



North Pender Island Local Trust Committee

Special Meeting Agenda

Date: June 14, 2024
Time: 10:00 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS
4. MINUTES
 - 4.1 April 5, 2024 Local Trust Committee Minutes (for Adoption) 3 - 13
 - 4.2 May 25, 2024 Local Trust Committee Special Meeting Minutes (for Adoption) 14 - 17
5. BUSINESS ITEMS
6. APPLICATIONS AND REFERRALS
 - 6.1 NP-DVP-2024.2 (Tretick) - Staff Report (attached) 18 - 35
 - 6.2 NP-DP-2018.5 (PICSS – Hillel Archit.) - Staff Report (attached) 36 - 72
 - 6.3 Mayne Island Local Trust Committee Referral for Draft Bylaw No. 193 (for Response) (attached) 73 - 75

That the North Pender Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw No. 193.
 - 6.4 NP-TUP-2024.5 (Dine) - Staff Report (attached) 76 - 86
 - 6.5 NP-DVP-2024.3 (Houssian) - Staff Report (attached) 87 - 115
7. CLOSED MEETING (Distributed Under Separate Cover)

7.1 Motion to Close the Meeting

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

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(g) litigation or potential litigation affecting the municipality;

7.2 Recall to Order

7.3 Rise and Report

8. ADJOURNMENT

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: April 5, 2024
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: David Maude, Chair
Aaron Campbell, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Brad Smith, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)
Sarah Shugar, Recorder (electronic)

Others Present: There were approximately seventeen (17) members of the public present

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m. He welcomed everyone to a meeting of the North Pender Island Local Trust Committee and introduced himself, Trustees, and staff. Chair Maude acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Campbell reported the following:

- Attended Trust Council on March 12 to 14, 2024 in Nanaimo
- Spoke to travelling and observing similar challenges in other communities
- Spoke to housing affordability and impacts on the younger generation
- He is looking forward to conversations with the community on housing and expressed support to be proactive on housing issues

Trustee Morrison reported the following:

- Attended Trust Council and highlighted that Trustee Morrison and Trustee Campbell were in agreement on many issues
- Encouraged members of the public to reach out to her regarding the Islands Trust governance structure as she is collecting information for the next Trust Council meeting

- Appointed to the Association of Vancouver Island and Coastal Communities (AVICC) Climate Leadership Program and will attend the 2024 AVICC Convention April 12 to 14, 2024 in Victoria
- Trust Council and the Local Trust Committee are reviewing best practices and protocols regarding forestry concerns
- BC Hydro is hosting a meeting with the Magic Lake Homeowners Association on April 8, 2024 regarding realignment of a cable between Salt Spring Island and Thieves Bay
- BC Hydro may attend the May 25, 2024 Local Trust Committee meeting
- Trustee Morrison reported she voted in opposition to the 2024-2025 Budget primarily because of the lack of progress on the Islands Trust Governance Report

4. CHAIR'S REPORT

Chair Maude reported the following:

- Attended Trust Council and highlighted that the 2024-2025 budget includes a 5.9% tax increase and that it was a challenging budget due to high costs including BC General Employees' Union salary increases
- Attended a meeting with Member of Parliament Elizabeth May and Member of the Legislative Assembly Adam Olsen regarding marine issues
 - highlighted that Parks Canada reported community outreach activities are set to begin regarding a proposed National Marine Conservation Area Reserve in the Salish Sea
- Spoke to the Islands Trust protocol agreements with the Ministry of Transportation and Infrastructure

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. TOWN HALL AND QUESTIONS

Karen Bell spoke to a letter she sent to the Local Trust Committee in November 2023 regarding lighting regulations to protect the night sky and address nuisance lighting. Karen Bell requested the Local Trust Committee provide information regarding lighting regulations and presented a copy of the letter.

Joyce Thayer expressed support for Karen Bell's submission regarding lighting regulations and requested a regional approach across the Islands Trust Area and the Capital Regional District such as the Bowen Island Municipality Night Sky Bylaw No 272.

Big Dig'em Excavating Ltd. owner Braedon Bigham presented a letter regarding the active Port Washington corridor to seek guidance on compliance with land use regulations for Big Dig'em Excavating Ltd. and noted:

- Has operated Big Dig'em Excavating Ltd. at 3334 Port Washington Road since April 2011, following consultation with Islands Trust staff and issuance of a Temporary Use Permit
- There was a garbage transfer station and boat/recreational vehicle storage business at 3334 Port Washington Road from 2005 to 2011 and continuous light industry activity on the property for the last eighteen years
- Had been uncertain about the property zoning status during the Local Trust Committee Land Use Bylaw review for the past two and a half years
- The property is designated as light industrial in the Official Community Plan and Big Dig'em Excavating Ltd. fits within industrial uses in the neighbourhood

- Big Dig'em Excavating Ltd. provides an essential service on Pender Island
- Plan to continue to develop the property in the rural residential area with the intention to build a family home and operate the business on the lower portion of the property

Donn Korbin spoke to the Islands Trust Governance structure and stated:

- He is advocating for the Islands Trust to return to the structure at its inception in 1974
- Requested the North Pender Island Local Trust Committee to support a resolution to request the Provincial Government to place the Islands Trust under the direct control of the Ministry of Municipal Affairs
- Suggested that the Province abolish Trust Council and Executive Committee and replace both with a small directorate of Ministry employees and that the new directors would ensure that the Islands Trust continues to meet its legal obligation and act as chairs of the Local Trust Committee's with the hope that this restructuring would eventually lead to dismantling of the Islands Trust
- Trustees cannot control what has become an unaccountable agency in Victoria
- The Islands Trust budget increased by 12% although taxes did not increase by 12% due to use of various funds and if this continues, the Islands Trust budget would double in twelve years

Sara Miles expressed support for a letter submitted by Mae and Les Quitzau regarding Port Washington neighbourhood (item 12.5).

Michael Sketch spoke to Industrial zoned land within the Agricultural Land Reserve and noted:

- The Agricultural Land Reserve is governed by the Provincial Agricultural Land Commission regulations that supersede the North Pender Island Local Trust Committee regulations
- The North Pender Island Land Use Bylaw review included new land use permissions for land within the Agricultural Land Reserve that are in contravention with the Agricultural Land Commission non-farm use regulations
- The Agricultural Land Commission has not given permission for storage or accessory buildings on the subject property
- The property is rated as Class 2 (prime) agricultural soil and the preservation of the soil should be secure under both the Islands Trust Act and the Agricultural Land Commission Act
- Residents of the Trust Area assume that the Islands Trust preserve and protect mandate is implicit in Local Trust Committee actions
- Spoke to the zoning history of the property
- Requested that the property be rezoned to agriculture and that storage and buildings and structures accessory to the use would not be permitted
- The Port Washington dock zoning was changed to residential with no notification process
- Submitted a document to the Local Trust Committee

A member of the public asked for clarification regarding the notification process and noted there was no notification process when the hardware store was rezoned to Industrial. Island Planner Smith reported the notification process for rezoning applications includes notification to all properties within 100 meters of the subject property. Island Planner Smith reported the hardware store has General Industrial, a site-specific zone and presented the list of allowed uses. Trustee Morrison reported the Official Community Plan defines potential Industrial areas and property owners would have to apply for Industrial zoning. Trustee Morrison reported when

Trustees spoke to neighbours, there was no interest in generally rezoning the area to Industrial and the community expressed support for site specific rezoning on an application-by-application basis for the area.

Julia Nichols thanked the Local Trust Committee for hosting a town hall and:

- Expressed concerns regarding the structure of the Islands Trust including that the various levels of government is confusing and the Local Trust Committee does not having jurisdiction to enforce regulations
- Expressed concerns regarding tree cutting within Development Permit Areas
- Spoke to an issue where a property owner is not getting quotes for remediation and suggested the Local Trust Committee should get the quotes for remediation
- Expressed support for the Raptor Nest Development Permit Area Review Project
- Expressed support for enforcement of Short Term Vacation Rental's to increase long-term rental housing
- Encouraged the Local Trust Committee to look after North Pender Island and use every tool in the Islands Trust toolkit

7. COMMUNITY INFORMATION MEETING

7.1 Fire Management Planning

Pender Island Fire Rescue Fire Chief Mike Dine spoke to wildfire risk and highlighted:

- The value of community firewatchers, early detection of fires, response times and water supply
- Magic Lake area has a fire hall, water storage and hydrants for fire suppression
- Trincomali area has hydrants for fire suppression
- Development requirements for water storage for fire suppression have not been enforced on Pender Island
- Pender Island Fire Rescue has mapped all water sources for fire suppression on Pender Island, identified priority water supply areas although there are issues with accessibility
- Requested the Local Trust Committee to assist with permission to access water supply sources and water supply regulations for rural properties that are not serviced by community hydrants
- Fire prevention inspections save lives
- Expressed concerns regarding illegal housing fire safety issues
- Expressed support for fire inspection regulations for Short Term Vacation Rentals
- Spoke to Fire Smart landscaping and noted Pender Island Fire Rescue provides Fire Smart property assessments

Trustee Morrison reported there is funding available for climate action planning and the Local Trust Committee could assist with the funding request. Trustee Morrison expressed support for Local Trust Committee public education materials such as a brochure on water supply for fire suppression.

There was a question regarding cisterns for fire suppression. Fire Chief Dine reported water storage for fire suppression needs to be accessible and should not be close to the house.

Chair Maude asked whether Temporary Use Permit's for Short Term Vacation Rental's could include fire safety regulations. Island Planner Smith reported the Local Trust Committee could include fire safety regulations for Short Term Vacation Rental Temporary Use Permit's either on an application basis or develop a template. Island Planner Smith noted the Local Trust Committee is looking at workforce housing for firefighters.

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 23, 2024 (for Adoption)

By general consent, the North Pender Local Trust Committee minutes of February 23, 2024 were approved as presented.

9.2 Section 26 Resolutions-without-meeting Report Dated March 2024

The report was received.

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated March 2024

The report was received.

11. DELEGATIONS

11.1 Active Port Washington Group

Sara Miles spoke on behalf of the Active Port Washington Group, provided a virtual neighbourhood tour noted historical and active farming activity in the neighbourhood and water availability. Sara Miles thanked the Local Trust Committee for completing the Land Use review.

The following items were noted in discussion:

- A member of the public asked for clarification regarding selling water. Island Planner Smith reported the Province requires all residential wells to be registered and a license is required for commercial water use
- A member of the public expressed concerns regarding noise from intense truck traffic in the area
- Chair Maude asked whether there is a Temporary Use Permit for septic truck use that was observed in the area. Island Planner Smith reported there is not a Temporary Use Permit for septic truck use
- A member of the public expressed concerns regarding industrial uses in the Port Washington Road area. Trustee Morrison reported there is active bylaw enforcement, the challenge is that industrial businesses provide essential services for the community and the Capital Regional District could approve a service agreement
- A member of the public spoke to the complexity of the issue and asked whether it is appropriate for the trucking route to go through residential areas

- Chair Maude spoke to industrial zoning challenges on Mayne Island

The meeting recessed for a break at 12:15 p.m. and reconvened at 12:27 p.m.

12. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the Local Trust Committee webpage

12.1 Kathi Allinson re Lights

The correspondence was received.

12.2 Sara Labadie re Local Trust Committee Meetings

The correspondence was received.

12.3 Sara Miles re Attendance

The correspondence was received.

12.4 Ben McConchie re Town Hall

The correspondence was received.

12.5 Mae and Les Quitzau re Port Washington neighbourhood vs. Industrial

The correspondence was received.

13. APPLICATIONS AND REFERRALS

13.1 NP-Temporary Use Permit-2024.2 (Pettyfer) - Staff Report

Regional Planning Manager Kojima presented a staff report regarding a Temporary Use Permit for a Short Term Vacation Rental within a dwelling unit at 1601 Storm Crescent. Representatives of the applicant were present and spoke to the application.

The following items were noted in discussion:

- There was a question how to manage high density of Short Term Vacation Rental's in the area
- A Trustee noted there is a perception that Short Term Vacation Rental's reduce long term housing availability although there are not that many Short Term Vacation Rental's to negatively impact long term housing
- A Trustee noted that water supply for fire suppression should be added to the Temporary Use Permit guidelines
- Chair Maude asked if there is a mailing list for Short Term Vacation Rental Temporary Use Permit's to recommend property owners contact Pender Island Fire Rescue regarding water storage for fire suppression. Island Planner Smith recommended the Local Trust Committee consider options regarding water storage for fire suppression

NP-2024-026

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-Temporary Use Permit-2024.2 (Pettyfer) for a period of three (3) years.

CARRIED

13.2 NP-DP-2024.2 and NP-DVP-2024.1 (Milliken) - Staff Report

Island Planner Smith presented a staff report regarding a Development Permit and Development Variance Permit required for a proposed boundary adjustment subdivision at 1601 Chart Drive and 1610 Schooner Way. A Trustee asked if there is buildable space on Lot A. The applicant reported there is a small building site on Lot A. The applicants were present and spoke to the application.

NP-2024-027

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2024.2 (Milliken).

CARRIED

NP-2024-028

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2024.1 (Milliken).

CARRIED

NP-2024-029

It was Moved and Seconded,

that North Pender Island Local Trust Committee EXEMPT proposed Lot B of subdivision NP-SUB-2020.1 from the 1/10 perimeter provision of Section 512 of the Local Government Act and Subsection 8.5 (1) of North Pender Island Land Use Bylaw No. 224, 2022.

CARRIED

13.3 NP-RZ-2024.1 (Grimmer) - Staff Report

Island Planner Smith presented a staff report regarding a rezoning application to permit the continued operation of a concrete batch plant and associated uses on a portion of the subject property. The applicant was present and spoke to the application.

In discussion the following items were noted:

- A Trustee asked whether the Temporary Use Permit could include monitoring requirements to ensure water quality for water entering the ocean. Island Planner Smith reported the Local Trust Committee could include conditions regarding ongoing monitoring and staff would provide analysis in the draft bylaw stage
- A Trustee noted that all conditions in the Temporary Use Permit have been met

NP-2024-030

It was Moved and Seconded,

that North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ- 2024.1 (Grimmer) and to prepare draft bylaws.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Raptor Nest Mapping Development Permit Area Project - Staff Report

Island Planner Smith presented a staff report regarding the Raptor Nest Development Permit Area Review Project including preliminary data reporting and analysis. Caurinus Environmental Dan Baxter advised there may be an additional blue heron nest site to add to the map. Island Planner Smith advised additional nest sites could be added to the map.

NP-2024-031

It was Moved and Seconded,

that North Pender Island Local Trust Committee direct staff to prepare a draft bylaw to update Schedule O of the North Pender Island Official Community Plan No. 171, 2007 and associated Development Permit Area 7 guidelines consistent with the professional report submitted by Caurinus Environmental dated March 2024.

CARRIED

NP-2024-032

It was Moved and Seconded,

that North Pender Island Local Trust Committee direct staff to conduct early engagement with property owners by sending an information letter regarding the project to all registered property owners of land parcels that contain either existing or newly proposed Development Permit Area 7 raptor nest sites.

CARRIED

14.2 Housing Access and Affordability Project - Staff Report

Island Planner Smith presented a staff report regarding the Housing Access and Affordability Project.

NP-2024-033

It was Moved and Seconded,

that North Pender Island Local Trust Committee request staff to report back with a Project Charter and Work Plan, Community and First Nations Engagement Plan, and a draft discussion paper for the North Pender Island Housing Access and Affordability Project.

CARRIED

14.3 North Pender Local Trust Committee Draft Fees Bylaw No. 226 - Staff Report - Consideration of Adoption

A staff report regarding Proposed Fee Bylaw No. 226 was presented. A Trustee expressed concern regarding approving Draft Fees Bylaw No. 226 prior to the Islands Trust Governance review.

NP-2024-034

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be adopted.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Active Projects Report Dated March 2024

The report was received.

15.1.2 Future Projects Report Dated March 2024

NP-2024-035

It was Moved and Seconded,

That North Pender Island Local Trust Committee add Fire Inspection Requirements for Short Term Vacation Rentals to the Future Projects List.

CARRIED

The report was received.

15.2 Applications Report Dated March 2024

The report was received.

15.3 Trustee and Local Expense Report Dated Feb 2024

A Trustee asked for clarification regarding well monitoring project funds. Regional Planning Manager Kojima reported the unspent funds were allocated to reserve funds.

The report was received.

15.4 Adopted Policies and Standing Resolutions

The report was received.

15.5 Local Trust Committee Webpage - None

15.6 Islands Trust Conservancy Report Dated Jan 2024

The report was received.

16. NEW BUSINESS

16.1 Housing Statute Changes to British Columbia Legislation - Staff Memo

A memorandum regarding Housing Statute Changes to British Columbia Legislation was presented.

NP-2024-036

It was Moved and Seconded,

that North Pender Island Local Trust Committee request the Advisory Planning Commission to review the Housing Tool Kit and the Housing Statute Changes to British Columbia Legislation staff memorandum.

CARRIED

16.2 North Pender Island Local Trust Committee Bylaw No. 230 - Bylaw Enforcement Notification Amendment - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented a staff report regarding Bylaw Enforcement Notification Bylaw Amendments.

In discussion the following items were noted:

- A Trustee asked if a notice is issued prior to a fine. Bylaw Compliance and Enforcement Manager Dingman reported staff provide a deadline prior to issuing a fine
- A Trustee expressed concerns regarding bylaw enforcement and whether the Local Trust Committee can legally enforce bylaw enforcement fines. Bylaw Compliance and Enforcement Manager Dingman reported Bylaw No. 230 is lawful. Regional Planning Manager Kojima reported Regional Planning Committee is reviewing bylaw enforcement
- A Trustee expressed support for public communications on bylaw enforcement

NP-2024-037

It was Moved and Seconded,

that Bylaw Enforcement schedule a webinar about current bylaw enforcement practices and policies in North Pender Island.

CARRIED

NP-2024-038

It was Moved and Seconded,

that Bylaw Enforcement produce a Bylaw Compliance and Enforcement Policy Document in plain language for public awareness.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 25, 2024 at the Pender Island Community Hall, Pender Island

17.2 Schedule a Special Meeting for Applications

NP-2024-039

It was Moved and Seconded,

that North Pender Island Local Trust Committee schedule an electronic meeting on June 14, 2024.

CARRIED

18. TOWN HALL

A member of the public spoke to the structure of the Islands Trust, noted the Islands Trust documents indicate that Islands Trust is a Federation, there would be greater oversight if a Federation system was implemented and the Trust Policy Statement does not satisfy the terms of the Islands Trust Act. The member of the public suggested Trust Council consider Community Benefit Trusts.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 pm.

David Maude, Chair

Certified Correct:

Sarah Shugar, Recorder

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: May 25, 2024
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: David Maude, Chair
Aaron Campbell, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Brad Smith, Island Planner
Narissa Chadwick, Island Planner
Lisa Millard, Recorder (electronic)

Others Present: There were approximately eight (8) members of the public present

1. CALL TO ORDER

Chair Maude called the meeting to order at 12:04 p.m. He acknowledged that the meeting was held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. 2023/24 ANNUAL REPORT - REQUEST FOR DECISION

NP-2024-040

It was Moved and Seconded

that North Pender Island Local Trust Committee request to change the suggested text of the North Pender Island section of the 2023/24 Annual Report for approval by Trust Council by removing “within the territory of First Nations whose people” and inserting “within the territory of many First Nations whose peoples”.

CARRIED

NP-2024-041

It was Moved and Seconded

that North Pender Island Local Trust Committee authorize the addition of the following text to the end of the suggested text for the North Pender Island section of the 2023/24 Annual Report for approval by Trust Council: A violation to a Raptor’s Nest Development Permit Area, and subsequent refusal by the Province to prosecute, has raised concerns by the North Pender Island Local Trust Committee about the enforcement of DPAs related to forest protection.

CARRIED

NP-2024-042

It was Moved and Seconded

that North Pender Island Local Trust Committee approve the attached text for inclusion in the 2023/24 Annual Report for approval as amended by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

4. LOCAL TRUST COMMITTEE COMMUNITY MAILOUT

The Trustees discussed content and pricing options for community mail outs.

5. BC HYDRO COMMUNITY UPDATE

BC Hydro Project Manager Anré McIntosh introduced herself and summarized two upcoming hydro line upgrades for the southern Gulf Islands and highlighted the following:

- Both projects will increase operational flexibility, provide capacity for load growth, and improve reliability
- Power is currently supplied by a two loop, two cables system with one running from Galiano Island to Mayne Island and the other from Salt Spring Island to North Pender Island
- Submarine cable, which will be laid on the seabed, will be used for both projects
- The first project will lay an eleven (11) kilometre submarine cable from Welbury Bay, Salt Spring Island to Port Washington, North Pender Island, which will connect to a new terminal pole, and use the existing distribution system which will receive some upgrades
- Intertidal and upland civil construction and cable installation is anticipated to occur in the summer of 2025 and this will complete the first project
- The second project is in the very early planning stages and will see the line that currently runs from Ruckle Park, Salt Spring Island to Irene Bay relocated to Thieves Bay
- Alternate locations, in addition to Thieves Bay, will also be considered
- Irene Bay is unprotected and it is not safe for water based crews to work on the lines in that area
- The Thieves Bay location will have minimal marine environmental impacts, little to no vegetation clearing, is close to the existing distribution system, and will require minimal upgrades to the overhead system
- It is ideal to bring the feeder cable closer to the area that draws the biggest electrical load
- The second project won't begin until the first one is completed

In answer to questions, BC Hydro Project Manager, Anré McIntosh stated the following:

- There are no eelgrass beds at the Port Washington site
- No private properties will be impacted at the Port Washington site
- She is unsure if there will be any voltage decreases or spikes as the improvements should result in balancing the circuit
- It will be unknown if any cutting back of trees will be required until a survey on pole replacement is completed
- She can communicate work schedules to the Local Trust Committee
- She will provide further communication about the potential locations for the second project

The meeting was recessed for a break at 1:20pm and reconvened at 1:32 pm.

6. HOUSING ACCESS AND AFFORDABILITY PROJECT

Island Planner Chadwick introduced the project and presented the following information:

- Trust Council's interim strategic plan supports land use decision making tools and initiatives related to housing
- A Housing Strategy, Housing Toolkit, Suitable Land Analysis, and Housing Needs Assessment have been developed
- Other islands within the Islands Trust area are also working on housing projects
- The main goal of the Housing Strategy is to help Local Trust Committees increase housing options for low and middle income households
- The Suitable Land Analysis will help identify suitable areas for density increases by looking at aquifer vulnerability, saltwater intrusion, wildfire risk, proximity to amenities, and cultural significance
- The Housing Toolkit provides action plans and strategy templates with a focus on increasing housing options and it features a list of possible options for Official Community Plan and Land Use Bylaw regulations that supports the ability for increased flexibility in housing options
- Both Mayne Island and Denman Island Local Trust Committees are in the second phase of their housing projects and there is a great deal of information available for consideration based on their processes
- One of the changes being made on Mayne Island is to allow additional units on a property with a maximum combined square footage and this provides for a number of options
- Other potential possibilities include identifying land that might be donated for housing, and creating cooperatives or land co-ownership

Island Planner Smith spoke about North Pender Island housing needs and noted the following:

- The Local Trust Committee has acted on opportunities to support housing
- There are one-thousand two-hundred and sixty-one (1261) houses on North Pender Island of which one-hundred and seventy (170) are rented
- Thirty-four percent (34%) of renters pay more than thirty percent (30%) of their household income towards rent
- The Official Community Plan (OCP) specifies a residential land use objective which is to provide a range of housing options that serve the needs of residents and property owners, and associated OCP policies allow for secondary suites
- The Local Trust Committee might want to reconsider the character of the secondary suites and determine if they need to be within the dwelling or if they can be an accessory building
- Rezoning applications might consider multifamily rental dwellings or clustered detached housing
- The current Land Use Bylaw already has a community housing zone and a rental housing zone
- A key consideration is how to get more community members involved in finding and working towards solutions including more housing availability through not for profit housing societies
- The goal is to try to create more opportunities for increased housing and affordable housing so when opportunities for funding become available, or a non-profit society forms, or an individual wants to build a secondary dwelling then the ability to take advantage of the opportunity is in place

There was a general discussion amongst the Trustees, Planners, and members of the public regarding tiny homes and the complications surrounding them such as how they can be defined, regulated, and inspected, and how they compare to manufactured homes and recreational vehicles.

A member of the public made the following comments:

- The increased cost of land, construction, material, and insurance increasing make it difficult to build affordable housing unless a non-profit housing society to be involved and the housing is subsidised
- Disallowing short term vacation rentals is not going to free up a lot of rental housing

Discussion ensued and the following was noted:

- A community communication strategy can be developed
- Two main themes include identifying opportunities for non profit housing properties and looking at accessory dwelling unit options
- The Pender Islands Housing Society should be invited to be involved in the conversation
- There might be opportunity for housing options in the commercial and industrial zones
- Many homeowners do not want to be landlords and therefore a property management service operated through the Capital Regional District that manages all aspects of housing rentals would be beneficial

7. ADJOURNMENT

By general consent the meeting was adjourned at 3:37 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder

DATE OF MEETING: June 14, 2024
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Sandra and Chris Tretick
Location: 5706 Canal Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of NP-DVP-2024.2 (Tretick)

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) for the height of a proposed accessory building (a prefabricated steel building).

RATIONALE FOR VARIANCE

The rationale for the height variance is to allow for an accessory building with a sufficient height to provide inside storage on the property for their collection of vehicles and equipment, some of which are over height. They are currently storing these off-island at a significant cost and inconvenience. As they intend to purchase a used engineered steel building, the current maximum also further limits options.

BACKGROUND

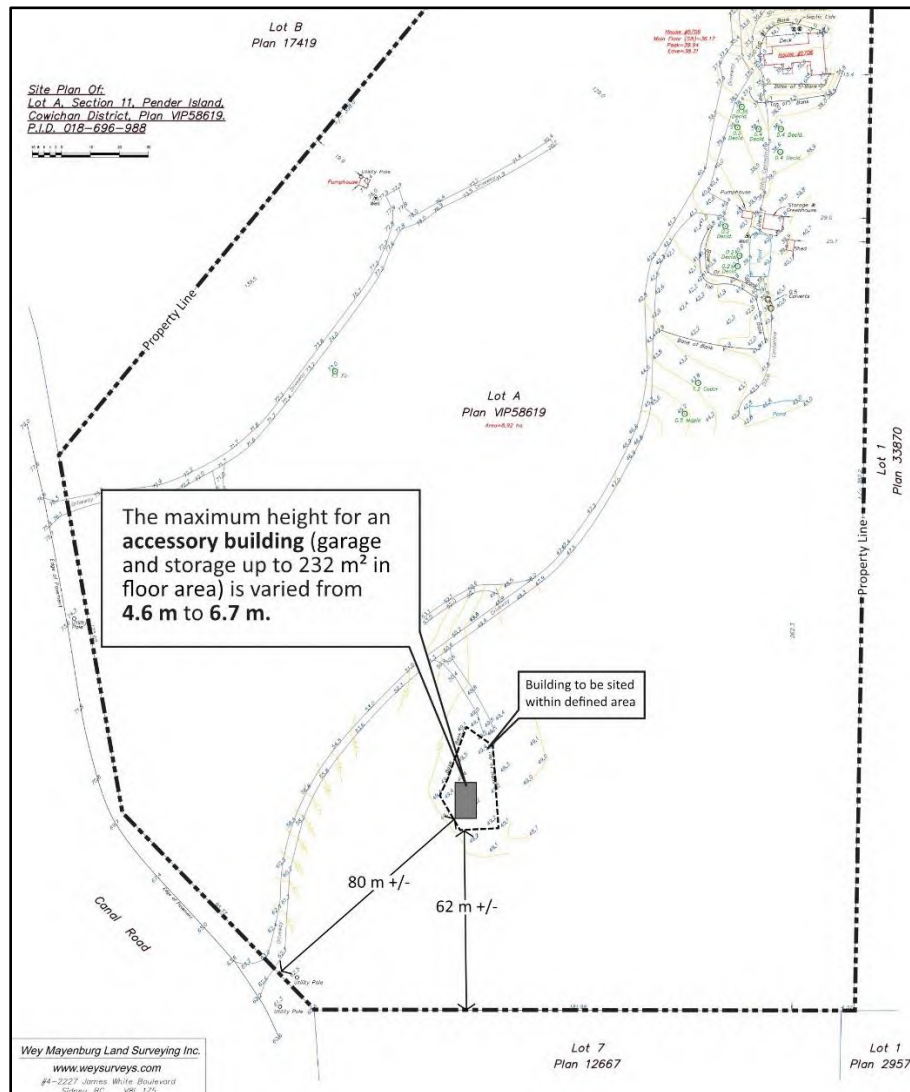
The proposal is proceeding ahead of an application for a Preliminary Plan Review and Building Permit, and in advance of the purchase of a used, engineered steel building. The purpose is to comply with the North Pender Land Use Bylaw No. 224, 2024 (LUB).

The specific variance to the LUB is as follows:

Subsection 3.4 (3) which states that an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to a maximum of 6.7 metres in height to permit the construction of an accessory building (garage and storage) with a maximum floor area of 232 m².

According to the applicants, the maximum height of 6.7 metre (22 ft.) will allow enough flexibility for sourcing a used building, but in the end the building is unlikely to be that tall. In the absence of a specific building plan, a maximum size limit of 232 m² (2500 ft²) has been included. That would provide a relative coverage limit, and

Figure 2 – Site Plan



ANALYSIS

Intent of Regulations being varied

The overall purpose of the height regulation is to minimize impacts on adjacent properties related to:

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

Potential impacts of granting to variance

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

The proposed siting is distant approximately 300 m from any adjacent neighbouring dwelling and the closest property boundary is 80 m. Further, given the topography and vegetation, the proposed building and is unlikely to be visible by any neighbouring dwellings

As such the potential impacts from the proposal are minimal and do not challenge the overall intent of the regulation.

Circulation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on June 5, 2024.

At the time of writing, staff have received no submissions in response to notification. The applicant's submitted two (2) letters of support from the directly adjacent neighbours (west and east) with the application (Attachment 4). Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

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

Rationale for Recommendation

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

- The rationale for the variance is reasonable.
- Impacts on neighbouring properties from approval of the variance would be minimal.
- The proposed variances do not challenge the intent of the regulation.
- At the time of writing, there have been no response to the notification as well as two (2) letters of support from direct neighbours.

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. Staff advise that the implications of this alternative are time and staff resources]. 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. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee refuse application NP-DVP-2024.2 (Tretick).

Submitted By:	Phil Testemale, Planner 2	June 4, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 4, 2024

ATTACHMENTS

- 1. Site Context
- 2. Plans and Photographs
- 3. Applicant’s Rationale
- 4. Correspondence
- 5. Notice
- 6. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOTA, SECTION 11, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP5B619
PID	018-696-988
Civic Address	5706 Canal Road
Property Size	8.92 ha (22.03 acres)

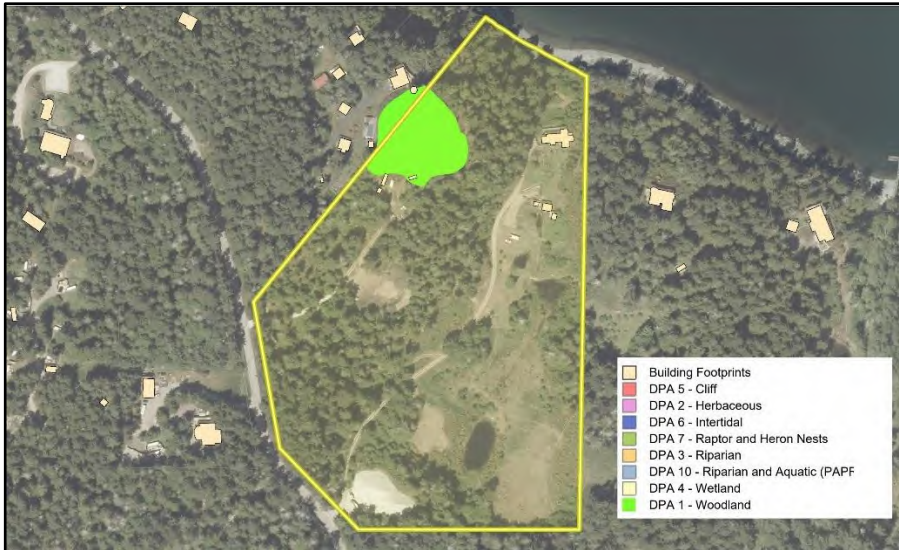
LAND USE

Current Land Use	Rural
Surrounding Land Use	Rural, Commercial, Church, Park and School.

HISTORICAL ACTIVITY

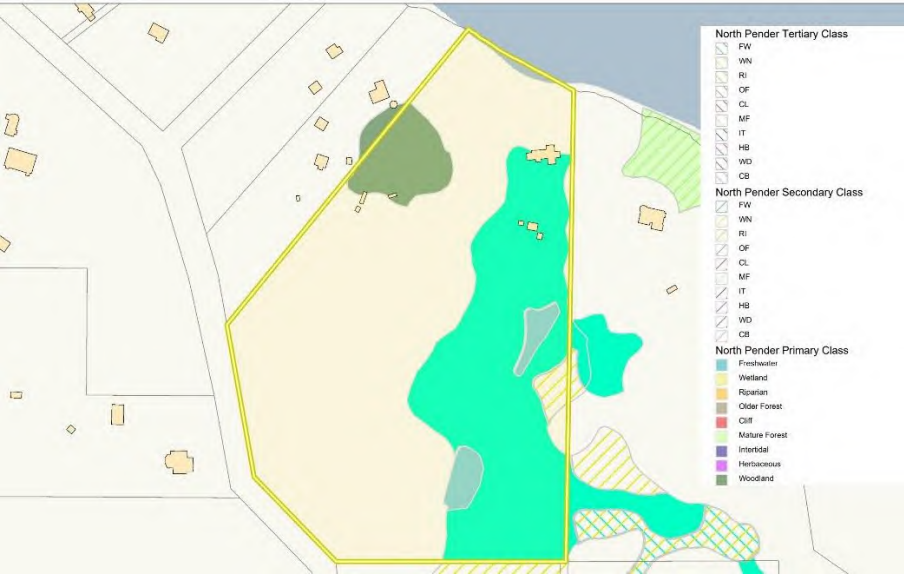
File No.	Purpose
NP-BP-2021.37	Accessory Building (Garage)
NP-CL-1996.1	Dock Licence
NP-TUP-2021.6	Temporary Gravel Storage

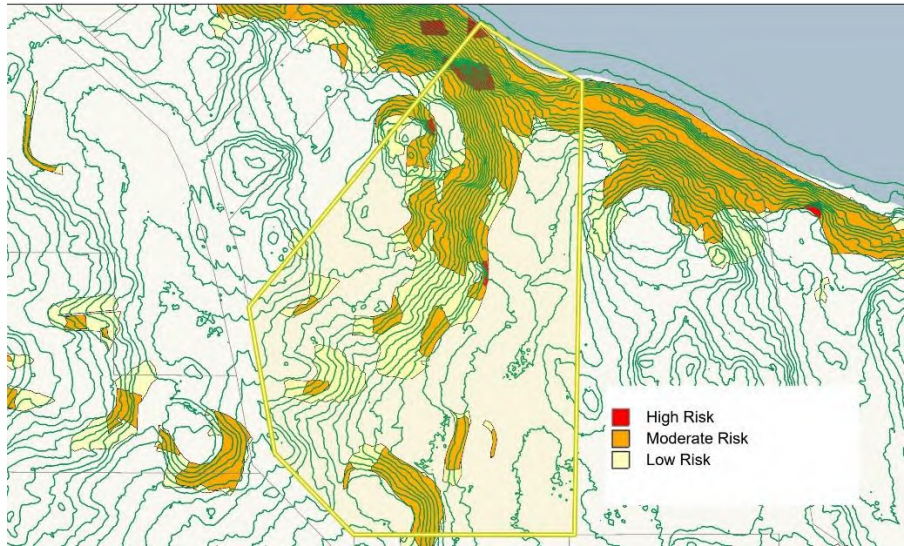
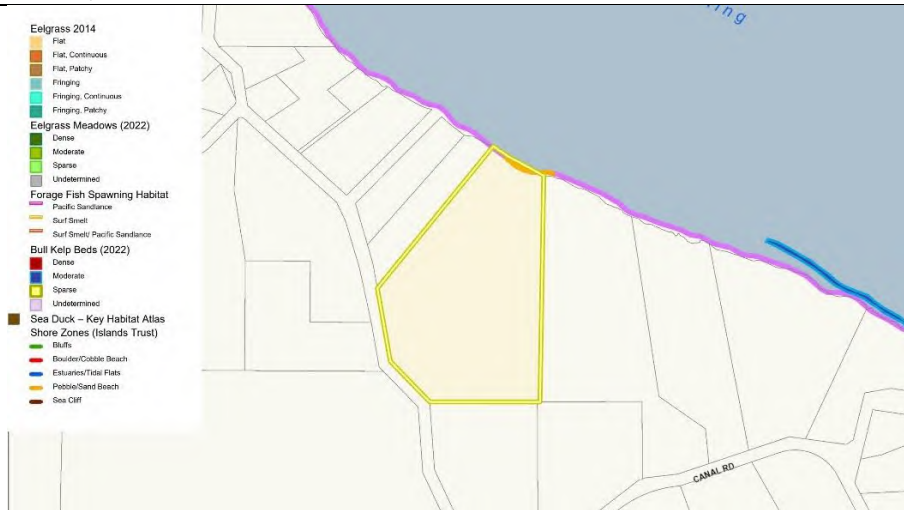
POLICY/REGULATORY

Official Community Plan Designations	Designated as R- Rural in the North Pender Island Official Community Plan No.171, Development Permit Area 1 - Woodland is designated on the property:  <i>DPAs</i>
Land Use Bylaw	Zoned as Rural (R) in the North Pender Island Land Use Bylaw No.224, 2022

	 <i>Zoning</i>
Other Regulations	N/A
Easement	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The 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 in TAPIS
Sensitive Ecosystems	 <i>Sensitive Ecosystem Mapping</i>

Hazard Areas	 <i>Steep Slope Hazard and 2 m Contour Mapping</i>
Archaeological Sites	Archaeological Potential on property (See report 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 DVP and DP
Shoreline Classification	Pebble/Sand Beach
Shoreline Data in TAPIS	 <i>Marine Sensitive Ecosystem Mapping</i>

ATTACHMENT 2 – PLANS AND PHOTOS

BUILDING TYPE (EXAMPLES/TYPICAL)



ATTACHMENT 2

PHOTOGRAPHS



View North from Proposed Site



View East from Proposed Site



View South from Proposed Site



View West from Proposed Site

ATTACHMENT 2

PHOTOGRAPHS (CONT'D)



View North down Driveway



View Northeast from Driveway at Canal Rd.

February 7, 2024

North Pender Island Local Trust Committee

c/o Brad Smith, Planner

Islands Trust

email: bsmith@islandstrust.bc.ca, southinfo@islandstrust.bc.ca

Request for Variance of Height Regulations for an Accessory Building

Location: 5706 Canal Road, North Pender Island, BC

LOTA, SECTION 11, COWICHAN LAND DISTRICT, PENDER ISLAND, PLAN VIP58619

PID: 018-696-988

Property Size: 8.9 hectares (22.03 acres)

Zoning: Rural

We respectfully request a variance to Section 3.4.3 of the North Pender Island Land Use Bylaw to increase the maximum building height on the subject property for one (1) accessory building from 4.6m (15 feet) to 6.1m (20 feet).

The property is zoned Rural. The current height restriction is 4.6m for accessory buildings and 10m-15m for agriculture buildings. We are not presently engaged in agricultural operations and do not have Farm Status. This is our primary residence. Existing structures on the property include our residence, 2 pumphouses, a greenhouse, a shed and a garage/workshop (construction in progress).

We would like to erect an engineered steel building on a permanent foundation for secure storage of over height vehicles and equipment. Engineered steel buildings are low cost, can be quickly and easily erected without requiring heavy equipment, maintenance free, durable, fire-resistant and provide large open spans to maximize usable space.

We would like to purchase a pre-owned structure to keep our construction costs to a minimum, but we don't wish to purchase a structure until we are assured that the variance is approved. Since we do not know exactly which style or size of structure we will be able to find, we cannot provide an exact description at this time, but we anticipate that it will be approximately 1500-1800 square feet in size and look something like this.



The 4.6m limit poses a hardship for the following reasons:

- The 4.6m height limit is insufficient to accommodate our over height vehicles and equipment as we quickly discovered when we had our garage designed and engineered.
- We currently have to store our over height vehicles and equipment off Pender Island or outdoors.
- Off-island storage is inconvenient and costly. We would like to consolidate our vehicles for our peace of mind on our property, as this is our permanent residence.
- Outdoor storage is limited in the North Pender bylaws to a maximum of 2 unlicensed vehicles on our property, unless the vehicles are stored within a permitted building that is completely enclosed. Our collection exceeds this and licensing each vehicle would pose a financial hardship. Also, outside storage is not ideal in our climate, leaves wiring and electronics exposed to the elements and to costly damage caused by rodents, reduces the lifespan of the vehicles and equipment (some of which are vintage collectibles), and incurs additional maintenance costs.
- The height restriction limits our options to find a suitable secondhand structure. We would like to be able to consider structures up to 6.1m (20 feet) in height.

The proposed site where we would like to place the structure is not visible from the road or the water, or by our neighbours. We have consulted with our adjacent neighbours at 5702 and 5718 Canal Road about our plans and have attached their letters of support, together with the completed Land Use Application Form, a current Title Search and our most recent Site Survey indicating the approximate location of the proposed structure.

Should this variance be approved, we will provide an updated site plan, engineered drawings and elevation drawings during the application process for a building permit from the CRD.



Please contact us to arrange payment of the development variance application fee.

Should you have any questions, please ask. Thank you for your consideration.

Kindly,

Chris & Sandra Tretick

Attachment 4

To:

Deb Morrison, Aaron Campbell, David Maude, Trustees
North Pender Island Local Trust Committee
Islands Trust

Re: **Request for Variance of Height Regulations for an Accessory Building**

Location: 5706 Canal Road, North Pender Island, BC
LOT A, PLAN VIP58619, SECTION 11, COWICHAN LAND DISTRICT, PENDER ISLAND
PID: 018-696-988

We are the owners of a property [REDACTED] the above mentioned property that is requesting a variance of the height regulations from 4.6m to 6.1m (20 feet) for an accessory building intended. We have reviewed the proposal with the owners of the subject property and have no objections or concerns with this variance request.

We support the variance request as proposed.

[REDACTED]
John Foote

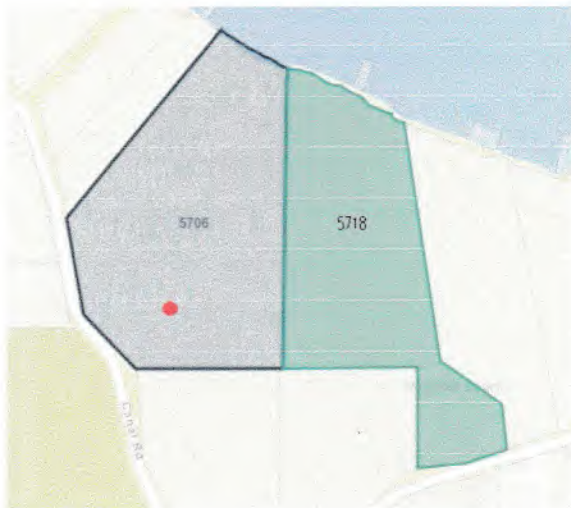
[REDACTED]
Sue Foote

[REDACTED]
FEB. 2, 2024

Date

[REDACTED]
FEB. 2, 2024

Date



To:

Deb Morrison, Aaron Campbell, David Maude, Trustees
North Pender Island Local Trust Committee
Islands Trust

Re: **Request for Variance of Height Regulations for an Accessory Building**

Location: 5706 Canal Road, North Pender Island, BC
LOT A, PLAN VIP58619, SECTION 11, COWICHAN LAND DISTRICT, PENDER ISLAND
PID: 018-696-988

We are the owners of a property adjoining the above mentioned property that is requesting a variance of the height regulations from 4.6m to 6.1m (20 feet) for an accessory building. We have reviewed the proposal with the owners of the subject property and have no objections or concerns with this variance request.

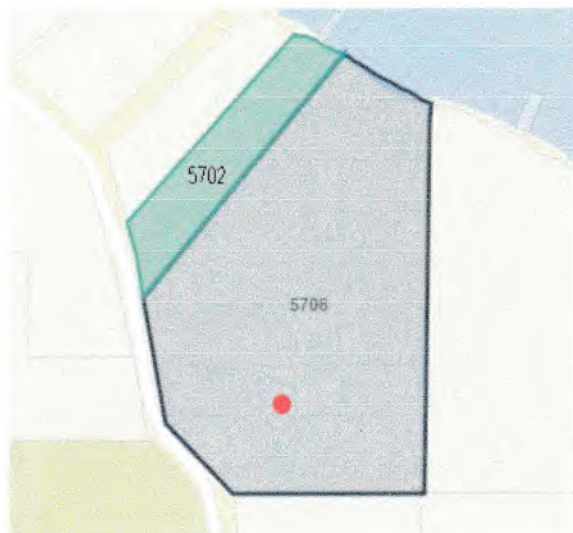
We support the variance request as proposed.

[Redacted Signature]
Gary Buerk

[Redacted Signature]
Judy Buerk

[Redacted Signature]
Date

[Redacted Signature]
Date





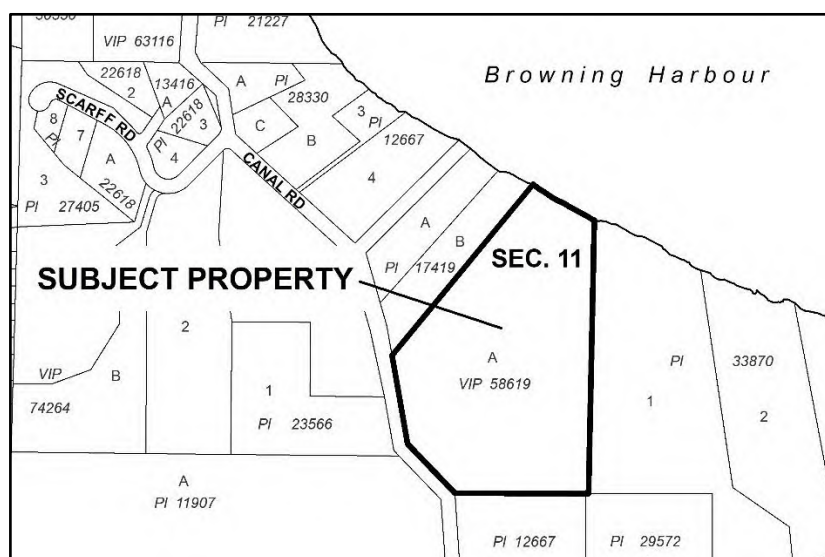
NOTICE
NP-DVP-2024.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224, 2022 by:

- A variance to the maximum height regulations from 4.6 to 6.7 metres for a proposed accessory building (garage and storage).

The property is located at **5706 Canal Road** and is legally described as LOT A, SECTION 11, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP58619 (PID: 018-696-988).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **May 24, 2024** and continuing up to and including **June 5, 2024**.

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

Enquiries or comments should be directed to Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **June 5, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the special meeting starting at **10:00 a.m. on June 14, 2024**, to be held **electronically via zoom**.

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

Jas Chonk, Deputy Secretary



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2024.2**

To: Chris and Sandra Tretick

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

LOT A, SECTION 11, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP58619
(PID: 018-696-988)

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 3.4 (3) which states that an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to a maximum of 6.7 metres in height to permit the construction of an accessory building (garage and storage) with a maximum floor area of 232 m².

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], 2024

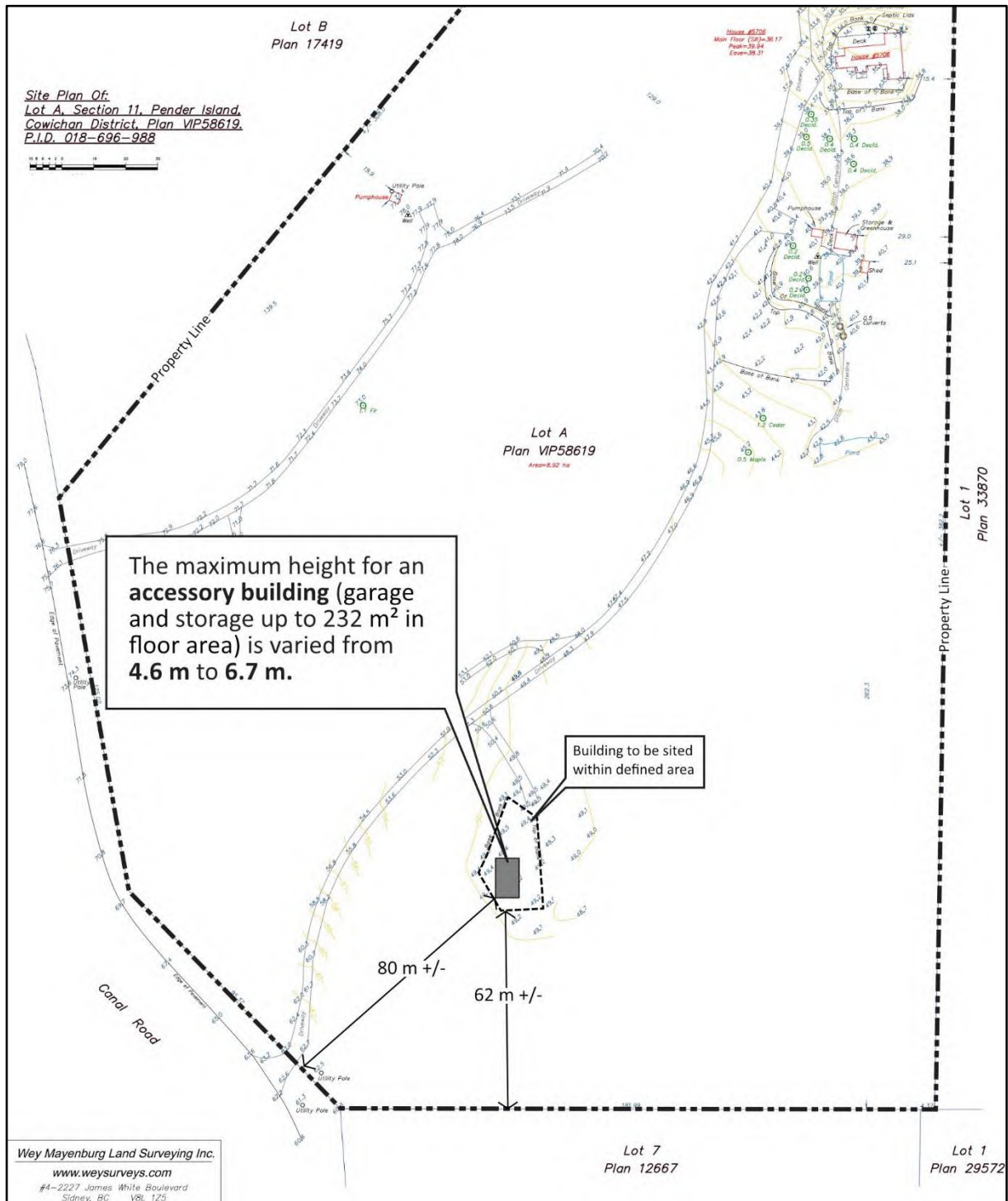
Deputy Secretary, Islands Trust

Date of Issuance

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2024.2

SCHEDULE 'A'



File No.: NP-DP-2018.5 (PICSS – Hillel Arch.)
NP-RZ-2016.4 & NP-SUB-2017.3

DATE OF MEETING: June 14, 2024
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Development Permit Application
Applicant: PICSS c/o Hillel Architecture Ltd.
Location: Bedwell Harbour Road, Lot A, Plan EPP 107638

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.5 (PICSS -Hillel Arch.).

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character (DPA)**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

The permit includes a variance to the sign regulations of the LUB (number of signs on a business premises).

BACKGROUND

The application is being made in advance of Preliminary Plan Review and Building Permit applications and is for the construction of a new community thrift store facility ('Nu to Yu') with associated parking and landscaping on the subject property.

The 0.6 ha property was donated to Pender Island Community Service Society (PICSS) by the owner of the Driftwood Mall (Hardal Management) and was the subject of rezoning application NP-RZ-2016.4 that designated and zoned the portion of the 4.7 ha 'parent' lot to **CS -Community Service** and **Community Service (o) – CS (o)** to permit a community thrift store use and designate the DPA (completed 2018). NP-SUB-2017.3 subsequently subdivided that part from the parent to create the subject property (completed in 2023).

The proposed building will relocate the facility operated by PICSS to the new location adjacent and south of the Driftwood Mall, replacing the current store located in a 1902 building that is substandard, not accessible and insufficient for sorting, repairing, storing and retailing.

The scope of proposed development is as follows:

\\islandstrust.local\DFSMain\EDM\09 Current Planning\09 NP\3160 DP\25 Applications (P)\2018\NP-DP-2018.5 (PICSS – Hillel Arch.)\Staff reports\Staff Report_2024-06-14\NP-DP-2018.5 (PICSS - Hillel Arch.) STF REP_2024-06-14.docx

- Construction of a new, one storey 565 m² wood frame building with two wings: a retail space; and a receiving, sorting and warehousing area.
- Vehicular and pedestrian access via the Driftwood Mall.
- Parking for cars and bicycles.
- Landscaping of the development area of the property.
- Protection of an identified Culturally Modified Tree (CMT).
- Signage and lighting.

In early 2024, PICSS hired Hillel Architecture (represented by Karen Hillel) to act as agent for the application and undertake the site and building design for the new facility, and to manage the subject DP application, Building Permit application and construction. The applicants have consulted with the PICSS and staff to derive the proposed development plans over the past months.

The following professional plans and estimates have been submitted in support of the application:

- Details of the proposed development in a letter from the applicant (Attachment 3).
- A required DP Checklist submitted by the applicant (Attachment 4).
- Site plan, building floorplan and building elevation plans prepared by the applicant (Attachment 8 – Schedules ‘A’, ‘B’ and ‘C’).
- A landscape plan and landscape cost estimate prepared by Calid Services (Attachments 6 and 8 – Schedule ‘D’).
- Civil engineering plans (grading and storm water management plans) prepared by Calid Services (Attachment 8 – Schedules ‘E’ and ‘F’).

The foregoing are discussed further in ‘Issues and Opportunities’ (below).

There is currently no development on the property, however, the area of development for the building, parking and access has been cleared with preliminary grading (Attachment 2). The development area is on the lower-lying and flatter portion of the lot that abuts the Driftwood Mall property to the North and Bedwell Harbour to the east. Numerous mature trees including the CMT have been retained. The area to the southwest is steeper with mature trees and vegetation.

Copies of the Development Permit Area Checklist (staff) and proposed Development Permit with a Variance NP-DP-2018.5 (PICSS – Hillel Arch.) are Attachments 5 & 8.

A proposed variance to the LUB sign regulations is part of the draft DP (below).

Staff has visited the site numerous times, most recently in May 2024 (Attachment 2).

Islands Trust



3 38



ANALYSIS

POLICY/REGULATORY

Islands Trust Policy Statement:

The relevant policy to the proposed development is:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

The policy supports the proposal.

Official Community Plan:

The subject property is designated as **CS – Community Service** in the North Pender Island Official Community Plan 171, 2007.

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character**.

Analysis of the proposed development's conformity to the objectives and guidelines is found in the **Development Permit Area Checklist** (Attachment 5) and discussed in detail below.

In summary the proposal conforms to the DPA guidelines.

Land Use Bylaw:

The subject property is zoned as **Community Service (o) – CS (o)** in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB). Pending the approval of a variance for signage that is part of the proposed DP, the application complies with the siting, use and parking provisions of the North Pender Island LUB.

Issues and Opportunities

Note: *With the exception of Figure 2 (above), references to plans in this section are to the respective Schedules in Attachment 8 - Draft NP-DP-2018.5*

Overall Site Design

The overall site plan is based on a detailed topographic site survey, geotechnical analysis and civil engineering. The design approach incorporates the building design and location relative to both property and topographic and vegetative features and also encompasses site access, grading, site servicing and storm water management.

Referencing Figure 2, Schedules 'A', 'E' and 'F', key elements are:

- New vehicular and pedestrian access from the Driftwood Mall property.¹ This was agreed by the owners of the Driftwood and the Ministry of Transportation and Infrastructure (MoTI) to avoid a new access point on Bedwell Harbour Road for improved safety.
- Separated and lit pedestrian access from the Driftwood property, and a secondary emergency pedestrian path to Bedwell Harbour Road.
- The main entry to the building clearly visible from the main point of entry to the North.
- Accessibility to main building entries for persons with disabilities, mobility issues or with strollers.
- A large 'flexible' and accessible pedestrian walkway area at the immediate approach to building that will serve as loading/passenger drop off zone as well as an area for social gathering by doubling as outdoor event space (i.e. market, sidewalk sale, seasonal events, special events).
- Storm water management for the building, access and parking with an engineered rain garden (swale)
- Retention of existing bank cuts (no further incursion into bank) and protection of the groundwater well, CMT and mature trees with siting and construction management.

Building Form and Character

Programming and design for the new store was developed in consultation with the PICSS User Group Committee (including volunteers that run the day-to-day operations of the store).

Referencing Schedule 'B' and 'C', key elements are:

- Two identifiable wings which separate the retail space from the receiving/sorting/warehousing operations of the store.
- An accessible multi-function staff/community room at front of store that includes a kitchenette and universal washroom.
- Outdoor patio for staff at rear of the property.
- Architectural theme consistent with neighbouring Driftwood Mall.
- A variety of exterior building materials, consisting of painted cementitious panels, painted cementitious shingles, clear finish cedar siding and aluminum storefront doors and windows, brings colour and texture to the composition, breaks down the mass of the building, and serves to create another warm and inviting space for residents, community user groups and visitors.
- Screened area for waste and recycling.
- Potential for Public Art and display of local artist's works.

Landscaping

The landscape plan was designed in consultation with a Landscape Architect (Calid Services). New planting will be placed along the building frontage and along pedestrian pathways that lead to the building to create a

¹ The access route has been agreed by the owners of the Driftwood Mall (Hardal Management) and will require that the changes to their DP to integrate the access and to reallocate lost parking stalls will be part of a future amendment application (Attachment 7).

welcoming and accessible outdoor environment, enhancing the predominately natural 'evergreen' context. Referencing Schedule 'D', key elements are:

- New planting beds will include a variety of indigenous plants that are non-invasive, low maintenance, drought tolerant and attract pollinating insects, and resilience to deer foraging.
- A proposed rain garden / bioswale retention area will host wetland plants that will assist in the treatment of storm water runoff and are also complimentary to surrounding natural vegetation.
- Retention of native vegetation where possible and the restoration of open areas using hydroseed native grasses and indigenous shrubs along exposed and/or cut banks.
- Planting/screening along Bedwell Harbour Road will integrate with existing vegetation or additional landscape screening.
- A condition of the proposed DP is a Letter of Credit for 125% of the estimated cost of the Landscaping as per the DP guidelines. An estimate of \$44,571.00 was submitted by the applicants (Attachment 6), and a Letter of Credit in the amount \$55, 7132.75 will be taken prior to issuance of the permit.

Archaeology/CMT

With the 2016 rezoning application, staff consulted with the Malahat First Nation staff who also conducted a site visit. They identified a Culturally Modified Tree (CMT) shown on both Schedules 'A' and 'D' and Attachment 2. The PICSS Board agreed to the protection and maintenance of that tree and those conditions were accepted by the Malahat. Identification on the site and landscape plans and conditions for protection for the duration of construction as well as inclusion in the landscape maintenance schedule are all part of the draft DP.

Parking

Referencing Figure 2:

- A functional parking layout that conforms to Parking Regulations in the LUB, with sixteen (16) regular parking stalls, two (2) accessible stalls and bike parking.
- Required bicycle parking stand.

Signage and Lighting

Referencing Figure 2 and Schedule C:

- Business signage will be lit with traditional gooseneck fixtures and mounted above the main entry to the building with a secondary sign on the east side of the building overlooking Bedwell Harbour Road (below).
- There will be a free-standing monument sign located at the T intersection to direct pedestrians and vehicular traffic up to the thrift store.
- As per LUB regulations and DPA guideline signage will not be backlit

Variance

Part 6 of the LUB only permits one (1) freestanding sign and one (1) sign on each business premise. As above, the application proposes two (2) signs on the building. The DPA guidelines state the following:

The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

Staff is of the opinion that the variance included as Section 4 in the draft DP is supportable given the unique siting of the building as oriented both to the Driftwood Mall and Bedwell Harbour Road. Further, the program to retain mature trees and the required guideline and regulation for vegetative screening along the roadway limits business recognition.

With approval of the variance the proposed development plans conform to the LUB.

Consultation

There is no public or agency consultation regularly associated with a Development Permit application, including for a DP that includes a variance. In addition, there is no statutory notification required.

First Nations

As above, the DP will be forwarded to the Malahat First Nation for information on protection of CMT.

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

Rationale for Recommendation

The recommendation on page 1 is supported as the proposed development is compliant with the DPA guidelines, and the proposed uses, siting and parking and signage, including a variance to the sign regulations, will conform to the provisions of the LUB.

Staff is recommending the variance based on the unique nature of the proposed facilities location and siting relative to the

Alternatives

1. Request further information

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

Recommended resolution:

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

2. Deny the Variance and approve the application as amended

The LTC may deny the variance that is part of the application.

Recommended resolution:

That the North Pender Island Local Trust Committee deny the variance by removing Section 4 of development permit NP-DP-2018.5 that is Attachment 8 of this staff report; and,

That the North Pender Island Local Trust Committee approve development permit NP-DP-2018.5 as amended.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the guideline(s) that has not been satisfied.

Recommended resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2018.5 (PICSS – Hillel Arch.) as the application does not comply with guideline _____ of the North Pender Island Official Community Plan.

Submitted By:	Phil Testemale, Planner 2	June 6, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 6, 2024

ATTACHMENTS

1. Site Context
2. Mappings and Plans
3. Design Rationale (applicant)
4. DPA Guidelines Checklist (applicant)
5. DPA Guidelines Checklist (staff)
6. Landscaping Cost Estimate
7. Letter from Hardal Management Ltd. (rec'd by IT June 5, 2024)
8. Proposed Development Permit NP-DP-20218.5

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A SECTION 10 ISLAND PENDER COWICHAN DISTRICT PLAN EPP107638
PID	031-951-601
Civic Address	Bedwell Harbour Road

LAND USE

Current Land Use	Vacant
Surrounding Land Use	Rural, Agricultural and Commercial (Driftwood Mall)

HISTORICAL ACTIVITY

File No.	Purpose
NP-RZ-2016.4	To designate and zone subject property to Community Service (o)
NP-SUB-2017.3	To subdivide subject property from parent parcel (Lot 3, Plan VIP54822)

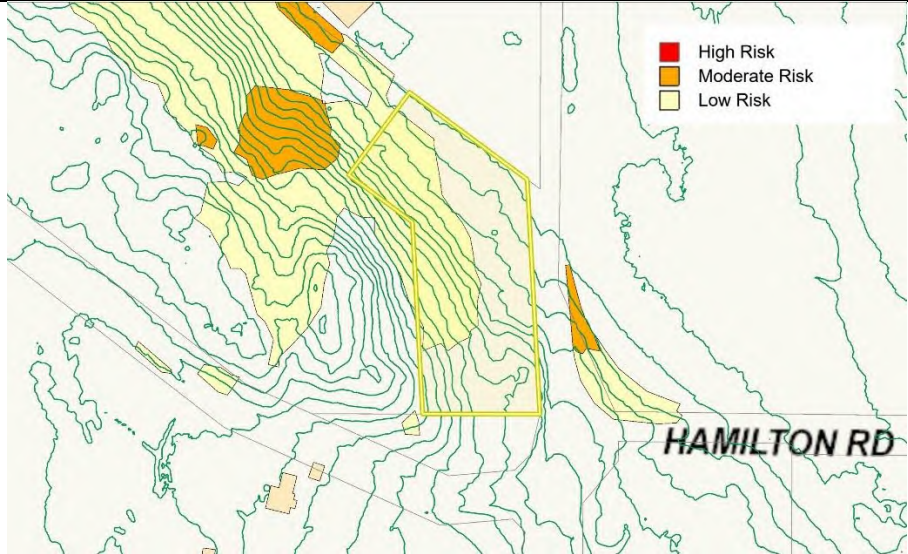
POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as CS – Community Service in the North Pender Island Official Community Plan 171, 2007. The subject property is designated in Development Permit Area Nine – Commercial and Industrial Form and Character.  <i>DPA Mapping</i>
Land Use Bylaw	The subject property is zoned as Community Service (o) – CS (o) in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB).

	 <i>Zoning</i>
Other Regulations	N/A
Covenants	No LTC documents 2 Covenants (2 Prov./CRD -geotechnical) Various Easements
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The 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 in TAPIS
Sensitive Ecosystems	 <i>Sensitive Ecosystem Mapping</i>

Hazard Areas	 <i>Steep Slope Hazard Mapping + 2m Contours</i>
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates no archaeological sites within 100 m and no occurrences of high potential for archaeology on the subject property. See report on identified Culturally Modified Tree (CMT) and chance find.
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DP.

ATTACHMENT 2 – PLANS AND PHOTOS

PHOTOGRAPHS



Access from Driftwood Mall(Looking Southwest)



View toward Driftwood Mall/Access



Approximate Building Location (Looking South)



Approximate Parking Area Location (Looking Northwest)

ATTACHMENT 2 – CONT'D

PHOTOGRAPHS (CONT'D)



Cluster of Mature Trees (Looking Northeast)



Culturally Modified Tree (CMT - Looking South)



Detail of CMT

15 APRIL 2024 revised 03 MAY 2024

Phil Testemale
ISLANDS TRUST
200 - 1627 Fort Street, Victoria BC V8R 1H8

RE: NU TO YU COMMUNITY THRIFT STORE
4605 Bedwell Harbour Road, Pender Island BC

DP APPLICATION: DESIGN RATIONALE



Phil,

On behalf of the Pender Island Community Service Society and in support of an active development permit application for a new community thrift store, we hereby submit a revised design package consisting again of drawings [architectural, civil and landscape] and an updated design rationale for your review and consideration. Modest revisions were made to address application review comments we received from the Islands Trust on 26 April 2024. As the Islands Trust is already aware, the PICSS intends to build a new commercial retail/warehouse building for Nu To Yu, a community thrift store that currently plays a vital role on Pender Island.

The current store is located in Pender Island's old schoolhouse, which dates back to 1902. In operation since 1983, not only, does the store sell gently used goods at reasonable prices, but also, at the heart of the organization, funds raised, are in turn, used to support worthy causes and initiatives within the community. While the current building has served the purpose well for the last 40 years, limitations including a lack of accessibility, a need for comprehensive repairs and upgrades and a need for more space to sort, repair, store and display items, have triggered a project to build a new facility. Central to the construction of a new one storey 565 sq.m. facility, is the intent to improve the working environment for a loyal staff of volunteers, and the shopping experience for both residents of and visitors to the islands. Other considerations include shared space for other community led initiatives.

A new central location, adjacent to the Driftwood Centre, a well-established commercial hub on North Pender Island, will be mutually beneficial and contribute to the economic vibrancy and viability of the area. The owners of the Driftwood Centre donated the parcel of land identified for the new store. The PICSS is in the process of seeking funding through various grant applications and there is a lot of community support behind this well-known project.

The property, located to the south of the Driftwood Centre, is approximately 6 340 sq.m. in area. It is located in the CS Community Service Zone, and Development Permit Area 9, which defines objectives and guidelines for the form and character of commercial and industrial development. The new thrift store is intended to be consistent with and enhance the adjacent commercial uses which contribute to the success and importance of the Driftwood Centre.

SITE DESIGN

Prior to our engagement, the site was cleared and levelled in anticipation of the new project. We requested that a new legal, topographic and tree survey [Wey Mayenburg Land Surveying] be undertaken along with a more detailed geotechnical report [Ryzuk Geotechnical] to inform our overall site design and approach to building design.

From the outset, we were informed of [and shown] a culturally modified tree [CMT] and subsequently met with a local arborist to discuss how best to protect this tree from development. It became clear that keeping our distance and protecting its exposed root structure would be paramount. It is our understanding that the Islands Trust has communicated directly with the Malahat First Nation regarding this tree of cultural significance and the overall plans for the site. An agreement between the Malahat First Nation, Islands Trust and PICSS will ensure the protection of the CMT through the following means:

- the CMT will be preserved in its current location with an acceptable, permeable “drip area” maintained around the tree
- prior to commencement of work [including vegetation removal, excavation, land alteration and construction] and for the duration of construction, protective fencing and signage shall be installed
- the CMT will be protected by an adequate and visible barrier that extends to the outer drip zone of the tree and includes “ no access “ signage
- any excavation or land alteration in proximity to the CMT to be carried out using the lightest machines and equipment feasible and avoid cutting and/or damage to the root structure of the CMT
- protection and maintenance of CMT to form part of irrigation and maintenance plan for landscaping

Site development, not only addresses the location of buildings relative to both property and natural boundaries, but also encompasses site access, grading, site servicing and storm water management. Our overall approach to the site, based in part on sound civil engineering practices [Calid Services], includes the following:

- a new access road from the existing paved access road serving Driftwood Centre from Bedwell Harbour Road as discussed with MOTI, new road connects to approved Driftwood Centre drive aisle and parking layout [loss of 1-2 stalls] and respects future development and service road infrastructure by the Driftwood Centre [note: subject to future DP amendment application by Hardal for Driftwood Centre]
- shared use of a common access between business areas was encouraged for traffic safety
- the prevention of the stacking of cars and blocking of proposed T intersection will be addressed with signage
- the protection of existing well serving Nu To Yu site
- installation of an engineered rain garden central to storm water management
- distance from and protection of culturally modified tree [during and post construction]
- retaining of exposed cut banks, especially at the rear of the building
- functional upper parking layout based on in accordance with Part 7 of Islands Trust North Pender Island Land Use Bylaw, including provision of accessible stalls, bike parking and screened area for waste and recycling [note: two accessible stalls are provided]
- accessibility to main building entries for persons with disabilities, mobility issues or with strollers

- generous, accessible pedestrian walkway provides central approach to building, can serve as loading/passenger drop off zone, and more importantly can promote social gathering and double as outdoor event space [market, sidewalk sale, seasonal events, special events in conjunction with community room]
- the central pedestrian walkway will be paved with permeable concrete pavers
- parking lot and drive aisle to be paved in asphalt
- proposed well-lit pedestrian connection between thrift store and Driftwood Centre
- a secondary exit path that leads away from the building and across to Bedwell Harbour Road
[while the need to provide a secondary, discreet, exit path is desirable, extending the pathway access from Bedwell Harbour Road encouraging additional foot traffic is not; firstly, the path as proposed was designed to gently follow natural contour lines and the grade along the east side of the building will not easily accommodate an extension of the path and secondly, security at the back of the building will be compromised and likely result in the need to fence around the rear staff area]
- new septic system proposed for the east side of the building [subject to review and approval]
- exterior lighting [downlighting] at parking lot and upon approach to building

LANDSCAPING

Emphasis on new landscaping will be placed along the building frontage and along pedestrian pathways that lead to the building to create a welcoming and accessible outdoor environment. In addition, there will be localized opportunities to restore open areas with hydroseed native grasses and the re-instatement of indigenous shrubs along exposed and/or cut banks.

New planting beds, which flank the central walkway, designed in consultation with a landscape architect [Calid Services] will include a variety of indigenous plants, that are non-invasive, drought tolerant and attract pollinating insects. In addition to being suitable for local environmental conditions, new plantings will need to keep deer in mind as well. Smaller shrubs, groundcover, perennials and ornamental feature trees will be selected for their resilient characteristics, ease of maintenance and the seasonal interest they provide to the largely “evergreen” surroundings.

Plants will also be selected to maintain clear sightlines across the property.

The proposed rain garden / bioswale retention area will host wetland plants that will assist in the treatment of storm water runoff and that are also complimentary to the surrounding natural vegetation.

Where possible, existing indigenous vegetation will be retained. We will review the extent and condition of natural vegetation along Bedwell Harbour Road and consider additional restoration planting interspersed amongst existing vegetation or additional landscape screening.

Refer to more comprehensive landscape drawings complete with cost letter.

BUILDING DESIGN

Programming for the new store was developed in consultation with the PICSS User Group Committee, including dedicated volunteers that run the day-to-day operations of the store.

The proposed 565 sq.m. building is a one storey wood frame commercial building designed to be compatible with the well-established form, character and scale found throughout the Driftwood Centre. The overall mass of the building is broken down into two identifiable wings which separate the retail space from the receiving/sorting operations of the store. Service and staff areas form the core of the building, with an emphasis on a shared community room at one end, and an outdoor covered patio for staff at the other. The community room, which also serves as a staff room, is prominent, accessible, and multi-functional in its layout, with access to a kitchenette and universal washroom. The sales floor will benefit from a vaulted roof structure with skylights designed to bring natural light into the centre of space.

The building is sited with the main entry to the building clearly visible from the main point of entry from the access road.

A variety of exterior building materials, consisting of painted cementitious panels, painted cementitious shingles, clear finish cedar siding and aluminum storefront doors and windows, brings colour and texture to the composition, breaks down the mass of the building, and serves to create another warm and inviting space for residents, community user groups and visitors to the island.

Additional consideration has also been given to retail items needing to be stored and secured outside such as gardening equipment and tools, BBQs, outdoor furniture, accessible by crushed rock pathways along the west side of the building.

Opportunities for the inclusion of public art and the display of art by local artists will be reviewed once the project is underway.

EXTERIOR LIGHTING

Exterior lighting is not only, necessary for the safety and security of both staff and patrons, but also, important to highlight the building and signage.

Wall mounted light fixtures and soffit lighting will define building entries and exits and enhance the overall building massing. Traditional gooseneck fixtures will light wall-mounted building signage. Exterior lighting on motion sensors will provide additional security around the building's perimeter and along exit pathways. While smaller scale bollard lighting will flank pedestrian pathways, light standards will be needed to light the parking lot. Emphasis will be on down lighting in order to minimize light pollution with the understanding that high intensity lighting is not encouraged.

Given the location of the property and proposed site development, we do not anticipate negative impacts of exterior lighting design on adjacent properties.

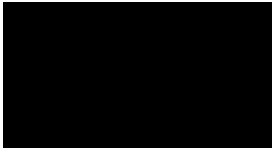
SIGNAGE

In addition to business signage mounted above the main entry to the building, there will be a secondary sign mounted on the east side of the building overlooking Bedwell Harbour Road, a free-standing monument sign is

proposed by the T intersection to direct pedestrians and vehicular traffic up to the thrift store. Business signage will not be backlit. It is our understanding that the secondary building sign will require a variance which is likely to be supported given the building's siting and orientation.

We trust that the foregoing provides you with information to proceed with your review process. Should you require additional information or clarification, please do not hesitate to contact us.

Regards,



Karen Hillel architect AIBC

Form and Character Development Permit Checklist

File No: NP-DP-2018.5 (Hardel Mgnt-Petrie)

Proposed Development: New Freestanding Commercial (Retail) Building for Nu-to-Yu Community Thrift Store

Guideline	Complies		Comments
	Yes	No	
1. For general commercial buildings or structures			
a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape	☒	☐	
b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road	☒	☐	Orientation of vehicle approach / entry facing Driftwood Centre
c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings	☒	☐	
d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units	☒	☐	
e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height	☒	☐	
f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design	☒	☐	
g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized	☒	☐	
h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered	☒	☐	
i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture	☒	☐	
j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features	☒	☐	
k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation	☒	☐	

Guideline	Complies		Comments
	Yes	No	
l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design	☒	☐	
m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible	☒	☐	
2. For tourist commercial buildings or structures			[not applicable]
3. For industrial buildings or structures			[not applicable]
4. Landscaping Guidelines – all applications			
a) A landscape plan should be professionally prepared and should:	☒	☐	
i) Provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work	☐	☐	To be forwarded upon completion of finalized design by Landscape Architect.
ii) Identify existing vegetation by type and identify areas which are to be cleared	☐	☐	To be forwarded upon completion of finalized design by Landscape Architect.
iii) Provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads	☒	☐	
iv) Provide for vegetative buffers along lot lines	☒	☐	
v) Identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides	☐	☐	To be forwarded upon completion of finalized design by Landscape Architect.
b) Existing site topography and landscape features should not be altered in order to create new landscaping	☒	☐	
c) Existing indigenous vegetation should be retained wherever possible. Significant indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetations within the buildable area of the site should be preserved wherever possible through careful and innovative site design	☒	☐	
d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening	☒	☐	
e) Landscaped strips should be provided adjacent to the boundary of the ALR, along abutting residential properties and adjacent to watercourses	☒	☐	
f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and the other guidelines in this section	☒	☐	Refuse and recycling to be fully fenced from public viewing.

Guideline	Complies		Comments
	Yes	No	
g) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged	☒	☐	
h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole of the site and screen all buildings from view; plantings should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners	☒	☐	
i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation	☒	☐	
j) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the BC Society of Landscape Architects and BC Nursery Trades Association standards	☒	☐	
k) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscape cost	☐	☐	To be forwarded upon completion of formal design by Landscape Architect.
5. Parking Layout – all applications			
a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems	☐	☒	Property outline, topography and required setback from shared freshwater well constricted the buildable footprint to one defined location. In order to preserve existing mature trees in the remainder of the site, parking has been confined to a single location.
b) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas	☒	☐	
c) Parking should be located at the sides or rear of buildings wherever feasible	☒	☐	
d) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment	☒	☐	
e) All significant paved parking areas should be included within the context of any stormwater plan and incorporate oil/water separators	☒	☐	
f) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety	☒	☐	Vehicle and pedestrian access is provided to link business with adjacent Driftwood Centre.
g) All new development should include provision for bicycle parking or storage	☒	☐	
6. Lighting – for all new buildings or site development			
a) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths	☒	☐	

Guideline	Complies		Comments
	Yes	No	
b) High intensity lighting in parking lots and along roadsides is discouraged	☒	☐	
c) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscape buffer	☒	☐	
7. Signs			
a) Each site should have no more than one freestanding signs, located on the same lot as the development	☒	☐	Proposed potential locations illustrated on site plan
b) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building	☐	☒	2 business signs are proposed on the building face to accommodate identification / sightlines of approach from both directions on Bedwell Harbour Road.
c) Billboards and roof signs should not be permitted	☒	☐	None proposed
d) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons	☒	☐	Signs will be face lit only
8. For marine structures over the water or the foreshore [not applicable]			
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section			
Are any variances proposed?	☐	☐	No variances are proposed

Form and Character Development Permit Checklist

File No: NP-DP-2018.5 (PICSS – Hillel Arch.)

Proposed Development: Construction of New Nu to Yu Building, Parking and Landscaping

Guideline	Complies		Comments
	Yes	No	
1. For general commercial buildings or structures			
a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape	☒	☐	Building is sited and configured following the topography
b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road	☒	☐	Entry orientation of entry to North/access from Driftwood.
c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings	☒	☐	Minimal non-commercial context in in close proximity. Notwithstanding , the scale and massing is not imposing or uniform, and the character fits the vernacular and design elements from the adjacent Driftwood Centre.
d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units	☒	☐	
e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height	☒	☐	
f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design	☒	☐	
g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized	☒	☐	Ref. 'East and North Elevation': Articulation, Window placement and choice of cladding material all provide variety.
h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered	☒	☐	
i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture	☒	☐	Use of some Cedar siding with cementitious singles and panels. Provides a similar character balance of maintenance and cost.
j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features	☒	☐	
k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation	☒	☐	Ref. 'Landscape Plan': some required removal of mature trees but overall retention where possible and

Guideline	Complies		Comments
	Yes	No	
l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design	☒	☐	
m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible	☒	☐	Generous accessible area at front entrance (public) and rear patio (volunteers)
2. For tourist commercial buildings or structures – N/A			
3. For industrial buildings or structures – N/A			
4. Landscaping Guidelines – all applications			
a) A landscape plan should be professionally prepared and should:	☒	☐	Ref: Landscape Plan (Schedule 'D')
i) provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work	☒	☐	
ii) identify existing vegetation by type and identify areas which are to be cleared	☒	☐	Note: protection of Culturally Modified Tree protected for construction and ongoing maintenance with DP conditions.
iii) provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads	☒	☐	Landscape treatment is focused on entry and parking area facing Driftwood Centre (North). Landscaping along Bedwell Harbour Road primarily relies on existing mature vegetation with some planting for screening and to soften/breakup east facade.
iv) provide for vegetative buffers along lot lines	☒	☐	With above exceptions, vegetation boarding lot lines remains undisturbed/altered.
v) identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides	☒	☐	On plan
b) Existing site topography and landscape features should not be altered in order to create new landscaping	☒	☐	Alteration limited to excavation/retaining wall for building.
c) Existing indigenous vegetation should be retained wherever possible. Significant indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetations within the buildable area of the site should be preserved wherever possible through careful and innovative site design	☒	☐	

Guideline	Complies		Comments
	Yes	No	
d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening	☒	☐	Existing mature vegetation with interspersed screening strips provided adjacent to road.
e) Landscaped strips should be provided adjacent to the boundary of the ALR, along abutting residential properties and adjacent to watercourses	☒	☐	ALR land to the east is separated by Bedwell Harbour Road therefore no LUB requirement. Notwithstanding, existing mature vegetation with interspersed screening strips provided adjacent to road.
f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and the other guidelines in this section	☒	☐	
g) proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged	☒	☐	
h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole of the site and screen all buildings from view; plantings should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners	☒	☐	
i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation	☒	☐	Bioswale area has been incorporated for stormwater
j) all landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the BC Society of Landscape Architects and BC Nursery Trades Association standards	☒	☐	Condition in Draft DP
k) the application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscape cost	☒	☐	Condition in Draft DP
5. Parking Layout – all applications			
a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems	☐	☐	
b) visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas	☒	☐	

Guideline	Complies		Comments
	Yes	No	
c) parking should be located at the sides or rear of buildings wherever feasible	☒	☐	
d) development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment	☒	☐	Pedestrian circulation to Driftwood Centre provided.
e) all significant paved parking areas should be included within the context of any stormwater plan and incorporate oil/water separators	☐	☐	Ref: Site Servicing Plan Bioswale retention area. Temporary Silt Fencing as condition of permit.
f) the shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety	☒	☐	Proposed access is from Driftwood Centre eliminating need for new access from Bedwell Harbour Road
g) all new development should include provision for bicycle parking or storage	☒	☐	
6. Lighting – for all new buildings or site development			
a) lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths	☐	☐	
b) high intensity lighting in parking lots and along roadsides is discouraged	☐	☐	
c) security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscape buffer	☐	☐	
7. Signs			
a) each site should have no more than one freestanding signs, located on the same lot as the development	☒	☐	
b) one sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building	☐	☒	Note variance to allow two (2) as per Schedule 'C'. See report
c) billboards and roof signs should not be permitted	☒	☐	
d) signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons	☒	☐	
8. For marine structures over the water or the foreshore – N/A			
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section			
Are any variances proposed?	☒	☐	Sign regulations. See report.



Calid File: 744B
Project: Pender Island Thrift Store

Prepared By: Calid Services Ltd.
May 2, 2024

**Schedule A: Probable Frontage & Offsite Landscape Soft Costs for,
Thrift Store Development, Pender Island, B.C.**

	Unit	Est. Qty.	Unit Price	Cost
1.0 Soft Landscaping				
1.1 Invasive plant removal allowance	LS	1	\$500	\$500
1.2 Planting Bed Growing Medium	m ³	120	\$50 /m ³	\$6,000
1.3 Planting Bed Mulch	m ³	15	\$45 /m ³	\$675
1.4 Hydro-seeded restoration area	m ²	1140	\$5 /m ²	\$5,700
1.5 #1 Pot Size Shrubs	Ea.	454	\$20	\$9,080
1.6 #2 Pot Size Shrubs	Ea.	44	\$28	\$1,232
1.7 #3 Pot Size Shrubs	Ea.	28	\$38	\$1,064
1.8 Trees (Including tree pits, stakes, ties, etc.)	Ea.	4	\$1,150	\$4,600
1.9 Forestry Seedling Box (Western Redcedar)	Ea.	1	\$350	\$350
Subtotal:				\$28,851
2.0 Hard Landscaping				
2.1 Crushed Rock Gravel Border	m ³	7	\$50 /m ³	\$350
2.2 Pre-cast concrete seating bench	Ea.	3	\$850	\$2,550
2.3 Unit Paver Patio (Including base gravel & sand leveling course)	m ²	20	\$175 /m ²	\$3,500
2.4 1.2m wide gravel trail (including base gravel & fines)	m ²	32	\$125 /m ²	\$4,000
Subtotal:				\$10,400
3.0 Irrigation Allowance	LS	1	\$4,000	\$4,000
4.0 Tree Protection Fencing Allowance	LS	1	\$1,500	\$1,500
Total:*				\$44,751

Notes:

1. Based on Calid Services Ltd. Drawings L1 dated May 2, 2024.
4. Offsite frontage works, pourous paver loading area, bioswale (excluding plants), concrete sidewalks and concrete steps are not included in the landscape costing above.
5. Taxes, contingency allowance, and Municipal charges are extra.
6. The costs shown are estimates only & not guaranteed. Actual costs would only be known after work is complete.
7. Based on competitive local contractor performing the work. Contractor's costs are not included.



HARDAL MANAGEMENT Inc.

COURIER: #150 – 3751 JACOMBS ROAD, RICHMOND, B.C. V6V 2R4
MAIL: BOX 32040, RPO CAMBIE, RICHMOND, B.C. V6X 3R9

Attention: Phil Testemale

Hardal Management Inc. approves the new proposed design for road access for the Nu to Yu site. We also acknowledge that our future DP amendment application will include the changes and accommodate the lost parking space on the Driftwood site.

We further note that the current easement registered on title that Hardal Management Inc. provided Nu to Yu, is to be removed.

Please contact me for anything else that may be required.

Best,

Amanda Rae
Signing Officer

Hardal Management Inc.
PO Box 32040
Cambie RPO
Richmond, BC V6X 3R9

Email: [REDACTED]
Cell: [REDACTED]



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
NP-DP-2018.5**

To: Pender Island Community Service Society, Inc. No. S0021802
c/o Hillel Architecture Inc.

1. This Development Permit (the “Permit”) applies to the land described below:

LOT A SECTION 10 ISLAND PENDER COWICHAN DISTRICT PLAN EPP107638
(PID: 031-951-601)

2. This Development Permit NP-DP-2018.5 authorizes the construction of a community thrift store building (‘Thrift Store’), landscaping, parking and signage within the **Development Permit Area Nine (DPA 9) – Commercial and Industrial Form and Character**, subject to the following requirements and conditions:

Siting

- a) The size and location of the Thrift Store and associated development shall be substantially consistent with **Schedule ‘A’ - Site Plan** and **Schedule ‘B’ - Floor Plan** attached to and forming part of this permit.

Building Form and Character

- b) The exterior form and architectural detail (materials and finish) of the Thrift Store shall be substantially consistent with **Schedule ‘C’ - Elevation Plans** attached to and forming part of this permit.

Landscaping and Culturally Modified Tree

- c) Landscaping layout, species selection and maintenance shall be substantially consistent with **Schedule ‘D’ - Landscape Plan** attached to and forming part of this permit.
- d) Ongoing maintenance of landscaped areas shall not use herbicides, pesticides or fungicides.
- e) All landscaping shall be completed within 12 months of an occupancy permit being issued and shall meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.
- f) The identified **Culturally Modified Tree (CMT)** shown on Schedules ‘A’ and ‘D’ shall be protected by adequate and visible barrier (‘snow fencing’) that extends to the outer drip zone of the tree and to include ‘Tree Protection Area – No Access’ signage.
- g) The protective fencing and signage shall be erected prior to the commencement of any development, including vegetation removal, excavation/land alteration and construction, and shall be maintained for the duration of construction.
- h) Any excavation or land alteration in proximity to the CMT shall utilize the lightest machines and equipment feasible and avoid cutting and/or damage to the root structure of the CMT.
- i) The protection and maintenance of the CMT tree shall be included as part of the ongoing irrigation and maintenance plan for landscaping.
- j) All large diameter, mature trees within 5.0 metres of any development, excavation or clearing shall be protected as outlined in 2. f) and g) (above).

Parking

- k) Parking layout and stall size shall be consistent with Schedule ‘A’ - Site Plan and include eighteen (18) parking spaces, two (2) of which shall be accessible spots.
- l) If practical, the paved parking area should incorporate impervious surfaces.
- m) Bicycle Parking shall be provided via a bicycle rack to be located as indicated in Schedule ‘A’ Site Plan.

Lighting

- n) Lighting on the building exterior shall be small-scale and be minimal to provide security and illumination of the exit and entry areas and for illumination of building signage
- o) Pedestrian pathway lighting shall be small-scale, bollard style lighting
- p) Parking area lighting shall be traditional overhead light standards of a minimal height that are focused downwards and minimal intensity to mitigate light pollution.

Signage

- q) One (1) free-standing 'monument style' sign is permitted generally in the location shown on Schedule 'A' - Site Plan and shall not exceed a total area of 1.1 m² within 7.5 metres of the front or side lot line.
- r) Two (2) signs mounted on the building exterior are permitted generally in the locations indicated on Schedule 'C' - Elevation Plans subject to the variance (Part 4 - below).

Siltation and Stormwater Management

- s) Construction stormwater and siltation management shall be substantially consistent with **Schedule 'E' – Siltation Control Plan** attached to and forming part of this permit.
- t) Stormwater management shall be substantially consistent with **Schedule 'F' – Stormwater Management Plan** attached to and forming part of this permit.

- 3. Pursuant to Section 502 of the Local Government Act, the Local Trust Committee requires security to ensure that any conditions respecting new planting and other landscape elements are satisfied:
 - a) Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
 - b) Any interest earned on the security provided under Condition 4 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
 - c) The security provided by the permit holder shall be in the form of:
 - I. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent.
 - II. Payable to the Islands Trust,
 - III. In the amount of 125% of the quoted landscaping cost totaling \$55,713.75 based upon the cost estimate of \$44,571.00 as submitted the applicant dated May 2, 2024.
- 4. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:
 - a) Article 6.1 (2) (b) which states that a maximum of one (1) sign on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal produce or service sold is varied to permit a maximum of two (2) signs on the Thrift Store building.
- 5. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
- 6. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
- 7. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

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. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE [LTA] ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

Deputy Secretary, Islands Trust

Date of Issuance

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

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2018.5**

SCHEDULE 'A' – SITE PLAN



BUILDING HT. CALCULATION:

LOCATION	EXIST. GRADE	BLDG HEIGHT
A	28.40 m	5.46 m
B	28.20 m	5.46 m
C	28.00 m	4.28 m
D	27.75 m	3.54 m
E	27.50 m	3.89 m
F	27.25 m	3.75 m
G	27.00 m	4.05 m
H	26.75 m	3.79 m
I	26.50 m	4.05 m
J	26.25 m	4.19 m
K	26.00 m	3.89 m
L	25.75 m	6.94 m
M	25.50 m	7.25 m
[incl. +12']	26.52 m	4.78 m

- SITE FINISHES LEGEND**
- new vertical signage, access to Bedwell Harbour Road through Driftwood Centre via reciprocal easement. final approval subject to existing parcel infrastructure and review for final layout, consideration to be made to minimally impact existing DP areas of Driftwood Centre (potential future expansion) - see Site Access Plan for additional information.
- (A) new asphalt drive / ramping / lane & parking surface - see non-mountable concrete curbs, internal drainage - see civil for details, slopes & additional notation
 - (B) new water permeable precast concrete pavers at building approach
 - (C) new parking stalls - see parking stall line plan & present concrete paving where applicable, mechanically finished 100mm from end of parking stalls
 - (D) new raised concrete pathways and patios for building access, finished concrete floor typical
 - (E) new accessible curb cuts comply w/ tactile warning
 - (F) new rough stone pathway / landscape border
 - (G) new loose stone rock wall - see civil for details, slopes & additional notation
 - (H) new surface mounted 3x2 bike bicycle parking (optional)
 - (I) new 1000 high of wood perimeter fence surrounding vehicle customers drive - see paving within parking area
 - (J) new domestic collector pond - see perimeter landscape drawings - final configuration to be coordinated with arborist, see civil and landscape drawings for additional notation
 - (K) new common landscape plantings area - concentrated around parking and primary building entry with interspersed screen along Bedwell Harbour road - see landscaping plans for additional notation
 - (L) existing certified 'Culturally Modified Tree' (CMT) - include additional protection to CMT - see related notes:
 - provide adequate and visible barrier (e.g. 'noisy fencing') that extends to the outer edge of the CMT to include no access signage, this shall be erected prior to the commencement of any development, including vegetation removal, excavation, alteration or construction, and shall be maintained for the duration of construction, and shall
 - any excavation or land alteration in proximity to the CMT shall utilize the lightest machinery equipment feasible and avoid cutting and/or damage to the root structure of the CMT
 - be scheduled and incorporated into the landscaping layout
 - be protected and maintained for the CMT tree to be included as part of the ongoing irrigation and maintenance plan for landscaping
 - (M) existing large diameter trees in close proximity to construction - include tree protective fencing during construction, as outlined in Urban Tree Preservation Plan
 - (N) arborist locations of new hydroseeded native grass restoration area
 - (O) arborist locations of new native light standards and perimeter lighting - include tree protective fencing during construction, as outlined in Urban Tree Preservation Plan
 - (P) arborist locations of new freestanding business signage - to form part of a future comprehensive sign permit application
- *Landscaping will emphasize on adding native and pollinator plants and ensuring that adequate irrigation is in place to support these needs. Smaller shrubs, groundcover and perennials will be selected for their resilient characteristics and require little maintenance while at the same time provide seasonal interest to site users and the surrounding community. These include Coastal Strawberry, Mopse Carpet, Spines, Flowering Red Currant, Low Orange Shrub, Russian Sage, Lavender, Blue Cat Grass. Plants will be selected to maintain sightlines across the property - see landscaping plans for additional notation (planting list).

REV	DATE	DESCRIPTION
1	10 May 2018	Revised DP Submission
2	15 Apr 2018	DP Submission
3	10 Mar 2018	Consultation Review

1 PROPOSED SITE PLAN
A2.4 SCALE: 1:200

Nu-To-Yu
COMMUNITY THRIFT STORE

Hillel Architecture inc.
Central Business Building
101 St. John Street
Vancouver, BC
V6A 1A1
(604) 681-1100

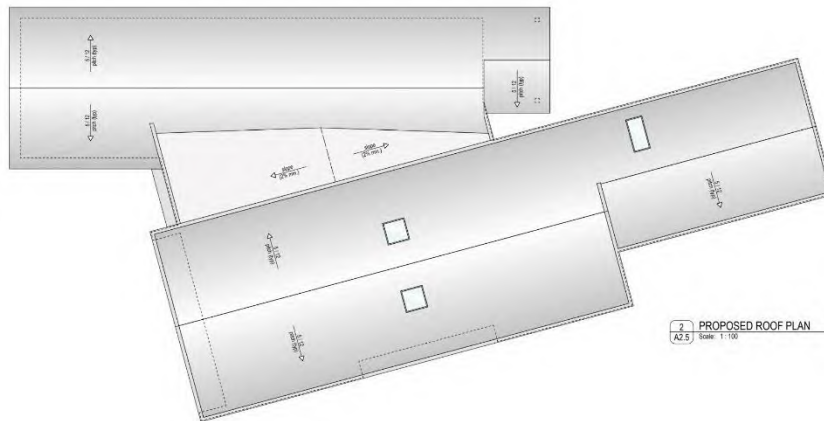
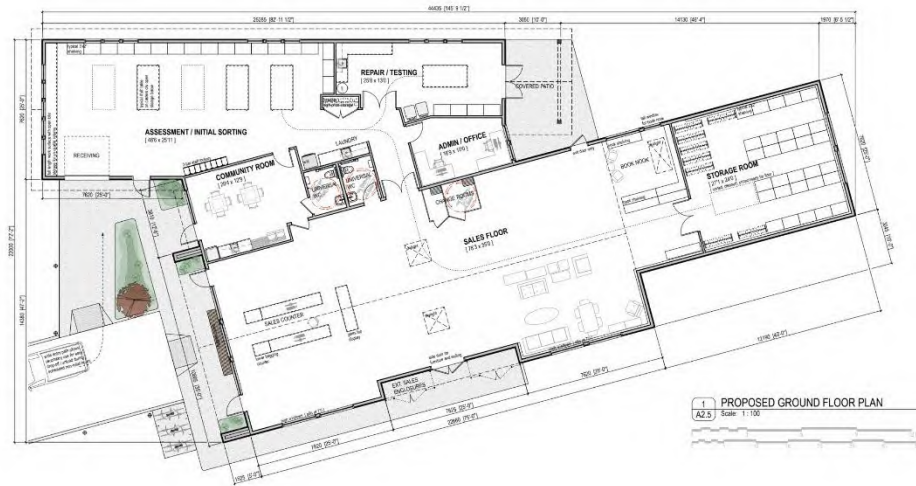
Nu to Yu Community Thrift Store
1400 Bedwell Harbour Road, Pender Island BC

SITE PLAN

Project No: R1
Drawing No: A2.4

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DP-2018.5

SCHEDULE 'B' – FLOOR PLAN



Nu-to-Yu
 COMMUNITY THRIFT STORE



NO.	REV.	DATE	DESCRIPTION
1	1	12 April 2018	Development Permit Sub.
2	1	12 April 2018	Development Permit Sub.
3	1	12 April 2018	Development Permit Sub.
4	1	12 April 2018	Development Permit Sub.
5	1	12 April 2018	Development Permit Sub.
6	1	12 April 2018	Development Permit Sub.
7	1	12 April 2018	Development Permit Sub.
8	1	12 April 2018	Development Permit Sub.
9	1	12 April 2018	Development Permit Sub.
10	1	12 April 2018	Development Permit Sub.

Nu to Yu Community Thrift Store 1000 West 10th Street, Prince Rupert BC	
GROUND FLOOR PLAN	A2.5

NP-DP-2018.5

SCHEDULE 'D' – LANDSCAPE PLAN

SCHEDULE 'E' – SILTATION CONTROL PLAN



SCHEDULE 'E' – STORMWATER MANAGEMENT PLAN





Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 193 Date: April 18, 2024

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The purpose of this bylaw is to make minor and technical amendments to the Mayne Island Land Use Bylaw No. 146, 2008. The bylaw includes: setback changes, minor changes to site specific zoning, site specific zoning for properties with existing temporary use permits, expansion of permissions for contractor yards.

GENERAL LOCATION:

Mayne Island Local Trust Area

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/mayne/projects/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Regional Parks and Community Services
Island Health
Mayne Island Fire Rescue
Mayne Island Agricultural Hall Society
Campbell Bay Musicfest Society

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

193

(Bylaw Number)

(Name and Title)

(Agency)

DATE OF MEETING: June 14, 2024

TO: North Pender Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit – Emergency Service Worker Accommodation
Applicant: Pender Island Fire Protection Society c/o Mike Dine
Location: Hall #1 - 4423 Bedwell Harbour Road
Hall #2 – 47284 Schooner Way

RECOMMENDATIONS

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2024.5 for a period of three (3) years.

REPORT SUMMARY

The purpose of the report is to seek approval from the Local Trust Committee (LTC) for a Temporary Use Permit (TUP) application from the Pender Island Fire Protection Society to establish worker accommodation units at North Pender Island Fire Halls 1 and 2 to provide accommodations for emergency response staff.

BACKGROUND

The Pender Island Fire Protection Society and Fire Chief Mike Dine have approached the LTC with a proposal to establish portable housing units at Fire hall 1 and 2. Each portable unit to house up to two emergency service workers at any one time. The subject properties are located at 4423 Bedwell Harbour Road (Hall 1) and 47284 Schooner Way (Hall 2). **Figure 1. Property Locations**



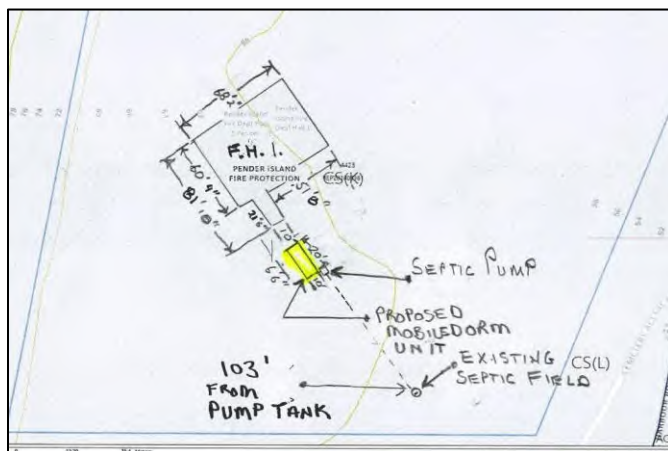
Hall 1



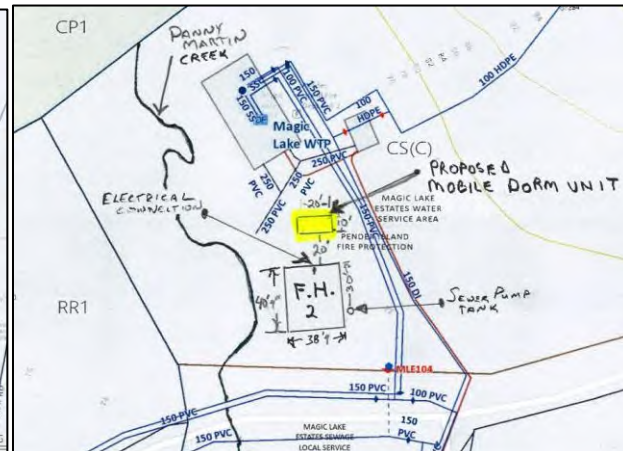
Hall 2

The housing units will be sited adjacent to each hall as shown in Figure 2. The proposed location of each unit is well-selected to reduce visual siting from the roadway and neighbouring properties.

Figure 2: Detail Site Plan and Photos



Hall 1

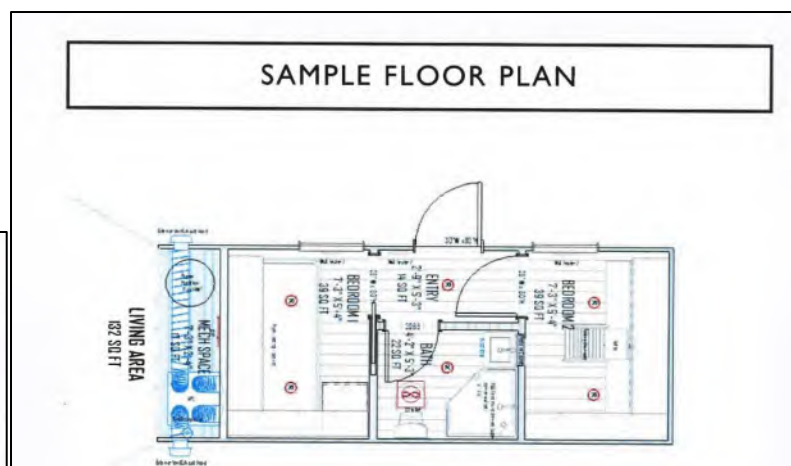


Hall 2



The housing units will include two bedrooms, a shared bathroom and a shared entry-way. Each unit will be connected to existing water and septic services. The units will be similar to what is shown in Figure 3.

Figure 3. Sample Exterior Design and Floor Plan



Additional site context is included in Attachment 1. A copy of the TUP notice and proposed permit NP-TUP-2024.5 are Attachments 2 and 3, respectively.

Staff visited the sites in February and May 2024. No issues were identified with the proposed siting of the housing units during these site visits.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.8.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

The temporary uses as outlined in the TUP application are consistent with the above policies.

Official Community Plan

The properties are designated Community Services (CS). Staff are of the view that the TUP as proposed is consistent with the Community Service and other policies of the OCP.

There are no development permit areas on either property.

Land Use Bylaw

The properties are site-specific zoned as Community Services (c) and (k). Issuance of the TUP would permit emergency worker housing as it is currently not a permitted use in the CS (c) or (k) zones. To ensure adherence to bylaw provisions and to minimize impacts to the community, the TUP conditions require:

- a) A maximum of one temporary mobile housing structure may be installed at each subject property in accordance with Schedules 'A' and 'B' of the permit;
- b) The maximum floor area of each temporary mobile housing structure must be no greater than 18.6 m²;
- c) A maximum of two (2) emergency service personnel workers may be accommodated in any one temporary mobile housing structure at any one time;
- d) A parking area that will accommodate a minimum of two (2) vehicles for worker accommodation is required for each temporary mobile housing structure and must be wholly contained on each subject property;
- e) Each temporary mobile housing structure must be connected to existing water and septic infrastructure prior to use and maintained in proper working order.

Issues and Opportunities

TUPs

A temporary use permit may allow a use not permitted by zoning, specify conditions under which the use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. This is a mechanism that facilitates a short term use, either a use that is intended to be ephemeral, or, as is the case here, allows the use to be initiated while determining its compatibility for the property through potential future rezoning.

Potential Rezoning through Housing Project

The LTC is currently working its housing project. Rezoning of the subject properties to permit accessory worker housing outright at each hall could be considered by the LTC as part of the housing project bylaw amendments. This would allow the applicant, who is a not-for-profit society, to avoid future TUP and rezoning applications, and would also provide more certainty for emergency response workers and management as access to housing is a constraint to the provision of effective emergency services.

Land Use Considerations

The subject parcels are both large and well buffered from the local neighbourhood and the proposed siting of the housing units reduce site lines from the road and neighbouring properties. With water and septic required to be connected to existing services, there should be no significant impact to the local residents or environment.

In this case, staff are of the view that the negative impacts will be minimal, and the community will benefit from having increased housing to support emergency service workers.

Consultation

TUP and Notice was circulated to surrounding property owners and residents (Attachment 3). The required advertisement was placed in the *Driftwood* on June 5, 2024. The notification period ended at 4:30 p.m. on June 5, 2024.

At the time of writing, staff have received zero (0) submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. As there is no expected excavation required to site the housing units and the parcels are already fully developed, there is limited risk to archaeological sites. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicant.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The TUP would facilitate testing the proposed use on the subject properties prior to potential rezoning to permit the use outright;

- The rationale for the TUP is reasonable and the community will benefit from having increased housing for emergency service workers;
- The permit as drafted provides conditions consistent with OCP guidelines and bylaw provisions to ensure that the use does not have an unreasonable impact on the local area; and,
- Notification to date has generated no concerns regarding the application.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Amend/Add conditions

The LTC may wish to amend the TUP by amending or adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2024.5 (Dine) by adding/amending the following conditions: _____; and,

That the North Pender Island Local Trust Committee approve Temporary Use Permit application NP-TUP-2024.5 (Dine) as amended.

3. Deny the application

The LTC may deny the applications and proceed no further.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Temporary Use Permit application NP-TUP-2024.5 (Dine).

Submitted By:	Brad Smith, Island Planner	May 30, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	May 31, 2024

ATTACHMENTS

1. Site Context
2. Notice for TUP
3. Draft TUP

NOTICE
NP-TUP-2024.5
North Pender Island Local Trust Committee

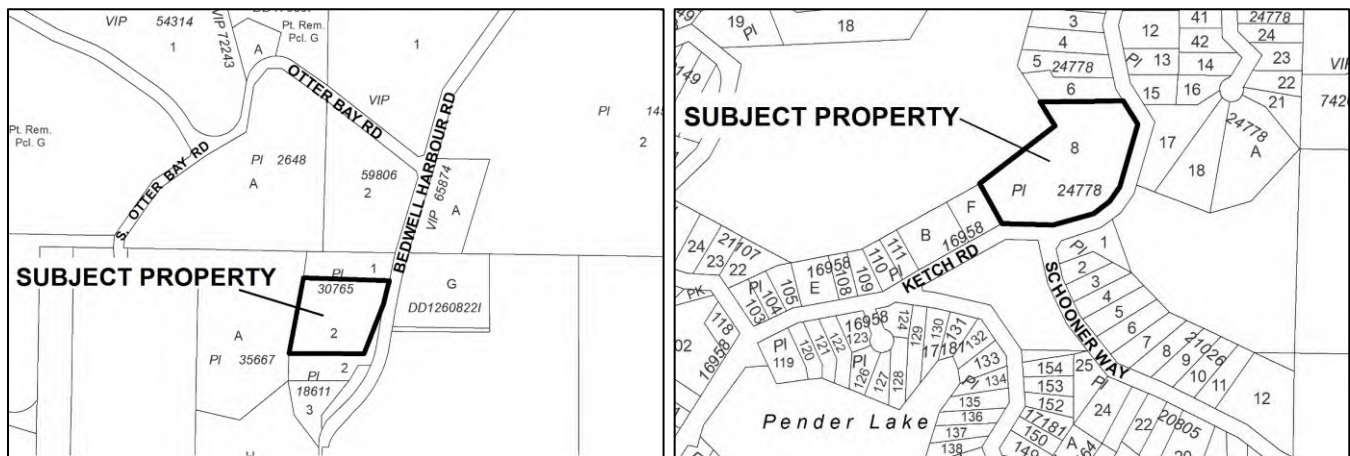
NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit.

The proposed permit would apply to LOT 2, SECTION 15, PENDER ISLAND, COWICHAN DISTRICT, PLAN 30765 (PID: 001-227-904) and LOT 8, SECTION 10, PENDER ISLAND, COWICHAN DISTRICT, PLAN 24778 (PID: 002-818-388). The properties are located at 4423 Bedwell Harbour Road and 47284 Schooner Way Road, North Pender Island.

The purpose of this temporary use permit would be to permit a worker accommodation use via temporary mobile housing structures providing housing for emergency service personnel.

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

The general location of the subject properties are shown on the following sketches:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **May 24, 2024** and continuing up to and including **June 5, 2024**.

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

Enquiries or comments should be directed to Brad Smith at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **June 5, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the special meeting starting at **10:00 a.m. on June 14, 2024**, to be held **electronically via zoom**.

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



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2024.5 (Dine)

4423 Bedwell Harbour Rd
47284 Schooner Way

To: Capital Regional District c/o Pender Island Fire Protection Society

1. This Permit applies to the land described below:

Hall #1 - 4423 Bedwell Harbour Road
LOT 2, SECTION 15, PENDER ISLAND, COWICHAN DISTRICT, PLAN 30765 (PID: 001-227-904)

Hall #2 – 47284 Schooner Way
LOT 8, SECTION 10, PENDER ISLAND, COWICHAN DISTRICT, PLAN 24778 (PID: 002-818-388)

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

a) **Worker accommodation** use via temporary mobile housing structures providing housing for emergency service personnel.

3. The uses may be carried out subject to the following conditions and specifications shown on Schedules 'A', 'B', and 'C' attached to and forming part of this permit:

- a) A maximum of one temporary mobile housing structure may be installed at each subject property in accordance with Schedules 'A' and 'B';
- b) The maximum floor area of each temporary mobile housing structure must be no greater than 18.6 m²;
- c) A maximum of two (2) emergency service personnel workers may be accommodated in any one temporary mobile housing structure at any one time;
- d) A parking area that will accommodate a minimum of two (2) vehicles for worker accommodation is required for each temporary mobile housing structure and must be wholly contained on each subject property;
- e) Each temporary mobile housing structure must be connected to existing Capital Regional District water and septic infrastructure prior to use and maintained in proper working order;
- f) 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 for the purpose of investigating a complaint.

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

5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

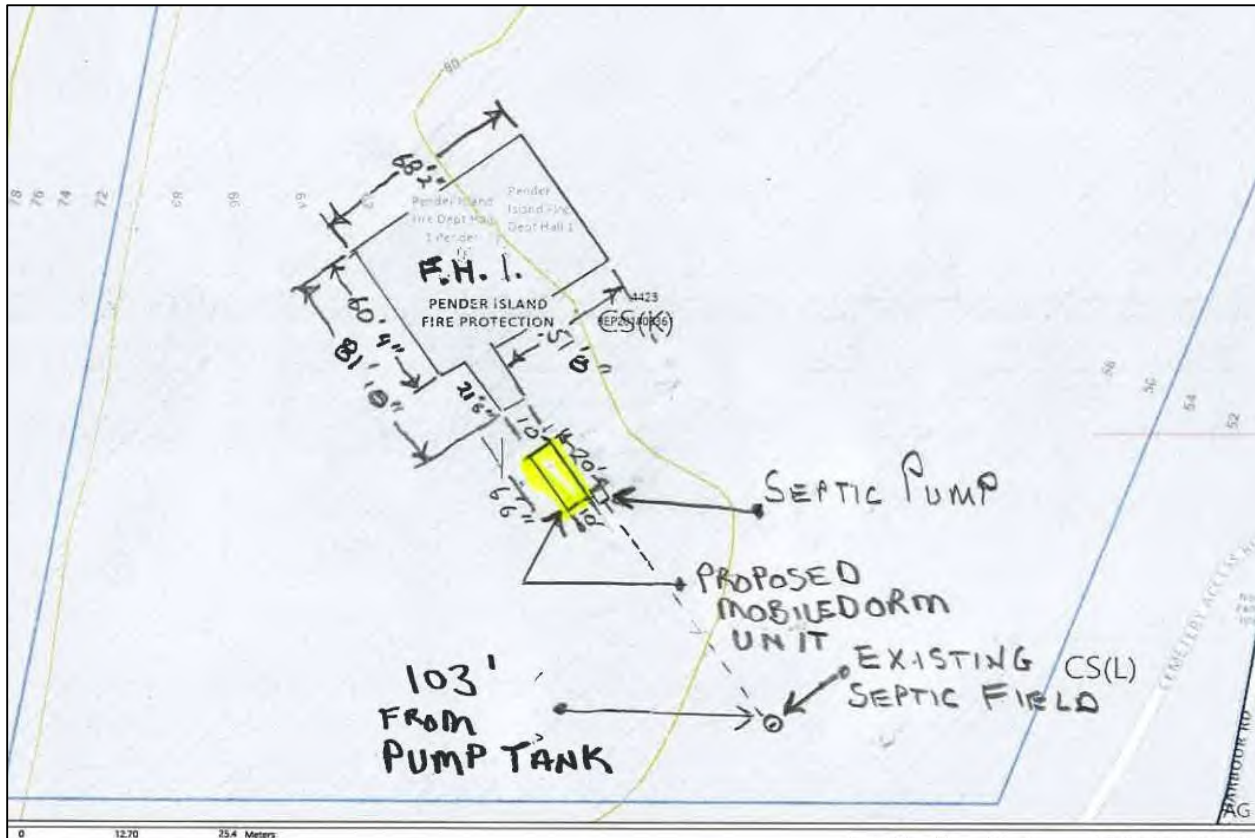
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XXXX, 2024.

Deputy Secretary, Islands Trust

Date Issued

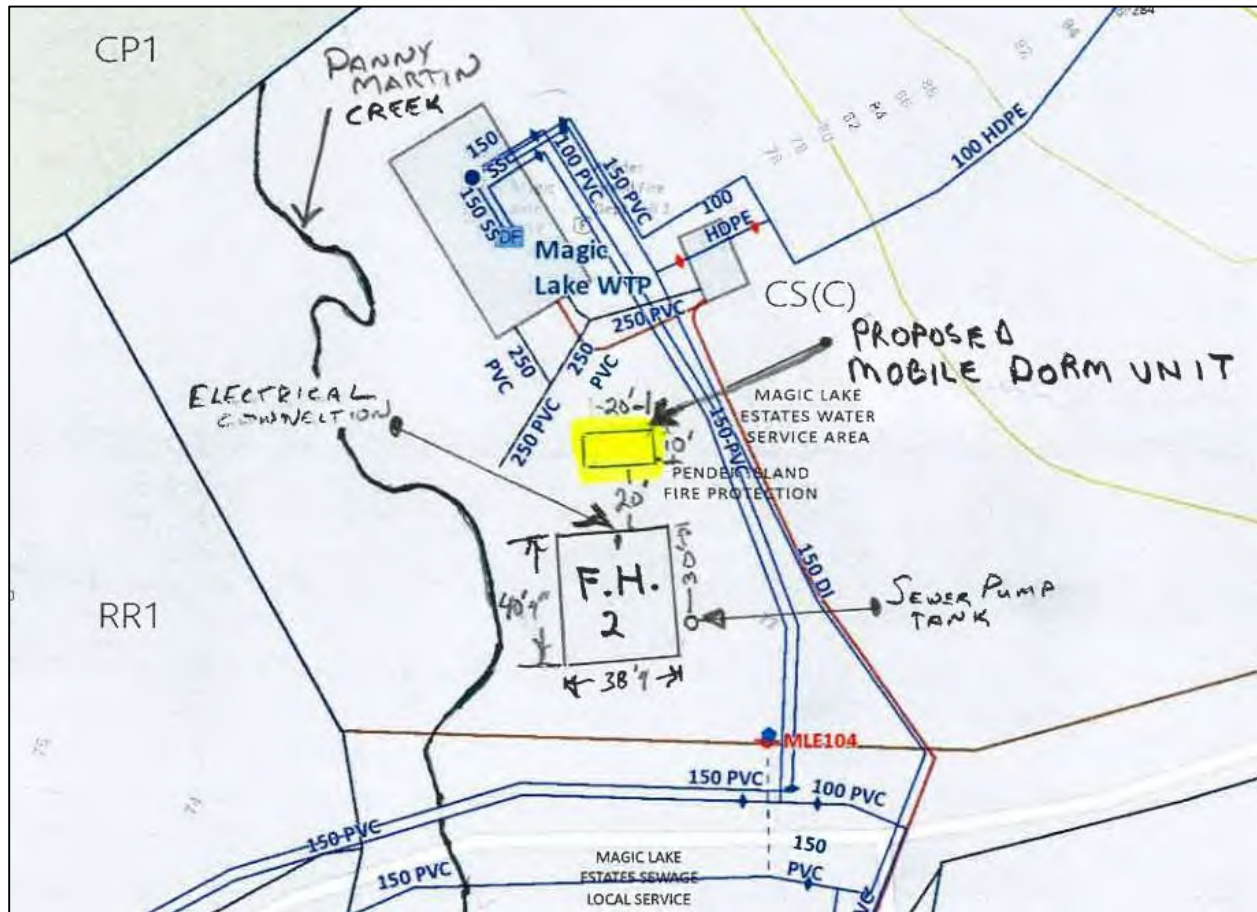
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2024.5
SCHEDULE 'A'

SITE PLAN – FIRE HALL #1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2024.5
SCHEDULE 'B'

SITE PLAN – FIRE HALL #2

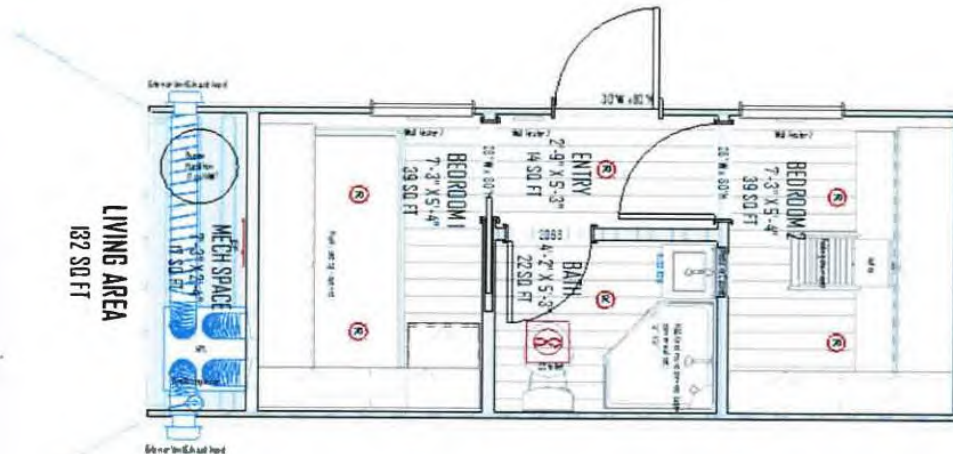


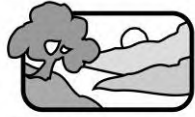
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2024.5
SCHEDULE 'C'

SAMPLE DESIGN AND FLOOR PLAN



SAMPLE FLOOR PLAN





DATE OF MEETING: June 14, 2024
TO: North Pender Island Local Trust Committee
FROM: Brad Smith
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit Application
Applicant: Joseph Houssain
Location: 6601 Razor Point Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee not approve the two variance requests for the proposed primary dwelling and amend draft Development Variance Permit NP-DVP-2024.3 to remove the following two clauses and associated schedule map references:
 - a. Article 3.3 (1) (a) which states that no building or structure may be sited within 15 metres upland of the natural boundary of the sea is varied to permit the siting of a new dwelling with attached terraces within a minimum of 6.47 m upland from the natural boundary of the sea;
 - d. Subsection 5.2 (9) which states that the maximum floor area for a dwelling on a lot 1.2 hectares or greater must not exceed 418.0 m², is varied to permit a dwelling with a maximum floor area of 1132.1 m².
2. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2024.3, as amended.

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) application for proposed residential development at 6601 Razor Point Road, North Pender Island. The applicant is seeking variances to:

- The setback to the natural boundary of the sea for a new primary dwelling and attached terraces;
- Maximum floor area provisions for the new primary dwelling and a new cottage; and,
- The maximum height allowance for a new accessory studio building.

RATIONALE FOR RECOMMENDATIONS

The recommendation to deny the variances for the primary dwelling are supported as:

- The proposed variance exceeds the maximum North Pender Land Use Bylaw No. 224 (LUB) floor area provision by over 714 m² (7685 square ft) which represents a 270% increase above the currently permitted 418 m² maximum floor area just established in 2023;
- The design and siting of the dwelling may also have visual impacts to adjacent properties and as seen from the water and requires tree removal and habitat incursion that could potentially be avoided with a more modest house size or different design;
- While the setback variances for the proposed dwelling may be reasonable on their own, and some variance to maximum floor area would also reasonable given the nature of the property, staff do not support such a large variance request for floor area in conjunction with the setback variances
- Adjustments to building design to reduce the floor area to a more reasonable size could be supported by staff.

The recommendation to approve the variances for the cottage floor area and accessory building height are supported as:

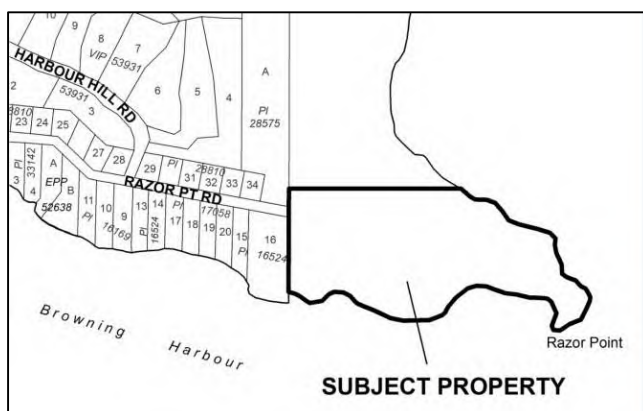
- The variances are less impactful to neighbours as the buildings will be less visible from external properties and as seen from the water;
- The size of the parcel attributes itself to a large cottage size;
- The proposed variances do not challenge the intent of the regulation; and,
- There have been no concerns raised to date as part of the notification process.

BACKGROUND

The property owner has submitted a variance application for proposed residential development at 6601 Razor Point Road (Figure 1). The variance request includes allowance for a larger floor area for the primary dwelling and accessory cottage than what is currently permitted in the North Pender Land Use Bylaw No. 224 (LUB), siting variance for setbacks for the primary dwelling, and a variance to the permitted building height for an accessory studio building.

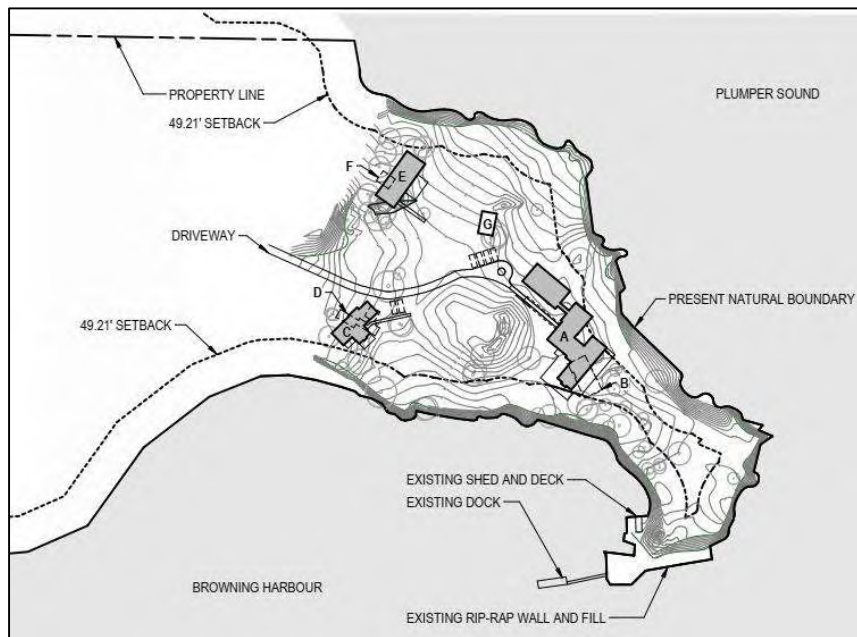
There is currently one existing dwelling on the lot as well as a cottage that is in disrepair and several other accessory buildings and residential use structures. If approved, the development would replace the existing house and cottage with new buildings.

Figure One - Subject Property



The proposed development plan for the property is as shown below:

Figure 2. Development Plan

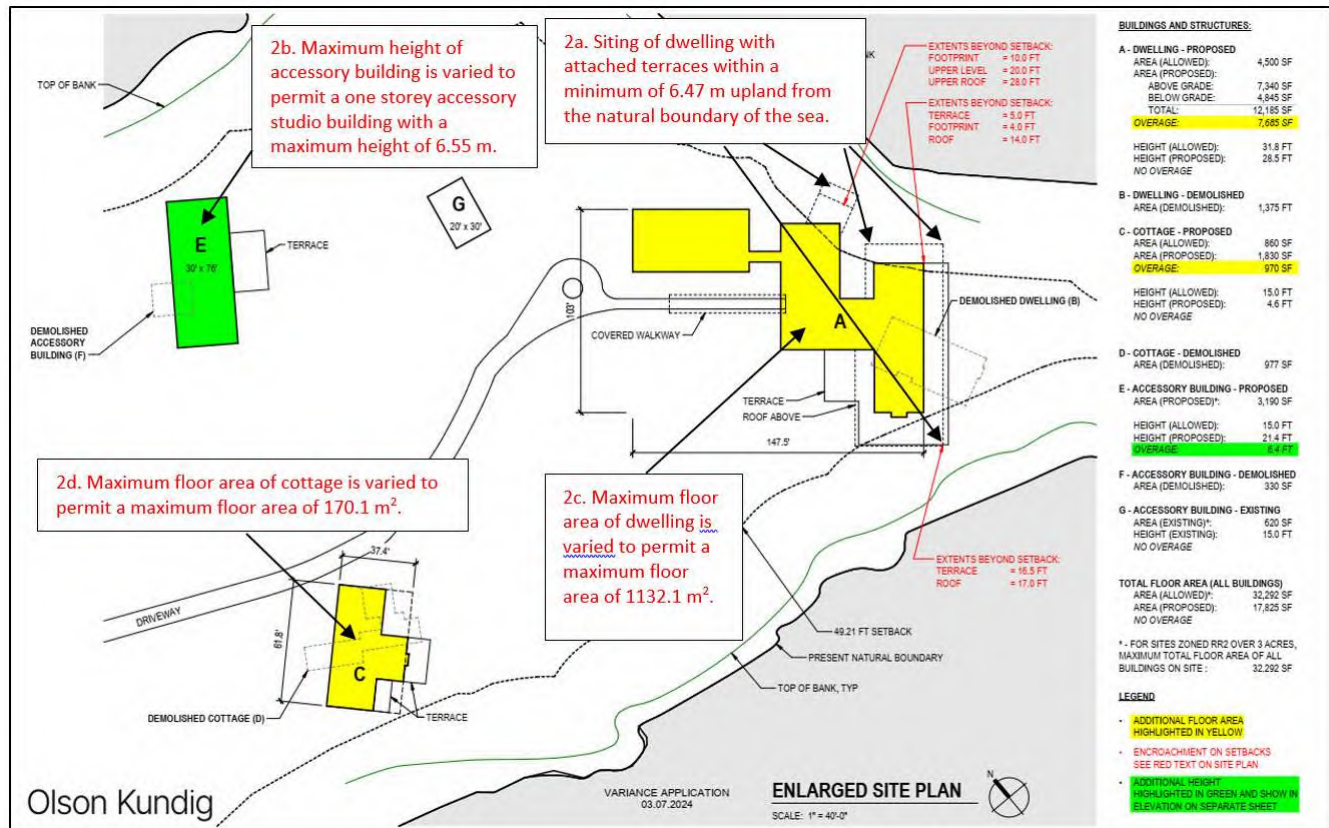


The specific LUB variances being requested in respect of the proposed development include:

- a) Article 3.3 (1) (a) which states that no building or structure may be sited within 15 metres upland of the natural boundary of the sea is varied to permit the siting of a new dwelling with attached terraces within a minimum of 6.47 m upland from the natural boundary of the sea;
- b) Subsection 3.4 (3), which states that an accessory building may not exceed 4.6 m in height and one storey, is varied to permit a one storey accessory building with a maximum height of 6.55 m;
- c) Subsection 5.2 (9) which states that the maximum floor area for a dwelling on a lot 1.2 hectares or greater must not exceed 418.0 m², is varied to permit a dwelling with a maximum floor area of 1132.1 m²;
- d) Subsection 5.2 (10) which states that the maximum floor area of a cottage must not exceed 80 m², except for a cottage located in the Agricultural Land Reserve is permitted to have a maximum floor area of 90 m², is varied to permit a cottage with a maximum floor area of 170.1 m².

The following site plan shows the proposed variances in more detail for each proposed building.

Figure 3. Site Plan Showing Proposed Variances



Staff visited the subject property in February and May 2024. Additional site context is included in Attachment 1 and maps and photos are included in Attachment 2. A copy of the statutory notices and proposed permits are included as Attachments 3 and 4. A rationale letter from the applicant is included as Attachment 5.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject parcel is designated as **Rural** in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007 (OCP). Relevant residential OCP policies with respect to the requested variances include:

Residential Land Uses

2.1.A Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island.

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

- The design and construction of a dwelling should incorporate energy efficient features.*
- Installation of a freshwater collection and storage system with a minimum cistern storage capacity of 18,000 litres.*

- c) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.*
- d) Limit site coverage of impermeable surfaces.*
- e) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation and unnecessary removal of trees should be avoided.*
- f) Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.*
- g) Maximize undisturbed areas and consider measures for protect sensitive ecosystems.*
- h) Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.*

There are some Woodland and Intertidal Development Permit Areas (DPA) located on the subject property but not within the vicinity of the proposed development.



Land Use Bylaw:

The subject parcel is zoned **Rural Residential 2 (RR2)** in the LUB. The RR2 zone permits one house, one secondary suite and one cottage on any lot over 1.2 ha. The maximum floor area for the dwelling may not exceed 418 m² for a lot greater than 1.2 ha. The maximum floor area for the cottage may not exceed 80 m². These floor area limits were established in 2023 as part of the LTC's LUB review project.

The subject parcel is 10.89 ha (26.9 acres). The minimum average lot size for subdivision in the RR2 zone is 0.6 ha. As such, the lot has the subdivision potential to create up to 18 minimum 0.6 ha average lots.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

As the lot is very large and isolated from direct neighbours, there would be relatively little direct impact to neighbours. However, the proposed siting of the house near the end of the point will make it observable from some shoreline properties and the marine environment, including marine traffic travelling through Plumper Sound and Navy Channel. Proposed tree removal to site the dwelling may result in further visual impacts.

Initial discussions between the property owner and staff involved a potential variance of approximately 140 – 232 m² (~1,500- 2500 sq ft). The addition of the basement in the plan, with 450 m² (4845 sq ft) below grade, dramatically alters what was originally proposed and what staff indicated they could potentially support.

The siting of the cottage is less impactful than the primary dwelling as the location on the lot is more sheltered from visual impacts and the size of the structure is more reasonable. The siting of the accessory studio building is located well within the forest and will have no visual or other neighbourhood impacts due to a higher building height.

Development of all three buildings will require some tree removal. While there are no specific sensitive ecosystems on the property, the parcel is located within the Coastal Douglas Fir ecological zone and some of these tree species will require removal. As there are no Woodland or other DPAs in the area of development, there is no specific protection afforded to these trees.

The Intent of the Regulation being Varied

The overall purpose of the zoning requirements with respect to maximum floor area, siting within setbacks and maximum building height are to:

- Apply OCP policies in respect of maximum floor area to preserve and maintain rural character and to minimize resource and energy demands on the island.
- Limit the impact of development on the environment, including the marine environment.
- Minimize impacts on adjacent properties including siting and visual impacts.
- Establish a consistent development pattern within the Trust Area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Establish certainty with respect to residential development by maintaining consistent siting regulations.

In this case, staff are of the view that the proposed variances to permit the over height accessory building and larger cottage are reasonable do not affect the intent of the regulation being varied.

Staff are also of the view that the requested variances for the dwelling, and in particular the maximum house size, may impact the intent of the regulation being varied and should not be approved as proposed.

Potential Impacts of Granting the Variance

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

Although staff do recognize that the parcel is unique and large enough to accommodate such a large dwelling, in this case, staff are of the view that granting a variance for a dwelling with a maximum floor size greater than 270% of the newly established floor area limit (totalling 714 m²) could create an expectation that floor area limits can be readily varied for houses much greater in size than the maximum permitted.

Covenant Restricting Future Development Potential

Staff did have preliminary discussions with the property owner about the potential for a voluntary covenant that restricts some future development on a portion of the property that is intended to be left undeveloped. This could include areas set aside for protection and/or establishing limits to future subdivision potential to restrict the maximum number of new lots that could be created. While the property owner has done some research to

determine feasibility, the timing and process requirements for granting a covenant can be lengthy, and staff were of the view that it should not hold up the request for variance.

Consultation

DVP Notices were circulated to surrounding property owners and residents as per statutory requirements. A first notice was sent-out on May 15, 2024. This original notice included a draft permit that stated incorrectly the maximum proposed floor area for the primary dwelling. A second notice was subsequently sent on May 29, 2024, that included a revised permit with this error corrected.

Staff have received no responses from neighbouring residents at time of report writing. The notification period ends at 4:30 pm, June 12, 2024. Responses received after the publishing of this staff report will be provided to the LTC prior to the June14 meeting, and spoken to by staff at that meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. There are no archaeological sites identified on the provincial RAAD site in the immediate area, but there is significant archaeological potential identified on the property.

By copy of this report, the owners and applicant should be aware that there is a chance that the upland lots may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. The applicant has also initiated a cultural worker site visit to the property in December 2023 (Attachment 6).

Recommendation

The recommendation on page 1 to deny the variances for the primary dwelling are supported as:

- The proposed variance exceeds the maximum North Pender Land Use Bylaw No. 224 (LUB) floor area provision by over 714 m² (7685 square ft) which represents a 270% increase above the currently permitted 418 m² maximum floor area just established in 2023;
- The design and siting of the dwelling may also have visual impacts to adjacent properties and as seen from the water and requires tree removal and habitat incursion that could potentially be avoided with a more modest house size or different design;
- While the setback variances for the proposed dwelling may be reasonable on their own, and some variance to maximum floor area would also be reasonable given the nature of the property, staff do not support such a large variance request for floor area in conjunction with the setback variances;
- Adjustments to building design to reduce the floor area to a more reasonable size could be supported by staff.

The recommendation on page 1 approve the variances for the cottage floor area and accessory building height are supported as:

- The variances are less impactful to neighbours as the buildings will be less visible from external properties and as seen from the water;
- The size of the parcel attributes itself to a large cottage size;
- The proposed variances do not challenge the intent of the regulation; and,
- There have been no concerns raised to date as part of the notification process.

ALTERNATIVES

1. Approve all variance requests

The LTC may approval the variance permit as presented.

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2024.3.

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 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_____.

3. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Development Variance Permit application NP-DVP-2024.3 (Houssian).

Submitted By:	Brad Smith, Island Planner	June 4, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 6, 2024

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Rationale Letter from Applicant
4. Notices
5. Draft Permit
6. Cultural Worker Site Visit Email

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART OF THE SOUTH EAST 1/4 OF SECTION 12, PENDER ISLAND, COWICHAN DISTRICT, LYING NORTH OF BROWNING HARBOUR
PID	008-942-749
Civic Address	6601 Razor Point Road
Property Size	10.89 ha (26.9 acres)

LAND USE

Current Land Use	Rural Residential 2
Surrounding Land Use	Rural Residential, Water 1

HISTORICAL ACTIVITY

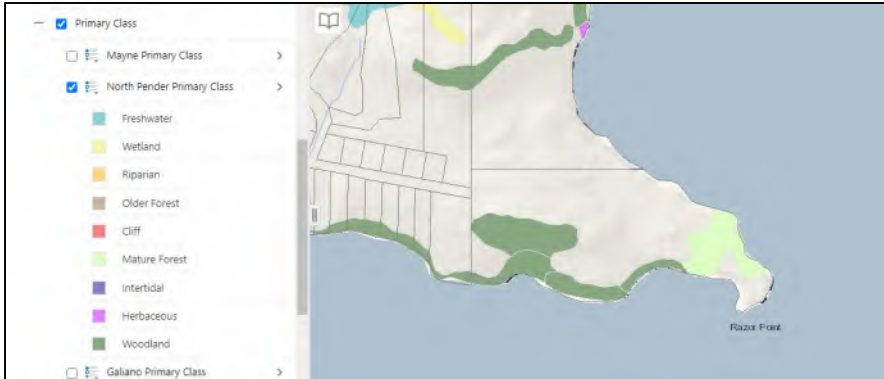
File No.	Purpose
None	N/A

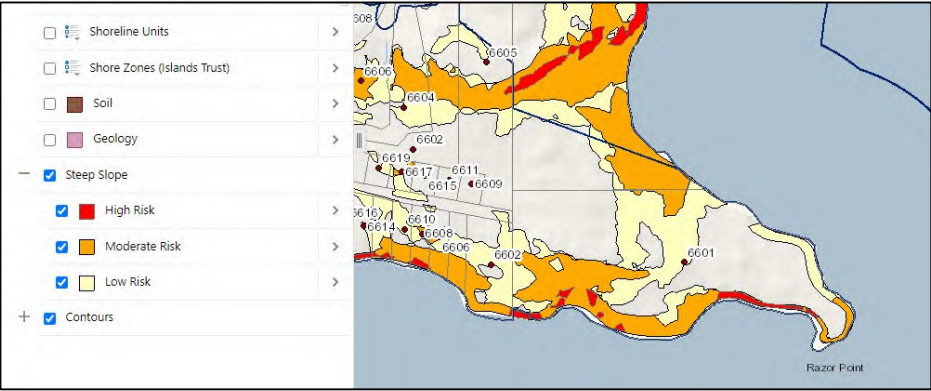
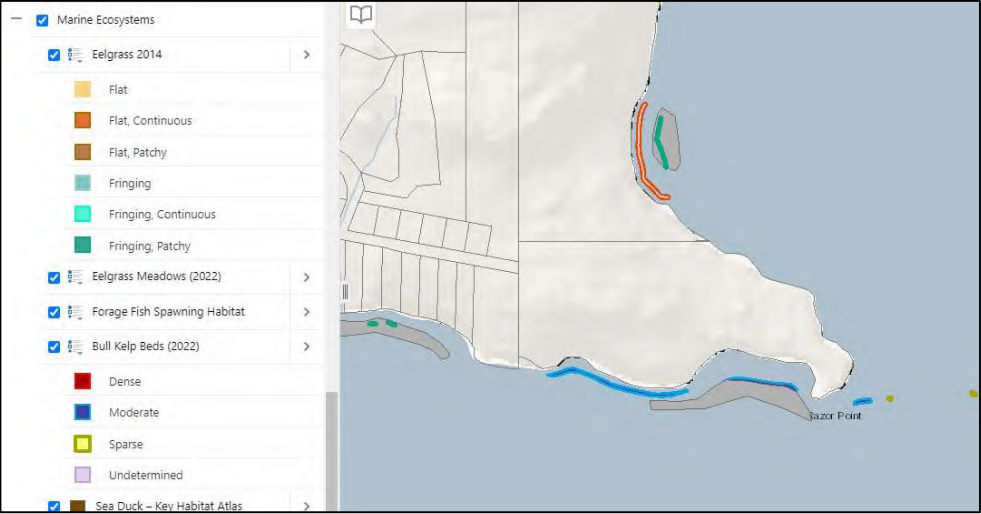
POLICY/REGULATORY

Official Community Plan Designations	Designated as Rural Residential (RR) in the North Pender Island Official Community Plan No.171 <i>DPA's</i> Development Permit Area 1 - Woodland and Intertidal is designated on the property – not located in areas of proposed development 
Land Use Bylaw	Zoned as Rural Residential 2 (RR2) in the North Pender Island Land Use Bylaw No.224, 2022

Other Regulations	N/A
Easement	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The 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 in TAPIS
Sensitive Ecosystems	Mature forest and woodland <i>Sensitive Ecosystem Mapping</i> 

Hazard Areas	<i>Steep Slope Hazard</i> 
Archaeological Sites	No designated sites, there is archaeological potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Low rock/boulder, sand/cobble, altered, coastal banks/bluffs 
Shoreline Data in TAPIS	<i>Marine Sensitive Ecosystem Mapping</i> 

ATTACHMENT 2 – PLANS AND PHOTOS



PHOTO 1. HOUSE TO BE REMOVED – NORTHWESTERN PERSPECTIVE



PHOTO 2. - HOUSE TO BE REMOVED - NORTHERN PERSPECTIVE



PHOTO 3. - HOUSE TO BE REMOVED – VIEW FROM EASTERN PERSPECTIVE



PHOTO 4. - HOUSE TO BE REMOVED – REARVIEW



PHOTO 5. - HOUSE TO BE REMOVED – REARVIEW



PHOTO 6. - HOUSE TO BE REMOVED – AREA FOR NEW HOUSE TO BE LOCATED



PHOTO 7, 8 COTTAGE TO BE REMOVED AND REPLACED WITH NEW COTTAGE





OVERALL SITE PLAN

SCALE: 1" = 150'-0"



BUILDINGS AND STRUCTURES:

	TYPE	STATUS	AVERAGE GRADE	HEIGHT	AREA - EXISTING	AREA - DEMOLISHED	AREA - PROPOSED
A	PRIMARY DWELLING	PROPOSED	32.0 FT	28.5 FT	-	-	7,340 SF ABOVE GRADE 4,845 SF BELOW GRADE
B	PRIMARY DWELLING	DEMOLISHED	-	-	1,375 SF	1,375 SF	-
C	COTTAGE	PROPOSED	43.6 FT	4.6 FT	-	-	1,830 SF
D	COTTAGE	DEMOLISHED	-	-	977 SF	977 SF	-
E	ACCESSORY BUILDING	PROPOSED	37.1 FT	21.4 FT	-	-	3,190 SF
F	ACCESSORY BUILDING	DEMOLISHED	-	-	330 SF	330 SF	-
G	ACCESSORY BUILDING	EXISTING	33.7 FT	15.0 FT	620 SF	-	-

PROPERTY INFORMATION:

PROJECT ADDRESS:
6601 RAZOR POINT RD
PENDER ISLAND, BC V0N 2M1, CANADA

PROPERTY ID (P.I.D.):
008-942-749

LEGAL DESCRIPTION:
THAT PART OF THE SOUTH EAST 1/4 OF SECTION 12,
PENDER ISLAND, COWICHAN DISTRICT, LYING NORTH OF
BROWNING HARBOUR.

LAND USE DESIGNATION:
RR2 (RURAL RESIDENTIAL 2)

LOT SIZE:
26.877 ACRES (PER BC ASSESSOR)

VARIANCE APPLICATION
02.13.2024

Scale = 1" = 30'

Elevations and bearings are based on an assumed datum.

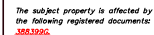
This site plan is for building and design purposes and is for the exclusive use of our client.

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

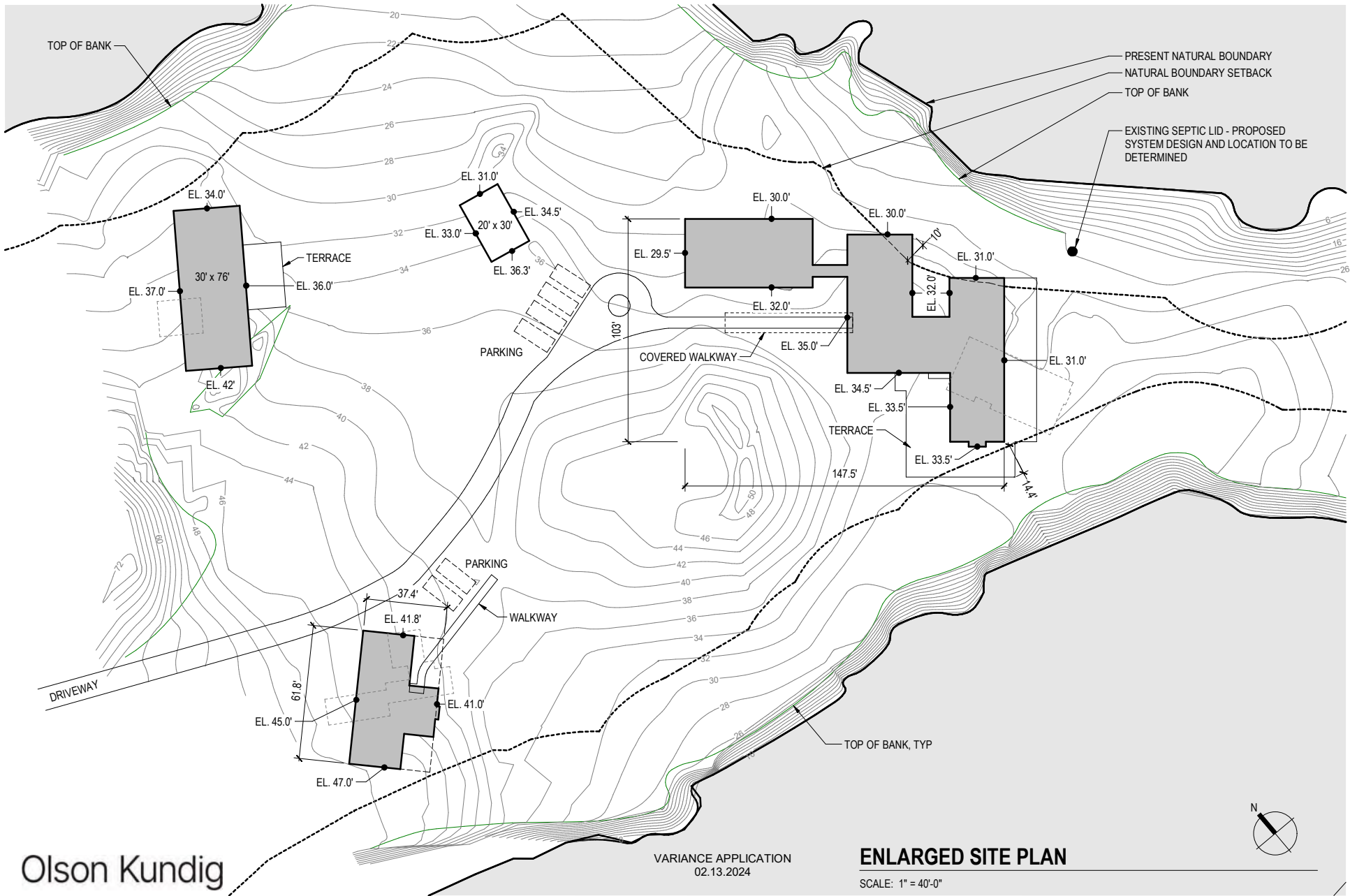
North East 1/4 Of Section 12

Pt South East 1/4 Of Section 12

518



Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 230063 Feet\ST\NO



Olson Kundig

VARIANCE APPLICATION
02.13.2024

ENLARGED SITE PLAN

SCALE: 1" = 40'-0"





105



Olson Kunding, Inc.
159 S Jackson St, Suite 600
Seattle, WA 98104, USA
• 1 206 424 5670
olsonkunding.com

Olson Kundig

project:
RAZOR POINT - COTTAGE
66601 RAZOR POINT RD PENDER ISLAND, BC V0N 2M1, CANADA

stamp/seal:

principal architect:	TK
project manager:	EBC
drawn by:	JS JH MA
checked by:	
job no.:	23026

revisions:

no.:	date:	description:
------	-------	--------------

NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

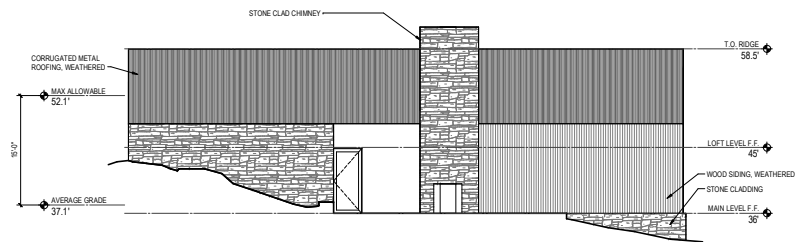
02.13.2024

title:	
--------	--

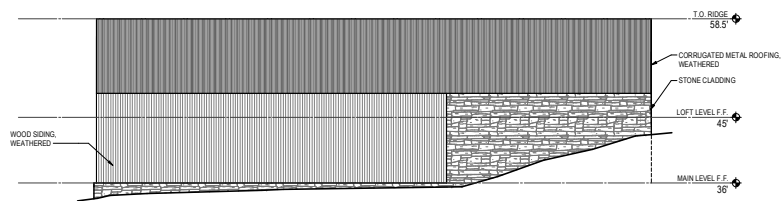
EXTERIOR ELEVATIONS

sheet:

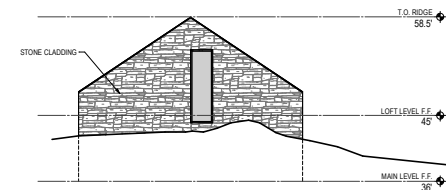
A3.00



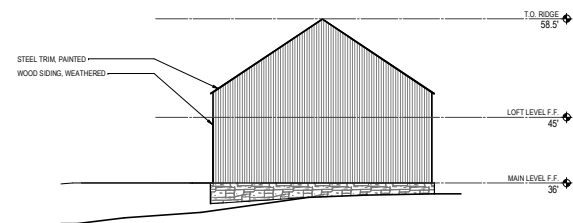
4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"
0' 2' 4' 8' 16'

Olson Kundig, Inc.
100 S. AVENUE 10, SUITE 200
DENVER, COLORADO 80202
+1 (303) 733-8700
olsonkundig.com

Olson Kundig

PROJECT
RAZOR POINT - BARN
6601 RAZOR POINT RD PENDER ISLAND, BC V0N 2M1, CANADA

stampreal:

principal architect: TK
project manager: EBC
drawn by: JS, JH, MP
checked by:
job no.: 23026.00

revisions:

no.: date: description:

NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

02.13.2024

title:

EXTERIOR ELEVATIONS

sheet:

A3.00

March 7, 2024

Re: File NP - DVP - 2024.3

Dear LTC,

Please accept the following letter describing the details and rationale for Development Variance Permit Application (File NPDVP20243) at 6601 Razor Point Road, North Pender Island. The requested variance impacts three proposed structures, addressing setbacks and floor area of a primary dwelling, floor area of a cottage, and height of an accessory building. The exact details of the variances are itemized below and illustrated on the attached drawing.

Structures and Variance Requested:

Primary Dwelling:

- The proposed dwelling utilizes the existing dwelling location with a specific rotation to minimize site impact; however, the proposed siting causes portions of the structure to exist within the defined setbacks of the site.
- Variance is requested to allow the following departures into the setback (preliminary Geotechnical work supports this request):
 - the exterior terrace and roof by 5.2 meters on the west.
 - the upper level by 6 meters on the east.
 - the upper level roof by 8.5 meters on the east.
 - additional minor departures of the exterior terrace and building footprint on the east (see attached drawing).
- Variance is requested for the proposed floor area of 1,132 m², including 450 m² below-grade of basement and storage (an overage of 418 m²). Again, preliminary Geotechnical work supports this request and suggests a basement will provide a more optimal interface between the foundation and bedrock found on site.
- Given property size and characteristics, there are no visual impacts to neighbours related to the siting and size proposed.

Cottage:

- Variance is requested for the proposed floor area of 170 m² (an overage of 90 m²).
- Given property size and characteristics, there are no visual impacts to neighbours related to this structure.

Accessory Building:

- Variance is requested for the proposed building height of 6.5 meters (an overage of 1.9 meters).
- Given property size and characteristics, there are no visual impacts to neighbours related to this structure.

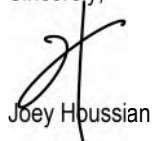
Important to note, this 60-acre property is extremely private, and my closest neighbour is approximately 400 meters away from nearest proposed building site. There is no line of sight or visual impact to others with the proposed plan. Moreover, thoughtful consideration has been given to architectural siting and design by utilizing existing footprints for all 3 proposed structures.

In addition, current zoning would allow significant subdivision and density to be created on this site. I do not have the intention of pursuing maximum density now or in the future and am working on a comprehensive plan that would reduce the subdivision potential and protect certain pieces of the property in perpetuity. I am currently contemplating my options regarding covenants, conservation easements, NAPTEP and other mechanisms. It is my hope that this intention will be considered as it pertains to my variance request outlined herein.

Finally, I have been in conversation with Wsanec First Nations Leadership Council and Ryzuk Geotechnical regarding my plans and have conducted site visits and meetings over the past 6 months with both. Neither group raised concerns with the proposal. I will also continue to proactively engage with the Cultural Monitors of the Wsanec as my construction commences per their request.

Thank you for your consideration and as always, I welcome feedback on my proposed plans and concept.

Sincerely,



Joey Houssian

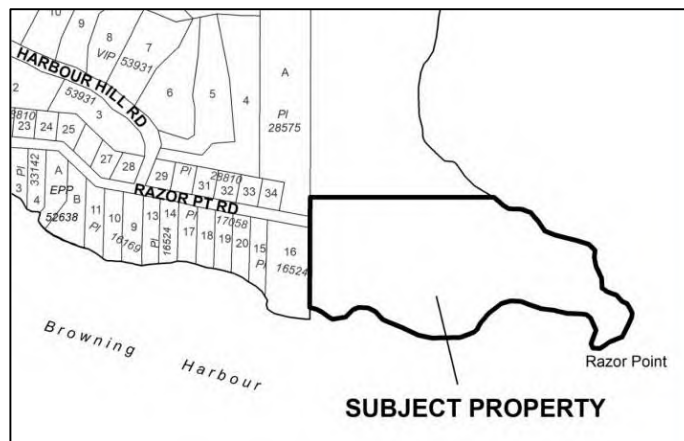
NOTICE
NP-DVP-2024.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224, 2022 by:

- Varying the setback to the natural boundary of the sea for a new primary dwelling and attached terraces;
- Varying maximum floor area provisions for the new primary dwelling and a new cottage;
- Varying the maximum height allowance for a new accessory studio building.

The property is located at **6601 Razor Point Road, Pender Island**, and is legally described as *That Part Of The South East 1/4 Of Section 12, Pender Island, Cowichan District, Lying North Of Browning Harbour*. (PID: 008-942-749)

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **May 24, 2024** and continuing up to and including **June 5, 2024**.

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

Enquiries or comments should be directed to Brad Smith at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **June 5, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the special meeting starting at **10:00 a.m. on June 14, 2024**, to be held **electronically via zoom**.

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

Jas Chonk, Deputy Secretary

**RE-NOTIFICATION
NP-DVP-2024.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

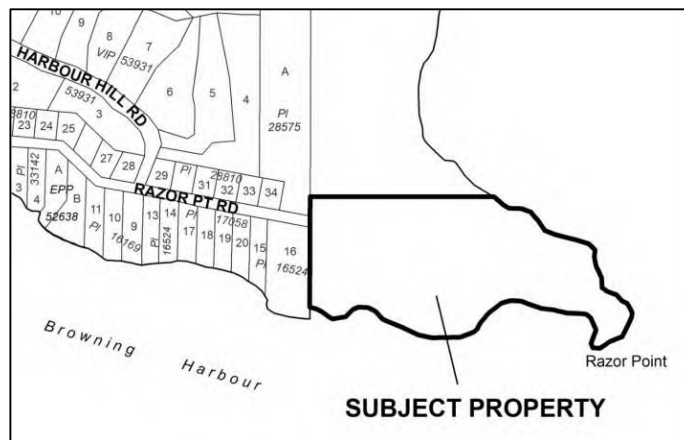
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224, 2022 by:

- Varying the setback to the natural boundary of the sea for a new primary dwelling and attached terraces;
- Varying maximum floor area provisions for the new primary dwelling and a new cottage;
- Varying the maximum height allowance for a new accessory studio building.

A notice was originally sent-out on May 15, 2024. This original notice included a draft permit that stated incorrectly the maximum proposed floor area for the primary dwelling. The revised permit corrects this error.

The property is located at **6601 Razor Point Road, Pender Island**, and is legally described as *That Part Of The South East 1/4 Of Section 12, Pender Island, Cowichan District, Lying North Of Browning Harbour*. (PID: 008-942-749)

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **May 31, 2024** and continuing up to and including **June 11, 2024**.

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

Enquiries or comments should be directed to Brad Smith at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **June 11, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the special meeting starting at **10:00 a.m. on June 14, 2024**, to be held **electronically via zoom**.

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

Jas Chonk, Deputy Secretary



REVISED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2024.3**

To: Joey Houssian

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

That Part Of The South East 1/4 Of Section 12, Pender Island, Cowichan District, Lying North Of Browning Harbour.

2. North Pender Island Land Use Bylaw 224, 2022 is varied as follows:

- a) Article 3.3 (1) (a) which states that no building or structure may be sited within 15 metres upland of the natural boundary of the sea is varied to permit the siting of a new dwelling with attached terraces within a minimum of 6.47 m upland from the natural boundary of the sea;
- b) Subsection 3.4 (3), which states that an accessory building may not exceed 4.6 m in height and one storey, is varied to permit a one storey accessory building with a maximum height of 6.55 m;
- c) Subsection 5.2 (9) which states that the maximum floor area for a dwelling on a lot 1.2 hectares or greater must not exceed 418.0 m², is varied to permit a dwelling with a maximum floor area of 1132.1 m²;
- d) Subsection 5.2 (10) which states that the maximum floor area of a cottage must not exceed 80 m², except for a cottage located in the Agricultural Land Reserve is permitted to have a maximum floor area of 90 m², is varied to permit a cottage with a maximum floor area of 170.1 m².

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XXXX, 2024

Deputy Secretary, Islands Trust

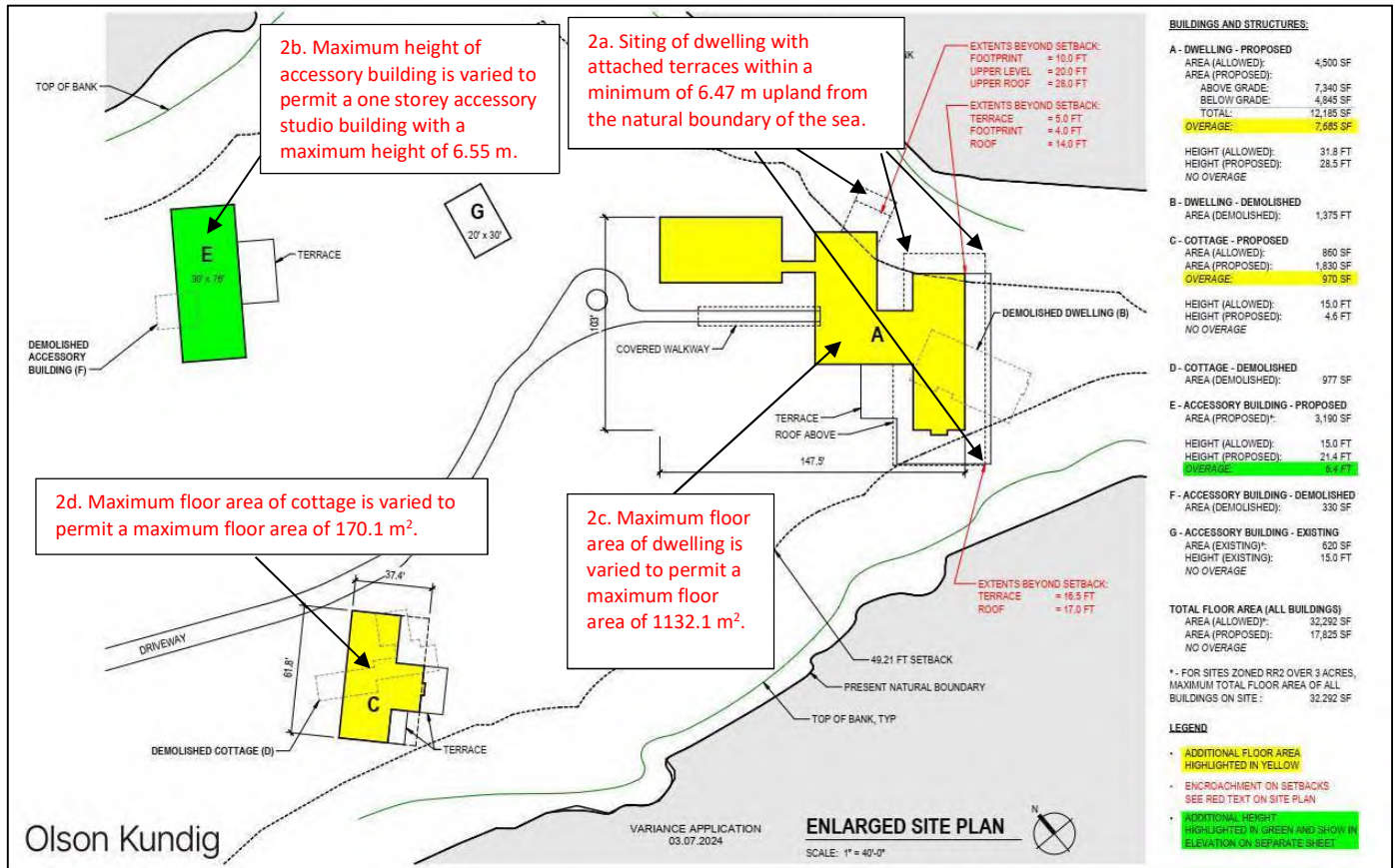
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXTH DAY OF XXXX, 2026 THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2024.3

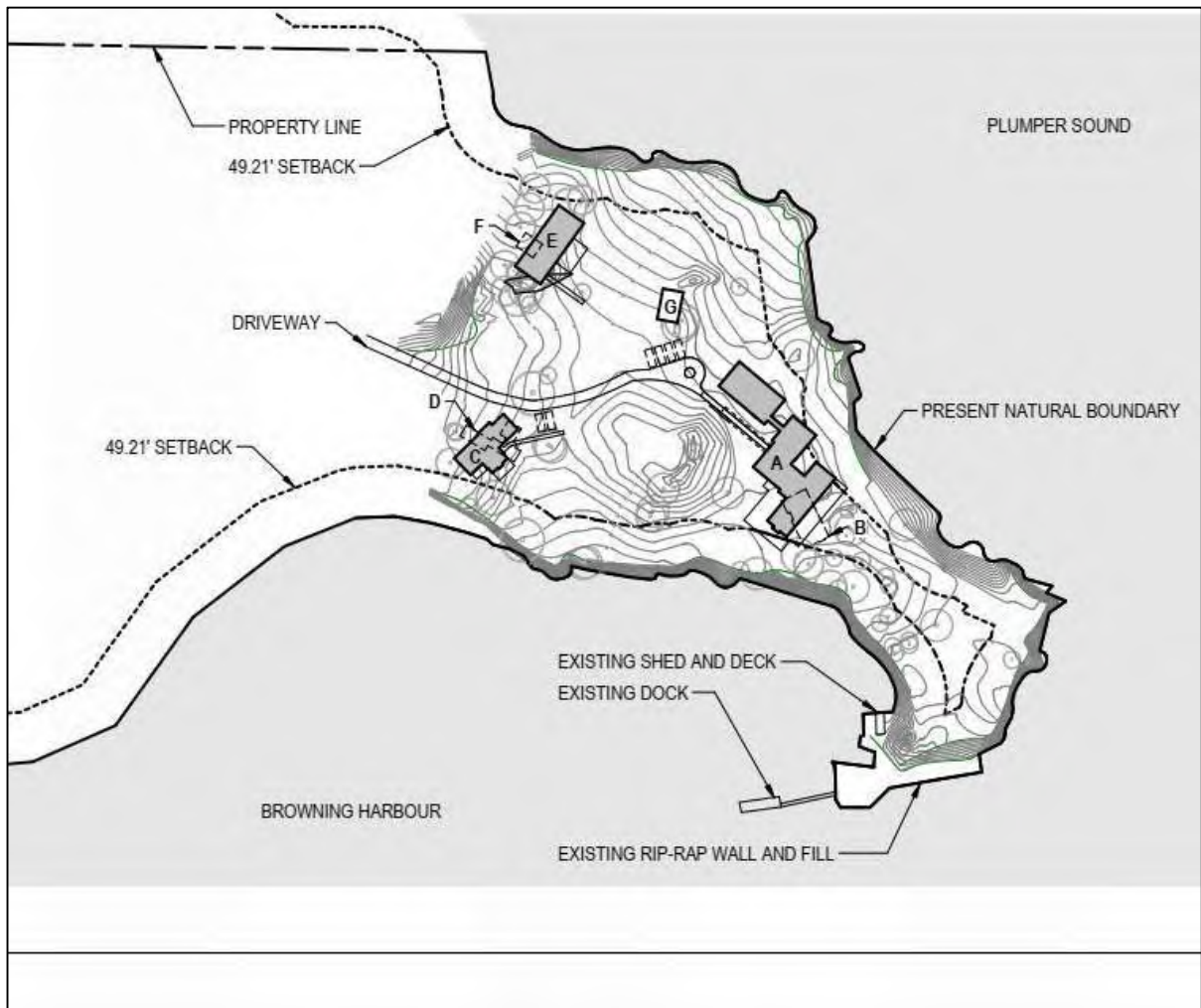
SCHEDULE 'A'



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2024.3

SCHEDULE 'B'



From: Laurie Whitehead <[REDACTED]>
Subject: Re: WLC Invoice 2024_001 for cultural worker site visit on Dec 22, 2023
Date: January 31, 2024 at 12:30:22 PM PST
To: Joey Houssian <[REDACTED]>
Cc: Bill Stafford <[REDACTED]>

Hello Joey,

Following from our call this morning, Corey Joseph's report included the following:

As you and I talked before, seems the best way to go, is to monitor deconstruction of old buildings, any excavation for new ones. Also be good to survey around property for burial cairns, and culturally modified trees as Joey plans to have a disc golf course, for personal use.

We had a brief look around where the work will be done, did not see anything suspicious, as the land has been worked so much over the years. Not to say there is no concern, there is high possibility of culturally sensitive materials under buildings, below surface of worked ground.

Joey is very open to having us back out to property, to have a better look at disk golf course, as well as other areas.

Feel free to share this e-mail with the Islands Trust as part of your variance application, and as per Corey's recommendation, please contact us to schedule a monitor to be present in advance of demolition and excavation activities, and to assess the disc golf course footprint.

Also regarding payment options, Bill Stafford will be in touch with a replacement invoice that has provisions for credit card as a payment option - he is copied here.

After we spoke I looked online and found information about the Scholarship of the Pacific - the recipients that I mentioned are featured on the page (Jaasaljuus Yakujanaas and Rayne Boyko). What a wonderful initiative.

Best,
Laurie

Laurie Whitehead, Referrals Manager
W̱SÁNEĆ Leadership Council
800b Stellys Cross Rd
Saanichton, BC V8M 1J4
[REDACTED]