



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: February 3, 2023
Time: 11:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

			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 - 11:10 AM	
4.	CHAIR'S REPORT	11:10 AM - 11:15 AM	
5.	ELECTORAL AREA DIRECTOR'S REPORT	11:15 AM - 11:20 AM	
6.	TOWN HALL AND QUESTIONS	11:20 AM - 11:50 AM	
7.	COMMUNITY INFORMATION MEETING		
	None		
8.	PUBLIC HEARING		
	None		
9.	MINUTES	11:50 AM - 12:00 PM	
9.1	Adopted Local Trust Committee Minutes Dated November 4, 2022 (for Information)		4 - 9
9.2	Section 26 Resolutions-without-meeting Dated Jan 2023		10 - 10
9.3	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated Jan 2023		11 - 11
11.	DELEGATIONS		

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS 12:00 PM - 12:50 PM

- | | | |
|------|---|-----------|
| 13.1 | SP-DVP-2023.1 - Staff Report (attached) | 12 - 43 |
| 13.2 | SP-TUP-2022.1 (Ellis) - Staff Report (attached) | 44 - 115 |
| 13.3 | Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137 (for response) (attached) | 116 - 125 |
| 13.4 | North Pender Island Local Trust Committee Referral for Proposed Bylaw No. 232 (for response) (attached) | 126 - 130 |

14. LOCAL TRUST COMMITTEE PROJECTS

15. REPORTS 12:50 PM - 1:00 PM

- | | | |
|--------|--|-----------|
| 15.1 | Work Program Reports (attached) | |
| 15.1.1 | <u>Local Trust Committee Work Program Review - Staff Report (attached)</u> | 131 - 135 |
| 15.1.2 | <u>Active Projects Report Dated Jan 2023</u> | 136 - 136 |
| 15.1.3 | <u>Future Projects Report Dated Jan 2023</u> | 137 - 137 |
| 15.2 | Applications Report Dated Jan 2023 (attached) | 138 - 141 |
| 15.3 | Trustee and Local Expense Report Dated Nov 2022 (attached) | 142 - 142 |
| 15.4 | Adopted Policies and Standing Resolutions (attached) | 143 - 146 |
| 15.5 | Local Trust Committee Webpage | |
| 15.6 | Islands Trust Conservancy Report Dated Nov 2022 | 147 - 148 |

16. NEW BUSINESS 1:00 PM - 1:15 PM

- | | | |
|------|---|-----------|
| 16.1 | Letter from W̱SANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments | 149 - 157 |
| 16.2 | Brooks Point Regional Park - Update | 158 - 159 |
| 16.3 | Advisory Planning Commission Appointments - Discussion | 160 - 164 |

17. UPCOMING MEETINGS

- | | | |
|------|--|--|
| 17.1 | Next Regular Meeting Scheduled for May 5, 2023 at the Fire Hall, Pender Island | |
|------|--|--|

18. TOWN HALL 1:15 PM - 1:30 PM

19. CLOSED MEETING - None

20. ADJOURNMENT

1:30 PM - 1:30 PM

ADOPTED



South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: November 4, 2022
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Peter Luckham, Chair
Cameron Thorn, Trustee
Steve Wright, Trustee

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Sarah Shugar, Recorder (electronic)

Others Present: Approximately 30 members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 11:08 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

15.1 Brooks Point Regional Park

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Wright welcomed newly elected Trustees Dag Falck and Kristina Peszel.

Trustee Thorn welcomed newly elected Trustees Dag Falck and Kristina Peszel and expressed appreciation to everyone who participated in the local elections.

4. CHAIR'S REPORT

Chair Luckham reported Executive Committee is working on the transition following the Local Elections. The Trustee Swearing In Ceremony will be held on November 17, 2022.

5. TOWN HALL AND QUESTIONS

Chair Luckham opened the Town Hall at 11:14 a.m.

A member of the public expressed appreciation to Trustee Thorn and Trustee Wright for all of the work done on behalf of the South Pender Island community and welcomed newly elected Trustees.

A member of the public expressed appreciation to Trustee Thorn, Trustee Wright and Chair Luckham for all of the work done on behalf of the community and specifically advocating for the Islands Trust Governance Review project. The member of the public spoke to the significant environmental threat to Pender Island. The Vancouver Fraser Port Authority will host a community information meeting on Tuesday, November 15, 2022 at 2:00 p.m. at the Community Hall and additional meetings in Cowichan Bay and Ladysmith. The member of the public presented an information brochure regarding vessel anchorages, encouraged Trustees to attend the information meeting and encouraged the Islands Trust to continue advocacy regarding vessel anchorages in the Salish Sea.

Trustee Wright asked the member of the public how much increase is anticipated as a result of the Trans Mountain Pipeline.

The member of the public responded that the Port of Vancouver has a new Active Vessel Traffic Management Program and will continue to rely on the use of the 33 vessel anchorages in the Salish Sea.

Chair Luckham expressed appreciation to the member of the public for his work on the vessel anchorage issue.

A member of the public spoke on behalf of the BC Chamber of Shipping encouraged consideration of the Transport Canada's Active Vessel Traffic Management Program. The member of the public spoke to the importance of vessel anchorages for the supply chain, the safety of ships and crews and added that oil tankers do not anchor in the Salish Sea.

A member of the public asked who would be attending the Port of Vancouver Community Information meeting.

Chair Luckham reported it would be the Port of Vancouver and Federal officials in attendance at the information meeting.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Special Meeting Minutes Dated June 17, 2022

By general consent the Local Trust Committee meeting minutes of June 17, 2022 were adopted as presented.

8.2 Local Trust Committee Special Meeting Minutes Dated August 12, 2022

By general consent the Local Trust Committee meeting minutes of August 12, 2022 were adopted as presented.

8.3 Section 26 Resolutions-without-meeting Dated October 2022

The Resolutions Without Meeting Report was received.

8.4 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated October 2022

The Follow-up Action List was received.

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 North Pender Island Local Trust Committee Referral for Proposed Bylaw 223

A bylaw referral from the North Pender Island Local Trust Committee dated July 22, 2022 regarding proposed Bylaw No. 223 was received.

12.2 North Pender Island Local Trust Committee Referral for Proposed Bylaw 224

A bylaw referral from the North Pender Island Local Trust Committee dated July 22, 2022 regarding proposed Bylaw No. 224 was received.

12.3 North Pender Island Local Trust Committee Referral for Proposed Bylaw 229

A bylaw referral from the North Pender Island Local Trust Committee dated July 22, 2022 regarding proposed Bylaw No. 229 was received.

SP-2022-056

It was MOVED and SECONDED,

that the South Pender Island Local Trust Committee interests are not affected by North Pender Island Local Trust Committee Proposed Bylaw No's 223, 224 and 229.

CARRIED

12.4 Mayne Island Local Trust Committee Referral for Proposed Bylaws 181 and 183

A bylaw referral from the Mayne Island Local Trust Committee dated September 29, 2022 regarding proposed Bylaw No's 181 and 183 was received.

SP-2022-057

It was MOVED and SECONDED,

that the South Pender Island Local Trust Committee interests are not affected by Mayne Island Local Trust Committee Proposed Bylaw No's 181 and 183.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 South Pender Island Local Trust Committee Bylaw No. 122 and Land Use Bylaw Update – Overview

Trustee Thorn presented a slideshow presentation regarding Adopted Bylaw No. 122 and Land Use Bylaw update. Trustee Thorn presented a letter dated November 3, 2022 received from BFL Canada.

By general consent, the South Pender Island Local Trust Committee received a letter dated November 3, 2022 received from BFL Canada.

Chair Luckham invited members of the public to ask questions regarding the presentation.

A member of the public asked for clarification regarding the process of making a presentation concerning Bylaw No. 122.

A member of the public expressed concerns regarding Trustee Thorn's presentation.

13.2 Minor Official Community Plan Amendments Project - Proposed Bylaw No. 123 (for adoption) (Tentative) – None

Chair Luckham reported proposed Bylaw No. 123 has not been received from the Province.

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Future Projects Report Dated Oct 2022

Received.

14.1.2 Active Projects Report Dated Oct 2022

Received.

14.2 Applications Report Dated Oct 2022 (attached)

Received.

14.3 Trustee and Local Expense Report Dated Aug 2022 (attached)

Received.

14.4 Adopted Policies and Standing Resolutions (attached)

Received.

14.5 Local Trust Committee Webpage

Chair Luckham reported the webpage would be updated following the meeting.

14.6 Islands Trust Conservancy Report Dated July 2022

14.6.1 Islands Trust Conservancy Plan - Referral for Comment

Received.

15. NEW BUSINESS

15.1 Brooks Point Regional Park

Trustee Wright expressed concerns regarding use of Brooks Point Park including large gatherings such as weddings and vegetation clearing that impacts plants and animals. Trustee Wright attended a meeting with Capital Regional District (CRD) Parks, Pender Island Conservancy Association (PICA), and a biologist regarding the management plan for the park. CRD Parks designated Brooks Point Regional Park as a Community Park although the designation is not within the terms of the park management plan. The Islands Trust land use zone for Brooks Point is Community Park 3 and Trustee Wright suggested the property should be rezoned to a conservation area. Trustee Wright has requested staff to bring Brooks Point Regional Parkland designation forward as an action item for the newly elected Trustees.

A member of the public stated that Brooks Point Regional Park is listed as a Conservancy Reserve, asked for clarification regarding the purchase and ownership of Brooks Point Park and suggested that park use signage be installed.

Trustee Wright reported Brooks Point Regional Park is owned by the CRD.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting

The next regular meeting date is to be determined.

17. TOWN HALL

A member of the public spoke to the meeting format and suggested that the Local Trust Committee could follow a meeting format such as the Trust Council meetings and suggested that paper copies of the agenda package be available to members of the public in attendance.

A member of the public advised the acquisition of Brooks Point Park took place in three phases between 1999 and 2013 and the community and conservation partners raised \$963,000. The conservation partner contributions were contingent upon conservation protection. An advisory group including PICA, Friends of Brooks Point, and covenant holders and public representatives developed the park management plan. The member of the public expressed support for a

conservation designation for Brooks Point Park that is consistent with the park management plan.

A member of the public expressed support for reaching out to community members such as wedding planners regarding the permitted uses in Brooks Point Park to prevent activities in the park that would negatively impact plants and animals.

A member of the public expressed appreciation to Trustee Wright and Trustee Thorn for their work on behalf of the community.

Chair Luckham expressed appreciation to former Chair Laura Patrick and Local Trustees.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 12:27 pm.

Peter Luckham, Chair

Certified Correct:

Sarah Shugar, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2023-001 SP-ALR-2022.2 (Mogensen) That the South Pender Island Local Trust Committee supports application SP-ALR-2022.2 (Mogensen) for non-adhering residential use and authorizes staff to forward the application to the Agricultural Land Commission for further consideration.	Carried	06-Jan-2023
2022-007 To adopt 2023 mtg schedule That the South Pender Island Local Trust Committee adopt the 2023 regular meeting schedule.	Carried	09-Dec-2022
2022-006 To adopt November 4, 2022 Minutes That the South Pender Island Local Trust Committee regular business minutes of November 4, 2022 be adopted as presented.	Carried	17-Nov-2022

Follow Up Action Report

South Pender Island

04-Nov-2022

Activity	Responsibility	Dates	Status
1 8.1 and 8.2 - Minutes of June 17th and August 12 adopted as presented	Robin Ellchuk	Target: 11-Nov-2022	Completed
2 12 Referrals: NP Bylaw 223, 224 and 229 - interests unaffected MA bylaws 181 and 183 - interests unaffected	Jas Chonk	Target: 11-Nov-2022	Completed
3 13.1 - LUB Bylaw Amendment project - post letter from BFL Canada on project page	Robin Ellchuk	Target: 10-Nov-2022	Completed

DATE OF MEETING: February 3, 2023
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit
Location: 9825 Canal Rd

RECOMMENDATION

- 1. That the South Pender Island Local Trust Committee approve issuance of Development Variance Permit application SP-DVP-2023.1.**

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit to increase the maximum floor area of a proposed dwelling unit.

RATIONALE FOR VARIANCE

Granting the variance will:

- Allow for the construction of a new dwelling on the property.
- Facilitate a living situation that would allow for the owners and relatives to age in place.
- Allow multi-generations to live together in one dwelling.

BACKGROUND

The application is to vary subsection 5.1(5) within the Rural Residential 2 (RR2) zone in the South Pender Island Land Use Bylaw No. 114, 2016 (LUB) which states:

The maximum floor area of a dwelling with a lot size between 0.8 ha and 1.6 ha must not exceed 325 m² (3500 ft²).

The property owners are proposing to construct a dwelling with a floor area of 530 m² (5706 ft²). The floor area exceeds the current floor area regulations in the South Pender LUB which requires a dwelling to be no greater than 325 m². They have now applied for a Development Variance Permit (DVP) requesting to increase the maximum floor area to allow for the construction of the new dwelling.

The proposed dwelling is a two-storey structure with a loft attic space which would be liveable area. The 8.72 metre (28.5 ft) in height house includes four bedrooms, an office, glass studio, loft space, den and attached garage. The property owners are requesting the variance as they state a larger home is required in order to

facilitate an elderly parent with mobility issues, living space for a caregiver, space for their child attending university, and the property owners to live together. The house includes design features to accommodate those with mobility issues: wider doorways and stairs, as well as a large garage to assist with loading in and out of a vehicle. Furthermore the property owner provides the following comments on rationale for house design:

"We are extremely conscious as we designed our home, to keep the style and colour in keeping with the original, Craftsman style homes we see all over the island. This is the main reason we chose this houseplan and had it drawn up to meet current building codes as well as enable us to use solar, rainwater catchment and reduce the size of the house's footprint."

The property owners originally applied for their Building Permit in the summer of 2022 and Islands Trust received the Preliminary Plan Review Form in August 2022. Subsequently Bylaw No. 122 (a LUB amending bylaw) was adopted in September 2022 which further restricted the maximum floor area of a dwelling in the Rural Residential 2 zone. Prior to adoption of Bylaw No. 122, the property owner was permitted to construct a dwelling with a maximum floor area of 520 m² (5600 ft²). After the adoption of Bylaw No. 122, the maximum floor area of a dwelling is now 325 m² (3500 ft²). Although a variance would have been required prior to the adoption of Bylaw No. 122, the requested variance would have been much smaller.

The property is 1.45 ha (3.6 ac) in size and is accessed by a strata easement which bisects a neighbouring lot to the east. The majority of the property is heavily forested with thick vegetation. The property is bare land with the driveway easement as the only current improvement. The property owners are starting to clear the site for the dwelling.

The alternatives for the applicants if the variance is not granted are to apply to the Board of Variance or comply with bylaw regulations. A copy of the Notice and proposed permit SP-DVP-2023.1 are Attachments 5 & 6. Staff visited the site on January 17, 2023 – see Attachment 2. 7 for site visit photos. The property owner's letter to the LTC on the rationale for the house size can be found attached (Attachment 4).

Figure One - Subject Property

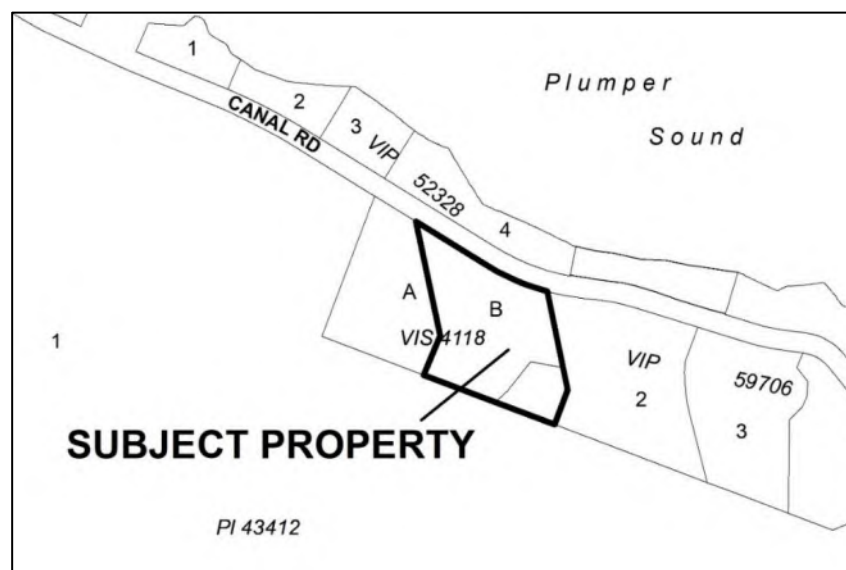
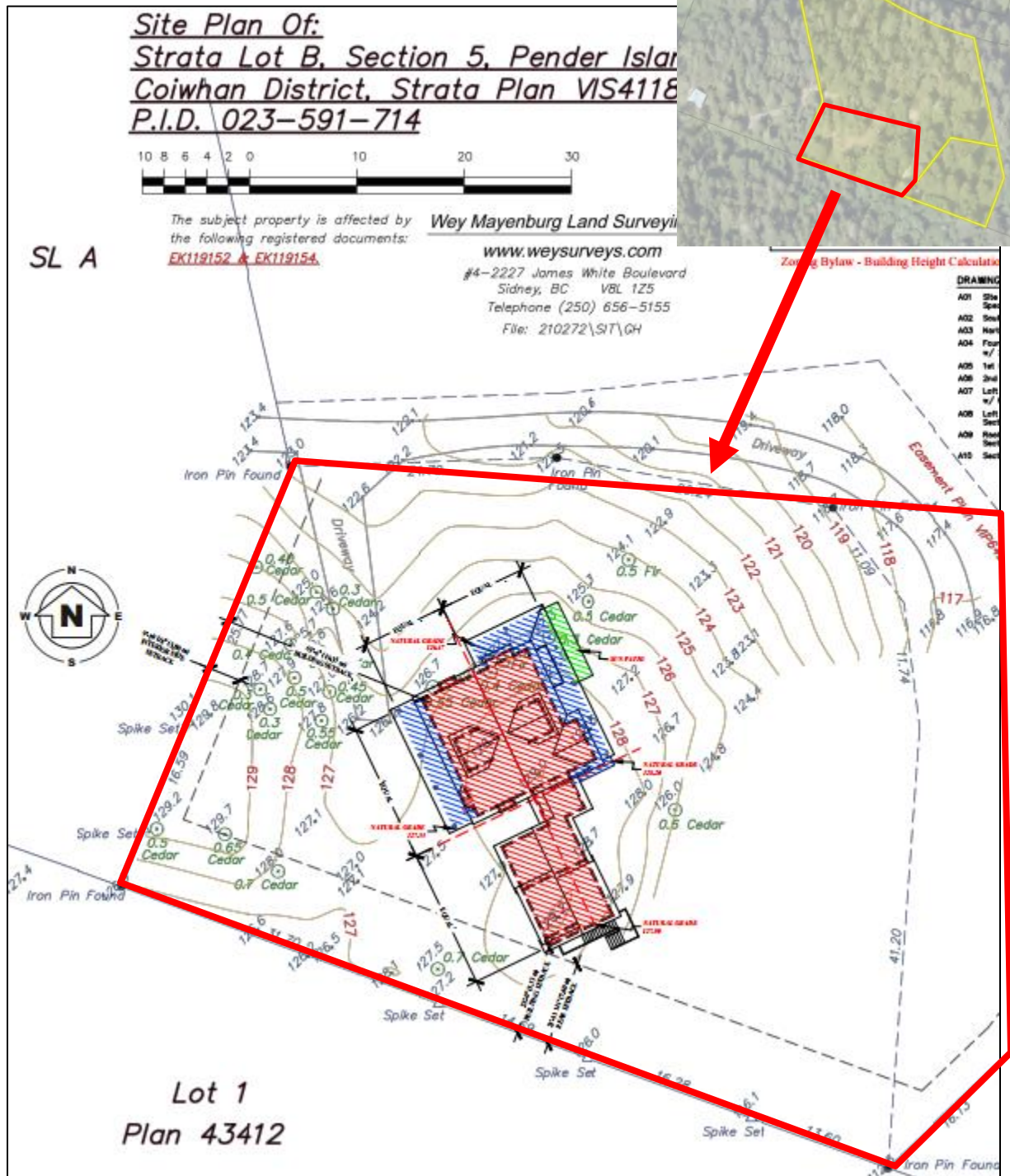


Figure Two - Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **RR - Rural Residential** in the South Pender Island Land Use Official Community Plan (OCP) No. 107, 2011.

There are no **Development Permit Areas (DPA)** designated on the subject property.

The LTC is waiting for the Minister's approval of proposed Bylaw No. 123. If this bylaw is approved by the Minister, and subsequently by the LTC, the following OCP policy would be applicable for this type of application. The proposed OCP policy states:

"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."

In anticipation of bylaw approval, staff prepared a checklist document outlining if and how the application has incorporated the Building Design and Siting Guidelines into their proposal – see Attachment No. 3. All guidelines are not required to be incorporated into the proposal and should only be used where feasible.

The proposal is consistent with the following Building Design and Siting Guidelines:

- Incorporating design features to facilitate aging in place.
- Location of building site was chosen due to proximity to existing driveway/easement access, the area is level compared to other portions of the property, and the site had the least amount of trees.

Land Use Bylaw:

The property is zoned as **Rural Residential 2 (RR2)** in the South Pender Island Land Use Bylaw No. 114, 2016.

The proposed residential use complies with use and density provisions of the zone on the property although the variance is required in order to construct the proposed dwelling with a floor area of 530 m² (5706 ft²).

The LUB also requires the dwelling to be equipped with a freshwater catchment system and cistern(s) for the storage of freshwater with a minimum storage capacity of 18,000 litres (3960 gallons). The property owner is aware of this requirement and confirmation of installation will be completed when an Occupancy Permit is applied for.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The impacts on the neighbouring properties are minimal given the size and location of the lot, and the location of where the dwelling is proposed to be constructed. The area around the dwelling construction site is heavily forested which provides a visual buffer to neighbouring lots and dwellings. The closest dwelling to the proposed building site is approximately 100 metres away and is not visible from neighbouring houses. Furthermore, the dwelling would not be seen from Canal Road due to the vegetation and forest.

The dwelling is also a two-storey structure which limits the building footprint and reduces further impact to the surrounding vegetation compared to a one-storey dwelling.

The Intent of the Regulation being Varied

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

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

Potential Impacts of Granting the Variance

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

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on January 27, 2023.

Staff have received no submissions by the end of the notification period. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

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

Recommendation

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

- The rationale for the variance is reasonable and the increase in floor area would facilitate a family to live together and age in place.
- The impacts on neighbouring properties are minimal as the area is heavily vegetated and the closest dwelling is 100 metres away.
- The proposed dwelling would not be visible from neighbouring houses or from Canal Road.
- The proposed variance does not challenge the intent of the regulation.

- The proposed Building Design & Siting Guidelines were incorporated where feasible into the proposal.
- Neighbours have been notified and, to date, no submissions been received at the time of writing.

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. Deny the application

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

Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee deny Development Variance Permit application SP-DVP-2023.1.

Submitted By:	Kim Stockdill, Island Planner	January 26, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 26, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Building Design & Siting Guidelines Checklist
4. Letter from applicant
5. Notice
6. Draft SP-DVP-2023.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot B, Section 5, Pender Island, Cowichan District, Strata Plan VIS4118 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1
PID	023-591-714
Civic Address	9825 Canal Road
Property Size	1.45 ha (3.6 ac)

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential and Park

HISTORICAL ACTIVITY

File No.	Purpose
SP-BP-2022.6	New Dwelling

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the South Pender Island Official Community Plan No. 107, 2011 (OCP). No Development Permit Areas designated in the OCP on the subject property.
Land Use Bylaw	The property is in the Rural Residential 2 (RR2) Zone in the South Pender island Land Use Bylaw No.114, 2016 (LUB). The residential uses comply with use and density provisions for the zone on the property.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed on TAPIS Mapping
Sensitive Ecosystems	Attachment 2.3
Hazard Areas	Areas of Low, Moderate, and High Slope Hazard (Attachment 2.2)

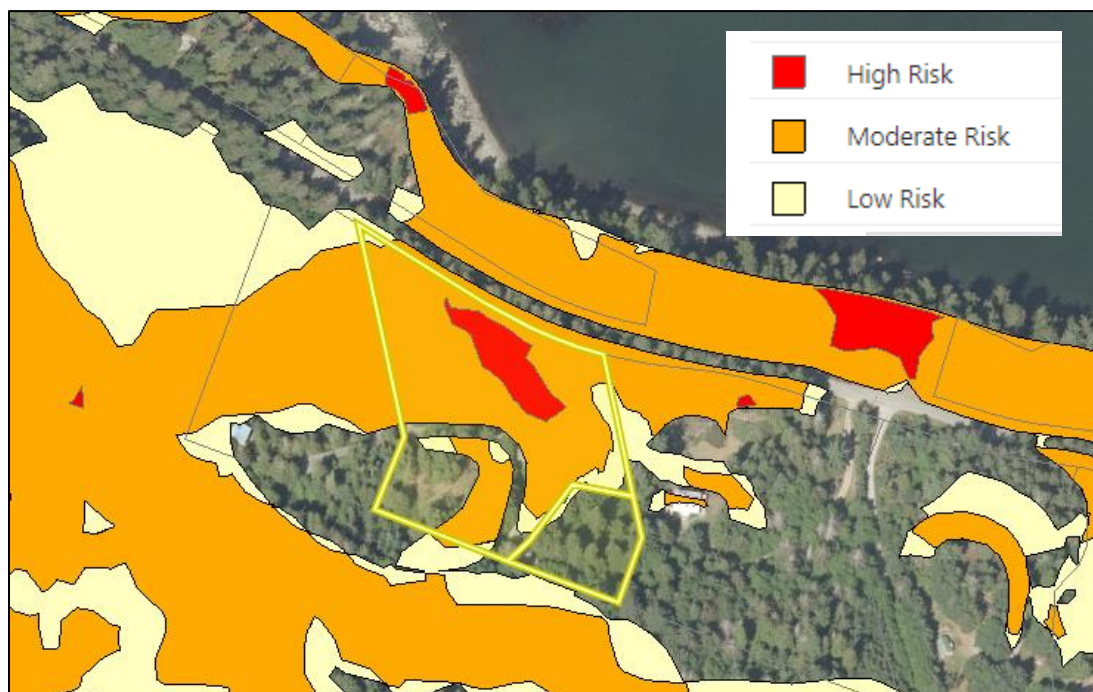
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites noted within the property however, there is an occurrence of high archaeological potential. As such, the applicant has also been sent the Islands Trust Chance Find Protocol and provincial 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	N/A
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



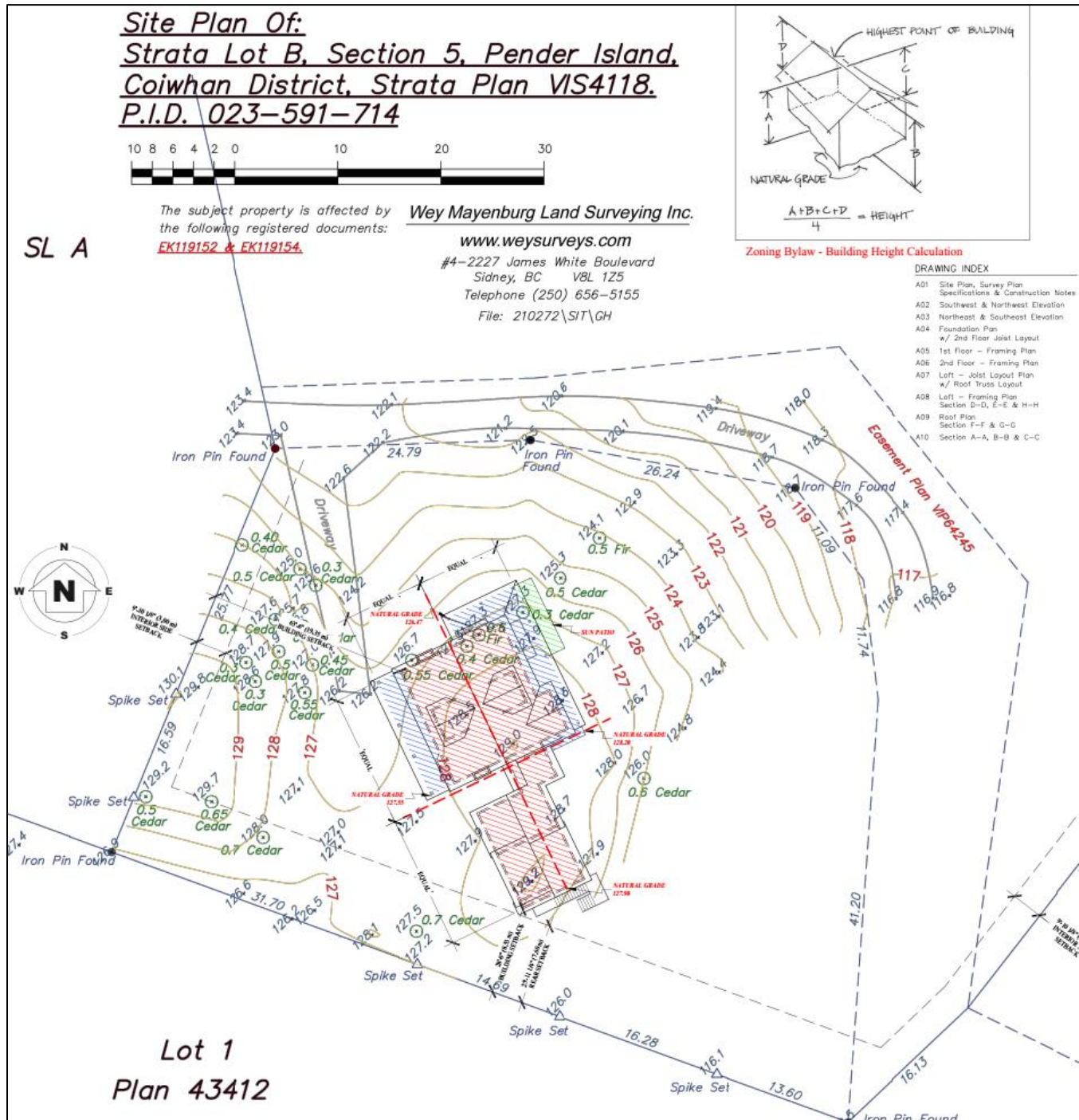
2.2 STEEP SLOPE HAZARD MAPPING



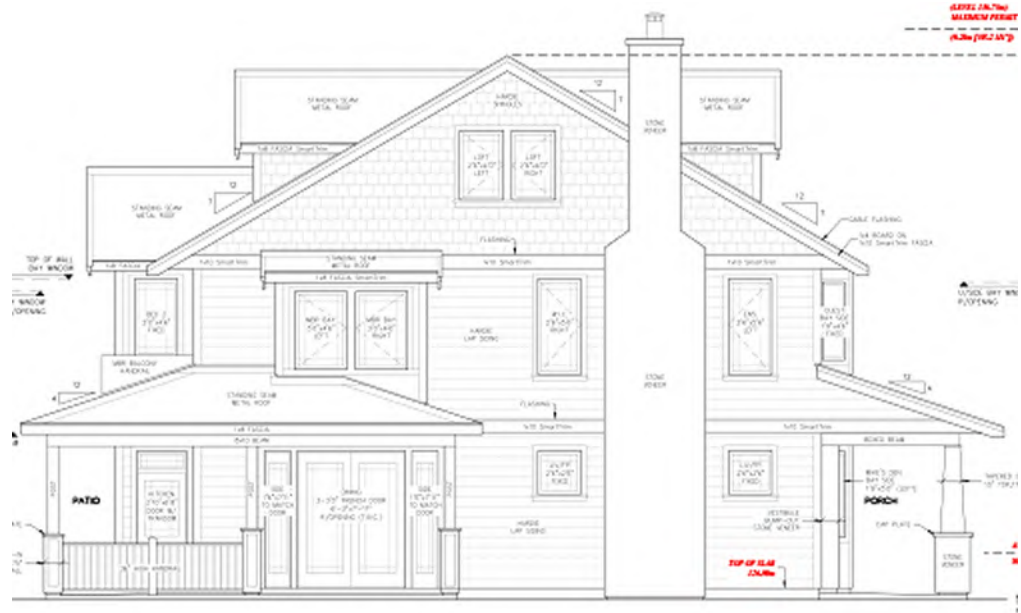
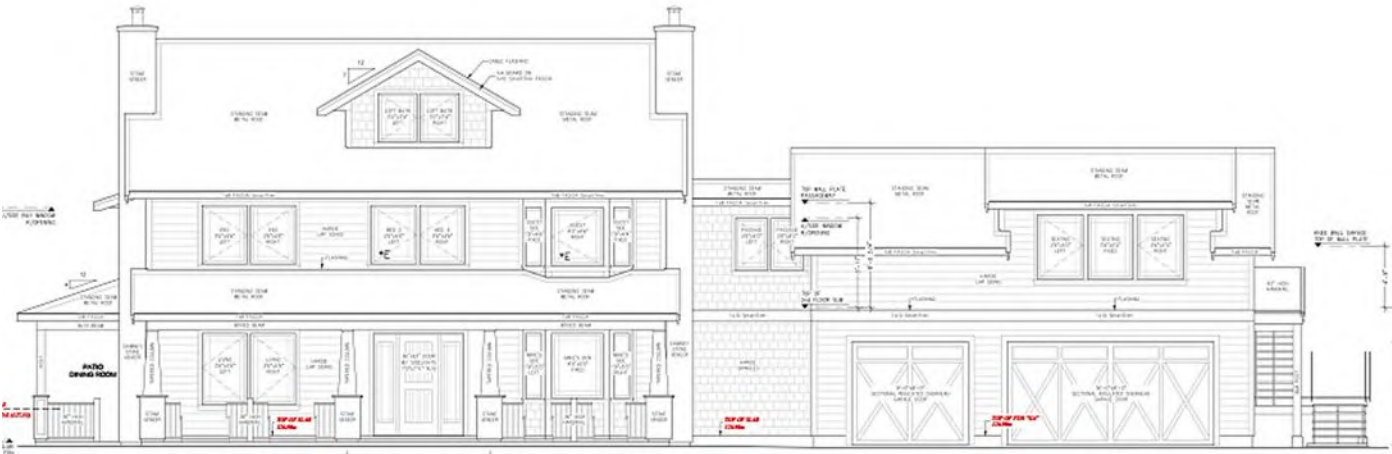
2.3 SENSITIVE ECOSYSTEM MAPPING



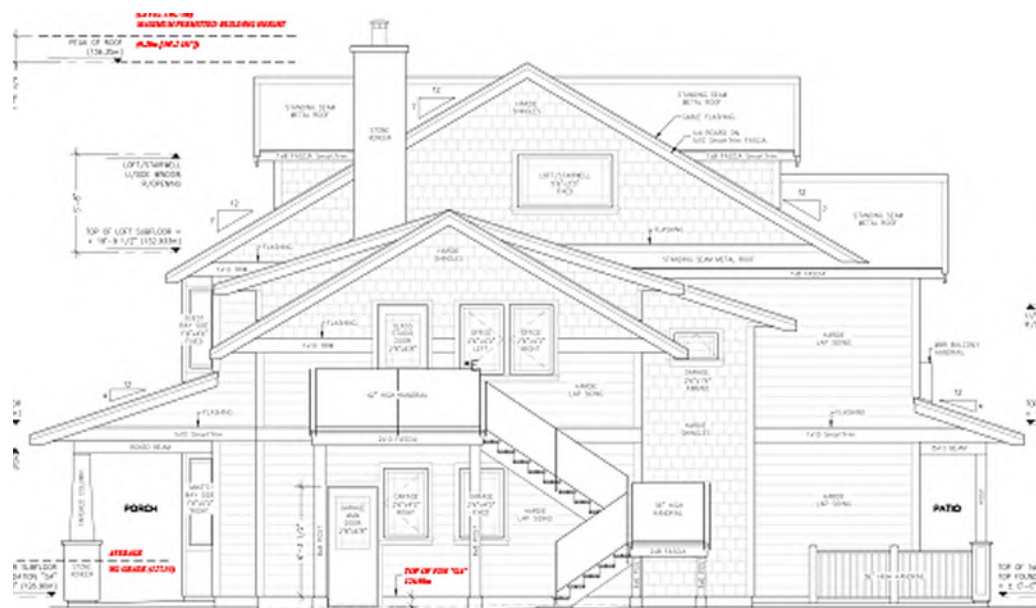
2.4 SITE PLAN



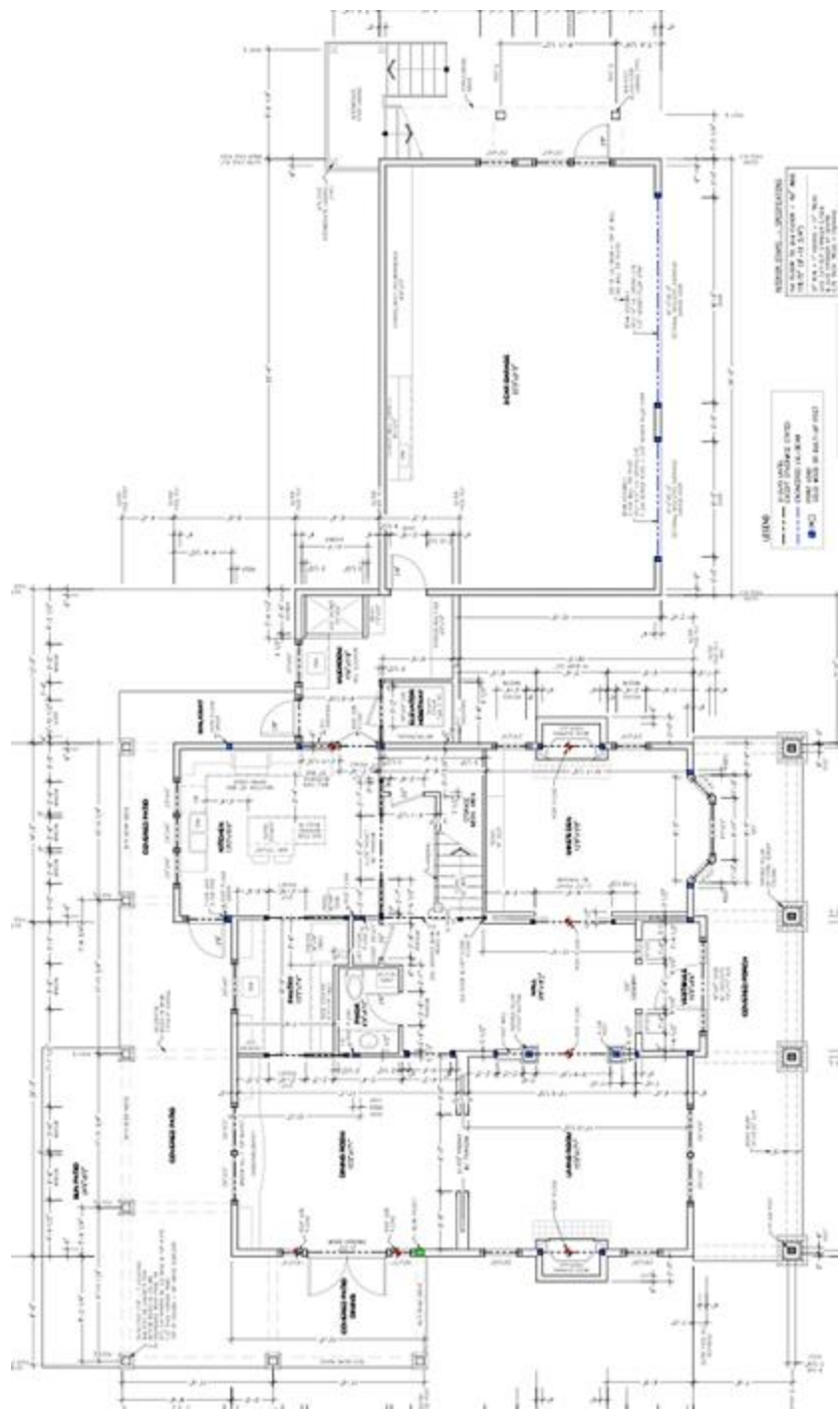
2.5 ELEVATIONS



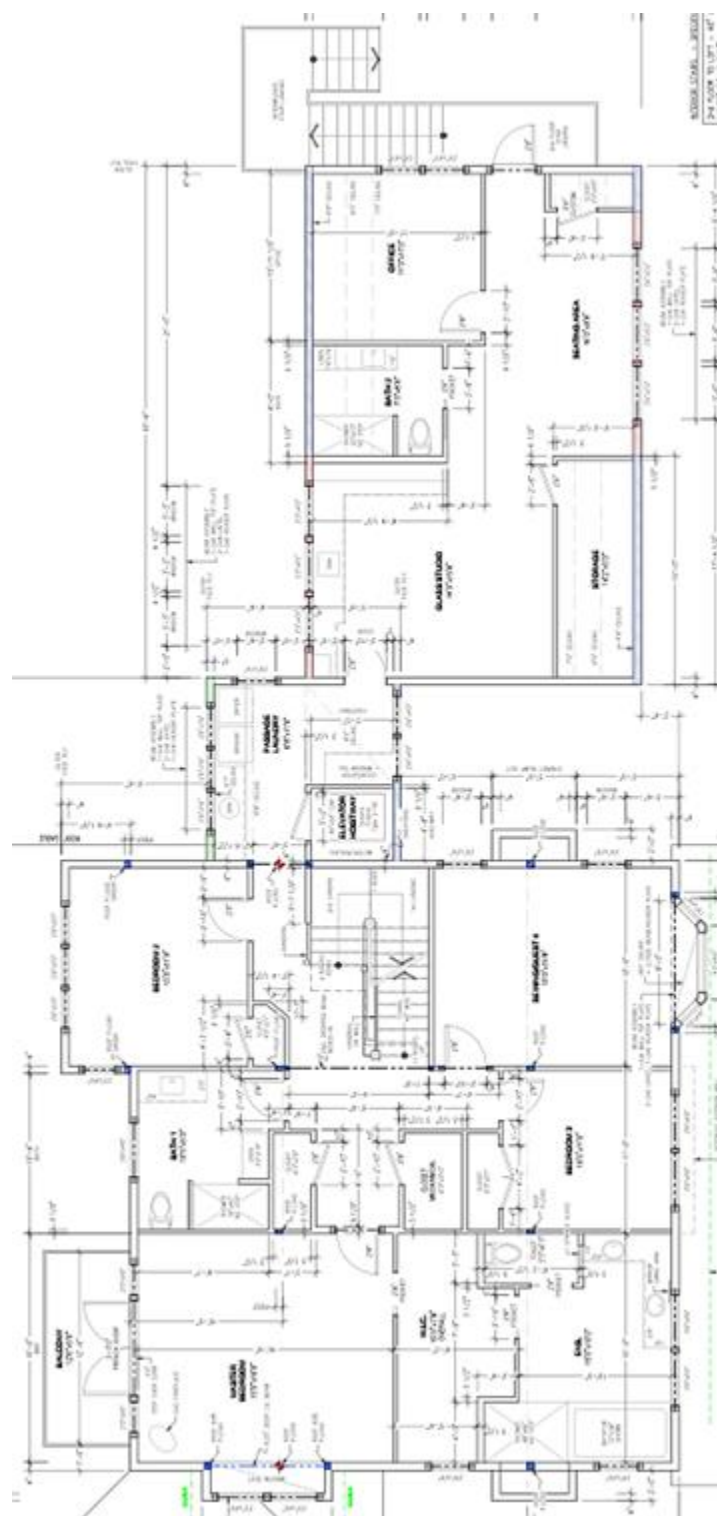
2.5 ELEVATIONS CONT'D...



2.6 FLOOR PLANS – 1ST FLOOR



2.6 Floor Plans – 2nd Floor



Islands Trust



2.7 PHOTOGRAPHS

VIEW TOWARDS NORTHEAST (PLUMPER SOUND)



LOOKING WEST



2.7 PHOTOGRAPHS (CONT'D)

LOOKING SOUTH



LOOKING EAST



Attachment 3: SP DVP Checklist for Building Design & Siting Guidelines

SP-DVP-2023.1 - 9825 Canal Road

Guidelines	Comments
<i>Guideline 1 – Principles of Design</i>	
a) Consider designs in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.	N/A
b) 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.	N/A
c) Complex designs or complicated construction methods and materials may difficult to source. Resource construction methods and materials locally if possible.	N/A
d) Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.	N/A
e) Consider age-friendly design principles to create easy access or reduce mobility issues.	-Applicant states that the dwelling design incorporates design features to facilitate aging in place. For example, widened doorways, stairways, and an elevator. The garage design accommodates vehicles and equipment to assist those with mobility issues.
<i>Guideline 2 – Define the Objective</i>	
f) Consider reducing the floor area of the building or structure while still achieving the desired form and function.	N/A
<i>Guidelines 3 – Selecting a Building Site</i>	
g) 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	The location of the building was chosen based on the level area and it would require the least amount of trees to be removed compared to other areas on the property.

Attachment 3: SP DVP Checklist for Building Design & Siting Guidelines

Guidelines	Comments
impacts views from adjacent properties and other view corridors.	
Guideline 4 – Produce a Design Concept & Site Plan	
h) 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.	Site plan, floor plan, and building elevations were received as part of this application.
Guideline 5 – Site Preparation	
i) 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.	Site was chosen due to the least amount of trees to be removed, and to the proximity to the existing driveway/easement access.
Guideline 6 – Landscaping	
j) 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.	N/A
k) 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.	N/A
l) 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.	N/A
Guideline 7 – Hard Surfaces & Paving Materials	
m) 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.	N/A
Guideline 8 - Fencing	

Attachment 3: SP DVP Checklist for Building Design & Siting Guidelines

Guidelines	Comments
n) 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.	N/A
o) Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.	N/A

From: [REDACTED]
Sent: Sunday, January 1, 2023 6:48 PM
To: information
Cc: Charly Caproff
Subject: DVP Application for 9825 Canal Road, Pender Island
Attachments: dvp application 9825 canal rd.pdf; ATT00001.htm; TITLE Search dated August 2022-CA9146117-PID-023-591-714.pdf; ATT00002.htm; Screen Shot 2022-07-05 at 9.46.03 AM.png; ATT00003.htm; Screen Shot 2022-07-05 at 9.47.21 AM.png; ATT00004.htm; #A2201-A01-1.pdf; ATT00005.htm; Relevant Title Charges - [REDACTED]; ATT00006.htm; #A2201-A02-1.pdf; ATT00007.htm; #A2201-A03-1.pdf; ATT00008.htm; #A2201-A04-1.pdf; ATT00009.htm; #A2201-A05-1.pdf; ATT00010.htm; #A2201-A06-1.pdf; ATT00011.htm; #A2201-A07-1.pdf; ATT00012.htm; #A2201-A08-1.pdf; ATT00013.htm; #A2201-A09-1.pdf; ATT00014.htm; #A2201-A02-1.pdf; ATT00015.htm

Categories: Chloe

Good morning and Happy New Year,

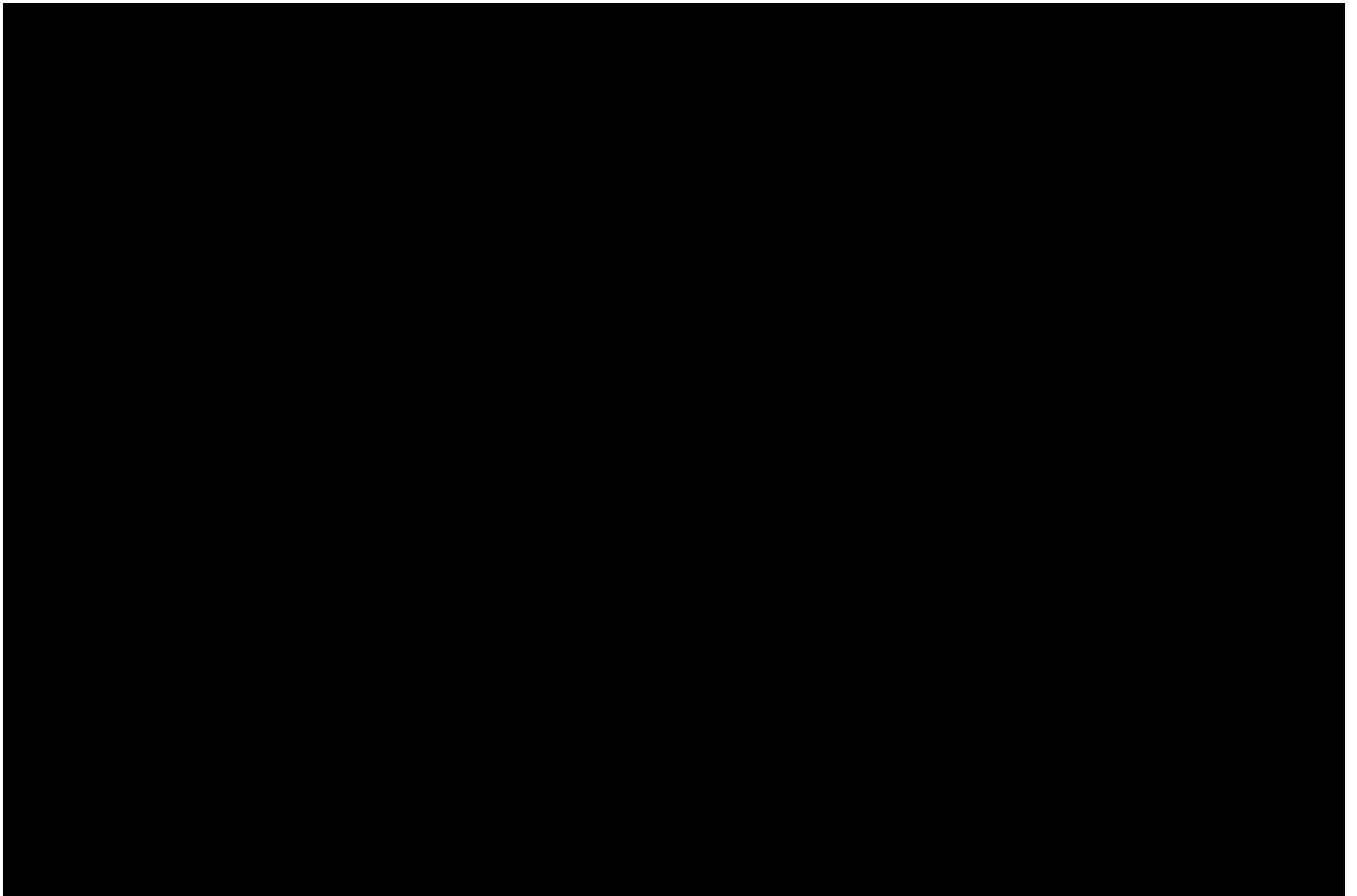
Please find attached, our DVP Application for our property. My husband and I are building our home to accommodate his elderly mother of 82 years of age, who is wheelchair bound. We will also require a living space for her care-giver and our daughter [REDACTED] [REDACTED] [REDACTED]

[REDACTED] In addition, I [REDACTED] require a sizeable studio. As you will see by the attached documents, this part of our property is the only place where building is viable unless we go into great cost to excavate and remove a large amount of trees on the lower area, [REDACTED]

The design for this house was made for us to age in place, with 36" wide doorways, wider staircase(s), wider hallways and space for an elevator. All the bathrooms will have curbless showers and accessible sinks. The entire main floor including the mudroom and garage are on one elevation, eliminating the requirement for a person to step over ledges for access. The

garage is designed to accommodate my mother-in-law's mobility equipment and enables easy loading and unloading to and from our vehicles. In addition, we will require an increase in height of one foot to allow for this home to be built on a slab instead of a basement which we cannot put into place due to the bedrock in our build site.

We were also extremely conscious as we designed our home, to keep the style and colour in keeping with the original, Craftsman style homes we see all over the island. This is the main reason we chose this 1904 houseplan and had it drawn up to meet current building codes as well as enable us to use solar, rainwater catchment and reduce the size of the house's footprint.



We look forward to working with Island Trust in order to build our forever home with our family. Please note we have already submitted payment for this DVP Application [REDACTED]

[REDACTED] Please contact me right away if I am missing any documentation.

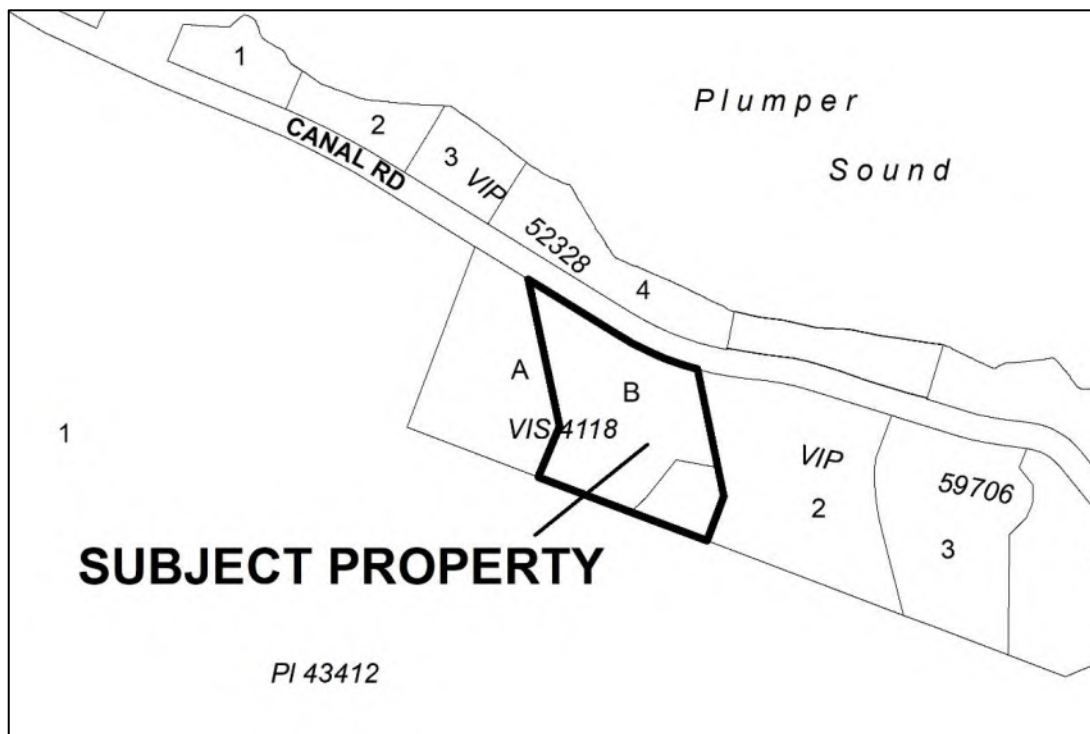
NOTICE
SP-DVP-2023.1
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the South Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the South Pender Island Land Use Bylaw No. 114 by:

- Permit the construction of a dwelling by increasing the maximum floor area.

The property is located at **9825 Canal Road** and is legally described as Strata Lot B, Section 5, Pender Island, Cowichan District, Strata Plan VIS4118 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 023-591-714).

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 17, 2023** and continuing up to and including **January 27, 2023**.

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 Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 27, 2023**.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **11 a.m., February 3, 2023**.

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.



PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SP-DVP-2023.1

To: Property Owner(s) of 9825 Canal Road

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

Strata Lot B, Section 5, Pender Island, Cowichan District, Strata Plan VIS4118 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 023-591-714)

2. South Pender Island Land Use Bylaw No. 114, 2016 is varied as follows:

a) Subsection 5.1(5) to increase the maximum floor area of a dwelling from 325 m² to 531 m².

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender Island Land Use Bylaw No. 114, 2016" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER LOCAL TRUST COMMITTEE THIS XXTH DAY OF MONTH, 202X.

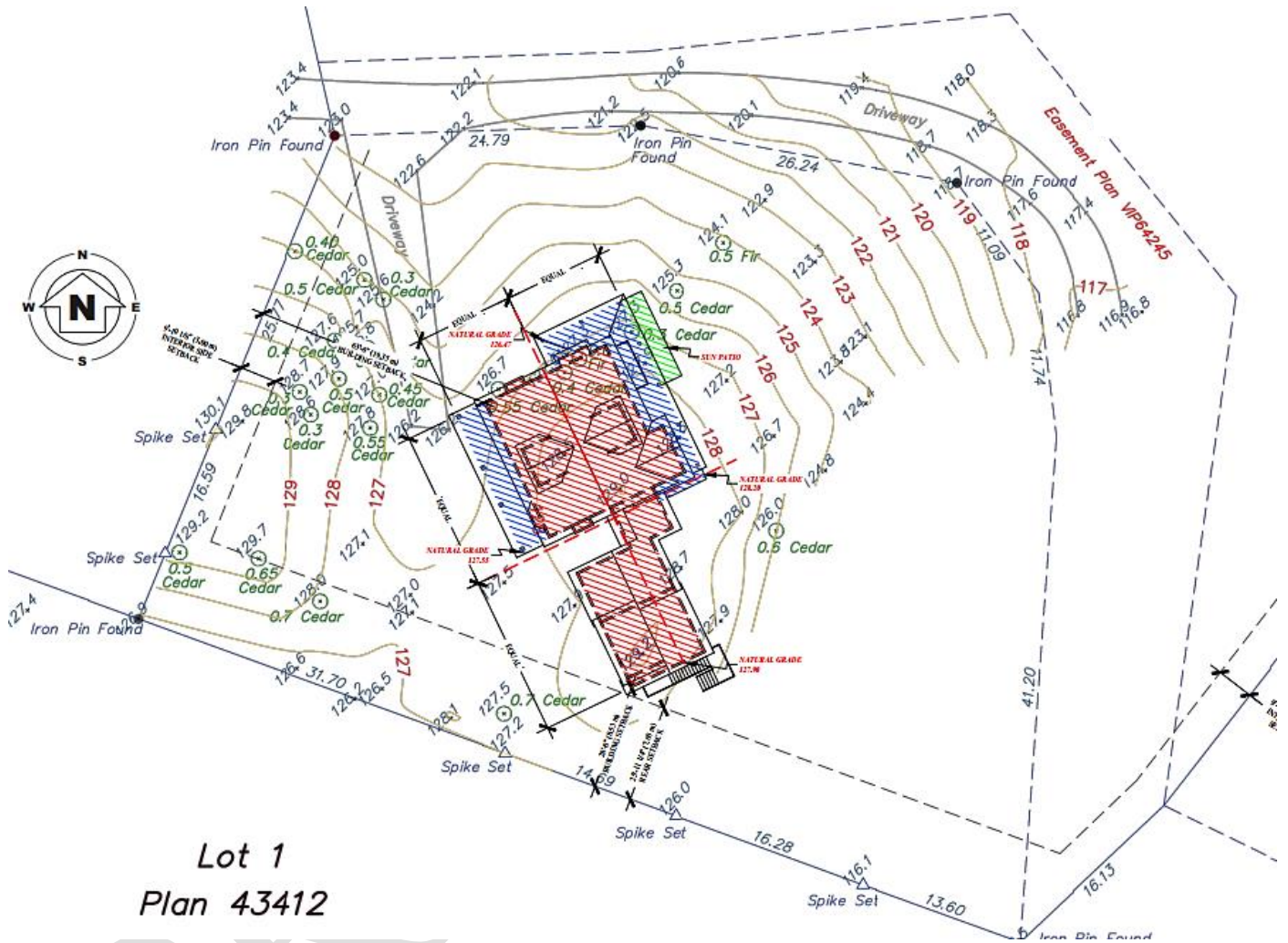
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF MONTH, 202X THIS PERMIT AUTOMATICALLY LAPSES.

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2023.1

SCHEDULE 'A'
SITE PAN



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2023.1

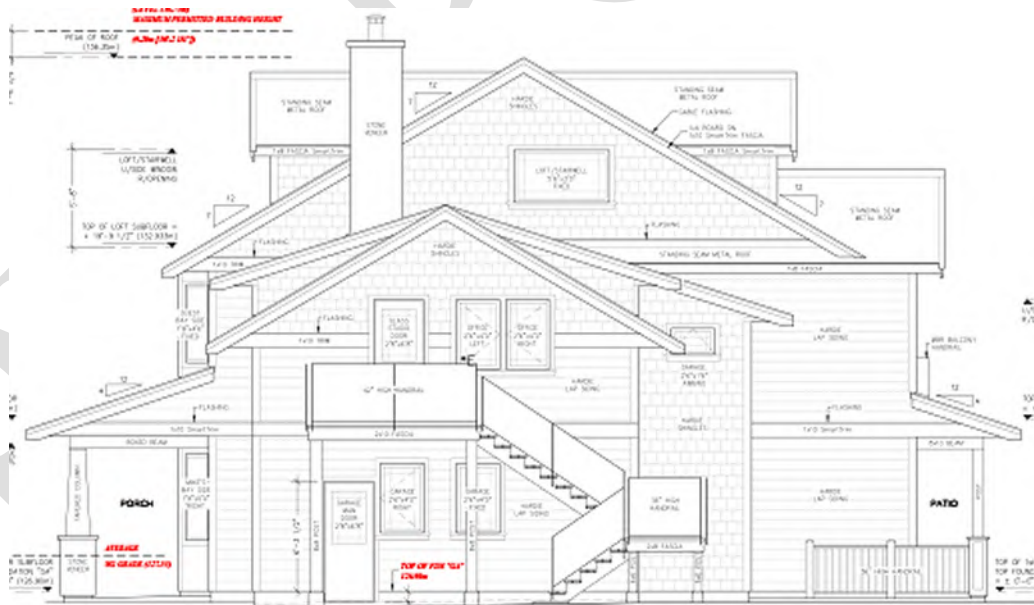
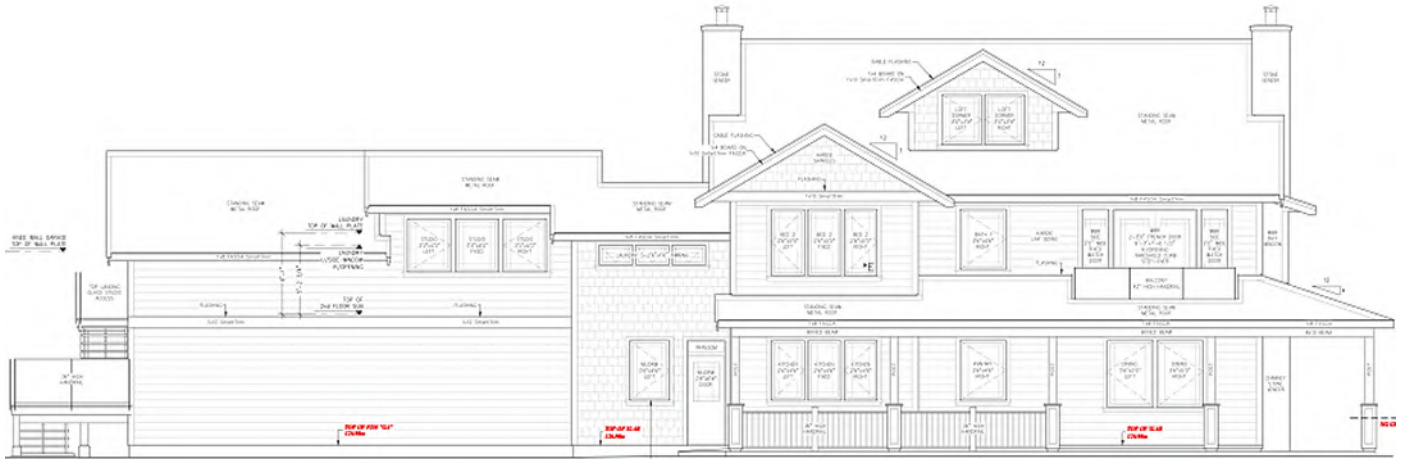
SCHEDULE 'B'
BUILDING ELEVATIONS



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2023.1

SCHEDULE 'B'

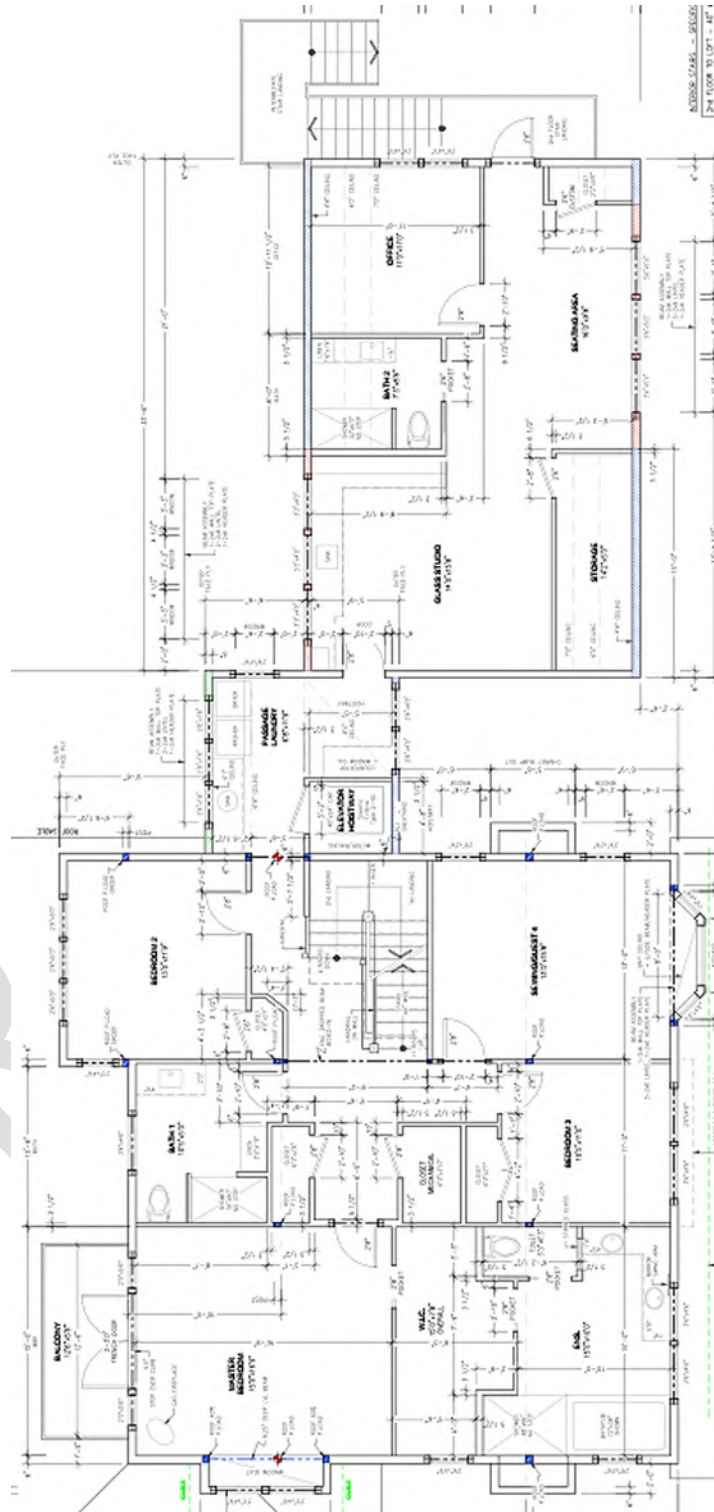
BUILDING ELEVATIONS



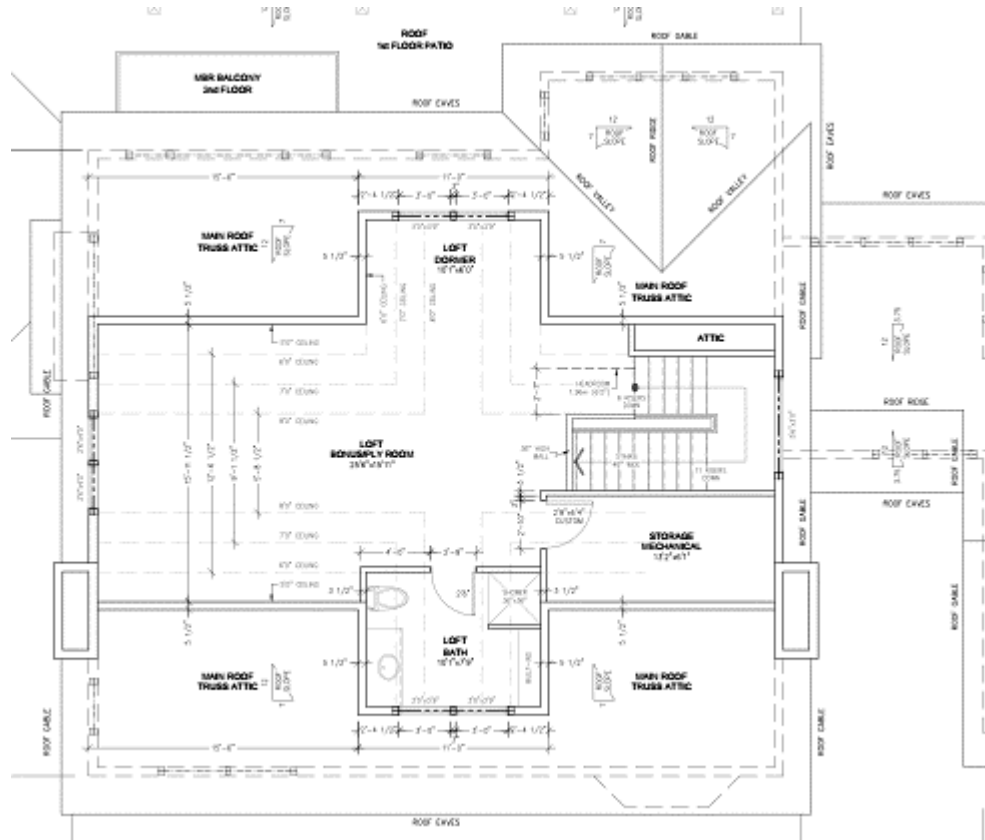
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2023.1

SCHEDULE 'C'

FLOOR PLANS – 2ND FLOOR



FLOOR PLANS – LOFT



DATE OF MEETING: February 3, 2023

TO: South Pender Island Local Trust Committee

FROM: Kim Stockdill
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit for a Short Term Vacation Rental
Applicant: Catherine Ellis
Location: 9890 Castle Road

RECOMMENDATIONS

1. That the South Pender Island Local Trust Committee amend Temporary Use Permit SP-TUP-2022.1 (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-2022.1 (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 two (2) adult guests, and two (2) children. The applicants estimate the use will be for approximately twenty-four (24) to Thirty (30) 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 the 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 western and eastern property lot lines are fenced for privacy screening and deer exclusion and a gate has been added to access the property's driveway (see photos - Attachment 2.9). There are three (3) smaller accessory buildings in addition to the dwelling. The dwelling and one accessory building are connected to a rain collection systems with a cistern capacity of 2,200 L. An additional cistern with a capacity of 12,000L is connected to the water source which provides a secondary water source and storage.

The applicant's rationale is: "...to comply with bylaw regulations, assist with offsetting our expenses and allowing others to experience the beauty and natural setting South Pender Island 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.

The applicant applied for a STVR TUP in 2021 for a maximum of four (4) guests. The application generated correspondence from surrounding neighbours both in support and not in support of the proposal. Due to the contentious application, the LTC at the time did not approve the TUP application. The following is an excerpt from the February 4, 2022 LTC meeting minutes:

"A discussion was held regarding neighbour concerns and the mitigation efforts in place by the applicant. Further discussion was held regarding the volume of correspondence against the application."

SP-2022-006

It was Moved and Seconded,

that the South Pender Island Local Trust Committee deny application SP-TUP-2021.1 (Ellis).

CARRIED

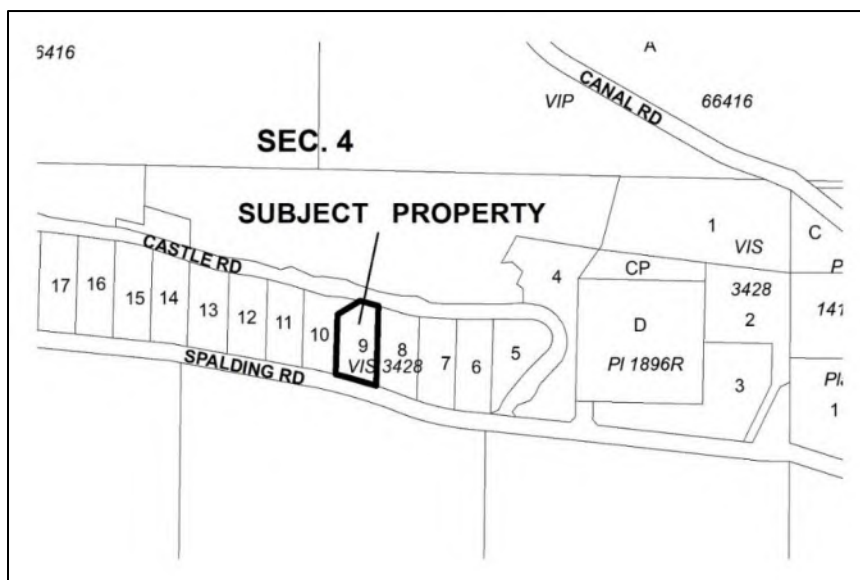
Trustee Wright noted that the application appeared thoughtful and reasonable. He encouraged the community surrounding the applicant property and the applicant to try to come together and resolve the outstanding concerns."

The applicant is now reapplying for a STVR TUP and has indicated the following amendments to the proposal to address some of the neighbour's concerns:

- Reducing the number of guests from four (4) adults to two (2) adults and two (2) children. This reinforces the intent of only renting to only one party (one couple, a small family, or a single guest).
- Installation of further privacy screening and deer fencing along western and eastern lot lines.
- Installation of a 12,000L cistern connected to the water system to provide secondary water source and storage during summer months.

Staff visited the site on January 17, 2023 (site visit photos - Attachment 2.9). 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 filled out by the applicant is attached (Attachment 4) and the checklist completed by planning staff (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. As the commercial STVR use does not comply with zoning regulations, the applicant has applied for a TUP to temporarily permit the use.

Temporary Use Permits

[Section 492 to 497 of the Local Government Act](#) authorizes local governments to temporarily permit a use that otherwise is not permitted by the land use bylaw by issuance of a Temporary Use Permit. Further, TUPs can include specific conditions to which the use must abide. A Temporary Use Permit may be issued for up to three years and renewed only once (for up to an additional three years). After the renewal TUP expires, the applicant may re-apply for a new Temporary Use Permit. The [South Pender Island Fee Bylaw No. 124](#) outlines application fees for TUP applications. A new TUP application fee is \$ 2,150 and a TUP renewal fee is \$700.

When a LTC is reviewing a draft TUP for decision, the LTC by resolution can only add additional conditions to a draft permit; a LTC cannot remove conditions from a draft permit. At the time of TUP renewal, no changes to the renewal permit are allowed except for the expiration date (how long the LTC will grant the renewal for up to three years).

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 STVR TUP proposal (and second application for the same proposal) since the adoption of the OCP Guidelines, assessing cumulative impacts on neighbourhoods and the Island of “all issued TUPs” is not applicable. 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). An additional cistern with a capacity of 12,000L is connected to the water source which provides a secondary water source and storage.

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).

A condition was included in the draft permit in order to retain the existing cisterns:

“Condition ‘e’ - retention of a freshwater catchment system and cistern(s) for the storage of freshwater with a storage capacity of 14,000 litres;”

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 existing screening 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. l) iii. This would be a reasonable timeframe that would give some certainty to neighbours with respect to the intensity of use.

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 the 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.

As mentioned previously, the following are new conditions have been added to the draft permit (Attachment 9) that were not included in the previous 2021 draft permit:

Condition 'd' - retention of privacy screening between neighbouring properties (east and west of subject property);

Condition 'e' - retention of a freshwater catchment system and cistern(s) for the storage of freshwater with a storage capacity of 14,000 litres;

The applicants have also reduced the number of permitted adults guests from four (4) to two (2) compared to the 2021 draft permit.

Consultation

TUP notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper January 25, 2023 (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 27, 2023.

At the time of writing, staff have received five (5) letters in support and five (5) letter in opposition (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:

- Applicants have reduced the maximum number of permitted adult guests, added additional screening, and installed a 12,000L cistern to address some of the neighbour's concerns;
- The rationale for the use is reasonable;
- The size of dwelling, guest capacity of two (2) adults and two (2) children 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 there guest information;
- 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-2022.1 (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-2022.1 (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-2022.1 (Ellis).

Submitted By:	Phil Testemale, Planner 2	January 25, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 26, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Guidelines Checklist – Staff
4. TUP Guidelines Checklist – Applicant
5. Guest Information Document
6. Well Water and Septic Reports
7. Correspondence (10 pieces)
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
SP-TUP-2021.1	The STVR TUP application was denied.

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.
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

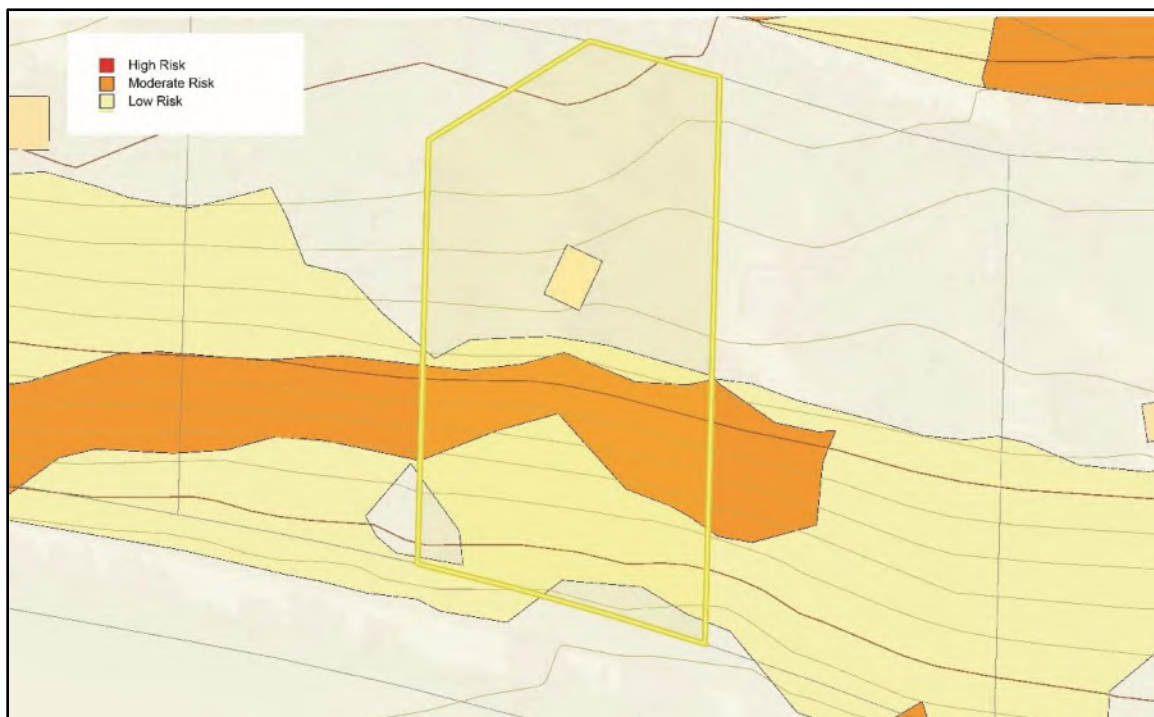
2.1 ORTHOPHOTO



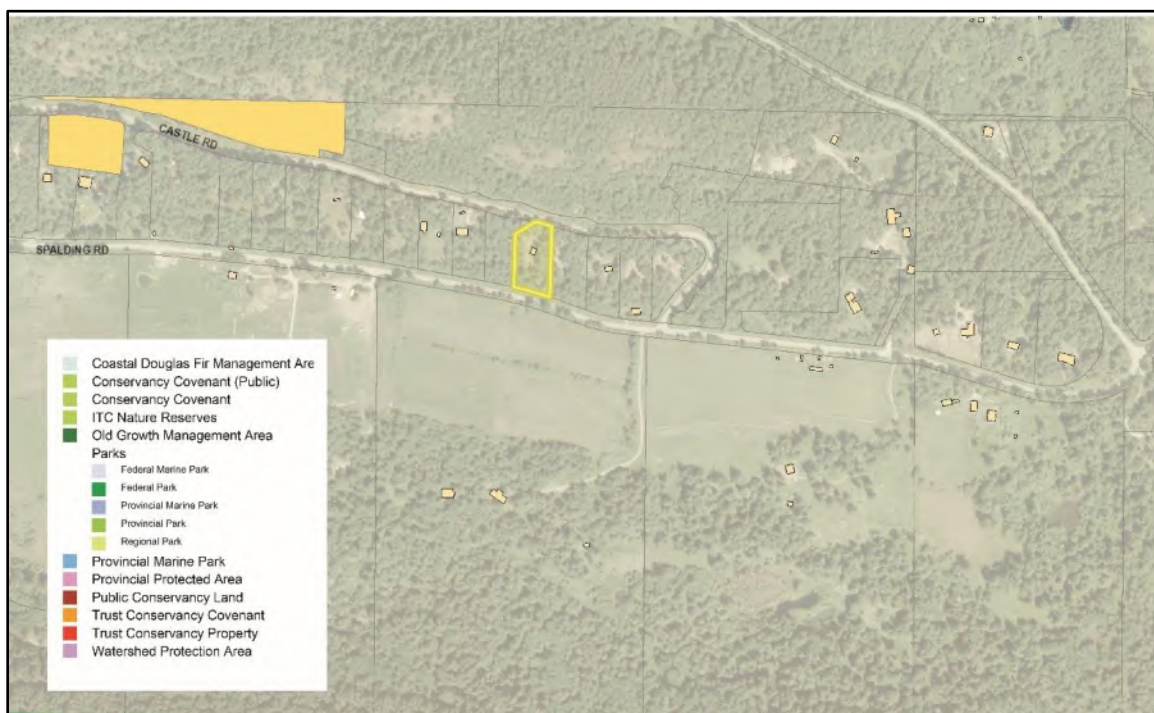
2.2 SENSITIVE ECOSYSTEM MAPPING



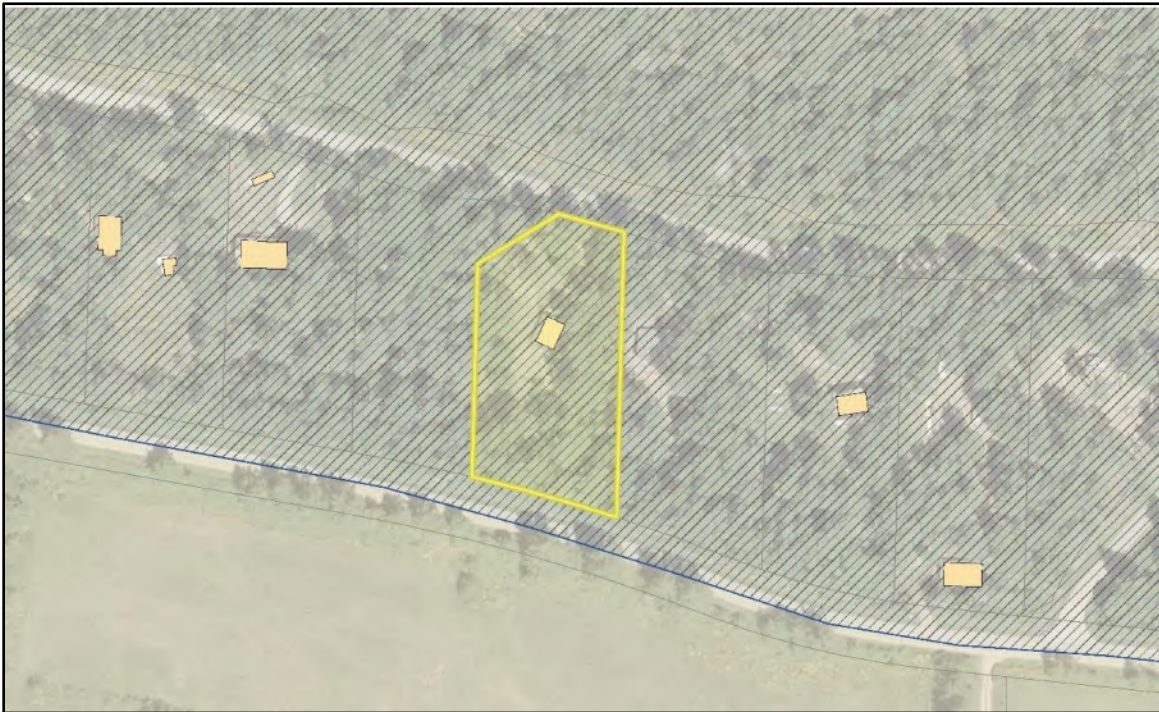
2.3 STEEP SLOPE HAZARD AND CONTOURS



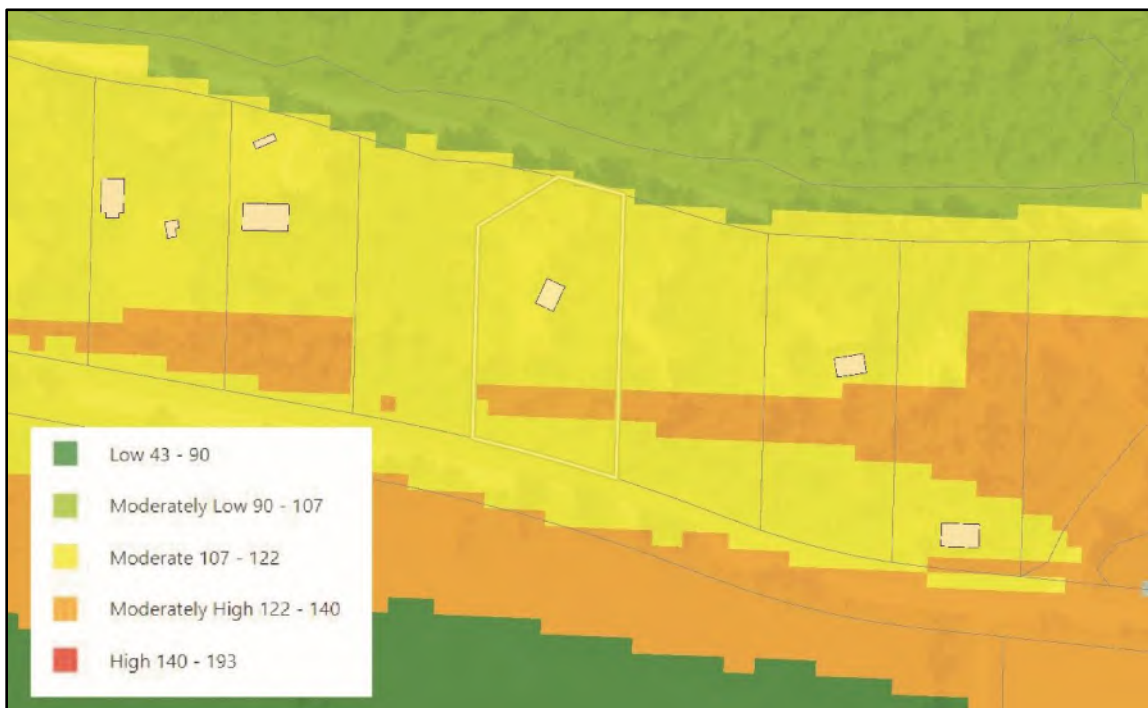
2.4 PROTECTED AREAS



2.5



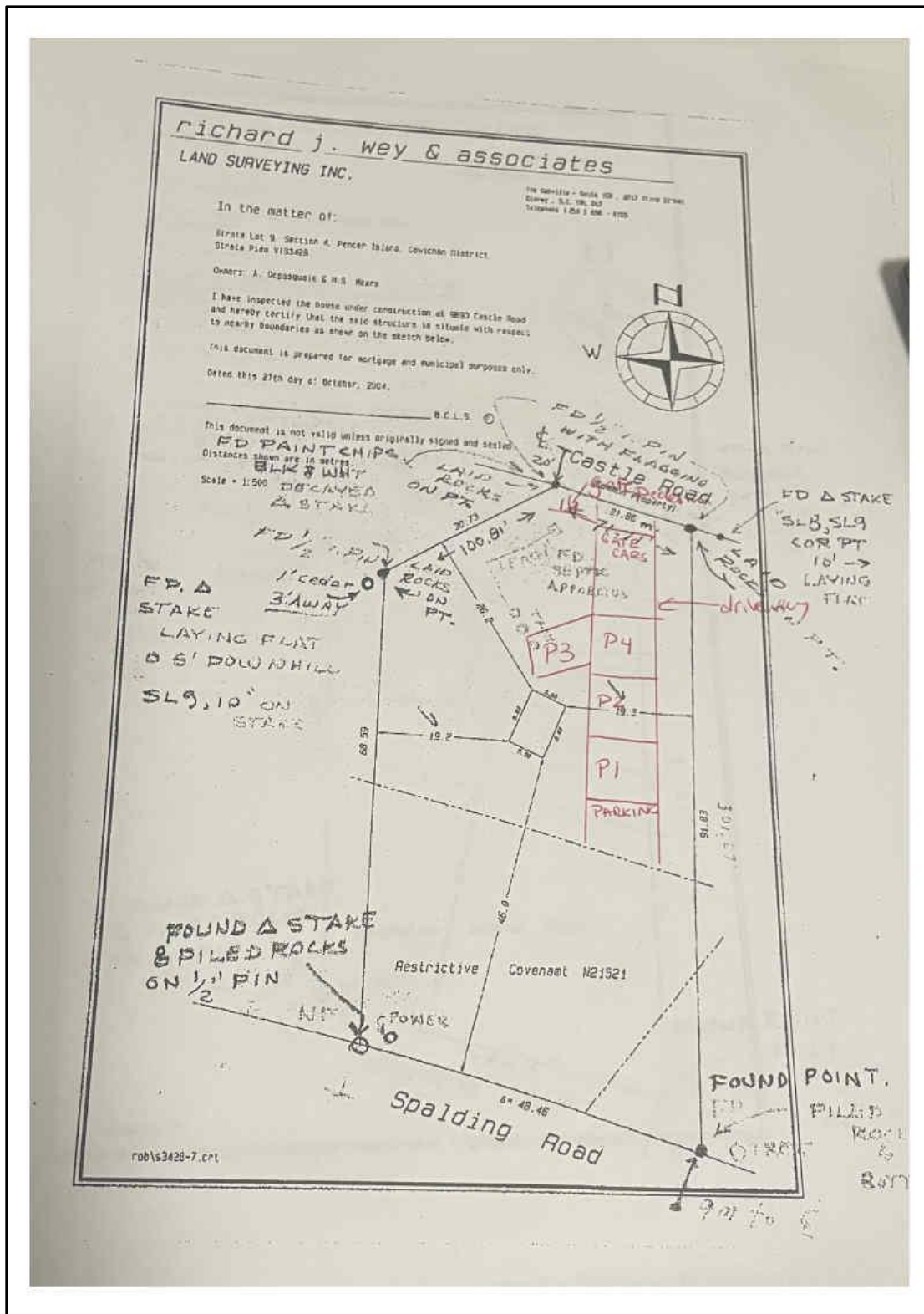
2.6 AQUIFER INTRINSIC VULNERABILITY



2.7 AQUIFER VULNERABILITY TO SALT WATER INTRUSION



2.8 PARKING PLAN



2.9 PHOTOGRAPHS



FRONT OF DWELLING



DWELLING WITH RAINWATER CATCHMENT

2.9 PHOTOGRAPHS (CONT'D)



LOOKING EAST - PRIVACY SCREENING/DEER FENCE



LOOKING NORTH - ENTRANCE GATE

2.9 PHOTOGRAPHS (CONT'D)



LOOKING WEST – PRIVACY SCREEN AND ACCESSORY BUILDING WITH CISTERN



LOOKING SOUTH – SUFFICIENT PARKING AREA

Attachment 3: TUP Checklist (Staff) for STVR

SP-TUP-2022.1 (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 2,200 litres of storage as part of rainwater collection system and an additional 12,000L cistern connected to the water 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.
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	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

Attachment 3: TUP Checklist (Staff) for STVR

Guidelines	Comments
sensitive areas, and information on how to avoid impacting the sensitive features.	included in guest information package (Attachment 5).
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 5)
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;	Retention of screening is a condition in the draft permit.
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	N/A

Attachment 3: TUP Checklist (Staff) for STVR

Guidelines	Comments
may require the approval of the Agriculture Land Commission prior to the permit being issued.	
Building Code	
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

South Pender Island Local Trust Committee

Temporary Use Permit Applications

for Short Term Vacation Rentals (STVRs)

Development Approval Information Checklist

The attached checklist is intended to assist land owners and their agents in submitting complete and relevant information to the Local Trust Committee when applying for a Temporary Use Permit (TUP) to operate a Short Term Vacation Rental (STVR) on South Pender Island.

Instructions

A completed checklist and supporting documentation or professional reports must be submitted to the Islands Trust along with the standard [Temporary Use Permit](#) application form.

Where one of the listed items cannot be provided or may not be relevant to the application, provide Islands Trust staff with the reason(s) for not providing the information in the 'Comments' or 'Additional Comments' section at the end of the checklist.

Note

It is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with, and the approval of, the Islands Trust may result in delays in processing an application or requirements for additional information.

OFFICE USE ONLY

File No: _____

SOUTH PENDER ISLAND STVR TUP CHECKLIST

Item	Information and Documentation Required	✓	Comments
Site Plan	Depending on the proposal, a site plan <i>may</i> be required.		
	Site Plans must be drawn to scale and based on a legal survey, and contain the following:		Attached
	All existing buildings and structures labeled as to their use and their floor area in accordance with the maximum total floor area of all buildings and the maximum floor area of a dwelling for the Rural Residential Zones as shown in Section 5.1 of the Land Use Bylaw.	x	Attached
	Roads and driveways	x	Attached
	Streams or other water bodies (where applicable)	n/a	
	Natural boundary of the sea (where applicable)	n/a	
	Well location	x	Attached
	Septic field location (general location)	x	attached
	Off-street parking area showing dimensions sufficient to accommodate at least four vehicles, and more as required by the proposed use	x	Attached
	Any fences or vegetative screening between adjacent lots or the road	x	We have fenced in our whole acre property and installed a walking gate top and bottom alongside a vehicle wooden gate - we have privacy screening (6ft) on either side of the property to aid with privacy to our neighbours
Intensity of Use Proposed	Applicant should provide the following information:		
	No. of bedrooms proposed for STVR use.	×	
	Maximum no. of guests to be permitted at one time (maximum of four (4) over eighteen (18) years of age).	×	Maximum of 2 adult guest and two children
	No. of weeks per year unit is proposed to be available particularly from May 1 to September 30 each year.	×	Aiming to rent it for 24-30 weeks per year, with minimal rentals in the summer months (as we will be there)
	Confirm that no camping or occupancy of RV's is permitted on the property.	×	no camping by STVR guests or RVs
	Confirm that there will no rental or provision of motorized personal watercraft with the use.	×	confirmed - no motorized equipment to be rented or used by guests
	Confirm that outdoor fires are prohibited.	×	No outdoor fires by guests.
Potable Water	Where the subject property is serviced by groundwater, the applicant should provide:		Completed by [REDACTED] - will send
	A written statement concerning the quantity and quality of water available on the subject lot.		Attached - we also have now had [REDACTED] assist and install a 3018 Gallon Cistern system full connected and filtered through our existing system in addition to the well
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.* *Islands Trust staff may ask for further information, including professional reports, related to quantity and quality of available water.		attached - all supporting documents
	Where a subject property has insufficient groundwater to support the proposed use, applicant should provide:	×	We have installed a rain collection system we have 2,000 L behind the main dwelling. An additional 200L behind our bunkie. In addition a 3018 Gallon - Cistern system connected and hooked into our water system to provide a secondary water source and storage
	Plans for a rainwater catchment, storage, and delivery system.		

SOUTH PENDER ISLAND STVR TUP CHECKLIST			
Item	Information and Documentation Required	✓	Comments
Septic Capacity	Where the property is serviced by a septic system, the applicant should provide:	×	
	- A written statement about the septic system* on the subject property including: - Date of installation - Capacity of the system	×	Attached - detailing install and capacity
	* Islands Trust staff may ask for further information, including professional reports, related to sewage disposal systems.		
Residential Appearance	If building or land alterations are proposed as part of the STVR use, they should not alter the residential appearance of any existing residence and the applicant should provide:		No Alterations
	- Plans showing form, character and floor area of proposed building or land alterations. - Recent photographs of the exterior of the dwelling (or cottage) and parking areas.	×	Photos & Video Attached
Sensitive Ecosystems	Where a property is located within, or contains, a sensitive ecosystem*, applicant should provide:		
	- A copy of the information intended to be provided to guests indicating the location of the sensitive areas, and information on how to avoid impacting these sensitive features. - Applicant should state how this information will be conveyed to guests. *Use Islands Trust's MapIT program to identify sensitive ecosystems on your property. Or, contact Islands Trust staff for further information. Please note: where new development or vegetation removal is to be undertaken as a part of the proposed STVR use, a Development Permit for work within a sensitive ecosystem may be required for properties located within Development Permit Area Two – Wetland, Stream and Lake Areas as shown on Schedule C of the Official Community Plan.	×	We have provided a copy of the outline of the ecosystem and recommendations and guidelines as per the Island Trust
On-Island Contact	Applicant should provide contact information for at least one, on-Island owner or manager to address issues that may arise from the proposed use, 24 hours/day, seven days per week.	×	
Information for Guests	Applicant should provide a copy of information to be provided to guests that:		
	Reminds them they are in a residential area.	×	All Included in Writeup for guests Attached
	Provides information regarding water conservation, including posting water conservation signs at each interior and exterior water outlet.	×	Copies of signs incl.
	Provides information regarding noise bylaws, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if pets permitted).	×	will be included in binder and highlighted to guests
	Provides emergency service contact information and the use of a phone for the duration of the stay, if there is limited or no cellular service.	×	provided - included in the guest info
	Application should also demonstrate where above information will be posted in the building	×	We will have a binder supplied for guests with all details supplied & information. Also emailed to the guests prior to there stay
Signage	If signage is proposed, applicant should provide a rendering of the proposed sign that includes its dimensions (max. 1.0 m²).	×	No Signage is proposed

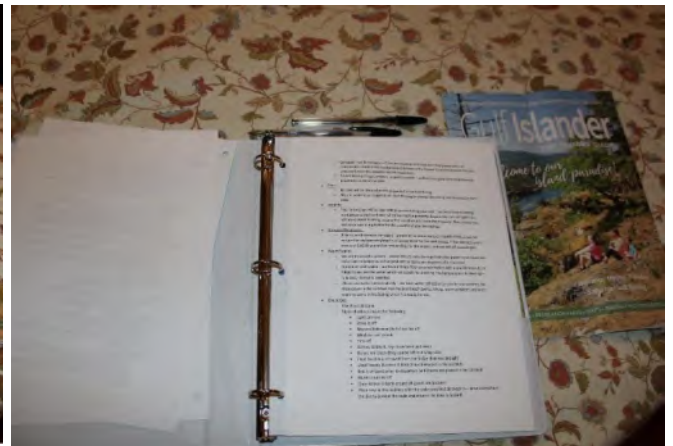
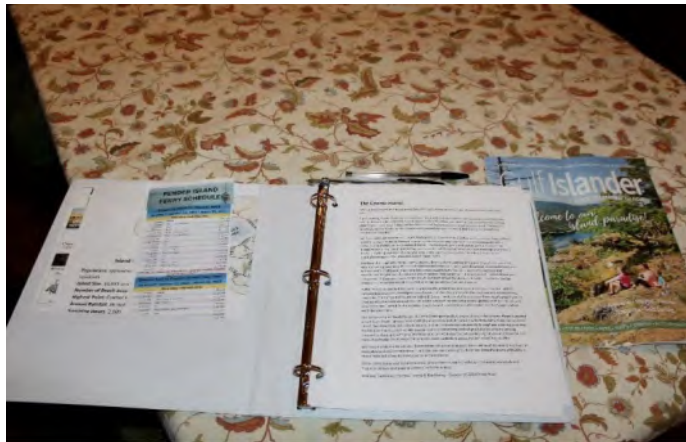
SOUTH PENDER ISLAND STVR TUP CHECKLIST			
Item	Information and Documentation Required	✓	Comments
Building Permit Status	The applicant should provide written information demonstrating that the dwelling or cottage proposed for the use has been issued an occupancy permit for residential use under the BC Building Code.	X	Attached
Rationale	The applicant should provide a rationale for the proposed STVR use (i.e. to comply with bylaw regulation, assist with costs, etc.)		We are hoping to comply with bylaw regulations, assist with offsetting our expenses and allowing others to experience the beauty and natural setting SPI has to offer.
Additional Comments	We are proposing the use of a STVR - to allow us to offset expenses and cover costs until we are able to move to Pender Island full time - we have a [REDACTED] son who goes to school [REDACTED] so will continue to come back and forth monthly or biweekly (once the roads open) to stay when he is with his mother. We hope to rent it when we are not here to assist with our costs and allow us to use it ourselves as well as we both work remotely - so are able to on our child free weeks come to Pender and work in our beautiful new home. We hope to share our home predominantly with family & friends - but would like the opportunity to STVR it to assist with our carrying costs so we can continue to enjoy life on Pender Island - whilst due to family obligations commuting back and forth to the [REDACTED] for the next few years' prior to long term relocation to the Island. We hope to share the beauty that Pender Island is with friends & family and those wishing to visit the beautiful island in a remote & quiet setting with the opportunity to work remotely & support local businesses on there visits and stays. Our goal is to promote our property as a remote work experience location & quiet getaway for couples/solo travellers. Allowing them to enjoy South Pender, learn more about the history, enjoy the outdoors and embrace nature & the serenity of the community.		

- We plan to do the following with our guests (our allowance would be 2 adults) - we were not planning for 4 guests as the property is not suited for that - as we have submitted on our TUP Permit. Our goal is to offer an eco-friendly and romantic getaway for couples to experience South Pender, a quiet escape for solo Travellers who enjoy hiking and the outdoors or a work remote opportunity for a single person or couple. In no way do we plan for it be a revolving door, we are not allowing parties, loud music or gatherings - which will not be tolerated.
- 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 will be installing a 6 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.
- 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) & will be providing maps, information & proper fire management products onsite for the highest degree of fire safety - with many friends and family who are firefighters and living in a high fire risk location ourselves in Kelowna - we do not take fire management lightly and will ensure our rules are amended to provide instructions to the SPI Fire Hall & providing the necessary tools in the case of emergency. (extinguisher, fire blanket, first aid kit, water bucket & location to go to in the case of emergency)
- 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
- o Our son [REDACTED] & 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.
- o 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.

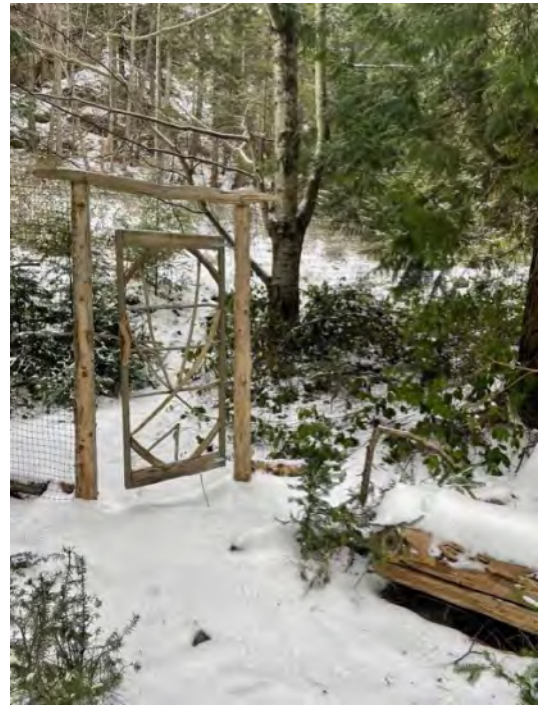
**Welcome Binder with Rules – Local Info, Ferry Schedule, Community News & Businesses – Alongside
Rules & Regulations**



Exterior Photos & Water System



Front Walking Gate & Deer Fencing (lines entire acre) – front car gate to be installed in the coming 1-2 weeks



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.

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 than 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 a 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.

Rules:

- **Parking:**

- o 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.
- o All vehicles must be insured – and are not to be left running if not in use.
- o All vehicles must have the parking brake on when parked on the drive.
- o Guests and visitors should comply with the parking regulations and requirements and must show consideration to other vehicles in the neighborhood.

- **Off Limit Areas:**

- o 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 [REDACTED]
- o 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

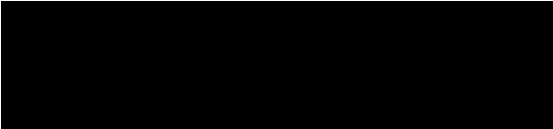
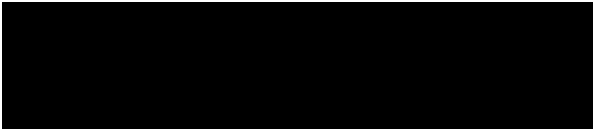
- **No Smoking:**

- o On the property or on Castle Road – smoking will not be tolerated inside or outside of the dwelling.
- o If guests smoke during there stay, there will be a automatic fee of \$250.00 – if damages caused additional fees charged.

- o 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:**
 - o 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*
 - o We have included a map, information & proper fire management products onsite for the highest degree of fire safety
 - o 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
 - o 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:**
 - o No Parties or Events on the Property
 - o Maximum of 2 adult guests staying on property over night – maximum of 2 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:**
 - o Maximum of 6 people on site throughout your stay including guests:
 - *Including Children* this is to ensure quiet enjoyment is continued of our neighbouring properties.
- **Noise & the Neighbourhood:**
 - o Please respect our neighbour's privacy & space
 - o No loud music/noise outside after 10pm
 - o No bonfires or outdoor fires of any kind
 - o No firearms, fireworks or dangerous goods/materials are to be used, brought, or stored on the property.
- **Garbage & Recycling**
 - o 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

- o Please put recycling in the blue bin – if filled please put in the large blue bin provided by the woodshed
- o 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.
- o Do not leave garbage, empties, or goods outside – as they may blow onto neighbouring properties or attract wildlife.
- **Pets:**
 - o Pets will be considered on a case by case basis (support animals) we are aiming to attract guests without pets due to the nature of the space - but our property is fully fence and secured to keep them on our property for safety and security.
- **Security:**
 - o Your belongings will be kept safe & secure during your stay – we recommend locking windows and the front door when leaving the property.
 - o Ensure you turn off lights, do not leave water running, oven or fire on when you leave the property.
 - o Ensure you lock your cars at nighttime for the security of your belongings.
- **Damages/Breakages:**
 - o If items are broken or damaged – please let us know via [REDACTED] 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:**
 - o 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.
 - o We are on well & cistern – 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.
 - o 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
- **Check Out:**
 - o Check out @11am
 - o 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:**
 - 
- **Property Manager/Emergency Contact:**
 - o 

Comments Below In Addition to Rules:

- We will be vetting and educating our guests, 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 6 ft deer fence & privacy screening 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. We have this fall installed a 3018 Gallon Imp System - and hooked up to our water UV system and
- 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 1-2 weeks 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.

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

Documents

- [WTN 62195 Well Record.pdf](#)

Disclaimer

The information provided should not be used as a basis for making financial or any other commitments. The Government of British Columbia accepts no liability for the accuracy, availability, suitability, reliability, usability, completeness or timeliness of the data or graphical depictions rendered from the data.



Province of British Columbia

BC
Environment

Water Management Division

WATER WELL RECORD

Date 94 12 31

NTS MAP	WELL No.	ELEV	Location Accuracy
U M	Z	E	N
Date 19		Well Type	

Owners Name & Address Meyer Development Corp., # 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

1. TYPE 1 ☒ New Well 2 ☐ Reconditioned
OF WORK 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 1 ☒ Domestic 2 ☐ Municipal 3 ☐ Irrigation
WELL USE 4 ☐ Comm & Ind. ☐ Other

4. DRILLING ADDITIVES

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

FROM ft	TO ft	6. WELL LOG DESCRIPTION	SWL ft
		Drilled 150 feet with 20 feet of casing installed.	
0	4	overburden	
4	15	soft conglomerate, weathered.	
15	150	layers sandstone, conglomerate & shale.	
		Water @ 65 ft., 99 ft., 128 ft. @ 2 GPM.	
		Water yield = 120 GPH.	
		**** liner recommended.	
		**** well & casing marked as # 20	
		**** static level = 28 ft.	

7. CONSULTANT

Address

8. WELL LOCATION SKETCH



SITE ID No

16. FINAL WELL COMPLETION DATA

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

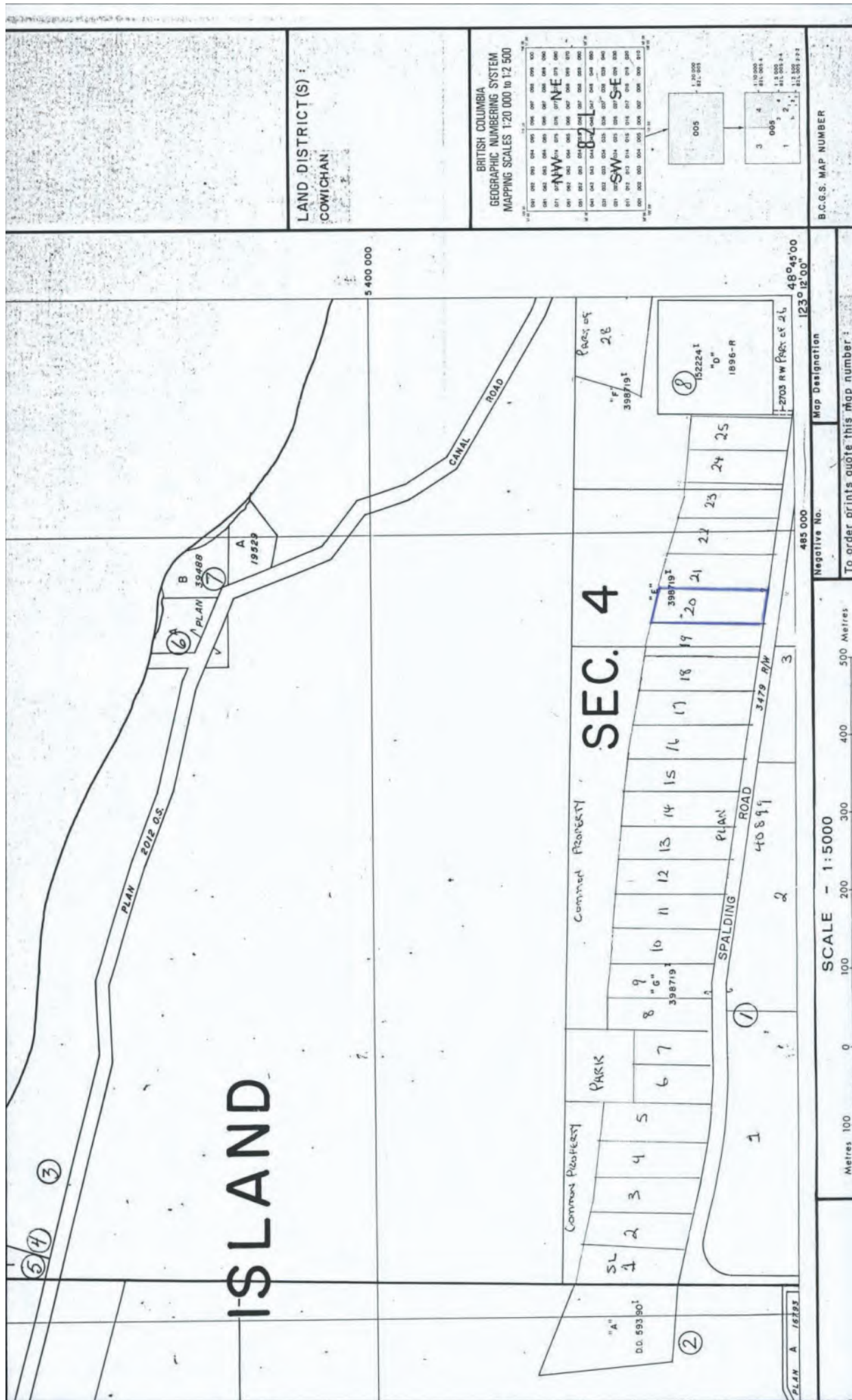
17. DRILLER Krenbrink James

Signature

18. CONTRACTOR,
Address

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

Member, BCWWDA ☒ Yes ☐ No



BCGS MAP 092B • 074 • 4 • 2 • 2

WTN 62195

WELL NO. 025

WATER WELL RECORD

MINISTRY OF ENVIRONMENT WATER MANAGEMENT DIVISION

VICTORIA, BRITISH COLUMBIA

LEGAL DESCRIPTION: LOT SL20 SEC. 4 T.P. R. D.L. LAND DISTRICT COWICHAN PLAN 40899

DESCRIPTIVE LOCATION SL20, SPALDING RD., S. PENDER IS.

OWNER'S NAME MEYER DEVELOPMENT CORP. ADDRESS #401-645 FORT STREET VICTORIA, BC

DRILLER'S NAME TRI-K (135) ADDRESS VICTORIA DATE COMPLETED 31 Dec 1994

DEPTH 150' OF ESTIMATED SURVEYED CASING DIAM. LENGTH METHOD OF CONSTRUCTION Drilled

SCREEN LOCATION SIZE SCREEN SIZE LENGTH TYPE

SANITARY SEAL YES NO SCREEN SIZE LENGTH TYPE TO PERFORATED CASING LENGTH PERFORATIONS FROM TO GRAVEL PACK LENGTH DIAM. SIZE GRAVEL, ETC.

DISTANCE TO WATER 28' ESTIMATED WATER LEVEL FROM MEASURED ELEVATION ARTESIAN PRESSURE

DATE OF WATER LEVEL MEASUREMENT WATER USE Domestic

PRODUCTION TEST SUMMARY

DATE TEST BY BAIL TEST PUMP TEST DURATION OF TEST RATE WATER LEVEL AT COMPLETION OF TEST DRAWDOWN AVAILABLE DRAWDOWN SPECIFIC CAPACITY PERMEABILITY STORAGE COEFF. TRANSMISSIVITY ESTIMATED WELL YIELD 2 GPM RECOMMENDED PUMPING RATE RECOMMENDED PUMP SETTING

FROM TO LITHOLOGY DESCRIPTION

CHEMISTRY TEST BY DATE

TOTAL DISSOLVED SOLIDS mg/l TEMPERATURE °C pH SILICA (SiO₂) mg/l

CONDUCTANCE AT 25 °C TOTAL IRON (Fe) mg/l TOTAL HARDNESS (CaCO₃) mg/l

TOTAL ALKALINITY (CaCO₃) mg/l PHEN. ALKALINITY (CaCO₃) mg/l MANGANESE (Mn) mg/l

COLOUR ODOUR TURBIDITY

ANIONS mg/l CATIONS mg/l e.p.m.

CARBONATE (CO₃) BICARBONATE (HCO₃) MAGNESIUM (Mg)

SULPHATE (SO₄) SODIUM (Na) POTASSIUM (K)

CHLORIDE (Cl) NO₂ + NO₃ (NITROGEN) IRON (DISSOLVED)

* TKN. (NITROGEN) PHOSPHORUS (P)

* TKN + TOTAL KJELDAHL NITROGEN CHEMISTRY SITE NO.

NO₂ + NITRITE NO₃ + NITRATE

CHEMISTRY FIELD TESTS TEST BY DATE EQUIPMENT USED

CONTENTS OF FOLDER

DRILL LOG PUMP TEST DATA CHEMICAL ANALYSIS

SIEVE ANALYSIS GEOPHYSICAL LOGS REPORT

OTHER

SOURCES OF INFORMATION MOTH

WEST

EAST

SOUTH

CARD BY Julia M Roberts DATE March 6/95
ADDITIONAL DATA ADDED BY _____

REMARKS

97941

ENV 1995

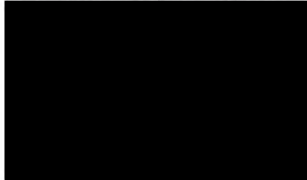
Brent Marsden

Plumbing Services

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

CLIENT:

TONY DE PASQUALE



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, ADAC 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]			
APPLICANT	NAME <u>Bruce Grimmer</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>			

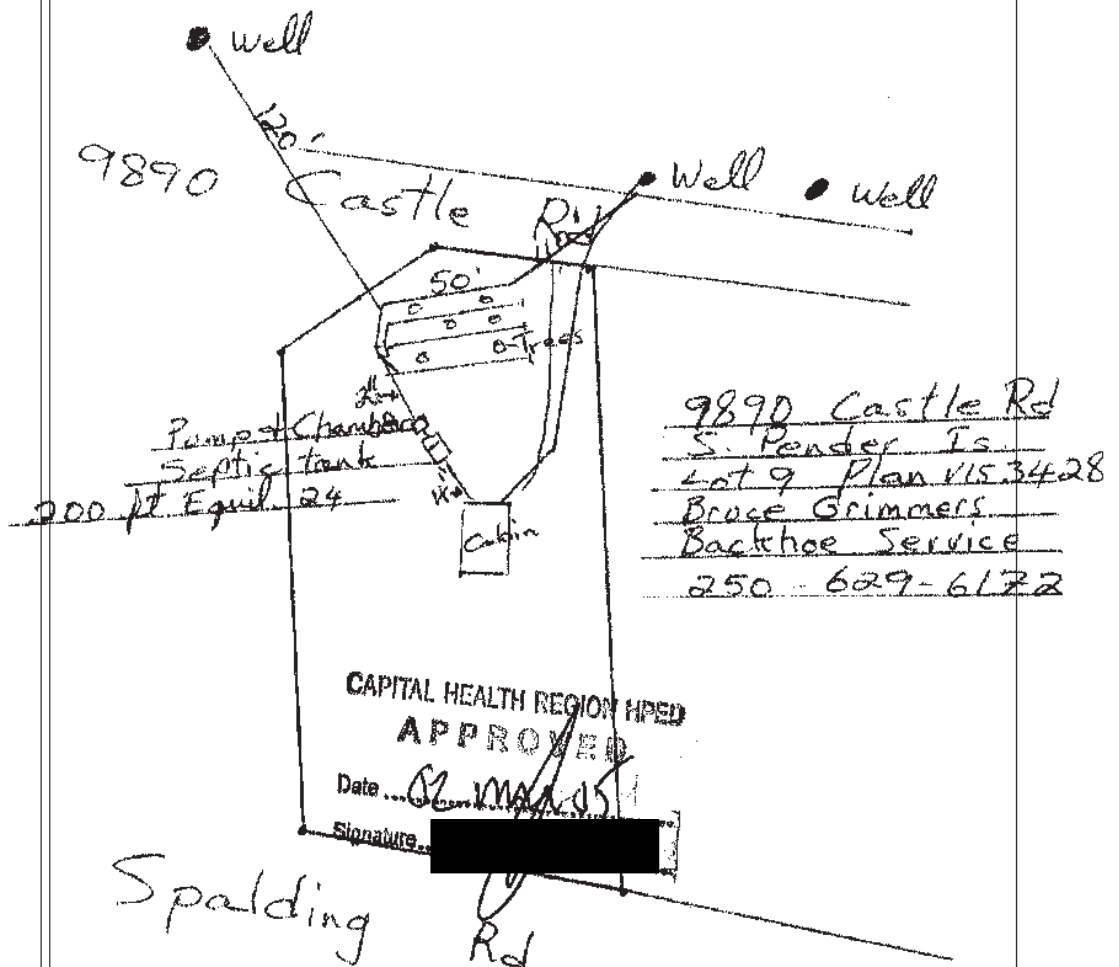
ATTACH A SITE PLAN TO THE [REDACTED] (Notice, Authorization and Site Investigation Report)

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.		
CONDITIONS	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.		
APPLICATION REJECTED	FINAL SYSTEM PLAN REQUIRED.		
REASONS	FINAL		
OFFICE USE ONLY	PAID ☒ E.H.O.: [REDACTED] 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.

The [REDACTED] 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.





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 4 District ~~14~~ 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

CONTRACTOR/INSTALLER

PRESENT ADDRESS

TELEPHONE NUMBER

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

AINSLIE - F11010 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 <u>[REDACTED]</u> TELEPHONE <u>[REDACTED]</u>	
	MAILING ADDRESS <u>[REDACTED]</u> NUMBER AND STREET CITY POSTAL CODE	
SITE INFORMATION	AREA OF LOT <u>.99 Ac</u>	SOURCE OF DOMESTIC WATER: <u>Well</u>
	DEPTH OF SOIL TO: (INCHES)	DISTANCES OF PROPOSED DISPOSAL FIELD TO SOURCES OF DOMESTIC WATER:
	HARDPAN <u>3 ft</u>	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.	
	INSPECTION HOLE #1 (SPECIFY DEPTH IN INCHES) <u>1 ft overburden</u> <u>2 ft permeable dirt</u> <u>Hard pan at 3 ft</u>	INSPECTION HOLE #2 (SPECIFY DEPTH IN INCHES) <u>1 ft overburden</u> <u>3 ft gravel</u> <u>48" deep</u>
PERCOLATION TEST RESULTS AS PER SCHEDULE 1, (See 1b)	AVERAGE PERCOLATION RATE FOR EACH HOLE	
	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>WON-2M1</u>	TELEPHONE NUMBER <u>250 629-6172</u>
	DATE OF TESTS <u>May 28/04</u>	
	DATE <u>June 1/04</u> ALTERNATIVE OR ADDITIONAL TESTS.	
DETAILED INSTRUCTIONS ON BACK OF FORM		

SITE INVESTIGATION REPORT - KUEHO 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.

From: hel halladay [REDACTED] >
Sent: January 16, 2023 7:00 PM
To: Catherine Ellis <info@cefinancial.ca>
Subject: Re: TUP Permit - Castle Road

This is great, Catherine!
I fully support your proposal!

From: Mi2 <[REDACTED]>
Sent: January 18, 2023 10:00 AM
To: Catherine Ellis <info@cefinancial.ca>
Subject: Re: TUP Permit - Castle Road

Hi Catherine,
It sounds like you have done your homework, lots of work on becoming compliant and have good intentions. We have no problem with it.
Regards,
Mimi and Henry

From: V V <[REDACTED]>

Sent: Wednesday, January 18, 2023 3:15 PM

To: Dag Falck <dfalck@islandstrust.bc.ca>; Kristina Evans <kevans@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Letter in support of TUP Application (STVR) - 9890 Castle Road

All,

This email is to voice my support of the TUP Application for a STVR at 9890 Castle Road.

As was the case last year during the first application, the applicants have done an exceptional job in completing their application and addressing all reasonable objections from neighbours. After the first application was rejected, the applicants again worked with neighbours to address, to the best of their ability, all remaining concerns. They have effectively covered noise, traffic, water and privacy concerns and have made alterations to their property and application that shows their commitment to maintaining our neighbourhood.

Although the Castle Road community is a bare land strata, there are no by-laws pertaining to STVR restrictions. A vote held last year to add such a by-law was rejected by owners.

This application is very thorough and should serve as an example for future applicants. I hope you deliberate on the merits of this file and find it successful.

Thanks for your efforts in managing the future of our South Pender community.

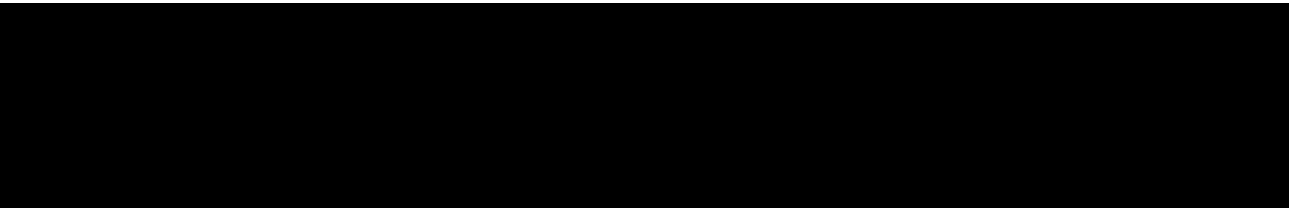
Victor Vonas
[REDACTED]

From: **Mark Overton-Paszek** [REDACTED]
Date: Sat, Jan 21, 2023, 12:52 p.m.
Subject: Re: Strata news - re-application for STVR
To: Andrew Melville [REDACTED]

Hi Andrew,

Mark and Tyler here [REDACTED] I don't think we've met yet, hope you're well.

Thanks for your detailed email below. Just wanted to send a note of support for your application. I was in support last year and I am in support now. You've done so much to consider the community and the environment in your thoughtful application, and we are impressed with the lengths you've gone to.



I can't be there at the trust meeting, but do want to ensure that my vote of support for your application is received. So let me know what I need to do to express that appropriately.

Cheers,

Mark

From: Liz Montague <[REDACTED]>
Sent: Tuesday, January 24, 2023 5:25 PM
To: Dag Falck <dfalck@islandstrust.bc.ca>; Kristina Evans <kevans@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Opposed to TUP Application for SYVR on Castle Road

To The South Pender Island Local Trust Committee:
Dag Falck, Trustee,
Kristina Evans, Trustee,
Tobi Elliott, Chair,
And Kim Stockdill, Planner

Greetings, All!

I write as a property owner [REDACTED] to the subject property of this re-application for a TUP to operate an STVR. I am also a Castle Road strata member and [REDACTED]
[REDACTED] I am opposed to this application.

Last year at this time, these applicants attempted to secure a TUP for STVR. Both adjacent owners were strongly opposed for many reasons, including increased concerns about traffic, noise, security, privacy and threats to the overall enjoyment of our properties.

At that time, there was strong opposition to the application from our strata and larger neighbourhood. There were many letters of opposition sent to the LTC from a generally peaceful, live and let-live group of people. Because the owners reside in Kelowna and would be absent at the time of its operation as an STVR, this would be a commercial use in a residential zone. In addition, the property is part of a 28 lot strata. It is accessed by a private road that is part of the strata Common Property that is owned and maintained by all strata members.

Last year's application was ultimately rejected and the Trustee who made the decision recommended that the applicants try to reach some understanding with the strata before re-applying if they wished to do so. That hasn't happened and there is no understanding.

With this re-application, little has changed and the same concerns remain. Significantly, since last year all strata owners had an opportunity to discuss and go on record with their views regarding any new STVRs on Castle Road. A vote that took place at our recent AGM in May 2022 resulted in a 2/3 majority opposed to this use on our road.

Ours is a stable and settled neighbourhood. Many current owners have a history here that goes back more than 20 years and many have built their own homes. Our family is in its 15th year here. We have appreciated, enjoyed and nurtured this quiet, secure, familiar, neighbourly community. In our experience, such places are rare and deserving of protection. Neighbours often check up on one another after storms and snowfalls. We get together to remove fallen trees that block the road, sometimes share tools and are generally there for one another in times of need. Strata residents include some of the island's essential workers, 2 emergency response workers, a volunteer emergency response coordinator for Castle Road and Spalding Road, an island butcher and many others whose work, both professional and voluntary, contributes to making our island liveable. As we all weather the uncertainties of climate change, this community is a good example of a resilient neighbourhood.

It is important to note that there are already 2 operating STVRs within our strata. They are on larger parcels where privacy is not a problem, with resident owners on site who run these as home-based businesses, a legitimate accessory use. These properties are not accessed by Castle Road itself, and therefore have no impact on other properties located on the road. It is my understanding that they are grandfathered in under the new STVR rules.

This re-application proposes a commercial use in a residential zone, a use prohibited in our bylaw regulating home-based businesses. The applicants have their permanent residence in Kelowna. Since no owner is residing on the property at the time of operation, the use as an STVR is a commercial use in a residential zone.

A long-term renter occupied the subject property for several months during the past year but that arrangement appears to have come to an end. It is well known that revenue generated by long term rentals cannot easily compete with what can be generated by an STVR.

In addition to issues of privacy, security, noise, and the overall enjoyment of one's own property already mentioned, adjacent owners and strata owners in general may well be concerned about their property values being affected by proximity to an STVR. For the property with an STVR, the effect is a positive one since properties that can generate a revenue stream can have great appeal for prospective buyers. However, for the properties close-by, the effect on property value and overall appeal is negative. Few want to live next to an STVR.

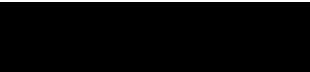
The fact that the TUP remains with the property even when it changes hands makes this "Temporary Use" status much longer-term - a detriment to neighbouring properties.

Looking at the big picture, SPI has grown by 30% since the last census. According to Statistics Canada, currently the population of 305 is distributed among 150 dwellings occupied by usual residents. According to one of the Islands Trust staff reports produced as part of the STVR planning documents, there are reported to be roughly 20 STVRs operating on SPI. That is 1 for every 7.5 dwellings occupied by usual residents. If we consider the proposed 10 additional ones now possible through TUPs, that number would increase to 30 STVRs, a ratio is 1 for every 5 dwellings occupied by usual residents. To me, that is an alarmingly high proportion.

Our strata includes 42 of your constituents (roughly 14% of SPI population). As trustees, your role is to listen to all of our concerns and, with your decisions, to represent the best interests of the community as a whole. On behalf of the many who oppose this application, we call upon you to weigh our interests against those of one non-resident owner who proposes a prohibited use in a residential zone within a strata neighbourhood that overwhelmingly opposes this use.

Thanks for your consideration.

Liz Montague



From: shawn watson [REDACTED]
Date: January 25, 2023 at 8:28:36 PM GMT-7
To: Catherine Ellis <info@cefinancial.ca>
Subject: Re: Fwd: TUP - Permit Update!

To who it May concern

We Lisa Shawn Watson have absolutely no problem this time and last time with this TUP that Catherine and Andrew applied for. It will be a warm welcoming sight on the street. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] tx Lisa Shawn

[REDACTED]

From: Audrey green <[REDACTED]>
Sent: Thursday, January 26, 2023 5:15 PM
To: Dag Falck <dfalck@islandstrust.bc.ca>; Kristina Evans <kevans@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>
Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Opposition to STVR TUP ..Castle Road

SP-TUP- 2022 .1

As owners [REDACTED] we are writing to ask that the application for the TUP for a STVR on Castle Road be denied.

The same applicant has reapplied after previously being denied.

An existing South Pender Bylaw states that a STVR is deemed COMMERCIAL and is NOT ALLOWED in a residential neighbourhood. The applicant does not live on the property or on the Penders.

We believe, that bylaw in itself, is reason enough to deny this application.

Many letters were submitted in opposition as well ...voicing other concerns.

A vote at our 2022 AGM resulted in 2/3 of the property owners opposed to additional STVRs. The two existing STVRs in our Strata have no negative impact on the residents on Castle Road due to their location. They do not access their STVRs from Castle Road.

We believe most of the other concerns we and others voiced in the past still exist.

The frequent coming and going of strangers could be disconcerting.

Bylaw enforcement should also be taken into consideration. Presently it is under a much needed review.

How many neighbours has the applicant reached out to for further consultation as was suggested by a former trustee after denying the permit? We have not had any conversations or emails from the applicant.

Again, we are asking that you deny this application.

Thank you for your careful consideration in this matter.

The Green Family

[REDACTED] Michael and Lydia Green

[REDACTED] David and Audrey Green

From: Lenore Harlton [REDACTED]
Sent: Thursday, January 26, 2023 5:01 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>; Dag Falck <dfalck@islandstrust.bc.ca>; Kristina Evans <kevans@islandstrust.bc.ca>
Subject: Re: Application for TUP to operate STVR - Lot 9, Section 4, SP VIS3428

Hello. I am attaching a letter I ask you to take into consideration with respect to this application, which is set for hearing on February 3rd, 2023. Thank you. Lenore

--

Lenore B. Harlton
[REDACTED]

January 26, 2023

South Pender Is. Local Trust Committee

ATTENTION: Tobi Elliott, Chair; Dag Falck, Trustee; Kristina Evans, Trustee; Kim Stockdill, Island Planner

Dear Committee Members:

Re: Application for TUP to operate STVR - Lot 9, Section 4, SP VIS3428

I am writing [REDACTED] I am very much against the granting of the application for a TUP to operate this STVR.

I have two preliminary comments please. Firstly, is it within the jurisdiction of Islands Trust to allow a TUP which will necessarily involve the use of other Owner's private property? Castle Road is common property. The Owners collectively own that road as tenants in common. If you grant this application, you are making a significant change to the use of the Common property within our Strata. You are in effect allowing it to be used for a commercial purpose. In my circumstances, if you grant the application you are permitting the Applicant to carry on a commercial business on 1.5/ 28th of my property. Do you have that jurisdiction? The answer will depend on whether or not a Court has considered and rendered a decision on this particular argument. I do not know the answer, and the Owners have certainly not been given appropriate time to delve into it further.

Secondly, I do not understand how, once again, word of this application has only reached me less than two and a half weeks prior to the hearing. My property, [REDACTED] will be seriously devalued if this application is granted. The applicant has seemingly been working on this for some time, and yet the existence of the Application has only come to my notice very recently. So please, when you have time, take steps to ensure that in future affected owners are notified of matters seriously impacting the value of their property by email in a timely manner. A majority of Owners will sign Consents as to the use of that procedure I am sure.

Despite these two comments, I am asking that the Application for this TUP be denied on February 3rd on its merits: There are already 2 operating STVRs which are part of Strata Plan VIS3428. Neither of these operate along Castle Road. And I am told the Owners of both reside on their property. The STVRs currently operating on Lots 1 and 2 are "grandfathered" –if the Trust allows this application, there will be 3 operating STVRs within less than a mile of each other. Lot 9 is only .75 of a mile from an operating STVR. Making a 27 lot Strata bear the burden of 3 STVRs would be unfair. (Again bearing in mind that the current applicant would be operating along Castle Road, a private road that must be maintained solely by Strata funds.)

I would be opposed to any application to operate an STVR anywhere on Castle Road. I had the misfortune for a few years to live next to renters when the Owner was absent. Our quality of life was significantly impaired. Renters simply do not care in the same way that Owners do. It was the immediate neighbours that suffered – not the absent

owner. I think this would be even truer when the renters are there for a short vacation. They are there for a good time - not to follow rules.

I am curious as to whether or not this would affect our Strata insurance coverage as there would now be a change in the usage of a Strata Lot to a commercial purpose. Don't know. Moreover, persons on a short holiday are not going to appreciate the difficulties caused by water shortage. Nor the utter devastation that could be caused by disrespecting the fire ban. I am sure these considerations weigh heavily on those who oppose this application – which I understand to be a number of the permanent residents along Castle Road.

No one has a right to a permit. No one should purchase a property in the expectation that a permit will necessarily be granted. A permit is just that – a potential license, not a right. One which should in this instance, in my submission, be refused.

Thank you for your consideration.

Lenore B. Harlton

From: Peter KURAN <[REDACTED]>
Sent: Thursday, January 26, 2023 1:01 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Dag Falck <dfalck@islandstrust.bc.ca>; Kristina Evans <kevans@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>
Subject: 9890 Castle Rd. TUP Application - SP-TUP-2022.1

Dear Kim Stockdill, Island Planner

I am writing, again, in opposition to the above referenced TUP application. Last year when this application came forward I also wrote a letter in opposition.

I was concerned in my last letter that the Trust would be making a land use decision without our strata having discussed the issue. This was because there was not enough time between the notification of application and the Trust's meeting where this item would be considered, to get our strata together for a meeting to discuss. The same timing issue is also true for this application. However, since the last application was made and denied, the strata has had an opportunity to discuss temporary use permits for STVRs and the members voted two thirds, not in favour of granting temporary use permits for short term vacation rentals. Also, recently, I received an e-mail from the proponent outlining things they plan to do to ease some of the concerns that were brought forward during the last application process. However, all of those were attempts to solve business operating concerns and not the concerns I have with both land use conflict and removing potential long term, market rental stock from the market.

Below, I have provided you with my concerns with granting such a temporary use permit and then how this might impact our community and my personal enjoyment of my home on Castle Rd.

1) Land use conflict - Land use and the decisions that are made regarding such, need to be very thoughtful and usually are in keeping with a community plan and the result of extensive consultation with a community. While a temporary use permit for an STVR is different from long term land use bylaw changes, it has similar impacts in the short term. Land use planning should result in a vibrant community where people can enjoy where they live, work, vacation, etc. Good land use planning avoids land use conflicts where one use negatively affects other uses in the community. An STVR is commercial in nature and when placed in a rural residential zone, a land use conflict is created. Usually with land use conflicts, there is one use that benefits at the expense of the prevailing use. In this case, an Airbnb set amongst the rural residential neighbourhood creates a desirable setting for someone spending a few vacation days but has the potential to be a conflict for the neighbours. The people that have chosen to live in our community regularly discuss things that are important to each other (water conservation, fire safety, traffic safety, security, etc.) and that have everyone's best interest in mind. This temporary use could enable approximately one hundred different individuals or groups to come and go over the year, all with their own idea of how they want to enjoy their vacation without the knowledge of things that are important to our community and without accountability to the community. This is not the fault of the vacationer but really due to a land use conflict.

A short term vacation rental will increase the numbers of unique individuals in our community by a significant amount creating traffic, security, water security and noise concerns. There will not be an owner present on the property to address any concerns that come up. This duty will then fall to neighbours, like us, creating the potential for conflict and will have an impact on our enjoyment of our property.

2) Many jurisdictions have not permitted or discontinued STVR land use as it takes much needed, long term, market rental housing out of the market. This is because, in many cases, it is more financially beneficial to run an STVR versus a market rental property. The proponent outlined this exact point in her e-mail to me. It is more financially viable for them to operate the property as a STVR rather than a long term, monthly rental. Those economics act to increase the value of properties like this and the price they sell for creating affordability issues for those looking to rent or buy a home. Pender Island is in much need of market rental housing so it seems like allowing a temporary use permit for an STVR is a move in the

wrong direction. This could be a home for some of the much needed staff required to keep all the very important Pender Island businesses and services in operation.

Please carefully consider the impacts that this land use change could have on our very special community and the precedent it could set. Thank you.

Peter Kuran



From: Rebecca Eagen [REDACTED]
Sent: Thursday, January 26, 2023 11:57 AM
To: Kristina Evans <kevans@islandstrust.bc.ca>; Dag Falck <dfalck@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Opposition to SP-TUP-2022.1 (Ellis)

To:

Trustee Dag Falck - 1-250-307-4992
Email: dfalck@islandstrust.bc.ca

Trustee Kristina Evans - 1-778-885-7464
Email: kevans@islandstrust.bc.ca

Chair Tobi Elliott - 1-250-268-7434
Email: telliott@islandstrust.bc.ca

Planner Kim Stockdill - 1-205-405-5157
Email: kstockdill@islandstrust.bc.ca

Re: Opposition to grant of SP-TUP-2022.1 (Ellis)

My name is Rebecca Eagen I am [REDACTED] full time resident [REDACTED] Pender Island BC. [REDACTED]

[REDACTED] For the record I oppose the operation of this commercial venture, an owner absent STVR, in our rural residential neighbourhood for the reasons set out below.

Background

Castle Road is a private road permitting access to 28 bare land strata properties. On average the properties are about 1 acre in size and are situated on the north side of Spalding valley. Most of the properties on Castle Road have significant portions of their lots (one third to two thirds) on steep hillside. This is shown on Schedule F of the South Pender island official community plan map. This geography typically restricts most residential structures to the upper third of the properties and many of the homes are consequently in close proximity. Due to this terrain feature the closely sited residents of the Castle Road community strive to respect the privacy and quiet tranquillity of our neighbours. Also due to the terrain and configuration of the Spalding Valley, sound carries very well. Often one can overhear entire conversations from pedestrians or cyclists travelling along Spalding Road below our properties.

A. Tranquillity, privacy and freedom from disturbance

An overarching principle of the official community plan (OCP) 2.2.1. Seeks to allow people to enjoy a sense of tranquillity, privacy and freedom from disturbance.

Privacy

Submitted below are photos [REDACTED] All clearly illustrate a lack of privacy [REDACTED] despite the erection of a wholly inadequate and unsightly “privacy screen” by the applicant. I also note that in any given storm with moderate to high winds, the privacy screen usually tears and flaps about in the wind. Ultimately it lands tangled around the foot of the trees which support it, usually existing in this state for many months.

There is also a significant difference in elevation between the properties (~20 feet), as shown in these photos. Even with the “privacy screen” in place [REDACTED] see the upper half of an adult sized guest. [REDACTED] because the applicants park along the east side of subject property and frequently [REDACTED] Conversely, an adult sized guest on the subject property can easily [REDACTED] over the top of the “privacy screen”. Unfortunately, a 6.5 foot fence allowed according to the bylaws [REDACTED] [REDACTED] would not mitigate this due to topography. [REDACTED] [REDACTED]



Section 3.1.1(a) of the OCP indicates that it is an objective that land use maintain a rural living environment that is safe, free from disturbance and sense of overcrowding. Certainly having a significant number of guests visit this site annually can only contribute to disturbance and a sense of overcrowding.

Unfortunately, the primary dwellings located on these adjacent properties are within 46.5 feet or 30.9 m of the other. This area also lacks significant under-storey vegetation. The proximity of these ■■■ dwellings contributes to the lack of privacy which doesn't permit freedom from disturbance while STVR guests are on the property and frequently coming and going.

I encourage the LTC to reject the TUP application on the basis that the operational activities of a commercial enterprise such as an STVR directly conflict with both OCP sections 2.2.1 and 3.1.1(a) and adjacent properties will be deprived of a sense of tranquillity, privacy and freedom from disturbance. Simply put a commercial enterprise is an unsuitable and incompatible land use in this particular rural residential setting.

B. Land Use Compatibility and the *potential* for objectionable disturbance OCP 2.4.1

OCP 2.4.1 sections a, d and f reads (*emphasis added*):

The Local Trust Committee, in making decisions about kinds of land use and the amount and scale of development, is to give consideration to the compatibility, suitability, and effects of the proposal upon the following items. This consideration is to apply with respect to the review or revision of land use regulatory bylaws and to the issuance of temporary use permits, development permits and other applications:

*a) adjacent and surrounding land uses and development, particularly with **potential for objectionable disturbance** that may arise from factors such as **noise, increased traffic, lighting glare**, electrical interference, discharge of smoke, dust and noxious gases, fumes or vapours, **inordinate consumption of freshwater** or generation of sewage, greenhouse gas emissions and increased surface water run-off;*

*d) **availability of freshwater supplies and possible impacts of the proposal on supplies for existing land uses;***

*f) **community***

2.4.1(a) Potential for Objectionable Disturbance

Subsection (a) Indicates that the trustees consider the compatibility and suitability and effects of the proposed land use in view of **potential** objectionable disturbances to adjacent property.

Typical complaints against STVR's include noise, traffic, and overconsumption of freshwater. These objectionable disturbances were noted in the Staff Report issued for the original TUP application. (Staff Report SP-TUP-2021.1[Ellis) Feb 4, 2022, page 4). I quote (*emphasis added*)

"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.”

As this report has indicated, the neighbourhood can only *expect* that objectionable disturbances will occur and the neighbours and neighbourhood will be left to tolerate these disturbances. Over time this will likely result in eroding the tolerance and character of the neighborhood. The anticipated and expected violation of OCP 2.4.1(a) further reinforces that this is an incompatible and unsuitable commercial use for this rural residential neighbourhood.

2.4.1(d) Potential Inordinate Freshwater Consumption

It is indicated on the TUP application that the property owner must provide information for the guests specifically related to water conservation. I question whether providing such information actually results in a visitor reading, never mind complying with, this information. The neighbours operating a nearby STVR (owners always present) can confirm this theory. (See letter from Rodney Kirkwood and/or Sandra Auchterlonie)

It is indicated that the TUP applicant has installed a cistern. However, freshwater on south pender is a precious shared resource. The wells for most of the properties on Castle Road are located within a few metres on the uphill side of the road. They were all drilled at the same time, and to approximately the same depths during the development of the strata. It is very likely that all Castle Road residents draw our water from several common aquifers and this may make our freshwater reserves more vulnerable to overuse. This is also unlike other South Pender properties where individual wells are less rigorously situated.

The full-time residents of Castle Road are very familiar with freshwater scarcity and diligently seek to control their water use having regard to impacts on their neighbours. In these times of climate change the misuse of our ground water by guests not familiar with our environmental issues may potentially hugely impact those of us who reside here permanently and lack the option of returning to another residence should a vacation rental run out of water. Already full-time residents [REDACTED] have experienced annual water shortages and installed cisterns. But given climate trends and heat domes, these systems may only prove adequate coupled with very conservative water use, likely unappreciated by part-time residents or guests.

Finally, it's only after the guests have left, that one must still consider the ongoing impact of laundering all the sheets, towels and dish towels for each of the guests. A survey in the article below by This Old House, indicated that on an average, people launder their sheets every 24.4 days. The operation of a commercial STVR with the potential for 28 weeks of guests, some possibly only staying for 2-3 days, will likely create a mountain of laundry, which will have a huge impact on Castle Road freshwater resources. This contributes significantly to the anxiety experienced by full-time residents surrounding freshwater scarcity.

(<https://www.thisoldhouse.com/bedrooms/21015713/how-often-do-you-really-need-to-change-your-sheets>)

2.4.1(f) Community values and character, community resources and stewardship

As noted in the staff report (cited above) impacts of use can change the character of a neighborhood. As full-time residents we have a huge stake in our neighbourhood and community. For many, our home here is our only asset and we're not lucky enough to have second homes and second mortgages. Many in the Castle Road community volunteer or are employed in roles which contribute to, are essential for and/or strengthen the community. We are full-time stewards of the land seeking to exist and use the environment in a respectful and low impact fashion. Collectively we wish to preserve the quiet peaceful and very private life which are the hallmarks of South Pender and are the values spoken to and reinforced in the OCP. Guests coming and going erode the neighbourhoods sense of security. Anonymous strangers coming and going, chosen without merit, online will likely change the character of the neighbourhood. The operation of a commercial business in our rural residential neighbourhood will not contribute to the preservation, security, stability or resilience of our community but most likely diminish and irrevocably change its character.

For those of us who live here year-round, we have learned to cope with many of the shortfalls in community services. Due to the current shortfall in affordable long term rental housing many of the businesses on island cannot find staff which leads to randomly reduced services (especially Canada Post, restaurants and the gas station). Services such as care givers for the elderly are also impacted as are those such as BC Ferries, Pender Medical Centre and our emergency medical services such as BC Ambulance and Pender Fire. Many are chronically understaffed and overburdened. Clearly a shortfall of services for our community already exists in opposition to OCP 2.2.5 which strives to ensure that the services provided are appropriate for the needs of the community. It would seem that the lack of long-term housing impacts the ability to provide community services.

Summary

The operation of a commercial enterprise such as an owner absent STVR in a rural residential is neither compatible nor suitable and may have lasting effects on the community. Such commercial use is at odds with the following list of official community policies (OCP):

- 2.2.1 commercial STVR operation will significantly diminish the tranquillity, privacy and freedom from disturbance of the adjacent properties and neighbourhood,
- 2.2.5 commercial STVR operation may have an impact on the services provided that are appropriate to the needs of the community,
- 2.4.1 (a) commercial STVR operation will without question result in objectionable disturbances, such as noise, traffic, and lighting to the neighbours and the neighborhood.
- 2.4.1 (d) commercial STVR operation will likely have a negative impact on the freshwater resources of the community due to our unique well structure
- 2.4.1 (f) Commercial STVR operation will diminish the security, stability and character of the neighbourhood, irrevocably.

Many of the issues expressed above, will also violate OCP 3.1.1 which is also directed to the appropriateness of residential land use and development. Specifically subparagraph a) concerns maintaining a rural island living environment that is safe, visually attractive, and free from disturbance and the sense of overcrowding. The operation of a commercial STVR essentially

violates all of these principles. It contributes to security concerns for the neighbourhood, the privacy on adjacent properties as the screening currently in place is inadequate and visually unattractive. Guests coming and going, can only contribute to disturbing the current neighbours and inflicting a sense of overcrowding.

I implore the LTC, in making its decision about the TUP to carefully consider this land use and give consideration to how this particular use lacks compatibility with and suitability for the adjacent neighbourhood and consider the long term negative effects of the proposed commercial use.

Bylaw enforcement, accountability/lack of oversight

I'd also like to raise another concern not addressed in the OCP's or the bylaws and this relates to what happens after the grant of a TUP? What happens if the conditions of the TUP are broken and bylaws contravened? Where do the rights of the community stand then? What are the potential long term effects to the neighbourhood?

While the LTC has the authority to issue the TUP, they have no authority to rescind it. It is my understanding that if guests break bylaws, or if the conditions of the TUP are not met, then complaints can only be addressed through the Islands Trust bylaw compliance and enforcement team. While this may result in legal injunction, it is a very rare action.

Ultimately it will fall to the neighbourhood to observe, document and report any transgressions. All of these unwelcome tasks require our time and attention. Furthermore, transgressions of some of the conditions attached to the TUP cannot be observed from outside the property. Transgression such as water overuse and smoking on site. How are such transgressions managed? Is there a mechanism to address these situations?

It is clearly stated by the bylaw office in a 2019 FAQ publication that complaints "involving health, safety, and significant environmental damage are given the highest priority." Other investigations are ranked in the order received and according to the schedule for an officer to visit each island. There are only three full time bylaw officers to service the entire Trust area of 26,000 residents spread across many islands. I appreciate that no system is perfect and this is the most fair mechanism currently at our disposal. However this system is unlikely to provide the neighbourhood with a timely, transparent or satisfactory remedy to any immediate concerns or bylaw infractions. Ultimately, the community is left with a paper tiger. Is it responsible to grant a TUP when such an inadequate system is the only legal recourse for the community?

Conclusion

I encourage the committee to deny outright the TUP application on the grounds that the operation of a commercial short term vacation rental clearly conflicts with many of the land use

values and vision statements of the OCP. The day-to-day operation of this commercial enterprise will have a long term negative impact on our community. Residents will be repeatedly exposed to the noise of visitors, security concerns, increased traffic and carbon emissions and anxiety surrounding water overuse. Adjacent neighbours will also be subjected to an infringement of their privacy due to a lack of adequate privacy screening. Increased traffic will impinge daily upon our rights to tranquillity and freedom from disturbance. The character and resilience our neighbourhood will be slowly eroded over time. The lack of oversight (absent owner) will only compound and multiply the effects of objectionable disturbances on the neighbours and the neighbourhood as day to day management practises are lacking.

In terms of policy, the LTC must give due consideration to the compatibility, suitability and effect of the proposed land use on the neighbourhood and the community. This decision must be made having regard for the *potential* objectionable disturbances to the adjacent properties and the community as a whole. I believe that the neighbours who have expressed objections to this TUP have met the burden of providing many examples of *potential objectionable* disturbances that will result from the operation of this commercial venture and negatively impact our community. This use permit is an incompatible and unsuitable use, very much at odds with our quiet rural residential neighborhood. The only winner here would be the operator of the short term vacation rental.

Thank you for your consideration and your service.

Yours truly
Rebecca Eagen

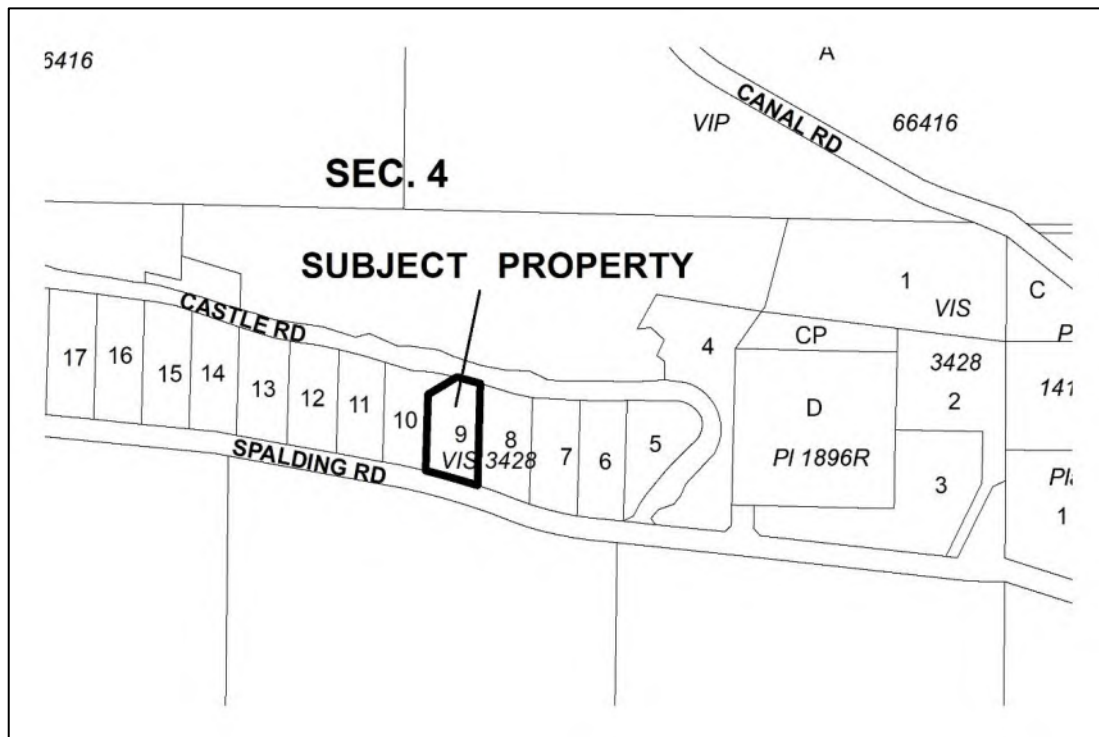
NOTICE
SP-TUP-2022.1
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

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 17, 2023** and continuing up to and including **January 27, 2023**.

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 Kim Stockdill, Island Planner at (250) 405-5157. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **January 27, 2023**.

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 3, 2023**.

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.

PROPOSED



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SP-TUP-2022.1 (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) retention of privacy **screening** between neighbouring properties (east and west of subject property);
- e) retention of a freshwater catchment system and cistern(s) for the storage of freshwater with a storage capacity of 14,000 litres;
- f) 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.
- g) 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;
- h) the **maximum number of bedrooms** that can be used for the STVR use is limited to **one**;
- i) the **maximum number of guests** who are eighteen (18) years of age or older is limited to **two (2)**;
- j) 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;

- k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or 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



Islands Trust

BYLAW REFERRAL FORM

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

Island: Saturna Island Local Trust Area Bylaw No.: 136/137 Date: October 27, 2022

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

APPLICANTS NAME / ADDRESS:

119 Payne Road and 104 Narvaez Bay Road

PURPOSE OF BYLAW:

Amendments would be made to the Saturna Island Official Community Plan Bylaw No. 70, 2000 (OCP) and the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to re-designate and rezone a portion of the subject parcel located at 104 Narvaez Bay Road currently designated Forest Land (F) and zoned Forest General (FG) to a designation of Rural (R) and a zoning of Rural General (RG). In addition, 10 subdivision densities would be removed from the subject parcel located at 119 Payne Road and transferred to the subject parcel located at 104 Narvaez Bay Road via a LUB amendment that would increase the subdivision density on the newly created Rural General zoned portion of 104 Narvaez Bay Road to a maximum of 12 new lots.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360; and, Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445

SIZE OF PROPERTY AFFECTED:

33.3 ha and 52.4 ha

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R), Watershed (WS), Forest Land (F)

OTHER INFORMATION:

Additional information, including a preliminary staff report and the current bylaws, is available at:
<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

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

BSmith

(Signature)

Name:

Brad Smith

Title:
Contact Info

Island Planner
Tel: 778-679-5185
Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Government Agencies

Parks Canada

Regional Agencies

CRD, Planning and Protective Services, Building Inspection

CRD, Integrated Water Services

Island Health

Non-Agency Referrals

Saturna Island Parks and Recreation Commission

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

BYLAW REFERRAL FORM
RESPONSE SUMMARY

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

Saturna Island Local Trust Area

(Island)

(Signature)

(Date)

136/137

(Bylaw Number)

(Name and Title)

(Agency)

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 136

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

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

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022”.

2. SCHEDULES

Saturna Island Official Community Plan Bylaw No. 70, 2000 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	_____	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____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 136**

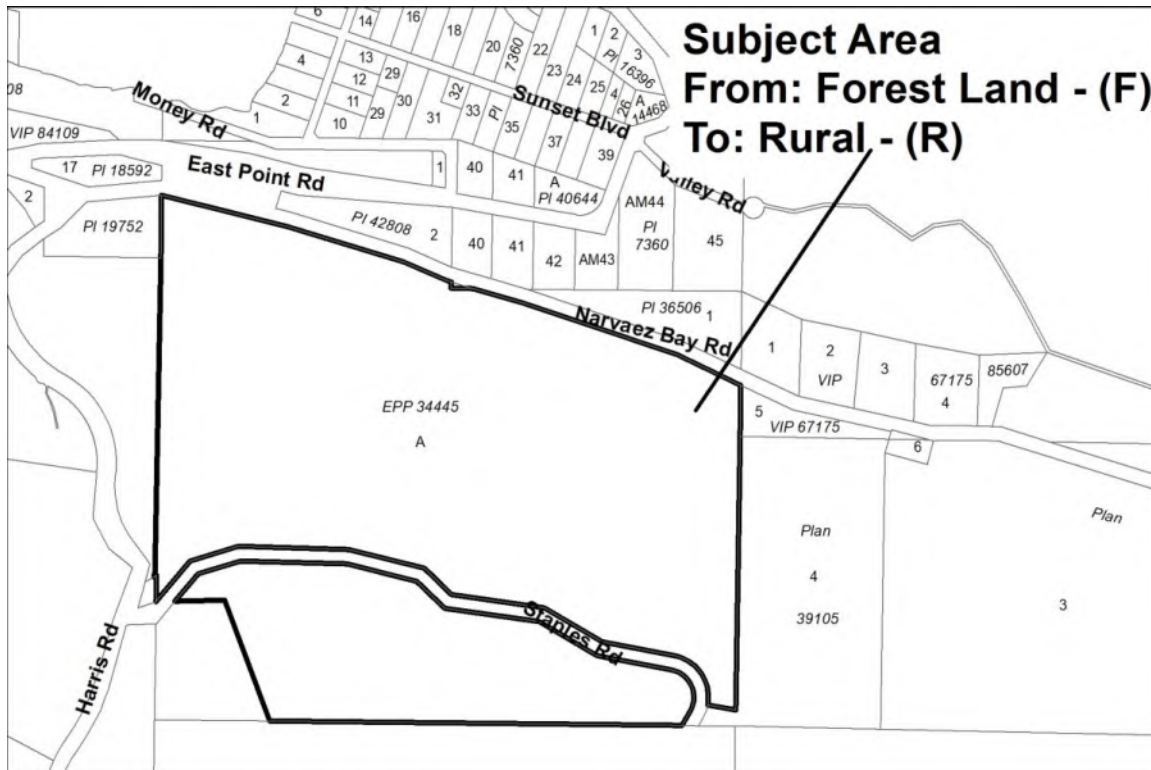
SCHEDULE 1

The Saturna Island Official Community Plan Bylaw No. 70, 2000, is amended as follows:

Schedule “B” – Land Use Designation Map, is amended by changing the land use designation of a portion of the land parcel legally described as *Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445* from Forest Land (F) to Rural (R), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Land Use Bylaw No. 70 as are required to effect this change.

SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 136

Plan No. 1



DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 137

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1 Subsection 4.2.14 – Site Specific Regulations, Article 4.2.14 (1) is amended by:

- i. Deleting the word “Colum” and replacing it with the word “Column” in the first sentence of Article 4.2.14 (1).
- ii. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(a) Row, Column 3, Item Number (1) of the Site Specific Regulations Table.
- iii. Deleting the reference to subsection “4.2.11” and replacing it with the reference to subsection “4.2.12” in the RG(b) Row, Column 3, Item Number (2) of the Site Specific Regulations Table.
- iv. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(b) Row, Column 3, Item Number (3) of the Site Specific Regulations table.
- v. Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(b) with the Site-Specific Zone Reference of “RG(c)”, such that it reads:

RG(c)	Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445	(4) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 3.7 hectares (9.1 acres).
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- vi. Inserting a new row in the Site Specific Regulations Table immediately following the newly added row referencing RG(d) with the Site-Specific Zone Reference of “RG (d)”, such that it reads:

RG(d)	Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360	(5) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 6.0 hectares (14.8 acres).
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- 2.2 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445 from Forest General (FG) to Rural General (c) [RG(c)], as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.
- 2.3 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360 from Rural General to Rural General (d) [RG(d)], as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

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.

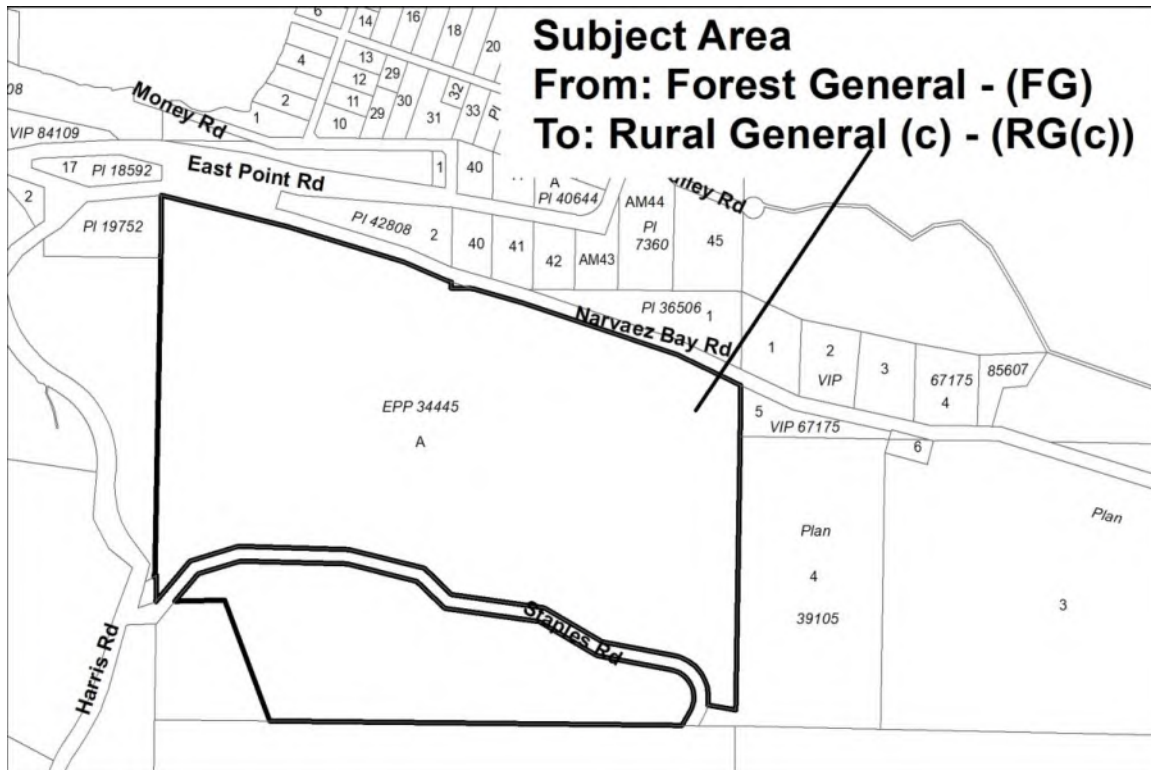
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____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

CHAIR

SECRETARY

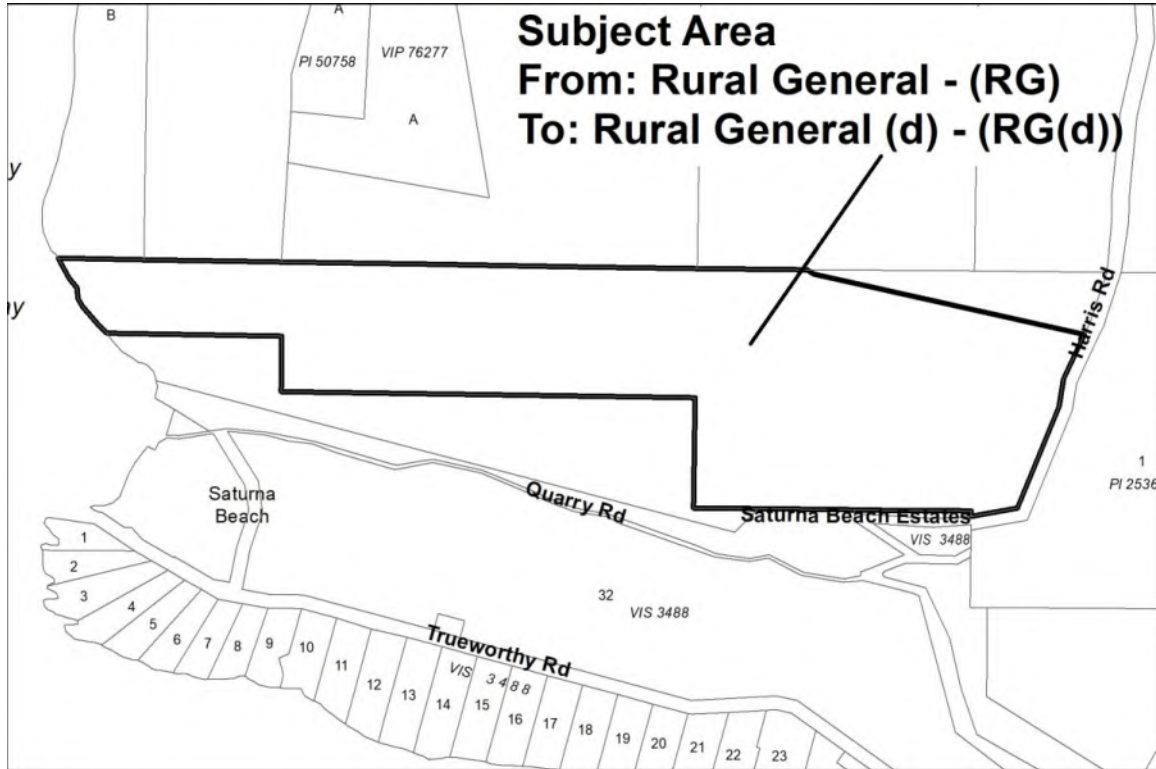
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 137

Plan No. 1



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 137**

Plan No. 2





Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area Bylaw No.: 232 Date: January 19, 2023

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

APPLICANTS NAME / ADDRESS:

Daffydd Hermann for the Sidney Island Strata Corporation

PURPOSE OF BYLAW:

The Sidney Island Strata Corporation has applied to the North Pender Island Local Trust Committee for an amendment to the zoning of the residential strata lots on Sidney Island to permit temporary use of one recreational vehicle per lot prior to construction of a dwelling. RVs would be required to be connected to a sewage disposal field, have provision of domestic water, comply with siting regulations, and the use of an RV as a residence cease prior to occupancy of a dwelling be removed.

The bylaw would also amend the zoning to permit a larger storage building of up to 40m² on strata lots and would permit kitchens in the sleeping cabins sited on the common property of the strata.

Staff reports and background information are available on the North Pender Island Local Trust Committee webpage: islandstrust.bc.ca/island-planning/north-pender/current-applications/

GENERAL LOCATION:

Sidney Island, North Pender Island Local Trust Area

LEGAL DESCRIPTION:

Strata Plan VIS5122

SIZE OF PROPERTY AFFECTED:

110 ha +/-

ALR STATUS:

No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Residential

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: islandstrust.bc.ca/location/north-pender/

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

(Signature)

Name: Robert Kojima

Title: Regional Planning Manager

Contact Info Tel: 250-405-5159

Email: rkojima@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following First Nations and agencies:

Federal Agencies

Parks Canada

Regional Agencies

Capital Regional District – Building Inspection
Island Health

Provincial Agencies

Adjacent Local Trust Committees and Municipalities

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

Non-Agency Referrals

Islands Trust Conservancy

First Nations

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

BYLAW REFERRAL FORM
RESPONSE SUMMARY

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

North Pender Island Local Trust Area

 (Island)

 (Signature)

 (Date)

232

 (Bylaw Number)

 (Name and Title)

 (Agency)

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 232

A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW NO. 148, 2003

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”.

2. North Pender Island Local Trust Committee Bylaw No. 148, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003” is amended as follows:

2.1 Section 1.1 (Definitions) – the definition of ‘sleeping cabin’ is amended by deleting the word “only”, deleting words “does not” and replacing them with the word “may”, and by deleting the word “any”.

2.2 Subsection 5.20(1) (Sidney Island Comprehensive Development Zone (CD2) – Permitted Uses) – is amended by inserting the following as a new article (d):

“(d) Use of a recreational vehicle as a temporary residence, subject to 5.20(9).”

2.3 Article 5.20(8)(a) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and the building may contain washroom facilities,” following the word “lot,”.

2.4 Article 5.20(8)(b) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “prior to construction of a principal dwelling,” following the word “lot”.

2.5 Article 5.20(8)(c) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the number “25” and replacing it with the number “40” and by deleting the number “269” and replacing it with the number “430”.

2.6 Article 5.20(8)(d) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the word “shed” and replacing it with the word “building”.

2.7 Article 5.20(8)(e) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and 5.20(1)(b)” following the number 3.5.

- 2.8 Subsection 5.20(9) (Sidney Island Comprehensive Development Zone (CD2)) – is deleted in its entirety and replaced with the following:

“Despite Article 3.10(1)(a) one recreational vehicle may be used as temporary residence prior to the construction of a single family dwelling on a lot without issuance of a building permit for a single family dwelling subject to:

- (a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;
- (b) articles 3.10(1)(b) through 3.10(1)(e); and
- (c) the storage of any recreational vehicles that is not being used as a temporary residence prior to the construction of a single family dwelling is not permitted.”

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

File No.: 6500-02
Term End Report

DATE OF MEETING: February 3, 2023
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Local Trust Committee Work Program Review

RECOMMENDATION

1. That the South Pender Island Local Trust Committee make any amendments to the Work Program

REPORT SUMMARY

The Local Trust Committee is asked to review its 'Work Program' and provide direction for any changes to the Active and Future Projects. This report provides a summary of current and recently completed LTC Projects, an overview of the currently identified future projects, and identifies other potential projects the LTC may wish to consider this term. The report also summarizes the status of major applications.

Completed and On-going Projects

Over the past term the LTC undertook the following projects:

Project	Summary	Current Status	Comments
Building and Siting Review	Consideration of design guidelines	Elements included in LUB and OCP amendments	Project was initiated in late 2019
Groundwater Sustainability	Mapping, data gathering and delineation of groundwater regions	Completed	Southern Gulf Islands-wide project completed in 2021
STVR Review	Review of existing policies and regulations for short term vacation rentals	Completed	Project initiated in 2019 with an initial amendment to the LUB (Bylaw 117), followed by amendments to the LUB and OCP (bylaws 119 and 120).
Recreational Vehicles	Targeted amendments to the LUB for use of RVs	Completed	Project was initiated 2020 and completed in 2021

Project	Summary	Current Status	Comments
LUB Amendments	Initiated in 2021: LUB amendments (Bylaw 122) to maximum floor area, setbacks and agricultural regulations	Completed	If the LTC wishes to re-visit these amendments, it should designate this as the LTC's active 'Minor Project'
Minor OCP Amendments	Amendments to OCP to include Building Design and Siting Guidelines, Rights of Nature statement and First Nations introduction/ acknowledgement	Bylaw 123 at Minister's office Bylaw 126 (Rights of Nature) at draft stage	The LTC can decide whether to adopt Bylaw 123 once Ministerial approval is received. To proceed with Bylaw 126 the LTC would need to designate it as the LTC's 'Minor Project'.
Shoreline Review	Project to review options for increased protection of shorelines.	On-hold	Project was initiated in late 2021, to be undertaken in conjunction with projects in other LTAs. Project is unfunded and paused by LTC in early 2022.

Under recently adopted Trust Council policy, an LTC can have one active Minor Project at a time, in addition to any Major Projects funded through a business case approved by Trust Council.

The LTC completed several projects in the last term, with one still on-going (OCP Bylaws 123 and 126) and another project on-hold (Shoreline Review). The LTC's most recent completed project was amendments to the Land Use Bylaw (Bylaw 122). If the LTC wishes to revisit these amendments, it should identify this as its Active Project. There is no funding remaining in the current fiscal, however staff could commence preliminary work in the remainder of this fiscal year and request additional funding in the next fiscal year for the project up to \$5000 to support costs such as hall rental, special meetings, public hearing, etc. The LTC can then consider if they wish to develop a business case for additional funding as a Major Project for the following fiscal year.

Potential Future Projects

The LTC should start to consider future projects, particularly any Major Projects, as scoping for business cases should start in April 2023. The following section identifies potential future projects from several sources.

1. Future Projects List: as issues are identified, an LTC can add potential projects to the 'Future Projects List'. These are tracked in a report included in each agenda package. The following table summarizes the items currently identified on the Future Projects List:

Date added	Issue	Description	Comments
2015	Development Permit Areas	Review existing and potential DPAs	This would likely be a Major Project, requiring a business case.

Date added	Issue	Description	Comments
2015	Sea level Rise and Shoreline erosion	Review of policies and regulations including setback from the sea and structures permitted in setbacks	Some regulation changes were included in LUB amendments (bylaw 122), there is the separate Shoreline Review project currently on hold. This item should be incorporated into that project.
2019	First Nations Language	Consider OCP amendment to include a more fulsome historical accounting of First Nations	An OCP amendment (Bylaw 123) that would include an introductory statement is currently at the Minister's office
2021	Groundwater Implementation	Consider regulations, DPA and updates to subdivision servicing regulations based on Southern Gulf Islands Groundwater project	Would likely be a major project if proceeding with all options. Could be a future minor project to just update subdivision servicing regulations based on work being undertaken by other LTCs.
2022	Raptor Nest Mapping	To update mapping of Raptor Nests on South Pender	Could be a future Minor Project, mapping would need review and bylaw amendment process.
2022	Brooks Point Zoning	To consider review of zoning of Brooks Point to strengthen conservation regulations and restrict recreational uses	Could be a future Minor Project

The LTC should review the Future Projects List and remove any initiatives it considers out-of-date or any it no longer supports, or add any new initiatives it may want to consider during the term.

2. Strategic initiatives: the following are potential projects that have been advanced through the Regional Planning Committee, with a brief description of each:
 - a. Affordable Housing: a broader review of housing policies and regulations, including consideration of implementation of Islands Trust housing toolkit recommendations and coordination with CRD [Southern Gulf Islands Housing Strategy](#).
 - b. Coastal Douglas-fir Ecosystem Protection: Regional Planning Committee prepared a toolkit with options for protecting significant tracts of mature forest.
 - c. Cultural Heritage Protection implementation: phase 1 of a project to develop criteria for identification of cultural heritage sites was undertaken last year, however that did not include delivery of mapping. Implementation could include designation of Heritage Conservation Areas, based on existing mapping, designation of shoreline areas or First Nations recommendations.

- d. **Shoreline Review:** Regional Planning Committee funded a report on shoreline protection last term. Several LTCs initiated projects to review shoreline and marine policies and regulations last term, this was identified by the LTC as a priority, but was put on-hold pending budget, staff resources and completion of LTC's other priorities.
3. **OCP/LUB Review:** South Pender's OCP and LUB were extensively reviewed and updated several years ago, and are among the most recent in the Trust Area. A general review or either would not likely be supported in this term.
4. **Other potential projects:** the LTC should consider identifying other potential initiatives or issues, either as an LTC or through a process of community consultation.

The LTC may wish to consider scheduling a special meeting to engage in more detailed deliberations on identifying future projects or to engage in community consultation on future priorities.

Business Cases for Major Projects

Major projects are any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. LTCs wishing to undertake a Major Project should start developing a business case in the spring, and finalize and endorse the business case by end of summer in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in October and November meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

Administrative Bylaws

All LTCs have administrative bylaws that govern the LTC's procedures. Recent amendments to the LTC's administrative bylaws include:

1. Amendments to the meeting procedures bylaw to permit electronic meetings
2. Adoption of a new Fees Bylaw to implement application fee changes recommended by the Regional Planning Committee

Pending Administrative Bylaw amendments that the LTC can expect next year include:

1. Amendments to the development procedures bylaw to allow for alternative notification for public hearings
2. Adoption of a Land Use Permit Delegation Bylaw: this bylaw would delegate the approval of development permits to staff for all DPAs except Form and Character, however as South Pender's OCP has limited DPA designations, this is not currently a priority.
3. Amendments to the Freedom of Information Bylaw will be brought to all LTCs by the Director of Legislative Services in the new year.

Applications

Compared to other Local Trust Committees, the South Pender LTC considers a limited number of applications: last term one Temporary Use Permit and one ALR application. Staff also reviewed referrals for 24 building permits and one subdivision. There was also one Board of Variance application. There is currently one ALR application and a Temporary Use Permit coming before the LTC.

Summary reports with the current status of all applications are provided in each agenda package. Staff reports are included in agendas when an LTC decision or direction is required.

Standing Policies and Resolutions

The LTC has, over the years, adopted a number of policies in the form of standing resolutions. These resolutions direct how staff act in certain instances, and can provide guidance to the LTC itself. A report of standing resolutions is included in each staff report and the LTC should review these policies early in the term and considering rescinding outdated policies.

Rationale for Recommendation

The Work Program identifies active and future LTC projects. At the start of the term, the LTC should consider identifying an active project and should also identify future priorities. Deliberation on the setting of strategic priorities for the term may also be undertaken by scheduling a special meeting.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a special meeting to review the Work Program. The resolution can be worded as:

That the South Pender Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities.

2. Amend the Work Program

The LTC can amend either list. The resolution may be worded as:

That the South Pender Island Local Trust Committee amend the [Active Projects List/Future Projects List] as follows: [indicate amendments].

Submitted By:	Robert Kojima, Regional Planning Manager	December 14, 2022
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Active Projects Report

South Pender Island

1. *Land Use Bylaw Amendments Project*

STATUS: Project Completed

Responsible

Kim Stockdill

Dates

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

2. *Minor OCP Amendments*

Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement
Status: Bylaw at Minister's office

Responsible

Kim Stockdill

Dates

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

3. *Shoreline Review Project*

STATUS: Project on-hold

Responsible

Dates

Rec'd: 09-Apr-2021

Future 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. *Groundwater Sustainability Project*

Responsible

Date Received

Consider Implementation options of Southern Gulf Islands Groundwater initiative

09-Apr-2021

5. *Raptor's Nest Mapping*

Responsible

Date Received

To update the mapping of raptor's nest on South Pender Island.

04-Feb-2022

6. *Brooks Point Zoning review*

Responsible

Date Received

Consider review of zoning of Brooks Point to strengthen conservation regulations and to restrict recreational uses

07-Sep-2022

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: 11-Jan-2023 ALC decision received. Covenant required to be registered at time of filing subdivision plans at LTO.			
Status Date: 24-May-2022 Submitted to the ALC via application portal.			
Status Date: 27-Apr-2022 On May 6, 2022 agenda.			

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2022.1	Airey Homes Inc. Planner: Kim Stockdill	01-Mar-2022	Agricultural Land Commission Application ID 63805 (Non Farm Use)
Planning Status			
Status Date: 11-Jan-2023 ALC decision received. Covenant required to be registered at time of filing subdivision plans at LTO.			
Status Date: 24-May-2022 Submitted to the ALC via application portal.			
Status Date: 27-Apr-2022 On May 6, 2022 agenda.			

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2022.2	Mogensen, Faye	30-Oct-2022	
Planner: Kim Stockdill			
Planning Status			
Status Date: 09-Jan-2023			
SP LTC authorized application to the forwarded to the ALC. Resolution was completed by RWM. Resolution sent to ALC via ALC application portal.			
Status Date: 08-Dec-2022			
Floor area of 366m2 confirmed by Heath Lansdowne. KS			
Status Date: 03-Nov-2022			
Fee received from applicant.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SP-DVP-2023.1	,	01-Jan-2023	Application for a variance to increase the maximum floor area of a dwelling.
Planner: Kim Stockdill			
Planning Status			
Status Date: 26-Jan-2023			
Application on February 3rd agenda.			
Status Date: 10-Jan-2023			
Draft permit and notice completed.			
Status Date: 03-Jan-2023			
File created in EDM.			

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SP-DVP-2023.2	Airey Homes Inc	03-Jan-2023	Application for a variance for subdivision regulations.

Planner: Kim Stockdill

Planning Status

Status Date: 04-Jan-2023

File created in EDM.

Status Date: 04-Jan-2023

Subject Property Map + Mailing List requested.

Status Date: 04-Jan-2023

Planner Kim Stockdill assigned.

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc.	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision

Planner: Kim Stockdill

Planning Status

Status Date: 14-Oct-2021

Review letter received from MOTI. ALC approval req'd as condition prior to issuance of PLR.

Status Date: 28-Jun-2021

payment received letter sent to applicant, assigned to Phil, - DL

Status Date: 24-Jun-2021

fees received - DL

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SP-TUP-2022.1	Ellis, Catherine	04-Nov-2022	Application for a temporary use permit for a short term vacation rental.

Planner: Kim Stockdill

Planning Status

Status Date: 26-Jan-2023

Application on February 3rd agenda.

Status Date: 10-Jan-2023

Draft permit and notice completed.

Status Date: 07-Nov-2022

Requested Subject Property Map and mailing list from GIS.

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending November 2022

665 South Pender	Invoices posted to Month ending November 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	77.00	138.16	-61.16
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,561.00	530.98	1,030.02
65210-665	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	270.00	0.00	270.00
TOTAL LTC Local Expense		<u>2,414.00</u>	<u>530.98</u>	<u>1,883.02</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	1,500.00	3,945.73	-2,445.73
73001-665-4118	South Pender LUB Minor Amendments	1,500.00	4,098.94	-2,598.94
TOTAL Project Expenses		<u>3,000.00</u>	<u>8,044.67</u>	<u>-5,044.67</u>

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2021-016 (Standing) 15.2 APC Appointments 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	05-Nov-2021
2020-015 (Standing) 4.6 Bylaw Violations re disposal or storage of waste or recyclable materials or storage of vehicles 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.	Carried	04-Jun-2020

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-015 (Standing)	Carried	06-Sep-2019
15.3 Standing Resolution - Reconciliation Report 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.		
2019-014 (Standing)	Carried	06-Sep-2019
15.2 Model Cell Tower Strategy - Staff Briefing that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.		

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing)	Carried	01-Feb-2019
13.2 Cannabis Retail Application License Application Fees - Staff Report - 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.		
2015-015 (Standing)	Carried	28-Apr-2015
Printed Agenda Packages 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.		
2010-000 (Standing)	Carried	05-Oct-2010

Send FUAL to trustees once drafted following the meeting.



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
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2006-012 (Standing)

Carried

23-May-2006

Adoption of Minutes

That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 22, 2022 BOARD MEETING

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

- ***This meeting was the first Islands Trust Conservancy (ITC) Board meeting following the Islands Trust Council elections. Two new board members were elected to the ITC board (Trustee Scott and Trustee Yates) and one appointed by the Executive Committee (Trustee Elliott). ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was voted Chair of ITC Board, Trustee Smith was voted Vice-Chair, and Trustee Scott is the FPC representative. The ITC Manager advised that ITC will have an ex officio seat on the Governance Committee once the committee is constituted, noting the ITC Chair will appoint a member to the committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval.
- The ITC Board reviewed a referral for Galiano Islands Local Trust Committee bylaws 231 and 232. The ITC Board recommended that the Galiano Island Local Trust Committee approve bylaws 231 and 232 because they bring zoning into agreement with the use of conservation lands and further strengthen the conservation status for District Lots 64 and 68, which are adjacent to Islands Trust Conservancy covenanted areas.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).



5. COMMUNICATIONS AND OUTREACH

- ITC staff provided an overview and orientation presentation to incoming Board members.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board accepted a donation of approximately \$45,000 from the estate of William Tempest for the purpose of conservation initiatives on Hornby Island. From this approx. \$25,000 has been designated for covenant management activities and approx. \$20,000 to the Opportunity Fund for grants for Hornby Island.

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:	LTCs in W̱SÁNEĆ Territory	For the Meeting of:	Various
From:	Trust Programs Committee	Date Prepared:	September 2, 2022
SUBJECT:	Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments		

PURPOSE: To provide, for information, a letter from W̱SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments.

BACKGROUND: On August 26, 2022, Trust Programs Committee received a letter from the W̱SÁNEĆ Leadership Council (WLC) regarding WLC staff's response to draft 2021 Islands Trust Policy Statement Amendments.

Trust Programs Committee passed the following resolution:

that Trust Programs Committee forward the letter of August 4, 2022, from W̱SÁNEĆ Leadership Council staff to all local trust committees in their territory

This letter has also been shared with Trust Council and provincial staff.

WLC staff participated in both Phase 1 and Phase 2 of early and meaningful engagement related to the Policy Statement Amendment Project. Additional correspondence from W̱SÁNEĆ Leadership Council regarding the Policy Statement has been posted to the Islands 2050 webpage at <https://islandstrust.bc.ca/programs/islands-2050/>.

Staff will continue early and meaningful engagement with W̱SÁNEĆ Leadership Council on the Policy Statement Amendment Project and will provide a formal referral after first reading.

ATTACHMENT(S):

1. Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services



WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (e.g. Introduction, Present Context, etc.).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of ȩLEȩÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of ȩLEȩÁĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of ȩLEȩÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creations stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOTEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.

From: Todd Shannon <tshannon@crd.bc.ca>

Date: August 30, 2022 at 4:48:18 PM PDT

To: [REDACTED] biologist@penderconservancy.org, Paul Brent <[REDACTED]>

Cc: [REDACTED] "Morgan M. Davies" <MMDavies@crd.bc.ca>, Marc Solomon <MSolomon@crd.bc.ca>

Subject: Meeting follow up regarding Brooks Point Regional Park

Hi everyone,

Thanks for meeting with Paul and I on August 17, 2022 regarding the status of Brooks Point Regional Park on south Pender Island. It was great to meet with all of you and talk about the management of Brooks Point Regional Park.

As discussed, here are some of the key updates from regional parks on Brooks Point:

- The intent of the management plan was to manage Brooks Point regional Park as a conservation area and CRD regional Parks is managing the area according to the management plan.
- Brooks Point Regional Park is listed under the 2022 interim Regional Parks Strategic Plan, park classification, as a Natural Recreation Area. It has been identified that Brooks Point should be listed under the Conservation Area classification and this will be changed in the strategic plan that will be presented to the board in 2023. The Strategic Plan has been approved on an interim basis by the CRD Board with the stipulation that further consultation with First Nations occur over the next year, with the Strategy being resubmitted at that time for final board approval.
- Regional Parks staff have been working hard to clean up the site at Brooks Point as per the management plan.
 - Both the cabin and boathouse were removed, ensuring minimal impact on the environment, and rehabilitated with soil and native seed;
 - The well was cleared of wood debris, filled and seeded with native seed; and
 - Staff have scheduled the installation of additional split rail fence in the area of the illegal wedding to keep park users on the trail.
- Park staff do work closely with the covenant holders on the monitoring and sharing information on the site and are currently working together with all to try and consolidate the covenant agreements into one agreement for simplicity.
- Marc Solomon did indicate CRD Regional Park signs are in place on site, on the trail sign posts, indicating that events are not permitted.
- We have contacted both the RCMP and Mike Dyne with Pender Fire and rescue and they have both indicated that they are very happy to respond to illegal fires or activities at Brooks Point and in the beach area below the low tide mark if necessary. They did indicate that the public can contact them via the non-emergency lines or by 911.
- CRD has increased the frequency of park officer visits over the last year and will continue with this.
- Regional Parks is very interested in establishing a stewardship agreement for invasive species removal and working together on monitoring with PICA. I have included Morgan Davies with this email so that she can touch base with you Erin. Morgan is available by phone at (250) 360-3365 or email at mdavies@crd.bc.ca

I have included Marc Solomon with this email since he was away and unable to attend. Marc is the primary contact for this area as the operations supervisor. Please feel free to contact Marc, Morgan or myself at any time with questions or follow up.

I look forward to continuing work with you in the future.

Todd Shannon

Acting Operations Manager
Regional Parks

Capital Regional District | T: 250.360-3394

tshannon@crd.bc.ca



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SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 98

*

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

*

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

1. Establishment

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

2. Appointment of Members

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

- (g) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- (h) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the **Secretary** shall write the South Island Local Trust Committee to advise them and the **Deputy Chairperson** shall serve until a Chairperson is elected in accordance with Section 2 (f).

3. Roles

(a) Secretary

- (1) The Local Trust Committee may appoint a Secretary to the Advisory Planning Commission. For certainty a Secretary appointed by the Local Trust Committee is not a member of the APC.
- (2) The Secretary is to:
 - i) assist the Chairperson, as required, in arranging meetings of the APC;
 - ii) ensure that proper notification of meetings is given in compliance with this Bylaw;
 - iii) keep legible minutes of all meetings;
 - iv) provide copies of all minutes and recommendations of the APC to the Local Trust Committee and the Secretary of the Islands Trust; and
 - v) maintain an annual record book of approved minutes to be available to the public upon request.
- (3) If a Secretary is not appointed by the Local Trust Committee then the APC may elect a member to act as a Secretary. For certainty the Secretary elected by the APC is member of the APC and will serve without remuneration.

(b) Chairperson

- (1) The Chairperson is to:
 - i) receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
 - ii) ensure proper conduct of all meetings in accordance with the requirements of this Bylaw, the principles of procedural fairness, and in accordance with the requirements of the *Islands Trust Act*, the *Local Government Act*, the Community Charter or regulations under those Statutes;
 - iii) sign the minutes certifying that they are true and correct after they have been approved by the APC;
 - iv) in the absence of a Secretary, appoint a member of the APC to record the minutes of the meeting; and
 - v) in the absence of a Secretary, to act in the capacity of a Secretary for purposes established in this Bylaw, unless another member of the APC is appointed by the Chair to undertake such responsibilities.

4. Referrals to the Commission

- (a) The Local Trust Committee may by resolution, refer any matter respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*.
- (b) The APC must meet, when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- (c) At its first meeting, the APC shall select a regular monthly meeting day to consider referrals.
- (d) In the event that no referral is received by the Secretary at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.
- (e) A meeting of the APC on any particular referral must be held not more than 40 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- (f) The Local Trust Committee may refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by the Advisory Planning Commission for additional recommendations if it feels changes to the application warrant the review. In these cases the APC may be asked to respond in a briefer than normal time period.
- (g) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members of the APC to deal with any matter for which a quick response is requested.
- (h) Although the recommendations of the APC must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- (a) An employee of the Islands Trust shall mail or otherwise deliver documentation associated with any referral from the Local Trust Committee to all members and the Secretary of the APC.
- (b) The Secretary must send a notice of meeting upon receipt of a referral to be discussed to each APC member at least 5 calendar days prior to the regularly scheduled meeting.
- (c) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member of the APC.
- (d) The Secretary must ensure an applicant is notified of the date, time and place of the APC meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- (e) The Secretary must ensure the Local Trustees and the employee as referred to in Section 5.(a) are notified of each APC meeting at least five calendar days prior to the day of the meeting.
- (f) Where a matter upon which a recommendation has been made is referred back to the APC for further comment within a limited time period, the Secretary must notify the Local Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least two days prior to the meeting unless the applicant agrees to a lesser notice.

6. Conduct of Meeting

- (a) All deliberations of the APC must take place in a meeting, and all APC meetings must be open to the public with the exception that the meeting may be closed if it relates to a matter specified in S.90(1) of the Community Charter.
- (b) A quorum of the APC is 50% of those appointed.
- (c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- (d) An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by APC members.
- (e) If the applicant or his or her agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in his or her absence.
- (f) At the request of any member of the APC, the Chairperson must invite any elected official, staff or resource person present or member of the public at the meeting to comment on the matters before the APC. Any Local Trustee, officer or employee of the Islands Trust may attend at a meeting of the APC in a resource capacity.
- (g) The APC must not receive development proposals and other applications directly from applicants.
- (h) The APC must not consult directly with other government agencies.
- (i) If the Chairperson considers that another person at the meeting is acting improperly, the Chairperson may order that the person is expelled from the meeting.

7. Notice of Recommendation

- (a) If a Local Trustee did not attend an APC meeting, the Local Trustee may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting of the APC are recorded and approved by the APC at its subsequent meeting.
- (c) The Secretary must ensure a completed referral form recording the response of the APC and a copy of the draft minutes are submitted to the Local Trust Committee and Islands Trust office within seven calendar days of the meeting.
- (d) A recommendation of the APC may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that, where requested by any member, all dissenting opinions are also recorded.

8. Transition

- (a) South Pender Island Local Trust Committee Bylaw No. 79 cited as the "South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 1996" is repealed.

9. This Bylaw may be cited as the "South Pender Island Local Trust Committee Advisory Planning Commission Bylaw, 2005".

READ A FIRST TIME THIS 23rd DAY OF June , 2005

READ A SECOND TIME THIS 23rd DAY OF June , 2005

READ A THIRD TIME THIS 23rd DAY OF June , 2005

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
28th DAY OF June , 2005

ADOPTED THIS 29th DAY OF August , 2005

DEPUTY SECRETARY

CHAIRPERSON