



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: April 29, 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	9:00 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		
8.1.1.	<u>Regular Minutes Dated March 25, 2021 (for Adoption)</u>		4 - 11
8.1.2.	<u>Special Meeting Minutes Dated March 18, 2021 (for Adoption)</u>		12 - 15
8.1.3.	<u>Special Meeting Minutes Dated March 26, 2021 (for Adoption)</u>		16 - 17
8.1.4.	<u>Special Meeting Minutes Dated April 1, 2021 (for Adoption)</u>		18 - 20
8.2.	Section 26 Resolutions-without-meeting Report - None		
8.3.	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated April 2021		21 - 23
10.	DELEGATIONS	9:40 AM - 10:25 AM	

10.1.	Agricultural Advisory Planning Commission	
11.	CORRESPONDENCE	10:25 AM - 10:35 AM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.1.	Letter from Reed Pope Law Corporation re: NP-SUB-2008.9 (James Island) (attached)	24 - 25
12.	MEETING BREAK	10:35 AM - 10:45 AM
13.	APPLICATIONS AND REFERRALS	10:45 AM - 11:45 AM
13.1.	NP-DP-2020.3 and DVP-2020.5 (Hoyland and Brown) – Staff Memo (attached)	26 - 35
13.2.	NP-TUP-2021.1 (Landale) - Staff Report (attached)	36 - 63
13.3.	NP-TUP-2021.2 (Pettyfer) – Renewal – Staff Report (attached)	64 - 75
14.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:30 PM
14.1.	Groundwater and Coastal Douglas-fir Ecosystem Project - Staff Report (attached)	76 - 81
14.2.	Soil Bylaw Project – Staff Report (attached)	82 - 84
14.3.	LUB Review Project – Staff Report (attached)	85 - 92
15.	REPORTS	12:30 PM - 12:40 PM
15.1.	Work Program Report (attached)	
15.1.1.	<u>Top Priorities Report Dated April 2021</u>	93 - 93
15.1.2.	<u>Projects List Report Dated April 2021</u>	94 - 94
15.2.	Applications Report Dated April 2021 (attached)	95 - 104
15.3.	Trustee and Local Expense Report Dated February 2021 (attached)	105 - 105
15.4.	Adopted Policies and Standing Resolutions (attached)	106 - 110
15.5.	Local Trust Committee Webpage	
15.6.	Islands Trust Conservancy Report - None	
15.6.1.	<u>Pare-Baile NAPTEP Application (North Pender) - Briefing (attached)</u>	111 - 113
16.	NEW BUSINESS	
17.	UPCOMING MEETINGS	
17.1.	Special Electronic Meeting - May 12, 2021 at 4 p.m. re Land Use Bylaw Review	

17.2. Next Regular Meeting Scheduled for May 27, 2021, Location: TBD

18. TOWN HALL 12:40 PM - 12:55 PM

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1. Motion to Close Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated March 26, 2021*
- *Appointment of APC Members*
- *Legal Advice*

AND that the recorder and staff attend the meeting.

19.2. Recall to Order

19.3. Rise and Report

20. ADJOURNMENT 12:55 PM - 12:55 PM



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: March 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
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant

Public: There were approximately thirteen (13) attendees in the webinar.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

It was noted that a late submission was received and there was general consensus that the matter be added under new business, 15.4 Rezoning Application - Michael Sketch

By general consensus, the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Morrison reported that Trust Council was held recently. She noted that the meeting did not go as many of the Trustees had wished and encouraged the public to review the recordings of the past meeting and also the packages for upcoming meetings. She noted that many decisions could have wide public impact.

Trustee McConchie encouraged the public to reflect on opportunities to engage in effective communication between neighbours. He also thanked the community for providing constructive feedback on the Land Use Bylaw (LUB) Review, noting that recommendations for solutions help the Local Trust Committee (LTC) to move forward.

4. CHAIR'S REPORT

Chair Patrick reflected on her professional experience as a biologist and noted how it informs her role as a Trustee and Chair with the Islands Trust.

5. TOWN HALL AND QUESTIONS

Dale Henning requested information on the process for Bylaw 222.

Chair Patrick noted that Bylaw 222 was post public hearing and could not be discussed due to that fact.

Dale Henning provided remarks on the following topics:

- A local property that is currently using shipping containers for storage on a property and also has potential additional bylaw infractions.
- The official regulations that apply to aerodromes and the irrelevance of these to a private helicopter pad.
- A request for further update on whether his email, which was referred to as slanderous by a Trustee, had received legal review.

Michael Sketch addressed amendments to the Land Use Bylaw (LUB). He recommended the formation of a Soil Deposit Bylaw and also encouraged the LTC to take opportunities to address the Preserve and Protect through the LUB review process.

George Leroux expressed concern with the aggressive tone with which the community is addressing the LUB Review. He further addressed the industrial zone in the Port Washington area and provided a landowner's perspective on the impact of concentrated industrial zoning.

Amanda Karma spoke against the installation of a private helicopter pad.

Lisa Gedak encouraged the LTC to consider modes of improving the sense of digital access to the Trustees and offered some examples of the platforms that could be considered.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated February 25, 2021

By general consent the Local Trust Committee meeting minutes of February 25, 2021 were adopted.

8.2 Local Trust Committee Bylaw No. 222 Public Hearing Record Dated February 25, 2021

Received for information

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

Received for information

10. DELEGATIONS

None

11. CORRESPONDENCE

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

11.1 Michael Sketch re Feb 25 LTC Meeting

Received for information

11.2 Andy Nowak re Heli-pad

Received for information

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2020.3 and DVP-2020.5 (Hoyland and Brown) – Staff Report

Planner Stockdill provided an overview of the application and the rationale for it being made. She also highlighted important findings of the included professional reports and provided an overview of staff recommendations.

Chair Patrick invited the applicant to speak and he provided an overview of the history of the property.

The LTC discussed the application, the implications of approval, and potential opportunities to relocate the structure.

NP-2021-030

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust information about alternative siting potential and biologist comments on new siting for the lower landing stairs.

CARRIED

12.2 NP-DVP-2021.1 (MacDonald) - Staff Report

Note: Trustee McConchie noted a conflict of interest and recused himself from the meeting.

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

Chair Patrick acknowledged the applicant, Everest MacDonald, who provided an overview of the rationale for the application.

NP-2021-031

It was Moved and Seconded,

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

CARRIED

Note: Trustee McConchie returned to the meeting at following the completion of item 12.2

12.3 NP-TUP-2020.8 (Kroeker) Renewal – Staff Report

Planner Stockdill provided an overview of the application, the history of the Temporary Use Permit (TUP), and the associated staff report. She noted that a piece of communication was received just prior to the meeting and that this was circulated electronically to the LTC.

Chair Patrick acknowledged the applicant, Mark Kroeker, who responded to questions from the LTC on the following points:

- Water consumption
- Fire safety precautions
- Future plans to continue with the TUP process or consider rezoning.
- Inclusion of water conservation, fire safety, and other guidelines in literature for visitors.

A discussion was held regarding the length of time for the TUP renewal and consideration of water monitoring requirements for Short Term Vacation Rentals (STVRs).

NP-2021-032

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.8 (Kroeker) for a period of three (3) years.

CARRIED

Note: A break was held from 10:44 a.m. – 10:52 a.m.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 STVR Review Project – Staff Report

Planner Stockdill provided an overview of the associated staff report. She noted that the bylaw is post public hearing and provided an overview of the regulations related to that.

A discussion was held regarding the following points:

- The use of the word “should” versus “must
- Guideline 6.4.4 and future practical implications for applying the regulation.

- The impact of STVRs on affordable housing and modes by which the bylaw addresses this.

NP-2021-033

It was Moved and Seconded,

the North Pender Island Local Trust Committee Bylaw No. 222, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No 1, 2020" be amended so that items within 6.4 have instances of should or may be replaced with must except for 6.4.4. which will remain as should.

CARRIED

NP-2021-034

It was Moved and Seconded,

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, as amended.

CARRIED

NP-2021-035

It was Moved and Seconded,

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, as amended.

CARRIED

NP-2021-036

It was Moved and Seconded,

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, as amended.

CARRIED

NP-2021-037

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No.222 be forwarded to the Minister of Municipal Affairs for approval, as amended.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated March 2021

Planner Stockdill noted that the Trustees have an opportunity to move an additional project to the Top Priorities list.

The LTC held a discussion on the projects that could be considered and sought advice from staff on selecting appropriate projects, including consideration of a Soil Removal and Deposit Bylaw and the Coastal Douglas-fir ecosystem project.

NP-2021-038

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to come back to the next regular Local Trust Committee meeting with a project charter and initial reporting on a soil removal and deposits bylaw project.

CARRIED

NP-2021-039

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to suggest an altered project charter for the Groundwater Sustainability project to include consideration of Coastal Douglas Firs' and associated ecosystems' protection.

CARRIED

14.1.2 Projects List Report Dated March 2021

Received for information

14.2 Applications Report Dated March 2021

The LTC requested and received information on upcoming applications.

14.3 Trustee and Local Expense Report

None

14.4 Adopted Policies and Standing Resolutions

Received for information

A discussion was held regarding projects on the associated islands.

By general consensus, it was agreed that the next regular business meeting include an agenda item for consideration of a future meeting with the associated islands.

14.5 Local Trust Committee Webpage

No comments were made.

14.6 Islands Trust Conservancy Report Dated January 2021

Received for information.

15. NEW BUSINESS

15.1 Southern Gulf Islands Schedule Enhancement

Received for information.

15.2 Communication Strategies

The LTC provided an overview of the opportunities and challenges for communicating with the public.

Topics discussed included:

- Opportunities for Pender Post articles and benefits of having staff forward content to the Trustees for inclusion.
- Challenges of Facebook conversations
- Benefits and costs of direct mail outs.
- Mail outs regarding the Land Use Bylaw Review
- Opportunities for increased social media engagement, including engagement of a social media intern.

15.3 Aeronautics Regulation – Transport Canada

The LTC provided a summary of the current concerns raised by community members regarding private helicopter use on the island. Further information was provided regarding current aeronautics regulations and limitations on the role that the LTC can play.

A discussion of the matter was held, including the importance of future regulation for the protection of the environment and rural character of the community.

It was noted that this matter has been forwarded to the Southern Gulf Islands Forum and the LTC discussed additional opportunities for their involvement.

NP-2021-040

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to draft a letter to the Federal Ministry of Transportation regarding aeronautical navigation in the Trust Area.

CARRIED

15.4 Rezoning Application – Michael Sketch

It was noted that Michael Sketch had written to request that bylaw enforcement on his property be suspended until his application process has been completed.

The LTC considered the request and requested advice from staff.

There was general consensus that relevant standing resolution apply.

16. UPCOMING MEETINGS

16.1 Meeting Length and Frequency

A discussion was held regarding managing meeting lengths and efficiency. It was recommended that scheduled breaks be set for the meeting.

16.2 Next Regular Meeting Scheduled for April 29, 2021, Location: Zoom

17. TOWN HALL

Dale Henning thanked the LTC for their deliberations on the applications and also on Bylaw 222. He further provided comments on the future decision of whether to increase industrial use on Port Washington Road and noted the high traffic density at the Community Hall intersection.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 12:58 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: March 18, 2021
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant, Host

Public: There were approximately ten (10) attendees in the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Note: A break was held from 9:05 a.m. to 9:32 a.m.

2. APPROVAL OF AGENDA

It was recommended that Item 3.1, First Nations Consultation, be added to the agenda.

By general consent the agenda was approved as amended.

3. BUSINESS ITEMS

3.1 Correspondence, Lyackson First Nations Response to Land Use Review Project – Early Conversations.

The Local Trust Committee (LTC) requested and received guidance from Lisa Wilcox on opportunities for relationship development and consultation.

3.2 Land Use Bylaw Review Project – Staff Report (attached)

Planner Stockdill noted the intended topics of maximum floor area, industrial regulations, and agricultural regulations. She further remarked that the goal of the project is to have a drafted bylaw in the upcoming months.

Planner Stockdill provided an overview of the current regulations on maximum floor area in the Land Use Bylaw, the building trends on North Pender Island, and options for the LTC moving forward.

The LTC discussed the matter of maximum floor size, including their goals for the project and details that need to be considered, including the following:

- Maximum coverage limits for lots.
- Limiting internal square footage specifically, as limitations on overall square footage can discourage ecological building practices
- Approaches taken in similar trust areas including South Pender and Mayne islands.

There was general consensus that staff shall return to a future meeting with a report that outlines how South Pender Island's regulations to limit maximum house size, aggregate floor area, and impermeable lot coverage could be adapted to North Pender Island.

NP-2021-030

It was Moved and Seconded,

that the North Pender Islands Local Trust Committee direct staff to create a report reflecting the discussion on floor area review on March 18, 2021..

CARRIED

Planner Stockdill noted that the North Pender Island Agricultural Advisory Planning Commission (AAPC) provided a detailed report to the LTC and that staff have also reviewed the report and provided comments and recommendations.

Trustee McConchie noted that the Chair of the North Pender AAPC had contacted him and recommended that the LTC defer discussion of the report until members of the AAPC can join the discussion.

A discussion of the report and outstanding questions was held. Discussion included consideration of special regulations for lots within the Magic Lake Estates area.

NP-2021-031

It was moved and seconded,

that the North Pender Local Trust Committee defer a decision on the recommendations of the Agricultural Advisory Planning Commission to the April Local Trust Committee regular business meeting and further that the Agricultural Advisory Planning Commission be invited to the April meeting for discussion of their recommendations.

CARRIED

Planner Stockdill reported that the Industrial Land Review was referred to the North Pender Island Advisory Planning Commission (APC) and that recommendations have been received.

A discussion was held regarding the recommendations of the APC including the following points:

- Benefits and drawbacks of allowing various industrial uses on the island.
- Advice from staff regarding the implications of various potential industrial regulation options.
- Benefits and drawbacks of congregating industrial uses into one area.

- Regulation of industrial zoning on steep slopes.
- Current zoning and potential amendments on the Gulf Excavating Site and MacDonald Farm site.

A discussion was held regarding the options for congregating industrial uses and the current industrial uses that could be considered for relocation.

The LTC Reviewed the table titled *North Pender Island Local Trust Committee Official Community Plan Implementation Options* in the agenda package. The LTC requested and received information from staff and provided general feedback and support for the recommendations, except as noted in the following resolutions.

A discussion was held regarding the site behind the recycling depot and consideration of rezoning the site to community services with the approved uses for waste transfer, composting, recycling, and storage. There was general consensus that staff return to a future meeting with recommendations.

NP-2021-032

It was moved and seconded,

That, regarding the *North Pender Island Local Trust Committee Official Community Plan Implementation Options* dated March 18, 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone.

CARRIED

NP-2021-033

It was moved and seconded,

That, regarding the *North Pender Island Local Trust Committee Official Community Plan Implementation Options* dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.

CARRIED

NP-2021-034

It was moved and seconded,

That the North Pender Island Local Trust Committee give direction to staff to schedule an additional special meeting to continue the discussion for the Land Use Bylaw Review Project.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 12:17 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: March 26, 2021
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Kim Stockdill, Island Planner
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant, Host

Public: There were no attendees in the webinar.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING (Distributed Under Separate Cover)

3.1. Motion to Close the Meeting

NP-2021-041

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter,
Part 4, Division

3, s. 90(1) (d)(i) for the purpose of considering:

- Adoption of In-Camera Minutes Dated October 2, 2020
- Legal Advice

AND that the recorder and staff attend the meeting.

CARRIED

3.2 Recall to Order

The meeting was recalled to order at 11:15 am.

3.3 Rise and Report

Chair Patrick reported that the In Camera minutes of October 2, 2020 were adopted as presented.

By general consensus item 3.4 Scheduling of a Special Meeting was added

NP-2021-042

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff schedule a special meeting for discussion of NP-SUB-2008.9 (James Island).

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:21 a.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: April 1, 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
Phil Testemale, Planner 2
Kim Stockdill, Island Planner
Shannon Brayford, Recorder
Maple Hung, Planning Assistant (Host)

Public: There were five (5) attendees the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING (Distributed Under Separate Cover)

3.1. NP-SUB-2008.9 (James Island) – Staff Memo

Regional Planning Manager (RPM) Kojima provided an overview of the staff memo.

Chair Patrick acknowledged the representative of the application who were in attendance and invited them to address the Local Trust Committee.

Brett Rasinski expressed concerns with the staff memo and the process leading to the special meeting. He provided an outline of the history of the agreement and the applicant's engagement with both the Local Trust Committee and local First Nations. Brett Rasinski encouraged the LTC to pass the alternate resolutions proposed in the staff memo.

Members of the LTC each shared remarks on the process to this point and their personal rationales for proceeding.

NP-2021-041

It was Moved and Seconded,

Whereas the Islands Trust Council has adopted a reconciliation declaration; and

Whereas the North Pender Island Local Trust Committee has adopted a standing resolution with respect to First Nations reconciliation in the North Pender Island Local Trust Area; and

Whereas the North Pender Island Local Trust Committee has reviewed the consultation record, and notes that objections to the subdivision continue to be expressed by the Tsawout First Nation;

Therefore, the North Pender Island Local Trust Committee resolves to:

1. Advise the Provincial Approving Officer that the North Pender Island Local Trust Committee considers approval of the subdivision of James Island as not being in the public interest.
2. Advise the Lieutenant-Governor-in-Council that the North Pender Island Local Trust Committee considers the deposit of the subdivision plan of James Island as being against the public interest.

And that staff forward this resolution to the Provincial Approving Officer and the Lieutenant-Governor-in-Council.

CARRIED

Chair Patrick acknowledged Greg Atkins, Legal Council for the applicant, and invited him to address the LTC.

Greg Atkins requested information on additional outstanding contractual matters related to the application.

4. ADJOURNMENT

By general consent the meeting was adjourned at 9:23 a.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Follow Up Action Report

North Pender Island

28-Jan-2021

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

18-Mar-2021

Activity	Responsibility	Dates	Status
1 LUB Review - Staff to draft a report reflecting the discussion on floor area review on March 18, 2021.	Kim Stockdill	Target: 08-Apr-2021	Completed
2 Staff to contact the Agricultural Advisory Planning Commission to invite them to the April 29, 2021 meeting for discussion of their recommendations.	Kim Stockdill Maple Hung	Target: 31-Mar-2021	Completed
3 LUB Review Project - staff to draft bylaw to combine two industrial zones into a single general industrial zone.	Kim Stockdill	Target: 31-May-2021	In Progress
4 Staff to schedule a Special Meeting to continue the discussion for the LUB Review Project. (SM scheduled for April 22, 2021).	Jas Chonk Maple Hung	Target: 26-Mar-2021	Completed

25-Mar-2021

Activity	Responsibility	Dates	Status
1 8.1 Minutes from February 25, 2021 LTC were adopted as presented.	Maple Hung	Target: 09-Apr-2021	Completed



Follow Up Action Report

North Pender Island

25-Mar-2021

Activity	Responsibility	Dates	Status
2 12.1 NP-DP-2020.3 and NP-DVP-2020.5 - Applicant to report back with information on alternative siting potential and biologists comments. Staff to forward this information to a subsequent LTC meeting.	Phil Testemale	Target: 15-Apr-2021	Completed
3 12.2. NP-DVP-2021.4 (MacDonald) - Approved. Please notify applicant, process permit and close application.	Jas Chonk Maple Hung Phil Testemale	Target: 23-Apr-2021	Completed
4 12.3 NP-TUP-2020.8 (Kroeker) - TUP renewal approved as amended. 1. Amend TUP for issuance of permit for 3 years. 2. Notify applicant, set up notification permit expiry in TAPIS, close file.	Jas Chonk Maple Hung Phil Testemale	Target: 23-Apr-2021	Completed
5 13.1 STVR Project 1. Amend bylaw. DONE 2. Amended bylaw No. 222 given Second and Third Reading. Updated bylaw with reading dates - Done 3. Send bylaw to EC for approval - Done 4. Send bylaw to Minister for approval.	Jas Chonk Kim Stockdill	Target: 23-Apr-2021	Completed
6 14.1 Staff to report back with an outline for a Soil Removal and Deposit Bylaw project and draft Project Charter. Report to include the benefits and challenges of SSI LTC's soil bylaw.	Kim Stockdill Robert Kojima	Target: 15-Apr-2021	Completed

Follow Up Action Report

North Pender Island

25-Mar-2021

Activity	Responsibility	Dates	Status
7 14.1 Groundwater Sustainability Project - Staff to amend the Project Charter to include considerations of the Coastal Douglas Fir and associated ecosystems protection.	Narrisa Chadwick William Shulba	Target: 15-Apr-2021	Completed
8 15.3 Staff to draft a letter to the Federal Ministry of Transportation regarding aeronautical navigation in the Trust Area.	Clare Frater Mike Richards Robert Kojima	Target: 23-Apr-2021	Completed

01-Apr-2021

Activity	Responsibility	Dates	Status
1 Staff to draft letter to the Provincial Approving Officer and Lieutenant-Governor-in-Council regarding James Island. Chair to sign letter.	Phil Testemale Robert Kojima	Target: 16-Apr-2021	Completed

April 15, 2021

VIA EMAIL - *lpatrick@islandstrust.bc.ca*

North Pender Island Local Trust Committee
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Attention: Chair Laura Patrick

Dear Chair Patrick:

**Re: Subdivision of James Island (NP-SUB-2008.9)
Outstanding Trust Committee Resolutions**

I confirm that we are solicitors of J.I. Properties, Inc., the registered owner of the land title parcels comprising the entirety of James Island. Please consider this correspondence as our client's formal request to have the following matters related to the subdivision of James Island included on the agenda for the North Pender Island Local Trust Committee's next regularly scheduled meeting on April 29, 2021:

1. Agreement with our client on the amount payable for cash-in-lieu of parkland dedication in accordance with section 510(6) of the *Local Government Act* in respect of the subdivision in the amount of \$2,077,250.00, as previously approved by the CRD's Electoral Areas Committee and Board in their duly convened meetings on March 10, 2021; and
2. Those matters listed in the Islands Trust Staff Report prepared in advance of the North Pender Island Local Trust Committee's meeting of February 25, 2021 which were not addressed in that meeting, namely:
 - a. that the North Pender Island Local Trust Committee release the following covenants registered under section 219 of the Land Title Act:
 - i. Covenant EC78597 (Existing Parks Covenant); and,
 - ii. Covenant FB180725 (Subdivision Control Covenant);
 - b. that the North Pender Island Local Trust Committee partially release of the following charges registered on title to the subject property:
 - i. Covenant FB180722 (Conservation Covenant – Release from Proposed Lots 1-77);

- ii. Statutory Right of Way FB180723 (Access for Monitoring and Enforcement - Release from Proposed Lots 1-77); and,
- iii. Statutory Right of Way FB180724 (Access for Education and Research - Release from Proposed Lots 1-77);
- c. that the North Pender Island Local Trust Committee accept the Assignment and Assumption Agreement as contemplated by the Conservation Covenant; and
- d. that the North Pender Island Local Trust Committee designate the Chair of the Local Trust Committee to sign all releases, partial releases, applications to deposit plans (including the strata plan), the Assignment and Assumption Agreement, and section 219 covenants cited above.

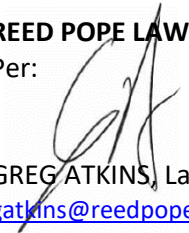
We look forward to your confirmation that these matters will be included on the agenda for consideration by the North Pender Island Local Trust Committee at their meeting on April 29, 2021.

If you require any additional information or should you wish to discuss any of these matters further, we and our client are available at any time.

Yours truly,

REED POPE LAW CORPORATION

Per:


GREG ATKINS, Lawyer
gatkings@reedpope.ca

* Practicing as Greg Atkins Law Corporation



MEMORANDUM

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

DATE OF MEETING: April 29, 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

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).

PURPOSE

- To provide the Local Trust Committee with information on siting alternatives and comments from the Biologist on impacts of those options.
- To provide resolutions for consideration of approval for the Development Permit (DP and Development Variance Permit (DVP).

A staff report with background information and recommended resolutions for approval of combined Development Permit (DP) and Development Variance Permit (DVP) application was reviewed by the LTC at the Regular Meeting on March 25, 2021. The report and attachments are available on the Islands Trust website here:

http://www.islandstrust.bc.ca/media/351150/np-ltc_2021-03-25_agd_pkg_final.pdf

The LTC passed the following resolutions at its March 25, 2021 regular meeting:

NP-2021-030

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust information about alternative siting potential and biologist comments on new siting for the lower landing stairs.

CARRIED

As requested, the applicant consulted with his contractor and he indicated that the work was feasible, but would involve the following work: the lower deck and stairs would need to be deconstructed; new concrete footings poured and the deck and stairs reconstructed; and, the flight of stairs above the deck would have to be altered and possibly reconstructed. If that work is undertaken, variances for the siting of stairs and landing, and for the area of the landings, would still be required.

Staff discussed the LTC request with Keith Erickson, R.P. Bio. for his professional opinion on the feasibility and impacts of siting the lower deck to meet the interior side yard setback of 3.0 m (10ft). He concluded that from an ecological perspective, less disruption is better. Given the potential for further disruption to the sensitive ecosystem and unknown geotechnical implications with moving the structure, he reconfirmed the proposed option to alter the structure by reducing its size in place preferable. Keith Erickson's provided his opinion in an e-mail that is Attachment 1.

As indicated in the staff report and attachments from March 25, 2021, the direct neighbours to the west provided a letter fully supporting the proposal. The minimal impacts to that neighbour are further highlighted by the fact that neither the neighbour, nor applicant were aware that there was an encroachment of the lower deck until a detailed survey was conducted.

Copies of Development Permit NP-DP-2020.3 and DVP-2020.5 (Hoyland & Brown) are Attachments 2 and 3.

RATIONALE FOR RECOMMENDATIONS

The recommendations on page 1 are supported as previously outlined in the March 25, 2021 staff report, and based on the foregoing information which confirms that the applications as presented would be the least impactful to the sensitive ecosystem and for slope stability.

Submitted By:	Phil Testemale, Planner 2	April 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 21, 2021

ATTACHMENTS

1. E-mail correspondence from Keith Erikson, R.P. Bio. (2021-03-26)
2. Draft NP-DP-2020.3 (Hoyland & Brown)
3. Draft NP-DVP-2020.5 (Hoyland & Brown)

Attachment 1

From: Keith Erickson <[REDACTED]>
Sent: Tuesday, March 30, 2021 9:40 AM
To: Phil Testemale
Subject: Fwd: 6604 Razor Point

----- Forwarded message -----

From: Keith Erickson <[REDACTED]>
Date: Fri, Mar 26, 2021 at 2:02 PM
Subject: Re: 6604 Razor Point
To: Steve Hoyland <[REDACTED]>

Hi Steve,

From an ecological perspective, the less disturbance, the better. The original proposal to alter the existing structure is preferred. That being said, the biological community currently occupying the general area of the newly proposed works is highly disturbed and primarily consists of bare soil and invasive Scotch broom. I will caveat this with the fact that I was not able to inventory annual herbaceous plants that may or may not occur on this site due to the timing of my survey.

I cannot comment on the slope stability or erosion issues related to the newly proposed works. This will require a geotechnical review, which, given the current state of the slope I would recommend.

Let me know if you require any additional information.

Keith Erickson R.P.Bio.
[REDACTED]

On Fri, Mar 26, 2021 at 8:27 AM Steve Hoyland <[REDACTED]> wrote:

Hi Keith,

Our application was discussed at the councilors meeting yesterday and we were asked to review the possibility of turning the stairs in the other direction from one landing up from the bottom deck and removing the bottom deck entirely. Our builder had a look and says he can get footings in for that so now we need your input. The bank in this area is already badly eroded so I don't think we could damage it further. Please offer your opinion.

Thanks,
Steve Hoyland



**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

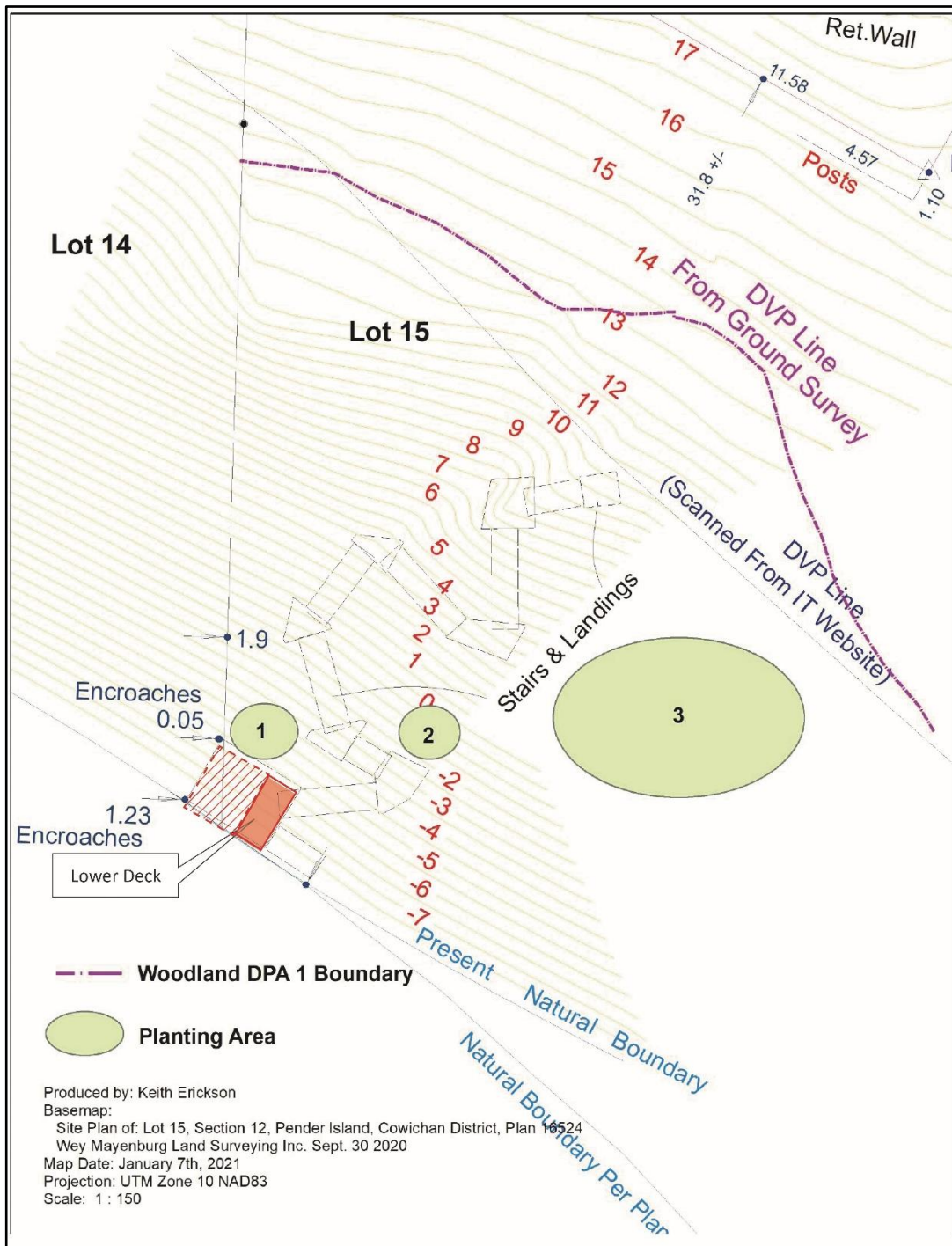
Month #, 2021
Date of Issuance

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

DEVELOPMENT PERMIT 2020.3
Schedule "A" (Site Plan)



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





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.

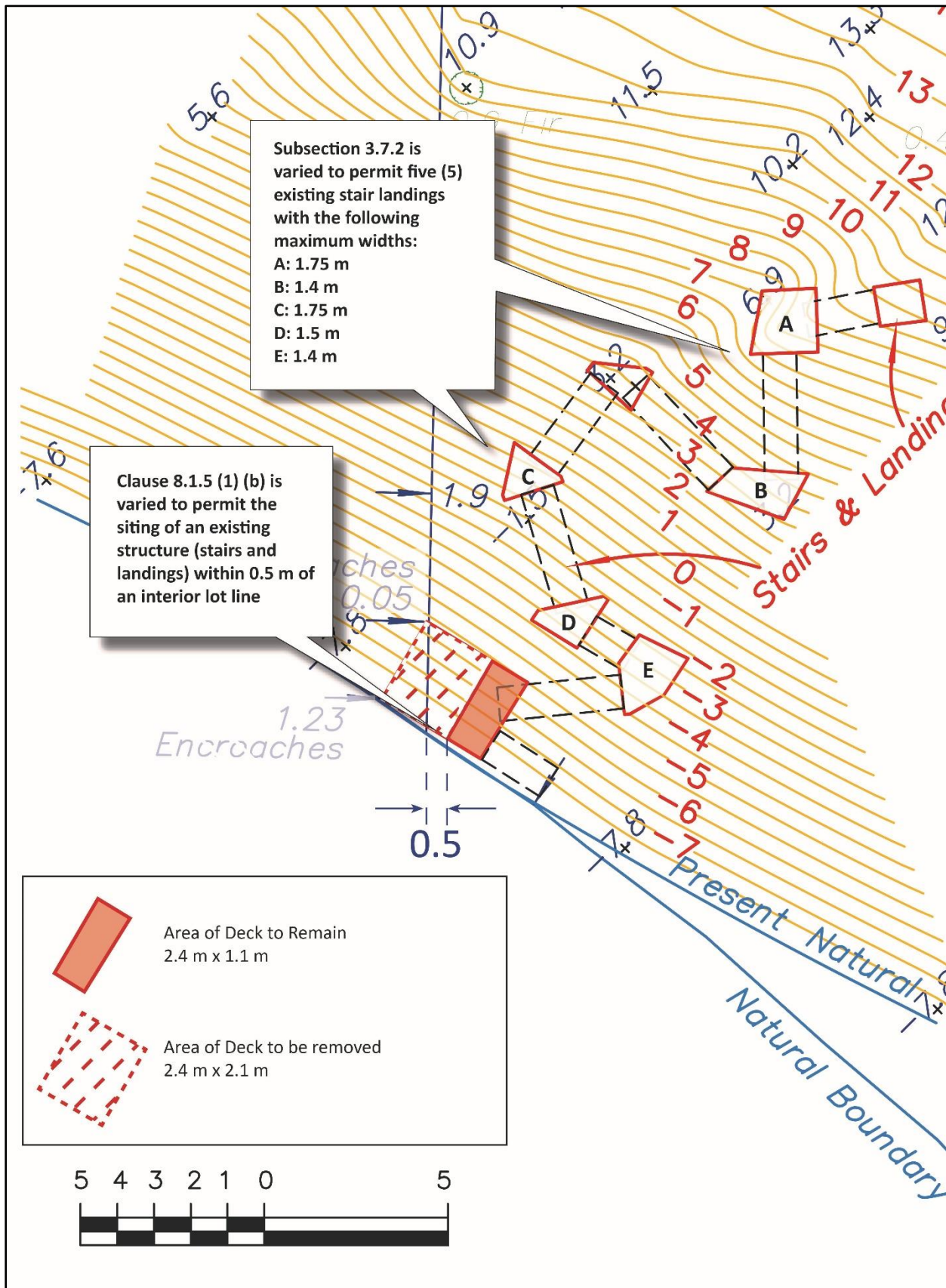
Deputy Secretary, Islands Trust

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'





File No.: NP-TUP-2021.1 (Landale)
x-ref (NP-TUP-2019. 8)
(NP-TUP-2016.2)

DATE OF MEETING: April 29, 2021

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit for STVR
Applicant: Zoe Landale
Location: 4753 Bosun Way, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee not approve issuance of proposed Temporary Use Permit NP-TUP-2021.1 (Landale).

REPORT SUMMARY

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

BACKGROUND

The application is for issuance of a new TUP for an STVR use in an accessory building on the subject property in Magic Lake Estates. The applicant received two previously approved TUPs to date (NP-TUP-2016.2 and NP-TUP-2019. 8 renewal).

NP-TUP-2016.2 – First TUP Application

The detailed staff report from the original application in late 2016 including background, analysis and maps can be found in the agenda package for the January 26, 2017 and February 23, 2017 North Pender Island Local Trust Committee (LTC) meetings:

January 26, 2017 - <http://www.islandstrust.bc.ca/media/342091/np-2017-01-26-ltc-agd-pkg.pdf>

February 23, 2017 - <http://www.islandstrust.bc.ca/media/342272/np-2017-02-23-ltc-ag-pkg.pdf>

The original application had five (5) letters of support and two (2) opposed.

The following are comments from a previous staff report regarding the TUP application for this property:

"The original proposal from 2016 was consistent with an OCP guideline that was introduced as an amendment to original STVR bylaws in 2017 for this specific situation:

- 6.4 *The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.*

A Certificate of Occupancy from the CRD Building Inspection Department was required in the TUP prior to commencing the use. That was issued on May 12, 2017 and forwarded to the Islands Trust. The total floor area of all buildings on the property is 135m² as follows:

- Cabin - 26m² (280 ft²)
- Owners house - 77m² (830 ft²)
- Carport/woodshed –26m² (280 ft²)
- Tool shed – 5.9m² (64 ft²)

The permit is unique where an accessory building ('cabin') is being rented as a STVR where the property size otherwise would not permit a cottage under zoning. The property is 0.32 ha (0.8 ac) and is zoned **Rural Residential**. A minimum lot size of 1.2 ha is required for a cottage under the zone.

The 26 m² (280ft²) cabin was constructed initially as a temporary dwelling for the owners to live in while building their principal dwelling. Once the dwelling was complete, the cabin was required to revert to an accessory building and not be used for human habitation. The original application was initiated as a result of bylaw enforcement. The applicants suspended the use while their application was in process."

NP-TUP-2019.8 - Renewal application

The applicant submitted an application to renew their TUP issued in May 2017. The following are comments from the staff report dated January 30, 2020 (http://www.islandstrust.bc.ca/media/348844/np-ltc_2020-01-30_agd_pkg_final.pdf):

"It is noted that once the current (if a renewal is not granted by the LTC) or renewal lapses, the owners are required to either make a new application or to cease the use and not inhabit the cabin. There have been no bylaw complaints received since the permit was issued.

The rationale for the renewal is that the STVR use is noted as an important source of income for the owners (required "...to make ends meet.") as well as providing a service for island visitors.

The applicants were sent an e-mail on December 24, 2019 requesting the applicants confirm that they have complied with the requirements of the TUP, particularly the requirements to notify neighbours and provide contacts. In addition, they were requested to provide information on water conservation measures and a copy of the information given to guests.

In response they supplied they confirmed that they have met all conditions, and supplied their guest information package and the following on water conservation: They have 'Please Be Waterwise' in the bathroom of the cottage; the bathroom has a low flush toilet and water-saving shower head. The landscaping uses native species, extensive ground cover and all landscaping is on a micro-irrigation system. The maximum number of guests is two (2).

They estimate that they are present when renting the cottage 98% of the time and they do not rent when they are away."

Staff recommended approval of the TUP renewal for a three year period. The NP LTC at the January 30, 2020 LTC meeting approved the TUP renewal but for only a period of one (1) year.

NP-2020-003

It was Moved and Seconded,

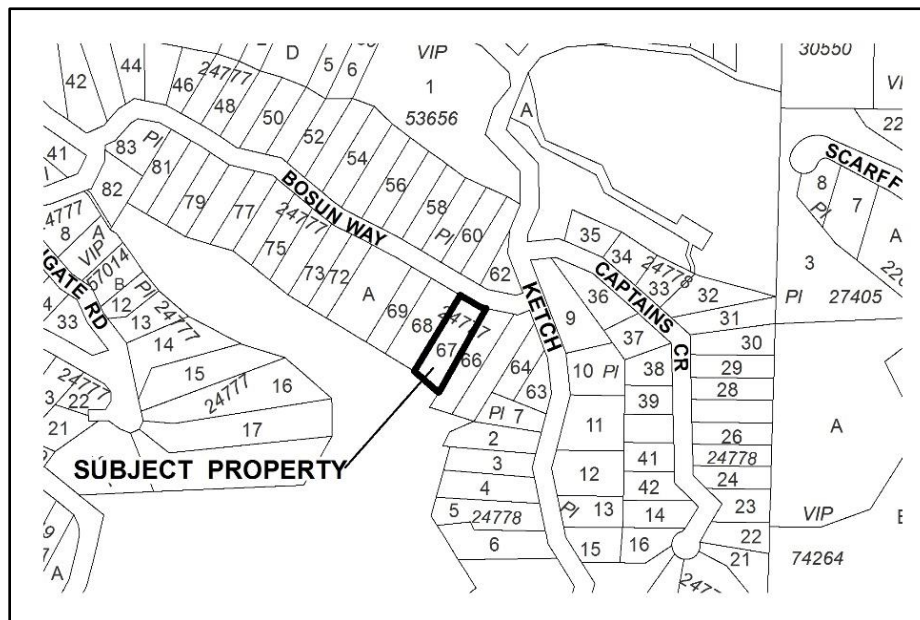
that the North Pender Island Local Trust Committee (LTC) approve issuance of renewal Temporary Use Permit NP-TUP-2019.8 (Coburn) for one (1) year.

CARRIED

NP-TUP-2021.1 – New Application

The applicant is now applying for a new TUP application as the renewal TUP (NP-TUP-2019.8) has expired. The applicant is not proposing any changes to the TUP and wishes to continue to operate the STVR for a maximum of two guests in the existing accessory building. The applicant has constructed a fence along the eastern border of the property line to increase privacy for the STVR guests and neighbours. The applicant has also provided BC Hydro and water usage bills. A draft permit is attached for the LTC's consideration (Attachment No. 5).

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 STVR TUP applications are contained in the OCP. The North Pender OCP currently contains the following guideline in the TUP section:

6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.

As part of the STVR Review Project (proposed Bylaw No. 222), staff recommended the LTC remove Guideline 6.4.11 as accessory buildings are not permitted to be used for human habitation as stated in Subsection 3.4.1 of the North Pender Land Use Bylaw. In addition, once an accessory building has been converted to residential occupancy it is unlikely to be converted back to accessory occupancy. Subsequently proposed Bylaw No. 222 would remove the current TUP guideline 6.4.11 that supports the issuance of a TUP for a STVR within an accessory building. The applicant is aware of the proposed amendments to the TUP guidelines.

Proposed Bylaw No. 222 has been given Third Reading and was recently approved by the Executive Committee. The proposed bylaw is in the process of being sent to the Minister of Municipal Affairs for approval.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)**. RR zoning permits a single-family dwelling unit and accessory uses. Subsection 3.4.1 of the LUB states “*a building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.4.3*”. The current use of an accessory building for human habitation is not compliant with the North Pender LUB. The two options for the applicant to permit the use of a STVR in an accessory building is to apply for a TUP or rezone the property to permit a cottage to operate the STVR as a home occupation.

Issues and Opportunities

Moratorium

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

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

Although this application is technically new TUP application, the LTC confirmed at their November 26, 2020 meeting that the moratorium was not intended to apply to situations such as this where the use was permitted by a previously issued permit. A new application was necessary for statutory reasons as a TUP can only be renewed once (renewal was issued in January 2020 for a period of one year).

Permit Conditions

As stated above, proposed Bylaw No. 222 would amend the TUP section of the OCP. The following guidelines within proposed in Bylaw 222 are highlighted for this application:

1. **Cumulative Impacts and Limit on Number of STVRs within 200 metres of another STVR (6.4.3 and 6.4.4):** The application would meet the new 200 metre guideline.
2. **Limit number of guests in Magic Lake Estates Water System Area to 6 (6.4.15 [b])** – The maximum number of guests of previous TUPs, the current application and the drafted permit is two (2).
3. **Limiting the number of days the STVR may operate from May 1 to September 30 to 30 days** – This condition was not included in the new TUP. If the LTC approves the issuance of the TUP, the LTC may want to consider adding a restriction on use during the summer months.
4. **Limit the number of STVR TUPs in Magic Lake Estates** – Currently there are 10 STVR TUPs (not including this application) where TUPs are approved or in process within Magic Lake Estates.

Applicant’s Rationale & Response to Proposed Bylaw Amendments

The applicant previously stated that the rationale for the STVR TUP is to provide a source of income for the owner (required “...to make ends meet.”) as well as providing a service for island visitors.

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper April 14, 2021 (see Attachment No. 4). Notice was also posted to the North Pender Island community bulletin boards. The notification period ended at 4:30 p.m. on April 20, 2021.

At the time of writing, staff has received six written submission in response to notification (Attachment No.7). All submissions either expressed support for the application or stated they had no objection.

Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Agencies

Consistent with the LTC's Standing Resolution, staff referred the renewal application to the CRD Magic Lake Sewer and Water Committee to confirm infrastructure capacity (referral response is attached – Attachment No. 6). The CRD Integrated Water Services responded that "the volume of water shall not exceed what can reasonably be expected from an existing residential property use."

First Nations

This is a TUP 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

Staff recommend the TUP application not be approved as accessory buildings are not permitted to be used for human habitation in the LUB. In addition, the LTC is in the process removing an enabling TUP guideline that supports STVR use in accessory buildings. By continuously approving a TUP for that would permit human habitation in an accessory building could decrease the likelihood of the property owner to revert the cottage-like structure back to an accessory building. If the TUP application is denied, the property owner would be required to comply with the Land Use Bylaw by converting the non-conforming cottage into an accessory building as it exceeds the density permitted by zoning.

The applicant is aware of staff's recommendation to deny the application and was encouraged to reach out to neighbours for letters of support. If the LTC wishes to approve the TUP application based on the letters of support, no bylaw complaints to date, and that Bylaw No. 222 has yet to be adopted, a resolution to approve the TUP is below. The LTC should consider adding the following condition to the permit if approved (see Alternatives No. 1):

- Restriction on STVR use during the summer months.

The LTC has the ability to add more restriction conditions to a draft TUP prior to approval. At time of renewal, a TUP is not permitted to be amended without satisfying the notification process (mail out to neighbours and notice in newspaper).

ALTERNATIVES

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

1. Amend the TUP

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend proposed Temporary Use Permit NP-TUP-2021.1 (Landale) by inserting the following condition(s):

1. *That the maximum number of days the short term vacation rental may be in use from May 1 to September 30 in a calendar years is a total of X days.*
2. ...

2. Approve the application

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2021.1 (Landale) for a period of X years.

3. 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 application NP-TUP-2021.1 submit to the Islands Trust the following _____.

Submitted By:	Kim Stockdill, Island Planner	April 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 22, 2021

ATTACHMENTS

1. Application Submission
2. Site Plans & Photographs (Submitted by Applicant)
3. TUP Guideline Checklist
4. Notice
5. Proposed NP-TUP-2021.1
6. CRD Integrated Water Services Referral Response
7. Correspondence



Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
(250) 405-5151
information@islandstrust.bc.ca

Galiano, Mayne, North Pender,
Saturna, South Pender Islands

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

Salt Spring Island

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063
northinfo@islandstrust.bc.ca

Denman, Gabriola, Gambier, Hornby,
Lasqueti, Thetis, Ballenas-
Winchelsea Islands

Land Use Application

Application Type: Check all that apply

See Associated Schedules for Information
and Application Requirements

☐ Bylaw Amendment	☐ OCP ☐ Land Use / Rezoning ☐ Land Use Contract	Schedule A
☐ Development Permit	☐ Renewal or Amendment	Schedule B
☐ Development Variance Permit	☐ Renewal	Schedule C
☐ Heritage Alteration Permit		Schedule D
☐ LCRB License	☐ Liquor ☐ Temporary Change ☐ Cannabis Retail	Schedule E
☐ Order - Board of Variance		Schedule F
☐ Siting & Use Permit		Schedule G
☐ Soil Deposit / Removal	☐ Registration ☐ Permit	Schedule H
☐ Strata Conversion		Schedule I
☐ Subdivision Review		Schedule J
☒ Temporary Use Permit	☒ Renewal	Schedule K

Description of Subject Property:

Civic Address	PID
4753 Bosun Way, Pender Island, BC V0N 2M2	002-815-869
Legal Description	
Lot 67, Section 10, Pender Island, Cowichan District	

Purpose of Application: Provide a brief description (attached additional pages if needed)

To provide accommodation to visitors on Pender Island in a tiny eco-friendly cottage surrounded by gardens.

Applicant:

Name	Company
Zoë Landale	
Mailing Address	
4753 Bosun Way, Pender Island, BC V0N 2M2	
Phone	Email
250-539-0701	penderbotanicals@gmail.com

Declaration:

As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.


Signature

Office Use Only:

Date Received February 17, 2021	Fees Paid \$ 900.00	Receipt No. eTransfer	TAPIS No. NP-TUP-2021.1
---	-------------------------------	---------------------------------	-----------------------------------

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE
Certificate Number: STSR3213168

Zoe Landale
4753 Bosun Way
Pender Island BC V0N 2M2
Pick up by: Zoe Landale

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 405967).

I certify this to be an accurate reproduction of title number **FB522014** at 13:54 this 16th day of February, 2021.



REGISTRAR OF LAND TITLES



Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	FB522014 CA648054
Application Received	2020-03-05
Application Entered	2020-03-20
Registered Owner in Fee Simple Registered Owner/Mailing Address:	BARBARA ZOE LANDALE, WRITER 4753 BOSUN WAY PENDER ISLAND, BC V0N 2M2
Taxation Authority	Capital Assessment Area
Description of Land Parcel Identifier: Legal Description:	002-815-869 LOT 67 SECTION 10 PENDER ISLAND COWICHAN DISTRICT PLAN 24777

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR3213168

Legal Notations

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 14 OF THE LOCAL GOVERNMENT ACT, SEE CA5854918 EXPIRES 2020/03/01

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 14 OF THE LOCAL GOVERNMENT ACT, SEE CA8023695 EXPIRES 2021-02-04

Charges, Liens and Interests

Nature:	LAND TAX DEFERMENT ACT AGREEMENT
Registration Number:	WX2108455
Registration Date and Time:	2019-02-25 12:36
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA
Remarks:	RESTRICTS DEALINGS

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

Site Plan Of:
Lot 67, Section 10, Pender Island,
Cowichan District, Plan 24777.

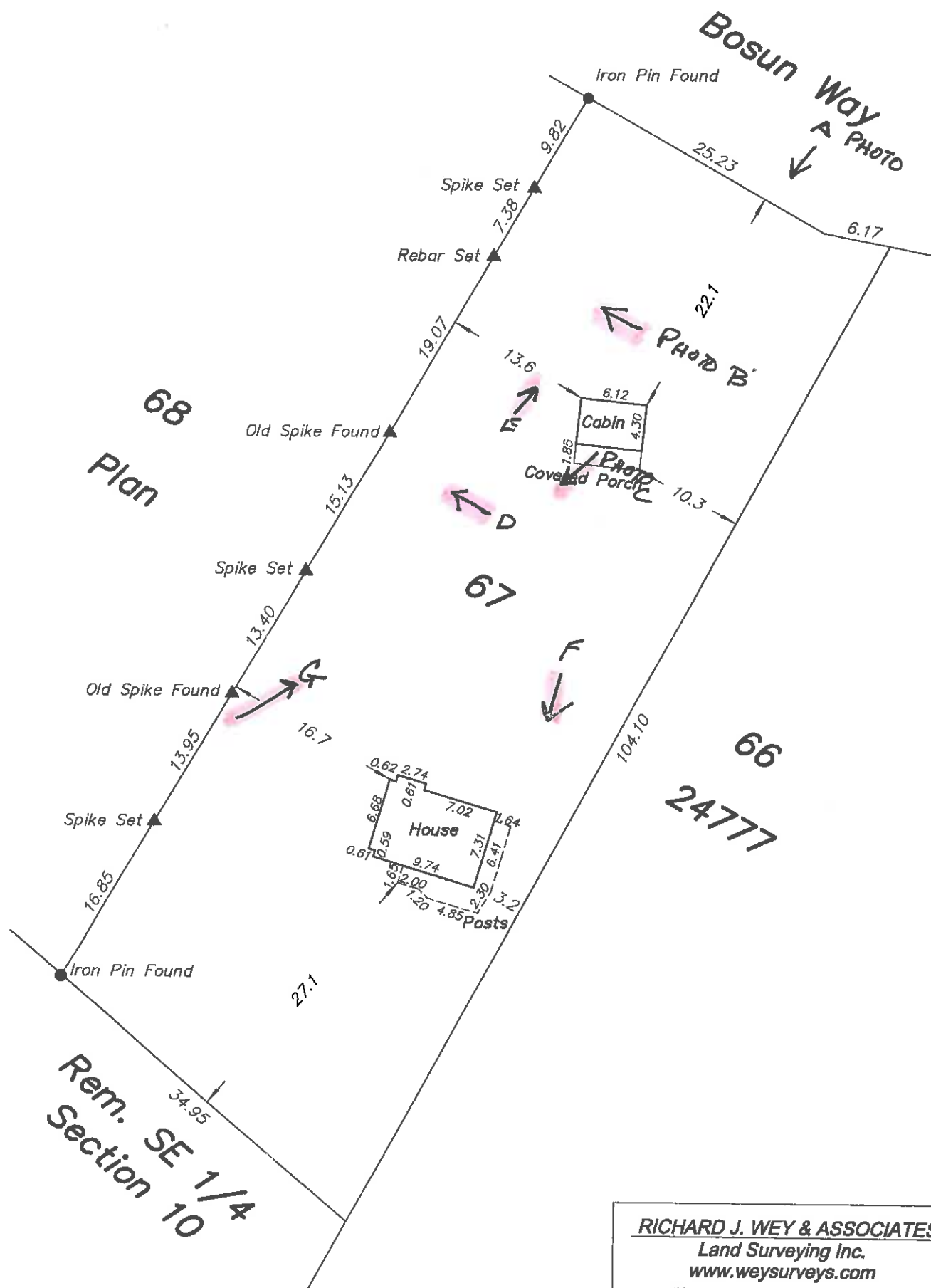
Attachment No. 2



Scale = 1:500

Dated this 9th day of September, 2014.

Distances shown are in metres.

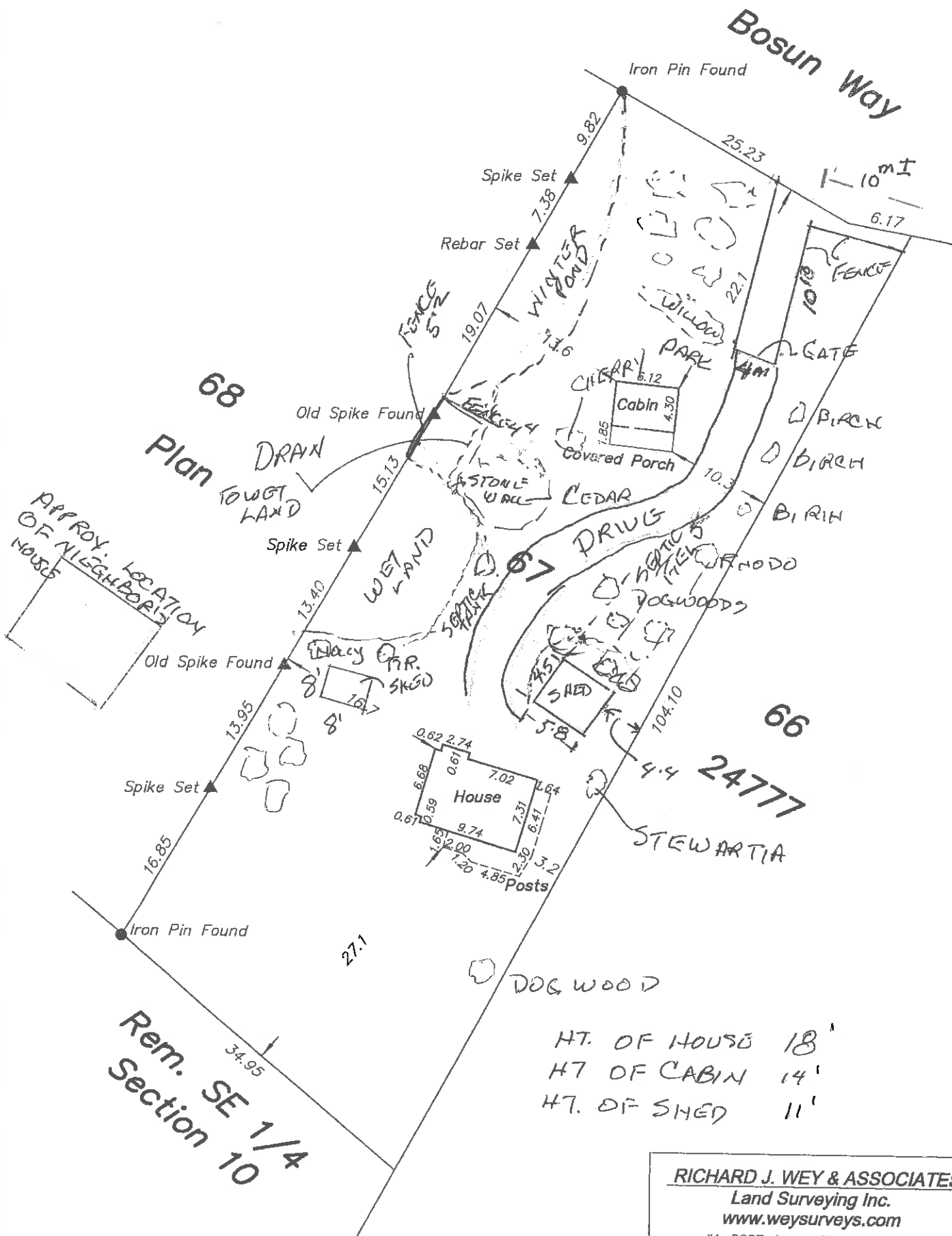


RICHARD J. WEY & ASSOCIATES
 Land Surveying Inc.
 www.weysurveys.com
 #4-2227 James White Boulevard
 Sidney, BC V8L 1Z5
 Telephone (250) 656-5155
 File: 2014/80020/sit/MS

Site Plan Of:
Lot 67, Section 10, Pender Island.
Cowichan District, Plan 24777.



Scale = 1:500
 Dated this 9th day of September, 2014.
 Distances shown are in metres.



RICHARD J. WEY & ASSOCIATES
 Land Surveying Inc.
 www.weysurveys.com
 #4-2227 James White Boulevard
 Sidney, BC V8L 1Z5
 Telephone (250) 656-5155
 File: 2014/80020/sit/MS

Photo A - from across Bosun Way to property



Photo B - view of parking spot



Photo C - from deck of cabin towards West neighbour



Photo D - view toward West neighbour's drive screen to give privacy



Photo E - looking toward willow behind cabin



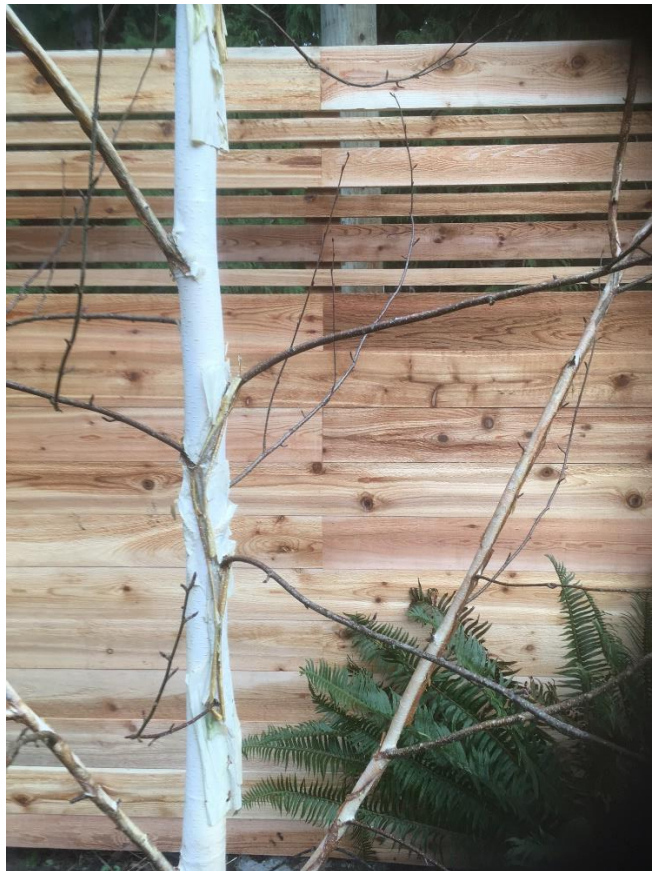
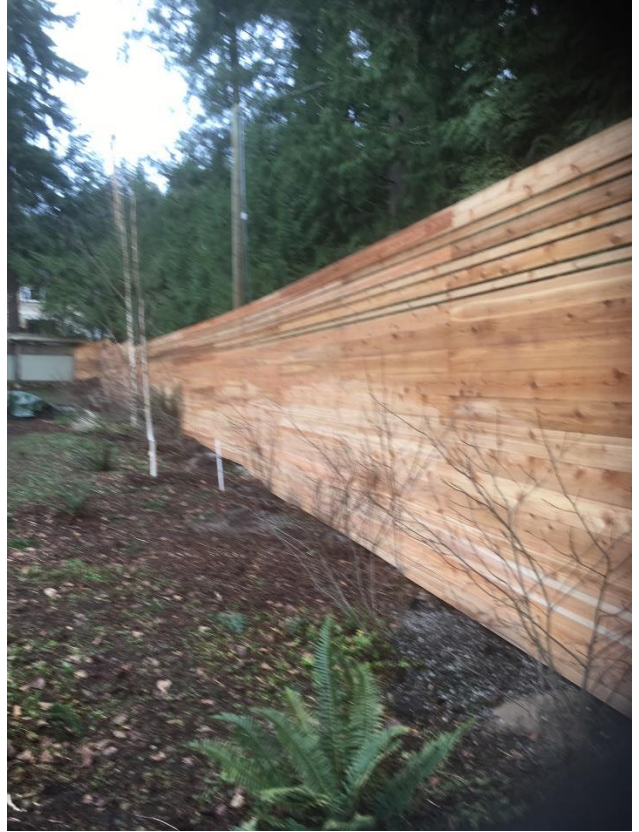
Photo F - looking down East property line



Photo G - close to West neighbour looking toward cabin



Pictures of Fence that runs along eastern interior lot line (picture submitted by applicant).



Attachment 3: TUP Checklist for Short Term Vacation Rental

File Name: NP-TUP-2021.1 (Landale)

Address: 4753 Bosun Way

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Inherent in the application.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior indication of STVR use. – see attachment 2, Maps Plans and Photographs
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals. d) Limit on Number of STVRs in Local Area - 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	Nearest permitted STVR is approx. 325 linear metres away at 4703 Scarff Rd file NP-TUP-2020.2.
e) Water and Septic - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. f) A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information. g) If the property is serviced by a community water system, the application should be referred to the water system for information.	The subject property is within the CRD Magic Lake Estates Community Water System. Per OCP Policy, if approved by the LTC the TUP application will be referred to the CRD for information. Early referral was received by the CRD – see staff report.
h) Parking - the landowner should demonstrate that the	Condition in permit to require a minimum of two

Attachment 3: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
property is able to accommodate off-street parking for a minimum of two vehicles	parking spots for vehicles on the subject property.
i) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features	No DPAs.
j) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m2	Condition of proposed permit.
k) Operator Contact I - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of proposed permit.
l) Operator Contact II - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition of proposed permit.
m) Guest Information - The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Condition of proposed permit.
n) Accessory Buildings - The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m2, and if the building has received an occupancy permit for residential use under the BC Building Code.	TUP is for STVR use within an accessory building. Staff does not support. See staff report.
o) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included as permit condition
Permit Conditions	
p) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may: i. Limit the number of bedrooms that can be used for short term vacation rentals	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.

Attachment 3: TUP Checklist for Short Term Vacation Rental

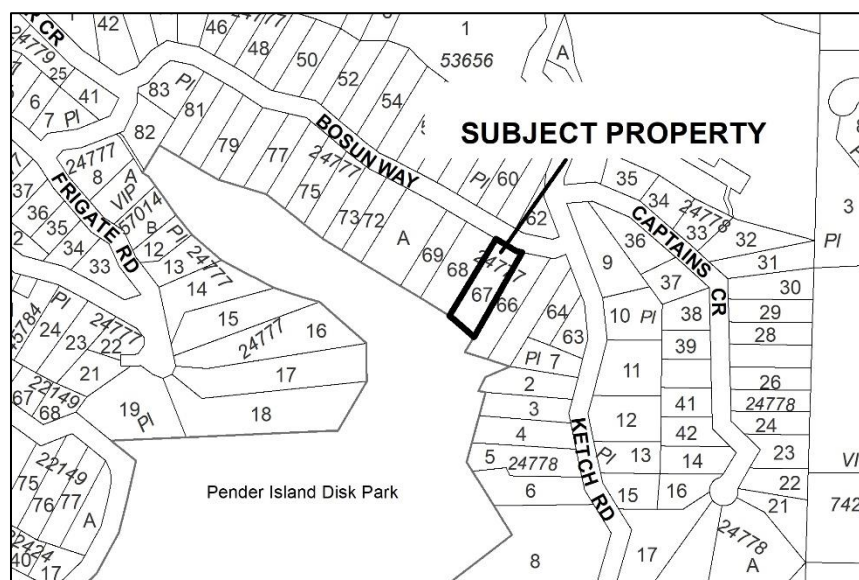
Guidelines	Comments
ii. limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;	Complies.
iii. limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;	LTC may consider add this as a condition of the permit.
iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
v. require the landowner/operator to post contact information and permit information at the entrance to the property	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
vi. prohibit camping or occupancy of RVs on the property	Included as a condition of draft permit.
vii. prohibit the rental or provision of motorized personal watercraft	Included as a condition of draft permit.
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake	This condition was not included in the draft permit. The LTC could consider adding this condition if the TUP is approved.
ix. prohibit outdoor fires	Included as a condition of draft permit.
x. establish the dates during which the use may occur	See: above
Agriculture Land Reserve	
q) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777 (PID: 002-815-869). This property is located at **4753 Bosun Way**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental within an Accessory Building (Cabin)** for a maximum occupancy of **two (2)** people.

The establishment of these uses would be subject to the conditions specified in the attached permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years. The use was previously permitted by NP-TUP-2016.2 and 2019.8 (Renewal).

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



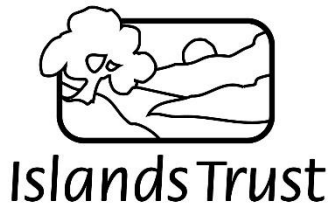
A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 9, 2021** and continuing up to and including **April 20, 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 Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **April 20, 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., April 29, 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.



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2021.1 (Landale)**

4753 Bosun Way

TO: Zoe Landale

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

Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777
PID: 002-815-869

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 an Accessory Building as shown on Schedule A.

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 100 metre radius of the vacation rental with the contact person's phone number and email, 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, wildfire safety, outdoor burning, 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 maximum number of guests is limited to two (2);
 - e) camping and occupancy of recreational vehicles are prohibited;
 - f) signage advertising the Short Term Vacation Rental may not exceed 0.6 m²;
 - g) that water conservation signs be posted at all water sources;
 - h) the total floor area of all buildings on the property must not exceed 185 m².
 - i) the existing landscaping, screening, and fencing must be retained;
 - j) the rental or provision of motorized personal watercraft is prohibited;
 - k) all outdoor fires are prohibited;
 - l) the owner must provide parking for a minimum of two vehicles on the property. All parking for the Short Term Vacation Rental must be contained on the subject property;
 - m) 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;

- n) 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 if the property is located in an area with no cellular service;
 - o) 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; and
 - p) that an application to renew this permit include hydro and water meter readings for the term of the TUP.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

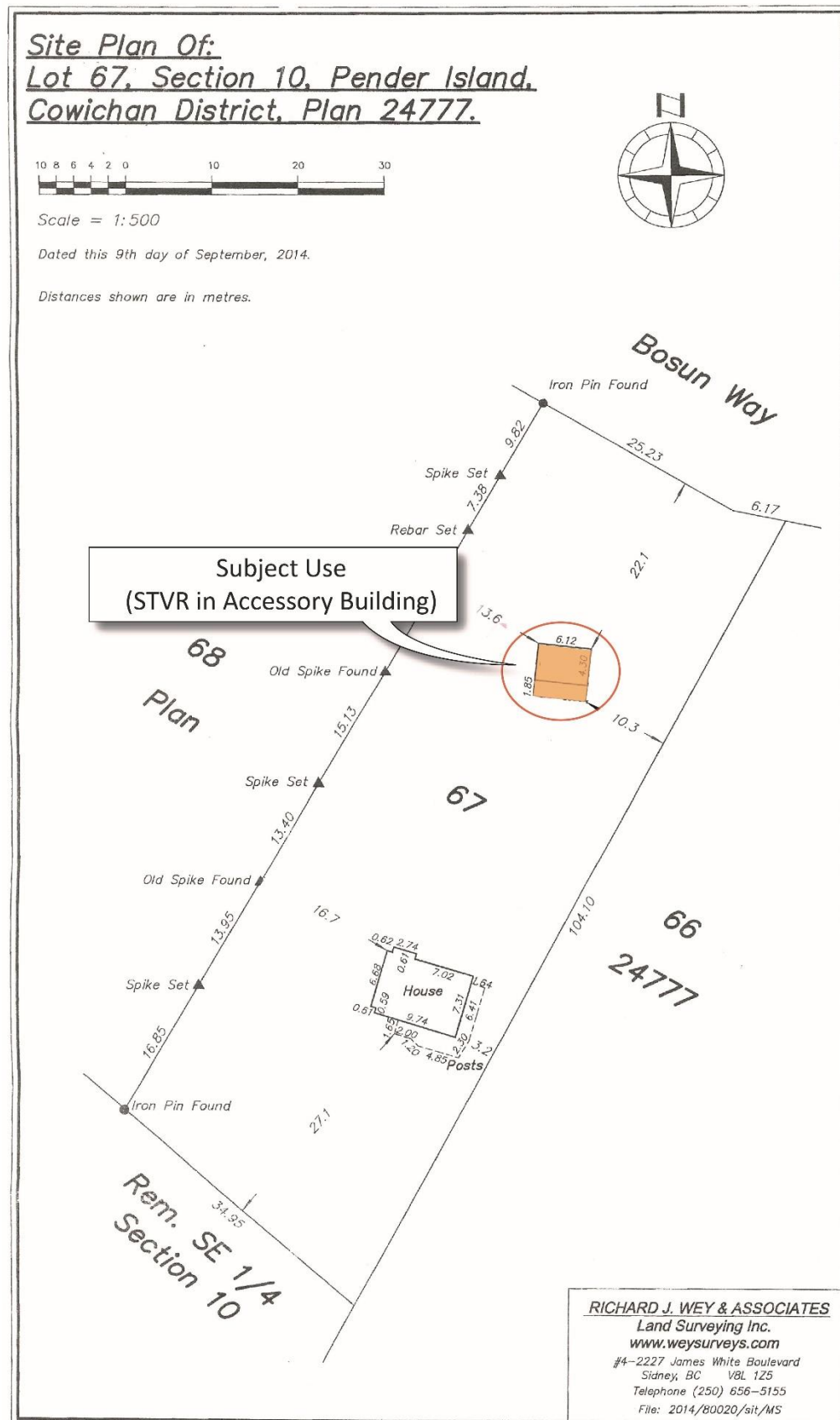
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF APRIL, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2021.1

SCHEDULE 'A'



	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	☐	☐	☐	☐	
Finance & Technology	☐	☐	☐	☐	
Integrated Water Services	☐	☐	☒	☐	The volume of water shall not exceed what can reasonably be expected from an existing residential property use. For further information please contact. Joseph Marr, Manager, Water Distribution. 250 474 9656 jmarr@crd.bc.ca
Legislative Services	☐	☐	☐	☐	
Parks & Environmental Services	☐	☐	☐	☐	
Planning & Protective Services	☐	☐	☐	☐	

Attachment No. 7

From: Evan Llewellyn [REDACTED]
Sent: Thursday, March 18, 2021 4:25 PM
To: Maple Hung <mhung@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Pender Rental Accommodation

File reference is NP-TUP-2021.1

To whom it may concern:

My wife and I live at [REDACTED] and we are neighbours of Zoe Landale who has an on-site suite on her property. We have never had any problems or disturbances stemming from this arrangement. The suite is not visible from the road. It is self-contained and very attractive, having been designed to blend in esthetically with its surroundings. We know this is because we have been invited on to Ms. Landale's property; otherwise we would not have known the unit was there. From my perspective, this cottage is the ideal type of rental accommodation for an island such as ours. It is low-impact and ecologically managed and designed. I have no objection to the continued use of Ms. Landale's cottage.

Evan Llewellyn

From: Joy Thierry Llewellyn [REDACTED]
Sent: Thursday, March 18, 2021 4:31 PM
To: Maple Hung <mhung@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>; Joy Thierry Llewellyn [REDACTED]
Subject: Regarding file NP-TUP-2021.1 for temporary use permit renewal

Dear Maple Hung and Phil Testemale:

I have been aware of our neighbour, Zoe Landale's, recent attempts to get her Temporary Use Permit renewed, and of the work she has done over the years to satisfy Island Trust requirements. Zoe guest cottage has never been an issue to us. We live four houses from her property, on the same street, and are also long-term residents. There have never been any noise, parking, or garbage issues as a result of Zoe's guests. She is a full-time resident, lives on the same property as the cottage, and has been an active member of the Pender community for many years. I've been in her cottage and seen all the things she's done to make it eco-friendly and to ensure it satisfies all the Islands Trust requirements concerning water, sewage, size, and landscaping. If only more people would follow her lead in terms of attention given to both the exterior and interior of guest accommodations.

I support Zoe's application, and am happy to send this email on her behalf.

Regards, Joy Thierry Llewellyn, [REDACTED]

Joy Thierry Llewellyn
genre writer, story editor
& long-distant hiker
www.joythierryllewellyn.com

Author of [Camino Maggie](#) & [Spark Rebecca](#)
Hurricane Lucy coming in April, 2021
"Plum Village Lightning" [The Pilgrimage Chronicles: Embrace the Quest](#)
"Lorraine & the Loop-Garou" [blood is thicker: an anthology of twisted family traditions](#)
plus screenwriting & story editing, travel writing, and teaching screenwriting in Canada, India, China

"I would love to live like a river flows, carried by the surprise of its own unfolding." John O'Donohue



From: John Barlow [REDACTED]
Sent: Thursday, March 18, 2021 4:52 PM
To: Maple Hung <mhung@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: NP-TUP-2021.1

Hello,

NP-TUP-2021.1, Zoe, with her little rental cabin, is my direct neighbour. Her tiny little cottage is fine, always quite, doesn't suit big parties. She runs it well and in the 7 or so years I've lived right next to it I've never had a problem. I'm happy to support her application again.

Thanks,
John Barlow
[REDACTED]

From: Lisa A [REDACTED]
Sent: Friday, March 19, 2021 12:37 PM
To: Maple Hung <mhung@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Letter of support for Zoe Landale's temporary use permit

Hello,

I'm writing this letter to express support for Zoe Landale's temporary use renewal for the cabin on her property. My property adjoins Zoe's. She lives on her property full-time and is a good neighbour - quiet, friendly, considerate and everything you would want in a neighbour. And accordingly, all the visitors to her cabin are respectful and quiet people and there have never been any issues. Thus I would strongly support the renewal of her temporary use permit.

File reference NP-TUP-2021.1

Regards,
Lisa Abraham
[REDACTED]

From: Rob Davidson [REDACTED]
Sent: Saturday, March 20, 2021 3:57 PM
To: Maple Hung <mhung@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Support for Temporary Use Permit

File reference is NP-TUP-2021.1

Good afternoon -

My name is Rob Davidson and I live a few properties away from my neighbour, Zoe Landale. I understand that Zoe's Temporary Use Permit is up for renewal and wanted to share that I fully support the renewal. While I have seen different guests come and go from the property, I can say there have been no interruptions, disturbances, or issues whatsoever. In fact, I would suggest that it is one of the tidiest, quietest, and well-kept properties in the area.

If I can provide any additional details, please let me know.

Thank you,
Rob & Rebecca Davidson
[REDACTED]

From: mary chamberland <[REDACTED]>
Sent: Saturday, March 20, 2021 5:15 PM
To: Maple Hung <mhung@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: File reference: NP-TUP-2021.1

We are writing this letter in support of the renewal of Zoe Landale's Temporary Land Use Permit referenced above. Zoe has managed her short-term rental business well and we as her neighbours have experienced no negative impacts.

Yours sincerely,

- Mary and David Chamberland
[REDACTED]

Sent from [Mail](#) for Windows 10



DATE OF MEETING: April 29, 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: Robin Pettyfer
Location: 1601 Strom Crescent, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.2 (Pettyfer) for a period of three (3) 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 2018 (NP-TUP-2018.1) for three (3) years. The staff report and attachments for the initial application is available as part of the April 26, 2018 LTC agenda package (pp. 58-78) here <http://www.islandstrust.bc.ca/media/345614/np-ltc-2018-04-26-agd-pkg.pdf>

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

The subject property was the primary residence of the owner until health issues necessitated that she move off Island prior to the original application in 2018. The applicant (her son) manages the STVR and the house is used by family and friends in addition to the STVR which is used to offset the owner's property, living, medical costs.

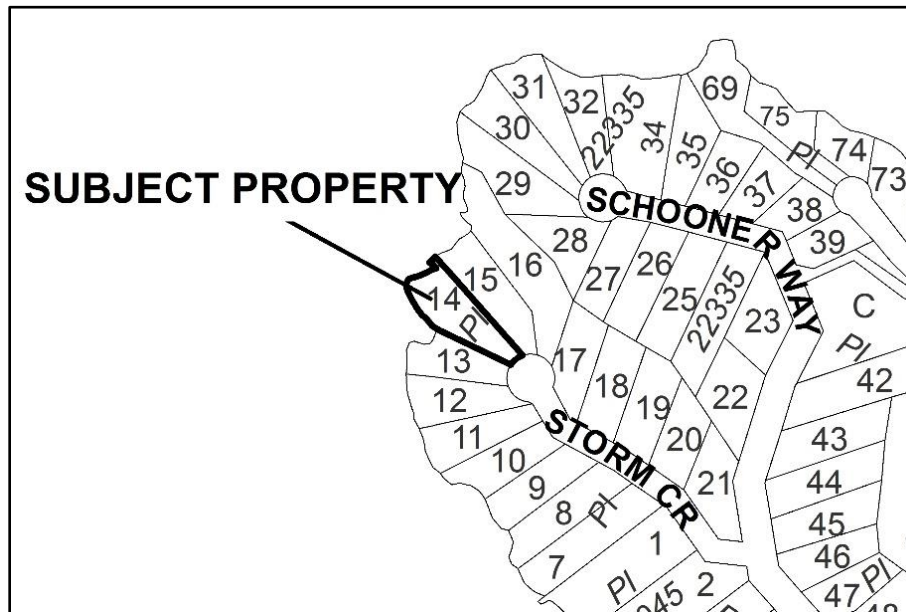
The house is four (4) bedrooms, and the TUP permits a maximum guest capacity of seven (7) people. However, a written submission from the applicant indicates that they rent to a maximum of five (5) people (Attachment 1). The submission also provides more background information on the STVR use. The information provided to guests is Attachment 2.

There are two (2) other permitted STVRs in close proximity (NP-TUP-200.5 [O'Malley] and NP-TUP-2020.7 [Hepburn]) both on the Schooner Way cul-de-sac to the north (Figure 2).

A copy of the proposed renewal NP-TUP-2021.2 is Attachment 3.

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:

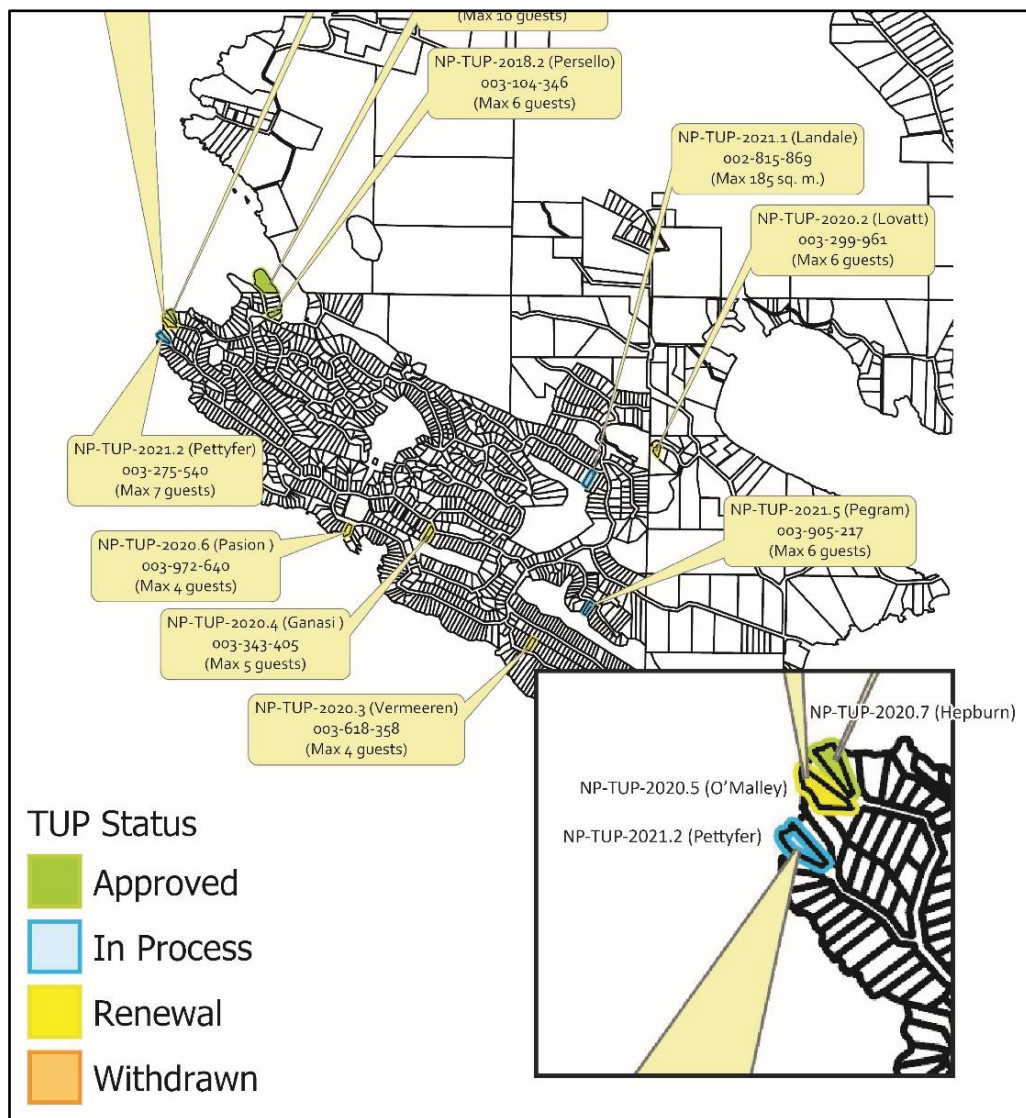
The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Guidelines for TUP applications for STVRs are contained in the OCP. As a renewal, there can be no changes made to the permit with the exception of the length of the issuance period. The original application was analyzed in 2018 with a TUP Checklist and was consistent with the OCP guidelines.

There are no development permits areas designated on the property.

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



Issues and Opportunities

Compliance original TUP

Staff contacted the applicant 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 permit conditions, including providing information on Coastal Douglas fir ecosystems to renters.

¹ The full map is online at: http://www.islandstrust.bc.ca/media/351380/np_stvr_april_2021.pdf

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 the most recent renewal application for an STVR (NP-TUP-2020.8 [Kroeker]), it would be reasonable to renew the permit for a three (3) 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 owner's income given property, living and medical expenses. In addition and as above, see Attachment 1.

Consultation

Statutory Requirements

There is no statutory notification required for a TUP renewal application, 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.

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 three-year period is consistent with the most recent renewal application for an STVR use.
- There have been no complaints about the STVR since the original TUP was issued in 2018;
- The guest capacity is modest at 7 and the applicant further limits rental to a maximum of 5 people;
- 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 shorter period. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve renewal application NP-TUP-2021.2 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-2021.2 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-2021.2.

Submitted By:	Phil Testemale, Planner 2	April 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 21, 2021

ATTACHMENTS

1. Applicant Submission
2. Guest Information
3. Proposed Renewal NP-TUP-2021.2

February 28, 2021

Purpose of Application – TUP-2018.1:

I complete this renewal application on behalf of my mother, Mary June Pettyfer, who suffers from dementia.

We would like to thank the Islands Trust for granting my mother's 2018 permit. Although Covid has impacted short-term stays over the last year, the opportunity to host guests has helped towards my mother's expenses. This is in addition to the positive experience we have had in hosting guests who appreciate Pender.

We are asking whether the Trust would renew the permit for another three years. In doing so, we thought you might benefit from some of our insights:

1) TUP-2018.1 is excellent because it is balanced. It balances host freedom with the following safeguards:

- The need for an on-island caretaker with contacts visible for guests.
- Maximum Guest Number.
- Year-round fire prohibition and summer fireplace prohibition.
- Property-parking only -- not on street.
- Venturing onto neighbour property prohibition.
- Respect for nature, including "wildlife tree".
- Camping and power-boat prohibition for property.

2) Guest List -- I believe it was the Trust who suggested a guest list be posted in the front hall, which guests see upon arrival. This has been most effective. Here we provide the above permit requirements in addition to the following:

- No smoking within 15 feet of house.
- Directions to nearest public sea access.
- Monitoring of water-use.
- Whereabouts of organics disposal on property and need to take garbage away.
- Directions for recyclable deposits.

3) Additional Checks & Balances: In addition to the above, we request of guests the following:

- No more than five sleeping-guests – The permit allows for seven. Although the four-bedroom home sleeps seven comfortably, we generally cap guests at five.
- Minimum of three nights – We believe that setting a three-night minimum increases the likelihood of "responsible" guests.
- A list of all adult's names

4) Communication – As you will agree, communication between all parties is most important:

- We are fortunate to have very good neighbours on either side with whom we have good relationships. One of the neighbours has owned the property for roughly 50 years – the same time as my mother. We speak with them from time to time even when away and check on properties for one another when needed.
- Guest communication – We try to be good hosts with guest welcomes before Covid, along with emails and phone calls when needed. This is important not only for guests but also for us to know they are respecting the community and my mother's home.

5) Caretaker – We are fortunate to have a very nice caretaker, who we employ to clean, and keep a watchful eye. Before Covid, the caretaker would also greet guests – something guests appreciated, as well.

My mother and I are hopeful that the Trust would consider granting her an additional three-year extension. We would be grateful if you would consider keeping the maximum guest number at seven, even though we have an internal policy of five, just in case there were a unique guest-family situation. Nevertheless, for the most part, we assure you that not more than five people will be permitted to stay.

My mother has owned her home -- what she calls "Storm End" -- for 48 years. A permit assists with her personal expenses. It is *personally* rewarding because she enjoys sharing her home with those who really enjoy being there. Finally, we hope we are supporting the local economy in a modest way, while showing a little more of the island to those afar. There is nothing more pleasing than having Victoria or Toronto guests appreciating the island.

Please feel free to call me if there is anything I can do, either in answering questions or in sharing other insights that might assist with policies. I would be happy to help.

With appreciation from my mother and me for your time and consideration.

Best,

[Redacted signature]

Mary June and Robin Pettyfer

“STORM END”

1601 Storm Crescent, Pender Island, British Columbia

Welcome! We do hope you have a peaceful time here at “Storm End”.

1. **Slippers** -- Please remove outdoor footwear & wear slippers indoors;
2. **First Aid** – In box marked with red X in bathroom cupboard of front-door bathroom;
3. **Fire Extinguisher** -- In laundry room on wall & by fireplace;
4. **Police; Ambulance; Fire:** 9-1-1
5. **Caretaker** – For urgent issues re. this property: **Crystal Shirk:** [REDACTED].
6. **Please be Quiet** – This is quiet neighbourhood with full-time residents;
7. **Maximum Guests** – No more than **five (5) adults** permitted, unless authorized otherwise. If you have not already done so, please provide the host with the full names of all adults.
8. **No pets permitted**
9. **No smoking** – “Storm End” is a “no-smoking” home. Please ensure there is no smoking within 20 feet of house & the decks.
10. **Woodstove** -- Do NOT use during summer (chimney sparks cause wild fires);
11. **Outdoor Fires Prohibited;**
12. **Walking** -- Walking on the property is AT YOUR OWN RISK. Our home is on a high bank over the sea. An adult **MUST ACCOMPANY ALL CHILDREN UNDER 14. MONITORING CHILDREN IS ESSENTIAL** when **WALKING NEAR THE BANK EDGES** and **WHEN USING THE LOOKOUT PLATFORM** over the sea.
13. **Parking** -- Park all vehicles on the driveway or carport. There is room for 3 cars. Please do NOT park vehicles in cul-de-sac or on the road;
14. **Neighbours** -- You **MUST** stay within boundaries of this property indicated by hedges & natural boundaries between properties. It is against the law to trespass on neighbouring properties;
15. **Docks** -- The docks, platforms, and stairs on the adjacent properties to the left and right are on our neighbours' properties. Like all private property, these are strictly **OUT-OF-BOUNDS**. Please do **NOT** ask neighbours to use them;

16. **Nearest Shoreline Access** – Shoreline access from this property is NOT safe. The nearest public shoreline access is at:

- i. *Shingle Bay Park*, at end of Shingle Bay Road
- ii. *Thieves Bay Marina*, on Anchor Way (██████████)

17. **Nature** – Please respect the environment – the trees, the sea, the beaches, and all life here. (Please see information on dining room sideboard re. the Coast Douglas-fir ecosystem & woodland ecosystems);

18. **Electricity Conservation** -- Please turn heat off when leaving rooms. And please only use ceiling lights on main floor when needed;

19. **Water Scarcity** – Pender Island does not have an abundant water supply. Please do not run water unnecessarily for showers, washing dishes, brushing teeth, flushing toilets etc. Please do not excessively wash clothes in washer. Please do not wash clothes & have showers simultaneously;

20. **Septic** -- This home uses a septic tank. This means NO meat, coffee grounds, grease, bleach etc. goes down the drains. Please use a “grease jar” or a can for kitchen fat or hot grease. *Don't put down the drains or toilet that, which you would not put into your body!*;

21. **Toilet Plunger** – Under laundry sink at back of cupboard;

22. **Dishwasher** -- Please rinse dishes before placing in dishwasher. Please don't run tap when rinsing dishes. Fill up the sink first with water, then rinse with the same water. You will be happier with the results. Please use provided detergents. Cycle takes 1 ¾ hrs. Allot time to finish cycle before turning water off at departure;

23. **Cold Cupboard** – Below kitchen counter on left. Useful space for storing bread, veggies, fruit;

24. **Cutting** -- Please do NOT cut directly on table surfaces including kitchen counters. Instead, please use cutting boards in the kitchen;

25. **No Camping** – Camping & recreational vehicles are prohibited on this property & the Storm Cres. right-of-way;

26. **Motorboats** – Use of motorized personal watercraft is prohibited at this property;

27. **Cable** -- TV in living room;

28. **Furniture** -- Please do NOT move furniture;

29. **Housekeeping** -- We wash all linens, make fresh beds, clean floors and windows and do all other cleaning for the next guest;

30. **Garbage** – **Please take all your garbage with you** when you leave. This is because there is no garbage collection. You can drop your garbage at the Beer & Wine store at 5827 Schooner Way en route to the ferry for \$7.50 per bag. You will see the sandwich board sign. If you choose to leave your garbage or recyclables, a \$ 20.00 fee per bag will be charged against your damage deposit;

31. **Compost** – No need to take away. You can leave in the blue bin outside the front door.

32. **Bottles** -- You can take all water & pop bottles to the TruValue grocery store, and liquor bottles and cans to the liquor store. Both are in the Driftwood Mall and give refunds;

33. **Recyclables** -- Other recyclables can be taken to the Pender Island Recycling Depot at 4402 Otter Bay Rd. on way to the ferry or taken home with you;

34. **Checking out** -- As a courtesy to the next guests and cleaners, please:

- a) Take all garbage away including paper;
- b) Ensure dishes are washed;
- c) Unload the dishwasher after dishes are clean. If no time, please open the dishwasher so plates dry;
- d) Hang wet towels -- do not leave on furniture or floor;
- e) Lift used bed linen and leave in separate piles on the beds;
- f) Ensure deck gate closed for the deer; and
- g) Leave main gate on driveway OPEN

35. **Plant Watering** -- Please feel free to water plants on the deck. **It is appreciated.**

36. **WIFI** -- Network: ; Password:

Enjoy your “end of the storm”!

Mary June & Robin Pettyfer



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2021.2 (Pettyfer)
Renewal of NP-2018.1 (Pettyfer)**

1601 Storm Crescent

To: Mary June Pettyfer

1. This Permit applies to the land described below:

Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 003-275-540).

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;
 - i) this information must be hand-delivered within 30 days of permit issuance;
 - ii) neighbours must be notified of changes to the on-island contact within 7 days of the change;
- 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;
 - i) Information provided to guests of 1601 Storm Crescent must contain the additional specific provision: "Docks – The docks, platforms and stairs on the adjacent properties to the left and right are on our neighbours' properties. These, like all private property, are strictly OUT-OF-BOUNDS. Do not ask the neighbours to use them."

- ii) As there is no safe shoreline access from the subject property, the operators must provide guests with information concerning the location of nearby public shoreline accesses.
 - d) the property owner or Short Term Vacation Rental operator must provide guests with information on the Coast Douglas-fir ecosystem. This information will be provided to the operator by Islands Trust.
 - e) the maximum number of guests is limited to seven (7);
 - f) camping and occupancy of recreational vehicles are prohibited on the subject property and Storm Crescent road right-of-way;
 - g) Signage advertising the Short Term Vacation Rental is prohibited;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) all parking for the Short Term Vacation Rental must be contained on the subject property;
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - l) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: April 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, RPM
William Shulba, Senior Freshwater Specialist
SUBJECT: Groundwater Sustainability Project – Process Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to create a project charter for one of the options identified in the April 29, 2021 staff report.

REPORT SUMMARY

This report identifies a number of options related to the LTC's resolution to consider combining the Groundwater Sustainability and Coastal Douglas-fir ecosystem protection projects.

BACKGROUND

At the February 25th meeting the LTC endorsed a project charter for the implementation phase (Phase 3) of the Groundwater Sustainability Project.

The project was initiated in 2019 as an initiative of five Southern Local Trust Committees. The phases of the project are as follows:

Phase 0: Data and Information

Phase 1: Groundwater Recharge Potential Mapping

Phase 2: Regional Groundwater Availability Assessment (Water Budgets)

Phase 3: Implementation and Planning

At the March 25th LTC meeting the LTC also directed staff to expand the project charter to include consideration of Coastal Douglas-fir and associated ecosystem protection.

It was Moved and Seconded,
that the North Pender Island Local Trust Committee direct staff to suggest an altered project charter for the Groundwater Sustainability project to include consideration of Coastal Douglas Firs' and associated ecosystems' (CDF) protection.

This report identifies that there are a number of options that could be considered with respect to addressing both groundwater sustainability and CDF protection.

Project Options:

As indicated below there are two approaches to consider, each with two options identified. One approach is to address each topic separately. The other approach is to address ground water sustainability and CDF protection in an integrated way. These options are described below and compared in Table 1 on page 3.

Separate Projects:

1. Groundwater Sustainability

If the LTC wishes to take a comprehensive approach to groundwater sustainability a tiered approach, similar to that approved by the Galiano LTC, is recommended.

A tiered approach to protecting groundwater recharge and regional groundwater sustainability focusses on four (4) classifications in two (2) subgroups: 1) groundwater protection areas 2) groundwater region sustainability (water budgets).

Class 1- Areas that are in critical need of attention where there is high confidence in existing data.

Class 2 – Areas where there is a potential for critical attention but some data uncertainty.

Class 3 – The level of attention needed is moderate based on existing use but could become critical if buildout or licensed potential (typically agriculture) is maximized.

Class 4 – The level of attention needed is not critical. This includes protected areas and forest lots, or areas with limited development potential. In these areas there is high confidence in existing data.

This approach would involve focussing first on areas that are critical (Class 1) and then areas that could become critical if not addressed through bylaw amendments (Class 2). Methodology to address Class 2 will be developed. This approach is identified in the [April 12, 2021 Galiano staff report](#).

This project option, as indicated in the [Project Charter for Galiano](#) would take close to 2 years to complete. As Galiano has already begun, the North Pender project will benefit from the same methodology creating efficiencies which may reduce the project timeline.

2. Coastal Douglas Fir and Associated Ecosystems' Protection

The CDF mapping was a project of the Regional Planning Committee, and was overseen by the Trust Conservancy. According to the *Contiguous Forest Mapping in the Islands Trust Area* prepared by Cabin Resource Management, contiguous forest mapping “can be used to identify areas of connectivity between forest patches, prioritize their protection from development pressures, or identify areas of potential connectivity towards which restoration can be focused.” Some combination of these strategies should be utilized in each local trust area, but the balance and emphasis of management actions must rest on a detailed assessment of the needs and values of each local trust area and incorporate a variety of data, local and traditional knowledge.

Islands Trust Conservancy staff assisted with the review of the *Contiguous Forest Mapping in the Islands Trust Area* report and data and believe it to be appropriate in accuracy and content for island-wide community planning. Further review of the mapping, along with build-out analysis, by planning staff would identify implementation options for the North Pender Island Local Trust Committee to consider.

It is anticipated that a tiered approach with the integration of local and traditional knowledge, where and when available, may be an appropriate approach to take.

Note that the LTC would only be able to do one of these projects at a time as a top priority. At the moment the LTC has the LUB Review project underway and have made the soil bylaws a top priority.

Integrated Approach:

3. A comprehensive examination of where CDF and Groundwater Mapping intersect

Taking a comprehensive approach to using the CDF mapping and the groundwater mapping and the intersections of each to inform bylaw amendments begins with understanding each data set independently. Once each data set is examined independently it would be overlaid with the other to identify areas of overlap. Those areas of overlap can then be prioritized to be addressed through bylaw amendment options.

There are potentially two approaches to looking at the comprehensive intersection of the CDF and GWS mapping:

- I. **Staff Lead** – If Staff take lead, the research and analysis part of the process will be similar to the processes related to doing the projects independently. While efficiencies may be achieved by through combining the bylaw amendment processes for CDF protection and groundwater sustainability, additional time would be needed to better understand the areas of overlap and distinguish locations on the island where separate or integrated approaches should be taken.
- II. **Involving Outside Researchers** – The work that is currently occurring on Salt Spring Island related to CDF is combining Islands Trusts contiguous forest mapping with data layers generated from inside and outside the Trust. One of the layers that has been integrated into this analysis is Islands Trust's groundwater recharge mapping for Salt Spring. This work is being undertaken by UBC's conservation decision lab in kind. Before this information can be used to inform bylaw amendments staff will have to spend some time developing an implementation methodology. This would likely involve applying a tiered approach requiring staff to re-examine the data provided by the UBC's conservation decision lab. The timing of this work on Salt Spring is uncertain as is the interest this group may have in applying their research methodology to other islands such as North Pender.

4. Focus on CDF and the intersection of critical areas for groundwater

An integrated approach does not need to be fully comprehensive to begin with. An approach that focusses on where critical groundwater recharge and groundwater sustainability areas intersect with the CDF mapping would result in more immediate integrated bylaw amendment options. It would be more efficient to start with the comprehensive CDF mapping and layer on critical/Class 1 groundwater area as there are fewer areas of data uncertainty related to the CFD mapping. In addition, this approach would contribute to the development of a methodology and starting point for further work related to areas that fall under the other groundwater recharge and groundwater sustainability classes. It could be updated as more data is gathered over time.

Table 1: Comparison of Options

	1. Ground Water Sustainability Only	2. CDF Preservation Only	3. Ground Water and CDP Comprehensive Overlap	4. Focus on CDF Mapping with Critical Groundwater
Project Timing	~1.5 years	~1.5 years	~3+ years	~2 years
First Reading by end of LTC Term	Likely	Likely	Uncertain	Likely
Similar Processes or Pilot Projects	Galiano GWS	NP as Pilot	Salt Spring Island	NP as Pilot

Staff propose that all options include some public education in the first phase of the project and the development of educational materials as well as:

- Mapping review and development of implementation methodology
- Review existing regulations, e.g. subdivision servicing requirements related to potable water
- Identify of potential new policies and regulations, e.g. requirements for cisterns, zoning changes, development permit areas.

The second phase of the project would include:

- Community education on the final mapping and groundwater issues in the form of a community workshop presentation
- Early First Nations consultation
- Community consultation following the identification of regulatory options

Following the consultation phase the project would involve:

- LTC providing direction on potential bylaw amendments
- Staff preparing amendments
- LTC reviewing amendments
- Community commenting on amendments
- First Nations and agency referrals
- Legislative process: bylaw readings, public hearing, executive committee approval, Ministerial approval
- Finally, an implementation phase to update administrative bylaws, prepare educational material, etc.

RATIONALE FOR RECOMMENDATION

Recommendation: That the North Pender Island Local Trust Committee request staff to create a project charter for one of the options identified in the April 29, 2012 staff report.

Resolution: *That the North Pender Island Local Trust Committee request staff to create a project charter for* (identify option chosen)

Rationale: There are a number of options for processes the LTC could engage in to address their interest in pursuing projects that consider groundwater sustainability as well as coastal douglas ecosystem protection. The LTC needs to decide which approach they would like to take.

ALTERNATIVES

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

1. Identify another option

The LTC may identify a process option that is not identified in this report.

2. Request further information

The LTC may request further information prior to choosing a project option.

3. Reconsider the project

The LTC may reconsider proceeding with the project, either entirely or could defer initiation.

4. Receive for information

The LTC may receive the report for information and defer consideration to a future meeting

NEXT STEPS

- Staff will develop a project charter based on the project option chosen.

Submitted By:	Narissa Chadwick, Island Planner	April 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 20, 2021

ATTACHMENTS

1. January 2021 Project Charter

GROUNDWATER SUSTAINABILITY - IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 2021

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

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

Objectives

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

In Scope

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

Out of Scope

- Unrelated regulatory amendments
- Unrelated amendments to the OCP

Workplan Overview

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

Project Team

Est.
Hours/
annum

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

Budget

Budget Sources:

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

MEMORANDUM

File No.: NP Soil Bylaw Project

DATE OF MEETING: April 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Soil Bylaw Project

PURPOSE

This memo is intended to provide the North Pender Island Local Trust Committee with a draft project charter for a Soil Bylaw project.

At the March meeting, the LTC adopted a resolution making consideration of a soil removal and deposit bylaw a Top Priority project:

NP-2021-038

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to come back to the next regular Local Trust Committee meeting with a project charter and initial reporting on a soil removal and deposit bylaw project.

CARRIED

Section 327 of *Local Government Act* allows regional district boards to adopt a bylaw to regulate or prohibit the removal of soil from and the deposit of soil or other material on land. Such a bylaw can require a permit for either activity and impose fees for the activities. Section 29 of the *Islands Trust Act* provides local trust committees with the power and authority of a regional district board under s. 327. These bylaws are typically referred to as 'soil deposit and removal bylaws'. The intent of the authority is not stated in the legislation; however, generally the bylaws are used to regulate work in sensitive areas, to address run-off or drainage concerns (particularly in municipalities with storm water drainage systems), to prohibit the deposition of contaminated soil, to protect agriculture from invasives, and to regulate excavation that does not fall under provincial mining jurisdiction.

The only soil bylaw currently adopted in the Trust Area is Salt Spring Bylaw No. 418, which was adopted in 2008 and which replaced two separate Capital Regional District bylaws which had been adopted in the 1980s. In discussions with Salt Spring planning staff and with Bylaw Enforcement staff, both benefits and problems were highlighted with current Salt Spring bylaw. These observations include:

- The bylaw is overly complex
- The registration system for work not requiring a permit is pointless and is virtually impossible to administer
- Volumes of soil requiring a permit are too low, resulting in issues in administration and enforcement

- The bylaw is most useful in its prohibition on soil deposit and removal in setbacks from water bodies and the natural boundary of the sea, providing significant ability for enforcement staff to address potential environmental impacts
- The bylaw is somewhat useful in regulating large scale excavation work or the dumping of significant amounts of fill
- Administratively, staff positively cite the ability to issue tickets for non-compliance and the delegation of the issuance of permits to staff

Based on the above comments, and legislative changes since 2008, staff would not recommend simply adopting the Salt Spring version of the bylaw. The recommendation is that experience with the Salt Spring bylaw be analysed, along with a review of more recent bylaws from other jurisdictions, and a report be prepared for the LTC with options. In addition to providing an improved version of a soil bylaw, this will allow the LTC to consider the issues a soil bylaw would be intended to address before proceeding with bylaw drafting.

There is no public hearing required for a soil bylaw. However, to effectively implement such a bylaw some engagement is recommended, specifically consultation with operators and other affected stakeholders would make for both an improved bylaw and result in better implementation.

The attached draft project charter outlines a process to develop a new model Soil Bylaw that could also be implemented by other LTCs.

1. Analysis of the issues with the current Salt Spring bylaw and review of bylaws from other jurisdictions
2. LTC consideration of options, with direction to proceed with preparing a draft bylaw
3. Consultation with stakeholders
4. LTC review of the results of consultation, potential revisions to draft
5. Bylaw readings
6. Adoption and implementation

If the LTC wishes to proceed, it should review the project charter and endorse the charter by resolution

Submitted By:	Robert Kojima, Regional Planning Manager	April 21, 2021
---------------	--	----------------

ATTACHMENTS

1. Draft Project Charter

Soil Bylaw – Project Charter v1

North Pender Island Local Trust Committee

Date: April 29, 2021

Purpose: The North Pender Island Local Trust Committee (LTC) has identified consideration of adopting a soil removal and deposit bylaw as a Top Priority Project.

Background: The LTC has the authority to adopt a soil deposit and removal bylaw (s. 327 of the *Local Government Act*) and has prioritized the consideration of adoption of such a bylaw. Currently the only the Salt Spring Island Local Trust Area is the sole LTC in the Trust Area with a bylaw.

Objectives

To provide the LTC with options on implementation of an effective Soil Deposit and Removal Bylaw on North Pender. And if LTC decides to proceed, to draft a bylaw and amendments to related bylaws

In Scope

- Review of Salt Spring Soil Deposit and Removal Bylaw and associated issues.
- Review Soil Deposit and Removal Bylaws in other jurisdictions
- Report to LTC with options for a North Pender bylaw
- Consultation with stakeholders and First Nations
- Drafting of a Soil Deposit and Removal Bylaw
- Drafting of amendments to fees, development procedures and bylaw enforcement bylaws
- Support bylaw reading and adoption process
- Creation of an up-to-date model bylaw for other LTCs.
- Development of implementation materials

Out of Scope

- Amendments to other LTC bylaws, including OCP and LUB.
- Extensive community engagement

Workplan Overview

Deliverable/Milestone	Date
LTC consideration of draft project charter	April 29, 2021
Staff report on results of research, identifying issues and options	June 24, 2021
Bylaw drafting and legal review complete	September 2021
Consultation with stakeholders, First Nations consultation	Sept – Nov 2021
Report to LTC on results of consultation, potential readings, referral to EC	November 2021
Adoption, implementation	early 2022

Project Team

TBD	
RPM Approval: Name of RPM Date: xxx	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:

Fiscal	Item	Cost
2021-22	Consultation	\$500
2021-22	Legal Review	\$2500
2021-22	Implementation	\$500
2021-22	Contingency	\$500
	Total	\$4000

DATE OF MEETING: April 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Agriculture Review

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw.**

REPORT SUMMARY

The purpose of this report is to provide further information on the Agriculture topic area and seek direction from the North Pender Local Trust Committee (LTC). Staff have provided some recommendations for each item found in the attached table but also requests clear direction from the LTC where indicated in the staff report and attachment.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses seven topic areas:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

The North Pender Local Trust Committee held (5) electronic meetings for the Land Use Bylaw Review (Official Community Plan Implementation) Project in 2020; one in conjunction with the South Pender LTC. A second Community Information Meeting in conjunction with the South Pender LTC was held on January 15, 2021 to collect comments from the community regarding maximum floor area regulations.

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

<http://www.islandstrust.bc.ca/npender/ocp-implementation-project>

At the March 22, 2021 LTC Special Meeting, the LTC passed the following resolutions:

NP-2021-031

It was moved and seconded,

that the North Pender Local Trust Committee defer a decision on the recommendations of the Agricultural Advisory Planning Commission to the April Local Trust Committee regular business meeting and further that the Agricultural Advisory Planning Commission be invited to the April meeting for discussion of their recommendations.

CARRIED

NP-2021-032

It was moved and seconded,

That, regarding the North Pender Island Local Trust Committee Official Community Plan Implementation Options dated March 18, 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone.

CARRIED

NP-2021-033

It was moved and seconded,

That, regarding the North Pender Island Local Trust Committee Official Community Plan Implementation Options dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.

CARRIED

NP-2021-034

It was moved and seconded,

That the North Pender Island Local Trust Committee give direction to staff to schedule an additional special meeting to continue the discussion for the Land Use Bylaw Review Project.

CARRIED

ANALYSIS

Agricultural regulations amendments

The Special Agricultural Advisory Committee (SAAPC) has provided an extensive referral report that includes comments and recommendations on the Agricultural Discussion Paper and the Minor & Technical Amendments list. The SAAPC report can be found here on the LUB Project webpage:

<http://www.islandstrust.bc.ca/media/350667/land-use-bylaw-review-north-pender-agricultural-advisory-planning-commission-jan-2021.pdf>

Attached is a list of the SAAPC recommendations (Attachment No. 1) with details pertaining to if they are within the project's scope, if they should be included in the bylaw amendments, and staff comments. The SAAPC was invited to attend the April 29, 2021 LTC meeting to answer questions from the LTC.

Agencies

A list of referral agencies and First Nations will be provided to the LTC at a subsequent meeting when a draft bylaw is in process.

First Nations

Early referrals were sent out to First Nations. To date one response was received from the Lyackson First Nation and Cowichan Tribes. Staff will continue to speak with the Islands Trust Senior Intergovernmental Policy Advisor on how to proceed with the correspondence received.

Rationale for Recommendation

The SAAPC provided a list of thorough recommendations for the NP LTC to consider. Staff recommends including the recommendations identified in the attached table into the draft LUB amendment bylaw for the LUB Review project.

ALTERNATIVES

1. Request further information

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

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Schedule additional Special Meetings

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

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

3. Referral to the Advisory Planning Commission or Special Agriculture Advisory Planning Commission

The LTC may opt to refer one or more Discussion Papers, or a table or chart to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

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

4. Proceed no further

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

NEXT STEPS

A second Special Meeting to discuss the Tourist Commercial Regulation Review, the Marine and Shoreline Regulations Review, Conservation Subdivision Review, and the minor and technical amendments is in the process of being scheduled. Draft bylaws will be presented to the LTC in the coming months.

Submitted By:	Kim Stockdill, Island Planner	April 20, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 21, 2021

ATTACHMENTS

1. Agricultural Review table

Special Agricultural Advisory Planning Commission Recommendations
Date: March 2021

No.	SAAPC Recommendation	Within Scope?	Include in bylaw amendments?	Staff Comments
1.	Divide the Rural (R) and Rural Residential (RR) zones into two zones each: • Rural – divide into Rural / Magic Lake and Rural / General • Rural Residential – divide into RR / Magic Lake and RR/ General.	No	Maybe	There are no Rural zoned properties located within Magic Lake Estates. The LTC could look at differentiating RR zoned areas that are within a water system. This would only be recommended if there are specific agricultural uses or regulations that would apply to RR zoned properties without water systems. More discussion may be required regarding what agricultural activities would be beneficial on RR zoned lots.
2.	Agriculture be permitted, encouraged and promoted in all zones, including ALR classified land, and all farmers have the rights provided under The Farm Practices Protection Act.	Yes	Maybe	An accessory horticulture use is permitted in every zone. Currently the R, RC1, RC2, and AG zones permit principal agriculture uses. The NP OCP Rural Residential policy 2.1.14.1 states that the principal use shall be residential. Accessory uses shall not detract from the rural character of the island. In addition, NP Rural Policy 2.1.2.1 states that the principle uses on lands in the Rural land use designation shall be residential and agricultural. Adding Agriculture as a principal permitted use to the RR zone would be in conflict with the OCP. The LTC could look at adding certain agricultural activities to the RR zone as an accessory use that would not detract from the rural character of the island.
3.	Agriculture involves land clearing and water, wildlife, and vegetation management. Any bylaw revisions limiting or restricting activities in these areas must not inadvertently or intentionally restrict agriculture, and they should not inhibit or restrict environmentally responsible farming practices.	Yes	No	For the LTC's reference, draft bylaws will be forwarded to the Regional Agrologist at the Ministry of Agriculture and the Agricultural Land Commission to provide comment.
4.	"Farm Status" should be defined pursuant to the Assessment Act (BC) as administered by the BC Assessment Authority.	Yes	No	There is only one reference to 'Farm Status' in the NP LUB and the reference already refers to the BC Assessment Authority. NP LUB Article 3.1.1(7): "where agriculture is permitted in any zone, farm retail sales are permitted, providing the property has farm status under the BC. Assessment Act."
5.	The building of 2nd residences on ALR land be in accordance with the ALUR subject to our recommendations below on farm worker housing and agri-tourism accommodation. Existing regulations allowing for "cottages" on non- ALR land in the RR, R and Ag zones	Yes	Yes	Although the AG zone permits cottages on lots greater than 1.2 ha, there is an Information Note regarding the use of the cottage and ALC regulations. This Information Note should be updated to reflect the ALC's updated regulations (use of

	should be sustained.			cottage would be permitted on ALC land if the ALC issues approval for non-adhering residential use'.
6.	The use of Manufactured Homes or mobile homes should not be prohibited, and rather should be encouraged as a means increase the stock of affordable housing on Pender as well as provide options for farm worker accommodation. Manufactured homes should be defined in the LUB more broadly than "mobile home", and should include all forms of housing built offsite and moved to a site.	Yes	No	As 'manufactured home' is not referred to specifically in the LUB, therefore a definition is not required. Manufactured homes would meet the definition of a 'building' in the LUB and therefore could be considered a 'dwelling'.
7.	The LUB should permit temporary and permanent farm worker housing on farms having Farm Status that demonstrate a need for farm workers. The ALC and ALUR provide farm worker housing regulations for large scale commercial farms that are not directly suitable for the scale of farm operations found on Pender.	Yes	Yes	Permit one farm worker dwelling unit subject to approval from the ALC. This dwelling unit would only be permitted on those lands within the ALR.
8.	The ALUR standards setting a maximum of 500 m2 size for residential homes on ALR land is an appropriate standard for the LUB.	Yes	Yes	Staff recommend establishing a maximum floor area for dwelling units located within the ALR in compliance with Section 20.1(1)(b) of the Agricultural Land Commission Act. Local Governments may impose a lower maximum floor area than the 500m ² as stipulated by the ALC.
9.	The existing lot coverage requirements that buildings and structures not exceed 35%, plus an additional 40 percent for commercial greenhouses only, is an appropriate standard for AG zoned properties when lot coverage, other than for a principal residence, is for agricultural purposes.	-	No	SAAPC supports current regulations, other than the maximum lot coverage for dwelling units.
10.	Agri-tourism be defined consistent with the ALUR, and be applicable on all farms having Farm Status. The conditions provided by the ALUR (Sec 33) be adopted for agri-tourist accommodation on Pender, including: • The accommodation be on agricultural land that is classified as a farm under the Assessment Act, and that it be secondary to the principal activity on the property – farming. • The total developed area used to provide the accommodation be <5% lot coverage, • Subject to lot size, the accommodation be limited to 10 sleeping units, where sleeping units are defined as a bedroom located in a residence or cabin, and including a vehicle, trailer, tent or other structure. • Being available for seasonal or short-term use only.	Yes	Yes	Bylaw amendment to include the following: -Amend 'agri-tourism accommodation' definition to be consistent with ALC definition. -The accommodation be on agricultural land that is classified as a farm under the Assessment Act, and that it be secondary to the principal activity on the property – farming. -The total developed area used to provide the accommodation be <5% lot coverage, -Being available for seasonal or short-term use only. The LUB currently permits 3 bedrooms and 6 guests max for agri-tourism accommodation. The ALC permits up to 10 sleeping units, where sleeping units are defined as a bedroom located in a residence or cabin, and including a vehicle, trailer, tent or other structure. LTC could consider increasing the numbers permitted.

11.	The ALUR limits “Home Occupation”, referred to as “Home Business” and “Home Industry” in the LUB, to the use of an area of 100 m ² in a dwelling or accessory building on ALR land. For non-farm businesses requiring >100 m ² , approval of a non-farm use of ALR land is required. These standards should be adopted for ALR land on Pender. The Committee has not reviewed Trust proposals of intent for home industry more broadly, and will comment when these intentions are made clear.	Yes	Yes	LTC could consider increasing the maximum floor area for home businesses within the ALR from 65m ² to 100m ² to be consistent with the ALC>
12.	Cannabis production is a farm use under the ALUR and cannot, therefore, be prohibited on ALR land. The Staff recommendation to limit building size for indoor cannabis production on Ag and Rural zoned land is undefined with no apparent consideration for lot size or economic viability. Therefore, the Committee cannot make an informed comment at this stage of the LUB review process but does question the intent of imposing size limitations.	Yes	No	No amendments as per SAAPC.
13.	The ALUR definition of Farm Retail Sales (below) be adopted. <i>“farm retail sales” means the retail sale to the public of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs, from that farm or farms and may include the sale of non-farm products as permitted by the Use Regulation.</i>	Yes	Yes	Add definition for Farm Retail Sales that is aligned with ALC definition.
14.	Farm Retail Sales be a permitted use for all farms with Farm Status in all zones where agriculture is a permitted use with similar conditions as prescribed by the Agricultural Land Use Regulation for ALR land.	Yes	No	Currently permitted in the LUB.
15.	Farm retail sale facility size limitations should be tied to lot size with a maximum of 300 m ² being the limit allowed by the ALUR.	Yes	Yes	Add regulation that states that total area for Farm Retail Sales, both indoor and outdoors, cannot exceed 300m ² (as per ALC).
16.	Farm Retail Sales should specifically include “association” sales where a cooperative marketing agreement has been established by a group of producers, and “association” be defined as <i>an association incorporated or continued under this Act or a former Act, and includes a housing cooperative and a community service cooperative;</i> (see Cooperative Association Act SBC 1999 Chapter 28).	Yes	Yes	Add definition for Farm Retail Sales that is aligned with ALC definition.
17.	Landscape Screening and Landscape Strip provisions: a) Where landscape screens or strips are called for, they should be diverse plantings of native species, be maintained free of invasive species, and promote pollinator and beneficial insect and bird	Yes	No	a) indigenous/native vegetation is already a requirement for landscape screening. LTC could add language that encourages the “use of vegetation that promotes pollination”.

	populations. B) Landscape screens should not be a requirement in the Ag zone. Landscape screens currently only relate to commercial greenhouses (which are undefined) in the Ag zone. c) Landscape Strips have the potential to materially impact agriculture in the RR zone (lots >2.4ha) and R zone (lots >8ha) where they could take up to 5% of the lot area out of production, and should not be required where productive agricultural land would be taken out of production.			b) SAAPC recommends removing landscape screen requirement for commercial greenhouses and suggest a landscape screen would only be required if its beneficial to the farmer. The LTC could amend this requirement to only require landscape screening for commercial greenhouses in certain situations. For example, if commercial greenhouses are located within 30 metres from a R, RR, RC1, or RC2 zoned property or a highway. c) The LTC could consider exempting R zoned properties located within the ALR or with Farm Status from the landscape strip requirement.
18.	Renewable Energy - Renewable energy installation should be encouraged on agricultural properties.	Yes	Yes	Add siting exemptions for solar panels and power sheds as stated in the minor and technical amendments list.
19.	Forestry and Agriculture buildings – bylaws associated with agricultural buildings on ALR land should be guided by the ALC “Guide for Bylaw Development” suggesting maximum height restriction of 15m, and for silos and grain elevation systems the maximum height should be 46m.	Yes	Yes	Currently the NP LUB states that buildings used for farm purposes may not exceed 10 metres in height. LTC may consider increasing the height as the ALC states that a local government should have a maximum eight for agricultural buildings no less than 15 metres. The LTC could allow agricultural buildings with a maximum of 15 metres but must meet a setback of 30 metres from property lines. A definition for agricultural buildings could be added to the NP LUB to help address issues with overheight accessory buildings purporting to be farm buildings.
20.	Prohibited Uses – - Shipping Containers can be excellent storage, transport and potentially growing facilities on farms independent of residency. They should not be prohibited, and in fact should be encouraged. - Pit toilets should not be prohibited on farms.	Yes	Yes	Shipping containers are currently considered accessory structures, the LTC has identified the use of shipping containers as an issue. The LTC could consider permitting a limited number of shipping containers on some properties (for example, properties zoned agriculture, industrial, forestry, etc.). The LTC could also consider requiring landscaping screening for shipping containers. Currently the NP LUB is silent on pit toilets. The LTC has identified this an issue to be potentially regulated. Direction is required from the LTC if there should be language in the LUB to restrict the use.
21.	Technical Amendments – Bylaw officer entry onto a farm premises without prior notice and reasonable grounds should not be permitted. There are health, biosecurity, liability and safety considerations on farms and rural	Yes	No	Bylaw Enforcement Officers is authorized to enter at reasonable times, consistent with legislation. No change recommended.

	properties. Additionally, all entries arising from complaints should be disclosed to the property owner, including the nature and source(s) identity of the complaint, prior to arranging entry. Anonymous complaints should not be investigated.			
22.	The ALUR requirements for soil removal / placement for agriculture on ALR land be adopted for all land capable of supporting agricultural plant growth whether in the AG zone.	No	No	Adoption of a Soil Bylaw is out of scope for this project. Local governments are permitted to issue Soil Deposit Permits with the stipulation that all of the Commission's pre-fill application conditions have been met and the Commission has notified the local authority in writing that filling activities can proceed.
23.	The ALUR regulations for soil removal / placement be supplemented by the following requirements: • If soil is removed, it be placed where it will be available for future agricultural use, • Authorization for removal or placement be approved administratively by the IT Staff, • Applications specifically not require 3rd party, professional consulting reports in cases involving less than [250 m³/ha].	No	No	Adoption of a Soil Bylaw is out of scope for this project.



Top Priorities Report

North Pender Island

<i>Soil bylaw</i>	Responsible	Dates
To consider a soil deposit and removal bylaw		Rec'd: 25-Mar-2021
<i>1. STVR Review Project</i>	Responsible	Dates
Bylaw No. 222 was given First Reading, referrals have been sent, and Public Hearing and Community Information Meeting held on February 25, 2021.	Kim Stockdill	Rec'd: 05-Sep-2019 Target: 01-Jul-2021
<i>2. Groundwater Sustainability Project</i>	Responsible	Dates
Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - Completing in spring 2021	Narrisa Chadwick William Shulba	Rec'd: 29-Nov-2018 Target: 30-Sep-2022
Phase 3: Groundwater Mapping Implementation - - Project Charter - January 2021		
<i>3. LUB Review Project</i>	Responsible	Dates
Project is in the community consultation phase. Recommendations for a draft bylaw will be considered by the LTC in early 2021.	Kim Stockdill	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: 21-Apr-2021

On agenda for consideration April 29, 2021

Status Date: 25-Mar-2021

LTC requested further info on alternatives

Status Date: 17-Mar-2021

On March 25, 2021 agenda for consideration.



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: 16-Apr-2021

FLNRO has not received assessment report from QEP (Dave Gooding). Applicant advised that file moved to June 24, 2020 for consideration as May is full.

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.2	Lofts, Stephen	31-Mar-2021	4606 Oak Rd. - to adjust the boundary of one property by 1/4 acre to protect the view at 4606 oak rd from possible development.

Planner: Phil Testemale

Planning Status

Status Date: 21-Apr-2021

May 27, 2021 LTC agenda for consideration

Status Date: 12-Apr-2021

DP application received, EDM files created. RPM and applicant emailed. Awaiting planner assignment. -DL\npayment received, assigned to phil, payment letter sent -DL

**Applications****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: 25-Mar-2021 LTC requested more information on alternatives			
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. - SRialp			

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: 21-Apr-2021 YA registering covenant (review date May 6, 2021). Option to give final reading of Bylaw 202 by RWM or May 27, 2021 agenda.			
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			



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: 21-Apr-2021

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

Status Date: 17-Mar-2021

In camera meeting scheduled for March 26, 2021

Status Date: 18-Feb-2021

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



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: 02-Apr-2021

PLR from MoTI rec'd. Applicants reviewing options.

Status Date: 17-Mar-2021

Combined DVP/DP required.

Status Date: 05-Feb-2021

Review Response sent to MoTI.



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

Status Date: 18-Mar-2021

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

Status Date: 17-Mar-2021

DVP req'd

Status Date: 09-Mar-2021

PLR rec'd

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

Status Date: 21-Apr-2021

Cross-reference to NP-DP-2021.2 (Lofts) as requirement for sub.

Status Date: 19-Mar-2021

Review Response sent to MoTI.

Status Date: 17-Mar-2021

PT has reviewed. Response to MoTI for 03-19-2021

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

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

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



Applications

Temporary and Industrial Use Permit

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: 12-Apr-2021

E-mail to applicant requesting confirmation of compliance with existing TUP

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

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.4	Grimmer, Aaron	19-Mar-2021	4415 Bedwell Harbour Road - Renewal TUP for aggregate storage (gravel, sand) and redmix concrete batch plant.

Planner: Phil Testemale

Planning Status

Status Date: 14-Apr-2021

E-mail to owner and applicant advising requirement for EAP by May 15. May 27, 2021 Agenda for consideration of renewal

Status Date: 29-Mar-2021

Assigned to Phil. Applicant emailed -DL

Status Date: 25-Mar-2021

Applicant paid full fees.



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.5	Pegram, Neil	07-Apr-2021	4729 BUCCANEERS RD - Renewal of a temporary use permit for a short term vacation rental

Planner: Phil Testemale

Planning Status

Status Date: 21-Apr-2021

May 27, 2021 agenda for consideration of renewal permit

Status Date: 12-Apr-2021

application received. awaiting title search from applicant. - DL\ntitle search received, email sent to applicant and RPM for assignment. -DL\npayment request sent, accts rec cc'd - DL\npayment received, receipts letters sent -DL\nassigned to Phil -DL

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending February 2021

650 North Pender	Invoices posted to Month ending February 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	755.00	0.00	755.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,703.00	1,815.60	887.40
65210-650	LTC - Local Exp - APC Meeting Expenses	258.00	57.14	200.86
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,505.00</u>	<u>1,872.74</u>	<u>1,632.26</u>
Projects				
73001-650-2006	North Pender OCP/LUB	4,000.00	3,057.11	942.89
73001-650-4108	North Pender Short Term Vacation Rental (STVR) Review	4,000.00	1,033.50	2,966.50
TOTAL Project Expenses		<u>8,000.00</u>	<u>4,090.61</u>	<u>3,909.39</u>



Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing) that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	30-Jan-2020
2019-119 (Standing) 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.	Carried	28-Nov-2019
2019-074 (Standing) that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.	Carried	04-Jul-2019



Standing Resolutions Log

North Pender Island

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



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)	Carried	25-May-2006
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.		
2005-005 (Standing)	Carried	27-Jan-2005
The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		



MEMORANDUM

File No.: NP-NAP-2021.1

DATE OF MEETING: April 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Kathryn Martell, Ecosystem Protection Specialist, Islands Trust Conservancy
SUBJECT: Information Item for Proposed NAPTEP Covenant on Paré/Baile property

1 BACKGROUND INFORMATION

The Islands Trust Conservancy has received a Natural Area Protection Tax Exemption Program (NAPTEP) application from Peter Paré and Lisa Baile to place a conservation covenant on approximately 3.7 ha of North Pender Island. As per NAPTEP policy, the North Pender Island Local Trust Committee is being advised of this application as an information item.

Islands Trust Conservancy's Board has agreed to hold the covenant on this property at its March 26th, 2021 meeting. This application will be presented to Trust Council at its June 2021 meeting so that it can consider whether or not to award a Natural Area Exemption Certificate. Approval will be subject to a conservation covenant being registered on the land title and a baseline report that is satisfactory to the Islands Trust Conservancy Board.

The Islands Trust Conservancy Board currently holds 9 NAPTEP covenants in the North Pender Island Local Trust Area (8 on North Pender, and 1 on Little D'Arcy Island). Further information on the NAPTEP program can be obtained from the Islands Trust website at www.islandstrust.bc.ca or from the Islands Trust Conservancy website at www.islandstrustconservancy.ca.

2 PROPERTY INFORMATION

3209 Armadale Road PID: 029-414-890	Property size: 1.46 ha Proposed protected area of lot: 0.85 ha
3210 Clam Bay Road PID: 000-543-527	Property size: 2.88 ha Proposed protected area of lot: 2.88 ha

Co-covenant Holder: Pender Islands Conservancy Association (PICA)

Property notes: The 4.34 ha property is comprised of 2 lots on North Pender Island, near Clam Bay (Figure 1). The larger lot, at 3210 Clam Bay Road, is 2.88 ha and is largely undeveloped with areas of young forest, mature forest, and wetland. The adjacent 3209 Armadale Road property is 1.46 ha, and has a residential area and garden on the western side and a dug pond, wetland complex, and mature forest on the eastern side. A short, small seasonal creek along the southern boundary of 3209 Armadale Road connects the wetlands between these two properties and to a wetland on the neighbouring property to the south. The proposed conservation covenant will protect all of 3210 Clam Bay Road and the undeveloped portion of 3209 Armadale Road, with a proposed narrow protected area along the southern property boundary to connect the two (see Figure 2).

The [Grover Sargent Memorial Cairn](#) is on the property, in the proposed protected area. There is a trail to the cairn from Clam Bay Road (on adjacent property). The Capital Regional District holds a Statutory Right of Way to permit public access and maintenance of the cairn. From the cairn, a trail runs through the property to Armadale Road, created and maintained by an informal arrangement with [Moving Around Pender](#) (MAP). The CRD will receive an interagency referral for the NAPTEP application as per Trust Council policy.

Figure 1. Location of NAPTEP Application property (blue outline). Newly-created Islands Trust Conservancy Lisa Baile Nature Reserve is shown in green.



3 CONSERVATION VALUES

NAPTEP Natural Values

The natural values of the proposed covenant area were determined by evaluating the application submitted by the property owner, a site visit on March 5th 2021, and Islands Trust mapping resources. It qualifies for the NAPTEP program based on presence of **areas relatively undisturbed by human activity that are good examples of target ecosystems** (Regulation 2[a]) and **presence of areas that are key habitat for rare native plant communities** (Regulation 2[b]):

- The property contains largely undisturbed mixed mature forest, with several ponds and wetland complexes connected by a seasonal creek.
- Almost the entire proposed covenant area consists of ecological communities that are considered at-risk (Red-listed) in British Columbia:
 - a. Douglas-fir – Dull Oregon-grape
 - b. Grand fir – Dull Oregon-grape
 - c. Western redcedar / Indian-plum
 - d. Western redcedar / slough sedge

Regional Conservation Plan Context

The proposed covenant directly addresses conservation of the following Biodiversity Priorities of the Islands Trust Conservancy's [Regional Conservation Plan 2018-2027](#):

- *Sensitive Ecosystems* (Mature Forest and Wetlands)
- *Healthy Forests*
- *Species and Ecosystems at Risk*, and
- *Size, Corridors & Connectivity*

4 FIRST NATIONS

In negotiating and drafting the conservation covenant, staff will follow guiding principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation (TRC) Calls to Action.

ITC collaborates with First Nations governments regarding conservation, and management plans related to covenants, and works with Cultural Knowledge Holders to create greater understanding and stewardship.