



Islands Trust

Revised
**NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE**

**BUSINESS MEETING AGENDA
TO COMMENCE AT 9:45 A.M., THURSDAY, JANUARY 27, 2011
AT THE PENDER ISLAND COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD,
NORTH PENDER ISLAND, B.C.**

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

	Page #	*Approx. Time*
1. CALL TO ORDER		9:45 am
2. APPROVAL OF AGENDA		9:45 am
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING - none		
4. PUBLIC HEARING - none		
5. PREVIOUS MEETINGS		9:50 am
5.1 Local Trust Committee Minutes for Adoption	1	
5.1.1 Minutes of November 25, 2010 Local Trust Committee Business Meeting (attached)		
5.1.2 Minutes of November 27, 2010 Local Trust Committee Special Meeting (attached)	9	
5.2 Public Hearing Records and Community Information Meeting Notes to be Received		
5.2.1 Notes of November 27, 2010 Community Information Meeting (attached)	10	
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission/Task Force to be received		
5.4.1 Minutes of November 15, 2010 Advisory Planning Commission Meeting (attached)	16	
6. BUSINESS ARISING FROM THE MINUTES		10:05 am
6.1 Follow-up Action Report (attached)	21	

7.	DELEGATIONS		
7.1	Southern Gulf Islands Electoral Area Director		
8.	CORRESPONDENCE (attached)	23	
	<i>[correspondence received concerning applications and/or projects is considered with the application]</i>		
8.1	Stanley Pt. Property Owners Assoc. dated December 6, 2010 re: Repair of Roads in Stanley Point		
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS none		
10.	LOCAL TRUST COMMITTEE PROJECTS		11:00 am
10.1	Proposed Bylaw No. 184 (OCP Amendment) - Riparian Area Regulations DPA (attached) (RK)	58	
11.	REPORTS		11:40 am
11.1	Work Program Reports – for information		
11.1.1	North Pender Island Local Trust Committee Work Program - Report dated January, 2011 (attached)	72	
11.1.2	Excerpt from the 2008-2011 Trust Council Strategic Plan (attached)	75	
11.2	Applications Report – for information		
11.2.1	North Pender Island Applications Report dated January, 2011 (attached)	83	
11.3	Bylaw Enforcement (attached)		
11.4	Expense/Budget Reports		
11.4.1	Trustee and Local Expenses January 2011 (attached)	88	
11.4.2	Adopted Budget 2009/2010 (attached) - for information	89	
11.5	Adopted Policies and Standing Resolutions (attached) – for information	90	
11.6	North Pender LTC Web Page (attached) – for discussion	91	12:00 pm
11.7	Chair’s Report		
11.8	Trustee Report		

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Business at 9:45 a.m., Thursday,
February 24, 2011 at Pender Island
Community Hall

12.2 Advisory Planning Commission – Terms Expire 93 12:20 pm
March 1 2011 (attached)

12.3 Kikuchi family's property – Conservation 94
Covenant (attached)

13. TOWN HALL MEETING 1:00 pm

15. MOTION TO CLOSE MEETING

THAT, pursuant to Section 90(1)(f) of the Community Charter, the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting November 25, 2010 In Camera Minutes re: Bylaw Enforcement and further that Planner Robert Kojima, Planner Andrea Pickard; and Recording Secretary Zorah Staar remain present.(distributed under separate cover)

16. RECALL TO ORDER 1:15 pm
16.1 Rise and Report from Closed Meeting

17. ADJOURNMENT 1:20 pm

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, NOVEMBER 25, 2010, AT 9:45 AM
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

PRESENT:	Derek Masselink	Local Trustee
	Gary Steeves	Local Trustee
	Andrea Pickard	Island Planner
	Robert Kojima	Island Planner
	Zorah Staar	Recording Secretary
REGRETS:	Peter Luckham	Chair

There were two (2) members of the public in attendance.

1. CALL TO ORDER

Trustee Masselink acted as Chair, and called the meeting to order at 9:47 am.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The agenda was amended as follows:

- add a copy of Bylaw No. 179 to item 10.1
- add item 12.2 - Draft Letter in Response to Newspaper Articles
- add item 14 - In Camera Bylaw Enforcement Report

The Local Trust Committee agreed by consensus to adopt the amended agenda.

2.2 Questions from Public on Agenda Items - None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of October 28, 2010 Local Trust Committee Business Meeting

The Local Trust Committee agreed by consensus to adopt the minutes of their October 28, 2010 Business Meeting as presented.

5.1.2 Minutes of October 29, 2010 Local Trust Committee Special Meeting

The Local Trust Committee agreed by consensus to adopt the minutes of their October 29, 2010 Special Meeting as presented.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Record of October 29, 2010 Public Hearing

The Local Trust Committee agreed by consensus to receive the Record of the October 29, 2010 Public Hearing.

5.3 Section 26 Resolutions-without-meeting

It was noted that there had been a Resolution-without-meeting to give First Reading to Draft Bylaw No. 184.

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Island Planner Pickard briefly reviewed the available Follow-up Action Report.

With regard to item 5, Recording Secretary Zorah Staar said that the Advisory Planning Commission seemed to want further clarification on their responsibilities, going beyond their recent decision to hear from the public for no more than 20 minutes per meeting (see Draft Minutes of November 15, 2010, not yet received).

The Trustees confirmed that Advisory Planning Commission meetings were public meetings and the public should be allowed to speak briefly (as above). However, it was not the Commission's job to engage in public consultation, because this would limit the time for Commission Members to fulfill their responsibility to discuss referred matters primarily amongst themselves. As for their duty to hear from an applicant if a specific application had been referred, this could occur within the 20 minutes for the public, or somewhat more time if reasonable. The Trustees affirmed that it was the job of the Chair to ensure a constructive process in this regard.

7. DELEGATIONS

7.1 Southern Gulf Islands Electoral Area Director

Alternate Jon Heaney was present, and he said that Director Ken Hancock was currently working with Capital Regional District Building Inspection to organize a January community/contractor meeting about changes to the Building Code.

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS AND REFERRALS

9.1 NP-DVP-2010.3 and NP-DP-2010.7 (I.I.D. Partners/Irving Pitcher Architects)

Planner Pickard reviewed the November 17, 2010 Staff Report on the above two related applications, commenting that this matter involved a Sidney Island set of stairs and landings, the last portion of which was 13 metres within the 15-metre required setback from the natural boundary of the sea, as well as within a Shoreline Development Permit Area; that the stairs also violated a Capital Regional District and Ministry of Transportation geotechnical covenant; that in addition, the requested Development Variance Permit for the lot involved 4 minor structures (e.g. a propane tank) within the 10-metre lot line setback; and that a geotechnical engineer's report and biologist's report had been submitted.

Trustee Steeves commented that there was no apparent excuse or explanation for the applicant having had these stairs built in violation of three sets of legal requirements; that the topography in question was a steep bank of sand which was already eroding away under the infringing stairs; that for the Local Trust Committee to vary requirements to allow a structure like this would be to fail to maintain the integrity of this area's ecosystem (as required by the applicable North Pender Associated Islands Official Community Plan); and that at the same time, the other requested variance for the four minor structures was not opposed.

Trustee Masselink said he agreed with Trustee Steeves and further commented that he was concerned about the biologist's report appearing to go beyond credentials (re: bank stability/geotechnical issues); that the infringing stairs also appeared to be poorly built and treacherous, and represented a health and safety issue; and that the stair structure might be creating some temporary slope stability, but it would need to be replaced and upgraded in the not-so-distant future, which would have further negative impact.

Planner Pickard confirmed that the parts of the draft Development Variance Permit regarding the stairs could be deleted (still allowing the variance for the 4 minor structures to be approved in principle), and that she would follow up as appropriate.

Resolution NP-LTC-131-10

It was Moved and Seconded that North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2010.3 (Irving Pitcher Architects) be amended by deleting paragraph 2(a) and deleting Schedule A.

CARRIED

Resolution NP-LTC-132-10

It was Moved and Seconded that that North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2010.3 (Irving Pitcher Architects) be approved in principle as amended, and specifically not to include the variance for the stair structure.

CARRIED

Resolution NP-LTC-133-10

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to issue Development Variance Permit NP-DVP-2010.3 (Irving Pitcher Architects) after a building permit for a residential dwelling on the property has been issued.

CARRIED

Resolution NP-LTC-134-10

It was Moved and Seconded that that North Pender Island Local Trust Committee Development Permit NP-DP-2010.7 (Irving Pitcher Architects) proceed no further.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 NP-LUB-2009.1 (Proposed Bylaw No. 179)

Planner Pickard noted that Proposed Bylaw No. 179 had now received Executive Committee approval.

Resolution NP-LTC-135-10

It was Moved and Seconded that North Pender Island Local Trust Committee Bylaw No. 179 (cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2009"), be adopted.

CARRIED

10.2 Steep Slope Hazard Development Permit Area

Planner Kojima reviewed the November 16, 2010 Staff Report, which involved revisions (as directed) to the proposed Steep Slope Development Permit Area and Draft Bylaw No. 185.

With regard to exempting some removal of vegetation (apart from trees) on moderately steep slopes, Trustee Masselink was in favour of increasing the proposed 9-square-metre exemption, to support the needs of some landowners to clear a greater area of vegetation for gardening sites.

Trustee Steeves asked if there were any other options available, to prevent large-scale vegetation removal and clear-cutting of trees that de-stabilized moderate slopes, without unduly controlling lesser degrees of alteration.

With regard to the moderate slope tree-cutting exemption (now revised to allow the cutting of 2 trees within a 12-month period, per lot), Trustee Masselink said that one solution might be to go back to the previous proposal (to exempt the cutting of 5 trees per 12 month period, per lot). Then the public could be asked at a future Community Information Meeting whether they felt this adequately addressed health and safety concerns relating to people altering slopes.

Planner Kojima discussed the consultant`s analysis (which supported removal of up to 5 trees per year on moderate slopes), and also the approach of other jurisdictions, many of which did not control vegetation removal on moderate hazard slopes (as distinct from high hazard slopes).

The Trustees decided by consensus to delete the draft restriction on vegetation removal for moderate slopes, and to revise the related tree-cutting exemption to allow up to 5 trees to be cut per 12-month period. Further consultation with the community and Capital Regional District would then occur in future.

Resolution NP-LTC-136-10

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to amend Draft Bylaw No. 185 by removing subparagraph 5.2.9.5, r), vi. , and by amending subparagraph 5.2.9.5, r), v. to conform with the consultant`s advice.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

It was noted that item 1 on the Top Priorities list could be removed (now that the technical amendments to the Land Use Bylaw had been completed).

Resolution NP-LTC-137-10

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to amend the Projects list of the Work Program be deleting items 4 and 6..

CARRIED

11.1.2 Strategic Plan Excerpts

For information

11.2 Applications Reports

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

11.3 Bylaw Enforcement Report

See item 14 re: In Camera Meeting

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses

For information

11.4.2 LTC Budget

For information

11.5 Adopted Policies and Standing Resolutions Report

This Report was unchanged.

11.6 North Pender LTC Web Page

No further web page changes were suggested.

11.7 Chair's Report

Chair Luckham was not able to be present.

11.8 Trustee Reports

Trustee Masselink commented that a comprehensive review of island food security issues had been prepared by Islands Trust staff and approved by the Local Planning Committee, and would now be going to Trust Council with proposed resolutions; that the Local Planning Committee had also recently looked at a new Map It project, which was a fast, user-friendly way to look at information on zoning, development permits, contours, aerial photos, etc.; and that the next Trust Council Meeting was December 7, 8 and 9 in Victoria.

Trustee Steeves commented that he and Moving Around Pender were still advocating with BC Ferries to support a local bicycle shelter at the ferry terminal; that he had recently met with MLA Murray Coell on a list of issues; that the Southern Gulf Island Trustees were going to be meeting with Parks Canada. He added that the upcoming Trust Council meeting was going to involve a web conference link with Randall Arendt, who had written several books relating to subdivision design and conservation.

12. NEW BUSINESS

12.1 Upcoming Meetings

12.1.1 Community Information Meeting at 12:00 pm, Saturday, November 27, 2010 (Pender Island Community Hall)

12.1.2 Next Local Trust Committee Business Meeting at 9:45 am, Thursday, January 27, 2010 (Pender Island Community Hall Lounge).

12.2 Draft Letter in Response to Newspaper Articles

There was discussion of a recent pair of newspaper articles, which had included incorrect information about the proposed Riparian and Aquatic Development Permit Area and an untrue suggestion about Local Trustees.

Trustee Steeves confirmed that all possible steps had been taken to prevent any trespass by consultants assessing riparian areas, and to address landowner concerns in this regard.

The Trustees agreed that riparian area issues could be clarified at the November 27 Community Information Meeting, and that the draft Local Trust Committee letter to a local newspaper was not necessary at this time.

13. TOWN HALL MEETING

There were no comments from the community members present.

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-136-10

It was Moved and Seconded, pursuant to Section 90(1)(f) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering Bylaw Enforcement matters, and further that Planners Andrea Pickard and Robert Kojima, Bylaw Enforcement Officer Miles Drew, and Recording Secretary Zorah Staar remain present.

CARRIED

Note: See separate Local Trust Committee In Camera Meeting Minutes dated November 25, 2010.

15. RISE AND REPORT

Resolution NP-LTC-138-10

It was Moved and Seconded that the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

It was reported that during the In Camera portion of the meeting, the Local Trust Committee resolved to authorize the Bylaw Enforcement Officer to take necessary legal action against the current owners of the Port Washington Shed.

16. ADJOURNMENT

Resolution NP-LTC-139-10

It was Moved and Seconded that the North Pender Island Local Trust Committee meeting be adjourned at approximately 1:51 pm.

CARRIED

RECORDER

CHAIR

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE SPECIAL MEETING
HELD ON SATURDAY, NOVEMBER 27, 2010, AT 12:00 PM
AT THE PENDER ISLAND COMMUNITY HALL
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, B.C.**

PRESENT:	Gary Steeves	Local Trustee
	Derek Masselink	Local Trustee
	Robert Kojima	Island Planner
	Andrea Pickard	Island Planner
	Zorah Staar	Recording Secretary

REGRETS:	Peter Luckham	Chair
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There were twenty-four (24) members of the public in attendance.

1. CALL TO ORDER

Trustee Steeves called the meeting to order at 12:01 pm, and made introductions.

2. APPROVAL OF AGENDA

The Local Trust Committee agreed by consensus to adopt the agenda, the primary item of which was a Community Information Meeting.

3. COMMUNITY INFORMATION MEETING

See separate Notes of the same date for the Community Information Meeting on Proposed Bylaw No. 184 (Riparian and Aquatic Development Permit Area).

4. ADJOURNMENT

The Local Trust Committee agreed by consensus to adjourn the meeting at approximately 1:37 pm.

RECORDER

CHAIR

**Community Information Meeting
Notes Subject to Approval
By the Local Trust Committee**

DRAFT

**NOTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE COMMUNITY INFORMATION MEETING
RE: PROPOSED BYLAW NO. 184
(RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA)
HELD ON SATURDAY, NOVEMBER 27, 2010 AT 12:00 PM
AT THE PENDER ISLAND COMMUNITY HALL
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, B.C.**

PRESENT:	Gary Steeves	Local Trustee / Acting Chair
	Derek Masselink	Local Trustee
	Robert Kojima	Island Planner
	Andrea Pickard	Island Planner
	Zorah Staar	Recording Secretary
REGRETS:	Peter Luckham	Chair

There were twenty-four (24) members of the public in attendance.

Trustee Steeves acted as Chair and called this Community Information Meeting to order at 12:05 pm (as part of a Local Trust Committee Business Meeting of the same date - see separate Minutes). The Chair confirmed that the subject of the Community Information Meeting was discussion of Proposed Bylaw No. 184.

Planner Robert Kojima commented that the proposed bylaw would amend the North Pender Official Community Plan to establish a new Riparian and Aquatic Development Area; that this was required in order to minimally implement the provincial Riparian Area Regulation, which affected certain activities within potentially fish-supporting riparian areas, and an additional 30-metre "assessment area"; that the Riparian Area Regulation was already in effect, and applied to residential, commercial and industrial uses, but not to other uses such as agriculture or managed forest; that the Islands Trust had hired a consultant to determine which riparian areas were within the provincial regulation and therefore to be designated as part of the proposed Riparian and Aquatic Development Permit Area; that the basic approach was for certain development applications or activities within the designated areas to require assessment by a Qualified Environmental Professional before proceeding; and that more information about the locations affected and applicable guidelines and exemptions could be found in Proposed Bylaw No. 184, or on the Islands Trust website.

Trustee Steeves then invited community members to ask questions, make comments, and have an informal community discussion about the proposal.

Barrie Morrison asked if land within the Agricultural Land Reserve was affected by the proposed Riparian and Aquatic Development Permit Area.

Planner Kojima said that such lands were included, but that there was an exemption for all farming activities (except for the construction of a residence).

Chuck Harris asked what the penalty would be for violating the proposed Development Permit Area, and whether the Buck Lake watershed was affected.

Planner Kojima said that the first response to violations would be from Islands Trust Bylaw Enforcement, and possibly also the Ministry of the Environment and the federal Department of Fisheries and Oceans. If there was not voluntary compliance (e.g. restoration and mitigation), then the Islands Trust could proceed to initiate litigation and seek penalties. With regard to the watershed that fed Buck Lake, Planner Kojima said that the provincial regulation and the resulting Riparian and Aquatic Development Permit Area applied to surface water (either constituting or flowing into potential fish habitat), and not underground drainage areas.

Chuck Harris asked if the proposed Development Permit Area went beyond protecting potential fish habitat, and also suggested that the restrictions in subsection 5.2.11.8 (d) of Proposed Bylaw No. 184 (e.g. re: floats, ramps, treated wood, etc.) ought to say “shall” rather than “should”.

Planner Kojima said that the basis for the proposed Development Permit Area was the provincial Fish Protection Act and Riparian Area Regulation, but that preserving fish habitat had other community benefits, e.g. for water reservoirs like Buck Lake and Magic Lake that fell within the regulation. As for the “should” wording, Development Permit Area guidelines in an Official Community Plan could not be prescriptive, but when the Local Trust Committee reviewed the report of a Qualified Environmental Professional on a certain property, they could issue a permit providing that the landowner “shall” fulfill certain requirements.

Don Peden commented that he would like further clarification about the proposed Development Permit Area protecting more than fish (e.g. whether natural shoreline vegetation was protected); that he lived on Magic Lake, and wondered about removing invasive vegetation; that he was also involved with the Pender Islands Conservancy Association, and felt conservation efforts had a huge role to play in protecting riparian areas (going beyond the proposed Bylaw).

Planner Kojima said that in terms of removing invasive or other vegetation, Proposed Bylaw No. 184 included exemptions for a number of activities, such as gardening and yard maintenance within an existing landscaped area, and also ecological enhancement and restoration projects undertaken by a public body.

Trustee Steeves noted that some other jurisdictions had severe problems with toxic blue-green algae in water bodies, as a result of excess nutrient loading resulting from clearing too much shoreline vegetation, and also excess fertilizing.

Sara Steil said that with too much fertilizer use on shoreline properties, water plants grew unnaturally and clogged water bodies. Raking lawn cuttings to the shoreline also had this effect.

Trustee Steeves noted that Sam Boyte had sent an email, saying he was concerned the proposed bylaw did not take into account the fact that Buck Lake and Magic Lake were manmade, and would revert to bog without regular vegetation removal and maintenance. In his email, Boyte also suggested allowing milfoil and other weed removal, as well as dredging if necessary.

Planner Kojima noted that the above lakes were within Capital Regional District control as public water reservoirs, and any resulting maintenance, expansion, etc. would be exempt from the proposed Development Permit Area as institutional/government activity.

Terry Chantler said that Gardom Pond (which was mostly privately owned) was also within the proposed Development Permit Area. The owners' association there preferred that it not revert to a bog, so they organized regular cooperative activity to remove excess weeds and water lilies.

Planner Kojima said that one concern would be if individual landowners were altering a portion of the lake for an accessory residential use. However, a group doing some vegetation clearing for ecological purposes could possibly fall within the ecological restoration exemption of Proposed Bylaw No. 184. A Qualified Environmental Professional could likely provide some useful guidance on this.

Ursula Poepel said that she lived on Buck Lake, where the sand was eroding away from around the roots of shoreline Alder trees, so she placed rocks there to try to prevent further erosion. There were also sedge plants which would invade her garden, so she removed them to prevent this.

Planner Kojima said that minor activity by a landowner to prevent shoreline erosion was potentially acceptable within the Development Permit Area. However, if erosion was threatening a dwelling, the protective work required would likely require assessment by a Qualified Environmental Professional.

Trustee Steeves suggested that if the eroding property in question was on Buck Lake or Magic Lake, the Capital Regional District Water staff should be contacted.

Trustee Masselink noted the Development Permit Area exemption for ecological enhancement and restoration projects undertaken or authorized by a public body.

Chuck Harris said that he thought there was general community support for the proposed Riparian and Aquatic Development Permit Area.

Trustee Steeves said that he'd received lots of submissions from Buck Lake property owners about the need to protect this water supply. The guidelines of the proposed Riparian and Aquatic Development Permit Area went as far as the Local Trust Committee could legally go at this time (e.g. re: pesticide use), and it would be up to the Trustees to apply them appropriately.

Amanda Griesbach asked about farmland, specifically the Bible Camp farming plot and the issue of possible pesticide use (near the Hope Bay stream).

Planner Kojima noted the farming activity exemption, but said that investigation of a potential Development Permit Area enforcement issue would be based on a complaint, or could be without complaint if an environmental issue were involved.

Trustee Masselink added that farming activity was subject to additional provincial and federal regulations.

Planner Pickard said there also a separate process happening right now, to develop regulations to address potential agricultural impact on riparian areas.

Amanda Griesbach asked about stocking water bodies with non-native fish.

Trustee Steeves said that he believed this would be covered by the Fish Protection Act, administered by the Ministry of the Environment (which had a Help Line).

Ursula Poepel asked about using aged manure as fertilizer in her garden (adjacent to Buck Lake).

Planner Kojima noted the Bylaw No. 184 exemption for gardening (not involving the cosmetic application of pesticides).

Trustee Masselink noted that over-fertilization could have downstream effects (in terms of excess nitrogen), and that the provincial Environmental Farm Plan program was helping farmers make better decisions re: adjacent riparian areas.

Sylvia Pincott said it was unfortunate that private managed forests were exempt (by provincial law) from the proposed Development Permit Area, and she noted the potential harm to the watershed that feeds Buck Lake.

Trustee Steeves described the activities of the Buck Lake Watershed Working Group, which now might need to fundraise to acquire and protect this property.

Chuck Harris said that the pesticide reference in Proposed Bylaw No. 184 was limited and seemed only to apply if there was a Development Permit Application.

Planner Kojima said that the Bylaw had a limited provision against cosmetic pesticide use in both the guidelines and the exemptions, but that the Local Trust Committee did not have the legal authority to pass a general anti-pesticide bylaw.

Sylvia Pincott asked about any controls on pre-existing docks, e.g. those using treated wood or spreading loose Styrofoam (from un-encased floats).

Planner Kojima said that as with any bylaw, pre-existing structures were grandfathered, and replacing part of a dock would be considered maintenance.

Marika Kenwell commented that the Buck Lake owners association had stewardship guidelines which were regularly revised; that these included provisions against treated wood or un-encased Styrofoam; that Styrofoam particles were harmful for wildlife that consumed them, but otherwise not toxic in the water (according to her research); and that most Buck Lake owners tried to be very careful and generally supported Bylaw No. 184.

Trustee Steeves said that he credited the Buck Lake Owners Association for their leadership and activism in protecting Buck Lake.

Sara Steil said that the plastic casing for styrofoam eventually disappears. She suggested having a bylaw provision requiring no more Styrofoam in 20 years (to encourage industry to create alternatives).

Planner Kojima said that Bylaw No. 184 could not include such a provision, and he didn't know how such a thing could be accomplished.

Amanda Griesbach asked if it were true (as written in a local newspaper) that a Saturna Island Trustee had resigned because of the new Development Permit Areas arising from the provincial Riparian Area Regulation.

Trustee Steeves said that this was not in fact the case, and that there were other errors in some local reporting on the proposed Riparian and Aquatic Development Permit Area (required to implement the provincial regulation). People wanting accurate information were invited to read Proposed Bylaw No. 184, check the Islands Trust website, and contact the Trustees or Planner. Trustee Steeves also described the ongoing pressure from the provincial government for the Islands Trust to implement the Riparian Area Regulation.

In response to a question, Planner Kojima said that the soonest Proposed Bylaw No. 184 would come into effect would likely be late spring, 2011 (after a future Public Hearing for additional community consultation, and other required steps).

Riley Tate asked where the content of Bylaw No. 184 came from.

Planner Kojima said that an Islands Trust Riparian Development Permit Area template and model Bylaw had been developed to implement the provincial Riparian Area Regulation, and it was now being considered by various Local Trust Committees.

In response to a question, Trustee Steeves confirmed that all landowners affected by the proposed Riparian and Aquatic Development Permit Area had been mailed a notice about today's meeting (referring them to the Islands Trust website and staff for more information).

He said that copies of Proposed Bylaw No. 184 would be mailed to these landowners before the future Public Hearing. In addition, after the Bylaw was approved, the implementation process would include further information sharing as determined by the Local Trust Committee.

George Leroux had a question about the definition of aquatic ecosystems in subparagraph a) on page 5 of Proposed Bylaw No. 184.

Planner Kojima said that “riparian” was often interpreted to mean the bank area next to a water body, so the new Development Permit Area was described as “Riparian and Aquatic” to make it clear that the actual water surface was involved.

Don Peden suggested it would be helpful for a Magic Lake owners’ association or stewardship association to be formed as well.

Sylvia Pincott suggested that the additional assessment area (or buffer) involved with the proposed Riparian and Aquatic Development Permit Area be increased from 30 metres to 35 metres.

The Trustees said that the 30-metre assessment area was a guideline, for a Qualified Environmental Professional to become involved and then decide what actual setback from the aquatic area would be required for a particular activity.

Don Peden said that in his experience, this could depend on many factors, and in some cases less than 30 metres could be adequate protection.

Barrie Morrison felt there was some tension between farming activity and streams running through farmland (e.g. if livestock were allowed to walk through the stream).

Planner Kojima repeated that there was a provincial process underway to develop further guidelines in this regard.

Trustee Masselink added that agricultural activity causing pollution or impacting fish was subject to existing regulations, plus the Environmental Farm Program was improving compliance.

Trustee Steeves asked if there were any other questions or comments. There being none, the Community Information Meeting was declared completed at approximately 1:35 pm.

RECORDER

DATE

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
MONDAY, NOVEMBER 15, 2010 (7:00 PM)
COMMUNITY HALL LOUNGE, NORTH PENDER ISLAND**

PRESENT:	Dean Mills	APC Chair
	Marika Kenwell	APC Deputy Chair
	Diana MacDonald	APC Member
	Rob Willingham	APC Member
	Robert Cobban	APC Member
	Zorah Staar	APC Recording Secretary
REGRETS:	Natasia Ilkiw	APC Member
	David Howe	APC Member

PUBLIC: There were no members of the public present.

1. CALL TO ORDER

Chair Mills called the meeting to order at approximately 7:00 pm. A discussion began about the nature of Advisory Planning Commission meetings (see notes and further discussion under item 5. below).

2. AGENDA

Deputy Chair Kenwell suggested that the agenda be amended to clarify the “New Business” to be discussed, which was the referral by the Local Trust Committee of the proposed Riparian and Aquatic Development Permit Area.

Moved by Marika Kenwell, seconded by Rob Willingham, to approve the agenda as amended. CARRIED

3. MINUTES

The minutes were amended at page 2, paragraph 4, to have Diana MacDonald’s first statement begin as follows: “that she had received feedback from some community members who felt overwhelmed with the rising costs of developing land...” [rest the same].

Moved by Marika Kenwell, seconded by Diana MacDonald, to adopt the September 20, 2010 Advisory Planning Commission minutes as amended. CARRIED

4. PUBLIC COMMENTS

None

5. OLD BUSINESS

Arising from discussions at previous meetings, Chair Mills noted that he had received some correspondence from Trustee Gary Steeves about the prescribed nature of the Advisory Planning Commission and its process. Mills said his own interpretation was that when the Commission met, it was an “open meeting” but not a “public meeting”.

Zorah Staar said that to the best of her knowledge, Commission meetings were required to be open to the public. Marika Kenwell and Diana MacDonald said they believed the crux of the issue was that the Commission was not to conduct public consultation meetings, i.e. members of the public were to be allowed to comment briefly on the issue at hand, but then encouraged to direct their feedback to the Local Trust Committee.

Moved by Marika Kenwell, seconded by Rob Willingham, that public input at Advisory Planning Commission meetings be limited to 20 minutes maximum at the outset of the meeting. **CARRIED**

After further discussion, Commission Members requested a bit more clarification from the Local Trust Committee or the Islands Trust Planner, on the line between receiving some public input and having it summarized in their minutes (which they were supposed to do), and engaging in public consultation (which they were not supposed to do). Members also requested clarification on the extent of their obligation to hear from the applicant on a referred application (as opposed to interested members of the public).

In addition, it was noted that the current Chair and Deputy Chair had originally been acclaimed. Now that new Commission Members had more experience, Deputy Chair Kenwell was wondering if any of them would be interested in the above roles.

Moved by Marika Kenwell, seconded by Diana MacDonald, that the Advisory Planning Commission review the Chair and Deputy Chair positions and ask for nominations at the next meeting. **CARRIED**

Finally, various Commission Members confirmed their wish that there be enough time at meetings for a good discussion between themselves, ideally leading to some form of joint resolution on the matter referred by the Local Trust Committee (where possible).

6. NEW BUSINESS

A. Proposed Riparian and Aquatic Development Permit Area

It was noted that the Advisory Planning Commission had received a referral from the Local Trust Committee, to discuss a proposed “Riparian and Aquatic Development Permit Area” (required to implement the provincial Riparian Area Regulation or “RAR”). The referral materials included May 27 and September 14, 2010 Staff Reports, Draft Bylaw No.184, and a draft map of the potentially fish-bearing watersheds affected by the proposed Development Permit Area, along with a provincially-required 30-metre setback. This included Magic Lake, Buck Lake, Gardom Pond, and some other watersheds or streams identified by the Madrone consultants as being subject to the provincial Riparian Area Regulation. It was noted that there was additional information on the Islands Trust website, including the Madrone Environmental Services report.

In an initial round table, Rob Willingham commented as follows: that after reviewing the materials, he himself didn’t have any complaints about the proposed Development Permit Area; that at the same time, he could understand how some affected landowners might have concerns (e.g. in terms of some new restrictions on where they could build on their properties); that the Local Trust Committee was required to implement these measures to comply with the provincial regulations; that he hadn’t heard any community feedback about the proposed Development Permit Area; and that he was interested to hear more at the November 27 Community Information Meeting on this subject.

Marika Kenwell asked about the missing “Schedule 2” referred to on page 1 of Proposed Bylaw No. 184, and also the “Schedule P” referred to on page 4, in subsection 5.2.11.6. Zorah Staar said that Planner Robert Kojima had told her the map referred to in the Bylaw was the same as the draft riparian area map which had been included with the Staff Reports.

Marika Kenwell made additional comments as follows: that subsection 5.2.11.8 of the Draft Bylaw said where mitigation or restoration was recommended to minimize development impacts, then an “irrevocable letter of credit” could be required as security; that Kenwell wondered exactly what this meant, and how long it would last; that Kenwell herself lived on Buck Lake, about 20 feet from the shoreline; that she’d received 3 phone calls about the proposed Development Permit Area and 30-metre setback, from landowners upset about how this could impact them; that some persons were also upset about the potential costs of a Development Permit, Qualified Environmental Professional (QEP), and Arborist (re: tree removal); that a few people were cutting down trees, in anticipation of otherwise having to get a permit later; that on the other hand, Kenwell had also heard a lot of positive comments from community members receptive to the local government finally protecting watershed areas; that she herself supported the proposed Riparian and Aquatic Development Permit Area; and that her one concern was about non-resident landowners who might not know about this proposal.

Moved by Marika Kenwell, seconded by Diana MacDonald, that all landowners abutting the proposed Riparian and Aquatic Development Permit Area should be given the related Draft Bylaw No. 184. CARRIED

Robert Cobban commented as follows: that if his property were affected by a designated Riparian and Aquatic Development Permit Area, he'd be upset; that he objected to the proposed need for an arborist to cut down trees (e.g. what about where a tree was obviously dangerous, or if one tree were cut down but more were planted?); that in addition, if the 30-metre setback from a designated riparian area made it difficult for people to find a spot to build their house, then they should be allowed to build within one of the other setbacks (e.g. the front one), without having to pay a variance fee.

Dean Mills commented as follows: that he was in favour of the proposed Riparian and Aquatic Development Permit Area for potentially fish-bearing watershed areas; that it was a plus that Madrone consulting had also mapped some other non-fish habitat watershed areas, which did not fall within the provincial Riparian Area Regulation; that Mills was also in favour of the Local Trust Committee proceeding with future protection of these additional riparian areas; that one concern Mills had heard was from a Hope Bay Bible Camp staff person worried that the current Bylaw proposal might require stream bank restoration and affect work on a cabin near a designated Hooson Road stream; and that Mills suggested the Local Trust Committee be very clear with the public in distinguishing between the various forms of riparian protection being implemented (i.e. between the proposed Riparian and Aquatic Development Areas, and other areas seemed as ecologically sensitive).

Diana MacDonald commented as follows: that she herself had not heard any concerns expressed about the proposed Riparian and Aquatic Development Permit Area; that she was definitely in support of this proposal; that at the same time, she did have a concern about affected landowners who could have no idea about this and should be notified; and that it seemed to her the proposed controls primarily affected raw land or building tear-down situations.

There was further discussion about the reference in Draft Bylaw No. 184 to the BC Fish Protection Act, and why some sites were included in the proposed Development Permit Area even though Madrone Consulting had said it was possible but not likely that they had any fish bearing potential.

Marika Kenwell clarified that she supported the Draft Bylaw primarily to protect the designated watershed areas for drinking water and other wildlife habitat, and not based on tenuous possibilities of supporting fish life. She also suggested the Local Trust Committee move as quickly as possible to additional protection of riparian areas (e.g. including restrictions on fertilizer, pesticide, and herbicide use), and said that they should clarify these matters at the upcoming November 27 Community Information Meeting on Draft Bylaw No. 184.

Other Commission Members commented about additional steps that they supported being taken to protect riparian areas, including controlling the nearby use of pressure-treated wood, duroid shingles, and pitch or tar painted foundations, as well as the dumping of garbage near watersheds.

The following motions were then made by Advisory Planning Commission Members (in addition to the one shown at the bottom of page 3):

Moved by Robert Cobban, no seconder, that it be suggested to amend the arborist requirement for an obviously dangerous tree. **MOTION FAILS**

Further re: tree cutting, Rob Willingham said that he felt it was extremely difficult for anyone to tell how immediately dangerous a tree was, and that the proposed provision to require an arborist before cutting down a dangerous tree was unenforceable and somewhat nonsensical. This was because if a landowner really thought a tree represented an immediate threat to life or property, then they would likely simply cut it down instead of waiting for an arborist.

However, other Commission Members said there needed to be some attempt to control tree cutting near sensitive riparian areas. Otherwise some people might simply clear the nearby land and later say that they did so because the trees were dangerous.

Moved by Marika Kenwell, seconded by Robert Cobban, that the exemption under subsection 5.2.11.5(i) in Draft Bylaw No. 184 should eliminate the need for an arborist. **MOTION FAILS (2 in favour, 3 opposed)**

Moved by Marika Kenwell, seconded by Rob Willingham, that the Advisory Planning Commission generally supports the implementation of the proposed Riparian and Aquatic Development Permit Area and Draft Bylaw No. 184. **CARRIED (all in favour)**

7. NEXT MEETING

There was no next Local Trust Committee referral at this time.

8. ADJOURNMENT

Moved by Diana MacDonald, that the meeting be adjourned at 9:07 pm. **CARRIED**

Chair

Date adopted



Follow Up Action Report w/ Target Date

North Pender Island Apr-29-2010

No.	Activity	Responsibility	Target Date	Status
1	Item 9.1 Correspondence from Pender Community Transition: Approval of payment for a series of reports from PCT for up to \$400 from the 2010/11 budget.	Nancy Roggers	May-27-2010	On Going

May-27-2010

No.	Activity	Responsibility	Target Date	Status
2	Item 13.3 - Violations of Setback to Sea: staff to proceed with the first 3 options in the Staff Memo dated May 11	Miles Drew	Jun-24-2010	On Going

Oct-28-2010

No.	Activity	Responsibility	Target Date	Status
3	Item 12.2 Meeting Schedule for 2011: adopt meeting schedule as circulated with the revised dates	Sharon Lloyd-deRosario	Nov-25-2010	Done

Nov-25-2010

No.	Activity	Responsibility	Target Date	Status
4	Item 5.1.1 Minutes of Oct 28 business meeting: adopt as circulated	Sharon Lloyd-deRosario	Jan-27-2011	Done
5	Item 5.1.2 - Minutes of Oct 29 Special Meeting: adopt as circulated	Sharon Lloyd-deRosario	Jan-27-2011	Done
6	Item 10.1 - NP-DVP-2010.3: amend DVP so that the stairs are not included in the variance	Andrea Pickard	Jan-27-2011	Done

7	Item 10.1.1 - NP-DVP-2010.3: approve amended permit in principle but issue after confirmation of building permit has been issued	Kathy Jones	Jan-27-2011	On Going
8	Item 10.1.1 - NP-DVP-2010.7: proceed no further, close file	Andrea Pickard	Jan-27-2011	Done
9	Item 10.2 - Steep Slope DPA: amend the proposed DP guidelines so that clause 5.2.9.5.r)v) is five trees per lot and delete r)vi)	Robert Kojima	Jan-27-2011	Done
10	Item 11.1.1.1 - Work Program: remove Protection of Archaeological Resources and Soil Deposit and Removal Bylaw from the Projects List	Andrea Pickard	Jan-27-2011	Done



Stanley Point Property Owners Association

Pender Island, British Columbia

6 December 2010

Mr. Larry Griffith
Area Manager
Saanich Area
BC Ministry of Transport and Infrastructure
Suite 240 – 4460 Chatteron Way
Victoria, BC
V8X 5I2

Subject: Repair of Roads in the Stanley Point Area of North Pender Island – An Appeal from the Board of Stanley Point Property Owners Association (SPPOA)

Dear Mr. Griffith

As elected members of the Board of Stanley Point property Owners Association (SPPOA), which represents all the property owners in the north-west area of North Pender Island, we are appealing to you to repair and resurface the roads in Stanley Point as soon as possible. One of the prime responsibilities of the SPPOA is to ensure the safety and well-being of the property owners in the community. The members of the association are very concerned about the dismal state of the roads and would like the Board to find a solution in conjunction with the Provincial Ministry of Transport and Infrastructure.

Many of the property owners in Stanley Point have been in the area for over twenty years and no one remembers the roads in Stanley Point being properly repaired and resurfaced in a long while. The roads are being patched in places from time to time to repair potholes and several years ago a portion of Stanley Point Drive was repaired and resurfaced to eliminate a rock which was dangerously protruding out from the middle of the road. The temporary repair patches usually last for a year or less and the roads have continually deteriorated over the years.

The roads are currently in a major state of disrepair and are dangerous and inconvenient to drive on. As you may know the roads have many twists and turns. Often drivers in an attempt to avoid potholes along the roads have no choice but to drive on the wrong side of the road. The situation is jeopardizing lives of drivers including the lives of others in on-coming vehicles. We believe it is only a matter of time before a serious accident occurs and people are seriously injured or killed. Besides increasing the chances of accidents for residents and visitors of Stanley

Point, we believe it puts the British Columbia Ministry of Transport and Infrastructure in a major liability position.

We, as the members of the Board of SPPOA with the safety of the community in mind would urge your department to properly repair and resurface the roads as soon it is practical. We appreciate that there may be budget constraints. However, the Stanley Point area has been neglected for a long time and we are confident that you will be able to come up with creative solutions to find reasonable budgets and resources to undertake a major repair and resurfacing of the roads.

The Board members would like an audience with your office to discuss the situation. We will be prepared to meet with you and your staff preferably on Pender Island or in Victoria whichever is convenient for you. Please contact Shahid Hussain (604 939 0642/778 384 0266) or Gordon Souter (250 629 6120) to find a time slot that will be convenient for all of us.

We thank you in anticipation for promptly addressing this urgent issue for the community of Stanley Point. We look forward to hearing from you.

Yours truly;

Shahid Hussain, President
Leslie Farmer, Treasurer
Debbie French, Secretary

Gordon Souter, Director
Jim Scott, Director

Stanley Point Property Owners Association
North Pender Island, British Columbia

Cc: Mr. Gary Steeves, North Pender Island Trusty
Mr. Derek Masselink, North Pender Island Trusty
Mr. John Bradley, Pender Island Highway Maintenance



STAFF REPORT

January 18, 2011

File No.: NP-OCP-2010.3

For Meeting of January 24, 2011

To: North Pender Island Local Trust Committee

From: Robert Kojima
Island Planner
Local Planning Services

CC: David Marlor, Regional Planning Manager
Andrea Pickard, Island Planner

Re: Draft Bylaw 184 – Riparian and Aquatic Development Permit Area

Preliminary Report

PURPOSE

Proposed Bylaw 184 would amend the Official Community Plan (OCP) to include a development permit area that would implement the provincial Riparian Area Regulation (RAR). The purpose of this report is to provide the Local Trust Committee with the results of the agency referral of proposed Bylaw 184 and allow for consideration of potential amendments based on agency comments.

BACKGROUND

Implementation of the provincial Riparian Areas Regulation (RAR) is an LTC Top Priority Work Program item. The LTC gave first reading to the draft bylaw on November 10, 2010 and referred the bylaw to public hearing. A community information meeting was held on November 27th. The draft bylaw was referred to agencies and First Nations in October, with responses requested by December 1st.

The draft bylaw (Bylaw 184) would create a new Development Permit Area Ten (Riparian and Aquatic Development Permit Area) in the OCP that would implement the RAR for streamside areas and also include guidelines for floats and ramps now permitted in the W6 zone (Buck and Magic lakes and Gardom pond).

Bylaw 184 would amend the OCP to insert a new DPA map schedule (Schedule P) which would designate the DPA, consisting of the streams and waterbodies (including Buck and Magic Lake and Gardom Pond) and lands within 30 metres of the natural boundary as within the DPA. This 30 metre area is consistent with the Riparian Assessment Area (RAA) defined in the RAR. The designation would apply to those streams mapped by the consultants and identified in their

report as being subject to the RAR and to the three water bodies. The designation would not apply to lands that are public park.

The draft bylaw would also amend policy 5.1.3 in the 'Environmental Stewardship' section of the OCP by removing reference to implementing the RAR through zoning regulations and stating instead that the RAR would be implemented through designation of a DPA. This change would simply revise an enabling policy to recognize the option chosen by the LTC to implement the RAR.

CURRENT POLICY

Trust Council Strategic Plan:

The current Trust Council Strategic Plan includes "Implementation of Riparian Area Regulations" as the first focus area.

Trust Policy Statement:

3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan: The OCP contains general policies with respect to protection of surface water in Section 4.1 and specific policy to protect riparian areas in policy 5.1.3.

COMMUNITY INFORMATION MEETING(S)

A community information meeting was held in November to inform residents about the the RAR and the specifics of how the Local Trust Committee intends to implement the provincial requirements in the DPA. An additional information meeting can be held at the time of the public hearing.

RESULTS OF CIRCULATION

The draft bylaw was circulated to agencies and First Nations in November. To date three responses have been received:

Trust Fund Board: interests unaffected

Ministry of Natural Resource Operations (formerly Ministry of Environment): four amendments were requested (please see attached letter for specifics):

- Replacing reference to MoE with 'RAR notification system'
- Removing a proposed exemption where an owner provides a QEP assessment that no harmful alteration would occur. The rationale is that the DP is needed to trigger the assessment and that it is unlikely that there would be no measures included in a QEP's report.
- Removing an exemption for trails. There is no exemption in the RAR for trails, existing trails would be grandfathered and parks are excluded from the DPA and RAR, so any new trail construction should be assessed by a QEP.

- Replacing a reference to RAA with SPEA.

Ministry of Agriculture: two amendments requested:

- Extend the current exemption for farm practices as defined in the Farm Practices Protection Act to activities identified in the Agricultural Land Reserve Act and regulation.
- Amending exemption (k) for fences to allow clearing of greater than 0.5 metres on either side of fences.

Advisory Planning Commission: the APC met in November to consider a referral of the draft bylaw and the APC passed a resolution “generally supporting implementation” of the bylaw.

Legal Review: a similarly worded DPA in the draft Galiano OCP has received legal review. One change to wording under the ‘designation’ heading is recommended based on that review.

All the requested changes are shown in the attached version of the bylaw.

STAFF COMMENTS

The recommended revisions to the draft bylaw will address the concerns and comments of agencies which responded to the referral of the draft bylaw.

The proposed bylaw would ensure that all RAR-applicable streams and water bodies are designated as a DPA and that development does not proceed without a QEP report and a development permit. A permit application is the mechanism to ensure that (1) appropriate reports from qualified professionals are obtained; and (2) recommendations and mitigation measures are required as permit conditions.

The LTC is obliged, like all local governments, to protect riparian areas. This draft bylaw would achieve compliance with the RAR, provide a level of protection for water reservoirs from development on surrounding lands, manage development of new floats in the reservoirs, and provide certainty and consistency for landowners with respect to the RAR requirements.

NEXT STEPS

The LTC has given the bylaw First Reading and directed staff to schedule a public hearing. Prior to the public hearing, the LTC should consider amending the bylaw to include the changes requested by the referral agencies. These amendments can be made along with consideration of second reading. The LTC should also provide staff with direction on:

1. Scheduling the public hearing for the next regular LTC meeting of February 24th or for Saturday, February 26th.
2. Mailing a copy of the bylaw hearing notice and proposed bylaw to landowners affected by the proposed bylaw. Because there are more than 10 owners affected, notification by mail and delivery is not a statutory requirement.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee amend proposed Bylaw 184, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment

Bylaw No. 2, 2010" by incorporating the changes shown on the copy attached to the staff report dated January 18, 2011.

2. THAT the North Pender Island Local Trust Committee give proposed Bylaw 184, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment Bylaw No. 2, 2010" Second Reading as amended.

Prepared and Submitted by:



Robert Kojima

January 18, 2011

Date

Concurred in by:

David Marlor

January 18, 2011

Date

Attachment:

Draft Bylaw 184 (with proposed amendments shown)
Referral responses: Ministry of Agriculture and Ministry of
Natural Resource Operations

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 184
SCHEDULE 1

North Pender Island Official Community Plan No. 171, 2007 is amended as follows:

1. By amending Policy 5.1.3 of Schedule A (Policy Document) by deleting the words “use of zoning regulations” and replacing them with the words “designation of a development permit area.”
2. By amending Schedule A (Policy Document) by inserting the following as a new Subsection 5.2.11:

“5.2.11 DEVELOPMENT PERMIT AREA TEN - RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA

5.2.11.1 Authority

This development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. Terms used in this section that are defined in the Riparian Areas Regulation (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

5.2.11.2 Development Approval Information

The Riparian and Aquatic DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) may be required due to the special conditions and objectives described herein.

5.2.11.3 Application Requirements

The applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense an assessment report from a Qualified Environmental Professional (QEP) which has been submitted to RAR Notification System.

Deleted: reviewed and approved by the Ministry of Environment
Comment:

5.2.11.4 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) removal, alteration, disruption, or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-impervious surfaces;
- e) construction of flood protection works;
- f) construction of roads, trails, docks, floats, ramps and bridges;
- g) provision and maintenance of residential sewer and water services;
- h) development of residential drainage systems;
- i) development of residential utility corridors;

j) subdivision as defined in section 872 of the *Local Government Act*.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

5.2.11.5 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a) ~~the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation.~~
- b) forest management activities, as defined in the ***Private Managed Forest Land Regulation***, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- c) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- d) ~~farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.~~
- e) mining activities regulated by the *Mines Act*;
- f) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- g) for certainty, actions undertaken by the Crown or an agent of the Crown;
- h) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- i) gardening and yard maintenance activities, not involving the cosmetic application of pesticides, within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- j) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;
- k) ~~ecological restoration and enhancement projects undertaken or authorized by a public body;~~
- l) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*;
- m) changes in or about a stream authorized under Section 9 of the *Water Act*;

Deleted: <#>development where an assessment report prepared by a qualified environmental professional provides an unqualified certification that if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area,¶

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Deleted: <#>the construction of a trail if all of the following apply:¶
<#>the trail is 1 metre wide or less,¶
<#>no native trees are removed,¶
<#>the surface of the trail is pervious,¶
<#>the trail is designed to prevent soil erosion where slopes occur; and ¶
<#>where the trail parallels the stream or waterbody, the trail is more than 5 metres away from the high water mark,¶

5.2.11.6 Designation

This development permit area includes all land designated on Schedule P of this plan as being within the Riparian and Aquatic DPA. This DPA includes the riparian assessment areas related to the watercourses and water bodies identified on Schedule P, consisting of the stream and:

1. for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;

2. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
3. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank; and
4. for all other water bodies, an area encompassing the water body and 30 metres around the water body measured from the natural boundary of the water body.

and Schedule P shall be so interpreted. Development Permit Area Ten is shown in a generalized representation on Schedule P. The designation and delineation of Development Permit Area Ten consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

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Deleted: and the DPA

5.2.11.7 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. The reason for this designation is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

5.2.11.8 Guidelines

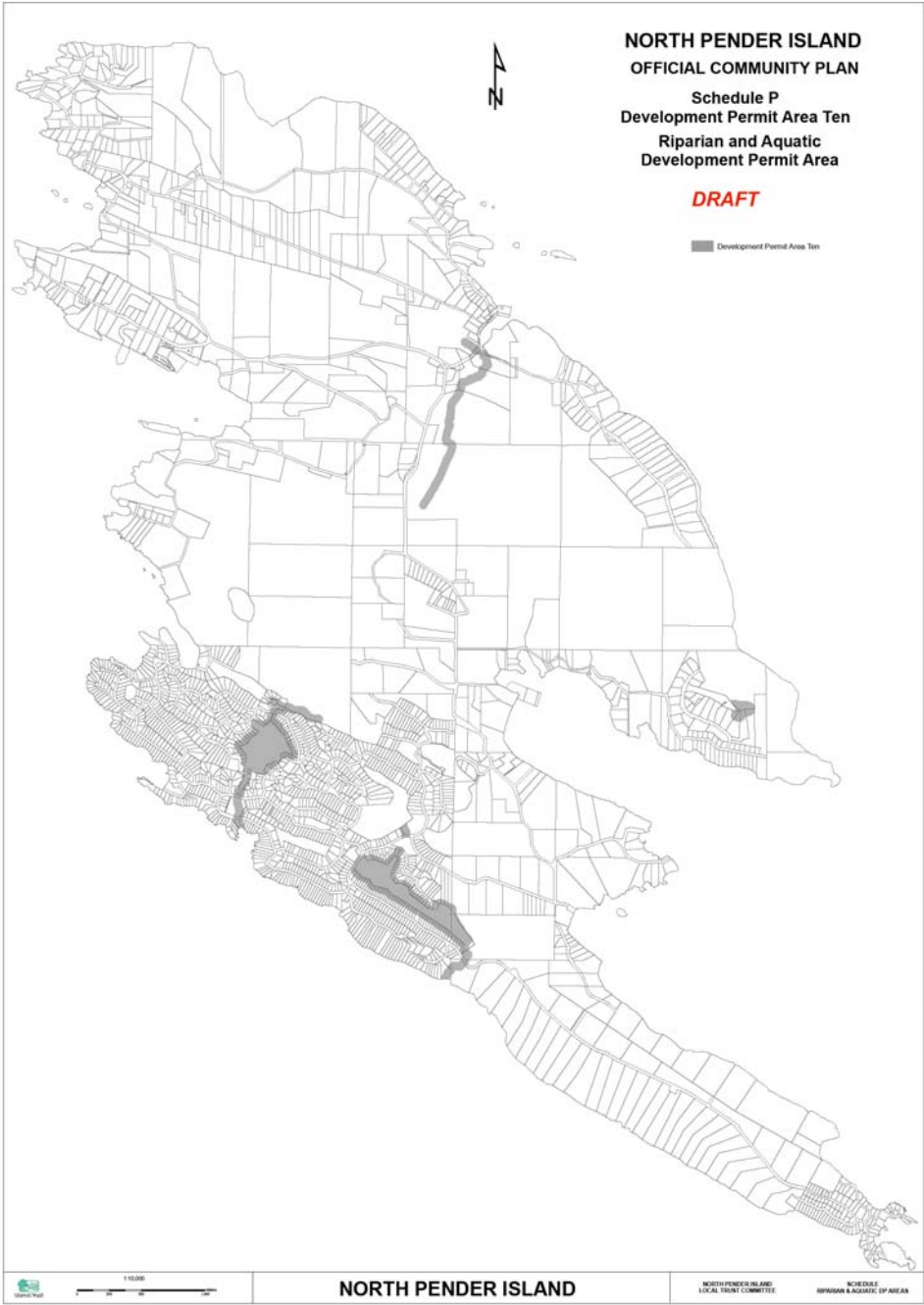
Prior to undertaking any development activities within the Riparian and Aquatic DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

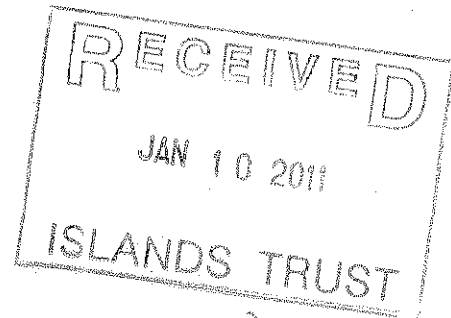
- a) In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.

- b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.
 - c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
 - d) The following guidelines are applicable to floats and associated structures within the development permit area:
 - i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature;
 - ii) a ramp or float should not rest on the bed of the water body;
 - iii) the use of treated wood in the waterbody should be avoided;
 - iv) floatation material should be contained within a durable shell to prevent disintegration;
 - v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards);
 - vi) any areas disturbed during installation should be restored;
 - vii) where a float is being replaced, all old materials should be removed.
 - e) If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.
 - f) The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report."

Deleted: a riparian assessment area
3. By inserting Schedule 2, attached to and forming part of this amending bylaw, as a new Schedule P (Development Permit Area Ten (Riparian and Aquatic Development Permit Area)).

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 184
SCHEDULE 2**





February 4, 2011

Your File: Bylaw No. 184
BCE File: 58000-35/IT11
Cliff/ERS: 93545

Robert Kojima
Island Planner
North Pender Island Local Trust Area
Islands Trust
200 - 1627 Fort St
Victoria BC V8R 1H8

Dear Robert Kojima:

Re: Proposed Development Proposal Area Ten of the North Pender Island Official
Community Plan

Thank you for providing us with the opportunity to review this Development Proposal Area. We apologize for the lateness of our reply. We applaud you for bringing the OCP into compliance with the provincial Riparian Areas Regulation (RAR). Overall, this draft bylaw is well-written and covers all the key elements. However, there are a few modifications needed to the wording to ensure that it will meet the requirements of the RAR.

- 5.2.11.3: end of sentence – replace ‘...reviewed and approved by the MoE’ with ‘...submitted to the RAR Notification System.’ There are 2 reasons for this – first the System is set up for automatic notification of the agencies when a report is uploaded – there is no review of all submitted reports by MoE personnel; only of a percentage of them. Second, with the ministry re-organizations taking place, the Ministry of Natural Resource Operations now has jurisdiction over the application and handling of RAR issues (i.e. still the same ‘Ecosystems’ personnel). I am uncertain at this time whether the RAR Notification System will remain with the MoE or also be transferred.

.../2

- 5.2.11.5 a): this clause does not make sense – the DPA process acts as a ‘trigger’ to have a RAR assessment carried out. To say that an assessment report may then leave the developer exempt from the DPA is too convoluted. Also, the majority of RAR reports have ‘measures’ which must be applied to protect or restore the SPEA during and post-development. As stated in 5.2.11.8 a), placing these conditions into the permit is the most effective way to ensure they are followed. We recommend that you delete this exemption.
- 5.2.11.5 l): there is no provision in the RAR to allow for trails within the SPEA. My inclination, if you were to want to put an exemption like this in place, would be to allow 1 trail per property directly through the SPEA to the water body at, say, a dock location. Authorizing trails parallel to the creek and only 5 metres or so away has the potential to negatively impact on fish habitat. As existing trails are grandfathered into place, and ‘park use’ is exempt from the RAR, we feel that this clause should be deleted.
- 5.2.11.8 f): replace the words ‘...a riparian assessment area...’ with ‘.....the SPEA.....’.

If you should have any questions, please contact me at 250 751-3220.

Yours truly,



P. Marlene Caskey, BSc, RPBio,
Senior Urban Ecosystem Biologist
West Coast Region

cc: Kathy Jones, Planning Clerk/Deputy Secretary, Island Trust

Robert Kojima

From: Kline, Rob AL:EX [Rob.Kline@gov.bc.ca]
Sent: Wednesday, December 08, 2010 7:31 PM
To: Kathy Jones; Robert Kojima
Cc: LeMaistre, Jim F AL:EX; Trotter, David B AL:EX; van Dalfsen, Bert AL:EX; Cheetham, Roger ALC:EX
Subject: RE: Referral of North Pender Island OCP Amendment Bylaw No. 184 - Riparian Area Regulations
Attachments: Ag Building Setback June 18 2009.pdf

We would like to comment on a two items in OCP Amendment Bylaw No 184, specifically,

5.2.11.5 Development Permit Exemptions

The following activities are exempt from any requirement for a development per

- e) agricultural activities conducted in a manner consistent with normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act*;
- k) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;

For Section 5.2.11.5 Development Permit Exemptions we suggest that for part (e), that activities identified in the Agricultural Land Commission Act and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation also be recognized as farm activities to provide for activities which are not mentioned specifically within the Farm Practices Protection Act and its regulations.

In addition, the Ministry of Agriculture with the approval of the BC Partnership Committee on Agriculture and the Environment (http://www.agf.gov.bc.ca/resmgmt/partners/TermsRef_Mar_9_2004.pdf) has developed a factsheet on agricultural building setbacks from water courses (natural streams, channelized streams, constructed channels and ditches) in farming areas which recommends setbacks for confined livestock areas, seasonal feeding areas, waste, chemical, compost, petroleum storage facilities, mushroom barns, silos, stables, hatcheries, fur farming sheds, cideries, wineries, cold frames, crop storage, machinery storage, etc – see pdf attachment for ag building setbacks and FPPA farming activities from Riparian Areas Regulation Implementation Guidebook <http://www.libc.leg.bc.ca/public/pubdocs/bcdocs/405659/implementationguidebook.pdf>

For Section 5.2.11.5 Development Permit Exemptions we suggest that for part (k), there should be an allowance to clear back greater than 0.5 meters for agricultural fences to allow for proper construction, better visibility of fences by wildlife and livestock; and also to provide greater protection from wind throw damage to fences, control of invasive species and vegetation management along electric fences.

<http://www.agf.gov.bc.ca/resmgmt/publist/300Series/307000-1.pdf>

Riparian Areas Regulation Implementation Guidebook

1.4 What types of development does the Regulation NOT apply to?

Farming activities are not subject to the Regulation. Most of them are subject to the *Farm Practices Protection (Right to Farm) Act* or other provincial legislation or guidelines. A Farm Practices Guide is being developed that will address stream setbacks for farming activities. However, while the Regulation does not apply to some farming activities themselves,⁷ it does apply to non-farming activities on lands that may otherwise be used, designated, or zoned for agriculture. For instance, construction of non-farming-related building or development of a golf course on Agricultural Land Reserve land would be regulated by local government bylaws and subject to the Regulation.

⁷ The *Farm Practices Protection Act* defines "farm operation" as "any of the following activities involved in carrying on a farm business:

- (a) growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- (b) clearing, draining, irrigating or cultivating land;
- (c) using farm machinery, equipment, devices, materials and structures;
- (d) applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;
- (e) conducting any other agricultural activity on, in or over agricultural land; and includes
- (f) intensively cultivating in plantations, any (i) specialty wood crops, or (ii) specialty fibre crops prescribed by the minister;
- (g) conducting turf production (i) outside of an agricultural land reserve, or (ii) in an agricultural

land reserve with the approval under
the *Agricultural Land Reserve Act* of the Land Reserve Commission;
(h) aquaculture as defined in the *Fisheries Act* if carried on by a person licensed, under Part 3 of that Act, to carry on the business of aquaculture;
(i) raising or keeping game, within the meaning of the *Game Farm Act*, by a person licensed to do so under that Act;
(j) raising or keeping fur bearing animals, within the meaning of the *Fur Farm Act*, by a person licensed to do so under that Act;
(k) processing or direct marketing by a farmer of one or both of (i) the products of a farm owned or operated by the farmer, and (ii) within limits prescribed by the minister, products not of that farm, to the extent that the processing or marketing of those products is conducted on the farmer's farm;
but does not include
(l) an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *Forest Practices Code of British Columbia Act*;
(m) breeding pets or operating a kennel;
(n) growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the minister".

From: Kathy Jones [mailto:kjones@islandstrust.bc.ca]
Sent: Friday, October 22, 2010 8:28 AM
To: Cheetham, Roger ALC:EX; csunderland@crd.bc.ca; Huot, Bill CD:EX; Kline, Rob AL:EX; Barr, Brenda M ENV:EX; Eliason, Jennifer ISLT:IN
Cc: LeMaistre, Jim F AL:EX; Kojima, Robert ISLT:IN; carolyn.stewart@pc.gc.ca
Subject: Referral of North Pender Island OCP Amendment Bylaw No. 184 - Riparian Area Regulations

Hello attached is a draft bylaw for your review and comments.

If choose to respond by email, please send your response to Robert Kojima at rkojima@islandstrust.bc.ca cc me at kjones@islandstrust.bc.ca

Regards,

Kathy Jones
Planning Clerk/Deputy Secretary
Islands Trust
200 - 1627 Fort Street
Victoria BC V8R 1H8
Telephone: 250-405-5163
Toll Free: 1-800-663-7867
Preserving Island communities, culture and environment



Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	OCP Implementation:	1. Riparian Area Regulations (Provincially legislated requirement): a) Develop mapping - DONE b) Retain professional to assess watercourses - DONE c) consider implementation options - DONE d) Community Consultation - ON-GOING e) Bylaw amendments - ON-GOING 2. Geological Hazard Mapping: a) Complete mapping - DONE b) Consultation with other agencies (CRD, MoT) - DONE c) Draft DPA provisions - DONE d) Community Consultation - ON-GOING e) Bylaw amendments - ON-GOING	Jan-22-2009	Robert Kojima	Mar-31-2010	On Going



Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Affordable Housing Task Force	Circulate report to community groups, develop terms of reference, appoint task force as an APC, receive report, undertake community and stakeholder consultation, review options, consider bylaw amendments or other initiatives for implementation.	Jan-22-2009	On Going
2	Shoreline Development Review	Identify and assess issues and impacts associated with development on the foreshore and immediately upland of the natural boundary, including docks, stairs, seawalls, erosion, landslip, sea level rise and structures near the natural boundary. Consider options to address issues, including designation of a shoreline DPA	Jan-22-2009	On Going
3	Climate Change Adaptation	Consider baseline data consider policy and regulatory land use changes to help adapt to climate change impacts.	Jan-22-2009	On Going
4	Tourism Plan	Support efforts to develop a tourism plan	Jan-22-2009	On Going
5	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP	Jan-22-2009	On Going
6	Other OCP projects:		Jan-22-2009	On Going
	1. View corridor review			
	2. Parks and Conservation area review			
	3. Pedestrian and Cycle paths			
	4. Groundwater protection strategy			
	5. Include advocacy policies for ultra vires regulations			

removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)

7 LUB Amendments:

- subdivision servicing regulation review
- review of industrial zoning, including waste management
- tourist commercial zoning review
- home industry regulation
- ferry terminal zoning
- review of commercial (C1) zoning
- incorporate TUP's into zoning
- landscape screening review
- stormwater management regulation review
- review of marine zoning regulations in conjunction with overall shoreline development review
- amendments to permit renewable energy
- review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs

Aug-27-2009

On
Going



Islands Trust

Preserving Island
communities, culture
and environment

Our Provincial Mandate

“to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia”

– Islands Trust Act



Islands Trust Council - Strategic Plan 2008-2011

Adopted: September, 2009 – Updated: Sept. 21, 2010

The Trust Area

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometres.

The beauty, tranquility, and unique natural environment of the islands in the Strait of Georgia and Howe Sound have given the area national recognition.

The islands support strong communities characterized by a mix of lifestyles, livelihoods and individuals. Island residents bring unique skills, viewpoints and sense of place together to sustain a tradition of community involvement.

Our Council

The Islands Trust Council is made up of the 26 locally-elected officials of the Trust Area who are responsible for land use decisions in their island communities. Our Council has a unique mandate from the province to protect the unique environment and amenities of the islands. It meets quarterly to make decisions about overall policy, staff resources and budget. Our current Council was elected for a 3-year term during BC Local General Elections in November 2008. The current term will end in December 2011.

A Strategic Plan for our 2008-2011 term

Since December 2008, we have worked hard to identify the most important goals for the current term. By identifying these goals and developing a strategic plan to achieve them, we can focus finite resources and measure progress. Through adoption of a Strategic Plan, we have confirmed the following focus areas for our 2008-2011 term:

Goal 1 Ecosystem Preservation and Protection

We can create a legacy for the future by preserving and protecting the most significant parts of our natural environment:

- We will identify and protect our most significant riparian areas.
- We will improve the identification and protection of island biodiversity, as well as our most sensitive environments, and significant natural areas.
- We will work to reduce greenhouse gas emissions, both by managing our internal operations and by fostering energy-efficient communities in our land use decisions.

Goal 2 Stewardship of Island Resources

We will work to steward island resources, and to ensure that the scale, rate and type of development is compatible with the maintenance of island ecosystems.

- We will use land use planning tools to address the sustainability and quality of freshwater resources.
- We will support initiatives to achieve reliable, adequate and sustainable funding for the Trust Fund Board, our conservation land trust.
- We will take steps to advance good management of coastal areas, by encouraging landowner stewardship and by considering new planning tools.

Goal 3: Sustain Island Character and Healthy Communities

We recognize that the health of our communities is improved if our islands are safe and secure, if there is strong public involvement in decision-making, and if we accommodate people of differing age groups and income levels.

- We will work to support and restore socio-economic diversity with strategies for affordable, accessible and appropriate community housing.
- We will work to understand and minimize the negative effects that climate change could have on island communities.
- We will cultivate community engagement and participation in land use planning.

Goal 4 Organizational Effectiveness

Our island communities need effective and efficient government services:

- We will continue our work to provide services on an increasingly cost-effective basis.
- We will encourage recognition and support of the Islands Trust object by our communities and by other agencies and levels of government.

(Italics indicate significant changes since last Trust Council meeting; shaded text represents actions in past and future years)

*** See last page for key to abbreviations used in this document**

**EXCERPT FROM 2010
STRATEGIC PLAN**

**AS APPROVED AT SEPTEMBER
2010 TRUST COUNCIL**

Goal 1: Ecosystem Preservation and Protection...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To identify and protect riparian areas	Implement Riparian Area Regulations throughout the Trust Area	FY 2009/10 Review RAR mapping by UBC	LPC	Funded by 09/10 program budget	By whether RAR mapping contract is complete.	Complete
		FY 2010/11 & 2010/11 Develop bylaws re RAR requirements, subject to RAR mapping completion	LTCs/BIM*	Funded by 09/10 program budget	By whether all islands are RAR compliant through bylaw development	Two islands are RAR compliant RAR stream mapping complete for all southern islands Application processing procedures compliant with RAR for all islands
		FY 2010/11 Develop communications materials about RAR for use in LTC meetings	LPC	Funded by 10/11 program budget	By whether staff have developed communications materials	Funding allocation approved by Council in June
To improve the identification of protection of biodiversity, environmentally sensitive areas and significant natural sites, features and landforms	Continue improvements to mapping data (i.e. ecosystem maps)	FY 2009/10 Complete DEM acquisition & implementation programs for Trust Area	LPC	Funded by 09/10 program budget	By whether DEM program is complete	Complete
		FY 2010/11 & 2011/12 Complete SEM acquisition and implementation programs for Trust Area	LPC	Funded by 10/11 program budget	By whether SEM program is complete	Dependent on TEM, which is now complete. On track for completion this term
	Protect sensitive and significant land through land use planning decisions	2008-2011 term Optimize opportunities to protect land	LTCs/BIM*	Funded by base budget	By the hectares of land that have been protected	Awaiting opportunity. (Denman bylaws adopted). Relevant OCP policies in development on several islands
		FY 2009/10 & 2010/11 Establish management plan for LTC conservation covenants	LPC	Funded by base budget	By whether a management plan has been finalized	Covenant inventory complete. Covenant monitoring approach reviewed by LPC in August.
	Monitor and enforce LTC conservation covenants	FY 2010/11 Management/monitoring program for LTC conservation covenants	LPC	Funded by base budget	By whether the management plan has been funded and implemented	Not started

Complete	By whether relevant staff have attended workshops	Funded by base budget	LPS	FY 2009/10 May/June – LPS staff to attend ministry workshops for planners re. TPAs Sept. 2009 Develop a Trust-wide work program to include targets, policies and actions for GHG emission reduction in all island OCPs by legislated deadline (May 31/10) Jan to May 2010 Establish targets, policies, and actions in OCPs by legislated deadline (May 31/10)	Amend OCPs to include emission reduction targets, policies and actions (TPAs)	To reduce greenhouse gas emissions
Complete	By whether LTCs and BIM have focused work programs to include targets, policies and actions for GHG emission reduction in their OCPs.	Funded by base budget	LPC			
Targets, policies and action included in seventeen OCPs submitted for ministerial approval. Two OCPs are delayed.	By whether all OCPs have been amended to include GHG emission reduction targets, policies and actions by May 31/10	Funded by 09/10 and 10/11 program budgets. Additional funding may be available through grants	LTCs/BIM*			
Complete	By whether we have developed tools to assist LTCs/LIMs in reducing GHG emissions through land use decisions	Funded by program budget (09/10 budget)	LPC	FY 2009/10 Develop relevant information on a Trust-wide basis that will serve all LTCs FY 2010/11 Consider the inclusion of the information provided by the LPC into appropriate bylaws and processes	Foster energy-efficient communities through land use planning decisions	
OCP/LUB reviews underway for several islands All future OCP reviews must address GHG emissions reduction	By whether GHG emission reduction is achieved in LTC land use decisions	Funded by 10/11 program budget	LTCs/BIM*			

* Depends upon decisions of the Bowen Island Municipal Council

** Depends upon decisions of the Trust Fund Board

Goal 2: Stewardship of Island Resources...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To increase the sustainability and quality of freshwater resources		FY 2009/10 OCP/LUB reviews underway on selected islands	LTCs	Funded by 09/10 program budget	By the number of LTCs/IM with new policies and regulations for protection of freshwater resources	Reviews continuing in 10/11
		FY 2010/11 & 2011/12 OCP/LUB reviews underway on selected islands	LTCs	Funded by 10/11 program budget		Reviews underway or planned to begin in 10/11
To advance the stewardship of coastal areas and marine shore lands	Develop and implement new land use planning tools for shoreline and marine protection	FY 2009/10 Develop integrated shoreline and watershed protection mapping for one island to assist OCP process (joint UBC/IT project)	LPC	Funded by 09/10 program budget	By whether mapping is complete	Complete
		FY 2009/10 and 2010/11 Thetis Island LTC – consider the use of integrated shoreline & watershed protection into OCP review process	LTC	Funded by 09/10 & 10/11 program budget	By whether OCP has been amended to include new forms of protection	Background shoreline research almost complete OCP review underway
		FY 2010/11 Provide recommendations to the Trust Council regarding a Trust – wide adoption of an integrated shoreline & watershed protection approach for OCP processes	LPC	Funded by base budget	By whether recommendations have been provided to TC.	RFD with recommendations to Trust Council in Sept 2010
		FY 2011/12 Initiate Green Shores for Homes project: Extend integrated shoreline & watershed protection approach to Islands Trust Area	EC LTC/BIM*	Subject to funding	By whether integrated shoreline and watershed protection mapping is complete	Funding applications in process

Goal 3: Sustain Island Character and Healthy Communities...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS	
<p>To support socio-economic diversity of island communities</p>	<p>Support/restore socio-economic diversity through land use planning strategies about affordable/accessibile/appropriate housing</p>	<p>FY 2009/10 Provide recommendations and guidance for LTCs with respect to relevant options for land use planning decisions to advance affordable housing</p>	LPC	Funded by 09/10 program budget	By whether recommendations/guidance has been provided.	Complete	
	<p>Support local food security</p>	<p>FY 2010/11 Consider implementing land use planning decisions to advance affordable housing</p>	LTCs	Funded by 10/11 programs budget	By the number of LTCs have implemented land use planning decisions regarding affordable housing.	Task Force will continue in 10/11 to provide assistance to LTCs regarding implementation	
		<p>FY 2011/12 Measure and report on island housing affordability</p>	TAS	TBD	TBD	Completed for SSI&GB May be included in indicators program	
		<p>FY 2009/2010 Support public education by creating IT resource webpage (e.g. with SSI area farm plan) and encouraging community gardens</p>	TAS	Funded by base budget	By whether IT resource webpage with food security links have been created	Webpage now live. UBCM funding approved for seniors' community garden project	
	<p>Support local food security</p>	<p>FY 2010/2011 Support completion of a second area farm plan (Denman)</p>	LTC	Funded by 10/11 programs budget	By whether a second area farm plan is started	Started. Matching funding received	
		<p>FY 2011/2012 Complete a second area farm plan (Denman)</p>	LTC	Subject to funding (11/12 budget)	By whether a second area farm plan has been completed	Not started	
		<p>FY 2010/2011 Trust Council workshop about local government role in food security</p>	TPC	Funded by base budget	By whether a workshop has been held	Scheduled for Sept 2010	
	<p>To minimize the impact of climate change upon islands and communities</p>	<p>Include new policies and regulations about food security in OCPs and LUBs as they are reviewed</p>	<p>FY 2009/10 & 2010/11 Reviews underway on selected islands</p>	LTC	Funded by 09/10 programs budget	By the number of LTCs/IMs with new policies and regulations related to food security	Food security toolkit in preparation OCP/LUB reviews started
		<p>Develop climate change adaptation plan</p>	<p>FY 2011/2012 Continue implementation of adaptation planning framework.</p>	TPC	Subject to funding	TBD	Not started. May be delayed.
		<p>Integrate climate change adaptation into land use</p>	<p>FY 2012/2013 Continue implementation of adaptation planning framework</p>	LTCs/BIM*	Subject to funding	TBD	Not started

* Depends upon decisions of the Bowen Island Municipal Council

** Depends upon decisions of the Trust Fund Board

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
<p>To cultivate community engagement and participation in land use planning</p>	<p>planning and regulatory decisions</p>					
	<p>Develop new tools and strategies to encourage community engagement in land use planning processes</p>	<p><u>FY 2009/10</u> Develop new tools and strategies to encourage community engagement in land use planning processes</p>	<p>LPC</p>	<p>Funded by base budget</p>	<p>By whether information about new tools and strategies has been circulated to trustees and staff.</p>	<p>World Café demo held during June TC Staff training planned Info circulated as part of Climate Wise Islands materials and regarding sensitive ecosystems. Sensitive ecosystems webpage developed</p>
		<p><u>FY 2010/11</u> Consider new tools and strategies to encourage community engagement in land use planning processes</p>	<p>LTCs</p>	<p>Funded by base budget</p>	<p>TBD</p>	<p>Developing public portal for IT mapping data Affordable housing webpage planned Food security toolkit under development</p>

Goal 4: Organizational Effectiveness...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To provide services on an increasingly effective basis	Develop cost effective bylaw enforcement tools	FY 2009/10 & 2010/11 Establish a Bylaw Dispute Adjudication System for the Islands Trust	LPC	Funded by base budget	By whether a Bylaw Dispute Adjudication System is established.	Regulatory adjustments approved by province for several islands. Agreement approved by Trust Council Mar 10. Awaiting ministerial approval
		FY 2009/10 & 2010/11 Consider bylaw amendments to allow Bylaw Dispute Adjudication System	LTCs	Funded by base budget	By the number of islands where a Bylaw Dispute Adjudication System is in place	Bylaw drafting in progress
	Review of development application fee levels and cost recovery mechanisms	FY 2010/11 Develop terms of reference and identify budget and data needs for review of application fees	FPC LPC	Funded by base budget	By whether terms of reference has been developed and any necessary budget and data needs have been identified.	Not started
		FY 2011/12 Review of application fees, development of amendments to model fees bylaw and related policies	FPC LPC	Subject to budget (11/12 budget)	By whether application fees and cost recovery mechanisms have been reviewed, policies have been amended and a model fees bylaw has been developed.	Not started
		Adoption of amended fees bylaws	LTCs	Subject to budget (11/12 budget)	By whether all LTCs have adopted amended fees bylaws	Not started

Abbreviations:
 ADMIN – Administrative Services
 BIM – Bowen Island Municipality
 DEM – Digital Ecosystem Mapping
 EC – Executive Committee
 FN – First Nations
 FY – Fiscal Year
 GHG – Green House Gases
 ID – Identification
 IM – Island Municipality
 IT – Islands Trust
 LPC – Local Planning Committee
 LPS – Local Planning Services

LTA – Local Trust Area
 LTC – Local Trust Committee
 LUB – Land Use Bylaw
 MCRD – Ministry of Community & Rural Development
 MGMT – Management Team
 NA – Not Applicable
 NAPTAP – Natural Area Protection Tax Exemption Program
 OCP – Official Community Plan
 PSSC – Policy Statement Sub Committee
 PMFL – Private Managed Forest Land
 RAR – Riparian Area Regulations
 RCP – Regional Conservation Plan
 RD – Regional District

RFD – Request for Decision document
 RM – Records Management
 SEM – Sensitive Ecosystem Mapping
 SSI – Salt Spring Island
 TAS – Trust Area Services
 TEM – Terrestrial Elevation Mapping
 TBD – To Be Determined
 TC – Trust Council
 TFB – Trust Fund Board
 TPA – Targets, Policies and Actions (re GHG emission reduction)
 TPC – Trust Programs Committee
 UBC – University of British Columbia
 UBCM – Union of BC Municipalities

For more information, contact
Sheila Malcolmson, Chair,
 Islands Trust Council
 email: smalcolmson@islandstrust.bc.ca
 telephone 250.247.8078

Linda Adams, Chief Administrative Officer,
 Islands Trust
 email: ladams@islandstrust.bc.ca
 telephone 250.405.5151

Visit our website at
www.islandstrust.bc.ca

Colour Key for fourth column:	
Green	Potential committee/unit/body taking lead for strategy/activity
Blue	Local Planning Committee, Local Planning Services staff, Local Trust Committees or Bowen Island Municipality
Yellow	Trust Programs Committee or Trust Area Services staff
Orange	Financial Planning Committee/Administrative Services staff
White	Executive Committee/CAO's office
White	Management team
White	Trust Fund Board or Islands Trust Fund staff

* Depends upon decisions of the Bowen Island Municipal Council
 ** Depends upon decisions of the Trust Fund Board



Applications w/ Status - North Pender Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2010.4	Lloyd Eakins (For TWA) Planner: Andrea Pickard	Apr-19-2010	RAZOR POINT RD of a 15 lot subdivision, request a variance for lots 8 (vary sec. 4.10.3 of LUB) and 13 & 14 (vary sec. 4.12.1 of LUB)

Planning Status

Status Date: May-19-2010

letter sent outlining information requirements

Status Date: Apr-29-2010

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2010.9	Shaw Communications Planner: Andrea Pickard	Dec-02-2010	5827 SCHOONER WAY Prefab 24' x 48' building - Shaw's headquarters; concrete walls to the east & west of building; gravel driveway for access & parking lot; concrete pads for generator & 2 satellite antennae.

Planning Status

Status Date: Dec-08-2010

letter sent re: more information on drainage and landscaping

Status Date: Dec-06-2010

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2011.1	John (Jack) & Denise Ferguson	Jan-13-2011	Commercial Form and Character on C2 zoned property

Planner: Andrea Pickard

Planning Status

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2010.3	Irving Pitcher Architects Ltd Planner: Andrea Pickard	Jul-30-2010	to vary the minimum 15M requirement from the natural boundary of the sea.

Planning Status

Status Date: Nov-26-2010

Variance for stairs denied: other structures at front lot line approved in principle - issue DVP once BP has been issued. Applicant advised.

Status Date: Oct-27-2010

application on Nov agenda, notice to be circulated

Status Date: Oct-26-2010

CRD confirmed they will consider modifying the covenant

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2010.6	0697595 BC Ltd Planner: Andrea Pickard	Nov-23-2010	To vary the permitted size of a float structure from 37m2 to 83.5m2

Planning Status

Status Date: Jan-11-2011

notice completed, on Jan agenda

Status Date: Dec-01-2010

referral forwarded to Min. of Natural Resource Operations re: ILMB referral and licence from 2007

Status Date: Nov-23-2010

Application copied to LTC and file forwarded to planner

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2005.2	McKimm & Lott Barristers (For Grimmer)	Jun-20-2005	4311 Corbett Rd - To create one additional lot

Planner: Robert Kojima

Planning Status

Status Date: May-20-2010

applicant is awaiting approval from VIHA of draft covenant for supplemental septic system

Status Date: May-03-2010

Bylaw enforcement asked to follow-up lack of activity

Status Date: Feb-11-2010

Applicant will prepare easement, awaiting VIHA septic approval

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.3	Richard Wey	Mar-19-2008	5442 HOOSON RD : Creating 4 lots

Planner: Andrea Pickard

Planning Status

Status Date: Jul-30-2010

PLA extension granted until July 30, 2011

Status Date: Jul-14-2010

PLA extension request from MOTI rec'd, no objections from IT

Status Date: Mar-12-2010

PLA extension granted, expires July 30, 2010

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.5	Richard Wey & Associates	Apr-15-2008	6621 HARBOUR HILL DR (TWA): To Create 15 lots

Planner: Andrea Pickard

Planning Status

Status Date: Jan-10-2011

MOTI requested for extension to PLA

Status Date: Mar-16-2010

confirmation by phone, is still an active DFO file

Status Date: Mar-01-2010

email sent to DFO to verify status of file, also forwarded photos of further erosion

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.7	Pender Island Resorts Ltd	Jul-30-2008	4709 Canal Road - Inn on Pender Creating 2 parcels

Planner: Andrea Pickard

Planning Status

Status Date: Jan-11-2011

file closure letter sent - copied to MOTI

Status Date: Nov-17-2010

email to MOTI confirming if PLA extension has been requested (no response)

Status Date: Sep-03-2009

PLA received

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	JI Properties Inc	Oct-21-2008	James Island - To create 83 lots CONTACT PERSON - SHELLY O'CALLAGHAN (604) 641-4801 lawyer's office - Bull Houser & Tupper

Planner: Robert Kojima

Planning Status

Status Date: Jul-07-2009

PLA received from MoTI

Status Date: Nov-20-2008

Referral response sent to MoTI

Status Date: Nov-17-2008

Revised plan received and reviewed

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2010.1	Keith Watt	Sep-09-2010	Boundary Adjustment

Planner: Andrea Pickard

Planning Status

Status Date: Sep-13-2010

Sent letter to applicant requesting application fees and completion of the application form.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2010.1	Shaw Cablesystems LTD	Jul-19-2010	for the continued use of a building that contains electronic equipment for the purpose of receiving, conditioning and distributing Shaw's service signals.

Planner: Andrea Pickard

Planning Status

Status Date: Jan-18-2011

CRD confirmed authorization to proceed.

Status Date: Aug-23-2010

Sent letter of acknowledgement of receipt of fees and application to applicant; copied application to trustees and forwarded file to planner.

Status Date: Aug-19-2010

CRD confirmed tentative agreement in place, proceed with TUP but do not consider until all legal matters resolved

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2010.2	Shaw Communications Incorporated Planner: Andrea Pickard	Dec-02-2010	5827 SCHOONER WAY Industrial Use - placement of equipment to supply and distribute cablevision/internet service utility.

Planning Status

Status Date: Dec-08-2010

letter sent re: more information on drainage and landscaping

Status Date: Dec-06-2010

Sent letter of acknowledgment of receipt of application and fees to applicant. Copied app to trustees and forwarded file to planner.

STAFF REPORT

January 24, 2011

File No.: Bylaw Notice System

To: North Pender Island Local Trust Committee

Meeting of January 27, 2011

From: Miles Drew
Bylaw Enforcement Coordinator

Re: Adoption of Bylaw Notice System Bylaw

THE PROPOSAL:

This report will recommend to the North Pender Island Local Trust Committee (NPI LTC) that it:

1. adopt the attached Bylaw Notice Enforcement Bylaw;
2. appoint a screening officer;
3. adopt the attached cancellation policy.

STAFF COMMENTS:

The NPI LTC previously requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Notice Enforcement Bylaw. The Province has issued an Order In Council authorizing this step. Therefore, the Local Trust Committee can now adopt a bylaw and implement the system.

Purpose of Bylaw

The attached bylaw has several purposes. Primarily it establishes a schedule listing penalties for various offences of Land Use Bylaw No. 103. It also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. These schedules have been designed to sanction persons who violate the Bylaws and also to encourage them to make good on the situation by reducing the penalty for correcting the violation. Additionally, it creates methods for payment, dispute, and service of the Bylaw Notices.

Methodology of setting fine and fine discount amounts.

The recommended fine amounts and associated discounts for early payment or compliance were established by considering several factors which recognized the severity of the offence and the ease of compliance. The factors considered in setting fine amounts were:

1. environmental damage generally given the highest fines of \$500 to \$200;
2. cost of doing business or revenue associated activities generally given fine amounts of \$300 to \$150;
3. avoidance of permit application costs generally given fines of \$300 to \$150;
4. nuisance or easily resolved violations were generally given fines of \$250 to \$150.

Discounts for early payments were set at 25% and compliance agreements were discounted at either 75% or 50% depending on the costs and ease of complying. Lower discounts are not recommended as in most cases the violator will have had the opportunity to comply after receiving a warning from the bylaw enforcement officer.

Establishment of Registry and Screening Officer

The Bylaw establishes the location in North Vancouver of the Registry where disputed Bylaw Notices are adjudicated. The Islands Trust has an agreement with North Shore Municipalities to provide adjudication services.

The Bylaw also establishes the position of screening officer and its duties, and authorizes bylaw enforcement officers to issue Bylaw Notices. The Bylaw provides the ability for the LTC to appoint persons holding certain positions to the duty of screening officer. This means that it is not necessary to name a specific person to carry out the duty. Therefore, staff changes will not require new appointments. Although the Bylaw provides for several positions to be appointed as screening officers as the Bylaw Notice system is new, staff believe that only one person should operate as screening officer at this time. Therefore, the most appropriate position to carry out screening officer duties is the Bylaw Enforcement Assistant.

Attached is a copy of a proposed policy to authorize the screening officer to cancel Bylaw Notices in specific circumstances. The purpose of this policy is to give direction to staff on when it is appropriate to cancel a ticket and thus avoid the cost and inconvenience of taking all disputed issues to adjudication.

Next Steps

The last steps to be taken before Bylaw Notices can finally be issued are:

- get Executive Committee approval of the Bylaw on February 22, 2011 and final adoption by the North Pender Island Local Trust Committee on March 3, 2011
- conduct necessary staff training;
- print required bylaw notices.

This Bylaw does not require Ministerial approval from the Province. Staff training will be done by the City of North Vancouver.

Attached is a sample of the Bylaw Notice.

RECOMMENDATION:

That the North Pender Island Local Trust Committee:

1. adopt the attached Bylaw Notice Enforcement Bylaw;
2. appoint the Bylaw Enforcement Assistant as Screening Officer
3. adopt the attached Bylaw Notice cancellation policy.

Prepared and Submitted by:

Miles Drew

January 24, 2011

Date

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 186

A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE NORTH PENDER ISLAND LOCAL TRUST AREA

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

WHEREAS the North Pender Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the North Pender Island Local Trust Area;

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

Citation

1. This Bylaw may be cited as “North Pender Island Local Trust Area Bylaw Notice Enforcement Bylaw, No. 186, 2011”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the North Pender Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedule “A” attached to this bylaw may be dealt with by Bylaw Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule “A” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the Notice, is the Early Payment Penalty set out in column A2 of Schedule “A” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the Bylaw Notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Surcharge set out in column A3 of Schedule “A” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a Bylaw Notice must, within 14 days of the date on which the person received or is presumed to have received the Bylaw Notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the Bylaw Notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the Bylaw Notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the Notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the Notice after 14 days of receiving it.

5.3 Where a person was not served personally with a Bylaw Notice and advises the Islands Trust that they did not receive a copy of the original Notice, the time limits for responding to a Bylaw Notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the Bylaw Notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a Bylaw Notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to Bylaw Notices.

6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a Bylaw Notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the Bylaw Notice dispute adjudication system and the fee or fees payable in relation to the Bylaw Notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the Notice;
 - (c) the complainant or their representative;

(d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.

- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute Bylaw Notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" as attached to this bylaw; and
- (5) To cancel Bylaw Notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Enforcement Coordinator;
- (b) Bylaw Enforcement Officer.

9.0 FORM OF BYLAW NOTICE

The LTC may, from time to time, provide for the form or forms of the Bylaw Notice provided the Bylaw Notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – North Pender Island Land Use Bylaw No. 103 Contraventions and Penalties.

READ A FIRST TIME 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__

SECRETARY

CHAIR

Schedule A
NORTH PENDER ISLAND LAND USE BYLAW NO. 103
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2.1(4)	Disposal Of Waste Matter On Land Or In Marine Areas	\$500.00	\$375.00	\$250.00	Yes	50%
3.2.1(5)	Disposal/Storage Of Hazardous Or Toxic Waste	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.1(6)	Fur Farming	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.1(7)	Sale/Rental/Operation Of Personal Watercraft	\$150.00	\$112.50	\$75.00	Yes	50%
3.2.2	Automobile/Commercial Boat Repair Or Building On Land Within 50 Metres Of The Natural Boundary Of Any Lake, Wetland, Stream, Or The ECO Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.1(1)	Storage Of Two(2) Or More Unenclosed Unlicensed Motor Vehicles	\$150.00	\$112.50	\$75.00	Yes	50%
3.3.1(2)	Wrecking/Storage Of Derelict Or Abandoned Vehicles, Trailers Or Other Discarded Machinery Or Equipment	\$150.00	\$112.50	\$75.00	Yes	50%
3.3.1(3)	Storage Of Detached Or Salvaged Motor Vehicle Parts Or Scrap	\$150.00	\$112.50	\$75.00	Yes	50%
3.4.1	Building Or Structure Accessory To Dwelling Used For Human Habitation	\$300.00	\$225.00	\$150.00	Yes	75%
3.4.4	Accessory Building Or Structure Exceeding Height	\$300.00	\$225.00	\$150.00	Yes	75%
3.5.1	Home Business Conducted Outdoor	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.2	Home Business Exceeding Maximum Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.3(1)	Retail Or Wholesale Selling Of Any Product Or Material	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.3(2)	Serving Food Or Drink Products	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.4	More Than Four(4) Persons Employed In Home Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.5	Advertisement/Un-Permitted Sign/Lighting On Premises Of Home Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.6	Storage Of Materials/Commodities/Finished Products Outside Of Permitted Building For Home Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.7	Fewer Than Two(2) Additional Parking Spaces Provided For Home Business	\$250.00	\$187.50	\$125.00	Yes	75%
3.5.8(1)	More Than Six(6) Guests Accommodated At One Time In Bed And Breakfast	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.8(2)	More Than Three(3) Bedrooms Used To Accommodate Guests In Bed And Breakfast	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.8(3)	Fail To Provide One(1) Additional Parking Space Per Bedroom	\$250.00	\$187.50	\$125.00	Yes	75%
3.5.8(4)	Rental Of Equipment/Material To Persons Not Registered As Guests At Bed And Breakfast	\$250.00	\$187.50	\$125.00	Yes	50%

3.5.8(5)	Bed And Breakfast In Non Permitted Building	\$250.00	\$187.50	\$125.00	Yes	50%
3.5.10	Home Business Vehicle/Equipment Stored In Front Or Side Yard Setback Not Screened	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.1	Un-Permitted Home Industry	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2	More Than One(1) Home Industry Being Conducted	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2	Exceed Combined Floor Area Of All Buildings, Structures, And Outdoor Storage	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.3(1)	Home Industry On Un-Permitted Lot	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.3(2)	Home Industry Sited Less Than Fifty(50) Metres From Any Lot Line Or Thirty(30) Metres From Any Wetland, Stream, Or The Sea	\$300.00	\$225.00	\$150.00	Yes	75%
3.6.3(3)	Home Industry Not Screened	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.3(4)	Home Industry Operating Outside Permitted Hours	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.3(5)	Home Industry Generating Noise That May Be Heard At Any Lot Line	\$250.00	\$187.50	\$125.00	Yes	50%
3.7.1	Building Or Structure Sited Or Supported By Fill Within Setback Of Natural Boundary Of A Lake, Wetland, Or Stream	\$300.00	\$225.00	\$150.00	Yes	75%
3.7.2	Walkway Or Structure Exceed Height	\$300.00	\$225.00	\$150.00	Yes	75%
3.7.3	Sewage Disposal Field Or Septage Pit Within Setback					
3.7.4	Mushroom Barn Or Animal Enclosure Used To Confine 4500 Kilograms of Livestock, Poultry, Or Farmed Game Too Close To Lot Line	\$200.00	\$150.00	\$100.00	Yes	75%
3.7.5	Permanent Animal Enclosure Or Agricultural Waste Too Close To Lot Line	\$200.00	\$150.00	\$100.00	Yes	75%
3.7.6	Un-Permitted Commercial Storage Of Petroleum, Pesticide Or Other Chemical	\$300.00	\$225.00	\$150.00	Yes	75%
3.16.2(1)	Campground On Un-Permitted Lot	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.2(2)	Campground With More Than Fifty(50) Camping Spots Or Has Camping Spots On More Than 22% Of Lot	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.2(3)	Tent Or Recreational Vehicle Not In Designated Camping Spot	\$200.00	\$150.00	\$100.00	Yes	50%
3.16.2(4)	Accessory Retail Sales Uses Exceed Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(1)	No Access To Highway From Campground	\$200.00	\$150.00	\$100.00	Yes	50%
3.16.3(2)	Camping Space(s) Have No Access To Driveway	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(3)	Fail To Have Buffer Area At Campground	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(4)	Fail To Have Outdoor Recreation Area At Campground	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(6)	Fail To Clearly Identify Camping Spaces	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(7)	Camping Space(s) Fail To Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(8)	Exceed Permitted Density In Camp Spaces	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(9)	Fail To Provide One(1) Parking Space Per Camping Space	\$250.00	\$187.50	\$125.00	Yes	50%

3.16.3(10)	Camping Space Too Close To Lot Line	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(11)	Fail To Provide Each Camping Space With Watertight, Insect-Proof, and Rodent-Proof Garbage Container	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(12)	Fail To Provide Fresh Water At Campground	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(14)	Fail To Provide Required Toilets, Urinals, Washbasins, And Showers	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(15)	Fail To Equip Each Service Building With Kitchen-Type Sink	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(16)(a)	Campground Service Building Not Adequately Lighted, Ventilated And/Or Screened	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(16)(b)	Campground Service Building Walls, Floors, And/Or Partitions Constructed With Un-Permitted Material(s)	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(16)(c)	Fail To Install Campground Showers And Toilets In Separate Compartments	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(16)(c)	Fail To Separate Campground Male And Female Facilities By Tight Partitions	\$250.00	\$187.50	\$125.00	Yes	50%
3.16.3(16)(d)	Campground Service Building Outside Permitted Area	\$250.00	\$187.50	\$125.00	Yes	50%
3.17.1	Fence Exceeds Three (3) Metres	\$200.00	\$150.00	\$100.00	Yes	50%

COMPLIANCE AGREEMENT

PURSUANT TO THE "NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NOTICE ENFORCEMENT BYLAW, 2010. NO. 186.

I, (name)
of (address)

acknowledge receipt of Bylaw Notice(s) # _____ and wish to enter into this Compliance Agreement whereby I agree to fulfill the conditions below, in exchange for a reduced penalty.

Specifically, I agree to pay the reduced penalty of \$ _____ on or before _____
I further agree to comply with the following terms and conditions of this Agreement

1. On or before _____ I will (list terms as negotiated with Compliance Officer)

2. On or before _____ I will (list terms as negotiated with Compliance Officer)

I understand that this Agreement is binding upon me for one year from the date of this Agreement. I also understand that if I breach a term of the Agreement or fail to observe or perform the above terms and conditions, the North Pender Island Local Trust Committee's Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, I will have 14 days to dispute the Screening Officer's decision to rescind the Agreement, and that if I do not dispute this decision in that time the full penalty stated in the Bylaw Notice(s) of \$ _____ will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Person Named Above

Signature of Screening Officer

Date

Date

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NOTICE CANCELATION POLICY**

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice if satisfied that one or more of the following reasons exist:
 - (1) The Bylaw Notice was issued to the wrong person; or
 - (2) An exception specified in the Bylaw or related enactment is made;
 - (3) There is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - (a) The evidence is inadequate to show a contravention;
 - (b) The Officer relied on incorrect information in issuing the Bylaw Notice;
 - (c) The Bylaw Notice was not completed properly;
 - (4) The contravention was necessary for the preservation of health and safety;
 - (5) The Bylaw Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - (a) The person who received the Bylaw Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (b) The Bylaw has changed since the Bylaw Notice was issued, and now authorizes the contravention;
 - (c) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.



Islands Trust

LOCAL TRUST AREA

BYLAW NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A
LOCAL TRUST AREA BYLAW AS FOLLOWS

BI xxxxx

ISSUED TO

PERSON OR COMPANY	NAME OF PERSON OR COMPANY	
	ADDRESS	
	LEGAL DESCRIPTION	
DATE YYYY MM DD	TIME HH: MM AM/PM	LOCATION
BYLAW NUMBER	SECTION	BYLAW NAME
DESCRIPTION OF OFFENCE		

PENALTIES MAY ONLY BE ACCEPTED IN THE MANNER NOTED:

Early discount Penalty within 14 days \$ _____
 Penalty after 14 days \$ _____
 Penalty after 28 days \$ _____

PERSONALLY HOW DELIVERED MAILED

ISSUING OFFICER _____

You have 14 days upon receipt of this Notice to dispute the Notice. If a dispute is not filed within 14 days you will not be able to dispute. Unsuccessful disputes will also be charged a \$25 administration fee. Disputes are adjudicated by the North Shore Bylaw Dispute Registry. Unpaid and undisputed Notices are subject to late fees and may be referred to a collection agent.

ALLEGED OFFENDER'S COPY



Islands Trust

www.islandstrust.bc.ca

PAYMENT: READ CAREFULLY
PRESENT THIS NOTICE AT THE TIME OF PAYMENT
FAILURE TO PAY PROMPTLY WILL RESULT
IN ADDITIONAL PENALTIES BEEING ADDED

Please make your cheque or money order payable to Islands Trust.
Do not send cash in the mail. A dishonoured cheque will not be considered
payment of the penalty within the prescribed time. NSF fees will be applied

PAY BY MAIL OR IN PERSON

Islands Trust
1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Cash or Cheque
Office Hours: 8:30 am to 4:30 pm Monday to Friday

Do not send cash through the mail
Postmarks not accepted as date of payment

Payment must be received within the noted time limits to receive the discounted amounts

INQUIRIES

Phone: 250-405-5175 Fax: 250-405-5155 Email: bylawenforcement@islandstrust.bc.ca

ADJUDICATION REQUEST	Please deliver, mail, or fax to any of the above addresses within 14 days of receipt of this notice	
Bylaw Notice #:		
Date of Issue:		
Name:		
Address:		
City:	Province:	Postal Code:
Daytime Phone #		
Signature:		
A \$25 fee is added to the total fine if the adjudicator finds that the contravention did occur		

OVERDUE FINES MAY BE SUBJECT TO COLLECTION PROCESS

Kathy Jones

From: Nancy Roggers

Sent: January-20-11 4:08 PM

To: Andrea Pickard; David Marlor; Derek Masselink; Gary Steeves; Peter Luckham; Kathy Jones; Sharon Lloyd-deRosario

Cc: Craig Elder

Subject: North Pender expense report - Jan/11

		Budget	Spent	Balance
Invoices posted to January 19, 2011				
650 North Pender	65000 Trustee Expense	1,200.00	430.95	769.05
650 North Pender	65200 LTC Meetings	4,000.00	2,127.47	1,872.53
	65210 APC Meetings	2,000.00	747.21	1,252.79
	65220 Communications	1,150.00	222.27	927.73
	65230 Special Projects	500.00	495.00	5.00
	65240 Miscellaneous	1,750.00		1,750.00
	TOTAL LTC Local Expense	9,400.00	3,591.95	5,808.05
650 North Pender	72300 OCP/LUB Expense	11,000.00	8,843.64	2,156.36

Thanks!

Nancy Roggers
Finance Officer

Islands Trust
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Preserving *island* communities, culture and environment

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NORTH PENDER LTC 2009/10 ADOPTED BUDGET ALLOCATIONS**LTC Meeting Expenses (G/L Code 65200)**

1.	Room Rentals		
	• LTC Business Meetings	10 @ \$55	\$ 550
	• LTC Special Meetings	2 @ \$100	\$ 200
2.	Minute Taker		
	• LTC Business & Special Meetings	12 @ \$200	\$2400
3.	LTC Special Meeting Notice Ads	2 @ \$225	\$ 450
			<hr/>
			Total LTC Meetings
			\$3600

APC Meeting Expenses (G/L Code 65210)

4.	Minute Taker	8 @ \$200	\$1600
5.	Affordable Housing Meetings Room Rentals	3 @ \$30	\$ 90
6.	Affordable Housing – Minute Taker	3 @ \$200	\$600
			<hr/>
			Total APC Meetings
			\$2290

Communication Expenses (G/L Code 65220)

7.	Trustee Newsletter Mail-drops	3 @ \$100	\$ 300
8.	Non-resident Mail-outs	1 @ \$850	\$ 850
			<hr/>
			Total Communications
			\$1150

Special Projects (G/L Code 65230)

9.	Agency Support (MIWWS)		\$ 100
10.	Stewardship Day		\$ 350
			<hr/>
			Total Special Projects
			\$450

Totals

LTC Meetings Expenses	\$3600
APC Meetings Expenses	\$2290
Communication Expenses	\$1150
Special Projects	\$ 450
Contingency	\$ 1910
<hr/>	
Total Budgeted Expenditures	\$9400

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	<p>1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement:</p> <ol style="list-style-type: none"> 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. <p>2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;</p>
4.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.



Population:
Approximately 1,996

Size:
2,709 hectares (6,694 acres)

Location:
15 kilometres east of the Swartz Bay ferry terminal on Vancouver Island.

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

North Pender Island Local Trust Committee

Latest News

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

[Pender Post Trustee Reports](#)

November 2010

- [Community Information Meeting - November 27, 2010 re: Riparian Area Regulations](#)

October 2010

- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

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North Pender Island Local Trust Committee Projects

Planner Office Hours on Pender Island

- [Planning Office Hours on North Pender Island 2011](#)

General

- [Policies and Standing Resolutions - June 2009](#)
- [Buying Property on North Pender Island? What Every Potential Purchaser Should Know - May 2008 Update](#)
- [Who Lives Here? - North Pender Ecosystem, Habitat and Wildlife](#)
Note that this presentation requires Quicktime to be loaded on your computer - this application can be obtained at no charge from <http://www.apple.com/quicktime/download/> - As well note that this presentation is 3 MB in size.

Riparian Areas Regulation Implementation

- [North and South Pender Islands Riparian Area Regulation Stream Identification](#)
- [Staff Report - October 15, 2010](#)
- [Staff Report - September 14, 2010](#)
- [Staff Report - May 14, 2010](#)
- [Draft Riparian and Aquatic Development Permit Area](#)
- [Proposed Bylaw No. 184](#)
- [Community Information Meeting - November 27, 2010 re: Riparian Area Regulations](#)
- [Provincial Riparian Area Regulations Website](#)

Climate Change Action

- [Climate Wise Islands](#)
- [Proposed Bylaw No. 183](#)
- [Staff Report - May 17, 2010](#)

Geological Hazard Mapping

Committee Links

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

- [Staff Report - October 18, 2010](#)
- [Staff Report - June 2010](#)
- [Draft Development Permit Area Map](#)
- [Geological Hazard Mapping - January 19, 2010](#)
- [Steep Slopes Hazard Map](#)
- [C.N. Ryzuk and Associates Report - December 11, 2009](#)

Environmental Development Permit Areas (EDPAs)

- EDPA Information Sheets:
 - [Development Permit Area 1 \(Woodland Sensitive Ecosystem\)](#)
 - [Development Permit Area 2 \(Herbaceous Sensitive Ecosystem\)](#)
 - [Development Permit Area 3 \(Riparian Sensitive Ecosystem\)](#)
 - [Development Permit Area 4 \(Wetland Sensitive Ecosystem\)](#)
 - [Development Permit Area 5 \(Cliff Sensitive Ecosystem\)](#)
 - [Development Permit Area 6 \(Intertidal Sensitive Ecosystem\)](#)
 - [Development Permit Area 7 \(Raptor and Heron Nests Sensitive Ecosystem\)](#)
- [OCP Part 5 "Preserving and Protecting Our Ecosystem"](#)
- [Development Permit Area Guide for North Pender Island](#)
- [Refer to North Pender Island OCP and Development Permit Area Schedules](#)

[Sensitive Ecosystem Mapping Webpage](#)

[Development Approval Information Bylaw No. 134 \(Adopted\)](#)

Archived Postings

Note: this is a list of previously posted information and may not include all available documentation. Please contact staff if you require more information

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Memorandum

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Date January 11, 2011 File Number NP/02

To North Pender Island Local Trust Committee

From Kathy Jones
Planning Clerk
Local Planning

Re North Pender Island Advisory Planning Commission – Expired Terms

This memo is to inform you that Dean Mills, Rob Willingham, Robert Cobban, David Howe Natasia Ilkiw, Marika Kenwell and Diana MacDonald appointments' expire on March 1, 2011.

Your options for appointing APC members are:

1. Re-appointing the existing members

A letter could be drafted and sent out to the existing members asking if they would like to serve another term.

2. Advertise for a new APC members

Advertising could be done by publishing a notice in the Island Tides (we would be too late to post in the Pender Post), posting on island and on the North Pender Island Web Page. Also last year when advertising for APC members, we asked that an APC Application Form be completed, in addition to their resume. This was also posted on the North Pender Web Page.

In the past, when we do advertise for APC members, we send a letter thanking the current members and invite them to re-apply, if they are interested in serving another term.

Excerpt from APC Bylaw:

2(c) The Local Trust Committee shall by resolution appoint members to serve up to a one year term commencing March 1st.

pc

Kathy Jones

From: Andrea Pickard
Sent: January-12-11 8:32 AM
To: Kathy Jones
Subject: FW: Great news for Pender - New Conservation Covenant!

From: Christine Pritchard
Sent: Tuesday, January 11, 2011 3:48 PM
To: Derek Masselink; Gary Steeves; Peter Luckham; Robert Kojima; Andrea Pickard
Cc: Jennifer Eliason
Subject: Great news for Pender - New Conservation Covenant!

North Pender LTC and planning staff

Arthur Kikuchi, a North Pender resident enlisted the help of the Islands Trust Fund and Pender Islands Conservancy Association to permanently protect a property on Hoosen Road. Last October, the process finished with the registration of a conservation covenant on the entire property. I admit, I'm a little late in sharing this news with you - but I hope it delights you nonetheless!

The Kikuchi family's generosity shone with this conservation act - Arthur purchased the property in the Tyndallwood subdivision solely for the purpose of conservation. The conservation covenant is registered over the entire 1.78 hectare property. The newly protected property is situated directly adjacent Parks Canada's Loretta's Wood and Tyndall Wood Reserve, greatly increasing the contiguity of approximately 80 hectares of existing protected area. The Kikuchi's covenant protects a fair sized marsh and older second growth forest, many trees greater than 100 years in age.

The Kikuchi's named the covenant Kikuchi Memorial - Frog Song Forest Covenant...a fitting name given the touching story behind their decision to protect the property. Below you'll find the article that should be included in the upcoming Islands Trust E-news regarding the covenant.

Anyways, if you know Arthur and his family, and happen to see them in the future, make sure to stop and thank him for his commitment to the North Pender community. His one big hope is that more and more people will start to recognize the conservation efforts landowners like himself, Sylvia Pincott, and Marilyn King are making and be inspired to do the same. I hope to publicize this story more in the efforts of making his dream come true. If you have any questions, please call anytime. And remember, if you ever know of someone on Pender who seems to be keen to create a conservation legacy, please feel free to put them in contact with us or the Pender Islands Conservancy Association!

Take care

Christine

Arthur Kikuchi moved to North Pender Island because the landscape reminded him of Japan where he spent his childhood. His father was a lifelong naturalist, specializing in the protection of wetlands and forests. His family was deeply connected to and respected the landscape. Since he was a young boy, Arthur has always wanted to carry on his father's work, protecting the land.

In 2009, Arthur's mother passed away (his father having passed in 1997), leaving Arthur and his family her and her husband's life savings. With the inheritance, he purchased an undeveloped property tucked between a regional park and the Gulf Islands National Park Reserve on Pender, and with the help of the Islands Trust Fund, the Pender

Islands Conservancy Association, and the Nancy Waxler Morrison Biodiversity Protection Fund, Arthur permanently protected the property with a conservation covenant.

Walking through the property's wetland and forest, Arthur talks about his decision to purchase the property, now named the Kikuchi Memorial – Frog Song Forest Covenant, solely for protection, "I wanted to use the money they left me to do something that would make them proud. So I covenanted the property. Whenever I come here, I feel my parents' presence. They never saw the property, but it's their lives, their work that protected it. I know they'd be proud of this legacy".

This special legacy created through the life work of his parents will remain permanently protected beyond Arthur's lifetime, creating a legacy for future generations. Arthur's outlook on the present and future is unique and inspiring in a world filled with 'me' and 'want' mentalities. "People can't own the land. We're only borrowing it from the future" Arthur says, as he points to his four children playing among the branches of a nearby cedar. "When we die, we can't take what we own with us. Therefore, our legacies are what we leave behind. I want to leave this protected place behind for my children, their children and the next generations in my community. That's what makes me most happy about the covenant".

Christine Pritchard
Communications and Fundraising Specialist
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*Creating a **legacy** of special places*



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