



Memorandum

Date September 5, 2012 File Number NP-RZ-2005.1

To North Pender Island Local Trust Committee

From Robert Kojima
Regional Planning Manager
Local Planning Services

Re James Island Rezoning Referral process

At the June meeting, the LTC requested that staff provide a report with regards to the James Island rezoning process and the First Nations and Archaeological Branch referral process. The rezoning application for James Island extended for over 2 years and involved a significant number of reports and meetings. However, with respect to the referral of the draft bylaws to First Nations and the Archaeology Branch, the following are the key steps in the process:

- The application was submitted to Islands Trust in September 2005 and included a 1989 Archaeological Survey.
- The application and early draft bylaws were referred to agencies and First Nations on March 20, 2006, including to the Archaeology Branch, and Tsawout, Tsawwassen and Tseycum First Nations.
- The Archaeology Branch responded on April 7, 2006, recommending a number of changes to the overall Heritage Policies section of the Associated Islands OCP.
- A staff report of April 18, 2006 recommended revisions to the draft OCP bylaw to also address the Archaeology Branch's recommended policy changes, and recommended that the applicant's be requested to have a report prepared by a consulting archaeologist.
- The LTC resolved at the April 27, 2006 meeting that J.I. Properties Inc. be requested to retain a consulting archeologist, in consultation with the provincial Archeology Branch, to determine the presence of recorded sites and the potential for unrecorded sites, and further, that J.I. Properties provide the North Pender Island Local Trust Committee with a copy of the consulting archeologist's report prior to the holding of any public hearing.
- A report dated June 7, 2006 titled "Archaeological Reconnaissance – Proposed Re-zoning Application James Island" was prepared for James Island Properties Inc by Millennia Research Limited. Copies of the report were submitted to: JI properties Inc., Tsawout First Nation, the Archaeology Branch and Islands Trust

- Based on the key recommendation of the Archaeological Report, the LTC amended Bylaw 170 (LUB) at the June 26, 2006 meeting to establish a 50 metre setback in the CD3 zone in northern portion of the island.
- No response to the referral was received from First Nations prior to the first Public Hearing held Nov 16, 2006, nor prior to a second public hearing held October 4, 2007.
- On April 8, 2008, prior to final adoption of the bylaws, correspondence was received from the Tsawout First Nation, citing need for protection for archaeological sites and denial of access to the lands.
- Staff provided a memo to the LTC on May 15, 2008, advising that a comment has been received after the hearing and that a review of the information suggested that the issues that were raised would best be addressed by the applicants and other levels of government. The applicant and appropriate government agencies were contacted regarding the issue. The bylaws were adopted on June 13, 2008.

pc Andrea Pickard, Island Planner