



South Pender Island Local Trust Committee

Special Meeting Agenda

Date: March 25, 2023
Time: 10:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
3. MINUTES	
3.1 Local Trust Committee Minutes Dated February 3, 2023 (for Adoption)	2 - 9
4. BUSINESS ITEMS	
4.1 SP-DVP-2023.2 (Johnson) - Staff Report (attached)	10 - 25
4.2 SP-DVP-2023.3 (Evans) - Staff Report (attached)	26 - 55
4.3 Town Hall - Work Program Review	56 - 60
5. ADJOURNMENT	



**South Pender Island Local Trust Committee
Minutes of Regular Meeting**

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

Members Present: Tobi Elliott, Chair
Kristina Evans, Trustee
Dag Falck, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Sarah Shugar, Recorder (electronic)

Others Present: Approximately 26 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed, recorded, and made available for electronic public attendance.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 11:00 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Evans reported she has been appointed to the Financial Planning Committee and the Trust Programs Committee. The next meeting of the Trust Programs Committee will consider budget recommendations to be made to the Financial Planning Committee. Trustee Evans noted she would put up a poster regarding upcoming Islands Trust Conservancy Webinar series on the Hall poster board.

Trustee Falck reported he has attended several training sessions for newly elected Trustees. He expressed support for transparency, open communication and the importance of public input.

4. CHAIR'S REPORT

Chair Elliott reported she has been appointed Vice Chair of Executive Committee. Chair Elliott was a member of the Gabriola Island Housing Advisory Planning Commission regarding biodiversity, housing and water availability. Chair Elliott attended two Islands Trust Conservancy meetings, a Regional Planning Committee meeting and an Islands Trust Conservancy celebration event with the Swift Family regarding the acquisition of the Link Island Nature Reserve. Chair Elliott encouraged members of the public to contact her at telliott@islandstrust.bc.ca.

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. TOWN HALL AND QUESTIONS

Chair Elliott reviewed the meeting decorum guidelines and opened the town hall portion of the meeting at 11:08 a.m.

Rick Friesen welcomed new Trustees and spoke to the last 4-year term as being fraught with controversy and peril. Mr. Friesen requested Trustees to review bylaws that were adopted during the last Trustee term and perhaps to be considered by an Advisory Planning Commission.

Liz Montague expressed concerns regarding application SP-TUP-2022.1 (9890 Castle Road) on behalf of the Strata Council and noted she is an adjacent property owner. Ms. Montague's concerns include that the Strata Council is not supportive of the TUP application, security, noise, fire risk, absentee STVR (short term vacation rental) property owner, privacy, water use, commercial use in a residential zone and impacts to nearby residents. Ms. Montague asked whether the commercial use would require a water licence and how would the STVR use impact the strata's insurance and requested the LTC to deny the application.

Rebecca Eagen welcomed new Trustees and expressed support to include affordable housing and groundwater sustainability in the LTC strategic priorities list. Ms. Eagen expressed concerns regarding application SP-TUP-2022.1 (9890 Castle Road) including an absentee STVR property owner, commercial use in a rural and residential neighbourhood, neighbourhood opposition and requested the LTC to deny the application.

Gord Duncan welcomed newly elected Trustees and wished to speak to proposed Bylaw No. 123. Staff advised draft Bylaw No. 123 is post Public Hearing and the LTC cannot hear any submissions regarding the Bylaw.

Robert Dill expressed concerns regarding SP-DVP-2023.1 (9825 Canal Road) including the 5,000 square foot size of the house and associated impacts of building materials, heat and furnishings. Mr. Dill expressed support for the design of the proposed house. Mr. Dill requested the LTC to deny the application and encourage the applicants to design a building that suits the rural character of the island.

Donna Spalding presented a submission on behalf of member of the public (Jane) and welcomed the new Trustees, and asked the LTC to consider the LTC work plan at a separate meeting with community input. There are many items on the current LTC work plan that were not supported by the South Pender Island residents including recent land use bylaw changes that resulted in numerous dwellings be non-compliant. The member of the public asked Trustees to reconsider

Bylaw 122. Donna Spalding spoke on behalf of herself and expressed support for public input on the LTC work plan. Ms. Spalding expressed support regarding application SP-DVP-2023.1 (9825 Canal Road) including recommendations for aging in place, neighbour support, that it is not appropriate to regulate the size of the house and encouraged the LTC to approve the application. Ms. Spalding spoke to application SP-TUP-2022.1 (9890 Castle Road), advised the proposed water storage does not follow legislation, encouraged the LTC to consider whether there are appropriate areas on South Pender Island for STVRs and noted STVRs are needed to support tourism in the Gulf Islands. Ms. Spalding requested the LTC to review Bylaw 122 with community input regarding water storage and submitted a piece of correspondence

Paul Petrie welcomed newly elected Trustees, expressed that he looks forward to working collaboratively and spoke to conservation of Brooks Point Park. Mr. Petrie expressed concerns regarding SP-TUP-2022.1 (9890 Castle Road), including impacts to neighbours, a commercial STVR operation within a rural neighbourhood and requested the LTC to deny the application.

Applicant for SP-DVP-2023.1 welcomed new Trustees and spoke to the application (9825 Canal Road). The applicant spoke to the importance of the house design to be wheelchair accessible and appropriate for her multi-generational family.

Heather Harye welcomed newly elected Trustees and spoke to the Development Variance process. Ms. Harye expressed support for application SP-DVP-2023.1 (9825 Canal Road) and advised it is inappropriate for members of the public to comment on the size of a home.

Michael St. Cyr expressed support for application SP-DVP-2023.1 (9825 Canal Road).

Debbie Friesen expressed support for application SP-DVP-2023.1 (9825 Canal Road) and expressed concerns regarding the past practice of Trustees meeting outside of a formal meeting.

Trustee Evans encouraged members of the public to write letters for transparency and public record. The LTC email address is: southinfo@islandstrust.bc.ca

Lee Pullen expressed support for a straw poll of the members of the public in attendance regarding whether there is support for application SP-DVP-2023.1 (9825 Canal Road).

Chair Elliott thanked the member of the public for the straw pole suggestion and Trustees agreed not to hold a straw poll regarding application SP-DVP-2023.1 (9825 Canal Road) at this time. Trustee Evans expressed support for considering whether straw polls should be used as a mechanism to gauge public support at a special meeting.

A member of the public asked whether there would be guidelines regarding who would be eligible to vote in a straw poll.

A member of the public expressed support for a straw poll as an informal mechanism to see whether there is public support.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING – None

9. MINUTES

9.1 Adopted Local Trust Committee Minutes Dated November 4, 2022

The South Pender Island Local Trust Committee meeting minutes of November 4, 2022 were received.

9.2 Section 26 Resolutions Without Meeting Dated January 2023

The Resolutions Without Meeting Report was received.

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated January 2023

The Follow-up Action List was received.

11. DELEGATIONS - None

12. CORRESPONDENCE

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

Planner Stockdill circulated two items of correspondence.

The meeting recessed for a break at 11:58 a.m. and the meeting reconvened at 12:00 p.m.

13. APPLICATIONS AND REFERRALS

13.1 SP-DVP-2023.1

Planner Stockdill presented a staff report dated January 26, 2023 regarding a Development Variance Permit application to increase the maximum floor area of a proposed dwelling unit at 9825 Canal Road.

Applicant spoke to the application.

In discussion the following items were noted:

- A minimal number of trees were removed at the building site;
- The reasons provided for the need to build a 5,000 square foot residence for a multi-generational family are valid;
- The building site location on the property will provide the least environmental impact; and
- The proposed design of the attached garage reduces the overall footprint of buildings on the site.

SP-2023-01

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve issuance of Development Variance Permit application SP-DVP-2023.1 (9825 Canal Road).

CARRIED

13.2 SP-TUP-2022.1 (Ellis)

Planner Stockdill presented a staff report dated January 25, 2023 regarding a Temporary Use Permit (TUP) application for a Short Term Vacation Rental (STVR) within an existing dwelling at 9890 Castle Road.

Applicants Catherine and Andrew Ellis spoke to the application.

In discussion the following items were noted:

- The applicants have done a lot of work to address concerns;
- Considerable opposition to the application has been received by the Strata Council and nearby residents; and
- Impacts from STVR's can be largely mitigated when the property owner lives on or nearby the property. There is no precedent to follow for STVR applications within the South Pender Island Local Trust Area. There should be policy regarding absentee property owners included in STVR guidelines. Applicant Catherine Ellis advised there would be three emergency contacts available at all times to respond to any emergencies.

The electronic meeting ended due to a power outage and recorder Sarah Shugar left the meeting at 12:35 p.m. Staff recorded the meeting and the minutes were completed from the meeting recording.

SP-2023-02

It was Moved and Seconded,

that the South Pender Island Local Trust Committee deny the Temporary Use Permit application SP-TUP- 2022.1 (Ellis).

CARRIED

13.3 Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137

RPM Kojima presented a bylaw referral from the Saturna Island Local Trust Committee dated October 27, 2022 regarding proposed Bylaws No. 136 and 137 was received.

SP-2023-03

It was Moved and Seconded,

that the South Pender Island Local Trust Committee interests are not affected by Saturna Island Local Trust Committee Proposed Bylaw No's 136 and 137.

CARRIED

13.4 North Pender Island Local Trust Committee Referral for Proposed Bylaw No. 232

RPM Kojima presented a bylaw referral from the North Pender Island Local Trust Committee dated January 19, 2023 regarding proposed Bylaw No. 232 was received.

SP-2023-04

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. 232.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS - None

15. REPORTS

15.1 Work Program Reports

15.1.1 Local Trust Committee Work Program Review - Staff Report

RPM Kojima presented a staff report dated December 14, 2022 regarding a summary of current and recently completed LTC Projects, an overview of the currently identified future projects, and other potential projects the LTC may wish to consider this term. The report also summarizes the status of major applications.

SP-2023-05

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to schedule a meeting prior to the next regular LTC meeting to discuss future work, projects and community engagement processes that the community would like the LTC to take on.

CARRIED

15.1.2 Active Projects Report Dated January 2023

Received.

15.1.3 Future Projects Report Dated January 2023

Received.

15.2 Applications Report Dated January 2023

Received.

15.3 Trustee and Local Expense Report Dated November 2022

Received.

15.4 Adopted Policies and Standing Resolutions

Received.

15.5 Local Trust Committee Webpage - None

15.6 Islands Trust Conservancy Report Dated November 2022

Received.

16. NEW BUSINESS

16.1 Letter from W̄SANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

A Trust Programs Committee briefing dated September 2, 2022 regarding a letter from W̄SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments was presented.

16.2 Brooks Point Regional Park – Update

An email received from T. Shannon dated August 30, 2022 regarding Brooks Point Regional Park was presented. Trustee Evans reported Brooks Point Regional Park has been reclassified to a conservation area and the “events are permitted with approval” sign will be replaced with a “no events” sign. Trustee Evans expressed gratitude to everyone for efforts on Brooks Point Regional Park.

16.3 Advisory Planning Commission Appointments – Discussion

Trustee Evans expressed support to re-establish the South Pender Island Advisory Planning Commission

SP-2023-06

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff to advertise for expressions of interest for the Advisory Planning Commission.

CARRIED

17. UPCOMING MEETINGS

Staff will schedule a special meeting prior to the next regular meeting. The next regular meeting is scheduled for May 5, 2023 at the Fire Hall on Pender Island.

18. TOWN HALL - None

19. CLOSED MEETING – None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:30 pm.

Tobi Elliott, Chair

Certified Correct:

Sarah Shugar, Recorder



DATE OF MEETING: March 25, 2023

TO: South Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: DVP Application & 10 Percent Waiver
Applicant: Airey Group
Location: 8790 Gowlland Road

RECOMMENDATION

1. That the South Pender Island Local Trust Committee approve issuance of Development Variance Permit application SP-DVP-2023.2.
2. That the South Pender Island Local Trust Committee exempt proposed Lot 1 resulting from the subdivision of 8790 Gowlland Road from the 10 percent frontage provision of Section 512 of the *Local Government Act*.

REPORT SUMMARY

The purpose of the report is for the Local Trust Committee (LTC) to consider a Development Variance Permit (DVP) to vary the South Pender Island Land Use Bylaw (LUB) No. 114 in order to facilitate a subdivision application. In addition, the applicant is requesting the LTC waive Section 512 of the *Local Government Act* (LGA).

BACKGROUND

The subject property is 8.04 hectare (19.8 acres) in area and is split zoned Rural Residential 2 (RR2) and Agriculture (A). The subject property currently has two dwellings, one cottage, accessory buildings and structures constructed on the RR2 zoned portion, and a barn and accessory structures on the A zoned portion. There is also an existing driveway that bisects the Agriculture zoned portion of the property to access the RR2 zoned portion.

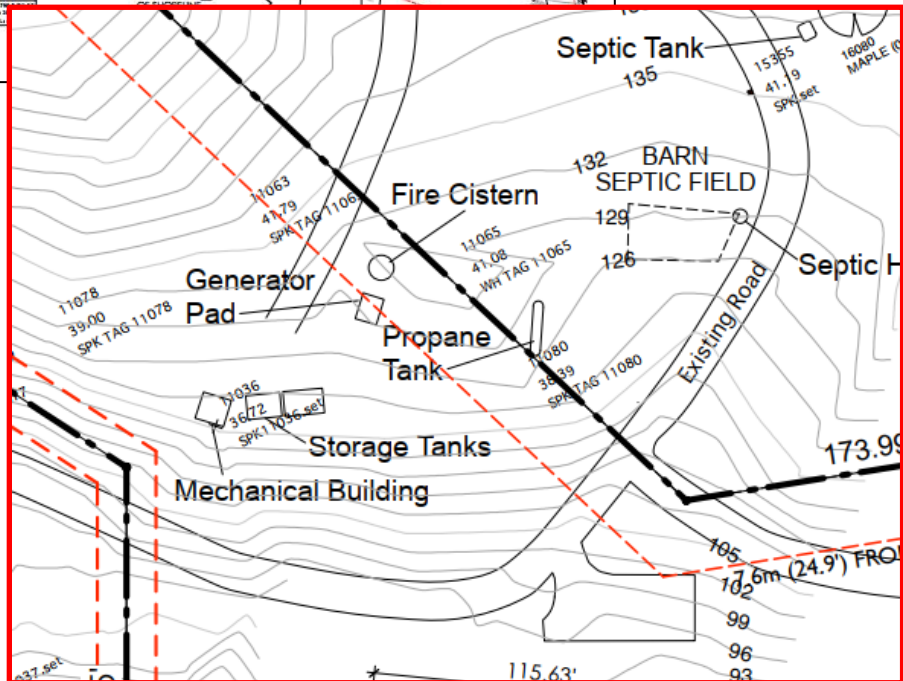
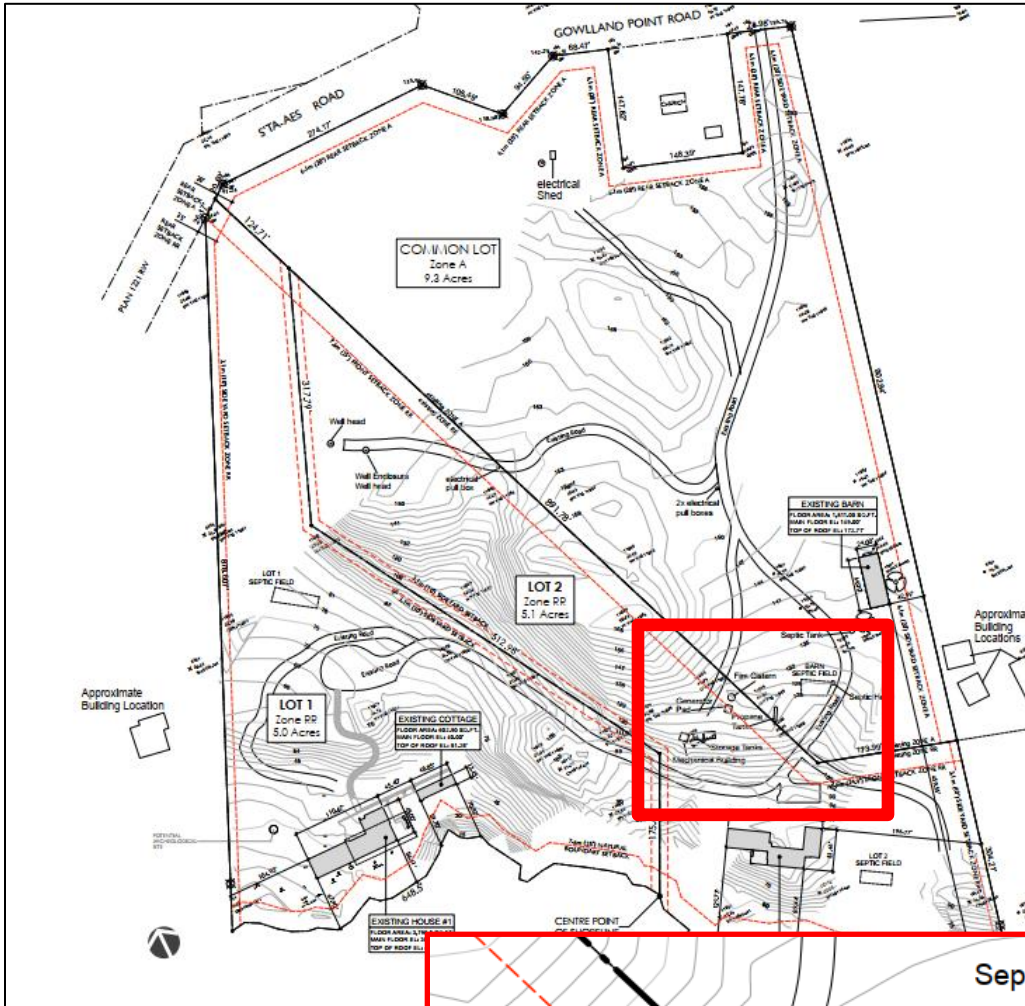
The property owners brought forward a new subdivision application that would create:

- Strata Lot 1 - 2.02 hectares, zoned RR2, very small northern area located in Agricultural Land Reserve (ALR).
- Strata Lot 2 – 2.06 hectares, zoned RR2, very small northern area located in ALR.
- Remainder Common Property – 3.8 ha, zoned A, and primarily located in the ALR. The existing driveway bisecting the ALR will become a strata access way to access Strata Lot 1 and Strata Lot 2.

An application for subdivision was received by the Islands Trust and staff have provided comments and conditions to the Ministry of Transportation and Infrastructure (SP-SUB-2021.1). As a portion of the property is

\\islandstrust.local\DFSMain\EDM\09 Current Planning\11 SP\3190 DVP\25 Applications (P)\2023\SP-DVP-2023.2 (Johnson)\06 Staff Reports\SP-LTC-2023-03-25_SP-DVP-2023.2_Staff-Report.docx

Figure 2– Applicant’s Subdivision Plan



Larger map to the right shows the fire cistern and propane tank located within the 3 metre setback to the interior side lot line.

NOTE: map incorrectly depicts the setback as 7.6 metres when it should be displayed as 3 metres (generator pad complies with the 3 metre setback)

ANALYSIS

Islands Trust Policy Statement:

Directive policies relevant to this application include:

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

Agricultural Land

4.1.4...the identification and preservation of agricultural land for current and future use.

4.1.5...the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

4.1.6...the use of adjacent properties to minimize any adverse affects on agricultural land.

4.1.7...address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.

4.1.8...land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land.

Policy/Regulatory

Local Government Act:

Section 512 of the *Local Government Act* (LGA) states:

512 (1)If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of:

(a)10% of the perimeter of the lot that fronts on the highway, and

(b)the minimum frontage that the local government may, by bylaw, provide.

(2)A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).

As per Recommendation Number 2, the applicant is requesting an exemption to the 10 percent frontage requirement in Section 512 of the LGA.

Official Community Plan:

The property is split designated as **Rural Residential and Agriculture** in the South Pender Island Official Community Plan (OCP) Bylaw 107, 2011.

Land Use Bylaw:

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

The proposed subdivision complies with use and density provisions of the zone on the property. Variances are requested for the reduction to frontage for Lot 1 and to legalize the siting of existing structures.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The impacts on the neighbouring properties are minimal given the structures are existing and access to the proposed new lots will remain the same (via the common property).

The Intent of the Regulation being Varied

The overall purpose of the siting and subdivision regulations are to minimize impacts on adjacent properties related to:

- Prevents the creation of lots with insufficient width (driveway width) to access roads.
- Minimize issues with neighbours resulting from reduced proximity with dwellings and accessory uses.
- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent 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 March 21, 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

Staff reviews all applications and referrals using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, there are known archaeological sites and sites of archaeological potential on the to the subject property. Staff have therefore provided directly to the applicant the Islands Trust Chance Find Protocol, BC Archaeology Branch Guidance document and a link on obtaining archaeological information.

Recommendation

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

- The reasonableness of the applicant's rationale as varying the frontage is a technical requirement; access to the proposed new lots will be through the existing driveway through the common property.
- The impacts on neighbouring properties are minimal as access is the same and structures are existing.
- The proposed subdivision meets the density and use provisions of the LUB, and there is no further subdivision potential.

- The variance does not impact the intent of the bylaws.
- 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-2023.2.

Submitted By:	Kim Stockdill, Island Planner	March 13, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	March 16, 2023

ATTACHMENTS

1. Site Context
2. Maps and Subdivision Plan
3. Notice
4. Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022, Except That Part Thereof Lying To The East Of A Boundary Parallel To And Perpendicularly Distant 200 Feet From The Easterly Boundary Of Said Lot
PID	005-802-938
Civic Address	8970 Gowlland Point Rd

LAND USE

Current Land Use	Rural Residential and Agriculture
Surrounding Land Use	North – Commercial Resort/Community Service 1 (church) West – Rural Residential 2 East – Agriculture South – Water 2

HISTORICAL ACTIVITY

File No.	Purpose
SP-ALR-2005.1	Request to exclude land from the ALR. Request denied by LTC.
SP-ALR-2012.1	Subdivision and non-farm use application. Approval received by LTC.
SP-DVP-2011.1	Variance approved to increase height of accessory building (barn) in the A zoned portion of the lot.
SP-SUB-2007.3	Subdivision application to subdivided into 7 lots. PLA expired.
SP-SUB-2011.2	Subdivision application to subdivision into 4 strata lots. Subdivision did not proceed due to request for parkland dedication.

POLICY/REGULATORY

Official Community Plan Designations	Split designation of Rural Residential and Agriculture in the South Pender Island Official Community Plan Bylaw NO. 107
Land Use Bylaw	The subject property is split zoned as Rural Residential 2 (RR2) and Agriculture (A) in the South Pender Island Land Use Bylaw No. 114, 2016.
Other Regulations	N/A
Covenants	FB380894 (CRD – Geotechnical Report)
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	Subject property is located in an area of Critical Habitat for Sharp-tailed Snake. See also: Attachment 2.3

Sensitive Ecosystems	The subject property is located within the Herbaceous, Woodland and Mature Forest Sensitive & Rare Ecosystems. See Attachment 2.4
Hazard Areas	Areas of high, moderate, and low steep slope risk. See attachment 2.5
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information and indicates archaeological potential noted within the property. Accordingly, by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously 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. Additionally, staff have provided directly to the applicant the Islands Trust Chance Find Protocol, BC Archaeology Branch Guidance document and a link on obtaining archaeological information
Climate Change Adaptation and Mitigation	Proposed subdivision does not create the maximum number of lots permitted by zoning. The reduction in density could potentially reduce GHG emission reduction.

ATTACHMENT 2 – MAPS AND SUBDIVISION PLAN

2.1 ORTHOPHOTO & BUILDING FOOTPRINTS



2.2 LAND USE (ZONING)



2.3 SPECIES AT RISK



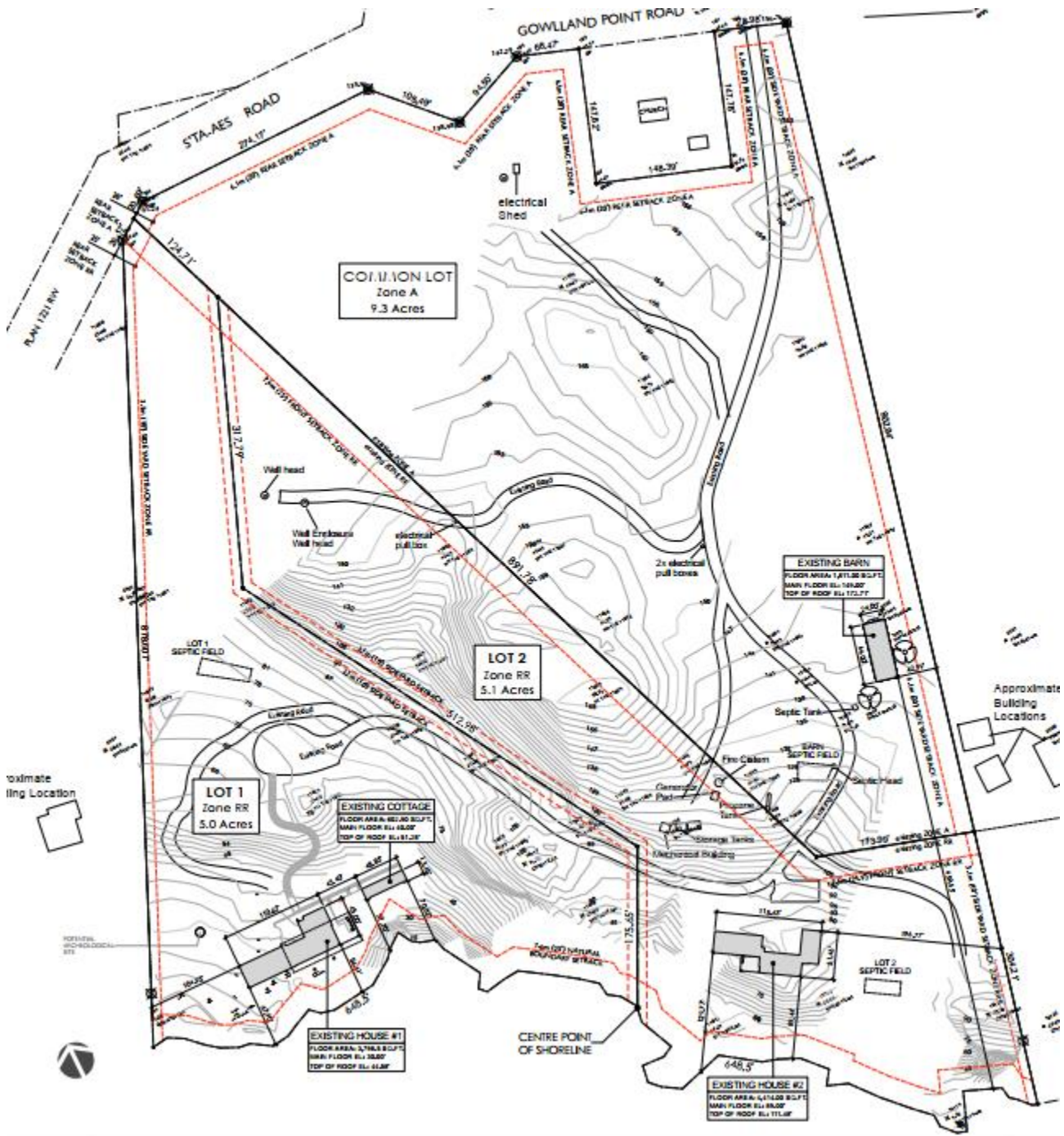
2.4 SENSITIVE ECOSYSTEMS



2.5 STEEP SLOPES



2.6 SUBDIVISION SITE PLAN



2.7 SITE VISIT PHOTOS



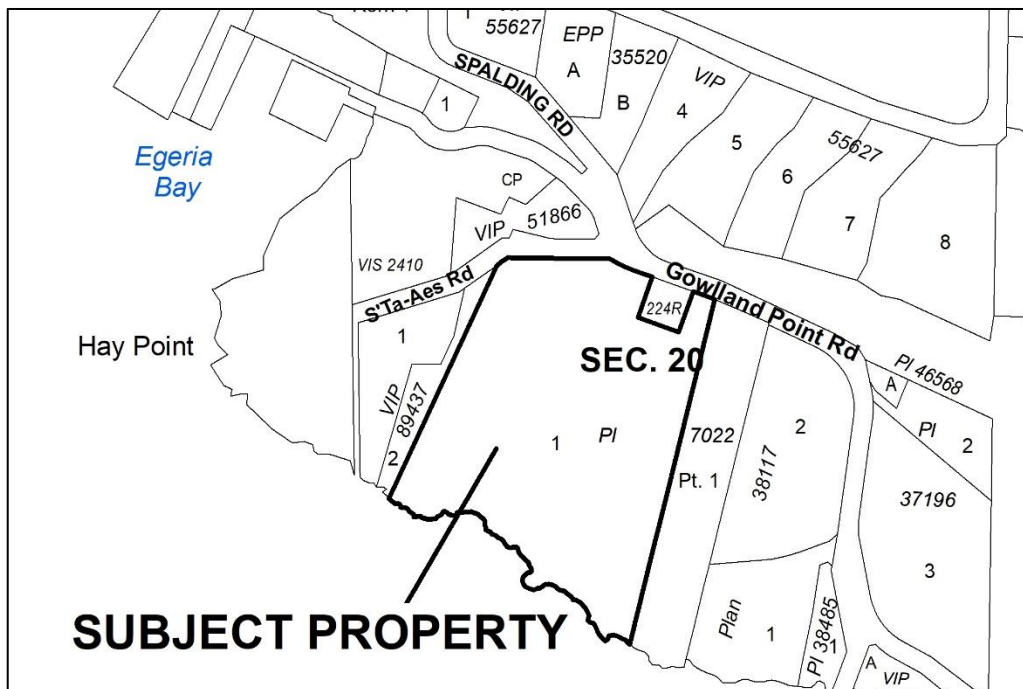
**NOTICE
SP-DVP-2023.2
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE**

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, 2016:

- by decreasing the setback from the interior side lot line for the siting of an existing fire cistern and propane tank; and,
- by decreasing the frontage for proposed Lot 1 and Lot 2.

The property is located at **8970 GOWLLAND POINT ROAD** and is legally described as Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022, Except That Part Thereof Lying To The East Of A Boundary Parallel To And Perpendicularly Distant 200 Feet From The Easterly Boundary Of Said Lot (PID: 005-802-938).

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, BC V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 10, 2023** and continuing up to and including **March 21, 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, Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **March 21, 2023**.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the special meeting starting at **10:00 AM, March 25, 2023** at the **Fire Hall #3**, 8961 Gowlland Point Rd, on South Pender Island.

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.



Islands Trust

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SP-DVP-2023.2**

To: Taylor Johnson, Airey Homes Inc.

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

Lot 1, Section 20, Pender Island, Cowichan District, Plan 7022, Except That Part Thereof Lying To The East Of A Boundary Parallel To And Perpendicularly Distant 200 Feet From The Easterly Boundary Of Said Lot (PID: 005-802-938)

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

- a) Article 5.1(8)(b) by decreasing the setback from the interior side lot line from 3.0 metres:
 - i. to 2.8 metres for the siting of an existing fire cistern.
 - ii. to 0.1 metres for the siting of an existing propane tank.
- b) Subsection 8.6(1) by decreasing the frontage of any lot line from 20.12 metre to 6 metres for proposed Lot 1 and Lot 2.

The development shall be consistent with Schedules 'A' which is 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 XX DAY OF MARCH, 2023.

Deputy Secretary, Islands Trust

Date of Issuance

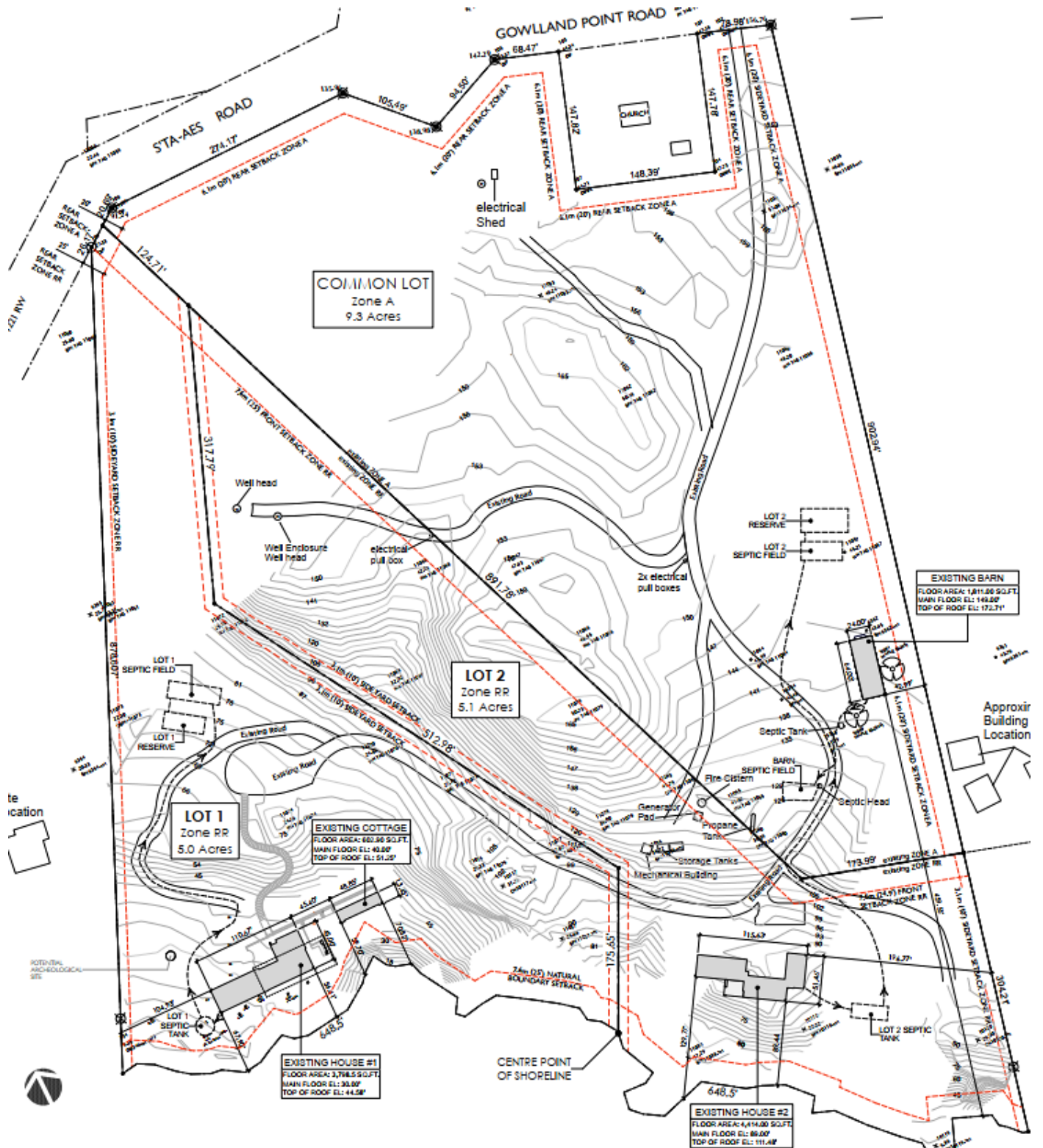
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF MARCH, 2025 THIS PERMIT AUTOMATICALLY LAPSES.

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

SP-DVP-2023.2

SCHEDULE 'A'

SITE PLAN





DATE OF MEETING: March 25, 2023
TO: South Pender Island Local Trust Committee
FROM: Charly Caproff, Planner 1
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit Application
Applicant: Martyn Evans
Location: 9917 Gowlland Point Rd

RECOMMENDATION

- 1. That the South Pender Island Local Trust Committee approve issuance of Development Variance Permit application SP-DVP-2023.3 (Evans).**

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to:

- Vary the maximum floor area for a dwelling on a lot less than 0.4 ha (1 acre) from 232 m² (2500 ft²) to permit new construction of a single family dwelling that is 263.6 m² (2837.5 ft²).

The recommendation to approve the DVP request considers that the variance being sought is relatively minor: the proposed dwelling does not exceed permitted height or encroach within setbacks. In addition numerous letters of support have been received by owners of neighbouring properties (Attachment 3).

RATIONALE FOR VARIANCE

The applicant is seeking the variance in order to construct a dwelling that can support the needs of a family residing full-time on South Pender. Specifically the additional floor area will be used as a mechanical room and provide needed storage space.

BACKGROUND

A DVP is a land use permit that can relax siting, size or dimension regulations, but cannot vary use or density. A DVP is considered on a case by case basis and on its own merits. Typically variances are for things like minor encroachments into setbacks. The LTC has discretion to approve or refuse a DVP, however usually the LTC will consider factors like the applicant's rationale, that there is a unique circumstance specific to this property, the impacts that approving the variance may have on the environment or neighbours, any comments of neighbours, and the staff report.

The property owner submitted a preliminary plan review to Islands Trust in 2021, which was approved. According to the applicant, to reach suitable ground for construction, they were required to excavate to a greater depth than anticipated. The owner realized that the additional area could be used for needed storage and revised the building plans accordingly. Amendments to South Pender Island Land Use Bylaw (LUB) No. 114 in 2022 restricted the total floor area for dwellings in the RR2 zone (as well as other zones in the land use bylaw), resulting in the applicant seeking a variance. Numerous letters of support have been received by neighbouring property owners. One letter in opposition to the variance was also received during the notice period.

A site visit was conducted by staff on February 24, 2023. Photos of the excavated area can be found as Attachment 2.

ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to a floor area regulation is being sought.

Official Community Plan (OCP)

The property is designated Rural Residential (RR) in the South Pender OCP. As of current there are no specific OCP policies or principles that conflict with the variance request. Proposed Bylaw No. 123, if approved, would amend the OCP by introducing guidelines where an application was made to vary the maximum floor area of residential dwellings.

Although not required for consideration at the time of this meeting, staff have prepared a checklist document outlining if and how the application aligns with the South Pender Island Local Trust Committee Building Design and Siting Guidelines (Attachment 6).

Land Use Bylaw (LUB)

Subsection 5.1(5) of the LUB states that the maximum floor area for a dwelling on a property less than 0.4 ha (1 acre) is 232 m² (2500 ft²). In this case the applicant is seeking to exceed the maximum floor area by 31.6 m² (340 ft²).

Intent of the Regulations being varied

The intent of this regulation is to reduce floor area for dwelling units in the following zones: Agriculture (A), Forestry (F), Rural Residential One (RR1), Rural Residential Two (RR2), and Rural Residential Three (RR3). This is to ensure that future development is compatible with rural island character.

Potential impacts of granting a 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. In this case, the variance as proposed is relatively minor, actual impacts would be minimal, and the application has received numerous letters of support from neighbours.

Circulation

DVP Notices were circulated to surrounding property owners and residents on March 10, 2023. The notification period will end on March 21, 2023.

Twelve (12) submissions in support have been received to date (i.e. at the time of writing this report prior to the agenda deadline). Most submissions mentioned that the application as proposed was reasonable and wouldn't result in an over-height dwelling. One (1) submission in opposition has been received to date, stating that the variance being sought is contradictory to the recent amendments to the LUB. Any submissions received after the agenda deadline but prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

First Nations

There are no known First Nations interests or potential impacts related to this specific application.

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

Rationale for Recommendation

It is recommended that the proposed variance to exceed the maximum permitted floor area be approved. The variance is minor in nature, increases functionality of the dwelling, and complies all other with South Pender land use regulations.

ALTERNATIVES

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

1. Request further information

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

That the 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 the application is refused the owner may apply to the Board of Variance. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee refuse application SA-DVP-2023.3.

Submitted By:	Charly Caproff, Planner 1	March 14, 2023
---------------	---------------------------	----------------

Concurrence:	Robert Kojima, Regional Planning Manager	March 16, 2023
--------------	--	----------------

ATTACHMENTS

1. Site Context
2. Photos and Plans
3. Correspondence
4. Notice
5. Draft Development Variance Permit
6. Proposed Bylaw No. 123 Guideline Checklist

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 21680
PID	002-730-073
Civic Address	9917 Gowlland Point Rd

LAND USE

Current Land Use	Rural Residential 2 (RR2)
Surrounding Land Use	Neighbouring lots are Rural Residential 2 (RR2)

HISTORICAL ACTIVITY

File No.	Purpose
SP-BP-2018.8	New construction of a garage
SP-BP-2021.3	Single family dwelling (not constructed)

POLICY/REGULATORY

Official Community Plan Designations	South Pender Island OCP No. 107, 2011 – Residential (R)
Land Use Bylaw	South Pender LUB No. 114, 2016: The subject property is zoned Rural Residential 2 (RR2)
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	No BE files on property

SITE INFLUENCES

Islands Trust Conservancy	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	N/A
Archaeological Sites	Mapping indicates archaeological potential on subject property. Regardless of the information from RAAD, check the relevant protocols and indicate any referral/process requirements. If there are no resources on RAAD, include this statement in the report: Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation</i>

\\islandstrust.local\DFSM\Main\EDM\09 Current Planning\11 SP\3190 DVP\25 Applications (P)\2023\SP-DVP-2023.3 (Evans)\06 Staff Reports\A 1 SP-LTC_2023-03-14_SP-DVP-2023.3_site context.docx

	Act. 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.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – PHOTOS AND PLANS

2.1 PHOTOS

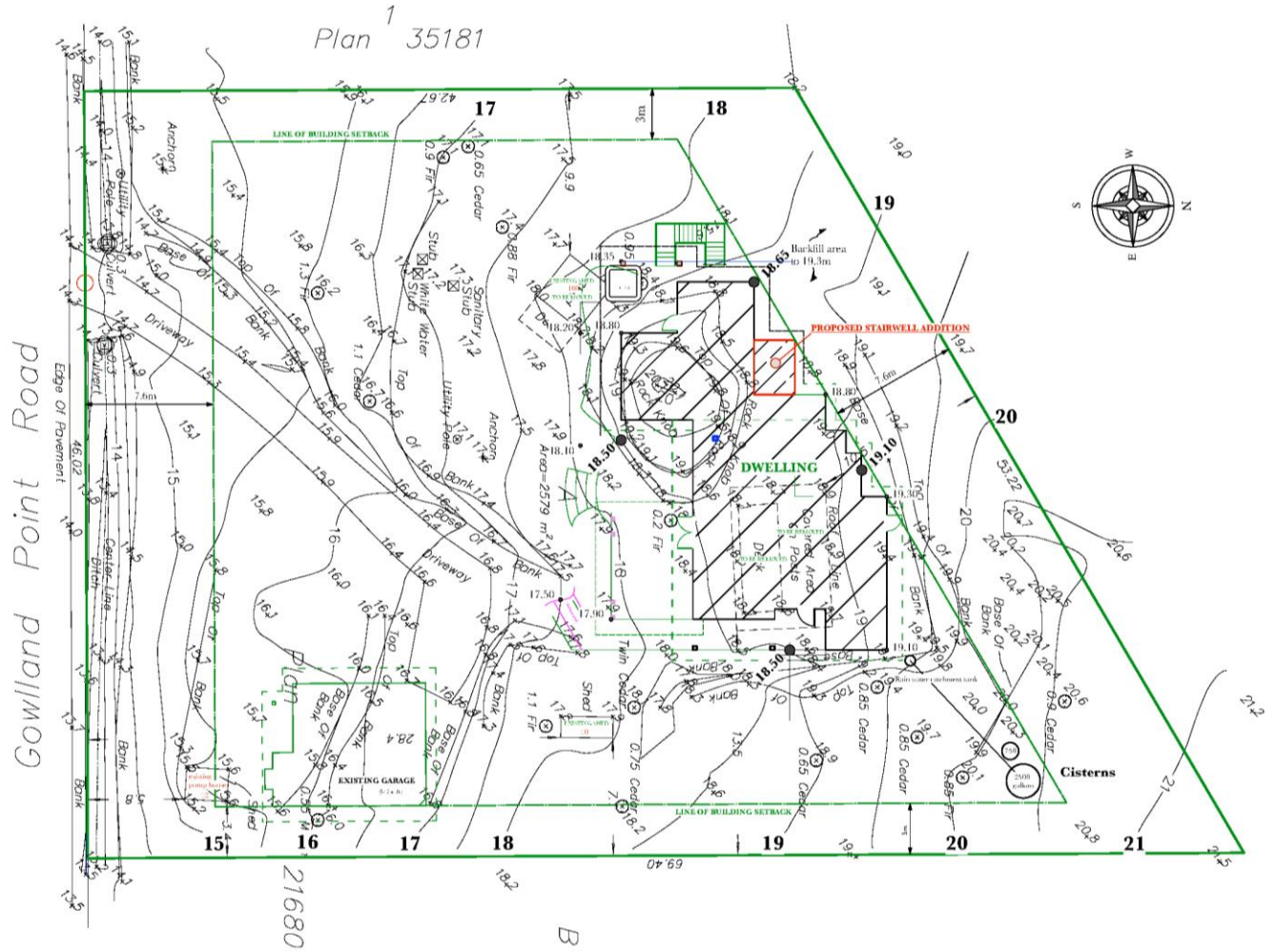


LOCATION OF PROPOSED DWELLING

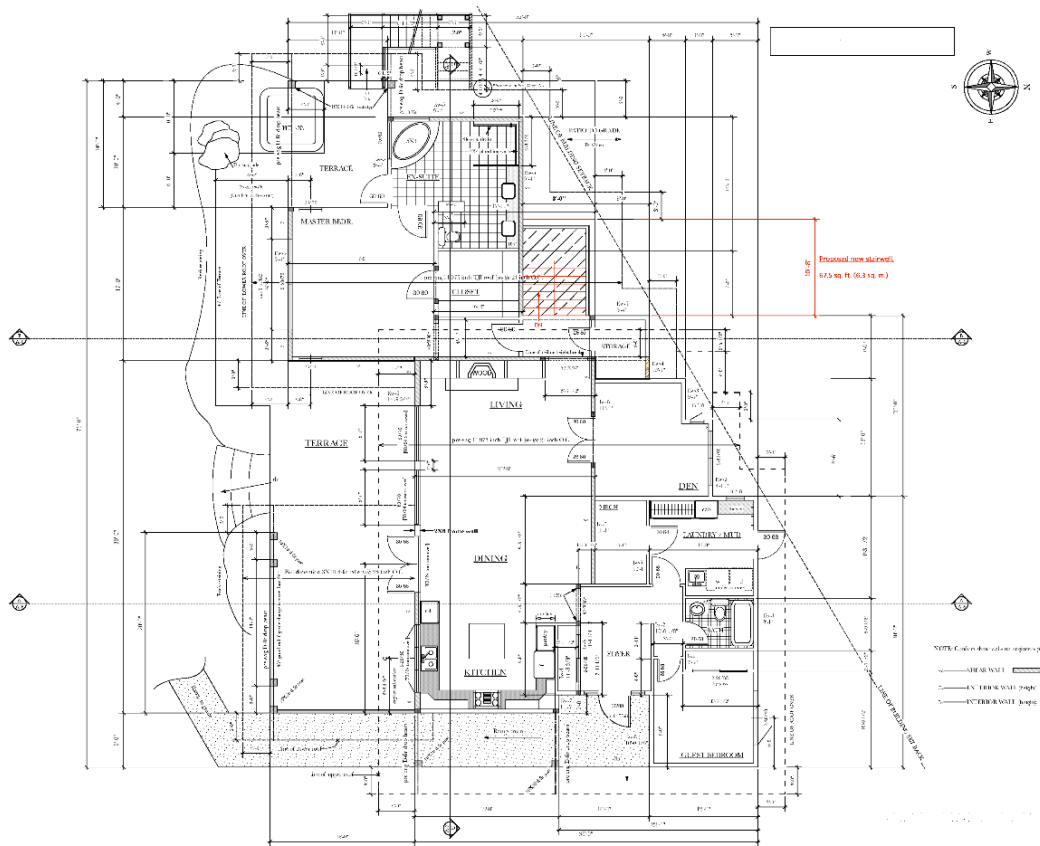


LOCATION OF PROPOSED DWELLING

2.2 SITE PLAN



2.2(B) FLOOR PLANS



MAIN FLOOR
2046.5 FT²

From: Gerald Duncan <[REDACTED]>

Sent: Sunday, March 12, 2023 4:46 PM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>

Subject: property at 9917 Gowlland Pt. Rd. Lot A, section 1, Pender Island variance application

Re the above property variance application. [REDACTED]

[REDACTED] In as much as there is no increase in the footprint of the house on the Evans property, I have no objection to the granting of this variance and hope you will allow it.

Gerald Duncan [REDACTED]

From: [REDACTED]

Sent: March 13, 2023 2:58 PM

To: [Islands Trust](#)

Subject: Nearby Proposed Permit: M. Evans application, 9917 Gowlland Point Road, South Pender Island, B.C.

Sir/Madam,

A [REDACTED] filed for a permit to enable he and his wife to build a house of approximately 2800 square feet.

This, to my wife and I, does not seem at all contradictory to the norms on the Southern Gulf Islands. Sure, the parameters according

to unnecessary changes when the previous trustees were in office technically indicate a small additional footage is requested,

but we feel the owners should not be inconvenienced further in this application.

Sincerely,

Jim and Carol MacDonald,

[REDACTED]

South Pender Island, B.C.

[REDACTED]

From: John H <[REDACTED]>
Sent: Monday, March 13, 2023 12:37 PM
To: southpenderislandlocaltrustcommttee@islandstrust.bc.ca
Cc: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Development Variance Permit

To Whom It May Concern:

We have been full time residents of South Pender Island for 21 years. We have reviewed the proposed house plans for 9917 Gowlland Point Road and have no objection to the proposed permit to vary the South Pender Island Land Use Bylaw No. 114, 2016.

Sincerely,

John and Leslie Hartley

[REDACTED]
Pender Island BC
[REDACTED]

To Charly Caproff, Planner, South Pender Island Local Trust Committee.

Thank you for the Notice SP-DVP-2023.3 about a proposed variance permit for the property at 9917 Gowlland Point Road. This proposal is in the name of our neighbour, Martyn Evans, and we note that our other neighbour Trustee Kristina Evans is recusing herself from further consideration of it, for reasons adequately indicated in her official Trust biography:

“Kristina Evans (formerly Peszel) is serving her first term as Local Trustee for South Pender. She lives there full time with her husband who is third generation on South Pender.”

While commending her declaration as entirely proper, it seems to us unfortunate that the personal interests of one our Trustees, at the beginning of her first term in office, should be so closely identified with the proposal now brought forward.

The variance sought, while no doubt convenient for the owners, seems to us in direct conflict with the guidelines recently established in the by-law. Why an exception should be made in this particular case is not easy to see, given that this small lot is already hosting a residential development on a scale fully comparable with most of its neighbours on lots that exceed the normal two-acre threshold. The adverse impact on the environment thus has to be weighed against the undoubted convenience of the current occupiers of this property.

With these considerations in mind, we feel strongly that the Trust would be sending a very bad signal for future developments on South Pender if this particular proposal for a special variance were to be accepted.

Peter Clarke and Maria Tippett

South Pender Island, [REDACTED]

13 March 2023

From: robert wilman <[REDACTED]>
Sent: Monday, March 13, 2023 11:34 PM
To: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: 9917 Gowland

Marty has shown us his house plans and explained that the excavation required extra depth in order to enable code compliance for footing/foundation integrity, and the best outcome is to put this found space to use.

We see no issues with his variance request as it has zero impact on his home nor his neighbours.

In fact, given the prior island's discussion on resiliency and the ability to sustain households in the event of a major disruption (quake, fire, etc) the ability to have additional cold storage capability etc should be encouraged not discouraged by additional bureaucracy and its associated costs.

Thanks
Rob & Michelle Wilman
[REDACTED]
Pender Island, BC
[REDACTED]

From: [REDACTED] >

Sent: Monday, March 13, 2023 2:23 PM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>; South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>

Subject: Proposed Development Variance Permit SP-DVP-2023.3

Dear Sirs/Mesdames,

I recently received notice of my neighbour, Marty Evans's application for a variance permit to enable him to build his planned home on his lot [REDACTED]. I write to say that I have NO objections to the proposed variance permit being granted. In my view, the proposed building will not be out of character for the neighbourhood and the size of it will not overpower the lot. I view this as a positive development for the neighbourhood.

In short, I support the granting of this application.

Yours Truly,

Susan Antifaev

[REDACTED]

South Pender Island

Sent from my iPad

From: michael st. cyr <[REDACTED]>
Sent: Tuesday, March 14, 2023 5:16 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; South Pender Island Local Trust Committee <SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: SV-DVP-2023.3 RE Property located at 9917 Gowlland Point Road

To whom it may concern,

We have spoken to, and reviewed the building plans of the applicant. The applicant has articulated his requirements for the existing square footage of the house.

We find the plan to be reasonable and well thought out. Allowing for an additional 300 sq/ft mechanical/cold storage rooms to be added into the basement, within the current envelope of the house, would have no visual impact from the roadway.

In our view, mechanical/cold storage rooms will be needed irrespective of any decision rendered by the trust committee. There should be no blanket requirement for the applicant to reduce the living space of the home in order to accommodate it.

Reducing the livable square footage of the home is impractical given the nature of his blended family. In addition, should the applicant need home care in the future, it is practical to have the necessary space available now rather than undertake such a project when the applicant is already in advanced age.

It is for those reasons that we support this application for variance.

Michael St. Cyr/Angela St. Cyr

[REDACTED]
Pender Island BC.

From: [REDACTED] <[REDACTED]>

Sent: Tuesday, March 14, 2023 4:05 PM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>; South Pender Island Local Trust Committee <SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>

Subject: SVP.2023.3

[REDACTED]
Pender Island, B.C. [REDACTED]

March 15, 2023

Islands Trust

South Pender Island Local Trust Committee

Dear Committee Members,

We recently became aware of proceedings to consider a Development Variance Permit on a property [REDACTED]. The single-family dwelling to be constructed at 9917 Gowlland Point Road does not prompt any objections from us, as originally planned, nor as potentially altered in the context of the proposed variance. Over the preceding many months since site excavation began, the home's general layout and appearance have been described to us in detail by the property's owner, Marty Evans. Marty went on to explain alterations that would render greater floor space in an area that was previously slated to be non-liveable "crawl space." It is our understanding that the design modification would not be visually discernable from outside the home, compared to the initial design; the footprint and roof area are not being altered.

As this project moved forward, we came to understand that the home would blend well with the surrounding environment. It's our belief that the size and character of the home are consistent with what one would hope to see constructed on our island, and in keeping with the intent of pertinent Bylaws. Those thoughts are unchanged by the proposal to convert portions of a crawl space into functional floor space. We approve of the proposed dwelling modifications, and encourage the LTC to pursue favourable consideration of the variance known as SP-DVP-2023.3.

Yours sincerely,

Richard and Cynthia Christy

From: Audrey green <[REDACTED]>
Sent: Wednesday, March 15, 2023 9:15 AM
To: Dag Falck <[REDACTED]>; Kristina Evans <kevans@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Support for SP-DVP-2023.3

We are owners of [REDACTED] South Pender Island. We are writing in SUPPORT of SP-DVP-2023.3 for [REDACTED] property located at 9917 Gowlland Pt Road to permit an increase in maximum floor area to 2837.5 sq. ft

David and Audrey Green

[REDACTED]

From: Brenda Bailey <[REDACTED]>
Sent: Wednesday, March 15, 2023 2:47 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; South Pender Island Local Trust Committee <SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Re: Permit application SP-DVP-2023.3

Good afternoon,

Please accept this email as my support the for building variance application to increase in the floor area at 9917 Gowlland Point Road above the max. floor area defined in bylaw 114.

The request is reasonable for the location of increased square footage (no visual impact), depth of excavation (earthworks will likely already disturb this area), and proposed usage (possibly food storage or safe access to utilities which likely improves worker health and safety considerations).

Should you have any questions please feel free to contact me.

Regards

Brenda Bailey



From: Dave Durant <[REDACTED]>
Sent: Wednesday, March 15, 2023 5:24 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: 9917 Gowlland Pt Rd Development Variance

Re: 9917 Gowlland Pt Rd.

We received notice regarding the development variance to increase the permitted maximum floor area to 2837.5 sq ft. We were advised the main level of the home is just over 1900 sq feet, and the additional square footage is in the basement of the home. Since it doesn't increase the above ground footprint of the home, we believe the request does not undermine the spirit of the bylaw, so we have no concerns.

Kathleen and David Durant
[REDACTED]

From: Felipe Sanchez [REDACTED]
Sent: Wednesday, March 15, 2023 7:02 AM
To: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: 9917 Gowlland point rd.

March 14, 2023

To Whom It May Concern,

Hello, my name is Felipe Sánchez resident of south Pender Island [REDACTED]
I am writing to acknowledge that Marty Evans is working on a project to build his house at 9917
Gowlland Point rd.
Also, to inform that I fully support the application of his variance so he can complete his project.

Sincerely,

Felipe Sánchez

From: Heather Haryu [REDACTED]
Sent: Wednesday, March 15, 2023 9:53 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; South Pender Island Local Trust Committee <SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: SVP-DVP-2023.3

To: Charly Caproff, Planner, Islands Trust
Cc: South Pender Island Local Trust Committee (Dag Faulk and Kristina Peszel)

We understand that an application has been submitted to Islands Trust for a Development Variance Permit (SP-DVP-2023.03) for the property located at 9917 Gowlland Point Road on South Pender Island. We would like to express our opinion that this application for a variance should be accepted and the project be allowed to proceed as presented.

This variance is requested for a minimal increase of 337.5 sq. ft. to the allowed square footage, which involves adding two rooms in the basement of the proposed residence. We understand that one of the rooms will be used for cold storage and the other for mechanical works. The architectural design of the house appears to be low-slung, in keeping with the garage already on the property, and would likely complement a garage sited at a higher elevation on the adjacent property to the east.

We admit that we were not in favour of the degree of house size reductions approved through the recent Bylaw 122. This appears to be one example of the pettiness of such restrictions, whereby other than a slightly increased excavation to accommodate the two rooms required, there will be very minimal impact on the environment, no impact on the footprint, and no impact on the visible part of the home from the road. We do not understand why anyone would be opposed to the variance, other than for a perceived need to strictly and staunchly disallow any deviation to house size rules – rules which many if not most property owners in the community opposed.

We do not feel it is appropriate to discourage people such as the applicant – who we understand is a retired fire chief who contributes his knowledge and skill to the local community – from building well-designed residences. While the style of the home may not be the same as some of the older homes on the island, it does resemble some of the newer homes that are visible on Canal Road and other South Pender Island properties. It appears that the property has been developed to accommodate the home in a fire-safe manner and the home will likely be sided in fire-resistant planking to match the garage, unlike most homes on the island (including ours) which are sided in cedar – known to be less fire resistant.

We feel that there is no good reason to deny this application and very good reason to approve it.

Thank you for your consideration.

Yours truly,

Heather and Wayne Haryu
[REDACTED]

South Pender Island
[REDACTED]



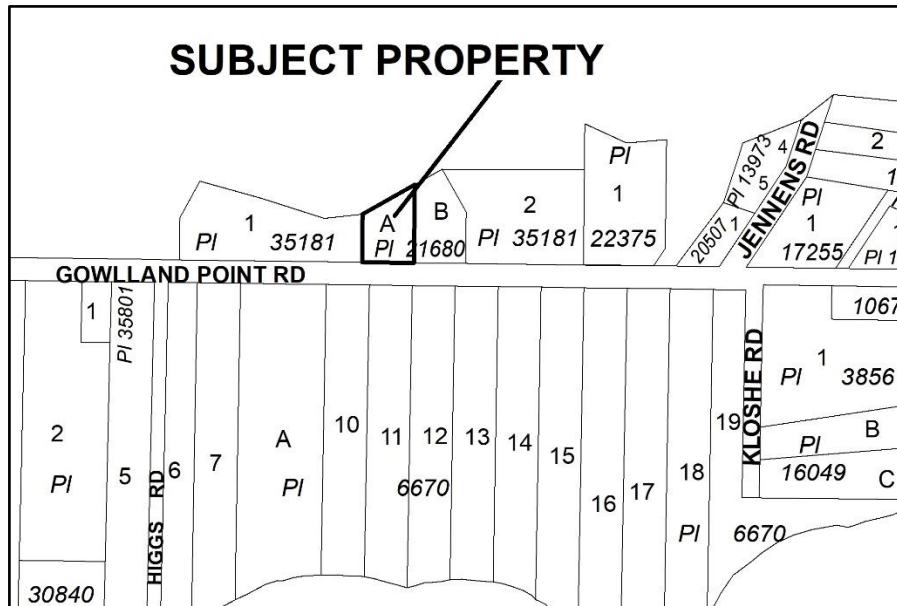
NOTICE
SP-DVP-2023.3
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

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, 2016, by:

- Increasing the permitted maximum floor area for new construction of a single family dwelling on a lot less than 0.4 ha (1 acre) in area to 263.6 m² (2837.5 ft²);

The property is located at **9917 GOWLLAND POINT ROAD** and is legally described as LOT A, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 21680 (PID: 002-730-073).

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, BC V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 6, 2023** and continuing up to and including **March 17, 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 Charly Caproff, Planner at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **March 17, 2023**.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the special meeting starting at **10:00 AM, March 25, 2023** at the **Fire Hall #3**, 8961 Gowlland Point Rd, on South Pender Island.

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

Jas Chonk, Deputy Secretary



Islands Trust

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SP-DVP-2023.3**

To: Martyn Evans

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

LOT A, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 21680
(PID: 002-730-073)

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

- a) Subsection 5.1(5) which states that the maximum floor area for a dwelling on a lot less than 0.4 ha (1 acre) is 232 m² is varied to permit new construction of a single family dwelling that is 263.6 m² (2837.5 ft²).

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender 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 ##TH DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

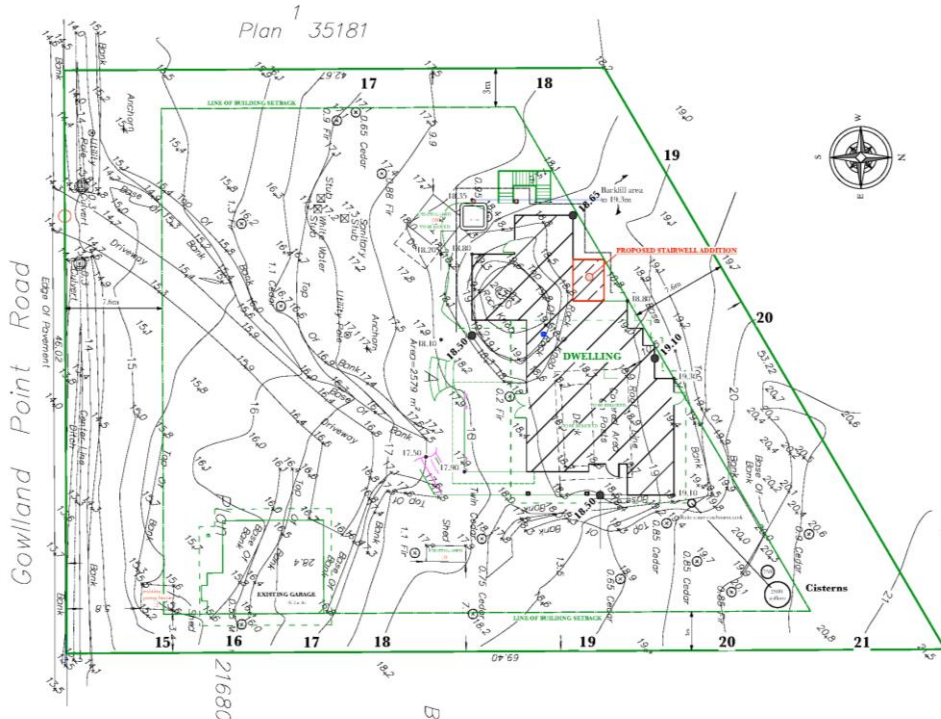
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

SP-DVP-2023.3

SCHEDULE 'A'



CONSTRUCTION NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
COMMENTS:
 1. THE PROPOSED DWELLING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE PROPOSED DWELLING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
VENTILATION:
 1. ALL VENTILATION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
DISCLAIMER:
 1. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY STRUCTURE OR EQUIPMENT NOT SHOWN ON THIS PLAN.

EXISTING PERMIT (OVER 10,000 SQ. FT.)

PROPOSED DWELLING FLOOR AREA SHOWN	2,094 SQ. FT.
TOTAL PROPOSED FLOOR AREA SHOWN	2,948 SQ. FT.

SITE SYNOPSIS

LOT AREA = 64 ACRE / 27,878.4 SQ. FT.	Zone	RR-2	
FLOOR AREA ALLOWED	5,000 SQ. FT.		
EXISTING GARAGE & SHEDS SHOWN	854 SQ. FT.		
PROPOSED DWELLING FLOOR AREA SHOWN	2,094 SQ. FT.		
TOTAL PROPOSED FLOOR AREA SHOWN	2,948 SQ. FT.		
MAXIMUM HEIGHT CALCULATION:			
NORTH	19.50	TOTAL	74.75 / 4 = 18.70
SOUTH	19.50		18.50
EAST	19.50	MAXIMUM HEIGHT	27.90 m.
WEST	19.50		
TOTAL	74.75		

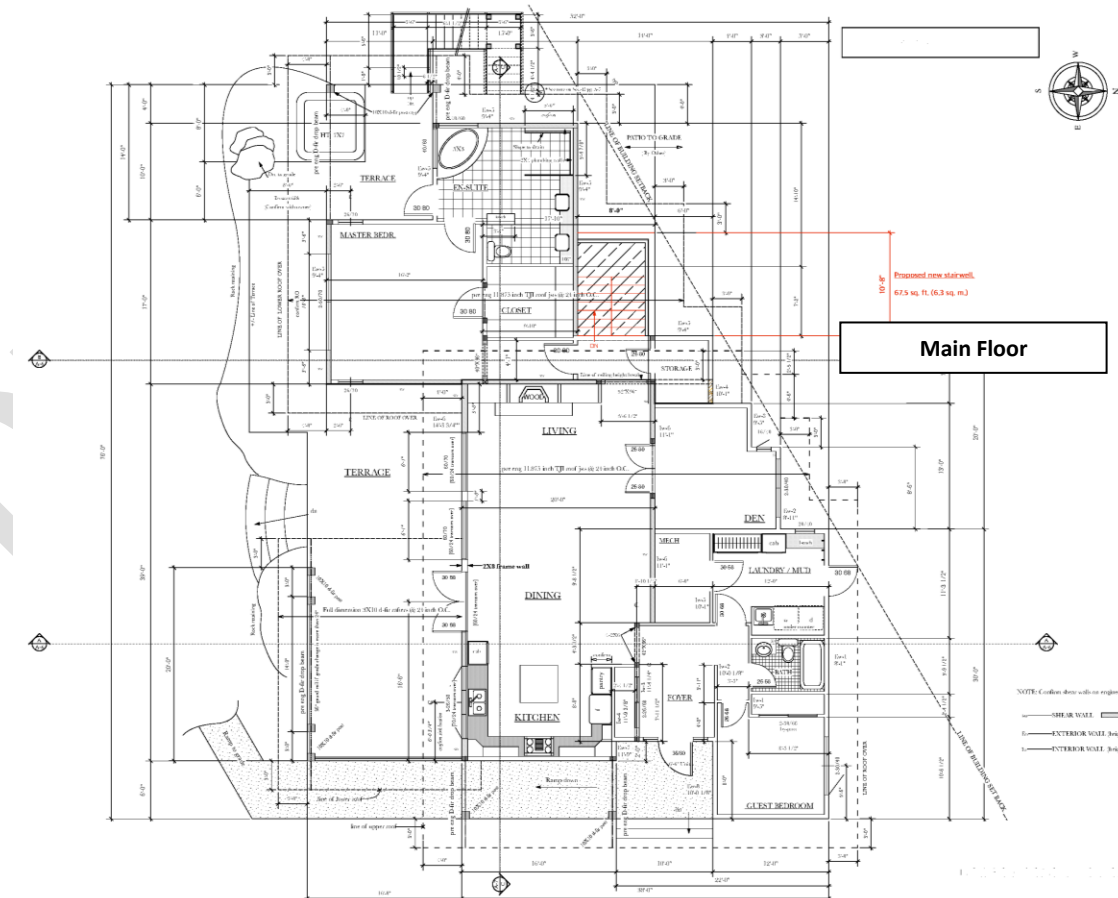
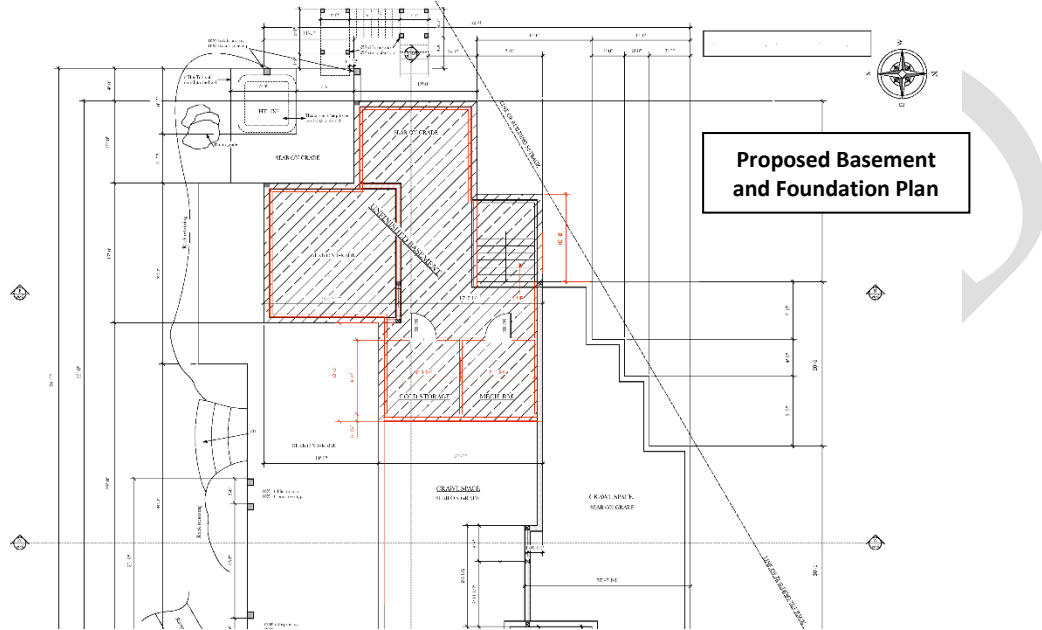
SITE PLAN
 SHOWING LOCATION OF PROPOSED IMPROVEMENTS ON:
 LOTA, SEC. 1, PENDER ISLAND, COWICHAN DISTRICT,
 PLAN VPP 1800, P.L.D. 050-730-073

The subject property is affected by the following registered documents:
 251809C

PRC

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
SP-DVP-2023.3**

SCHEDULE 'B'



Attachment 6: SP DVP Checklist for Building Design & Siting Guidelines

SP-DVP-2023.3 - 9917 Gowlland Point 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.	Building height will be under maximum height permitted by zoning and is within lot setbacks. Design as submitted is not obtrusive and reflects natural and rural character.
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.	As shown in plans and indicated in letters of support from neighbours the design contributes to community character.
c) Complex designs or complicated construction methods and materials may difficult to source. Resource construction methods and materials locally if possible.	Materials will be consistent with the already constructed garage, utilizing fire-resistant planking.
d) Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.	The variance being sought is specifically for increasing functionality of the dwelling.
e) Consider age-friendly design principles to create easy access or reduce mobility issues.	Living area is largely on one level. The basement is intended for storage and a mechanical room.
<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.	As mentioned in the staff report the applicant states that the reduced floor area shown in the original submitted plans did not allow for sufficient storage area to meet the needs of their family.
<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 impacts views from adjacent properties and other view corridors.	Complies.

Attachment 6: SP DVP Checklist for Building Design & Siting Guidelines

Guidelines	Comments
<i>Guideline 4 – Produce a Design Concept & Site Plan</i>	
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.	Provided.
<i>Guideline 5 – Site Preparation</i>	
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.	Consideration has been made by the applicant for a well-integrated site plan.
<i>Guideline 6 – Landscaping</i>	
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.	TBD
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.	TBD
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
<i>Guideline 7 – Hard Surfaces & Paving Materials</i>	
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.	Existing driveway is permeable crushed rock.
<i>Guideline 8 - Fencing</i>	
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.	Fencing at property perimeter is minimal.

Attachment 6: SP DVP Checklist for Building Design & Siting Guidelines

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



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
---------------	--	-------------------