



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 10:00 AM, TUESDAY, APRIL 10, 2012 AT THE FIRE HALL AT 8961 GOWLLAND POINT ROAD SOUTH PENDER ISLAND, B.C.

***Approximate** time is provided for the convenience of the public only and is subject change without notice.

	Page #	*Approx. Time*
1. CALL TO ORDER		10:00 am
2. APPROVAL OF AGENDA		
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING - none		
4. PUBLIC HEARING - none		
5. PREVIOUS MEETINGS		10:05 am
5.1 Adopted Local Trust Committee Minutes (for information only)		
5.1.1 Local Trust Committee Business Meeting Minutes of February 14, 2012 (attached)	1	
5.2 Public Hearing Records and Community Information Meeting Notes - none		
5.3 Section 26 Resolutions-without-meeting (attached)	11	
5.4 Advisory Planning Commission Minutes – none		
6. BUSINESS ARISING FROM THE MINUTES		10:10 am
6.1 Follow-up Action Report (attached)	12	

7.	DELEGATIONS		10:15 am
7.1	Ryan Evanoff, Ministry of Transportation & Infrastructure (attached)	14	
7.2	Paul Petrie, PICA – Report on Brooks Point Ecological Inventory Project (attached)	20	
8.	CORRESPONDENCE - none <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS		10:55 am
9.1	SP-DVP-2012.1 (Hol) (attached)	46	
9.2(a)	SP-SUB-2011.2 (Cadez) (attached)	59	
9.2(b)	SP-ALR-2012.1 (Cadez) (attached)	69	
9.3	Referral of Proposed North Pender Bylaw No. 190, Land Use Bylaw Amendment No. 1, 2012 (attached)	79	
10.	LOCAL TRUST COMMITTEE PROJECTS		12:55 pm
10.1	Land Use Bylaw Review 2012 – amendments (attached)	127	
10.2	Shoreline Review (attached)	134	
10.3	Advisory Planning Commission Memo (attached)	135	
11.	REPORTS		2:55 pm
11.1	Work Program Reports		
11.1.1	Adopted Policies and Standing Resolutions; and Objectives For Information – (attached)	138	
11.1.2	South Pender Island Local Trust Committee Work Program – March 2012 (attached)	139	
11.2	Applications Report		
11.2.1	South Pender Island Applications Report dated March, 2012 (attached)	141	
11.3	Expense/Budget Reports		
11.3.1	Trustee and Local Expenses (attached)	143	
11.4	Bylaw Enforcement Report - none		
11.5	South Pender LTC Web Page (attached) – For Information	144	
11.6	Chair’s Report		
11.7	Trustee Report		

- 12. OTHER BUSINESS** 3:10 pm
- 12.1 Upcoming Meetings**
12.1.1 Next Business Meeting – Tuesday, June 19, 2012 at 10:00 am, at the South Pender Fire Hall
- 12.2 A Strategic Approach to Islands Trust Communications** (attached) **146**
- 12.3 Annual Report** (attached) **149**
- 12.4 Community Survey - Discussion**
- 12.5 Joint Penders Meeting – Discussion**
- 13. MOTION TO CLOSE MEETING** 3:30 pm
THAT, pursuant to Section 90(1)(c) of the Community Charter, the South Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering of APC Appointments and adopting Minutes of March 15, 2011 Local Trust Committee In Camera Meeting; and further that Islands Trust Staff and Recording Kathy Gilbert remain present.(distributed under separate cover)
- 14. RECALL TO ORDER**
- 15.1 Rise and Report from Closed Meeting**
- 15. TOWN HALL** 3:50 pm
- 16. ADJOURNMENT** 4:10 pm

ADOPTED

5.1.1

**MINUTES OF THE SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON TUESDAY, FEBRUARY 14, 2012, AT 10:00 AM
AT THE FIRE HALL, 8961 GOWLLAND POINT ROAD,
SOUTH PENDER ISLAND, BC**

PRESENT:	Ken Hancock	Chair
	Elizabeth Montague	Local Trustee
	Mike Jones	Local Trustee
	Andrea Pickard	Planner
	Robert Kojima	Regional Planning Manager
	Kathy Gilbert	Recording Secretary

There were five (5) members of the public present at the meeting.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 10:00 am.

2. APPROVAL OF AGENDA

2.1 Additions / Deletions

Chair Hancock identified late items 8.3 and 8.4 to be added to the agenda.

By consent, the agenda, as amended, was approved.

2.2 Questions from public on Agenda items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Adopted Local Trust Committee Minutes

5.1.1 Local Trust Committee Business Meeting Minutes of October 4, 2011

Chair Hancock noted that the minutes of October 4, 2011, are provided for information.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Local Trust Committee Community Information Meeting Notes of October 4, 2011

Chair Hancock advised that the notes are provided for information.

5.2.2 Local Trust Committee Record of Public Hearing of October 4, 2011

Chair Hancock advised that the notes are provided for information.

5.3 Section 26 Resolutions-without-meeting

Chair Hancock advised that these items are provided for information.

5.4 Advisory Planning Commission Minutes

5.4.1 APC Minutes of November 14, 2011

Planner Pickard advised that following that meeting, Bylaw Enforcement Officer Miles Drew is seeking direction from the Local Trust Committee.

Resolution-SP-LTC-01-12

It was Moved and Seconded that the South Pender Island Local Trust Committee Draft Bylaw No. 109, cited as "South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 109, 2011" proceed no further and that staff return the Draft Bylaw for further review in a year.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard presented the items as identified in the Follow-up Action Report and advised Trustees that the status of all items was as shown in the report.

** Note – the order of business was amended to accommodate the schedules of two members of the public. Item 8.3 was discussed at this time.*

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 C.A. Thorn letter dated October 6, 2011 re: South Pender OCP and Outbuildings Prior to Residential Dwelling

Planner Pickard reviewed the discussion during the Official Community Plan (OCP) review that contemplated changing the Land Use Bylaw (LUB) to amend provisions allowing for construction of an accessory / storage building in advance of a principal building on a parcel.

Chair Hancock noted that this issue has been raised recently on several Islands.

Regional Planning Manager (RPM) Kojima described the present LUB provisions allowing construction of an accessory building in advance of a principal building, providing a building permit has been issued for the principal building.

Trustees and staff discussed issues that included:

- the rare occasion of a storage building on a separate parcel;
- increasing storage building size;
- use of a storage building for residential purposes, given lesser Building Code requirements for storage buildings;
- potential conversion of storage buildings to commercial use;
- potential for degradation of the residential nature of neighbourhoods.

This item was further discussed during deliberations on the work program.

Planner Pickard will write a letter to Mr. Thorn informing him of the Land Use Bylaw review that will include consideration of the issue raised in his letter.

8.2 J. Johnson letter dated January 17, 2012 re: Gulf Islands Learning Centre

Ms Johnson's letter advised of a proposal to establish a centre to assist learning outcomes.

Trustees Montague and Jones will write a letter responding to Ms. Johnson's proposed initiative.

8.3 Preserving and Protecting Brooks Point – Education Component – Request for Funding

Members of the public Monica Petrie and John Chapman presented their written proposal requesting financial support in the amount of \$300 for the Pender Islands Conservancy Association (PICA) to prepare a report, inventory and map, to educate the public on the ecosystem and ecological values at Brooks Point. for lands under negotiation for purchase (Phase 3.)

Chair Hancock stated that Islands Trust is presently clarifying their policy around grant requests, noting the need to tie grants to projects on the Islands Trust work program and consideration of other levels of governments' involvement in projects.

Chair Hancock further advised that PICA's request can be tied to various elements of the work program.

Resolution-SP-LTC-02-12

It was Moved and Seconded that the South Pender Island Local Trust Committee authorize expenditure of up to \$300 for the Pender Islands Conservancy Association to prepare an ecology report, map and inventory of Phase 3 of the Brooks Point land acquisition site.

CARRIED

RPM Kojima asked that the work be completed and submitted to the Islands Trust by March 30, 2012 for budget (year-end) purposes.

Ms. Petrie and Mr. Chapman plan to present the work at the April 10, 2012 South Pender Island Local Trust Committee meeting.

8.4 Pender Islands – Parks Canada Liaison Committee – Request for Appointment of South Pender Island Local Trustee Committee Member

An e-mail and draft terms of reference were circulated to Trustees.

Chair Hancock stated that the work underway to prepare a Master Plan, including involvement of a liaison committee is a welcome and positive process.

Trustee Montague will contact Parks Canada staff to clarify the anticipated time commitment.

Subject to those discussions, a resolution-without-meeting may be required to appoint a member of the Local Trust Committee to the liaison committee.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 North Pender Island Bylaws No. 187 and 189 Referral

Chair Hancock explained the bylaw referral process and noted that these bylaws will apply to the North Pender Associated Islands. It was noted that Bylaws 187 and 189 relate to Shoreline Protection.

Chair Hancock described two approaches to shoreline management bylaws – detailed mapping vs. blanket establishment of areas that may be included in development permit areas.

Resolution-SP-LTC-03-12

It was Moved and Seconded that the South Pender Island Local Trust Committee, in response to the referrals of Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 143, 2003, Amendment No. 1, 2011” and Proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan By. 147, 2002, Amendment No. 1, 2011,” advise the North Pender Island Local Trust Committee that interests of the South Pender Island Local Trust Committee are unaffected.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

None

11. REPORTS

11.1 Work Program Reports

11.1.1 2008-2011 Trust Committee Strategic Plan

Chair Hancock reported that the Strategic Plan is reviewed quarterly, the next review to take place in June, 2012. He noted that the proposed Islands Trust Policy Statement Review will mesh with the Strategic Plan.

11.1.2 Adopted Policies and Standing Resolutions; and Objectives

Staff and Trustees discussed the report included in the agenda package.

Item 1 – Trustees confirmed they would like to receive draft minutes of Local Trustee Committee meetings as soon as they are available.

Item 2 – Objectives 2009 – 2010 – Planner Pickard suggested removing this item from the list as it has been completed.

Resolution-SP-LTC-04-12

It was Moved and Seconded that the South Pender Island Local Trust Committee remove Resolution SP-LTC-18-09 from the Policies and Standing Resolution list.

CARRIED

Item 3 – Website – No change

Item 4 – Follow-up Action List – Trustees confirmed they would like to continue to receive the list as soon as possible after the regular meetings.

**Note – The meeting recessed from 11:00 am to 11:17 am.*

11.1.3 South Pender Island Local Trust Committee
Work Program Memo

Planner Pickard presented the memo and requested direction.

Trustees reviewed Table 1 - Top Priorities and Table 2 - Current Projects.

Resolution-SP-LTC-05-12

It was Moved and Seconded that the South Pender Island Local Trust Committee move Item 2 - Bylaw Enforcement Notification Bylaw, from the Top Priorities List to the Current Projects List.

CARRIED

Resolution-SP-LTC-06-12

It was Moved and Seconded that the South Pender Island Local Trust Committee request staff to prepare a report furthering review of the Land Use Bylaw update and include two items from Table 3 (Projects Previously Considered, Initiated or Completed):

Item 6 – Climate Change

Item 7 – Permitted Use of Land – Outbuildings
to the Land Use Bylaw review.

CARRIED

Trustees discussed Table 1 – Item 3 – Shoreline protection and noted that work done to date was mostly Trust-wide, although some Island-specific work has been done.

Resolution-SP-LTC-07-12

It was Moved and Seconded that the South Pender Island Local Trust Committee requests a future report scoping the shoreline protection initiatives and work to be considered.

CARRIED

Trustees identified protection of forest lands on South Pender as an issue to be addressed.

Resolution-SP-LTC-08-12

It was Moved and Seconded that the South Pender Island Local Trust Committee add public education on forest lands and best management practices be added to the projects list.

CARRIED

Resolution-SP-LTC-09-12

It was Moved and Seconded that the South Pender Island Local Trust Committee move the following items from Table 3 to Table 2 – Projects list:

Item 8 – Sensitive Ecosystem Mapping

Item 9 – Geological Hazard Mapping

Item 10 – Raptor Nests

Item 11 – Parks and Recreation Schedule

CARRIED

11.2 Applications Report

11.2.1 South Pender Island Applications Report dated February, 2012

Planner Pickard presented the report and drew Trustees` attention to a possible subdivision and renovation of the Anglican Church property.

11.3 Expense/Budgets Reports

11.3.1 Trustee and Local Expenses

This item was presented for information.

11.3.2 LTC Budget 2011-2012

This item was presented for information.

11.3.3 Confirmation of 2012-2013 Budget Requests

Planning Manager Kojima noted that only the Shoreline Protection work is a specifically budgeted item. He confirmed that the LUB review can likely be accommodated within the proposed LTC budget. He further advised that funds allocated to the Shoreline Protection work may be reallocated to the LUB work if required.

11.4 Bylaw Enforcement Report

None

11.5 South Pender Island LTC Web Page

Trustees requested updates to the website, such as deleting older work completed (eg updated Official Community Plan drafts.) Requested changes were recorded by staff.

Trustee Montague offered to send an informative article penned on Denman Island about the Islands Trust decision-making process to staff with a view to placing the article on the website.

Trustees and staff discussed options for informing the public about community groups` meetings through the website. It was recommended that Trustees bring forward articles, minutes or links to community group sites to LTC meetings for a decision as to how to provide that information to the public.

11.6 Chair's Report

Chair Hancock reported generally on two items: current budget deliberations and the possible use of "gas tax" funds to conduct an Islands Trust policy statement review. Considerable work is underway to consider issues such as whether or not to undertake the policy statement review, establish scope of the review, and whether or not to broaden the scope of the policy statement.

Chair Hancock also stated that he is happy to be back working with the Islands Trust.

11.7 Trustee Report

Trustee Montague reported that she is enjoying her work. She also stated that she wishes to bring community input into the policy statement review, should the council decide to proceed with the policy review at this time. This decision is scheduled as part of the March 6 – 9 Council meeting agenda.

Trustee Jones also stated that he is enjoying the work and thanked staff for their assistance through the learning process. He also expressed a desire to ensure that there is community involvement in the work of the LTC.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Tuesday, April 10, 2012 at 10:00 am, at the South Pender Fire Hall

12.2 South Pender Advisory Planning Commission

Terms of all Advisory Planning Commission (APC) members expired on January 1, 2012.

Trustees and staff discussed ways to ensure continuity so that the term expiries of the APC members do not coincide with the terms of the Trustees. Options discussed included a longer initial term for APC members and staggered terms for the APC.

Resolution-SP-LTC-09-12

It was Moved and Seconded that South Pender Island Local Trust Committee direct staff to advertise for expressions of interest for Advisory Planning Commission membership for up to five (5) positions, and;
That South Pender Island Local Trust Committee directs staff to send a thank you letter to the expiring Advisory Planning Commission members and ask them to reapply if they are interested in serving another term.

CARRIED

Resolution-SP-LTC-10-12

It was Moved and Seconded that South Pender Island Local Trust Committee direct staff to bring the Advisory Planning Commission Bylaw to a future meeting with a report on options for amendments.

CARRIED

12.3 Northern Pipeline, Tankers and Freighter Traffic

Trustees discussed the possibility of inviting Burrard Clean, a marine spill clean-up company to a future meeting to describe their clean-up process, noting that marine tanker traffic is going to increase substantially over the next ten (10) years.

Chair Hancock offered to consider the suggestion as a notice of motion to be taken to the March Trust Council meeting for formal consideration at the June Trust Council meeting.

Trustee Montague encouraged those present to view the marine advocacy information on the website that Islands Trust Chair Malcolmson has promoted.

13. TOWN HALL MEETING

In response to a question around the frequency of LTC meetings, it was noted that the South Pender Island LTC usually meets four (4) to six (6) times per year. The 2011 OCP review necessitated more frequent meetings. The LTC may schedule additional meetings based on workload.

Trustees were congratulated on their election and were supported in their decision-making role. A brief discussion on the number of staff attending the meeting followed.

14. ADJOURNMENT

Resolution-SP-LTC-13-12

It was Moved and Seconded that the South Pender Island Local Trust Committee meeting be adjourned at 12:37 pm.

CARRIED

RECORDER

CHAIR



Islands Trust

RWM From: February 10, 2012 To: March 27, 2012

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2012-03	In Favour	THAT the South Pender Island Local Trust Committee Minutes of February 14, 2012 be Adopted	Mar 16, 2012
2012-02	In Favour	THAT the South Pender Island Local Trust Committee appoint Trustee Montague as their representative on the Parks Canada-Pender Islands Liaison Committee	Feb 21, 2012



Islands Trust

Follow Up Action Report w/ Target Date

South Pender Island Feb-14-2012

No.	Activity	Responsibility	Target Date	Status
2	Item 8.1 Correspondence from C Thorn: staff to respond to the author informing him the issue of outbuildings has been identified on the work program as a top priority	Andrea Pickard	Apr-10-2012	Done
3	Item 8.2: Correspondence from J Johnston - Trustees to write a letter of acknowledgment to the author	Mike Jones Liz Montague	Apr-10-2012	Done
4	Item 8.3: Correspondence from P Petrie - the LTC authorizes up to \$300 for payment to PICA for an ecological inventory report and map of the residential property, for phase 3 of the Brooks Pt park acquisition	Nancy Roggers	Apr-10-2012	On Going
5	Item 8.4: Correspondence from Parks Canada - Trustee Montague to follow up with C. Stewart at Parks Canada for more information on the time commitment before being appointed as the SPI representative	Liz Montague	Apr-10-2012	Done
6	Item 9.1: NPILTC Bylaw Referral - staff to respond to the referral that SPILTC interests are unaffected	Kathy Jones Andrea Pickard	Apr-10-2012	Done
7	Item 11.1.3: Standing Resolutions and Policies - remove SP-LTC-18-09 as a standing resolution and policy	Kathy Jones	Apr-10-2012	Done
8	Item 11.1.3: LTC Work Program - move item 2(BEN) from the Top Priorities to the Project List - Keep LUB amendments, including outbuildings and climate change as Top Priority 1 - Keep Shoreline Protection, including docks as Top Priority 2 - add public education for best management and stewardship practices for forest lands to the Projects List	Andrea Pickard	Apr-10-2012	Done

- Add to the Projects List: SEM, Geological Hazards, Raptor Nests and Parks and Recreation

9	Item 11.5: Webpage - • remove the headings and contents from OCP review, (incl Staff Rpts, Drafts, Schedules), LUB Updates, Zoning and Density • from Latest News remove the Sept Update and July Newsletter	Kathy Jones	Apr-10-2012	Done
10	Item 11.5: Webpage - Trustees to forward recent Pender Post Reports for posting to Latest News	Mike Jones Liz Montague	Apr-10-2012	Done
11	Item 12.2: APC - staff to advertise for EOI for APC members for up to 5 positions and send a thank you letter to the expiring members and ask them to reapply if interested	Kathy Jones	Apr-10-2012	Done
12	Item 12.2: APC - staff to prepare a report with some options to amend the APC Bylaw regarding the length of term	Kathy Jones Andrea Pickard	Apr-10-2012	Done

Date March 12, 2012

File: 5500-20-SP

To South Pender Island Local Trust Committee

From Andrea Pickard
Island Planner
Local Planning Services

Re Proposed Road Closure

The purpose of this memo is to forward information to the South Pender Island Local Trust Committee (LTC) and the community generally of a proposed road closure that the Ministry of Transportation and Infrastructure is considering.

The attached information is provided by Ministry staff and outlines the proposal. Ministry staff will also be publishing notices in the local papers, as well as attending the April 10 meeting of the LTC.

If anyone is interested in commenting on the proposal they may do so by sending an email directly to Ryan Evanoff at Ryan.Evanoff@gov.bc.ca or by attending the April 10th LTC meeting, starting at 10:00 am at the South Pender Fire Hall.

pc Robert Kojima, Regional Planning Manager

Andrea Pickard

From: Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>
Sent: March-12-12 10:51 AM
To: Andrea Pickard
Subject: Tilly Point Road Closure Application
Attachments: Parks Response.pdf; Key Map - Closure Portion.JPG; Key Map - Proposed Dedications.JPG; VIP32109.tif

Hello Andrea,

As discussed earlier today I would like to make a request to have Mr. Pullen's application for a road closure added to the April LTC meeting for public review. I will attend the meeting to answer questions and comments on behalf of the Ministry and applicant.

The area to be closed is the Tilly Point extension/trail off of Tilly Point Road on South Pender. I've included 2 key maps, which show the proposed closure portion and the proposed new dedications.

The standard practice for Ministry road closure applications is to include some form of public notification. The notification is to allow for residents to submit written concerns/suggestions with the proposal.

In this case we would like to give the public, and council, the chance to comment on the proposal. There is no approval function for the LTC in this case; the application is the approval authority of the Ministry. However, comments and suggestions from the LTC and public will be taken into consideration for this application and aid in our approval/non-approval.

I would also like to mention that we have not made a decision either way on approving or non-approving the current proposal. We will be waiting until public feedback is received before discussing the proposal internally again.

Some specifics on the proposal:

- The right-of-way for the proposed closure contains a constructed trail and parking area. The trail leads through to a small view area.
- Closing the right-of-way will facilitate the new property owner to merge the two properties.
- In exchange for closing the right-of-way the owner will dedicate 2 new water access right-of-ways, both of which will have a new trail and parking area constructed within it. The cost of the construction will be the responsibility of the applicant and the Pender Island Parks and Rec Commission will be given a license of occupation if wanted/needed.

I've also attached the response from the Pender Island Parks and Recreation Commission as well as the survey plan that created the right-of-way.

If there's any information missing, or if there are any questions please feel free to contact me directly.

Thanks,

Ryan Evanoff

Development Approvals Technician
Ministry of Transportation, Saanich Area Office
Phone Number: (250)952-4495 Fax: (250)952-4508



EXISTING
To be closed



*PROPOSED
To be dedicated*



Pender Islands Parks and Recreation Commission

PO Box 86, Pender Island, BC., V0N 2M0

Email: penderparks@crd.bc.ca

Website: www.crd.bc.ca/penderparks/

February 26, 2012

Via e-mail

Ministry of Transportation
Saanich Area Office
Attn: Ryan Evanoff

Re: Tilley Point (Proposed Swap of Road Allowance)

Further to your e-mail dated February 14, 2012 in connection with this matter this will confirm that the Pender Islands Parks and Recreation Commission (PIPRC) agrees to the proposed swap of the Tilley Point Road Allowance/trail.

A site plan is attached. The agreement reached between the property owner, Leigh Pullen and the PIPRC is that subject to the Ministry of Transportation agreeing to the proposal, the existing Tilley Point Road Allowance and trail will be relocated to the westerly boundary of Mr. Pullen's property (marked as "possible new location" on the site plan). In addition, the proposed location at the southerly boundary of the property (marked "alternate location" on the site plan) will be dedicated as a Park Trail. The trail on the existing Road Allowance will be decommissioned and new trails will be constructed on the new Road Allowance as well as on the southerly alternate location.

I trust that this will suffice with respect to the information the Ministry requires from the PIPRC. However, if the PIPRC can be of further assistance please do not hesitate to contact me.

Yours truly


Ann Berry, Chair PIPRC

cc: Leigh Pullen

CRD

Making a difference...together

PLAN
Deposited in the
at Victoria, B.C.
this 15th day of

1978

**PLAN OF SUBDIVISION
OF
PART OF FRACTIONAL SOUTH
SECTION 2,
SOUTH PENDER ISLAND
COWICHAN DISTRICT**

SCALE 1:1000

This plan has been filed in the Capital Regional District.

OWNER: Mrs. P. H. H. H. H. H.

WITNESS: Edward J. Clark

Address: 12345 Sixth Street, Sidney

Occupation: Surveyor

As to LOT 1, PLAN 17552:
EASEMENT HOLDER:
British Columbia Hydro and Power Authority

15th
15th

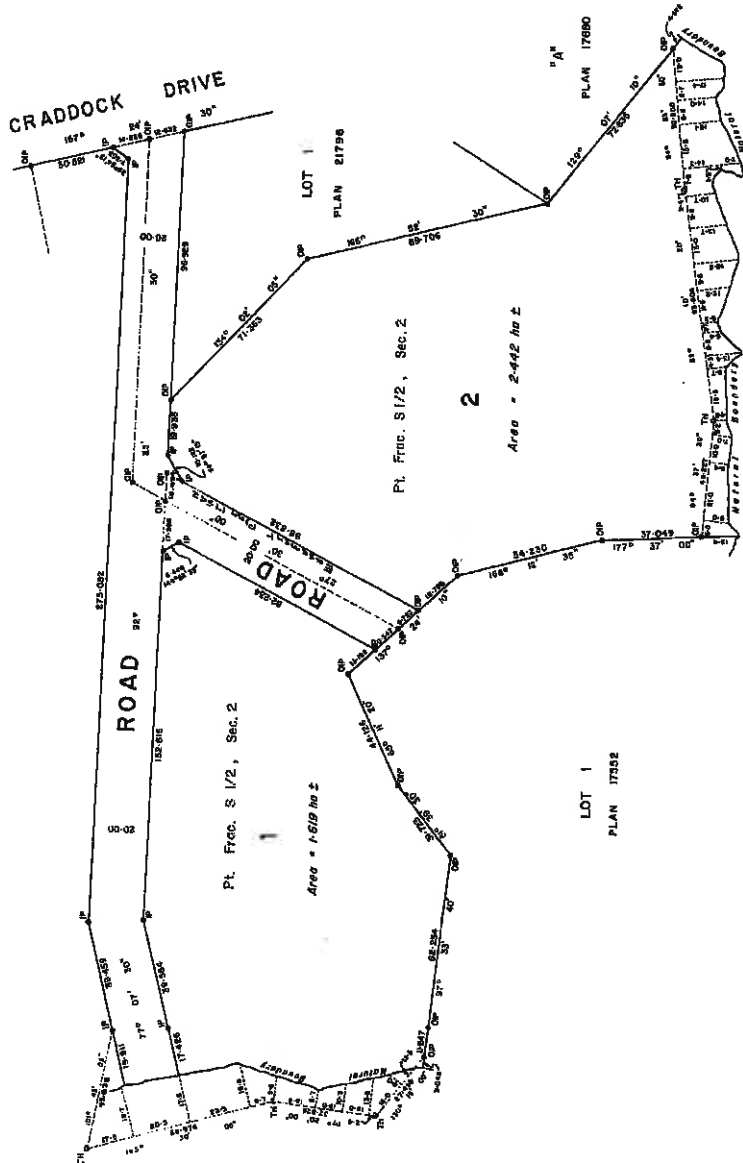
LEGEND:
Bearings are determined and are derived
from the meridian of PLAN 17552.
• DP denotes old iron post found
• SP denotes standard iron post set
• TH denotes traverse hub
June 1978.

Approved under the Land Registry Act,
dated this 15th day of SEP 1978

Approved by the
Ministry of Highways and Public Works

MORGAN, A.R. STEVART AND COMPANY
Surveyors and Engineers
9825 Third Street, Sidney, B.C.

Pt. Frac. S 1/2, Sec. 2



Approved by the
British Columbia Hydro and Power Authority

Director

Associate Secretary

NOTE: All distances are in metres except where otherwise stated.



BROOKS POINT REGIONAL PARK

Protecting and Preserving Sensitive Ecosystems

A report to the South Pender Island Local Trust Committee
March 31, 2012

Table of Contents

1. Report on Brooks Point Regional Park for South Pender Island Local Trust Committee
2. Map showing trails and features of Brooks Point Regional Park Phases I, II and III
3. Appendix I Plants of Brooks Point
4. Appendix II Vertebrates of Brooks Point
5. Appendix III Birds of Brooks Point
6. Appendix IV Marine Life
7. Appendix V Acquisition Time Line

Brooks Point Regional Park

Brooks Point Regional Park (BPRP) is comprised of three distinct but interrelated parcels that have been acquired separately over the last 15 years by the Capital Regional District (CRD) in partnership with the Pender community and a number of conservation organizations. (see timeline in Appendix V). The common goal of these partnerships has been a commitment to protect the ecological integrity of one of the last undeveloped coastal headlands in the Southern Gulf Islands.

The CRD BPRP management plan describes BPRP as an “ecological gem” and states that conserving the quality of the special natural features and maintaining the biodiversity are the first priority. The protective covenant on Brooks Point, held jointly by The Nature Conservancy of Canada and The Islands Trust Fund, requires that:

...the lands be used and maintained in a manner that will protect, preserve, conserve, restore and enhance the ecosystems and native biodiversity of the lands in perpetuity.

Currently BPRP is made up of Brooks Point (Phase I), Gowlland Point (Phase II) and the recently acquired nearly 3 acre property connecting the two Points (Phase III). An ecological inventory for Phases I & II carried out in 2006 indicated the coastal grasslands and coastal bluff communities “...are among the rarest ecosystems in British Columbia”.

BPRP has an exceptional field of chocolate lilies that span from Gowlland Point, across the Phase III parcel and onto Brooks Point. This population of chocolate lilies is unusually large, as are the veteran Douglas-firs in this fine example of a Douglas-fir/Garry oak open woodland ecosystem, one of the rarest and most threatened in Canada.

Species at Risk

The recent find (March 2012) of the rare and endangered (provincially red-listed) Sharp-tailed Snake on the Phase III section of BPRP (see below) is highly significant, as this species is also listed as Endangered on Schedule 1 of the federal Species at Risk Act. A recovery strategy for the species is currently being developed. It is one of only five species of native lizards and snakes known from Vancouver Island and the Gulf Islands, and contributes significantly to the biodiversity of the region.

From the Committee on the Status of Endangered Wildlife in Canada (COSEWIC):

...it is likely that overall numbers are decreasing and threats continue unabated. Major threats include ongoing development, increasing human populations, off trail recreation, fragmentation by roads and stochastic effects on small populations.

The CRD Environmental Conservation Statement for BPRP states:

Brooks Point will be managed to conserve and protect its natural systems and its rare or endangered plants, wildlife and ecosystems. Conservation of the native diversity will be the primary management direction for this park, and take precedence over all other activities. Restoration of disturbed natural features and management of invasive species will be an important part of the conservation strategy for the park.

Visitor Activities

While environmental conservation is the first priority for BPRP, visitor use emphasizing passive activities including walking, nature study and viewing the natural surroundings and abundant bird and animal life is encouraged and enhanced by the safe and easy access from the Gowlland Point Road entrance. BPRP is one of the best vantage points for viewing orca, often in close to shore as J and L pods transit in front of the park from May to October. Other animals that may be observed at BPRP are listed in Appendix II.

Because of its location where Plumper Sound and Swanson Channel meet Boundary Pass, the shoreline around BPRP provides a haven for many bird species. Resident colonies of Black Oystercatchers and colourful Harlequin Ducks are frequently observed along the shoreline and in the protected bays. Eagles perch in the tall Douglas-fir trees, watchful for their next meal. Appendix III contains a recently compiled list of the 96 bird species that may be viewed from BPRP.

Phase III Acquisition

In November 2010 the CRD in partnership with The Land Conservancy of BC purchased the 2.9 acre private parcel as an addition to BPRP with the stipulation that the CRD Board retained the option to recover all or a portion of the \$1.65 M purchase loan by selling a portion of the property after linking Brooks and Gowlland Points. The Pender Islands Conservancy Association (PICA) has mounted a public campaign to protect the new acquisition in its entirety without subdivision and has raised \$130,000 to support this goal. The TLC continues the fund raising campaign in 2012 and has met its commitment to pay the interest on the loan to date.

The Phase III acquisition has some important conservation values that greatly complement and enhance the completion of BPRP. The parcel contains a mosaic of significant ecological features, including a mature Garry oak stand. The Garry oak trees in Phase III are found with Douglas-fir, under which spring wildflowers, grasses, lichens, and a variety of shrubs flourish. Conservation of intact Garry oak ecosystems such as found at this site is essential, as less than 5% of Garry oak ecosystems remain in a near-natural condition. The CRD is planning to conduct an ecological inventory later this spring. When available, the results of the inventory will be incorporated into a final draft of this report.

The Phase III parcel contains key wetlands in BPRP, which are fed by a seasonal stream running East to the sea. The wetland area contains a red alder / slough sedge area, which transitions to a western red cedar / sword fern forested community West of Kloshe road. There is a Douglas-fir / arbutus ecological community in mosaic with Garry oak / California brome on the higher, drier portion of the property. The Southern slope of the land transitions down to an easily accessible 1000 foot foreshore area. To the East, a bluff stretches to the Gowlland Point navigational light and overlooks Boundary Pass and the San Juan Islands to the South and East, and Saturna and Mount Baker to the North and East.

Reducing fragmentation of remaining natural ecosystems is the key to conserving habitat values and ensuring long term survival of species. This integral wedge of land linking Brooks and Gowlland Points provides the connectivity needed to maintain the ecological and aesthetic integrity of the regional conservation area as a whole. Subdividing a portion of the Phase III parcel for residential development could disrupt the connectivity and do immeasurable harm to the points of land on either side.

Migration Stepping Stone

During the spring and autumn migration period, many bird species are reluctant to cross large bodies of water but prefer to utilize points of land and islands as stepping stones on their journey. The Brooks - Gowlland Point complex assists in this process projecting as it does into Boundary Pass and within sight of the islands to the south, hence, a stepping stone effect. The dense vegetation within parts of the area provides excellent cover habitat where birds can rest or add to their fat reserves from the ample food supply. While the concentration of species here is not as dramatic as in some other parts of Canada, i.e. Point Pelee National Park in South Western Ontario, it is one of important regional significance.

Sharp Tailed Snake Protection

On March 10, 2012 a visitor and local resident photographed and identified a Sharp-tailed Snake on the Phase III property. Because this species is so rare and its habitats are highly threatened, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) designated the Sharp-tailed Snake as Endangered in 1999.

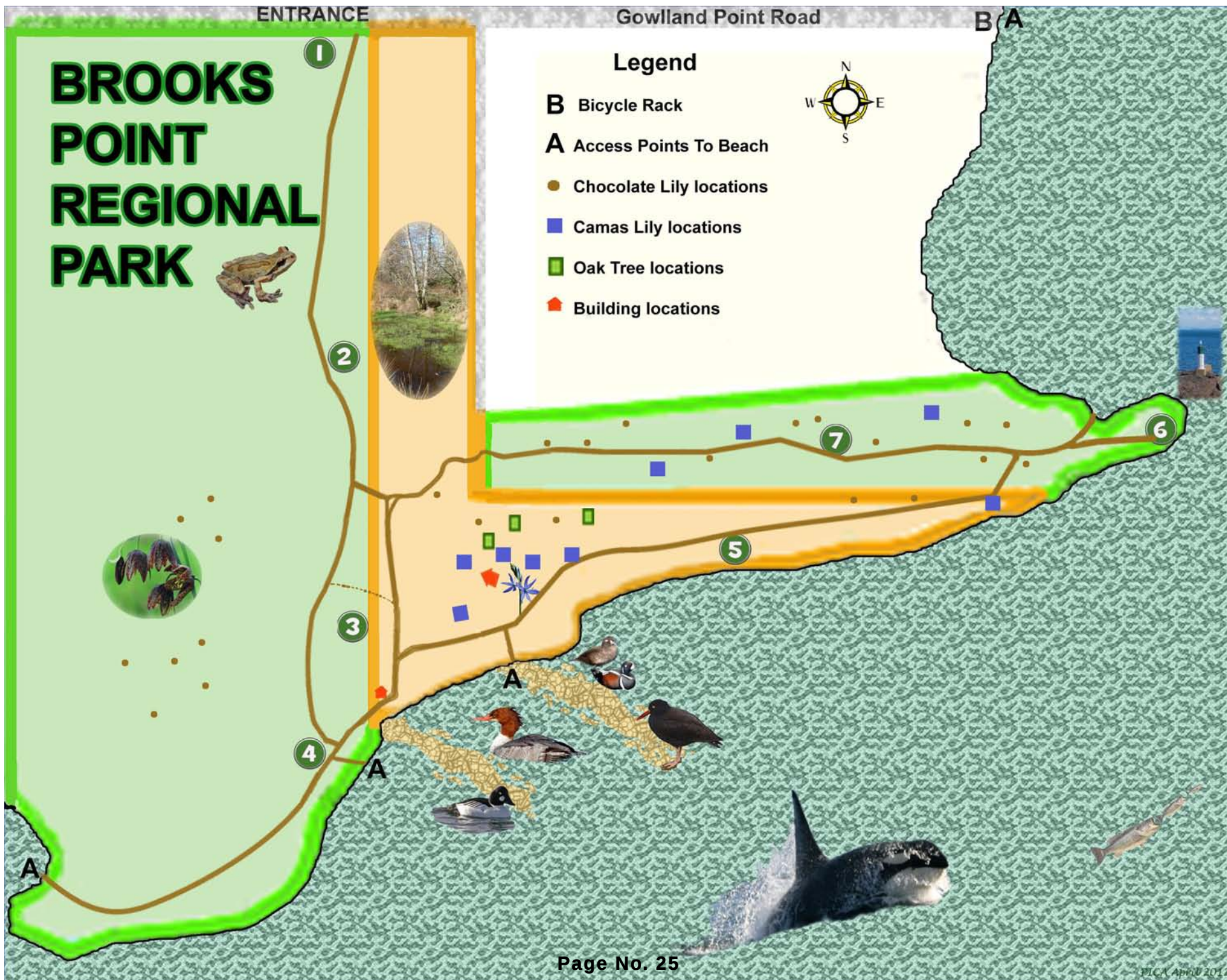
Recreational use in the area providing habitat for the Sharp-tailed Snake should be limited. Its proximity to the area being considered for possible subdivision requires careful consideration of the potential impacts of house construction in this area.

PICA's Conservation Initiative

PICA recognizes that the public campaign to retain the Phase III acquisition in its entirety has led to an increasing number of visitors to BPRP. In response, PICA has initiated a campaign to educate the visitors on the need to protect the sensitive ecosystems. PICA has revised our Brooks Point information brochure (which is available on the access trail and to guests at Poet's Cove Resort) to emphasize the need to conserve and protect the BPRP ecosystems.

Included with this report is a map of BPRP that identifies the current trails and some of the important ecological features. PICA plans to make this map available to visitors to inform and sensitize them to the importance of not disturbing the ecosystems and to enhance their enjoyment of the natural features of BPRP.

PICA would like to thank the Local Trust Committee for its support for our efforts to maintain the ecological integrity of BPRP generally, and in particular the new Phase III acquisition. We urge the Local Trust Committee to take into consideration the sensitive ecosystems and biodiversity of the Phase III acquisition when considering any future land use issues.



BROOKS POINT REGIONAL PARK TOUR GUIDE (MAP ON REVERSE)

PLEASE RETURN THIS GUIDE TO THE RACK WHEN YOU LEAVE THE PARK.

Encompassing a rare and threatened coastal ecosystem, Brooks Point Regional Park is here for you to appreciate. Realize that the final Park makeup is still under consideration by the CRD. Under review is the critical middle section on the map overleaf.

Be respectful of the plants and creatures that live here when you

- ↳ Stay on the trails at all times.
- ↳ Keep your dog under control.
- ↳ Stay aware of FIRE DANGER.
- ↳ Leave your bike in the Rack provided (at Gowlland Beach Access).
- ↳ Respect neighbouring properties.
- ↳ Leave no trace of your visit and take out litter.

j Old-growth Coastal Douglas-fir

Found on the right (West) a short way in from the entrance of the trail, this enormous tree is tall, straight and is 5.5 meters or 18 feet around at the base. It has a burn scar on its west side from a fire in the 1890's.

l Red-osier Dogwood

In early summer these red-branched native shrubs grow behind the evergreen blackberries on the East side of the last boardwalk. They have numerous bunched white flowers.

o Navigational Beacon

This marks Gowlland Point and its rocky foot for kayakers, boaters, sailors, naval and commercial marine traffic in Boundary Pass. After dark its flashing light is a visible reminder of the treacherous tidal currents in this international waterway.

k Seasonal Creek and Wetlands

Around, under, and East of the first boardwalk, these are home to salmonberry, red alder, slough sedge, sword fern, and the nocturnal singing Pacific Tree Frogs.

m Harvest Brodiaea In late summer it has 3 to 5 violet petals. The flowers appear on dry brown stalks.

Hooker's Onion In summer the narrow, flat, swirling leaves appear close to the ground before the deep pink stiff umbels with their oniony scent. These spread from here across the rocky headland to the West.

p Wildlife Tree

This old-growth fir has been identified with a yellow tag as it is well used as a fishing perch for Bald Eagles. Fish remains such as jaws and spines are often seen below or near the tree. It also provides perches, shelter and insect food for many other species of birds.

n Sea Viewpoint From here you can observe Harbour Seals and River Otters in the bay below as well as Black Oystercatchers, Harlequin Ducks, Mergansers, and Buffleheads in season.

Saturna Island is our closest neighbour in view. Mt. Baker (Komo Kulshan in Salish) is to the Northeast. East and South are the San Juan Islands (USA). To the West is Vancouver Island. Orcas of J, K, and L Pods can be seen in Boundary Pass, often close to Brooks Point.



Other Feature Sights

Chocolate Lilies are chocolate brown and pale green mottled, bell-shaped flowers. They are thickly concentrated here and have spread through the park. Their seedpods are visible at other times of the year. Please stay on the path when taking photos and keep dogs on the path to protect these delicate wildflowers.

Common Camas are intense blue, six-petaled, star-shaped flowers. First Nations peoples once cultivated them for their edible bulbs. Camas have returned to the site in front of the cabin after many years absence due to lawn mowing.

Garry Oaks The stand of native oaks crowns the hill and is at the heart of a sensitive and endangered ecosystem. These trees are slow-growing and quite old. Please avoid walking close and admire them from the trails.

Appendix I

PLANTS OF BROOKS POINT

A full vegetation inventory of Brooks Point Phase III will be performed by the CRD in the spring of 2012. A partial list follows.

Scientific Name

Common Name

Quercus garryana

Garry Oak

Salix sp.

Willow

Pseudotsuga menziesii

Coastal Douglas-fir

Abies grandis

Grand Fir

Alnus rubra

Red Alder

Cornus stolonifera

Red-osier Dogwood

Rubus spectabilis

Salmonberry

Holodiscus discolor

Ocean Spray

Rosa nutkana

Nootka Rose

Camassia quamash

Common Camas

Fritillaria affinis var. *affinis*

Chocolate Lily

Brodiaea coronaria ssp. *coronaria*

Harvest Brodiaea

Lithophragma parviflorum var. *parviflorum*

Small-flowered Woodland Star

Myosurus minimus

Tiny Mousetail

Cerastium arvense

Field Chickweed

Montia fontana

Water Chickweed

Allium cernuum
Nodding Onion

Plantago elongata
Slender Plantain

Rumex occidentalis
Western Dock

Aira praecox
Early Hairgrass

Pteridium aquilinum
Bracken Fern

Agrostis gigantea
Redtop

Festuca idahoensis
Idaho Fescue

Poa pratensis
Kentucky bluegrass

Elymus glaucus
Blue Wildrye

Bromus vulgaris
Columbia brome

Bromus sitchensis
Alaska Brome

Allium acuminatum
Hooker's Onion

Lepidium virginicum
Menzies' Peppergrass

Rumex acetosella
Sheep Sorrel

Cerastium glomeratum
Sticky chickweed

Spergularia rubra
Red Sand-spurry

Lolium perenne
Perennial Ryegrass

Festuca rubra ssp. *rubra*
Red Fescue

Carex sylvatica
European Woodland Sedge

Bromus hordeaceus
Soft Brome

Bromus carinatus
California Brome

Achillea millefolium
Yarrow

Ambrosia chamissonis
Silver Burweed

Agrostis stolonifera
Creeping Bentgrass

Cirsium areense
Canada Thistle

Crataegus monogyna
English Hawthorn

Rosa eglanteria
Sweetbrier

Rubus laciniatus
Cutleaf Evergreen Blackberry

Ranunculus repens
Creeping Buttercup

Piperia unalascensis
Alaska Rein Orchid

Bromus rigidus
Ripgut Brome

Schedonorus pratensis
Meadow Fescue

Sagina decumbens ssp. *Occidentalis*
Western Pearlwort

Rosa canina
Dog Rose

Rubus armeniacus
Himalayan Blackberry

Appendix II

Vertebrates of Brooks Point

Species and ecological communities are assigned to the RED or BLUE list on the basis of the provincial Conservation Status Rank (SRANK) assigned by the Conservation Data Centre.

RED: Includes any indigenous species or subspecies that have- or are candidates for- Extirpated, Endangered, or Threatened status in British Columbia. Extirpated taxa no longer exist in the wild in British Columbia, but do occur elsewhere. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. Not all Red-listed taxa will necessarily become formally designated. Placing taxa on these lists flags them as being at risk and requiring investigation.

BLUE: Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia. Taxa of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed taxa are at risk, but are not Extirpated, Endangered or Threatened.

Scientific Name

Common Name

Pseudacris regilla

Pacific Chorus Frog (was Pacific Tree Frog)

Thamnophis ordinoides

Northwestern Garter Snake

Contia tenuis

Sharp-tailed Snake RED

Taricha granulosa

Roughskin Newt

Microtus townsendii

Townsend's Vole

Peromyscus keeni

Deer Mouse

Neovison vison
Mink

Lontra canadensis
River Otter

Sorex vagrans
Vagrant Shrew

Odocoileus hemionus
Columbian black-tailed deer

Phocoena phocena
Harbour Porpoise BLUE

Phocoenoides dalli
Dall 's Porpoise

Phoca vitulina
Harbour Seal

Lagenorhynchus obliquidens
Pacific White-sided Dolphin

Eumetopias jubatus
Steller Sea Lion BLUE

Zalophus californianus
California Sea Lion

Balaenoptera borealis
Sei Whale (old record)

Balaenoptera acutorostrata
Northern Minke Whale

Orcinus orca
Killer Whale
(Northeast Pacific southern resident population – RED)

Appendix III

BIRDS OF BROOKS POINT

Species and ecological communities are assigned to the RED or BLUE list on the basis of the provincial Conservation Status Rank (SRANK) assigned by the Conservation Data Centre.

RED: Includes any indigenous species or subspecies that have- or are candidates for- Extirpated, Endangered, or Threatened status in British Columbia. Extirpated taxa no longer exist in the wild in British Columbia, but do occur elsewhere. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. Not all Red-listed taxa will necessarily become formally designated. Placing taxa on these lists flags them as being at risk and requiring investigation.

BLUE: Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia. Taxa of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed taxa are at risk, but are not Extirpated, Endangered or Threatened

Scientific Name

Common Name

Gavia pacifica

Pacific Loon

Cathartes aura

Turkey Vulture

Gavia immer

Common Loon

Branta canadensis

Canada Goose

Podiceps auritus

Horned Grebe

Anas platyrhynchos

Mallard

Podiceps grisegena

Red-necked Grebe

Aythya marila

Greater Scaup

Aechmophorus occidentalis
Western Grebe RED

Phalacrocorax auritus
Double-crested Cormorant BLUE

Phalacrocorax penicillatus
Brandt's Cormorant RED

Phalacrocorax pelagicus
Pelagic Cormorant

Ardea herodias
Great Blue Heron BLUE

Bucephala clangula
Common Goldeneye

Bucephala albeola
Bufflehead

Mergus serrator
Red-breasted Merganser

Circus syaneus
Northern Harrier

Buteo jamaicensis
Red-tailed Hawk

Haliaeetus leucocephalus
Bald Eagle

Falco peregrine
Peregrine Falcon BLUE

Aythya affinis
Lesser Scaup

Histrionicus histrionicus
Harlequin Duck

Clangula hyemalis
Long-tailed Duck BLUE

Melanitta nigra
Black Scoter

Melanitta perspicillata
Surf Scoter

Bucephala islandica
Barrow's Goldeneye

Mergus merganser
Common Merganser

Lophodytes cucullatus
Hooded Merganser

Accipiter striatus
Sharp-shinned Hawk

Pandion haliaetus
Osprey

Falco sparverius
American Kestrel

Phasianus colchicus
Ring-necked Pheasant

Bonasa umbellus
Ruffed Grouse

Haematopus bachmani
Black Oystercatcher

Arenaria melanocephala
Black Turnstone

Stercorarius pomarinus
Pomarine Jaeger

Larus canus
Mew Gull

Larus californicus
California Gull

Larus thayeri
Thayer's Gull

Larus heermanni
Heermann's Gull

Sterna paradisaea
Arctic Tern

Cephus columba
Pigeon Guillemot

Cerorhinca monocerata
Rhinoceros Auklet

Charadrius vociferous
Killdeer

Heteroscelus incanus
Wandering Tattler BLUE

Aphriza virgata
Surfbird

Larus philadelphia
Bonaparte's Gull

Larus delawarensis
Ring-billed Gull

Larus argentatus
Herring Gull

Larus glaucescens
Glaucous-winged Gull

Sterna hirundo
Common Tern

Uria aalge
Common Murre RED

Brachyramphus
Marbled Murrelet BLUE

Fratercula cirrhata
Tufted Puffin

Columba fasciata
Band-tailed Pigeon BLUE

Otus kennicottii
Western Screech Owl BLUE

Chordeiles minor
Common Nighthawk

Calypte anna
Anna's Hummingbird

Sphyrapicus ruber
Red-breasted Sapsucker

Picoides villosus
Hairy Woodpecker

Dryocopus pileatus
Pileated Woodpecker

Sayornis saya
Say's Phoebe

Tyrannus tyrannus
Eastern Kingbird

Vireo huttoni
Hutton's Vireo

Cyanocitta stelleri
Steller's Jay

Corvus corax
Common Raven

Zenaida macroura
Mourning Dove

Strix varia
Barred Owl

Ceryle alcyon
Belted Kingfisher

Selasphorus rufus
Rufous Hummingbird

Picoides pubescens
Downy Woodpecker

Colaptes auratus
Northern Flicker

Empidonax difficilis
Pacific-slope Flycatcher

Tyrannus verticalis
Western Kingbird

Vireo cassinii
Cassin's Vireo

Vireo gilvus
Warbling Vireo

Corvus caurinus
Northwestern Crow

Tachycineta thalassina
Violet-green Swallow

Hirundo rustica
Barn Swallow BLUE

Psaltiriparus minimus
Bushtit

Certhia americana
Brown Creeper

Troglodytes troglodytes
Pacific Wren

Catharus guttatus
Hermit Thrush

Turdus migratorius
American Robin

Mimus polyglottos
Northern Mockingbird

Anthus rubescens
American Pipit

Vermivora celata
Orange-crowned Warbler

Dendroica petechia
Yellow Warbler

Pipilo maculatus
Spotted Towhee

Poecile rufescens
Chestnut-backed Chickadee

Sitta canadensis
Red-breasted Nuthatch

Thryomanes bewickii
Bewick's Wren

Regulus satrapa
Golden-crowned Kinglet

Catharus ustulatus
Swainson's Thrush

Ixoreus naevius
Varied Thrush

Sturnus vulgaris
European Starling

Bombycilla cedrorum
Cedar Waxwing

Dendroica coronata
Yellow-rumped Warbler

Wilsonia pusilla
Wilson's Warbler

Passerculus sandwichensis
Savannah Sparrow

Passerella iliaca
Fox Sparrow

Zonotrichia atricapilla
Golden-crowned Sparrow

Junco hyemalis
Dark-eyed Junco

Molothrus ater
Brown-headed Cowbird

Carpodacus mexicanus
House Finch

Carduelis pinus
Pine Siskin

Melospiza melodia
Song Sparrow

Zonotrichia albicollis
White-crowned Sparrow

Agelaius phoeniceus
Red-winged Blackbird

Carpodacus purpureus
Purple Finch

Carduelis tristis
American Goldfinch

Loxia curvirostra
Red Crossbill

Appendix IV

MARINE LIFE AT BROOKS POINT

Scientific Name

Common Name

I. SEaweEDS:

CHLOROPHYTA

Cladophora columbiana

Cushion Seaweed

Enteromorpha linza

Green String Lettuce

Ulva lactuca

Sea Lettuce

PHAEOPHYTA

Agarum fimbriatum

Sea Colander

Alaria marginata

Wing Kelp

Costaria costata

Seersucker

Cymathere triplicata

Triple rib

Cystoseira geminata

Bladder Leaf

Fucus distichus

Popping Wrack

Laminaria saccharina

Sugar Wrack

Leathesia difformis

Nereocystis leutkeana

Bull kelp

Ralphsia pacifica

Tar Spot

Sargassum muniticum

Scytosiphon lomentaria

Japanese Seaweed

Whip Tube

RHODOPHYTA

Calliarthron tuberculosum

Bead Coral

Corallina vancouveriensis

Vancouver Coralline

Endocladia muricata

Nail Brush

Gigartina exasperata

Turkish Towel

Gracilaria verrucosa

Sewing Thread

Halosaccion glandiforme

Sea Sac

Hildenbrandia occidentalis

Western Hildenbrandia

Iridea cordata

Iridescent Seaweed

Lithothamnium pacificum

Pink Rock Crust

Microcladia coulteri

Delicate Sea Lace

Palmeria palmata

Polysiphonium pacificum

Polly Pacific

Porphyra lanceolata

Red Laver

Prionitis lanceolata

Iodine Seaweed

Rhodomela larix

Black Larch

Rhodomela pertusa

Red Eyelet Silk

II. LICHENS

Caloplaca sp.

Physcia sp.

Verrucaria sp.

Xanthoria sp.

III. INVERTEBRATES

PORIFERA

Haliclona sp.
Purple Encrusting Sponge

Halichondria panicea
Yellow/Green Encrusting Sponge

Ophlitaspongia pennata
Red Encrusting Sponge

CNIDARIA

Aquorea aquorea
Water Jelly

Anthopeura elegantissima
Pink-tipped anemone

Balanophyllia elegans
Orange Cup Coral

Cyanea capillata
Sea Blubber

Metridium senile
Hanging Anemone

Urticina coreacea
Red Anemone

Urticina crassicornis
Red & Green Anemone

NEMERTEA

Paranamertes peregrina
Wandering Ribbon Worm

Tubulanus polymorphus
Red Ribbon Worm

ANNELIDA

Arctonoe fragilis
Commensal Scale Worm

Glycera americana
Corregated Worm

Serpula vermicularis
Calcarious Tube Worm

Spirorbis sp.
Spiral Tube Worm

ARTHROPODA

Traskorchestia traskiana
Beach "flea" (amphipod)

Balanus cariosus
Rock Barnacle

Balanus glandula
Acorn Barnacle

Chthamalus dalli
Little Acorn Barnacle

Cancer magister
Edible Crab

Cancer productus
Red Rock Crab

Crangon alaskensis
Northern Crangon Shrimp

Hemigrapsus nudus
Purple Shore Crab

Hippolyte clarki
Green Shore Crab

Idotea wosnesenskii
Grass Shrimp

Lophopanopeus bellus bellus
Black-clawed Crab

Paurus sp.
Hermit Crab

Petrolisthes eriomereus
Porcelain Crab

Oregonia gracilis
Decorator Crab

Pugettia producta
Kelp Crab

MOLLUSCA

Acmaea mitra
White-capped Limpet

Anisodoris nobilis
Speckled Sea Lemon

Ceratostoma foliatum
Leafy Horn Mouth Snail

Collisella digitalis
Finger Limpet

Crassostrea gigas
Shield Limpet

Crepidula nummaria
Japanese Oyster

Cryptochiton stelleri

Gumboot chiton

Diodora aspera

Keyhole Limpet

Entodesma saxicola

Rock-dwelling Entodesma

Haliotis kamtschatkana

Northern Abalone

Hermisneda crassicornis

Opalescent Nudibranch

Katharina tuicata

Leather Chiton

Littorina scutulata

Checkered Periwinkle

Littorina sitkana

Sitka Periwinkle

Mopalis mucosa

Mossy Chiton

Mopalia lignosa

Woody Chiton

*Mytilus edulis**

Edible Mussel

Notoacmaea scutum

Plate Limpet

Notoacmaea persona

Mask Limpet

Nucella lamellosa

Wrinkled Purple Snail

Pododesmus cepio

Rock Oyster

Tonicella lineata

Lined Chiton

*may have disappeared due to pollution or rising temperature

BRACHIOPODA

Terebratalia transversa

ECHINODERMATA

Amphiodia occidentalis

Long-rayed Brittlestar

Cucumaria miniata

Red Sea Cucumber

Dermasteria imbricata
Leather Star

Evasterias troschelii
Mottled Star

Eupentacta quinquesemita
White Sea Cucumber

Henricia leviuscula
Blood Star

Leptasterias hexactis
Six-rayed Star

Pisaster ochraceous
Purple Star

Pycnopodia helianthoides
Sunflower Star

Ophiopholis aculeata
Serpent Brittlestar

Orthasterias koehleri
Long-armed Sea Star

Solaster endeca
Northern Sun Star

Solaster stimsoni
Sun Star

Stichopus californicus
Giant Red Cucumber

Strongylocentrotus droebachiensis
Green Sea Urchin

Strongylocentrotus franciscanus
Giant Red Urchin

UROCHORDA

Bolentia villosa
Hairy Sea Squirt

Chelyosoma productum
Horseshoe Sea Squirt

Corella inflata
Inflated Sea Squirt

Distaplia occidentalis
Compound Sea Squirt

Metandrocarpa taylori
Red Sea Squirt

Pyura haustor
Warty Sea Squirt

IV.FISHES

Pholis ornata

Gobiesox maeandricus

Saddleback gunnel

Flathead Clingfish

Oligocottus maculosus

Xiphister mucosus

Tidepool Sculpin

Rock Prickleback

Ophiodon elongatus

Lingcod

Appendix V

Brooks Point Regional Park Acquisition Timeline

Phase I: In 1996 the Friends of Brooks Point, PICA and the Islands Trust Fund initiated a fundraising campaign to acquire the 10 acre open headland owned by the Brooks family. The Brooks family agreed to donate one of the 3 lots comprising the point valued at \$225,000 if the community could raise \$540,000, the appraised value of the remaining two lots. In 1997 the CRD Board agreed to contribute \$200,000 towards the purchase to establish a regional park. The Nature Conservancy of Canada agreed to contribute \$160,000 and Mountain Equipment Co-op contributed \$35,000. Other conservation groups and individuals including Robert and Birgit Bateman, the Habitat Acquisition Trust, Wildlife Habitat Canada and The Land Conservancy of BC (TLC) collectively contributed another \$47,000. A further \$102,000 was raised through donations and fundraising events on the Pender Islands and the purchase was completed in January 2000. A conservation covenant held jointly by The Nature Conservancy of Canada and the Islands Trust Fund was established at the time of the purchase.

Phase II: In September 2000, CRD Parks and TLC partnered to purchase the 2.15 acre property that includes Gowlland Point. The CRD contributed \$280,000 and the TLC contributed \$75,000. The two points were established as a regional park reserve by the CRD. The TLC holds a protective covenant on Gowlland Point Phase II similar to the covenant on Brooks Point.

Phase III: In November 2010 the CRD and the TLC again partnered to acquire the 2.9 acre wedge of land connecting Brooks and Gowlland Points. At the time, the CRD's Land Acquisition Fund was committed to the \$15.8 million purchase in March 2010 of the Western Forest Products land in Jordan River and the Sooke Hills. Under the agreement with TLC, the CRD borrowed the \$1,650,000 appraised value of the Phase III land with a commitment to pay the principal back over five years. TLC agreed to pay the interest costs estimated to be \$216,525 and to look for conservation donors or investors to help cover the purchase price. TLC has paid over \$50,000 toward the interest costs to date. In approving the acquisition, the CRD Board indicated that its intent, if possible, was to recover all or a portion of the purchase price by selling a portion of the property after linking Gowlland and Brooks Points. The CRD Directors requested a staff report on subdivision options within 9 months of the purchase. The CRD and TLC agreed to work with the Pender Islands community to explore options to raise funds to cover the net purchase cost of the property. After consulting the community, PICA established the following goals: (1) retain the property in its entirety for inclusion in the BPRP, and (2) maintain the ecological values of the property in perpetuity. With these goals in mind, PICA raised \$130,000 in 2011 toward the acquisition of Phase III. The TLC is now leading a provincial fundraising effort. The CRD Regional Parks Committee met *in camera* in October 2011 to consider the staff report, but postponed a decision on the report until the staff carried out further investigations. The Committee is scheduled to meet in June 2012 to further consider the staff reports. PICA will be making a presentation at that meeting to support maintaining Phase III in its entirety as an integral part of BPRP.

March 27, 2012

File No.: SP-DVP-2012.1

To: South Pender Island Local Trust Committee
For the meeting of April 10, 2012

From: Kris Nichols,
Planner 1

CC: Andrea Pickard
Island Planner

Re: Development Variance Application

Owner: Gordon and Marnie Hol

Applicant: Same as above

Location: Lot 1, Section 2, Pender Island, Cowichan District, Plan VIP23422
8944 Gowlland Point Road

THE PROPOSAL:

The purpose of the application is to vary Subsection 3.4(2) of the South Pender Island Land Use Bylaw No. 92, 2003 (LUB) to permit an increase in the height of an accessory building.

The subject property is currently developed with an existing single family dwelling, a shed and a garage. The proposal is to vary the height for an accessory building from 4.6 metres to 6.7 metres to permit the applicant to create a workshop loft with a small bathroom above the existing garage.

The applicant states that the variance is required due to the lack of flat land on their property, it is therefore more cost efficient to add on to an existing building (garage) through the addition of a loft rather than to build a new building in a different location. The proposed loft area would contain a workshop for hobbies and a small bathroom (as shown in Figure 3 – Garage). Due to the topography and vegetation of their lot the applicants state that the garage cannot be seen from the neighbouring properties.

A draft Development Variance Permit is attached as Schedule B which includes drawings of the accessory building location and height.

Photographs showing the existing accessory building (garage) on which a second storey is proposed from a site visit conducted on March 19, 2012 are included below.

SITE CONTEXT:

The subject property is a 0.58 ha (1.43 acre) property on Gowlland Point Road. Adjacent properties along the ocean side of Gowlland Point Road are of a similar size and shape. The properties bordering the road, to the north of the property, are much larger in size including the Gulf Island National Park Reserve. On the west side of the property where the accessory buildings are located is an undeveloped road right-of-way.

The property contains a 154 sq. m (1650 ft²) single family house and two accessory buildings (shed and garage). The existing accessory building (see photographs) is located on a flat area shared with the single family residence building. Based on GIS data the property rises quite steeply from the shoreline toward the road (see Figure 5). Between this constructed/flat area and the road it is well vegetated making the buildings hard to see from the road or adjacent properties.

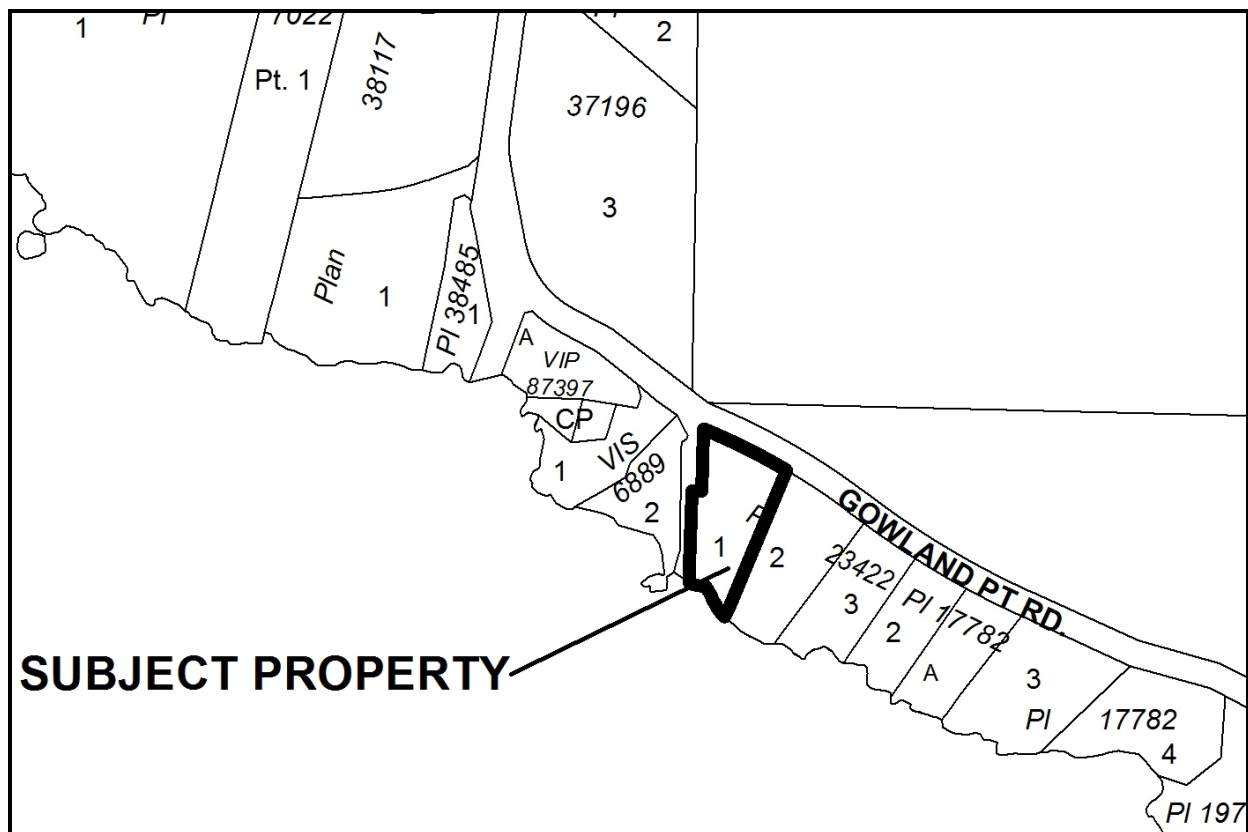


Figure 1 – Subject Property Map

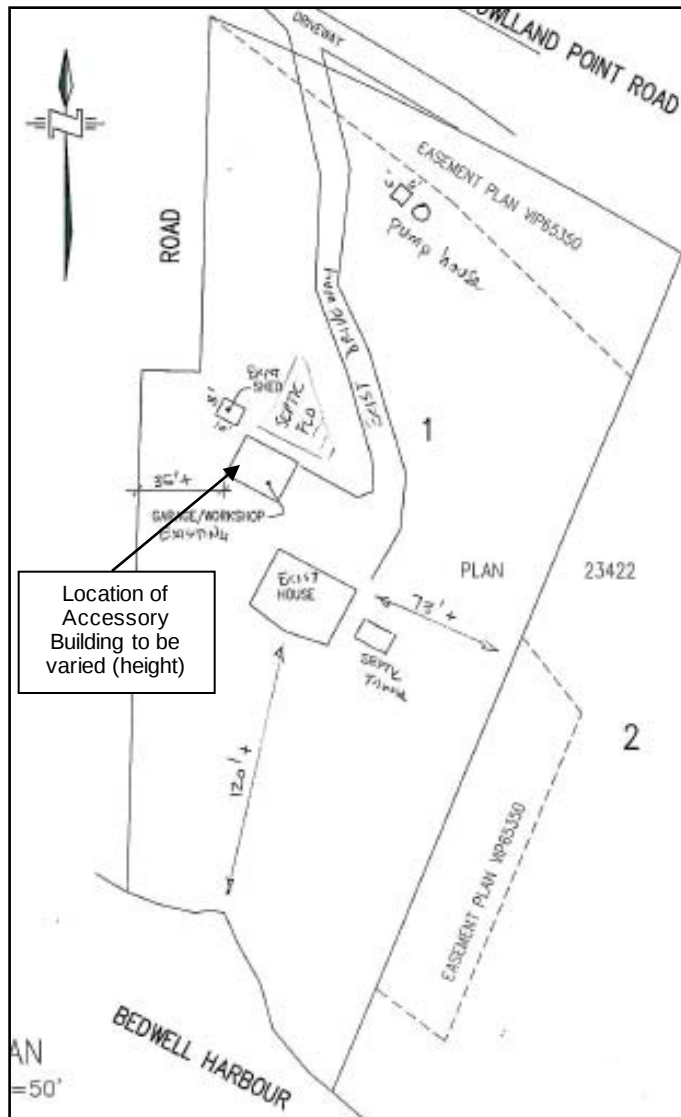


Figure 2: Site Plan

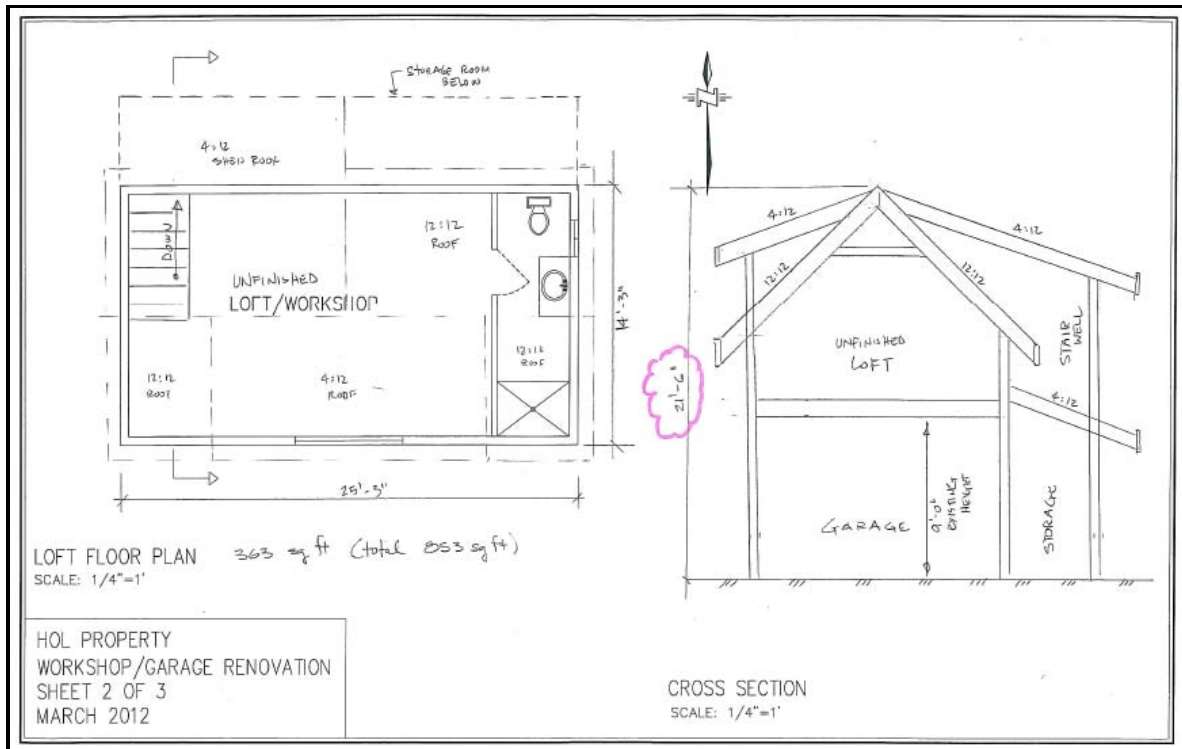


Figure 3: Accessory Building Addition

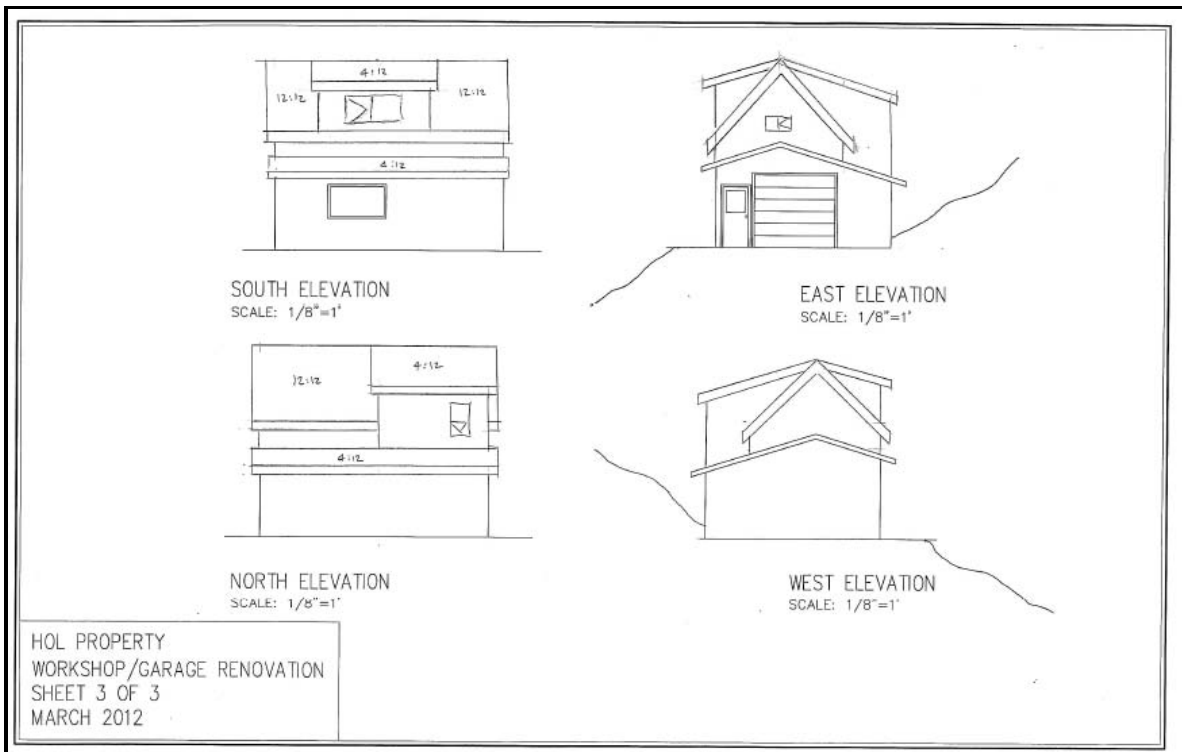


Figure 4: Proposed Accessory Building Elevations



Figure 5: Subject Property with orthophoto and 2 metre contour intervals



Photograph 1: Existing Accessory Building (garage).



Photograph 2: Existing Accessory Buildings (garage and shed)



Photograph 3: Accessory Building (garage) and House

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement: There are no directive policies relevant to this application.

Official Community Plan: The subject property is designated Rural Residential in the OCP; which is primarily for small scale rural residential uses.

Land Use Bylaw: The subject property is zoned Rural Residential 2 (RR2) in the Land Use Bylaw, as are other properties along the water side of Gowlland Road. The bylaw states that the total accessory building floor area for lots greater than 0.4 hectares (1 acre) to 2 hectares (5 acres) is 93 m² (1000ft²). The proposal, once constructed, will bring the amount of floor area on the property to 86.7 m² (933 ft²) so within the allowable amount of floor area.

Islands Trust Fund: There are no Trust Fund Board covenants on the property.

Sensitive Ecosystems and Hazard Areas: A portion of the property along the waterfront according to the Trust's Sensitive Ecosystem Mapping is located within an area indicated as Woodland. However, this also coincides with the developed portion of the property with driveway access, accessory buildings, and the house. The addition of a second storey will not further impact this area.

Archaeological Sites: There are no registered archaeological sites on the property or in close proximity.

Covenants: There are no registered covenants on title.

Bylaw Enforcement: There is no enforcement files associated with the property.

Climate Change Mitigation and Adaptation: The subject property is developed and the applicant is proposing a second storey onto an existing building.

RESULTS OF CIRCULATION:

Notice was circulated to neighbouring residents and owners for comment and is attached as Schedule A. At the time of writing this report one neighbour had contacted staff by phone to state that they have no objections with the proposal but they have not provided comments in writing. If any further comments are received they will be brought to the Local Trust Committee meeting on April 10, 2012.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. Their rationale is that they want to construct additional working space and given the steepness of their site thought an additional storey was more efficient (cost and use of land) than an addition at ground level or a new structure. They wanted this workspace to be easily accessible to the outside. As well, their buildings are not easily visible from the neighbouring properties due to the topography and vegetation.

The overall intent of the regulation being varied. The overall purpose of height regulations is to minimize impacts on adjacent property related to: shading, aesthetic, and privacy concerns. Regulating lower height for accessory buildings also ensures that principal buildings remain dominant in size and scale relative to accessory uses. Regulating height also helps to provide a consistent pattern of development within a given zone.

Any alternative to a DVP would be costly and disruptive as it would involve removal of vegetation, excavating an additional building site and constructing a new foundation for either a ground level addition or a new building as the property is quite steep.

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.

STAFF COMMENTS:

The request for a variance is due to the owners wanting to create additional workspace on their property. Due to the topography/steepness of the property and the vegetation their options are limited without additional costs through excavation and vegetation removal. The owners wish to utilize the footprint/foundation of their existing accessory building (garage) by building a second storey. The second story loft area would incorporate a workshop and a small bathroom (see Figure 3). The owners state that their buildings are not easily visible from neighbouring properties and staff have verified this through a site inspection. Due to the seasonal nature of the use of the neighbouring properties, the owners have stated that they have not had an opportunity to speak with them regarding the requested variance.

Staff is recommending approval of this variance application based on the following rationale:

- that the variance will not create any additional buildings keeping with the rural character as the variance is an addition of a second storey to an existing building (garage); and
- that due to topography and dense vegetation the proposed site cannot be seen from adjacent properties and therefore will not impact them.

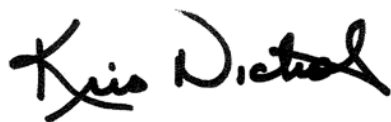
The South Pender LTC has the following options with regard to this variance permit.

1. Issue the permit as presented (Schedule B)
2. Deny the permit

RECOMMENDATIONS:

THAT Development Variance Permit SP-DVP-2012.1(Hol) **BE APPROVED.**

Prepared and Submitted by:



Kris Nichols

March 28, 2012

Date

Concurred in by:

A/ Gary Richardson

Robert Kojima

March 28, 2012

Date

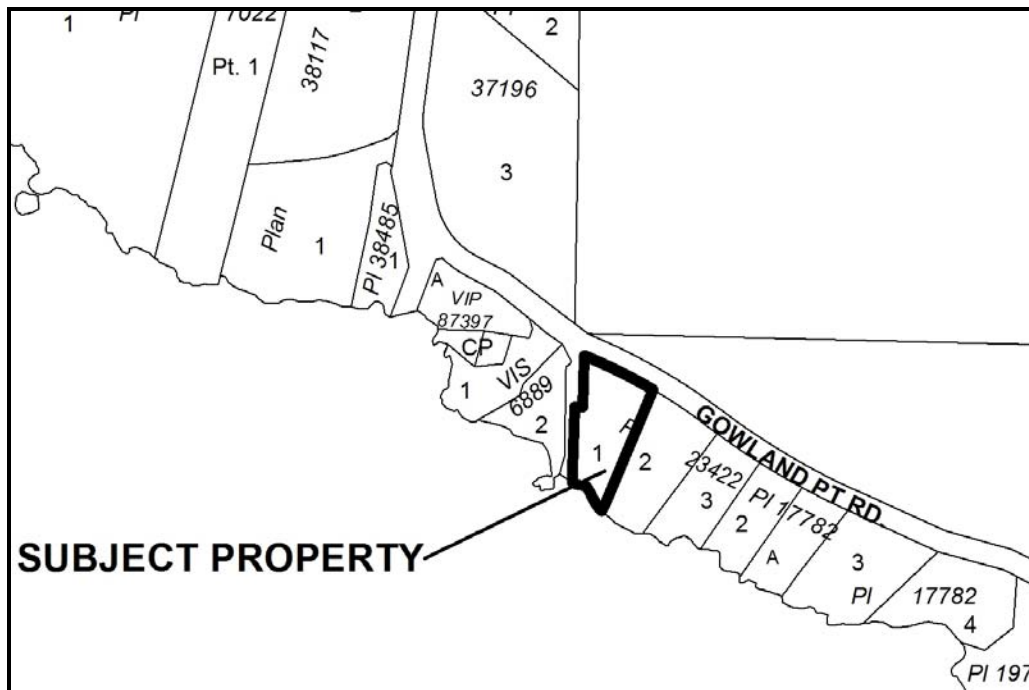


**NOTICE
SP-DVP-2012.1
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the South Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary Subsection 3.4(2) of the South Pender Island Land Use Bylaw No. 92, 2003 (LUB) to permit an increase in the height of an accessory building.

The property is located at 8944 Gowland Point Road, and is legally described as: Lot 1, Section 2, Pender Island, Cowichan District, Plan 23422, PID: 003-105-181

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 March 26, 2012 and continuing up to and including April 5, 2012.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing March 26, 2012. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner Kris Nichols 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: information@islandstrust.bc.ca before for 4:30 pm, April 5, 2012.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 10:00 a.m., Tuesday, April 10, 2012 at the South Pender Island Fire Hall, 8961 Gowlland Point Road, South Pender Island.

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

Kathy Jones
Deputy Secretary



Islands Trust

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

SP-DVP-2012.1

To: Gordon and Marnie Hol

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

Lot 1, Section 2, Plan 23422 Pender Island, Cowichan District, PID: 003-105-181

2. South Pender Island Land Use Bylaw 92, 2003 is varied as follows to allow the construction of a two-storey (an additional storey to the existing garage) accessory building:

a) Subsection 3.4 (2) is varied to increase the accessory building height from 4.6 metres to 6.7 metres.

The height and location of the accessory shall be consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender Island Land Use Bylaw No. 92, 2003" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER LOCAL TRUST COMMITTEE THIS ____ DAY OF____, 2012.

Deputy Secretary, Islands Trust

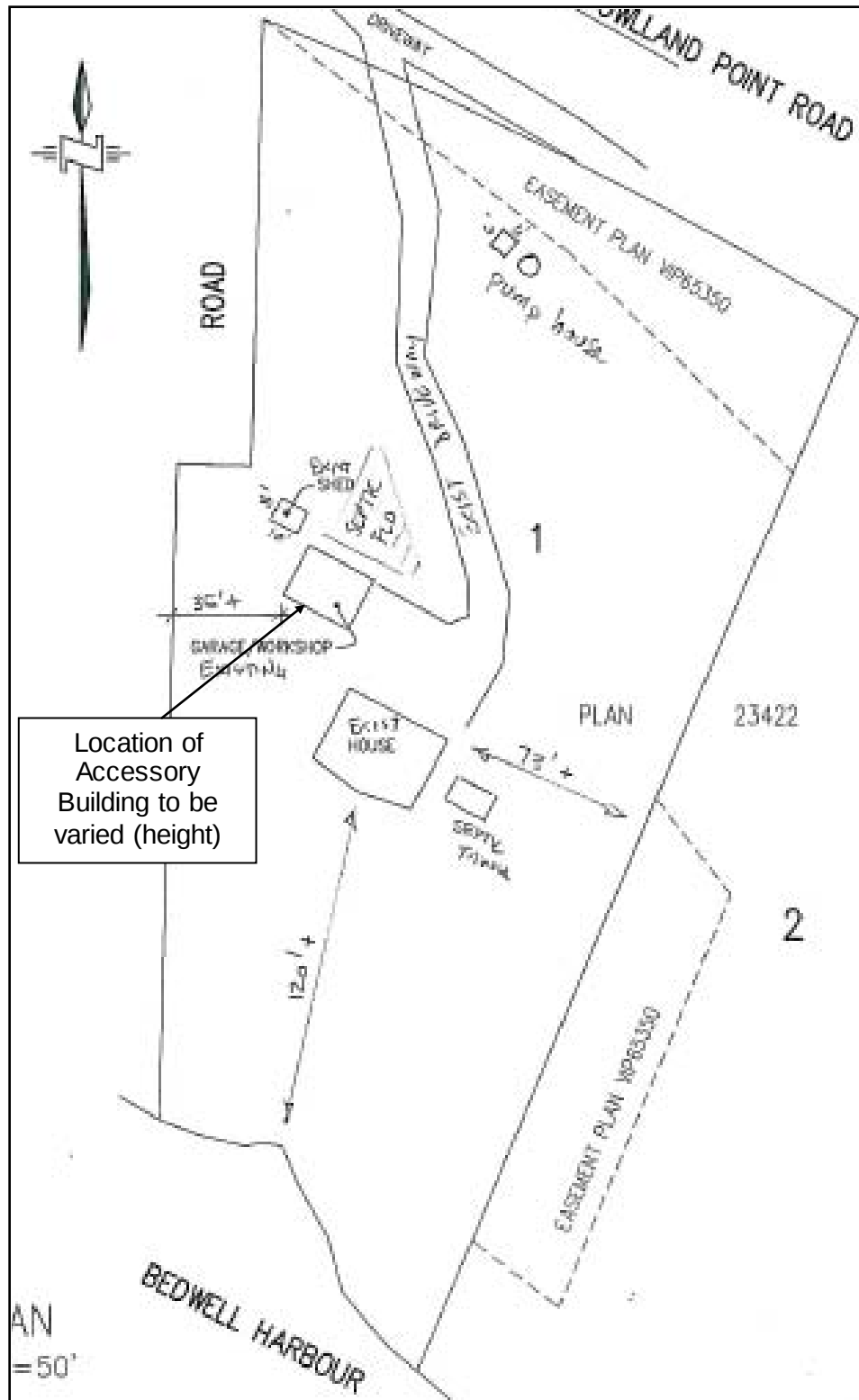
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF____, 2014, THIS PERMIT AUTOMATICALLY LAPSES.

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

SP-DVP-2012.1

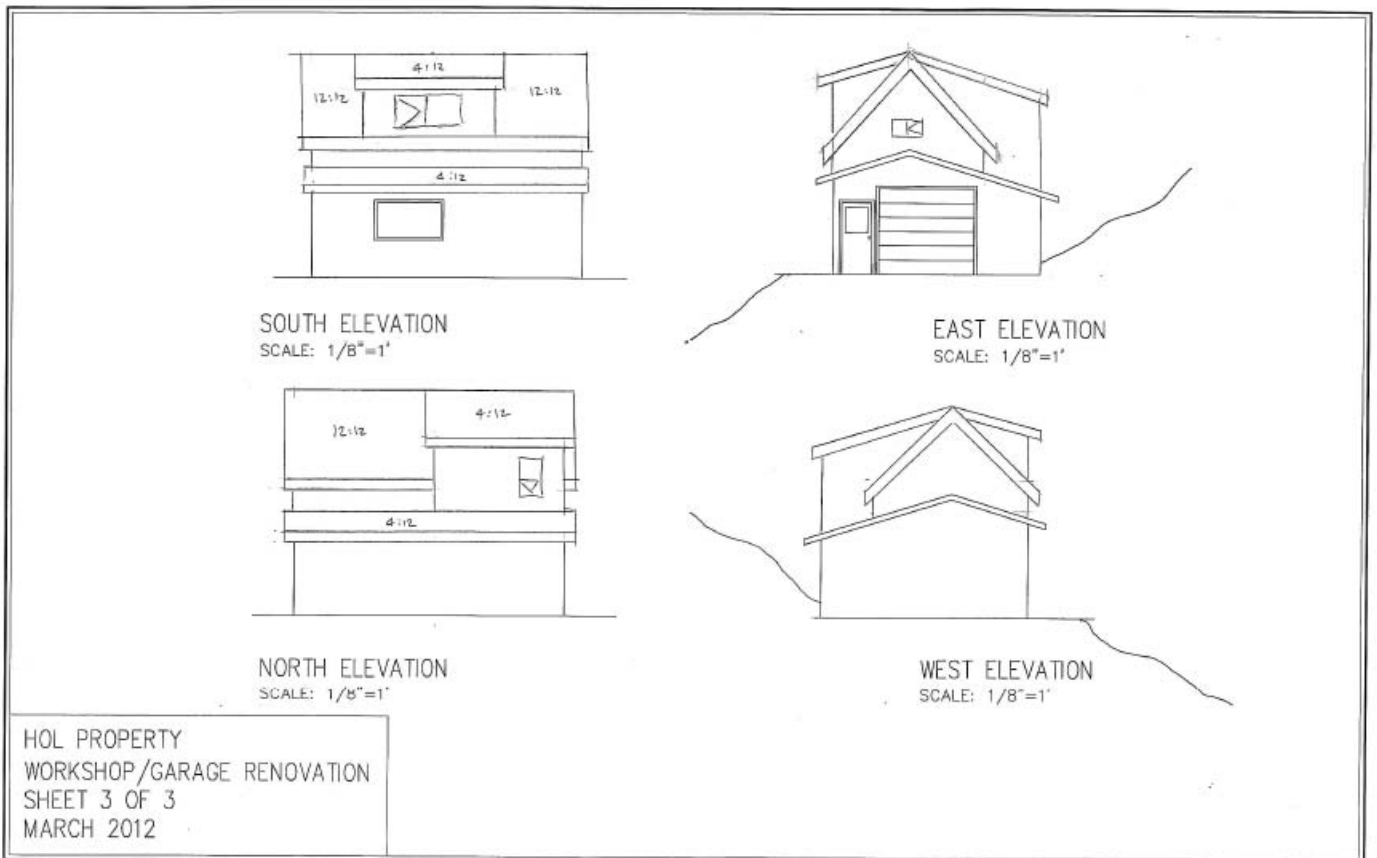
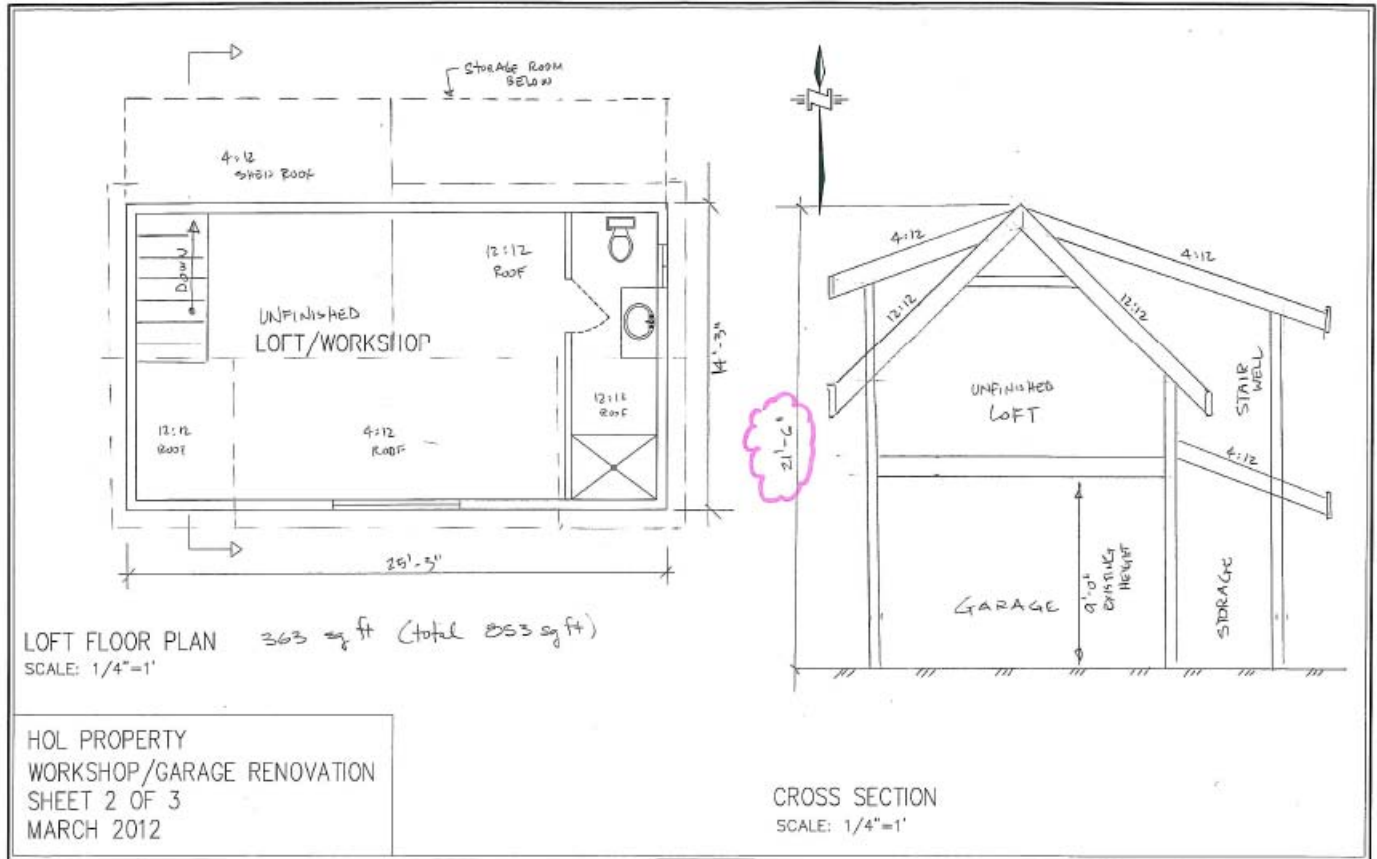
SCHEDULE 'A'



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

SP-DVP-2012.1

SCHEDULE 'B'



March 27, 2012

File No.: SP-SUB-2011.2 (Cadez)

To: South Pender Island Local Trust Committee
For the meeting of April 10, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Proposed Four-Lot Subdivision

Owner: Mark Mache and Horatio Kemeny
Applicant: Robert Cadez
Location: 8970 Gowlland Point Road
Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022, Except that part thereof lying to the east of a boundary parallel to and perpendicularly distant 200 feet from the easterly boundary of said lot.

THE PROPOSAL:

The owners have applied to the Ministry of Transportation and Infrastructure for a four-lot bareland subdivision on the subject property. The property is split zoned Agriculture (A) and Rural Residential Two (RR2). The four proposed strata lots are located within the RR2 zone, with the A zoned portion being proposed as common property.

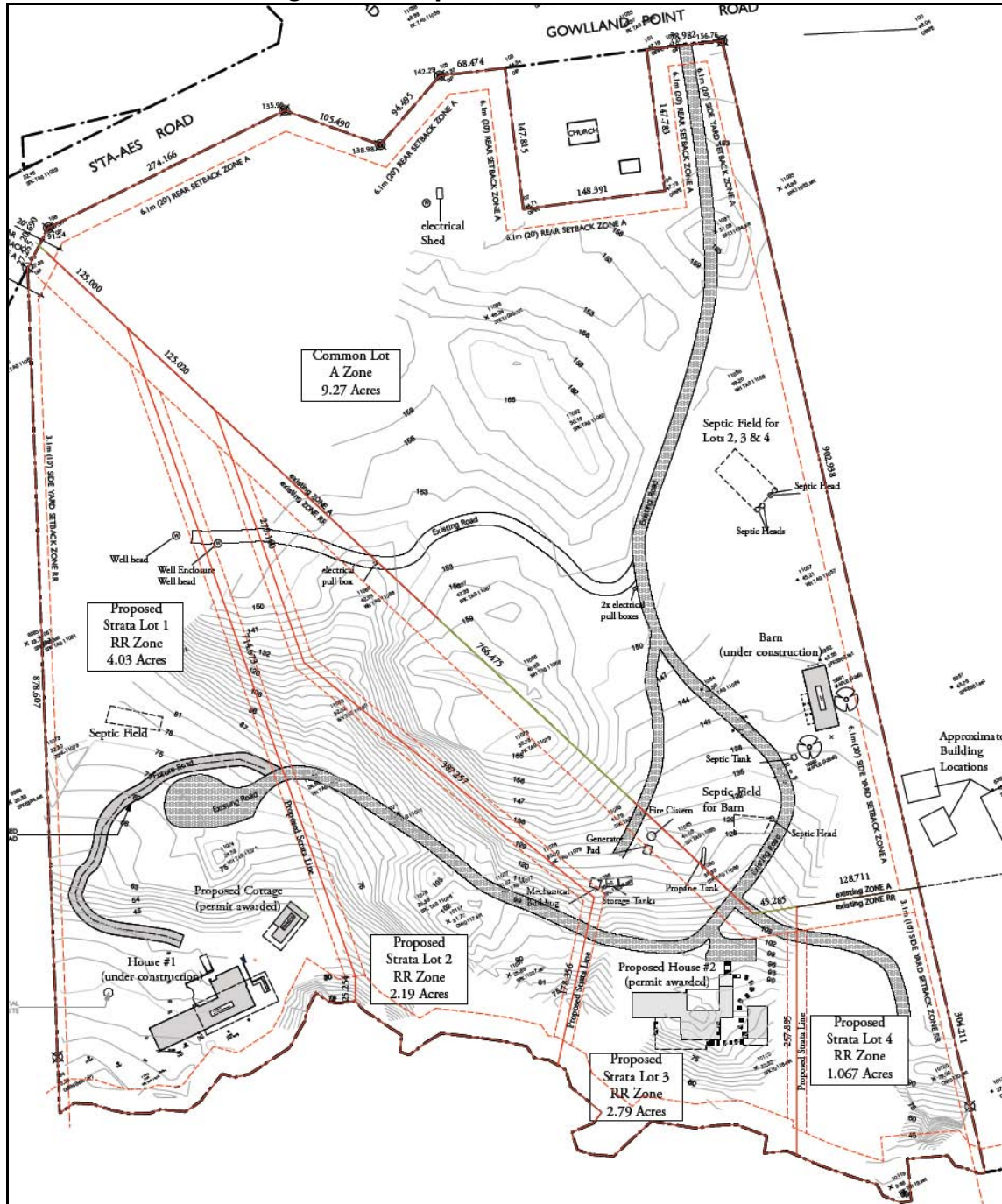
The proposed subdivision triggers the requirement for parkland dedication in accordance with section 941 of the *Local Government Act*. The subject property is adjacent to the Good Shepherd Church, which in recent years has been dissolved by the Anglican Diocese and is considered for sale. The applicants have proposed to purchase the church property and then dedicate it to fulfill the parkland requirement. They have also indicated the proposal would include a commitment to restore the building and establish a general maintenance fund that would be expected to cover 10 years of operation. A letter from the applicant outlining the proposal is attached as Schedule A.

The proposal was referred to the Pender Islands Park and Recreation Commission (PIPRC) for comment, additionally a site visit was conducted with some of the PIPRC members and the applicant. The PIPRC has responded with the following: that PIPRC does not support the proposed offsite park dedication, but rather we support the general public interest and policy provisions that favour an onsite 5% park dedication involving access to the ocean. Their response is attached as Schedule B.

The purpose of this report is to inform the South Pender Island Local Trust Committee (LTC) of the PIPRC referral response and to seek direction from the LTC on how to proceed.

There remain other outstanding conditions that must be completed before the subdivision is finalized, most notable approval from the Agricultural Land Commission as discussed in the staff report (SP-ALR-2012.1) to be considered at the same LTC meeting.

Figure 1: Proposed Subdivision Plan



SITE CONTEXT:

The subject property is an 8 hectare (20 acre) waterfront property on Gowlland Point Road, which is larger than other properties in the surrounding area. The properties in the surrounding area tend to range from 1.6 to 2.4 hectare (4 to 6 acres). Based on GIS data the property rises

quite steeply from the shoreline to 50m elevation, with a moderately steep slope running through the property roughly adjacent to the zone boundary.

Figure 2: Subject Property

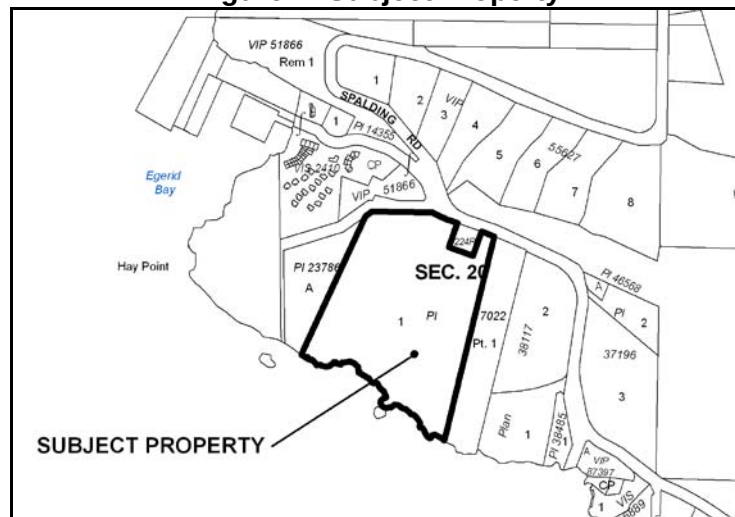


Figure 3: Subject Property with Orthophoto and 2 metre Contour Intervals



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement: Directive policies relevant to this application include:

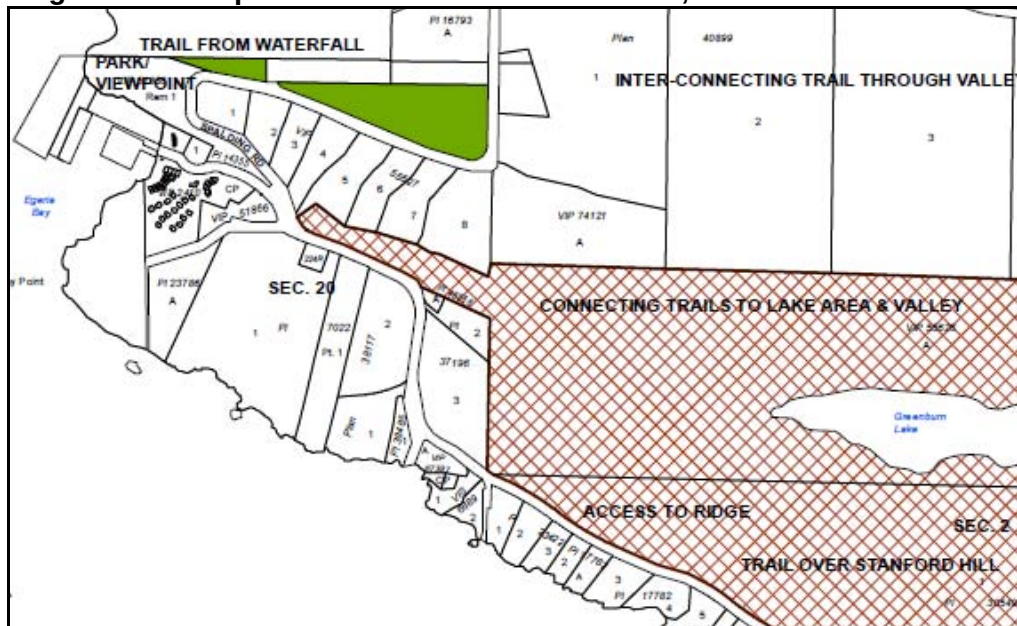
- 5.5.5 – Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:
 - o The identification of sites providing safe public access to beaches,

- o The identification and designation of areas of recreational significance, and
 - o The designation of locations for community and public boat launches, docks and anchorages.
- 5.6.2 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

Official Community Plan: The subject property is designated Rural Residential and Agriculture in the OCP. Relevant policies include:

- 3.7.2c) – The Local Trust Committee is to cooperate with the Pender Islands Park and Recreation Commission by working within the terms of the existing protocol agreement and to update it as needed. The purpose of the Protocol Agreement is to work jointly in matters pertaining to the establishment, planning, and development of community parks and other public lands under Commission management.
- 3.7.2d) – Dedication of land, rather than cash-in-lieu, shall be required where for the purposes of the *Local Government Act* there is parkland dedication at the time of subdivision. The type and/or location of preferred parklands are identified on Schedule “D”.

Figure 4: Excerpt from OCP Schedule D - Parks, Trails and Oceanfront Accesses



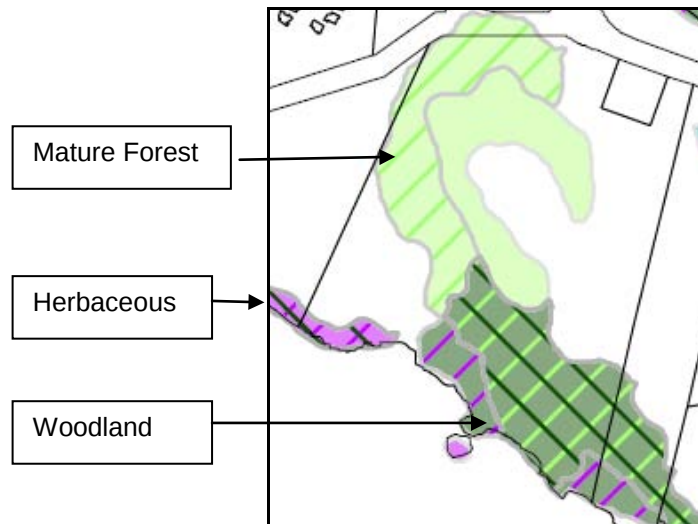
Land Use Bylaw: The subject property is split zoned Rural Residential (RR) and Agriculture (A) in the Land Use Bylaw. Properties in the surrounding area are zoned:

- North: Commercial, Community Service (church), National Park
- East: Agriculture and Rural Residential
- South: Marine Protection
- West: Rural Residential

Islands Trust Fund: There are no Trust Fund Board covenants on the property or in the vicinity.

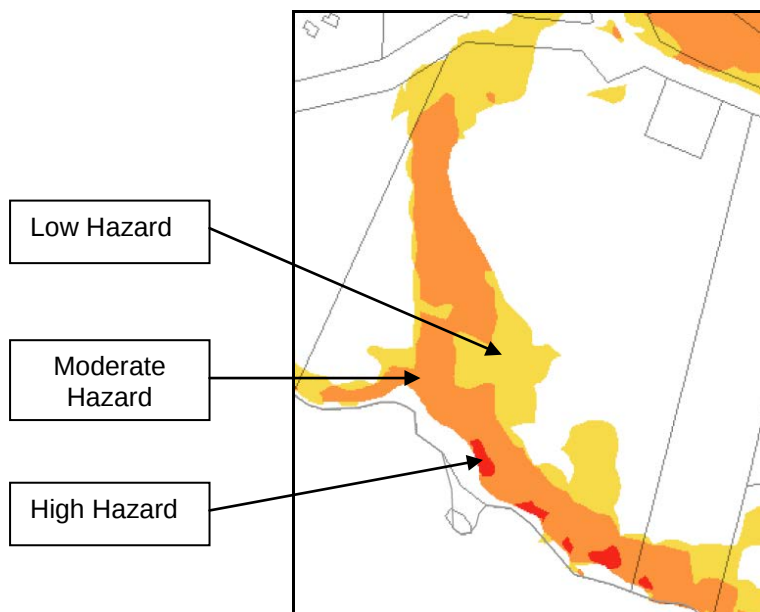
Sensitive Ecosystems and Hazard Areas: Sensitive Ecosystem Mapping identifies areas of Woodland and Herbaceous sensitive ecosystems on the property with Mature Forest also present.

Figure 5: Environmentally Sensitive Areas



The steep slope hazard mapping shows areas of low, moderate and high hazards on the property.

Figure 6: Steep Slope Hazard Areas



Archaeological Sites: There is a registered archaeological site on the property and the owners have been in contact with the Archaeology Branch to ensure required approvals are obtained as necessary.

Covenants: There is a registered covenant on title which is held by the CRD and addresses geotechnical issues.

Climate Change Adaptation and Mitigation: The proposed layout would create residential lots along the waterfront which may be vulnerable to storm events and sea level changes. Approximately half of the property would be maintained for agricultural purposes which should support food security and local resiliency.

STAFF COMMENTS:

There are two distinct legal requirements that have contributed significantly to parks and trails development throughout the southern Gulf Islands: parkland dedication and public access.

Parkland Acquisition – legal authority is from Local Government Act: Section 941

An owner of land being subdivided must provide parkland of an amount and in a location acceptable to the local government, or pay to the regional district an amount that equals the market value. The amount of land that may be required must not exceed 5% of the land being proposed for subdivision.

The provision of parkland does not apply to:

- A subdivision of which fewer than 3 additional lots would be created, or
- A subdivision by which the smallest lot being created is larger than 2 ha.

If fewer than 3 additional lots are proposed on a parcel that itself was created within the past 5 years the provision of parkland applies.

The local government has discretion with respect to the amount (up to the 5% limit) and the location of the parkland proposed by the applicant. There is no obligation to accept property that is not suited for park use. If an official community plan or land use bylaw contains policies and designations respecting the type and location of future parks, the local government may determine whether the owner must provide land or money. The South Pender Island OCP identifies that land, rather than cash-in-lieu is to be accepted for parkland.

Subdivision proposals involving parkland dedication are referred to the PIPRC for comment. Recommendations from the PIPRC are then considered by the LTC, who have the authority to accept the proposed parkland. The Protocol Agreement does note that the LTC will exercise its statutory powers with due consideration for the recommendations of the Commission. The LTC will endeavour to maintain close communications with, and be open to advice from the Commission. The Commission acknowledges that the statutory responsibility of the LTC in this regard cannot be delegated, nor can any discretion be fettered by reference to another body such as the Commission.

Public Access – legal authority is from Land Title Act: Section 75

If the land subdivided borders on a body of water, the bed of which is owned by the Crown, access must be given by highways 20 m wide to the body of water not greater than 200 m between centre lines, or, in a rural area where the parcels into which the land is subdivided all exceed 0.5 ha, at distances not greater than 400 m between centre lines.

The Minister charged with the administration of the *Transportation Act* may grant relief from strict compliance with a requirement under section; this power is exercised at the discretion of the Approving Officer. The Approving Officer has indicated it is unlikely he will require public access dedication; however that decision is not final at this time. When ocean access is desired, the LTC can apply the parkland dedication requirements to obtain access which may be narrower than the 20m width applied for road dedication.

Past practice was that road dedication would be included routinely regardless of topography or suitability of the foreshore for public use. In recent years, practice is that the Approving Office provides more analysis to the proposal and if public access would not be feasible for a vehicle access to possibly be constructed then the Approving Officer is less likely to require it. The Approving Officer will also consider proximity to existing public accesses, or combining the requirement to create a single larger, waterfront park dedication in one preferred location.

For the church proposal to proceed it would involve CRD staff involvement due to the complexity of the proposal and long term oversight/ownership of the building. It is also anticipated that the recently formed community interest group the 'Friends of the Good Shepherd' would also be involved in some manner, along with the Pender Islands Park and Recreation Commission.

The LTC should now consider whether you chose to pursue the proposed option involving the church property, or an alternative proposal as suggested by the PIPRC. Following your decision staff would either advise the applicant to revise the proposed layout to include parkland dedication, or initiate further work to advance the church proposal.

OPTIONS:

THAT the South Pender Island Local Trust Committee does not support the parkland proposal involving the adjacent church property for SP-SUB-2011.2 (Cadez) and the applicant be requested to revise the proposed subdivision plan to include parkland.

OR

THAT the South Pender Island Local Trust Committee does support the parkland proposal involving the adjacent church property for SP-SUB-2011.2 (Cadez) and directs staff to further initiate a process to formalize the proposal.

Prepared and Submitted by:



Andrea Pickard

March 27, 2012

Date

Concurred in by:

A/ Gary Richardson

Robert Kojima
Regional Planning Manager

March 27, 2012

Date



DESIGNERS *and* DEVELOPERS

February 1, 2012

8970 Gowland Road Subdivision application – Community Contribution in Lieu of Park Dedication Proposal

The Airey Group has made an application on behalf of the owners to subdivide the lands at 8970 Gowlland Point Road to a bare land strata consisting of 4 single-family Strata Lots and one Common Lot. The single-family strata lots all conform to the current OCP and the South Pender Island Land Use By-law. The common area lot contains the ALR portion of the site and will not be altered other than having an easement through it for an access road to single-family strata lots. Also located on the common area lot is a barn that has been built to support a small agricultural use on the property.

As per the OCP and the Local Government Acts, subdivision applications require the applicant to dedicate 5% of the lot area as a community park. Where the lot adjoins the ocean, the subdivision Approving Officer is also requested to require dedication of new ocean front access. In many cases the park land dedication is combined with the ocean front access to achieve both requirements. In the case of 8970 Gowlland Point road however, ocean front access is difficult due to the natural topography of the land. Approximately 75% of the oceanfront is a bluff which makes ocean front access impossible. The remaining 25% of shore line which is low enough for ocean front access is difficult to get to due to incredibly steep slopes making linear access impossible. Due to the severe conditions of the site a meeting was scheduled with the Approving Officer to discuss the ocean front access and he indicated that he believed that access was not ideal on this site.

For the 5% community park dedication the Airey Group is proposing acquiring the Church of the Good Shepard from the Anglican Church and dedicating it to community. This came about after the property was purchased and members of the community approached us in fear that we may be also trying to acquire the church as part of our development. We learned that the church was important to the community and that the Anglican Church had no plans to maintain or operate the church. It was through these conversations that we came up with the idea of acquiring the church and dedicating the land back to the community in lieu of our park land dedication. It was clear to us saving the church was of much greater value to the community in this area than an arbitrary land dedication for park.

We have since been speaking with the local community and the Anglican Church to put a plan in place to acquire the church and dedicate it to the community. As part of the transaction the owners would acquire the Church of the Good Sheppard from the Anglican Church and restore it to functioning use. Mainly a new roof, upgraded foundations and required maintenance of the windows and building envelope. Once this is complete the church would be dedicated as park land and then turn over to the Pender Island Parks Commission as the required park dedication. A maintenance trust fund would also be put in place to cover general maintenance of the land and building for the next 10 years. Local operation and maintenance of the church would be the responsibility of the local community group, Friends of the Good Sheppard Church or FOGS.

Composed by Robert Cadez, Development Manager at the Airey Group.

Schedule B

From: [arn.berry](#)
To: [Andrea.Pickard](#)
Subject: Application for Subdivision (8970 Gowlland Point Road)
Date: March-19-12 5:13:57 PM

Hi Andrea

Further to our recent correspondence and discussions, the following is the motion approved by the PIPRC at its in camera meeting on March 15, 2012. If you wish to discuss this further, please do not hesitate to contact me. I anticipate that I will attend the South Pender Island Local Trust Committee meeting on April 10, 2012. Thank you.

Arn Berry, Chair PIPRC

Moved by John Chapman, seconded by Michael Symons, that regarding the subdivision application for 8970 Gowlland Point Road, the PIPRC does not support the proposed offsite park dedication, but rather we support the general public interest and policy provisions that favour an onsite 5% park dedication involving access to the ocean. **CARRIED (unanimously)**

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Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 7.0.0.21, Virus/Spyware Database: 6.19490)

<http://www.pctools.com>

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Date: March 27, 2012

File No.: SP-ALR-2012.1
(Airey Group c/o
Robert Cadez)

To: South Pender Island Local Trust Committee
For the meeting of April 10, 2012

From: Kris Nichols
Planner 1

CC: Andrea Pickard
Island Planner

Re: **Application for Subdivision/ Non-Farm Use in the Agricultural Land Reserve**

Owners: Mark Mache and Horatio Kemeny
Applicants: The Airey Group (c/o Robert Cadez)
Location: 8790 Gowlland Road, Pender Island
Legal: Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022

BACKGROUND:

This is an Agricultural Land Reserve (ALR) application for a subdivision/non-farm use on ALR land. The South Pender Island Local Trust Committee's (LTC) decision will be whether to forward this application onto the Agricultural Land Commission (ALC).

The lot is split zoned Agriculture and Rural Residential. The applicants are proposing a four lot bare land strata with a common property which is the ALR/Agriculture zone portion of the lot. The residences are to be built on the Rural Residential portion. To service the residential needs, the applicants are proposing to construct a strata access road and locate a common septic field within the ALR/Agriculture zoned portion of the property. While this is not a typical subdivision (see Figure 5) within ALR land, it does involve ALR land, zoned Agriculture (A) in order to permit a bare land subdivision of lands outside of the ALR but part of the same split zoned lot.

Staff have spoken with the Approving Officer and ALC staff regarding this proposal and ALC staff have confirmed that an ALR application is required. The application is required under two sections of the ALC Act, Subdivision of the ALR (Sec. 21 (2)) and Non-Farm Use in the ALR (Sec. 20(3)).

Any application for a subdivision/non-farm use within the ALR must be submitted to the local government and may not proceed unless authorized by a resolution of the local government. If this application is approved by the LTC to proceed, and subsequently approved by the ALC, the owner is proposing to proceed with an application to create a bare land strata by subdividing

their 8.0 hectares (20.0 acres) property into four strata lots on the Rural Residential (RR) zoned portion along the waterfront and creating a common lot consisting of the ALR portion zoned Agriculture (A). A barn has been built on the common property to support a future agricultural use (horses) on the property.

There is also a companion subdivision application (SP-SUB-2011.2) to create 4 strata lots and the common property associated with this application.

SITE CONTEXT:

The subject property is an 8 hectare (20 acre) waterfront property on Gowlland Point Road, which is larger than other properties in the surrounding area. The properties in the surrounding area tend to range from 1.6 to 2.4 hectare (4 to 6 acres). Based on GIS data the property rises quite steeply from the shoreline to 50m elevation, with a moderately steep slope running through the property roughly adjacent to the zone boundary (see Figure 4).

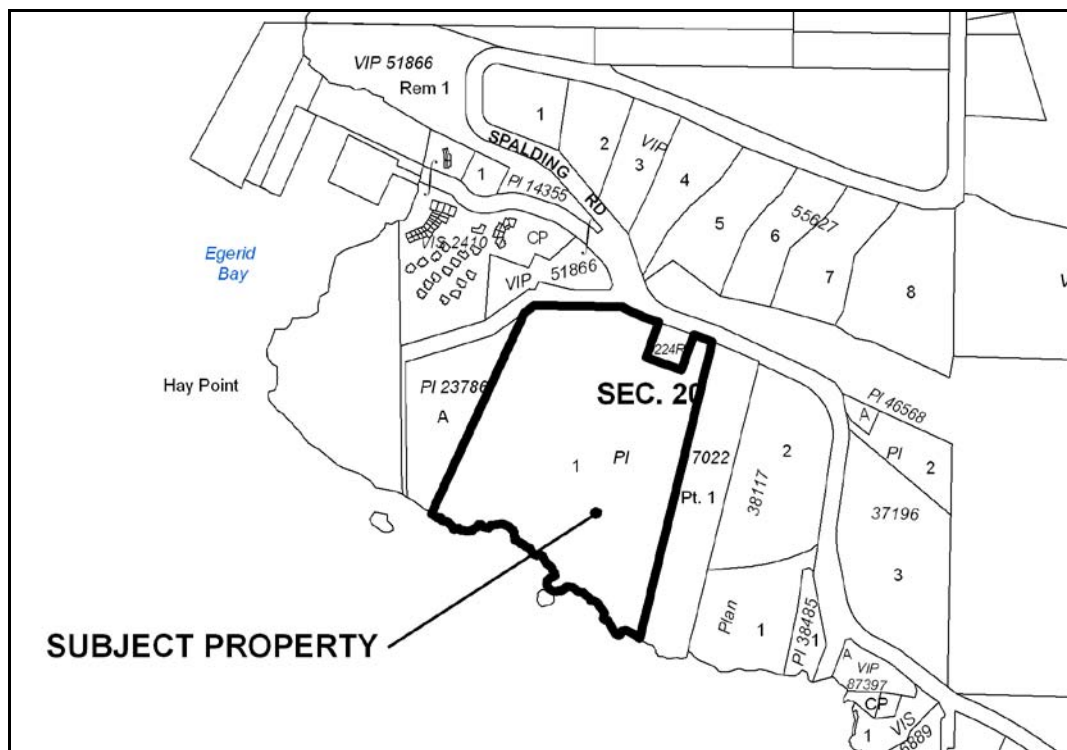


Figure 1: Subject Property

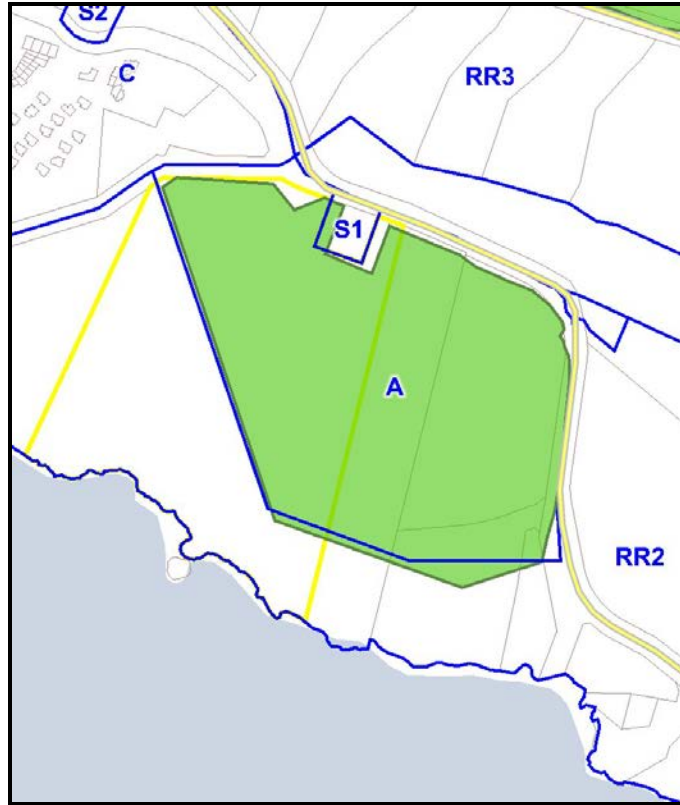


Figure 2: Zoning and ALR Designation



Figure 3: Subject Property with Orthophoto and 2 metre Contour Intervals



Figure 4 – Orthophoto Showing Split-Zoning

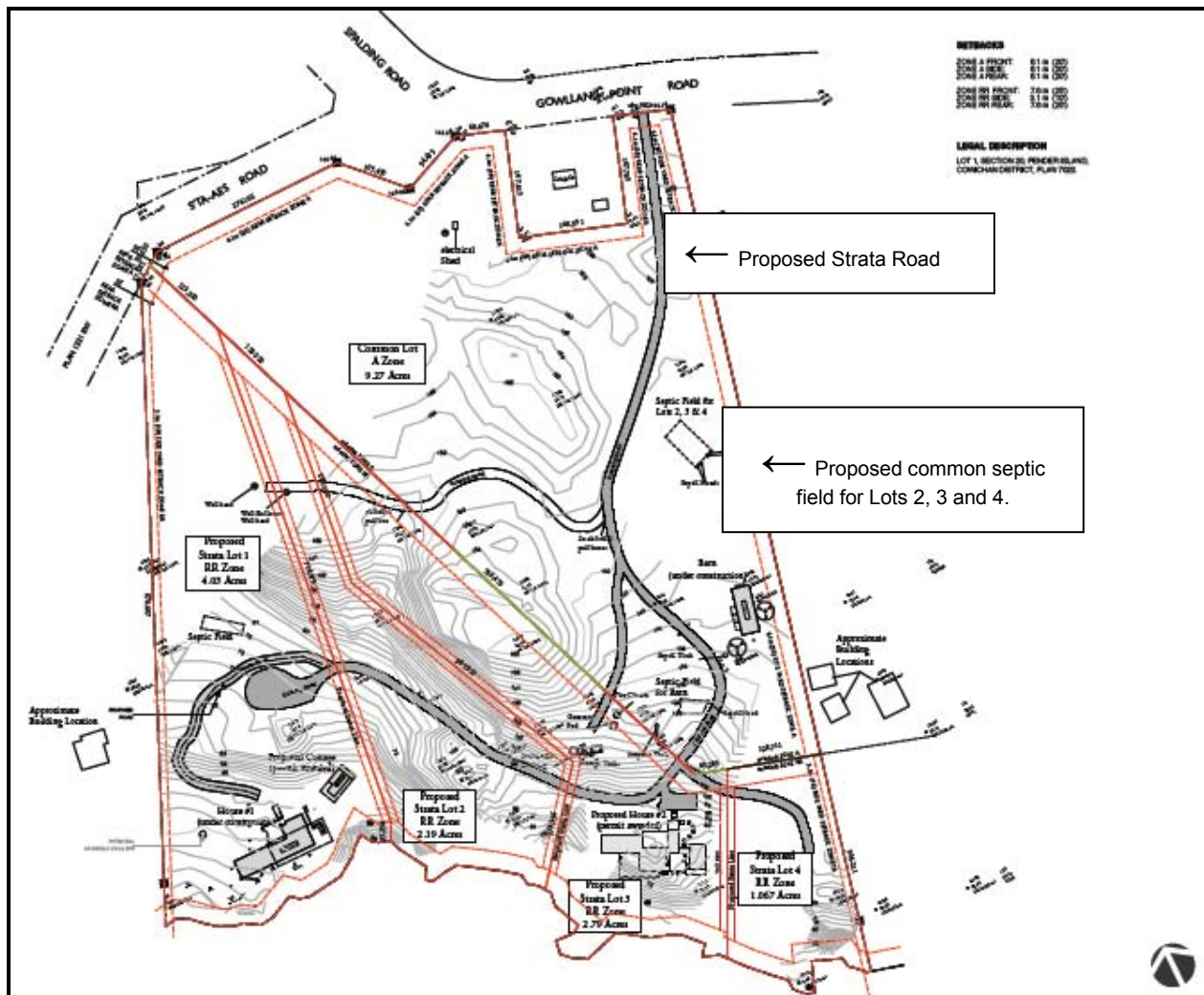


Figure 5: Proposed Subdivision

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement: There are no directive policies relevant to this application; however, it recognizes agriculture as a traditional and valued activity that is to be protected.

Official Community Plan: The subject property is designated Rural Residential and Agriculture in the OCP; the proposed subdivision is not within the ALR lands, but does include a strata road that runs through the ALR portion of the property and a common septic field. Relevant policies include:

The OCP's Agricultural objectives are:

- a) To protect lands having characteristics suitable for agriculture;
- b) To support the use and development of agricultural lands for mixed agricultural activities and practices that do not compromise the land for future farm use, create conflicts with other adjacent land uses, or impair the Island's water supplies; and,

c) To enhance the viability of agricultural activity on the Island.

OCP Agricultural Policy 3.5.2 a), states that in order to support and retain a capability for mixed agricultural activities, the minimum parcel area and minimum average parcel area requirements for subdivision of Agriculture designated lands are to be 4 hectares (9.88 acres). Policy h) states that the Local Trust Committee shall not support applications to the ALC for non-farm use unless it can be demonstrated that the proposed use would allow an active farm to diversify, the agricultural capability of the land is not impacted, and the use is consistent with zoning or policies of the OCP.

Land Use Bylaw: The subject property is split zoned Rural Residential (RR) and Agriculture (A) in the Land Use Bylaw. Properties in the surrounding area are zoned:

- North: Commercial, Community Service (church), National Park
- East: Agriculture and Rural Residential
- South: Marine Protection
- West: Rural Residential

Two houses and one cottage are currently being built on the Rural Residential (RR) portion of the property as is permitted in the zoning. A single family house is also permitted on the Agriculture zoned portion of the split zoned lot under the current zoning.

Islands Trust Fund: There are no Trust Fund Board covenants on the property or in the vicinity.

Sensitive Ecosystems and Hazard Areas: Sensitive Ecosystem Mapping identifies areas of Woodland and Herbaceous sensitive ecosystems on the property with the proposed strata road passing through a small portion of the woodland sensitive ecosystem.

The steep slope hazard mapping shows areas of low, moderate and high hazards on the property; however, the proposed strata road is within a portion of the identified areas.

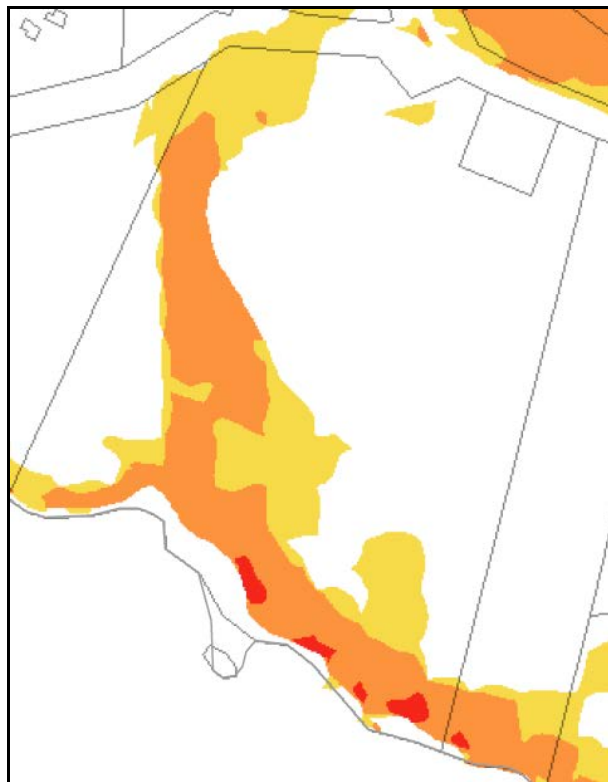


Figure 6: Steep Slope Hazard Areas

Archaeological Sites: There is a registered archaeological site on the property and the owners have been in contact with the Archaeology Branch. The site is not within the ALR portion of the property. Proper procedures for working around the archaeological site have been provided to the owners and contractor.

Covenants: There is a registered covenant on title which is held by the CRD and addresses geotechnical issues.

Climate Change Adaptation and Mitigation: The proposed common septic field and strata road within the ALR portion is setback from the shoreline and should not be exposed to storm events or sea surges. The ability for local agricultural production on the ALR/Agriculture zoned land enhances food security and contributes to the health and well-being of residents while increasing a community's resilience, reducing carbon emissions related to food miles, and strengthening knowledge about food production.

Agricultural Land Reserve: A portion of the subject land is within the ALR. This land is to remain within the ALR with the intent to be actively farmed by members of the strata.

COMMUNITY INFORMATION MEETING(S):

A community information meeting is not typically recommended for this type of ALC referral.

RESULTS OF CIRCULATION:

There is no requirement to circulate this type of ALC referral for comment.

ISSUES SUMMARY:

Statutory Background:

1. The application is made under Sections 20(3) and 21(2) of the *Agricultural Land Commission Act*, which states that an owner of agricultural land may apply to the commission for a non-farm use to subdivide agricultural land. Section 25(3) goes on to state that such an application may not proceed unless authorized by a resolution of the local government if it applies to land that is zoned by bylaw to permit agricultural or farm use (which this is).

Process: although this is an application to the ALC, like all applications it is submitted to the local government and the application may not proceed without LTC authorization. The process is the same for subdivision and for a non-farm use in the ALR, and is essentially as follows:

1. The application is considered by LTC and, if authorized by the LTC, it is then forwarded to the ALC, along with a copy of the resolution and staff report.
2. The ALC may refuse permission, or grant permission for the non-farm use and subdivision.
3. If the ALC grants permission for the subdivision, the applicant would then be able to make application to the subdivision approving officer for the subdivision. In this case that process has already been initiated as a subdivision application has already been

referred to the Islands Trust. It is being considered by the LTC separate under SP-SUB -2011.2. The subdivision and non-farm use would have to meet all other bylaw requirements and all other statutory and regulatory requirements and ultimate approval would be under the authority of the approving officer (Ministry of Transportation).

4. Effect on Agricultural Potential: If a subdivision approval were granted, the impact on agricultural potential would be minimal. As previously discussed, the intent is to create a strata road accessing the non-ALR portion of the lot where the bare land strata subdivision is proposed. This strata road will for the most part follow an existing driveway access, but once constructed will be wider. The proposed common septic field will also use a small amount of ALR land area. This will minimally impact the land as the agricultural capability of the land is primarily for livestock and not cultivation given the topography. There is also a septic field for the barn located in the ALR portion of the lot. The rationale given is that the topography is very steep where the houses (rural residential zone) are to be located and not conducive for the location of a septic field except for lot 1 where there was a flat area. The area selected for the common septic field is the flattest on the property.

It is expected that the common property (ALR portion) will be used for farming (raising horses) as the applicants have already constructed a barn on the property and intend on applying for farm status as per *BC Assessment Act*.

LTC Discretion: the LTC has the discretion to refuse the application by not sending it to the ALC for consideration.

OPTIONS:

The LTC could consider the following options:

1. To deny the application by recommending that the application not proceed to the Agricultural Land Commission (ALC).
This would halt the applicant's ALR subdivision/non-farm use application from proceeding and subsequently their subdivision application would need to be revised significantly.
2. To recommend that the application proceed to the Agricultural Land Commission. This would indicate to the ALC the LTC's support for the application. The decision on the subdivision/non-farm use application remains with the ALC.
3. To table the application requesting further information from the applicant. Such as justification for the location of the non-farm uses. This would allow the LTC to gain additional information into the application before proceeding with a recommendation to the ALC.

STAFF COMMENTS:

The current OCP and LUB bylaws outline the need to protect agricultural land and encourage its use through farming. The OCP states specifically that the LTC “shall not support applications to the ALC for non-farm use unless it can be demonstrated that the proposed use would allow an active farm to diversify, the agricultural capability of the land is not impacted, and the use is consistent with zoning or policies of the OCP.” The question is, does this application for a subdivision/ non-farm use demonstrate that the proposed bare land subdivision allows an active farm to diversify, does not impact the agricultural capability of the land and its use is consistent with the OCP and LUB policies ?

It could be argued that the use of the agricultural portion of the lot will not be substantially hindered by the proposed subdivision and non-farm use. The proposed strata road is to follow the existing access to the proposed waterfront lots (rural residential zoned portion), but being built to an improved standard. The access road was changed slightly from the existing so as to not impact the ALR land by moving the access point from the west side of the church site to the east side. Options for access to the residential portion are limited due to steep topography. The common septic field for lots 1, 2 and 3 will most likely have to remain free of certain agricultural activities (machinery, cultivation) , but as with the rest of the ALR land can continue for the use of livestock (horses) thereby not impacting its capability.

In the South Pender Land Use Bylaw Subsection 8.3(3) it states that the applicant shall grant a Section 219 covenant when doing a bare land strata subdivision on the common property prohibiting further subdivision and construction of a single family dwelling. In this instance, it helps to ensure that the use of the common property, being the ALR portion, remains as one parcel with agriculture as its primary use. Should the subdivision not proceed there is a chance that a single family dwelling would be built on the ALR portion of the land.

In addition, in order to further encourage the use of the agricultural land for farming, the owners have built a barn for use of the strata on the common land (ALR) with the intent of keeping horses and acquiring farm status.

The OCP and LUB permit the proposed uses with consideration that the application aids in the use of the farmland. Permission from the ALC is required to proceed as the proposed subdivision involves ALR land. This decision does not fall under the direct authority of the Approving Officer. The agricultural portion (ALR) of the lot will remain unsubdivided (one common lot) with the proposed bare land strata. It is the Rural Residential portion along the waterfront that is proposed to be subdivided into 4 bare land strata lots with the common property being the ALR portion of the lot.

RECOMMENDATION:

That the South Pender Local Trust Committee direct staff to forward the application for a subdivision/non-farm use in the Agricultural Land Reserve, SP-ALR-20012.1 (Airey Group c/o Robert Cadez) to the Agricultural Land Commission for consideration.

Respectfully submitted by:



Kris Nichols
Planner 1

March 28th, 2012

Date

Concurred in by:

A/ Gary Richardson
Robert Kojima
Regional Planning Manager

March 28th, 2012

Date



Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area **Bylaw No.:** 190 **Date:** March 27, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Ralph Turner (applicant) 1215 Otter Bay Road, North Pender Island

PURPOSE OF BYLAW:

The purpose of proposed bylaw 190 is to amend the North Pender Island Land Use Bylaw to permit the construction of a seawall in the Water 1 zone, which is below the natural boundary of the sea. The objective of the seawall is, in part, to protect a registered archaeological site that is vulnerable to erosion. The proposed bylaw would be a site-specific amendment for this location only, rather than a general amendment to the Water 1 zone.

The proposed development also requires issuance of a development permit for work within a sensitive intertidal ecosystem. A copy of the draft development permit is included with the staff report dated March 12, 2012.

GENERAL LOCATION:

Grimmer Bay, south of Port Washington

LEGAL DESCRIPTION:

Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan EPP12506, PID: 028-656-725

SIZE OF PROPERTY AFFECTED:

Approximately 163m² of the Water 1 zone

ALR STATUS:

no

OFFICIAL COMMUNITY PLAN DESIGNATION:

Marine, with the upland lot being Rural Residential

OTHER INFORMATION:

Two staff reports dated Jan 25 and Mar 12. Related professional reports and copies of the staff reports are also on the web under the 'Proposed Seawall Application' at: <http://www.islandstrust.bc.ca/lc/np/default.cfm>

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: Andrea Pickard

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

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

Ministry of Forest, Lands & Natural Resource Operations – Ecosystem Protection
Ministry of Forest, Lands & Natural Resource Operations – Archaeology Branch
Ministry of Forest, Lands & Natural Resource Operations – Aquaculture
Ministry of Forest, Lands & Natural Resource Operations – Crown Lands

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
Mayne Island Local Trust Committee

PLEASE TURN OVER →

Non-Agency Referrals

Islands Trust Fund

Islands Trust Bylaw Enforcement

First Nations

Chemainus First Nation

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Pauquachin First Nation

Penelakut Tribe

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

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

North Pender Island Local Trust Area

(Island)

190

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

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

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the uses permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

- | | | | | |
|--|------|--------|-------|--------|
| READ A FIRST TIME this | 22nd | day of | March | , 2012 |
| READ A SECOND TIME this | | day of | | , 20__ |
| PUBLIC HEARING HELD this | | day of | | , 20__ |
| READ A THIRD TIME this | | day of | | , 20__ |
| APPROVED BY THE EXECUTIVE COMMITTEE this | | day of | | 20__ |
| ADOPTED this | | day of | | , 20__ |

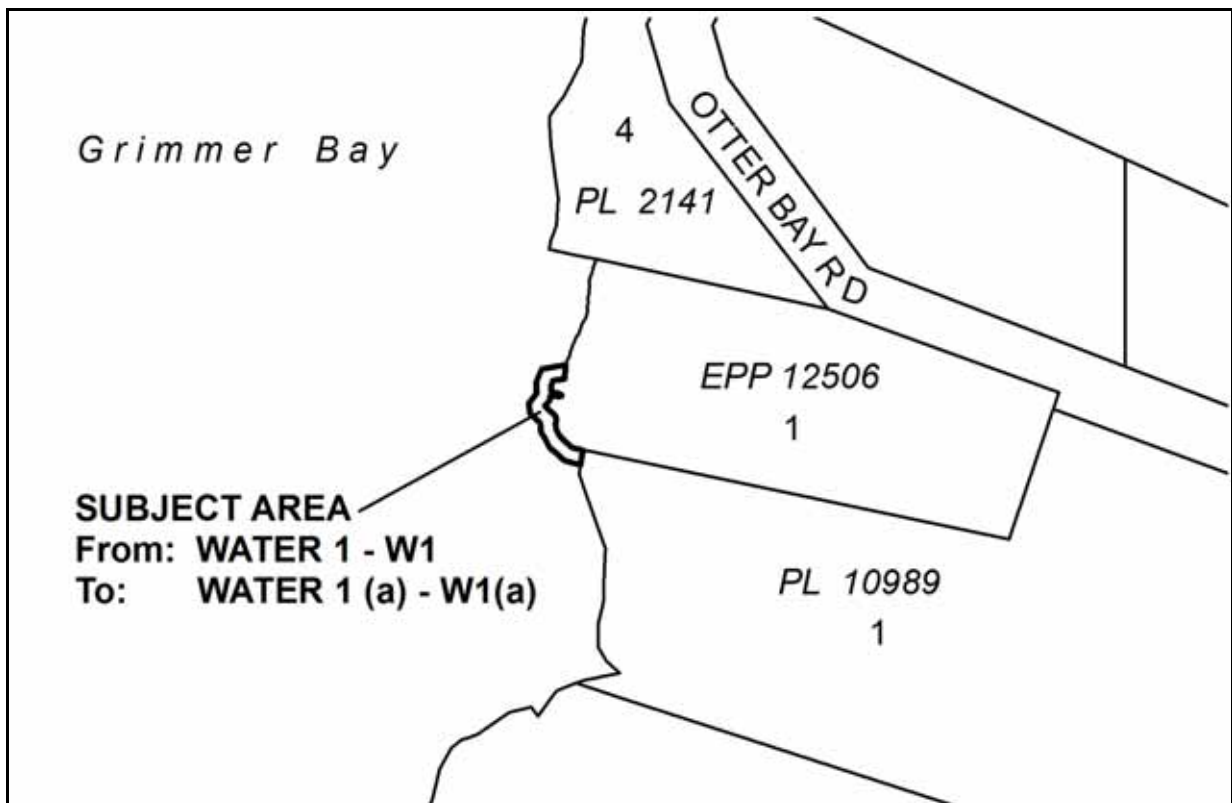
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



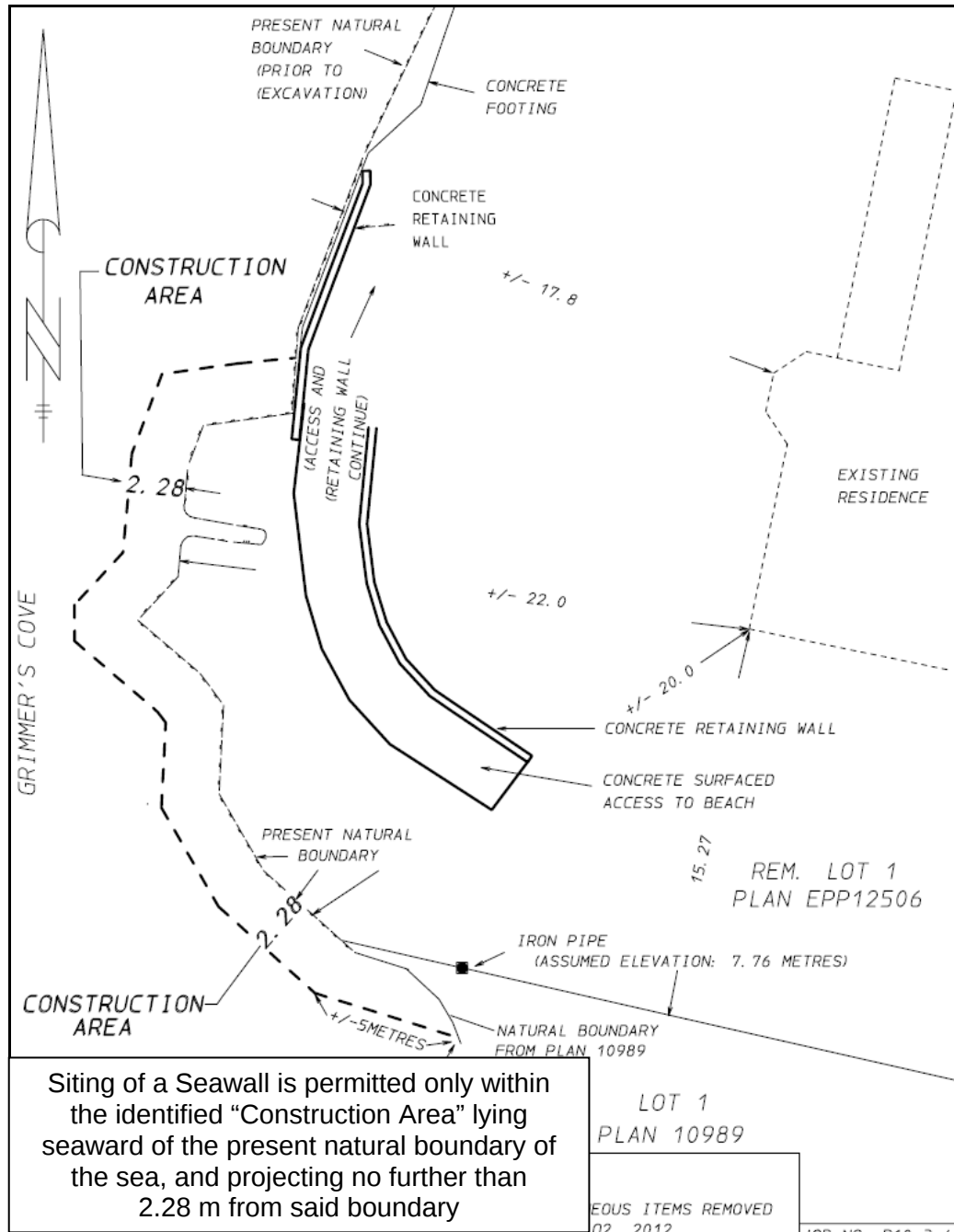
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "F" Detailed Plans" is amended by adding the following:

"W1(a) Seawall Plan"



January 25, 2012

File No.: NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of February 23, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

Owner: Natrikan Holdings c/o Murray Vasilev
Applicant: Ralph Turner
Location: Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan
EPP12506 PID: 028-656-725
1215 Otter Bay Road

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone a portion of Water 1(W1) zone abutting the subject property and neighbouring adjacent property to the south. The objective of the application is to permit construction of a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop. The proposed seawall would have a maximum height of 4.5 metres and be approximately 30 m in length.

The proposed seawall requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. The marine waters are also designated as a sensitive intertidal development permit area. If the rezoning proceeds a development permit would also need to be considered and issued.

The purpose of this report is to provide the Local Trust Committee (LTC) with a preliminary overview of the proposal, identify key issues associated with the proposal, and to seek direction from the LTC to proceed with the application.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

U:\LOCAL TRUST COMMITTEES\North Pender\Applications\RZ\2011\NP-RZ-2011.1 (Turner)\PreliminaryStfRpt NP-RZ-2011.1.doc

Islands Trust



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Figure 3: Plan View of Proposed Seawall

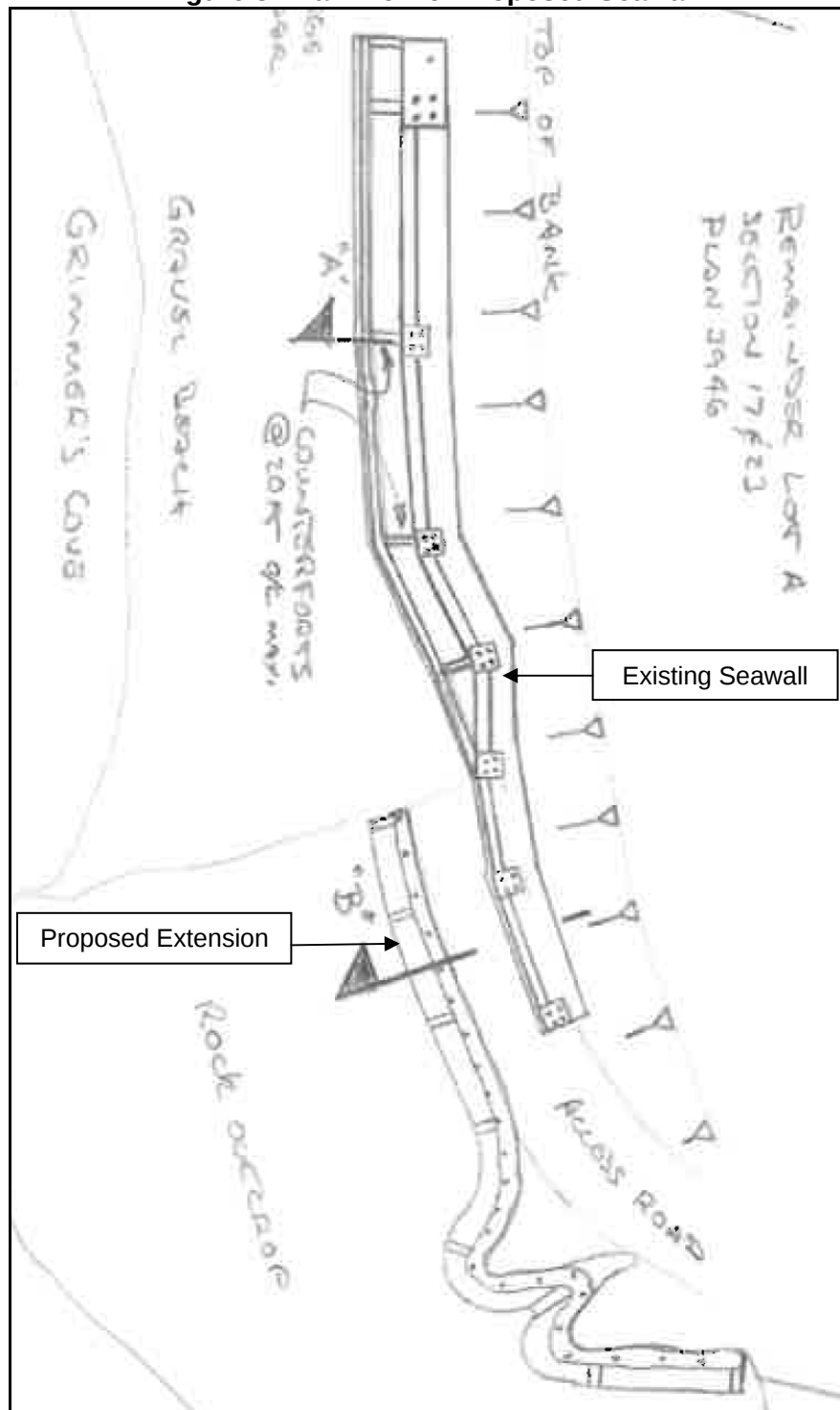
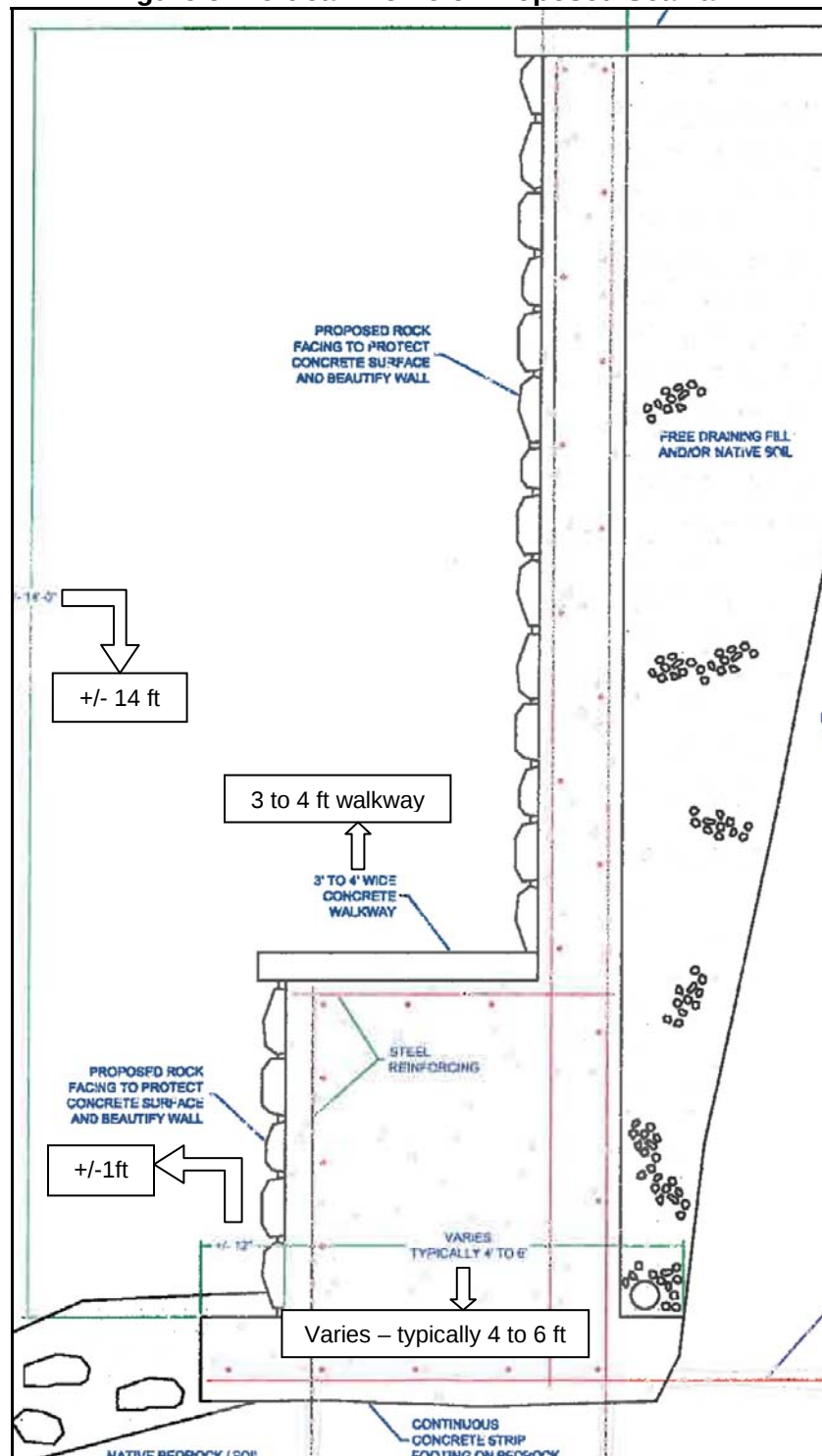
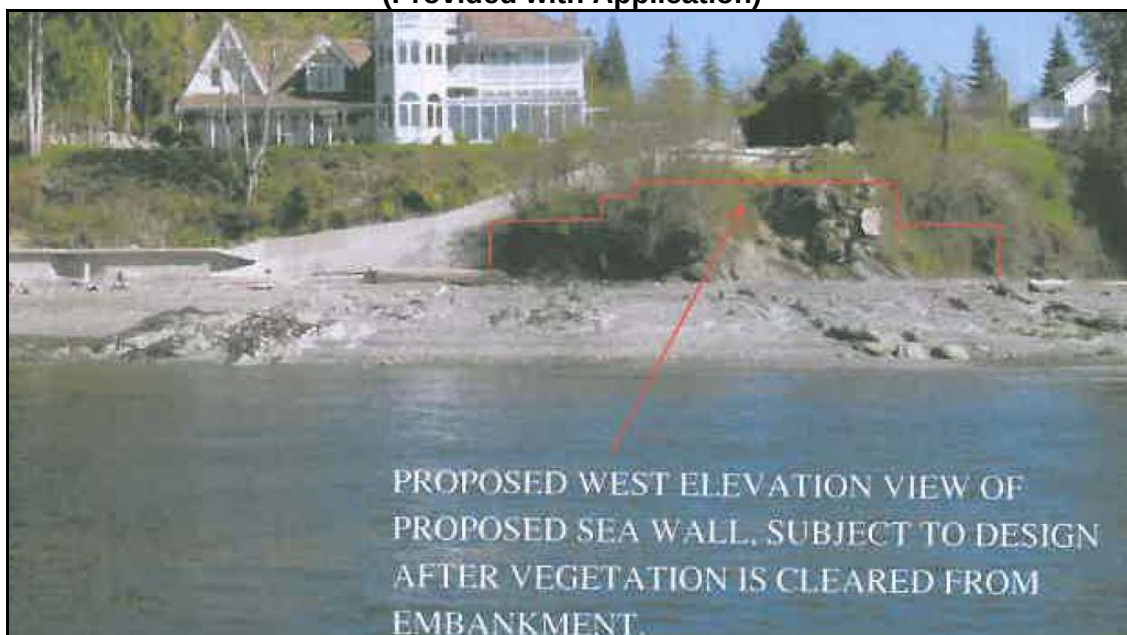


Figure 5: Vertical Profile of Proposed Seawall



**Photograph 1: Waterview with Seawall Noted
(Provided with Application)**



**Photograph 2: Shoreline in Area Proposed for Seawall
(Provided by Applicant)**



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

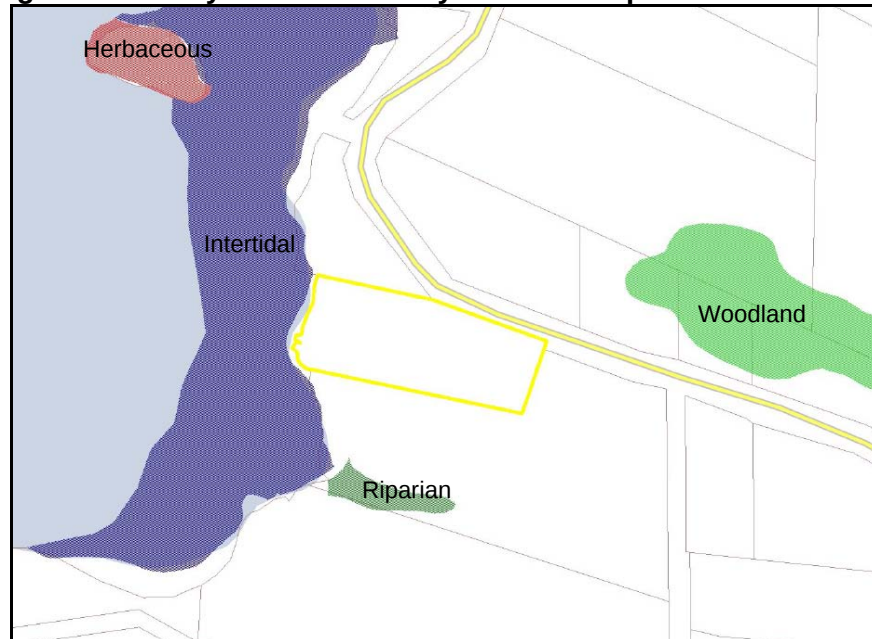
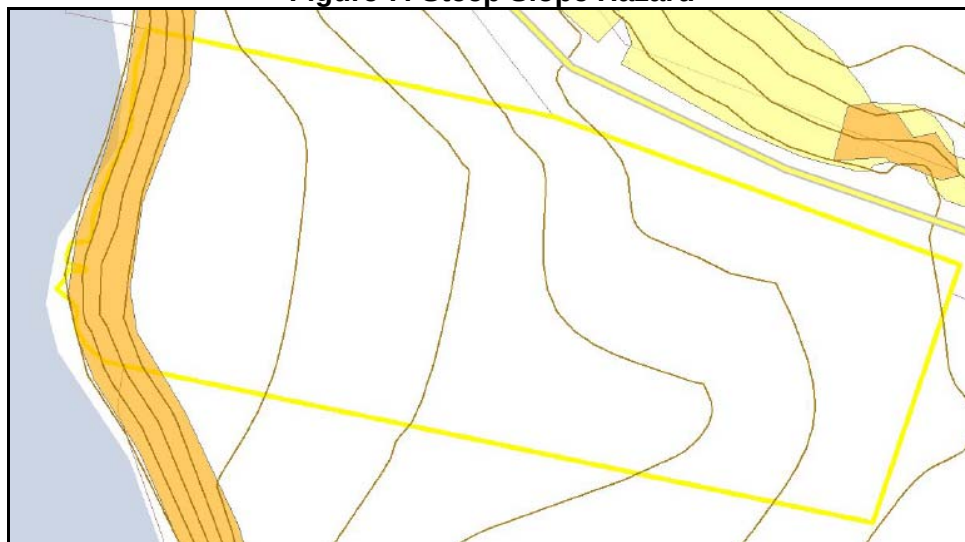


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sedimentation that often provide the source of beach sediments in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points that transfer of energy would be minimal, and that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replating of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Communications:

The draft bylaws would be forwarded to the following referral agencies for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - o Chemainus
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Pauquachin
 - o Penelakut
 - o Tsartlip
 - o Tsawout
 - o Tsawwassen
 - o Tseycum
- Fisheries and Oceans Canada (DFO)
- Parks Canada
- Ministry of Forest, Lands and Natural Resource Operation (MFLNRO) – Aquaculture Branch
- MFLNRO – Ecosystems Protection Branch
- MFLNRO – Archaeology Branch
- MFLNRO – Crown Lands and Resource
- CRD, Building Inpsection Services
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Islands Trust Fund
- Islands Trust, Bylaw Enforcement

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

The applicants have previously discussed the proposed seawall with two adjacent neighbours to the south and those property owners have submitted letters of support in advance of the application being received.

Other:

The existing seawall was granted a Development Variance Permit in 2008. The existing seawall was located upland of the natural boundary of the sea and was therefore considered permitted as an accessory structure to the residential use of the property. The proposed extension southward would be below the natural boundary, located in the Water 1 zone, and therefore requires a zoning amendment.

The seawall constructed on the northern portion of the property has served to protect the archaeological site. The southern portion of the property has continued to be subject to erosional influences, including some land seaward of the existing pathway where archaeological deposits have been confirmed. Due to the potential impacts from winter weather events and continued erosion that may continue to negatively impact the archaeological deposits, the professional reports comment that the work should be undertaken as soon as possible.

Although the submitted reports have clearly supported the proposed seawall, none have specifically discussed any of the softer options except to compare lock-block or rip-rap to concrete.

The application included a number of professional reports prepared either for the original seawall or the proposed extension, these are summarized below.

Table 1: Summary of Professional Reports

Date	Professional	Key Comments
Nov 2007	Kathleen Reimer, Professional Biologist	Related to northern seawall – construction above the high tide line would not have a negative impact on the eel grasses and clam beds in the bay
Oct 2011	Kathleen Reimer, Professional Biologist	Review of Ryzuk and NHC reports and agrees with their comments Too much hard surfacing below high tide mark could result in erosion of beach materials Recommend extra care during construction
Dec 2007	Lewkowich Geotechnical Engineering Ltd	Ongoing erosion noted Exposed face approx. 3-4 m in height Seepage noted between glaciated till layer and overlying sand and gravel veneer No evidence seepage was related to effluent from septic field; considered minor relative to naturally occurring ground water seepage Notes using lock-block or rip-rap would be prohibitively expensive and cast in place concrete with freely draining materials for backfill is recommended. Rock boulders in front of seawall would dissipate wave energy

July 2011	Ryzuk Geotechnical	Southern portion ~30m is characterized by steep bank and near vertical cliff which are unprotected from wave action ranging in height from 3 to 6m Cliff is highly fractured shale bedrock with a layer of silty clay/sandy silt above with organic soil on top This type of shale is highly erodible, mainly by wave action at toe resulting in localized block failure.evidence of slope failure present Historical review indicates erosion rates have increased over last 25 years, possibly related to increase ferry size and frequency. Est. 5m in 73 yrs Minimal change to the energy regime since it is a hard concrete wall in front of a shale slope Shale bank is not a significant source of sediment for the surrounding beach, therefore no significant change to the foreshore conditions or hydraulic regime Recommendations: -conventional strip footing poured directly onto the shale bedrock and to be located as close to the top of slope as possible -Based on DFO – BMP's recommend timing of works between July 1 and Oct 1 or Dec 1 and Feb 15 -No disturbance beyond 1 m of the natural boundary -Silt abatement measures -All machinery to be leak free, spill kits on all machinery and no refueling near the foreshore -No 'in the wet' working during high tides
Feb 2008	Coast Interior Archaeology, Jim Stafford	Archaeological Impact Assessment of Initial Sea Wall, provided extensive historical context Findings suggest a site within the last 3000yrs Erosion and slumpage a main contributor to impacts with historic development and fill previously disturbing the site High potential for human remains to be encountered on the subject property either intact or scattered
Sept 2011	Coast Interior Archaeology, Jim Stafford	Testing revealed relatively intact deposits and features along the south half including stone tools and hearth feature. Fissures indicate that further bank collapse will continue Area of collapsing bank and deposits eventually to be covered in fill
Oct 2011	Coast Interior Archaeology, Jim Stafford	Update to previous rpt Fragmented human remains recovered, considered to be an individual burial that was impacted and mixed into other deposits

Oct 2011	Northwest Hydraulic Consultants (NHC)	No major sediment inputs to the beach in the area Bedrock is predominantly shale with sandstone outcropping along northern edge Low to moderate wave energy environment, however shale bedrock and overlying sediments are easily erodible Current erosional process are concentrated south of the existing seawall Estimate 5m horizontal bank loss over 73 years No increase in erosion expected as long as proposed wall extends without gaps from the existing seawall to the shale bank outcrop Stabilizing bank should not impact natural beach processes By extending new wall to existing hard points, no additional hard points would be created, providing little chance to enhance erosion on adjacent properties Footings should be extended to bedrock to minimize toe scour Protection structures should be monitored annually and following large events
Oct 2011	Islandscapes	Small Yew on upper cliff edge should not be impacted Replanting with Scouler's willow, Oceanspray, Red Flowering Currant, Nootka Rose, Tall Oregon Grape and Snowberry. Greater Periwinkle also recommended since it has colonized the area, is fast growing and would provide effective trailing groundcover
Aug 2011	Ministry Forest Land and Nature Resource Operations	Review of proposed 2.13m (7ft) encroachment Included 3-4 ft wide walkway to high tide access No objections subject to: • Max encroachment of 2.28m (7.5 ft) from present natural boundary • Approval of DFO and Islands Trust • As-built plan required • Professional Engineer's 2 year post construction monitoring report

STAFF COMMENTS:

The proposal would require an amendment to the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) to amend the W1 zone to permit a seawall. Staff would propose a site specific zoning amendment specific to this proposal. An OCP amendment is not required due to the OCP policy 4.2.10 which would consider structures on the foreshore if an environmental impact assessment indicates there is no disruption to natural coastal processes.

The application included a number of professional reports prepared in advance of submitting their application. Under the Development Approval Information (DAI) Bylaw additional reports could be required. After a staff review we would require:

- A more detailed landscaping proposal with a site plan that identifies both existing vegetation to be retained and proposed areas for replanting, utilisation of native species that would be suitable to the area (wet soils and high seepage), and includes a more detailed cost estimate.
- A more precise survey plan showing the extent of the seawall, the proposed location relative to the property boundaries and the present natural boundary.
- A supplementary report commenting on the feasibility of any softer approaches.

The LTC may also request additional information be submitted for the application to proceed.

The following outlines a minimal timeline for the process that is very tight and does not factor in any contingency time for requiring additional reports, consideration of any registered covenants, an APC referral, a Community Information Meeting or Public Hearing held outside of the regular LTC schedule, or significant changes to the proposal.

February: Staff directed to proceed with application and to prepare draft bylaws, applicant requested to provide the additional information noted above.

March: Review draft bylaws, make any revisions, and direct staff to refer draft bylaw for agency comments.

April: Any preliminary responses received are considered, draft bylaws revised if necessary, draft bylaw given First Reading and staff directed to schedule a public hearing.
A draft Development Permit (DP) would also be prepared for consideration at this time or the next meeting. It would be recommended to at minimum have a draft DP available prior to the Public Hearing.

May: Public hearing (at LTC meeting or separately) for input, remaining agency comments received, further revisions considered then proposed bylaw given Second and Third Reading and forwarded to Islands Trust Executive Committee for approval.

June/Aug: Proposed bylaw returns for adoption.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2011.1 (Turner) and to prepare draft bylaws.

OPTION:

2. THAT the North Pender Island Local Trust Committee refer bylaw amendment application NP-RZ-2011.1 (Turner) to the Advisory Planning Commission for comment.

Prepared and Submitted by:



Andrea Pickard

January 25, 2012

Date

Concurred in by:



Regional Planning Manager

January 25, 2012

Date

March, 12, 2012

File No.: NP-DP-2011.9 and
NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of March 22, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Development Permit NP-DP-2011.9 and NP-RZ-2011.1 (Turner)

Owner: Natrikan Holdings Limited (A Cyprus Corporation)
Applicant: Ralph Turner
Location: 1215 Otter Bay Road
Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan
EPP12506, PID: 028-656-725

THE PROPOSAL:

The application is for development within the Sensitive Intertidal Ecosystem Development Permit Area (DPA) for the purpose of constructing a seawall below the natural boundary of the sea. The subject property was issued a Development Variance Permit in 2008 to construct a seawall on the northern portion of the property, which was located upland to the natural boundary. Due to continued erosion along the southern portion of the property and the vulnerability of a registered archaeological site, the applicant proposes to construct an extension to the existing seawall. The proposed seawall would be a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop located approximately 5 metres beyond the southern boundary of the subject property.

The proposed seawall extension requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. At the February 23rd meeting the North Pender Island Local Trust Committee (LTC) received a preliminary report for the bylaw amendment and directed staff to prepare draft bylaws and to send an early referral letter to the First Nations with an interest in the area.

There have been a number of professional reports submitted related to this proposal. Rather than attach them all to this report and creating a very large agenda package, staff will provide hard copies to the Trustees and post them on the website to be available to the public.

A draft development permit is attached as Schedule A and draft amending bylaw is attached as Schedule B.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

Based on GIS data the property rises moderately to 8m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 18 m asl.

Figure 1: Subject Property Map



Figure 2: Orthophoto with 2 metre Contour Intervals



PRESENT NATURAL BOUNDARY PRIOR TO CONSTRUCTION

Existing Seawall and Access Ramp

CONCRETE FOOTING

PRESENT NATURAL BOUNDARY

Proposed Extension of Seawall within "Construction Area"

CONSTRUCTION AREA

RETAINING WALL ALONG ACCESS TO BEACH

ACCESS TO BEACH (CONCRETED SURFACE)

CUT CROSS 905 ELEV. 8.754

OLD IRON PIPE ASSUMED ELEVATION 7.76 METRES

NATURAL BOUNDARY

RESIDENCE

GRIMMER'S COVE

CONSTRUCTION AREA

PRESENT NATURAL BOUNDARY (PRIOR TO EXCAVATION)

CONCRETE FOOTING

CONCRETE RETAINING WALL

ACCESS AND RETAINING WALL CONTIGUOUS

CONCRETE SURFACED ACCESS TO BEACH

IRON PIPE (ASSUMED ELEVATION: 7.76 METRES)

NATURAL BOUNDARY FROM PLAN 10289

APPROXIMATE POSITION OF SHALE BANK OUTCROP OR "HARD POINT"

LOT 1

PLAN 10080

ALPH B. TURNER, BCLS
111 CHATHAM STREET
SYDNEY NSW 2000

2.28

2.20

1.3 METRES

17.8

22.0

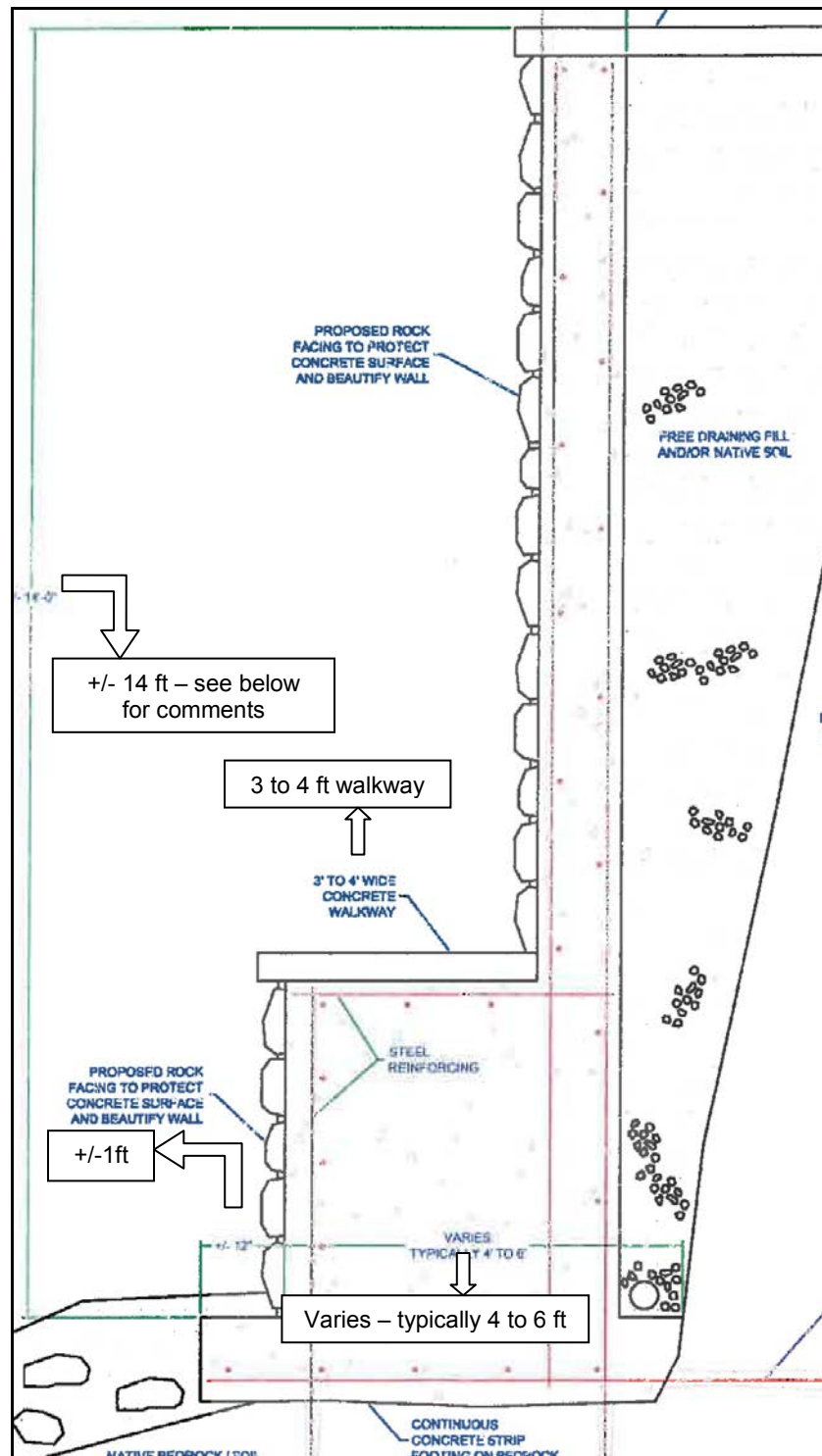
20.0

15.27

REM. LOT
PLAN EPP12

EXIST. RES.

Figure 5: Vertical Profile of Proposed Seawall



Although the profile above has indicated a height of +/- 14 ft (4.3m) the draft bylaws have used a maximum height of 5.5m (18ft). This is to accommodate for undulations in the shale bed the base is constructed on. The intent is to step the top of the seawall in such a manner to follow the natural contours, however some localized sections may exceed a limit of 4.3m. It should be noted the draft bylaw may specify a maximum of 5.5 m, however the actual seawall authorized

is also regulated by the development permit. The proposed development permit includes a photograph rendered to represent how the maximum height will be designed to match the existing elevation.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Local Trust Committee bylaws also have to be approved by the Executive Committee before being adopted. As part of their review a checklist is used to review the proposed bylaw against the Islands Trust Policy Statement. The checklist is attached as Schedule C.

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment and they have no concerns.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

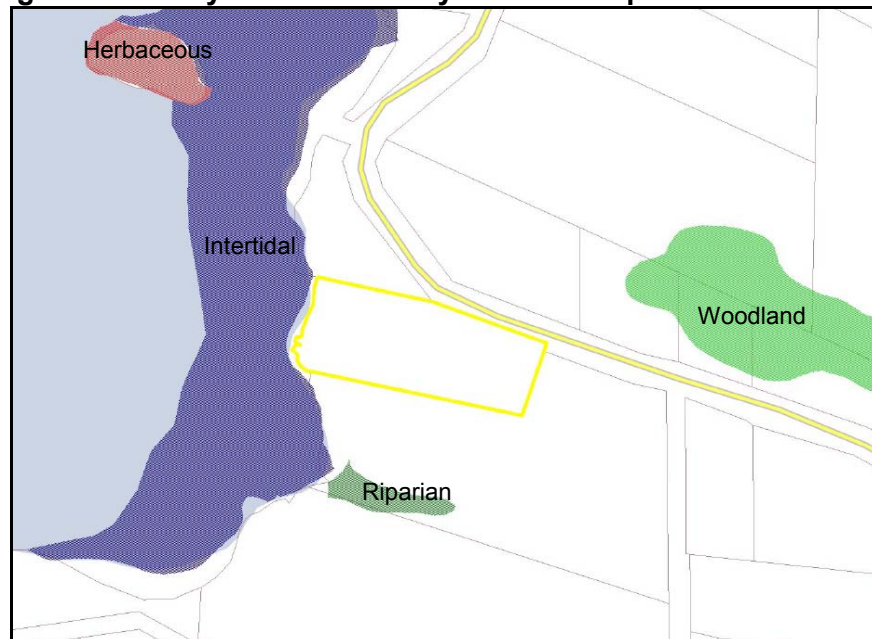
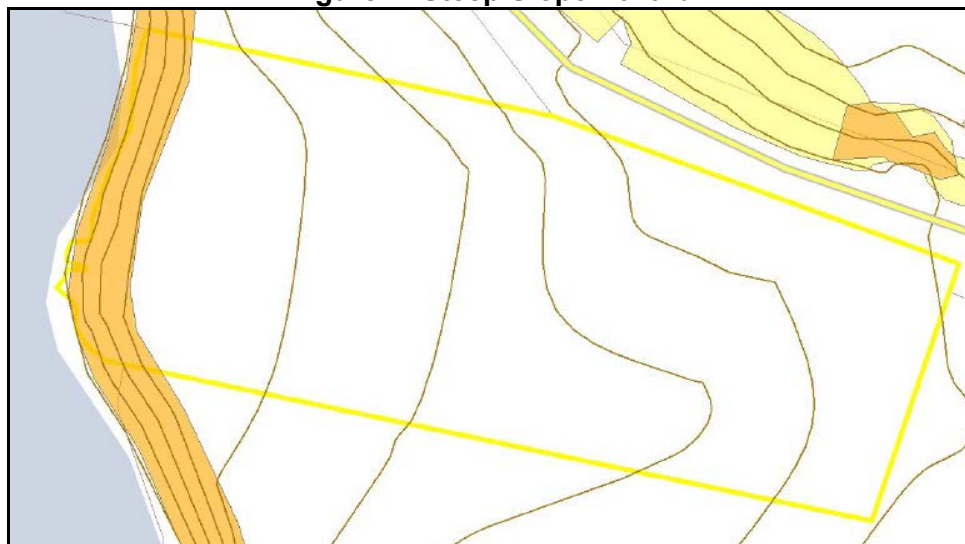


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sediments that often are the source of beach sediments deposited further along the shorelines in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points then that transfer of energy resulting in new erosion areas would be minimal. They also note that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replanting of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Other:

Biologist's Report: A biologist's report was submitted for the original seawall in 2007 with a supplemental report for the proposed extension. The 2007 report concluded "that construction of a seawall above the high tide line, in order to stabilize the bank in front of the building would not have a negative impact on the eel grasses and the clam beds in the bay." In a supplemental report on the seawall extension the report notes that extension should be constructed in such a way that new erosional areas would not be created (anchoring to bedrock and the shale outcrop). The biologist also agrees with the recommendation in the Northwest Hydraulic Consultants report that monitoring of the site after the seawall is constructed should be undertaken, particularly after storm events.

Landscaping: A landscaping plan has been submitted for the upland portion that would be backfilled between the seawall and existing bank. The landscaping plan consists of only native species.

Security Bond: In order to ensure the planting is undertaken as proposed, staff recommend the owner provide security in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost. The security should be required before an amending bylaw is given final adoption. The cost estimate provided is \$7452.10, resulting in a security amount of \$9315.13.

Guidelines Checklist: The DP guideline checklist is attached as Schedule D.

STAFF COMMENTS:

Erosion protection has historically utilized hard armouring of the shoreline with concrete or rip rap walls. Although these methods are relatively inexpensive and have low maintenance requirements, they have proved to produce negative environmental impacts to shorelines by:

- transferring erosion to adjacent locations;
- interfering with natural coastal process, particularly cutting off the source of beach materials; and
- the loss of habitat and vegetation.

In high energy wave environments hard surfaces can also result in the energy forces being transferred upland, rather than being dissipated and this can impact upland structures.

There has been a shift in recent years to alternative approaches that have less environmental and visual impacts. Protection measures are often referred to as a spectrum from 'soft' to 'hard', where 'soft' measures utilize less rigid materials such as vegetation, while 'hard' measures refer to those with solid, hard surfaces such as concrete walls. In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. There is a range of measures that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete or rock groins
- Retaining walls or bulkheads (concrete, lock blocks, etc.)
- Seawalls

SOFT



HARD

Professional reports have commented on the upland drainage. It was identified that the broader area generally consists of poorly draining, wet soils extending well beyond the subject property to beyond the Golf Course. The existing septic field is also identified as a possible source of seepage in the area, however it was considered to be to a minor contributor and well below the volume of naturally occurring ground water seepage.

Professional reports have also commented on the possibility of softer approaches. The site is restricted by the need to avoid further disturbance to the upland soils so as not to impact the archaeological site, and it is a high energy environment. Other design options may require a larger overall footprint, more excavation, or more heavy equipment access to the site. Softer approaches are not feasible at this location since they are not considered suitable for high energy coastal environments such as this.

The key consideration for supporting any form of erosion protection structure is the preservation of a significant archaeological site. The Archaeologist's report identifies it as a large prehistoric habitation site of high scientific significance. The site has been impacted by past development and erosion.

For the proposed seawall to proceed it also requires a development permit, which can include conditions under which the site is developed.

Conditions included in the draft permit include:

- Maximum height to follow natural terrain as much as possible
- Construction to occur during Fisheries and Oceans Canada Best Management Practices (for 2012 July 1 to Oct 1 and Dec 1 to Feb 15)
- All upland work to occur between Jun 1 and Oct 1 (DFO – Best Management Practices)
- No sediments to be released into the foreshore areas, mitigation measures to be undertaken – ie: landscaping and mulching
- No beach materials to be removed from, nor fill introduced into the foreshore
- A spill kit to be on site when motorized equipment is present
- A report to be submitted post construction to confirm recommendations have been followed
- A monitoring report to be submitted 5 year post construction to review effectiveness and structural integrity of the seawall

The next steps are:

- Make any revisions to the draft bylaw (March LTC)
- Refer the draft bylaw to referral agencies for comment
- Optional scheduling of a Community Information Meeting as part of the April LTC agenda or for a weekend
- Give the draft bylaw First Reading and direct staff to schedule a Public Hearing (April)
- Hold Public Hearing at part of the May LTC agenda or a separate date
- Consideration of input and possible amendments to the proposed bylaw
- Given Second and Third Reading (May)
- Refer the Proposed Bylaw to Executive
- Adopt the Proposed Bylaw and issue the Development Permit

Staff recognize the above timeline is fairly ambitious, and if there is a considerable amount of input the timeline would need to be extended. Ongoing workload may also be a factor, and if the Community Information Meeting and Public Hearing are held separately from the LTC meeting dates.

RECOMMENDATION:

THAT the North Pender Island Local Trust Committee direct staff to refer Draft Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012” to referral agencies for comment.

That the North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting for NP-RZ-2011.1(Turner) for the April Local Trust Committee meeting.

THAT Development Permit NP-DP-2011.9 (Turner) BE APPROVED but NOT ISSUED until the related bylaw amendment for NP-RZ-2011.1 is adopted.

Prepared and Submitted by:



Andrea Pickard

March 12, 2012

Date

concurred in by:



Regional Planning Manager

March 12, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2011.9

To: Natrikan Holdings Limited (A Cyprus Corporation)

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

Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506
PID: 028-656-725

2. This Development Permit authorizes the construction of a seawall within a sensitive intertidal ecosystem development permit area subject to the following conditions:
- (a) Siting of a seawall shall be consistent with Schedule "A" attached to and forming part of this permit.
 - (b) Construction of a seawall shall be substantially consistent with Schedule "B" attached to and forming part of this permit.
 - (c) Maximum height of the seawall shall be constructed in a manner that follows the natural terrain as reflected in Schedule "C" attached to and forming part of this permit.
 - (d) Construction of the seawall shall occur during the marine timing windows established by Fisheries and Oceans Canada Best Management Practices; those currently being July 1 to October 1 and December 1 to February 15.
 - (e) All related upland work above the present natural boundary shall occur between June 1 and February 15 in accordance with Fisheries and Oceans Canada Best Management Practices.
 - (f) Development must be conducted in a manner that prevents the release of sediment or sediment-laden water to the marine environment. Mitigation measures, such as landscaping and mulching, shall be undertaken after backfilling of the upland slope behind the seawall such that there is no migration of sediments into the foreshore area.
 - (g) No native beach materials shall be removed from, nor any fill introduced into the foreshore area.
 - (h) A spill kit must be kept on-site at all times motorized equipment is present.
 - (i) A post construction report, prepared by a qualified professional, shall be submitted by March 31, 2014 to confirm that recommendations in the professional reports have been followed.

- (j) A monitoring report, prepared by a qualified professional, shall be submitted by December 31, 2017 to review the effectiveness and structural integrity of the seawall approximately 5 years post-construction.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ day of _____, 20__

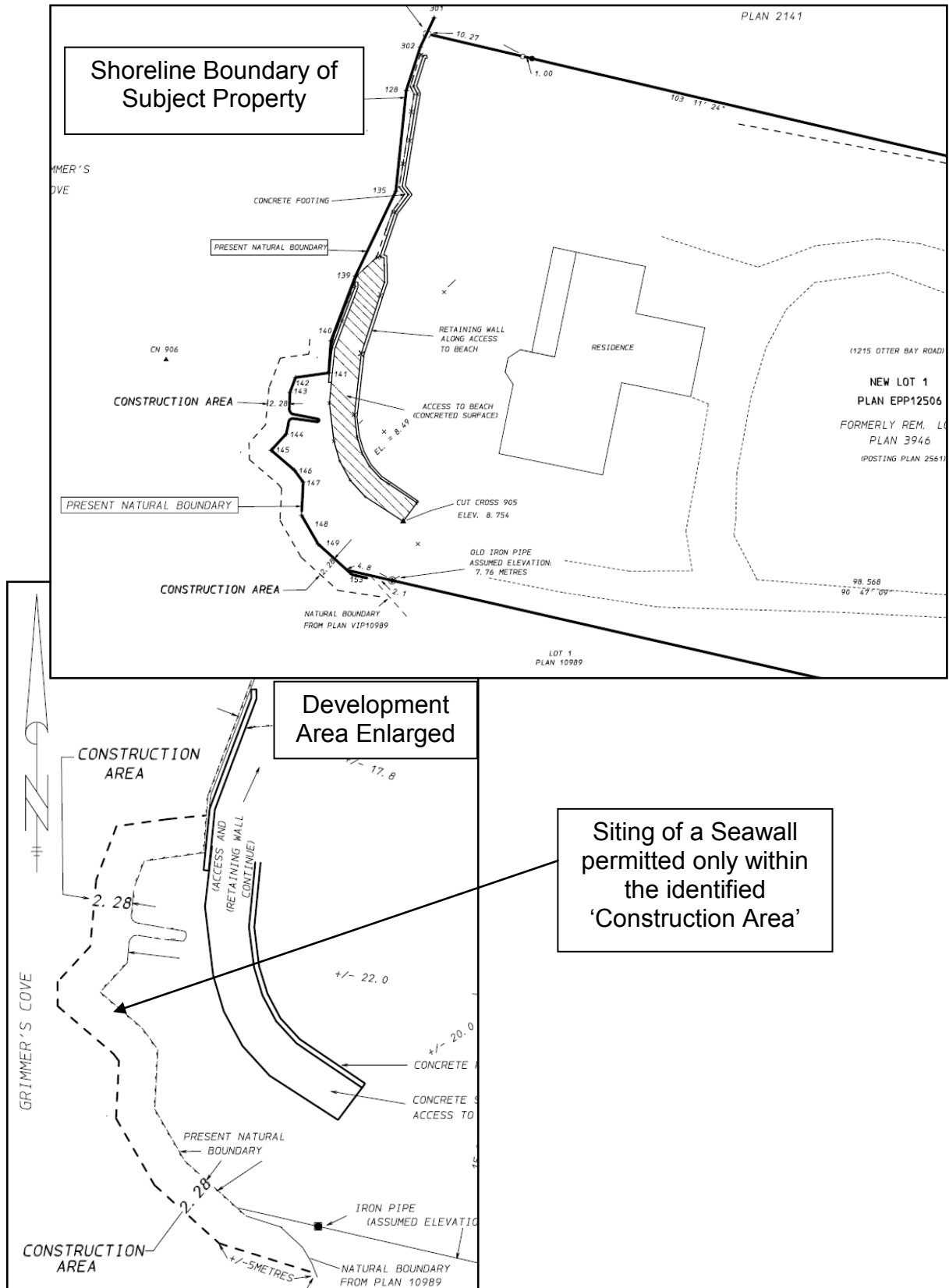
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 20__ THIS PERMIT AUTOMATICALLY LAPSES.

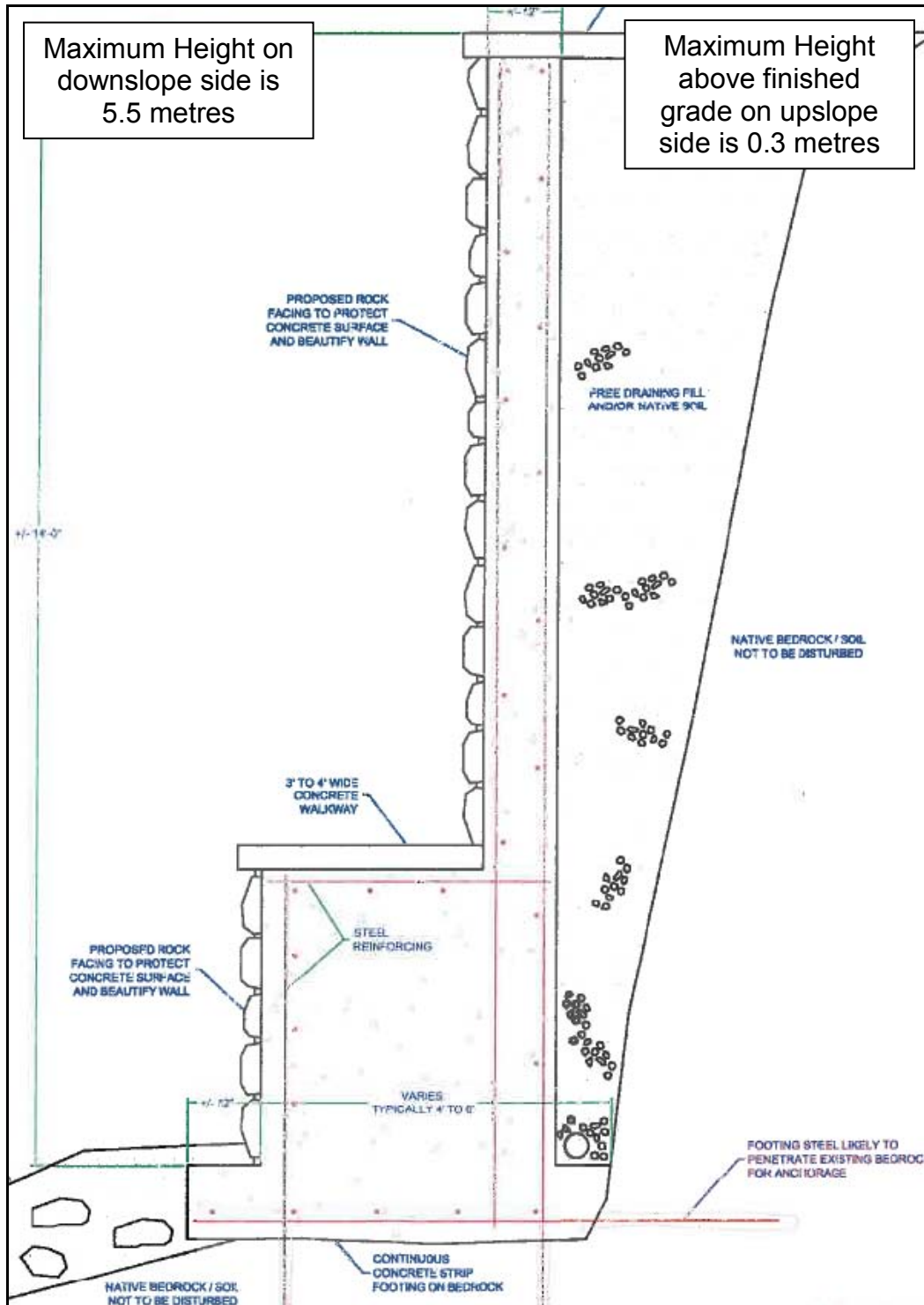
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "A"**

Site Plans



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "B"**

Seawall Side Profile



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "C"**

Finished Height of Seawall



Finished height of the seawall shall follow the natural terrain as closely as possible as represented by the line



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

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

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

<i>Column 1</i> Site- Specific Zone Reference	<i>Column 2</i> Legal Description	<i>Column 3</i> Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the used permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

- READ A FIRST TIME this _____ day of _____, 20__
- READ A SECOND TIME this _____ day of _____, 20__
- PUBLIC HEARING HELD this _____ day of _____, 20__
- READ A THIRD TIME this _____ day of _____, 20__
- APPROVED BY THE EXECUTIVE COMMITTEE this _____ day of _____, 20__
- ADOPTED this _____ day of _____, 20__

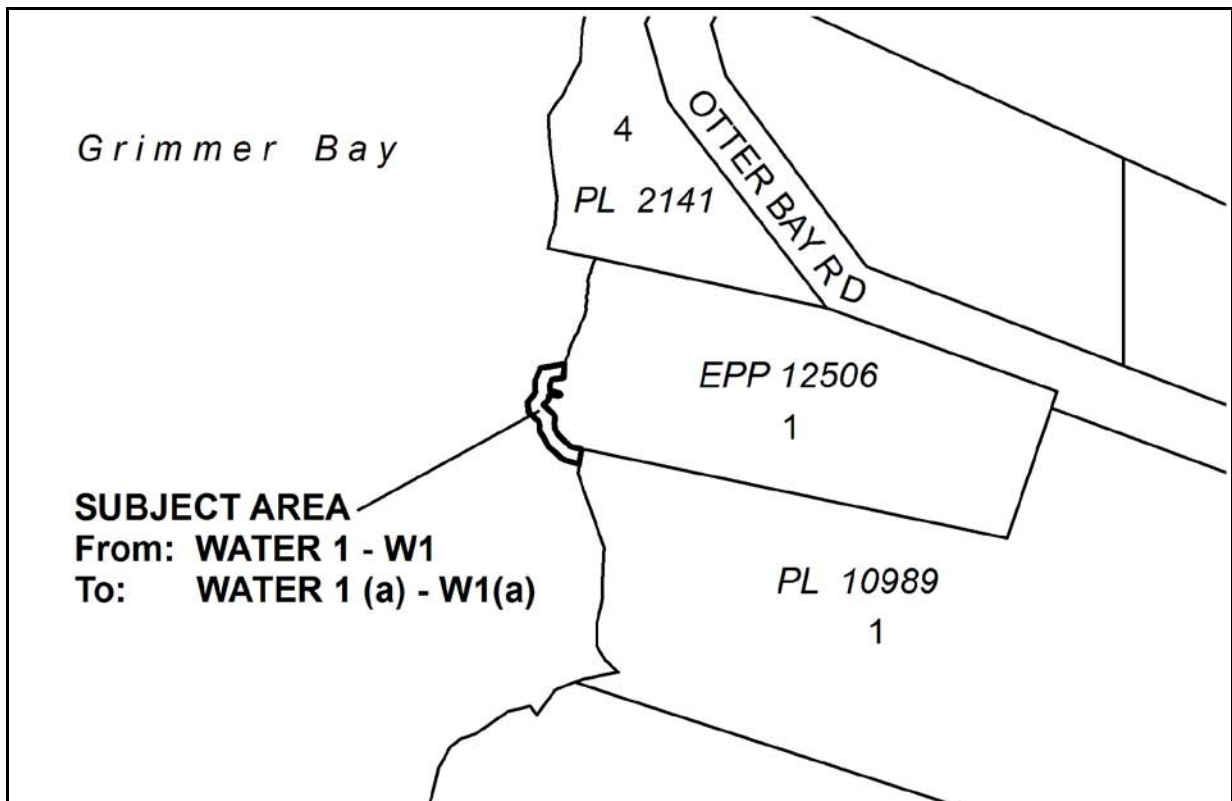
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



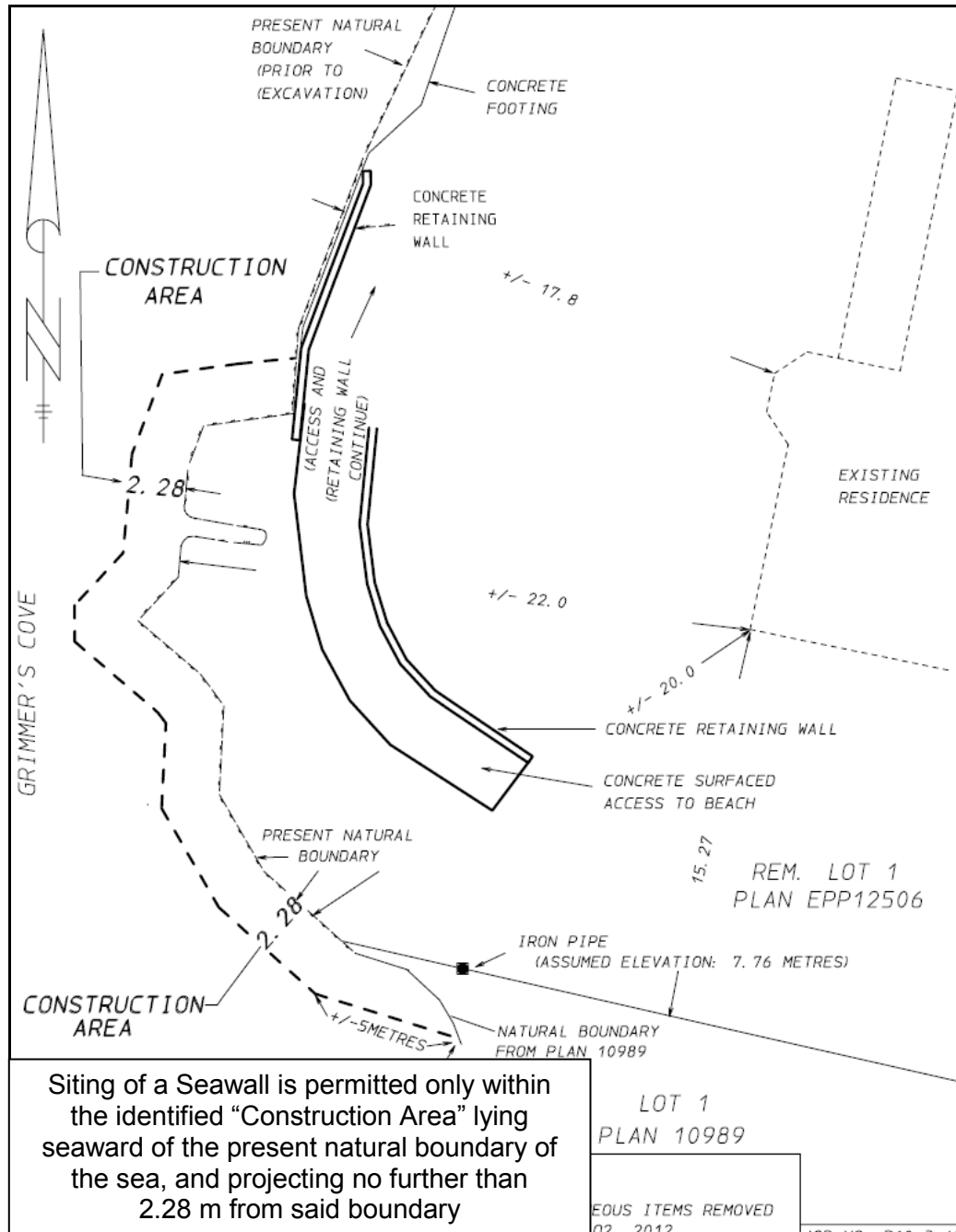
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "F" Detailed Plans" is amended by adding the following:

"W1(a) Seawall Plan"



**DPA Checklist: NP-DP-2011.9 (Turner)
Seawall**

Guidelines	Comments
Overall DPA Guidelines	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Lot is not subdividable
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Proposed location is determined by existing archaeological site and natural boundary of the sea
3. The area cleared and disturbed for development should be minimized.	Limited to identified construction area and within 2.28m permitted by Ministry of Forests, Lands and Natural Resource Operations
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Disturbance will be adjacent to natural boundary only, with a maximum projection of 2.28 meter seaward
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	One identified Yew tree on the bank will be retained, no impact on root system expected. Surrounding area to have additional soil and plantings to help replenish previously eroded area
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Surrounding areas already developed, backfilled areas to be replanted
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, pits and dunes should be protected.	Design of wall will follow topography as much as possible, and siting will parallel natural boundary of the sea
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	n/a sensitive features have limited migration ie: eel grasses, clams, oyster bed
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Landscaping plan includes range of native species

Guidelines	Comments
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No native materials to be removed from, nor fill introduced into the foreshore area as a condition of permit
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Professional reports provide recommendations regarding appropriate drainage materials and design
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	n/a
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	n/a
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	To be permitted as site specific zoning to protect heritage/cultural feature
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	Softer approaches considered but not suitable to this location
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	Objective, in part, is to protect archaeological site
17. The permit conditions may include:	
a) the construction of permanent or temporary fencing around sensitive features;	Not recommended
b) fencing, flagging and posting of notices during construction;	Not recommended
c) limits on blasting in sensitive areas;	No blasting required
d) limits on construction timing;	DFO timing windows as condition of permit
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Not recommended

Guidelines	Comments
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Area behind seawall to be replanted post construction
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	No required – addressed in site specific zoning
<i>Intertidal Ecosystem Guidelines</i>	
19. Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	Access to foreshore exists on northern portion of seawall
20. Docks should be sited to avoid impacts on sensitive ecosystems such as eel grass beds, fish habitat and natural processes such as currents and littoral drift.	n/a
21. Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.	n/a
22. Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.	n/a
23. Piers on pilings and floating docks are preferred over solid-core piers.	n/a
24. Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.	n/a
25. Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.	n/a



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
√	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
√	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
√	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
√	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
√	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
n/a	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.
n/a	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
n/a	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.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
√	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
√	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	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	Health and Well-being
n/a	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.

POLICY STATEMENT COMPLIANCE	
√	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



STAFF REPORT

March 16, 2012

File No.: SP-6500-20 LUB
Review 2012

To: South Pender Island Local Trust Committee
For the meeting of April 10, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Review of South Pender Island Land Use Bylaw

Preliminary Report

PROJECT BACKGROUND:

The South Pender Island Local Trust Committee (LTC) has identified a review of the Land Use Bylaw (LUB) as a top priority on the work program. The purpose of this report is to provide an overview of recommended amendments and for the LTC to direct staff to prepare a draft amending bylaw.

A list of possible amendments is identified in the table below as they would be presented within an amending bylaw.

Significant amendments include:

- Allowing ocean-based geoexchange (geothermal) systems in the marine zones for use by the abutting lot, except in the National Park Marine zone,
- Permit and regulate storage buildings as a principal use on zones where a residential use is also permitted,
- To change the required setback for pump/utility houses from 0 (currently exempt) to 3.0 metres to coincide with building code requirements,
- Reduce the setback for ground level solar collectors, less than 4.6 metres in height to 3.0 metres, and
- To allow thick walled, environmentally friendly buildings to have the floor area measurement from the interior surface of the outside wall. This would impact cottages and accessory buildings that have limited floor area and remove a barrier for owners to consider cob, straw bale or low energy building using double walled, R-40 design.

Table 1: Land Use Bylaw Sections Recommended for Amendment

LUB Section	Proposed Amendment	Reason/Comment
1	Section 1.1 – Definitions is amended for “pump/utility house” by deleting “an accessory building” and inserting “a building” such that it reads: “pump/utility house” means a building with a maximum floor area of 2.9 square metres (32 square feet) containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.	pump/utility house since it is a permitted use in all zones under the general regulations.
2	is amended by inserting in the correct alphabetical location ““environmentally friendly buildings” means buildings designed with construction standards using alternative building materials, such as straw bale or cob, that are categorized as Special Unusual Structures in the B.C. Building Code, or buildings that use increased wall thickness in order to obtain an energy efficient value of R-40 or more, such as Passivhaus standards for low-energy buildings.”	Currently if a property owner wanted to build a cob, straw bale or double thickness /insulated cottage because the floor area calculation is taken from the outer surface of the exterior wall they would lose interior floor area. Because the definition of cottage is limited to 56m2 it would require a rezoning to accommodate alternative construction methods since a definition cannot be varied.
3	is amended for “floor area” by inserting at the end “The floor area for environmentally friendly buildings is measured from the interior surface of the outside walls.	By allowing alternative, environmentally buildings to be measured from the interior walls they would not be penalized for having extra thick walls and it would also be an incentive for owners to use more environmentally friendly construction methods. This would benefit cottages or accessory buildings that have a limited floor area. Dwellings would not be impacted since they are primarily limited by lot coverage, which is rarely an issue on larger lots.
4	is amended for “structure” by inserting “above or below ground utility lines” such that it reads: “structure” means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes septic fields, septic tanks, absorption fields and related appurtenances below ground, above or below ground utility lines, concrete and asphalt paving, or similar surfacing of the land.	Certainty that above or below ground lines are not considered structures and subject to the setbacks under the LUB

LUB Section		Proposed Amendment	Reason/Comment
5		is amended by inserting in the correct alphabetical location ““ocean- based geoechange system” means a renewable energy system utilizing the natural occurring temperature of the ocean for the purpose of supplying energy to the abutting upland lot, that meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time.”	To consider allowing them as a permitted use in the marine zones to support renewable energy Staff also recommend following the definition the following be added: <i>Information Note: Installation of ocean-based geoechange systems are also required to obtain the necessary permits or approvals from provincial and federal agencies.</i>
6		is amended by inserting in the correct alphabetical location ““storage building” means a non-residential building for the storage of goods and materials for use on the lot which it located and personal effects of the owner of the lot.”	To implement OCP policy direction to consider non-residential buildings in advance of a dwelling
7	Part 3 – General Regulations	Section 3.3 – Siting and Setback Regulations is amended by inserting a new subsection (6) “Despite the setback provisions in Part 5 of this Bylaw pump/utility houses and solar collectors less than 4.6 metres in height may be sited as close as 3.0 metres to an interior side property line.”	This is due to the BC Building Code requiring a spatial separation and a recommended setback of 3metres from CRD Building Inspection Staff also recommend following the definition the following be added: <i>Information Note: Buildings or structures sited within 4.5 metres of a dedicated road require a permit from the Ministry of Transportation and Infrastructure</i>
8		Subsection 3.4(4) – Height Regulations is amended by inserting “roof-top mounted” such that it reads: “The height regulations for buildings and structures specified elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, roof-top mounted solar collectors, farm silos and grain bins and water storage tanks.	This would prevent excessively high structures solely for solar collectors.

LUB Section		Proposed Amendment	Reason/Comment
9		Subsection 3.5(4) – Accessory Uses, Buildings and Structures is amended by inserting “including storage buildings” such that it reads: “Subject to the density and siting provisions in Part 5, the total floor area of all accessory buildings, including storage buildings, on a lot shall not exceed the following:”	To clarify a storage building would be considered part of the accessory building floor area calculations after a dwelling is constructed
10		Section 3.5 – Accessory Uses, Buildings and Structures is amended by inserting a new subsection (6) that reads: “Where storage buildings are a permitted use in Part 5 of this Bylaw, they may be constructed prior to a single family dwelling subject to: (a) The use is limited to the storage of goods and materials for use on the lot and personal effects of the owner of the lot, (b) Only one storage building is permitted on any lot, (c) The floor area is not to exceed 25 square metres (269 square feet), (d) The storage building is not to be used for human habitation, and (e) For certainty, the use of storage buildings as a commercial storage facility is prohibited.	Specify regulations for storage buildings
11	Part 4 – Establishment of Zones	Subsection 4.2(4) – Zone Boundaries is amended by deleting “scaling from Schedule “B” and in that case the zone boundary is the midpoint of the line delineating the zone boundary” and inserting “reference to the digital records stored and maintained in a geographical information system (GIS) at the offices of the Islands Trust” such that it reads: “Where a zone boundary shown on Schedule “B” does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by reference to the digital records stored and maintained in a geographical information system (GIS) at the offices of the Islands Trust”	New permitted use identified in the OCP review for consideration
12	Part 5 – Zone Regulations	Subsection 5.1(1) - Rural Residential One (RR1) Permitted Uses is amended by inserting a new Article (f) “Storage buildings subject to Subsection 3.5(6)”	To permit storage buildings without a dwelling; this was identified in the OCP for consideration

LUB Section	Proposed Amendment	Reason/Comment
13	Subsection 5.2(1) - Rural Residential Two (RR2) Permitted Uses is amended by inserting a new Article (f) "Storage buildings subject to Subsection 3.5(6)"	
14	Subsection 5.3(1) - Rural Residential Three (RR3) Permitted Uses is amended by inserting a new Article (f) "Storage buildings subject to Subsection 3.5(6)"	
15	Subsection 5.7(1) – Agriculture (A) Permitted Uses is amended by inserting a new Article (f) "Storage buildings subject to Subsection 3.5(6)"	
16	Subsection 5.8(1) – Forestry (F) Permitted Uses is amended by inserting a new Article (g) "Storage buildings subject to Subsection 3.5(6)"	
17	Subsection 5.9(1) – Natural Resource (NR) Permitted Uses is amended by inserting a new Article (e) "Storage buildings subject to Subsection 3.5(6)"	
18	Part 5 – Zone Regulations Subsection 5.1(6) – Rural Residential One (RR1) Siting and Size is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"	To remove pump/utility houses from the exemptions to setbacks.
19	Subsection 5.2(6) – Rural Residential Two (RR2) Siting and Size is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"	
20	Subsection 5.3(6) – Rural Residential Three (RR3) Siting and Size is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"	
21	Subsection 5.5(3) – Community Service (S1) Siting and Size is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"	
22	Subsection 5.6(3) – Government Service (S2) Siting and Size is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"	
23	Subsection 5.7(6) – Agriculture (A) Siting and Size is amended by deleting "or pump/utility house" such that it reads: "The minimum setback for any building or structure, except a fence, shall be:"	

LUB Section		Proposed Amendment	Reason/Comment
24		Subsection 5.8(5) – Forestry (F) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
25		Subsection 5.9(5) – Natural Resource (NR) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
26		Subsection 5.10(3) – Passive Recreation Park (P1) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
27		Subsection 5.11(3) – Heritage Community Park (P2) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
28		Subsection 5.12(3) – Natural Area Community Park (P3) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
29		Subsection 5.13(3) – National Park (NP) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
30		Subsection 5.14(4) – Conservation (RC) Siting and Size is amended by deleting “or pump/utility house” such that it reads: “The minimum setback for any building or structure, except a fence, shall be:”	
31	Part 5 – Zone Regulations	Subsection 5.15(1) – Marine General (W1) Permitted Uses is amended by inserting a new Article (c) “Ocean-based geoexchange system”	To allow geothermal energy systems outright
32		Subsection 5.16(1) – Marine Protection (W2) Permitted Uses is amended by inserting a new Article (c) “Ocean-based geoexchange system”	
33		Subsection 5.17(1) – Marina (W3) Permitted Uses is amended by inserting a new Article (f) “Ocean-based geoexchange system”	
34		Subsection 5.18(1) – Marine Transportation Service (W4) Permitted Uses is amended by inserting a new Article (d) “Ocean-based geoexchange system”	

STAFF COMMENTS:

The above table outlines possible amendments to the Land Use Bylaw, the LTC may identify additional amendments to consider or revise the above proposed amendments. The LTC should then direct staff to prepare a draft bylaw.

A possible timeline for the amendments to be adopted is:

- April LTC meeting:
 - o Direct staff to draft a bylaw
 - o Optional: referral to the Advisory Planning Commission
 - o Direct staff to schedule a Community Information Meeting (late May or early June)
- June LTC meeting:
 - o Consider revisions to the draft bylaw
 - o Give the bylaw First Reading
 - o Direct Staff to Schedule a Public Hearing
 - o Optional – depending upon response from community a public hearing could be a special meeting or as part of the Sept LTC meeting
- September LTC meeting:
 - o Hold Public Hearing
 - o Consider any further amendments
 - o Give the bylaw Second and Third Reading
 - o Direct staff to forward the proposed bylaw to Executive Committee
- November LTC meeting:
 - o Bylaw returned from Executive given final adoption
 - o Option could be to do this by resolution without meeting before the November meeting if it is returned from Executive earlier

RECOMMENDATIONS:

THAT the South Pender Island Local Trust Committee direct staff to prepare draft bylaws that would amend the South Pender Island Land Use Bylaw No. 96, 2003 to address items 1 to 34 identified in the preliminary Staff report dated March 16, 2012 regarding SP-6500-20 LUB Review 2012

Prepared and Submitted by:



Andrea Pickard

March 16, 2012

Date

Concurred in by:



Robert Kojima

March 16, 2012

Date



STAFF REPORT

March 28, 2012

File No: SP-6500-20
Shoreline Review

To: South Pender Island Local Trust Committee

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Shoreline Protection Project

BACKGROUND:

At the regular meeting of February 14, 2012, the South Pender Island Local Trust Committee confirmed that Shoreline Protection was to remain on its work program as a Top Priority and further directed staff to report back on the shoreline protection initiatives and possible work to be considered. This staff report will briefly summarize the key issues relating to shoreline development and provide options on the scope of a shoreline review specifically for South Pender Island.

Existing Policies: In giving consideration to policy or regulatory changes, the LTC should be guided by existing relevant policies.

Islands Trust Policy Statement: the Policy Statement includes commitments of Council, directive policies, and recommendations. Directly relevant policies are:

- 3.4.4: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.8: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses
- 4.5.10: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.



Memorandum

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Date March 27, 2012

File: SP3050-20-05 APC

To South Pender Island Local Trust Committee

From Andrea Pickard
Island Planner
Local Planning Services

Re South Pender Island Advisory Planning Commission

At the February 14th LTC meeting the option of altering the length of appointment to the Advisory Planning Commission (APC) was discussed. The purpose of this memo is to review the South Pender Island Advisory Planning Commission Bylaw with the Local Trust Committee (LTC) and discuss options for term appointments.

The current APC bylaw states that the LTC may appoint members for up to a three-year term. The LTC is not obligated to appoint members for three years so this could be reduced for some appointments in order to stagger the membership and have overlap between APC members and with the LTC election term. A portion of the APC Bylaw is excerpted below.

Galiano, Saturna and Mayne LTC's have, by past practice, staggered the appointment terms. Galino and Saturna APC Bylaws both have up to two year terms, while Mayne has up to a three year term. North Pender has a one year appointment.

Both the Galiano and Saturna APC Bylaws also have the following information note added:

[Information Note: Appointment terms may vary to allow for alteration in 50% of membership on an annual basis]

An information note is not considered to be legally part of a bylaw so this could be added to the South Pender bylaw upon request. This is helpful if you want to highlight to potential APC members that options for a shorter term may be considered for administrative reasons.

Options for Consideration:

- Appoint 5 members for two years and then return to the past practice of three year terms. This would shift the APC appointments to be offset from the LTC by a year.
- Appoint some members for three years and some for two years as a new practice. This would provide overlap and continuity with APC members but in six years the same situation may occur with all

appointments expiring at the start of a new election term. To avoid that happening, the LTC would have to ensure they are aware when the terms expire for active APC members when new members are appointed.

- Appoint some members for three years and some for two years once only, and then return to to a three year appointment. Then at least part of the APC would remain active, there would be overlap of APC members and not all appointments would be immediately following LTC elections.
- Appoint some members for two year, some for three years, and then use a two year, staggered term afterwards. This would prevent all appointments expiring simultaneously in the future if a two year appointment cycle is continued.

pc Robert Kojima, Regional Planning Manager

Excerpt from APC Bylaw

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 98

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR THE SOUTH PENDER ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The South Pender Island Local Trust Committee being the Local Trust Committee having jurisdiction on and in respect of the South Pender Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, R.S.B.C., 1989, enacts as follows:

1. Establishment

- (a) The South Pender Island Local Trust Committee may appoint one or more Advisory Planning Commissions (APC) for the South Pender Island Local Trust Area to advise as follows:
 - i) If one Advisory Planning Commission (APC) is appointed, that Commission shall advise the Local Trust Committee on matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee.
 - ii) If a second or additional Advisory Planning Commission (APC) is appointed, those Commission(s) shall advise the Local Trust Committee on matters respecting one or more special projects that are matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee

2. Appointment of Members

- (a) The Advisory Planning Commission(s) consists of not more than five members for each Commission. Every member must be an elector of the Local Trust Committee, as defined in Section 5 of the *Local Government Act*, and at least 2/3 of the members must be residents of the Local Trust Area.
- (b) A Local Trustee, officer or employee of the Islands Trust, or an approving officer is not eligible to be a member of the APC.
- (c) The Local Trust Committee shall by resolution appoint members to serve up to a three-year term commencing January 1st.
- (d) The Local Trust Committee may, by resolution, remove a member at any time.
- (e) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.
- ((f) The members must, during the first meeting after January 1st, from among the members elect a Chairperson, and a Deputy Chairperson to act in the place of the Chairperson in the absence of the Chairperson.
- (g) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- (h) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the **Secretary** shall write the South Island Local Trust Committee to advise them and the **Deputy Chairperson** shall serve until a Chairperson is elected in accordance with Section 2 (f).

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: February 14, 2012

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 23, 2006	SP-LTC-12-06	Adoption of Minutes	That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting. [The adopted minutes will be posted to the website as soon as possible and a copy will also be included in the next meeting's agenda package].
2.	April 14, 2009	SP-LTC-19-09	Website	It was Moved and Seconded that the South Pender Island Local Trust Committee request that the "latest news" section of the South Pender Island webpage be updated monthly with the addition of the South Pender Island Local Trust Committee Report to the Pender Post.
3.	October 5, 2010		Follow up action list	Send FUAL to trustees once drafted following the meeting.



Top Priorities

South Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	LUB Review and Update	1. Determine Scope of Review 2. Determine Timeline 3. Determine Methodology 4. Technical Update 5. Initiate Background Work on selected topics 6. Undertake Community Consultation/Communications 7. Legislative Process	Oct-04-2011	Andrea Pickard		On Going
2	Shoreline Protection	1. Completion of watershed and shoreline mapping 2. Consideration of issues related to erosion, including Canal erosion 3. Education on shoreline stewardship and the Greenshores Project 4. Consider impacts of docks on shoreline	Oct-04-2011			On Going



Islands Trust

Print Date: Mar-28-2012

Projects

South Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Development Approval Information Bylaw	To draft a DAI bylaw to provide certainty with respect to requirements for development permit applications	May-04-2010	On Going
2	Forest Lands	Public education regarding best management and stewardship practices on forest lands	Feb-14-2012	On Going
3	Sensitive Ecosystem Mapping	consider DPA or other protective measure	Feb-14-2012	On Going
4	Geological Hazard Mapping	consider DPA or other protective measures	Feb-14-2012	On Going
5	Raptor Nests	consider DPA or other protective measure	Feb-14-2012	On Going
6	Parks and Recreation	update OCP schedule with more specific information after PIPRC Master Plan is reviewed	Feb-14-2012	On Going



Islands Trust

Print Date: Mar-28-2012

Applications w/ Status - South Pender Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2012.1	the Airey Group	Mar-08-2012	8970 GOWLLAND POINT RD Subdivision in the ALR - Sec. 21(2) ALC Act & Non-Farm Use in the ALR - Sec. 20(3) ALC Act

Planner: Kris Nichols

Planning Status

Status Date: Mar-15-2012

Initiated review of application

Status Date: Mar-12-2012

Created file and forwarded to Planner

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SP-DVP-2012.1	Gordon & Marnie Hol	Mar-06-2012	8944 GOWLLAND POINT RD To vary the maximum allowance of 15' for the the hieght of the garage by proposing the height of the roof peek be 21 to 22'.

Planner: Kris Nichols

Planning Status

Status Date: Mar-15-2012

Application reviewed, notice and proposed permit ready too be sent out

Status Date: Mar-08-2012

Sent letter of acknowledgement of receipt of fees and application to applicant. Copied to trustees and forward file to planner.

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2011.2	Airey Group	Oct-26-2011	To create 4 new lots + remainder.

Planner: Andrea Pickard

Planning Status

Status Date: Feb-09-2012

park proposal outline received and forwarded to PIPRC for comment

Status Date: Jan-17-2012

response sent to MOTI and applicant

Status Date: Jan-04-2012

Sent letter of acknowledgment of receipt of fees and completed application form to applicant. Copied to trustees and forwarded to Panner.

Kathy Jones

From: Nancy Roggers
Sent: February-23-12 1:44 PM
To: South Pender Island Local Trust Committee; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: South Pender expense report - Feb/12

		Budget	Spent	Balance
Invoices posted to FEB 23, 2012				
665 South Pender	65000 Trustee Expense	1,000.00	181.96	818.04
665 South Pender	65200 LTC Meetings	1,700.00	1,422.14	277.86
	65210 APC Meetings	300.00	113.58	186.42
	65220 Communications	500.00	204.11	295.89
	65230 Special Projects	-	200.00	(200.00)
	65240 Miscellaneous	500.00		500.00
	TOTAL LTC Local Expense	3,000.00	1,939.83	1,060.17
665 South Pender	72300 OCP/LUB Expense	3,000.00	3,199.59	(199.59)

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

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Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 201

Size:

911 hectares (2,251 acres)

Location:

15 kilometres east of the Swartz Bay ferry terminal on Vancouver Island via North Pender Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
[Related Links](#)

South Pender Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the South Pender Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

March 2012

- [Expression of Interest for the Southern Local Trust Areas Board of Variance](#)
- [Ministry of Transportation Information Package for Proposed Road Closure](#)
- [South Pender Island Advisory Planning Commission Expression of Interest](#)
- [South Pender Update - March 2012](#)

February 2012

- [South Pender Update - February 2012](#)

January 2012

- [South Pender Updated - January 2012](#)

October 2011

- [South Pender Update - October 2011](#)
- [South Pender Bylaw Enforcement Notification Bylaw](#)

July 2011

- ["Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands"](#)
- Fact sheet: "[Choosing a Building Site on your Lot](#)"
- Fact sheet: "[Making Changes to your Lot Line](#)"
- Fact sheet: "[Applying for a Variance](#)"

Planner Office Hours on Pender Island

- [Planner Office Hours on Pender Island](#)

General Information

- [Eagle Brochure](#)
- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)

South Pender Island Local Trust Committee Projects

Bylaw Enforcement

- [Staff Report - September 8, 2011 - Adoption of Bylaw Enforcement Notification Bylaw - TABLED until 2013](#)

Committee Links

[Committee Home](#)
[Trustee Membership](#)
[Contact Trustees](#)
[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
[Meeting Agendas](#)
[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

Zoning and Density Review

- [Potential RR Zones Memo - June 9, 2011](#)
- [Staff Report - May 2010](#)
- [Residential Subdivision Potential Map](#)

Climate Change Action

- [Community Engagement Tools](#)
- [Climate Wise Islands](#)

Ecosystem Mapping Webpage

Geological Hazard Protection

- [Steep Slopes Hazard Map](#)

Historical South Pender Updates

- [South Pender Update - October 2011](#)
- [South Pender Update - July 2011](#)
- [South Pender Update - June 2011](#)
- [South Pender Update - May 2011](#)
- [South Pender Update - February 2011](#)
- [South Pender Update - January 2011](#)
- [South Pender Update - December 2010](#)
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- [South Pender Update - June 2009](#)
- [South Pender Update - May 2009](#)

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Memorandum

Date February 21, 2012

To Local Trustees
From David Marlor
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor
Director of Local Planning Services

pc Executive Committee
Linda Adams, CAO
Lisa Gordon, DTAS
Regional Planning Managers



GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

Communications strategy framework - six standard questions to answer for all LTC projects

1. Goals: Define the project's communications goals and objectives.

- Goals are broad, general statements about what you need to address
- Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
- Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

2. Audience: Who do you want to reach?

- Target audiences
- Internal (Trustees, senior staff, front line staff)
- Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
- External (e.g. voters, seniors, media, community organizations and leaders)
- What do you know about the audience? What do they think of your program or service?

3. Messages: What do you want to say to each audience?

- What motivates your audience – Benefits – what's in it for me?
- What stops your audience - Barriers?
- Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
 - Crafting your messages
 - o Make it easy to remember in easy, simple terms
 - o Use captivating information – vivid and personal
 - o Use stories and metaphors to engage your audience
 - o Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

SAMPLE Communication Action Plan

Project: _____

Launch Date: _____

Methods	Person responsible	Cost	Content Focus / Key message	Audience	Due Date (e.g. for approval)	Publication Date
E-mail						
Direct mail						
News release						
Paid ad (Paper / TV / Radio)						
Letter to editor / editorial						
Web page						
Article for newsletter						
Brochure						
Social media						
Poster / bulletin board						
Annual report						
Public meeting						

DRAFT – For Review by the South Pender Island Local Trust Committee

The South Pender Island Local Trust Committee Annual Report

April 1, 2011 – March 31, 2012

Over the reporting period, the South Pender Island Local Trust Committee (LTC) held three regular business meetings, two Community Information meetings and two Public Hearing meetings with the outgoing LTC, as well as holding the first regular business meeting with a newly appointed LTC.

During 2011 the Local Trust Committee completed a review of the Official Community Plan (OCP); as well as, adopted two bylaws to amend the Land Use Bylaw (LUB) to implement new policies adopted in the OCP. Those bylaws amending the LUB introduced three new Rural Residential zones to replace the previous one, and amended the definition of a cottage so that their occupancy was no longer limited to short-term rental only.

The LTC also focused on improving communication by sending out three Trustee Newsletters during the OCP Review and LUB amendments, and working closely with staff in the development of three new Frequently Asked Questions information sheets and the Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands.