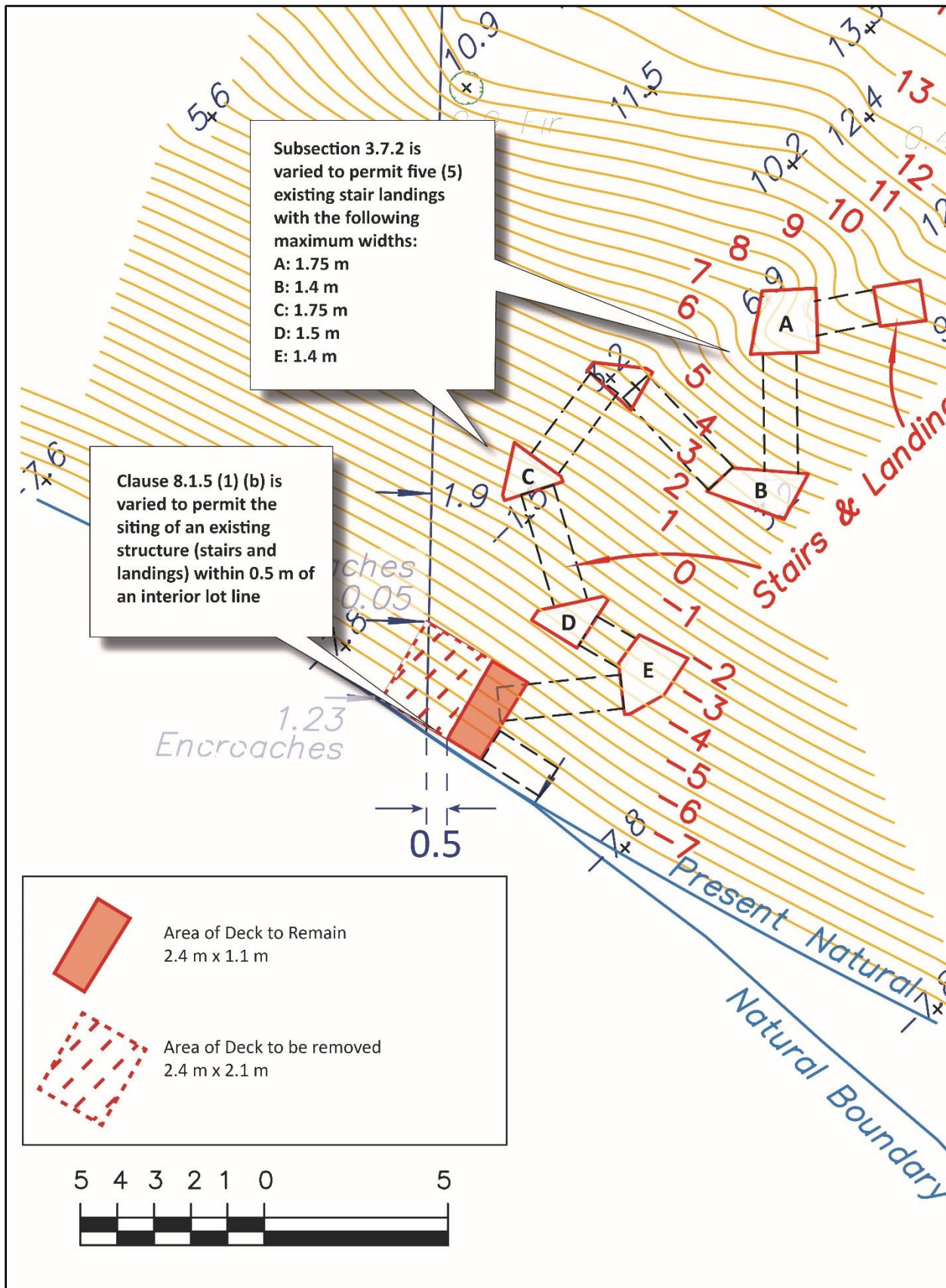
Deputy Secretary, Islands Trust

Date of Issuance

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2020.5

SCHEDULE 'A'





NOTICE
NP-DVP-2020.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

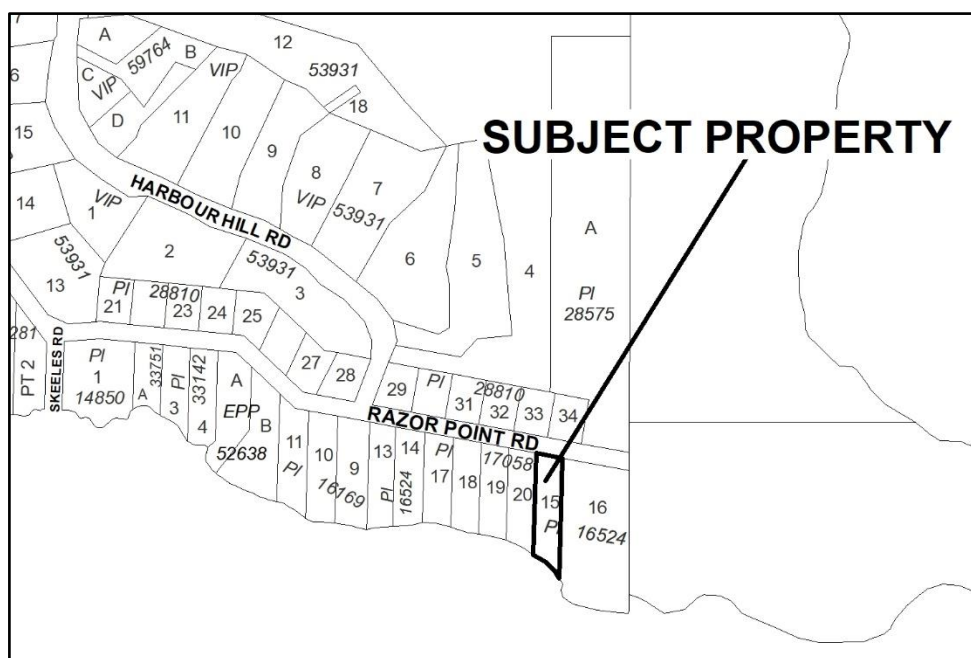
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No. 103,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

- Increasing the maximum width for landing portions of an existing stairway structure, as well as reducing the interior side lot line setback from 3.0 metres to 0.5 metres for the same stairway.

The variance is to legalize existing structures on the property.

The property is located at **6604 Razor Point Road** and is legally described Lot 15, Section 12, Pender Island, Cowichan District, Plan 16524 (PID: 000-246-841)

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 3, 2021** and continuing up to and including **February 17, 2021**.

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

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170; for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in B.C. 1-800-663-7867; or by fax at (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **February 17, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **9:00 a.m., February 25, 2021**.

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

DATE OF MEETING: March 25, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Development Variance Permit Application
Applicant: Everest MacDonald
Location: A-6618 Harbour Hill Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2021.1(MacDonald).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The variances are for the height and for a second storey of a proposed **accessory building**.

RATIONALE FOR VARIANCE

Granting the variance will:

- Facilitate the construction of an accessory building (garage and workshop) on a steeply sloping portion of the subject property.
- Allows for the most efficient use of the land by minimizing site coverage and achieving a larger floor area by using the topography and 'stacking' the building.
- Effectively limit visual impacts to neighbouring properties to that of a single storey building, and avoid further impacts by siting a second or larger building further north on the property.
- Facilitate the removal of two illegal, non-conforming accessory buildings on the property.

BACKGROUND

The current application is to vary subsection 3.4.4 of the 'General Regulations' in the North Pender Island Land Use Bylaw No. 119, 2018 (LUB) which states:

An accessory building or structure may not exceed 4.6 metres in height and one storey...

The proposed building has a height of 6.7 metres and is two (2) stories (Figure 3). The total floor area of the building would be 125.2 m² (1347 ft²) with a 68.3 m² workshop on the main (lower) level, and 56.9 m² on the upper level that includes a garage for an over height recreational vehicle, a studio space and a covered, outdoor

space that is not included in floor area total (Attachments 2.5 and 2.6). The building will not have internal stairs, nor will it have plumbing.

The subject property is located at **A-6618 Harbour Hill Road** and currently has a single family dwelling, a hot tub structure, an accessory garage and a shed. The latter two are sited in the location of the proposed new accessory building and they encroach on the side yard (Figure 2). The applicant has confirmed that these are to be removed if the variance is approved.

The dwelling was the subject of a development variance application in 2018 (NP-DVP-2018.3) for a small addition on the west side that encroaches into to the side yard setback. The owners of the subject property also own the neighbouring Lot C to the west which is vacant.

The property is a panhandle configuration and is relatively flat along the access driveway strip and where the house, septic field and other existing buildings and structures are located (Attachment 2.3). From the approximate mid point of the wide portion of the lot, the topography steepens significantly descending to the bottom of the property along Harbour Hill Road. With current buildings and structures there is limited area for a new building on the more level portions of the property. The access strip and eastern side of the property is well treed, with the areas of the dwelling and the south facing embankment being more open. The area of the proposed building will require minimal disturbance for construction, with some smaller trees being removed according to the applicant (see Attachment 2.7).

A copy of the Notice and proposed permit NP-DVP-2021.1(MacDonald) are Attachments 3 & 4.

Staff have not visited the subject property for this application.

Figure 1 – Subject Property

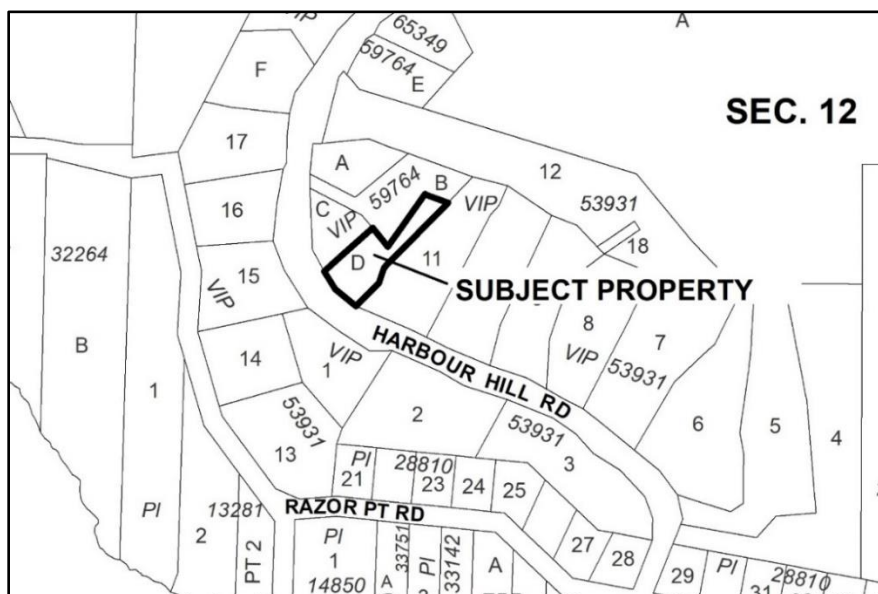
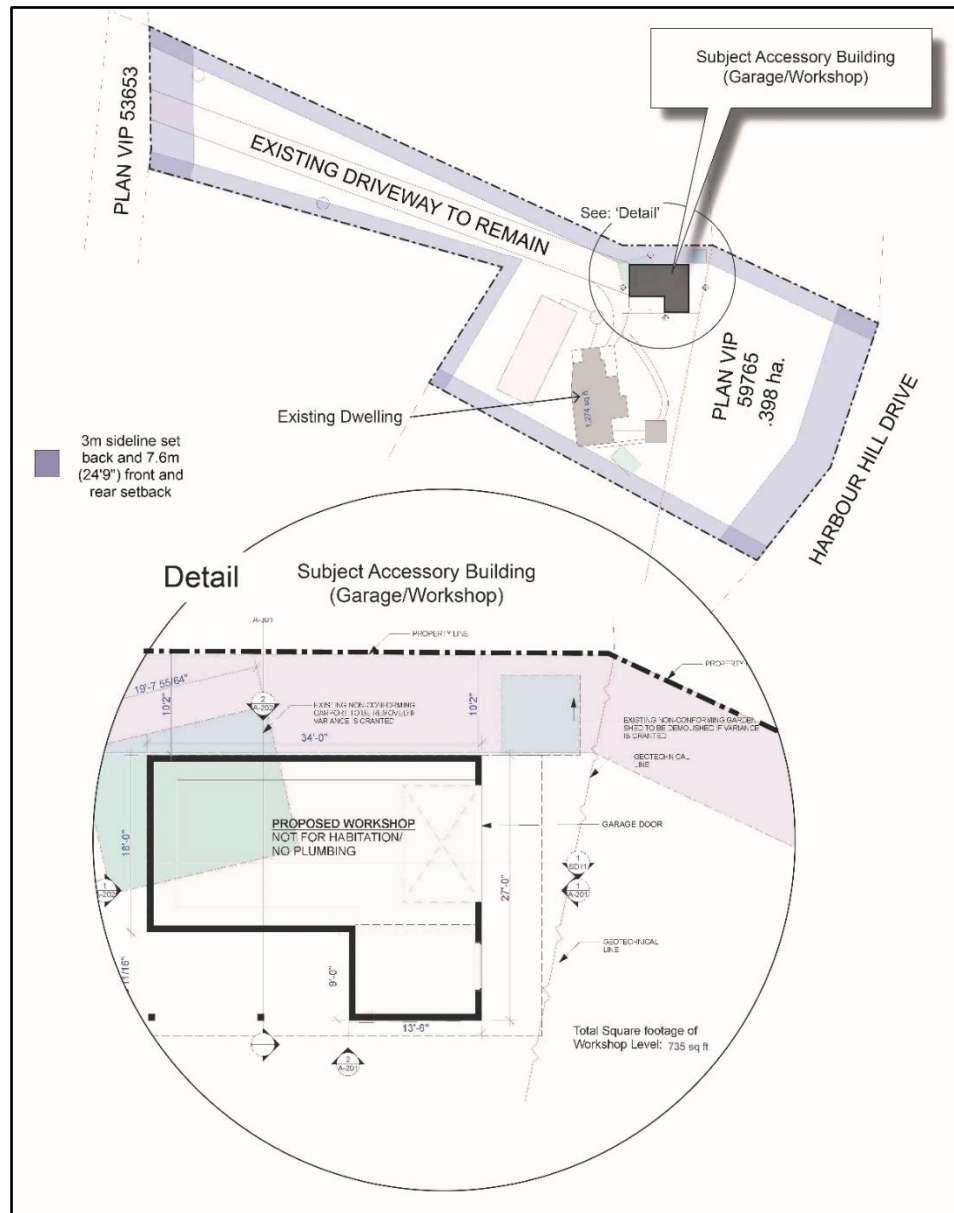


Figure 2 – Reference Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

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

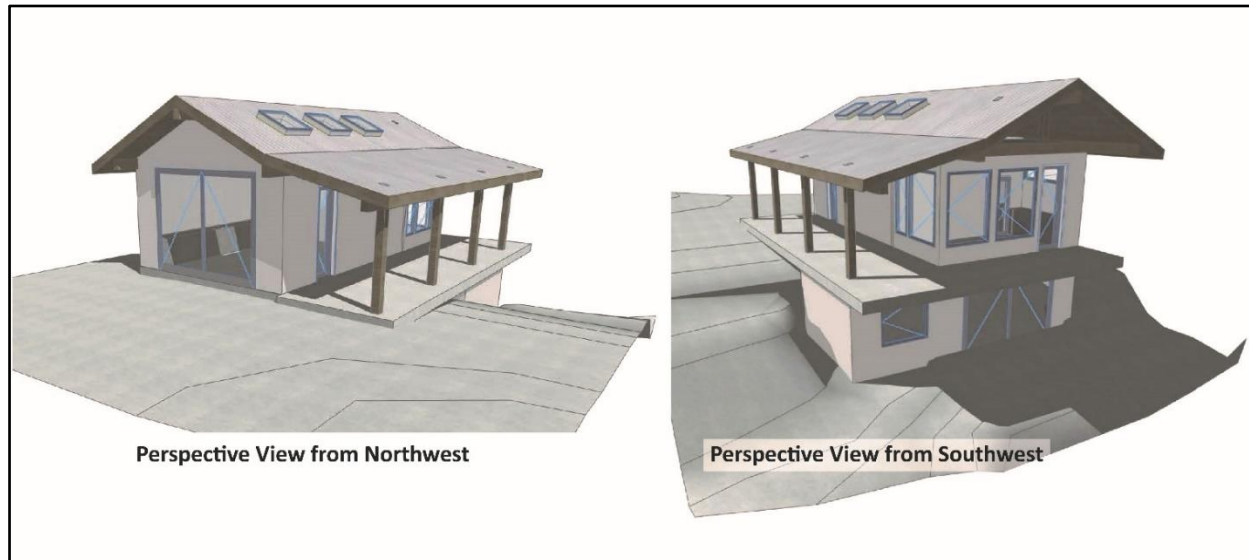
There are no **Development Permit Areas** designated on the subject property.

Land Use Bylaw:

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

The existing residential use complies with use and density provisions of the zone on the property. As above, the two illegal, non-conforming buildings (for siting) will be removed if the variance is granted, thereby bringing the property into compliance with the LUB.

Figure 3 – Perspective of Proposed Building Indicating Topography



Issues and Opportunities

Impact on Neighbouring Properties

The impacts on the neighbouring properties are minimal and for height would be no greater than the construction of the building as a single storey sited further north on the level portion of the property.

The design of the building uses the steep topography to maximize the area of the building within a reduced footprint relative to the same floor area for a single storey build.

The most directly impacted dwellings are at a minimum of 50 metres distant and the proposed building is not in a view corridor (Attachment 2.1).

Tree and vegetation removal will be limited to smaller trees and further minimized given the previously disturbed site.

The Intent of the Regulation being Varied

The overall purpose of the height and number of storey regulations are to minimize impacts on adjacent properties related to:

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

Potential Impacts of Granting the Variance

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

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March 16, 2021.

Staff have received no submissions to at the time of writing. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

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

Rationale for Recommendation

Staff is recommending that the recommendations on page 1 be supported for the following reasons:

- The rationale for the variance is reasonable, given the topographic constraints of the subject property and ability to integrate the topography into the design to achieve a larger floor area.
- The impacts on neighbouring properties are minimal,
- The proposed variance does not challenge the intent of the regulation.
- Neighbours have been notified and, to date, no submissions been received at the time of writing.

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. 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-DVP-2021.1for the follows reasons_____.

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	March 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	March 17, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit SA-DVP-2020.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot D, Section 12, Pender Island, Cowichan District, Plan VIP59764
PID	018-991-874
Civic Address	A-6618 Harbour Hill Drive

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-2018.1	Boundary Adjustment Subdivision (Subject and Lot C) – not registered
NP-BP-2018.27	Addition to existing dwelling

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). There are no Development Permit Areas designated in the OCP on the subject property.
Land Use Bylaw	The property is in the Rural Residential (RR) Zone in the LUB. The residential uses comply with use and density provisions for the zone on the property.
Other Regulations	
Covenants	EF5709 (Min. of Mun. Affairs/IT – for original subdivision density – N/A) EH121698 (NPI LTC – Phasing of overall subdivision – N/A) EH121699 (NPI LTC – Priority of EH121698 over EF5709 – N/A) EH121709 (CRD – Geotechnical – Buildable Areas)
Bylaw Enforcement	None

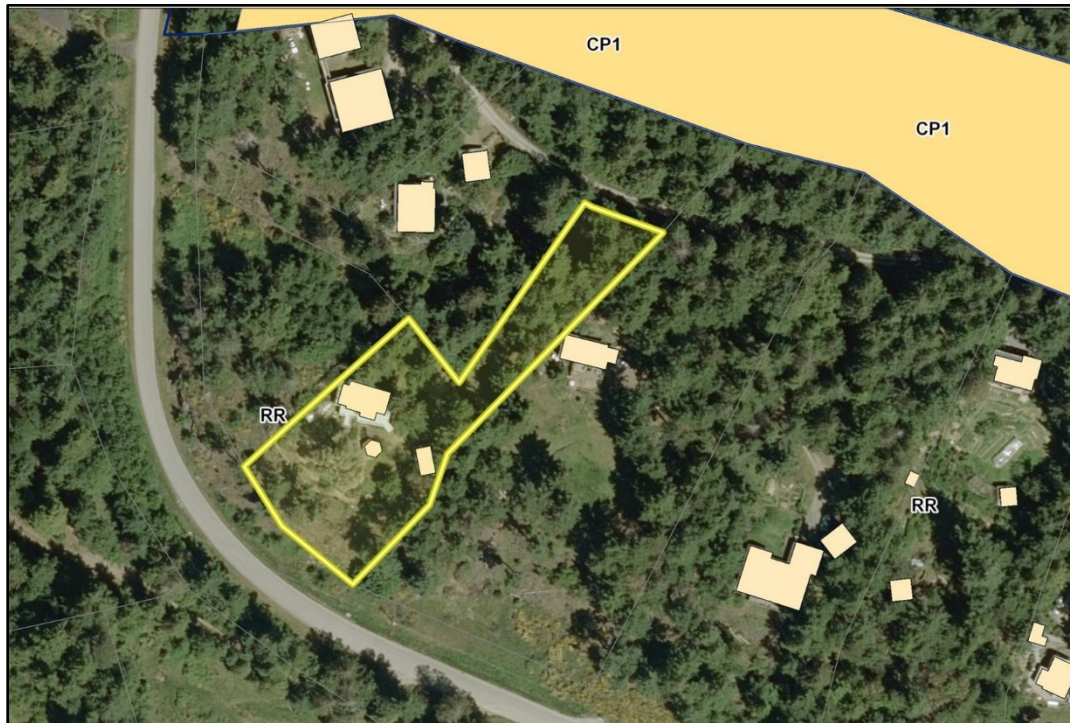
SITE INFLUENCES

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	No occurrences listed.
Sensitive Ecosystems	None
Hazard Areas	Medium and Low Risk Slope Hazard Areas shown on Attachment 2.3 – buildable areas remain for both Lot D and C with Boundary Adjustment. CRD Covenant establishes area of no build. Sizeable building site on amended Lot

	C remain.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	GHG emission changes resulting from approval would be for a new accessory building on a previously disturbed area of deck and therefore minimal . Elevation and proximity to ocean limits potential impacts on proposed development from anticipated or possible climate change induced hazards (e.g. sea level rise).

ATTACHMENT 2 – MAPS & PLANS

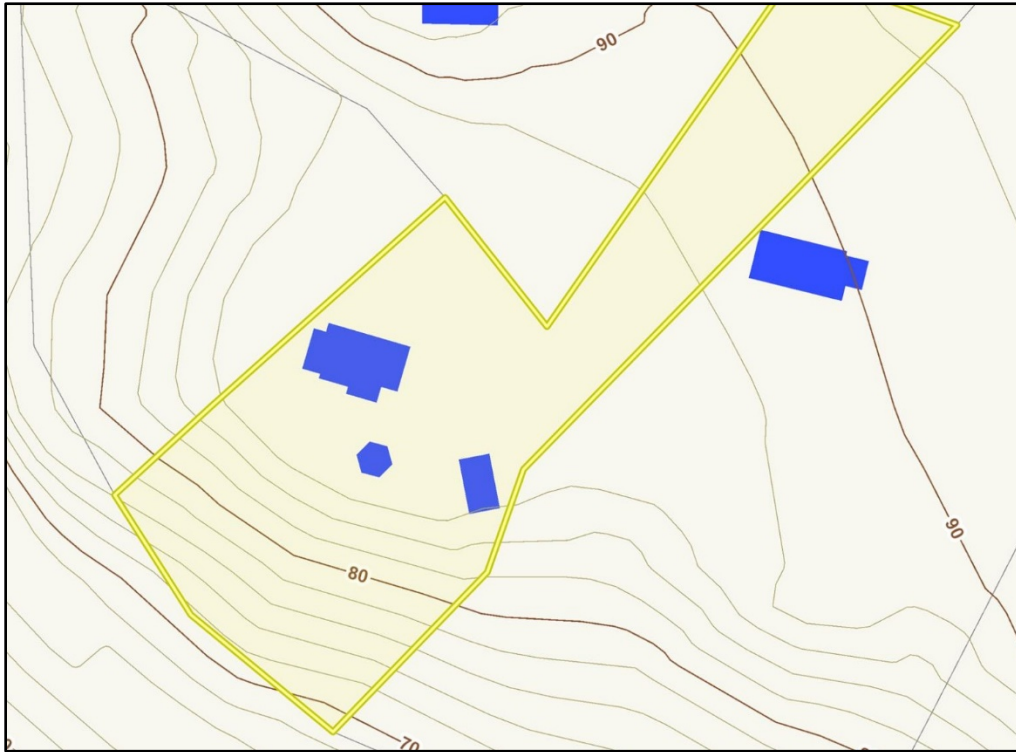
2.1 ORTHOPHOTO WITH ZONING



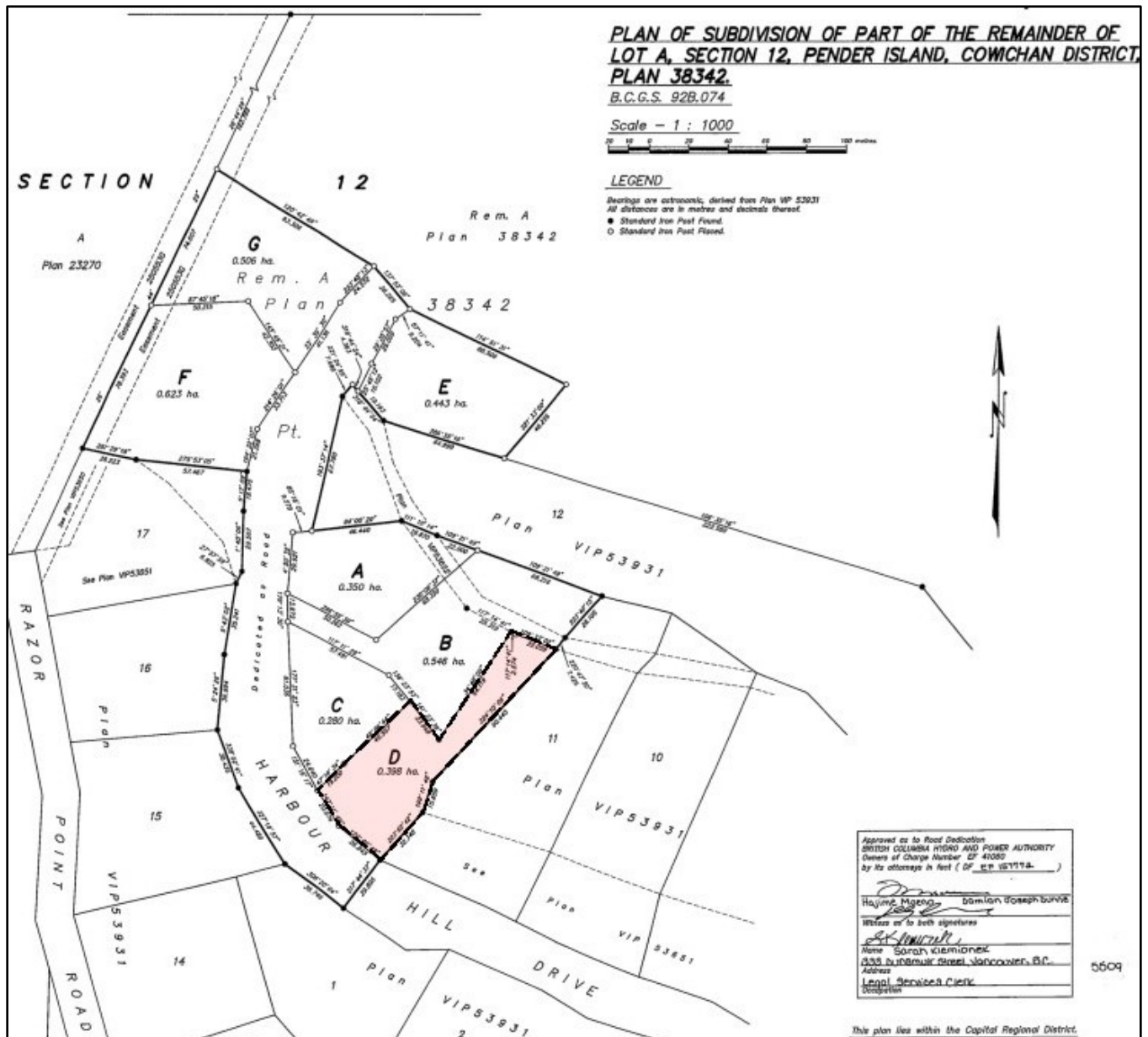
2.2 STEEP SLOPE MAPPING



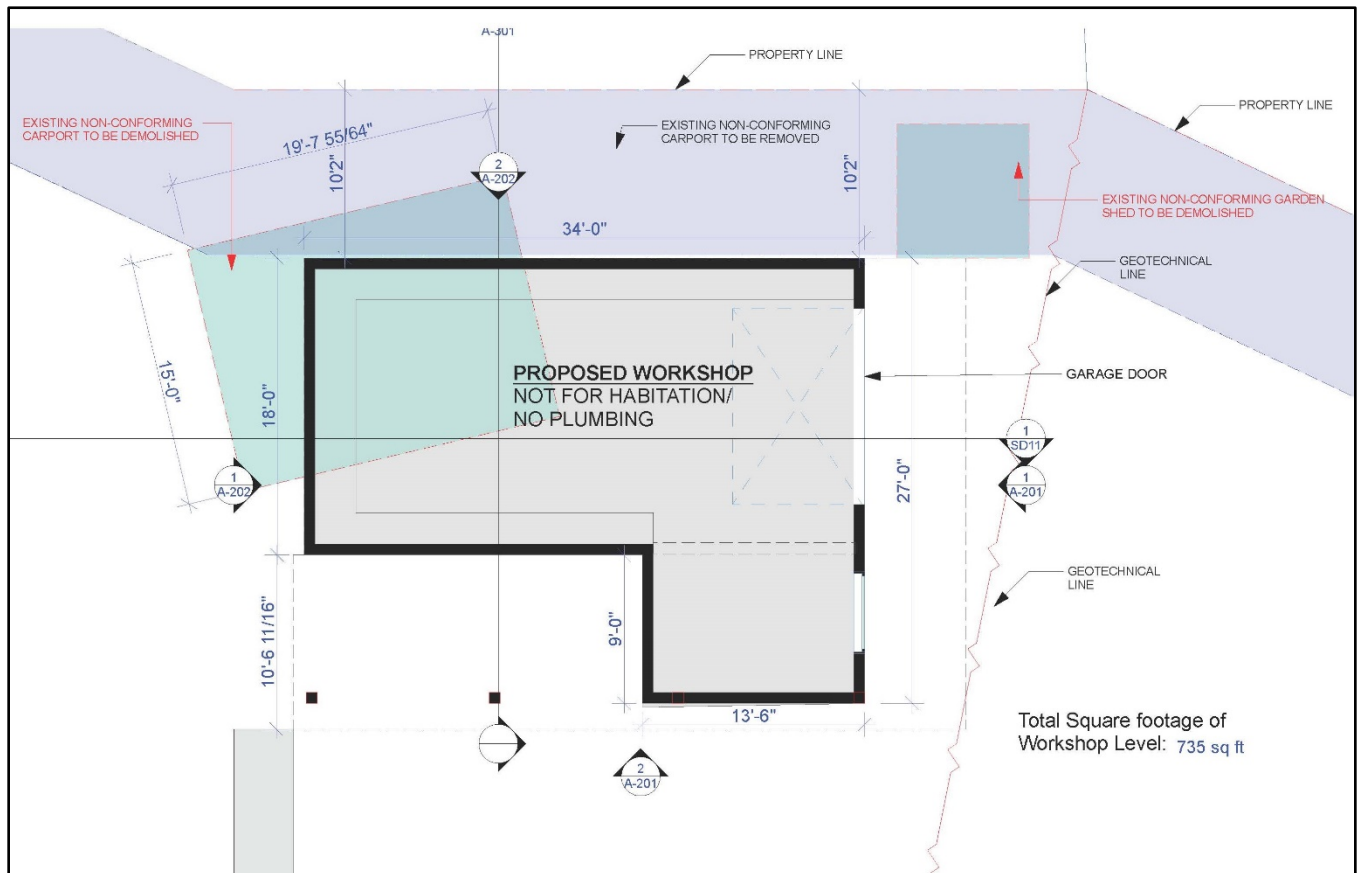
2.3 CONTOURS & EXISTING BUILDING FOOTPRINTS



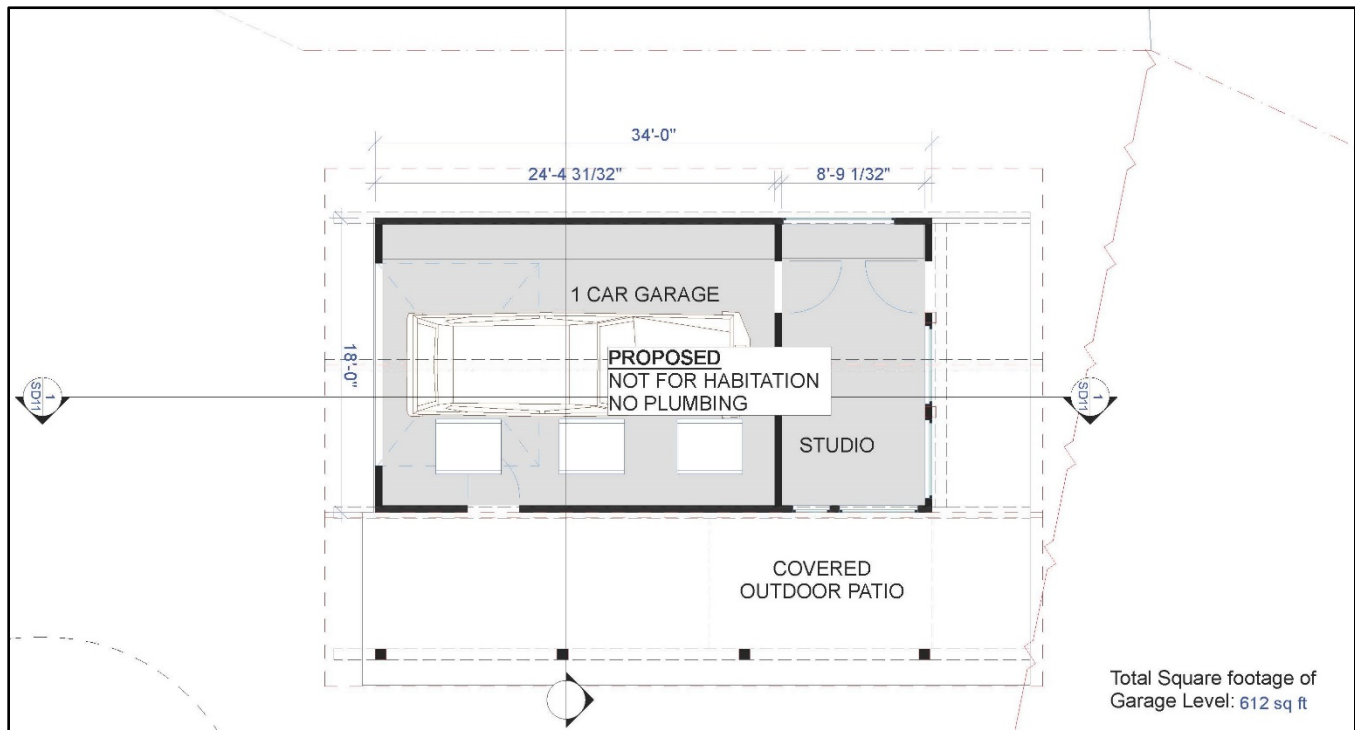
2.4 SURVEY PLAN



2.5 FLOOR PLAN 1 OF 2



2.6 FLOOR PLAN 2 OF 2



2.7 PHOTOGRAPHS

One: View South from Driveway



Two: Existing Carport (L) and Shed (R) - both to be removed

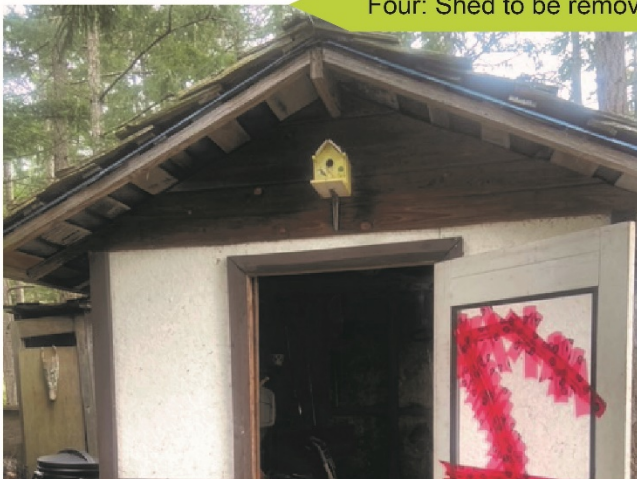


Three: Existing Carport - site of new Accessory Building



2.7 PHOTOGRAPHS (CONT'D)

Four: Shed to be removed



Five: View Upward Showing Site & Trees to be removed





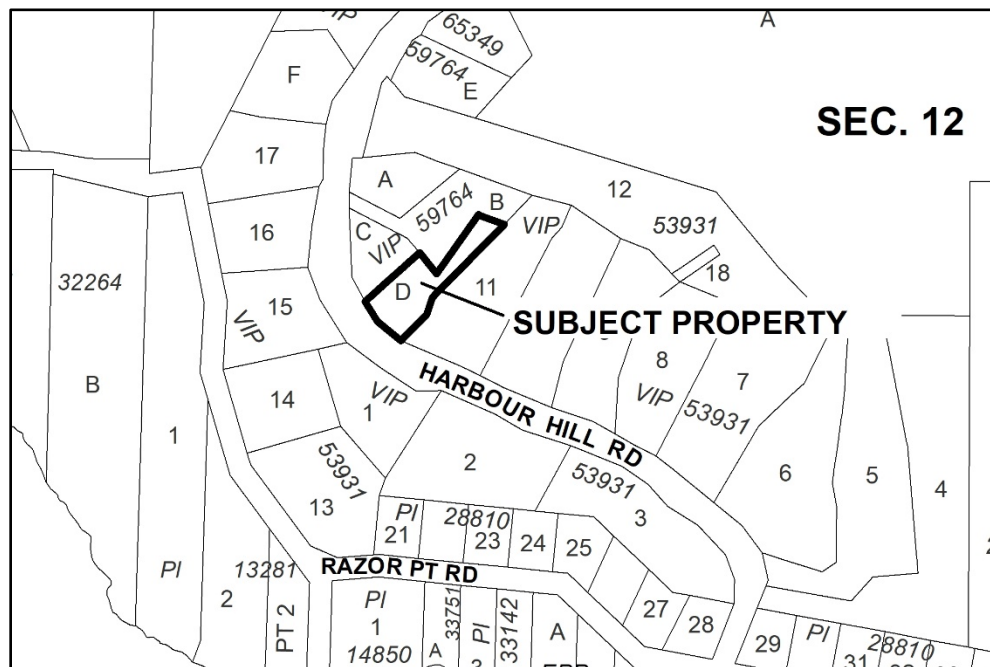
NOTICE
NP-DVP-2021.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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

Increasing the maximum height and number of storeys permitted for a proposed **accessory building**.

The property is located at **6618A Harbour Hill Drive** and is legally described as Lot D, Section 12, Pender Island, Cowichan District, Plan VIP59764. PID: 018-991-874

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 5, 2021** and continuing up to and including **March 16, 2021**.

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

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **March 16, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **9:00 a.m., March 25, 2021**.

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

Jas Chonk, Deputy Secretary



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2021.1

To: Katrina Archer and Guylain Roy-MacHabée
c/o Everest MacDonald

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

Lot D, Section 12, Pender Island, Cowichan District, Plan VIP59764
(PID: 018-991-874)

2. North Pender Island Land Use Bylaw 103, 1996 is varied to allow for construction of an **accessory building** (garage/workshop) as follows:
 - a) Subsection 3.4.4 which states that an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to permit an accessory building that is **6.7 metres** in height and **two (2) storeys**.

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

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

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

Deputy Secretary, Islands Trust

[date]_____
Date of Issuance

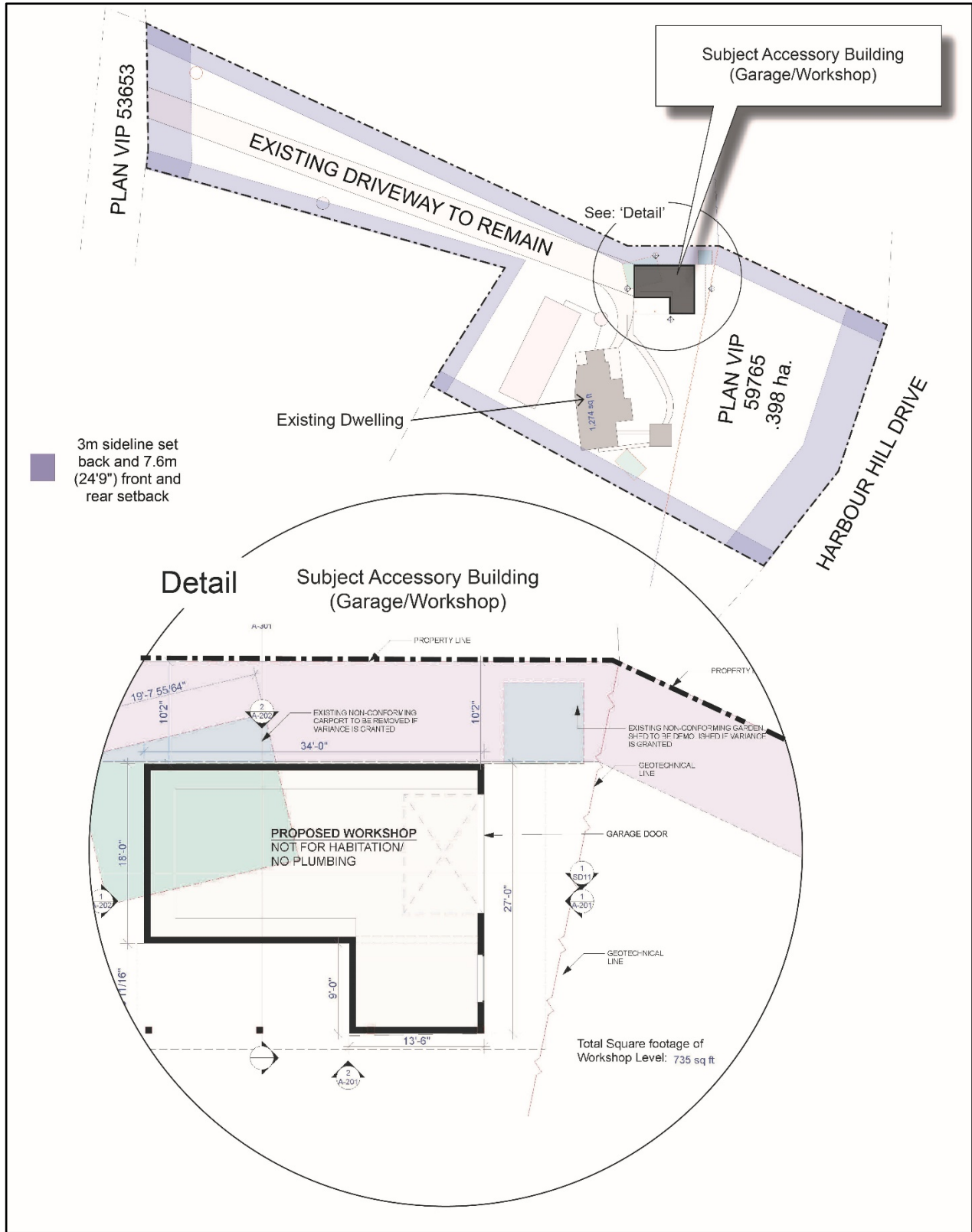
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [DATE], THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2021.1

SCHEDULE 'A'

Reference Site Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2021.1

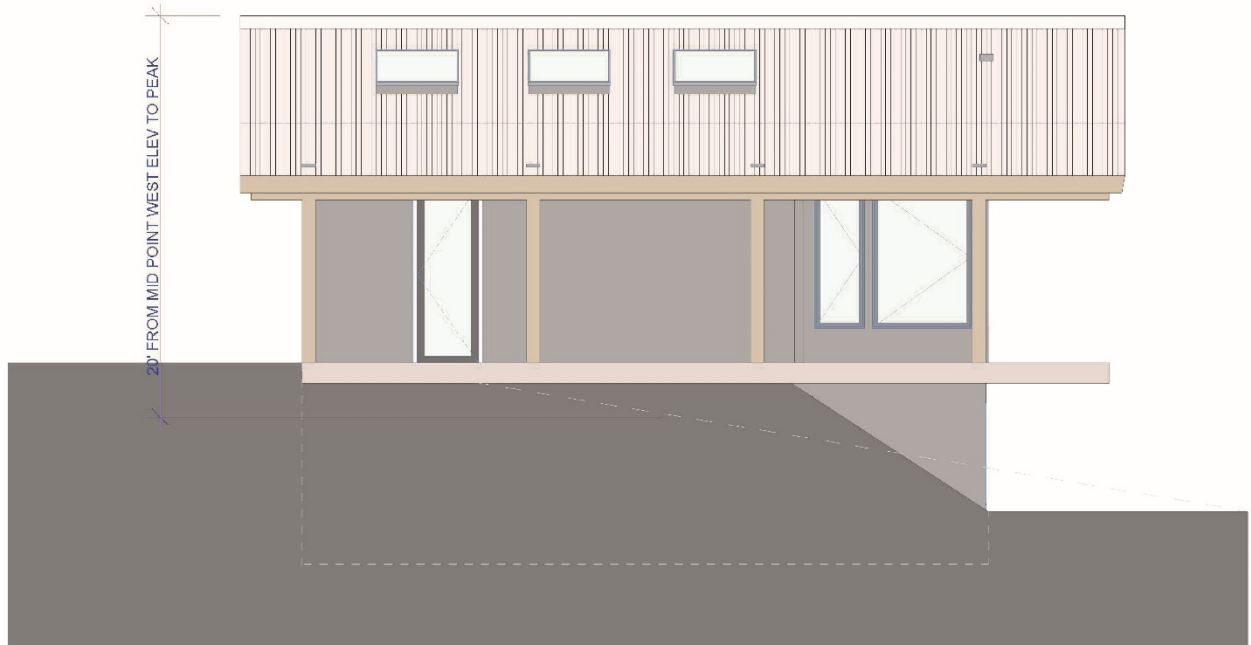
SCHEDULE 'B'

Elevations 1 of 2

Subsection 3.4.4 is varied to permit an accessory building that is 6.7 metres in height and two (2) storeys.

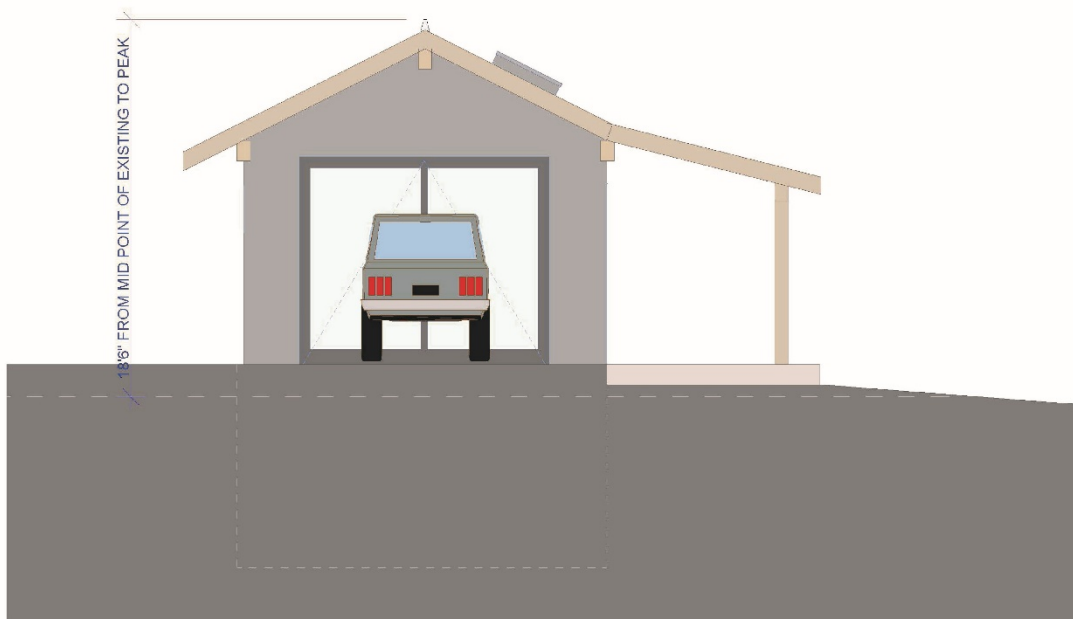
Height Calculation

$$6.17 \text{ m (E)} + 8.23 \text{ m (S)} + 6.01 \text{ m (W)} + 6.17 \text{ m (N)} = 26.67 \text{ m} / 4 = 6.7 \text{ m}$$



West Elevation

SCALE: 1/4" = 1'-0"



North Elevation

SCALE: 1/4" = 1'-0"

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2021.1

SCHEDULE 'C'

Elevations 2 of 2

Subsection 3.4.4 is varied to permit an accessory building that is 6.7 metres in height and two (2) storeys.

Height Calculation

$$6.17 \text{ m (E)} + 8.23 \text{ m (S)} + 6.01 \text{ m (W)} + 6.17 \text{ m (N)} = 26.67 \text{ m} / 4 = 6.7 \text{ m}$$



East Elevation

SCALE: 1/4" = 1'-0"



South Elevation

SCALE: 1/4" = 1'-0"



DATE OF MEETING: March 25, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Renewal of Temporary Use Permit for STVR
Applicant: Mark Kroeker
Location: 2602 Harpoon Road, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.8 (Kroeker) for a period of two (2) years.

REPORT SUMMARY

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

BACKGROUND

The TUP for the STVR use was issued for property in 2017 (NP-TUP-2017.5) for three (3) years. The staff report and attachments for the initial TUP is available as part of the February 22, 2018 LTC agenda package (pp. 103-121) here: http://www.islandstrust.bc.ca/media/345217/np-ltc_2018-02-22_agd_pkg.pdf

The renewal will allow for the STVR use to continue in compliance with the Land Use Bylaw (LUB).

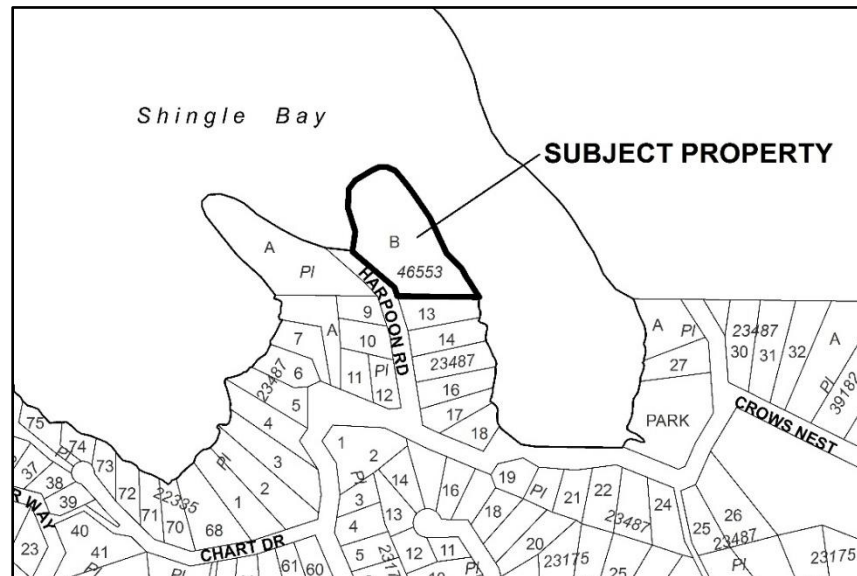
The TUP permits a maximum guest capacity of ten (10) people. The dwelling is an eight (8) bedroom, single family dwelling. The property is on a point at the end of Harpoon Road and the 1.1 hectares size is significantly larger than most in the neighbourhood and Magic Lake Estates in general (Figures 1 and 2). The applicant reports that they have off-street parking capacity for up to twelve (12) cars.

There is one other permitted STVR (NP-TUP-2018.2) that is in close proximity on Harpoon Road (Figure 3). The owner does not live on-island, and the applicant (her son) manages the STVR. A written submission by the applicant is Attachment 1.

A copy of the proposed renewal NP-TUP-2020.8 is Attachment 2.

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

Figure 1 – Location of subject property



ANALYSIS

Policy/Regulatory

Official Community Plan:

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

As a renewal, there can be no changes made to the permit with the exception of the length of the issuance period. The original application was analyzed in 2017 with a TUP Checklist and was consistent with the existing OCP guidelines.

There are no development permits areas designated on the property, with **Development Permit Area 6 (DPA 6) Intertidal Sensitive Ecosystem** is designated on a portion of the adjacent foreshore and water.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996. **RR** zoning permits a single-family dwelling and accessory uses. The RR zone permits STVRs as a home occupation, but only when a TUP has been obtained.

Figure 2 – Orthophoto



Issues and Opportunities

Compliance original TUP

Staff contacted the applicants requesting confirmation that: they have complied with all conditions over the valid period of your TUP; that all contacts are current and, if they were updated, that those have been supplied to neighbours; and whether there have been any changes to the STVR use or use of the property. The applicant has confirmed in writing that they have adhered to all the foregoing.

STVR Regulatory Review

The applicant is aware that the LTC is currently reviewing existing regulations for the operation of STVRs. The associated bylaw process is now Post Public Hearing and therefore the LTC cannot receive any new information on the bylaw.

Consistent with other recent renewals, it would be reasonable to renew the permit for a two (2) year duration to enable the operation to continue and for the applicant to either make an application for new permit once the STVR policy review is complete, or to transition the business.

Applicant's Rationale & Response to Proposed Bylaw Amendments

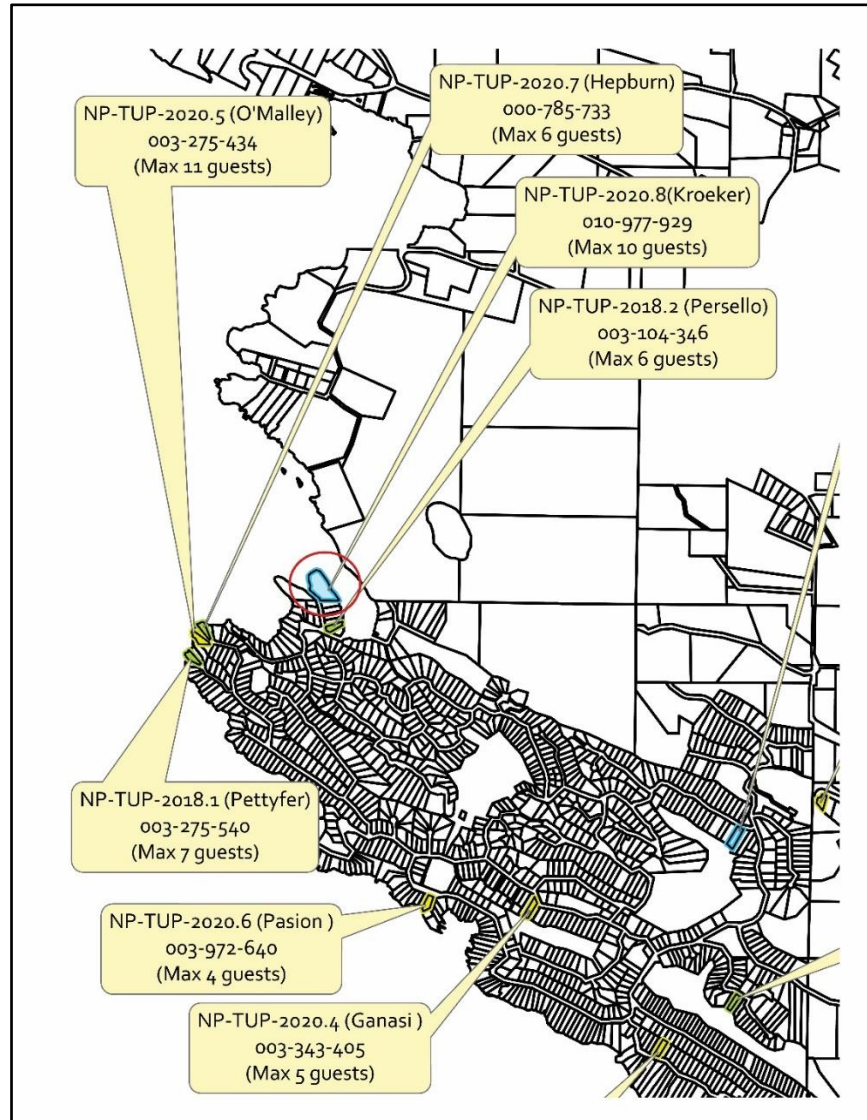
The rationale for the proposed renewal of the temporary use permit is in order to supplement the use by the owners with a business that can offset some of the costs with property ownership and maintenance.

Consultation

Statutory Requirements

There is no statutory notification required for TUP renewal applications as the permit conditions are unchanged from the original. Any change in conditions would require that the applicant re-apply in order for notification to neighbouring property owners.

Figure 3 - Detail¹ of STVR – TUP Map (updated March 2021)



First Nations

The renewal is for an application where the use remains in the current footprint of the existing building structure with no additional disturbance or impact to the lands or waters to ensure protection of any possible archaeological sites.

Rationale for Recommendation

- A two-year period is reasonable for the applicant to adjust the business to proposed changes to the STVR OCP guidelines;
- There have been no complaints about the STVR since the original TUP was issued in 2017;

¹ The full map is online at: http://www.islandstrust.bc.ca/media/351108/np_stvr_march2021.pdf

- The guest capacity is large, but the property is larger in size with ample, on-site capacity for parking and it is located on an isolated point;
- The application meets the current TUP guidelines of the OCP; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

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

1. Renew for a different time period

The LTC may opt to approve the renewal for a longer or shorter time period. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve renewal application NP-TUP-2020.8 for a period of _____year(s).

2. Request further information

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

That the North Pender Island Local Trust Committee request that the applicant for renewal application NP-TUP-2020.8 submit to the Islands Trust the following _____.

3. Deny the application (s)

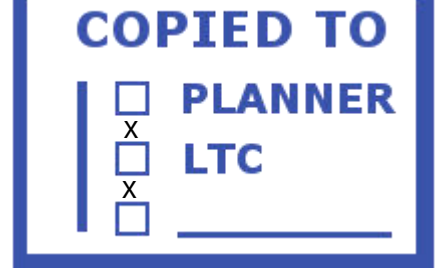
The LTC may deny the application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny renewal application NP-TUP-2020.8.

Submitted By:	Phil Testemale, Planner 2	March 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	March 17, 2021

ATTACHMENTS

1. Applicant Submission
2. Proposed Renewal NP-TUP-2020.8



From: Mark Kroeker <[REDACTED]>

Sent: Wednesday, March 10, 2021 2:57 PM

To: Kim Stockdill <kstockdill@islandtrust.bc.ca>; Phil Testemale <ptestemale@islandtrust.bc.ca>; Benjamin McConchie <bemcconchie@islandtrust.bc.ca>; Deb Morrison <dmorrison@islandtrust.bc.ca>; Laura Patrick <lpattick@islandtrust.bc.ca>

Subject: revised submission in support of the 2602 Harpoon Road TUP renewal as per request from Kim Stockdill

Dear Chairman and Trust council members:

This submission is made in support of the pending renewal application for our temporary use permitting the continuation of our short term vacation rental business.

In hopes of helping you visualize the unique nature and history of our particular vacation home i invite you to come and visit our home prior to your upcoming meeting on March 25, and see how our family operates and manages our business, while employing a local resident management couple living five minutes from our home.

Here is the link to our page on VRBO if you are not able to come for a personal COVID Safe tour.

https://www.vrbo.com/en-ca/cottage-rental/p417338vb?noDates=true&uni_id=1000379

We have a 33 year commitment to being a part of the Pender Island community by contributing in a way that is respectful of the island values.

The gated winding driveway at the end of Harpoon Road invites you to explore as you arrive at the front door to our 8 bedroom - 12 bed "ocean front vacation home" . We provide generous onsite parking. No guests ever park anywhere but on site.

This home, built in 1987, has been our family home since that time, and has been used as a Bed and Breakfast for over 20 of those years. Orca View Lodge has since become a retreat centre, a family reunion gathering place hosting weddings / memorials. We have hosted religious retreats / musical group retreats / artists and writers groups. Families and groups have literally travelled from all continents of the world " except Antartica" to visit and stay at our home. Guests come to experience the peace and tranquility which our home and this island offers so abundantly.

Guests arrive at our home by BC ferry , private marine vessels, including kayaks, seaplanes and even bicycles and taxis.

We have earned a five star international reputation for our vacation rental on our preferred VRBO platform. You are welcome to read the over 50 reviews on our VRBO site to get a sense of how guests remember their island experience at Orca View Lodge.

We are unaware of any neighbourhood concerns or complaints about guests ever being made to authorities.

Our home is designed to host large family groups taking advantage of its unique size and privacy. We have multi generational families that have been returning to our home for over 15 years and plan their vacation times around these precious family gatherings.

In summary we as owners are requesting that you approve our renewal application **“as is”** under the provisions of the existing bylaw, thereby allowing our home to continue to operate as a well reputed vacation rental home.

Please contact me on my cell phone if you wish to arrange your visit to see our facilities first hand, before making your decision about our renewal application.

Your support is extremely important.

Respectfully
Mark Kroeker

████████████████████

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2020.8 (Kroeker)
Renewal of 2017.5 (Kroeker)**

2602 Harpoon Road

To: Lenora Kroeker

1. This Permit applies to the land described below:

Lot B, Section 16, Pender Island, Cowichan District, Plan 46553
(PID: 010-977-929).

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

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

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
 - b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
 - c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
 - d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the woodland sensitive ecosystem located on the property, and how to avoid or minimize impacting the sensitive feature. The property owner or Short Term Vacation Rental operator must also provide guests with information about the sensitive shoreline ecosystems in the vicinity and how to avoid or minimize impacting the sensitive feature;
 - e) the maximum number of guests is limited to ten (10);
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) Signage advertising the Short Term Vacation Rental may not exceed 0.6 square metres;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) existing fire pit must be removed;
 - k) all parking for the Short Term Vacation Rental must be contained on the subject property;
 - l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - m) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;

- n) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
- 4. This permit is valid for two (2) 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 ##ND DAY OF FEBRUARY, 2021.

Deputy Secretary, Islands Trust

Date Issued



File No.: NP_6500_2020_STVR
Review

DATE OF MEETING: March 25, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
SUBJECT: Project Update & Post Public Hearing Report – Short Term Vacation Rental Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee proposed Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be read a Second time.
2. That the North Pender Island Local Trust Committee proposed Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be read a Third time.
3. That the North Pender Island Local Trust Committee proposed Bylaw No. 222 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the North Pender Island Local Trust Committee proposed Bylaw No. 222 be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

The purpose of this staff report is to provide an update on the Short Term Vacation Rental (STVR) Project prior to the Public Hearing, and also provide options for the North Pender Local Trust Committee (LTC)’s consideration after the Public hearing.

BACKGROUND

The North Pender Island Local Trust Committee is considering Bylaw No. 222 that would amend the Temporary Use Permit (TUP) section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new Short Term Vacation Rental (STVR) TUP guidelines. A Community Information Meeting and Public Hearing was held on February 25, 2021.

The North Pender LTC passed the following resolutions at the January 28, 2021 regular LTC meeting:

NP-2021-015

It was Moved and Seconded,

that the North Pender Island direct that item 6.4.17, “A temporary use permit may be issued for a short-term vacation rental within a secondary suite,” be removed from the proposed Bylaw 222.

NP-2021-016 (this motion was Defeated)

It was Moved and Seconded,

that the North Pender Island direct that item 6.4.4 “The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit,” be removed from Bylaw 222.

DEFEATED

NP-2021-017

It was Moved and Seconded,

that the North Pender Island Local Trust Committee should not approve more than twenty temporary use permits for short term vacation rentals located within the Magic Lake Estates Water System Area.

NP-2021-018

It was Moved and Seconded,

that the NP LTC direct to staff to amend 6.4.14b to add “information on wild fire safety and outdoor fire burning”.

NP-2021-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee add section 6.4.19, “A Short Term Vacation Permit Temporary Use Permit TUP should not be issued in a dwelling or cottage that does not have occupancy permit approval”

Proposed Bylaw No. 222 has been updated with the amendments above – bylaw attached. At the January 28, 2021 meeting, the LTC expressed that they may consider amending the TUP guideline concerning summer rental limits, but would do so after the public hearing once they hear from the community. Guideline 6.4.16c in proposed Bylaw No. 222 currently reads:

“[In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:] limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;”.

The South Pender LTC addressed a similar concern with the same guideline in their draft Bylaw No. 119 and at their LTC meeting on January 28, 2021 removed the words “to a total of thirty days” so the guideline now reads:

“[In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:] limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year;”

Removing the limit of 30 days still provides the LTC with a guideline to restrict the STVR use during summer months, but now the restriction on use can be tailored to each application’s rationale and merits. For example, the LTC may restrict the use to 30 days for an application where neighbours have expressed concern with noise and/or disruptive guests compared to an application where there has been no concerns raised by neighbours.

Staff have included a draft resolution under ‘Alternatives’ if the North Pender LTC decides to make further amendments to proposed Bylaw No. 222. The LTC has the discretion to amend the bylaw before or after the Public Hearing. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner’s consent.

The North Pender LTC also heard from a number of community members at the CIM and Public Hearing on February 25, 2021. Some spoke in favour of the proposed bylaw but most recommended amendments to the bylaw or omission of some guidelines. In terms of comments received on February 25, 2021 prior to the close of the Public Hearing, the LTC may wish to discuss the following items in relation to proposed Bylaw No. 222:

- Guideline 6.4.4. The motion to remove this guideline from the draft bylaw was defeated at the January 28, 2021 LTC meeting as there was support to not remove the guideline until after the Public Hearing in order to consider all received comments.
- Limit the number of days a STVR may operate from May 1 to September 30th.
- Remove the words “should” or “may” and replacing them with “must”. It is not necessary to change these words they hold the same weight in the TUP guidelines. The TUP guidelines help guide the LTC’s decision-making process in regards to evaluating TUP application, and determining what conditions to include in the permit. Each guideline is at the discretion of the LTC to abide by, or not.

PUBLIC HEARING

A public hearing was held on February 25, 2021. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister’s office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

The recommendations above are supported as:

- An online survey has taken place to help inform the LTC on this topic;
- The proposed changes will not affect home occupation STVRs; and
- The North Pender LTC has already made amendments to the bylaw reflecting comments received from the community.

ALTERNATIVES

1. Make amendments to the bylaw(s)

The North Pender LTC may amend the bylaw.

Resolution:

That North Pender Island Local Trust Committee proposed Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be amended by removing/adding:

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 222.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with Bylaw No. 222.

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 222 to the Islands Trust Executive Committee and the Minister for approval.

Submitted By:	Kim Stockdill, Island Planner	March 17, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	March 17, 2021

ATTACHMENTS

1. Proposed Bylaw No. 222

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS 29TH DAY OF OCTOBER, 2020.

PUBLIC HEARING HELD THIS 25TH DAY OF FEBRUARY 2021.

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING
THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

“PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

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

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

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

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

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

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

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

6.4.18 The Local Trust Committee should not approve more than 20 temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.

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

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) - Completing in spring 2021

Responsible

Narrisa Chadwick
William Shulba

Dates

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

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

3. LUB Review Project

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

Responsible

Kim Stockdill
Robert Kojima

Dates

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

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

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

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020

**Applications****Development Permit**

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

Planner: Phil Testemale**Planning Status****Status Date:** 13-May-2020

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

Status Date: 06-Jun-2018

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

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.

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

Planner: Phil Testemale**Planning Status****Status Date:** 17-Mar-2021

On March 25, 2021 agenda for consideration.

Status Date: 20-Jan-2021

Biologist submitted EIA to complete DP

Status Date: 09-Nov-2020

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

**Applications****Development Permit**

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.1	CHAREST, PERRY	10-Feb-2021	2724 Spyglass Road - Application for a sensitive ecosystem DPA, to run sewer line from Lot 148 using easement on Lot 147 (PID 003-056-236) to sewer line near Buck Lake

Planner: Phil Testemale

Planning Status

Status Date: 17-Mar-2021

April 29, 2021 agenda pending approval on RAPR

Status Date: 10-Mar-2021

Planner assigned by RPM; sent confirmation email to Applicant that we are proceeding further with application; emailed AppPkg to LTC; requested Subj Prop Map from GIS; physical folder to Planner. - SR

Status Date: 09-Mar-2021

Sent e-folder link to RPM to review application before confirming to open. - SR

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.5	HOYLAND, Steve & BROWN, Jessie	16-Jul-2020	6604 Razor Point Rd. - Combined DVP and DP application for foreshore deck.

Planner: Phil Testemale

Planning Status

Status Date: 12-Feb-2021

Application on March 25, 2021 agenda

Status Date: 29-Jan-2021

Prepared Notice delivery packages for Minute Taker and mailouts; emailed MT with copy of memo. - SR

Status Date: 27-Jan-2021

DVP and Notice drafted for notification. Feb 25, 2020 Agenda

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

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2021.1	MacDONALD, EVEREST - ELEVATION DESIGN STUDIO	11-Feb-2021	6618A Harbour Hill Drive - Application for a variance for the height of a garage/workshop
Planner: Phil Testemale			
Planning Status			
Status Date: 17-Mar-2021 Notification completed and sent. March 25, 2021 Agenda for consideration.			
Status Date: 18-Feb-2021 RPM assigned Planner; emailed acknowledgment letter w/ etransfer receipt to Applicant, originals mailed; emailed AppPkg to LTC; requested GIS for mapping and delivery documents. - SR			
Status Date: 17-Feb-2021 Recd eTransfer receipt fr Finance; updated physical and e-folders, sent link to RPM for assignment to planner. - SR			

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD To change from a TUP to permanent zoning for works yard.
Planner: Phil Testemale			
Planning Status			
Status Date: 17-Mar-2021 Final Reading April 25, 2021 agenda pending reg. of Covenant			
Status Date: 24-Feb-2021 EC Approval granted for Bylaw 202			
Status Date: 18-Feb-2021 Chair signed Covenant and forwarded to applicant for signature and registration.			



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2021.1	SKETCH, MICHAEL	08-Jan-2021	Andrew Place - Application for rezoning to amend OCP and LUB to permit storage facilities without a residence

Planner: Kim Stockdill

Planning Status

Status Date: 09-Mar-2021

Update from Planner: Applicant stated he will make decision re standing resolution options by end of March. - SR

Status Date: 24-Feb-2021

Planner followed up with Applicant re Feb5 email on standing resolution. - SR

Status Date: 05-Feb-2021

Notified applicant of NP LTC Standing Resolution 2020-10. Waiting response from applicant as to how to proceed.

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: 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

Status Date: 20-Jan-2021

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



Applications

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: 08-Mar-2021

PLA extension request received. Replied with no objections.

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

Status Date: 13-Sep-2019

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

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

Planner: Phil Testemale

Planning Status

Status Date: 18-Dec-2020

Existing Water confirmed - Final Plan outstanding

Status Date: 04-Dec-2020

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

Status Date: 01-Dec-2020

NP-DP-2020.5 approved and issued



Applications

Subdivision

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

Planner: Phil Testemale

Planning Status

Status Date: 09-Sep-2020

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

Status Date: 05-Aug-2020

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

Status Date: 03-Mar-2020

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

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: 17-Mar-2021

Combined DVP/DP required.

Status Date: 05-Feb-2021

Review Response sent to MoTI.

Status Date: 20-Jan-2021

Review of subdivision proceeding PT and Planner 2

**Applications****Subdivision**

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			
<u>Status Date:</u> 17-Mar-2021 DVP req'd			
<u>Status Date:</u> 09-Mar-2021 PLR rec'd			
<u>Status Date:</u> 28-Oct-2020 Review Response sent to MoTI.			
File Number	Applicant Name	Date Received	Purpose
NP-SUB-2021.1	LOFTS, STEPHEN PETER / NOSY POINT B&B	16-Feb-2021	4606/4602 Oak Road - Referral of a boundary adjustment subdivision application with Lot 4 (PID 005-636-639) and Lot 3 (PID 005-636-591)
Planner: Phil Testemale			
Planning Status			
<u>Status Date:</u> 17-Mar-2021 PT has reviewed. Response to MoTI for 03-19-2021			
<u>Status Date:</u> 24-Feb-2021 Received AcctsRec email to Applicant with fee payment receipt; RPM assigned planner; emailed acknowledgment letter with Planner contact info to Applicant, originals by post; emailed AppPkg to LTC; physical folder to Planner. - SR			
<u>Status Date:</u> 19-Feb-2021 Emailed letter to Applicant re IT application form and fee payment; created physical folder. - SR			

**Applications****Temporary and Industrial Use Permit**

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

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

March 25, 2021 agenda for consideration of renewal.

Status Date: 17-Dec-2020

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

Status Date: 10-Dec-2020

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

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.1	LANDALE, ZOE	17-Feb-2021	4753 Bosun Way - Application for a Temporary Use Permit for a short-term vacation rental

Planner: Kim Stockdill**Planning Status****Status Date:** 05-Mar-2021

Recd cc of eTransfer receipt fr Finance; RPM assigned Planner; emailed letter of ackn to Applicant, originals by post; emailed AppPkg to LTC; requested mapping and delivery docs from GIS; physical folder to Planner. - SR

Status Date: 04-Mar-2021

Emailed eTransfer instructions to Applicant as requested. - SR

Status Date: 22-Feb-2021

Planner responded to Applicant re options on TUP/rezoning, invited to CIM & PH Feb25. - SR



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.2	PETTYFER, MARY JUNE c/o PETTYFER, ROBIN	02-Mar-2021	1601 Storm Crescent - Application for renewal of a temporary use permit for a short-term vacation rental

Planner: Phil Testemale

Planning Status

Status Date: 17-Mar-2021

April 29, 2021 agenda for consideration of renewal.

Status Date: 10-Mar-2021

Planner assigned; emailed ackn letter to Applicant, originals by post; AppPkg to LTC; physical folder to Planner. - SR

Status Date: 09-Mar-2021

Sent link to e-files to RPM to assign planner. - SR

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.3	WILMOTT, ALAN & JULIE	03-Mar-2021	5586 Hooson Road - Application for renewal of a temporary use permit for a short-term vacation rental

Planner: Phil Testemale

Planning Status

Status Date: 17-Mar-2021

May 27, 2021 agenda for consideration of renewal.

Status Date: 12-Mar-2021

Planner assigned; emailed PaymentRecd letter to Applicant, originals by post; emailed AppPkg to LTC; gave physical folder to Planner. - SR

Status Date: 11-Mar-2021

Processed fee payment receipt, fwded w/ cheque to Finance; sent link to e-files to RPM to assign planner. - SR



Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing)	Carried	30-Jan-2020
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.		
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.		



Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.	Carried	28-Apr-2011
2007-146 (Standing) THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.	Carried	30-Aug-2007

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing) 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



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality January 26, 2021

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board continues to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings are live-streamed and recorded, and the public can participate by connecting to the link or the phone number provided in the meeting notice. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

Staff have posted the ITC Board meeting schedule for 2021 here:

www.islandstrustconservancy.ca/about-us/meetings/.

The ITC Board directed staff to add “Public Comments and Delegations”, a town hall opportunity, to the standing agenda, allocating 15 minutes to this new section.

An election was held for Board Chair and Vice Chair positions as required by the ITC Meeting Bylaw. Trustee Kate-Louise Stamford was elected ITC Board Chair and Trustee Sue-Ellen Fast as Vice Chair. Both positions were election by acclamation.

An update regarding ITC staffing was provided, including notes as follows:

1. ITC Manager – Kate Emmings confirmed as permanent Manager Jan 11
2. Ecosystem Protection Specialist – posted internally, confirmed Kathryn Martell in the role Feb 16
3. Communications and Fundraising Specialist – position temporarily divided into two part-time roles: Communications Specialist (Erin Coulson) and a Fundraising Specialist (Carla Funk)
4. Species at Risk Program Coordinator role (see below) – hiring expected before end of March
5. Summer Co-op Student – Field work technician, job description in development

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of Islands Trust Conservancy (ITC). ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Islands Trust Area. For more information, visit

www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The project charter for the Species at Risk (SAR) program was reviewed and approved as interim, pending a few adjustments as discussed by the Board. The project coordinator who will ultimately complete the planning and oversee the implementation of SAR at a detailed level is still being recruited.

Goal 2 – Strong relationships with First Nations

Staff continue to work to deepen relationships with First Nation communities and governments, notably through upcoming management planning for several nature reserves and participation in the Sidney

Island Ecological Restoration Project. Staff also participated in a January training session regarding residential schools.

Goal 3 – Protection of core conservation areas

Property Management

Currently, four management plans are in development and set to complete before the end of March, including two on Gabriola Island, one on Salt Spring Island, and one on Thetis Island. See reference to open house events below regarding these four for the current year.

Land Acquisition and Covenants

The Sandy Beach Nature Reserve on Lhek'tines/Keats Island became ITC's 30th in 30 years in December 2020 and the ITC Board received a donation of land on North Pender in February 2021 (see below). Management planning will begin in the next fiscal year to create the first management plan for these new nature reserves.

Staff continue negotiations on 144 ha of land: eight covenants (S. Pender, Salt Spring [3], Keats, Bowen, Thetis, and Lasqueti) and two land acquisitions.

Goal 4 – A strong voice for nature conservation

The ITC Fund Development Action Plan was reviewed and approved as drafted, with staff directed to implement the plan.

*Please feel free to contact Islands Trust Conservancy for more details.
Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca*

Activities by Local Trust Area/Island Municipality

Bowen – \$5,000 Opportunity Fund Grant paid out to Bowen Island Conservancy.

Gabriola – A management planning open house for the S’ul-hween X’pey/Elder Cedar Nature Reserve and the Coats Millstone Nature Reserve will be held on February 22, 2021. Two public surveys continue to March 15 – one for [Elder Cedar](#) and one for [Coats Millstone](#).

Galiano – ITC Manager Kate Emmings advised the Board of a declared conflict of interest regarding the Crystal Mountain conservation proposal on Galiano, and noted the file will be managed by Trust Area Services Director Clare Frater and Ecosystem Protection Specialist Kathryn Martell.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, was completed on December 18, 2020, and marks the 30th nature reserve in 30 years of Islands Trust Conservancy history. News coverage of [the announcement](#) included local outlets, [Pacific Yachting](#), and the [Toronto Star](#). The ITC received a \$12,000 contribution as part of the land transfer and the ITC Board has allocated \$10,000 to create a property management fund.

Lasqueti – The ITC Board considered a response to the Lasqueti Official Community Plan referral. The Board resolution has been provided to planning staff for consideration by the Lasqueti Island Local Trust Committee.

Funded through grant programs, increased wetlands restoration work is being planned for the Salish View and John Osland nature reserves, in partnership with Lasqueti Island Nature Conservancy.

North Pender/Sidney – Funded through grant programs, restoration work is planned at Dragonfly Pond on Sidney Island. Work will pilot removal techniques for invasive parrot’s feather and American bullfrog.

The ITC received a land donation on North Pender Island in February. A formal announcement for this donation is pending.

Salt Spring – The Board approved both the 2020 update of the Deep Ridge Nature Reserve Management Plan and the Lower Mount Erskine Nature Reserve Management Plan. These will be posted to the ITC website shortly.

A management planning open house was held on February 11, 2021, with regards to the Ruby Alton Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

Thetis - A management planning open house was held on February 10, 2021, with regards to the Moore Hill Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca

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February 23, 2021

Ms. Laura Patrick
Chair, Islands Trust
Pender Island, Saturna Island
lpattick@islandstrust.bc.ca

Dear Ms. Patrick,

BC Ferries is getting ready to introduce a new Salish Class ferry to the Southern Gulf Islands in 2022. This new ferry is larger than the one it is replacing (the *Mayne Queen*) and will provide more capacity simply by introducing it into the current schedule. However, we think it's possible to enhance the schedule even further, and we are engaging with Island communities to help us shape and evaluate these possibilities.

On February 16, 2021, we launched the first phase of the Southern Gulf Island Schedule Enhancement engagement. This first phase opens conversation with our customers, employees, and the wider Southern Gulf Island communities that will help us establish a list of criteria we can use to evaluate schedule options. In the next phase of engagement, we will be asking communities to help us evaluate possible schedule options using the criteria we establish during this first phase.

The Southern Gulf Islands is our most complex scheduling region, serving five islands (Saturna, Pender, Mayne, Galiano and Salt Spring Islands) from two major ports (Swartz Bay and Tsawwassen) and connecting the five islands to each other. We must consider each island and customer need, and how these needs fluctuate by season as we look at making enhancements to our service. Community engagement forms a critical component of this project's success.

More information about the project and the engagement survey can be found at www.bcferriesprojects.ca/sgi. The first phase of engagement runs until March 16, 2021.

As COVID-19 restrictions make it difficult to hold large community gatherings at the moment, we will be doing careful outreach to promote the engagement at terminals, onboard our vessels, through social media channels, and through our Ferry Advisory Committee members on the Islands. We welcome you to promote the opportunity to engage through your own networks and social media channels as well.

We will continue to update you as the project progresses. In the meantime, if you have any questions or want to discuss the project directly please contact me to arrange a time to meet.

Sincerely,



Brian Anderson
Vice President, Strategy & Community Engagement
brian.anderson@bcferries.com