



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: February 4, 2022
Time: 11:00 am
Location: Electronic Meeting

	Pages
1. CALL TO ORDER	11:00 AM - 11:00 AM
2. APPROVAL OF AGENDA	11:00 AM - 11:05 AM
3. TRUSTEE REPORT	11:05 AM - 11:15 AM
4. CHAIR'S REPORT	11:15 AM - 11:20 AM
5. TOWN HALL AND QUESTIONS	11:20 AM - 11:35 AM
6. COMMUNITY INFORMATION MEETING	
None	
7. PUBLIC HEARING	
None	
8. MINUTES	11:35 AM - 11:45 AM
8.1. Adopted Local Trust Committee Minutes Dated November 5, 2021 (for Information)	4 - 13
8.2. Local Trust Committee Special Meeting Minutes Dated January 20, 2022 (for Adoption)	14 - 16
8.3. Section 26 Resolutions-without-meeting Dated January 2022	17 - 17
8.4. Advisory Planning Commission Minutes - None	
9. BUSINESS ARISING FROM THE MINUTES	
9.1. Follow-up Action List Dated Jan 2022	18 - 19
10. DELEGATIONS	
11. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	

12.	APPLICATIONS AND REFERRALS	11:45 AM - 12:15 PM	
12.1.	SP-TUP-2021.1 (Ellis) - Staff Report (attached)		20 - 63
13.	LOCAL TRUST COMMITTEE PROJECTS	12:15 PM - 1:15 PM	
13.1.	South Pender Island Local Trust Committee Fees Bylaw No. 124 (for consideration)		64 - 71
13.2.	LUB Amendments Project – Staff Report (attached)		72 - 95
13.3.	Minor OCP Amendments Project – Staff Report (attached)		96 - 107
14.	REPORTS	1:15 PM - 1:25 PM	
14.1.	Work Program Reports (attached)		
14.1.1.	<u>Top Priorities Report Dated Jan 2022</u>		108 - 108
14.1.2.	<u>Projects List Report Dated Jan 2022</u>		109 - 109
14.2.	Applications Report Dated Jan 2022 (attached)		110 - 111
14.3.	Trustee and Local Expense Report Dated Nov 2021 (attached)		112 - 112
14.4.	Adopted Policies and Standing Resolutions (attached)		113 - 115
14.5.	Local Trust Committee Webpage		
14.6.	Islands Trust Conservancy Report Dated November 2021		116 - 118
15.	NEW BUSINESS	1:25 PM - 1:35 PM	
15.1.	Shoreline Protection Model Bylaw Report - Briefing		119 - 171
15.2.	Raptor Nest Site Map Update		
16.	UPCOMING MEETINGS		
16.1.	Next Regular Meeting Scheduled for March 4, 2022 at the Fire Hall, Pender Island		
17.	TOWN HALL	1:35 PM - 1:55 PM	
18.	CLOSED MEETING (Distributed Under Separate Cover)		

18.1. Motion to Close the Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated May 7, 2021*
- *Appointment of APC Members*

AND that the recorder and staff attend the meeting.

18.2. Recall to Order

18.3. Rise and Report

19. ADJOURNMENT

1:55 PM - 1:55 PM



ADOPTED

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: November 5, 2021
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Laura Patrick, Chair
Steve Wright, Local Trustee
Cameron Thorn, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Shannon Brayford, Recorder

Public Present: There were approximately 11 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

The Trustees thanked the public for their attendance at recent community gatherings regarding the current projects.

4. CHAIR'S REPORT

Chair Patrick reported that Trust Council will be held at the end of November. She noted that the meeting will include the beginning of the budget conversations and she provided an overview of the public consultation process that will be forthcoming.

5. TOWN HALL AND QUESTIONS

Donna Spalding reported that her comments on Shoreline Review and encouragement to have the matter referred to the Advisory Planning Commission was not included in the minutes of the last meeting.

Donna Spalding noted that the Minor Official Community Plan (OCP) amendments has become a large list and encouraged the Local Trust Committee (LTC) to consider whether a review of the OCP may be warranted.

Donna Spalding spoke against amendments that will lead to legal non-conforming status, noting the negative impacts that such status could have for property owners.

Bruce McConchie addressed shoreline review and encouraged adoption of a process that includes greater consultation. He encouraged the LTC to consider options for addressing freighters.

Bruce McConchie noted that the term “stairway” is not formally defined and encouraged the LTC to consider the implications.

Bruce McConchie addressed consideration of limiting house size and encouraged the LTC to consider accessory buildings in the regulations and the impact of them on overall lot coverage.

Alma Lightbody noted that she submitted a letter to the Trustees. She addressed the matter of legal non-conforming and encouraged the Trustees to consider the impact of that status on long-time owners, insurance, and property values.

Jared Halls echoed the concerns for legal non conforming.

The trustees provided an overview of their thoughts on legal nonconforming status.

Paul Petrie thanked the Trustees for the work on the community gatherings. He spoke in support of Draft Bylaw 123 and noted the importance of First Nations acknowledgement statements and the Rights of Nature.

Paul Petrie addressed Draft Bylaw 122. He spoke in favour of the current direction and encouraged further consultation.

Kristof Subryan requested information on the rationale for limiting house size and noted that approximately fifty properties remain vacant on South Pender.

Shelley Henshaw questioned the LTC’s rationale on several matters, including the following:

- Opposition to construction of large homes.
- Instituting Building and Siting Guidelines.
- Trail blazing on the Rights of Nature.
- Applying shoreline protection measures that are too broad.

Alma Lightbody addressed legal non-conforming status and the potential implications for insurance.

A member of the public spoke against rendering homes legal nonconforming due to the risk of property value and insurance uncertainties. He questioned whether a benefit could be sited to justify taking that risk.

Gordie Duncan addressed legal nonconforming status for stairs in the foreshore and the setbacks.

Gordie Duncan questioned the minor amendments to the OCP, noting that some are significant and should be given greater consideration. He also encouraged the LTC to consider waiting for the outcome of the Trust Policy Statement since many of the matters could be addressed at that level.

A member of the public requested and received information on the impact of the proposed bylaws on the ability to reside in an accessory building while constructing the primary residence.

Dorset Norwich Young spoke in favour of supporting the Rights of Nature.

Donna Spalding encouraged discussions with underwriters when looking at insurance implications of legal-nonconforming.

Kristof Subryan encouraged resourced be directed toward consideration of fire suppression, evacuation plans, and protection of water resources.

Bruce McConchie requested and received an update on interactions with the Ministry of Transportation and Infrastructure (MOTI) regarding the roadway dip.

Audrey Green recommended that the Trustees consider a larger venue for COVID safety, such as Fire Hall 3's truck bay.

Donna Spalding spoke against the adoption of the Short Term Vacation Rental (STVR) Bylaw.

Emma McLay noted that setback changes could make building on irregular shaped properties impossible.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Adopted Local Trust Committee Minutes Dated September 24, 2021

The following amendments to the minutes were presented for consideration:

- That under the second town hall the following be added “Donna Spalding addressed the shoreline review and noted that the South Pender Island Advisory Planning Commission is ready and willing to consider review of shorelines.”
- That on page 5, under item 8.2 Trustee Thorn be amended to Trustee Wright.

By general consent the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Oct 2021

Received for information

10. DELEGATIONS

None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

None

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Project – Consideration of Adoption of Bylaws 119 and 120

Planner Stockdill provided an overview of the staff report including details of Bylaws 119 and 120, the history of the review process and the associated recommendations.

A discussion was held including the following points:

- History of the matter and rationale for considering the draft bylaws.
- Rationale for why Bylaw 117 cannot be rescinded, but why the moratorium on STVRs will be lifted with the passing of Bylaws 119 and 120.
- Option of creating a registry of current STVRs to avoid requiring Temporary Use Permits for those already in existence.
- Maintenance of grandfather status of operating an STVR and how home owners can remain with the non-conforming protection.

- Rationale for restricting STVRs from altering the residential character of the dwelling.
- Future options for replacing the TUP process should they become available, including business licences.

SP-2021-050

It was MOVED and SECONDED

That South Pender Island Local Trust Committee Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020", be adopted.

CARRIED

SP-2021-051

It was MOVED and SECONDED

That South Pender Island Local Trust Committee Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020", be adopted.

CARRIED

Regional Planning Manager (RPM) Kojima provided an overview of the application process for TUPs.

The LTC requested that staff send an email notification to all South Pender residents encouraging those operating a current STVR to register with the Islands Trust.

13.2 Shoreline Review - Staff Report

RPM Kojima provided an overview of the staff report and outlined each of presented options, Development Permit Area (DPA) approach or a comprehensive review.

A discussion was held including the following points:

- Rationale for using a DPA instead of a bylaw under the Land Use Bylaw (LUB).
- Opportunities for regulation that are available under a DPA
- Importance of referring to the matter to the APC
- Importance of requesting First Nations consultation
- Benefits of the comprehensive review option
- Opportunities for collaboration and guidance from the process currently being undertaken on Thetis Island
- Opportunities for guidance from the process undertaken on Galiano Island
- Timeline for amendments to the OCP to be completed

The LTC requested public input and Trustee Patrick acknowledged members of the public. Comments on the following points were heard:

- Consideration of a hybrid approach using a DPA for protection while further consultation is being undertaken.
- The benefits of choosing the DPA option due to a shorter timeline.

- Concern for shoreline erosion, limitations to government support and oversight, and options for property owners.
- Limitations of the DPA in preventing shoreline erosion.
- Estimate that the number of waterfront properties that are undeveloped is twenty-two.
- Concern that the LTC will limit property owners' ability to access the water from their properties.

SP-2021-052

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee endorse the project charter for the shoreline compressive review project.

CARRIED

Trustee Wright Opposed

13.3 Land Use Bylaw Amendments Project - Staff Report

Planner Stockdill provided an overview of the staff report. She highlighted the requests made by the Trustees, including increasing setbacks, site specific zoning for those properties that currently exceed the maximum floor area, and allowance of shipping containers depending on lot size.

A discussion was held including the following points:

- Benefits of allowing shipping containers for residential and agricultural use.
- Importance of further consultation on the number of shipping containers and requirements for screening.
- Benefits of protecting the character of the island with limitations to residential size.
- Legal non conforming status, community concerns, and how legal non conforming is viewed in other jurisdictions.
- Options for coping with legal non-conforming including eliminating the status by using a protection under a schedule included in the bylaw.
- A community member's recommendation that two sets of regulations exist for properties developed before and after a set date.

SP-2021-053

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee amend the bylaw to create a second set of regulations for setback and floor size for new construction, while maintaining the existing regulations for existing structures, and also amend the setback from the highwater mark for new construction to 15 m.

CARRIED

SP-2021-054

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee Remove stairways from the bylaw amendment.

CARRIED

SP-2021-055

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee remove shipping containers from the bylaw amendment.

CARRIED

13.4 Minor Official Community Plan Amendments Project - Staff Report

Planner Stockdill provided an overview of the staff report including the recommended options and the timeline for moving forward.

Further discussion was held regarding the following points:

- Timeline options
- Benefits of acknowledging the Rights of Nature.
- Opportunities for First Nations consultation on wording the Rights of Nature.
- Building Design and Siting Guidelines, including the history, community feedback, and rationale
- Potential amendments to the guidelines and consideration of the practical impact they would have.
- Benefits of including the principles and guidelines and challenges of implementation.

SP-2021-056

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee defer the Rights of Nature from the South Pender Island Local Trust Committee Bylaw No. 123.

CARRIED

A discussion was held regarding recommended amendments to the Building and Siting Guidelines. It was noted that directions on regionally sourced materials and the phrase to “keep the design simple” needed consideration. The LTC provided staff with direction to delete the phrase “the use of regionally sourced building materials” and to amend the phrase “keeping the design simple” with clarified language.

SP-2021-057

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee direct staff to amend Bylaw No. 123, Building and Siting Guidelines, as discussed.

CARRIED

SP-2021-058

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be read a first time as amended.

CARRIED

SP-2021-059

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021", as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2021-060

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123 as amended.

CARRIED

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated Oct 2021

Received for information

14.1.2 Projects List Report Dated Oct 2021

Received for information

14.2 Applications Report Dated Oct 2021

Received for information

14.3 Trustee and Local Expense Report Dated Sept 2021

Received for information

14.4 Adopted Policies and Standing Resolutions

Received for information

14.5 Local Trust Committee Webpage

No comments heard

14.6 Islands Trust Conservancy Report – None

15. NEW BUSINESS

15.1 New Fee Bylaw - Request for Decision

The LTC discussed the rationale for the bylaw and noted that fees were not recovering the costs of the applications.

Trustee Wright requested to be on the record as commenting that whenever an organization raises their fees there should be indication that the services will improve. He noted the processing of applications through the Islands Trust has been extensive and expressed hope that service time will improve.

SP-2021-061

It was MOVED and SECONDED

That the South Pender Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services”.

CARRIED

15.2 Advisory Planning Commission Appointments – Staff Memo

RPM Kojima provided an overview of the staff memo and noted the recommendation for improving the process at the staff level.

By general consent, the LTC requested that staff canvas the current APC for continued interest in reappointment and, should any vacancies exist, return to the LTC regarding advertising for new members.

SP-2021-062

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.

CARRIED

16. UPCOMING MEETINGS

16.1 Draft 2022 LTC Meeting

It was noted that the November 4, 2022 meeting may conflict with Trust Council schedule and should be considered.

SP-2021-063

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee proceed with the 2022 Local Trust Committee Meeting Schedule as presented.

CARRIED

17. TOWN HALL

A member of the public requested information on a current subdivision request and the process through the Agricultural Land Commission, the Local Trust Committee, and relevant provincial ministries.

Donna Spalding recommended improvements to the website. She further recommended that the LTC conduct direct consultation with the 144 shoreline property owners regarding the Shoreline Review.

A member of the public addressed the Rights of Nature proposal and recommended inclusion of consultation with children and youth.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:35 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

DRAFT



South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: January 20, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Steve Wright, Trustee

Staff Present:
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Regrets: Cameron Thorn

1. CALL TO ORDER

Chair Patrick called the meeting to order at 2:04 pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125

Regional Planning Manager (RPM) Kojima provided an overview of the bylaw and the rationale for staff recommendation. He noted the significance of this bylaw within the current pandemic landscape.

A discussion was held regarding the contents of the bylaw. It was noted that the electronic meeting component could be easily approved, however, items 18-40 would warrant more detailed discussion at a future meeting when all members of the Local Trust Committee (LTC) could be present.

SP-2021-001

It was Moved and Seconded,

that the South Pender Island Local Trust Committee amend the Draft Bylaw No. 125 to remove items 18-40 and to renumber accordingly.

CARRIED

SP-2021-002

It was moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw no. 125 cited as "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022", be given be given first reading as amended.

CARRIED

SP-2021-003

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw no. 125 cited as "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022", be given be given second reading.

CARRIED

SP-2021-004

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw no. 125 cited as "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022", be given be given third reading.

CARRIED

SP-2021-005

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw no. 125 cited as "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022", be forwarded to the Secretary of the Islands Trust for approval for approval by the Executive Committee.

CARRIED

RPM Kojima provided an overview of the next steps.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:22 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2022-002 THAT South Pender Island Local Trust Committee adopt Bylaw No. 125, cited as "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022".	Carried	28-Jan-2022
2022-001 That the South Pender Island Local Trust Committee request staff to schedule a Special Electronic Meeting for Thursday, January 20, 2022 at 2:00 p.m.	Carried	13-Jan-2022
2021-010 That the South Pender Island Local Trust Committee regular business minutes of November 5, 2021 be adopted as presented.	Carried	22-Dec-2021

Follow Up Action Report

South Pender Island

05-Nov-2021

Activity	Responsibility	Dates	Status
1 8.1 LTC adopted minutes for September 24, 2021 meeting as amended.	Robin Ellchuk	Target: 19-Nov-2021	Completed
2 13.1 LTC adopted Bylaws No. 119 & 120 for STVR project. Staff to send out notice to SP email subscriber list to inform adoption of bylaws and registry list.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 17-Dec-2021	In Progress
3 13.2 Shoreline Review Project 1. Project Charter adopted for Option No. 2 Comprehensive Review. Post PC to project webpage (DONE) 2. Staff to report back to LTC with Discussion Paper.	Kim Stockdill Robert Kojima	Target: 25-Feb-2022	In Progress
4 13.3 LUB Amendment Review (draft Bylaw No. 122) 1. Staff to amend draft bylaw (new floor area and setback (side lot line and NB of sea) regulations for new development, remove shipping container regulations, and remove stairway regulation). DONE 2. Staff to refer amended draft bylaw to agencies and First Nations. (Done)	Jas Chonk Kim Stockdill	Target: 28-Jan-2022	Completed



Follow Up Action Report

South Pender Island

05-Nov-2021

Activity	Responsibility	Dates	Status
5 13.4 Minor OCP Amendment Project (Proposed Bylaw No. 123) 1. Staff to amend draft bylaw by removing Rights of Nature. (DONE) 2. First Reading given to draft bylaw as amended. Update bylaw with FR date. (DONE) 3. ITPS endorsed. 4. Schedule CIM for Feb 4, 2022 regular LTC meeting. (DEFER) 5. Refer proposed bylaw to First Nations and agencies in December. (DONE)	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 28-Jan-2022	Completed
6 15.1 Staff to draft fee bylaw based on model fee bylaw. Staff to generate bylaw number.	Jas Chonk Robert Kojima	Target: 28-Jan-2022	Completed
7 15.2 Staff to email present APC members for interest in re-appointment and advertise for EOI. LTC adopted standing resolution for staff to initiate reappointment interest for future APC appointments.	Jas Chonk Robin Ellchuk	Target: 17-Dec-2021	Completed
8 16.1 2022 meeting schedule adopted. Staff to add to committee calendar and send outlook invites.	Jas Chonk Robin Ellchuk	Target: 19-Nov-2021	Completed

DATE OF MEETING: February 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Phil Testemale
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Temporary Use Permit for a Short Term Vacation Rental
Applicant: Catherine Ellis
Location: 9890 Castle Road

RECOMMENDATION

1. That the South Pender Island Local Trust Committee amend Temporary Use Permit SP-TUP-2021.1 (Ellis) as shown as Attachment 9 to this staff report by the addition of a new condition stating that: the maximum number of days permitted between May 1 to September 30 is limited to a total of sixty (60) days in a calendar year; and
2. That the South Pender Island Local Trust Committee approve issuance of Temporary Use Permit SP-TUP-2021.1 (Ellis) as amended.

REPORT SUMMARY

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

BACKGROUND

The application is to allow for a TUP for a STVR use within an existing 42 m² (450 ft² - approx.) one (1) bedroom dwelling with a small open veranda located at 9890 Castle Road. The proposed capacity is a maximum of four (4) guests. The applicants estimate the use will be for approximately twenty (20) to Twenty-six (28) weeks of the year, and would be secondary to the continued use of the property by family and friends.

The 0.4 hectares (1.0 acre) property is situated on the north side of Spalding Valley, between Spalding Road and Castle Road above. It is characterized as steeply sloping with an elevation difference of approximately 30 m (100 ft.) metres from its height at Castle Road to the lowest point along Spalding Road (Attachments 2.3). The entire perimeter has been fenced for deer exclusion and there are three (3) smaller accessory buildings in addition to the dwelling.

The applicant's rationale is: *"...to comply with bylaw regulations, assist with offsetting property expenses and allowing others to experience the beauty and natural setting SPI has to offer."*

The applicant has provided a statement that adds further details on the rationale and outlines a proposed business model (Attachment 4).

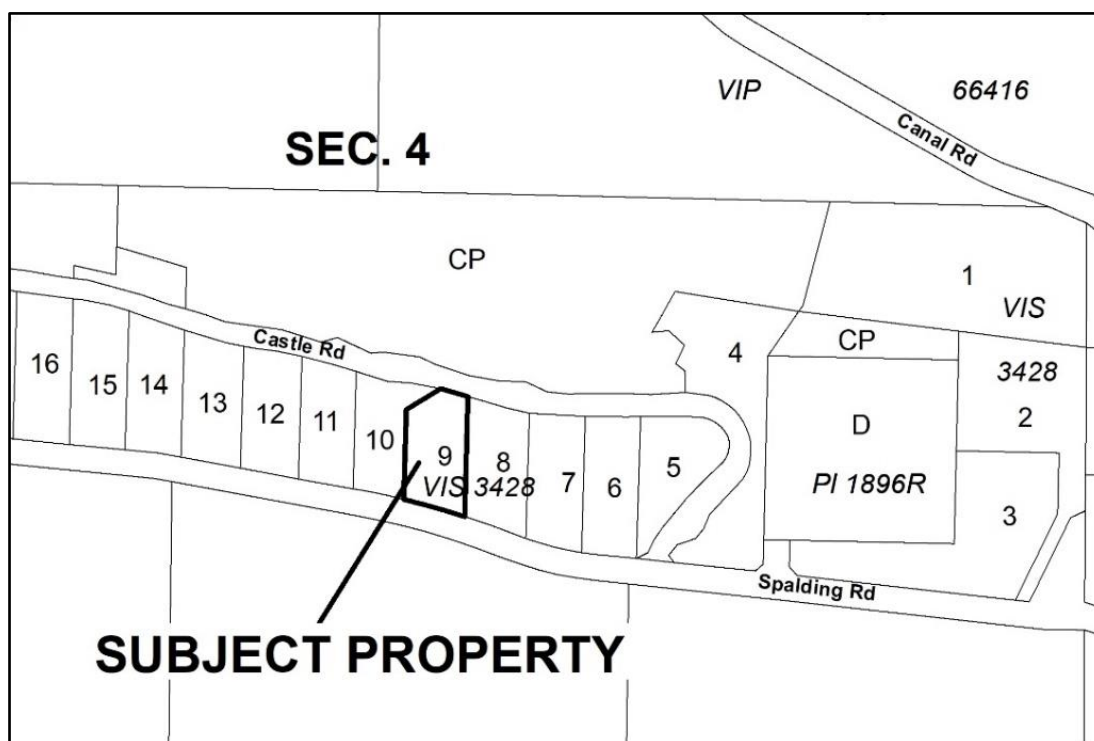
Other information submitted on the property's well and septic system, and information provided to all renters are attached and discussed in 'Issues and Opportunities' (below).

There is no construction or land alteration associated with this application.

Staff have not visited the property due to COVID 19 restrictions. Photographs that are Attachment 2.9 were provided by the applicant.

A copy of the Notice and draft TUP are Attachments 8 and 9 respectively.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 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.

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

Official Community Plan

The subject property is designated as **RR- Rural Residential** in the South Pender Island Official Community Plan 107, 2011 (OCP).

A compliance checklist has been developed for the OCP's TUP Guidelines specific to STVR applications. The completed checklist for this proposal is Attachment 3. In summary, the application conforms to the guidelines.

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

Land Use Bylaw

The subject property is zoned **Rural Residential 2 (RR2)** in the South Pender Island Land Use Bylaw No.114 (LUB). The current residential use of the property conforms to the zone.

Issues and Opportunities

OCP TUP Guidelines

The above-noted compliance checklist reviews this application for each of the OCP guidelines in the same order and numbering as presented in the bylaw. The following discussion provides further information, context and analysis on a number of important guidelines in that same order.

Cumulative Impacts

Given that this is the first application since the adoption of the OCP Guidelines, assessing cumulative impacts on neighbourhoods and the Island of "all issued TUPs" is not strictly possible. However, for consideration of the guideline, Bylaw Compliance and Enforcement reports that there are only two (2) known, pre-existing STVRs operating within 300 metres of the subject property; one on Spalding Road and one on Canal Road.

Groundwater & Septic

There is the potential for increased water usage resulting from the use, noting that the use would be additional to the continued use by the family. The dwelling and proposed guest capacity are both small and would limit the usage, particularly if compared to the full-time residential use of an average dwelling .

The applicants have provided information on the well including the original well report, a 2004 pump test, and a water quality test from December 2021 (Attachment 6). The yield rate of 454 litres per hour (10,896 litres per day) is high relative to minimum LUB requirements for subdivision (95 litres per hour or 2275 litres per day), and was found to be consistent from 1994 to 2004. The water quality analysis does not note any non-aesthetic issues.

The Building Permit for the dwelling dates to 2004 and was completed in 2012. That predates the existing LUB adopted in 2018 which introduced a groundwater protection requirement for a rainwater catchment system for 9000 litres for any new dwelling. There is no requirement to retroactively provide a system, however, there is a 2,100 litres (581 gallons) storage capacity rainwater collection system on the dwelling and one of the accessory buildings (Attachment 2.9).

The LTC may opt to add water conservation conditions such as a requirement to install a water meter (if one is not already in place) and provide water consumption records to the Islands Trust for the intervening period with any renewal application ('Alternatives' - below).

Information on the septic system, including the Island Health filing is also part of Attachment 6.

Sensitive Ecosystems

There is an area of Woodland Sensitive Ecosystem (Primary) located across the middle section of the subject property (Attachment 2.2). In reference to guideline 8.2.6. h) the following condition (3.b)) has been included in the draft TUP as circulated:

- a) *the applicant shall provide information for guests indicating the location of the **Woodland Sensitive Ecosystem** on the property, and information on how to avoid impacting the sensitive features;*

The applicant has created a section on the sensitive ecosystem in their guest information package and attached an excerpt from an Islands Trust Conservancy Booklet provided by staff.

Potential Neighbour Impacts

The potential impacts of the use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

Given the size of the subject property, the small dwelling size, limits on the number of guests, and accommodation for required parking impacts on surrounding properties and the neighbourhood impacts would be reduced or mitigated. The applicant have stated that they primarily wish to rent to family and friends and avoid online bookings. Further their screening process and marketing model proposed by the applicants is sensitive to reducing potential impacts (Attachment 4).

Staff's recommendation of page 1 would limit the maximum number of days from May 1 to September 30 to sixty (60) days is consistent with guideline 8.2.6. I) iii. This would be a reasonable timeframe that would give some certainty to neighbours with respect to the intensity of use.

The visibility of the dwelling given the open landscape and distance to the dwellings on the adjacent properties could create direct neighbour impacts (Attachment 2.9). That is partially mitigated by the uniform siting of

dwellings along the crest of slope along Castle Road. The LTC may also opt to add a condition for vegetative or fence screening consistent with guideline 8.2.6. I) iv. ('Alternatives' - below).

TUP Conditions

The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP. The recommended term of three (3) years is the maximum permitted by legislation, and the owners would be eligible to apply to renew for a further three (3) years. The LTC may opt to reduce that timeframe if they judge that a shorter time to gauge any impacts and concerns prior to a renewal application is preferable.

As indicated throughout, there are numerous conditions that LTC may opt to add by amending the draft TUP if the application is approved. However, as notification has been undertaken, significant conditions cannot be removed without re-notification to neighbours.

Consultation

TUP notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper January 19, 2022 (Attachment 8). The notice was also posted to the South Pender Island community bulletin boards. The notification period ended at 4:30 p.m. on January 26, 2022.

At the time of writing, staff have received one (1) letter in opposition that is Attachment 7.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance to the applicant.

Rationale for recommendation

In summary, the recommendations on page 1 are supported as:

- The rationale for the use is reasonable;
- The size of dwelling, guest capacity of four (4) people and marketing strategy is reasonable and modest;
- The cumulative impacts of STVR use from approval of the TUP would be small given the neighbourhood and island context;
- Limiting the number of days in the summer months would further limit impacts and provide certainty to neighbours;
- The applicants have a well with a good and consistent yield, a rainwater catchment system, and have incorporated water conservation measures with their guest information;
- Consultation through notification neighbours has generated only one letter of opposition;
- The permit provides conditions consistent with OCP guidelines and would ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

1. Request further information

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

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

2. Issue permit as drafted

The LTC may wish to issue the permit as drafted and circulated. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee approve Temporary Use Permit SP-2021.1 (Ellis).

3. Add conditions

The LTC may wish to further amend the TUP by adding conditions such as screening, water conservation measures and/or changing the time period that the permit would be valid. If selecting this alternative the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee amend Temporary Use Permit SP-2021.1 (Ellis) be amended by the addition of the following condition(s): _____

4. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee deny Temporary Use Permit application SP-TUP-2021.1 (Ellis).

Submitted By:	Phil Testemale, Planner 2	January 26, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	January 26, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Guidelines Checklist
4. Applicants Statement
5. Guest Information Document
6. Well Water and Septic Reports
7. Correspondence
8. Notice
9. Draft Temporary Use Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot 9, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428
PID	023-066-334
Civic Address	9890 Castle Road

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential and Agricultural (south)

HISTORICAL ACTIVITY

File No.	Purpose
----------	---------

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as RR- Rural Residential in the South Pender Island Official Community Plan 107, 2011. There are no Development Permit Areas designated on the property (see
Land Use Bylaw	The subject property is zoned Rural Residential 2 (RR2) in the LUB. The residential use of the property conforms to the zone.
Other Regulations	None
Covenants	N21521 prohibits the development of any habitable buildings in the lower (southern) half of the property – N/A.
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The proposal has no implications for the Island Trust Conservancy
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy
Species at Risk	None shown on TAPIS
Sensitive Ecosystems	Area of woodland ecosystem, shown on Attachment 2.2. See Report and condition in TUP
Hazard Areas	Areas of Low and Moderate slope hazard on lower (southern) portion of property (Attachment 2.3).
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites noted within the property however, there is an occurrence of high archaeological potential. As such, The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites. By copy of this report, the owners and applicant should be aware that there unrecorded archaeological material that is protected

	under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites.
Climate Change Adaptation and Mitigation	There is no new development associated with the application. GHG impacts could be impacted by increased automobile trips associated with the use. Additionally, the dwelling has a rainwater collection system that benefits impacts on groundwater supply. Potential impacts from anticipated or possible climate change induced hazards are small given the property is inland and at height.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

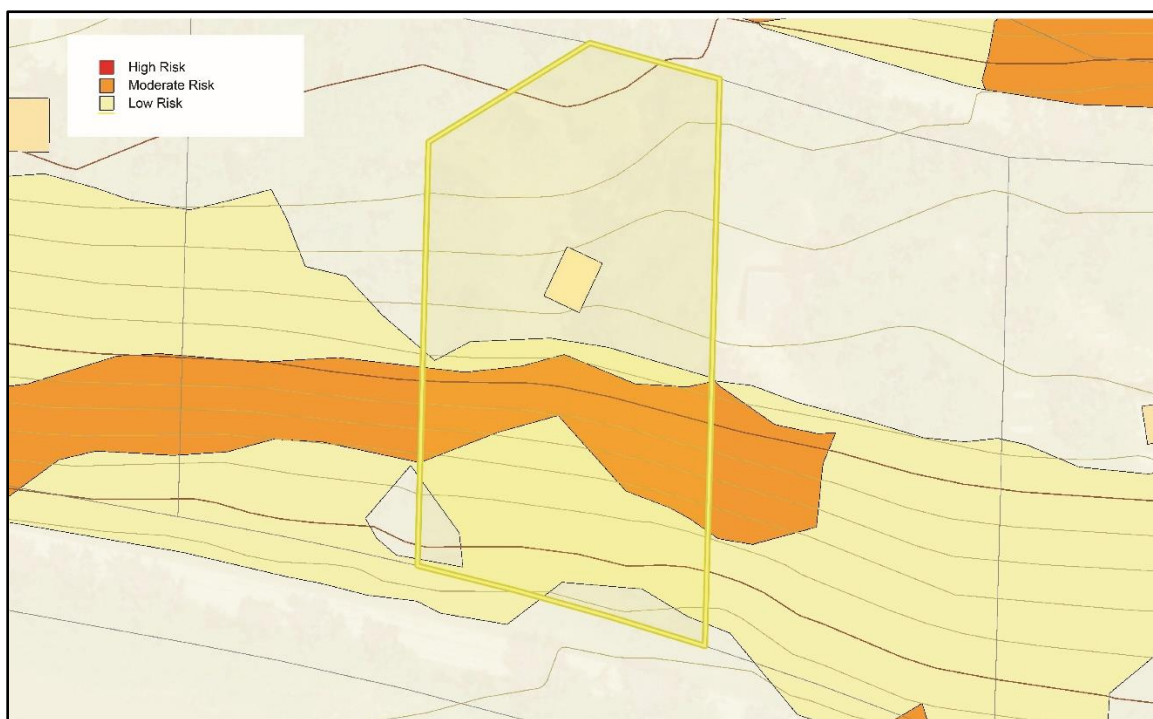
2.1 ORTHOZONING



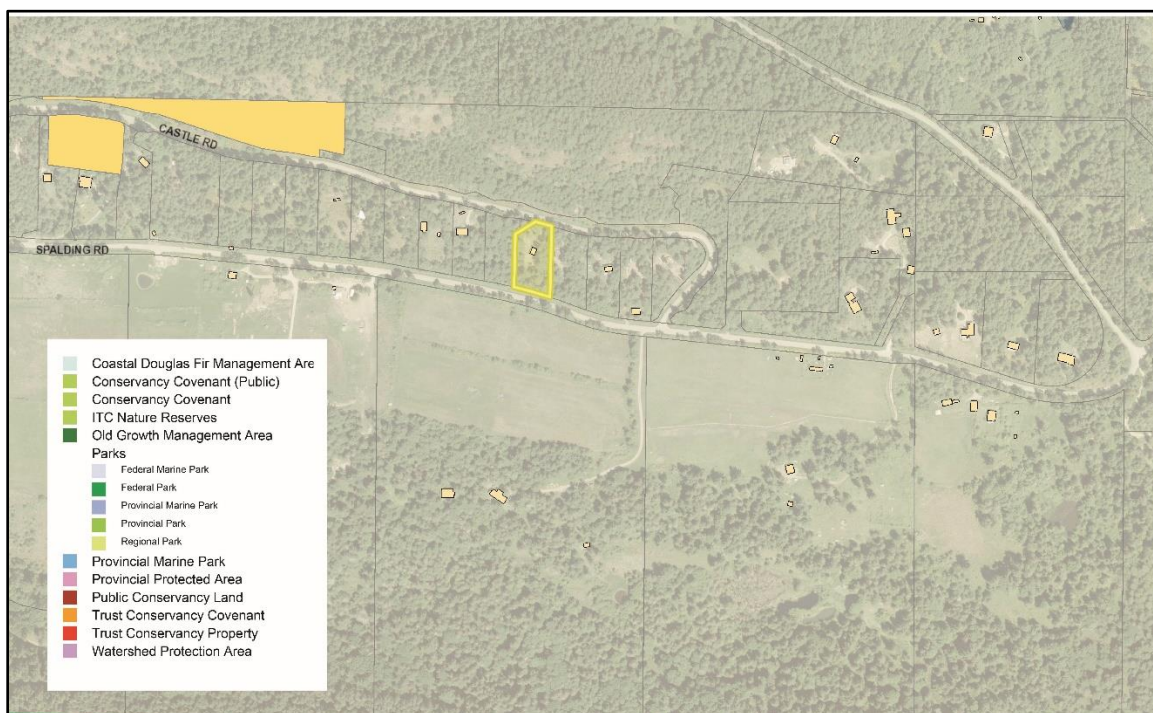
2.2 SENSITIVE ECOSYSTEM MAPPING



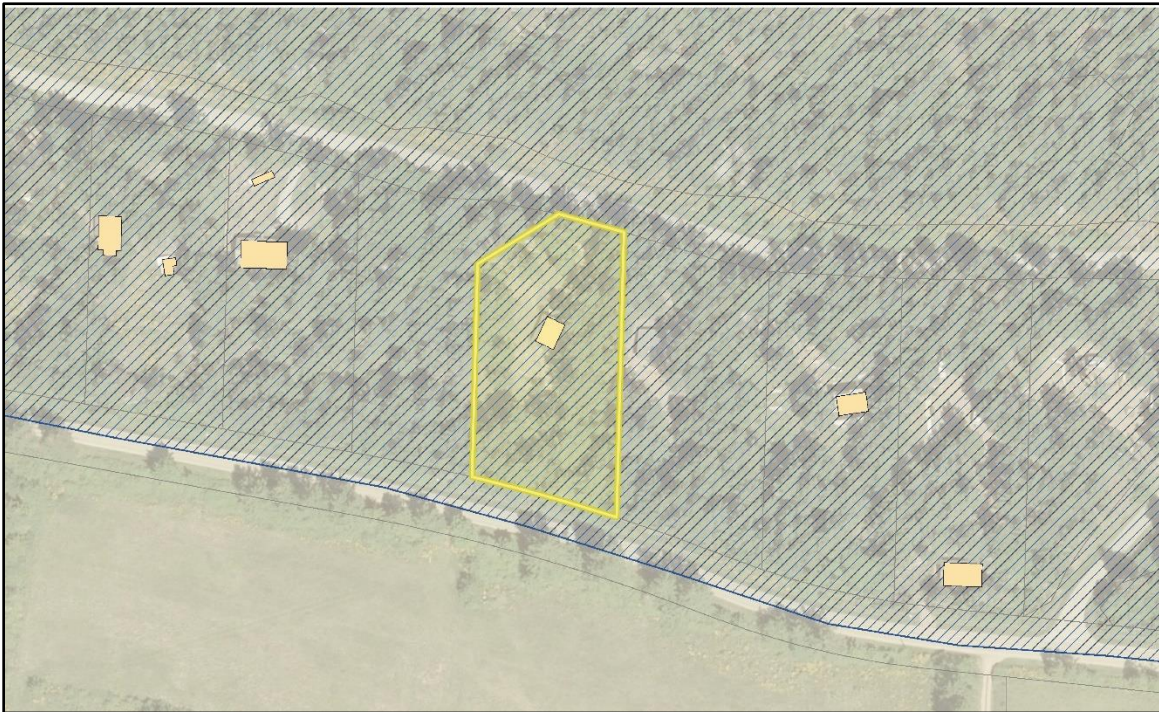
2.3 STEEP SLOPE HAZARD AND CONTOURS



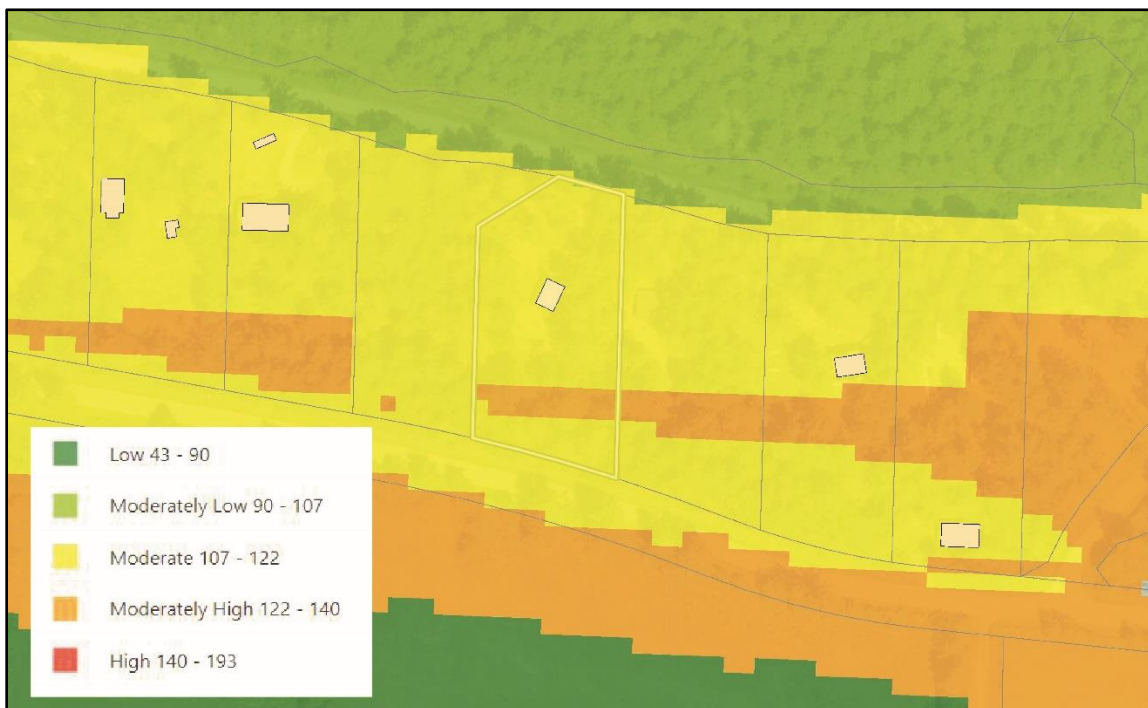
2.4 PROTECTED AREAS



2.5



2.6 AQUIFER INTRINSIC VULNERABILITY

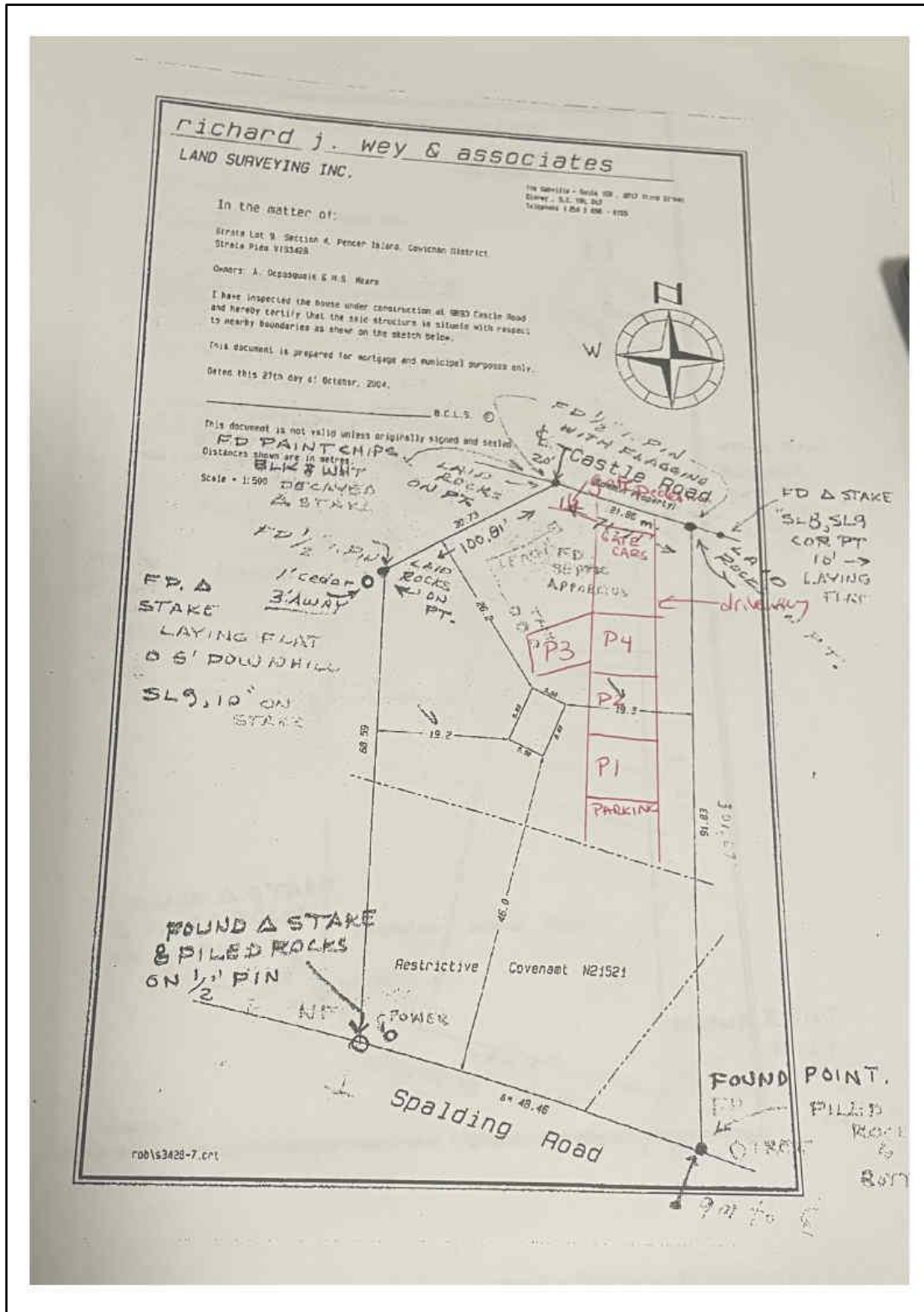


2.7 AQUIFER VULNERABILITY TO SALT WATER INTRUSION



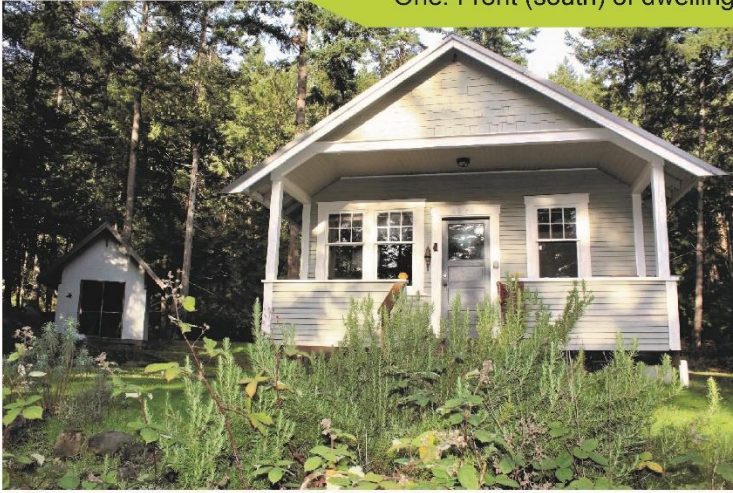
Islands Trust

Staff Report



2.9 PHOTOGRAPHS

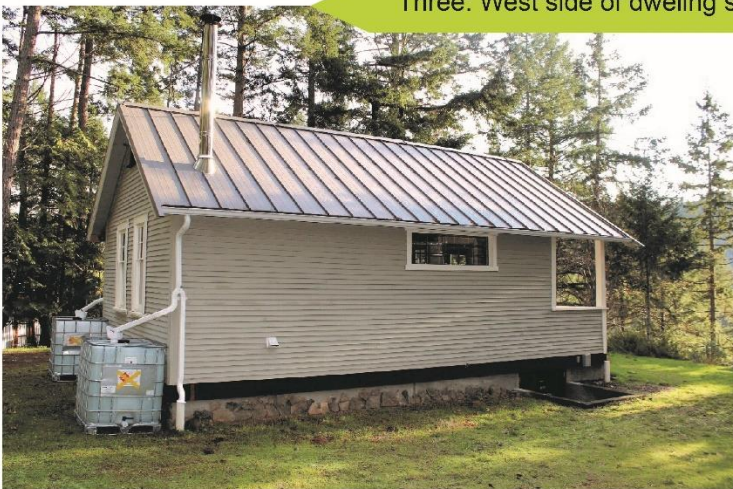
One: Front (south) of dwelling (accessory building to left)



Two: West side of dwelling looking south

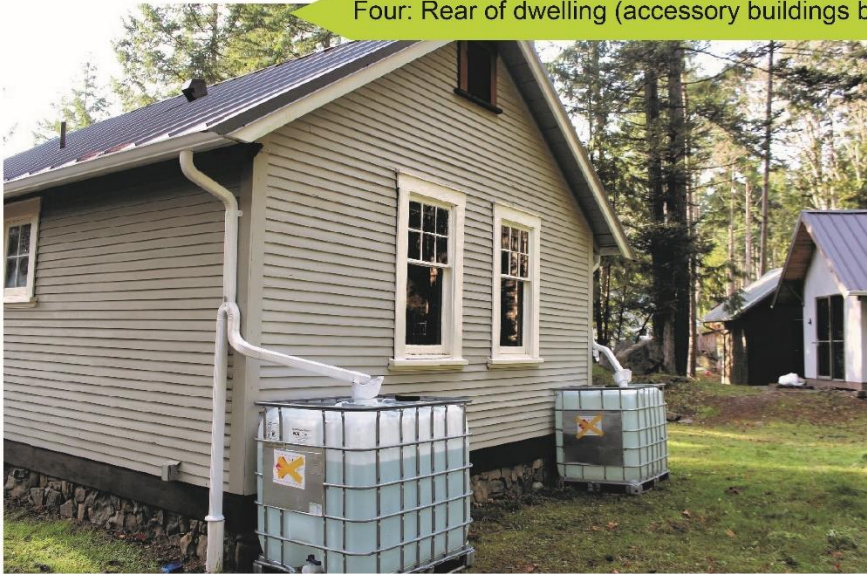


Three: West side of dwelling showing rainwater collection



2.9 PHOTOGRAPHS (CONT'D)

Four: Rear of dwelling (accessory buildings beyond)



Five: Rear of accessory building (further rainwater collection)



Attachment 3: TUP Checklist (Staff) for STVR

SP-TUP-2021.1 (Ellis)
9890 Castle Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit (permit), “short term vacation rental” (STVR) means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons.	The use meets the definition of STVR.
b) Residential Appearance - The Local Trust Committee (LTC) may consider issuance of a STVR permit provided the proposal would not alter the residential appearance of the residence	No exterior changes proposed.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for STVRs.	To date, no other TUPs for STVRs have been issued. See main report for discussion
d) Clustering - In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the temporary use permits may consider the concentration or clustering of short term STVRs in any one area.	Ref.: c) - above.
e) Maximum STVR Number - The LTC should not approve more than ten (10) STVR permits	Ref.: c) - above.
f) Groundwater - A permit for STVR use may not be issued in areas of known groundwater shortage based on available mapping unless the applicant can provide evidence for the use.	Water Quantity and Quality Reports provided as Attachment 6: - Well Report (1994) - Water yield is 454 litres per hour (120 gallons per hour). - Pump Test (2004) – 7.6 litres per minute (2 gallons per minute) - Water Quality Report (2022) Additionally, applicants have a capacity of 2,100 litres (581 gallons) of storage as part of rainwater collection system.
g) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of four (4) vehicles	Four (4) spots provided (Attachment 2.8)
h) Sensitive Ecosystems If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Woodland Sensitive Ecosystem on property (Attachment 2.2). Condition 3.b) of draft TUP requires information provided to guests. Applicant has been provided information materials included in guest information package (Attachment 5).

Attachment 3: TUP Checklist (Staff) for STVR

Guidelines	Comments
i) Signage - The permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m ²	None proposed.
j) Operator Contact - The permit should require that the owner or other designated contact be available on South or North Pender Island by telephone or email at all times when the STVR is in use and to provide the name and contact information to guests and adjacent neighbours.	Provided by applicant (Attachment
k) Guest Information - The permit should require the landowner post the following information for guests: i. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and ii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service.	Provided by applicant to guests via e-mail (prior to arrival) and within binder in dwelling - Attachment 5.
Permit Conditions	
l) Conditions - In addition to any other conditions the LTC may consider appropriate, in some situations the permit may: i. limit the number of bedrooms that can be used for short term vacation rentals	Condition of draft TUP (one [1] bedroom)
ii. limit the number of guests who are 18 years of age or older to four;	Condition of draft TUP (applicant advertises for two [2] adults)
iii. establish the dates during which the use may occur with particular attention to the period of May 1 to September 30 in a calendar year;	No limit in draft TUP. LTC may opt to restrict with condition for a maximum number of weeks.
iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;	No conditions in draft TUP. LTC may opt to place condition(s) based on any neighbour feedback.
v. prohibit camping or occupancy of RVs on the property;	Condition of draft TUP
vi. prohibit the rental or provision of motorized personal watercraft; and	Condition of draft TUP
vii. prohibit outdoor fires.	Condition of draft TUP
Agriculture Land Reserve	N/A
m) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
Building Code	

Attachment 3: TUP Checklist (Staff) for STVR

Guidelines	Comments
n) Occupancy - A temporary use permit for a short term vacation rental should not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Final Occupancy from CRD provided (PN 12-200 - not attached)
Enforcement	
o) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Condition in draft TUP

Applicant's Statement

- We will be requiring proof of vaccination, supplying a copy of the rules and regulations, safe driving on Pender, respect of the environment & neighboring properties and overall outlook of island life prior to stay, strictly vetting guests to ensure they are visiting for the right reasons.
- Privacy - with a maximum of two adult guests and proceeding with fencing for privacy and safety of our animals - we have installed a 7 ft deer fence over the holidays between our neighboring properties which will add to the privacy element, and ensuring that our Neighbours feel, safe, secure & that their peace and quiet and security are paramount to us as well. This will ensure an added level of privacy, protection of property and ensure that guests do not end up on our Neighbours properties during their stays.
- Water - with limiting the number of guests, having installed water capture system for our home and outbuildings (including 2,000 liters on the main home and 100L on the outbuilding and the goal to attract a demographic of ecofriendly guests who are environmentally conscious and responsible - we feel we have tended to this concern.
- Revolving Door Concern - in terms of enjoyment, threatening peace, quiet and security - we also love and drew us to the area and SPI community - our goal is to reside on Castle Road full time by 2027, we decided to secure a home now as prices continue to rise and were becoming further out of reach - we decided to jump on the opportunity to get into the market now
 - Our son is now entering middle school & we wanted for him to have the opportunity to enjoy the natural landscape and great outdoors that Pender has to offer, during the summer months' we hope to be there ourselves as much as possible with my family living on VI and living on boats in the summer and the smoky summers in the interior we're hoping to make use of our property ourselves as much as possible.
 - My spouse & I are both self-employed we run three businesses and can work from anywhere - one of the benefits to buying a home on South Pender was the opportunity to go together on the weeks our son is with his mum and occupy the property as much as we possibly can (aiming for 10-14 days per month during the school year and the majority of the summer months when life and work permits alongside holidays.

Our goal enjoy life on the island, give back to our community, respect mother nature, our neighbors, respect the privacy of others whilst still allowing us the opportunity to financially carry two homes - with offsetting expenses with short and medium term stays by responsible & environmentally conscious individuals who are fully vaccinated and mature - not allowing college kids, party goers or those without references come and disrupt the peace of our community and beautiful home. This will allow us the ability to do so in a respectful of island life, community on Castle Road & values of what the island represents. We hope to predominantly have family + friends staying and avoid online bookings, with a demand to visit the gulf islands we don't see this being an issue - but wanted to follow all the appropriate steps in terms of licensing, the Island Trust & being transparent with our community to ensure that we are building relationships and addressing everyone's needs for our future on Pender - we hope it to be a long one and we look forward to getting to know all of you in the years' and months' ahead.

If you have any more feedback or concerns - please feel free to pass them onto me so that we can work to address them.

The Gnome Home!

We are happy to be able to share our beautiful 1920s home and the magic of South Pender Island with you.

Upon arriving at our home ensure to park on the south side of our home and to put your parking brake on – as there is a hill in front it is worthwhile to be safe. When you arrive at the front doors you will be able to access our keys in the lock box the code will be texted to you prior to your arrival. The keys will grant you access to the home – please make yourselves comfortable & feel free to use everything provided in the cabin.

We have supplied condiments, locally made granola, almond milk, a coffee and tea station (teas, coffee, creamers, sugar & stevia) for your enjoyment during your stay. Our kitchen comes equipped with a stove, full size fridge, kettle, toaster & kettle – we have pots, pans and cookie utensils for your use alongside basics for cooking including spices, herbs, salt & pepper, olive oil, salad dressings and more. If there is anything you need during your stay – you can find them at the Tru Value in town or for snacks/beverages at the Medicine Beach Liquor store and the new Truss Store – featuring lunch, food supplies & local treasures.

We have also supplied, sheets towels, organic cleaning/bath supplies and paper towel/toilet paper for your use during your stay. Please put used towels in the bath upon your departure. In the bathroom you will find extra toothpaste, toothbrushes, soaps, bubble bath, feminine products, shampoo, and conditioner for your use during your stay if needed! Our toilet has a Tushy installed – which allows you to save on TP if you so choose to try it out! Our bath allows for showers & baths – hot water can be limited – so ensure to not fill it too full or it may be chillier then anticipated.

In the TV station you will find games, yoga blocks, a Nintendo to play, and a emergency bin – which includes battery packs, flashlights, headlamps, candles & matches – in the case you lose power during your stay. The TV has Netflix, Prime Video & Crave – with the ability to stream from your laptop if you so choose! We also have stocked the cabin with a few of our favourite books, games, children's books, and local treasures – which features hikes, places to visit and historical information on the Pender's which we hope you enjoy.

Our community on South Pender & Castle Road specifically is a special one – the Gnome Home is located on a Private Road – please drive carefully as animals, kids & humans walk frequently along our beautiful street. We have included rules to ensure that we respect our community & neighbours during your stay. Residing on an acre parcel on this special island is something we feel gratitude for and are looking forward to sharing it with you. We hope you can embrace the natural beauty, disconnect from the fast pace of everyday life & enjoy the serenity, quiet, wildlife & peace Pender Island has to offer.

We have included a list of rules & reminders for you during your stay – we want to ensure you have an enjoyable and memorable time – and that we can continue to share our beautiful home with others these rules will allow for everyone to be in harmony.

Drive safely home and ensure to allow ample time to reach the ferry – the roads are windy and frequented by island pups & walkers so SLOW is best.

Andrew, Catherine, Thomas, Tawny & Blackberry – Owners of 9890 Castle Road

Rules:

- **Parking:**

- A Maximum of 2 Cars may be parked on the property – they must be parked in a row where the parking is directed on the map provided.
- All vehicles must be insured – and are not to be left running if not in use.
- All vehicles must have the parking brake on when parked on the drive.
- Guests and visitors should comply with the parking regulations and requirements and must show consideration to other vehicles in the neighborhood.
- Please review the driving on Pender guidelines prior to arrival – attached below

- **Off Limit Areas:**

- The two outbuildings are off limit to visitors – these will be locked for your safety & for the privacy of our space.
- The crawl space will be off limit to visitors – it will be locked – if there is an issue and you require access, please contact us immediately at 778-835-4565
- The area below the Adirondack chairs is off limits for the lower parcel of the lot. Due to the steep slope & overbrush – we request you exit the property via Castle Road – walking gate by foot and the road gate via vehicle & to close it upon exit

- **Woodland Sensitive Ecosystems:**

- Our South Facing Home is home to the woodland ecosystem – we request that until we have carved a walking path to the Spalding Road Access that you limit walking on the lower parcel of our property
- It is steep and with it's protected eco system which we wish to protect we request that you do not take any wildlife, disturb animals, do not remove leaving plants and creatures
- We request that you respect the land – to allow us all to continue to enjoy it and for the ecosystem to be retained
- As a marker – please do not go below the sitting area where the Adirondacks are and the Gnome Bird Nesting House as markers – to protect South Pender's Natural Beauty
- Please watch over your kids and animals – to ensure that they do respect the ecosystem and habitat and play safely.
- Please see attached brochure outlining the woodlands

- **No Smoking:**
 - On the property or on Castle Road – smoking will not be tolerated inside or outside of the dwelling.
 - If guests smoke during their stay, there will be a automatic fee of \$250.00 – if damages caused additional fees charged.
 - We live in a beautiful, forested area the risk of damages and fire are too high for smoking to be allowed on site.
- **No Fires:**
 - Fires - we are banning all fires outdoors, alongside any use of candles in doors (unless during a power outage - instructions, guidelines & supplies will be left for guests in the case of an outage).
 - *We have supplied you with a basket of supplies under the TV – for emergency power outages including water, supplies, power banks, candles & a outdoor stove for cooking in the case of a power outage).*
 - *We have also included – flashlights, headlamps & extra blankets – for colder nights and treks- as it gets very dark on the Gulf Islands at night*
 - We have included a map, information & proper fire management products onsite for the highest degree of fire safety
 - Please find included directions to the SPI Fire Hall & Map and in the event of a emergency call 911 and marine/air emergencies call 1800 567 5111 and for the Coast Guard call 1-800 855 6655
 - We have supplied the necessary tools in the case of emergency. (Extinguisher (beside wood fire & stove), fire blanket, first aid kit, water bucket & location to go to in the case of emergency)
- **Parties and Event:**
 - No Parties or Events on the Property
 - Maximum of 2 adult guests staying on property over night – maximum of 4 additional guests for a visit – no parties, loud music, gatherings, or evening events. We reside in a residential area and want to be respectful of our neighbouring properties
- **Visitors:**
 - Maximum of 6 people on site throughout your stay including guests:
 - If 4 guests staying *exception* – two visitors allowed (including children)
 - If 2 guests staying – four visitors allowed
- **Noise & the Neighbourhood:**
 - Please respect our neighbour's privacy & space
 - No loud music/noise outside after 10pm
 - No bonfires or outdoor fires of any kind

- No firearms, fireworks or dangerous goods/materials are to be used, brought, or stored on the property.
- **Garbage & Recycling**
 - Please put garbage in the bin supplied – if filled you can bring the bag out to the woodshed and put it in the bin – ensure to close the lid & lock following putting it in, also you will find extra garbage bags under the sink
 - Please put recycling in the blue bin – if filled please put in the large blue bin provided by the woodshed
 - Compost – we do compost – if you are wanting to during your stay, please place all compostable items in the bowl provided & keep in the freezer it can be emptied into the compost beside the wastebin by the wood shed.
 - Do not leave garbage, empties, or goods outside – as they may blow onto neighbouring properties or attract wildlife.
- **Pets:**
 - No pets for registered guests will be allowed on the property for the time being.
- **Security:**
 - Your belongings will be kept safe & secure during your stay – we recommend locking windows and the front door when leaving the property.
 - Ensure you turn off lights, do not leave water running, oven or fire on when you leave the property.
 - Ensure you lock your cars at nighttime for the security of your belongings.
- **Damages/Breakages:**
 - If items are broken or damaged – please let us know via text 778-835-4565 so we can ensure the replacement/repairs in preparation for the next guests. If the damages are in excess of \$50.00 you will be responsible for the repairs, and we will bill accordingly.
- **Water/Septic:**
 - We are on a septic system – please ensure only the supplied toilet paper is put down the toilet and no toiletries, other products or items are disposed of in the toilet.
 - We are on well water – we have a three-filter system installed with triple filtration & UV filters to ensure the water which we supply for drinking, food preparation & cleaning – is tested, filtered & certified.

- Please use water conservatively – we have water collection on site for our gardens, for rinse down in the summer months post beach swims, hiking, water activities and more – more to come in the Spring when it is ready for use.
- **Check Out:**
 - Check out @11am
 - Upon checkout ensure the following:
 - Lights are out
 - Stove is Off
 - Kitchen/Bathroom/Bath taps are off
 - Windows are locked
 - TV is off
 - Games, Books & Toys have been put away
 - Dishes are clean (they can be left in drying rack)
 - Food has been removed from the fridge that was brought
 - Used Towels (Kitchen & Bath) have been put in the bathtub
 - Bed is stripped prior to departure and sheets are placed in the bathtub
 - Music is turned off
 - Once Above is done ensure all goods are packed!
 - Place keys in the lockbox with the code provided at check in – once stored turn the dial to jumble the code and ensure the door is locked!
- **Emergency Contact:**
 - Jackie Christie
 - 250 884 9779
 - jackiehchristie@gmail.com
- **Property Manager/Emergency Contact:**
 - Tanja Lonergan
 - 250 507 2487
 - tanja@penderproperty.com

Driving Safety Pender Island

- Slow & aware is the only way to drive on Pender
- Remember you are on Island Time – the bends are sharp, the bumps unexpected & you share the road with wildlife, bicyclists & pedestrians
- Car Stops – are known across Pender Island – if you see someone looking for a ride – feel free to offer them one, it is welcomed on Pender
- The “DIP” on South Pender Island has a traffic light and allows for one vehicle at a time – PLEASE adhere to this rule and do not try to rush through behind someone or drive above the speed limit. Always allow lots of time to get to your destination
- Keep your eyes peeled at night for deer – they roam on the island and can be found frequently crossing the road at dawn and dusk.
- Many of the roads are winding, have beautiful views and blind corners – take your time, drive cautiously, give others space and be mindful of others on the road
- At the bridge to South Pender Island – please make sure to come to a stop to ensure there is not a motorist or Pedestrian crossing – it is a one at a time causeway
- Specific Rules for Castle Road
 - Our road is private – PLEASE drive slowly and with care, we pride ourselves on residing on a quiet and safe street
 - Slow is always best and be respectful of others
 - Keep an eye out for pedestrians, dogs, and kids
 - Drive with care and attention

Woodland Ecosystems

SUPPORTING DIVERSITY ON DRY SOILS

What are Woodland Ecosystems?

Woodland ecosystems are dry and open forests dominated by a mix of deciduous and coniferous tree species. Arbutus, Douglas-fir and Garry oak dominated woodlands are among the most sensitive and biologically diverse woodland ecosystems in the islands Trust Area.

Where are Woodland Ecosystems located?

Woodland ecosystems are generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. Woodland ecosystems exist in areas with dry conditions that prevent the development of dense forests.

Why are Woodland Ecosystems important?

Woodland ecosystems provide habitat for a wide variety of plants, insects, reptiles and birds. Garry oak woodlands, for example, support the highest plant species diversity of any terrestrial ecosystem in British Columbia. Woodland ecosystems commonly occur with herbaceous and cliff ecosystems, thus enriching the diversity of an entire area and increasing connectivity between these other sensitive ecosystems. Ecologists hypothesize that woodland ecosystems are likely to survive as our climate changes, due to this ecosystem's ability to exist in dry conditions. Retaining woodlands is important for the survival of many species during this climatic transition period.





How can we protect Woodland Ecosystems?

Woodland ecosystems are fragmented and rare, nationally, provincially and regionally. Because they support a high number of at-risk species, the loss of each woodland ecosystem has devastating effects on the Province's biodiversity and may affect the ability of our area to adapt to climate change.

- Limit access and avoid development to prevent vegetation damage
- Actively control invasive species to reduce competition with rare native species
- Prevent livestock grazing to avoid soil compaction and erosion
- Consider re-introducing managed fire to the ecosystem to reduce non-native species



Parking Outlined in Orange Below

Parking 1 &
2

Parking 3 & 4



DO NOT GO BELOW CHAIRS & BIRD NESTING TREE AS DIRECTED FOR PROTECTION OF ECOSYSTEM UNTIL TRAIL IS CARVED (SPRING 2022)



Well Summary

Well Tag Number: 62195

Well Identification Plate Number:

Owner Name: MEYER DEV. CORP.

Intended Water Use: Private Domestic

Artesian Condition: No

Well Status: New

Well Class: Water Supply

Well Subclass:

Aquifer Number: 710

Observation Well Number:

Observation Well Status:

Environmental Monitoring System (EMS) ID:

Alternative specs submitted: No

Licensing Information

Licensed Status: Unlicensed

Licence Number:

Location Information

Street Address: CASTLE ROAD

Town/City: OFF SPALDING ROAD

Legal Description:

Lot	SL20
Plan	40899
District Lot	
Block	
Section	4
Township	
Range	
Land District	16
Property Identification Description (PID)	

Description of Well Location:



Geographic Coordinates - North American Datum of 1983 (NAD 83)

Latitude: 48.750363

Longitude: -123.206741

UTM Easting: 484803

UTM Northing: 5399726

Zone: 10

Coordinate Acquisition Code: (20 m accuracy) Digitized from 1:5,000 mapping

Well Activity

Activity	Work Start Date	Work End Date	Drilling Company	Date Entered
Legacy record	1994-12-31		Tri-K Drilling	August 13th 2003 at 8:38 AM

Well Work Dates

Start Date of Construction	End Date of Construction	Start Date of Alteration	End Date of Alteration	Start Date of Decommission	End Date of Decommission
1994-12-31					

Well Completion Data

Total Depth Drilled:	Estimated Well Yield: 2 USgpm	Static Water Level (BTOC): 28 feet btoc
Finished Well Depth: 150 ft bgl	Well Cap:	Artesian Flow:
Final Casing Stick Up:	Well Disinfected Status: Not Disinfected	Artesian Pressure (head):
Depth to Bedrock: 4 feet bgl	Drilling Method: Other	Artesian Pressure (PSI):
Ground elevation:	Method of determining elevation: Unknown	Orientation of Well: VERTICAL

Lithology

From (ft bgl)	To (ft bgl)	Raw Data	Description	Moisture	Colour	Hardness	Observations	Water Bearing Flow Estimate (USGPM)
0	4	OVERBURDEN						
4	15	SOFT CONGLOMERATE, WEATHERED						
15	150	LAYERS OF SANDSTONE, CONGLOMERATE, SHALE						
15	150	WATER @ 65', 99', 128'						

Casing Details

From (ft bgl)	To (ft bgl)	Casing Type	Casing Material	Diameter (in)	Wall Thickness (in)	Drive Shoe
There are no records to show						

Surface Seal and Backfill Details

Surface Seal Material: Other	Backfill Material Above Surface Seal:
Surface Seal Installation Method:	Backfill Depth:
Surface Seal Thickness:	
Surface Seal Depth:	

Liner Details

Liner Material:		Liner perforations	
Liner Diameter:	Liner Thickness:	From (ft bgl)	To (ft bgl)
Liner from:	Liner to:	There are no records to show	

Screen Details

Intake Method:	Installed Screens				
Type:	From (ft bgl)	To (ft bgl)	Diameter (in)	Assembly Type	Slot Size
Material: Other	There are no records to show				
Opening:					
Bottom:					

Well Development

Developed by:	Development Total Duration:
---------------	-----------------------------

Well Yield

Estimation Method:	Estimation Rate:	Estimation Duration:
Static Water Level Before Test:	Drawdown:	
Hydrofracturing Performed: No	Increase in Yield Due to Hydrofracturing:	

Well Decommission Information

Reason for Decommission:	Method of Decommission:
Sealant Material:	Backfill Material:
Decommission Details:	

Comments

WELL & CASING MARKED AS #20. LINER RECOMMENDED. ONLY TOTAL COLIFORMS TESTED. METHOD OF DRILLING = DRILLED

Alternative Specs Submitted: Yes

WATER WELL RECORD

Date | 94 | 12 | 31

N T S MAP [] [] [] [] [] [] [] [] [] [] WELL No. [] [] ELEV [] [] Location Accuracy _____
U M Z [] [] [] [] [] [] [] [] [] [] N U M Date 19 ____ Well Type _____

Owners Name & Address Meyer Development Corpn., # 401 - 645 Fort Street, Victoria, B.C.
Legal Description & Address V8W 1G2

Descriptive Location Plan # 40899, Spalding Road, South Pender Island, B.C. Lot SL 20

I. TYPE OF WORK

1 ☒ New Well	2 ☐ Reconditioned
3 ☐ Deepened	4 ☐ Abandoned

2. WORK METHOD

1 ☐ Cable tool 2 ☐ Bored 3 ☐ Jetted
4 ☒ Rotary a ☐ mud b ☐ air c ☐ reverse
☐ Other

3. WATER WELL USE ¹ ☒ Domestic ² ☐ Municipal ³ ☐ Irrigation
⁴ ☐ Comm. & Ind. ☐ Other

4. DRILLING ADDITIVES

5. MEASUREMENTS from 1 ☒ ground level 2 ☐ top of casing
casing height above ground level _____ ft.

[illegible]

7. CONSULTANT

Address

8. WELL LOCATION SKETCH

9. CASING: 1 ☒ Steel 2 ☐ Galvanized 3 ☐ Wood
Materials 4 ☐ Plastic 5 ☐ Concrete

☐ Other _____							units
Hole Diameter							ins
Diameter							ins
from							ft
to							ft
Thickness							ins
Weight							lb / ft

Pitless unit _____ ft **1** ☐ above **2** ☐ below ground level

1 ☐ Welded 2 ☐ Cemented 3 ☐ Threaded | 1 ☐ New 2 ☐ Used
Perforations: _____

Shoe (s):

Open hole, from _____ to _____ ft Diameter _____ ins
Grout: _____

10. SCREEN: 1 ☐ Nominal (Telescope) 2 ☐ Pipe Size

Type **1** ☐ Continuous Slot **2** ☐ Perforated **3** ☐ Louvre
☐ Other _____

Material **1** ☐ Stainless Steel **2** ☐ Plastic ☐ Other _____
Set from _____ to _____ ft below ground level

RISER, SCREEN & BLANKS						units
Length						ft
Diam. I D						ins
Slot Size						ins
from						ft
to						ft

Fittings, top _____ bottom _____

Gravel Pack

II. DEVELOPED BY: 1 ☐ Surging 2 ☐ Jetting 3 ☐ Air
4 ☐ Bailing 5 ☐ Pumping ☐ Other _____

12. TEST 1 ☐ Pump 2 ☐ Bail 3 ☐ Air Date
Rate USgpm Temp °C SWL before test ft
Water Level ft after test of hrs

[illegible]

13.	RECOMMENDED PUMP TYPE	RECOMMENDED PUMP SETTING	RECOMMENDED PUMPING RATE
		ft	USgpm

14. WATER TYPE: 1 ☐ fresh 2 ☐ salty 3 ☐ clear 4 ☐ cloudy
colour: _____ smell: _____; gas 1 ☐ yes 2 ☐ no

15. WATER ANALYSIS:

2 Iron	_____	mg/L	1 Hardness	_____	mg/L
4 pH	_____		3 Chloride	_____	mg/L
			Field Date	_____	

SITE I D No

Lab Date | | | | |

16. FINAL WELL COMPLETION DATA

Well Depth 150 ft Well Yield 120 GPH US gpm
 Static Water Level 28 ft Artesian Flow US gpm Pressure Head ft
 Back filled
 Well Head Completion

17. DRILLER SURNAME FIRST NAME
PLEASE PRINT Krenbrink James

Signature _____

18. CONTRACTOR,
Address

Tri-K Drilling Ltd.,
3047 Glen Lake Road,
Victoria, B.C.
V9B 4B3

Member, BCWWDA ☒ yes ☐ no ; _____

Brent Marsden

Plumbing Services

4715 Scarff Rd.
Pender Island B. C.
V0N 2M1
Phone : 250-629-6432
Fax : 250-629-6452

CLIENT:

TONY DE PASQUALE
603 E 55TH AVE.
VANCOUVER B.C..
V5X-1N6
604-876-5176
604-831-5176

WATER RECOVERY TEST

TEST CONDUCTED- DEC. 30, 2003
WELL LOCATION - LOT 9 CASTLE RD.
SOUTH PENDER ISLAND B.C.

WELL DEPTH- 122 FEET
WELL DIAMETER - 6 INCHES
STATIC HEAD- 12 FEET
PUMP DEPTH - 40 FEET
PUMP CAPACITY - 7 GALLONS PER MINUTE
PUMP OUT RATE - 6 GALLONS PER MINUTE

AVAILABLE WATER- 110 FEET OR 132 GALLONS IN WELL COLUMN
WATER TO PUMP LEVEL 30 FEET OR 36 GALLONS

RECOVERY - 2 GALLONS PER MINUTE AT 40 FOOT DEPTH

With the pump at 40 feet it was allowed to run for a period and the flow rate stayed relatively constant at 2 gallons per minute. It would be prudent to assume a flow rate of 2 gallons per minute for consumption calculations with a pump located at a depth of 112 feet to give the maximum volume of the well column.

This flow rate can vary with the season and be affected by physical changes to the nearby area. In this case the recovery rate at this time of year is not a problem.

Water could be detected entering the well column at 25 feet below the surface.

The water had a trace of odour which can be attributed in part to the lack of use of the well and also to the iron and manganese revealed in the mineral test. The water cleared with the volume pumped and the sample tested was only slightly colored also indicating the presence of iron. These elements can be removed by treatment should they prove a problem once the well is in use.

Brent Marsden

Plumbing Services

4715 Scarff Rd.
Pender Island B. C.
V0N 2M1
Phone : 250-629-6432
Fax : 250-629-6452

The bacteria results indicate a need to treat the well with bleach. The bacteria results are not uncommon for unused wells and should be remedied by a shocking of the well once it is in use and followed up by subsequent retesting for bacteria on a regular basis to ensure good water. If the bacteria persists, the installation of a UV sterilizer unit in the water system should control the problem.

BRENT MARSDEN JAN. 12, 2004

2021 Water Quality Lab Report

Client/Code

Brent Marsden
*BCC
4715 Scarff Rd.,
Pender Island, BC
V0N 2M0

SH - M

Date 29Dec21

9:19a

No. W165693

Source FWS

Type of Sample water

No. of Samples 1

TEL: (250) 629-6432
goosepond@shaw.ca

Comments Arrival temp.: 10.0C
Pd 2912A Batch 1049

Sample: 9890 Castle Rd S.Pender

Site Code	Date	Time	CFU/100 ml		CFU/100 ml		CFU/100 mL
			TC	T-NC	FC	F-NC	E.coli
Household Tap	28Dec21	03:45p	0	0	0	0	0

TC = total coliform bacteria

FC = fecal coliform bacteria (aka thermotolerant coliforms)

NC = non-coliform bacteria

CFU/100 ml = colony forming units per 100 milli-litres

Results may be adversely affected if samples are submitted to the laboratory more than 24 to 30 hours after collection.

E. coli = Escherichia coli, FDA/BAM 9th ed, Oct 2020

Bergey's Manual of Systematic Bacteriology vol 1, AOAC 1984; J.Clin.Micro.,
J.Intern.Systm.Bact.

Comments:

For Interpretation of Results:

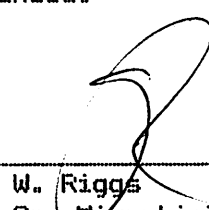
Total or Fecal Coliforms present greater than 0 CFU/100mL (0 CFU/mL):

IF Coliform numbers exceed safe limits for drinking water--
water is not suitable for drinking without treatment.

Total Non-coliform bacteria (=Lactose Fermentors) equal to or greater than
200 CFU/100mL (2.0 CFU/mL):

IF the number of organisms present exceed recommended guidelines for
drinking water; treatment is strongly recommended.

-- see following page for chemistry results --


W. Riggs
Sr. Microbiologist



Client/Code

Brent Marsden
*BCC
4715 Scarff Rd.
Pender Island, BC
V0N 2M0

SH - M

Date 29Dec21 9:19a

No. W165693 pg2

Source FWS

Type of Sample water

No. of Samples 1

TEL: (250) 629-6432
goosepond@shaw.ca

Comments Arrival temp.: 10.0C
Pd 2912A Batch 1049

Sample: 9890 Castle Rd S.Pender @ Household Tap 28Dec21 03:45p

ELEMENTS		SAMPLE	UNITS	Maximum Limits In Drinking Water*
1) Aluminium	Al	0.215	mg/L	no limit listed
2) Antimony	Sb	<0.500	ug/L	6.00 ug/L
3) Arsenic	As	<0.500	ug/L	10.0 ug/L
4) Barium	Ba	0.025	mg/L	2.00 mg/L
5) Beryllium	Be	<0.003	mg/L	no limit listed
6) Boron	B	0.689	mg/L	5.00 mg/L
7) Cadmium	Cd	<0.010	ug/L	7.0 ug/L
8) Calcium	Ca	23.3	mg/L	200 mg/L
9) Chromium	Cr	<0.003	mg/L	0.050 mg/L
10) Cobalt	Co	<0.005	mg/L	no limit listed
11) Copper	Cu	0.150	mg/L	1.00 mg/L
12) Gold	Au	<0.040	mg/L	no limit listed
13) Iron	Fe	<0.010	mg/L	0.300 mg/L
14) Lanthanum	La	<0.020	mg/L	no limit listed
15) Lead	Pb	4.08	ug/L	5.00 ug/L
16) Magnesium	Mg	4.50	mg/L	50.0 mg/L
17) Manganese	Mn	<0.004	mg/L	0.120 MAC 0.020 AD
18) Mercury	Hg	<0.010	ug/L	1.00 ug/L
19) Molybdenum	Mo	<0.005	mg/L	no limit listed
20) Nickel	Ni	<0.004	mg/L	no limit listed
21) Phosphorus	P	<0.010	mg/L	no limit listed
22) Potassium	K	0.650	mg/L	no limit listed
23) Scandium	Sc	<0.050	mg/L	no limit listed
24) Selenium	Se	<0.500	ug/L	5.0 ug/L
25) Silicon	Si	5.54	mg/L	no limit listed
26) Silver	Ag	<0.010	mg/L	no limit listed
27) Sodium	Na	33.6	mg/L	200 mg/L
28) Strontium	Sr	0.210	mg/L	no limit listed
29) Tin	Sn	<0.020	mg/L	no limit listed
30) Titanium	Ti	<0.010	mg/L	no limit listed
31) Tungsten	W	<0.050	mg/L	no limit listed
32) Vanadium	V	<0.010	mg/L	no limit listed
33) Zinc	Zn	0.104	mg/L	5.00 mg/L
Hardness (mg/L CaCO ₃)		76.7	mg/L	75-150 mg/L = mod.hard
pH		7.30	units	7.0 to 10.5

* As per Canadian or B.C. Health Act Safe Drinking Water Regulation BC Reg 230/92, & 390 Sch 120, 2001. Task Force of the Canadian Council of Resource and Environment Ministers - Guidelines for Canadian Drinking Water Quality, 2020.

Comments:

All constituents tested meet Canadian and B.C. drinking water standards.



ANALYTICAL & TESTING SERVICES P.O. BOX 2103, SIDNEY, B.C. V8L 3S6

R. Bilodeau
Analytical Chemist

H. Hartmann
Sr. Analytical Chemist

TEL: (250) 656-1334 EMAIL: info@mblabs.com



APPLICATION FOR SEWAGE DISPOSAL SYSTEM PERMIT

COMPLETE TOP SECTION ONLY

☒ NEW CONSTRUCTION☐ ALTERATION☒ REPAIR

LOT/PARCEL INFORMATION	LEGAL DESCRIPTION OF PROPOSED DISPOSAL SYSTEM LOCATION			
	PLAN <u>V15 3428</u> LOT <u>9</u> SECTION <u>4</u> DISTRICT <u>16</u> BLOCK <u>N/A</u>	STREET ADDRESS/GENERAL LOCATION <u>7890 Castle Rd S. Pender</u>		
OWNER	NAME [REDACTED]			
	MAILING ADDRESS [REDACTED] CITY [REDACTED] POSTAL CODE [REDACTED]			
☒ WISHES TO RECEIVE CORRESPONDENCE	NAME <u>Bruce Grimmer</u> TELEPHONE <u>250 629-6172</u>			
	MAILING ADDRESS <u>2306 Grimmer Rd</u> CITY <u>Pender Is</u> POSTAL CODE <u>V0N-2M1</u>			
PREMISES INFORMATION	SEWAGE DISPOSAL SYSTEM WILL SERVE: ☒ SINGLE FAMILY DWELLING ☐ DUPLEX ☐ OTHER SPECIFY _____			NUMBER OF BEDROOMS <u>2</u>
	ESTIMATED DAILY SEWAGE FLOW <u>250</u>			GARBURATOR ☐ YES ☒ NO
SYSTEM INFORMATION	APPROVED SEPTIC TANK	APPROVED PACKAGE TREATMENT PLANT	SAND MOUND INFILTRATION BED AREA	METHOD OF EFFLUENT DISTRIBUTION
	MANUFACTURER <u>Dan's Project</u> MAKE <u>N/A</u>	MODEL <u>N/A</u>	PIPE DIAMETER <u>IN Filtration</u>	☒ GRAVITY
	MATERIAL <u>Concrete</u>	LIQUID VOLUME OF SEPTIC TANK <u>750 Gal</u>	TREATMENT CAPACITY <u>N/A</u>	☐ PRESSURE
			TOTAL LENGTH OF PIPE/CHAMBER <u>200ft</u>	☐ SERIAL
SITE INFORMATION	AREA OF LOT: <u>.40 Hac.</u>		SOURCE OF DOMESTIC WATER: <u>Well</u>	
	DISTANCES OF PROPOSED DISPOSAL FIELD TO SOURCES OF DOMESTIC WATER & BODIES OF NON-TIDAL WATER:			
	FROM OWN WELL: <u>130 ft</u>		FROM STREAM OR LAKE: <u>1/2 mile</u>	
	FROM NEIGHBOURS WELL: <u>150 ft</u>		FROM WATER LINES: <u>20 ft</u>	
☐ COMPLETED SITE INVESTIGATION REPORT REQUIRED	ARE THERE ANY RESTRICTIVE COVENANTS AND/OR EASEMENTS WHICH WILL AFFECT THE LOCATION OF THE SYSTEM? ☒ NO ☐ YES. IF YES, EXPLAIN AND ATTACH DOCUMENTS			
	THE INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE:			
SIGNATURE	SIGNATURE: [REDACTED] DATE: <u>June 1/04</u>			

ATTACH A SITE PLAN TO THE

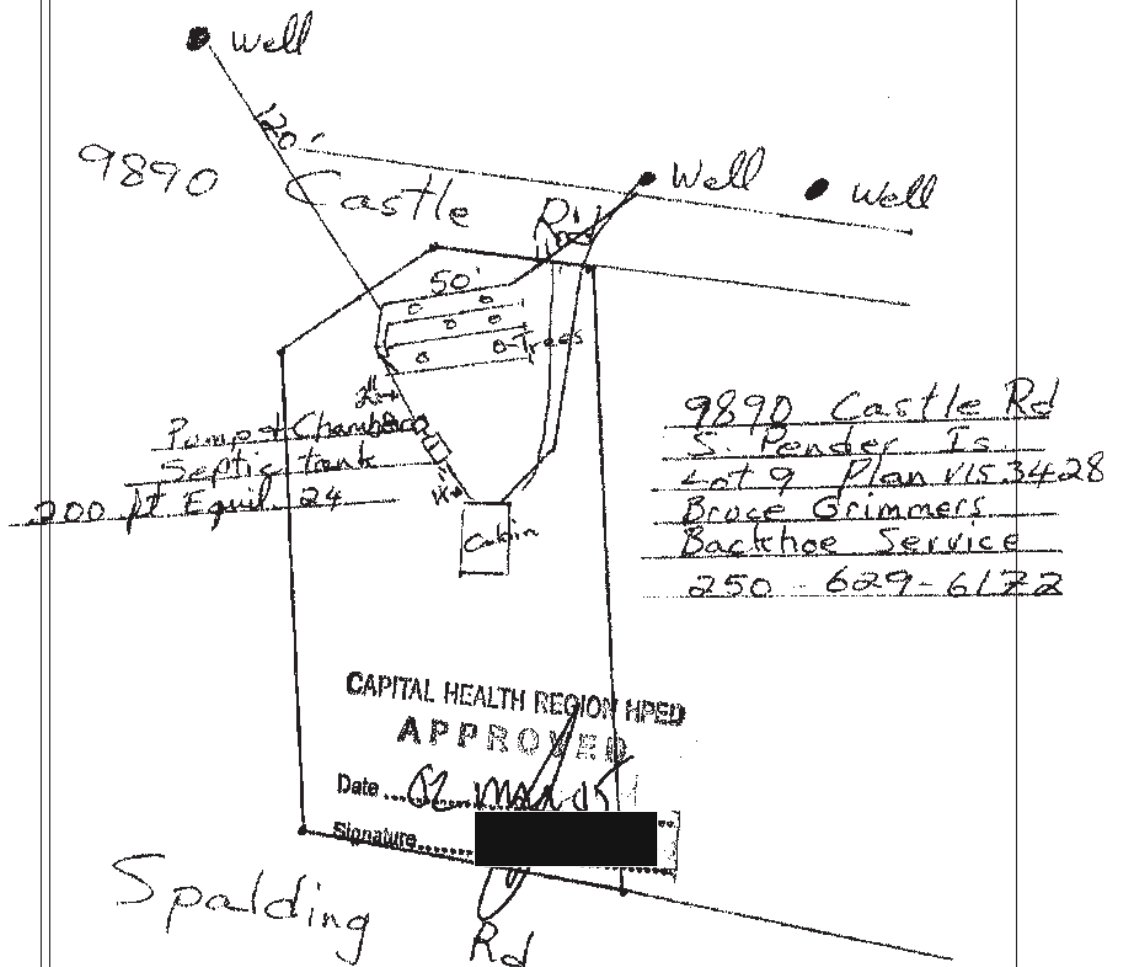
Notice, Authorization and Site Investigation Report)

PERMIT NUMBER	PURSUANT TO THIS APPLICATION, THE ONSITE SEWAGE DISPOSAL GUIDELINES AND THE SEWAGE DISPOSAL REGULATION, PERMISSION IS HEREBY GRANTED TO CONSTRUCT, INSTALL, ALTER, OR REPAIR A SEWAGE DISPOSAL SYSTEM. THIS PERMIT MAY BE CANCELLED IF VARIATIONS ARE MADE TO THESE PLANS AND SPECIFICATIONS. CONSTRUCTION MUST NOT COMMENCE UNTIL THIS PERMIT HAS BEEN SIGNED BY THE MEDICAL HEALTH OFFICER OR ENVIRONMENTAL HEALTH OFFICER.		
PERMIT TO CONSTRUCT	ALTERNATE METHOD - SEPTIC TANK.		
☐	200' OF 24" CHAMBERS REQUIRED IN SHALLOW TRENCH (24" WIDE X 8" DEEP). 12" PERC SOIL MATERIAL/C33 SAND OR EQUIVALENT REQUIRED. FILTER/SCREEN REQUIRED. PUMP CHAMBER MAY BE REQUIRED DEPENDING ON BUILDING ELEVATIONS.		
CONDITIONS	FINAL SYSTEM PLAN REQUIRED.		
APPLICATION REJECTED	FINAL		
☐			
REASONS			
OFFICE USE ONLY			
PAID ☒	E.H.O.:	DATE:	<u>June 3, 2004</u>
AMOUNT <u>250</u>	NOTE: AUTHORIZATION TO USE A SEWAGE DISPOSAL SYSTEM MUST BE GRANTED IN WRITING BY THE AUTHORITY HAVING JURISDICTION BEFORE BACKFILLING. CHECK WITH YOUR LOCAL AUTHORITIES REGARDING BUILDING AND ZONING BYLAWS.		
# OF RECEIPT <u>2018</u>	BACKFILLING AND USE AUTHORIZED ☐ YES ☒ NO		
DATE <u>Jun 2/04</u>	COMMENTS [REDACTED]		
INITIAL <u>N</u>	SIGNATURE: [REDACTED] DATE: <u>June 3, 2004</u>		

F:\EHO\FORMS\SEWPERMIT.P65 - NOVEMBER 1997

THIS PERMIT IS NOT TRANSFERABLE AND EXPIRES ONE YEAR FROM THE DATE OF ISSUE.

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HEALTH PROTECTION & ENVIRONMENTAL SERVICES
**DECLARATION REQUEST
FOR FINAL INSPECTION OF
SEWAGE DISPOSAL SYSTEM**

THE SEWAGE DISPOSAL SYSTEM AT:

ADDRESS: 9890 CASTLE ROAD

LEGAL

DESCRIPTION: Plan 3428

Lot

9

Section

District

#16

is ready for final inspection.

The installation has been completed in accordance with the Sewage Disposal Regulations of British Columbia, Vancouver Island Health Authority Sewage Disposal System Application Guidelines and conditions specified on the permit.

WAIVER OF INDEMNITY:

The undersigned, applicant, developer, contractor, or owner, assumes all risks or hazards incidental to health inspection services and agrees to release, dissolve, save harmless and keep indemnified the Vancouver Island Health Authority and its officials, agents, servants and representatives, from and against all claims, actions, costs, expenses and demands in respect to death, injury, loss or damage to the person or property of the applicant, developer, contractor or owner, howsoever caused, arising out of or in conjunction with the health inspection services, notwithstanding that the same may have been contributed to, caused or occasioned by the negligence of the Vancouver Island Health Authority, its officers, employees, officials, agents, servants and representatives. It is understood that no warranty is implied for health inspection services of the Vancouver Island Health Authority and that this agreement is to be binding on my self, my heirs, executors and assigns.

DATE

Mar 02/05

CONTRACTOR/INSTALLER

Bruce Grimmer

SIGNATURE (OWNER/APPLICANT/INSTALLER)

PRESENT ADDRESS

2306 Grimmer Rd

Pender Is. B.C.

TELEPHONE NUMBER

250 629-6172

VOW-2M1

**A FINAL INSPECTION WILL NOT BE CARRIED OUT UNTIL THIS
DECLARATION IS COMPLETED AND SUBMITTED.**

AINSLIE - F1160 FORM REQUEST FOR FINAL INSPECTION OF SEWAGE DISPOSAL SYSTEM - AUGUST 2003

LOT/PARCEL INFORMATION	LEGAL DESCRIPTION OF PROPERTY													
	PLAN <u>15 3428</u> LOT <u>9</u> SECTION <u>4</u> DISTRICT <u>16</u> BLK. <u>N/A</u> STREET ADDRESS OF PROPERTY <u>9890 Castle Rd S Pender</u>													
OWNER INFORMATION	NAME	TELEPHONE												
	MAILING ADDRESS													
SITE INFORMATION	AREA OF LOT	SOURCE OF DOMESTIC WATER:												
	DEPTH OF SOIL TO: (INCHES)	DISTANCES OF PROPOSED DISPOSAL FIELD TO SOURCES OF DOMESTIC WATER:												
	HARDPAN	FROM OWN WELL <u>130</u> FEET FROM NEIGHBORS WELL <u>150</u> FEET												
	BEDROCK	FROM STREAM OR LAKE <u>1/2 mile</u> FEET FROM WATER LINES <u>20</u> FEET												
	WATERTABLE													
RESTRICTIVE COVENANTS AND/OR EASEMENTS	ARE THERE ANY RESTRICTIVE COVENANTS AND/OR EASEMENTS WHICH WILL AFFECT THE DESIGN OF THIS SUBDIVISION AND/OR SEWAGE DISPOSAL SYSTEM? ☐ YES ☒ NO IF YES, ATTACH DOCUMENTS													
SITE INVESTIGATION	DESCRIBE SOIL CONDITIONS FOUND IN EACH OF THE TWO 4 FOOT INSPECTION HOLES - SPECIFY TYPES OF SOIL ENCOUNTERED, DEPTH OF NATURAL POROUS SOIL AND DEPTH AT WHICH WATER TABLE, CLAY, HARDPAN AND/OR ROCK ENCOUNTERED. <table border="0"> <tr> <td>INSPECTION HOLE #1 (SPECIFY DEPTH IN INCHES)</td> <td>INSPECTION HOLE #2 (SPECIFY DEPTH IN INCHES)</td> </tr> <tr> <td><u>1 ft overburden</u></td> <td><u>1 ft overburden</u></td> </tr> <tr> <td><u>2 ft permeable dirt</u></td> <td><u>3 ft gravel</u></td> </tr> <tr> <td><u>Hard pan at 3 ft</u></td> <td><u>48" deep</u></td> </tr> </table>		INSPECTION HOLE #1 (SPECIFY DEPTH IN INCHES)	INSPECTION HOLE #2 (SPECIFY DEPTH IN INCHES)	<u>1 ft overburden</u>	<u>1 ft overburden</u>	<u>2 ft permeable dirt</u>	<u>3 ft gravel</u>	<u>Hard pan at 3 ft</u>	<u>48" deep</u>				
INSPECTION HOLE #1 (SPECIFY DEPTH IN INCHES)	INSPECTION HOLE #2 (SPECIFY DEPTH IN INCHES)													
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<u>2 ft permeable dirt</u>	<u>3 ft gravel</u>													
<u>Hard pan at 3 ft</u>	<u>48" deep</u>													
PERCOLATION TEST RESULTS AS PER SCHEDULE 1, (See 1b)	AVERAGE PERCOLATION RATE FOR EACH HOLE <table border="0"> <tr> <td>PERCOLATION TEST HOLE #1</td> <td><u>1 1/2</u> MINUTES</td> <td>PERCOLATION TEST HOLE #3</td> <td><u>1</u> MINUTES</td> </tr> <tr> <td>PERCOLATION TEST HOLE #2</td> <td><u>3</u> MINUTES</td> <td>PERCOLATION TEST HOLE #4</td> <td><u>1</u> MINUTES</td> </tr> <tr> <td colspan="2">THE AVERAGE PERCOLATION RATE OF THE FOUR HOLES IS:</td> <td><u>2</u> MINUTES</td> <td></td> </tr> </table>		PERCOLATION TEST HOLE #1	<u>1 1/2</u> MINUTES	PERCOLATION TEST HOLE #3	<u>1</u> MINUTES	PERCOLATION TEST HOLE #2	<u>3</u> MINUTES	PERCOLATION TEST HOLE #4	<u>1</u> MINUTES	THE AVERAGE PERCOLATION RATE OF THE FOUR HOLES IS:		<u>2</u> MINUTES	
PERCOLATION TEST HOLE #1	<u>1 1/2</u> MINUTES	PERCOLATION TEST HOLE #3	<u>1</u> MINUTES											
PERCOLATION TEST HOLE #2	<u>3</u> MINUTES	PERCOLATION TEST HOLE #4	<u>1</u> MINUTES											
THE AVERAGE PERCOLATION RATE OF THE FOUR HOLES IS:		<u>2</u> MINUTES												
SITE INVESTIGATION PERFORMED BY	NAME <u>Bruce Grimmer</u> ADDRESS <u>2306 Grimmer Rd</u> POSTAL CODE <u>VON-2M1</u> TELEPHONE NUMBER <u>250 629-6172</u> DATE OF TESTS <u>May 28/04</u> SIGNATURE <u>[Signature]</u> DATE <u>June 1/04</u> THE ENVIRONMENTAL HEALTH OFFICER MAY REQUIRE ALTERNATIVE OR ADDITIONAL TESTS.													
DETAILED INSTRUCTIONS ON BACK OF FORM														

SITE INVESTIGATION REPORT - KHEHO FORM - WHITE - OCTOBER 2002

The information provided is for the sole use of the recipient. No guarantee as to the accuracy of the information is implied or accepted by VIHA and the recipient is advised to confirm all information.

Attachment 7

From: Phil Testemale
Sent: Tuesday, January 25, 2022 5:15 PM
To: Phil Testemale
Subject: FW: STVR permits on South Pender

From: Bobbi K [REDACTED]
Sent: Sunday, January 23, 2022 11:14 AM
To: Steve Wright
Cc: Cameron Thorn
Subject: STVR permits on South Pender

Hi Steve and Cameron!
Hope you're both well!

I was asked to provide my two cents regarding STVRs and the recent permit application from Castle Rd, so here it is!
One cent per reason why I oppose STVRs :)

I'm not a supporter of STVRs in our area, even ones that have owners residing on the property because:

1. STVRs have a major impact on water usage - of which we have very little, as seen with growing frequency in the last few years of people running dry. Nevermind the amount of water used by the renters who may not understand how to conserve or to what extent they should be conserving, all the laundering and cleaning that is required at each turnover is unavoidable. (Note for consideration: perhaps a rule that any STVR must have a rain catchment system that provides ALL the water needs of the STVR?)

2. Pender has such a huge need for long term rentals, for people who want to live and work in our community, it seems imprudent to even consider STVRs while there is such a shortage of long term rentals.
My two cents!

Thanks!
Bobbi (Robin) Kornelsen
9854/9852 Castle Rd
[REDACTED]



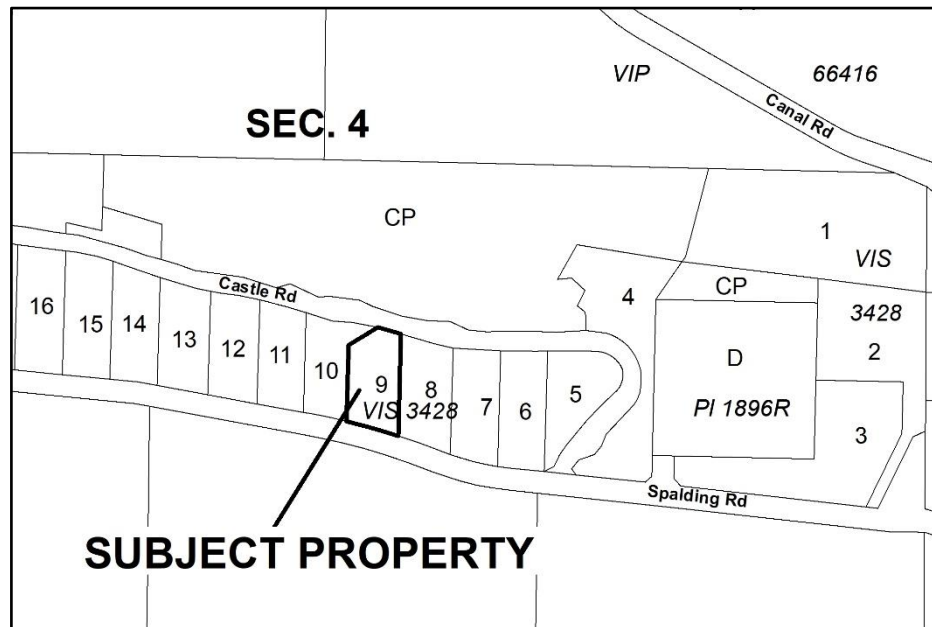
NOTICE
SP-TUP-2021.1
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the South Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Strata Lot 9, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428 (PID: 023-066-334). This property is located at **9890 Castle Road**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

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

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 **January 14, 2022** and continuing up to and including **January 26, 2022**.

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

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **January 26, 2022**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **11:00 a.m., February 4, 2022**.

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

Jas Chonk, Deputy Secretary



**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SP-TUP-2021.1 (Ellis)**

9890 Castle Road

To: Catherine Ellis

1. This Permit applies to the land described below:

Strata Lot 9, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428
(PID: 023-066-334).

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

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

3. and is subject to the following conditions:

- a) A **parking** area that will accommodate a minimum of four (4) vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
 - b) the applicant shall provide information for guests indicating the location of the **Woodland Sensitive Ecosystem** on the property, and information on how to avoid impacting the sensitive features;
 - c) **signage** advertising the STVR use may not exceed 1.0 m²;
 - d) either the property owner or other designated **contact** must be available on South or North Pender Island by telephone or e-mail at all times when the STVR is in use, and the name (s) and contact information is to be provided to STVR guests and all adjacent neighbours.
 - e) the property owner or STVR operator must post within the dwelling the following **information** for guests:
 - i. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
 - ii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service;
 - f) the **maximum number of bedrooms** that can be used for the STVR use is limited to one;
 - g) the **maximum number of guests** who are eighteen (18) years of age or older is limited to **four (4)**;
 - h) The following activities are **prohibited**:
 - i. camping and occupancy of recreational vehicles;
 - ii. the rental or provision of motorized personal watercraft; and,
 - iii. outdoor fires;
 - i) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint;

4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender Island Land Use Bylaw No. 114, 2016" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: February 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

1. That the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading
2. That the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading
3. That the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading
4. That the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

REPORT SUMMARY

The purpose of this report is for the South Pender Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 124 which would replace Bylaw No. 101 (LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the September 2021 regular business meeting, the LTC passed the following resolution:

SP-2021-061

It was MOVED and SECONDED

That the South Pender Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services”.

CARRIED

Rationale for Recommendation

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In September, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw.

Draft Bylaw No. 124 is attached. It is consistent with the model with the exception of the removal of the option for fees for Siting and Use Permits (Denman and Hornby only), and the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Robert Kojima Regional Planning Manager	December 2, 2021
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ATTACHMENTS

1. Draft Bylaw No. 124

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 124

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "South Pender Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the South Pender Island Local Trust Committee Development Procedures Bylaw No. 60, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The South Pender Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “South Pender Island Local Trust Committee Fees Bylaw No. 101, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

DATE OF MEETING: February 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP LUB Amendments Project – Draft Bylaw No. 122

RECOMMENDATION

1. That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by incorporating the amendments in Table 3 as shown in the Staff Report dated February 4, 2022.
2. That the South Pender Island Local Trust Committee Bylaw No. 122, cited as the “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” as amended be read a first time.
3. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this report is to present the amended draft bylaw for the Land Use Bylaw (LUB) Amendments project. The amended draft bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee’s (LTC) consideration and the Islands Trust Policy Statement is attached (Attachment No. 2) for the LTC’s review. The staff report also outlines amendments to the draft bylaw as recommended by the Agricultural Land Commission (ALC).

BACKGROUND

At the November 5, 2021 regular LTC meeting, staff presented a staff report outlining options for the LTC’s consideration. The following resolution was passed:

SP-2021-053

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee amend the bylaw to create a second set of regulations for setback and floor size for new construction, while maintaining the existing regulations for existing structures, and also amend the setback from the highwater mark for new construction to 15 m.

CARRIED

SP-2021-054

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee Remove stairways from the bylaw amendment.

CARRIED

SP-2021-055

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee remove shipping containers from the bylaw amendment.

CARRIED

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

ANALYSIS

Draft Bylaw No. 122

The draft bylaw includes the amendments made at the November 5, 2021 LTC meeting.

Setback from the Natural Bound of the Sea

The draft bylaw includes a new regulation that requires new construction (buildings and structures) to meet a 15 metre setback from the natural boundary of the sea. The following shows the proposed integrated amendments in red:

“3.3 Siting and Setback Regulations

(3) *Buildings* or other *structures*, except a fence, *pump/utility house*, stairway, wharf and *dock* ramps or their footings, shall not be sited within ~~7.6 metres (25 feet)~~ **15 metres (50 feet)** of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".

(4) **Despite Subsection 3.3(3), *buildings* or *structures* legally constructed prior to [insert date of Bylaw No. 123 adoption] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".**

Maximum Floor Area

The following table shows the existing regulations for maximum floor area in the Rural Residential zones:

Table 1 – Existing Floor Area Regulations in the SP LUB

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)

The following table shows the proposed new regulations for maximum floor area in the Rural Residential 1, 2, and 3 zones:

Table 2 – Proposed Floor Area Regulations in the SP LUB

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	255 m ² (2750ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	348 m ² (3750ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	372 m ² (4000ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	465 m ² (5000ft ²)

Agriculture Regulations

The draft bylaw includes the following amendments:

- Decreasing the maximum floor area for dwellings from 560 m² (6028 ft²) to 500 m² (5382 ft²) to align with Agricultural Land Commission (ALC) regulations.
- Increase the maximum floor area for cottages from 70 m² (753 ft²) to 90 m² (969 ft²). This is to align with the new ALC regulations coming into effect at the end of 2021. The new regulations would allow a secondary dwelling with a maximum floor area of 90 m² to be located on property in the Agricultural Land Reserve (ALR) to be used as an additional residence for housing family, as a rental suite, or for farm worker accommodation (without the requirement for the ALC's approval).
- Add definitions for the following terms: agri-tourism, agri-tourist accommodation, farm retail sales, and farm status.
- Add agri-tourism and agri-tourist as permitted accessory uses in the Agriculture (A) zone with conditions for those lots with Farm Status and located within the ALR. While agri-tourism is a farm use under the ALC regulations, this would recognize that use and establish that is accessory to principal the uses.
- Add farm retail sales as permitted accessory uses in the Agriculture (A) zone with conditions for those properties located within the ALR.
- Increasing the maximum floor area for home businesses located in the ALR from 65 m² (700 ft²) to 100 m² (1076 ft²) to align with ALC regulations.

Staff sent the draft bylaw to the Agricultural Land Commission (ALC) for comment. The ALC provided the following comments related to certain sections of the draft bylaw (see Attachment No. 3 & 4) and staff agree with the recommendations:

Table 3 – ALC Recommendations for Draft Bylaw No. 122 Amendments

	Proposed Amendment	ALC Comments	Staff Comments
1	"agri-tourist accommodation" means a use accessory to a farm use for the purpose of accommodating commercial	"agri-tourist accommodation" means a use accessory to a farm use for the purpose of accommodating commercial	-Staff recommend this amendment.

	guests within specific structures on specific portions of a lot.”	guests within specific structures on specific portions of a lot as referred to in Section 33 of the ALR Use Regulation. ”	
2	2.3 By removing the word “outer” and replacing it with “inner” in the definition of ‘floor area’.	The ALC’s definition for the “total floor area” for both the principal residence and the additional residential dwelling are measured to the outer surface. ALC staff request that Islands Trust staff update this definition by clarifying that residences in the ALR must be consistent with the ALC Act, its regulations, and any Resolution of the Commission.	-Staff recommend this amendment to clarify that dwellings located within the ALR must be consistent with the ALC Act.
3	Reference to Bylaw 123 in draft bylaw.	ALC staff are unclear what the reference to Bylaw 123 means.	-Bylaw 123 is an error and should read “Bylaw 122”. Staff recommends this amendment.
4	“5.5(18) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.”	If the associated uses, such as a meeting room or dining facility, are located within a residence that is housing the agritourism sleeping units (such as a Bed and Breakfast in the principal residence or sleeping units within the additional residential dwelling unit), then guests may use existing space within the residence for dining or meeting. A separate structure, however, cannot be constructed in order to accommodate these associate uses.	-Staff recommend amending the draft bylaw to specify that separate structures for associated uses as outlined in 5.5(18) are not permitted and must be contained within the residence that is housing the agritourism sleeping units.

Staff have provided a recommendation (No. 1) to include amend the draft bylaw based on recommendations in the above table.

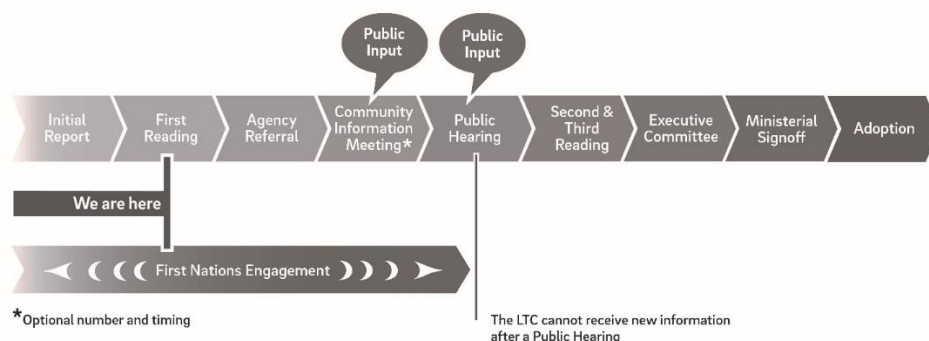
Timeline

Staff recommend the following timeline for the Minor OCP project:

- November 5, 2021 regular LTC meeting
 - LTC reviewed the draft bylaw
 - LTC gave direction to staff to make any further amendments to the bylaw
 - Staff sent draft bylaw out for **referral** to First Nations and government agencies

- February 4, 2022 regular LTC meeting:
 - LTC can make amendments to draft bylaw
 - LTC to consider **First Reading of draft bylaw**
 - LTC to determine if proposed bylaw is in compliance **with current Islands Trust Policy Statement (ITPS)**
 - Staff to re-refer proposed bylaw to the ALC
 - LTC to give **direction to schedule a Community Information Meeting (CIM)** at the next in person regular LTC meeting (tentatively scheduled for May 6, 2022) or as an in-person Special Meeting.
 - LTC to give **direction to staff to schedule a Public Hearing** for the LTC meeting (May 6th) or an in-person Special Meeting
- May 6, 2022 regular LTC meeting:
 - **Formal CIM and Public Hearing is held** as part of May 6th regular meeting
 - LTC can amend proposed bylaw based on comments from the CIM and referrals
 - LTC to give **Second Reading and Third Reading**
 - LTC to refer **bylaw to EC for approval**

The above timeline is still roughly in line with the timeline on the [Project Charter](#). The graphic below provides a visual representation of a typical bylaw adoption process. As this is a Land Use Bylaw amendment, approval from the Minister of Municipal Affairs is not required.



Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend tentatively scheduling a CIM and Public Hearing together so they can be held in person at the May 6, 2022 regular LTC meeting.

Islands Trust Policy Statement

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 2 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaw.

Rationale for Recommendation

If the LTC agrees with the recommendations provided by the LTC, staff recommend amending the draft bylaw and then proceeding with First Reading. Further amendments to the bylaw can be made upon receipt of further referral comments up to the closing of the Public Hearing.

ALTERNATIVES

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

1. Direction to amend draft bylaw

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by...

2. Request further information

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

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

3. Refer staff report with draft bylaw to the Advisory Planning Commission

The LTC may opt to refer the staff report with the draft bylaw to the Advisory Planning Commission to provide comments on the draft bylaw or other possible amendments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 5, 2021 and draft Bylaw No. 122 regarding the Minor OCP Amendments Project to the South Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to make no amendments to the South Pender OCP. The project would be removed from the Top Priority List.

NEXT STEPS

Based on direction from the LTC, staff will:

- Make further amendments to the draft bylaw,
- Send out formal referral to the ALC, and
- Schedule CIM and Public Hearing.

Submitted By:	Kim Stockdill Island Planner	January 28, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	January 28, 2022

Attachments:

1. Draft Bylaw No. 122 (LUB amendment) with amendments
2. Islands Trust Policy Statement
3. Referral Responses (to date)
4. ALC Referral Response

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 122

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016” is amended as follows:

2.1 By adding the following new definitions to Section 1.1 ‘Definitions’:

““agri-tourism” means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.”

““agri-tourist accommodation” means a use accessory to a *farm use* for the purpose of accommodating commercial guests within specific structures on specific portions of a *lot*.”

““farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.”

““Farm Status” means land classified as a farm pursuant to the *(BC) Assessment Act*.”

2.2 By removing the words “floor area of 70m² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.

2.3 By removing the word “outer” and replacing it with “inner” in the definition of ‘floor area’.

2.4 By removing the words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” in Subsection 3.3(3).

2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), *buildings or structures* legally constructed prior to [insert date of Bylaw No. 123 adoption] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “structures”.”

- 2.6 By adding the words “except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m² (1076 ft²)” at the end of Subsection 3.6(4) so it reads:

‘The combined *floor area* used in all *home businesses* on a *lot*, except a *bed and breakfast*, must not exceed 65 m² (700 ft²) except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m² (1076 ft²).’

- 2.7 By deleting the words “Maximum *Floor Area* per *lot*” from Subsection 5.1(5) and replacing it with

“For a *lot* where a legal *dwelling* was constructed prior to [insert date of Bylaw No. 123 adoption] the following maximum *Floor Area* per *lot* apply:”

- 2.8 By adding a new subsection after Subsection 5.1 (5) and renumbering accordingly:

(6) For a *lot* where a *dwelling* is constructed after [insert date of Bylaw No. 123 adoption] the following maximum *Floor Area* per *lot* apply:”

✓ ✓ ✓

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	255 m ² (2750ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	348 m ² (3750ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	372 m ² (4000ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	465 m ² (5000ft ²)

- 2.9 By adding the following new subsection after Subsection 5.1(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

✓ ✓ ✓

- 2.10 By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly:

“Despite Subsection 5.1(8), the setback for a *dwelling* or *cottage* shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*.”

✓ ✓ ✓

2.11 By removing “560 m² (6028 ft²) and replacing it with “500 m² (5382 ft²) in Subsection 5.5(9).

2.12 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(11) to 5.5(14);”

2.13 By adding the words “and *farm retail sales*.” after the words ‘on the same lot’ in Article 5.5(1)(e).

2.14 By adding the following new article after Article 5.5(1)(d) and renumber accordingly:

“Accessory agri-tourist accommodation, subject to Subsections 5.5(13) to 5.5(19), and as permitted by the Agricultural Land Commission;”

2.15 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 90 m² (969 ft²).”

2.16 By removing the word “Rescinded” adding the following to Subsection 5.5(10):

“*Farm retail sales* are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor *floor area* for the *farm retail sales* shall not exceed 300 m² (3229 ft²).

2.17 By adding the following new subsections after Subsection 5.5(10) under ‘Conditions of Use’ and renumber accordingly:

“5.5(11) *Agri-tourism buildings or structures* are not permitted.

5.5(12) *Agri-tourism* must be in compliance with the *Agricultural Land Reserve Use Regulation*.

5.5(13) *Agri-tourism* and *agri-tourist accommodation* are only permitted on a *lot* with *Farm Status*.

5.5(14) *Agri-tourism* and *agri-tourist accommodation* are only permitted on a *lot* located in the Agricultural Land Reserve.

5.5(15) *Agri-tourist accommodation* must be *accessory* to an active *agri-tourism* activity.

5.5(16) *Agri-tourist accommodation* must be *accessory* to a *farm use*.

5.5(16) *Agri-tourist accommodation buildings and structures* must not exceed a *lot coverage* of 5 percent.

5.5(17) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.

5.5(18) *Agri-tourist accommodation* may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

5.5(19) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests or 10 bedrooms.

2.18 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

2.19 By adding the following new subsection after Subsection 5.7(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

3. SEVERABILITY

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

READ A FIRST TIME THIS	____ - ____ DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____ DAY OF	_____	20____
READ A SECOND TIME THIS	_____ DAY OF	_____	20____
READ A THIRD TIME THIS	_____ DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____ DAY OF	_____	20____
ADOPTED THIS	_____ DAY OF	_____	20____

CHAIR

SECRETARY



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 LUB Amendments Project

File Name: SP LTC Bylaw No. 122

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, 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 CHECKLIST

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 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
N/A	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
✓	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.
✓	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.
✓	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.
CONSISTENT	No.	DIRECTIVE POLICY

	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.

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
✓	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

	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
N/A	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.
N/A	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
✓	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
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Referrals: Bylaw SP-122

Agency	Sent	Received
Agricultural Land Commission <i>Rm. 133 4940 Canada Way: Gordon Bednard</i> <i>Comment: See response in EDM folder.</i>	16-Dec-2021	24-Jan-2022
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Referrals Coordinator</i>	16-Dec-2021	
Cowichan Tribes <i>Chief and Council: Tracey Flemming</i>	16-Dec-2021	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment: No Comment Received</i>	16-Dec-2021	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment: No Comment Received</i>	16-Dec-2021	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: No Comment Received</i>	16-Dec-2021	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment: Thank you for your consultation request for Draft Bylaw No. 122 dated December 16th 2021, located in Malahat Nation's traditional territory. Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this and other related bylaws.</i>	16-Dec-2021	17-Jan-2022
North Pender Island Local Trust Committee <i>Islands Trust: Laura Patrick</i>	16-Dec-2021	
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	16-Dec-2021	
Penelakut Tribe <i>Box 360: Denise James</i> <i>Comment: No Comment Received</i>	16-Dec-2021	
Saturna Island Local Trust Committee	16-Dec-2021	

Referrals: Bylaw SP-122

Agency	Sent	Received
200 - 1627 Fort Street: Laura Patrick		
Semiahmoo First Nation	16-Dec-2021	
16049 Beach Rd: Chief & Council		
Comment: No Comment Received		
Stz'uminus First Nation	16-Dec-2021	
12611A Trans Canada Hwy: Chenoa Akey		
Tsartlip First Nation	16-Dec-2021	
PO Box 70: Karen Harry		
Comment: No Comment Received		
Tsawout First Nation	16-Dec-2021	
Box 121: Cathy Webster		
Comment: No Comment Received		
Tsawwassen First Nation	16-Dec-2021	
1926 Tsawwassen Drive: Victoria Williams		
Comment: No Comment Received		
Tseycum First Nation	16-Dec-2021	
1210 Totem Lane: Chief Tanya Jimmy		
Comment: No Comment Received		
WSANEC	16-Dec-2021	
WSANEC Leadership Council Society: Justin Fritz		

From: Kim Stockdill
Sent: Monday, January 24, 2022 3:03 PM
To: Jas Chonk
Subject: FW: 46801m1 - ALC Response to Bylaw No. 122, amending Land Use Bylaw No. 114, 2016
Attachments: 46801m1 - ALC Response to Bylaw 122.pdf

From: Lambie, Shannon ALC:EX <Shannon.Lambie@gov.bc.ca>
Sent: Friday, January 21, 2022 9:20 AM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Bailey, Reed AFF:EX <Reed.Bailey@gov.bc.ca>
Subject: 46801m1 - ALC Response to Bylaw No. 122, amending Land Use Bylaw No. 114, 2016

Good morning,

Please find attached the Agricultural Land Commission's response with respect to Bylaw No. 122, amending Land Use Bylaw No. 114, 2016.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Shannon

Shannon Lambie

Island and South Coast Regional Planner | Agricultural Land Commission
201-4940 Canada Way, Burnaby, BC, V5G 4K6 | T 236-468-2026 (**NEW**)
shannon.lambie@gov.bc.ca | www.alc.gov.bc.ca



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033

January 18, 2022

Reply to the attention of Shannon Lambie
ALC Planning Review: 46801

Kim Stockdill
Island Planner, Islands Trust
kstockdill@islandstrust.bc.ca and southinfo@islandstrust.bc.ca

DELIVERED ELECTRONICALLY

Re: Bylaw No. 122, amending Land Use Bylaw No. 114, 2016

Thank you for forwarding a draft copy of Bylaw No. 122 (the “Bylaw”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Bylaw is an amending bylaw, updating South Pender Land Use Bylaw No. 114, 2016. ALC staff thank Islands Trust for the opportunity to review the Bylaw and provide the following comments for consideration:

PROPOSED AMENDMENT	ALC COMMENTS/SUGGESTED EDITS
2.1 By adding the following new definitions to Section 1.1 ‘Definitions’: ““agri-tourism” means an activity referred to in Section 12 of the Agricultural Land Reserve Use Regulation.”	ALC do not object to this.
““agri-tourist accommodation” means a use accessory to a farm use for the purpose of accommodating commercial guests within specific structures on specific portions of a lot.”	““agri-tourist accommodation” means a use accessory to a farm use for the purpose of accommodating commercial guests within specific structures on specific portions of a lot as referred to in Section 33 of the ALR Use Regulation. ”
““farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to	ALC staff do not object to this.

which the owner of the farm belongs.”	
2.2 By removing the words “floor area of 70m ² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.	ALC staff do not object to this.
2.3 By removing the word “outer” and replacing it with “inner” in the definition of ‘floor area’.	The ALC’s definition for the “total floor area” for both the principal residence and the additional residential dwelling are measured to the outer surface. ALC staff request that Islands Trust staff update this definition by clarifying that residences in the ALR must be consistent with the ALC Act, its regulations, and any Resolution of the Commission.
2.4 By removing the words “7.6 metres (25 feet)” and replacing it with “15 metres (50 feet)” in Subsection 3.3(3).	ALC staff do not object to this.
2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly: “Despite Subsection 3.3(3), buildings or structures legally constructed prior to [insert date of Bylaw No. 123 adoption] shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “structures”.”	ALC staff do not object to this.
2.6 By adding the words “except for a lot located within the Agricultural Land Reserve, the combined floor area must not exceed 100 m ² (1076 ft ²)” at the end of Subsection 3.6(4) so it reads: ‘The combined floor area used in all home businesses on a lot, except a bed and breakfast, must not exceed 65 m ² (700 ft ²) except for a lot located within the Agricultural Land Reserve, the combined floor area must not exceed 100 m ² (1076 ft ²).’	ALC staff do not object to this.
2.7 By deleting the words “Maximum Floor Area per lot” from Subsection 5.1(5) and replacing it with “For a lot where a legal dwelling was constructed prior to [insert	ALC staff are unclear what the reference to <i>Bylaw</i> 123 means, but ALC staff note that in section 5.1 (5) of Bylaw 114, 2016, the maximum floor area for properties larger than 0.8 ha exceeds 500m ² .

date of Bylaw No. 123 adoption] the following maximum Floor Area per lot apply:"

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000ft ²)	543 m ² (5845ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)

Please note that effective February 22, 2019, the ALC Act was amended and the ALR Use Regulation was created, including changes to the use of ALR land for residences. Specifically, the total floor area of a principal residence must be 500 m² or less. If the date for *Bylaw 123* is after February 22, 2019, then this would appear inconsistent with the ALR Use Regulation for any properties that are within the ALR and the Rural Residential zone. ALC staff also note that Section 5.1 (3) permits two dwellings and two cottages. Properties in the ALR are limited to one principal residence and one accessory residential dwelling.

2.8 By adding a new subsection after Subsection 5.1 (5) and renumbering accordingly: (6) For a lot where a dwelling is constructed after [insert date of Bylaw No. 123 adoption] the following maximum Floor Area per lot apply:"

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	255 m ² (2750ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	348 m ² (3750ft ²)

ALC staff do not object to this.

0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	372 m ² (4000ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	465 m ² (5000ft ²)

2.9 By adding the following new subsection after Subsection 5.1(6) and renumbering accordingly:

"The maximum floor area of a cottage must not exceed 70 m² (753 ft²)."

ALC staff do not object to this.

2.10 By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly: "Despite Subsection 5.1(8), the setback for a dwelling or cottage shall be 6.0 metres (20 ft.) from any interior or exterior lot line."

ALC staff do not object to this.

2.11 By removing "560 m² (6028 ft²) and replacing it with "500 m² (5382 ft²) in Subsection 5.5(9).

ALC staff do not object to this. ALC staff note that sections 5.6 *Forestry* and 5.7 *Natural Resource* list the maximum floor area for a residence as 560m². While ALC staff recommend all properties in the ALR be zoned *Agricultural*, at times, some ALR properties are zoned for uses other than agriculture. Please note that properties in the ALR in these zoning designations are limited to a principal residence size of 500m².

2.12 By removing the word "Rescinded" from Article 5.5(1)(d) and replacing it with "Accessory agri-tourism subject to Subsections 5.5(11) to 5.5(14);"

ALC staff do not object to this.

2.13 By adding the words "and farm retail sales." after the words 'on the same lot' in Article 5.5(1)(e).

ALC staff do not object to this.

2.14 By adding the following new article after Article 5.5(1)(d) and renumber accordingly: "Accessory agri-tourist accommodation,

ALC staff do not object to this.

subject to Subsections 5.5(13) to 5.5(19), and as permitted by the Agricultural Land Commission;"

2.15 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly: "The maximum floor area of a cottage must not exceed 90 m² (969 ft²)."

ALC staff do not object to this.

2.16 By removing the word "Rescinded" adding the following to Subsection 5.5(10): "Farm retail sales are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the farm retail sales shall not exceed 300 m² (3229 ft²).

ALC staff do not object to this.

2.17 By adding the following new subsections after Subsection 5.5(10) under 'Conditions of Use' and renumber accordingly:

ALC staff do not object to 5.5(11) through 5.5 (17).

"5.5(11) Agri-tourism buildings or structures are not permitted.

5.5(12) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.

5.5(13) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.

5.5(14) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.

5.5(15) Agri-tourist accommodation must be accessory to an active agri-tourism activity.

5.5(16) Agri-tourist accommodation must be accessory to a farm use.

5.5(16) Agri-tourist accommodation buildings and structures must not exceed a lot coverage of 5 percent.

5.5(17) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.

5.5(18) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.	If the associated uses, such as a meeting room or dining facility, are located within a residence that is housing the agritourism sleeping units (such as a Bed and Breakfast in the principal residence or sleeping units within the additional residential dwelling unit, then guests may use existing space within the residence for dining or meeting. A separate structure, however, cannot be constructed in order to accommodate these associate uses.
5.5(19) The maximum number of guests that may be accommodated in any agri-tourist accommodation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 10 guests or 10 bedrooms.	ALC staff do not object to this.
2.18 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly: "The maximum floor area of a cottage must not exceed 70 m ² (753 ft ²)."	ALC staff do not object to this.
2.19 By adding the following new subsection after Subsection 5.7(6) and renumbering accordingly: "The maximum floor area of a cottage must not exceed 70 m ² (753 ft ²)."	ALC staff do not object to this.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-2026 or by e-mail (shannon.lambie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "S. Lambie". The signature is written in a cursive, flowing style.

Shannon Lambie, Regional Planner

CC: Ministry of Agriculture – Attention: Reed Bailey (reed.bailey@gov.bc.ca)

46801m1

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: February 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments Project – Proposed Bylaw No. 123

RECOMMENDATION

No recommendations at this time.

REPORT SUMMARY

The purpose of this report is to provide the amended proposed bylaw for the Minor Official Community Plan (OCP) project. The bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee's (LTC) review.

BACKGROUND

At the November 5, 2021 regular LTC meeting, staff presented a staff report outlining options for the LTC's consideration. The following resolution was passed:

SP-2021-056

It was **MOVED** and **SECONDED**

That the South Pender Island Local Trust Committee defer the Rights of Nature from the South Pender Island Local Trust Committee Bylaw No. 123.

CARRIED

SP-2021-057

It was **MOVED** and **SECONDED**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw No. 123, Building and Siting Guidelines, as discussed.

CARRIED

SP-2021-058

It was **MOVED** and **SECONDED**

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be read a first time as amended.

CARRIED

SP-2021-059**It was MOVED and SECONDED**

That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021”, as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2021-060**It was MOVED and SECONDED**

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123 as amended.

CARRIED

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

ANALYSIS***Proposed Bylaw No. 123.***

At the November 5th LTC meeting, the LTC gave direction to staff to remove the Rights of Nature from the draft bylaw and to edit the Building and Siting Guidelines section before giving First Reading. The proposed bylaw now only addresses the First Nations Acknowledgement State and the Building Design and Siting Guidelines.

If the LTC is proposes to make minor amendments to the bylaw a draft resolution is included in the ‘Alternatives’ section of this staff report. Making significant amendments after First Reading may require the bylaw to be resent out for referral. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner’s consent.

Consultation

The proposed bylaw was sent to agencies and First Nations for comment. To date only Cowichan Tribes have commented on the bylaw. See attachment no. 2.

Timeline

The South Pender LTC tentatively scheduled a Community Information Meeting (CIM) for the February 4, 2022. Due to ongoing concerns with Covid 19 and the Omicron variant, all in-person LTC meetings will now be held electronically. The CIM will be deferred until such time the LTC can hold in-person meetings (tentatively scheduled for May 6th). Alternatively, the LTC has the option of holding the CIM electronically.

Updated Timeline:

- November 5, 2021 regular LTC meeting:
 - **Early engagement letter to WSANEC Leadership Council** sent
 - LTC reviewed draft bylaw and made amendments
 - LTC gave **First Reading to amended draft bylaw**

- LTC determined the proposed bylaw is in compliance **with current Islands Trust Policy Statement** (ITPS)
- LTC gave **direction to schedule a Community Information Meeting** (CIM).
- Staff sent proposed bylaw out for **formal referral** to First Nations and government agencies in late December/early January
- February 4, 2022 regular LTC meeting (electronic):
 - **Community Information Meeting is held** during regular meeting to gather comments and answer questions from community members for proposed Bylaw No. 123
 - LTC can make amendments to proposed bylaw, if necessary, to incorporate any recommended changes to the bylaw from the early engagement with the WSANEC Leadership Council and formal referrals.
- March 4, 2022 regular LTC meeting (electronic):
 - LTC to review comments/recommendations from formal referrals (First Nations and government agencies).
 - LTC can amend proposed bylaw if necessary.
 - LTC could hold electronic CIM
 - LTC to give **direction to staff to schedule a Public Hearing** for next LTC meeting (May 6th)
- May 6, 2022 (potentially in-person)
 - LTC to hold in person **CIM and Public Hearing**
 - LTC to give **Second Reading** and **Third Reading**
 - LTC to refer **bylaw to EC and the Minister for approval**

The above timeline is in line with the timeline outlined on the [Project Charter](#).

Rationale for Recommendation

Staff will continue to receive referrals for this bylaw and will present the comments from the referrals at the next LTC meeting.

ALTERNATIVES

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

1. Direction to amend draft bylaw

The LTC may consider making amendments to proposed Bylaw No. 123. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

That Bylaw No. 123 cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be amended as follows:...

2. Request further information

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

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

3. Give second reading to the bylaw

The LTC may wish to give second reading to the bylaw. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a second time.

4. Refer staff report with draft bylaw to the Advisory Planning Commission

The LTC may opt to refer the staff report with the draft bylaw to the Advisory Planning Commission to provide comments on the draft bylaw or other possible amendments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to refer the staff report dated February 4, 2022 and proposed Bylaw No. 123 regarding the Minor OCP Amendments Project to the South Pender Island Advisory Planning Commission for comment.

5. Proceed no further

The LTC may choose to make no amendments to the South Pender OCP. The project would be removed from the Top Priority List.

NEXT STEPS

Staff will report back with comments from the formal referral and provide further information at the next LTC meeting regarding options for the CIM and Public Hearing.

Submitted By:	Kim Stockdill Island Planner	January 28, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	January 28, 2022

Attachments:

1. Proposed Bylaw No. 123 (OCP amendment)
2. Referral List

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021”.

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	5 TH	DAY OF	NOVEMBER	2021.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A SECOND TIME THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20__
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul̓qumíñuṁ speaking people include the WJOŁŁP (Tsartlip), BOŖÉĆEN (Pauquachin), SŖÁUTW (Tsawout), WSIŖEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The WŚÁNEĆ Peoples (meaning The Emerging Peoples) speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the WŚÁNEĆ Peoples is enriched with history, place names, village sites, cultural locations and ancestral resting places, and sacred sites that need to be honoured and respected. The history of the Central Coast Salish Peoples is sustained and continues in the language, oral history, place names, village sites, cultural and sacred sites, and landscapes that encompass this place they call home, it was never extinguished and continues in the treaty, and territorial lands and waters they caretake for future generations.

South Pender Island is also the location of the SŖÁUTW (Tsawout) First Nation and WSIŖEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); SŖTIS (meaning candle neck duck); YEUWE (meaning fortune teller from oral history stories); and XELISEN – (meaning lost middle). The preservation and protection of village sites, cultural heritage sites, archaeological sites and objects, and ancestral resting places requires sensitivity and respect and is an important part of reconciliation. Cultivation areas both on land and in marine areas include camas meadows, reef-netting locations and clam gardens, and hunting and harvest areas for Indigenous food resources, inherent rights, and medicine.

The South Pender Island Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Island Local Trust Committee seeks to build relationships and to collaborate with First Nations and the Indigenous community to protect cultural places, preserve and increase access to culturally

significant species and food sources, and celebrate the culture, history, language, and art of First Nations within the area.

As part of the South Pender Island Local Trust Committee (LTC) commitment to support the goals of reconciliation the South Pender LTC recognizes the importance of preserving and protecting the following culturally significant plants and food/medicines for First Nations and Indigenous communities:

- SPÁÁNW (camas) and any areas of SPÁÁNW meadows or cultivation areas;
- KÁŦEŁĆ (ocean spray) a hardwood for making tools from arrows and harpoon shafts, to salmon skewers and needles;
- ELILE,İŁĆ (salmonberry) and DEĖENİŁĆ (thimbleberry) plants their shoots and berries and cultivation areas;
- ŁEKES (Porphyra) edible seaweeds and the conservation of shoreline and upland areas that preserve ŁEKES habitat;
- Á,ĆEX (crab) a traditional food;
- SQŁÁ,İ, (littleneck clam), S,OXE, (butter) SWÁÁM (horse clam), STELO,EM, (cockles), ŁÁU,ĶEM, (bay mussel) and İEXİEX (pacific oyster) and the areas in which they are harvested; including conservation to reduce pollutants that lead to the closer and degradation of these species;
- XPÁ, (western red cedar) for house posts and planks, totem poles, dugout canoes, mats, baskets, clothing, and cordage, and the preservation of this species for future generation;
- ŦŦÁ,ELĆ (broad-leaf maple) for paddles and spindle whorls;
- JSÁ,İŁĆ (Douglas-fir), SKÉMÍ,ĖKS (grand fir), and ĖEĖEYİŁĆ (arbutus) and the conservation of these species for future generations.

The South Pender LTC will undertake actions within its regulatory bylaws and advocacy work in collaboration with the local community to welcome and meaningfully include local First Nations and Indigenous community to the islands and waters of the area to:

- identifying sites of First Nations significance and ensure their protection;
- celebrate and look for opportunities to incorporate First Nation languages on public signage;
- advocate for the renaming places of significance;
- prioritize local Indigenous public art;
- respect and honour First Nations village sites and ancestral resting places;
- preserve traditional harvesting, fishing, and medicine gathering locations including fish trap areas, sacred places, traditional trails, canoe runs, and bathing sites, and allow for ceremonial use of those locations;
- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
- consider changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant due to cultural heritage sites, or cultural food sources.”

2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new part after ‘Part 9 – Administration’:

“PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

The South Pender Island Local Trust Committee Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two Official Community Plan policies:

2.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment.

2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island’s history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline’s objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles and the use of exterior colours which compliment the natural character of the island;

- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
- To encourage designs of buildings and structures that maintain compatibility with the character of the neighbourhood and community, and to decrease the visual prominence of a building or structure.

Guideline 1 - Principles of Design

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes.

- Consider designs in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

Referrals: Bylaw SP-123

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	14-Dec-2021	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Referrals Coordinator</i>	14-Dec-2021	
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: Nation has asked for extension to respond by beginning of February 2022</i>	14-Dec-2021	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment: Thank you for your consultation request for South Pender Island Local Trust Committee Proposed Bylaw No. 123 Referral dated December 14th 2021 on Pender Island, located in Malahat Nation's traditional territory. Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this bylaw.</i>	14-Dec-2021	12-Jan-2022
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	14-Dec-2021	
North Pender Island Local Trust Committee <i>Islands Trust: Laura Patrick</i>	14-Dec-2021	
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Penelakut Tribe	14-Dec-2021	

Referrals: Bylaw SP-123

Agency	Sent	Received
Box 360: Denise James <i>Comment: No Comment Received</i>		
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Laura Patrick	14-Dec-2021	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	14-Dec-2021	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	14-Dec-2021	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	14-Dec-2021	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: No Comment Received</i>	14-Dec-2021	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	14-Dec-2021	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	14-Dec-2021	
WSANEC WSANEC Leadership Council Society: Justin Fritz	14-Dec-2021	



Top Priorities Report

South Pender Island

1. *Land Use Bylaw Amendments Project*

Responsible

Dates

Potential amendments:

1. Maximum floor area
 2. Setback Review
 3. Agricultural Regulations
 4. Shipping containers
 5. Minor and technical amendments
-

Kim Stockdill

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

2. *Minor OCP Amendments*

Responsible

Dates

Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement

Kim Stockdill

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

3. *Shoreline Review Project*

Responsible

Dates

Initial community consultation prior to LTC direction to proceed

Rec'd: 09-Apr-2021



Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

4. *Building and Siting Guidelines*

Responsible

Date Received

Review policy and regulations related to building and siting on residential properties, including floor area, setbacks, siting and other regulations.

31-Jan-2020

5. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 3

09-Apr-2021



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2021.1	Rachel Thomson for Airey Homes Inc. Planner: Kim Stockdill	27-May-2021	8970 GOWLLAND POINT RD - ALR application for subdivision
Planning Status			
Status Date: 25-Aug-2021 ALC has indicated non-farm use application is required for the strata access road along ALR portion of land. Subdivision application is on hold until further direction is received by applicant.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc. Planner: Phil Testemale	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
Planning Status			
Status Date: 14-Oct-2021 PLRS received. ALC approval req'd as condition precedent.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SP-TUP-2021.1	Ellis, Catherine	05-Nov-2021	Catherine Ellis is applying for a Temporary Use Permit for a Short Term Vacation Rental (STVR).

Planner: Phil Testemale

Planning Status

Status Date: 03-Dec-2021

Checklist (information request) sent to applicant. February 4, 2021 LTC for consideration.

Status Date: 26-Nov-2021

File link in EDM sent to Robert Kojima for his review.

Status Date: 26-Nov-2021

File assigned to Phil Testemale by Robert.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending November 2021

665 South Pender	Invoices posted to Month ending November 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	80.00	363.79	-283.79
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,735.00	709.14	1,025.86
65210-665	LTC - Local Exp - APC Meeting Expenses	370.00	57.14	312.86
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,649.00</u>	<u>766.28</u>	<u>1,882.72</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	3,000.00	108.50	2,891.50
73001-665-4118	South Pender LUB Minor Amendments	<u>3,000.00</u>	<u>100.00</u>	<u>2,900.00</u>
TOTAL Project Expenses		<u>6,000.00</u>	<u>208.50</u>	<u>5,791.50</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2021-016 (Standing)	Carried	05-Nov-2021
That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners		
2020-015 (Standing)	Carried	04-Jun-2020
that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.		
2019-015 (Standing)	Carried	06-Sep-2019
that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019
2019-001 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing) Send FUAL to trustees once drafted following the meeting.	Carried	05-Oct-2010

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2006-012 (Standing)	Carried	23-May-2006
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.		



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 23, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit
<https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Manager welcomed Carmen Smith as the new acting Communications Specialist, noting she was not able to make this meeting, but will be introduced at the January 25, 2022 meeting.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Ecosystem Protection Specialist presented the revised Climate Change project charter. Board members discussed contributions, mitigation and adaptation to climate change, criteria for projects, costs, and staff time. Purpose statement for the program was revised to: *'To conduct a pilot analysis of climate change impacts, including the opportunities for ITC properties to contribute to climate change mitigation and adaptation where possible, for 2—3 ITC Nature Reserves, as a first step in adapting ITC's work to best protect local species and ecosystems through climate futures.'*
- The Species at Risk Project Coordinator presented the Species at Risk project charter which was approved as is.
- The ITC Manager provided an overview to Board members of current staff workloads, and changes over the last three years, and commented that there have been several changes in Islands Trust and ITC administrative systems. ITC staff plan to bring suggestions to the Board in January on how to prioritize work items and manage staff workload, to prevent staff burnout and best meet the goals of the ITC Board.
- ITC Meeting Procedure and Bylaw Amendment decision request was deferred to the January 25, 2022 ITC Board Meeting.
- The Islands Trust Conservancy Board (ITCB) directed staff to schedule the 2022 ITCB meeting dates of March 15th, May 24th, October 4th, and November 22nd, 2022 as electronic meetings, and list the Victoria office boardroom as the public meeting location.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference, and allocated up to \$200 for registration.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

3. COVENANT AND PROPERTY ACQUISITIONS

- The Ecosystems Protection Specialist reported both the Moss Mountain (Salt Spring) Pare-Baile (North Pender) NAPTEP covenants were successfully signed and registered in October and the tax exemption certificates were issued.
- The Ecosystem Protection Specialist presented a conservation proposal to expand the Nighthawk Hill NAPTEP covenant (North Pender) to Board members; noted this was an extension of the current covenant.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the 2021 Nature Reserves monitoring report to the board. Report was accepted as is.
- The ITC Covenant Management and Outreach Specialist presented the 2021 Covenant monitoring report to the board. The report was accepted as is, and staff were directed to address issues identified in the report.
- The ITC Manager presented a development variance permit (DVP) referral for a Hornby DVP application adjacent to an ITC conservation covenant. The Board moved that ITC staff respond to the Hornby Island Local Trust Committee recommending that the development variance permit be declined because of insufficient setback distance from the ITC Covenant and the protected prairie oak (Garry oak) habitat and that the landowner be encouraged to cancel their plans for the construction of a pool in Garry oak habitat. The Board also recommended actions to protect the covenant should the Hornby Island Local Trust Committee approve the application.

5. COMMUNICATIONS AND OUTREACH

- The Ecosystem Protection Specialist briefed board members on bull kelp mapping for the Islands Trust area. Board members suggested making the mapping public and available to researchers, and keeping track of data requests.
- The ITCB accepted the Public Acquisitions Report and the Public Covenants Report (for information)
- Correspondence was received from Margaret Taylor, a Gabriola Island resident. Her letter raised concerns of development on Gabriola. The ITC Board directed staff to forward the letter to the Gabriola Island Local Trust Committee and requested that the Chair respond to Ms. Taylor.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Manager provided the 2022-23 budget request to the Board for information, including the updated business case for a Strategic Fundraising position. The budget request was approved at the October ITCB meeting.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

BRIEFING

To: Local Trust Committees **For the Meeting of:** TBA

From: David Marlbor, Director, Local Planning Services **Date Prepared:** December 15, 2021

SUBJECT: Shoreline Protection Model Bylaw Report

PURPOSE:

The purpose of this briefing is to provide the subject report to each local trust committee.

BACKGROUND:

Trust Council passed a resolution in September, 2021 requesting that Staff forward the Shoreline Protection Model Bylaw Report dated March 2021 to local trust committees and Bowen Island Municipality for information.

This report was undertaken by the Regional Planning Committee in accordance with Islands Trust Strategic Plan Item 2.3. "Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore."

This report undertakes a review of official community plan and land use bylaw provisions for shoreline protection in the Islands Trust Area as well as examples from outside the Islands Trust Area, and provides recommendations for local trust committees and Bowen Island Municipality to consider when developing new, or updating existing shoreline policies and regulations.

ATTACHMENT(S):

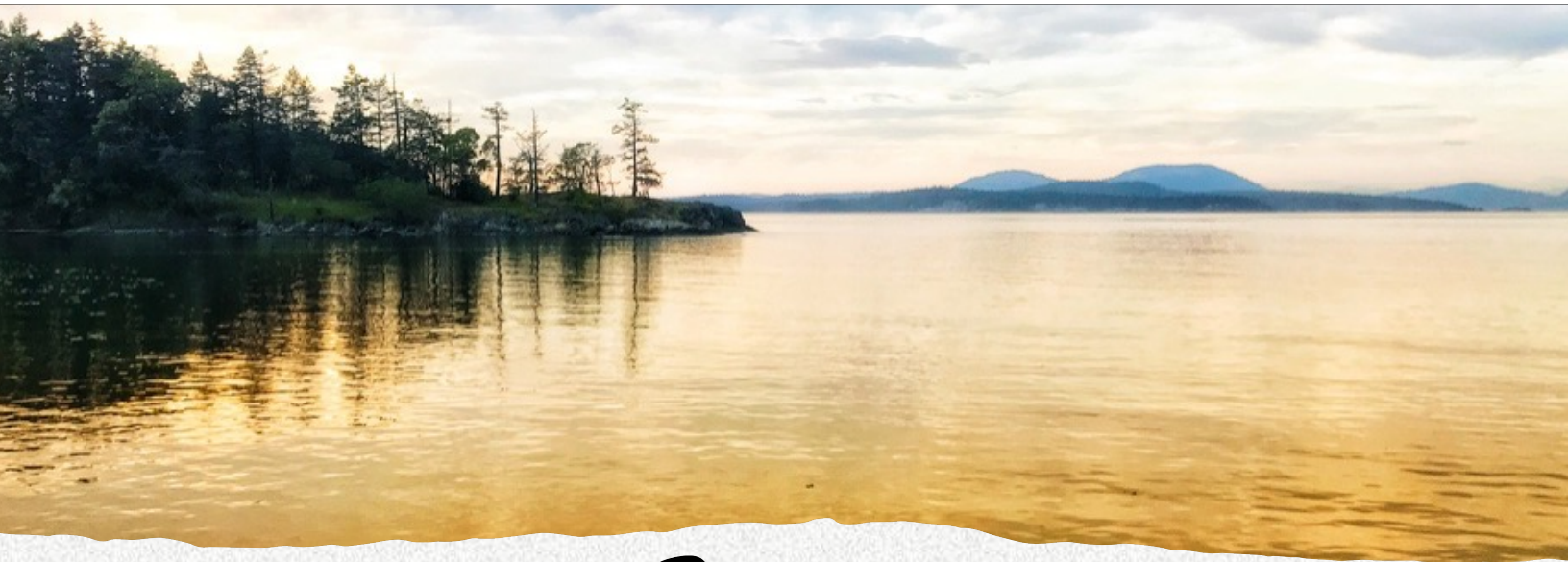
1. Shoreline Protection Model Bylaw Report

FOLLOW-UP:

A requested by the local trust committee. Note that any work on shoreline would be a project of the local trust committee with relevant consideration of staff and budget resources.

Prepared By: David Marlbor, Director, Local Trust Committees

Reviewed By/Date:



Islands Trust

Shoreline Protection Model Bylaw Report
March 2021

ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust.

We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

Islands Trust

Laura Busheikin
Denman Island Local Trustee
Chair, Islands Trust Council Regional Planning Committee

Islands Trust Staff

David Marlor, MCIP RPP, Director of Local Planning Services
Lisa Wilcox, kwakwemtenaat, Senior Intergovernmental Policy Advisor
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Sonja Zupanec, RPP, MCIP, Island Planner, Northern Team
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Kristine Mayes, Planner 1, Salt Spring Island

Consulting Team

Jean Porteous, MCIP RPP Fraser Simpson Consulting Inc.
Serena Klaver, MCIP Klaver Strategic Planning
Sharon Horsburgh, MCIP RPP Bayshore Planning Inc.

It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



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OVERVIEW

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

Project Deliverables:

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

HERITAGE AND CULTURAL CONSIDERATIONS

Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (Source: SSI OCP Volume 1 Section A4 Objective 15)

Provincial Archaeological Requirements:

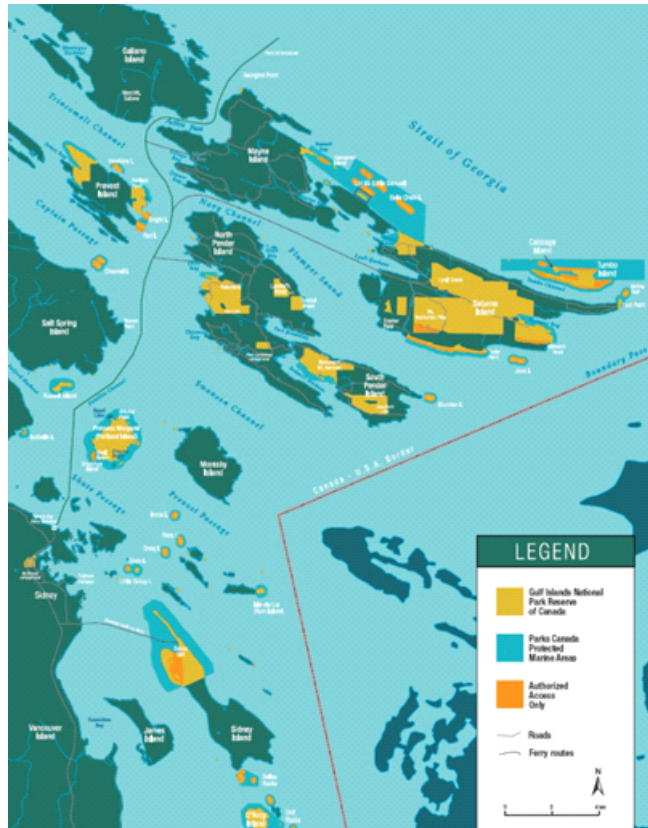
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

Federal Government Initiatives:

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://pc.gc.ca))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region's inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada's most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada's ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

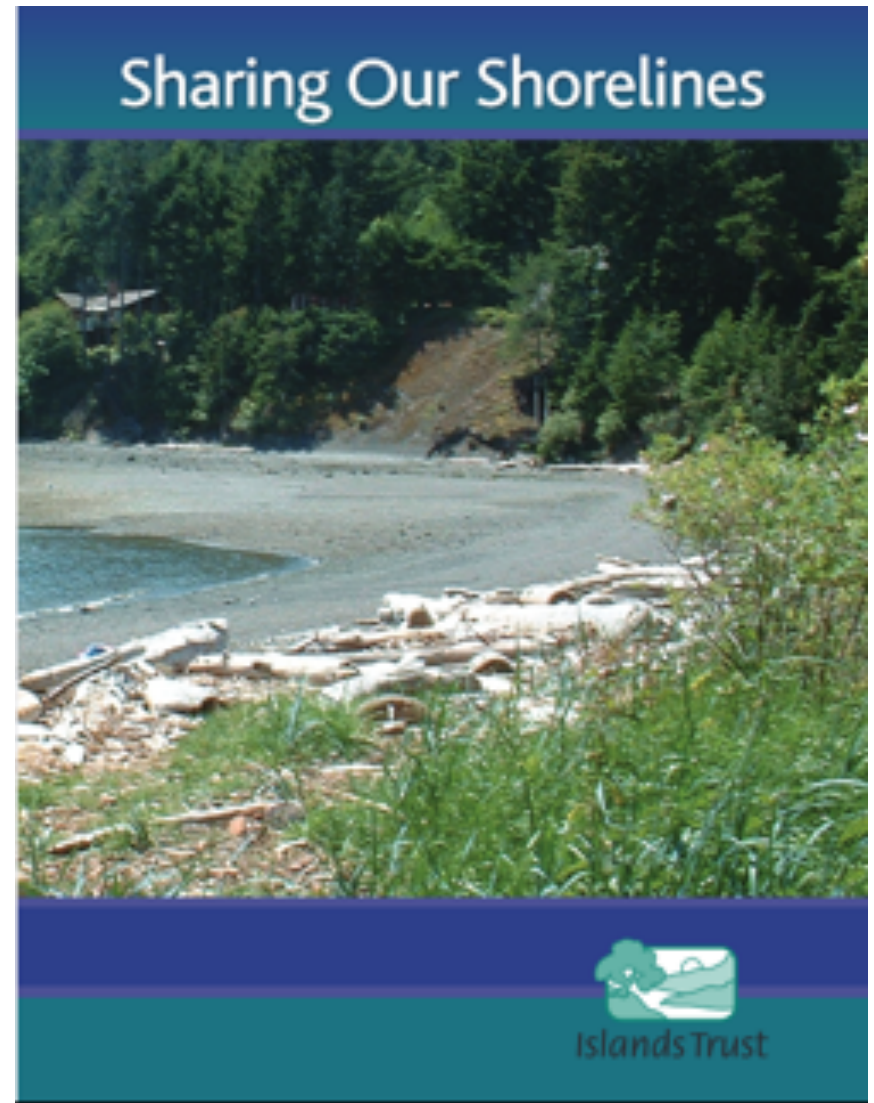
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

Local Trust Committees have the following tools available for addressing climate change mitigation efforts:

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

BC MARINE COASTAL SHORELINES JURISDICTION

Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



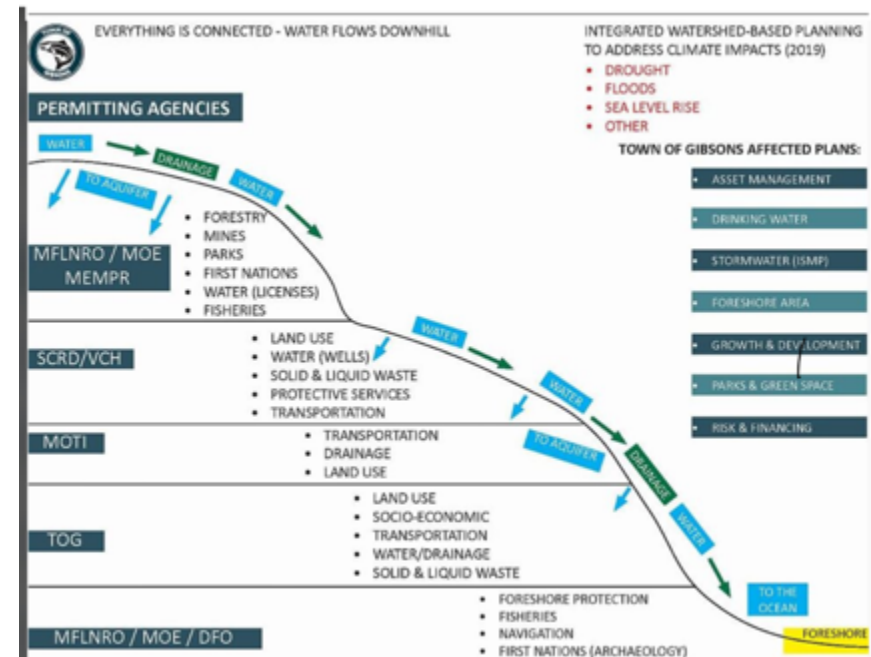
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline "riparian" habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

Professional Organizations Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

(Source: [Waters | Nanwakolas Council](#))

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC
Rocks placed to slow tidal action



LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

1. Islands Trust Policy Statement

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that 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.

2. Official Community Plans

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

"The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. northcowichan.ca/assets/MarineWaterfront.pdf
(North Cowichan Development Permit)
2. foreshore-development-permit-area.pdf
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.
[gm-ltc 2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2)

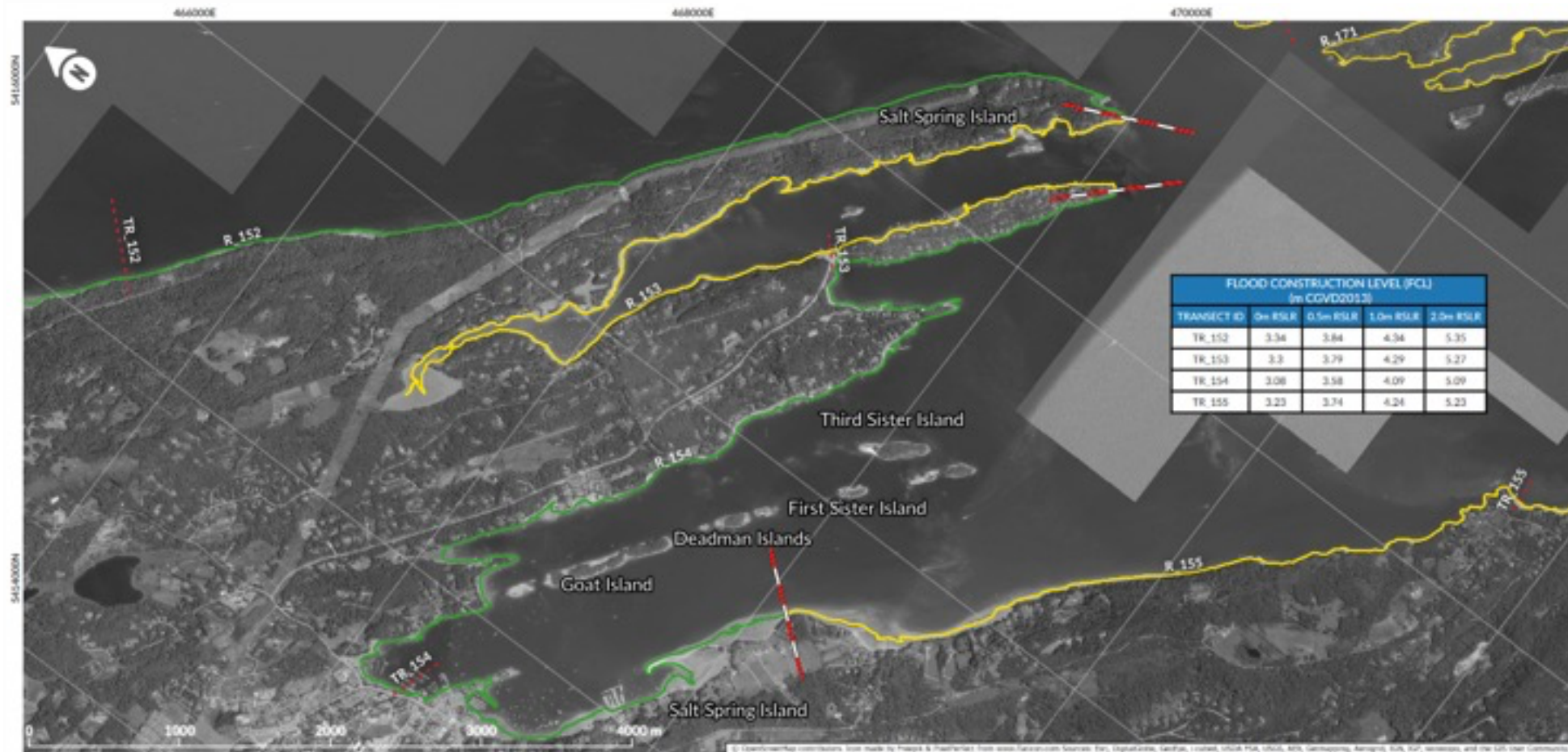


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

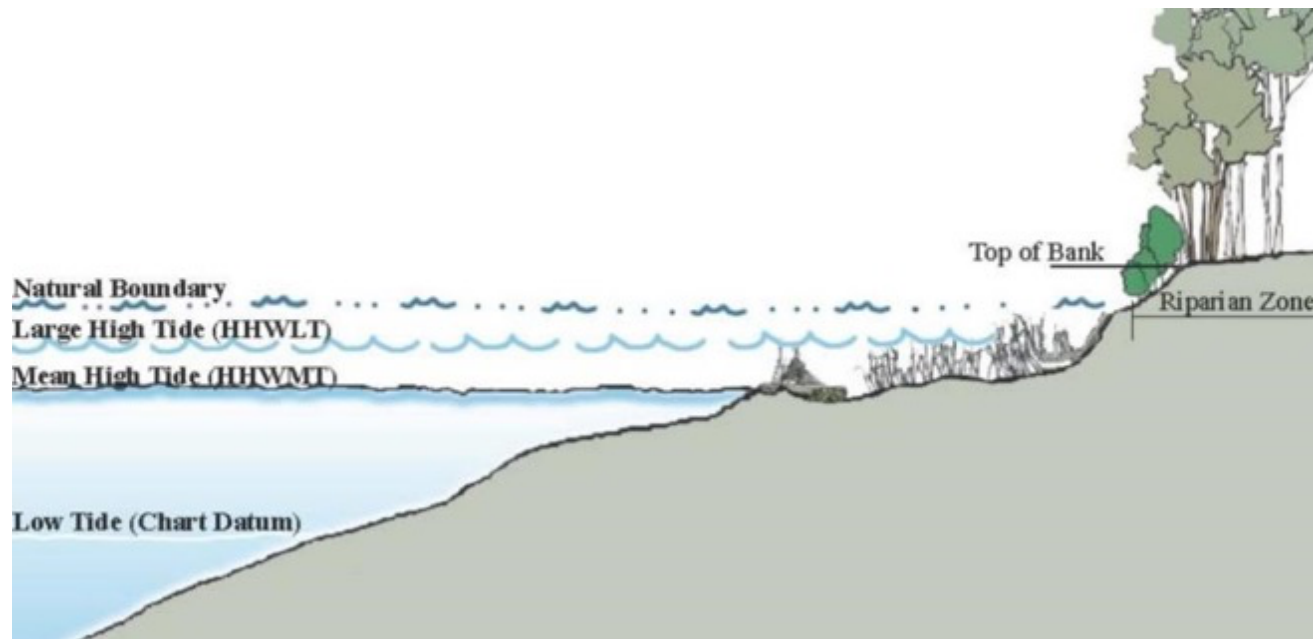
**May be reduced with engineer certification.

Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14.>) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: *Greenshores Credits and Ratings Guide*

The following features may project into a required setback area:

- o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

Marine/Coastal Policies

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

Objectives

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

Environmentally Sensitive Areas

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

Objectives and Justification

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning. The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

Conclusion:

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

RECOMMENDATIONS

First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

regulated through development permits; and b) consider on a case-by-case basis.

8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres.

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](#) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

Best Practices – Islands Trust

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](#) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

APPENDICES

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

Bowen Island Municipality

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

Denman Island Local Trust Area

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

Gabriola Island Local Trust Area

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

Mudge Island

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

DeCourcy Island

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

Gambier Island Local Trust Area

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

Keats Island

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

Gambier Associated Islands

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. Modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. 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, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

Galiano Island Local Trust Area

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

Hornby Island Local Trust Area

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

Lasqueti Island Local Trust Area

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

Mayne Island Local Trust Area

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

North Pender Island Local Trust Area

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: 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. 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. 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.

Salt Spring Island

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

Saturna Island Local Trust Area

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

South Pender Island Local Trust Area

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

Thetis Island

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

Ballenas and Winchelsea

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

Review other Examples

- Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.

- Natural Resources Canada, Land Use Planning Tools 2012

This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.

Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.

The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

Natural Environment: Objectives

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

Climate change – policies (adaptation)

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

Coastal areas

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

Coastal area - objectives

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

Coastal areas - policies

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

Shoreline protection devices

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District's sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as "Managed Water". Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

REFERENCES

General:

www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf (islandstrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandstrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandstrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0

Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

Island Ecosystems:

[Marsh Fine Sediment](#) (islandstrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)
[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

Other:

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

[Local Updates \(caorda.com\)](#)

[Hul'qumi'num Heritage Law Case Study Report](#)

[KFN Marine Plan 2012.pdf \(komoks.ca\)](#)

[squamish.ca/assets/OCP_Coastal_marine_planning](#)

Policy Compliance Checklist

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.
	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
	3.1.5	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
	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
	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.
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PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	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.
	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.
	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
	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
	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.
	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
	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.

	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.
	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
	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.
	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
	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.
	4.5.9	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.
	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

	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
	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	5.2.4	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.
	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	5.2.6	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
	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.

	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.
	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.
	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
	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
	5.5	Recreation
	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.
	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.
	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.

	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.
	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
	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
	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:

