



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: June 24, 2021
Time: 3:30 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	3:30 PM - 3:30 PM	
2.	APPROVAL OF AGENDA	3:30 PM - 3:35 PM	
3.	TRUSTEE REPORT	3:35 PM - 3:45 PM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	3:45 PM - 4:00 PM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	4:00 PM - 4:10 PM	
8.1.	Local Trust Committee Minutes Dated May 27, 2021 (for Adoption)		4 - 13
8.2.	Section 26 Resolutions-without-meeting Report - None		
8.3.	Advisory Planning Commission Minutes - None		
8.4.	Agricultural Advisory Planning Commission Minutes Dated May 10, May 14, May 20 and June 8, 2021		14 - 28
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated June 2021		29 - 32
10.	DELEGATIONS		

11. **CORRESPONDENCE**

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

12. **APPLICATIONS AND REFERRALS** 4:10 PM - 5:10 PM
 - 12.1. NP-RZ-2016.1 (Mainroad) - Consideration of Adoption of Land Use Bylaw No. 202 - Staff Report (attached) 33 - 53
 - 12.2. NP-DP-2021.3 (Ferry) – Staff Report (attached) 54 - 80
 - 12.3. NP-TUP-2021.5 (Pegram) – Staff Report (attached) 81 - 107

13. **LOCAL TRUST COMMITTEE PROJECTS** 5:10 PM - 6:10 PM
 - 13.1. Land Use Bylaw Review Project - Staff Report (attached) 108 - 123
 - 13.2. Soil Bylaw Project – Staff Report (attached) 124 - 128

14. **REPORTS** 6:10 PM - 6:20 PM
 - 14.1. Work Program Report (attached)
 - 14.1.1. Top Priorities Report Dated June 2021 129 - 129
 - 14.1.2. Projects List Report Dated June 2021 130 - 130
 - 14.2. Applications Report Dated June 2021 (attached) 131 - 137
 - 14.3. Trustee and Local Expense Report - None
 - 14.4. Adopted Policies and Standing Resolutions (attached) 138 - 142
 - 14.5. Local Trust Committee Webpage
 - 14.6. Islands Trust Conservancy Report Dated May 25, 2021 143 - 144

15. **NEW BUSINESS** 6:20 PM - 6:50 PM
 - 15.1. Business Licenses – Memo (attached) 145 - 145
 - 15.2. Amending the Islands Trust Act to change the structure of the Islands Trust Government

16. **UPCOMING MEETINGS**
 - 16.1. Next Regular Meeting Scheduled for July 29, 2021, Location: TBD

17. **TOWN HALL** 6:50 PM - 7:05 PM

18. **CLOSED MEETING (Distributed Under Separate Cover)**

18.1. 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)(d)(i) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated April 29, 2021
- Legal Advice

AND that the recorder and staff attend the meeting.

18.2. Recall to Order

18.3. Rise and Report

19. ADJOURNMENT

7:05 PM - 7:05 PM



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 27, 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
Phil Testemale, Island Planner 2

Public: There were approximately (20) attendees in the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:03 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT - In-Camera Meeting - April 29, 2021

Note: This item was addressed following Item 5.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee McConchie provided a report on his recent activities as both a Trustee and Chair of the Pender Islands Parks and Recreation Commission. He noted ongoing work on Reconciliation, specifically with the WASANEC Leadership Council, encouraged the public to support the local Health Care Society, and expressed support for ongoing activities in the community both in the Fairy Creek Protests and the Pender Islands Conservancy's Broom Bash.

Trustee Morrison reported on the upcoming Trust Council meeting and encouraged the public to participate in the special meeting for the Draft Policy Statement. She also thanked the

community, the Agricultural Advisory Planning Commission (AAPC), and the Advisory Planning Commission (APC) for their ongoing feedback on the Land Use Bylaw Review project.

Trustee Morrison thanked the AAPC and regular APC for their work and feedback

5. CHAIR'S REPORT

Chair Patrick provided an overview of upcoming meetings including Trust Council (June 8-10, 2021), Special Meeting for First Reading of the Draft Policy Statement (July 8, 2021), and the Vancouver Island Coastal Communities Conference.

Chair Patrick also provided an overview of the public consultation process and the process of a first reading. She encouraged public participation.

Note: Item 2, "Rise and Report" was addressed at this time.

Chair Patrick reported that at the In Camera Meeting of April 29, 2021 the following decisions were made by resolution:

- That the North Pender Island Local Trust Committee appointed Amanda Greisbach, Ann Stephenson, Carolyn Bell, Vicki Dutton, Michael Symons, and Denis Agar to the North Pender Island Advisory Planning Commission, commencing immediately for a term ending March 1, 2022.
- That, regarding the subdivision of James Island, the North Pender Island Local Trust Committee will not accept any appraisal until written confirmation from the Tsawout First Nation is received that the Tsawout leadership approve subdivision NP-SUB-2008.9 (JI Properties).
- That, regarding the subdivision of James Island, the North Pender Island Local Trust Committee amend resolution NP-2021-027 by modifying the grant of authority by requiring that the Chair also obtain written confirmation from the Tsawout First Nation that they consider the consultation by the Ministry of Transportation and Infrastructure to be sufficient and will not be seeking further consultation.

6. TOWN HALL AND QUESTIONS

Rhondda Porter noted a broken link in the email announcement of the meeting.

7. COMMUNITY INFORMATION MEETING

None

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes

9.1.1 Regular Meeting Minutes Dated April 29, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of April 29, 2021 were adopted as presented

9.1.2 Special Meeting Minutes Dated May 12, 2021 (for Adoption)

By general consent the Local Trust committee special meeting minutes of May 12, 2021 were adopted as presented

9.2 Section 26 Resolutions-without-meeting Report - None

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated May 2021

Received for information

11. DELEGATIONS

11.1 Capital Regional District - Southern Gulf Islands Transportation Integration Plan

Chair Patrick introduced Justine Starke of the Capital Regional District (CRD) and invited her to address the Local Trust Committee (LTC).

Justine Starke provided an overview of the Southern Gulf Islands Transportation Integration Plan including the rationale for the project and the process moving forward.

The LTC requested and received information on the following points:

- Opportunities to scale trail requirements to suit the Penders and still meet the requirements of the Ministry of Transportation and Infrastructure.
- Plans to collaborate locally for thoughtful trail placement.
- Rationale for seeking public funding and establishing a service through the CRD rather than continuing to develop transportation options through local groups.
- General outline of some of the options that could be considered, including opportunities for inter-island transportation.

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

13.1 NP-TUP-2021.3 (Wilmott) - Staff Report

Planner Stockdill provided an overview of the application and reported that a previous LTC placed a special direction on the file encouraging future LTC's to deny any further applications.

Chair Patrick invited the applicants to speak.

Al and Julie Wilmott provided an overview of their conservation efforts on their property and the precautions put in place to reduce the impact of their operations on neighbours and the environment. They also provided an overview of the history of the development of the property and their rationale for the current application.

A discussion was held, including the importance of maintaining an environmentally sustainable model for sourcing lumber, the value of the current operation, and the role of the LTC and service providers in protecting the island.

NP-2021-055

It was Moved and Seconded,

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP2021.3 (Wilmott) for three years.

CARRIED

13.2 NP-TUP-2021.4 (Grimmer – 4415 Bedwell Hbr. Rd.) – Renewal Permit/Staff Report

Planner Testemale provided an overview of the application and associated staff report. He noted the deficiencies in compliance that would need to be addressed with a recommended deadline of October 1, 2021.

Chair Patrick acknowledged the applicant Barbara Johnstone.

The LTC requested and received information from the applicant regarding current compliance with application requirements and plans to meet outstanding requirements.

The LTC requested and received information from staff regarding ongoing bylaw enforcement and the process moving forward should the deficiencies not be reconciled by October 1, 2021.

NP-2021-056

It was Moved and Seconded,

that the North Pender Island Local Trust Committee (LTC) approve issuance of renewal application Temporary Use Permit NP-TUP-2021.4 (Grimmer) shown as Attachment 1 for a period of two (2) years.

A discussion of the history of the application, ongoing bylaw enforcement matters, and the community's current process of evaluating industrial land planning was held.

Trustee McConchie spoke against the motion and provided a rationale for withholding his support.

CARRIED

Trustee McConchie opposed

Note: A break was held from 10:56-11:01 am

13.3 NP-TUP-2021.6 (VanGeel – 5706 Canal Rd.) – Staff Report

Planner Testemale provided an overview of the application and a description of the project's current status, including a rationale for why the use began prior to approval of the Temporary Use Permit (TUP).

Chair Patrick acknowledged the applicant, Kyle VanGeel.

The LTC discussed concerns with reviewing the application after the use had already begun. They noted the following concerns that could have been addressed had the application been received at the appropriate time:

- Delivery mode of the gravel at Hamilton Beach and potential ecological concerns.
- Appropriate site selection to consider ecological concerns, impact on traffic, and general public safety.
- Pre-planning and inter-organizational collaboration to reduce public impact.

The LTC requested and received information on the following topics:

- Responsible regulatory bodies and LTC jurisdiction limits on regulating barge access to Hamilton Beach.
- History of this project's timeline and the CRD's role in applying for and obtaining permits.
- Opportunities and modes for addressing concerns with CRD and Islands Trust's inter-organizational communication.
- Alternatives sites considered by the contractor and the rationale for selecting the current site.

NP-2021-057

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-2021.6 (VanGeel) for a period of one (1) year.

CARRIED

Trustee McConchie opposed

NP-2021-058

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to draft a letter from the Chair of the North Pender Local Trust Committee to the Capital Regional District indicating a need for improved communication regarding any future CRD-Islands Trust related project, particularly among contractors, Capital Regional District staff, Trustees and Islands Trust staff.

CARRIED

13.4 NP-TUP-2021.2 (Pettyfer) – Staff Memo

Planner Testemale provided an overview of the application and the rationale for the application returning to this meeting. He outlined the staff recommendation and the information provided by the applicant.

Chair Patrick acknowledged Robin Pettyfer, who welcomed questions from the LTC.

A discussion was held regarding monitoring of water use and it was noted that staff could investigate average water usage for Magic Lake Estates for comparison with Short Term Vacation Rental (STVR) water usage.

NP-2021-059

It was Moved and Seconded,

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.

CARRIED

13.5 NP-DP-2021.2 (Lofts) – Staff Report

Planner Testemale provided an overview of the current application and the staff comments.

Chair Patrick welcomed the applicant, Stephen Lofts, who provided an overview for his rationale for seeking the subdivision and his intentions for the land.

A discussion was held and the LTC requested and received information on the process for development permit applications, the rationale for requested reports, and the role of the LTC in the process.

NP-2021-060

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.2 (Lofts)

CARRIED

13.6 NP-RZ-2021.1 (Sketch) - Staff Report

Planner Stockdill provided an overview of the application and associated staff report. She noted the history of past applications related to the matter and the applicant's attempts to mitigate concerns for the requested use.

Planner Stockdill outlined the staff's recommendation, including rationale and potential alternatives.

Chair Patrick invited the applicant, Michael Sketch to address the LTC. He noted that he submitted a written response to the staff report electronically and welcomed questions.

Michael Sketch provided an overview of the rationale for needing the storage units, the screening measures installed, his concern that the storage units are being classified as an industrial use, and his ongoing stewardship of the property and walking trail easement.

The LTC requested and received information on the following matters:

- Geotechnical concerns that are deterring residential development on the property
- The applicant's rationale for requesting the rezoning.
- Potential alternative solutions.
- The applicant's rationale for a rezoning application rather than a TUP

NP-2021-061

It was Moved and Seconded,

That the North Pender Island Local Trust Committee deny application NP-RZ-2021.1 (Sketch).

CARRIED

The LTC discussed opportunities to address shipping containers as buildings in the Land Use Bylaw review and the LTC's rationale for denying the current application.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Groundwater Sustainability Implementation - Staff Report

Planner Chadwick provided an overview of the staff report which included the project's progress to date and recommendations for preliminary Official Community Plan (OCP) and LUB amendments.

Planner Chadwick also outlined the timeline for the project moving forward including opportunities for collaboration with other Trust Areas, recommendations for scheduling a Special Meeting, and proposed community consultation.

The LTC requested and received information on the following matters:

- Opportunities for understanding the significance of tree cutting in ground water recharge
- Non-potable water catchment for fire suppression
- Feasibility of the adjusted timeline
- Interpretation and impact of data on those areas with high vulnerability
- Community consultation strategies and opportunities for education, including accessible information that will highlight the data and focus on opportunities for community actions in response.

NP-2021-062

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to organize a community information meeting in July 2021 to share the results of the 2020 Southern Gulf Islands Groundwater Recharge Potential Mapping and Regional Groundwater Availability Assessments.

CARRIED

The LTC noted the importance of receiving the research and results well in advance of the community information meeting to facilitate their understanding of the matter and their ability to discuss the matter within the community.

NP-2021-063

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to organize special meeting of the Local Trust Committee in September 2021 to review in detail proposed amendments to the Official Community Plan and Land Use Bylaw.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Top Priorities Report Dated May 2021

Received for information.

15.1.2 Projects List Report Dated May 2021

Received for information.

15.2 Applications Report Dated May 2021

Received for information.

15.3 Trustee and Local Expense Report - None

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No comments heard

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

16.1 Business Licenses – Memo

Regional Planning Manager (RPM) Kojima provided an overview of the contents of the memo. He noted that it outlines a rationale for the LTC to consider requesting that the CRD explore the implementation of business licensing, specifically for short term vacation rentals.

A discussion of the matter was held.

By general consent, the LTC requested that the matter be brought forward again at the next meeting.

16.2 Draft Annual Report Wording - for approval

NP-2021-064

It was Moved and Seconded,

That the North Pender Island Local Trust Committee approves the format and outline of contents for the 2020/21 Annual Report.

CARRIED

Note: A break was held from 1:35 – 1:40 pm.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for June 24, 2021

It was recommended that the start time for the next meeting time be moved from 9:00 am to 3:30 pm.

NP-2021-065

It was Moved and Seconded,

That the North Pender Local Trust Committee change the June 24, 2021 meeting time from 9 am to 3:30 pm.

CARRIED

18. TOWN HALL

Chris Roper thanked the LTC for their work and patience during such long meetings.

Chris Roper addressed the private helicopter matter on Pirates Road. He noted that the installation took place 90 days prior and that he is seeking further information and action. He requested information on whether the site has been classified as an helidrome or a private landing site.

Chris Roper noted that his delegation was refused for this meeting.

Michael Sketch addressed NP-TUP-2021.6 (VanGeel). He outlined concerns with the current application and drew comparisons to a similar application in 2012. Michael Sketch recommended that the LTC request that the CRD allow the LTC to review pending contracts to ensure that they are not at variance with the OCP and LUB.

Barbara Johnstone spoke in favour of the groundwater project. She noted the current requirements for agricultural users to licence their wells and also noted that the requirement could provide additional usage data.

19. CLOSED MEETING

NP-2021-066

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)(i) for the purpose of considering Legal Advice.

AND that the recorder and staff attend the meeting.

CARRIED

Chair Patrick re-opened the public meeting at 2:30 pm. She noted that there were no items for a Rise and Report from the In Camera session, but that the LTC would be making several motions now in the public meeting.

NP-2021-067

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request from Executive Committee a legal opinion from May 19, 2021 on recreational helicopter pads.

CARRIED

NP-2021-068

It was Moved and Seconded,

that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.

CARRIED

NP-2021-069

It was Moved and Seconded,

that the North Pender Island Local Trust Committee advocate to prohibit recreational helicopter use in the Trust Area.

CARRIED

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:45 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



ADOPTED

North Pender Island

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Special Agricultural Advisory Planning Commission
Minutes of Regular Meeting

Date: May 10, 2021
Electronic Meeting

Location:

Members Present: Barbara Johnstone (Chair), Barry Denluck, Ann Stephenson, George Leroux, Richard Piskor, Anne Burdette, Ben Kadel, Martha McMahon,

Regrets: Kathy Heslop, Matthew Vasilev

Staff Present: Planner Kim Stockdill, recorder Shannon Brayford

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 4:00 pm.

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented.

3. ADOPTION OF MINUTES OF DECEMBER 30, 2020

By general consensus, the minutes of December 30, 2020 were adopted as presented.

4. BUSINESS ITEMS

4.1 DISCUSSION OF REFERRAL

Chair Johnstone acknowledged Planner Stockdill and invited her to provide an overview of the staff report on the Agricultural Advisory Planning Commission (AAPC)'s recommendations. Planner Stockdill highlighted the amendments proposed by the North Pender Local Trust Committee (LTC) for items 1, 2, and 21.

Note: Martha MacMahon joined the meeting at 4:09 pm.

A discussion of the Rural Residential Zoning was held. The discussion included the history of the zoning and the challenges that it creates for agriculture.

A discussion of the importance of creating two residential zones was held. It was noted that “Rural Residential Zone A” would apply to properties within water work districts, such as those within the Magic Lakes Estates area and “Rural Residential B” would apply to those properties not included within a water works district.

NPAAPC-2021-001

It was moved and seconded,

That the North Pender Islands Agricultural Advisory Planning Commission recommend that Rural Residential B zoning be created for areas of North Pender Island excluding those within a water works district. Further that agriculture be a permitted primary use within the Rural Residential B zone.

CARRIED

A discussion was held regarding the keeping of livestock and how the regulations could be varied between Rural Residential A and B zoning. The AAPC discussed item 8.1.2(e) and there was general consensus that the clause not be amended for Rural Residential A, as the incidence would be unlikely and rare.

A discussion was held regarding item 21 and bylaw officers’ access to farm premises. The AAPC recommended that, in the interest of biosecurity and safety, the bylaw officer be required to give notice prior to coming onto a farm.

Note: Richard Piskor departed the meeting at 4:58 pm.

A discussion was held regarding agri-tourism and its allowed within the Agricultural Land Reserve (ALR), but is not specifically allowed under Islands Trust zoning. The discussion included the following points:

- The benefits of allowing agri-tourism.
- Opportunities and types of agri-tourism
- Challenges for inter-agency approvals that may be required.
- Possible guidelines that would facilitate advantageous and responsible agri-tourism

There was general consensus that this matter be discussed further at the next meeting after all members had an opportunity to review section 8 in the AAPC report.

A discussion was held regarding additional matters impacting agricultural zoning on North Pender Island including:

- Restrictions on density
- Ground water licencing

It was noted that there were additional items to be discussed at the next meeting, including:

- Agritourism
- Shipping containers, with further resources to come from Planner Stockdill
- An overview of the AAPC’s recommendations for the Rural Residential B zoning

5. Adjournment

By general consent the meeting was adjourned at 5:27 pm.

Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder



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North Pender Island

Special Agricultural Advisory Planning Commission

Minutes of Regular Meeting

Date: May 14, 2021
Electronic Meeting

Location:

Members Present: Barbara Johnstone (Chair), George Leroux, Richard Piskor, Anne Burdette, Ben Kadel, Martha McMahon, Barry Denluck

Regrets: Kathy Heslop, Matthew Vasilev, Ann Stephenson

Staff Present: Recorder Shannon Brayford

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 4:00 pm.

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented.

3. ADOPTION OF MINUTES OF DECEMBER 30, 2020

It was recommended that, in the second paragraph following the first motion, the last sentence be amended to "The AAPC recommended that, in the interest of biosecurity and safety, the bylaw officer be required to give notice prior to coming onto a farm."

By general consensus, the minutes of May 10, 2021 were adopted as amended.

4. BUSINESS ITEMS

4.1 DISCUSSION OF REFERRAL

Agri-tourism and Agri-tourist Accommodation

A discussion was held regarding Agri-tourist accommodation. It was noted that the AAPC's original recommendations for increasing the maximum allowable number of tourist units on farms, and including all farms having farm status, are still the group's intended recommendations. It was further noted that the AAPC would like to see the language of the staff recommendation amended to reflect the AAPC's recommendation.

A discussion was held, and it was noted that the AAPC's intent is that the recommendation be applied to properties with Agricultural, Rural and Rural Residential B zoning.

By general consent, it was agreed that the AAPC's recommendations for agritourism and agritourist accommodation are intended to apply to all properties having Farm Status, be they in the Agriculture, Rural Residential, or Rural zones.

By general consent, the AAPC recommends the number of permitted agritourist accommodation sleeping units on any property having Farm Status, be it Rural, Rural Residential, or Agriculture, be based on the size of the parcel, and specifically for lots <1 ha = 0 units, lots between 1 and 2 ha = 3 units, lots between 2 and 4 ha = 5 units, and lots > 4 ha = 10 units.

Shipping Containers

The AAPC addressed the matter of shipping containers and noted that they are still anticipating information from staff regarding the LTC's intention to regulate shipping containers and the rationale for doing so.

By general consent, the matter of shipping containers was deferred to a future meeting, after the requested information is received from staff.

Rural Residential B Zoning

A discussion was held regarding the Rural Residential B zoning.

By general consent it was agreed that the AAPC-recommend that agriculture be a permitted primary use. Additional conditions of that zone were discussed.

Note: Barry Denluck entered the meeting at 4:46 pm. Ben Kadel departed the meeting at 4:47 pm.

By general consent, the AAPC agreed that George Leroux will prepare a zoning comparative table to illustrate differences and similarities between the Rural, Rural Residential A, Rural Residential B and Agriculture zones and that the matter shall be discussed further at the next meeting.

Farm Worker Accommodations

A discussion of farm worker accommodations was held.

It was noted that the AAPC is recommending farm worker accommodations on all properties with farm status and demonstrating a need for farm workers, and not be limited to those properties within the Agricultural Land Reserve (ALR).

By general consent, it was agreed that the matter of farm worker accommodations shall be considered within the revisions of the zoning table and shall be discussed at the next meeting.

Official Community Plan

A discussion of the Official Community Plan (OCP) regarding agriculture was held.

Next Meeting

A discussion of the next meeting was held and there was consensus that the next meeting shall be held Thursday, May 20, 2021 at 4:00 pm.

5. Adjournment

By general consent, the meeting was adjourned at 5:00 pm

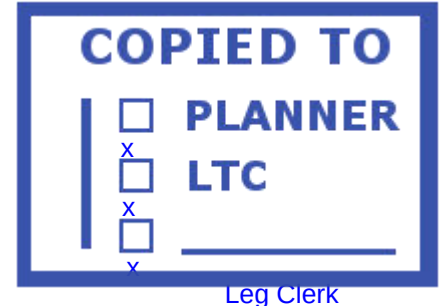
Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder



DRAFT



North Pender Island

Special Agricultural Advisory Planning Commission

Minutes of Regular Meeting

Date: May 20, 2021
Electronic Meeting

Location:

Members Present: Barbara Johnstone (Chair), George Leroux, Richard Piskor, Anne Burdette, Ben Kadel, Martha McMahon

Regrets: Kathy Heslop, Matthew Vasilev, Barry Denluck, Ann Stephenson, Shannon Brayford (Recorder)

Staff Present: Planner Kim Stockdill

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 4:05 p.m.

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented.

3. ADOPTION OF MINUTES OF May 14, 2021

It was recommended that the following amendments be made:

- change “agritourism” to include “agritourist accommodation”
- change “regardless of zoning”, to emphasize zoning of “Agriculture, Rural, or Rural Residential.”

By general consensus, the minutes of May 14, 2021 were adopted as amended.

4. BUSINESS ITEMS

4.1 DISCUSSION OF REFERRAL

It was noted that the AAPC received a response to its request for the rationale from the planner for the proposed regulation of shipping containers on North Pender Island Properties.

The response included the following points:

- included clarification that the LUB has no regulations for shipping containers and there is a concern about the proliferation on residential properties.
- There is an intent to add regulations to the LUB to restrict the number of permitted shipping containers per property and add requirements for vegetative screening.

A discussion was held.

By general consent, the Agricultural Advisory Planning Commission (AAPC) agreed that shipping containers are a form of farm equipment and should be permitted on properties having farm tax status, irrespective of zoning.

By general consent, the AAPC agreed that the table comparing existing land-use regulation in Rural Residential (RR) zone and those in the proposed RR B zone be submitted to the LTC and planning staff.

By general consent, the AAPC agreed that farm worker accommodation be permitted on all lots having farm tax status and demonstrated need as appropriate to lot size and that the AAPC will provide further details on this recommendation after researching the subject further.

By general consent, the AAPC agreed to have a meeting in two weeks and directed Recording Secretary to arrange such by Doodle Poll.

Meeting was adjourned at 5:05 pm.

5. Adjournment

By general consent the meeting was adjourned at 5:05 p.m.

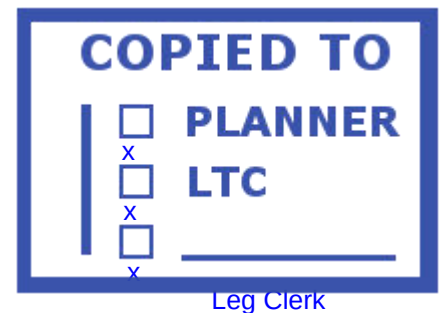
Barbara Johnstone, Chair

Certified Correct:

Martha McMahon, Recorder



DRAFT



North Pender Island

Special Agricultural Advisory Planning Commission

Minutes of Regular Meeting

Date: June 8, 2021
Electronic Meeting

Location:

Members Present: Barbara Johnstone (Chair), George Leroux, Richard Piskor, Anne Burdette, Ben Kadel, Martha McMahon (arrived 4:20 pm), Barry Denluck (arrived 4:40 pm), Ann Stephenson,

Regrets: Kathy Heslop, Matthew Vasilev, Shannon Brayford (Recorder)

Staff Present: None

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 4:04 pm.

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented.

3. ADOPTION OF MINUTES OF MAY 20, 2021

By general consensus, the minutes of May 20, 2021 were adopted as presented.

4. BUSINESS ITEMS

4.1 DISCUSSION OF REFERRAL

It was agreed that three topics would be discussed: Trust Policy Statement, Proposed Rural Residential B Zone, and Farm Worker Housing.

4.1.a Trust Policy Statement

A discussion was held regarding the Trust Policy Statement.

Members expressed concern that the North Pender Island Land Use Bylaw (LUB) review process is underway while there are major changes being planned to an overarching policy.

Members also expressed a desire to know why the Trustees did not discuss the proposed policy statement changes when they met and discussed North Pender Agricultural Advisory Planning Commission's (AAPC) report.

NPAAPC-2021-002

It was moved and seconded,

That, as the North Pender Agricultural Advisory Planning Commission has recently been made aware of the draft Trust Policy Statement and some of the proposed changes in regards to agriculture on Pender Island, the Commission is concerned that the North Pender Local Trust Committee did not bring these proposed changes the Commission's attention previously, and encourages the Local Trust Committee to refer these changes to the Commission for review and recommendations.

CARRIED

4.1.b Proposed Rural Residential B Zone

The AAPC reviewed the table of agricultural considerations for the proposed "Rural Residential b" (RRb) zone. The AAPC noted that there will be other land use considerations for the RRb zone and that the Committee's recommendations are solely related to agriculture.

There was general consensus that the table "Agriculture Advisory Planning Committee Land Use By-law Review: Proposed Rural Residential (B) Zone – Permitted Agricultural Uses and Limitations" shall be forwarded for circulation to the Islands Trust Staff and the North Pender LTC.

4.1.c Farm Worker Housing

The Committee discussed members' research on temporary farm worker housing and the guidelines provided by the Agricultural Land Commission (ALC).

NPAAPC-2021-003

It was moved and seconded,

That the North Pender Island Agricultural Advisory Planning Commission recommends that the Temporary Use Permit system be assessed to provide a mechanism that could facilitate temporary accommodation for farm workers on farm land. Further that the Commission requests Staff to provide an assessment of the Temporary Use Permit requirements in this area, and specifically where flexibility and new innovative processes may be possible.

CARRIED

5. Adjournment

By general consent the meeting was adjourned at 5:45 pm

Barbara Johnstone, Chair

Certified Correct:

George Leroux , Commission Member

Agriculture Advisory Planning Committee
Land Use By-law Review

Proposed Rural Residential (B) Zone – Permitted Agricultural Uses and Limitations

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
subdivision	Min 0.25 - 0.40 ha No subdivision unless average lot size is >0.6 ha	Only 5 RR have farm status – Old Orchard Farm, 2 on Port Wash, 2 on Clam Bay Rd NTD – as density increases the potential for impacts and conflicts between agriculture and residential use will increase	Min lot size 0.6 ha No subdivision unless average lot size is >4 ha 32 rural or split zoned rural have farm status	No lot <16 ha may be created by subdivision Note – 16 ha is excessively restrictive today 23 parcels with farm status, 15 don't (some with a little ALR on a split zoned rural property)
Residential density	Max one dwelling, one secondary suite and one cottage on any lot		Max one dwelling, one secondary suite and one cottage on any lot	Max one dwelling, one secondary suite and one cottage on any lot
Permitted	1 Dwelling / lot	(subject to farm worker accommodation)	1 dwelling / lot	1 dwelling / lot
Permitted	+ cottage if >1.2 ha		+ one cottage if > 1.2 ha	+ 1 cottage if >1.2 ha
Permitted	Secondary suite		Secondary suite	Secondary suite
Permitted		agriculture	agriculture	agriculture
Lot coverage	<25%		<25%	<35%

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
				+40% for commercial greenhouses
Accessory Uses	home business		home business	home business
Accessory Use			home industry if > 2 ha	home industry
Accessory Use			Agriculture [Move to permitted use]	Agriculture [Move to permitted use]
Accessory Use	horticulture		horticulture	Horticulture
Accessory Use	Road side produce stands <10m2	Road side produce stands <10m2	Road side produce stands <10m2	Road side produce stands <10m2
Accessory Use		Farm retail sales	Farm retail sales	Farm retail sales
Accessory Use	rabbit and poultry raising			
Accessory Use	livestock on lot >0.4 ha			
Accessory Use		Agri-tourism	Agri-tourism	Agri-tourism Existing Only on ALR land in AG zone Must be in a permitted dwelling or cottage

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
				May include meeting rooms and dining facilities May not include a restaurant or any commercial or retail goods and services Max # of guests 6 guests in 3 bedrooms [enter proposed]
Accessory Use		Farm worker accommodation	Farm worker accommodation	Farm Worker accommodation
Not permitted on lots <1.2 ha	Pig farming Dog breeding Boarding kennels	Pig farming Dog breeding Boarding kennels	Pig farming Dog breeding Boarding kennels	
Front & Rear lot line setbacks	7.6 m from front or rear lot line		7.6 m from front or rear lot line	7.6 m from front or rear lot line
Side lot line setbacks	3.0 – 4.5 m on side lot lines		6.1 m on side lot lines	6.1 m on side lot lines
Building height	Max 9.7 m		Max 9.7 m	Max 9.7 m
Landscape strips	Lots >2.4 ha must have landscape strip for environmental protection		Lots >8 ha must have landscape strip	Commercial greenhouse must have landscape screen

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
Siting Restrictions		No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line	No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line	No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line
Siting Restrictions		No animal enclosure within 7.6 m of any lot line	No animal enclosure within 7.6 m of any lot line	No animal enclosure within 7.6 m of any lot line
Fencing Height	<3m	<4 m	<3m <4 m	<3m <4m



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	Target: 26-Feb-2021	In Progress

18-Mar-2021

Activity	Responsibility	Dates	Status
1 LUB Review Project - staff to draft bylaw to combine two industrial zones into a single general industrial zone.	Kim Stockdill	Target: 31-May-2021	Completed

29-Apr-2021

Activity	Responsibility	Dates	Status
1 14.2 NP LTC endorsed Soil Bylaw Project Charter. Staff to report back with issues/options for the LTC's consideration.	Robert Kojima	Target: 16-Jun-2021	Completed
2 13.3 LUB Review Project - staff to draft bylaw based on recommendations in the staff report with changes to No. 1, 2, and 21. SAAPC to provide written feedback on staff report and recommendations.	Kim Stockdill	Target: 25-Jun-2021	Completed

27-May-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

North Pender Island

27-May-2021

Activity	Responsibility	Dates	Status
1 9.1 NP adopted the regular LTC minutes for April 29, 2021 and the Special Meeting minutes for May 12, 2021.	Maple Hung	Target: 04-Jun-2021	Completed
2 13.1 LTC approved issuance of NP-TUP-2021.3 (Wilmott) for 3 years. Staff to issue permit, send letter to applicant and close file. Planner to set up TAPIS notification (DONE).	Jas Chonk Kim Stockdill Maple Hung	Target: 25-Jun-2021	Completed
3 13.2 LTC approved issuance of NP-TUP-2021.4 (Grimmer) renewal for two (2) years. Staff to issue permit, notify applicant and close file. Planner to set up TAPIS notification.	Jas Chonk Maple Hung Phil Testemale	Target: 25-Jun-2021	Completed
4 13.3 LTC approved issuance of NP-2021.6 (VanGeel) for a period of one (1) year. Staff to issue permit, notify applicant and close file. Planner to set up TAPIS notification.	Jas Chonk Maple Hung Phil Testemale	Target: 25-Jun-2021	Completed
5 LTC requests staff draft a letter to the CRD indicating a need for improved communication regarding any CRD projects within the Islands Trust particularly between CRD, Trustees, IT staff and contractors. Letter to be cc'd to SGI Forum and other applicable recipients.	Kim Stockdill Robert Kojima	Target: 25-Jun-2021	In Progress
6 13.4 LTC approved issuance of renewal NP-TUP-2021.2 (Pettyfer) for a period of three (3) years. Staff to issue permit, notify applicant and close file. Planner to set up TAPIS notification.	Jas Chonk Maple Hung Phil Testemale	Target: 25-Jun-2021	Completed



Follow Up Action Report

North Pender Island

27-May-2021

Activity	Responsibility	Dates	Status
7 13.5 LTC approved issuance of NP-DP-2021.2 (Lofts). Staff to issue permit, notify applicant and close file.	Jas Chonk Maple Hung Phil Testemale	Target: 25-Jun-2021	Completed
8 13.6 LTC denied NP-RZ-2021.1 application. Staff to notify applicant, refund portion of application fee, close file and update TAPIS.	Dionne LoForte Kim Stockdill Maple Hung	Target: 11-Jun-2021	Completed
9 14.1 Groundwater Sustainability Project 1. Staff to organize a CIM in July 2021 to share mapping and Regional Groundwater Availability Assessments . 2. Staff to organize special meeting in September 2021 to review in detail proposed amendments to the OCP and LUB.	Jas Chonk Maple Hung Narrisa Chadwick William Shulba	Target: 30-Sep-2021	Completed
10 16.2 NP LTC approves the format and outline of contents for the 2020/21 Annual Report.	Robert Kojima	Target: 11-Jun-2021	Completed
11 17.1 Change time of June 24, 2021 NP LTC meeting from 9am to 3:30pm.	Jas Chonk Maple Hung	Target: 11-Jun-2021	Completed
12 LTC request EC to release the legal decision dated May 19, 2021 regarding helipads.	Jas Chonk Kim Stockdill Robert Kojima	Target: 25-Jun-2021	Completed
13 NP LTC to advocate to prohibit helicopter use in the Islands Trust area - Trust Area Services to follow up	Clare Frater Mike Richards	Target: 30-Jul-2021	In Progress

Follow Up Action Report

North Pender Island

27-May-2021

Activity	Responsibility	Dates	Status
14 Staff to add 'prohibition of helicopters' to minor & technical amendment list for the LUB Review Project.	Kim Stockdill	Target: 11-Jun-2021	Completed
15 16.1 - Business Licenses memo - LTC deferred item to June 24th meeting. Place item on June 24, 2021 NP LTC meeting agenda.	Jas Chonk	Target: 25-Jun-2021	Completed



File No.: Np-RZ-2016.1 (Mainroad)
(Bylaw 202)

DATE OF MEETING: June 24, 2021
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale,
Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Rezoning Application (Post Public Hearing)
Applicant: Mainroad Properties (Gulf Islands) Ltd. c/o Noel Mankey
Location: 3323 Port Washington Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016,” be adopted.

REPORT SUMMARY

The purpose of this report is to present Bylaw 202 for consideration of Final Adoption.

The above recommendation is supported as the bylaw has received Executive Committee approval; the required Section 219 Covenant has been registered with the Land Title Office; and, all other LTC conditions have been satisfied.

BACKGROUND

Background to this application including five (5) previous staff reports and minutes from the Public Hearing held on October 26, 2017 is available on the Islands Trust website:

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

The objective of the bylaw is to rezone portions of Lot 8 and Lot 9, Plan 6294 from **Rural (R)** to **Industrial 2 (a) (I2 [a])** to correspond to the Official Community Plan (OCP) designation for **Industrial – I** (Attachment 1). Further, proposed Bylaw 202 would limit use in the **I2 (a) Zone** to the current and historical uses of the two lots.

The proposal will legalize the uses on the property, is compatible with other uses in the area, and is supported by the policies of the OCP.

The two subject properties are commonly known as the highways works yard and are located on Port Washington Road. The use on the properties has continued since the 1950's with the current owners, Mainroad Properties, taking ownership in 2006. The proposed rezoning will affect the current area of industrial use on

the property, in addition to some of the upslope areas, which would be protected by a s.219 Covenant restricting tree removal that has been registered on the properties (Attachment 2).

Specific File Activity:

The rezoning application has been reviewed previously by the Local Trust Committee of the day on April 5, 2016, May 25, July 27, October 26, 2017, and January 28, 2021. A Public Hearing for Bylaw 202 was held on October 26, 2017.

The following is a summary of key resolutions and file activity that have occurred for this application since the last report on January 28, 2021 to the Local Trust Committee:

- The LTC passed the following resolutions at their January 28, 2021 regular meeting:

NP-2021-006

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owner of Lots 8 and 9, Section 18, Pender Island, Cowichan District, Plan 6294 that is Attachment 2 to this report, and designate the Chair of the Local Trust Committee to sign the covenant for NP-RZ-2016.1 (Mainroad).

CARRIED

NP-2021-007

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 202, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016," be read a third time.

CARRIED

NP-2021-008

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 202 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

NP-2021-009

It was Moved and Seconded,

that upon confirmation of registration of the covenant with the Land Title Office, Executive Committee approval, and confirmation of completion of fire suppression upgrades, or written confirmation from Pender Island Fire Rescue that the upgrades are impractical, the North Pender Island Local Trust Committee direct staff to report back to the Local Trust Committee for Final Adoption of Bylaw 202.

CARRIED

- Confirmation that the Section 219 Covenant (CA8973467) has been registered with the Land Title Office was received on May 11, 2021.
- The applicant provided confirmation that the landscape screening required as part of the previous Temporary Use Permit (TUP – NP-TUP-2012.2) was completed (Attachment 4). Those conditions include the maintenance of existing vegetation on perimeter berms and planting of approximately twenty five (25) Cypress trees in two unplanted gaps along Port Washington Road and part of the eastern boundary of Lot 8. The screening also conforms with the required screening for a works yard in the current Industrial (I) zone regulations (Article 8.9.7 (2) of LUB).
- An e-mail was received from Mike Dine, Chief, Pender Island Fire Rescue confirming that the required water supply for fire suppression has been installed (Attachment 4).

ALTERNATIVE

1. Deny the Bylaw and Proceed No Further

The LTC may deny the application and proceed no further with the bylaw. Staff advise that the implications of this alternative are that the applicant would be forced to make a new application for rezoning or a TUP with implications of time delays and cost. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee proceed no further with Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016”.

Submitted By:	Phil Testemale, Planner 2	June 11, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 15, 2021

ATTACHMENTS

1. Proposed Bylaw 202 (Third Reading)
2. Registered Section 219 Covenant (CA8973467)
3. E-mail from Mike Dine, Chief, Pender Island Fire Rescue (May 18, 2021)
4. Photographs - Landscape Screening

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 202

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016”.

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

2.1 Schedule “1” – Zoning Map, is amended by changing the zoning classification of portions of Lot 8 and 9, Section 18, North Pender Island, Cowichan District, Plan 6294 from Rural (R) to Industrial 2 (a) (I2 [a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103, as are required to effect this change.

2.2 Section 8.9. – Industrial (I2) Zone, Subsection 8.9.8 is amended by deleting Row 1, Columns 2 and 3 in their entirety and inserting the following:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(a)	Portions of Lot 8 & 9, Plan 6294, Section 18	Despite article 8.9.2(1), the only uses permitted in this location are: (i) the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways; (ii) the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and, (iii) the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel.

3. Severability

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

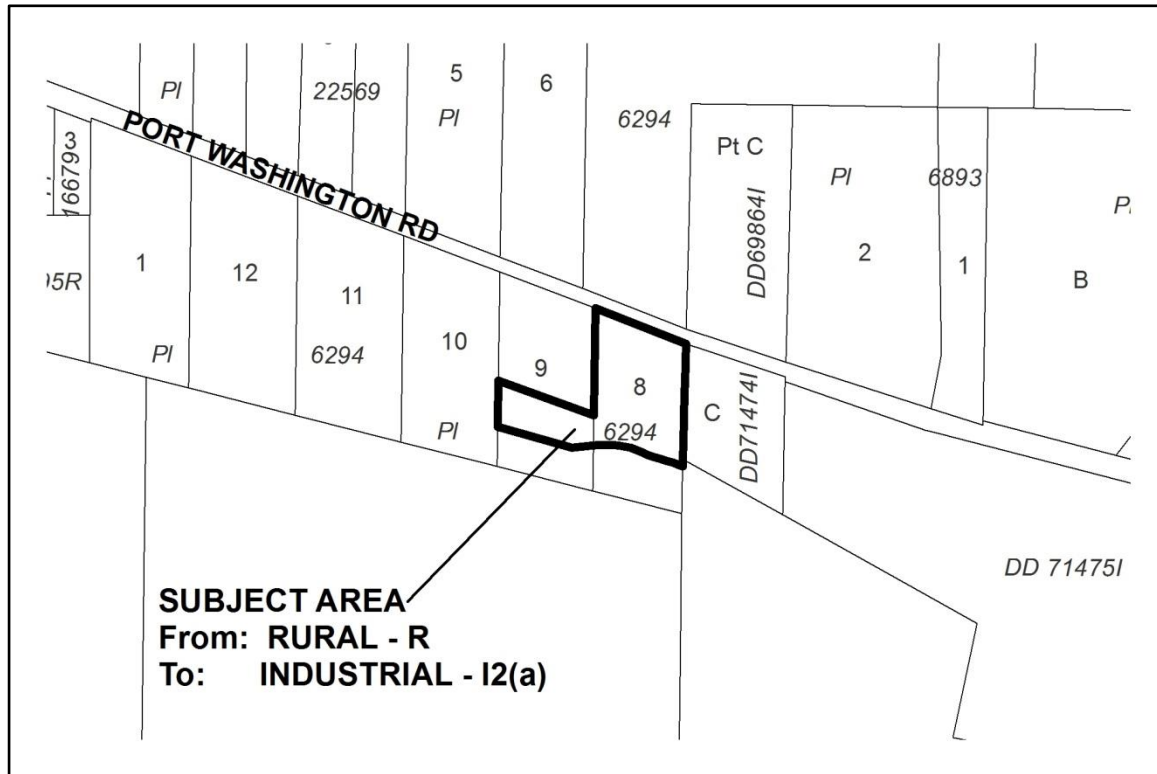
READ A FIRST TIME THIS	25 TH	DAY OF	MAY	2017
READ A SECOND TIME THIS	27 TH	DAY OF	JULY	2017
PUBLIC HEARING HELD THIS	26 TH	DAY OF	OCTOBER	2017
READ A THIRD TIME THIS	28 TH	DAY OF	JANUARY	2021
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	24 TH	DAY OF	FEBRUARY	2021
ADOPTED THIS	_____	DAY OF	_____	20_

CHAIR

SECRETARY

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 202

Plan No. 1





1. Application

**Michael Moll
 YOUNG ANDERSON
 1616 808 Nelson Street
 Vancouver BC V6Z 2H2
 604-689-7400**

2. Description of Land

PID/Plan Number	Legal Description
005-837-782	LOT 8, SECTION 18, PENDER ISLAND, COWICHAN DISTRICT, PLAN 6294
005-837-804	LOT 9, SECTION 18, PENDER ISLAND, COWICHAN DISTRICT, PLAN 6294

3. Nature of Interest

Type	Number	Additional Information
COVENANT		
PRIORITY AGREEMENT		granting the Section 219 Covenant priority over Mortgage No. FA141621 as to PID 005-837-804
PRIORITY AGREEMENT		granting the Section 219 Covenant priority over Assignment of Rents No. FA141622 as to PID 005-837-804

4. Terms

Part 2 of this instrument consists of:
(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

MAINROAD PROPERTIES (GULF ISLANDS) LTD., NO.0704096, AS TO COVENANT
THE BANK OF NOVA SCOTIA, AS TO PRIORITY

6. Transferee(s)

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
 SUITE 200
 1627 FORT STREET
 VICTORIA BC V8R 1H8**

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

Michelle Lynne Nichols
Commissioner for Taking Affidavits
for British Columbia
17474 - 56th Avenue
Surrey BC V3S 1C3

YYYY-MM-DD

2021-04-15

Mainroad Properties (Gulf Islands)
Ltd.
By their Authorized Signatory

Name: Noel Mankey

(as to both signatures)
My appointment expires August 31, 2023

Name: Peter Ashcroft

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

Daniela Marine Murphy
Commissioner for Taking Affidavits
for British Columbia
Islands Trust
1-500 Lower Ganges Road
Salt Spring Island BC V8K 2N8

YYYY-MM-DD

2021-02-01

North Pender Island Local Trust
Committee
By their Authorized Signatory

Name: Laura Patrick, Trustee

Commission expires December 31, 2023

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



Witnessing Officer Signature

Denyse Andrea Griffin
Notary Public
10 Wright Blvd.
Stratford ON N4Z 1H8

(as to both signatures)
519-271-9583 ext 83806

Execution Date

YYYY-MM-DD

2021-03-09

Transferor Signature(s)

The Bank of Nova Scotia
By their Authorized Signatory

**Linda Winter, Mortgage Servicing
Officer, Central Mortgage Unit**

**Christine Brown, Mortgage
Servicing Officer, Central Mortgage
Unit**

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**Michael William
Moll D89SUD**

Digitally signed by
Michael William Moll
D89SUD
Date: 2021-05-03
15:05:43 -07:00

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the 11 day of January, 2021, is

AMONG:

MAINROAD PROPERTIES (GULF ISLANDS) LTD.
17474 – 56 Avenue, Surrey, British Columbia, V3S 1C3

(the "Owner")

AND:

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, a
Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with
an office at Suite 200, 1627 Fort Street, Victoria, British Columbia,
V8R 1H8

(the "Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of those parcels of land located on Pender Island, British Columbia which are legally described as:

Lot 8, Pender Island, Cowichan District, Plan 6294, PID 005-837-782; and

Lot 9, Pender Island, Cowichan District, Plan 6294, PID: 005-837-804

(collectively the "Land");

- B. The Owner has applied to the Local Trust Committee to amend the North Pender Island land use bylaw in respect of the Land so as to enable the Owner to carry on certain industrial uses of the Land and the Owner has agreed to restrict the development and industrial use of the Land as more particularly set out in this Agreement;
- C. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;

- D. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Tree Protection

1. In this Agreement:
 - a. "remove" means to fall a tree and includes cutting down, pulling up, pushing over, pulling over or otherwise causing the unnatural death of the tree;
 - b. "protected tree" means any tree with a trunk diameter greater than 20 centimetres;
 - c. "trunk diameter" means the diameter of the trunk of a tree 1.5 metres above the natural grade of the ground, measured from the base of the tree.
2. The Owner shall not remove or permit the removal of any tree that:
 - a. has a trunk diameter greater than 20 centimetres; and
 - b. is located on that portion of the Land that has a natural elevation higher than 66 metres above sea level as shown on Schedule "A" attached to this Agreement.
3. Section 2 of this Agreement does not prohibit the limbing of trees under the supervision of a Certified Arborist, or other person with proper tree maintenance qualifications.

Rock Crushing

4. The Owner shall not use, or permit the use of, the Land for any rock crushing other than rock crushing that is limited to once every four years for a period not exceeding three weeks per occurrence where rocks are only crushed between the hours of 7:00 am to 4:00 pm.

No Effect On Laws or Powers

5. This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
- (b) impose on the Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else;
- (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
- (d) affect or limit any enactment relating to the use or subdivision of the Land;
- (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

6. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

7. The Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

8. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

9. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

10. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

13. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

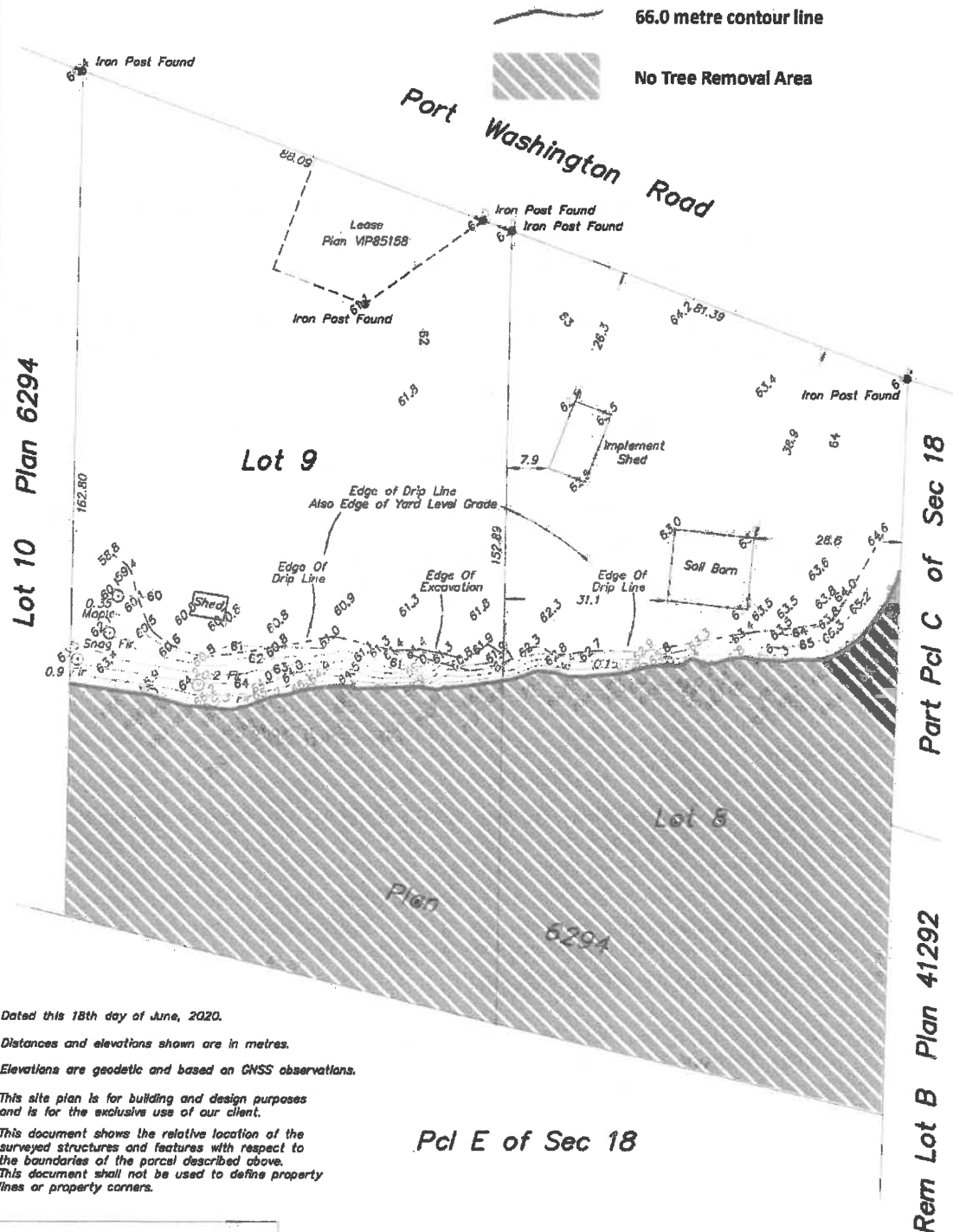
16. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

Site Plan Of:
Lots 8 And 9, Section 18, Pender Island,
Cowichan District, Plan 6294,
P.I.D. 005-837-782 And 005-837-8904.



Scale = 1:750



Dated this 18th day of June, 2020.

Distances and elevations shown are in metres.

Elevations are geodetic and based on GNSS observations.

This site plan is for building and design purposes and is for the exclusive use of our client.

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

Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

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

Telephone (250) 656-5155

File: 200180\ST\GH

The subject property is affected by the following registered documents:
~~253816, FRIE 418, FR516878, CA7713864.~~

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. Mainland Properties (Gulf Island) Ltd. [Name of land owner(s)] (the "Owner") is the registered owner of Lot 9, Pender Island, Cowichan District, Plan 6294, PID: 005-837-804 (the "Land");
- B. The Owner granted Bank of Nova Scotia (the "Prior Chargeholder") a mortgage and assignment of rents, which were registered against the title to the Land in the Victoria Land Title Office under numbers FA141621 and FA141622 respectively (the "Prior Charges");
- C. The Owner granted to the Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land under number _____ (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

Attachment 3

From: Mike Dine <[REDACTED]>
Sent: Tuesday, May 18, 2021 10:08 AM
To: Phil Testemale
Cc: [REDACTED]; [REDACTED]
Subject: Water Stand Pipe Mainroad Property Port Washington Rd

Dear Phil,

This note is to confirm that installation of the Tank and Fire Department Connection at the Main Road Property meets the water supply for Fire Suppression as required by Islands Trust Bylaw 202.

Thank you,

Chief Dine

From: [REDACTED]
Sent: Monday, May 17, 2021 12:13 PM
To: Mike Dine <[REDACTED]>
Cc: ptestemale@islandstrust.bc.ca; [REDACTED]
Subject: FW: Water Stand Pipe Mainroad Property Port Washington Rd

Hi Mike

Hope you are doing well. Would you be able to send Phil Testemale at Island's Trust an email to confirm we have meet all the requirements of the bylaw. I've attached a copy of the bylaw for your reference. I've also cc'd Phil so you have his email for a response. If I've missed something please let me know.

Thank you and hope your have a great day

From: [REDACTED]
Sent: Thursday, April 1, 2021 12:00 PM
To: 'Mike Dine' <[REDACTED]>
Cc: ptestemale@islandstrust.bc.ca; [REDACTED]
Subject: RE: Water Stand Pipe Mainroad Property Port Washington Rd

Hi Mike

Hope your day is going well. I believe we have competed the water tank installation on our property on Port Washington rd. Also I believe Adrian Hanson your coworker has viewed the installation. If everything is good on your end, would you please be able to send Phil Testemale at Islands trust a email that confirms we are confirming with the bylaw? I have cc'd Phil so you have his email.

Thank you

From: Mike Dine <[REDACTED]>
Sent: Friday, January 29, 2021 11:20 AM

To: [REDACTED]

Subject: Water Stand Pipe Mainroad Property Port Washington Rd

Hi Rick,

As per our discussion this morning.

Provide a minimum of 5000 gallon storage tank for fire suppression water.

The tank will be:

- situated on the site such that the fire truck can access the dump valve. (within 15 ft.).
- located a minimum of 45 ft. from any structures.
- outfitted with a two inch ball valve terminating with 2 inch male pipe thread located at the bottom of the tank minimum of 6 inches off the ground.
- Signed identifying the tank as fire suppression water.

Please provide a site plan indicating the location of the Water Tank and note the volume of water contained in the tank.

Hope that is clear enough.

Mike Dine
Fire Chief
PIFR

From: [REDACTED]

Sent: Thursday, January 21, 2021 10:08 AM

To: Mike Dine <[REDACTED]>

Cc: [REDACTED]

Subject: Water Stand Pipe Mainroad Property Port Washington Rd

Hi Chief Boyle

I am with Mainroad Contracting and we are trying to complete our zoning application on our Port Washington property. As one of the conditions to move the process forward we need to install a water supply at our fence line from the pond on our property. I think you might have spoken with David Turenne quite a while ago about what was required and he mentioned to me that the fire department would supply parts and we would install. Could you please get back to me on your thoughts so we can

continue to move this forward. I've attached the bylaw referral form we received from the Island trust. Looking forward to hearing from you soon.

Thank you

Rick Gill


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

ATTACHMENT 4 – PHOTOGRAPHS

4.1 PHOTOGRAPHS OF TREE PLANTINGS





DATE OF MEETING: June 24, 2021
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Development Permit Application
Applicant: Keven Ferry
Location: 337 Evergreen Lane, Sidney Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.3 (Ferry)

REPORT SUMMARY

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

The application is to permit development and land alteration within the **Sidney Island Geotechnical Development Permit Area (DPA)** on the property. Specifically, it will move the boundary of the geotechnical hazard area seaward (westward) based on a submitted geotechnical hazard assessment of the site. That will permit the construction of a dwelling partially within the DPA.

The specific objectives of the designation of the DPA are threefold:

1. *To protect the shoreline banks from development activities which exacerbate the natural erosion process;*
2. *To limit development in hazardous areas susceptible to erosion; and*
3. *To preserve the integrity of coastal processes and reduce cumulative impacts to the coastal shoreline.*

In summary, the above recommendation is supported as the application is based on a professional geotechnical assessment which meets all of the relevant objectives and guidelines for the DPA; and, all recommendations of that assessment have been incorporated into the proposed DP.

BACKGROUND

The application is being made for the purpose of constructing a single family dwelling and minimal tree removal¹ under the supervision of an arborist. The applicants are requesting that the dwelling be located further south-westward to a better building site with better views, and improved exposure for a proposed solar system than would otherwise be permitted with the current DPA setback (Figure 2). Additionally, complying with the current setback would require more tree removal on the northeast portion of the property relative to the proposed boundary. Specifically, the application will be within a portion of the DPA Area B by establishing the geo-technical boundary with a minimum distance of 50 metres to the southwest property line. In addition to the dwelling, a cistern (for fire suppression) and a greenhouse will be located in the revised area.

The application has been made in advance of a Building Permit application.

The property is generally level with some moderate slope from the northeast toward the crest of slope (Figure 2 and Attachment 2.3). From there the land descends sharply toward the toe of the slope and foreshore area below. The northeast portion is undeveloped with low lying brush and young to mature tree cover. The area south west of the driveway is more open, grassland vegetation with large mature trees, several stumps, boulders and logs.

As required, a geological hazard assessment was submitted to the Islands Trust. "Geotechnical Assessment, Strata Lot 91 - Sidney Island" (Ryzuk Geotechnical, June 16, 2021 (Rev) – 'Geotechnical Report') is Attachment 3 and it includes a guidelines checklist and a detailed site plan. The report is discussed in 'Analysis' (below). In summary, the report and its recommendations complies with the DPA Guidelines.

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

The proposed Development Permit NP-DP-2021.3 (Ferry) is Attachment 4.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Applicable ITPS statements:

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

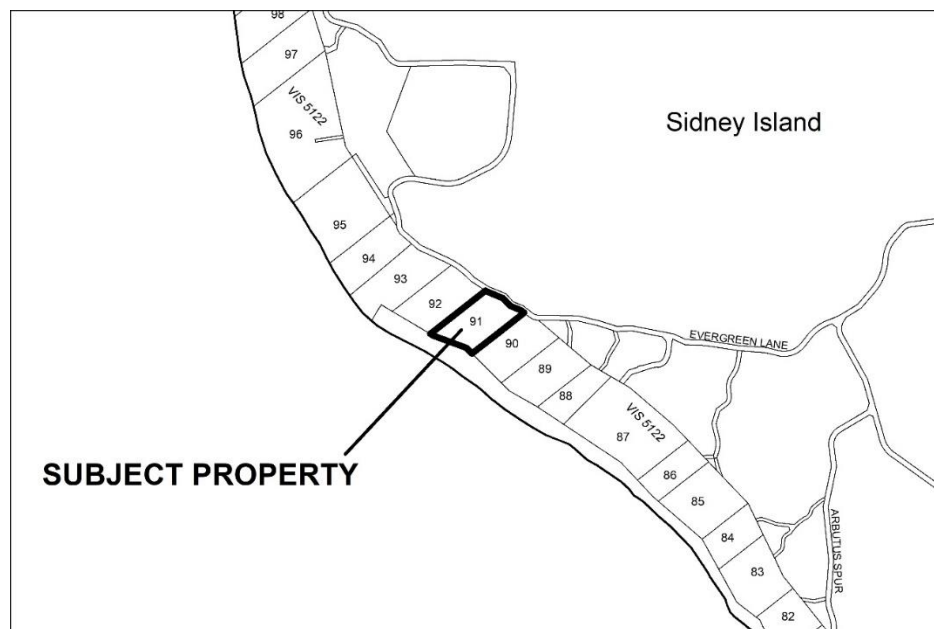
3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

¹ Trees with a trunk diameter over 0.20 m measured 1.5 above the ground require a permit in Area 'B'.

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

The proposal is supported by the above ITPS policies.

Figure 1 – Subject Property



Official Community Plan:

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

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

Land Use Bylaw:

The property is zoned as **Sidney Island Comprehensive Development Zone 2 (CD2)** in the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB - see Attachment 2.1)

The proposed siting of a dwelling complies with the LUB

[illegible]**Sidney Island Geotechnical DP- General**

The report identifies that the soil/sandbanks forming the westerly and north-easterly shorelines, which are not protected by bedrock, as being steeper than the long term stable slope angle due to on-going toe erosion. The on-going toe erosion and slope flattening processes are resulting in a landward regression of the crest of the slope. The report summarizes that building sites should be located beyond the recommended setbacks, and that disturbance to the shoreline banks by storm water drainage, land alterations, vegetation disturbance, or other means should be avoided. (OCP, p 42).

4 57

two areas. Accordingly, Exemptions and Guidelines for considering issuance of a DP are different for the two areas.

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

“The offset proposed above for the proposed single family residence is considered to be sufficient to mitigate the geohazard risks from erosion based slope and seismically induced slope regression...” (p. 2).

Sidney Island Geotechnical DP- Guidelines

On page 4 of the Geotechnical Report a checklist that assesses and certifies compliance for each of the applicable DP Guidelines for the proposed development is included. That provides recommendations for tree removal, specifically the requirement for a certified Arborist, stump retention, as well as for minimizing disruption of existing vegetation and for storm drainage management. All recommendations have been incorporated as conditions of the proposed DP.

Based on the foregoing and attached, it is staff’s opinion that the application has met all of the applicable Guidelines for the DPA.

Consultation

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

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places, and that the application is consistent with respect to LTC Standing Resolutions on reconciliation. Staff have provided the Islands Trust Chance Find Protocol and the Provincial Archaeological Branch guidelines on *Heritage Act* compliance directly to the applicants.

Rationale for Recommendation

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

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

ALTERNATIVES

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

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

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

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2021.3 (Ferry) for the following reasons _____.

NEXT STEPS

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

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Geotechnical Assessment - Ryzuk Geotechnical (November 19, 2020, revised February 11, 2021)
4. Proposed Development Permit NP-DP-2021.3 (Ferry)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot 91, Section 4, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122
PID	026-298-171
Civic Address	337 Evergreen Lane, Sidney Island
Property Size	1.06 ha (2.62 acres)

LAND USE

Current Land Use	Vacant
Surrounding Land Use	Residential , Conservation (Common Property) and Forestry 1 (Common Property)

HISTORICAL ACTIVITY

File No.	Purpose
N/A	

POLICY/REGULATORY

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

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed.
Sensitive Ecosystems	There is no development proposed in or in proximity to the shoreline DPA (15 metres from the Natural Boundary of the Sea). Islands Trust Ecosystem Mapping database indicates Mature Forest on the majority of the property with a small portion of riparian on the southwest corner (Attachment 2.5).

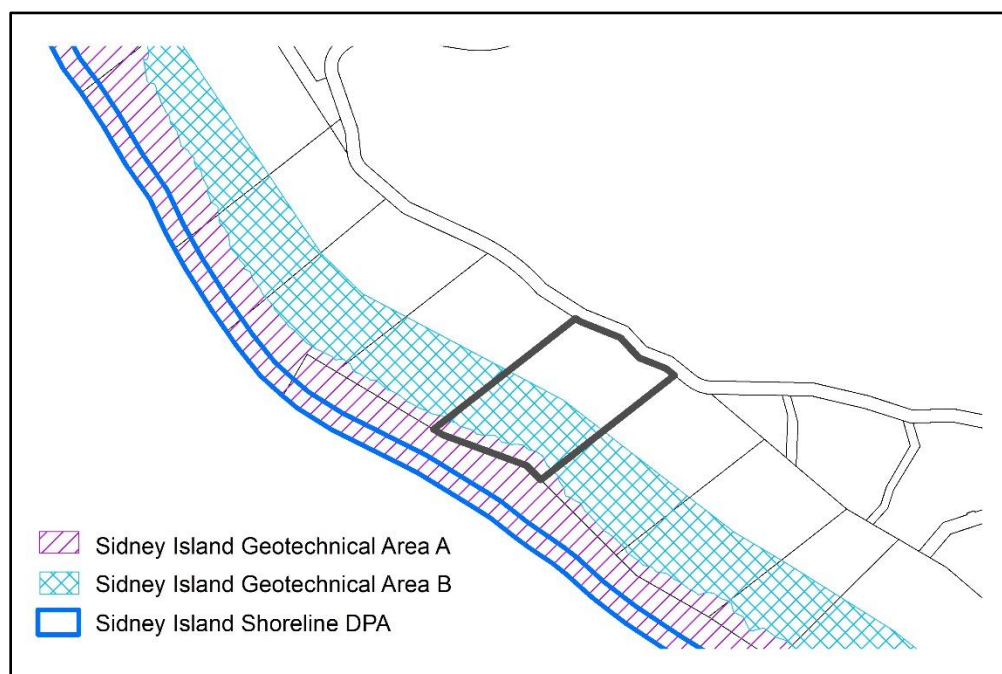
Hazard Areas	As above, the Sidney Island Geotechnical DPAs A and B are designated for the protection of development from hazardous conditions. See also Attachment 2.3 (Contours)
Archaeological Sites	See Report Body under 'First Nations'
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DPA. The submitted Geotechnical Report confirms that the development will be safeguarded from climate change induced hazards, particularly toe erosion at the base of the slope which has been accounted for in the recommended, revised setback.
Shoreline Classification	Estuary/Tidal Flats (Attachment 2. 3)
Shoreline Data in TAPIS	Eel grass beds in Sidney Channel (100 metres offshore)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ZONING & ORTHOPHOTO



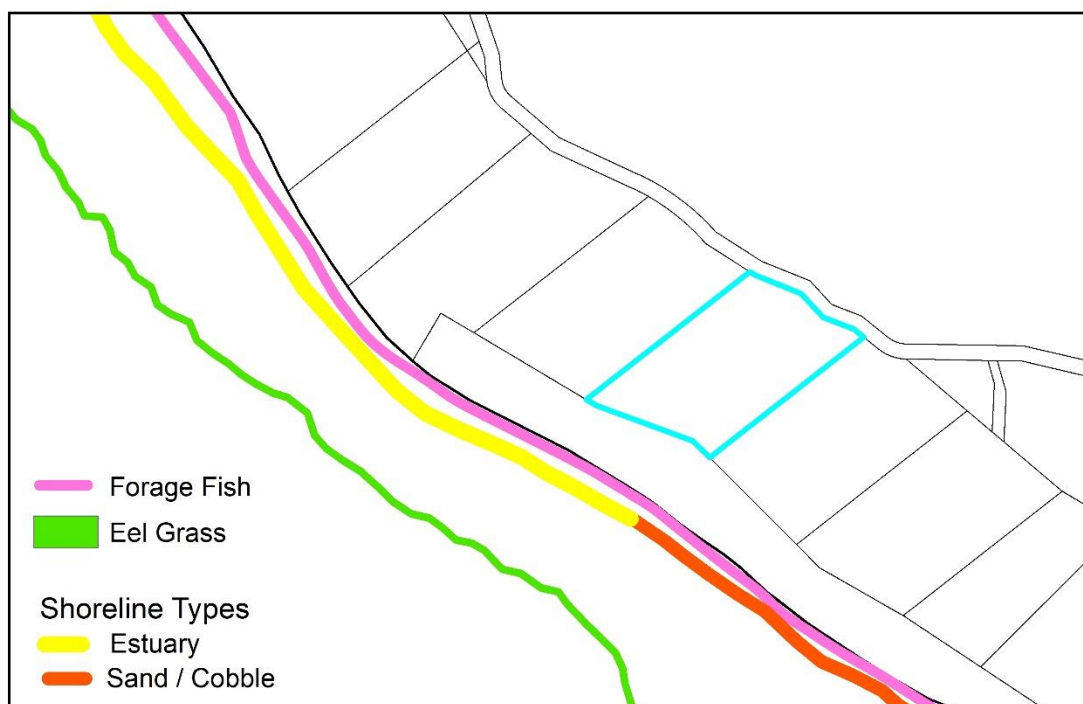
2.2 DPAs



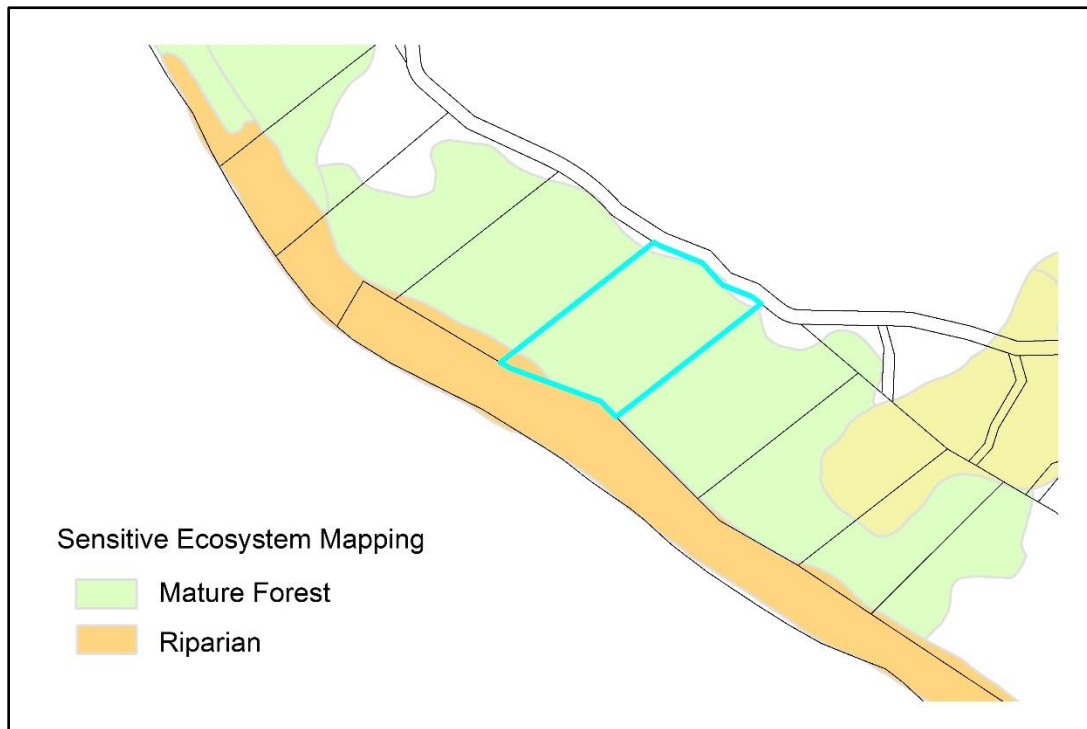
2.3 CONTOURS



2.4 SHORELINE & CONTOURS



2.5 TERRESTRIAL SENSITIVE ECOSYSTEMS





RYZUK GEOTECHNICAL
Engineering & Materials Testing

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

June 16th, 2021
File No: 10327-1

Keven Ferry



Attn: Keven (By E-mail: )

Re: Geotechnical Assessment
Strata Lot 91 – Sidney Island, BC

As requested, we have revised our original letter dated February 23, 2021, to include additional information as requested by Islands Trust. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147 (Bylaw No. 147). Previously, we attended the referenced lot to assess the existing site conditions and potential geohazards related to the development of a single family residence and the proposed select tree removal within area 'B' (upland of the slope) of the noted DPA. We further understand that Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our assessment included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously signed Terms of Engagement.

The site is approximately rectangular in shape, with dimensions 80 m wide by 127 m to 135 m long, and is bounded by Sidney Channel to the southwest, similar strata lots to the northwest and southeast, and Evergreen Lane to the northeast. There is currently a geotechnical covenant line on the property, which is located approximately 60 m northeast of the southwest property line (varies from 52 m at the southeast property line, and 66 m at the northwest property line), that restricts building construction southwest of the line. We understand that the proposed single family residence will be constructed on the northwest portion of the site, and that you wish to assess the feasibility of moving the building southwest of the current covenant line.

Topography southwest of the site slopes up steeply at 45 degrees from the natural boundary and beach area at Sidney Channel over a horizontal distance of between 40 m and 50 m, becoming near vertical within 2 m of the crest of the slope. The crest of the slope is located approximately 5 m northeast of the southwest property line. The total elevation difference from the toe of the slope to the crest is approximately 42 m. From the crest, the site slopes up gently 10 degrees to the northeast to a plateau located near the center of the lot, and beyond this to the northeast the grade slopes down at approximately

5 degrees, with minor localized variation. The northeast portion of the site is largely undeveloped and vegetated with low-lying brush and medium to large trees. Southwest of the driveway, the lot is vegetated with short grass, spaced out large mature trees, and several stumps, boulders, and logs. There is an existing driveway that crosses the lot from east corner to the center of the northwest property line, where a small cabin is located, and a well and pump house located near the driveway on the southeast property line.

Soil conditions observed at the site and on the foreshore slope generally consisted of 3 – 4 m of compact to dense brown/grey sand with silt and trace gravel and clay atop dense Quadra Sands. The Quadra Sands generally comprised dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. Some evidence of erosion was noted on the slope, with a few fresh scarps near the crest leaving portions vertical to slightly overhanging and deposited material on the lower portions of the slope. However, there was some low-lying vegetation and small trees on the slope which indicates that the surficial soils on the slope have been stable for some time. Localized rivulets from rainfall/surface water were noted in a few areas.

It is expected that the crest of the slope will likely regress from its current location due to erosion of the toe (from wave action) and/or during a seismic event. The Levelton report noted previously suggests that the toe of the foreshore slope may be receding at a rate as high as 0.38 m per year. Considering a typical design life of 75 years for a residential structure, this would suggest a regression in the order of 29 m may be encountered over the lifespan of the residence. To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope. A limit equilibrium slope stability analysis was done using RocScience Slide 2018 software (version 8.016), considering a design seismic event with a 2% probability of exceedance in 50 years. The results of this analysis indicated that the regression encountered during the design seismic event would extend approximately 20 m from the crest of the slope. This analysis considered safety factors of 1.5 and 1.1 under static and seismic conditions, respectively.

Based on the above, we conclude that a single family residence can be constructed near the center of the site, southwest of the existing geotechnical covenant, without being at risk of seismic or erosion based slope regression. It is recommended that the proposed residence be constructed no closer than 50 m from the southwest property line, which will need to be confirmed by a surveyor prior to construction. As well, to help prevent further increase in the rate of erosion at the toe of the slope, any surface water flow should be directed away from the slope crest and discharged on the northeast portion of the lot. In addition to this, no stormwater is to be discharged on the foreshore slope.

Based on the site review done by Pacific Rim Tree Service, we understand that the majority of the trees removed on site are either standing-dead trees, or ones with excessive lean, rot, or trees within the proposed building footprint. We expect the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist, ground disturbance is limited during removal, and the stump and root plates of trees outside of the proposed residence footprint are left in place.

The offset proposed above for the proposed single family residence is considered to be sufficient to mitigate the geohazard risks from erosion based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in

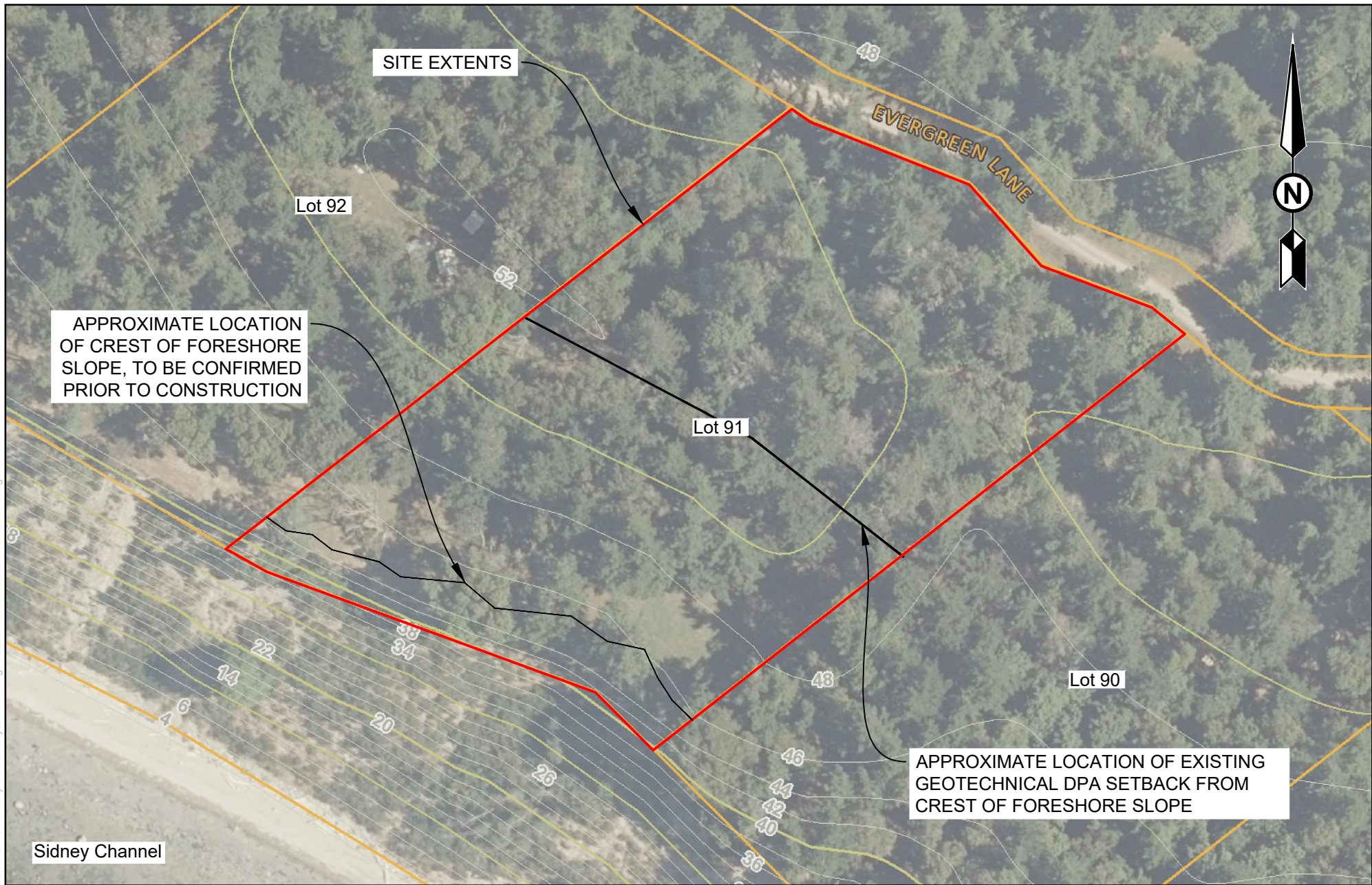
conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

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

Sincerely,
Ryzuk Geotechnical

 Shane Haxton, P.Eng.
Intermediate Engineer

Attachments: - Ryzuk Drawing 10327-1 Sheet 1 – SITE PLAN, dated February 23, 2021
- Survey Plan – Proposed Building Location
- Geotechnical Development Permit Area Checklist – Sidney Island



- NOTES**
1. Background image from CRD Maps 2017 GIS imagery, taken February 23, 2021.
 2. Location of Geotechnical Development Permit Area lines and crest of slope based on Islands Trust map Sidney Island - Geotechnical Development Permit Area.

RYZUK
GEOTECHNICAL
ENGINEERING & MATERIALS TESTING

28 CREASE AVENUE - VICTORIA, BC V8Z 1S3
 TEL: 250-475-3131 FAX: 250-475-3611
 mail@ryzuk.com

DRAWN BY	STH	CLIENT	KEVEN FERRY
PROJECT MANAGER	STH	PROJECT TITLE	GEOTECHNICAL ASSESSMENT
REVIEW	LGC	PROJECT ADDRESS	LOT 91 - SIDNEY ISLAND, BC
SCALE	N.T.S.	DRAWING NAME	SITE PLAN
DATE	2021/02/23	PROJECT No.	10327-1
		SHEET No.	1 of 1
		REVISION	68 0

Geotechnical Development Permit Area Checklist – Sidney Island

Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	X			The proposed development / land alteration, including, but not limited to, the construction of a residence 50 m or further from the southwest property boundary will be outside of the area within Lot 91 subject to a landslide or other geotechnical hazard with a probability of excess of 2 % in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	X			The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report</i> of June 16, 2021), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2 % in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.	X			We consider that the proposed select tree removal, within area "B" of the development permit area, to be minimal and to be outside of areas subject to significant erosion. However, we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence footprint are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.	X			We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.	X			We do not anticipate any significant run off into the sea and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.			X	
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:			X	
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.			X	



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2021.3**

To: Keven Ferry and Michaela Taskov

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

Strata Lot 91, Section 4, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122 (PID: 026-298-171)

2. This Development Permit NP-DP-2021.3 authorizes construction of buildings or other structures and limited alteration of land (tree removal) on the area of land identified on Schedule 'A' within Sidney Island Geotechnical Permit Area (DPA) as designated in the North Pender Associated Islands OCP Bylaw No. 147, 2002 ('OCP'), subject to the following requirements and conditions:

Permitted Siting, Tree Removal and Land Alteration

- a) The siting of the proposed dwelling and any other building and structures shall be restricted to the area to the northeast of the 'Revised Area 'B' Boundary', and maintain a minimum distance of 50 metres northeast from the southwest property line as verified by a legal survey and shown on Schedule 'A', attached to and forming a part of this plan.
- b) Tree removal shall be undertaken under the supervision of a qualified professional Arborist.
- c) All tree removal shall minimize ground disturbance, and all trunks and root plates are to be retained for soil stability.

Geological Hazard Assessment Report

- d) Construction of, alteration to or addition of any building or structure and any alteration of land shall comply with the recommendations of the geological hazard assessment report entitled "Geotechnical Assessment, Strata Lot 91 - Sidney Island, BC" (Shane Haxton, P.Eng., Ryzuk Geotechnical, REV June 16, 2021) attached to and forming part of this permit as **Schedule 'B'**.

Construction and Storm Water Management

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

- i) All necessary measures are to be taken to protect the shoreline area from sedimentation, specifically:
 - i. Construction and landscaping should be undertaken during dry weather and not during periods of prolonged rainfall;
 - ii. Prior to commencing construction, and for the duration of construction, temporary fencing should be erected along or adjacent to the Revised Area 'B' Boundary as shown on **Schedule 'A'**, for the width of the property;
 - iii. Prior to commencing construction, and for the duration of construction, silt fencing shall be installed east of Revised Area 'B' Boundary as shown on **Schedule 'A'** extending for a distance from 10 metres southeast to 10 metres northwest of any excavation or clearing, all in accordance with the specification Erosion and Sedimentation Control Measures attached to and forming part of this permit as **Schedule 'C'**; and,
 - iv. Any soils exposed or deposited for a period of greater than two (2) weeks shall covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).
- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
- 4. The area described herein shall be developed substantively in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
- 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Associated Islands Land Use Bylaw No. 148, 2003 nor from acquiring required approvals from other agencies including, but not limited to, the Capital Regional District and the Ministry of Transportation and Infrastructure.

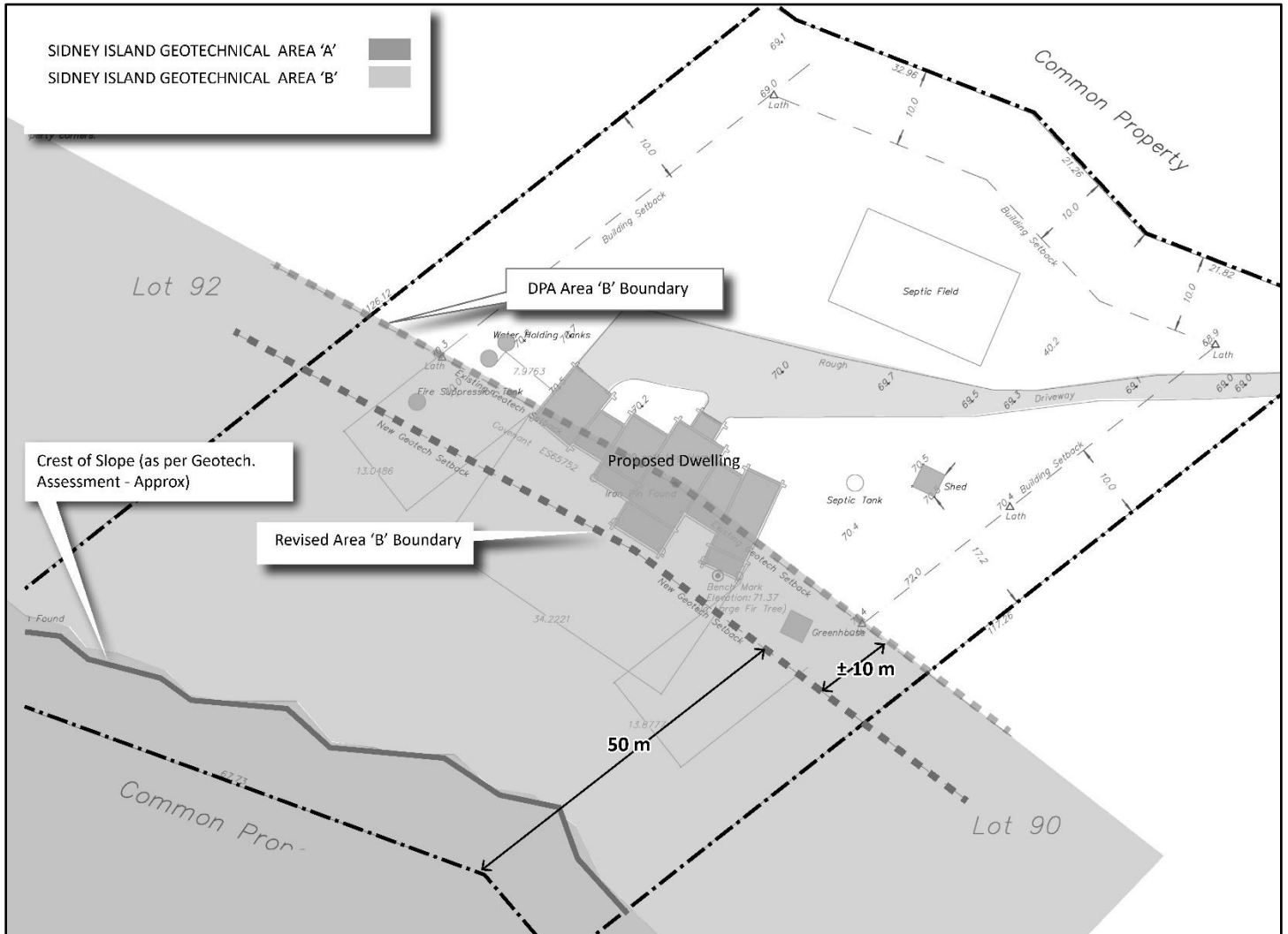
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS ## DAY OF MONTH, 2021.

Deputy Secretary, Islands Trust

Date Issued

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2021.3
Schedule 'A'
Revised Development Permit Area Plan



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2021.3
Schedule 'B'
Geological Assessment Report**



RYZUK GEOTECHNICAL
Engineering & Materials Testing

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

June 16th, 2021
File No: 10327-1

Keven Ferry


Attn: Keven (By E-mail: )

Re: Geotechnical Assessment
Strata Lot 91 – Sidney Island, BC

As requested, we have revised our original letter dated February 23, 2021, to include additional information as requested by Islands Trust. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147 (Bylaw No. 147). Previously, we attended the referenced lot to assess the existing site conditions and potential geohazards related to the development of a single family residence and the proposed select tree removal within area 'B' (upland of the slope) of the noted DPA. We further understand that Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our assessment included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously signed Terms of Engagement.

The site is approximately rectangular in shape, with dimensions 80 m wide by 127 m to 135 m long, and is bounded by Sidney Channel to the southwest, similar strata lots to the northwest and southeast, and Evergreen Lane to the northeast. There is currently a geotechnical covenant line on the property, which is located approximately 60 m northeast of the southwest property line (varies from 52 m at the southeast property line, and 66 m at the northwest property line), that restricts building construction southwest of the line. We understand that the proposed single family residence will be constructed on the northwest portion of the site, and that you wish to assess the feasibility of moving the building southwest of the current covenant line.

Topography southwest of the site slopes up steeply at 45 degrees from the natural boundary and beach area at Sidney Channel over a horizontal distance of between 40 m and 50 m, becoming near vertical within 2 m of the crest of the slope. The crest of the slope is located approximately 5 m northeast of the southwest property line. The total elevation difference from the toe of the slope to the crest is approximately 42 m. From the crest, the site slopes up gently 10 degrees to the northeast to a plateau located near the center of the lot, and beyond this to the northeast the grade slopes down at approximately

Ryzuk Geotechnical

5 degrees, with minor localized variation. The northeast portion of the site is largely undeveloped and vegetated with low-lying brush and medium to large trees. Southwest of the driveway, the lot is vegetated with short grass, spaced out large mature trees, and several stumps, boulders, and logs. There is an existing driveway that crosses the lot from east corner to the center of the northwest property line, where a small cabin is located, and a well and pump house located near the driveway on the southeast property line.

Soil conditions observed at the site and on the foreshore slope generally consisted of 3 – 4 m of compact to dense brown/grey sand with silt and trace gravel and clay atop dense Quadra Sands. The Quadra Sands generally comprised dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. Some evidence of erosion was noted on the slope, with a few fresh scarps near the crest leaving portions vertical to slightly overhanging and deposited material on the lower portions of the slope. However, there was some low-lying vegetation and small trees on the slope which indicates that the surficial soils on the slope have been stable for some time. Localized rivulets from rainfall/surface water were noted in a few areas.

It is expected that the crest of the slope will likely regress from its current location due to erosion of the toe (from wave action) and/or during a seismic event. The Levelton report noted previously suggests that the toe of the foreshore slope may be receding at a rate as high as 0.38 m per year. Considering a typical design life of 75 years for a residential structure, this would suggest a regression in the order of 29 m may be encountered over the lifespan of the residence. To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope. A limit equilibrium slope stability analysis was done using RocScience Slide 2018 software (version 8.016), considering a design seismic event with a 2% probability of exceedance in 50 years. The results of this analysis indicated that the regression encountered during the design seismic event would extend approximately 20 m from the crest of the slope. This analysis considered safety factors of 1.5 and 1.1 under static and seismic conditions, respectively.

Based on the above, we conclude that a single family residence can be constructed near the center of the site, southwest of the existing geotechnical covenant, without being at risk of seismic or erosion based slope regression. It is recommended that the proposed residence be constructed no closer than 50 m from the southwest property line, which will need to be confirmed by a surveyor prior to construction. As well, to help prevent further increase in the rate of erosion at the toe of the slope, any surface water flow should be directed away from the slope crest and discharged on the northeast portion of the lot. In addition to this, no stormwater is to be discharged on the foreshore slope.

Based on the site review done by Pacific Rim Tree Service, we understand that the majority of the trees removed on site are either standing-dead trees, or ones with excessive lean, rot, or trees within the proposed building footprint. We expect the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist, ground disturbance is limited during removal, and the stump and root plates of trees outside of the proposed residence footprint are left in place.

The offset proposed above for the proposed single family residence is considered to be sufficient to mitigate the geohazard risks from erosion based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in

Keven Ferry
Strata Lot 91 – Sidney Island, BC

June 16th, 2021

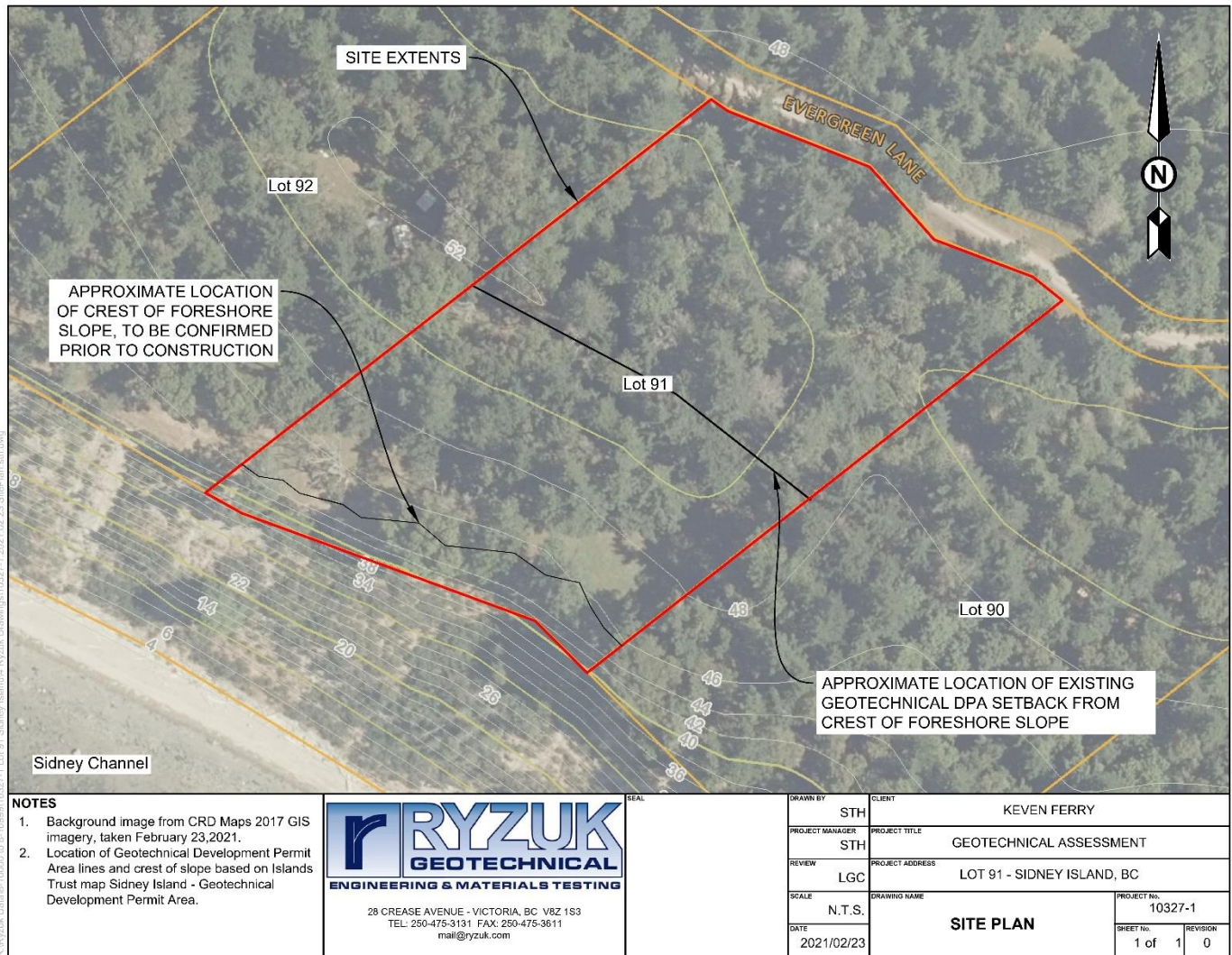
conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

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

Sincerely,
Ryzuk Geotechnical

 Shane Haxton, P.Eng.
Intermediate Engineer

Attachments: - Ryzuk Drawing 10327-1 Sheet 1 – SITE PLAN, dated February 23, 2021
- Survey Plan – Proposed Building Location
- Geotechnical Development Permit Area Checklist – Sidney Island





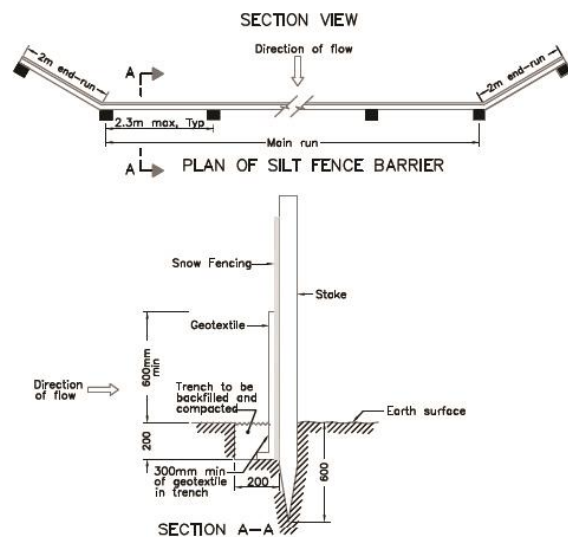
Geotechnical Development Permit Area Checklist – Sidney Island

Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	X			The proposed development / land alteration, including, but not limited to, the construction of a residence 50 m or further from the southwest property boundary will be outside of the area within Lot 91 subject to a landslide or other geotechnical hazard with a probability of excess of 2 % in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	X			The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report</i> of June 16, 2021), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2 % in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.	X			We consider that the proposed select tree removal, within area "B" of the development permit area, to be minimal and to be outside of areas subject to significant erosion. However, we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence footprint are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.	X			We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.	X			We do not anticipate any significant run off into the sea and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.			X	
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:			X	
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.			X	

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2021.3
Schedule 'C'
Erosion and Sedimentation Control Measures**

EROSION AND SEDIMENTATION

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



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

SILT FENCE WITH SNOW FENCE DETAIL
NTS



File No.: NP-TUP-2021.5 (Pegram)
(NP-TUP-2018.3 &
NP-BE-2021.1)

DATE OF MEETING: June 24, 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: Neil Pegram
Location: 4729 Buccaneers Road, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.5 (Pegram) 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-2018.3) for three (3) years. The staff report and attachments for the initial application are available as part of the May 24, 2018 LTC agenda package (pp.46-67) available here: https://islandstrust.bc.ca/wp-content/uploads/2020/06/ltc_2018-05-24_np_agd_pkg.pdf

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

The dwelling is a smaller 56.85 m² (612 ft²), three (3) bedroom home with decks on the north side of Magic Lake. The property also contains a small accessory building (a shed) and a dock on the lake.

The maximum guest capacity is six (6) guests. The dwelling has CCTV security cameras (non-invasive, stated for liability reasons) and blinds on all neighbour facing windows and privacy screens on the deck and property lines. The driveway is able to facilitate parking for four (4) cars.

Since the original application was issued, staff have received complaints from one neighbour and a bylaw complaint for the STVR use was received in February 2021 (NP-BE-2021.1). Investigation concluded that the applicant had not fully complied with the issued permit, particularly that all neighbours within 200 metres had not been provided with a copy of the permit and up to date on-island contact numbers, and that information on

sensitive ecosystems has not been provided to guests. The applicant has cooperated and now met those conditions.

In addition, the applicant has taken further measures to minimize the impacts of the STVR use on neighbouring properties. These are itemized in a submission that is Attachment 1. In summary, they include:

- Installing two (2) new privacy fences in 2020.
- Raising an existing privacy fence on the deck.
- Installing and monitoring outside motion and noise sensors which alert the owners when sound decibels reach a certain threshold on property.

A revised guest information package was submitted and is Attachment 2. That includes the following:

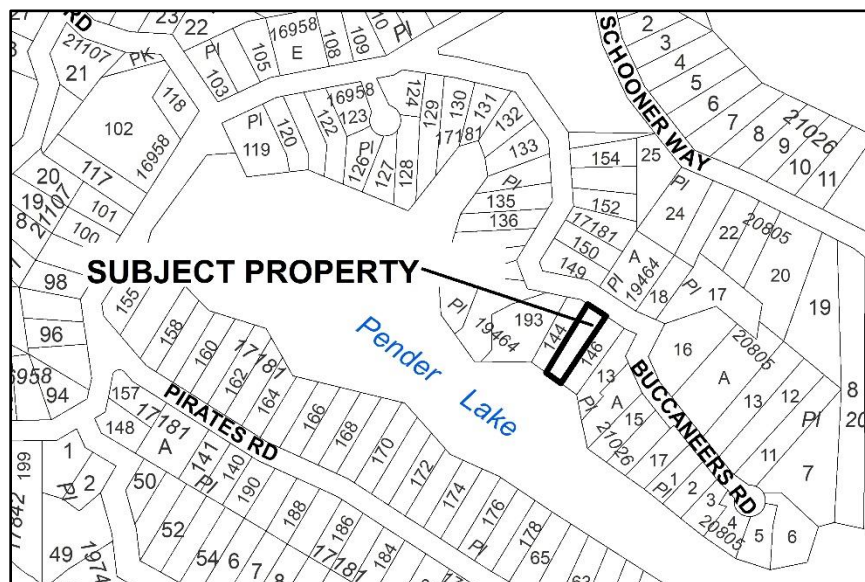
- The addition of the '*Riparian and Aquatic Sensitive Ecosystem Development Permit Area*' information sheet.
- Water conservation information and signage at all fixtures.

Although notification is not required as part of a renewal application, staff suggested that the applicant consult with surrounding neighbours and submit letters of support. Four (4) letters in support have been forwarded to the LTC (Attachment 4). One e-mail has also been received separately that opposes the renewal application (Attachment 3).

A copy of the proposed renewal NP-TUP-2021.5 is Attachment 5.

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.

Development Permit Area Ten – Riparian and Aquatic Sensitive Ecosystems is 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.

Issues and Opportunities

Compliance with original TUP

The STVR use was the subject of a bylaw enforcement action which found deficiencies that have been addressed by the applicant. Otherwise, the applicant has complied with the permit.

The one e-mail from an immediate neighbour opposing the renewal application (Attachment 3) provides numerous concerns. Primarily these are noise and nuisance given the proximity of the two houses, overlook to the west, and parking.

Staff notes the extra measures by the applicant to try to minimize impacts and remedy the concerns of the specific neighbour. In addition, through the bylaw investigation process, it does appear that some of the issues may have been generated by family members, and not renters.

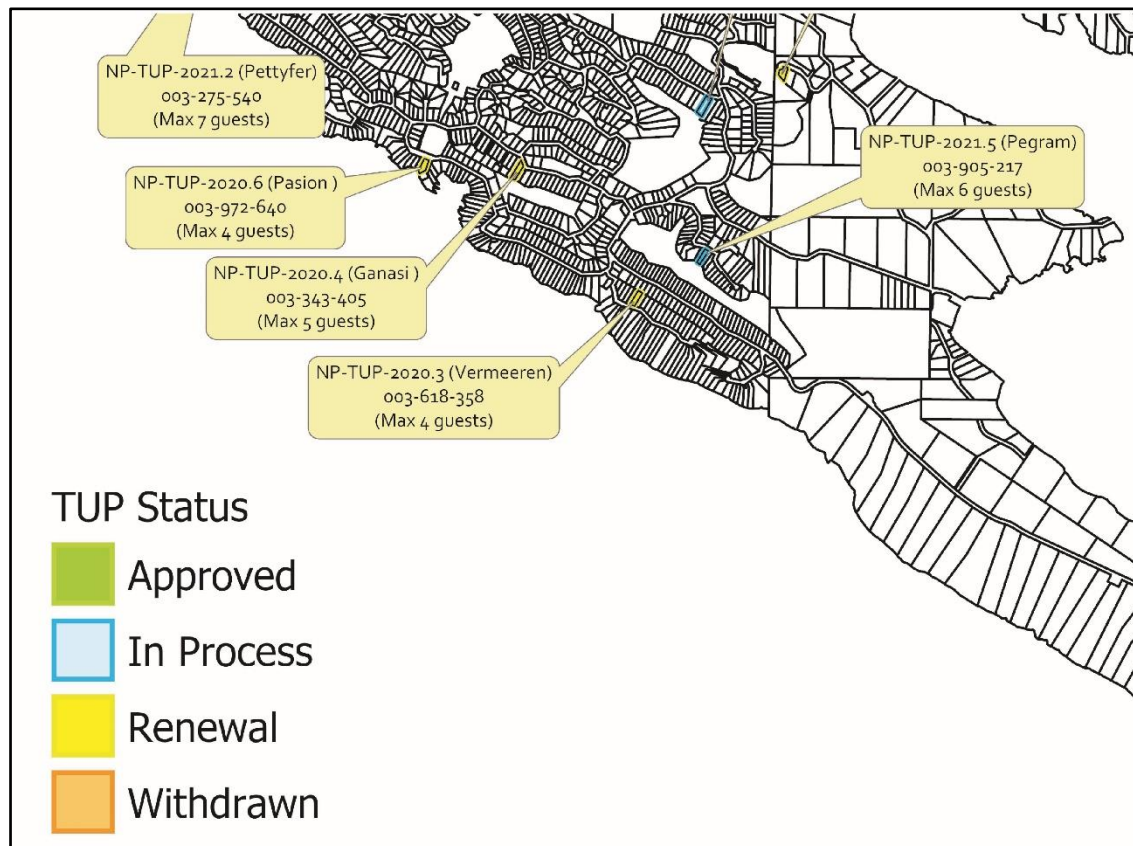
The four (4) letters of support (Attachment 4) from other neighbours all indicate that they have not had the same noise or parking issues since the original permit was issued.

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-2021.2 (Pettyfer)), 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.

Figure 2 - Detail¹ of STVR – TUP Map



Applicant's Rationale & Response to Proposed Bylaw Amendments

The applicant's rationale for the proposed renewal of the temporary use permit is to assist in covering the cost of the mortgage and to provide great vacation/tourist accommodation on North Pender. The dwelling is used primarily as a family vacation cottage and they host guests one or two weekends a month.

Consultation

Statutory Requirements

There is no statutory notification required for a TUP renewal application, as the permit conditions are unchanged from the original. Correspondence requested and received is discussed above.

Any change in conditions would require that the applicant re-apply in order for notification to neighbouring property owners.

¹ The full map is online at: https://islandstrust.bc.ca/wp-content/uploads/2020/02/np_stvr_april_2021_2.pdf

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.
- The applicant has made efforts to minimize impacts to neighbours in response to informal and formal complaints;
- The guest capacity is modest at six (6);
- The applicant has provided four (4) letters of support
- One (1) letter of opposition has been received;
- 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-2021.5 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-2021.5 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-2021.5.

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

ATTACHMENTS

1. Applicant Submission
2. Guest Information
3. Correspondence (opposed)
4. Correspondence (support)
5. Proposed Renewal NP-TUP-2021.5

Attachment 1

Supplemental Information to the TUP Renewal application for a STRV permit to the North Pender Island Local Trust Committee

Re: STVR Renewal of permit for 4729 Buccaneers Rd.

Lot 145, Section 8, Pender Island, Cowichan District, Plan 17181

April 2, 2021

Sections listed as per the “STVR TUP Checklist”

Site Plan:

- See attached Site Plan drawing.
- Note that the applicant has installed two new privacy fences in 2020 and raised the privacy fence on the side of the deck since the previous permit.
- I have done my best to update the attached property plan that is “drawn to scale” and outlines the key items noted in the STVR checklist and the new fencing
- The attached site plan does meet the STVR checklist requirements and includes:
 - ✓ Existing buildings and structures labeled as to their use and their floor area (1 small cottage/home that is 612SqFt, a deck, dock, and a shed)
 - ✓ Driveway with space with off-street parking for 4 vehicles
 - ✓ Magic Lake waters edge
 - ✓ The property is on CRD water and sewer (so no well or septic fields noted)
 - ✓ Privacy fencing has been added to the sides of the property and the deck to screen neighbours view of residence and is noted.
 - ✓ The property includes significant trees and vegetative screening between adjacent lots.
 - ✓ Note that adjacent neighbours and even neighbours across the lake, do not have a view of the deck or inside of the home due to tree screening or fencing.

Intensity of Use Proposed:

- No. of bedrooms proposed for STVR use: 3 small bedrooms
- Maximum number of guests to be permitted at one time: 6

Potable Water

- Property is on the Magic Lake Estates CRD water, so an adequate supply of water is available

Septic Capacity

- Property is on the Magic Lake Estates CRD sewer, so adequate septic capacity is available

Residential Appearance

- The application does not alter the residential appearance of the residence

Sensitive Ecosystems

- The rental contract includes a “house manual”, which is provided printed at the residence and as part of the requirements of the online contact (that must be agreed upon before rental). House manual includes information to guests about Water Conservation, the riparian zone, Magic Lake, and the local ecosystem. (see attached).

On-Island Contact:

- The owner is available for contact 24 hours/day, seven days per week by cell phone and online.
- Sarah Wheeler who lives on-island fulltime is our 24 hours/day, property emergency contact when the cottage is rented. Cell - 1-604-375-XXXX

Information for Guests (see attached):

- The rental contract includes a “house manual”, which is provided printed at the residence and as part of the requirements of the online contact (that must be agreed upon before rental). House manual includes information to guests about caring for Magic Lake and the local ecosystem.
 - ✓ Reminds them they are in a residential area
 - ✓ Provides information regarding noise bylaws, riparian zones, nature conservation, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and notes that pets are not permitted
 - ✓ Provides emergency contact information
- Note that guests are required to have a cell phone to access keys/directions, also so they must carry an active cell phone to the property, and therefore they have a means of contacting emergency services, just as the owner would.

Signage/Information:

- Water conservation signage on toilet, washing machine, and sink
- Signage on sewer care is on toilet
- Information on garbage and recycling and facilities is provided
- The property has no street signage

Accessory Buildings:

- The renewal is for main/only building

Additional Comments:

- On top of the above noted items, the rental contract, house manual, or inside signage includes:
 - information on fire safety
 - a fire extinguisher is provided and carbon monoxide / smoke detectors
 - a complete first aid kit is provided on property (no narcotics are provided)
 - a strict no-pet policy (owner has allergies)
 - a no infant policy
 - information pertaining to wheelchair accessibility
 - a strict limited on the number of guests/rooms

- The house has security cameras on the outside of the property so number of guests can be monitored, number of vehicles can be monitored, and for evidence of liability issues. Cameras do not invade privacy of the guests nor neighbour as they are located above the driveway and only view our private property and that which can easily be seen from public street.
- The outside security system also tracks and monitors motion and sound decibels (dB), so that outside noise issues can be monitored remotely.
- There are no windows or doors on the driveway side of the house adjacent to the neighbours.
- The driveway and entrance have motion sensor lighting to provide any late-night guests safe and easy access to property
- The owner has provided neighbours within a 200 metre radius contact information of both the owner and on-island contact, and a copy of the TUP
- Contact information and permit information is provided on side of main door for emergencies
- Camping is prohibited and noted in guest contract
- RVs are prohibited and noted in guest contract
- Watercraft is prohibited and noted in guest contract
- Outdoor fires are prohibited and noted in guest contract
- No motorized personal watercraft, motorized tools, or vehicles are provided to guests
- Clear dates and both check in and check out times, are in contract
- No home stereo/sound-system is on the property. Only a small handheld-sized Bluetooth speaker is in the kitchen.
- No alcohol is provided to, or available to guests
- All exterior lights are shaded or pointed in a direction to not illuminate close neighbours
- Any non-household chemicals like lawn mower gas, cleaners, paint, and all power tools are contained in a separate locked shed

We have taken great care to create a space that is a pleasure for guests to rent. We have no desire or plans to rent the property a lot. It is our family vacation cottage that we visit at least once a month. We have the ability to work remotely and truly enjoy using the cottage year-round. Also, my brother and uncle and their families enjoy visiting so we set the cottage up to be very well maintained, easy to care for, and safe for children. We have our online booking setup in a way to require all rental requests to provide government ID verification, a financial deposit, and direct communication with us before rental.

We are selective with our guests (they can not auto book, we review each guest before approval) and over the last 3 years we have had excellent guests and very good reviews. We also frequently host guests who are family or friends of neighbours. That way locals can have family visitors stay on their street, and be on the lake together. Our family has been a part North Pender and enjoying magic lake for over 30 years and we want to facilitate great guests having romantic weekends or small family getaways, and help them fall in love with the island as we have.

Thank you for your consideration of our renewal application.

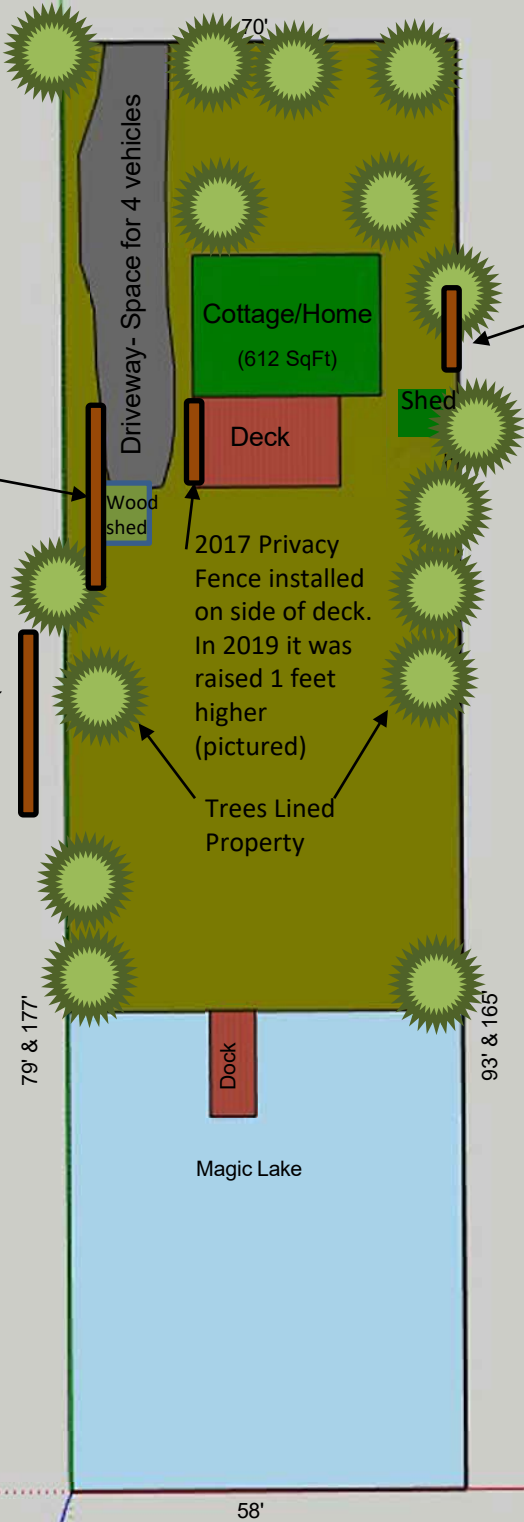
4729 Buccaneers Rd,
North Pender Island,
BC, V0N 2M2
Lot 145 Section 8
Plan 17181

**2021 STVR TUP
RENEW UPDATE:**

New Privacy Fences
installed on both side
of property in 2020

2020 New
Second 7 foot
tall Privacy
Fence installed
on this side of
property
(pictured)

Of Note:
Neighbour
installed their
own fence in
2020 also to
provide
additional
privacy to their
hot tub
(pictured)



2020 New
Privacy Fence
installed on
this side of
property (not
pictured)

2017 Privacy
Fence installed
on side of deck.
In 2019 it was
raised 1 feet
higher
(pictured)

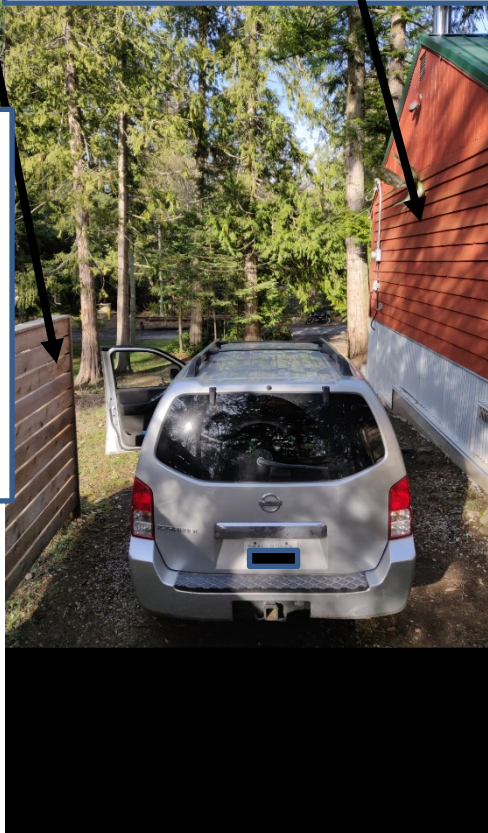
Trees Lined
Property

New Fence 7 ft
tall privacy
fence installed
2020



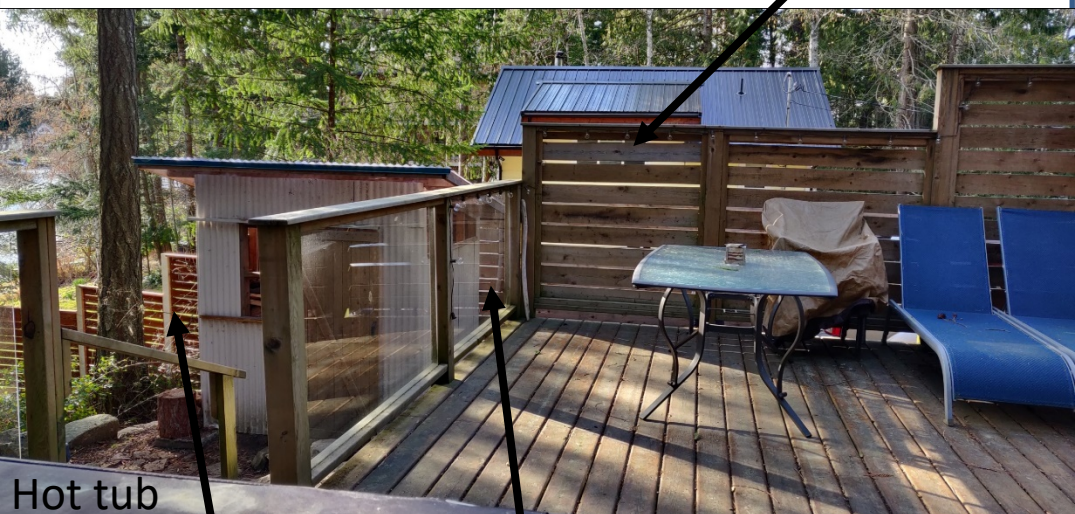
Note: Side of
cottage has no
windows or
doors

Existing privacy
fence on side of
deck raised
higher in 2019



**View of neighbours
property looking
from applicants hot
tub on deck.**

Existing privacy
fence on deck
raised in 2019 to
block neighbours
windows from view
of applicants hot
tub



Neighbours installed
fence beside their own
hot tub on their lower
property

2020 Applicant
installed new privacy
fence on side of
driveway as seen
between wood shed
and deck

View of neighbours
property looking
from applicants yard
in front of deck.

2020 Applicants wood
shed also blocks view
between neighbours



Neighbours installed
fence beside their own
hot tub on their lower
property

2020 Applicant
installed new privacy
fence on side of
driveway as seen
between wood shed
and deck

View of applicant
driveway.

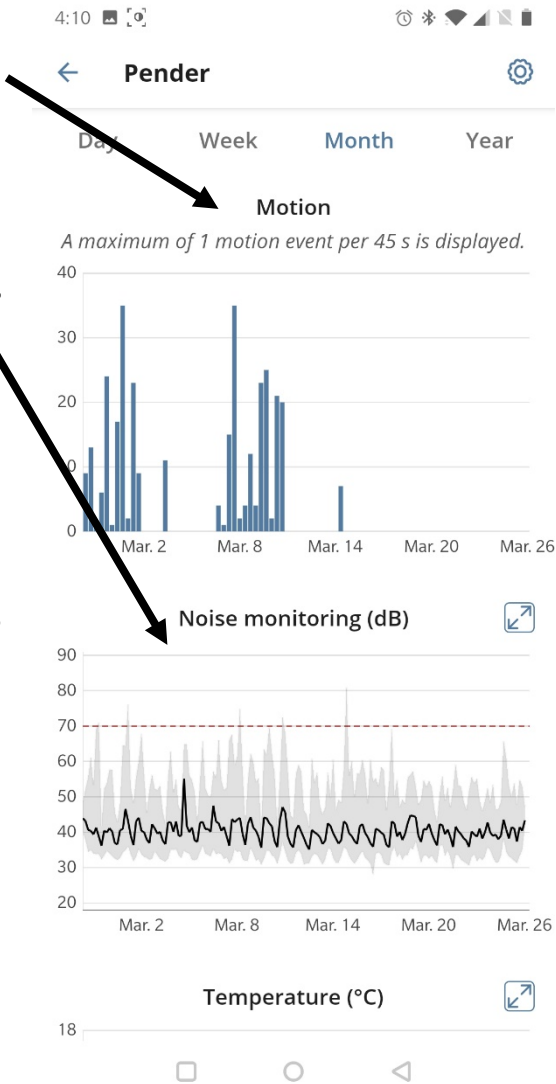
Neighbours
property line
approximately
4 feet from
driveway path.



Outside Security
System Screen Shot

Outside security system tracks motion (can tell when guests drive on property), and also tracks outside decibels (dB). Alerts are set to inform owner when sound outside reaches thresholds. dB data is tracked and saved to monitor outside noise concerns.

Note that guest privacy is taken seriously. Guests are not recorded by video or audio in private areas or inside (only motion and dB outside)



WELCOME TO THE MAGIC LAKE COTTAGE!

-Key- the Slider Key is in a black lock box beside the door. The key box Code is **XXXX**

-No Pets: Our family have allergies to both dogs and cats, so we are a pet-free cottage please.

-No Smoking inside: Guests can smoke on the deck, an ash tray is provided. Do not smoke on the property as island has a high fire risk in the summer. Please dispose of cigarette butts properly.

-Heat: There are baseboard heaters throughout the house. The wall thermostat only controls the heater behind the couch.

-Hot Tub: Please keep the cover on when not in use. No Glass in the hot tub. You can check the chemical levels using a dip stick (container of test strips are usually in the kitchen). If there is a serious chemical imbalance let us know. You can unscrew the filter from under the black cover and can hose it off if you want to help keep the water clean. Hot tub chemicals are provided and for longer rentals you might want to use them. Putting a teaspoon of "Shock" in each night it has been used will really help. Hot tub instructions are in the binder in the cottage. Excessively dirty hot tub water at the end of the rental will be charged an extra cleaning fee.

-Wood Stove: Because of forest fires risk and the summer fire ban on the island, please don't use the wood stove in the summer. In the winter there will be wood provided in the green wood box on the deck under the window. Paper recycling is provided and some kindling. If you run out you need to contact us and we can arrange for more. Open the slide vent on the front of the fireplace (it has 3 holes, you want the largest hole to start to get the most air in). Leave the glass door open a crack when starting to let some extra air in helps.

-Outside fires/bonfires are Not allowed on the property at any time of the year

-Internet/Netflix: the Wi-fi code is on the fridge (pw: **XXXXXX**). There is no cable TV, however the RokuTV (small black controller) provides access to Netflix and YouTube and other online TV streams.

-BBQ: Please clean the grill after use. Turn the propane tank OFF when not in use. There is a spare propane tank if needed, contact us if you run out, or the Pender Island Home Hardware does refills but they are closed Sundays.

-Neighbours and Noise: Please enjoy the property during the day, you are on vacation, but remember that sound travels easily on a lake and neighbours are close. We have a No Noise outside after 10pm policy. Some of our neighbours live on island full time. A small bluetooth speaker is provided, plus a CD player/radio, but please keep them inside. If you have music or you are having fun inside the cottage after 11pm, please ensure the neighbours can't hear it by closing the windows. Remember anything you say while in the hot tub, sitting on the deck, or especially on the dock, can often be heard on the dock across the lake, even in a regular voice. Note there are fulltime RCMP/Police on the island and neighbours have been known to call them if they are being kept awake at night so please be considerate of sound outside and of course no parties. Also please do not go on the neighbour's property or park in front of their house and we do not allow guests to stay in RVs or camping in tents on the property. Thank you so much for being considerate of the community.

-Lake Fun: Feel free to use the canoe, boats, floaty toys and paddles. The canoe is best, the row boat is fun. 3 Life jackets are by the back door and paddles are under the canoe/boat. If you need a child's life jacket they are in the shed. In the summer months stand up paddle boards are available. Note that they are inflatable and can pop/rip. Please take care with them to not run them into the dock or other sharp things.

-Water is scarce on the islands: the tap water is treated and fully drinkable, but please remember that the island has highly restricted access to fresh water. Water conservation is required. Please conserve with short showers, only flush if you need to, limit washing machine use...etc

-Magic Lake: is open to the public for swimming and rowing/paddling. The lake is a precious natural body of water and a sensitive ecosystem that does not allow motored personal watercraft (no boats with engines). Please take care with the plants and trees in the natural riparian zone around the water's edge. The lake supports a wide range of birds, fish, and animals from otters to ducks. Don't remove plant life or disturb wildlife. The lake is part of the reservoir system for drinking water so do not dispose of anything in the lake. Thank you.

CHECKING OUT

-Laundry: At the end of the rental please Wash & Dry sheets/pillow cases/towels/kitchen towels. The cleaner will make the beds, clean floors, kitchen, bathroom...etc. but unwashed laundry may be charged extra. If you can get the laundry washed, and at least into the dryer before you leave, then the cleaner doesn't have to do multiple trips. You can leave clean and dry laundry in a pile on the couch and the cleaner will make all beds and put things away. ***Don't leave wet laundry in the washing machine – please get it into the dryer or just leave it***

-Empty the Fridge/freezer - Do not leave perishable or frozen food behind. The cottage is often left for weeks so take anything that can rot/melt with you.

-Dishes washed and in the drying rack. **BBQ** propane is Off and the grill is reasonably clean.

-Garbage: Take all garbage with you. There is no regular garbage pickup on the island. You can pay per bag to drop it off at the Medicine Beach Liquor Store - 5827 Schooner Way. It is on the way back to ferry.

-Compost/Organics: Take compost with you, or sadly it is garbage. We currently do not have a working composter.

-Recycling: Please take all recycling with you. There is no regular recycling pick up on the island. You can try to the Pender Island Recycle Depot, however they are only open a few days a week so we understand if you can't. Check their website for opening hours. - 4400 Otter Bay Road (just past the community hall on the way to the ferries). www.penderislandrecycling.com

-Hot Tub – Ideally put one teaspoon of "Shock" in before leaving. Turn down to 100 and close the lid, plus cover. Ensure underwater light is off.

***Baseboard Heaters all OFF** (there is one in each room)

***Thermostat to OFF** but leave Bathroom door open so air moves through it

-Lock all Windows and the slider

-Replace key in lock box – code is **XXXX** to re-lock it

Emergencies

-Please bring your cell phone, there is no landline in the cottage

-Please contact the owner Neil Pegram with any questions or concerns first – **XXXXXXX** or via the AirBNB messaging app

-If Neil is unavailable: contact the property manager and cleaner Sarah **XXXXXXX** (she lives on Pender fulltime). Explain the property address and the owners name.

-Of course, for serious issues you can call the local Pender Island RCMP office, or the local Fire Department, or 911.

Wow, Thanks for reading all of that!

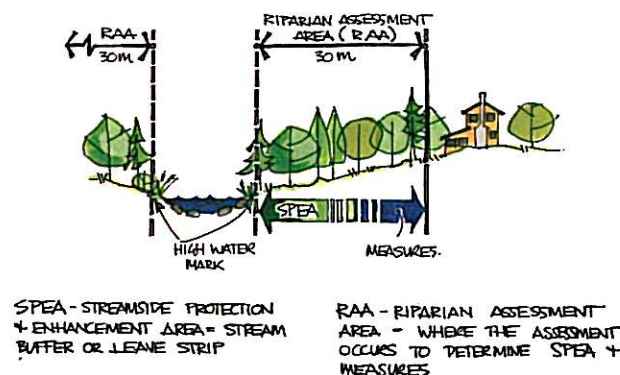
The cottage is really a lovely home away and super relaxing. Don't be overwhelmed by this list, we just get lots of FAQs and want to give you all the info.

We really hope you enjoy your stay!

What is the Riparian and Aquatic Development Permit Area?

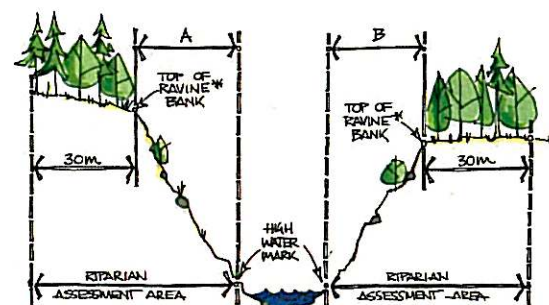
On North Pender Island an assessment was done to identify which watercourses have the natural features, functions and conditions that support fish life processes and are therefore, subject to the RAR. Several streams, plus Buck Lake, Magic Lake and Gardom pond were identified as subject to RAR and the Local Trust Committee subsequently adopted the Riparian and Aquatic Development Permit Area, extending 30 metres from the high water mark, to implement the requirements of the RAR.

RAA Interpreted in a Stream



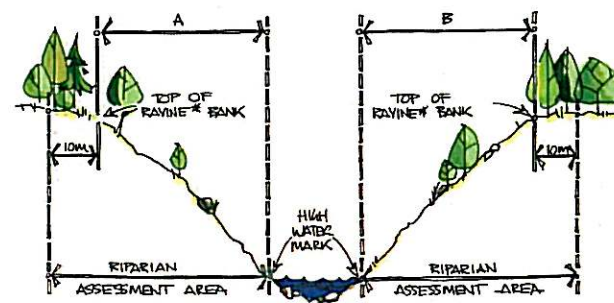
Property owners with proposed development within the Riparian and Aquatic Development Permit Area (DPA) will require an assessment report from a Qualified Environmental Professional (QEP) and issuance of a Development Permit from the Local Trust Committee before proceeding with new development. The QEP report will identify, on a site specific basis, which areas within the DPA can be developed and may provide recommendations for mitigation, enhancement or monitoring of the site specific to the proposal. The QEP will also identify areas that may not be developed as a Streamside Protection and Enhancement Area (SPEA). Conditions of the Development Permit will primarily be based on the QEP report.

RAA Interpreted in a: Narrow Ravine



A+B < 60m THEN RAA EXTENDS 30m FROM TOP OF RAVINE BANK
* RAVINE IS DEFINED AS BEING A NARROW, STEEP SIDED VALLEY THAT IS COMMONLY ERODED BY RUNNING WATER AND HAS A SLOPE GREATER THAN 3:1

Wide Ravine



A+B > 60m THEN RAA EXTENDS 10m FROM TOP OF RAVINE BANK
* RAVINE IS DEFINED AS BEING A NARROW, STEEP SIDED VALLEY THAT IS COMMONLY ERODED BY RUNNING WATER AND HAS A SLOPE GREATER THAN 3:1

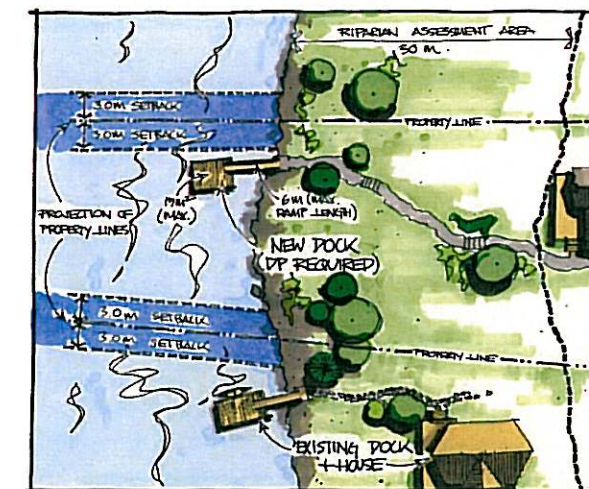
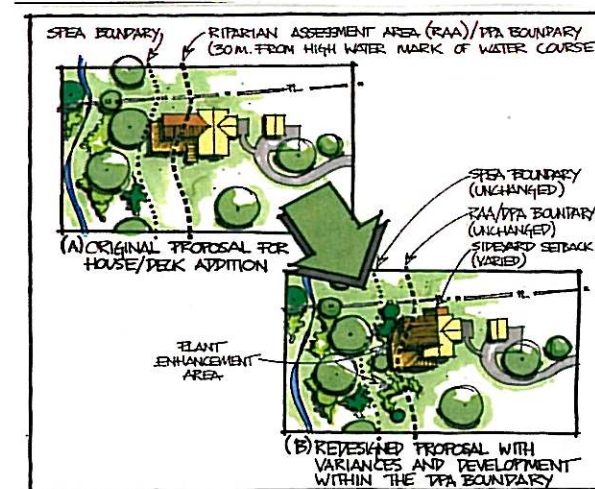
Some Keys Facts:

- The RAR is a provincial regulation that must be implemented by local governments.
- The Riparian and Aquatic Development Permit Area (DPA) applies to the water bodies and lands within 30 metres of a watercourse, consistent with the requirements of RAR.
- Development permit areas do not change the permitted uses or density of a property, but provide guidelines and conditions on how development may proceed.
- The DP and RAR both apply to residential, commercial or industrial activities.

The Riparian and Aquatic Development Permit applies to the following activities:

- Construction of buildings and structures, including docks.
- Creation of non-structural impervious or semi-impervious surfaces (e.g. parking lots, patios).
- Removal, alteration, disruption or destruction of vegetation.
- Disturbance of soils.
- Development of road, bridges, trails, docks, floats and ramps.
- Development of new services (e.g. water, sewer, drainage and utility corridors).

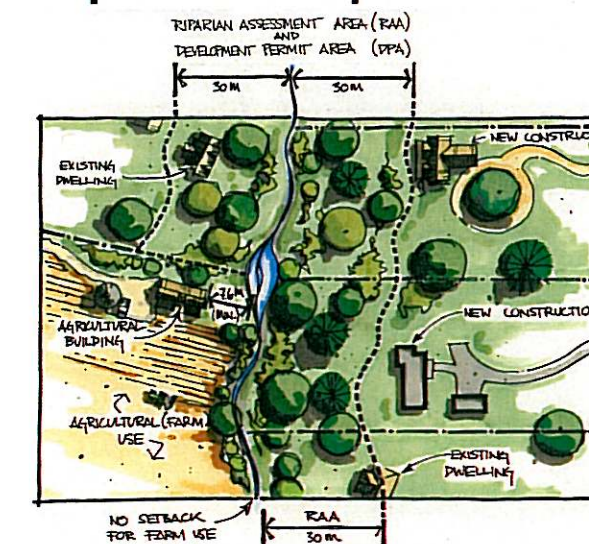
Development Permit and QEP Report is Required:



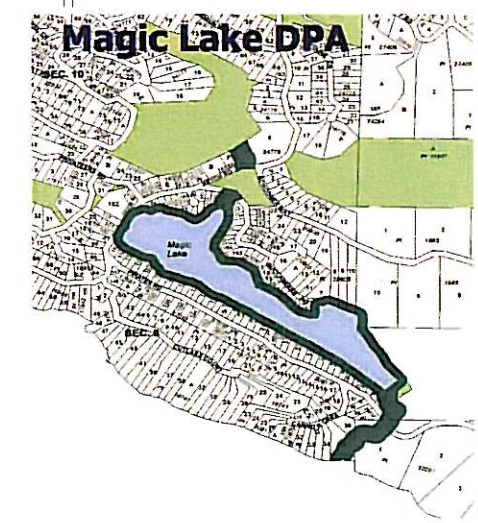
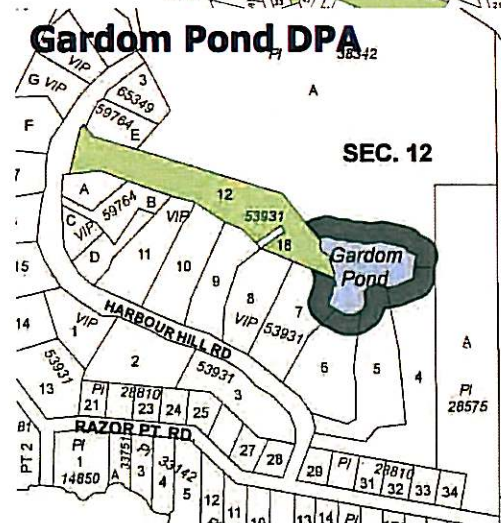
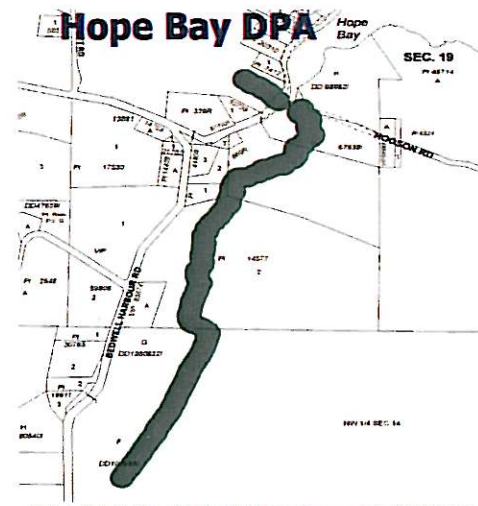
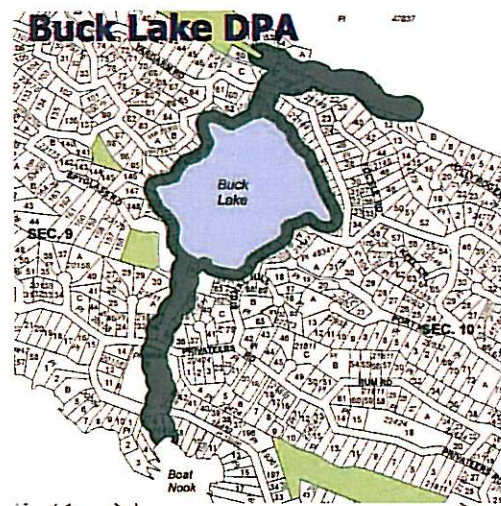
The Riparian and Aquatic Development Permit exempts the following activities:

- Reconstruction or repair of permanent structure if the structure remains on its existing foundation.
- Farming activities (ALR or zoned) or institutional development.
- Developments that have been approved but not yet built.
- Gardening and yard maintenance within an existing landscape area that does not involve the application of pesticides.
- Removal of trees certified by an arborist to pose a threat to life or property.
- Construction of a fence if no native trees are removed and disturbance of vegetation is restricted to 0.5 metres on either side of the fence (1.5 metres in agricultural areas).

Development Permit and QEP Report is Not Required:



Development Permit Area Designations on North Pender Island:



How to proceed with your development proposal?

If your property is within the Riparian and Aquatic Development Permit Area:

1. Contact Islands Trust staff to confirm if a permit is required.
2. If a permit is required you will need to hire a QEP to prepare an assessment report.
3. Once the QEP report is prepared, submit a Development Permit application to the Islands Trust.

For more information contact:

Islands Trust - Victoria Office 250-405-5151

Ministry of Environment:

<http://www.env.gov.bc.ca/habitat/fish protection act/riparian/riparian areas.html>

www.livingbywater.ca

www.stewardshipcentre.bc.ca

For a list of QEPs view the Vancouver Island University course participant list at:

<http://www.viu.ca/nrep/environmental/rar.asp>

Capital Regional District - Pender Island Office 250-629-3424

Guide to Development Permits:

<http://www.islandstrust.bc.ca/lup/pdf/dpapplicationguide.pdf>



Islands Trust

Graphics and Layout: Phil Testemale - www.testemale.com

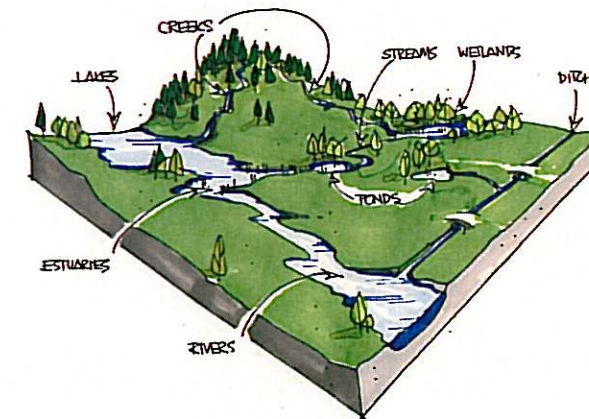
North Pender Island
RIPARIAN & AQUATIC DEVELOPMENT PERMIT AREA

North Pender Island
RIPARIAN & AQUATIC DEVELOPMENT PERMIT AREA

What is a Riparian Area?

Riparian areas are located along the margins of streams, lakes and wetlands, the floodplains of these areas, and wet gullies. They are unique and diverse ecosystems that link water to land and they play a key role in creating fish habitat. Riparian ecosystems can range in width from a few metres, such as those next to small streams with steep banks, to more than 100 metres along large rivers.

Riparian Areas are:



The moist soils of these areas support plant communities that are very different from those in drier, upland areas. Due to seasonal changes in water levels, riparian ecosystems are highly dynamic. Natural disturbances such as a periodic or seasonal flooding, blow-down of shallow-rooted trees, and shifts in the stream channels combine to create a variety of habitat types that support high levels of biodiversity. In mature riparian ecosystems, tree growth is rapid and the forest understorey is lush and diverse.

Why are they Important?

Riparian ecosystems support an exceptionally high number of plants, amphibians, small animals, and insects for the area that they occupy because they contain the three critical habitat components for wildlife: water, shelter and food.

A healthy riparian ecosystem is vital for fish habitat by providing nutrients and insects for food, regulating stream temperature by shading, and protecting water quality by filtering surface runoff and ground water. Vegetation in riparian areas also helps stabilize banks thereby reducing bank erosion and sedimentation of water.

On North Pender Island, healthy riparian ecosystems around Buck and Magic Lakes also help to protect the drinking water source for many island residents.

What is the Riparian Areas Regulation?

The Riparian Areas Regulation (RAR) is a Provincial regulation enacted under the Fish Protection Act that requires local governments to protect riparian areas. The regulations prohibits a local government from approving or allowing a development to proceed in a riparian area unless it is in accordance with an assessment report by a Qualified Environmental Professional (QEP).

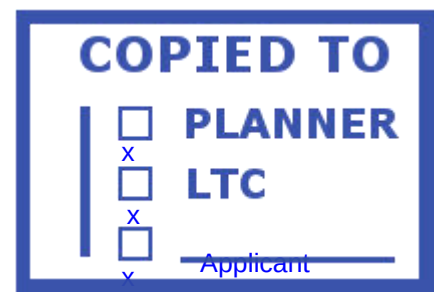
The Riparian Areas Regulation is applicable to the area within 30 metres of a stream, which is known as the "Riparian Assessment Area" (RAA). The RAA is an area within which development can only proceed following a professional assessment, it is not a setback.

A "stream" is defined to include a watercourse, whether it usually contains water year round or not, that provide fish habitat. Watercourses include ponds, lakes, rivers, creeks and brooks, as well as some ditches, springs, and wetlands if they are tributaries of a stream.



Islands Trust

Attachment 3



From: [REDACTED] >
Sent: Tuesday, May 11, 2021 10:19 AM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Cc: 'Doug Regehr' <[REDACTED]>
Subject: Regehr's response to TUP renewal at 4729 Buccaneers Rd N Pender Island

To North Pender LTC ,

We are writing to you in regard to the renewal of the TUP at 4729 Buccaneers and would like you to know that we are in strong opposition to the renewal for the following reasons:
Firstly, my house is located approximately 15 meters from the vacation rental and any sound transfers easily to our house. The noise from the guests starts at approximately 10 pm shortly after the arrival of the 7:15/7:20 pm ferry from Tsawwassen. When the guests arrive they start to unpack their vehicles. The usual banter begins with shouts back and forth to each other as they transfer their belongings from their vehicles and into the rental house. Keep in mind they are on vacation and are in vacation mode and don't turn out the lights and go to bed on their arrival. Typically, they have a hot tub and sit outside and chat late into the evening and early morning. All of this noise resonating throughout our home keeping us from sleeping and disrupting our lives. The noise disturbance continues each and every day they are staying at the vacation rental. Keep in mind this cycle of disruption repeats itself every time a new group of guests check in. I can't state this strong enough, the ongoing disruption is causing us a great deal of stress and I am struggling with various issues related to this situation.

In addition to the noise issues, guests have parked their vehicle on my property. This happens because the property line where the driveway for the vacation rental abuts our property line is not delineated leaving an area of my property exposed for improper parking.

In conclusion, we have been experiencing this for three years now and we have tried to deal with this as best as we can. Had we known that living beside a TUP would be so disruptive we would have opposed the initial permit. However, we wanted to give it a chance and we were not aware that it would cause so much stress to us and our family.

For the above reasons we are respectfully requesting that this permit is not renewed.

Kind regards,

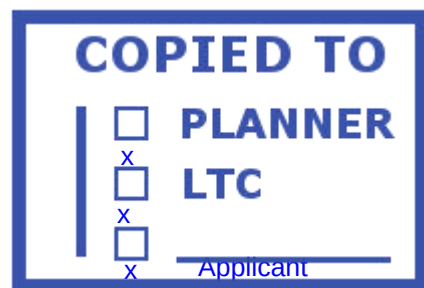
Doug and Karen Regehr
[REDACTED]

Attachment 4

2021-06-09

North Pender Local Trust Committee

Re: 4729 Buccaneers Road - STVR Permit Renewal Application



We are writing this letter in support of the STVR Permit renewal application for our neighbour's property at 4729 Buccaneer's Road.

We have not had any issues with STVR guests that have stayed at the property since the permit was issued in 2018. Specifically, there have been no issues with parking, noise, or trespassing. On occasions when we have chatted with guests, they have been very friendly and considerate, making sure that they were not making too much noise. Many of the guests have been family groups and it has been very pleasant to see them and their children enjoying the lake.

The applicant, Neil Pegram, has proven to be an exceptional neighbour. We have been provided with emergency, on-island contact information, in addition to his personal contact information. He keeps the property well maintained and ensures that cleaners arrive at the property shortly after guests have left. He frequently checks with us to ensure that guests have not caused any issues.

In general, we are supportive of the STVR program. We have owned our property since 2003. We believe that STVR's help in supporting local businesses, particularly restaurants, and have helped increase property values. For large family groups, it is helpful to be able to arrange accommodation nearby when everyone cannot be supported one's own property. We are completely in support of the renewal of Neil Pegram's STVR for three additional years.

Sincerely,

Bob and Nancy Baillie

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

From: **Jeff Mica** <[REDACTED]>

Date: Wed, Jun 9, 2021 at 9:48 PM

Subject: Pender Island STVR

To: [REDACTED]

To North Pender local trust committee.

I am writing this letter of support for the renewal of the STVR permit for Neil Pegram of 4729 Buccaneers.

I own the property directly across the street at [REDACTED] and have never experienced any noise, parking, or trespassing issues or annoyances of any kind.

I have been provided the on island emergency contact number as well as Neil's cell number. I appreciate the availability of short term rentals on the island as I have friends that use them regularly.

I fully support the renewal of this permit.

Jeff Mica
[REDACTED]

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

From: **CHRIS HARRISON** <[REDACTED]>

Date: Tue, Jun 8, 2021 at 9:10 PM

Subject: stvr

To: neil pegram <[REDACTED]>

Dear North Pender Local Trust Committee:

It is our understanding that application has been made to renew the short term vacation rental permit currently in place for 4729 Buccaneers Road.

With regards to the application, we would like to advise the committee that the short term rentals that have taken place over the last few years have not negatively impacted us in any way. Specifically, there has been no excessive noise, there have been no parking issues or trespassing on our property, and guests that we encountered have conducted themselves in a manner respectful of the neighbourhood and the lake.

It's also nice to know there is potential accommodation nearby for when we, or our neighbours, have need for additional space for guests.

In case of any issues, we have on-island contact information for emergencies, and contact information for the owner Neil Pegram, for any other issues.

We are happy to support the renewal of this STVR for another three years.

Yours truly,

Chris and Heather Harrison
[REDACTED]

Re: Short Term Vacation Rental Permit for 4729 Buccaneers Rd

Dear Members of the North Pender Local Trust Committee

My husband Mark and I own the property located [REDACTED] It is our understanding that the permit for short term vacation rentals at [REDACTED] is up for review, and we write this letter in support of the renewal of the permit for another three years.

We are aware that 4729 Buccaneers has a short term vacation rental permit. The owner, Neil Pegram has provided us with his contact information as well as the contact information for the emergency contact on Pender Island. We have not had any issues with any of the renters at 4729 Buccaneers, in particular we have not noticed any noise or parking issues. We have come across renters on the lake, and they have all been very friendly.

We believe that it is important for property owners to be able to utilize their properties for vacation rentals, (if they so choose) provided that they follow all of the requirements. We also believe it is beneficial to the Pender community for vacationers to have the opportunity to stay on Magic Lake, and experience all that the area has to offer. Tourism is an important part of the economy on Pender, and having a variety of places for people to stay only increases the appeal of the island. It is also of particular benefit to us to have a local rental property in which friends and family can stay when they are vacationing with us.

Please do not hesitate to contact us at [REDACTED] or [REDACTED] if you require further information.

Emma and Mark Henderson



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2021.5 (Pegram)
Renewal of NP-TUP-2018.3**

4729 Buccaneers Road

To: Neil Pegram

1. This Permit applies to the land described below:

Lot 145, Section 8, Pender Island, Cowichan District, Plan 17181
(PID: 003-905-217).

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

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

3. and is subject to the following conditions:

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

- m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: June 24, 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 – Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve the updated Project Charter for the Land Use Bylaw Review Project dated June 24, 2021.

REPORT SUMMARY

The purpose of this report is to provide further information on the topic areas, seek direction from the North Pender Local Trust Committee (LTC), and introduce bylaw amendments for the industrial regulations.

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 the following topic areas:

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

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:
<https://islandstrust.bc.ca/island-planning/north-pender/projects/>

At the May 12, 2021 LTC Special Meeting, the LTC passed the following resolutions:

NP-2021-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential.

CARRIED

NP-2021-051

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property.

CARRIED

By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use.

NP-2021-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.

CARRIED

NP-2021-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.

CARRIED

NP-2021-054

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.

CARRIED

A list of all resolutions regarding the topics areas with staff comments are included in Attachment No. 1.

ANALYSIS

Maximum Floor Area

At the May 12, 2021 Special Meeting, the LTC requested further information related to the maximum floor area discussion concerning lot coverage and impermeable surfaces, floor area measure (to internal side of external walls), and the South Pender maximum floor area review.

The following are North Pender LUB definitions applicable to the maximum floor area discussion:

"floor area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey.

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

"structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes fences, septic fields, concrete and asphalt paving, or similar surfacing of the land.

Lot Coverage Definition:

Lot coverage in the North Pender LUB is the calculation of land covered by buildings and structures divided by the lot area. Furthermore, the definition of 'structures' specifically does not include impermeable surfaces such as concrete and asphalt surfacing, or similar surfacing of the land. The LTC could amend the lot coverage definition so that the term 'structure' would include impermeable material (see Option 1 below). This would support two objectives of the lot coverage provision: to retain greenspace and encourage on-site retention of drainage. There is the potential to render properties with extensive paving as non-conforming, however the effects of non-conformity would be minimal as existing structures could be repaired or maintained.

In terms of administration, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with regulations. For example, survey plans prepared by a professional surveyor would have to include the area and extent of all paved surfaces which could increase the cost to the applicant. Also, as there is no requirement for a building permit for new paving, administering the regulation in absence of a building permit review for a building or structure could be difficult. Finally, there are going to be interpretive issues with the use of materials like paving stones and permeable materials.

Options for consideration:

1. Amend the definition of 'lot coverage' so that the term structure would include concrete and asphalt surfaces. The definition of lot coverage would then read: "means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and "structures" includes impermeable material." Amending the definition would then require patios, driveways, cement stairways, etc. to be included in the lot coverage calculation.
2. Retain the current definition of lot coverage.

Floor Area Definition:

The current definition of floor area in the NP LUB measures the floor area to the outside surface of the external walls. The NP LTC could amend this definition to measure floor area to the interior surface of the exterior walls. Currently Gabriola, Galiano (for Environmentally Friendly Buildings), Lasqueti, and Saturna all measure floor area to the interior side of the external walls. Amending the definition of floor area to measure to the internal surface of the exterior wall could encourage environmentally friendly building practices (use of thicker insulation within walls).

Options for consideration:

1. Amend the definition of floor area so that the measurement is to the interior surface of the exterior walls. The definition could then read: "means the total area of all storeys of a building measured to the interior surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey."
2. Retain the current definition of floor area.

Maximum Floor Area – Gradual Scale:

The South Pender LUB was amended in 2016 to establish maximum floor area for dwellings located in rural residential zones depending on lot size (see table below). The South Pender LTC is in the early stages of discussion with the community to determine if the maximum residential floor area outlined below should be decreased further.

Table 1 - Excerpt from South Pender LUB – Rural Residential Zones

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5) Maximum Floor Area per lot:			✓	✓	✓
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:			
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)			
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)			
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)			
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)			
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)			

The North Pender LTC could consider a similar gradual scale to regulate maximum floor area for properties zoned Rural Residential (RR), Rural (R), Rural Comprehensive 1 (RC1) and Rural Comprehensive 2 (RC2). Table 2 outlines a gradual scale option for consideration based on two options. Example A are maximum floor areas based on South Pender's LTC, and Example B outlines maximum floor areas that are further reduced. The maximum floor area numbers outlined below are derived from the following considerations:

- Review of Building Permit applications in 2019 and 2020 demonstrate that the majority of dwelling units constructed are under 2000 ft². Although due to the implications of Covid 19 and cost of building materials, could contribute to a reduction in floor area for dwelling units constructed in 2020.
- Used South Pender LUB's maximum floor area numbers as a template.
- Lot area gradual scale based on minimum lot size for subdivisions, and the minimum lot size for a cottage.
- Consideration given to those properties located within the Agricultural Land Reserve as the North Pender Agricultural Advisory Planning Commission recommended a maximum floor area of 500 m².

Table 2 – Options for North Pender Residential Maximum Floor Area

RR, R, RC1, & RC2 zones		
Lot Area	Maximum Floor Area for Dwelling Units	
	Example A	Example B
Less than 0.4 ha (1 acre)	353 m ² (3800 ft ²)	278 m ² (3000 ft ²)
0.4 ha to < 1.2 ha (1 acre to 3 acres)	418 m ² (4500 ft ²)	325 m ² (3500 ft ²)
1.2 ha to < 4.0 ha (3 acres to 10 acres)	520 m ² (5600 ft ²)	372 m ² (4000 ft ²)
4.0 ha (10 acres) or greater	560 m ² (6030 ft ²)	418 m ² (4500 ft ²)

<i>Properties located in the ALR (dwelling unit must be located on the portion of the lot located within the ALR).</i>	<i>500 m² (5382 ft²)</i>	<i>500 m² (5382 ft²)</i>
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Direction required from the LTC:

LTC should give direction to staff to amend the definition to lot coverage, floor area, and establishing a gradual scale maximum floor area for the RR, R, RC1 and RC2 zone (options outlined below). If the LTC gives direction to establish a maximum floor area, staff will add a provision in the LUB amendment that would address those dwelling units built prior to the new regulation.

Draft Resolutions:

Option 1 – the LTC wishes to adopt a gradual scale maximum floor areas based on numbers in the South Pender LUB – Table 2, Example A. This resolution would also give direction to staff to amend the definition of lot coverage and floor area.

That the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example A, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021.

Option 2 - the LTC wishes to adopt a gradual scale maximum floor areas based on numbers in the South Pender LUB but at a reduced scale – Table 2, Example B. This resolution would also give direction to staff to amend the definition of lot coverage and floor area.

That the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021.

Option 3 – the LTC wishes to amend the definition of lot coverage and floor area only (no maximum floor area is established). This is an option if the LTC believes that by including impervious surfaces to the lot coverage calculation will lessen the mass of the built form, therefore contributing to the preservation of ‘rural character’.

That the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021.

Agriculture LUB Amendments

At the April 29, 2021 Special Meeting, the LTC gave direction to staff to draft bylaw amendments based on the recommendations found in the attached table to the staff report dated May 12, 2021 with the following amendments:

- Table Item 1 – Divide the Rural Residential zone into two zones:
 - Rural Residential A (properties located within Magic Lake Estates Water District and the Trincomali Water District.
 - Rural Residential B (all other RR zoned properties).
- Table Item 2 – Agriculture as a primary permitted use in the new RR2 zone.

- Table Item 21 – Amend LUB to require a Bylaw Enforcement Officer to give notification to the occupier prior to entering onto a property.

The North Pender LTC also requested the North Pender Agricultural Advisory Planning Commission (AAPC) meet to review the staff report dated April 29, 2021 and provide written feedback. The AAPC provided the following additional comments:

- Rural Residential B zoning be created for areas of North Pender Island excluding those within a water works district. Further that agriculture be a permitted primary use within the Rural Residential B zone.
- Rural Residential B zoning table. The AAPC outlined regulations that should be included in the RRB zone. These regulations would mirror the agriculture regulations in the Rural zone. Staff will include these recommendations in the draft bylaw.
- Shipping containers are a form of farm equipment and should be permitted on properties having farm tax status, irrespective of zoning.
- Farm worker accommodation be permitted on all lots having farm tax status and demonstrated need as appropriate to lot size and that the AAPC will provide further details on this recommendation after researching the subject further.
- Temporary Use Permit system be assessed to provide a mechanism that could facilitate temporary accommodation for farm workers on farm land. Further that the Commission requests Staff to provide an assessment of the Temporary Use Permit requirements in this area, and specifically where flexibility and new innovative processes may be possible.

The comments and recommendations from the AAPC and direction given by the LTC will be included in the bylaw amendment.

Commercial Tourist Accommodation

At the May 12, 2021, the LTC gave direction to staff to write a letter to the C2 zoned property owners along MacKinnon Road advising them of the LTC's intent to either reduce the number of tourism units or rezone to Rural Residential. Below is the chart staff have received to date concerning the four properties.

Table 3 – MacKinnon Rd C2 zoned properties

Property	Zoning	Property Information	Comments
1325 MacKinnon Rd	C2(e) – permits 9 CGAUs.	-1 dwelling unit and 1 trailer 0.56 ha (1.4 acres)	To date, no comments from the property owner
1329 MacKinnon Rd – The Tides	C2(d) – permits 26 CGAUs.	-Currently 6 CGAUs on the property with the intent to expand the commercial accommodation business. -Property was recently purchased in Fall 2020. -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density.	Staff recommends to not amend density or use for this property until the LTC has heard directly from the property owner.
1333 MacKinnon Rd	C2(b) – permits 10 CGAUs.	-1 Dwelling Unit -0.57 ha (1.4 acres)	

		-Property for sale	
1349 MacKinnon Rd – Otter Shores	C2(c) – permits 10 CGAUs	-5 CGAUs currently on property. -Property owner plans to construct 4 more CGAUs (fourplex building) -Property owners recently purchased property -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density.	Staff recommends to not amend density or use for this property until the LTC has heard directly from the property owner.

At this time staff recommends to not make any changes to the four C2 zoned MacKinnon Rd properties until the LTC has heard directly from these property owners. When the LUB Review project was initiated in early 2020, the sleeping densities on these four properties had remained dormant for many years. There had been no major development nor had the properties been sold. Over the past six months, two of the four properties have new property owners, and another has recently been listed for sale. In light of these changes the LTC may wish to consider retaining a portion of the densities as the recently sold lots had been purchased with the intent to develop a commercial guest accommodation business.

Industrial Amendments

Staff have incorporated the items outlined in the NP LTC resolution chart (attachment no. 1) in a blacklined version of the draft bylaw. Due to the size of the draft bylaw, it will not be attached to the staff report but can be found on the Project's webpage under "LUB Review Project – 8. Draft Bylaws": [Blackline Draft Bylaw](#). The blackline version of the draft bylaw will be updated on the website prior to each subsequent LTC meeting (if changes have been made).

Below is a chart outlining the current zone for each industrial zoned property and the proposed amendments.

Table 4 – Industrial Zone Amendments

Current Zoning	Address	Zoned Area	Site Specific Regulations (The only uses permitted at the locations)	New Zone/Changes
I1(a)	3338 Port Washington Road (Home Hardware)	1.8 ha	• storage of goods, materials and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts and scrap; • retail sale of building, gardening and landscaping materials and supplies • propane sales.	To be rezoned from I1(a) to a site specific general industrial zone - GI(a). The three permitted uses will not change.
I1(b)	4606 Razor Point Road (portion)	0.5 ha	• boat storage.	To be rezoned to a site specific general industrial zone that only permits boat storage.
I2(a)	3323 Port Washington	0.8 ha	As permitted by Bylaw No. 202:	To be rezoned to the General Industrial zone

	Road (portion) (Mainroad Works Yard)		- the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways; - the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and, - the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel.	and to also permit the additional uses as outlined in Bylaw No. 202.
I2(b)	3418 South Otter Bay Road (portion former cement plant) – as shown in Map 1 as property No. 1	1.4 ha	the processing, crushing and storage of gravel	Rezone from I2(b) to a Community Service site specific zone that will only permit waste transfer, composting, and a community or non-profit recycling and reuse facility. Minimum lot size for subdivision will also be reduced to 1.2 ha.
I2(c)	3418 South Otter Bay Road (portion by recycling)) – as shown in Map 1 as property No. 2	1.3 ha	the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment	Rezone from I2(c) to General Industrial zone with additional site specific uses for waste transfer, composting, and a community or non-profit recycling and reuse facility.

The following definitions related to industrial activities were also added to the draft LUB:

“contractor yard” means the use of land, buildings, or structures for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades.

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

Map 1 – Location of 3418 South Otter Bay Rd



To be included in LUB and OCP map amendments:

- Removing industrial designations and zoning from steep slope areas, specifically those industrial lots along Port Washington Rd.
- Zoning amendments to reflect the above noted change in zones (for example, Industrial 1 and 2 zones to the General Industrial zone).

Minor & Technical Amendments

As indicated in the attached resolution list, the LTC added the following items to the minor and technical amendment list or gave further clarification:

- Remove 'fencing' from option for Landscape Screening. Screening should be planting/vegetation only.
- Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection. The LTC may want to consider including this regulation in the Groundwater Project.
- Add regulation to allow one accessory building/structure with a maximum floor area of 10m² prior to construction of principal dwelling.
- Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.
- Add a prohibition on recreational helicopters. Staff will add the following to Section 3.2 Prohibited Uses in the LUB:
 - "Airport and airstrip facilities and related accessory buildings and structures.
 - Heliports and helipads, other than for emergency evacuation use."

In addition staff will make an amendment to the OCP to include the following policy under Policy 3.1.2 Air Transportation:

- "Land based aircraft facilities are to be limited to those necessary for emergency helicopter evacuations."

The items noted above will be included in the draft LUB amendment bylaw.

Project Charter

Staff are recommending the Project Charter be updated to adjust the timeline of the draft bylaw and community, agency and First Nations referral, and legislative process (Recommendation on Page 1 of the staff report). The updated Project Charter is attached for the LTC's consideration. Below is an excerpt of the current timeline and the proposed timeline:

Table 5 – Current Project Charter v.1 Timeline

Workplan Overview	
Deliverable/Milestone	Date
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – May 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>May 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>June – Aug 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Sept – Dec 2021</i>

Table 6 – Proposed Project Charter v.2 Timeline

Workplan Overview	
Deliverable/Milestone	Date
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – July 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>July - Sept 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>Sept - Nov 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Nov '21 – April '22</i>

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

Staff will work with the Islands Trust Senior Intergovernmental Policy Advisor to respond to Cowichan Tribes as they had a number of questions related to the content in the Discussion Paper.

Rationale for Recommendation

If the LTC provides staff with clear direction with how to proceed with the above mentioned topics, staff will continue with drafting the bylaws and will make amendments to the Project Charter to reflect the new timeline.

ALTERNATIVES

1. Request further information

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

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

2. Schedule additional Special Meetings

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

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

3. Referral to the Advisory Planning Commission

The LTC may opt to refer 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

Staff to continue with bylaw drafting.

Submitted By:	Kim Stockdill, Island Planner	June 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 17, 2021

ATTACHMENTS

1. NP LTC Resolutions Chart
2. Project Charter - updated

LTC Resolutions/Direction to Staff

NP LUB Amendment Project

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

			<i>Official Community Plan Implementation Options</i> dated March 18, 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone. CARRIED	
		Direction	Review and update the industrial permitted uses and to allow basic, light industrial uses (including contractor yards and storage).	Chart 11
		Direction	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	Chart 13
		Decision on hold	Rezone 3338 Port Washington (Home Hardware) to commercial	Chart 14
		Direction	Keep site specific zoning for boat storage on Hamilton Road	Chart 15
		Resolution	NP-2021-033 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.	Chart 16 - Rezone 3323 Port Washington (Mainroad) to the general industrial zone.
		Direction	Rezone 3334 Port Washington (TUP) to the general industrial zone.	Chart 17
April 29, 2021	AG	Resolution	NP-2021-042 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.	-Focus on scale of agriculture in terms of new RR zone (RR2) -RR2 to be all areas outside of Magic Lake and Trincomali water districts.
	AG	Resolution	It was Moved and Seconded, that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback	

May 12, 2021	C2 zone	Resolution	Staff to contact four MacKinnon Rd owners/operators and notify them the LTC is considering reducing the permitted Commercial Guest Accommodation units for each property, and is considering rezoning the properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses. NP-2021-050 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential. By general consent, the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.	-Staff to provide comments from each property owner in next staff report. -Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).
		Resolution	NP-2021-051 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property	Reduce the number of permitted Commercial Guest Accommodation Units to the existing density on each property.
		Direction	Add provision that requires employee accommodation for higher density developments.	
		Direction	Staff to provide options for requiring onsite operators 24/7.	
	Minor Amendments	Direction	By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use	Add generator use (restriction of) to campground regulations.
May 12, 2021	Marine/ Shoreline	Resolution	NP-2021-053 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.	Draft bylaws based on recommendations found in Table 1 attached to May 12, 2021 staff report.

		Resolution	NP-2021-052 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.	Stairs not to be exempt from the setback to the natural boundary of the sea.
May 12, 2021	Minor Amendments	Direction	Remove 'fencing' from option for Landscape Screening. Screening should be planning/vegetation only.	-“a” in Table of Minor & Tech Amendments
		Direction	Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection.	-“f” in Table of Minor & Tech Amendments.
		Direction	Add regulation to allow one accessory building/structure with a maximum floor area of 10m ² .	-“l” in Table of Minor & Tech Amendments
		Direction	Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.	-“m” in Table of Minor & Tech Amendments
		Resolution	NP-2021-054 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.	Add minor/technical amendments to draft bylaw.
May 27, 2021	Minor Amendments	Resolution	NP-2021-068 It was Moved and Seconded, that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.	-This item has been added to the technical amendment list.

Land Use Bylaw Review – Project Charter v2

North Pender Island Local Trust Committee

Date: June 23, 2021

Purpose: project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

Background: The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	January 2020
Staff research and analysis of options, preparation of background documents, reports and discussion papers	Feb – June 2020
LTC review of background material and consideration of public consultation options	June 2020
First Nations engagement	June – Nov 2020
Public consultation (scope, extent and timing to differ for topic areas), early referrals	July – Nov 2020
LTC review of consultation results and consideration of amendment options	Jan – Feb 2021
Preparation of draft bylaw (blackline and new format)	Mar – July 2021
LTC Consideration of draft bylaw	July - Sept 2021
Community Information meetings / agency and First Nations referrals	Sept - Nov 2021
Legislative Process (longer if OCP amendments required)	Nov '21 – April '22

Project Team

Robert Kojima	Project Sponsor
Kim Stockdill	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
RPM Approval: Robert Kojima Date: January 20, 2020	LTC Endorsement: Resolution #: Date: Jan 30, 2020

Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
2020-21	Total (2020-21)	\$4000
2021-22	Consultation, legislative process	\$3000

DATE OF MEETING: June 24, 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

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to prepare a draft soil deposit and removal bylaw in accordance with the objectives identified in the staff reported prepared for the June 24, 2021 regular meeting.
2. That the North Pender Island Local Trust Committee request that staff report back with a draft bylaw for LTC review at a subsequent meeting.

REPORT SUMMARY

The report provides a summary of issues and considerations identified in a review of Soil Deposit and Removal Bylaws in other jurisdictions, as well as providing recommended objectives for the drafting of a North Pender Soil Deposit and Removal Bylaw.

BACKGROUND

At the March meeting, the LTC adopted a resolution making consideration of a soil removal and deposit bylaw a Top Priority project. A memo was provided at the April LTC meeting outlining the legislative context, issues with the Soil Deposit and Removal Bylaw currently adopted in the Trust Area, and a draft project charter, which the LTC endorsed. The next step in the project is to provide the LTC with a report identifying issues and providing options for LTC direction.

ANALYSIS

Issues and Opportunities

Staff have reviewed other jurisdictions' soil deposit and removal bylaws, as well as past legal opinions, and consulted staff with experience administering the Salt Spring bylaw. Considerations for drafting of a bylaw identified in the review include:

- The bylaw should be clear about what activities should be reviewed and regulated, and avoid overly broad wording that can create uncertainty or vagueness in interpretation

- The importance of establishing an appropriate and practical volume threshold for requiring a permit; volumes vary widely between bylaws and a number of bylaws have been revisited by local governments due to thresholds being set inappropriately. Having volumes too low have resulted in lack of adherence to bylaws, excessive staff time, particularly bylaw enforcement, spent on administration and review of minor activities, and challenges in processing large numbers of permits. Having volumes too high may result in detrimental impacts remaining unregulated.
- It is important, as with DPAs, to include appropriate exemptions in the bylaw, for example for small-scale landscaping, installation of septic systems and public works.
- Coordinating the provisions of a soil bylaw to complement other permitting processes, avoiding either duplication or contradictory requirements with processes such as building permits for construction, development permits, aggregate extraction requiring a Mines permit, and fill in the ALR regulated in the ALC.
- The bylaw should distinguish soil being used on-site as part of construction from off-site removal or bringing soil on-site for fill.
- The bylaw should address different types of materials, including: soil, compost, engineered fill, asphalt, concrete, aggregate, and mixed soil.
- The bylaw should provide clear and ascertainable requirements for when professional reports are required, what the report should address, and the professional's credentials.
- The bylaw should not outright prohibit soil removal, any such a prohibition in the bylaw would require approval of the bylaw by the Ministry of Energy, Mines and Low Carbon Innovation approval.
- The bylaw should establish security deposits for larger scale work.

Objectives

The *Local Government Act* does not provide specific guidance in terms of objectives or rationale for local governments adopting soil deposit or removal bylaws. In reviewing experience with soil deposit and removal bylaws in other jurisdictions, there are a variety of specific regulatory approaches, but the overall objectives of the bylaws are often not apparent or are unstated. In consultation with staff, including bylaw enforcement, review of legal opinions, the LTC's earlier discussions, other jurisdiction's experiences, and consideration of the Object of the Islands Trust, staff suggest that the LTC turn its mind to the objectives of adopting a soil bylaw before proceeding with a resolution to prepare a draft bylaw and undertaking consultation. Creating objectives will assist staff with the specifics in the drafting of a bylaw. The following are proposed as guiding objectives for the North Pender Island Local Trust Committee:

1. To provide a tool to protect environmentally sensitive areas from disturbance, including lakes, streams and wetlands, shoreline setback areas, the foreshore, sensitive ecosystems not designated as DPA, as well as providing an additional mechanism for enforcement of unauthorized work in sensitive ecosystem DPA.

2. To mitigate impacts of soil disturbance or deposit on surface water flows.
3. To protect drinking water quality: both surface water sources and groundwater, particularly within critical groundwater regions identified through the groundwater project work.
4. To provide a tool to assist in the protection archaeological and cultural heritage sites from disturbance.
5. To regulate soil disturbance, removal and deposit in geo-technical hazard areas.
6. To regulate the transport and deposit of potentially contaminated soil and fill, requiring confirmation that fill being brought onto a site is clean, not contaminated and free of invasives, and that unauthorized fill is removed or certified as clean.
7. To regulate large-scale excavation and soil deposit to ensure it does not pose a hazard, both on-site and to adjacent properties, and that impacts of work on neighbouring sites are minimized.
8. To minimize impacts on agricultural lands, particularly ensuring implementation of Islands Trust Policy Statement directive policy 4.6.3 [LTCs shall address the protection of productive soils].
9. To address climate change mitigation, by allowing for regulated and beneficial re-use of soil and fill from elsewhere on the Penders, reducing the need to export and import soil and other materials.

Identifying and articulating these, and any other objectives, will help to focus the bylaw draft drafting process, resulting in a bylaw directed at addressing significant impacts. The LTC should review the above objectives, and provide any additional objectives, prior to resolving to proceed with drafting a bylaw.

Rationale for Recommendation

The recommended resolution will give direction to staff to start work on a draft bylaw.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to proceeding with the recommendation to prepare a draft bylaw:

That the North Pender Island Local Trust Committee request that staff report back with information on...

2. Proceed no Further with the Project

The LTC may choose to not proceed further with the project:

That the North Pender Island Local Trust Committee project no further with the Soil Bylaw Project.

3. Receive for information

The LTC may receive the report for information

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Robert Kojima, Regional Planning Manager	June 16, 2021
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ATTACHMENTS

1. 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

<i>Project Manager</i>	Robert Kojima
RPM Approval: <i>Robert Kojima</i> Date: April 20, 2021	LTC Endorsement: Resolution #: NP-2021-048 Date: April 29, 2021

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



Top Priorities Report

North Pender Island

1. *STVR Review Project*

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

Responsible

Kim Stockdill

Dates

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

2. *Groundwater Sustainability Project*

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - Completing in spring 2021

Responsible

Narrisa Chadwick
William Shulba

Dates

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

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

3. *LUB Review Project*

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

Responsible

Kim Stockdill

Dates

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

4. *Soil bylaw*

To consider a soil deposit and removal bylaw

Responsible

Dates

Rec'd: 25-Mar-2021
Target: 31-Mar-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****Board of Variance**

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2021.1	Heath Lansdowne Design Planner: Phil Testemale	06-May-2021	5431 HOOSON RD - adding onto a legal non-conforming building
Planning Status			
Status Date: 17-Jun-2021 PTA arranging hearing schedule			
Status Date: 08-Jun-2021 Assigned to Phil T - DL			
Status Date: 18-May-2021 file opened, payment and processing times letter sent to applicant, BOV members emailed app pkg, reminder set up for planner assignment - DL			

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Application for development permit for a building in a form and character DPA
Planning Status			
Status Date: 17-May-2021 Associated Subdivision (2017.3) is nearing completion. Applicants will be initiating work on form and character DP			
Status Date: 13-May-2020 Nu to Yu - File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3			
Status Date: 06-Jun-2018 Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.			

**Applications****Development Permit**

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

Planner: Phil Testemale

Planning Status

Status Date: 17-Jun-2021

FLNRO has not received assessment report from QEP (Dave Gooding). Applicant advised that file moved to July 29, 2021 for consideration pending approvals.

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-2021.3	Ferry, Keven	13-Apr-2021	337 Evergreen Lane - Application for a DP development within Sidney Island Geotechnical DPA

Planner: Phil Testemale

Planning Status

Status Date: 20-May-2021

June 24 LTC agenda for consideration.

Status Date: 06-May-2021

assigned to Phil, applicant and planner both emailed -DL

Status Date: 06-May-2021

physical file folder given to Phil -DL

**Applications****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:** 13-May-2021

Confirmation that covenant has been registered. June 24 LTC Agenda for final reading and adoption of Bylaw 202

Status Date: 13-May-2021

Covenant to DS and PTA for filing and TAPIS updates.

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.

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: 04-May-2021

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

Status Date: 08-Mar-2021

PLA extension request received. Replied with no objections.

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-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: 20-May-2021

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

Status Date: 09-Sep-2020

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

Status Date: 05-Aug-2020

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

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: 17-Jun-2021

DP issued. Waiting for Final Subdivision Plan

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.



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: 20-May-2021

June 24, 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



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) Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.	Carried	25-May-2006
2005-005 (Standing) The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations	Carried	27-Jan-2005



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY BOARD MEETING (OPEN PORTION)

Islands Trust Conservancy has made changes to the format of this report to make its production and delivery more efficient. For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Islands Trust Conservancy Manager Kate Emmings introduced the board to Islands Trust Conservancy's newest staff member: Conservation Technician Co-op Student Devin Hentschel. The Conservation Technician role will assist Islands Trust Conservancy Covenant and Outreach Specialist Jemma Green and Property Management Specialist Nuala Murphy with covenant and property monitoring this summer. Devin Hentschel is a fourth-year student at the University of Victoria, majoring in Biology and minoring in Anthropology, has a passion for environmental and wildlife conservation, and is interested in citizen science projects that aim to involve, support, and collaborate with First Nations.

2. STRATEGIC PLANNING/ADMINISTRATION

- Islands Trust Senior Policy Advisor Dilani Hippola presented information on the Islands Trust Policy Statement Amendment Project, confirming that the board would be able to provide a written response after first reading by Trust Council, and emphasizing that it is a living document that will continue to change and evolve over time, with more frequent (e.g., annual) reviews. The board suggested that the project and document re-write focus more on the importance of *island* biodiversity and ecology (as opposed to biodiversity, in general). It was noted that Ecosystem Protection Specialist Kathryn Martell contributed substantively to the current draft, as did Islands Trust Conservancy Manager Kate Emmings. It was also noted that Islands Trust Conservancy is not subject to the Policy Statement as it operates under a separate Five-year Plan. While there are some references to the Conservancy in the current draft, it is not included in the policy directives.

3. COVENANT AND PROPERTY ACQUISITIONS

- Islands Trust Conservancy approved a Morrison-Waxler Biodiversity Protection Legacy Fund Grant of \$5,500 for survey and baseline report costs for a NAPTEP covenant on lands owned by Lisa Baile and Peter Paré, of North Pender Island. The Morrison-Waxler Biodiversity Protection Legacy Fund Grant Program is only available on North and South Pender and is available to landholders who wish to place conservation covenants on their lands.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

4. COVENANT AND PROPERTY MANAGEMENT

- The Islands Trust Conservancy Board reviewed a number of updates to the Crystal Mountain Society proposal to create a new nature reserve on Galiano Island as part of a rezoning process with the Galiano Island Local Trust Committee. The board passed several resolutions and forwarded them to the applicant.¹
- The Islands Trust Conservancy Manager and Covenant and Outreach Specialist outlined the Sidney Island Ecological Restoration Plan to the board, who noted that the plan was compatible with the Islands Trust mandate and actions around First Nations reconciliation and climate change. They also noted their appreciation towards the plan's emphasis on ecosystem restoration and animal welfare.

5. COMMUNICATIONS AND OUTREACH

- Acting Islands Trust Conservancy Fundraising Specialist Carla Funk gave a presentation to board members on how to cultivate a culture of philanthropy, explaining why people give and describing how to inspire others through storytelling.
- The Islands Trust Conservancy Board approved a draft for the 2020/2021 Annual Report after calling for a number of slight rewording amendments, and also asked that the contents of the Annual Report be repurposed or otherwise made available to a wider audience – to which staff replied that a donor-oriented “Impact Report” version of this material was planned for publication in the near term.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- Islands Trust Conservancy approved two Opportunity Fund Grants: one of \$4,000 to be awarded to the Denman Conservancy Association, and one of \$2,500 to be awarded to the Salt Spring Island Water Preservation Society.

¹ Islands Trust Conservancy Manager Kate Emmings left the meeting for the Crystal Mountain Society application due to a previously declared conflict of interest.

MEMORANDUM

File No.: 6500-20
Business Licensing

DATE OF MEETING: May 27, 2021
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Region
SUBJECT: Business Licensing

PURPOSE

To update the Local Trust Committee on a potential request to the Capital Regional District to explore the implementation of business licensing, specifically for short term vacation rentals.

- On May 6th several trustees met to discuss issues related to business licensing and STVR enforcement.
- On May 7th, the South Pender Island Local Trust Committee adopted a resolution requesting that the CRD consider the implementation of business licensing (resolution below).
- The SPLTC also requested that other southern LTCs and the Salt Spring LTC be forwarded the resolution for consideration prior to the request being sent to the CRD.
- If the LTC supports the approach, it could consider adopting a similar resolution.

SP-2021-044

WHEREAS the South Pender Island Local Trust Committee is implementing additional policies and zoning to regulate and manage short term vacation rentals on South Pender island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals;

THEREFORE the South Pender Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.

CARRIED

NEXT STEPS

Once all LTCs have considered the resolution, they will be forwarded to the CRD.

Submitted By:	Robert Kojima, Regional Planning Manager	May 10, 2021
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