

Nathan Hoag and Amber Bourgeois

March 8, 2022

Dear North Pender Island Trustees,

We are writing to provide information for discussion regarding properties that we have purchased on North Pender Island. Possession date is set for March 15, 2022.

This pertains to [REDACTED] which used to be the location of the [REDACTED] [REDACTED] I viewed the Dec. 4, 2021, LTC meeting where the LUB technical zoning amendment was discussed, and the trustees requested more information on potential plans.

When I met with Kim Stockdill and Robert Kojima to review potential options, I was informed that as part of the current Land Use Bylaw Review Project, there was a recommendation from the planners that these properties be rezoned from C1a to RR2. The rationale behind proposing this change was to help protect the rural character of Port Washington.

As a specialist physician based in Victoria, I am planning to hold outreach specialist clinics at the Pender Islands Health Centre. VIHA has agreed to support these clinics with ongoing funding. I believe this would add value for the community by improving access to specialist medical care on Pender Island. If the properties were converted to RR2, as suggested in the LUB review, our plan would be to build a small home in this location. This would afford the ability to serve the patients of Pender Island while having a place for our family to stay. We would also like to preserve and restore "The Shed", which was built on the property in 1910.

As part of any potential plan to develop these properties, a boundary adjustment would be proposed. This has been surveyed, and would provide a community amenity by moving the lot lines to create permanent access to public parking spaces in Port Washington, which currently lie on the property.

From an environmental standpoint, I believe a small, energy-efficient, residence would have less impact than a commercial enterprise in this location. Previous discussions with neighbouring property owners have demonstrated support for a residential use in this location.

I believe the potential benefits of conversion of these properties from C1a to RR2 would outweigh any potential downsides, and hope that the trustees will agree with the planners' recommendations outlined in the technical amendments of the LUB Review to change zoning from C1a to RR2.

Sincerely,

Nathan Hoag and Amber Bourgeois

March 21, 2022

North Pender Island Local Trust Committee

Trustee Morrison dmorrison@islandstrust.bc.ca

Trustee McConchie bemconchie@islandstrust.bc.ca

Chair Patrick patrick@islandstrust.bc.ca

CC: southinfo@islandstrust.bc.ca; kstockdill@islandstrust.bc.ca

Dear Trustees:

Re: North Pender Land Use Bylaw Review Project

While we appreciate that the decision to rezone the 11 properties that currently have in-stream dock applications with the province from W1 to W3 was reversed at the February 24, 2022 local trust committee meeting, we are opposed to rezoning of the water area around North Pender in the NPI Land Use Bylaw Review Project. These are the reasons we are opposed to rezoning that we ask you to consider.

1. Boating Options in the Trust Area Should be Protected

Boating is integral to the Trust Area. This region's unique maritime character is one of the boating community's most well-loved destinations along the BC coast. The myriad islands, safe sheltered anchorages, marine parks and services for boaters – including marinas, mooring fields and docks – are some of the many unique amenities special to these islands. In recognition of our unique maritime culture, currently, most of the waters around North Pender are zoned as W1. Docks are a permitted use. That use should be preserved and protected.

Our concerns:

We believe boating and boating related services, including docks, are a unique amenity in the Trust Area broadly, and especially around North Pender Island. Plans to rezone the waters around North Pender Island from W1 to W3 tells us that our Local Trust Committee does not recognize boating and boating related services as a unique amenity that deserves to be preserved and protected. This will be of great concern to the entire boating community.

2. Respect the OCP

The current North Pender Island Official Community Plan was developed in 2007 following extensive community input. While the OCP contains references to protecting sensitive coastal areas and establishes Development Permit Area Six (intertidal ecosystems), nowhere is there direction about a preference for private docks as a discretionary use rather than an outright permitted use. Private docks obviously did not pose a concern to residents, environmentally or

otherwise. To the contrary, the OCP section regarding Development Permit Area Six (intertidal ecosystems) spells out **best practices for dock design** in the zone.

The current North Pender Island OCP also states:

By planning for the future, individuals and communities can achieve a degree of certainty and predictability, anticipate needs, address concerns, and achieve desired goals. Land use planning is a process by which the allocation, type and intensity of uses is determined in a manner that is **efficient and equitable**, and that **provides sustainable benefits for individuals, the community, and the environment**.

North Pender Island is predominantly rural in character and the goals, objectives and policies of this plan support the retention of that character. Preserving a healthy community involves balancing environmental, social and economic sustainability.

Official community plans describe the long-term vision of communities. They are a statement of objectives and policies that guide decisions on planning and land use management. These decisions impact communities' sustainability and resilience. **After the adoption of an official community plan, all bylaws enacted or works undertaken must be consistent with the plan.**

[Source: <https://www2.gov.bc.ca/gov/content/governments/local-governments/planning-land-use/local-government-planning/official-community-plans>]

Our concerns:

It is our understanding that the Official Community Plan drives the development of bylaws. Proposed bylaw amendments, whether political or technical, should not drive OCP changes. There is no direction on rezoning the waters around North Pender Island or turning docks into a discretionary use in the Official Community Plan. North Pender Island residents, per the current OCP, have not indicated support for rezoning of the waters around North Pender. We don't believe the Local Trust Committee should be proposing concurrent changes to the Land Use Bylaws and OCP. A decision on rezoning should be deferred until the OCP can be revisited. We believe this oversteps the mandate of the LTC, will create unnecessary uncertainty for island residents, will create inequity between those properties zoned W1 and those that would be rezoned to W3, and will make the planning process less efficient.

Additionally, trustees have mentioned bringing North Pender bylaws in line with South Pender bylaws. This is irrelevant and we believe this should **NOT** affect North Pender trustees' decisions. South Pender has its own OCP. North Pender has its own OCP. Respect the OCP!

3. Marine Shoreline Discussion Paper

The Marine Shoreline Discussion Paper dated July 2020 identified concerns regarding debris related to derelict docks and other structures as a common problem in the Islands Trust area. It also stated that any type of disturbance in intertidal areas and beyond can have impacts on ecological processes and identified that First Nations interests and knowledge must be considered, where possible, with any in development or alteration of marine and shoreline environment. It stated that allowing docks as a permitted use in the W1 zone **required no discretionary approval**, and **suggested the LTC may wish to consider changes that would make new docks a discretionary use, rather than the current outright use**. This would be implemented by restricting the W1 zoning to current private moorage tenures and require rezoning to W1 for any future docks. **In the process of rezoning, site specific considerations and restrictions could be addressed.**

[Source: https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-projects/Land%20Use%20Bylaw%20Review/6.%20Discussion%20Papers/2020-07-21_Marine-Shoreline-Discussion-Paper.pdf]

The draft minutes from the November 7, 2020 community information meeting do not indicate any public concern about docks or their proliferation. We can find only two letters in response to the proposed rezoning outlined in the Marine Shoreline Discussion Paper that are posted on the NPI Land Use Bylaw Review Project webpage. One is from Raincoast Conservation Foundation and argues that docks should be banned. One is from ourselves, dated March 24, 2021, opposed to the dock ban. Most people who spoke at the community information meetings earlier this year spoke in opposition to rezoning.

Our concerns:

Rezoning the waters around North Pender Island doesn't appear to be driven by North Pender Islanders' concerns. Why the push for rezoning? There is no mandate from the community on this issue. Trustees have mentioned that the rezoning process would allow the community to comment on the visual impact of docks. The IT and the community can already comment on that as part of the consultations process through the BC Government's Special Application process (see next point).

4. Application-Only Area

The construction, placement and use of private docks on Crown land in BC requires authorization from the Ministry of Forest, Lands, Natural Resource Operations and Rural Development. There are two distinct processes for private docks: General Permissions and Special Permissions. General Permissions are not granted within designated Application-Only Areas.

North Pender Island is an Application-Only Area. North Pender is **located within the West Coast Region Private Moorage Application Only area**. This area prohibits General Permissions for new docks and requires an application for Specific Permission (or possibly a lease), for reasons of environmental sensitivity or other concerns. Approval is not guaranteed. For example, we were warned that docks will not be approved if eelgrass beds are present. Application requirements includes:

- a **Management Plan** disclosing **how the construction will be implemented to ensure the least impact to the environment and the community**; this includes how public access will be maintained along the beach
- topographical and bathymetric information
- a schematic design of the dock system, plan view and side profile and anchoring (considerations include exposure to weather, passing marine traffic, structure height, anchoring plan and the esthetic interface with the upland property)
- site photos
- a **Baseline Marine Habitat Assessment** signed by Registered Professional Biologist
- an Archaeologist Report, if required

During the review process, there is a consultation period that includes local public consultation, consultation with First Nations and referral to relevant government agencies. More information about this process and the Application-Only Areas is available online:

<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/private-moorage>

Our concerns:

There seems to be a lack of awareness about which areas fall under the Application-Only Process or what it entails. North Pender Island does not fall under the General Permission for private docks. North Pender Island falls under the Special Permission.

The LTC's proposed rezoning requirements duplicate much of the BC Government's existing application-only process. The requirement for rezoning will add considerable cost and delay to the process with no substantial net gain. There is no clarity on how North Pender's rezoning process will mesh with the provincial application process, which will make it difficult for prospective applicants to navigate.

5. The Problem with a One Size Fits All Approach

We have heard trustees ask, "Would you rather be like Piers Island or Sidney Island?" North Pender Island is not comparable to either of these two extremes. On one hand, we cannot turn back the clock and remove docks from North Pender Island to make it more like Sidney Island.

On the other hand, North Pender Island will never be like Piers Island even if the water area stays at W1 zoning. Not all North Pender coastline is created equal. There are some large protected bays and some areas of coastline protected by prevailing winds that are more suitable for docks. There is also rough coastline exposed to severe winter storms, coastline located in areas that are off-limits to boats, inaccessible coastline, and other areas that are not suitable for docks for a variety of reasons, including eelgrass beds and other sensitive ecosystems.

As avid scuba divers, we are keenly aware that some coastal ecosystems are more sensitive than others. Instead of a blanket rezoning of all waterfront areas, there is another alternative.

Local governments have the authority to designate development permit areas in an official community plan. These identify locations that need special treatment for certain purposes including the protection of development from hazards, establishing objectives for form and character in specified circumstances, or revitalization of a commercial use area. Unless a development permit is obtained, development in such areas is restricted.

If an official community plan designates development permit areas, then the implementing guidelines may be located in the official community plan or in the zoning bylaw.

[Source: <https://www2.gov.bc.ca/gov/content/governments/local-governments/planning-land-use/local-government-planning/official-community-plans>]

Our concerns:

Instead of proposing to rezone all water areas around North Pender from W1 to W3, the LTC could choose to create a new Development Permit Area and apply it to areas where docks are not suitable. This seems to us a more efficient route than blanket rezoning considering the BC Government's extensive vetting process already in place. Efficiency is one of the goals stated in the NPI OCP.

The rezoning process for a new dock will be much more difficult, time consuming, costly and uncertain than the process to obtain a development permit, and yet they both processes effectively serve the same ends of ensuring community input and best practices. We don't understand why trustees want to force landowners wanting to build a small dock in the future to go through the long, drawn out, expensive rezoning process that basically equates building a new small private dock with subdividing a large parcel into multiple smaller parcels. Subdividing is a vastly different land use decision with much greater environmental consequences than a small private dock. To us it seems an extreme reaction that will require yet more IT staff resources to manage, especially considering the BC Government already manages the dock application process. Additionally, maps will require ongoing updates each time zoning changes. Will the OCP and LUB also need to be amended each time zoning changes? A DPA would streamline that process.

6. Marinas vs. Private Docks

Trustees have talked about a preference for consolidating boats into existing marinas. Thieves Bay is the only private marina and it is exclusively for the use of members of the Magic Lake Property Owners Association. The other three marinas on North and South Pender – Otter Bay, Port Browning and Poet’s Cove – are not exclusively for Pender Island residents’ use. In normal years (pre-Covid), the demand for berths exceeds available supply. Space for local boats is often unavailable during the peak summer months when the marinas are full of visiting boats.

Our concerns:

Private docks can alleviate demand in the marinas during peak periods, enabling more space for visiting boats and lessening the need to expand existing marinas. This fits with the IT mandate to preserve and protect the islands for the benefits of residents and British Columbians.

7. Emergency Use

North Pender Island is prone to extreme summer drought conditions. In a catastrophic wildfire or natural disaster, private docks and private boats should be part of North Pender’s evacuation plan. BC Ferries, with one sole terminal servicing both North and South Pender would not be able to handle a large scale evacuation without additional support. Consider the Gabriola evacuation plan:

<https://www.thestar.com/news/canada/2022/02/12/full-island-evacuation-would-take-14-hours-via-ferries-guide-estimates.html>

If the worst were to happen on North Pender Island, some parts of the island could be completely cut off from an escape route. Having a network of private docks designated for emergency use could assist in evacuation situations. Not all docks are equally accessible from land, so it makes sense to identify suitable alternate escape routes should roads become impassable.

Our concerns:

By proposing to rezone all water areas currently without a dock to W3, the LTC is missing out on opportunities to identify where additional private docks may be desirable as part of an island-wide emergency plan.

8. Island Trust Staff Recommendations to LTC

The minutes of the January 28, 2021 North Pender LTC state:

Planner Stockdill provided an overview of the Tourist Commercial Regulation Review and the Marine Shoreline Review. The LTC discussed their role in **regulating docks** on the Marine Shoreline.

NP-2021-012

It was Moved and Seconded, that the North Pender Island Local Trust Committee request direction from Director Frater on the most appropriate way to advocate for docks maintenance and ocean health. CARRIED

The May 12, 2021 Staff Report to North Pender LTC states:

At the January 28, 2021 LTC meeting, the LTC expressed an interest to amendment [sic] the LUB in order to **restrict the construction of new private docks**. In order to restrict the construction of new private docks, the foreshore areas that do not currently have existing docks would be rezoned (by amendment the LUB map) from W1 to W3. Those foreshore areas that currently do have a dock (by issuance of a provincial private moorage lease or licence of occupation) would be retain the W1 zoning that permits private floats, wharves, ramps and walkways. If the LTC wishes to proceed with only allowing future docks by rezoning, Islands Trust GIS technicians will map out all areas that have existing docks and these areas would retain W1 zoning; all other areas would be rezoned to W3.

The North Pender LTC should also consider amending the Coastal Areas section of the OCP to provide new policies for dock rezoning applications within the Marine designation, and provide criteria for assessing such rezoning applications.” The following is criteria from the South Pender OCP (Section 4.2b(iv)):

“Docks or wharves are to be allowed in the following circumstances: existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule “B”. New applications for private moorage for docks may be considered by site-specific rezoning subject to:

- the proposal demonstrating minimal impacts on the marine environment, including eelgrass,
- bull kelp, forage fish, or other important habitat;
- the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
- the proposal demonstrating no impacts on archaeological or cultural sites or resources;
- structures being appropriately sited and of a scale to minimize visual impacts;
- structures incorporating current best practices for dock construction;

- consideration being given to providing for shared or common moorage; and
- consideration being given to the cumulative impacts of private moorage.

At the May 12, 2021 LTC meeting, trustees made the following motion:

NP-2021-053

It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021. CARRIED

From Table 1: Staff Recommendations:

#	Option for Consideration	Staff's recommendation to include in the bylaw amendment?	Staff Comments	LUB or OCP Amendment?
14.	Require rezoning for docks.	Yes	Staff recommend rezoning all areas that do not currently have a dock to the W3 zone. See staff report.	LUB/OCP

Our concerns:

There seems to be a disconnect between decisions made and direction given at LTC meetings, minute recordings and the resulting recommendations from staff. Somehow, the discussion changed from **regulating docks** in January 2021 to **restricting the construction of new private docks** in May 2021. It is not clear from reading the January 28, 2021 minutes that the LTC was proposing to rezone all areas without a dock from W1 to W3. The staff report from May 12, 2021 suggests amending the LUB and the OCP. We believe LUB and OCP amendments should be driven by the community, not by the LTC based on staff recommendations.

Please note, on page 108 of the March 24, 2022 NPI LTC meeting package, the LTC Resolutions/Direction to Staff - NP LUB Amendment Project tables says "January 28, 2021: The LTC supports removing docks as a permitted use and to grandfather existing docks by zoning tenures." Why wasn't that recorded in the January 28, 2021 meeting minutes? Anyone reading those minutes after the meeting would be unaware of the nature of the direction given by trustees to staff. Regulating docks and restricting docks are two very different things.

9. Lack of Consultation with Waterfront Property Owners

Upland property owners are the primary beneficiaries of W1 zoning around North Pender Island. These property owners have not been consulted about the proposed changes to water zoning as part of the bylaw review process. As an upland property owner, we have not received notice by mail from the Islands Trust even though the proposed downzoning would impact us directly.

In August 2020 and again in December 2020 when speaking with North Pender planners about our plans to apply for a private dock, we weren't made aware of the Marine Shoreline Discussion Paper or the proposed option to ban private docks. The first we learned of the LUB review process and the rezoning of water areas was in March 2021.

In the meantime, as part of the LUB review process, the property owners with C2 zoning, and immediately adjacent properties, have been contacted about proposed changes to their zoning.

May 12, 2021 North Pender LTC decision:

NP-2021-050

It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential. CARRIED.

Our concerns:

As rezoning will directly impact the future use and enjoyment of all waterfront properties on North Pender, we believe LTC should direct staff to notify the affected property owners in writing of the LTC's intent to rezone from W1 to W3 before the process proceeds to first reading.

10. Non-Conforming Uses

At the time a new land use regulation bylaw is adopted, if an existing use of land or a building is lawfully used and it does not conform to the bylaw, then it may be continued as a legal non-conforming use unless the use is discontinued for a period of six months (subject to normal seasonal practices) or more than 75% of the value of the building or structure above its foundation is damaged or destroyed. In most cases, a legal non-conforming use cannot be expanded however it can be maintained under certain circumstances.

[Source: <https://www2.gov.bc.ca/gov/content/governments/local-governments/planning-land-use/land-use-regulation/zoning-bylaws>]

Our concerns:

North Pender Island upland property owners with existing docks are probably unaware how the proposed rezoning will impact them. Even though they will be grandfathered in and maintain their W1 zoning (only for the area of their existing docks), they will not be able to expand their docks or rebuild them should they be damaged more than 75%, without going through the rezoning process. All North Pender Island waterfront property owners should be notified of the proposed rezoning by mail and informed of how it may impact their W1 zoning before the proposed bylaw changes go to first reading.

11. Financial Considerations

Financial considerations include impact on property values, rezoning costs and the IT budget.

Our concerns:

Rezoning the water area from W1 to W3 will negatively impact property values. Rezoning will create **inequity** between waterfront properties with W1 zoning and those without. This will create divisions within our island community. By proposing to rezone to W3, the LTC is putting private docks out of the reach of all but the wealthiest waterfront property owners, especially when you add in the proposed increases to fees. Those who have owned waterfront property for a long time, those who purchased when prices were low and those who scrimped and saved to make their dreams a reality at some time in the future will likely find those dreams out of reach financially with the **added cost and uncertainty** inherent in rezoning.

When considered together, these 11 points make it very hard for us to understand the justification for the proposed water rezoning. For these reasons, we ask you to reconsider moving forward with these proposed changes to the Land Use Bylaw and Official Community Plan.

Thank you for your consideration.

Chris and Sandra Tretick

[REDACTED]

Pender Island, BC [REDACTED]

From: George Leroux <[REDACTED]>
Sent: Monday, March 21, 2022 9:28 AM
To: Laura Patrick <lpatrick@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>
Cc: Robert Kojima <rkojima@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; adam.olsen.mla@leg.bc.ca; Dave Howe <directorsgi@crd.bc.ca>; Paul Brent <directoraltsgi@crd.bc.ca>
Subject: letter to Trust - 032221

Good Morning North Pender Trustees

As you continue to push the Land Use Bylaw Review forward I am reminded of a letter we sent you last March 2021 regarding the proposed Industrial Zoning on the Port Washington Rd – see attached.

In the past year the roads have further deteriorated, industrial traffic has increased and the impacts between the Community Hall and Home Hardware have intensified. This will only increase in the future as you continue to pursue concentration of industrial activity on Port Washington Rd.

The Trust touts science and local knowledge in its decision making. Where is this applied in regards to the concentration of industrial activity on Port Washington Rd? This past winter we had part of the hill side collapse onto the road during a heavy rain storm. It is a steep side slope with a very shallow soil layer on top of rock. If, as predicted, there are more storm events in the future it is quite possible this slope will further deteriorate. The road does not have a solid foundation. Water springs up through the pavement at times. All industrial traffic from Port Washington travels an extra 3+ km / trip compared to the area around the Community Hall since the vast majority of this traffic is destined for destinations south or west of the Community Hall. How does it make sense to route all industrial activity beyond the Hall toward to Port Washington?

One day there will be an accident on this road. It will be caused by truck traffic accelerating downhill or speeding through the Library area. This area includes many rural driveways, blind corners, people going for walks or visiting the Nu To You / Library, and bicyclists on tour. An accident will be devastating for someone. In the interim, the impacts are felt every day by rural residents between the Hall and Home Hardware. The road continues to deteriorate and, like many other roads on Pender, the repair and restoration of road beds is low priority for MoTI.

It seems little has changed in the past year other than further deterioration of the road. While it feels futile, we once again ask that you reconsider your intent to concentrate industrial activity in the proposed "Port Washington Industrial Cluster."

George Leroux

Hi Deb & Ben

We have been watching the process by which our Island, through the Trust, is planning its destiny. We refer here to the recent "decisions" regarding Industrial zoning, and more generally to what we observe to be an anti-landowner and anti land rights bias among Trustees.

Tonight we feel very sad. For the last 16 years we have been rebuilding a small farm on Port Washington Rd. Before us, David and Sandra Johnston produced, on a small scale, vegetables, fruit and animals. As they aged, the farm became too much for them. We were fortunate to continue the Johnstons' vision and have further developed Raven Rock Farm.

We have built a productive organic farm on a hillside of gravel. While most of our land is classified "ALR", it is the same "non-arable" land you are promoting for industrial zoning immediately to our west and, frankly, is not much different from the land in Magic Lake or much of the rest of Pender. Our land could easily be supported, technically but likely not socially on Pender today, for exclusion from the ALR. Despite this, we have made soil, created level terraces, installed growing shelters and expanded the orchards. We have added organic soil amendments from both on and off island. We have received "waste" biomass (wood chips) from Island activities, and have aged, composted and mixed these organics with the native gravel and sand to create a healthy soil environment for growing vegetables. We have installed water catchment and an extensive irrigation system – you get what you water on this Island. We have hired Islanders and established systems and procedures that allow us to provide fresh greens to the Island from March to October. We have gone to the expense and extensive paperwork required for Organic certification. We have invested large amounts of time, energy, money and hope to build something that contributes to the food security and sustenance of the community.

At your "special meeting" last week we learned that all industrial activity should be "pushed to Port Washington" (Direct quote from Ben). The cement plant should be "forced" (per Deb), at the expiration of the current TUP, to move from MacDonald Farm to Port Washington Road. All restrictions should be lifted on industrial zoning. And, if some part of waste management can be called "industrial," it should move away from the "residential" waste management site and moved to Port Washington.

Imagine if you had spent the last 15 years of your life building something agricultural *for the community*. How would you feel when the community's Trustees suggest putting all the island's industrial activity right beside that farm? Out of sight, out of mind for the majority of Islanders; the local neighbours on Port Washington Road pay the price that should be paid by all Penderites. If the chest thumping about tree cutting in Magic Lake or the "destruction" of MacDonald farm is sincere, where is the same concern for Port Washington? Perhaps you are simply unaware of the severe impact of your plans.

The road from the Community Center to the proposed Port Washington Industrial Cluster is a rural country road. The extra fleets of trucks you plan to divert from the Community Center area to Port Washington would be forced to pass the Epicenter, Nu-to-Yu, Library, go through several turns (some of which are banked the wrong way), pass Corbett House and a couple of farms, to arrive at an uphill intersection with a stop sign. Some come to a complete stop; many don't. The trucks then lurch and spew their way through the intersection and proceed uphill and westward on Port Washington trying desperately to accelerate on an uphill slope with much changing of gears. As they spew black smoke climbing the hill, their transmissions whine all across the valley and make a deafening sound on our farm. We cannot converse on the farm when a truck goes up the hill.

After spending a few minutes in the Port Washington Industrial Cluster to load or unload, they turn around for the return trip to Magic Lake and the rest of the island. Accelerating eastward from the Cluster, vehicles are typically speeding by the time they pass our farm at the crest of the hill. Our farm gate is halfway down the hill. It is no longer a safe gate to use. Some accelerate and then hit the brakes right outside our barn when they realize they need to slow for the corner. Others simply apply the jake brake. Fortunately, we do not have laying hens or they would all drop their eggs prematurely upon hearing an engine brake applied. We cannot converse on the farm when the trucks go downhill, either. Truck traffic on Port Washington Road has vastly increased over the past two years, and the road is very badly broken up.

Several years ago we expressed our concerns to the then-Trustees. Their response was illustrative of the attitude of the Trust - "We know what we want to do, and we will do it." The fix has been in for years. We see that. It has been, in our opinion, futile to comment since the Trustees, and even more clearly, the Staff, wanted to cluster the Industrial activity in Port Washington. What has been lost in this discussion is the overall impact.

The Industrial traffic that uses this corridor is, for the most part, servicing Magic Lake, South Pender, and to a lesser extent, Mayne, Galiano and Saturna. For example, the cement plant serves several islands. By forcing it to move to

Port Washington, you will have simply moved the entire impact from all other areas of Pender, and the other Islands, to Port Washington. In the process a site will be left behind that has been mined and levelled in a manner that will never again be suitable for agriculture. This genie cannot be put back in the bottle.

It is easy to say, as at least one of you did acknowledge at the meeting, that there will be impacts. Yes, there will be. Everything has an impact. The question is how the impact is managed and spread among those who are receiving the benefit and those suffering the consequences. In this situation, the Trust, and by extension the community, has chosen to move all industrial impact to our neighbourhood. This is just about as far from Magic Lake, and most of our Island population, as can be found. There seems to have been no consideration of the extra miles (and carbon – 2.68 kg / liter of diesel burned at an average of 1/6th liter /km) related to having the trucks go back and forth all day from Magic Lake to Port Washington. There has been no consideration of the traffic and safety impacts between the Community Center and Port Washington. There has been no consideration for the road bed quality and what will soon become an imperative to rebuild the road. This eventual road re-building will itself have huge impacts - environmental, logistical and disruptive.

We have spent over 15 years following on 20 years by the Johnstons and several generations of Islanders before us scratching out a farming enterprise that supports the health and vibrancy of the community. Now, with your decision, continuing in the direction that Staff and previous Trustees have been pursuing for many years, we are confronted with a harsh reality. Our farm is, in many respects, fatally wounded. Our water sources will ultimately become depleted and/or fouled by industrial activity directly above and adjacent, and our quality of life severely diminished.

We do not know what we will do. It is clear that the Trust locomotive is sticking to its track. We cannot change it. All industrial activity is being pushed and forced to our neighbourhood. The community is operating on the basis of a majority of people wanting all activity outside of where they live. The principle of "minimal" neighbourhood impact is measured by the least number of neighbours in the affected "neighbourhood." When you are one of those neighbours it hits home, and it hurts.

We have invested huge amounts of personal energy and resources to develop an example of what can be done if you really focus on growing food. By adapting techniques to suit the site, building infrastructure, learning through science, trial and error, and patience, it can be done most anywhere. We have spent 15 years developing a small working farm that is, we hope, part of the fabric of the community. This is now challenged. Do you really care, or will you and the Trust hide behind "Preserve and Protect", whatever that means to whoever is putting it forward?

George & Kelly Leroux

From: Paula Castellon, MBA <[REDACTED]>
Sent: Tuesday, March 22, 2022 10:55 AM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>
Subject: Re: NP Meeting - Feb 24

Hi Kim,

I spoke to my partner and we would be open to reducing our density by 20%, so down to 8 from 10 in order to keep current zoning and requirements. This will also likely be acceptable by our lender and is a density we personally would never like to see exceeded on this land.

1. Your full build out plan for each property (number of commercial guest accommodation units you plan to build, dwelling units, employee units, accessory structures/buildings, and services); Over the next 5 years we would like to add a residential home (currently there is no functional home), one more guest accommodation and a small outdoor covered area for eating and bbq. These new structures will use our existing rainwater catchment system as their main source of water supply.
2. Outlining your current and proposed methods to protect groundwater; and: We use and will continue to use rainwater catchment as our main source of water.
3. If you agree to register a S.219 covenant. If reduced density is not approved than we would be willing to register S.219 after reviewing its requirements.

If there is anything else you may require prior to the Mar 24th meeting please let me know. Also, can you please confirm that the meeting is Mar 24th as noted above or Mar 23rd as noted on website.

Best,
Paula

On Fri, Mar 11, 2022 at 3:03 PM Kim Stockdill <kstockdill@islandstrust.bc.ca> wrote:

You don't need to have any formally prepared tomorrow but I would recommend speaking with the LTC regarding your willingness to register a covenant. Also if you could prepare the information I highlighted below prior to the March 24 meeting:

1. Your full build out plan for each property (number of commercial guest accommodation units you plan to build, dwelling units, employee units, accessory structures/buildings, and services);
2. Outlining your current and proposed methods to protect groundwater; and
3. If you agree to register a S.219 covenant.

Kim

From: Paula Castellon, MBA <[REDACTED]>
Sent: Friday, March 11, 2022 1:46 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Re: NP Meeting - Feb 24

Am I supposed to have anything prepared for the meeting?

On Fri., Mar. 11, 2022, 1:05 p.m. Kim Stockdill, <kstockdill@islandstrust.bc.ca> wrote:

There's no meeting on the 15th. There's one tomorrow and another on March 24:
https://islandstrust.bc.ca/whats-happening/meetings-and-events/?_sft_jurisdiction=north-pender

Kim

From: Paula Castellon, MBA <[REDACTED]>
Sent: Friday, March 11, 2022 12:49 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Re: NP Meeting - Feb 24

Is there a Mar 15th meeting still.

Thanks Kim

On Fri., Mar. 11, 2022, 12:08 p.m. Kim Stockdill, <kstockdill@islandstrust.bc.ca> wrote:

Hi Paula,

There is no set back for a Public Hearing yet, but if the bylaw moves forward, then I would imagine there would be a Public Hearing this some time this summer. Rainwater catchment may be recommendation a professional Engineer or Hydrogeologist would include in their Water Management Plan.

Hope to see you (online) at tomorrow's meeting.

Kim

From: Paula Castellon, MBA <[REDACTED]>
Sent: Thursday, March 10, 2022 2:06 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Ralph Case <case.ralph@gmail.com>
Subject: Re: NP Meeting - Feb 24

Hi Kim

Hope you are feeling better.

Thank you, this is very helpful.

What is the date for this hearing

3. Property owners at their expense register the S. 219 covenant prior to the Public Hearing.

Also does rain water catchment apply to this.

Best

Paula

On Thu., Mar. 10, 2022, 1:45 p.m. Kim Stockdill, <kstockdill@islandstrust.bc.ca> wrote:

Hi Paula,

I've been away for the past week and this week due to Covid in our household. I did want to follow up with you regarding your questions and also provide some language that may be in the covenant and examples of Water Management Plans (WMP). [Click here for one example of a WMP](#) and another can be found here: <https://drive.google.com/file/d/1d4-hqk4SGcKGtvOazVp1RqWuPCa2ZQGD/view>. Information on the Provincial non-domestic groundwater licence can be found here: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/new-requirements-for-groundwater-users>

As for drafting wording for the covenant, the following can be used as an example. It would still need to be reviewed by the William (Senior Freshwater Specialist), legal council, and the LTC:

S. 219 Covenant

The Owner shall not use or permit the use of the Land or any building on the Land for any purpose or construct any buildings on the Land, except in strict accordance with this Agreement.

Restriction on Use

1. The Owner shall not construct or occupy any additional Tourist Accommodation Unit on the Land until and unless the Owners:

- a. provide to the Islands Trust a Water Management Plan prepared by a Qualified Engineer or Hydrogeologist that is satisfactory to the Local Trust Committee and which provides recommendations to ensure that freshwater of a sufficient quantity and quality can be provided to any additional Tourist Accommodation Units without unduly impacting the quality and quantity of groundwater for existing users, and
 - b. implement the recommendations of the Water Management Plan, or provide an instrument satisfactory to the Local Trust Committee that would ensure that the recommendations of the Water Management Plan are implemented prior to occupancy of any additional Tourist Accommodation units.
 - c. The Local Trust Committee shall not unreasonably withhold approval of the construction or occupancy of any new Tourist Accommodation Unit provided recommendations of the Water Management Plan are implemented.
2. The Owner shall not construct or occupy any additional Tourist Accommodation Unit on the Land until a Non-Domestic Groundwater Licence has been issued by the Province of British Columbia for the proposed Tourism Accommodation use and density on the Land.
 3. The Owner shall ensure the Tourist Accommodation use on the Land is in compliance with Island Health, the *Drinking Water Protection Act*, the *Drinking Water Protection Regulation*, and obtain a Island Health construction permit and operating permit if deemed necessary by Island Health.

The following is a general outline of events if you are agreeable to a Section 219 covenant:

1. The draft LUB by remains the same (permits 10 CGAUs on 1333, 1349 MacKinnon Rd and 26 on 1329 MacKinnon Rd).
2. Property owners agree to register a S.219 covenant on their property. The covenant would restrict any further development until a Groundwater Management Plan prepared by a Registered Engineer states there is sufficient quality and quantity of groundwater and provides recommendations. **The Water Management Plan (WMP) can be prepared at a later date after the covenant is registered.**
3. Property owners at their expense register the S. 219 covenant prior to the Public Hearing.
4. When the property owners are preparing to build new units, the property owners must hire a Professional Engineer/hydrogeologist to prepare the WMP. Any new CGAUs (as permitted by zoning) is only allowed to be constructed if the Engineer determines there is sufficient quality and quantity of groundwater.

There is a Community Information Meeting via Zoom this Saturday I hope you're able to attend. It would give you a chance to have further discussions with the LTC regarding your property. The CIM information can be found here: <https://islandstrust.bc.ca/event/north-pender-ltc-special-meeting-march-12-2022/>

I also ask if you can provide in writing the following information prior to the March 24 LTC meeting:

1. Your full build out plan for each property (number of commercial guest accommodation units you plan to build, dwelling units, employee units, accessory structures/buildings, and services);
2. Outlining your current and proposed methods to protect groundwater; and
3. If you agree to register a S.219 covenant.

I hope this adds some clarity. Hope to see you on the 12th.

From: Paula Castellon, MBA <[REDACTED]>

Sent: Thursday, February 24, 2022 10:47 AM

To: Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Re: NP Meeting - Feb 24

Hi Kim,

I am trying to find the S.219 covenant. I remember a general description from the last meeting, and if I understand it correctly, it states that our only restriction, if we sign on, is providing a ground water plan if we build additional units. Is this correct?

Do we have any information what guidelines will be required from this ground water plan or what criteria needs to be met.

We currently have excess capacity because the previous owner had to build a new septic and rain water catchment system as part of the building permit process for a new house on the property, however the house was never built.

Thank you

On Wed, Feb 23, 2022 at 5:49 PM Kim Stockdill <kstockdill@islandstrust.bc.ca> wrote:

Hi Paula,

I'm sure you're aware, but the LUB Review Project is on tomorrow's LTC agenda. The MacKinnon Road properties will be a part of tomorrow's discussion. Here is the link to the meeting: <https://islandstrust.bc.ca/event/north-pender-ltc-regular-meeting-february-24-2022/>

Also, do you have any updates with regards to your groundwater licence with the Province? I believe the deadline is March 1, 2022. If you have applied, did you have to provide a Groundwater Assessment for this licence?

Thank you,

Kim

From: Sandra Tretick <[REDACTED]>
Sent: Tuesday, March 22, 2022 9:25 AM
To: Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>
Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: For your consideration: regarding house size limits

Dear North Pender Trustees,

Consider if you will...

A family of four and a small North Pender lot size.

Let's err on the small side and say a 3 bed, 2 bath house around 1600 should be adequate for their basic needs. Now 1600 may seem like plenty of room for a family with 2 little kids but feel really cramped a few years down the road when those little kids are now growing teenage boys. Remember, space needs are subjective.

Now, add to these space needs, room for a guest bedroom and ensuite. Since these small sized lots don't allow a cabin to be built, they'll need an extra bedroom and bathroom for when their family or friends visit. Let's face it, they'll be getting a lot of visitors. Add another 200 sf for that. If there's more than two people visiting, they can always sleep on the couch or the kids can bunk up. Heaven forbid if the grandparents outstay their welcome when they too fall in love with life on Pender.

Well this is getting super pricey on North Pender, so our young family needs a secondary suite to help offset their ridiculous mortgage. They are considering a 1BR suite coming in around 600 sf, or a 2BR suite, closer to 900 sf. The way prices are going, one or both of their kids will be living in there eventually anyway. In the meantime, at least they can contribute some much needed rental accommodation on Pender. (Although this too might soon get priced out of reach with the new groundwater bylaw proposals related to secondary suites.)

One of the parents has a small home based business. It's where the vast majority of their income comes from. As the business grows, they find they now need space for a home office, equipment and storage. They can squeeze that into 200 sf but more space would certainly make life easier.

The work truck is filled with tools that they would prefer not to leave outside. Their family vehicle will retain it's value longer if they can keep it out of the elements. So that means adding a 2-car garage. Add in some workshop space and they're looking at 600 sf.

Our family of four suddenly needs 3200-3500 sf. But wait! The newly proposed limit is 2500 sf for their lot size. Since they can't afford to buy a bigger piece of property, what will they do?

They could build separate outbuildings for the garage and office, but that means spreading out the development all over their lot. Same total square footage, maybe more, but now not part of the dwelling and not subject to the cap.

They could apply for a variance, but that adds to the cost and the outcome is uncertain. The ability to prove hardship rests on the discretion of the BoV members of the day. More subjectivity.

Maybe they reconsider North Pender altogether. That means Pender loses another trade, another caregiver, another employee, another volunteer, another young family. Oh well, some wealthy retirees with deeper pockets will move in and demand more services. Let's hope they don't need that tradesperson that just moved away.

So much for Land Use Bylaws that work for the community.

The unintended consequences of placing hard limits on floor area and imposing other new restrictions on property use could backfire for our community, especially considering the need for affordable housing and working age people. Don't make the limits so restrictive that you eliminate possibilities.

Do we want the average age on North Pender to continue to rise? A moated community for the 55+ if you will, with off Islanders providing all the services. Or do we want a diverse, vibrant community?

Kindly,
Sandra Tretick

From: Kathi Allinson [REDACTED]
Sent: Wednesday, March 23, 2022 8:30 AM
To: Benjamin McConchie; Deb Morrison; npltcwebmail; Laura Patrick
Subject: Trust Mtg. March 24,2022

Hello. Unfortunately I cannot attend in person meetings on Thursdays as I visit my mother in Alzheimer's care in Victoria each week.

Since I cannot speak I was wondering if you could discuss possibly addressing the fact that anything over 5 feet is considered liveable. Due to various land configurations someone wanting to build a home of 2500 sq ft may be surprised that if part of their basement is 5-7 for they could easily be reduced by 800 or more sq ft leaving them with only 1700 sq ft or less as an example. It seems that the sq footage allowance would either have to be raised to approx 3500 sq ft to account for these possibilities or the 5ft stipulation needs to be changed to 8ft with an even floor to be considered liveable and part of the 2500 sq ft regulation.

Thank you
Kathi Allinson

From: Paula Castellon, MBA <[REDACTED]>
Sent: Wednesday, March 23, 2022 3:38 PM
To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpatrik@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; Ralph Case <[REDACTED]>
Subject: 1349 Mackinnon Road

Dear Trustees,

I am sorry I am not able to be there in person to speak on our behalf, I was not able to leave the mainland for today's meeting. Thank you Kim for reading this in our absence. Luckily I am able to watch the live stream. And thank you Trustees, for giving us the opportunity to present and work out a vision with you that helps protect Pender Island's echo system and groundwater supply. This is something we fully support.

Our vision for this property is two fold; 1) a place of refuge for our two families for generations to come, and 2) to create an ecotourism destination for visitors. We want to create a place where visitors can come and get closer to the earth, and in turn increase their respect and desire to protect it. With sufficient comforts, we hope to attract those who normally are not the 'camping type' to come and 'rough' it out at our ecoresort. We want to make getting close to the earth accessible to everyone.

We currently have a density allowance of 10 units on 2 acres. We do not desire to ever see this land developed to this extent; not only will it lose its pristine character, but will also have a demand on its echo-system.

I am aware that our neighbours have offered a generous reduction of density and we are proposing a similar density reduction on our property. In the current zoning we have the lowest density of the 3 lots, permitting us 1 dwelling per .19 acres (10 dwellings). We are proposing to reduce our density to 1 dwelling per .23 acres (8 dwellings), which is slightly lower than the average density being proposed by the 3 lots combined (1333, 1349 and 1329 Mackinnon Rd).

Our concern is that any more reduction in density will impact our current lending since the mortgage was based on the density at time of purchase last year and lowering this density will impact the land value substantially. And I understand for the Island Trust, that while we haven't the intention to build 10 units as currently zoned, it is a concern that if this property were to be sold, the next owners may develop it to its full density. This too is our concern, since this is not something we would like on this beautiful land. Taking these items into account we would like to propose a density reduction of 1 dwelling per .23 acres (8 dwellings) to protect groundwater use, rather than putting a covenant on the property. This is in line with the density that our two neighbours at 1333 and 1329 Mackinnon are proposing.

In regards to our current groundwater use, it is minimal, since we primarily use the rainwater catchment system on the property. When we purchased the property last year there was a massive rainwater catchment system built for a main home. The home however, was never built. Our plan over the next 2-5 years is to finally build this main house and hopefully additional guest dwellings, for a total of 8 echo-sensitive dwellings on our 2 acres. These new structures will use

rain water as the main source of supply, rather than ground water so that groundwater can be protected.

Please feel free to forward any questions our way. We welcome working with you in building a legacy to help protect the character and environment of North Pender Island and hope you find this proposal a step in that direction.

Sincerely,
The Case and Robinson Family

Address	Size (acres)	Current Density	Units/ acre	Proposed Density	Units/ acre
1333 Mackinnon	1.40	10	0.14	5	0.28
1349 Mackinnon	1.86	10	0.19	8	0.23
1329 Mackinnon	3.04	26	0.12	16	0.19
All 3 lots	6.30	46	0.14	29	0.22