



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: April 27, 2017
Time: 4:00 pm
Location: Pender Island Community Hall - Lower Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	4:00 PM - 4:30 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	4:30 PM - 4:45 PM
6.1 Local Trust Committee Minutes Dated April 6 & 8, 2017 (for Adoption)	3 - 14
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated April 2017	15 - 17
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
9.1 National Marine Conservation Area Reserve Seminar Ad - S. Steil	18 - 19

- | | | | |
|--------|--|-------------------|-----------|
| 10. | APPLICATIONS AND REFERRALS | 4:45 PM - 5:30 PM | |
| 10.1 | NP-RZ-2016.2 & NP-RZ-2016.3 (Port Browning Marina) Bylaws 206, 207 & 208 - Staff Report | | 20 - 49 |
| 10.2 | NP-RZ-2016.3 (Eakins) - Bylaws 209 & 210 - Staff Report | | 50 - 59 |
| 10.3 | NP-RZ-2017.1 (PIPRC) Bylaw 213 - Staff Report | | 60 - 72 |
| 11. | LOCAL TRUST COMMITTEE PROJECTS | 5:30 PM - 6:00 PM | |
| 11.1 | Waste Management - Staff Report | | 73 - 103 |
| 12. | REPORTS | | |
| 12.1 | Work Program Report (attached) | | |
| 12.1.1 | <u>Top Priorities Report Dated April 2017</u> | | 104 - 104 |
| 12.1.2 | <u>Projects List Report Dated April 2017</u> | | 105 - 107 |
| 12.2 | Applications Report Dated April 2017 (attached) | | 108 - 111 |
| 12.3 | Trustee and Local Expense Report
none | | |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | | 112 - 113 |
| 12.5 | Local Trust Committee Webpage | | |
| 12.6 | Chair's Report | | |
| 12.7 | Trustee Report | | |
| 12.8 | Trust Fund Board Report
none | | |
| 13. | NEW BUSINESS | | |
| | none | | |
| 14. | UPCOMING MEETINGS | | |
| 14.1 | Next Regular Meeting Scheduled for May 25, 2017, at 10:00 am, at the Communtiy Hall, Pender Island | | |
| 15. | TOWN HALL | 6:00 PM - 6:30 PM | |
| 16. | CLOSED MEETING | | |
| | none | | |
| 17. | ADJOURNMENT | 6:30 PM - 6:30 PM | |



North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: April 6, 2017
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Others Present Eleven (11) members of the public present

1. CALL TO ORDER

At 10:00 am Chair George Grams called the meeting to order, noting that the meeting will be recorded. He acknowledged that the meeting was being held in the territory of the Coast Salish people. He also introduced the Local Trust Committee (LTC) and members of the staff present.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Sharon Card spoke regarding the Waste and Resource Management project and spoke in favour of keeping the facility on the Burdett property. She further addressed concerns with the validity of information within the consultant's report, with lack of consultation with proposed site neighbours, and with transparency within the project.

Candice Zell expressed environmental concerns with pollution in Brackett and Hamilton Bay, as well as concerns with a waste site located in that area.

Michael Sketch read from a written submission regarding the planning process for the industrial zone at Browning Harbour. He noted that a previously submitted communication was denied publication and requested that his revised submission be published.

Lou Henshaw spoke against an industrial site on a property in the Bay and offered alternative site options. She further noted that her property is attributed water erroneously in the water resources mapping.

Regional Planning Manager (RPM) Kojima addressed the concerns with the water resource mapping, noting that the map has no regulatory implication.

Don Korbin addressed the minutes of the past meeting, requesting that Town Hall comments be recorded with greater detail to allow readers to understand the substance of the comments made. He further requested information from the Trustees regarding their Waste Management Project progress, including the results of their site visits.

Chair Grams noted that community members have access to digital recordings of meetings should they wish to obtain greater detail than that which the minutes provide.

Trustee Masselink provided an overview of site visits completed to date.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated February 23, 2017 (For Adoption)

Chair Grams recommended that under Item 5, Town Hall, the phrase “property ownership is not a requirement” be replaced with “North Pender Island residency is not a requirement”.

By general consent, the Local Trust Committee Meeting Minutes of February 23, 2017 were adopted as amended.

6.2 Section 26 Resolution-Without-Meeting Report Dated March 2017

For information.

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated March 2017

Received for information.

8. DELEGATIONS

None

9. CORRESPONDENCE

9.1 L. Henshaw Email Dated February 15, 2017 re Streams and Wetlands

Received for information.

9.2 L. Henshaw Email Dated February 18, 2017 re Savebrowningharbour.com

Received for information.

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaws No. 488, 489, & 490 Referral

Chair Grams provided an overview of the referral and the included Bylaws.

NP-2017-024

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with “interests unaffected by Bylaws 488, 489, and 490”.

CARRIED

10.2 NP-RZ-2017.1 (PIPRC) – Staff Report

RPM Kojima provided an overview of the application, noting that representatives of the project were present in the public gallery.

A discussion was held in which the LTC addressed questions to John Chapman, Chair of the Pender Island Parks and Recreation Commission (PIPRC).

NP-2017-025

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2017.1 (PIPRC) and to prepare a draft bylaw to include setback and height provisions.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Short Term Vacation Rentals (STVRs) – Staff Memo – Bylaws No. 203, 204, & 205

RPM Kojima provided an overview of the staff memo and the future steps that may follow adoption of the related bylaws.

NP-2017-026

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 203, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016," be adopted.

CARRIED

NP-2017-027

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 204, cited as "North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2016," be adopted.

CARRIED

NP-2017-028

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 205, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2016," be adopted.

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated March 2017

Received for information.

12.1.2 Projects List Report Dated March 2017

Received for information.

12.2 Applications Report Dated March 2017 (attached)

RPM Kojima provided an overview of the applications and upcoming meetings.

12.3 Trustee and Local Expense Report Dated February 2017 (attached)

Received for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

No comments.

12.6 Chair's Report

Chair Grams reported that the Trust Council budget was approved and does not include an increase to taxes. He provided an overview of additional budget items approved, including the hiring of a Fresh Water Advisor and an internal review of the Islands Trust Act.

Chair Grams further reported the Salt Spring Island incorporation vote has been scheduled for September 9, 2017. He also provided an overview of how the community is moving forward with the process.

Chair Grams noted that Trust Executive met with the Malahat Nation regarding the Steelhead LNG developments. He reported that Trust Executive concluded that it is premature to develop a position.

12.7 Trustee Report

Trustee Barber reported that on March 25, 2017 she attended the graduation of the March Break Youth Cadet Camp at Pender Island Fire Rescue. She further noted that the Pender Island Fire Hall has received a grant to complete development of a regional training facility.

Trustee Masselink reported that he attended a site visit with representatives of Cowichan Tribes. He further reported on the site visits conducted on February 25, 2017 as part of the Waste and Resource Management project. Trustee Masselink also provided an overview of the most recent Trust Council meeting, noting that financial support was given to hiring a staff member to act as a Fresh Water Advisor.

12.8 Trust Fund Board Report February 2017

For information

13. NEW BUSINESS

13.1 CRD – Gulf Islands Regional Trails Plan – Open House Invitation

For Information

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 27, 2017, at 10:00 am at the Pender Community Hall, Pender Island

14.2 Special LTC Meeting Scheduled for April 8, 2017, at 11:30 am, at the Anglican Parish Hall, 4703 Canal Road, Pender Island

15. TOWN HALL

Dale Henning requested information regarding the upcoming meeting regarding the Port Browning application.

RPM Kojima provided an overview of the requirements and purposes of Community Information Meetings.

Don Korbin expressed concern with the minute's recording of public comments and accessibility of the audio recordings. He recommended more detailed written recordings to encourage greater public participation.

Don Korbin further expressed concern with the limited volume of discussion that is held by the local trustees and requested that the Trust Executive reconsider, within the upcoming internal review, the appointment of off-island Chairs.

Lou Henshaw provided a historical perspective on wells and water resources on North Pender Island.

Candice Zell spoke in favour of the Islands Trust's activities on fresh water. She encouraged that future consideration of contamination of down-stream sites when upstream development occurs.

Michael Sketch addressed concerns with the level of detail included in the recording of minutes and recommended that Trust Council adopt the practices of Roberts Rules of Order. He provided arguments in favour of adopting a more fulsome recording practice.

Michael Sketch addressed the announced review of the Islands Trust Act and made recommendations on how the project proceed.

Dale Henning requested information on the process being considered for the Islands Trust Act review.

Chair Grams provided an overview of the process, noting that Trust Council must first consult with the Ministry before moving forward.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2017-029

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a & d) for the purpose of considering:

- Adoption of in-camera meeting minutes dated January 26, 2017
- Appointment of APC members

And that the recorder and staff attend the meeting.

Note: The public meeting was closed at 11:34 am.

16.2 Recall to Order

At 11:41 am Chair Grams recalled the public meeting to order. No members of the public returned to the meeting room.

16.3 Rise and Report

Chair Grams reported that during the in camera meeting, the following resolution was moved, seconded and carried:

“That the North Pender Island Local Trust Committee re-appoint Benjamin McConchie, Dorothy Murdoch, Michael Symons, Garnet Coburn, and Ron Underhill, to the North Pender Island Advisory Planning Commission commencing immediately and expiring March 1, 2018.”

Trustee Barber requested information regarding an Islands Trust office on Pender Island. A discussion of the benefits and drawbacks of a Driftwood location and a Hope Bay location was held. Further discussion was held regarding the development of a satellite Islands Trust Office.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 11:52 am.

Chair Grams, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee Minutes of a Special Meeting

Date: April 8, 2017
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
Phil Testemale, Planner 2
Shannon Brayford, Recorder

Others Present Twenty-four (24) members of the public present

1. CALL TO ORDER

At 11:30 am, Acting Chair Derek Masselink called the meeting to order, and noted that the meeting will be recorded. He acknowledged that the meeting was being held in the unceded territory of the Coast Salish people. He also introduced the Local Trust Committee (LTC), the members of the staff present, and the representatives of the Mill Bay Group.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community information Meeting

3.1.1 North Pender Island Local Trust Committee Bylaws No. 206, 207, & 208

Acting Chair Derek Masselink invited Phil Testemale to begin the presentations.

Phil Testemale provided an overview of the purpose of the meeting and the format for participation. He also noted that the meeting is being recorded.

3.1.1.1 Staff Summary

Phil Testemale provided a detailed summary of each of Bylaws No. 206, 207, & 208 in turn. His presentation included information on the following points:

- Proposed amendments and their rationale.
- Implications should those amendments be approved.
- Summary of professional reports required and received.
- First Nations Engagement process.
- Agency referrals.
- Covenants.

Phil Testemale further offered a summary of the steps moving forward.

3.1.1.2 Applicant Presentation

Acting Chair Derek Masselink invited Duane Shaw, President of the Mill Bay Marine Group, to begin his presentation.

Duane Shaw gave a presentation, including the following points:

- Overview of the Mill Bay Marine Group properties and business model.
- Overview of the overall plan and its three phases: the dining facilities, the marina, and the rental amenities.
- Renovations to the dining facilities made to date.
- Proposed marina changes including rationale, community benefits, and environmental considerations.
- Proposed cabin development, including rationale and community benefits.
- Further property developments and amenities.
- Professional studies, reports, and consultations included in the application process.
- Water supply and waste disposal.

3.1.1.3 Community Questions

Andy Novak requested information on the distinction between permanent covenants and temporary covenants, noting concern that the community benefits are listed as temporary covenants and may not be secure for the future.

Benjamin McConchie noted concerns with the project's impact on the island's housing supply, emergency response services, property taxes, and water supply. He provided an overview of the island's water sources and noted the potential impact of this development on the water supply to residents in Magic Lake Estates.

RPM Kojima provided an overview of the property's water sources and the water licence for moving the water from the source property to the marina.

Mill Bay Group representatives provided a summary of the site's water supply, treatment plant, and the studies that support the site's adequate water supply

Tracy Hodgins asked if the marina draws water from Roe Lake.

The Mill Bay Group responded that it does not.

Roy Moore requested information about the Mill Bay Group's involvement with the Magic Lake Estate Emergency Exit.

A brief overview of the project was provided, but it was noted that the discussions are in the early stages and no certain information is available.

Peter Taylor asked where tenders can tie to the proposed docks and also for information about live-aboards at Browning Harbour.

Duane Shaw provided the requested information.

Don Korbin expressed support of the project, noting his property's proximity to the site.

Lou Henshaw provided historical information regarding both live-aboards at Browning Marina and water-supply to the property.

Gerry McKeating spoke in favour of the proposed development and encouraged the Mill Bay Group to continue to support the Junior Sailing Group.

Vicki Dutton requested information on staff housing, expressing concerns with transient staff from other resorts being historically housed on island and causing disputations.

Duane Shaw noted the potential of onsite staff housing.

Vicki Dutton encouraged development of a permanent solution.

Tracy Hodgins expressed concern that, based on current changes to the facility's hours, the Mill Bay Group will not be able to offer full time employment.

Dale Henning, asked what benefit the facility will provide to the community's economy, especially in terms of employment and the purchase of goods and services from the island.

Duane Shaw provided an overview of the projected full-time and part-time positions available. He further provided an overview of the goods and services sourced from the island. He continued to note that visitors to the marina are encouraged to visit island businesses through a shuttle service.

Dale Henning also requested information on the archeological results.

Representatives of the project spoke to the archeological issue and noted that confidentiality is a government requirement. They further reported that sensitive sites have been identified and the project is accommodating them.

Bruce McConchie spoke in favour of a marine pumpout station. He noted that the marina may increase traffic under the bridge at the canal and requested the marina's support in educating boaters. He requested an overview of the project timeline and the transportation method for shipping construction materials.

Duane Shaw provided an overview of the project timeline and potential options for shipping of construction materials.

Roy Moore expressed concern with the facility's decision to close for breakfast.

Tracy Hodgins encouraged the Mill Bay Group to work with local producers to source food from on-island.

Benjamin McConchie requested information on whether the marina will remain financially viable if the application fails. He also questioned whether the application is consistent with the island's Official Community Plan (OCP).

RPM Kojima provided an overview of the OCP and the Development Permit Areas, including the guidelines and application process.

Duane Shaw provided information on the economical information regarding the marina.

Lou Henshaw provided historical information of camping on the site and spoke in favour of cabin development. She further explained the challenges of serving on-island farms.

Vicki Dutton encouraged the Trustees to require staff housing in the development

Mike Burdett requested information on the storage of sewage.

Roy Moore requested information about sea plane landings at the dock.

RPM Kojima provided an overview of the limitations of the zoning, noting that Transport Canada has the jurisdiction over that matter.

Duane Shaw further noted that a seaplane dock is no longer part of the plan.

Kathy Gilbert provided an overview of Transport Canada regulations and Port Browning's designation as an airdrome.

Mike Burdett asked for information about the proposed trail and its location.

Duane Shaw provided information on the ongoing discussions with Moving Around Pender (MAP).

Dave Reed spoke as a member of the Pender Island Junior Sailor Association, thanking the Mill Bay Group for their support.

Lou Henshaw spoke about the history of the Junior Sailing Association.

Roy Moore expressed that he is looking forward to the development and its timely completion.

4. ADJOURNMENT

By general consent, the meeting was adjourned at 11:52 am.

Derek Masselink, Acting Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

24-Nov-2016

Activity	Responsibility	Target Date	Status
<p>Waste Management:</p> <p>1. staff to schedule site visits and meetings with land owners, for trustees, CRD staff, and IT staff to attend. Trustee attendance should be guided by procedural correctness. [DONE]</p> <p>2. staff to continue to refine the list of suitable sites for waste management, based on the results of site visits, and consultation with owners and stakeholders (DONE)</p> <p>3. That the North Pender Island Local Trust Committee direct staff to draft regulations for the purpose of discussion, based on Option 1, as presented in the staff report dated November 7, 2016 (ON-GOING)</p>	Justine Starke	28-Apr-2017	Done

26-Jan-2017

Activity	Responsibility	Target Date	Status
<p>1. NPI LTC Bylaw No. 209 read a first time. (Done)</p> <p>2. NPI LTC Bylaw No. 210 read a first time. (Done)</p> <p>3. NPI LTC endorses the Islands Trust Policy Statement</p> <p>Directive Policies Checklist for proposed Draft Bylaw Nos. 209 and 210.</p> <p>4. staff to enter into a cost recovery agreement to cover the extraordinary cost associated with holding a separate public hearing for Bylaws 209 and 210.</p>	<p>Sharon Lloyd-deRosario</p> <p>Justine Starke</p>	31-Mar-2017	Done

**Follow Up Action Report**

Top Priority - First Nations Interests:

- Staff to organize a public educational event in September focused on the archaeological findings of the canal excavation between the two islands during the summers of 1984-85-86.

Justine Starke

31-May-2017

On Going

23-Feb-2017

Activity	Responsibility	Target Date	Status
9.1 Correspondence: provide Green Shore links to Lou Henshaw	Justine Starke	28-Feb-2017	Done

06-Apr-2017

Activity	Responsibility	Target Date	Status
6.1 Minutes of the February 23rd meeting adopted as amended	Sharon Lloyd-deRosario Regina Robinson	12-Apr-2017	On Going
10.1 Salt spring Bylaws 488, 489, 490 - interests unaffected	Sharon Lloyd-deRosario Regina Robinson	26-Apr-2017	On Going
10.2 NP-RZ-2017.1 (PIPRC) - direction to proceed with preparing draft bylaw	Phil Testemale	12-Apr-2017	On Going
11.1 Bylaws 203, 204, 205 adopted	Sharon Lloyd-deRosario Justine Starke Regina Robinson	12-Apr-2017	On Going
rise and report - all interested returning APC members re-appointed	Sharon Lloyd-deRosario Regina Robinson	21-Apr-2017	On Going
rise and report - in camera minutes adopted as presented	Sharon Lloyd-deRosario Regina Robinson	26-Apr-2017	Done



Follow Up Action Report



Regina Robinson

From: Justine Starke
Sent: Tuesday, April 11, 2017 11:37 AM
To: Regina Robinson
Subject: FW: Requesting Support and Participation in Educational Seminar on the NMCAR - June 3, 2017 Pender Islands Community Hall 1-4pm
Attachments: Request for Support - NMCA with Bill Henwood - June 3, 2017 .docx

Correspondence for NPI LTC agenda April 27

From: Sara Steil [REDACTED]
Sent: Saturday, April 08, 2017 11:22 AM
To: Derek Masselink; Dianne Barber; George Grams
Cc: Justine Starke
Subject: Requesting Support and Participation in Educational Seminar on the NMCAR - June 3, 2017 Pender Islands Community Hall 1-4pm



To: The North Pender Island Local Trust Committee
Looking for the support from the North Pender Island Local Trust Committee
Attached is an 'informational document' on forthcoming Educational Seminar for the National Marine Conservation Area Reserve.
We are hoping North Pender LTC will show support for this event.
If you are agreeable with assisting us spread the word in the community I will prepare and send the appropriate 'notification to the public' for you to do so.
Please advise
Thanks
Sara

The Pender Islands Conservancy Association & the Pender Islands Trust Protection Society

PICA & PITPS extend our invitation to assist with this Educational Seminar by showing support for the importance of preserving -

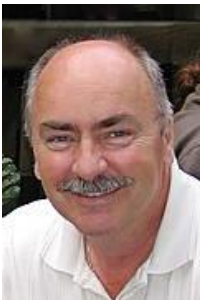
The Salish Sea as Special Places for Special Creatures National Marine Conservation Area Reserve



Presentation by Bill Henwood - Elders Council for Parks in BC

**Saturday, June 3, 2017 – doors open at 1 pm with presentation commencing at 1: 30 pm,
at the Pender Islands Community Hall.**

Supported by the Pender Islands CPS Power & Sail Squadron



Bill Henwood – former Parks Canada Senior Planner for the Gulf Islands National Park Reserve (GINPR) establishment work (1995-2003) Parks Canada Project Manager for the National Marine Conservation Area (NMCA) feasibility study (2003 - 2010) - now retired, and on the Executive Board of the Elders Council for Parks in BC.

We asked for your assistance to show ‘support’ for the event as well as promoting the event in the community. Thanking you in advance and please let us know if willing and able.

Looking forward to having you on board for this very important educational seminar.

Any questions or information needed, please contact Coordinator of event Sara Steil – steils@shaw.ca / 250-629-6885



File No.: NP-RZ-2016.2 and 2016.3
(Port Browning) x-ref:NP-
SUB-2016.2 (Eakins)

DATE OF MEETING: April 27, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Victoria Office

SUBJECT: Rezoning Application for Port Browning Marina

Applicant: Port Browning Marina Resort Ltd, c/o Rob Blanchard, Mill Bay Marine Group Ltd./Lloyd Eakins

Location: Surveyed Water Lot DL 107 and Unsurveyed Water Area, Port Browning Harbour, Pender Island, Cowichan District adjacent to 4605 Oak, AND
4606 Oak Road; 4602 Oak Road; 4605 Oak Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016," be amended as follows:
 - i. Article 8.6.3 (1) is amended by inserting a comma and the words "manager, operator or caretaker", after "owners" and before "of"; and ,
 - ii. Subsection 8.6.3 is amended by inserting the following as article 8.6.3 (3):
 - (3) The accessory dwelling for employees is to be located either within one (1) accessory dwelling unit or occupying a maximum floor area no greater than 140 m² within buildings used for commercial accommodation".
2. That the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016," be amended to make corrections as specified in Attachment 1.
3. That the North Pender Island Local Trust Committee Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016", be read a second time.
4. That the North Pender Island Local Trust Committee Bylaw No. 207, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016", be read a second time.
5. That the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016," be read a second time as amended.
6. That the North Pender Island Local Trust Committee directs staff to schedule a Public Hearing for Bylaws 206, 207 and 208.
7. That the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 206, 207, and 208.

8. That, prior to the Final Adoption of Draft Bylaws 206, 207 and 208, the North Pender Island Local Trust Committee receive two (2) Section 219 Covenants as follows:

- i. A permanent covenant to protect identified archaeological resources, implementing the recommendations of the Archaeological Impact Assessment (Madrone Environmental Services Ltd, March 10, 2017) and limiting maximum density; and,
- ii. A temporary covenant to secure future community amenities for the upland portions of the development.

REPORT SUMMARY

The purpose of this report is for the North Pender Island Local Trust Committee (LTC) to provide further direction to staff for the application NP-RZ-2016.2 (Port Browning c/o Mill Bay Marine Group) for the expansion of the Port Browning Marina. This proposal is to rezone DL 107 and an unsurveyed water area from **Water 1 -(W1)** to **Water 2 -(W2)** and **Water 2 (a) - (W2[a])**.

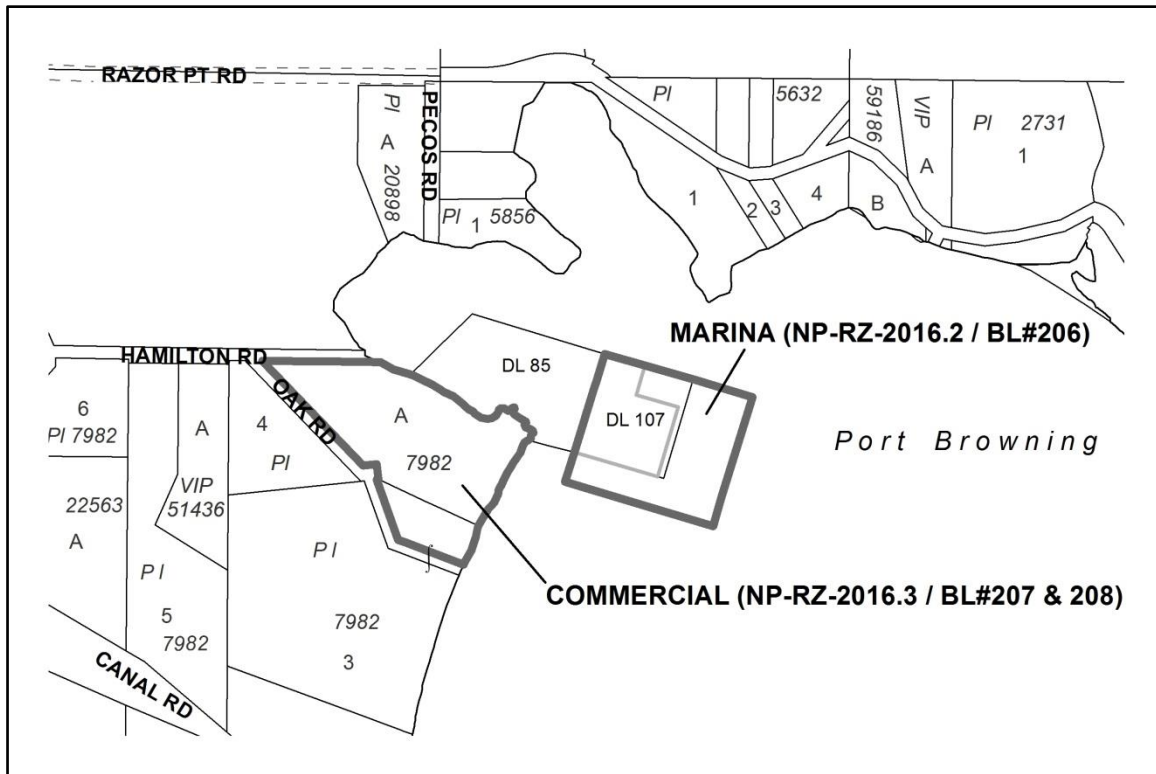
Furthermore, staff is requesting the LTC endorse amendments and provide further direction for the application NP-RZ-2016.3 (Port Browning c/o Mill Bay Marine Group and Lloyd Eakins) which proposes to rezone a portion of 4602 Oak Road from **Rural (R)** to **Commercial 3 (C3)**, and include it in the Port Browning Resort (4605 Oak Road), which will be rezoned from **C3(a)** to **C3**. The proposal to rezone 4602 and 4606 Oak Road to a site specific Rural zone (**R(d)**) which removes the **SD** zone is discussed in a separate report to the LTC.

In summary, staff is recommending:

1. Consideration of amendments to Draft Bylaw No. 208 (Attachment 1)
2. Consideration of Second Reading of Draft Bylaw Nos. 206, 207, and 208 (as amended) (Attachments 1 and 2);
3. The LTC endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 206, 207, and 208 (Attachment 3);
4. The LTC passes a resolution requiring that it receive Section 219 Covenant (or Covenants) prior to Final Adoption of the Bylaws; and,
5. Direct staff to schedule a Public Hearing for the proposed bylaws

The above recommendations are supported as the applicants have supplied all information required by the Development Approval Information (DAI) letters of May 23, 2016 (NP-RZ-2016.2 – ‘Marina’) and July 12, 2016 (NP-2016.3 – ‘Upland’). The proposed bylaws have been referred to agencies and First Nations, and all responses have indicated no objections to the bylaws, no objections with conditions, or that their interests are unaffected. A Community Information Meeting was conducted which was mainly supportive of the proposed Bylaws. The applicants have agreed to the mechanisms and process for the securing of community amenities that are part of their proposal. Lastly scheduling of a Public Hearing will provide a formal opportunity for residents to provide their views to the LTC and allow the proposed bylaws to proceed further.

FIGURE 1: SUBJECT PROPERTIES



BACKGROUND

Background to these applications, including three (3) staff reports and with site context for each of the applications, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

Specific File Activity:

The two applications have been reviewed previously on June 30, July 28 and October 27, 2016, and January 26, 2017.

The following is a summary of activities that have occurred for this application since the last report to the Local Trust Committee:

- At the January 26, 2017 regular meeting of the LTC, the following resolutions were passed and defeated:

NP-2017-005

It was **MOVED** and **SECONDED**,

that the North Pender Island Local Trust Committee Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016", be read a first time.

CARRIED

NP-2017-006

It was **MOVED** and **SECONDED**,

that the North Pender Island Local Trust Committee Bylaw No. 207, cited as "North Pender Island Land Use Bylaw 171, 2007, Amendment No. 3, 2016", be read a first time.

CARRIED

NP-2017-007

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 208, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016”, be read a first time.

CARRIED

NP-2017-008

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee request staff to refer Bylaw Nos. 206, 207, and 208 to the North Pender Island Advisory Planning Commission for comment.

DEFEATED

It was recommended that the APC not receive the referral until after the LTC receives the archeological report.

NP-2017-009

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting for Bylaws Nos. 206, 207, and 208.

CARRIED

It was noted that this meeting would not be scheduled by staff until the archeological report is received.

- **Bylaws Referred to agencies and First Nations** – deadline for response was March 4 and March 16, 2017 respectively
- **Site Visit by Cowichan Tribes - February 23, 2017**
- **Community Information Meeting – April 8, 2017**
- **Professional Reporting** - as a result of DAI letters (<http://www.islandstrust.bc.ca/media/341332/np-rz-20162-daitorletter.pdf>). All professional reports received are posted at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> The following revised and new reports have been received since the date of the staff report (January 26, 2017):
 - Archaeological Impact Assessment (AIA) prepared by Madrone Environmental Consulting Ltd. (March 10, 2017 - circulated to LTC but not attached for confidentiality reasons).
- **Discussions and drafting of covenants** for archaeology, density and community amenities - ongoing.

Details on the foregoing are discussed in ‘Issues and Opportunities’ (below).

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

Directive policies relevant to this proposal were highlighted in previous staff reports.

Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 206, 207 and 208 has been completed (Attachment 3). The proposed rezoning is now compliant based upon receipt of the AIA report. As such, staff is recommending a resolution to endorse the checklist that normally accompanies First Reading.

Official Community Plan:

Refer to previous reports

Development Permit Areas:

Refer to previous reports.

Land Use Bylaw:

The three (3) proposed Bylaws that have been given 1st reading are attached (Attachments 1 and 2). In Summary the changes are as follows:

Bylaw 206 – is a bylaw to rezone the majority of DL 107 from **Water 1 -(W1)** to **Water 2 -(W2)** and an expanded area of DL 107 from **Water 2 (a) - (W2[a])**. This will facilitate the expansion of the marina in a portion of the lease area and permit an attenuator in the expanded area. It is noted that these two changes would be general changes to the Definitions section and the **Water 2 (W2)** zone in the LUB.

Bylaw 207 - is a mapping amendment to the Official Community Plan to accommodate the rezoning proposal (Bylaw 208 – following)

Bylaw 208 - will rezone a portion of 4602 Oak Road (0.7 ha) from **Rural (R)** to **Commercial 3 (C3)**, and include it in the Port Browning Resort (4605 Oak Road), which will be rezoned from **C3 (a)** to **C3**.

Amendments to Bylaw 208:

In response to concerns raised at the CIM with respect to the need to formalize and better accommodate employee housing, staff is proposing an amendment to Bylaw 208 (Attachment 1) to change some provisions of the C3 zone. In addition there are some technical amendments for minor omissions and renumbering of the draft bylaw.

Employee Housing

In summary, the proposed amendments to give some flexibility as to where employee housing can be contained are as follows:

- Article 8.6.3 (1) 'Accessory Dwellings' would be amended to permit the a **manager, operator or caretaker** to occupy one of the accessory dwellings, not solely the owner of the principal commercial use as it is currently worded; and,
- Subsection 8.6.3 would be amended by inserting a new article 8.6.3 (3) to permit the accessory dwelling to be located **either within one (1) accessory dwelling unit, or occupying a maximum floor area of 140 m² within buildings used for commercial accommodation.**

The amended Subsection 8.6.3 is shown within the amended would read as follows:

8.6.3 Accessory Dwellings

- (1) No more than two accessory dwellings may be located on a lot, of which one must be occupied by the owner, **manager, operator or caretaker** of the principal commercial use and one may be occupied by employees of that commercial use.
- (2) No accessory dwelling may have a floor area greater than 140 m².

- (3) ***The accessory dwelling for employees is to be located either within one (1) accessory dwelling unit or occupying a maximum floor area no greater than 140 m² within buildings used for commercial accommodation.***

This rationale for the proposed amendments is discussed in 'Consultation/Community Information Meeting' (below).

Housekeeping Amendments:

There are also minor 'housekeeping' amendments to Bylaw 208 to:

- insert omitted words '**guest**' and '**Pender Island**'
- to correct the numbering system (section, subsection, etc.) throughout; and
- renumber the proposed bylaw subsections accordingly.

The proposed amended Bylaw 208 with 'track changes' is Attachment 1.

Issues and Opportunities:

First Nations Engagement

As reported previously, staff took a more proactive approach to consultation, and with the hope of meaningful and substantive engagement, referral letters for this application were sent to twelve (12) First Nations on October 11, 2016 and the referral response date was extended to January 16, 2017.

The applicants have consistently indicated a willingness to actively engage with First Nations as that process moves forward.

A site visit was conducted on February 23, 2017 with Luschim (elder), Tracy Fleming (staff) of Cowichan Tribes, the applicants, Trustee Masselink and Islands Trust staff. The results of the visit are recorded in notes by Justine Starke, Island Planner (Attachment 4).

In addition, a letter from Larry George 'Smaalhun' Manager, Lands and Governance Department, Cowichan Tribes (dated April 11, 2017) has been received (Attachment 5). In summary, the letter indicates that they have no specific comments about the bylaw amendments, but rather they applied their comments and questions to the proposal in general as follows:

Archaeology

They appreciated that the applicants are altering the cabin location in response to the AIA and requested that an archaeologist be present for excavations which will be part of the covenant conditions as well as the required Archaeological Site Alteration permit for the development. Furthermore, they have requested a copy of the AIA report.

Increased Moorage

They have requested the use of light penetrating materials for walkways and docks to reduce shading in marine area and no use of styrofoam as well as the removal of any existing Styrofoam. Both of these recommendations have been noted in the biologist's reports and will be conditions of the required Development Permit(s).

Eelgrass Protection and Restoration

They applauded the sewer pump-out facility and provision of increased dock space to offset anchoring. They made several requests with regard to signage, limiting of anchoring as well as monitoring for protection of eelgrass and forage fish habitat, particularly off Hamilton Beach. These requests will be introduced in the required Development

Permit (s) conditions to the extent that they are within the LTCs jurisdiction, and depending on their feasibility given the scope of the current application.

See also 'Consultation' (below).

Archaeological Impact Assessment

OCP Policies on heritage resources are as follows:

- 4.6.4 All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants will be notified if the application is within a known, protected archaeological site. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.
- 4.6.5 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

The applicants hired Madrone Consulting to conduct an Archaeological Impact Assessment (AIA) with a permit under the Heritage Act. The AIA was submitted to staff on March 10, 2017 and circulated to the LTC. Given the information contained in the report, staff has not posted the report online. The proposed site plan has been amended on the basis of the AIA. The recommendations of the report will be part of the permanent covenant required prior to final adoption of the bylaw.

As the AIA has now been submitted, the proposal is now in compliance with the Islands Trust Policy Statement Directive Policies, staff is recommending the resolution on page 1 to endorse the Policy Statement.

Community Amenities

Refer to the previous staff report for detailed information on proposed amenities. Staff has received a cost estimate for the drafting and registering of two (2) covenants and will proceed pending a response and agreement for cost sharing from the applicant.

In summary the items to be incorporated in a permanent covenant:

- **Reduced Density**
- Recommendations of **AIA** report

In summary the items to be incorporated in a temporary covenant that will be released when all items have been fulfilled:

- Preservation of **Open Field Area**.
- **Pool** – a 25 metre pool with a community access component.
- Access use for **Sailing Club**.
- **Sewer Pump-Out Facility**.

Given, the difficulty that the CRD has experienced securing an agreement with multiple owners for the provision of **Alternate Emergency Access** for Magic Lake Estates, and upon the request by the owners, staff are no longer recommending this as a condition of rezoning. However, it is staff's understanding that the applicants are continuing discussions with the CRD to provide a portion of the Statutory RoW.

Consultation:

Results of Agency Referrals

The draft Bylaw No. 206, 207 and 208 were referred to the following agencies for comment:

- DFO
- Ministry of Transportation and Infrastructure
- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Ministry of Forest, Lands & Natural Resource Operations, Crown Lands
- Island Health
- Islands Trust Fund
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- CRD, Southern Gulf Islands Harbours Commission
- Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

Staff received five (5) agency responses that have been circulated to the LTC. All responses indicated either that interests were unaffected, recommended approval, or recommended approval with conditions.

Results of First Nations Referral

As the application includes an amendment to the OCP, a statutory referral of the proposed bylaws was made to the twelve (12) First Nations with a deadline of March 17, 2017. Staff received one response in the form of the above letter Larry George 'Smaalthun' of Cowichan Tribes (April 11, 2017 (Attachment 5)).

Note: The referral of the Bylaws to the First Nations was in supplemental to the early engagement.

Community Information Meeting

A Community Information Meeting (CIM) was held on April 8, 2017 at the Anglican Church Hall. The CIM was well attended and overall the public response to proposed bylaws and the proposal was generally favourable. Comments, questions and concerns that were relevant to the bylaws concentrated on the following areas:

- Staff Housing:
 - Staff housing was raised as an issue and a request was made from one community member to “formalize” the provision of staff housing as part of the rezoning. The discussion at the meeting centred on problems with staff ‘party houses’ and the need for on-site housing, particularly during the Summer season.
 - The applicants have requested that in order to respond to the community’s concern, they need some flexibility with how and where they provide staff housing.
 - As itemized in ‘Amendments to Bylaw 208: Employee Housing’ (above), existing zoning currently permits “*No more than two accessory dwellings may be located on a lot, of which one must be occupied by the owner of the principal commercial use and one may be occupied by employees of that commercial use.*” (8.6.3 (1))

- The proposed amendment to Bylaw 208 would change this to allow the use of either an accessory dwelling or the use of 140 m² with buildings used for commercial accommodation units.
 - This would give the owners choice in creating staff housing either in the proposed lodge, to use one or two of the cottage units, or build an accessory dwelling for employees depending on need and the type of housing required. At this point, the applicants have indicated a desire to not place any more new buildings than are already planned.
 - In addition, the LTC is reviewing its secondary suite policy and this could also be regarded as another vehicle that could address the concern over a lack of available and affordable housing.
- Water:
 - There were concerns raised about the water source of the reservoir, potential impacts to neighbouring wells and the capacity for servicing to meet the demand of the proposed development.
 - The applicants have responded with the following summary statement:
 - The water collected in the reservoir is overland run off that would naturally pond in the low land (to a lesser volume) before flowing out to the ocean.
 - Once the reservoir is full the runoff continues in a natural travel. The dug out has simply increased the holding capacity of this natural collection area and prevents it from potentially drying out in the summer seasons.
 - Retention ponds are considered Best Practice Management for Storm Water Management and Rain Water Collection. Such collection ponds (reservoirs) assist with the recharge of natural aquifers through exfiltration as opposed to simply running off into the ocean.
 - The impact to neighboring wells is positive due to the added holding capacity and subsequent increased seepage into the aquifer systems
 - With respect to the service capacity for the proposed development the applicants cited the MSR Report submitted in October 2016
[\(http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/ \)](http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/):
"The above analysis shows the source can provide sufficient water for 100 no rain days during the high season period. In the designing of the new outlet structure, water drop due to consumption, exfiltration and evaporation should be considered" (p.24).
- Live-Aboards
 - There were concerns raised about past issues with live-aboards at the marina, questions about the current situation and the applicant's position moving forward.
 - The applicant commented that there are two (2) live-aboards currently in Marina and that both are instrumental to the safe operation and security of the marina, and that they intend to continue to permit the continuance of the two live-aboards.
 - The applicants have been reminded of the fact that the use is contrary to zoning and subject to enforcement upon complaint.
- Camping
 - Concerns were stated about past disturbances from camping (partying, noise, etc.)

- In response, the applicants are proposing to limit the number of camp sites over the near and long term; increase fees; and, to collect a substantial 'disturbance deposit' to encourage more acceptable behaviour and a more family-oriented situation.

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

Rationale for Recommendations:

Staff is recommending amendments to Bylaw 208 to address employee housing, and Second Reading of all three Bylaws as amended, based on: the applicants have now met the requirements of the DIA, including submission of the AIA report; the proposed Bylaws have been referred to agencies and First Nations and none of the responses were opposed; a site visit was conducted with Cowichan Tribes with a favourable response; and a CIM was held, with a largely favourable response.

The recommendation for the LTC to endorse the Islands Trust Policy Statement Directive Policies Checklist is rationalized as the AIA has been submitted and the proposal is now in compliance with the Policies. The recommendation for the covenants is a procedural requirement to ensure registration prior to adoption.

Lastly, staff is recommending that they be directed to schedule a Public Hearing in order for the Bylaws to proceed further and to obtain formal community input.

Alternatives:

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Refer to APC

The LTC may opt to refer the Bylaws to the Advisory Planning Commission.

Resolution:

That the North Pender Island Local Trust Committee request staff to refer Bylaw Nos. 206, 207 and 208 to the North Pender Island Advisory Planning Commission for comment.

3. Proceed No Further

The LTC may opt to proceed no further with the application.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaw Nos. 206, 207 and 208 cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016"

NEXT STEPS

- Staff will schedule a Public Hearing for Bylaws No. 206, 207 and 208

- Staff will initiate the drafting and legal review of the proposed Section 219 covenants on a cost recovery basis.

Submitted By:	Phil Testemale, A/Planner 2	April 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	April 19, 2017

ATTACHMENTS

1. Bylaw No. 208 (1st Reading with Amendments)
2. Bylaw Nos. 206 and 207 (1st Reading)
3. Islands Trust Policy Statement Directive Policies Checklist
4. Notes on Cowichan Tribes Site Visit (February 23, 2017 – Justine Starke, Island Planner)
5. Letter from Larry George 'Smaalthun' Manager, Lands and Governance Department, Cowichan Tribes

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 208

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Article 8.6.3 (1) is amended by inserting a comma and the words “manager, operator or caretaker”, after “owners” and before “of”.

2.2 Subsection 8.6.3 is amended by inserting the following as article 8.6.3 (3):

“(3) The accessory dwelling for employees is to be located either within one (1) accessory dwelling unit or occupy a maximum floor area no greater than 140 m² within buildings used for commercial accommodation”.

2.3 Article 8.6.4 (2) is deleted and replaced with, “The maximum number of commercial accommodation units permitted in the Commercial 3 zone is 29.”

2.4 Subsection 8.6.4 is amended by adding a new article (3), which reads: “Despite the definition of *commercial guest accommodation unit*, the maximum floor area of a commercial guest accommodation unit is 121 square metres, with the total floor area of all commercial guest accommodation units in the Commercial 3 zone not exceeding 1876 square metres.”

2.5 Article 8.6.5 (1) is deleted and replaced with, “Lot coverage may not exceed 15%.”

2.6 Subsection 8.6.7 is amended by adding a new article (2), which reads: “Despite 8.6.7(1), the maximum height for a hotel is 10.7 metres.”

2.7 Subsection 8.6.9 -- “Site Specific Regulations,” is deleted.

2.8 Schedule “D” – Zoning Map, is amended by changing the zoning classification of a portion of the Lot 3, Section 11, Pender Island, Plan 7982 except Part in Plan 21227 and 1772RW from SD (a) (Service Zone (a)) and Rural (R), to Commercial 3 (C3), and by changing the zoning classification of Lot A (Dd G54184) Of Section 11, Pender Island, Cowichan District, Plan 7982 from Commercial 3 (a) to Commercial 3, as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “D” to Bylaw No. 103 as are required to effect this change.

3. Severability

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 26th DAY OF JANUARY 2017

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

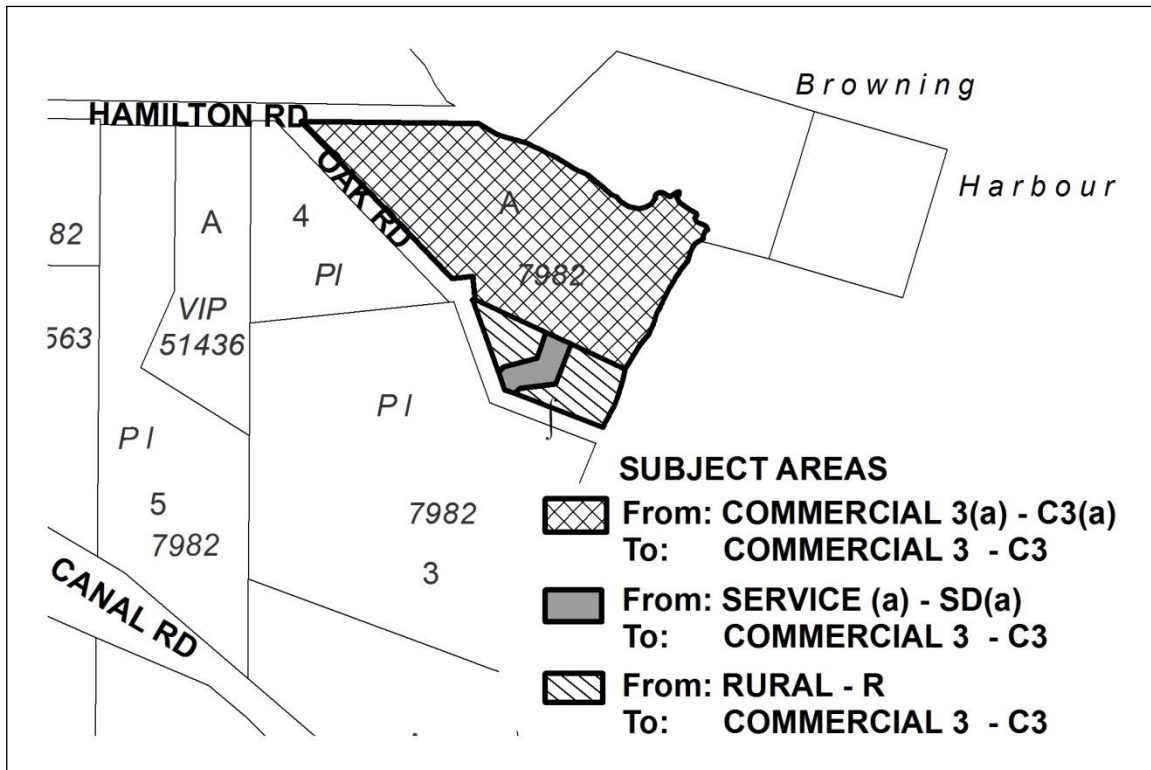
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 208**

Plan No. 1



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 207

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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 Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 3, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 26th DAY OF JANUARY 2017
 PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____
 READ A SECOND TIME THIS _____ DAY OF _____ 20____
 READ A THIRD TIME THIS _____ DAY OF _____ 20____
 APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 _____ DAY OF _____ 20____
 APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL
 DEVELOPMENT THIS _____ DAY OF _____ 20____
 ADOPTED THIS _____ DAY OF _____ 20____

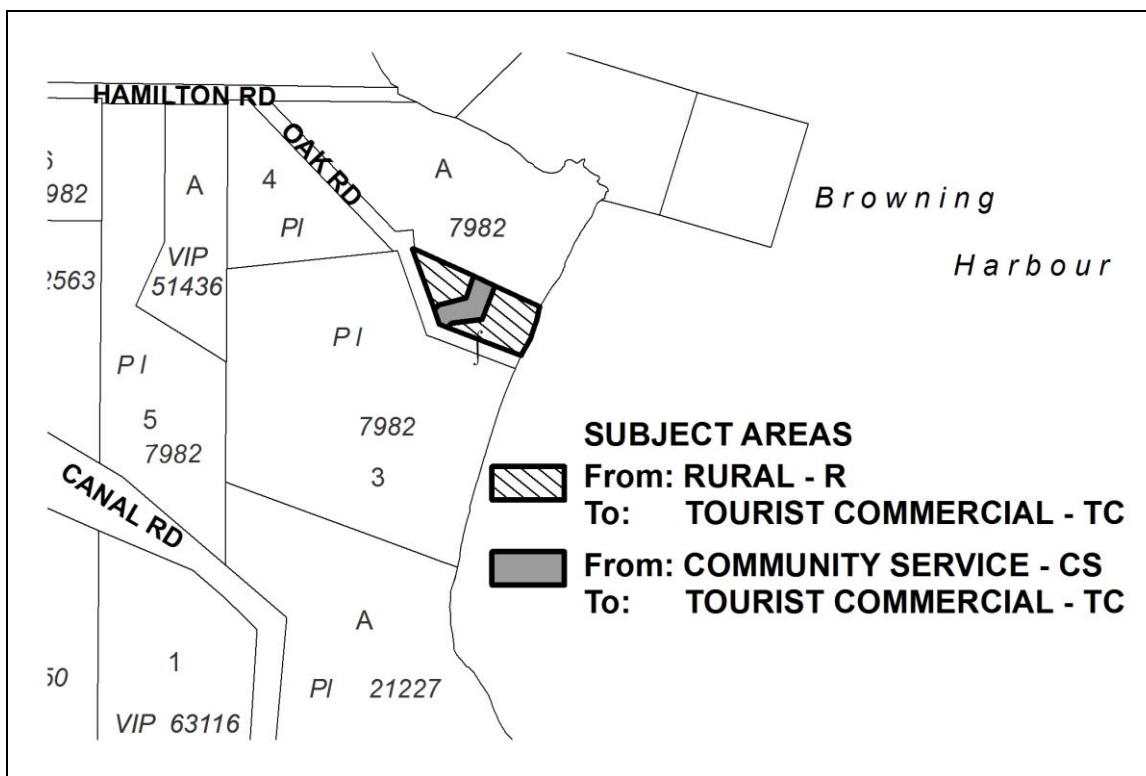
Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 207**

SCHEDULE 1

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 206

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Section 1.1 – Definitions, “marina” is amended by inserting a comma and the word “marine sewage pump-out stations”, after “walkways” and before “and”.

2.2 Clause 8.20.1 (1) (h) is amended by removing the word “and”.

2.3 Clause 8.20.1 (1) (i) is amended by removing the period after “buoys” and replacing it with a semi-colon and the word “and”.

2.4 Article 8.20.1 (1) is amended by inserting the following as clause 8.20.1 (1) (j):

“(j) accessory buildings on docks for which the maximum floor area of all accessory buildings on docks is not to exceed 37 m² within any one location in the W2 zone”.

2.5 Section 8.20 Water 2 (W2) is amended by the insertion of the following as Subsection 8.20.5:

“ 8.20.5 Site Specific Regulations

- (1) The regulations listed in Column 3 of the following table only apply to the land identified in column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in column 1.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
W2(a)	Part of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District.	Despite 8.20.1(1), the only use permitted in this area are floating wave attenuators.

2.6 Schedule "D" – Zoning Map, is amended by changing the zoning classification of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District, from Water 1 (W1) to Water 2 (W2) and Water 2 (a) (W2 [a]), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "1" to Bylaw No. 103 as are required to effect this change.

3. Severability

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 26th DAY OF JANUARY 2017

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

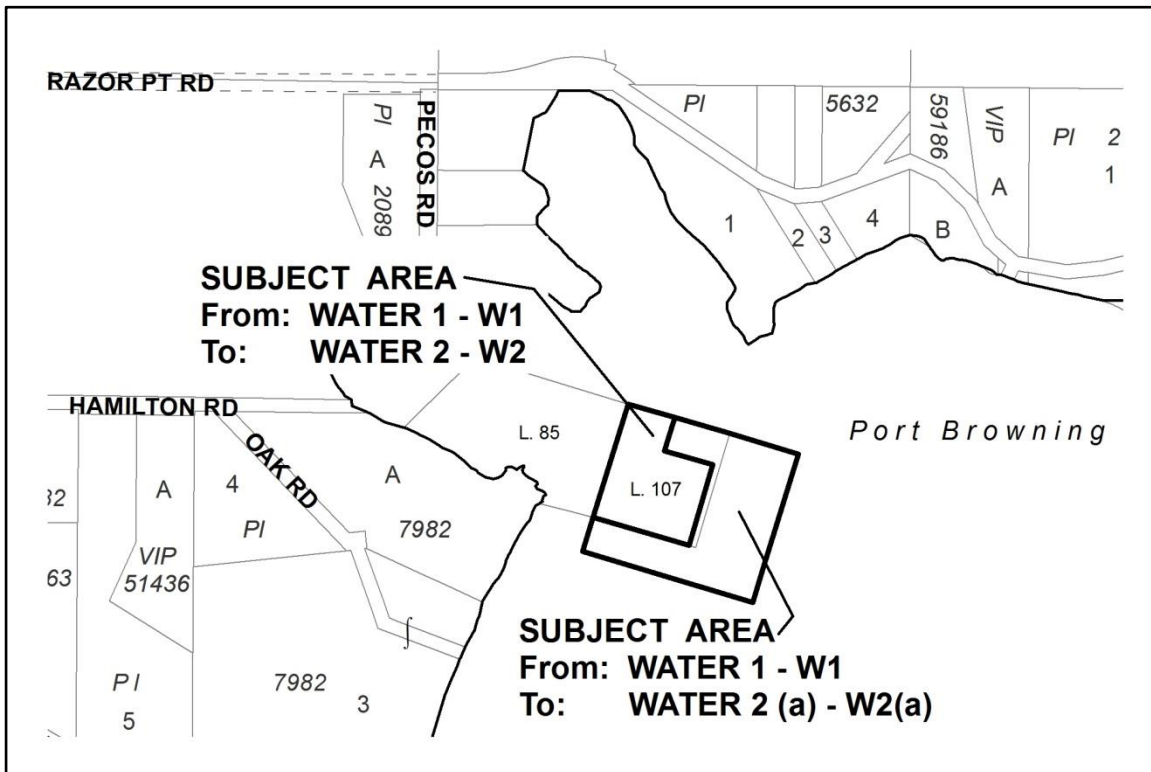
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 206**

Plan No. 1





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No 206 (LUB), 207 (OCP) and 208 (LUB) and File NP-RZ-2016.2 and NP-RZ-2016.3

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	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.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

February 23, 2017

North Pender Island: Port Browning Site Visit

Recorder: Justine Starke, Islands Trust

Present:

Luschiim (Elder), Tracy Fleming (staff) - Cowichan Tribes

Duane Shaw, Rob Blanchard - Mill Bay Marine Group (proponents)

Justine Starke (Staff), Derek Masselink (elected trustee) - Islands Trust

Tracy: Islands Trust should refer to the Hul'qumi'num Treaty Group (HTG) consultation booklet for consultation processes (see HTG website). It says the communication is iterative, and notes should be sent back and forth.

Notes on observations spoken by Cowichan Tribes' elder, *Luschiim* (Arvid Charlie)

- There was a Cowichan village on the south end of the Fraser River. They would take river trips up to Chase, other tribes would help along the way. Mingling with the other tribes often led to intermarriage.
- Resources, like dried clams and salmon were traded up the rivers. [The relevance to Port Browning is that these inner waters were areas where salmon and clams (and many other terrestrial and marine resources) were harvested and processed. The gentle winds here was a good place to dry salmon for trade and their own use. The area was a village as well as a gathering place for journies across the Strait of Georgia to the south arm of the Fraser River, where was also was a Cowichan village.]
- There was also "hard rock" (*tl'uxw-smeent*) that they would get from Chase or beyond. It came from the other side of the mountains. I always thought that meant the Rockies. The hard rock would be used for arrow heads.[The relevance here would be that it is possible archaeologist could uncover this kind of rock and/or artifact in middens here.]
- Most of our Saskatoon berries came from the interior
- Cedar bark was harvested here and traded. Yellow cedar is very valuable, very prized by the Cowichan.

>Standing on the Port Browning knoll<

- Notice the yew tree. Yew is used for medicine and tools.
- The Arbutus tree also has medicine.

>Walking along berm between orchard/field and beach<

- This is an invasive English Hawthorne
- A lot of places were controlled by fire, controlled the invasive and helped the blue camas grow
- *Q'uxmin* – Indian Consumption plant

>Discussing archaeological site, how human remains were found on this land<

- Culturally people don't talk about human remains past mid-day. For Luschiim, who understands the old ways and that in those days (from where the tradition comes from) people had no watches, it can mean more like 3:00 ish if the days are longer. People all interpret mid-day differently.

>Noticing grand fir between orchard and beach<

- That Grand Fir is good medicine. You can see the needles are full and thick. Juicy. The needles and bark are medicine.
- *P'up'qiiyaas* – snowberry
- "*T'ets'ulhp*" – this one – take the branch of the snow berry and it holds the filet of salmon open to dry, it has to be limber and then snaps into place Same as that place there, the gravelly place- *St'e'yus* (Mortimer Spit) . Has a good breeze, it's a good place to dry salmon. It's the root word – *St'el* (means filleted very thinly) of *Ste'yus*
- Early salmon, including Sockeye, is fatty and easily goes rancid. So we fillet it very thin and it dries quickly.
- Down in low areas there are mosquitos, but not up on hills, the winds keep the mosquitos away.
- Lots of micro-climates, always a different reason to be in a slightly different spot at different times.

>Arrive at archaeological dig<

- Harold Joe, Cowichan Tribes, oversaw dig.
- Note that Cowichan has a preferred list of archaeologists. Contact Dianne.Hinkley@cowichantribes.com to follow up

>At this point Luschiim kicks the dirt and bends down to pick up a rock:

- This was used as a sharpening tool. It was smoothed by rubbing, see these other rocks aren't smooth like this one. They are unpolished.
 - Archaeological artifact (!)
- This big rock here? Random, brought by the ice. Sometimes you find big piles, but the glaciers brought them and leave them.
- One time we were with a guy and he walked over and turned over a rock and there was a petroglyph on the back. He had a gift, it spoke to him.

>Re: Marina Expansion<

- Tracy: There is a 125 m radius closure from shell fish harvesting from pollutants like marinas and boats. Expanding the marina expands the area that is closed from harvesting.
- Traditionally Hamilton Beach would have been a clam harvesting area, but don't know about current harvesting there.
- In the Port Browning Pub there is a totem pole carved by Luschiim's father, Simon Charlie. The previous owner, Lou Henshaw was there and had a picture of Simon with his carvings on the Pub deck in the 1980s.
- Lou said that Luschiim's mother, the late Violet Charlie, gave the pub its previous name: Sh'QU'LA

- Luschiim confirmed that *Shqu-elu* would mean watering hole or vessel to hold water.



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

Tuesday, April 11, 2017

File No. RTS e868-021617

Justine Starke
Island Planner, Local Planning Services
Islands Trust
200-1627 Fort St.
Victoria BC V8R 1H8

VIA email: jstarke@islandstrust.bc.ca

Dear Justine Starke:

Re: Proposed Expansion and Upgrades to the Port Browning Marina and Resort

I would like to take this opportunity to thank-you for your referral package of February 14, 2017 and for hosting my staff and our elder Luschiim Arvid Charlie on February 23rd. At this time we have no specific comments regarding the several bylaw amendments associated with this marina expansion, upgrade and wave attenuator. However, we do have several comments related to the proposed project that Cowichan Tribes would like to have considered.

Luschiim told us that the Port Browning as well as Pender Canal areas were occupied by the Cowichan people before European contact. Myriad marine species were harvested for food, social and ceremonial uses, which were dried and prepared for trade with First Nations groups on the lower mainland and inland via the Fraser River.

Archaeology

Cowichan Tribes appreciates that the proponent has assured us that cabin development will be scaled back in order to avoid midden deposits, artifacts and human remains found on the "knoll" by the archaeological consultants. We request that an archaeological monitor be present during all terrestrial excavations, but we also recommend that a monitor be available when digging in the marine environment as well.

Please provide Cowichan Tribes with a copy of the Archaeological Impact Assessment report as soon as it is ready.

Increased Moorage

The project proposes to increase the size of the marina by adding transient moorage. According to the Castor Consultants 2016 report, there will be an increase of shading of +1,777 square meters, therefore

we request that all new walkways be made of light penetrating deck surfacing and that existing walkway surfaces are replaced with materials that allow light penetration into the water below. We recommend no additional Styrofoam floats be used in the construction of the marina expansion, and if possible, that existing Styrofoam be removed.

Eelgrass Protection and Restoration

According studies provided to us by Islands Trust's ecosystems specialist, Kate Emmings, Port Browning might be an appropriate site for eelgrass restoration as the substrate is suitable and there is already an existing small bed on the northeast side, called Hamilton Beach. We applaud the proponent's addition of a sewage pump-out capacity of the marina, as well as providing moorage space that could alleviate some of the anchoring that now occurs in the summer off of Hamilton Beach. However, Cowichan Tribes would like to see signage prohibiting boat anchoring at this beach and that a monitoring program is developed to prevent further damages related to boat anchors and propeller wash to the sensitive eelgrass bed. Protection and restoration of eelgrass in this area will further enhance existing Pacific Sandlance and Surf Smelt habitat, among other marine organisms.

We look forward to being kept apprised of the mitigation actions recommended above. If you should need any clarification please contact myself or our referrals coordinator, Tracy Fleming, at Tracy.Fleming@cowichantribes.com.

Yours truly,



Larry George
Smaalthun
Manager, Lands and Governance Department

LG/

c. Mark Harvey, Land Officer, FLNRO via email Mark.Harvey@gov.bc.ca
Aaron Smeeth, Authorizations Officer, FLNRO via email Aaron.Smeeth@gov.bc.ca



File No.: NP-RZ-2016.3 (Eakins)
x-ref:NP-RZ-2016.2 and
NP-SUB-2016.2 (Eakins)

DATE OF MEETING: April 27, 2017

TO: North Pender Island Local Trust Committee

FROM: Justine Starke Island Planner
Victoria Office

SUBJECT: Rezoning Application for Port Browning Septic Infrastructure

Applicant: Port Browning Marina Resort Ltd, c/o Rob Blanchard, Mill Bay Marine Group Ltd./Lloyd Eakins

Location: Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982; and Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW
4606 Oak Road and 4602 Oak Road

RECOMMENDATION

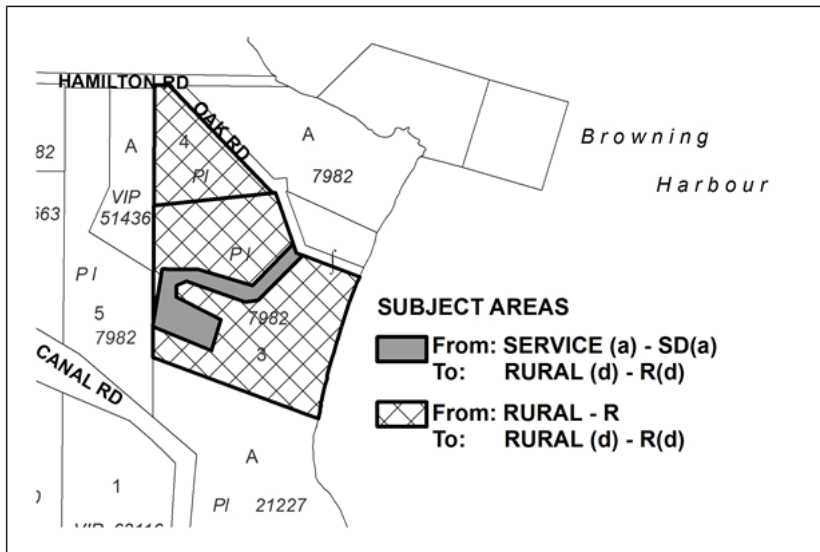
1. That the North Pender Island Local Trust Committee Bylaw No. 210, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016,” be amended to make corrections as specified in Attachment 2.
2. That the North Pender Island Local Trust Committee Bylaw No. 209, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016,” be read a second time.
3. That the North Pender Island Local Trust Committee Bylaw No. 210, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016,” be read a second time, as amended.
4. That the North Pender Island Local Trust Committee directs staff to schedule a Public Hearing for Bylaws 209 and 2010.

REPORT SUMMARY

This purpose of this report is for the North Pender Island Local Trust Committee (LTC) to consider second reading of Bylaws 209 and 210, which would rezone 4602 and 4606 Oak Road to a Rural zone variation **(R(d))** which removes the **SD** zone, and would permit realigning the existing septic disposal infrastructure that services the Port Browning Resort. Bylaw 209 is a mapping amendment to the Official Community Plan to accommodate this proposal.

FIGURE 2: SUBJECT PROPERTY

\\ITFile\SouthLPS\LOCAL TRUST COMMITTEES\North Pender\Agendas\2017\April 27\RZ-2016.3 Bylaw 209 210 staff report\Staff Report 27 April 2017 (SD Zone) NP-RZ-2016.3.docx



BACKGROUND

Background to these applications, including two (2) staff reports and with site context for each of the applications, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

This application is part of the Port Browning Resort rezonings, however the substantive issues are quite different. Bylaws 209 and 210 are technical amendments to the North Pender Island Land Use Bylaw and Official Community Plan to allow existing septic infrastructure on the subject parcels (which currently service Port Browning), be re-located on the same parcels. These amendments provide the land owners with flexibility should the infrastructure need to be moved again in the future.

The proposed bylaws were given First Reading on January 26, 2017.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

Directive policies relevant to this proposal were highlighted in previous [staff reports](#).

Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaws 209 and 210 was endorsed on January 26, 2017.

Land Use Bylaw:

Currently, the only permitted use in the existing SD(a) zone is the treatment and disposal of sewage produced on the Port Browning property. This zone boundary defines the location of the septic infrastructure; it enables the septic use that is essentially an accessory use of the adjacent commercial parcel. Bylaw 210 removes the SD(a) zone and adds the septic disposal use to the uses permitted in the Rural zone on these properties.

Official Community Plan

Bylaw 209 is an OCP mapping amendment to remove the CS designation, which is unnecessary and does not enable the use.

Development Permit Areas:

Refer to previous [staff reports](#).

Issues and Opportunities:***Bylaw Enforcement***

There is the on-going bylaw enforcement issue due to an unlawful second dwelling on Lot 3. The owner has committed to a verbal compliance agreement with bylaw enforcement to resolve the issue. This is being addressed as a requirement of the boundary adjustment (subdivision) application and should be resolved prior to final adoption.

First Nations Engagement

As the application includes an amendment to the OCP, a statutory referral of the proposed bylaws was made to the twelve (12) First Nations with a deadline of March 17, 2017. Staff received one response in the form of the above letter Larry George 'Smaalthun' of Cowichan Tribes (April 11, 2017 (Attachment 5)).

Note: The referral of the Bylaws to the First Nations was in supplemental to the early engagement.

Since the last report, the Cowichan Tribes went on a site visit on February 23, 2017. Their response is reported in the [April 27, 2017 staff report for NP-RZ-2016.2 \(Port Browning Marina\)](#).

Archaeological Impact Assessment

There is a mapped archaeological site on the property. An Archaeological Impact Assessment (AIA) was prepared by Madrone Environmental Consulting Ltd. (March 10, 2017- circulated to LTC but not attached for confidentiality reasons).

Consultation:

The following agencies were referred the bylaws, with a deadline for response of March 4, 2017.

- Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee
- Islands Trust Bylaw Enforcement

Staff received five (5) agency responses that have been circulated to the LTC. All responses indicated either that interests were unaffected, recommended approval, or recommended approval with conditions.

The response from the Ministry of Forest, Lands & Natural Resource Operations, Archaeology Branch included conditions and has been circulated to the property owner and the LTC separately.

A Community Information Meeting (CIM) was held on April 8, 2017 at the Anglican Church Hall. The main subject of the CIM was the resort and marina proposal, with no comment made on this proposal.

Rationale for Recommendations:

The proposed bylaws are considered technical amendments. The existing infrastructure is essentially accessory to the Port Browning Resort use, but because they are on adjacent properties, the use needs to be addressed in the zoning. Other issues and opportunities related to the expansion of the Port Browning Marina are being addressed by the staff report [April 27, 2017 staff report for NP-RZ-2016.2 \(Port Browning Marina\)](#).

The correction to the bylaw is proposed to make the language consistent with the North Pender Island Bylaw 103 (by replacing *section* with *sub-section*). This is a very minor change.

ALTERNATIVES

1. Proceed No Further

The LTC may opt to proceed no further with the application.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with proposed Bylaws No. 209 and 210, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016”

NEXT STEPS

1. Public Hearing
2. Consideration of third reading by the NPI LTC
3. Consideration by Executive Committee of Islands Trust
4. Consideration by the Minister of Community, Sport, and Cultural Development
5. Consideration of Adoption by the NPI LTC.

Submitted By:	Justine Starke, Island Planner	April 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	April 19, 2017

ATTACHMENTS

1. Bylaw No. 209
2. Bylaw No. 210 with proposed amendments

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 209

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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 Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 Schedule” B” – Land Use Map - is amended, as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 26th DAY OF JANUARY 2017
 PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____
 READ A SECOND TIME THIS _____ DAY OF _____ 20____
 READ A THIRD TIME THIS _____ DAY OF _____ 20____
 APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 _____ DAY OF _____ 20____
 APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL
 DEVELOPMENT THIS _____ DAY OF _____ 20____
 ADOPTED THIS _____ DAY OF _____ 20____

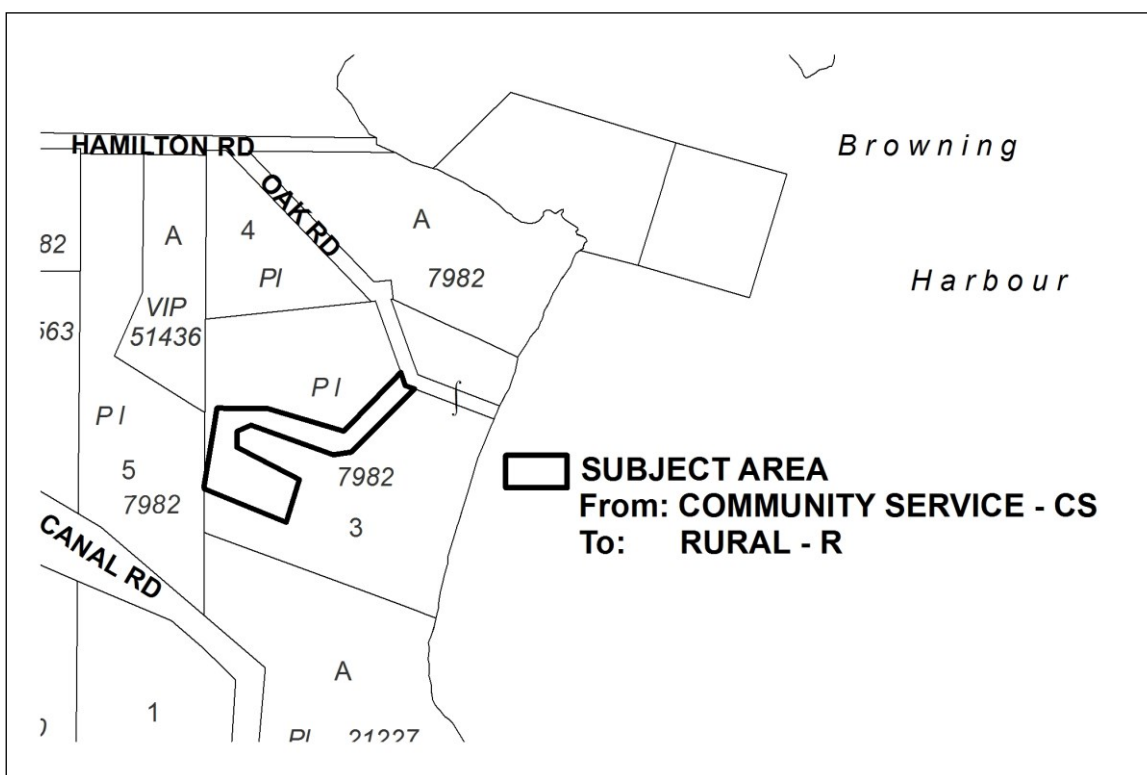
Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 209**

SCHEDULE 1

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 210

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 5, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Subsection 8.2.8 – “Site Specific Regulations”, is amended by adding a new Site Specific Zone Reference R(d) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
R(d)	Lot 3, Section 11, Plan 7982 except Part in Plan 21227; and Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982.	(1) In addition to the uses permitted by 8.2.2 the following use is permitted: (a) the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982.

2.2 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Lot 3, Section 11, Plan 7982 except Part in Plan 21227 and 1772RW from SD (a) (Service Zone (a)) and Rural (R), to Rural (d) (R(d)), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

2.3 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982 from Rural (R) to Rural (d) (R(d)), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

2.4 And by making such consequential numbering alterations to effect this change.

3. Severability

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

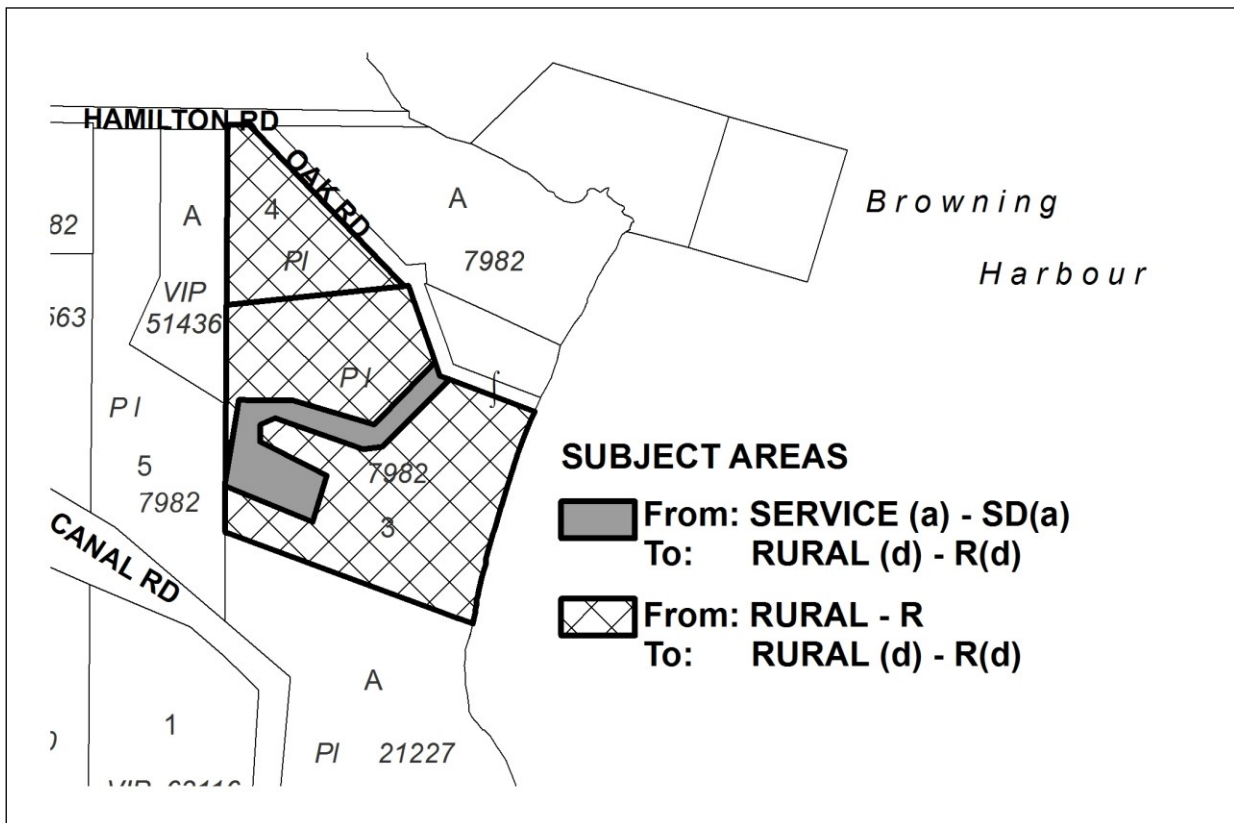
READ A FIRST TIME THIS	26 th	DAY OF	JANUARY	2017
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 210**

Plan No. 1





DATE OF MEETING: April 27, 2017

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner

SUBJECT: Report for an Rezoning

Applicant: Pender Island Parks and Recreation Commission (CRD)

Location: Thieves Bay Community Park

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 213, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2017”, be read a first time.
2. That the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw No. 213.
3. That the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Draft Bylaw No. 213.

REPORT SUMMARY

The purpose of this report is for the North Pender Island Local Trust Committee (LTC) to provide further direction to staff for the application NP-RZ-2017.1 (PIPRC) which would amend North Pender Island Land Use Bylaw No. 103, 1996 to add ‘**picnic shelters**’ as an allowable use in the **Community Park 1 (CP1)** and **Community Park 2 (CP2)** Zones. The proposed bylaw also includes setback and height restrictions for buildings and structures in the zones with some exemptions. The amendment will allow the Pender Island Parks and Recreation Commission (PIPRC) to construct a shelter at Thieves Bay in the immediate term, as well as other parks such as Shingle Bay and Danny Martin in the future.

In summary, staff is recommending:

- Consideration of First Reading of Draft Bylaw No. 213 (Attachment 1).
- Consideration of endorsement of the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw No. 213 (Attachment 2).
- That staff be directed to schedule a Community Information Meeting (CIM) and Public Hearing for proposed Draft Bylaw No. 213.

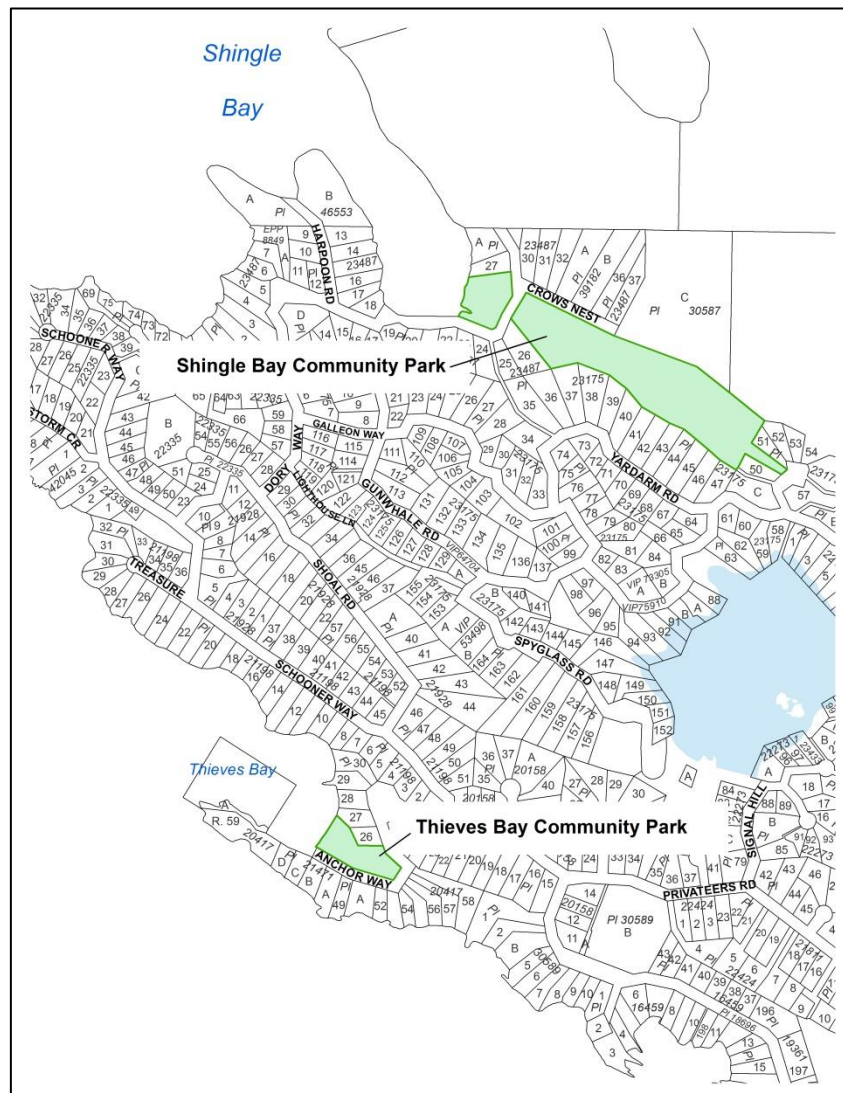
The above recommendations to advance the rezoning process are supported as the PIPRC are responding to a community need to provide picnic shelters in community parks to enhance the public enjoyment of park facilities. The proposed additional use is reasonable as it will allow greater use and access to North Pender's parks which is consistent with, and supportive of, the mandate of the Commission. The amendment is compatible with other uses as well as the overall intent of the two zones. Furthermore setback and height provisions will limit impacts to neighbouring properties, as well as adding certainty.

The LTC gave direction to staff to bring forward a draft bylaw and the proposal conforms to the Islands Trust Policy Statement Directives.

Lastly, the applicant has provided further information in response to questions and concerns raised at the previous LTC Meeting on April 6, 2017.

Figure 1 - Subject Property

Note: At this time PIPRC is proposing to construct a picnic shelter only at Thieves Bay and possibly in other parks the future.



BACKGROUND

Background to this application is within the preliminary staff report presented at the April 6, 2017 LTC Meeting. This is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

Specific File Activity:

The application has been reviewed previously on April 6, 2017.

The following is a summary of activities that have occurred for this application since the last report to the Local Trust Committee:

- At the April 6, 2017 regular meeting of the LTC, the following resolution was passed:

NP-2017-025

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2017.1 (PIPRC) and to prepare a draft bylaw to include setback and height provisions.

CARRIED

- Applicants have provided a plan for public consultation.
- Applicants have provided clarification that they require the amendment to allow picnic shelters in all **Community Park 1 (CP1)** and the **Community Park 2 (CP2)** zoned parks, not site specific zoning for individual parks.

Details on the foregoing are discussed in 'Issues and Opportunities' (below).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

Directive policies relevant to this proposal were highlighted in previous staff reports.

The Islands Trust Policy Statement Directive Policies Checklist for the proposed Draft Bylaw No. 213 has been completed (Attachment 2). The proposed rezoning is compliant and staff is recommending that a resolution to endorse the checklist.

Official Community Plan

Refer to previous reports

Development Permit Areas:

Refer to previous reports.

Land Use Bylaw:

The proposed bylaw amendment is Attachment 1.

Generally, the bylaw proposes the following changes to the **Community Park 1 (CP 1)** and **Community Park 2 (CP2)** are as follows:

- In the both zones “picnic shelters” will be added as allowable buildings under “Permitted Uses and Structures.”
- In both zones new subsections for Setbacks will be created. These will mirror those for residential zones with 7.6 metres for front and rear lot lines, 3 metres for side lot lines, and 4.5 metres for exterior side lot lines. Exceptions will be given for playing field fences and picnic tables.
- In both zones new subsections for Height and Size of Buildings will be created. No building or structure, with the exception of playing field fence is to exceed 6.0 metres. The height will facilitate the shelter design that was presented in the previous staff report. In the CP 2 Zone only, buildings and structures accessory to sports events will also be exempt.

Issues and Opportunities

PIPRC Public Consultation Plan

The PIPRC Master Plan has the following relevant policy for community consultation:

8.7 Property owners with land near or adjacent to parks are consulted and their concerns addressed when park development or change of use is under consideration.(p.10)

Concerns about the lack of an explicit consultation plan from the PIPRC were expressed at the previous LTC meeting, and have also been heard by staff and Trustees. In response, staff requested a consultation plan from the PIPRC. They have provided the following public consultation plan:

- door-to-door consultation with neighbours (mid-April);
- public consultation at the upcoming Earth Day event (April 22);
- publicity in the Pender Post (April and May issues); and
- community information meeting prior to the public hearing (Islands Trust Meeting/Hearing – see ‘Consultation’ - below).

Clarification on Proposed Amendments

There was also some discussion at the previous LTC Meeting as to whether the amendment should apply to the two zones generally, or if the PIPRC should apply to rezone on a case-by-case basis. Staff requested clarification from the PIPRC and received the following response:

We, the PIPRC, are requesting a bylaw amendment for the following - a text amendment to add picnic shelter as a permitted use to the Community Park 1 (CP1) Zone and Community Park 2 (CP2) Zone. In our Pender Islands Community Parks Master Plan, there are six parks that are categorized as recreation parks which allow for the picnic use. We would hope that a separate rezoning application will not be required for every park.

We currently have plans for a picnic shelter at Thieves Bay Park and thus have provided these as an indication of the intent of the PIPRC. There are currently no plans for a picnic shelter at the other recreation parks: Shingle Bay Park, Danny Martin Park, Disc Park, Magic Lake Swim Hole Park and Magic Lake Picnic Site Park. We have applied for a bylaw amendment to add the picnic shelter use to the Community Park Zones. Our understanding was that a text amendment to the zones would avoid a separate rezoning application for each and every park. For example, this appears to be in place for the Saturna Islands' Bylaw.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. In this circumstance, staff is recommending scheduling a CIM in conjunction with the Public Hearing. The CIM and public hearing notice would be posted in the newspaper as per statutory requirements in advance of the public hearing.

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the Advisory Planning Commission.

- Ministry of Community, Sport and Cultural Development
- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- North Pender Island Fire Rescue
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

This application does not require an Official Community Plan amendment and therefore there is no First Nation referral requirement and given the nature of the proposed amendment it is not recommended for this LUB amendment.

The public consultation plan from the PIPRC is discussed in the previous section.

Rationale for Recommendation

The rationale for the recommendations on page 1 is based on the merit of the proposal which is responding to a community need and which will enhance the public enjoyment of park facilities. The proposed amendment is compatible with other uses as well as the overall intent of the two zones. Furthermore setback and height provisions will limit impacts to neighbouring properties and as well as adding certainty.

The Local Trust Committee gave direction to staff at the previous meeting to draft the proposed bylaw, and the proposed bylaw conforms to the Islands Trust Directive Policies. As the proposed Bylaw No. 213 is largely technical and straightforward in nature, staff is recommending proceeding to a combined CIM and Public Hearing.

Alternatives

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the North Pender Island Local Trust Committee deny application NP-RZ-2017.1 for the following reasons:_____

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the North Pender Island Local Trust Committee hold application NP-RZ-2017.1 in abeyance for the following reasons:_____

Submitted By:	Phil Testemale, A/Planner 2	April 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	April 20, 2017

ATTACHMENTS

1. Draft Bylaw No. 213
2. Islands Trust Policy Statement Directive Policies Checklist

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 213**

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 2, 2017”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Article 8.16.2 (2) is amended by inserting a comma and the words “picnic shelter”, after “tables” and before “and”.

2.2 Section 8.16 is amended by adding the following two (2) new subsections 8.16.4 and 8.16.5:

8.16.4 Setbacks

(1) No building or structure, with the exception of playing field fences and picnic tables, may be located:

- (a) within 7.6 metres of any front or rear lot line; or
- (b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.

8.16.5 Height and Size of Buildings

(1) No building or structure, with the exception of playing field fences, may exceed 6.0 metres in height.

2.3 Article 8.17.2 (2) is amended by inserting a comma and the words “picnic shelter”, after “tables” and before “and”.

2.4 Section 8.17 is amended by adding the following two (2) new subsections 8.17.4 and 8.17.5:

8.17.4 Setbacks

(1) No building or structure, with the exception of playing field fences and picnic tables, may be located:

- (c) within 7.6 metres of any front or rear lot line; or
- (d) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.

8.17.5 Height and Size of Buildings

- (1) No building or structure, with the exception of playing field fences and buildings and structures accessory to sports events, may exceed 6.0 metres in height.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No 213 (LUB) and File NP-RZ-2017.1

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	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.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



DATE OF MEETING: April 27, 2017
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
SUBJECT: Waste Transfer Sites: Suitability and Regulations

RECOMMENDATIONS

1. THAT the North Pender Island Local Trust Committee direct staff to draft amendments to the Land Use Bylaw and Official Community Plan (where applicable) which would:
 - a. Rezone site 9 (4415 Bedwell Harbour) and Site 11(Mainroad Yard on Port Washington Rd.) for waste transfer zoning to allow a “Full Service ‘A’” facility.
 - b. Rezone site 1 (5827 Schooner Way) (Medicine Beach) for limited waste transfer uses: Public Drop Only “E”.
 - c. Rezone site 8 (3418 Otter Bay Road) and Site 5 (4606 Razor Pt Rd) for limited waste transfer uses: Waste Only Lite “D”.
2. That the North Pender Island Local Trust Committee endorse the proposed Official Community Plan policies presented in the staff report for the meeting of April 27, 2017 and direct staff to draft a bylaw for consideration.
3. That the North Pender Island Local Trust Committee direct staff to draft a bylaw that proposes Development Permit Area guidelines for a new Waste Transfer Station Development Permit Area.
4. That the North Pender Island Local Trust Committee endorse the updated Project Charter Version 5.

REPORT SUMMARY

The purpose of this report is to seek direction from the North Pender Island Local Trust Committee (LTC) on next steps for the top priority project: Land Use Planning for Waste & Resource Management. This report identifies locations for possible waste transfer uses and suggests regulations to guide those use.

BACKGROUND

The North Pender Island Local Trust Committee (LTC) last considered this project on November 24, 2016, where the following resolutions were passed:

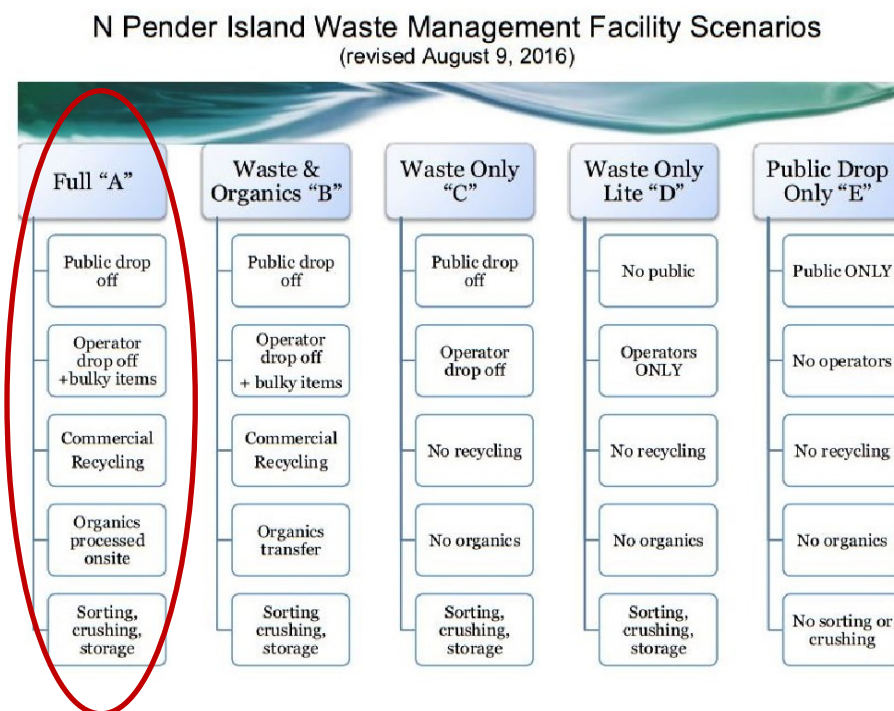
NP-2016-078 That the North Pender Island Local Trust Committee direct staff to schedule site visits and meetings with land owners, for Trustees, Capital Regional District staff and Islands Trust staff to attend. Trustee attendance should be guided by procedural correctness.

NP-2016-079 That the North Pender Island Local Trust Committee direct staff to continue to refine the list of suitable sites for waste management, based on the results of site visits, and consultation with owners and stakeholders.

NP-2016-080 That the North Pender Island Local Trust Committee direct staff to draft regulations for the purpose of discussion, based on Option 1, as presented in the staff report dated November 7, 2016.

The Structured Decision Making (SDM) Process focussed on a Full Service Waste Transfer Station (Full “A”) to best serve the needs of the Penders:

Table 1: Waste Management Facility Scenarios:



The SDM process used a participatory format to identify “land use criteria” that people felt important in order to avoid negative impacts of siting a waste transfer facility. The land use criteria were ranked according to the priorities voted on by participating community members. Through this process, two main criteria were elected to be the highest priority:

- 1) Adjacency to other industrial zones; and
- 2) remoteness, as a measure of the relative density of the immediate surrounding neighbourhood.

“Remote from dense neighbourhood,” was established by the community members to mean that there are more than 50 properties within one square kilometre that are less than 5 acres.

Using these priority criteria to filter the results, seven properties were identified for a full service facility:

1. Site 7: 4400 Otter Bay Rd.

2. Site 8: Adjacent Recycling - 4400 Otter Bay Rd.
3. Site 9: 4415 Bedwell Harbour (MacDonald Farm)
4. Site 10: Across Fir Hill Farm, Bedwell Harbour Rd.
5. Site 11: Mainroad Yard on Port Washington Rd.
6. Site 14: 3405 South Otter Bay Rd.
7. Site 15: 3410 South Otter Bay Rd.

It should be noted that while these two criteria were used as the metric to narrow the list of properties, the other land use criteria (agricultural capability, groundwater vulnerability, sensitive ecosystems, etc.) were also developed through the community process and identified as important considerations for choosing a waste transfer site. The remaining criteria can be revisited and used to further evaluate the sites (see Table 2 below). Please see the [final report](#) from the SDM process for a thorough understanding of how the selection criteria was developed and the process conducted to identify site preferences.

It is also important to understand that the SDM selection process evaluated land use criteria considered important for siting a *full service facility*, however the properties could be re-evaluated to consider a smaller scale facility with a more limited range of uses that would have less impacts. For example, it was discussed that the community may be well served by one or more satellite locations for public garbage drop off in addition to a full service facility. This option is presented in more detail below.

ANALYSIS

Site Visits:

Site visits were scheduled for **February 25, 2017** and conducted on 12 sites. (The SDM process considered 15 sites. When scheduling the site visits, Site 15 (3410 Otter Bay Road) was removed from the list at the owner's request. Site 13 (Bedwell Harbour Road next to the air strip) was removed from the list because staff were unable to make contact with the property owners. Also, sites 11 and 6 are adjacent to each other and have a single owner. They were combined and considered as one site (Mainroad Contracting Yard)).

Please see appendix 1 for analysis of each of the properties reviewed during the site visits. The purpose of the site visits was to walk the properties and use a common sense approach to observing property characteristics and considering the land use criteria established by the community process. The site visits were not intended to make technical assessments of the properties. (It is understood that site specific professional assessments are required for certainty of some criteria that was established through the structured decision making process). Site visit considerations included:

- Is the land observably flat and accessible?
- Are there obvious features that do not appear in the mapping? For example:
 - water bodies,
 - sensitive ecosystems or individual ecosystem features,
 - obvious heritage values.
- Does the road access and potential for internal circulation seem safe for large truck access?
- Does the road access and potential for internal circulation seem safe for public access, busy drop off?

- Is the site visibly close to neighbours?

In attendance on the site visits were:

- John Hozak – Supervisor, Hartland Maintenance & Operation, Capital Regional District
- Tom Watkins – Manager, ERM, Capital Regional District
- Justine Starke – Island Planner, Local Planning Services, Islands Trust
- Dianne Barber – Pender Island Local Trustee
- Derek Masselink – Pender Island Local Trustee

CRD staff were very helpful in providing an operational perspective on the merits of each site. Observations recorded by staff for each property during the site visits have been collated and attached as appendix 1. Trustees did not share their observations during the site visits, but were invited to provide comments to the planner separately. (Two trustees represent a quorum of the Local Trust Committee. Trustees ensured procedural correctness by avoiding discussion that might advance the decision making of the Local Trust Committee).

Waste Transfer Sites – Best Locations

After seeing the properties, and considering all the background technical information, four properties were observed to be best suited for a full service waste transfer station:

1. Site 9: 4415 Bedwell Harbour (MacDonald Farm)
2. Site 11: Mainroad Yard on Port Washington Rd.
3. Site 7: 4400 Otter Bay Rd.
4. Site 14: 3405 South Otter Bay Rd.

Please see the site locations on the map in appendix 1, followed by observations and discussion of each of the top four sites, using the land use criteria as the basis for analysis. Table 2 is a copy of the assessment matrix for evaluating each of the properties according to the land use criteria developed through the community SDM process:

TABLE 2: ASSESSMENT MATRIX

Facility "A"		Space for Expansion - 50m buffer	Space for Expansion - 38m buffer	Space for Expansion - 30m setback	Sensitive ecosystem	Groundwater vulnerability	Surface waterbody	Archeo-logical site	Agri- cultural potential	Sufficient Flat Area
Unit of measure ->	site #	✖-insufficient	✖-insufficient	✖-insufficient	✖-feature present	✖-vulnerable	✖-feature present	✖-feature present	✖-ag capability present	✖-not flat
5827 Schooner Way	1	✖	✖	✖	✓	✖	✓	✓	✓	✖
4605 Bedwell Hbr Rd Driftwood Centre	2	✖	✖	✓	✖	✖	✖	✓	✓	✓
3334 Port Washington Rd	3	✓	✓	✓	✖	✓	✓	✓	✓	✖
3338 Port Washington Rd	4	✖	✖	✖	✓	✖	✓	✓	✓	✖
4606 Razor Pt. Rd (Browning)	5	✓	✓	✓	✓	✖	✓	✓	✖	✓
Mainroad Yard	6	✖	✖	✖	✖	✖	✓	✓	✓	maybe*
4400 Otter Bay Rd	7	✓	✓	✓	✖	✖	✖	✓	✖	✓
Adj Recycling -4400 Otter Bay	8	✖	✖	✖	✓	✖	✓	✓	✓	✖
4415 Bedwell Harbour	9	✓	✓	✓	✓	✖	✓	✖	✓	✓
Across Fir Hill Farm, Bedwell Hbr	10	✖	✓	✓	✖	✖	✖	✓	✓	maybe*
Mainroad Yard	11	✖	✖	✖	✖	✖	✓	✓	✓	✖
4805 Schooner Way	12	✓	✓	✓	✓	✖	✓	✓	✓	maybe*
Bedwell Hbr Rd Adj to Airstrip	13	✖	✖	✖	✖	✖	✓	✓	✓	✖
3405 South Otter Bay	14	✓	✓	✓	✓	✖	✓	✓	✓	✓
3410 South Otter Bay	15	✓	✓	✓	✓	✓	✓	✓	✓	✓

ANALYSIS OF SITES TO ZONE FOR FULL SERVICE WASTE TRANSFER STATION (“Full A”):

1. 4400 Otter Bay Road (Site 7) (Current cement plant).

- SDM process selected as suitable site for full service station
- Zoning: Rural/Industrial
- Total Area: 44.84 acres; Area zoned I2(b) – 3 acres (approx).
- Adjacent Industrial zoning
- Remote from dense neighbourhood
- Space for expansion with a 50m buffer
- Mapped sensitive ecosystem present
- Has low to moderate groundwater vulnerability
- Has a mapped water body
- No mapped archaeological site

OBSERVATIONS COMPILED FROM SITE VISIT:

- Industrial portion of property only
- Access/egress would need leveling and a new access constructed
- Two levels are big enough, good road frontage
- Site is already impacted and possibly contaminated
- Has power, water, but no septic
- Owner says the land percs well.
- Concerns regarding high traffic and limited visibility on Otter Bay road

DISCUSSION

The site is a good candidate for a full service transfer station because of the size, the existing condition of the land, and the industrial zoning. The concerns over limited visibility on Otter Bay Road could be addressed by relocating the driveway, but the concern regarding high traffic is more difficult to overcome.

Also, this property is actually a hooked lot, and forms part of the same property as Site 8 even though it is separated by Otter Bay Road. The separate sides of the property have different zoning, with this 3 acre portion of the property zoned I2(b). (The balance of the property (approx. 38 acres) is zoned Rural and used residentially). The I2(b) zoning allows the processing, storage, and crushing of gravel – the site has hosted a cement plant for many years. Such industrial zoning is rare on Pender and even though the waste transfer use would be added to the existing uses, if the property were used as a waste transfer station it could represent a de-facto loss of this industrial zoning.

2. Mainroad Yard on Port Washington Road (Sites 6 & 11)

- a. SDM process selected as suitable site for full service station
- b. Zoning: Industrial, Rural
- c. [Under current application](#) to rezone to allow the road works yard.
- d. Total Area: 6.21 acres combined
- e. Adjacent Industrial zoning
- f. Somewhat remote from dense neighbourhoodⁱ

- g. Individually, the properties have no space for expansion
- h. Combined, there is space for expansion with a 30 m buffer.
- i. Has mapped sensitive ecosystem present on the upland, separate from the works yard.
- j. Has low to moderate groundwater vulnerability
- k. No mapped water body
- l. No mapped archaeological site
- m. Under current rezoning application for the road maintenance yard.

OBSERVATIONS COMPILED FROM SITE VISIT:

- Preferred side would be site 6
- Perfect size, ideal site
- Has water and septic, drainage infrastructure in place
- Good road frontage
- Good access/egress
- Would need operator to be available to collect money when garbage is dropped, very visible location from road.
- Owners open to use and indicate willingness to consider lease with waste transfer operators.

DISCUSSION

This site is an ideal candidate for a full service transfer station because of the historic industrial use, the ease of access and level, open space. The size, existing infrastructure, and the historic industrial zoning/use also make it a good site. The owner's openness to consider a lease with operators is encouraging. This site is considered one of the best options for the Local Trust Committee to consider.

The property is under current application to zone both properties Industrial and bring the zoning to be consistent with historic uses. The application is proposing to allow: "the storage and processing of materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways, the storage of dangerous or hazardous materials, servicing and repairing of goods, materials and equipment, and the processing, crushing and storage of gravel." Any waste transfer use would be in addition to these other industrial uses and the site is larger enough to host both. A zone variation would be recommended.

3. 4415 Bedwell Harbour (Site 9) (McDonald Farm)

- SDM process selected as suitable site for full service station
- Zoning: Rural
- Total Area: 14.02 acres
- Adjacent Industrial zoning
- Somewhat remote from dense neighbourhoodⁱⁱ
- Space for expansion with a 50m bufferⁱⁱⁱ
- Has low to high groundwater vulnerability^{iv}
- No mapped water body
- Has a mapped archaeological site

OBSERVATIONS COMPILED FROM SITE VISIT:

- Lots of space, but needs leveling
- Has two wells, one drilled and one dug
- Would want to create a new access away from heritage orchard and farm house.
- Has three ponds, not mapped
- Ponds would provide enough water for fire protection
- There is enough room to have waste transfer site setback from ponds
- Has natural buffer
- Good location, close to recycling and other services.
- Useable area is a distance from the mapped area of the archaeology site. An archaeological overview assessment would be recommended in order to delineate boundaries of archaeological site.
- Shale, seasonal grazing, owners suggest the property does not have a lot of agricultural potential.
- Orchard area should be excluded.
- Large enough site, with good space. With some berms, could be hidden.
- Location in close proximity to Community Hall, Nu To Yu, and epicentre for children
- Adjoins industrial zoning already, and perhaps a different access from Industrial Zoned land possible?
- Owners open to use and indicate willingness to consider lease with waste transfer operators.

DISCUSSION

This site is also a viable candidate for a full service transfer station. It has good road frontage and access, and has a large area of level, open space. However, the property does not have existing infrastructure or historic industrial zoning/uses and there may be community attachment to keeping the historic farm property's Rural zoning. Any change to industrial zoning should exclude the heritage orchard and farm buildings, and an Agrologist report should confirm the status of the soil for agriculture (although it is not observed to be good soil). Also, an archaeological assessment should be conducted on the property. Nevertheless, the advantages of the property are compelling as is the owner's openness to consider a lease with operators. This site is a worthy option for the Local Trust Committee to consider, but it would be a shift from Rural OCP designation and land use zoning to Industrial. An OCP amendment would be required.

4. 3405 Otter Bay Road (Site 14)

- SDM process selected as suitable site for full service station
- Zoning: Rural
- Total Area: 10.13 acres
- Adjacent Industrial zoning
- Remote from dense neighbourhood
- Space for expansion with a 50m buffer
- Has moderately low to moderately high groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS COMPILED FROM SITE VISIT:

- Owner would be interested in Class B composting (yard waste, tree waste, etc) to create soil amendments
- Land used for farming – livestock, poultry
- Lots of space, natural buffer, natural terrain break
- Easy road to upgrade.
- Access passes in vicinity of residential dwelling, could cause privacy and nuisance concerns for inhabitants.
- Large site, private out of view of public. Good for storage and sorting. Neighbours are fire hall and cemetery. Owner does not want to do waste management, but indicated he would lease property to an operator.
- Has lots of soil and wood chips for composting if that was a possibility.
- Not a public drop off site.

DISCUSSION

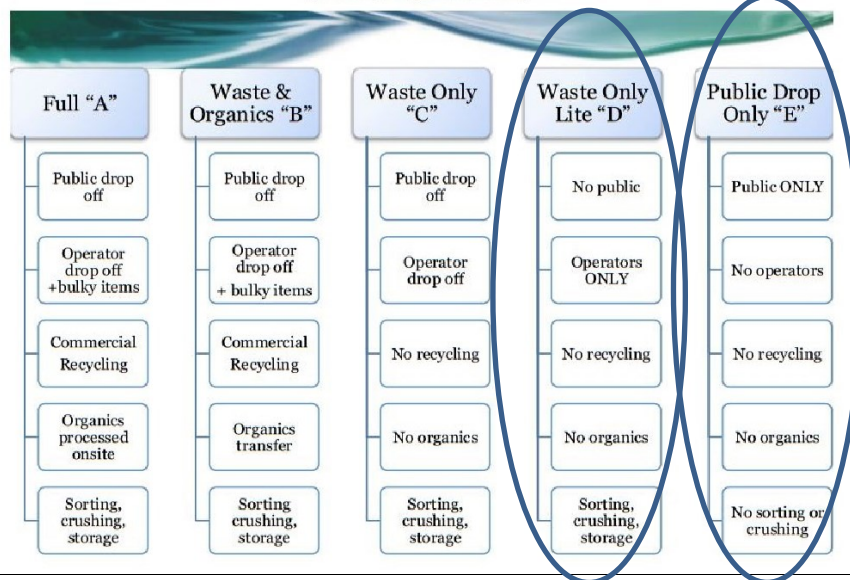
This site is large and open, but would need an upgraded access road. The ideal location is beyond the residential dwelling which may cause conflict in the future. The owner is predominantly interested in a large scale composting facility, but is willing to enter into a lease with waste transfer operators. Any change to industrial zoning should include an Agrologist's report to confirm the status of the soil for agriculture. This site is viable, but if the other sites are equal, the LTC could consider a more limited commercial composting use at this location. Rezoning this property would also be a shift from Rural OCP designation and land use zoning to Industrial. An OCP amendment would be required.

Possible Satellite Locations:

Although the community process identified a full service station ("A") to be a priority objective, the LTC may consider also zoning for smaller sites with less impactful uses. Consultation with operators has found that this would meet the needs current service models. The Structured Decision Making Process only evaluated the sites for full service uses, but the Local Trust Committee may want to consider the land use criteria applied to a narrower range of uses.

N Pender Island Waste Management Facility Scenarios

(revised August 9, 2016)



Public Drop Off Only “E”

5. 5827 Schooner Way (Medicine Beach) (Site 1)

- SDM process did not consider this a suitable site for full service station because there are 94 properties less than 5 acres within 1 km² of the property (not remote enough).
- Zoning: Rural, Commercial 1
- Total Area: 2.03 acres
- Not adjacent Industrial zoning
- Insufficient space for expansion
- No mapped sensitive ecosystem present (see mapping)
- Has high groundwater vulnerability
- No mapped water body
- No mapped archaeological site

SITE VISIT OBSERVATIONS:

- Not big enough for full service
- The drop off site works very well and is very popular
- Liquor store is open from 10 am to 10 pm for people to pay.
- It is clean and efficient, great design.

DISCUSSION:

This property is currently operating under a Temporary Use Permit. The operators lease the area from the owners, and have an arrangement whereby customers pay at the store when they drop off garbage. The operation is well run and generally supported by the community. Formalizing the use in the zone would eliminate the need for consecutive Temporary Use Permits. It is suggested that this operation be permitted by zoning to permit a “public drop off only E.” Note that the OCP designation on this property is Commercial; and OCP amendment may be required to amend the zone to allow the public drop off facility.

OTHER SITES:

In consideration of the two applications for rezoning to allow waste transfer, analysis is offered for those subject sites. The applications have been submitted by two of the main operators on the island; both applications have been on hold pending the outcome of this very long process and the operators have had to modify and stall their businesses as a result. Because the sites have been chosen and used for waste transfer by the operators, we know that from a business perspective, operational requirements have been met. After reviewing the applications and discussing the various uses with the operators, it was determined that the following, more limited waste transfer zoning would meet the operators’ needs while narrowing the scope of impacts on neighbours:

6. 3418 Otter Bay Road (Site 8)

- Zoning: Industrial 2C
- Total Area zoned I2(c) : 3.13 acres; Area under consideration: .3 acres (approx)
- Under current application for rezoning ([NP-RZ-2013.1](#) - on hold).
- Adjacent Industrial zoning

- There are 51 properties under 5 acres within one square kilometre
- Not large enough for a full service station, but could accommodate a smaller operation.
- No mapped sensitive ecosystem present
- Has low to moderate groundwater vulnerability
- No mapped water body
- No mapped archaeological site

SITE VISIT OBSERVATIONS:

- Flat, beside recycle depot, treed buffer
- Not serviced with water, septic.
- Combining the upper and lower sites together would work, would be space for drop bays, but the owners have leased to separate parties. Separately the space is too small for a full service station.
- Easement exists between site and recycle, possibility of public access from recycle for drop off location. Possible partnership between PIRS and operator.
- Owner would prefer to not have public on site. Possible to have a smaller scale operation with more limited uses.
- Site could be subject to rock fall hazards. A geotechnical report would confirm.
- Neighbours to the property have expressed concerns over groundwater contamination and the rock fall hazards.

DISCUSSION:

This property has a long history of industrial zoning, and is under current application for rezoning ([NP-RZ-2013.1](#) - on hold). Current permitted uses include the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment. As mentioned above, this property is actually a hooked lot, and forms part of the same property as Site 7 even though it is separated by Otter Bay Road. The separate sides of the property have different zoning. While this is zoned I2(c) and allows manufacturing, the other site is zoned I2(b) and allows gravel storage and processing (cement plant). The concern explained under Site 7 about the loss of industrial land is not as pressing because the proposed site for waste transfer is only around .3 acres of the 3.13 acres, leaving almost 3 acres in the I2(c) zone.

The applicant is an operator on the island, but is not the owner of the property. The owner is willing to continue with the current arrangement for use of the site. Consultation with the operator/applicant has offered the following additional information:

- The site is used for handling bulky waste, solid waste, and aggregate storage as well as the storage and maintenance of equipment and vehicles.
- The area to be used for construction debris, demolition and metals could be paved with an impervious material and drainage infrastructure installed (drainage to flow through a baffled and chambered catch basin to filter runoff).
- Vehicles for transfer and reloading are not processed on the site in order to keep all fluids intact
- Construction debris and demolition would be dumped on this impervious surface for sorting, then loaded into steel containers with waterproof lids and gasketed doors, so that fluids cannot enter or escape the containers.

- Storing the containers in a building would create logistical problems and consume valuable building space on the compact site.
- Current and anticipated buildings: 800 ft² tent structure to provide a covered work area for equipment (37 feet from lot line); 200 ft² structure for sorting and storing recyclable material; 320 ft² tool storage trailer; 48 ft² shed for oils.

The LTC could consider applying new zoning to allow a Waste Only Lite “D” transfer station:

- No public
- Operator only
- Commercial recycling
- No organics
- Sorting, storage, not crushing
- Effluent collected with concrete pad, drain, sump pump and holding tank.
- Total floor area limit of 1500 ft² – could be in one building or a few smaller buildings
- Consider adding storage of aggregate, while not a waste transfer use, this would then fulfill the requests made by application NP-RZ-2013.1.

2. 4606 Razor Pt Rd (Site 5)

- Zoning: Light Industrial, Rural, Agriculture
- Total Area: 22.04 acres; Area zoned Industrial: .89 acre
- Under current application for rezoning and Temporary Use Permit ([NP-RZ-2012.1](#) and [NP-RZ-TUP.2015.1 - on hold](#)).
- Adjacent Industrial zoning
- Space for expansion with a 50m buffer
- No mapped sensitive ecosystem present
- Has low to high groundwater vulnerability
- No mapped water body, but known seasonal drainage and watercourse.
- No mapped archaeological site
- SDM process did not consider a suitable site for full service station because it was not evaluated as being remote from a dense neighbourhood. There are 155 properties less than 5 acres within 1 km² of the property

SITE VISIT OBSERVATIONS:

- Workable, but small area and close to water course
- Three phase power close (at Browning)
- Property takes on water from upland, is a drainage receiving area.
- Building was proposed to include a sump pump and tank with oil separator
- Has water service, would use porta-potties for staff
- Noise could be a problem (close to dense neighbourhood), which is why SDM ruled it out.
- Located right by resort property and across from Driftwood shopping centre.
- In the Agricultural Land Reserve, non-farm use approval pending outcome of this process.
- May be eligible for limited waste transfer uses.

DISCUSSION:

This property is under current application for [rezoning and Temporary Use Permit \(NP-RZ-2012.1 - on hold\)](#). The applicants own the property and are operators on the island (they also operate the Medicine Beach drop-off site). In the application, zoning was requested to permit a waste transfer station and in-vessel composter. The site was proposed to be open for drop off from the public, as well as service the applicants' existing weekly residential pick up route, commercial waste, recycling, and construction bin service. The waste transfer and compost uses would be contained within a building on a concrete pad, with a leachate catchment system. **Draft Bylaw 196** was drafted and proposed a new *Industrial 3 Zone: Waste Transfer Facility*.

Please see the **correspondence** that resulted from this proposal. This application caused concern from some neighbours and community members who have written letters and spoken at public meetings. The conditional approval given by the Agricultural Land Commission (ALC) through application NP-ALR-2012.1 was appealed by neighbours and the ALC delivered a **second decision** which makes the non-farm use approval subject to approval of zoning by the LTC.

The SDM community process found that due to the "density of the surrounding neighbourhood," the location did not meet the criteria established for a full service waste transfer station at the scale requested in the application. Concerns have been voiced over the agricultural potential of the site; like all the site specific technical information this would have to be determined by a professional agrologist.

However, the Local Trust Committee has also received a number of letters of support for the business to be operated in that location. It is acknowledged that the operators run a good, clean business and provide a valuable service to the community.

Consultation with the operator has found that a limited range of uses could meet some of their needs, assuming other parts of their operation could function on a different site:

- Storage and transfer of construction waste and commercial recycling (recycling sourced from commercial businesses).
- The whole operation could be done within two bins enclosed within a building (2x the area of the facility found at "Medicine Beach").
- The application for Rezoning and Temporary Use Permit contains detailed plans for the proposed building which would be self-contained with an internal drainage system, sump pump and collection tank. There would be no effluent discharged into the environment.

Similar to Site 8, the LTC could consider the site for a variation of Waste Only Lite "D," to permit the following uses:

- No public
- Operator only
- Commercial recycling
- No organics
- Sorting, storage, not crushing
- Effluent collected with concrete pad, drain, sump pump and holding tank.

- Floor area limit – 1500 ft²
- Vehicle maintenance as accessory use.

REGULATIONS TO MITIGATE NUISANCES AND MANAGE IMPACTS

If the CRD had a Solid Waste Transfer Regulation for North Pender, it would likely require a management plan to address leachate, vectors, dust, litter, odour, and noise. Until such time as North Pender Island is regulated by the CRD in this way, the NPI LTC can only regulate a waste transfer station through its Land Use Bylaw and through its Official Community Plan with a Development Permit Area (DPA). Through the DPA process, the LTC can request professional reporting for site specific assessments of the potential for environmental or other impacts. The follow section lists potential regulations that can form the basis of draft bylaws for community consultation. The approach requires buildings, sealed bins and effluent catchment systems. Buildings control noise, odour, and vectors. They would contain drains, pumps, and holding tanks to avoid the possibility of toxic impacts to the environment. The content of these proposed requirements and policies have been informed by the community consultation sessions and community feedback offered to the Local Trust Committee since the beginning of this project. The regulatory language and requirements are proposed in preliminary draft form, and are expected to evolve through the next stages of this iterative process.

Policy/Regulatory:

LAND USE BYLAW

Draft Definitions

“solid waste” means discarded or abandoned materials, substances or objects that originate from residential, commercial, institutional, demolition or construction sources.

“hazardous waste” means any chemical compound, mixture, substance or article which is defined as a hazardous waste in the Hazardous Waste Regulation enacted under the *Environmental Management Act*.

“Bulky Waste” means solid waste or recyclable items with a volume greater than 1.5 cubic metres or greater than 2.5 metres in any dimension.

Draft Regulations

Full Waste Transfer Zone 1: (“Full Service ‘A’”)

- Minimum area 1.2 ha (3 acres) required for subdivision
- Permitted Uses:
 - The use of a site, buildings and structures for receiving, collecting, storing, sorting, compacting and transferring *solid waste*.
 - The use of a site, buildings and structures for receiving, collecting, storing, sorting, compacting and transferring recyclable materials that originate from commercial, institutional, demolition or construction, but not residential sources.

- The use of a site, buildings and structures for composting of biosolids, in accordance with the Capital Regional District composting Bylaw no. 2736.
- All waste materials, recycling, and compost must be located on impervious surfaces designed with a drainage control system to prevent any contamination to the environment.
- With the exception of bulky waste, all waste materials, recycling, and compost must be contained within sealed collection bins and located within buildings.
- *Hazardous waste* is prohibited from being collected, stored, transferred or composted at a waste transfer facility.
- Asbestos is prohibited from being received, collected, stored, or transferred at a waste transfer facility.
- Setbacks from any front, rear, interior side, or exterior side lot line will be 30 m.
- No solid waste, or recycling transfer or composting use may be located within 30 metres of a well or surface water body.
- All waste transfer uses must be screened from view along all lot lines, in accordance with existing landscape buffer requirements in the [land use bylaw](#) (s. 3.13.1 and 3.13.2).
- Height limit for buildings and structures is 9.7 m
- Vehicle maintenance as an accessory use.

Light Waste Transfer Zone 2: ("Waste Only Lite 'D'")

- Minimum area 1.2 ha (3 acres) required for subdivision
- Permitted Uses:
 - Collecting, storing, sorting and transferring *solid waste*;
 - Collecting, storing, sorting, and transferring recyclable materials that originate from commercial, institutional, demolition or construction, but not residential sources.
- Public drop off of solid waste or recycling is not permitted.
- There is a maximum of one building permitted to be used for waste and recycling transfer.
- The maximum total floor area of buildings is 1500 ft² (139m²).
- With the exception of bulky waste, all waste materials and compost must be contained within sealed collection bins and located within buildings.
- All waste materials, recycling, and compost must be located on impervious surfaces designed with a drainage control system to prevent any contamination to the environment.
- *Hazardous waste* is prohibited from being collected, stored, or transferred.
- Asbestos is prohibited from being received, collected, stored, or transferred at a waste transfer facility.
- Setbacks from any front, rear, interior side, or exterior side lot line will be 15 m.
- No solid waste or recycling transfer use may be located within 30 metres of a well or surface water body.
- All waste transfer uses must be screened from view along all non-industrial lot lines, in accordance with existing landscape buffer requirements in the [land use bylaw](#) (s. 3.13.1 and 3.13.2).
- Height limit for buildings and structures is 9.7 m.
- Vehicle maintenance as an accessory use.

Light Waste Transfer Zone 3: ("Public Drop Off Only 'E'")

- Permitted Uses:
 - The use of one building for receiving, storing, and transferring *solid waste*.
 - Public drop off of solid waste is permitted.
- There is a maximum of one building permitted to be used for waste transfer.
- Maximum floor area of 35 m².
- Maximum height of 5 metres.
- All waste materials must be contained within sealed collection bins and within a building, located on an impervious surface designed with a drainage control system to prevent any contamination to the environment.
- *Hazardous waste* is prohibited from being collected, stored, or transferred.
- Asbestos is prohibited from being received, collected, stored, or transferred at a waste transfer facility.
- Setbacks from any front, rear, interior side, or exterior side lot line will be 15 m.
- No solid waste or recycling transfer use may be located within 30 metres of a well or surface water body.
- All waste transfer uses must be screened from view along all lot lines, in accordance with existing landscape buffer requirements in the [land use bylaw](#) (s. 3.13.1 and 3.13.2).

OFFICIAL COMMUNITY PLAN

Existing policies:

Solid Waste Policies

3.3.2.1-Regulations shall permit the continued operation of an island location where waste can be taken for recycling.

3.3.2.2-The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.

3.3.2.3-Regulations shall prohibit the use of land on North Pender Island as a landfill.

Industrial Policies

2.5.1-Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.

2.5.3-Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.

2.5.4-Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.

2.5.6-Industrial activity, parking and storage areas should be screened.

Proposed Official Community Plan policies:

Through the community process it was suggested that the Local Trust Committee consider adding the following additional goal to the Part 1 of the Official Community Plan (Broad Community Goals):

Goal 17 - To minimize waste and maximize recycling in the management of discarded materials

The following policy has also been proposed:

3.3.1 Island resident and visitor consumers, as well as collection operators, shall be encouraged to minimize waste abandonment and land fill disposal and instead to maximize recycling in the management of discarded materials by means of advocacy, signage and appropriate land use.

Proposal to create a Development Permit Area:

The LTC has directed that the regulatory approach takes into account the need for additional, site level information at the time of a waste transfer proposal. This could be employed through the use of a new Waste Transfer Development Permit Area, designated under the Local Government Act for:

- Protection of the natural environment, its ecosystems, and biological diversity [488 (1)(a)];
- protection of development from hazardous conditions [488 (1)(b)];
- protection of farming [488 (1)(c)];
- establishment of objectives for the form and character of commercial, industrial or multi-family residential development [488 (1)(f)].

Development Permit Area guidelines can be drafted to ensure:

- no deleterious impacts to the natural environment
- fire separation is maintained around the operation
- hazardous conditions are not created
- minimal impacts to potentially productive agricultural land
- Groundwater and surface water bodies are protected
- Buildings and structures are designed to be unobtrusive and to blend with natural environment
- Development enhances rural character and avoids impacts on adjacent properties
- Mitigate possible light pollution

Consultation:

Since 2015, the LTC has conducted a series of community engagement approaches, including a special Advisory Planning Commission and a subsequent integrated decision making process. Community engagement has been documented and posted on-line: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/waste-management/>

Consultation with operators has been on-going. Staff have discussed the proposed regulations with the two main operators (Pender Island Waste Management and Ron Henshaw) in order to avoid surprises and to ensure proposed regulations would be practical and meet the needs of the operators.

Issues and Opportunities:

The community processes that have been undertaken have informed the LTC of the most pressing issues and concerns the community has relative to the social and environmental impacts of waste transfer. The LTC has the opportunity to use this information to decide on appropriate locations, scales of uses, and possible regulations.

There will be community interest in giving feedback on this approach; the updated project charter anticipates a community meeting to gather general feedback prior to advancing the bylaws to second reading.

In order to avoid creating non-conformity and limiting other uses, the proposed regulations should be added to the zoning on properties that have existing Industrial zoning. Site specific zoning is recommended to accommodate existing uses and the proposals being brought forward through existing rezoning applications. For example, Site 8 is under current application to allow storage of aggregates as a use. If the LTC were considering amending the zoning for this property through this process, it could consider adding this use to introduce some flexibility into the zone. Also, this staff report has noted the value of the existing industrial zoning on North Pender. Site 7 was not recommended for waste transfer in order to avoid the potential loss of a site to store and process aggregate. A different policy project initiated by the LTC could look at the industrial land more generally to review the uses permitted in consideration of community need.

Rationale for Recommendation:

This staff report proposes to:

- Rezone site 9 (4415 Bedwell Harbour) and Site 11(Mainroad Yard on Port Washington Rd.) for waste transfer zoning to allow a “Full Service ‘A’” facility.
- Rezone site 1 (5827 Schooner Way) (Medicine Beach) for limited waste transfer uses: Public Drop Only “E”.
- Rezone site 8 (3418 Otter Bay Road) and Site 5 (4606 Razor Pt Rd) for limited waste transfer uses: Waste Only Lite “D”.
- Create a new Development Permit Area for waste transfer uses.

The process to consider land for waste transfer uses has been an active priority of the North Pender Local Trust Committee for three years. The recommendations in this report advance the project closer to being concluded and resolving this long standing issue. By creating a variety of zones to allow a range of waste transfer uses, the LTC would be offering the community some flexibility in how it delivers and receives waste transfer services. Because there are multiple operators with existing relationships and lease arrangements with property owners, offering a range of uses across a few different properties will ensure servicing can continue to meet the community’s needs and avoid favouring any one operator. The recommendations are based on land use, not users, and would allow for future changes and options for new or alternate operators. The land use regulations, in combination with the proposed development permit area, will ensure the public interest and environment is protected.

Discussion of Alternatives:

The alternative resolutions proposed below are all variations on the approach the LTC can take to planning for current and future waste transfer uses. Each of the various approaches have merit and would be recommended with staff support.

The LTC may after discussion want to include all four top eligible sites to zone for a full service waste transfer station. This would offer the community of operators more choice and increase the likelihood of successful lease arrangements. See Alternative Recommendation 1.

The LTC may also want to select site 8 (3418 Otter Bay Road) and Site 5 (4606 Razor Pt Rd) for even more limited waste transfer uses, such as storage, transfer, and sorting of construction waste only and not rezone to allow any residential waste or commercial recycling on these smaller sites. See Alternative Recommendation 2. The LTC may also choose not to rezone these properties for waste transfer uses at all (although the aggregate storage request for Site 8 would be outstanding).

There are other variations as well, the LTC may consider just working with the top 4 eligible sites, and selecting sites 9 (4415 Bedwell Harbour (MacDonald Farm) and Site 11(Mainroad Yard on Port Washington Rd.) for a full service station, while selecting sites 7 (4400 Otter Bay Rd) and Site 14 (3405 South Otter Bay Rd) for the less impactful “Waste Only Lite “D” facility (concerns for both these properties were related to traffic and access – because the “Waste Only Lite “D” does not allow public access, this concern may be lessened. See Alternative Recommendation 3.

Similarly, the LTC may consider Alternative Recommendation 3, but limiting the use on Site 14 (3405 South Otter Bay Rd) to composting. Any commercial composting would fall under the Capital Regional District bylaw and the operator would require a licence from the CRD. If the LTC chooses this option, it may want to direct staff to remove composting from the proposed uses for a full service facility. See Alternative Recommendation 4.

Lastly, the LTC may like to introduce a different property for consideration, or decide to not re-zone any land for waste transfer. See Alternative Recommendations 5 & 6.

Next Steps

1. Bylaw drafting and consideration of First Reading
2. Agency Referrals
3. Community Information Meeting
4. Consideration of second reading
5. Public Hearing
6. Consideration of third reading
7. Referral to Executive Committee of Islands Trust
8. Referral of OCP amendment bylaw to the Ministry of Community Sport and Cultural Development
9. Consideration of Bylaw Adoption

Alternatives:

1. THAT the North Pender Island Local Trust Committee select sites 9 (4415 Bedwell Harbour (MacDonald Farm), Site 11(Mainroad Yard on Port Washington Rd.), Site 7 (4400 Otter Bay Rd.) and Site 14 (3405 South Otter Bay Rd) for waste transfer zoning to allow a “Full Service ‘A’” facility.
2. THAT the North Pender Island Local Trust Committee select site 8 (3418 Otter Bay Road) and Site 5 (4606 Razor Pt Rd) for more limited waste transfer uses, such as storage, transfer, and sorting of construction waste only.
3. THAT the North Pender Island Local Trust Committee select sites 7 (4400 Otter Bay Rd.) and Site 14 (3405 South Otter Bay Rd) for waste transfer zoning to allow a “Waste Only Lite “D” facility.

4. THAT the North Pender Island Local Trust Committee select Site 14 (3405 South Otter Bay Rd) for a biosolids composting facility and directs staff to remove composting as a proposed use when drafting a bylaw to permit for the full service waste transfer facility.
5. THAT the North Pender Island Local Trust Committee selects other sites for waste transfer zoning to allow a “Full Service ‘A’” facility.
6. THAT the North Pender Island Local Trust Committee directs staff to proceed no further with this project.

Submitted By:	Justine Starke, Island Planner	April 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	April 19, 2017

ATTACHMENTS

1. Map of Eligible Sites
 2. February 25 2017, Site Visit Observations
 3. Project Charter Version 5
-

ⁱ There are 62 properties less than 5 acres within 1 km² of site 6 and 52 properties less than 5 acres within 1 km² of site 11.

ⁱⁱ There are 52 properties less than 5 acres within 1 km² of the property

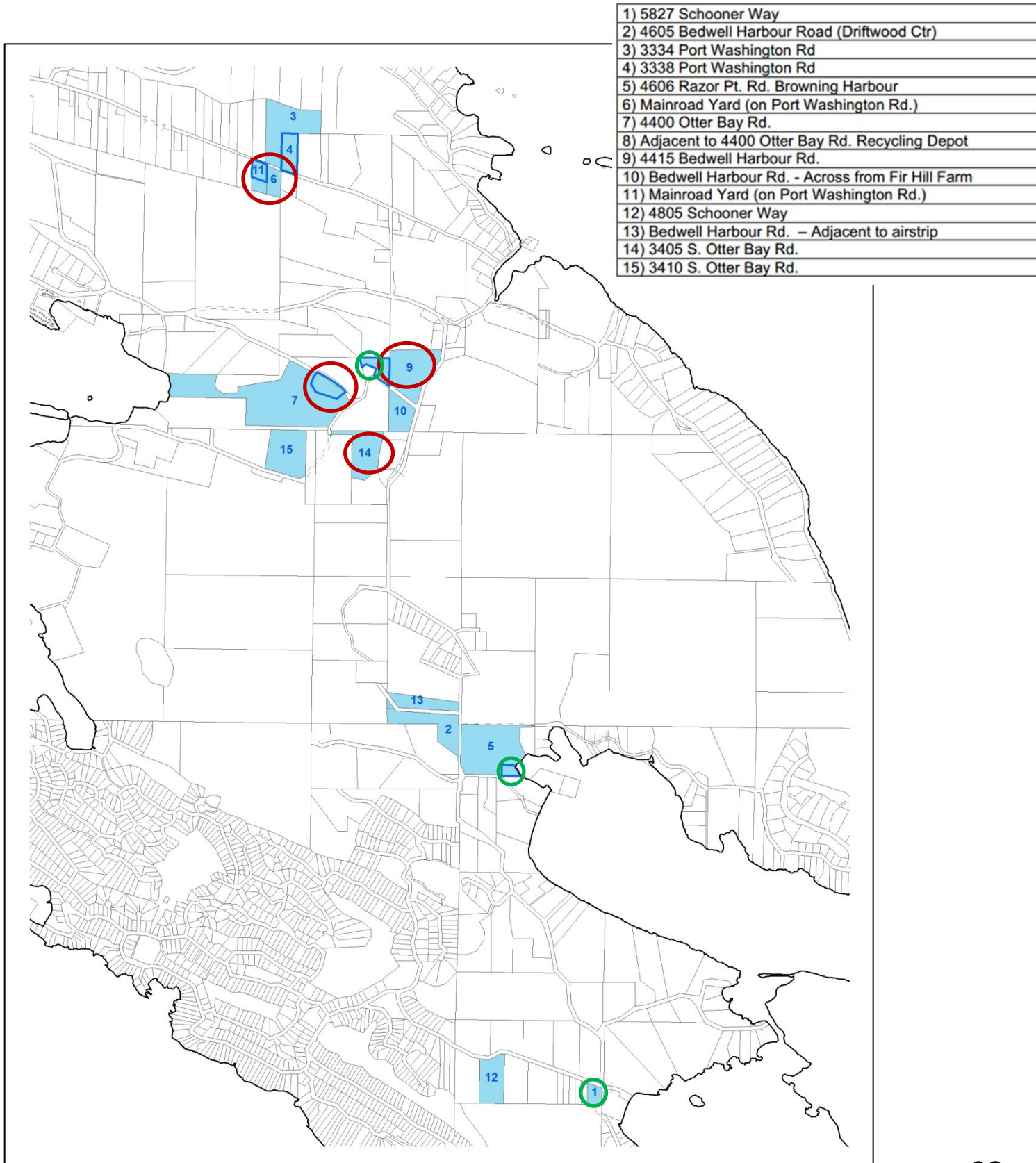
ⁱⁱⁱ Measured as at least 1 acre of lot area remaining in centre of the site after buffer (15m vegetative + 35m firebreak = 50m total buffer) was applied using mapping tools. 1 acre lot area includes: 10 parking spaces, 378m² of tipping space, and an 8 metre wide, circular driveway.

^{iv} Type of groundwater vulnerability aquifers (DRASTIC mapping) that overlap underground for sites in question. 1- low, 2- moderately low, 3- moderate, 4- moderately-high, 5- high. Any site containing moderate to high vulnerability in any portion of the site has been flagged with a red highlight in assessment matrix. Bright red indicates the entire site falls into moderate-high vulnerability.

Appendix 1: Proposed Waste Transfer Sites

*Red circles – Options for full service waste transfer stations

*Green circles – Options for reduced waste transfer uses



Observations from Site Visits

North Pender Island - February 25, 2017

1. 3418 Otter Bay Road (Site 8)

- SDM process selected as suitable site for full service stationⁱ
- Zoning: Industrial C
- Total Area: 3.13 acres
- Adjacent Industrial zoning
- Remote from dense neighbourhoodⁱⁱ
- No Space for expansion
- No mapped sensitive ecosystem present
- Has low to moderate groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Flat, beside recycle depot, treed buffer
- Not serviced
- Combining the upper and lower sites together would work, would be space for drop bays, but the owners have leased to separate parties. Separately the space is too small for a full service station.
- Easement exists between site and recycle, possibility of public access from recycle for drop off location. Possible partnership between PIRS and operator.
- Owner would prefer to not have public on site.
- Site could be subject to rock fall hazards. A geotechnical report would confirm.
- Possible to have a smaller scale operation with more limited uses.

2. 4400 Otter Bay Road (Site 7)

- SDM process selected as suitable site for full service station
- Zoning: Rural/Industrial
- Total Area: 44.84 acres
- Adjacent Industrial zoning
- Remote from dense neighbourhood
- Space for expansion with a 50m buffer
- Mapped sensitive ecosystem present

- Has low to moderate groundwater vulnerability
- Has a mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Industrial portion of property only
- Access/egress would need leveling and a new access constructed
- Two levels are big enough, good road frontage, but it is a busy road
- Site is already impacted, agricultural potential degraded, possibly contaminated
- Has power, water, no septic
- Owner says the land percs well.
- Concerns regarding high traffic and limited visibility on Otter Bay road. It could be dangerous to turn left, and the ferry traffic causes congestion in that area.

3. 4417 Bedwell Harbour Road (Site 10)

- SDM process selected as suitable site for full service station
- Zoning: Rural
- Total Area: 6.05 acres
- Adjacent Industrial zoning
- Remote from dense neighbourhood
- Space for expansion with a 38m bufferⁱⁱⁱ
- Has a mapped sensitive ecosystem present
- Has moderate to high groundwater vulnerability
- Has a mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Residential buildings on site
- Water body observed
- Groundwater vulnerability is a concern
- Not an ideal site although back area is usable and could build an access to Bedwell Harbour Road.
- Good buffer from neighbours
- Sufficient space on upper portion of property to have a waste transfer site, but located on a busy corner across from community hall.
- Owners indicated they may like to use it for other purposes in the future.

4. 3338 Port Washington Rd (Site 4)

- SDM process did not consider a suitable site for full service station
- Zoning: Light Industrial
- Total Area: 4.44 acres
- Adjacent Industrial zoning
- Not remote from dense neighbourhood (ie – close to dense nhood).^{iv}
- No space for expansion
- No mapped sensitive ecosystem present
- Has low to moderate groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Present site of Home Hardware, not large enough, withdrawn.

5. 3334 Port Washington Road (Site 3)

- SDM process did not consider a suitable site for full service station
- Zoning: Rural
- Total Area: 15.01 acres
- Adjacent Industrial zoning
- Not remote from dense neighbourhood (ie – close to dense nhood).^v
- Space for expansion with 50m buffer
- Mapped sensitive ecosystem present
- Has low to moderate groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Very small area, building would take up most of the property
- No room for a bin truck and public access.

6. Mainroad Yard (Sites 6 & 11)

- SDM process selected as suitable site for full service station
- Zoning: Industrial, Rural

- Total Area: 6.21 acres combined
- Adjacent Industrial zoning
- Somewhat remote from dense neighbourhood^{vi}
- Individually, the properties have no space for expansion
- Combined, there is space for expansion with a 30 m buffer.
- Has mapped sensitive ecosystem present
- Has low to moderate groundwater vulnerability
- No mapped water body
- No mapped archaeological site
- Under current rezoning application for the road maintenance yard.

OBSERVATIONS:

- Preferred side would be site 6
- Perfect size, ideal site
- Has water and septic, drainage infrastructure in place
- Good road frontage
- Good access/egress
- Possible concern is drainage into Port Washington
- Would need operator to be available to collect money when garbage is dropped, very visible location from road.

7. 4606 Razor Pt Rd (Site 5)

- SDM process did not consider a suitable site for full service station
- Zoning: Light Industrial, Rural, Agriculture
- Total Area: 22.04 acres
- Adjacent Industrial zoning
- Not remote from dense neighbourhood (ie – close to dense nhood).^{vii}
- Space for expansion with a 50m buffer
- No mapped sensitive ecosystem present
- Has low to high groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Workable, but small area and close to water course
- Three phase power close (at Browning)

- Property takes on water from upland, is a drainage receiving area.
- Building was proposed to include a sump pump and tank with oil separator
- Has water service, would use porta-potties for staff
- Noise could be a problem (close to dense neighbourhood), which is why SDM ruled it out.
- Located right by resort property and across from Driftwood shopping centre.
- In the Agricultural Land Reserve, non-farm use approval pending outcome of this process.
- May be eligible for limited waste transfer uses.

8. 4605 Bedwell Harbour Rd (Driftwood Centre) (Site 2)

- SDM process did not consider a suitable site for full service station
- Zoning: Commercial 1, Commercial 2, Service
- Total Area: 10.08 acres
- Adjacent Industrial zoning
- Not remote from dense neighbourhood (ie – close to dense nhood).^{viii}
- Space for expansion with a 30m buffer
- Has mapped sensitive ecosystem present (see mapping)
- Has moderately low to high groundwater vulnerability
- Has a mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Not considered viable for anything other than a satellite drop off site.

9. 5827 Schooner Way (Medicine Beach) (Site 1)

- SDM process did not consider a suitable site for full service station
- Zoning: Rural, Commercial 1
- Total Area: 2.03 acres
- Not adjacent Industrial zoning
- Not remote from dense neighbourhood (ie – close to dense nhood).^{ix}
- Insufficient space for expansion
- No mapped sensitive ecosystem present (see mapping)
- Has high groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Not big enough for full service
- The drop off site works very well and is very popular
- Liquor store is open from 10 am to 10 pm for people to pay.
- It is clean and efficient, great design.

10. 4805 Schooner Way (Site 12) (Ikey McPhee)

- SDM process did not consider a suitable site for full service station
- Zoning: Rural
- Total Area: 8.48 acres
- Not adjacent Industrial zoning
- Not remote from dense neighbourhood (ie – close to dense nhood).^x
- Space for expansion with a 50m buffer
- No mapped sensitive ecosystem present (see mapping)
- Has moderate to high groundwater vulnerability
- No mapped water body
- No mapped archaeological site

OBSERVATIONS:

- Not appropriate site, size or location.
- Wet site
- Drainage an issue
- High groundwater vulnerability also an issue
- Not enough space
- Bad access

11. 4415 Bedwell Harbour (Site 9) (Old McDonald Farm)

- SDM process selected as suitable site for full service station
- Zoning: Rural
- Total Area: 14.02 acres
- Adjacent Industrial zoning
- Somewhat remote from dense neighbourhood^{xi}
- Space for expansion with a 50m buffer^{xii}
- Has low to high groundwater vulnerability^{xiii}
- No mapped water body
- Has a mapped archaeological site

OBSERVATIONS:

- Lots of space, needs leveling
- Has two wells, one drilled and one dug
- Would want to create a new access with better availability, away from heritage farm
- Has three ponds, not mapped
- Ponds would provide enough water for fire protection
- There is enough room to have waste transfer site setback from ponds
- Has natural buffer
- Good location
- Large enough site, with good space. With some berms, could be hidden.
- Location in close proximity to Community Hall, Nu To Yu, and Epicentre for children
- Adjoins industrial zoning already, and perhaps a different access from Industrial Zoned land possible?

12. 3405 Otter Bay Road (Site 14)

- SDM process selected as suitable site for full service station
- Zoning: Rural
- Total Area: 10.13 acres
- Adjacent Industrial zoning
- Remote from dense neighbourhood
- Space for expansion with a 50m buffer
- Has moderately low to moderately high groundwater vulnerability
- No mapped water body
- No mapped archaeological site

Observations:

- Owner would be interested in Class B composting (yard waste, tree waste, etc) and create soil amendment
- Land used for farming – livestock, poultry
- Lots of space, natural buffer, natural terrain break
- Easy road to upgrade.
- Access passes in vicinity of residential dwelling, could cause privacy and nuisance concerns for inhabitants.

- Large site, private out of view of public. Good for storage and sorting. Neighbors are fire hall and cemetery so fairly non invasive. Owner does not want to do Waste management, but indicated he would lease property to an operator.
- Has lots of soil and wood chips for composting if that was a possibility.
- Not a public drop off site.

End Notes and Assumptions:

ⁱ Structured Decision Making (SDM) Process ranked land use criteria according to the priorities voted on by participating community members. Being “adjacent to industrial zones” and not being in a dense neighbourhood (“remote from dense neighbourhood,” were elected the two highest priorities.

ⁱⁱ “Remote from dense neighbourhood” means that there are more than 50 properties within one square km that are less than 5 acres.

ⁱⁱⁱ Measured as at least 1 acre of lot area remaining in centre of the site after buffer (3m vegetative + 35m firebreak = 38m total buffer) was applied using mapping tools. 1 acre lot area includes: 10 parking spaces, 378m² of tipping space, and an 8 metre wide, circular driveway.

^{iv} There are 72 properties less than 5 acres within 1 km² of the property

^v There are 73 properties less than 5 acres within 1 km² of the property

^{vi} There are 62 properties less than 5 acres within 1 km² of site 6 and 52 properties less than 5 acres within 1 km² of site 11.

^{vii} There are 155 properties less than 5 acres within 1 km² of the property

^{viii} There are 169 properties less than 5 acres within 1 km² of the property

^{ix} There are 94 properties less than 5 acres within 1 km² of the property

^x There are 330 properties less than 5 acres within 1 km² of the property

^{xi} There are 52 properties less than 5 acres within 1 km² of the property

^{xii} Measured as at least 1 acre of lot area remaining in centre of the site after buffer (15m vegetative + 35m firebreak = 50m total buffer) was applied using mapping tools. 1 acre lot area includes: 10 parking spaces, 378m² of tipping space, and an 8 metre wide, circular driveway.

^{xiii} Type of groundwater vulnerability aquifers (DRASTIC mapping) that overlap underground for sites in question. 1- low, 2- moderately low, 3- moderate, 4- moderately-high, 5- high. Any site containing moderate to high vulnerability in any portion of the site has been flagged with a red highlight in assessment matrix. Bright red indicates the entire site falls into moderate-high vulnerability.

Land Use Planning for Waste Management - Charter V.5

North Pender Island Local Trust Committee

Date: April 12, 2017

Purpose *To engage the Pender community in a process that considers the zoning of land to accommodate a range of solid waste transfer services. The process will involve an evaluation of community needs and best practices, an inventory of existing industrially zoned land and current waste transfer sites, and consideration of appropriate land use criteria for the siting of a range of waste transfer facilities.*

Background *Pender Island currently does not have any land zoned to accommodate the storage, processing, and transfer of solid waste and discarded materials. Solid waste management has historically been provided on land without adequate zoning, sometimes operating under Temporary Use Permits, other times in contravention of the Land Use Bylaw. The exception to this is the Recycling Centre which is located in the Recycling Facility (RF) zone and is a permitted use within the Land Use Bylaw. Neither the Light Industrial (I1) nor the Industrial (I2) zones in LUB 103 permit waste transfer. New CRD restrictions on food waste at Hartland Landfill require consideration of community composting facilities. The CRD is undergoing a regional process to update its Integrated Solid Waste and Resource Management Plan which may offer opportunities for a coordinated approach.*

Objectives

- * To consult North and South Pender islanders, waste management operators, and other stakeholders.
- * To consider what level of waste transfer is needed on N. Pender.
- * To inventory existing industrial zones and waste transfer sites and apply land use criteria for siting a range of waste transfer facilities.
- * To make recommendations on potential locations and the range of appropriate land uses
- * To consider amending the OCP with guiding policies and land designations for waste and resource management.
- * To consider zoning and regulating land to accommodate the preferred level of waste and resource management.
- * Collaboration with CRD to ensure a comprehensive understanding and integrated approach.

In Scope

- Community engagement sessions, including an integrated decision making process.
- Interviews with operators.
- A community questionnaire on the need for waste management and the services desired.
- Evaluate existing industrial zones, waste transfer sites, and other viable properties by applying the agreed upon land use criteria.
- Recommend amendments to the OCP/LUB.
- Collaboration with CRD.

Out of Scope

- Regulating facility operations or operating guidelines
- Waste management considerations that are outside of NPI LTC authority for land use planning.
- Focussing on specific aspects of current rezoning's/TUPs other than as part of the island wide review.

Work Plan Overview (See attached)

Project Team

Justine Starke, Island Planner	Project Manager
Various Consultants	Community Engagement and waste management planning.
Vacant	Administrative Planning Assistant
Pamela Hafey	Communications Specialist

RPM Approval:

Robert Kojima

Date: April 19, 2017

LTC Endorsement:

Resolution:

Budget : 2017-18: \$7000

Budget Source: 2017-18 NPI LTC OCP/LUB request = \$7000

Fiscal	Item	Cost
2017- 18	CIM and Public Hearing	\$2000
2017-18	Legal Review	\$2500
2017-18	Communications	\$1000
	Total	\$5500

PROJECT CHARTER WORK PLAN OVERVIEW		
Updated April 12, 2017		
Deliverable/Milestone	Target Date	Status
Community Consultation #1: Open House –Understanding waste management; roles and responsibilities; introduction to land use criteria and range of facilities; community mapping board. With assistance from Capital Regional District.	April, 2016	Done May 2016
Interviews with waste disposal operators - focus on service models and land needs.	April - June 2016	Done – winter/spring 2017
Survey Monkey questionnaire on community needs – gather input on behaviour and the demand for a range of waste and resource management facilities.	April - June 2016	Deferred based on input at workshops
Community Consultation #2: Workshop Workshop --. Review results of community process to date. Apply preliminary land use criteria to the range of models for siting, using an integrated decision making process (part 1).	July, 2016	Done SDM #1 August 2016
Community Consultation #3: Workshop: Review inventory of existing industrial land and land used for waste management activities. Apply land use criteria for the range of facilities and discuss mitigation of nuisances through regulation - Integrated decision making process (part 2).	September, 2016	Done SDM #2 –October 2016
Preliminary analysis of results presented to Local Trust Committee	October/November 2016	Done
OCP/LUB amendments drafted for consideration.	November/December 2016	Ongoing
Consideration of First Reading	June 28 2017	
Community Information Meeting to gather feedback on approach	Summer 2017	
Agency referrals	Summer 2017	
Consideration of Second Reading	Fall 2017	
Public Hearing	Late Fall 2017	
Consideration of Third Reading	Winter 2017	
Executive Committee and Ministry Referrals	Winter 2017	
Consideration of Adoption	Early 2018	



Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke	
2	Housing	This is a broad scope project focused on housing; the first priority was consideration of vacation rentals in residential zones (COMPLETED). The LTC will now consider permitting secondary suites on North Pender.	03-Feb-2015	Justine Starke	
3	First Nations Interests	LTC to consider First Nations issues and interests affecting North Pender.	24-Nov-2016		



Projects

North Pender Island

Description	Activity	R/Initiated
Potable Water		29-Oct-2015
Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015
Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009
Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths - DONE 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) 6. Marine riparian areas		22-Jan-2009
Agricultural Building Watercourse Setbacks		28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

**Projects****North Pender Island**

Description	Activity	R/Initiated
LUB Amendments	<ul style="list-style-type: none"> ·review of industrial zoning, including waste management ·tourist commercial zoning review ·home industry regulation ·review of commercial (C1) zoning ·incorporate TUP's into zoning ·landscape screening 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, and review maximum floor area restriction ·height exemptions for agricultural or forestry buildings ·max floor area for principal dwellings 	22-Mar-2012
Road Side Signs		26-Apr-2012
Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012
LUB/OCP Amendments Related to Roadway and Transportation Initiatives	<ul style="list-style-type: none"> ·NZEV designation ·Level 2 Charging Stations ·Additional Car Stop Locations ·Additional Bicycling-Walking Routes ·Heritage Roads ·Road standards in subdivision servicing regulations ·Related policy and regulatory options 	20-Sep-2012

Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.

Projects

North Pender Island

Description	Activity	R/Initiated
Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones	
Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	22-Jan-2009



Islands Trust

Print Date: April 20, 2017

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting Planner: Phil Testemale	11-Jan-2016	3323 PORT WASHINGTON RD\n\nTo change from a TUP to a permanent zoning for a highway works yard.
Planning Status			

Status Date: 20-Mar-2017

Waiting for direction on Waste Transfer (April 27 NPI LTC Meeting) prior to 1 st reading.

Status Date: 14-Feb-2017

Applicant has provided 2006 site profile supplemented by testing by SNC Lavolin conducted in Feb 2017. (date?)LTC agenda for First Reading.

Status Date: 09-Jan-2017

Applicant has provided drainage plan.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.2	PORT BROWNING MARINA RESORT LTD INC.NO. BC1037734 Planner: Phil Testemale	09-May-2016	4605 OAK RD\nRezone the water lot adjacent to the current Marina
Planning Status			

Status Date: 20-Apr-2017

On LTC agenda for 2nd Reading

Status Date: 08-Apr-2017

CIM Held

Status Date: 14-Feb-2017

Bylaw Referrals sent to Agencies and FN. CIM Meeting tentative schedule for April 8, 2017

File Number	Applicant Name	Date Received	Purpose
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**Applications**

NP-RZ-2016.3 MILL BAY MARINE 20-May-2016 4602 and 4606 and 4605 Oak Road\n\n005-636-639\nRequest that area zoned SD(a) passing through lots 3 and 4 be re-aligned to be adjacent to the westerly boundaries AND rezone the part of lot 3 that sits NE of Oak Rd to be C3(a).

Planner: Justine Starke

Planning Status

Status Date: 20-Apr-2017

Report to LTC for consideration of second reading.

Status Date: 14-Feb-2017

Bylaw Referrals sent to Agencies and FN. CIM Meeting tentative schedule for April 8, 2017

Status Date: 14-Feb-2017

Waiting for full AIA report. Resolution to endorse ITPS req'd

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.4	PENDER ISLAND COMMUNITY SERVICE SOCIETY PICSS c/o RAE	27-Oct-2016	4605 BEDWELL HARBOUR RD\nOCP AND LUB Amendment from Rural to Community Service Zoning
Planner: Phil Testemale			

Planning Status

Status Date: 20-Apr-2017

Waiting for DA Info prior to 1 st Reading

Status Date: 14-Feb-2017

Preliminary Staff Report on Feb 23, 2017 Agenda.

Status Date: 13-Jan-2017

DAI letter sent to applicant.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2017.1	PENDER ISLAND PARKS AND RECREATION COMMISSION (CRD)	24-Jan-2017	THIEVES BAY PAK/SHINGLE BAY PARK\nAMEND LUB 103 TO ADD PICNIC SELTER AS A PERMITTED USE AND STRUCTURE
Planner: Phil Testemale			

Applications

Planning Status

Status Date: 23-Mar-2017

Preliminary Staff Report on April 6 Agenda

Status Date: 15-Feb-2017

File under review.

Status Date: 01-Feb-2017

File opened and forwarded to planner and LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD \nTo create 11 lots including remainder
Planner: Phil Testemale			

Planning Status

Status Date: 21-Mar-2017

PLA extension requested by applicant. Staff comments sent to MOTI stating no amendments to Island Trust conditions in PLA are required.

Status Date: 29-Sep-2015

Subdivision exempt from DPAs (PLA condition no. 3)

Status Date: 20-Aug-2015

Applicant provided Environmental Assessment on Eagle's Nest.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd\nBoundary adjustment
Planner: Phil Testemale			

Planning Status

Status Date: 05-Oct-2016

PLA rec'd from MoTI

Applications

Status Date: 15-Sep-2016

Waiting for PLA

Status Date: 27-Jun-2016

Subdivision referral report sent to MoTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.1	DAVID G RICHARDSON EDNA M HEMSWORTH	16-Mar-2017	3210 ARMADALE RD - proposed subdivision to create 2 residential parcels
Planner: Phil Testemale			

Planning Status

Status Date: 04-Apr-2017

Subdivision Referral Review sent to MoTI.

Status Date: 16-Mar-2017

File opened and forwarded to planner

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.
5.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.

6.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.
7.				